

24-C-1
211 Marginal Way
Bayside East
Tranum & Co.

#2003-0046

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

2002-0214

Application I. D. Number

09/17/2002

Application Date

Bayside East

Project Name/Description

Tranum & Co.

Applicant

555 Washington Street, Wellesley, MA 02482

Applicant's Mailing Address

211 - 211 Marginal Way, Portland, Maine

Address of Proposed Site

024 C001001

Assessor's Reference: Chart-Block-Lot

Consultant/Agent

Applicant Ph: (781) 237-3677 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

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

7834 s.f.

Proposed Building square Feet or # of Units

Acreage of Site

B5

Zoning

Check Review Required:

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

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 10/02/2002

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions
See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets
Attached

OK to Issue Building Permit _____
signature date

Performance Guarantee Required* Not Required

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

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

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

April 17, 2003

Mr. Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: 211 Marginal Way (Strictly Formal site); CBL 24-C-001; Appl. i.d. #2003-0046

Dear Mr. Teas:

On April 18, 2003 the Portland Planning Authority granted minor site plan approval for certain revisions to 211 Marginal Way (Strictly Formal site). The approval is subject to the following conditions.

1. A curb or guardrail shall be installed along the AAA side of the parking lot with a design reviewed and approved by the Planning Division.
2. The parking space closest to Marginal Way shall be deleted from the site plan unless an acceptable guardrail is reviewed and approved by the Planning Division.
3. A "do not enter" sign shall be added on the left hand side of the entrance per Jim Seymour's comments dated April 2, 2003.
4. The existing catch basin in the middle of driveway shall be relocated as required by Anthony Lombardo of Public Works. Installation details shall be submitted for review and approval.
5. A six-foot concrete sidewalk shall be installed along the applicant's Marginal Way street frontage with a five-foot wide esplanade. In areas where the sidewalk occupies land on private property, the applicant shall submit a sidewalk easement for City staff review and approval. Construction details of the sidewalk shall be submitted for review and approval.
6. Given the uncertainty of the specific design for the Franklin Street reconstruction, the applicant may choose from one of the following:
 - (a) Construct a six-foot wide bituminous sidewalk with a five-foot esplanade along the applicant's Franklin Street frontage. Construction details of the sidewalk shall be submitted for review and approval.

Or

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

April 17, 2003

Mr. Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: 211 Marginal Way (Strictly Formal site); CBL 24-C-001; Appl. i.d. #2003-0046

Dear Mr. Teas:

On April 18, 2003 the Portland Planning Authority granted minor site plan approval for certain revisions to 211 Marginal Way (Strictly Formal site). The approval is subject to the following conditions.

1. A curb or guardrail shall be installed along the AAA side of the parking lot with a design reviewed and approved by the Planning Division.
2. The parking space closest to Marginal Way shall be deleted from the site plan unless an acceptable guardrail is reviewed and approved by the Planning Division.
3. A "do not enter" sign shall be added on the left hand side of the entrance per Jim Seymour's comments dated April 2, 2003.
4. The existing catch basin in the middle of driveway shall be relocated as required by Anthony Lombardo of Public Works. Installation details shall be submitted for review and approval.
5. A six-foot concrete sidewalk shall be installed along the applicant's Marginal Way street frontage with a five-foot wide esplanade. In areas where the sidewalk occupies land on private property, the applicant shall submit a sidewalk easement for City staff review and approval. Construction details of the sidewalk shall be submitted for review and approval.
6. Given the uncertainty of the specific design for the Franklin Street reconstruction, the applicant may choose from one of the following:
 - (a) Construct a six-foot wide bituminous sidewalk with a five-foot esplanade along the applicant's Franklin Street frontage. Construction details of the sidewalk shall be submitted for review and approval.

Or

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 note that no Certificates of Occupancy will be issued until all site improvements have been completed and inspected in the field by the Development Review Coordinator.

If there are any questions, please contact Rick Knowland at 874-8725.

Sincerely,



Alexander Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Sarah Hopkins, Development Review Program Manager
✓Rick Knowland, Senior Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Karen Dunfey, Inspections
Larry Ash, Traffic Engineer
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Joel Trantum, Trantum and Co., 555 Washington St., Wellesley, MA 02484-5948
Approval Letter File
Correspondence File

ber 22, 2002

Mr. Larry Ash
Traffic Engineer
of Portland
Congress Street
and, ME 04101

In Boston
555 Washington Street
Wellesley, MA 02482-5948
Telephone 781.237.3677
Facsimile 781.237.7657

In St. Thomas
Post Office Box 600137
St. Thomas, USVI 00801-6137
Telephone 340.777.5259
Facsimile 340.777.5759

Jtranum@aol.com

Lowering of portion of traffic island on Marginal Way
at corner of Franklin Arterial

: Mr. Ash:

In connection with the upgrading of my property at the corner of Franklin Arterial Marginal Way, the City has consented to a realignment of the ingress to the property Marginal Way, which has resulted in the shortening and then lowering the raised island at the ingress location. The purpose of this change is to permit left hand turns from Marginal Way into my property and left hand exit turns onto Marginal Way out of my property, both of which make the premises much more attractive and useable to tenants.

These changes will all be at my expense, and to that end I have entered into a contract with Allied/Cook Construction to do all the proposed work, and am basically ready to proceed. I have been advised by the City, and I am writing this letter to acknowledge, that I fully understand that it may be necessary at some point in the future to restore the original configuration of the island.

Although I have no present plans to sell the property, the City should understand this agreement is intended to be binding on the respective successors and assigns to current owner of the property, Marginal Way Properties, Inc., a Maine corporation which I control.

