



July 3, 2014

Ms. Jean Fraser, Planner  
Planning and Development Department  
City of Portland  
389 Congress Street  
Portland, Maine 04101-3509

**Subject: 421 Warren Avenue  
Final Site Plan Application/Delegated Review Stormwater  
Conformance with Standards  
Comment Response #3**

Dear Jean:

We have received the Conditions of Approval dated June 2, 2014 regarding conformance with the standards of the Site Plan Ordinance and other regulations. We have repeated the Conditions of Approval below in *italics* and offer supporting evidence to satisfy various conditions for staff consideration.

**SITE PLAN REVIEW-SPECIAL CONDITIONS OF APPROVAL**

*The Planning Board voted 5-0 (Morrissette and O'Brien absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following eleven conditions of approval to be met prior to the issuance of a building permit unless stated otherwise:*

Condition i:

*That the applicant shall submit, for the City's Associate Corporation Counsel and Department of Public Services review and approval prior to the issuance of a building permit, and submit recorded copies prior to the issuance of a Certificate of Occupancy for any part of the principal structure, easements for joint use of the existing drive access from Warren Avenue, and paving, local drive access, parking, landscaping and other proposed elements that are encroaching on the abutting lot; and*

Response:

Fay, Spofford & Thorndike (FST) has requested the Applicant initiate the production of cross easement language to cover access and utilities between the two properties. This will be forwarded to the City upon receipt.

Ms. Jean Fraser  
July 3, 2014  
Page 2

Condition ii:

*That the applicant shall submit a Landscape Plan, based on a submitted assessment of the trees on the site, that shows the following: tree saves; any required replacement planting; and additional planting; snow storage areas; all to address the landscape preservation and parking lot landscaping requirements of the Site Plan Ordinance (14-526), for review and approval by the Planning Authority and City Arborist; and*

Response:

The accompanying plan includes additional measures intended on satisfying this condition. This includes supplemental plantings around the site.

Condition iii:

*That the applicant shall contribute \$6,950 to the Capisic Brook water quality treatment program to address the required mitigation of project impacts in the Urban Impaired Stream Watershed; and*

Response:

The Applicant will supply the contribution prior to the release of a Building Permit. This payment will be made under separate cover directly by the Applicant.

Condition iv:

*That the applicant shall address the Fire Prevention concerns, as outlined in the e-mail from Captain Chris Pirone of the Fire Department dated April 30, 2014, to the satisfaction of the Fire Department; and*

Response:

See the memo in Attachment A that contains the Fire Department's comments and our supporting evidence of compliance.

Condition v:

*The stormwater inspection and maintenance plan should include provisions for the inspection and maintenance of the Roof Drip-line Filtration BMP as outlined in Section 7.6 of Volume III of the MaineDEP Stormwater BMP Manual and the post-construction stormwater management plan requirements outlined in Chapter 32 of the City of Portland Code of Ordinances; and*

Ms. Jean Fraser  
July 3, 2014  
Page 3

Response:

The project's stormwater inspection and maintenance plan has been modified to comply with this condition. A copy of the plan accompanies this submission in Attachment B.

Condition vi:

*The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan submitted and dated February 2014, as revised April 2014, and revised to address condition v. above, based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system shall be submitted and signed for the principal structure with a copy to the Planning Division and Department of Public Services; and*

Response:

A copy of a Draft Stormwater Maintenance Agreement accompanies this submission in Attachment C.

Condition vii:

*That the applicant shall close the existing curb cut on Warren Avenue (east of the joint access from Warren Avenue into the site); install three signs along the back of the property where the asphalt ends stating: DO NOT DUMP – IMPAIRED WETLANDS; and shall mark with paint the pedestrian walking area in front of the building and between the building and Warren Avenue sidewalk; all prior to the issuance of a Certificate of Occupancy; and*

Response:

The Applicant intends to comply with this condition.

Condition viii:

*That this approval relates to the 9.2 acre site identified in Plan P6 fronting onto Warren Avenue, which at the time of this approval is part of a 48+ acre site owned by the applicant. If any part of the 48+ acre lot is sold off or further developed, the applicant would need to retain the 9.2 acre site that is subject of this approval and include it in any subdivision review, and obtain verification from the Zoning Administrator and Planning Authority that the subject site, as created by any sale, remains in conformity with zoning and site plan requirements; and*

Ms. Jean Fraser  
July 3, 2014  
Page 4

Response:

The Applicant intends to comply with this condition.

Condition ix:

*That the applicant shall submit a copy of the ability to serve (wastewater) letter; and*

Response:

A copy of the City's response for wastewater capacity accompanies this letter in Attachment D.

Condition x:

*That separate reviews and permits are required the principal structure and separate use permits are required for each unit before occupation. Separate permits are also required for new signs, including those on the building, and for HVAC systems, which require submission of dBA levels to confirm compliance with the maximum sound limits of the B4 zone; and*

Response:

The Applicant intends to comply with this condition.

Condition xi:

*That the applicant shall submit the approved Tier 1 NRPA Permit to the Planning Authority.*

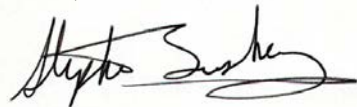
Response:

A copy of the NRPA Tier 1 Permit and US ACOE approval accompany this submission in Attachment E.

If you have any questions regarding these materials please contact this office.

Sincerely,

FAY, SPOFFORD & THORNDIKE



Stephen R. Bushey, P.E.  
Senior Principal Engineer

SRB/smk

Ms. Jean Fraser  
July 3, 2014  
Page 5

List of Attachments:

Attachment A – Memo Re: Fire Department Comments  
Attachment B – Stormwater Inspection & Maintenance Manual  
Attachment C – Draft Stormwater Management Agreement  
Attachment D – Wastewater Capacity Letter  
Attachment E – NRPA Tier 1 Permit and US ACOE Approval

c: Peter Holmes  
Jim Biskup, Biskup Construction

**ATTACHMENT A**

---

**MEMO RE: FIRE DEPARTMENT COMMENTS**



FAY, SPOFFORD &  
 THORNDIKE  
 778 Main Street, Suite 8  
 South Portland, ME 04106  
 Toll Free: 800.835.8666  
 Main: 207.775.1121  
 Fax: 207.879.0896  
 www.fstinc.com

**MEMORANDUM**

**Date:** July 2, 2014  
**To:** Chris Pirone, Portland Fire Department  
 Jean Fraser, City Planning  
**From:** Steve Bushey, P.E.  
**Subject:** 421 Warren Avenue, PH Warren Avenue LLC applicant  
 NFPA 1 Review to Access and Other Fire Department Issues

Fay, Spofford & Thorndike reviewed the Fire Department Checklist that is part of the City of Portland Level III Site Plan Application and we have also reviewed NFPA 1 pertaining to Fire Department access into the site development proposed at 421 Warren Avenue. We offer the following information and supporting plans:

➤ **Fire Department Checklist:**

1. Name, address, telephone number of applicant:

PH Warren Avenue, LLC  
 C/O Peter Holmes  
 12 Wildwood Lane  
 Scarborough, Maine 04074  
 207-878-2121

2. Name address, telephone number of architect:

Biskup Construction  
 16 Danielle Drive  
 Windham, Maine 04062  
 207-892-9800

3. Proposed uses of any structures [NFPA and IBC classification]:

The following IBC and NFPA classifications will apply to the development:

IBC	NFPA Classification
F-1	Industrial



FAY, SPOFFORD &  
THORNDIKE  
778 Main Street, Suite 8  
South Portland, ME 04106  
Toll Free: 800.835.8666  
Main: 207.775.1121  
Fax: 207.879.0896  
www.fstinc.com

4. Square footage of all structures [total and per story]:

PHASE I BUILDING PROGRAM		
Structure	Total	Per Story ±
Proposed building	25,040 SF	25,040 SF

5. Elevation of all structures:

See attached building elevation prepared by Biskup Construction.

6. Proposed fire protection of all structures:

The proposed building will have a sprinkler system with additional protection per code. Fire flows and requirements for system storage or booster pumping are subject to the fire system design which will be performed prior to the request for a building permit.

7. Hydrant locations:

The accompanying utility plan depicts the location of an existing fire hydrant on Warren Avenue approximately 225' from the SE front corner of the property. Based on NFPA 1 requirements we believe this satisfies the maximum distance of 250' required for a hydrant from the property line.

8. Water main[s] size and location:

The site is served by an 8" water main that extends off the existing 20" supply main in Warren Avenue. The building is expected to have an internal sprinkler riser and Siamese fire pump connections on the exterior side of the building.

9. Access to all structures [min. 2 sides]:

The accompanying site plan depicts the site's access conditions that include access to two or more sides of the building.

10. A Code Summary shall be included referencing NFPA 1 and all Fire Department Technical Standards.

➤ **NFPA 1 – Chapter 18 Fire Department Access and Water Supply**

**18.2 Fire Department Access**



The project access conditions include a primary route off an existing commonly owned driveway from Warren Avenue.

Per NFPA 1 Chapter 18.2.3.2.1 the access route will extend to within 50 ft. of at least one exterior door. This is satisfied on the site plan.

Per NFPA 1 Chapter 18.2.3.2.2.1 all first story floors shall be located not more than 450 ft. from the Fire Department access route. This is satisfied on the site plan.

NFPA 1 18.2.3.3 pertains to the number of access roads required and states that this determination is subject to the Authority Having Jurisdiction (AHJ). We understand that the proposed configuration of the site will satisfy the Portland Fire Department's requirements for access and that no additional vehicular access measures are necessary.

