

ASSOCIATED DESIGN PARTNERS INC.

Office: 207.878.1751
Fax: 207.878.1788
e-mail: adp@adpengineering.com

80 Leighton Road • Falmouth, Maine 04105

July 14, 2005

05005

Mr. Mike Nugent
Code Enforcement Officer
389 Congress St
Portland, ME 04101

Re: McAllister Farm building #1

Dear Mike,

Attached you will find a revised statement of special construction monitoring for the above mentioned project. We have included the construction monitoring for the Pre-Fabricated metal building structure as requested.

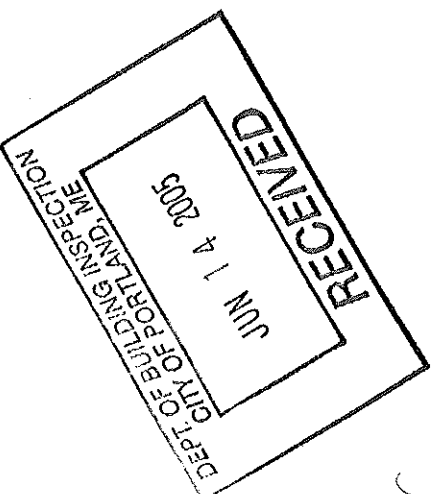
Also, you will find the Pre-Fab metal building engineer's calculations for the seismic design criteria for this building. Specifically, these documents show the metal building engineers calculation of $S_{ds} = 0.3276$ (Short term spectral response coefficient). Since the value of S_{ds} is in-fact less than 0.33, the assignment of Seismic Design Category B to this building can be justified by the IBC 2003 building code.

Please contact this office if there are any further questions.

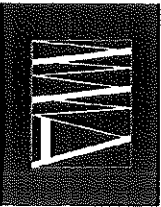
Sincerely,



Aaron S. Wilson, P.E. for
James A. Thibodeau, P.E.
President
Associated Design Partners, Inc.



319 A10
050783



M U E L L E R
A R C H I T E C T S

July 14, 2005

Mike Nugent
Dept. of Planning and Development
City of Portland
389 Congress Street
Portland, Maine
04101

Re: Mc Alister Farm
Lot 6
Mc Alister Farm Rd.
Portland, Maine

Dear Mike,

To summarize the recent revisions to the project, the building has been re-classified as a Seismic category 'B' and documentation regarding this matter is enclosed. Also, "Special Inspection" statements for the structural steel have been included.

Note the inclusion of the following:

1. Geo-technical report
2. Revised "Statement of Special Construction Monitoring"
3. Statement regarding building "Use Group" separations

The building has been designed to meet the requirements of IBC 2003 for Non-separated Use Groups as allowed by Section 302.3.1. The building meets the most restrictive scenario between "Business" and low hazard "Factory" space and bulk requirements.

Should you have additional questions do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Mueller', written over the printed name.

Mark Mueller

PLUMBING APPLICATION

PROPERTY ADDRESS

Town or Plantation: Portland
 Street: Lot 6 McAlister Farm
 Subdivision Lot #: PROPERTY OWNERS NAME

Last: Porter First: _____
 Applicant Name: WILLIAMS CARB

Mailing Address of Owner/Applicant (if Different): 368 Gray Rd. Fa1

Owner/Applicant Statement

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspectors to deny a Permit.

Signature of Owner/Applicant: William H. Porter Date: 8/17/05

Local Plumbing Inspector Signature _____

Date Approved _____

Caution: Inspection Required
 I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules.

PORTLAND PERMIT # 9519 TOWN COPY
 Date Permit Issued: 8/17/05 \$ 1118.61 Double Fee Charged
 Local Plumbing Inspector Signature: William H. Porter L.P.I. # 06603

PERMIT INFORMATION

This Application is for

1. <input type="checkbox"/> NEW PLUMBING	1. <input type="checkbox"/> SINGLE FAMILY DWELLING
2. <input type="checkbox"/> RELOCATED PLUMBING	2. <input type="checkbox"/> MODULAR OR MOBILE HOME
	3. <input type="checkbox"/> MULTIPLE FAMILY DWELLING
	4. <input checked="" type="checkbox"/> OTHER - SPECIFY <u>Commercial</u>

Type of Structure To Be Served:

Plumbing To Be Installed By:

1. <input type="checkbox"/> MASTER PLUMBER
2. <input type="checkbox"/> OIL BURNERMAN
3. <input type="checkbox"/> MFG'D. HOUSING DEALER/MECHANIC
4. <input type="checkbox"/> PUBLIC UTILITY EMPLOYEE
5. <input type="checkbox"/> PROPERTY OWNER

LICENSE # 41632

Hook-Up & Piping Relocation Maximum of 1 Hook-Up	Number	Column 2	Number	Column 1
		Type of Fixture		Type of Fixture
HOOK-UP: to public sewer in those cases where the connection is not regulated and inspected by the local Sanitary District.	2	Hosebibb / Silcock		Bathub (and Shower)
	3	Floor Drain		Shower (Separate)
		Urinal	3	Sink
HOOK-UP: to an existing subsurface wastewater disposal system.		Drinking Fountain	7	Wash Basin
		Indirect Waste	6	Waste/Close (Toilet)
PIPING/RELOCATION: of sanitary lines, drains, and piping without new fixtures.		Water Treatment Softener, Filter, etc.		Dishwasher
		Grease / Oil Separator		Garbage Disposal
		Dental Cuspidor		Water Heater
	Bidet			
	Other: _____			
		Fixtures (Subtotal) Column 2	20	Fixtures (Subtotal) Column 1
			5	Fixtures (Subtotal) Column 2
			25	Total Fixtures
			158	Fixture Fee
				Transfer Fee
				Hook-Up & Relocation Fee
				Permit Fee
				(Total)

TRANSFER FEE \$6.001
 OR
 SEE PERMIT FEE SCHEDULE FOR CALCULATING FEE
150
25
158

DEPT. OF BUILDING AND CONSTRUCTION
 CITY OF PORTLAND, ME
 RECEIVED
 AUG 17 2005

TOWN COPY

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Name Department of Human Services
 Division of Environmental Services
 1207 287-5572 FAX # 1207 287-4172

#2006 6003

PROPERTY LOCATION

City, Town, or Plantation: **PORTLAND**

Street or Road: **MCALISTER FARM DRIVE**

Subdivision, Lot #: **LOT 6**

OWNER/APPLICANT INFORMATION

Name (last, first, MI): **RIO TIERRA LLC**

Mailing Address of: **c/o MOHR & SEREDIN
 18 PLEASANT STREET
 PORTLAND, ME 04101**

Owner: **[Redacted]**

Day time Tel.: **871-0003**

PERMIT INFORMATION

PORTLAND Date Permit Issued: **11/09/09** PERMIT # **9856** TOWN COPY

Local Plumbing Inspector Signature: **[Signature]** L.P.I. # **01690**

Municipal Tax Map: **315 A Lot 10**

Caution: Inspections Required

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a permit.

