

321-A-K

470-470 Riverside

Sani-clean Distributor Building

Pende Associates Inc

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

Engineering Copy

2003-0268

Application I. D. Number

12/15/2003

Application Date

Sani-Clean Distributors Building

Project Name/Description

470 - 470 Riverside St, Portland, Maine

Address of Proposed Site

321 A004001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking Lot

Other (specify)

9,600 s.f.

Proposed Building square Feet or # of Units

Acrage of Site

Zoning

IM

Check Review Required:

Site Plan

Subdivision

of lots

(major/minor)

Shoreland

Flood Hazard

Zoning Conditional

Zoning Variance

Use (ZBA/PB)

Fees Paid:

Site Plan

\$400.00

Subdivision

Engineer Review

Date 12/18/2003

Engineering Comments

PUBLIC WORKS ENGINEERING REVIEW...1/05/04

I have reviewed application dated 12/15/03 and find there to be no issues for Public Works.

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted

Inspection Fee Paid

Building Permit Issue

Performance Guarantee Reduced

Temporary Certificate of Occupancy

Final Inspection

Certificate Of Occupancy

Performance Guarantee Released

Defect Guarantee Submitted

submitted date

amount

expiration date

date

signature

date

signature

date

Conditions (See Attached)

expiration date

date

remaining balance

signature

date

amount

date

amount

date

expiration date



CITY OF PORTLAND

15 January 2004

Mr. Timothy Michaud, E.I.T.,
Project Engineer,
DeLuca-Hoffman Associates, Inc.,
778 Main Street, Suite 8,
South Portland, Maine 04106

**RE: The Capacity to Handle Wastewater Flows, from 95 McAlister Farm Road,
Portland, Maine, Site of a Proposed Warehouse/Office Park.**

Dear Mr. Michaud:

At the present time, there is no City sewer readily available to service your proposed lot six project. The sanitary sewer system, in Riverside Street (from The Maine Turnpike Authority property northward to the Terrace Pond property) is "dry." It awaits connection to the operational Forest Avenue sewer, northwest of Waste Management of Maine. This sewer connection (a cross-country interceptor skirting Waste Management of Maine) is scheduled to be built, by The Portland Water District, probably during the 2004 construction season.

Sincerely,

CITY OF PORTLAND

Frank J. Brancely
Frank J. Brancely, BA, MA
Senior Engineering Technician

FJB

cc: Alexander Q. Jaegerman, Director, Planning Division, Department of Planning, and Urban Development, City of Portland
Kandice S. Talbot, Planner, Department of Planning, and Urban Development, City of Portland
Eric Labelle, P.E., City Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Anthony W. Lombardo, P.E., Project Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Todd Merkle, Field Inspections Coordinator, City of Portland
Desk file

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

Fire Copy

2003-0268

Application I. D. Number

12/15/2003

Application Date

Sani-Clean Distributors Building

Project Name/Description

470 - 470 Riverside St, Portland, Maine

Address of Proposed Site

321 A004001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking Lot

Other (specify)

9,600 s.f.

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

IM

Check Review Required:

Site Plan

Subdivision

14-403 Streets Review

(major/minor)

of lots

Flood Hazard

Shoreland

DEP Local Certification

Zoning Conditional Use (ZBA/PB)

Zoning Variance

Other

Fees Paid:

Site Plan

\$400.00

Subdivision

Engineer Review

Date 12/18/2003

Fire Comments

Performance Guarantee

Required*

Not Required

Performance Guarantee Accepted

Inspection Fee Paid

date

expiration date

Building Permit Issue

date

amount

Performance Guarantee Reduced

date

remaining balance

signature

Temporary Certificate of Occupancy

date

Conditions (See Attached)

expiration date

Final Inspection

date

signature

Certificate Of Occupancy

date

Performance Guarantee Released

date

signature

Defect Guarantee Submitted

submitted date

amount

expiration date

Defect Guarantee Released

date

signature

City of Portland
Department of Planning and Development
Planning Division
389 Congress Street, 4th Floor
Portland ME 04101
(207) 874-8721 or (207) 874-8719
Fax: (207) 756-8258

FAX



To:

Dave Kamada

Company:

Land Use Consultants, Inc.

Fax #:

878-0201

Date:

March 19, 2004

From:

Kandi Talbot

You should receive _____ page(s) including this cover sheet.

4

Comments:

Jim Seymours review comments.

locations, planning should not that the any hnotes regarding future expansion will require a new site plan.

B. The submittal shall include some landscaping proposed near the building and at the property lines adjacent to the parking lot. *Accepted and approved.*

Overall, the 470 Riverside Street project has been revised as requested. However, the applicant should make the minor necessary revisions, as noted in the above comments. We feel these can be made a condition of the approval and will not adversely impact the development. Please contact our office if you have any questions.

JRS/jrs:

Sani - Clean PB workshop 3/9/04

Fire - bldg will be sprinkled - hydrant expensive
Zoning Review
Land lease of site, bldg will be owned at
applicant - get ground lease
Impact of ground lease, subdivision review?
pre-engineered metal bldg on slab



JOHN ELIAS BALDACCIO

GOVERNOR

DAWN R. GALLAGHER

COMMISSIONER

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

January 16, 2004

Kandice Talbot, Planner
City of Portland
389 Congress St.
Portland, ME 04101

RE: Pende Associates, Butler Subdivision
DEP #L-7696-39-E-D

Dear Kandice:

This letter is to inform you that the Department of Environmental Protection has received the Notification of Application Acceptance concerning the application of Pende Associates regarding an expansion of the facility at 470 Riverside Street. The Department is satisfied that the notice provisions of 38 M.R.S.A. Section 489-A Subsection 8 for Municipal Review of Development have been satisfied by the City of Portland and the applicant. Based upon its review of the notice and application, the Department will not be exercising jurisdiction over this application pursuant to 38 M.R.S.A. Section 489-A Subsection 9. However, this determination of non-jurisdiction does not apply to any Natural Resources Protection Act (NRPA) issues that may relate to the proposed project.

If the application is amended prior to the municipality taking final action, another Notification of Application Acceptance may be required. Please contact me should this occur. The municipality is also required to submit one copy of the record of review and basis of decision within 40 working days of the final action by the reviewing authority. If you have any questions concerning this, please call me at 822-6335.

Sincerely,

Marybeth Richardson, project manager
Division of Land Resource Regulation
Bureau of Land and Water Quality

C: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.
web site: www.state.me.us/dep

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

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

PORTLAND
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-6477 FAX: (207) 764-1507
printed on recycled paper

1/7/03

FOR DEP USE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Land Quality Control

State House Station 17

Augusta, Maine 04333

Tel: (207) 287-2111

NOTIFICATION OF APPLICATION ACCEPTANCE
MUNICIPAL REVIEW OF DEVELOPMENT
(38 M.R.S.A. Section 489-A)

#L- _____
Date Received _____

This form is to be used by a registered municipality to notify the Department upon the acceptance of an application for review pursuant to 38 M.R.S.A. Section 489-A. This form must be received by the Department within 14 days of acceptance of an application. The municipality must also submit one copy of the project application and one copy of the record of review and action.

If the application which is the subject of this notice should subsequently be amended during the review process, this form should also be used to submit notice to the Department of the amendment.

Municipality: City of Portland

Contact Person: Kandice Talbot

Address and Phone: 389 Congress St, Portland, ME 04101 874-8901

Project Applicant: Pende Associates

Address and Phone: 42 1/2 South St, Yarmouth, ME 04096

Title of Project: Sani-Clean Distributors Building, 470 Riverside Street

Date Accepted as Complete by Municipality: December 15, 2003

I. Type of Project for which permit is sought: (Check One)

Subdivision as described in section 482, subsection 5 of more than 20 acres but less than 100 acres;

Structure as described in section 482, subsection 6, paragraph B, in excess of 3 acres but less than 7 acres;

Excavation on more than 5 acres of land for borrow, topsoil, clay or silt, whether alone or in combination as described in section 482, subsection 2-B.

I. Description of Project. (Include number of units or lots, parcel size, footprint, etc.)
 A new 120ft x 80ft building, including associated parking, loading and driveways. The site the building is to be located on is lot #1 of the Butta subdivision and consists of 7.3 acres.

II. Submit as attachments to this form:

- A. One copy of complete application filed with municipality (include site plans);
- B. Identification of any outside review agents or consultants who will be performing reviews of any aspect of the application;
- C. One copy of the legal notices served by the municipality.

NOTE: APPLICANT IS ADVISED TO REVIEW THE NATURAL RESOURCES PROTECTION ACT 38 M.R.S.A. SECTIONS 480-A 480-U (N.R.P.A.) TO ENSURE CONSISTENCY WITH THAT LAW. THE MUNICIPALITY'S DELEGATED REVIEW AUTHORITY PURSUANT TO 38 M.R.S.A. SECTION 489-A DOES NOT EXTEND TO THE N.R.P.A. IF AN N.R.P.A. PERMIT IS NECESSARY IT MUST BE OBTAINED FROM THE DEPARTMENT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

Town or City of: Portland
 By: Kandice Talbot
 Print Name: Kandice Talbot
 and Title: Planner
 Date: 1/7/04



03P268

TO: Kandice S. Talbot – Planner
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
RE: Revised Plan Review: Sani-Clean Distributors Building - 470 Riverside St.
DATE: March 16, 2004

Sebago Technics has reviewed the revisions of the Major Site Plan/Site Location of Development application and supporting documentation dated 3/5/03 for the proposed development of Sani Clean Distributors at the site of the former Butler Commercial Subdivision located at 470 Riverside Street in the City of Portland. We respectfully offer our revised comments (*in bold italics*) in outline format:

1. Stormwater Management

Overall, the stormwater management plan and subsequent calculations for quantity appear to be acceptable and meet most of the requirements of both the MDEP and the City of Portland. We generally agree that to control runoff with the immediate contact of the Presumpscot River, is trivial and overall has no measurable impact on the river's capacity. However, we have identified a few stormwater related items that should be rectified prior to plan approval.

A. Due to the net increase in parking spaces within the lot 1 development, the City can request that the applicant provide Stormwater treatment for the parking/imperious areas of the site. The applicant shall provide adequate means to remove TSS from the stormwater in a manner consistent with the Maine DEP Stormwater BMP's. We typically recommend that the engineer base the removal rate from the "Sliding Scale Method". We are open to discuss the requirement and methods with the applicant, but no submission of stormwater treatment has been submitted with this initial package. *The applicant has stated they have a buffer of 150 feet width for 50% removal efficiency. Actually the buffer removal should be 72% for the slopes measured, and that removal efficiency should be a balance for the portion of the site being developed. Also the buffer length shall be widened to 50 ft and preserved as a buffer on the site plan. Overall efficiency will likely fall between 40 and 50% removal, which would be acceptable.*

5.

General

A. The plans indicate locations for future expansions. The plans should specify the actual area to be permitted, and not future considerations. *The plans show future*

B. The level lipped spreader on the south side of the building appears to discharge over a very steep slope. Alternate locations should be reviewed. *Accepted and approved.*

A. The slopes around the west and southwest ends of the proposed structure are steep and will require careful attention during construction. We request that a geotechnical investigation letter be obtained from a professional engineer looking at the stability of the slope and slide action or slippage of the structure in relation to the natural sloped area. *To be supplied at the time of Building Permit, any revisions to site plan as a result of the design will require a review by the DRC.*

4.

Grading & Erosion Controls

A. The location of the septic system appears close to the property line and steep embankment. Give the soils and slopes it may be easier to install if the leachfield followed the contours 57 and 58. Our concern is with the fill slope on the northeast side. *Accepted and approved.*

3.

Utilities

A. The applicant needs to include a detail of how the existing access road will butt against the proposed widening. *Accepted and approved.*

2.

Road Access/Circulation

D. In reviewing the original DEF Findings of Fact and Order dated January 8th 1982, we found that under Condition # 3 on Page 2 that no development including cutting and filling, can occur within 100ft of the major flood limit. The plan submitted indicates clearing and soil disturbance within 70 ft and one building corner near 100 ft. This should be resolved with the DEF prior to City approval. *This has been already amended through DEF and is acceptable.*

C. The selected level-lipped spreader location appears to be just up gradient of a natural channel according to the topographic data. The spreader shall be shifted or relocated to discourage channeling of the discharged flow. *Accepted and approved.*

B. For the purposes of access, we feel that the Catch Basin #1 shall be relocated from the property line and edge of slope and placed within the parking lot associated with the facility and will provide the necessary room to properly construct, without impact to the abutter's property. The location in the parking lot will also continue to collect and function in the winter when snow will cover the currently proposed location. *Accepted and approved.*

- Excavation on more than 5 acres of land for borrow, topsoil, clay or silt, whether alone or in combination as described in section 482, subsection 2-B.
 - Structure as described in section 482, subsection 6, paragraph B, in excess of 3 acres but less than 7 acres;
 - Subdivision as described in section 482, subsection 5 of more than 20 acres but less than 100 acres;
- I. Type of Project for which permit is sought: (Check One)

Date Accepted as Complete by Municipality: March 5, 2004

Title of Project: Sani-Clean, Lot 1 Butler Subd.

Address and Phone: _____

Project Applicant: Sani-Clean

Address and Phone: 389 Congress St. Portland, ME 04101

Contact Person: Kandi Talbot

Municipality: City of Portland

If the application which is the subject of this notice should subsequently be amended during the review process, this form should be used to submit notice to the Department of the amendment.

This form is to be used by a registered municipality to notify the Department upon the acceptance of an application for review pursuant to 38 M.R.S.A. Section 489-A. This form must be received by the Department within 14 days of acceptance of an application. The municipality must also submit one copy of the project application and one copy of the record of review and action.

NOTIFICATION OF APPLICATION ACCEPTANCE
 MUNICIPAL REVIEW OF DEVELOPMENT
 (38 M.R.S.A. Section 489-A)

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Bureau of Land Quality Control
 State House Station 17
 Augusta, Maine 04333
 Tel: (207) 287-2111

FOR DEP USE #L- _____
 Date Received _____

I Description of Project. (Include number of units or lots, parcel size, footprint, etc.)

Revised plan regarding water quality

II Submit as attachments to this form:

- A. One copy of complete application filed with municipality (include site plans);
- B. Identification of any outside review agents or consultants who will be performing reviews of any aspect of the application;
- C. One copy of the legal notices served by the municipality.

NOTE: APPLICANT IS ADVISED TO REVIEW THE NATURAL RESOURCES PROTECTION ACT 38 M.R.S.A. SECTIONS 480-A 480-U (N.R.P.A.) TO ENSURE CONSISTENCY WITH THAT LAW. THE MUNICIPALITY'S DELEGATED REVIEW AUTHORITY PURSUANT TO 38 M.R.S.A. SECTION 489-A DOES NOT EXTEND TO THE N.R.P.A. IF AN N.R.P.A. PERMIT IS NECESSARY IT MUST BE OBTAINED FROM THE DEPARTMENT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

Town or City of: Portland

By: Kandice Talbot

Print Name: Kandice Talbot

and Title: Planner

Date: 3/18/04

out of Lot 1. The Traffic Engineer is currently reviewing the traffic study to see if updated information will be required.

Utilities

There is a 12" water main located within the common drive. The applicant is proposing to connect a 4" water line to the existing water line. A water capacity letter from the Portland Water District is included as Attachment 18.

Each of the four building on site will be serviced by its own subsurface wastewater disposal system. Three systems are in place serving the three existing buildings on site. A new system is proposed to serve the new building. A copy of the completed HHE-200 for the subsurface disposal system for the proposed new building is included as Attachment 19. At the present time, there is no City sewer available to service the project. The sanitary sewer system in Riverside Street, from the Maine Turnpike Authority property northward to the Terrace Pone property, is "dry". It awaits connection to the operational Forest Avenue sewer, which connection is scheduled to be built probably during the 2004 construction season.

Public Works has reviewed the plans and have no issues with the proposal. A memo from Public Works is included as Attachment 30.

Drainage

The site is currently partially developed and includes three existing buildings, totaling 29,520 sq. ft., with related parking and loading areas with paved access drives. The currently site is below the development threshold of three acres of non-vegetated land. However, the proposed changes will exceed the threshold limits and therefore requires DEP review, which the City has delegated review authority.

The site runoff drains along the site boundaries directly into the Presumpscot River. A storm drain is proposed to control runoff from the new building and surrounding area, which will outset into a new level spreader. No detention is proposed for the developed site.

The Development Review Coordinator has reviewed the submittal and generally agree that to control runoff with the immediate contact of the Presumpscot River, is trivial and overall has no measurable impact on the river's capacity, however the DRC has identified a few stormwater related items that should be rectified prior to plan approval, such as catch basin, septic system, and level spreader location. The DRC's memo is included as Attachment 31.

Due to the net increase in parking spaces within the Lot 1 development, the City can request that the applicant provide stormwater treatment for the parking/imperious areas of the site. The City's technical standards require that any site that has over 25 parking spaces must have some type of stormwater treatment. The applicant shall provide

adequate means to remove TSS (total suspended solids) from the stormwater in a manner consistent with the Maine DEP Stormwater Best Management Practices.

Lighting

It appears that the applicant is proposing five (5) wall pack light fixtures on the building. A detail of the lighting fixture has been submitted and is included as Attachment. However, the proposed lighting fixture is not a full cutoff fixture, which is required. A lighting photometric plan shall be submitted, so that staff can determine that the City's lighting standards have been met.

Landscaping

It does not appear that the applicant is proposing any landscaping. The applicant shall include some proposed landscaping near the building and at the property lines adjacent to the parking lot.

Building Design

The applicant is proposing a 9,600 sq. ft. office/warehouse to be located on Lot 1 of the Butler Subdivision. Elevations shall be submitted to staff for review.

The plans indicate locations for future expansions. The plans should specify the actual area to be permitted, and not future considerations.

Fire

The Fire Department has reviewed the plans and is recommending an additional fire hydrant on site.

Solid Waste

A dumpster is proposed on site. The applicant shall submit a detail of the proposed dumpster enclosure.

Issues to Resolved Prior to Public Hearing

1. DRC's Memo
2. Landscaping
3. Lighting
4. Building Elevations
5. Fire Hydrant
6. Dumpster Detail

Attachments:

1.	Applicant's Letter dated December 16, 2003	32.	Plans
2.	DBP Finding of Facts RE: Lot 1 Butler Subdivision	31.	DRC's Memo dated February 27, 2004
3.	Development Description	30.	Public Works' Memo dated January 5, 2004
4.	Right, Title, Interest	29.	Sewer Capacity Letter
5.	Financial Capacity	28.	Fire Department's Memo dated December 22, 2003
6.	Technical Ability	27.	Notices for Site Location
7.	Noise	26.	Sunlight
8.	Visual Quality and Scenic Character	25.	Water Vapors
9.	Wildlife and Fisheries	24.	Odors
10.	Historic Sites	23.	Air Emissions
11.	Unusual Natural Areas	22.	Blasting
12.	Buffers	21.	Flooding
13.	Soils	20.	Solid Waste
14.	Stormwater Management	19.	Wastewater Disposal
15.	Maintenance of Facilities	18.	Water Supply
16.	Erosion and Sedimentation Control	17.	Groundwater



Land Use Consultants, Inc.

planners
engineers
landscape
architects

December 16, 2003

1423.1

Sarah Hopkins, Development Review Program Manager
Department of Planning & Urban Development
389 Congress Street
Portland, ME 04101

Lot 1 Butler Subdivision, 470 Riverside Street – Site Location of Development Application – Delegated Review

Dear Ms. Hopkins:

On behalf of our client, Alexander-Russell Company, LLC, we are submitting herewith the original and seven (9) copies of the Site Location of Development Application and a check for \$3,000.00 for Lot 1 in the Butler Subdivision for a new 120' x 80' building including associated parking, loading, driveways and utility services.

The proposed development will increase the overall impervious area for the Lot from 2.95 to 3.52 acres therefore; the project is subject to Site Law review due to it's exceeding the three acre threshold for total impervious surface. The existing development that occurred in 1989 and 1990 consisted of three (3) buildings of 9,840, 9,900 and 10,524 square feet with drives and parking totaling 2.95 acres of impervious surface.

In 1996, the Butler Subdivision was amended by annexing a portion of Lot 4 to Lot 1. We have included in the plan set the third amended recording plat, sheet 1 of 1, which depicts this modification.

We have attached the original Site Location Order issued by DEP on January 8, 1982 and the modification of the Site Location Order dated June 17, 1996. The modifications to the 1982 Site Location Order included the previously mentioned annexing of a portion of Lot 4 to Lot 1 and modifying special condition #3. Special Condition #3 was revised from any disturbance within 100' of the major flood limit boundary as indicated on the final subdivision plan to no disturbance shall be allowed within the 250' shoreland zone to the Presumpscot River except for some minor grading associated with the construction of a new 15,000 square foot commercial building. The proposed building is 9,600 square feet with a possible future expansion of 4,800 square feet. A copy of the original Site Location Order (#39-7696-05170) and the Site Location of Development modification (L-7696-39-C-M) has been included along with this application.

966 RIVERSIDE STREET
PORTLAND, MAINE 04103

voice (207) 878 . 3313
fax (207) 878 . 0201
www.landuse@gwi.net

David A. Kamilla PE
Frederic J. Licht PE
Thomas N. Emery RLA
J. David Haynes RLA

Att. 1



We trust you will find this submission complete for processing and look forward to meeting with the Board to discuss our proposal in more detail.

Please do not hesitate to give us a call with any questions, comments or if you need any additional information.

Sincerely,

David A. Kamila, P.E.

President

cc: Jim Russell, Alexander-Russell Company, LLC

George Liming, Allied/Cook Construction

Linda Kokemuller, DEP

encl: Site Location of Development Application, Site Location Order and Modification, Traffic Impact Study





May 1, 1996

J. David Haynes, RLA
David A. Kamilla, PE
Frederic J. Licht, Jr., PE
Bradley H. Hare, RLA
John D. Roberts, PLS

1423

Att. 2

FILE COPY

Linda Kokenmuller
Department of Environmental Protection
Portland Regional Office
312 Canco Road
Portland, Maine 04103

Application for Project Modification - Donald O. Butler Subdivision - DEP No. 39-7696-05170

Dear Linda:

I am submitting herewith an application for project modification of the Donald O. Butler Subdivision which was originally approved by the Department on January 8, 1982. (See attached copy of original Board Order.)

The purpose of this amendment is to modify the original plan by increasing the size of Lot 1 from 7.3 to 13.7 acres and reducing the size of Lot 4 from 20.4 to 14.5 acres. The increased size of Lot 1 is necessary to accommodate new development of a 15,000 s.f. commercial building for 400 Riverside Properties the Owner of both Lots 4 and 5.