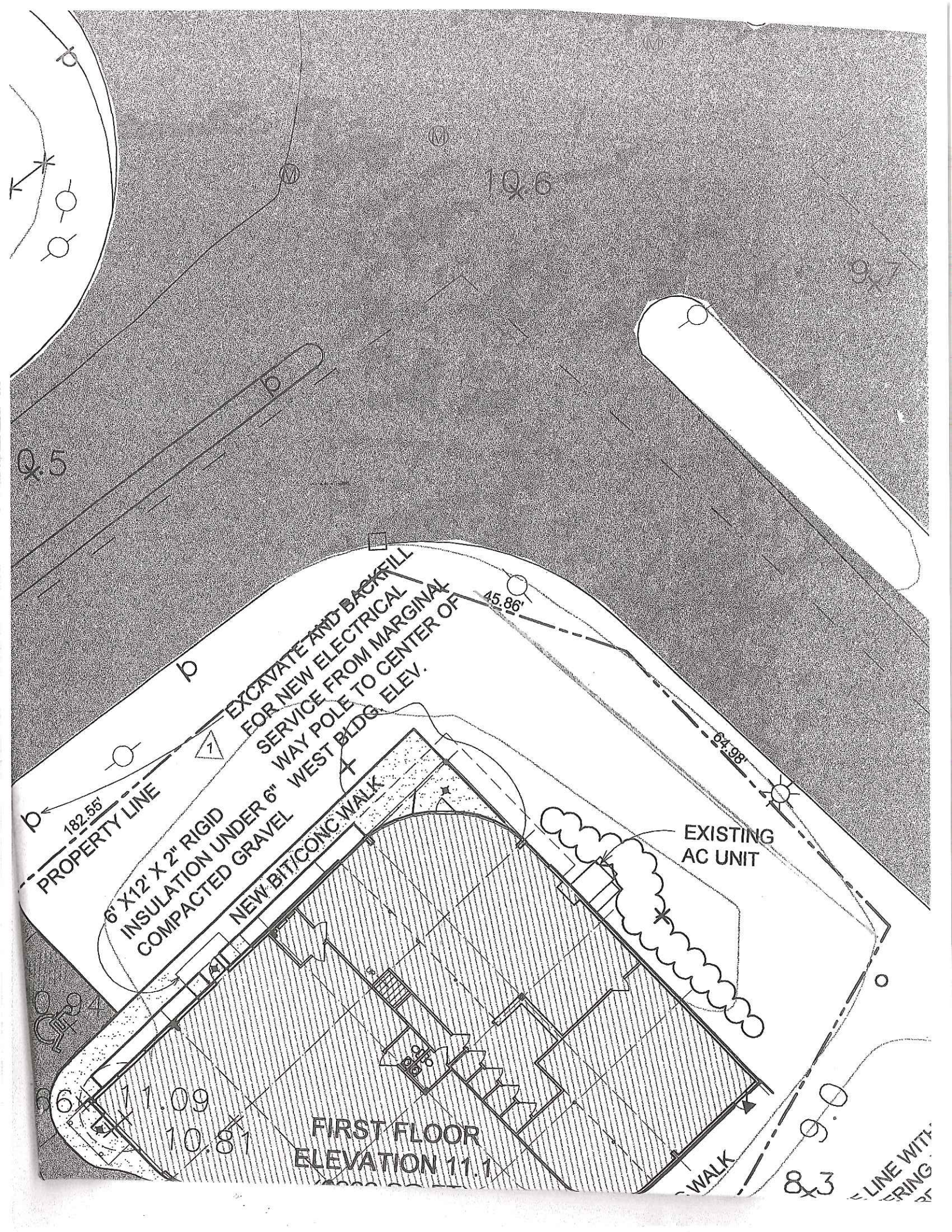
Respectfully submitted,

MARGINAL WAY PROPERTIES, INC.



By: Joel Tranum, President

Mr. Rick Knowland
Scott Teas, Architect
or S. Plumb, Esq.



Q.5

10.6

9.7

EXCAVATE AND BACKFILL
FOR NEW ELECTRICAL
SERVICE FROM MARGINAL
WAY POLE TO CENTER OF
WEST BLDG. ELEV.

PROPERTY LINE
182.55'

6" X 12" X 2" RIGID
INSULATION UNDER 6"
COMPACTED GRAVEL

NEW BIT/CONC WALK

EXISTING
AC UNIT

FIRST FLOOR
ELEVATION 11.1

WALK

8.3

LINE WITH
ERING



© 2013 Google
© 2013 Google

Google earth

Google earth

feet
meters



10
3



Order 53-03/04
Tab 3

JAMES F. CLOUTIER (MAYOR) (A/L)
PETER E. O'DONNELL (1)
KAREN A. GERAGHTY (2)
NATHAN H. SMITH (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN W. GRIFFIN (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER ACCEPTING SIDEWALK EASEMENT
RE: Vicinity of Marginal Way and Franklin Arterial

ORDERED, that the City hereby accepts a sidewalk easement from Marginal Way Properties, Inc., as detailed in Attachments 1, for purposes noted within said easements (for providing an area for pedestrian, bicycle and similar non-motorized [other than wheelchairs, snow removal equipment etc.] pedestrian recreational uses by the general public).

O:\OFFICE\PENNY\orders\SidewalkEasement
MargWay.Franklin Art.doc

Passage: 9/15/03 6-0 (O'Donnell out, Duson absent, At Large Vacant)

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

2 copies to be submitted (with supporting material) **at least 12 days** before Council Meeting: 1 copy to City Manager (Sonia Bean)
1 copy to Legal (Elizabeth Boynton)

1) Council Meeting at which action is requested (Date): September 15, 2003

2) Can action be taken at a later date? Yes: x No:
If no, why not? _____

If a memo addresses the following issues you may attach and reference the memo but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

Two sidewalk easements (in the vicinity of Marginal Way and Franklin Arterial/ and 40-42 Auburn Street) are before you for acceptance. These easements over private property are needed in order for the City to maintain a sidewalk across private property. Such easements were required by the nature of each site during Planning Board Site Plan Approval.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

These easements will facilitate a continuous sidewalk network in two areas of the City.

III. INTENDED RESULT (How does it resolve the issue/problem?)

These easements will facilitate a continuous sidewalk network in two areas of the City.

IV. FINANCIAL IMPACT

Other than regular, ongoing maintenance of the sidewalks, no financial impact to the City.

V. STAFF ANALYSIS & RECOMMENDATION

The recommendation is to accept the two easements.

Date: August 11, 2003

Prepared by: Penny Littell

SIDEWALK EASEMENT

In consideration of the payment of One Dollar (\$1.00), MARGINAL WAY PROPERTIES, INC., a Maine corporation with a mailing address of 555 Washington Street, Wellesley, Massachusetts ("Grantor"), hereby grants to the CITY OF PORTLAND, a body politic and corporate with a place of business at 389 Congress Portland, Maine 04101 ("Grantee") perpetual easements over strips of land being those portions of sidewalks (the "Easement Areas") along Marginal Way and along Franklin Street in Portland, Maine that extend beyond the street right of way of Marginal Way and Franklin Street, so-called, on to the Grantor's property. The Easement Areas are shown as the cross-hatched areas along Marginal Way and Franklin Street shown on the As-Built Survey Plan made for Allied/Cook Construction by Owen Haskell, Inc. dated July 16, 2003 (the "Easement Plan"), a reduced copy of which is attached hereto as Exhibit A. A full-scale copy of the Easement Plan is on file with the City of Portland Planning Department.

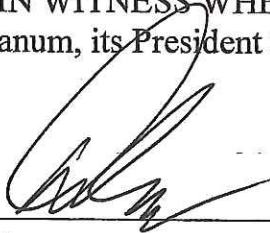
The purpose of this easement is for the right to maintain, replace, relocate and repair within each of the Easement Areas a sidewalk up to ten (10') feet in width, said sidewalk to be used for pedestrian, bicycle and similar non-motorized (other than wheelchair and emergency vehicles and snow removal equipment which shall be permitted) pedestrian recreational uses by the public, subject, however, to such rules or ordinances which Grantee may adopt from time to time in the interests of public safety.

Grantor further covenants and agrees on behalf of itself, its successors and assigns, that the land which lies within the Easement Areas shall, except for the construction, maintenance, repair, relocation and/or replacement of the sidewalks and any appurtenances by Grantee, its successors or assigns shall, as provided and permitted herein, be maintained as a sidewalk for the uses set forth and described herein and Grantor shall not use or permit any use which would be contrary to such condition.

Both Grantor and Grantee acknowledge that this easement is being provided to Grantee for purposes of public pedestrian access and recreation without charge. It is understood that the use herein granted is non-exclusive and that the primary use which Grantor makes of its land (of which the Easement Area is a part) is a private commercial use.

To have and to hold the said Easement and all rights granted hereunder to the said Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this easement to be executed by Joel Trantum, its President this 31st day of July, 2003.



Witness

MARGINAL WAY PROPERTIES, INC.