Signature of Owner/Applicant: **[Signature]** Date: **1-18-05**

Local Plumbing Inspector Signature: _____ (1st) Date Approved: _____ (2nd) Date Approved: _____

TYPE OF APPLICATION

1. First Time System
 2. Replacement System
 Type Replaced: _____
 Year installed: _____

3. Expanded System
 a. Minor Expansion
 b. Major Expansion
 4. Experimental System
 5. Seasonal Conversion

SIZE OF PROPERTY sq. ft. +/- **10** acres

SHORELAND ZONING Yes No

DISPOSAL SYSTEM TO SERVE

1. Single Family Dwelling Unit, No. of Bedrooms: _____
 2. Multiple Family Dwelling, No. of Units: _____
 3. Other: **COMMERCIAL BUILDING**

Current Use Seasonal Year Round Undeveloped

DISPOSAL SYSTEM COMPONENTS

1. Complete Non-Engineered System
 2. Primitive System (graywater & dt toilet)
 3. Alternative Toilet, specify: _____
 4. Non-Engineered Treatment Tank (only)
 5. Holding Tank **2000** Gallons
 6. Non-Engineered Disposal Field (only)
 7. Separated Laundry System
 8. Complete Engineered System (2000gpd+)
 9. Engineered Treatment Tank (only)
 10. Engineered Disposal Field (only)
 11. Pre-treatment, specify: _____
 12. Miscellaneous components

TYPE OF WATER SUPPLY

1. Drilled Well 2. Dug Well 3. Private
 4. Public 5. Other: _____

TREATMENT TANK

1. Concrete
 a. Regular
 b. Low Profile
 2. Plastic
 3. Other: _____
 CAPACITY **2000** gallons

DISPOSAL FIELD TYPE & SIZE

1. Stone Bed 2. Stone Trench
 3. Proprietary Device
 a. Cluster array c. Linear
 b. Regular d. H-20 loaded
 4. Other: _____
 SIZE **N/A** sq. ft. in. ft.

GARBAGE DISPOSAL UNIT

1. No 3. Maybe
 2. Yes >> Specify one below:
 a. Multi-compartment tank
 b. _____ tanks in series
 c. Increase in tank capacity
 d. Filter on tank outlet

DISPOSAL FIELD SIZING

1. Small - 2.0 sq.ft./gpd
 2. Medium - 2.6 sq.ft./gpd
 3. Medium-Large - 3.3 sq.ft./gpd
 4. Large - 4.1 sq.ft./gpd
 5. Extra-Large - 5.0 sq.ft./gpd

PUMPING OF HOLDING TANK

1. Not required
 2. May be required
 3. Required >> Specify only for engineered or experimental systems:

DOSE: _____ Gallons

3. Section 503.0 (meter readings) ATTACH WATER-METER DATA

DESIGN FLOW
495 gallons per day
 BASED ON:
 1. Table 501.1 (dwelling units)
 2. Table 501.2 (other facilities)
 SHOW CALCULATIONS
 - for other facilities -

33 EMPLOYEES @ 15 GALLONS PER DAY EACH

SITE EVALUATOR STATEMENT

I certify that on **1/4/05** (date) I completed a site evaluation on this property and state that the data reported is **TRUE** (circle one) **TRUE** or **FALSE** proposed system is **IN** compliance with the Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Site Evaluator Signature: **[Signature]** Date: **1/25/2005**

SE * **163**

ALBERT FRICK

Site Evaluator Name Printed: **ALBERT FRICK**
 Telephone Number: **(207) 839-5563**
 E-mail Address: **ALBERTFRICK@WORLDNET.ATTN.TE**

RECEIVED
 APR - 7 2005
 FILE 200 REV. 87-01

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health, Safety & Environmental Services
 (207) 287-5672, (207) 287-4172

