



August 28, 2015

04479

Jean Fraser, Planner  
City of Portland  
389 Congress Street  
Portland, ME 04101

**Level II Final Site Plan Application**  
**Lot 5 Industrial Way; CBL: 326-C-5**  
**Application ID: 2015-085**

Dear Jean:

This letter and attached material are provided in response to the conditions of approval regarding the above referenced project as contained in the Planning Board Report dated July 30, 2015. The following numbered responses correspond to the action items within the report:

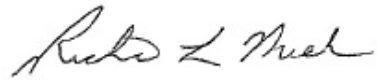
**Conditions of Approval**

- i. Based upon my discussion with the City Arborist, the Landscape plan has been updated to include a second tree within the parking lot island (closest to Industrial Way), additional ground cover plantings within both parking lot islands and along the top of the berm at the stormwater detention basin. Additionally, the “tree save” area has been noted on the plan.
- ii. The stormwater maintenance agreement has been signed and recorded. A copy of the agreement is attached and will be forwarded to the Department of Public Services.
- iii. An email (draft) from the Department of Public Services confirming the ability to serve wastewater flow is attached. The final email/letter will be forwarded upon receipt. A copy of the Army Corps of Engineers permit is attached. A copy of the Notice of Intent to Comply with Maine Construction General Permit application is attached.
- iv. The proposed driveway culvert has been revised to Reinforced Concrete Pipe in accordance with Section 2.5.2 of the City of Portland Technical Manual. The discharge invert elevation is restricted by the existing elevation of the downstream ditch. As depicted the culvert has approximately one foot of cover at the edge of driveway pavement. The upstream invert has been lowered by six inches to provide approximately one foot of cover at the edge of driveway pavement.

We are hopeful that we have addressed all outstanding issues such that this project may proceed with construction. Please call if you have any questions or comments while reviewing this material. Thank you for your consideration.

Sincerely,

Sebago Technics, Inc.

A handwritten signature in cursive script, appearing to read "Richard L. Meek".

Richard L. Meek, P.E.  
Sr. Project Engineer

RLM/llg  
Enc.

cc: Drew Sigfridson  
Paul Ureneck

**STORMWATER DRAINAGE SYSTEM  
MAINTENANCE AGREEMENT**

**For SITE PLANS (THAT ARE NOT SUBDIVISIONS)**

**IN CONSIDERATION OF** the site plan approval granted by the Planning Board/Planning Authority of the City of Portland to the proposed Lot #5 Industrial Way, project #2015-085, and the associated Grading and Utility Plan (Exhibit A) submitted by Deerfield 91 Industrial LLC, prepared by Sebago Technics, Inc. of 75 John Roberts Road, Suite 1A, South Portland, ME 04106 dated August 21, 2015, and pursuant to a condition thereof, Deerfield 91 Industrial LLC, a Maine limited liability company with a principal place of business in Portland, Maine, and having a mailing address of One Canal Plaza, Portland, ME 04101 (Attn: Drew Sigfridson), the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the "Owner"), as follows:

Maintenance Agreement

That it, its successors and assigns, will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the Detention Basin with Under Drained Grass Filter and underdrain pipes (hereinafter collectively referred to as the "stormwater system"), as shown on the Plan in Exhibit A and in strict compliance with the approved Inspection, Maintenance and Housekeeping Plan prepared for the Owner by Sebago Technics, Inc. (copy attached at Exhibit B) and Chapter 32 of the Portland City Code.

Owner of the subject premises further agrees, at its own cost, to keep a Stormwater Maintenance Log. Such log shall be made available for inspection by the City of Portland upon reasonable notice and request.

Said agreement is for the benefit of the said City of Portland and all persons in lawful possession of said premises and abutters thereto; further, that the said City of Portland and said persons in lawful possession may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice and a stated time to perform, the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon said premises to maintain, repair, or replace said stormwater system in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon written demand. Any funds owed to the City under this paragraph shall be secured by a lien on the property.

This Agreement shall also not be construed to allow any change or deviation from the requirements of the site plan most recently and formally approved by the Planning Board/Planning Authority of the City of Portland.

This agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon the Owner's successors and assigns as their interests may from time to time appear.

