

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

2003-0194
Application I. D. Number
09/18/2003
Application Date
Nissen's Business Complex
Project Name/Description

A & M Partners Llc
Applicant
120 Exchange St, Portland, ME 04101
Applicant's Mailing Address

Consultant/Agent
Applicant Ph: (207) 775-2100 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

59 - 59 Washington Ave, Portland, Maine
Address of Proposed Site
013 I043001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

Proposed Building square Feet or # of Units _____ Acreage of Site _____ **B4**
Zoning

Check Review Required:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan
(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional
Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other _____ | |

Fees Paid: Site Plan **\$1,000.00** Subdivision _____ Engineer Review _____ Date **09/22/2003**

Zoning Approval Status:

Reviewer Marge Schmuckee
 Approved Approved w/Conditions
See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets
Attached
 Condition Compliance _____
signature _____ date _____

Performance Guarantee Required* Not Required

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

- | | | | |
|---|----------------|--|-----------------|
| <input type="checkbox"/> Performance Guarantee Accepted | _____ | _____ | _____ |
| | date | amount | expiration date |
| <input type="checkbox"/> Inspection Fee Paid | _____ | _____ | |
| | date | amount | |
| <input type="checkbox"/> Building Permit Issue | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Reduced | _____ | _____ | _____ |
| | date | remaining balance | signature |
| <input type="checkbox"/> Temporary Certificate of Occupancy | _____ | <input type="checkbox"/> Conditions (See Attached) | _____ |
| | date | | expiration date |
| <input type="checkbox"/> Final Inspection | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Certificate Of Occupancy | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Released | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Defect Guarantee Submitted | _____ | _____ | _____ |
| | submitted date | amount | expiration date |
| <input type="checkbox"/> Defect Guarantee Released | _____ | _____ | |
| | date | signature | |

City of Portland Site Plan Application

If you or the property owner owe real estate taxes, personal property taxes or user charges on any property within the City of Portland, payment arrangements must be made before permit applications can be received by the Inspections Division.

Address of Proposed Development: 59-75 WASHINGTON AVE			Zone: B4
Total Square Footage of Proposed Structure: EXISTING = 152,635 SF		Square Footage of Lot: 131,978 SF	
Tax Assessor's Chart, Block & Lot: Chart# Block# Lot# 13 I43 1		Property owner's mailing address: ATM PROMERS, LLC 120 EXCHANGE ST. PORTLAND, ME 04101	Telephone #: 775 2100
Consultant/Agent, mailing address, phone # & contact person: SAME		Applicant's name, mailing address, telephone #/Fax#/Pager#: SAME	Project name: BUSINESS NISSEN'S OFFICE COMPLEX
<p>Proposed Development (check all that apply)</p> <p> <input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Office <input checked="" type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision (\$500.00) + amount of lots ____ (\$25.00 per lot) \$____ <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Stormwater Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____ </p> <p>Major Development (more than 10,000 sq. ft.)</p> <p> <input type="checkbox"/> Under 50,000 sq. ft. (\$500.00) <input checked="" type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee) </p> <p>Minor Site Plan Review</p> <p> <input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee) </p> <p>Plan Amendments</p> <p> <input type="checkbox"/> Planning Staff Review (\$250.00) <input type="checkbox"/> Planning Board Review (\$500.00) </p> <p style="text-align: right;">- Please see next page -</p>			

Who billing will be sent to: (Company, Contact Person, Address, Phone #)

SAME AS OWNER

Submittals shall include (9) separate folded packets of the following:

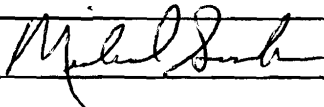
- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans check list

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)
ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .50 per page (8.5 x11)
you may also visit the web site: ci.portland.me.us chapter 14

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 Code Official'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.

Signature of applicant:



Date:

9/19/03

This application is for site review ONLY, a building Permit application and associated fees will be required prior to construction.



