

1. Legal Ad

Documents:

[PB LEGAL AD 7-12-16.DOCX](#)

2. Agenda

Documents:

[PB AGENDA 7-12-16.PDF](#)

3. 749 Congress Street

3.I. Report

Documents:

[CONGRESS ST. - 749 \(REPORT\).PDF](#)

3.II. Report Attachments

Documents:

[CONGRESS ST. - 749 \(REPORT ATTACHMENTS\).PDF](#)

3.III. Applicants Submittal

Documents:

[CONGRESS ST. - 749 \(APPLICANTS SUBMITTAL\).PDF](#)

3.IV. Plans

Documents:

[CONGRESS ST. - 749 \(PLANS\).PDF](#)

4. Chapter 500 Stormwater Regulations

4.I. Memo And Attachments

Documents:

[CHAPTER 500 \(REPORT AND ATTACHMENTS\).PDF](#)

**LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on Tuesday, July 12, 2016, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at this meeting.**

Public Hearing - 6:00 p.m.

- i. Level III Subdivision and Site Plan; Hotel and Townhouses; 749 Congress Street; Joe Delois, representing Denovo, LLC., Applicant. The Planning Board will hold a public hearing on the proposed conversion of the existing building at 749 Congress Street into a 16 room hotel and restaurant. The proposal includes the development of 7 new townhouses at the rear of the site with parking within each townhouse and on-site for a total of 18 spaces. There are two existing housing units on-site that will remain.

Evening Workshop – following public hearing

- i. Technical Manual, Section 5 update with DEP's Chapter 500 Stormwater Regulations, City of Portland, Applicant. The Board will hold a workshop on the proposed technical manual updates to incorporate DEP's recent changes to the Chapter 500 Stormwater Regulations and to update the local applicability standards of development for Portland. Currently, Portland has delegated review for storm water permits required under DEP's stormwater management rules and the changes are proposed in order to retain delegated authority and comply with Municipal Separate Storm Sewer System (MS4) General Permit.

ELIZABETH BOEPPLE, CHAIR - PORTLAND PLANNING BOARD

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrisette
David Eaton
Kristien Nichols
Maggie Stanley
Lisa Whited

AGENDA PORTLAND PLANNING BOARD MEETING

The Portland Planning Board will hold a meeting on Tuesday, July 12, 2016, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at the public hearing.**

PUBLIC HEARING – 6:00 p.m.

- 1. ROLL CALL AND DECLARATION OF QUORUM**
- 2. COMMUNICATIONS AND REPORTS**
- 3. REPORT OF ATTENDANCE AT THE FOLLOWING MEETING HELD ON JUNE 28, 2016:**

Workshop: All present.

Public Hearing: All present.

4. REPORT OF DECISIONS AT THE MEETING HELD ON JUNE 28, 2016:

- i. Level III Site Plan and Subdivision; Suburban Propane Facility; 636 Riverside Street; Forefront Partners, LP., Applicant. Morrisette moved and Nichols seconded a motion to waive the flooding standard for stormwater. Vote: 7-0. Morrisette moved and Nichols seconded a motion to approve the subdivision with two (2) conditions of approval. Vote: 7-0. Morrisette moved and Nichols seconded a motion to approve the site plan application with four (4) conditions of approval.

5. NEW BUSINESS

- i. Level III Subdivision and Site Plan; Hotel and Townhouses; 749 Congress Street; Joe Delois, representing Denovo, LLC., Applicant. The Planning Board will hold a public hearing on the proposed conversion of the existing building at 749 Congress Street into a 16 room hotel and restaurant. The proposal includes the development of 7 new townhouses at the rear of the site with parking within each townhouse and on-site for a total of 18 spaces. There are two existing housing units on-site that will remain.

6. EVENING WORKSHOP (Immediately Following the Public Hearing)

- i. Technical Manual, Section 5 update with DEP's Chapter 500 Stormwater Regulations, City of Portland, Applicant. The Board will hold a workshop on the proposed technical manual updates to incorporate DEP's recent changes to the Chapter 500 Stormwater Regulations and to update the local applicability standards of development for Portland. Currently, Portland has delegated review for storm water permits required under DEP's stormwater management rules and the changes are proposed in order to retain delegated authority and comply with Municipal Separate Storm Sewer System (MS4) General Permit.



PLANNING BOARD REPORT PORTLAND, MAINE

TOWNHOUSES UNITS AND HOTEL/ RESTAURANT

749 Congress Street
Subdivision Plan and Level III Site Plan
Project ID #2016-040
Denovo, LLC, Applicant

Submitted to: Portland Planning Board Public Hearing Date: July 12, 2016	Prepared by: Shukria Wiar, Planner Date: July 8, 2016
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I. INTRODUCTION

On behalf of Denovo, LLC, Tom Greer of Pinkham and Greer, has submitted a Level III site plan and subdivision application for the property at 749 Congress Street. The property is bordered by Congress Street and Mellen Street. The site is within the Business Community (B-2b) and in Residential R-6 zone, with the majority of the site in the B-2b zone. The existing building (former funeral home) will be renovated into a hotel with 15 rooms and a full service restaurant. Seven residential townhouses with parking underneath each unit are proposed behind the existing building (proposed hotel). The existing carriage house at the rear of the site remains with the two existing residential units. The proposed project will provide a total of eighteen parking spaces (18).

The property has approximately 30,928 square feet with frontages on Congress and Mellen Streets. The property is within the Congress Street Historic District (at the front of the property) and the Deering Street Historic District (at the rear of the property).

The Planning Board had a workshop on April 26, 2016 on this item. Since the workshop, there have been changes to the proposed application. Some of the major changes in regard to the site as well as the building; the following are some changes:

Site Plan:

- The applicant has worked with their neighbors, specifically the owners of 24 and 30 Mellon Street, to have some of the utilities cross the 24 Mellon Street property. The Prices, of 24 Mellon Street, has given the applicant an easement to have the electricity, sanitary sewer, and stormwater on their land. Serenity House at 30 Mellon Street also has given an easement for construction and maintenance. Since all utility lines have been removed from this area, allowing the wooded buffer to remain unchanged.
- The existing storm drain will no longer used and the stormwater will be piped out to the separated stormwater drains in Mellen Street.

Architectural Changes:

- French balconies at the rear of the proposed townhouses (east elevation) have been eliminated and a more traditional window pattern is incorporated.
- The townhouse units now step back which help in breaking up the building massing.
- A brick pedestrian circulation from the proposed building to Congress Street is incorporated into the site.
- The townhouse building now has a brick base with clapboard on the upper floors.
- The front decks of the townhouses are now aligned over the garage door and the entry ways are now recessed with granite trim.

- The Planning Board, as well as the Historic Preservation Board, had questioned the exterior staircase on the west side of the hotel, which now has been removed; a guest room was eliminated due to alteration.

A notice of this public hearing was sent to two hundred and fifty-seven (257) property owners within 500 feet and interested citizens, and appeared in the July 4th and July 5th, 2016 editions of the *Portland Press-Herald*.

There have been inquiries from three abutters. At the time of preparing this report the Planning Division had received one written comment ([Attachment 6a](#)).

Applicant Name	Denovo, LLC
Consultants	
Agent Representative	Tom Greer of Pinkham and Greer
Engineer	Tom Greer of Pinkham and Greer
Surveyor	Rex Croteau of Titcomb Associates
Architect	David Lloyd of Archetype

Project Review

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	14-526
Subdivision	14-491
Historic Preservation	14-601

II. PROJECT DATA

Existing Zoning	Business Community B-2b; Residential R6
Tax Map	CBL: 047 C020 001, 047 C028, A30 and A32
Existing Use	Former Funeral Home (offices on upper floors); Residential; Surface parking
Proposed Use	Market-rate Condominiums with Parking
Parcel Size	30,928 SF: Lot 1 6,947.59 and Lot 2 20,832.41 SF
Number of Units to be Demolished	None
Number of Affordable Units	The proposed units will be market rate.
Proposed Bedroom Mix	Seven 3-bedroom Condos
Building Footprint	Hotel and Restaurant- 4,558 SF; Carriage House- 1,430 SF; New Building- 4,597 SF
Building Floor Area	Hotel and Restaurant- 12,979 SF; Carriage House- 4,290 SF; New Building- 16,856 SF for a total of 34,125 SF
Building Height	Approximately 41 feet
Impervious Surface Area	22,542 SF
Parking Spaces	18 spaces: 7 under the Townhouses and 11 surface parking
Bicycle Parking Spaces	Two bicycle racks being proposed therefor four spaces provided; three are required
Estimated Cost of Project	\$3,800,000

III. EXISTING CONDITIONS AND ZONING

The proposed site currently has frontage along Congress and Mellen Streets. The property has two existing buildings, the former funeral home at Congress Street and a carriage house at the rear of the site which had been converted to two residential units. The rest of the site is a surface parking lot. The main entrance is from Congress Street through an existing curb cut. The existing surface parking area is shared with the abutter at 757 Congress Street.

The property is located within the Congress Street Historic District and abuts the Deering Street Historic District, and is generally characterized by small – to medium scale residential development of a historic nature. The properties in the vicinity of Congress Street are marked by residential multi-family development and commercial businesses. The existing building along Congress Street is considered contributing to the Congress Street Historic District and cannot therefore be demolished.



Figure 1: Aerial of the Proposed Site



Figure 2: Existing Structure on Congress Street



Figure 3: Site Frontage on Mellen Street



Figures 4: 1924 tax photos showing 749 Congress Street.

Historic photographs of the subject parcels generally show residential and business development of the type characteristic of Congress Street today. A funeral parlor occupied the proposed site at the time of the 1924 tax records and listed Hay and Peabody as the owner.

IV. PROPOSED DEVELOPMENT

The applicant is proposing to renovate the existing building into a fifteen-room hotel with a full service restaurant on the first floor. The project includes a proposal to construct a four-story building with seven townhouses and parking underneath. The townhouses will be located behind the hotel. Given the sloping grade, the roof steps down from one unit to another. The top floor of each unit is set back from the front façade to reduce the apparent height, and provide space for a deck at the top floor level. This also creates a “mansard roof-like” element. Tall sliding glass doors provide access to the deck and tall vertical panels separate each of the contiguous decks. The ground floor of each unit accommodates a parking garage and the main building entrance. The second floor elevation features a large sliding glass door with access to a projecting balcony. The third floor features more traditional punched window openings.

The townhouse unit closest to Congress Street is set back from the front plane of the other townhouses, so as not to visually crowd the historic existing building as viewed from Congress Street.

In terms of design and building form, the site is located within the Congress Street Historic District and is subject for review under the Historic Preservation Ordinance and is therefore exempt from review under the B-2b Design Guidelines. The Historic Preservation Board has had two workshops on this item. The last workshop was held on July 6th and the Board had some recommendations that pertain to site plan:

- A concern expressed by several Board members was the lack of relationship and physical connection of the townhouses to the street. Board members observed that the siting of the townhouses appeared very suburban in that the units could only be entered off of a parking lot with no sidewalk or public amenities. They noted that pedestrian access from the public way is one of the defining characteristics of urban development and recommended that some way be found to provide a direct pedestrian link to and from the street. The applicant has a 4' wide continuous brick walkway in front of the townhouses. Note that the walkway is stepped, with the steps corresponding to the frontage of each unit. From the townhouse closest to the proposed hotel, the walkway continues toward Congress Street, passing under the porte cochere that serves the inn and immediately abutting the west side of the historic structure. The Board questioned the provision of a walkway where owners and guests of privately-owned townhouses must pass through an area that clearly reads as part of another use and property. The applicant was questioned if it is possible to design a shared road/walkway solution that could further separate the walkway from the hotel. Perhaps the walkway could cross the pavement and run through the landscaped median west of the porte cochere toward the street. This treatment would be akin to a shared “woonerf” treatment where the roadway and walkway are shared and at the same grade.
- Board members also noted that the introduction of a row of parallel parking spaces in the middle of what is a one large open paved parking area appeared very random and forced. Although the parking spaces ran along the applicant's western property line, this property delineation is not evident. The applicant has added bollards at this location but the Board members recommended that some physical boundary or definition be considered like adding a landscaped island which will soften the area.

V. PUBLIC COMMENT

Since the workshop hearing, no public comments have been submitted as of the writing of this report; the Planning Division has been contacted by an abutter and two attorneys representing abutters.

A Neighborhood Meeting is required for this project and the applicant has confirmed that the neighborhood meeting was held on March 23, 2016, see [Attachment Y](#).

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

a. The owner of the property is Martin and Alyssa Dassa. The applicant has provided a copy of a deed of sale personal representative, recorded at the Cumberland County Registry of Deeds (Book 32458 Page 30720), which demonstrates their right, title and interest in the property.

b. The estimated cost of the development is \$3,800,000. The applicant has submitted a letter from Saco and Biddeford Savings Institution, dated February 18, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

VII. DEVELOPMENT REVIEW

A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The applicant has submitted a recording plat. The final plat will need to be reviewed and approved by staff. As part of the project, the applicant will subdivide the lot into two different lots. Lot One will have the existing funeral home building on it, whereas Lot Two will encompass the condominiums (rear lot). Lot Two will have frontage on Congress Street and will share driveway and utilities easement with Lot One. The plat will need to reflect any easements that relate to the subdivision plan, including the access and utilities easements.

There are instances of text conflicting with hatch patterns. When the Registry of Deeds scans the plans for public viewing via the internet often the text is not legible hatch patterns. The plat will have to be prepared so this does not happen.

B. SUBDIVISION (Section 14-497)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)
Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plan and is satisfied with the proposed plans.
2. Sufficient Water Available (Section 14-497 (a) 2 and 3)
The project will be served by the utility services located in Congress Street. Separate services are proposed for the commercial property and the residential units. Confirmation of ability to serve letter from PWD must be submitted prior to the final review.
3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)
Tom Errico, P.E. Ty Lin reviewed the proposal's details including the access, parking, and vehicle circulation (Attachment 1). Mr. Errico finds the project to be acceptable. The proposed project is not anticipated to cause unreasonable traffic congestion.
4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)
The development is anticipated to have 4,804 (3,610 for residential and 1,194 for restaurant) gallons per day of wastewater flow. A wastewater capacity application has been submitted and approved by the Department of Public Works.
5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)
The proposal site is in an urban neighborhood surrounded by a variety of residential building types. It is within an historic district and will need to receive a certificate of appropriateness for the proposed building from the Historic Preservation Board. The applicant has submitted their application on April 15, 2016 to the Historic Preservation and has had two workshops with them.

The proposed building and any exterior changes to the existing structure does not impact the natural beauty of the area or adversely affect any significant wildlife habitat, rare or irreplaceable natural areas, or any public access to the shoreline.

6. Comprehensive Plan (Section 14-497 (a) 9)

The staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respect neighborhood integrity.

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.

7. Financial Capability (Section 14-497 (a) 10)

The estimated cost of the development is \$3,800,000. The applicant has submitted a letter from Saco and Biddeford Savings Institution, dated February 18, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

8. Easements

Lot Two will have frontage on Congress Street and will share a driveway and utilities easement with Lot One. The plat will need to reflect any easements that relate to the subdivision plan, including the access, utilities, and any other existing easements. In order to save the vegetation on the Mellen Street strip, the applicant is now proposing to bring in utilities on an abutting lot; the applicant has been given easements for the utilities as well as to do this work. The plat will need to reflect any easements that relate to the subdivision plan, including the access, utilities, and any other existing easements.

C. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards

of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. *Transportation Standards*

- a. Impact on Surrounding Street Systems and Access and Circulation- see Subdivision, Paragraph VIII (B) (3), above.

b. Sidewalk and Driveway

The applicant will be closing one of the two curb cuts on Congress Street and will be replaced with a brick sidewalk. The driveway apron will also need to be in brick since it is in the Historic District.

The Historic Preservation Board has recommended that the applicant provide a direct pedestrian link from the street to the townhouses. The applicant has a 4' wide continuous brick walkway in front of the townhouses. Note that the walkway is stepped, with the steps corresponding to the frontage of each unit. From the townhouse closest to the proposed hotel, the walkway continues toward Congress Street, passing under the porte cochere that serves the inn and immediately abutting the west side of the historic structure. The applicant was questioned by the Board if it is possible to design a shared road/walkway solution that could further separate the walkway from the hotel.

Mr. Errico has reviewed the revised site plan and the Historic Preservation Board's concerns. He has the following recommendation:

Based upon comments from the Historic Preservation Board, consideration of modifying pedestrian facilities between Congress Street and the rear of the site is suggested. One suggestion is to provide a 4-foot wide flush brick walkway along the townhouse buildings on the easterly edge of the travel way. I find this suggestion to be acceptable. A second suggestion is providing a separate walkway from Congress Street between the main driveway and the drop-off lane. It is my suggestion that the drop-off space be designed as a shared-use space for vehicles dropping off hotel/restaurant guests and serve pedestrians walking to and from the townhouses. This shared space could be raised slightly to ensure slow vehicle speeds and use materials that visually support the shared use activity. Final details of these options will need to be reviewed and approved.

c. Parking

On-Site Parking

Currently there are twenty-eight (28) spaces on this site. The site is an open surface parking that is contiguous with the abutter's surface parking lot. It is understood that this site is being used as parking for tenants from other properties. As explained by the consultant, the spaces are not being leased or rented out, but the neighbors have been using as parking since the funeral home has been closed.

A total of 18 parking spaces are proposed: seven spaces are within the townhouse building, two spaces are for the existing two residential units in the carriage house, and eight for the hotel and restaurant. In addition, four exterior bicycle parking spaces are provided but will need to be placed along Congress Street. Per zoning ordinance, seventeen parking spaces are required, thus the proposal meets the zoning standards.

A handicapped parking space is proposed on site between the existing building and the new building. The Fire Department has requested that this area be designated as a "Fire Lane" and must remain open for emergency uses at all time. The van handicapped space is proposed at this location. Captain Keith Gautreau of the Fire Department has reviewed the revised site plan and states:

I am still not seeing any proposed striping or designated "Fire Lane" markings at the turnaround point in between the two buildings where the handi-cap parking is located. I am okay with the proposed width and length of the turnaround plus having the handi-cap parking but I will need to see proposed striping / marking before AHJ approval.

The parking lot is laid out so that some spaces are along the shared property boundary. Tom Errico, Consultant Traffic Engineer, has recommended that there be a physical barrier between the parking lots, which the revised plans now show.

Off-Site Parking

At the Planning Board workshop, a couple of members questioned the amount of parking spaces for the use of the restaurant on the site. The applicant has responded by providing six parking spaces across Congress Street located at Tandem Bakery between the hours of 6:00 PM and 6:00 AM daily; the bakery closes at 6:00 PM. Mr. Errico states that the “applicant is providing evening restaurant parking at Tandem Bakery. I find this provision to be acceptable. A crosswalk on Congress Street at Carleton Street is provided and accordingly a safe walking route is provided”.

On-Street Parking

Currently there are three on-street parking spaces on Congress Street in front of the existing building. The applicant has requested that the parking schedule be changed for these spaces from one-hour parking to 15 minutes parking.

d. Construction Management Plan

A construction management plan has been submitted by the applicant and has been reviewed by Mr. Errico with the following comments:

I have reviewed the construction management plan and I generally find it to be acceptable given that work will generally be self-contained. I would note that I do not support closure of sidewalks at this time and the applicant would be required to avoid sidewalk detours. Final details will be determined at the pre-construction meeting. I would note that closure of the Congress Street sidewalk is not likely to be accepted. The plan notes use of the abutting driveway for access to the rear residential property. A temporary access easement will be required.

e. Bicycle Parking

The proposals include two bicycle racks being proposed on-site, a total of 4 parking spaces. The standard requires three spaces, so this has been met. The racks are located at the rear of Lot 2 property and not near any entrances; this does not meet standards. The bicycle racks will need to be relocated to the front of the Lot 1 property, closer to the entrance of the hotel building. According to the applicant, there is bike storage in the garages of each of the residential unit. The proposed racks will be utilized by the hotel and restaurant.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

The applicant is not proposing to plant street trees along Congress Street. The City standards requires one street tree per unit, therefore with seven units, a total of seven street trees are required. Due to

site restrictions, the remaining trees cannot be planted on the site. The applicant has asked for a waiver of this standard, in order to contribute \$200 per tree to the City's Tree Fund for the trees.

The applicant is proposing landscaping along the front of the existing building. Besides this planting, no other landscaping is being proposed on site. The Mellen Street frontage has developed trees and shrubs. Since the proposed utilities are now coming in onto an abutter's property, this area will not be developed and the existing vegetation will be preserved.

c. Water Quality, Storm Water Management and Erosion Control

The existing site area is a single paved and gravel parking area with an existing building. The current surface runoff from the site flows into an existing outlet pipe located in the northeast corner of the property. This site currently has 21,542 sq. ft. of impervious surface. The proposed site will have 22,292 sq. ft. of impervious surface. The increase is less than 1,000 sq. ft. The majority of runoff will flow from the existing building, parking lot, to the new outlet pipe that will be drained to the Mellen Street infrastructure.

In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. Since this project will result in a de minimis increase in impervious area of approximately 750 square feet, it is not required to include any specific stormwater management features for stormwater quality control or to control the rate or quantity of stormwater runoff from the site.

A stormdrain pipe is shown exiting the northern end of the hotel building. It is assumed that this pipe is provided for roof and/or foundation drainage. The end of the pipe is obscured by contour labels, so the end condition of the pipe is unclear; however, adequate stabilization (i.e. rip rap) should be provided at the end of the pipe.

The Project Data Sheet notes that the proposed project will disturb more than one acre; as noted on the form, a Notice of Intent to Comply with the Maine Construction General Permit. The applicant will be required to be submitted to submittal to MaineDEP.

3. *Public Infrastructure and Community Safety Standards*

a. Consistency with Master Plans

See Subdivision, Paragraph VIII (B)6 above.

b. Public Safety and Fire Prevention

The Crime Prevention through Environmental Design (CPTED) standards in the site plan ordinance address the principles of natural surveillance, access control and territorial reinforcement so that the design of developments enhance the security of public and private spaces and reduce the potential for crime. The main entry to the existing building is from Congress Street. The new townhouse building sits back and the entrances are along the surface parking area.

A lighting and photometric plan has been submitted and meets standards. The proposed lighting fixtures were reviewed by the Historic Preservation Board and they felt the fixtures are appropriate.

c. Availability and Adequate Capacity of Public Utilities

Water/ Sanitary Sewer/ Natural Gas/Electricity:

The proposed project is anticipated to add a net water usage from the development of approximately 4,804 gallons per day (GPD). Separate services are proposed for the commercial property and the residential units. For the residential units, the developer has proposed a new 6-inch fire line service for the development that would tie into the existing water main in Congress Street, as well as a four-inch domestic service in Congress Street. The developer is also proposing an individual two-inch service for the commercial property. Since a restaurant is being proposed, an internal grease trap is proposed.

The developer plans to serve the proposed building with a gas service; the new service be established from the existing underground line within Congress Street. Sanitary sewer, stormwater, and electricity will also be from Mellen Street.

Waste Management:

The solid waste will be collected and stored in a room on the lower floor for the residential buildings and a dumpster is provided for the hotel and restaurant. A private waste hauler will be used for removal. The removal schedule will be based on the generation rate.

4. *Site Design Standards*

a. Snow and Ice Loading

The applicant is proposing on-site snow storage; the area for storage is to the north and west of the parking lot (Attachment Plan2).

b. View Corridors

This site is not within a Protected View Corridor as per the "View Corridor Protection Plan" approved by the Portland City Council in 2001.

c. Historic Resources

The site is within the Congress Street and Deering Street Historic Districts. This project is undergoing review by Historic Preservation Board.

d. Exterior Lighting

A lighting and photometric plan been reviewed and meets the lighting standards. The proposed lighting fixtures were reviewed by the Historic Preservation Board and they found the fixtures are appropriate.

e. Noise and Vibration

All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment will have to be shown on the plans and meet state and federal emissions requirements. These mechanical equipment should be located to the interior of the site, away from abutting residential properties and be screened from view from any public street and from adjacent sites by structure walls, evergreen landscaping, fencing, masonry wall or a combination thereof. This information will have to be submitted for review as part of the building permit.

f. Signage and Wayfinding

This standard does not apply to the proposal.

g. Zoning Related Design Standards

Since the property is located in the Congress Street and Deering Street Historic Districts, the Historic Preservation Board will review the design of the building.

VIII. PROPOSED MOTIONS

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report for the proposed townhouses site plan and subdivision (application 2016-040), including but not limited to the report and the staff reviews relevant to Portland's Technical and Design Standards and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearing.

1. The Planning Board (finds/does not find) that the applicant has demonstrated that due to the site constraints preventing the planting of required street trees along Congress Street, thus the Planning Board **(waives/does not waive)** Section 14-526 (b) (2) (b) (iii) *Street Trees* to allow for a contribution of \$1000 to the City's Street Tree Fund to be substituted for the provision on site of one of the required street trees.
2. The Planning Board **[waives or does not waive]** Section 14-526 (b) (2) (b) (i) Landscaped Buffers to allow no understory landscaping due to site constraints and the fully developed site.

SUBDIVISION

On the basis of the application (2016-040), plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application 2014-149 relevant to the Subdivision Ordinance, the MaineDEP Chapter 500 Stormwater Management Standards relative to Stormwater Permits under delegated review, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

That the plan **(is/is not)** in conformance with the subdivision standards of the land use code, subject to the following conditions:

1. The plat shall reflect any easements that relate to the subdivision plan, including the access and utilities easements, to be reviewed and approved by Corporation Counsel prior to the issuance of certificate of occupancy; and
2. The Subdivision Plat shall be stamped by a Professional Land Surveyor and finalized to the satisfaction of the Planning Authority, Department of Public Services and Corporation Counsel; and
3. The recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording. All waivers shall be recorded within 90 days of the Planning Board approval.

SITE PLAN

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application 2016-040 relevant to the Site Plan Ordinance, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

That the plan **(is/is not)** in conformance with the site plan standards and all other applicable provisions of the land use code, subject to the following conditions:

1. The Fire Department has requested that the area between the proposed townhouse building and

- the hotel building shall be striped and/or marked as the designated "Fire Lane" and shall remain open for emergency uses at all time. This shall be shown on the final site plan; and
2. The utility work in Mellen Street shall be completed by December 1, 2016. The City of Portland shall complete final milling and overlay of Mellen Street in the spring of 2017; and
 3. The proposed bicycle racks shall be relocated to the entrance of the hotel and restaurant building and shall be shown on the final site plan; and
 4. The construction management plan shall be revised to show the sidewalk closure detail plan during construction, which shall be reviewed and approved by the Department of Public Works and Planning Authority prior to the issuance of a building permit; and
 5. The construction management plan notes use of the abutting driveway for access to the rear residential property. A temporary access easement shall be submitted prior to the issuance of a building permit; and
 6. Adequate stabilization (i.e. rip rap) shall be provided at the end of stormdrain pipe at the northern end of the hotel building; and
 7. The driveway apron on Congress Street shall be in brick. The Applicant shall modify the plan and provide a detail for brick driveway apron in conformance with the technical standards, prior to the issuance of a building permit; and
 8. A copy of the Notice of Intent shall be provided to the City upon submittal to MaineDEP; and
 9. The Applicant shall contact Rachel Smith (874-8833) of the Public Works Department prior to installation to verify property sizing of the proposed internal grease trap; and
 10. The drop-off space shall be designed as a shared-use space for vehicles dropping off hotel/restaurant guests and to serve pedestrians walking to and from the townhouses. This shared space could be raised slightly to ensure slow vehicle speeds and use materials that visually support the shared use activity. Final details of these options shall be reviewed and approved by the Planning Authority and Department of Public Works.

ATTACHMENTS:

Memo Attachments

1. Traffic Engineering Review (Tom Errico, T Y Lin), comments dated 07.08.2016
2. Department of Public Services Review, David Margolis-Pineo, dated 03.24.2016
3. Fire Department Review, Capt. Keith Gautreau, dated 06.29.2016
4. Public Comments
 - a. James and Jacqueline Price at 24 Mellen Street

Applicant's Submittal

- A. (0a) 15156,AppCover,022216
- B. (0b) 15156,TABLE OF CONTENTS
- C. (1) 15156,tsg,ltr,Barhydt,022216
- D. (2a) Site Plan Application-Tier III-SIGNED

- E. (2b) 15156,AuthorizationLetter,DENOVA LLC,021716
- F. (3a) Project Information
- G. (3b) Bank Financial Capacity Letter,2016-02-18
- H. (4) Zone Narrative
- I. (5) Waiver Request
- J. (6a) Executed Contract_Redacted
- K. (6b) Deed,Bk28907Pg208,2011-08-18
- L. (7) 15156,tsg,ltr,PWD,022216
- M. (8) Sewer Application
- N. (9a) USGS Map,w-Project Location
- O. (9b) Tax Map 47,E8NE w-Project Location
- P. (10) Soils Map w_Project Location
- Q. (11) FM2300510013B,w-Project Location
- R. (12a) 749 CONGRESS ST - A1.0 - TYPICAL TOWNHOUSE
- S. (12b) 749 CONGRESS ST - A2.0 - TOWNHOUSE ELEVATIONS
- T. (12c) 2016-02-19 749 Congress Inn Plans and Elevations
- U. Application 04-08-2016
- V. April 8, 2016 Response to Staff Comments
- W. City of Portland Wastewater Capacity Application
- X. Lighting Plan And Fixture Data Sheets
- Y. Summary of Public Informational Meeting
- Z. (1) 15156,tsg,ltr,Wiar,062916
- AA. Landscape Narrative\
- BB. Maintenance Easement DeNovo LLC & YCSP
- CC. Utility Agreement DeNovo LLC & Price
- DD. Restaurant Traffic & Parking Letter
- EE. Wastewater Capacity Approval

Plans

- Plan1 749 Congress Street Architectural Floor Plans
- Plan2 A1.00 Francis Inn Ground Floor Plan
- Plan3 A1.01 Francis Inn 1st Floor Plan
- Plan4 A1.02 Francis Inn 2nd Floor Plan
- Plan5 A1.03 Francis Inn 3rd Floor Plan
- Plan6 A1.04 Francis Inn Roof Plan
- Plan7 A2.0 Bramhall Row Elevations
- Plan8 A2.02 Francis Inn Building Elevations
- Plan9 C0-COVER
- Plan10 C1.1-SUBDIVISION
- Plan11 C1.2-SITE
- Plan12 C1.3-EX. & DEMO
- Plan13 C1.4-GRADING & UTILITIES
- Plan14 C1.5-EROSION CONTROL
- Plan15 C1.6-LANDSCAPE
- Plan16 C2.1,-SITE DETAILS
- Plan17 C2.2-SITE DETAILS
- Plan18 Construction Management Plan
- Plan19 Lighting Plan And Fixture Data Sheets
- Plan20 SURVEY SIGNED



Shukria Wiar <shukriaw@portlandmaine.gov>

749 Congress Street - Final Traffic Comments

Tom Errico <thomas.errico@tylin.com>

Fri, Jul 8, 2016 at 11:46 AM

To: Shukria Wiar <shukriaw@portlandmaine.gov>

Cc: Katherine Earley <kas@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <jst@portlandmaine.gov>, "Swett, Lauren" <lszett@woodardcurran.com>

Hi Shukria – The following represents my final comments on outstanding traffic issues.

- I have reviewed the construction management plan and I generally find it to be acceptable given that work will generally be self-contained. I would note that I do not support closure of sidewalks at this time and the applicant would be required to avoid sidewalk detours. Final details will be determined at the pre-construction meeting. I would note that closure of the Congress Street sidewalk is not likely to be accepted. The plan notes use of the abutting driveway for access to the rear residential property. A temporary access easement will be required.
- The applicant is providing evening restaurant parking at Tandem Bakery. I find this provision to be acceptable. A crosswalk on Congress Street at Carleton Street is provided and accordingly a safe walking route is provided.
- Based upon comments from the Historic Preservation Board, consideration of modifying pedestrian facilities between Congress Street and the rear of the site is suggested. One suggestion is to provide a 4-foot wide flush brick walkway along the townhouse buildings on the easterly edge of the travel way. I find this suggestion to be acceptable. A second suggestion is providing a separate walkway from Congress Street between the main driveway and the drop-off lane. It is my suggestion that the drop-off space be designed as a shared-use space for vehicles dropping off hotel/restaurant guests and serve pedestrians walking to and from the townhouses. This shared spaces could be raised slightly to ensure slow vehicle speeds and use materials that visually support the shared use activity. Final details of these options will need to be reviewed and approved.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL T.Y. Lin International

12 Northbrook Drive

Falmouth, ME 04105

[207.781.4721](tel:207.781.4721) (main)

[207.347.4354](tel:207.347.4354) (direct)

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thomas.errico@tylin.com

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MEMORANDUM



TO: Shukria Wiar, Planner
FROM: Lauren Swett, PE
DATE: July 8, 2016
RE: 749 Congress Street, Site Plan Application
Peer Review & DPW Review

Woodard & Curran has reviewed the Response to Comments and updated plans for the Site Plan Application for the proposed re-development located at 749 Congress Street in Portland, Maine.

Documents Reviewed by Woodard & Curran

- Response to Comments and Attachments, dated June 29, 2016, prepared by Pinkham & Greer Civil Engineers, on behalf of Denovo LLC.
- Revised Engineering Plans, dated June 29, 2016, prepared by Pinkham & Greer Civil Engineers, on behalf of Denovo LLC.

Peer Review Comments

- 1) The Project Data Sheet notes that the proposed project will disturb more than one acre; as noted on the form, a Notice of Intent to Comply with the Maine Construction General Permit will be required to be submitted to the MaineDEP. A copy of the NOI should be provided to the City upon submittal to MaineDEP.
- 2) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to comply with the MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:
 - a) Basic Standard: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500. Appropriate temporary erosion control should be provided during utility installation that takes place off of the site.
 - b) General Standards: The project will result in a de minimis increase in impervious area of approximately 750 square feet. As such, the project is not required to include any specific stormwater management features for stormwater quality control.
 - c) Flooding Standard: The project will result in a de minimis increase in impervious area of approximately 750 square feet. As such, the project is not required to include any specific stormwater management features to control the rate or quantity of stormwater runoff from the site.
- 3) A stormdrain pipe is shown exiting the northern end of the hotel building. It is assumed that this pipe is provided for roof and/or foundation drainage. The end of the pipe is obscured by contour labels, so the end condition of the pipe is unclear; however, adequate stabilization (i.e. rip rap) should be provided at the end of the pipe.
- 4) All other prior peer review comments have been addressed.

Department of Public Works Comments

- 1) The project is located within a Historic District, and a brick driveway apron will be required. The Applicant should modify the plan and provide a detail for brick driveway apron in conformance with City of Portland Technical Standards.
- 2) The utility work in Mellen Street must be completed by December 1, 2016. The City of Portland will complete final milling and overlay of Mellen Street in the spring of 2017.



- 3) The Applicant is providing a 1,000 gallon internal grease trap. The Applicant shall contact Rachel Smith (874-8833) of the Public Works Department prior to installation to verify property sizing.
- 4) The Plat has not been stamped by a Professional Land Surveyor as required.
- 5) There are instances of text conflicting with hatch patterns. When the Registry of Deeds scans the plans for public viewing via the internet often the text is not legible due to the conflicts with the hatch patterns.
- 6) All other prior Department of Public Works Comments have been addressed.

MEMORANDUM

To: FILE
From: Shukria Wiar
Subject: Application ID: 2016-040
Date: 7/8/2016

Comments Submitted by: Keith Gautreau/Fire on 6/29/2016

I am still not seeing any proposed striping or designated "Fire Lane" markings at the turnaround point in between the two buildings where the handi-cap parking is located. I am okay with the proposed width and length of the turnaround plus having the handi-cap parking but I will need to see proposed striping / marking before AHJ approval.



Shukria Wiar <shukriaw@portlandmaine.gov>

Re: Comments re the redevelopment of 749 Congress St.

Barbara Barhydt <bab@portlandmaine.gov>
To: jim <jas.price58@gmail.com>
Cc: Shukria Wiar <shukriaw@portlandmaine.gov>

Tue, Mar 22, 2016 at 9:23 AM

Good morning:

Thank you for your comments and we will include your e-mail as public comment for the review of this project. The postcard that you received is sent to property owners within 500 of a site upon receipt of an application. The city has just begun the review of this project, which will require site plan and subdivision review by the Planning Board. There will be scheduled public meeting to review this project and you should receive notification of those meetings as well. . As you noted, it is also within an historic district and will be reviewed by the Historic Preservation Board.

Shukria, Wiar is the planner assigned to coordinate the review and she will respond to your question about the moratorium street later. We share this information with the applicant, so the preliminary plans may be revised.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

On Tue, Mar 22, 2016 at 8:55 AM, jim <jas.price58@gmail.com> wrote:

To: Barbara Barhydt, Development Review Services Director,
Planning Division, City of Portland
From: James and Jacqueline Price, owners of the 7 unit apartment
house at 24 Mellen St.
RE: The proposed redevelopment of the former Hay Peabody
property at 749 Congress St.

Ms. Barhydt:

The site plan for the redevelopment of 749 Congress St. distributed by Pinkham and Greer shows the 30 foot wide strip of land (the Strip) that runs from behind the former funeral home down to Mellen St. as being used to install underground utilities. This utility plan does seem to us to be somewhat in conflict with the City's statement that "all access is proposed from Congress St", a position that we strongly support. Be that as it may, we wonder if it is really necessary or indeed permissible to bring utilities in from Mellen St. rather than Congress St. While the postcard that was sent to residents states that "the site is located in the B-2b and R-6 zones", we would like to point out that the Strip is located in the same Historic District that contains our building. It is our position that the rules governing historic districts create strong arguments in favor of the following:

1. That the small forest currently occupying the Strip be maintained in substantially the same form that has existed for many decades.
2. That the Strip continue to function as a noise, visual, and privacy buffer from Mellen

St. and between our building and the 5 unit condominium project located at 18- 20
Mellen St.

3. That the rock wall with granite capstones fronting on Mellen St. be repaired and restored to conform to the original.

We are also mindful of the City's impending moratorium against digging up Mellen St. How might that impact this project? If despite the above, utilities are brought in from Mellen St., the current plan, as we understand it, is to basically clearcut the lot and replace most, if not all, of the trees with grass thus destroying a unique patch of woods in the heart of the city. Such a change would have other substantial negative consequences for the residents of the two buildings abutting the Strip. The Strip occupies a plateau that looks directly down on our building, threatens our privacy and represents a potentially serious source of noise pollution once the trees are removed. The trees themselves constitute an important privacy and visual barrier.

We have owned 24 Mellen St. since 1997, so we are very conscious of how changes in the Strip's character, particularly in the population of trees, could affect us. A time honored tradition among children going to and from school has been to walk along the top of the stone wall that fronts our property and the Strip. Pedestrians on Mellen Street often enjoy sitting on the stone wall. We have no problem with either activity on our property. We would point out, however, that as regards the Strip, the overgrown nature of the trees and bushes along the wall and the deteriorated condition of the wall itself have acted to discourage any activity in the Strip itself, thus preserving it as a noise and privacy buffer.

If, however, the City does grant permission for the Strip to be cleared and the trees are replaced with grass, it will become in effect a small park and be a very inviting place for children and members of the adult public to play and hang out with the accompanying negative consequences mentioned above. A major concern is that without the trees to absorb sound, the Strip will become a kind of echo chamber that bounces sounds off the two buildings and magnifies them whether they originate there or from the street, and, as we all know, Mellen St. is a very busy and noisy street. In addition, we have gone to considerable effort and expense to plant vinca and other plants on the steep bank between our driveway and the Strip. We fear that the vinca and the hillside itself will suffer if the trees are simply replaced with grass.

Our goal is to protect the privacy of the residents whose homes border the Strip, preserve the quiet enjoyment of their homes, protect the landscaping on the bank, and discourage the public from cutting through our driveway and parking lot. Rather than have all the trees cut down we would like to see the lot cleaned up a bit and additional plantings done to discourage the use of the Strip as a playground or recreational area.

Should trees be removed, nevertheless, we are very concerned that a fence might become necessary to protect our property and that it might end up being located on the property line between the Strip and 24 Mellen St., thus complicating snow removal and forming a looming presence over our driveway and parking lot. We think it is reasonable to ask the developers to build a fence if one becomes necessary and that any fence be located within the Strip at least seven feet south of the property line between the Strip and 24 Mellen St. It is our understanding that the underground utility corridor, IF it is allowed to be built, will begin at this 7 foot point south of our property line.

On the positive side, we do look forward to the restoration of the retaining wall on Mellen St. and to the maintenance of the sidewalk, particularly in wintertime.

749 Congress Street
Portland, Maine

Site Plan / Subdivision Application

Submitted to
City of Portland

February 22, 2016

Prepared by
PINKHAM & GREER
CIVIL ENGINEERS



28 VANNAH AVE. PORTLAND, ME. 04103
Tel: 207.781.5242 Fax: 207.781.4245

749 Congress Street
Site Plan / Subdivision Application

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Section 1	Cover Letter
Section 2	Site Plan Application, Checklist, & Authorization Letter
Section 3	Project Information/ /Financial Capacity Letter
Section 4	Zone Narrative (R6 & B2b)
Section 5	Waiver Request
Section 6	Purchase & Sales Agreement / Deed
Section 7	PWD Ability to Serve Letter
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Section 9	USGS Location Map / Tax Map
Section 10	Soils Map
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Section 12	Architectural Drawings

Design Drawing List

	Cover Sheet
C1.1	Subdivision Recording Plat
C1.2	Site Plan
C1.3	Existing Conditions and Demolition Plan
C1.4	Grading and Utilities Plan
C1.5	Erosion Control Plan, Notes and Details
C1.6	Landscape Plan, Notes and Details
C2.1	Site Details
C2.2	Site Details

Plan of Existing Conditions Survey

File: 15156

February 22, 2016

Ms. Barbara Barhydt, Planning Department
City of Portland
389 Congress Street, 4th Floor
Portland, ME 04101

RE: SITE PLAN AND SUBDIVISION PLAN APPLICATION
749 CONGRESS STREET

Dear Barbara,

We are pleased to submit the attached plans for the redevelopment of 749 Congress Street. This project has two new parts to it and the existing carriage house with its two units stays in place. The existing building will be repurposed into a Bed and Breakfast with 16 rooms. We will also be adding 7 residential townhouses to the back of the property.

This property has a prominent place on Congress Street. It will remain in that same vein. The existing landscaping has overgrown the building. We will be removing it and converting the area back to the traditional lawn. This will be consistent with the architecture.

The site will access off Congress Street with a single curb cut shared with the property next to this one. The 20 foot curb cut will allow for additional sidewalk where the existing curb cut is located.

Utilities for the existing building will remain as they are now. Utilities for the 7 residential units will be new. The water service will come from Congress Street. The electrical, communication, gas, and sewer service will be by Mellen Street.

The utilities from Mellen Street also provide us with a lawn area for residents.

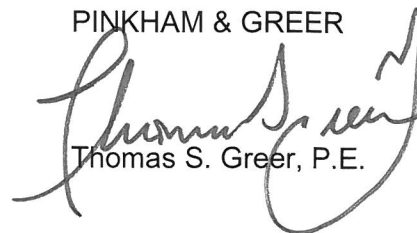
Traffic for this project will generate approximately 200 vehicle trips per day. With peak hourly rates of 20 in the AM and PM peak hours. This is a very small amount given the downtown location.

This project will be a condominium with the residential units for sale.

Please review our application and let me know if you have any questions.

Sincerely,

PINKHAM & GREER



Thomas S. Greer, P.E.

Enclosures

cc: Joe Delois, Tom Federle, David Lloyd, File

TSG/rjs

PROJECT NAME: 749 Congress Street

PROPOSED DEVELOPMENT ADDRESS:

749 Congress Street

PROJECT DESCRIPTION:

This project is the construction of 7 residential town houses and the conversion of the
Congress Street building to a 16 room Bed and Breakfast.

CHART/BLOCK/LOT: 47/A20, A28, A30 & A32

PRELIMINARY PLAN _____ (date)

FINAL PLAN _____ (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Joe Delois Business Name, if applicable: Denovo LLC Address: 47 Waites Landing Road City/State : Falmouth, ME Zip Code: 04105	Applicant Contact Information Work # 207.899.4068 Home# Cell # 207.232.6274 Fax# e-mail: joedelois@gmail.com
Owner – (if different from Applicant) Name: Martin B. Dassa & Alyssa J. Dassa Trustees Rochelle G. Dassa Residuary Trust Address: 5 Cottonwood Lane City/State : Falmouth, ME Zip Code: 04105	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Thomas S. Greer, P.E. Name: Pinkham & Greer, Civil Engineers Address: 28 Vannah Avenue City/State : Portland, ME Zip Code: 04103	Agent/Representative Contact information Work # 207.781.5242 Cell # e-mail: tgreer@pinkhamandgreer.com
Billing Information Name: Denovo LLC (Joe Delois) Address: 47 Waites Landing Road City/State : Falmouth, ME Zip Code: 04105	Billing Information Work # 207.846.9535 Cell # Fax# e-mail: joedelois@gmail.com

Engineer Thomas S. Greer, P.E. Name: Pinkham & Greer, Civil Engineers Address: 28 Vannah Avenue City/State : Portland, ME Zip Code: 04103	Engineer Contact Information Work # 207.781.5242 Cell # Fax# 207.781.4245 e-mail: tgreer@pinkhamandgreer.com
Surveyor Rex Croteau Name: Titcomb Associates Address: 133 Gray Road City/State : Falmouth, ME Zip Code: 04105	Surveyor Contact Information Work # 207.797.9199 Cell # Fax# 207.878.3142 e-mail: rcroteau@titcombsurvey.com
Architect David Lloyd Name: Archetype Architects Address: 48 Union Wharf City/State : Portland, ME Zip Code: 04101	Architect Contact Information Work # 207.772.6022 Cell # Fax# 207.772.4056 e-mail: lloyd@archetypepepa.com
Attorney Thomas Federle Name: FEDERLE LAW Address: 254 Commercial Street City/State :Portland, ME Zip Code: 04101	Attorney Contact Information Work # 207.899.0155 Cell # Fax# e-mail: Tom@federlelawmaine.com

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

Level III Development (check applicable reviews) ☒ Less than 50,000 sq. ft. (\$500.00) ☐ 50,000 - 100,000 sq. ft. (\$1,000) ☐ 100,000 – 200,000 sq. ft. (\$2,000) ☐ 200,000 – 300,000 sq. ft. (\$3,000) ☐ over 300,00 sq. ft. (\$5,000) ☐ Parking lots over 11 spaces (\$1,000) ☐ After-the-fact Review (\$1,000.00 plus applicable application fee) Plan Amendments (check applicable reviews) ☐ Planning Staff Review (\$250) ☐ Planning Board Review (\$500) The City invoices separately for the following: • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.	Other Reviews (check applicable reviews) ☐ Traffic Movement (\$1,000) ☐ Stormwater Quality (\$250) ☒ Subdivisions (\$500 + \$25/lot) # of Lots <u>8</u> x \$25/lot = <u>200.00</u> ☐ Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots <u> </u> x \$200/lot = <u> </u> ☐ Other <u> </u> ☐ Change of Use ☐ Flood Plain ☐ Shoreland ☐ Design Review ☐ Housing Replacement ☐ Historic Preservation
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APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan and each document submitted as separate files. Naming conventions for the individual files can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

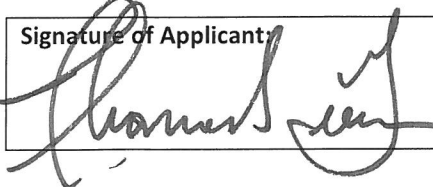
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 2/22/16
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PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	30,928 sq. ft.
Proposed Total Disturbed Area of the Site	140,280 sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.	
Impervious Surface Area	
Impervious Area (Total Existing)	21,542 sq. ft.
Impervious Area (Total Proposed)	22,292 sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	5,988 sq. ft.
Building Footprint (Total Proposed)	4,786 sq. ft.
Building Floor Area (Total Existing) Former Funeral Home=12,979, Carriage House=4290	sq. ft. 17,269 Total
Building Floor Area (Total Proposed) Bed & Breakfast=12,979, Townhouse=16,856, Carriage House= 4,290	sq. ft. 34,125 Total
Zoning	
Existing	R6 & B-2b
Proposed, if applicable	N/A
Land Use	
Existing	Residential / Funeral Home
Proposed	Residential / Bed & Breakfast
Residential, If applicable	
# of Residential Units (Total Existing)	2
# of Residential Units (Total Proposed)	9
# of Lots (Total Proposed)	1
# of Affordable Housing Units (Total Proposed)	0
Proposed Bedroom Mix	
# of Efficiency Units (Total Proposed)	0
# of One-Bedroom Units (Total Proposed)	0
# of Two-Bedroom Units (Total Proposed)	0
# of Three-Bedroom Units (Total Proposed)	7
Parking Spaces	
# of Parking Spaces (Total Existing)	28
# of Parking Spaces (Total Proposed)	11 exterior / 7 interior
# of Handicapped Spaces (Total Proposed)	0
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	2
Estimated Cost of Project	3.8 Million

PRELIMINARY PLAN (Optional) - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
x		1	Completed Application form
x		1	Application fees
x		1	Written description of project
x		1	Evidence of right, title and interest
n/a		1	Evidence of state and/or federal approvals, if applicable
x		1	Written assessment of proposed project's compliance with applicable zoning requirements
x		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
x		1	Written requests for waivers from site plan or technical standards, if applicable.
x		1	Evidence of financial and technical capacity
x		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
x		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
x			Proposed grading and contours;
x			Existing structures with distances from property line;
x			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
n/a			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
x			Preliminary infrastructure improvements;
x			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
x			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
x			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
x			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
x			Exterior building elevations.

FINAL PLAN - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
x		1	* Completed Application form
x		1	* Application fees
x		1	* Written description of project
x		1	* Evidence of right, title and interest
n/a		1	* Evidence of state and/or federal permits
x		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
x		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
x		1	* Evidence of financial and technical capacity
		1	Construction Management Plan
x		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
x		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
x		1	Stormwater management plan and stormwater calculations
		1	Written summary of project's consistency with related city master plans
		1	Evidence of utility capacity to serve
x		1	Written summary of solid waste generation and proposed management of solid waste
		1	A code summary referencing NFPA 1 and all Fire Department technical standards
		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
x		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Final Site Plans including the following:
x			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
x			Existing and proposed structures on parcels abutting site;
x			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
x			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
x			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
x			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
x			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
x			Location of all snow storage areas and/or a snow removal plan;
			A traffic control plan as detailed in Section 1 of the Technical Manual;
n/a			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
n/a			Location and proposed alteration to any watercourse;
n/a			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
n/a			Proposed buffers and preservation measures for wetlands;
x			Existing soil conditions and location of test pits and test borings;
x			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
n/a			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
x			Grading plan;
x			Ground water protection measures;
x			Existing and proposed sewer mains and connections;

- Continued on next page -

x		Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
x		Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
x		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
x		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
x		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
n/a		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
n/a		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.

**Denovo LLC
47 Waites Landing Rd
Falmouth, ME 04105**

February 18, 2016

To Whom It May Concern

This letter is to inform you that Thomas S. Greer and his associates of Pinkham & Greer, Civil Engineers in Portland are hereby authorized to represent me throughout the approval process for the development of 749 Congress Street, Portland, Maine.

This includes representation with the City of Portland and Department of Environmental Protection, as well as any other State, Federal, or local agencies who may become involved in the process.

Should you have any questions or concerns, please feel free to contact me.

Sincerely,



Denovo LLC
Joseph Delois
Manager

749 Congress Street

File: 15156

Summary of Easements

This project benefits from an easement from Congress Street to access the site. See attached deeds.

Financial & Technical Ability

Attached is a letter from Saco & Biddeford Savings Institution concerning financial ability to complete the project. This project has a complete design team of:

FEDERLE LAW
254 Commercial St.
Portland, ME 04101

Archetype Architects
48 Union Wharf
Portland, ME 04101

Titcomb Associates
133 Gray Road
Falmouth, ME 04105

Pinkham & Greer, Civil Engineers
28 Vannah Avenue
Portland, ME 04103

Traffic & Transportation Analysis

This project will have a mix of 7 Residential Units and a Bed and Breakfast. We expect that many of the residents will walk, bike, or take public transportation. Based on that, we anticipate a 7 trip per day rate from the residential portion of the project and 140 from the Bed and Breakfast, or 200 average daily trips. The peak PM and AM trips are anticipated to be 10% of the total, or 20 peak hour trips.

This increase in vehicle traffic is extremely small and will have minimal impact on the neighboring road network.

This site has direct access to sidewalks in the neighborhood. This provides excellent pedestrian access to the area. The project provides for indoor bike storage and exterior bike storage. We anticipate that this will be a major component of transportation for the building occupants based on the anticipated demographics.

Natural Features

This site is fully developed in the existing condition. There are no wetlands, floodplains, or significant wildlife habitats on site.

749 Congress Street

File: 15156

Stormwater

This site currently has 21,542 sq. ft. of impervious surface. The proposed site will have 22,292 sq. ft. of impervious surface. The increase is less than 1,000 sq. ft. No stormwater management is required.

Solid Waste

The construction waste will be recycled and disposed of at the EcoMaine facility on Riverside Street.

The domestic solid waste will be collected and stored in a room on the lower floor. A private waste hauler will be used for removal. The removal schedule will be based on the generation rate. Based on 4.5#/day per person, we estimate 33 tons per year of solid waste will be generated.



Westbrook - PHONE: (207) 602-7404 FAX: (207) 504-8117

2 Hannaford Drive, Westbrook, ME 04072

February 18, 2016

Portland Planning Board
389 Congress Street
Portland, Me 04101

RE: 749 Congress Street Renovations

Please be advised that Joe DeLois (Denovo, LLC) has the financial capability to develop a property located at 749 Congress Street into a 16 room hotel/ restaurant and to build a 7 unit condominium.

SBSI has worked with Joe DeLois on many occasions and finds him to be a very experienced Real Estate Developer with the knowledge and financial strength to complete the project listed above.

Should you have any questions please feel free to contact me directly at (207)602-7404 or jeanm@sbsavings.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Jean', written over a horizontal line.

Michael Jean
VP/Business Loan Officer
2 Hannaford Drive
Westbrook, Me 04098

Zoning

749 Congress Street

File: 15156

This property is in two zones. The Mellen Street portion is in the R-6. Utilities will come through that portion of the site. The remaining portion of the site is in the B-2b Zone.

Multifamily dwellings and bed and breakfast uses are allowed in the B-2b zone as permitted uses. The bed and breakfast use is subject to the following:

5. Bed and. breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding. A bed and breakfast may include a meeting facility if the facility meets the following standards:

a. The meeting facility shall be limited to the following types of uses:

- i. Private parties.
- ii. Business meetings.
- iii Weddings.
- iv. Reception.
- v. Seminars.
- iv. Business and educational conferences.

b. The building in which the bed and breakfast and the meeting facility will be located was in existence on March 3, 1997, and was greater than four thousand (4,000) square feet in floor area on that date.

The dimensional requirements are summarized below:

Minimum Lot Size	None
Minimum Street Frontage	20 feet
Front Yard Setback Minimum	None
Rear Yard Setback Minimum	10 feet, except as provided for below: a. 5 feet for accessory structures
Side Yard Setback Minimum	None required, except as provided for below: a. 5 feet for accessory structures
Side Yard on Side Street Setback Minimum	None
Front Yard Maximum¹	No more than 10 feet, except that the Planning Board or Planning Authority may approve a different amount for irregularly shaped lots or lots with frontage less than 40 feet provided this standard is met to the maximum extent practicable. ²
Structure Stepbacks	Portions of a structure above 35 feet shall be no closer than 5 feet from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone.
Height maximum	45 feet except as provided for below: a. 50 feet if first floor is partially or wholly occupied by a commercial use. b. 65 feet in B-2 and B-2c zones on lots >5 acres provided that all setbacks, except for front yard setbacks and side yard on side street setbacks, increase by 1 foot for each foot of height over 45 feet. c. 65 feet within 65 feet of Franklin St.
Maximum Impervious Surface Ratio	a. For residential uses: None b. For all other permitted uses: 80% in B-2 and B-2c c. For all other permitted uses: 90% in B-2b
Minimum Lot Area per Dwelling Unit	a. Off-peninsula locations, as defined in section 14-47: 1,500 square feet, except as provided for in (b) below. b. On-peninsula locations (as per 14-47) and projects with active street frontages, as defined in section 14-188, below: 435 square feet.

749 Congress Street
File: 15156

Waivers:

We request a waiver from the size of parking spaces. We will provide spaces of 8' x 18'-0".

We also request a waiver of the Street Trees. A payment to the Street Tree Fund will be made.

CONTRACT FOR THE SALE OF COMMERCIAL REAL ESTATE

RECEIVED from Denovo LLC, whose mailing address is 47 Waites Landing Rd., Falmouth, ME 04105 (hereinafter called "Purchaser"), this 5th day of August, 2015, the sum of Ten Thousand Dollars (\$ 10,000.00) as earnest money deposit toward purchase and sale of certain real estate owned by MARTIN B. DASSA & ROCHELLE, G. DASSA RESIDUARY TRUST (hereinafter called the "Seller") and located at 747 Congress St in the city/town of Portland, County of Cumberland, State of Maine, described as follows: Map 47, Lots A028001 and A020001 Legal Descriptions: 47-A-28-32 Congress ST R 747-761 and 47-A-20-30 Congress ST 747-753 and being more fully described at said County Registry of Deeds in Book attached A, Page attached A, upon the terms and conditions indicated below.

1. PERSONAL PROPERTY: The following items of personal property are included in this sale (if applicable):
None
2. PURCHASE PRICE: The total Purchase Price is _____ Dollars
(), with payment made as follows:
Earnest money to be delivered on or before 08/05/2015 :
Other: _____
Other: _____
Balance due at closing, in immediately-available funds: _____
3. EARNEST MONEY/ACCEPTANCE: KW COMMERCIAL ("Escrow Agent") shall hold the earnest money in a non-interest bearing account and act as escrow agent until closing. This offer shall be valid until August 5, 2015 at 5:00 (☐ AM ☒ PM). In the event of Seller's non-acceptance of this offer, the earnest money shall be returned promptly to Purchaser.
4. TITLE: Within 60 days of the Effective Date (the "Title Review Period"), Purchaser shall notify Seller in writing (the "Title Objection Notice") of any matters affecting title to the property that are objectionable to Purchaser in Purchaser's sole discretion ("Title Defects"). Purchaser shall be deemed to have waived the right to object to any matter affecting title as of the Effective Date, except for any mortgage, tax lien, mechanics' lien, judgment lien, or other liens encumbering the property (for which no objection is required), if Purchaser fails to specifically identify such matters in the Title Objection Notice (each matter not objected to being a "Permitted Encumbrance"). Within seven (7) days of Seller's receipt of the Title Objection Notice, Seller shall notify Purchaser in writing whether or not Seller elects to cure any of the matters identified in the Title Objection Notice. If Seller elects to cure certain Title Defects, Seller shall use good faith efforts to cure such Title Defects and shall have a period of not more than thirty (30) days after notice of Seller's election within which to cure any such Title Defects (the "Title Cure Period"), and the Closing Date shall be extended until five (5) days after the expiration of the Title Cure Period. Seller agrees that, after the Effective Date, it shall not permit or suffer encumbrance of the property with any liens, easements, leases or other encumbrances without Purchaser's prior written consent, except that Purchaser shall not unreasonably withhold or delay its consent to new leases. On or before the Closing Date, Seller shall remove at its sole cost any such matters affecting the title to the property suffered or created by or consented to by Seller after the Effective Date that are not approved in writing by Purchaser. If Seller elects not to cure any Title Defects or if Title Defects which Seller elects to cure are not cured within the Title Cure Period, then Purchaser shall elect, by written notice to Seller on or before the Closing Date, as the same may be extended, either (i) to accept title to the property subject to such uncured Title Defects without reduction of the purchase price and without any liability on the part of Seller therefor, in which case such Title Defects shall be Permitted Encumbrances, or (ii) to terminate this Contract, whereupon the earnest money immediately shall be returned to Purchaser and neither party shall have any further obligations under this Contract.
5. DEED: In return for payment in full of the purchase price, Seller shall convey the property on see addendum (the "Closing Date") to Purchaser by Maine Statutory Short-Form quit claim with covenants Deed (the "Deed"), and the parties agree to execute and deliver on the Closing Date such other documents that are customary and/or reasonably necessary to complete the conveyance. It is a condition to Purchaser's obligations hereunder that title to the property shall be free and clear of all liens and encumbrances except for the following matters and otherwise in compliance with the requirements of this Contract: (i) zoning restrictions and land use laws and regulations and permits and approvals issued pursuant thereto; (ii) current taxes and assessments attributable to periods from and after the Closing, which Purchaser shall be liable to pay; (iii) leases and occupancies disclosed to Purchaser pursuant to Section 11 below; and (iv) any Permitted Encumbrance.

6. **LEASES/TENANT SECURITY DEPOSITS:** Seller agrees at closing to transfer to Purchaser, by proper assignment thereof, all Seller's rights under the current leases to the property and any and all security deposits held by Seller pursuant to said leases.
7. **POSSESSION/OCCUPANCY:** Possession/occupancy of property shall be given to Purchaser on the Closing Date subject only to the leases and tenancies disclosed to Purchaser pursuant to Section 11 below, unless otherwise agreed by both parties in writing.
8. **RISK OF LOSS:** Until transfer of title, the risk of loss or damage to the property by fire or otherwise is assumed by Seller unless otherwise agreed in writing. The property shall at closing be in substantially the same condition as of the Effective Date, excepting reasonable use and wear. If the property is materially damaged or destroyed prior to closing, Purchaser may either terminate this Contract and be refunded the earnest money deposit, or close this transaction and accept the property in its as-is condition together with an assignment of the Seller's right to any insurance proceeds relating thereto.
9. **PRORATIONS:** The following items shall be prorated as of the Closing Date:
- Real Estate Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
 - Fuel.
 - Metered utilities, such as water and sewer, shall be paid by the Seller through the date of closing.
 - Purchaser and Seller shall each pay one-half of the transfer tax as required by the laws of the State of Maine.
 - Rents, estimated monthly common area maintenance charges, estimated monthly property tax payments, and all other additional revenue received by Seller pursuant to leases of the property.
 - none
10. **DUE DILIGENCE:** Purchaser is advised to seek information from professionals regarding any specific issue of concern. Purchaser acknowledges receipt of property disclosure form attached hereto. Neither Seller nor the Real Estate Licensees identified below make any representations or warranties regarding the condition, permitted use or value of Seller's real or personal property. Purchaser's obligation to close under this Contract is conditioned upon Purchaser's satisfaction with its investigations of the property, which may without limitation include survey, environmental assessment, engineering studies, wetlands or soils studies, zoning compliance or feasibility, and code compliance, all within 60 days of the Effective Date.

All investigations will be done by professionals chosen and paid for by Purchaser. If the result of any investigation is unsatisfactory to Purchaser, Purchaser may declare this Contract null and void by notifying Seller in writing within the specified number of days set forth above, and said earnest money shall be returned to Purchaser. If Purchaser does not notify Seller that Purchaser's investigations are unsatisfactory within the time period set forth above, this contingency is waived by Purchaser. In the absence of any investigations(s) mentioned above, Purchaser is relying completely upon Purchaser's own opinion as to the condition of the property. Purchaser agrees to restore any disturbance to the property caused by Purchaser's investigations, and Purchaser agrees to indemnify and hold Seller harmless for any claims, damages, losses or costs, including without limitation reasonable attorneys' fees, incurred or suffered by Seller as a result of Purchaser's investigations of the property, which indemnification obligation shall survive termination or closing under this Contract.

11. **REVIEW OF LEASES AND INCOME AND EXPENSE INFORMATION:** Seller represents: (a) that below is a complete list of all tenants occupying the property under leases or other tenancy arrangements or agreements (the "Leases"), (b) that the Leases are in full force and effect, (c) that to Seller's knowledge, all tenants under the Leases are in full compliance therewith and (d) that Seller is not in violation of its obligations under the Leases. Seller agrees to provide Purchaser within five (5) days of the Effective Date of this Contract complete copies of all Leases, including any amendments, and income and expense information concerning the property. Purchaser shall have 10 days from the date Purchaser has been provided all Leases and income and expense information to review same, and if the result of the review is unsatisfactory to Purchaser, Purchaser may declare the Contract terminated and the earnest money shall be immediately refunded to Purchaser and thereafter neither party shall have any further obligation under this Contract. Seller represents and warrants that income and expense information provided to Purchaser will be true, accurate and complete in all material respects when given. ~~Seller shall use reasonable efforts to obtain a tenant estoppel certificate and a subordination, non disturbance and attornment agreement in form reasonably satisfactory to Purchaser and/or Purchaser's lender for each Lease within N/A days from delivery of forms therefor. Purchaser shall also on a rolling basis have N/A days from the date of actual receipt of fully executed written tenant estoppel certificates in which to terminate this Contract pursuant to this Section 11 due to unsatisfactory information contained therein and upon such termination the earnest money shall be immediately refunded to Purchaser and thereafter neither party shall have any further obligation under this Contract.~~ Between the Effective Date and the closing, Seller shall not modify, voluntarily terminate or enter into new leases or tenancy arrangements or agreements and shall obtain Purchaser's written consent to any modification or termination of Leases and to any new lease that Seller proposes to enter into with respect to the property, Purchaser's consent not to be unreasonably withheld, conditioned or delayed. In the event that Seller modifies or terminates any Leases or enters into a new Lease without Purchaser's consent, Purchaser's sole remedy shall be to terminate this Contract and receive an immediate refund of the earnest

money and thereafter neither party shall have any further obligation under this Contract. Failure of Purchaser to timely notify Seller of its termination of the Contract pursuant to any of its foregoing rights to do so under this Section 11 shall be deemed to be a waiver of the applicable right under this Section 11 to terminate the Contract. At the closing, Seller shall deliver written notice to the tenants and occupants of the property of the transfer of the property, and of the tenants' security deposits, to Purchaser. List tenants: Leases to follow.

12. **FINANCING:** Notwithstanding anything to the contrary contained in this Contract, Purchaser's obligation to close hereunder is conditioned upon Purchaser's obtaining within Ninety (90) days from the Effective Date of this Contract (the "Commitment Date") a written commitment (the "Commitment") from a lender for a mortgage loan of not less than 80.000 % of the purchase price at an initial interest rate not to exceed 5.750 % per annum, amortized over a period of not less than Twenty (20) years and otherwise on terms reasonably acceptable to Purchaser. In the event the Purchaser is unable to obtain the Commitment and Purchaser notifies Seller thereof by the Commitment Date, then Escrow Agent shall immediately return the earnest money to Purchaser, this Contract shall terminate, and neither party shall be under any further obligation under this Contract. It shall be a further condition of Purchaser's obligation to close hereunder that the Commitment shall not lapse, be terminated and/or withdrawn prior to the Closing Date for any reason whatsoever, including but not limited to the property failing to appraise at or above the Purchase Price, or any such other level acceptable to Purchaser and Purchaser's lender sufficient to support the Commitment. In the event the Commitment shall lapse, be terminated and/or withdrawn by Purchaser's lender for any reason (other than at the request of Purchaser) at any time prior to the Closing Date, Purchaser shall within Five (5) days of Purchaser's receipt of notice of lapse, termination and/or withdrawal notify Seller of same, and upon such notification Purchaser may, at Purchaser's option, elect to terminate this Contract and thereafter the earnest money immediately shall be returned to Purchaser and neither party shall have any further obligation under this Contract. If Purchaser does not timely notify Seller that it has failed to obtain the Commitment or that the Commitment has lapsed, terminated and/or been withdrawn, then Purchaser shall be in default of this Contract at the election of Seller. This contingency benefits Purchaser only, and only Purchaser may waive it by providing written notice to Seller specifically waiving this condition and contingency or any part thereof.
13. **AGENCY DISCLOSURE:** Purchaser and Seller acknowledge that they have been informed that n/a ("Transaction Broker") is acting as a transaction broker in this transaction and does not have a client relationship with either Purchaser or Seller. Nate DeLois Above Horizons ("Selling Agent") is acting as a Buyer's agent in this transaction and is representing Denovo LLC and that Ed Herczeg KW Commercial ("Listing Agent") is acting as a Listing agent in this transaction and is representing Martin Dassa & Rochelle G. Dassa Residuary Trust (Transaction Broker, Selling Agent and Listing Agent are referred to elsewhere herein as "Licensees").
14. **DEFAULT:** If the sale of the property as contemplated hereunder is not consummated solely by reason of Purchaser's default hereunder, provided that Seller is then ready, willing and able to consummate the sale of the property as contemplated by this Contract and provided further that all conditions to Purchaser's obligation to consummate such purchase have been satisfied or waived by Purchaser, Seller shall be entitled to either (i) ~~pursue any and all legal and/or equitable remedies~~ or (ii) terminate this Contract and receive the earnest money as full and complete liquidated damages for the breach of this Contract, it being agreed between the parties that the actual damages to Seller in the event of such breach are difficult to ascertain and/or prove and the earnest money is a reasonable estimate and forecast of such actual damages. The parties acknowledge that the payment of the earnest money is not intended as a forfeiture or penalty, but is intended to constitute liquidated damages to Seller. In the event of an undisputed default by either party, the Escrow Agent may deliver the earnest money to the party entitled to it under this Contract, with written notice to both parties pursuant to Maine Real Estate Commission regulations. If a dispute arises between Purchaser and Seller as of the existence of a default hereunder and said dispute is not resolved by the parties within thirty (30) days, the Escrow Agent may elect to file an action in interpleader and deposit the earnest money in the court to resolve said dispute, or otherwise disburse the earnest money pursuant to Maine Real Estate Commission regulations. Purchaser and Seller, jointly and severally, shall indemnify Escrow Agent for all costs, losses, expenses, and damages, including reasonable attorneys' fees, incurred by the Escrow Agent in connection with said action and/or in connection with any dispute relating to this Contract and/or the earnest money. *If seller fails to perform its obligations as set forth in this Agreement then purchaser shall be entitled to the return of the earnest money and shall have all other rights and remedies available in law or equity, including specific performance.*
15. **MEDIATION:** Any dispute or claim arising out of or relating to this Contract or the property addressed in this Contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the Maine Association of Dispute Resolution Professionals or its successor organization. This clause shall survive the closing of this transaction.
16. **PRIOR STATEMENTS:** This Contract sets forth the entire agreement between the parties, and there are no other representations, agreements or understandings with respect to the subject matter of this Contract. This Contract shall be construed according to the laws of the State of Maine.

17. **HEIRS/ASSIGNS:** This Contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of Seller and assigns of Buyer.
18. **COUNTERPARTS:** This Contract may be signed on any number of identical counterparts, including telefax copies and electronically transmitted copies with the same binding effect as if all of the signatures were on one instrument.
19. **EFFECTIVE DATE:** This Contract is a binding contract when signed by both Seller and Purchaser and when that fact has been communicated to all parties or to their agents. Time is of the essence of this Contract. Seller or Licensees are given permission by the parties to complete the Effective Date blank below with the date of the last signature of the parties, and that date shall be the Effective Date for all purposes under this Contract, and if that blank is not completed, then the Effective Date shall be the date of the last signature of the parties. Except as expressly set forth to the contrary in this Contract, the use of the term "days" in this Contract, including all addenda made a part hereof, shall mean calendar days. Deadlines in this Contract, including all addenda, expressed as "within x days" or the like shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 pm, Eastern Time, on the last day counted.
20. **CONFIDENTIALITY:** Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.
21. A copy of this Contract is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, consult an attorney.
22. Seller acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to 2 1/2 % of the consideration unless Seller furnishes to Purchaser a certificate by the Seller stating, under penalty of perjury, that Seller is a resident of the State of Maine or the transfer is otherwise exempt from withholding.
23. **ADDENDA:** This Contract has addenda containing additional terms and conditions. Yes ☒ No ☐.
24. **OTHER PROVISIONS:**

The parties agree that none of the above are collateral agreements. It is the intent of the parties that except as expressly set forth in this Contract, all covenants, representations, statements and obligations of both parties herein shall not survive closing.

Denovo LLC
 Legal Name of Purchaser

26-3256054
 Tax ID #

By: _____

Signature

Joseph DeLois
 Name/Title, thereunto duly authorized

Seller accepts and agrees to the terms and conditions set forth in this Contract and agrees to pay the Licensees the commission for services according to the terms of the listing agreement or if there is no listing agreement, the sum of _____. In the event the earnest money is forfeited by Purchaser, it shall be evenly distributed between (1) Licensees and (2) Seller; provided, however, that the Licensees' portion shall not exceed the full amount of the commission specified.

Signed this _____ day of _____, _____.

MARTIN B. DASSA & ROCHELLE, G. DASSA
RESIDUARY TRUST
 Legal Name of Seller

Tax ID # _____

DocuSigned by:

By: Martin Dassa

55F21B6AC91F47C...

Signature

Name/Title, thereunto duly authorized

By: Kelle Williams/KW Commercial

Legal Name of Escrow Agent

Name/Title, thereunto duly authorized

By: Elizabeth Breck Director

Signature

EFFECTIVE DATE OF THIS CONTRACT:

AUG 7, 2015

Addendum 1 to Agreement

Addendum to contract dated August 5, 2015

between MARTIN B. DASSA & ROCHELLE, G. DASSA RESIDUARY TRUST (hereinafter "Seller")

and Denovo LLC (hereinafter "Buyer")

property 747 Congress St, Portland,

1. Due Diligence Materials: Within 5 business days following the execution of the Contract, Seller shall deliver to Buyer all documents related to the Property in Seller's possession, including but not be limited to the following:
 - a. Current tax assessment statements and copies of the most recent tax bills.
 - b. All contracts, leases, or agreements affecting the property including but not limited to any reciprocal ingress and egress agreements.
 - c. All plans including but not limited to any existing civil, architectural, landscaping or other plans related to the subject property.
 - d. All environmental hazardous materials reports and studies.
2. Upon the Expiration of the Due Diligence Period all Earnest Money Deposits shall become non-refundable and Buyer shall deposit an additional non-refundable \$25,000 into escrow, subject to Closing Conditions and Governmental Approvals/Zoning.
3. The close of escrow shall occur 30 days after Buyer receives all Governmental Approvals/Zoning subject to the satisfaction of the remaining Closing Conditions, as defined in Addendum 2.
4. There shall be no contracts, options to purchase, or rights of first refusal that will impede Seller from delivering exclusive possession of the Property to Purchaser at Closing.
5. All Due Diligence Periods shall run congruently.

Parties acknowledge Agency's advice to seek legal, tax and other professional advice as necessary in connection with sale/purchase of property.

Buyer
Denovo LLC

Date

8/5/15

Buyer

Date

DocuSigned by:

Martin Dassa

8/4/2015

Seller

35F21B6AC91F47C...

Date

MARTIN B. DASSA & ROCHELLE

DocuSigned by:

Martin Dassa

8/4/2015

Seller

35F21B6AC91F47C...