The development of Lot 1 is also subject to Site Location Law due to its exceeding the three acre threshold for total impervious surfaces. A copy of the Site Location Application is attached for Lot 1 which is being reviewed by the City of Portland under their delegated review authority.

We are also seeking to amend condition No. 3 of the original Board Order which restricts development within 100 feet of the major flood limit boundary and instead would suggest the following: "No disturbance will be allowed within the 250' shoreline zone adjacent to the Presumpscot River except for some minor grading associated with the proposed new 15,000 s.f. commercial building as detailed on the site grading plan accompanying the Site Location Application (copy attached) and a possible future walking trail that may be constructed by Portland Trails as part of the City's shoreway access plan. The trail if constructed shall be set back a minimum of 50' from the top of the embankment at the rivers edge."

The attached "Third Amended Recording Plat" shows the proposed lot lines and will be reviewed by the City of Portland concurrently with the Site Location Application.

LAND USE CONSULTANTS INC

By copy of this letter I am also forwarding a copy of the "Application for Project Modification" along with the \$100.00 application fee to Marlene Bartlett in the Augusta office. I trust you will find this application and supporting documentation to be complete. Should you have any questions or require additional documentation please give me a call.

Sincerely,



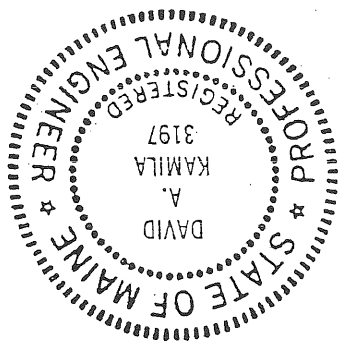
David A. Kamila, P.E.

Vice President

DAK/s

Attachments

cc: Robert Billings
Richard Knowland
Marlene Bartlett



(Attach additional sheet(s), if necessary.)

owned by Applicant. Also condition No. 3 of original Board Order.

3. Description of Proposed Change: Amending boundary of Lots 1 and 4 both

2. DEP Project Manager for previous application (if known): Unknown

1. Existing DEP permit number: 39-7696-05170

REQUIRED INFORMATION

Municipality or Township: Portland County: Cumberland

Name of Project: Donald O. Butler Subdivision

LOCATION OF ACTIVITY

Telephone: 207-878-3313

Name of contact or Agent: David A. Kamila, P.E.

Telephone Number: 207-797-2196

Address: PO Box 334 Westbrook, ME 04092

Name of Applicant: 400 Riverside Properties (Robert Billings)

(Please type or print)

If significant changes are proposed, then a complete new or amendment application may be required by the Department.

A processing fee of \$100 (check payable to Treasurer, State of Maine) is required at the time of application submittal. Depending on the degree of review required, additional fees may be assessed. The Department will bill you if additional fees are needed.

This form shall be used to request approval of minor changes to: (a) project design or operation; or (b) the conditions of a permit as previously approved by the Board or Department of Environmental Protection.

APPLICATION FOR PROJECT MODIFICATION

Telephone: 287-2111

Augusta, Maine 04333-0017

17 State House Station

Bureau of Watershed Management

Land + Water Quality

DEPARTMENT OF ENVIRONMENTAL PROTECTION

FOR DEP USE

#L-

Fees Paid

Date Received



2c

4. Provide all documentation necessary to support the proposed change. This documentation shall include, as appropriate, revised site plans, construction drawings and technical data. (If you are unsure of what information to include, please contact the original DEP project manager, or the Division of Land Resource Regulation for assistance.)

5. Does your proposal involve a significant expansion of the project, change the nature of the project, or modify any Department findings with respect to any licensing criteria? No (If you are unsure how to answer this, please contact the original DEP project manager, or the Division of Land Resource Regulation in either Portland, Augusta, or Bangor for assistance.) (See accompanying copy of Site Location Application for Lot 1) If yes, you must provide public notice (see attached form). By signing this application, you certify that the completed notice has been sent by certified mail to abutors and municipal officials; and has been published once in a newspaper circulated in the area where the project is located.

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 there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

SIGNATURE OF APPLICANT

Robert Billings

Robert Billings

PRINT OR TYPED NAME

President, 400 Riverside Properties

TITLE

THE \$100 APPLICATION FEE IS DUE AT THE TIME OF APPLICATION SUBMITTAL. THE APPLICATION WILL NOT BE PROCESSED UNTIL THIS FEE IS PAID.

See Notice (Form C) attached with accompanying Site Location Application for Lot



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AUGUSTA, MAINE 04333
STAFF ORDER

IN THE MATTER OF

STAFF ORDER

SITE LOCATION ORDER

FINDINGS OF FACT AND ORDER

DONALD O. BUTLER
Portland, Maine, Cumberland County
BUTLER INDUSTRIAL SUBDIVISION
#39-7696-05170

After reviewing the project file which includes the application with its supportive data, agency review comments, staff summary and other related materials on file with regard to the above noted project, under provisions of Title 38, M.R.S.A. Sec. 483, the Department finds the following facts:

1. The project involves: Creation of 5 lots for industrial use, all having access onto Riverside Street. Total project area is 36.8 acres. Lot #4 is 20.6 acres, the remaining lots range in size from 2.4 to 7.3 acres. Sewage will be disposed of on-site.

2. The applicant has provided adequate evidence of financial capacity and technical ability to meet air and water pollution control standards.

3. The applicant has made adequate provision for solid waste disposal, the control of offensive odors, and the securing and maintenance of sufficient and healthful water supplies.

4. The applicant has made adequate provision for traffic movement of all types out of or into the development area.

5. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character or natural resources in the municipality or in neighboring municipalities provided vegetation remains undisturbed within 100' of the Presumpscot River flood plain to protect wildlife habitat and maintain drainage patterns on the lots.

6. The proposed development will be built on soil types which are suitable to the nature of the undertaking, a) except the condition of soils on the project site is such that special and possibly significant engineering may be required to assure that buildings and other improvements to the property can be constructed without future maintenance problems due to high seasonal water table; and (b) provided the subsurface disposal systems on lots #2, 3, 4, and 5 are restricted to existing test pit locations.

THEREFORE, the DEPARTMENT approves the application of Donald O. Butler to create a 5 lot industrial subdivision as described in paragraph #1 subject to the following terms and conditions.

1. The Standard Conditions of Approval, a copy attached.



2D

2E

2. The Standard Conditions for Industrial Parks, a copy attached.

3. No development including cutting and filling, shall occur within 100 feet of the major flood limit boundary as shown on the final subdivision plan prepared by Land Use Consultants, Inc., dated August 27, 1981, excluding the subsurface disposal system on lot #4.

4. The subsurface disposal systems on lots #2, 3, 4, and 5 shall be restricted to the test pit locations which comply with the Subsurface Wastewater Disposal Rules.

DONE AND DATED AT AUGUSTA, MAINE, THIS 8th DAY OF JANUARY, 1982.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

[Signature]
Henry E. Warren, Commissioner

PLEASE SEE ATTACHED SHEET FOR APPEAL PROCEDURES . . .

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

1. This approval 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 the plans and proposals contained in said documents not approved by this order is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is spectically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.

2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreement and orders, prior to or during construction and operation as appropriate in the case of housing and related projects, the applicant shall receive approval from the appropriate municipality under the provisions of the Municipal Subdivision Law, Title 30, Sec. 4956, of the Maine Revised Statutes.

3. The applicant shall submit all reports and information requested by the Board or the Commissioner demonstrating that the applicant has complied or will comply with all conditions of this approval.

4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.

5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.

6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.

7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.

8. A copy of this approval must be included in or attached to all contract bid specifications for the development.

9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

Special Conditions for Industrial Park Approvals pursuant to the Site Location of Development Act (38 M.R.S.A. Sec. 483).

Development of individual lots within industrial parks which have received Board/Department of Environmental Protection approval pursuant to the Site Location of Development Act do not require further Board/Department approval providing the project meets all the following criteria:

1. The individual lot development by itself does not require Site review because it does not fall within the definitions of a structure as noted in 38 M.R.S.A. Sec. 482 Paragraph 6.

2. The discharge to sanitary sewer contains only sanitary waste of less than 5000 gallons per day or where the developer has certification from the Bureau of Water Quality Control that the municipal sewer treatment system is sufficient to treat and dispose of the wastewater generated by the project.

3. The discharge of sanitary wastes to a subsurface disposal system has received approval pursuant to the "State of Maine Plumbing Code, Part II."

4. All disturbed areas not paved, used for building space or delineated gravel parking and walkways are seeded prior to September 15 with a grass mixture tolerant of Maine climate or mulched with a binder prior to snow. The mulch shall be applied at the rate of 150 lbs. per 1000 square feet.

5. A vegetative or architectural screen is developed to separate individual lots having significantly different uses. (i.e. office vs. warehousing; commercial vs. industrial)

6. All surface drainage systems from individual facilities are constructed in accordance with the overall park drainage system and do not cause water flow in excess of that for which the park drainage system has been designed or do not cause water to flow outside prescribed drainage easements.

7. Solid waste from individual facilities is transported to a site or sites which are in conformance with State of Maine Solid Waste Management Regulations.

8. Traffic associated with individual facilities does not require relocation or modification of the originally approved park road system or existing roads.

9. Any discharge to the atmosphere other than heating units of less than 10 million b.t.u. input is licensed by the Bureau of Air Quality Control or certification from the Air Bureau that the discharge does not require a discharge license.

10. The applicant shall forward to the Department a description of the lot usage and plot plan of individual lots to insure that the Department maintains up to date industrial park records.

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

DEPARTMENT ORDER
IN THE MATTER OF

AUG 27 1996



400 RIVERSIDE PROPERTIES
Portland Cumberland County
DONALD O. BUTLER SUBDIVISION LOTS 1 AND 4 (MODIFICATION)
L-7698-39-C-M (APPROVAL)
) FINDINGS OF FACT AND ORDER
)
) SITE LOCATION OF DEVELOPMENT

Pursuant to the provisions of Title 38 M.R.S.A. section 481 et seq., the Department of Environmental Protection has considered the application of 400 RIVERSIDE PROPERTIES with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Department Order #39-7696-05170 dated January 8, 1982, the Department approved the development of a 5 lot industrial use subdivision. The development is located off Riverside street in the City of Portland.
2. The applicant proposes to modify the lot line between lots 1 and 4 and to modify special condition #3 of the Department order referenced in finding 1.
3. The revised lot line is shown on a site plan entitled "Donald O. Butler subdivision," drawn by Land Use Consultants and dated April 30, 1996. Lot 1 will be increased from 7.3 acres to 13.7 acres and lot 4 will be reduced from 20.4 acres to 14.5 acres.

Special condition #3 of Department Order #39-7696-05170 reads as follows: "No development including cutting and filling, shall occur within 100 feet of the major flood limit boundary as shown on the final subdivision plan prepared by Land Use Consultants, Inc., dated August 27, 1981, excluding the subsurface disposal system on lot #4." The applicant proposes to amend this condition to read as follows: "No disturbance shall be allowed within the 250' shoreline zone adjacent to the Presumpscot River except for some minor grading associated with the construction of a new 15,000 square foot commercial building on lot 1 and for a future walking trail which shall be set back a minimum of 50' from the top of the embankment at the river's edge." The Department finds that the proposed change to special condition #3 as outlined above will protect wildlife habitat and maintain drainage patterns on the lots which was the original intent of the special condition.

Based on its review of the application the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department order #39-7696-05170, and subsequent orders.

Based on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions in relation to the proposed modification pursuant to 38 M.R.S.A. section 481 et seq.:

A. The applicant has provided adequate evidence of financial capacity and

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technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area and any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

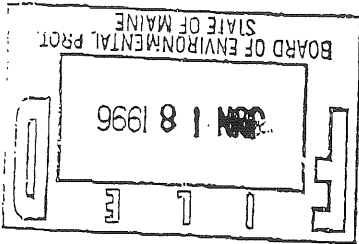
HEREFORE, the Department APPROVES the application of 400 RIVERSIDE PROPERTIES to revise the lot line between lots 1 and 4 and amend special condition # 3 of Department order #39-7696-05170, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The standard Conditions of Approval, a copy attached.

2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. No disturbance of soil or vegetation shall be allowed within the 250' shoreline zone adjacent to the Presumpscot River except for some minor grading associated with the construction of a new 15,000 square foot commercial building on lot 1 and for a future walking trail which shall be set back a minimum of 50' from the top of the embankment at the river's edge.

RECEIVED
MAY 13 1996



Date of initial receipt of application 5-2-96
Date application accepted for processing 5-13-96
Date filed with Board of Environmental Protection LK/L7696CM

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

BY: Edward O. Sullivan, Commissioner

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DONE AND DATED AT AUGUSTA, MAINE, THIS 17th DAY OF June, 1996.

4. All other findings of fact, conclusions, and conditions remain as approved in department order #39-7696-05170, and subsequent orders, and are incorporated herein.

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Section 1
Development Description

A. Narrative

Jim Russell of Alexander-Russell Co., LLC is proposing to construct a new 9,600 s.f. commercial building with associated parking, loading, access and utilities on the existing Lot 1 in the Butler Subdivision located at 470 Riverside Street in Portland, Maine.

Lot #1 contains 7.3 acres and is part of the Butler Subdivision which was approved by DEP on January 8, 1982. In 1989, 400 Riverside Properties constructed a single 9,840 s.f. building on the site and in 1990 added a 9,900 s.f. and a 10,524 s.f. building with common paved driveway 24' wide from Riverside Street. The total impervious area of the three existing buildings including parking, drives and walks is 2.95 acres. In 1996, 400 Riverside Properties increased the size of Lot 1 by adding a portion of Lot 4 which was also owned by 400 Riverside Properties. Lot 1 was increased in size from 7.3 to 13.7 acres and Lot 4 was decreased in size from 20.4 to 14.5 acres. The existing subdivision was amended to institute these changes in Lot 1 and Lot 4 of the Butler Subdivision. The amended plan titled "Third Amended Recording Plat" dated April 30, 1996 has been included with this application.

The site in general is open fields which are showing signs of reverting back to woodlands as small trees are beginning to take over. The proposed building will be constructed well above the 100 year flood elevation (FFE 62.5, 100 year flood elevation 34.8)

Some small isolated wetlands were identified on the site and adjacent to a nearby stream.

B. Topographic Map

The site is shown on the attached USGS Portland West Quad, Figure 1.1. The map scale is 1:24,000 or 1 inch = 2,000 ft. Land Use Consultants has performed on the ground survey in November of 1995 and April of 1996 and can be seen on the included plan sheets.

C. Construction Plan

Following approvals by the City of Portland, construction will commence immediately. Assuming a June 1 construction start we expect to be completed within ninety (90) days. Refer to the erosion and sediment control plan for more detailed construction schedule.

D. Drawings

A full set of construction drawings has been prepared and included with this submission depicting the intended development. Additionally, the plans show all proposed water quality buffers, ponds, summary tables and an Erosion & Sedimentation Control Plan. The following is a list of drawings included in the plan set:

4 of 9	Site Layout, Landscaping and Utilities Plan
3 of 9	Overall Site Plan
2 of 9	Existing Conditions
1 of 1	Third Amended Recording Plat of Butler Subdivision
	Title Drawing

List of Figures:

- 1.1 Location Map
- 11.1 Medium Intensity Soils
- 15.1 Sand and Gravel Aquifer Map
- 19.1 FEMA Flood Plain Map

5 of 9	Grading, Drainage & Erosion Control Plan
6 of 9	Pre-Development Watershed Plan
7 of 9	Post-Development Watershed Plan
8 of 9	Details
9 of 9	Details
SD 4	First Floor Plan



DATE: 10/2003

SCALE: 1"=2000'

JOB NO: 1423.1

Portland, Maine 04103

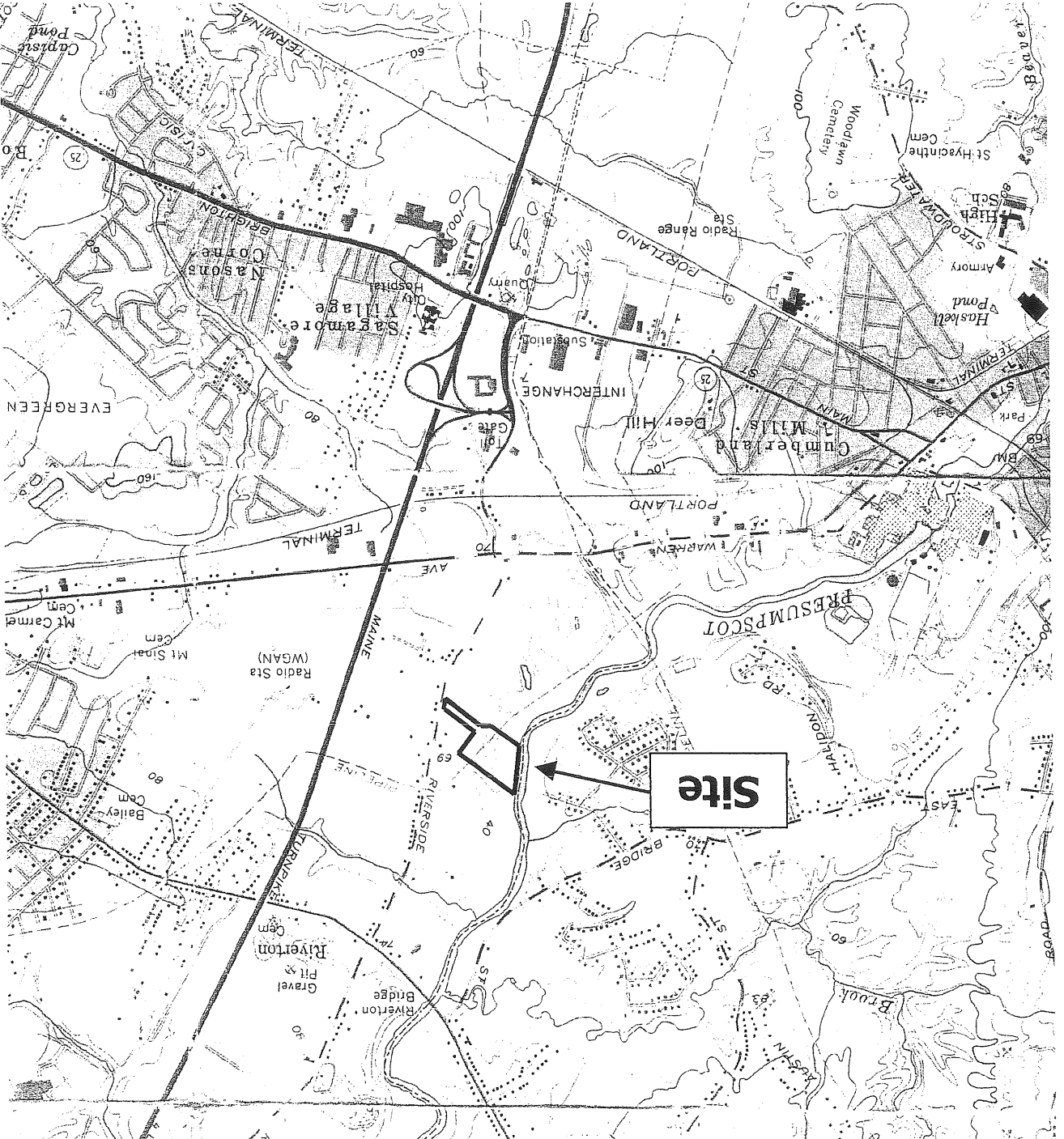
Sani-Clean Distributors

585 Riverside Street

Site Location Map

PREPARED FOR:

TITLE:



Att. 4

**Section 2
Title, Right or Interest**

Pende Associates, Inc. owns Lot 1 in the Butler Subdivision. A copy of the deed for Lot 1 of the Butler Subdivision is attached. Alexander-Russell Co., LLC has an agreement to lease land from Pende Associates, Inc. The land is also subject to a 50-foot wide Portland Water District right of way for a transmission main. A copy of the deed for the Portland Water District right-of-way and lease agreement between Pende Associates, Inc. and Alexander-Russell Co., LLC are included.

4A

MAINE STATUTORY SHORT FORM
WARRANTY DEED

KNOW ALL BY THESE PRESENTS, THAT 400 RIVERSIDE

PROPERTIES, a Maine general partnership, for consideration paid, grant to PENDE ASSOCIATES, INC., a Maine corporation with a mailing address of 34 South Street, Yarmouth, Maine 04096 with WARRANTY COVENANTS the real estate located in

the City of Portland, Maine described as follows:

A certain lot or parcel of land situated northwesterly of Riverside Street in the City of Portland, Cumberland County, Maine, and being more particularly described as follows:

Revised Lot #1 (One) as shown on the Third Amended Recording Plat of the Donald O. Butler Subdivision dated April 30, 1996 as approved by the City of Portland Planning Board on June 11, 1996, said subdivision plan being recorded in the Cumberland County Registry of Deeds in Plan Book 197 at Page 115, being a revision of the former plans recorded in Plan Book 161 at Page 15 and in Plan Book 132, Page 13.

The above-described premises are conveyed subject to the easements and encumbrances reflected on said Third Amended Subdivision Plat and with the

reservations thereon stated, and are subject to any applicable terms and provisions of Site Location Order of the Department of Environmental Protection dated January 8, 1982 and recorded in said Registry of Deeds in Book 4916, Page 174 as amended on April 10, 1985 and recorded in Book 6741, Page 223, and as further amended on 6/17/96, being #L-7696-39-C-M and as further amended on June 17, 1996 and recorded in Book 12605, Page 130.

MEANING AND INTENDING TO CONVEY AND HEREBY CONVEYING (i) the premises conveyed in a Warranty Deed from Delta Realty Co., Inc. to 400 Riverside Properties dated May 1, 1987 and recorded in Book 7809, Page 243, (ii) the remaining portion of the premises of former Lot #4 as conveyed to the Grantor by deed of Delta Realty Co. Inc. dated December 26, 1986 and recorded in the Cumberland County Registry of Deeds at Book 7559, Page 222, (iii) premises conveyed to the grantor herein by deed of the Portland Water District dated October 26, 1996 and recorded in said Registry of Deeds in Book 11767, Page 206, and (iv) premises conveyed to the grantor herein by deed of Robert E. Billings of even or recent date, to be recorded herewith (formerly of Turner per Book 11767, Page 205).