9/16/03

Sarah Hopkins
Development Review Program Manager
Planning Department
City Hall
389 Congress Street
Portland, Maine 04101

Dear Sarah:

Please accept this letter and application for a major site review for the Nissen's office complex at 59-75 Washington Avenue. This request is for a change of use of up to 61,910 SF of space to business use. Previously this space was used for industrial/manufacturing (37,707 SF) and warehouse storage (24,203 SF).

The complete conversion of all 61,910 SF would be the worst case scenario as far as parking demand, however as with most redevelopments we have experienced, you can never be sure of the final mix of uses until the re-tenanting is complete. The existing parking available after the occupancy of the third floor by Casey Family Services is 122 spaces. Assuming conversion of all remaining spaces to business (office) use, this would service an additional 48,800 SF of build-out. The numbers would be somewhat different if part or all of the space went retail. At the maximum practical retail component of 20,000 SF our required parking would be 225 spaces (41,910 SF/400 SF + 20,000-2,000/150SF). If the end use were all office, the required parking would be 155 spaces (61,910/400 SF). Our final actual requirement might be substantially less if some or most of the available space remains warehouse or manufacturing. The 122 surplus spaces we currently control might, in fact, satisfy our total parking requirement. As we discussed in our recent meeting, it seems to make the most sense to review the building for the worst case scenario.

The approvals we seek under this application therefore would be for a change of use of a total maximum area of 61,910 SF, which would include a maximum potential retail component of 20,000 SF.

As a condition of board approval we would suggest that the planning staff be permitted to approve subsequent phases of the re-tenanting if the final parking requirements exceed the existing parking space availability. This would ensure that adequate parking is

provided by either additional leased parking areas or acquisition of new parking areas. Also attached for your review is a narrative summary of the technical aspects of this site review.

If I can provide any additional information regarding this project please feel free to contact me at 775-2100.

Sincerely,

A handwritten signature in black ink that reads "Michael Scarks". The signature is written in a cursive, flowing style.

Michael Scarks, President
A & M Partners, LLC

A & M Partners, LLC
Written Statement – Change of Use for 59-75 Washington Avenue

- ITEM # 34 The current uses include warehousing/distribution, office, and light manufacturing. Potential future uses could also include retail.
- ITEM # 35 There is no residential use proposed
- ITEM # 36 The total area of the site is 132,000 +/- SF
- ITEM # 37 The total ground coverage of the building footprint is 80,500 +/- SF
- ITEM # 38 All existing easements are shown on the survey previously submitted. There are no new easements anticipated at this time.
- ITEM # 39 Solid waste is currently handled by the use of an 8 yd dumpster serviced by a local contractor.
- ITEM # 40 All existing off-site utilities formerly served the present structure. The change from manufacturing to mixed use has decreased demand for all existing utilities as well as traffic impact.
- ITEM # 41 We anticipate no problems with topography or drainage. We have already made substantial improvements through minor site review approvals.
- ITEM # 42 We hope to complete the “lease-up” of the entire property within 24 months, depending as always on prevailing market conditions.
- ITEM # 43 There are no State or Federal approvals being sought to complete the project.
- ITEM # 44 There are no pending applications for this project.
- ITEM # 45 N/A
- ITEM # 46 Previously provided
- ITEM # 47 Previously provided