Date

G. DASSA RESIDUARY TRUST

Addendum 2 to Agreement

Addendum to contract dated August 5, 2015

between MARTIN B. DASSA & ROCHELLE, G. DASSA RESIDUARY TRUST (hereinafter "Seller")

and Denovo LLC (hereinafter "Buyer")

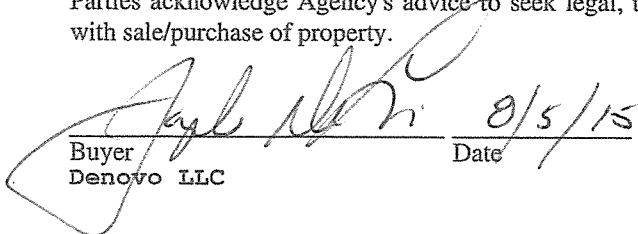
property 747 Congress St, Portland,

1. Closing Conditions: The Closing shall be conditioned upon the satisfaction or waiver of all of the following items (the "Closing Conditions"). In the event the Buyer and/or Seller, as the case may be, are unable to satisfy all of the contingencies as set forth below; Buyer shall have the option to terminate and cancel the Contract whereupon any and all Earnest Money Deposits shall be returned to Buyer immediately.

a. Governmental Approvals/Zoning: Buyer, with the assistance of Seller, shall have 90 days following the Due Diligence period to receive any and all governmental and zoning approvals commensurate with Buyer's and its tenant's intended use and development of the property, including, but not necessarily limited to such approvals and consents from the City of Portland, the Building Department, Planning Commission, City Council, and any other applicable governmental authority. Such consents and approvals may include but shall not be limited to approval of zoning of the Property for the planned use, rezoning of the Property (if required) or any other required governmental land use, zoning, landscaping, architectural, use, building permits, development approvals or other discretionary permits, consents and non-reviewable, non-appealable approvals, (collectively the "Approvals"). Seller shall cooperate fully with Buyer in obtaining the Approvals. To the extent Buyer determines to seek the Approvals, Buyer shall bear all fees and expenses incurred in connection therewith and indemnify Seller from any liability for any costs or liabilities incurred to any consultants or professionals.

b. Buyer shall have three (3) options to extend the Governmental Approvals/Zoning period for 30 days each by depositing \$5,000 into escrow for each period.

Parties acknowledge Agency's advice to seek legal, tax and other professional advice as necessary in connection with sale/purchase of property.

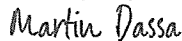

Buyer
Denovo LLC

Date 8/5/15

Buyer

Date

DocuSigned by:


Martin Dassa

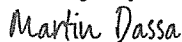
8/4/2015

Seller

Date

MARTIN B. DASSA & ROCHELLE

DocuSigned by:


Martin Dassa

8/4/2015

Seller

Date

G. DASSA RESIDUARY TRUST

SCHEDULE "A"

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

This page contains a detailed description of the Parcel ID you selected.

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Current Owner Information:

Services

[Applications](#)
[Doing Business](#)
[Maps](#)
[Tax Relief](#)
[Tax Roll](#)
[Q & A](#)
[browse city services a-z](#)
[browse facts and links a-z](#)


Best viewed at
800x600, with
Internet Explorer

CBL	047 A028001
Land Use Type	TWO FAMILY
Verify legal use with Inspections Division	
Property Location	747 CONGRESS ST
Owner Information	DASSA MARTIN B & ALYSSA J DASSA TRUSTEE 5 COTTONWOOD LN FALMOUTH ME 04105
Book and Page	28907/208
Legal Description	47-A-28-32 CONGRESS ST R 747-761
	20061 SF
Acres	0.4605

Current Assessed Valuation:

TAX ACCT NO.	7408	OWNER OF RECORD AS OF APRIL 2014
LAND VALUE	\$100,300.00	DASSA MARTIN B &
BUILDING VALUE	\$247,900.00	ALYSSA J DASSA TRUSTEE
NET TAXABLE - REAL ESTATE	\$348,200.00	5 COTTONWOOD LN FALMOUTH ME 04105
TAX AMOUNT	\$6,964.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Building 2

Year Built	1900
Style/Structure Type	OLD STYLE
# Stories	1.5
# Units	2
Bedrooms	4
Full Baths	2
Total Rooms	10
Attic	NONE
Basement	FULL
Square Feet	2503

[View Sketch](#)
[View Map](#)
[View Picture](#)

Outbuildings/Yard Improvements:

Building 1

Year Built	1974
-------------------	------

Structure ASPHALT PARKING
Size 23000
Units 1
Grade C
Condition 3

Building 1
Year Built 1986
Structure FENCE STOCKADE
Size 1X600
Units 1
Grade C
Condition 3

Building 1
Year Built 1986
Structure FENCE STOCKADE
Size 1X556
Units 1
Grade C
Condition 3

Sales Information:

Sale Date	Type	Price	Book/Page
8/23/2011	LAND + BUILDING	\$0.00	28907/208
11/15/2006	LAND + BUILDING	\$799,500.00	24573/113
5/23/2001	LAND + BUILDING	\$0.00	16332/91
9/4/1997	LAND + BUILDING	\$0.00	13301/67
9/30/1994	LAND + BUILDING	\$0.00	11651/182

New Search!

A

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

This page contains a detailed description of the Parcel ID you selected.

[New Search!](#)**Current Owner Information:****Services**[Applications](#)[Doing Business](#)[Maps](#)[Tax Relief](#)[Tax Roll](#)[Q & A](#)[browse city
services a-z](#)[browse facts and
links a-z](#)Best viewed at
800x600, with
Internet Explorer

CBL	047 A020001
Land Use Type	RETAIL & PERSONAL SERVICE
Verify legal use with Inspections Division	
Property Location	747 CONGRESS ST
Owner Information	DASSA MARTIN B & ALYSSA J DASSA TRUSTEES 5 COTTONWOOD LN FALMOUTH ME 04105
Book and Page	28907/208
Legal Description	47-A-20-30 CONGRESS ST 747-753
	7720 SF
Acres	0.1772

Current Assessed Valuation:

TAX ACCT NO.	7392	OWNER OF RECORD AS OF APRIL 2014
LAND VALUE	\$176,100.00	DASSA MARTIN B &
BUILDING VALUE	\$420,600.00	ALYSSA J DASSA TRUSTEES
NET TAXABLE - REAL ESTATE	\$596,700.00	5 COTTONWOOD LN FALMOUTH ME 04105
TAX AMOUNT	\$11,934.00	

Any information concerning tax payments should be directed to the
Treasury office at 874-8490 or [e-mailed](#).**Building Information:**

Building 1	
Year Built	1900
Style/Structure Type	MIXED RES/COMM
# Units	1
Square Feet	11951

[View Sketch](#)[View Map](#)[View
Picture](#)**Exterior/Interior Information:**

Building 1	
Levels	B1/B1
Size	3859
Use	CONVERTED OFFICE
Height	8
Heating	HW/STEAM
A/C	NONE



Building 1
Levels 01/01
Size 3859
Use CONVERTED OFFICE
Height 9
Walls BRICK/STONE
Heating HW/STEAM
A/C CENTRAL

Building 1
Levels 01/01
Size 750
Use PARKING GARAGE
Height 9
Heating NONE
A/C NONE

Building 1
Levels 02/02
Size 2283
Use CONVERTED OFFICE
Height 9
Walls BRICK/STONE
Heating HW/STEAM
A/C CENTRAL

Building 1
Levels 03/03
Size 1200
Use CONVERTED OFFICE
Height 8
Walls BRICK/STONE
Heating HW/STEAM
A/C UNIT

Other Features:

Building 1
Structure PORCH - COVERED
Size 5X13

Building 1
Structure ELEVATOR - ELEC.
PASSENGER
Size 1500X60

Building 1
Structure CARPORT/CANOPY
Size 322X1

Building 1
Structure PORCH - OPEN UPPER
Size 25X30

Building 1

Structure ENCLOSED ENTRY
Size 4X10

"A"

Building 1
Structure PORCH - COVERED
Size 6X7

Building 1
Structure CANOPY - ONLY
Size 8X20

Building 1
Structure PORCH - OPEN
Size 6X26

Outbuildings/Yard Improvements:

Building 1
Year Built 1978
Structure ASPHALT PARKING
Size 1X1500
Units 1
Grade C
Condition 3

Sales Information:

Sale Date	Type	Price	Book/Page
8/23/2011	LAND + BUILDING	\$0.00	28907/208
11/15/2006	LAND + BUILDING	\$799,500.00	24573/113
9/4/1997	LAND + BUILDING	\$0.00	13301/67

New Search!

PERSONAL REPRESENTATIVE'S DEED
OF DISTRIBUTION

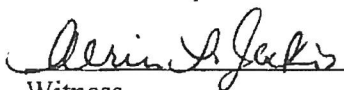
KNOW ALL BY THESE PRESENTS THAT I, MARTIN B. DASSA, of Falmouth, in the County of Cumberland and the State of Maine, the duly appointed and acting Personal Representative of the ESTATE OF ROCHELLE G. DASSA, deceased, late of Falmouth, Maine, whose will was duly admitted to probate as shown by the records of the Probate Court for Cumberland County, Maine, under Docket No. 2011-0289, by the power conferred by the Maine Probate Code and every other power, in distribution of the Estate of said Decedent, do hereby transfer, grant and release to MARTIN B. DASSA and ALYSSA J. DASSA, as Trustees of the ROCHELLE G. DASSA RESIDUARY TRUST u/w/o Rochelle G. Dassa, with a mailing address of 5 Cottonwood Lane, Falmouth, Maine 04105, all of the Decedent's interest in the property located at 747 Congress Street in the Town of Portland, County of Cumberland and State of Maine, and being more particularly bounded and described in Schedule A attached hereto and incorporated herein.

SUBJECT TO the encumbrances listed on Schedule B attached hereto and made a part hereof.

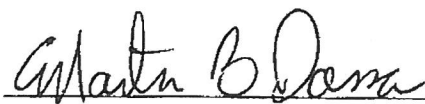
Reference is hereby made to a certain Disclaimer of Martin B. Dassa: Joint Tenancy Interest in Real Estate, dated August 18, 2011, to be recorded in the Cumberland County Registry of Deeds. Further reference is made to a certain Disclaimer of Martin B. Dassa: Portion of Residue of Estate, dated August 18, 2011, to be recorded in said Cumberland County Registry of Deeds.

WITNESS my hand and seal this 18th day of August, 2011.

SIGNED, SEALED AND DELIVERED
in the presence of:



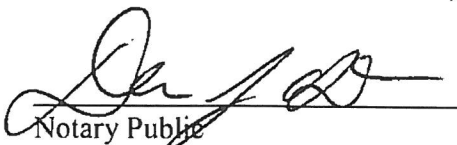
Witness

 (L.S.)

Martin B. Dassa,
Personal Representative
Estate of Rochelle G. Dassa

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.:

On this 18th day of August, 2011, before me personally appeared the above-named Martin B. Dassa and acknowledged the foregoing instrument to be his free act and deed in his said capacity as Personal Representative of the Estate of Rochelle G. Dassa, deceased.



Notary Public

SEAL

Dennis J. O'Donovan, Notary Public
State of Maine
My Commission Expires 3/27/2014

Schedule A

Grantor: Martin B. Dassa, Personal Representative
of the Estate of Rochelle G. Dassa

Grantees: Martin B. Dassa and Alyssa J. Dassa, Trustees
of the Rochelle G. Dassa Residuary Trust u/w/o Rochelle G. Dassa

A certain lot or parcel of land situated on the northeasterly side of Congress Street and the westerly side of Mellen Street in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

BEGINNING at a #5 rebar with a plastic cap stamped "Des Lauriers PLS 1314" on the northeasterly right-of-way line of Congress Street, said rebar being the southwesterly corner of land now or formerly (N/F) owned by DRE Management as recorded in Book 13698, Page 223 Cumberland County Registry of Deeds (CCRD);

THENCE N 55° 05' 06" W along said northeasterly right-of-way line of Congress Street 65.66' to a #5 rebar with a plastic cap stamped "Des Lauriers PLS 1314";

THENCE N 52° 21' 06" W continuing along said northeasterly right-of-way line of Congress Street 16.59' to a point, said point being the southerly corner of land N/F owned by John A. McIntosh, Jr. as recorded in Book 9618, Page 98 CCRD;

THENCE N 34° 28' 21" E along the southeasterly line of said McIntosh 41.81' to a point;

THENCE N 55° 31' 36" W along the southeasterly line of said McIntosh 1.69' to a point;

THENCE N 34° 16' 06" E along the southeasterly line of said McIntosh 28.14' to a point;

THENCE S 55° 31' 36" E along the southeasterly line of said McIntosh 1.79' to a point;

THENCE N 34° 28' 21" E along the southeasterly line of said McIntosh 27.76' to a railroad spike in a paved parking lot;

THENCE N 34° 34' 58" W continuing along lands of said McIntosh 50.00' to #5 rebar with a plastic cap stamped "Titcomb PLS 1273" said rebar being the southerly corner other lands N/F of John A. McIntosh Jr. as recorded in Book 16332, Page 93, CCRD;

THENCE N 07° 18' 32" E along the easterly line of said McIntosh Jr. 142.39' to a point;

THENCE N 00° 36' 33" W continuing along the easterly line of said McIntosh Jr. 11.94' to a point. Said point being the southeasterly corner of lands N/F of Betty M. Smith as recorded in Book 16732, Page 52, CCRD;

THENCE continuing N 02° 00' 12" E along the easterly line of said Smith 29.39' to a #5 rebar with a plastic cap stamped "Titcomb PLS 1273", said rebar being the southwesterly

corner of lands N/F Otis C. & Mavourenne Thompson as recorded in Book 14839, Page 286, CCRD;

THENCE S 87° 35' 00" E along lands of said Thompson, along lands N/F of Matthew N. Cobb as recorded in Book 18820, Page 323, CCRD and along a line running parallel to and maintaining a distance of 1' from the northerly face of a structure located on the parcel herein described 49.80' to a drill hole in concrete wall, said drill hole being the southwesterly corner of lands N/F of Ralph W. and Donna J. Lamb as recorded in Book 12028, Page 271, CCRD. Said drill hole is also a northwesterly corner of lands N/F of Community Alcoholism Orientation House as recorded in Book 3200, Page 757, CCRD;

THENCE S 02° 28' 54" W along lands of said Community Alcoholism Orientation House 66.28' to a #5 rebar with a plastic cap stamped "Titcomb PLS 1273";

THENCE S 50° 53' 53" E continuing along lands of said Community Alcoholism Orientation House 40.04' to a 1/4" iron rod in twin 10" maple tree;

THENCE S 10° 49' 19" W continuing along lands of said Community Alcoholism Orientation House and along lands N/F of Jacqueline Laird Price as recorded in Book 13527, Page 215, CCRD, 101.74' to a point at the southwesterly corner of said Price;

THENCE S 80° 33' 01" E along lands of said Price 119.19' to a point on the westerly right-of-way line of Mellen Street;

THENCE S 09° 26' 59" W along said westerly right-of-way line of Mellen Street 35.00' to a point, said point being the northeasterly corner of lands N/F of 14 Mellen Street Condominium as recorded in Book 22754, Page 164;

THENCE N 80° 33' 01" W along the northerly line of said Condominium 102.53' to a point;

THENCE S 34° 40' 47" W along the northwesterly line of said Condominium and partially along the northeasterly face of the concrete foundation of a structure located on the parcel herein described a total distance of 43.32' to a #5 rebar with a plastic cap stamped "Titcomb PLS 1273", said rebar being 1' northeasterly from the northeasterly face of the concrete foundation of a structure located on the parcel herein described;

THENCE S 55° 25' 40" E along the southwesterly line of said Condominium and along a line running parallel to and maintaining a distance of 1' from the northeasterly face of the concrete foundation of a structure located on the parcel herein described 26.61' to a #5 rebar with a plastic cap stamped "Des Lauriers PLS 1314";

THENCE S 80° 41' 35" E along the southerly line of said Condominium 3.41' to a #5 rebar with a cap stamped "Titcomb PLS 1273", said rebar being the northwesterly corner of lands of said Dubois Real Estate Management;

THENCE S 35° 05' 35" W along lands of said DRE Management 85.48' along a line which

partially runs parallel to and maintains a distance of 0.5' from a northeasterly face of a structure locate on the parcel herein described to the POINT OF BEGINNING.

The above parcel contains 27,819 SF.

The basis of bearing for the above described parcel is 1985 magnetic north meridian. Meaning and intending to describe a portion of the property conveyed in the deed from SCI Funeral Services, Inc. to JPH Properties, Inc. dated September 30, 1996 in Book 13301, Page 67, CCRD and all of the property conveyed in the deed from John A. McIntosh, Jr. to JPH Properties, Inc. dated April 16, 2001 in Book 16332, Page 91, CCRD.

The property is conveyed together with a perpetual non-exclusive easement and right-of-way for vehicular and pedestrian access as more particularly described in a deed from SCI Maine Funeral Services, Inc. (formerly known as SCI Maine) to JPH Properties, Inc. dated September 30, 1996 and recorded in the Cumberland County Registry of Deeds in Book 13301, Page 67. Also together with the rights and easements relating to water, sewer and utility pipes as described in said deed.

Schedule B

The above-described property is conveyed subject to the following encumbrances:

1. Title to and rights of the public and others entitled thereto in and to those portions of the insured premises lying within the bounds of adjacent streets, roads and ways.
2. Such state of facts as shown on ALTA/ACSM Land Title Survey for SCI Project, 749 Congress Street, Portland, Maine for Martin B. Dassa dated September 13, 2006, revised through October 31, 2006 by Northeast Civil Solutions.
3. Terms and conditions, rights and easements set fourth in deed from John A. McIntosh, Jr. to SCI Maine Funeral Services, Inc, dated September 30, 1994 and recorded in the Cumberland County Registry of Deeds in Book 11651, Page 182.
4. Rights and easements granted to Central Maine Power company and New England Telephone and Telegraph Company by John A. McIntosh, Jr. as set forth in an Easement Deed dated July 16, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12644, Page 70.
5. Rights and easements set forth in a deed from JPH Properties, Inc. To John a. McIntosh, Jr. dated April 27, 2001 and recorded in the Cumberland County Registry of Deeds In Book 16332, Page 93.
6. By acceptance of this deed, the Grantees agree for themselves and their heirs and assigns that the above-described property shall not be used as a funeral home, crematory or cemetery, or be used for casket or monument sales, pre-need funeral or cemetery sales and/or services. This use restriction shall run with the land but shall terminate upon the twentieth (20th) anniversary of the recording of a Quitclaim Deed with Covenant from JPH Properties, Inc. to Martin B. Dassa and Rochelle G. Dassa, dated November 7, 2006, and recorded in the Cumberland County Registry of Deeds in Book 24573, Page 113, on November 15, 2006.

Received
Recorded Register of Deeds
Aug 23, 2011 09:16:05A
Cumberland County
Pamela E. Lovley

PINKHAM & GREER
CIVIL ENGINEERS

28 VANNAH AVE. PORTLAND, ME. 04103
Tel: 207.781.5242 Fax: 207.781.4245

File: 15156

February 22, 2016

Ms. Glissen Havu
Portland Water District
PO Box 3553
Portland, ME 04104-3553

RE: CAPACITY TO SERVE LETTER, 749 CONGRESS STREET, PORTLAND

Dear Glissen,

Attached is plan for 749 Congress Street. We are proposing to construct a 7 unit residential building and repurpose the existing building to a Bed and Breakfast. This project will be going through the Planning Board Approval process over the next month.

Would you please review our plan and provide an Ability to Serve Letter? Thank you for your assistance. Below are the anticipated flows:

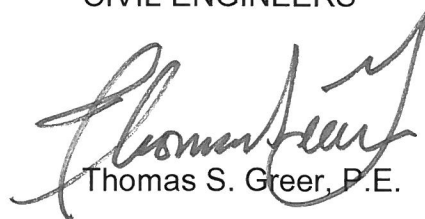
7 – 3 bedroom units at 270 gpds	= 1,890
Bed and Breakfast 16 rooms at 90 + 75 gpd	= <u>1,515</u>
Total	3,405 gpd

Both structures will be sprinkled

Thank you for your assistance.

Sincerely,

PINKHAM & GREER,
CIVIL ENGINEERS



Thomas S. Greer, P.E.

cc: (1) File

enclosure

TSG/rjs

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Date: February 22, 2016

David Margolis-Pineo
Deputy City Engineer
207-874-8850
207-400-6696
dmp@portlandmaine.gov

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 749 Congress Street

Chart Block Lot Number: 47/A20, A28, A30 & A32

Proposed Use: Residential / Funeral Home

Previous Use: Residential / Bed & Breakfast

Existing Sanitary Flows: 550 +/- GPD

Existing Process Flows: 0 GPD

Description and location of City sewer that is to
receive the proposed building sewer lateral.

Mellen Street

Site Category | Commercial (see part 4 below)
Industrial (complete part 5 below)
Governmental
Residential
Other (specify)

x

Clearly, indicate the proposed connections, on the submitted plans.

2. Please, Submit Contact Information.

City Planner's Name: _____ Phone: _____

Owner/Developer Name: Denovo LLC (Joe Delois)

Owner/Developer Address: 47 Waites Landing Road, Falmouth, ME 04105

Phone: 207.899.4068 Fax: _____ E-mail: joedelois@gmail.com

Engineering Consultant Name: Pinkham & Greer, Civil Engineers (Thomas S. Greer P.E.)

Engineering Consultant Address: 28 Vannah Avenue, Portland, ME 04103

Phone: 207.781.5242 Fax: 207.781.4245 E-mail: tgreer@pinkhamandgreer.com

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 3,405 GPD

Peaking Factor/ Peak Times: 7am & 6pm

Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine,"
"Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify)

ME Subsurface Wastewater Code

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

4. Please, Submit External Grease Interceptor Calculations.

Total Drainage Fixture Unit (DFU) Values:

n/a

Size of External Grease Interceptor:

Retention Time:

Peaking Factor/ Peak Times:

Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet.

5. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated:

n/a

GPD

Do you currently hold Federal or State discharge permits?

Yes

No

Is the process wastewater termed categorical under CFR 40?

Yes

No

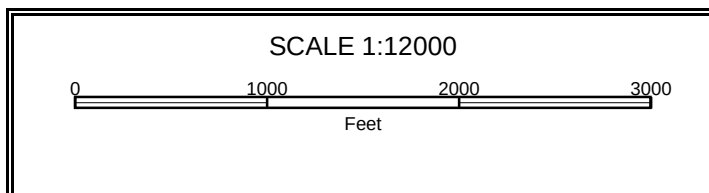
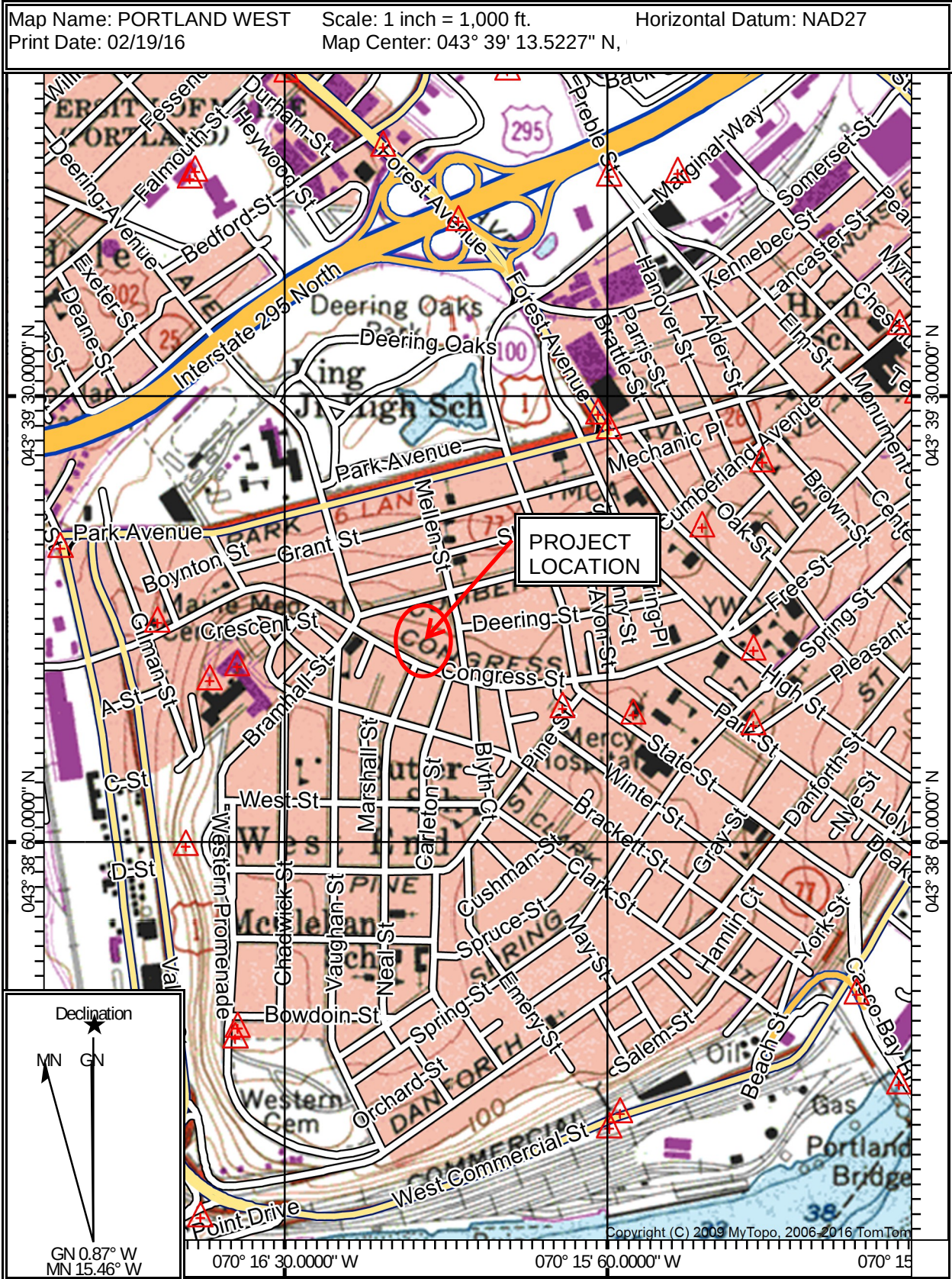
OSHA Standard Industrial Code (SIC):

(<http://www.osha.gov/oshstats/sicser.html>)

Peaking Factor/Peak Process Times:

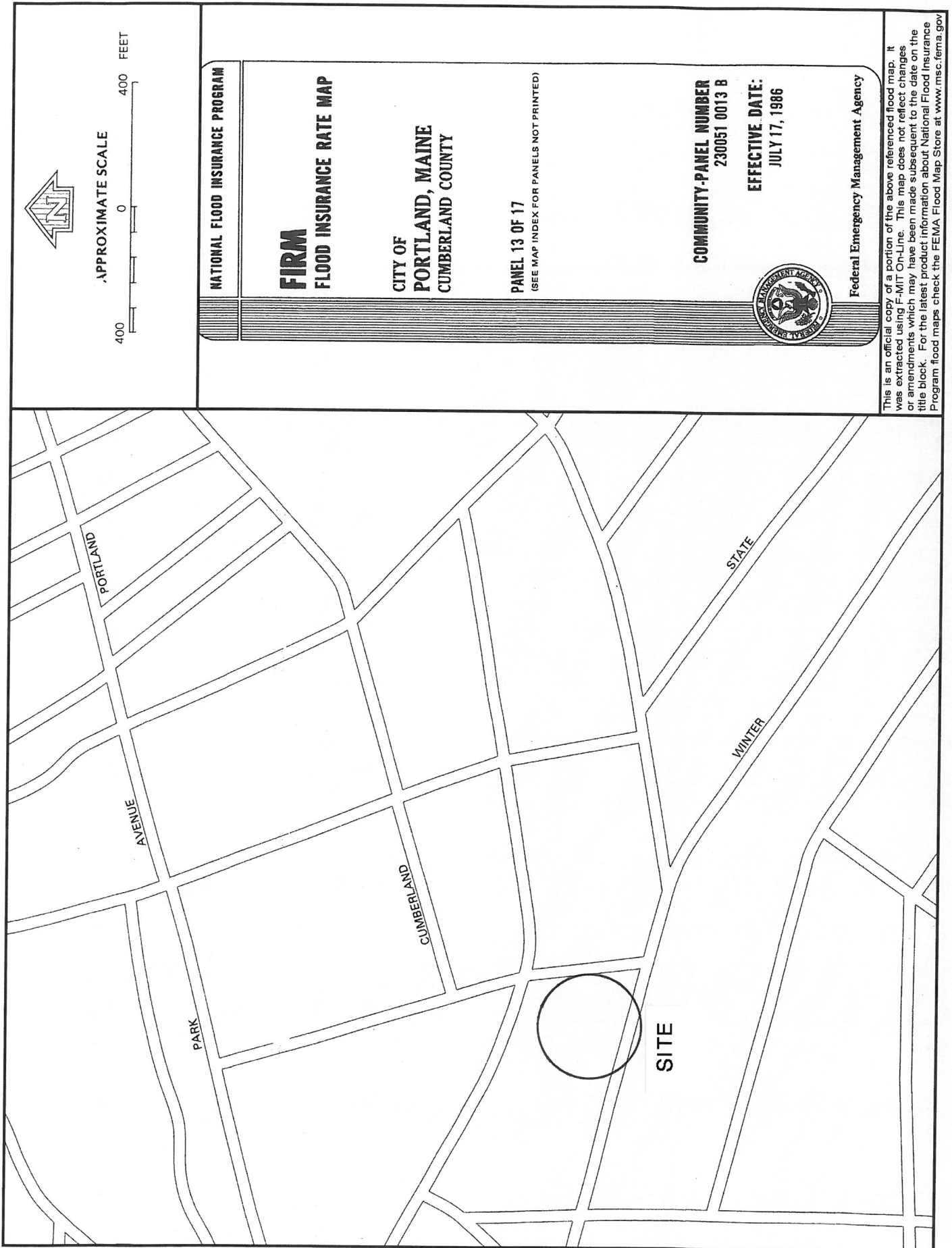
Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps.

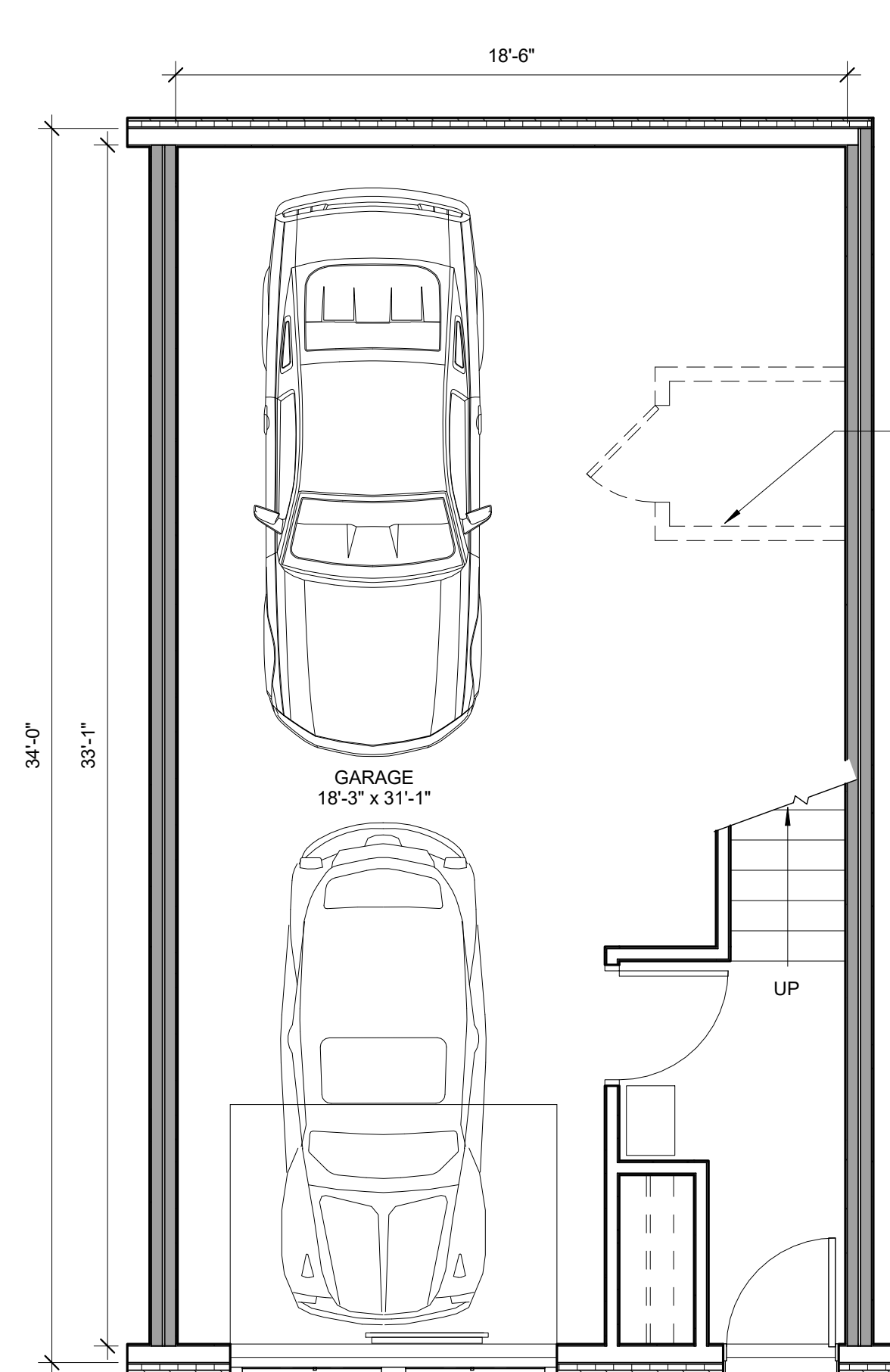
Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided, or attached, as a separate sheet.





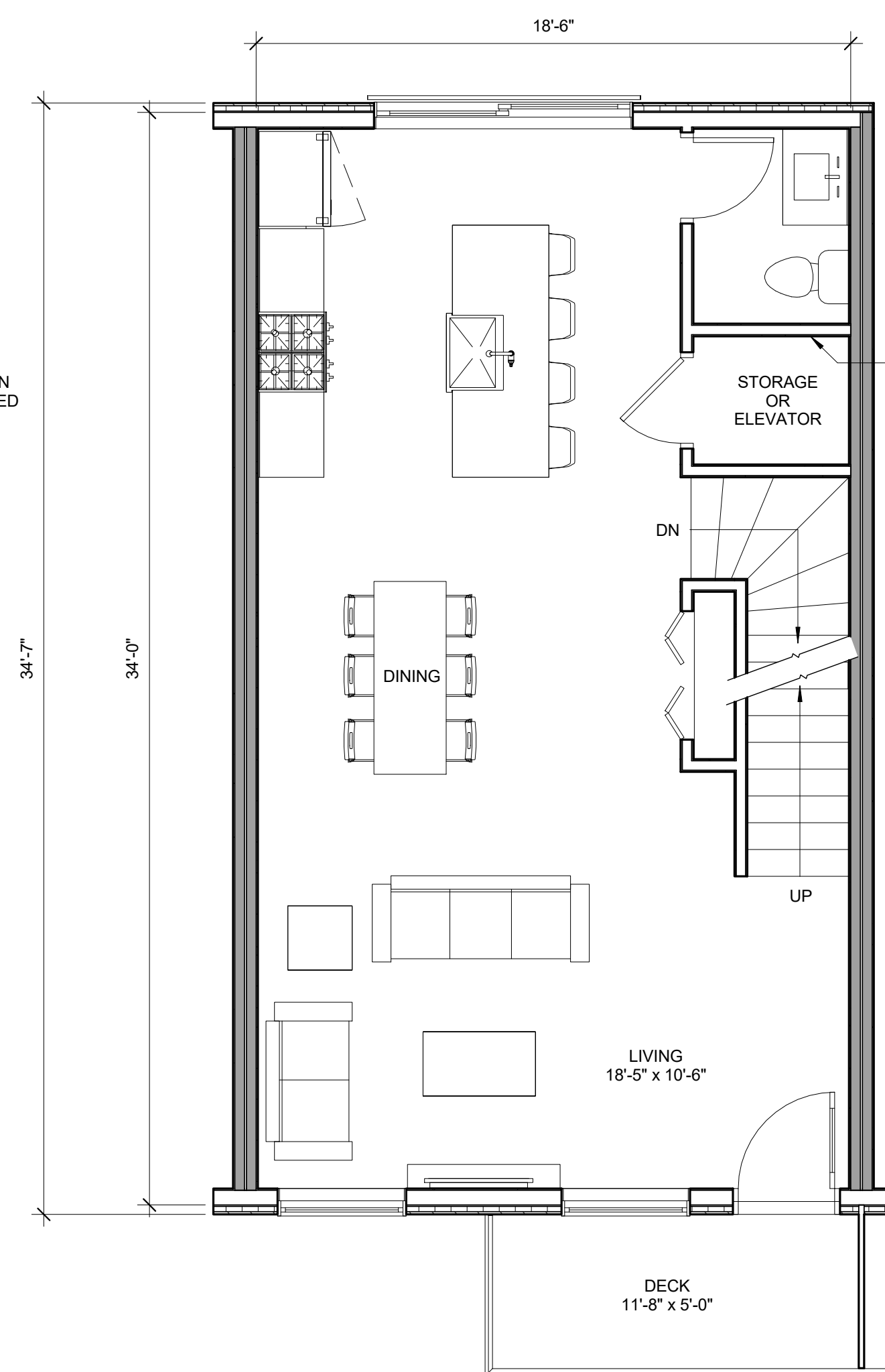






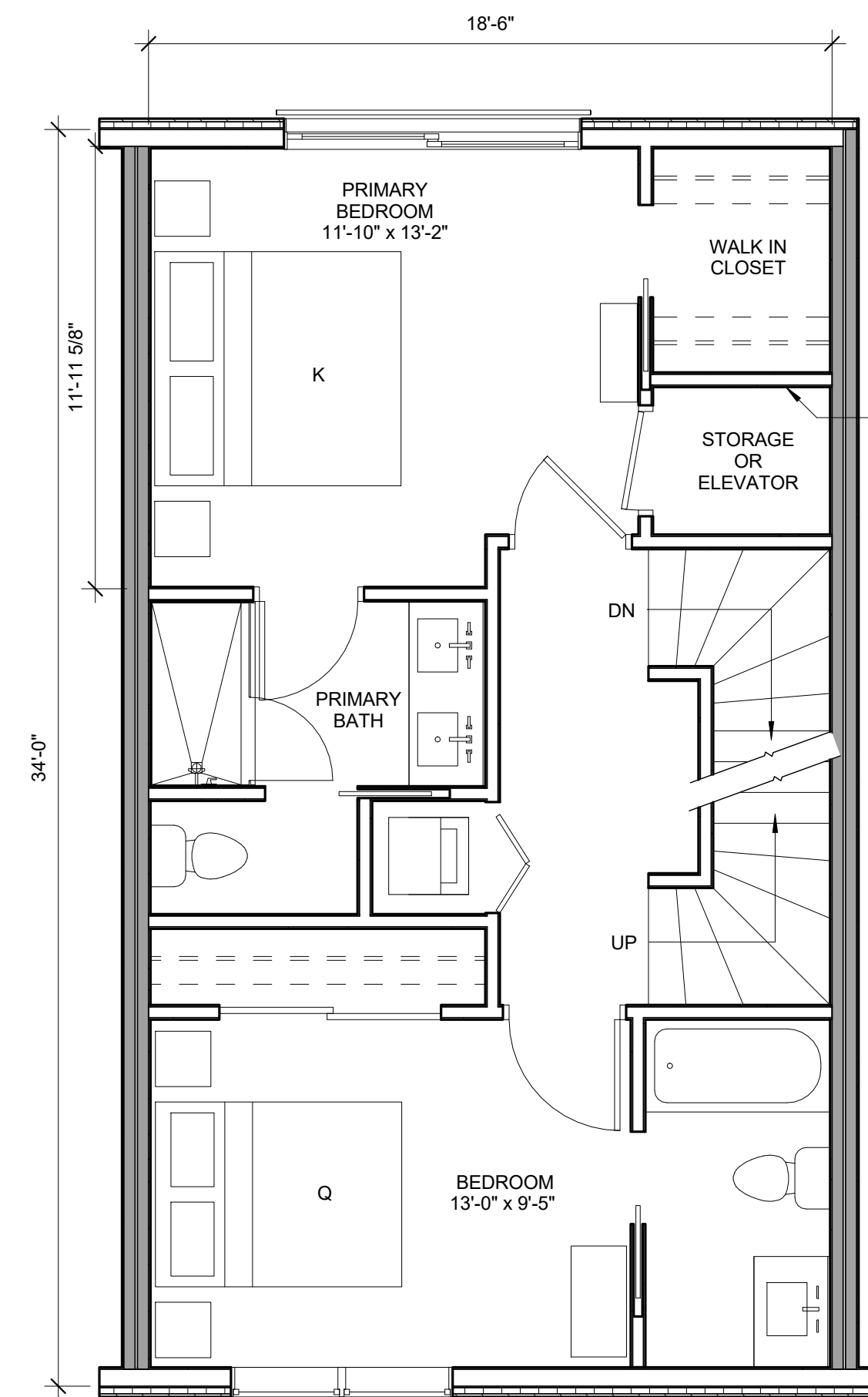
1 | 1ST FLOOR

1/4" = 1'-0"



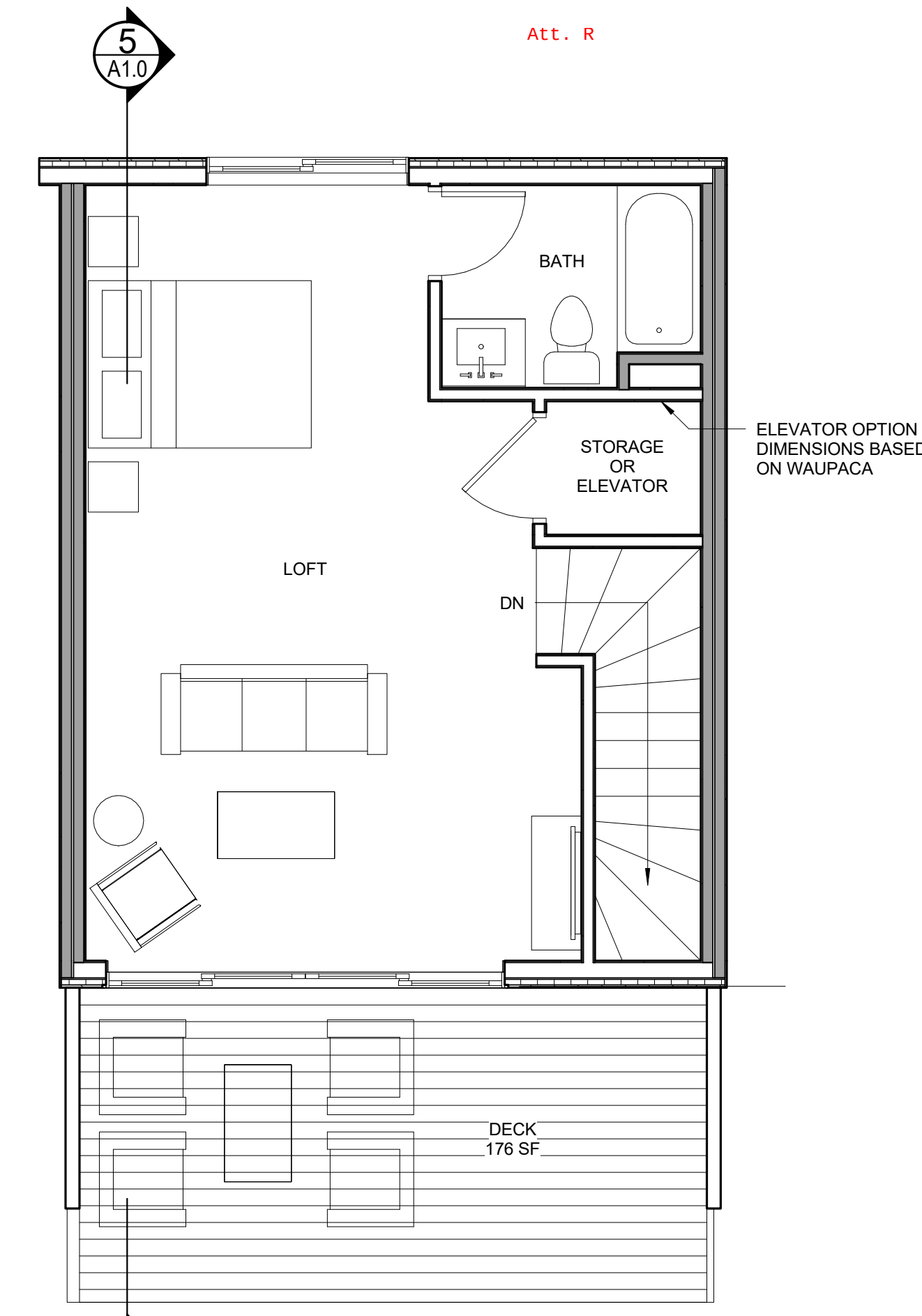
2 | 2ND FLOOR

1/4" = 1'-0"



3 | 3RD FLOOR

1/4" = 1'-0"



4 | 4TH FLOOR

1/4" = 1'-0"



5 | BUILDING SECTION

3/16" = 1'-0"

GROSS SQUARE FOOTAGES

FIRST FLOOR -	663 SQ. FT.
LIVING	83 SQ. FT.
GARAGE	524 SQ. FT.
SECOND FLOOR -	663 SQ. FT.
THIRD FLOOR -	663 SQ. FT.
FOURTH FLOOR -	475 SQ. FT.
TOTAL LIVING -	1,884 SQ. FT.
GARAGE -	524 SQ. FT.
DECKS -	235 SQ. FT.

749 CONGRESS ST

PORTLAND, MAINE

FEB 22, 2016

A1.0



48 Union Wharf Portland, Maine 04101

Att. S



1 | WEST ELEVATION

3/16" = 1'-0" 0 2'-0" 4'-0" 8'-0" 16'-0"



2 | EAST ELEVATION

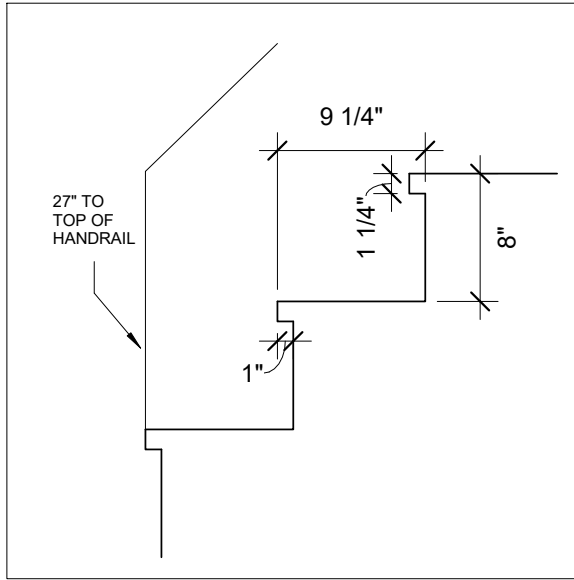
3/16" = 1'-0" 0 2'-0" 4'-0" 8'-0" 16'-0"

749 CONGRESS ST

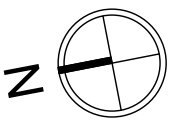
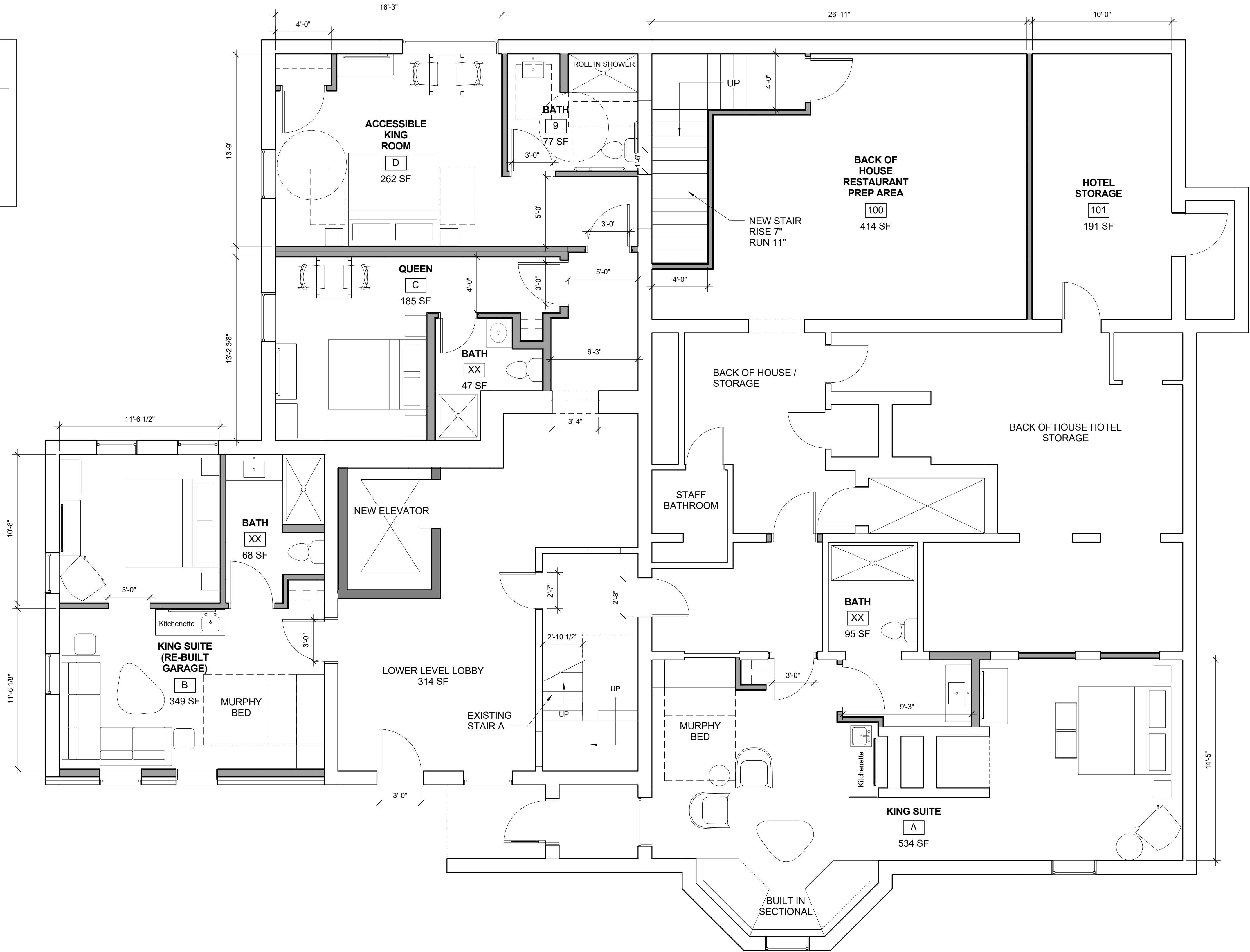
PORTLAND, MAINE

FEB 22, 2016

A2.0



EXISTING STAIR A
1" = 1'-0"



OWNER

Consultant:

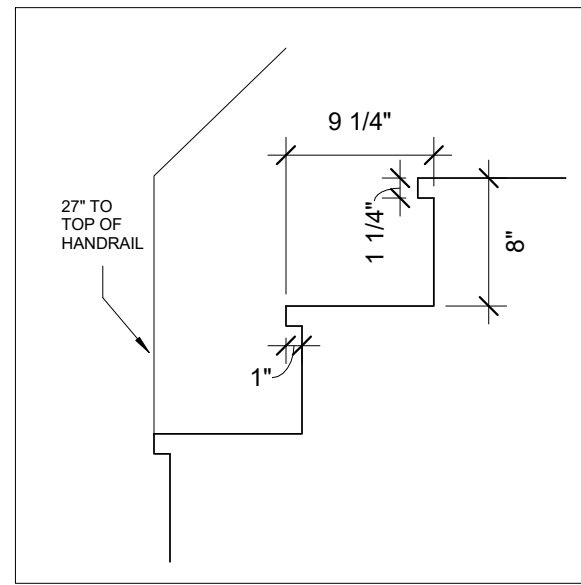
Architect:
ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 ARCHETYPE@ARCHETYPEA.COM

Project:
749 CONGRESS ST
749 CONGRESS ST
PORTLAND, ME 04102

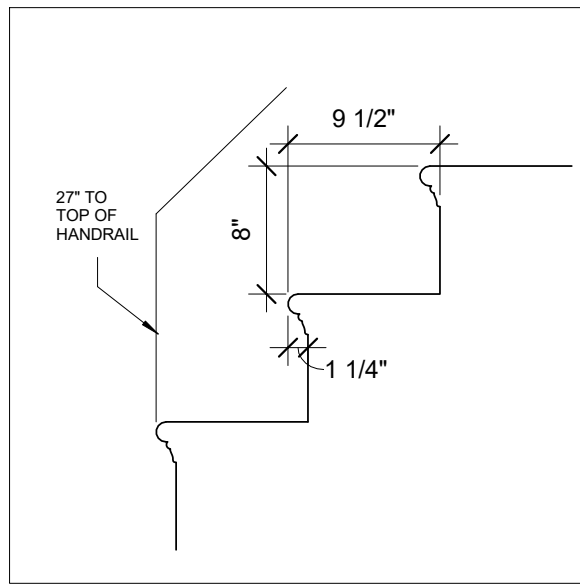
Revisions:

Date:
19 FEB 2016
Scale:
As indicated
GROUND FLOOR

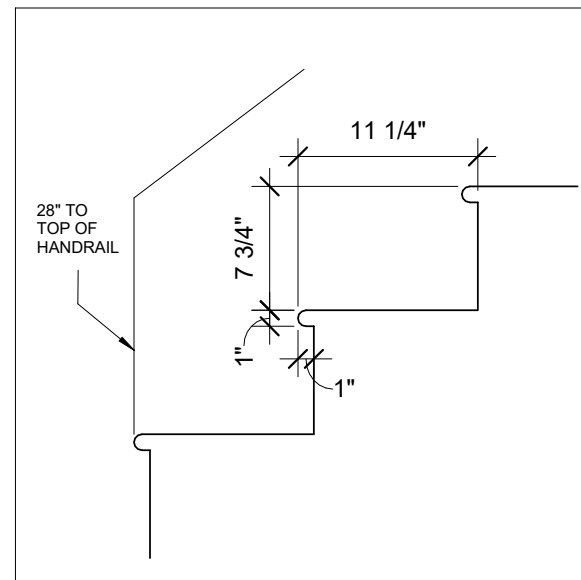
A1.00



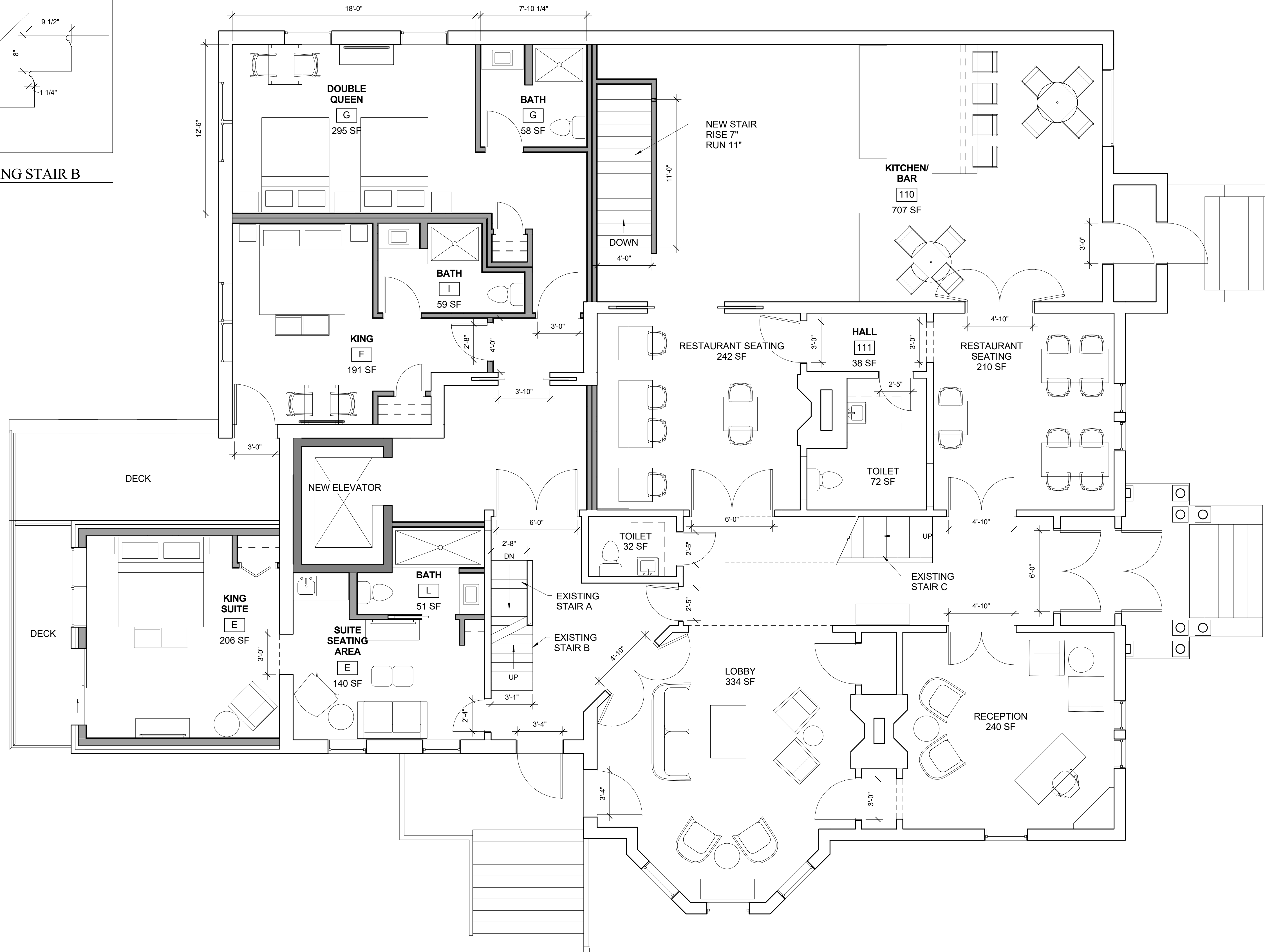
EXISTING STAIR A
1" = 1'-0"



EXISTING STAIR B
1" = 1'-0"

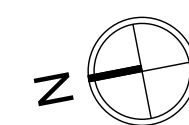


EXISTING STAIR C
1" = 1'-0"



1 | 1ST FLOOR - NEW
1/4" = 1'-0"

GROSS SQ FOOTAGE : 4097 SQ FT



OWNER

Consultant:

ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-0022 ARCHETYPE@ARCHETYPEA.COM

Project: 749 CONGRESS ST

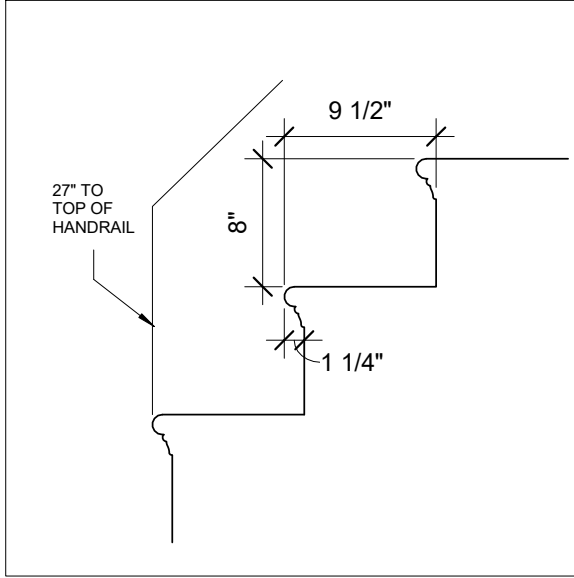
749 CONGRESS ST
PORTLAND, ME 04102

Revisions:

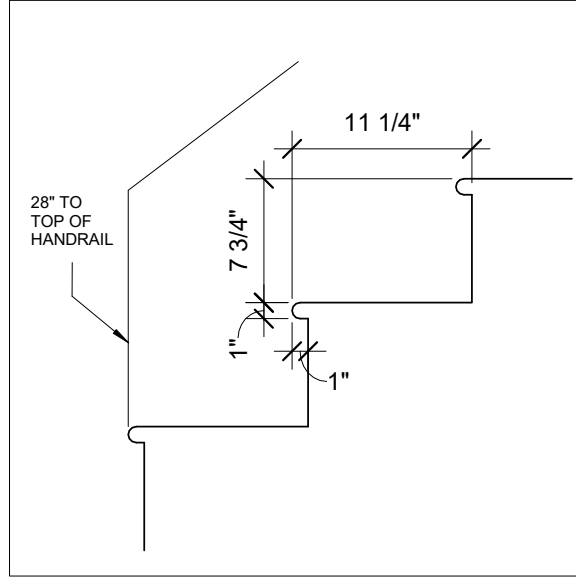
Date: 19 FEB 2016
Scale: As indicated

FIRST FLOOR

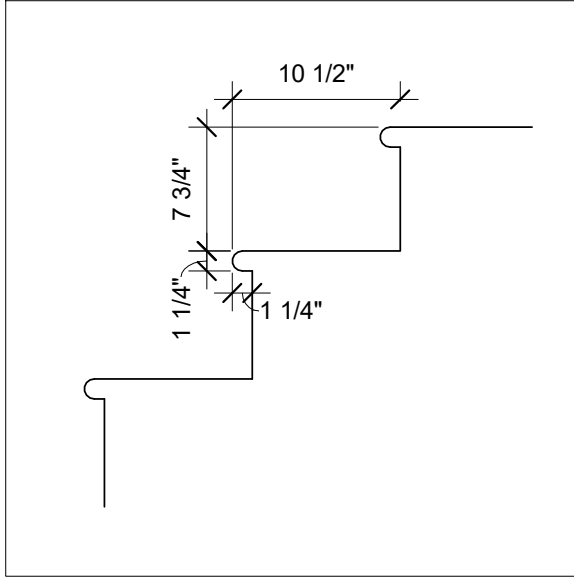
A1.01



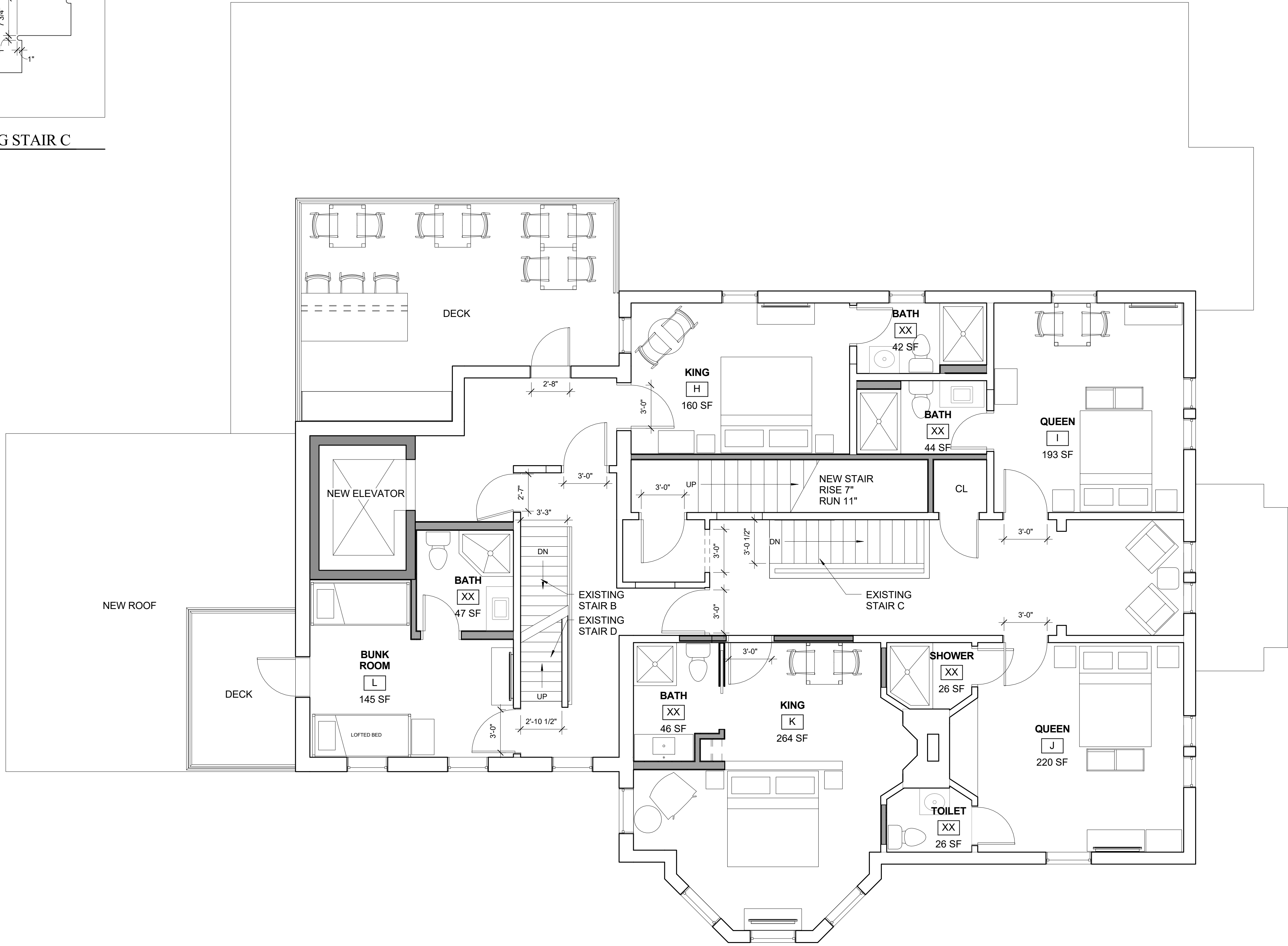
EXISTING STAIR B
1" = 1'-0"



EXISTING STAIR C
1" = 1'-0"

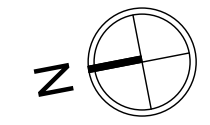


EXISTING STAIR D
1" = 1'-0"

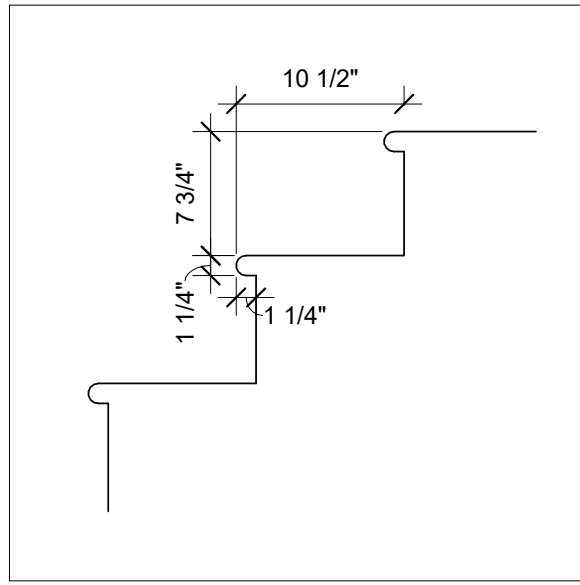


1 | 2ND FLOOR - NEW
1/4" = 1'-0"

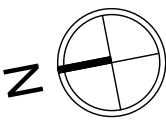
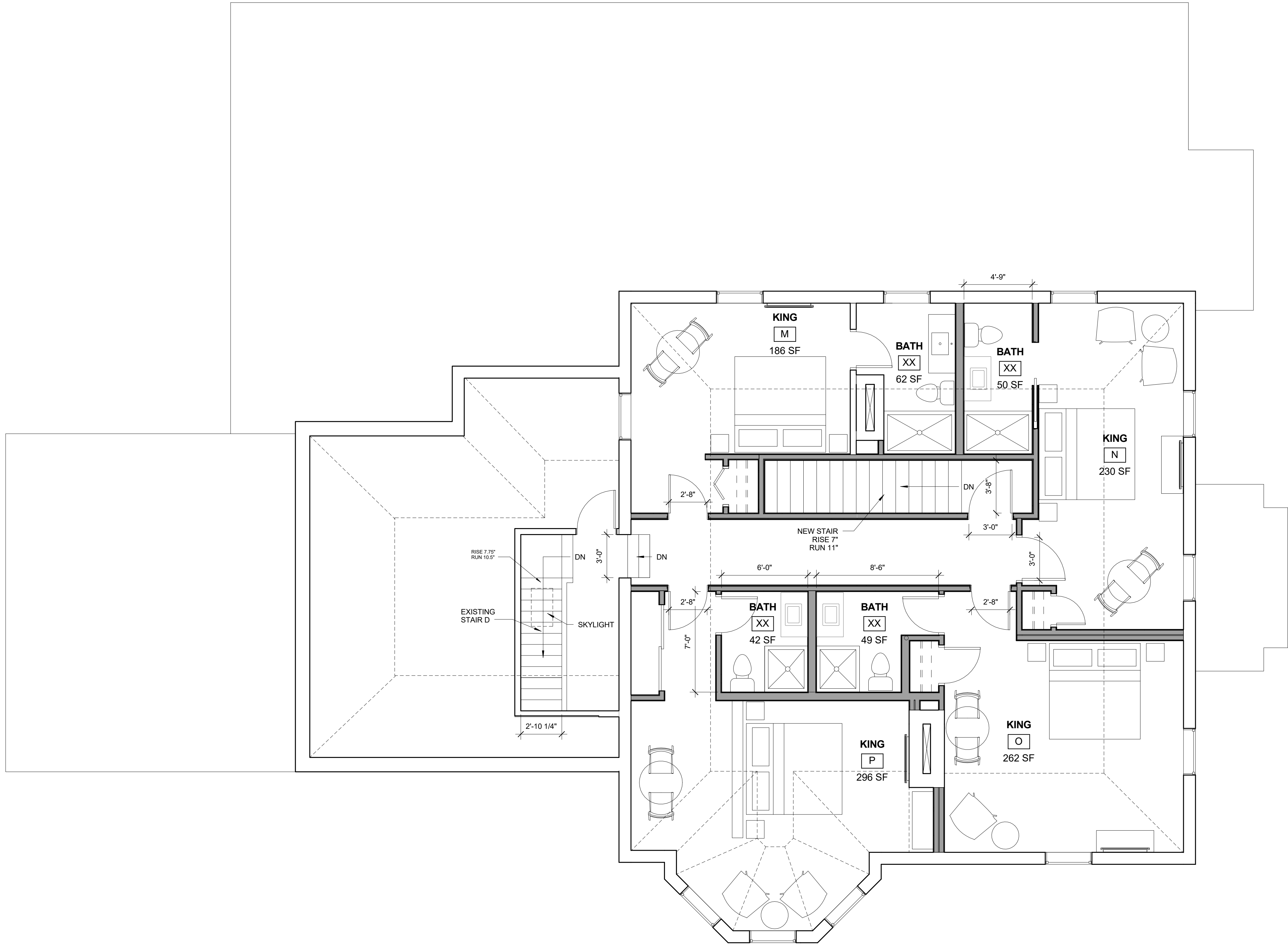
GROSS SQ FOOTAGE : 2256 SQ FT



Prepared For:		OWNER	
Consultant:		ARCHETYPE architects 48 Union Wharf Portland, Maine 04101 (207) 772-6022 ARCHETYPE@ARCHETYPEA.COM	
Project:		749 CONGRESS ST PORTLAND, ME 04102	
Revisions:		SECOND FLOOR	
Date:	19 FEB 2016	A1.02	



EXISTING STAIR D
1" = 1'-0"



OWNER

Consultant:

Architect: **ARCHETYPE** architects
48 Union Wharf Portland, Maine 04101
(207) 772-0022 ARCHETYPE@ARCHETYPEA.COM

Project: 749 CONGRESS ST
749 CONGRESS ST
PORTLAND, ME 04102

Date: 19 FEB 2016
Scale: As indicated
THIRD FLOOR

A1.03



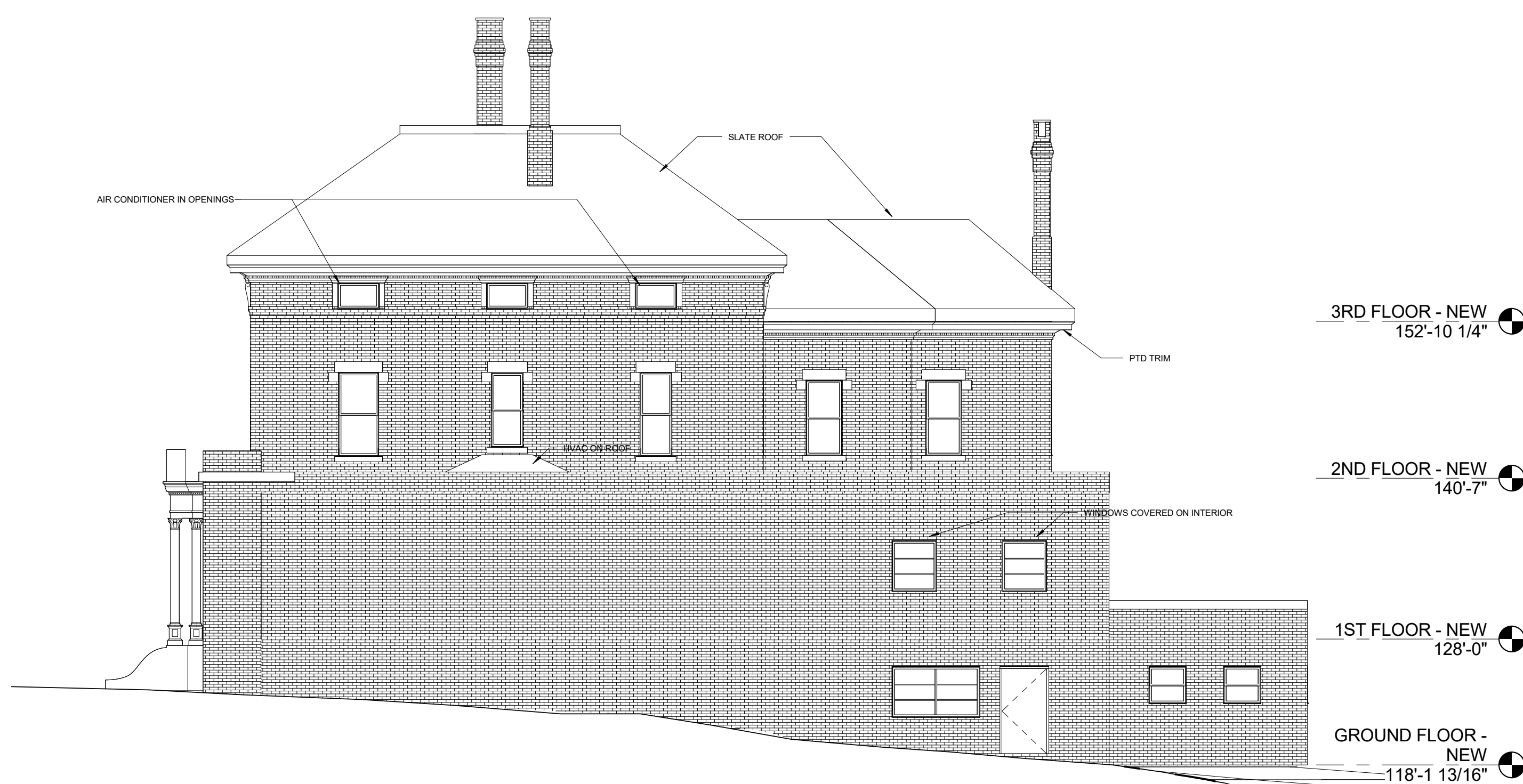
1 FRONT ELEVATION
1/8" = 1'-0"



3 LEFT ELEVATION
1/8" = 1'-0"



2 REAR ELEVATION
1/8" = 1'-0"



4 RIGHT ELEVATION
1/8" = 1'-0"

Prepared For:

OWNER

Address
City, State

Consultant:

Architect:
ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-4022 ARCHETYPE@ARCHETYPEPA.COM

Project:
749 CONGRESS ST
PORTLAND, ME 04102

Revisions:

Date: 19 FEB 2016
Scale: 1/8" = 1'-0"

EXG BUILDING
ELEVATIONS

A2.01

PROJECT NAME: 749 Congress Street

PROPOSED DEVELOPMENT ADDRESS:

749 Congress Street

PROJECT DESCRIPTION:

This project is the construction of 7 residential town houses and the conversion of the Congress Street building to a 16 room Hotel and Restaurant.

