

City of Portland
 Development Review Application
 Planning Division Revised Transmittal form

Application Number: 10-79900025 **Application Date:**
Project Name: EAST BAYSIDE CONDOS
Address: 218 Washington Ave **CBL:** 010 - A-015-001
Project Description: Washington Avenue - 218; East Bay Condominiums; East Bayside Builders, Applicant.
Zoning: B1B
Other Reviews Required:
Review Type: MINOR SITE PLAN

Applicant:
 East Bayside Builders
 PO Box 1466
 Scarborough Me 04070

Applicant:
 Blais Civil Engineers
 780 Broadway
 South Portland Me 04106

Distribution List:

<input type="checkbox"/> Planner	Erick Giles	<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Stormwater	David Senus	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Keith Gautreau	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
		<input type="checkbox"/> DRC Coordinator	Phil DiPierro

Final Comments needed by: Wednesday, May 11, 2011

November 28, 2011

Barbara Barhydt
Portland Planning Division
389 Congress Street
Portland, Maine 04101

Dear Barbara,

Enclosed is a copy of the recorded boundary agreement between Glenn Morse and 202 Washington LLC of which I am the manager. This agreement includes a number of easements including the negative easement under paragraph C.

This easement prohibits Mr. Morse from making any improvements to his property beyond 50' from the Washington Ave property line. Since Mr. Morse's building is approximately 57' long, any changes to the grade or even repairs beyond 50' would be considered an improvement and is prohibited. This easement runs for the next 25 years.

Please keep me in the loop regarding this project.

My email is whiteysgang@gmail.com and my phone number is 773-919-7078

Respectfully,


Ronald L. Gan

BOUNDARY AGREEMENT

This Boundary Agreement ("Agreement") is made and entered into this 25th day of MAY, 2010, by and between Glenn A. Morse an individual residing in Scarborough, Maine (hereinafter referred to as "Morse") and 202 Washington, LLC, a Maine limited liability company with a principal place of business located in Portland, Maine (hereinafter referred to as "202 Washington").

WHEREAS, Morse currently holds title to a certain parcel of land and other improvements thereon in Portland, Cumberland County, State of Maine, said parcel being described in a deed from Morgan Gavin, LLC, dated December 6, 2006, and recorded in the Cumberland County Registry of Deeds in Book 24651, Page 157 (hereinafter referred to as the "Morse Parcel" and said deed referred to as the "Morse Deed");

WHEREAS, 202 Washington currently holds title to a certain parcel of land and other improvements thereon in Portland, Cumberland County, State of Maine, said parcel being described in a deed from Kevin D. Kelly and Nancy A. Kelly to Plaintiff, dated September 28, 2007, and recorded in the Cumberland County Registry of Deeds in Book 25509, Page 156 (herein referred to as "202 Washington Parcel" and said deed referred to as the "202 Washington Deed");

WHEREAS, Morse and 202 Washington desire to establish and/or confirm their common boundary in accordance with the "Line of Agreement" as shown on a certain sketch plan attached hereto as **Exhibit A** (hereinafter referred to as the "Plan"), and as more particularly described herein;

WHEREAS, Morse desires to grant certain easements and establish certain negative easements, as more particularly set forth herein;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

A. **Establishment of Common Boundary:**

1. Morse hereby quitclaims and releases to 202 Washington, any and all right, title and interest he may have, by virtue of the Morse Deed, in land lying southeasterly of the following described boundary line (hereinafter referred to as the "Line of Agreement"):

Beginning on the southwesterly side of Washington Avenue at a ½ inch iron rod to be set with plastic cap marked "Austin 2174" being NORTH 35° WEST as measured along the southwesterly side of Washington Avenue a distance of ONE HUNDRED FEET (100.00) from the southeasterly side of a concrete retaining wall at the division line between 202 Washington, LLC and land now or formerly of Anthony and Mary Pereira, said point of beginning being further described as being SOUTH 33°30'41" EAST a distance of

115.44 FEET from a brass rod found in a street right of way offset granite monument found by the northerly corner of the building located at 218 Washington Avenue;

THENCE, SOUTH 55°00'00" WEST on a bearing 90 degrees from the street line of Washington Avenue a distance of ONE HUNDRED FEET (100.00) to land now or formerly of Faber Anderson Street Co. and a ½ inch iron rod to be set with plastic cap marked "AUSTIN 2174."

2. 202 Washington hereby quitclaims and releases to Morse, any and all right, title and interest it may have, by virtue of the 202 Washington Deed, in land lying northwesterly of the Line of Agreement.

3. The parties desire to, and do hereby, establish and confirm by virtue of this Agreement and the conveyance made herein, that the common boundary line between the Morse Parcel and the 202 Washington Parcel is the Line of Agreement as shown on the Plan and described herein.

4. It is the specific intent of the parties hereto that this document shall have all the force and effect of an exchange of quitclaim release deeds between the parties.

B. Maintenance Easement:

1. Morse hereby grants to 202 Washington, and its successors in title, the following easement:

An appurtenant easement to enter the Morse Parcel with any necessary equipment, and at any reasonable time, as may be necessary for the purpose of construction, examination, maintenance, repair or replacement of a retaining wall to be located on the 202 Washington Parcel.

2. This Maintenance Easement burdens the Morse Parcel and benefits the 202 Washington Parcel. These easement covenants shall run with the land.

3. 202 Washington, and its successors in title, shall restore and/or repair as necessary the surface of the easement parcel described herein to its former condition after exercising the within granted rights.

C. Negative Easement:

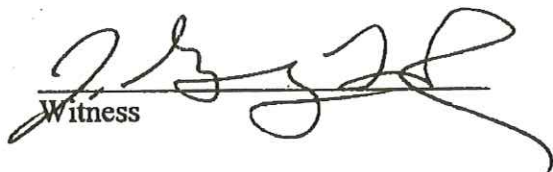
1. Morse hereby grants to 202 Washington and its successors in title, and hereby subjects the Morse Parcel, to the following easement:

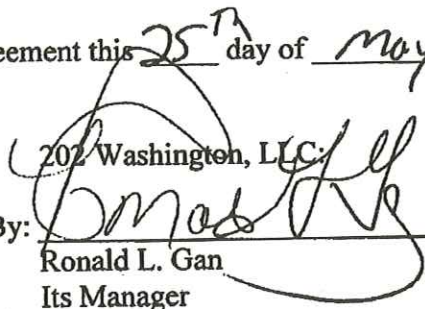
No buildings or improvements shall be constructed, located or maintained in any area of the Morse Parcel that is more than fifty (50) feet from the Morse Parcel's northeasterly boundary abutting Washington Avenue.

2. This Negative Easement burdens the Morse Parcel and benefits the 202 Washington Parcel. These easement covenants shall run with the land, provided, however, that this Negative Easement as set forth in this paragraph C of this Agreement shall immediately expire twenty-five (25) years from the recording of this Agreement.

D. This Agreement may be signed on any number of identical counterparts with the same binding effect as if the signatures were on one instrument.

Witness our hands and seals on this Boundary Agreement this 25th day of May, 2010.

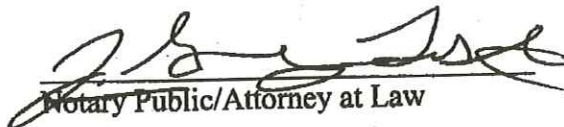

Witness

202 Washington, LLC:
By: 
Ronald L. Gan
Its Manager

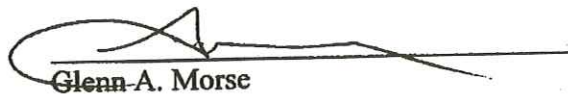
STATE OF MAINE
Cumberland, ss.

5/28, 2010
Manager - (564)

Then personally appeared before me the above-named, Ronald L. Gan, ~~Sole Member~~ of 202 Washington, LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the company.


Notary Public/Attorney at Law


Witness


Glenn A. Morse

STATE OF MAINE
York, ss.

MAY 25, 2010

Then personally appeared before me the above-named Glenn A. Morse and acknowledged the foregoing instrument to be their free act and deed.

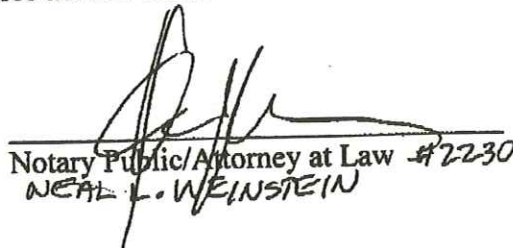
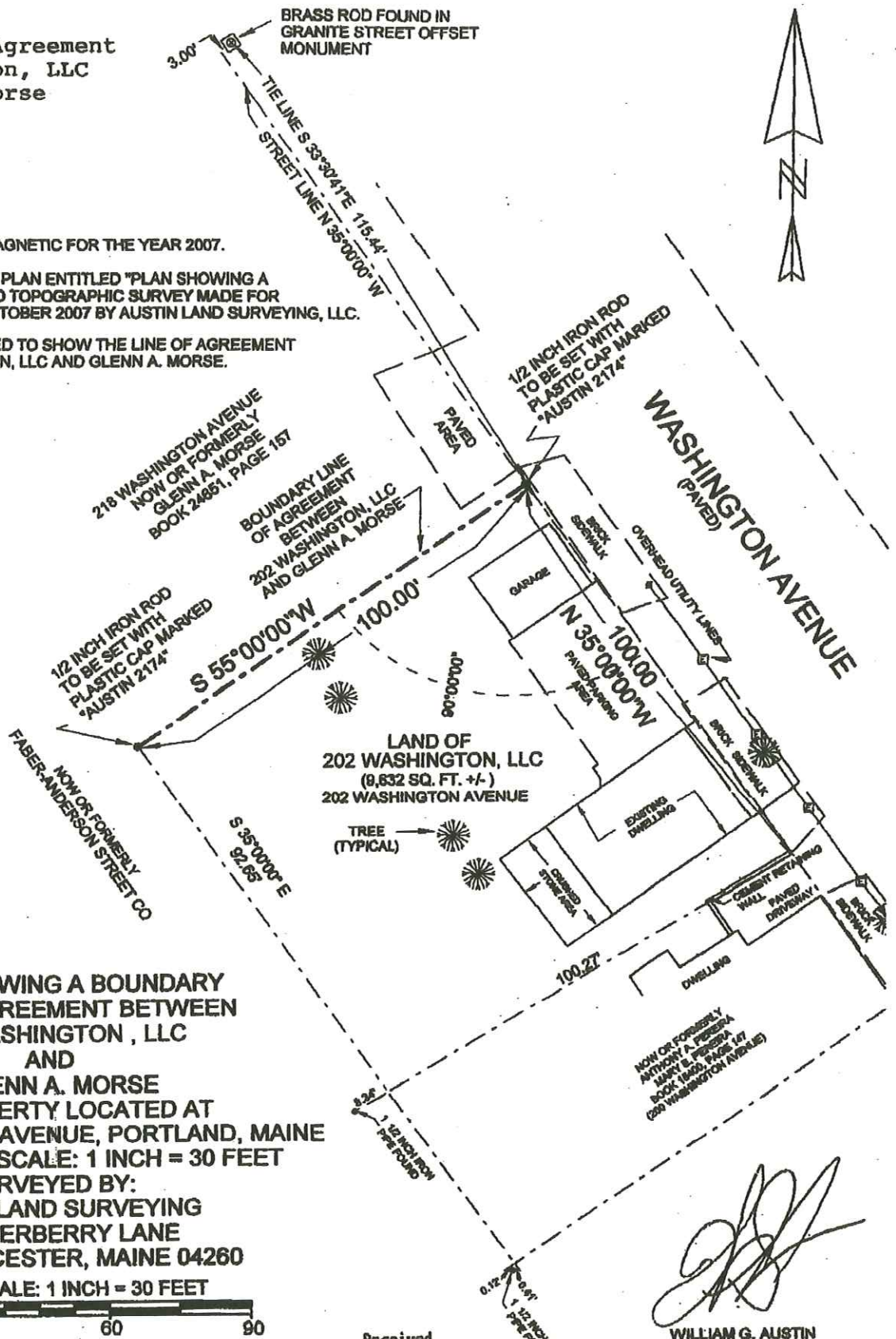

Notary Public/Attorney at Law #2230
NEAL L. WEINSTEIN

EXHIBIT A
To Boundary Agreement
202 Washington, LLC
& Glenn A. Morse

NOTES:

- 1.) BEARINGS REFER TO MAGNETIC FOR THE YEAR 2007.
- 2.) THIS PLAN IS BASED ON PLAN ENTITLED "PLAN SHOWING A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY MADE FOR RONALD GANN", DATED OCTOBER 2007 BY AUSTIN LAND SURVEYING, LLC.
- 3.) THIS PLAN WAS CREATED TO SHOW THE LINE OF AGREEMENT BETWEEN 202 WASHINGTON, LLC AND GLENN A. MORSE.



PLAN SHOWING A BOUNDARY
LINE OF AGREEMENT BETWEEN
202 WASHINGTON , LLC
AND
GLENN A. MORSE
OF PROPERTY LOCATED AT
202 WASHINGTON AVENUE, PORTLAND, MAINE
APRIL 15, 2010 SCALE: 1 INCH = 30 FEET
SURVEYED BY:
AUSTIN LAND SURVEYING
82 ELDERBERRY LANE
NEW GLOUCESTER, MAINE 04260
GRAPHIC SCALE: 1 INCH = 30 FEET



Received
Recorded Register of Deeds
Jun 14 2010 02:12:16P
Cumberland County
Pamela E. Lovley

[Signature]
WILLIAM G. AUSTIN
STATE OF MAINE
PROFESSIONAL LAND SURVEYOR 2174

Shukria Wiar - Case

From: Danielle West-Chuhta
To: Wiar, Shukria
Date: 7/18/2012 2:05 PM
Subject: Case
CC: Barhydt, Barbara

Shukria:

As we discussed, the court has said that it is not appropriate for a local official to attempt to resolve a title problem as part of a decision to grant or deny a permit. If an applicant has submitted reasonable evidence of ownership or boundary location, it is not up to a local official to resolve a dispute between the applicant and an abutter or some other party as to who has legal title or where the property line is located. Rockland Plaza Realty Corp. v. LaVerdiere's Enterprises, Inc., 531 A.2d 1272; see also Southridge Corp. v. BEP, 655 A.2d 345 (Me. 1995).

Thanks,

Danielle

Danielle P. West-Chuhta
Associate Corporation Counsel
City of Portland, Maine
(207) 874-8480

From: Lew Holman <holman@holmanhoward.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>
Date: 7/11/2012 2:29 PM
Subject: Re: Glenn Morse property on Washington Ave.

Hi Shukria: I just reviewed the Settlement Agreement which Glenn Morse signed with his neighbor Mr. Gann. This document contains a boundary line agreement and also a restriction on the use of Glenn's property. This restriction is that there be "no building or improvements ...constructed, located or maintained more than 50' from the boundary with Washington Ave." I am confident that if Glenn restricts any development or improvements to within this 50' limit, then he will be in compliance with the Settlement Agreement. If you have any questions about this email or if I can be of any further assistance, please let me know. Thank you very much.

Lew

On 6/29/2012 3:12 PM, Shukria Wiar wrote:

> Hello:
> The plans that we have still shows the grading in the 50' easement.
> The plans need to show the grading pulled out of the easement. Also
> we will need formal assessment from you that the proposed plans meet
> the private agreement.
> Thank you
> Shukria
> /Shukria Wiar, Planner
> City of Portland, Division of Planning
> 389 Congress Street, Portland, ME 04101
> Ph: 207-756-8083 Fax: 207-756-8258/
>
> >>> Lew Holman <holman@holmanhoward.com> 6/28/2012 1:29 PM >>>
> Hi Shukria: I'm representing Glenn Morse in connection with his
> property on Washington Ave. I assisted Glenn in working out the sewer
> easement which crosses the property behind his. I have not been
> involved in the negotiations which took place with his abutter, Mr.
> Gann. Glenn tells me that he and Mr. Gann worked out a deal allowing
> construction on Glenn's lot to a distance of 50' from the front property
> line. I understand that his current plans show riprap extending beyond
> that 50' limit and Glenn has assured me that his plans have changed so
> that he will not be allowing any sort of new materials to go in beyond
> 50'.
>
> While I was not involved in the negotiatons with Mr. Gann, I am fairly
> certain that those negotiations did not involve the City of Portland.
> My understanding is that they consisted entirely of a private resolution
> which didn't involve the City. I gather that you wanted to hear from
> Glenn's attorney on this matter and I would be glad to discuss this
> matter with you directly if you like, just let me know. Thank you very
> much for your assistance.
>
> Lew
>
> --
>

>
> Lewis A. Holman, Esq.
> Holman & Howard
> 298 Main St.
> Yarmouth, ME 04096
> (207)846-6111
> (207)846-6113 (fax)
>
> holman@holmanhoward.com
> www.holmanhoward.com

>
> **CONFIDENTIALITY NOTICE**
> This email is for the sole use of the intended recipient(s) and contains
> confidential or privileged information. Any unauthorized review, use,
> disclosure or distribution is prohibited. If you are not the intended
> recipient, please contact the sender immediately at 207-846-6111.
>
>
>
>
>
>

--

Lewis A. Holman, Esq.
Holman & Howard
298 Main St.
Yarmouth, ME 04096
(207)846-6111
(207)846-6113 (fax)

holman@holmanhoward.com
www.holmanhoward.com

CONFIDENTIALITY NOTICE
This email is for the sole use of the intended recipient(s) and contains
confidential or privileged information. Any unauthorized review, use,
disclosure or distribution is prohibited. If you are not the intended
recipient, please contact the sender immediately at 207-846-6111.

From: Lew Holman <holman@holmanhoward.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>
Date: 7/12/2012 11:59 AM
Subject: Glenn Morse property

Hi Shukria: I'm writing to follow up on the email I sent you yesterday. I just read the June 21st email which you sent to Glenn and Steve Blais containing the opinion of the Corporation Counsel. I completely agree with her assessment of the situation. I think that a building permit should be issued regardless of how far back the improvements go from Washington Ave. If Glenn and his neighbor have issues about these improvements, then they will have to work them out within the context of the Settlement Agreement which they have already signed. Please feel free to give me a call if you have any questions about this email or if I can be of any assistance. Thank you very much.

Lew

--

Lewis A. Holman, Esq.
Holman & Howard
298 Main St.
Yarmouth, ME 04096
(207)846-6111
(207)846-6113 (fax)

holman@holmanhoward.com
www.holmanhoward.com

CONFIDENTIALITY NOTICE

This email is for the sole use of the intended recipient(s) and contains confidential or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender immediately at 207-846-6111.

Shukria Wiar - Fwd: Re: 218 Washington

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Alex Jaegerman; Barbara Barhydt; Greg Mitchell
Date: 6/18/2012 12:59 PM
Subject: Fwd: Re: 218 Washington
CC: Shukria Wiar

I have reviewed this matter and the case law that applies. As you know, the City cannot act like a court in this matter and cannot decide land use disputes between neighbors. We also cannot enforce private deed restrictions when we are not a party to the agreement. Given that, I think that we proceed forward and issue the approval and if Mr. Gann needs to enforce the agreement he provided he will have to do so in Court.

One quick final note, however, my recollection was that this started with an issue surrounding a property line - correct? If this is the case has this issue been resolved (with the exchanging and recording of deeds)? If so, good and we can issue the approval as I have suggested, if not then I think that we need to wait to issue the approval until this has occurred.

Thanks,

Danielle

>>> Barbara Barhydt 6/18/2012 12:10 PM >>>

for your information. Mr. Gan told Shukria this morning that he would be sending this to the City Manager. He may have distributed it through a bc.

>>> Barbara Barhydt Monday, June 18, 2012 12:08 PM >>>

Dear Ron:

Thank you for your e-mail and information.

The review of Mr. Morse's project was on hold waiting for more information from him, including the sewer easement. When the material was submitted recently, the review resumed. Eric Giles is no longer with the city, so I reassigned this project to Shukria Wiar. I gave her the letter you sent to me at that time. She has requested more information from the applicant and we are seeking the advice of the Corporation Counsel's office regarding the easement.

I did say on the phone that the project was close to approval, as the past issues seemed to be addressed. We will not finalize a decision until we are advised by Corporation Counsel regarding the easement between you and Glenn Morse.

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>>> Ronald Gan <whiteysgang@gmail.com> Monday, June 18, 2012 11:35 AM >>>
Dear Barbara,

I am writing to you in response to your phone call of Friday, June 15th in which you indicated that the Planning Department was proceeding in approving the 4th floor addition at 218 Washington. As you know, a boundary dispute between 202 Washington LLC, of which I am the manager and Glenn Morse the owner of 218 Washington was settled on May 25th 2010.

On November 28th, 2011 you were sent a letter informing you of the negative easement that burdens the Morse property as a result of that settlement. In going through the file on Friday, June 15th and today June 18th, I did not find any documents from any member of the Planning Staff or Corporation Council, addressing this easement, which prohibits Mr. Morse from making any improvements beyond 50' from his northwesterly border of Washington Avenue. Since an investigation regarding right, title and interest is standard, I am confused as to why this issue was ignored, yet there are many letters and emails regarding the sewer easement with the Anderson Street Abutter.

In going through the file, I see that Mr. Morse is proposing to change the grade around the existing structure in order to meet the zoning height requirements and that he is also intending to install a slope stabilization system which includes a sediment barrier all of which are located in the no-build section of the property.

I have to reiterate again, that this easement states: No buildings or improvements shall be constructed, located or maintained in any area of the Morse Parcel that is more than 50' from the Morse Parcel's northeasterly boundary abutting Washington Avenue.

This agreement was approved by Mr. Morse, his counsel, the lawyer for mediation, the lawyer for the title company representing 202 Washington and Mr. Morse himself. It would be unheard of, for the Planning Department, to disregard all of these conditions and knowingly allow this project to be approved.

Respectfully,

Ronald L. Gan
Manager, 202 Washington LLC

Shukria Wiar - RE: Re: License

From: Steve Blais <sblais@blaisce.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>
Date: 6/14/2012 3:16 PM
Subject: RE: Re: License
CC: Glenn Morse <gmorse6@maine.rr.com>

Hi Shukria,

This easement was established as part of the property line settlement with the Gann Property to the southeast. The existing building falls beyond 50 feet from the Washington Avenue property line, however, this project proposes no improvements to that part of the structure.

Steve G. Blais, PE, LEED AP
Blais Civil Engineers, PA
207-767-7300
www.BLAISce.com

Disclaimer- This email and any files transmitted with it are confidential and contain privileged or copyright information. You must not disclose, copy, distribute or use the contents of this email if you are not the intended recipient. If you have received this email in error, please notify the sender immediately, and delete this email message from your system.

From: Steve Blais [mailto:sblais@blaisce.com]
Sent: Wednesday, June 13, 2012 1:48 PM
To: 'Shukria Wiar'
Subject: RE: Re: License

That easement sounds familiar. Let me look into that. I'll get back to you soon.

- Steve

Steve G. Blais, PE, LEED AP
Blais Civil Engineers, PA
207-767-7300
www.BLAISce.com

Disclaimer- This email and any files transmitted with it are confidential and contain privileged or copyright information. You must not disclose, copy, distribute or use the contents of this email if you are not the intended recipient. If you have received this email in error, please notify the sender immediately, and delete this email message from your system.

From: Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]
Sent: Wednesday, June 13, 2012 1:08 PM
To: Steve Blais

From: Lew Holman <holman@holmanhoward.com>
To: <SHUKRIAW@portlandmaine.gov>
Date: 6/28/2012 1:27 PM
Subject: Glenn Morse property on Washington Ave.

Hi Shukria: I'm representing Glenn Morse in connection with his property on Washington Ave. I assisted Glenn in working out the sewer easement which crosses the property behind his. I have not been involved in the negotiations which took place with his abutter, Mr. Gann. Glenn tells me that he and Mr. Gann worked out a deal allowing construction on Glenn's lot to a distance of 50' from the front property line. I understand that his current plans show riprap extending beyond that 50' limit and Glenn has assured me that his plans have changed so that he will not be allowing any sort of new materials to go in beyond 50'.

While I was not involved in the negotiatons with Mr. Gann, I am fairly certain that those negotiations did not involve the City of Portland. My understanding is that they consisted entirely of a private resolution which didn't involve the City. I gather that you wanted to hear from Glenn's attorney on this matter and I would be glad to discuss this matter with you directly if you like, just let me know. Thank you very much for your assistance.

Lew

--

Lewis A. Holman, Esq.
Holman & Howard
298 Main St.
Yarmouth, ME 04096
(207)846-6111
(207)846-6113 (fax)

holman@holmanhoward.com
www.holmanhoward.com

CONFIDENTIALITY NOTICE

This email is for the sole use of the intended recipient(s) and contains confidential or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender immediately at 207-846-6111.

Shukria Wiar - RE: Re: License

From: Steve Blais <sblais@blaisce.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>
Date: 6/14/2012 3:16 PM
Subject: RE: Re: License
CC: Glenn Morse <gmorse6@maine.rr.com>

Hi Shukria,

This easement was established as part of the property line settlement with the Gann Property to the southeast. The existing building falls beyond 50 feet from the Washington Avenue property line, however, this project proposes no improvements to that part of the structure.

Steve G. Blais, PE, LEED AP
Blais Civil Engineers, PA
207-767-7300
www.BLAISce.com

Disclaimer- This email and any files transmitted with it are confidential and contain privileged or copyright information. You must not disclose, copy, distribute or use the contents of this email if you are not the intended recipient. If you have received this email in error, please notify the sender immediately, and delete this email message from your system.

From: Steve Blais [mailto:sblais@blaisce.com]
Sent: Wednesday, June 13, 2012 1:48 PM
To: 'Shukria Wiar'
Subject: RE: Re: License

That easement sounds familiar. Let me look into that. I'll get back to you soon.