The Owner agrees to record a copy of this Agreement in the Cumberland County Registry of Deeds within thirty (30) days of final execution of this Agreement. The Owner further agrees to provide a copy of this Agreement to any Condominium Association or management company, and to any successor or assign and to forward to the City an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions and the successor or assign will obtain and forward to the City's Department of Public Services and Department of Planning and Urban Development a similar Addendum from any other successor or assign.

For the purpose of this agreement and release "Owner" is any person or entity who is a successor or assign and has a legal interest in part, or all, of the real estate and any building. The real estate shown by chart, block and lot number in the records on file in the City Assessor's office shall constitute "the property" that may be entered by the City and liened if the City is not paid all of its costs and charges following the mailing of a written demand for payment to the owner pursuant to the process and with the same force and effect as that established by 36 M.R.S.A. §§ 942 and 943 for real estate tax liens.

Any written notices or demands required by the agreement shall be complete on the date the notice is attached to one or more doors providing entry to any buildings and mailed by certified mail, return receipt requested or ordinary mail or both to the owner of record as shown on the tax roles on file in the City Assessor's Office.

If the property has more than one owner on the tax rolls, service shall be complete by mailing it to only the first listed owner. The failure to receive any written notice required by this agreement shall not prevent the City from entering the property and performing maintenance or repairs on the stormwater system, or any component thereof, or liening it or create a cause of action against the City.

Dated at Portland, Maine this 25<sup>th</sup> day of August, 2015.

Deerfield 91 Industrial LLC  
(name of company)

[Signature]  
(Andrew Staffordson, ~~Manager~~  
Member)

STATE OF MAINE  
CUMBERLAND, ss.

Date: August 25, 2015

Personally appeared the above-named Andrew C. Staffordson <sup>Member of Deerfield 91 Industrial LLC</sup> (name and title), and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

[Signature]  
Notary Public/Attorney at Law  
Anthony Stast  
Print name: \_\_\_\_\_

Exhibit A: Approved Grading and Drainage Plan (name of the plan showing the Stormwater System in detail)

Exhibit B: Approved Stormwater Maintenance and Inspection Agreement



## INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN

### Lot 5 Industrial Way Portland, ME

#### Introduction

The owner of the development is Deerfield 91 Industrial LLC. The owner's address is One Canal Plaza, Portland, ME 04101; the telephone number is 207-772-1333. During construction, the contractor will be responsible for the maintenance of all stormwater management structures and the keeping of records and maintenance logbook. After construction, the owner will be responsible for the maintenance of all stormwater management structures, the establishment of any contract services required to implement the program, and the keeping of records and maintenance logbook

Records of all inspections and maintenance work accomplished must be kept on file and retained for a minimum 5-year time span. The maintenance logbook will be made available to the Maine Department of Environmental Protection (MDEP) and the City of Portland upon request. At a minimum, the appropriate and relevant activities for each of the stormwater management systems will be performed on the prescribed schedule.

The following plan outlines the anticipated inspection, maintenance, and housekeeping procedures for the erosion and sedimentation controls as well as stormwater management devices for the project site. Also, this plan outlines several housekeeping requirements that shall be followed during and after construction. These procedures should be followed in order to ensure the intended function of the designed measures and to prevent unreasonable adverse impacts to the surrounding environment.

The procedures outlined in the Inspection, Maintenance, and Housekeeping Plan are provided as an overview of the anticipated practices to be used on this site. In some instances, additional measures may be required due to unexpected conditions. For additional details on any of the erosion and sedimentation control measures or stormwater management devices to be utilized on this project, refer to the most recently revised edition of the "Maine Erosion and Sedimentation Control BMP" manual and/or the "Stormwater Management for Maine: Best Management Practices" manual as published by the MDEP.

#### During Construction

1. **Inspection:** During the construction process, it is the Contractor's responsibility to comply with the inspection and maintenance procedures outlined in this section. These responsibilities include inspecting disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. These areas shall be inspected at least once a week as well as before and after a storm event, and prior to

completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in any applicable permits, shall conduct the inspections.

2. **Maintenance:** All measures shall be maintained in an effective operating condition until areas are permanently stabilized. If Best Management Practices (BMPs) need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within seven (7) calendar days and prior to any storm event (rainfall).
3. **Documentation:** A log summarizing the inspections and any corrective action taken must be maintained on-site. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, material storage areas, and vehicle access points to the site. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken.

