

19-A-8

10-79900012

144 Fore St.

Building Renovation

Jackrabbit, LLC.

on Spreadsheet

City of Portland  
Development Review Application  
Planning Division Transmittal form

**Application Number:** 10-79900012      **Application Date:** 6-17-10

**Project Name:** BUILDING RENOVATION

**Address:** 144 Fore St      **CBL:** 019 - A-008-001

**Project Description:** Fore Street; 144; Building Renovation; Jackrabbit, Llc.

**Zoning:** B6

**Other Reviews Required:**

**Review Type:** MINOR SITE PLAN

**Applicant:**  
Jackrabbit, LLC.  
44 Oak Street  
Portland Me 04101

**Distribution List:**

<input checked="" type="checkbox"/> Planner	Barbara Barhydt	<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	Dan Goyette	<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

**Preliminary Comments needed by:**

**Final Comments needed by:**





15<sup>th</sup> June 2010

Ms. Barbara Barhydt  
Development Review Services Manager  
City of Portland  
389 Congress Street  
Portland, Maine 04101

**RE: 144 Fore Street - Building Renovation Project**

Dear Barbara:

Further to our recent meeting and on behalf of our client, Jackrabbit, LLC we are pleased to submit this application for a Minor Site Review for the referenced project. Attached are seven copies of the project drawings and supporting documentation for your review. Also included is a check for \$400 for to cover the application fee.

We trust that you will find the application and supporting documentation complete and ready for review. However, please do not hesitate to contact us if you require any clarifications, or additional supporting information. Thank you for your attention to this matter.

Sincerely,  
SMRT

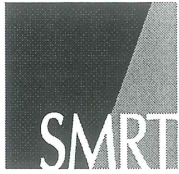
A handwritten signature in black ink, appearing to read "Andrew D. Johnston".

Andrew D. Johnston, PE, LEED AP  
CEng, CEnv, MCIWEM  
Senior Civil Engineer

144 Fore Street  
P.O. Box 618  
Portland, ME 04104  
p 207.772.3846 f 207.772.1070 email: ajohnston@smrtinc.com

Encl.

cc. Mike Marino, Jackrabbit, PSS, DVJ  
File 10022/15.1



# Letter of Transmittal

ATTN: Jean Fraser  
 Planning Department  
 Company: City of Portland  
 389 Congress Street  
 Portland, Maine  
 BY HAND

Date: August 13, 2010  
 From: Andrew Johnston  
 Subject: 144 Fore Street  
 Project/  
 No.: 10-02200

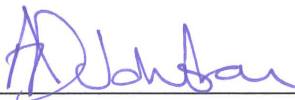
- ▶ We are sending you:  Attached  Under separate cover via \_\_\_\_\_ the following:  
 Shop drawings  Prints  Plans  Samples  Specifications  
 CDs  Change Order  Other: See Below

Copies	Date	No	Description
1	7/27/10	4	Site Plan Set

- ▶ These are transmitted as checked below:  
 For approval  Approved as submitted  Resubmit \_\_\_\_\_ copies for approval  
 For your use  Approved as noted  Submit \_\_\_\_\_ copies for distribution  
 As requested  Returned for corrections  Return \_\_\_\_\_ corrected prints  
 For review and comment  Other: \_\_\_\_\_  
 For BIDS DUE \_\_\_\_\_, 20\_\_\_\_\_  Prints RETURNED AFTER LOAN to us

▶ Remarks:  
 Dear Jean,  
 Please find attached a set of dated site plans for your use.  
 Regards,

cc: ADJ, File 08178/21

Signature: 

## Jean Fraser - 144 Fore Street Parking

---

**From:** "Andrew Johnston" <ajohnston@smrtinc.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 7/15/2010 8:46 AM  
**Subject:** 144 Fore Street Parking  
**CC:** "Mark Johnson" <MJohnson@SMRTInc.com>, "Dennis Jud" <DJud@SMRTInc.com>,  
...  
**Attachments:** Microsoft Word - 144 Fore Street Project Parking Demand.pdf

---

Hi Jean,  
Please find attached a project specific parking demand forecast with additional detail, as requested.  
Regards,  
Andrew

**Andrew D. Johnston, PE,**  
**CEng., CEnv., MCIWEM, LEED AP**  
*Senior Civil Engineer*

[www.smrtinc.com](http://www.smrtinc.com)  
144 Fore Street, PO Box 618 Portland, Maine 04104  
p 207.772.3846 f 207.772.1070

## 144 Fore Street Building Renovation Project Specific Parking Demand Summary

SMRT has considerable experience in the design and planning of medical facilities ranging in size from small building additions to large new medical office buildings and hospitals. On many of these projects we have assessed and planned the need for off-street parking. The parking demand is highly dependant upon not only the type of facility, but on the specific operational use. There are several references available that give reasonable guidance on general parking requirements at medical facilities (including Institution of Traffic Engineers publications). However, by necessity these references generalize by facility type and take no account of sometimes significant differences in functions and operations.

Generally, the overall parking demand comprises a staff component (usually whole day, or large part thereof) and a transient patient component (usually much shorter time duration). Thus, the overall parking demand consists of a number of spaces based on facility staffing, added to a portion of the daily patient load that allows for sufficient overlap to accommodate transient visitors.

SMRT has recently designed and permitted several medical office buildings and found that even within that use category the parking demand can vary greatly. A typical Family Practice type operation can have relatively high patient throughflow and hence a high parking demand. A good recent example is the proposed new MainGeneral Elmwood Family Practice in Waterville. That facility has a total floor area of 11,000s.f, will employ a maximum of 22 medical staff and 13 office staff and is expected to have a maximum daily patient load of 108. For facilities of this nature we recommend parking at 4.5-5.0 spaces per 1,000sf of space. At Elmwood this gives a total parking demand of 55 spaces. The demand can be apportioned into 35 staff spaces and 20 patient spaces (the maximum number of patients on site at one time for a transient use is expected to be a little under 20% of the total daily load).

The proposed facility at 144 Fore Street will serve a significantly lower patient load than the example given above. However, visiting durations are expected to be similar. The annual expected patient load figure for this facility (10,339 -given by the VA) equates to an average of 40 patients per day during a five-day week. It is assumed that the peak day patient load could be up to 50% higher than this (60 patients per day). Applying a 20% parking need to the daily patient forecast numbers gives an average daily patient parking requirement of 8 spaces and a peak daily patient parking requirement of 12 spaces.

VA staffing numbers for the facility indicate that 15 medical staff and 10 administrative staff will be required to operate the facility. One parking space per staff member is considered appropriate for small facilities such as this, giving a staff parking demand of 25 spaces.

Therefore, the expected peak parking demand at the new facility will be 25 staff parking spaces, and twelve patient spaces, giving a total facility parking demand of 37 spaces. Staff will be informed of where to park in order to ensure that sufficient spaces are available for patients at all times.

The current Site Plan shows 22 spaces immediately adjacent to the building. These will be primarily for patient use. The site parking analysis submitted to the City of Portland in the Minor Site Review package demonstrates that there is sufficient capacity to provide the excess staff parking required for this facility elsewhere on the property.

## Jean Fraser - Re: Eastern Waterfront Property

**From:** Jean Fraser  
**To:** Barhydt, Barbara  
**Date:** 9/13/2012 10:16 AM  
**Subject:** Re: Eastern Waterfront Property  
**Attachments:** 144 Fore St letter re continued use of dumpsters 5.17.2011.pdf; 144 Fore St Revocable License for dumpsters.pdf

Barbara

Those three dumpsters were in place prior to the receipt of the application for use of the western end of 144 Fore Street for VA offices and they serve the entire building. They appear to have been there in 2006 when the aerials were flown but I am not able to find any site plan that included them (ie I am not sure there was an earlier site plan for the whole of 144 Fore Street and there is nothing in our "O" drive or paper filing system).

When we approved the re-use of the end of 144 Fore Street for the VA offices in August 2010, an additional 2 dumpsters were proposed near the new entrance to the VA on the approved plans. In May 2011 we received the attached letter that requested the 2 "approved" dumpsters be replaced with parking and that the VA building be served by the existing 3 dumpsters a bit further away.

In response to that 2011 request I determined that the existing dumpsters were unsightly but otherwise "benign" as they were within a parking area; I requested landscaping/enclosure and the Legal Department requested they get a license as the dumpsters were located on a strip of City land abutting 144 Fore Street. That revocable license was arranged (second attachment) and includes requirements for the owner of 144 Fore Street to undertake ongoing maintenance etc.

So I think the complaint about the smell is an issue in relation to the revocable license, not re site plan.

I am not sure what the procedure would be for taking action under the terms of the license. Could we forward the complaint to Legal?

Pl let me know if you want me to take any action on this.

Thanks  
Jean

>>> Barbara Barhydt 9/6/2012 3:45 PM >>>  
Hi Jean:

I got a call from Bill Hopkins who has a client that is complaining about the dumpsters near 100 Fore Street. He is complaining that it smells. Bill wanted to know if it was part of a site plan for Mr. Marino's property. He said there are three in a row. I told him we would get back to him after you return as I know you dealt with the siting of dumpsters, but I did not know the resolution. Could you pull out your files and let me know what was agreed upon. Bill said he would be sending me some pictures. It may be an inspection issue.

Thanks.

Barbara

**REVOCABLE LICENSE**  
**Re: 144 Fore Street**

This revocable license is granted by the City of Portland "CITY" to Jackrabbit, LLC, hereinafter "OWNER" for the placement of three (3) dumpsters with a new screened enclosure and attendant pipe bollards on property owned by the City in the vicinity of 144 Fore Street, Portland, Maine, and landscaping planting on land located between the OWNER'S property and the abutting Cacoulidis property, as more particularly shown and described on Exhibit 1, attached hereto. The aforementioned installation, retention and maintenance of the dumpsters, pipe bollards, screened enclosure and landscape plantings shall be governed by the terms of this License Agreement.

1. OWNER is hereby permitted to occupy the CITY'S land located in the vicinity of 144 Fore Street with the dumpsters, associated pipe bollards and screened enclosure and landscape plantings as more particularly shown on Exhibit 1.

2. OWNER shall be responsible, during the term of this License, for the proper installation, on-going maintenance, repair and replacement of the dumpsters, pipe bollards, screened enclosure, and landscaping. In the event of damage to the same, OWNER shall promptly repair, restore and/or replace the aforementioned items; and

3. OWNER 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 arising out of or in any way related to its entry upon CITY property as described above and shown on Exhibits 1 and 2, 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 as described above and shown on Exhibit 1, 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 licensed areas covered by this License Agreement as described above and as shown on Exhibit 1.

5. This License may be revoked upon three (3) month written notice from the CITY to the OWNER and shall automatically terminate in the event that the building located at 144 Fore Street is destroyed, removed or otherwise ceases to exist on the site.

**[Signatures to Follow on Next Page]**

CITY OF PORTLAND

Date: 7/8/11

*Patricia Finnigan*  
Patricia Finnigan,  
Acting City Manager

**OWNER**  
*Mike Marino*  
Print Name: Mike Marino

STATE OF MAINE  
CUMBERLAND, ss.

Dated: 7/8/11

Personally appeared the above-named Patricia Finnigan and gave oath that the foregoing statements made by her are true to the best of her knowledge, information and belief, and where based upon information and belief, she 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 21, 2011

Personally appeared the above-named Michael Marino and gave oath that the foregoing statements made by him/her are true to the best of his/her knowledge, information and belief, and where based upon information and belief, he/she believes the same to be true.

Before me,

*Diane D. Rollins*  
Notary Public/Attorney-at-Law

Diane D. Rollins, Notary Public  
State of Maine  
My Commission Expires 1.19.2017



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
7/1/2011

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 Smithwick & Mariners Ins. Inc. 366 US Route One Falmouth ME 04105	CONTACT NAME: Gail Gray PHONE (A/C, No, Ext): (207) 781-5553 E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: 00000815	FAX (A/C, No): (207) 781-5571
INSURED Jackrabbit, LLC 44 Oak Street Portland ME 04101-3939	INSURER(S) AFFORDING COVERAGE INSURER A: Peerless Insurance Co. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES CERTIFICATE NUMBER: CL117104087 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 SUBR INSR LTR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC			CBP2291998	12/31/2010	12/31/2011	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000			CUB730683	12/31/2010	12/31/2011	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000 \$
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 City of Portland as Additional Insured as respects use of City property licensed to Insured at 144 Fore Street.

CERTIFICATE HOLDER dwchuhta@portlandmaine.gov City of Portland, Maine Danielle West Chuhba 390 Congress Street Portland, ME 04101	CANCELLATION 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 
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May 17, 2011

Ms. Jean Fraser, Planner  
City of Portland  
Planning & Development Department  
389 Congress Street  
Portland, ME 04101

Re: 144 Fore Street / Portland VA Medical Office  
Site Plan Modification Request  
# (HTE) 10-79900012

Dear Ms. Fraser,

On behalf of the Applicant, Jackrabbit LLC, we submit herewith the following continuation of request for review and approval of a change to the approved site plan.

The plans submitted and approved included provision for two (2) new dumpsters with attendant protective pipe bollards and screen enclosure. As mentioned in earlier correspondence, it has since been determined by the Applicant that the area taken by the dumpsters is more valuable and necessary for parking to support other potential tenants in the building. For this reason, the dumpsters will not be installed and the area striped for four (4) parking spaces, matching current existing conditions. The existing three (3) dumpsters located at the east end of the building will serve the VA Medical Office and the rest of the Jackrabbit building tenants. Emptying frequency of the dumpsters will be adjusted as necessary by the solid waste hauler retained by the Applicant (Pine Tree Waste / Casella). A screened enclosure will be added in accordance with city requirements for visual buffering of trash and storage facilities, and per discussion by the Applicant with city corporation counsel Gary Wood. Two of the attached sketches illustrate general site location and detail of the dumpsters and screen.

Additionally, at the west end of the site, off the northwest corner of the building, request is made to place landscape planting on a portion of city land located between the Jackrabbit and Cauculidis properties. A considerable amount of electrical and gas distribution equipment is mounted on the exterior of the building in this location. A crushed stone strip (3' width) is to be added at the building face to facilitate access to the equipment, the outer edge of which will fall just short of the property line. This will be carried down the slope east of the equipment, addressing erosion problems on both properties. Planting is proposed on the city property to screen the equipment and soften the view from Fore Street. It should be noted in passing that the Applicant's forces currently maintain the former railroad siding (now city property) between the buildings, providing trash removal and periodic mowing.

Jean Fraser  
May 17, 2011  
Page 2 of 2

We believe the changes to the approved site plan described herein and on the accompanying partial plans would be considered *de minimus*. Please contact us if you have questions or require further information at this time. Thank you for your continued assistance in this project.

Sincerely,  
SMRT



Mark G. Johnson, ASLA, LEED AP  
Landscape Architect  
a Maine Licensed Landscape Architect

144 Fore Street  
P.O. Box 618  
Portland, ME 04104  
p 207.772.3846 f 207.772.1070 email: mjohnson@smrtinc.com

Encl.:

- Sketch SK-1: PROPOSED DUMPSTER SCREEN LOCATION (dated 5-17-11)
- Sketch SK-2: PROPOSED DUMPSTER SCREEN PLAN DETAIL (dated 5-17-11)
- Sketch SK-3: PROPOSED PLANTING PARTIAL PLAN (dated 5-17-11)

cc. Mike Marino (Jackrabbit LLC), PSS, DRL, ADJ, file 10022/22

## Jean Fraser - Eastern Waterfront Property

---

**From:** Barbara Barhydt  
**To:** Fraser, Jean  
**Date:** 9/6/2012 3:45 PM  
**Subject:** Eastern Waterfront Property

Hi Jean:

I got a call from Bill Hopkins who has a client that is complaining about the dumpsters near 100 Fore Street. He is complaining that it smells. Bill wanted to know if it was part of a site plan for Mr. Marino's property. He said there are three in a row. I told him we would get back to him after you return as I know you dealt with the siting of dumpsters, but I did not know the resolution. Could you pull out your files and let me know what was agreed upon. Bill said he would be sending me some pictures. It may be an inspection issue.

Thanks.

Barbara

*extra.***Jean Fraser - 144 Fore Street- Modification to Site Plan**

**From:** Jean Fraser  
**To:** Johnson, Mark  
**Date:** 7/7/2011 5:48 PM  
**Subject:** 144 Fore Street- Modification to Site Plan  
**CC:** DiPierro, Philip

Mark,

I refer to your letter of May 17, 2011 and plans SK1, SK2, and SK3 of the same date, requesting approval to the modification to screen the dumpsters and introduce landscaping between this building and the Cauculidis properties near Fore Street.

As you know, this work was proposed to take place on land owned by the City and a license was required.

I have just received a copy of the signed and finalized license (which provides right, title and interest documentation for the site work) so am now able to confirm that the proposals outlined in the May 17, 2011 letter and plans are acceptable as di minimus revisions to the approved site plan/landscaping plan.

Whilst writing, I understand other revisions were made to the areas to the west of the building near the parking lot. I am not sure of the scale of the revisions, but I believe it may be appropriate for a revised LP401 to be submitted for final review and approval.

Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

**REVOCABLE LICENSE**  
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**[Signatures to Follow on Next Page]**

May 17, 2011

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

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Additionally, at the west end of the site, off the northwest corner of the building, request is made to place landscape planting on a portion of city land located between the Jackrabbit and Cauculidis properties. A considerable amount of electrical and gas distribution equipment is mounted on the exterior of the building in this location. A crushed stone strip (3' width) is to be added at the building face to facilitate access to the equipment, the outer edge of which will fall just short of the property line. This will be carried down the slope east of the equipment, addressing erosion problems on both properties. Planting is proposed on the city property to screen the equipment and soften the view from Fore Street. It should be noted in passing that the Applicant's forces currently maintain the former railroad siding (now city property) between the buildings, providing trash removal and periodic mowing.



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Additionally, at the west end of the site, off the northwest corner of the building, request is made to place landscape planting on a portion of city land located between the Jackrabbit and Cauculidis properties. A considerable amount of electrical and gas distribution equipment is mounted on the exterior of the building in this location. A crushed stone strip (3' width) is to be added at the building face to facilitate access to the equipment, the outer edge of which will fall just short of the property line. This will be carried down the slope east of the equipment, addressing erosion problems on both properties. Planting is proposed on the city property to screen the equipment and soften the view from Fore Street. It should be noted in passing that the Applicant's forces currently maintain the former railroad siding (now city property) between the buildings, providing trash removal and periodic mowing.

Jean Fraser  
May 17, 2011  
Page 2 of 2

We believe the changes to the approved site plan described herein and on the accompanying partial plans would be considered *de minimus*. Please contact us if you have questions or require further information at this time. Thank you for your continued assistance in this project.

Sincerely,  
SMRT

A handwritten signature in black ink, appearing to read 'Mark G. Johnson', written over a horizontal line.

Mark G. Johnson, ASLA, LEED AP  
Landscape Architect  
a Maine Licensed Landscape Architect

144 Fore Street  
P.O. Box 618  
Portland, ME 04104  
p 207.772.3846 f 207.772.1070 email: mjohnson@smrtinc.com

Encl.:

- Sketch SK-1: PROPOSED DUMPSTER SCREEN LOCATION (dated 5-17-11)
- Sketch SK-2: PROPOSED DUMPSTER SCREEN PLAN DETAIL (dated 5-17-11)
- Sketch SK-3: PROPOSED PLANTING PARTIAL PLAN (dated 5-17-11)

cc. Mike Marino (Jackrabbit LLC), PSS, DRL, ADJ, file 10022/22





144 Fore Street/P.O. Box 618  
 Portland, Maine 04104  
 ARCHITECTURE  
 ENGINEERING  
 PLANNING  
 INTERIOR DESIGN  
 COMMISSIONING

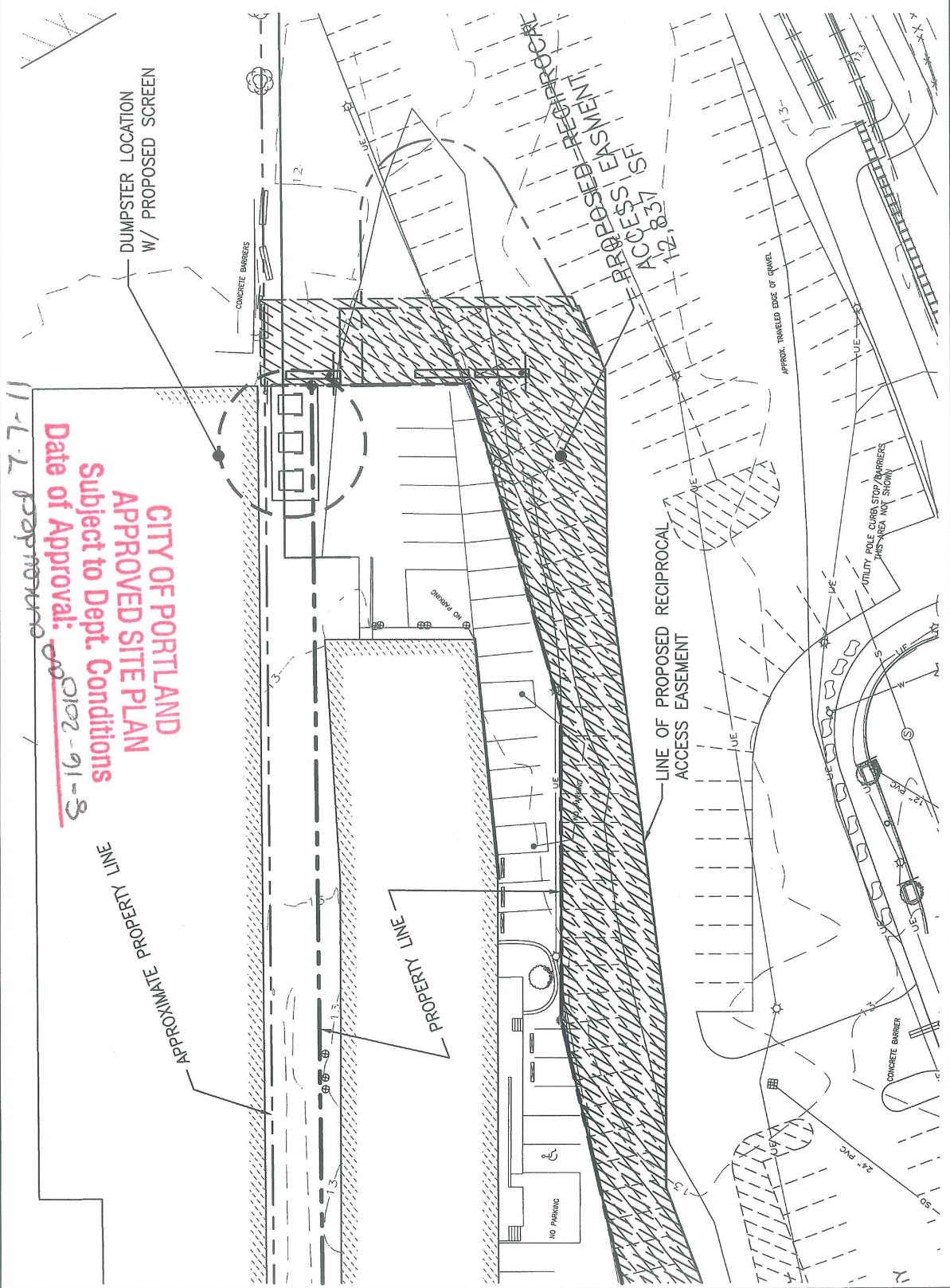


DEPARTMENT OF VETERAN  
 AFFAIRS - PORTLAND  
 PORTLAND, MAINE

SUBJECT: PROPOSED DUMPSTER SCREEN  
 LOCATION: DEPARTMENT OF VETERAN AFFAIRS - PORTLAND  
 SCALE: 1" = 30'  
 PROJECT MANAGER: DRI  
 REF. SHEET: CPT101  
 A/E OF RECORD: MGJ  
 CAD FILE: CPT101-10022  
 PROJECT NO: 10022  
 DATE: 5-17-11  
 SUPPLEMENTAL INSTRUCTION:

SKETCH No. SK-1

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**CITY OF PORTLAND**  
**APPROVED SITE PLAN**  
**Subject to Dept. Conditions**  
**Date of Approval: 0102-91-3**

11-7-2 paperno

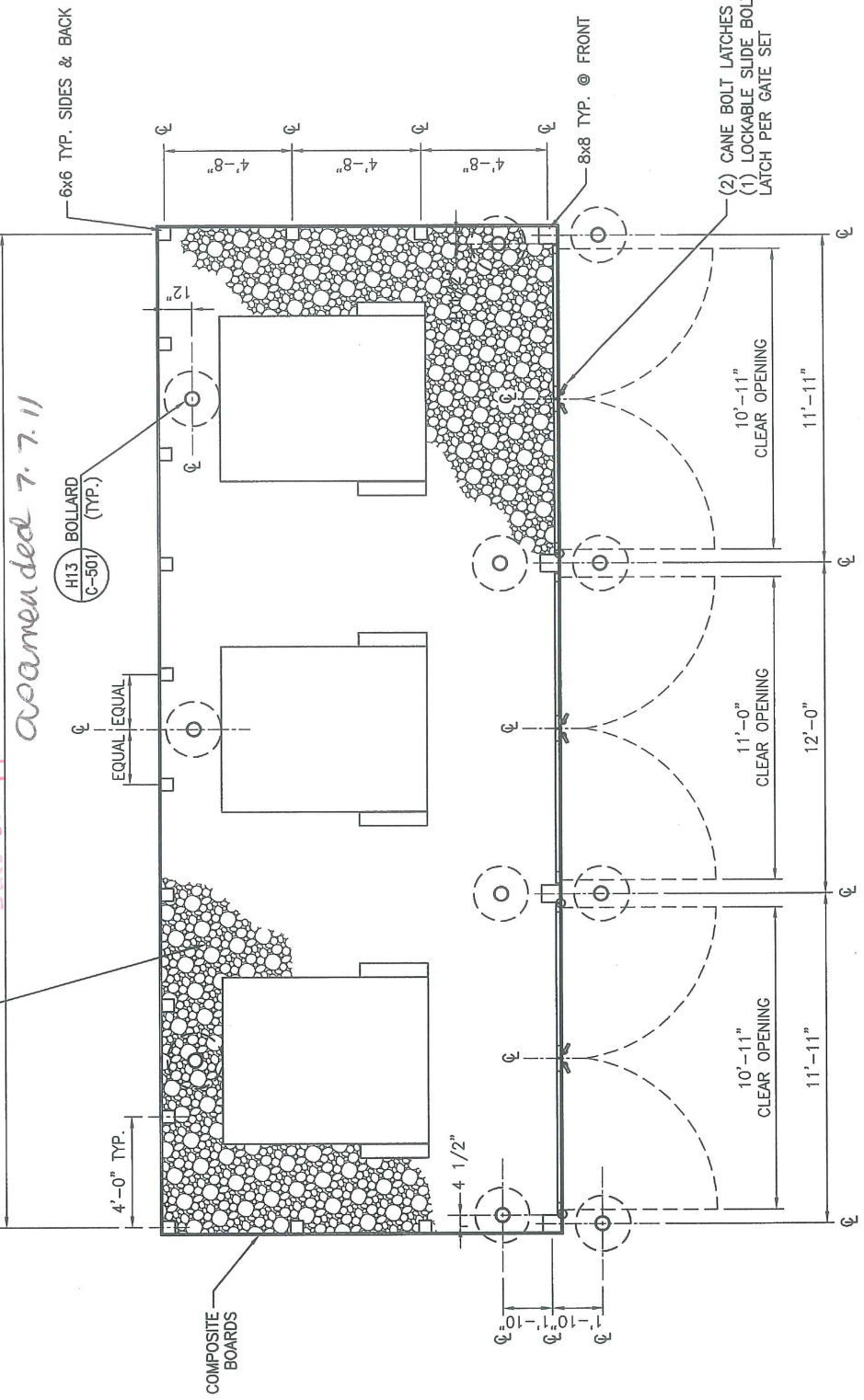
144 Fore Street/P.O. Box 618  
 Portland, Maine 04104  
 ARCHITECTURE  
 ENGINEERING  
 PLANNING  
 INTERIOR DESIGN  
 COMMISSIONING  
 SMRT  
 www.smrtinc.com  
 tel. (207) 772-3846  
 fax. (207) 772-1070

DEPARTMENT OF VETERAN  
 AFFAIRS - PORTLAND  
 PORTLAND, MAINE

SUBJECT: PROPOSED DUMPSTER SCREEN  
 PLAN DETAIL  
 SCALE: 1/4" = 1'-0"  
 PROJECT MANAGER: DRL  
 REF. SHEET: C-501  
 A/E OF RECORD: MGJ  
 CAD FILE: C-501-10022  
 PROJECT NO: 10022  
 DATE: 5-17-11  
 SUPPLEMENTAL INSTRUCTION:

SKETCH No. SK-2  
 © COPYRIGHT 2010 SMRT INC.

CITY OF PORTLAND  
 APPROVED SITE PLAN  
 Subject to Dept. Conditions  
 Date of Approval: 8-16-2010



RE: H4, SCREEN FENCE DETAIL  
 (SHEET C-501 SITE DETAILS)

*revised 7-7-11*

- (2) CANE BOLT LATCHES AND
- (1) LOCKABLE SLIDE BOLT
- LATCH PER GATE SET



144 Fore Street/P.O. Box 618  
 PORTLAND, MAINE 04104  
 tel: (207) 772-3846  
 fax: (207) 772-1070  
 www.smrinc.com

**SMRT**  
 ARCHITECTURE  
 ENGINEERING  
 PLANNING  
 INTERIOR DESIGN  
 COMMISSIONING

DEPARTMENT OF VETERAN  
 AFFAIRS - PORTLAND  
 PORTLAND, MAINE

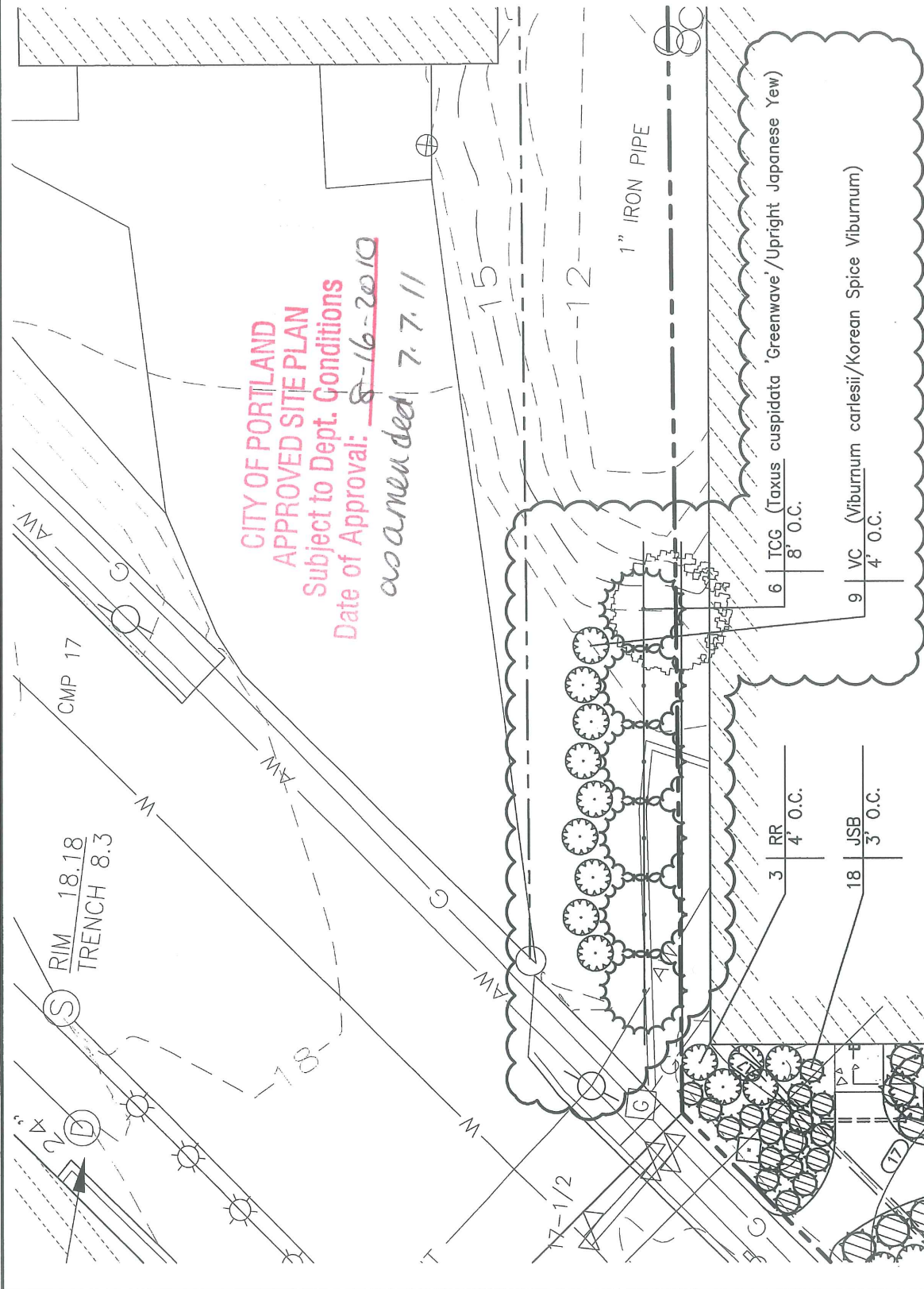
SUBJECT: PROPOSED PLANTING  
 PARTIAL PLAN

SCALE: 1" = 10'  
 PROJECT MANAGER: DRL  
 REF. SHEET: LP101  
 A/E OF RECORD: MGJ  
 CAD FILE: LP101-10022  
 PROJECT NO: 10022  
 DATE: 5-17-11  
 SUPPLEMENTAL INSTRUCTION:

SKETCH No.

SK-3

© COPYRIGHT 2010 SMRT INC.





## Jean Fraser - 144 fore St - VA building

**From:** Jean Fraser  
**To:** Barhydt, Barbara  
**Date:** 6/29/2011 5:50 PM  
**Subject:** 144 fore St - VA building  
**Attachments:** City Arborist comments 5.19.2011 Re 144 Fore St- VA building.rtf

Barbara

Just in case Mark Johnston presses for the sign off (diminimus) for the amendments which include dumpster enclosure and landscaping on the side facing Fore St, I attach Jeff's sign off and we are just waiting for Danielle to confirm the license is in place since the work is on city property.

I understand the license has been waiting for the insurance note which got lost- it was re-sent and I imagine Danielle has put the license to the City Manager's office for signature today.

If the signed license turns up we can confirm to Mark (e-mail OK) that we approve the improvements outlined in his letter of 5.17.2011 and attached plans for a screened enclosure of the 3 dumpsters at the end of the building and landscape planting and a crushed stone strip between the building and the adjacent property towards Fore Street (at west end of building). Amends approved plans ref HTE 79900012.

thanks  
Jean

(Don't hesitate to call me if anything else comes up: 839 6164)

**Jean Fraser - RE: 144 Fore St - Site Plan revisions**

---

**From:** Mark Johnson <MJohnson@SMRTInc.com>  
**To:** 'Jean Fraser' <JF@portlandmaine.gov>  
**Date:** 11/23/2010 9:27 AM  
**Subject:** RE: 144 Fore St - Site Plan revisions

---

Jean,

I have forwarded this to the Owner/Applicant for review/comment and am awaiting reply. I believe their office is closed till Monday 11/29, so I won't be able to get back to you immediately.

Thanks,

*Re pass amendment*

**Mark G. Johnson ASLA, LEED AP**  
*A Maine Licensed Landscape Architect*

SMRT  
144 Fore Street, PO Box 618 Portland, Maine 04104  
p 207.772.3846 f 207.772.1070  
[www.smrtinc.com](http://www.smrtinc.com)

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Monday, November 22, 2010 4:42 PM  
**To:** Mark Johnson  
**Subject:** 144 Fore St - Site Plan revisions

Mark,

Barbara has asked me to follow up with you on the proposed amendment to the approved site plan to convert the dumpster location to parking and our concerns regarding the dumpster area that serves this complex including the VA.

Have you had any thoughts on what small improvements might be made to the area where there are now 3 sad looking dumpsters and no landscaping or screening....

The applicable standard is "Accessory site elements such as ...dumpsters...shall be located and screened from view from public areas and adjacent properties." This area is increasingly visible to the public and adjacent properties and a modest upgrade would complement the other improvements that are taking place to this property.

Thanks  
Jean

Jean Fraser, Planner  
City of Portland

## Jean Fraser - 144 Fore St - Site Plan revisions

---

**From:** Jean Fraser  
**To:** Johnson, Mark  
**Date:** 11/22/2010 4:41 PM  
**Subject:** 144 Fore St - Site Plan revisions

---

Mark,

Barbara has asked me to follow up with you on the proposed amendment to the approved site plan to convert the dumpster location to parking and our concerns regarding the dumpster area that serves this complex including the VA.

Have you had any thoughts on what small improvements might be made to the area where there are now 3 sad looking dumpsters and no landscaping or screening....

The applicable standard is "Accessory site elements such as ...dumpsters...shall be located and screened from view from public areas and adjacent properties." This area is increasingly visible to the public and adjacent properties and a modest upgrade would complement the other improvements that are taking place to this property.