CHART/BLOCK/LOT: 47/A20, A28, A30 & A32

PRELIMINARY PLAN

(date)

FINAL PLAN

(date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Joe Delois Business Name, if applicable: Denovo LLC Address: 47 Waites Landing Road City/State : Falmouth, ME Zip Code: 04105	Applicant Contact Information Work # 207.899.4068 Home# Cell # 207.232.6274 Fax# e-mail: joedelois@gmail.com
Owner – (if different from Applicant) Name: Martin B. Dassa & Alyssa J. Dassa Trustees Rochelle G. Dassa Residuary Trust Address: 5 Cottonwood Lane City/State : Falmouth, ME Zip Code: 04105	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Thomas S. Greer, P.E. Name: Pinkham & Greer, Civil Engineers Address: 28 Vannah Avenue City/State : Portland, ME Zip Code: 04103	Agent/Representative Contact information Work # 207.781.5242 Cell # e-mail: tgreer@pinkhamandgreer.com
Billing Information Name: Denovo LLC (Joe Delois) Address: 47 Waites Landing Road City/State : Falmouth, ME Zip Code: 04105	Billing Information Work # 207.846.9535 Cell # Fax# e-mail: joedelois@gmail.com

Engineer Thomas S. Greer, P.E. Name: Pinkham & Greer, Civil Engineers Address: 28 Vannah Avenue City/State : Portland, ME Zip Code: 04103	Engineer Contact Information Work # 207.781.5242 Cell # Fax# 207.781.4245 e-mail: tgreer@pinkhamandgreer.com
Surveyor Rex Croteau Name: Titcomb Associates Address: 133 Gray Road City/State : Falmouth, ME Zip Code: 04105	Surveyor Contact Information Work # 207.797.9199 Cell # Fax# 207.878.3142 e-mail: rcroteau@titcombsurvey.com
Architect David Lloyd Name: Archetype Architects Address: 48 Union Wharf City/State : Portland, ME Zip Code: 04101	Architect Contact Information Work # 207.772.6022 Cell # Fax# 207.772.4056 e-mail: llloyd@archetypepa.com
Attorney Thomas Federle Name: FEDERLE LAW Address: 254 Commercial Street City/State : Portland, ME Zip Code: 04101	Attorney Contact Information Work # 207.899.0155 Cell # Fax# e-mail: Tom@federlelawmaine.com

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

Level III Development (check applicable reviews) ☒ Less than 50,000 sq. ft. (\$500.00) ☐ 50,000 - 100,000 sq. ft. (\$1,000) ☐ 100,000 – 200,000 sq. ft. (\$2,000) ☐ 200,000 – 300,000 sq. ft. (\$3,000) ☐ over 300,00 sq. ft. (\$5,000) ☐ Parking lots over 11 spaces (\$1,000) ☐ After-the-fact Review (\$1,000.00 plus applicable application fee) Plan Amendments (check applicable reviews) ☐ Planning Staff Review (\$250) ☐ Planning Board Review (\$500) The City invoices separately for the following: • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.	Other Reviews (check applicable reviews) ☐ Traffic Movement (\$1,000) ☐ Stormwater Quality (\$250) ☒ Subdivisions (\$500 + \$25/lot) # of Lots <u>8</u> x \$25/lot = <u>200.00</u> ☐ Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots <u> </u> x \$200/lot = <u> </u> ☐ Other <u> </u> ☐ Change of Use ☐ Flood Plain ☐ Shoreland ☐ Design Review ☐ Housing Replacement ☐ Historic Preservation
--	--

APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan and each document submitted as separate files. Naming conventions for the individual files can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Documents-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

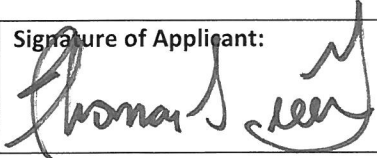
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 4/8/16
--	-----------------

PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	30,928 sq. ft.
Proposed Total Disturbed Area of the Site	22,368 sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.	
Impervious Surface Area	
Impervious Area (Total Existing)	21,542 sq. ft.
Impervious Area (Total Proposed)	22,292 sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	5,988 sq. ft.
Building Footprint (Total Proposed)	4,786 sq. ft.
Building Floor Area (Total Existing) Former Funeral Home=12,979, Carriage House=4290	sq. ft. 17,269 Total
Building Floor Area (Total Proposed) Hotel-Restaurant=12,979, Townhouse=16,856, Carriage House= 4,290	sq. ft. 34,125 Total
Zoning	
Existing	R6 & B-2b
Proposed, if applicable	N/A
Land Use	
Existing	Residential / Funeral Home
Proposed	Residential / Hotel-Restaurant
Residential, If applicable	
# of Residential Units (Total Existing)	2
# of Residential Units (Total Proposed)	9
# of Lots (Total Proposed)	1
# of Affordable Housing Units (Total Proposed)	0
Proposed Bedroom Mix	
# of Efficiency Units (Total Proposed)	0
# of One-Bedroom Units (Total Proposed)	0
# of Two-Bedroom Units (Total Proposed)	0
# of Three-Bedroom Units (Total Proposed)	7
Parking Spaces	
# of Parking Spaces (Total Existing)	28
# of Parking Spaces (Total Proposed)	11 exterior / 7 interior
# of Handicapped Spaces (Total Proposed)	0
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	2
Estimated Cost of Project	3.8 Million

PRELIMINARY PLAN (Optional) - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
X		1	Completed Application form
X		1	Application fees
X		1	Written description of project
X		1	Evidence of right, title and interest
n/a		1	Evidence of state and/or federal approvals, if applicable
X		1	Written assessment of proposed project's compliance with applicable zoning requirements
X		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
X		1	Written requests for waivers from site plan or technical standards, if applicable.
X		1	Evidence of financial and technical capacity
X		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
X		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
X			Proposed grading and contours;
X			Existing structures with distances from property line;
X			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
n/a			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
X			Preliminary infrastructure improvements;
X			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
X			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
X			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
X			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
X			Exterior building elevations.

FINAL PLAN - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
X		1	* Completed Application form
X		1	* Application fees
X		1	* Written description of project
X		1	* Evidence of right, title and interest
n/a		1	* Evidence of state and/or federal permits
X		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
X		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
X		1	* Evidence of financial and technical capacity
		1	Construction Management Plan
X		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
X		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
X		1	Stormwater management plan and stormwater calculations
		1	Written summary of project's consistency with related city master plans
		1	Evidence of utility capacity to serve
X		1	Written summary of solid waste generation and proposed management of solid waste
		1	A code summary referencing NFPA 1 and all Fire Department technical standards
		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
x		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Final Site Plans including the following:
x			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
x			Existing and proposed structures on parcels abutting site;
x			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
x			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
x			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
x			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
x			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
x			Location of all snow storage areas and/or a snow removal plan;
			A traffic control plan as detailed in Section 1 of the Technical Manual;
n/a			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
n/a			Location and proposed alteration to any watercourse;
n/a			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
n/a			Proposed buffers and preservation measures for wetlands;
x			Existing soil conditions and location of test pits and test borings;
x			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
n/a			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
x			Grading plan;
x			Ground water protection measures;
x			Existing and proposed sewer mains and connections;

- Continued on next page -

x		Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
x		Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
x		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
x		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
x		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
n/a		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
n/a		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
x		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
x		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.

File: 15156

April 8, 2016

Ms. Shukria Wiar, Planning Department
City of Portland
389 Congress Street, 4th Floor
Portland, ME 04101

Att. V

RE: 749 CONGRESS STREET

Dear Shukria,

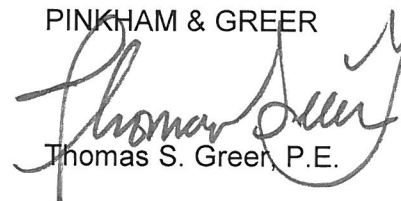
In response to Staff comments, we have made the following changes:

1. The building has been redesigned to provide more room for parking at each end.
2. A fire lane has been added at the end of the building.
3. We have created two lots for the project. Lot 1 is the hotel site and Lot 2 has the nine residential units.
4. We have added a 4' high fence around the Mellen Street connection.
5. We will be reconstructing the retaining wall on Mellen Street.
6. The water lines have been revised to provide separate services to each lot.
7. A landscape plan has been added showing trees on the Mellen Street lot.
8. The application has been revised to show the nine Residential units and sixteen hotel rooms.
9. Attached are the notes for the public information meeting.
10. Attached are building elevations and floor plans.
11. Attached is a revised wastewater application for the ability to serve.
12. We now show where the 8" clay pipe goes on the plan. We cleaned the catch basin and TVed the line. The pipe is in excellent shape. It goes 106 feet down the hill to a 90 degree main. This is under the building on Cumberland Avenue.
13. We added a foundation drain connection and drip strip connect to a new catch basin, replacing the existing brick catch basin. The basin will have a 3 foot deep sump.
14. We have added a dumpster enclosure.
15. We have added a direction sign at the entrance for the rear units, and a Hotel check in sign at the split.
16. We have reconfigured the parking to show 12 spaces. In addition, each of the 7 units has 2 compact spaces inside. The exterior spaces will be shared between the Hotel and Restaurant guests.
17. Attached are cut sheets for the lighting fixtures and a photometric plan.
18. We have revised the shading so the survey data shows.
19. We have added erosion control berm to the Mellen Street connection.

We believe this addresses the Staff comments. Condo documents will be submitted under a separate cover. Thank you very much for your help with this project.

Sincerely,

PINKHAM & GREER



Thomas S. Green, P.E.

Enclosures

cc: Joe Delois, David Lloyd, File
TSG/vjg

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Date: April 5, 2016

David Margolis-Pineo
Deputy City Engineer
207-874-8850
207-400-6696
dmp@portlandmaine.gov

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 749 Congress Street

Chart Block Lot Number: 47/A20, A28, A30 & A32

Proposed Use: Residential / Hotel-Restaurant

Previous Use: Residential / Funeral Home

Existing Sanitary Flows: 550 +/- GPD

Existing Process Flows: 0 GPD

Description and location of City sewer that is to receive the proposed building sewer lateral.

Mellen Street-Residential / Congress Street-Hotel/Restaurant

Site Category | Commercial (see part 4 below)
Industrial (complete part 5 below)
Governmental
Residential
Other (specify)

X
X

Clearly, indicate the proposed connections, on the submitted plans.

2. Please, Submit Contact Information.

City Planner's Name: Shukria Wiar

Phone: 207.756.8083

Owner/Developer Name: Denovo LLC (Joe Delois)

Owner/Developer Address: 47 Waites Landing Road, Falmouth, ME 04105

Phone: 207.899.4068

Fax: _____ E-mail: joedelois@gmail.com

Engineering Consultant Name: Pinkham & Greer, Civil Engineers (Thomas S. Greer P.E.)

Engineering Consultant Address: 28 Vannah Avenue, Portland, ME 04103

Phone: 207.781.5242

Fax: 207.781.4245 E-mail: tgreer@pinkhamandgreer.com

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 3,610 + 1,194 Restaurant GPD

Peaking Factor/ Peak Times: 7am & 6pm

Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine,"
"Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify)
ME Subsurface Wastewater Code

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

Hotel = 100 gpd/bedroom	1,600
Employees=10 gpd x12	<u>120</u>
	1,720

7 Residential Units @ 270 gpd = 1,890

4. Please, Submit External Grease Interceptor Calculations.

Total Drainage Fixture Unit (DFU) Values:

4

Size of External Grease Interceptor:

500 gallons

Retention Time:

2 hrs

Peaking Factor/ Peak Times:

Peaking Factor 5, 8am - 8pm

Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet.

5. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated:

n/a

GPD

Do you currently hold Federal or State discharge permits?

Yes

No

Is the process wastewater termed categorical under CFR 40?

Yes

No

OSHA Standard Industrial Code (SIC):

(<http://www.osha.gov/oshstats/sicser.html>)

Peaking Factor/Peak Process Times:

Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps.

Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided, or attached, as a separate sheet.

Eating Place 3 meals/day

30 gpd / seat + 12 gpd employee

35 seats x 30 gpd = 1,050 gpd

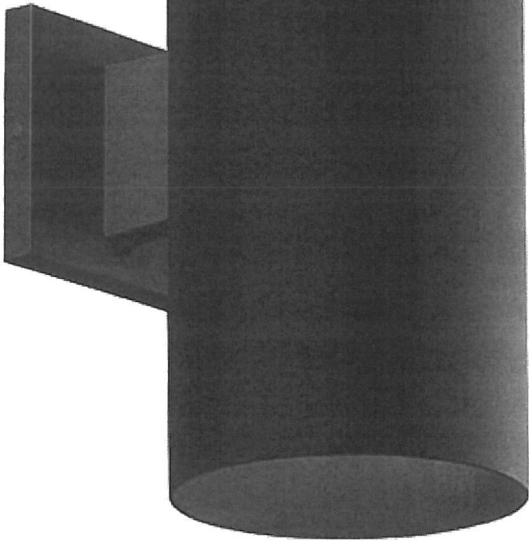
12 employees @12 pgd = 144 gpd

Total 1,194 gpd

$1,194/24 = 49.75 \text{ gal/hr} \times \text{peak fo } 5 = 248.75$

Retention time

$248.75 \text{ ghr} / 500 \text{ gallons} = 2 \text{ hours}$



P5641-31

6" cylinder with heavy duty aluminum construction and die cast wall bracket. Powder coated finish. cCSAus listed for wet locations.

\$129.58

BUY ONLINEFIND A DEALER



Att. X



Showcase Your Space
Tag Your Photos #progressing
& Join Our Instagram Feed!

Features

Product SKU

P5641-31

Family ?

Cylinder

Category

Outdoor

Description

6" cylinder with heavy duty aluminum construction and die cast wall bracket.
Powder coated finish. cCSAus listed for wet locations.

Finish

Black

Bulb Type ?

Uses PAR-38 or BR-40

Bulb Wattage ?

250/150

Bulb Quantity ?

1

Listed ?

Wet location listed



Style

Contemporary/Modern

Room Type

Outdoor Lighting and/or

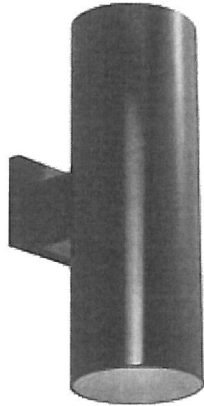
Dimensions

Width/Diameter: 6"

Height: 12"

You Might Also Like

<>



P5642-20

\$176.44

CYLINDER OUTDOOR

WALL OR
CEILING MOUNT

EUROLUXE® SERIES

Cat.# BRLU-04

Job749 Congress St

TypeB

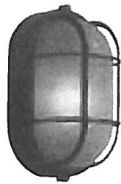
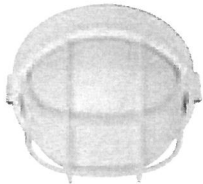
Approvals

 **HUBBELL**
Outdoor Lighting

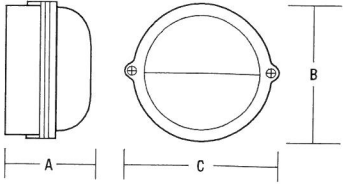
- Intended Use**
- Several colors and accessories, including guards and shields, are available for both interior and exterior applications, such as entry, perimeter, walls, stairwells, corridors, etc.
- Construction**
- Borosilicate glass lens sealed to housing by silicone gasket and stainless steel philips head screws; Ribbed lens uniformly spreads light for a symmetrical, soft distribution
 - Die cast aluminum housing and face trims
 - Two point lag or hickey mount to recessed junction box
 - Dark bronze, Black and White finishes are offered

- Electrical**
- Available in 50w HPS, 28w fluorescent and 100w max. incandescent, 120V only
 - BRLU LED has 6 LED in 15w, 120-277V, 830 lumens, 5000K, 700mA
 - Lamp included on 50w HPS, 28w fluorescent and 15w LED

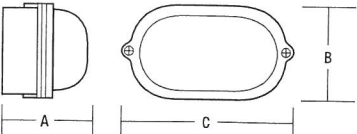
- Listings**
- Listed to UL1598 for use in wet locations



BR

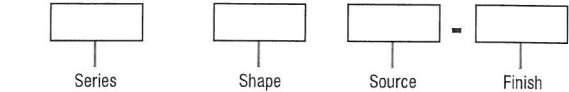


BO



	A	B	C
BRI ROUND	5 1/2"	9 1/2"	10 1/8"
	150 mm	241 mm	257 mm
BOI OVAL	5 1/2"	6 2/8"	11 1/4"
	150 mm	162 mm	286 mm

ORDERING INFORMATION ORDERING EXAMPLE: BOI-01



Catalog Number	Shape	Finish	Wattage	Weight	
				lbs.	kg
LED¹					
BRLU-01	Round	Bronze	15 max.	6.0	2.7
BRLU-04	Round	White	15 max.	6.0	2.7
INCANDESCENT²					
BRI-01	Round	Bronze	100 max.	4.0	1.8
BRI-02	Round	Black	100 max.	4.0	1.8
BRI-04	Round	White	100 max.	4.0	1.8
BOI-01	Oval	Bronze	100 max.	3.5	1.6
BOI-02	Oval	Black	100 max.	3.5	1.6
BOI-04	Oval	White	100 max.	3.5	1.6
HIGH PRESSURE SODIUM (lamp included)²					
BRS-01	Round	Bronze	50	7.5	3.4
BRS-02	Round	Black	50	7.5	3.4
BRS-04	Round	White	50	7.5	3.4
BOS-01	Oval	Bronze	50	7.0	3.2
BOS-02	Oval	Black	50	7.0	3.2
BOS-04	Oval	White	50	7.0	3.2
FLUORESCENT (lamp included)¹,³					
BRF-01	Round	Bronze	28	6.0	2.7
BRF-02	Round	Black	28	6.0	2.7
BRF-04	Round	White	28	6.0	2.7
BOF-01	Oval	Bronze	28	5.5	2.5
BOF-02	Oval	Black	28	5.5	2.5
BOF-04	Oval	White	28	5.5	2.5

1 Fluorescent CSA certified for outdoor applications only, not available in 277V
2 Pulse-rated medium base socket
3 Two-pin fluorescent socket - PLC 28, 2700K, -20°F starting
4 LED units feature 5 year limited warranty

ACCESSORIES (order as separate part #)	
Catalog Number	Description
BO-GX¹	Cast aluminum guard for oval fixture
BR-GX¹	Cast aluminum guard for round fixture
BO-SX¹	Cast aluminum shield for oval fixture
BR-SX¹	Cast aluminum shield for round fixture

1 Finish must be specified, substitute **X** for: **1**-bronze, **2**-black, **4**-white



SHIELD

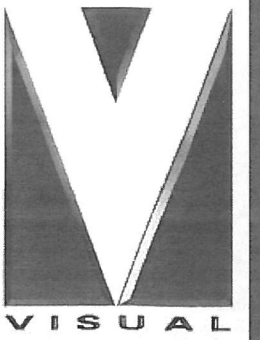


GUARD

PHOTOMETRIC REPORTS

Catalog Number	Report #
BRI-0X	HP05330.IES
BRI-0X/BR-SX	HP05331.IES
BRI-XX	ITL60433.IES
BRLU-0X	BRLU01.IES

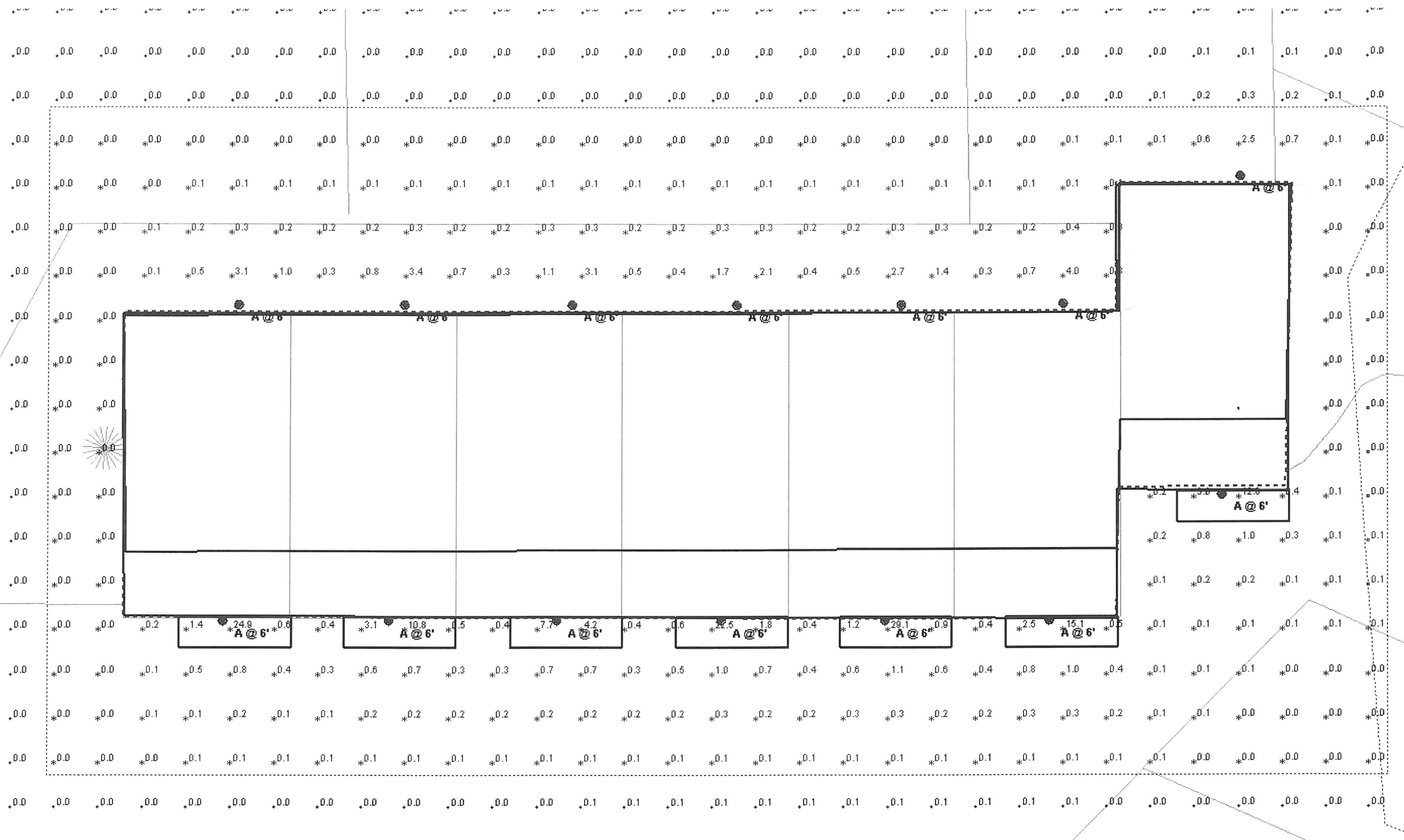


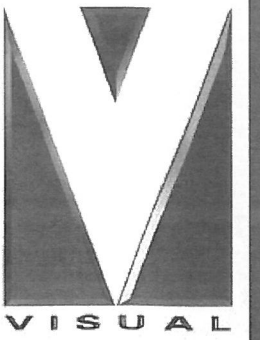


749 Congress St.
Portland, ME
Photometric

Designer
SAJ Bennett Eng.
Date
4/4/2016
Scale
Not to Scale
Drawing No.
E0
Summary

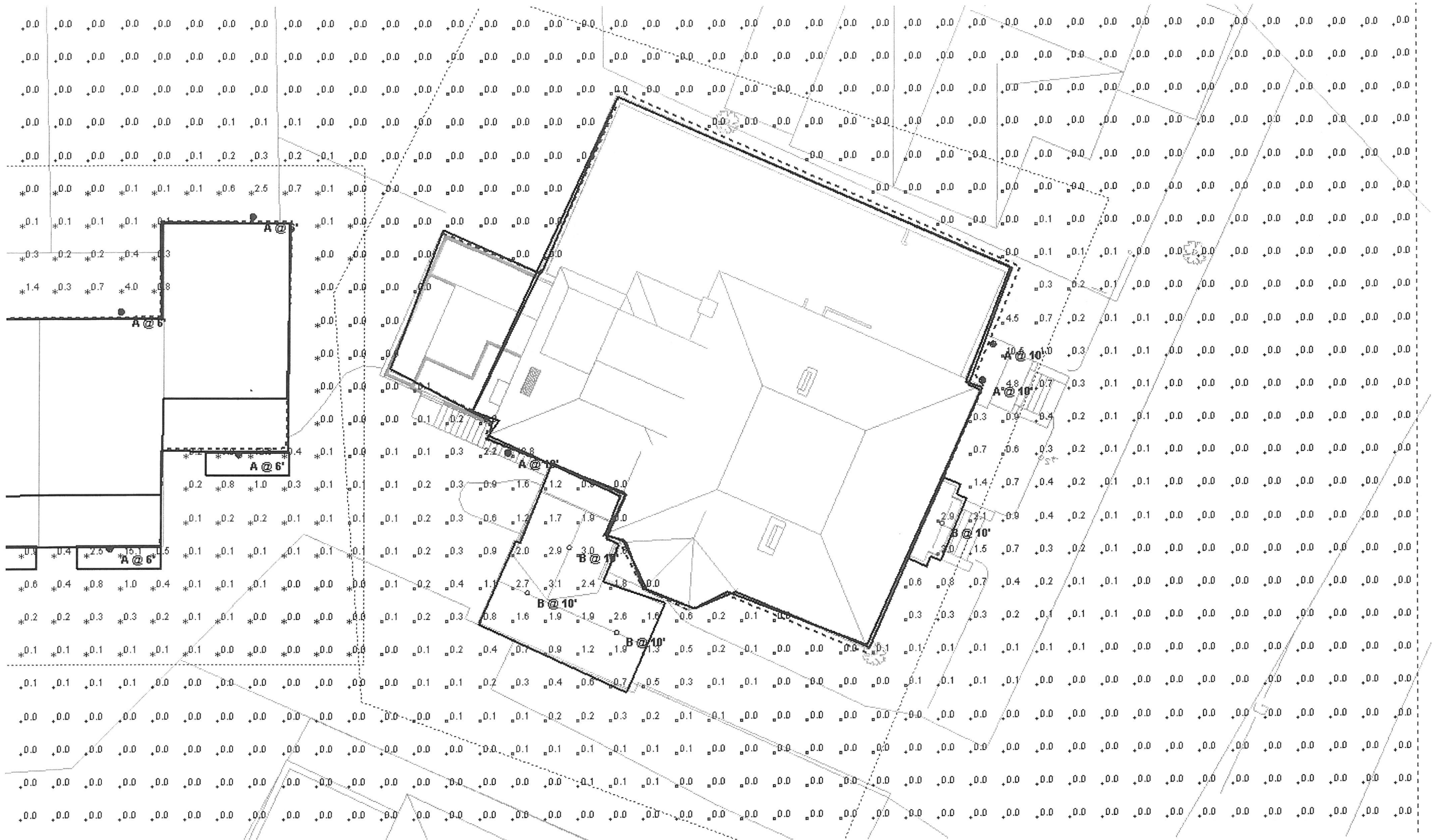
749 Congress St Townhouses



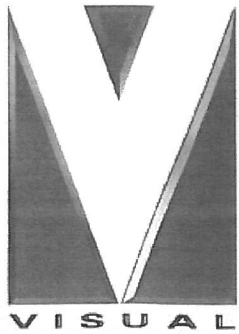


749 Congress St.
Portland, ME
Photometric

Designer
SAJ Bennett Eng.
Date
4/4/2016
Scale
Not to Scale
Drawing No.
E0
Summary

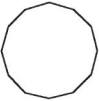


749 Congress St



749 Congress St.
Portland, ME
Photometric

Designer
SAJ Bennett Eng.
Date
4/4/2016
Scale
Not to Scale
Drawing No.
E0
Summary

Luminaire Schedule											
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
	A	17	Philips Lighting Company			75PAR30L/HAL/FL40 120V	1	229443.ies	769.744	0.8	75
	B	4	HUBBELL OUTDOOR	BRLU-0X	CAST BROWN PAINTED METAL HOUSING, FLAT DIFFUSE METAL CIRCUIT BOARD MOUNTING PLATE, ONE CIRCUIT BOARD WITH 6 LEDS, FROSTED LINEAR PRISMATIC GLASS DROP LENS WITH CONCENTRIC CIRCULAR BOTTOM	SIX WHITE LIGHT EMITTING DIODES (LEDs) EACH WITH CLEAR HEMISPHERICAL INTEGRAL LENS, VERTICAL BASE-UP POSITION. VOLTAGE (120VAC, 60Hz) TO THE LED DRIVER.	6	BRLU-0X.ies	153.8734	1	15

Statistics							
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
749 Congress St		0.5 fc	12.8 fc	0.0 fc	N/A	N/A	0.0:1
749 Congress Townhouse		0.8 fc	29.1 fc	0.0 fc	N/A	N/A	0.0:1
Overall Site		0.1 fc	29.1 fc	0.0 fc	N/A	N/A	0.0:1

**749 Congress Street
March 23, 2016**

SUMMARY OF PUBLIC INFORMATIONAL MEETING

The neighborhood meeting was held at the bakery across the street. It started promptly at 7:00pm and ended at 8:00pm with questions from people until 8:20. There were approximately 26 people in attendance plus the development team.

David Swardlick opened the meeting with introductions of the team. Nate DeLois talked about the hotel and its 16 rooms. It is being renovated under the Historic District Standards. Much of the existing architecture will be retained. The clock will be rehabilitated to a working condition. The Francis Hotel is named after the original designer of the building. He noted it would have a separate restaurant with 35 seats or so.

Tom Greer talked about the site design. The entrance is consolidated. Utilities come from Mellen Street with the exception of water, which comes from Congress Street. The trees on the Mellen Street side will be removed and replaced with lawn. The parking of the 12 spaces on the exterior and garages for the Townhouse meets the ordinance.

David Lloyd talked about the building design and materials to be used in the project.

The meeting was opened up to questions.

1. Parking for the hotel and restaurant was raised. The site currently meets city standards. The team is investigating off-site parking that may use valet parking. This is not part of the current proposal. There was a question on joint parking with the neighbor next door. This is a strong possibility but no agreement has been reached. Until then we stay on this site so city approval can be granted.

Parking on the west end is an issue all across the area. This project is trying to have a minimal impact. The residential units have the opportunity to park two small cars inside.

2. It was noted the Mellen Street area may open up a shortcut in behind the building. This is not desirable for the neighbors nor the hotel. This will have to be managed with fences or other security measures. Lighting in this area will have to meet city standards.
3. There was a discussion of why the utilities come from Mellen Street. It is the only opportunity to get gravity sewer service to the townhouses.

4. Pricing of the project was discussed. The rooms in the hotel will be midrange of the existing market and below. The townhouses will be in the \$600,000 to \$700,000 range. No final pricing is in place. We need to get through the final permitting and design phase.
5. One person wanted to know if this project incorporated "green" elements in the design. The design is efficient and compliant with the energy code. It does not have PV or other energy generating facilities. The carbon footprint will be small but it will have one.

Overall the comments were positive. Parking seemed to be the only major concern.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Thomas S. Greer". The signature is stylized with a large initial "T" and a long, sweeping underline that extends to the right.

Thomas S. Greer P.E.

749 Congress Street

Additional notes from Neighborhood Meeting, 7 PM – 8:20 PM March 23, 2016
Location: Tandem Café & Bakery, 742 Congress Street, Portland

Questions, comments, issues raised by members of the approximately 30-person audience:

Questions about parking for the hotel, and for guests or visitors to the condos

One asked if the residential units will be condos for sale, or apartments for rent?

Many favorable comments were made about renovating the historic building.

People clapped when they learned we are planning to restore the historic clock.

A Deering Street resident noted that parking is tight on Deering Street.

Concern that the large-scale development at former Joe's Smoke Shop was displacing parking.

Concern raised about possibility of unwanted foot traffic cutting through the Mellen Street portion of the subject property, up to Congress Street.

Question from Mellen Street abutter about relative height of new building to their building.

Questions about lighting in the new development, both at the rear of hotel, relative to security, and also about question about any high-level parking lot lighting.

Questions about why we are bringing some of the utilities through the Mellen Street side of our property, rather than all from Congress Street.

Questions about projected prices of hotel rooms and projected prices for condominium units.

One person said that she wished the residential units would be lower-priced.

Questions about construction schedule.

Question about environmental considerations – energy efficiency or carbon footprint of the development.

Many came up to us after the meeting to say they were very happy with what we were proposing, after the property had been vacant for so many years, and several offered their help and support.

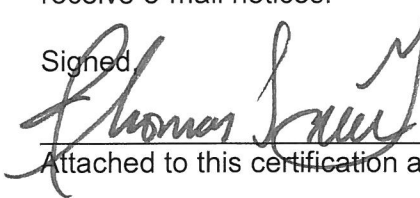
Neighborhood Meeting Certification

I, Thomas S. Greer hereby certify that a neighborhood meeting was held on March 23, 2016 at 742 Congress Street (Tandem Coffee and Bakery), in Portland at 7:00PM concerning 749 Congress Street.

I also certify that on March 9, 2016, invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change and the residents on the "interested parties" list.

A digital copy of the notice was also provided to the Planning Division (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed



Attached to this certification are:

3/23/16 (date)

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes

NEIGHBORHOOD MEETING ATTENDEE LIST

749 Congress Street

March 23, 2016

Name & Address	Name & Address
Thomas S. Greer Pinkham & Greer Civil Engineers 28 Vannah Avenue Portland, ME 04103	Ted Hummel 14 Mellen St. Portland
Rox Dubois Eliane Dubois +318 Brighton Ave Portland, ME 04102	Robin Woodcock 727 Congress St #7 Portland, ME 04102
Steven Scharf 15 Salem St 04102 SCSmedia@aol.com	Keni Lord 158 Downing St
Sharon + Eric OBERLY 142 Neal St Portland 04102	RICHARD JULIO CHRIS HORNE PO BOX-106 PTLD. ME 04112
Joseph Napolitano 765 Robert Napolitano Congress St. Portland, ME 04102	741 CONGRESS ST. DAVID PRICE 24 MELLEN ST. PORTLAND, ME. 04101
MARIO PROIA PO BOX 125 PEAKS ISLAND ME 04108	102 TACKA 49 Downing St Portland
PETER L HALL 64 CARLETON ST. #3 04102	ALICE MAZURIE 247 BRACKETT ST PORTLAND ME 04102
Amy Kaplan	Lauri Gibson 295 Brackett Street Portland 04102
Jason Mallory 6 Walker St. Apt. 2 Portland, ME 04102	Nora Krevans 24 Mellen St. Portland 04101
Christine Mc Hale 11 Walker St 04102	LLOYD & JANE LEVI 3-5 DEERING Portland

Neighborhood Meeting

March 9, 2016

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for the redevelopment of 749 Congress Street. The existing building will be repurposed into a Bed and Breakfast with 16 rooms. We will also be adding 7 residential townhouses to the back of the property. The existing carriage house with its two units stays in place.

Meeting Location: 742 Congress Street (Tandem Coffee and Bakery)

Meeting Date: March 23, 2016 (Wednesday)

Meeting Time: 7:00pm

The purpose of this meeting is to introduce the project to our neighbors as part of the City approval process.

If you have any questions, please call Thomas S. Greer, P.E., Pinkham & Greer, Civil Engineers at 207-781-5242 or email him at tgreer@pinkhamandgreer.com.

File: 15156

June 29, 2016

Ms. Shukria Wiar, Planning Department
City of Portland
389 Congress Street, 4th Floor
Portland, ME 04101

RE: 749 CONGRESS STREET

Dear Shukria,

Attached are the revised plans for 749 Congress Street. We have added the easements with the Price's and York County Shelter Programs (YCSP) to allow utility construction out to Mellen Street. Attached are the agreements.

Also attached is a simple parking plan for the hotel/restaurant. We are utilizing spaces across the street when they are available.

The building plans have been previously filed and updated in accordance with review by the Historic Preservation Board. These include the following changes:

1. French Balconies eliminated on east elevations of townhouses and a more traditional window pattern was incorporated.
2. Townhouse units now step back as you proceed down the row, helping to break up massing.
3. Brick sidewalk has been incorporated in the site plan to address and define pedestrian circulation to Congress Street from townhouses.
4. Brick base incorporated on west, north and south elevations of the townhouses.
5. Second and third floor elevations of the townhouse are now all clapboard. Brick has been eliminated.
6. Front decks of the townhouses now centered over garage door, door entry is now recessed and opening trimmed in granite. Interior of recess to be white oak.
7. The exterior stair that was on the west side of the inn and questioned by the board has been removed. We had to eliminate a guest room to accomplish this.
8. Utilities going through the wooded lot off Mellen Street have been relocated to preserve the existing vegetation.
9. Architect has developed views of the development which demonstrate the impact to the neighborhood.

Ms. Shukria Wiar
June 29, 2016
Page 2 of 2
File: 15156



Wright-Ryan will be constructing the project. Attached is a Construction Plan for their work.

Tony Muench has met with Jeff Tarling and agreed to the landscaping. Attached is a memo from Tony.

Attached is the Wastewater Capacity Letter.

The restaurant will have a 1,000 gallon grease trap. It will be located inside the building.

Please let me know if we have addressed your concerns.

Sincerely,

PINKHAM & GREER
CIVIL ENGINEERS

A handwritten signature in dark ink, appearing to read 'Thomas S. Greer'. The signature is fluid and cursive, with a large, stylized 'T' and 'G'.

Thomas S. Greer, P.E.

Enclosures

cc: Joe Delois-Email, David Lloyd-Email, File

TSG/rjs

749 Congress Street
Landscape Narrative

Anthony L. Muench
 Landscape Architect

The proposed landscape is designed to bring the more 'spartan' planting that reflects the style of the era during which the building was constructed. This style is required by The National Park Service which controls the guidelines for this restoration.

Landscaping at:
Congress Street elevation and west facing elevation

At this time there are large evergreen shrubs [rhodo] and medium size trees , including arbor vitae and juniper. All of these plants are to be removed including the English Ivy growing on the building wall. The only tree requested to remain is a small apple tree locate at the eastern corner of the property along Congress Street. This elevation is enhanced by the decorative granite curb and fence along with the historic clock.

The front of the building will be lawn grass with the addition of low perennials including , pachysandra , woodfern and daylily. The 'drop off ' island will have pachysandra with low junipers at either end. There will be two additional trees added on this elevation view. A small tree (thornless cruz-galli hawthorne) is to be planted between the drop off drive and the pole mounted clock. An armstrong maple will be added on the sidewalk between the two building entrys.

On either side of the west elevation entrance we will plant shoshoni viburnum. The small scale keeps the program intent of 'minimal' planting in place.

Landscaping at:
Garages and Condominiums

The only landscaping at this location are the daylilies on the east side of the row of condominiums. There is a paver walk with steps along the front elevation of these condominiums. The rear [east side] of the buildings has a stone drip strip with a mass of daylilies along thr whole row of condominiums. The wood fence shall remain along this property edge .

Landscaping at:
Mellen Street elevation

This portion of the property is an established wooded area. [hardwoods]
 It will remain unchanged as the utilities will be located on easements directly downhill from the property.



INSTALLATION AND MAINTENANCE EASEMENT

KNOW ALL BY THESE PRESENTS THAT **York County Shelter Programs (YCSP)** a Maine Non-profit Corporation that owns real estate located at 30 Mellen Street, Portland Maine ("Grantor"), for consideration given, grants to **Denovo, LLC**, a Maine limited liability company having a place of business in Portland, Maine, its successors and assigns ("Grantee"), an installation and maintenance easement as described below (the "Installation and Maintenance Easement"), said easement being appurtenant to land of Grantee located at 749 Congress Street, Portland, Maine more particularly described in the Deed recorded at the Cumberland County Registry of Deeds in Book _____, Page _____.

Grantor grants to Grantee the right of access over land of Grantor for the limited purpose of enabling Grantee to perform all work necessary to install an underground sewer line and underground storm water line, both traversing from Grantee's land at 749 Congress Street to Mellon Street, on property located at 24 Mellon Street, which property is adjacent to, and immediately to the south of, Grantor's land, together with a permanent easement providing Grantee with the right of access over land of Grantor for the limited purpose of enabling Grantee to repair, maintain, and replace the sewer line and water line as needed from time to time in perpetuity. Said Installation and Maintenance Easement shall be located along the entire length of the southern boundary line of Grantor and shall extend a width of 10 feet therefrom onto Grantor's property all as shown as the "Serenity House Installation and Maintenance Easement" on the Easement Plan attached hereto.

Notwithstanding anything to the contrary set forth herein, this easement is conveyed subject to, and the Grantee, by its acceptance of this easement, for itself and its successors and assigns, covenants and agrees that the above-described easement, shall be subject to the following restrictions, covenants and requirements, which restrictions, covenants and requirements shall run with the land and shall be binding upon the owner:

1. Grantee shall restore the surface of the easement areas wherever disturbed by Grantee, in the exercise of its rights hereunder, as closely as reasonably practicable to the condition of such surface before being disturbed, including the restoration of any landscaping and trees.

2. Grantee shall enter upon the easement areas and shall exercise its rights hereunder at its sole risk and expense. Grantee hereby releases Grantor, its successors and assigns from, and agrees to indemnify and hold Grantor, and its successors and assigns harmless from and against any and all losses, costs, claims, expenses and liabilities suffered by Grantor, its successors or assigns, on account of any injury to persons or damage to property (i) arising out of the exercise by Grantee of its rights hereunder; or (ii) caused by Grantee, or any agents, employees, invitees or contractors of Grantee while Grantee, or any agents, employees, invitees or contractors of Grantee, are on the easement areas pursuant to, or are exercising the rights granted by, this easement.

3. Grantee shall keep the easement area free of any mechanics lien arising out of or relating to any work done in connection with or relating to Grantee's use of the easement. If any mechanics lien is filed as a result of any work done by or for the benefit of Grantee, and such lien is not released within 10 days after written demand by Grantor, Grantor shall have the right, but not the obligation, to pay the claim giving rise to such lien, and any other amounts necessary to cause such lien to be released, whereupon Grantee shall reimburse Grantor upon demand.

This easement contains the entire agreement between Grantor and Grantee, and there are no other terms, conditions, promises, undertakings, statements or representations, express or implied, concerning the items contemplated by this easement.

This easement shall be governed by and interpreted under the laws of the State of Maine.

[signature on next page]

reviewable, non-appealable approvals, (collectively the "Approvals"). Seller shall cooperate fully with Buyer in obtaining the Approvals. To the extent Buyer determines to seek the Approvals, Buyer shall bear all fees and expenses incurred in connection therewith and indemnify Seller from any liability for any costs or liabilities incurred to any consultants or professionals.

- b. Hazardous Materials: The Property shall not have been used by Seller for the handling, storage, transportation or disposal of any hazardous substances. The Property shall be free of contamination and is not in violation of any local, state or federal environmental laws or regulations.
 - c. No Leases/Contracts/liens: There are no contracts, leases, tenancies, options to purchase, rights of first refusal or other encumbrances on the Property that will impede Seller from delivering to Buyer at Closing, or impede Buyer from fully enjoying, the Easement.
9. Costs: Taxes, title and escrow fees shall be paid as is customary in Cumberland County. Buyer and Seller each shall be responsible for paying its own attorneys' fees.

This Agreement is intended to be the full and complete agreement between the parties and shall be deemed to constitute a binding contract creating legally enforceable obligations between said parties as to such matters.

Sincerely,

Joseph DeLois
DeNovo LLC

Signed and agreed by Seller on this 27 day of June, 2016.

SELLER: YCSR

By: [Signature]

Name: Robert Dauter

Title: CEO

IN WITNESS WHEREOF, the said Grantor has, through its authorized agent, caused this instrument to be signed this 27 day of June, 2016.

GRANTOR

Witness

YCSP

By:

Its duly authorized:

STATE OF MAINE
CUMBERLAND, SS.

June __, 2016

Personally appeared the above-named, _____, and acknowledged the foregoing instrument to be his/her free act and deed and the free act and deed of Serenity House.

Before me,

Notary Public/Attorney at Law

Printed Name

AGREEMENT

RELATING TO 20 MELLEN STREET AND 24 MELLEN STREET

Mutual valuable consideration having been both given and received, the receipt and sufficiency of which is hereby acknowledged, the undersigned parties having reached certain agreements and understandings relating to real property located at 20 Mellen Street and 24 Mellen Street now wish to memorialize those agreements and understandings in a single legally binding agreement (the "Agreement") and hereby do so as follows to wit:

Whereas, DeNovo, LLC has applied for subdivision and site plan approval from the City of Portland to rehabilitate an existing historic structure and convert it into a hotel and restaurant and to develop seven townhouses on property located at 749 Congress Street in Portland, Maine;

Whereas, a portion of the property located at 749 Congress Street extends approximately 120 feet to Mellen Street at a width of 30 - 35 feet, more or less, also identified on Portland Tax Assessor Maps as Chart 47, Block A, Lot 32 (the "Mellen Street Strip");

Whereas, the Mellen Street Strip abuts the property of Price Apartments, LLC located at 24 Mellen Street;

Whereas, the site plan and subdivision application of DeNovo, LLC proposed to locate utilities and an electric transformer on the Mellen Street Strip and such location of utilities would result in the removal of most of the existing trees on the Mellen Street Strip;

Whereas, Price Apartments, LLC has offered to DeNovo, LLC certain utility easements over the land of Price Apartments, LLC if DeNovo, in return, agrees to keep the Mellen Street Strip in its current substantially wooded condition;

Whereas, DeNovo, LLC has amended its site plan and subdivision application such that it is proposing to locate no transformer or utilities on the Mellen Street Strip and to keep the Mellen Street Strip in a substantially wooded condition;

Now THEREFORE, DeNovo, LLC and Price Apartments, LLC hereby agree as follows, to wit:

1. Upon DeNovo's receipt of Site Plan and Subdivision approval from the City of Portland and upon DeNovo's closing on the purchase of the Mellen Street Strip, Price Apartments, LLC will execute the Utility Easement Deed attached hereto as Exhibit A and DeNovo, LLC will execute the Easement Deed attached hereto as Exhibit B. The easement from Price to Denovo will be granted free of any prior mortgages. The easement from DeNovo to Price will, at Denovo's option, be granted free of any prior

mortgage or will contain the following provision: "In the event of the foreclosure of any mortgage granted prior to this easement, this easement will terminate ninety (90) days after the date of the order of foreclosure unless the foreclosing mortgagee records a statement in the Cumberland County Registry of Deeds within ninety (90) days of the date of the order of foreclosure agreeing for itself, its successors and assigns to be bound by, and ratifying the terms of, the easement of even or near even date granted by DeNovo, LLC to Price Apartments, LLC." The effect of a termination of the easement, should such termination occur pursuant to this paragraph, shall not require removal of utilities already installed prior to the date of the order of foreclosure pursuant to the easement but will have the effect of terminating future access rights for purposes of maintaining, repairing and replacing utilities.

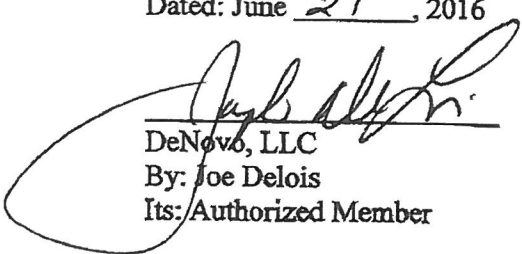
2. Upon exchange of the easements specified above, the parties agree to engage the services of Whitney Tree Service to perform the work outlined in the proposal attached hereto as Exhibit C, and to share equally in the costs of work performed.

3. Prior to installation of the sewer and storm water drains referenced in Exhibit A, DeNovo, LLC agrees to have its engineer communicate with Price Apartments, LLC regarding location of the trench and how it intends to protect Price Apartment, LLC's foundation.

This Agreement contains the entire agreement between Grantor and Grantee, and there are no other terms, conditions, promises, undertakings, statements or representations, express or implied, concerning the items contemplated by this Agreement.

This Agreement shall be governed by and interpreted under the laws of the State of Maine.

Dated: June 27, 2016


DeNovo, LLC
By: Joe Delois
Its: Authorized Member

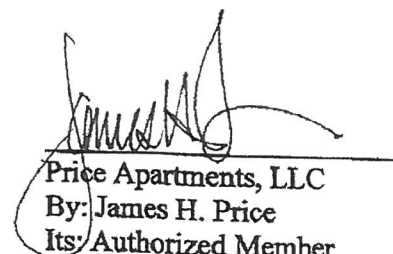
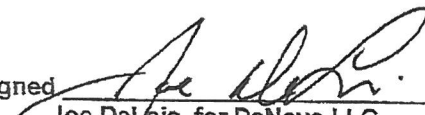
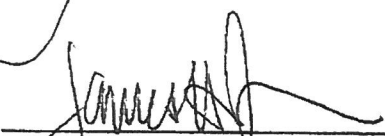

Price Apartments, LLC
By: James H. Price
Its: Authorized Member

Exhibit C

DeNovo LLC and Price Apartments LLC have agreed to split the cost of the following tree work to be performed by Whitney Tree Service: Whitney Tree Service will spend one full day cutting and trimming trees under the direction of DeNovo LLC and Price Apartments LLC. The cost of this work to be \$2200 plus related public service fees estimated at \$200-\$300. In addition, should it prove necessary and/or desirable as determined by the two parties, additional tree work to be capped at a cost of \$800 will also be performed.

Signed 
Joe DeLois, for DeNovo LLC

Signed 
James H. Price, for Price Apartments LLC

June 28, 2016

Planning Board
City Hall
Congress Street
Portland, Maine 04101

Re: 747 Congress Street/Restaurant Traffic and Parking

To Whom It May Concern:

The restaurant that will operate within The Francis hotel at 747 Congress Street shall be a maximum of 51 seats and open for dinner daily and brunch on the weekends. We have an agreement in place to use a minimum of 6 parking spaces across the street located at Tandem Bakery between the hours of 6:00 PM and 6:00 AM, daily. The remaining restaurant traffic shall utilize on-street parking.

Sincerely,

Nathan DeLois

Nathan DeLois
Development Team Member

From: [Tom Greer](#)
To: [Rita Sawyer](#)
Subject: FW: Wastewater Capacity Application Approval for 749 Congress Street, Residential / Hotel-Restaurant
Date: Wednesday, April 27, 2016 3:56:28 PM

FOR THE FILE.

Tom Greer
Pinkham and Greer, Civil Engineers
207.781.5242
tgreer@pinkhamandgreer.com

From: David Lloyd [<mailto:lloyd@archetypepa.com>]
Sent: Wednesday, April 27, 2016 3:43 PM
To: Tom Greer
Subject: FW: Wastewater Capacity Application Approval for 749 Congress Street, Residential / Hotel-Restaurant

David Lloyd

Architect

Archetype, P.A.
48 Union Wharf
Portland, ME 04101
Tele: (207) 772-6022
Fax: (207) 772-4056
Cell: (207) 831-8627
lloyd@archetypepa.com
<http://www.archetype-architects.com>

From: joedelois@gmail.com [<mailto:joedelois@gmail.com>]
Sent: Wednesday, April 27, 2016 3:26 PM
To: Nate DeLois; David Swardlick; David Lloyd
Subject: Fwd: Wastewater Capacity Application Approval for 749 Congress Street, Residential / Hotel-Restaurant

Sent from my iPhone

Begin forwarded message:

From: David Margolis-Pineo <dmp@portlandmaine.gov>
Date: April 27, 2016 at 3:24:26 PM EDT
To: joedelois@gmail.com, Jeff Levine <jlevine@portlandmaine.gov>, Barbara Barhydt <bab@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>, Shukria Wiar <shukriaw@portlandmaine.gov>, Jean Fraser <jf@portlandmaine.gov>, Rick Knowland <rwk@portlandmaine.gov>,

Nancy Gallinaro <neg@portlandmaine.gov>, Benjamin Pearson
<bnp@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, John
Emerson <jwe@portlandmaine.gov>, Scott Firmin <sfirmin@pwd.org>, Tom
Greer <tgreer@pinkhamgreer.com>

**Subject: Wastewater Capacity Application Approval for 749 Congress
Street, Residential / Hotel-Restaurant**

April 27, 2016

**RE: The Capacity to Handle Wastewater
Flows from 749 Congress Street – Residential/
Hotel-Restaurant**

Dear Mr. Delois: (joedelois@gmail.com)

The Department of Public Works, which includes the Water Resource Division have reviewed and determined that the downstream sewers from 749 Congress Street has the capacity to convey the estimated 4,804 gpd of proposed wastewater which will be generated from this facility. You are reminded that the sewer you are proposing to connect is combined and therefore a backflow preventer is required. However, due to the elevation change, if desired, this Department would support a waiver request to delete the need for a backflow preventer.

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

Sincerely,
CITY OF PORTLAND

Pineo

David Margolis-

David Margolis-Pineo
Deputy City Engineer

**Anticipated Wastewater Flows Generated from
749 Congress St Residential/Hotel-Restaurant:**

Seven – Three Bedroom Units @ 90 gpd/Unit =	1,890 gpd
Hotel – 16 Rooms @ 100 gpd/room =	1,600 gpd
Restaurant – 35 seats, Three Meals/day @ 30 gpd/seat	1,050
gpd	
Employees – 22 @ 12 gpd/employee	<u>264</u>
gpd	
Total	4,804 gpd

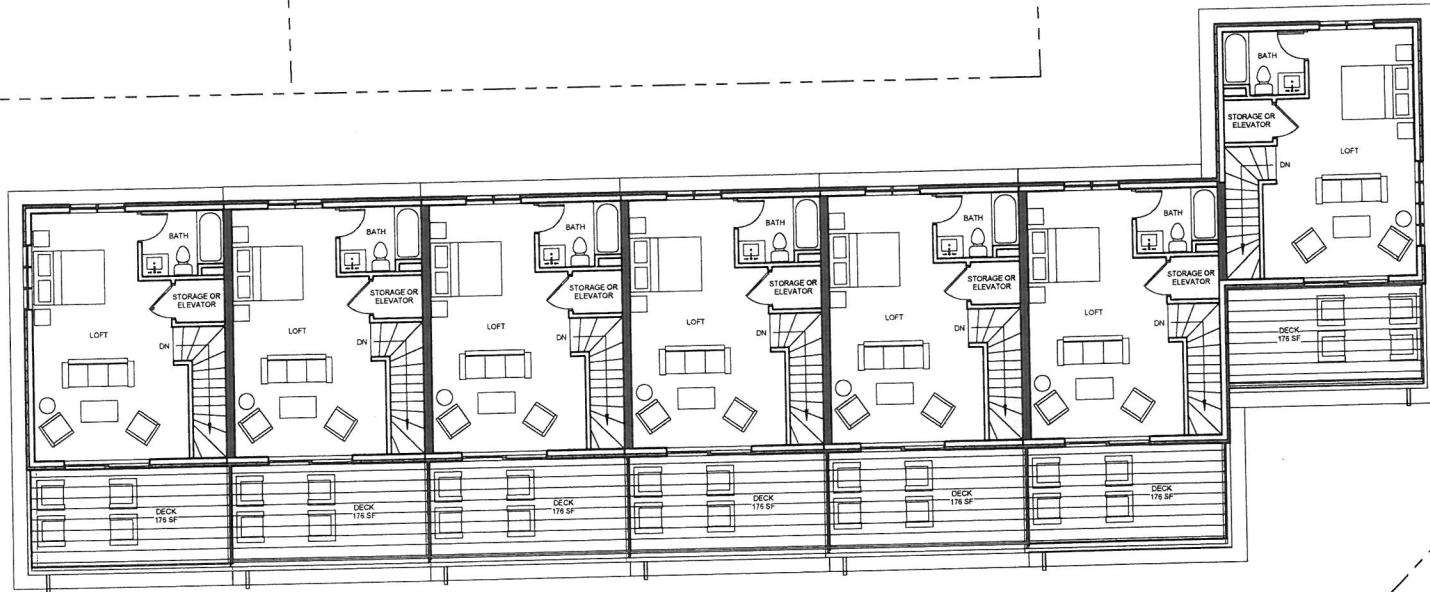
Jeffrey Levine, Director, Department of Planning and Urban Development, City of Portland
Barbara Barhydt, Development Review Services Mgr., Dep't. of Planning and Urban Development, City
of Portland

Nell Donaldson, Department of Planning and Urban Development, City of Portland
Shukria Wiar, Planner, Department of Planning and Urban Development, City of Portland
Jean Fraser, Planner, Department of Planning and Urban Development, City of Portland
Rick Knowland, Planner, Department of Planning and Urban Development, City of Portland
Nancy Gallinaro, Water Resources Manager
Benjamin N. Pearson, Industrial Pretreatment Coordinator, City of Portland
Rachel Smith, Assistance Industrial Pretreatment Coordinator, City of Portland
John Emerson, Wastewater Coordinator, City of Portland
Scott Firmin, Director of Wastewater, Portland Water District
Tom Greer – Pinkham & Greer Civil Engineers

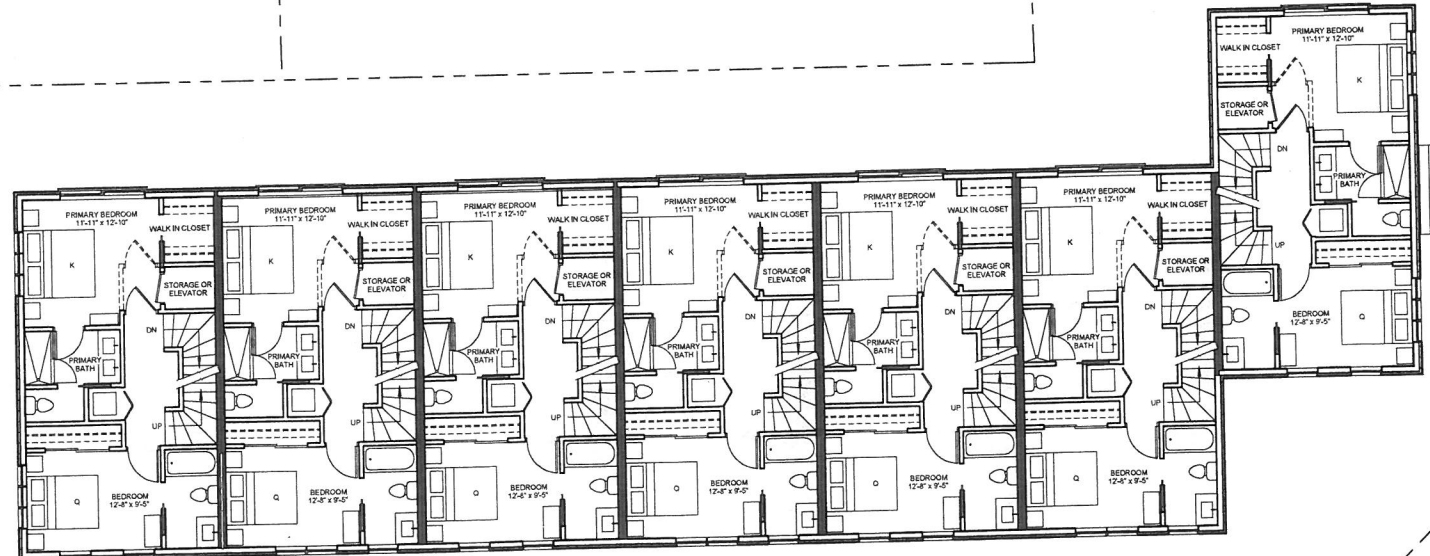
--

David Margolis-Pineo
Deputy City Engineer
Department of Public Services
55 Portland St.
Portland, ME 04101
Office 207-874-8850
Cell 207-400-6695
dmp@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



2 | 4TH FLOOR PLAN
1/8" = 1'-0"



1 | 3RD FLOOR PLAN
1/8" = 1'-0"

Plan 1

Owner

Consultant:

Architect: **ARCHETYPE**
Architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 ARCHETYPE@ARCHETYPEDA.COM

Project: **BRAMHALL ROW**

PORTLAND, MAINE

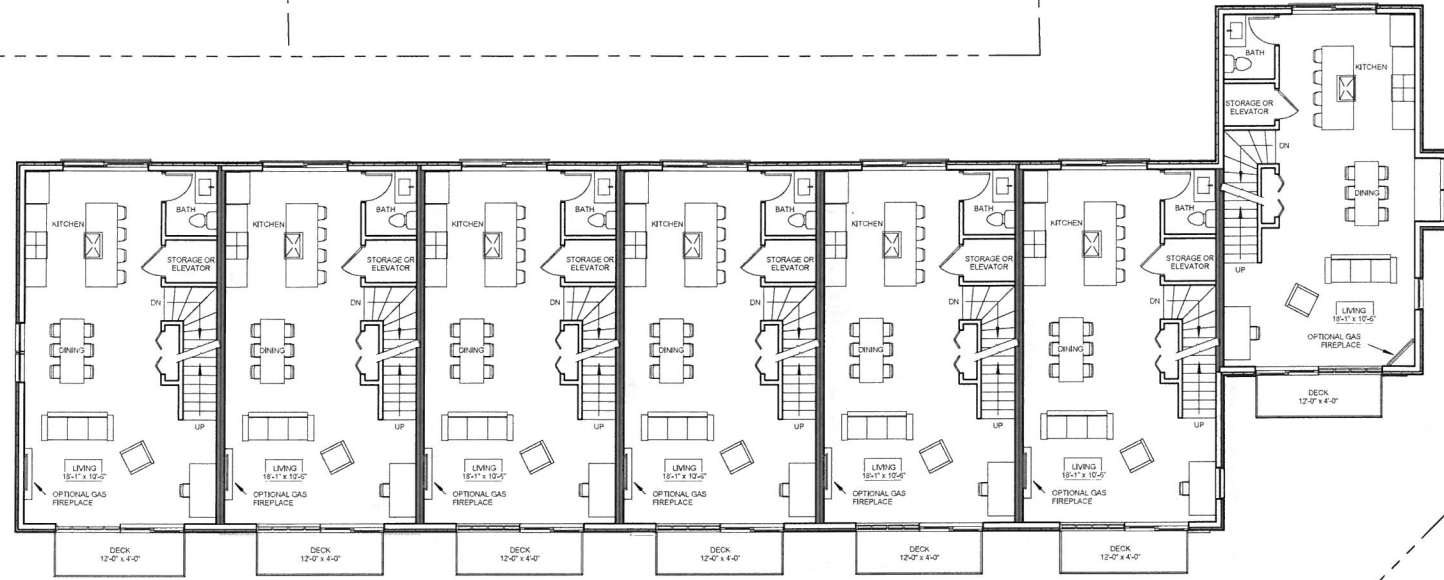
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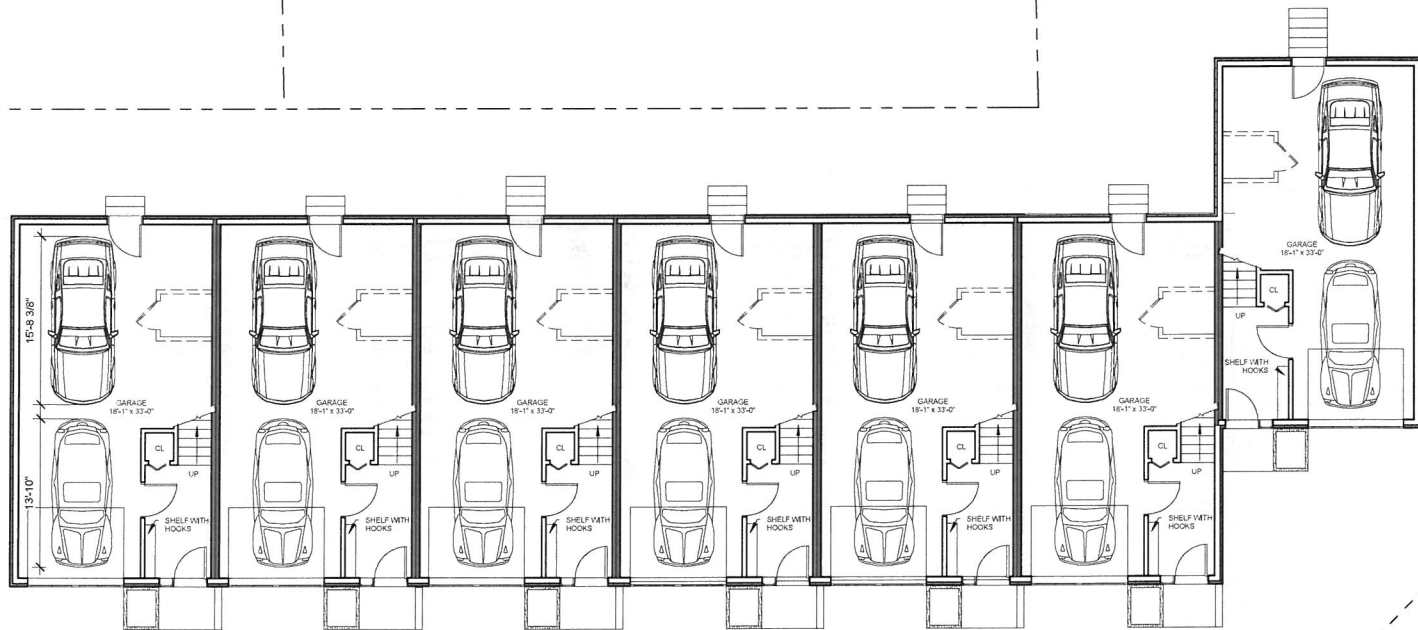
Date: APR 6, 2016

3rd and 4th Floor

A2.04



2 | 2ND FLOOR PLAN
1/8" = 1'-0"



1 | 1ST FLOOR PLAN
1/8" = 1'-0"

Prepared For:
Owner

Consultant:

Architect:
ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 ARCHETYPE@ARCHETYPEDACOM

Project:
BRAMHALL ROW

PORTLAND, MAINE

Revisions:

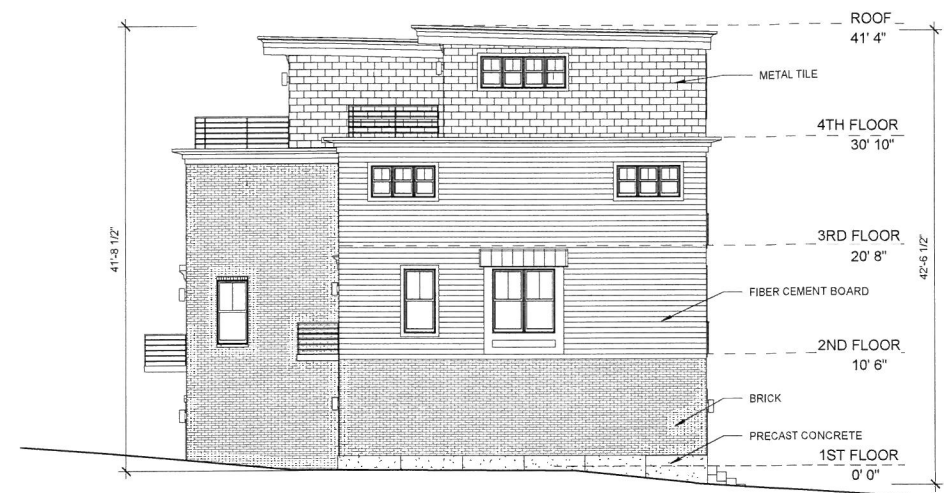
Date: APR 6, 2016
Scale: 1/8" = 1'-0"

1st and 2nd floor

A2.03



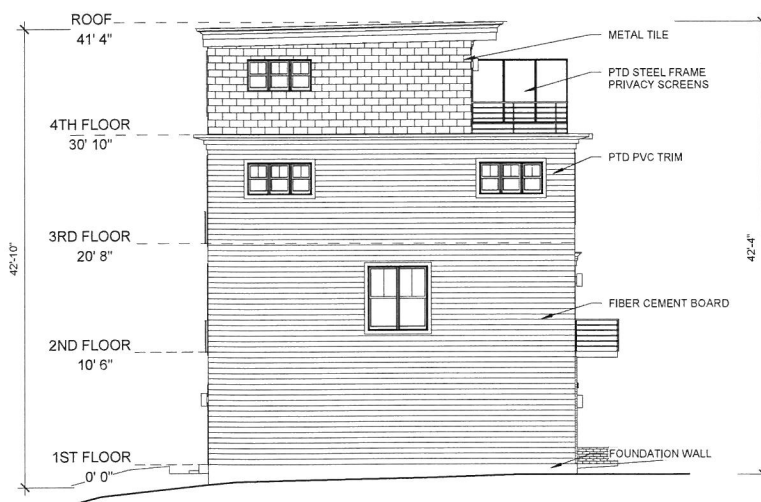
1 FRONT ELEVATION
1/8" = 1'-0"



2 RIGHT ELEVATION
1/8" = 1'-0"



3 REAR ELEVATION
1/8" = 1'-0"



4 LEFT ELEVATION
1/8" = 1'-0"

MEAN BUILDING HEIGHT - 43'-4 1/4"

Owner

Consultant:

Architect: **ARCHETYPE**
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 ARCHETYPE@ARCHYPEA.COM