➤ **City of Portland Technical Manual Section 3 – Public Safety**

**Part 3.4 Site Access Standards**

*3.4.1. Every dead-end roadway more than one hundred fifty (150') feet in length shall provide a turnaround at the closed end. Turnarounds shall be designed to facilitate future street connectivity and shall always be designed to the right (refer to Figure I-5).*

Supporting evidence: The development site will be provided with an access route and circulation pattern that avoids a dead end situation.

*3.4.2. Where possible, developments shall provide access for Fire Department vehicles to at least two sides of all structures. Access may be from streets, access roads, emergency access lanes, or parking areas.*

Supporting evidence: As depicted on the site plans, the proposed building layout provides for a minimum two sided access to the structure.

*3.4.3. Building setbacks, where required by zoning, shall be adequate to allow for emergency vehicle access and related emergency response activities and shall be evaluated based on the following factors:*

- *Building Height.*
- *Building Occupancy.*
- *Construction Type.*
- *Impediments to the Structures.*
- *Safety Features Provided.*



FAY, SPOFFORD &  
THORNDIKE  
778 Main Street, Suite 8  
South Portland, ME 04106  
Toll Free: 800.835.8666  
Main: 207.775.1121  
Fax: 207.879.0896  
www.fstinc.com

Supporting Evidence: The proposed development layout has contemplated emergency access conditions and provided for safe and efficient access for emergency vehicles.

*3.4.4. Fire Dept. access roads shall extend to within 50' of an exterior door providing access to the interior of the structure.*

Supporting Evidence: The building will be provided with an exterior entrance door that will be within 50' of a Fire Department access route.

*3.4.5. Site access shall provide a minimum of nine (9) feet clearance height to accommodate ambulance access.*

Supporting Evidence: A minimum 9 ft. vertical clearance will be provided below any overhead signage or utilities entering the site.

*3.4.6. Elevators shall be sized to accommodate an 80 x 24 inch stretcher.*

Supporting evidence: An elevator is not required for this building.

*3.4.7. All structures are required to display the assigned street number. Numbers shall be clearly visible from the public right of way.*

Supporting Evidence: The applicant will work with the City's Public Services Division to assign street addresses and numbering to meet City standards.

Prepared By:

Fay, Spofford & Thorndike

Stephen R. Bushey, P.E.  
Senior Principal Engineer

Attachments: Overall Site Layout and Utility Plan

R:\SP-M104\Admin\permitting\2014.07.02 NFPA review.doc



FAY, SPOFFORD &  
THORNDIKE  
778 Main Street, Suite 8  
South Portland, ME 04106  
Toll Free: 800.835.8666  
Main: 207.775.1121  
Fax: 207.879.0896  
www.fstinc.com

## Memorandum

Job: 421 Warren Avenue

Date: July 2, 2014

RE: April 30, 2014 Fire Department comments

---

The following comments were provided by Captain Chris Pirone of the Fire Department. Per Condition of Approval #iv the applicant addresses the comments as follows:

*Comment 1: Is the 20' access at the rear of the building being proposed for the Fire Department?*

Response: The access on the north end of the building may be used by the Fire Department, however it is mostly provided to satisfy the owner's operational needs that include plowing and building maintenance.

*Comment 2: The fire Department connection for the sprinkler system will need to be located on the front of the building and will need to have a fire hydrant within 100' of the connection but no closer than 40'.*

Response: The Site Layout and Utility plan has been modified to show the Fire Department connection at the front of the building. The nearest hydrant to the site is located on Warren Avenue approximately 225 feet from the proposed front building face. We believe that this location satisfies NFPA standards that require a hydrant within 250 feet of the property line. We have discussed this condition with Mark Cummings of Fire Risk Management and he agrees with our assessment.

*Comment 3: Has an NFPA 1 Code analysis been performed for the site?*

Response: The accompanying NFPA 1 summary review is provided for the Department's consideration.

*Comment 4: A private fire hydrant may need to be installed per NFPA 1 on site.*

Response: See previous response.

*Comment 5: Identification of the building shall have the address at the entrance and on the building with each unit being identified by Suite and letter such as 421 Warren Avenue Suite A*



FAY, SPOFFORD &  
THORNDIKE  
778 Main Street, Suite 8  
South Portland, ME 04106  
Toll Free: 800.835.8666  
Main: 207.775.1121  
Fax: 207.879.0896  
[www.fstinc.com](http://www.fstinc.com)

Response: The applicant intends to comply with this condition.

*Comment 6: Exits from the building shall continue from the building onto the site with clear walkways for the occupants to stage if an emergency happens in the building.*

Response: The applicant intends to comply with this requirement.

**ATTACHMENT B**

---

**STORMWATER INSPECTION & MAINTENANCE MANUAL**

**INSPECTION AND MAINTENANCE MANUAL  
FOR STORMWATER MANAGEMENT AND  
RELATED STORMWATER FACILITIES**

**421 WARREN AVENUE COMMERCIAL COMPLEX  
PORTLAND, ME**

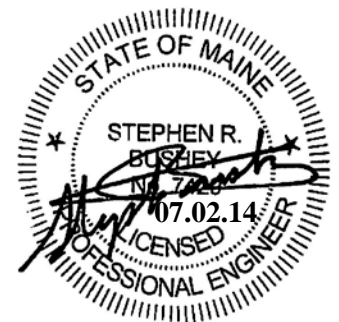
**PREPARED FOR:**

**PH WARREN AVENUE, LLC  
401 WARREN AVENUE  
PORTLAND, MAINE 04101**

**PREPARED BY:**

**FAY, SPOFFORD & THORNDIKE, INC.  
778 MAIN STREET, SUITE 8  
SOUTH PORTLAND, MAINE 04106  
(207) 775-1121**

**APRIL 2014  
REVISED JULY 2014**



## TABLE OF CONTENTS

SECTION	DESCRIPTION	PAGE
I.	<u>SUMMARY</u> .....	1
II.	<u>INTRODUCTION</u> .....	1
	A. GUIDELINES OVERVIEW .....	2
III.	<u>PROJECT OVERVIEW</u> .....	2
IV.	<u>STANDARD INSPECTION/MAINTENANCE DESCRIPTIONS</u> .....	3
	A. GRAVEL WETLANDS .....	3
	B. VEGETATED SWALES .....	4
	C. TRIBUTARY DRAINAGE SYSTEM .....	5
	D. ROOF DRIPLINE FILTER .....	7
	E. LITTER .....	7
	F. SUMMARY CHECKLIST .....	7
V.	<u>PROGRAM ADMINISTRATION</u> .....	7
	A. GENERAL .....	7
	B. RECORD KEEPING .....	7
	C. CONTRACT SERVICES .....	7

### APPENDICES

Attachment A – Sample Inspection Logs

Attachment B – Permits for Project

Attachment C – Summary Checklist for Inspection and Maintenance

## **I. SUMMARY**

The proposed Warren Avenue Commercial Complex is subject to the City of Portland's Performance Standards for Stormwater Management, specifically, contained in Chapter 32 Storm Water of the City's Code of Ordinances. The responsibilities and requirements for monitoring and reporting a development's stormwater management system are more fully outlined on the following narrative. This Inspection and Maintenance Manual is intended to be a tool for reference by the development's owner/operator and their third party inspector as they perform required inspections and system maintenance. The owner will be responsible for compliance with the "*Stormwater Drainage System Maintenance Agreement and Release of Liability*" to be executed with the City of Portland, prior to the release of a Building permit.

## **II. INTRODUCTION**

Relatively complex stormwater management facilities are commonly installed in development projects including commercial facilities, and many other developments. The complexity and goals of these systems vary with the nature of the receiving water, as well as the type of development. Runoff from developed areas of the project, including rooftops, paved or lawn areas typically contain materials that can impact the receiving waters. Source control and the installation of wet ponds, infiltration galleries, and green infrastructure practices often combined with pretreatment measures or followed by vegetated buffer strips, filtration, and other best management practices, can significantly reduce the non-point pollution discharge from the developed area. These measures are particularly important to projects in the watersheds of sensitive water bodies, or projects with potential impacts to groundwater. With the increased cost of land and development and operational costs, there is an increased tendency to construct portions of the stormwater management systems underground, to employ green infrastructure practices where practicable, and to enhance pretreatment devices to capture non-point contaminants as close to the source as possible.

The effectiveness of water quality management provisions and other components of the stormwater management system are dependent on the site setting, the design, upkeep, and maintenance to assure they meet their intended function over an extended period of years. It is critical that the stormwater management facilities are designed considering both the opportunities and constraints of the site be regularly inspected, and that maintenance is performed on an as-needed basis. It must also be recognized that the effectiveness of these formal treatment BMP's and their maintenance requirements, are related to the routine maintenance of effective source control, inspection, and maintenance of the stormwater drainage facilities that collect and transport the flow to the ponds, infiltration galleries, green infrastructure elements, and other treatment measures. Thus, maintenance should be directed to the total system, not just the primary stormwater management facility.



*Figure 1 – Wetpond*

The purpose of this document is to define, in detail, the inspection and maintenance requirements deemed necessary to assure that the stormwater management facilities function as intended when they were designed. This manual is specific to this site and the defined BMP's selected for



application on this specific project. Subsequent sections identify individual maintenance items; give a brief commentary of the function and need for the item; a description of the work required; and a suggested frequency of accomplishment. While the suggested programs and schedules must be adapted to specific projects, the material presented should provide guidance for a successful long-term program for operation and maintenance. A supplemental section provides guidance for construction monitoring of the facilities during their installation and more detailed checklists (Attachment D). Certain facilities are not intended to be placed in service until the tributary catchment area has the permanent cover in place and any contributing turf areas have achieved a 90% catch of vegetation (i.e. established). This manual discusses the specific measures designed and intended to be featured in this project.