By 

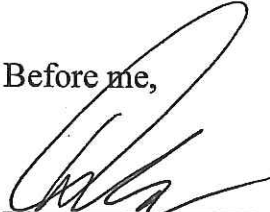
Joel Trantum, President

STATE OF MAINE
CUMBERLAND, SS

July 31, 2003

Personally appeared the above-named, Joel Trantum, in his said capacity, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said corporation.

Before me,



Notary Public/Attorney at Law

Drew A. Anderson

Printed Name

Rick Knowland - bayside rail yard proposal

From: Rick Knowland
To: Greg Mitchell
Date: 3/31/2011 12:11 PM
Subject: bayside rail yard proposal
CC: Alex Jaegerman; Penny St. Louis

Hi Greg, Here are a few comments based on the term summary sheet that was distributed yesterday.

1. As discussed at the meeting, developer should have some specific benchmarks for performance in undertaking development. Otherwise the land is being tied up without any progress. The City on numerous occasions has stated they didn't want to sell the land just to sell it and have someone land bank it. A clawback provision is necessary.

2. It is encouraging to see there is someone interested in building market rate housing. West of Chestnut Street lots 1, 2 and 3 comprise just under 84,000 sqft. How many units of housing (or how much development) are we going to be satisfied with? Proposal appears vague. Are we really getting commercial on the first floor of all the buildings? If there is some concern about the ability of the market place to absorb \$2,000 a month rentals, point #3 below becomes important.

3. Unless the developer is doing a complete build-out on lots 2 and 3 at the same time, I hope there is a requirement the developer initiate construction anywhere but the middle of lot 3. Use the land as efficiently as possible. If for some reason the developer is unable to proceed beyond the first building and the building is placed in the middle of lot 3, it could pose complications for the next developer that walks through the door particularly if the first building is residential (in terms appropriate light and air spaces) or the next developer wants a larger floor plate than what we have anticipated to date.

Summary, the final agreement should state when initiating construction on lot 3, start on the Chestnut Street side or start with lot 2 to maximize the amount of developable land in the middle should the development stop after one building.

4. The parking garage is a complicated issue. We do know the developer needs parking for the rail yard property and bayside village. We also need a surplus of spaces for future development and possibly existing businesses including Whole Foods and Trader Joes. I would hope the HUD money goes towards a parking garage on the NEMR property. Its a contaminated site and poses obstacles for other types of development.

What we don't want to happen is for the developer to participate in a parking garage, he gets the subsidy, undersizes the garage, tells us how many spaces he needs and then at the last minute says (for unanticipated marketing reasons) he needs more spaces (maybe for bayside village) and the apparent parking surplus disappears for other developments in the area.

In looking at the configuration of the lot 3 there is plenty of room for a parking garage on the first floor with residential on the upper floors and so it seems the developer could independently do this without the HUD subsidy. Bayside Village and Intermed accomplished this without a HUD subsidy although they did get a TIF.

5. Do the developers understand City's expectations? The Bayside zoning in terms of the minimum development

requirements (min. height) and the bayside design standards? Don't want to scare them off at this point but in looking at their web site, I saw only a few dense urban projects. Yes they've done work in cities but for the most part the designs looked very suburban in character. A conversation with them at some point should take place in the context of "we work with developers to achieve their goals but we want to make sure you understand our standards".

I'd be happy to sit down with you to discuss the proposal further. Without getting into the weeds too deeply I'd be happy to provide comments on their recently submitted proposal. Tony's summary was helpful but its only a summary.

of jobs

Rick Knowland

From: Rick Knowland
To: Rick Knowland
Date: 4/1/2011 9:56 AM

For the purposes of this section only, the term existing parking shall include:

1. Any paved surface or other permanent surface other than gravel that has been used for parking as of (date) (very few in Bayside have site plan approval) or
2. A ~~gravel parking lot, improved for automobile parking that existed as of March 2005.~~ ^{and used}
3. A gravel parking lot that existed as of March 2005, that served as parking for a principal use located on the same or abutting lot.

vacant, parking lot,

oakhurst dairy
schletterbeck foss
furman
rent-a-center

CU

6-1-2

Maximum ~~building~~^{street} setback does not apply to the upper floors of a building in which the lower floors meet the max. setback and min. height requirements 50% of building footprint

Unlimited vertical expansion per § 19.02

Existing building that does not meet max. setbacks

- ~~Addition~~ Additions
- Remaining Boyds Trail Grant Funds
 - Design and construction of mid-level trail amenities
 - East Boyds St. ^{Trail} Appendage - trail lights
 - Other amenities
- ← City-State Agreement for Somerset Jr. Restoration
- City-State Agreement for \$190,000 Trail Grant

October 22, 2002

To: Mr. Larry Ash
City Traffic Engineer
City of Portland
389 Congress Street
Portland, ME 04101

In Boston
555 Washington Street
Wellesley, MA 02482-5948
Telephone 781.237.3677
Facsimile 781.237.7657

In St. Thomas
Post Office Box 600137
St. Thomas, USVI 00801-6137
Telephone 340.777.5259
Facsimile 340.777.5759

Jtranum@aol.com

Re: Lowering of portion of traffic island on Marginal Way
at corner of Franklin Arterial

Dear Mr. Ash:

In connection with the upgrading of my property at the corner of Franklin Arterial and Marginal Way, the City has consented to a realignment of the ingress to the property off Marginal Way, which has resulted in the shortening and then lowering the raised island at the ingress location. The purpose of this change is to permit left hand turns from Marginal Way into my property and left hand exit turns onto Marginal Way out of my property, both of which make the premises much more attractive and useable to tenants.

These changes will all be at my expense, and to that end I have entered into a contract with Allied/Cook Construction to do all the proposed work, and am basically ready to proceed. I have been advised by the City, and I am writing this letter to acknowledge, that I fully understand that it may be necessary at some point in the future to restore the original configuration of the island.

Although I have no present plans to sell the property, the City should understand that this agreement is intended to be binding on the respective successors and assigns to the current owner of the property, Marginal Way Properties, Inc., a Maine corporation which I control.

Respectfully submitted,

MARGINAL WAY PROPERTIES, INC.



By: Joel Tranum, President

Cc: Mr. Rick Knowland
Mr. Scott Teas, Architect
✓ Peter S. Plumb, Esq.

This letter is in response to our recent meeting in which you referenced a letter written by Joel Trantum to Larry Ash (then City Traffic Engineer) dated October 22, 2002. The letter (attached) was apparently requested by Mr. Ash as an acknowledgment by Mr. Trantum that it may be necessary at some point in the future to restore the original configuration of a traffic island in front of the 211 Marginal Way driveway. The island had been reconfigured at the request of Mr. Trantum to accommodate improved access (left hand turns) into this property which he is the owner of record.

As you are aware the Marginal Way Master plan shows a shared driveway for this property and the abutting 191 Marginal Way property. The 2002 letter from Mr Trantum to Mr Ash predates the 2006 master plan. There is no specific time frame for the shared driveway improvement. Implementation of this improvement will require the cooperation of both property owners. Mr. Trantum presently has a functional driveway and unless the shared driveway concept is successfully implemented that presumably would incorporate a left hand turn, we are not aware of any present or future plan to modify the traffic island to preclude a left hand turn into Mr. Trantum's property.

Should you have any questions concerning this letter please feel free to contact me.