Subject to and together with the benefit of Easement Deeds from 400 Riverside Properties to Central Maine Power Company and New England Telephone &

4B

Telegraph Company dated April 28, 1987 and recorded at Book 7929, Page 44; dated June 20, 1988 and recorded at Book 8642, Page 34; dated February 7, 1989 and recorded at Book 8680, Page 111; and dated April 19, 1989 and recorded at Book 8731, Page 167.

Subject to rights and easements granted to the Portland Water District under an instrument dated October 18, 1988 and recorded in said Registry of Deeds in Book 8542, Page 34, and to an Underture with the Portland Water District dated October 25, 1988 and recorded in Book 8592, Page 135 and to rights and easements granted to the Portland Water District as recorded in Book 2159, page 463.

Subject to outstanding leases as assigned to the grantee by the grantor by separate assignment agreement of even or recent date.

IN WITNESS WHEREOF the undersigned has set its hand and seal on June 10, 1997.

400 RIVERSIDE PROPERTIES

by: [Signature]
Robert E. Billings, its general partner

by: [Signature]
Benny L. Billings, its general partner

Witness
[Signature]

Witness
[Signature]

State of Maine
County of Cumberland, ss

June 10, 1997

Then personally appeared before me the above named Robert E. Billings in his said capacity and acknowledged the foregoing to be his free act and deed and the free act and deed of said partnership.

Before me,

[Signature]
Notary Public/Attorney at Law
Name: Maurice R. Clough

Malone Commercial Brokers

5 Moulton Street
Portland, Maine 04101
(207) 772-2422 tel
(207) 774-5114 fax

HC

July 2, 2003

Jim Russell
Sam-Clean
585 Riverside Street
Portland, ME 04103

Re: Letter of Intent to Lease 470 Riverside Street, Portland, Maine

Dear Jim:

This Letter of Intent sets forth the terms and conditions under which PENDE ASSOCIATES (hereinafter referred to as "Landlord") is willing to enter into a land lease agreement with THE ALEXANDER-RUSSELL COMPANY, LLC (hereinafter referred to as "Tenant") for space at the below referenced building. This is not a binding contract, but is an outline of the major conditions required to enter into a binding agreement.

TENANT: The Alexander-Russell Company, LLC

c/o Jim Russell
Sam-Clean
Portland, ME 04103

LANDLORD: Pende Associates

LOCATION: 470 Riverside Street, Portland, Maine

LAND PARCEL:

See Exhibit A, the Overall Site Plan showing Lot 1, Butler Subdivision, dated May 1, 1996. The leases premises shall be a parcel of land the southerly line of which will run four hundred and fifty feet (450') deep from, and parallel to, the northerly bound until it intersects with a line forty feet (40') from, and parallel to, the current Emery World Wide Building on the East and until said southerly line intersects with the westerly bound of Landlord's parcel.

Tenant is responsible for paying its pro-rata share of all C.A.M. charges related to the land portion of the project.

Water, Snow Removal, Common Grounds Maintenance, Real Estate Insurance (land only), Common Area Utilities.

limited to: C.A.M. charges to include but not necessarily

Tenant is responsible for paying its pro-rata share of all real estate taxes on land portion only.

HVAC will be metered directly.

At the end of Year 20, the base rent shall drop to \$1.00 annually NNN for the remainder of the land lease and any renewal period.

YEAR	ANNUAL	MONTHLY
1-5	\$24,000.00	\$2,000.00
6-10	\$26,400.00	\$2,200.00
11-15	\$29,040.00	\$2,420.00
16-20	\$31,944.00	\$2,662.00

See base rent below:
The land lease is an absolute triple net (NNN) lease.

99 years / plus 99-year option

The leased premises shall be surveyed, at Tenant's expense, which survey must be subject to Landlord's reasonable approval and recorded in the Cumberland County Registry of Deeds. The Landlord will provide and lease to Tenant, a thirty foot (30') wide right of way or easement to Riverside Street, as currently traveled, for ingress and egress, by foot and motor vehicle, all utilities and, while Tenant is constructing its building, for the access of Tenant's suppliers, workmen and contractors.

4D

COMMON AREA MAINTENANCE CHARGES:

REAL ESTATE TAXES:

HVAC:

BASE RENT:

LEASE TERM:

Yes, subject to Landlord's written approval; such approval not to be unreasonably withheld or delayed.
Rent will commence ninety (90) days after all necessary approvals and permits have been obtained.

1. The land lease shall always be in first position should Tenant take on construction and subsequent financing, provided, however, that Landlord agrees that Tenant may use its lease as collateral for said loan and Landlord will consent to the collateral assignment and will reasonably cooperate in assisting Tenant's financing in the future.
2. Any and all plans or modifications for a building by Tenant or Tenant's agents will be submitted to Landlord for its approval, not to be unreasonably withheld, conditioned or delayed.
3. All plan approvals and permitting costs will be at the sole cost of the Tenant.
4. Tenant shall have one hundred twenty (120) days from the execution of this Letter of Intent to obtain all approvals and permits.

All of Tenant's signage shall be subject to Landlord's written approval, which shall not be in unreasonably withheld or delayed, and shall be in accordance with all local and state governmental codes.

Electricity for lights, outlets to be paid directly by Tenant to utility company.

C.A.M. charges will be based on the number of square feet of Tenant's building divided by the number of square feet of all other buildings sharing in the Common Area.

4E

SUBLEASE AND ASSIGNMENT:

RENT COMMENCEMENT:

TENANT'S RESPONSIBILITY:

SIGNAGE:

SECURITY DEPOSIT:

ELECTRICITY:

LEASE OCCUPANCY DATE:

LEASE EXECUTION:

GUARANTEE:

OFFER EXPIRATION:

Sincerely,

Joe Malone, CCIM

LANDLORD

By: _____
Its: _____

TENANT: Alexander-Russell

Company, LLC
By: Richard E. Russell
Its: _____

TENANT: Alexander-Russell

Company, LLC
By: JAMES A. RUSSELL, JR.
Its: _____

By: _____
Its: _____

SEEN AND AGREED TO:

The parties shall execute a lease satisfactory to both within thirty (30) days from the date of this Letter of Intent, which lease will be conditioned upon Tenant's obtaining all necessary approvals. The lease shall be guaranteed by James A. Russell, Jr. and Richard E. Russell. This Letter of Intent will expire on _____, 2003 if not executed by Landlord and Tenant.

4/2

Date _____

Date 7/27/2003

Date _____

EIN _____

Date 8/4/2003

Date _____

Tenant: Alexander-Russell
Company, LLC

By: _____
Its: _____

Date _____

TURNEK LOT

4G

BK 117676205

WARRANTY DEED
Maine Statutory Short

KNOW ALL MEN BY THESE PRESENTS

75976

THAT, WE, GEORGE E. TURNER, SR. and EILEEN R. TURNER of
Portland, Cumberland County, State of Maine, for consideration
paid, grant to ROBERT E. BILLINGS, whose mailing address is P.O.
Box 334, Westbrook, Maine 04098, with WARRANTY COVENANTS, a certain
lot or parcel of land lying northwesterly of, but not adjacent to
Riverside Street in Portland, Cumberland County, State of Maine,
being more particularly bounded and described as follows:

commencing at a steel rebar set at the most northerly corner
of land conveyed to 400 Riverside Properties, Inc. by deed of the
Portland Water District dated October 26, 1994, being eight hundred
fifty-three and 53/100 (853.53) feet northwesterly of the northerly
sideline of Riverside Street as accepted by the City of Portland,
Maine as measured along the old fence line bearing North 16-29'-59"
West from said Riverside Street and said steel rebar being the
POINT OF BEGINNING;

Thence North 56. 20' 36" East along land conveyed by Eileen R.
Turner to John Lucas Tree Expert Company, Inc. by deed dated March
23, 1984, a distance of one hundred forty one and 29/100 (141.29)
feet to a steel rebar set at remaining land of said Turner;

Thence South 16. 29' 59" East along remaining land of Turner,
a distance of two hundred two and 74/100 (202.74) feet to a steel
rebar and the northwesterly sideline of a fifty (50) foot right of
way conveyed to the Portland Water District;

Thence South 58. 08' 29" West along said sideline a distance
of eighty (80) feet to land of said 400 Riverside Properties, Inc.;

Thence North 34. 06' 35" West along land conveyed to 400
Riverside Properties, Inc. by deed of the Portland Water District
dated October 26, 1994 a distance of one hundred ninety one and
21/100 (191.21) feet to the POINT OF BEGINNING; said described
tract containing 0.49 acre (21,327 square feet), more or less.

WITNESS our hands and seals this 14th day of December, 1994.

WITNESS
George E. Turner, Sr.
Eileen R. Turner

WITNESS
Randee E. Johnson
Randee E. Johnson

STATE OF MAINE
Cumberland, ss.
December 14, 1994.

Then personally appeared the above-named GEORGE E. TURNER, SR.
and EILEEN R. TURNER and acknowledged the foregoing instrument to
be their free act and deed.
Before me,
RECEIVED
RECORDED REGISTER OF DEEDS
94 DEC 27 PM 12: 08
CUMBERLAND COUNTY
John R. Brown

Printed Name
Randee E. Johnson
Notary Public
Seal

MAINE REAL ESTATE TAX PAID

THAT PORTLAND WATER DISTRICT, grantor, a public quasi-municipal corporation duly organized and existing under the laws of the State of Maine and located at Portland, in said county of Cumberland and State of Maine, whose mailing address is P.O. Box 3553, 225 Douglass Street, Portland Maine 04104-3553, in consideration of one dollar (\$1.00) and other valuable considerations paid by 400 RIVERSIDE PROPERTIES, (grantee), a Maine Partnership of Portland in the county of Cumberland and State of Maine the receipt whereof is hereby acknowledged, does hereby GIVE, GRANT, BARGAIN, SELL AND CONVEY unto the said 400 Riverside Properties, its successors and assigns, a certain triangular lot or parcel of land situated northerly of Riverside Street in the City of Portland, county of Cumberland and State of Maine, said property being bounded and described as follows:

beginning at an iron pipe marking the most northerly corner of land of the grantor, thence in a southeasterly direction along the dividing line between land of the grantor and other land of the grantee two hundred (200) feet, more or less, to the intersection of said dividing line with the northerly sideline of a fifty (50) foot wide easement across the land of the grantee as described in a deed from George Wilson to the grantee dated November 19, 1953 and recorded in the Cumberland County Registry of Deeds in Book 2159, Page 463; thence North 43°-08'-30" East along the northeasterly extension of the above described easement sideline fifty-seven (57) feet more or less to land now or formerly of George Turner; thence northwesterly by said Turner land one hundred ninety five (195) feet more or less to said iron pipe and the point of beginning.

Being a portion of the premises conveyed to this grantor by Jennie M. Brightman by deed dated November 13, 1953 and recorded in said Registry of Deeds in Book 2156, Page 59

TO HAVE AND TO HOLD the aforesaid and bargained premises, with all the privileges and appurtenances thereof to said 400 Riverside Properties, its successors and assigns to its and their use and behoof forever. And the grantor does hereby covenant with the grantee, its successors and assigns, that it is lawfully seized in fee of the premises, that the premises are free of all encumbrances; that it has good right to sell and convey the same to the grantee to hold as aforesaid; and that it shall warrant and defend the same to the said grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through or under it.

IN WITNESS WHEREOF, the said Portland Water District has caused this instrument to be executed by W. Daniel Jellis its General Manager thereunto duly authorized this 26th day of October, 1994.

MAINE REAL ESTATE TAX PAID

KNOW ALL MEN BY THESE PRESENTS,

75977

QUIT-CLAIM DEED WITH COVENANT

BK11767P6206

4H

PWD LOT

BK11767P207

41

Signed, Sealed and Delivered
in the presence of

Notary V. Furdde

PORTLAND WATER DISTRICT

[Signature]
W. Daniel Jellis
General Manager

State of Maine
Cumberland, ss

October 26, 1994

Personally appeared the above named W. Daniel Jellis and acknowledged
the foregoing instrument to be his free act and deed in his said
capacity and the free act and deed of said Portland Water District.

Before me,

Notary V. Furdde

Notary Public

Attorney at Law

NORMAN V. FURDDEL

NOTARY PUBLIC, MAINE

MY COMMISSION EXPIRES DECEMBER 11, 1995

Print Name:

SEAL

RECEIVED
RECORDED REGISTRY OF DEEDS
94 DEC 27 PM 12: 11
CUMBERLAND COUNTY
John B. Crain

Section 3
Financial Cost

A. Estimated Cost

Total project construction costs are estimated to be approximately \$500,000 and include the following:

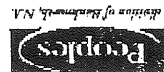
- 9,600 s.f. building
- Parking, loading, drives and walks
- Site grading, drainage and erosion controls
- Septic system
- Water supply and fire hydrant
- Electricity, telephone and CATV service
- Landscaping
- Contingency

A detailed cost estimate will be filed prior to start of construction for purposes of establishing a bond amount and construction inspection fee. Refer to the attached cost estimation summary spreadsheet.

B. Financing

A copy of the letter from a financial institution regarding project financing is attached.

5A



One Portland Square
P.O. Box 9640
Portland, ME 04112-9540
tel. 800-462-3666
207-761-8500

November 12, 2003

Jim Russell, Jr.
Alexander-Russell, LLC
585 Riverside Street
Portland, Maine 04103

Dear Jim:

This letter is intended to confirm that Peoples Heritage Bank has been approached for financing for your new building to be located at 470 Riverside Street in Portland. Although this letter should in no way be considered as a commitment from Peoples to lend, we are, based on a preliminary review of financial information, interested in continuing discussions with you on financing options.

If you need any additional information, please do not hesitate to call me at 761-8612.

Sincerely,

[Handwritten Signature]
William R. Schad
Vice President

Section 4
Technical Ability

A. Prior Experience

Jim Russell, owner of Sani-Clean Distributors has been owner and manager of the existing facility in Portland for 30 years. The current location of Sani-Clean Distributors property is as follows:

585 Riverside Street - 1 Building - 12,960 s.f. (currently)

Alexander-Russell Co., LLC (formed September 4, 2001) will continue to own and manage this project as they have for the existing Sani-Clean building on Riverside Street since 1973.

B. Personnel

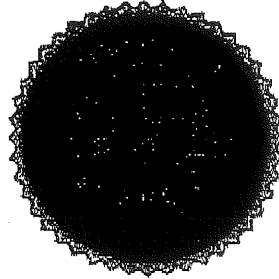
Land Use Consultants, Inc. is the lead consultant working on the project. The following subconsultants were retained to perform certain aspects of the work as follows:

- Topographic Boundary Survey & Control
- Wetlands and Natural Resource Inventory

*Woodlot Alternatives, Inc.
Topsham, Maine*

*Land Use Consultants, Inc.
Portland, Maine*

DAN GWADOSKY
Secretary of State



In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this fourteenth day of November 2003.

I further certify that said limited liability company has filed annual records due to this Department, and that no action is now pending by or on behalf of the State of Maine to forfeit the articles of organization and that according to the records in the Department of the Secretary of State, said limited liability company is a legally existing limited liability company in good standing under the laws of the State of Maine at the present time.

I further certify that THE ALEXANDER-RUSSBIL COMPANY, LLC is a duly formed limited liability company under the laws of the State of Maine and that the date of formation is September 04, 2001.

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and of the records of formation, amendment and cancellation of articles of organization of limited liability companies and annual reports filed by the same.

Department of the Secretary of State



State of Maine

GA

The project is not expected to generate any objectionable noise. The noise will be generated by vehicles entering and exiting and by construction equipment during the construction phase. No residences are located nearby and noise is not expected to be a problem.

**Section 5
Noise**

Att. 7

The site development is not impacting an area of significant scenic character. We are proposing additional landscaping as part of the proposed development which along with existing plantings enhances the overall appearance of this site.

**Section 6
Visual Quality and Scenic Character**

The site fronts on the Presumpscot River, however no development is proposed within the 250-foot Shoreland Zone and will remain undisturbed.

An existing stream and wooded area on a steep embankment adjacent to the stream is being protected by a 25-foot buffer from the top of the bank to our development activity.

Some small wetlands on the site are identified in the wetlands report by Woodlot Alternatives contained in Section 11. The wetlands were not considered high value and do not provide habitat for wetland dependent wildlife.

**Section 7
Wildlife and Fisheries**

Att. 10

**Section 8
Historic Sites**

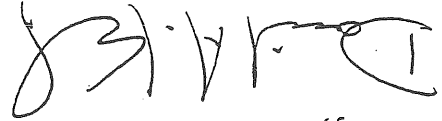
The Maine Historic Preservation Commission (MHPC) was contacted (letter dated April 19, 1996) to determine the presence of mapped structure or archaeological sites of historic significance. A copy of the commission's response letter, dated April 24, 1996, is attached which states that there are none.

Attachment

DAK/s

Vice President

David A. Kamila, P.E.



Sincerely,

assistance.

I will follow up by phone to discuss timing and other relevant issues. Thank you for your

structures.

Please review the attached USGS Quad Sheet showing the site for any known historic sites or

Portland under their delegated review authority.

We are preparing a Site Location Application for a commercial building proposed on Lot 1 of the Butler Subdivision on Riverside Street in Portland, Maine. The Butler Subdivision was approved by DEP in 1982. However, due to our lots total development exceeding three (3) acres we are filing for a Site Location Permit for the lot itself. The application will be reviewed by the City of

Dear Mr. Shettleworth:

Mr. Earle G. Shettleworth, Jr.
State Historic Preservation Officer
Maine Historic Preservation Commission
State House Station 65
Augusta, Maine 04333

April 19, 1996

LAND USE CONSULTANTS INC



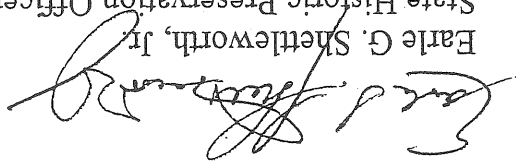
FILE COPY

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Bradley H. Hare, RLA
John D. Roberts, PLS

1423

10A

Earle G. Shettleworth, Jr.
State Historic Preservation Officer



Sincerely,

If I can be of further assistance concerning this matter, please do not hesitate to let me know.

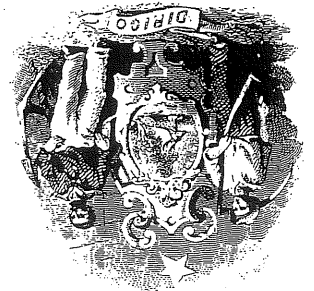
In response to your recent request, I have reviewed your proposal to build a commercial building on Lot 1 of the Butler Subdivision on Riverside Street in Portland, Maine. I find that there are no properties in the project area of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

Dear Mr. Kamila:

Mr. David A. Kamila, P.E., Vice President
Land Use Consultants, Incorporated
966 Riverside Street
Portland, Maine 04103

April 24, 1996

Earle G. Shettleworth, Jr.
Director



MAINE HISTORIC PRESERVATION COMMISSION

55 Capitol Street
State House Station 65
Augusta, Maine 04333



APR 26 1996

Telephone:
207-287-2132

10B

The State of Maine Department of Conservation - Natural Areas Programs was contacted (letter dated April 19, 1996) to determine if any rare plants or areas of special interest in the project vicinity are identified on their respective databases. Attached is a letter from this agency, dated April 29, 1996, stating that no known rare botanical features have been documented on the property.

An on site wetlands assessment was conducted by Woodlot Alternatives and the wetlands and streams are shown on the plans. A copy of their report is included in Section 11.

Section 9
Unusual Natural Areas

Att 11

J. David Haynes, RLA
David A. Kamilla, PE
Frederic J. Licht, Jr., PE
Bradley H. Hare, RLA
John D. Roberts, PLS

1423

11A

FILE COPY

LAND USE CONSULTANTS INC



April 19, 1996

Sarah H. Holbrook, Information Manager
Maine Natural Areas Program
Dept. of Conservation
State House Station 93
Augusta, Maine 04333

Dear Sarah:

As we discussed by phone last Friday, I am requesting a review of your data files to determine if any critical areas of rare and unique botanical features are listed for a site we are proposing to develop in Portland, Maine.

I have attached a copy of the USGS Quad Sheet showing our site location. This site is already partially developed as a commercial site. We are coming under site law with our next proposed building by the fact that we will exceed the three (3) acre threshold for impervious surface. No development will occur within the 250' wide shoreland zone along the Presumpscot River.

I am planning to file my application on May 1, to the City of Portland under their delegated review authority. I would appreciate any feedback you may be able to provide prior to that date.

Thank you for your assistance.

Sincerely,

David A. Kamilla, P.E.

Vice President

DAK/s

Attachment

Angus S. King, Jr.
Governor



DEPARTMENT OF CONSERVATION

Telephone (207) 287-2211
FAX # (207) 287-2400

April 29, 1996

David A. Kamila
Land Use Consultants, Inc.
966 Riverside Street
Portland, Maine 04103

Re: Development site, Presumpscot River, Portland

Dear Mr. Kamila:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request of April 23, 1996, for the presence of rare or unique botanical features documented from the vicinity of a development site along the Presumpscot River in Portland, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual, and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. However, I have included a list of rare and unique botanical features documented to occur in the town of Portland as well as a rank explanation sheet for your reference. Rare species and exemplary natural communities may occur on the subject property if suitable habitat is available. To ensure that such features are not inadvertently harmed, we suggest that you have the property inventoried by a qualified field biologist for rare or unusual plants, and natural communities.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. The quantity and quality of data maintained by the Natural Areas Program are dependent on the research and



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Ronald B. Lovaglio
Commissioner
MAY - 1 1996
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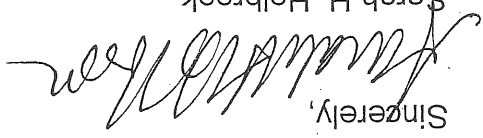
observations of many individuals and organizations; and, comprehensive field surveys do not exist for all natural areas in Maine. For this reason, in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features in this site.

The Natural Areas Program welcomes coordination with individuals or organizations proposing environmental alteration, or conducting environmental assessments. If, however, data provided by the Natural Areas Program are to be published in any form, the Program should be informed at the outset and credited as the source.

The Natural Areas Program has instituted a \$75.00/hour fee to recover the actual cost of processing your request for information. Please return the bottom of the invoice along with remittance to the Maine Natural Areas Program, 159 Hospital Street, State House Station #93, Augusta, Maine 04333.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about Registered Critical Areas and rare or unique botanical features on this site.