Project: **BRAMHALL ROW**

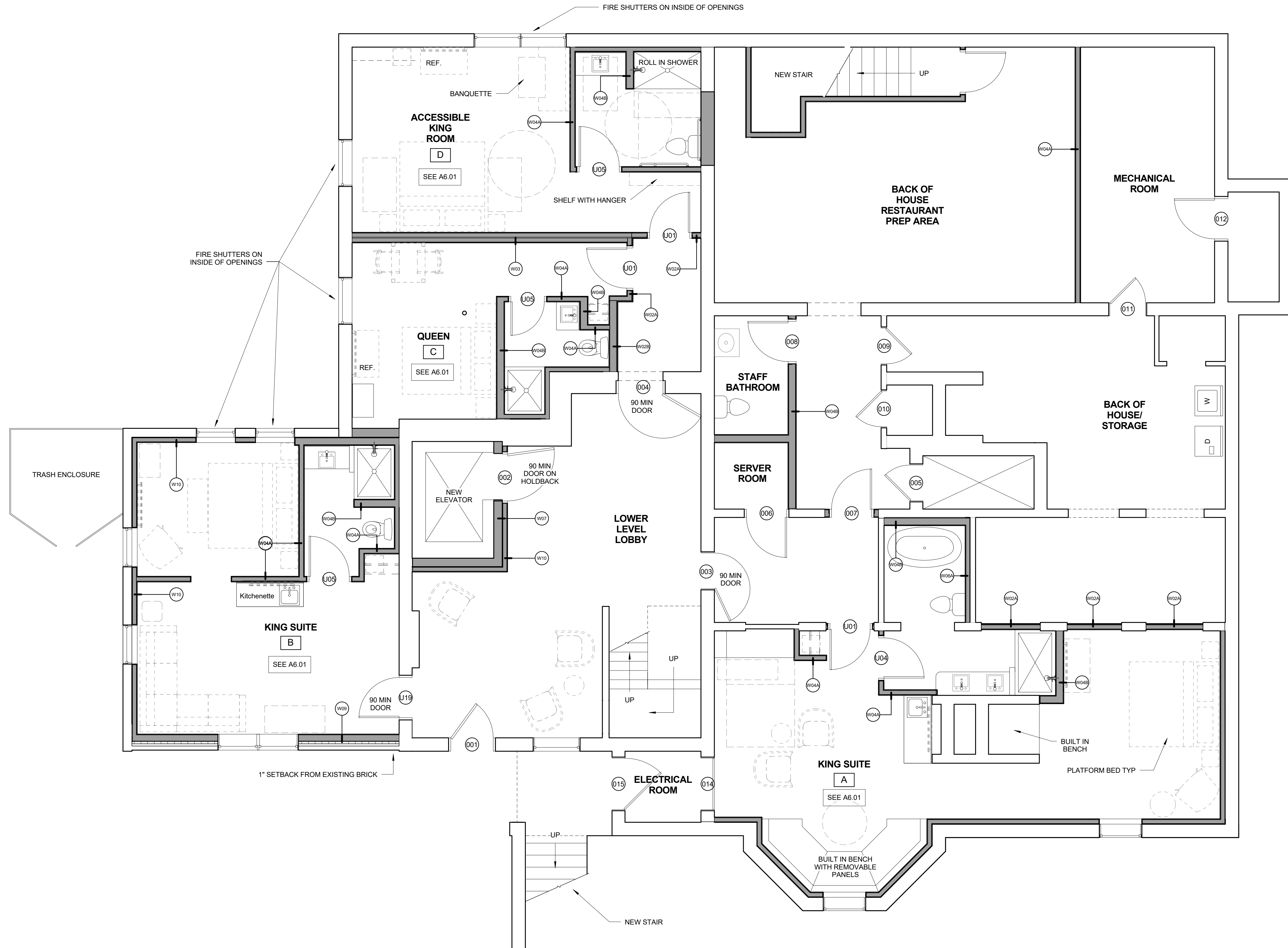
PORTLAND, MAINE

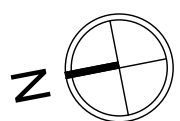
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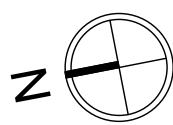
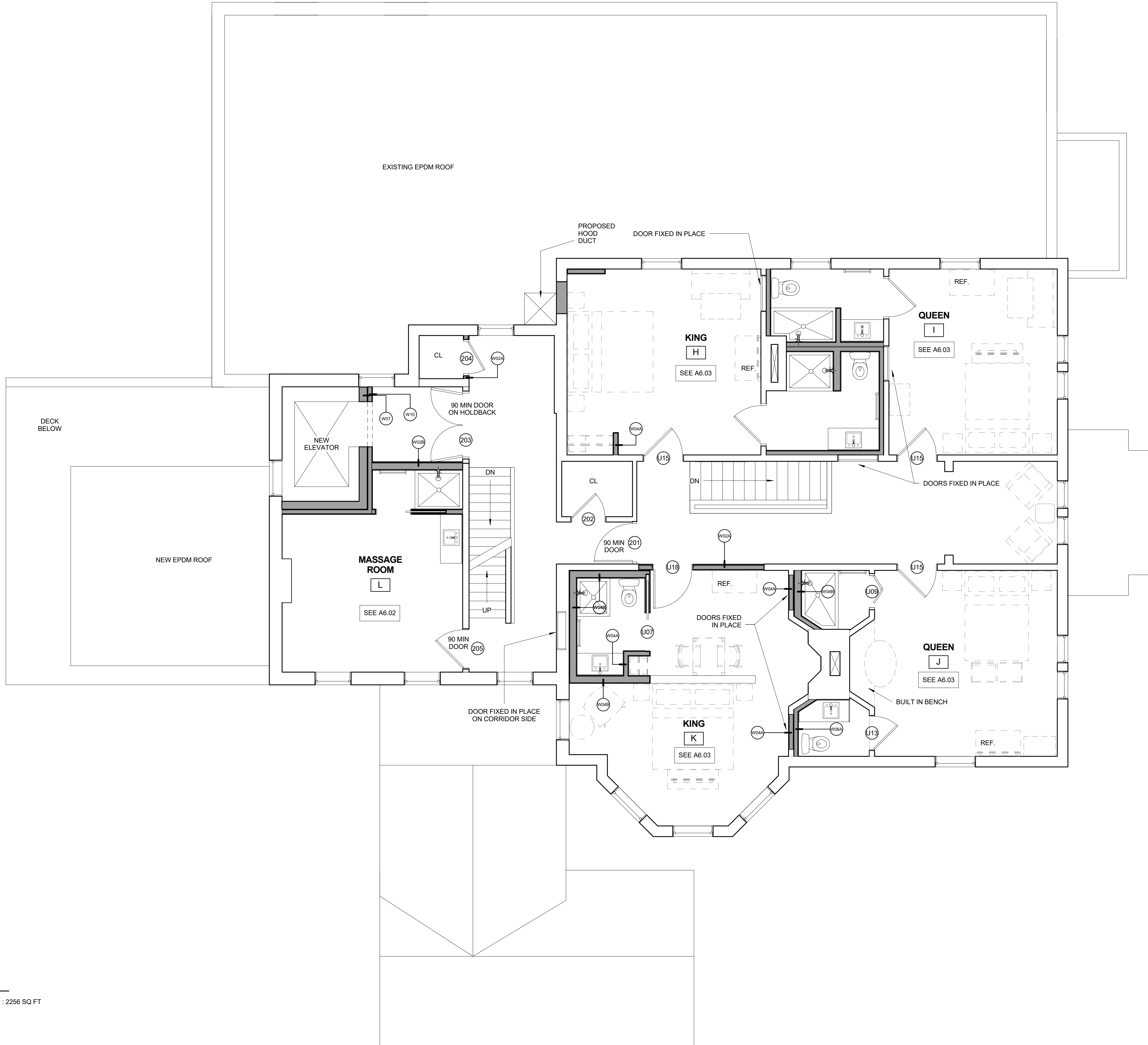
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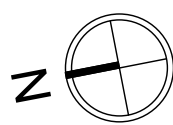
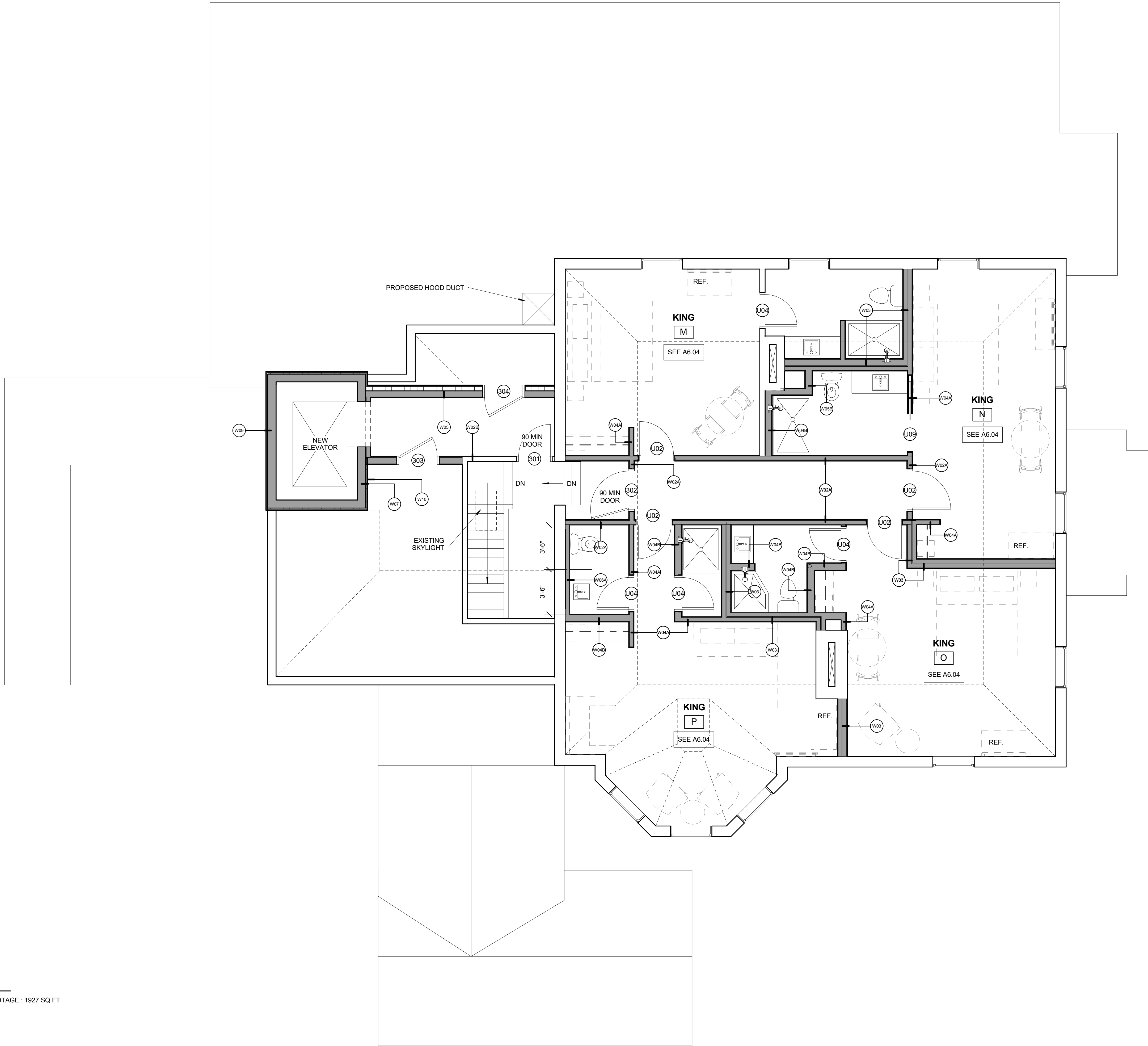
ELEVATIONS

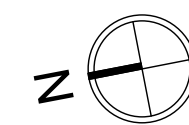
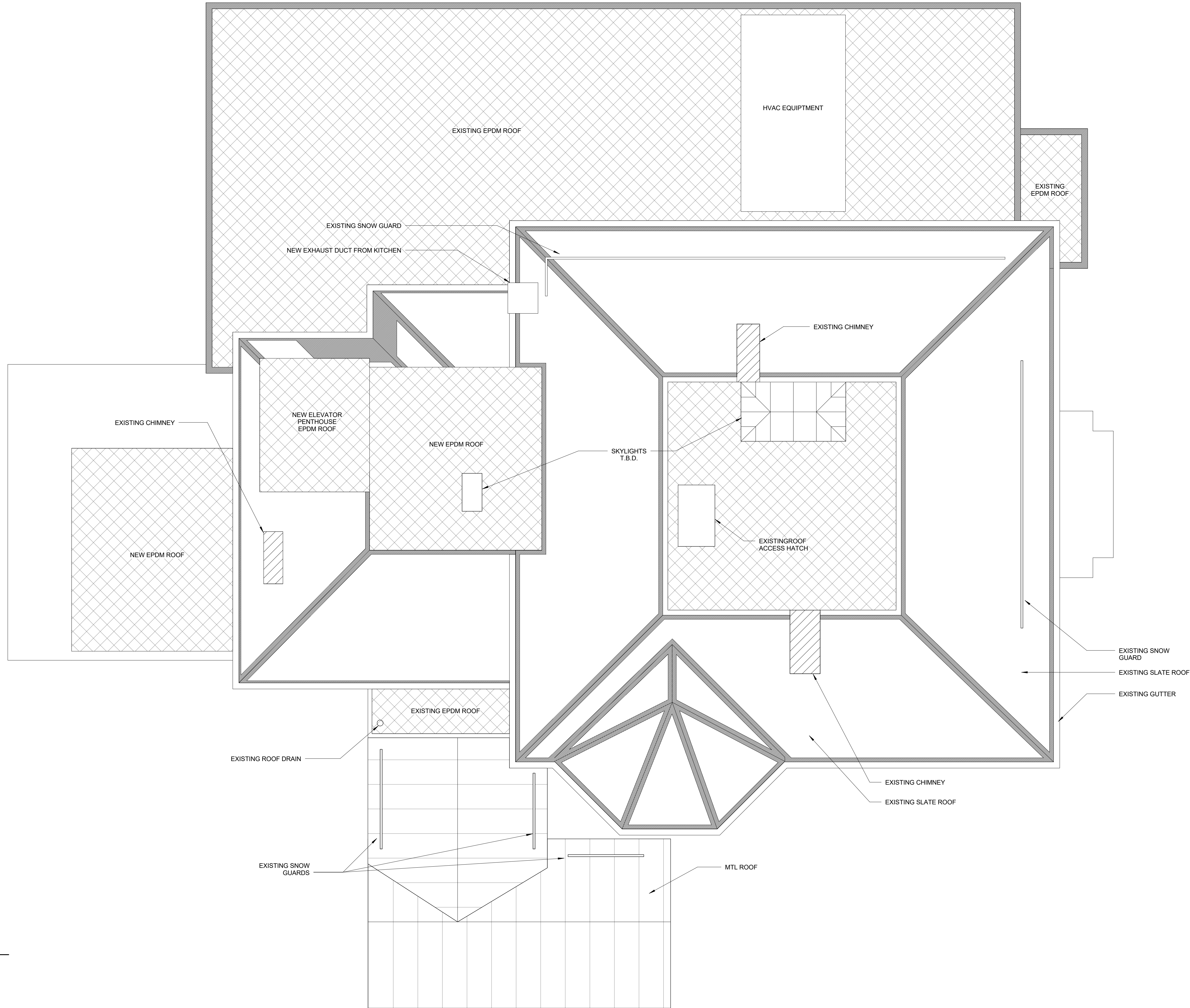
A2.05













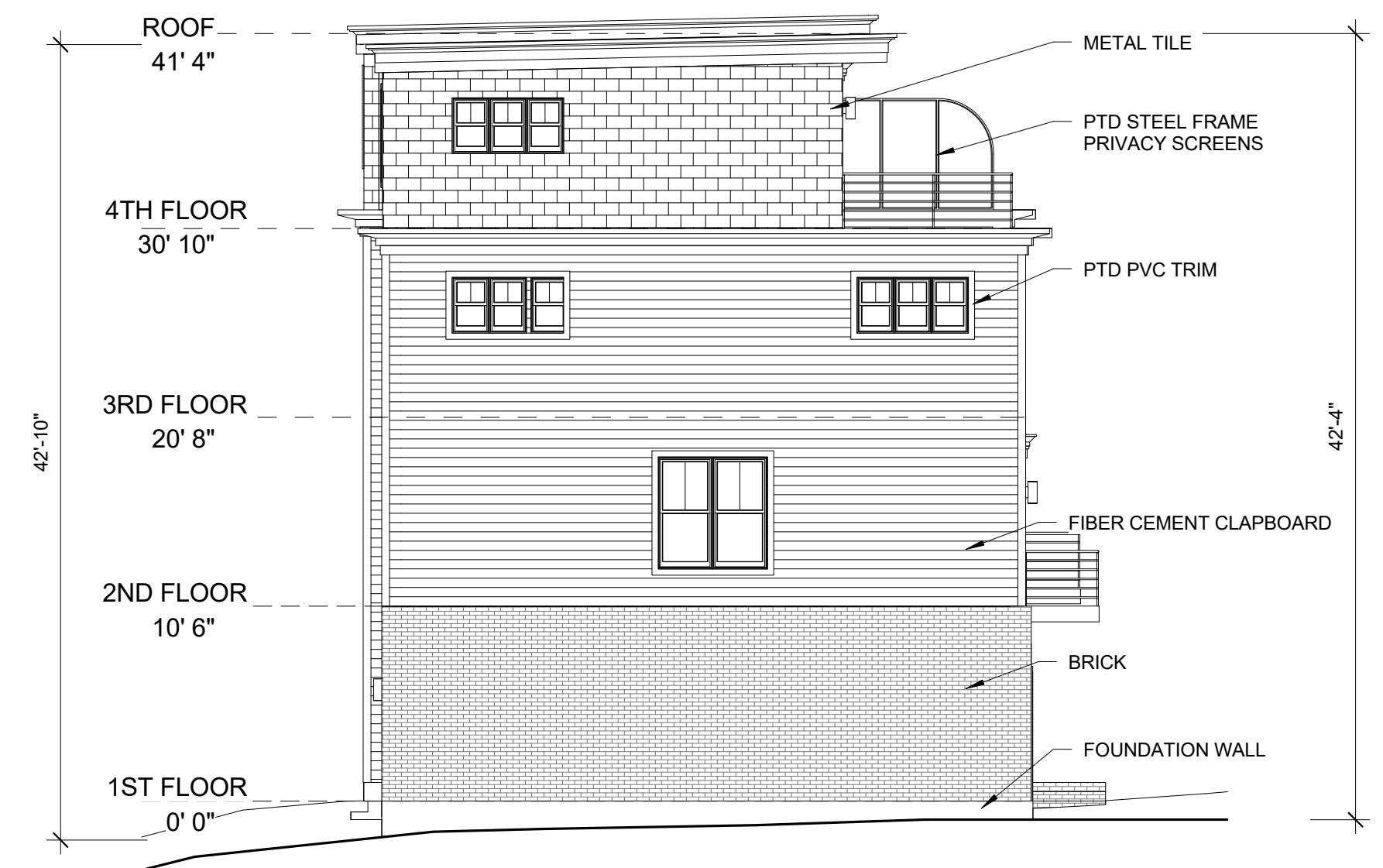
1 FRONT ELEVATION
1/8" = 1'-0"



2 RIGHT ELEVATION
1/8" = 1'-0"



3 REAR ELEVATION
1/8" = 1'-0"



4 LEFT ELEVATION
1/8" = 1'-0"

MEAN BUILDING HEIGHT - 43'-4 1/4"

Plan 7

Owner

Consultant:

Architect
ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 ARCHETYPE@ARCHETYPEPA.COM

Project:
BRAMHALL ROW

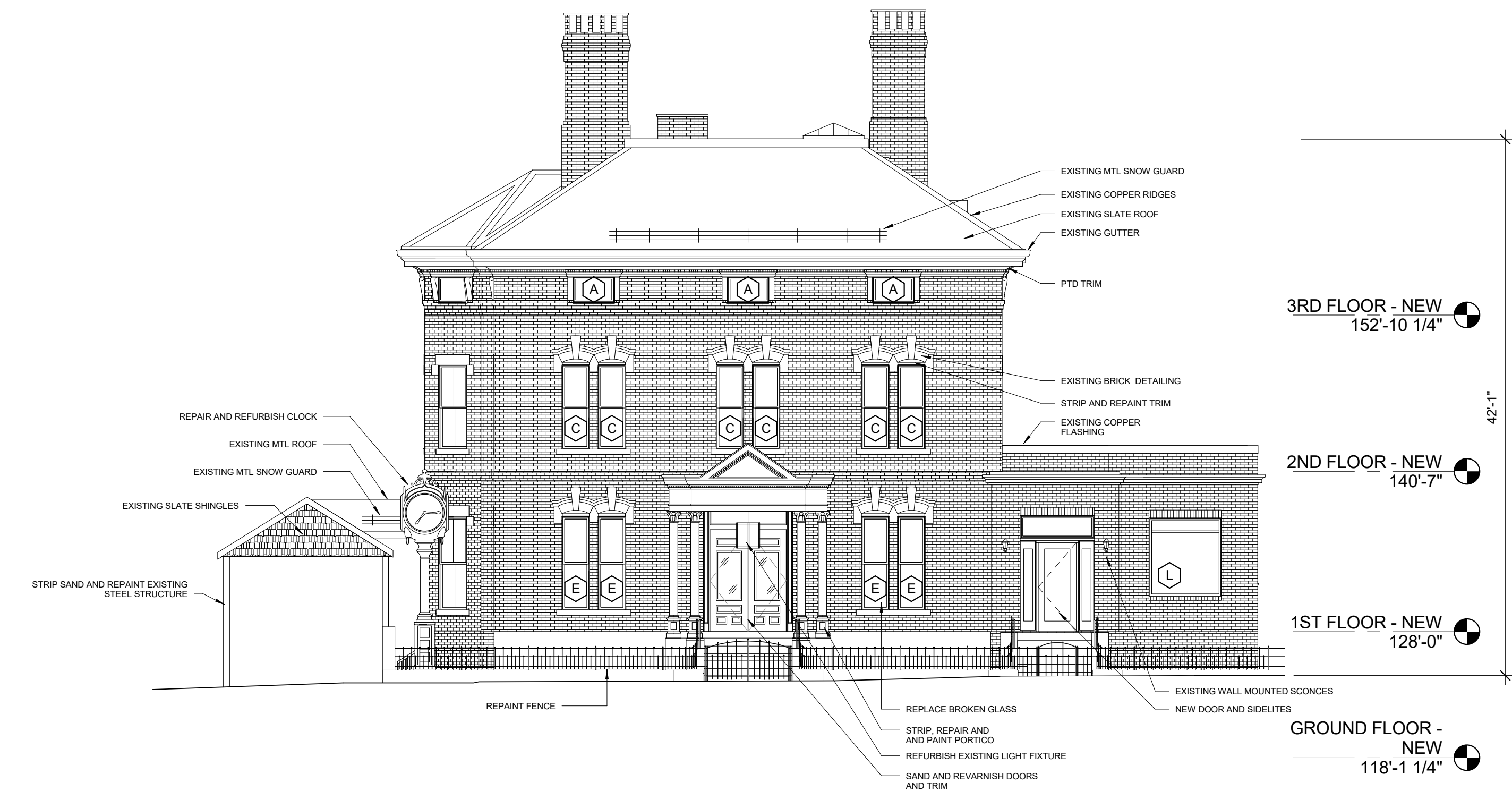
PORTLAND, MAINE

Revisions:

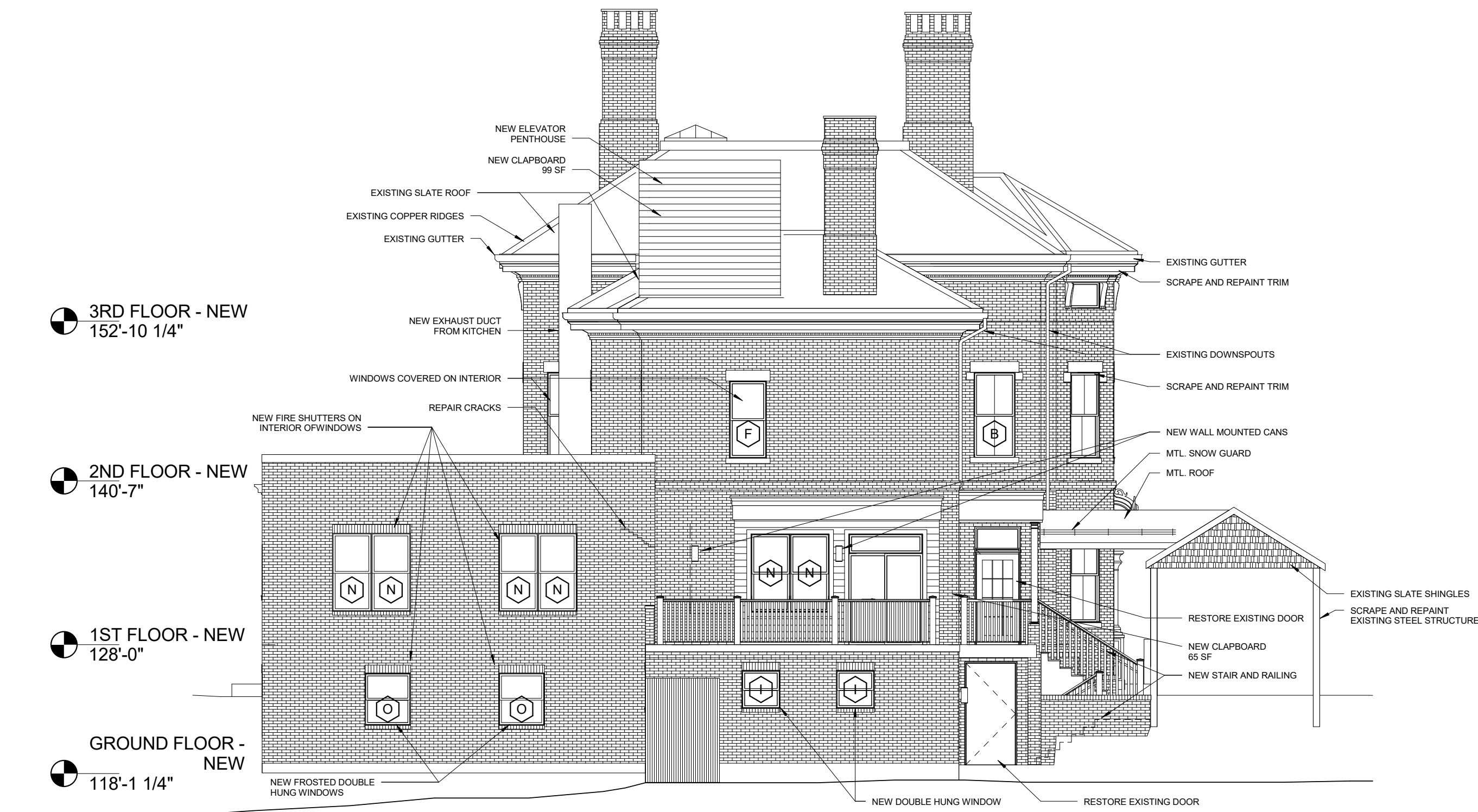
Date: JUN 3, 2016
Scale: 1/8" = 1'-0"

ELEVATIONS

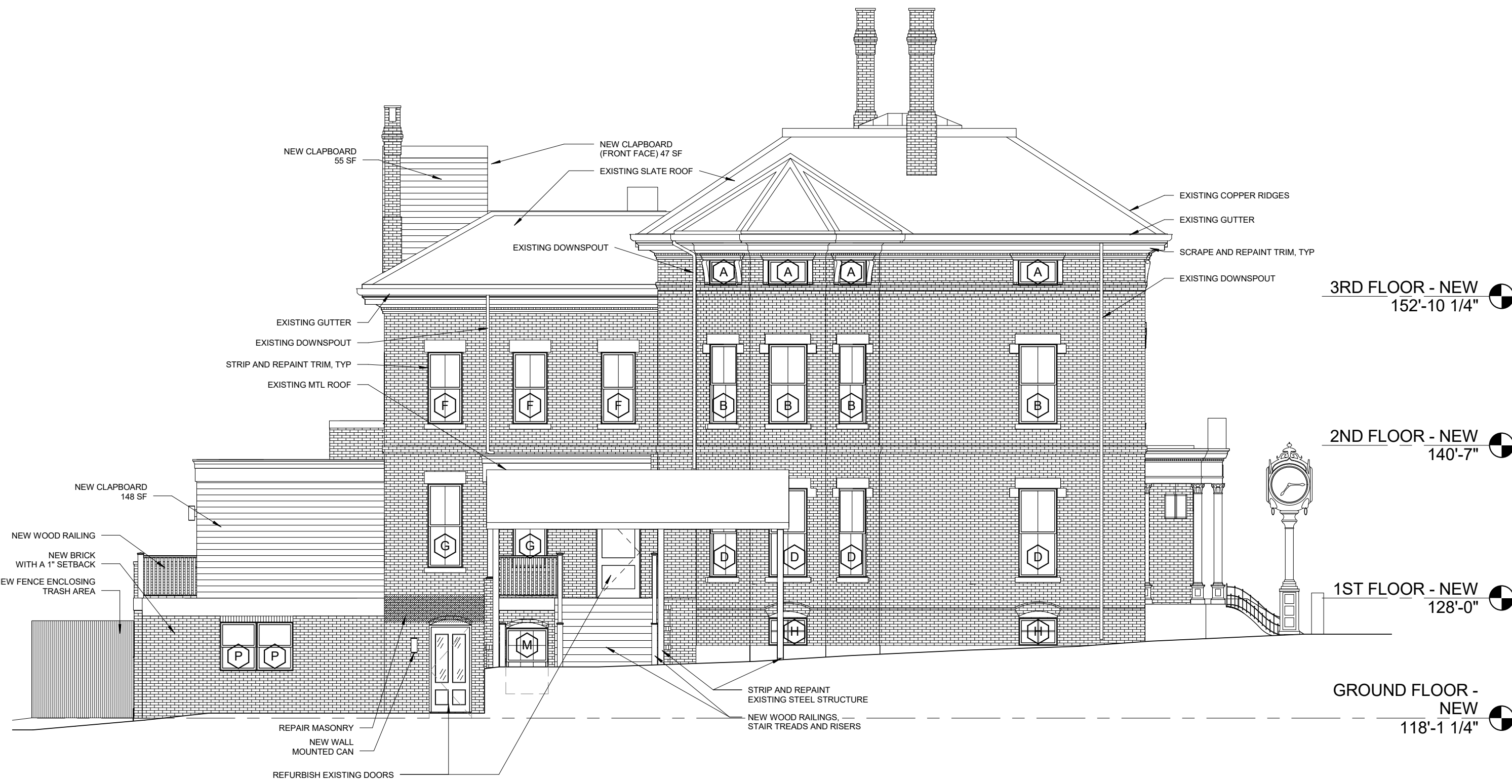
A2.0



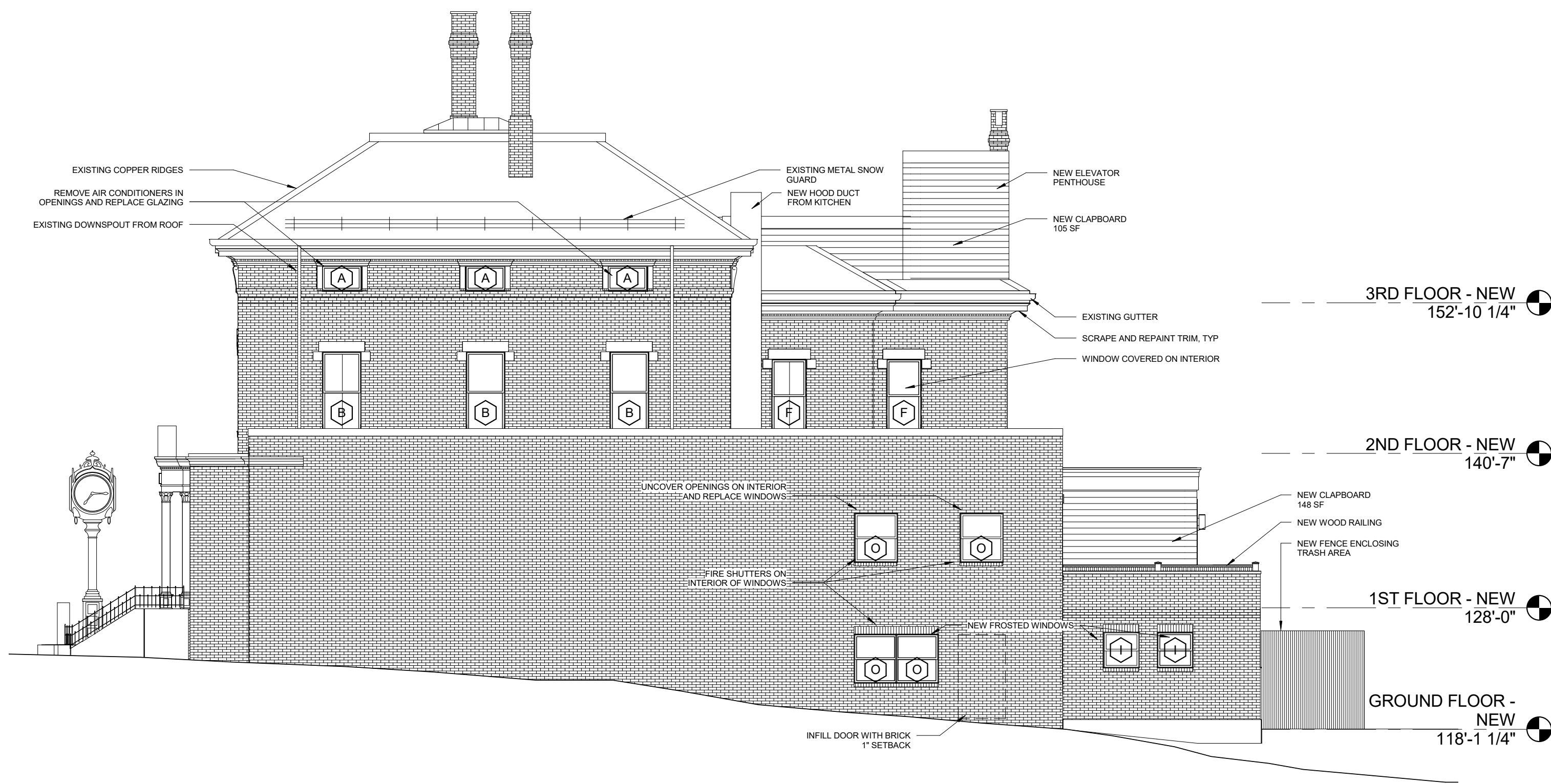
1 | NEW SOUTH ELEVATION
1/8" = 1'-0"



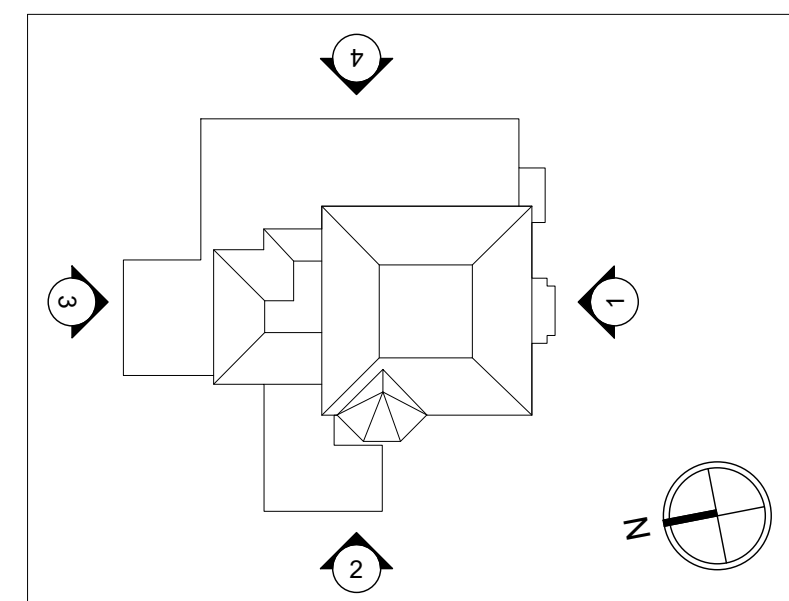
3 | NEW NORTH ELEVATION
1/8" = 1'-0"



2 | NEW WEST ELEVATION
1/8" = 1'-0"



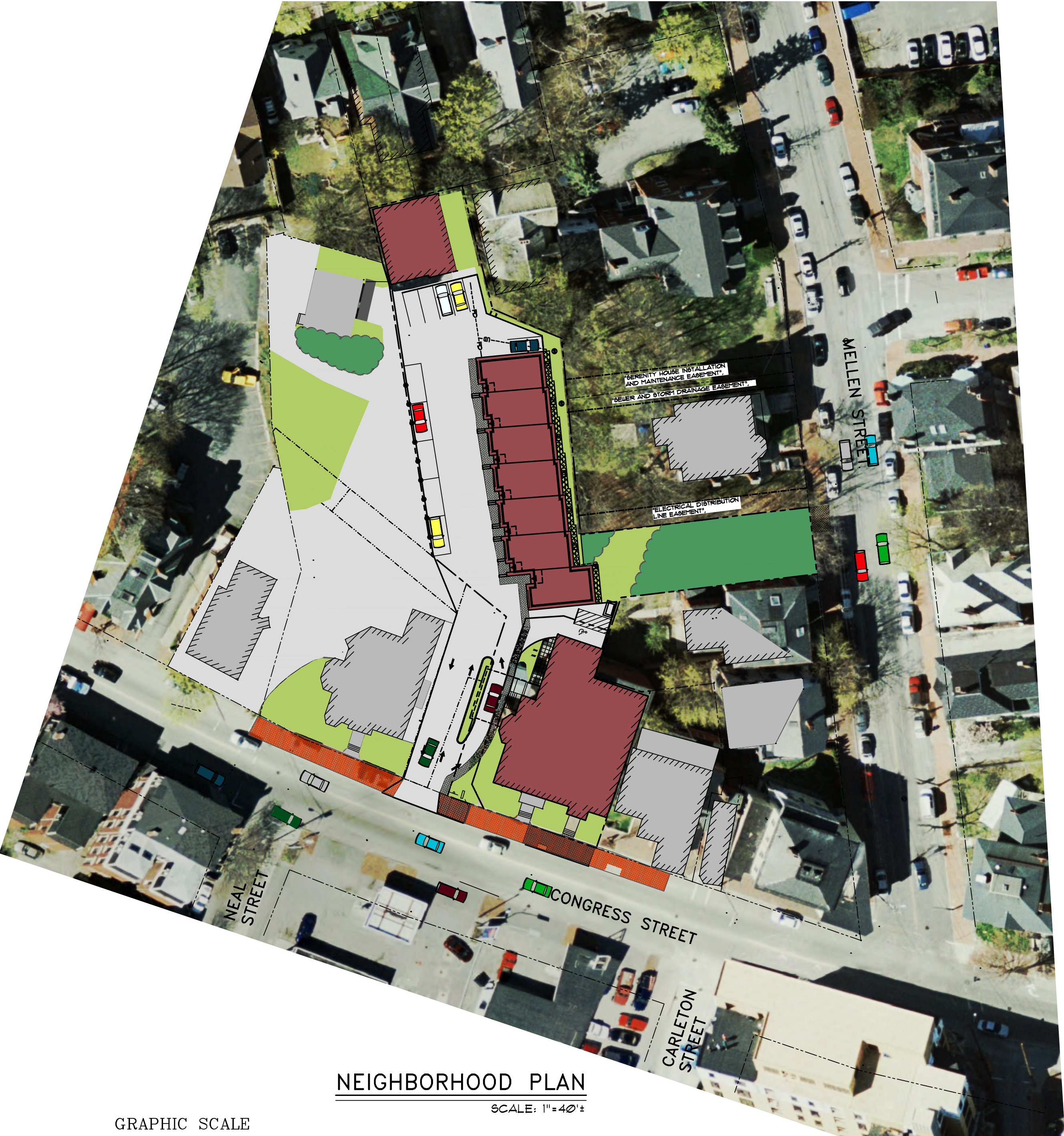
4 | NEW EAST ELEVATION
1/8" = 1'-0"



749 CONGRESS STREET

749 CONGRESS STREET

PORTLAND, MAINE



APPLICANT

DENOVO, LLC
47 WAITES LANDING ROAD
FALMOUTH, MAINE

ARCHITECT

ARCHETYPE ARCHITECTS
48 UNION WHARF
PORTLAND, MAINE

CIVIL ENGINEER

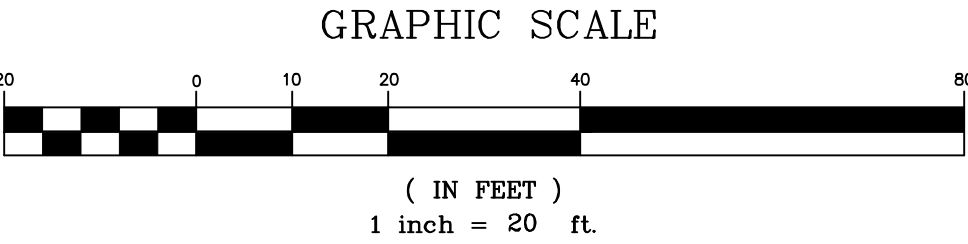
PINKHAM & GREER CIVIL ENGINEERS
28 VANNAH AVENUE
PORTLAND, MAINE

SURVEYOR

TITCOMB ASSOCIATES
133 GRAY ROAD
FALMOUTH, MAINE

NEIGHBORHOOD PLAN

SCALE: 1" = 40'



TAX MAP 47 / BLOCK A / LOTS 20, 30, 28 & 32

SUBDIVISION AND SITE PLAN APPROVAL
JUNE 29, 2016

1. THE ENTIRE SITE SHALL MEET THE "ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF FORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
2. THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODS OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
3. ALL POWERLINE UTILITIES SHALL BE UNDERGROUND.
4. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIPDOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF FORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
5. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL EMFS PUBLISHED BY THE BUREAU OF LAND AND QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2003.
6. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
7. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
8. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE/BUILDING CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
9. EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE. FENCING OR OTHER PROTECTIVE BARRIERS SHALL BE ERECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL, GROUPINGS OF TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OR CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
10. SUBDIVISION AT THE TIME OF APPROVAL IS DEFINED AS "SUBDIVISION SHALL MEAN THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD WHETHER ACCOMPLISHED BY SALE, LEASE, DEVELOPMENT, BUILDINGS OR OTHERWISE AND AS FURTHER DEFINED IN 30-A M.R.S.A. SECTION 4401. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEEMED TO BE A NEW STRUCTURE FOR THE PURPOSE OF THIS PARAGRAPH. A DWELLING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR HUMAN HABITATION, INCLUDING SINGLE-FAMILY AND MULTIFAMILY HOUSING CONDOMINIUMS, TIME-SHARE UNITS AND APARTMENTS."

1. BOOK AND PAGE REFERENCES ARE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
2. BEARINGS ARE REFERENCED TO THE MAINE STATE COORDINATE SYSTEM, WEST ZONE NAD1983(HARN) DERIVED FROM CITY OF PORTLAND INFORMATION. BASE POINT USED "T101-65-152" N 298219.8142 E 2325314.3180. AZIMUTH POINT "T124-26-1251 N 298424.6162 E 2325230.1991.
3. ELEVATIONS ARE BASED ON CITY OF PORTLAND DATUM. BENCHMARK IS THE STREET MONUMENT AT THE NORTHEASTERLY CORNER OF SHERMAN AND MELLEN STREETS AS PROVIDED BY THE CITY OF PORTLAND. ELEVATION: 51.70'.
4. UTILITY INFORMATION ON THIS PLAN IS APPROXIMATE, BASED ON LOCATION OF VISIBLE, DISGASE AND/OR THE APPROPRIATE UTILITIES SHOULD BE CONTACTED PRIOR TO ANY CONSTRUCTION.
5. PROPERTY LIES WITHIN ZONE X BASED ON FIRE MAP NUMBER 230051 PANEL 0013 B, DATED JULY 1, 1986. IT DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.
6. THERE ARE DISCREPANCIES BETWEEN THE LANGUAGE CONTAINED IN THE DEEDS DESCRIPTIONS FOR EASEMENTS 3 AND 4 AND THE EXHIBIT DIAGRAM ATTACHED TO THE DEEDS. CORRECTIVE DEEDS FOR THESE EASEMENTS ARE RECOMMENDED PRIOR TO THE CONVEYANCE OF EITHER PARCEL. AS ORIGINAL PARCELS A AND B ARE CURRENTLY OWNED BY THE SAME ENTITY, THE EASEMENTS MAY BE CONSIDERED NULL AND VOID.

1. 1) STANDARD BOUNDARY SURVEY, PLAN OF PROPERTY MADE FOR SCI MANE FUNERAL SERVICES, INC. BY RP. TITCOMB ASSOCIATES, INC. DATED FEBRUARY 5, 1981 AND REVISED THROUGH AUGUST 17, 2001.
2. 2) ALTA/ACSM LAND TITLE SURVEY MADE FOR JPH PROPERTIES, INC. BY NORTHEAST CIVIL SOLUTIONS DATED SEPTEMBER 13, 2006.
3. 3) CONDOMINIUM PLAT MADE FOR 14 MULLEN STREET CONDOMINIUMS BY BACK BAY BOUNDARY, INC. LAND SURVEYING DATED JANUARY 21, 2005 RECORDED IN BOOK 205, PAGE 361.
4. 4) LAND TITLE SURVEY MADE FOR PEOPLES HERITAGE BANK BY STEVENS MORTON ROSE AND THOMPSON DATED OCTOBER 15, 1992 RECORDED IN PLAN BOOK 193, PAGE 5.
5. 5) CONDOMINIUM CONVERSION MADE FOR OTIS C. AND A. MAVOUREEN THOMPSON BY NORTHEAST CIVIL SOLUTIONS DATED NOVEMBER 22, 2004 RECORDED IN PLAN BOOK 204, PAGE 896.

1. SNOW MAY BE STORED WITHIN THE TEMPORARY SNOW STORAGE AREAS ONLY.
2. ANY SNOW THAT CAN NOT BE STORED ON SITE SHALL BE PHYSICALLY REMOVED AND TRANSPORTED OFFSITE WITHIN 24 TO 48 HOURS FOLLOWING A SNOW STORM.
3. SNOW TRANSPORTED OFFSITE SHALL BE BROUGHT TO A MAINE DEP APPROVED "SNOW DUMP" OR MEET THE EXEMPTION REQUIREMENTS SPECIFIED WITHIN CHAPTER 513 WHEN THE ABOVE REQUIREMENTS CANNOT BE MET DUE TO AN ABUNDANCE OF SNOW.
4. THE SNOW CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO VEGETATION, LANDSCAPING, CURBSIDE, LIGHTING, FENCING ETC. RESULTING FROM THEIR ACTIVITIES.
5. THE SNOW CONTRACTOR SHALL USE SALT OR CHLORIDE SUBSTITUTE TO DEICE THE PARKING LOT.
6. THE CONDOMINIUM ASSOCIATION IS RESPONSIBLE FOR SNOW REMOVAL BEING UNDERTAKEN IN A TIMELY FASHION.

1. ORIGINAL PARCELS A AND B ARE SUBJECT TO AN OVERHEAD UTILITY EASEMENT CONVEYED TO CENTRAL MAINE POWER COMPANY AND NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY BY JOHN A. MCINTOSH, JR. IN BOOK 12644, PAGE 10.
2. ORIGINAL PARCEL B BENEFITS FROM AN EASEMENT OVER PARCEL A CONVEYED TO JOHN A. MCINTOSH, JR. BY JPH PROPERTIES, INC. IN BOOK 16332, PAGE 93.
3. ORIGINAL PARCEL A IS SUBJECT TO AN EASEMENT CONVEYED TO SCI MAINE FUNERAL SERVICES, INC. BY JOHN A. MCINTOSH, JR. IN BOOK 11651, PAGE 102.
4. ORIGINAL PARCEL A IS SUBJECT TO AN EASEMENT CONVEYED TO MCINTOSH REALTY, LLC BY THE JOHN A. MCINTOSH TRUST IN BOOK 32103, PAGE 183.
5. ORIGINAL PARCEL B BENEFITS FROM AN EASEMENT CONVEYED TO MCINTOSH REALTY, LLC BY THE JOHN A. MCINTOSH TRUST IN BOOK 32103, PAGE 118.

1. WAIVE THE PARKING SPACE SIZES: 9'x20'
2. WAIVE STREET TREE REQUIREMENTS AND WILL PAY A FEE IN LIEU OF PLANTING STREET TREES.

B2b - COMMUNITY BUSINESS ZONE
R6 - RESIDENTIAL ZONE

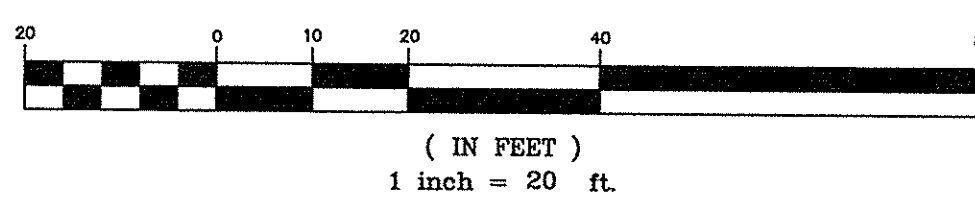
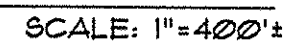
PERMITTED USES: MULTI-FAMILY DWELLING,
RESTAURANTS, HOTELS & MOTELS LESS
THAN 150 ROOMS

EXISTING IMPERVIOUS	21,542 SQ. FT.
PROPOSED IMPERVIOUS	22,292 SQ. FT.
NET IMPERVIOUS	+750 SQ. FT.

15 HOTEL ROOMS	4 SPACES
35 SEAT RESTAURANT	5 SPACES
9 RESIDENTIAL UNITS	<u>3 SPACES</u>
TOTAL REQUIRED	12 SPACES
PROVIDED	13 SPACES
BIKE RACKS	EXTERIOR: 4 INTERIOR: GARAGE

[illegible]

1. OWNER: MARTIN B. DASSA 4 ALYSSA J. DASSA TRUSTEES, 3 COTTONWOOD LANE, FALMOUTH, MAINE 04106. DEEDS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS BK 28907, PG. 208, DATE 11/15/06.
2. DEVELOPER: DEVONO, LLC, 47 WAITES LANDING ROAD, FALMOUTH, MAINE 04105.
3. ENGINEER: PINKHAM & GREER CIVIL ENGINEERS, 28 YANNAH AVENUE, PORTLAND, MAINE, 04103.
4. ARCHITECT: ARCHETYPE ARCHITECTS, 48 UNION WHARF, PORTLAND, MAINE 04101.
5. TOPOGRAPHIC AND BOUNDARY: TITCOMB ASSOCIATES, 133 GRAY ROAD, FALMOUTH, MAINE, 04105.
6. UNDERLYING SOILS MAPPING TAKEN FROM SOIL CONSERVATION STUDY OF CUMBERLAND COUNTY AND CLASSIFIED HINCKLEY (H1B). THE SURFACE OF THE SITE IS CURRENT URBAN LAND.
7. TAX MAP REFERENCE: MAP 47 / BLOCK A / LOT 20, 28, 30, 32.
8. TOTAL PARCEL = 0.11 acres
9. UNITS TO BE SERVICED BY PUBLIC WATER FROM CONGRESS STREET AND PUBLIC SEWER, AND GAS FROM MELLEN STREET. THESE SERVICES, INCLUDING HYDRANTS, ARE AS SHOWN ON SHEET C14, GRADING AND UTILITIES PLAN.
10. POWER, TELEPHONE AND CABLE SERVICES ARE TO BE UNDERGROUND FROM A MAIN POLE ON THE SUBJECT PARCEL ADJACENT TO MELLEN STREET. THESE SERVICES ARE SHOWN ON SHEET C14, GRADING AND UTILITIES PLAN.
11. CALL DIG-SAFE PRIOR TO COMMENCING WORK, 1-800-DIG-SAFE.
12. ALL WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
13. PROPOSED PARKING SPACES: 12-OUTDOOR, 1-INDOOR
14. THE SUBJECT PARCEL SHOWN AS 749 CONGRESS STREET IS SUBJECT TO A CITY OF PORTLAND LEVEL III SITE PLAN AND SUBDIVISION PERMIT.
15. FLOODPLAIN: THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 230051 0014 B, EFFECTIVE DATE JULY 17, 1986. IT IS NOT IN A SPECIAL FLOOD HAZARD ZONE.
16. NEW PROPERTY PINS TO BE SET AT THE EXPENSE OF THE DEVELOPER AT THE END OF CONSTRUCTION.
17. ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.



EDGE OF PAVEMENT
VERTICAL GRANITE CURB
BUILDING
BUILDING ENTRY/EGRESS
BUILDING OVERHEAD DOOR

CONTOURS
 TREE
 BENCHMARK
 REBAR FOUND
 IRON PIPE FOUND
 SNOW STORAGE

[illegible]

APPLICANT: DENOVO, LLC
47 WAITES LANDING ROAD
FALMOUTH, MAINE

749 CONGRESS STREET
749 CONGRESS STREET
PORTLAND, MAINE

C1.1

MAP/LOT 47 / A / 20, 30, 28, 32

CITY OF PORTLAND
SITE PLAN AND SUBDIVISION NOTES

1. LANDSCAPING SHALL MEET THE "ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
2. THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
3. ALL POWERLINE UTILITIES SHALL BE UNDERGROUND.
4. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TYPEDOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
5. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL BMPs PUBLISHED BY THE BUREAU OF LAND AND QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2003.
6. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
7. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
8. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE/BUILDING CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
9. EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE. FENCING OR OTHER PROTECTIVE BARRIERS SHALL BE ERECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPINGS OF TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OR CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
10. SUBDIVISION AT THE TIME OF APPROVAL IS DEFINED AS "SUBDIVISION SHALL MEAN THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD WHETHER ACCOMPLISHED BY SALE, LEASE, DEVELOPMENT, BUILDINGS OR OTHERWISE AND AS FURTHER DEFINED IN 30-A M.R.S.A. SECTION 4401. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEEMED TO BE A NEW STRUCTURE FOR THE PURPOSE OF THIS PARAGRAPH. A DWELLING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR HUMAN HABITATION, INCLUDING SINGLE-FAMILY AND MULTIFAMILY HOUSING CONDOMINIUMS, TIME-SHARE UNITS AND APARTMENTS."

GENERAL NOTES

1. OWNER: MARTIN B. DASSA & ALYSSA J. DASSA TRUSTEES, 3 COTTONWOOD LANE, FALMOUTH, MAINE 04105. DEEDS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS BK. 28007, PG. 208, DATE 11/15/06.
2. DEVELOPER: DENOVO, LLC, 41 WAITES LANDING ROAD, FALMOUTH, MAINE 04105.
3. ENGINEER: PINKHAM & GREER CIVIL ENGINEERS, 28 VANNAH AVENUE, PORTLAND, MAINE, 04103.
4. ARCHITECT: ARCHETYPE ARCHITECTS, 48 UNION WHARF, PORTLAND, MAINE 04101.
5. TOPOGRAPHIC AND BOUNDARY: TITCOMB ASSOCIATES, 133 GRAY ROAD, FALMOUTH, MAINE, 04105.
6. UNDERLYING SOILS MAPPING TAKEN FROM SOIL CONSERVATION STUDY OF CUMBERLAND COUNTY AND CLASSIFIED HICKLEY (H15). THE SURFACE OF THE SITE IS CURRENT URBAN LAND.
7. TAX MAP REFERENCE: MAP 41 / BLOCK A / LOT 20, 28, 30, 32.
8. TOTAL PARCEL = 0.11 acres
9. UNITS TO BE SERVICED BY PUBLIC WATER FROM CONGRESS STREET AND PUBLIC SEWER, AND GAS FROM MELLEN STREET. THESE SERVICES, INCLUDING HYDRANTS, ARE AS SHOWN ON SHEET C14, GRADING AND UTILITIES PLAN.
10. POWER, TELEPHONE AND CABLE SERVICES ARE TO BE UNDERGROUND FROM A NEW POLE ON THE SUBJECT PARCEL ADJACENT TO MELLEN STREET. THESE SERVICES ARE SHOWN ON SHEET C14, GRADING AND UTILITIES PLAN.
11. CALL DIG-SAFE PRIOR TO COMMENCING WORK, 1-800-DIG-SAFE.
12. ALL WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
13. PROPOSED PARKING SPACES: 12-OUTDOOR, 1-INDOOR.
14. THE SUBJECT PARCEL SHOWN AS 749 CONGRESS STREET IS SUBJECT TO A CITY OF PORTLAND LEVEL III SITE PLAN AND SUBDIVISION PERMIT.
15. FLOODPLAIN: THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 230251 0014 B, EFFECTIVE DATE JULY 17, 1996. IT IS NOT IN A SPECIAL FLOOD HAZARD ZONE.
16. NEW PROPERTY PINS TO BE SET AT THE EXPENSE OF THE DEVELOPER AT THE END OF CONSTRUCTION.
17. ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMPs" PUBLISHED BY THE BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.

ZONE INFORMATION

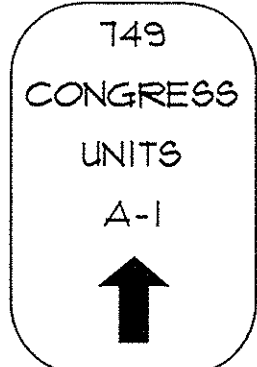
B2b - COMMUNITY BUSINESS ZONE
R6 - RESIDENTIAL ZONE

PERMITTED USES: MULTI-FAMILY DWELLING, RESTAURANTS, HOTELS & MOTELS LESS THAN 150 ROOMS

PROJECT DRAWINGS

- C11 COVER SHEET
C12 SUBDIVISION RECORDING PLAT
C13 SITE PLAN
C14 EXISTING CONDITIONS AND DEMOLITION PLAN
C15 GRADING AND UTILITIES PLAN
C16 EROSION CONTROL PLAN, NOTES AND DETAILS
C17 LANDSCAPE PLAN, NOTES AND DETAILS
C21 SITE DETAILS
C22 SITE DETAILS

PLAN OF EXISTING CONDITIONS SURVEY



ADDRESS SIGN
DETAIL

PARKING INFORMATION

15 HOTEL ROOMS	4 SPACES
35 SEAT RESTAURANT	5 SPACES
9 RESIDENTIAL UNITS	9 SPACES
TOTAL REQUIRED	18 SPACES
PROVIDED	19 SPACES

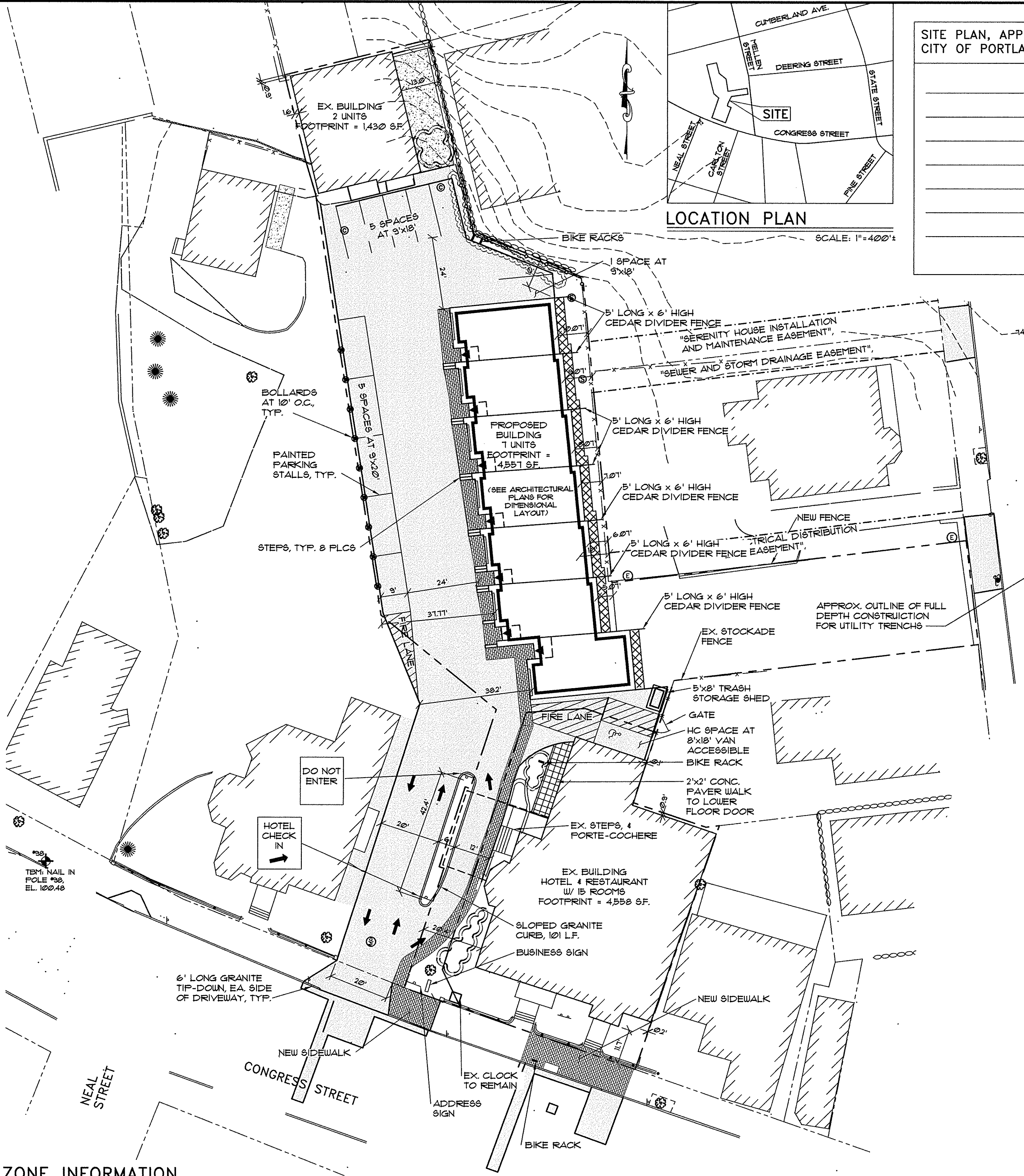
LEGEND

EXISTING

- PROPERTY LINE
ABUTTERS PROPERTY EASEMENT
EDGE OF PAVEMENT
BUILDING CURB
CATCH BASIN
SEWER MANHOLE
HYDRANT
WATER VALVE
GAS VALVE
POLE MOUNTED TRANSFORMER
UTILITY POLE W/ GUY WIRE
LIGHT POLE
AREA LIGHT ON POLE
SIGN
FENCE
BENCHMARK

PROPOSED

- EDGE OF PAVEMENT
VERTICAL GRANITE CURB
BUILDING ENTRY/EGRESS
BUILDING OVERHEAD DOOR
CATCH BASIN
UTILITY POLE
STOCKADE FENCE
BOLLARD
FULL DEPTH BITUMINOUS PMT
BRICK PAVERS
CONCRETE PAVERS
SIGN
GREASE TRAP
PAINTED TRAFFIC DIRECTION ARROW
SNOW STORAGE AREA



LOCATION PLAN

SCALE: 1" = 400'

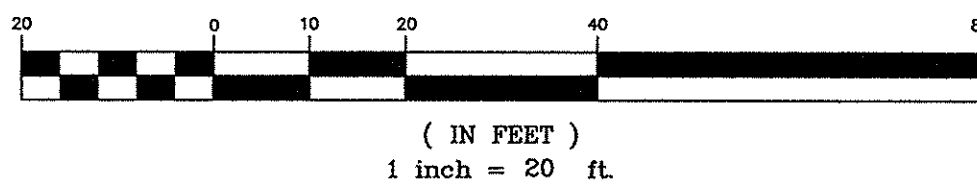
SITE PLAN, APPROVED BY THE
CITY OF PORTLAND PLANNING BOARD

Plan 11

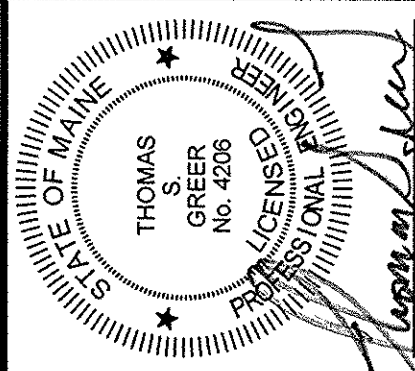
DATE

MELLEN STREET

GRAPHIC SCALE



PINKHAM & GREER
CIVIL ENGINEERS
28 VANNAH AVE. PORTLAND, ME. 04103
TEL: 207.761.5242 FAX: 207.761.4245



REV.	DATE	DESCRIPTION
5	7/6/16	ADDED CEDAR DIVIDER FENCES
4	6/29/16	ADDED EASEMENTS AND STAFF COMMENTS
3	6/7/16	REVISED UTILITIES
2	4/22/16	PER STAFF COMMENTS
1	4/8/16	PER STAFF COMMENTS

APPLICANT: DENOVO, LLC
47 WAITES LANDING ROAD
FALMOUTH, MAINE

749 CONGRESS STREET
749 CONGRESS STREET
PORTLAND, MAINE

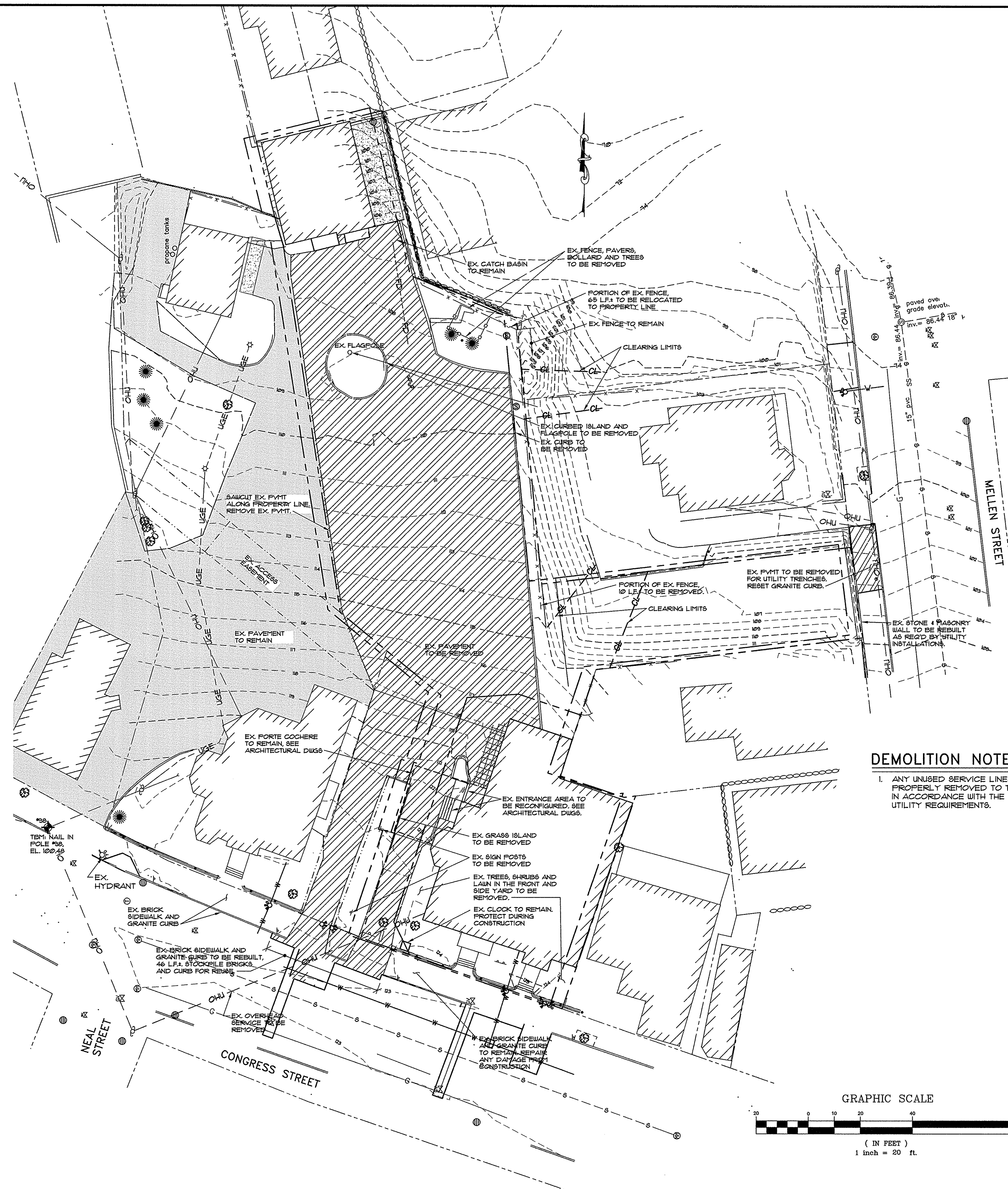
C1.2

MAPLOT: 47 / A / 20, 30, 28, 32

SITE PLAN

EXISTING

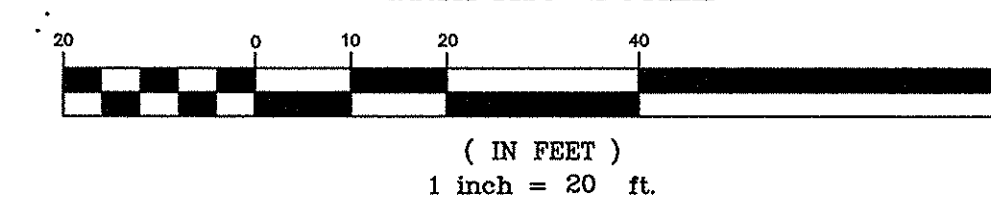
- | | |
|--|--------------------------|
| | PROPERTY LINE |
| | ABUTTERS PROPERTY |
| | EASEMENT |
| | EDGE OF PAVEMENT |
| | CONTOURS |
| | BUILDING |
| | CURB |
| | GAS LINE |
| | SANITARY SEWER |
| | STORMDRAIN |
| | CYBERHEAD UTILITY |
| | WATER LINE |
| | CATCH BASIN |
| | SEWER MANHOLE |
| | HYDRANT |
| | VALVE |
| | GAS VALVE |
| | POLE MOUNTED TRANSFORMER |
| | UTILITY POLE W/ GUY WIRE |
| | LIGHT POLE |
| | AREA LIGHT ON POLE |
| | SIGN |
| | FENCE |
| | BENCHMARK |
| | TREE |
| | IMPERVIOUS TO BE REMOVED |



DEMOLITION NOTES

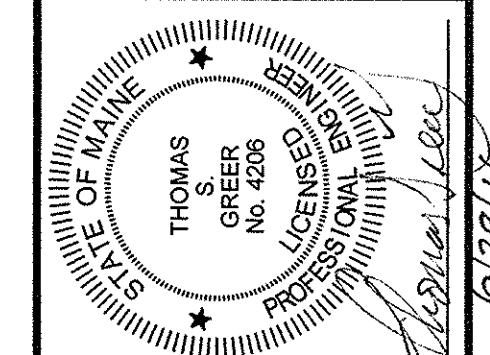
1. ANY UNUSED SERVICE LINES ARE TO BE PROPERLY REMOVED TO THE MAIN CAP EACH IN ACCORDANCE WITH THE APPROPRIATE UTILITY REQUIREMENTS.

GRAPHIC SCALE



Plan 12

PINKHAM & GREER
CIVIL ENGINEERS

[illegible]

APPLICANT: DENOVO, LLC
47 WAITES LANDING ROAD
FALMOUTH, MAINE

SCALE:	AS SHOWN	DRN BY:	JDC
DATE:	FEBRUARY 22, 2016	DESIG BY:	TSG
PROJECT:	15156	CHK BY:	TSC

749 CONGRESS STREET
749 CONGRESS STREET
PORTLAND, MAINE

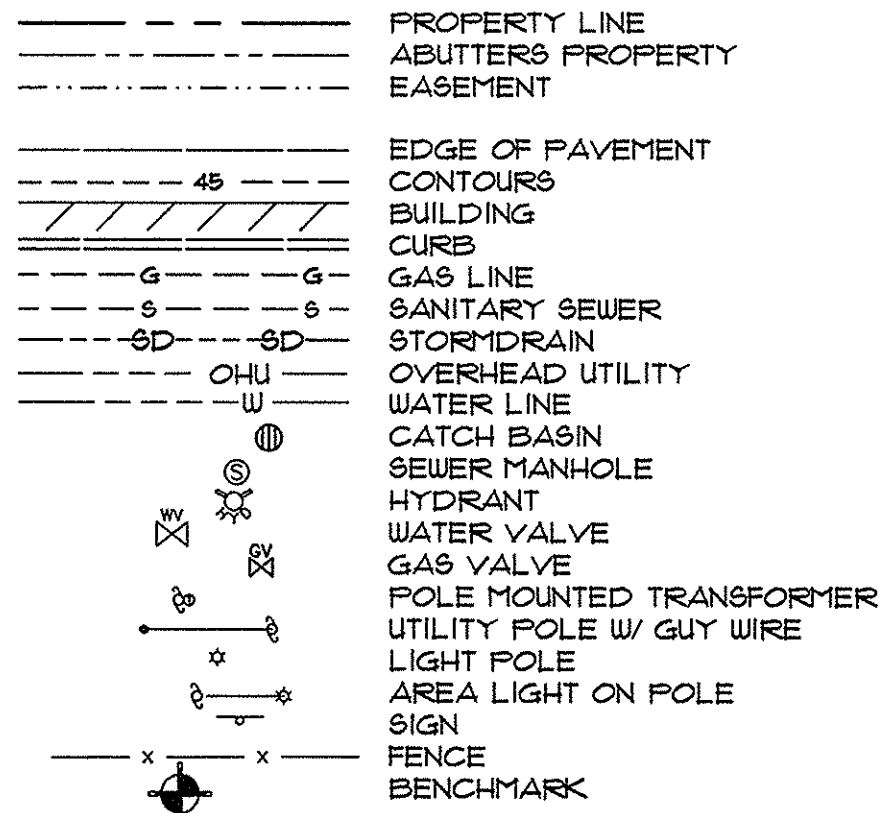
EXISTING CONDITIONS AND DEMOLITION PLAN

C1.3

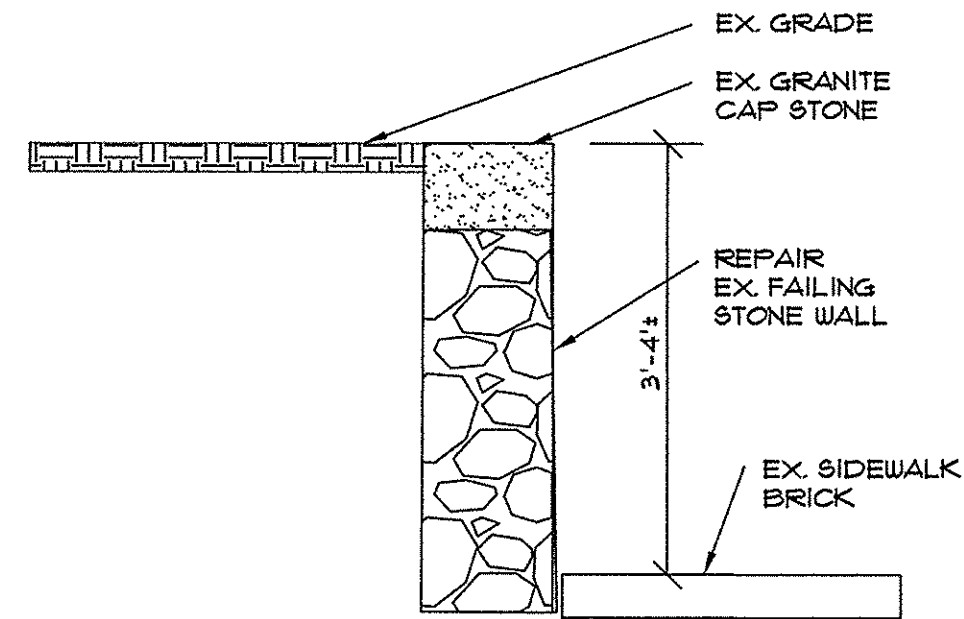
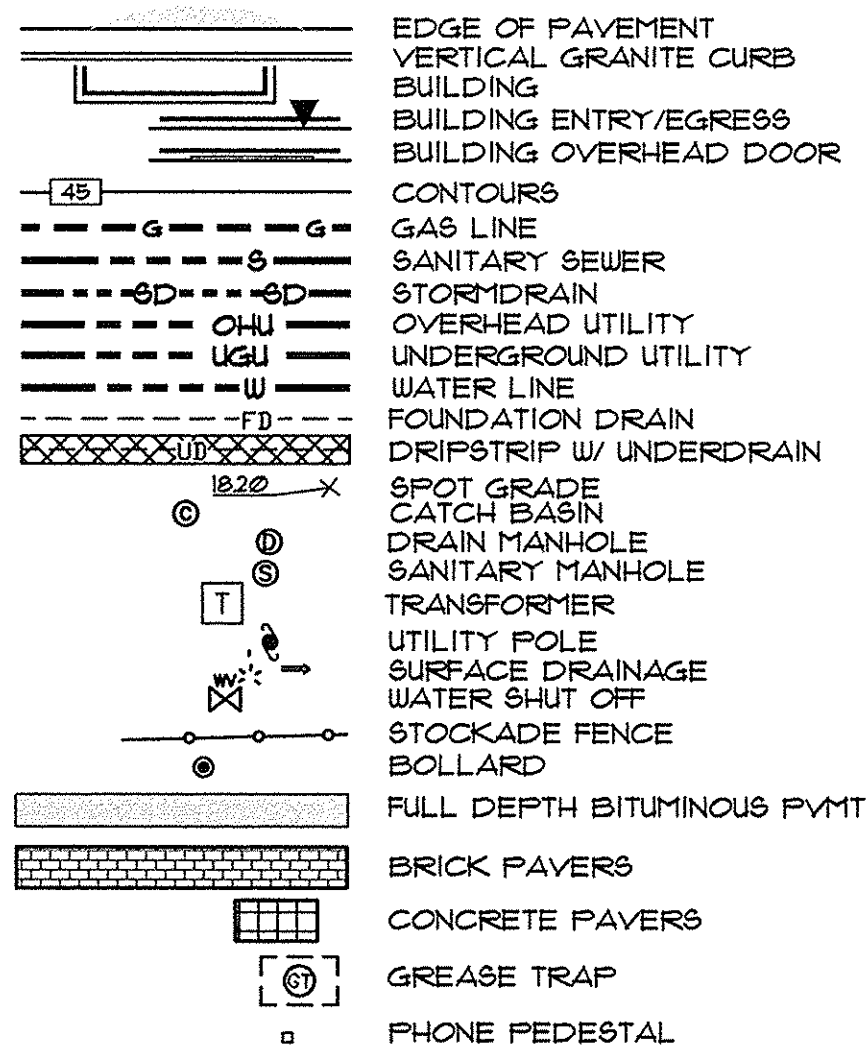
MAR/LOT 47/A/20.30.28.32

LEGEND

EXISTING

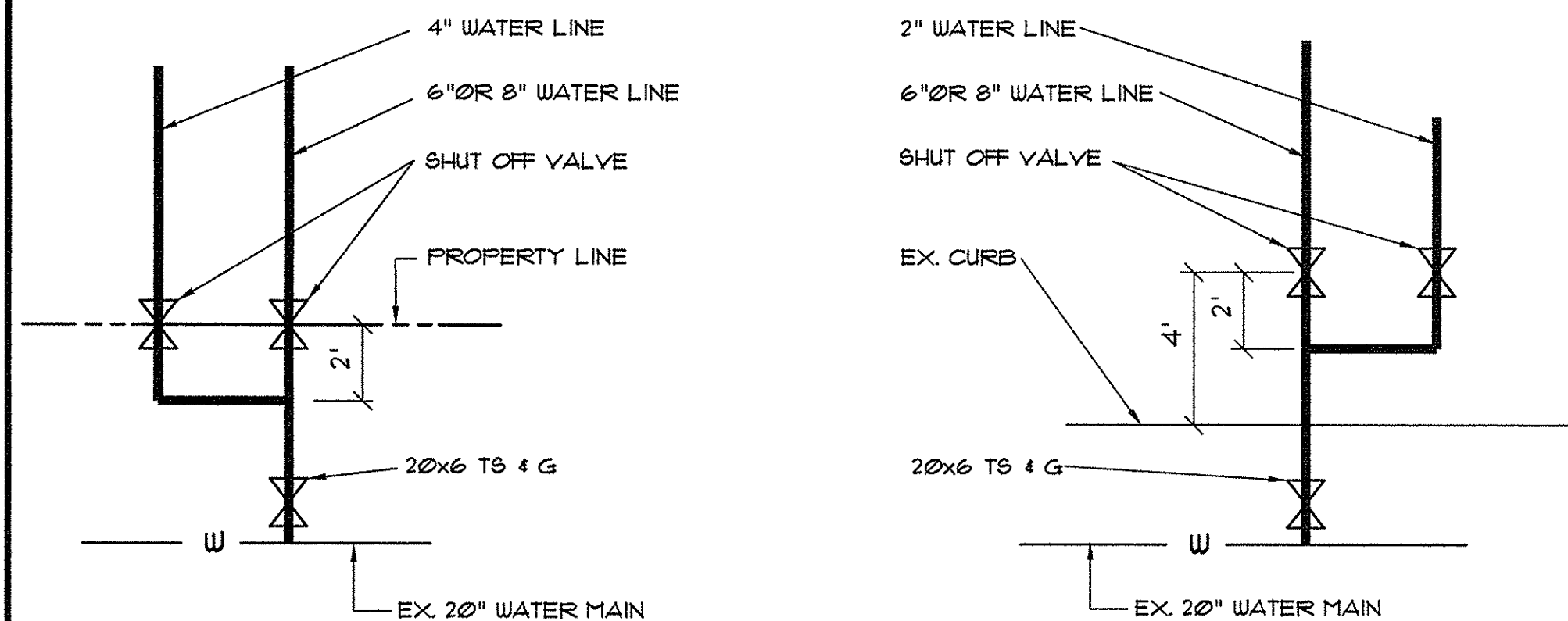


PROPOSED



STONE WALL REPAIR

N.T.S.