This letter is intended to address a concern that you expressed on behalf of your client regarding a proposed sidewalk/trail easement adjacent to Franklin Street and whether such an easement if given to the City would impact any zoning setback requirements on your client's property.

By way of background, the subject property (211 Marginal Way) is located in the B-7 zone. A review of the zoning ordinance indicates there are no minimum front or side yards in this zone [sec. 14-298(c)]. This means buildings in this zone are allowed to build to the edge of the public street right-of-way line. Therefore under the ordinance, the proposed easement will not impact the subject property's compliance with this requirement.

Furthermore, for purposes of calculating zoning setbacks, the setback is calculated the same regardless of the presence of an easement. The land area of an easement is included in the landowner's property (not the street right-of-way) since the owner retains fee ownership of the land.

Should you have any questions please feel free to call me.

This letter is intended to address a concern that you expressed on behalf of your client regarding a proposed sidewalk/trail easement adjacent to Franklin Street and whether such an easement if given to the City would impact any zoning setback requirements of your client's property.

By way of background, the subject property (211 Marginal Way) is located in the B-7 Business Zone. A review of the zoning ordinance indicates there are no minimum front or side yard setbacks in this zone (sec. 14-298(c)). This means buildings in this zone are allowed to build to the edge of the public street right-of-way line. The proposed easement will not impact the subject property's compliance with this requirement since there are no minimum setback requirements in this zoning district.

Furthermore, for purposes of calculating zoning setbacks, the land area of an easement is included in the landowner's property (not the street right-of-way) since the property owner retains fee title to the land. The setback is calculated the same regardless of the presence of an easement.

Should you have any questions on this letter please feel free to call me.

Handwritten notes:
- ~~the setback is calculated~~
- ~~the land area of an easement is included in~~
- ~~the landowner's property~~
- ~~since the property owner retains fee title to the~~
- ~~land.~~
- ~~The setback is calculated the same regardless of the presence of an easement.~~
- ~~Should you have any questions on this letter please feel free to call me.~~
- ~~the~~
- ~~landowner's~~
- ~~property~~
- ~~(not~~
- ~~the~~
- ~~street~~
- ~~right-of-way)~~
- ~~since~~
- ~~the~~
- ~~property~~
- ~~owner~~
- ~~retains~~
- ~~fee~~
- ~~title~~
- ~~to~~
- ~~the~~
- ~~land.~~
- ~~The~~
- ~~setback~~
- ~~is~~
- ~~calculated~~
- ~~the~~
- ~~same~~
- ~~regardless~~
- ~~of~~
- ~~the~~
- ~~presence~~
- ~~of~~
- ~~an~~
- ~~easement.~~
- ~~Should~~
- ~~you~~
- ~~have~~
- ~~any~~
- ~~questions~~
- ~~on~~
- ~~this~~
- ~~letter~~
- ~~please~~
- ~~feel~~
- ~~free~~
- ~~to~~
- ~~call~~
- ~~me.~~

Handwritten note: ~~the~~

This letter is intended to address a concern that you expressed on behalf of your client regarding a proposed sidewalk/trail easement adjacent to Franklin Street and whether such an easement if given to the City would impact any zoning setback requirements of your client's property.

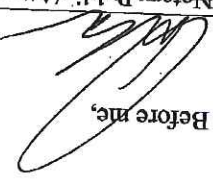
By way of background, the subject property (211 Marginal Way) is located in the B-7 Business Zone. A review of the zoning ordinance indicates there are no minimum front or side yard setbacks in this zone (sec. 14-298(c)) This means buildings in this zone are allowed to build to the edge of the public street right-of-way line. The proposed easement will not impact the subject property's compliance with this requirement since there are no minimum setback requirements in this zoning district.

Furthermore, for purposes of calculating zoning setbacks, the land area of an easement is included in the landowner's property (not the street right-of-way) since the property owner retains fee title to the land. The setback is calculated the same regardless of the presence of an easement.


Should you have any questions on this letter please feel free to call me.

S:\TR\AJ\01\Marginal Way Property\Sidewalk Easement.doc

Printed Name
David H. Johnson
Notary Public/Attorney at Law


Before me,

STATE OF MAINE
CUMBERLAND, SS
Personally appeared the above-named, Joel Trannum, in his said capacity, and
acknowledged the foregoing instrument to be his free act and deed, and the free act and
deed of said corporation.
July 31, 2003

Witness

By Joel Trannum, President
MARGINAL WAY PROPERTIES, INC.

IN WITNESS WHEREOF, Grantor has caused this easement to be executed by
Joel Trannum, its President this 31st day of July, 2003.

Doc#: 100407 BK#20229 Pg: 182



Attorneys At Law

Peter S. Plumb
John C. Lightbody
Thomas C. Newman
John C. Bannon

Susan D. Thomas
Drew A. Anderson
Richard L. O'Meara

Christopher B. Branson
Michael D. Traister
Amy M. Snelson

Barbara L. Goodwin
Timothy H. Boulette
John B. Shumadine

Crystal L. Bulges
Of Counsel:
Barbara T. Schneider

E. Stephen Murray
(1941-2001)

75 Pearl Street
Post Office Box 9785
Portland, Maine

04104-5085
Telephone:
207.773.5651

Facsimile:
207.773.8023

E-Mail:
info@mpmlaw.com

WWW:
mpmlaw.com

VIA HAND DELIVERY

Mr. Jay Reynolds

Development Review Coordinator

Portland City Hall

389 Congress Street, 4th Floor

Portland, ME 04101

Re: Marginal Way Properties, Inc. Sidewalk Easement

Dear Jay:

I enclose a draft form Sidewalk Easement from Marginal Way

Properties, Inc. to the City of Portland. This draft includes a reduced copy of a plan on which the easement areas are shown as the cross-hatched areas. I also enclose for your information a full size copy of the plan that the reduced copy comes from. Please let me know if this plan suffices for a so-called "Easement Plan" for filing with the City of Portland Planning Department.

Joel Trantum is coming to our office on Friday prior to his leaving the country to sign the Sidewalk Easement. If we could have this form easement and the plan approved by Friday, that would be appreciated. We would certainly like to resolve this matter before Joel leaves.

Please call me if you have any questions or if I can be of any further assistance.

Very truly yours,

Drew A. Anderson
Email: danderson@mpmlaw.com

CC: Mr. Joel Trantum (w/o enc.), via telefax

DAA/kgw
Enclosures

July 30, 2003

005-219 Marginal Way

Doc#: 100407 Bk:20229 Pg: 180

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

2 copies to be submitted (with supporting material) at least 12 days before Council Meeting: 1 copy to City Manager (Sonia Bean)
1 copy to Legal (Elizabeth Boynton)

- 1) Council Meeting at which action is requested (Date): September 15, 2003
- 2) Can action be taken at a later date? Yes: No:

If a memo addresses the following issues you may attach and reference the memo but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

A sidewalk easement has been deeded to the City by Marginal Way Properties, Inc. to preserve a walking route along Marginal Way and Franklin arterial. The easement runs on private property adjacent to Marginal Way.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The City needs to accept the easement thereby preserving a public walkway adjacent to Franklin Arterial and a portion of Marginal Way.

III. INTENDED RESULT (How does it resolve the issue/problem?)

The intended result is to preserve a convenient public walking route.

IV. FINANCIAL IMPACT

There is no financial impact to the City.