#### **A. GUIDELINES OVERVIEW**

A summary of the individual components of stormwater management facilities has been prepared. The format used in the summary is as follows:

Preface: A general description of what function/benefit the element is intended to provide. This is a short summary and not intended to provide the design basis, which can be found in other sources.

Inspection: This section provides the inspection requirements for the individual component.

Maintenance: The section provides general information on the routine maintenance requirements of this element.

Frequency: This section outlines the frequency of maintenance on the system as recommended by the designer.

Comments: This section provides any particular comment on the site-specific features of this element. This is a summary only. The owner/operator should review the design drawings and documents carefully to understand the particular elements of the project. The end of this section should allow the owner/operator to make notes on the specific program. This may include the selected maintenance procedure, cross-references to applicable design drawings, etc.

A list of the individual inspection/maintenance elements is provided in the table of contents. The guidelines are proposed for initial use with adjustments made as appropriate based upon specific project experience.

### **III. PROJECT OVERVIEW**

Key permits issued (or applied for) on the project include:

- City of Portland Site Plan
- Maine Department of Environmental Protection Maine Construction General Permit.

The permit applications pending for the project include the design information for the stormwater system.

A copy of the permits and Stormwater Management Report should be appended to this manual as Attachment B. The Owner/Operator of the stormwater management system should review these permits for a general description and background of the project, as well as any specific permit conditions or requirements of the project.

The applicant has retained Fay, Spofford & Thorndike for civil engineering for the new commercial building located at 421 Warren Avenue in Portland, Maine. Fay, Spofford & Thorndike has prepared the design for the stormwater management facilities and may be contacted at:

Fay, Spofford & Thorndike  
778 Main Street, Suite 8  
South Portland, Maine 04106  
Tel. (207) 775-1121

It is recommended the preparer of the plan be contacted with any particular questions on the design intent or similar issues. This plan includes measures for Green Infrastructure elements including gravel wetlands.

The Owner/Operator of the plan will be:

PH Warren Avenue, LLC  
401 Warren Avenue  
Portland, Maine 04101  
Tel. 207-878-4496

The applicable plans/design documents, which apply to the project, are:

1. Site Plans/Permit Applications
2. The Erosion Control/Sedimentation Control Plan for the project.
3. The Stormwater Management Plan for the project.

A copy of these documents should be retained with the manual.

The proposed design will include gravel wetlands, sediment forebays, collection and conveyance discharge systems and drainage swales.

#### **IV. STANDARD INSPECTION/MAINTENANCE DESCRIPTIONS**

The following narratives describe the inspection/maintenance provisions for the Stormwater Management area. These O&M procedures will complement scheduled source control sweeping of the pavement areas and routine maintenance of the cover in the drainage catchment controlled by the applicant. Source control includes not over-salting the parking field and access roadway which can be encouraged in the design process by maintaining adequate grades to avoid ponding and icing, and generally maintaining the surfaces free of litter and deleterious debris. This also includes elements such as repair of winter damage that can expose cover material to erosion, to maintaining good cover in vegetated areas, to maintaining landscape materials which can reduce storm water flows through inception and evapotranspiration. Proper O&M is necessary to make sure the system will provide its intended purpose of conveying runoff, removing a substantial amount of the suspended solids, and other contaminants in the stormwater runoff.

##### **A. GRAVEL WETLANDS**

Preface: Gravel wetlands are designed horizontal flow-through treatment cells that are preceded by a sediment basin used to treat/detain flow on a site. Gravel wetlands are

utilized on sites that are flat because they do not require as much hydraulic head as a typical bio-retention cell or under-drain soil filter.

Inspection: 1<sup>st</sup> year Post Construction: Inspect and confirm that system drains within 24-48 hours to make sure water quality controls are working properly after significant rain events. Inspecting vegetation (especially during the first growing season) to ensure vegetation is growing adequately. Quarterly inspection of soil and repairing eroded areas especially on slopes in necessary. Checking inlets, outlets and overflow spillways are also necessary on a regular basis.

General Post Construction: Inspect filter surface for dense, complete root mat establishment across wetland surface. Inspect gravel wetland surface for water or other evidence of gravel wetland risers clogging.

Maintenance: Plants need to be watered as necessary especially during first growing season. Areas of poor growth may need to be re-vegetated. Any vegetation that appears diseased needs to be treated. Removal of any trash and debris should be removed from sediment forebay as needed. Sediment should be removed from sediment forebay when it accumulates to a depth of 12 inches or 10% of pretreatment volume. Sediment should be removed from gravel wetland cells when sediment depth is greater than 3 inches.

Frequency: Gravel wetlands shall be inspected regularly during the first year after construction to ensure that device is working properly. After the first year of construction the gravel wetland system shall be inspected every 6 months.

Design Guidelines: The Gravel wetlands for the Warren Avenue commercial building have been designed based on the assumption that they will be inspected and maintained according the criteria laid out. Failure to do so will cause the system to function incorrectly.

## **B. VEGETATED SWALES**

Preface: Vegetated swales are often used to convey stormwater. Swales can be intended to be part of a green infrastructure system and may be:

1. Mowed and maintained
2. Reverted to wetlands
3. Naturalized

Inspection: Swales should be inspected for erosion and sedimentation and examined for deleterious material that could clog downstream inlets.

Maintenance: Eroded or silted channels need to be repaired when discovered. If erosion is a problem, the swale design should be examined. Likewise, if situation is a continuing problem, the upgradient conditions should be assumed.

Frequency: It is recommended vegetated swales be inspected quarterly until vegetation is established and a year after installation. Thereafter, if no problems have been noticed, the frequency can be reduced to once per year.

Design Guidelines: The vegetated swale should consider channel cover at the time of concentration as well as several years after construction.

Design computations should state the assumed channel of vegetation and provide the basis for the Manning's or other roughness coefficient and for design.

Applicability: The Warren Avenue facility will have minor open channel systems as shown on the drainage and stormwater management plans.



**VEGETATED SWALE WITH HAY BALE CHECK DAM TO REDUCE VELOCITIES UNDER CONSTRUCTION**

### C. **TRIBUTARY DRAINAGE SYSTEM**

Preface: Stormwater from some of the project will be directed through a conveyance system which transports the flow ultimately to its discharge location. This conveyance system will be principally overland flow and a limited amount of piped drain systems. Most of the sediment carried by the drainage system is intended to be trapped in sediment sumps in structures. Maintenance of this system can play a major role in the long-term maintenance costs and the effectiveness of the stormwater management system.

Inspection: The tributary drainage system should be periodically inspected to assure that it is operating as intended, and that its carrying capacity has not been diminished by accumulations of debris and sediment or other hydraulic impediments. On piped systems the inlets must be inspected to ensure the rims are set at the proper elevation to optimize flow entry and are not clogged with leaves or other debris. The inlet basins are normally equipped with sumps fitted with hooded outlets, which will remove large sediment particles from the flow stream.

The level of sediment in the sumps should be checked to assure their effectiveness. Pipelines connecting the inlets should be checked to determine if siltation is occurring. This will be most critical on drain lines laid at minimal slopes. This can usually be accomplished by a light and mirror procedure.

In some projects most of the stormwater is carried in open swales, channels, or ditches. These conveyance channels may be rip rapped or vegetated, depending on the gradient and expected flow velocities. These facilities must be inspected to insure debris or

sedimentation does not reduce their carrying capacity. Excess vegetative growth must also be noted. The surface protection for the channels, either stone or vegetation, must be inspected to insure its integrity. Any areas subject to erosion should be noted.

Maintenance: Maintenance of the storm drainage system must assure that it continues to serve its design function on a long-term basis, and that its operation does not transport excessive sedimentation to any downstream receiving waters. Elevations on the rim of catch basins should be adjusted as needed to assure optimal water entry. Depending on the frost susceptibility of the soil, the rims may become elevated over time causing flow to circumvent the inlet. When the filter bag in an inlet restricts capacity and is coated with silt or other deleterious materials, the bag should be removed and catch basin cleaning would normally be accomplished with vacuum trucks contracted as a maintenance service for the site. The removed material must be disposed of at an approved site for such materials.

If sediment in the pipeline exceeds 20% of the diameter of the pipe, it should be removed. This may be accomplished by hydraulic flushing, or by mechanical means. If hydraulic flushing is used the downstream conditions should be analyzed. In general a sump or sediment trap should be used to capture flushed sediment for removal.

Frequency: The piped drainage system should be inspected on an annual basis. Adjustment of inlet rim elevations should be on an as needed basis. Cleaning catch basin sumps and pipelines will depend on the rate of accumulation.

Maintenance/Inspection Responsibility:

Maintenance Personnel: PH Warren Avenue, LLC

Special Services: The owner may elect to contract with an independent agent for cleaning or replacement of components of the drainage system. Remedial source control measures may be performed by the owner or an outside service depending upon the nature of the particular situation.

#### **D. ROOF DRIPLINE FILTER**

Preface: Similar to the vegetated soil filter, roof dripline filters control stormwater quality by capturing and retaining runoff within a stone reservoir and passing it through a filter bed comprised of a specific filter media. Once through the soil media, the runoff is collected in a perforated underdrain pipe and discharged downstream. The filter structure provides for the slow release of smaller storm events, minimizing stream channel erosion and cooling the discharge.