Thanks  
Jean

Jean Fraser, Planner  
City of Portland  
874 8728

## Jean Fraser - RE: 144 Fore - site plan

---

**From:** Jean Fraser  
**To:** Johnson, Mark  
**Date:** 10/26/2010 2:57 PM  
**Subject:** RE: 144 Fore - site plan  
**CC:** Johnston, Andrew; Lay, David; Rollins', 'Diane; Stevens, Paul

---

Mark

I am tied up with meetings for the rest of this afternoon and tomorrow morning, but wanted to let you know our views at this time.

The existing dumpsters are very visible from a long section of the trail and from the Bay and are unsightly: they are placed haphazardly, with no landscaping or screening at all.

Is there some way that these could be rationalized and provided with some screening? This would be a substitute for the screening that would have been done near the VA part of the building.

I will follow up with you tomorrow afternoon.

thank you  
Jean

Jean Fraser, Planner  
City of Portland  
874 8728

>>> Mark Johnson <MJohnson@SMRTInc.com> 10/22/2010 2:57 PM >>>  
Jean,

Our existing dumpsters, though not screened, are well out of view from the public domain. I would suggest that because they serve the building and no additional are being added because of the change of use, that they are an existing condition.

Thanks,

**Mark G. Johnson ASLA, LEED AP**  
*A Maine Licensed Landscape Architect*

SMRT  
144 Fore Street, PO Box 618 Portland, Maine 04104  
p 207.772.3846 f 207.772.1070  
[www.smrtinc.com](http://www.smrtinc.com)

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Friday, October 22, 2010 2:19 PM  
**To:** Mark Johnson

**Cc:** 'Diane Rollins'; Andrew Johnston; David Lay  
**Subject:** Re: 144 Fore - site plan

Mark,

Since its a Friday I expect these things!!!

I will consult one or two other reviewers re the proposed change (ie the adding of parking) and get back to you, but I agree it appears a minimal change.

I think the other question I need to ask is whether the existing dumpsters are screened - I did not look at them but as they are now substituting for ones associated with the proposal I think they would need to meet standards.

Jean

>>> Mark Johnson <MJohnson@SMRTInc.com> 10/22/2010 12:15 PM >>>  
Hi Jean,

So, at the risk of total alienation from the Planning Staff, we have a small change in the site plan that we wish to pursue. Shouldn't be cause for concern. Please see attached. Hard copy is in the mail.

Please call if you have questions or need anything further.

Thanks!

**Mark G. Johnson** ASLA, LEED AP  
*A Maine Licensed Landscape Architect*

**SMRT**  
144 Fore Street, PO Box 618 Portland, Maine 04104  
p 207.772.3846 f 207.772.1070  
[www.smrtinc.com](http://www.smrtinc.com)





October 22, 2010

Ms. Jean Fraser, Planner  
City of Portland  
Planning & Development Department  
389 Congress Street  
Portland, ME 04101

Re: 144 Fore Street / Portland VA Medical Office  
Site Plan Modification  
# (HTE) 10-79900012

Dear Ms. Fraser,

On behalf of the Applicant, Jackrabbit LLC, we submit herewith the following request for review and approval of a change to the approved site plan.

In the plans submitted and approved was provision for two (2) new dumpsters with attendant protective pipe bollards and screen enclosure. It has since been determined by the Applicant that the area taken by the dumpsters is more valuable and necessary for parking to support other potential tenants in the building. For this reason, the dumpsters will not be installed and the area striped for four (4) parking spaces, matching current existing conditions there. The existing three (3) dumpsters located at the east end of the building will serve the VA Medical Office, and the emptying frequency of them by the solid waste hauler retained by the Applicant adjusted as necessary. Note that the Applicant supplies cleaning and trash removal services as part of the lease agreement with the VA, so the removal of the dumpsters will not pose any inconvenience to their operations.

We believe the changes to the approved site plan described herein and on the accompanying partial plan entitled SITE CONVERSION - DUMPSTERS TO PARKING (dated 10-22-10) would likely be viewed as *de minimus*. Please contact us if you have questions or require further information at this time. Thank you for your continued assistance in this project.

Sincerely,

SMRT

  
Mark G. Johnson, ASLA, LEED AP  
Landscape Architect  
a Maine Licensed Landscape Architect

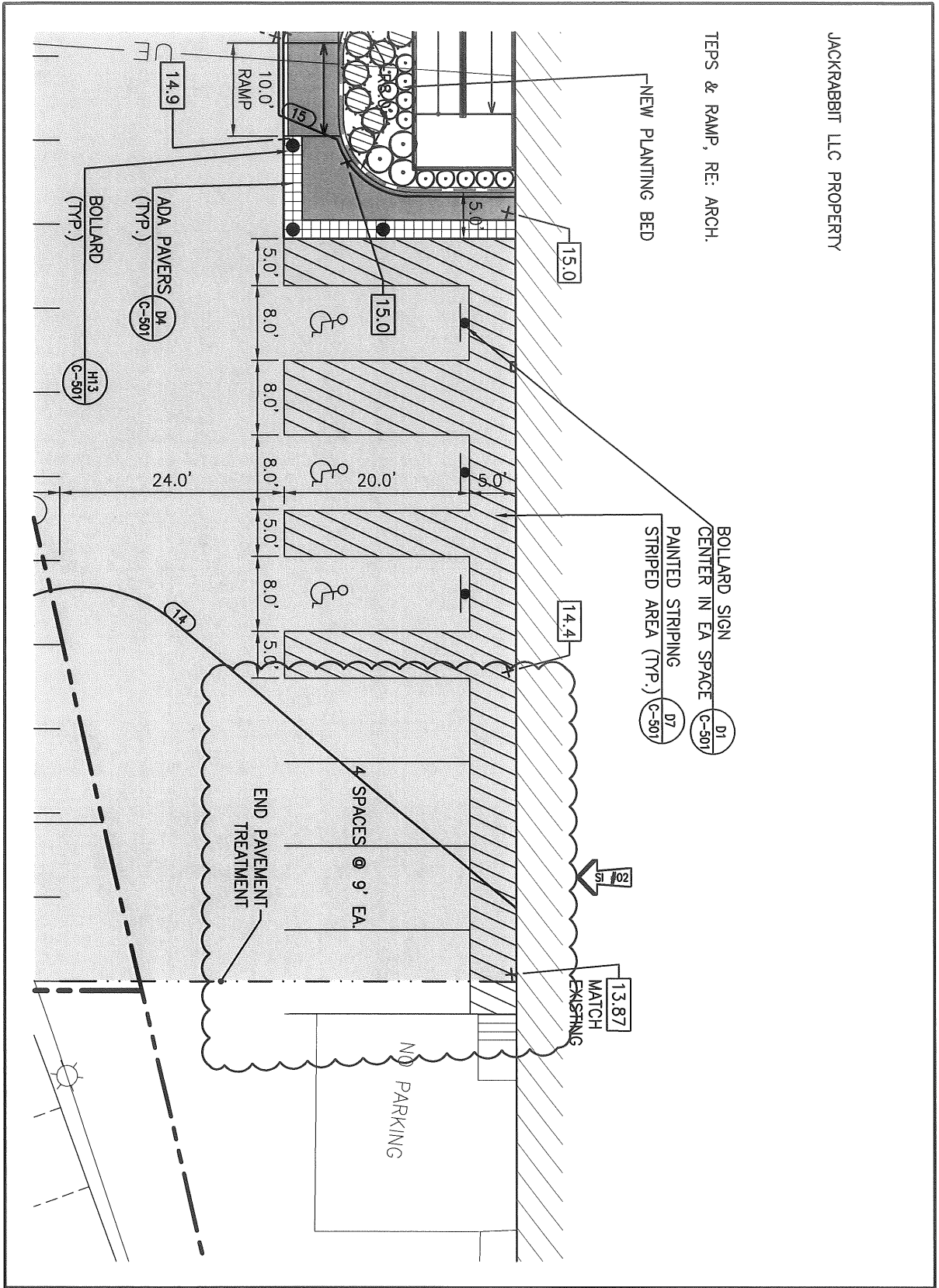
144 Fore Street  
P.O. Box 618  
Portland, ME 04104  
p 207.772.3846 f 207.772.1070 email: mjohnson@smrtinc.com

Encl.: C-1 SITE CONVERSION - DUMPSTERS TO PARKING (dated 10-22-10)

cc. Mike Marino (Jackrabbit LLC), PSS, DRL, ADJ, file 10022/22

JACKRABBIT LLC PROPERTY

TEPS & RAMP, RE: ARCH.



SKETCH No. <b>C-1</b>	SUBJECT: <b>SITE CONVERSION -          DUMPSTERS TO PARKING</b>		ARCHITECTURE ENGINEERING PLANNING INTERIOR DESIGN COMMISSIONING	144 Fore Street/P.O. Box 618 Portland, Maine 04104 tel. (207) 772-3846 fax. (207) 772-1070 www.smrtinc.com
	DEPARTMENT OF VETERAN AFFAIRS - PORTLAND PORTLAND, MAINE			
SCALE: 1" = 10' PROJECT MANAGER: DRL REF. SHEET: CP401 A/E OF RECORD: MGS CAD FILE: CP401-10022 PROJECT NO: 10022 DATE: 10-22-10 SUPPLEMENTAL INSTRUCTION:	SI-02	© COPYRIGHT 2010 SMRT INC.		



October 22, 2010

Ms. Jean Fraser, Planner  
City of Portland  
Planning & Development Department  
389 Congress Street  
Portland, ME 04101

Re: 144 Fore Street / Portland VA Medical Office  
Site Plan Modification  
# (HTE) 10-79900012

Dear Ms. Fraser,

On behalf of the Applicant, Jackrabbit LLC, we submit herewith the following request for review and approval of a change to the approved site plan.

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We believe the changes to the approved site plan described herein and on the accompanying partial plan entitled SITE CONVERSION - DUMPSTERS TO PARKING (dated 10-22-10) would likely be viewed as *de minimus*. Please contact us if you have questions or require further information at this time. Thank you for your continued assistance in this project.

Sincerely,  
SMRT



Mark G. Johnson, ASLA, LEED AP  
Landscape Architect  
a Maine Licensed Landscape Architect

144 Fore Street  
P.O. Box 618  
Portland, ME 04104  
p 207.772.3846 f 207.772.1070 email: mjohnson@smrtinc.com

Encl.: C-1 SITE CONVERSION - DUMPSTERS TO PARKING (dated 10-22-10)

cc. Mike Marino (Jackrabbit LLC), PSS, DRL, ADJ, file 10022/22

## Jean Fraser - Re: 144 Fore Street

---

**From:** Danielle West-Chuhta (Danielle West-Chuhta)  
**To:** Diane Rollins  
**Date:** 6/7/2011 10:32 AM  
**Subject:** Re: 144 Fore Street  
**CC:** Fraser, Jean

---

No. The license needs to be signed and the approval has to be given from Planning (which I do not believe has happened yet).

Thanks,

Danielle

>>> Diane Rollins <[marinoinc.me@gmail.com](mailto:marinoinc.me@gmail.com)> 6/7/2011 9:19 AM >>>  
Hi Danielle,

Is it ok to go ahead with the installation of the screened enclosure and the plantings, before Mike signs the Revocable License?

Thanks,

Diane

On Mon, Jun 6, 2011 at 3:33 PM, Danielle West-Chuhta <[DWCHUHTA@portlandmaine.gov](mailto:DWCHUHTA@portlandmaine.gov)> wrote:

That is fine, he can execute when he returns.  
Thanks,

Danielle

>>> Diane Rollins <[marinoinc.me@gmail.com](mailto:marinoinc.me@gmail.com)> 6/6/2011 3:29 PM >>>

Hi Danielle,

One problem, Mike is out of town until the 20th.

Thanks,

Diane

On Mon, Jun 6, 2011 at 3:11 PM, Danielle West-Chuhta <[DWCHUHTA@portlandmaine.gov](mailto:DWCHUHTA@portlandmaine.gov)> wrote:

I am ok with those changes. Please have Mike execute the revised document (in front of a notary), which I have attached hereto, and then send the signed copy and the certificate of insurance (evidencing the insurance as described in the attached license and listing the City as an additional insured) to me (so I can then have the acting City Manager sign the license).

Thanks,  
Danielle

>>> Diane Rollins <[marinoinc.me@gmail.com](mailto:marinoinc.me@gmail.com)> 6/6/2011 2:31 PM >>>

Hi Danielle,

I have had Mike's lawyer review the Revocable License and he has two changes he would like made to the document. I have attached his red-line version of the document.

If you have any questions please just let me know.

Thanks,

Diane  
772-7647

On Mon, Jun 6, 2011 at 9:20 AM, Danielle West-Chuhta <[DWCHUHTA@portlandmaine.gov](mailto:DWCHUHTA@portlandmaine.gov)> wrote:

Thank you.

>>> Mark Johnson <[MJohnson@SMRTInc.com](mailto:MJohnson@SMRTInc.com)> 6/3/2011 1:56 PM >>>

Danielle,

I will forward to Jackrabbit, LLC, and copy them on this for your contacts.

Thanks,

**Mark G. Johnson** ASLA, LEED AP  
*A Maine Licensed Landscape Architect*

SMRT  
144 Fore Street, PO Box 618 Portland, Maine 04104  
p [207.772.3846](tel:207.772.3846) f [207.772.1070](tel:207.772.1070)  
[www.smrtinc.com](http://www.smrtinc.com)

---

**From:** Danielle West-Chuhta [mailto:[DWCHUHTA@portlandmaine.gov](mailto:DWCHUHTA@portlandmaine.gov)]  
**Sent:** Friday, June 03, 2011 12:45 PM  
**To:** Mark Johnson  
**Subject:** 144 Fore Street

Mark:

Good afternoon. I do not have your client's e-mail address, but I wanted to pass along a copy of the license for him/you to review. If you or your client have any edits/changes, please feel free to contact me. As I believe Gary Wood told you, we could not find any records of the license that your client has referenced for the area in question. So, that is why we have drafted the attached license.

Also, for your information, I will be out of the office for the rest of the afternoon but I would be happy to discuss with you and your client on Monday when I return.

Thank you for your time,

Danielle

Danielle P. West-Chuhta  
Associate Corporation Counsel  
City of Portland, Maine  
[\(207\) 874-8480](tel:207.874.8480)



--

Diane

[207-772-7647](tel:207-772-7647)

--

Diane

[207-772-7647](tel:207-772-7647)

--

Diane

207-772-7647

**Jean Fraser - Re: 144 Fore St- VA building**

---

**From:** Jeff Tarling  
**To:** Jean Fraser  
**Date:** 5/19/2011 4:46 PM  
**Subject:** Re: 144 Fore St- VA building

Hi Jean -

I reviewed the plan and find it acceptable, somewhat unique, it will improve the existing conditions.

The landscape treatment looks good, the Viburnum selection is resistant to the Viburnum Leaf-Beetle, which is good.

Thanks,

Jeff Tarling

>>> Jean Fraser 5/19/2011 1:56 PM >>>  
Jeff

The applicant has sent me a letter requesting approval to de minimus amendments that include screening of the dumpsters at the back of the site (I had requested this as they are now to be used for the VA building and are visible from the trail etc) and landscaping along the side of the building facing Fore Street (not sure where that came from but its OK from my perspective).

Could you please let me have a "sign off" on these (assuming you are OK with them).

thanks  
Jean

## Jean Fraser - Re: Fwd: 144 Fore Street- Portland VA office

**From:** Danielle West-Chuhta (Danielle West-Chuhta)  
**To:** Jean Fraser  
**Date:** 6/3/2011 12:42 PM  
**Subject:** Re: Fwd: 144 Fore Street- Portland VA office

Jean:

I have accepted some of your changes and decided that I will only include the Exhibit that I have which shows where everything is located (instead of the site plan and de minimus amendments). I will send to the applicant and keep you posted on its status.

Thanks,

Danielle

>>> Jean Fraser 6/3/2011 12:02 PM >>>

For diminimus we don't usually send a formal letter but I can do if its better in this case. In any case I will hold until license is sorted. thanks

>>> Danielle West-Chuhta (Danielle West-Chuhta) 6/3/2011 12:00 PM >>>

The applicant needs to execute the license before you send an approval letter.

>>> Jean Fraser 6/3/2011 11:54 AM >>>

Danielle

I have edited the license to reflect the current site plan status (first attachment); Mark's letter refers to the approved dumpsters but they were proposed to be located on the front of the building farther west and are now not going to be installed.

Instead they want to use existing dumpsters (already on city land) which are a mess and visible from the trail/Bay. So we asked for them to improve the existing dumpsters and hence the need for these amendments (the landscaping at other end is their own idea but welcomed). I have not signed off on these diminimus amendments because I wanted to see Right title and Interest (so wrote to you...).

The project was originally approved in August 2010 (approval letter attached -2nd attachment) and (presumably when this license is executed or I can make it conditional) I now need to write an e-mail confirming approval to the diminimus site plan changes shown in the plans attached to Mark's letter (screened enclosure for 3 existing dumpsters at location at east end of the building and landscaping on west end of the building facing Cacoulidis).

Do you want my e-mail attached to the license or just say they were approved on X date (future date when I can sign off on this/today if I can give conditional approval).

I would be happy to come down if there is anything that needs to be clarified.

thanks  
Jean

>>> Danielle West-Chuhta (Danielle West-Chuhta) 6/2/2011 4:33 PM >>>

Jean:



Here is my first draft of the license re: 144 Fore Street. Please send me any edits - and then I will send to the applicant.

Thanks,

Danielle

>>> Jean Fraser 5/31/2011 4:09 PM >>>

Gary

Is there a license from the city to Jackrabbit LLC that allows them to do some landscaping/fencing on the city's land between building and Fore St? I know Ann was working on this a few months ago and your name mentioned in second para of attached.

I just need confirmation before we give final site plan approval to the work and a CO.

thanks

Jean

>>> Gary Wood 5/26/2011 12:38 PM >>>

I have not had time to review the documents

I do not have time today but hopefully will have some tomorrow

Jean ..what is your time frame on this project ?>>> Danielle West-Chuhta (Danielle West-Chuhta) 5/26/2011 11:38 AM >>>

Gary:

Just wondering if you knew anything about this? I think I remember you may have had Ann deal with this one....I will try to call her if that is a better idea.

Thanks,

Danielle

>>> Jean Fraser 5/26/2011 11:23 AM >>>

Danielle

I have had no reply to this e-mail.

Could you check with Gary to establish that the city has satisfactorily concluded a license for Jackrabbit to do this work on city property- I think Ann was dealing with this at some point.

Although the proposed minor revisions (to an approved site plan that is already implemented and just waiting for a final CO) are OK in terms of meeting site plan standards etc (and we asked them to screen the dumpsters), we don't want to confirm an approval until we have some evidence (eg e-mail from you) that the Right Title and Interest docs are in place.

Thanks

Jean

>>> Jean Fraser 5/19/2011 1:51 PM >>>

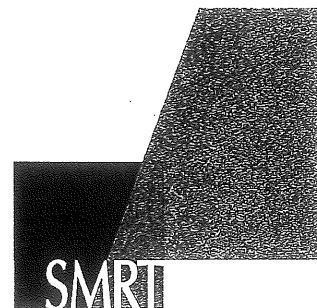
Gary

SMRT, on behalf of Jackrabbit LLC, are requesting de minimus site plan approval to the amendments described

in the attached letter and plans. Both amendments are on City property and the letter refers to discussions with you.

We are reviewing these changes (the one re dumpster screening was requested by Planning) but I would appreciate your confirmation that the applicant has entered into agreements with the City that meet the right, title and interest requirements for site plan review.

Thank you  
Jean



May 17, 2011

Ms. Jean Fraser, Planner  
City of Portland  
Planning & Development Department  
389 Congress Street  
Portland, ME 04101

Re: 144 Fore Street / Portland VA Medical Office  
Site Plan Modification Request  
# (HTE) 10-79900012

Dear Ms. Fraser,

On behalf of the Applicant, Jackrabbit LLC, we submit herewith the following continuation of request for review and approval of a change to the approved site plan.

The plans submitted and approved included provision for two (2) new dumpsters with attendant protective pipe bollards and screen enclosure. As mentioned in earlier correspondence, it has since been determined by the Applicant that the area taken by the dumpsters is more valuable and necessary for parking to support other potential tenants in the building. For this reason, the dumpsters will not be installed and the area striped for four (4) parking spaces, matching current existing conditions. The existing three (3) dumpsters located at the east end of the building will serve the VA Medical Office and the rest of the Jackrabbit building tenants. Emptying frequency of the dumpsters will be adjusted as necessary by the solid waste hauler retained by the Applicant (Pine Tree Waste / Casella). A screened enclosure will be added in accordance with city requirements for visual buffering of trash and storage facilities, and per discussion by the Applicant with city corporation counsel Gary Wood. Two of the attached sketches illustrate general site location and detail of the dumpsters and screen.

Additionally, at the west end of the site, off the northwest corner of the building, request is made to place landscape planting on a portion of city land located between the Jackrabbit and Cauculidis properties. A considerable amount of electrical and gas distribution equipment is mounted on the exterior of the building in this location. A crushed stone strip (3' width) is to be added at the building face to facilitate access to the equipment, the outer edge of which will fall just short of the property line. This will be carried down the slope east of the equipment, addressing erosion problems on both properties. Planting is proposed on the city property to screen the equipment and soften the view from Fore Street. It should be noted in passing that the Applicant's forces currently maintain the former railroad siding (now city property) between the buildings, providing trash removal and periodic mowing.

*Action*  
- Ack to mark 5-17-11 + 5-19-11  
- raised at Dev Rev  
5-18-11 - JT not there  
all OK  
  
- emailed Gary Wood re  
RTI 5-19-11  
  
- emailed it to Jeff Tarling  
for sign off 5-29-11

Jean Fraser  
May 17, 2011  
Page 2 of 2

We believe the changes to the approved site plan described herein and on the accompanying partial plans would be considered *de minimus*. Please contact us if you have questions or require further information at this time. Thank you for your continued assistance in this project.

Sincerely,  
SMRT

A handwritten signature in black ink, appearing to read 'Mark G. Johnson', written over a horizontal line.

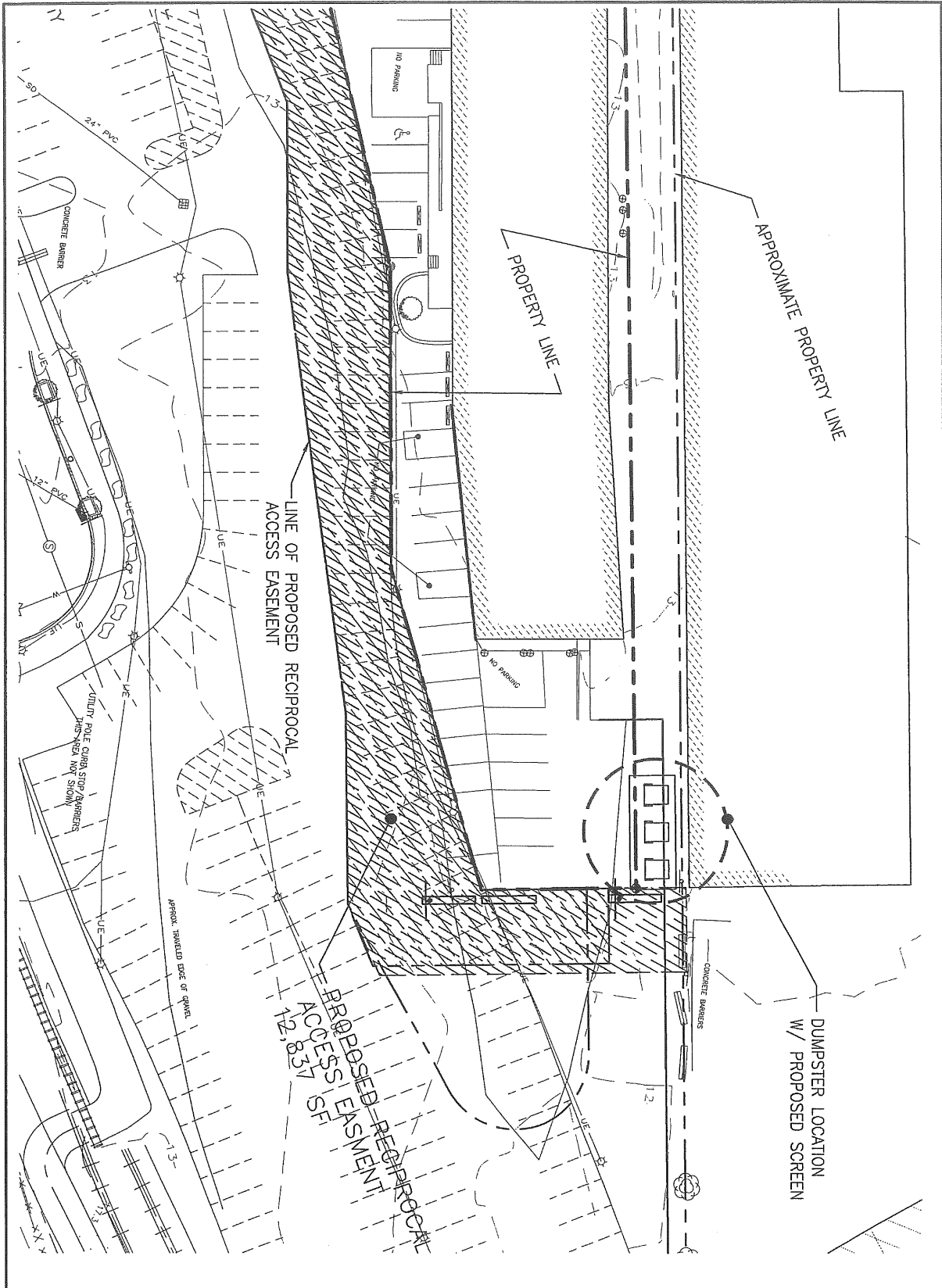
Mark G. Johnson, ASLA, LEED AP  
Landscape Architect  
a Maine Licensed Landscape Architect

144 Fore Street  
P.O. Box 618  
Portland, ME 04104  
p 207.772.3846 f 207.772.1070 email: mjohnson@smrtinc.com

Encl.:

- Sketch SK-1: PROPOSED DUMPSTER SCREEN LOCATION (dated 5-17-11)
- Sketch SK-2: PROPOSED DUMPSTER SCREEN PLAN DETAIL (dated 5-17-11)
- Sketch SK-3: PROPOSED PLANTING PARTIAL PLAN (dated 5-17-11)

cc. Mike Marino (Jackrabbit LLC), PSS, DRL, ADJ, file 10022/22



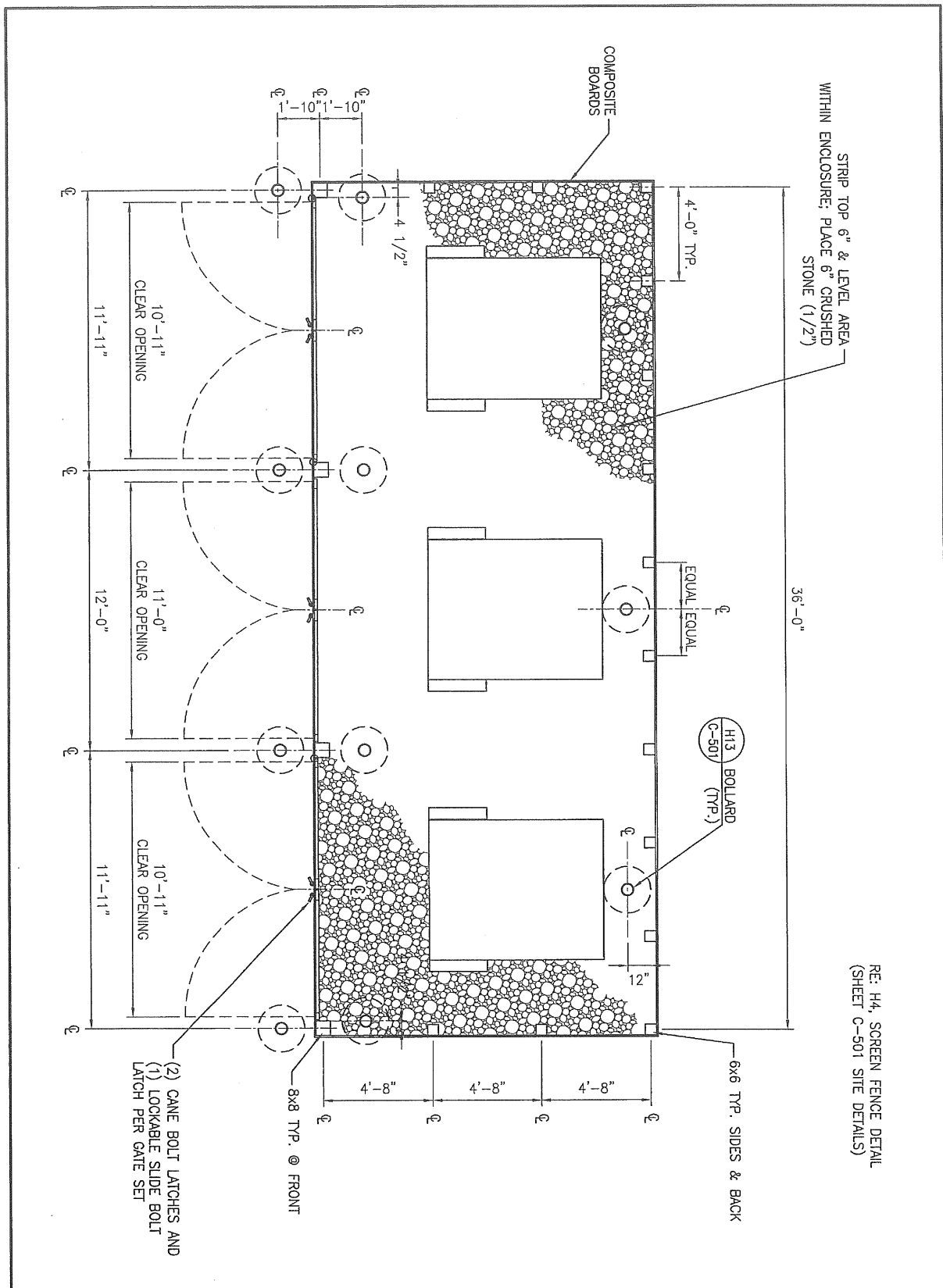
SKETCH No.  
 SK-1  
 SUPPLEMENTAL INSTRUCTION:  
 DATE: 5-17-11  
 PROJECT NO: 10022  
 CAD FILE: CP101-10022  
 A/E OF RECORD: MCA  
 REF. SHEET: CP101  
 PROJECT MANAGER: DRL  
 SCALE: 1" = 30'  
 SUBJECT: PROPOSED DUMPSTER SCREEN LOCATION

DEPARTMENT OF VETERAN AFFAIRS - PORTLAND  
 PORTLAND, MAINE

**SMRT**  
 ARCHITECTURE  
 ENGINEERING  
 PLANNING  
 INTERIOR DESIGN  
 COMMISSIONING

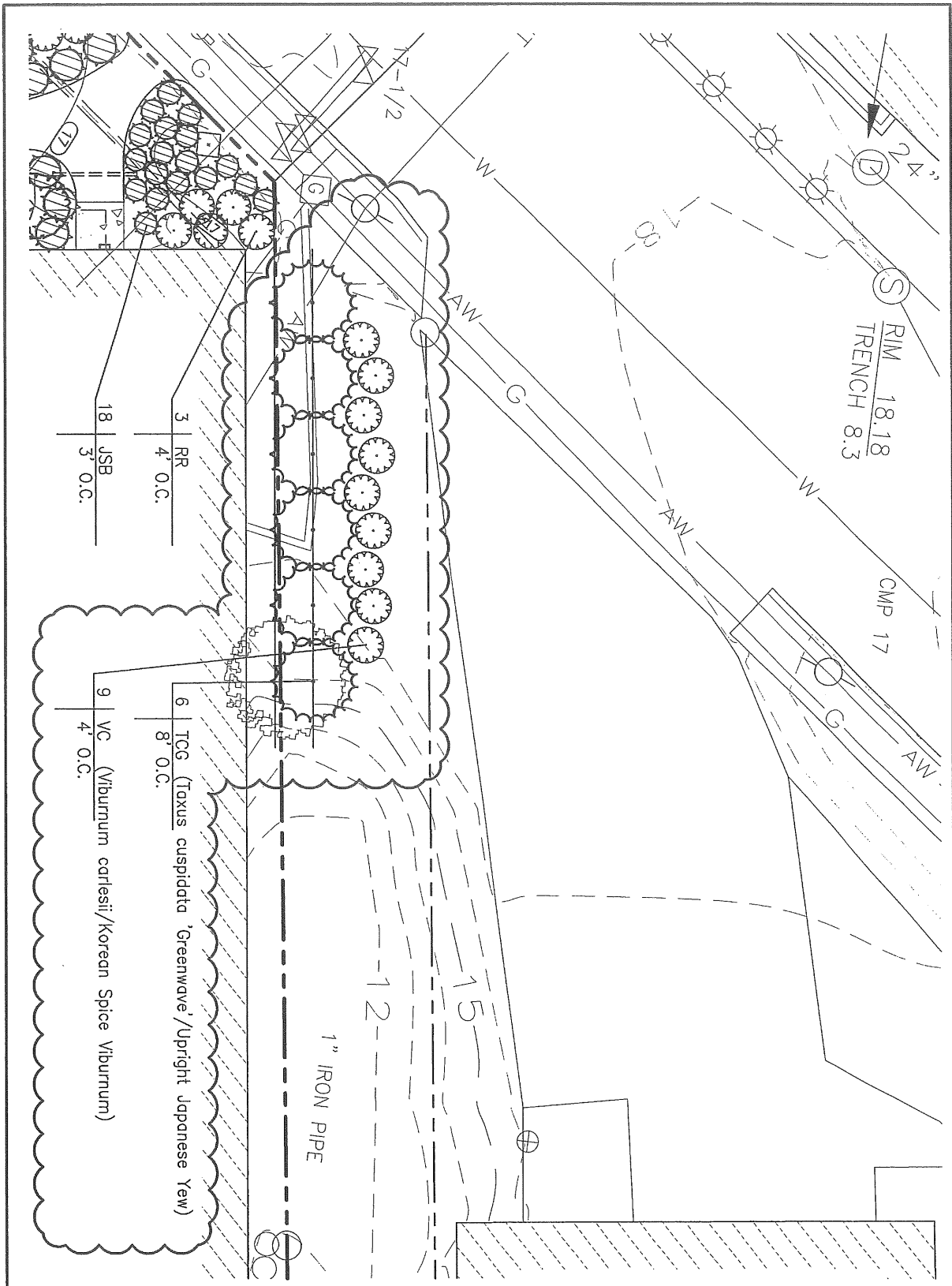
144 Fore Street/P.O. Box 618  
 Portland, Maine 04104  
 tel. (207) 772-3846  
 fax. (207) 772-1070  
 www.smrinc.com





RE: H4, SCREEN FENCE DETAIL  
(SHEET C-501 SITE DETAILS)

SKETCH No.  <b>SK-2</b>	SUBJECT: <b>PROPOSED DUMPSTER SCREEN PLAN DETAIL</b>	<b>SMRT</b> ARCHITECTURE ENGINEERING PLANNING INTERIOR DESIGN COMMISSIONING	144 Fore Street/P.O. Box 618 Portland, Maine 04104 tel. (207) 772-3846 fax. (207) 772-1070 www.smrtninc.com
	DEPARTMENT OF VETERAN AFFAIRS - PORTLAND PORTLAND, MAINE		
SCALE: 1/4" = 1'-0"	PROJECT MANAGER: DRL		
REF. SHEET: C-501	DATE OF RECORD: MGL		
CAD FILE: C-501-10022	PROJECT NO.: 10022		
DATE: 5-17-11	SUPPLEMENTAL INSTRUCTION:		



SUBJECT: PROPOSED PLANTING PARTIAL PLAN  
 SCALE: 1" = 10'  
 PROJECT MANAGER: DRI  
 REF. SHEET: LP101  
 A/E OF RECORD: MGI  
 CAD FILE: LP101-10022  
 PROJECT NO.: 10022  
 DATE: 5-17-11  
 SUPPLEMENTAL INSTRUCTION:

DEPARTMENT OF VETERAN AFFAIRS — PORTLAND  
 PORTLAND, MAINE

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SK-3

SKETCH No.



# PORTLAND MAINE

Planning Division  
Jean Fraser, Planner

6-1-11

TO: Gary Wood  
from: Jean Fraser

Re 144 Fore St (VA Bldg)  
Amendments to site plan  
(landscaping + dumpster enclosures  
on City land)

Re my question re the licence to  
jackrabbit + whether it covers  
the proposed site plan amendments,  
I attach over-all site plan  
(extract) showing where the  
proposed development is located.

Thank you  
Jan





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[www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning & Urban Development Department**  
Penny St. Louis Littell, Director

**Planning Division**  
Alexander Jaegerman, Director

September 30<sup>th</sup>, 2010

Mr. Andrew D. Johnston, PE, LEED AP and Mark G. Johnson, ASLA, LEED AP  
SMRT Inc  
144 Fore Street  
PO Box 618  
Portland, ME 04104

Your Ref: 10022/15.1

**Re: 144 Fore Street : Change of Use to Professional Offices (for VA Medical Office),  
Building Renovation and Minor Site Plan  
Application # (HTE) 10-79900012**

Dear Mr. Johnston and Mr Johnson,

I refer to Mr Andrew Johnston's letter of September 7, 2010 regarding compliance with the conditions of the site plan approval issued on August 16, 2010.