V. STAFF ANALYSIS & RECOMMENDATION

The staff recommends acceptance of the easement.

Date: September 5, 2003
Prepared by: Penny Littlell
D:\OFFICE\PENNY\FORMS\Agenda\Agenda\FORM Sidewalk\Easement\MarginalWay_09050305.doc

SIDEWALK EASEMENT

Doc#: 100407 BR:20229 Ps: 181

Attachment 1

In consideration of the payment of One Dollar (\$1.00), MARGINAL WAY

PROPERTIES, INC., a Maine corporation with a mailing address of 555 Washington

Street, Wellesley, Massachusetts ("Grantor"), hereby grants to the CITY OF

PORTLAND, a body politic and corporate with a place of business at 389 Congress

Portland, Maine 04101 ("Grantee") perpetual easements over strips of land being those

portions of sidewalks (the "Easement Areas") along Marginal Way and along Franklin

Street in Portland, Maine that extend beyond the street right of way of Marginal Way and

Franklin Street, so-called, on to the Grantor's property. The Easement Areas are shown

as the cross-hatched areas along Marginal Way and Franklin Street shown on the As-

Built Survey Plan made for Allied/Cook Construction by Owen Haskell, Inc. dated July

16, 2003 (the "Easement Plan"), a reduced copy of which is attached hereto as Exhibit A.

A full-scale copy of the Easement Plan is on file with the City of Portland Planning

Department.

The purpose of this easement is for the right to maintain, replace, relocate and

repair within each of the Easement Areas a sidewalk up to ten (10') feet in width, said

sidewalk to be used for pedestrian, bicycle and snow removal equipment (other than

wheelchair and emergency vehicles and similar non-motorized) which shall be

permitted) pedestrian recreational uses by the public, subject, however, to such rules or

ordinances which Grantee may adopt from time to time in the interests of public safety.

Grantor further covenants and agrees on behalf of itself, its successors and assigns,

that the land which lies within the Easement Areas shall, except for the construction,

maintenance, repair, relocation and/or replacement of the sidewalks and any

apportances by Grantee, its successors or assigns shall, as provided and permitted

herein, be maintained as a sidewalk for the uses set forth and described herein and

Grantor shall not use or permit any use which would be contrary to such condition.

Both Grantor and Grantee acknowledge that this easement is being provided to

Grantee for purposes of public pedestrian access and recreation without charge. It is

understood that the use herein granted is non-exclusive and that the primary use which

Grantor makes of its land (of which the Easement Area is a part) is a private commercial

use.

To have and to hold the said Easement and all rights granted hereunder to the said

Grantee and its successors and assigns forever.

Doc#: 100407 BK:20229 Pg: 179
Order 53-03/04
Tab 3

JAMES F. CLOUTIER (MAYOR) (A/L)
PETER E. O'DONNELL (1)
KAREN A. GERRITY (2)
NATHAN H. SMITH (3)
CHERYL A. LERMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN W. GRIFFIN (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER ACCEPTING SIDEWALK EASEMENT
RE: Vicinity of Marginal Way and Franklin Arterial

ORDERED, that the City hereby accepts a sidewalk easement from Marginal Way Properties, Inc., as detailed in Attachments 1, for purposes noted within said easements (for providing an area for pedestrian, bicycle and similar non-motorized [other than wheelchairs, snow removal equipment etc.] pedestrian recreational uses by the general public).

TRUE COPY
Julia C. Cohen
ATTEST: Julia C. Cohen, CMC, City Clerk
Portland, Maine
DATE 9/18/03
SEAL
O:OFFICE:PORTLAND SIDEWALK EASEMENT
MargWay, Franklin Arterial

Theresa L. Bourgoin
Notary Public, Maine
My Commission Expires October 26, 2007
Theresa L. Bourgoin
SEAL

Passage: 9/15/03 6-0 (O'Donnell out, Duson absent, At Large Vacant)

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services
Alexander Q. Jaegerman, AICP
Planning
John N. Lutkin
Economic Development

April 17, 2003

Mr. Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: 211 Marginal Way (Strictly Formal site); CBL 24-C-001; Appl. i.d. #2003-0046

Dear Mr. Teas:

On April 18, 2003 the Portland Planning Authority granted minor site plan approval for certain revisions to 211 Marginal Way (Strictly Formal site). The approval is subject to the following conditions.

1. ✓ A curb or guardrail shall be installed along the AAA side of the parking lot with a design reviewed and approved by the Planning Division.
2. PK The parking space closest to Marginal Way shall be deleted from the site plan unless an acceptable guardrail is reviewed and approved by the Planning Division.
3. ✓ A "do not enter" sign shall be added on the left hand side of the entrance per Jim Seymour's comments dated April 2, 2003.
4. → The existing catch basin in the middle of driveway shall be relocated as required by Anthony Lombardo of Public Works. Installation details shall be submitted for review and approval.
5. ✓ A six-foot concrete sidewalk shall be installed along the applicant's Marginal Way street frontage with a five-foot wide easplanade. In areas where the sidewalk occupies land on private property, the applicant shall submit a sidewalk easement for City staff review and approval. Construction details of the sidewalk shall be submitted for review and approval.
6. Given the uncertainty of the specific design for the Franklin Street reconstruction, the applicant may choose from one of the following:
 - (a) ✓ Construct a six-foot wide bituminous sidewalk with a five-foot easplanade along the applicant's Franklin Street frontage. Construction details of the sidewalk shall be submitted for review and approval.

Or

Essey
Alison

(b) Provide a financial contribution to the City equal to the cost of constructing a six-foot wide concrete sidewalk along the applicant's Franklin Street frontage.

In both cases easements for an esplanade and sidewalk (if on private property) shall be submitted for City staff review and approval.

A revised landscaping plan shall be submitted for City Arborist review and approval. The plan shall incorporate street trees along Franklin Street and Marginal Way. Curb shall be required along the edge of the two landscaped islands within the parking lot.

The exterior lighting plan shall be subject to review and approval by the Planning Division. The light fixtures referenced on the site plan shall match the proposed light fixtures. All proposed light fixtures shall have specifications submitted.

Submit additional copies of standard boundary survey prepared by a land surveyor.

The approved revisions include expanding the parking area and other changes shown on the approved plan.

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.

Please note the following provisions and requirements for all site plan approvals:

1. 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. A one-year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
5. 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. 8822. (Only excavators licensed by the City of Portland are eligible.)
6. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CAD/DXF files with seven sets of final plans.

RK/ST

AK

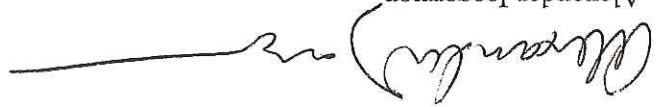
ST/AR

X

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 note that no Certificates of Occupancy will be issued until all site improvements have been completed and inspected in the field by the Development Review Coordinator.

If there are any questions, please contact Rick Knowland at 874-8725.