Sincerely,



Sarah H. Holbrook
Information Manager
Maine Natural Areas Program

Enclosures

SCIENTIFIC NAME	COMMON NAME	G-RANK S-RANK S-STAT FED-STAT HABITAT			
ADLUMIA FUNGOSA	ALBRIGHT VINE	G4	S1	E	Wet or recently burned woods, rocky wooded slopes
LILIUM TRICOCUM	WILD LEEK	G5	S2		Rich woods and bottoms
ZAREX POLYMORPHA	VARIABLE SEDGE	G2G3	S1	T C2	Dry sandy open woods and clearings, very local
PLATANTERA FLAVA	PALE GREEN ORCHIS	G4TQ	S2		Swampy woods, bottomlands, swales, and wet shores
JUNEDA AMERICANA	AMERICAN SEA-BLITE	G4	SH		Saltmarshes and sea-strands
VIOLA PALMATA VAR TRILOBA	THREE-LOBED VIOLET	G5TS	SH		Rich woods, bottoms, shaded ledges

INFORMATION DATED 29 APR 1966
 A RANK EXPLANATION SHEET IS ENCLOSED

111

STATE RANKS (S-RANK)

- S1 Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
 - S2 Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
 - S3 Rare in Maine (on the order of 20-100 occurrences).
 - S4 Apparently secure in Maine.
 - S5 Demonstrably secure in Maine.
 - SA Accidental in Maine, including species that only sporadically breed in Maine.
 - SE An exotic species established in Maine; may be native elsewhere in North America.
 - SH Occurred historically in Maine, and could be rediscovered; not known to have been extirpated.
 - SU Possibly in peril in Maine, but status uncertain; need more information.
 - SX Apparently extirpated in Maine (historically occurring species for which habitat no longer exists in Maine).
- Note: "S-RANKS" determined by the Maine Natural Areas Program.
- "G-RANKS" indicate global ranks as determined by The Nature Conservancy, and follow the criteria listed above for state ranks. For example, "G1" means 1-5 occurrences and critically imperiled throughout its entire range.

MAINE STATUS: PLANTS

NOTE: This column reflects State-listed status according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's endangered and threatened plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation. The current official list is based on 1988 data, and bears a printing date of May 1990.

- E ENDANGERED SPECIES; represented in Maine by one recent (within the last twenty years) documented occurrence, or federally listed as Endangered (but see exceptions below).
- T THREATENED SPECIES; represented in Maine by two to four recent documented occurrences, or federally listed as Threatened (but see exceptions below).

Exceptions to the numerical criteria for these categories are (a) small population sizes, (b) confined to a small geographic area in Maine, and (c) the taxon is clearly and imminently jeopardized.

FEDERAL STATUS

- LE Listed as Endangered at the national level.
- LT Listed as Threatened at the national level.
- C2 Category 2; Candidate taxa which may qualify as Threatened or Endangered, but insufficient data exist to determine true status.
- 3B Formerly a listed or candidate species but recent taxonomic revisions indicate "species" status is not longer valid and no longer meets the Endangered Species Act's definition of a species.
- 3C Formerly listed, but is now known to be more abundant or widespread than previously believed; not subject to any identifiable threat.

Att. 12

**Section 10
Buffers**

No development is proposed within the 250-foot wide Shoreland zone adjacent to the Presumpscot River and it is to remain in its natural state of transition from hay field to woods.

We are also maintaining a 25 foot buffer from the top of the bank and edge of woods along the easterly boundary near the proposed 10,000 s.f. building.

Section 11
Soils

A. Soil Survey Map and Report

A high intensity soil survey was not performed on this site. A copy of the SCS Medium Intensity Soils Map is included as Exhibit 12.1. Soils test pits were evaluated by David A. Kamila, P.E. and Licensed Site Evaluator to design individual subsurface disposal beds, test pit logs are included under section 17.

B. Geotechnical Investigation

The soils on the site were generally silty clays underlain by very firm basal tills which do not present any unusual problems or limitations which cannot be addressed through standard engineering and construction practices.

The major issue related to soils on this site is erosion and sediment control and this is addressed in the report under Section 14.

C. Hydric Soils Mapping

The wetland areas on this site were delineated by Woodlot Alternatives of Topsham, Maine and located by field survey. A copy of the wetland report is attached. Wetlands are delineated on the site plan.

While wetlands B and C are technically classified as floodplain wetlands (i.e., those wetlands that occur within the 100-year flood zone), neither is dependent upon the river for their hydrology. Instead, they are fed by run-off from the impermeable surfaces of the adjacent developed uplands, as well as from groundwater discharge along the filled upland slopes. Functions that these wetlands provide include floodflow alteration, nutrient, sediment, and toxicant retention. However, because of their small size, their ability to perform these functions is very limited. Furthermore, because of their small size and disturbed nature, they don't provide habitat for wetland-dependant wildlife. Because of these factors, I would not consider them to be high value floodplain wetlands.

Three wetland areas were delineated during our site visit. The first, Wetland A, was a floodplain wetland associated with a small stream along the northeastern edge of the property. This was a relatively narrow wetland running along the bottom of a steep-sided stream gully. The vegetation was dominated by red maple and American elm in the canopy and subcanopy strata and sensitive fern and spotted touch-me-not in the herb layer. Soils were fine and consisted of silt loam over a silty clay loam subsoil. Wetland B was located along the western boundary of the property in an old field. It was dominated by common cattail, reed canary grass, fowl meadow grass, and barberpole sedge. Soils were sandy clay loams. Wetland C was a well-defined wetland basin located directly northwest of the existing Emery Freight building. Reed canary grass, barberpole sedge, lurid sedge, and reedtop were the dominant plants of this wetland. Soils consisted of a silt loam topsoil with patches of sands, deposited from the adjacent upland fill, underlain by sandy loam.

On November 16, 1995, we delineated wetlands on the Butler Subdivision site in Portland, Maine. Wetland boundaries were determined using methods described in the 1987 Corps of Engineers wetland delineation manual, which is acceptable for both Department of Environmental Protection (DEP) and Corps permitting processes.

Dear Dave:

Re: Wetlands Report for Butler Subdivision

Dave Kamila
Land Use Consultants, Inc.
966 Riverside Street
Portland, ME 04103

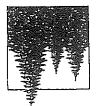
18 April 1996

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APR 18 1996

13A

WOODLOT ALTERNATIVES, INC. ENVIRONMENTAL CONSULTANTS



13B

As shown on the plan that you sent, Wetland C will receive approximately 2500 square feet of fill. Because less than 4300 sq. ft. of fill will be placed in Wetland C the activity is exempt from permitting under NRPA if the filled area does not cross into the Presumpscot River Shoreland Zone. Similarly, because less than 5000 sq. ft. of fill will be placed, the activity falls into the Corps' non-reporting Category I. If fill does occur within the Shoreland Zone, the project will not be exempt from DEP permitting.

If you have any questions regarding the delineation or any permitting matters, please do not hesitate to call.

Sincerely,

WOODLOT ALTERNATIVES, INC.



Michael E. Thompson

General Manager

Professional Wetland Scientist #831

Att. 14

Section 12
Stormwater Management

A. Off Site Watersheds

1. The attached Stormwater Management Report describes the site and identifies the watersheds and downstream water bodies.
2. A USGS Quadrangle Map is included as Exhibit 1.1. The SCS Medium Intensity Soils Map is attached herewith as Exhibit 12.1. A description of the soils types is included in the Stormwater Management Report.

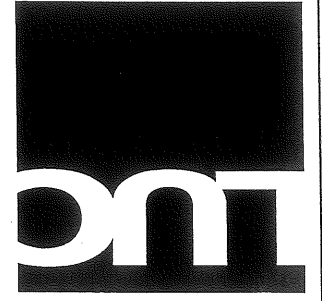
B. On Site Watersheds

1. The attached Stormwater Management Report provides a narrative description of the on site watersheds and calculations of both pre and post-development conditions for the 2, 10 and 25 year storms.
2. Refer to the plan set for the pre and post development watershed delineations.
3. Stormwater Detention: Due to the fact that this site is adjacent to the Presumpscot River no detention is proposed. We are however providing for erosion control by means of a level lip spreader and other structural and vegetative practices to minimize erosion. Details of these practices are contained on the plan set.
4. Easements and Rights of Way: No easements or rights of way are proposed for this site to accommodate the stormwater management system either on or off the site.
5. Maintenance: Jim Russell the owner through Alexander-Russell Company, LLC will be responsible for maintenance of all components of the stormwater management system on the site.

Medium-Intensity Soils Map

Sani-Clean Distributors
585 Riverside Street
Portland, Maine 04103

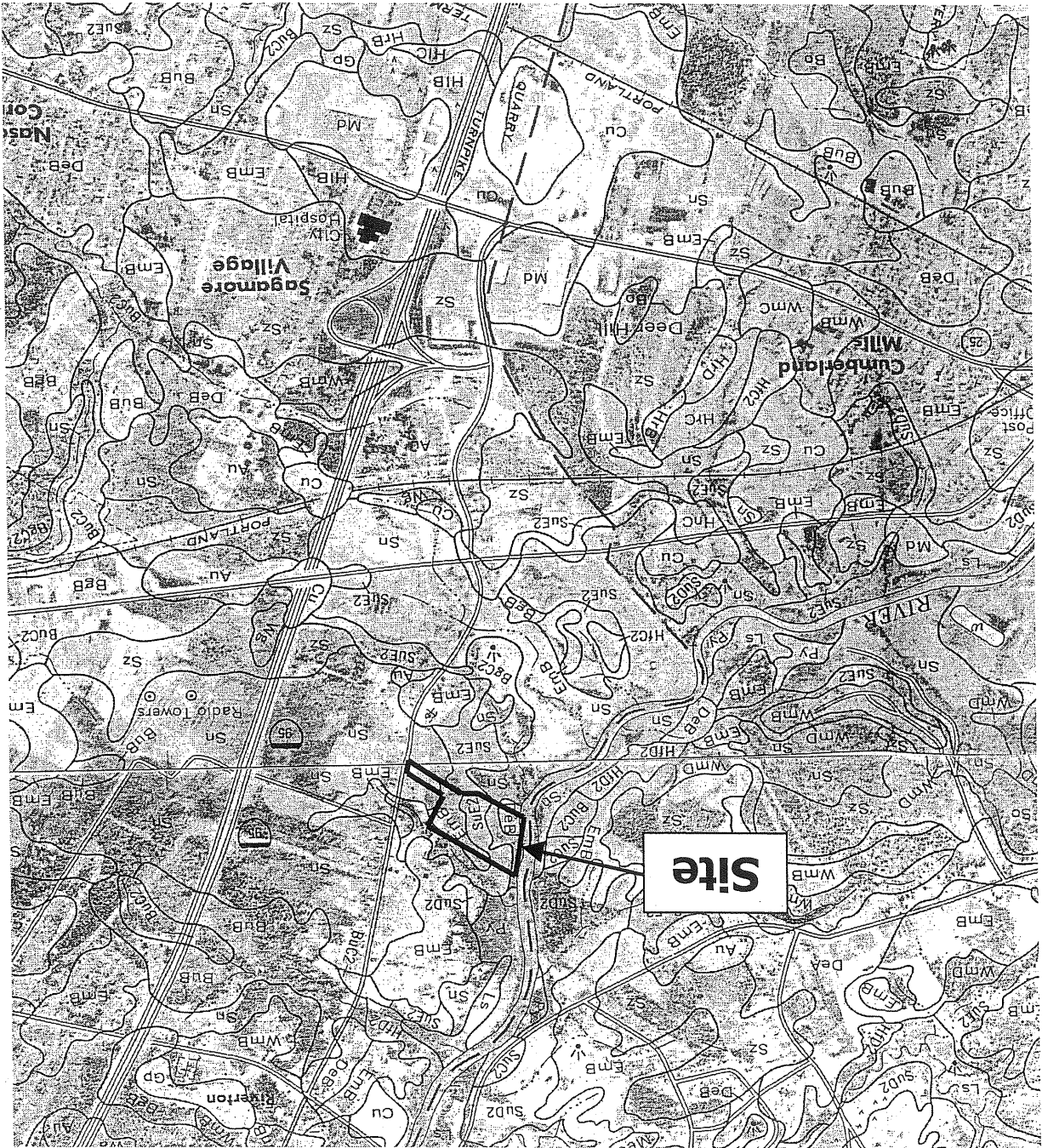
Land Use Consultants, Inc.



PREPARED FOR:

TITLE:

DATE: 10/2003 • SCALE: 1"=1667' ± • JOB NO: 1423.1



REFERENCE: USDA-SCS Medium Intensity Soils Survey, Cumberland County, ME, Plates 75 & 81

144

Stormwater Management Report

Sani-Clean Distributors Building
Lot 1, Butler Subdivision

470 Riverside Street, Portland, Maine

Prepared for:

Alexander-Russell Co, LLC

Prepared by:

Land Use Consultants, Inc.
Portland, Maine

December 16, 2003

Table of Contents

14C

<u>Report Section</u>	1.0	Introduction
	2.0	Site Description
	3.0	Methodology
	4.0	Pre-Development Conditions
	4.1	Existing Site Conditions
	4.2	Soils
	5.0	Post-Development Condition
	5.1	Proposed Site Conditions
	5.2	Runoff Calculations
	6.0	Conclusion
<u>Tables</u>	1	Summary of Pre- and Post-Development Peak Runoff Rates

Referenced Plan Sheets

<u>Sheet</u>	Description
1 of 1	Third Amended Recording Plat
2 of 9	Existing Conditions Plan
3 of 9	Overall Site Plan
4 of 9	Site Layout and Utilities Plan
5 of 9	Grading, Drainage and Erosion Control Plan
6 of 9	Pre-development Watershed Plan
7 of 9	Post-development Watershed Plan
8 of 9	Details
9 of 9	Details
<u>Attachments</u>	
1	HydroCAD Computer Output - Pre-Development
2	HydroCAD Computer Output - Post-Development
3	Piped Systems Sizing Calculations

STORMWATER MANAGEMENT REPORT
SANI-CLEAN DISTRIBUTORS BUILDING
LOT 1, BUTLER SUBDIVISION
470 RIVERSIDE STREET, PORTLAND, MAINE
FOR:
ALEXANDER-RUSSELL CO., LLC

1.0 Introduction

The following report, prepared for Alexander-Russell Co., LLC evaluates the drainage characteristics of the proposed development of Lot #1 of the Butler Subdivision on Riverside Street in Portland, Maine, and provides an assessment of the undeveloped and developed site conditions and stormwater flows generated within the watershed of the site. This report is accompanied by pre-development and post-development drainage plans. This report and plans have been prepared in accordance with the requirements of the DEP Site Location of Development Law and the City of Portland Technical Standards.

2.0 Methodology

The Hydro-CAD Stormwater Modeling System computer program (Version 7.0) was used to analyze the proposed development's stormwater runoff. This method accounts for soil types, existing land use, topography, vegetative cover and proposed land use for the developed portions of the property. For this study, a derivative of the SCS-TR-20 computer modeling method was used. We evaluated the pre-development and post-development conditions of the proposed site. These present and future conditions were analyzed using data for a Type III, 24 Hour storm distribution with a design frequency of occurrence of 2 years, 10 years and 25 years. All supporting data and calculations are submitted with this report.

3.0 Site Conditions

The present site is accessible from Riverside Street via a 50-foot right of way and access drive. The site is currently partially developed and includes three existing buildings, 9,840 square feet each, totaling 29,520 square feet, with related parking and loading areas with paved access drives. The current site is below the development threshold of three acres of non-vegetated land and has not been subject to review within the Site Location of Development Law. However, the proposed changes will exceed the threshold limits and therefore requires DEP review. Current use of the site is commercial and light industry. The adjacent properties located along Riverside Street are presently developed with similar uses.

The revised configuration of Lot 1 is approximately 450' x 2,000' with a 300' x 50' wide easement to Riverside Street. The property adjoins the Presumpscot River along its northerly boundary. The property is bisected with a 50' right of way to Portland Water District for a 48" diameter transmission water main located approximately 600 feet from Riverside Street. All of the adjacent properties beyond the water line are undeveloped. All of the existing development is situated on a plateau, which encompasses the southerly half of the property. The northern half includes a low-lying flood plain adjacent to the Presumpscot River approximately 20' x 25' below the developed portion. Since the

14D

ME

proposed site requires a belated DEP site review, the watershed for the existing site conditions is retroactive to the undeveloped or pre-existing site. The existing site is not relevant with regard to stormwater management.

4.0 Pre Development Conditions

4.1 Existing Site Conditions

The pre-development site conditions are based on pre-existing conditions of the property before the existing development in order to meet the conditions of the Site Location of Development Law, which is triggered because of the proposed additions to the site. The undeveloped site is open grassland, which drain essentially along the site boundaries directly into the Presumpscot River. The watershed includes approximately 14 acres consisting of predominantly HSG "C" soils. A base flow of 8,500 cfs was assumed for the Presumpscot River for the purpose of reach routing and drainage calculations. The net effect of development for this site is determined by the increased flows to the Presumpscot River at the point where the river leaves the property since the entire site drains directly to the river. This combined flow is the basis of comparison for the pre-development and post-development peak runoff rates for this site. No attempt was made to determine peak rates for the Presumpscot River since the 14 acre site is situated directly on the river which has a drainage watershed area of several hundred square miles and would result in a significant lag between the time to peak of the river with respect to the site.

4.2 Soils

Soils on the site are indicated according to the SCS medium intensity soils maps for Cumberland County. Approximate soils boundaries are delineated on the pre-development watershed plan. For the purpose of drainage calculations, the soils are assumed as hydrologic soils group "C" soils. A photocopy of the soils maps 75 and 81 showing the vicinity of the site is attached.

Soil Name	HSG	General Description
Deerfield	B	Loamy Sand (3-8%)
Elmwood	C	Fine Sandy Loam (0-8%)
Scantic	D	Silt Loam
Suffield	C	Silt Loam (25-45%)

5.0 Post Development Conditions

5.1 Proposed Site Conditions

As shown on the post-development watershed plan, the developed site was divided into five small subcatchment areas in order to model the localized drainage conditions imposed as a result of the existing and proposed developed areas of the site. Similar to the pre-existing or undeveloped site, all portions of the developed site drain into the Presumpscot River. However, there are several different flow paths from the site corresponding to the subcatchment drainage areas. As a result, a stormwater model was used to route and combine each flow path and subcatchment drainage area to the Presumpscot River at the outlet of the site in order to compare the combined runoff to the pre-development condition.

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A storm drain was added to control runoff from the new building and subcatchment 5 which outlets into a new level spreader. No detention is proposed for the developed site.

5.2 Runoff Calculations

The calculations were performed in the typical manner for HydroCAD calculations. The model was set up using the diagram feature for subcatchments, reaches and structures. The calculations were run from the diagram with the 2, 10 and 25-year storm data for the pre-existing (undeveloped) and developed conditions. A complete report including diagrams, descriptions and summaries for each storm event are attached.

The results of the runoff calculations are indicated in the Summary Table. Although the data indicates that small increases in peak discharge rates will be incurred as a result of development, there is no significant impact to downstream reaches of the Presumpscot River or adjacent properties during storm events. Due to the fact that the runoff from the site is conveyed directly to the river and the significant diversity in rate, volume and time to peak between the site and the river, no detention is proposed. The Presumpscot River has more than adequate capacity to accommodate small increases such as this location near the outlet to the ocean any miles downstream from the headwaters. Detaining runoff from this site could possibly result in adverse impact by withholding the peak discharge from the site to be released closer to the river peak thus having a greater effect relative to the total combined discharge.

SUMMARY TABLE

PRE-DEVELOPMENT		POST-DEVELOPMENT	
(cfs)		(cfs)	
Watershed (node)	2-year	10-year	25-year
Reach 33	8,506.4	8,516.0	8,521.0
		8,510.9	(+4.50)
		8,524.9	(+8.90)
		8,532.0	(+11.00)

The peak flow rates indicated above are combined flow from the site and the Presumpscot River calculated at the outlet of the property (Reach 33) and includes an assumed base flow of 8,500 cfs for the Presumpscot River.

6.0 Conclusion

It is our conclusion that the development of this project, with the proposed improvements, drainage structures and erosion control measures, will not result in any significant downstream impacts.

Prepared by:

David A. Kamila, P.E.
 President

Att. 15

**Section 13
Inspection and Maintenance of Facilities or Property.**

All common facilities will be owned and maintained by Alexander-Russell Company, LLC

A comprehensive erosion and sediment control report is attached which addresses all temporary and permanent erosion and sediment control measures. Additional plans and details are included in the attached plan set.

Section 14
Erosion and Sedimentation Control

Att. 16

1.04 Stormwater Management Measures – The site is situated on a plateau which slopes to the Presumpscot River providing excellent surface drainage. Some drainage improvements are proposed in addition to several existing culverts and swales which channelize runoff in a few areas. A level spreader is proposed for the outlet of the new

1.03 Soils and Wetlands – Soils on the site are assumed as indicated according to the SCS medium intensity soil survey maps.

1.02 Site Topography and Cover Complex – The existing site is generally flat with moderate slopes for the developed portion which is situated on a plateau. Steep embankments around the rim of the plateau drop 20 to 30 feet to a flood plain area adjacent to the Presumpscot River. No development will occur in the flood plain area. The site is open grassland and lawn.

The accompanying Drawings illustrate in detail the project scope, locations and methods of erosion control practices and measures required for this project.

1.01 General – Sani-Clean Distributors, is proposing to construct a new building on lot 1 of the Butler Subdivision, at 470 Riverside Street, Portland, Maine. The site also includes three existing buildings. The project will also include construction of new parking areas, access drives and drainage structures and improvements associated with the new building.

1.00 INTRODUCTION

The following plan has been developed to provide a strategy for controlling sedimentation and erosion from this project during and after construction of roads, driveways, parking lots, buildings, utilities, ponds, landscaping and other site work and improvements. This plan is based upon sound conservation practices such as those outlined in the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices" manual by the Cumberland County Soil and Water Conservation District, and the Maine Department of Environmental Protection, dated March, 1991 (as revised). It is not the intent of this document to supersede project Specifications, Drawings or other Contract Documents issued for this project which the Contractor shall also be responsible for. Please refer to these sources and the Erosion Control Drawings and Details included within the plan set for more detailed information.

EROSION AND SEDIMENTATION CONTROL PLAN LOT 1, BUTLER SUBDIVISION 470 RIVERSIDE STREET, PORTLAND, MAINE For: ALEXANDER-RUSSELL CO., LLC

Sani-Clean Building
Lot 1, Butler Subdivision
Portland, ME
DEP Site Location of Development Application

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storm drain to convert the outflow to sheet flow on order to minimize the potential for erosion on the steep slopes.