I confirm that all of the conditions of approval that require to be addressed at this time (ie conditions i., ii., iii., v., and vi) have been met, with the following caveats:

- a. With respect to condition i., the objective of that condition was to have the 40 parking spaces nearest the entrance to the VA medical facility reserved for visitors to that use ie so that others would not park in those spaces. We recommend that signs or notices be placed to ensure the parking spaces are available for the VA visitors;
- b. Regarding condition iii., the Zoning Administrator has requested that you be advised that if the City receives future noise complaints and it is further metered to be in violation of the Ordinance, the applicant shall take the appropriate measures to mitigate the noise as required;
- c. Regarding condition vi., the flag pole top mounted LED down lighting is approved (as a substitute for a building mounted spotlight) as specified in the e-mail from Mr Mark Johnson dated 9.21.2010;
- d. Please forward copies of the deeds relating to the revised property line to the south when they are available.

O:\PLAN\Dev Rev\Fore Street - 144 (Change of Use)\Post Approval\Confirming conditons are met 9.30.2010 - 144 Fore St VA Medical Office.doc

## Jean Fraser - RE: Re crosswalk detail

---

**From:** Jean Fraser  
**To:** Johnson, Mark  
**Date:** 9/29/2010 1:53 PM  
**Subject:** RE: Re crosswalk detail

---

Mark

I have discussed this with the Traffic Engineering Reviewer and we're OK with the crosswalk being 5 feet wide, but please amend the detail in C501 to show 2 feet between the stripes; if you could send the 8 copies of this (folded) I will substitute them in the final sets.

Thanks  
Jean

>>> Mark Johnson <MJohnson@SMRTInc.com> 9/29/2010 12:03 PM >>>  
Jean,

This is the technical standard for crosswalks in public streets, which is not the case (private property site access) in this instance. Please clarify.

Thanks,

**Mark G. Johnson** ASLA, LEED AP  
*A Maine Licensed Landscape Architect*

SMRT  
144 Fore Street, PO Box 618 Portland, Maine 04104  
p 207.772.3846 f 207.772.1070  
[www.smrinc.com](http://www.smrinc.com)

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Wednesday, September 29, 2010 11:33 AM  
**To:** Mark Johnson  
**Subject:** Re crosswalk detail

Mark,

I am following up my voicemail regarding the crosswalk- in the details plan the crosswalk needs to be revised to show a 2 ft separation between the blocks of white, and must be 8 ft wide at a minimum (not 5ft). The site plan (CP401) also needs to be revised.

Let me know if any problem with this- if not, please send me 8 copies each of the CP401 and C-501 (folded) and I will substitute them in the sets.

Thanks  
Jean

## Jean Fraser - 144 Fore St - final plans

---

**From:** Jean Fraser  
**To:** Johnson, Mark  
**Date:** 9/27/2010 1:45 PM  
**Subject:** 144 Fore St - final plans  
**CC:** Barhydt, Barbara; ajohnston@smrtinc.com

---

Mark,

You sent me the final plans for this project last week, but although we had discussed the pedestrian access and parking and flagpole lighting, I do not recall any discussion regarding changes to the Landscape Plan (loss of planting bed and landscape at corner of Fore and Hancock; changes at the front entrance; ? loss of existing shrubs) and other changes to the Site Plan (changes in the grading by Fore Street with loss of a drainage basin; revision of front entrance).

While I appreciate some of those changes may be an improvement and/or are necessitated to make the access ADA compliant at Fore St, these nevertheless are amendments to approved plans and need to be reviewed- particularly re the landscape.

Therefore I will run these by reviewers at our regular Dev Rev meeting on Wednesday morning and get back to you that afternoon. I am giving copies to Inspections and Phil DiPierro so that the overall "process" can continue but please be aware that these plans are not yet approved as final.

Jean

## Jean Fraser - RE: 2nd reply RE: 144 Fore - pedestrian access

---

**From:** Jean Fraser  
**To:** Johnson, Mark  
**Date:** 9/21/2010 11:27 AM  
**Subject:** RE: 2nd reply RE: 144 Fore - pedestrian access  
**CC:** Barhydt, Barbara; DiPierro, Philip; ajohnston@smrtinc.com

---

Mark,

I would like to follow up my e-mail sent last week with some questions because I understand that a cost estimate for the Performance Guarantee has been sent to Phil diPierro. Phil and I have no idea what plan the cost estimate is based on since I do not have any final plans.

Phil is unable to approve the cost estimate because the plans we do have are all inconsistent regarding the crosswalk; whether the paved area will be milled and overlaid or not; and the extent of area to be regraded/repaved; the extent of restriping for parking.

When we receive the final plans I am sure there will be revisions that are different from the approved plans (separate from any revisions to address conditions) and it may be that those would be diminimus and not an issue; but I am not sure until I run the changes by reviewers/ Director of Planning. The "proposed boundary line" along the south has just appeared along with the additional parking and the layout of that new parking does not meet appear to meet our standards (as I mentioned this was not on the submitted plans and not reviewed so is an amendment).

To save time it might be best to give me (7 sets) of the plans as approved (with the approved revisions that relate to the conditions; the planting plan needs to reflect the revised pedestrian accesses and we may need a detail or two) and then you could write or apply separately for the amendment re the parking/south boundary changes which could be processed quickly but separately. This would allow the contract to get going.

We would like to facilitate this getting on site quickly so please call me or Barbara Barhydt (874 8699) if you would like to discuss.

Thank you  
Jean

## Jean Fraser - RE: 2nd reply RE: 144 Fore - pedestrian access

---

**From:** Jean Fraser  
**To:** Johnson, Mark  
**Date:** 9/17/2010 2:09 PM  
**Subject:** RE: 2nd reply RE: 144 Fore - pedestrian access  
**CC:** ajohnston@smrtinc.com

---

Mark

I have received the letter of Sept 7, 2010 which documents that you have complied with the site plan conditions of approval. Before confirming that the conditions have been met, there are a few questions/comments:

**Re Condition i:** I am confused that the plan (CP401) (for the first time) show 23 spaces on and over the property line to the south and these were never shown here in the plans submitted for site plan review and were not reviewed. At the time of the review, we understood that off site parking was being arranged elsewhere and the condition simply wanted the parking spaces along the building and nearest to Fore St identified as being for the VA medical offices (which has not been done). I would appreciate clarification incl re Right, Title and Interest.

**Re Condition ii:** The pedestrian access proposals from Fore St and Hancock (CP401) are satisfactory and this condition has been complied with.

**Re Condition iii:** Please see comments below from the Zoning Administrator, who has signed off re this condition subject to a caveat that needs to be documented.

**ZONING ADMINISTRATOR**  
**MARGE SCHMUCKAL**  
**SEPT. 17, 2010**

*The applicant has further supplied information concerning the anticipated HVAC units. The information submitted describes the HVAC units as emanating 56 dBAs which will meet the B-6 Zoning requirements during the 7:00 am to 10:00 pm hours. It is anticipated that the evening hours dBA requirements could also be met. This report is acceptable at this time with one caveat. If the City receives future noise complaints and it is further metered to be in violation of the Ordinance, the applicant shall take the appropriate measures to mitigate the noise as required.*

*It is still understood that if and when the time comes, the applicant will file separate permits for any new signage. This condition shall not be a hang-up for any site plan sign offs.*

**Condition vi:** The lighting levels for the wall mounted lights are acceptable, since they will be operating together with a high level of ambient light from surrounding street lights. However, I am concerned regarding the "spotlight for flagpole" shown on CP401 at the corner of the building. As you know from the MTA headquarters building review, the City's standards do not allow spotlights and they have been allowed on waiver where very local, underneath the lighted object and not posing a hazard to drivers and pedestrians (through glare). I have not seen a catalog spec or photometric for the proposed spotlight and am concerned that the location shown has the potential for impacting drivers and pedestrians coming into the site from Hancock Street. Please clarify or send details.

Once I better understand the issues re Condition i and iv I will write a more formal response to confirm the status or urgently arrange for any further reviews necessary (eg the Traffic Engineering reviewer re the parking spaces).

Please call if any questions.

Jean

Jean Fraser, Planner  
City of Portland  
874 8728

>>> Mark Johnson <MJohnson@SMRTInc.com> 9/16/2010 5:34 PM >>>  
Jean,

I trust you received our communication in good order. Do we have a final approval, yet?

Please let us know.

Thanks,

**Mark G. Johnson** ASLA, LEED AP  
*A Maine Licensed Landscape Architect*

SMRT  
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[www.smrtinc.com](http://www.smrtinc.com)

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Thursday, September 09, 2010 2:14 PM  
**To:** Mark Johnson  
**Subject:** 2nd reply RE: 144 Fore - pedestrian access

Mark

I have not yet received your letter so will respond more formally once I see that....but I just wanted to confirm that the submitted plan plus your clarification e-mail of today means that the condition (re ADA access etc) is considered by us to be met.

Jean

>>> Mark Johnson <MJohnson@SMRTInc.com> 9/9/2010 1:18 PM >>>  
Hi Jean,

And welcome back!

To reiterate what was stated in my email, and what is contained in letter you should receive today formally addressing all specific approval conditions, both pedestrian routes are now ADA compliant as shown on the plan – period. This is the result of revised grading of the area, which raised the site interior parking area to improve drainage and allowed a reduction in elevation differential between the on-site walks and the adjoining city walks.

The access from the sidewalk along Hancock Street springs off the back of walk at the top of the existing ramp that slopes down to the driveway. Our proposed walk access, as stated above, meets ADA standards. What I



had noted as non-compliant was the existing walk-ramp down to the driveway in that area (that was presumably constructed with the Hancock Street extension). We are not now routing pedestrian traffic down this existing ramp and our new walk meets the standards, therefore, our route is compliant.

Please let me know if this addresses your concerns, or if you have further questions. We look forward to wrapping this up as soon as possible to obtain our building permit and meet our client's deadline with the VA.

Thanks,

**Mark G. Johnson** ASLA, LEED AP  
*A Maine Licensed Landscape Architect*

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144 Fore Street, PO Box 618 Portland, Maine 04104  
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---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Thursday, September 09, 2010 12:56 PM  
**To:** Mark Johnson  
**Cc:** 'Mike Marino(marinoinc.me@gmail.com)'; Alex Jaegerman; Barbara Barhydt; Andrew Johnston; David Lay; 'Thomas Errico'  
**Subject:** Re: 144 Fore - pedestrian access

Hello Mark

I am back from vacation and have discussed your e-mail and attached plan with Tom Errico.

The condition that needs to be met is this:

**Cond. of Approval:**

- i. That the crosswalk from Hancock Street into the site shown on Site Plan CP101 (dated 8.13.2010) shall be revised, for review and approval by the Planning Authority prior to the issuance of a building permit, to avoid crossing the main drive entrance from Hancock Street. One of the two pedestrian links between the building and adjacent streets (Fore Street and Hancock Street) shall be ADA compliant; and

It appears from your e-mail that the link from Hancock Street is not ADA compliant (because it starts at the existing sidewalk there is too great a grade)- but it is not clear whether the Fore Street access is ADA compliant. Tom needs to know that before commenting.

The condition of approval requires that one of these accesses must meet ADA standards and also the Hancock one should avoid having peds cross the main drive access; so if the Hancock link along the route you have shown cannot be made ADA compliant then the Fore Street one needs to be ADA compliant.

Re the Hancock design you have sent, if our understanding of your e-mail is correct ie it does not meet ADA then perhaps the slope could be continued alongside the parking space inside the site so it can be gentler?

Please reply copied to both me and Tom Errico; please call me if any questions or if a meeting would be helpful.

Thank you  
Jean

>>> Mark Johnson <MJohnson@SMRTInc.com> 9/3/2010 1:58 PM >>>  
Tom,

Attached is a pdf of our plan CP401 DETAIL PLAN showing revised layout and grading for the Portland VA project at 144 Fore Street. As discussed in earlier email, design development resulted in what we believe is a design solution that alleviates some concerns regarding possible drainage issues and pedestrian access. Note that, to help facilitate better drainage, we were able to achieve walk access from both Fore and Hancock Streets without steps or excessive ramps. The walk from Hancock springs from the existing sidewalk before the existing walk ramps down to the driveway. It should be noted in the general discussion of universal access as applied to this project that this tip-down condition, created by the constructor of the Hancock Street extension, exceeds the ADA (and city) standard of 12H:1V with an elevation change of 9-inches in 6.8-feet, or over 11%.

I forward this plan to you for your review and comment prior to formal submission to the city, with other documentation, as part of a larger conditions-of-approval response. Please let us know if you have questions or need further information at this time, and if this satisfies your concerns and obviates the need for a separate meeting as put forward by Jean in earlier correspondence.

Thanks!

**Mark G. Johnson ASLA, LEED AP**  
*A Maine Licensed Landscape Architect*

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## Jean Fraser - Re: 144 Fore - Site concerns

---

**From:** Jean Fraser  
**To:** Johnson, Mark  
**Date:** 9/22/2010 10:22 AM  
**Subject:** Re: 144 Fore - Site concerns  
**CC:** DavidLay; Johnston, Andrew; Marino(marinoinc.me@gmail.com)', 'Mike; P...

---

Mark,

Thank you for the additional information, which I discussed with reviewers (including the Director of Planning) today.

The proposed flag pole lighting (as you describe) is OK, as is the photometric of the wall mounted lighting sent 9.7.10.

Re the revised boundary and parking that is now shown on CP401, the parking layout is OK and re Right, Title and Interest I will get the City Council order and we will need - for the file - a copy of the deeds when they are available.

Re the revised option for the "treatment of paving", that is OK but we recommend that after construction the drain be cleaned out.

I will write a letter responding to the letter of Sept 7th so that this is all in one place and includes the Zoning Administrator "sign off" re the HVAC noise levels.

In the meantime, could you please send 7 sets of the final revised plans that have all of the approved or revised and approved elements (remove ref to spotlight for flagpole; landscape plan to match site plan re pedestrian access and parking; maybe detail where the crosswalk meets the sidewalk near Hancock). If you could send one extra set, I will stamp that so that we can give it to the contractor at the precon meeting which Phil diPierro of this office organizes and attends.

Thank you  
Jean  
Jean Fraser, Planner  
City of Portland  
874 8728

>>> Mark Johnson <MJohnson@SMRTInc.com> 9/21/2010 3:53 PM >>>  
Jean,

As discussed today, we have looking at alternative means for illuminating the project flag pole. The attached link is to a company that manufactures flag poles with top-mounted LED downlights for flag lighting. We propose to use this product – the Eagle Mountain Flag Company “Nightmaster”, 30’ ht. pole with twin 20-watt LED lights – for the VA project.

The above referenced product responds to concerns about unintended glare and dark-sky concerns as it directs the light down vs. upwards or at an angle.

<http://www.eaglemountainflag.com/cat-nightmaster-flag-poles.html>

Concerning title, right, or interest, in the additional property shown on the current plan, the City Council approved the conveyance at the 9/13 meeting. The applicant is working with Greg Mitchell's office and attorney Anne Freeman from the city to assemble and execute transfer documents, which will be forward upon completion.

Please let us know if you have any questions or require further information at this time.

**Mark G. Johnson** ASLA, LEED AP  
*A Maine Licensed Landscape Architect*

**SMRT**  
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**Jean Fraser - 144 Fore - Site concerns**

**From:** Mark Johnson <MJohnson@SMRTInc.com>  
**To:** 'Jean Fraser' <JF@portlandmaine.gov>  
**Date:** 9/21/2010 3:53 PM  
**Subject:** 144 Fore - Site concerns  
**CC:** "'Mike Marino(marinoinc.me@gmail.com)'" <marinoinc.me@gmail.com>, DavidL...

Jean,

↓ Alex Ok re this lighting

As discussed today, we have looking at alternative means for illuminating the project flag pole. The attached link is to a company that manufactures flag poles with top-mounted LED downlights for flag lighting. We propose to use this product – the Eagle Mountain Flag Company “Nightmaster”, 30’ ht. pole with twin 20-watt LED lights – for the VA project.

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**Mark G. Johnson ASLA, LEED AP**  
*A Maine Licensed Landscape Architect*

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Re treatment of pavement:  
1) OK as noted on plan  
2) Clear drain ~~spif~~

get order for file  
+ confirm OK  
in letter

**Jean Fraser - 2nd reply RE: 144 Fore - pedestrian access**

---

**From:** Jean Fraser  
**To:** Johnson, Mark  
**Date:** 9/9/2010 2:14 PM  
**Subject:** 2nd reply RE: 144 Fore - pedestrian access

---

Mark

I have not yet received your letter so will respond more formally once I see that....but I just wanted to confirm that the submitted plan plus your clarification e-mail of today means that the condition (re ADA access etc) is considered by us to be met.

Jean

>>> Mark Johnson <MJohnson@SMRTInc.com> 9/9/2010 1:18 PM >>>  
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*A Maine Licensed Landscape Architect*

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---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Thursday, September 09, 2010 12:56 PM  
**To:** Mark Johnson  
**Cc:** 'Mike Marino(marinoinc.me@gmail.com)'; Alex Jaegerman; Barbara Barhydt; Andrew Johnston; David Lay; 'Thomas Errico'  
**Subject:** Re: 144 Fore - pedestrian access



Hello Mark

I am back from vacation and have discussed your e-mail and attached plan with Tom Errico.

The condition that needs to be met is this:

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It appears from your e-mail that the link from Hancock Street is not ADA compliant (because it starts at the existing sidewalk there is too great a grade)- but it is not clear whether the Fore Street access is ADA compliant. Tom needs to know that before commenting.

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Please reply copied to both me and Tom Errico; please call me if any questions or if a meeting would be helpful.

Thank you  
Jean

>>> Mark Johnson <MJohnson@SMRTInc.com> 9/3/2010 1:58 PM >>>  
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I forward this plan to you for your review and comment prior to formal submission to the city, with other documentation, as part of a larger conditions-of-approval response. Please let us know if you have questions or need further information at this time, and if this satisfies your concerns and obviates the need for a separate meeting as put forward by Jean in earlier correspondence.

Thanks!

**Mark G. Johnson ASLA, LEED AP**  
*A Maine Licensed Landscape Architect*

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[www.smrtinc.com](http://www.smrtinc.com)

**Jean Fraser - RE: RE: 144 Fore - pedestrian access**

---

**From:** Thomas Errico <Thomas.Errico@tylin.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 9/9/2010 1:48 PM  
**Subject:** RE: RE: 144 Fore - pedestrian access

---

Jean - I am comfortable with the plans as provided, his documentation (via the email today), and my knowledge of field conditions that no further information is required. Accordingly, it is my opinion that they have met the condition of approval.

Thomas A. Errico, PE  
Senior Associate  
Traffic Engineering Director

**TYLIN** INTERNATIONAL

12 Northbrook Drive  
Falmouth, ME 04105  
207.347.4354 direct  
207.400.0719 mobile  
207.781.4753 fax  
[thomas.errico@tylin.com](mailto:thomas.errico@tylin.com)  
Visit us online at [www.tylin.com](http://www.tylin.com)

"One Vision, One Company"  
Please consider the environment before printing.

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**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Thursday, September 09, 2010 1:27 PM  
**To:** Thomas Errico  
**Subject:** Fwd: RE: 144 Fore - pedestrian access

Tom

Mark is "reiterating what I stated in my e-mail" that both you and I missed!!!!

So I think this is now sorted. Do you want profiles or will you take his word????

Jean

**Jean Fraser - RE: 144 Fore - pedestrian access**

---

**From:** Mark Johnson <MJohnson@SMRTInc.com>  
**To:** 'Jean Fraser' <JF@portlandmaine.gov>  
**Date:** 9/9/2010 1:18 PM  
**Subject:** RE: 144 Fore - pedestrian access  
**CC:** "'Mike Marino(marinoinc.me@gmail.com)'" <marinoinc.me@gmail.com>, 'AlexJ...'

Hi Jean,

And welcome back!

To reiterate what was stated in my email, and what is contained in letter you should receive today formally addressing all specific approval conditions, both pedestrian routes are now ADA compliant as shown on the plan – period. This is the result of revised grading of the area, which raised the site interior parking area to improve drainage and allowed a reduction in elevation differential between the on-site walks and the adjoining city walks.

The access from the sidewalk along Hancock Street springs off the back of walk at the top of the existing ramp that slopes down to the driveway. Our proposed walk access, as stated above, meets ADA standards. What I had noted as non-compliant was the existing walk-ramp down to the driveway in that area (that was presumably constructed with the Hancock Street extension). We are not now routing pedestrian traffic down this existing ramp and our new walk meets the standards, therefore, our route is compliant.

Please let me know if this addresses your concerns, or if you have further questions. We look forward to wrapping this up as soon as possible to obtain our building permit and meet our client's deadline with the VA.

Thanks,

**Mark G. Johnson ASLA, LEED AP**  
*A Maine Licensed Landscape Architect*

**SMRT**  
 144 Fore Street, PO Box 618 Portland, Maine 04104  
 p 207.772.3846 f 207.772.1070  
[www.smrtinc.com](http://www.smrtinc.com)

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Thursday, September 09, 2010 12:56 PM  
**To:** Mark Johnson  
**Cc:** 'Mike Marino(marinoinc.me@gmail.com)'; Alex Jaegerman; Barbara Barhydt; Andrew Johnston; David Lay; 'Thomas Errico'  
**Subject:** Re: 144 Fore - pedestrian access

Hello Mark

I am back from vacation and have discussed your e-mail and attached plan with Tom Errico.

The condition that needs to be met is this:

**Cond. of Approval:**

- i. That the crosswalk from Hancock Street into the site shown on Site Plan CP101 (dated 8.13.2010) shall be revised, for review and approval by the Planning Authority prior to the issuance



of a building permit, to avoid crossing the main drive entrance from Hancock Street. One of the two pedestrian links between the building and adjacent streets (Fore Street and Hancock Street) shall be ADA compliant; and

It appears from your e-mail that the link from Hancock Street is not ADA compliant (because it starts at the existing sidewalk there is too great a grade)- but it is not clear whether the Fore Street access is ADA compliant. Tom needs to know that before commenting.

The condition of approval requires that one of these accesses must meet ADA standards and also the Hancock one should avoid having peds cross the main drive access; so if the Hancock link along the route you have shown cannot be made ADA compliant then the Fore Street one needs to be ADA compliant.

Re the Hancock design you have sent, if our understanding of your e-mail is correct ie it does not meet ADA then perhaps the slope could be continued alongside the parking space inside the site so it can be gentler?

Please reply copied to both me and Tom Errico; please call me if any questions or if a meeting would be helpful.

Thank you  
Jean

>>> Mark Johnson <MJohnson@SMRTInc.com> 9/3/2010 1:58 PM >>>  
Tom,

Attached is a pdf of our plan CP401 DETAIL PLAN showing revised layout and grading for the Portland VA project at 144 Fore Street. As discussed in earlier email, design development resulted in what we believe is a design solution that alleviates some concerns regarding possible drainage issues and pedestrian access. Note that, to help facilitate better drainage, we were able to achieve walk access from both Fore and Hancock Streets without steps or excessive ramps. The walk from Hancock springs from the existing sidewalk before the existing walk ramps down to the driveway. It should be noted in the general discussion of universal access as applied to this project that this tip-down condition, created by the constructor of the Hancock Street extension, exceeds the ADA (and city) standard of 12H:1V with an elevation change of 9-inches in 6.8-feet, or over 11%.

I forward this plan to you for your review and comment prior to formal submission to the city, with other documentation, as part of a larger conditions-of-approval response. Please let us know if you have questions or need further information at this time, and if this satisfies your concerns and obviates the need for a separate meeting as put forward by Jean in earlier correspondence.

Thanks!

**Mark G. Johnson ASLA, LEED AP**  
*A Maine Licensed Landscape Architect*

SMRT  
144 Fore Street, PO Box 618 Portland, Maine 04104  
p 207.772.3846 f 207.772.1070  
[www.smrtinc.com](http://www.smrtinc.com)

## Jean Fraser - Fwd: 144 Fore - pedestrian access

---

**From:** Thomas Errico <thomas.errico@tylin.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 9/8/2010 11:11 AM  
**Subject:** Fwd: 144 Fore - pedestrian access  
**Attachments:** 10022\_CP401-City\_9-3-10.pdf

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Sent from my iPhone

Begin forwarded message:

**From:** Mark Johnson <[MJohnson@SMRTInc.com](mailto:MJohnson@SMRTInc.com)>  
**Date:** September 3, 2010 1:58:31 PM EDT  
**To:** "Thomas Errico" <[Thomas.Errico@tylin.com](mailto:Thomas.Errico@tylin.com)>  
**Cc:** "Alex Jaegerman" <[AQJ@portlandmaine.gov](mailto:AQJ@portlandmaine.gov)>, "Jean Fraser" <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)>, Andrew Johnston <[ajohnston@SMRTInc.com](mailto:ajohnston@SMRTInc.com)>, David Lay <[DLay@SMRTInc.com](mailto:DLay@SMRTInc.com)>, "Mike Marino([marinoinc.me@gmail.com](mailto:marinoinc.me@gmail.com))" <[marinoinc.me@gmail.com](mailto:marinoinc.me@gmail.com)>, "Barbara Barhydt" <[BAB@portlandmaine.gov](mailto:BAB@portlandmaine.gov)>  
**Subject:** 144 Fore - pedestrian access

Tom,

Attached is a pdf of our plan CP401 DETAIL PLAN showing revised layout and grading for the Portland VA project at 144 Fore Street. As discussed in earlier email, design development resulted in what we believe is a design solution that alleviates some concerns regarding possible drainage issues and pedestrian access. Note that, to help facilitate better drainage, we were able to achieve walk access from both Fore and Hancock Streets without steps or excessive ramps. The walk from Hancock springs from the existing sidewalk before the existing walk ramps down to the driveway. It should be noted in the general discussion of universal access as applied to this project that this tip-down condition, created by the constructor of the Hancock Street extension, exceeds the ADA (and city) standard of 12H:1V with an elevation change of 9-inches in 6.8-feet, or over 11%.

I forward this plan to you for your review and comment prior to formal submission to the city, with other documentation, as part of a larger conditions-of-approval response. Please let us know if you have questions or need further information at this time, and if this satisfies your concerns and obviates the need for a separate meeting as put forward by Jean in earlier correspondence.

Thanks!

**Mark G. Johnson ASLA, LEED AP**  
*A Maine Licensed Landscape Architect*

**SMRT**  
 144 Fore Street, PO Box 618 Portland, Maine 04104  
 p 207.772.3846 f 207.772.1070  
[www.smrtinc.com](http://www.smrtinc.com)



rec'd 9.10.10  
copied to MS 9.10.10  
-ireg for sign off miii

ARCHITECTURE    ENGINEERING    PLANNING    INTERIOR DESIGN    COMMISSIONING



September 7, 2010

Ms. Jean Fraser, Planner  
City of Portland  
Planning & Development Department  
389 Congress Street  
Portland, ME 04101

Re: 144 Fore Street Building Renovation and Minor Site Plan  
Portland, Maine  
Application # (HTE) 10-79900012

Dear Ms. Fraser,

On behalf of the applicant, Jackrabbit LLC, we submit herewith plans and documentation in fulfillment of conditions of Minor Site Plan approval as listed in letter received from the city dated August 16, 2010.

The following details our response to the specific approval conditions:

- i. *That the 40 parking spaces that serve the medical offices shall be located near the building entrance, west of the dumpster storage area and adjacent to Fore Street/Hancock Street. Response: The 40 spaces are located as requested. Please refer to attached plan CP401 DETAIL PLAN.*
- ii. *That the crosswalk from Hancock Street into the site shown on Site Plan CP101 (dated 8.13.2010) shall be revised, for review and approval by the Planning Authority prior to the issuance of a building permit, to avoid crossing the main drive entrance from Hancock Street. One of the two pedestrian links between the building and adjacent streets (Fore Street and Hancock Street) shall be ADA compliant. Response: Both pedestrian access links are now ADA compliant as a result of site grading modifications incorporated into the design. Please refer to attached plan CP401 DETAIL PLAN.*
- iii. *That the applicant shall submit documentation, to the satisfaction of the Zoning Administrator prior to the issuance of a building permit, to confirm that the cumulative noise levels of the external HVAC and any other exterior mechanical equipment comply with the noise standards of the B6 Zone, where the maximum permissible sound levels for the HVAC units are sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m. and fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m. as measured at or within the boundaries of any residential zone. Response: HVAC equipment for the renovated space has been consolidated into one unit, which will be mounted on the roof in a location central to the space, providing maximum separation from the surroundings at all locations. The unit will incorporate acoustic blanket insulation. The combined effect of the blanket plus distance from the nearest property boundary (required measuring point per B6 zoning) is a reduction in sound level of the unit of 37 dBA (this is conservative and could be as high as 41dBA according*

- to the manufacturer) over the frequency range of 63Hz to 4KHz, resulting in an average level of 56 dBA, meeting daytime ( $\leq 60$  dBA) requirements. To meet nighttime ( $\leq 50$  dBA) requirements, the condensing function of the units will be programmed to be off, leaving only the fans on, significantly reducing the noise level. No data is available for the actual amount of noise reduction possible by leaving the condensers off, however, conservative estimates are in the 15 dBA range. Please refer to the attached calculations and information.
- iv. *That the details (including dimensions and materials) of any proposed sound baffles, shielding, or other enclosures for the HVAC and any other roof equipment, shall be submitted for review and approval by the Planning Authority prior to the issuance of a building permit. Response: Please see response above. No other rooftop equipment is proposed. No other sound attenuation measures are proposed other than the acoustic blanket attached herein.*
  - v. *That the crosswalks within the parking and drive areas shall be a painted "block" style crosswalk. Response: Painted crosswalks shall be block style as requested. Please refer to the attached plans.*
  - vi. *That a photometric plan shall be submitted prior to the issuance of a building permit to document that the proposed wall mounted lighting on the west elevation (as measured without including the ambient light from the street lights) meets the City Lighting Standards regarding maximum light levels. Response: Light levels for the four proposed wall-mounted light fixtures was modeled in a point-by-point plan without inclusion of surrounding street fixtures. Average illumination and light level at the property line fall within city standards. Light levels immediately under the fixtures are predictably slightly higher than the 5 fc maximum as can be expected given the mounting heights and types of fixtures. Please refer to the attached lighting plan.*
  - vii. *Routine testing of the emergency generator must be scheduled between 9:00 a.m. and 5:00 p.m. Monday through Friday. Response: Routine emergency generator testing will be scheduled as requested.*
  - viii. *That any new signage would require a separate building permit and this site plan approval does not imply an approval to any signage. Response: New signage will be submitted for review, approval, and permit in accordance with city requirements.*
  - ix. *That the applicant is advised that there is existing ponding in the parking area and regrading (when resurfacing) to address this problem is advisable. Response: So noted. Please refer to the attached plan CP401 DETAIL PLAN for revised grading as described above.*



Fraser  
September 7, 2010  
Page 3 of 3

We believe that the information contained herein addresses the conditions of site plan approval and that, upon receipt of these and the performance guarantee which is in process, immediate issuance of a building permit will be possible. Please let us know if you have any questions, or require any further information at this time. We look forward to hearing from you.

Sincerely,  
SMRT



Andrew D. Johnston, P.E., LEED AP  
Senior Civil Engineer

144 Fore Street  
P.O. Box 618  
Portland, ME 04104  
p 207.772.3846 f 207.772.1070 email: ajohnston@smrtinc.com

Encl.

- CP401 DETAIL PLAN
- HVAC information: Paths Report and Acoustic Blanket information
- Point-by-point Plan dated 9-7-10

cc. Mike Marino (Jackrabbit LLC)  
DRL, PSS, MGJ, file 10022/15.1

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*HVAC Information*

# Paths Report

Project Name: 144 Fore Street  
 Location: Portland, ME  
 Building Owner:  
 Project ID:

**Element**      **63Hz**   **125Hz**   **250Hz**   **500Hz**   **1KHz**   **2KHz**   **4KHz**   **Comments**

Custom Element	98	95	93	91	88	84	79	
Custom Element	-6	-6	-6	-6	-6	-6	-6	
Outdoor	-31	-31	-31	-31	-31	-31	-31	25 ton Trane packaged rooftop - Model YCD300E Insultech Compressor Wrap Distance to Receiver: 20 ft source to ground, 5 ft receiver to ground and 43 ft source to receiver
Sum	61	58	56	54	51	47	42	

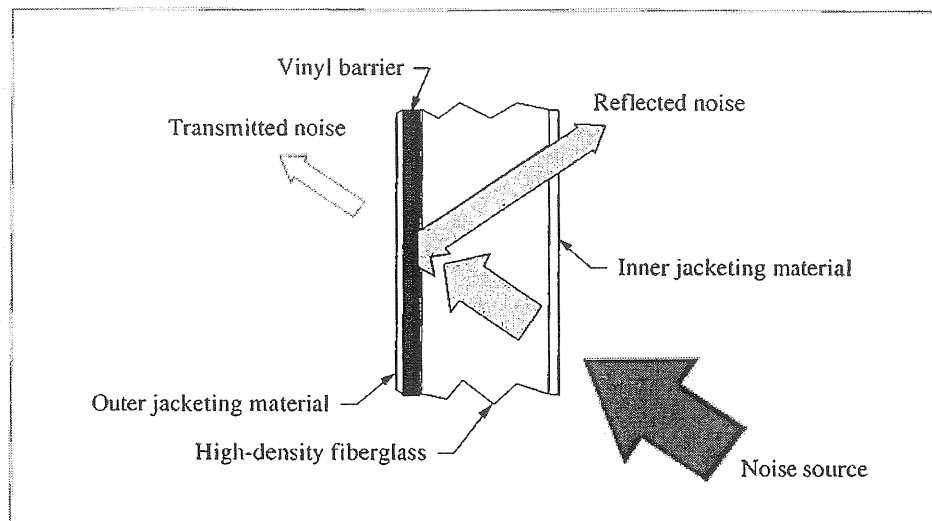
NC 50      RC 51(N)      56 dBA

Path1

# INSULTECH

## About Acoustic Blanket Insulation

**Insultech** Acoustic Blanket Insulation is an extremely versatile and efficient solution to common industrial noise problems. It combines high density fiberglass mat with a mass-loaded Vinyl sandwiched between a weatherproof jacketing. The purpose of the fiberglass is to reduce reflected noise and to absorb noise energy, while the mass-loaded vinyl blocks transmitted noise. The fiberglass also has excellent thermal insulation qualities. While combining both an absorbing material and a well matched barrier material, the acoustic blanketing yields a highly efficient and cost effective means for solving industrial noise control problems.



**Insultech** Acoustic Blanket Insulation is completely custom fit to meet your application's needs. It's flexibility and strength add to the versatility of this type of system, while the chemical resistance and high-temperature capabilities of the outer jacketing material allow **Insultech** Acoustic Insulation to perform extremely well in nearly every industrial environment.

# INSULTECH

Specification  
LT250A-VP

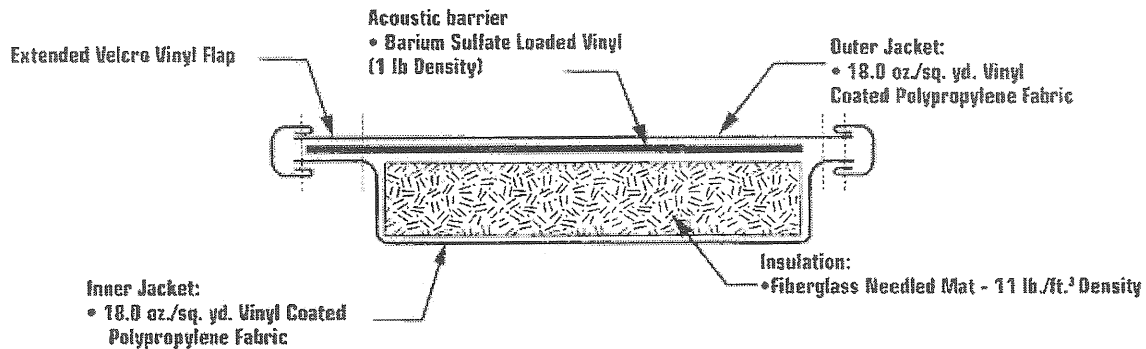
## TRANE Acoustic Blanket System

Design Specification:						LT250A-VP		
Service	Temperature		Permeability Pervious / Impervious		Outdoor Use	Chemical Resist	Abrasion Resist	Fire Rating
Process	250			✓	Good	Good	Good	Nonflammable

**Application**

- Compressor Housing • Suction Line • Discharge Line • Oil Separator • Evaporator Shell • Condenser Shell
- Equipment operating above OSHA required sound limits • Commercial Industrial OEM

**Design Components:**



### Blanket Thickness Surface Temperature Reference:

Operating Temperature	Thickness / Surface Temperature
250°F (121°C)	1.5" 92.0°F

- \* The reference cold face surface temperatures should be used as guidelines for blanket thickness design.
- \* The cold face surface temperature of the blanket should achieve ambient temperature conditions.
- \* The economic thickness of the blanket should consider blanket cost to thermal performance.
- \* Heat loss calculations are based on a 70°F ambient using a flat surface condition.

### Blanket Thickness to Acoustic Performance:

dBA Reduction Range	Thickness	Surface Mass
6 - 10	1.5"	1.82 - 3.10 lb/SF

- \* The dBA reductions are approximations. These figures are only guidelines of performance.
- \* True estimates should include field verification of dBA levels and frequency concentrations.

# INSULTECH

Specification  
LT250A-VP

## Fabrication Requirements

### Blanket Construction

Blanket construction is a double sewn lock stitch with a 7 stitches per inch minimum. All raw jacket edges have a tri-fold Teflon cloth binding stitched with Teflon coated fiberglass thread. No raw cut jacket edge will be exposed.