Sincerely,



Alexander Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director

Sarah Hopkins, Development Review Program Manager

Rick Knowland, Senior Planner

Jay Reynolds, Development Review Coordinator

Marge Schmuckal, Zoning Administrator

Karen Dunfee, Inspections

Larry Ash, Traffic Engineer

Tony Lombardo, Project Engineer

Eric Labelle, City Engineer

Jeff Tarling, City Arborist

Penny Littlell, Associate Corporation Counsel

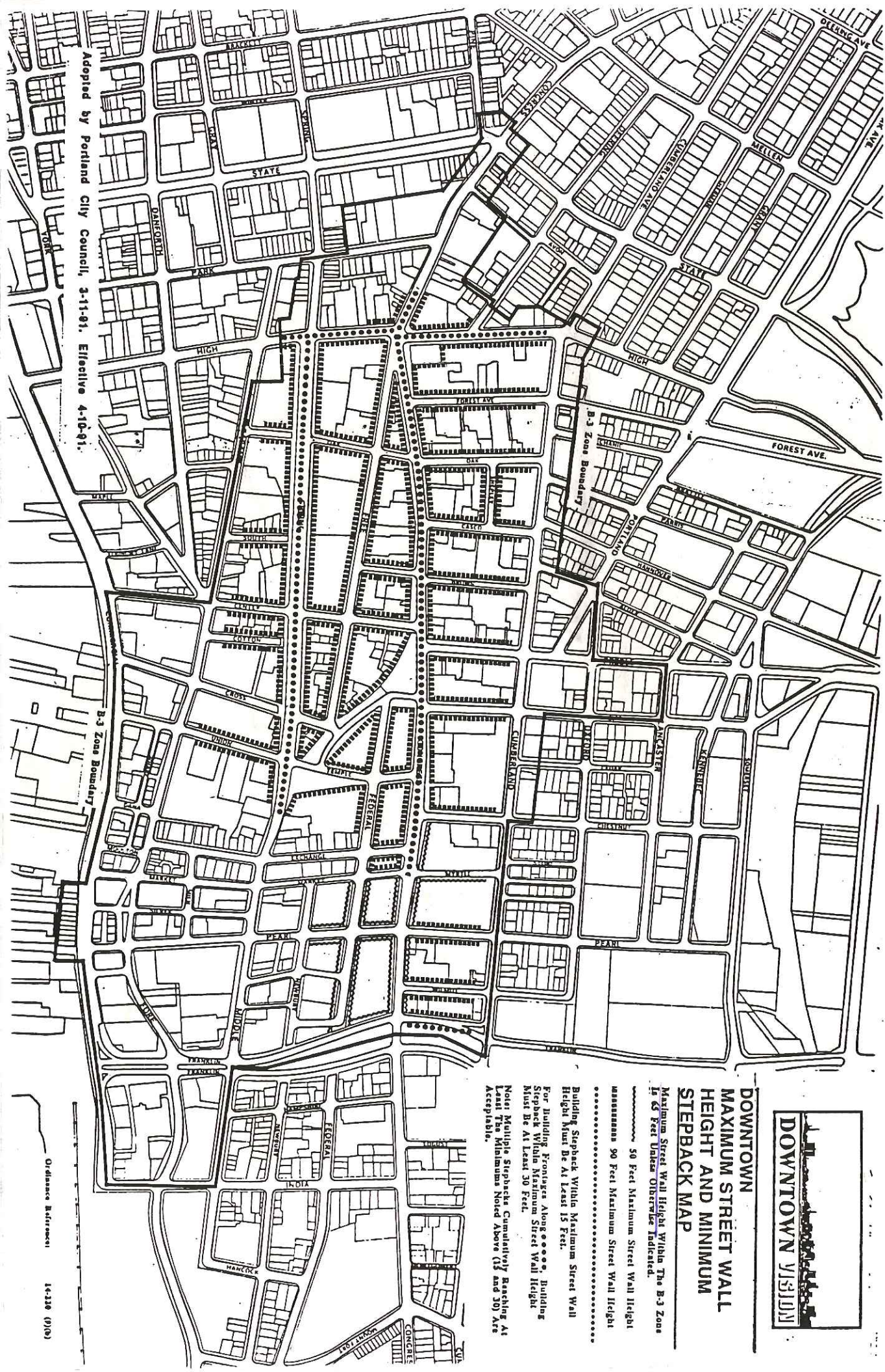
Lt. Gaylen McDougall, Fire Prevention

Don Hall, Appraiser, Assessor's Office

Joel Tramm, Tramm and Co., 555 Washington St., Wellesley, MA 02484-5948

Correspondence File

Approval Letter File



Adopted by Portland City Council, 3-11-91. Efficative 4-10-91.


DOWNTOWN VISION

DOWNTOWN MAXIMUM STREET WALL HEIGHT AND MINIMUM STEPBACK MAP

Maximum Street Wall Height Within The B-3 Zone
is 65 Feet Unless Otherwise Indicated.

50 Feet Maximum Street Wall Height
Maximum 90 Feet Maximum Street Wall Height

Building Stepback Within Maximum Street Wall
Height Must Be At Least 15 Feet.

For Building Frontages Along , Building
Stepback Within Maximum Street Wall Height
Must Be At Least 30 Feet.

Note: Multiple Stepbacks Cumulatively Reaching At
Least Ten Maximums Noted Above (15 and 30) Are
Acceptable.

SIDEWALK EASEMENT

In consideration of the payment of One Dollar (\$1.00), MARGINAL WAY PROPERTIES, INC., a Maine corporation with a mailing address of 555 Washington Street, Wellesley, Massachusetts ("Grantor"), hereby grants to the CITY OF PORTLAND, a body politic and corporate with a place of business at 389 Congress Portland, Maine 04101 ("Grantee") perpetual easements over strips of land being those portions of sidewalks (the "Easement Areas") along Marginal Way and along Franklin Street in Portland, Maine that extend beyond the street right of way of Marginal Way and Franklin Street, so-called, on to the Grantor's property. The Easement Areas are shown as the cross-hatched areas along Marginal Way and Franklin Street shown on the As-Built Survey Plan made for Allied/Cook Construction by Owen Haskell, Inc. dated July 16, 2003 (the "Easement Plan"), a reduced copy of which is attached hereto as Exhibit A. A full-scale copy of the Easement Plan is on file with the City of Portland Planning Department.

The purpose of this easement is for the right to maintain, replace, relocate and repair within each of the Easement Areas a sidewalk up to ten (10') feet in width, said sidewalk to be used for pedestrian, bicycle and similar non-motorized (other than wheelchair and emergency vehicles and snow removal equipment which shall be permitted) pedestrian recreational uses by the public, subject, however, to such rules or ordinances which Grantee may adopt from time to time in the interests of public safety.

Grantor further covenants and agrees on behalf of itself, its successors and assigns, that the land which lies within the Easement Areas shall, except for the construction, maintenance, repair, relocation and/or replacement of the sidewalks and any appurtenances by Grantee, its successors or assigns shall, as provided and permitted herein, be maintained as a sidewalk for the uses set forth and described herein and Grantor shall not use or permit any use which would be contrary to such condition.

Both Grantor and Grantee acknowledge that this easement is being provided to Grantee for purposes of public pedestrian access and recreation without charge. It is understood that the use herein granted is non-exclusive and that the primary use which Grantor makes of its land (of which the Easement Area is a part) is a private commercial use.

To have and to hold the said Easement and all rights granted hereunder to the said Grantee and its successors and assigns forever.

S:\TRAJ01\Marginal Way Properties\Sidewalk Easement.doc

Printed Name

Notary Public/Attorney at Law

Before me,

Personally appeared the above-named, Joel Trantum, in his said capacity, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said corporation.