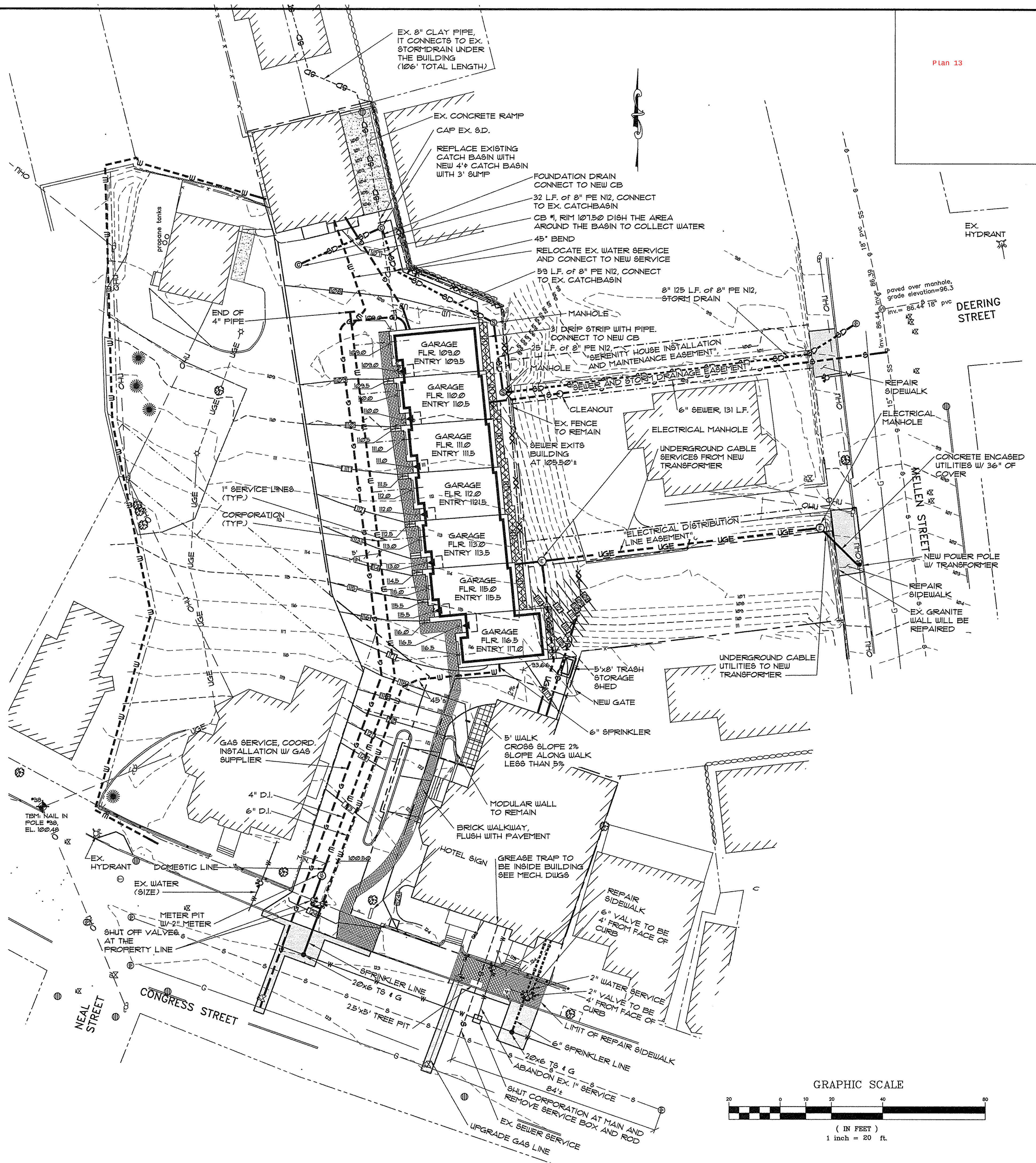


FOR TOWNHOUSES

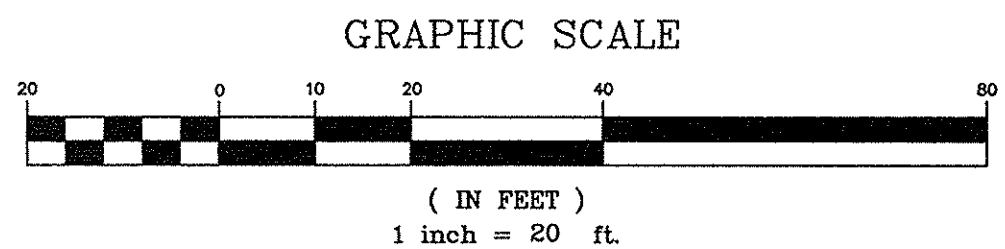
FOR HOTEL/RESTAURANT

WATERMAIN TAPS

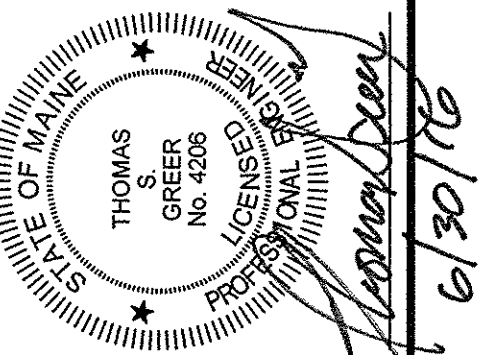
N.T.S.



Plan 13



PINKHAM & GREER
CIVIL ENGINEERS
28 W. MAIN ST. PORTLAND, ME 04103
TEL: 207.761.5242 FAX: 207.761.4245



REV.	DATE	DESCRIPTION
3	6/29/16	ADDED EASEMENTS AND STAFF COMMENTS
2	6/17/16	REVISED UTILITIES
1	4/8/16	PER STAFF COMMENTS

APPLICANT: DENOVO, LLC
47 WAITES LANDING ROAD
FALMOUTH, MAINE

SCALE: AS SHOWN
DATE: FEBRUARY 22, 2016
PROJECT: 15166

749 CONGRESS STREET
749 CONGRESS STREET
PORTLAND, MAINE

GRADING & UTILITIES PLAN

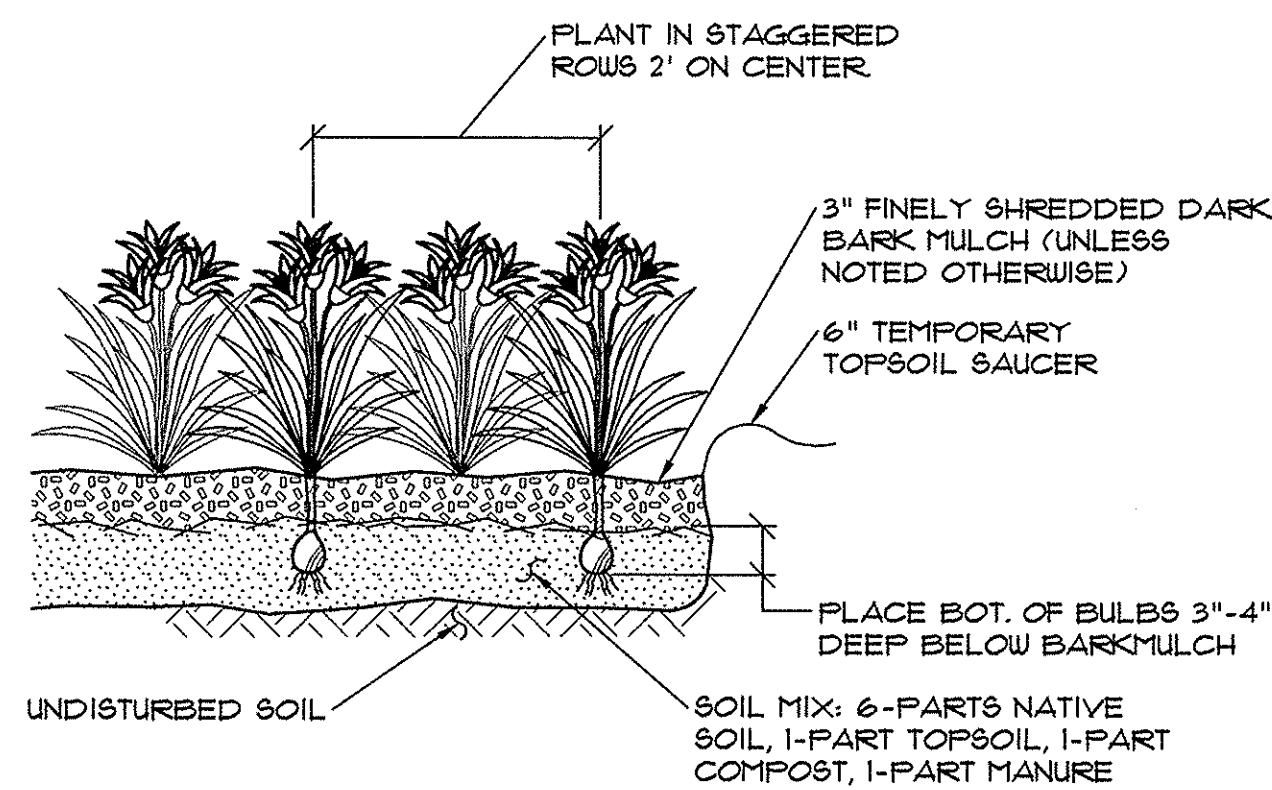
C1.4

MAPLOT: 471A/20, 30, 28, 32

GENERAL:

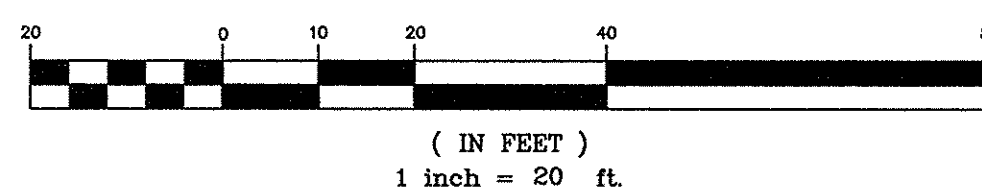
1. SAVE EXISTING TREES AS SHOWN, DO NOT CUT OR CLEAR ANY VEGETATION BEYOND THE IMPACT LIMIT LINE.
2. ALL PLANT MATERIALS INSTALLED ARE TO MEET THE SPECIFICATIONS OF THE "AMERICAN STANDARDS FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERTYMEN.
3. ALL PROPOSED PLANT LOCATIONS SHALL BE AS SHOWN ON PLANS. CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES PRIOR TO PLANTING AND WILL NOTIFY OWNER'S REPRESENTATIVE IN THE EVENT OF CONFLICTS.
4. PLANT LOCATIONS ARE TO BE SCALED FROM THE LANDSCAPE PLAN UNLESS NOTED OTHERWISE.
5. NO PLANT MATERIAL SHALL BE INSTALLED UNTIL FINAL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
6. FINAL QUANTITY FOR EACH PLANT TYPE IS NOTED IN THE PLANT LIST. THIS NUMBER SHALL TAKE PRECEDENCE IN THE CASE OF ANY DISCREPANCY BETWEEN QUANTITIES SHOWN IN THE LIST AND ON THE PLAN.
7. ANY PROPOSED SUBSTITUTIONS MUST BE APPROVED BY THE OWNER OR THE OWNER'S REPRESENTATIVE.
8. ALL DISTURBED AREAS TO BE LOAMED AND SEEDED.

1. LAWN: SHALL BE WATERED, FERTILIZED AND MOWN ON A REGULAR BASIS OF ACCORDING TO SEASON AND RAINFALL, TO PRODUCE A STRONG TURF OF 80% MIN. COVERAGE WITHIN THE FIRST YEAR, FREE FROM SIZABLE THIN OR BARE SPOTS. REGRADING AND RESEEDING WILL BE PERFORMED ON BARE SPOTS UNTIL COVERAGE IS COMPLETE.
2. TREES & SHRUBS: THE ESTABLISHMENT PERIOD SHALL BE TWO CALENDAR YEARS FROM THE DATE OF FINAL ACCEPTANCE. DURING THE ESTABLISHMENT PERIOD THE OWNER OR OWNER'S CONTRACTOR SHALL WATER, CULTIVATE AND PRUNE AS REQUIRED TO MAINTAIN A HEALTHY GROWING CONDITION.
3. AT THE END OF THE ESTABLISHMENT PERIOD AND UPON SUBSEQUENT ANNUAL INSPECTIONS, PLANTS WHICH HAVE DIED OR FAILED TO THRIVE SHALL BE REPLACED WITH EQUIVALENT SIZE AND SPECIES. AFTER THE CONTRACTOR'S GUARANTEE PERIOD HAS EXPIRED, IT IS THE OWNER'S RESPONSIBILITY TO MAINTAIN AND REPLACE PLANTINGS.
4. TREES, SHRUBS AND LAWNS WHICH ARE NOT IRRIGATED WITH AN AUTOMATIC SPRINKLER OR DRIP SYSTEM SHALL BE THOROUGHLY WATERED ON A REGULAR BASIS DURING PERIODS OF BELOW AVERAGE RAINFALL. SOIL SHOULD BE SAMPLED AT A DEPTH OF 12" AND IF DRY, WATER TO DEPTH OF 24".
5. MULCH IS TO BE MAINTAINED AT A DEPTH TO COMPLETELY COVER THE SOIL AND TO PRESERVE MOISTURE AND MINIMIZE WEEDS.
6. TREES, SHRUBS AND LAWNS SHALL BE FERTILIZED ANNUALLY AND TREATED WITH INSECTICIDES AND/OR FUNGICIDES AS REQUIRED FOR CONTINUED HEALTHY GROWTH.
7. SUCKERS, WEEDS, AND DEAD WOOD SHALL BE REMOVED ON A SEASONAL BASIS, AND SHRUBS SHALL BE PRUNED TWICE A YEAR ACCORDING TO THE REQUIREMENTS OF EACH SPECIES (I.E. SOME SPECIES SHOULD NOT BE PRUNED AT ALL.) SHRUBS SHALL NOT BE PRUNED INTO INDIVIDUALS BUT ALLOWED TO GROW INTO A MASS.
8. WHERE TREES ARE LOCATED NEAR SIDEWALKS OR PARKING LOTS, THE CANOPY SHALL BE LIMBED UP TO PROMOTE SAFE CLEARANCE TO 8' ABOVE GRADE.
9. LAWN AREAS SHALL BE MOWN AS OFTEN AS NECESSARY TO KEEP LAWNS TO A 2 1/2 - 3" HEIGHT, AND AERATED ON A SEASONAL BASIS.
10. BEDS AND LAWN EDGES SHALL BE REGULARLY TRIMMED AND EDGED.
11. PERENNIAL AND ANNUAL BEDS SHALL BE DESIGNED, PLANTED AND MAINTAINED FOR SEASONAL COLOR AND INTEREST. ANNUALS MAY BE INCORPORATED TO A MAXIMUM LIMIT OF 25% OF THE BED AREA OF MAINTAINED BEDS FROM MAY 15 THROUGH NOVEMBER 15. PERENNIAL BEDS SHALL BE WATERED AS REQUIRED FOR HEALTHY PLANT GROWTH, AND WEEDED AND DEADHEADED ON A MONTHLY BASIS.



NOT TO SCALE

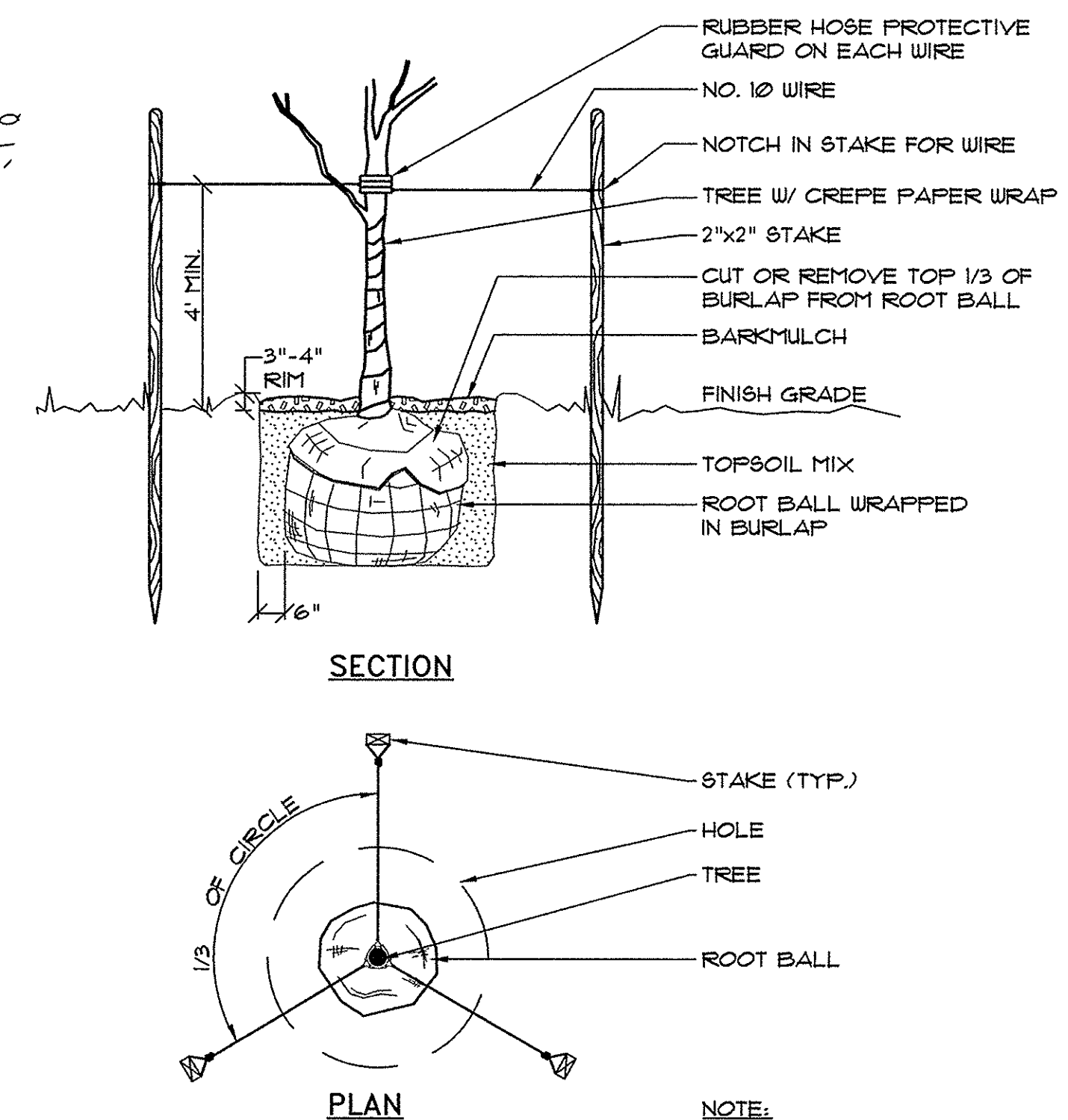
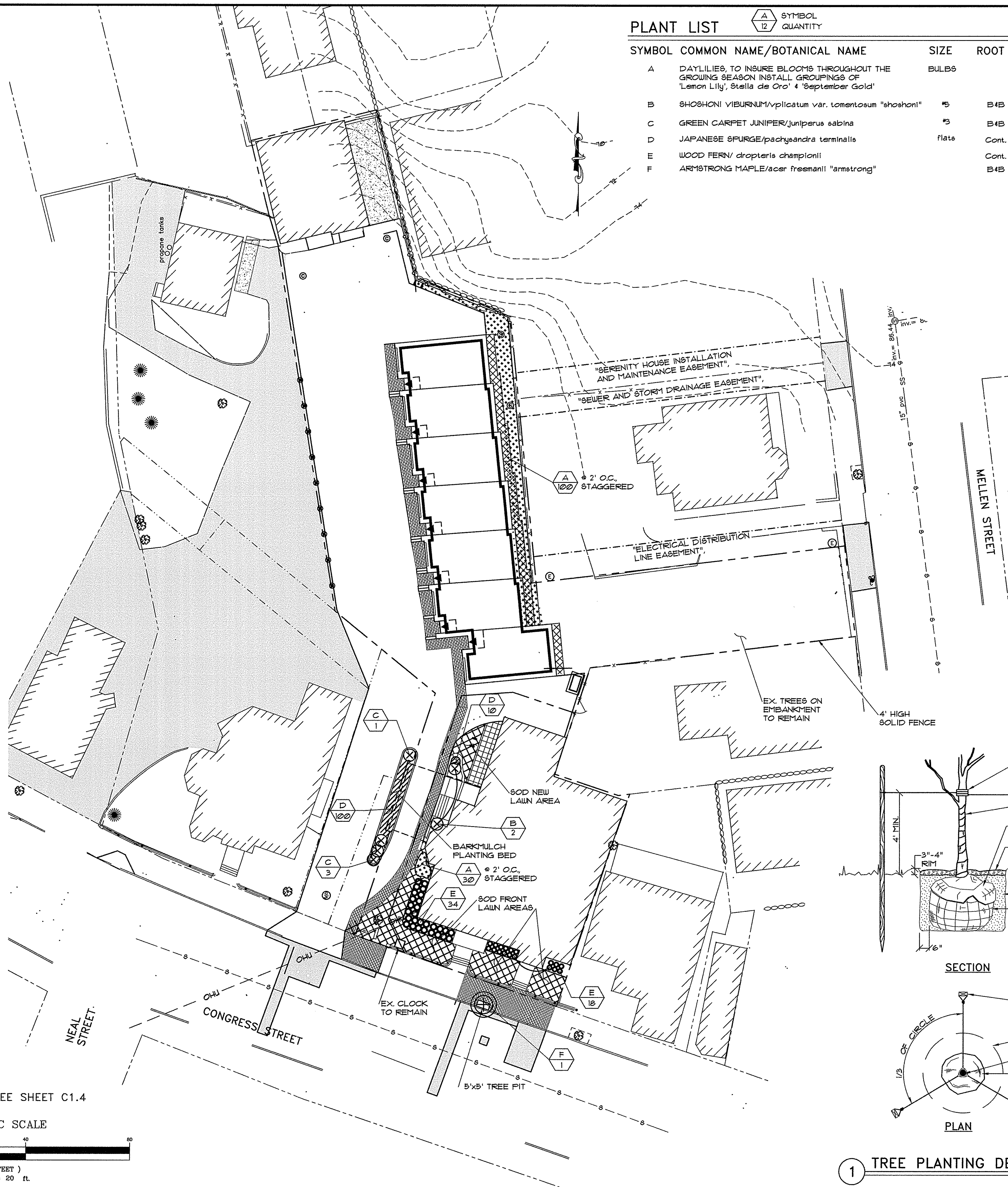
GRAPHIC SCALE



SYMBOL	QUANTITY
A	12

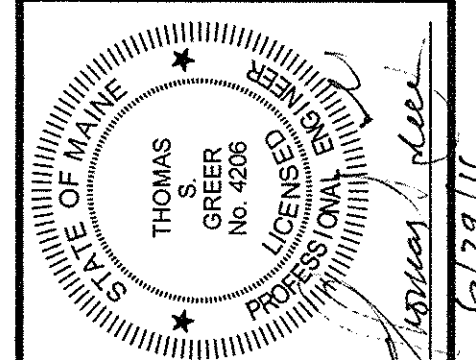
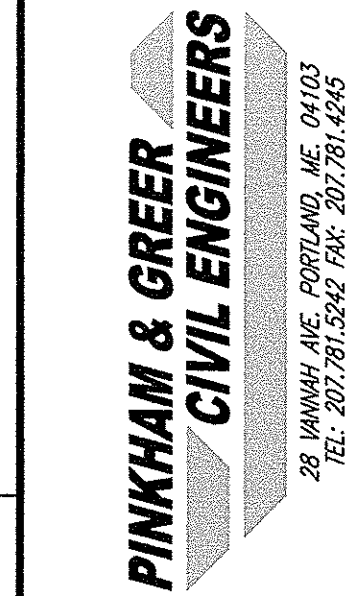
SYMBOL	COMMON NAME/BOTANICAL NAME	SIZE	ROOT	QUANTITY
A	DAYLILIES TO INSURE BLOOMS THROUGHOUT THE GROWING SEASON INSTALL GROUPINGS OF 'Lemon Lily', Stella de Oro' & 'September Gold'	BULBS		130
B	SHOSHONI VIBURNUM/vplicatum var. tomentosum "shoshoni"	#5	B4B	2
C	GREEN CARPET JUNIPER/juniperus sabina	#3	B4B	4
D	JAPANESE SPURGE/pachysandra terminalis	flats	Cont.	110
E	WOOD FERN/ dropteris championii		Cont.	52
F	ARMSTRONG MAPLE/acer freemantii "armstrong"		B4B	1

Plan 15



① TREE PLANTING DETAIL

NOTE:
TREES UNDER 8' DO NOT
REQUIRE STAKING.

[illegible]

APPLICANT: DENOVO, LLC
47 WAITES LANDING ROAD
FALMOUTH, MAINE

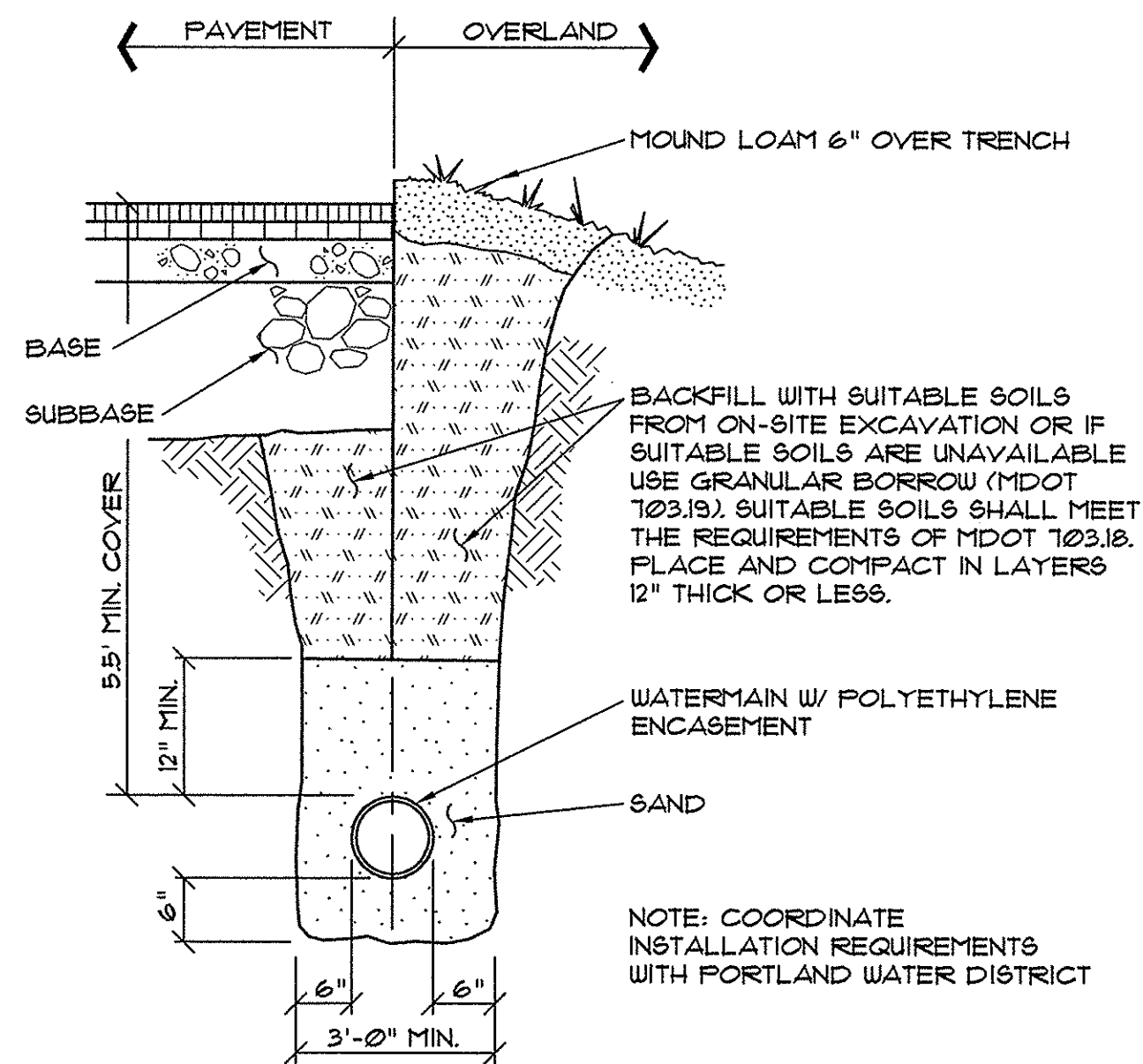
CALE:	AS SHOWN	DRN BY:
DATE:	FEBRUARY 22, 2016	DESG BY:
PROJECT:	15156	CHK BY:

749 CONGRESS STREET
749 CONGRESS STREET
PORTLAND, MAINE

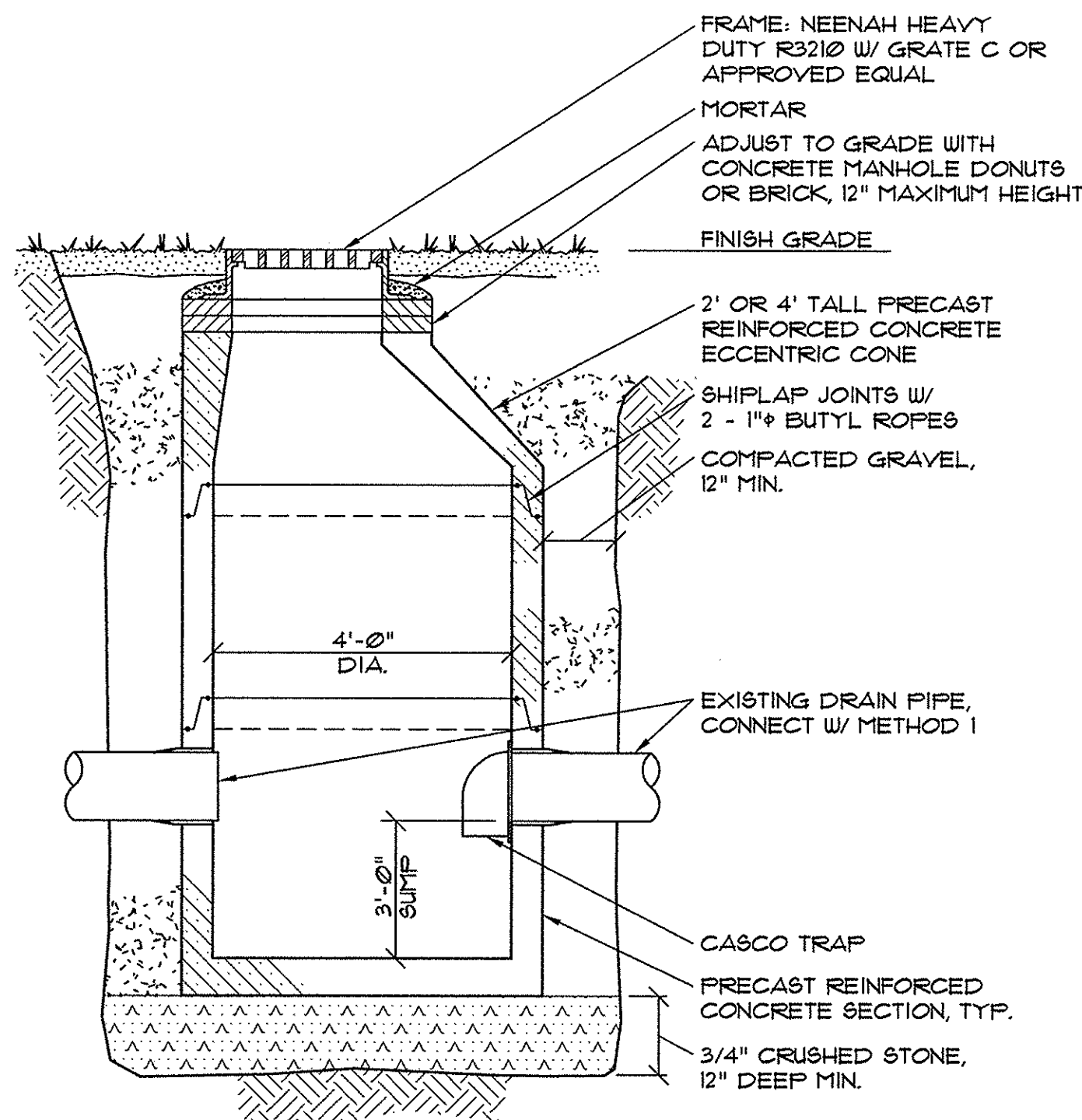
LANDSCAPE PLAN
NOTES AND DETAILS

C1.6

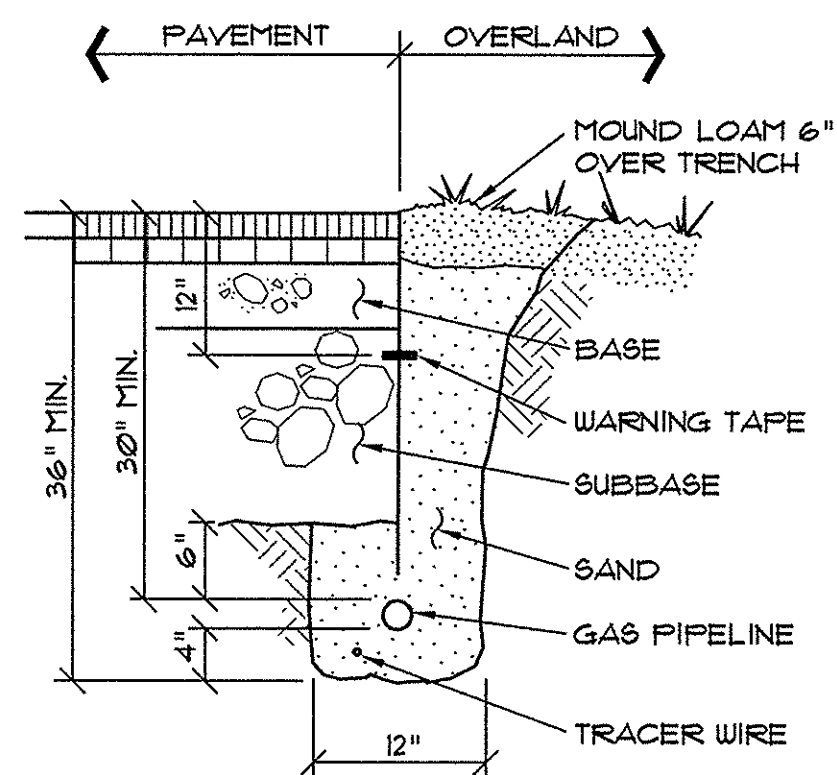
MAP/LOT 47 / A / 20, 30, 28, 32



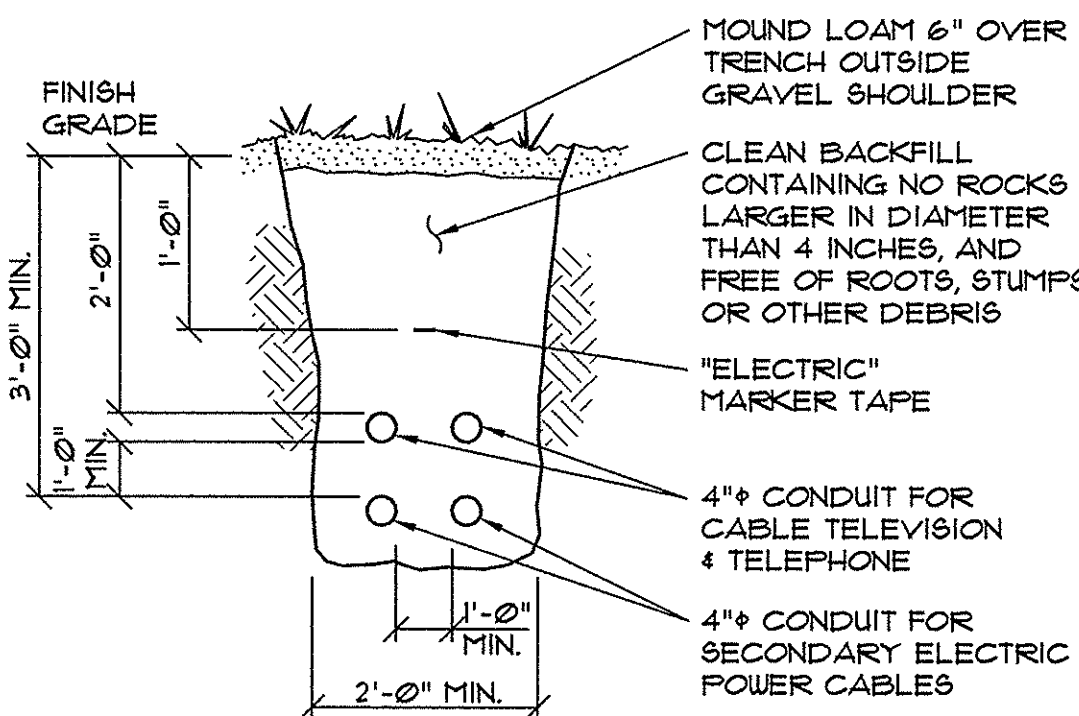
4 TYPICAL WATER MAIN SECTION
NOT TO SCALE



3 CATCHBASIN #2 SECTION
NOT TO SCALE



6 GAS PIPING TRENCH SECTION
NOT TO SCALE



- NOTES:
1. INSTALLATION SHALL NOT ALLOW INTER-TWING OF CABLES.
 2. DIRECT BURY ELECTRICAL CABLES MAY BE USED IF ALLOWED BY CENTRAL MAINE POWER.
 3. CONFIRM CONDUIT SIZES WITH INDIVIDUAL UTILITY COMPANIES PRIOR TO INSTALLATION.
 4. COORDINATE FINAL LAYOUT WITH INDIVIDUAL UTILITY COMPANIES.

5 CABLE TRENCH SECTION
NOT TO SCALE

UNDERGROUND UTILITIES WARNING TAPE

IDENTIFICATION TAPE TO BE INSTALLED ABOVE ALL NEW UNDERGROUND UTILITIES AND ABOVE ANY EXISTING UTILITIES THAT MAY BE EXPOSED BY THIS CONSTRUCTION.

DETECTABLE UNDERGROUND MARKING TAPE TO BE PERMANENT, BRIGHT-COLORED, CONTINUOUS-PRINTED PLASTICIZED ALUMINUM TAPE, INTENDED FOR DIRECT-BURIAL SERVICE NOT LESS THAN 3" WIDE x 5 MILS THICK. PROVIDE TAPE WITH BLACK PRINTING IDENTIFYING THE UTILITY. DETECTABLE WARNING TAPE REQUIRED OVER ALL WATER, SEWER, DRAINAGE, OR GAS UTILITIES. TAPE TO BE TERRA TAPE BY REEF INDUSTRIES, INC., www.reefindustries.com, OR EQUAL.

APUA UNIFORM COLOR CODE:	PROPOSED EXCAVATION
WHITE	TEMPORARY SURVEY MARKINGS
PINK	ELECTRIC POWER LINES, CABLES, CONDUIT AND LIGHTING CABLES
RED	GAS, OIL, STEAM, PETROLEUM OR GASEOUS MATERIALS
YELLOW	COMMUNICATION, ALARM OR SIGNAL LINES, CABLES OR CONDUIT
ORANGE	POTABLE WATER
BLUE	RECLAIMED WATER, IRRIGATION AND SLURRY LINES
PURPLE	SEWERS AND DRAIN LINES
GREEN	

1 UNDERGROUND UTILITIES WARNING TAPE

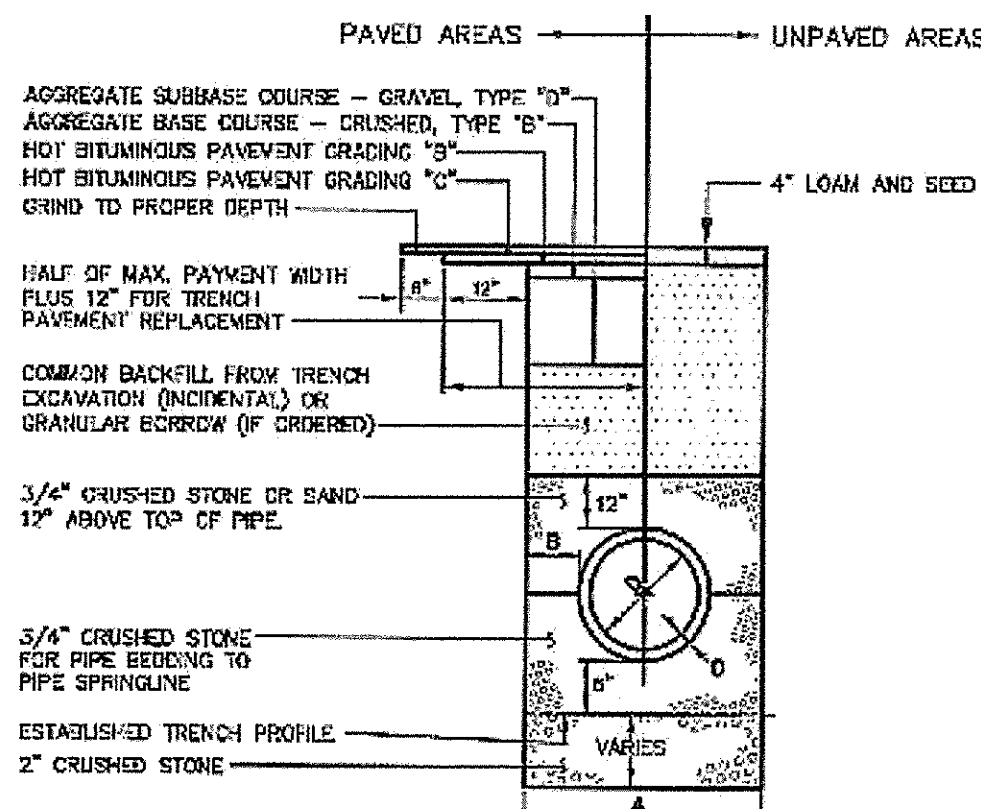
GENERAL NOTES FOR MANHOLES AND CATCH BASINS

1. ALL CONCRETE SHALL HAVE A MINIMUM ULTIMATE COMPRESSIVE STRENGTH OF 4000 PSI PER 30 INCH AT THE END OF 28 DAYS, UNLESS OTHERWISE NOTED.
2. MANHOLES MAY BE CONSTRUCTED OF PRECAST REINFORCED CONCRETE, OR CAST IN PLACE.
3. PRECAST REINFORCED CONE BARREL MANUFACTURED PER ASTM SPEC. C-473.
4. ALL STORM AND SEWER MANHOLE COVERS SHALL BE SOLID AND SHALL HAVE ONE 7/8" DIAMETER DRILLED PEEK HOLE LOCATED 8" FROM THE CENTER OF THE COVER.
5. ALL SANITARY MANHOLE COVERS SHALL HAVE "SEWER" CAST INTO THE COVER. ALL STORMWATER/RAIN MANHOLE COVERS SHALL HAVE "RAIN" CAST INTO THE COVER.
6. ALL MANHOLE RISERS SHALL BE EITHER 24" OR APPROVED EQUAL.
7. SEWER BRICK SHALL CONFORM TO ASTM SPEC. DESIGNATE ON C-32-53, GRADE MA AND SA.
8. ALL SANITARY MANHOLES SHALL HAVE A WATERPROOFING COATING APPLIED TO THE EXTERIOR SURFACE.
9. CATCH BASIN FRAMES FOR TYPE A4 CATCH BASIN CURB INLETS SHALL BE EITHER 24" OR APPROVED EQUAL.
10. CASTINGS SHALL CONFORM TO ASTM DESIGNATION A48-CLASS 35.
11. EXISTING MANHOLES, CATCH BASINS, FRAMES, AND COVERS SHALL BE SALVAGED BY THE CONTRACTOR, AND SHALL REMAIN THE PROPERTY OF THE CITY OF PORTLAND.
12. ALL CATCH BASIN OUTLETS SHALL BE INSTALLED WITH A CASTO TRAP. SEE FIGURE 11-12.

GENERAL NOTES FOR MANHOLES AND CATCH BASINS (11-4)

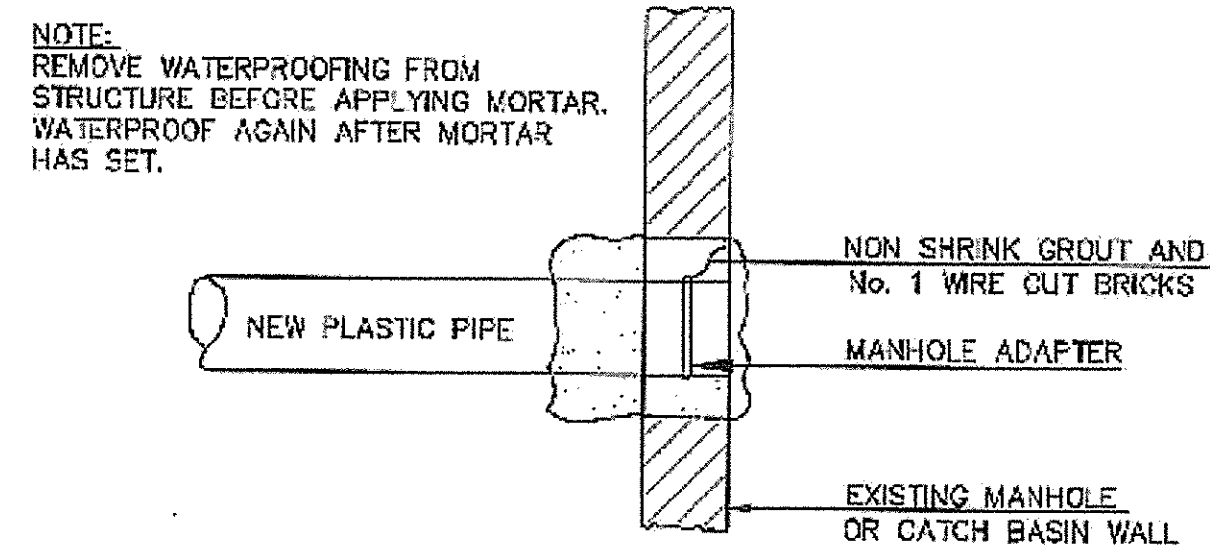
2 NOT TO SCALE

NOTES:
DEPTH OF BITUMINOUS PAVEMENT AND AGGREGATE COURSES SHALL BE DETERMINED BY STREET CLASSIFICATION.
ANY ALTERNATE TRENCHING OR PAVEMENT METHODS SHALL BE APPROVED IN ADVANCE BY THE CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES.

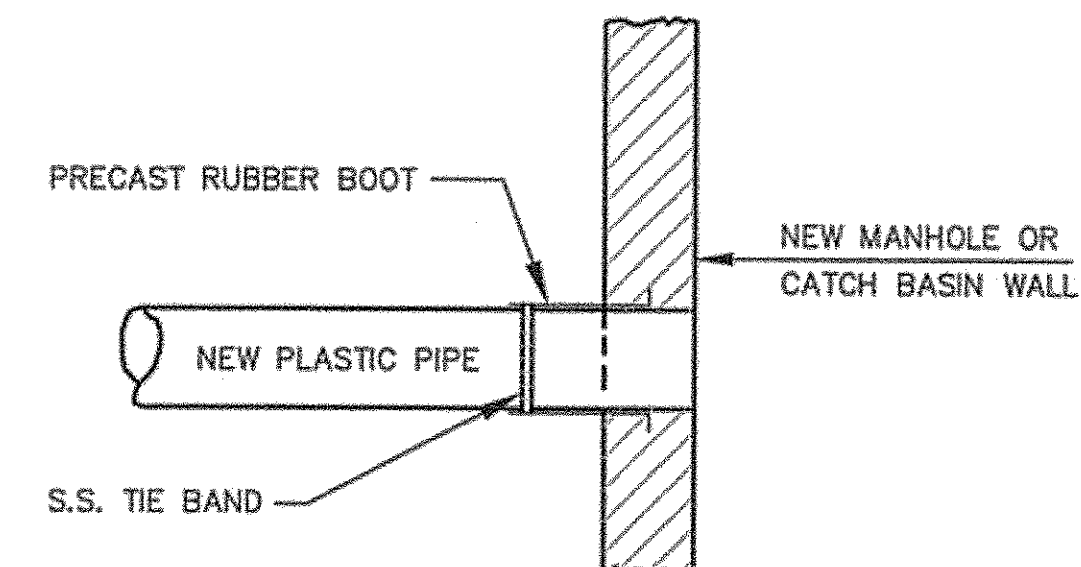


3 TYPICAL PIPE TRENCH INSTALLATION (11-12)
NOT TO SCALE

NOTE: EXISTING MANHOLE OR CATCH BASIN SHALL BE CORE DRILLED FOR PIPE INSTALLATION. IF PIPE DIAMETER IS SO LARGE THAT CORE DRILLING IS PROHIBITED, THE CONTRACTOR MAY SAW CUT THE STRUCTURE TO CREATE PIPE OPENING. THE NEW OPENING MUST THEN BE SEALED AND WATERTIGHT BOTH INSIDE AND OUTSIDE THE STRUCTURE.



METHOD 3 - NEW PIPE INTO EXISTING STRUCTURE



METHOD 2 - NEW CONSTRUCTION

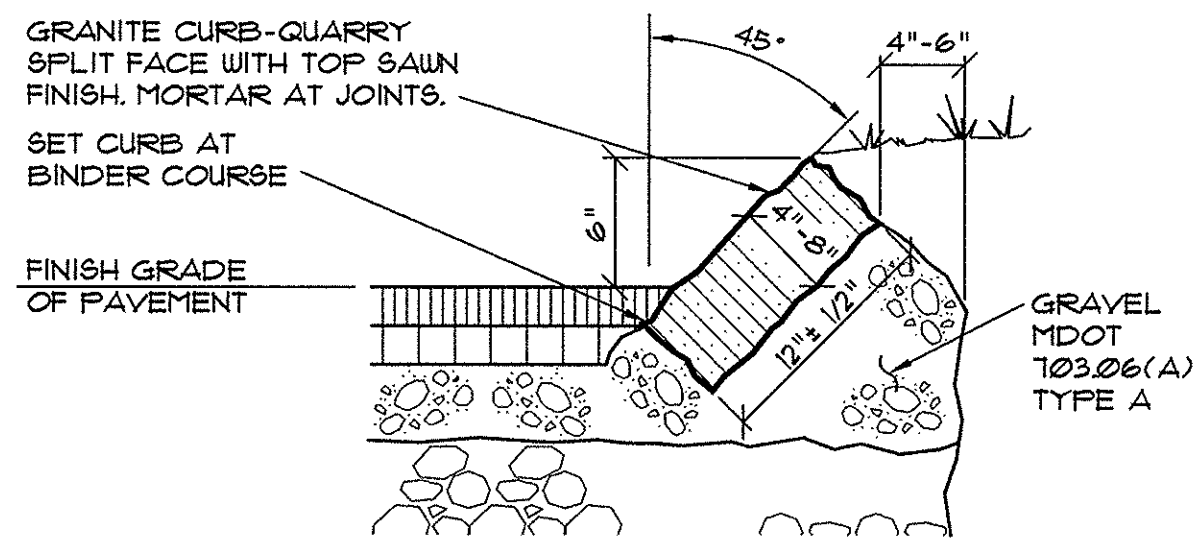
7 PLASTIC PIPE CONNECTION METHODS (11-13 & 11-14)

NOT TO SCALE

REV.	DATE	DESCRIPTION
2	6/29/16	ADDED STAFF COMMENTS
1	8/7/16	REVISED UTILITIES

APPLICANT: DENOVO, LLC 47 WAITES LANDING ROAD FALMOUTH, MAINE	DRN BY: JDC DESS BY: TSG CHK BY: JSC
SCALE: AS SHOWN DATE: JANUARY 22, 2016 PROJECT: 15178	

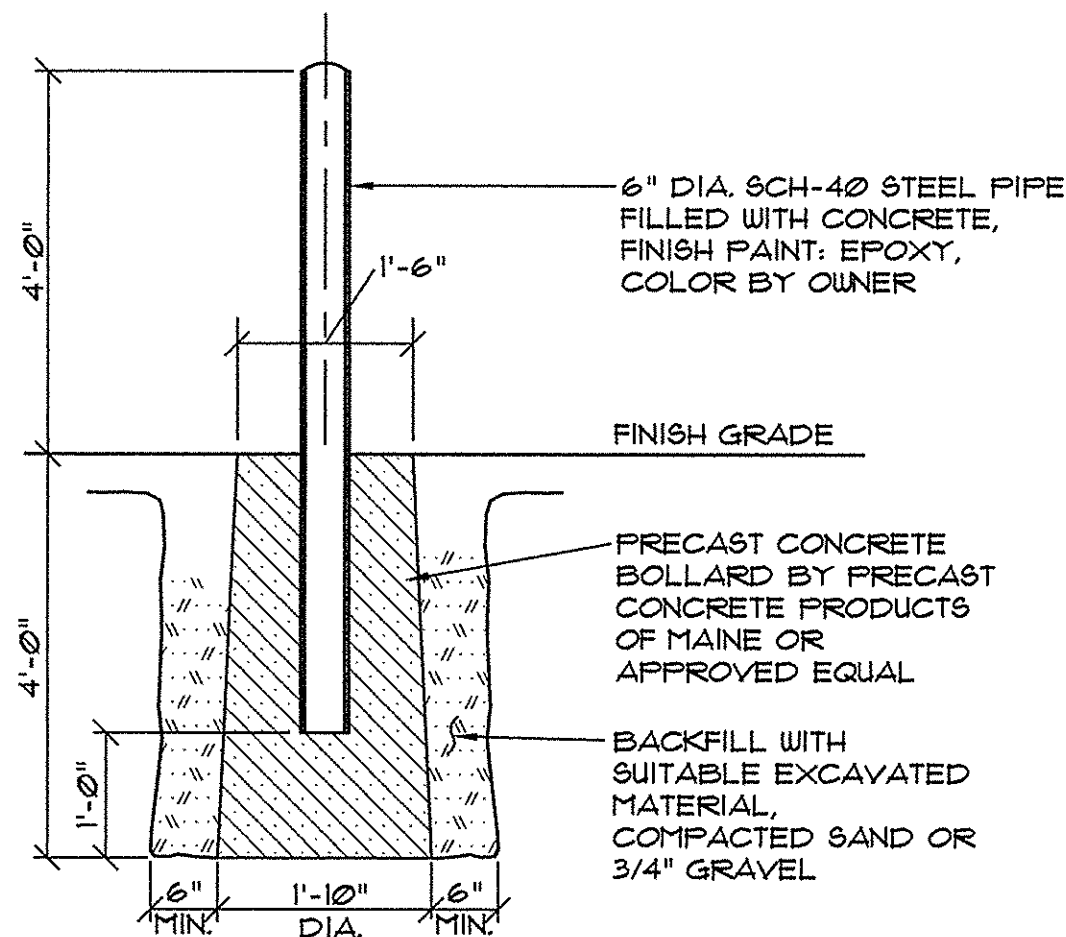
749 CONGRESS STREET 749 CONGRESS STREET PORTLAND, MAINE	SITE DETAILS
---	--------------



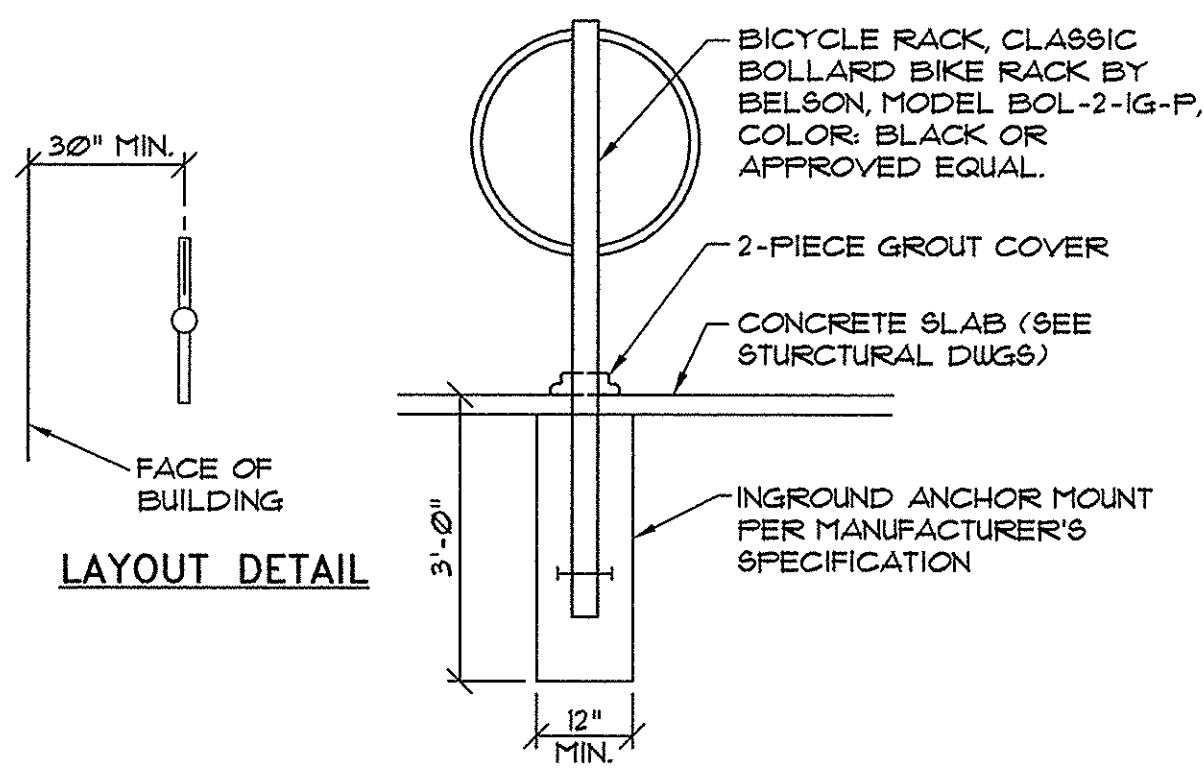
NOTES:

1. MINIMUM LENGTH OF THE CURB SECTIONS SHALL BE 3'-0".
2. FOR ALL CURBS WITH RADIUS LESS THAN 15' INSTALL STONES CUT TO THE RADIUS REQUIRED (NOT STRAIGHT SECTIONS).

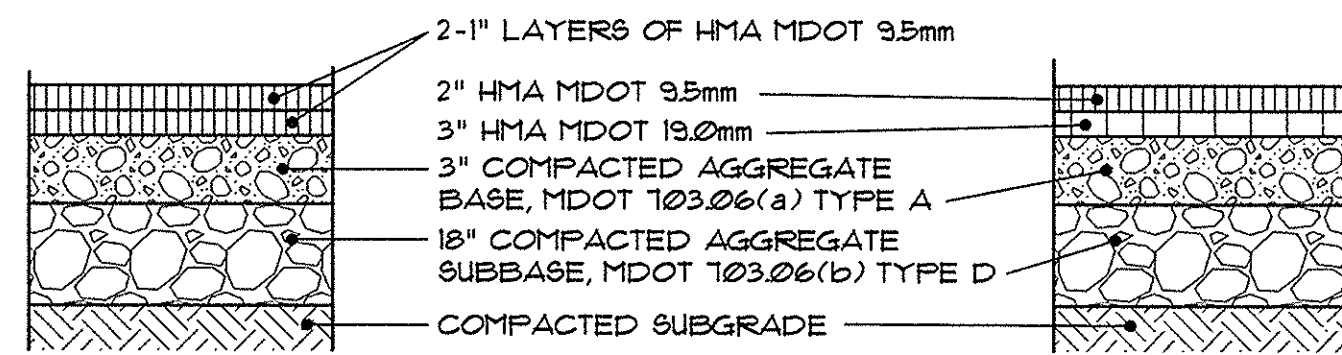
7 SLOPED GRANITE CURB SECTION ON-SITE
NOT TO SCALE



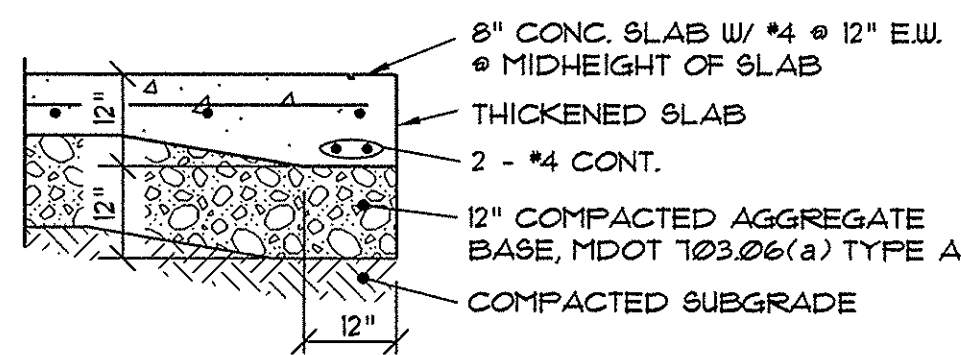
9 STEEL BOLLARD DETAIL
NOT TO SCALE



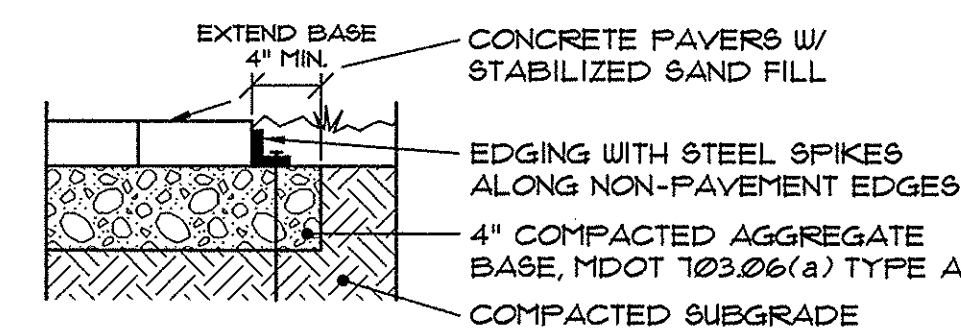
8 BIKE RACK DETAIL
NOT TO SCALE



NEW PAVEMENT PAVEMENT REPAIR AT TRENCHES



CONCRETE EQUIPMENT PADS

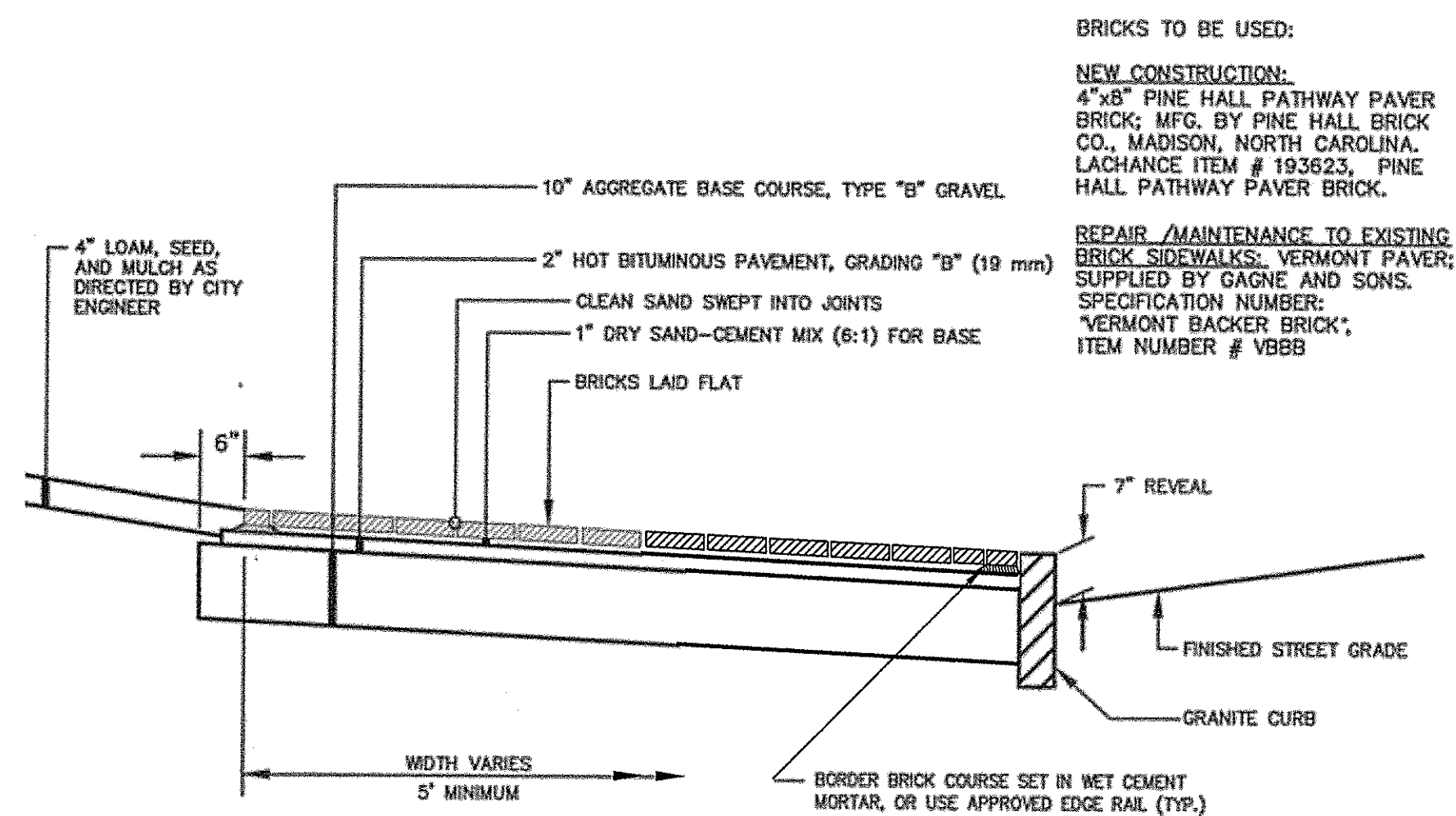


CONCRETE PAVERS

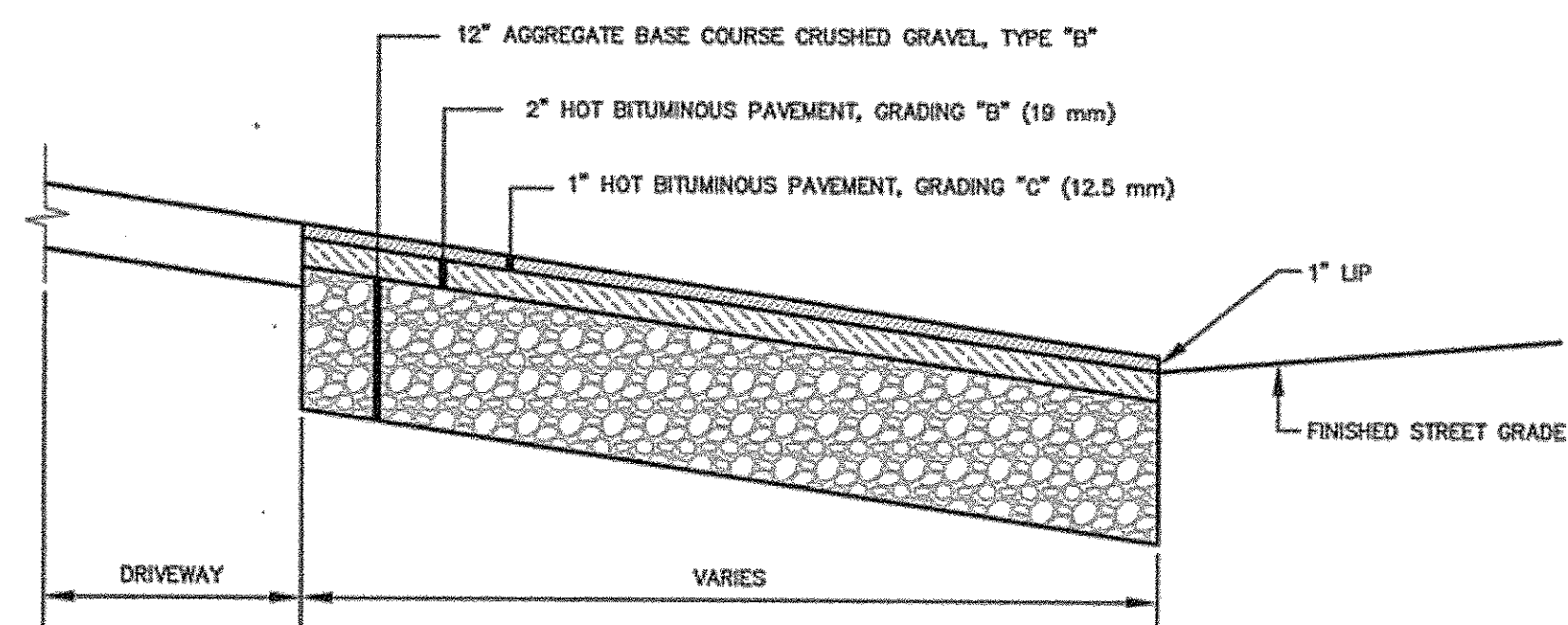
NOTES:

1. HMA = HOT MIX ASPHALT. MDOT = MAINE DEPARTMENT OF TRANSPORTATION.
2. ALL COURSE THICKNESS AFTER FINAL COMPACTION.

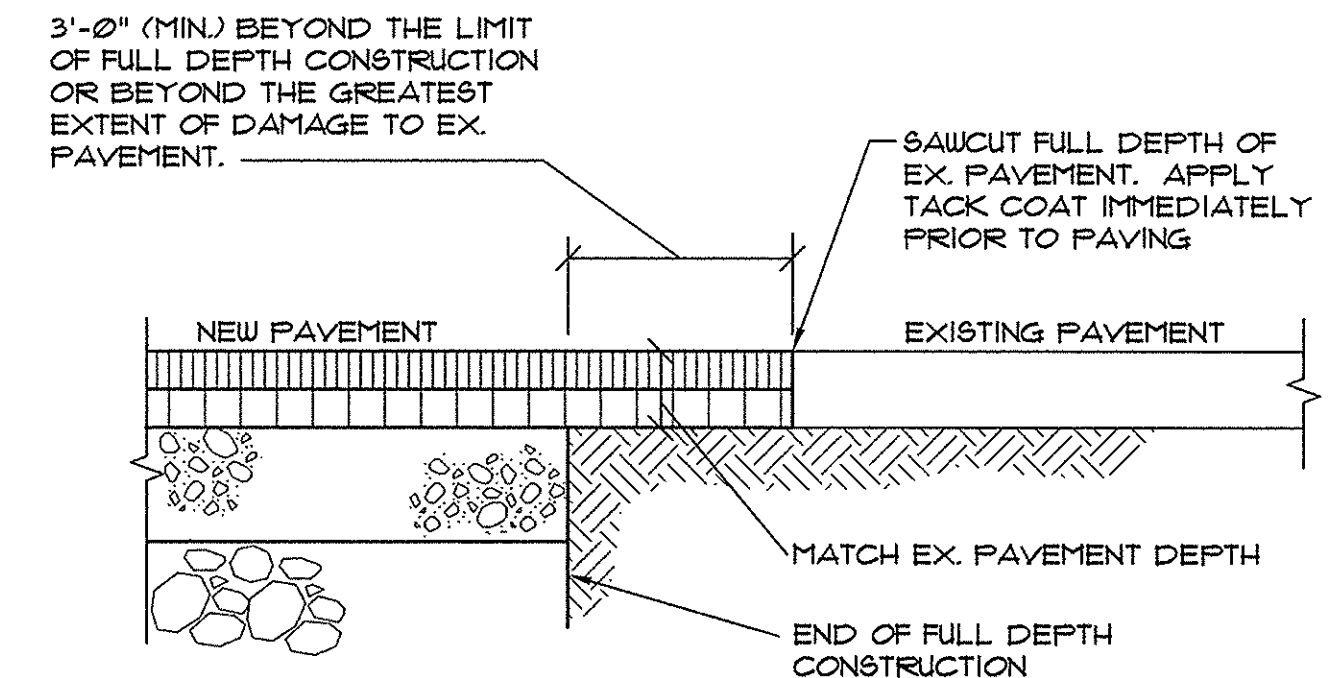
4 BITUMINOUS PAVEMENT SECTIONS
NOT TO SCALE