The log must be made accessible to the appropriate regulatory agency upon request. The permittee shall retain a copy of the log for a period of at least three (3) years from the completion of permanent stabilization.

4. **Specific Inspection and Maintenance Tasks:** The following is a list of erosion control and stormwater management measures and the specific inspection and maintenance tasks to be performed during construction.

A. Sediment Barriers:

- Hay bale barriers, silt fences, and filter berms shall be inspected immediately after each rainfall and at least daily during prolonged rainfall.
- If the fabric on a silt fence or filter barrier should decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, it shall be replaced.
- Sediment deposits should be removed after each storm event. They must be removed before deposits reach approximately one-half the height of the barrier.
- Filter berms shall be reshaped as needed.
- Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared, and seeded.

B. Riprap Materials:

- Once a riprap installation has been completed, it should require very little maintenance. It shall, however, be inspected periodically to determine if high flows have caused scour



beneath the riprap or dislodged any of the stone.

C. Erosion Control Blankets:

- Inspect these reinforced areas semi-annually and after significant rainfall events for slumping, sliding, seepage, and scour. Pay close attention to unreinforced areas adjacent to the erosion control blankets, which may experience accelerated erosion.
- Review all applicable inspection and maintenance procedures recommended by the specific blanket manufacturer. These tasks shall be included in addition to this plan.

D. Temporary Storm Drain Inlet Protection:

- The inlet protection structure shall be inspected before each rain event and repaired as necessary.
- Sediment shall be removed and the storm drain sediment barrier restored to its original dimensions when the sediment has accumulated to half of the design depth of the trap.
- Structures shall be removed upon permanent stabilization of the tributary area.
- Upon removal of the structure, all accumulated sediments downstream of the structure shall be cleaned from the storm drain system.

E. Stabilized Construction Entrances/Exits:

- The exit shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way.
- When the control pad becomes ineffective, the stone shall be removed along with the collected soil material. The entrance should then be reconstructed.
- Areas that have received mud-tracking or sediment deposits shall be swept or washed. Washing shall be done on an area stabilized with aggregate, which drains into an approved sediment-trapping device (not into storm drains, ditches, or waterways).

F. Temporary Seed and Mulch:

- Mulched areas should be inspected after rain events to check for rill erosion.
- If less than 90% of the soil surface is covered by mulch, additional mulch shall be applied in bare areas.
- In applications where seeding and mulch have been applied in conjunction with erosion control blankets, the blankets must be inspected after rain events for dislocation or undercutting.
- Mulch shall continue to be reapplied until 95% of the soil surface has established temporary vegetative cover.

G. Stabilized Drainage Swales:

- Sediment accumulation in the swale shall be removed once the cross section of the swale is reduced by 25%.
- The swales shall be inspected after rainfall events. Any evidence of sloughing of the side slopes or channel erosion shall be repaired and corrective action should be taken to prevent reoccurrence of the problem.
- In addition to the stabilized lining of the channel (i.e. erosion control blankets), stone check dams may be needed to further reduce channel velocity.

5. **Housekeeping:** The following general performance standards apply to the proposed project.

- A. Spill Prevention: Controls must be used to prevent pollutants from being discharged from materials on-site, including storage practices to minimize exposure of the materials to stormwater, and appropriate spill prevention, containment, and response planning and implementation.
- B. Groundwater Protection: During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors, accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials.
- C. Fugitive Sediment and Dust: Actions must be taken to insure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control.
- D. Debris and Other Materials: Litter, construction debris, and chemicals exposed to stormwater must be prevented from becoming a pollutant source.
- E. Trench or Foundation Dewatering: Trench dewatering is the removal of water from trenches, foundations, cofferdams, ponds, and other areas within the construction area that retain water after excavation. In most cases, the collected water is heavily silted and hinders correct and safe construction practices. The collected water must be removed from the ponded area, either through gravity or pumping, and must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved.

## After Construction

1. **Inspection:** After construction, the owner or operator shall hire a qualified post-construction stormwater inspector to at least annually, inspect the BMPs, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
2. **Maintenance, and repair:** If a BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator shall take corrective actions to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective actions to the Department of Public Services (DPS). The following is a list of permanent erosion control and stormwater management measures and the inspection, maintenance, and housekeeping tasks to be performed after construction.