July _____, 2003

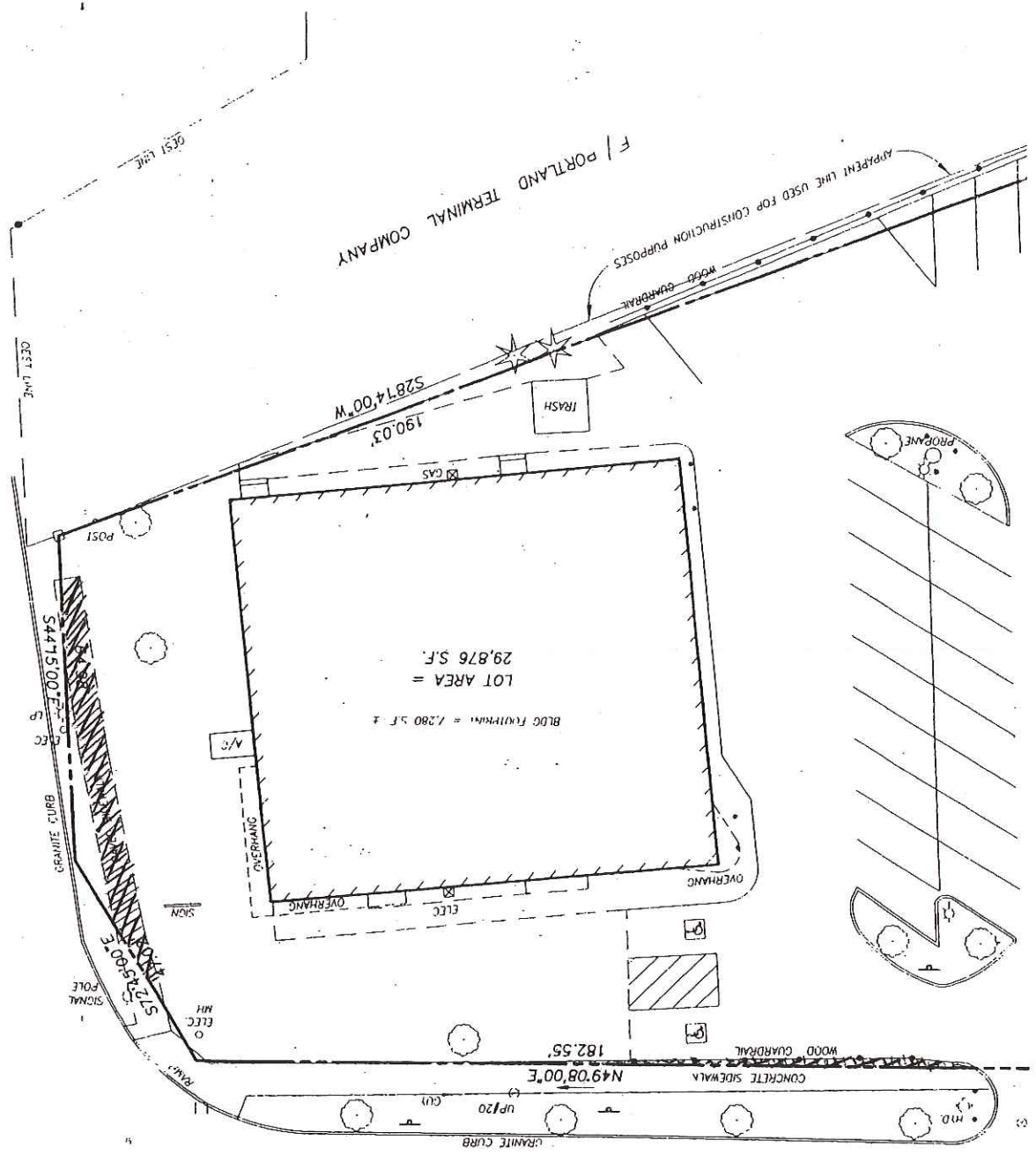
STATE OF MAINE
CUMBERLAND, SS

Witness _____
By _____ Joel Trantum, President

MARGINAL WAY PROPERTIES, INC.

IN WITNESS WHEREOF, Grantor has caused this easement to be executed by Joel Trantum, its President this _____ day of July, 2003.

FRANKLIN STREET



F / PORTLAND TERMINAL COMPANY

LOT AREA = 29,876 S.F.

BLDG FOOTPRINT = 7,280 S.F.

MARGINAL WAY
PAVED - PUBLIC 100' WIDE

DEPT. LINE

54475.00 E 7' 0" RC

57235.50 E
SIGNAL POLE

ELEC. MH

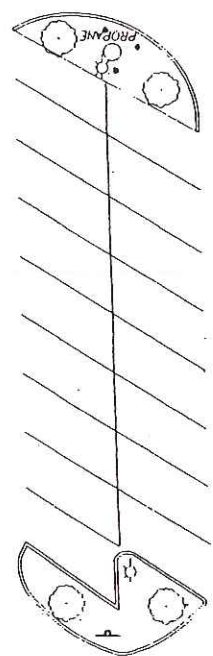
N 49° 08' 00" E
182.55'

CONCRETE SIDEWALK
WOOD GUARDRAIL

190.03'
S 28° 14' 00" W

TRASH

APPROXIMATE LINE USED FOR CONSTRUCTION PURPOSES



Department of Planning & Development
Lee D. Urban, Director



Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP

Planning

John N. Lutkin

Economic Development

May 8, 2003

Mr. Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: 211 Marginal Way (Strictly Formal site); CBL 24-C-001; Appl. i.d. #2003-0046

Dear Mr. Teas:

Upon a site inspection of the above stated site, it was recognized that sitework was occurring on the recently city acquired 'rail property' adjacent to the Strictly Formal Site. This does not conform to the approved site plan. The work involves changing the grade/filling, and also construction equipment was being operated and staged on this property.

I have spoken with AI from Allied Construction on site and relayed the message that this does not conform to the approved site plan, that no grading easement or construction easement exists for this area, and the following must occur:

1. The equipment is to be removed.
2. The limits of work are the metes and bounds of the strictly formal site.
3. The disturbed area shall be returned to its existing grade/elevation.

Please forward this information to the appropriate parties.

Sincerely,

Jay Reynolds
Development Review Coordinator

cc: Lee D. Urban, Planning and Development Department Director

Alexander Jaegerman, Planning Division Director

Sarah Hopkins, Development Review Program Manager

Rick Knowland, Senior Planner

Marge Schmuckal, Zoning Administrator

Michael Nugent, Inspections Services Manager

Penny Littlell, Associate Corporation Counsel

Joel Trantum, Trantum and Co., 555 Washington St., Wellesley, MA 02484-5948

Correspondence File

O:\PLANDEV\REV\MARGWAY21\DR05-08-03.DOC

389 Congress Street • Portland, Maine 04101 • (207) 874-8721 • FAX 756-8258 • TTY 874-8936

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services
Alexander Q. Jaegerman, AICP
Planning
John N. Lufkin
Economic Development

April 17, 2003

Mr. Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: 211 Marginal Way (Strictly Formal site); CBL 24-C-001; Appl. i.d. #2003-0046

Dear Mr. Teas:

On April 18, 2003 the Portland Planning Authority granted minor site plan approval for certain revisions to 211 Marginal Way (Strictly Formal site). The approval is subject to the following conditions.