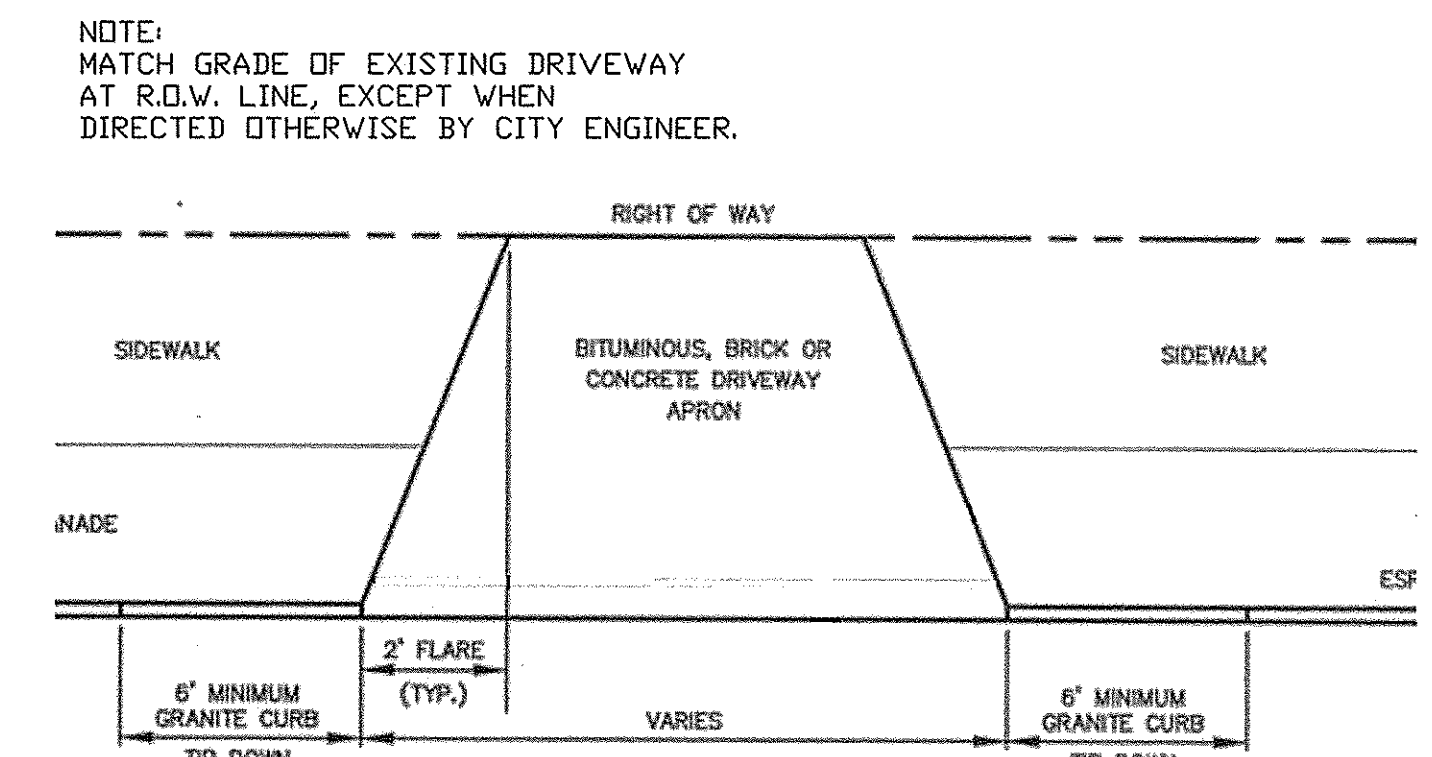
4 BRICK SIDEWALK WITH BITUMINOUS BASE (I-10)
NOT TO SCALE



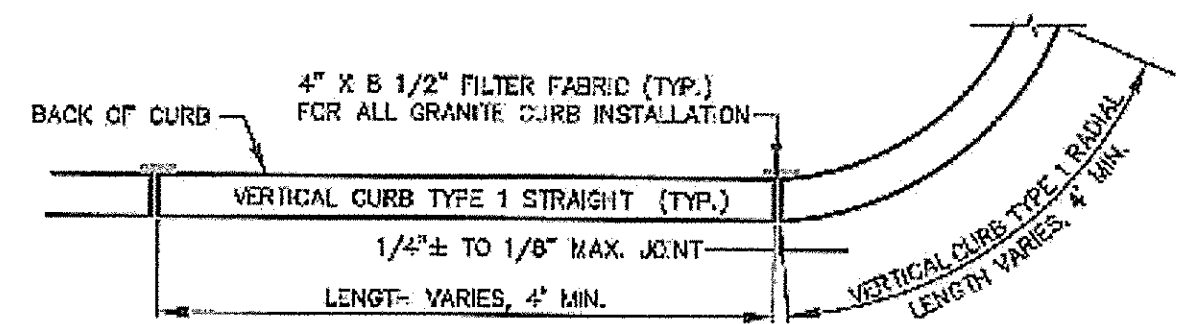
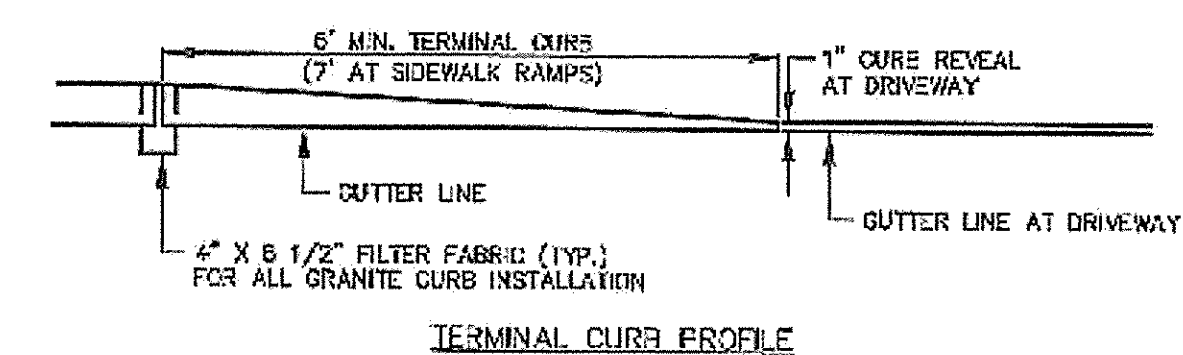
5 BITUMINOUS DRIVEWAY APRON (I-13)
NOT TO SCALE



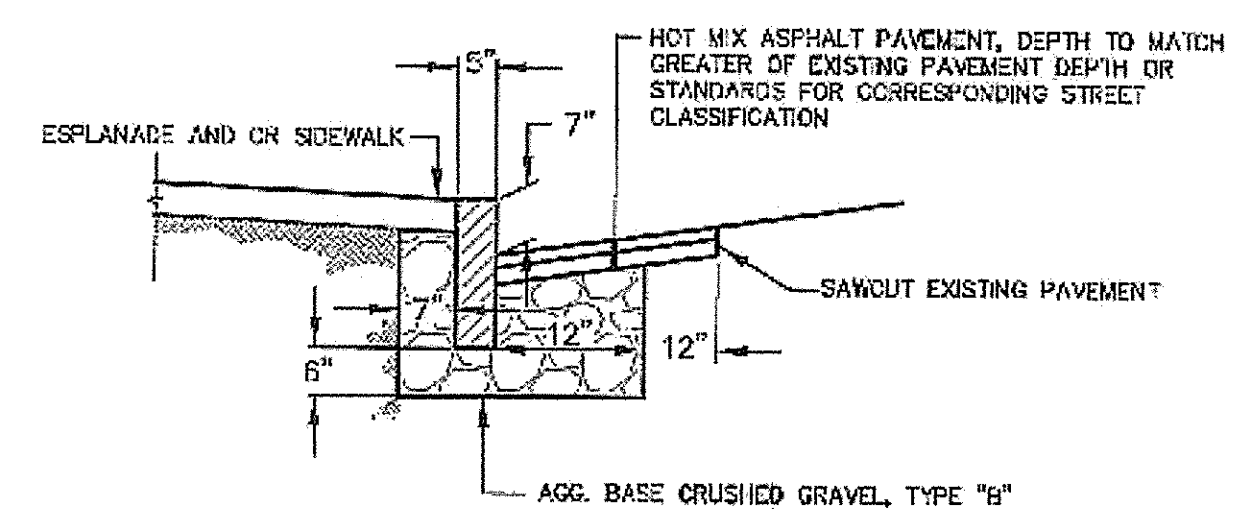
1 PAVEMENT CUTTING & MATCHING SECTION
NOT TO SCALE



2 DRIVEWAY APRON LAYOUT (I-9)
NOT TO SCALE

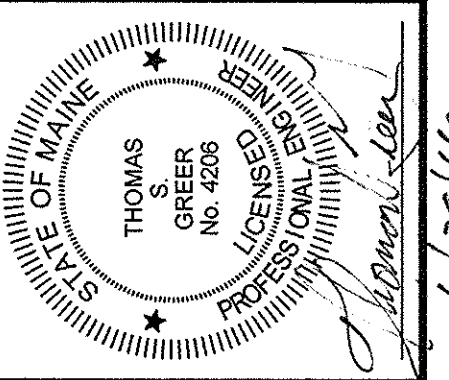


VERTICAL GRANITE CURB PLAN VIEW



VERTICAL GRANITE CURB CROSS SECTION

3 VERTICAL GRANITE CURB INSTALLATION IN EXISTING STREET (I-17)
NOT TO SCALE



REV.	DATE	DESCRIPTION
2	6/29/16	ADDED STAFF COMMENTS
1	6/7/16	REVISED UTILITIES

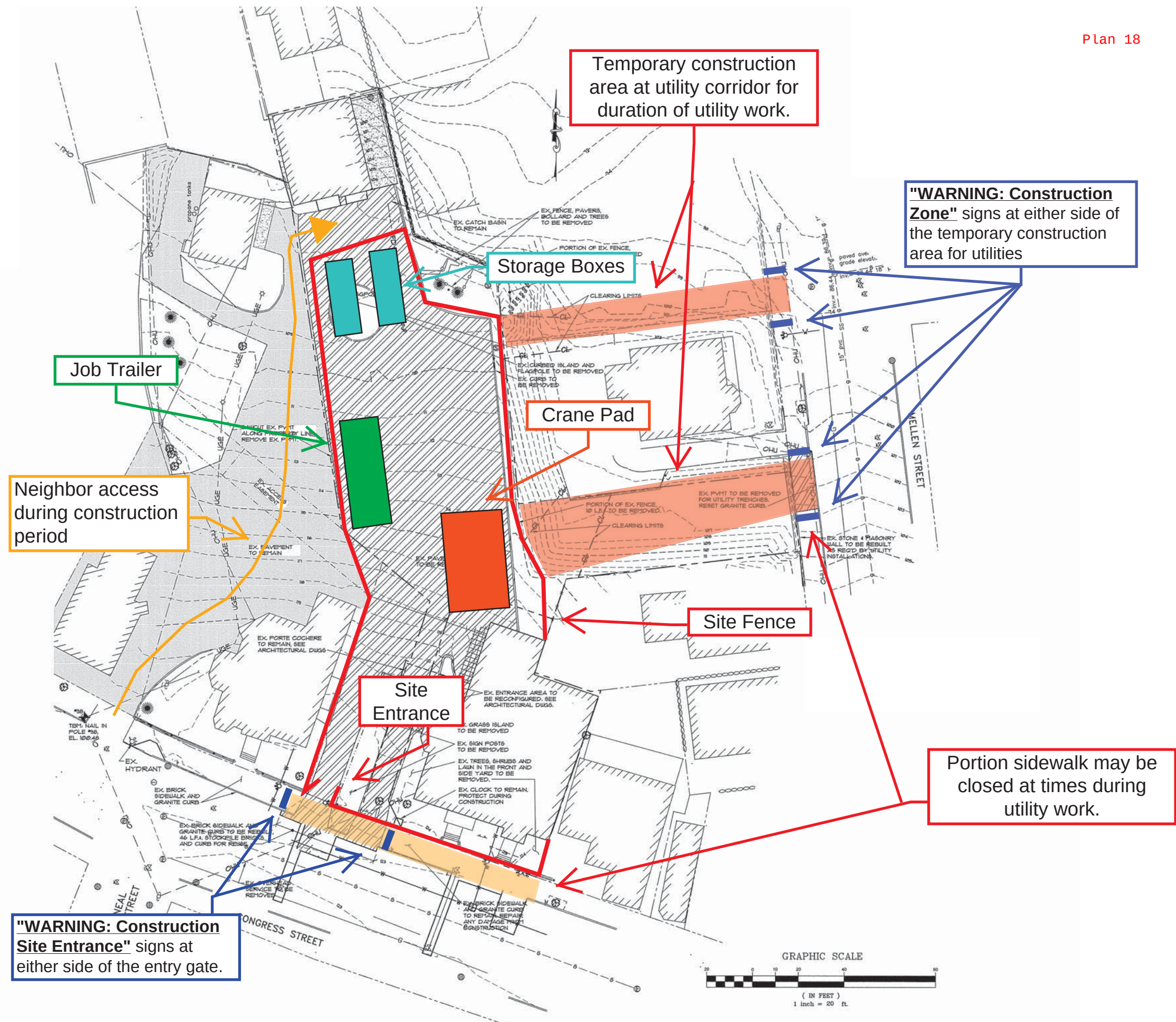
APPLICANT: DENOVO, LLC
47 WAITES LANDING ROAD
FALMOUTH, MAINE

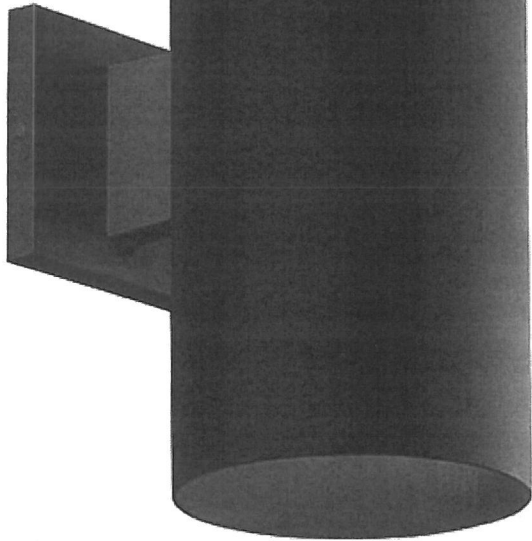
SCALE: AS SHOWN
DATE: JANUARY 22, 2016
PROJECT: 15178

749 CONGRESS STREET
749 CONGRESS STREET
PORTLAND, MAINE

SITE DETAILS

C2.2





P5641-31

6" cylinder with heavy duty aluminum construction and die cast wall bracket. Powder coated finish. cCSAus listed for wet locations.

\$129.58

BUY ONLINE

FIND A DEALER





Showcase Your Space
Tag Your Photos #progressing
& Join Our Instagram Feed!

Features

Product SKU

P5641-31

Family ?

Cylinder

Category

Outdoor

Description

6" cylinder with heavy duty aluminum construction and die cast wall bracket.
Powder coated finish. cCSAus listed for wet locations.

Finish

Black

Bulb Type ?

Uses PAR-38 or BR-40

Bulb Wattage ?

250/150

Bulb Quantity ?

1

Listed ?

Wet location listed



Style

Contemporary/Modern

Room Type

Outdoor Lighting and/or

Dimensions

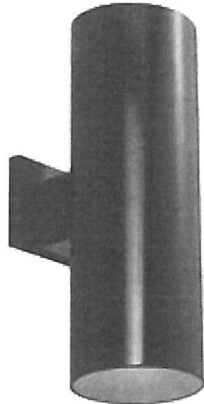
Width/Diameter: 6"

Height: 12"

You Might Also Like

<

>



P5642-20

\$176.44

CYLINDER OUTDOOR

WALL OR
CEILING MOUNT

EUROLUXE® SERIES

Cat.# BRLU-04

Job749 Congress St

TypeB

Approvals

 **HUBBELL**
Outdoor Lighting

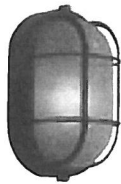
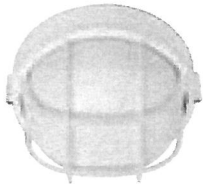
Intended Use

- Several colors and accessories, including guards and shields, are available for both interior and exterior applications, such as entry, perimeter, walls, stairwells, corridors, etc.

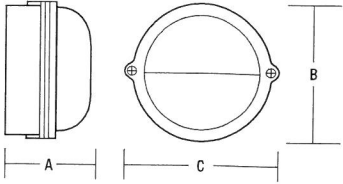
- Construction**
- Borosilicate glass lens sealed to housing by silicone gasket and stainless steel philips head screws; Ribbed lens uniformly spreads light for a symmetrical, soft distribution
 - Die cast aluminum housing and face trims
 - Two point lag or hickey mount to recessed junction box
 - Dark bronze, Black and White finishes are offered

- Electrical**
- Available in 50w HPS, 28w fluorescent and 100w max. incandescent, 120V only
 - BRLU LED has 6 LED in 15w, 120-277V, 830 lumens, 5000K, 700mA
 - Lamp included on 50w HPS, 28w fluorescent and 15w LED

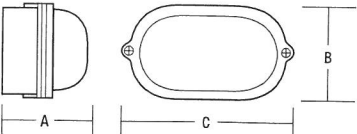
- Listings**
- Listed to UL1598 for use in wet locations



BR

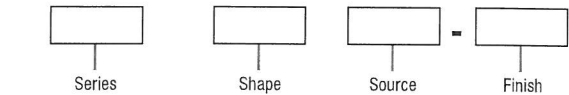


BO



	A	B	C
BRI ROUND	5 1/2"	9 1/2"	10 1/8"
	150 mm	241 mm	257 mm
BOI OVAL	5 1/2"	6 2/8"	11 1/4"
	150 mm	162 mm	286 mm

ORDERING INFORMATION ORDERING EXAMPLE: BOI-01



Catalog Number	Shape	Finish	Wattage	Weight	
				lbs.	kg
LED¹					
BRLU-01	Round	Bronze	15 max.	6.0	2.7
BRLU-04	Round	White	15 max.	6.0	2.7
INCANDESCENT²					
BRI-01	Round	Bronze	100 max.	4.0	1.8
BRI-02	Round	Black	100 max.	4.0	1.8
BRI-04	Round	White	100 max.	4.0	1.8
BOI-01	Oval	Bronze	100 max.	3.5	1.6
BOI-02	Oval	Black	100 max.	3.5	1.6
BOI-04	Oval	White	100 max.	3.5	1.6
HIGH PRESSURE SODIUM (lamp included)²					
BRS-01	Round	Bronze	50	7.5	3.4
BRS-02	Round	Black	50	7.5	3.4
BRS-04	Round	White	50	7.5	3.4
BOS-01	Oval	Bronze	50	7.0	3.2
BOS-02	Oval	Black	50	7.0	3.2
BOS-04	Oval	White	50	7.0	3.2
FLUORESCENT (lamp included)¹,³					
BRF-01	Round	Bronze	28	6.0	2.7
BRF-02	Round	Black	28	6.0	2.7
BRF-04	Round	White	28	6.0	2.7
BOF-01	Oval	Bronze	28	5.5	2.5
BOF-02	Oval	Black	28	5.5	2.5
BOF-04	Oval	White	28	5.5	2.5

1 Fluorescent CSA certified for outdoor applications only, not available in 277V
2 Pulse-rated medium base socket
3 Two-pin fluorescent socket - PLC 28, 2700K, -20°F starting
4 LED units feature 5 year limited warranty

ACCESSORIES		(order as separate part #)
Catalog Number	Description	
BO-GX¹	Cast aluminum guard for oval fixture	
BR-GX¹	Cast aluminum guard for round fixture	
BO-SX¹	Cast aluminum shield for oval fixture	
BR-SX¹	Cast aluminum shield for round fixture	

1 Finish must be specified, substitute **X** for: **1**-bronze, **2**-black, **4**-white



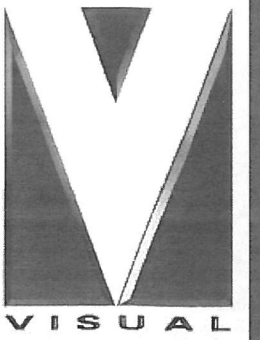
SHIELD



GUARD

PHOTOMETRIC REPORTS

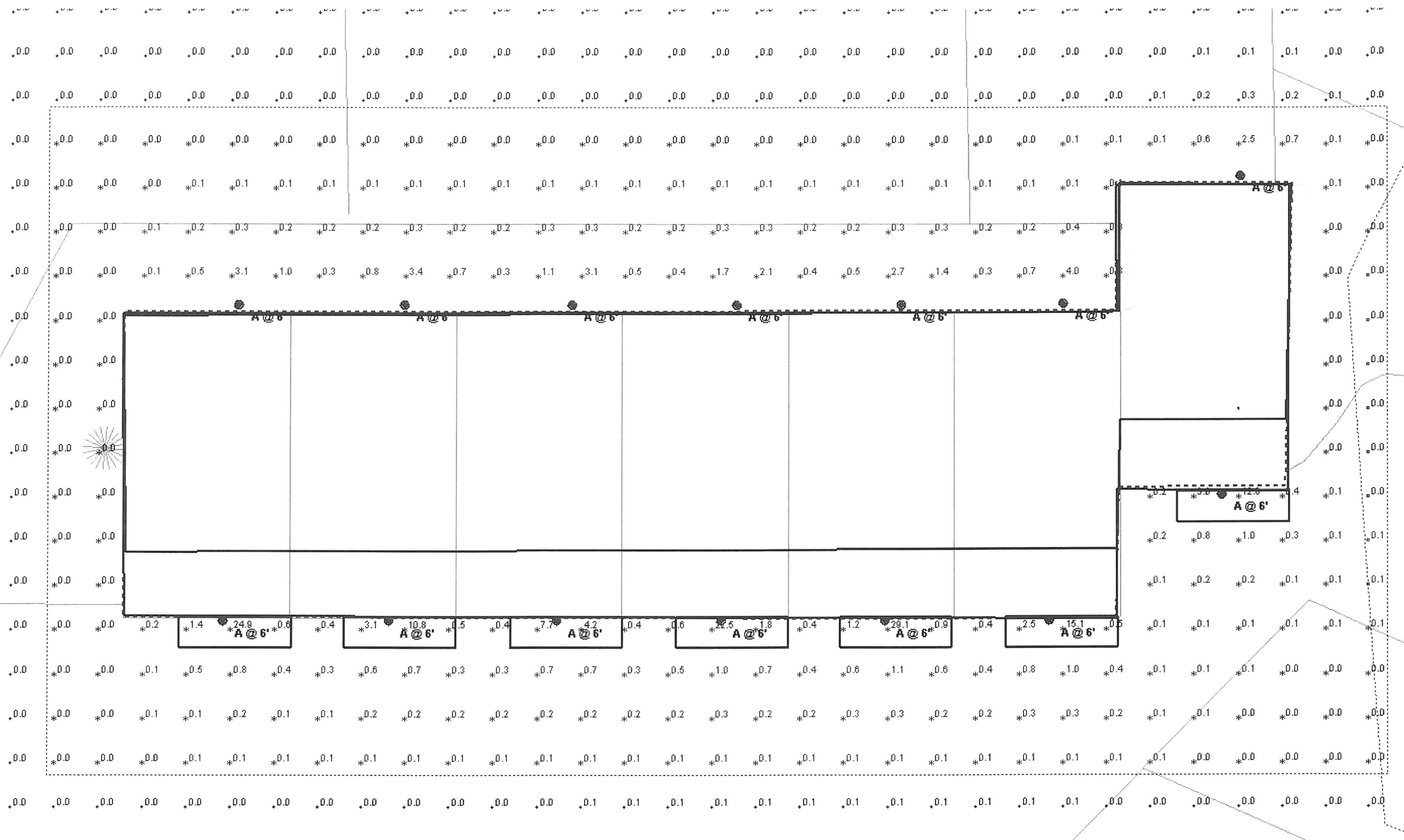
Catalog Number	Report #
BRI-0X	HP05330.IES
BRI-0X/BR-SX	HP05331.IES
BRI-XX	ITL60433.IES
BRLU-0X	BRLU01.IES

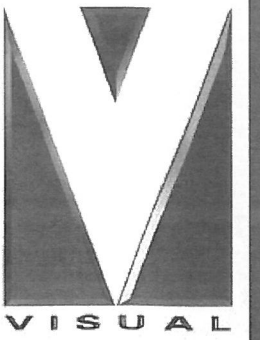


749 Congress St.
Portland, ME
Photometric

Designer
SAJ Bennett Eng.
Date
4/4/2016
Scale
Not to Scale
Drawing No.
E0
Summary

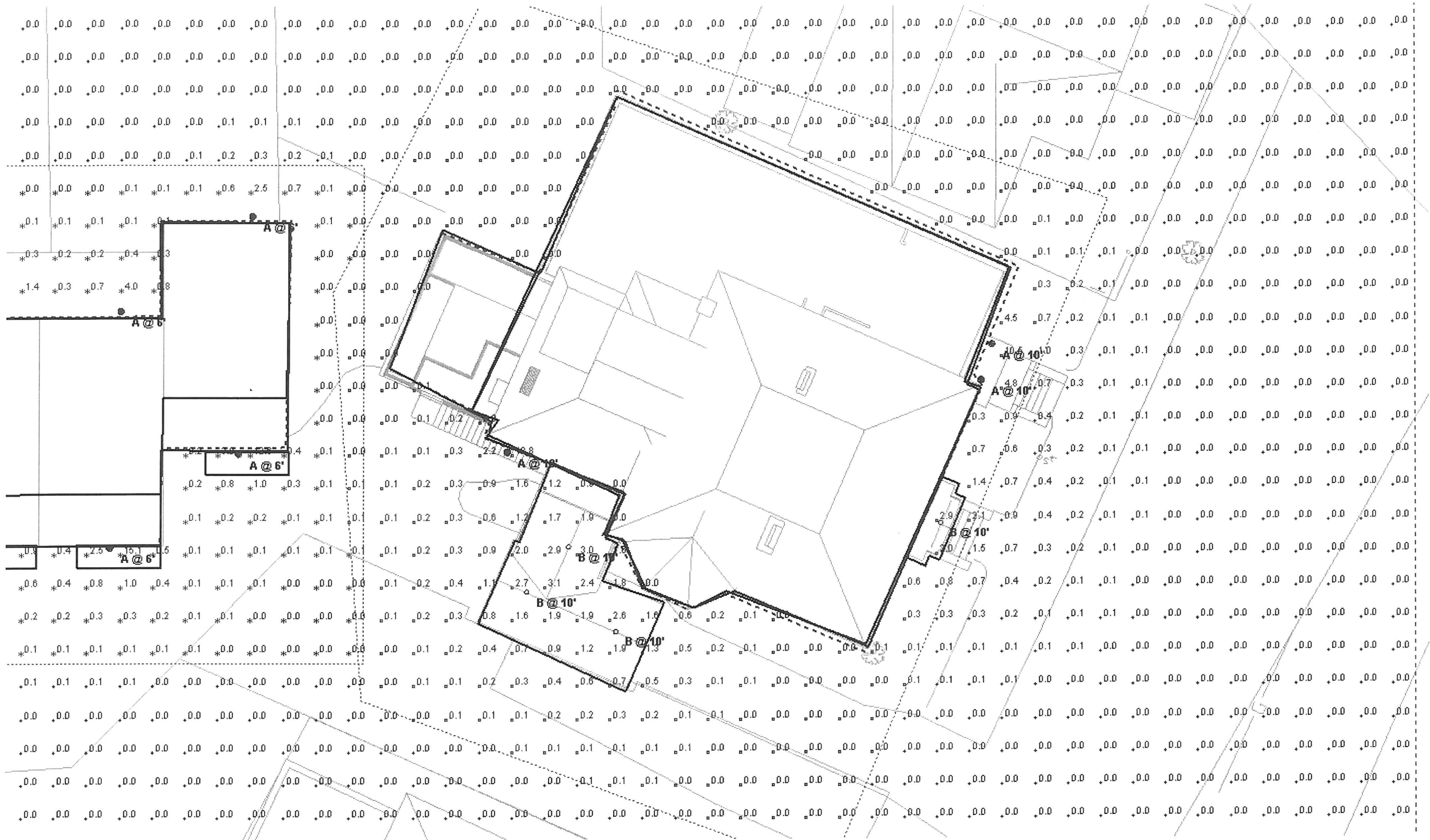
749 Congress St Townhouses



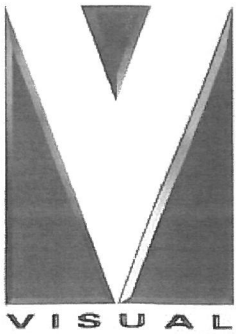


749 Congress St.
Portland, ME
Photometric

Designer
SAJ Bennett Eng.
Date
4/4/2016
Scale
Not to Scale
Drawing No.
E0
Summary

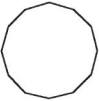


749 Congress St

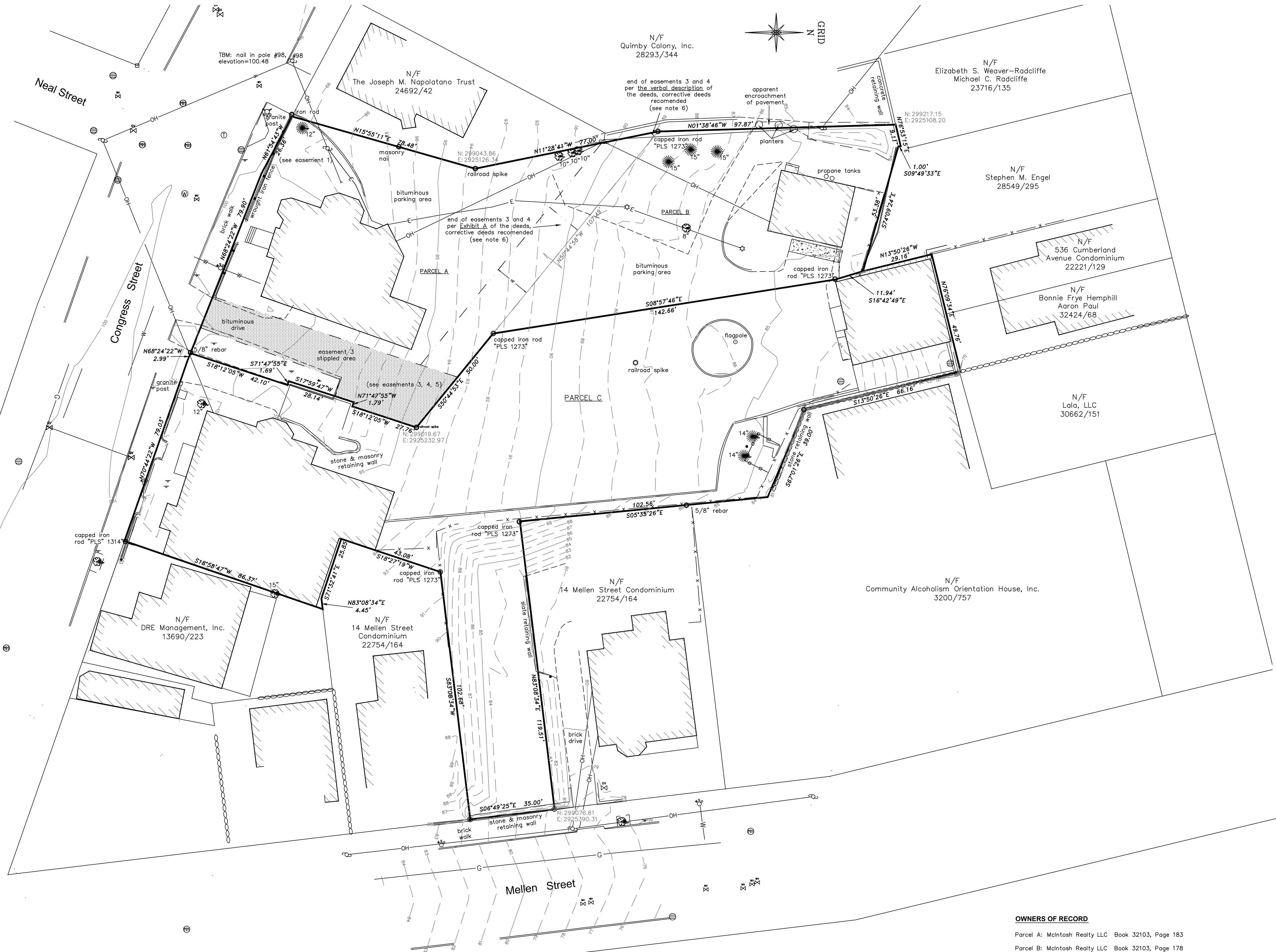


749 Congress St.
Portland, ME
Photometric

Designer
SAJ Bennett Eng.
Date
4/4/2016
Scale
Not to Scale
Drawing No.
E0
Summary

Luminaire Schedule											
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
	A	17	Philips Lighting Company			75PAR30L/HAL/FL40 120V	1	229443.ies	769.744	0.8	75
	B	4	HUBBELL OUTDOOR	BRLU-0X	CAST BROWN PAINTED METAL HOUSING, FLAT DIFFUSE METAL CIRCUIT BOARD MOUNTING PLATE, ONE CIRCUIT BOARD WITH 6 LEDS, FROSTED LINEAR PRISMATIC GLASS DROP LENS WITH CONCENTRIC CIRCULAR BOTTOM	SIX WHITE LIGHT EMITTING DIODES (LEDS) EACH WITH CLEAR HEMISPHERICAL INTEGRAL LENS, VERTICAL BASE-UP POSITION. VOLTAGE (120VAC, 60Hz) TO THE LED DRIVER.	6	BRLU-0X.ies	153.8734	1	15

Statistics							
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
749 Congress St		0.5 fc	12.8 fc	0.0 fc	N/A	N/A	0.0:1
749 Congress Townhouse		0.8 fc	29.1 fc	0.0 fc	N/A	N/A	0.0:1
Overall Site		0.1 fc	29.1 fc	0.0 fc	N/A	N/A	0.0:1



LEGEND	
	Monument - found
	Iron marker - found
	Property line (locus)
	Easement line
	Edge of pavement
	Stone wall
	Curb
	Wire fence
	Bollard
	Sign
	Lamp or light pole
	Utility pole
	Guy wire
	Gas valve
	Water valve
	Water shutoff
	Fire hydrant
	Manhole
	Telephone manhole
	Water manhole
	Catch basin (found)
	Overhead utility line
	Underground water line
	Underground electric line
	Contours (1ft)
	Contours (5ft)
	Now or formerly of
	Deed reference (Book/Page)
	Deciduous tree
	Coniferous tree
	Existing building
	Concrete

NOTES

- 1) Book and Page references are to the Cumberland County Registry of Deeds.
- 2) Bearings are referenced to the Maine State Coordinate System, West Zone NAD1983(HARN) derived from City of Portland information. Base point used "T110-65-152" N 298818.8140 E 2925314.3180. Azimuth point "T124-26-1257" N 298424.6162 E 2925230.1991.
- 3) Elevations are based on City of Portland datum. Benchmark is the street monument at the Northeastly corner of Sherman and Mellen streets as provided by the City of Portland. Elevation: 51.70'.
- 4) Utility information on this plan is approximate, based on location of visible. DigSafe and/or the appropriate utilities should be contacted prior to any construction.
- 5) Property lies within Zone X based on FIRM Community #230051 Panel #0013 B, dated July 17, 1986. It does not lie within a special flood hazard area.
- 6) There are discrepancies between the language contained in the deed descriptions for easements 3 and 4 and the Exhibit A diagram attached to the deeds. Corrective deeds for these easements are recommended prior to the conveyance of either parcel. As Parcels A and B are currently owned by the same entity, the easements may be considered null and void.

PLAN REFERENCES

- 1) Standard Boundary Survey, Plan of Property made for SCI Maine Funeral Services, Inc. by R.P. Titcomb Associates, Inc. dated February 5, 1987 and revised through August 17, 2001.
- 2) ALTA/ACSM Land Title Survey made for JPH Properties, Inc. by Northeast Civil Solutions dated September 13, 2006.
- 3) Condominium Plat made for 14 Mellen Street Condominiums by Book Boy Boundary, Inc. Land Surveying dated January 21, 2005 recorded in Book 205, Page 361.
- 4) Land Title Survey made for Peoples Heritage Bank by Stevens Morton Rose and Thompson dated October 15, 1992 recorded in Plan Book 193, Page 5.
- 5) Condominium Conversion made for Otis C. and A. Mavoureen Thompson by Northeast Civil Solutions dated November 22, 2004 recorded in Plan Book 204, Page 886.

EASEMENTS / ENCUMBRANCES

- 1) Parcels A and B are subject to an overhead utility easement conveyed to Central Maine Power Company and New England Telephone and Telegraph Company by John A. McIntosh, Jr. in Book 12644, Page 70.
- 2) Parcel B benefits from an easement over Parcel A conveyed to John A. McIntosh, Jr. by JPH Properties, Inc. in Book 16332, Page 93.
- 3) Parcel A is subject to an easement conveyed to SCI Maine Funeral Services, Inc. by John A. McIntosh, Jr. in Book 11651, Page 182.
- 4) Parcel A is subject to an easement conveyed to McIntosh Realty, LLC by The John A. McIntosh Trust in Book 32103, Page 183.
- 5) Parcel B benefits from an easement conveyed to McIntosh Realty, LLC by The John A. McIntosh Trust in Book 32103, Page 178.

OWNERS OF RECORD

Parcel A: McIntosh Realty LLC Book 32103, Page 183
Parcel B: McIntosh Realty LLC Book 32103, Page 178
Parcel C: Rochelle G. Dassa Residuary Trust Book 28907, Page 208

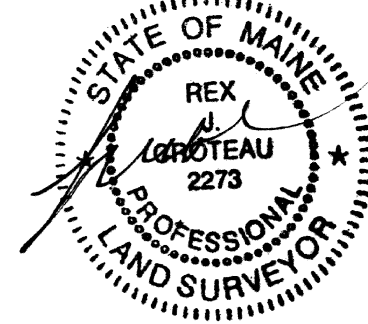
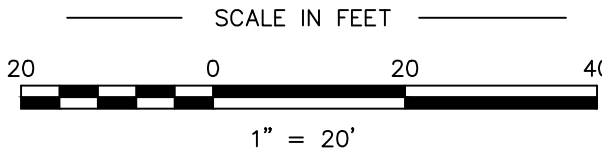
CERTIFICATION

This survey conforms to the current standards of practice set forth by the Maine State Board of Licensure for Land Surveyors.

Rex J. Croteau, P.L.S. #2273

AREA

Parcel A: 13,373 square feet
Parcel B: 8,616 square feet
Parcel C: 27,780 square feet
Total 49,769 square feet



PLAN OF Existing Conditions Survey		
757 Congress Street Portland, Maine		
MADE FOR Joe Delois		
JOB #87007	DATE: December 2, 2015	SCALE: 1" = 20'
BOOK #756	 Titcomb Associates 133 Gray Road, Falmouth, Maine 04105 (207)797-9199 www.titcombsurvey.com	
87007-2015		
FILE #3929		



Memorandum
Planning and Urban Development Department
Planning Division

To: Elizabeth Boepple , Chair and Members of the Portland Planning Board

From: Barbara Barhydt, Development Review Services Manager

Date: July 8, 2016

Re: Update of Chapter 5, Technical Manual, City of Portland

Meeting Date: July 12, 2016

A. INTRODUCTION

Maine's Department of Environmental Protection amended the Chapter 500 Stormwater Management Rules, which went into effect on August 12, 2015. In order for Portland to retain its delegated review of Stormwater Permits under Chapter 500 and to remain consistent with reviews under the State's Site Location Law, the amended regulations must be incorporated into Portland's Technical Manual by August 12, 2016. Once the regulations are adopted by the Planning Board, the rules must be reviewed by DEP for compliance with their regulations (Attachment 1, letter from Mary Beth Richards, DEP).

The draft before the Board has been prepared by Doug Roncarati, Water Resources Division of the Department of Public Works, Lauren Swett, Woodard and Curran, and Barbara Barhydt.

Notices were e-mailed to the interested citizen list and the legal ad appeared in the Portland Press Herald on July 4th and July 5th. No public comment has been received.

B. BACKGROUND

On November 25, 2008, the Portland Planning Board adopted the Chapter 500 regulations in their entirety as Section V of the Portland's Technical and Design Standards and Guidelines. At that time, the Board also revised the local applicability requirements for Section V to include projects smaller in scale than those required for review under Chapter 500 with the intent of meeting MS4 requirements under the Clean Water Act. In addition, Section VI of Portland's technical was modified to address erosion and sedimentation controls for single and two-family development, which remains as is.

Adopting the updated Chapter 500 stormwater management regulations preceded the full rewriting of Portland's site plan ordinance and the technical standards. The aim of this comprehensive update, which was adopted in 2010, was to put all of Portland's technical regulations into one document, the Technical Manual. Thus all of Chapter 500 was included in the manual (<http://meportland.civicplus.com/DocumentCenter/Home/View/2345>). Section V was retained unmodified in the adoption of the Technical Manual in 2010.

As part of the update in 2010, a new site plan ordinance was substituted for the previous version. The stormwater standards of review are listed below for context. Please note the stormwater standards apply to all development with some exceptions for single and two-family homes.

3. *Water Quality, Stormwater Management and Erosion Control:*

- a. *All development must demonstrate that the proposed site improvements are designed to minimize the amount of stormwater leaving the site. This must include consideration of the design and location of improvements to minimize the total area of impervious surface on the site and stormwater management techniques to minimize both the volume and rate of runoff from the lot. The stormwater management plan must demonstrate the following:*
 - (i) *Any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or re-directed so as to create ponding on, or flooding of, adjacent lots;*
 - (ii) *Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following the improvement can be handled on the adjacent lot without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot;*
 - (iii) *Any increase in volume or rate of stormwater draining from the lot onto City property following the improvement can be handled without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the City's property; and*
 - (iv) *Any increase in volume or rate of stormwater draining from the lot into the City's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.*
- b. *All development, except Level I minor residential development, shall comply with the standards of Section 5 of the Technical Manual including basic, general and flooding standards, as applicable, to prevent and control the release of pollutants to waterbodies, watercourses, wetlands and groundwater, and reduce adverse impacts associated with increases or changes in flow, soil erosion and sedimentation.*
- c. *All development, except Level I minor residential development, that are located within the watershed of an Urban Impaired Stream shall comply with the Urban Impaired Stream standards pursuant to Maine DEP Chapter 500 Stormwater Management Rules, as described in Section 5 of the Technical Manual.*

- d. *Level I: minor residential development shall comply with basic erosion control standards, as described in Section 6 of the City of Portland Technical Manual.*

C. PROPOSED PORTLAND TECHNICAL MANUAL UPDATES
SECTION V: Stormwater Management Standards and Maine DEP Chapter 500
Stormwater Management

The proposed amendments to Section V of the Technical Manual offer a different approach for the Board's consideration and direction (Attachment 2). Rather than adopting Chapter 500 in total as was done in 2008, the proposal is to cross reference the State regulations within Section V of the Technical Manual. Section V focuses on Portland's intention, applicability and submission requirements with cross references to Maine's Chapter 500 for all of the stormwater management standards. From the municipal perspective, this approach would automatically incorporate any regulatory updates and keep Portland's Technical Manual current with State regulations. It does; however, require applicants to access DEP's website for the regulations. The proposed Section V also cross references Chapter 32 of the City Code, which governs stormwater systems, illicit discharges, and post-construction stormwater management plans. The full text of the current Section V is on the city's web site: <http://me-portland.civicplus.com/DocumentCenter/Home/View/2345>

The proposed replacement for Section V is included at Attachment 2 and is shown below with staff commentary inserted for the Board's consideration.

I. Intention

The goal of the City of Portland's Stormwater Management Program is to address the effects of development on both the quantity and quality of stormwater runoff in order to protect and improve water quality and meet Clean Water Act requirements. The Technical Manual standards support the review criteria contained in Portland's site plan and subdivision ordinances and with the stormwater management requirements within Chapter 32. Please see Chapter 32 of the City Code of Ordinances for regulations governing stormwater systems, illicit discharges and Post-Construction Stormwater Management Plans in Portland.

Staff Comment:

Currently, the intention states the following:

The goal of the City of Portland's Stormwater Management Program is to address the effects of development on both the quantity and quality of stormwater runoff. Please see Chapter 32 of the City Code of Ordinances for regulations governing stormwater systems in Portland.

The additional language in the intention statement is to clearly identify the other City ordinances that guide stormwater management in Portland.

II. Applicability In Portland

PROJECTS REQUIRING STATE PERMITS:

Projects that require a Stormwater Permit pursuant to 38 M.R.S.A. Sec. 420-D (Stormwater

Management Law) and projects that may substantially affect the environment and require a site location of development (Site Law) permit pursuant to 38 M.R.S. A Sec 481-490 shall be reviewed for conformance with Chapter 500 under the City's Delegated Review Authority or by the Maine Department of Environmental Protection.

Staff Comment:

This provision is added to clarify that projects that trigger review for state permits will be conducted pursuant to the Chapter 500 regulations either under the City's delegated review or by DEP. Portland has conducted most of the stormwater permit reviews in the City, but there are large projects, such as the IMT, where DEP performed the reviews.

PROJECTS REQUIRING MUNICIPAL REVIEW IN PORTLAND:

The City of Portland's applicability requirements specified below for all development within Portland supersede the applicability thresholds specified within the Chapter 500 Rules. The City of Portland conducts reviews under the City's Code of Ordinances, specifically Chapter 32 Stormwater and Chapter 14 Land Use Code. With the intent of improving water quality within Portland's urban environment, the City has adopted codes and regulations that require development proposals of a scale smaller than the thresholds established under the state laws, to comply with the provisions of Chapter 500.

As outlined in the Section 14-526 of the City of Portland Code of Ordinances, the developments specified below shall comply with the Urban Impaired Stream, Basic, General, and Flooding Standards of the most recent version of the Maine Department of Environmental Protection (Maine DEP) Chapter 500 Rules for Stormwater Management (<http://www.maine.gov/dep/land/stormwater/storm.html>)

Staff Comment:

Over the past few years, there has been some confusion among new applicants on whether a stormwater management plan is required. As noted in above in the background section, the site plan ordinance sets standards for review that apply to all development, with a few exceptions. This draft seeks to highlight and clarify the municipal thresholds for review.

- A. **Development within Urban Impaired Stream Watersheds:** All development, except single and two-family homes, subject to City of Portland review under the Level I: Minor Residential Application, shall be required to comply with the Urban Impaired Stream Standard pursuant to Maine DEP Chapter 500 Stormwater Management Rules if they are located within the following watersheds:

- Capisic Brook,
- Fall Brook,
- Nasons Brook,
- As listed in the most recent version of the Maine DEP Chapter 502 Rules.

Developments which will result in the creation of at least 1,000 square-feet of new impervious area or 10,000 square-feet of new non-impervious developed area, as defined under Definitions in the Maine DEP Chapter 500, are considered de minimis and are exempt from the Urban Impaired Stream Standard. Development within the Long Creek watershed shall be subject to the requirements set forth by the Long Creek Watershed Management District.

The City of Portland has an approved Compensation Fee Utilization Plan (CFUP) and can therefore receive in-lieu-fee payments to meet the UIS Standard.

Staff Comment:

Portland has three designated Urban Impaired Watersheds, which require additional treatment and mitigation. The current version states:

All development, except single and two-family homes, subject to City of Portland review shall be required to comply with the Urban Impaired Stream Standard pursuant to Maine DEP Chapter 500 Stormwater Management Rules if they are located within these watershed:

- a. Capisic Brook*
- b. Fallbrook*
- c. Nason's Brook*

The proposed section lists the three watershed and references the potential for other streams to be listed by the State under the rules of Chapter 502.

A new provision being proposed is to clearly exempt some small projects from this review. As noted above, the Site Plan Ordinance and Technical manual refer to all development. The applicability for a Level I: Site Alteration is the increase of impervious surface area of 1,000 sf to 7,500 sf. If the increase in impervious surface exceeds 7,500, then a Level II site plan is required. Thus the staff is recommending language to clarify that an increase in impervious surface area of less than 1,000 sf would be considered de minimis and exempt from this standard. The Board will want to give guidance on whether the threshold for this exemption is appropriate.

In addition, the state has proposed a new definition of developed area which includes landscaped areas and disturbed areas. The threshold for review by the state is 1 acre. The site plan ordinance requires a level I: Site Alteration Review for the following:

Alteration of a site. The disturbance of land areas of less than one (1) acre that are stripped, graded, grubbed, filled or excavated. The Planning Authority shall exempt from review the loam and seeding of lawns and the cumulative placement of less than fifteen (15) cubic yards of fill on any lot provided such loaming or placement does not alter a drainage course, swale, wetland or redirect water onto adjoining property and does not violate any other provision of the Portland City Code or state or federal law. "Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas.

The proposed City regulations suggest a threshold of up to 10,000 square-feet of new non-impervious developed area (landscaped and disturbed areas) would be exempt from this standard. This exemption as proposed excludes roof or other impervious area within the 5,000 exemption. DEP's developed definition does include all impervious area, landscaped areas and disturbed areas within its overall definition. Again, the Board's input on this exemption is sought.

- B. Basic Erosion and Sedimentation Control Standards for all Development: All development subject to City of Portland site plan review, including but not limited to Level I: Site Alteration, Level II, and Level III site plans, shall comply with the Basic Standard pursuant to

Maine DEP Chapter 500 Stormwater Management Rules; single and two-family homes (Level I: Minor Residential Applications) shall be exempt from the Inspection and Maintenance Documentation Requirements of Appendix B1c.

Staff Comment:

The current regulations simply state that single and two-family development proposals shall be required to meet Basic Standards, excluding Appendix B1c. The proposed language is offered to clarify that all development shall meet these basic standards and retains the exemption for Level I: Minor Residential applications from meeting the construction site stormwater BMP maintenance documentation requirements.

C. **Stormwater Management Plans for New Development:** The following development proposals, shall submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including General and Flooding standards:

1. Level I: Site Alteration, Level II, and Level III Site Plans, which will result in the creation of at least 1,000 square-feet of new impervious area or 10,000 square-feet of new non-impervious developed area, as defined under Developed Area and listed under Definitions of Chapter 500.
2. Subdivisions as defined in the Land Use Code Section 14-493 except for those projects, which do not result in the creation of at least 1,000 square-feet of new impervious area or 10,000 square-feet of new non-impervious developed area, as defined under Developed Area and listed under Definitions of Chapter 500.
3. Other projects that the Planning Authority determines that special conditions warrant a stormwater management plan; and
4. Projects that require a Stormwater Permit pursuant to 38 M.R.S.A. Sec. 420-D (Stormwater Management Law), a development that may substantially affect the environment and requires a site location of development (Site Law) permit pursuant to 38 M.R.S.A. Sec 481-490; and certain projects that may be eligible for license by rule for the infiltration of stormwater pursuant to 38 M.R.S.A. Sec 413.

Exemption:

1. Level I Minor Residential, as defined in the Land Use Code - Section 14-522.

Staff Comment:

The above language is similar to what is contained in the current regulations. There was confusion in the past whether a stormwater management plans was required for a site alteration, as the Level I: Site Alteration application was not listed as a review category because it was created after Section V was adopted in 2008. Thus, the language proposed attempts to clarify all the levels of review subject to Section V and clearly exempt Level I: Minor Residential projects.

Please note that one of the changes proposed specific to Portland is to set the thresholds of review for impervious area and new non-impervious developed area as defined in Chapter 500. The proposed thresholds are as follows:

...which will result in the creation of at least 1,000 square-feet of new impervious area or 10,000 square-feet of new non-impervious developed area, as defined under Developed Area and listed under Definitions of Chapter 500.

- D. Redevelopment Projects: All projects not subject to requirements of an existing Site Law or Stormwater Management Law Permit that include redevelopment of non-roof impervious area greater than 5,000 square-feet and are subject to City of Portland review shall provide stormwater quality treatment in accordance with the General Standards for no less than 50% of the redeveloped impervious area. The runoff from any upgradient area must be either directed away from the stormwater treatment measure or that measure must be sized to treat the runoff from the upgradient area.

Staff Comment:

Under the former Chapter 500 regulations, redevelopment projects were exempt from meeting standards. Under the revised version, redevelopment projects as defined are subject to review. The new definition of redevelopment is as follows:

Redevelopment. “Redevelopment” means an activity, not including maintenance, undertaken to redevelop or otherwise improve property in which the newly developed area, is located within the same footprint as the existing developed area. A minor amount of undeveloped land, as determined by the Department on a case-by-case basis, may be included within the perimeter of the existing developed area.

Related to this definition is the term newly developed area, which is defined as follows:

Developed area. “Developed area” means an impervious area, landscaped area, or unvegetated area. Developed area includes all disturbed areas except an area that is returned to a condition that existed prior to the disturbance and is revegetated within one calendar year of being disturbed, provided the area is not mowed more than twice per year.

While treatment was not required in the past, there have been many projects that installed control and treatment measure to help alleviate burdens the City’s system. The most cost-effective approach to addressing historic stormwater runoff issues, whether they impact the separate storm drain system or combined sewer system, is to deal with them during redevelopment. As an added incentive, the City offers credits under the Stormwater Service Charge program for applicants that install stormwater management systems for redevelopment projects. Again the threshold for DEP’s requirements under Chapter 500 is 1 acre and the City’s requirements refer to all development. Under the site plan ordinance, a building footprint increase over 500 sf triggers a Level II site plan review and an increase of 1,000 sf of pavement triggers a Level I: Site Alteration review. The staff is suggesting setting a threshold area of redevelopment that would then trigger stormwater management controls. In this draft we have suggested 5,000 sf as the threshold to apply the redevelopment provisions, but the Board may want to suggest a different threshold. The redevelopment of 5,000 sf includes both impervious area (including roof area), landscaped areas and unvegetated areas.

- E. Low Impact Development and Stormwater Quality treatment: Developments that are not required to comply with the General and Flooding standards are encouraged to incorporate Low Impact Development (LID) and stormwater quality treatment techniques in their design to the maximum extent practicable; however, only projects that meet or exceed the General and Flooding Standards may qualify for a credit from the Stormwater Service Charge in

accordance with the Stormwater Credit Manual. A separate application must be completed and submitted to the City for consideration of Stormwater Service Charge credits.

Staff Comment:

For projects that are not required to meet the general and flooding standards, this section encourages the use of low impact development and stormwater quality treatment in their designs. It also makes clear that if a proposal is seeking to receive credits under Portland's Stormwater Service Charge, then the design must comply with the Stormwater Credit Manual and apply for the credits through a separate application process.

III. Stormwater Management Standards

Developments as specified under Section II Applicability in Portland shall be required to comply with most recent version of the Maine Department of Environmental Protection (Maine DEP) Chapter 500 Rules for Stormwater Management(<http://www.maine.gov/dep/land/stormwater/storm.html>), including but not limited to the standards for Urban Impaired Stream, Basic, General, and Flooding Standards for the suitability, design, installation, and maintenance of systems to comply with the General and Flooding Standards are provided in Volume III of the Maine Stormwater Best Management Practices Manual.

Developments shall also comply with Chapter 32 Stormwater of the City Code and with the Subdivision and Site Plan Ordinances contained in the Land Use Code, Chapter 14.

Staff Comment: *This is cross references the state and local standards to be considered for development. Corporation Counsel's Office has reviewed the draft and has determined that the cross referencing sufficiently incorporates the technical manual and Chapter 500.*

IV. Submission Requirements

Applicants are required to submit a stormwater management and drainage plan as part of development review application and to provide the following submission items to demonstrate compliance with the applicable stormwater management standards:

- **Urban Impaired Stream Standard:** Calculations for the Compensation Fee or Mitigation Credit per the tables provided in Chapter 500 Rules and other associated Maine DEP regulations. (Note: The City of Portland has an approved Compensation Fee Utilization Plan (CFUP) and can therefore receive in-lieu-fee payments to meet the UIS Standard.)
- **Basic Standard:** An Erosion & Sediment Control management plan, notes, and details per the Chapter 500 Rules
- **General Standard:** Written narrative demonstrating compliance, site plans showing grading and drainage infrastructure, site plan showing water quality treatment area(s) with table showing compliance, BMP sizing calculations, construction details, and a Post-Construction Stormwater Inspection & Maintenance Plan per Maine DEP Chapter 500 Appendix B with reporting requirements per Chapter 32 of City of Portland Code of Ordinances, and a Stormwater Maintenance Agreement.
- **Flooding Standard:** Subcatchment plans with flow paths, full hydrology computations/model output of pre- and post-development conditions, summary of pre- and post-development flowrates, and a written request for waiver with rationale for waiver as noted in Section 5.II.F. (as applicable)

The following references provide guidance on LID techniques:

- *LID Guidance Manual for Maine Communities*, prepared for the Maine Coastal Program, dated September 21, 2007.
- *Low-Impact Development Design Strategies – An Integrated Design Approach*, prepared by Prince George’s County, Maryland & Department of Environmental Resources, Programs and Planning Division, dated June 1999.

Staff Comment: *The site plan application submission requirements call for a plan of stormwater controls for a Level I: Site Alteration application. Level II and Level III site plans require the following:*

A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;

The content of a stormwater management and drainage plan are listed in the above submission requirements. There may need to clarification in the submission requirements for the Level I: Site Alteration application that mirrors the language for a Level II and III.

D. CHAPTER 500: STORMWATER MANAGEMENT

The Chapter 500 regulations are included as Attachment 4 and the changes as presented in a power point presentation prepared by Maine DEP and presented at the Bureau of Land Resources on March 2016 is included as Attachment 3. Doug Roncarati and Lauren Swett will attend the workshop to answer questions.

Background:

The Maine Storm Water Management Law was adopted in 1995 with the Chapter 500 Stormwater Management Law Rules adopted in 1997. Portland adopted rules that were consistent with the Law and obtained Delegated Review Authority. The State rules were updated in 2006 and Portland adopted the updated rules in November 2008 as part of the Technical and Design Standards and Regulations, which later became the Technical Manual in 2010.

As summarized by DEP, the significant revisions to Chapter 500 include the following:

- New Changes were effective on 8/12/2015
- General standards – options are provided when 95% and 80% treatment levels can’t be met
- Redevelopment standards are included, so red
- Innovative treatment measures are allowed
- Clarification of treatment standards for Site Law redevelopment projects
- Rainfall table updates
- Voluntary low impact development credit

Section 2 Applicability

As summarized by DEP, the same types of projects are subject to review as those under the last version with some revisions for stormwater and site law projects, specifically redevelopment proposals. Gravel Pits, quarries and hydropower projects may be reviewed at the Department’s request. The applicability section clarifies there may be other standards that a project must meet (e.g. in MS4 communities), which is consistent with Portland’s lower thresholds of review to meet other Federal and State obligations under the City’s MS4 permit. The applicability section is below:

Applicability: This Chapter applies to a project that disturbs one acre or more of land area and requires a stormwater permit pursuant to the Stormwater Management Law 38 M.R.S.

§420-D; a development that may substantially affect the environment and requires a site location of development (Site Law) permit pursuant to 38 M.R.S. §§ 481- 490; changes to a project reviewed under the Stormwater Management Law or Site Law that require a modification of the project's permit, as described in Section 16; and certain discharges of stormwater to groundwater that may be exempt from licensing under 38 M.R.S. §413, as described in Appendix D of this Chapter. The Department may also require a Department-licensed excavation, quarry or hydropower project to meet the stormwater standards of this Chapter. Additional stormwater standards and requirements, such as those involving the Maine Pollutant Discharge Elimination System (MEPDES) program and the Municipal Separate Storm Sewer System (MS4) program may also apply in addition to the standards and requirements set forth in this Chapter.

Section 3: New Definitions

The proposed new definitions include the following:

Linear portion of a project. “Linear portion of a project” means that portion of a project consisting of a utility corridor, roads and road shoulders, driveway, railroad track outside a yard or station, or other similar transportation corridor. The linear portion of a project does not include roads and road shoulders within 50 feet of an impervious area of the same project that is not a sidewalk, bike path, driveway or other road entrance, or single or two family residential buildings.

Low impact development. “Low impact development” or “green infrastructure” means site planning and design strategies intended to replace or replicate predevelopment hydrology through the use of source control and relatively small-scale measures integrated throughout a site to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as possible. Low impact development strategies may be either nonstructural or structural, except that low impact development strategies utilizing structural stormwater management techniques shall be limited to an impervious contributing drainage area equal to or less than 1 acre. Low impact development strategies include, but are not limited to: bio retention filters, grass swales and channels, vegetated filter strips, permeable pavements, rain gardens and vegetated rooftops.

Medium-use parking lot. “Medium-use parking lot” means a parking lot that is used most days and where vehicles are parked for an extended period of time, typically longer than two consecutive hours, such as an “employees only” parking lot, a school, and long-term parking at an intermodal transportation facility such as an airport, bus terminal or railroad station.

New development or construction. “New development or construction” means activity undertaken to develop property, including but not limited to: the construction of buildings, parking lots, roads and other new impervious surfaces; landscaping; and other activities that disturb land areas. New development or construction does not include redevelopment or maintenance.

Nonstructural stormwater management techniques. “Nonstructural stormwater management techniques” means stormwater management techniques that are designed to encourage the treatment, infiltration, evaporation, and transpiration of precipitation close to where it falls, while helping to maintain a more natural and functional landscape.

Proprietary stormwater management systems. “Proprietary stormwater management systems” means manufactured systems that use proprietary settling, filtration, absorption, vortex principles, vegetation and other processes to manage stormwater.

Redevelopment. “Redevelopment” means an activity, not including maintenance, undertaken to redevelop or otherwise improve property in which the newly developed area, is located within the same footprint as the existing developed area. A minor amount of undeveloped land, as determined by the Department on a case-by-case basis, may be included within the perimeter of the existing developed area.

Other related definitions include the following, but they are not presented below:

- Soil hydrologic groups
- Structural techniques
- Time of concentration
- Waterbody

Section 4: Stormwater standards

B. Basic Standards

- The Basic Standards which refers to erosion and sedimentation control, inspection and maintenance, and housekeeping standards apply to all applicable projects, including any changes to permitted projects.

C. General Standards (from power point)

Amount of Treatment

Old	New
• Must treat 95% of impervious area and 80% of developed area • When 95% is not practical the Department could waive to 90% if greater depth of runoff treated no numerical standard	• Still must treat 95% of impervious and 80% developed if practical • When 95% treatment can't be reached, must treat 0.05-inch increase in runoff depth for every 1% treatment area is decreased • Must treat at least 80% developed are or meet Table 1

Treatment Required

- Runoff from upgradient areas must either be diverted around the treatment measure or the treatment measure must be designed to treat 50% of the runoff from that area.

Redevelopment

Old	New
• For Stormwater projects redeveloped areas did not have to meet the General Standards as long as no increase in pollutant level • For Site Law projects required to meet General Standard to extent practical	• Establishes a pollutant ranking • Treatment is scaled based on pollutant ranking • Formula for calculating pre and post redevelopment ranking • Table to determine amount of treatment based on formula (staff note: see pages 7-9 of Attachment 4)

Wet Ponds

Old	New
• Permanent pool must have 1-inch X subcatchment impervious area + 0.4-inch X subcatchment developed area of storage capacity. • Storage volume below the permanent pool must be 1.5 inches X impervious area + 0.6 inches' times non-impervious developed area and be 3' deep with length to width ratio of 2:1	• Permanent pool must have 1-inch X subcatchment impervious area + 0.4-inch X subcatchment developed area of storage capacity • Storage volume below the permanent pool must be 2.0 inches X impervious area + 0.8- inches times non-impervious developed area and be 3' deep with length to width ratio of 3:1

Innovative treatment measures

- The Department (staff note: or the City) may on a case-by-case basis approve an alternative treatment measure if the measure will provide as much pollutant removal, channel protection and temperature control.
- If channel protection and temperature control are not issues, we can waive that requirement.
- Applicant must demonstrate control will work.

Exemptions

- Linear portions of projects, but not within 50 feet of other impervious area
- Wetland road crossings
- Roofs
- Treatment of impervious area constructed prior to January 1, 2016

Urban Impaired Stream Standards

Old	New
• Projects in watershed of stream listed Chapter 502 and need a Site Permit or modification • Compensation fee or mitigation of other impacts • Exception for redevelopment if increase in SW impacts	• Same triggers for when standard must be met • Still have compensation fee or mitigation • Replacement of impervious area is exempt if no increase in pollutant ranking • Areas where DEP approved SW management plan

Low Impact Development (LID)

- LID definition in Ch. 500 Rules
 - Site planning and design strategies intended to replace or replicate redevelopment hydrology through the use of source control and relatively small-scale measures integrated throughout a site to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as possible. Low impact development strategies may be either nonstructural or structural.
- Encourage innovation and creativity
- Voluntary LID credit (staff note: low impact development strategies can reduce stormwater storage volume requirements)

LID objectives:

- Maximize undisturbed land and minimize disturbance
- Protect natural drainage patterns
- Minimize decrease in Tc from pre- to post-construction
- Minimize soil compaction
- Utilize low-maintenance landscaping to minimize need for chemicals
- Minimize/break up impervious areas
- Use vegetated open-channel systems to stabilize vegetated areas
- Control pollutants at the source

To Qualify for LID credit:

- At least 50% of the runoff volume from developed area must be treated with LID measures.
- Credit awarded based on percentage of developed area treated with LID measures.

Some ways to minimize impervious areas:

Alternative Roadway Layout: Alternative road layouts can be used to reduce total pavement, while allowing for the same amount of development. Clustering will decrease imperviousness.

Narrow Road Sections: The width of pavement can be reduced by including the primary driving surface, a pervious base for the shoulders, and a ditch drainage swale in place of curb and gutter.

Sidewalks: Sidewalks can be reduced to one side of the road or be eliminated.

Rooftops: Vertical construction can be used over horizontal construction since the number and size of buildings dictates the impervious area associated with rooftops.

Driveways: Minimizing paved driveway area can be accomplished through narrower driveways or length reduction. Shared driveways will also reduce imperviousness. Porous driveway material would reduce runoff.

Phosphorous standard: (not included as it applies to lake watersheds)

Flooding Standard

Additional Standard:

Design standards of the local municipality, MDOT, or the Maine Turnpike Authority may need to also be met by the project. The applicant must contact the entity that owns or controls a primary access road or public road if project may cause flooding of that road, and must meet applicable standards.

Permit-by-Rule

To extend an existing Stormwater Management license, a minor revision will need to be submitted. PBR is no longer applicable.

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- Maine licensed landscape architect, knowledgeable in stormwater management, can design system that includes any form of conveyance structure
- Requires the submission of calculation tables and subcatchment plans
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Now includes the Long Creek Watershed Management District for substitution of stormwater management system. Projects in this District are exempt.

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- Added a requirement that proprietary systems be maintained per manufacturer's recommendations
- Added a requirement that proprietary systems have a 5-year maintenance contracts
- Added a provision that exempts permittees from 5-year recertification if subject to a Multisector General Permit and if the applicant demonstrates those provide effective control
- New transfer condition which requires deed restrictions stipulating land that has flow or is subject to flooding is subject to permit and conditions

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- In addition to regular Standard Conditions of Approval
- Department may require DEP-approved inspector to oversee construction if project in a lake watershed or an urban impaired stream watershed
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Appendix A: Erosion and Sedimentation Control

- When practicable, no disturbance should take place within 50 feet of any protected resource. If disturbance takes place between 30' and 50' and stormwater flows through disturbed areas, DOUBLE erosion control measures are required. If disturbance takes place less than 30' from resource and stormwater discharges through disturbed area, perimeter erosion controls must be doubled and disturbed areas must be temporary or permanent stabilized within 7 days
- Requires stabilized construction entrances
- Adds specific measures to be met for Winter Construction
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- Allows for use of flocculants in basins with DEP approval

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- Adds a timing requirement for the start of repairing erosion controls
- Adds inspection requirement for stormwater ponds, under drained filters & manufactured systems

Appendix C: Housekeeping

- Incorporates notes relating to groundwater protection and tracking dirt onto roads in the actual standards
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Appendix F: Vegetated Buffers

- Alternative buffer design for residential subdivision lots – Table 12 sets up required minimum length of flow path through the buffer dependent on soil class and buffer type

Appendix H: 24-hour duration rainfalls

- Revised precipitation projections for all levels of storm probability
(Data extracted by MDEP from the NE Regional Climate Center website, Extreme Precipitation Tables (sourced from NOAA Regional Climate Center))

Chapter 501 Rule

- Effective date 1/13/2015. Compensation fees and mitigation credits moved from Chapter 500
- Noteworthy change: Compensation fee for phosphorus is not available for subdivisions where at least 60% phosphorus reduction cannot be achieved or when using BMP's other than buffers.

E. Next Steps

- Prepare revisions to the text amendments based on the Boards Comments
- Schedule a public hearing for adoption of the Technical Manual Regulations

Attachments:

- Att. 1 Correspondence, Mary Beth Richards, DEP
- Att. 2 Proposed amendments to Section V of the Technical Manual
- Att. 3 Transcript of Power Point by Maine DEP and presented at the Bureau of Land Resources on March 2016
- Att.4 Chapter 500



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



AVERY T. DAY
ACTING COMMISSIONER

December 23, 2015

City of Portland
ATTN: Barbara Barhydt
389 Congress St., 4th floor
Portland, ME 04101

Re: Amendments to Stormwater Management rules

Dear Barbara:

On August 12, 2015, amendments to the Department's Stormwater Management rules (also known as Chapter 500 Rules) became effective. The amendments are intended to provide greater flexibility while encouraging the use of innovative stormwater designs that will accommodate measures for addressing climate change, resiliency, and adaptation in our infrastructure.

Briefly, the major changes include: 1) treatment levels in the General Standards have been revised to provide additional stormwater treatment options where the standard treatment requirements are impractical or cannot be met; 2) a new voluntary Low Impact Development (LID) credit has been established that reduces the volume of stormwater that must be treated if an applicant uses LID techniques; 3) new treatment levels have been created for redevelopment projects, through the use of scaled treatment requirements based on stormwater impact changes; and 4) the appendices, which provide basic performance standards for a variety of stormwater management and associated activities, have been updated to reflect current stormwater best management practices. There are also minor revisions to the rules that will provide greater clarity and consistency with other Department rules.

Pursuant to the Stormwater Management Law, 38 M.R.S.A. § 420-D(7)(C), projects subject to the Stormwater Management Law are exempt from Department permitting in Portland, because Portland was previously determined to have Ordinances related to stormwater management that meet or exceed the Department's standards and have the resources to enforce those Ordinances. This is known as having "capacity" to review stormwater projects solely at the municipal level.

In order to maintain the designation of having "capacity", Portland must do the following:

1. amend its Ordinances within one calendar year of the effective date of the rule amendments;
2. submit its amended Ordinances to the Commissioner for review within 45 calendar days of its adoption; and

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

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

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

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

3. the Commissioner determines that the amended Ordinances meet or exceed the provisions of the amended Department rules.

Department staff are available to assist Portland in revising its Ordinances to meet or exceed the provisions of the amended Stormwater Management rules. You may request a meeting with staff or submit draft Ordinance amendments for our review prior to officially amending them at the municipal level. By seeking a pre review of the proposed Ordinance amendments, you can avoid the possibility of having adopted revisions that do not meet or exceed the standards of the Department's revised Stormwater Management rules.

If you have any questions, or wish to discuss the Ordinance revisions necessary to remain a city deemed to have capacity under the Stormwater Management Law, please feel free to contact me at 592-1692 or at Marybeth.richardson@maine.gov.

Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marybeth Richardson", is written over the printed name.

Marybeth Richardson
Regional Licensing and Compliance Manager
Bureau of Land Resources

5. PORTLAND STORMWATER MANAGEMENT STANDARDS AND MAINE DEP CHAPTER 500 STORMWATER MANAGEMENT

I. INTENTION

The goal of the City of Portland's Stormwater Management Program is to address the effects of development on both the quantity and quality of stormwater runoff in order to protect and improve water quality and meet Clean Water Act requirements. The Technical Manual standards support the review criteria contained in Portland's site plan and subdivision ordinances and with the stormwater management requirements within Chapter 32. Please see Chapter 32 of the City Code of Ordinances for regulations governing stormwater systems, illicit discharges and Post-Construction Stormwater Management Plans in Portland.

II. APPLICABILITY IN PORTLAND

PROJECTS REQUIRING STATE PERMITS:

Projects that require a Stormwater Permit pursuant to 38 M.R.S.A. Sec. 420-D (Stormwater Management Law) and projects that may substantially affect the environment and require a site location of development (Site Law) permit pursuant to 38 M.R.S. A Sec 481-490 shall be reviewed for conformance with Chapter 500 under the City's Delegated Review Authority or by the Maine Department of Environmental Protection.

PROJECTS REQUIRING MUNICIPAL REVIEW IN PORTLAND:

The City of Portland's applicability requirements specified below for all development within Portland supersede the applicability thresholds specified within the Chapter 500 Rules. The City of Portland conducts reviews under the City's Code of Ordinances, specifically Chapter 32 Stormwater and Chapter 14 Land Use Code. With the intent of improving water quality within Portland's urban environment, the City has adopted codes and regulations that require development proposals of a scale smaller than the thresholds established under the state laws, to comply with the provisions of Chapter 500.

As outlined in the Section 14-526 of the City of Portland Code of Ordinances, the developments specified below shall comply with the Urban Impaired Stream, Basic, General, and Flooding Standards of the most recent version of the Maine Department of Environmental Protection (Maine DEP) Chapter 500 Rules for Stormwater Management

(<http://www.maine.gov/dep/land/stormwater/storm.html>)

Attachment 2

- A. Development within Urban Impaired Stream Watersheds: All development, except single and two-family homes, subject to City of Portland review under the Level I: Minor Residential Application, shall be required to comply with the Urban Impaired Stream Standard pursuant to Maine DEP Chapter 500 Stormwater Management Rules if they are located within the following watersheds:

- Capisic Brook,
- Fall Brook,
- Nasons Brook,
- As listed in the most recent version of the Maine DEP Chapter 502 Rules.

Developments which will result in the creation of at least 1,000 square-feet of new impervious area or 10,000 square-feet of new non-impervious developed area, as defined under Definitions in the Maine DEP Chapter 500, are considered de minimis and are exempt from the Urban Impaired Stream Standard. Development within the Long Creek watershed shall be subject to the requirements set forth by the Long Creek Watershed Management District.