### Resistant Flap

To avoid penetrating noise at mating seams, blanket pieces will include an extended 2" wide fabric vinyl flap. This flap will cover the exposed seam and will minimize any potential noise leaks.

### ID Plates

For easy identification and location, a stainless steel or aluminum name plate tag is riveted to each blanket piece. 1/8" Embossed lettering shows location, description, size, pressure rating and tag number sequence.

### Quality Pins

To enhance blanket quality and to maintain uniform thickness, stainless steel quilting pins will be placed at random locations no greater than 18" apart. This will prevent shifting of the insulation filler.

### Blanket Insulation Weight

When designing blanket insulation for large equipment where a multi-piece construction is necessary, the total number of pieces will be minimized. Any one piece will not exceed 50 lbs. in weight.

### Assembly Drawing Requirements

Each blanket insulation project will include an instruction package shipped with the blanket material. This package will include Assembly Drawings identifying piece location, a Material List of all pieces and Instructions for Installation on how blanket insulation will be installed. The latest and most accurate records must be kept *by the supplier* on a CAD file for a minimum of ten years to assure re-orders and replacement.

### Guaranteed Fit

All blanket designs will accommodate vibration probes, gauges, tubing, piping, brackets, etc. All blanket pieces are guaranteed to fit for optimum acoustic performance.

### Fastening Options

#### 1) Wiretwists

A 20 gauge stainless steel wire is doubled up and twisted in a spiral fashion with a minimum of 4 twists per inch. Wiretwist length will be 16" or longer. The Wiretwist will be secured to the lacing pin at the pin stem. Lacing pin stems will be 14 gauge.

#### 2) Velcro Flaps

A 2" wide hook will be stitched to the blanket and a 2" wide loop will be stitched to an extended outer jacketing flap. Velcro is rated for temperatures up to 350°F.

### Design Guidelines

To access the true limitations of this recommended design, refer to the technical data sheets on each product component. Following these guidelines will produce the highest achievable service life. Blanket design quality can be reduced or enhanced by changing any one component. If a question arises regarding deviations from those stated guidelines, please contact your regional representative or call Shannon direct.

### Project Qualifications

All items to be insulated will require a field takeoff prior to bid submittal, and must be reviewed for proper cost estimation. Upon receipt of project contract, each and every item must be accurately measured for retrofitting to existing field conditions and tagged with an aluminum or stainless steel identification tag showing an item number for installation reference. At the time of installation, blankets must have a corresponding item number shown on the blanket tag and must match to existing tagging on fitting. No standard blanket designs will be accepted. This will assure good thermal performance.

### Warranties

All blankets will carry an 18 month warranty covering the replacement cost of the blanket. This warranty will cover blanket failure due to premature degradation from either blanket components used in the blanket, the blanket design construction or workmanship.



75 Main St., P.O. Box 199 / North Tonawanda, New York 14120  
17161 693-7954 / www.blanket-insulation.com

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*Point-by-point Plan*



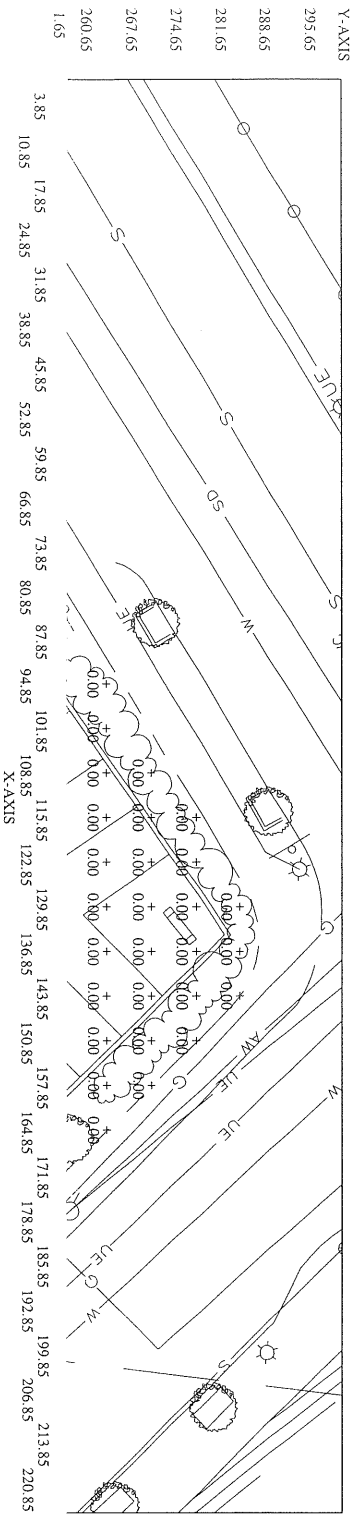
LitePro 2.026 Point-By-Point Results

PROJECT: CITY OF PORTLAND/JACKRABBIT LLC/10022 GROUP: SITE W/O HOTEL AREA: NEW SITE GRID: New Grid  
 PREPARED BY: JHEBERT  
 VALUES ARE FC, SCALE: 1 IN= 30.0FT, HORZ GRID (U), HORZ CALC, Z= 0.0

Computed in accordance with IES recommendations

Statistics

GROUP	MIN	MAX	AVE	AVE/MIN	MAX/MIN
(+)	0.00	7.64	1.20	N/A	N/A



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***CP401 DETAIL PLAN (dated 9-1-10 IFC)***

## Jean Fraser - 144 Fore St: Condition ii of Approval letter

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**From:** Jean Fraser  
**To:** ajohnston@smrtinc.com  
**Date:** 8/27/2010 4:30 PM  
**Subject:** 144 Fore St: Condition ii of Approval letter  
**CC:** Barhydt, Barbara; Dennis Jud; Errico, Thomas

---

Andrew,

I am away on vacation next week and the second condition of approval is something which I anticipate you will want to resolve in the near future. The condition reads:

i. That the crosswalk from Hancock Street into the site shown on Site Plan CP101 (dated 8.13.2010) shall be revised, for review and approval by the Planning Authority prior to the issuance of a building permit, to avoid crossing the main drive entrance from Hancock Street. One of the two pedestrian links between the building and adjacent streets (Fore Street and Hancock Street) shall be ADA compliant; and

A meeting with Tom Errico, the City's Traffic Engineering Review, may be the quickest way to clarify and resolve this access issue and I suggest that you meet with him direct but include a Planning Division representative in the meeting too. I have therefore cc'd all of the relevant parties so that you can move forward in my absence if you wish.

Thank you  
Jean

Jean Fraser, Planner  
city of Portland  
874 8728

**Jean Fraser - RE: RE: Re crosswalk detail**

---

**From:** Thomas Errico <Thomas.Errico@tylin.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 9/29/2010 12:17 PM  
**Subject:** RE: RE: Re crosswalk detail

---

From a traffic engineering perspective I like constituency. But I'm okay with a 5-foot crosswalk in this location. His detail of the layout should meet City Standards.

Thomas A. Errico, PE  
Senior Associate  
Traffic Engineering Director

**TYLIN** INTERNATIONAL

12 Northbrook Drive  
Falmouth, ME 04105  
207.347.4354 direct  
207.400.0719 mobile  
207.781.4753 fax  
[thomas.errico@tylin.com](mailto:thomas.errico@tylin.com)  
Visit us online at [www.tylin.com](http://www.tylin.com)

"One Vision, One Company"  
Please consider the environment before printing.

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**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Wednesday, September 29, 2010 12:09 PM  
**To:** Thomas Errico  
**Subject:** Fwd: RE: Re crosswalk detail

Tom,

Mark is indicating that the standard you are applying is for within the ROW/street; his crosswalk is on private property so maybe it does not apply.

Also, I can see that the way the new 5 ft ADA ramp comes down to the crosswalk (from Hancock) it would be awkward to have such a wide crosswalk.....

I attach Marks e-mail and the final site plan for reference.

Thanks  
Jean



# PORTLAND MAINE

*Strengthening a Remarkable City. Building a Community for Life* [www.portlandmaine.gov](http://www.portlandmaine.gov)

## Planning & Urban Development Department

Penny St. Louis Littell, Director

## Planning Division

Alexander Jaegerman, Director

August 16, 2010

Diane Rollins  
Jackrabbit, LLC  
44 Oak Street  
Portland, ME 04101

Andrew D. Johnston, PE, LEED AP  
SMRT Inc  
144 Fore Street  
PO Box 618  
Portland, ME 04104

**Re: 144 Fore Street : Change of Use to Professional Offices (for VA Medical Office),  
Building Renovation and Minor Site Plan  
Applicant: Jackrabbit, LLC  
Application # (HTE) 10-79900012**

Dear Ms. Rollins and Mr. Johnston,

On August 16, 2010, the Portland Planning Authority approved a minor site plan for 144 Fore Street for building renovation and associated site works for a change of use to Professional Offices for the VA Medical Office, as submitted by the applicant and shown on the approved plan prepared by SMRT, Inc (Site Plan CP101 dated 8.13.2010; Planting Plan Sheet 4 dated 7.27.2010 and Lighting Plan ES101 dated 7.27.2010) with the following conditions:

- i. That the 40 parking spaces that serve the medical offices shall be located near the building entrance, west of the dumpster storage area and adjacent to Fore Street/Hancock Street; and
- ii. That the crosswalk from Hancock Street into the site shown on Site Plan CP101 (dated 8.13.2010) shall be revised, for review and approval by the Planning Authority prior to the issuance of a building permit, to avoid crossing the main drive entrance from Hancock Street. One of the two pedestrian links between the building and adjacent streets (Fore Street and Hancock Street) shall be ADA compliant; and
- iii. That the applicant shall submit documentation, to the satisfaction of the Zoning Administrator prior to the issuance of a building permit, to confirm that the cumulative noise levels of the external HVAC and any other exterior mechanical equipment comply with the noise standards of the B6 Zone, where the maximum permissible sound levels for the HVAC units are sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m. and fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m. as measured at or within the boundaries of any residential zone; and



- iv. That the details (including dimensions and materials) of any proposed sound baffles, shielding or other enclosures for the HVAC and any other roof equipment, shall be submitted for review and approval by the Planning Authority prior to the issuance of a building permit; and
- v. That the crosswalks within the parking and drive areas shall be a painted "block" style crosswalk; and
- vi. That a photometric plan shall be submitted prior to the issuance of a building permit to document that the proposed wall mounted lighting on the west elevation (as measured without including the ambient light from street lights) meets the City Lighting Standards regarding maximum light levels; and
- vii. Routine testing of the emergency generator must be scheduled between 9:00 a.m. and 5:00 p.m. Monday through Friday; and
- viii. That any new signage would require a separate building permit and this site plan approval does not imply an approval to any signage; and
- ix. That the applicant is advised that there is existing ponding in the parking area and regrading (when resurfacing) to address this problem is advisable.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

#### **STANDARD CONDITIONS OF APPROVAL**

Please note the following standard conditions of approval and requirements for all approved site plans:

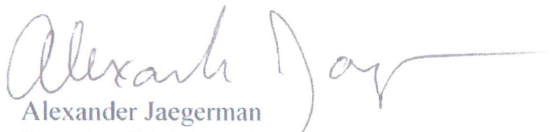
1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874- 8728.

Sincerely,

  
Alexander Jaegerman  
Planning Division Director

Attachment: Performance Guarantee Packet

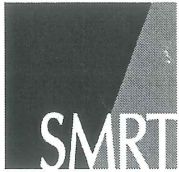
**Electronic Distribution:**

Penny St. Louis Littell, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Inspections Division Director  
Gayle Guertin, Inspections Division  
Lisa Danforth, Inspections Division  
Lannie Dobson, Inspections Division  
Michael Bobinsky, Public Services Director  
Kathi Earley, Public Services  
Bill Clark, Public Services  
David Margolis-Pineo, Deputy City Engineer  
Greg Vining, Public Services  
John Low, Public Services  
Jane Ward, Public Services  
Keith Gautreau, Fire  
Jeff Tarling, City Arborist  
Tom Errico, Traffic Engineering Reviewer  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File

**Hard Copy:** Project File



Distributed stamped plans per PDE-mail  
 9-30-2010 Inspections  
 9-30-2010 Phil, w/ copies for Contractor + OPS Insp.



ARCHITECTURE ENGINEERING PLANNING INTERIOR DESIGN COMMISSIONING

# Letter of Transmittal

ATTN: Jean Fraser, Planner  
 City of Portland  
 Planning & Development  
 Department  
 389 Congress Street  
 Portland, ME 04101  
 874-8728  
 ~ SENT VIA COURIER ~

Date: September 29, 2010  
 From: Mark G. Johnson, ASLA, LEED AP  
 Subject: Final Detail Sheet  
 Project/ No.: 144 Fore Street Building  
 Renovation and Minor Site Plan  
 10022

- ▶ We are sending you:  Attached  Under separate cover via \_\_\_\_\_ the following:
- Shop drawings  Prints  Plans  Samples  Specifications  
 CDs  Change Order  Other:

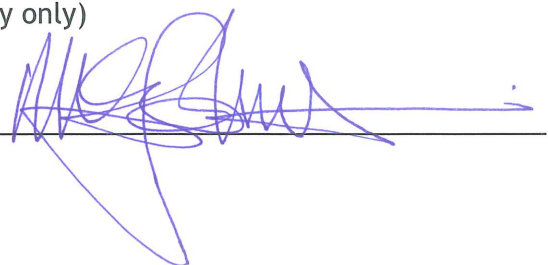
Copies	Date	No	Description
8	9-01-10	C-501	SITE DETAILS (rev. 9-29-10)

- ▶ These are transmitted as checked below:
- For approval  Approved as submitted  Resubmit \_\_\_\_\_ copies for approval  
 For your use  Approved as noted  Submit \_\_\_\_\_ copies for distribution  
 As requested  Returned for corrections  Return \_\_\_\_\_ corrected prints  
 For review and comment  Other: \_\_\_\_\_  
 For BIDS DUE \_\_\_\_\_, 20\_\_\_\_\_  Prints RETURNED AFTER LOAN to us

▶ Remarks:  
 These are final approved plans for your use and record as discussed. We will forward CAD files under separate cover.

cc: Mike Marino (Jackrabbit, LLC)  
 DRL, MGJ, file 10022/22 (enclosure with file copy only)

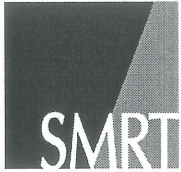
*C-501 as approved*

Signature 

**CITY OF PORTLAND  
 APPROVED SITE PLAN  
 Subject to Dept. Conditions**

Date of Approval: *As is as app.*  
*to be dist. to all*  
*except Phil when PG paid*

HTE 79900012



# Letter of Transmittal

ATTN: Jean Fraser, Planner  
 City of Portland  
 Planning & Development  
 Department  
 389 Congress Street  
 Portland, ME 04101  
 874-8728  
 ~ SENT VIA COURIER ~

Date: September 23, 2010  
 From: Mark G. Johnson, ASLA, LEED AP  
 Subject: Final Plans  
 Project/ No.: 144 Fore Street Building  
 Renovation and Minor Site Plan  
 10022

- ▶ We are sending you:  Attached  Under separate cover via \_\_\_\_\_ the following:
- Shop drawings  Prints  Plans  Samples  Specifications  
 CDs  Change Order  Other:

Copies	Date	No	Description
8	9-01-10	CS101	EXISTING CONDITIONS & REMOVALS PLAN
8	9-01-10	CP101	PARKING PLAN
8	9-01-10	CP401	DETAIL PLAN (rev. 9-22-10)
8	9-01-10	C-501	SITE DETAILS (rev. 9-22-10)
8	9-01-10	LP401	PLANTING PLAN

*not approved - replaced*

- ▶ These are transmitted as checked below:
- For approval  Approved as submitted  Resubmit \_\_\_\_\_ copies for approval  
 For your use  Approved as noted  Submit \_\_\_\_\_ copies for distribution  
 As requested  Returned for corrections  Return \_\_\_\_\_ corrected prints  
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 For BIDS DUE \_\_\_\_\_, 20\_\_\_\_\_  Prints RETURNED AFTER LOAN to us

▶ Remarks:  
 These are final approved plans for your use and record as discussed. We will forward CAD files under separate cover.

cc: Mike Marino (Jackrabbit, LLC)  
 DRL, MGJ, file 10022/22 (enclosure with file copy only)

Signature

*Draft AMP  
Cibola  
sent for sig*

Spoke AT 8/12/10 and agreed to  
cond's - be sending  
Details re dumpster/gates  
& bike hitches.

**MINOR SITE PLAN DEVELOPMENT REVIEW**  
**Final review and sign off**

PROJECT: 144 Fore St Application #: \_\_\_\_\_

Date of completion: *for final review 8/11/10 then final approval letter finalized 8/13/10 - 8/16/10.*

Review item	Status	Who signed off on this
Evidence of Right, Title & Interest	submitted June 2010	—
MDEP/MP etc issues	no.	—
Additional info provided as requested:	add'l info re plug requested in e-mails + in 7.19.10 review letter	—
Access and parking layout (including contributions)	? re parking leases ...	TE 8/3/10 OK except Hancock ped not ADA
Bicycle parking	top parking spaces = 8 bicycle spaces req'd	need to specify detail?
Stormwater Management		8/5 Dan Goyette + DM-P signed off
Other engineering issues	Rec. reduce ponding + imp drainage	POSS cond. from DM-P.
Zoning	Req further info on HVAC noise, not rec'd	? Pot cond.
Fire Department	Existing building so let L to wait until BP	Signed off by KG 7/7/10
Building materials etc		
Landscape		awaiting JT signed off 8/16/10
Two trees/lot; two foundation plantings per lot	N/A	—
Lighting	ok fixture - ok; 1ft 9" St. high bec. includes wd st lamps	POSS cond.
Letter of financial capability	submitted.	✓
Capacity letter water		issued 8/11/10 <del>rec'd 7/12/10</del>
Capacity letter sewer		issued 6/1/10.
Sidewalk/Curbing		OK
Dumpster location and enclosure/waste collection	Detail of dumpster req. 7.19.10 gates not shown	detail submitted - OK.
Other issues		

*agreed with Tom that revision w/ crosswalk crossing drive access not OK; that one of ped links to be ADA com.*

*detail Hancock ped 8/13/10*

*need 8/13/10*

Potential conditions:  
*gate to dumpster  
no lighting on Fore  
signage  
bikes.*

location of parking spaces nr. entrance  
ADA-compliant ped. link from Hancock  
Drainage/ponding addressed in repairing  
Generator testing times

**Jean Fraser - Re: 144 Fore Street**

---

**From:** Jeff Tarling  
**To:** Jean Fraser  
**Date:** 8/16/2010 9:55 AM  
**Subject:** Re: 144 Fore Street

---

Hi Jean -

I have reviewed the most recent landscape plan and find it acceptable as shown.

Overall it is an improvement over the existing conditions.

Jeff

>>> Jean Fraser 8/16/2010 9:49 AM >>>  
Jeff

I need your urgent sign off on this; this is the VA Med use next to SMRT where they didn't do all that you asked but dis add ped crosswalks/access and approval letter is going for signing today.

Thanks  
Jean



**Jean Fraser - Fwd: RE: 144 Fore Street**

---

**From:** Jean Fraser  
**To:** Schmuckal, Marge  
**Date:** 8/10/2010 5:28 PM  
**Subject:** Fwd: RE: 144 Fore Street  
**CC:** Machado, Ann

---

Marge,

In your absence last week (and because I was pressing for final comments) Ann provided these comments on this project (I put them in HTE):

**ZONING SPCECIALIST**

**ANN MACHADO**

**August 3, 2010**

Marge Schmuckal's comment dated June 24, 2010 requested that the information for the noise/sound levels on the new HVAC units be submitted as dBAs for review instead of BELS since the City's noise regulations are in dBAs. In an email sent on 7/12/2010, Andrew Johnson stated that "one BEL equals ten decibels (dBA)." He went on to say "We are awaiting information on the performance of the sound shielding for these units from the manufacturer and will forward it to the city as soon as it is received". We have yet to receive this information. The maximum permissible sound levels for the HVAC units are sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m. and fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m. as measured at or within the boundaries of any residential zone. Also "all uses within this zone shall employ best practicable sound abatement techniques".

You will see from Andrew Johnston's e-mail below that this info is not going to be submitted and I assume that we will need to place a condition on the approval letter. The HVAC faces housing.

I am suggesting the following conditions:

" That the applicant shall submit documentation, to the satisfaction of the Zoning Administrator prior to the issuance of a building permit, to confirm that the cumulative noise levels of the external HVAC and any other mechanical equipment comply with the noise standards of the B6 Zone, where the maximum permissible sound levels for the HVAC units are sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m. and fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m. as measured at or within the boundaries of any residential zone; and

That the details (including dimensions and materials) of any proposed sound baffles, shielding or other enclosures for the HVAC and any other roof equipment, shall be submitted for review and approval prior to the issuance of a building permit."

thanks  
Jean

>>> Andrew Johnston <ajohnston@smrtinc.com> 8/10/2010 11:22 AM >>>

Hi Jean,

Thanks for the message and my apologies for taking a while to get back to you, but I have been out of the office recently. I am still trying to get information on the sound shielding for rooftop units and have nothing at this stage - is it possible to proceed with this as a condition of approval? The manufacturers have not been very responsive and I would hate for this to hold things up.

Thanks and regards,

Andrew

**Andrew D. Johnston, PE,**  
**CEng., CEnv., MCIWEM, LEED AP**  
*Senior Civil Engineer*

[www.smrtinc.com](http://www.smrtinc.com)

144 Fore Street, PO Box 618 Portland, Maine 04104

p 207.772.3846 f 207.772.1070

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]

**Sent:** Thursday, August 05, 2010 1:19 PM

**To:** Andrew Johnston

**Cc:** Dennis Jud

**Subject:** 144 Fore Street

Andrew,

I refer to the responses/clarifications and revisions submitted on July 27, 2010 and am writing to let you know where things stand regarding the review.

I am currently trying to tie up the review but still do not have comments/sign-offs from all reviewers; I am hopeful that an approval letter will be issued within a few days. Based on the final review discussion held yesterday I think the project is basically approved but there may be one or two minor issues (one mentioned below) and if so these could be addressed through conditions.

As parking was a key issue, I can confirm that, based on the further information you provided, it is agreed that the overall parking is acceptable although we favor a condition that requires the parking for the users of this facility to be near that front door and between the building and Fore/Hancock Streets (as you have confirmed in the letter).

We generally find pedestrian accommodations to be acceptable but request that you document the constraints that would prevent a fully compliant ADA walkway to Hancock Street. The approval is also likely to include a condition requesting that the crosswalk be in a painted "block" style unless there is a strong reason why that is not suitable.

I understand that the Zoning Administrator is awaiting information that was promised in your e-mail of 7.12.2010 regarding the HVAC units ie info on the performance of the sound shielding from the manufacturer- if that is available please forward to me asap.

Once I have the rest of the reviewer comments I will get back to you and be able to clarify the potential conditions of approval.

Jean



Jean Fraser, Planner  
City of Portland  
874 8728

## Jean Fraser - 144 Fore Street

---

**From:** Jean Fraser  
**To:** ajohnston@smrtinc.com  
**Date:** 8/5/2010 1:19 PM  
**Subject:** 144 Fore Street  
**CC:** Dennis Jud

---

Andrew,

I refer to the responses/clarifications and revisions submitted on July 27, 2010 and am writing to let you know where things stand regarding the review.

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Jean

Jean Fraser, Planner  
City of Portland  
874 8728

ZONING SPCECIALIST

ANN MACHADO

August 3, 2010

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**Jean Fraser - 144 Fore Street**

---

**From:** Thomas Errico <Thomas.Errico@tylin.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 8/3/2010 4:48 PM  
**Subject:** 144 Fore Street  
**CC:** Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@port...>

---

Jean – The following represents a status report on my June 28, 2010 comments based upon new information transmitted by SMRT dated July 27, 2010.

- The applicant should provide a map or sketch that illustrates the parking supply noted in their parking analysis. I would also request that the applicant provide an explanation on the proposed VA operations and whether it will function more as medical office versus professional office from a parking generation perspective (the traffic analysis assumed medical office). It has been our experience that medical office space has a greater parking requirement than general office space.

**Status: The applicant has provided sufficient information documenting parking demand needs for VA operations and I find the overall parking supply to be acceptable.**

- I have reviewed the Traffic Assessment prepared by William J. Bray, P.E. and I find it acceptable. I concur that the project does not require a Traffic Movement Permit and will have a negligible impact on traffic impacts to the surrounding neighborhood.

**Status: No comment necessary.**

- Poor pavement conditions were identified in the parking lot during my field investigation in front of the former Express Copy. Improvements should be considered if the Ordinance requires such upgrades.

**Status: The applicant notes that existing pavement will be milled and overlaid. I have no further comment.**

- Pedestrian accommodations between the building and Hancock Street are minimal. The layout of the parking area in front of the building seems to establish a pedestrian corridor behind the perpendicular parked vehicles. I would suggest that the pedestrian walkway be established along the frontage of the building and a connection to Hancock Street be considered.

**Status: I generally find pedestrian accommodations to be acceptable. I would suggest that a “block” style crosswalk be painted. Lastly, the applicant should document constraints that would prevent a fully compliant ADA walkway to Hancock Street.**

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, P.E.  
**TYLIN**INTERNATIONAL

12 Northbrook Drive  
Building A, Suite One  
Falmouth, ME 04105

207.347.4354 (Direct)  
207.781.4721 (Main)  
207.781.4753 (Fax)  
207.400.0719 (Mobile)

**From:** "Dan Goyette" <DGoyette@woodardcurran.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 8/5/2010 11:15 AM  
**Subject:** 144 Fore St.

Jean,

We have no comments on this project at this time.

Dan Goyette, P.E.  
Project Engineer  
(207) 774-2112 (office)  
(207) 774-6635 (fax)

[dgoyette@woodardcurran.com](mailto:dgoyette@woodardcurran.com)

Woodard & Curran  
[www.woodardcurran.com](http://www.woodardcurran.com)  
Commitment & Integrity Drive Results



## Jean Fraser - 144 Fore St (VA med offices)

---

**From:** Jean Fraser  
**To:** Barhydt, Barbara; Errico, Thomas  
**Date:** 7/23/2010 5:25 PM  
**Subject:** 144 Fore St (VA med offices)

---

Hi

This is because he is likely to contact one or both of you.....

Dennis Jud of SMRT called me yesterday and asked for a meeting with me today regarding issues raised in our recent review letter.

I indicated that I would probably want to involve other reviewers in any meeting and in any case I could not meet today.

I asked him to outline the reason for a meeting, the main issues seem to be:

1. The interpretation of the ordinance: I explained this was based on legal advice and suggested he contact Barbara if he wanted to discuss it further (I don't think he will as it may be that the parking issue can be resolved anyway)
2. Parking Nos: He says VA have 40 and want 40 spaces for them. If we accept their off-site parking leases (1 yr ones) then they have enough parking and its just a question of ensuring the parking for the patients is near the front door. He wanted to contact Tom directly to agree a number and I said "OK" as I think we are almost there on this.
3. Walkways: he implied that they didn't have enough money to do all that he thinks we re asking. We did not discuss in detail and I suggested that they submit revisions that are as near as possible and explain why they are unable to do etc.

So I think that revisions will come in next week and need to be circulated for review.

I undertook to move quickly the week I return (Aug 2- I am only gone 1 week) to move quickly re the approval letter if all is well.

Jean



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**Planning & Urban Development Department**  
Penny St. Louis Littell, Director

**Planning Division**  
Alexander Jaegerman, Director

July 19<sup>th</sup>, 2010

Mr. Andrew D. Johnston, PE, LEED AP  
Senior Civil Engineer  
SMRT Inc  
144 Fore Street  
PO Box 618  
Portland, ME 04104

Your Ref: 10022/15.1

**Re: 144 Fore Street : Change of Use to Professional Offices (for VA Medical Office),  
Building Renovation and Minor Site Plan  
Application # (HTE) 10-79900012**

Dear Mr. Johnston,

I refer to the letter and submissions dated June 15, 2010 for a minor site plan review of the proposals for renovation of the western end of the existing building at 144 Fore Street and associated site improvements for occupancy by the Department of Veteran's Affairs as a private outpatient medical service office.

I am writing to advise you of the review comments on the submissions and request revised submissions to address the following issues:

1. **Parking Analysis:** In your e-mail of 7.9.2010 (3<sup>rd</sup> paragraph) you questioned which part of the Ordinance applies to the determination of Parking Requirements for this project. I have consulted the City's Associate Corporation Counsel (Danielle West-Chuhta), the Zoning Administrator (Marge Schmuckal) and the Development Review Services Manager (Barbara Barhydt) and they have confirmed the following:

Section-273 (f) requires that **all projects, regardless of size, are governed** by 14-526(a)(2)b in the Site Plan Standards and not by Divisions 20 or 21. As such, the total floor area requirement mentioned in section 14-526(a)(2)b does not apply, and the requirement needs to be set by the Planning Authority based on a parking analysis submitted by the applicant, reviewed by and upon the recommendation of the city traffic engineer.

5. Landscape/Planting: Please address the 7.8.2010 comments of the City Arborist, attached.
6. Generator: We understand that emergency generators are tested on a regular basis and the associated noise can be disturbing to nearby occupants/residents. The proposals should include substantial measures to mitigate/attenuate noise from the generator; please submit this information. Also, routine testing of the generator must be set to occur during regular business hours and not at night or on weekends.
7. Lighting: Please submit a photometric plan showing the lighting levels for the site as proposed, including all new wall mounted lights and the existing lighting for the pedestrian, parking and vehicle access routes and areas. The Site Plan Ordinance requires that lighting be adequate for the safety of occupants or users of the site; it should meet the City standards (attached).

The elevations in A1 show four wall mounted lights near the front entrance which are not indicated on the Site Layout Plan, for which catalog cuts were not submitted, and which do not appear to be "cut off" type fixtures; please clarify locations for wall mounted lighting and submit the catalog cuts for these lights.

8. Dumpster: Please submit a detail showing how the dumpster will be enclosed.
9. Signage: Please note that this aspect of the proposals is not covered by the minor site plan review and that separate permits are required for any new signage.

Please feel free to contact me if you have any questions; I can be reached on (207) 874 8728 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Jean Fraser  
Planner

Attachments:

1. City Traffic Engineer comments dated 6.28.2010
2. City Arborist comments dated 7.8.2010
3. Current City Site Lighting Standards

*Cc & mailed to  
all on 7.19.10*

Barbara Barhydt, Development Review Services Manager  
Marge Schmuckal, Zoning Administrator  
Danielle West-chuhta, Assocaite Corporation Counsel  
David Margolis-Pineo, Deputy City Engineer

Tom Errico, Traffic Engineer  
Dan Goyette, Engineering Reviewer  
Jeff Tarling, City Arborist

## ATTACHMENT 2

**From:** Jeff Tarling  
**To:** Jean Fraser  
**CC:** David Margolis-Pineo  
**Date:** 7/8/2010 4:03 PM  
**Subject:** Fore Street Project

Hi Jean -

I have reviewed the proposed landscape treatment for the Fore Street project and offer the following recommendations:

After looking at the building as it exists today, improving pedestrian circulation from Fore Street seems advisable. With this in mind, there seems to be space enough to include the proposed landscape planting as shown and use some of the non-parking lot pavement. The proposed generator should be screened from the sidewalk with fencing or landscape treatment. An additional 'street-tree' should be planted in the corner of the parking area or island. The corner of Fore Street & Hancock Street should include additional landscape treatment with 'cape-cod' bituminous curbing to the sign area near Fore Street. This space could landscaped or improved to lawn or ground cover and still used as winter snow storage.

Jeff Tarling  
City Arborist

#### 4. SPECIFIC STANDARDS

##### A. Uniformity:

As measured in foot candles at grade, maximum to minimum illumination levels shall not exceed a ratio of twenty (20) to one (1.)

##### B. Illumination Levels:

Minimum, Maximum, and Average illumination levels for areas intended to be lighted, as measured at grade, shall be:

Minimum:	0.2 foot candles
Maximum:	5.0 foot candles
Average:	1.25 foot candles

##### C. Fixture Height:

Fixtures shall be mounted at the lowest height necessary with no fixture height to exceed twenty (20) feet above grade, excepting in sites proposed for large industrial and/or commercial uses, where the fixture height shall not exceed thirty (30) feet above grade. For the purposes of this standard only, a large industrial and/or commercial use is defined to have greater than fifty thousand (50,000) gross square feet of building space.

##### D. Light Trespass:

The maximum illumination level at a property line shall not exceed 0.1 foot candle, as measured at grade, except where abutting industrial, or other non-sensitive uses. All residential uses and natural resource protection areas are to be considered sensitive to light trespass.

##### E. Wattage:

No fixture shall exceed 250 watts, except in industrial areas.

##### F. Light Quality:

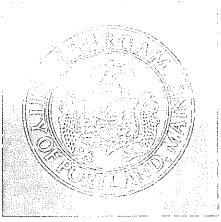
Low pressure sodium bulbs are prohibited, except in industrial areas.

##### G. Auto Service Station Illuminance Standards:

Illuminance levels for major and minor auto service stations, as defined in City Code 14-47 shall not exceed the following levels:

###### Illuminance Levels

- a. Minor Gasoline Service Stations and Major Gasoline Service Stations abutting residential zones, illuminance levels shall not exceed the following:



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**Planning & Urban Development Department**  
Penny St. Louis Littell, Director

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Alexander Jaegerman, Director

July 19<sup>th</sup>, 2010

Mr. Andrew D. Johnston, PE, LEED AP  
Senior Civil Engineer  
SMRT Inc  
144 Fore Street  
PO Box 618  
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Your Ref: 10022/15.1

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5. Landscape/Planting: Please address the 7.8.2010 comments of the City Arborist, attached.
6. Generator: We understand that emergency generators are tested on a regular basis and the associated noise can be disturbing to nearby occupants/residents. The proposals should include substantial measures to mitigate/attenuate noise from the generator; please submit this information. Also, routine testing of the generator must be set to occur during regular business hours and not at night or on weekends.
7. Lighting: Please submit a photometric plan showing the lighting levels for the site as proposed, including all new wall mounted lights and the existing lighting for the pedestrian, parking and vehicle access routes and areas. The Site Plan Ordinance requires that lighting be adequate for the safety of occupants or users of the site; it should meet the City standards (attached).

The elevations in A1 show four wall mounted lights near the front entrance which are not indicated on the Site Layout Plan, for which catalog cuts were not submitted, and which do not appear to be "cut off" type fixtures; please clarify locations for wall mounted lighting and submit the catalog cuts for these lights.

8. Dumpster: Please submit a detail showing how the dumpster will be enclosed.
9. Signage: Please note that this aspect of the proposals is not covered by the minor site plan review and that separate permits are required for any new signage.

Please feel free to contact me if you have any questions; I can be reached on (207) 874 8728 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Jean Fraser  
Planner

Attachments:

1. City Traffic Engineer comments dated 6.28.2010
2. City Arborist comments dated 7.8.2010
3. Current City Site Lighting Standards

Cc

Barbara Barhydt, Development Review Services Manager  
Marge Schmuckal, Zoning Administrator  
Danielle West-chuhta, Assocaite Corporation Counsel  
David Margolis-Pineo, Deputy City Engineer

Tom Errico, Traffic Engineer  
Dan Goyette, Engineering Reviewer  
Jeff Tarling, City Arborist

## ATTACHMENT 2

**From:** Jeff Tarling  
**To:** Jean Fraser  
**CC:** David Margolis-Pineo  
**Date:** 7/8/2010 4:03 PM  
**Subject:** Fore Street Project

Hi Jean -

I have reviewed the proposed landscape treatment for the Fore Street project and offer the following recommendations:

After looking at the building as it exists today, improving pedestrian circulation from Fore Street seems advisable. With this in mind, there seems to be space enough to include the proposed landscape planting as shown and use some of the non-parking lot pavement. The proposed generator should be screened from the sidewalk with fencing or landscape treatment. An additional 'street-tree' should be planted in the corner of the parking area or island. The corner of Fore Street & Hancock Street should include additional landscape treatment with 'cape-cod' bituminous curbing to the sign area near Fore Street. This space could landscaped or improved to lawn or ground cover and still used as winter snow storage.

Jeff Tarling  
City Arborist

#### 4. SPECIFIC STANDARDS

##### A. Uniformity:

As measured in foot candles at grade, maximum to minimum illumination levels shall not exceed a ratio of twenty (20) to one (1.)

##### B. Illumination Levels:

Minimum, Maximum, and Average illumination levels for areas intended to be lighted, as measured at grade, shall be:

Minimum:	0.2 foot candles
Maximum:	5.0 foot candles
Average:	1.25 foot candles

##### C. Fixture Height:

Fixtures shall be mounted at the lowest height necessary with no fixture height to exceed twenty (20) feet above grade, excepting in sites proposed for large industrial and/or commercial uses, where the fixture height shall not exceed thirty (30) feet above grade. For the purposes of this standard only, a large industrial and/or commercial use is defined to have greater than fifty thousand (50,000) gross square feet of building space.

##### D. Light Trespass:

The maximum illumination level at a property line shall not exceed 0.1 foot candle, as measured at grade, except where abutting industrial, or other non-sensitive uses. All residential uses and natural resource protection areas are to be considered sensitive to light trespass.

##### E. Wattage:

No fixture shall exceed 250 watts, except in industrial areas.

##### F. Light Quality:

Low pressure sodium bulbs are prohibited, except in industrial areas.