### A. Vegetated Areas:

- Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after heavy rains to identify active or potential erosion problems.
- Replant bare areas or areas with sparse growth. Where rill erosion is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.

### B. Winter Sanding:

- Clear accumulations of winter sand in parking lots and along roadways at least once a year, preferably in the spring.
- Accumulations on pavement may be removed by pavement sweeping.
- Accumulations of sand along road shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader or other acceptable method.

### C. Culverts:

- Inspect culverts in the spring, in the late fall, and after heavy rains to remove any obstructions to flow.
- Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit.
- Inspect and repair any erosion damage at the culvert's inlet and outlet.
- Inspect embankment for erosion, settling, and structural failure.

### D. Underdrained Soil Filter Detention Basin:

- The soil filter should be inspected after every major storm in the first few months to ensure proper function. Thereafter, the filter should be inspected at least once every six

- months to ensure that it is draining within 24 hours.
- The top several inches of the filter shall be replaced with fresh material when water ponds on the surface of the bed for more than 72 hours.
  - Sediment and plant debris should be removed from the pretreatment structure (sediment forebay) at least annually.
  - The filter bed vegetations shall be mowed once or twice per year to a grass height no less than six (6) inches.
  - Fertilization of the under drained filter area should be avoided unless absolutely necessary to establish vegetation.
  - Harvesting and pruning of excessive growth will need to be done occasionally. Weeding to control unwanted or invasive plants may also be necessary.
  - Inspect embankment for erosion, settling, and structural failure
3. **Snow storage:** Snow storage is prohibited within the underdrained soil filter basins and the on-site wetlands. If the snow storage areas depicted on the plans exceed their capacity, the owner will contract with a third party to haul and dispose of the snow off-site.
4. **Annual Report:** The owner or operator or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, provide a completed and signed certification that the person has inspected the BMPs and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, including the record of the deficiency and corrective actions taken.
5. **Duration of Maintenance:** Perform maintenance as described and required for any associated permits unless and until the system is formally accepted by a municipality or quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system. If a municipality or quasi-municipal district chooses to accept a stormwater management system, or a component of a stormwater system, it must provide a letter to the MDEP stating that it assumes responsibility for the system. The letter must specify the components of the system for which the municipality or district will assume responsibility, and that the municipality or district agrees to maintain those components of the system in compliance with MDEP standards. Upon such assumption of responsibility, and approval by the MDEP, the municipality, quasi-municipal district, or association becomes a co-permittee for this purpose only and must comply with all terms and conditions of the permit.

## Attachments

Attachment 1 – Sample Stormwater Inspection and Maintenance Form

## Attachment 1

**Sample Stormwater Inspection and Maintenance Form**  
**Lot 5 Industrial Way**  
**Portland, ME**

This log is intended to accompany the stormwater Inspection, Maintenance and Housekeeping Plan for the Avita Nursing Home/Medical Clinic. The following items shall be checked, cleaned and maintained on a regular basis as specified in the Maintenance Plan and as described in the table below. This log shall be kept on file for a minimum of five (5) years and shall be available for review. Qualified personnel familiar with drainage systems and soils shall perform all inspections. Attached is a copy of the construction and post-construction maintenance logs.

Item	Maintenance Required & Frequency	Date Completed	Maintenance Personnel	Comments
Ditches and Swales	Inspect after major rainfall event producing greater than 3" of rain in 2 hours.			
	Repair erosion or damage immediately.			
Catch Basins and Culverts	Remove accumulated sediment and debris			
	Sump depth			
Vegetated Areas	Inspect Slopes			
	Replant Bare Areas			
	Check after Major Storms			
Winter Sanding	Clean annually (Spring)			
	Remove sand and sediment from roadway shoulders			
Underdrained Detention Basin	Inspect inlet and outlet for blockage and debris			
	Inspect for erosion, destabilization or side slopes and other structural failure			
	Mowed			
	Inspect periodically during wet weather conditions			
	Check for sediment build up			
	Ensure proper function			

Received  
Recorded Register of Deeds  
Aug 25, 2015 03:07:09P  
Cumberland County  
Nancy A. Lane

**Richard Meek**

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**From:** David Margolis-Pineo <DMP@portlandmaine.gov>  
**Sent:** Thursday, August 20, 2015 1:58 PM  
**To:** Richard Meek  
**Subject:** draft  
**Attachments:** David Margolis-Pineo.vcf

Rick, I need to get Water Resources to sign off but said I would send you something. Stay tuned.