The City of Portland has an approved Compensation Fee Utilization Plan (CFUP) and can therefore receive in-lieu-fee payments to meet the UIS Standard.

- B. Basic Erosion and Sedimentation Control Standards for all Development: All development subject to City of Portland site plan review, including but not limited to Level I: Site Alteration, Level II, and Level III site plans, shall comply with the Basic Standard pursuant to Maine DEP Chapter 500 Stormwater Management Rules; single and two-family homes (Level I: Minor Residential Applications) shall be exempt from the Inspection and Maintenance Documentation Requirements of Appendix B1c.
- C. Stormwater Management Plans for New Development: Except as provided in below, the following development proposals, shall submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including General and Flooding standards:
1. Level I: Site Alteration, Level II, and Level III Site Plans, which will result in the creation of at least 1,000 square-feet of new impervious area or 10,000 square-feet landscaped area or unvegetated area, as defined under Developed Area and listed under Definitions of Chapter 500.
 2. Subdivisions as defined in the Land Use Code Section 14-493 except for those projects, which do not result in the creation of at least 1,000 square-feet of new impervious area or 10,000 square-feet landscaped area or unvegetated area, as defined under Developed Area and listed under Definitions of Chapter 500.

Attachment 2

3. Other projects that the Planning Authority determines that special conditions warrant a stormwater management plan; and
4. Projects that require a Stormwater Permit pursuant to 38 M.R.S.A. Sec. 420-D (Stormwater Management Law), a development that may substantially affect the environment and requires a site location of development (Site Law) permit pursuant to 38 M.R.S.A. Sec 481-490; and certain projects that may be eligible for license by rule for the infiltration of stormwater pursuant to 38 M.R.S.A. Sec 413.

Exemption:

1. Level I Minor Residential, as defined in the Land Use Code - Section 14-522.
- D. Redevelopment Projects: All projects not subject to requirements of an existing Site Law or Stormwater Management Law Permit that include redevelopment of non-roof impervious area greater than 5,000 square-feet and are subject to City of Portland review shall provide stormwater quality treatment in accordance with the General Standards for no less than 50% of the redeveloped impervious area. The runoff from any upgradient area must be either directed away from the stormwater treatment measure or that measure must be sized to treat the runoff from the upgradient area.
- E. Low Impact Development and Stormwater Quality Treatment: Developments that are not required to comply with the General and Flooding standards are encouraged to incorporate Low Impact Development (LID) and stormwater quality treatment techniques in their design to the maximum extent practicable; however, only projects that meet or exceed the General and Flooding Standards may qualify for a credit from the Stormwater Service Charge in accordance with the Stormwater Credit Manual. A separate application must be completed and submitted to the City for consideration of Stormwater Service Charge credits.

III. STORMWATER MANAGEMENT STANDARDS

Developments as specified under Section II Applicability in Portland must comply with the most recent version of the Maine Department of Environmental Protection (Maine DEP) Chapter 500 Rules for Stormwater Management(<http://www.maine.gov/dep/land/stormwater/storm.html>), including but not limited to the standards for Urban Impaired Stream, Basic, General, and Flooding Standards for the suitability, design, installation, and maintenance of systems to comply with the General and Flooding Standards are provided in Volume III of the Maine Stormwater Best Management Practices Manual.

Developments shall also comply with Chapter 32 Stormwater of the City Code and with the Subdivision and Site Plan Ordinances contained in the Land Use Code, Chapter 14.

IV. Submission Requirements

Applicants are required to submit a stormwater management and drainage plan as part of development review application and to provide the following submission items to demonstrate compliance with the applicable stormwater management standards:

- Urban Impaired Stream Standard: Calculations for the Compensation Fee or Mitigation Credit per the tables provided in Chapter 500 Rules and other associated Maine DEP regulations. (Note: The City of Portland has an approved Compensation Fee Utilization Plan (CFUP) and can therefore receive in-lieu-fee payments to meet the UIS Standard.)
- Basic Standard: An Erosion & Sediment Control management plan, notes, and details per the Chapter 500 Rules
- General Standard: Written narrative demonstrating compliance, site plans showing grading and drainage infrastructure, site plan showing water quality treatment area(s) with table showing compliance, BMP sizing calculations, construction details, and a Post-Construction Stormwater Inspection & Maintenance Plan per Maine DEP Chapter 500 Appendix B with reporting requirements per Chapter 32 of City of Portland Code of Ordinances, and a Stormwater Maintenance Agreement.
- Flooding Standard: Subcatchment plans with flow paths, full hydrology computations/model output of pre- and post-development conditions, summary of pre- and post-development flowrates, and a written request for waiver with rationale for waiver as noted in Section 5.II.F. (as applicable)

The following references provide guidance on LID techniques:

- *LID Guidance Manual for Maine Communities*, prepared for the Maine Coastal Program, dated September 21, 2007.
- *Low-Impact Development Design Strategies – An Integrated Design Approach*, prepared by Prince George's County, Maryland & Department of Environmental Resources, Programs and Planning Division, dated June 1999.

CHAPTER 500 2015 REVISIONS

(source: power point presentation from the Bureau of Land Resources, March 2016)

Chapter 500 – The Past

- 1995- Maine Storm Water Management Law
- 1997 – Chapter 500 Stormwater Management Law Rules
- 2006 – Stormwater Management Rules last updated
- 2009 – Stakeholder group discussions

Chapter 500 – The Recent Past

- New Changes were effective 8/12/2015
- General standards – options when 95% and 80% treatment levels can't be met
- Redevelopment standards
- Innovative treatment measures
- Clarification of treatment standards for Site law redevelopment projects
- Rainfall table updates
- Voluntary low impact development credit

Chapter 502 – The Future

- Watersheds most at risk, and urban impaired streams
- Last updated in 2006
- Potential start of review in 2016
- Major substantive rule

What do the changes Mean?:

Section 3: New Definitions

- Linear portion of a project: clarified to exclude roads within 50 feet of other impervious areas
- Low Impact Development

Other new definitions

- Medium-use parking lot
- New development or construction
- Nonstructural techniques
- Proprietary system
- Redevelopment
- Soil hydrologic groups
- Structural techniques
- Time of concentration
- Waterbody

Applicability

- Same types of projects as the old rule
- Changes to permitted SW or Site Law projects

- Gravel Pits, quarries and hydropower projects at the Department's request
- Clarifies there may be other standards that a project must meet (e.g. in MS4 communities)

Basic Standards

- Applies to all projects, including any changes to permitted projects.

General Standards

Amount of Treatment

Old	New
• Must treat 95% of impervious area and 80% of developed area • When 95% is not practical the Department could waive to 90% if greater depth of runoff treated no numerical standard	• Still must treat 95% of impervious and 80% developed if practical • When 95% treatment can't be reached, must treat 0.05-inch increase in runoff depth for every 1% treatment area is decreased • Must treat at least 80% developed area or meet Table 1

General Standard

Treatment Required

- Runoff from upgradient areas must either be diverted around the treatment measure or the treatment measure must be designed to treat 50% of the runoff from that area.

General Standards

Redevelopment

Old	New
• For Stormwater projects redeveloped areas did not have to meet the General Standards as long as no increase in pollutant level • For Site Law projects required to meet General Standard to extent practical	• Establishes a pollutant ranking • Treatment is scaled based on pollutant ranking • Formula for calculating pre and post redevelopment ranking • Table to determine amount of treatment based on formula

General Standards

Wet Ponds

Old	New
• Permanent pool must have 1-inch X subcatchment impervious area + 0.4-inch X subcatchment developed area of storage capacity. • Storage volume below the permanent pool must be 1.5 inches X impervious area + 0.6 inches times non-impervious developed area and be 3' deep with length to width ratio of 2:1	• Permanent pool must have 1-inch X subcatchment impervious area + 0.4-inch X subcatchment developed area of storage capacity • Storage volume below the permanent pool must be 2.0 inches X impervious area + 0.8 inches times non-impervious developed area and be 3' deep with length to width ratio of 3:1

General Standards

Innovative treatment measures

- The Department may on a case-by-case basis approve an alternative treatment measure if the measure will provide as much pollutant removal, channel protection and temperature control.
- If channel protection and temperature control are not issues, we can waive that requirement.
- Applicant must demonstrate control will work.

General Standards

Exemptions

- Linear portions of projects, but not within 50 feet of other impervious area
- Wetland road crossings
- Roofs
- Treatment of impervious area constructed prior to January 1, 2016

Urban Impaired Stream Standards

Old	New
• Projects in watershed of stream listed Chapter 502 and need a Site Permit or modification • Compensation fee or mitigation of other impacts • Exception for redevelopment if increase in SW impacts	• Same triggers for when standard must be met • Still have compensation fee or mitigation • Replacement of impervious area is exempt if no increase in pollutant ranking • Areas where DEP approved SW management plan

Low Impact Development (LID)

- LID definition in Ch. 500 Rules
 - Site planning and design strategies intended to replace or replicate redevelopment hydrology through the use of source control and relatively small-scale measures integrated throughout a site to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as possible. Low impact development strategies may be either nonstructural or structural.
- Encourage innovation and creativity
- Voluntary LID credit

LID objectives:

- Maximize undisturbed land and minimize disturbance
- Protect natural drainage patterns
- Minimize decrease in Tc from pre- to post-construction
- Minimize soil compaction
- Utilize low-maintenance landscaping to minimize need for chemicals
- Minimize/break up impervious areas
- Use vegetated open-channel systems to stabilize vegetated areas

- Control pollutants at the source

To Qualify for LID credit:

- At least 50% of the runoff volume from developed area must be treated with LID measures.
- Credit awarded based on percentage of developed area treated with LID measures.

Some ways to minimize impervious areas:

Alternative Roadway Layout: Alternative road layouts can be used to reduce total pavement, while allowing for the same amount of development. Clustering will decrease imperviousness.

Narrow Road Sections: The width of pavement can be reduced by including the primary driving surface, a pervious base for the shoulders, and a ditch drainage swale in place of curb and gutter.

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Driveways: Minimizing paved driveway area can be accomplished through narrower driveways or length reduction. Shared driveways will also reduce imperviousness. Porous driveway material would reduce runoff.

Phosphorous Standard

Exception

Must demonstrate that the standard calculations for determining P export are not appropriate due to “unusual circumstances” – and that the P export will meet the project’s site allocation.

If evidence is provided, the Department may determine that the P standard has been met.

Flooding Standard

Additional Standard:

Design standards of the local municipality, MDOT, or the Maine Turnpike Authority may need to also be met by the project. The applicant must contact the entity that owns or controls a primary access road or public road if project may cause flooding of that road, and must meet applicable standards.

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Chapter 500: STORMWATER MANAGEMENT

SUMMARY: This Chapter describes stormwater standards for activities licensed under the State's Stormwater Management Law and Site Location of Development Law. It also describes the conditions under which discharges of stormwater to groundwater are exempt from licensing under the Waste Discharge Law. Additional stormwater standards and requirements for federally-delegated programs may also apply in addition to the standards and requirements set forth in this Chapter.

- 1. Introduction.** Land use activities can cause changes in stormwater flows. Many pollutants, such as nutrients and metals, attach to fine particles of soil from throughout the watershed. Soil and attached pollutants are carried in the stormwater down to a waterbody or wetland. A project is required to meet appropriate standards to prevent and control the release of pollutants to waterbodies, wetlands, and groundwater, and reduce impacts associated with increases and changes in flow.
- 2. Applicability.** This Chapter applies to a project that disturbs one acre or more of land area and requires a stormwater permit pursuant to the Stormwater Management Law 38 M.R.S. §420-D; a development that may substantially affect the environment and requires a site location of development (Site Law) permit pursuant to 38 M.R.S. §§ 481- 490; changes to a project reviewed under the Stormwater Management Law or Site Law that require a modification of the project's permit, as described in Section 16; and certain discharges of stormwater to groundwater that may be exempt from licensing under 38 M.R.S. §413, as described in Appendix D of this Chapter. The Department may also require a Department-licensed excavation, quarry or hydropower project to meet the stormwater standards of this Chapter. Additional stormwater standards and requirements, such as those involving the Maine Pollutant Discharge Elimination System (MEPDES) program and the Municipal Separate Storm Sewer System (MS4) program may also apply in addition to the standards and requirements set forth in this Chapter
- 3. Definitions.** The following terms have the following meanings as used in this Chapter and 06-096 CMR Chapter 502 (Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams), unless the context otherwise indicates.
 - A. Certified Professional in Erosion and Sedimentation Control (CPESC).** "Certified Professional in Erosion and Sedimentation Control (CPESC)" means a professional certified by Enviro-Cert International in erosion and sediment control practices.
 - B. Compensation fee utilization plan.** "Compensation fee utilization plan" means a plan that specifies how funds received as a compensation fee payment will be allocated to reduce the impact of stormwater pollution to an impaired water resource.
 - C. Detention basin.** "Detention basin" means a basin designed and constructed to provide temporary storage of runoff to control stormwater outflow from the site and manage peak flows downstream and to provide gravity settling of pollutants.
 - D. Developed area.** "Developed area" means an impervious area, landscaped area, or unvegetated area. Developed area includes all disturbed areas except an area that is returned to a condition that

existed prior to the disturbance and is revegetated within one calendar year of being disturbed, provided the area is not mowed more than twice per year.

- E. Direct watershed of a waterbody or wetland.** “Direct watershed of a waterbody or wetland” means the land area that drains via overland flow, drainageways, waterbodies, or wetlands to a given waterbody or wetland without first passing through a lake or pond.
- F. Disturbed area.** “Disturbed area” means all land areas that are stripped, graded, grubbed, filled, bulldozed or excavated at any time during the site preparation or removal of vegetation for, or construction of, a project. “Disturbed area” does not include maintenance. A land area on which the cutting of trees, without grubbing, stump removal, disturbance or exposure of soil has taken place is not considered a “disturbed area”.
- G. Drainageway.** “Drainageway” means a natural or man-made channel or course to or from which surface discharge of water may occur. Drainageways include, but are not limited to streams (whether intermittent or perennial), swales, ditches, pipes, culverts, and wetlands with localized discharge of water.
- H. Erosion and sedimentation control best management practices (erosion control BMPs).** “Erosion and sedimentation control best management practices (erosion control BMPs)” means methods, techniques, designs, practices, and other means to control erosion and sedimentation.

NOTE: The Department has prepared protocols for the control of erosion and sedimentation. See “Maine Erosion and Sediment Control BMPs Maine Department of Environmental Protection.”

- I. Erosion control mix.** “Erosion control mix” means a mulch that consists primarily of organic material such as shredded bark, stump grindings, composted bark, or fragmented wood generated as a by-product from log handling at wood mills. It includes a well-graded mixture of particle sizes with a mineral content that is less than 20% by weight, and is free from construction debris, refuse, and contaminants.
- J. High-use parking lot.** “High-use parking lot” means a commercial or other parking lot, where parking is used most days and each visit is typically for a duration of less than two consecutive hours, such as a parking lot serving a convenience store, high-turnover restaurant, shopping center, or supermarket.
- K. Hydrologic Soil Groups.** Hydrologic Soil Groups are a ranking of soil types for runoff potential adopted by the Natural Resources Conservation Service of the U.S. Department of Agriculture used in estimating direct runoff. The four hydrologic groups are A, B, C, or D, where group A generally has the lowest runoff potential and group D has the highest.
- L. Impervious area.** “Impervious area” means the total area of a parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete and underdrained artificial turf fields are all considered impervious. For the purpose of

determining jurisdictional thresholds, the Department may, depending on the design, consider such facilities to provide alternative treatment as described in Section 4(B)(3)(e) of this Chapter.

M. Infiltration. “Infiltration” means the process by which runoff percolates through the unsaturated overburden and fractured bedrock to the water table, including any process specifically used to meet all or part of the stormwater standards of this Chapter by actively directing all or part of the stormwater into the soil. For the purposes of this Chapter, infiltration does not include:

- (1) Incidental wetting of soil in ditches, detention basins or the equivalent;
- (2) Wetting of underdrained basins, dry swales, or similar filtration systems that do not subsequently discharge to groundwater; or
- (3) Wetting of buffers meeting Department requirements for use as stormwater control.

Discharge of runoff to areas of the site where the water will collect and percolate into the ground is considered infiltration if the volume, rate, or quality of the discharge does not meet Department standards for use of the area as a stormwater treatment buffer. Underdrained swales, underdrained ponds, and similar practices that discharge to surface waters or to buffer strips meeting Department requirements in Appendix F of this Chapter for stormwater buffers are not considered infiltration systems, although these may be used to treat runoff prior to discharge to an infiltration area.

N. Lake or pond. “Lake or pond” means a lake or pond classified as GPA under the Water Classification Program, 38 M.R.S. §464 *et seq.*

O. Landscaped area. “Landscaped area” means an area of land that has been disturbed and re-planted or covered with one or more of the following: grass or other herbaceous plants, shrubs, trees, or mulch; but not including area that has reverted to a natural, vegetated condition. An area of grass is considered landscaped if it is mowed more than twice per twelve month period.

P. Linear portion of a project. “Linear portion of a project” means that portion of a project consisting of a utility corridor, roads and road shoulders, driveway, railroad track outside a yard or station, or other similar transportation corridor. The linear portion of a project does not include roads and road shoulders within 50 feet of an impervious area of the same project that is not a sidewalk, bikepath, driveway or other road entrance, or single or two family residential buildings.

Q. Low impact development. “Low impact development” or “green infrastructure” means site planning and design strategies intended to replace or replicate predevelopment hydrology through the use of source control and relatively small-scale measures integrated throughout a site to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as possible. Low impact development strategies may be either nonstructural or structural, except that low impact development strategies utilizing structural stormwater management techniques shall be limited to an impervious contributing drainage area equal to or less than 1 acre. Low impact development strategies include, but are not limited to: bioretention filters, grass swales and channels, vegetated filter strips, permeable pavements, rain gardens and vegetated rooftops.

R. Maintenance. “Maintenance” means an activity undertaken to maintain operating condition, original line and grade, hydraulic capacity, and original purpose of the project. Paving an impervious gravel surface at original line, grade and hydraulic capacity is considered maintenance. Replacement of a building is not considered maintenance of the building.

- S. Major river segment.** “Major river segment” means, the rivers or portions of rivers, including any impoundments, identified as follows: Saco River; Androscoggin River; Kennebec River; West Branch Penobscot River below Elbow Lake; East Branch Penobscot River below Wassataquiok Stream; Piscataquis River below Dover-Foxcroft; St. Croix River below Grand Lake; Aroostook River below Ashland; and St. John River below the Allagash River.
- T. Medium-use parking lot.** “Medium-use parking lot” means a parking lot that is used most days and where vehicles are parked for an extended period of time, typically longer than two consecutive hours, such as an “employees only” parking lot, a school, and long-term parking at an intermodal transportation facility such as an airport, bus terminal or railroad station,
- U. New development or construction.** “New development or construction” means activity undertaken to develop property, including but not limited to: the construction of buildings, parking lots, roads and other new impervious surfaces; landscaping; and other activities that disturb land areas. New development or construction does not include redevelopment or maintenance.
- V. Nonstructural stormwater management techniques.** “Nonstructural stormwater management techniques” means stormwater management techniques that are designed to encourage the treatment, infiltration, evaporation, and transpiration of precipitation close to where it falls, while helping to maintain a more natural and functional landscape.
- W. Parcel.** “Parcel” is defined the same as “parcel of land” in rules adopted pursuant to the Site Location of Development Law, 38 M.R.S. §481 *et seq.*
- X. Peak flow.** “Peak flow” means the greatest rate of flow in a drainageway, measured as volume per unit of time, resulting from a storm of specified frequency and duration.
- Y. Person.** “Person” is defined the same as in rules adopted pursuant to the Site Location of Development Law 38 M.R.S. §481 *et seq.*
- Z. Practicable.** “Practicable” means available and feasible considering cost, existing technology and logistics based on the overall purpose of the project.
- AA. Pre-development area.** “Pre-development area” means an impervious or developed area created prior to the effective date of the Stormwater Management Law for a stormwater project, or the effective date of the jurisdictional threshold under which a development is licensed for a Site Law development.
- BB. Proprietary stormwater management systems.** “Proprietary stormwater management systems” means manufactured systems that use proprietary settling, filtration, absorption, vortex principles, vegetation and other processes to manage stormwater.
- CC. Protected natural resource.** “Protected natural resource” means coastal sand dunes, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, community public water system primary protection areas, great ponds or rivers, streams or brooks as defined in the *Natural Resources Protection Act* at 38 M.R.S. §480-B.
- DD. Redevelopment.** “Redevelopment” means an activity, not including maintenance, undertaken to redevelop or otherwise improve property in which the newly developed area, is located within the

same footprint as the existing developed area. A minor amount of undeveloped land, as determined by the Department on a case-by-case basis, may be included within the perimeter of the existing developed area.

EE. Site Law. “Site Law” means the Site Location of Development Law, 38 M.R.S. §§ 481-490.

FF. Stormwater. “Stormwater” means the part of precipitation, including runoff from rain or melting ice and snow, that flows across the surface as sheet flow, shallow concentrated flow, or in drainageways.

GG. Stormwater Management Law. “Stormwater Management Law” means the Storm Water Management Law, 38 M.R.S. §420-D.

HH. Stream. “Stream” means a river, stream, or brook as defined in the *Natural Resources Protection Act* at 38 M.R.S. §480-B.

II. Structural stormwater management techniques. “Structural stormwater management techniques” means stormwater management techniques or devices that are designed to mitigate the impact or stormwater discharges.

JJ. Subcatchment. “Subcatchment” means an area of a project site with a unique flow path to a specific point.

KK. Time of concentration. “Time of concentration” means the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed.

LL. Two (ten, twenty-five)-year, 24-hour storm. “Two (ten, twenty-five)-year, 24-hour storm” means a precipitation event with a 50% (for two-year), 10% (for ten-year), or 4% (for 25-year) probability of being equaled or exceeded during any twenty-four hour period during any given year.

MM. Urban impaired stream. “Urban impaired stream” means a stream or stream segment that meets the criteria of 06-096 CMR 502(3)(B) and is listed in 06-096 CMR 502 Appendix B.

NN. Waterbody. “Waterbody” means a lake, pond, river or stream.

OO. Watershed. “Watershed” means the land area that drains, via overland flow, drainageways, waterbodies, or wetlands to a given waterbody or wetland.

PP. Wetlands. “Wetlands” means coastal and freshwater wetlands as defined in the *Natural Resources Protection Act*, 38 M.R.S. §480-B.

4. Stormwater standards. The stormwater standards described in this Section include basic, general, phosphorous, urban impaired stream, flooding and other standards.

A. Applicability. This section applies to:

- 1) A project that requires a Stormwater Management Law permit, other than a stormwater permit by rule (PBR) issued pursuant to Section 6 of this Chapter;

- 2) A project that requires a Site Law permit; and
- 3) Changes to a project licensed pursuant to the Stormwater Management Law or Site Law that requires a modification of a project's license, as described in Section 16 of this Chapter.

For the purpose of determining the applicability of the general and phosphorous standards, when a project is located in separate watersheds, the area of the entire project is considered in determining whether a standard applies. For example, if a portion of a project drains to a lake, and another portion drains to a non-lake water body, the project needs to meet the applicable standards for each watershed.

B. Basic standards. The basic standards apply to all projects described above. The applicant must demonstrate that the erosion and sedimentation control, inspection and maintenance, and housekeeping standards specified in Appendices A, B, and C to this Chapter, respectively, are met, and that the grading or other construction activity will not impede or otherwise alter drainageways so as to have an unreasonable adverse impact on a wetland or waterbody, or an adjacent downslope parcel.

C. General standards. The general standards apply as described below in addition to the basic standards described in Section 4(B).

- (1) When the general standards must be met. A project must meet the general standards if the project results in:
 - (a) Direct watershed of an urban impaired stream. 20,000 square feet or more of impervious area, or 5 acres or more of developed area, in the direct watershed of an urban impaired stream; or
 - (b) Any other non-lake watershed. One acre or more of impervious area, or 5 acres or more of developed area anywhere else for a project that is not in the direct watershed of a lake.
- (2) **Treatment requirements.** To meet the general standards, the applicant must demonstrate that a project's stormwater management system includes treatment measures that will provide pollutant removal or treatment, and mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms and potential temperature impacts, unless the Department determines that channel protection and/or temperature control are unnecessary due to the nature of the resource. This must be achieved by using one or more of the methods described in this Section as follows:
 - (a) **Treatment level.** A project's stormwater management system must:
 - (i) Provide treatment of no less than 95% of the impervious area and no less than 80% of the developed area;
 - (ii) Where treatment of 95% of the impervious area is not practicable, the Department may allow treatment of as low as 90% of the impervious area if the applicant is able to demonstrate that treatment of a greater depth of runoff than specified in the standards will result in at least an equivalent amount of overall treatment of the impervious area. The treatment depth of runoff must be increased by 0.05 inch for each 1% that the treatment area is decreased. Treatment must still be provided for no less than 80% of the developed area; or

- (iii) Provide treatment in accordance with Table 1.

Table 1
Stormwater Treatment Based on Percentage of Parcel Developed

Percentage of Developed Area to Land Available for Development*	Percentage of Total Impervious Area Requiring Treatment**	Percentage of Total Developed Area Requiring Treatment**
>70	95	80
65	92.5	77.5
<60	90	75

* Including all contiguous land area owned by the applicant, but not including land with greater than 25% sustained slope or consisting of a protected natural resource.

** Percentage may be pro-rated for values between 60% and 70% in left-hand column.

- (b) **Upgradient runoff.** The runoff from any upgradient area must be either directed away from the stormwater treatment measure or that measure, not including buffers, must be sized to address the runoff volume from the upgradient area at 50% of the sizing requirements for an area that is landscaped, unless the upgradient area is on soil with hydrologic condition A or B.
- (c) **Mitigation.** The Department may allow the portion of a project's impervious or developed acreage that must be treated to be reduced through mitigation by eliminating or reducing an untreated off-site or on-site impervious stormwater source within the same watershed (see 06-096 CMR 501) if a project is not in a direct watershed of an urban impaired stream. The Department may, on a case-by-case basis, also determine that mitigation may include providing stormwater treatment for existing developed areas that do not require treatment under this Chapter.
- (d) **Redevelopment project.** This subparagraph describes how much treatment is required for a redevelopment project.
- (i) The requirement for treatment is scaled based on the pollutant discharge that, if the stormwater was untreated, would result from the redevelopment project. The Department will assign a pollutant ranking based on Table 2, and may, on a case-by-case evaluation of individual projects, modify the ranking by up to 2 points in light of project-specific features.

Table 2
Pollutant Impact Rankings of Various Redevelopment Land Uses

Land Use	Pollutant Ranking
Roads where idling may occur periodically due to traffic volume and intersections; High use parking lots	5
Other roads; Medium use parking lots	4

Other parking lots and driveways; Flat asphalt rooftops; Roofs on an industrial facility	3
Other rooftops; Bikeways; Grassed areas mowed more than twice per year; Walkways/foot traffic-only pavement	2
Non-grass landscaped areas; Stormwater treatment/storage systems (except buffers)	1
Forest; Meadow mowed no more than twice per year;	0

The method for determining the treatment requirement for redevelopment projects includes:

- a. For the existing condition, calculating a weighted average of impact by multiplying the land area (in acres) of each type of existing land use by its pollutant ranking. Add these values together to get an existing impact rating.
- b. For the proposed condition, calculating a weighted average of impact by multiplying the land area (in acres) of each type of proposed redevelopment land use by its pollutant ranking. Add these values together to get a proposed impact rating.
- c. Divide the existing impact rating by the number of total redevelopment acres.
- d. Divide the proposed impact rating by the number of total redevelopment acres.
- e. Subtract the value in Item c from the value in Item d. Note: this value can be a negative number. Use this value in the left column of Table 3 (below) to determine the applicable treatment level required for the redevelopment project.

Table 3
Treatment Levels for Redevelopment Projects

Ranked Impact Change Due to Redevelopment	Percentage of Developed Area that Must be Treated
0.0 or less	0% (Stormwater projects) 50% (Site projects)
≥ 0.0 to ≤ 1.0	60%
> 1.0 to ≤ 2.0	70%
> 2.0 to ≤ 3.0	80%
> 3.0	Same treatment level as for new development

- (ii) Priority for treatment must be given to areas with the highest pollutant ranking to the maximum extent practicable.
- (iii) The developed area of the redevelopment project must be treated to the level required based on the pollutant impact ranking in accordance with Table 3. If the Department determines that it is not practicable to meet the general standards for redevelopment

on site, the Department may allow equivalent treatment or mitigation on an off-site parcel within the same watershed as an alternative for stormwater treatment.

- (iv) If a redevelopment project is located in geographically separate watersheds, treatment requirements must be calculated for each separate watershed.

(3) Types of treatment measures allowed

- (a) **Wetpond.** A stormwater management system using a wetpond must detain, above a wetpond's permanent pool, a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's landscaped area. If located within the direct watershed of a stream, the pond must be designed to release this stored volume over a period of 24 to 48 hours through an underdrained gravel outlet. A wetpond must have a storage volume below the permanent pool elevation at least equal to 2.0 inches times the subcatchment's impervious area plus 0.8 inch times the subcatchment's non-impervious developed area, plus any required treatment for upgradient runoff in accordance with Section 4(C)(2)(b) above, and must have a mean depth of at least three feet, and a length to width ratio of 3:1 or greater. If the permanent pool volume is relatively evenly distributed (within 25% of each other) between separate wetponds in series, the required permanent pool volume may be reduced by 20%; if the permanent pool volume is relatively evenly distributed (within 25% of each other) between three separate wetponds in series, the required permanent pool volume may be reduced by 40%.
- (b) **Vegetated soil filter.** A stormwater management system using a vegetated soil filter to control runoff must detain a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's other landscaped area plus any required treatment for upgradient runoff in accordance with Section 4(C)(2)(b), above. The system must be designed in accordance with Section 4(C) of Appendix E of this Chapter.

Discharges to groundwater from vegetated soil filters as described in Appendix E, Section 4(B) of this Chapter are considered *de minimis* discharges for the purposes of the Waste Discharge Licensing Program, and do not require a waste discharge license.

- (c) **Infiltration.** A stormwater management system using infiltration to control runoff must retain a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's developed area that is landscaped, plus any required treatment for upgradient runoff in accordance with Section 4(C)(2)(b) above, and infiltrate this volume into the ground. The system must be designed in accordance with Appendix D of this Chapter. An infiltration system serving a development regulated under the Site Law may be required to meet additional standards in accordance with 06-096 CMR 375(7).

Infiltration from a stormwater infiltration system is considered *de minimis* for purposes of the Waste Discharge Licensing Program and does not require an individual waste discharge license if the standards in Appendix D to this Chapter are met.

NOTE: Drywells and subsurface fluid distribution systems may need to be registered with and meet other requirements of the Department's Underground Injection Control Program.

- (d) **Buffers.** A stormwater management system using buffers to control runoff must meet the design and sizing requirements described in Appendix F to this Chapter.
 - (e) **Innovative treatment measures.** The Department may, on a case-by-case basis, approve alternative treatment measures to those described in Subsections 4(C)(3)(a) through 4(C)(3)(d) above. Innovative treatment measures may be either proprietary or non-proprietary, and must provide at least as much pollutant removal as the treatment measures listed above and as much channel protection and temperature control, unless the Department determines that channel protection and/or temperature control are unneeded due to the nature of the resource. Any person proposing the use of an innovative treatment measure may be required to provide reports or studies, subject to Department review and approval, demonstrating the control efficiency of the measure. The use of an innovative treatment measure does not preclude the need to meet other required Stormwater Management Law standards.
- (4) **Low impact development credit.** Low impact development strategies can reduce stormwater storage volume requirements through the use of non-structural stormwater management techniques that minimize impervious cover, thereby reducing both the size and cost of stormwater management structures. The use of low impact development strategies is optional and voluntary for all projects, but projects using this credit are eligible to reduce the portion of the project's impervious or developed acreage that must be treated.
- (a) Projects incorporating low impact development strategies under this Section must be reviewed and approved by the Department on a case-by-case basis, and must:
 - (i) Protect as much undisturbed land as possible to maintain pre-development hydrology and allow rainfall infiltration;
 - (ii) Protect natural drainage systems such as wetlands, watercourses, ponds and vernal pools to the maximum extent practicable;
 - (iii) Minimize land disturbance including clearing and drainage to the extent practicable;
 - (iv) Minimize the decrease in the time of concentration from pre-construction to post-construction to the extent practicable;
 - (v) Minimize soil compaction to the extent practicable;
 - (vi) Utilize low-maintenance landscaping that encourages the retention and planting of native vegetation, and minimizes the use of lawns, fertilizers and pesticides;
 - (vii) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces to the extent practicable;
 - (viii) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
 - (ix) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff.

- (b) In order to qualify for low impact development credit, applicants must treat at least 50 percent of the runoff volume from developed areas with low impact development strategies. Low impact development credits, which reduce the amount of developed area that must be treated, will be awarded based on the percentage of developed area treated with low impact development strategies, and shall be pro-rated from between 10 percent and 20 percent, as follows:

Percentage of Developed Area Treated With Low Impact Development Measures	Low Impact Development Credit
50%	10%
75%	15%
100%	20%

- (5) **Exceptions from the general standards.** This Section describes exceptions from the general standards.

- (a) **Pretreatment measures.** A project that includes measures to pretreat runoff to a filter or infiltration system in a Department-approved, flow-through sedimentation device may reduce the runoff volume to each treatment measure described in Section 4(B)(3)(b) and (c) by 25%. The pre-treatment credit does not apply to subsurface underdrained filter structures using chambers.
- (b) **Discharge from a wetpond.** A project using a wetpond for stormwater treatment that does not discharge to the direct watershed of a stream other than a major river segment is not required to incorporate channel protection storage above the wetpond's permanent pool or to install an underdrain. The underdrain may also be omitted from a wetpond when discharging to a wetland if the Department determines that filtering and temperature reduction, normally provided by an underdrain, are not necessary for maintaining the functions of the wetland.
- (c) **Linear portion of a project.** For a linear portion of a project, treatment may be reduced to no less than 75% of the linear portion's impervious area and no less than 50% of the linear portion's developed area. This exception does not apply to a linear portion of a project subject to the urban impaired stream standard.
- (d) **A utility corridor or portion of a utility corridor.** A utility corridor or portion of a utility corridor that meets the following criteria is not required to meet the general standards:
- (i) The project or portion of the project does not include impervious area;
 - (ii) Disturbed areas are restored to pre-construction contours and revegetated within one month in the growing season following construction;
 - (iii) Mowing of the revegetated right-of-way occurs no more than once during any twelve month period; and

- (iv) A vegetation management plan for the project has been reviewed and approved by the Department.
- (e) **Wetland road crossing.** That portion of a road crossing a wetland is not required to meet the general standards if the design provides for passage of flows through a culvert(s), bridge span, or use of a permeable base material that will allow flow under the road.
- (f) **Roofs.** Runoff from sloped, non-asphalt roofs of non-industrial facilities need to be treated for thermal impact and for channel protection only.
- (g) **Treatment requirement for certain developed area approved or constructed prior to January 1, 2006 and not being redeveloped.** A project requiring a Site Law permit is not required to meet the general standards for runoff from developed area constructed and operated in accordance with a Stormwater Management Law permit issued prior to January 1, 2006, provided the area is not being redeveloped. If a project requiring a Site Law permit includes a developed area constructed prior to that date that did not require a Stormwater Management Law permit, then the project must provide treatment of runoff in accordance with the general standards from at least 50% of that developed area. Priority for treatment must be given to areas with the highest pollutant ranking to the maximum extent practicable, using the ranking system in Table 2 of this Chapter.

This Subsection does not apply to developed areas located within the direct watershed of an urban impaired stream or other waterbody that is impaired due to urban runoff or developed area proposed to be redeveloped.

D. Phosphorus standard. The phosphorus standard applies as described below in addition to the basic standards described in Section 4(B) of this Chapter.

- (1) When the phosphorus standard must be met. If a project is located in a lake watershed, the phosphorous standard must be met as follows:
 - (a) When the project is located in the direct watershed of a lake most-at-risk. A development with 20,000 square feet or more of impervious area, or 5 acres or more of developed area in the direct watershed of a lake most-at risk must meet the phosphorous standard. The general standards may be used if the lake is not severely blooming and if the project results in less than 3 acres of impervious area and less than 5 acres of developed area. Severe blooming lakes are a subset of lakes most-at-risk as listed in 06-096 CMR 502; or
 - (b) When the project is located in any other lake watershed. A development with one acre or more of impervious area or 5 acres or more of developed area in any other lake watershed may use the general standards if the project results in less than 3 acres of impervious area and less than 5 acres of developed area.
- (2) **Description of phosphorus standard.** An allowable per-acre phosphorus allocation for each lake will be determined by the Department. The Department's determination is based upon current water quality, potential for internal recycling of phosphorus, potential as a cold-water fishery, volume and flushing rate, and projected growth in the watershed. This allocation will be used to determine phosphorus allocations for a project unless the applicant proposes an alternative per-acre phosphorus allocation that is approved by the Department. If the project is a road in a subdivision, only 50% of the parcel's allocation may be applied to the road unless phosphorus export from both the road and the lots is subject to this Chapter, in which

case the entire allocation for the parcel may be applied. If the allocation is exceeded by a proposed project, the applicant must demonstrate that the phosphorus export using the Department's methodology will be reduced to meet the phosphorus allocation. Compensation may also be allowed in accordance with 06-096 CMR 501.

NOTE: Volume II of the Maine Stormwater Management BMP manual provides examples for calculating per-acre phosphorus allocations and determining if stormwater phosphorus export from a project meets or exceeds the parcel's allocation.

- (3) **Exception to the Department's phosphorus export standard.** If an applicant can demonstrate that the standard calculations for determining phosphorus export are not appropriate due to unusual circumstances, such as the location and/or nature of the development proposal, and the phosphorus export will meet the project site's allocation, then the Department may make a determination that the phosphorus standard has been met.

E. Urban impaired stream standard. The urban impaired stream standard applies as described below.

- (1) **When the urban impaired stream standard must be met.** A project must meet the urban impaired stream standard if the project is located in the direct watershed of urban impaired stream and requires a Site Law permit or permit modification.
- (2) **Description of the urban impaired stream standard.** To meet the urban impaired stream standard, the applicant must either pay a compensation fee or mitigate project impacts by reducing or eliminating an off-site or on-site pre-development impervious stormwater source as described in 06-096 CMR 501.
- (3) **Exception where impervious area is replaced.** Any portion of a project in which impervious area that pre-dates the Stormwater Management Law is replaced is not required to meet the urban impaired stream standard for that area provided the Department determines that the new use of the untreated area is not likely to increase stormwater impacts in the proposed project's stormwater runoff beyond the levels already present in the runoff in accordance with Table 2 of this Chapter.
- (4) Where there is a Department-approved management and monitoring plan in place, and monitoring demonstrates that a stressor in the watershed, which may be either a pollutant or a failure to meet a water quality standard, is contributing to the impairment of the urban impaired stream, the Department may require the applicant to use alternative, or additional stormwater treatment measures to address the identified stressor.

F. Flooding standard. The flooding standard applies as described below.

- (1) When the flooding standard must be met. A project must meet the flooding standard if the project:
- (a) Results in three acres or more of impervious area or 20 acres or more of developed area; or
 - (b) Requires a Site Law permit or permit modification.

- (2) **Description of the flooding standard.** To meet the flooding standard, the applicant must demonstrate that a project's stormwater management systems will meet the following:
- (a) The system must detain, retain, or result in the infiltration of stormwater from 24-hour storms of the 2-year, 10-year, and 25-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project;
 - (b) The design of piped or open channel systems must be based on a 10-year, 24-hour storm without overloading or flooding beyond channel limits;
 - (c) The areas expected to be flooded by runoff from a 10-year or 25-year, 24-hour storm must be designated in the application, and no buildings or other similar facilities may be planned within such areas. This does not preclude the use of parking areas, recreation areas, or similar areas from use for the detention of storms greater than the 10-year, 24-hour storm. The applicant shall secure drainage easements from any downstream property owners across whose property may be flooded by runoff pursuant to Section 4(G)(2)(a);
 - (d) Runoff from the project may not flood the primary access road to the project and any public roads bordering the project as a result of a 25-year, 24-hour storm; and
 - (e) If a wetpond is utilized for stormwater quality treatment under Section 4(C)(3)(a) of this Chapter, detention to meet the flooding standard must be provided above the permanent pool.

NOTE: Please see Appendix H for 24-Hour Duration Rainfalls for Various Return Periods in Maine.

- 3) **Waiver of the flooding standard.** A project is eligible for a waiver from the flooding standard as follows.
- (a) Discharge to a coastal wetland, a great pond, or a major river segment. A waiver is available for a project in the watershed of a coastal wetland, a great pond, or a major river segment provided the applicant demonstrates that the project conveys stormwater exclusively in sheet flow, in a manmade open channel, or in a piped system directly into one of these resources.

In addition, the Department may allow a waiver for a project discharging directly into a river that is not a major river segment if the Department determines that the increase in peak flow from the site will not significantly affect the peak flow of the river or result in unreasonable adverse impact on any wetlands.

Prior to requesting a waiver as part of an application, the applicant shall secure drainage easements from any downstream property owners across whose property the runoff must flow to reach the ocean, great pond, or river. The applicant shall also demonstrate that any piped or open-channel system in which the runoff will flow has adequate capacity and stability to receive the project's runoff plus any off-site runoff also passing through the system.

(b) Insignificant increases in peak flow rates from a project site. A waiver is available for a project resulting in only an insignificant increase in peak flow rates from a project site. The applicant shall demonstrate that the proposed increases in peak flow rates cannot be avoided by reasonable changes in project layout, density, and stormwater management design. The applicant shall also demonstrate that the proposed increases are insignificant because they will not unreasonably increase the extent, frequency, or duration of flooding at downstream flow controls and conveyance structures or have an unreasonable adverse effect on protected natural resources. In making its determination to allow a waiver from the flooding standard due to insignificant increases in peak flow rates, the Department shall consider cumulative impacts. If additional information is required to make a determination concerning increased flow, the Department may only consider a waiver after the applicant agrees, pursuant to 38 M.R.S. §344-B(3)(B), that the review period may be extended as necessary by the Department.

(4) **Additional design standards.** The municipality, the Maine Department of Transportation, or the Maine Turnpike Authority may require a project to meet additional design standards. The applicant shall contact the appropriate entity when proposing a project that may cause flooding of a primary access road or public road and receive all necessary approvals prior to beginning construction.

G. Easements and deed restrictions standard. The easements and deed restrictions standard applies as described below.

(1) **When the easements and deed restrictions standard must be met.** A project must meet the easements and deed restrictions standard if the project requires specific off-site areas for the control, disposal, or treatment of stormwater runoff.

(2) **Description of the easements and deed restrictions standard**

(a) **When an easement is required.** The applicant must secure easements from affected property owners when the project results in any of the following on off-site property not owned by the applicant:

(i) The flow type changes (for example, converting from sheet flow to channelized flow);

(ii) The flow channel changes; or

(iii) The flow causes or increases flooding.

The Department may determine that the expected change in flow, channel or impact is so insignificant as to not require an easement under this Chapter. The Department may require the applicant to provide evidence that such impacts will not occur or, if they will occur, provide evidence of the extent of the impact and evidence that suitable easements have been obtained.

NOTE: The Department's decision to issue a stormwater permit, to require or not require an easement, or to specify the location or width of an easement is not intended to affect other federal, state or local requirements for easements or the availability of legal or equitable remedies for impacts due to stormwater runoff.

(b) **Easement specifications and restrictions.** The following specifications and restrictions apply to all easements established under this standard.

- (i) **Land use restrictions.** Suitable land-use restrictions must be included in the easements to prevent any activity that might affect drainage to, across, or from the area affected by the easement.
- (ii) **Drainage easements.** Drainage easements must include all off-site channels constructed to receive flows from the project and any off-site channels receiving increased peak flow rates from the project. Drainage easements must extend up to, but not include, the channel of any stream accepting flow from the project. Drainage easements must conform with the center line of the drainageway or pipe and must have a minimum width of 30 feet, or 10 feet on each side of the channel or pipe required to accommodate the flow from a 25-year, 24-hour storm, whichever is greater. A reduction in the minimum width may be approved by the Department if the full width is not available because of unavoidable physical limitations of the site. However, the minimum width allowed must still be sufficient to avoid an adverse impact on existing uses and to allow access for maintenance and repair.
- (iii) **Flooding easements.** Flooding easements must include all off-site areas flooded due to the project. These areas include, but are not limited to, those flooded due to the project overloading storm sewers, culverts, stormwater basins, and equivalent utilities with increased runoff; filling existing areas of runoff storage; diverting flows onto off-site properties; and impeding runoff from the project parcel or off-site areas. Flooding easements must conform to the greatest extent of inundation due to the increased runoff from a 25-year, 24-hour storm.
- (iv) **Erosive flows.** The flow through the easement or flooding within the easement may not cause erosion of soil or sedimentation.

(c) **Buffers.** Buffers used for stormwater control must be protected from alteration through deed restrictions.

NOTE: The Department has prepared suggested templates for deed restrictions that can be found in Appendix G of this Chapter.

H. Redistribution of stormwater discharges standard. The redistribution of stormwater discharges standard applies as described below.

- (1) **When the redistribution of stormwater discharges standard must be met.** A project must meet the redistribution of stormwater discharges standard if the project discharges concentrated stormwater runoff through an open-channel or pipe to any point that is not an open channel, an inlet to a storm drain system, or a natural or man-made impoundment.
- (2) **Description of redistribution of stormwater discharges standard.** To meet the redistribution of stormwater discharges standard, the applicant must demonstrate that the project's concentrated flow will be converted to sheet flow to prevent erosion of the downstream receiving area. The conversion of concentrated flow to sheet flow must be done using properly designed level spreaders meeting the criteria below.

- (a) **Discharge to a level spreader.** The peak stormwater flow rate to a level spreader due to runoff from a 10-year, 24-hour storm must be less than 0.25 cubic feet per second (0.25 cfs) per foot length of level spreader lip.
- (b) **Siting of level spreader.** The level spreader must be sited so that flow from the level spreader will remain in sheet flow until entering a natural or man-made receiving channel.
- (3) This standard is not applicable for level spreaders discharging runoff to vegetated buffers used to meet the general standards. Requirements for these level spreaders can be found in Appendix F of this Chapter.

I. Discharge to wetlands standard. The discharge to wetlands standard applies as described below.

- (1) **When the discharge to wetlands standard must be met.** A project must meet the discharge to wetlands standard if the project discharges stormwater a wetland, unless the affected area of wetland qualifies for an exemption pursuant to the *Natural Resources Protection Act*, 38 M.R.S. §480-Q(17), or unless the Department determines that the change in stormwater flow will not cause a loss of wetland functions and values.
- (2) **Description of discharge to wetlands standard.** To meet the discharge to wetlands standard, the applicant must demonstrate that the project's discharges into wetlands will not significantly alter the flow of stormwater to the wetland from that which occurred. In general, new or increased stormwater discharges into wetlands must be put into sheet flow using level spreaders designed to meet the requirements in Section 4(H), above. The Department may allow alternate stormwater treatment measures if those measures will not unreasonably adversely affect the wetland.

The discharge of runoff to a wetland due to a 2-year storm may not increase the mean storage depth within a wetland more than two inches above pre-development levels for more than 24 hours from the end of the storm event, unless otherwise approved by the Department. The Department may consider cumulative impacts due to runoff from other projects when applying this standard to any wetland.

J. Discharges to public storm sewer systems standard. The discharges to public storm sewer systems standard applies as described below.

- (1) **When the discharges to public storm sewer systems standard must be met.** A project must meet the discharges to public storm sewer systems standard if runoff from the project site will flow to a publicly-owned storm sewer system.
- (2) **Description of discharges to public storm sewer systems standard.** The applicant must obtain authorization from the system's owner to discharge into the system. At its discretion, the Department may require the applicant to demonstrate that the system has adequate capacity for any increases in peak flow rates and volumes to the system and to provide photo documentation that the outfall of the public storm sewer system is being properly maintained.

NOTE: Title 12 M.R.S.A. §7755-A, which prohibits state agencies from issuing a permit that will significantly alter the habitat of any species designated as threatened or endangered species or violate protection guidelines may also apply.

5. **Additional controls.** If the Department determines that additional controls are necessary to avoid an unreasonable impact on any wetland or waterbody due to pollutants that are not adequately addressed by the standards described in Sections 4, a stormwater project subject to this Chapter that results in three acres or more of impervious area or 20 acres or more of developed area, or requires a Site Law permit or permit modification may be required to use additional controls. This is a case-by-case determination based upon factors such as the size, nature and intensity of the development, characteristics of the affected natural resource, topography and soils.
6. **Stormwater permit by rule (PBR)**
 - A. **When a project qualifies for a stormwater PBR.** A project needing a Stormwater Management Law permit qualifies for a stormwater PBR if it does not require a Site Law permit or permit modification and results in:
 - (1) **Direct watershed of a lake most at risk or urban impaired stream.** Less than 20,000 square feet of impervious area and less than 5 acres of developed area in the direct watershed of a lake most at risk or urban impaired stream; or
 - (2) **Any other watershed.** Less than one acre of impervious area and less than five acres of developed area in any other watershed.
 - B. **Notification.** An applicant must file notice of the project with the Department and to the municipal clerk of the municipality where the project is located, prior to beginning work on the project. The applicant shall use the notification form provided by the Department and must include the required submissions. The applicant must keep a copy to serve as the permit. The notification information must be sent to the Department by certified mail (return receipt requested), or hand delivered to the Department and date stamped by the Department.
 - C. **Effective period.** The stormwater PBR becomes effective 14 calendar days after the Department receives the notification form, unless the Department accepts or rejects the notification prior to that date. Within this 14 calendar day period, the Department may notify the applicant in writing, including by e-mail, or through verbal communication that the notification is rejected because the notification is deficient, the project is ineligible for stormwater PBR, additional information or further review is needed, or an individual stormwater permit must be obtained pursuant to Section 6(G) of this Chapter. The stormwater PBR is effective on, and valid for two years from the date the PBR is accepted.

By signing the notification form, the applicant is representing that the activity will meet the applicability requirements and standards of this Section. In addition, by signing the notification form the applicant represents that the applicant has sufficient title, right, or interest in the property where the proposed activity is to take place.
 - D. **Standards.** Projects eligible for permit by rule must meet the erosion and sedimentation control standards found in Appendix A and inspection and maintenance requirements found in Section 1 of Appendix B of this Chapter, except that any PBR project proposing to use infiltration to control runoff must either meet the license by rule standards in Appendix D of this Chapter, or obtain a waste discharge license under the Waste Discharge Law.

E. Submissions. An applicant for a stormwater PBR must submit the notification form, fee and other information for the Department's review and approval. This information includes a location map, site plan, erosion and sedimentation control plan, and photographs of the area to be developed. Also, if the project is located in Essential Habitat, approval from the Maine Department of Inland Fisheries and Wildlife will need to be submitted. Specific submission requirements are described below.

- (1) **Plan preparation.** An erosion and sedimentation control plan accompanying a stormwater PBR must be designed by a professional who is registered, licensed, or certified in a related land-use field, or by education, training, or experience is knowledgeable in erosion and sedimentation control, or has received specific training in erosion and sedimentation control at a Department-sponsored erosion and sedimentation control workshop.

NOTE: Erosion and sedimentation control practices are described in the "Citizen's Guide to Best Management Practices for Use with Maine Construction General Permit" or in "Maine Erosion and Sediment Control BMPs," Maine Department of Environmental Protection.

- (2) **Location map.** The notification form must be accompanied by a photocopy of a portion of a 7.5 minute USGS topographic map or other atlas showing the site's location and approximate property boundaries, if the size of the parcel and scale of the map allows it. A USGS topographic map can be useful for showing the general contour and topography of the project site
- (3) **Site plan.** Submit a scaled plan showing, at a minimum, the locations of structures and roads, the extent of disturbed land, pre-construction site topography, post-construction site topography, on-site and adjacent surface waterbodies, and all erosion and sedimentation control measures to be used on the site. Such measures include, but are not limited to, sedimentation barriers, ditch lining, rip rap, and culvert inlet and outlet designs.

An applicant may substitute the following information for surveyed pre-development and post-development site topography on the location plans:

- (a) The locations of high points on the site;
 - (b) The locations of any ponds or other runoff storage depressions on the site;
 - (c) The locations and flow direction of any drainage ditches, brooks, or streams;
 - (d) The locations of any catch basin inlets or culvert inlets; and
 - (e) Arrows showing the general direction(s) of overland drainage for the site.
- (4) **Erosion and sedimentation control plan.** In addition to a site plan, an erosion and sedimentation control plan must be included that contains, at a minimum, permanent stabilization measures to be taken (e.g., paving or planting vegetation), installation details of the erosion control measures proposed, seeding and mulching rates, and a construction schedule with the proposed construction dates and timeframe for major earth moving and construction events. This plan and its details may be included on the site plan instead of being a separate submission.

NOTE: Other or additional standards may apply under the *Natural Resources Protection Act* to a project located in or adjacent to a protected natural resource. For example, a person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials may need to take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in 38 M.R.S. §480-B.

(5) **Photos.** Photographs of the project site that show the existing character and topography of the area proposed for development must be included with the PBR notification.

F. Approval of variations from plans. The granting of 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 these plans, proposals, and supporting documents must be reviewed and approved by the Department prior to implementation. Any variation undertaken without approval of the Department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.

G. Discretionary authority. Notwithstanding compliance with the PBR requirements and standards set forth in this Section, the Department may require that an individual stormwater permit be obtained in any case where the Department determines that the activity:

- (1) May violate the standards of the Stormwater Management Law or this Chapter;
- (2) Could lead to significant environmental impacts, including cumulative impacts; or
- (3) Could have an unreasonable adverse impact on a protected natural resource.

7. Submissions and pre-application meetings. This Section applies to Stormwater Management Law projects that do not qualify for a stormwater PBR. It also applies to Site Law projects. The applicant shall use the application form provided by the Department and include evidence that affirmatively demonstrates that the standards will be met, including information such as described in this Section.

A. Pre-application meetings. A pre-application meeting is required for a Stormwater Management Law project that does not qualify for a stormwater PBR, unless the requirement for such a meeting is waived by the Department based on an initial review of project plans and scope. A pre-application meeting between the applicant and the Department is an opportunity for the applicant to determine the statutory and regulatory requirements that apply to a specific project, and to identify the Department staff person who will serve as project manager for the application. A written request for a stormwater pre-application meeting must include two copies of a preliminary site plan, brief project description, and a regional map with the site marked.

B. Design requirements. A design for a stormwater management system that includes any form of conveyance structure must be prepared under the supervision of, and dated, signed and sealed by, a professional engineer registered in the State of Maine, or a landscape architect licensed in the State of Maine, who by education, training, or experience is knowledgeable in stormwater management. Soil test data must be provided by a certified soil scientist, unless otherwise approved by the Department.

C. Basic standards submissions. An erosion and sedimentation control plan or an inspection and maintenance plan for a project that does not qualify for a stormwater PBR must be prepared by a

professional engineer registered in the State of Maine, landscape architect licensed in the State of Maine, or a Certified Professional in Erosion and Sedimentation Control.

- (1) **Erosion and sedimentation control plan.** Submit a plan showing designs for temporary and permanent stabilization measures for all disturbed areas within the project site and for all proposed stormwater management structures. Erosion and sedimentation control plan requirements are described in Appendix A of this Chapter. At a minimum, the erosion and sedimentation control plan must include the following:
 - (a) **Location plan.** Submit a plan sheet or set of plans showing, at a minimum, the location of structures, disturbed land, pre-construction site topography, post-construction site topography, on-site or adjacent water resources, and all erosion and sediment control measures;
 - (b) **Site details.** Submit a plan sheet showing the following:
 - (i) **Erosion and sedimentation control notes.** Erosion and sedimentation control notes, must include, but not limited to, permanent stabilization measures, seeding and mulching rates, and a construction schedule with the proposed construction dates and timeframe for major earth moving and construction events; and
 - (ii) **Construction and installation details.** Construction and installation details for erosion and sedimentation control measure must include, but are not limited to, sedimentation barriers, ditch lining, rip rap, and culvert inlet and outlet designs.

NOTE: The Department has prepared protocols for the control of erosion and sedimentation. See "Maine Erosion and Sediment Control BMPs Maine Department of Environmental Protection."

- (2) **Inspection and maintenance plan.** Submit a plan for the inspection and maintenance of the temporary and permanent erosion and sedimentation control measures for the project site as described in Appendices A and B of this Chapter:
 - (a) **List of measures.** Submit a list of the erosion control measure and stormwater management measures to be inspected and maintained (e.g., "parking lot catch basins");
 - (b) **Inspection and maintenance tasks.** Submit a list of inspection and maintenance tasks specific to each erosion control measure or stormwater management measure (e.g., "remove accumulated sediments in basin sumps"). Submit the specific qualifications of the person performing each task (e.g., "a professional engineer registered in the State of Maine will inspect the retention pond embankment");
 - (c) **Task frequency.** Indicate the required frequency of each inspection and maintenance task (e.g., "accumulated sediments will be removed from all catch basins annually in early spring");
 - (d) **Responsible parties.** Submit the name, job title, employer, employer address, phone number, and current email contact information for the person responsible for ensuring that inspection and maintenance tasks are completed. Submit the names, job titles, employer addresses, phone number, and any current email contact information of the

engineers or other design professionals who designed the erosion control measures and stormwater management measures for the site. Include suppliers of proprietary erosion control measures or proprietary stormwater management measures used on the site;

- (e) **Maintenance plan for detention basins or retention ponds.** For each stormwater management pond or basin submit, at a minimum, an inspection and maintenance plan for the pond's embankments, outlet structure, and emergency spillway. Include as part of this plan provisions for the removal and disposal of accumulated sediments in the pond and the control of woody vegetation on the pond's embankments;
- (f) **Maintenance plan for infiltration structures.** For each infiltration structure, submit, at a minimum, an inspection and maintenance plan for the structure's pretreatment measures, embankments, surface lining, and overflow spillway. Include as part of this plan provisions for the removal and disposal of accumulated sediments in the structure and for the rehabilitation of clogged surface linings;
- (g) **Maintenance plan for underdrained filters.** For each underdrained filter, submit, at a minimum, an inspection and maintenance plan for the filter embankments, vegetation, underdrain piping, and overflow spillway. Include as part of this plan provisions for the removal and disposal of accumulated sediments in the structure, the rehabilitation of clogged surface linings, and the flushing of underdrain piping;
- (h) **Maintenance plan for stormwater buffers.** At a minimum, submit a plan for inspecting and maintaining the integrity and function of the project's stormwater buffers. As part of this plan, include provisions for the inspection, maintenance, and, if necessary, reconstruction of any level spreaders or ditch turnouts used to spread runoff into the buffers. Include as part of this plan provisions for the frequent removal and disposal of accumulated sediments and debris in the level spreader and turnout bays, provisions for the inspection and repair of any eroded areas within the buffer, and provisions for the reestablishment of buffer vegetation destroyed by post-construction activities;
- (i) **Maintenance plan for manufactured stormwater treatment systems.** For each manufactured system installed on the site, submit an inspection and maintenance plan for the system's inlet, treatment chamber(s), and outlet. The plan shall conform to the inspection and maintenance guidelines recommended by the manufacturer based on the estimated runoff and pollutant load expected to the system from the project. As part of this plan, include provisions for the frequent removal of accumulated sediments, debris, and contaminated waters from the system and, if applicable, provisions for the removal, disposal, and replacement of any clogged or spent filter media; and
- (j) **Maintenance plan for ditches, culverts, and storm drains.** Provide an inspection and maintenance plan for all stormwater conveyances to be built or installed on the site – including, but not limited to, ditches, swales, culverts, catch basins, and storm drain piping. As part of this plan, include provisions for the repair of eroded areas at the inlet, within, and at the outlet of each conveyance and include provisions for the frequent removal and disposal of accumulated sediments and debris at the inlet, within, and at the outlet of each conveyance.

- (3) **Housekeeping.** Submit a plan to address spill prevention, groundwater protection, fugitive sediment and dust, debris and other materials, trench or foundation de-watering, or non-stormwater charges, as applicable to the specific site. Housekeeping requirements are described in Appendix C of this Chapter.

D. General and phosphorus standards submissions. A project required to meet the general standards or phosphorus standard must provide the following information and design specifications:

- (1) **Narrative.** A narrative describing site layout, and on-site and off-site watershed hydrology, including all new and existing buildings and facilities, which may be affected by the site runoff. Provide the total amount of disturbed area, impervious area, and developed area created by the project;
- (2) **Drainage Plans.** All topographic features, such as buildings and other facilities, drainageways, cover type, roads, drainage easements and subcatchment boundaries for pre-construction and post-construction conditions must be shown on a plan. Show all hydrologic flow lines and hydrologic soil groups boundaries on a plan and identify each subcatchment, reach, and pond. For post-construction conditions, show all new stormwater management structures and changes to the hydrologic drainage patterns;

NOTE: Computer generated plans are recommended as hand-drawn plans can extend review time and delay approval.

- (3) **Calculations.** The stormwater runoff calculations for measures designed to meet the general standards or phosphorus standard must be in accordance with acceptable engineering practice, including the following.
 - (a) **Water volume.** The calculations used to determine the water volume needed to be filtered, infiltrated, or detained based on the proposed project must be provided;
 - (b) **Buffer sizing.** Buffers used for runoff control must be sized according to requirements described in Appendix F of this Chapter; and
 - (c) **Calculation table and subcatchment plan.** A table must be provided to show the sizing required and provided for each subcatchment area and treatment measure. A water quality plan must clearly show each treatment measure and subcatchment.
- (4) **Submit a detailed log of at least one excavation or boring in the area of each proposed treatment measure.** These excavations must extend to a depth of at least three feet below the lowest component (not lowest finished elevation) of the proposed structure and logs must include detailed information describing soil and overburden stratification, composition, texture, and other relevant characteristics, and elevation of seasonal high groundwater and bedrock, if encountered.
- (5) **Details, designs, and specifications.** The applicant must submit designs, construction details, and technical specifications for each stormwater management measure that will be constructed, installed, or managed on the site.

- (a) **Wet Ponds.** Submit a site plan and detail sheets having the following details and specifications for each stormwater management pond: a topographic plan view of the pond, a cross section of the pond embankment, a cross section and profile of the overflow spillway, soil test data, and specifications for constructing and stabilizing the pond's embankment. The peak storage depth required to meet the general standards must be shown on a cross section for each pond embankment. Submit a cross section of the gravel underdrain used to meet the standards. This cross section must specify the width and elevation of the pond bench, the thickness and gradation for the gravel drainage fill, and the diameter and material for the perforated underdrain pipe.
- (b) **Vegetated soil filters.** Submit a site plan and detail sheets having the following details and specifications for each vegetated soil filter bed: soil test data, a plan view of the filter area, a cross section of the embankment for the filter area at the overflow spillway, a cross section and profile of the overflow spillway, a cross section of the underdrain filter, the thickness and composition of the soil filter media, the thickness and gradation of the gravel drainage fill, the layout for the perforated underdrain pipe and the stabilization of the filter bed.
- (c) **Infiltration.** Submit a site plan and detail sheets having the following details and specifications for each infiltration measure: soil test data, a plan view of the infiltration structure, a cross section of the infiltration measure's runoff storage area, a cross section and profile of the structure's overflow spillway, and details and specifications for permanently stabilizing the infiltration area. The following information must be included, if required, as described below:
 - (i) Locations of any monitoring wells necessary for assessing the infiltration measure's performance or stormwater infiltration impacts on groundwater, surface irrigation sites, or subsurface wastewater disposal systems must be shown on the site plan;
 - (ii) Location of any existing or proposed surface irrigation site, waste disposal site, subsurface wastewater disposal system, or other facility that could be impacted by operation of the infiltration system must be shown on the site plan;
 - (iii) Location of any soil borings, test pits, or other explorations used to determine depth to groundwater, separation from bedrock, or other design information must be shown on the site plan;
 - (iv) Location of any water supply wells on-site or within 300 feet of the infiltration areas, zones of contribution for public water supply wells must be shown on the plan sheet;
 - (v) Location of storage for any petroleum products, pesticides, fertilizers, road salt, hazardous materials, or other materials with the potential to contaminate groundwater must be shown on the site plan;
 - (vi) Plans for management of any potential contaminants and soil sample analyses, such as a spill prevention, control, and countermeasure plan, must be submitted with appropriate supporting information; and
 - (vii) Depth to the seasonal high groundwater table, depth to bedrock, and the thickness and composition of any liner used for restricting infiltration rates must be shown on the cross section view of the infiltration structure.

- (d) **Buffers.** Submit a topographic site plan showing the location of each buffer on the site, showing the layout of any berm level spreaders used to spread flows into each buffer, soil test data, and cover type within each buffer, and showing the land use and impervious and developed area draining to each buffer area. Provide a typical cross section for the berm level spreaders showing the geometry of the berm, the geometry of the upstream storage area, and the specifications for the berm material. Submit information demonstrating that the in slope fill material will have slopes no steeper than 3:1. Submit documentation, in the form of draft covenants and restrictions, demonstrating that buffer area(s) will be maintained as buffer.
- (6) **Phosphorus export calculations.** An application for a project using the phosphorus standards must include phosphorus export calculations.

NOTE: The Department has prepared a protocol for determining phosphorous export. See "Phosphorus Control in Lake Watersheds," Maine Department of Environmental Protection.

- (7) **Maintenance contract.** Submit evidence demonstrating the ability to carry out inspection and maintenance of all stormwater treatment system structures, including any proprietary devices, or a signed contract with a qualified third-party to carry out inspection and maintenance requirements in accordance with plan requirements in Appendix B of this Chapter.

E. Flooding standard submissions.

- (1) **Control of peak flows.** If a project must meet the flooding standard, the project must be designed to control the peak flows from the 2-, 10- and 25-year, 24-hour storms.
- (2) **Details, designs, and specifications.** The applicant must provide runoff curve number computations and time of concentration calculations for each subcatchment. Areas may qualify as subcatchments based on the characteristics of the site or the model used. The Department will review all methods of determining subcatchments on a case-by-case basis. The applicant must provide a reach description and reach routing analysis for each drainage structure and provide pond descriptions and storage routing calculation for any stormwater management structure, detention pond and culvert backwater areas. A natural or man-made waterbody is not considered an impervious area, but is treated as an immediate runoff surface in curve number calculations.

Acceptable stormwater methodologies and models include, but are not limited to, "TR-20 - Computer Program for Project Formulation - Hydrology," Second Edition, U.S. Department of Agriculture, Soil Conservation Service (March 1986); and "TR-55 - Urban Hydrology for Small Watersheds," Second Edition, U.S. Department of Agriculture, Soil Conservation Service (June 1986); "WIN TR-55 2003.00.24 Microcomputer Program," (January 12, 2003); and "HEC-HMS Flood Hydrology Package," U.S. Army Corps of Engineers (January 2001). Any methodology or model other than those listed must have prior approval from the Department.

8. **Municipal or quasi-municipal stormwater management programs.** The Department may allow a municipality or a quasi-municipal organization, such as a watershed management district, to substitute a management system for stormwater for the stormwater permit requirement pursuant to 38 M.R.S. §420-D(2). The management system may apply to an entire watershed, or a portion of a

watershed and may include multiple watersheds within the jurisdiction of the municipality or quasi-municipal organization. A project located within the area served by a management system approved by the Department is exempt from the stormwater permit requirements contained in this Chapter. For Site Law redevelopment projects only, and for the purposes of meeting the stormwater standard of 38 M.R.S. §484(4-A), the standards for stormwater management in Section 420-D are met if the proposed development is located in a designated area served by a Department-approved management system for stormwater as described in Section 420-D(2), as long as the owner or operator of the parcel upon which the proposed development will be located enters into or obtains and remains in compliance with all agreements, permits and approvals necessary for the proposed development to be served by such management system for stormwater.

The municipality or quasi-municipality may elect to have the substitution take effect at the time the system is approved by the Department, or at the time the system is completed as provided in the implementation schedule provided by the Department.

A stormwater management system may not substitute for an aspect of a project that is required to meet the infiltration standards described in Appendix D of this Chapter or required to obtain a waste discharge permit.

A. Stormwater management system approval criteria. The Department may review and approve a stormwater management system submitted by a municipality or a quasi-municipal organization, such as a watershed management district, to meet this exemption, provided that the municipality or quasi-municipal organization demonstrates that the following criteria are met.

- (1) **Relationship to water quality.** The municipality or quasi-municipal organization shall have a stormwater treatment system that, upon implementation, will result in the collective treatment of stormwater from new and existing sources within the watershed and will result in water quality in the receiving water that is as good, or better, than would be achieved with stormwater permits issued by the Department for individual projects. The stormwater system may apply to an entire watershed, or a portion of a watershed and may include multiple watersheds within the jurisdiction of the municipality or quasi-municipal organization.
- (2) **Funding and implementation.** The stormwater management system must include funding provisions and an implementation schedule that provides that the treatment system for new and existing sources will be in place and functioning within five years unless a longer time period, not to exceed 10 years, is approved by the Department.
- (3) **Annual reporting.** The stormwater management system must also include a provision for annual reporting by the municipality or quasi-municipal organization to the Department on progress toward implementation and a listing of the new developed area within the jurisdiction of the stormwater management system.

B. Reinstatement of permit requirement. The Department may reinstate the stormwater permit requirement if it finds that the implementation schedule is not being met, or that either the stormwater management system or associated stormwater treatment system is not achieving the plan's objectives.

- 9. Conditions of approval for Stormwater Management Law permits.** The following conditions of approval apply to an individual permit required pursuant to the Stormwater Management Law. For standard conditions of approval for a Site Law project, see 38 M.R.S. §372 (12) and Section 10 of this Chapter.

A. Standard conditions of approval. Unless otherwise specifically stated in the approval, a Department approval is subject to the following standard conditions.

- (1) **Approval of variations from plans.** The granting of 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 permittee. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the Department prior to implementation. Any variation undertaken without approval of the Department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.
- (2) **Compliance with all terms and conditions of approval.** The permittee shall submit all reports and information requested by the Department demonstrating that the permittee has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) **Advertising.** Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) **Transfer of project.** Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the Department 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 may only be granted if the applicant or transferee demonstrates to the Department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) **Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) **Certification.** Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the permittee, and the permittee and each contractor and subcontractor has certified, on a form provided by the Department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the Department.
- (7) **Maintenance.** The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the Department. If maintenance responsibility is to be transferred from the permittee to another

entity, a transfer request must be filed with the Department which includes the name and contact information for the person or entity responsible for this maintenance. The form must be signed by the responsible person or agent of the responsible entity.

(8) **Recertification requirement.** Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the Department.

- (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
- (b) All aspects of the stormwater control system are operating as approved, have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system, as necessary.
- (c) The stormwater maintenance plan for the site is being implemented as approved by the Department, and the maintenance log is being maintained.
- (d) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.
- (e) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.

(9) **Transfer of property subject to the license.** If any portion of the property subject to the license containing areas of flow or areas that are flooded are transferred to a new property owner, restrictive covenants protecting these areas must be included in any deeds or leases, and recorded at the appropriate county registry of deeds. Also, in all transfers of such areas and areas containing parts of the stormwater management system, deed restrictions must be included making the property transfer subject to all applicable terms and conditions of the permit. These terms and conditions must be incorporated by specific and prominent reference to the permit in the deed. All transfers must include in the restrictions the requirement that any subsequent transfer must specifically include the same restrictions unless their removal or modification is approved by the Department. These restrictions must be written to be enforceable by the Department, and must reference the permit number.

(10) **Severability.** The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

B. Special conditions. The Department may, as a term or condition of approval, establish any reasonable requirement, including the requirement that a Department-approved inspector must be obtained to oversee construction projects in the watershed of a lake most at risk or an urban impaired stream, to ensure that the proposed project will comply with the Stormwater

Management Law and rules. However, terms and conditions relating to compliance with the Stormwater Management Law may not substitute for or reduce the burden of proof of the applicant to affirmatively demonstrate to the Department that each of the standards of the Stormwater Management Law and rules has been met.

10. Conditions of approval for Site Law permits. The following standard conditions of approval apply to a Site Law permit in addition to those specified in 06-096 CMR 372.

- A. Approved inspector.** The Department may require the Permittee to retain the services of a Department-approved inspector to oversee construction projects in the watershed of a lake most at risk or an urban impaired stream. The inspector must carry out and document inspections of erosion and sedimentation control measures and stormwater treatment measures at least weekly while construction is ongoing. The inspector must make recommendations of any needed maintenance of the measures, as well as of any other needed changes to ensure that stormwater runoff will not impact downstream waters. Any recommendations made must be submitted to the Department and followed by the permittee.
- B. Recertification requirement.** Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the Department.
- (1) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (2) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system.
 - (3) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the Department, and the maintenance log is being maintained.
 - (4) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.
 - (5) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.

11. Recording of order. The Department shall record each order approving or modifying a permit pursuant to Chapters 500 and 502 in the appropriate registry of deeds.

12. Severability. Should any provision of this Chapter be declared invalid or ineffective by court decision, the decision shall not invalidate any other provision of this Chapter.

- 13. Transition and jurisdictional threshold for Stormwater Management Law projects.** For purposes of the Stormwater Management Law only, a stormwater permit is required if a person constructs, or causes to be constructed, a project that includes one acre or more of disturbed area on or after September 17, 2005.
- A. If a person has a project that required approval under the Stormwater Management Law prior to September 17, 2005, the project and subsequent modifications to it continue to require approval on and after September 17, 2005.
 - B. If a person has a project that did not require approval under the Stormwater Management Law prior to September 17, 2005, and the person proposes to construct or cause to be constructed a project that includes one or more acres of disturbed area on or after September 17, 2005, then a stormwater permit is required. Only the construction on or after September 17, 2005 requires a Stormwater Management Law permit.
 - C. A disturbed area of less than one acre continues to be counted toward the one-acre permit threshold under the Stormwater Management Law following permanent stabilization to the extent it is considered developed area as defined in this Chapter.
- 14. Permit shield.** If a stormwater best management practice is approved by the Department and, although adequately and appropriately constructed and maintained by the permittee, as determined by the Department, it fails to meet an applicable standard provided in Section 4 or 5 of this Chapter, the permittee is not in violation for failing to comply with that standard.
- A. This Section does not apply to the requirements of Appendix D of this Chapter.
 - B. This Section does not apply to the need for a license pursuant to 38 M.R.S. §413, the Waste Discharge Law. A wastewater discharge license is required for any stormwater discharge that the Department determines will contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the State. See 06-096 CMR 521(9)(a)(1)(v). For the permit shield provision applicable to the Waste Discharge Law, see 38 M.R.S. §414(8) "Effect of license".
 - C. Nothing in this Section alters or affects the liability of the permittee if a violation has occurred prior to permit issuance.
- 15. Permit shield for innovative measures.** The Department may, on a case-by-case basis, approve a best management practice or stormwater treatment measure pursuant to Section 4(C)(3)(e) of this Chapter when requested by an applicant. The Department may require the applicant to collect and submit sufficient information on the performance of the best management practice or stormwater treatment measure to allow evaluation. If the best management practice or stormwater treatment measure does not perform at least as well as would have been expected from otherwise available best management practices or stormwater treatment measures, the Department may require the permittee to replace or otherwise redesign the system.
- The Department may only approve an experimental system on a site where it would be possible to replace or redesign the experimental system if necessary.
- 16. Modification.** If a project has required a permit pursuant to the Stormwater Management Law or Site Law, all subsequent changes to the project that could affect the project's stormwater quality or quantity and require a modification of the project's license are also required to meet the stormwater

standards of Section 4. When the applicable standard depends upon an area threshold, the area of the entire licensed project, including the proposed project changes is included.