##### G. Auto Service Station Illuminance Standards:

Illuminance levels for major and minor auto service stations, as defined in City Code 14-47 shall not exceed the following levels:

###### Illuminance Levels

- a. Minor Gasoline Service Stations and Major Gasoline Service Stations abutting residential zones, illuminance levels shall not exceed the following:



*Strengthening a Remarkable City. Building a Community for Life* [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning & Urban Development Department**  
Penny St. Louis Littell, Director

**Planning Division**  
Alexander Jaegerman, Director

July 19<sup>th</sup>, 2010

Mr. Andrew D. Johnston, PE, LEED AP  
Senior Civil Engineer  
SMRT Inc  
144 Fore Street  
PO Box 618  
Portland, ME 04104

Your Ref: 10022/15.1

Re: 144 Fore Street : **Change of Use to Professional Offices (for VA Medical Office),  
Building Renovation and Minor Site Plan  
Application # (HTE) 10-79900012**

Dear Mr. Johnston,

I refer to the letter and submissions dated June 15, 2010 for a minor site plan review of the proposals for renovation of the western end of the existing building at 144 Fore Street and associated site improvements for occupancy by the Department of Veteran's Affairs as a private outpatient medical service office.

I am writing to advise you of the review comments on the submissions and request revised submissions to address the following issues:

1. **Parking Analysis:** In your e-mail of 7.9.2010 (3<sup>rd</sup> paragraph) you questioned which part of the Ordinance applies to the determination of Parking Requirements for this project. I have consulted the City's Associate Corporation Counsel (Danielle West-Chuhta), the Zoning Administrator (Marge Schmuckal) and the Development Review Services Manager (Barbara Barhydt) and they have confirmed the following:

Section-273 (f) requires that **all projects, regardless of size, are governed by 14-526(a)(2)b in the Site Plan Standards and not by Divisions 20 or 21.** As such, the total floor area requirement mentioned in section 14-526(a)(2)b does not apply, and the requirement needs to be set by the Planning Authority based on a parking analysis submitted by the applicant, reviewed by and upon the recommendation of the city traffic engineer.

5. Landscape/Planting: Please address the 7.8.2010 comments of the City Arborist, attached.
6. Generator: We understand that emergency generators are tested on a regular basis and the associated noise can be disturbing to nearby occupants/residents. The proposals should include substantial measures to mitigate/attenuate noise from the generator; please submit this information. Also, routine testing of the generator must be set to occur during regular business hours and not at night or on weekends.
7. Lighting: Please submit a photometric plan showing the lighting levels for the site as proposed, including all new wall mounted lights and the existing lighting for the pedestrian, parking and vehicle access routes and areas. The Site Plan Ordinance requires that lighting be adequate for the safety of occupants or users of the site; it should meet the City standards (attached).

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9. Signage: Please note that this aspect of the proposals is not covered by the minor site plan review and that separate permits are required for any new signage.

Please feel free to contact me if you have any questions; I can be reached on (207) 874 8728 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Jean Fraser  
Planner

Attachments:

1. City Traffic Engineer comments dated 6.28.2010
2. City Arborist comments dated 7.8.2010
3. Current City Site Lighting Standards

Cc

Barbara Barhydt, Development Review Services Manager  
Marge Schmuckal, Zoning Administrator  
Danielle West-chuhta, Associate Corporation Counsel  
David Margolis-Pineo, Deputy City Engineer

Tom Errico, Traffic Engineer  
Dan Goyette, Engineering Reviewer  
Jeff Tarling, City Arborist

## ATTACHMENT 2

**From:** Jeff Tarling  
**To:** Jean Fraser  
**CC:** David Margolis-Pineo  
**Date:** 7/8/2010 4:03 PM  
**Subject:** Fore Street Project

Hi Jean -

I have reviewed the proposed landscape treatment for the Fore Street project and offer the following recommendations:

After looking at the building as it exists today, improving pedestrian circulation from Fore Street seems advisable. With this in mind, there seems to be space enough to include the proposed landscape planting as shown and use some of the non-parking lot pavement. The proposed generator should be screened from the sidewalk with fencing or landscape treatment. An additional 'street-tree' should be planted in the corner of the parking area or island. The corner of Fore Street & Hancock Street should include additional landscape treatment with 'cape-cod' bituminous curbing to the sign area near Fore Street. This space could landscaped or improved to lawn or ground cover and still used as winter snow storage.

Jeff Tarling  
City Arborist



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##### F. Light Quality:

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Illuminance levels for major and minor auto service stations, as defined in City Code 14-47 shall not exceed the following levels:

###### Illuminance Levels

- a. Minor Gasoline Service Stations and Major Gasoline Service Stations abutting residential zones, illuminance levels shall not exceed the following:

Jean Fraser

---

**From:** "Andrew Johnston" <ajohnston@smrtinc.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 7/9/2010 10:47 AM  
**CC:** "Dennis Jud" <DJud@SMRTInc.com>, "Mark Johnson" <MJohnson@SMRTInc.com>  
**Attachments:** Parking Numbers to City 07-09-10.pdf

---

Dear Jean,

Further to our conversation earlier this week, I have drafted some responses to the initial comments that you forwarded by email to me. I have also included a sketch showing the parking numbers that were used in our analysis. I hope that these initial responses assist in clarifying some of the items, and we look forward to receiving further staff comments early next week. Please do not hesitate to contact me if you have any other questions in the mean time.

#### Floor Area

The scale stated at the foot of the Floor Plan Drawing is incorrect. This should read  $1/8" = 1'$ . The floor areas stated for the individual rooms are correct. The total floor area is as stated in the application. Copies of the revised drawing will be sent to the City next week.

#### Parking Requirements

The code requirement for parking at the building has been calculated using the City of Portland Land Use Ordinance (Section 14-332). Division 15.1, Section 14-273 (f) of the City Land Use ordinance states that, for uses in the B-6 zone off-street parking and loading requirements shall be determined by the Site Plan Standards (Section 14-526a (2)b). However, it appears that the referenced sections related to parking requirements cannot be applied to this project. Section 14-516 (a) 2 (a) applies to "new structures having a total floor area in excess of 10,000 square feet, but less than 50,000 square feet, or building additions having a total floor area in excess of 5,000 square feet". Section 14-526 (a) 2 (b) applies to "construction of new structures having a total floor area in excess of 50,000 square feet". This project comprises the renovation of an existing structure with a total project floor area of less than 10,000 square feet, and clearly does not meet either of the criteria stated in the referenced sections of the Land Use Ordinance. Therefore, we consider it appropriate to refer back to the zoning ordinance for the parking requirement calculation. The determination letter issued by the City of Portland for this project and included in Section 2 of the application submission states that the proposed use meets the definition of "Professional, business, and general offices". The parking requirement for Professional Office, as stated in Section 14-332 of the Land Use Ordinance is 1 parking space per 400 square feet. This figure has been used to determine the code parking requirement for the project. Furthermore, there does not appear to be any ordinance requirement for a parking study for this type, or size of project.

A sketch showing the parking numbers used in the analysis for the entire building is attached for your review.

#### Sound

The sound information submitted for the rooftop HVAC units is stated in BELS. One BEL equals ten decibels (dBA). We are awaiting information on the performance of the sound shielding for these units from the manufacturer and will forward it to the city as soon as it is received.

**Andrew D. Johnston, PE,**  
**CEng., CEnv., MCIWEM, LEED AP**  
*Senior Civil Engineer*

[www.smrtinc.com](http://www.smrtinc.com)

144 Fore Street, PO Box 618 Portland, Maine 04104  
 p 207.772.3846 f 207.772.1070

disc. Drew Rev 7/14  
 2nd part of 14-526  
 apphis.

DPS + JT have sent comments  
 DG to send.

**Jean Fraser - Fore Street Project**

*144 Fore Street*

---

**From:** Jeff Tarling  
**To:** Jean Fraser  
**Date:** 7/8/2010 4:03 PM  
**Subject:** Fore Street Project  
**CC:** David Margolis-Pineo

---

Hi Jean -

I have reviewed the proposed landscape treatment for the Fore Street project and offer the following recommendations:

After looking at the building as it exists today, improving pedestrian circulation from Fore Street seems advisable. With this in mind, there seems to be space enough to include the proposed landscape planting as shown and use some of the non-parking lot pavement. The proposed generator should be screened from the sidewalk with fencing or landscape treatment. An additional 'street-tree' should be planted in the corner of the parking area or island. The corner of Fore Street & Hancock Street should include additional landscape treatment with 'cape-cod' bituminous curbing to the sign area near Fore Street. This space could landscaped or improved to lawn or ground cover and still used as winter snow storage.

Jeff Tarling  
City Arborist

## Jean Fraser - Re: 144 Fore Street Application

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**From:** Barbara Barhydt  
**To:** Fraser, Jean; West-Chuhta, Danielle  
**Date:** 7/14/2010 1:11 PM  
**Subject:** Re: 144 Fore Street Application

---

Thank you Danielle. Jean, as you write your letter, please Danielle's wording starting with the second line ie. Section 14-273 (f) requires all..... In the letter you can state that Danielle, Marge and Barbara confirmed this interpretation.

Barbara

>>> Danielle West-Chuhta Wednesday, July 14, 2010 12:39 PM >>>  
Barbara:

I think that your interpretation of the parking standards with regard to the 144 Fore Street application are correct. I read section 14-273(f) to require **all projects, regardless of size**, are governed by 14-526(a)(2)b in the Site Plan Standards and not by Divisions 20 or 21. As such, the total floor area requirement mentioned in section 14-526(a)(2)b does not apply, and the requirement needs to be set by the Planning Authority based on a parking analysis submitted by the applicant, reviewed by and upon the recommendation of the city traffic engineer.

Thanks,

Danielle

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

July 8, 2010

To: Barbara Barhydt  
Jean Fraser  
From: David Margolis-Pineo  
Public Services Review Comments  
Re: 144 Fore Street

The Department of Public Services has the following comments.

1. Applicant should show site surface drainage.
2. Applicant should consider applying some means of stormwater treatment.

Public Services have no comments at this time.

**Jean Fraser - RE: 144 Fore Street add'l info**

---

**From:** Jean Fraser  
**To:** Johnston, Andrew  
**Date:** 7/9/2010 1:14 PM  
**Subject:** RE: 144 Fore Street add'l info

---

Andrew

Of course we have looked at those plans but these are difficult to read in relation to the rest of the property and the on-site parking spots; that is why Tom Errico made the original request; please show more clearly in whatever way is easiest for you but preferably on the same plan as you have shown the on-site parking.

Jean

>>> "Andrew Johnston" <ajohnston@smrtinc.com> 7/9/2010 11:45 AM >>>

Hi Jean,

Thanks for the response. I think you will find that the locations of the parking spaces on the Cacoulidis property are shown in the attachments to the lease agreements that were submitted with the application. The original lease agreement for 25 spaces has a sketch attached that is labeled "Exhibit A" showing the location of the spaces to the east of the building. The second agreement for an additional 16 spaces has an attachment labeled "Exhibit C" that shows the 25 spaces shaded and an additional 16 spaces further to the north, adjacent to Fore Street. I can re-send the sketches if that would be helpful.

I think the agreement with the City is a mutual access easement across properties of each entity (necessitated by the geometry of the dividing property line). This agreement does not appear to convey any parking spaces from the city to Jackrabbit. I will look at this again and get back to you if I find otherwise.

Regards,  
Andrew

**Andrew D. Johnston, PE,**  
**CEng., CEnv., MCIWEM, LEED AP**  
*Senior Civil Engineer*

[www.smrtinc.com](http://www.smrtinc.com)

144 Fore Street, PO Box 618 Portland, Maine 04104

p 207.772.3846 f 207.772.1070

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Friday, July 09, 2010 11:11 AM  
**To:** Andrew Johnston  
**Subject:** Re: 144 Fore Street add'l info

Andrew,

Thank you and as we discussed I will get back to you re the ordinance interpretation and forward this information to the relevant reviewers.

Re the parking information, what we need is the parking supply off site- based on your parking analysis in Tab



7 the project needs at least 20 spaces off site and you have supplied 2 leases for off -site parking (one with Cacoulidis and one with the City).

Could you please clarify (show on plan) the number and location of the Cacoulidis parking spaces and the number and location of the City spaces as referred to in the submitted leases.

Thank you  
Jean  
Jean Fraser, Planner  
City of Portland  
874 8728

>>> "Andrew Johnston" <ajohnston@smrtinc.com> 7/9/2010 10:46 AM >>>

Dear Jean,

Further to our conversation earlier this week, I have drafted some responses to the initial comments that you forwarded by email to me. I have also included a sketch showing the parking numbers that were used in our analysis. I hope that these initial responses assist in clarifying some of the items, and we look forward to receiving further staff comments early next week. Please do not hesitate to contact me if you have any other questions in the mean time.

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**Andrew D. Johnston, PE,**  
**CEng., CEnv., MCIWEM, LEED AP**  
*Senior Civil Engineer*

[www.smrtinc.com](http://www.smrtinc.com)

144 Fore Street, PO Box 618 Portland, Maine 04104

p 207.772.3846 f 207.772.1070

**ZONING ADMINISTRATOR  
MARGE SCHMUCKAL**

June 24, 2010

This proposal is to change the use of the western end of the building from retail Express Copy and warehousing space to professional offices. The property is located in a B-6 Eastern Waterfront Mixed Zone which does allow professional offices as a permitted use.

The application states that the amount of area that is being changed is 9990 square feet in size. However, using the floor plan and given scale, the area of the change of use differs quite a bit from the proposed square footage. The applicant should verify the scale of the project to confirm the appropriate type of review.

Parking in the B-6 Zone is governed by section 14-526a(2)b of the site plan ordinance and not by zoning parking section.

The project requires a separate building permit application from Inspection Services once a site plan review has been reviewed and approved. Separate permits are required for any new signage.

The applicant has submitted information on the new HVAC units. However, the sound information on the units are given in BELS where the City's noise regulations are in dBAs. I would request information to give the noise/sound levels in dBAs for review.

**ZONING ADMINISTRATOR  
MARGE SCHMUCKAL**

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## Jean Fraser - 144 Fore Street Building Renovation

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**From:** Thomas Errico <Thomas.Errico@tylin.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 6/28/2010 3:28 PM  
**Subject:** 144 Fore Street Building Renovation  
**CC:** Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@port...

---

Jean – I have reviewed the June 2010 application prepared by SMRT, Inc. and I have the following comments:

- The applicant should provide a map or sketch that illustrates the parking supply noted in their parking analysis. I would also request that the applicant provide an explanation on the proposed VA operations and whether it will function more as medical office versus professional office from a parking generation perspective (the traffic analysis assumed medical office). It has been our experience that medical office space has a greater parking requirement than general office space.
- I have reviewed the Traffic Assessment prepared by William J. Bray, P.E. and I find it acceptable. I concur that the project does not require a Traffic Movement Permit and will have a negligible impact on traffic impacts to the surrounding neighborhood.
- Poor pavement conditions were identified in the parking lot during my field investigation in front of the former Express Copy. Improvements should be considered if the Ordinance requires such upgrades.
- Pedestrian accommodations between the building and Hancock Street are minimal. The layout of the parking area in front of the building seems to establish a pedestrian corridor behind the perpendicular parked vehicles. I would suggest that the pedestrian walkway be established along the frontage of the building and a connection to Hancock Street be considered.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, P.E.  
**TYLIN** INTERNATIONAL

12 Northbrook Drive  
Building A, Suite One  
Falmouth, ME 04105

207.347.4354 (Direct)  
207.781.4721 (Main)  
207.781.4753 (Fax)  
207.400.0719 (Mobile)

*longer term leases  
1 yr. marginal*



## Jean Fraser - Re: 144 Fore Street - Change of Use Application - Request for early start on building repairs and demo

---

**From:** Penny Littell  
**To:** Dennis Jud  
**Date:** 7/6/2010 3:33 PM  
**Subject:** Re: 144 Fore Street - Change of Use Application - Request for early start on building repairs and demo  
**CC:** Jean Fraser; Jeanie Bourke; Tammy Munson

---

Dennis: I ask that you file a demolition permit with the Building Inspections Department. You will also likely need a building permit for the structural work you are proposing to do. With all that being said, your client will be proceeding at his own risk and demolition and permits are no guarantee of other necessary approvals.

>>> "Dennis Jud" <DJud@SMRTInc.com> 7/6/2010 12:22 PM >>>  
Hi Penny,

Just following up on a letter of request we sent you in mid June, relative to Mike Marino's VA project, to proceed with interior demolition and building repairs in advance of receiving our change of use permit. Specifically, Jackrabbit would like to perform the following work (from the letter):

- Demolition of interior partitions and ceilings
- Removal of mezzanine floor
- Removal of concrete floor slab
- Structural reinforcement of roof framing
- Roofing repairs
- Removal of masonry from previously blocked up openings in exterior wall to provide for windows.

As the VA is now formally moving forward with this project, Jackrabbit would like to start this work as soon as possible. Do you have any additional questions? Do you have a sense of when/if we might be able to start on this (all or some of the above)?

I left you a voicemail regarding this, as well, so you can delete that if you get to this first.

Thanks much!

Dennis Jud, ASLA, LEED AP  
**Principal**  
*a Maine Licensed Landscape Architect*

SMRT  
144 Fore Street, PO Box 618 Portland, Maine 04104  
p 207.772.3846 f 207.772.1070 c 207.415.1260  
[www.smrinc.com](http://www.smrinc.com)

A. Johnston  
772 3846

Conveyed this to him 7.7.10. 5pm.

Traffic + Parking — not based on zoning in Bl. so ? 25 so need more info ITE

Get info as req re parking

Note leases need to be for longer / marginal

✓ Clarify extent of pavement replacement

Red links — Hancock

— five

— move walkway in front of cars

Landscape

Planting in corner areas of pkg lot w/ curb y needed

Add st tree in separator for pkg.

Screen generator.

Dennis and Andrew Johnston

Brayde parking — need / ... provided 5? OK if 25 is final #

✓ Lighting — need photometric to <sup>ex + proposed.</sup> ensure ~~the~~ is OK.

Bumpster — need detail

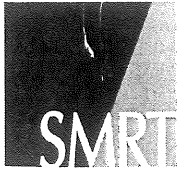
Signs not being renewed.

Generator — needs noise attenuation + screenings



CONTEXT of 144 Fore Street





# Letter of Transmittal

ATTN: Jean Fraser  
 Planning Department  
 Company: City of Portland  
 389 Congress Street  
 Portland, Maine  
 BY HAND

Date: August 11, 2010  
 From: Andrew Johnston  
 Subject: 144 Fore Street  
 Project/ No.: 10-02200

- ▶ We are sending you:  Attached  Under separate cover via \_\_\_\_\_ the following:
- Shop drawings  Prints  Plans  Samples  Specifications
- CDs  Change Order  Other: See Below

Copies	Date	No	Description
7	8/11/10	1	Revised Site Plan

- ▶ These are transmitted as checked below:
- For approval  Approved as submitted  Resubmit \_\_\_\_\_ copies for approval
- For your use  Approved as noted  Submit \_\_\_\_\_ copies for distribution
- As requested  Returned for corrections  Return \_\_\_\_\_ corrected prints
- For review and comment  Other: \_\_\_\_\_
- For BIDS DUE \_\_\_\_\_, 20\_\_\_\_\_  Prints RETURNED AFTER LOAN to us

▶ Remarks:

Dear Jean,

In response to your recent correspondence and comments, we have reviewed the options for providing an accessible connection from the site to the sidewalk on Hancock Street. We have re-configured the pedestrian design in this area to accommodate the requested connection. The grade differential on the north side of the site driveway would require a switchback ramp to achieve ADA compliant accessibility into the site. This is both cumbersome and impractical. However, by re-locating the connection to the south side of the entrance driveway, and providing a connecting crosswalk, it is possible to meet the required slopes and provide a compliant connection to the city sidewalk. A revised site plan showing the proposed new configuration is attached for your review.

Regards,

cc: ADJ, File 08178/21

Signature: \_\_\_\_\_

RECEIVED

AUG 11 2010



## Jean Fraser - RE: 144 Fore Street add'l info

---

**From:** "Andrew Johnston" <ajohnston@smrtinc.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 7/12/2010 7:52 AM  
**Subject:** RE: 144 Fore Street add'l info  
**CC:** "Dennis Jud" <DJud@SMRTInc.com>, "Mark Johnson" <MJohnson@SMRTInc.com>  
**Attachments:** 144 Fore Street.jpg

---

Jean,

My apologies I appear to have mis-interpreted what you were looking for. The plan shown in the lease as Exhibit C is the best graphic that we have showing the location of the referenced parking spaces. Our recent survey only included areas that are affected by the proposed renovation plan and does not extend onto the abutting property. Hence the plan I attached to my last message, which just showed the rough location of the spaces superimposed on the survey plan. I have attached an aerial photograph to this message, showing where the parking spaces are. Hopefully, this is a little clearer for you.

If not, and you are still concerned about the location of the off-site spaces it may be best to schedule a visit to the site. I, or someone else from SMRT would be happy to show you where the parking spaces area. They are all clearly marked with SMRT parking signs. Please drop me a line if you would like to do this and I will make sure that I can be around.

Regards

**Andrew D. Johnston, PE,**  
**CEng., CEnv., MCIWEM, LEED AP**  
*Senior Civil Engineer*

[www.smrtinc.com](http://www.smrtinc.com)

144 Fore Street, PO Box 618 Portland, Maine 04104

p 207.772.3846 f 207.772.1070

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Friday, July 09, 2010 1:15 PM  
**To:** Andrew Johnston  
**Subject:** RE: 144 Fore Street add'l info

Andrew

Of course we have looked at those plans but these are difficult to read in relation to the rest of the property and the on-site parking spots; that is why Tom Errico made the original request; please show more clearly in whatever way is easiest for you but preferably on the same plan as you have shown the on-site parking.

Jean

>>> "Andrew Johnston" <ajohnston@smrtinc.com> 7/9/2010 11:45 AM >>>

Hi Jean,

Thanks for the response. I think you will find that the locations of the parking spaces on the Cacoulidis property are shown in the attachments to the lease agreements that were submitted with the application. The original lease agreement for 25 spaces has a sketch attached that is labeled "Exhibit A" showing the location of the

spaces to the east of the building. The second agreement for an additional 16 spaces has an attachment labeled "Exhibit C" that shows the 25 spaces shaded and an additional 16 spaces further to the north, adjacent to Fore Street. I can re-send the sketches if that would be helpful.

I think the agreement with the City is a mutual access easement across properties of each entity (necessitated by the geometry of the dividing property line). This agreement does not appear to convey any parking spaces from the city to Jackrabbit. I will look at this again and get back to you if I find otherwise.

Regards,  
Andrew

**Andrew D. Johnston, PE,**  
**CEng., CEnv., MCIWEM, LEED AP**  
*Senior Civil Engineer*

[www.smrinc.com](http://www.smrinc.com)

144 Fore Street, PO Box 618 Portland, Maine 04104  
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---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Friday, July 09, 2010 11:11 AM  
**To:** Andrew Johnston  
**Subject:** Re: 144 Fore Street add'l info

Andrew,

Thank you and as we discussed I will get back to you re the ordinance interpretation and forward this information to the relevant reviewers.

Re the parking information, what we need is the parking supply off site- based on your parking analysis in Tab 7 the project needs at least 20 spaces off site and you have supplied 2 leases for off -site parking (one with Cacoulidis and one with the City).

Could you please clarify (show on plan) the number and location of the Cacoulidis parking spaces and the number and location of the City spaces as referred to in the submitted leases.

Thank you  
Jean  
Jean Fraser, Planner  
City of Portland  
874 8728

>>> "Andrew Johnston" <ajohnston@smrinc.com> 7/9/2010 10:46 AM >>>

Dear Jean,

Further to our conversation earlier this week, I have drafted some responses to the initial comments that you forwarded by email to me. I have also included a sketch showing the parking numbers that were used in our analysis. I hope that these initial responses assist in clarifying some of the items, and we look forward to receiving further staff comments early next week. Please do not hesitate to contact me if you have any other questions in the mean time.

Floor Area

The scale stated at the foot of the Floor Plan Drawing is incorrect. This should read 1/8" = 1'. The floor areas stated for the individual rooms are correct. The total floor area is as stated in the application. Copies of the

revised drawing will be sent to the City next week.

#### Parking Requirements

The code requirement for parking at the building has been calculated using the City of Portland Land Use Ordinance (Section 14-332). Division 15.1, Section 14-273 (f) of the City Land Use ordinance states that, for uses in the B-6 zone off-street parking and loading requirements shall be determined by the Site Plan Standards (Section 14-526a (2)b. However, it appears that the referenced sections related to parking requirements cannot be applied to this project. Section 14-516 (a) 2 (a) applies to "*new structures having a total floor area in excess of 10,000 square feet, but less than 50,000 square feet, or building additions having a total floor area in excess of 5,000 square feet*". Section 14-526 (a) 2 (b) applies to "*construction of new structures having a total floor area in excess of 50,000 square feet*". This project comprises the renovation of an existing structure with a total project floor area of less than 10,000 square feet, and clearly does not meet either of the criteria stated in the referenced sections of the Land Use Ordinance. Therefore, we consider it appropriate to refer back to the zoning ordinance for the parking requirement calculation. The determination letter issued by the City of Portland for this project and included in Section 2 of the application submission states that the proposed use meets the definition of "Professional, business, and general offices". The parking requirement for Professional Office, as stated in Section 14-332 of the Land Use Ordinance is 1 parking space per 400 square feet. This figure has been used to determine the code parking requirement for the project. Furthermore, there does not appear to be any ordinance requirement for a parking study for this type, or size of project.

A sketch showing the parking numbers used in the analysis for the entire building is attached for your review.

#### Sound

The sound information submitted for the rooftop HVAC units is stated in BELS. One BEL equals ten decibels (dBA). We are awaiting information on the performance of the sound shielding for these units from the manufacturer and will forward it to the city as soon as it is received.

**Andrew D. Johnston, PE,**  
**CEng., CEnv., MCIWEM, LEED AP**  
*Senior Civil Engineer*

[www.smrtinc.com](http://www.smrtinc.com)

144 Fore Street, PO Box 618 Portland, Maine 04104  
p 207.772.3846 f 207.772.1070





July 27<sup>th</sup> 2010

Ms. Jean Fraser, City of Portland Planning Department  
City Hall,  
389 Congress Street  
Portland, Maine 04101-3509

**RE: 144 Fore Street: Change of Use to Professional Offices (for VA Medical Office),  
Building Renovation and Minor Site Plan Application**

Dear Jean,

We have received planning staff comments on the application and plans and submitted for the referenced project offer the responses, clarifications and revisions described below. The original comments are shown in bold with the responses below. Amended site plans are included with this submission for your review.

**Planning Staff Review Comments:**

**1. Parking Analysis**

Section-273(f) requires that all projects, regardless of size, are governed by 14-526(a)(2)b in the Site Plan Standards and not by Divisions 20 or 21. As such, the total floor area requirement mentioned in Section 14-526(a)(2)b does not apply, and the requirement needs to be set by the Planning Authority based on a parking analysis submitted by the applicant, reviewed by and upon the recommendation of the city traffic engineer. Therefore, as per the previously forwarded comments of the City's Traffic Engineer (Tom Errico; copy attached) in paragraph 1, we have requested further explanation of the proposed VA operations and whether it will function more as medical offices than professional offices from the point of view of parking generation. This information will assist in making a determination of the parking requirement under 14-526(a)(2)b. Thank you for the plans showing off-site parking space locations and for the "Parking Demand Summary" received last week. However, we would also require actual data (as mentioned in my email of 7.12.2010) documenting the level of parking demand that has been evidenced at the existing VA facility or a similar facility. Also please update page 1 of the submitted "*Attachment 7 - Parking Analysis and Lease Agreements*" to reflect the additional information. Other relevant information would be the level of public transit that serves this site and how that might affect parking demand.

Response: Please find attached information from the Department of Veterans Affairs describing the parking requirement for this facility. The facility will require a total of forty parking spaces, twenty-five for staff and fifteen for patients. There are sufficient spaces immediately adjacent to the building to accommodate patient, and some staff parking. Remaining staff parking spaces will be provided elsewhere on the property.

**2. Parking Provision:** The parking analysis and requested information will be used to determine the total required parking for this use, which may be more than the 25 that you have identified. We would like to know how the parking will be managed to ensure that spaces for VA visitors are near the new front entrance. Also please note that leases for off-site parking that is counted to meet parking requirements normally need to be for more than one year. The number of bicycle racks required is related to the number of parking



spaces required, so this will need to be reviewed once the parking requirement is determined.

Response: Parking adjacent to the new facility will be designated for VA Visitor Use Only, in a similar manner to areas elsewhere on the property designated for SMRT use.

3. **Pedestrian Access and Accommodations:** As proposed on the submitted plans, the pedestrian accommodations are inadequate in three respects:
  - a. **Between the front entrance and parking areas and pedestrian routes out of the site:**  
The layout of the parking area in front of the building seems to establish a pedestrian corridor behind the perpendicular parked vehicles. For safety reasons, a pedestrian walkway should be established along the immediate frontage of the building and connect with other pedestrian paths/routes.
  - b. **Linking front entrance to Hancock Street:** Pedestrians accessing the front entrance from Hancock Street must cross the turning drive into the parking area facing Fore Street. This connection should be more clearly delineated. This route would be a likely access for those attending the offices by public transit.
  - c. **Linking front entrance to Fore Street:** The proposals have closed off the existing access from Fore Street by locating planting, a generator and bicycle racks so that pedestrian access to the front entrance is impossible. I calculate that pedestrians walking from Munjoy Hill area to use this facility would need to walk an additional 180 feet (approx.) because this access is closed off. A direct and safe pedestrian path should be created between Fore Street and the new front entrance.

Response: The parking layout has been revised to show pedestrian access along the front of the spaces, adjacent to the building. Stairs and a striped crosswalk has been added to connect to Hancock Street, and a stair/sidewalk connection has been established to Fore Street. A revised Site Plan is attached for your review.

4. **Drainage:** There is a general note on the Site Layout Plan that states “*Remove and replace existing bituminous pavement.*” Please show the precise extent of pavement replacement. The Department of Public Services requests that the submissions also show site surface drainage, and that the applicant should consider applying some means of stormwater treatment.

Response: The existing pavement will be milled and overlaid, maintaining the existing grades and drainage patterns. There is no plan to re-construct the entire pavement structure and/or alter the grades and drainage patterns on the site. The area currently drains by sheet flow towards a catch basin on the adjacent city parking lot. This is shown on the survey plan, and a sketch showing general flow paths is included for your review. No provision for additional stormwater capture and treatment is planned as part of this project.

5. **Landscape/Planting:** Please address the 7.8.2010 comments of the City Arborist below:  
After looking at the building as it exists today, improving pedestrian circulation from Fore Street seems advisable. With this in mind, there seems to be space enough to include the proposed landscape planting as shown and use some of the non-parking lot pavement. The proposed generator should be screened from the sidewalk with fencing or landscape treatment. An additional “street-tree” should be planted in the corner of the parking area or island. The corner of Fore Street & Hancock Street should include additional landscape treatment with “cape-cod” bituminous curbing to the sign area near Fore Street. This space could be landscaped or improved to lawn or ground cover and still be used as winter snow storage.

Response: Screening and additional plantings have been added around the generator. In addition, two trees have been added along the Hancock Street frontage to match existing trees at this location.

6. **Generator:** We understand that emergency generators are tested on a regular basis and the associated noise can be disturbing to nearby occupants/residents. The proposals should include substantial measures to mitigate/attenuate noise from the generator; please submit this information. Also, routine testing of the generator must be set to occur during regular business hours and not at night or on weekends.

Response: The generator has been re-located and a wood screen fence has been added between the generator and Fore Street to mitigate noise impacts. These are shown on the revised Site Plan. The generator tests will be scheduled to occur during regular business hours.

7. **Lighting:** Please submit a photometric plan showing the lighting levels for the site as proposed, including all new wall mounted lights and the existing lighting for the pedestrian, parking and vehicle access routes and areas. The Site Plan Ordinance requires that lighting be adequate for the safety of occupants or users of the site; it should meet the City standards. The elevations in A1 shown four wall mounted lights near the front entrance which are not indicated on the Site Layout Plan, for which catalog cuts were not submitted, and which do not appear to be "cut off" type fixtures; please clarify locations for wall mounted lighting and submit the catalog cuts for these lights.

Response: A photometric plan showing the site lighting levels is attached for your review. The Photometric Plan and Site Plan show the correct location of lights on the building. The previously submitted building elevation is a conceptual level drawing that will be updated to show correct light locations and fixtures.

8. **Dumpster:** Please submit a detail showing how the dumpster will be enclosed.

Response: A detail of the new dumpster enclosure is attached.

9. **Signage:** Please note that this aspect of the proposal is not covered by the minor site plan review and that separate permits are required for any new signage.

Response: A separate signage permit application will be submitted to the City.

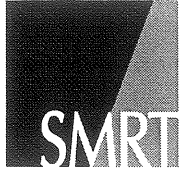
We hope that these responses and the attached supporting information clarify these items sufficiently. Please do not hesitate to contact us if you have any questions regarding the attachments, or require any additional information to support this application.

Sincerely,  
SMRT



Andrew Johnston PE, LEED AP  
CEng, CEnv. MCIWEM  
Senior Civil Engineer

144 Fore Street  
P.O. Box 618  
Portland, ME 04104  
p 207.772.3846 f 207.772.1070  
Encl.  
cc. DVJ, DRL, PSS, File 10022-01/15.1



# Memo

Date: July 27, 2010

Project Name: Portland VA - 144 Fore Street

To: Team

Project No: 10022

From: ADJ

Subject: Updated Parking Calculation

The following describes parking requirements for the 144 Fore building and proposed occupancy inclusive of the VA facility and existing tenants Arabica Coffee and SMRT which are to remain.

Parking for the VA facility is taken from the VA issued SFO. Parking for the remainder of the building is calculated per city ordinance. Parking in the vicinity of the VA is per current proposed plan for spaces immediately abutting the building south face, but leaves the existing parking in the site northwest corner as is (11 spaces).

City parking requirements are more than adequately covered with proposed on-site parking plus existing lease arrangements.

Space / Area (s.f. net)	Use	Parking Req'd. per code	Total
VA / 9,999	Professional Office	40 spaces (per VA SFO)	40
Arabica Coffee (D1) / 1,557	Manufacturing	1.0 per 1,000 sf	2
SMRT / 18,693	Professional Office	2.5 per 1,000 sf	47
Vacant / 10,958	Warehouse	1.0 per 1,000 sf	11
<b>Total required</b>			<b>100</b>
Total on-site (per existing conditions at front end plus proposed VA layout plus existing at remainder of building)			65
Total off-site (Cacoulidis property)			41
<b>Total supplied</b>			<b>106</b>

cc: file 10022/13.4







**1.10 SITE:**

The Site offered must meet the following minimum requirements:

Any configurations will be considered provided the space can adequately accommodate the building program, design requirements and designated activities;

Topography shall be without steep grades and shall not be affected by the 100-year flood plain, rock outcroppings or adverse subsurface conditions;

Be free of environmental hazards or restrictions;

Provide prominent visibility of the facility from major public thoroughfares.

Main ingress/egress for on-site pedestrian and vehicular circulation shall be easily accessible from major public thoroughfares.

**1.11 PARKING AND SITE AMENITIES:**

**1.11.1 PARKING:**

Forty (40) on-site vehicle parking spaces, paved and striped, must be provided for use by patients, staff and official Government vehicles, and must be included as part of the rental consideration. Of these, 3 spaces must be provided immediately adjacent to the building's main entrances for handicap use. The remainder must be within 500 feet of the building on the site. The Lessor must provide the greater of the following: the number of parking spaces required by local building or zoning regulations, or the number of parking spaces indicated above. See Paragraph 5.2.6 for additional requirements.

**1.11.2 PEDESTRIAN CIRULATION:**

Pedestrian routes, complying with accessibility criteria, shall be provided from public streets and public transportation stops or public entries.

**1.12 BUILDING:**

The Offeror shall design and construct a building to suit the Government's requirements. The Government may consider space in existing buildings of sound and substantial construction which can be made adaptable as modern office and outpatient space. If not in a new building, the space offered must be in a building that has undergone, or will undergo by occupancy, restoration of adaptive reuse for office and outpatient space with modern conveniences. If the restoration work is under way or proposed, then design or construction documents acceptable to the Contracting Officer must be submitted as part of the offer. Acceptability of the proposed restoration will be judged against the requirements of this SFO. Buildings which have incurable functional obsolescence and/ or are unsuitable in configuration for medical space floor plan

## Table of Contents

Application Forms and Checklist

Project Narrative

Attachment 1 - Title, right, or interest

Attachment 2 - Use Determination

Attachment 3 - Financial Capacity

Attachment 4 - Water and Wastewater Capacity Letters

Attachment 5 - Solid Waste Capacity Letter

Attachment 6- Traffic Evaluation

Attachment 7 - Parking Analysis and Lease Agreements

Attachment 8 - Lighting

Attachment 9 - Rooftop HVAC cut sheets

Attachment 10 - Approval Standards

Drawings -

Survey

Site Layout Plan

Planting Plan

Building Elevations

Floor Plan



Application Form and Checklist

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

PROJECT NAME: 144 Fore Street Building Renovation

PROPOSED DEVELOPMENT ADDRESS:

144 Fore Street

PROJECT DESCRIPTION:

Building renovation - Change of use to medical office

CHART/BLOCK/LOT: 019/A/008

CONTACT INFORMATION:

APPLICANT Diane Rollins  
 Name: Jackrabbit, LLC  
 Address: 44 Oak Street  
Portland, ME  
 Zip Code: 04101  
 Work #: 772-7647  
 Cell #: \_\_\_\_\_  
 Fax #: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 E-mail: MARINOINC.ME@gmail.com

PROPERTY OWNER  
 Name: (Applicant)  
 Address: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_  
 Work #: \_\_\_\_\_  
 Cell #: \_\_\_\_\_  
 Fax #: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

BILLING ADDRESS

Name: (Applicant)  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Zip: \_\_\_\_\_  
 Work #: \_\_\_\_\_  
 Cell #: \_\_\_\_\_  
 Fax #: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

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

AGENT/REPRESENTATIVE

Name: (As for Architect)

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Work #: \_\_\_\_\_

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

ENGINEER

Name: (As for Architect)

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Work #: \_\_\_\_\_

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

ARCHITECT

Name: Dennis Jud  
SMRT, Inc.