2.00 CONSTRUCTION CALENDAR

2.01 **General** – Construction of the project is expected to begin immediately after obtaining all approvals and permits. It is likely that the construction will begin in the spring of 2004 and will be completed by the summer of 2004. However, unanticipated delays, scheduling problems or weather conditions may significantly alter these dates. The Contractor should give special attention to the sections pertaining to **fall** and **winter** construction as well as to sensitive areas and requirements for temporary seeding, dormant seeding and mulching.

2.02 **Definitions** – The following definitions are terms commonly used throughout this report.

2.02.a. **Seasons** - The following dates define the seasons as referred to herein:

Seasons	Dates*
Winter	November 1 st to March 15 th
Mud-Season	March 16 th to April 30 th *
Spring	May 1 st to June 14 th *
Summer	June 15 th to September 15 th *
Fall	September 16 th to October 31 st

*Seasonal dates may vary according to weather. Any changes in these dates must be approved by the Engineer or DEP.

2.02.b. **Sensitive Areas** – are identified herein and include specific protected resources or other sensitive areas such as stream crossings or areas adjacent to ponds, rivers, streams or brooks. This erosion and sedimentation control plan is designed to protect all downstream channels and resources from degradation. However, there are certain "sensitive areas" on site which must be monitored weekly during construction in order to prevent any adverse impacts. These areas are shown on the drawings and are generally defined as follows:

2.02.b.i. Work adjacent to the isolated wetland pond on-site.

2.02.c. **Critical Areas** – are specific areas identified herein or are subjected to significant erosion problems as observed in the field prior to, during or following construction activities, such as, areas with steep slopes or channels in excess of 8%, newly graded slopes, detention/sedimentation ponds, highly erodible soils which will be exposed for more than one month or bare soils exposed during late fall and winter when no vegetation can grow.

2.02.c.i. Work on or adjacent to steep slopes at the western area of the site.

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2.02.d Erosion & Sedimentation Controls - are defined as the installation of silt fence, hay bales, erosion control berms, rip-rap, mulching, or erosion control matting or netting, check dams, inlet protection, construction entrances, diversions, level spreaders, sedimentation ponds, temporary risers or filters, and any other temporary or permanent measures required herein.

2.02.e Clearing - includes cutting and removing of over-story vegetative cover. It does not include grubbing. Limited cutting, thinning, use of heavy equipment and other clearing restrictions may apply to sensitive areas and wetland crossings.

2.02.f Grubbing - is the removal of grass, roots and scrub required to begin earthwork.

2.02.g Interim Period - a period of time that an unvegetated area sits unworked, awaiting the next phase of work.

2.02.h Earthwork - consists of the movement of soil by mechanical means including excavation, filling, grading, trenching, shaping and pond construction.

2.02.i Temporary - as used herein shall refer to the use or placement of erosion or sedimentation controls, seeding or other measures intended to be either removed, replaced, reworked, reseeded, or followed with permanent measures.

2.02.j Permanent or Final - as used herein shall refer to the use or placement of erosion or sedimentation controls, seeding or other measures which will remain through final project completion.

2.02.k Acceptance - as used herein shall mean verification by Owner and/or Engineer that the specific erosion control measure or device to be accepted is adequately constructed, performs satisfactorily as intended and is complete. Acceptance of a measure or device by Owner or Engineer shall be based upon visual observations and inspection and is not a warranty of compliance, compaction, structural integrity, workmanship or other construction related or qualitative factors which may require testing or other means of certification of compliance.

2.02.l Engineer - as used herein shall mean a representative of Land Use Consultants, Inc. and/or an engineer, representative or inspector designated by DEP, Architect, or person designated by Owner as the Construction Site Engineer.

2.03 Schedule of Activities - The following activities, erosion control measures, or other items are required for the construction of this project or require specific measures or scheduling of activities to be conducted or restricted during the various construction seasons as herein defined above.

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2.03.a Sensitive Areas - all work proposed in the defined sensitive areas must be conducted during the spring and summer seasons, as defined herein. All work adjacent to or in areas which drain to, sensitive areas shall be protected with appropriate erosion controls to prevent erosion or sedimentation of the identified sensitive areas at all times during construction until the areas under construction are stable.

2.03.b Critical Areas - all work proposed in the defined critical areas may be conducted all year. However, to the extent practical, erosion control measures for defined critical areas should be installed during Summer or Fall in advance of construction, in or adjacent to critical areas, anticipated or scheduled in the winter and mud season. Certain problem areas may become "critical areas" during the course of construction. Areas observed to be experiencing significant erosion problems shall be deemed critical areas and shall be stabilized with appropriate erosion control measures immediately prior to progressing with work in these areas as directed by Engineer.

2.03.c Erosion & Sedimentation Controls Installation - erosion control installation may occur all year long, except that such measures shall be installed prior to commencement of disturbance activities related to each erosion control measure. However, to the extent practical, erosion control measures should be installed during Summer or Fall in advance of construction anticipated or scheduled in the winter and mud season. See Drawings and Details for locations and installation procedures.

2.03.d Clearing - clearing may occur all year long except during "mud season".

2.03.e Road Construction - This construction may occur in the spring, summer and fall seasons. It may be allowed in the winter season except in sensitive areas. However, the winter construction schedule must be followed.

2.03.f Pond Construction - All pond construction shall occur during the spring or summer season. This work may commence during early fall season only if specifically authorized by the Engineer in writing. However, additional requirements such as matting or sod may be necessary to ensure that the pond is stable prior to the winter season. All final grading, seeding and mulching must be completed by September 15th, unless authorized, as required herein, by Engineer. Work after September 15th shall be subject to additional requirements and/or winter protection measures as defined herein and to DEP review. Temporary outlet filters or sediment risers, where required, shall be installed immediately following construction of pond and outlet structure. When functioning as temporary sediment basins, ponds and outlets shall be continuously maintained and repaired as necessary including the removal of sediment build-up during the entire construction phase. Temporary structures

shall be removed only after final cleaning, grading, seeding and Acceptance of pond by Owner.

3.00 EROSION CONTROL MEASURES

3.01 **General** - The construction of this project may require or incorporate the following measures or practices as needed or applicable. Such measures, where indicated on Drawings shall be implemented as shown or required herein. Additional measures not shown on Drawings may be required as specified herein or requested by the Engineer, as needed, in order to ensure the protection of resources or off-site properties.

3.01.a. **Vegetative Buffers** - have been used where practical between wetland areas, streams and sensitive areas and where required as water quality Best Management Practices (BMPs). These buffers serve to filter runoff as it flows through and are only effective when the runoff is shallow sheet flow. The Contractor must take care in leaving the buffer strips in their natural state and assure that runoff does not channelize through the buffer. Skidder trails or equipment ruts shall be smoothed or regraded. Construction activities and equipment shall be restricted in areas to remain as buffers or not otherwise scheduled for construction.

3.01.a.ii. **Designated buffers** may be required at specific locations to be used for water quality treatment in accordance with the Stormwater Management Law, 38 M. R. S. A. § 420-D and Chapters 500 and 502. Naturally vegetated or seeded buffers used for water quality treatment or phosphorus removal shall be constructed adjacent to newly created imperious surfaces to provide the required level of Total Suspended Solids (TSS) removal. Buffers used for this purpose may be subject to certain dimensional requirements, covenants or deed restrictions pursuant to the Stormwater Law.

3.01.b. **Straw Bales** - shall be installed along the contours in the locations and as detailed on the Drawings. Straw bales may be required in addition to silt fencing or other measures in sensitive areas as shown on Drawings. Bales are to be embedded four inches into the existing soil and staked with ends tightly abutting adjacent bales. Where staking and embedding of straw (or hay) bales is impractical due to excessive roots, ledge, or other construction hazards, straw bale barriers may be substituted with erosion control mix berms where approved by Engineer.

3.01.c. **Silt Fence** - shall be installed along the contours in the locations and as detailed on the Drawings. Silt fence may be required in additional, or other locations, not indicated on Drawings, as warranted or determined by field conditions or as directed by Engineer. Silt fence may also be required in

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addition to straw bales or other measures in sensitive areas as shown on Drawings. Where staking and embedding fabric is impractical due to excessive roots, ledge, or other construction hazards, silt fence may be substituted with erosion control mix berms or placement of six inches of crushed gravel along fabric flap on upslope side of fence, in lieu of burying fabric in trench, only where approved by Engineer.

3.01.d

Pumped Discharge Sediment Control Device - specially manufactured for this purpose, pumped discharge sediment control devices shall consist of nonwoven geotextile filter fabric bags designed to be installed over the end of a four-inch discharge hose or smaller such that all pumped discharge from the hose will be filtered by passing through the fabric. These devices are designed to trap and collect sediment from the discharge. These devices must be properly installed in accordance with the manufacturer's recommendations and shall be monitored frequently during use to ensure that the bags do not become full or clogged with sediment or significantly restrict the flow rate. They shall be removed, properly disposed of and replaced as necessary to ensure adequate filtration of sediments and silt from pumped discharge. The use of these products shall be as indicated on drawings and at field locations pre-approved by Engineer based on site conditions. Acceptable products include "Dirtbag" as manufactured by ACF Environmental (1-800-644-9223) and available locally from A. H. Harris (207) 622-0821.

3.01.e

Erosion Control Mix Berms - specially blended for this purpose, shall be installed in 18-inch high berms along the contours, in the locations shown on the Drawings. In sensitive areas or "problem spots" erosion control mix berms may be required in addition to silt fence and/or straw (hay) bales as shown on Drawings. Erosion control mix berms shall not be used where concentrated flow may be expected to occur.

3.01.f

Double Protection Straw Bale/Silt Fence - shall consist of silt fence reinforced with straw bales. It shall be installed along the contours in the locations and as detailed on the Drawings. Double Protection Straw Bale/Silt Fence barriers shall be installed in locations where single protection by silt fence or straw bales has proven ineffective in the field as directed by Engineer. Either straw bale barriers or silt fence used for double protection may be substituted with erosion control mix berm where approved by Engineer.

3.01.g

Triple Protection Straw Bale/Silt Fence/Erosion Control Mix Berms - shall consist of silt fence reinforced with straw bales preceded by a berm of erosion control mix. It shall be installed along the contours in the locations and as detailed on the Drawings. Triple Protection Straw Bale/Silt Fence/Erosion Control Mix Berms may be required in sensitive areas and in locations where Double Protection Straw Bale/Silt Fence barriers has proven ineffective in the field as directed by Engineer.

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3.01.h Mulching - shall consist of spreading of straw (or hay) mulch over bare or disturbed areas. It shall be applied at the rates described herein. It will be substituted by matting where necessary or as specified herein. Alternate mulch materials or methods such as hydro-seeding may be used only when approved by the Engineer. Mulching shall be substituted with matting in locations where it has proven to be ineffective in the field. Mulching rates shall be doubled where requested by Engineer based on observations in the field or in locations undergoing winter construction.

3.01.i Matting - shall consist of straw, coconut or excelsior sandwiched between photodegradable netting. Matting may be substituted with sod where desired. **Netting over straw mulch may be substituted for matting only when approved by Engineer.** Matting shall be used as follows:
3.01.i.i Where indicated on Drawings.

3.01.i.ii In the base of swales with less than 5% pitch. High velocity ditch lining or geotextile soft armor may be required in steep ditches (> 5%) or areas receiving significant concentrated flows.

3.01.i.iii On steep slopes where rilling may occur or where mulching has proven to be ineffective in the field.

3.01.i.iv Adjacent to sensitive areas subject to or experiencing erosion.

3.01.i.v On any disturbed or newly graded slopes steeper than 25% (4.H: 1V) and located within 100 feet of a perennial or intermittent stream or other sensitive area provided that runoff from the area contributes directly to the stream or sensitive area.

3.01.i.vi Where straw mulch has been determined to be ineffective based on observations made in the field or as directed by the Engineer.

3.01.j High Velocity Ditch Lining - shall be used where indicated on Drawings and in locations where ditch and channel erosion is observed to be a problem in the field and other methods have proven to be ineffective as directed by the Engineer. High velocity ditch linings shall consist of a heavy weight excelsior blanket reinforced with extruded plastic mesh specifically manufactured for high velocity channeled flow applications.

3.01.k Soft Armor Ditch Lining And Turf Reinforcement Matting - shall be used where indicated on Drawings and in locations where high velocity ditch lining proves to be ineffective in the field as directed by Engineer. Soft armor matting shall consist of a three dimensional nylon geomatrix such as Enkamat® 7020.

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3.01.l Rip-Rap - shall be used in swales, steep slopes, pond spillways and outlets, etc. as shown on Drawings to protect soils from excessive flow velocities. It shall be of the size and depths specified on the Drawings. A minimum rip-rap size of $D_{50} = 6$ inches shall be used if not otherwise indicated on Drawings. Rip-rap may be required at locations where revegetation matting, high velocity ditch lining or soft armor is proven ineffective in the field as directed by Engineer.

3.01.m Flared End Sections - shall be installed on the inlets and outlets of culverts, field inlets and storm drain outlets where indicated on Drawings. Rip-rap inlet or outlet protection may be required in addition to flared end sections in locations where indicated on Drawings and in locations where flared end sections have proven to be ineffective in the field as directed by Engineer.

3.01.n Rip-Rap Inlet Protection - shall be provided in locations where indicated on Drawings and as noted on the rip-rap headwall detail and in locations where flared end sections have proven to be inadequate in the field as directed by Engineer. The rip-rap shall be the same size as that specified at the outlet. A $D_{50} = 6$ inches shall be used if not otherwise specified.

3.01.o Outlet Protection - Rip-rap outlets (aprons or plunge pools) shall be provided in locations where indicated on Drawings and Details, and in locations where flared end sections have proven to be inadequate to prevent scouring at the pipe outlet in the field, as directed by Engineer. The rip-rap shall be the same size as that specified on the Drawings. A $D_{50} = 6$ inches shall be used if not otherwise specified.

3.01.p Diversion Ditches - Diversion ditches and swales are to be created where indicated on the Drawings, or as directed by Engineer, to divert stormwater runoff away from unprotected areas, sensitive areas or steep slopes to a stabilized outlet. Diversions are to be a minimum of one foot deep and five feet wide. Grades of diversions shall not exceed 2% within 50 feet of the outlet unless appropriate structural measures (rip-rap, ditch lining, etc.) are taken. Disturbed areas are to be stabilized immediately after construction of diversions. Diversion ditches and swales shall be constructed with diversion berms as indicated on Drawings or directed by Engineer.

3.01.q Stone Check Dams - shall be installed in existing and proposed swales or at culvert inlets as shown on the Drawings. These check dams serve to reduce flow velocities in swales thus helping to reduce rilling. Check dams shall be constructed with a 6 inch tapered spillway at the center as shown on Details to prevent breaching and scour at the outer edges along the sides of the ditch.

3.01.r Level Lip Spreader - Unless otherwise Specified or indicated on Drawings, level lip spreaders will generally consist of 30 feet long, 6 inch to 12 inch deep, stone lined ponded areas discharging over a level berm through a well

vegetated buffer area. These spreaders will function to disperse channelized flow into shallow sheet flow. Construction and length of level lip spreaders shall be as detailed on the Drawings.

3.01.s Construction Entrance - A crushed stone stabilized construction entrance will be installed wherever construction traffic will enter the public road system. The size, type and locations of these shall be as shown and detailed in the Drawings. Entrances shall be constructed with a 6 inch minimum layer of 2 inch crushed stone. Stone entrance shall be placed on geotextile fabric and shall include a 10 foot x 10 foot taper on both sides of the entrance to allow for turning vehicles.

3.01.t Dust Control - Contractor shall take necessary steps to prevent blowing and airborne movement of dust from exposed soil surfaces. Maintaining natural or temporary vegetation and or mulching shall be used where practical. Mechanical sweepers or washing of pavement shall be used where necessary to prevent and remove dust buildup on paved surfaces. All exposed soil surfaces shall be maintained to minimize dust by periodically moistening bare areas with adequate water to prevent dust. Calcium Chloride solution spray should be used in areas experiencing significant dust problems and to reduce frequency of watering. Repetitive treatment shall be applied as necessary to accomplish adequate dust control (refer to Section 17.0 in the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices" manual).

4.00 EROSION CONTROL EXECUTION

4.01 General Construction Phase - The following general practices will be used to prevent erosion during construction of this project. Refer to Drawings and Details for applications, locations and installation methods. If Contractor is unclear regarding the use, location, installation, intended performance or maintenance of any prescribed erosion control measures, Contractor shall refer to the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices" (BMP) Manual for detailed procedures or contact Engineer for assistance.

NOTE: Locations of silt fence/hay-bale barriers are shown on Drawings for general purposes only to indicate the intent. Final locations should be modified based on actual field conditions and as site conditions warrant. Such field changes or modifications shall be approved by the Engineer.

4.01.a Following clearing only those areas under active construction shall be left in an untreated or unvegetated condition.

4.01.b Erosion Control Installation - Prior to the start of construction, silt fence, haybales, erosion control mix berms, stabilized construction entrances, stone check dams, inlet protection, or other appropriate measures, shall be installed

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adjacent to construction areas, around catch basins, at the toe of slopes and in areas as shown on Drawings, or as otherwise required to protect against any construction related erosion. Immediately following construction of culverts and swales, stone check dams, ditch linings, etc. shall be installed, as shown on the Drawings.

4.01.c Topsoil will be stockpiled on-site when necessary in areas which have minimum potential for erosion, such as flat slopes or on-site borrow pits, and will be kept as far as possible from existing drainage areas. All stockpiles expected to remain longer than 15 days shall be:

4.01.c.i Encircled with haybales or silt fence at the down gradient sides of the stockpile.

4.01.c.ii Treated with mulch hay if expected to remain more than 30 days or 15 days if located within 100 feet upslope of any sensitive areas, wetlands or streams.

4.01.c.iii Seeded with temporary seed mix or winter rye grass if stockpile is expected to remain more than 60 days or 30 days if located within 100 feet upslope of any sensitive areas, wetlands or streams.

4.01.c.iv Mulched with a second application of hay mulch and anchored with biodegradable netting if expected to remain over winter or beyond October 15th.

4.01.d Temporary Seeding and Mulching Schedule - During construction, all disturbed areas shall adhere to the schedules specified in TABLE 1 and SEEDING SCHEDULE below: (Note: refer to Section 4.02-Permanent Seeding and Mulching Plan for permanent seeding and mulching requirements.)

4.01.d.i The Contractor shall be responsible for monitoring daily weather reports when working in the identified sensitive areas and for monitoring weekly reports in other areas. Contractor shall adjust the work schedule in anticipation of rains and shall stabilize the site as indicated or required.

4.01.d.ii All completed areas which have been loamed and/or finish graded shall be permanently revegetated in accordance with Section 4.02-Permanent Seeding and Mulching Plan.

4.01.d.iii Temporary mulching and/or seeding shall commence immediately following initial fine grading of any area expected to remain bare for an interim period of more than 15 days (7 days for sensitive and critical areas). Stabilization or seeding requirements shall be

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determined in accordance with TABLE 1 and shall be implemented at the beginning of the expected interim period. In no case shall any bare areas remain untreated for more than 15 days (7 days for sensitive and critical areas).

4.01.d.iv Interim periods for sensitive and critical areas are indicated in TABLE 1. However, exposed or bare soil in these areas shall be mulched at the completion of work, each day, if significant rainfall is predicted or eminent.

4.01.d.v Mulch application rate shall be doubled during winter construction. Where practicable mulch should be applied at the end of each days work for areas which have been fine graded or if snow is predicted or eminent. In no case shall any areas be left bare for more than 7 days.

4.01.d.vi Permanent seeding shall not be attempted during the fall or winter seasons (after September 1st) unless otherwise approved by Engineer. Should seeding be approved by Engineer during winter season, the Contractor shall follow procedures for dormant seeding. Refer to Section 4.02-Permanent Seeding and Mulching Plan for dormant seeding requirements. However, vegetation must be inspected and reseeded by Contractor as necessary in the following spring (April 15th) to ensure good vegetative cover. Acceptance of dormant seeding shall not occur until after May 1, in the following Spring.

4.01.d.vii Temporary seeding and mulch shall be inspected and maintained or repaired weekly. At a minimum, 75% of the soil surface should be covered by vegetation. If any evidence of erosion or sedimentation is apparent, repairs shall be made and other temporary measures used in the interim (mulch, filter barriers, check dams, etc.). Mulch shall be reapplied as necessary to completely cover soil.

TABLE 1

Maximum Expected Interim Period* - (Days)	Temporary Mulching (Hay)	Temporary Seeding
0-15 (0-7)	None	None
15-45 (7-21)	2 bales/1000 sq.ft.	None
45-60 (21-30)	2 bales/1000 sq.ft.	(Per temporary seeding schedule)
More than 7 days during winter season	2 bales/1000 sq.ft.	Dormant seeding only

* Values in parentheses indicates interim period for sensitive & critical areas.
 ** Mulch application rates shall be doubled for winter construction

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TEMPORARY SEEDING SCHEDULE			
Seed	Seeding Rate (lbs/1000 sq. ft.)	Seeding Depth (inches)	Recommended Seeding Dates
Annual Rye Grass	0.9	1/4	4/1 to 7/1
Sudan Grass	0.9	1/2	7/1 to 8/15
Perennial Rye Grass	1.8	1/4	8/15 to 9/15
Winter Rye Grass	2.6	1	9/15 to 10/15
Dormant Seeding	3.5	1	10/15 to 3/31
50% Winter Rye	(2.6)		
50% Annual Rye	(0.9)		

4.01.e Grading will be held to a maximum 3:1 slope where practical. Greater slopes may be used in ledge cut. All finish graded areas shall be stabilized with permanent seeding and mulching immediately after final grading is complete. If final grading will not be completed immediately, refer to the Temporary Seeding and Mulching Schedule. It is understood that immediately means within 5 days of the completion of work. Refer to Section 4.02-Permanent Seeding and Mulching Plan, herein. See Contract Specifications for additional permanent seeding requirements.

4.01.f Culverts will be protected with flared end sections and/or rip-rap aprons and headwalls at inlets and outlets as shown on Drawings.

4.01.g Construction traffic - will be directed over the stabilized construction entrances and proposed roads. Any areas subject to rutting will be stabilized immediately. The crushed stone construction entrances shall be maintained by the addition of more crushed stone as needed as the voids become filled. The public roadway shall be swept daily should mud be tracked onto it.

4.01.h Erosion Controls for Detention Pond and Sedimentation Basins - the following practices and schedule shall be adhered to while constructing detention ponds, wet ponds and/or sediment basins:

4.01.h.i The construction of the ponds or basins shall only take place as described in Section 2.00-Construction Calendar of this report.