17. Effect of 2014 Rule Amendments on Existing Permits. A permittee who obtained a permit under the Stormwater Management Law or the Site Law prior to the effective date of the 2014 amendments to this Chapter shall continue to be subject to the terms of the prior permit with respect to any developed area constructed under the prior permit.

STATUTORY AUTHORITY: 38 M.R.S.A. §§ 341-D, 413, 420-D, 484

EFFECTIVE DATE:

December 31, 1997

REPEALED AND REPLACED:

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APPENDICES -- BASIC PERFORMANCE STANDARDS

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APPENDIX A. Erosion and sedimentation control

This appendix applies to all projects.

A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in 38 M.R.S. §480-B. Erosion control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken.

NOTE: Other requirements may apply, including, but not limited to the *Natural Resources Protection Act* 38 M.R.S. §480-B.

NOTE: The Department has prepared protocols for the control of erosion and sedimentation. See "Maine Erosion and Sediment Control BMPs Maine Department of Environmental Protection."

- 1. Pollution prevention.** Minimize disturbed areas and protect natural downgradient buffer areas to the extent practicable. Control stormwater volume and velocity within the site to minimize soil erosion. Minimize the disturbance of steep slopes. Control stormwater discharges, including both peak flow rates and volume, to minimize erosion at outlets. The discharge may not result in erosion of any open drainage channels, swales, stream channels or stream banks, upland, or coastal or freshwater wetlands off the project site.

Whenever practicable, no disturbance activities should take place within 50 feet of any protected natural resource. If disturbance activities take place between 30 feet and 50 feet of any protected natural resource, and stormwater discharges through the disturbed areas toward the protected natural resource, perimeter erosion controls must be doubled. If disturbance activities take place less than 30 feet from any protected natural resource, and stormwater discharges through the disturbed areas toward the protected natural resource, perimeter erosion controls must be doubled and disturbed areas must be temporarily or permanently stabilized within 7 days.

NOTE: Buffers improve water quality by helping to filter pollutants in run-off both during and after construction. Minimizing disturbed areas through phasing limits the amount of exposed soil on the site through retention of natural cover and by retiring areas as permanently stabilized. Less exposed soil results in fewer erosion controls to install and maintain. If work within an area is not anticipated to begin within two weeks' time, consider leaving the area in its naturally existing cover.

NOTE: Many construction activities within 75 feet of a protected natural resource require a permit under the *Natural Resources Protection Act* prior to initiation. For more information regarding the applicability of the NRPA to your project, you can visit the Department's website at <http://www.maine.gov/dep/land/nrpa/index.html> or contact staff of the Division of Land Resource Regulation at the nearest regional office.

- 2. Sediment barriers.** Prior to construction, properly install sediment barriers at the downgradient edge of any area to be disturbed and adjacent to any drainage channels within the disturbed area. Sediment barriers should be installed downgradient of soil or sediment stockpiles and stormwater prevented from running onto the stockpile. Maintain the sediment barriers by removing accumulated sediment, or removing and replacing the barrier, until the disturbed area is permanently stabilized. Where a

discharge to a storm drain inlet occurs, if the storm drain carries water directly to a surface water and you have authority to access the storm drain inlet, you must install and maintain protection measures that remove sediment from the discharge.

3. **Stabilized construction entrance.** Prior to construction, properly install a stabilized construction entrance (SCE) at all points of egress from the site. The SCE is a stabilized pad of aggregate, underlain by a geotextile filter fabric, used to prevent traffic from tracking material away from the site onto public ROWs. Maintain the SCE until all disturbed areas are stabilized.
4. **Temporary stabilization.** Within 7 days of the cessation of construction activities in an area that will not be worked for more than 7 days, stabilize any exposed soil with mulch, or other non-erodible cover. Stabilize areas within 75 feet of a wetland or waterbody within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.
5. **Removal of temporary measures.** Remove any temporary control measures, such as silt fence, within 30 days after permanent stabilization is attained. Remove any accumulated sediments and stabilize.

NOTE: It is recommended that silt fences be removed by cutting the fence materials at ground level to avoid additional soil disturbance.

6. **Permanent stabilization.** If the area will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, moisture, and soil conditions; amend areas of disturbed subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding so to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established with 90% cover by healthy vegetation. If necessary, areas must be reworked and restabilized if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. One or more of the following may apply to a particular site.
 - (a) **Seeded areas.** For seeded areas, permanent stabilization means a 90% cover of the disturbed area with mature, healthy plants with no evidence of washing or rilling of the topsoil.
 - (b) **Sodded areas.** For sodded areas, permanent stabilization means the complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.
 - (c) **Permanent Mulch.** For mulched areas, permanent mulching means total coverage of the exposed area with an approved mulch material. Erosion Control Mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.
 - (d) **Riprap.** For areas stabilized with riprap, permanent stabilization means that slopes stabilized with riprap have an appropriate backing of a well-graded gravel or approved geotextile to prevent soil movement from behind the riprap. Stone must be sized appropriately. It is recommended that angular stone be used.

- (e) **Agricultural use.** For construction projects on land used for agricultural purposes (e.g., pipelines across crop land), permanent stabilization may be accomplished by returning the disturbed land to agricultural use.
 - (f) **Paved areas.** For paved areas, permanent stabilization means the placement of the compacted gravel subbase is completed, provided it is free of fine materials that may runoff with a rain event
 - (g) **Ditches, channels, and swales.** For open channels, permanent stabilization means the channel is stabilized with a 90% cover of healthy vegetation, with a well-graded riprap lining, turf reinforcement mat, or with another non-erosive lining such as concrete or asphalt pavement. There must be no evidence of slumping of the channel lining, undercutting of the channel banks, or down-cutting of the channel.
7. **Winter Construction.** "Winter construction" is construction activity performed during the period from November 1 through April 15. If disturbed areas are not stabilized with permanent measures by November 1 or new soil disturbance occurs after November 1, but before April 15, then these areas must be protected and runoff from them must be controlled by additional measures and restrictions.
- (a) **Site Stabilization.** For winter stabilization, hay mulch is applied at twice the standard temporary stabilization rate. At the end of each construction day, areas that have been brought to final grade must be stabilized. Mulch may not be spread on top of snow.
 - (b) **Sediment Barriers.** All areas within 75 feet of a protected natural resource must be protected with a double row of sediment barriers.
 - (c) **Ditch.** All vegetated ditch lines that have not been stabilized by November 1, or will be worked during the winter construction period, must be stabilized with an appropriate stone lining backed by an appropriate gravel bed or geotextile unless specifically released from this standard by the Department.
 - (d) **Slopes.** Mulch netting must be used to anchor mulch on all slopes greater than 8% unless erosion control blankets or erosion control mix is being used on these slopes.

NOTE: The Department has prepared protocols for the control of erosion and sedimentation during the winter months. See "Maine Erosion and Sediment Control BMPs Maine Department of Environmental Protection."

8. **Stormwater channels.** Ditches, swales, and other open stormwater channels must be designed, constructed, and stabilized using measures that achieve long-term erosion control. Ditches, swales and other open stormwater channels must be sized to handle, at a minimum, the expected volume runoff. Each channel should be constructed in sections so that the section's grading, shaping, and installation of the permanent lining can be completed the same day. If a channel's final grading or lining installation must be delayed, then diversion berms must be used to divert stormwater away from the channel, properly-spaced check dams must be installed in the channel to slow the water velocity, and a temporary lining installed along the channel to prevent scouring. Permanent stabilization for channels is addressed under Appendix A(5)(g) above.
- (a) The channel should receive adequate routine maintenance to maintain capacity and prevent or correct any erosion of the channel's bottom or side slopes.

- (b) When the watershed draining to a ditch or swale is less than 1 acre of total drainage and less than $\frac{1}{4}$ acre of impervious area, diversion of runoff to adjacent wooded or otherwise vegetated buffer areas is encouraged where the opportunity exists.

- 9. Sediment basins.** Sediment basins must be designed to provide storage for either the calculated runoff from a 2-year, 24-hour storm or provide for 3,600 cubic feet of capacity per acre draining to the basin. Outlet structures must discharge water from the surface of the basin whenever possible. Erosion controls and velocity dissipation devices must be used if the discharging waters are likely to create erosion. Accumulated sediment must be removed as needed from the basin to maintain at least $\frac{1}{2}$ of the design capacity of the basin.

The use of cationic treatment chemicals, such as polymers, flocculants, or other chemicals that contain an overall positive charge designed to reduce turbidity in stormwater must receive prior approval from the Department. When requesting approval to use cationic treatment chemicals, you must describe appropriate controls and implementation procedures to ensure the use will not lead to a violation of water quality standards. In addition, you must specify the type(s) of soil likely to be treated on the site, chemicals to be used and how they are to be applied and in what quantity, any manufacturer's recommendations, and any training had by personnel who will handle and apply the chemicals.

- 10. Roads.** Gravel and paved roads must be designed and constructed with crowns or other measures, such as water bars, to ensure that stormwater is delivered immediately to adjacent stable ditches, vegetated buffer areas, catch basin inlets, or street gutters.

NOTE: (1) Gravel and paved roads should be maintained so that they continue to conform to this standard in order to prevent erosion problems. (2) The Department recommends that impervious surfaces, including roads, be designed and constructed so that stormwater is distributed in sheet flow to natural vegetated buffer areas wherever such areas are available. Road ditches should be designed so that stormwater is frequently (at least every 100 to 200 feet) discharged via ditch turnouts in sheet flow to adjacent natural buffer areas wherever possible.

- 11. Culverts.** Culverts must be sized to avoid unintended flooding of upstream areas or frequent overtopping of roadways. Culvert inlets must be protected with appropriate materials for the expected entrance velocity, and protection must extend at least as high as the expected maximum elevation of storage behind the culvert. Culvert outlet design must incorporate measures, such as aprons, to prevent scour of the stream channel. Outlet protection measures must be designed to stay within the channel limits. The design must take account of tailwater depth.

- 12. Parking areas.** Parking areas must be constructed to ensure runoff is delivered to adjacent swales, catch basins, curb gutters, or buffer areas without eroding areas downslope. The parking area's subbase compaction and grading must be done to ensure runoff is evenly distributed to adjacent buffers or side slopes. Catch basins must be located and set to provide enough storage depth at the inlet to allow inflow of peak runoff rates without by-pass of runoff to other areas.

- 13. Additional requirements.** Additional requirements may be applied on a site-specific basis.

APPENDIX B. Inspection and maintenance

This appendix applies to all projects, except that a project that is eligible for stormwater PBR need only meet the standards in Section 1.

See Appendix D(5) for additional maintenance requirements related to infiltration of stormwater.

1. During construction. The following standards must be met during construction.

- (a) **Inspection and corrective action.** Inspect disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. Inspect these areas at least once a week as well as before and within 24 hours after a storm event (rainfall), and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct the inspections.
- (b) **Maintenance.** If best management practices (BMPs) need to be repaired, the repair work should be initiated upon discovery of the problem but no later than the end of the next workday. If additional BMPs or significant repair of BMPs are necessary, implementation must be completed within 7 calendar days and prior to any storm event (rainfall). All measures must be maintained in effective operating condition until areas are permanently stabilized.
- (c) **Documentation.** Keep a log (report) summarizing the inspections and any corrective action taken. 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, materials storage areas, and vehicles access points to the parcel. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) 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 Department staff and a copy must be provided upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

2. Post-construction. The following standards must be met after construction.

- (a) **Plan.** Carry out an approved inspection and maintenance plan that is consistent with the minimum requirements of this section. The plan must address inspection and maintenance of the project's permanent erosion control measures and stormwater management system. This plan may be combined with the plan listed in Section 2(a) of this appendix. See Section 7(C)(2) for submission requirements.
- (b) **Inspection and maintenance.** All measures must be maintained in effective operating condition. A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct the inspections. The following areas, facilities, and measures must be inspected and identified deficiencies must be corrected. Areas, facilities, and measures other than those listed below may also require inspection on a specific site. Inspection or maintenance tasks other than those discussed below must be included in the maintenance plan developed for a specific site.

NOTE: Expanded and more-detailed descriptions for specific maintenance tasks may be found in the Maine DEP's "Stormwater Management for Maine: Best Management Practices."

- (i) 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. See permanent stabilization standards in Appendix A(5).
- (ii) Inspect ditches, swales and other open stormwater channels in the spring, in late fall, and after heavy rains to remove any obstructions to flow, remove accumulated sediments and debris, to control vegetated growth that could obstruct flow, and to repair any erosion of the ditch lining. Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity. Any woody vegetation growing through riprap linings must also be removed. Repair any slumping side slopes as soon as practicable. If the ditch has a riprap lining, replace riprap on areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged. The channel must receive adequate routine maintenance to maintain capacity and prevent or correct any erosion of the channel's bottom or sideslopes.
- (iii) Inspect culverts in the spring, in 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; and to repair any erosion damage at the culvert's inlet and outlet.
- (iv) Inspect and clean out catch basins. Clean-out must include the removal and legal disposal of any accumulated sediments and debris at the bottom of the basin, at any inlet grates, at any inflow channels to the basin, and at any pipes between basins. If the basin outlet is designed to trap floatable materials, then remove the floating debris and any floating oils (using oil-absorptive pads).
- (v) Inspect resource and treatment buffers once a year for evidence of erosion, concentrating flow, and encroachment by development. If flows are concentrating within a buffer, site grading, level spreaders, or ditch turn-outs must be used to ensure a more even distribution of flow into a buffer. Check down slope of all spreaders and turn-outs for erosion. If erosion is present, adjust or modify the spreader's or turnout's lip to ensure a better distribution of flow into a buffer. Clean-out any accumulation of sediment within the spreader bays or turn-out pools.
- (vi) Inspect at least once per year, each stormwater management pond or basin, including the pond's embankments, outlet structure, and emergency spillway. Remove and dispose of accumulated sediments in the pond. Control woody vegetation on the pond's embankments.
- (vii) Inspect at least one per year, each underdrained filter, including the filter embankments, vegetation, underdrain piping, and overflow spillway. Remove and dispose of accumulated sediments in the filter. If needed, rehabilitate any clogged surface linings, and flush underdrain piping.
- (viii) Inspect each manufactured system installed on the site, including the system's inlet, treatment chamber(s), and outlet at least once per year, or in accordance with the maintenance

guidelines recommended by the manufacturer based on the estimated runoff and pollutant load expected to the system from the project. Remove and dispose of accumulated sediments, debris, and contaminated waters from the system and, if applicable, remove and replace any clogged or spent filter media.

(c) **Regular maintenance**

- (i) 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. Grading of gravel roads, or grading of the gravel shoulders of gravel or paved roads, must be routinely performed to ensure that stormwater drains immediately off the road surface to adjacent buffer areas or stable ditches, and is not impeded by accumulations of graded material on the road shoulder or by excavation of false ditches in the shoulder. If water bars or open-top culverts are used to divert runoff from road surfaces, clean-out any sediments within or at the outlet of these structures to restore their function.
- (ii) Manage each buffer's vegetation consistently with the requirements in any deed restrictions for the buffer. Wooded buffers must remain fully wooded and have no disturbance to the duff layer. Vegetation in non-wooded buffers may not be cut more than three times per year, and may not be cut shorter than six inches.

NOTE: Contact the Department's Division of Watershed Management (Maine DEP) for assistance developing inspection and maintenance requirements for other drainage control and runoff treatment measures installed on the site. The maintenance needs for most measures may be found in the Maine DEP's "Stormwater Management for Maine: Best Management Practices."

- (d) **Documentation.** Keep a log (report) summarizing inspections, maintenance, and any corrective actions taken. The log must include the date on which each inspection or maintenance task was performed, a description of the inspection findings or maintenance completed, and the name of the inspector or maintenance personnel performing the task. If a maintenance task requires the clean-out of any sediments or debris, indicate where the sediment and debris was disposed after removal. The log must be made accessible to Department staff and a copy provided to the Department upon request. The permittee shall retain a copy of the log for a period of at least five years from the completion of permanent stabilization.
- 3. Re-certification.** Submit a certification of the following to the Department within three months of the expiration of each five-year interval from the date of issuance of the permit.
- (a) **Identification and repair of erosion problems.** All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) **Inspection and repair of stormwater control system.** All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system.

- (c) **Maintenance.** The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the Department, and the maintenance log is being maintained.

Municipalities with separate storm sewer systems regulated under the Maine Pollutant Discharge Elimination System (MPDES) Program may report on all regulated systems under their control as part of their required annual reporting in lieu of separate certification of each system. Municipalities not regulated by the MPDES Program, but that are responsible for maintenance of permitted stormwater systems, may report on multiple stormwater systems in one report.

4. **Duration of maintenance.** Perform maintenance as described and required in the permit unless and until the system is formally accepted by the 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 Department 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 Department standards. Upon such assumption of responsibility, and approval by the Department, 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.
5. **Additional requirements.** Additional requirements may be applied on a site-specific basis.

APPENDIX C. Housekeeping

These performance standards apply to all projects except for stormwater PBR projects.

1. **Spill prevention.** Controls must be used to prevent pollutants from construction and waste materials stored on site to enter stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.

NOTE: Any spill or release of toxic or hazardous substances must be reported to the Department. For oil spills, call 1-800-482-0777 which is available 24 hours a day. For spills of toxic or hazardous material, call 1-800-452-4664 which is available 24 hours a day. For more information, visit the Department's website at :
<http://www.maine.gov/dep/spills/emergspillresp/>

2. **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. Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area, in order to prevent the accumulation of fines, reduction in infiltration rate, and consequent flooding and destabilization.

See Appendix D for license by rule standards for infiltration of stormwater.

NOTE: Lack of appropriate pollutant removal best management practices (BMPs) may result in violations of the groundwater quality standard established by 38 M.R.S.A. §465-C(1).

3. **Fugitive sediment and dust.** Actions must be taken to ensure 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, but other water additives may be considered as needed. A stabilized construction entrance (SCE) should be included to minimize tracking of mud and sediment. If off-site tracking occurs, public roads should be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems, should wet down unpaved access roads once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.

NOTE: Dewatering a stream without a permit from the Department may violate state water quality standards and the *Natural Resources Protection Act*.

4. **Debris and other materials.** Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source.

NOTE: To prevent these materials from becoming a source of pollutants, construction and post-construction activities related to a project may be required to comply with applicable

provision of rules related to solid, universal, and hazardous waste, including, but not limited to, the Maine solid waste and hazardous waste management rules; Maine hazardous waste management rules; Maine oil conveyance and storage rules; and Maine pesticide requirements.

5. **Excavation de-watering.** Excavation de-watering is the removal of water from trenches, foundations, coffer dams, 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 removed from the ponded area, either through gravity or pumping, 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 by the Department.

NOTE: Dewatering controls are discussed in the “Maine Erosion and Sediment Control BMPs, Maine Department of Environmental Protection.”

6. **Authorized Non-stormwater discharges.** Identify and prevent contamination by non-stormwater discharges. Where allowed non-stormwater discharges exist, they must be identified and steps should be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Authorized non-stormwater discharges are:

- (a) Discharges from firefighting activity;
- (b) Fire hydrant flushings;
- (c) Vehicle washwater if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage and transmission washing is prohibited);
- (d) Dust control runoff in accordance with permit conditions and Appendix (C)(3);
- (e) Routine external building washdown, not including surface paint removal, that does not involve detergents;
- (f) Pavement washwater (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used;
- (g) Uncontaminated air conditioning or compressor condensate;
- (h) Uncontaminated groundwater or spring water;
- (i) Foundation or footer drain-water where flows are not contaminated;
- (j) Uncontaminated excavation dewatering (see requirements in Appendix C(5));
- (k) Potable water sources including waterline flushings; and
- (l) Landscape irrigation.

7. **Unauthorized non-stormwater discharges .** The Department's approval under this Chapter does not authorize a discharge that is mixed with a source of non-stormwater, other than those discharges in compliance with Appendix C (6). Specifically, the Department's approval does not authorize discharges of the following:
- (a) Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds or other construction materials;
 - (b) Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance;
 - (c) Soaps, solvents, or detergents used in vehicle and equipment washing; and
 - (d) Toxic or hazardous substances from a spill or other release.
- (8) **Additional requirements.** Additional requirements may be applied on a site-specific basis.

APPENDIX D. Infiltration basins, dry wells, and subsurface fluid distribution systems

Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area. Pre-treatment systems provide for removal of a portion of pollutant load before the runoff enters the infiltration area. The infiltration area must minimize discharge of soluble pollutants to groundwater, and must be maintained to assure that its capacity for infiltration and pollutant removal is unimpaired. The Department will determine the adequacy of a pre-treatment system or treatment system based on its assessment of factors including but not limited to: nature of activities with exposure to stormwater within the drainage area of the infiltration system; area to be treated; proximity of drinking water wells; and site conditions, including soils, depth to high groundwater table and depth to bedrock. All drywells and subsurface fluid distribution systems must be registered with and meet all other requirements of the department's Underground Injection Control Program.

Lack of appropriate pollutant removal best management practices (BMPs) may result in violations of the groundwater quality standard established by 38 M.R.S. §465-C(1). Many pollutants found in stormwater accumulate in the soils in infiltration areas and are released due to chemical changes that occur in the infiltration area over time. Consequently, runoff quality often underestimates the long-term adverse effects on groundwater quality due to these contaminants, and cannot be used as a direct indicator of anticipated adverse effects. Maintenance of the infiltration area may be required to prevent clogging, development of anaerobic conditions, or other conditions that could impair the functioning of the area or increase the risk of pollutant discharge from the infiltration area.

Provided that the standards in this appendix are met, a discharge to groundwater from a stormwater infiltration system will not have a significant effect on the quality or classification of waters of the state and is considered a *de minimis* discharge that is exempt from the waste discharge licensing requirement of the Waste Discharge Licensing Program pursuant to 38 M.R.S. §413(1-A). However, nothing in this Chapter may be construed to limit the Department's licensing or enforcement authority under 38 M.R.S. Articles 4-A or 6. The Department may make a site-specific determination that discharges from a site will be *de minimis* in certain cases where the separation from bedrock and seasonal high water table cannot be met and potential discharges of pollutants to groundwater are absent or minimal. All other requirements of this Appendix must be met, and this *de minimis* finding does not constitute a permit shield or other exemption from the requirements of 38 M.R.S. Articles 4-A and 6. Regardless of this determination, the Department may require monitoring of water levels or water quality to demonstrate compliance with applicable requirements of 38 M.R.S. Articles 4-A and 6, and other requirements of this Chapter.

NOTE: Stormwater infiltration systems not meeting the standards described in Appendix D may require a waste discharge permit. An infiltration system serving a development regulated under the *Site Location of Development Act* may be required to meet additional standards. For definitions and provisions associated with the Waste Discharge program, see 38 M.R.S.A. §§ 413 *et seq.*, and Department Rules chapters 520 *et seq.*

1. Definitions. As used in this appendix, the following terms have the following meanings.

- (a) **Drywell.** A well or other facility deeper than it is wide, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

- (b) **Infiltration basin.** A structure wider than it is deep and designed to hold runoff without any means of discharge other than evapotranspiration, infiltration, or emergency bypass.
- (c) **Non-stormwater discharges.** Any discharge to a stormwater management system that is not composed entirely of stormwater, other than discharges directly resulting from fire-fighting at the facility. Non-stormwater discharges can originate from direct connections to industrial, commercial, or residential facilities, or indirectly as surface or subsurface discharges to the stormwater collection system.
- (d) **Public water supply.** Any publicly or privately-owned water-supply system that serves at least 25 people or 15 service connections for at least 60 days per year.
- (e) **Subsurface fluid distribution system.** Any system designed to dispose of stormwater beneath the surface of the earth, including, but not limited to, wells, settling tanks, disposal fields, pretreatment filters, pipes, or any other fixture, mechanism, or apparatus used for this purpose.
- (f) **Zone of contribution or delineated contributing area.** The area that contributes water to a water supply well, generally represented as the projection of the three-dimensional volume of water flowing to a discharging well onto a two-dimensional map view.

2. Limitations on the use of infiltration for stormwater treatment

- (a) **Storage or handling of petroleum products, pesticides, fertilizers, and hazardous substances.** Infiltration of runoff from a draining area on which petroleum products, pesticides, fertilizers, hazardous substances, or other materials with the potential to contaminate groundwater are stored or handled, is not allowed unless containment structures are used to isolate these materials from precipitation and provided that they are operated in accordance with a spill prevention, control, and countermeasure plan; operation and maintenance plan; or equivalent document as required by Section 7(D)(5)(c)(vi) of this Chapter. This restriction does not apply to storage of heating oil in a tank or tanks with a total volume of 550 gallons or less and serving a single consumptive residential or commercial user.
- (b) **Storage or handling of road salt or similar materials.** Infiltration of runoff from an area on which road salt or similar materials are stored or handled in bulk is not allowed.
- (c) **Containment structures.** Storage and handling areas for petroleum products, road salt, and other potential groundwater contaminants may be isolated within containment structures, buildings, or other enclosures to effectively remove those areas from exposure to stormwater so that infiltration structures may be constructed to serve the remaining drainage areas, provided that the facility is operated in accordance with a spill prevention, control, and countermeasures plan; operation and maintenance plan; or equivalent document as required by Section (7)(D)(5)(c)(vi) of this Chapter.
- (d) **Infiltration of runoff from asphalt or concrete paving or equivalent material.** Infiltration of runoff from a total of one acre or more of asphalt or concrete paving or equivalent material at a given project is not allowed except by means of infiltration basins located, designed, operated, and maintained in accordance with this appendix. This limitation does not apply to roads entirely within subdivisions consisting of lots for single-family detached residential housing or to use of pavement alternatives approved by the Department. Use of pavement alternatives is limited by sections 2(a) and 2(b) of this Appendix, and other requirements of this Chapter.

- (e) **Infiltration of runoff from lawn areas, vegetated areas, and roofs.** Infiltration of runoff from lawn areas and other vegetated areas, playing fields, and roofs of residential and commercial structures where no manufacturing or processing occurs, other than for home-based industries, is allowed, provided that any application of fertilizers, pesticides, and similar turf-management chemicals, is in accordance with a Department-approved management plan and no part of the areas used for infiltration is in the delineated contributing area of a well that is part of a public water supply system. Lawn areas on individual lots that are sold or developed as part of a residential subdivision consisting of lots for single-family detached residential housing are exempt from this requirement.
- (f) **Non-stormwater discharges, and stormwater from off-site drainage systems.** Non-stormwater discharges and stormwater from off-site drainage systems may not be discharged to an infiltration system, unless the Department determines the additional discharge will not have a negative impact on groundwater quality.
- (g) **Industrial and vehicle maintenance facilities.** Infiltration of runoff from industrial facilities where materials are stored or processed in areas exposed to precipitation and vehicle maintenance facilities where maintenance or storage of equipment occurs in areas exposed to precipitation is not permitted, unless the Department determines the additional discharge will not have a negative impact on groundwater quality.
- (h) **Certain commercial facilities.** Infiltration of runoff from facilities with high use parking lots, drive-up windows, or similar sources of elevated hydrocarbon pollution, is not permitted, unless the Department determines the additional discharge will not have a negative impact on groundwater quality.
- (i) **Use of vegetated soil filter beds.** Discharges to groundwater from infiltrating soil filters as described in Appendix E, subsection 4(c)(ii) are considered *de minimis* discharges for the purposes of the Waste Discharge Licensing Program, and do not require a waste discharge license.

3. Location

- (a) **Drinking water supply wells.** Unless specifically approved by the Department in consultation with the Department of Health and Human Services' Drinking Water Program, infiltration systems must be located no less than 300 feet from any private drinking water supply well, must not be located within the delineated contributing area of a public drinking water supply well, and must be located as far downgradient of any drinking water supply well as practical. Department approval of a reduced setback will be subsequent to Department review and approval of a study by a Maine Certified Geologist demonstrating that discharges from the infiltration system will not result in an unreasonable adverse impact on the quality or quantity of water provided by the well or wells. The Department may require a groundwater monitoring program or place other requirements on the design and operation of the infiltration system or infiltrating soil filter for the protection of the water supply well or wells.
- (b) **Subsurface wastewater disposal systems.** Infiltration systems must be located to meet or exceed the minimum setback distances from existing and proposed subsurface wastewater disposal systems provided in Table 7B of the Maine Subsurface Wastewater Disposal Rules, 144A CMR 241. Setback distances may be required by the Department, the local plumbing inspector, or the Department of Health and Human Services' Division of Environmental Health. An infiltration

system is considered a major watercourse for the purposes of Table 700.2 determining applicable setback requirements of the Maine Subsurface Wastewater Disposal Rules, 144A CMR 241.

Allowance for lesser setbacks for onsite disposal systems or other disposal systems owned or controlled by the applicant may be requested from the Department, the Department of Health and Human Services, and the local plumbing inspector, but must be approved as part of the Department permit. Infiltration systems must be located as far downgradient of any component of a subsurface wastewater disposal system as practical.

- (c) **Protected natural resources.** Infiltration systems must be located no less than 25 feet from any protected natural resources as defined at 38 M.R.S. §480-B, other than fragile mountain areas, and must be located as far upgradient of any such resources as practical.
- (d) **Surface grade.** The pre-construction surface grade must be 20% or less at the location of the proposed infiltration system.
- (e) **Separation from bedrock.** Infiltration systems serving one acre or more of impervious area must be located in areas with more than five feet of saturated overburden above the bedrock surface, as measured during the seasonal low water table. This restriction does not apply to runoff from areas of non-asphalt roofing on a building or other facility in which no manufacturing or processing occurs, other than for home-based industries. Separation from bedrock and depth to the water table may be demonstrated by means of test pits, borings, or similar invasive explorations, or by non-invasive geophysical methods such as seismic surveys. Thickness of blast rock or similar disturbed or artificially placed material is not counted toward the required thickness of overburden; blast rock or similar material is not considered as bedrock. Demonstration of a continuous in-situ layer, at least five feet in thickness, of unfractured basal till or marine, estuarine, or lacustrine clay between bedrock and the infiltration structure may substitute for this requirement, at the discretion of the Department.

4. Design and operation

- (a) **Soil permeability.** The permeability of the soil at the depth of the base of the proposed infiltration system must be no greater than 2.41 inches per hour, unless a medium with equivalent pollutant removal properties is approved by the Department. Infiltration basins must be lined with a suitable soil filter material, which must be installed over the base and sides of the proposed infiltration system. The soil filter material must be fine enough to filter fine sediments and provide effective absorption of pollutants, but coarse enough to slowly drain the stored stormwater within a 24 to 48 hour period. The soil filter material must be well blended and graded and must contain sufficient organic matter to facilitate the removal and treatment of hydrocarbons. Unless otherwise approved by the Department on a case-by-case basis, the soil filter must be at least 18 inches thick, and the surface area of the filter must be no less than 5% of the contributing impervious drainage area. The Department may consider alternative lining materials, such as materials with higher organic content, provided that the applicant can demonstrate that contact time, pollutant removal, and other relevant features of the liner are at least as protective of groundwater quality. The Department may require monitoring of groundwater quality to determine the effectiveness of any treatment.
- (b) **Vegetation of infiltration basins.** All areas of the basin not covered by stone or other non-vegetative covers must be maintained as grass.

- (c) **Separation from seasonal high water table.** The bottom of the infiltration system, including any stone layer or other material below the depth of any manufactured components of the system, must be at least three feet above the elevation of the seasonal high water table.
- (d) **Time for drainage.** The infiltration system, including the full thickness of the soil filter bed, must be designed to drain completely within 24 to 48 hours following the runoff event. The applicant must provide information on the permeability of the native soils at the depth of the proposed basin, such as in-place well or parameter testing, analyses of soil gradation, or other means acceptable to the Department, indicating that the permeability of the native soils is suitable to allow such drainage, and the Department may require an analysis demonstrating that the level of water table mounding under the system will be below the bottom of the soil filter within 48 hours after the end of the storm event.
- (e) **Impact on depth to groundwater.** Infiltration of stormwater may not increase the elevation to the seasonal high water table beneath a surface-irrigation site, land-disposal area for septage or other waste, or other waste management or wastewater management facility, without specific approval by the Department and, if applicable, the Department of Health and Human Services.
- (f) **Impact on groundwater flow.** Stormwater infiltration may not affect the direction of groundwater flows so as to impair any groundwater monitoring programs or cause the migration of existing contaminated groundwater that would result in unreasonable adverse impact on the quality of surface water, groundwater, or drinking water supplies, or to impair any groundwater monitoring programs.
- (g) **Mounding and seepage.** Groundwater mounding due to stormwater infiltration, especially on clay, bedrock, or other low-permeability surfaces, or stormwater discharges to highly permeable materials such as gravel or blast rock, may not cause seepage, high pore-pressures, or other effects that will adversely affect the stability of slopes or conditions of existing infrastructure in the vicinity of the activity. A qualified professional shall assess the potential for seepage and reduction in slope stability, and submit a report of findings, including logs of test borings or other subsurface explorations, modeling, or other means of analysis as determined to be necessary and applicable.
- (h) **Conveyance of overflow.** Infiltration systems must include measures to convey overflow to a stable discharge location.
- (i) **Control of access.** Access to any infiltration area must be controlled during and after construction to prevent compaction of the soil.
- (j) **Sediment discharge to infiltration structures.** Grassed swales, underdrained swales, sediment traps, or similar practices must be incorporated in the design to minimize discharge of sediment to the infiltration system.
- (k) **Devices to trap petroleum products.** Dry wells or subsurface fluid distribution systems receiving runoff from areas of asphalt or concrete paving not prohibited from using infiltration under Section 2 must include sump skimmers, sorbent booms, or similar devices to remove petroleum products from runoff. These devices must provide enough sorptive capacity to trap petroleum products for at least six months after construction and after any resurfacing, repaving reconstruction, or similar activity.

5. Maintenance

- (a) **Snow storage prohibited.** Snow removed from any on-site or off-site areas may not be stored over an infiltration area.
- (b) **Groundwater monitoring.** Groundwater quality monitoring may be required by the Department if necessary to demonstrate that the infiltration system will operate in compliance with the Water Classification Program. Groundwater quality monitoring will generally be required for activities infiltrating water from areas of heavy turf-chemical use, such as golf courses and certain athletic fields, and large connected impervious areas, such as parking lots and runways. Groundwater quality monitoring will generally not be required for activities infiltrating water from lawn areas and other vegetated areas, residential developments except for those with large parking areas, playing fields, low-use roads such as residential subdivision roads, and roofs of residential and commercial structures.
- (c) **Pollution-control devices.** Pollution-control devices such as oil–water separators, skimmers, and booms must be inspected regularly to determine if they need to be cleaned or replaced.
- (d) **Observation wells, measure of sediment accumulation, and points of access for sediment removal.** Observation wells to determine the system’s performance and access points to allow for the removal of accumulated sediment must be included in the design of subsurface fluid distribution systems. Dry wells and infiltration basins must have staff gauges, marked rods, or similar instrumentation to measure the accumulation of sediment and determine how quickly the system drains after a storm. The maintenance plan for the infiltration system prepared in accordance with Appendix B, Section 2 must indicate the expected rate of drainage of the infiltration system and provide for removal of sediment from the infiltration system.
- (e) **Sediment removal and maintenance of system performance.** Sediment must be removed from the system to prevent deterioration of system performance. The system must be rehabilitated or replaced if its performance is degraded to the point that applicable stormwater standards are not met.

6. Additional requirements. Additional requirements may be applied on a site-specific basis.

APPENDIX E. Stormwater basins, ponds and underdrained vegetated soil filter beds

This appendix applies to all projects using stormwater basins, ponds or underdrained, vegetated soil filters, and outlines the criteria for siting, designing, and constructing detention basins and ponds used for meeting the Department's stormwater management rules. The Department may require additional measures to address geotechnical, hydrologic, structural, hydraulic, and construction concerns. For example, the Department may require that the designer assess the impoundment's hazard potential for determining the appropriate design storm for the impoundment because the design storm may have a greater rainfall depth and larger recurrence interval than the 25-year, 24-hour storm used for the Department's stormwater management program.

- 1. Basin and pond types.** A variety of stormwater management basins and ponds are used to control runoff quantity and improve runoff quality from developments. All need professional siting and design to avoid unreasonable impacts to wetlands, surface waters, and groundwater and to ensure long-term stability, pollutant removal performance, and control of peak flow rates. General restrictions and requirements for all basins and ponds are provided below.

NOTE: Examples of siting and design criteria for each type of stormwater management structure can be found in the Department's manual "Stormwater Management for Maine: Best Management Practices."

- 2. Siting restrictions.** The Department has placed the following general restrictions on the siting of stormwater basins and ponds. Additional restrictions may be required based on drainage, geotechnical, wildlife, and safety concerns.
 - (a) Rivers, streams and brooks.** A basin or pond may not be located in or within 75 feet, measured horizontally, of the normal high water line of a river, stream, or brook (intermittent or perennial) unless approved by the Department pursuant to, or exempted from, the *Natural Resources Protection Act* (NRPA).
 - (b) Wetlands.** A basin or pond may not be constructed in or adjacent to a wetland and no dam, wall, berm, or embankment may be placed within or adjacent to a wetland as part of a stormwater management system, unless approved by the Department pursuant to the NRPA. The use of natural wetlands for runoff detention or retention storage to meet the standards in this chapter is prohibited unless the flooding standards in Section 4(H) are met and a *Natural Resources Protection Act* permit is obtained if required.
 - (c) Discharge of flows.** When detention is used on a site, the pre-construction flow condition to off-site areas, whether sheet or concentrated, must be maintained in the post-construction condition unless drainage easements are obtained from affected property owners.
 - (d) Underground detention.** Where underground detention is required because of limited space or other restrictions, runoff must at a minimum receive treatment to remove sediment and debris prior to discharge to the underground storage facility. The Department may require treatment to remove other pollutants if it determines that underground storage poses a threat to groundwater quality in which case all requirements in Appendix D must be met. The outlet control structure and the storage chambers for the underground detention structure must be accessible from the surface for maintenance, debris removal, and, if necessary, future modification.

3. Pond and basin design requirements

- (a) **Principal spillways.** Basins and ponds designed to control flows so as to meet the flooding standard must have principal spillways capable of controlling runoff from 24-hour storms of the 2-year, 10-year, and 25-year frequencies. Basins and ponds designed to provide channel protection detention must have principal spillways capable of providing extended detention of twelve hours for runoff from a 24-hour storm of a one-year frequency. In both cases, the principal spillway must control the maximum flows from the design storm(s) without activating the emergency spillway.
- (i) **Trash racks.** Any pipe, orifice, or culvert serving as a basin or pond outlet must have a trash rack to control clogging by debris and to provide safety to the public. The surface area of each rack must be at least four times the outlet opening it is protecting. A significantly larger trash rack ratio may be required for openings less than twenty-four inches in diameter. The spacing between rack bars must be no more than six inches or one-half the dimension of the smallest outlet opening behind it, whichever is less. If possible, trash racks should be inclined so to be self-cleaning.
- (ii) **Seepage controls.** All smooth outlet pipes greater than eight inches and all corrugated outlet pipes greater than 12 inches must have seepage controls to prevent the piping of soil along the outside of the pipe. This standard applies to both dry detention basins and ponds with permanent pools.
- (iii) **Anti-floatation design.** All outlets employing a riser structure must be designed to prevent the riser from floating.
- (b) **Emergency spillways.** Each stormwater basin and pond must have an emergency spillway designed to independently convey the routed runoff from at least the 25-year, 24-hour storm (as described under Section 3(c)(i) (crest elevation) of this Appendix. All spillways must meet the following criteria.
- (i) **Location.** Emergency spillways must be located on undisturbed, non-fill soil wherever possible. If the spillway must be located on fill soils, then the spillway must be horizontally offset at least 20 feet from the principal outlet and be designed with a riprap lining, reinforced-turf lining, or a non-flexible lining.
- (ii) **Exit channel grade.** The maximum grade of the spillway's exit channel may not exceed 20% unless a non-flexible lining is used to control erosion within the channel. Vegetation, reinforced turf, riprap, and modular blocks are considered flexible linings. All linings must be evaluated for stability at the channel grade chosen.
- (iii) **Flow depth.** The design flow depth in the exit channel may not exceed one-half the d50 stone size for channels lined with riprap. The design flow depth in the exit channel may not exceed three inches for channels lined with un-reinforced vegetation.
- (c) **Embankments.** Basin and pond embankments must be designed by a professional engineer registered in the State of Maine. The design must include an investigation of the subsurface conditions at the proposed embankment location to evaluate settlement potential, groundwater impacts, and the need for seepage controls. The Department will require the submittal of a geotechnical report from a geotechnical engineer for any embankment over 10 feet in effective

height or which the Department determines poses a significant threat to downstream property or life.

- (i) **Crest elevation.** The minimum elevation of the top of the settled embankment must be at least one foot above the peak water surface in the basin with the emergency spillway flowing at design depth for the design storm routed through just the emergency spillway.
- (ii) **Crest width.** The minimum crest width for any embankment must be as shown in Table 4:

Table 4
Effective Height of Embankment Based on Crest Width

Effective height of embankment (feet)	Crest Width (feet)
less than 10	6
10 - 15	8
15 - 20	10
20 - 25	12
25 - 35	14
more than 35	15

- (iii) **Construction.** The selection of fill materials must be subject to approval of the design engineer or inspecting engineer. Fill must be free of frozen soil, rocks over six inches, and sod, brush, stumps, tree roots, wood, or other perishable materials. Embankment fills less than 10 feet in fill height must be compacted using compaction methods that would reasonably guarantee that the fill density is at least 90% of the maximum density as determined by standard proctor (ASTM-698). All embankment fills more than 10 feet in fill height must be compacted to at least 90% of the maximum density as determined by standard proctor (ASTM-698) and must have their density verified by field density testing.
- (iv) **Slopes.** The embankment's slopes may not be steeper than 3 horizontal to one vertical.
- (d) **Gravel outlet with an underdrain.** The outlet of wetponds discharging directly to a stream must be designed to meet the general standards for channel protection pursuant to Section 4(c)(2) of this Chapter and must be fitted with a gravel outlet with an underdrain.
 - (i) **Pond bench.** The bed of the gravel outlet must be built on a pond bench having a width of at least eight feet and a length that equivalent to 3 feet per 1000 cubic feet of volume for channel protection. The bench elevation must be set at the permanent pool elevation such that the channel protection volume will be stored between the bench surface elevation and the elevation of the principal spillway's lowest control outlet. The bench must be located at or near the end of the pond furthest from the principal inflow.
 - (ii) **Underdrain pipe.** The underdrain pipe must be installed down the centerline of the gravel trench. The pipe may be either perforated PVC pipe or corrugated, polyethylene drainage tubing. The slope of the installed underdrain pipe must be 1% or greater.

(iii) **Gravel trench.** A gravel filled trench with a minimum width of 4 feet and a minimum depth of 3 feet must be installed in the pond bench at least 2 feet from the pond side edge of the bench. The underdrain pipe must be bedded in clean, well-graded gravel (MDOT specification 703.22 Type B) extending 24 inches over the top of the drainage pipe, with at least six inches to the sides of the pipe, and six inches below the pipe.

(iv) **Underdrain outlet.** The underdrain outlet must discharge to an area capable of withstanding concentrated flows and saturated conditions without eroding.

4. **Vegetated Soil Filter Bed Design Requirements.** Soil filters are designed to provide pollutant removal and channel protection as they provide the slow release of runoff. The filter also provides cooling of the discharge reducing thermal

NOTE: Examples of specific design criteria for each type of filter bed structure and design can be found in the Department's BMP manual "Stormwater Management for Maine."

(a) Soil filter beds designed to meet the general standards for soil filters must be designed to meet the following criteria.

(i) **Volume stored and treated.** The soil filter basin must store and filter at least 1.0 inch of stormwater runoff from the impervious area draining to it, and 0.4 inches of stormwater runoff from the landscaped area draining to it. A stable overflow outlet must be provided for stormwater in excess of the volume to be stored for treatment.

(ii) **Soil filter.** The soil filter basin must consist of depressional surface storage over a densely vegetated soil filter that is underlain with underdrain bedding and drained by perforated underdrain pipe. The soil filter material must be fine enough to filter fine sediments and provide effective adsorption of pollutants, but coarse enough to drain the stored volume over a period of no less than 24 hours and no greater than 48 hours. The soil filter material must be well blended and graded and must contain sufficient organic matter to facilitate the removal and treatment of hydrocarbons. Unless otherwise approved by the Department on a case-by-case basis, the soil filter must be at least 18 inches thick and the surface area of the filter must be no less than 5% of the contributing impervious drainage area.

(iii) **Basin design.** The soil filter must be constructed with an underdrain system and with a liner to prevent infiltration into the in-situ soil unless all the conditions for either (b) or (c) below are met, and must be designed to discharge its stored volume in one of the following two ways. Otherwise, the requirements from Appendix D must be met.

(b) If located over soil in hydrologic group C or D, unless the soil material consists of ablation till, stratified drift or aeolian sand soils, the soil filter may be constructed with an underdrain system and without a liner to prevent infiltration into the in-situ soil if the following conditions are met.

(i) There is a separation in in-situ soils of at least 18 inches between the bottom of the underdrain bedding material and bedrock, and

(ii) The bottom of the filter media is no lower than the elevation of the seasonal high water table;
or

- (c) If located over highly permeable soils, such as those derived from ablation till, stratified drift, aeolian sand, or other highly permeable overburden, the soil filter may be constructed without a liner to prevent infiltration into the in-situ soil if it has been constructed with an underdrain system and the following requirements are met:
 - (i) The filter drains no greater than one acre of asphalt or concrete paving or equivalent material, and no greater than 2 acres of developed land area;
 - (ii) There is a separation in in-situ soils of at least 18 inches between the bottom of the underdrain bedding material and both the high seasonal water table and bedrock;
 - (iii) The stored runoff volume is stored to a depth no greater than 18 inches;
 - (iv) The area draining to the filter does not include any:
 - a. public roads;
 - b. fuel service facilities;
 - c. high use parking lots and drive through lanes;
 - d. any storage or handling areas for petroleum products, road salt or other potential groundwater contaminants unless those areas are isolated within containment structures that are operated and maintained in accordance with a spill prevention, control and countermeasures plan; operation and maintenance plan; or equivalent document approved by the Department;
 - e. industrial facilities where facilities are stored and processed in areas exposed to precipitation;
 - f. vehicle maintenance facilities where maintenance or storage of equipment occurs in areas exposed to precipitation; and
 - g. lawns not on individual residential lots, unless all application of fertilizers, pesticides and similar turf-management chemicals are performed in accordance with a Department-approved management plan; and
 - (v) The filter is located no less than 300 feet from any private drinking water supply well, is not located within the delineated contributing area of or closer than 300 feet from any public drinking water supply well, and is located as far down gradient of any drinking water supply well as practicable. The filter must also be set back from any subsurface wastewater disposal system at least the distance required in the Maine Subsurface Water Disposal Rules, 144A CMR 241, for setbacks from watercourses;
- (d) If the above requirements and the following additional requirements are met, the filter may be constructed without an underdrain system and may drain in less than 24 hours;
 - (i) The permeability of the in-situ soils at the elevation of the bottom of the soil filter is greater than the minimum permeability of the soil filter media; and

- (ii) An analysis is performed demonstrating that the level of water table mounding under the system will be below the bottom of the soil filter 48 hours after the end of the storm event.
 - (e) **Underdrain pipe bedding.** The interface between the underdrain bedding material and the soil filter material must be designed to minimize the risk of clogging at the interface while preventing significant loss of fine soil material from the soil filter layer. The underdrain bedding material must be sufficiently coarse to allow flow of treated water to the underdrain pipe.
 - (f) **Underdrain outlet.** The underdrain system and the overflow must discharge to areas capable of withstanding concentrated flows and saturated conditions without eroding.
 - (g) **Non-stormwater discharges, and stormwater from outside drainage systems.** Non-stormwater discharges and stormwater from drainage systems outside the project area may not be discharged to the soil filter bed, unless the Department determines the additional discharge will not have a negative impact on groundwater quality.
5. **Additional requirements.** Additional requirements may be applied on a site-specific basis.

APPENDIX F. Vegetated buffers

This appendix applies to all projects using vegetated buffers for stormwater control. A buffer is a natural vegetated, non-lawn area or areas located down gradient from a project that serves to store and remove pollutants from stormwater runoff flowing from a project. Buffers must not be interrupted by intermittent or perennial stream channels or other drainageways and must have a relatively uniform slope so that stormwater does not concentrate in channels. This appendix describes the design and sizing requirements for vegetated buffers designed to meet the general standards. Requirements are described for four different types of buffers, each of which is appropriate for specific situations.

1. Types of vegetated buffers. The applicability of each of the four types of vegetated buffers is as follows.

(a) **Vegetated buffer with stone bermed level lip spreaders.** A vegetated buffer with stone bermed level lip spreaders must be used when treating stormwater runoff from any of the following:

- (i) An impervious area greater than one acre;
- (ii) Impervious areas where the flow path across the impervious area exceeds 150 feet; or
- (iii) Developed areas, including lawns and impervious surfaces, where runoff is concentrated, intentionally or unintentionally, so that it does not run off in well-distributed sheet flow when it enters the upper end of a buffer, except that road ditch runoff may be treated using a ditch turn-out buffer.

(b) **Buffer adjacent to the downhill side of a road.** A buffer located along the downhill side of a road may only be used when the runoff from the road surface and shoulder sheets immediately into a buffer. In no instance may runoff from areas other than the adjacent road surface and shoulder be directed to these buffers.

(c) **Ditch turn-out buffer.** A ditch turn-out buffer may only be used when runoff from a road ditch is diverted to a 20-foot stone bermed level lip spreader that distributes runoff into a buffer. No areas other than the road surface, road shoulder and road ditch may be directed into a buffer. No more than 400 feet of road and ditch may be treated in any ditch turn-out buffer, and no more than 250 feet may be treated if more than one travel lane is draining to the ditch.

(d) **Buffer adjacent to residential, largely pervious or small impervious areas.** A buffer adjacent to a residential, largely pervious or small impervious area that does not require that runoff be distributed by means of a level spreader may only be used when:

- (i) A buffer is located immediately downhill of the developed area; and
- (ii) Runoff from the developed area is not concentrated and enters a buffer in well distributed sheet flow.

Only runoff from the following areas may be treated using this type buffer:

- (iii) A single family residential lot;

- (iv) A developed area that is less than 10% impervious where the flow path over the portion of the developed area for which treatment is being credited does not exceed 150 feet; or
- (v) An impervious area of less than one acre, where the flow path across the impervious area does not exceed 100 feet.

2. Design requirements for all buffer types. The following design requirements apply to all types of buffers.

- (a) **Topography.** The topography of a buffer area must be such that stormwater runoff will not concentrate as it flows across a buffer, but will remain well-distributed. Flow paths of runoff through a buffer must not converge, but must be essentially parallel or diverging.
- (b) **Vegetative cover.** The vegetative cover type of a buffer must be either forest or meadow. In most instances the sizing of a buffer varies depending on vegetative cover type.
 - (i) **Forest buffer.** A forest buffer must have a well distributed stand of trees with essentially complete canopy cover, and must be maintained as such. A forested buffer must also have an undisturbed layer of duff covering the mineral soil. Activities that may result in disturbance of the duff layer are prohibited in a buffer.
 - (ii) **Meadow buffer.** A meadow buffer must have a dense cover of grasses, or a combination of grasses and shrubs or trees. A buffer must be maintained as a meadow with a generally tall stand of grass, not as a lawn. It must not be mown more than twice per calendar year. If a buffer is not located on natural soils, but is constructed on fill or reshaped slopes, a buffer surface must either be isolated from stormwater discharge until a dense sod is established, or must be protected by a three inch layer of erosion control mix or other woodwaste material approved by the Department before stormwater is directed to it, with vegetation must be established using an appropriate seed mix.
 - (iii) **Mixed meadow and forest buffer.** If a buffer is part meadow and part forest, the required sizing of a buffer must be determined as a weighted average, based on the percent of a buffer in meadow and the percent in forest, of the required sizing for meadow and forest buffers.
- (c) **Deed restrictions and covenants.** Areas designated as vegetated buffers must be clearly identified on site plans and protected from disturbance by deed restrictions and covenants.

3. Design specifications and sizing tables for a vegetated buffer with stone bermed level lip spreaders. Stormwater runoff must be delivered to a vegetated buffer with stone bermed level lip spreaders in either sheet or concentrated flow. These design specifications direct runoff behind a stone berm constructed along the contour at the upper margin of a buffer area. As a result of restriction of flow through the berm, the runoff then spreads out behind the berm so that it seeps through the entire length of the berm and is evenly distributed across the top of a buffer. The stone must be coarse enough that it will not clog with sediment. The berm must be well-graded and contain some small stone and gravel so that flow through the berm will be restricted enough to cause it to spread out behind the berm.

- (a) **Stone berm specifications.** The stone berm must be at least 1.5 feet high and 2.0 feet across the top with 2:1 side slopes constructed along the contour and closed at the ends. Unless otherwise approved by the Department, the design must include a shallow, 6-inch deep trapezoidal trough with a minimum bottom width of three feet, and with a level downhill edge excavated along the

contour on the uphill edge of the stone berm. Stone for stone bermed level lip spreaders must consist of sound durable rock that will not disintegrate by exposure to water or weather. Fieldstone, rough quarried stone, blasted ledge rock or tailings may be used. The rock must be well-graded within the limits of Table 5, or as otherwise approved by the Department.

Table 5
Percent of Rock Required to Pass Through Square Mesh Sieves

Sieve Designation (Metric)	Sieve Designation (US Customary)	Percent by Weight passing Square Mesh Sieves
300 mm	12 in	100
150 mm	6 in	84-100
75 mm	3 in	68-83
25.4 mm	1 in	42-55
4.75 mm	No. 4	8-12

- (b) **Buffer sizing.** The required size of a buffer area below the stone-bermed level lip spreader varies with the size and imperviousness of the developed area draining to a buffer, the type of soil in a buffer area, the slope of a buffer, and the vegetative cover type. The following table indicates the required berm length per acre of impervious area and lawn draining to a buffer for a given length of flow path through a buffer. Required berm length varies by the Hydrologic Soil Group of the soils in a buffer and by the length of flow path through a buffer. If more than one soil type is found in a buffer, the required sizing of a buffer must be determined as weighted average, based on the percent of a buffer in each soil type, of the required sizing for each soil type buffer. Alternative sizing may be allowed if it is determined by a site-specific hydrologic buffer design model approved by the Department. A buffer meeting this standard is not allowed on Hydrologic Soil Group D soils that are identified as wetland soils, unless measures are taken to improve infiltrative capacity, as approved by the Department. A buffer meeting this standard is not allowed on natural slopes in excess of 15% unless a buffer has been evaluated using a site-specific hydrologic buffer design model approved by the Department, and measures have been included to ensure that runoff remains well-distributed as it passes through a buffer.

Table 6 below applies to a buffer with slopes ranging from 0 to 8%. For a buffer with slopes between 9% and 15%, the indicated berm length must be increased by 20%.

NOTE: The following tables were developed using a 1.25 inch, 24 hour storm of type III distribution, giving a maximum unit flow rate of less than 0.009 cfs per foot.

Table 6
Sizing Requirements for buffer with 0–8% slope and stone bermed level lip spreader

Hydrologic Soil Group	Length of flow path through buffer (feet)	Berm length for a forested buffer (feet)		Berm length for a meadow buffer (feet)	
		Per acre of impervious area	Per acre of lawn	Per acre of impervious area	Per acre of lawn
Soil Group A	75	75	25	125	35
	100	65	20	75	25
	150	50	15	60	20
Soil Group B	75	100	30	150	45
	100	80	25	100	30
	150	65	20	75	25
Soil Group C sandy loam or loamy sand	75	125	35	150	45
	100	100	30	125	35
	150	75	25	100	30
Soil Group C silt loam, clay loam or silty clay loam	100	150	45	200	60
	150	100	30	150	45
Soil Group D non-wetland	150	150	45	200	60

4. **Design specifications and sizing tables for a buffer adjacent to the downhill side of a road.** A buffer adjacent to a disturbed area of less than one acre that continues to be a road may only be used when a buffer is located such that the runoff from the road surface and shoulder sheets immediately into a buffer. Required buffer design and sizing for this type of buffer does not vary with soil type or slope, except that a buffer meeting this standard is not allowed on soils identified as wetland soils or on natural slopes in excess of 20%, unless the Department finds that the buffer will have adequate adsorptive capacity, and measures have been included to ensure that runoff remains well-distributed as it passes through the buffer. Sizing depends on the vegetative cover type of a buffer and the number of travel lanes draining to a buffer as indicated in Table 7.

Table 7
Required Flow Path Length of a Buffer Receiving Road Runoff

	Length of flow path for a forested buffer (feet)	Length of flow path for a meadow buffer (feet)
One travel lane draining to buffer	35	50
Two travel lanes draining to buffer	55	80

The inslope of the road bed may be included as part of a meadow buffer only if it is designed and constructed to allow infiltration. Design and construction to allow infiltration includes, but is not limited to, the inslope fill material having slopes no steeper than 3:1; loaming and seeding to meadow grasses; and maintaining a buffer area as a meadow buffer.

5. **Design specifications and sizing tables for a ditch turn-out buffer.** A ditch turn-out buffer may only be used when runoff from a road ditch is diverted to a 20-foot stone bermed level lip spreader that distributes runoff into a buffer. No areas other than the road surface, road shoulder, road ditch, and ditch back slopes may be directed to the stone bermed level lip spreader.
 - (a) **Stone berm specifications.** The stone berm to which the ditch turn-out delivers the runoff must be at least 20 feet in length and must be constructed along the contour. It must be at least one-foot high and two feet across the top with 2:1 side slopes. Stone for the berm must consist of sound durable rock that will not disintegrate by exposure to water or weather. Fieldstone, rough quarried stone, blasted ledge rock or tailings may be used. The rock must be well-graded with a median size of approximately 3 inches and a maximum size of 6 inches.
 - (b) **Buffer sizing.** The required size of a buffer area below the stone bermed level lip spreader varies with the type of soil in a buffer area, the slope of a buffer, the length of road ditch draining to a buffer and the vegetative cover type within a buffer. A buffer meeting this standard is not allowed on Hydrologic Soil Group D soils, unless measures are taken to improve infiltrative capacity, as approved by the Department. A buffer meeting this standard is not allowed on slopes in excess of 15%, unless the Department finds that the buffer will have adequate adsorptive capacity, and measures have been included to ensure that runoff remains well-distributed as it passes through the buffer. Table 8 indicates the required length of the flow path through a buffer for various vegetative covers and ditch lengths. The tables below apply to a buffer with slopes ranging from 0 to 8%. For a buffer with slopes between 9% and 15%, the indicated length of flow path should be increased by 20%. If two travel lanes drain to the ditch, as in the case of a super elevated road, the length of flow path indicated for 400 feet of road must be used, but no more than 250 feet of ditch may drain to each turn-out.

Table 8
Sizing Requirements for Buffer Based on Length of Road or Ditch

Hydrologic soil group of soil in buffer	Length of road or ditch draining to a buffer (feet)	Length of flow path for a forested buffer (feet)	Length of flow path for a meadow buffer (feet)
A	200	50	70
	300	50	85
	400	60	100
B	200	50	70
	300	50	85
	400	60	100
C Loamy Sand or Sandy Loam	200	60	100
	300	75	120
	400	100	Not applicable
C Silt Loam, Clay Loam, or Silty Clay Loam	200	75	120
	300	100	Not applicable
D Non-wetland	200	100	150

6. **Design specifications and sizing tables for a buffer adjacent to a residential lot; developed area that is less than 10% impervious, where the flow path over the portion of the developed area for which treatment is being credited does not exceed 150 feet; or an impervious area where the flow path across the impervious area does not exceed 100 feet.** The design specifications and sizing tables below may only be used when a buffer is located immediately adjacent to the downhill side of a developed area, and where the topography and buildings and other facilities within the developed area do not cause any significant concentration of runoff.

This design is appropriate for residential lots and other mostly pervious areas with relatively uniform topography and for small impervious areas. This design is not appropriate for treating large impervious areas because, even if pavement is graded evenly, it is likely that some concentration of runoff will occur as the stormwater travels across large areas of pavement. For large areas of pavement where the average path of flow across the pavement exceeds 100 feet, or where runoff will not be evenly distributed across the downhill edge of the pavement, a stone bermed level lip spreader must be used and the berm and buffer must be sized according to the specifications in Section 3 above.

Table 9 below indicates the required minimum length of the flow path through a buffer for various soil types and vegetative cover types. Unless otherwise approved by the Department, the following apply:

- (a) Length of flow paths defined in this table apply to buffers with slopes between 0 and 8%.
- (b) For buffers with slopes between 9% and 15%, the indicated length of flow path must be increased by 20%.

- (c) A buffer meeting this standard is not allowed on slopes in excess of 15% or Hydrologic Soil Group D soils except that a forested buffer is allowed if the D soils in a buffer are not wetland soils.
- (d) Buffers described by this section must be located downhill of the entire developed area for which it is providing stormwater treatment, such that all runoff from the entire developed area has a flow path through a buffer at least as long as the required length of flow path.

Table 9
Buffer Size Requirements Based on Soil and Vegetative Cover Types

Hydrologic soil group of soil in buffer	Length of flow path for a forested buffer (feet)	Length of flow path for a meadow buffer (feet)
A	45	75
B	60	85
C Loamy Sand or Sandy Loam	75	100
C Silt Loam, Clay Loam, or Silty Clay Loam	100	150
D Non-wetland	150	Not applicable

7. **Alternative buffer design for residential subdivision lots.** This buffer design may be used as a Department approved alternative treatment measure to meet either the general standards at Section 4(B) or the phosphorus standard using compensation as provided in 06-096 CMR 501, but only under the conditions described below. This design applies only to buffers adjacent to subdivision projects in which all lots are for single or two-family detached, residential housing, common areas or open space where: 1) the buffer is located immediately downhill of the developed area; 2) runoff enters the buffer as sheet flow without a level spreader; and 3) the flow path over the portion of the developed area being treated by the buffer does not exceed 150 feet.

- (a) **Slope:** To meet this alternative design, a buffer is not allowed on natural slopes in excess of 15%.
- (b) **Soil restrictions:** Such a buffer is allowed on Hydrologic Soil Group D soils only if it is forested and non-wetland unless measures are taken to improve infiltrative capacity, as approved by the Department.
- (c) **Buffer sizing:** Table 10 below indicates the required buffer flow path length based on soil types and vegetative cover types. Buffers must be located downhill of the entire developed area for which they are providing stormwater treatment; and with no converging contour, such that all runoff from the developed area passes in sheet flow through the buffer for a distance at least as long as the required length of flow path.

- (d) **Minimum sizing for phosphorus standard.** If this buffer standard is being used in a mitigation project to meet the phosphorus standard and its size is being adjusted to provide a specific treatment factor, the minimum sizing for this type of buffer is a flow path of 35 feet.

Table 10
Alternative Buffer Size Requirements for Residential Subdivisions

Required minimum length of flow path through the buffer Based on a slope no greater than 15%		
Hydrologic soil	For a forested buffer (feet)	For a meadow buffer (feet)
A	35	50
B	45	60
C Loamy sand or sandy loam	50	70
C Silt loam, clay loam or Silty clay loam	70	100
D	100	Not Applicable

APPENDIX G. Suggested templates for deed restrictions and conservation easements for use under the Stormwater Management Law

1. Forested buffer, limited disturbance

DECLARATION OF RESTRICTIONS (Forested Buffer, Limited Disturbance)

THIS DECLARATION OF RESTRICTIONS is made this _____ day of _____,
20____, by _____, _____,
(name) (street address)
_____, _____ County, Maine, _____, (herein referred to as the
(city or town) (county) (zip code)
"Declarant"), pursuant to a permit received from the Maine Department of Environmental Protection
under the Stormwater Management Law, to preserve a buffer area on a parcel of land near
_____, _____.
(road name) (known feature and/or town)

WHEREAS, the Declarant holds title to certain real property situated in _____, Maine
(town)
described in a deed from _____ to _____ dated
(name) (name of Declarant)
_____, 20____, and recorded in Book ____ Page ____ at the _____ County
Registry of Deeds, herein referred to as the "property"; and

WHEREAS, Declarant desires to place certain restrictions, under the terms and conditions herein, over a portion of said real property (hereinafter referred to as the "Restricted Buffer") described as follows: (Note: Insert description of restricted buffer area location here)

WHEREAS, pursuant to the Stormwater Management Law, 38 M.R.S. Section 420-D and Chapter 500 of rules promulgated by the Maine Board of Environmental Protection ("Stormwater Management Rules"), Declarant has agreed to impose certain restrictions on the Restricted Buffer Area as more particularly set forth herein and has agreed that these restrictions may be enforced by the Maine Department of Environmental Protection or any successor (hereinafter the "MDEP"),

NOW, THEREFORE, the Declarant hereby declares that the Restricted Buffer Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the conditions and restrictions set forth herein. The Restrictions shall run with the Restricted Buffer Area and shall be binding on all parties having any right, title or interest in and to the Restricted Buffer Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Restricted Buffer Area or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the Restricted Buffer Area subject to the Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Restrictions hereinafter set forth.

1. **Restrictions on Restricted Buffer Area.** Unless the owner of the Restricted Buffer Area, or any successors or assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain compliance with the Stormwater Management Law and the permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows.
 - a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material may be placed, stored or dumped on the Restricted Buffer Area, nor may the topography of the area be altered or manipulated in any way;
 - b. Any removal of trees or other vegetation within the Restricted Buffer Area must be limited to the following:
 - (i) No purposefully cleared openings may be created and an evenly distributed stand of trees and other vegetation must be maintained. An "evenly distributed stand of trees" is defined as maintaining a minimum rating score of 24 points in any 25 foot by 50 foot rectangle (1,250 square feet) area, as determined by the rating scheme in Table 11:

**Table 11.
Point System for Determining an Evenly
Distributed Stand of Trees**

Diameter of tree at 4½ feet above ground level	Points
2 - 4 inches	1
4 - 8 inches	2
8 - 12 inches	4
>12 inches	8

Where existing trees and other vegetation result in a rating score less than 24 points, no trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of 12 feet provided two thirds of the tree's canopy is maintained;

- (ii) No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed except that one winding path, that is no wider than six feet and that does not provide a downhill channel for runoff, is allowed through the area;
- c. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole (whether constructed of wood, steel or other materials) and appurtenant equipment such as guys and guy anchors, or fence;
- d. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area;

- e. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and uses do not impede the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. **Enforcement.** The MDEP may enforce any of the Restrictions set forth in Section 1 above.
3. **Binding Effect.** The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.
4. **Amendment.** Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.
5. **Effective Provisions of Declaration.** Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer Area.
6. **Severability.** Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.
7. **Governing Law.** This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

(NAME)

STATE OF MAINE _____ County, _____, 20__.
(County) (date)

Personally appeared before me the above named _____, who swore to the truth of the foregoing to the best of (his/her) knowledge, information and belief and acknowledged the foregoing instrument to be (his/her) free act and deed.

Notary Public

and shall agree to be bound by, to comply with and to be subject to each and every one of the Restrictions hereinafter set forth.

1. **Restrictions on Restricted Buffer Area.** Unless the owner of the Restricted Buffer Area, or any successors or assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain compliance with the Stormwater Management Law and the permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows.
 - a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Restricted Buffer Area, nor shall the topography of the area be altered or manipulated in any way;
 - b. No trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of 12 feet provided two thirds of the tree's canopy is maintained;
 - c. No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed except that one winding path, that is no wider than six feet and that does not provide a downhill channel for runoff, is allowed through the area;
 - d. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence (whether constructed of wood, steel or other materials) and appurtenant equipment such as guys and guy anchors;
 - e. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area;
 - f. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and uses do not impede the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. **Enforcement.** The MDEP may enforce any of the Restrictions set forth in Section 1 above.
3. **Binding Effect.** The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.
4. **Amendment.** Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.

5. **Effective Provisions of Declaration.** Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer Area.
6. **Severability.** Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.
7. **Governing Law.** This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

(NAME)

STATE OF MAINE, _____ County, dated _____, 20__.

(County)

Personally appeared before me the above named _____, who swore to the truth of the foregoing to the best of (his/her) knowledge, information and belief and acknowledged the foregoing instrument to be (his/her) free act and deed.

Notary Public

3. Meadow buffer

DECLARATION OF RESTRICTIONS

(Non-Wooded Meadow Buffer)

THIS DECLARATION OF RESTRICTIONS is made this _____ day of _____, 20____, by

_____, _____
(name) (street address)_____, _____ County, Maine, _____, (herein referred to as the
(city or town) (county) (zip code)

"Declarant"), pursuant to a permit received from the Maine Department of Environmental Protection under the Stormwater Management Law, to preserve a buffer area on a parcel of land near

_____, _____.
(road name) (known feature and/or town)WHEREAS, the Declarant holds title to certain real property situated in _____, Maine
(town)

described in a deed from _____ to _____, dated

_____, 20____, and recorded in Book ____ Page ____ at the _____ County
(name) (name of Declarant)
Registry of Deeds, herein referred to as the "property"; andWHEREAS, Declarant desires to place certain restrictions, under the terms and conditions herein, over a portion of said real property (hereinafter referred to as the "Restricted Buffer") described as follows:
(Note: Insert description of restricted buffer location here)

WHEREAS, pursuant to the Stormwater Management Law, 38 M.R.S. Section 420-D and Chapter 500 of rules promulgated by the Maine Board of Environmental Protection ("Stormwater Management Rules"), Declarant has agreed to impose certain restrictions on the Restricted Buffer Area as more particularly set forth herein and has agreed that these restrictions may be enforced by the Maine Department of Environmental Protection or any successor (hereinafter the "MDEP"),

NOW, THEREFORE, the Declarant hereby declares that the Restricted Buffer Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the conditions and restrictions set forth herein. The Restrictions shall run with the Restricted Buffer Area and shall be binding on all parties having any right, title or interest in and to the Restricted Buffer Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Restricted Buffer Area or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the Restricted Buffer Area subject to the Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Restrictions hereinafter set forth.

1. **Restrictions on Restricted Buffer Area.** Unless the owner of the Restricted Buffer Area, or any successors or assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain compliance with the Stormwater Management Law and the permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows.
 - a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Restricted Buffer Area, nor may the topography or the natural mineral soil of the area be altered or manipulated in any way;
 - b. A dense cover of grassy vegetation must be maintained over the Restricted Buffer Area, except that shrubs, trees and other woody vegetation may also be planted or allowed to grow in the area. The Restricted Buffer Area may not be maintained as a lawn or used as a pasture. If vegetation in the Restricted Buffer Area is mowed, it may be mown no more than two times per year.
 - c. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence (whether constructed of wood, steel or other materials) and appurtenant equipment such as guys and guy anchors;
 - d. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area, except for vehicles used in mowing;
 - e. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and uses do not impede the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. **Enforcement.** The MDEP may enforce any of the Restrictions set forth in Section 1 above.
3. **Binding Effect.** The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.
4. **Amendment.** Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.
5. **Effective Provisions of Declaration.** Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer Area.

6. **Severability.** Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.
7. **Governing Law.** This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

(NAME)

STATE OF MAINE, _____, County, dated _____, 20__ .
(County)

Personally appeared before me the above named _____, who swore to the truth of the foregoing to the best of (his/her) knowledge, information and belief and acknowledged the foregoing instrument to be (his/her) free act and deed.

Notary Public

APPENDIX H. 24-hour duration rainfalls for various return periods

COUNTY	Storm Type	1-YR	2-YR	5-YR	10-YR	25-YR	50-YR	100-YR	500-YR
ANDROSCOGGIN	III	2.5	3.0	3.7	4.3	5.4	6.4	7.6	11.1
AROOSTOOK C (Presque Isle Area)	II	1.9	2.3	2.8	3.2	3.9	4.6	5.3	7.6
AROOSTOOK N (Fort Kent Area)	II	1.9	2.2	2.7	3.1	3.7	4.3	5.0	7.0
AROOSTOOK S (Houlton Area)	II	2.1	2.5	3.0	3.4	4.1	4.7	5.4	7.5
CUMBERLAND NW (Bridgton Area)	III	2.5	3.0	3.7	4.3	5.4	6.3	7.5	10.9
CUMBERLAND SE (N Windham Area)	III	2.6	3.1	3.9	4.6	5.8	6.9	8.1	12.1
FRANKLIN	II	2.0	2.4	2.9	3.4	4.2	4.9	5.7	8.2
HANCOCK	III	2.5	2.9	3.6	4.2	5.2	6.1	7.2	10.5
KENNEBEC	III	2.4	2.8	3.5	4.2	5.2	6.1	7.2	10.6
KNOX	III	2.6	3.2	3.9	4.6	5.7	6.7	7.9	11.5
LINCOLN	III	2.5	3.1	3.8	4.5	5.5	6.5	7.6	11.1
OXFORD E (Rumford Area)	II ¹	2.3	2.7	3.3	3.9	4.8	5.7	6.7	9.7
OXFORD W (Gilead Area)	II	2.2	2.7	3.4	4.0	4.9	5.8	6.9	10.1
PENOBSCOT N (Millinocket Area)	II	2.2	2.6	3.2	3.8	4.7	5.6	6.5	9.5
PENOBSCOT S (Hudson Area)	II	2.3	2.7	3.4	3.9	4.9	5.7	6.7	9.7
PISCATAQUIS N (Chesuncook Area)	II	2.0	2.4	2.9	3.4	4.2	5.0	5.8	8.5
PISCATAQUIS S (Monson Area)	II	2.2	2.7	3.3	3.9	4.8	5.7	6.8	10.0
SAGadahoc	III	2.6	3.2	3.9	4.6	5.7	6.7	7.8	11.4
SOMERSET N (Pittston Farm Area)	II	2.0	2.3	2.8	3.3	4.0	4.7	5.4	7.8
SOMERSET S (Solon Area)	II	2.3	2.7	3.4	3.9	4.9	5.7	6.7	9.8
WALDO	III	2.4	2.9	3.6	4.2	5.2	6.1	7.2	10.5
WASHINGTON	III	2.5	2.8	3.4	3.9	4.8	5.5	6.4	9.0
YORK	III	2.6	3.3	4.1	4.9	6.2	7.3	8.7	13.2

1 Use Type III rainfall for the towns of Brownfield, Buckfield, Denmark, Hartford, Hebron, Hiram, Oxford, and Porter.

Source: Data extracted by the Maine Department of Environmental Protection from the Northeast Regional Climate Center website (<http://precip.eas.cornell.edu>), Extreme Precipitation Tables. Data from this website was obtained from the National Oceanic and Atmospheric Administration's Regional Climate Center Program.
June 2014