- Steve

Steve G. Blais, PE, LEED AP
Blais Civil Engineers, PA
207-767-7300
www.BLAISce.com

Disclaimer- This email and any files transmitted with it are confidential and contain privileged or copyright information. You must not disclose, copy, distribute or use the contents of this email if you are not the intended recipient. If you have received this email in error, please notify the sender immediately, and delete this email message from your system.

From: Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]
Sent: Wednesday, June 13, 2012 1:08 PM
To: Steve Blais

Subject: RE: Re: License

Hello Steve,

Thanks for the license and the insurance information. Everything looks good.

As I was going through the right, title and interest, I noticed that there is an easement on the northeast property line. The easement states that no buildings or improvements shall be constructed, located or maintained in any area beyond 50' from the Washington Ave property line. Could you confirm that the proposed improvements is not burdening this easement.

Thank you.

Shukria.

>>> Steve Blais <sblais@blaisce.com> 6/12/2012 9:40 AM >>>

Thanks Shukria,

I will get this going right away. I hope to have it back to you as early as today if all falls into place.

Best Regards,

Steve

Steve G. Blais, PE, LEED AP
Blais Civil Engineers, PA
207-767-7300
www.BLAISce.com

Disclaimer- This email and any files transmitted with it are confidential and contain privileged or copyright information. You must not disclose, copy, distribute or use the contents of this email if you are not the intended recipient. If you have received this email in error, please notify the sender immediately, and delete this email message from your system.

From: Shukria Wiar [<mailto:SHUKRIAW@portlandmaine.gov>]
Sent: Tuesday, June 12, 2012 9:24 AM
To: sblais@BLAISce.com
Subject: Fwd: Re: License

Hello Steve:

Please see email below from Corporate Counsel regarding the license. It seems like we need more information.

Please let me know if you have any questions.

Thank you.

Shukria

>>> Danielle West-Chuhta (Danielle West-Chuhta) 6/11/2012 4:26 PM >>>

The certificate of insurance lists Morse Builders as the insured. This is ok, but the license will have to be amended to add the business as a party and whomever is the head of said organization will have to sign the license. See attached. In addition, the certificate of insurance needs to list the City of Portland as an additional insured - not just as a certificate of holder. Finally, it should reference the property/overhang that we are requesting insurance for (i.e. 218 Washington Avenue).

Thanks,

Danielle

EASEMENT

We, Glenn Morse (hereinafter "Morse") of Scarborough, Maine and Rockingham, LLC (hereinafter "Rockingham") a Maine Limited Liability Company hereby agree as follows:

WHEREAS Morse owns real estate in the City of Portland, Maine located at 218 Washington Ave. and more particularly described in a deed recorded in the Cumberland County at Book 22895, Page 28;

WHEREAS Rockingham owns real estate in the City of Portland, Maine located at 219 Anderson St. and more particularly described in a deed recorded in the Cumberland County at Book 27757, Page 278;

WHEREAS the parties want to delineate and define an easement for an existing sewer line and provide for the future maintenance and repair of said sewer line serving the Morse premises and located on the above mentioned real estate owned by Rockingham;

WHEREAS Rockingham wants to grant an easement to Morse subject to the terms and conditions below;

NOW THEREFORE in consideration of One Dollar (\$1.00) and other good and valuable consideration, the parties agree as follows:

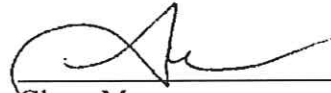
1. There is currently an existing sewer line located on Rockingham's property which serves the building on Morse's adjacent property. The approximate location of the sewer line is depicted on the attached Exhibit A. Rockingham hereby grants an underground Easement to Morse to maintain, improve and repair this sewer line where it is actually located, together with an area ten feet (10') to either side of the line for construction access purposes, except to the extent there are existing buildings within such corridor.
2. In the event that the sewer line should fail or need to be repaired or improved, then Morse shall do all necessary work and shall restore the surface of the Easement to its condition prior to the repair. Morse shall inform Rockingham in advance of any repair work and shall conduct all work so that it will minimally interfere with use of the Rockingham premises.
3. Morse shall keep the Rockingham premises free of any mechanic liens. If Morse fails to comply with this provision, Rockingham shall be entitled to pay the lien, and Morse will reimburse Rockingham for all expenses incurred in this regard, including any legal fees, plus interest at 18% for any advances and payments made by Rockingham.
4. The terms of this Easement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto and shall be a covenant running with the land on the parcel owned by Rockingham. Time is of the essence in the performance of this Agreement.

5. This Easement shall be governed by and construed in accordance with, Maine law. This constitutes the entire agreement among the parties pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings of the parties, and any other claim of easement by Morse over land of Rockingham, in connection therewith which conflict with the express terms of this Agreement.

6. If any provision of this Easement is determined to be invalid or unenforceable, it shall not affect the validity or enforceability of the remaining provisions hereof.

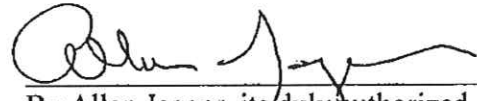
Dated at Portland, Maine this 27th day of April, 2012.


Witness


Glenn Morse

ROCKINGHAM, LLC


Witness


By Allan Jagger, its duly authorized
Manager

STATE OF MAINE
COUNTY OF CUMBERLAND

April 27, 2012

Then personally appeared Allan Jagger, Manager of Rockingham, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

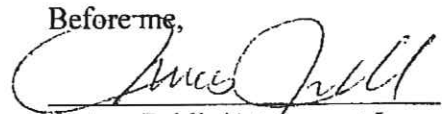
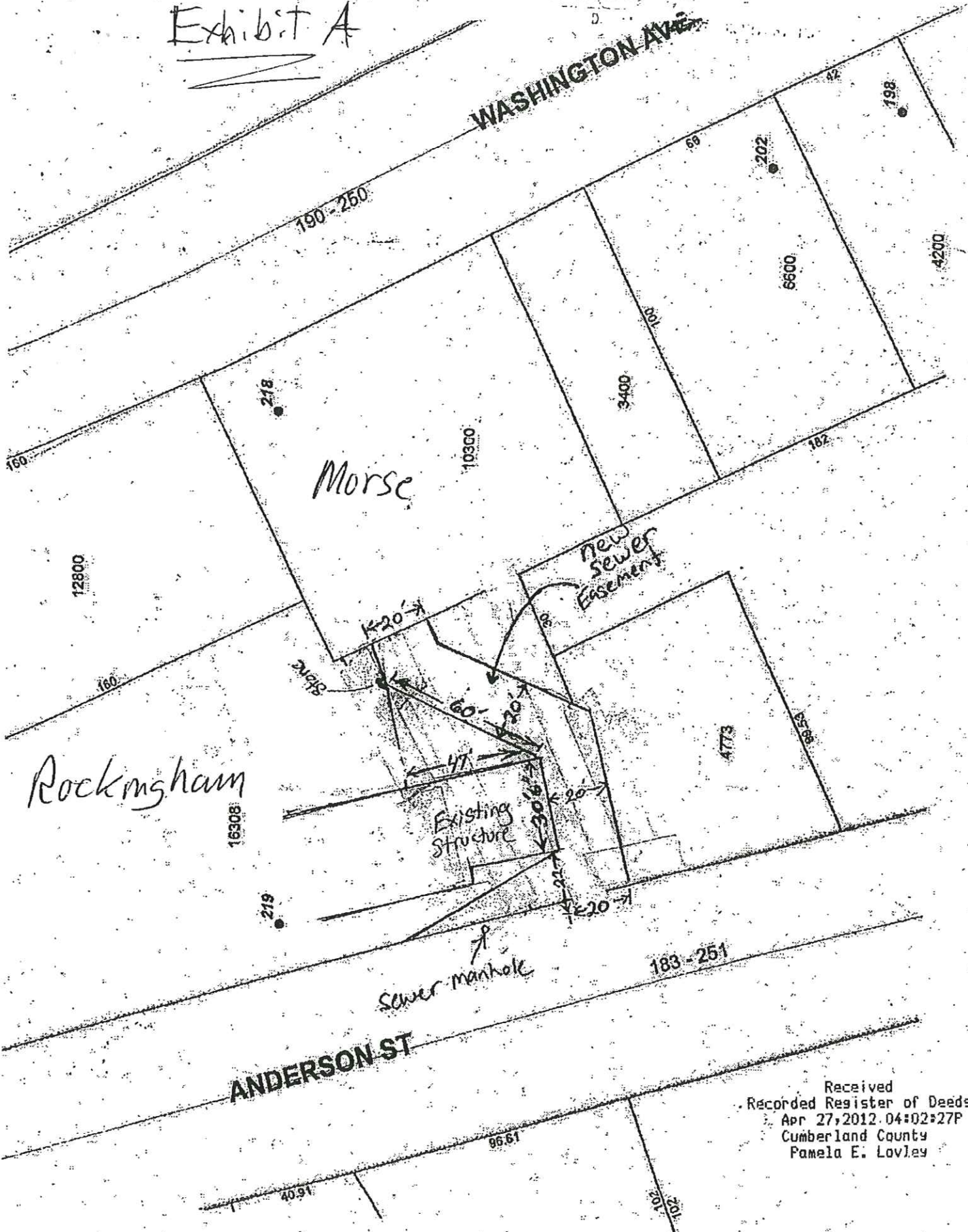
Before me,

~~Notary Public~~ Attorney at Law
Thomas Jewell

Exhibit A



Received
 Recorded Register of Deeds
 Apr 27, 2012 04:02:27P
 Cumberland County
 Pamela E. Lovley

**REVOCABLE LICENSE FOR LOCATION AND MAINTENANCE
OF OVERHANG IN THE VICINITY OF 218 WASHINGTON AVENUE**

This revocable license is granted by the City of Portland "CITY" to Glenn Morse and Morse Builders Incorporated (hereinafter collectively referred to as "OWNER") for the location and maintenance of an overhang (hereinafter "overhang") on property owned by the City in the vicinity of 218 Washington Avenue, Portland, Maine (the "Property"), as more particularly shown and described in attached Exhibit A attached hereto. The installation and maintenance of the overhang on the Property shall be governed by the terms of this License Agreement.

1. OWNER is hereby permitted to locate and maintain the overhang over and/or abutting 218 Washington Avenue, Portland, Maine/the City's property as shown and described in Exhibit A.

2. OWNER shall be responsible for the proper maintenance, repair and replacement of the overhang. In the event of damage to the same, OWNER shall promptly repair/restore the awning.

3. Morse Builders Incorporated shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage and shall name the CITY as an additional insured with respect to such coverage.

4. OWNER, by execution of this License Agreement, hereby agrees to assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to its entry upon CITY property located on or abutting 218 Washington Avenue, and does hereby forever waive, release, relinquish, remise and discharge the CITY, its agents, employees, successors and assigns from any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands, liabilities, claims, actions, causes of action, suits, or judgments (collectively, "Claims") whatsoever of every name and nature, in law and in equity, including without limitation those related in any manner to any accident or injury to, or death of, any person, or any damage to property occurring on, in or in the vicinity of the area covered by this License Agreement, arising out of the presence in and use by the OWNER of the area covered by this License Agreement.

5. This License may be revoked upon one (1) month written notice from the CITY to the OWNER and shall automatically terminate in the event that the building located at 218 Washington Avenue is destroyed, removed or otherwise ceases to exist on the site.

[signatures to follow on page two]

Date 6/18/12

CITY OF PORTLAND
Mark Rees
Mark Rees,
City Manager

OWNER – Glenn Morse

[Signature]
Print Name: Glenn Morse

OWNER – Morse Builders Inc.

[Signature]
By: President
Print Name: Glenn Morse

STATE OF MAINE
CUMBERLAND, ss.

Dated: 6/18/12

Personally appeared the above-named Mark Rees, City Manager of the City of Portland, Maine, and gave oath that the foregoing statements made by him are true to the best of his knowledge, information and belief, and where based upon information and belief, he believes the same to be true.

Before me,

Sonia T. Bean
Notary Public/Attorney-at-Law

SONIA T. BEAN
Notary Public, Maine
My Commission Expires January 10, 2017

STATE OF MAINE
CUMBERLAND, ss.

Dated: June 12, 2012

Personally appeared the above-named Glenn Morse and
President of Morse Builders Inc., duly authorized, and gave oath that
the foregoing statements made by them are true to the best of their knowledge, information
and belief, and where based upon information and belief, they believe the same to be true.

Before me,

LYNN M CORBIN
Notary Public, Maine
My Commission Expires December 8, 2018

Lynn M Corbin
Notary Public/Attorney-at-Law



MORSBUI-01

TSTROUT

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/12/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Champoux Insurance Agency 416 Sabattus St PO Box 220 Lewiston, ME 04243-0220	CONTACT NAME: PHONE (A/C, No, Ext): (207) 783-2246	FAX (A/C, No): (207) 782-7881
	E-MAIL ADDRESS:	
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : United States Liability Ins.		
INSURED Morse Builders Inc. PO Box 1466 Scarborough, ME 04070	INSURER B : Maine Employers' Mutual Ins Co	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY	X		CL 1559933A	3/5/2012	3/5/2013	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
							GEN'L AGGREGATE LIMIT APPLIES PER:	
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC							
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	\$
								\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> OCCUR					AGGREGATE	\$
		<input type="checkbox"/> CLAIMS-MADE						\$
		DED	RETENTION \$					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						<input checked="" type="checkbox"/> WC STATUTORY LIMITS	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT	\$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/>	N/A	1810095858	1/25/2012	1/25/2013	E.L. DISEASE - EA EMPLOYEE	\$ 100,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Dormer/Overhang 218 Washington St., Portland ME
 The City of Portland is included as an additional insured with regard to general liability.

CERTIFICATE HOLDER**CANCELLATION**

City of Portland
 389 Congress St
 Portland, ME 04101

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

George M. [Signature]

© 1988-2010 ACORD CORPORATION. All rights reserved.



MORSBUI-01

TSTROUT

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/12/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Champoux Insurance Agency 416 Sabbattus St PO Box 220 Lewiston, ME 04243-0220	CONTACT NAME: PHONE (A/C, No, Ext): (207) 783-2246		FAX (A/C, No): (207) 782-7881
	E-MAIL ADDRESS:		
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: United States Liability Ins.	
INSURED Morse Builders Inc. PO Box 1466 Scarborough, ME 04070	INSURER B: Maine Employers' Mutual Ins Co		11149
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

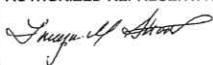
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			CL 1559933A	3/5/2012	3/5/2013	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY		X				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:							PERSONAL & ADV INJURY
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE	\$ 2,000,000
	AUTOMOBILE LIABILITY						PRODUCTS - COMP/OP AGG	\$ 2,000,000
	<input type="checkbox"/> ANY AUTO							\$
	<input type="checkbox"/> ALL OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> HIRED AUTOS						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	\$
	UMBRELLA LIAB							\$
	<input type="checkbox"/> OCCUR						EACH OCCURRENCE	\$
	EXCESS LIAB						AGGREGATE	\$
	<input type="checkbox"/> CLAIMS-MADE							\$
	DED							\$
	RETENTION \$							\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			1810095858	1/25/2012	1/25/2013	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS	OTH-ER
	<input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT	\$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/>	N/A				E.L. DISEASE - EA EMPLOYEE	\$ 100,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, If more space is required)

Dormer/Overhang 218 Washington St., Portland ME
 The City of Portland is included as an additional insured with regard to general liability.

CERTIFICATE HOLDER**CANCELLATION**

City of Portland 389 Congress St Portland, ME 04101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

© 1988-2010 ACORD CORPORATION. All rights reserved.

Shukria Wiar - Re: Easement for 218 Washington Ave - WBC review comments

From: David Margolis-Pineo
To: Danielle West-Chuhta; Shukria Wiar
Date: 5/22/2012 3:51 PM
Subject: Re: Easement for 218 Washington Ave - WBC review comments
CC: William Clark

Shukria,

All agree the easement is ok. Let's go with it. Thanks

>>> Danielle West-Chuhta (Danielle West-Chuhta) 5/22/2012 3:27 PM >>>

Thanks Bill for your comments. Since this is a private easement between two parties I am less concerned about these matters. I think that we should bring them to the attention of the parties, but I am not sure it is our place to require that they be fixed. I think that all we need (legally) is a document that shows they have an agreement/easement between the two parties with regard to the sewer- I am open to suggestions/corrections, however.

>>> William Clark 5/22/2012 2:14 PM >>>

David,

I have reviewed the proposed private sewer easement (which will benefit 218 Washington Avenue) which you sent to me on May 21.

Personally I would never prepare an easement or easement sketch based on a tax map. Tax maps are not based on boundary surveys and are not intended for describing or defining an area for land conveyances. Unknown problems may arise if a boundary survey discovers that the property lines are different from the tax map.

One sentence in Paragraph 1. is that the easement is to follow and be centered on the private sewer pipe where it is located. This may be the controlling call that may mitigate some issues which may arise from using a tax map to define an easement.

I am copying Danielle for her opinion on this and will defer to her on this tax-map private sewer easement.

If this were any easement involving the City of Portland I would definitely not approve the easement unless it was based on a current boundary survey.

Thanks,

Bill

>>> David Margolis-Pineo May 21, 2012 12:45 PM >>>

Bill,

Please review this easement at your earliest convenience please. Thanks

>>> Shukria Wiar 5/21/2012 12:32 PM >>>

Hello Dave;

Do you know if Bill has reviewed this? We need to get back tot the applicant and will need to be recorded before we

sign off on this project.

Thanks.

Shukria

>>> Shukria Wiar 5/17/2012 12:06 PM >>>

Hello:

Attached is the easement for a sewer line on 218 Washington Ave. The applicant, Glen Morse wanted to keep the sewer line coming in from Anderson Street through the Simpson property. Please review and email with any concerns. The plan was for a parking lot and fourth floor addition.

This was one of Erick's project.

Thanks.

Shukria

Slivia Wiar - Re: Easement for 218 Washington Ave - WBC review comments

From: William Clark
To: Danielle West-Chuhta
Date: 5/22/2012 3:53 PM
Subject: Re: Easement for 218 Washington Ave - WBC review comments
CC: David Margolis-Pineo; Shukria Wiar

Hi Danielle,

I am all set here. I am all with you on it since it is a Private Easement.

Will be nice to have this cleaned up. Both parties have spent staff time in the vault at various times.

Thanks,

Bill

>> Danielle West-Chuhta (Danielle West-Chuhta) May 22, 2012 3:27 PM >>>

Thanks Bill for your comments. Since this is a private easement between two parties I am less concerned about these matters. I think that we should bring them to the attention of the parties, but I am not sure it is our place to require that they be fixed. I think that all we need (legally) is a document that shows they have an agreement/easement between the two parties with regard to the sewer- I am open to suggestions/corrections, however.

>>> William Clark 5/22/2012 2:14 PM >>>

David,

I have reviewed the proposed private sewer easement (which will benefit 218 Washington Avenue) which you sent to me on May 21.

Personally I would never prepare an easement or easement sketch based on a tax map. Tax maps are not based on boundary surveys and are not intended for describing or defining an area for land conveyances. Unknown problems may arise if a boundary survey discovers that the property lines are different from the tax map.

One sentence in Paragraph 1. is that the easement is to follow and be centered on the private sewer pipe where it is located. This may be the controlling call that may mitigate some issues which may arise from using a tax map to define an easement.

I am copying Danielle for her opinion on this and will defer to her on this tax-map private sewer easement.

If this were any easement involving the City of Portland I would definitely not approve the easement unless it was based on a current boundary survey.

Thanks,

Bill

>>> David Margolis-Pineo May 21, 2012 12:45 PM >>>

Bill,

Please review this easement at your earliest convenience please. Thanks

>>> Shukria Wiar 5/21/2012 12:32 PM >>>

Hello Dave;

Do you know if Bill has reviewed this? We need to get back tot the applicant and will need to be recorded before we sign off on this project.

Thanks.

Shukria

>>> Shukria Wiar 5/17/2012 12:06 PM >>>

Hello:

Attached is the easement for a sewer line on 218 Washington Ave. The applicant, Glen Morse wanted to keep the sewer line coming in from Anderson Street through the Simpson property. Please review and email with any concerns. The plan was for a parking lot and fourth floor addition.

This was one of Erick's project.

Thanks.

Shukria

Shukria Wiar - Re: Easement for 218 Washington Ave - WBC review comments

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: David Margolis-Pineo; William Clark
Date: 5/22/2012 3:27 PM
Subject: Re: Easement for 218 Washington Ave - WBC review comments
CC: Shukria Wiar

Thanks Bill for your comments. Since this is a private easement between two parties I am less concerned about these matters. I think that we should bring them to the attention of the parties, but I am not sure it is our place to require that they be fixed. I think that all we need (legally) is a document that shows they have an agreement/easement between the two parties with regard to the sewer- I am open to suggestions/corrections, however.

>>> William Clark 5/22/2012 2:14 PM >>>
David,

I have reviewed the proposed private sewer easement (which will benefit 218 Washington Avenue) which you sent to me on May 21.

Personally I would never prepare an easement or easement sketch based on a tax map. Tax maps are not based on boundary surveys and are not intended for describing or defining an area for land conveyances. Unknown problems may arise if a boundary survey discovers that the property lines are different from the tax map.

One sentence in Paragraph 1. is that the easement is to follow and be centered on the private sewer pipe where it is located. This may be the controlling call that may mitigate some issues which may arise from using a tax map to define an easement.

I am copying Danielle for her opinion on this and will defer to her on this tax-map private sewer easement.

If this were any easement involving the City of Portland I would definitely not approve the easement unless it was based on a current boundary survey.

Thanks,

Bill

>>> David Margolis-Pineo May 21, 2012 12:45 PM >>>
Bill,

Please review this easement at your earliest convenience please. Thanks

>>> Shukria Wiar 5/21/2012 12:32 PM >>>
Hello Dave;

Do you know if Bill has reviewed this? We need to get back tot the applicant and will need to be recorded before we sign off on this project.

Thanks.

Shukria

>>> Shukria Wiar 5/17/2012 12:06 PM >>>
Hello:

Attached is the easement for a sewer line on 218 Washington Ave. The applicant, Glen Morse wanted to keep the

sewer line coming in from Anderson Street through the Simpson property. Please review and email with any concerns. The plan was for a parking lot and fourth floor addition.

This was one of Erick's project.

Thanks.

Shukria

Shukria Wiar - Easement for 218 Washington Ave - WBC review comments

From: William Clark
To: David Margolis-Pineo
Date: 5/22/2012 2:14 PM
Subject: Easement for 218 Washington Ave - WBC review comments
CC: Danielle West-Chuhta; Shukria Wiar
Attachments: Sewer Easement Proposed Washington Ave No 218.pdf

David,

I have reviewed the proposed private sewer easement (which will benefit 218 Washington Avenue) which you sent to me on May 21.

Personally I would never prepare an easement or easement sketch based on a tax map. Tax maps are not based on boundary surveys and are not intended for describing or defining an area for land conveyances. Unknown problems may arise if a boundary survey discovers that the property lines are different from the tax map.

One sentence in Paragraph 1. is that the easement is to follow and be centered on the private sewer pipe where it is located. This may be the controlling call that may mitigate some issues which may arise from using a tax map to define an easement.

I am copying Danielle for her opinion on this and will defer to her on this tax-map private sewer easement.

If this were any easement involving the City of Portland I would definitely not approve the easement unless it was based on a current boundary survey.

Thanks,

Bill

>>> David Margolis-Pineo May 21, 2012 12:45 PM >>>
Bill,

Please review this easement at your earliest convenience please. Thanks

>>> Shukria Wiar 5/21/2012 12:32 PM >>>
Hello Dave;

Do you know if Bill has reviewed this? We need to get back tot the applicant and will need to be recorded before we sign off on this project.

Thanks.

Shukria

>>> Shukria Wiar 5/17/2012 12:06 PM >>>
Hello:

Attached is the easement for a sewer line on 218 Washington Ave. The applicant, Glen Morse wanted to keep the sewer line coming in from Anderson Street through the Simpson property. Please review and email with any concerns. The plan was for a parking lot and fourth floor addition.

This was one of Erick's project.

Thanks.

Shukria

Shukria Wiar - Re: 218 Washington Ave

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Shukria Wiar
Date: 5/21/2012 1:44 PM
Subject: Re: 218 Washington Ave

I do not have any record of this license. They may have submitted the documentation with their application thinking that was sufficient. So, with that said, in order to get a license for this - 1) you need to have DPS review this and sign off on the overhang; and 2) I need plans to accompany the license (that show the overhang); and 3) as part of the terms of the license the applicant needs to understand that they are going to be obligated to defend, have insurance in the amount of \$400,000 or more and indemnify the City and name the City as an additional insured on their insurance certificate.

Thanks,

Danielle

>>> Shukria Wiar 5/21/2012 12:40 PM >>>
Hello:

This project is back (Erick was the Planner on it). The applicant needed a revocable license for the overhang of the bay window. The applicant supposedly submitted a request for the license. I cannot find anything in One Solution so I was wondering if you could check whatever file you have on this project and find the request. Also let me know what we need from the applicant to move forward with the license.

Thanks.

Shukria

Shukria Wiar - Re: 218 Washington Ave

From: Marge Schmuckal
To: Shukria Wiar
Date: 5/21/2012 12:39 PM
Subject: Re: 218 Washington Ave

Shukria,

Yes, something was submitted to me last October. It is meeting the height requirements of the B-1 Zone.

Marge

>>> Shukria Wiar 5/21/2012 12:35 PM >>>

Hello:

This project is back (Eric was the Planner). The applicant supposedly submitted something that shows the height of the building. Could you please review your file and let me know if the project is meeting zoning especially the height.

Thanks.

Shukria

Neighborhood Meeting Invitation Form

University of New England

May 15, 2012

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a Patient Care Center located at 1 College Street.

Meeting Location: College of Pharmacy Building, Room 109, University of New England Campus, 716 Stevens Avenue, Portland

Meeting Date: June 7, 2012

Meeting Time: 6:00 pm

The City code requires that property owners within 500 feet (except notices must be sent to property owners within 1000 feet for industrial zoning map amendments and industrial subdivisions) of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please contact Alan Thibeault at 602-2253.