Address: 144 Fore St.  
Portland, ME

Zip Code: 04101

Work #: 772-3846

Cell #: \_\_\_\_\_

Fax #: 772-1070

Home: \_\_\_\_\_

E-mail: DJud@smrtinc.com

CONSULTANT

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Work #: \_\_\_\_\_

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

SURVEYOR

Name: Bruce Lewis

Address: Lewis & Wasina, Inc.  
11 Highmeadow Dr.

Zip Code: Gorham, ME 04038

Work #: 892-0959

Cell #: \_\_\_\_\_

Fax #: 892-0956

Home: \_\_\_\_\_

E-mail: BELewis@maine.rr.com

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 70,567 sq. ft.  
 Proposed Total Disturbed Area of the Site 1,300 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 30,868 sq. ft.  
 Existing Total Impervious Area 65,767 sq. ft.  
 Proposed Total Impervious Area 64,467 sq. ft.  
 Proposed Impervious Net Change - 1,300 sq. ft.

## BUILDING AREA

Existing Building Footprint 33,300 sq. ft.  
 Proposed Building Footprint 33,300 sq. ft.  
 Proposed Building Footprint Net change 0 sq. ft.  
 Existing Total Building Floor Area 41,200 sq. ft.  
 Proposed Total Building Floor Area 39,000 sq. ft.  
 Proposed Building Floor Area Net Change - 2,200 sq. ft.  
 New Building No (yes or no)

## ZONING

Existing B-6  
 Proposed, if applicable N/A

## LAND USE

Existing Retail, warehouse, prof. office, manf'g.  
 Proposed Warehouse, prof. office, manufacturing

## RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units N/A  
 Proposed Number of Residential Units to be Demolished N/A  
 Existing Number of Residential Units N/A  
 Proposed Number of Residential Units N/A  
 Subdivision, Proposed Number of Lots N/A

## PARKING SPACES

Existing Number of Parking Spaces 63 + 41 = 104  
 Proposed Number of Parking Spaces 106  
 Number of Handicapped Parking Spaces 5  
 Proposed Total Parking Spaces 106

## BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces 0  
 Proposed Number of Bicycle Parking Spaces 5  
 Total Bicycle Parking Spaces 5

## ESTIMATED COST OF PROJECT

\$1.5M

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

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

**APPLICATION FEE:**

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

<p><b>Major Development (more than 10,000 sq. ft.)</b></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><b>Plan Amendments</b></p> <p><input type="checkbox"/> Planning Staff Review (\$250.00)</p> <p><input type="checkbox"/> Planning Board Review (\$500.00)</p> <p><b>Subdivision</b></p> <p><input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + (applicable Major site plan fee)</p>
<p><b>Minor Site Plan Review</b></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><b>Other Reviews</b></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](http://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<sup>th</sup> June 2010</p>
--------------------------------------------------------------------------------------------------------------------	---------------------------------------





<u>X</u>	_____	* An estimate of the time period required for completion of the development	7
<u>X</u>	<u>N/A</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>N/A</u>	_____	* A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.	
<u>X</u>	_____	A jpeg or pdf of the proposed site plan, if available.	
<u>X</u>	_____	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                                           |

**Project Narrative**

---

**144 Fore Street - Building Renovation**  
**Portland, Maine**

**Development Review Application**  
**Project Narrative**

**Introduction**

The project comprises the renovation of the western end of an existing building at 144 Fore Street to provide approximately 9,990s.f. of professional office space for occupancy by the Department of Veterans' Affairs. The office will provide outpatient medical services for veterans.

The property is located within the B-6 Eastern waterfront Mixed Use Zone and comprises a total area of approximately 1.62 acres on Map 019, Block A, Lot 008. The City of Portland Zoning Administrator has issued a use determination letter indicating that the proposed use is permitted by right in the B-6 Zone. A copy of the letter is included in Attachment 2 of this application.

The portion of the building that will be improved as part of this project currently houses the Express Copy facility, and adjacent open warehouse space. Alterations will be made to the external building façade to accommodate new window and door openings, and significant internal refurbishment will be undertaken to accommodate the new use. Drawings included with this application detail the proposed external elevation and internal floor plans for the new use.

The building and site is owned by Jackrabbit Limited Liability Company. A copy of the property deed is included in Attachment 1 of this application. A copy of the updated Boundary Survey is included in the Drawings section of this application.

Financing for the building renovation will be provided through owner financing. A letter of financial capacity is included in Attachment 3 of this application.

The change of use will not require any significant site improvements. The existing entrance to the site will remain, as will the current paved parking area that serves the existing development. Grading and hence surface runoff from the site will remain unchanged from the existing condition, with the majority of the site draining in an easterly direction by sheet flow towards catch basin inlets located towards the eastern end of the gravel parking and access area adjacent to the building. Some re-striping will be required to improve the efficiency of the parking areas and to ensure that adequate provision is made for handicapped accessible spaces. The City Code requirement for parking for the new use is calculated as 25 spaces - Professional Office Use at 2.5 spaces per 1,000sf. These are provided in the existing paved parking areas adjacent to the western end of the building. A Parking Analysis that shows the code requirements and provisions for parking for each use in the building is included in Attachment 7 of this application

Existing water, sewer, gas and electric services enter the building from Fore Street at the western corner of the building. Limited external improvements will be required to accommodate the new use of the building. These include a new pad-mounted transformer, and an external emergency generator to serve the building. The existing domestic water and sewer connections to the street will be re-used unless the condition of the underground services warrants replacement. Some internal utilities modifications will also occur as part of the interior renovations and re-configuration of the existing space. Capacity request letters for water and sewer service have been sent to Portland Water District and the City of Portland Engineering Department. A copy of the response from Portland Water District is included in Attachment 4 of this application. A response has not yet been received from City Engineering. A copy of the capacity request letter is included in Attachment 4 of this application.

Solid waste disposal for the new use will be provided by the current contractor, Pine Tree Waste. A letter indicating that PTW has the ability to serve the property is included in **Attachment 5** of this application. A new dumpster is provided to serve the new use.

The new use is expected to result in little or no increase in traffic to the site. The Department of Veterans' Affairs expects the annual patient load at the new facility to be approximately 10,339. Assuming a five-day week and 52-weeks per year this equates to approximately 40 patients per day. A Traffic Evaluation, comparing current and proposed uses of the space is included in **Attachment 6** of this application.

A new sign for the office use will be included on the existing directory sign at the front entrance to the site on Fore Street. In addition, a new building sign will be added. Dimensions of the signs are shown on the building elevations. Designs and details will be finalized at a later date. New wall-pak lighting fixtures will be added to illuminate the building entrances. The locations of the lights are shown on the Site Plan and cut sheets are included in **Attachment 8** of this application.

The renovated building space will be serviced by two new rooftop HVAC units. The units will be screened with sound attenuating baffles at the street side to ensure that the equipment meets the sound level requirements of City Zoning Ordinance. A copy of the cut sheet for the equipment is included in **Attachment 10** of this application.

Attachment 1 - Title, right, or interest

17181

BK12434PG163

QUITCLAIM DEED WITHOUT COVENANTS

MICHAEL D. MARINO of Cape Elizabeth, County of Cumberland, and State of Maine,

for consideration paid, grants to

JACKRABBIT LIMITED LIABILITY COMPANY, a Maine limited liability company with a principal place of business in the City of Portland, County of Cumberland, and State of Maine,

A certain lot or parcel of land with the buildings thereon situated on the southeasterly side of Fore Street in the City of Portland, County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at a point on the southeasterly side of said Fore Street marking the southwesterly corner of a parcel of land conveyed by the Canadian National Railway Co. to Frank J. Gaziano by deed dated May 29, 1970, and recorded in the Cumberland County Registry of Deeds in Book 3129, Page 564, said point of beginning being located at the intersection of the southerly limit of Fore Street with the northeasterly limit of India Street;

THENCE, easterly following the southerly limit of Fore Street a distance of 135.59 feet to a point;

THENCE, northeasterly making an angle of  $163^{\circ} 44' 00''$  with the preceding course, a distance measured along the southeasterly limit of Fore Street 66.72 feet to a point;

THENCE, northeasterly following the southeasterly limit of Fore Street along a curve to the left having a radius of 338.35 feet tangent to the preceding course, a distance measured along the arc of 75.69 feet to a point;

THENCE, northeasterly following the southeasterly limit of Fore Street and tangent to the preceding curve, a distance of 43.64 feet to the point of beginning;

THENCE, by the southeasterly side of Fore Street  $N 41^{\circ} 57' E$ , 51.84 feet to an angle in said street;

THENCE, continuing by Fore Street  $N 35^{\circ} 40' E$ , 150.25 feet to land of the Canadian National Railway Co.;

THENCE, by said land of Canadian National Railway Co. on the following courses:



N 79° 46' E 525.00 feet to an angle point;  
S 87° 58' E 183.87 feet to an angle point;  
S 76° 17' W 180.00 feet to an angle point;  
S 67° 27' 40" W 405.17 feet to an angle point;  
S 79° 46' W 278.00 feet to the point of beginning.

The above described courses are magnetic 1955.

Together with all easements and rights appurtenant thereto that appear of record as set forth in a deed recorded in the Cumberland County Registry of Deeds in Book 2726, Page 410; Book 3129, Page 564; and Book 4194, Page 311. Reference is made to Plans recorded in said Registry in Plan Book 83, Page 10 and Plan Book 117, Page 20.

Being the same premises conveyed by Quitclaim Deed from Heidi Berkowitz and Michael Marino, as Trustees of ONE FORTY-FOUR FORE STREET TRUST to Michael D. Marino, dated March 8, 1993 and recorded in said Registry of Deeds in Book 10719, Page 218.

SUBJECT TO two Mortgages and Security Agreements both to Key Bank of Maine, the first dated May 8, 1993 and recorded in said Registry of Deeds in Book 10776, Page 58; and the second dated May 28, 1993 and recorded in said Registry of Deeds in Book 10776, Page 83. Also SUBJECT TO a Collateral Assignment of Leases and Rents to Key Bank of Maine dated May 28, 1993 and recorded in said Registry of Deeds in Book 10776, Page 107.

DATED: January 1, 1996

Witness:

Diane S. Rollins

Michael D. Marino  
Michael D. Marino

STATE OF MAINE  
COUNTY OF Cumberland, ss

On this 29 day of March, 1996, personally appeared the above-named Michael D. Marino and acknowledged the foregoing to be his free act and deed.

Diane S. Rollins exp 1-30-2001  
Notary Public/Attorney at Law  
Printed Name: Diane S. Rollins

(USER RECORDS/DEEDS/MARINO.ec)

RECEIVED  
RECORDED REGISTRY OF DEEDS

96 APR -4 AM 8:35

CUMBERLAND COUNTY

John B. Quinn

MUNICIPAL  
QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the CITY OF PORTLAND, a municipal corporation organized and existing under the laws of the State of Maine and having its principal offices located at 389 Congress Street, Portland, Maine, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby RELEASE to JACKRABBIT LIMITED LIABILITY COMPANY, a limited liability company organized and existing under the laws of Maine, the mailing address of which is 44 Oak Street, Portland, Maine 04101, certain real property located in the City of Portland, County of Cumberland, and State of Maine, and more particularly described in Exhibit A, attached hereto and made a part hereof.

IN WITNESS WHEREOF, the CITY OF PORTLAND has caused this instrument to be signed in its corporate name by Duane G. Kline, its Director of Finance, thereunto duly authorized, this 25 day of October, 2004.

WITNESS:

Donna M. Katsicopoulos  
Printed Name: Donna M. KATSICAPOULOS

CITY OF PORTLAND

By: [Signature]  
Printed Name: Duane G. Kline  
Its: Finance Director

STATE OF MAINE  
COUNTY OF CUMBERLAND, SS

Oct. 25, 2004

Then personally appeared the above-named Duane G. Kline in his capacity as Director of Finance of said CITY OF PORTLAND and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said CITY OF PORTLAND.

Before me,

Donna M. Katsicopoulos  
Notary Public/Maine Attorney at Law  
Printed Name: Donna M. KATSICAPOULOS

**EXHIBIT A**

**Parcel of land along northeasterly line of proposed street that runs southeasterly from Fore Street conveyed from the City of Portland to Jackrabbit Limited Liability Company**

A certain lot or parcel of land situated southeasterly of, but not adjacent to, the southeasterly sideline of Fore Street in the City of Portland, Cumberland County, State of Maine, and bounded and described as follows:

COMMENCING at the intersection of the northeasterly sideline of India Street with the southeasterly sideline of said Fore Street:

THENCE, N57°57'41"E one hundred thirty-five and forty-eight hundredths feet (135.48') along the southeasterly sideline of said Fore Street to an angle point;

THENCE N41°40'33"E sixty-six and sixty hundredths feet (66.60') continuing along the southeasterly sideline of said Fore Street to a point;

THENCE northeasterly continuing along the southeasterly sideline of said Fore Street along a non-tangent curve to the left with a radius of four hundred thirty-four and fifty-three hundredths feet (434.53'), an interior angle of 10°01'16", and an arc distance of seventy-six and zero hundredths feet (76.00') to a point, said curve has a chord bearing of N35°16'03"E seventy-five and ninety hundredths feet (75.90');

THENCE N28°51'33"E forty-three and eighty-eight hundredths feet (43.88') continuing along the southeasterly sideline of said Fore Street to the westerly corner of land now or formerly of Jackrabbit Limited Liability Company as described in a deed dated March 29, 1996 and recorded April 4, 1996 in the Cumberland County Registry of Deeds Book 12434, Page 163;

THENCE N66°40'00"E ninety-one and twenty-five hundredths feet (91.25') along the southerly line of land of said Jackrabbit Limited Liability Company to a point in the northeasterly sideline of a *Proposed Street* and THE POINT OF BEGINNING;

THENCE N66°40'00"E one hundred twenty-one and ninety-four hundredths feet (121.94') continuing along lands of said Jackrabbit Limited Liability Company to a point;

THENCE S46°05'07"W one hundred six and sixty-nine hundredths feet (106.69') through lands now or formerly of the City of Portland as described in a deed dated August 30, 1993 and recorded August 30, 1993 in the Cumberland County Registry of Deeds in Deed Book 10924, Page 84 to a point in the northeasterly sideline of said *Proposed Street*;

THENCE N53°47'21"W forty-three and fifty-one hundredths feet (43.51') through lands now or formerly of the City of Portland and along the northeasterly sideline of said *Proposed Street* to THE POINT OF BEGINNING.

The above described lot or parcel of land contains two thousand two hundred eighty-nine square feet (2287 s.f.) more or less.

Bearings referenced herein are Grid North NAD83 Maine State Plane West Zone.

Meaning and intending to convey a triangular shaped portion of Lot 2 as described in a deed from the Canadian National Railway Company to the City of Portland, dated August 30, 1993 and recorded August 30, 1993 in the Cumberland County Registry of Deeds in deed Book 10924, Page 84.

Received  
Recorded Register of Deeds  
Oct 29, 2004 03:02:26P  
Cumberland County  
John B O'Brien

04123

JACKRABB.DMK.DED.1  
06.11.96

QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the City of Portland, a body politic and corporate in the County of Cumberland, State of Maine, in consideration of one dollar (\$1.00) and other valuable consideration paid by Jack Rabbit Limited Liability Company a Maine Limited Liability Company organized under the laws of the State of Maine, with a place of business in Portland, County of Cumberland, State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim to the said Jack Rabbit Limited Liability Company, his heirs and assigns, a certain lot or parcel of land described in Schedule A, attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said City of Portland has hereunto caused this instrument to be signed by Duane G. Kline, its duly authorized Director of Finance, this 16 day of July, 1996.

Donna M. Katsificos  
Witness

CITY OF PORTLAND  
By: [Signature]  
Duane G. Kline  
Director of Finance

STATE OF MAINE  
CUMBERLAND, ss.

July 16, 1996

Personally appeared the above-named Duane G. Kline, in his capacity as the Director of Finance of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Portland.

Before me,

Donna M. Katsificos  
Notary Public/Attorney at Law

Donna M. Katsificos  
Printed Name

BK 12919PG162

Schedule A

Proposed Deed Description

City of Portland

To

Jack Rabbit Limited Liability Company

Two separate lots or parcels of land situated Easterly of, but not contiguous with, Fore Street in the City of Portland, County of Cumberland, State of Maine and further bounded and described as follows:

Commencing at a point on the Southerly side of said Fore Street at the Southwest corner of a Lot conveyed to Norman S. Reef, Et Al, by deed recorded in the Cumberland County Registry of Deeds in Book 7434, Page 267 and said point being the Northwest corner of Lot 2 of land conveyed by the Canadian National Railway Company to the City of Portland by deed recorded in said Registry of Deeds in Book 10924, Page 84.

The magnetic bearing base of the two referenced deeds are not the same. The lines are common.

Said point of commencement is shown on a plan titled "Land Title Survey and Subdivision Plan" made for the City of Portland and others by Owen Haskell, Inc. Dated February 18, 1993, Sheets 1 and 2 of 7, Recorded in said Registry of Deeds in Plan Book 193, Pages 187 and 188;

Thence, from said point of commencement and by said Reef, Et Al, and City of Portland lines, as shown on said Owen Haskell, Inc. plan, on the following described courses and distances;

Thence, N 82°-23'-50" E, 278.00 feet to a buried 1" iron pipe;

Thence, N 70°-05'-25" E, 279.62 feet to the point of beginning of this first lot or parcel of land herein conveyed;

Said point of beginning being 20.00 feet, more or less, distant from the face of a concrete block building as shown on said Owen Haskell, Inc. Plan;

Thence, from said point of beginning and continuing by said Reef, Et Al, and said City of Portland lines as shown on said Owen Haskell, Inc. Plan, on the following described courses and distances;

Thence, N 70°-05'-25" E, 125.55 feet to a 5/8" steel reinforcing rod capped "Owen Haskell Inc.";

Thence, N 78°-54'-45" E, 77.28 feet to a point;

Thence, through said City of Portland Lot 2, on the following described courses and distances;

Thence, S 07°-39'-48" E, 4.69 feet to a point;



BK 12919PG163

2.

Thence, S 67°-22'-03" W, 74.50 feet to a point which is 20.00 feet distant from said 5/8" steel reinforcing rod capped "Owen Haskell Inc.";

Thence, continuing on the same course, S 67°-22'-03" W, 32.52 feet to a point;

Thence, S 82°-59'-03" W, 96.45 feet to the point of beginning.

The above described courses are magnetic in the year 1967 as per said Owen Haskell, Inc. Plan.

The above described lot or parcel of land contains 2602 square feet.

Meaning and intending to convey and hereby conveying a portion of Lot 2 conveyed by the Canadian National Railway Company to the City of Portland by deed recorded in said Registry of Deeds in Book 10294, Page 84.

Also meaning and intending to convey another lot or parcel of land which is not contiguous with the above-described lot or parcel of land, and is more particularly described as follows;

Commencing at a point on the Southerly side of said Fore Street at the Southwest corner of a Lot conveyed to Norman S. Reef, Et Al, by deed recorded in the Cumberland County Registry of Deeds in Book 7434, Page 267 and said point being the Northwest corner of Lot 2 of land conveyed by the Canadian National Railway Company to the City of Portland by deed recorded in said Registry of Deeds in Book 10924, Page 84.

The magnetic bearing base of the two referenced deeds are not the same. The lines are common.

Said point of commencement is shown on a plan titled "Land Title Survey and Subdivision Plan" made for the City of Portland and others by Owen Haskell, Inc. Dated February 18, 1993, Sheets 1 and 2 of 7, Recorded in said Registry of Deeds in Plan Book 193, Pages 187 and 188;

Thence, from said point of commencement and by said Reef, Et Al, and City of Portland lines, as shown on said Owen Haskell, Inc. plan, on the following described courses and distances;

Thence, N 82°-23'-50" E, 278.00 feet to a buried 1" iron pipe;

Thence, N 70°-05'-25" E, 279.62 feet to a point;

Thence, N 70°-05'-25" E, 125.55 feet to a 5/8" steel reinforcing rod capped "Owen Haskell Inc.";

Thence, N 78°-54'-45" E, 77.28 feet to a point;

Thence, through said lot conveyed to Norman S. Reef, Et Al, as recorded at said Registry of Deeds in Book 7434, Page 237, N 07°-39'-48" W, 28.54 feet to the point of beginning;

Thence, from the point of beginning, along the Northerly line of said lot conveyed to Norman S. Reef, Et Al, N 85°-20'-15" W, 78.91 feet to a point which forms an angle in the Northerly line of said lot conveyed to said Norman S. Reef, Et Al;

BK 12919PG164

3.

Thence, through said City of Portland Lot 2, on the following described courses and distances;

Thence, N 82°-23'-45" E, 77.09 feet to a point;

Thence, S 07°-39'-48" E, 16.77 feet to the point of beginning.

The above described courses are magnetic in the year 1967 as per said Owen Haskell, Inc. Plan.

The above described lot or parcel of land contains 646 square feet.

Meaning and intending to convey and hereby conveying a portion of Lot 2 conveyed by the Canadian National Railway Company to the City of Portland by deed recorded in said Registry of Deeds in Book 10294, Page 84.



RECEIVED  
RECORDED REGISTRY OF DEEDS

97 JAN 27 AM 10:35

CUMBERLAND COUNTY

John B. O'Brien

Attachment 2 - Use Determination

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# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

*Penny St. Louis Littell- Director of Planning and Urban Development  
Iarge Schmuckal, Zoning Administrator*

April 15, 2010

Dennis V. Jud, ASLA LEED AP  
SMRT  
144 Fore Street  
PO Box 618  
Portland, ME 04101

COPY

RECEIVED  
APR 16 2010  
SMRT, INC.

RE: 144 Fore Street – 019-A-008 (the “Property”) – B-6

Dear Mr. Jud,

I am in receipt of your request for a determination letter concerning the Property. The Property is located entirely within the B-6 Eastern Waterfront Mixed Zone which specifically lists under section 14-269(a)1 the use of “Professional, business and general offices”. Professional offices are further defined in the Land Use Zoning Ordinance as “The office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer or similar professional.”

Your cover letter to me explains the proposed intended use of the Property for offices of doctors, psychiatrists and psychologists who are visited by appointment, not walk-ins and without beds. Based upon your supplied information and the text of the Land Use Zoning Ordinance, I have determined that the described offices are permitted by right under the B-6 Zone.

This determination should not be considered a substitute for a change of use application. There is still the necessity to apply for a change of use permit from Inspection Services to allow the intended new use. All of the other requirements of the B-6 zone requirements must be met, such as parking. All of the other Fire and Building Code requirements must also be met prior to occupancy. If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,

Marge Schmuckal, Zoning Administrator

*MGW, PSS, DRL, ADJ, File 10022/22  
Mike Marino*

Attachment 3 - Financial Capacity

---

W. Scott Fox  
Senior Vice President  
Community Development Lending



**KeyBank National Association**  
Mailcode: ME-01-CP-0704  
One Canal Plaza  
Portland, ME 04101

Tel: 207 874-7026  
Fax: 207 874-7732

May 20, 2010

Portland Planning Department  
389 Congress St.  
Portland, Maine

Re: 144 Fore Street / Jack Rabbit LLC / Mike Marino

To whom it may concern:

Mike Marino, President of Jack Rabbit LLC, has asked me to write a letter indicating their financial capacity to develop the proposed renovations and addition to 144 Fore Street in Portland. We are pleased to inform you that they indeed have both the financial capacity and the developmental expertise to build this exciting project and KeyBank is looking forward to playing an active roll in the financing of it. If you have any further questions please do not hesitate to call me at 874-7026.

A handwritten signature in black ink, appearing to read 'W. Scott Fox'.

W. Scott Fox  
Senior Vice President  
Key Community Development



Attachment 4 - Water and Wastewater Capacity Letters

# CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,  
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: MAY 12<sup>TH</sup> 2010

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

Site Address: 144 FORE ST. PORTLAND  
(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LMK@portlandmaine.gov)

Proposed Use: MEDICAL OFFICE

Previous Use: RETAIL (COPY + YARN STORE), VACANT

Existing Sanitary Flows: 150 GPD

Existing Process Flows: 0 GPD

Description and location of City sewer, at proposed building sewer lateral connection:  
EXISTING CONNECTION TO BE RE-USED

Chart Block Lot Number: 019 / A / 008

Site Category Commercial _____ Industrial (complete part 4 below) _____ Governmental <input checked="" type="checkbox"/> Residential _____ Other (specify) _____	_____ _____ _____ _____
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------

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

### 2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 1,550 GPD

Peaking Factor/ Peak Times: 5.6 - TRIG PEAK ON MAX DAY

Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," "Portland Water District Records," Other (specify))  
AVG. DAILY FLOW - MAINE WASTEWATER DISPOSAL RULES PEAKING FACTOR - TRIG

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:	<u>JACKRABBIT, LLC - DIANE ROLLINS</u>		
Owner/Developer Address:	<u>44 OAK STREET, PORTLAND ME 04101</u>		
Phone: <u>772 7647</u>	Fax: _____	E-mail: <u>MARINOINC.ME@GMAIL.COM</u>	
Engineering Consultant Name:	<u>SMRT, INC.</u>		
Engineering Consultant Address:	<u>144 FORE ST PORTLAND ME 04104</u>		
Phone: <u>772 3846</u>	Fax: <u>7721070</u>	E-mail: <u>DJUD@SMRTINC.COM</u>	
City Planner's Name:	_____		

**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: \_\_\_\_\_ 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): \_\_\_\_\_

Peaking Factor/Peak Process Times: \_\_\_\_\_

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

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 USES TO BE DISCONTINUED

RETAIL 15 GPPD x 10 = 150 GPD  
(XPRESS COPY, YARN STORE)

PROPOSED USE : MEDICAL OFFICE

MEDICAL STAFF 80 GPD x 15\* = 1,200 GPD  
PATIENTS 5 GPD x 40\* = 200 GPD  
ADMIN STAFF 15 GPD x 10\* = 150 GPD

TOTAL AVERAGE DAILY FLOW = 1,550 GPD

\* STAFF AND PATIENT NUMBERS PROVIDED BY VA .



## Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

RECEIVED  
JUN 2 - 2010  
SMRT, INC

June 1, 2010

SMRT  
144 Fore Street, P.O. Box 618  
Portland, ME 04104

Attn: Dennis V. Jud  
Re: 144 Fore Street, Portland - Proposed VA Community Clinic  
Ability to serve with PWD water

Dear Mr. Jud:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the needs of the proposed VA Community Clinic located at 144 Fore Street in Portland. According to District records, there is a 12-inch cast iron water main on the east side of Fore Street as well as a hydrant located adjacent to the site.

The current data from a nearby hydrant indicates there should be adequate capacity of water to serve the domestic water needs of your proposed project, as stated in your letter, dated May 12, 2010.

Hydrant Location: Fore Street, at Mountfort Street  
Hydrant Number: POD-HYD00178  
Static Pressure: 101 PSI  
Residual Pressure: 95 PSI  
Flow: 1423 GPM  
Last Tested: 10/31/1997

With regard to your fire protection needs, please notify your mechanical engineer of these results so that they can design your system to best fit the noted conditions. Also, please contact the Portland Fire Department to determine if the fire service capacity is sufficient for their needs. Based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes.



144 Fore Street  
Portland, Maine

Ability to Serve  
June 1, 2010

Please see the attached service cards, showing the locations of the existing 1" domestic and 6" fire service to the building. Without expected domestic water demand for the entire site PWD can not confirm that the existing domestic service size is adequate. If you would like us to review the ability of the existing service size to meet the domestic water needs of the entire building, please provide us with the expected peak flow or a fixture count. Please note that if either existing service is not reused as part of this project it will have to be removed at the main.

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

Sincerely,  
Portland Water District



Jamie Paschal  
Design Engineer

Attachment 5 - Solid Waste Capacity Letter

---



Jack Rabbit LLC  
144 Fore Street  
Portland ME 04101

RE: Ability to serve

Dear Diane:

This letter is to confirm that Pine Tree Waste Inc. Located in Scarborough, Maine has the capabilities to pick up, truck and dispose of annual volumes of waste (trash) and Recycling materials by the Veterans Administration at 144 Fore Street in Portland Maine. The end site for the waste (Trash) will be:

Eco Maine  
64 Blueberry Road  
Portland, ME 04102

Annual amounts of waste for a estimated 10,000 sq feet facility is 20 tons per year

Pine Tree Waste Inc. also transports volumes of Recycling Zero sort and Cardboard. The end site for this material will be:

Eco Maine  
64 Blueberry Road  
Portland, ME 04102

Annual amounts of recycling for a estimated 10,000 sq ft facility is 5 tons per year

This letter is not a quote for service. It is a statement of capabilities. The sole purpose of this letter is to communicate the willingness and capabilities that Pine Tree Waste Inc. has towards providing this service as requested. If you have any questions please give me a call.

Sincerely yours,

John Harfoush  
Pine Tree Waste  
207-653-1626

Attachment 6- Traffic Evaluation

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*William J. Bray, P.E.*  
235 Bancroft Street  
Portland, Maine 04102  
Phone (207) 774-3603  
[trafficsolutions@maine.rr.com](mailto:trafficsolutions@maine.rr.com)

May 23, 2010

**Traffic Assessment  
Proposed  
United States Department of Veterans' Affairs (VA)  
Medical Office Building**

**INTRODUCTION**

Jackrabbit, LLC proposes to renovate approximately 10,000 square feet of their existing building at 144 Fore Street to medical office space that will be leased and operated by the VA. Two tenants currently occupy the proposed building space; 1) Seaport Yarn, a retail business with approximately 2,200 square feet of space and, 2) Xpress Copy, a firm that provides printing and copying services that occupies roughly 7,000 square feet.

Access to the proposed building will be provided through the existing site driveway, which intersects Hancock Street just east of Fore Street.

This document estimates the peak hour trip generation of the current building space, the proposed VA medical office space and estimates the "net" change in site generated trips; reviews existing roadway safety conditions on Fore Street in the general vicinity of the existing 144 Fore Street building and provides an assessment of vehicle sight distance at the existing site driveway intersection on Hancock Street.

**SITE TRAFFIC**

**Site Trip Generation:** Trip generation for both the current site uses and the proposed VA medical office space were determined based upon trip tables presented in the seventh edition of the Institute of Transportation Engineers (ITE) "TRIP GENERATION" handbook. The following trip rates were used in that effort:

**Current Site Use**

The noted ITE publication doesn't specifically provide trip rates for either of the current site uses; in an effort to compute a reasonable estimate of trip generation for the present site uses a search was completed of all major retail uses listed in the ITE document. Based upon the search effort, it was decided that Land Use # 814 - Specialty Retail Center was appropriate for use in the presented comparative analysis.

**Land-Use Code 814 – Specialty Retail Center**

Weekday Street Peak Hour – AM Peak	= N/A
Weekday Peak Hour Generator – AM peak	= 6.84 trips/1,000sf building area
Weekday Street Peak Hour – PM Peak	= 2.71 trips/1,000sf building area
Weekday Peak Hour Generator – PM Peak	= 5.02 trips/1,000sf building area

Accordingly, the existing retail building tenants, which occupy approximately 9,200 square feet of building space, could be expected to generate the following peak hour trips:

Weekday Street Peak Hour – AM Peak	= N/A trips
Weekday Peak Hour Generator – AM peak	= 63 trips
Weekday Street Peak Hour – PM Peak	= 25 trips
Weekday Peak Hour Generator – PM Peak	= 46 trips

**Proposed Site Uses**

**Land-Use Code 720– Medical-Dental Office Building**

Weekday Street Peak Hour – AM Peak	= 2.48 trips/1,000sf building area
Weekday Peak Hour Generator – AM peak	= 3.62 trips/1,000sf building area
Weekday Street Peak Hour – PM Peak	= 3.72 trips/1,000sf building area
Weekday Peak Hour Generator – PM Peak	= 4.45 trips/1,000sf building area

Accordingly, the renovated 9,900 square foot VA medical office project can be expected to generate the following peak hour trips:

Weekday Street Peak Hour – AM Peak	= 25 trips
Weekday Peak Hour Generator – AM peak	= 36 trips
Weekday Street Peak Hour – PM Peak	= 37 trips
Weekday Peak Hour Generator – PM Peak	= 44 trips

“Net” site trip generation: was determined by subtracting trips generated by the existing retail tenants from the estimate of trips prepared for the proposed VA project, that process provided the following results:

Weekday Street Peak Hour – AM Peak	= 25 trips
Weekday Peak Hour Generator – AM peak	= -27 trips
Weekday Street Peak Hour – PM Peak	= 12 trips
Weekday Peak Hour Generator – PM Peak	= -2 trips

**EXISTING SAFETY CONDITIONS**

The Maine Department of Transportation’s (MDOT) Accident Records Section provided the latest three-year (2006 through 2008) crash data for the section of Fore Street between India Street and Mountfort Street, a distance of approximately 0.20 miles in total length. Their report is summarized as follows:

## 2006 -2008 Traffic Accident Summary

<u>Location</u>	<u>Total Crashes</u>	<u>Critical Rate Factor</u>
1. Fore Street @ India Street.	5	1.09
2. Fore Street @ Mountfort Street	3	1.05
3. Fore Street between India Street and Mountfort Street	4	0.87

The MDOT considers any roadway intersection or segment a high crash location if both of the following criteria are met:

- *8 or more accidents*
- *A Critical Rate Factor greater than 1.00*

As the data presented in the table shows, there is an exceptionally low incidence of traffic crashes occurring on the segment of Fore Street studied.

### VEHICLE SIGHT DISTANCE

The Maine Department of Transportation's Highway Entrance and Driveway Rules require the following sight distances for a non-mobility roadway:

#### Sight Distance Standards

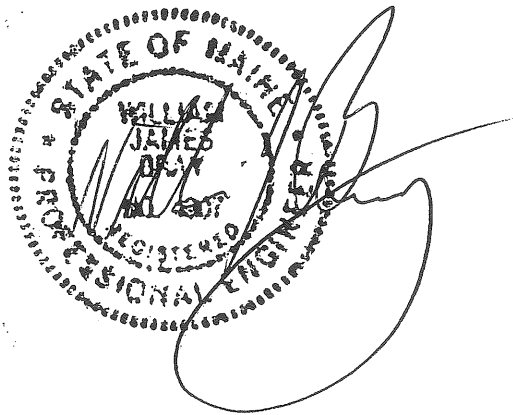
Speed Limit	Sight Distance
25 mph	200 feet
30	250
35	305
40	360
45	425
50	495
55	570

Vehicle sightlines at the existing Hancock Street entrance to the 144 Fore Street building were reviewed to determine if adequate sight distance is provided. The noted section of Hancock Street is currently un-posted; this report has assumed that the unofficial speed limit is 25mph. A clear line of site from the driveway approach exists in both directions to the nearest public road intersection; Thames Street to the east and Fore Street to the west.

### SUMMARY

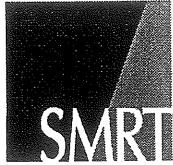
1. The proposed 9,900 square foot VA medical office building can be expected to generate a total of 25 vehicle trips in the AM peak hour and an additional 37 trips during the afternoon peak hour.
2. The existing retail tenants occupying the building space that will be renovated for the VA has trips generation patterns very similar to the proposed medical office use. This report has attempted to estimate the level of trip generation based upon a somewhat generic trip rate and based upon that process has concluded that the "net" change in peak hour trip generation between the existing and proposed building uses is most likely very minimal or perhaps even a negative number.

3. MaineDOT requires an Applicant to file for and receive a Traffic Movement Permit if the "net" change (existing site use compared with proposed site use) in peak hour trips exceeds 100 trips during any peak hour condition. As presented in the body of the report, the "net" increase in site generated trips is well below MaineDOT's threshold value. A MaineDOT permit is not required for the proposed site.
4. MaineDOT's most recent traffic crash report (2006 through 2008) for the section of Fore Street between India Street and the Mountfort Street intersection suggests that existing safety trends along the identified section of Fore Street are much less than the Statewide average for a similar section of an urban roadway.
5. Safe ingress and egress is provided through the existing site driveway to the 144 Fore Street property. There are no identified sight restrictions that impede sight distance looking either east or west from the driveway approach.





Attachment 7 - Parking Analysis and Lease Agreements



# Memo

Date: April 26, 2010

Project Name: Portland VA - 144 Fore Street

To: Team

Project No: 10022

From: MGJ

Subject: Parking

The following describes parking requirements for the 144 Fore building and proposed occupancy inclusive of the VA facility and existing tenants Arabica Coffee and SMRT which are to remain.