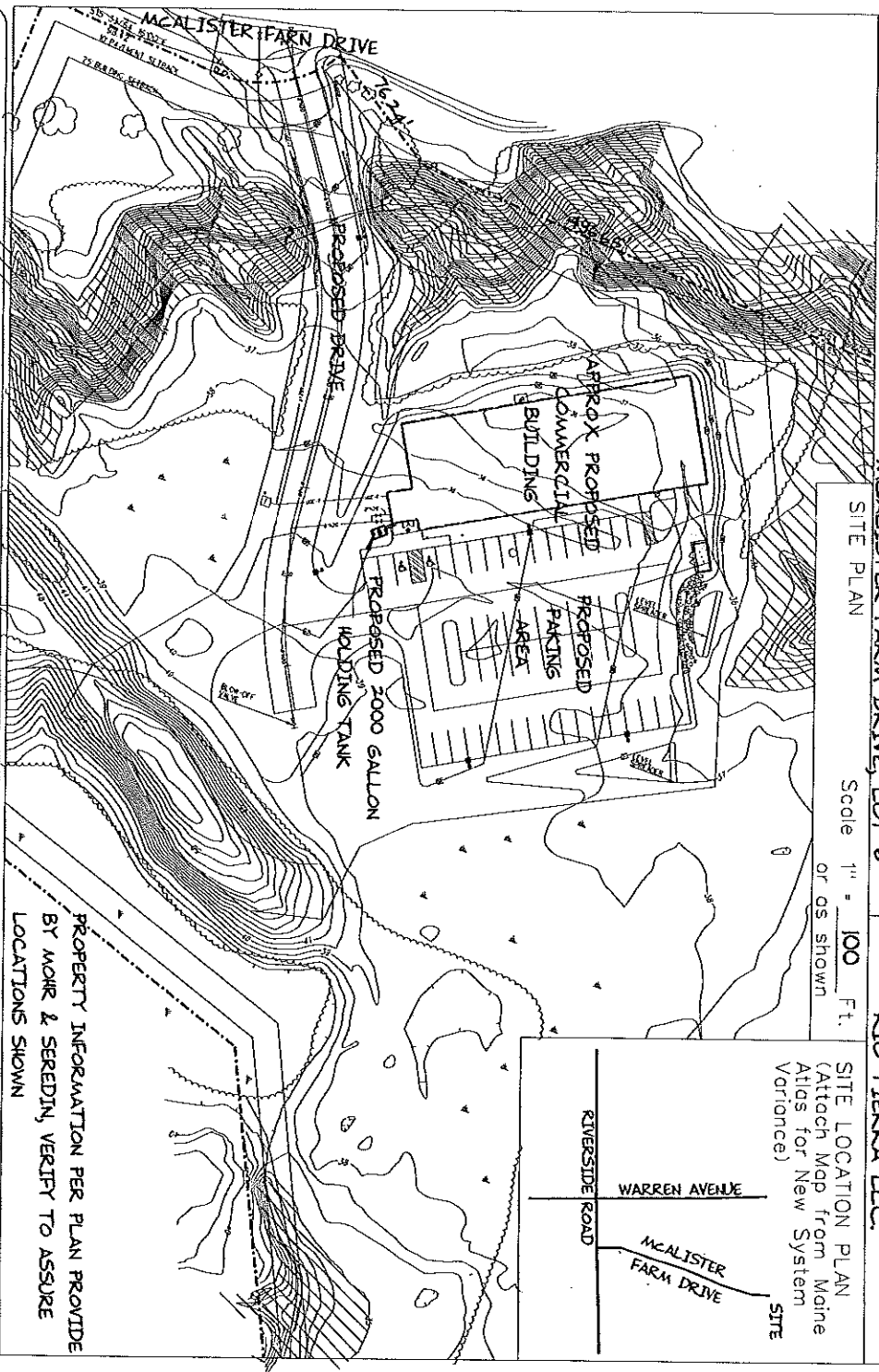
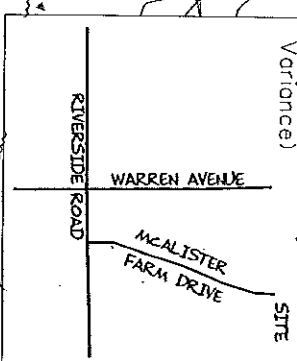
Town, City, Plantation
PORTLAND

Street, Road Subdivision
MCALISTER FARM DRIVE, LOT 6

Owner's Name
RIO TERRA LLC.

SITE PLAN
 Scale 1" = 100 Ft.
 or as shown

SITE LOCATION PLAN
 (Attach Map from Maine Atlas for New System Variance)



PROPERTY INFORMATION PER PLAN PROVIDE BY WORK & SEREDIN, VERIFY TO ASSURE LOCATIONS SHOWN

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole N/A Test Pit Boring
 " Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification: N/A Slope: %
 Limiting Factor: N/A
 Ground Water Restrictive Layer
 Bedrock
 Pit Depth

Profile: Condition:

Observation Hole Test Pit Boring
 " Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification: Slope: %
 Limiting Factor:
 Ground Water Restrictive Layer
 Bedrock
 Pit Depth

Profile: Condition:

Site Evaluator Signature
[Signature]

SE 163

Date 1/25/2005

ATTACHMENT TO SUBSURFACE WASTEWATER DISPOSAL APPLICATION

PORTLAND

MCALISTER PARK DRIVE, LOT 6

RIO TIERRA LLC

TOWN

LOCATION

APPLICANT'S NAME

- 7) The actual water flow or number of bedrooms shall not exceed the design criteria indicated on this application without a re-evaluation of the system as proposed. If the system is supplied by public water or a private service with a water meter, the water consumption per period should be divided by the number of days to calculate the average daily water consumption (water usage (cu. ft.) x 7.48 cu. ft. (gallons per cu. ft.) divided by the # of days in period).
- 8) The general minimum setbacks between a well and septic system serving a single family residence is 100-300 feet, unless the local municipality has a more stringent requirement. A well installed by an abutter within the minimum setback distances prior to the issuance of a permit for the proposed disposal system may void this design.
- 9) When a gravity system is proposed: BEFORE CONSTRUCTION/INSTALLATION BEGINS, the system installer or building contractor shall review the elevations of all points given in this application and the elevation of the existing and/or proposed building drain and septic tank inverts for compatibility to minimum slope requirement. In gravity systems, the invert of the septic tank(s) outlet(s) shall be at least 4 inches above the invert of the distribution box outlet at the disposal area. When an effluent pump is required, provisions shall be made to make certain that surface ground water does not enter the septic tank or pump station, by sealing/grouting all seams and connections, and by placement of a riser and lid at or above grade. An alarm device warning of a pump failure shall be installed. Also, when pumping is required of a chamber system, install a "T" connection in the distribution box and place 3 inches of stone or a splash plate in the first chamber. Insulate gravity pipes, pump lines and the distribution box as necessary to prevent freezing.
- 10) On all systems, remove the vegetation, organic duff and old fill material from under the disposal area and any fill extension. On sites where the proposed system is to be installed in natural soil, scarify the bottom and sides of the excavated disposal area with a rake. Do not use wheeled equipment on the scarified soil surface. For systems installed in fill, scarify the native soil by roto-tilling to a depth of at least 8 inches over the entire disposal and fill extension area to prevent glazing and to promote fill bonding. Place fill in loose layers no deeper than 8 inches and compact before placing more fill (this ensures that voids and loose pockets are eliminated to minimize the chance of leakage or differential setting). Do not use wheeled equipment on the scarified soil area until after 12 inches of fill is in place. Keep equipment off proprietary devices. Divert the surface water away from the disposal area by ditching or shallow landscape swales.
- 11) Unless noted otherwise, fill shall be gravelly coarse sand, which contains no more than 5% fines (silt and clay).
- 12) Do not install systems on loamy, silty, or clayey soils during wet periods since soil smearing/glazing may seal off the soil interface.
- 13) Seed all filled and disturbed surfaces with perennial grass seed, then mulch with hay or equivalent material to prevent erosion. Alternatively, bark or permanent landscape mulch may be used to cover system. Woody trees or shrubs are not permitted on the disposal area or fill extensions.