Inspection: A roof dripline filter must be inspected to ensure it is draining within 48 hours following a one inch storm or greater.

Maintenance: Debris must be removed from the reservoir stone. If the filter is not draining within 72 hours, the filter media shall be replaced.

Frequency: During the first year, the filter should be inspected semi-annually and following all major storm events. Thereafter, the filter should be inspected at least every 6 months. Debris and sediment buildup should be removed as needed.

**E. LITTER**

Litter should be removed as a matter of course by workers and be a part of the grounds maintenance contract.

**F. SUMMARY CHECKLIST**

The above described inspection and maintenance items have been summarized on a checklist attached hereto as Attachment C.

**V. PROGRAM ADMINISTRATION**

**A. GENERAL**

A reliable administrative structure must be established to assure implementation of the maintenance programs described in the foregoing section. Key factors that must be considered in establishing a responsive administrative structure include:

1. Administrative body must be responsible for long-term operation and maintenance of the facilities.
2. Administrative body must have the financial resources to accomplish the inspection and maintenance program over the life of the facility.
3. The administrative body must have a responsible administrator to manage the inspection and maintenance programs.
4. The administrative body must have the staff to accomplish the inspection and maintenance programs, or must have authority to contract for the required services.
5. The administrative body must have a management information system sufficient to file, retain, and retrieve all inspection and maintenance records associated with the inspection and maintenance programs.

If any of the above criteria cannot be met by the entity assigned inspection and maintenance responsibilities, it is likely that the system will fail to meet its water quality objectives at some point during its life. While each of the above criteria may be met by a variety of formats, it is critical to clearly establish the assigned administrative body in a responsible and sustainable manner.

**B. RECORD KEEPING**

Records of all inspections and maintenance work accomplished must be kept and maintained to document facility operations. These records should be filed and retained for a minimum 5-year time span. The filing system should be capable of ready retrieval of data for periodic reviews by appropriate regulatory bodies. Where possible, copies of such records should also be filed with the designated primary regulatory agency for their review for compliance with permit conditions. Typical inspection and maintenance record forms are attached hereto as Attachment B.

**C. CONTRACT SERVICES**

In some instances or at specific times, the Maintenance Personnel may not have the staff to conduct the required inspection and/or maintenance programs as outlined in this

document. In such cases the work should be accomplished on a contractual basis with a firm or organization that has the staff and equipment to accomplish the required work.

The service contract for inspection and maintenance should be formal, well written legal document which clearly defines the services to be provided, the contractual conditions that will apply, and detailed payment schedules. Liability insurance should be required in all contracts.

**ATTACHMENT A**

**Sample Inspection Logs**



**WARREN AVENUE COMMERCIAL COMPLEX**  
**PORTLAND, ME**

**STORMWATER MANAGEMENT**  
**FACILITIES POND**  
**ANNUAL INSPECTION & MAINTENANCE LOG**

<b>FACILITY:</b>		<b>YEAR:</b>	
<b>LOCATION:</b>		<b>CONTRACTOR:</b>	
<b>FUNCTION:</b>		<b>INSPECTOR:</b>	
<b>DATE OF INSPECTION:</b>			
<b>ITEM IDENTIFICATION</b>	<b>DESCRIPTION OF CONDITIONS</b>	<b>MAINTENANCE ACCOMPLISHED</b>	<b>DATE OF MAINTENANCE</b>
<b>GENERAL COMMENTS:</b>			

**WARREN AVENUE COMMERCIAL COMPLEX**  
**PORTLAND, ME**

**STORMWATER MANAGEMENT**  
**MONTHLY INSPECTION & MAINTENANCE LOG**

FACILITY:			YEAR:			
LOCATION:			CONTRACTOR:			
FUNCTION:						
MONTH	DAY	INSPECTOR	WATER DEPTH	OVERFLOW WEIR		WEIR CONDITION
				CLEAR	DEBRIS	
JANUARY						
FEBRUARY						
MARCH						
APRIL						
MAY						
JUNE						
JULY						
AUGUST						
SEPTEMBER						
OCTOBER						
NOVEMBER						
DECEMBER						
LIST SPECIAL MAINTENANCE UNDERTAKEN:						

**WARREN AVENUE COMMERCIAL COMPLEX**  
**PORTLAND, ME**

**STORMWATER MANAGEMENT**  
**SEMI-ANNUAL INSPECTION & MAINTENANCE LOG**

<b>SEMI-ANNUAL INSPECT 1.2</b>	<b>FACILITY:</b>
<b>DATE:</b>	<b>LOCATION:</b>
<b>INSPECTOR:</b>	<b>FUNCTION:</b>
<b>WEIR CONDITION:</b>	
<b>OUTLET CONDITION</b>	

FORE BAY SUMP	EST. DEPTH SED.	REMOVED? Y/N	EST. VOL. CY	WHERE DISPOSED OF	STRUCTURAL CONDITION

<b>CONTROL STRUCTURE:</b>
<b>DESCRIBE CONDITIONS FOUND &amp; MAINTENANCE ACCOMPLISHED:</b>

**ATTACHMENT B**

**Permits for Project**

**(To be Added at a Subsequent Time)**

# **ATTACHMENT C**

## **Summary Checklist Inspection and Maintenance**

**Stormwater Management System  
Maintenance Program – Summary Checklist**

Item	Commentary	Frequency				
		Monthly	Quarterly	Semi-Annual	Annual	Long Term
Tributary Drainage	Inspect to assure that the carrying capacity has not been diminished by debris, sediment or other hydraulic impediments.			X		
Vegetated Swales	Swales should be inspected for erosion and sedimentation		X (until vegetation established)		X	
Gravel Wetlands	Inspect to assure satisfactory establishment of vegetation and operation of piping and outlet controls			X		
Parking Lot Cleaning	Parking lot is to be swept at mid winter and spring. Power washing with an appropriate vacuum/power wash vehicle to be done twice a year.			X		
Litter	Litter should be removed daily.					
Roof Dripline Filter	Inspect dripline filter to ensure it is draining properly within 48 hours following a 1" storm or greater			X		
Berms	Inspect berms for sags, sloughing, or erosion and undesirable tree growth. Mow berm slope to control vegetation repair structure flaws upon identification.	Mow X Summer			X	
Submerged Pipelines and Sediment Storage Manholes	The pipeline should be inspected quarterly		X			

**ATTACHMENT C**

---

**DRAFT STORMWATER MANAGEMENT AGREEMENT**

**STORMWATER DRAINAGE SYSTEM  
MAINTENANCE AGREEMENT AND  
RELEASE FROM LIABILITY**

**IN CONSIDERATION OF** the site plan approval granted by the Planning Board of the City of Portland to a plan entitled “Site Development Plans for Multi-Unit Commercial Building 421 Warren Avenue” prepared for PH Warren Avenue, LLC c/o Peter Holmes, 12 Wildwood Lane, Scarborough, Maine by Fay, Spofford & Thorndike dated July 3, 2014 (the “Plan”) and pursuant to a condition thereof, PH Warren Avenue, LLC c/o Peter Holmes having a mailing address of 12 Wildwood Lane, Scarborough, Maine 04074, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the “Owner”), as follows:

Maintenance Agreement

That it will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the stormwater drainage system, as shown on said plan, including but not limited to the gravel wetlands, roof line drip strip, piping, valves, etc. in strict compliance with the Maintenance of Facilities as described in the Inspection and Maintenance Manual for Stormwater Management and Related Stormwater Facilities dated July 2014 and Chapter 32 of the Portland City Code. Owner of the subject premises further agrees to keep a Stormwater Maintenance Log that will be made available for inspection by the City of Portland upon reasonable notice and request.

This Agreement is for the benefit of the said City of Portland and all persons in lawful possession of the property; further, that the said City of Portland may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice as described in this Agreement, and a stated time to perform, that the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon the property in question to maintain, repair, or replace said stormwater drainage system, including but not limited to the gravel wetlands, roofline drip strip, outlet control structures, piping, valves etc. thereon in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon written demand. Any funds owed to the City under this paragraph shall be secured by a lien on the property.

This Agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon the Owner’s successors and assigns as



their interests may from time to time appear. The Owner agrees to provide a copy of this Agreement to any successor or assign and to forward to the City an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions.

For the purpose of this Agreement the real estate shown by chart, block and lot number in the records on file in the City Assessor’s office shall constitute “the property” that may be entered by the City and liened if the City is not paid all of its costs and charges following the mailing of a written demand for payment to the Owner pursuant to the process and with the same force and effect as that established by 36 M.R.S.A. §§ 942 and 943 for real estate tax liens.

Any written notices or demands required by this Agreement shall be complete on the date the notice is mailed to the owner of record as shown on the tax roles on file in the City Assessor’s Office. If the property has more than one owner on said tax rolls, service shall be complete by mailing it to only the first listed owner. The failure to receive any written notice required by this Agreement shall not prevent the City from entering the property and performing maintenance or repairs on the stormwater system, or any component thereof, or liening it or create a cause of action against the City.

Dated at Portland, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MAINE  
CUMBERLAND, ss.