4.01.h.ii The construction of the ponds or basins shall commence during a period of minimal flow with a dry short-range weather forecast. Once under construction, the pond shall be completed and stabilized within 30 days or less.

4.01.h.iii If the construction of the pond should be hampered by rain and excessive runoff all of the externally draining areas of the ponds must be stabilized daily by mulching and anchored with a photodegradable

4.01.h.iv The sequence for the construction of the detention ponds wet ponds and sedimentation basins shall be as follows:

4.01.h.iv.(1) Clear area required for pond or basin construction.

4.01.h.iv.(2) Install erosion controls.

4.01.h.iv.(3) Commence with grubbing and earthwork.

4.01.h.iv.(4) The Contractor shall plan the excavation so the proposed pond or basin captures any runoff, thereby, serving as a temporary sediment basin throughout the construction. Temporary sediment risers or filters shall be used where indicated on Drawings.

4.01.h.iv.(5) The Contractor shall routinely monitor and inspect the operation and function of all ponds and sedimentation ponds on a weekly basis to ensure proper working conditions, and shall inspect all ponds and outlets, during, and immediately following, significant rainfall (>1.0 inch in a 24 hour period). Contractor shall provide immediate maintenance or repairs, as required, in addition to scheduled maintenance. Any evidence which suggests that the outlet is clogged, or pond level does not significantly drawdown within 24 hours after rainfall event, requires immediate attention or emergency measures. In the event these conditions are encountered or if the pond level rises to within one foot the emergency spillway, dewatering shall be required followed by replacement of all filters and filter materials.

4.01.h.iv.(6) Should dewatering be necessary during construction, the following methods may be required:

4.01.h.iv.(6).A The Engineer shall be contacted immediately.

4.01.h.iv.(6).B A temporary level lip spreader shall be constructed where a mildly sloping well-vegetated buffer area exists, a minimum of 100 ft. from the nearest drainage way or

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resource. This area shall serve as a buffer area to filter any sediment that may be suspended in the pond water. The Engineer shall approve the location of the emergency level lip spreader prior to construction.

4.01.h.iv.(6).C Fifty feet down gradient and parallel to the level lip spreader, a row of triple protection silt fence and hay bales and erosion control mix (or sand) shall be installed to further filter the water.

4.01.h.iv.(6).D The pond water shall be pumped into a stone lined plunge pool with a stable channel directing the runoff to the emergency level spreader. The pump shall be operated at such a rate as to not overload or channelize the flow out of the spreader.

4.01.h.iv.(6).E During pumping, the downstream areas receiving runoff shall be periodically inspected by the Contractor to check for cloudy appearance or erosion. Should erosion problems occur or significant cloudiness still be prevalent in the water, the Contractor shall stop pumping and contact the Engineer.

4.01.h.iv.(7) During excavation, topsoil, silts and clays that may be later used for the final grading or pond lining shall be stockpiled upslope from the pond in areas that are not expected to receive concentrated flows. These stockpiles shall be mulched immediately and encircled with hay bales at the toe of the pile.

4.01.h.iv.(8) Should pond construction be hampered by rain, refer to Section 4.01.1 Emergency Protection Procedures of this report for corrective measures.

4.01.h.iv.(9) A protective lining of rip-rap ($D_{50}=4''$), soft armor, matting, sod or other approved material shall be placed between a minimum of 2 feet below and two feet above the proposed retained elevation of permanent pools or wet ponds to prevent scouring. Rip-rap shall be used unless otherwise indicated on Drawings.

4.01.h.iv.(10) Place Loam, fertilizer, seed and mulch over all related disturbed areas the same day final grades are reached.

4.01.j Winter Construction - For any work proposed during the winter season, the Contractor shall adhere to the following practices:

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4.01.j.i A plan and schedule of activities shall be submitted to the Engineer and approved prior to any work being done.

4.01.j.ii The interim period for any exposed area shall be limited to 7 calendar days.

4.01.j.iii The Contractor may not expose or disturb more than one acre at any one time on the site. Contractor may expose up to 3 acres at a time subject to approval by Engineer.

4.01.j.iv Where required and approved by Engineer, installation of silt fence may be modified from detail on Drawings to substitute 6 inches of clean gravel over the bottom of the silt fence in lieu of trenching and backfilling fabric.

4.01.j.v Mulching and seeding rates shall adhere to the Temporary Seeding and Mulching Schedule, (Section 4.01.d.). Note that all mulching rates shall be doubled as shown in TABLE 1. (Section 4.01.d.v), and, shall follow the sensitive area schedule.

4.01.j.vi Permanent seeding shall not be attempted by Contractor during winter season unless otherwise approved by Engineer.

4.01.k Monitoring Schedule - The Contractor shall be responsible for installing, monitoring, maintaining, repairing, replacing and/or removing all of the temporary erosion and sedimentation controls as specified herein or directed by the Engineer, or shall appoint a qualified subcontractor to do so, as follows:

4.01.k.i Maintenance measures will be performed as needed during the entire construction cycle. After each rainfall, and *prior to* predicted significant rainfall events (> 1"), a visual erosion controls inspection will be made by the Contractor to insure their continuing function as designed.

4.01.k.ii Stone check dams, hay bale barriers, drop inlet barriers, erosion control mix berms, silt fence and mulch shall be inspected and repaired once a week or immediately following any significant rainfall. Sediment trapped behind these barriers shall be removed when it reaches a depth of 6 inches (or 1/2 the height of the dam for check dams) and redistributed to areas undergoing final grading.

4.01.k.iii Sedimentation basins and perforated riser pipes or sediment filters shall be visually inspected once a week or immediately after each significant rainfall, and cleaned and repaired as needed. Sediment trapped at the bottom of the basins or sediment forebays shall be removed once it attains a depth of 6 inches unless otherwise specified.

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Stone and sand filters and filter fabrics at riser pipes shall be removed and replaced at scheduled one-month intervals, or as necessary after each storm. The sediment removed shall be transported to an upslope area undergoing final grading, or removed from the site. The sediment and the removal thereof shall be handled in a manner which does not promote erosion or sedimentation.

4.01.k.iv Near completion of the construction and after the site is revegetated and stable, the Contractor shall inspect, clean, maintain, repair, restabilize or revegetate all ponds, drainage structures, storm drains, culverts, level spreaders and ditches prior to acceptance by the Owner.

4.01.l Emergency Protection Procedures - Should construction be hampered by excessive runoff or result in sediment entering downstream channels, then the Contractor shall employ the following procedures to remediate the situation. Note that the Contractor is not limited to these measures and may propose other measures based upon experience, subject to the approval and/or direction of the Engineer. If problems persist after corrective action is taken, Contractor shall notify Engineer.

4.01.l.i Problem: Killing (small eroded or cut channels or rivulets in flat surfaces):

Solutions:

- 4.01.l.i.(1) Fill rills with rip-rap.
- 4.01.l.i.(2) Repair, mulch and or use matting.
- 4.01.l.i.(3) Install sod strips across flow path for large graded areas.
- 4.01.l.i.(4) Place double protection hay bales/silt fence barriers along the contours.
- 4.01.l.i.(5) Divert upstream runoff from exposed area into stable area and repair and stabilize eroded areas.

4.01.l.ii Problem: Erosion in channels:

Solutions:

- 4.01.l.ii.(1) Repair and rip-rap channel.
- 4.01.l.ii.(2) Repair and place high velocity ditch lining in swale.
- 4.01.l.ii.(3) Repair channel, revegetate and install stone check dams.

4.01.l.iii Problem: Siltation in stream or river:

Solutions:

- 4.01.l.iii.(1) Walk up-stream to determine where sediment is entering the channel.
- 4.01.l.iii.(2) Take appropriate corrective measures to prevent sediment from entering stream (i.e. mulching, matting, silt fence, etc.).

4.02 Permanent Seeding and Mulching Plan - The following general practices will be used to re-establish final vegetation.

4.02.a: Loaming - A minimum of 4 inches (unless otherwise specified) of loam will be spread over disturbed areas and graded to a uniform depth and a natural appearance. 6" of loam is desirable, if available on site. All loam shall be as specified or approved by the Engineer.

4.02.b Final Seeding: - All final seeding shall be completed immediately (within 7 days) following final grading. All final fertilizing and seeding shall adhere to the Specifications unless otherwise approved by the Engineer.

4.02.c Mulching: - All areas shall be mulched immediately after seeding, with the exception that, very large flat areas with maximum sustained slopes of less than 2 percent, such as athletic fields need not be mulched, **provided such areas are specifically approved** by Engineer. Such areas shall include mulching for at least 25 feet around perimeter and on all slopes greater than 2 percent or as directed by Engineer. Immediately upon first signs of any evidence of significant erosion occurring, Contractor shall repair and mulch all such areas until area is stabilized. Mulching shall consist of hay mulch, hydro-mulch or any suitable substitute deemed acceptable by the Engineer.

4.02.c.i Straw mulch shall be applied at the rate of 2 tons per acre (90 lbs. or 2 bales/1,000 sq. ft.) unless otherwise specified.

4.02.c.ii Hydro-mulch shall consist of a mixture of asphalt, wood fiber or paper fiber and water sprayed over a seeded area. Hydro-mulch shall not be used during the fall, winter or mud season.

4.02.c.iii Mulching shall be monitored according to the monitoring schedule (Section 4.01.k). Should mulching prove to be ineffective, then netting or matting shall be used in its place.

4.02.d Dormant Seeding: - Construction shall be planned to eliminate the need for seeding during the fall, winter or mud season. Dormant seeding shall not be used unless approved by Engineer. Should seeding be necessary between these dates, the following procedure shall be followed:

4.02.d.i Only unfrozen loam shall be used.

4.02.d.ii Loaming, seeding and mulching will not be done over snow cover. If snow exists, it must be removed prior to placement of seed.

4.02.d.iii No permanent seeding will be done during fall, winter or mud season unless specifically approved by the Engineer. If attempted, the normal

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seed application rate shall be doubled. Reseeding in spring by Contractor will be required in all areas with insufficient growth.

4.02.d.iv Where temporary seeding is required, the rates specified in the Temporary Seeding and Mulching Schedule (Section 4.01d) shall be adhered to.

4.02.d.v Fertilizing, seeding and mulching shall be done on loam the same day the loam is spread. Winter mulch rates shall apply as specified in the temporary seeding and mulching schedule (Section 4.01d).

4.02.d.vi On slopes greater than 3:1, straw matting or excelsior matting will be substituted for mulch, except that biodegradable netting over mulch may be used where approved by the Engineer.

4.02.e Inspection: - Following final seeding, the site will be inspected every 30 days until 80% cover has been established. Reseeding and mulching shall be carried out in areas where inadequate catch is observed until adequate growth is established in all seeded areas, as agreed upon by the Engineer. The Contractor may be required to reseed during the following spring subsequent to winter or fall construction and seeding in order to provide 80% vegetative cover as required for Acceptance by Owner.

4.03 **Erosion Control Removal** - Removal of temporary erosion control measures shall be the responsibility of the Contractor. All erosion controls shall remain in place and maintained by the Contractor until all related construction is complete and the area is stable.

4.03.a An area is considered stable if:

4.03.a.i An 80% cover of grass has been established.

4.03.a.ii It is paved.

4.03.a.iii Rip-rap or other permanent measures are in place.

4.03.b Haybales and silt fence shall be removed once the areas upstream are stable. The haybales and silt fence shall be disposed of legally and properly off-site. All sediment trapped behind these controls shall be:

4.03.b.i Distributed to an area undergoing final grading.

4.03.b.ii Graded in an aesthetic manner to conform to the topography, and fertilized, seeded and mulched in accordance with the rates previously stated.

4.03.c The sediment trapped behind/around/in stone check dams, perforated risers, and sedimentation basins, shall be removed and transported off-site, or to an upslope area undergoing final grading. The sediment trapped by these devices shall not be regraded locally since they exist in drainage ways.

4.03.d The rip-rap and stone from the check dams and risers may be either:

4.03.d.i Removed, or

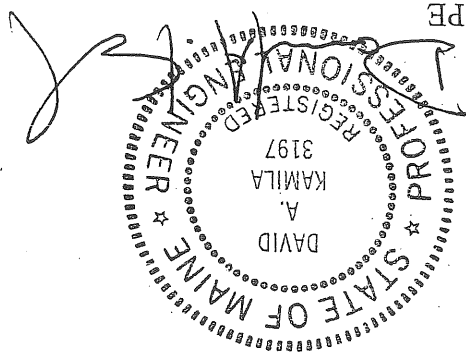
4.03.d.ii Regraded in an aesthetic manner that does not inhibit flow or create erosion.

4.03.e Once all the trapped sediments have been removed from the temporary sedimentation devices, the disturbed areas must be loamed (if necessary), fertilized, seeded and mulched in accordance with the rates previously stated.

5.00 CONCLUSION

5.01 The construction of the new building on Lot 1 of the Butler Subdivision, on Riverside Street in Portland, Maine, if constructed in conformance with the project Drawings and the Erosion and Sedimentation Control Report, herein, should not result in any significant erosion or sedimentation either on or off the site.

Prepared by:



David A. Kamila, PE
President Engineering

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Sections 15
Groundwater

A. Narrative and Report

1. The project is located generally over a mapped sand and gravel aquifer associated with the Presumpscot River. See Exhibit 15.1 attached which shows the project superimposed on the MGS Sand and Gravel Aquifer Map No. 5.

2. The project is served by public water from the Portland Water District. No on site wells are proposed. Therefore, no groundwater will be used by the project.

3. The on site subsurface disposal systems constitute the only direct discharge into the ground. None of the disposal systems are located over the mapped aquifer and the quantity of wastewater is relatively low. No other significant quantities of potentially harmful chemicals or fuel are handled, stored or disposed of on site.

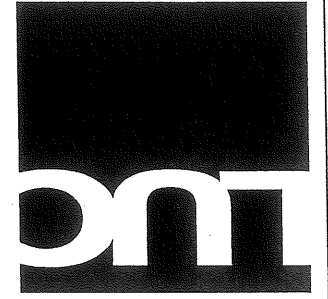
4. There are no specific measures proposed to prevent degradation since no significant potential exists for contamination.

B. Groundwater Protection Plan

The proposed project is not anticipated to have an adverse effect on groundwater and no specific plan is presented.

C. Monitoring Plan

No petroleum products, solvents, acids or similar hazardous materials will be stored on site, therefore no monitoring plan is necessary.



DATE: 10/2003

SCALE: 1"=50,000'

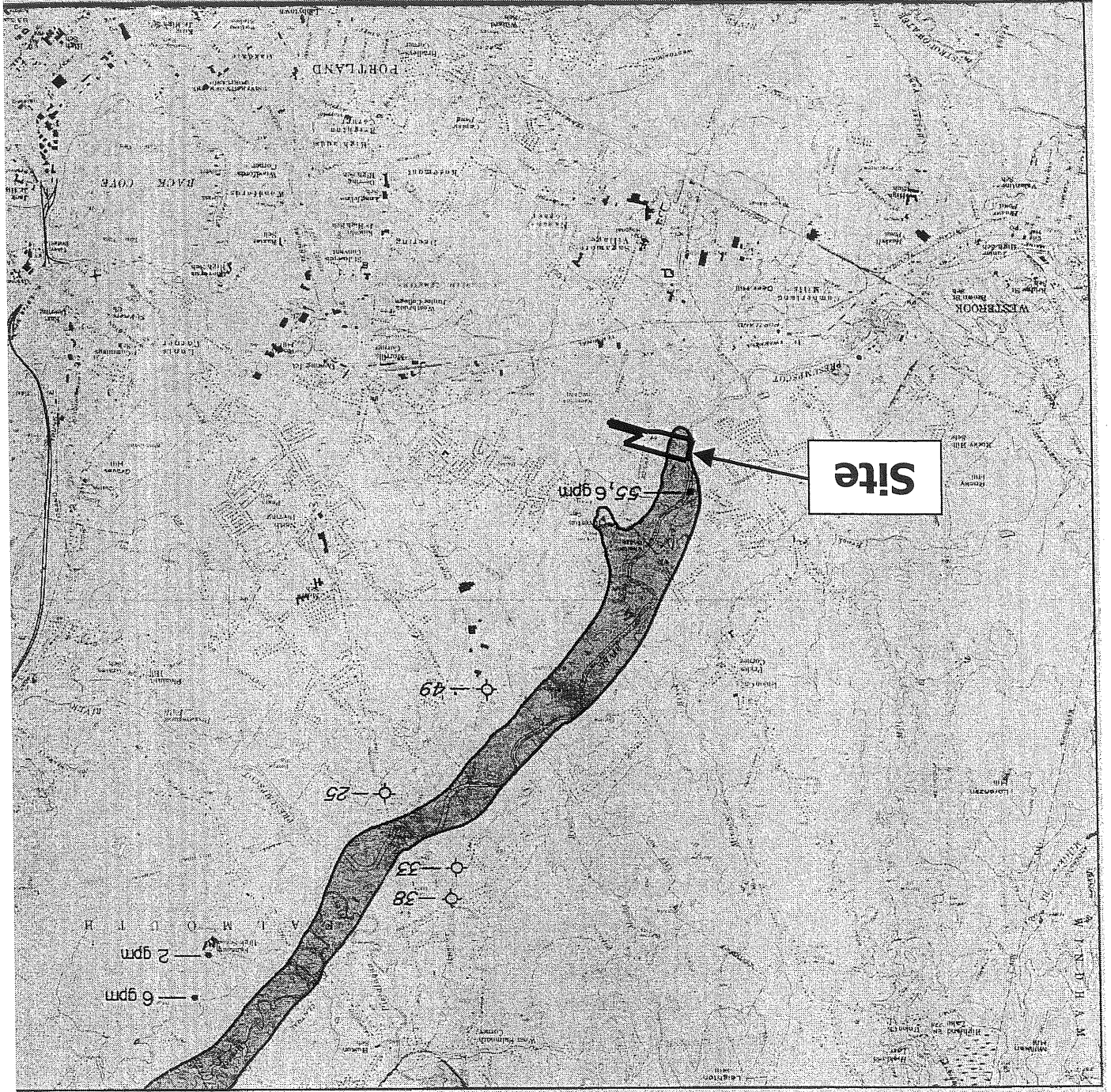
JOB NO: 1423.1

Sani-Clean Distributors
585 Riverside Street
Portland, Maine 04103

Sand & Gravel Aquifer Map

PREPARED FOR:

TITLE:



REFERENCE: Maine Geological Survey, "Significant Sand and Gravel Aquifers" Map 5 Cumberland & York Counties, 1979

17A

According to the *Maine Subsurface Waste Water Disposal Rules*, Chapter 5, Design Flows, an estimate of daily peak flows has been determined around 110 gallons per day for an estimated 6 employees at 15 GPD + 20 GPD for equipment washing. Weekends and holidays will result in significantly less usage.

F. Total Usage

Each building has an on site subsurface wastewater disposal system for employee bathrooms.

E. Subsurface Wastewater Disposal

All buildings on this site either existing or proposed are serviced by public water from the Portland Water District. In general, no significant quantities of process water are used and most water is for individual employee needs. A copy of the letter from Portland Water District (Dated April 23, 1996) regarding ability to service the project is attached.

D. Water Supply Method

**Section 16
Water Supply**

Att. 18

December 15, 2003

Mr. Thomas D. Doyle, E.I.

Land Use Consultants, Inc.

966 Riverside Street

Portland, Maine 04103

Re: 470 Riverside St, Portland

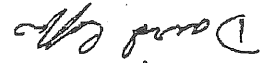
Dear Sir:

The Portland Water District has a 12" water main in Butler RMW off Riverside Street in Portland, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 73 psi; pito pressure 63 psi; with a flow of 1332 gpm. With these results in mind, the District feels we have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands. Please notify your plumber of these results so that they can design your system to best fit the available pressure.

With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT



David W. Coffin, PLS

Engineering Supervisor

Section 17
Wastewater Disposal

A. On-Site Subsurface Wastewater Disposal Systems

Each of the four buildings on site will be serviced by its own subsurface wastewater disposal system. Three systems are in place serving the three existing buildings on site. A new system is proposed to serve the new 9,600 s.f. building. Systems are sized based on the total number of employees at each site. The proposed new building will also generate a small amount of equipment wash water.

The existing or proposed locations of disposal beds are delineated on the site plan attached herewith. Test pit profile logs are also attached.

A copy of the completed HHE-200 for the subsurface disposal system for the proposed new 10,000 s.f. building is also attached.

B. Nitrate-Nitrogen Impact Assessment

Due to the relatively small size of the existing and proposed subsurface disposal beds and lack of wells in the vicinity no nitrate-nitrogen impact assessment is proposed.

C. Municipal Facility or Utility Company Letter

No public sewer is available in this area.

D. Wastewater Discharge Information

No discharges of liquid waste from any commercial or industrial process or any domestic wastes will occur into any lake, stream, river, pond, or other water body on or adjacent to this site.

E. Storage or Treatment Lagoons

No storage or treatment lagoons are proposed for this project.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health Engineering, 10 State
 (207) 287-5672 Fax: (207) 287-31

>> CAUTION: PERMIT REQUIRED - ATTACH IN SPACE BELOW <<

City, Town, or Plantation: PORTLAND
 Street or Road: 470 RIVERSIDE STREET
 Subdivision, Lot #: BUTLER SUBDIVISION, LOT 1

OWNER/APPLICANT INFORMATION
 Name (last, first, MI): ALEXANDER RUSSELL CO. LLC
 Owner Applicant

Mailing Address of Owner/Applicant: 585 RIVERSIDE ST. PORTLAND, ME 04103
 Daytime Tel. #: 797-8240

OWNER OR APPLICANT STATEMENT
 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 or Applicant: _____ Date: _____
 Local Plumbing Inspector Signature: _____ (2nd) date approved: _____

PERMIT INFORMATION

THIS APPLICATION REQUIRES

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: 596 772 SQ. FT.
 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: OFFICE/WAREHOUSE (specify)

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

DISPOSAL FIELD TYPE & SIZE
 1. Stone Bed 2. Stone Trench
 3. Proprietary Device
 a. cluster array c. Linear
 b. regular load d. H-20 load
 4. Other: _____
 SIZE: 400 sq. ft. lin. ft.