Albert Frick Associates, Inc.
Soil Scientists & Site Evaluators

95A County Road Gorham, Maine 04038
(207) 839-5565



Albert Frick Associates, Inc.
Soil Scientists & Site Evaluators

95A County Road Gorham, Maine 04038
(207) 839-5563

PORTLAND _____ MCALISTER FARM DRIVE, LOT 6 _____ RIO TIERRA LLC
TOWN _____ LOCATION _____ APPLICANT'S NAME _____

1) The Plumbing and Subsurface Wastewater Disposal Rules adopted by the State of Maine, Department of Human Services pursuant to 22 M.R.S.A. § 42 (the "Rules") are incorporated herein by reference and made a part of this application and shall be consulted by the owner/applicant, the system installer and/or building contractor for further construction details and material specifications. The system Installer should contact Albert Frick Associates, Inc. 839-5563, if there are any questions concerning materials, procedures or designs. The system installer and/or building contractor installing the system shall be solely responsible for compliance with the Rules and with all state and municipal laws and ordinances pertaining to the permitting, inspection and construction of subsurface wastewater disposal systems.

2) This application is intended to represent facts pertinent to the Rules only. It shall be the responsibility of the owner/applicant, system Installer and/or building contractor to determine compliance with and to obtain permits under all applicable local, state and/or federal laws and regulations (including, without limitation, Natural Resources Protection Act, wetland regulations, zoning ordinances, subdivision regulations, Site Location of Development Act and minimum lot size laws) before installing this system or considering the property on which the system is to be installed a "buildable" lot. It is recommended that a wetland scientist be consulted regarding wetland regulations. Prior to the commencement of construction/installation, the local plumbing inspector or Code Enforcement Officer shall inform the owner/applicant and Albert Frick Associates, Inc of any local ordinances which are more restrictive than the Rules in order that the design may be amended. All designs are subject to review by local, state and/or federal authorities. Albert Frick Associates, Inc.'s liability shall be limited to revisions required by regulatory agencies pursuant to laws or regulations in effect at the time of preparation of this application.

3) All information shown on this application relating to property lines, well locations, subsurface structures and underground facilities (such as utility lines, drains, septic systems, water lines, etc.) are based solely upon information provided by the owner/applicant and has been relied upon by Albert Frick Associates, Inc. in preparing this application. The owner/applicant shall review this application prior to the start of construction and confirm this information. Well locations on abutting properties but not readily visible above grade should be confirmed by the owner/applicant prior to system installation to assure minimum setbacks.

4) Installation of a garbage (grinder) disposal is not recommended. If one is installed, an additional 1000 gallon septic tank or a septic tank filter shall be connected in series to the proposed septic tank.

5) The system user shall avoid introducing kitchen grease or fats into this system. Chemicals such as septic tank cleaners and/or chlorine (such as from water treatment units) and controlled or hazardous substances shall not be disposed of in this system. Additives such as yeast or enzymes are discouraged, since they have not been proven to extend system life.

6) The septic tank should be pumped within two years of installation and subsequently as recommended by the pump service, but in no event should the septic tank be pumped less often than every three years. All septic tank, pump stations and additional treatment tanks shall be installed to prevent ground water and surface water infiltration.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Town, City, Plantation

Street, Road, Subdivision

Maine Department of Human Services
 Division of Health Engineering, Station 10, SHS
 (207) 287-5672 FAX (207) 287-4172