Date: \_\_\_\_\_

Personally appeared the above-named \_\_\_\_\_, and acknowledged the foregoing instrument to be his/his free act and deed in his/her said capacity, and the free act and deed of said \_\_\_\_\_.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print name: \_\_\_\_\_

**ATTACHMENT D**

---

**WASTEWATER CAPACITY LETTER**



Michael J. Bobinsky  
Director of Public Services

29 May 2014

Mr. Stephen Bushey, P.E., Senior Principal Engineer,  
Fay, Spofford & Thorndike,  
778 Main Street, Suite 8,  
South Portland, Maine 04106

**RE: The Capacity to Handle Wastewater Flows, from a Proposed  
Six Unit Commercial Building, at 421 Warren Avenue.**

Dear Mr. Bushey:

The existing thirty-six inch diameter, reinforced concrete, combined sewer pipe, located in Warren Avenue, has adequate capacity to **transport**, while The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to **treat**, the total net increase in anticipated wastewater flows of **1,121 GPD**, from this proposed project.

**Anticipated Wastewater Flows from the Proposed Commercial Units:**

6 Proposed Commercial Units @ 120 gpd per Unit	= 1,080 GPD
41 Proposed Parking Spaces @ 1 gpd per Space	= <u>41 GPD</u>
Total Net Increase in Proposed Wastewater Flows for this Project	= <b>1,121 GPD</b>

In order to offset any increase in sanitary flows, the City combined sewer overflow (C.S.O.) abatement consent agreement (with the U.S.E.P.A., and with the Maine D.E.P.) requires C.S.O. abatement, as well as storm water mitigation, from all projects. If the City can be of further assistance, please call 874-8832.

Sincerely,  
CITY OF PORTLAND

Frank J Brancely, B.A., M.A.  
Senior Engineering Technician

FJB

CC: Jeffrey Levine, Director, Department of Planning, and Urban Development, City of Portland  
Barbara Barhydt, Development Review Services Mgr., Dep't. of Planning, and Urban Development, City of Portland  
Jean Fraser, Planner, Department of Planning, and Urban Development, City of Portland  
David Margolis-Pineo, Deputy City Engineer, City of Portland  
Michael Farmer, P.E., Project Engineer, City of Portland  
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland  
Benjamin N. Pearson, E.I., Industrial Pretreatment Coordinator, City of Portland  
John Emerson, Wastewater Coordinator, City of Portland  
Rhonda Zazzara, Field Inspection Coordinator, City of Portland  
Jane Ward, Administrative Assistant, City of Portland

C:\Frank's\Capacity Letters\Warren Avenue 421

**ATTACHMENT E**

---

**NRPA TIER 1 PERMIT AND US ACOE APPROVAL**



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

June 2014

PH Warren Ave, LLC  
c/o Peter Holmes  
401 Ocean Ave.  
Portland, ME 04101

RE: Natural Resources Protection Act Tier 1 Application, Portland, DEP #L-26332-TC-A-N

Dear Mr. Holmes:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at 615-3149 or at [Bill.Bullard@maine.gov](mailto:Bill.Bullard@maine.gov).

Sincerely,

Bill Bullard, Project Manager  
Division of Land Resource Regulation  
Bureau of Land and Water Quality

pc: File

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

PH WARREN AVE, LLC ) NATURAL RESOURCES PROTECTION ACT  
Portland, Cumberland County ) FRESHWATER WETLAND ALTERATION  
COMMERCIAL LOT DEVELOPMENT ) WATER QUALITY CERTIFICATION  
L-26332-TC-A-N (approval) ) FINDINGS OF FACT AND ORDER

**Project Description:** The applicant proposes to fill 14,323 square feet of scrub shrub wetland to support construction of six-unit, approximately 25,000-square foot commercial building at 421 Warren Avenue in the City of Portland. The proposed project and wetland fill areas are shown on a plan titled "Site Layout and Utility Plan," prepared by Fay, Spofford and Thorndike, dated November, 2013, and last revised on April 17, 2014. The applicant met with Department staff to discuss several site development scenarios in an attempt to avoid and minimize wetland impacts to the greatest extent practicable while achieving the project purpose of developing a commercial rental property. The proposed plan met that goal with a downsized building layout in which most of the structure is located in upland areas near Warren Avenue with wetland impacts limited to the rear third of the building and adjacent parking space. According to the Department's Geographic Information System (GIS), there are no mapped significant wildlife habitats associated with the project site. The applicant owns commercial developments on either side of the project and this project is undergoing Site Location of Development review by the City of Portland under its delegated review authority. The applicant stated that there were no wetland impacts associated with the previous development of the adjacent parcels.

<b>Permit for:</b>	<input checked="" type="checkbox"/> Tier 1
<b>DEP Decision:</b>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (see attached letter)
<b>CORPS Action:</b>	<input checked="" type="checkbox"/> The Corps has been notified of your application. The following are subject to Federal screening: (1) projects with previously authorized or unauthorized work, in combination with a Tier 1 permit for a single and complete project, which total more than 15,000 square feet of altered area; (2) projects with multiple state permits and/or state exemptions which apply to a single and complete project that total more than 15,000 square feet of altered area; and (3) projects that may impact a vernal pool, as determined by the State of Maine or the Corps. If your activity is listed above, <i>Corps approval is required for your project.</i> For information regarding the status of your application contact the Corps' Maine Project Office at 623-8367.

**Standard Conditions:**

- 1) If construction or operation of the activity is not begun within four (4) years from the date signed, this permit shall lapse and the applicant shall reapply to the Department for a new permit. This permit is transferable only with prior approval from the Department. If the activity is associated with a larger project, starting any aspect of that project constitutes start of construction.
- 2) The project shall be completed according to the plans in the application. Any change in the project plans must be reviewed and approved by the Department.

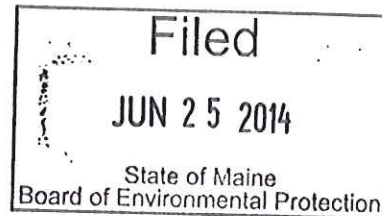
- 3) Properly installed erosion control measures shall be installed prior to beginning the project, and all disturbed soil should be stabilized immediately upon project completion.
- 4) A copy of this approval will be sent to the City of Portland. Department approval of your activity does not supersede or substitute the need for any necessary local approvals.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 25<sup>th</sup> DAY OF June, 2014.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhner  
For: Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

WB/L26332AN/ATS#77666



## Natural Resources Protection Act (NRPA) Standard Conditions

---

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.



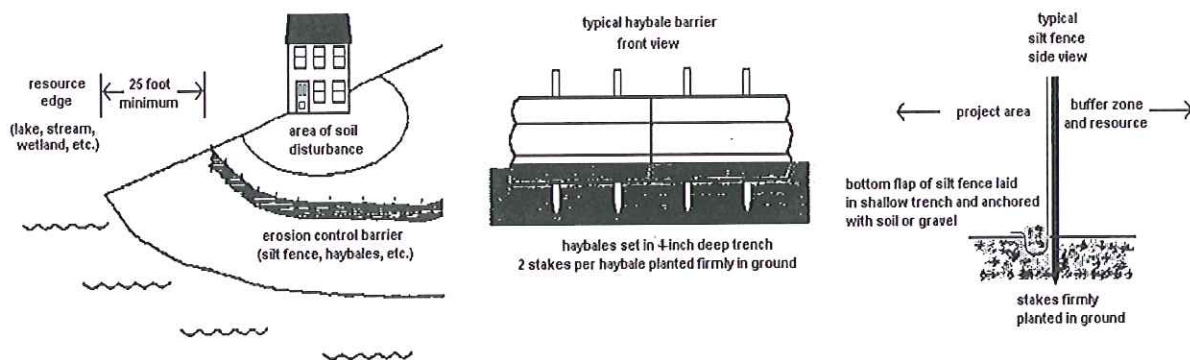


STATE OF MAINE  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

### Erosion Control

#### Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



#### During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

#### **After Construction**

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.
2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

#### **Why Control Erosion?**

##### **To Protect Water Quality**

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

##### **To Protect the Soil**

It has taken thousands of years for our soil to develop. Its usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

##### **To Save Money (\$\$)**

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

### SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

#### HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

#### HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

### OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

### **WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD**

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

### **II. JUDICIAL APPEALS**

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

### **ADDITIONAL INFORMATION**

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

---

**Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

---



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS  
696 VIRGINIA ROAD  
CONCORD, MASSACHUSETTS 01742-2751

**MAINE GENERAL PERMIT (GP)  
AUTHORIZATION LETTER AND SCREENING SUMMARY**

PH Warren Avenue, LLC  
c/o Peter Holmes  
401 Warren Avenue  
Portland, Maine 04101

CORPS PERMIT # NAE-2014-00550  
CORPS PGP ID# non-screen  
STATE ID# L-26332-TC-A-N

**DESCRIPTION OF WORK:**

Place fill in 14,323 SF (0.32 acres) of wetland in conjunction with the development of a commercial multi-unit building and associated infrastructure off 421 Warren Avenue Portland, Maine as shown on the attached plans entitled "PH Warren Avenue, LLC, Commercial Site 421 Warren Avenue for Peter Holems 12 Wildwood Lane Scarborough, Maine by Fay, Spofford & Thorndike, Inc." in 4 sheet dated 04/16/2014 and 04/17/2014.