Sincerely,

University of New England

EASEMENT

We, Glenn Morse (hereinafter "Morse") of Scarborough, Maine and Rockingham, LLC (hereinafter "Rockingham") a Maine Limited Liability Company hereby agree as follows:

WHEREAS Morse owns real estate in the City of Portland, Maine located at 218 Washington Ave. and more particularly described in a deed recorded in the Cumberland County at Book 22895, Page 28;

WHEREAS Rockingham owns real estate in the City of Portland, Maine located at 219 Anderson St. and more particularly described in a deed recorded in the Cumberland County at Book 27757, Page 278;

WHEREAS the parties want to delineate and define an easement for an existing sewer line and provide for the future maintenance and repair of said sewer line serving the Morse premises and located on the above mentioned real estate owned by Rockingham;

WHEREAS Rockingham wants to grant an easement to Morse subject to the terms and conditions below;

NOW THEREFORE in consideration of One Dollar (\$1.00) and other good and valuable consideration, the parties agree as follows:

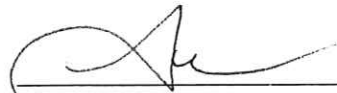
1. There is currently an existing sewer line located on Rockingham's property which serves the building on Morse's adjacent property. The approximate location of the sewer line is depicted on the attached Exhibit A. Rockingham hereby grants an underground Easement to Morse to maintain, improve and repair this sewer line where it is actually located, together with an area ten feet (10') to either side of the line for construction access purposes, except to the extent there are existing buildings within such corridor.
2. In the event that the sewer line should fail or need to be repaired or improved, then Morse shall do all necessary work and shall restore the surface of the Easement to its condition prior to the repair. Morse shall inform Rockingham in advance of any repair work and shall conduct all work so that it will minimally interfere with use of the Rockingham premises.
3. Morse shall keep the Rockingham premises free of any mechanic liens. If Morse fails to comply with this provision, Rockingham shall be entitled to pay the lien, and Morse will reimburse Rockingham for all expenses incurred in this regard, including any legal fees, plus interest at 18% for any advances and payments made by Rockingham.
4. The terms of this Easement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto and shall be a covenant running with the land on the part of Rockingham. Time is of the essence in the performance of this Agreement.

5. This Easement shall be governed by and construed in accordance with, Maine law. This constitutes the entire agreement among the parties pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings of the parties, and any other claim of easement by Morse over land of Rockingham, in connection therewith which conflict with the express terms of this Agreement.

6. If any provision of this Easement is determined to be invalid or unenforceable, it shall not affect the validity or enforceability of the remaining provisions hereof.

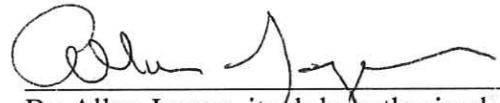
Dated at Portland, Maine this 27th day of April, 2012.


Witness


Glenn Morse

ROCKINGHAM, LLC


Witness


By Allan Jagger, its duly authorized
Manager

STATE OF MAINE
COUNTY OF CUMBERLAND

April 27, 2012

Then personally appeared Allan Jagger, Manager of Rockingham, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

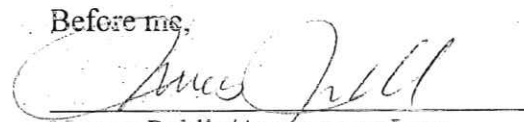
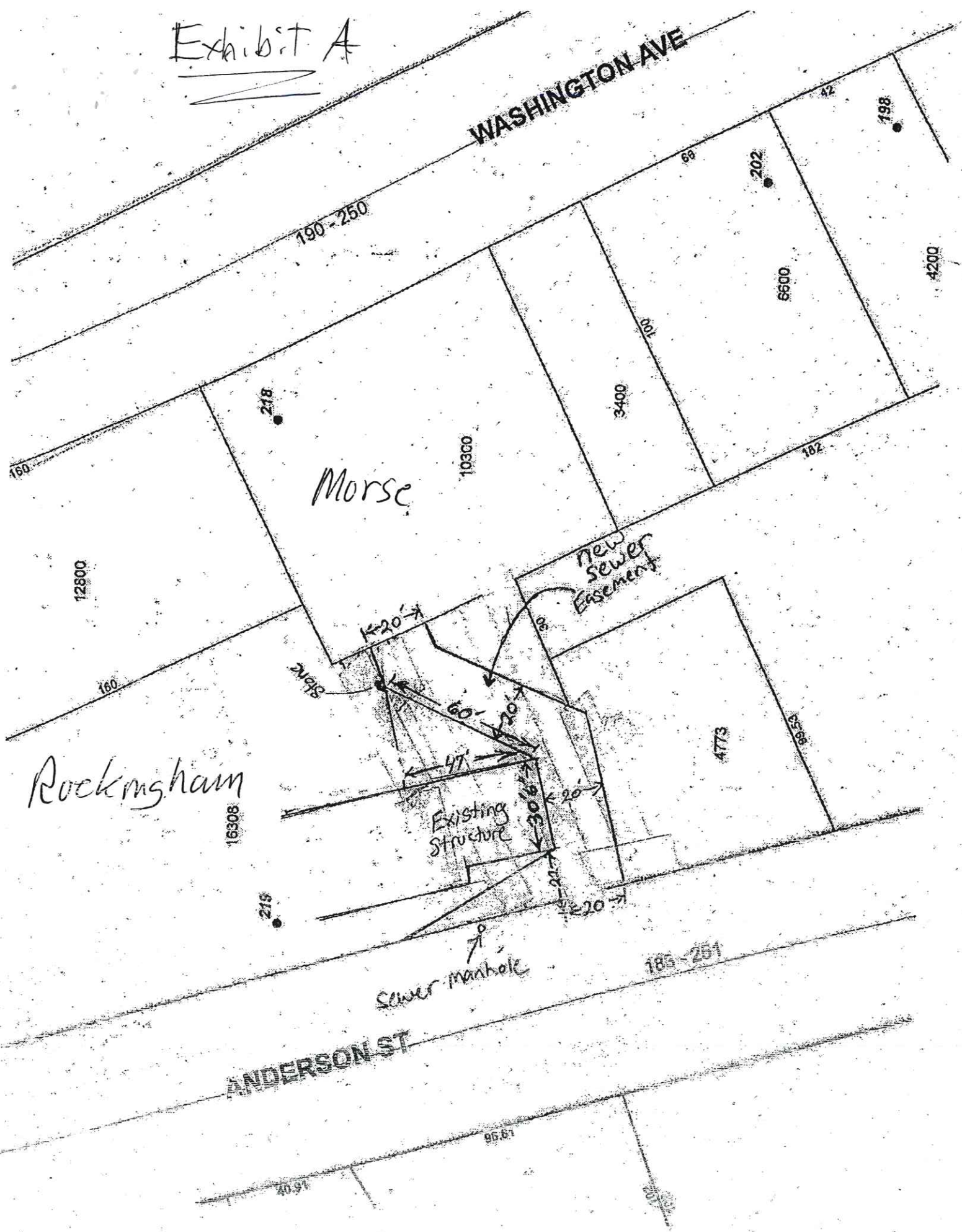
Before me,

Notary Public/Attorney at Law
Thomas Jewell

Exhibit A



4/13/07

* could
put a condition
of approval
requiring
the
easement
before
bp

William P. Simpson has a purchase and sale agreement under contract for a piece of real estate containing several parcels of land, situated in the municipality of Portland, County of Cumberland, and State of Maine described as 219 Anderson Street, being all the property owned by the seller, book and page TBD, along with a 13,000 sq. ft. building, currently being occupied by Rockingham Electric.

After the completion of a successful purchase of the aforementioned property, William Simpson will thereby agree to grant to Glen Morse a right of way along the south border of the property described above for \$10,000, for the use of sewer line to service Mr. Morse's property at 218 Washington Avenue. This so-called grant shall expire five years after the agreement is granted if the project is not completed. Mr. Morse agrees to indemnify Mr. Simpson of any liability and provide proof of liability insurance as an additional insured.

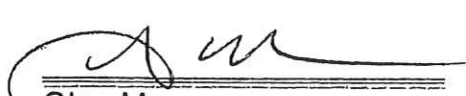
← storm water
→ NO
can't
expire
need
no
matter
what
because
the existing
sewer
line
crosses
the
property
now.

Additionally, if and when William Simpson sells parcel 10 or any portion of parcel 10 as a separate unoccupied parcel, Simpson agrees to allow Morse first right of refusal to purchase parcel 10.

In exchange for all of the above Mr. Morse agrees to discontinue pursuing the purchase of City owned land between Anderson Street and Washington Ave, adjoining 219 Anderson Street.


William P. Simpson

MICHAEL P. VOISINE
Notary Public, Maine
My Commission Expires March 9, 2012


Glen Morse



From: Alex Jaegerman
To: Barbara Barhydt; Jay Reynolds
Date: 12/8/2006 9:29:20 AM
Subject: Fwd: FW: Re: 218 washington ave-update

Barbara and Jay:

We might have a do nothing applicant on our hands. It sounds like a temporary sewer pipe, and a proposed site plan. Maybe we have to give the guy a time limit to submit a site plan or clear the junk off the lot. Maybe we can put it on next Wednesday's devrev agenda.

Alex.

>>> Jay Reynolds 12/7/2006 2:22:31 PM >>>

Hello Nancy Kelly,

Pertaining to the site issue of removing the cinder blocks, I was advised by my previous supervisor, Sarah Hopkins, to wait until the owner comes in for site plan review. At that time, the removal of the material will be addressed. Currently, that material poses no environmental threat or safety issue.

If you need to inquire about the sewer issue, you could start by contacting Brad Roland in the Engineering Department. He can direct you better as to what the requirements are for sewer lines, and I believe he has had conversations with Mr. Morse.

Mr. Nugent no longer works for the City, Jeanie Bourke has taken his position.

Jay Reynolds
Development Review Coordinator
City of Portland Planning Division
(207) 874-8632
jayjr@portlandmaine.gov

>>> "Nancy Kelly" <hockeymom247@hotmail.com> 12/07/2006 1:43:50 PM >>>

From: "Nancy Kelly" <hockeymom247@hotmail.com>
To: JARJR@portlandmaine.gov, AXR@portlandmaine.gov, JMB@portlandmaine.gov
Subject: FW: Re: 218 washington ave-update
Date: Thu, 07 Dec 2006 13:25:21 -0500

Ms. Bourke, Mr. Reynolds, Mr. Rowe,
I sent each of you the following email message on Monday the 4th of December. Ms. Bourke, according to Mr. Nuggent, your email was forwarded to you by him. I have no acknowledgement from anyone. Will this situation be looked into further by your departments? If so, when should I expect to hear a reply. As

From: Jay Reynolds
To: Nancy Kelly
Date: 12/7/2006 2:22:31 PM
Subject: FW: Re: 218 washington ave-update

Hello Nancy Kelly,
Pertaining to the site issue of removing the cinder blocks, I was advised by my previous supervisor, Sarah Hopkins, to wait until the owner comes in for site plan review. At that time, the removal of the material will be addressed. Currently, that material poses no environmental threat or safety issue.

If you need to inquire about the sewer issue, you could start by contacting Brad Roland in the Engineering Department. He can direct you better as to what the requirements are for sewer lines, and I believe he has had conversations with Mr. Morse.
Mr. Nugent no longer works for the City, Jeanie Bourke has taken his position.

Jay Reynolds
Development Review Coordinator
City of Portland Planning Division
(207) 874-8632
jayjr@portlandmaine.gov

>>> "Nancy Kelly" <hockeymom247@hotmail.com> 12/07/2006 1:43:50 PM >>>

From: "Nancy Kelly" <hockeymom247@hotmail.com>
To: JARJR@portlandmaine.gov, AXR@portlandmaine.gov, JMB@portlandmaine.gov
Subject: FW: Re: 218 washington ave-update
Date: Thu, 07 Dec 2006 13:25:21 -0500

Ms. Bourke, Mr. Reynolds, Mr. Rowe,
I sent each of you the following email message on Monday the 4th of December. Ms. Bourke, according to Mr. Nugent, your email was forwarded to you by him. I have no acknowledgement from anyone. Will this situation be looked into further by your departments? If so, when should I expect to hear a reply. As Mr. Rowe and Mr. Reynolds have stated in the past, keep the lines of communication open to the department.. That is the best way to resolve a neighbor issue. It is difficult when I am the only one communicating. These documented matters have been ongoing for far to long with no results. Just take a look at the attached photos of the hay cover above the ground sewer and are you able to tell me it is acceptable and legal?

Nancy Kelly
202 Washington Ave Portland 04101
7736285
hockeymom247@hotmail.com

From: "Nancy Kelly" <hockeymom247@hotmail.com>
To: JARJR@portlandmaine.gov, MJN@portlandmaine.gov, AXR@portlandmaine.gov
Subject: FW: Re: 218 washington ave-update
Date: Mon, 04 Dec 2006 15:37:54 -0500

Dear Mr. Reynolds, Mr. Nugent, and Mr. Rowe;
Below are a few emails we sent back and forth to each other, some as far back as June. At that time, we were communicating about the above ground sewer pipe, and the fill at 218 Washington Ave. To recap the emails, on June 20th, Mr. Rowe writes that he and Mr. Reynolds, along with the property owner, Mr. Glenn Morse, had met on site. "The fill which has been dumped will be used to create a ramp for excavation equipment to repair a sewer line from the house. The fill will either be removed after completion of this project or stay if proper permits are issued by Jays's office. The concrete will have to be ground up and any rebar removed if the fill stays". From Mr. Reynolds on June 20th... "the fill in place today, is ok on a temporary basis for the purpose of accessing the back yard in order to make an emergency sewer repair. Mr Morse agreed not to bring in any more material. He also stated his intention to remove the cinder blocks, ect.. and NOT use this as a permanent fill material. This is preferred and acceptable. There is no timetable for the removal." and Mr. Reynolds, again, this time on August 21st...."I will have to revisit the site to verify conditions. When we met with Mr. Morse, we did agree to allow him to bring in more temporary material so that an excavator can access the rear of the property. I will have to investigate to see if he just filled over all that material.....The removal of that material still stands as previously mentioned. It is not acceptable.

Now that I have reminded all of you of the situation, let me state that the situation has NOT changed at all since I first contacted you in April, June and August. The fill situation is still there, only now covered with grass. If this fill was temporary as Mr. Morse has made you believe, then why did he take the time and efforts to grow grass on it? The rebar and cinder blocks are still beneath. As shown above in your emails, it was not acceptable in June, in August, and I can not believe it is acceptable in December. BUT there it still is. I want to know why it is still there and why it is acceptable by the city standards? Mr. Morses only intention for this ramp was to get equipment down in the yard to do soil testing, which was done. This fill still exists beneath, and MUST be removed as you stated. Now to the sewer situation. That too, is still above the ground. How much of an emergency could this have been? Apparently not much of an emergency. This was brought to the attention of the city in April, and the only thing different now in December is, Mr. Morse has covered the above ground sewer pipe with hay. He has no intention of permantly taking care of this situation. This hay will sit the entire winter , and come spring, it will stink. I have allergies, and am concerened about my health

issues then. Mr. Morse had a large machine to do a soil test, but he has yet to get an excavator down in the yard for sewer repairs. There is a business at 218 Washington Avenue, a massage and acupuncture business. If this sewer pipe freezes, and bursts, the DEP will then have to get involved. I can't imagine that will be a good thing. I have enough run around and enough of being put off and forgotten about with this matter. If I should be speaking with another person or department, please let me know who that is so that I can get these issues resolved. It seems that if a home owner is told by city officials to remove or repair property, and it isn't done, the home owner is breaking the law. I will wait for a response with suggestions on how I can further handle this matter with the city officials, or if additional avenues need to be investigated to resolve this issue.

Nancy Kelly

202 Washington Avenue
Portland Maine 04101
773 6285 hockeymom247@hotmail.com

From: "Jay Reynolds" <JAYJR@portlandmaine.gov>
To: hockeymom247@hotmail.com, AXR@portlandmaine.gov, MJN@portlandmaine.gov
CC: SH@portlandmaine.gov
Subject: Re: 218 washington ave-update
Date: Mon, 21 Aug 2006 13:20:13 -0400

MSN Shopping has everything on your holiday list. Get expert picks by style, age, and price. Try it!

Get free, personalized commercial-free online radio with MSN Radio powered by Pandora

Visit MSN Holiday Challenge for your chance to win up to \$50,000 in Holiday cash from MSN today!

Mr. Rowe and Mr. Reynolds have stated in the past, keep the lines of communication open to the department.. That is the best way to resolve a neighbor issue. It is difficult when I am the only one communicating. These documented matters have been ongoing for far to long with no results. Just take a look at the attached photos of the hay cover above the ground sewer and are you able to tell me it is acceptable and legal?

Nancy Kelly

202 Washington Ave Portland 04101

7736285

hockeymom247@hotmail.com

From: "Nancy Kelly" <hockeymom247@hotmail.com>

To: JARJR@portlandmaine.gov, MJN@portlandmaine.gov, AXR@portlandmaine.gov

Subject: FW: Re: 218 washington ave-update

Date: Mon, 04 Dec 2006 15:37:54 -0500

Dear Mr. Reynolds, Mr. Nugent, and Mr. Rowe;

Below are a few emails we sent back and forth to each other, some as far back as June. At that time, we were communicating about the above ground sewer pipe, and the fill at 218 Washington Ave. To recap the emails, on June 20th, Mr. Rowe writes that he and Mr. Reynolds, along with the property owner, Mr. Glenn Morse, had met on site. "The fill which has been dumped will be used to create a ramp for excavation equipment to repair a sewer line from the house. The fill will either be removed after completion of this project or stay if proper permits are issued by Jays's office. The concrete will have to be ground up and any rebar removed if the fill stays". From Mr. Reynolds on June 20th... "the fill in place today, is ok on a temporary basis for the purpose of accessing the back yard in order to make an emergency sewer repair. Mr Morse agreed not to bring in any more material. He also stated his intention to remove the cinder blocks, ect.. and NOT use this as a permanent fill material. This is preferred and acceptable. There is no timetable for the removal." and Mr. Reynolds, again, this time on August 21st...."I will have to revisit the site to verify conditions. When we met with Mr. Morse, we did agree to allow him to bring in more temporary material so that an excavator can access the rear of the property. I will have to investigate to see if he just filled over all that material.....The removal of that material still stands as previously mentioned. It is not acceptable.

Now that I have reminded all of you of the situation, let me state that the situation has NOT changed at all since I first contacted you in April, June and August. The fill situation is still there, only now covered with grass. If this fill was temporary as Mr. Morse has made you believe, then why did he take the time and efforts to grow grass on it? The rebar and cinder blocks are still beneath. As shown above in your emails, it was not acceptable in June, in August, and I can not believe it is acceptable in December. BUT there it

still is. I want to know why it is still there and why it is acceptable by the city standards? Mr. Morses only intention for this ramp was to get equipment down in the yard to do soil testing, which was done. This fill still exists beneath, and MUST be removed as you stated. Now to the sewer situation. That too, is still above the ground. How much of an emergency could this have been? Apparently not much of an emergency. This was brought to the attention of the city in April, and the only thing different now in December is, Mr. Morse has covered the above ground sewer pipe with hay. He has no intention of permantly taking care of this situation. This hay will sit the entire winter , and come spring, it will stink. I have allergies, and am concerened about my health issues then. Mr. Morse had a large machine to do a soil test, but he has yet to get an excavator down in the yard for sewer repairs. There is a business st 218 Washington Avenue, a message and accupunture business. If this sewer pipe freezes, and bursts, the DEP will then have to get involved. I can't imaginge that will be a good thing. I have enough run around and enough of being put off and forgeoten about with this matter. If I should be speaking with another person or department, please let me know who that is so that I can get these issues resolved. It seems that if a home owner is told by city officials to remove or repair property, and it isnt doen, the home owner is breaking the law. I will waiting a responce with a suggestions on how I can further handle this matter with the city officials, or if additional avenues need to be investiagted to resolve this issue.

Nancy Kelly

202 Washington Avenue
Portland Maine 04101
773 6285 hockeymom247@hotmail.com

From: "Jay Reynolds" <JAYJR@portlandmaine.gov>
To: hockeymom247@hotmail.com, AXR@portlandmaine.gov, MJN@portlandmaine.gov
CC: SH@portlandmaine.gov
Subject: Re: 218 washington ave-update
Date: Mon, 21 Aug 2006 13:20:13 -0400

MSN Shopping has everything on your holiday list. Get expert picks by style, age, and price. Try it!

Get free, personalized commercial-free online radio with MSN Radio powered by

Pandora

Visit [MSN Holiday Challenge](#) for your chance to win up to \$50,000 in Holiday cash from MSN today!

PREPARED 12/13/10, 11:48:46
 City of Portland
 PROGRAM PZ203L

PAGE 1

PROJ NBR	DESCRIPTION	TYPE	PLNR	STA	APP DATE	Project Title	Applicant
10 79900025	WASHINGTON AVENUE - 218; EAST BAY CONDOMINIUMS; EAST BAYSIDE BUILDERS, APPLICANT.	MNSP	EG	HD	8/12/10	EAST BAYSIDE CONDOS	EAST BAYSIDE BLDRS.
	PROJECT LOCATION(S)					010 - A-015-001	
	PROJECT DATA						
	EXISTING TOTAL BUILDING AREA					2600.00	
	EXISTING BUILDING FOOTPRINT					1210.00	
	PROPOSED BUILDING FOOTPRINT					1210.00	
	CHANGE OF USE Y/N			N			
	SITE LOCATION ACT LOCAL REVIEW			N			
	DESIGN REVIEW Y/N			N			
	FLOOD PLAIN REVIEW Y/N			N			
	HISTORIC DISTRICT OR LANDMARK			N			
	HISTORIC PRESERVATION Y/N			N			
	HOUSING REPLACEMENT Y/N			N			
	SINGLE FAMILY DWELLING Y/N			N			
	2 FAMILY DWELLING Y/N			N			
	MULTI-FAMILY DWELLING Y/N			Y			
	INSTITUTIONAL Y/N			N			
	EXISTING LAND USE					MULTI USE COMMERCIAL	
	PROPOSED LAND USE					MULTI USE COMMERCIAL	
	MANUFACTURING Y/N			N			
	NEW BUILDING Y/N			N			
	OFFICE Y/N			Y			
	OFF SITE PARKING Y/N			Y			
	B-3 PED ACTIVITY REVIEW Y/N			N			
	PROPOSED BDG AREA NET CHANGE					800.00	
	PARKING LOT Y/N			Y			
	EXISTING PARKING SPACES					5.00	
	PROPOSED PARKING SPACES					6.00	
	PROPOSED TOTAL PARKING SPACES					6.00	
	RESIDENTIAL Y/N			Y			
	RETAIL/BUSINESS Y/N			N			
	EXISTING # OF RESIDENTIAL UNIT					1.00	
	PROPOSED # OF RESIDENTIAL UNIT					2.00	
	SHORELAND Y/N			N			
	STORMWATER QUALITY Y/N			N			
	14-403 STREET REVIEW			N			
	PROPOSED TOTAL BUILDING AREA					3400.00	
	TRAFFIC MOVEMENT Y/N			N			
	WAREHOUSE Y/N			N			
	EXISTING ZONING			B1B			
	ZONING VARIANCE Y/N OR DATE			N			
	PLANNING ACTION(S)						
	PRELIMINARY MINOR SITE PLAN						
	REVIEW TYPE						
	PRELIMINARY MINOR SITE PLAN			01	AC		
	STEP(S) STEP DESCRIPTION						
	100 INVOICE APPLICABLE FEES			8/12/10	8/12/10		
	200 APPLICATION SUBMITTED			8/12/10	8/13/10	8/12/10	
	LOG 10/08/12 COMPLETED					JENNIFER DORR	

PREPARED 12/13/10, 11:48:46
 City of Portland
 PROGRAM PZ203L

PAGE 2

PROJ NBR	DESCRIPTION	TYPE	PLNR	STA	APP DATE	Project Title	Applicant
	REVIEW TYPE						
	PRELIMINARY MINOR SITE PLAN						
	STEP(S) STEP DESCRIPTION						
	300 REVIEW FOR COMPLETENESS			8/12/10	8/13/10	200	
	400 CREATE TRANSMITTAL FORM			8/12/10	8/12/10	9/01/10	200
	LOG 10/09/01 COMPLETED					JENNIFER DORR	
	500 ZONING PRELIMINARY ASSESSMENT			8/12/10	8/13/10		200
	600 NOTIFICATION OF RECEIPT OF APP						300
	700 ASSIGN PLANNER						300
	800 PREPARE AGENDA ITEM						700
	900 DEVELOPMENT REVIEW MEETING						300
	1000 PLAN DISTRIBUTION						900
	1100 PREPARE AGENDA ITEM						1000
	1200 DEVELOPMENT REVIEW MEETING						900
	1300 PREPARE AGENDA ITEM			8/12/10			
	1400 DEVELOPMENT REVIEW MEETING						1200
	1500 FINAL COMMENTS PLANNER						1000
	1600 FINAL COMMENTS FIRE DEPT						1000
	1700 FINAL COMMENTS TRAFFIC						1000
	1800 FINAL COMMENTS ZONING ADMIN						1000
	1900 FINAL COMMENTS INSPECTIONS						1000
	2000 FINAL COMMENTS PARKING						1000
	2100 FINAL COMMENTS CITY ENGINEER						1000
	2200 FINAL COMMENTS CITY ARBORIST						1000
	2300 FINAL COMMENTS DESIGN REVIEW						1000
	2400 FINAL COMMENTS OUTSIDE AGENCY						1000
	2500 FINAL COMMENTS CORP COUNSEL						1000
	2600 FINAL COMMENTS SANITARY SEWER						1000
	2700 FINAL COMMENTS STORMWATER						1000
	2800 FINAL COMMENTS HISTORIC PRESER						1000
	2900 COMPILE COMMENTS						1500
	3000 SEND COMMENTS TO APPLICANT						2900
	3100 APPLICANT REQUESTS TO RESUBMIT						3000
	3200 APPLICANT RESUBMITS						3100
	3300 REVISE PLAN AND REVIEW						3200
	3400 SEND TO FINAL						

PREPARED 12/13/10, 11:48:46
 City of Portland
 PROGRAM PZ203L

PAGE 3

PROJ NBR	DESCRIPTION	TYPE	PLNR	STA	APP DATE	Project Title	Applicant
	NONE FOUND						

I. Zoning

March 14, 2010

*Morse
2011*

I have reviewed the next set of submitted plans (last comments were November 12, 2010) on February 23, 2011. Although Glen Morse met with me on January 4, 2011 to go over the height information, I am still lacking enough information to determine the height of the new upward expansion. He did give me the average grade information which was translated into the average grade. However, I have nothing telling me the elevation of the new roof. I do have an unscalable elevation that scaled the rear height to 39' 10". The two do not relate. I also reminded Mr. Morse that the maximum building height in the B-1b zone is 35 feet. Because the property does not abut the R-6 zone, the 45 foot maximum height can not be used.