PORTLAND

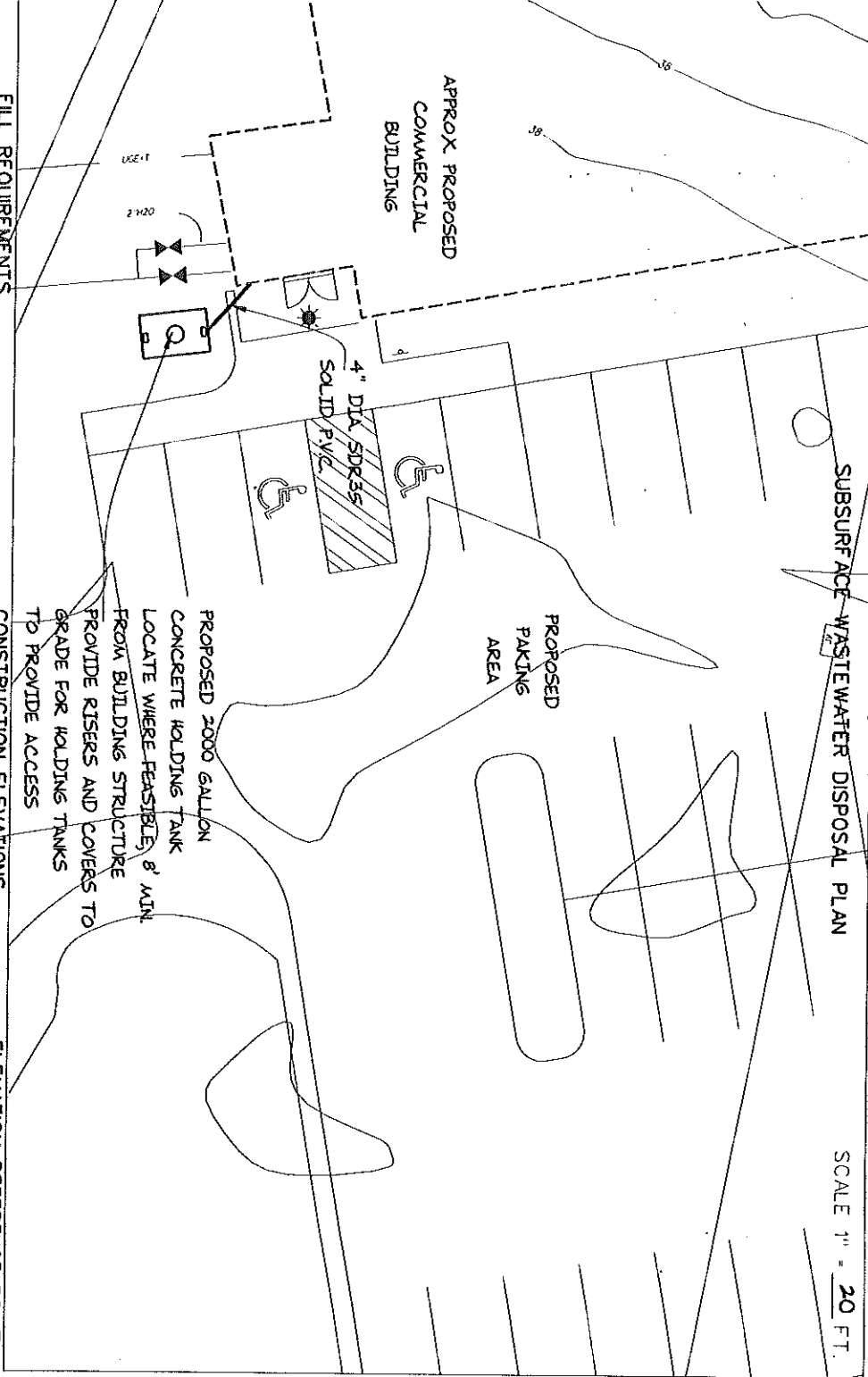
McALISTER FARM DRIVE, LOT 6

RIO TIERRA LLC

Owner's Name

SUBSURFACE WASTEWATER DISPOSAL PLAN

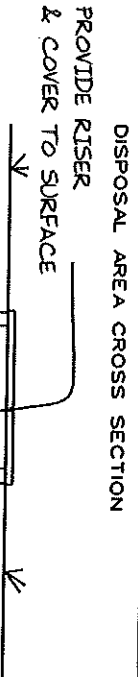
SCALE 1" = 20 FT.



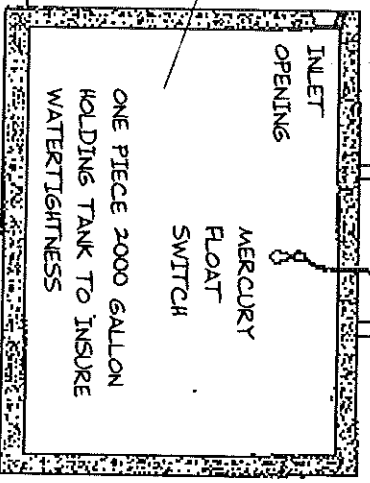
FILL REQUIREMENTS
 Depth of Fill (Upslope) = N/A
 Depth of Fill (Downslope) = N/A
 DEPTHS AT CROSS-SECTION (shown below)

CONSTRUCTION ELEVATIONS
 Finished Grade Elevation
 Top of Distribution Pipe or Proprietary Device
 Bottom of Disposal Area

ELEVATION REFERENCE POINT
 Location & Description N/A
 SEE DETAIL BELOW
 Reference Elevation is: 0.0' or -----



SUPERIOR CONCRETE ITEM #4452
 OR EQUIVALENT



Site Evaluator Signature: *Albert Frick* Date: *1/25/2005*
 SE * Page 3 of 3
 ALBERT FRICK ASSOCIATES - 95A COUNTY ROAD GORHAM, MAINE 04038 - (207) 839-5668 HHE-200 Rev. 10/02



Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention

286 Water Street, 3rd Floor
11 State House Station
Augusta, ME 04333-0011

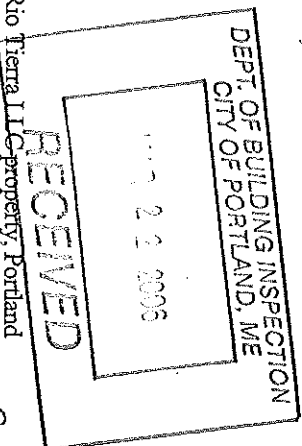
John Elias Baldacci
Governor

John R. Nicholas
Commissioner

Dora Anne Mills, MD, MPH
Public Health Director
Maine CDC Director

March 16, 2006

Rio Tierra LLC
c/o Mohr and Sereidin
18 Pleasant Street
Portland, ME 04101



Subject After-the-Fact Approval Holding Tank Application, Rio Tierra LLC property, Portland

Dear Rio Tierra LLC:

The Division has reviewed a Holding Tank Application for the subject property. The proposal is to install a holding tank as a temporary first time system until able to connect into the public sewer system when it reaches the area. The system design, prepared by Albert Frick, SE, dated 1/25/2005 otherwise is found to be in compliance with the Maine Subsurface Wastewater Disposal Rules.

*319 A 10 -
ASSOC. w/
2005-6025*

We approve the requested application with the following requirements:

1. Because a permit for the installation of the holding tank was not obtained from the Local Plumbing Inspector in advance of the start of system construction, a double permit fee shall be charged.
 2. The holding tank(s) shall have been installed in accordance with the submitted and approved system design dated 01/25/2005. Should alterations be required, the system designer must be notified prior to making any changes.
 3. The two 1000 gallon holding tanks shall be equipped with audible and visual alarms and shall serve a 33 employee business only. There shall be no additional structures connected to the holding tank.
 4. The enclosed Holding Tank Deed Covenant shall be completed and filed at the County Registry of Deeds, cross-referenced to the subject property's deed. The covenant restricts the property to a 33 employee business only. A copy of the covenant, with Registry's stamp, shall be forwarded to this office within 90 days to complete and validate the approval.
 5. The application approval is based only on the rules administered by this department. The approval of the application request does not relieve the property owner from compliance with all other state and local requirements pertaining to the installation, use, and operation of the wastewater disposal system.
- By accepting this approval and the associated plumbing permit, the owner agrees to comply fully with the conditions of approval and the Subsurface Wastewater Disposal Rules.

Because installation and owner maintenance has a significant effect on the working order of onsite sewage disposal systems, including their components, the Division makes no representation or guarantee as to the efficiency and/or operation of the system.

If you have any further questions, please feel free to contact me at (207) 287-5687.

Sincerely,



Jennifer E. Sanborn, Environmental Specialist II
Wastewater and Plumbing Control Program
Division of Health Engineering
e-mail: Jennifer.E.Sanborn@maine.gov

/jes

Enclosure: HT Deed Covenant

cc: File
Michael Nugent, LPI
Albert Frick, SE



Albert Frick Associates, Inc.

Soil Scientists & Site Evaluators

95A County Road
Corham, Maine 04038
(207) 839-5563

FAX (207) 839-5564

Albert Frick SS, SE
James Logan SS, SE
Matthew Logan SE
Brady Frick, SE

January 6, 2005

Jennifer Sanborn
DHE
10 State House Station
Augusta, ME 04333

2/4
P/D

Re: Rio Tierra LLC, McAlister Farm Drive/Lot 6, Portland

Dear Jennifer Sanborn:

Attached is a Holding Tank Application for *Rio Tierra LLC, McAlister Farm Drive, Portland. Mohr & Seredin* is currently negotiating, in behalf of the client, with the City of Portland and Westbrook for connection to the public sewer.