REFERENCES

- 1) Portion of Property made for John J. Nissen Co. by Tilcomb Associates, dated November 2, 1982, not recorded.
- 2) Plan of Property 101 Washington Ave. made for John J. Nissen Co. by Tilcomb Associates, dated February 21, 1983, not recorded.
- 3) Standard Boundary Survey 120 Sheridan St. made for Thomas J. Reidy III and Pamela A. Reidy by Daniel J. D'Alfonso, dated July 6, 1990, recorded in Plan Book 186, Page 18.
- 4) Plat Plan Showing Property of Walter A. Garry by Varney Engineering Co., dated October 8, 1948, recorded in Plan Book 32, Page 28.
- 5) Reevaluation plans of Portland dated 1882, recorded in Plan Book 5, Pages 12 and 13.
- 6) Plan of Land in Portland made for John J. Nissen Baking Co. by E.C. Jordan, dated May 1945, not recorded.
- 7) Plan of Property of Portland made for John J. Nissen Baking Co. by H.I. & E.C. Jordan, dated March 1951, not recorded.
- 8) Plan of Property in Portland made for John J. Nissen Baking Co. by H.I. & E.C. Jordan, dated December 17, 1956, not recorded.
- 9) Plan of Property in Portland made for John J. Nissen Baking Co. by H.I. & E.C. Jordan, dated June 25, 1963, not recorded.
- 10) Plan of Land belonging to William Boyd by Charles H. Howe, dated June 1864, recorded in Plan Book 4, Page 44.
- 11) Plan Number 6 in the Partition of the Estate of Robert Boyd recorded January 29, 1841, in Book 169, Page 497.
- 12) Plan #173 of Larch Street and Plans #48 & #47 of Sheridan Street on file in the office of the City Engineer in Portland, Maine.
- 13) Plan of Property in Portland made for Shell Oil Company by H.I. & E.C. Jordan, dated February 7, 1963, not recorded.
- 14) Plan #473/4 of Washington Avenue dated June 14, 1940, on file in the office of the City Engineer in Portland, Maine.
- 15) Plan of Division of Land conveyed by Elijah Kellogg to Sylvanus Cook et al. March 3, 1803, recorded in Book 51, Page 297.
- 16) Plans of Poplar Street (now Sheridan Street) dated 1854 and 1860, on file in the office of the City Engineer of Portland, Maine. Plan #370/53 and #370/55.

EASEMENTS and ENCUMBRANCES

- 1) The property is subject to the following easements to Central Maine Power Company and New England Telephone and Telegraph Company:
 - a) Book 3796, Page 181
 - b) Book 3189, Page 606
 - c) Book 3126, Page 749
 - d) Book 2996, Page 90
 - e) Book 2877, Page 309
 - f) Book 2084, Page 203
 - g) Book 3796, Page 182
- 2) The property is subject to a sewer easement between Romasco Lane and Washington Avenue as shown. No record of this was found.
- 3) The property is subject to a 12-foot wide right of way as shown. See Book 255, Page 128.
- 4) The property benefits from a 9-foot wide easement as shown. See Book 298, Page 297 and Book 6914, Pages 17 and 18.
- 5) The property may be subject to rights of the public in vacated streets (Linden Street and Linden Lane).