I also noticed that the applicant added a new stairway on the latest site plan. I told Mr. Morse (on 3/14/2011) that I need to see building elevations with that new stairway so that I can review it.

It is also noted that the site plan does not indicate the overhang of a bay window onto the City sidewalk. The proposal shows that a new deck is being proposed on top of that bay window. I believe that a license from the City Manager will be necessary for that bay window.

Marge Schmuckal
Zoning Administrator

II. Department of Public Services

March 2, 2011

TO: Erick Giles
Barbara Barhydt
FROM: David Margolis-Pineo,
RE: Review Comments: 218 Washington Ave

1. Section 313.4 of the Uniform Plumbing Code states: "No building sewer or other drainage piping or part thereof, constructed of material other than those approved for use under or within a building shall be installed under or within two (2) feet of any building or structure, or less than one (1) foot below the surface of the ground."

The applicant is required bury the existing sewer lateral one foot below existing grade.

2. The applicant's sewer lateral extends across the abutting property located on Anderson Street. The applicant is required to show a Utility Easement giving the applicant authority to do so.

March 2, 2011

May 6, 2011

TO: Erick Giles
Barbara Barhydt
FROM: David Margolis-Pineo,
RE: Review Comments: 218 Washington Ave

1. Section 313.4 of the Uniform Plumbing Code states: "No building sewer or other drainage piping or part thereof, constructed of material other than those approved for use under or within a building shall be installed under or within two (2) feet of any building or structure, or less than one (1) foot below the surface of the ground."

The applicant is required bury the existing sewer lateral one foot below existing grade.

The applicant states he has buried the existing sewer lateral.

2. The applicant's sewer lateral extends across the abutting property located on Anderson Street. The applicant is required to show a Utility Easement giving the applicant authority to do so.

The applicant states: "To the best of our knowledge, this sewer lateral has been in existence since the construction of the original structure. This project proposes not changes to this service."

I will refer to Corporation Counsel for further comments.

I. Department of Public Services

September 9, 2010

Memo To: Eric Giles – Planning Department
Barbara Barhydt
From: David Margolis-Pineo – Department of Public Services
RE: 218 Washington Avenue

Public Services staff has the following comments on this project.

1. The City is aware that the applicant's sewer service for this property runs out the back and down the hill to Anderson Street. A portion of this sewer line is above ground and exposed. Since the applicant is requesting an increase in waste flow through this pipe, the applicant is request submit a plan showing how line may be buried or how addition protection will be provide to guard against damage and a potential public hazard.
2. The applicant is requested to provide provisions for bicycle parking.

Public Services have no further comments at this time.

II. Traffic Engineer

>>> Thomas Errico <Thomas.Errico@tylin.com> 9/3/2010 12:04 PM >>>

Eric – I have reviewed the submittal prepared by Blais Civil Engineers dated August 27, 2010 and offer the following comments.

- The parking stall length should be reduced to 18 feet.
- We have generally required some type of separation or barrier that prevents vehicles from either parking or maneuvering onto a sidewalk. I would suggest that some action be implemented to prevent encroachment onto the sidewalk.
- The applicant should provide turning templates that illustrate parked vehicles can maneuver on-site without backing out onto Washington Avenue.
- The applicant should provide information on how the parking spaces will be managed, particularly since it will serve a mix of commercial and residential uses.
- City standards require a minimum driveway spacing of 100 feet for roadways posted at 25mph. The project does not meet this separation standard, but I support a waiver from the technical standard.

If you have any questions or comments, please contact me.

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director



September 9, 2011
BCE File: 10123

Mr. Erick Giles
Planner, City of Portland
Department of Planning and Urban Development
389 Congress Street
Portland, Maine 04101

**Re: Request for "Revocable License" for Building Overhang
218 Washington Avenue**

Dear Erick:

On behalf of our client, Glen Morse, we are requesting a "revocable license" for the overhanging structure (bay window) of the existing building at 218 Washington Avenue. Please refer to the latest Site plan drawing, entitled "Site and Landscaping Plan and Details", revision #5, dated June 6, 2011 submitted to your offices on June 16th, 2011 for pertinent Site information. Also, please refer to the most recent existing and proposed building elevations, submitted to your offices on April 28th, 2011, for building specific information. Copies of these plans are enclosed for reference.

Please call me if you have any questions or require further information for the issuance of this license.

Sincerely,

BLAIS CIVIL ENGINEERS

A handwritten signature in black ink, appearing to read 'Steve Blais', is written over a horizontal line.

Steve Blais, PE

Enclosures
Cc: Glen Morse

Thanks Barbara,

We are working on addressing your comments.

One question on the survey, the property line is pinned as indicated on the plans and the surveyor embossed the plan so it did not show up in the copies. We can submit originals to the City in place of the copies submitted if that would be acceptable.

Would it be alright to respond to your e-mail with our responses and additional materials or do you need a response letter and hard copies re-submitted?

Thanks,

Tom

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Wednesday, August 11, 2010 1:05 PM
To: tdoyle@blaisce.com
Cc: Jennifer Dorr; Marge Schmuckal
Subject: Re: Follow Up-218 Washington Ave

Hi Tom:

I did not distribute the plan at today's development review meeting. Marge Schmuckal, Zoning Administrator and I reviewed the plans for completeness. The following questions arose or information is needed to complete the application:

1. The application does not mention whether the office use will remain. Will there be a total of 2 or 3 residential units? Please provide a more detailed description of the existing and proposed uses. This information is needed in order to do a zoning determination for the site and to determine whether a subdivision review is triggered. Please note that the B-1b zone requires first floor commercial uses.
2. The survey is not stamped and the final property line identified. Please have the survey updated to reflect the final agreement and stamped by the surveyor.
3. Please complete the section of the application that includes the site area, proposed disturbance, and impervious surface.
4. The engineered plans for the retaining wall need to be submitted for review as part of this application.
5. Please provide updated utility letters and complete the waste water application (included within the application) for review by Public Services.
6. Please submit a landscaping plan.
7. Please submit the exterior building elevations with the proposed addition.
8. Please submit a lighting plan for existing and proposed lighting.

Thank you for your attention to this matter and when the application is complete, we will distribute it for review.

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

>>> "Thomas Doyle" <tdoyle@blaisce.com> Tuesday, August 10, 2010 5:27 PM >>>
Good Afternoon Barbara,

I wanted to touch base with you on the 218 Washington Avenue project. We submitted to the City on 8/9 and wanted to see if the project was going to be discussed at your Wednesday meeting this week.

Also, let me know when you would like me to upload the plans to your e-plan system.

Regards,

Tom

Thomas D. Doyle, PE, CPESC
Blais Civil Engineers, PA
207-767-7300
BlaisCE.com

Memorandum
Department of Planning and Urban Development
Planning Division



To: Barbara Barhydt
From: Eric Giles
Date: 9/19/2011
Re: **East Bayside Condominiums**
Address: 218 Washington Ave. **CBL:** 010-A-015
Project ID: 10-79900025
Applicant: Glen Morse
Technical: Steve Blaise, P.E.

- I. Introduction:** The following chronology documents the case history for this site plan which was submitted on August 6, 2010, under the 'old' site plan ordinance as a Minor Site Plan less than 10,000 sq.ft. The project proposes to construct an additional fourth floor unit onto an existing three-story building and a new parking lot to accommodate six parking spaces in the B-1b zone off Washington Ave. The building is a mixed use structure with one residential unit and an office use.
- II. Outstanding Issues:** Since the time of submission the site plan has undergone five revisions and review cycles with the Development Review staff. Items covered during the review included a slope stability analysis for the proposed parking lot, landscaping, zoning compliance, and easement rights. The remaining outstanding issues are listed below:
- a. *Utility Easement* - The applicant is required to obtain a utility easement for a sewer lateral that extends from the rear of the existing structure down the hill across private property underneath an existing building into Anderson St. While this sewer lateral may have been in existence prior to the site plan ordinance, the proposed addition must comply with the site plan standards and necessitates the applicant to acquire easement rights to trespass private property.
 - b. *Building Height* - Marge has not found the height of the rear building to be in compliance with the 35' maximum requirement. The applicant's technical assistance is in the process of preparing a grading plan to address this issue.
- III. Review Timeline:** The following list details the review process timeframes including staff reviews and applicant responses.

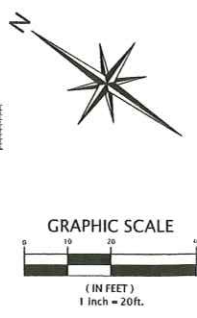
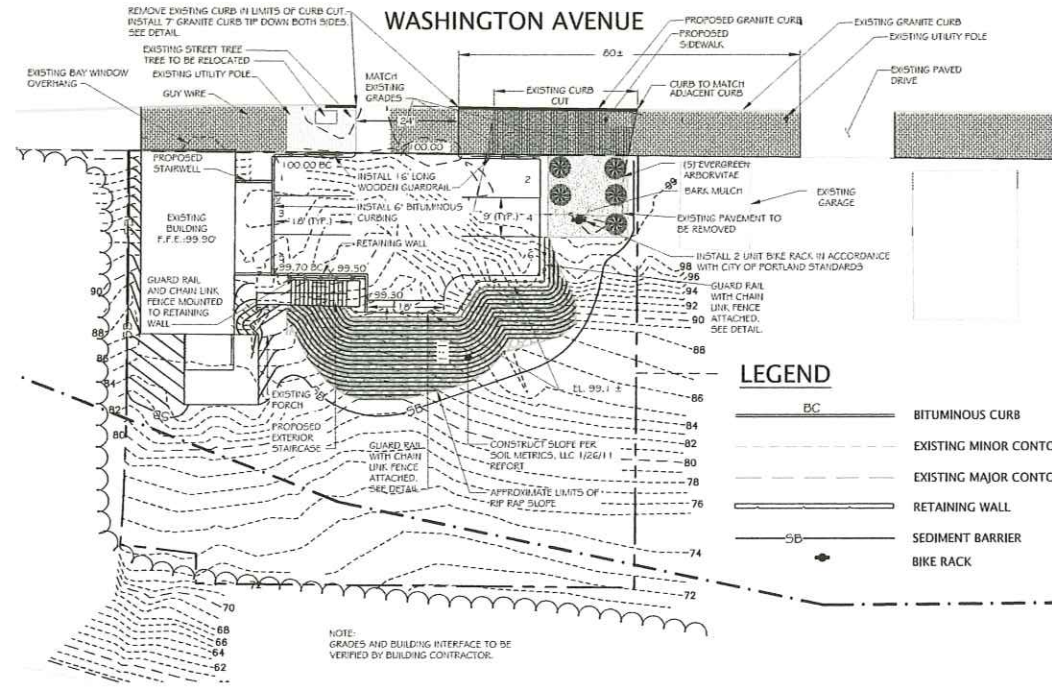
2010

August 6. Minor Site Plan application submitted.

August 11. Incompleteness letter sent to applicant.

August 27. Applicant submits a response to comments with additional landscape, elevation, lighting, and retaining wall plans.

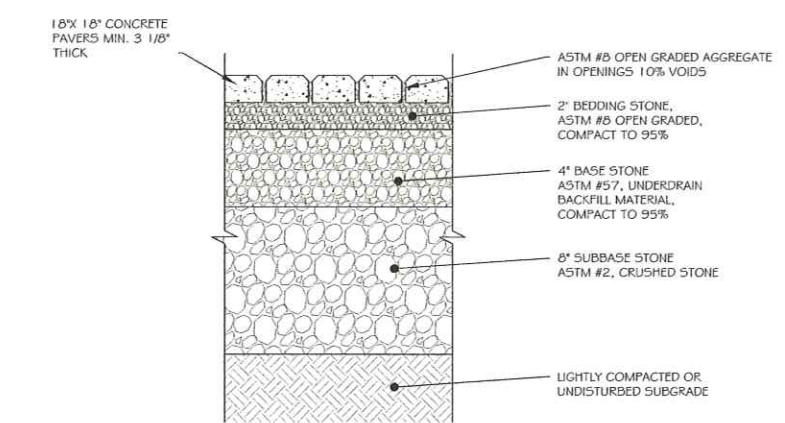
September 9.



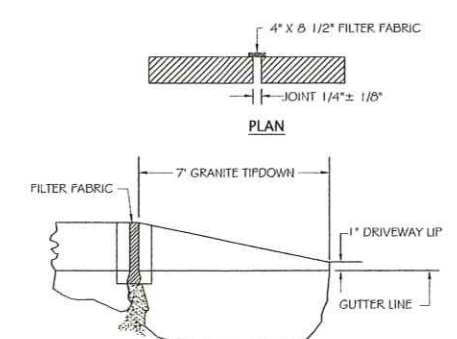
LEGEND

	BITUMINOUS CURB
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	RETAINING WALL
	SEDIMENT BARRIER
	BIKE RACK

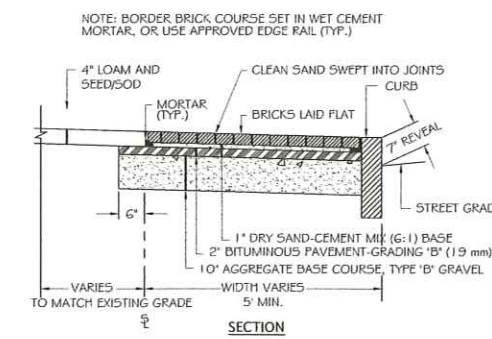
SITE AND LANDSCAPING PLAN
1"=20'



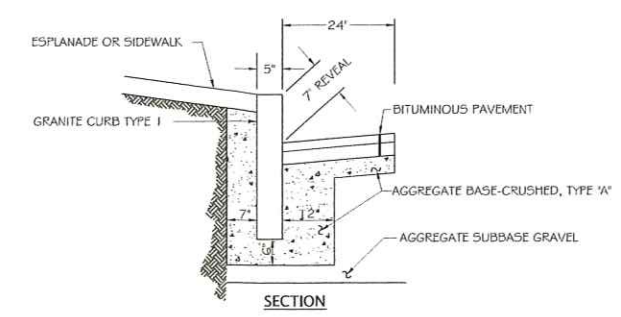
1 PERMEABLE PAVERS INSTALLATION
NOT TO SCALE



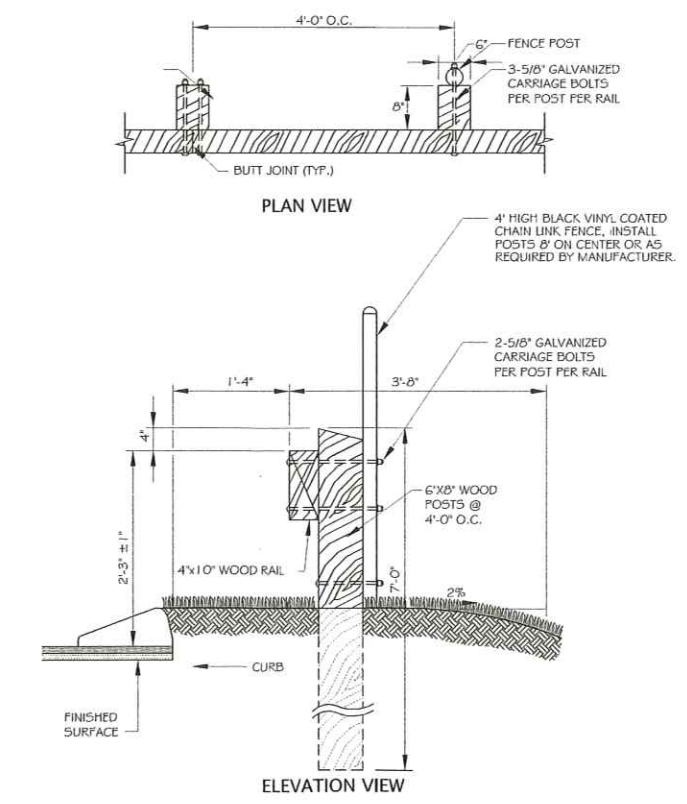
3 TYPICAL TIPDOWN CURB INSTALLATION
NOT TO SCALE



2 BRICK SIDEWALK DETAIL - NO ESPLANADE
NOT TO SCALE



4 INSTALLATION OF NEW GRANITE CURB
NOT TO SCALE



5 WOOD GUARDRAIL WITH CHAIN LINK FENCE
NOT TO SCALE

GENERAL INFORMATION

PROJECT NAME: EAST BAYSIDE CONDOMINIUMS
 OWNER/ DEVELOPER: EAST BAYSIDE BUILDERS, LLC
 OWNER/ DEVELOPER ADDRESS: P.O. BOX 1466
 SCARBOROUGH, ME 04070
 OWNER/ DEVELOPER PHONE #: 207-222-2498

SITE INFORMATION

PARCEL ID: 010 A015001
 BOOK/PAGE: 2465 1/157
 LAND USE: MULTI-USE COMMERCIAL
 ZONE: B-1B NEIGHBORHOOD BUSINESS ZONE
 LOT SIZE: 11,740 SF

CITY STANDARDS	REQUIRED	PROPOSED
MINIMUM LOT SIZE:	6000 SF	11,740 SF
MINIMUM STREET FRONTAGE:	50 FT	118.5 FT
MINIMUM LOT LENGTH:	NONE	118.5 FT
MINIMUM LOT WIDTH:	NONE	100 FT
MAXIMUM FRONT YARD:	10 FT	0 FT
MINIMUM REAR YARD:	20 FT	51 FT
MINIMUM SIDE YARD:	10 FT	10 FT
MAXIMUM BUILDING HEIGHT:	35 FT	35 FT

PARKING

PARKING STANDARDS	REQUIRED	PROPOSED
PARKING SPACES:	6 SPACES	6 SPACES
PARKING SPACE SIZES:	9 FT X 18 FT (6 SPACES)	
EXISTING STRUCTURE:	5 SPACES	
PROPOSED STRUCTURE:	6 SPACES	

AREAS

	REQUIRED	PROPOSED
MAXIMUM IMPERVIOUS SURFACE RATIO:	90%	11%

REVISIONS

No.	DATE	DESCRIPTION
1	08/24/10	UPDATE PER CITY COMMENTS
2	10/25/10	UPDATE PER CITY COMMENTS
3	02/14/11	UPDATE PER CITY COMMENTS
4	04/07/11	UPDATE PER CITY COMMENTS
5	06/16/11	UPDATE PER CITY COMMENTS
6	09/27/11	UPDATE PER CITY COMMENTS

Blais
civil engineers

780 BROADWAY, SO. PORTLAND, ME 04106 (207) 767-7300

SITE AND LANDSCAPE PLAN & DETAILS

GLENN MORSE
218 WASHINGTON AVENUE
PORTLAND
MAINE

LATEST REVISION (SEE REV. LOG):
 DATE: SEPTEMBER 27, 2011
 DRAWN/CHECKED BY: DRH/SB
 SCALE: 1"=20'
 CONTOUR INTERVAL: 1'
 BCE PROJECT NO.: 10123

C1

CITY PERMIT DRAWING - NOT FOR CONSTRUCTION

Shukria Wiar - 218 Washington Ave: Subdivision Inquiry

From: Steve Blais <sblais@blaisce.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>
Date: 10/10/2012 7:02 PM
Subject: 218 Washington Ave: Subdivision Inquiry
CC: Glenn Morse <gmorse6@maine.rr.com>, John Shields <jshields@maine.rr.com>
Attachments: Parking Alt 2.pdf; Parking Alt 1.pdf

Hi Shukria,

Per our recent meeting, attached are two drawings showing alternate designs for the subject project. Under both alternate designs, Glenn plans to sell the lot labeled "LOT FOR SALE".. Glenn has recently purchased property on the other side of the existing structure where he would construct parking to make up for the lost parking from the sale of the lot.

We would like to confirm whether the following would result in a subdivision as defined by the ordinance:

1. Conversion of the existing, 2 commercial tenant spaces to 2 residential ones.
2. Selling subject lot.
3. Developing parking on the purchased property for use by the aforementioned 2-unit residential.

Please contact me if you have any questions.

Regards,

Steve

Steve G. Blais, PE, LEED AP
Blais Civil Engineers, PA
207-767-7300
www.BLAISce.com

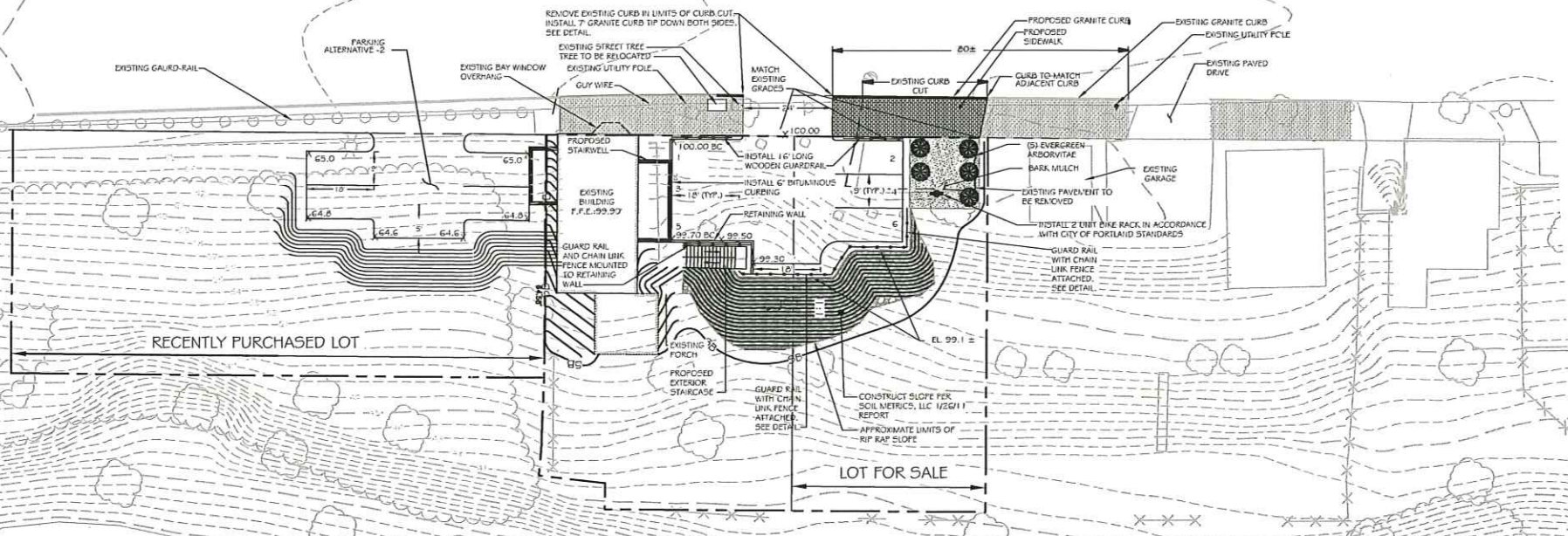
- triggers a subdivision
- Deeds for both lands
- put on notice that buyer cannot
a residential unit without triggering
a subdivision within the next 5 years.

Disclaimer- This email and any files transmitted with it are confidential and contain privileged or copyright information. You must not disclose, copy, distribute or use the contents of this email if you are not the intended recipient. If you have received this email in error, please notify the sender immediately, and delete this email message from your system.



ALTERNATIVE DESIGN CURRENT DESIGN

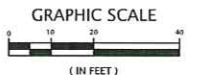
WASHINGTON AVENUE



RECENTLY PURCHASED LOT

LOT FOR SALE

NOTE: GRADES AND BUILDING INTERFACE TO BE VERIFIED BY BUILDING CONTRACTOR.



PROGRESS PRINT
10/02/12

REVISIONS	
NO.	DESCRIPTION

Blais
civil engineers
780 BROADWAY, SO. PORTLAND, ME 04106 (207) 767-7300

PARKING ALTERNATIVE 2
GLENN MORSE
218 WASHINGTON AVENUE
PORTLAND
MAINE

CITY PERMIT DRAWING - NOT FOR CONSTRUCTION

LATEST REVISION SEE NO. 1000:
DATE: SEPTEMBER 27, 2012
DRAWN/CHECKED BY: MV
SCALE:
CONTOUR INTERVAL:
BCE PROJECT NO: 10123

C-2



ALTERNATIVE DESIGN CURRENT DESIGN

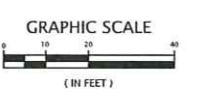
WASHINGTON AVENUE

RECENTLY PURCHASED LOT

CURRENT DESIGN

LOT FOR SALE

NOTE:
GRADES AND BUILDING INTERFACE TO BE
VERIFIED BY BUILDING CONTRACTOR.