It is my understanding that the agreement is in the process of being completed. However, it is expected that the process could take several months or more to finalize. The applicant would like to proceed with the local review process for the building site, and needs to secure a permit-able means of waste disposal. Hence, the applicant is requesting permission for a holding tank to serve a commercial building of 33 employees. The State of Maine Subsurface Wastewater Disposal Rules project a conventional flow of 15 gallons/day per employee.

The client will install low volume fixtures, which will reduce flow. Also, all employees are not in the office/warehouse the entire workday. The State of Maine Subsurface Wastewater Disposal Rules, Section 2005.1.2, requires DHE approval, based on the projected flow value.

The site is in Portland, in close proximity to a municipal wastewater treatment facility, and the applicant is willing to enter into a contract to be pumped one or more times a week. This is intended to be a temporary measure to allow the review process to go forward, and the client would agree to abandon the holding tank when the public sewer connection is established.

Please contact me if you have any questions or additional matters for discussion.

Respectfully,

Albert Frick
AF/nd

cc. Stephen Mohr, Mohr & Seredin
Mike Nugent, Portland LPI

March 27, 2006

Mr. Michael Nugent
Portland Codes Enforcement
City of Portland
389 Congress St.
Portland, ME 04101

Re: Rio-Tierra Holding Tanks
Lot 6, McAlister Farm

Dear Michael:

As requested by the State of Maine DHHE, I forward for your records a copy of the as-built drawings for the holding tank at Lot 6 on McAlister Farm, and a copy of the recorded Holding Tank Covenant. This was recorded on March 27, 2006 at the Cumberland County Registry of Deeds in Book 23790, Page 50.

We have sent a copy of this information to Jennifer Sanborn at DHHE for her records. Enclosed with this information is a check in the amount of \$110.00 for the tank permit.

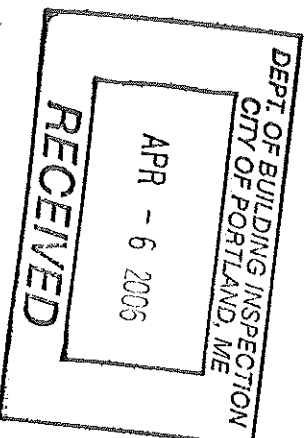
Sincerely,

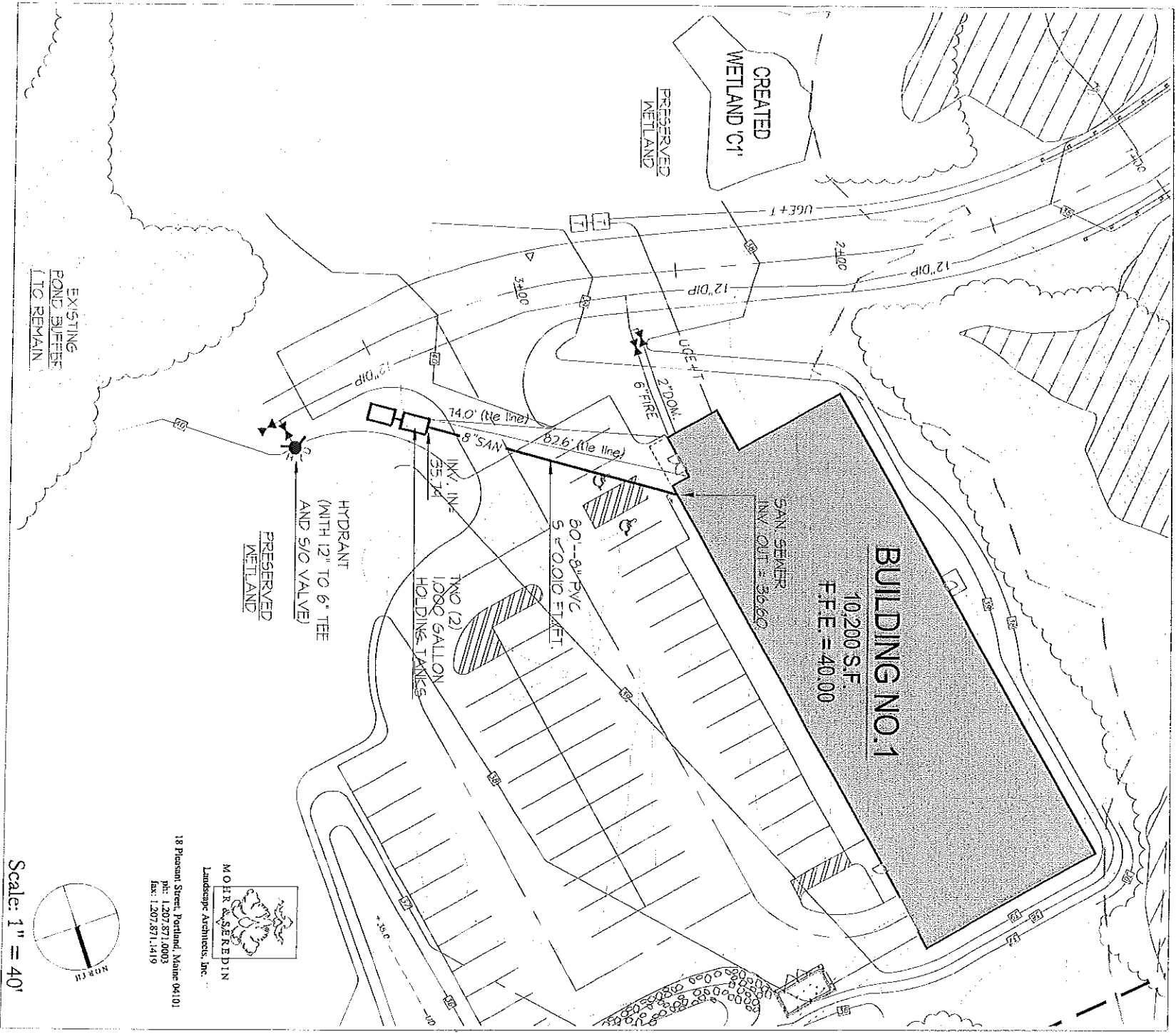


Stephen B. Mohr, ASLA

Cc: Ken Porter

Document2





LOT 6 -- McALLISTER FARM DRIVE
 McALLISTER FARM DRIVE
 PORTLAND, MAINE

LOT 6 -- McALLISTER FARM SUBDIVISION

HOLDING TANK
 AS-BUILT DRAWING

March 27, 2006



John Elias Baldacci
Governor

Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention
286 Water Street, 3rd Floor
11 State House Station
Augusta, ME 04333-0011

John R. Nicholas
Commissioner

Dora Anne Mills, MD, MPH
Public Health Director
Maine CDC Director

HOLDING TANK DEED COVENANT FORM

Property Owner: Complete and record this form with your County Registry of Deeds. Then forward a copy of the recorded deed covenant to your municipality's Local Plumbing Inspector and to the Department.