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

SOIL DATA & DESIGN CLASS
 1. Concrete
 a. Regular
 b. Low Profile
 2. Plastic
 3. Other: _____
 CAPACITY: 1000 GAL.
 PROFILE CONDITION DESIGN: ZIC
 at Observation Hole # 1
 Depth: 18"
 of Most Limiting Soil Factor

SITE EVALUATOR STATEMENT
 I certify that on 11/25/03 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).
 Site Evaluator Name Printed: DAVID A. KAMILA
 Site Evaluator Signature: _____
 SE # 185 Date 12/9/03

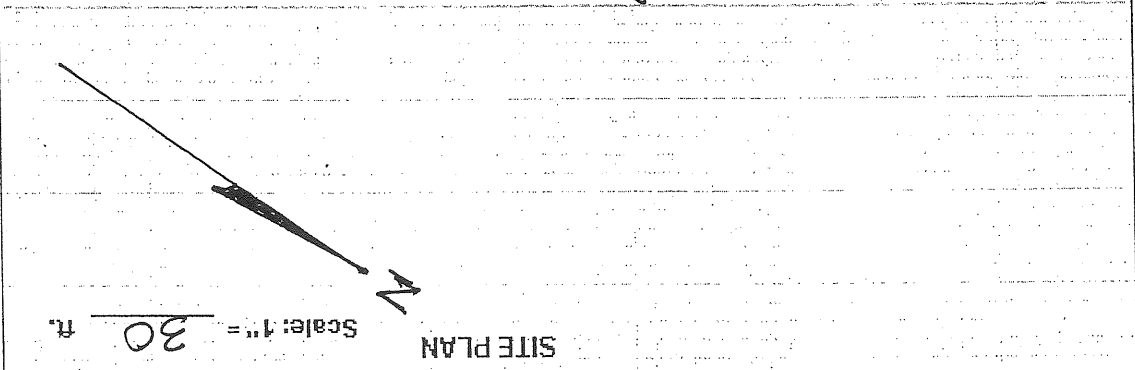
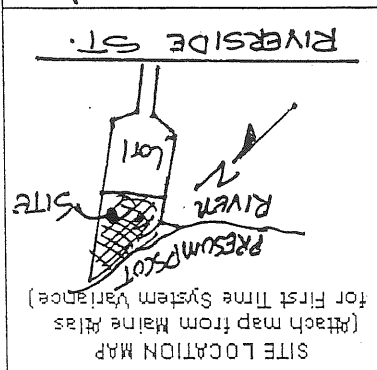
SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

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

Town, City, Plantation
PORTLAND

Street, Road, Subdivision
470 RIVERSIDE ST., LOT 1 SUBDIVISION

Owner or Applicant Name
BUTLER ALEXANDER RUSSELL CO. LLC



SOIL PROFILE DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Depth below mineral soil surface (inches)	Soil Profile	Soil Classification	Slope Percent	Limiting Factor	Depth	Groundwater	Resistive Layer	Bedrock
0	0	Texture	Consistency	Color	Mottling	Depth of organic horizon above mineral soil		
6	FINE	FRIABLE				NONE		
12	SANDY	LOOSE				TO		
18	LOAM	LOOSE				TO		
24	SILT	VERY OLIVE						
30	LOAM	FIRM						
36								
42								
48								

Depth below mineral soil surface (inches)	Soil Profile	Soil Classification	Slope Percent	Limiting Factor	Depth	Groundwater	Resistive Layer	Bedrock
0	0	Texture	Consistency	Color	Mottling	Depth of organic horizon above mineral soil		
6	FINE	FRIABLE				NONE		
12	SANDY	LOOSE				TO		
18	LOAM	LOOSE				TO		
24	SILT	VERY OLIVE						
30	LOAM	FIRM						
36								
42								
48								

Site Evaluator Signature
D. A. K.

SE #

185

Date

12/9/03

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

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

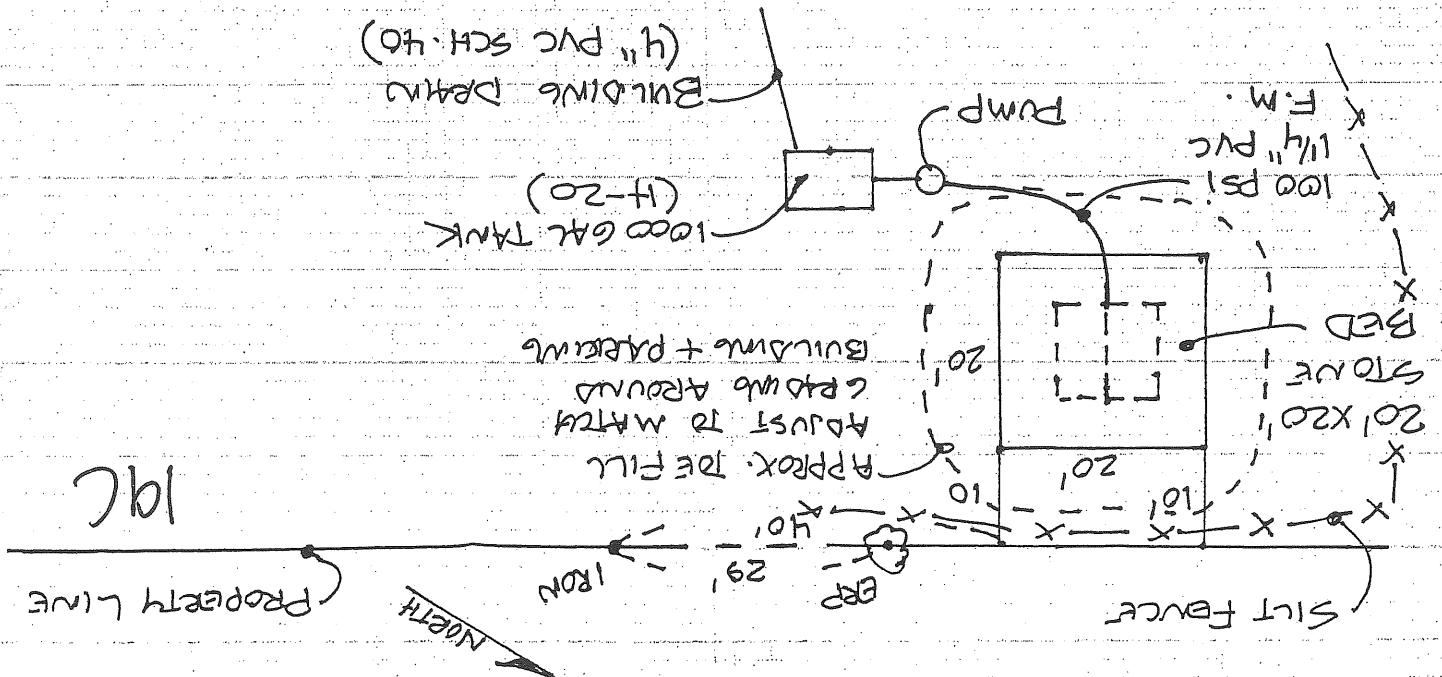
Owner or Applicant Name
 ALEXANDER RUSSELL Co. LLC

Street, Road, Subdivision
 BUTLER 470 RIVERSIDE ST., LOT 1 SUBDIV.

Town, City, Plantation
 PORTLAND

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale: 1" = 20 ft.

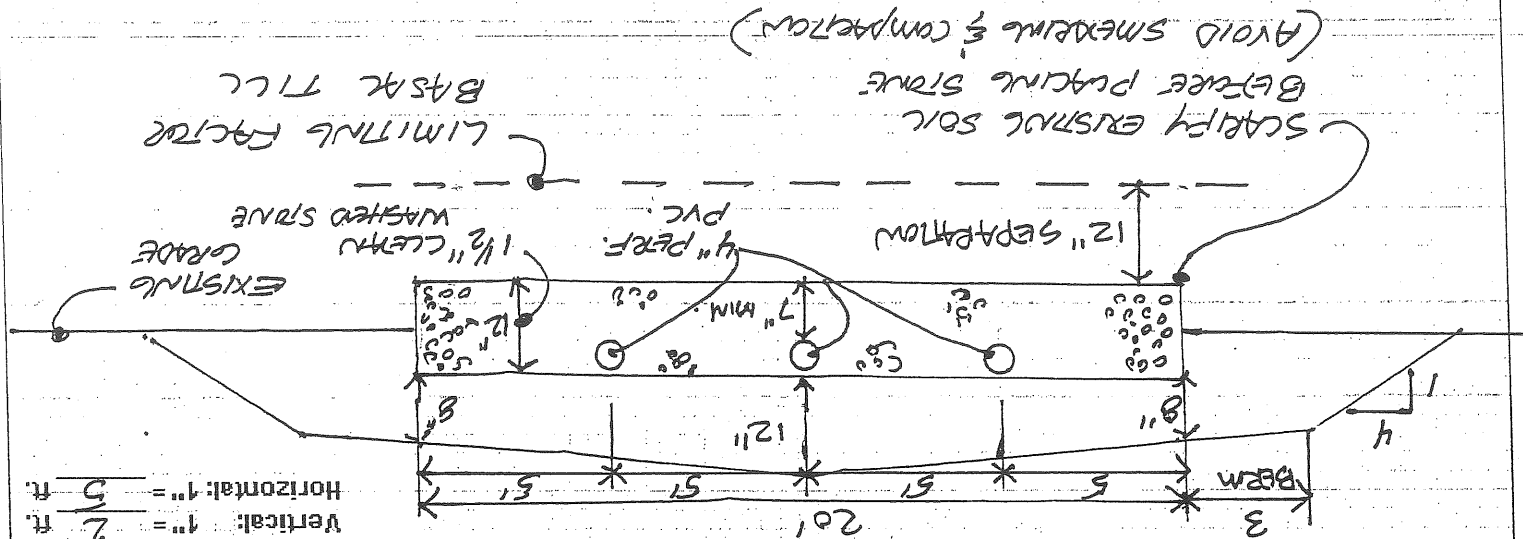


NOTE: LOAN SEED & MUCK ARE DISTURBED AREAS AND INSTALL SILT FENCE TO PREVENT EROSION FROM REMAINING SITE OF WORK.

CONSTRUCTION ELEVATIONS		BACKFILL REQUIREMENTS	
Location & Description: NAIL IN 20" OH SET 60" ABOVE GRADE	-44"	Depth of Backfill (upslope)	14"
Top of Distribution Pipe or Proprietary Device	-57"	Depth of Backfill (downslope)	14"
Bottom of Disposal Field	-68"	DEPTHS AT CROSS-SECTION (shown below)	

ELEVATION REFERENCE POINT

DISPOSAL FIELD CROSS-SECTION



Att. 20

Section 18
Solid Waste

A. Commercial Solid Waste Facility

Currently the solid waste generated by the existing tenants is handled by 4 separate 5 c.y. dumpsters located throughout the site and emptied weekly by Waste Management of Maine.

The additional building will also utilize the same trash hauler with an additional dumpster located near the building. Each tenant is responsible for their own waste removal.

B. Off-Site Disposal of Woodwaste or Land Clearing Debris

The small quantities of building construction debris will be collected for disposal by the building contractor and disposed of in a lawful manner.

C. On-Site Disposal of Woodwaste or Land Clearing Debris

No significant amount of wood waste or clearing debris is anticipated on this site due to the fact it is mostly open field with very small emergent tree growth occurring in limited areas.

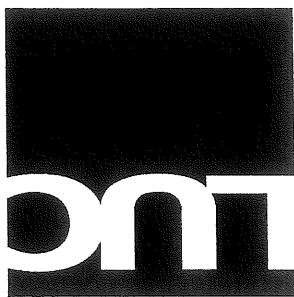
C. Special or Hazardous Waste

No significant amounts of special or hazardous wastes are expected. Individual tenants in the buildings are responsible for lawful handling and disposal of any incidental quantities of special or hazardous wastes they may use. All vehicle fueling and maintenance occurs at off site facilities.

Att. 21

Section 19
Flooding

The project lies within a flood plain area. A copy of the FEMA Flood Map is included as Exhibit 19.1. The 100 year flood elevation is 34.8 NGVD. In general we are not developing within the flood plain or associated floodway except for an isolated wetland which will be filled in to allow for the new building and to correct an existing steep fill slope which is eroding.

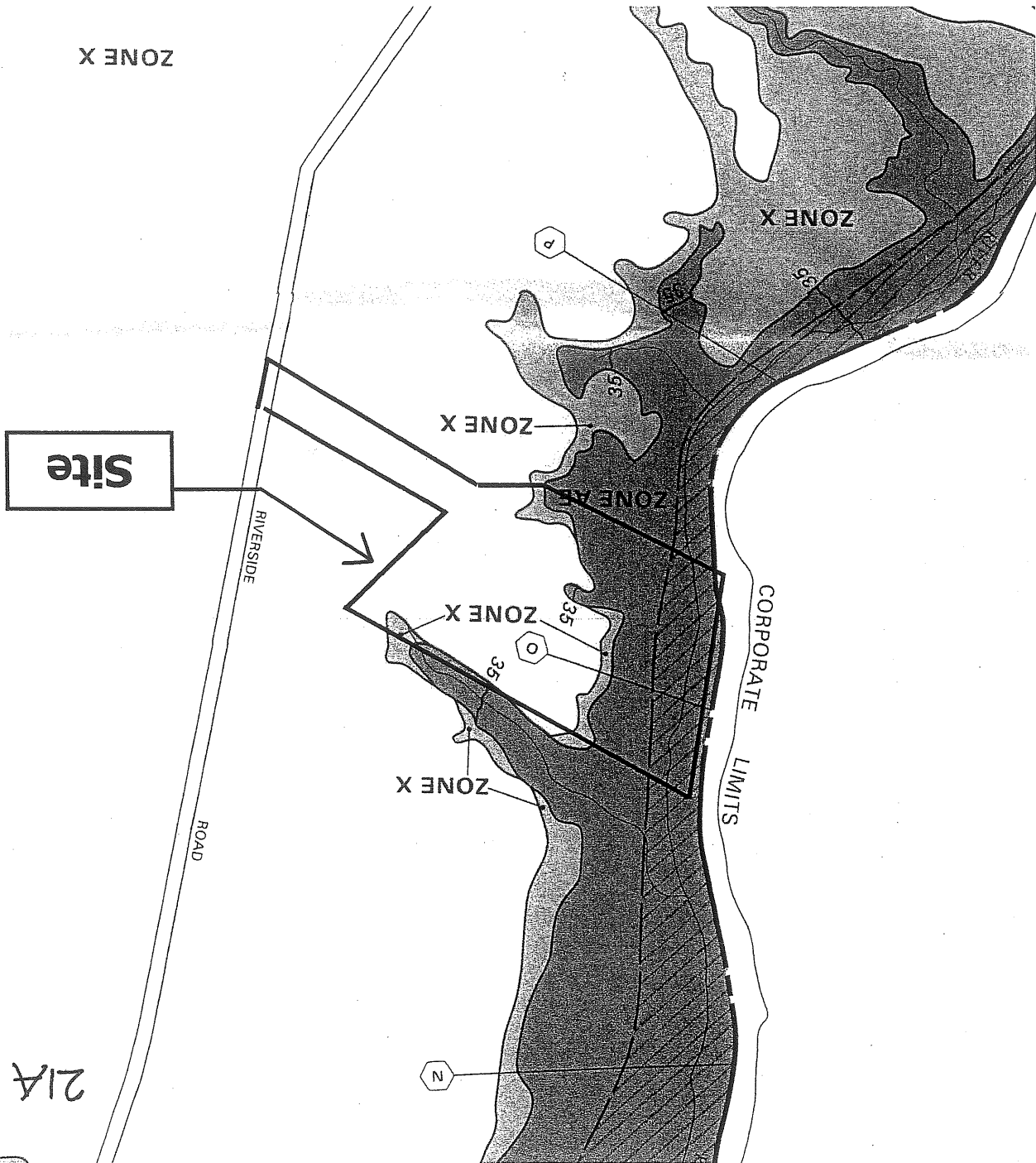


Sani-Clean Distributors
585 Riverside Street
Portland, Maine

Flood Map

DATE: 10/2003 SCALE: 1"=400' JOB NO: 1423.1

PREPARED FOR: TITLE:



REFERENCE: FEMA FIRM Panel 6 of 17, 230051 0006 C, City of Portland, Cumberland County, Maine.

AH. 22

**Section 20
Blasting**

No ledge excavation was necessary for any of the existing buildings, utilities, or roadways already on this site and none is anticipated for the proposed new construction.

If ledge is encountered and blasting is necessary it will be conducted in conformance with City Blasting Ordinance regulating blasting operations and general industry standards.

Att. 23

Section 21
Air Emissions

The project will not create or result in any point source air emissions. Non-point source or fugitive emissions will be limited to exhaust and dust from vehicles such as cars, construction equipment and dust from the construction of the project.

Control of fugitive emissions will be utilized by limiting the amount of open areas at any one time. The contractor will be responsible to maintain dust controls during dry periods with water applications of calcium chloride.

Att. 24

**Section 22
Odors**

The existing tenants of the project as well as Sani-Clean Distributors are not expected to generate any long term emissions of any noxious or offensive odors.

During construction, there will be emissions from construction equipment, asphalt paving materials and other typical construction activities at levels not expected to create any significant adverse effects.

The proposed development will not create nor result in any potentially large scale water vapor emissions, which would cause a change in local climate.

**Section 23
Water Vapors**

Att. 25

No structures on the site will block access to direct sunlight for structure utilizing solar energy through active or passive solar systems.

**Section 24
Sunlight**

Att. 26

**Section 25
Notices**

- A. Evidence that Notice Has Been Sent
Copies of the Form D notification Public Notices are enclosed. The notices were published in Portland Press Herald on December 15, 2003 (copy attached).
- B. List of Abutters for Purposes of Notice
A copy of the abutters list for the property is attached. All the abutters were issued copies of the attached notices.

PUBLIC NOTICE:
NOTICE OF INTENT TO FILE

Please take notice that

Alexander-Russell Co., LLC, 585 Riverside Street, Portland, Maine 04103

(Name, Address and Phone of Applicant)

207-797-8240

is intending to file a Site Location of Development Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. § 481 thru 490 on or about December 12, 2003

(anticipated filing date)

The application is for

The construction of a new 10,000 s.f. commercial building and a 4,800 s.f. future

(description of the project)
addition with associated parking, loading, and access drives and utility services.

at the following location:

470 Riverside Street Portland, Maine (Lot 1 of the Butler Subdivision)

(project location)

A request for a public hearing or a request that the Board of Environmental assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta or Bangor)(circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in

Portland

Maine.

(town)

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333-0017.

NOTICE CERTIFICATION

By signing below, the applicant (or authorized agent) certifies that he or she has

1. Published a Notice of Intent to File once in a newspaper circulated in the area where the project site is located within thirty days prior to the filing of the application;

2. Sent by certified mail a completed copy of the Notice of Intent to File to the owners of the property abutting the land upon which the project site is located within thirty days prior to the filing of the application;

3. Sent by certified mail a completed copy of the Notice of Intent to File and filed a duplicate of this application with the town clerk or city clerk of the municipality(ies) where the project is located; and

4. Provided notice of and held a public informational meeting in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 8, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town clerk or city clerk of the municipality(ies) where the project is located at least 10 days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least 7 days prior to the meeting. (NOTE: A Public Informational Meeting is not required for residential subdivisions with 20 or fewer developable lots.)

Approximately _____ members of the public attended the Public Informational Meeting.

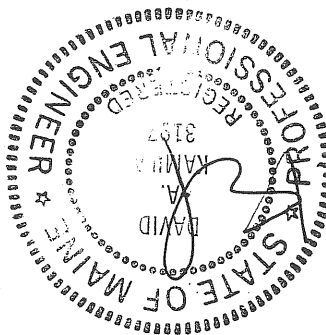
Signature of Applicant
Jim Russell, Owner - Alexander-Russell Co., LLC

Print name and title of Applicant

Date
12/15/03

If signature is other than that of the applicant, attach letter of agent authorization signed by applicant.

David A. Kamila, P.E.
President
Land Use Consultants



Sincerely,

As part of the application process you are invited to attend a public informational meeting about the project at the offices of Land Use Consultants located at 966 Riverside Street on December 29, 2003, at 4 pm. Please call 797-8240 or write to the address below for more information, we look forward to your attendance.

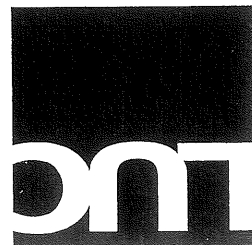
The purpose of this letter is to notify you that Alexander-Russell Company, LLC is planning to file a Site Location of Development Permit Application with the City of Portland pursuant to the provisions of 38 M.R.S.A. SS 481-489 on or about December 16, 2003. A copy of the "Notice of Intent to File" is attached herewith. The application is for the construction of a new commercial building on Lot 1 in the Butler Subdivision located at 470 Riverside Street containing 9,600 square feet with associated parking, loading areas, utility services and site grading.

To Whom It May Concern:

planners
engineers
landscape
architects

December 16, 2003

1423.1



Land Use Consultants, Inc.

David A. Kamila PE
Frederic J. Licht PE
Thomas N. Emery RLA
J. David Haynes RLA

270

LOCUS

Record Owner:

Map 321 Block A Lot 4

Fende Associates, Inc.

42 South Street

Yarmouth, ME 04096

Direct Abutters:

Map 322 Block A Lot 1

Lucas Tree Expert Co.,

Inc.

636 Riverside Street

Portland, ME 04103

Map 321 Block A Lot 3

Diane H. Dipietrantonio

20 Continental Drive

Portland, ME 04103

Map 321 Block A Lot 1

Arthur W. Batson, Jr.

PO Box 958

Portland, ME 04104

Map 321 Block A Lot 7

Portland Water District

225 Douglass Street

Portland, ME 04103

Map 321 Block A Lot 8

NECOMM Properties,

Inc.

480 Riverside Street

Portland, ME 04103

Map 320 Block A Lot 5

Crockett Riverside, LLC

39 Graystone Lane

Portland, ME 04103

Map 320 Block A Lot 3

Maine Turnpike

Authority

430 Riverside Street

Portland, ME 04103

Map 320 Block A Lot 4

Rist Martin &

Barneysue Brunet

Trustees

400 Riverside Street #A7

Portland, ME 04103

Map 317 Block A Lot 5

US Postal Service USPS

Facilities Service Office

6 Griffin Road North

Windsor, CT 06006

Map 320 Block A Lot 7

Rist Martin &

Barneysue J. Brunet

Trustees of Rist/Brunet

Family Tru

201 US Route 1

Scarborough, ME 04074

Map 320 Block A Lot 2

Rist Martin &

Barneysue J. Brunet

Trustees of Rist/Brunet

Family Tru

201 US Route 1

Scarborough, ME 04074

Map 321 Block A Lot 1

Arthur W. Batson, Jr.