See Attached Conditions:

LAT/LONG COORDINATES : 43.68784 N 70.31547 W USGS QUAD: ME- Portland West

**I. CORPS DETERMINATION:**

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. **Your work is therefore authorized by the U.S. Army Corps of Engineers under the enclosed Federal Permit, the Maine General Permit (GP).** Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed GP carefully, including the GP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 41 of the GP (page 18) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 12, 2015. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 12, 2016.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. **This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.**

**II. STATE ACTIONS: PENDING [ ], ISSUED [ ], DENIED [ ] DATE \_\_\_\_\_**

APPLICATION TYPE: PBR: \_\_\_\_\_ TIER 1: X TIER 2: \_\_\_\_\_ TIER 3: \_\_\_\_\_ LURC: \_\_\_\_\_ DMR LEASE: \_\_\_\_\_ NA: \_\_\_\_\_

**III. FEDERAL ACTIONS:**

JOINT PROCESSING MEETING: N/A LEVEL OF REVIEW: CATEGORY 1: X CATEGORY 2: \_\_\_\_\_

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 \_\_\_\_\_, 404 X 10/404 \_\_\_\_\_, 103 \_\_\_\_\_

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA\_NO \_\_\_\_\_, USF&WS\_NO \_\_\_\_\_, NMFS\_NO \_\_\_\_\_

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Manchester, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

Rodney A. Howe  
RODNEY A. HOWE  
SENIOR PROJECT MANAGER  
MAINE PROJECT OFFICE

Frank J. Del Giudice 5/7/14  
FRANK J. DEL GIUDICE  
CHIEF, PERMITS & ENFORCEMENT BRANCH  
REGULATORY DIVISION



**US Army Corps  
of Engineers** ®  
New England District

**PLEASE NOTE THE FOLLOWING GENERAL CONDITIONS FOR  
DEPARTMENT OF THE ARMY  
GENERAL PERMIT  
NO. NAE-2014-00550**

1. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.
2. This authorization requires you to 1) notify us before beginning work so we may inspect the project, and 2) submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form(s) to this office at least two weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.
3. Please note General Condition 21. Sedimentation and Erosion Control on page 11 of the attached Programmatic General Permit.
4. This permit authorizes impacts to only those areas of wetlands shown on the attached project plans. No other filling, clearing or other disturbance in wetlands shall occur. Any additional proposals that would further impact wetlands will require additional permitting.

# APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

<b>1. Name of Applicant:</b> PH Warren Ave, LLC		<b>5. Name of Agent:</b> Fay, Spofford & Thorndike Attn: Stephen Bushey, P.E.	
<b>2. Applicant's Mailing Address:</b> 401 Warren Ave Portland, Maine 04101		<b>6. Agent's Mailing Address:</b> 778 Main Street, Suite 8 South Portland, Maine 04106	
<b>3. Applicant's Daytime Phone #:</b> 207-878-4496		<b>7. Agent's Daytime Phone #:</b> 207-775-1121	
<b>4. Applicant's Email Address:</b> Required from <i>either</i> applicant or agent:		<b>8. Agent's E-mail Address:</b> sbushey@fstinc.com	
<b>9. Location of Activity:</b> (Nearest Road, Street, Rt.#) 421 Warren Ave		<b>10. Town:</b> Portland	<b>11. County:</b> Cumberland
<b>12. Type of Resource:</b> (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input checked="" type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		<b>13. Name of Resource:</b> Unnamed wetland
	<b>14. Amount of Impact:</b> (Sq.Ft.)		<b>Fill:</b> 14,323 SF <b>Dredging/Veg Removal/Other:</b>
<b>15. Type of Wetland:</b> (Check all that apply)	<b>FOR FRESHWATER WETLANDS</b>		
	<input type="checkbox"/> Forested <input checked="" type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	<i>Tier 1</i>	<i>Tier 2</i>
<b>16. Brief Activity Description</b>		<input type="checkbox"/> 0 - 4,999 sq ft <input type="checkbox"/> 5,000-9,999 sq ft <input checked="" type="checkbox"/> 10,000-14,999 sq ft	
<b>17. Size of Lot or Parcel &amp; UTM Locations:</b>		<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> 48.71 acres UTM Northing: 15872644.03 UTM Easting: 1292635.17	
<b>18. Title, Right or Interest:</b>		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement	
<b>19. Deed Reference Numbers:</b>		Book#: 30781 Page: 74 <b>20. Map and Lot Numbers:</b> Map #: 303 304 Lot #: A010 B028	
<b>21. DEP Staff Previously Contacted:</b> Bill Bullard		<b>22. Part of a larger project:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>After-the-Fact:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>23. Resubmission of Application?</b>		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No <b>If yes, previous application #</b> <b>Previous project manager:</b>	
<b>24. Written Notice of Violation?</b>		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No <b>If yes, name of DEP enforcement staff involved:</b> <b>25. Previous Wetland Alteration:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>26. Detailed Directions to the Project Site:</b>		Project site located between 401 Warren Ave (Harbour Auto Body) and 429 Warren Ave (two commercial buildings)	
<b>TIER 1</b>		<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>	
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
<b>28. FEES Amount Enclosed:</b>			

**CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2**



**IMPORTANT:** IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

**CORPS SIGNATORY REQUIREMENT**

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

**DEP SIGNATORY REQUIREMENT**

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

  
SIGNATURE OF AGENT/APPLICANT

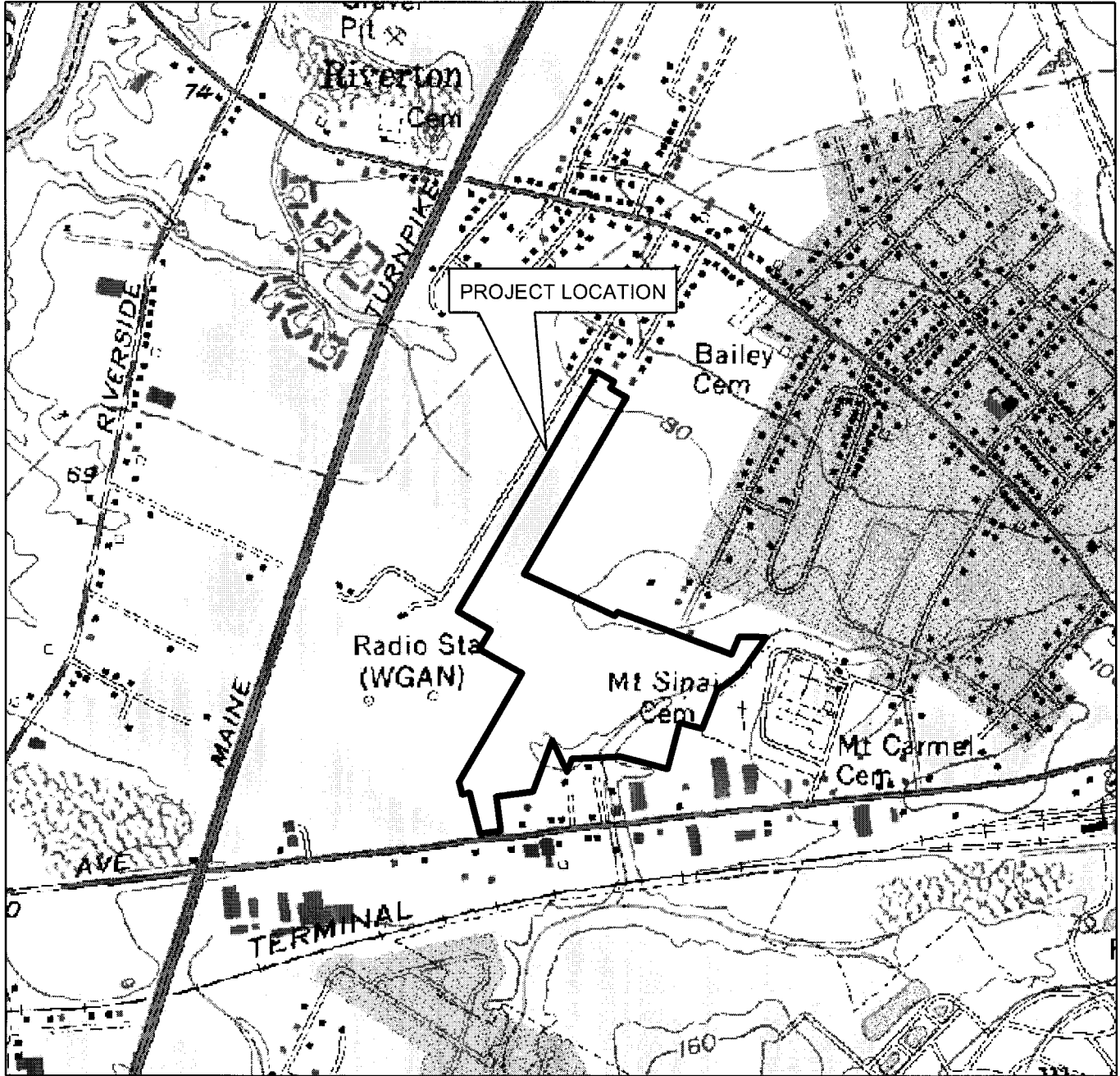
Date: 4/16/14

Signature of Agent STEPHEN BUSHEY agent

Date: 4/16/14

**NOTE:** Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

(yellow)