**Draft**

August 20, 2015

Mr. Drew Sigfridson  
One Canal Plaza  
Portland, ME

**RE: The Capacity to Handle Wastewater Flows from 81 Industrial Way**

Dear Mr. Sigfridson:

The Department of Public Services which includes the Water Resource Division has reviewed and determined that the downstream sewers from 81 Industrial Way has the capacity to convey the estimated 500 gallons per day of wastewater which will be generated from this facility.

If the City can be of further assistance, please call 874-8850 or 400-6695.

Sincerely,  
**CITY OF PORTLAND**

David Margolis-Pineo  
Deputy City Engineer

**Anticipated Wastewater Flows from the Proposed Office Complex:**  
25 Employees @ 20 gallons per person per day = 500 GPD

CC: Jeffrey Levine, Director, Department of Planning and Urban Development, City of Portland  
Barbara Barhydt, Development Review Services Mgr., Dep't. of Planning and Urban Development, City of Portland  
Nell Donaldson, Department of Planning and Urban Development, City of Portland  
Shukria Wiar, Planner, Department of Planning and Urban Development, City of Portland  
Nancy Gallinaro, Water Resources Manager  
Benjamin N. Pearson, E.I., Industrial Pretreatment Coordinator, City of Portland  
John Emerson, Wastewater Coordinator, City of Portland

David Margolis-Pineo  
Deputy City Engineer  
Department of Public Services  
55 Portland St.  
Portland, ME 04101  
Office 207-874-8850  
Fax 207-874-8852  
Cell 207-400-6695  
[dmp@portlandmaine.gov](mailto:dmp@portlandmaine.gov)



REPLY TO  
ATTENTION OF

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

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

Deerfield 91 Industrial, LLC  
One Canal Plaza  
Portland, Maine 04101

CORPS PERMIT # NAE-2015-01218  
CORPS PGP ID# 15-270  
STATE ID# PBR

**DESCRIPTION OF WORK:**

place fill in 9,992 SF (0.23 acres) of wetland/waterway in conjunction with the development of an 3.24 acre lot off Industrial Way  
Portland, Maine as shown on the attached plan entitled Grading and Utility Plan of Lot 5 Industrial Way 91 Industrial Way  
Portland, Maine for Deerfield 91 Industrial, LLC by Sebago Technics in 1 sheet.  
**See Attached Conditions:**

LAT/LONG COORDINATES : 43.70209 N 70.31625 W USGS QUAD: Portland West

**I. CORPS DETERMINATION:**

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

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

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

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

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

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

**II. STATE ACTIONS: PENDING [ ], ISSUED[ X ], DENIED [ ] DATE:** 6/29/15

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

**III. FEDERAL ACTIONS:**

JOINT PROCESSING MEETING: 7/09/15 LEVEL OF REVIEW: CATEGORY 1: X CATEGORY 2:     