CITY PERMIT DRAWING - NOT FOR CONSTRUCTION

PARKING ALTERNATIVE 1

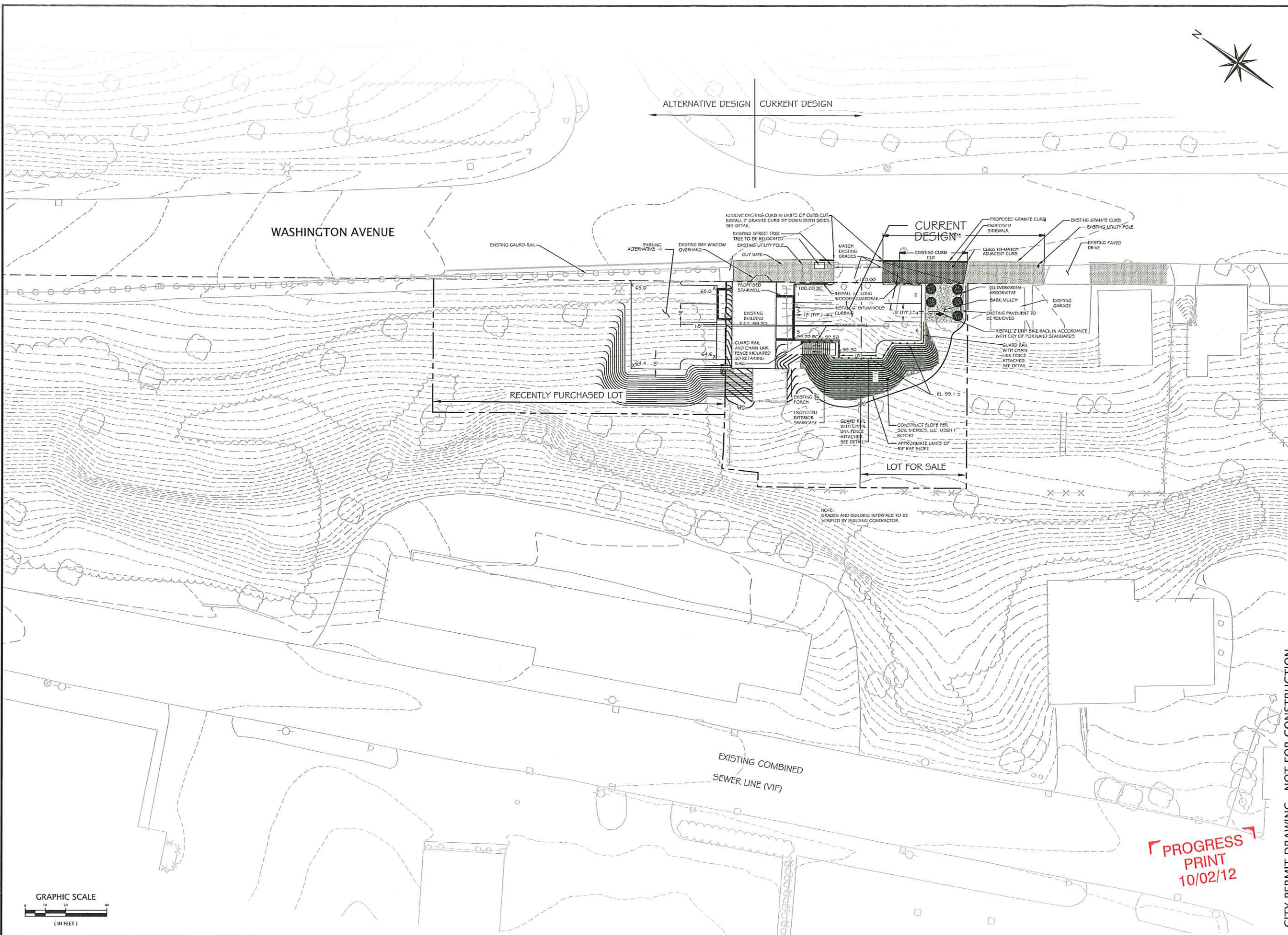
GLENN MORSE
218 WASHINGTON AVENUE
PORTLAND
MAINE

LATEST REVISION: SEE REV. LOGS
DATE: SEPTEMBER 27, 2012
DRAWN/CHECKED BY: MV
SCALE:
CONTOUR INTERVAL: 10'
BCE PROJECT NO: 10123

C-1



NO.	DATE	REVISIONS DESCRIPTION



Shukria Wiar - Re: 218 Washington Ave - MDOT Right of Way Plan

From: Barbara Barhydt
To: Clark, William
Date: 10/3/2012 1:48 PM
Subject: Re: 218 Washington Ave - MDOT Right of Way Plan
CC: Wiar, Shukria

Thank you for clarifying. I wanted to be sure.

Barbara

>>> William Clark Wednesday, October 03, 2012 1:09 PM >>>

#218 is the house shown to the left of the plan. The letters SB stand for a Stone Bound which is one of our survey monuments. Aerial photos show no houses between #218 and Tukey's Bridge.

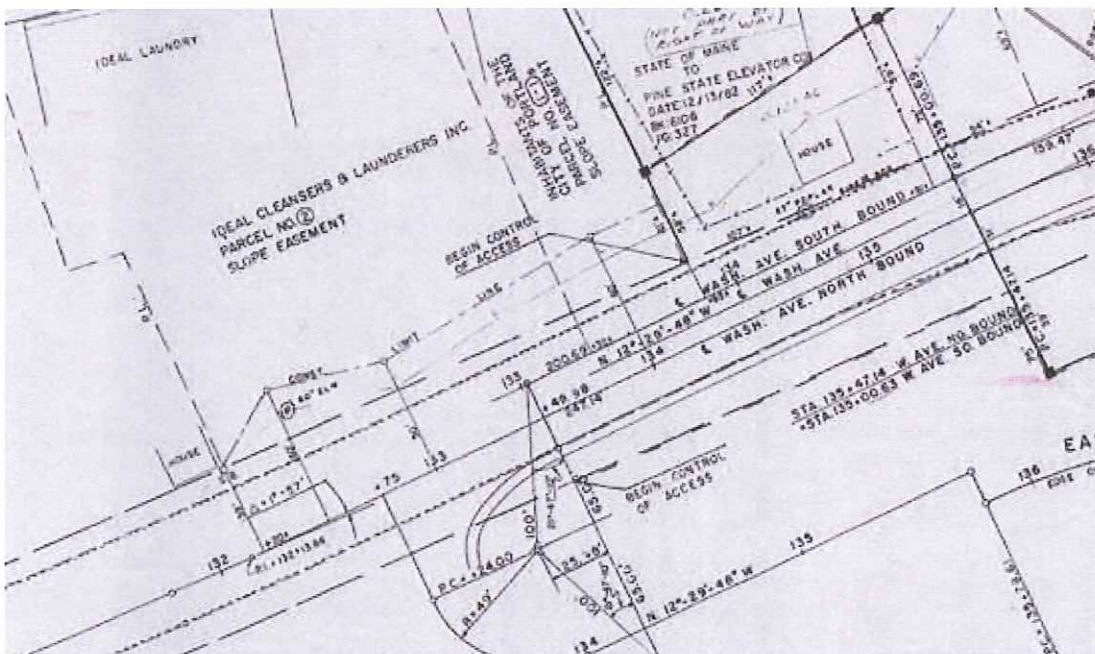
The other house opposite centerline station 135 has been removed since the 1958 plan was prepared.

>>> Barbara Barhydt October 3, 2012 11:44 AM >>>

So the house that is shown on the plan is not his home, but is the lot that he is seeking access to with a curb cut, correct?

>>> William Clark Wednesday, October 03, 2012 11:35 AM >>>

The Control Of Access line runs away from Washington Avenue and not along the parcel according to the phone call with Guy Ladd from MDOT this morning. I made a small clip from the plan (below).



>>> Barbara Barhydt October 3, 2012 11:21 AM >>>

Bill:

Does this mean that the adjoining site is within the limited access highway or not? I looked at the attachment, but it was unclear for me.

Thanks.
Barbara

>>> William Clark Wednesday, October 03, 2012 10:34 AM >>>
Hi Glen,

I have attached the State of Maine Right of Way plan. Guy Ladd from MDOT said that the map is the most current map for their right of ways in the area.

Thanks,

Bill Clark

William Clark, PLS
Senior Project Engineer
Engineering
Department of Public Services
City of Portland
55 Portland St.
Portland, ME 04101
207 874 8847



AMVETS



CHARLES J. LORING
AMVETS POST #25
186 WASHINGTON AVE.
PORTLAND, ME 04101-2632

TELEPHONE: (207) 772-9577
(207) 772-9587

August 16, 2012

To: Glenn Morse

From: Board of Trustees
Charles J. Loring Amvets Post #25

To Whom It May Concern:

On 8/15/12 the Amvets Post #25 Trustees met for their monthly meeting and discussed a request of Mr. Glenn Morse to use two (2) parking spaces of the Amvets parking lot located behind Northern Burner Supply on Washington Avenue in Portland.

The request was discussed and the Board voted unanimously to allow Mr. Morse to utilize the two (2) parking spots for a period of one year. The use of the two (2) parking spaces will automatically renew on the anniversary of the date of authorization unless rescinded in writing by the Amvets.

We hope this will help in the matter of Mr. Morse needing two (2) additional parking spaces

Sincerely,

Joe Duclos
Chairman, Board of Trustees

October 7, 2011
BCE File: 10123

Ms. Barbara Barhydt
City of Portland
Planning Division
389 Congress St.
Portland, ME 04101

**Re: Response to City Comments
218 Washington Ave**

Dear Barbara:

The following responses and enclosed drawings address the three (3) outstanding comments from your department, in regards to the above-referenced project:

MARGE SCHMUCKAL, ZONING ADMINISTRATOR 3/2/11 REVIEW COMMENTS

- *I have reviewed the next set of submitted plans (last comments were November 12, 2010) on February 23, 2011. Although Glen Morse met with me on January 4, 2011 to go over the height information, I am still lacking enough information to determine the height of the new upward expansion. He did give me the average grade information which was translated into the average grade. However, I have nothing telling me the elevation of the new roof. I do have an unscalable elevation that scaled the rear height to 39' 10". The two do not relate. I also reminded Mr. Morse that the maximum building height in the B-1b zone is 35 feet. Because the property does not abut the R-6 zone, the 45 foot maximum height can not be used.*

Response:

Enclosed is an 11x17 worksheet of the proposed average grades with a spreadsheet to calculate the average grade for the whole building. Based on your prior review, you determined a building height of 118.07' feet. We have provided an updated grading plan which brings the average grade of the building to 93.32', which results in an average building height of 34.75'.

- *It is also noted that the site plan does not indicate the overhang of a bay window onto the City sidewalk. The proposal shows that a new deck is being proposed on top of that bay window. I believe that a license from the City Manager will be necessary for that bay window.*

Response:

The deck will not be constructed. The enclosed building drawings have been revised accordingly. We added the existing bay window overhang to the site plan. We have also enclosed a copy of a letter (previously submitted) requesting a revocable waiver license for the overhanging bay window.

DAVID MARGOLIS-PINEO ENGINEERING 3/14/11 COMMENTS

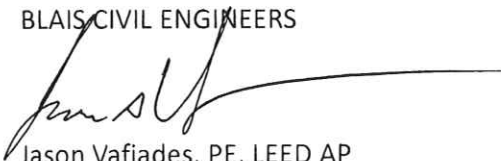
1. *The applicant's sewer lateral extends across the abutting property located on Anderson Street. The applicant is required to show a Utility Easement giving the applicant authority to do so:*

The applicant has secured the rights to the easement and is currently working with the abutter on the exact location of that easement. Please refer to the attached documentation depicting the rights to the subject easement

We trust we have addressed the City's remaining concerns. We appreciate anything you can do to expedite the review and approval of this project. Please call me if you have an questions or require further information.

Sincerely,

BLAIS CIVIL ENGINEERS



Jason Vafiades, PE, LEED AP

Enclosures:

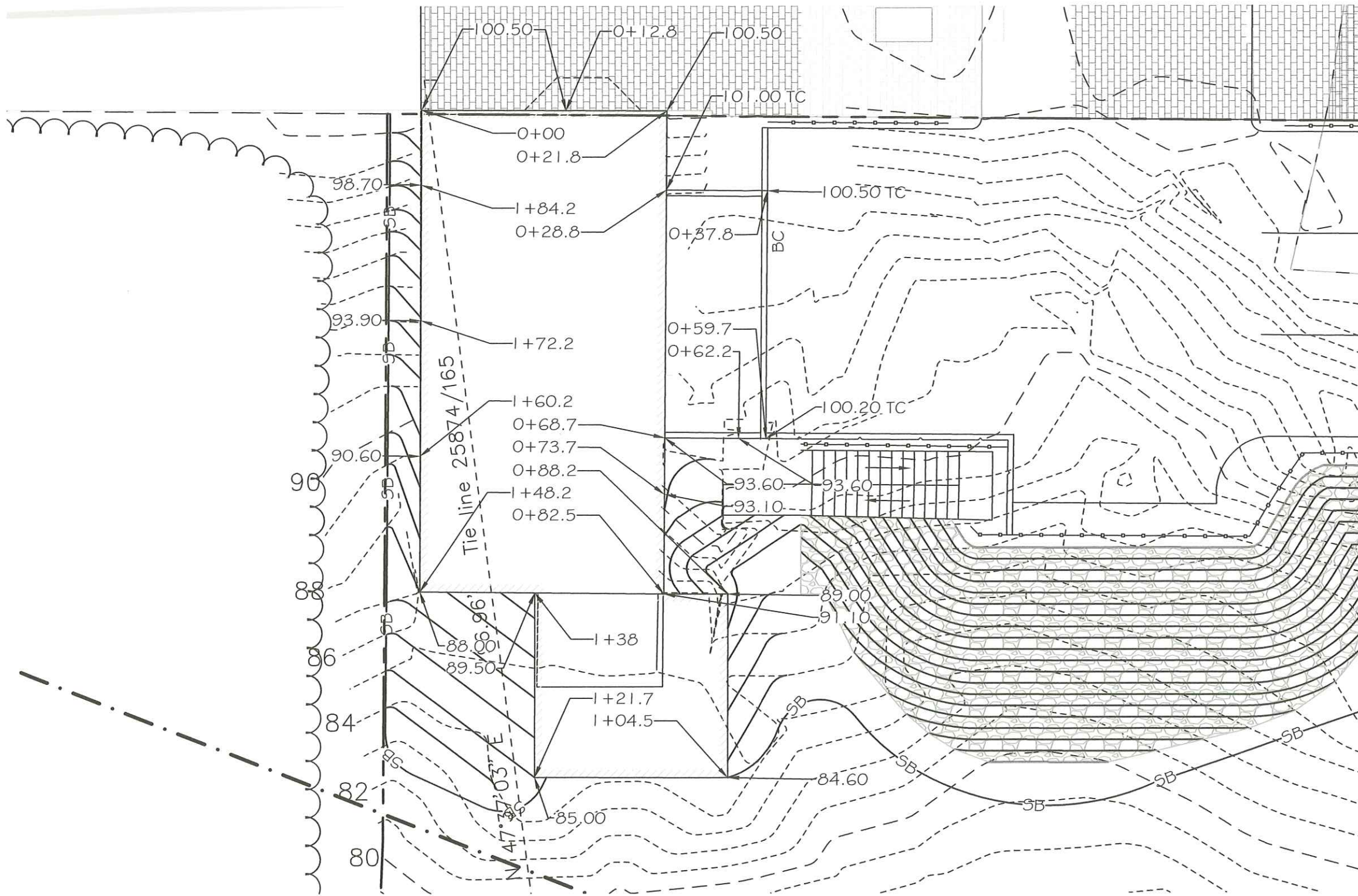
Average Building Grades Worksheets (2 sheets)
Revised Site Plan (Full Size)
Copy of Rights to Sewer Easement

Cc:

Glen Morse

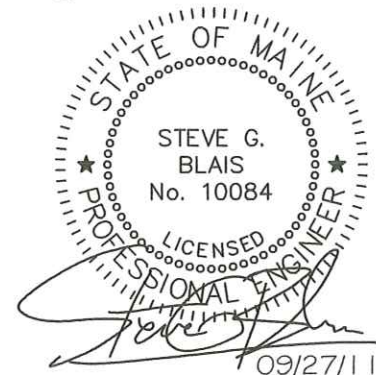
FIRST FLOOR AVE. ELEVATION
218 WASHINGTON AVE.
PORTLAND, MAINE
 September 28, 2011

Station	Elevation	Ave. Elevation (feet)	Distance (Feet)	Ave. Elev. x Dist.
0.00	100.50			
12.80	100.50	100.50	12.80	1,286.40
21.80	100.50	100.50	9.00	904.50
28.80	101.00	100.75	7.00	705.25
37.80	100.50	100.75	9.00	906.75
59.70	100.20	100.35	21.90	2,197.67
62.20	93.60	96.90	2.50	242.25
68.70	93.60	93.60	6.50	608.40
73.70	93.10	93.35	5.00	466.75
82.50	91.10	92.10	8.80	810.48
88.20	89.00	90.05	5.70	513.29
104.50	84.60	86.80	16.30	1,414.84
121.70	85.00	84.80	17.20	1,458.56
138.00	89.50	87.25	16.30	1,422.18
148.20	88.00	88.75	10.20	905.25
160.20	90.60	89.30	12.00	1,071.60
172.20	93.90	92.25	12.00	1,107.00
184.20	98.70	95.30	12.00	1,143.60
0.00	100.50	97.20	6.55	636.66
			190.75	17,801.42
Ave Elevation = Total Ave. Elev. x Dist. / Total Distance:				93.32



SITE PLAN

1"=10'



AVERAGE EXT. BUILDING GRADE

**GLEN MORSE
218 WASHINGTON AVENUE
PORTLAND
MAINE**

DRAWING
1
OF
1

BCE 10123

Blais
civil engineers

SCALE: 1" = 10'

C.I.: 1'

DATE: 9/27/11

780 BROADWAY, SO. PORTLAND, ME 04106 (207) 767-7300

Memorandum
Department of Planning and Urban Development
Planning Division



To: Barbara Barhydt
From: Eric Giles
Date: 9/19/2011
Re: **East Bayside Condominiums**
Address: 218 Washington Ave. **CBL:** 010-A-015
Project ID: 10-79900025
Applicant: Glen Morse
Technical: Steve Blaise, P.E.

I. Introduction: The following chronology documents the case history for this site plan which was submitted on August 6, 2010, under the 'old' site plan ordinance as a Minor Site Plan less than 10,000 sq.ft. The project proposes to construct an additional fourth floor unit onto an existing three-story building and a new parking lot to accommodate six parking spaces in the B-1b zone off Washington Ave. The building is a mixed use structure with one residential unit and an office use.

II. Outstanding Issues: Since the time of submission the site plan has undergone five revisions and review cycles with the Development Review staff. Items covered during the review included a slope stability analysis for the proposed parking lot, landscaping, zoning compliance, and easement rights. The remaining outstanding issues are listed below:

- a. Utility Easement - The applicant is required to obtain a utility easement for a sewer lateral that extends from the rear of the existing structure down the hill across private property underneath an existing building into Anderson St. While this sewer lateral may have been in existence prior to the site plan ordinance, the proposed addition must comply with the site plan standards and necessitates the applicant to acquire easement rights to trespass private property.
- b. Building Height - Marge has not found the height of the rear building to be in compliance with the 35' maximum requirement. The applicant's technical assistance is in the process of preparing a grading plan to address this issue.

III. Review Timeline: The following list details the review process timeframes including staff reviews and applicant responses.

2010

August

8/6 - Minor Site Plan application submitted. **Attachment 1**

8/11 - Incompleteness letter sent to applicant. **Attachment 2**

8/27 - Applicant submits a response to comments with additional landscape, elevation, lighting, and retaining wall plans (**Attachment 3**). Application deemed complete and review comment process begins.

September

9/21 - Traffic and Department of Public Services comments sent to applicant via email. **Attachment 4**

October

10/25 - Applicant submits a response to comments with revised plans and turning template analysis (**Attachment 5**). Traffic engineer approves parking layout and turning analysis. Waiver granted to minimum 100' driveway spacing for roadways posted at 25 mph. Final driveway separation distance is 80'.

November

11/12 - Zoning, City Arborist, and Stormwater comments sent to applicant via email. **Attachment 6**

2011

February

2/15 - Applicant submits a response to comments with revised plans, floor plans and slope stability analysis (**Attachment 7**). Stormwater engineer approves slope stability analysis and City Arborist approves landscape plan as proposed.

March

3/14 - Zoning and Department of Public Services comments sent to applicant via email (**Attachment 8**). This includes a requirement by DPS for the applicant to obtain a utility easement from the abutting property located along Anderson St. Zoning finds discrepancies with the building height data and elevation drawings. Additionally, zoning finds a revocable license is required for the existing and proposed bay windows.

April

4/29 - Applicant submits a response with revised site plans and elevation drawings (**Attachment 9**). Public Services confirm the burial of a sewer lateral from the rear of the building.

May

5/6 - Department of Public Services finds the utility easement has not been submitted and refers the matter to Corporation Counsel. **Attachment 10**

September

9/9 – Applicant submits Revocable License Request. **Attachment 11**

- IV. Summary:** The application has two remaining issues that must be resolved prior to any issuance of an approval. Steve Blais has stated he is working on a grading plan to demonstrate the proposed building's compliance with the zoning height standard of the B-1b. Glen Morse, the building owner, has been the contact for the utility easement issue. There is an apparent impasse over the utility easement requirement and Mr. Morse has had an attorney contact me requesting DPS' comments requiring the easement. Mr. Morse has also met individually with Marge about the building height issue.

Attachments

1. **8/6/10 – Minor Site Plan**
2. **8/11/10 – Incompleteness Letter**
3. **8/27/10 – Revised Site Plan**
4. **9/21/10 – Traffic and Public Services Comments**
5. **10/25/10 – Revised Site Plan**
6. **11/12/10 – Zoning, City Arborist, and Stormwater Comments**
7. **2/15/11 – Revised Site Plan**
8. **3/14/11 – Zoning and Public Services Comments**
9. **4/29/11 – Revised Site Plan**
10. **5/6/11 – Public Services Comments**
11. **9/9/11 – Revocable License Request**

- No landscaping plan
 - street lighting
 - Any new outside lighting
 Erick Giles - Planner

- update letters - utility
 - sewer capacity form (1,2)
 - office use resid. use

- Tom Doyle Department of Planning and Urban Development, Planning Division and Planning Board number of units -
 - site area + proposed disturbance - impervious area

Site Plan Checklist
 Portland, Maine

East Bay Condominiums

BlairCE.com Over

Project Name, Address of Project
 (The form is to be completed by the Applicant or Designated Representative)

Application Number
 - sub-division -

Check Submitted **Required Information** **Section 14-525 (b,c)**

Applicant **Staff**

_____	_____	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
_____	_____	Name and address of applicant and name of proposed development	a
_____	_____	* Scale and north points	b
_____	_____	* Boundaries of the site	c
_____	_____	* Total land area of site	d
_____	_____	* Topography - existing and proposed (2 feet intervals or less)	e
_____	_____	Plans based on the boundary survey including:	2
_____	_____	* Existing soil conditions	a
_____	_____	* Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
_____	_____	* Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
_____	_____	* Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (<u>example page 11 of packet</u>)	d
_____	_____	* Location of on-site waste receptacles	e
_____	_____	* Public utilities	e
_____	_____	* Water and sewer mains	e
_____	_____	* Culverts, drains, existing and proposed, showing size and directions of flows	e
_____	_____	* Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
_____	_____	* Location and dimensions of on-site pedestrian and vehicular access ways	g
_____	_____	* Parking areas	g
_____	_____	* Loading facilities	g
_____	_____	* Design of ingress and egress of vehicles to and from the site onto public streets	g
_____	_____	* Curb and sidewalks	g
_____	_____	Landscape plan showing:	h
_____	_____	* Location of existing vegetation and proposed vegetation	h
_____	_____	* Type of vegetation	h
_____	_____	* Quantity of plantings	h
_____	_____	* Size of proposed landscaping	h
_____	_____	* Existing areas to be preserved	h
_____	_____	* Preservation measures to be employed	h
_____	_____	* Details of planting and preservation specifications	h
_____	_____	* Location and dimensions of all fencing and screening	i
_____	_____	Location and intensity of outdoor lighting system	j
_____	_____	Location of fire hydrants, existing and proposed (<u>refer to Fire Department checklist - page 11</u>)	k
_____	_____	Written statements to include:	c
_____	_____	* Description of proposed uses to be located on site	cl
_____	_____	* Quantity and type of residential, if any	cl
_____	_____	* Total land area of the site	c2
_____	_____	* Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
_____	_____	* General summary of existing and proposed easements or other burdens	c3
_____	_____	* Type, quantity and method of handling solid waste disposal	c4
_____	_____	* Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets (<u>refer to the wastewater capacity application - page 12</u>)	c5
_____	_____	* Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6

Hold 8/11/10

blast elevators

retaining wall

Needs to sub

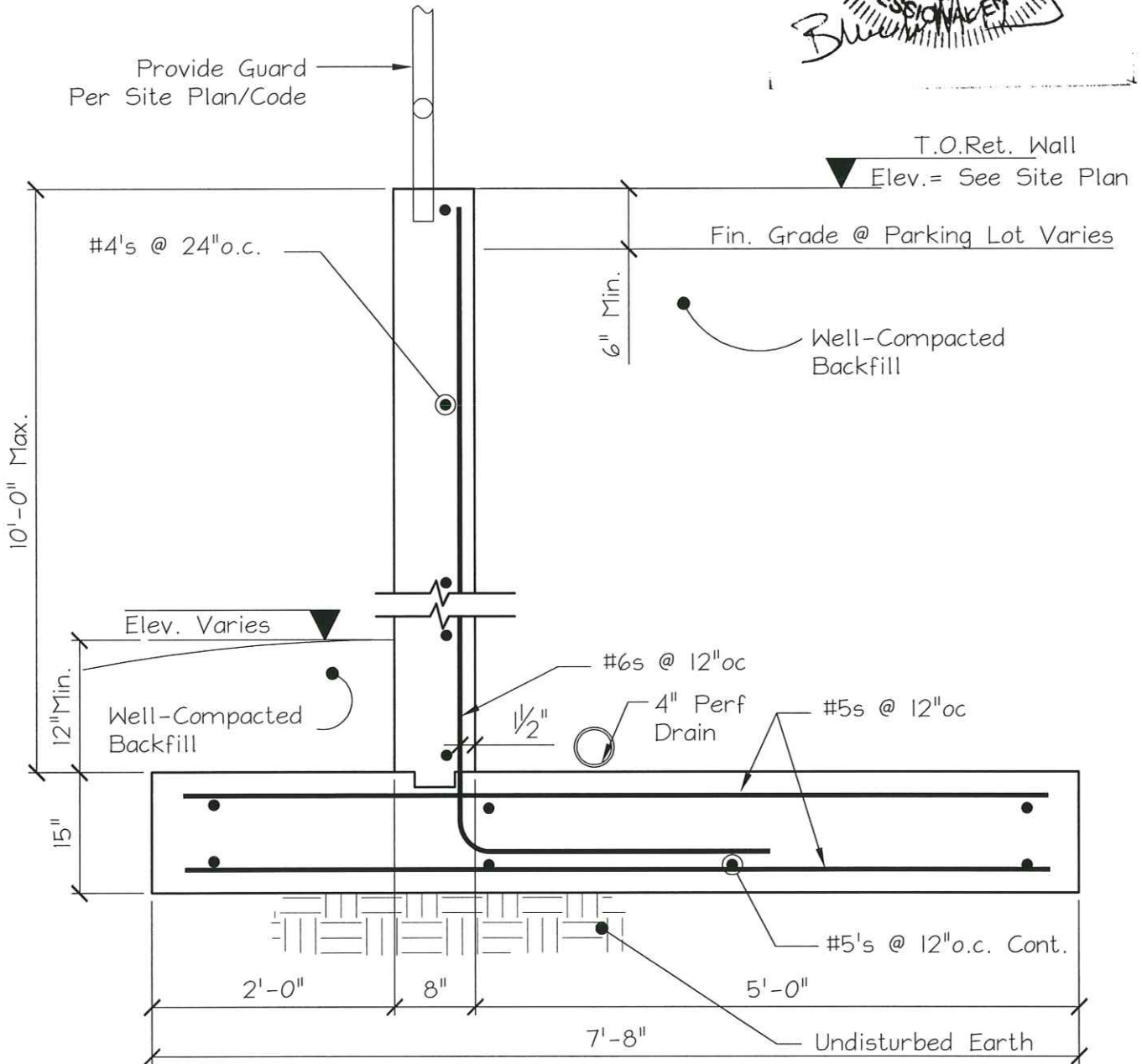
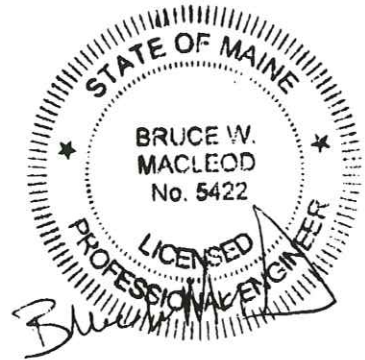
more info by don't know

need updated outside

_____	_____	* An estimate of the time period required for completion of the development	7
_____	_____	* A list of all state and federal regulatory approvals to which the development may be subject to. the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction.	8
_____	_____	* Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.	
_____	_____	* Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.	
_____	_____	* A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.	
_____	_____	A jpeg or pdf of the proposed site plan, if available.	
_____	_____	Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.	