USGS LOCATION MAP

PETER HOLMES COMMERCIAL SITE - WARREN AVENUE  
PORTLAND, MAINE

SOURCE: MAINE OFFICE OF GIS - MAPS



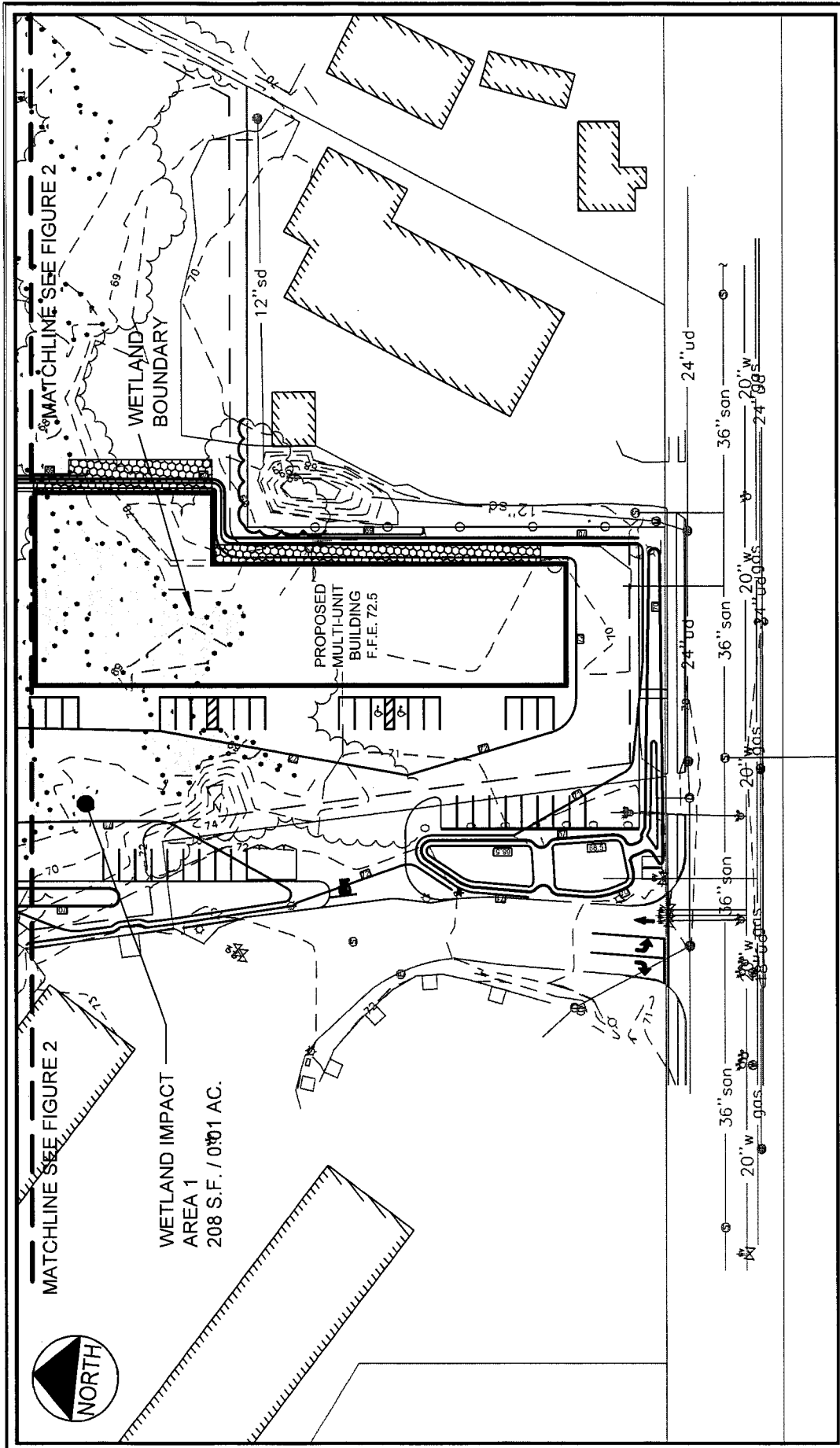
**FAY, SPOFFORD & THORNDIKE, INC.**  
ENGINEERS · PLANNERS · SCIENTISTS  
778 MAIN ST, SUITE B, SOUTH PORTLAND, ME 04106

DRAWN: DED  
CHECKED: SRB  
DATE: OCT 2013  
FILENAME: SP-M104\_USGS  
SCALE: 1 inch = 1,000 feet

FIGURE

1





<b>FIGURE:</b> 1	<b>BOOK:</b> REFER TO PLANS IN SLDA APPLICATION	<b>PAGE:</b> SLDA APPLICATION	<b>LOCATION:</b> PORTLAND, ME WARREN AVE	<b>PROPOSED ACTIVITY:</b> -	<b>PROJECT APPLICANT:</b> PETER F HOLMES
<b>LEGAL DESCRIPTION:</b> REFER TO PLANS IN SLDA APPLICATION	<b>WATER BODY:</b> -	<b>ABUTTERS:</b> SEE EXHIBIT 25 OF SLDA APPLICATION	<b>SCALE:</b> 1" = 80'	<b>DATE:</b> 04.16.14	<b>FAY, SPOFFORD &amp; THORNDIKE, INC.</b>
				<b>DATUM:</b> NAD 83	

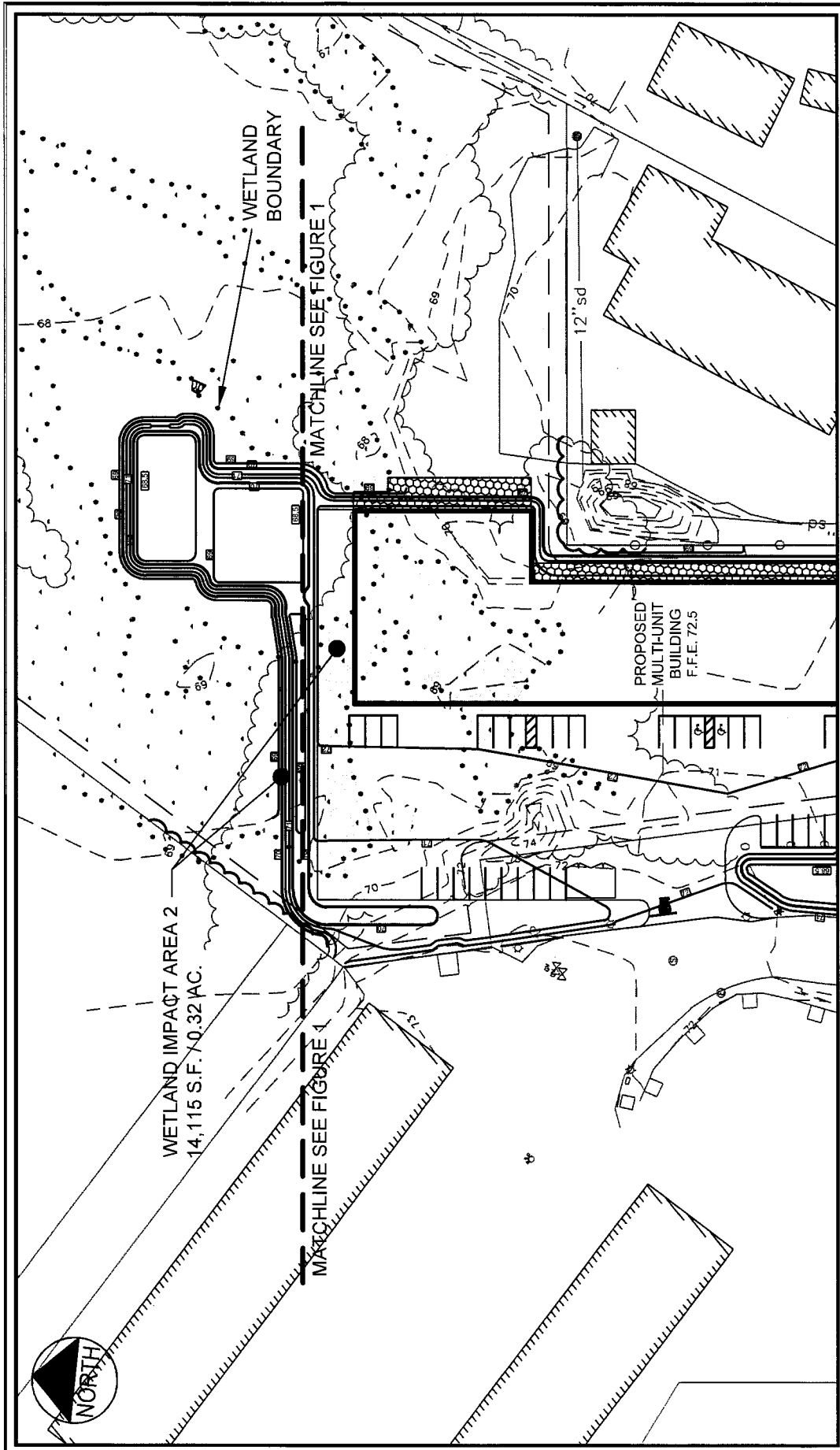
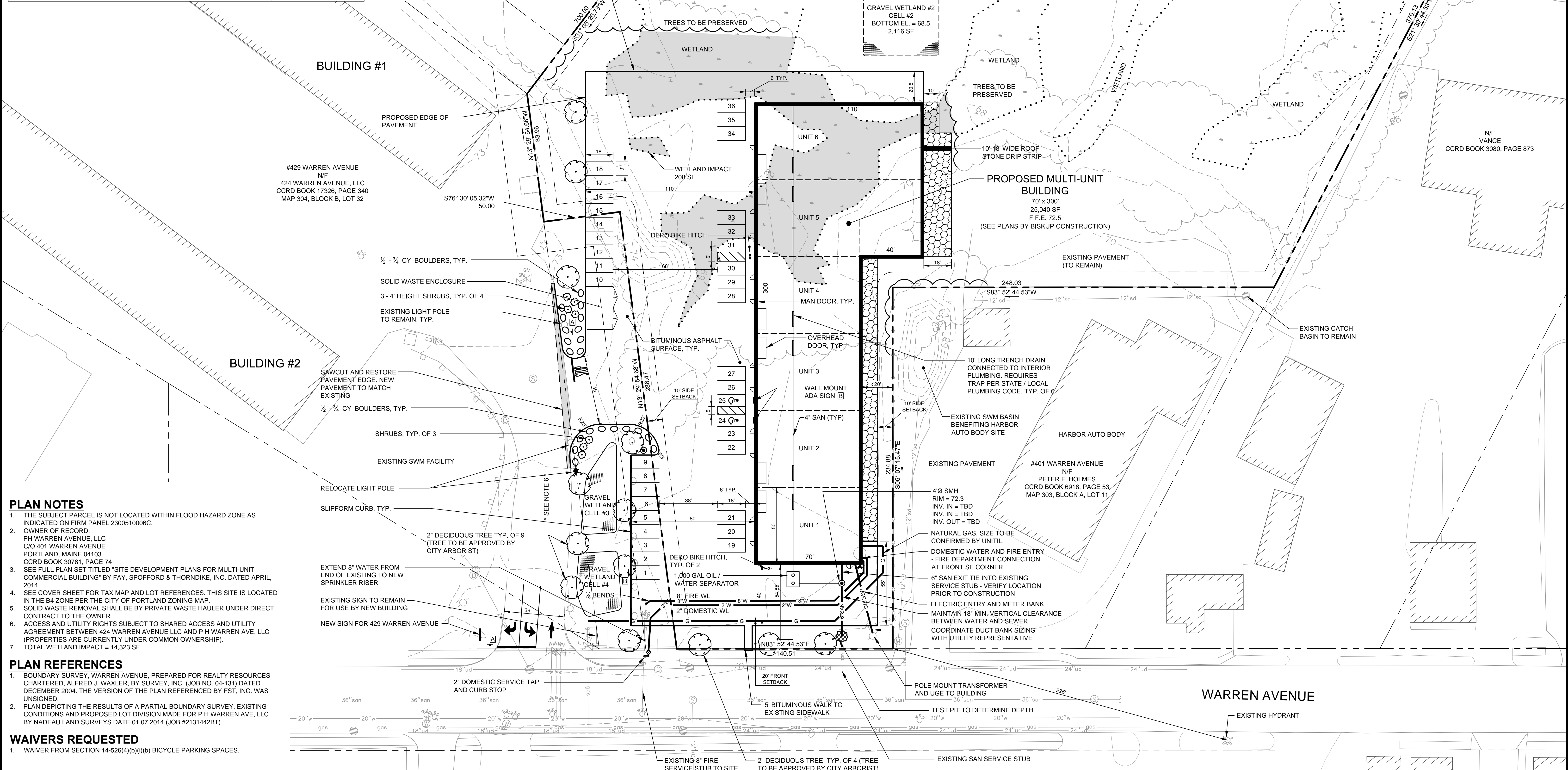