County Registrar: Please cross-reference this document with book and page no.

Property Owner Statement: I (we), Kendall & John Porter are the owner(s) of the property located at 97 Mr. Alister Farm (street)

Bartland, ME 04103 (town).

The property's deed is recorded in book no. 205, page no. 388, 399

We state that the holding tank installation for the aforementioned property received approval by the town of Bartland and its officials.

Stipulations of Covenant

1. The two 1000 gallon holding tanks shall serve a 33 employee business only.
2. There shall be no additional structures connected to the holding tank.
3. All fixtures within the structure shall be low-flow, water-conserving fixtures.
4. The holding tank shall be equipped with both audible and visual alarms.
5. All plumbing shall be disposed of into the holding tank.

Municipal Approval Conditions: This approval has been granted subject to the implementation of the above conditions and said approval will become null and void if the required and stated conditions of approval are violated.

Property Owner signature(s)

[Signature]
John S Porter

State of Maine

County Lincoln ss

Date 3/27/08

Then personally appeared the above named Kendall Porter (and)

John Porter and (severally) acknowledged the foregoing instrument to be his (or their) free act and deed.

Before me [Signature]
Justice of the Peace or Notary Public

HHE-300 Rev. 3/97

PATRICIA JEWELL
Notary Public, Maine
My Commission Expires **October 14, 2012**

Subsurface Wastewater Program

Phone: (207) 287-5672

Fax: (207) 287-3165

SITE EVALUATION STATEMENT

I, ALBERT PUCK, state that I have evaluated the subject property and found that a subsurface wastewater disposal system is not practical. Secondly, I have completed a *Subsurface Wastewater Disposal System Application* (HHE-200) proposing a holding tank installation for the property's wastewater disposal.

Site Evaluator's Signature Albert Puck Date 1/05/2005

HOLDING TANK PUMPER INFORMATION

Business owner's name James L Rogers License # 051140
Business name Jim Rogers Septic
Mailing address 111 Page Rd
City Madison State Mo. Zip 64062
Business telephone 207-892-2164
Max. truck hauling capacity 3000 gallons
Can pump: Yes seasonally Yes year round
DEP licensed disposal site location PRD Site # _____

HOLDING TANK PUMPER STATEMENT

I, Jim Rogers, own and operate a septage pumping business named in this *Application/Agreement*, and have contracted with the property owner(s) to pump and properly dispose of the tank's waste. I further state that the tank, and that the wastewater will be disposed of at a Department of Environmental Protection licensed disposal location.

Holding Tank Pumper's Signature Jim Rogers Date 4-21-05

Municipal Officers Statement

I (we) have reviewed the information submitted in support of this application.
I (we) find that the installation of the holding tank will not violate any local ordinances.
I (we) will authorize the LPI to enforce the requirements of this agreement, the Subsurface Wastewater Disposal Rules and any local ordinances, including recordkeeping and required pumping.
I (we) recommend that the LPI issue the necessary permits for the installation of the holding tank.

Signature [Signature] Title CITY MANAGER Date 2-13-06
Signature [Signature] Title _____ Date _____
Signature _____ Title _____ Date _____

Local Plumbing Inspector's Statement

I have reviewed this application and find that the issuance of a permit for the holding tank complies with the Subsurface Wastewater Disposal Rules and all pertinent local ordinances.
Additional Requirements: _____

Signature [Signature] Date 02/10/06

APPLICATION/AGREEMENT for HOLDING TANK INSTALLATION

PROPERTY OWNER INFORMATION

Name Rio Tierra LLC,
Mailing Address 46 MAHR & SEBIDIN, 18 PLEASANT STREET
City/Town PORTLAND State ME Zip 04101
Daytime telephone number 207 - 871 - 0003

PROPERTY LOCATION

Street, Road, Route McAlister Farm Drive, Lot 6
City/Town Portland Zip 04103

APPLICATION FOR (check one)

- First Time Installation (if this is checked, give Town's Ordinance adoption date 1 / 1)
- Replacing an existing overboard discharge, surface wastewater discharge or malfunctioning subsurface wastewater system
- Replacing an existing holding tank

CONDITIONS FOR APPROVAL

- * The installation of a conventional disposal system is not possible due to unacceptable site and/or soil conditions, lot configuration, or other constraints
- * Public sewer is not available.
- * All existing or proposed plumbing fixtures shall be installed or modified for water conservation and all water closets shall meet the Federal standard of 1.6 gallons per flush.

REQUIREMENTS FOR APPROVAL

- A Completed Application shall consist of:
 - * This form (HHE-304) completed with all signatures.
 - * A completed *Subsurface Wastewater Disposal System Application* (HHE-200) prepared by a Licensed Site Evaluator.

PROPERTY OWNER INFORMATION AND REQUIREMENTS

- I (we), RIO TIERRA, LLC own the property described in this Application/Agreement.
1. Holding tanks require regular pumping by a licensed pumper. The owner must pay this service.
 2. The holding tank will be pumped at least once a year by the pumper listed on this application. Another pumper may be used if the listed pumper is notified and the LPI approves the change. The new pumper will then be listed on an attachment to this agreement.
 3. A water meter shall be installed at the owner's expense if required by the LPI.
 4. All records of pumping and water use (if required) must be kept for at least three years and shall be made available to the LPI or other official if requested.
 5. A holding tank for new construction can only be replaced by a system meeting first time system requirements.
 6. Once approved this form must be recorded at the Registry of Deeds, cross referenced to the owner's deed.
 7. We agree to comply with any additional requirements of the Town.

We state that all the information presented with this application is true and accurate, we acknowledge the foregoing items and agree to comply with all the requirements.