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- | | |
|---|---|
| - drainage patterns and facilities | - an environmental impact study |
| - erosion and sedimentation controls to be used during construction | - a sun shadow study |
| - a parking and/or traffic study | - a study of particulates and any other noxious emissions |
| - a wind impact analysis | - a noise study |



DETAIL - TYPICAL RETAINING WALL AT PARKING AREA

SCALE: 3/4" = 1'-0"

SHEET TITLE:

RETAINING WALL AT PARKING AREA

218 WASHINGTON AVE.

PORTLAND

MAINE

MacLeod Structural Engineers, PA

404 Main Street - Gorham, Maine 04038 - Phone (207) 839-0980

DRN/GHK BY: BWM

SCALE: AS NOTED

PROJ. NO: 207-300

ISSUED: For Permit

DATE: 8.27.10

SKETCH: SK-1

Minor Site Plan Review Application

EAST BAY CONDOMINIUMS
Portland, Maine

Submitted to:

City of Portland, Maine
Planning Department
August 6, 2010

Prepared by:

 **Blais**
civil engineers
780 Broadway
South Portland, Maine 04106
(207) 767-7300

**EAST BAY CONDOMINIUMS
PORTLAND, MAINE**

<u>Table of Contents</u>	<u>Section</u>
Cover Letter	1
Site Plan Review Application Form	2
Written Statements	3
Agent Authorization Letter	4
Letter of Financial & Technical Capability	5
Proof of Title, Right, or Interest	6
Site Plan Check List	7
Agency Letters	8

Drawings (Separate 24"x36"):

- Drawing 2: Standard Boundary Survey, As-Built Topography and Deed Analysis
- C1: Site Plan & Details
- C2: Erosion & Sedimentation Control Notes and Details

August 6, 2010

Barbara Barhydt
Department of Planning and Development
City Hall
389 Congress Street
Portland, ME 04101

**Re: East Bayside Condominiums – Washington Avenue, Portland, Maine
Application for Minor Site Plan Review**

Dear Barbara:

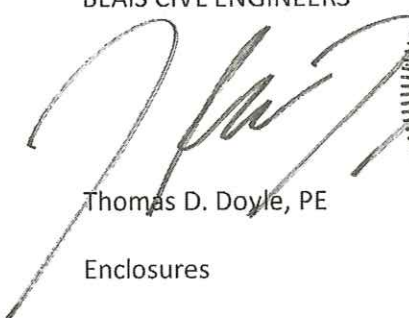
On behalf of East Bayside Builders, LLC, we are pleased to submit the above-referenced application for the construction of an additional story on the existing three-story residential building, 6 tandem parking spaces and other associated improvements. The subject parcel is located in the B-1b zone on the northeast side of Washington Avenue just south of Eastern Prom Drive in Portland, Maine.

The property as it currently exists, includes a three-story building with [its more than 2, look at drawing in Glenn's folder] parking spaces along Washington Avenue. This project proposes an addition of a fourth-story to the existing building, removal of the existing 5 parking spaces along Washington Avenue for construction of the access drive and 6 tandem parking spaces.

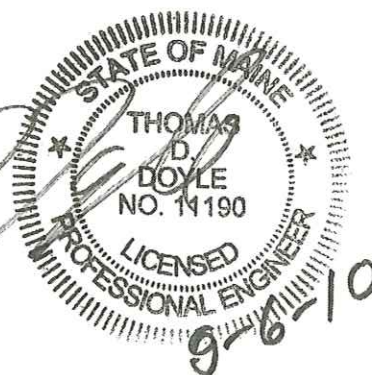
We look forward to working with the City of Portland through the approval process. Please contact me if you have any questions or require further information.

Sincerely,

BLAIS CIVL ENGINEERS


Thomas D. Doyle, PE

Enclosures





Development Review Application
PORTLAND, MAINE
Department of Planning and Urban Development,
Planning Division and Planning Board

PROJECT NAME: East Bay Condominiums

PROPOSED DEVELOPMENT ADDRESS:

218 Washington Ave., Portland

PROJECT DESCRIPTION:

Add a 4th story unit to the existing building and construct 6 tandem parking spaces.

CHART/BLOCK/LOT: 010/A/015

CONTACT INFORMATION:

APPLICANT

Name: East Bayside Builders, LLC

Address: P.O. Box 1466
Scarborough, ME

Zip Code: 04070

Work #: 207-590-3877

Cell #: 207-590-3877

Fax #: _____

Home: _____

E-mail: _____

PROPERTY OWNER

Name: East Bayside Builders, LLC

Address: P.O. Box 1466
Scarborough, ME

Zip Code: 04070

Work #: 207-590-3877

Cell #: 207-590-3877

Fax #: _____

Home: _____

E-mail: _____

BILLING ADDRESS

Name: Glenn Morse

Address: P.O. Box 1466
Scarborough, ME

Zip: 04070

Work #: 207-590-3877

Cell #: 207-590-3877

Fax #: _____

Home: _____

E-mail: _____

~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: Blais Civil Engineers
Address: 780 Broadway
South Portland, ME
Zip Code: 04106
Work #: 207-767-7300
Cell #: _____
Fax #: _____
Home: _____
E-mail: sblais@blaisce.com

ENGINEER

Name: Blais Civil Engineers, Steve Blais
Address: 780 Broadway
South Portland, ME
Zip Code: 04106
Work #: 207-767-7300
Cell #: _____
Fax #: _____
Home: _____
E-mail: sblais@blaisce.com

ARCHITECT

Name: Jack Sprague
Address: _____
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

CONSULTANT

Name: MacLeod Structural Engineers
Address: 404 Main Street
Gorham, Maine
Zip Code: 04038
Work #: 207-839-0980
Cell #: _____
Fax #: 207-839-0982
Home: _____
E-mail: _____

SURVEYOR

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

ATTORNEY

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

PROJECT DATA

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

Total Site Area _____ sq. ft.
 Proposed Total Disturbed Area of the Site _____ 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

Proposed Total Paved Area _____ sq. ft.
 Existing Total Impervious Area _____ sq. ft.
 Proposed Total Impervious Area _____ sq. ft.
 Proposed Impervious Net Change _____ sq. ft.

BUILDING AREA

Existing Building Footprint 1,210 _____ sq. ft.
 Proposed Building Footprint 1,210 _____ sq. ft.
 Proposed Building Footprint Net change 0 _____ sq. ft.
 Existing Total Building Floor Area 2600 _____ sq. ft.
 Proposed Total Building Floor Area 3400 _____ sq. ft.
 Proposed Building Floor Area Net Change 800 _____ sq. ft.
 New Building No _____ (yes or no)

ZONING

Existing B-1B _____
 Proposed, if applicable _____

LAND USE

Existing Multi-use Commercial _____
 Proposed Multi-use Commercial _____

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units 0 _____
 Proposed Number of Residential Units to be Demolished 0 _____
 Existing Number of Residential Units 1 _____
 Proposed Number of Residential Units 2 _____
 Subdivision, Proposed Number of Lots 0 _____

PARKING SPACES

Existing Number of Parking Spaces 5 _____
 Proposed Number of Parking Spaces 6 _____
 Number of Handicapped Parking Spaces 0 _____
 Proposed Total Parking Spaces 6 _____

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces 0 _____
 Proposed Number of Bicycle Parking Spaces 0 _____
 Total Bicycle Parking Spaces 0 _____

ESTIMATED COST OF PROJECT

Please answer the following with a Yes/No response on all that apply to the proposed development

Institutional	No _____	Change of Use	No _____
Parking Lot	Yes _____	Design Review	No _____
Manufacturing	No _____	Flood Plain Review	No _____
Office	Yes _____	Historic Preservation	No _____
Residential	Yes _____	Housing Replacement	No _____
Retail/Business	No _____	14-403 Street Review	No _____
Warehouse	No _____	Shoreland	No _____
Single Family Dwelling	No _____	Site Location	No _____
2 Family Dwelling	No _____	Stormwater Quality	No _____
Multi-Family Dwelling	Yes _____	Traffic Movement	No _____
B-3 Ped Activity Review	No _____	Zoning Variance	No _____ (or date)
Change of Use	No _____	Historic Dist./Landmark	No _____
		Off Site Parking	Yes _____

APPLICATION FEE:

Check all reviews that apply. Payment may be made in cash or check to the City of Portland.

<p>Major Development (more than 10,000 sq. ft.)</p> <p><input type="checkbox"/> Under 50,000 sq. ft. (\$500.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00)</p> <p><input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00)</p> <p><input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00)</p> <p><input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00)</p> <p><input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments</p> <p><input type="checkbox"/> Planning Staff Review (\$250.00)</p> <p><input type="checkbox"/> Planning Board Review (\$500.00)</p> <p>Subdivision</p> <p><input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + (applicable Major site plan fee)</p>
<p>Minor Site Plan Review</p> <p><input checked="" type="checkbox"/> Less than 10,000 sq. ft. (\$400.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Other Reviews</p> <p><input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____)</p> <p><input type="checkbox"/> Traffic Movement (\$1,000.00)</p> <p><input type="checkbox"/> Storm water Quality (\$250.00)</p> <p><input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot)</p> <p><input type="checkbox"/> Other _____</p>

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submissions shall include seven (7) packets with folded plans containing the following materials:


1. Seven (7) full size site plans that must be folded.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 9) for a detailed list of submittal requirements.

Portland’s development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland’s Land Use Code is on the City’s web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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 site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant: </p>	<p>Date: 9/6/10</p>
--	---------------------

WRITTEN STATEMENTS
MINOR SITE PLAN REVIEW APPLICATION
EAST BAYSIDE CONDOMINIUMS
PORTLAND, MAINE

August 6, 2010

A. Description of proposed uses to be located on site.

The project will construct an additional 4th floor unit on the existing three-story building currently occupying the Site. Off-street parking will be constructed for the use of the building. Six tandem parking spaces will be constructed along the north-west side of the property. Permeable pavers will be used for the construction of the parking surface to mitigate stormwater.

B. Quantity and type of residential, if any.

See item A above.

C. Total land area of the site?

Total land area of the site: 11,740 square feet.

D. Total floor area, total disturbed area and ground coverage of each proposed Building and structure.

Floor area of proposed building: 3,400 square feet.

Disturbed area of proposed building: 800 square feet.

Ground coverage area: 1,210 square feet.

E. General summary of existing and proposed easements or other burdens.

Mr. Morse has obtained an easement from Mr. Simpson along the south border of 219 Anderson Street for the use of a sewer and storm drainage line. This easement provides access for the sewer and storm drainage lines from this site to the City's sewer and drainage system in Anderson Street. The easement letter has been included in the Title, Right or Interest section of this application for reference.

F. Type, quantity and method of handling solid waste disposal?

This project is expected average quantities of residential waste. The waste from this site will be collected via curb side pickup by the City

- G. *Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets (refer to the wastewater capacity application- page 12).*

Letters from the Portland Department of Public Works and the Portland Water district stating that the last submission, dated July 2007, was acceptable which included the construction of 8 residential units. The project as currently proposed, has been scaled back and is now only proposing to construct one residential unit. With this understanding, we anticipate that both the Department of Public works and the Portland Water district will be able to handle the additional capacity.

- H. *Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.*

The 0.27± acre Site currently hosts a residential/office building with attached exterior stairways and decks. There is also a small shed next to the stairway along Washington Avenue. A small paved parking area exists on the southeast side of the property.

The Site is mostly grassed and slopes steeply away from Washington Avenue. The Site has overall relief of approximately 30 feet and an average slope of 30%. According to the United States Department of Agriculture and Soil Conservation Service Issued August 1974, on-Site soils include Hinckley Gravelly Sandy Loam, which have an "A" Hydrological Soil Grouping (HSG) classification.

The topography of the site will be improved with the construction of the riprap slope adjacent to the proposed parking area. Permeable pavers will be used to control the proposed conditions stormwater runoff flows. The permeable pavers have been designed with open graded base and subbase stone which will provide; a path for stormwater to enter the underlying soils, a cushion over the underlying soils to prevent their compaction and stormwater storage to allow infiltration after the rain event has passed. In addition, the permeable pavers will have 10% open space between impermeable pavers to allow infiltration into the open graded base and subbase stone.

Because the existing soils are HSG "A" soils (based on the medium intensity soil survey), most of the rainfall from the 2, 10 or 25 year storm events would be absorbed. As a result, it is not practicably possible to develop this Site and match the existing conditions peak runoff flows for these storms. We have designed the permeable paver stormwater plan to utilize the high absorption rate of the HSG "A" soils that exist on site to minimize stormwater runoff from the proposed conditions.

- I. *An estimate of the time period required for completion of the development.*

The owner plans to finish this project within one year of breaking ground.

- J. *A list of all state and federal regulatory approvals to which the development may be subject to. The status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction.*

To the best of our knowledge, because this project will not impact any natural resources, and will disturb less than one acre of land, it is not subject to any state permit.

- K. *Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.*

A letter of intent to finance the project from Lincoln Capital, LLC is included in Section 5 of this application.

Blais Civil Engineers has prepared this application and is providing the site/civil engineering design for the project. Mr. Blais is the president of Blais Civil Engineers, Mr. Doyle is a project Engineer at Blais Civil Engineers. Both resumes are enclosed in Section 5 of this application for reference.

- L. *Evidence of applicants right title or interest, including deeds, leases, purchase options or other documentation.*

Deeds, leases and other documentation has been included in Section 6 of this application.

- M. *A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.*

To the best of our knowledge, because this project will not impact any natural resources, no known unusual natural areas or wildlife and fisheries habitats are present on site.

We have included a response letter from the Maine Historic Preservation Commission in Section 8 of this application for reference.

July 30, 2010

Blais Civil Engineers
780 Broadway
South Portland, ME 04106

Re: Letter of Authorization

Dear Steve:

This letter authorizes Blais Civil Engineers, to act as an agent for all permitting and engineering matters in connection with the Washington Ave. project. Located at 218 Washington Avenue Portland, Maine.

Sincerely,

Glenn Morse

A handwritten signature in black ink, appearing to read "Glenn Morse", with a long, sweeping horizontal line extending to the right.

**LINCOLN CAPITAL, LLC
496 Congress Street
Portland, Maine 04101**

August 3, 2010

Glenn Morse
PO Box 1466
Scarborough, Maine 04074

Re: 218 Washington Avenue, Portland, Maine

Dear Glenn:

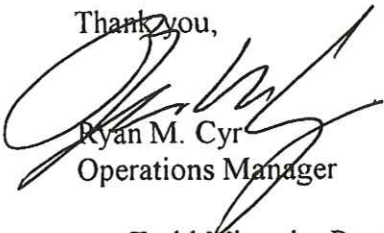
This letter of intent is entered into this 2nd day of August by and between Glenn Morse (Borrower) and Lincoln Capital, LLC (Lender).

After reviewing plan developments, Borrower is approved for financing for any subdivision work that is needed to be done at 218 Washington Avenue, Portland, Maine. Borrower has entered into previous loans with Lender in the past and proves to be a strong borrower.

Lincoln Capital, LLC upon completion of its due-diligence will close the loan pursuant to a forthcoming loan commitment.

Borrower acknowledges that this is not a commitment to lend. It is only intended to outline both parties intending with respect to this transaction.

Thank you,


Ryan M. Cyr
Operations Manager

cc: Todd Miranda, President

STEVE G. BLAIS, P.E.
President

Mr. Blais has over 13 years experience in civil engineering. This experience includes site design, permitting, planning and construction administration. Mr. Blais has engineered and managed large and small projects for residential, commercial and institutional clients. He is familiar with many local, state, and federal permitting processes.

Prior to starting Blais Civil Engineers, PA (formerly Land Consulting Engineers) based in South Portland, Maine in 2005, Mr. Blais gained diverse experience by working in both small and large consulting companies in Virginia, Massachusetts, and Maine .

EDUCATION

- Villanova University
 - Bachelor of Civil Engineering, 1996
 - Minor of Business, 1996
 - Member of Chi Epsilon National Engineering Honors Society

PROFESSIONAL AFFILIATIONS

- Professional Engineer licensed in Maine, New Hampshire, Massachusetts, and Virginia
- Certified Floodplain Manager, Association of State Floodplain Managers, Inc. (ASFPM)
- US Green Building Council LEED® Accredited Professional
- Certified Professional in Erosion and Sedimentation Control (CPESC)
- Certified Erosion, Sediment, and Storm Water Inspector (CESSWI)
- Associate member of the American Society of Civil Engineers
- Member of Maine Real Estate & Development Association
- Member of Maine Aggregates Association

EXPERIENCE

- **Blais Civil Engineers, PA – South Portland, ME:** 2005-Present. President/Engineer.
- **Pinkham & Greer, Inc. – Falmouth, ME:** 2002-2005. Project Manager/Engineer.
- **VHB – Vanasse Hangen Brustlin, Boston, MA:** 2000-2002. Engineer.
- **Urban Engineering & Associates, Inc. – McClean, VA:** 1998-2000. Project Engineer.
- **The Reinforced Earth Company – Vienna, VA:** 1996-1998. Regional Engineer.

THOMAS D. DOYLE, P.E.
Project Engineer

Mr. Doyle has over 9 years experience in civil engineering. This experience includes site design, permitting, planning and construction administration. Mr. Doyle has engineered and managed large and small projects for residential, commercial and institutional clients. He is familiar with many local, state, and federal permitting processes.

Prior to Blais Civil Engineers, PA (formerly Land Consulting Engineers) based in South Portland, Maine in 2005, Mr. Doyle gained diverse experience by working in both small and large consulting companies in Maine.

EDUCATION

- University of Maine
 - Bachelor of Civil Engineering, 1999

PROFESSIONAL AFFILIATIONS

- Professional Engineer licensed in Maine and New Hampshire
- Certified Professional in Erosion and Sedimentation Control (CPESC)
- Associate member of the American Society of Civil Engineers

EXPERIENCE

- **Blais Civil Engineers, PA – South Portland, ME:** 2009-Present. Project Engineer.
- **Wright-Pierce – Topsham, ME:** 2005-2009. Project Engineer.
- **Stantec (formerly Land Use Consultants) – Portland, ME:** 2003-2005. Project Engineer.
- **Deluca-Hoffman Associates – South Portland, ME:** 2000-2003. Design Engineer.
- **City of Portland – Portland, ME:** 1999-2000. Associate Engineer.

BOUNDARY AGREEMENT

This Boundary Agreement ("Agreement") is made and entered into this 25th day of MAY, 2010, by and between Glenn A. Morse an individual residing in Scarborough, Maine (hereinafter referred to as "Morse") and 202 Washington, LLC, a Maine limited liability company with a principal place of business located in Portland, Maine (hereinafter referred to as "202 Washington").

WHEREAS, Morse currently holds title to a certain parcel of land and other improvements thereon in Portland, Cumberland County, State of Maine, said parcel being described in a deed from Morgan Gavin, LLC, dated December 6, 2006, and recorded in the Cumberland County Registry of Deeds in Book 24651, Page 157 (hereinafter referred to as the "Morse Parcel" and said deed referred to as the "Morse Deed");

WHEREAS, 202 Washington currently holds title to a certain parcel of land and other improvements thereon in Portland, Cumberland County, State of Maine, said parcel being described in a deed from Kevin D. Kelly and Nancy A. Kelly to Plaintiff, dated September 28, 2007, and recorded in the Cumberland County Registry of Deeds in Book 25509, Page 156 (herein referred to as "202 Washington Parcel" and said deed referred to as the "202 Washington Deed");

WHEREAS, Morse and 202 Washington desire to establish and/or confirm their common boundary in accordance with the "Line of Agreement" as shown on a certain sketch plan attached hereto as Exhibit A (hereinafter referred to as the "Plan"), and as more particularly described herein;

WHEREAS, Morse desires to grant certain easements and establish certain negative easements, as more particularly set forth herein;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

A. Establishment of Common Boundary:

1. Morse hereby quitclaims and releases to 202 Washington, any and all right, title and interest he may have, by virtue of the Morse Deed, in land lying southeasterly of the following described boundary line (hereinafter referred to as the "Line of Agreement"):

Beginning on the southwesterly side of Washington Avenue at a ½ inch iron rod to be set with plastic cap marked "Austin 2174" being NORTH 35° WEST as measured along the southwesterly side of Washington Avenue a distance of ONE HUNDRED FEET (100.00) from the southeasterly side of a concrete retaining wall at the division line between 202 Washington, LLC and land now or formerly of Anthony and Mary Pereira, said point of beginning being further described as being SOUTH 33°30'41" EAST a distance of

115.44 FEET from a brass rod found in a street right of way offset granite monument found by the northerly corner of the building located at 218 Washington Avenue;

THENCE, SOUTH 55°00'00" WEST on a bearing 90 degrees from the street line of Washington Avenue a distance of ONE HUNDRED FEET (100.00) to land now or formerly of Faber Anderson Street Co. and a ½ inch iron rod to be set with plastic cap marked "AUSTIN 2174."

2. 202 Washington hereby quitclaims and releases to Morse, any and all right, title and interest it may have, by virtue of the 202 Washington Deed, in land lying northwesterly of the Line of Agreement.

3. The parties desire to, and do hereby, establish and confirm by virtue of this Agreement and the conveyance made herein, that the common boundary line between the Morse Parcel and the 202 Washington Parcel is the Line of Agreement as shown on the Plan and described herein.

4. It is the specific intent of the parties hereto that this document shall have all the force and effect of an exchange of quitclaim release deeds between the parties.

B. Maintenance Easement:

1. Morse hereby grants to 202 Washington, and its successors in title, the following easement:

An appurtenant easement to enter the Morse Parcel with any necessary equipment, and at any reasonable time, as may be necessary for the purpose of construction, examination, maintenance, repair or replacement of a retaining wall to be located on the 202 Washington Parcel.

2. This Maintenance Easement burdens the Morse Parcel and benefits the 202 Washington Parcel. These easement covenants shall run with the land.

3. 202 Washington, and its successors in title, shall restore and/or repair as necessary the surface of the easement parcel described herein to its former condition after exercising the within granted rights.