NOTES

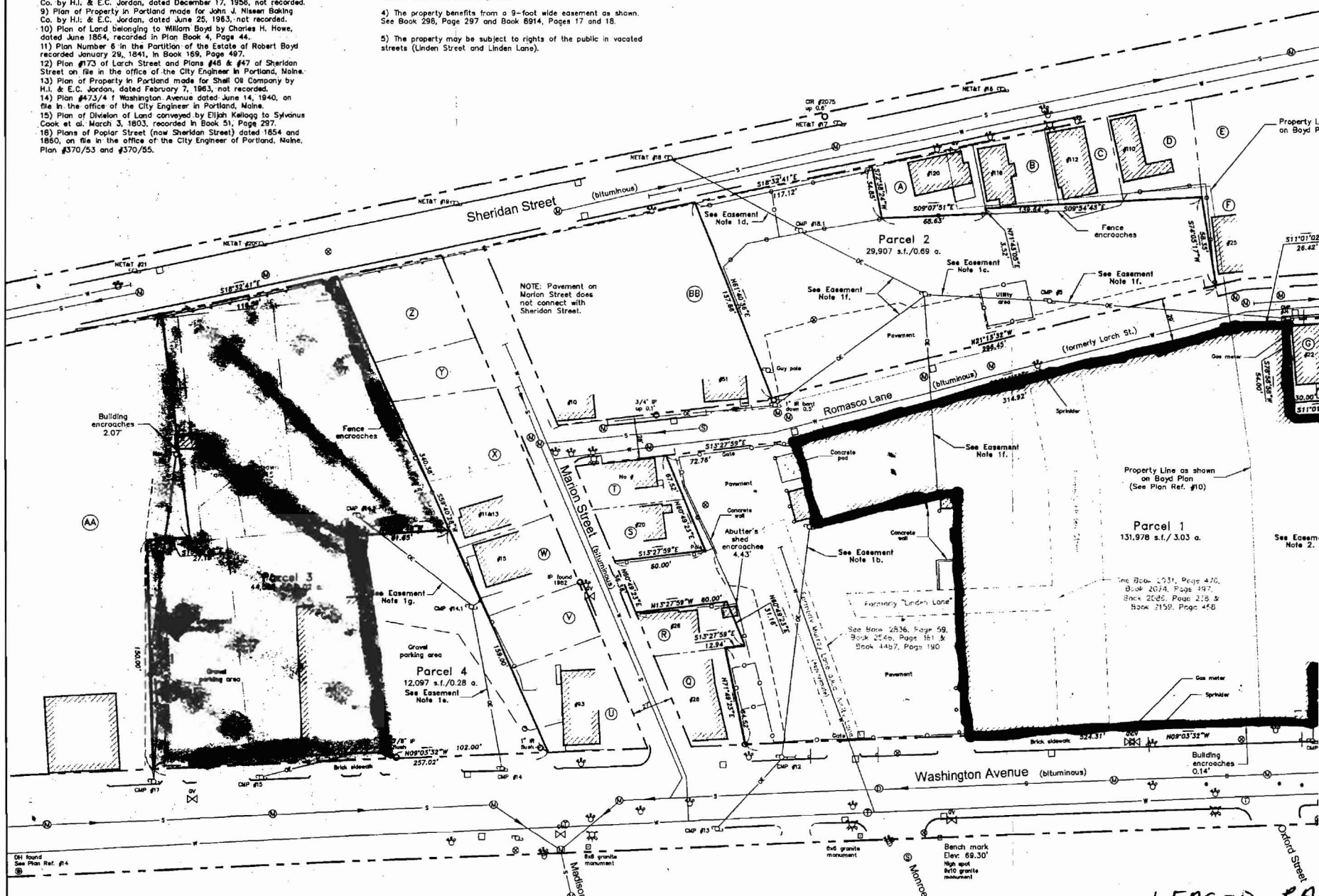
- 1) Bearings are based on Magnetic North 2002.
- 2) Book and Page references are to the Cumberland County Registry of Deeds.
- 3) Elevations are based on the City of Portland datum. Benchmark: granite monument at the southwest corner of Washington Avenue and Monroe Street. Elevation: 69.30'
- 4) Utility information shown on this plan is approximate, based on field information, locations marked by others and information contained on plans and drawings. Prior to any excavation or construction, the appropriate utilities should be contacted.
- 5) Fee in Murray Lane (a.k.a. Armitry Lane) may reside in the Heirs of Michael Murray.

OWNERS OF RECORD

- Parcel 1, 2 & 4 A & M Partners, LLC
Book 14581, Page 99
- Parcel 3 A.G. Car Co., Inc.
Book 13507, Page 328

AREA

Parcel 1	131,978 s.f.	3.03 a.
Parcel 2	29,907 s.f.	0.69 a.
Parcel 4	12,097 s.f.	0.28 a.
Subtotal	173,982 s.f.	4.00 a.
Parcel 3	44,583 s.f.	1.02 a.
Total	218,575 s.f.	5.02 a.



Oil found
See Plan Ref. #4

Bench mark
Elev. 69.30'
High spot
#10 granite monument

LEASED PA