Parking required is calculated per city ordinance. Parking in the vicinity of the VA is per current proposed plan for spaces immediately abutting the building south face, but leaves the existing parking in the site northwest corner as is (11 spaces).

City parking requirements are more than adequately covered with proposed on-site parking plus existing lease arrangements.

Space / Area (s.f. net)	Use	Parking Req'd. per code	Total
VA / 9,999	Professional Office	2.5 per 1,000 sf	25
Arabica Coffee (D1) / 1,557	Manufacturing	1.0 per 1,000 sf	2
SMRT / 18,693	Professional Office	2.5 per 1,000 sf	47
Vacant / 10,958	Warehouse	1.0 per 1,000 sf	11
<b>Total required</b>			<b>85</b>
Total on-site (per existing conditions at front end plus proposed VA layout plus existing at remainder of building)			65
Total off-site (Cacoulidis property)			41
<b>Total supplied</b>			<b>106</b>

cc: file 10022/13.4

LICENSE AGREEMENT FOR PARKING LOT

13 <sup>August</sup> ~~the day of July~~, 2007, by and between Hope 1, LLC, a Maine corporation with a mailing address of 25 South Service Road, Jericho NY 11753 ("Owner") and Jackrabbit Limited Liability Company, a Maine Limited Liability Company, having an address at 44 Oak Street, Portland ME 04101 ("Occupant").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth, the parties agree as follows:

1. Owner hereby lets to Occupant and Occupant hereby rents from Owner that certain space, containing approximately 25 Parking Spaces at the approximate location as indicated on the attached Site Plan, annexed hereto as Exhibit A, situated in East side of 100 Fore Street, Portland ME ("Space"). Occupant may use the Space for parking, and for no other purpose. Owner shall deliver and Occupant shall accept possession of the Space in "as is" condition.
2. The term of this Agreement shall commence on <sup>Sept. 1, 2007</sup> ~~August 1, 2008~~ ("Commencement Date"), and continue for the next consecutive Twelve (12) months ("Term"). Thereafter, unless either party notifies the other party of its intention not to renew, this agreement shall automatically be renewed for another period of Twelve (12) months unless otherwise terminated as provided herein. This Agreement may be terminated by Owner upon sixty (60) days prior written notice. The effective date of termination shall be as stated in the notice but shall be no sooner than sixty (60) days after the date of said notice ("Expiration Date").
3. Occupant hereby agrees to pay Owner as base rent for the Space the sum of One Thousand Two Hundred and Fifty (\$1,250) Dollars per month, in advance. In addition, Occupant shall pay all expenses associated with the operation and management of the space. Occupant shall, at its own cost and expense, obtain any and all required municipal and governmental approvals, licenses, permits and certificates. Occupant shall send all notices, inquiries or other communications and rental payments to Owner as follows: Hope 1, LLC, 25 South Service Road, Suite 300, Jericho NY 11753.
4. Occupant herewith deposits with Owner a security deposit of One Thousand Two Hundred and Fifty (\$1,250) Dollars (hereinafter referred to as "Security"), as security for the full and faithful performance by Occupant of every provision of this Agreement and all obligations of Occupant under this Agreement. In the event that Occupant shall fully and faithfully comply with all of the provisions of this Agreement, the Security, or any balance thereof, shall be returned to Occupant after the later of (i) the Expiration Date or (ii) the date upon which Occupant has vacated the Space.
5. At the expiration of the Term, Occupant shall surrender the Space to Owner in the same condition as at the Commencement Date, excepting damage occasioned by fire, casualty, the elements, and reasonable wear and tear. Any holding over after the expiration of the Term hereof without the consent of Owner shall be construed to be a tenancy from day to day at double the stipulated per diem rent.
6. During the Term, Occupant shall pay any costs associated with its occupancy of the Space. Occupant shall be responsible for the maintenance of it's the Space. It is understood that Owner is not required to supply to Occupant any services or utilities with respect to the Space.

7. Occupant shall, during the entire term, keep in full force and effect a policy of public liability and property damage insurance with respect to the Space, and the business operated by Occupant in the Space, in which the limits of public liability shall not be less than One Million and 00/100 Dollars (\$1,000,000.00) for each personal injury or accident, and which the limit of property damage liability shall not be less than Two Hundred Thousand and 00/100 Dollars (\$200,000.00). Occupant will provide Owner in advance with a certificate of insurance naming Owner as an additional insured.
8. Conduct of Business:
  - a. Occupant agrees to abide by all rules and regulations established by Owner, as determined in Owner's sole and absolute discretion.
  - b. Occupant, at its sole cost and expense, shall secure all necessary permits, authorizations and approvals which may be required by any and all governmental authorities with respect to the use and occupancy of the Space, and shall at all times comply with all governmental rules, regulations, ordinances, statutes now or hereinafter in force, pertaining to the Space and Occupant's use thereof. All installations and equipment used by Occupant shall be maintained and installed in strict conformity with the requirements of the Board of Fire Underwriters as well as local, state and federal laws, rules and regulations.
9. Each of Owner and Occupant hereby releases the other from any and all liability or responsibility to the other or anyone claiming through or under them by way of subrogation or otherwise for any loss or damage to property caused by fire, extended coverage perils, vandalism, malicious mischief or any other perils insured in policies of insurance covering such property, even if such fire or other casualty shall be brought about by the fault or negligence of the other persons claiming under it, provided, however, this release shall be in effect only with respect to loss or damage occurring during such time as releasor's policies of fire and extended coverage insurance shall contain a clause to the effect that this release shall not defeat said policies or the right of releasor to recover thereunder. Each of Owner and Occupant agrees that its fire, extended coverage and other casualty policies will include such a clause so long as the same is obtainable, and includable without extra cost; or if extra cost is chargeable, the party will advise the other of the amount thereof, and the other party may pay the same, although not obligated to do so.
10. Occupant shall not make any initial construction, alterations, improvements, changes, modifications or installations on or about the Space without obtaining Owner's prior written consent in each instance. Occupant shall reimburse Owner for all costs and expenses (including, without limitation, any architect or engineer fees) incurred by Owner in approving or disapproving Occupant's plans for Improvements. Occupant acknowledges that it is familiar with the Space and except as specifically set forth herein to the contrary, there is no work of any sort to be performed by Owner and no representation or warranty by Owner as to the fitness of the Space, or as to any use permitted herein. Any and all work to the Space necessary for Occupant to use the Space in accordance with the terms of this Agreement shall be Occupant's obligation to perform at Occupant's sole cost and expense. Occupant will indemnify and defend Owner and save it harmless from and against any and all claims, actions, suits at law or equity, judgments, expenses, costs, liabilities, fines and debts in connection with any injury, loss or damage during any period of Occupant's Work. Occupant shall keep the Space in good condition and repair and shall make all necessary repairs thereto and shall comply with all laws, regulations, etc. applicable thereto. Occupant shall use the Space only for its intended purpose as set forth in Paragraph 1 and shall not use the Space for the display of goods, wares or

merchandise or for the storage of any inflammable, combustible, dangerous, noxious or malodorous material.

11. Occupant shall not assign, mortgage or pledge this Agreement or enter into any concession or sublicense of the same, it being understood that any change in ownership or control of the Occupant shall be deemed an assignment.
12. Each party represents to the other that no broker has been involved in this transaction and if any claims for brokerage commissions or fees are ever made in connection with this transaction, the party whose representation was inaccurate shall indemnify and hold harmless the other from and against any and all such claims or demands with respect to any brokerage fees or agent's commissions or other compensation.
13. Occupant covenants and agrees to indemnify and save and hold harmless Owner from and against any and all claims and demands arising from any accident, injury or other occurrence in or about the Space or from Occupant's failure to comply with the terms and conditions of this Agreement (including without limitation reasonable attorney's fees and costs). Occupant agrees to pay all costs, expenses and damages, including legal fees incurred by Owner in connection with any default by Occupant or any action or proceeding between Owner and Occupant arising out of or by reason of this Agreement or to enforce the provisions hereof.
14. Occupant shall not use or suffer the Space to be used in any manner so as to create an environmental violation or hazard, nor shall Occupant cause or suffer to be caused any chemical contamination or discharge of a substance of any nature which is noxious, offensive or harmful or which under any law, rule or regulation of any governmental authority having jurisdiction constitutes a hazardous substance or hazardous waste. Occupant shall not violate or suffer to be violated any governmental law, rule, regulation, ordinance or order, including those of any federal, state, county or municipal entity, agency or official. Occupant shall immediately notify Owner in writing of any environmental concerns of which Occupant is, or becomes, aware or which are raised by any private party or government agency with regard to Occupant's business or the Space. Occupant shall notify Owner immediately of any hazardous substances released at the Space, whether it is released by Occupant or otherwise.
15. If any check sent in full or partial payment of any amounts due hereunder from Occupant is not honored because of insufficient funds, uncollected funds, or any other reason, Occupant shall pay to Owner an administrative charge of \$50.00 per dishonored check, and, at Owner's option, all subsequent payments due from Occupant hereunder shall be made by cash, bank draft, certified check or money order directly to the order of Owner, its managing agent or designee.
16. If Occupant fails to cure any default in the payment of rent or with respect to the performance of any of the terms, conditions or covenants of this Agreement, Owner may, if it so elects, terminate this Agreement and the Term hereof upon three (3) days written notice to Occupant, and this Agreement and the Term hereof shall terminate and come to an end on the date fixed in such notice as if the date were the date originally fixed in this Agreement for the termination hereof.
17. **THE PARTIES HEREBY WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY EITHER OF THE PARTIES HERETO AGAINST THE OTHER ON ANY MATTERS WHATSOEVER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT, THE RELATIONSHIP OF BETWEEN THE PARTIES, OCCUPANT'S USE OR OCCUPANCY OF THE SPACE, AND/OR ANY CLAIM OF**

INJURY OR DAMAGE. IN THE EVENT OWNER COMMENCES ANY PROCEEDINGS FOR DISPOSSESS OR POSSESSION OF THE SPACE OR FOR NON-PAYMENT OF RENT, OCCUPANT WILL NOT INTERPOSE ANY COUNTERCLAIM OR CROSSCLAIM OF WHATEVER NATURE OR DESCRIPTION IN ANY SUCH PROCEEDINGS.

18. This Agreement shall not be construed as to create a relationship of Landlord and Tenant, and shall at all times be deemed to be a License Agreement. Occupant, in the event of a default hereunder, shall pay Owner's costs and expenses in removing Occupant from the Space, including reasonable attorney's fees and court costs, and to the extent applicable for the restoration of the Space to the condition received by Occupant on the date hereof.
19. In the event that, at any time during the Term, Occupant shall default under the Agreement, Owner may, at Owner's option, deem such default under the Agreement as a default by Occupant under this Agreement (and Occupant shall thereafter be in default under this Agreement) and Owner may exercise all rights and remedies pursuant to this Agreement and under the Lease at law or in equity. Without limiting the foregoing, Owner shall be permitted to add to amounts owing by Occupant to Owner hereunder to any amount owing under the License.
20. The submission by Owner of this Agreement shall not be construed as an offer to license. Owner shall be bound only upon execution of the Agreement by an authorized officer and the delivery of such executed Agreement to Occupant. Occupant hereby waives and is estopped from asserting any rights with respect to the Space or against Owner which may arise from any alleged oral agreement; oral lease; any acts or expenditures (including without limitation the return of this Agreement to Owner executed by Occupant and the payment of any sums on account hereof) or series of same taken or made by Occupant in reliance on the anticipated execution hereof by Owner; or any letter from Owner or its attorneys sent prior to the execution and delivery hereof by Owner as aforesaid; it being expressly understood and agreed that Occupant shall under no circumstances have any such rights until said execution and delivery hereof by Owner.
21. No failure by Owner to insist upon the strict performance of any term, covenant, agreement, provision, condition or limitation of this Lease, to be kept, observed or performed by Occupant, and no failure by Owner to exercise any right or remedy available upon a breach of any such term, covenant, agreement, provision, condition or limitation of this Lease, shall constitute a waiver of any such breach or of any such term, covenant, agreement, provision, condition or limitation.
22. There are no oral or written agreements or representations between the parties hereto affecting the Agreement not contained in the Agreement and any amendments thereto. The Agreement, and all amendments thereto, shall be considered to be the only agreement between the parties hereto and their representatives and agents with respect to the Space. To be effective and binding on Owner and Occupant, any amendment, revision, change, modification, understanding, etc. to the provisions of the Agreement must be in writing and executed by both parties.

**EXHIBITS:**

**EXHIBIT A -- Site Plan**

**IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.**

ACCEPTED AND AGREED TO:

Hope 1, LLC

By: John Cacoulidis  
John Cacoulidis, President

Witness: Daniel S. Dornfeld

Dated: 8/20/07

ACCEPTED AND AGREED TO:

Jackrabbit Limited Liability Company

By: Michael Marina

Witness: S. Thomas

Dated: August 13 2007

Acknowledgements

STATE OF New York

COUNTY OF Nassau ss.:

Before me, the undersigned authority, a Notary Public in and for said County and State aforesaid, personally appeared John Cacoulidis, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Managing Member of Hope 1, LLC, the within named bargainer, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Managing Member

Witness my hand and seal at office this 20<sup>th</sup> day of August, 2007.

Daniel S. Dornfeld  
Notary Public  
My Commission Expires:

DANIEL S. DORNFELD  
Notary Public, State of New York  
No. 02DO5024564  
Qualified in Suffolk County  
Commission Expires May 9, 2008

STATE OF Maine

COUNTY OF Cumberland ss.:

Before me, the undersigned authority, a Notary Public in and for said County and State aforesaid, personally appeared Michael Marina, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the President of Jackrabbit LLC, the within named bargainer, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

Witness my hand and seal at office this 13 day of August, 2007.

Thomas O'Halloran  
Notary Public  
My Commission Expires 1-19-2010

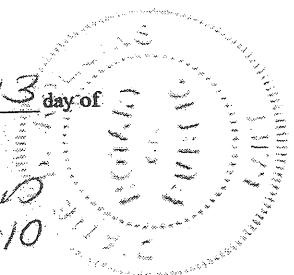
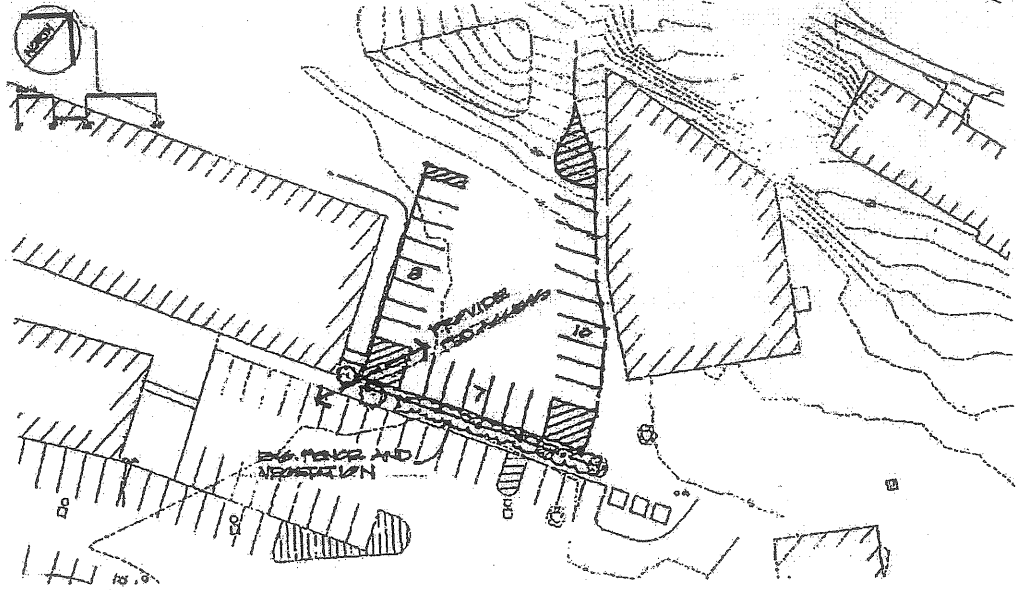




Exhibit A



TOTAL PROPOSED SPACES = 25  
TOTAL AREA = 9,975 S.F. +/-

144 FORE STREET

FOOT LOCKER, MAINE

CONCEPT PARKING LAYOUT -  
OFF-SITE LEASE OPTION  
8 MAY 2007



**AMENDMENT TO LICENSE AGREEMENT FOR PARKING LOT**

THIS AMENDMENT TO LICENSE AGREEMENT FOR PARKING LOT ("Amendment") is entered into as of 8 the day April, 2008, by and between Hope I, LLC, a Maine corporation with a mailing address of 25 South Service Road., Jericho NY 11753 ("Owner") and Jackrabbit Limited Liability Company, a Maine Limited Liability Company, having an address at 44 Oak Street, Portland ME 04101 ("Occupant").

**WITNESSETH:**

WHEREAS Owner and Occupant entered into a certain License Agreement dated the 13<sup>th</sup> of August 2007, to license the use of certain space containing approximately 25 Parking Spaces situated on the East side of 100 Fore Street, Portland ME (hereinafter, the "Original License Agreement"); and

WHEREAS Occupant wishes to let an additional 16 Parking Spaces;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth, the parties agree as follows:

1. Owner hereby lets to Occupant and Occupant hereby rents from Owner that certain space, containing approximately 16 Parking Spaces at the approximate location as indicated on the attached Modified Site Plan, annexed hereto as Exhibit A, situated in North side of 100 Fore Street, Portland ME ("Additional Space"). Occupant may use the Space for parking, and for no other purpose. Owner shall deliver and Occupant shall accept possession of the Space in "as is" condition.
2. The term of this Agreement shall commence when occupant starts utilizing said space and continue through April 30, 2009. This Amendment for Additional Space may be terminated by Owner upon sixty (60) days prior written notice. The effective date of termination shall be as stated in the notice but shall be no sooner than sixty (60) days after the date of said notice ("Expiration Date").
3. Occupant hereby agrees to pay Owner as base rent for the Space the sum of Nine Hundred and Sixty (\$960) Dollars per month, in advance. In addition, Occupant shall pay all expenses associated with the operation and management of the space. Occupant shall, at its own cost and expense, obtain any and all required municipal and governmental approvals, licenses, permits and certificates. Occupant shall send all notices, inquiries or other communications and rental payments to Owner as follows: Hope I, LLC, 25 South Service Road, Suite 300, Jericho NY 11753.
4. All other terms and conditions of the Original License Agreement shall remain in full force and effect and shall apply equally to this Amendment.

**EXHIBITS:**

**EXHIBIT A – Modified Site Plan**

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

ACCEPTED AND AGREED TO:

Hope 1, LLC

By: John Cacoulidis  
John Cacoulidis, President Manager

Witness: D.S. Dornfeld

Dated: May 19, 2008

ACCEPTED AND AGREED TO:

Jackrabbit Limited Liability Company

By: Michael Nacino

Witness: Luciano Gallus

Dated: April 16, 2008

Acknowledgements

STATE OF NEW YORK

COUNTY OF NASSAU ss.:

Before me, the undersigned authority, a Notary Public in and for said County and State aforesaid, personally appeared John Cacoulidis, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Manager of Hope 1, LLC, the within named bargainor, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Manager.  
llc

Witness my hand and seal at office this 19<sup>th</sup> day of May, 2008.

D.S. Dornfeld  
Notary Public  
My Commission Expires:

DANIEL S. DORNFELD  
Notary Public, State of New York  
No. 02DO5024564  
Qualified in Suffolk County  
Commission Expires May 9, 2008

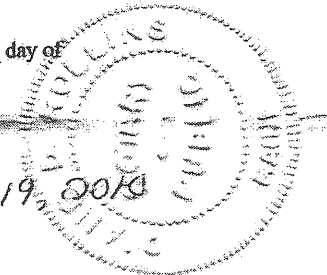
STATE OF Maine

COUNTY OF Cumberland ss.:

Before me, the undersigned authority, a Notary Public in and for said County and State aforesaid, personally appeared Michael Nacino, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the President of Jackrabbit LLC, the within named bargainor, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

Witness my hand and seal at office this 16 day of April, 2008.

Luciano Gallus  
Notary Public  
My Commission Expires January 19, 2010





## REVOCABLE LICENSE AGREEMENT

This LICENSE AGREEMENT is made between the City of Portland, a body corporate and politic located at 389 Congress Street, Portland, Maine (hereinafter the "City"), and JACKRABBIT, LLC, a Maine limited liability company with a mailing address of 44 Oak Street, Portland, Maine, 04101 (hereinafter "Jackrabbit").

WHEREAS, the City and Jackrabbit each own property adjacent to Jackrabbit's building (the "Building") located at 144 Fore Street, and

WHEREAS, the City wishes to have access to a portion the Jackrabbit's above-described property (hereinafter the "Jackrabbit Property"), and Jackrabbit wishes to have access to a portion of the City's above-described property (hereinafter the "City Property") for the purposes of vehicular traffic, travel and parking as described in this License Agreement;

NOW THEREFORE, the City does hereby grant to Jackrabbit a revocable license to enter upon and to use the City Property for the purpose of vehicular traffic and travel, and Jackrabbit does hereby grant to the City a revocable license to enter upon and use the Jackrabbit Property for the purpose of vehicular traffic, travel and parking, subject to the following terms and conditions:

1. **Location.** The City Property and Jackrabbit Property are described and delineated in Exhibit A, attached hereto and incorporated herein by reference.

2. **Use of City Property by Jackrabbit.** The City Property shall be used by Jackrabbit as shown on Exhibit A attached hereto for vehicular traffic, travel and parking related to Jackrabbit's ownership and Jackrabbit's and his tenants' and invitees' use of the Building only. All of Jackrabbit's parking shall be immediately adjacent to the Building and at either end of the Building, as shown on Exhibit A attached hereto. Vehicles shall not block the flow of traffic in the shared travel lane. Any vehicles that park on City Property not in accordance with this paragraph and do not display a City hang tag or permit will be subject to ticketing, booting and towing in accordance with the City's usual procedures for these actions. All use of the City's Property by Jackrabbit must be in compliance with state and federal law, and local ordinance, including but not limited to local land use ordinances.

3. **Use of Jackrabbit Property by the City.** The Jackrabbit Property shall be used by the City as shown on Exhibit A attached hereto for vehicular traffic, travel and parking related to the City's activities for parking, including but not limited to for users of the Eastern Promenade Trail, after 5:00 p.m. Monday through Friday and all day on weekends and holidays. All use of the Jackrabbit Property by the City must be in compliance with state and federal law, and local ordinance, including but not limited to local land use ordinances.

4. **Signage.** Jackrabbit agrees to post signs on or around the Building, at its own expense, indicating that parking adjacent to the building is reserved for tenants and customers of the Building.

5. **Maintenance.** Jackrabbit shall be responsible for maintenance and repair, including snow plowing and removal, of the Jackrabbit Property and the shared travel lane indicated on Exhibit A. City shall be responsible for maintenance and repair, including snow plowing and removal, of the City Property.

6. **No Fees.** Jackrabbit shall be liable for no fees for its use of the City Property in accordance with this License Agreement, and the City shall be liable for no fees for its use of the Jackrabbit Property in accordance with this License Agreement.

7. **Event Revenue.** Jackrabbit shall retain any revenue from parking for special events only for parking spaces located on Jackrabbit Property. The City shall retain any revenue from parking for special events for parking spaces located on City property.

8. **Insurance: City.** City is self insured and any claims which are the responsibility of the City under this Agreement shall be covered by said self insurance fund.

9. **Insurance: Jackrabbit.** Jackrabbit shall procure and maintain throughout the term of this License Agreement, or provide through its contractor(s), comprehensive general liability insurance in the minimum amount of Four Hundred Thousand Dollars (\$400,000) covering Jackrabbit's activities hereunder and naming the City as an additional insured thereon. In addition, Jackrabbit shall provide evidence of automobile liability insurance in said minimum amount, and workers compensation insurance in the statutory amount, if applicable. All contractors to Jackrabbit performing work under this License shall provide the City with evidence of the above insurance coverages with the City as an additional insured, and workers compensation and employers liability insurance in the statutory amounts which shall have an endorsement waiving subrogation against the City. Such contractor insurance may be in place of that required of Jackrabbit so long as it remains in effect and names the City as an additional insured.

Certificates evidencing such insurance policies shall be delivered to City and shall provide the City with no less than thirty (30) days prior notice of cancellation or non-renewal.

All insurance policies hereunder shall be primary to any insurance, or self-insurance, maintained by City.

10. **Effective Date.** This License is effective as of the date of execution.

11. **Revocability.** Either party may revoke this License upon thirty (30) days written notice to the other party. Revocation by one party of the other party's rights to enter and use either the Jackrabbit Property or the City Property shall terminate this entire License Agreement, including both parties' rights to enter and use each others' property.

12. **No Interest in Land.** This instrument is a License Agreement and no provision hereof shall be construed as conveying an easement, lease or other estate in land. The City shall have no authority to modify or make any changes to the Jackrabbit Property without the prior



consent of Jackrabbit, and Jackrabbit shall have no authority to modify or make any changes to the City Property without the prior consent of the City.

This License Agreement is signed this 16 day of April, 2008,  
by the duly authorized representatives of the City and Jackrabbit.

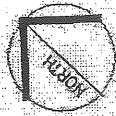
**JACKRABBIT, LLC**

By [Signature]  
Its: President

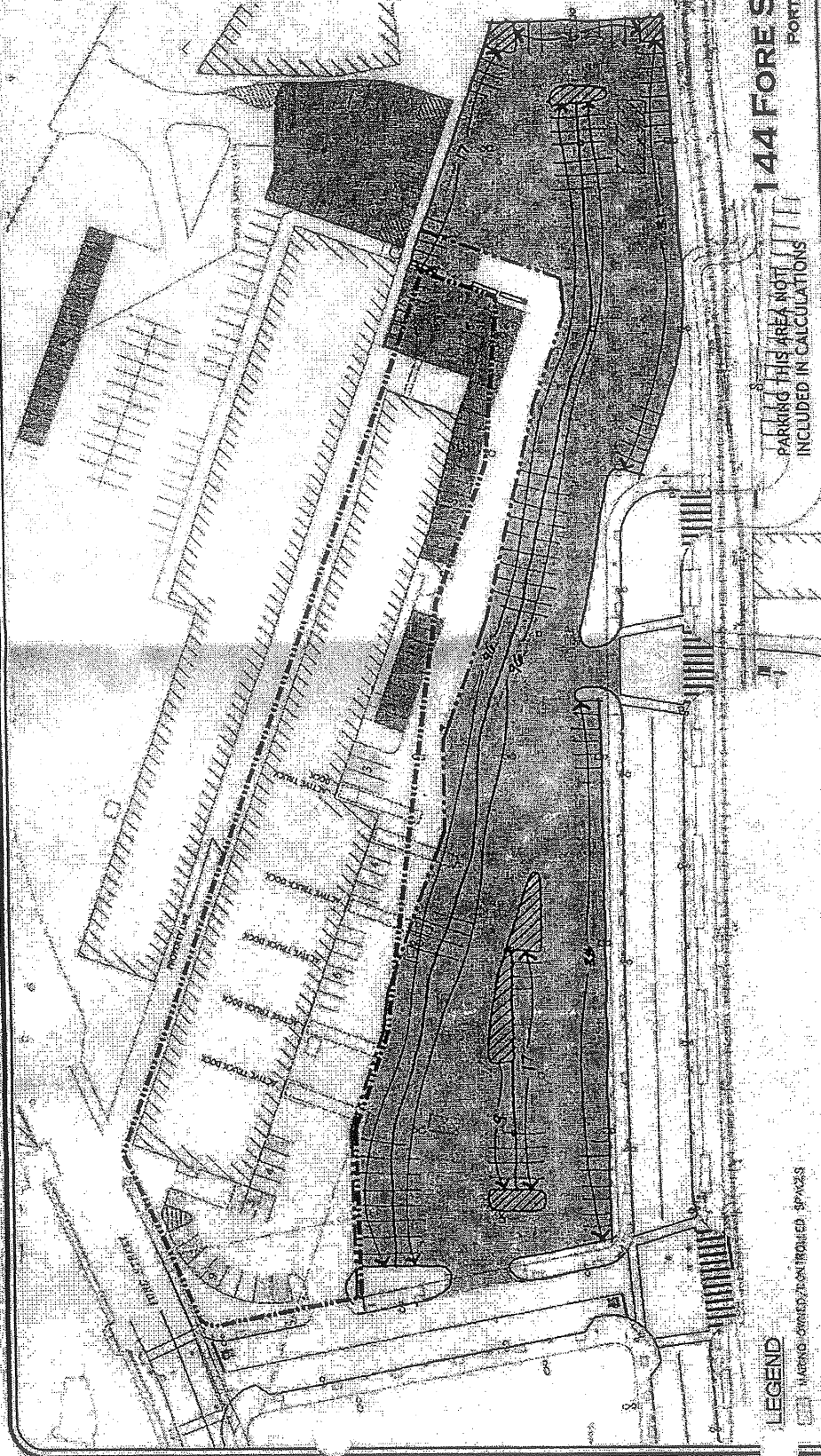
**CITY OF PORTLAND**

By [Signature]  
Joseph E. Gray, Jr., City Manager





ARCHITECTURE  
ENGINEERING  
PLANNING



144 FORE STREET  
PORTLAND, MAINE

### EXHIBIT D - CITY PARKING LAYOUT

2 FEBRUARY 2007  
REV. 20 MARCH 2007  
REV. 1 AUGUST 2007  
REV. 19 NOVEMBER 2007  
REV. 3 DECEMBER 2007

PROJ. NO. 01041

LEGEND  
[Symbol] MARGIN-OWNED/CONTROLLED SPACES  
[Symbol] CURB SPACES

OPTION 12  
515 SPACES

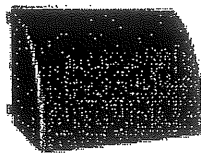
EXHIBIT A

Attachment 8 - Lighting

---



# WP2FCH150PSQ



JOB NAME: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 TYPE: \_\_\_\_\_

## DESCRIPTION

Fully shielded, Full Cutoff wallpack. Full Cutoff optics with flat tempered glass lens. EZ mount knockouts for easy wiring. Lamp supplied.

## SPECIFICATIONS

### Cutoff Lens:

Tempered glass.

### Finish:

Chip and fade resistant polyester powder coating.

### Housing:

Die cast aluminum, 1/2" NPS tapped holes top, both sides and back for conduit or photocontrol. Hinged refractor frame. Continuous silicone rubber gasket.

### Reflector:

Specular anodized aluminum, removable for installation. Symmetrical light pattern maximizes distance between fixtures.

### Color:

Bronze

### Refractor:

Prismatic optics designed to minimize glare and throw light down and out. Heat resistant borosilicate glass.

### UL Listing:

Suitable for wet locations. HID fixtures can be wired with 90° C supply wiring if supply wires are routed 3" away from ballast.

### Patents:

RAB sensor and fixture designs are protected under U.S. and International Intellectual Property laws

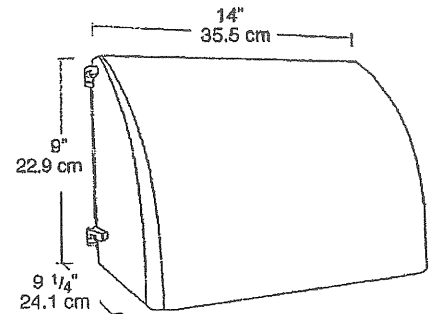
### Pulse Start:

Pulse Start metal halide for increased lamp life, lumen maintenance, color uniformity and efficiency

### Weight:

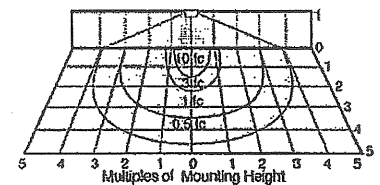
18.15

## DIMENSIONS



## PHOTOMETRIC

150w HPS @10' Mounting Height



Mounting Height	Multiplier	Multiplier		
		Watts	HPS	MH CFL
8'	1.6	175	.9	
10'	1.0	150PS	.9	
12'	.7	150	1.0	.8
16'	.4	125PS	.7	
20'	.25	100	.6	.6
		70	.4	.4
		42		.2
		84		.4

## ORDERING INFORMATION

Metal Halide  
 Lamp supplied with fixture

Total Watts	Lamp Type	Lamp Base	Ballast
150	ED17	Medium	HX-HPF QT

Starting Amps/ Operating Amps  
 120V 208V .240V 277V

Input Watts	LAMP ANSI	Initial Lumens	Lamp Hours
190	M102	14000	15000

Factory Installed Options  
 Add suffix to Catalog Number

Tamperproof screws (TP)  
 Swivel Photocontrol (PCS)  
 Single fusing for 120 and 277 volt (F)

Double fusing for 208 and 240 volt (FF)  
 Button Photocontrol for 208 - 277 volt (PC2)  
 Button Photocontrol (PC)

Note: Specifications may change without notice

RAB Lighting, Inc. • 170 Ludlow Ave • Northvale, NJ 07647 • Tel: 888 RAB-1000 • Fax: 888 RAB-1232 • www.rabweb.com  
 © 2010 RAB Lighting, Inc.