C. Negative Easement:

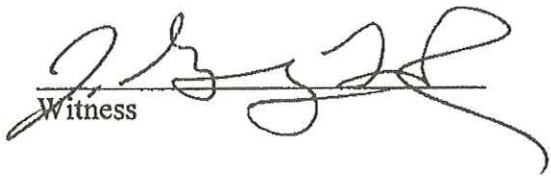
1. Morse hereby grants to 202 Washington and its successors in title, and hereby subjects the Morse Parcel, to the following easement:

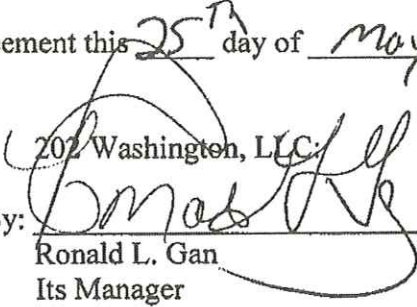
No buildings or improvements shall be constructed, located or maintained in any area of the Morse Parcel that is more than fifty (50) feet from the Morse Parcel's northeasterly boundary abutting Washington Avenue.

2. This Negative Easement burdens the Morse Parcel and benefits the 202 Washington Parcel. These easement covenants shall run with the land, provided, however, that this Negative Easement as set forth in this paragraph C of this Agreement shall immediately expire twenty-five (25) years from the recording of this Agreement.

D. This Agreement may be signed on any number of identical counterparts with the same binding effect as if the signatures were on one instrument.

Witness our hands and seals on this Boundary Agreement this 25th day of May, 2010.

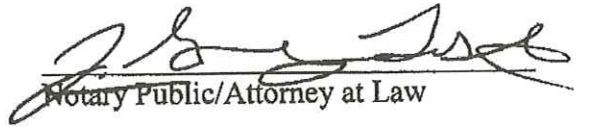

Witness

202 Washington, LLC
By: 
Ronald L. Gan
Its Manager

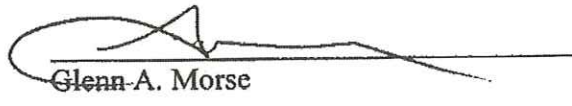
STATE OF MAINE
Cumberland, ss.

5/28, 2010
Manager - (564)

Then personally appeared before me the above-named, Ronald L. Gan, ~~Sole Member~~ of 202 Washington, LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the company.


Notary Public/Attorney at Law


Witness


Glenn A. Morse

STATE OF MAINE
York, ss.

MAY 25, 2010

Then personally appeared before me the above-named Glenn A. Morse and acknowledged the foregoing instrument to be their free act and deed.

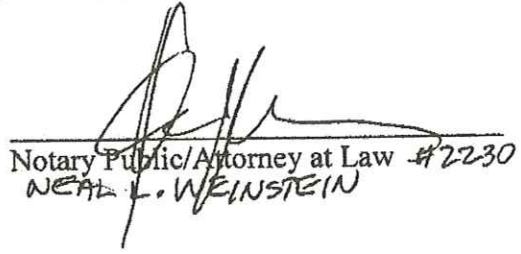
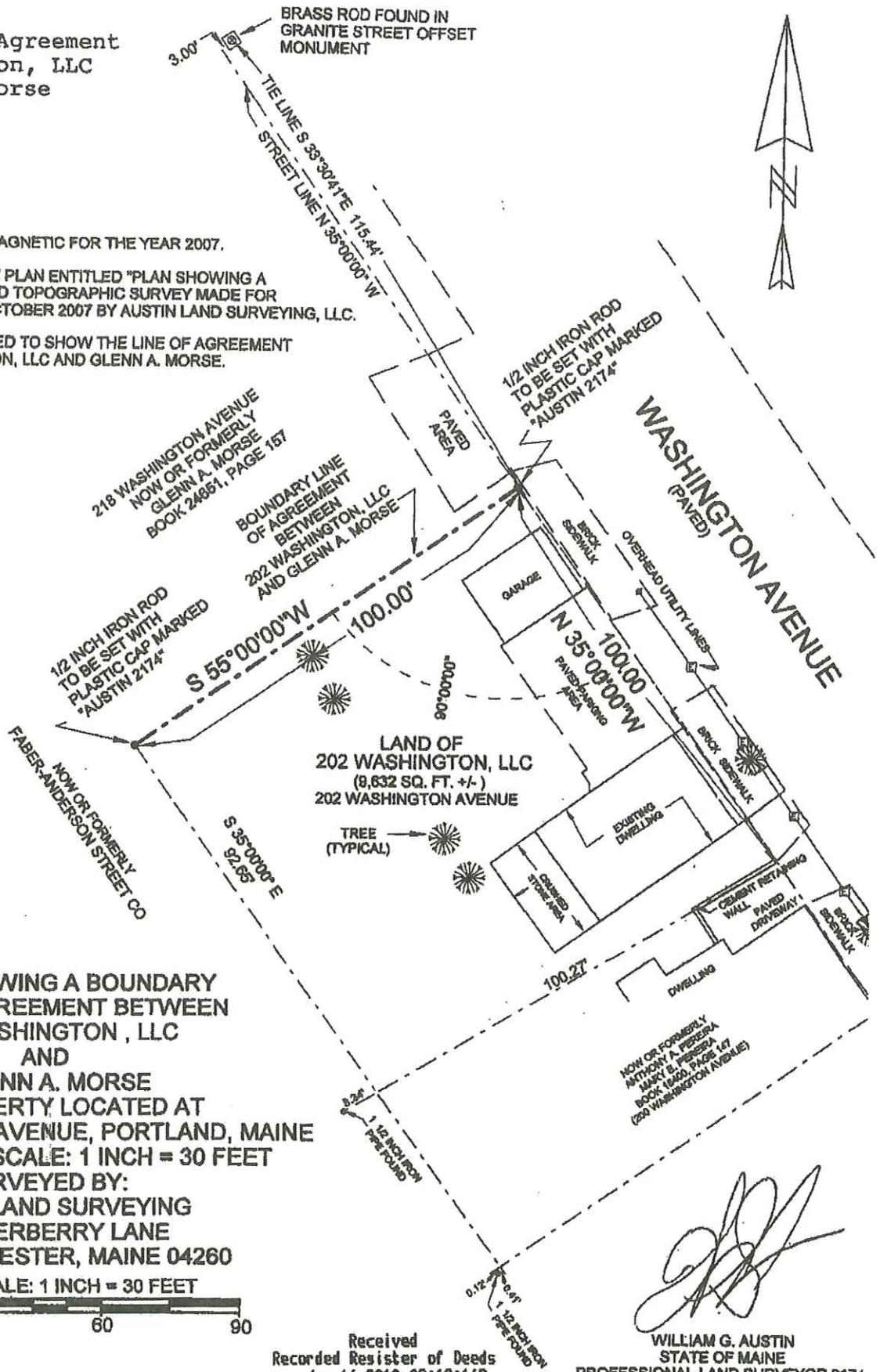

Notary Public/Attorney at Law #2230
NEAL L. WEINSTEIN

EXHIBIT A
To Boundary Agreement
202 Washington, LLC
& Glenn A. Morse

NOTES:

- 1.) BEARINGS REFER TO MAGNETIC FOR THE YEAR 2007.
- 2.) THIS PLAN IS BASED ON PLAN ENTITLED "PLAN SHOWING A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY MADE FOR RONALD GANN", DATED OCTOBER 2007 BY AUSTIN LAND SURVEYING, LLC.
- 3.) THIS PLAN WAS CREATED TO SHOW THE LINE OF AGREEMENT BETWEEN 202 WASHINGTON, LLC AND GLENN A. MORSE.



**PLAN SHOWING A BOUNDARY
LINE OF AGREEMENT BETWEEN
202 WASHINGTON, LLC
AND
GLENN A. MORSE
OF PROPERTY LOCATED AT
202 WASHINGTON AVENUE, PORTLAND, MAINE
APRIL 15, 2010 SCALE: 1 INCH = 30 FEET
SURVEYED BY:
AUSTIN LAND SURVEYING
82 ELDERBERRY LANE
NEW GLOUCESTER, MAINE 04260**



Received
Recorded Register of Deeds
JUN 14 2010 02:12:16P
Cumberland County
Pamela E. Lovley

[Signature]
**WILLIAM G. AUSTIN
STATE OF MAINE
PROFESSIONAL LAND SURVEYOR 2174**

QUITCLAIM DEED

(Release Deed)

Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS

THAT I, GLENN A. MORSE, of Portland, Maine, for consideration paid, release to **MORGAN GAVIN, LLC**, a Maine Limited Liability Company, whose mailing address is P.O. Box 1466, Scarborough, ME 04070, a certain lot or parcel of land, with any buildings thereon, located in Portland, County of Cumberland, State of Maine, bounded and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO, MADE A PART HEREOF AND INCORPORATED BY REFERENCE HEREIN

Being the same premises conveyed to Glenn A. Morse by Nancy A. Kelly, Personal Representative of the Estate of Philip Maloney dated July 14, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22895, Page 28.

IN WITNESS WHEREOF, I, GLENN A. MORSE, have caused this instrument to be executed on this 12th day of June, 2006.

SIGNED, SEALED AND DELIVERED

in presence of



Witness

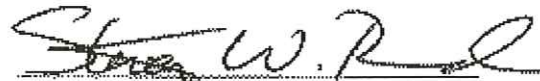

GLENN A. MORSE

STATE OF MAINE
COUNTY OF CUMBERLAND

June 12, 2006

Then personally appeared the above-named **GLENN A. MORSE** and acknowledged the foregoing instrument to be his free act and deed.

Before me,


Notary Public/Attorney-at-Law

Printed Name: Stephen W. Rand
COMMISSION EXPIRES:

EXHIBIT A
DESCRIPTION OF LAND

Doc#: 38302 Bk:24078 Pg: 204

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated in Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the southwesterly side of Washington Avenue, which point marks the most northerly corner of land conveyed by John Coughlin to Hattie E. Junco by deed dated November 1897 and recorded in the Cumberland County Registry of Deeds in Book 556, Page 339; thence northwesterly along said southwesterly sideline of Washington Avenue, One Hundred Fifty-Two and One-Half (152-1/2') feet to a point; thence at right angles to said Washington Avenue, One Hundred (100') feet to a point; thence at right angles in a southeasterly direction, One Hundred Fifty-Two and One-Half (152-1/2') feet to a point; thence at right angles in a southeasterly (incorrectly identified as northeasterly in deed 3828-70) direction, One Hundred (100') feet to the point of beginning.

Excepting a parcel of land conveyed by Philip E. Maloney to Nancy A. Kelly dated July 23, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13210, Page 278.

Received
Recorded Register of Deeds
Jan 19, 2006 09:48:12A
Cumberland County
John E. O'Brien

QUITCLAIM DEED

(Release Deed)

Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS

THAT MORGAN GAVIN, LLC, a Maine Limited Liability Company, of Scarborough, Cumberland County, State of Maine, for consideration paid, releases to GLENN A. MORSE, whose mailing address is P.O. Box 1466, Scarborough, Maine 04070, a certain lot or parcel of land, with any buildings thereon, located in Portland, Cumberland County, State of Maine, bounded and described as follows:

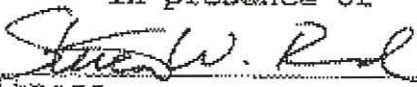
SEE EXHIBIT "A" ATTACHED HERETO
MADE A PART HEREOF AND INCORPORATED BY REFERENCE HEREIN

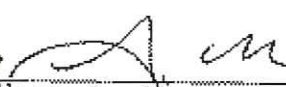
Being the same premises conveyed in a deed from Glenn A. Morse to Morgan Gavin, LLC, a Maine Limited Liability Company, dated June 12, 2006 and recorded in the Cumberland County Registry of Deeds in Book 24078, Page 203. Reference is also made in a deed conveyed to Glenn A. Morse by Nancy A. Kelly, Personal Representative of the Estate of Philip Maloney dated July 14, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22895, Page 28.

IN WITNESS WHEREOF, Glenn A. Morse, Manager of Morgan Gavin, LLC, caused this instrument to be executed on this 6th day of Dec., 2006.

SIGNED, SEALED AND DELIVERED
in presence of

MORGAN GAVIN, LLC


Witness

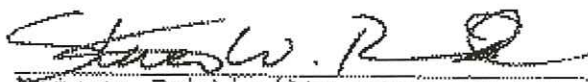
By: 
Glenn A. Morse
Its: Manager

STATE OF MAINE
Cumberland, ss.

December 6, 2006.

Then personally appeared the above-named Glenn A. Morse, Manager of said Grantor Limited Liability Company as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said Limited Liability Company.

Before me,


Notary Public/Attorney at Law

Printed Name: _____
COMMISSION EXPIRES: _____

EXHIBIT A
DESCRIPTION OF LAND

Doc#: 80743 Sk:24451 Pg: 158

EXHIBIT A

A certain lot or parcel of ~~land~~ ~~with the boundaries~~ ~~known~~ ~~as~~ ~~shown~~, situated in Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the southwesterly side of Washington Avenue, which point marks the most northerly corner of land conveyed by John Coughlin to Hattie E. Junco by deed dated November 1897 and recorded in the Cumberland County Registry of Deeds in Book 656, Page 339; thence northwesterly along said southwesterly sideline of Washington Avenue, One Hundred Fifty-Two and One-Half (152-1/2') feet to a point; thence at right angles to said Washington Avenue, One Hundred (100') feet to a point; thence at right angles in a southeasterly direction, One Hundred Fifty-Two and One-Half (152-1/2') feet to a point; thence at right angles in a southeasterly (incorrectly identified as northeasterly in deed 3828-70) direction, One Hundred (100') feet to the point of beginning.

Excepting a parcel of land conveyed by Philip E. Maloney to Nancy A. Kelly dated July 23, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13210, Page 278.

Received
Recorded Register of Deeds
Dec 12, 2006 11:59:40A
Cumberland County
John B. Spen

DEED OF SALE BY PERSONAL REPRESENTATIVE
(Testate)
Maine Statutory Short Form

Know all Persons by these Presents,

That Nancy A. Kelly

of Portland, County of Cumberland, State of Maine, duly appointed and acting personal representative of the estate of Philip Maloney, deceased (testate), as shown by the probate records of the County of Cumberland, Maine, (and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale), by the power conferred by the Probate Code, and every other power, for consideration paid, grants to Glenn A. Morse of Portland, County of Cumberland, State of Maine, whose mailing address is: P.O. Box 10971, Portland, Maine, 04104, the real property in Portland, County of Cumberland, State of Maine described as follows:

See attached Exhibit A for legal description.

Witness my hand and seal this 14th day of July, 2005.

Signed, Sealed and Delivered

in the presence of

Estate of Philip Maloney

By: Nancy A Kelly PR
Nancy A. Kelly
Personal Representative

State of Maine, County of Cumberland ss.

July 14, 2005

Then personally appeared the above named Nancy A. Kelly, Personal Representative of The Estate of Philip Maloney and acknowledged the foregoing instrument to be her free act and deed in her said capacity.

MAINE REAL ESTATE TAX PAID

Before me,



Attorney at Law / Notary Public

Printed Name: Rachel Bouchard

RACHEL L. BOUCHARD
ATTORNEY AT LAW

EXHIBIT A
218 Washington Avenue, Portland, Maine

A certain lot or parcel of land with the buildings thereon, situated in Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at a point on the southwesterly side of Washington Avenue, which point marks the most northerly corner of land conveyed by John Coughlin to Hattie E. Junco by deed dated November 1897 and recorded in the Cumberland County Registry of Deeds in Book 656, Page 339; thence northwesterly along said southwesterly sideline of Washington Avenue, one hundred fifty-two and one-half (152 ½) feet to a point; thence at right angles to said Washington Avenue, one hundred (100) feet to a point; thence at right angles in a southeasterly direction, one hundred fifty-two and one-half (152 ½) feet to a point; thence at right angles in a southeasterly (incorrectly identified as northeasterly in deed 3828-70) direction, one hundred (100) feet to the point of beginning.

Excepting a parcel of land conveyed by Philip E. Maloney to Nancy A. Kelly dated July 23, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13210, Page 278.

Being the same premises conveyed to Philip Maloney and Phyllis Maloney by warranty deed from Donald H. Maloney dated April 14, 1976 and recorded in the Cumberland County Registry of Deeds in Book 3828, Page 70. Phyllis Maloney deceased on November 3, 1995 leaving Philip Maloney as surviving joint tenant. Philip Maloney deceased on December 8, 2004, Cumberland County Probate Court Docket# 2005-314; Nancy A. Kelly having been appointed Personal Representative on April 27, 2005.

Received
Recorded Register of Deeds
Jul 15, 2005 03:11:37P
Cumberland County
John B O'Brien

Site Plan Checklist

Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

East Bayside Condominiums

Project Name, Address of Project

Application Number

(The form is to be completed by the Applicant or Designated Representative)

Check Submitted **Required Information** **Section 14-525 (b,c)**

Applicant	Staff		
X	_____	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
	_____	Name and address of applicant and name of proposed development	a
X	_____	* Scale and north points	b
	_____	* Boundaries of the site	c
	_____	* Total land area of site	d
X	_____	* Topography - existing and proposed (2 feet intervals or less)	e
	_____	Plans based on the boundary survey including:	2
X	_____	* Existing soil conditions	a
X	_____	* Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
	_____	* Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
X	_____	* Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (<u>example page 11 of packet</u>)	d
	_____	* Location of on-site waste receptacles	e
N/A	_____	* Public utilities	
N/A	_____	* Water and sewer mains	e
N/A	_____	* Culverts, drains, existing and proposed, showing size and directions of flows	e
N/A	_____	* Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
X	_____	* Location and dimensions of on-site pedestrian and vehicular access ways	g
X	_____	* Parking areas	
N/A	_____	* Loading facilities	g
X	_____	* Design of ingress and egress of vehicles to and from the site onto public streets	g
X	_____	* Curb and sidewalks	g
	_____	Landscape plan showing:	h
	_____	* Location of existing vegetation and proposed vegetation	h
	_____	* Type of vegetation	h
	_____	* Quantity of plantings	h
	_____	* Size of proposed landscaping	h
	_____	* Existing areas to be preserved	h
	_____	* Preservation measures to be employed	h
	_____	* Details of planting and preservation specifications	h
	_____	* Location and dimensions of all fencing and screening	i
N/A	_____	Location and intensity of outdoor lighting system	j
N/A	_____	Location of fire hydrants, existing and proposed (<u>refer to Fire Department checklist – page 11</u>)	k
	_____	Written statements to include:	c
X	_____	* Description of proposed uses to be located on site	cl
X	_____	* Quantity and type of residential, if any	cl
X	_____	* Total land area of the site	c2
X	_____	* Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
X	_____	* General summary of existing and proposed easements or other burdens	c3
X	_____	* Type, quantity and method of handling solid waste disposal	c4
X	_____	* Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets (<u>refer to the wastewater capacity application – page 12</u>)	c5
X	_____	* Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6

<u>X</u>	_____	* An estimate of the time period required for completion of the development	7
<u>X</u>	_____	* A list of all state and federal regulatory approvals to which the development may be subject to. the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction.	8
<u>X</u>	_____	* Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.	
<u>X</u>	_____	* Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.	
<u>X</u>	_____	* A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.	
_____	_____	A jpeg or pdf of the proposed site plan, if available.	
_____	_____	Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.	

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities
- erosion and sedimentation controls to be used during construction
- a parking and/or traffic study
- emissions
- a wind impact analysis
- an environmental impact study
- a sun shadow study
- a study of particulates and any other noxious
- a noise study



July 6, 2007
LCE No.: 07101

Maine Historic Preservation Commission
65 State House Station
Augusta, Maine 04333

**Re: 218 Washington Ave. - Portland
Development Impact Research Request**

Dear Sir or Madam:

Enclosed please find material relating to a proposed development project at 218 Washington Ave. in Portland, Maine. The enclosed graphic shows the location.

Please review this material and your files and inform us of any impact this construction may have on historic, archaeological or architectural properties. Thank you in advance for your help.

Sincerely,

LAND CONSULTING ENGINEERS, PA

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

Steve G. Blais, PE



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JOHN ELIAS BALDACCI
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

August 10, 2007

Steven G. Blais, PE
Land Consulting Engineers
967 Broadway
South Portland, ME 04106

Project: MHPC #1220-07 – proposed development project; 218 Washington Avenue
Town: Portland, ME

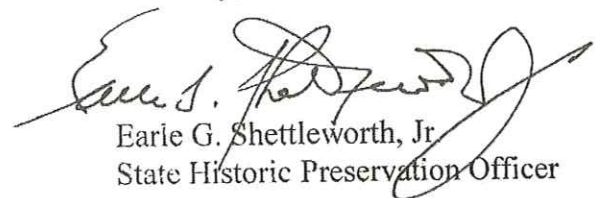
Dear Mr. Blais:

In response to your request, I have reviewed the information received August 6, 2007 to continue consultation on the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended.

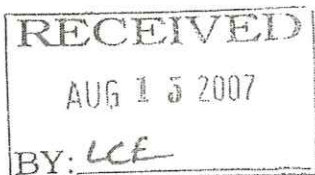
Based on the information provided, I have concluded that there will be no historic properties [architectural or archaeological] affected by the proposed undertaking.

Please contact Kirk Mohney of this office if we can be of further assistance in this matter.

Sincerely,



Earle G. Shettleworth, Jr.
State Historic Preservation Officer





LAND CONSULTING ENGINEERS, PA

July 6, 2007
LCE File.: 07101

Mr. Rico Spugnardi
Portland Water District
225 Douglas St.
P.O. Box 3553
Portland, ME 04104-3553

**Re: 218 Washington Ave. - Portland
Request for Capacity to Serve Letter**

Dear Mr. Spugnardi:

As part of the City of Portland site plan application process, we are requesting a letter from you stating the Portland Water District's capacity to serve the above-referenced project. A copy of the proposed site plan is enclosed for reference.

The existing on-Site structure hosts 1,600 SF of office use and a one-bedroom apartment in the basement. Assuming a maximum of one (1) employee per 200 SF and 20 gallons per day (GPD) per employee, the office space demands a maximum of 160 GPD. The one bedroom apartment demands 180 GPD.

The existing structure will remain and the proposed apartment building will host a total of eight (8) residential apartments. Each of these two bedroom units will demand 180 GPD.

Existing Demand:
1,600 office space: 160 GPD
One one-bedroom dwelling: 180 GPD

Increased Demand:
Eight (8) two-bedroom dwellings: 1,440 GPD

Total Site Demand: 1,780 GPD

Thank you in advance for your timely response. Please call me if you have any questions or require further information.

Sincerely,

LAND CONSULTING ENGINEERS, PA

Steve G. Blais, PE

Enclosures



CUSTOMER SERVICE
OFFICE HOURS
8:30 A.M. - 4:30 P.M.

Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

July 13, 2007

Land Consulting Engineers, PA
967 Broadway
South Portland, ME 04106

Attn: Steve G. Blais, PE
Re: 218 Washington Avenue, Portland
Ability to Serve with PWD Water

Dear Mr. Blais,


This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the needs of the proposed eight-unit apartment building at 218 Washington Avenue. According to District records, there is an 8-inch cast iron water main in Washington Avenue that can serve your needs. There are 4 hydrants in close proximity to the property.

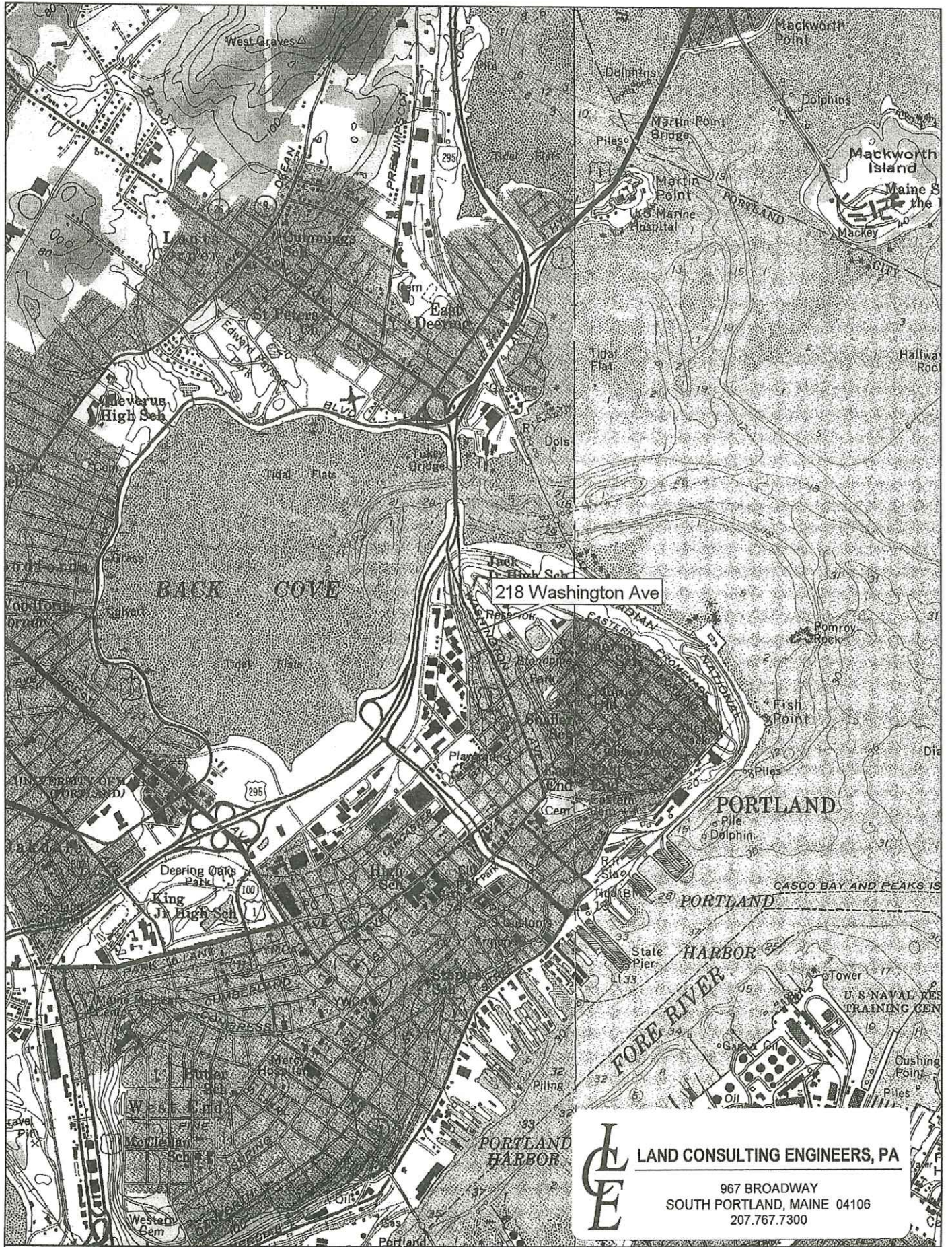
The current data from the nearest hydrant flow test indicates there should be adequate capacity of water to serve the needs of your proposed project.