PO Box 958

Portland, ME 04104

Map 321 Block A Lot 7

Portland Water District

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Map 320 Block A Lot 5

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Map 320 Block A Lot 3

Maine Turnpike

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430 Riverside Street

Portland, ME 04103

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6 Griffin Road North

Windsor, CT 06006

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Rist Martin &

Barneysue J. Brunet

Trustees of Rist/Brunet

Family Tru

201 US Route 1

Scarborough, ME 04074

Map 320 Block A Lot 2

Rist Martin &

Barneysue J. Brunet

Trustees of Rist/Brunet

Family Tru

201 US Route 1

Scarborough, ME 04074

Att - 28

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM

Fire Copy

2003-0268

Application I. D. Number

12/15/2003

Application Date

Sani-Clean Distributors Building

Project Name/Description

470 - 470 Riverside St, Portland, Maine

Address of Proposed Site

321 A004001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail

Other (specify)

IM

Zoning

Pende Associates Inc

Applicant

42 South St, Yarmouth, ME 04096

Applicant's Mailing Address

Consultant/Agent

Agent Ph:

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking Lot

9,600 s.f.

Proposed Building square Feet or # of Units

Acraege of Site

Zoning

Check Review Required:

Site Plan

Subdivision

of lots

PAD Review

14-403 Streets Review

Flood Hazard

Shoreland

Historic Preservation

DEP Local Certification

Zoning Conditional Use (ZBA/PB)

Zoning Variance

Other

Fees Paid:

Site Plan

\$400.00

Subdivision

Engineer Review

Date 12/18/2003

Fire Approval Status:

Approved

Approved w/Conditions

Denied

See Attached

Approval Date

12/22/2003

Approval Expiration

12/22/2004

Extension to

Additional Sheets Attached

Condition Compliance

Lt. MacDougal

12/22/2003

signature

date

Performance Guarantee

Required*

Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted

date

amount

expiration date

Inspection Fee Paid

date

amount

Building Permit Issue

date

Performance Guarantee Reduced

date

remaining balance

signature

Temporary Certificate of Occupancy

date

signature

Final Inspection

Certificate Of Occupancy

date

Performance Guarantee Released

date

signature

Defect Guarantee Submitted

submitted date

amount

expiration date

Defect Guarantee Released

date

signature

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM

2003-0268

Application I. D. Number

12/15/2003

Application Date

Sani-Clean Distributors Building

Project Name/Description

470 - 470 Riverside St, Portland, Maine

Address of Proposed Site

321 A004001

Assessor's Reference: Chart-Block-Lot

Pende Associates Inc

Applicant

42 South St, Yarmouth, ME 04096

Applicant's Mailing Address

Consultant/Agent

Agent Ph:

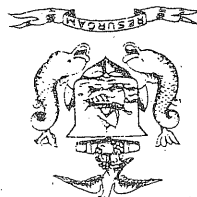
Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Approval Conditions of Fire

1 an additional hydrant will be required

28A



CITY OF PORTLAND

15 January 2004

Mr. Timothy Michaud, E.I.T.,

Project Engineer,

Deluca-Hoffman Associates, Inc.,

778 Main Street, Suite 8,

South Portland, Maine 04106

**RE: The Capacity to Handle Wastewater Flows, from 400 Riverside Street,
Portland, Maine, Site of a Proposed Warehouse/Office Park.**

Dear Mr. Michaud:

At the present time, there is no City sewer readily available to service your proposed project. The sanitary sewer system, in Riverside Street (from The Maine Turnpike Authority property northward to the Terrace Pond property) is "dry." It awaits connection to the operational Forest Avenue sewer, northwest of Waste Management of Maine. This sewer connection (a cross-country interceptor skirting Waste Management of Maine) is scheduled to be built, by The Portland Water District, probably during the 2004 construction season.

Sincerely,
CITY OF PORTLAND

Frank J. Brancely
Frank J. Brancely, BA, MA
Senior Engineering Technician

FJB

cc: Alexander Q. Jaegerman, Director, Planning Division, Department of Planning, and Urban Development, City of Portland
✓Kandice S. Talbot, Planner, Department of Planning, and Urban Development, City of Portland
Eric Labelle, P.E., City Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Anthony W. Lombardo, P.E., Project Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Todd Merkle, Field Inspections Coordinator, City of Portland
Desk file

Att. 29

Att. 30

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM

Engineering Copy

2003-0268

Application I. D. Number

12/15/2003

Application Date

Sani-Clean Distributors Building

Project Name/Description

470 - 470 Riverside St, Portland, Maine

Address of Proposed Site

321 A004001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking Lot

Other (specify)

9,600 s.f.

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

IM

Check Review Required:

Site Plan Subdivision PAD Review 14-403 Streets Review

Subdivision # of lots

Flood Hazard

Shoreland

Historic Preservation

DEP Local Certification

Zoning Conditional Use (ZBA/PB)

Zoning Variance

Other

Fees Paid: Site Plan \$400.00 Subdivision

Engineer Review

Date 12/18/2003

Engineering Comments

PUBLIC WORKS ENGINEERING REVIEW...1/05/04

I have reviewed application dated 12/15/03 and find there to be no issues for Public Works.

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted

Inspection Fee Paid

Building Permit Issue

Performance Guarantee Reduced

Temporary Certificate of Occupancy

Final Inspection

Certificate Of Occupancy

Performance Guarantee Released

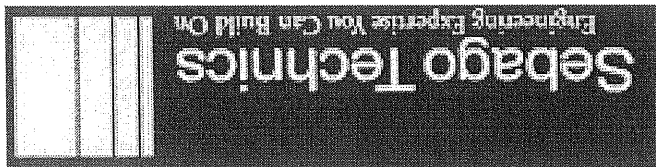
Defect Guarantee Submitted

date
signature
date
signature
date
signature
date
signature
date
signature
date
signature

amount
signature
remaining balance
amount
amount

expiration date
signature
expiration date
signature
expiration date

Att. 31



03P268

TO: Kandice S. Talbot – Planner
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
RE: Major Site Plan Review: Sani-Clean Distributors Building - 470 Riverside St.
DATE: February 27, 2004

Sebago Technics has reviewed the submittal of the Major Site Plan/Site Location of proposed development of Sani Clean Distributors at the site of the former Butler Commercial Subdivision located at 470 Riverside Street in the City of Portland. We respectfully offer the following comments in outline format:

1. Stormwater Management

Overall, the stormwater management plan and subsequent calculations for quantity appear to be acceptable and meet most of the requirements of both the MDEP and the City of Portland. We generally agree that to control runoff with the immediate contact of the Presumpscot River, is trivial and overall has no measurable impact on the river's capacity. However, we have identified a few stormwater related items that should be rectified prior to plan approval.

A. Due to the net increase in parking spaces within the lot 1 development, the City can request that the applicant provide Stormwater treatment for the parking/impervious areas of the site. The applicant shall provide adequate means to remove TSS from the stormwater in a manner consistent with the Maine DEP Stormwater BMP's. We typically recommend that the engineer base the removal rate from the "Sliding Scale Method". We are open to discuss the requirement and methods with the applicant, but no submission of stormwater treatment has been submitted with this initial package.

B. For the purposes of access, we feel that the Catch Basin #1 shall be

Kandice S. Talbot

-2-

February 27, 2004

31A

relocated from the property line and edge of slope and placed within the parking lot associated with the facility and will provide the necessary room to properly construct, without impact to the abutter's property. The location in the parking lot will also continue to collect and function in the winter when snow will cover the currently proposed location.

C. The selected level-hipped spreader location appears to be just up gradient of a natural channel according to the topographic data. The spreader shall be shifted or relocated to discourage channeling of the discharged flow.

D. In reviewing the original DEP Findings of Fact and Order dated January 8th 1982, we found that under Condition # 3 on Page 2 that no development including cutting and filling, can occur within 100ft of the major flood limit. The plan submitted indicates clearing and soil disturbance within 70 ft and one building corner near 100 ft. This should be resolved with the DEP prior to City approval.

2. Road Access/Circulation

A. The applicant needs to include a detail of how the existing access road will butt against the proposed widening.

3. Utilities

A. The location of the septic system appears close to the property line and steep embankment. Give the soils and slopes it may be easier to install if the leachfield followed the contours 57 and 58. Our concern is with the fill slope on the northeast side.

4. Grading & Erosion Controls

A. The slopes around the west and southwest ends of the proposed structure are steep and will require careful attention during construction. We request that a geotechnical investigation letter be obtained from a professional engineer looking at the stability of the slope and slide action or slippage of the structure in relation to the natural sloped area.

B. The level lipped spreader on the south side of the building appears to discharge over a very steep slope. Alternate locations should be reviewed.

5. General

A. The plans indicate locations for future expansions. The plans should specify the actual area to be permitted, and not future considerations.

B. The submittal shall include some landscaping proposed near the building

Kandice S. Talbot

-3-

February 27, 2004

31B

and at the property lines adjacent to the parking lot.

Overall, the 470 Riverside Street project has been well-designed. However, the applicant should make the necessary revisions, as noted in the above comments. Please contact our office if you have any questions.

JRS/jrs:

Forest Avenue City

Street trees - along Rand Road
Separate, pkg areas from
mortality street
traffic report
Replacement Housing PG
No review until we get PG

Sani-Clean

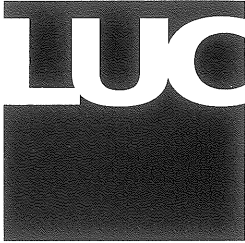
traffic study during original
future expansion - when
stormwater treatment?
landscaping?

Love Avenue

Sewer - Problems - have we accepted
make city accepted street
- Jim Robbins

659 Udamen Avenue

Stevens Review
Jeff's Review
Marge - Parking
Tom - DOT Improvements



Land Use Consultants, Inc.

David A. Kamila PE
Frederic J. Licht PE
Thomas N. Emery RLA
J. David Haynes RLA

March 05, 2004

1423.1

*p l a n n e r s
e n g i n e e r s
l a n d s c a p e
a r c h i t e c t s*

Kandice Talbot, City Planner
Department of Planning & Urban Development
389 Congress Street
Portland, Maine 04101

Sani-Clean Distributors – Revisions per Design Review Comments

Dear Ms. Talbot:

We have modified the December 12, 2003 plan set based on the design review comments provided by Sebago Technics, Inc. in a letter dated February 27, 2004. Enclosed along with this response letter please find 10 sets of revised plans dated March 5, 2004 and a copy of the design review comments from Sebago Technics, Inc.

The plan revisions are minor in nature and do not affect the overall presentation of the project.

Sebago Technics, Inc.

A letter was received by Land Use Consultants, Inc from the City of Portland dated February 27, 2004 with design review comments form Sebago Technics, Inc. The responses to the design comments have been listed below:

- In response to comment 1A, stormwater quality has been provided for the proposed site based on the following description: the soil group on site was classified as category 1 soils with a 150 foot non wooded buffer. The TSS removal rate based on these parameters is 50 percent as shown on table 6-1 attached with this response letter.
- In response to comment 1B, based on discussion with Sebago Technics we have provided additional paving around the structure due to proposed parking grading considerations instead of shifting the catch basin onto the proposed parking area.
- In response to comment 1C, the level lip spreader has been shifted to avoid channeling of the discharged flows to the existing natural channel.
- In response to comment 1D, the DEP Findings of Fact Order was accidentally omitted from the initial submission. Please find attached a copy of the

966 RIVERSIDE STREET
PORTLAND, MAINE 04103

voice (207) 878 - 3313
f a x (207) 878 - 0201
www.landuse@gwi.net



Modified Findings of Fact Order from the DEP dated June 17, 1996 addressing Special Condition #3.

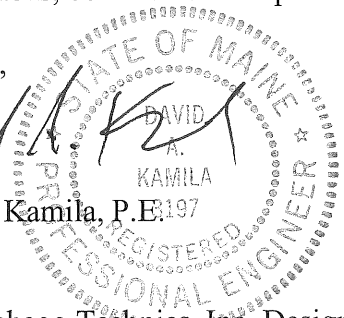
- In response to comment 2A, a detail has been added to detail sheet 8 of 9 depicting the proposed pavement will butt up against the existing pavement.
- In response to comment 3A, the septic system has been designed per design code. A ten foot setback has been provided from the property line as required and the system is twelve feet from the top of bank per field measurements.
- In response to comment 4A, a geotechnical investigation letter will be prepared before the applicant applies for a building permit with the City of Portland.
- In response to comment 4B, the level lip spreader has been provided to prevent concentrated flows off the pavement from eroding the steep bank adjacent to the property. The location has been reviewed with Sebago Technics, Inc. and was found to be adequate.
- In response to comment 5A, the future expansion was only for planning purposes and is not being permitted with this project.
- In response to comment 5B, additional landscaping has been proposed along the proposed parking area and next to the building subject to approval from the city arborist.

We trust this submission addresses all the design review comments. Should you have any questions, comments or require additional documentation please give us a call.

Sincerely,

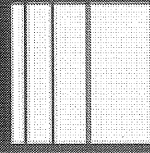


David A. Kamila, P.E. 197
President



encl: Sebago Technics, Inc. Design Comments dated February 27, 2004.
DEP Modification Findings of Fact and Order dated June 17, 1996.
Table 6-1 Buffer Removal Efficiencies.

cc: George Liming, Allied-Cook Construction
Jim Russell, Sani-Clean Distributors
Jim Seymour, Sebago Technics, Inc.



03P268

TO: Kandice S. Talbot – Planner
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
RE: Major Site Plan Review: Sani-Clean Distributors Building - 470 Riverside St.
DATE: February 27, 2004

Sebago Technics has reviewed the submittal of the Major Site Plan/Site Location of Development application and supporting documentation dated 12/15/03 for the proposed development of Sani Clean Distributors at the site of the former Butler Commercial Subdivision located at 470 Riverside Street in the City of Portland. We respectfully offer the following comments in outline format:

1. Stormwater Management

Overall, the stormwater management plan and subsequent calculations for quantity appear to be acceptable and meet most of the requirements of both the MDEP and the City of Portland. We generally agree that to control runoff with the immediate contact of the Presumpscot River, is trivial and overall has no measurable impact on the river's capacity. However, we have identified a few stormwater related items that should be rectified prior to plan approval.

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- B. For the purposes of access, we feel that the Catch Basin #1 shall be

relocated from the property line and edge of slope and placed within the parking lot associated with the facility and will provide the necessary room to properly construct, without impact to the abutter's property. The location in the parking lot will also continue to collect and function in the winter when snow will cover the currently proposed location.

- C. The selected level-lipped spreader location appears to be just up gradient of a natural channel according to the topographic data. The spreader shall be shifted or relocated to discourage channeling of the discharged flow.
- D. In reviewing the original DEP Findings of Fact and Order dated January 8th 1982, we found that under Condition # 3 on Page 2 that no development including cutting and filling, can occur within 100ft of the major flood limit. The plan submitted indicates clearing and soil disturbance within 70 ft and one building corner near 100 ft. This should be resolved with the DEP prior to City approval.

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- A. The applicant needs to include a detail of how the existing access road will butt against the proposed widening.

3. Utilities

- A. The location of the septic system appears close to the property line and steep embankment. Give the soils and slopes it may be easier to install if the leachfield followed the contours 57 and 58. Our concern is with the fill slope on the northeast side.

4. Grading & Erosion Controls

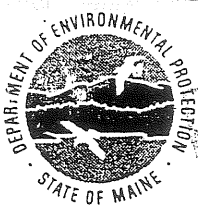
- A. The slopes around the west and southwest ends of the proposed structure are steep and will require careful attention during construction. We request that a geotechnical investigation letter be obtained from a professional engineer looking at the stability of the slope and slide action or slippage of the structure in relation to the natural sloped area.
- B. The level lipped spreader on the south side of the building again appears to discharge over a very steep slope. Alternate locations should be reviewed.

5. General

- A. The plans indicate locations for future expansions. The plans should specify the actual area to be permitted, and not future considerations.
- B. The submittal shall include some landscaping proposed near the building and at the property lines adjacent to the parking lot.

Overall, the 470 Riverside Street project has been well-designed. However, the applicant should make the necessary revisions, as noted in the above comments. Please contact our office if you have any questions.

JRS/jrs:



DEPARTMENT ORDER
IN THE MATTER OF

Luella

AUG 27 1996

400 RIVERSIDE PROPERTIES) SITE LOCATION OF DEVELOPMENT
Portland, Cumberland County)
DONALD O. BUTLER SUBDIVISION LOTS 1 AND 4) MODIFICATION
L-7696-39-C-M (APPROVAL)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38 M.R.S.A. Section 481 et seq., the Department of Environmental Protection has considered the application of 400 RIVERSIDE PROPERTIES with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Department Order #39-7696-05170 dated January 8, 1982, the Department approved the development of a 5 lot industrial use subdivision. The development is located off Riverside Street in the City of Portland.
2. The applicant proposes to modify the lot line between lots 1 and 4 and to modify Special Condition #3 of the Department Order referenced in Finding 1.
3. The revised lot line is shown on a site plan entitled "Donald O. Butler Subdivision," drawn by Land Use Consultants and dated April 30, 1996. Lot 1 will be increased from 7.3 acres to 13.7 acres and lot 4 will be reduced from 20.4 acres to 14.5 acres.
4. Special Condition #3 of Department Order #39-7696-05170 reads as follows: "No development including cutting and filling, shall occur within 100 feet of the major flood limit boundary as shown on the final subdivision plan prepared by Land Use Consultants, Inc., dated August 27, 1981, excluding the subsurface disposal system on lot #4." The applicant proposes to amend this condition to read as follows: "No disturbance shall be allowed within the 250' shoreland zone adjacent to the Presumpscot River except for some minor grading associated with the construction of a new 15,000 square foot commercial building on lot 1 and for a future walking trail which shall be set back a minimum of 50' from the top of the embankment at the river's edge." The Department finds that the proposed change to Special Condition #3 as outlined above will protect wildlife habitat and maintain drainage patterns on the lots which was the original intent of the special condition.
5. Based on its review of the application the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #39-7696-05170, and subsequent orders.

BASED on the above findings of fact, and subject to the Conditions listed below, the Department makes the following conclusions in relation to the proposed modification pursuant to 38 M.R.S.A. Section 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and

technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area and any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of 400 RIVERSIDE PROPERTIES to revise the lot line between lots 1 and 4 and amend Special Condition #3 of Department Order #39-7696-05170, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. No disturbance of soil or vegetation shall be allowed within the 250' shoreland zone adjacent to the Presumpscot River except for some minor grading associated with the construction of a new 15,000 square foot commercial building on lot 1 and for a future walking trail which shall be set back a minimum of 50' from the top of the embankment at the river's edge.

4. All other Findings of Fact, Conclusions, and Conditions remain as approved in Department Order #39-7696-05170, and subsequent orders, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 17th DAY OF June, 1996.

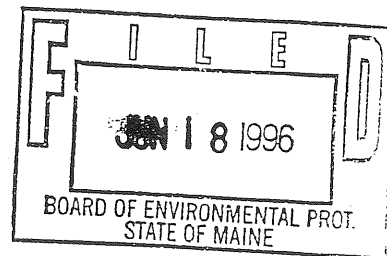
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Edward O. Sullivan*
EDWARD O. SULLIVAN, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application 5-2-96
Date application accepted for processing 5-13-96

Date filed with Board of Environmental Protection
LK/L7696CM



100 1118 EN # 32
SECRET 1118-1118

Table 6-1 Buffer Removal Efficiencies (Percent removal of TSS)/(Percent removal of phosphorus)

Use the table below for all Soil Types (no soil survey required)

BUFFER SLOPE	"WOODED" BUFFER WIDTH ^a					"NONWOODED" BUFFER WIDTH ^a					"SEEDED" BUFFER WIDTH ^a				
	25'	50'	100'	150'	250'	25'	50'	100'	150'	250'	25'	50'	100'	150'	250'
0-3%	50/20	62/30	72/45	78/55	83/65	10/0	32/10	57/25	66/35	72/45	20/0	30/0	40/0	40/0	40/0
3-8%	32/10	57/25	66/35	72/45	78/55	10/0	20/5	50/20	57/25	66/35	10/0	20/0	30/0	30/0	30/0
8-15%	20/5	50/20	62/30	69/40	75/50	10/0	10/0	42/15	50/20	57/25	10/0	10/0	20/0	20/0	20/0
15-30%	10/0	42/15	50/20	62/30	69/40	10/0	10/0	20/5	32/10	42/15	10/0	10/0	10/0	10/0	10/0

Use the four tables below when Class A Soil Survey Information is available for the site.

HYDROLOGIC GROUP A & B SOILS

BUFFER SLOPE	"WOODED" BUFFER WIDTH ^a					"NONWOODED" BUFFER WIDTH ^a					"SEEDED" BUFFER WIDTH ^a				
	25'	50'	100'	150'	250'	25'	50'	100'	150'	250'	25'	50'	100'	150'	250'
0-3%	75/50	80/60	90/80	99/90	99/95	50/20	75/50	80/60	85/70	90/80	30/0	40/0	50/0	50/0	50/0
3-5%	62/30	75/50	85/70	93/85	99/95	42/15	62/30	75/50	83/65	90/80	20/0	30/0	40/0	40/0	40/0
8-15%	50/20	69/40	80/60	90/80	99/90	32/10	50/20	66/35	72/45	80/90	10/0	20/0	30/0	30/0	30/0
15-30%	50/20	57/25	69/40	78/55	85/70	20/5	32/10	42/15	50/20	69/40	10/0	10/0	20/0	20/0	20/0

HYDROLOGIC GROUP C Soils
Category 1
 HSG C Soils with water table, hard pan or bedrock limitation at greater than 16 inches depth.

BUFFER SLOPE	"WOODED" BUFFER WIDTH ^a					"NONWOODED" BUFFER WIDTH ^a					"SEEDED" BUFFER WIDTH ^a				
	25'	50'	100'	150'	250'	25'	50'	100'	150'	250'	25'	50'	100'	150'	250'
0-3%	62/30	75/50	85/60	88/70	93/85	42/15	50/20	69/40	80/60	90/80	20/0	30/0	40/0	40/0	40/0
3-8%	50/20	66/35	78/55	83/65	88/75	32/10	42/15	66/35	75/50	83/65	10/0	20/0	30/0	30/0	30/0
8-15%	32/10	57/25	72/45	80/60	88/75	20/5	32/10	57/25	72/45	80/60	10/0	10/0	20/0	20/0	20/0
15-30%	20/5	50/20	62/30	72/45	78/55	10/0	20/5	42/15	50/20	69/40	10/0	10/0	10/0	10/0	10/0

^a The width referred to in this table should be considered as the length of treatment or flow along the fall-line