Property Owner(s) Signature [Signature] Date 1-18-05
Property Owner(s) Signature _____ Date _____



State of Maine
Department of Public Safety
Construction Permit



Reviewed
 for Barrier
 Free

14938

Sprinkled
 Sprinkler Supervised

MCALLISTER FARMS
 Located at: LOT 6, MCALLISTER FARM RES.

PORTLAND
 Occupancy/Use: INDUSTRIAL

Permission is hereby given to:
 RIO TIERRA LLC
 655 RIVERSIDE
 PORTLAND, ME 04103

WPA

to construct or alter the afore referenced building according to the plans hitherto filed with the Commissioner and now approved.
 No departure from application form/plans shall be made without prior approval in writing. This permit is issued under the provision of Title 25, Chapter 317, Section 2448 and the provisions of Title 5, Section 4594 - F.
 Nothing herein shall excuse the holder of this permit for failure to comply with local ordinances, zoning laws, or other pertinent legal restrictions. Each permit issued shall be displayed/available at the site of construction.

This permit will expire at midnight on the 12th of Decemb 2005

Dated the 13th day of June A.D. 2005

Michael P. Carreau

Commissioner

Copy-3 Code Enforcement Officer

Comments:

Code Enforcement Officer
 PORTLAND, ME



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

DEPARTMENT ORDER

IN THE MATTER OF

RIO-TIERRA, L. L. C.
Portland, Cumberland County
OFFICE/WAREHOUSE BUILDINGS
L-22207-TE-A-N (approval)

) NATURAL RESOURCES PROTECTION
) TIER TWO WETLAND ALTERATION
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of RIO-TIERRA, L. L. C. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-14644-26-A-N, dated September 16, 1987, the Department approved the construction of a warehouse on Lot 4 of McAllister Farm Subdivision. Several minor modifications to Lot 4 were approved in subsequent Department orders. The applicant is acquiring Lot 6 of McAllister Farm Subdivision and is proposing to develop the property as described below.

B. Summary: The applicant proposes to construct three 10,000-square foot office/warehouse buildings and associated parking, driveways, and utility connections. The proposed project will result in the alteration of 42,430 square feet of freshwater wetland and is shown on a set of plans, the first of which is entitled "McAllister Farm Subdivision - Lot 6 Master Plan," prepared by Mohr and Seredin, dated January 18, 2005, and last revised March 28, 2005. The project site is located on the west side of Riverside Street in the City of Portland.

C. Current Use of the Site: The site is currently undeveloped but was cleared for development approximately 20 years ago, at which time a culvert and gravel road were installed. The lot is also bisected by a Portland Water District water main.

EROSION CONTROL:

The applicant submitted a Grading, Drainage, and Erosion Control Plan, dated March 3, 2005, as Sheet L3.1 of the set of plans referenced in Finding 1. The plan was reviewed by an engineer from the Division of Watershed Management of the Bureau of Land and Water Quality (BLWQ), who stated that it meets Department standards for erosion control.

3.

WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to fill approximately 42,430 square feet of scrub shrub and wet meadow wetland to construct the commercial buildings and associated improvements. The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require that the applicant meet the following standards:

319 A10

a. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The applicant submitted an alternatives analysis for the proposed project completed by Mohr and Seredin, dated January 18, 2005. Six parcels of land were evaluated over a three-year period. Because of the scarcity of suitably-zoned land in the greater Portland area, a majority of the parcels had significant wetlands and other environmental constraints on site.

The applicant submitted information regarding the proposed uses and tenants for the facilities to be constructed, including letters of intent to enter into lease agreements with the applicant signed by prospective tenants. This information demonstrates that the types of uses are specific and require certain size buildings, parking, and loading areas that will necessitate the filling of the wetlands.

b. Minimal Alteration. The amount of wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant presented three on-site alternative building plans for the project site and demonstrated that the proposed alternative represents the plan that will alter the least amount of wetland. By constructing three separate buildings, the applicant will be able to avoid impacting other stream-associated wetlands and floodplain. The proposed layout also provides for an undisturbed 200-foot wide buffer to the Presumpscot River as required by Department Order #L-14644-26-A-N.

c. Compensation. In accordance with Chapter 310, Section 5(c), compensation is required to achieve the goal of no net loss of wetland functions and values. The applicant submitted a functional assessment of the wetland to be altered. Principal functions of the wetland to be altered were identified as wildlife habitat, sediment/toxicant retention, and nutrient removal.

To compensate for these functional losses, the applicant proposes to create four new wetland areas that will total approximately 32,393 square feet of new wet meadow and scrub shrub wetlands. Additionally, plantings will be installed in existing wetland areas to enhance their functions and values. The applicant also identified four areas on site that are exhibiting erosion problems that will be regraded as necessary and stabilized with conservation seed mix, riprap and geotextile fabric where appropriate. Details of the compensation are presented in a document entitled "Wetland Compensation Plan for Lot 6 – McAllister Farm Subdivision," dated March 1, 2005, and on Sheet L3.1 of the set of plans referenced in Finding 1, entitled "Lot 6 – McAllister Farm Subdivision – Phase 2: Grading, Drainage, Erosion Control Plan," last revised March 28, 2005.

The applicant proposes to place restrictive covenants on all of the created and enhanced wetland areas, and additional land on site for a total of 6.06 acres. The applicant submitted draft restrictive language that will be attached to the deed for lot 6. Prior to construction, the applicant must have the restrictive language recorded at the Cumberland County Registry of Deeds and submit a copy of the recorded deed to the Department.

The proposed compensation plan states that the compensation areas will be constructed concurrently with project construction, and includes post-construction monitoring of the created and enhanced wetlands. The site will be inspected and reports will be submitted to the Department at least annually for a minimum period of five years. Criteria for success are outlined in the compensation plan.

The Department finds that the applicant has avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

4. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided the recorded deed is submitted, and monitoring is performed, as described in Finding 3.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above-noted application of RIO-TIERRA, L. L. C. to fill freshwater wetland in conjunction with the development of an office/warehouse complex as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

NATURAL RESOURCE 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 than 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. Initiation of Activity Within Two Years. If construction or operation of the activity is not begun within two 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 shall state the reasons why the applicant will be able to begin the activity within two years from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. Reexamination After Five Years. If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. 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.
- H. 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.
- I. 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.

Revised (4/92)

DEP LW0428