Attachment 9 - Rooftop HVAC Units

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# General Data

Table 1. General data — cooling 12½-15 tons standard efficiency

	12½ Tons Downflow & Horizontal Units		15 Tons Downflow & Horizontal Units	
	TC*150E3,4,W,K	YC*150E3,4,WL/H,K	TC*180E3,4,W,K	YC*180E3,4,WL/H,K
<b>Cooling Performance<sup>(a)</sup></b>				
Gross Cooling Capacity	153,000	153,000	185,000	185,000
EER (Downflow/Horizontal) <sup>(b)</sup>	11	11	11	11
Nominal CFM / ARI Rated CFM	5000 / 4400	5000 / 4400	6000 / 5300	6000 / 5300
ARI Net Cooling Capacity	148,000	148,000	178,000	178,000
Integrated Energy Efficiency Ratio (IEER) <sup>(c)</sup>	12.2	12.2	12.8	12.8
Percent Capacity @ part load (Stage 1/Stage 2)	47/100	47/100	66/100	66/100
System Power (kW)	13.45	13.45	16.18	16.18
<b>Compressor</b>				
Number/Type	2 / Scrolls	2 / Scrolls	2 / Scrolls	2 / Scrolls
<b>Sound</b>				
Outdoor Sound Rating (BELS) <sup>(d)</sup>	9.2	9.2	9.2	9.2
<b>Outdoor Coil</b>				
Type	Hi-Performance	Hi-Performance	Hi-Performance	Hi-Performance
Tube Size (in.) OD	0.3125	0.3125	0.3125	0.3125
Face Area (sq. ft.)	27.12	27.12	35.30	35.30
Rows/FPI	3 / 16	3 / 16	3 / 16	3 / 16
<b>Indoor Coil</b>				
Type	Hi-Performance	Hi-Performance	Hi-Performance	Hi-Performance
Tube Size (in.) ID	0.3125	0.3125	0.3125	0.3125
Face Area (sq. ft.)	17.50	17.50	26.00	26.00
Rows/FPI	4 / 15	4 / 15	3 / 15	3 / 15
Refrigerant Control	Short Orifice	Short Orifice	Short Orifice	Short Orifice
Drain Connection Number/Size (in.)	1/1.00 NPT	1/1.00 NPT	1/1.00 NPT	1/1.00 NPT
<b>Outdoor Fan</b>				
Type	Propeller	Propeller	Propeller	Propeller
Number Used/Diameter (in.)	2 / 26	2 / 26	2 / 26	2 / 26
Drive Type/No. Speeds	Direct / 1	Direct / 1	Direct / 1	Direct / 1
CFM	10,300	10,300	11,000	11,000
Number Motors/HP	2 / 0.50	2 / 0.50	2 / 0.50	2 / 0.50
Motor RPM	1,100	1,100	1,100	1,100
<b>Indoor Fan</b>				
Type	FC Centrifugal	FC Centrifugal	FC Centrifugal	FC Centrifugal
Number Used/Diameter (in.)	1 / 15x15	1 / 15x15	1 / 18x18	1 / 18x18
Drive Type/No. Speeds	Belt / 1	Belt / 1	Belt / 1	Belt / 1
Number Motors	1	1	1	1
Motor HP (Standard/Oversized) <sup>(e)</sup>	3.0 / 5.0	3.0 / 5.0	3.0 / 5.0	3.0 / 5.0
Motor RPM (Standard/Oversized)	1,740 / 3,450	1,740 / 3,450	1,740 / 3,450	1,740 / 3,450
Motor Frame Size (Standard/Oversized)	145T / 145T	145T / 145T	145T / 145T	145T / 145T



## General Data

Table 7. General data — 12½, 15 ton high efficiency

	12½ Tons Downflow & Horizontal Units		15 Tons Downflow & Horizontal Units	
	TC*151E3,4,W <sup>(a)</sup>	YC*151E3,4,W <sup>(a)</sup>	TC*181E3,4,W <sup>(b)</sup>	YC*181E3,4,W <sup>(b)</sup>
<b>Cooling Performance<sup>(c)</sup></b>				
Gross Cooling Capacity	149,000	150,000	181,000	181,000
EER <sup>(d)</sup>	12	12	12	12
Nominal CFM / ARI Rated CFM	5000 / 4400	5000 / 4400	6000 / 4800	6000 / 4800
ARI Net Cooling Capacity	148,000	148,000	178,000	178,000
Integrated Energy Efficiency Ratio (IEER) <sup>(e)</sup>	12.6	12.6	13.6	13.6
Percent Capacity @ part load (Stage 1/Stage 2/Stage 3)	<sup>(f)</sup> 35/65/100	35/65/100	<sup>(f)</sup> 32/68/100	32/68/100
System Power (kW)	12.33	12.33	14.83	14.83
<b>Compressor</b>				
Number/Type	2 / Scrolls	2 / Scrolls	2 / Scrolls	2 / Scrolls
<b>Sound</b>				
Outdoor Sound Rating (BELS) <sup>(g)</sup>	9.2	9.2	9.2	9.2
<b>Outdoor Coil</b>				
Type	Hi-Performance	Hi-Performance	Hi-Performance	Hi-Performance
Tube Size (in.) OD	0.3125	0.3125	0.3125	0.3125
Face Area (sq. ft.)	35.20	35.20	35.20	35.20
Rows/FPI	3 / 16	3 / 16	3 / 16	3 / 16
<b>Indoor Coil</b>				
Type	Hi-Performance	Hi-Performance	Hi-Performance	Hi-Performance
Tube Size (in.) ID	0.3125	0.3125	0.3125	0.3125
Face Area (sq. ft.)	26.00	26.00	26.00	26.00
Rows/FPI	3 / 15	3 / 15	4 / 15	4 / 15
Refrigerant Control	Short Orifice	Short Orifice	Short Orifice	Short Orifice
Drain Connection Number/Size (in.)	1/1.00 NPT	1/1.00 NPT	1/1.00 NPT	1/1.00 NPT
<b>Outdoor Fan</b>				
Type	Propeller	Propeller	Propeller	Propeller
Number Used/Diameter (in.)	2 / 26	2 / 26	2 / 26	2 / 26
Drive Type/No. Speeds	Direct / 1	Direct / 1	Direct / 1	Direct / 1
CFM	11,000	11,000	10,700	10,700
Number Motors/HP	2 / 0.50	2 / 0.50	2 / 0.50	2 / 0.50
Motor RPM	1,100	1,100	1,100	1,100
<b>Indoor Fan</b>				
Type	FC Centrifugal	FC Centrifugal	FC Centrifugal	FC Centrifugal
Number Used/Diameter (in.)	1 / 18x18	1 / 18x18	1 / 18x18	1 / 18x18
Drive Type/No. Speeds	Belt / 1	Belt / 1	Belt / 1	Belt / 1
Number Motors	1	1	1	1
Motor HP (Standard/Oversized) <sup>(h)</sup>	3.0 / 5.0	3.0 / 5.0	3.0 / 5.0	3.0 / 5.0
Motor RPM (Standard/Oversized)	1,740 / 3,450	1,740 / 3,450	1,740 / 3,450	1,740 / 3,450
Motor Frame Size (Standard/Oversized)	145T / 145T	145T / 145T	145T / 145T	145T / 145T

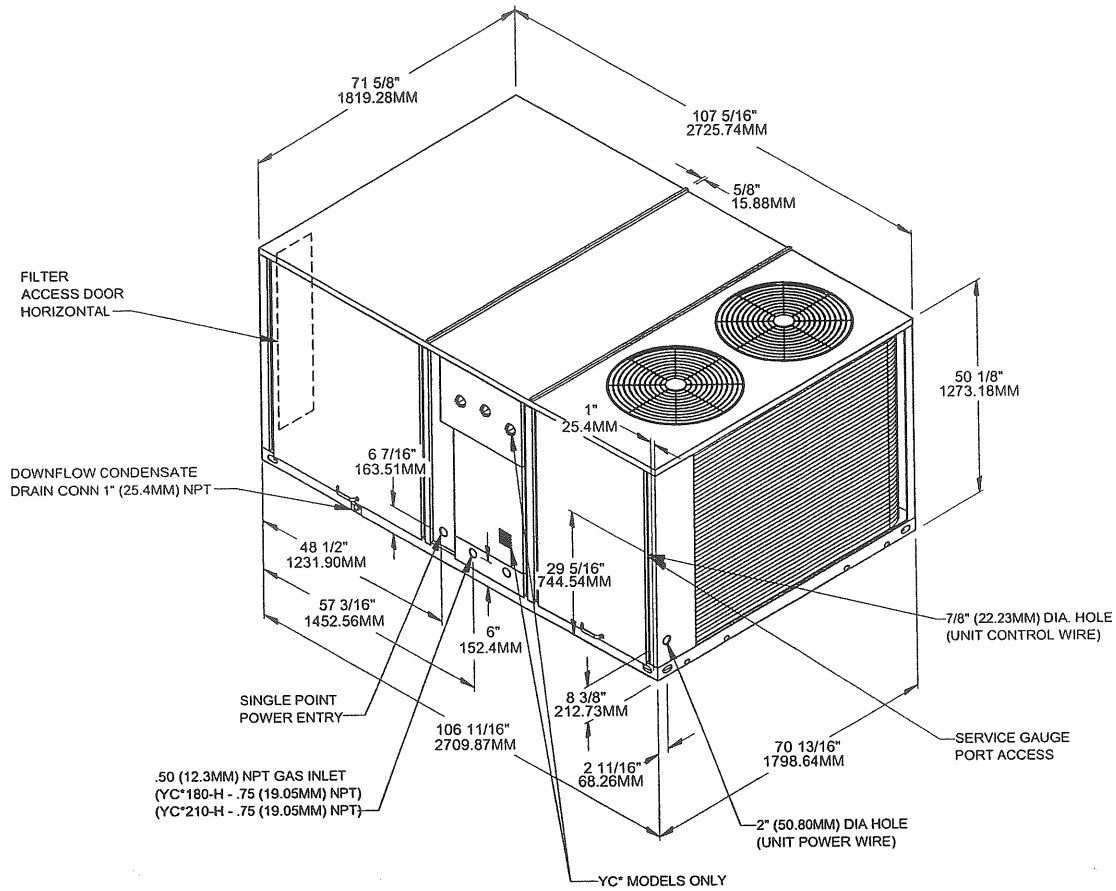


# Dimensional Data

**Figure 7. Cooling with optional electric heat and gas/electric models - 12½ tons standard efficiency**

\* All dimensions are in inches/millimeters.

\*\*1/2 NPT Gas Connection = (Y\_C Models only); 2" Electrical Connection: Single Point Power When Heat Installed (T\_C Models only.)





Attachment 10 - Approval Standards

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## Approval Standards

### Sec. 14-526. Standards.

(a) *Requirements for approval.* The Planning Board or planning authority shall not approve a site plan unless it meets the following criteria:

- (1) The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways; and the incremental volume of traffic will not create or aggravate any significant hazard to safety at or to and including intersections in any direction where traffic could be expected to be impacted; and will not cause traffic congestion on any street which reduces the level of service below Level "D" as described in the 1985 Highway Capacity Manual published by the Transportation Research Board of the National Research Council, a copy of which manual is on file with the public works authority, or substantially increase congestion on any street which is already at a level of service below Level "D";

**The new use of the building will require minimal changes to the existing vehicular and pedestrian circulation facilities within the site. A new sidewalk connection is provided to Fore Street and pedestrian access lanes are provided from parking areas to the entrance of the building. The traffic generation by the proposed new use will result in little or no increase over the current condition.**

- (2) a. Where construction is proposed of new structures having a total floor area in excess of ten thousand (10,000) square feet but less than fifty thousand (50,000) square feet, or building additions having a total floor area in excess of five thousand (5,000) square feet, and the provisions for off-street parking under Article III (zoning) do not require off-street parking or are determined to be insufficient, the site plan shall provide sufficient parking to satisfy the reasonably foreseeable demand for parking which will be generated by the proposed development;

**Not applicable**

b. Where construction is proposed of new structures having a total floor area in excess of fifty thousand (50,000) square feet, the Planning Board shall establish the parking requirement for such structures. The parking requirement shall be determined based upon a parking analysis submitted by the applicant, which shall be reviewed by the city traffic engineer, and upon the recommendation of the city traffic engineer.

**Not applicable**

c. The site plan shall provide adequate bicycle parking with suitable racks and conveniently located to meet the expected demand and to encourage bicycle use by employees, customers, residents and users of the proposed development, meeting the requirements as follows:

1. *Residential structures:* Two (2) bicycle parking spaces for every five (5) dwelling units.

**Not applicable**

2. *Non-residential structures:* The greater of a minimum of two (2) spaces, or two (2) bicycle parking spaces for every ten (10) motor vehicle parking spaces for the first one

**building. The electrical service to the building will be upgraded to serve the new use via a new pole mounted transformer located on the west side of the building.**

- (6) The on-site landscaping provides adequate buffering between the development and neighboring properties so as to adequately protect each from any detrimental features of the other;

**The existing landscaping around the perimeter of the property will remain largely unaffected by the project. Additional landscaping will be added adjacent to the building entrances.**

- (7) The site plan minimizes, to the extent feasible, any disturbance or destruction of significant existing vegetation;

**The site plan for the project minimizes disturbance at the site to that required for upgraded utility services and emergency access and egress to the building.**

- (8) The site plan does not create any significant soil and drainage problems, whether on- or off-site, and adequately provides for control of erosion and sedimentation during construction and afterward;

**The proposed changes to the site plan are minimal and site disturbance will be confined to the northwest corner of the building. The plan will have no measurable impact on surface drainage**

- (9) The provision for exterior lighting will not be hazardous to motorists traveling on adjacent public streets; is adequate for the safety of occupants or users of the site; and such lighting will not cause significant glare or direct spillover onto adjacent properties and complies with the applicable specifications of the City of Portland Technical and Design Standards and Guidelines;

**Exterior lighting for the new use will be limited to wall-pak type lighting on the building facades to illuminate the entrances. These fixtures will all be full cut-off with illumination directed to facilities within the property boundaries. Existing site lighting in the parking lots will remain in place.**

- (10) The development will not create fire or other safety hazards and provides adequate access to the site and to the buildings on the site for emergency vehicles;

**Interior fire suppression systems will meet applicable codes and standards. Existing access to and from the site for fire fighting purposes will be maintained.**

- (11) The proposed development is designed so as to be consistent with off-premises infrastructure, existing or proposed, supported or endorsed by the City, including but not limited to sewer and stormwater, roadways, trails, paths, bicycle network, environmental management, or other facilities and plans, and the site plan includes suitable easements, rights, and improvements to connect or continue such facilities as may be required by the Planning Board or Authority;

3. Section 14-526(28) (small residential lot development in R-6 zone);
4. Section 14-526(29) (University of Southern Maine);
5. Section 14-526(30) (development in B-7 zone), except for 30(a) (transportation demand management);
6. Section 14-526(31) (development in eastern waterfront zone).

b. Development adjacent to designated landmarks, historic districts or historic landscape districts; when any part of a proposed development is within one hundred (100) feet of any designated landmark, historic district or historic landscape district, such development shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development. Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation reports. For the purposes of this provision, "compatible" design shall be defined as design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a district product of its own time. To aid the Planning Board in its deliberations, historic preservation staff shall provide a written analysis of the proposed development's immediate context, identifying the major character-defining elements and any established building patterns that characterize the context.

(19) View corridors: The placement and massing of proposed development shall not substantially obstruct those public views to landmarks and natural features from those locations identified on the View Corridor Protection Plan, a copy of which is on file in the Department of Planning and Urban Development;

**Not applicable**

(20) The proposed development shall have no adverse impact upon the existing natural resources including groundwater quantity and quality, surface water quantity and quality, wetlands, unusual natural areas, and wildlife and fisheries habitats. Stormwater runoff from paved areas shall be treated to the extent practicable to minimize contaminants;

**Not applicable**

(21) The proposed development shall not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur;

**Not applicable**

(22) Signs: Signs shall meet the following requirements:

a. The size, scale, proportions, design, materials, placement, and source and intensity of illumination of all permanent freestanding and building signs shall be designed to complement and enhance the architectural attributes of the building(s) to which they are attached or visually related. In addition, such signs shall be appropriate to the scale and character of the neighborhood in which the sign is located, and shall be designed to suit the conditions from which it will be viewed, especially in relation to the distance, travel speed and mode of travel of the viewing public.

b. In the case of freestanding signs, such signs shall relate to the architecture of the buildings they identify and shall be integrated with other site and landscape features.

- (26) Development located in the B-5 and B-5b zones shall meet the following additional standards:

**Not applicable**

- (27) Development located in the B-1, B-1b, B-2, and B-2b zones shall meet the following additional standards. Where noted below, the City encourages adherence to the guidelines contained within the City's Technical and Design Standards and Guidelines, but such adherence is not mandatory in order to meet the standards otherwise set forth herein.

**Not applicable**

- (28) Small residential lot development located in the R-6 zone on lots of ten thousand (10,000) square feet or less shall provide a high degree of architectural quality and compatibility with the surrounding neighborhood as demonstrated by compliance with the principles and standards of the R-6 infill development principles and standards, promulgated by the Planning Board and contained in the Planning and Development Design Manual. Any proposal required to obtain a certificate of appropriateness under Portland's historic preservation ordinance is exempt from the R-6 design review standards.

**Not applicable**

- (29) *University of Southern Maine Design Standards:* All major and minor development reviewed under the provisions of the University of Southern Maine Overlay Zone shall be designed to create a quality and cohesive campus environment while integrating with and respecting the residential character of surrounding neighborhoods as demonstrated by compliance with the principles and standards of the University of Southern Maine design standards, promulgated by the Planning Board, and contained in the Planning and Development Design Manual.

**Not applicable**

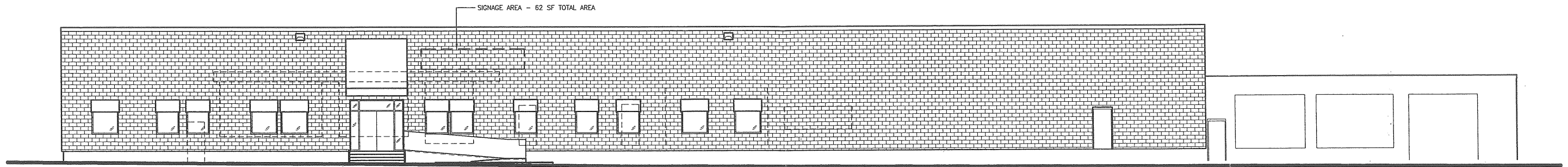
- (30) Bayside mixed use urban district zone (B-7 zone) design standards:

**Not applicable**

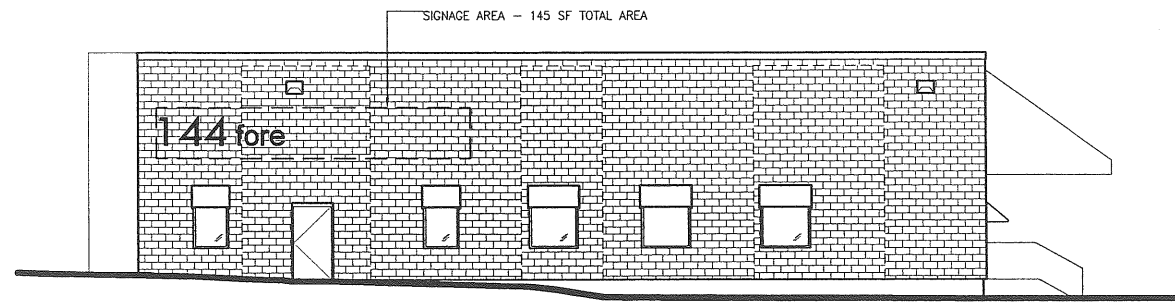
- (31) *Eastern Waterfront Design Standards:* All major and minor development reviewed under the provisions of the eastern waterfront zone shall be designed to support the development of this urban neighborhood as a dense, mixed-use, pedestrian friendly neighborhood in accordance with the standards contained in the eastern waterfront zone design standards, promulgated by the Planning Board, and contained in the Planning and Development Design Manual.

**Not applicable. It is our understanding that the Eastern Waterfront Design Standards do not apply to this project.**

(b) *Conditions.* Notwithstanding the provisions of subsection (a), the Planning Authority or Planning Board may impose any condition upon its approval of any site plan: (1) to minimize or abate any adverse impact of the proposed development on the value or utility of other private property, or on public property or facilities, to the extent feasible; or (2) to bring the development into compliance with the requirements



① SOUTH ELEVATION - SIGNAGE  
 $\frac{1}{8}'' = 1'-0''$



① WEST ELEVATION - SIGNAGE  
 $\frac{1}{8}'' = 1'-0''$

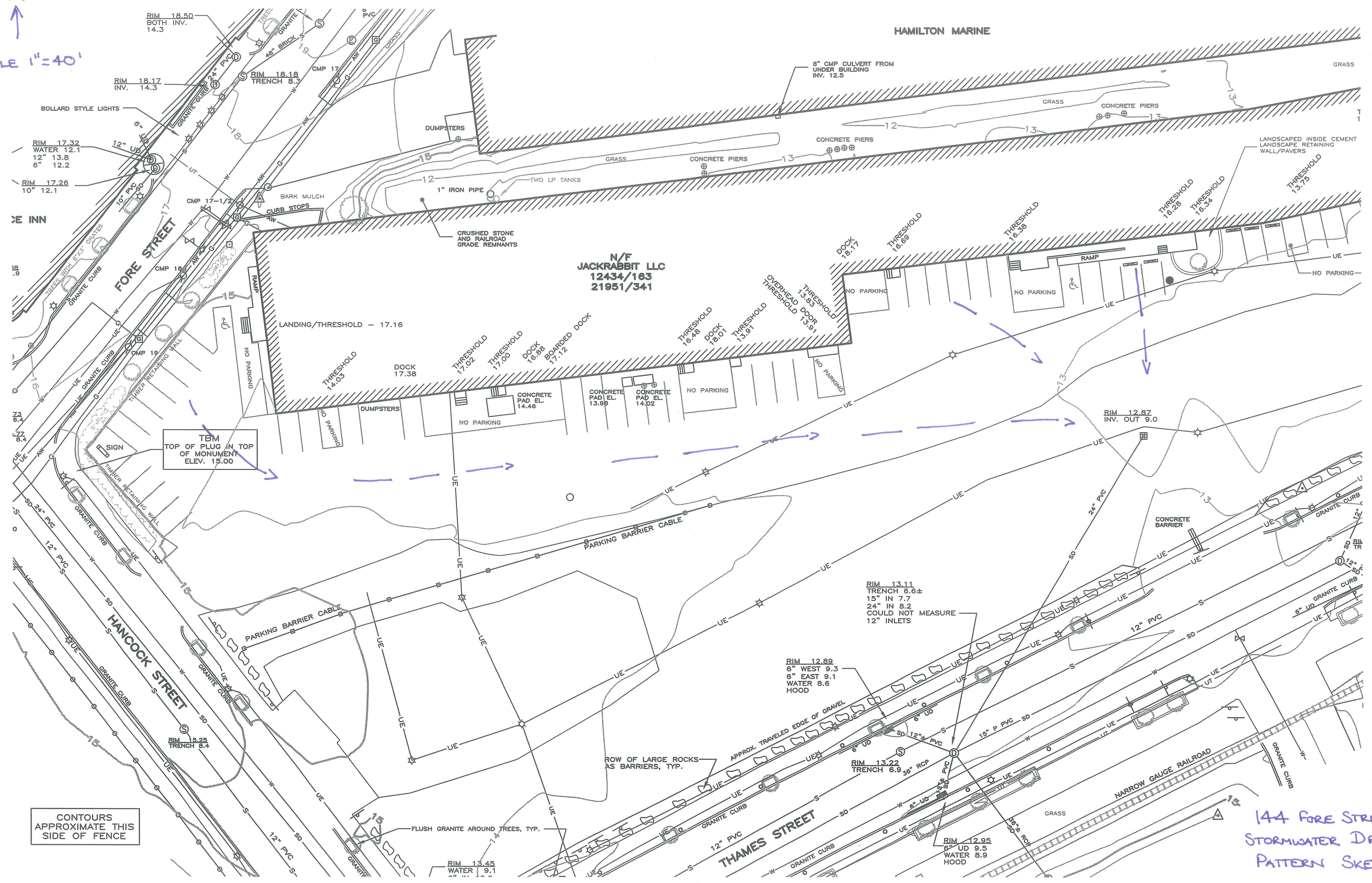
*recd  
 July 27, 2010*



---> STORMWATER FLOW



SCALE 1"=40'



TBM  
TOP OF PLUG IN TOP  
OF MONUMENT  
ELEV. 15.00

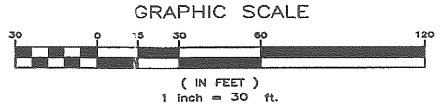
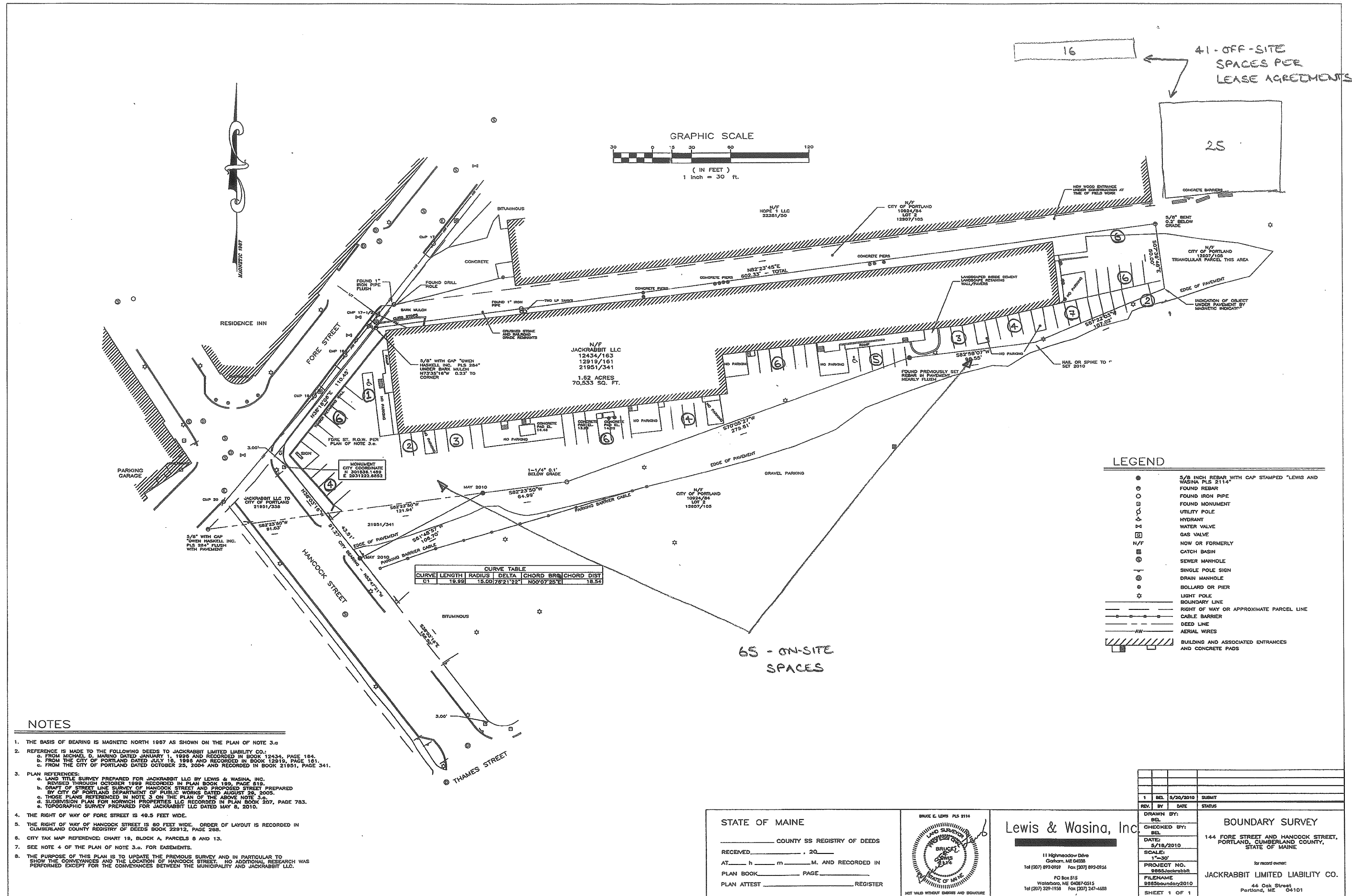
CONTOURS  
APPROXIMATE THIS  
SIDE OF FENCE

red only 27, 2010

144 FORE STREET  
STORMWATER DRAINAGE  
PATTERN SKETCH

ADJ 07-26-10





**LEGEND**

- 5/8 INCH REBAR WITH CAP STAMPED "LEWIS AND WASINA PLS 2114"
- FOUND REBAR
- FOUND IRON PIPE
- FOUND MONUMENT
- UTILITY POLE
- HYDRANT
- WATER VALVE
- GAS VALVE
- N/F NOW OR FORMERLY
- CATCH BASIN
- SEWER MANHOLE
- SINGLE POLE SIGN
- DRAIN MANHOLE
- BOLLARD OR PIER
- LIGHT POLE
- BOUNDARY LINE
- RIGHT OF WAY OR APPROXIMATE PARCEL LINE
- CABLE BARRIER
- DEED LINE
- AERIAL WIRES
- BUILDING AND ASSOCIATED ENTRANCES AND CONCRETE PADS

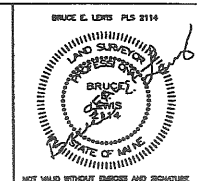
**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA	CHORD BR	CHORD DIST
C1	19.99	15.00	76°21'22"	N00°07'25"E	18.54

**NOTES**

1. THE BASIS OF BEARING IS MAGNETIC NORTH 1987 AS SHOWN ON THE PLAN OF NOTE 3.
2. REFERENCE IS MADE TO THE FOLLOWING DEEDS TO JACKRABBIT LIMITED LIABILITY CO.:
  - a. FROM MICHAEL D. MARINO DATED JANUARY 1, 1996 AND RECORDED IN BOOK 12434, PAGE 184.
  - b. FROM THE CITY OF PORTLAND DATED JULY 10, 1996 AND RECORDED IN BOOK 12919, PAGE 161.
  - c. FROM THE CITY OF PORTLAND DATED OCTOBER 25, 2004 AND RECORDED IN BOOK 21951, PAGE 341.
3. PLAN REFERENCES:
  - a. LAND TITLE SURVEY PREPARED FOR JACKRABBIT LLC BY LEWIS & WASINA, INC. REVISED THROUGH OCTOBER 1999 RECORDED IN PLAN BOOK 199, PAGE 619.
  - b. DRAFT OF STREET LINE SURVEY OF HANCOCK STREET AND PROPOSED STREET PREPARED BY CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS DATED AUGUST 29, 2005.
  - c. THOSE PLANS REFERENCED IN NOTE 3 ON THE PLAN OF THE ABOVE NOTE 3.
  - d. SUBDIVISION PLAN FOR NORWICH PROPERTIES LLC RECORDED IN PLAN BOOK 207, PAGE 783.
  - e. TOPOGRAPHIC SURVEY PREPARED FOR JACKRABBIT LLC DATED MAY 8, 2010.
4. THE RIGHT OF WAY OF FORE STREET IS 49.5 FEET WIDE.
5. THE RIGHT OF WAY OF HANCOCK STREET IS 80 FEET WIDE. ORDER OF LAYOUT IS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 22912, PAGE 268.
6. CITY TAX MAP REFERENCE CHART 19, BLOCK A, PARCELS 8 AND 13.
7. SEE NOTE 4 OF THE PLAN OF NOTE 3. FOR EASEMENTS.
8. THE PURPOSE OF THIS PLAN IS TO UPDATE THE PREVIOUS SURVEY AND IN PARTICULAR TO SHOW THE CONVEYANCES AND THE LOCATION OF HANCOCK STREET. NO ADDITIONAL RESEARCH WAS PERFORMED EXCEPT FOR THE CONVEYANCES BETWEEN THE MUNICIPALITY AND JACKRABBIT LLC.

STATE OF MAINE  
\_\_\_\_ COUNTY SS REGISTRY OF DEEDS  
RECEIVED \_\_\_\_\_, 20\_\_\_\_  
AT \_\_\_\_ h \_\_\_\_ m \_\_\_\_ M. AND RECORDED IN  
PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
PLAN ATTEST \_\_\_\_\_ REGISTER



**Lewis & Wasina, Inc.**  
11 Highmeadow Drive  
Gorham, ME 04038  
Tel (207) 892-0959 Fax (207) 892-0954  
PO Box 515  
Waterville, ME 04267-0515  
Tel (207) 329-1958 Fax (207) 247-4488

REV.	BY	DATE	STATUS
1	BEL	5/30/2010	SUBMIT

DRAWN BY: BEL  
CHECKED BY: BEL  
DATE: 5/16/2010  
SCALE: 1"=30'  
PROJECT NO. 9885Jackrabbit  
FILENAME 9885boundary2010  
SHEET 1 OF 1

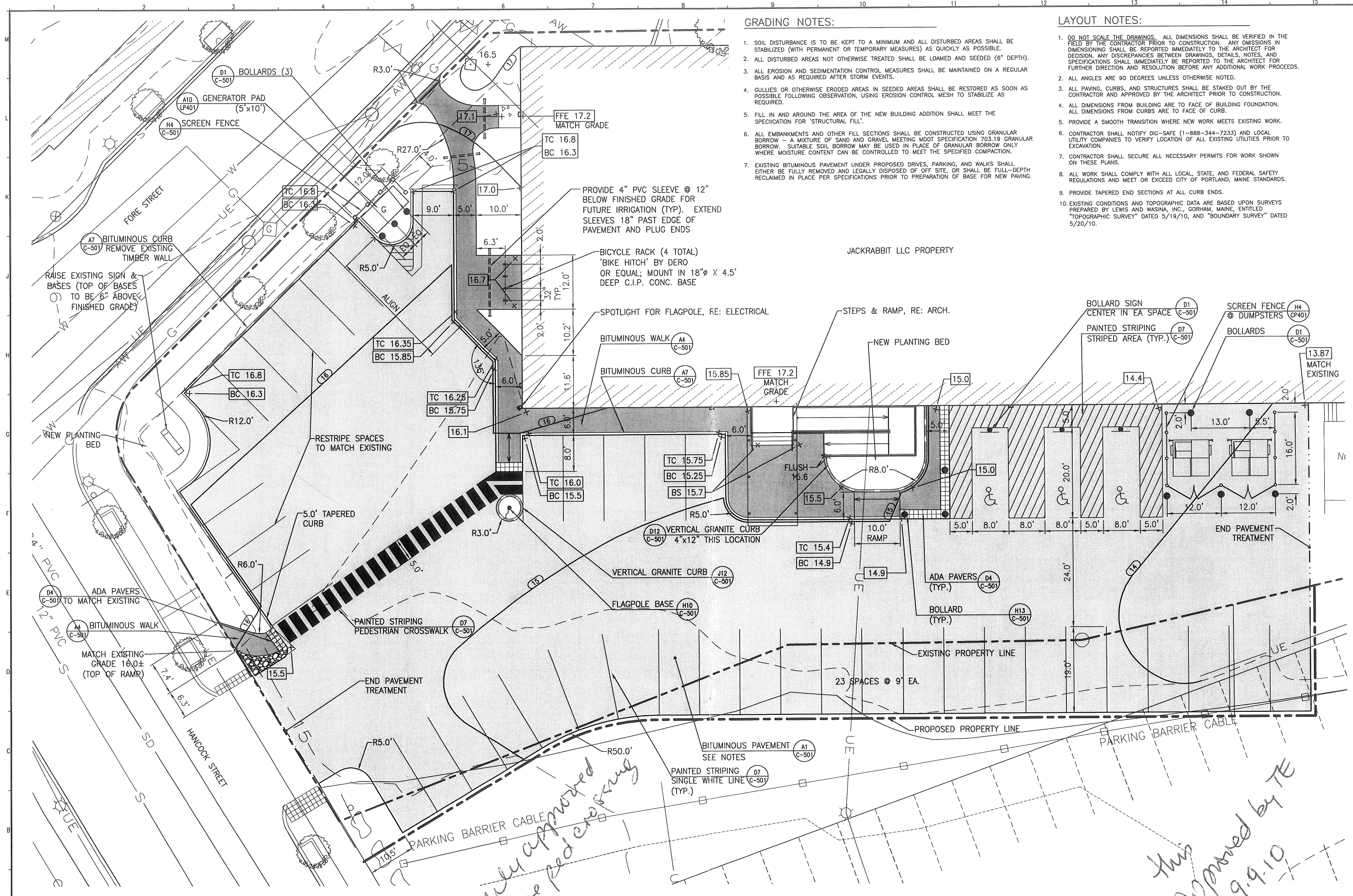
**BOUNDARY SURVEY**  
144 FORE STREET AND HANCOCK STREET,  
PORTLAND, CUMBERLAND COUNTY,  
STATE OF MAINE  
for record owner:  
**JACKRABBIT LIMITED LIABILITY CO.**  
44 Oak Street  
Portland, ME 04101

**GRADING NOTES:**

1. SOIL DISTURBANCE IS TO BE KEPT TO A MINIMUM AND ALL DISTURBED AREAS SHALL BE STABILIZED (WITH PERMANENT OR TEMPORARY MEASURES) AS QUICKLY AS POSSIBLE.
2. ALL DISTURBED AREAS NOT OTHERWISE TREATED SHALL BE LOAMED AND SEEDED (6" DEPTH).
3. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE MAINTAINED ON A REGULAR BASIS AND AS REQUIRED AFTER STORM EVENTS.
4. GULLIES OR OTHERWISE ERODED AREAS IN SEEDING AREAS SHALL BE RESTORED AS SOON AS POSSIBLE FOLLOWING OBSERVATION, USING EROSION CONTROL MESH TO STABILIZE AS REQUIRED.
5. FILL IN AND AROUND THE AREA OF THE NEW BUILDING ADDITION SHALL MEET THE SPECIFICATION FOR 'STRUCTURAL FILL'.
6. ALL EMBANKMENTS AND OTHER FILL SECTIONS SHALL BE CONSTRUCTED USING GRANULAR BORROW - A MIXTURE OF SAND AND GRAVEL MEETING MDOT SPECIFICATION 703.19 GRANULAR BORROW. SUITABLE SOIL BORROW MAY BE USED IN PLACE OF GRANULAR BORROW ONLY WHERE MOISTURE CONTENT CAN BE CONTROLLED TO MEET THE SPECIFIED COMPACTION.
7. EXISTING BITUMINOUS PAVEMENT UNDER PROPOSED DRIVES, PARKING, AND WALKS SHALL EITHER BE FULLY REMOVED AND LEGALLY DISPOSED OF OFF SITE, OR SHALL BE FULL-DEPTH RECLAIMED IN PLACE PER SPECIFICATIONS PRIOR TO PREPARATION OF BASE FOR NEW PAVING.

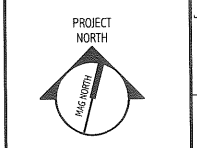
**LAYOUT NOTES:**

1. DO NOT SCALE THE DRAWINGS. ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY OMISSIONS IN DIMENSIONING SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT FOR DECISION. ANY DISCREPANCIES BETWEEN DRAWINGS, DETAILS, NOTES, AND SPECIFICATIONS SHALL IMMEDIATELY BE REPORTED TO THE ARCHITECT FOR FURTHER DIRECTION AND RESOLUTION BEFORE ANY ADDITIONAL WORK PROCEEDS.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
3. ALL PAVING, CURBS, AND STRUCTURES SHALL BE STAKED OUT BY THE CONTRACTOR AND APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION.
4. ALL DIMENSIONS FROM BUILDING ARE TO FACE OF BUILDING FOUNDATION. ALL DIMENSIONS FROM CURBS ARE TO FACE OF CURB.
5. PROVIDE A SMOOTH TRANSITION WHERE NEW WORK MEETS EXISTING WORK.
6. CONTRACTOR SHALL NOTIFY DIG-SAFE (1-888-344-7233) AND LOCAL UTILITY COMPANIES TO VERIFY LOCATION OF ALL EXISTING UTILITIES PRIOR TO EXCAVATION.
7. CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR WORK SHOWN ON THESE PLANS.
8. ALL WORK SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL SAFETY REGULATIONS AND MEET OR EXCEED CITY OF PORTLAND, MAINE STANDARDS.
9. PROVIDE TAPERED END SECTIONS AT ALL CURB ENDS.
10. EXISTING CONDITIONS AND TOPOGRAPHIC DATA ARE BASED UPON SURVEYS PREPARED BY LEWIS AND WASINA, INC., GORHAM, MAINE, ENTITLED "TOPOGRAPHIC SURVEY" DATED 5/19/10, AND "BOUNDARY SURVEY" DATED 5/20/10.



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ARCHITECTURE  
 ENGINEERING  
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 INTERIOR DESIGN  
 COMMISSIONING



DEPARTMENT OF  
 VETERAN AFFAIRS - PORTLAND  
 PORTLAND, MAINE

ISSUE FOR CONSTRUCTION  
 9-01-10

CURRENT ISSUE STATUS:

REV	DESCRIPTION	DATE
0	ISSUE FOR CONSTRUCTION	9-01-10

GRAPHIC SCALE:  
 0" 1"

SCALE: AS SHOWN  
 PROJECT MANAGER: DRL  
 JC/DRAWN BY: WSM  
 A/E OF RECORD: MGI  
 CAD FILE: CP401-10022  
 PROJECT NO: 10022  
 DATE: 9-01-10  
 SHEET TITLE:  
 DETAIL PLAN

SHEET No. CP401  
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*only approved re ped crossing*

*this approved by TE 9.9.10*

A1 DETAIL PLAN

1" = 10'  
 CP101