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

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

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

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

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

Frank J. Del Giudice 8/29/15  
FRANK J. DEL GIUDICE DATE  
CHIEF, PERMITS & ENFORCEMENT BRANCH  
REGULATORY DIVISION





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

**PLEASE NOTE THE FOLLOWING GENERAL CONDITIONS FOR  
DEPARTMENT OF THE ARMY  
GENERAL PERMIT  
NO. NAE-2015-01218**

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

# APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant:		Deerfield 91 Industrial LLC		5. Name of Agent:		Richard Meek	
2. Applicant's Mailing Address:		One Canal Plaza Portland, ME 04101		6. Agent's Mailing Address:		75 John Roberts Road, Suite 1A So. Portland, ME	
3. Applicant's Daytime Phone #:		207-772-1333		7. Agent's Daytime Phone #:		207-200-2075	
4. Applicant's Email Address: Required from either applicant or agent:		dsigfridson@boulos.com		8. Agent's E-mail Address:		rmeek@sebagotechnics.com	
9. Location of Activity: (Nearest Road, Street, Rt.#)		Industrial Way		10. Town:		Portland	
				11. County:		Cumberland	
12. Type of Resource: (Check all that apply)		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input checked="" type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:		unnamed	
				14. Amount of Impact: (Sq.Ft.)		Fill: 10,323 9,992	
						Dredging/Veg Removal/Other:	
15. Type of Wetland: (Check all that apply)		<input checked="" type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____		<b>FOR FRESHWATER WETLANDS</b>			
				Tier 1		Tier 2	
				Tier 3			
		<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft. <input checked="" type="checkbox"/> 10,000-14,999 sq ft		<input type="checkbox"/> 15,000 – 43,560 sq. ft.		<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1	
16. Brief Activity Description		Construct 9,900 square foot office building with associated parking lot.					
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> 3.24 acres		UTM Northing: _____ UTM Easting: _____			
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement					
19. Deed Reference Numbers:		Book#:31248 Page:49		20. Map and Lot Numbers:		Map #:326 Lot #:C5	
21. DEP Staff Previously Contacted:				22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Resubmission of Application?		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, previous application #		Previous project manager:	
24. Written Notice of Violation?		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved:		25. Previous Wetland Alteration:	
						<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
26. Detailed Directions to the Project Site:		Take exit 48 off the Maine Turnpike, Take a right onto Riverside Street. Go straight through the intersection with Route 302 continuing on Riverside Street. Take a right onto Industrial Way. The site is on the right.					
27. TIER 1		<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>					
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required			
28. FEES Amount Enclosed:		\$150.00					

**CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2**

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

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

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

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

**CORPS SIGNATORY REQUIREMENT**

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

**DEP SIGNATORY REQUIREMENT**

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

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



SIGNATURE OF AGENT/APPLICANT

Date: 6/3/15

Signature of Agent

Date:

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

(yellow)





## NOTICE OF INTENT TO COMPLY WITH MAINE CONSTRUCTION GENERAL PERMIT

PLEASE TYPE OR PRINT IN BLACK INK ONLY

Name of Applicant (Owner):		Andrew Sigfridson and April Wernig		Applicant Mailing Address:		One Canal Plaza	
Town/City:		Portland		State:		ME	
Daytime phone: (with area code)		207-772-1333		Email if available:		dsigfrdson@boulos.com	
Project Location: (Town/City):		Portland		UTM Northing: (if known)		UTM Easting: (if known)	
Map #:		326/C/5		Lot #:		Size of disturbed area proposed:	
Creating a common plan of development or sale?		Yes No		Part of a larger project?		Yes No	
Name of waterbody(ies) to which the disturbed area drains, or name municipality if drains to an MS4:				Dole Brook			
Does site drain to an Impaired Waterbody (C)? If so, give name:				No			
Detailed directions to site, including address if available:				Take Route 302 west to Riverside Street. Turn right onto Riverside Street. Turn left onto Industrial Way. The Site is on the right side of the road.			
Description of project and its purpose:				Proposed development consists of a 9,900 square foot building, 75 space parking lot, employee courtyard, landscaping and stormwater treatment/detention basin.			

I am filing notice of my intent to carry out work which meets the requirements of the Construction General Permit (effective 3/10/03). I have a copy of the Construction General Permit. I have read and will comply with all of the standards. I have attached all the required submittals. *Notification forms cannot be accepted without the necessary attachments.*

- ALL: A check (non-refundable) made payable to: "Treasurer, State of Maine." **See DEP fee schedule for correct fee.** You must know # of acres being permitted to determine the fee.
- ALL: A U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- ALL: Drawing of the proposed activity (site plan).
- ALL: An ESC plan.
- IF this form is not being signed by the landowner or lessee of the property, attach documentation showing authorization to sign.
- IF any construction activity will occur in essential habitat, attach written approval from the Dept. of Inland Fisheries & Wildlife.

I authorize staff of the Departments of Environmental Protection to access the project site for the purpose of determining compliance with the general permit. I also understand that **this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.**

Signature of Applicant:	<i>AGENT</i>	Date:	8/18/15
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*Keep the bottom copy as a record of permit.* Send the form with attachments via certified mail to the Maine Dept. of Environmental Protection at the appropriate regional office. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Check with DEP Staff to determine the expiration date on this permit. **Work carried out in violation of any standard is subject to enforcement action.**

OFFICE USE ONLY	Ck.#	Date	Staff	Staff	After Photos
NOI #	FP		Acc. Date	Def. Date	