Hydrant Location: Washington Ave. (800 ft. north of Gould St.)
Hydrant Number: POD-HYD00350
Static Pressure: 80 psi
Flow: 1100 gpm
Last Tested: 7/8/1991

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District


Rico Spugnardi, P.E.
Business Development Engineer
rspugnardi@pwd.org



218 Washington Ave

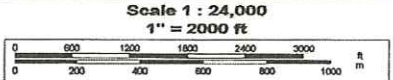


LAND CONSULTING ENGINEERS, PA

967 BROADWAY
SOUTH PORTLAND, MAINE 04106
207.767.7300

DeLORME

© 2002 DeLorme, 3-D TopoQuads®. Data copyright of content owner.
www.delorme.com



Scale 1 : 24,000
1" = 2000 ft

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

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



Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: 7/06/07

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

Site Address: 218 Washington Ave Portland, ME
(Regarding addressing, please contact Jessica Hanscom, either at 874-8818, or at JGH@portlandmaine.gov) Chart Block Lot Number: 010
A015001

Proposed Use: <u>8 Residential Units</u>		
Previous Use: <u>Undeveloped</u>		
Existing Sanitary Flows: <u>340 GPD</u>	Site Category	Commercial <u>X</u>
Existing Process Flows: <u>None</u>		Industrial <small>(complete part 4 below)</small> —
Description and location of City sewer, at proposed building sewer lateral connection:		Governmental —
_____		Residential <u>X</u>
_____		Other <small>(specify)</small> —

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

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 1,780 GPD
 Peaking Factor/ Peak Times: 3.0/ 8AM & 6PM
 Specify the source of design guidelines: *(i.e. X "Handbook of Subsurface Wastewater Disposal in Maine," — "Plumbers and Pipe Fitters Calculation Manual," — Portland Water District Records, — Other (specify))*

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.

3. Please, Submit Contact Information.

Owner/Developer Name: Glenn Morse
 Owner/Developer Address: P.O. Box 1466 Scarborough, ME 04070
 Phone: 207-590-3877 Fax: _____ E-mail: _____
 Engineering Consultant Name: Land Consulting Engineers, PA Steve Blais
 Engineering Consultant Address: 967 Broadway South Portland, ME 04106
 Phone: 207-767-7300 Fax: 1-866-207-2033 E-mail: sblais@lcepa.com
 City Planner's Name: Marge Schmuckal Phone: 207 874 8695

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

4. 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: N/A

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

Notes, Comments, or Calculations:

Existing Demand:	
1,600 office space:	160 GPD
One one-bedroom dwelling:	180 GPD
Increased Demand:	
Eight (8) two-bedroom dwellings:	1,440 GPD
Total Site Demand:	1,780 GPD

Thanks Barbara,

We are working on addressing your comments.

One question on the survey, the property line is pinned as indicated on the plans and the surveyor embossed the plan so it did not show up in the copies. We can submit originals to the City in place of the copies submitted if that would be acceptable.

Would it be alright to respond to your e-mail with our responses and additional materials or do you need a response letter and hard copies re-submitted?

Thanks,

Tom

From: Barbara Barhydt [mailto:BAR@portlandmaine.gov]
Sent: Wednesday, August 11, 2010 1:05 PM
To: tdoyle@blaisce.com
Cc: Jennifer Dorr; Marge Schmuckal
Subject: Re: Follow Up-218 Washington Ave

Hi Tom:

I did not distribute the plan at today's development review meeting. Marge Schmuckal, Zoning Administrator and I reviewed the plans for completeness. The following questions arose or information is needed to complete the application:

1. The application does not mention whether the office use will remain. Will there be a total of 2 or 3 residential units? Please provide a more detailed description of the existing and proposed uses. This information is needed in order to do a zoning determination for the site and to determine whether a subdivision review is triggered. Please note that the B-1b zone requires first floor commercial uses.
2. The survey is not stamped and the final property line identified. Please have the survey updated to reflect the final agreement and stamped by the surveyor.
3. Please complete the section of the application that includes the site area, proposed disturbance, and impervious surface.
4. The engineered plans for the retaining wall need to be submitted for review as part of this application.
5. Please provide updated utility letters and complete the waste water application (included within the application) for review by Public Services.
6. Please submit a landscaping plan.
7. Please submit the exterior building elevations with the proposed addition.
8. Please submit a lighting plan for existing and proposed lighting.

Thank you for your attention to this matter and when the application is complete, we will distribute it for review.

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

>>> "Thomas Doyle" <tdoyle@blaisce.com> Tuesday, August 10, 2010 5:27 PM >>>
Good Afternoon Barbara,

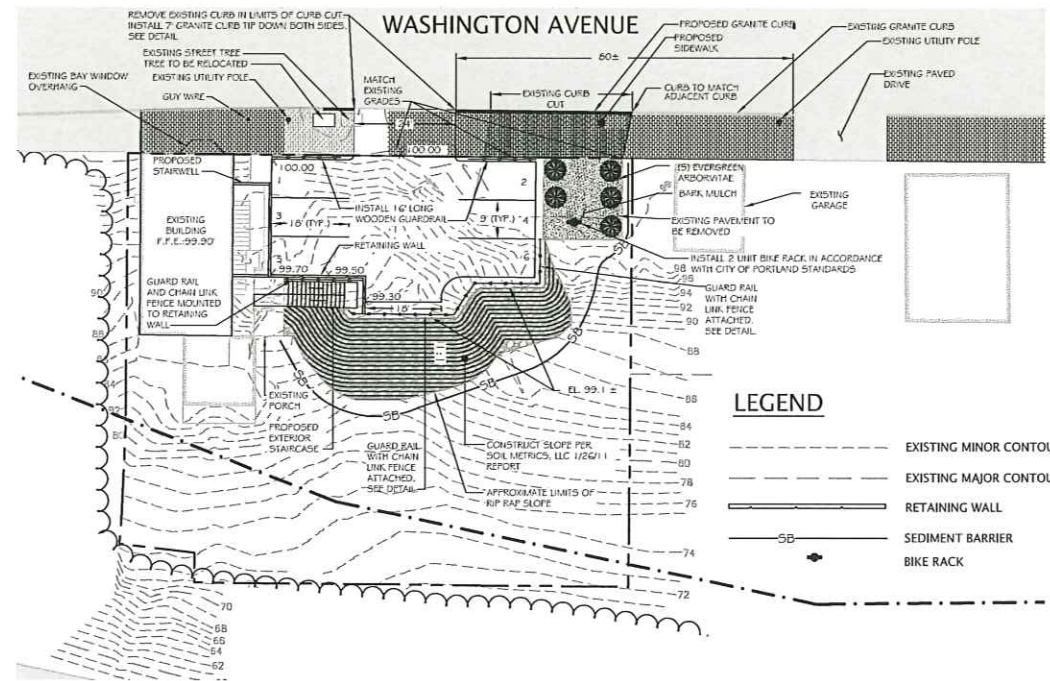
I wanted to touch base with you on the 218 Washington Avenue project. We submitted to the City on 8/9 and wanted to see if the project was going to be discussed at your Wednesday meeting this week.

Also, let me know when you would like me to upload the plans to your e-plan system.

Regards,

Tom

Thomas D. Doyle, PE, CPESC
Blais Civil Engineers, PA
207-767-7300
BlaisCE.com



SITE AND LANDSCAPING PLAN
1"=20'

GENERAL INFORMATION

PROJECT NAME: EAST BAYSIDE CONDOMINIUMS
 OWNER/ DEVELOPER: EAST BAYSIDE BUILDERS, LLC
 OWNER/ DEVELOPER ADDRESS: P.O. BOX 1466
 SCARBOROUGH, ME 04070
 OWNER/ DEVELOPER PHONE #: 207-222-2498

SITE INFORMATION

PARCEL ID: 010 A015001
 BOOK/PAGE: 246511/57
 LAND USE: MULTI-USE COMMERCIAL
 ZONE: B-1B NEIGHBORHOOD BUSINESS ZONE
 LOT SIZE: 11,740 SF

CITY STANDARDS	REQUIRED	PROPOSED
MINIMUM LOT SIZE:	6000 SF	11,740 SF
MINIMUM STREET FRONTAGE:	50 FT	118.5 FT
MINIMUM LOT LENGTH:	NONE	118.5 FT
MINIMUM LOT WIDTH:	NONE	100 FT
MAXIMUM FRONT YARD:	10 FT	0 FT
MINIMUM REAR YARD:	20 FT	51 FT
MINIMUM SIDE YARD:	10 FT	10 FT
MAXIMUM BUILDING HEIGHT:	35 FT	35 FT

PARKING

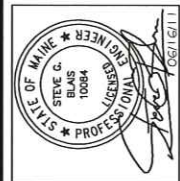
PARKING STANDARDS	REQUIRED	PROPOSED
PARKING SPACES:	6 SPACES	6 SPACES
PARKING SPACE SIZES:	9 FT X 16 FT (6 SPACES)	
EXISTING STRUCTURE:	5 SPACES	
PROPOSED STRUCTURE:	6 SPACES	

AREAS

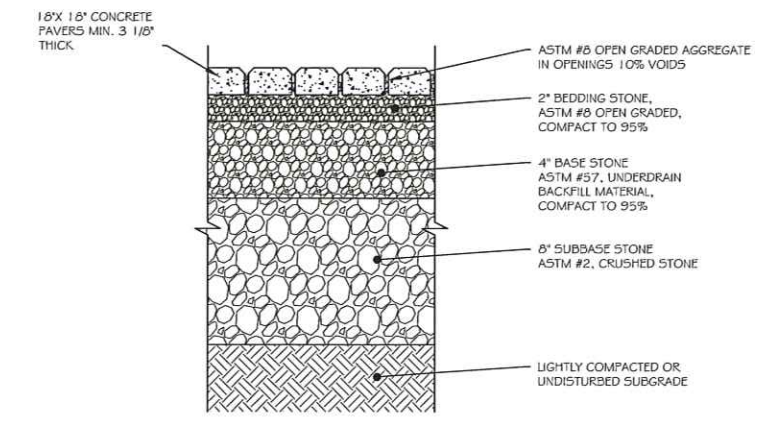
	REQUIRED	PROPOSED
MAXIMUM IMPERVIOUS SURFACE RATIO:	90%	11%

REVISIONS

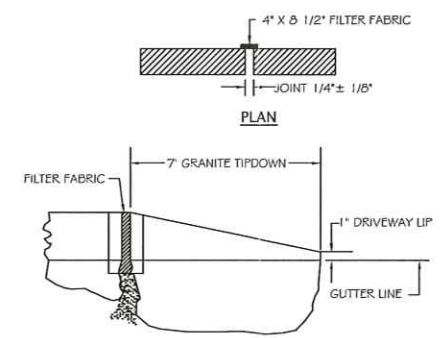
No.	DATE	DESCRIPTION
1	08/24/10	UPDATE PER CITY COMMENTS
2	10/25/10	UPDATE PER CITY COMMENTS
3	02/14/11	UPDATE PER CITY COMMENTS
4	04/07/11	UPDATE PER CITY COMMENTS
5	06/16/11	UPDATE PER CITY COMMENTS



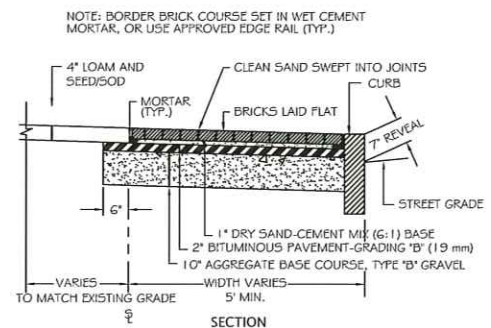
Blais civil engineers
 780 BROADWAY, SO. PORTLAND, ME 04106 (207) 767-7300



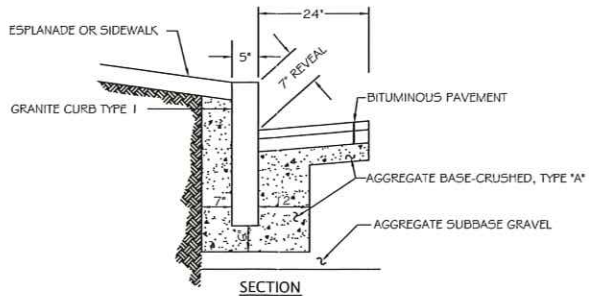
1 PERMEABLE PAVERS INSTALLATION
NOT TO SCALE



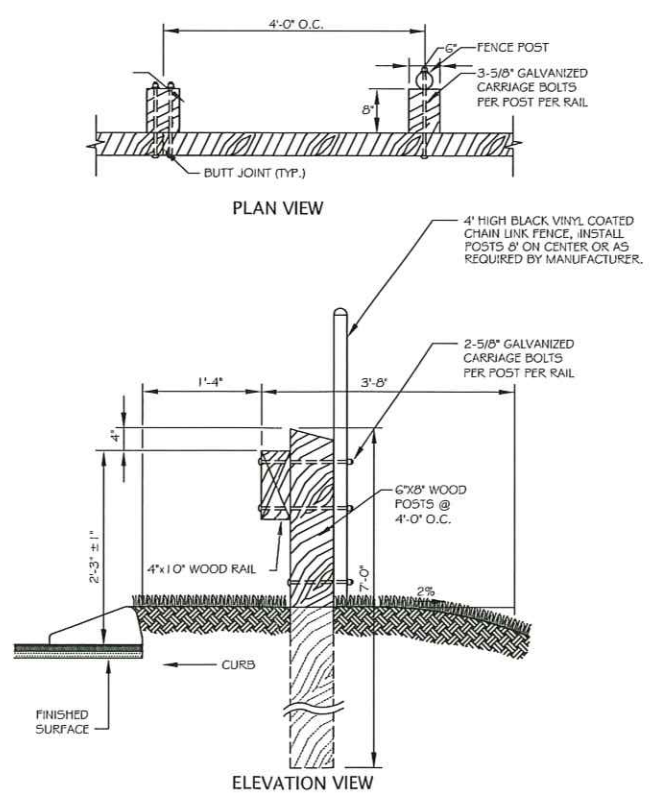
3 TYPICAL TIPDOWN CURB INSTALLATION
NOT TO SCALE



2 BRICK SIDEWALK DETAIL - NO ESPLANADE
NOT TO SCALE



4 INSTALLATION OF NEW GRANITE CURB
NOT TO SCALE



5 WOOD GUARDRAIL WITH CHAIN LINK FENCE
NOT TO SCALE

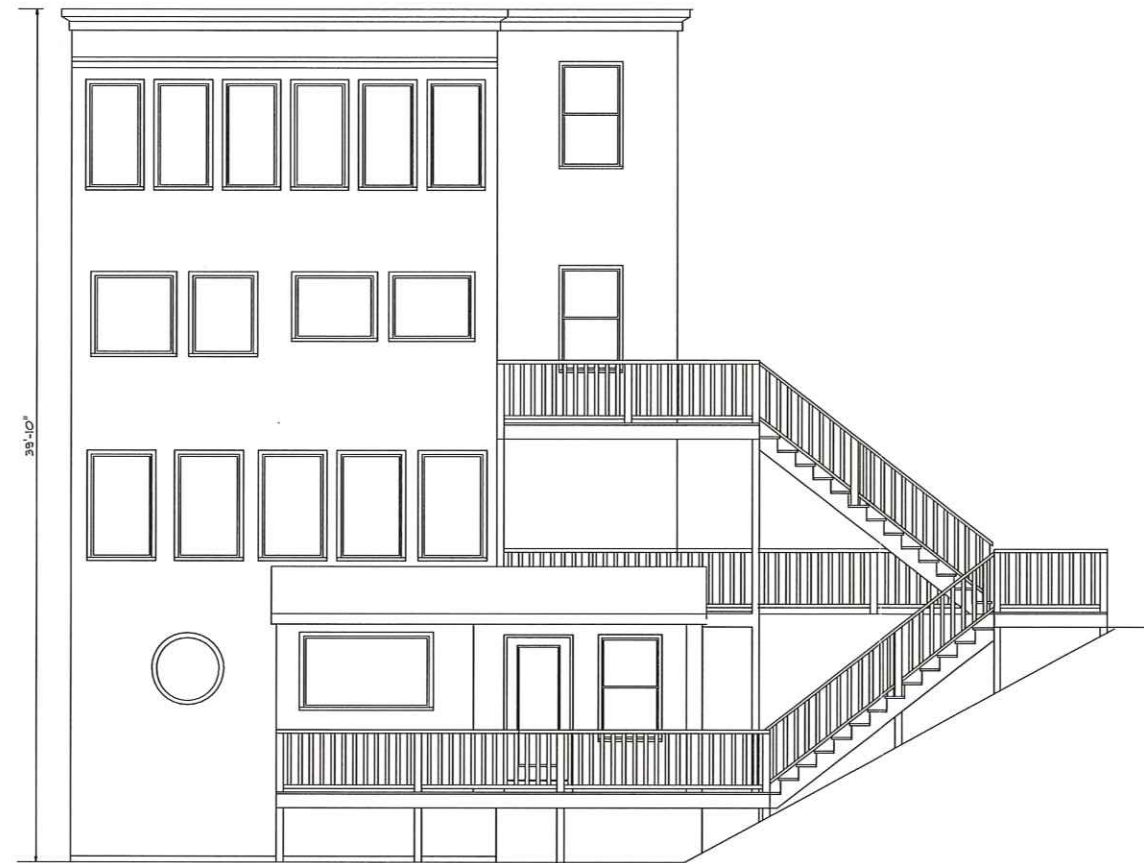
CITY PERMIT DRAWING - NOT FOR CONSTRUCTION

SITE AND LANDSCAPE PLAN & DETAILS
GLENN MORSE
 218 WASHINGTON AVENUE
 PORTLAND
 MAINE

LATEST REVISION: GLENN MORSE
 DATE: AUGUST 6, 2010
 DRAWN/CHECKED BY: DRH/SB
 SCALE: 1"=20'
 CONTOUR INTERVAL: 1'
 BCE PROJECT NO: 10123

C1

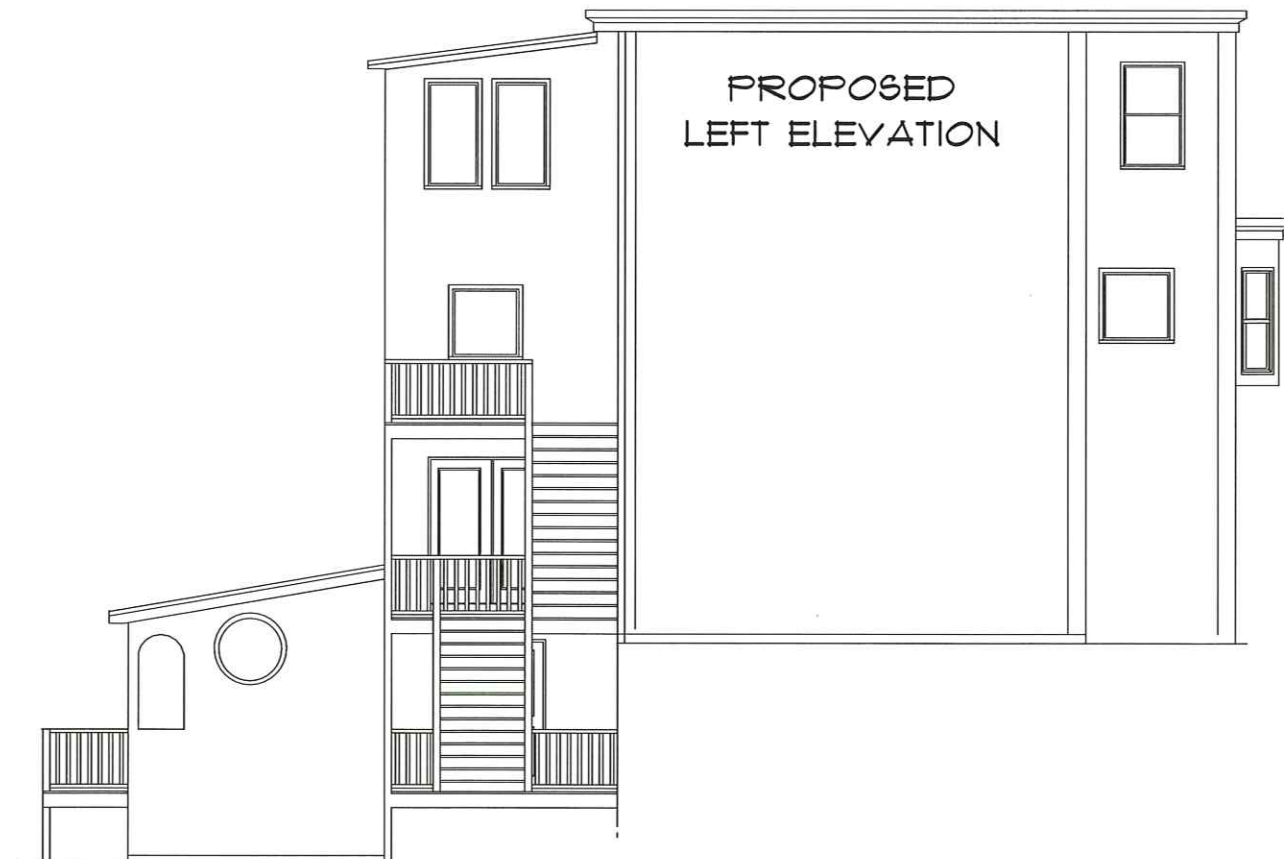
PROPOSED REAR ELEVATION



EXISTING REAR ELEVATION



PROPOSED LEFT ELEVATION



EXISTING LEFT ELEVATION



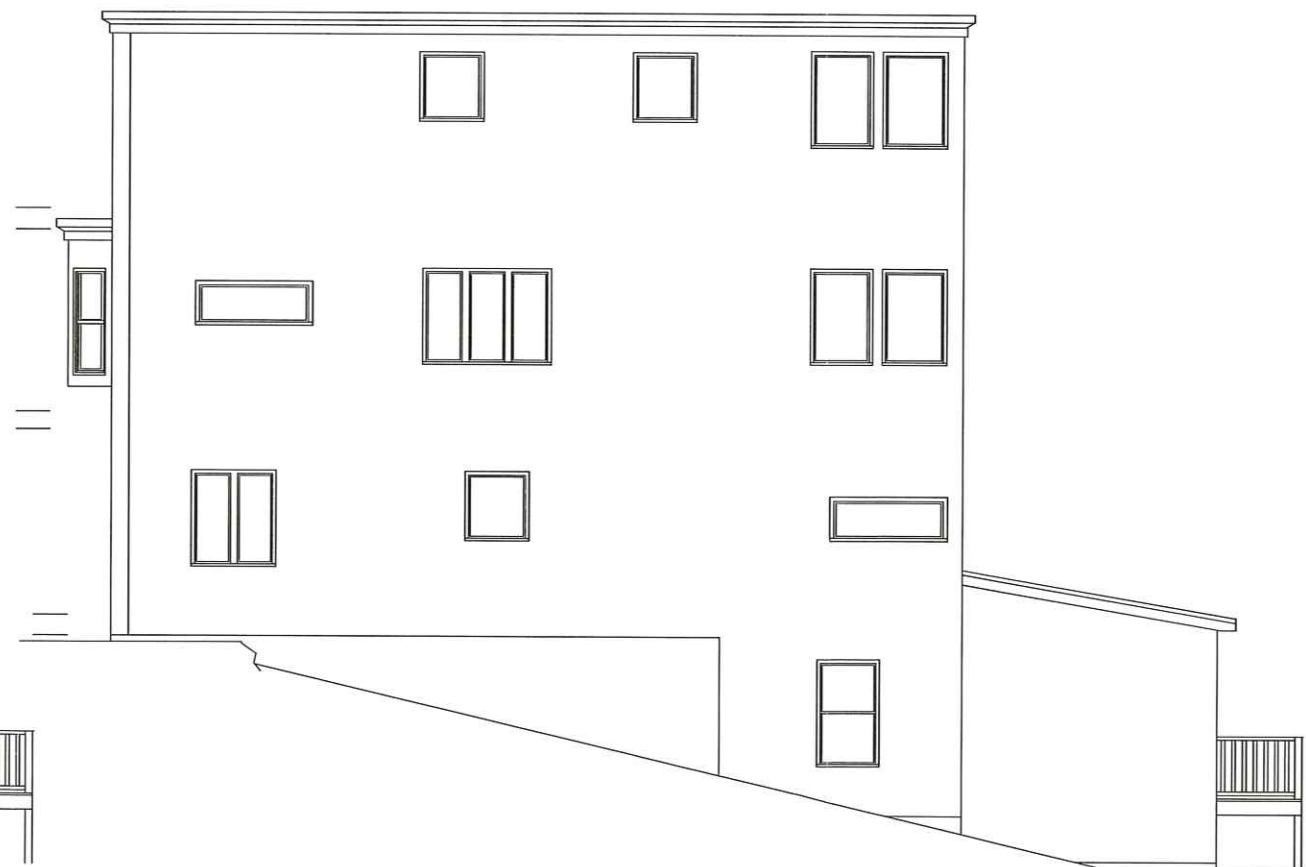
PROPOSED FRONT ELEVATION



EXISTING FRONT ELEVATION



PROPOSED RIGHT ELEVATION



EXISTING RIGHT ELEVATION