FIGURE: <b>2</b>	BOOK: REFER TO PLANS IN SLDA APPLICATION	PAGE: REFER TO PLANS IN SLDA APPLICATION	LOCATION: PORTLAND, ME WARREN AVE	PROPOSED ACTIVITY: -	PROJECT APPLICANT: PETER F HOLMES
	LEGAL DESCRIPTION: REFER TO PLANS IN SLDA APPLICATION		WATER BODY: -	ABUTTERS: SEE EXHIBIT 25 OF SLDA APPLICATION	SCALE: 1" = 80'
					DATUM: NAD 83
					DATE: 04.16.14
					FAY, SPOFFORD & THORNDIKE, INC.

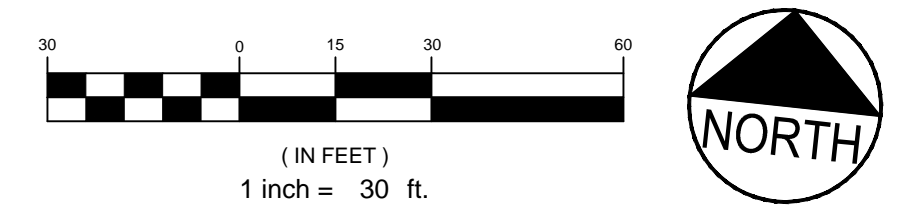
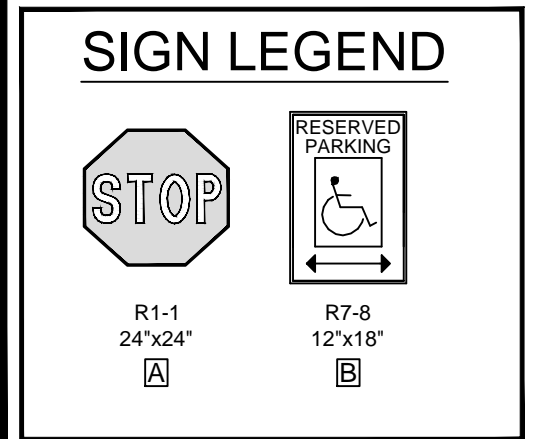
DIMENSIONAL STANDARD	REQUIRED DIMENSION - B4	PROVIDED
MINIMUM LOT SIZE	10,000 SF	418,393 S.F.
MINIMUM STREET FRONTAGE	60 FEET	140.51 FEET
MINIMUM FRONT YARD	20 FEET OR THE AVERAGE DEPTH OF THE FRONT YARDS ON EITHER SIDE. AVERAGE DEPTH = 1 FOOT	54.85 FEET
MINIMUM REAR YARD	20 FEET	>20 FEET
MINIMUM SIDE YARD	1 OR 2 STORIES = 10 FEET 3 OR MORE STORIES = 12 FEET	20 FEET
MAXIMUM LOT COVERAGE	40% FOR LOTS CONTAINING 20 OR MORE UNITS; 50% FOR LOTS CONTAINING FEWER THAN 20 UNITS.	<40%
MINIMUM LOT WIDTH	60 FEET	>150 FEET
MAXIMUM STRUCTURE HEIGHT	65 FEET EXCEPT ON LOTS IN EXCESS OF 5 ACRES, 90 FEET IS PERMITTED IF EACH OF THE SETBACKS REQUIRED IS INCREASED BY 1 FOOT IN DISTANCE FOR EACH FOOT OF HEIGHT ABOVE 65 FEET	
IMPERVIOUS SURFACE RATIO	80%	<30%



- PLAN NOTES**
- THE SUBJECT PARCEL IS NOT LOCATED WITHIN FLOOD HAZARD ZONE AS INDICATED ON FIRM PANEL 2300510006C.
  - OWNER OF RECORD:  
PH WARREN AVENUE, LLC  
C/O 401 WARREN AVENUE  
PORTLAND, MAINE 04103  
CCRD BOOK 30781, PAGE 74
  - SEE FULL PLAN SET TITLED "SITE DEVELOPMENT PLANS FOR MULTI-UNIT COMMERCIAL BUILDING" BY FAY, SPOFFORD & THORNDIKE, INC. DATED APRIL, 2014.
  - SEE COVER SHEET FOR TAX MAP AND LOT REFERENCES. THIS SITE IS LOCATED IN THE B4 ZONE PER THE CITY OF PORTLAND ZONING MAP.
  - SOLID WASTE REMOVAL SHALL BE BY PRIVATE WASTE HAULER UNDER DIRECT CONTRACT TO THE OWNER.
  - ACCESS AND UTILITY RIGHTS SUBJECT TO SHARED ACCESS AND UTILITY AGREEMENT BETWEEN 424 WARREN AVENUE LLC AND P H WARREN AVE, LLC (PROPERTIES ARE CURRENTLY UNDER COMMON OWNERSHIP).
  - TOTAL WETLAND IMPACT = 14,323 SF

- PLAN REFERENCES**
- BOUNDARY SURVEY, WARREN AVENUE. PREPARED FOR REALTY RESOURCES CHARTERED, ALFRED J. WAXLER, BY SURVEY, INC. (JOB NO. 04-131) DATED DECEMBER 2004. THE VERSION OF THE PLAN REFERENCED BY FST, INC. WAS UNSIGNED.
  - PLAN DEPICTING THE RESULTS OF A PARTIAL BOUNDARY SURVEY, EXISTING CONDITIONS AND PROPOSED LOT DIVISION MADE FOR P H WARREN AVE, LLC BY NADEAU LAND SURVEYS DATE 01.07.2014 (JOB #2131442BT).

- WAIVERS REQUESTED**
- WAIVER FROM SECTION 14-526(4)(b)(i)(b) BICYCLE PARKING SPACES.



REV	DATE	DESCRIPTION	REVISIONS
3	07.03.14	FINAL PLAN SUBMISSION TO CITY PER CONDITIONS OF APPROVAL	
2	04.17.14	FINAL PLAN SUBMISSION TO CITY	
1	02.10.14	SUBMITTED TO CITY OF PORTLAND	

P.E. STEPHEN BUSHEY  
LIC. # 7429

PROJECT PH WARREN AVENUE, LLC  
COMMERCIAL SITE  
421 WARREN AVENUE

SHEET TITLE  
**SITE LAYOUT AND UTILITY PLAN**

CLIENT PH WARREN AVENUE, LLC  
C/O PETER HOLMES  
12 WILDWOOD LANE  
SCARBOROUGH, ME 04074

ENGINEERS  
**FST**  
Since 1974

**FAY, SPOFFORD & THORNDIKE, INC.**  
ENGINEERS • PLANNERS • SCIENTISTS  
778 MAIN ST., SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: CMW  
DESIGNED: SRB  
CHECKED: SRB  
FILE NAME: SP-M104-SITE  
SHEET **C-3.0**

DATE: NOVEMBER 2013  
SCALE: 1"=30'  
JOB NO. SP-M104