1. A curb or guardrail shall be installed along the AAA side of the parking lot with a design reviewed and approved by the Planning Division.
2. The parking space closest to Marginal Way shall be deleted from the site plan unless an acceptable guardrail is reviewed and approved by the Planning Division.
3. A "do not enter" sign shall be added on the left hand side of the entrance per Jim Seymour's comments dated April 2, 2003.
4. The existing catch basin in the middle of driveway shall be relocated as required by Anthony Lombardo of Public Works. Installation details shall be submitted for review and approval.
5. A six-foot concrete sidewalk shall be installed along the applicant's Marginal Way street frontage with a five-foot wide esplanade. In areas where the sidewalk occupies land on private property, the applicant shall submit a sidewalk easement for City staff review and approval. Construction details of the sidewalk shall be submitted for review and approval.
6. Given the uncertainty of the specific design for the Franklin Street reconstruction, the applicant may choose from one of the following:
 - (a) Construct a six-foot wide bituminous sidewalk with a five-foot esplanade along the applicant's Franklin Street frontage. Construction details of the sidewalk shall be submitted for review and approval.

Or

Construct a six-foot wide bituminous sidewalk with a five-foot esplanade along the applicant's Franklin Street frontage. Construction details of the sidewalk shall be submitted for review and approval.

(b) Provide a financial contribution to the City equal to the cost of constructing a six-foot wide concrete sidewalk along the applicant's Franklin Street frontage.

In both cases easements for an esplanade and sidewalk (if on private property) shall be submitted for City staff review and approval.

7. A revised landscaping plan shall be submitted for City Arborist review and approval. The plan shall incorporate street trees along Franklin Street and Marginal Way. Curb shall be required along the edge of the two landscaped islands within the parking lot.

8. The exterior lighting plan shall be subject to review and approval by the Planning Division. The light fixtures referenced on the site plan shall match the proposed light fixtures. All proposed light fixtures shall have specifications submitted.

9. Submit additional copies of standard boundary survey prepared by a land surveyor.

The approved revisions include expanding the parking area and other changes shown on the approved plan.

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.

Please note the following provisions and requirements for all site plan approvals:

1. 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. A one-year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.

2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

5. 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. 8822. (Only excavators licensed by the City of Portland are eligible.)

6. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CAD/DXF files with seven sets of final plans.

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 note that no Certificates of Occupancy will be issued until all site improvements have been completed and inspected in the field by the Development Review Coordinator.

If there are any questions, please contact Rick Knowland at 874-8725.

Sincerely,



Alexander Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director

Sarah Hopkins, Development Review Program Manager

✓ Rick Knowland, Senior Planner

Jay Reynolds, Development Review Coordinator

Marge Schmuckal, Zoning Administrator

Karen Dunfee, Inspections

Larry Ash, Traffic Engineer

Tony Lombardo, Project Engineer

Eric Labelle, City Engineer

Jeff Tarling, City Arborist

Penny Littlell, Associate Corporation Counsel

Lt. Gaylen McDougall, Fire Prevention

Don Hall, Appraiser, Assessor's Office

Joel Trantum, Trantum and Co., 555 Washington St., Wellesley, MA 02484-5948

Approval Letter File

Correspondence File

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services
Alexander Q. Jaegerman, AICP
Planning
John N. Lufkin
Economic Development

April 17, 2003

Mr. Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: 211 Marginal Way (Strictly Formal site); CBL 24-C-001; Appl. I.D. #2003-0046

Dear Mr. Teas:

On April 18, 2003 the Portland Planning Authority granted minor site plan approval for certain revisions to 211 Marginal Way (Strictly Formal site). The approval is subject to the following conditions.

1. A curb or guardrail shall be installed along the AAA side of the parking lot with a design reviewed and approved by the Planning Division.

2. The parking space closest to Marginal Way shall be deleted from the site plan unless an acceptable guardrail is reviewed and approved by the Planning Division.

3. A "do not enter" sign shall be added on the left hand side of the entrance per Jim Seymour's comments dated April 2, 2003.

4. The existing catch basin in the middle of driveway shall be relocated as required by Anthony Lombardo of Public Works. Installation details shall be submitted for review and approval.

5. A six-foot concrete sidewalk shall be installed along the applicant's Marginal Way street frontage with a five-foot wide esplanade. In areas where the sidewalk occupies land on private property, the applicant shall submit a sidewalk easement for City staff review and approval. Construction details of the sidewalk shall be submitted for review and approval.

6. Given the uncertainty of the specific design for the Franklin Street reconstruction, the applicant may choose from one of the following:

- (a) Construct a six-foot wide bituminous sidewalk with a five-foot esplanade along the applicant's Franklin Street frontage. Construction details of the sidewalk shall be submitted for review and approval.
- Or

PLEASE PUT THIS IN URBAN INQUIRY AND APPROVE WITH CONDITIONS OF APPROVAL AND SIGN OFF ON ENGINEERING DEVELOPMENT REVIEW (COMBINED) MY URBAN INQUIRY WILL BECOME FINAL THANKS RK

(b) Provide a financial contribution to the City equal to the cost of constructing a six-foot wide concrete sidewalk along the applicant's Franklin Street frontage.

In both cases easements for an esplanade and sidewalk (if on private property) shall be submitted for City staff review and approval.

A revised landscaping plan shall be submitted for City Arborist review and approval. The plan shall incorporate street trees along Franklin Street and Marginal Way. Curb shall be required along the edge of the two landscaped islands within the parking lot.

The exterior lighting plan shall be subject to review and approval by the Planning Division. The light fixtures referenced on the site plan shall match the proposed light fixtures. All proposed light fixtures shall have specifications submitted.

Submit additional copies of standard boundary survey prepared by a land surveyor.

The approved revisions include expanding the parking area and other changes shown on the approved plan.

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.

Please note the following provisions and requirements for all site plan approvals:

1. 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. A one-year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.

2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

5. 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. 8822. (Only excavators licensed by the City of Portland are eligible.)

6. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CAD/DXF files with seven sets of final plans.

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 note that no Certificates of Occupancy will be issued until all site improvements have been completed and inspected in the field by the Development Review Coordinator.

If there are any questions, please contact Rick Knowland at 874-8725.

Sincerely,



Alexander Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director

Sarah Hopkins, Development Review Program Manager

Rick Knowland, Senior Planner

Jay Reynolds, Development Review Coordinator

Marge Schmuckal, Zoning Administrator

Karen Dunley, Inspections

Larry Ash, Traffic Engineer

Tony Lombardo, Project Engineer

Eric Labelle, City Engineer

Jeff Tarling, City Arborist

Penny Littlell, Associate Corporation Counsel

Lt. Gaylen McDougall, Fire Prevention

Don Hall, Appraiser, Assessor's Office

Joel Trantum, Trantum and Co., 555 Washington St., Wellesley, MA 02484-5948

Approval Letter File

✓ Correspondence File

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

April 17, 2003

Mr. Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: 211 Marginal Way (Strictly Formal site); CBL 24-C-001; Appl. i.d. #2003-0046

Dear Mr. Teas:

On April 18, 2003 the Portland Planning Authority granted minor site plan approval for certain revisions to 211 Marginal Way (Strictly Formal site). The approval is subject to the following conditions.

1. A curb or guardrail shall be installed along the AAA side of the parking lot with a design reviewed and approved by the Planning Division.
2. The parking space closest to Marginal Way shall be deleted from the site plan unless an acceptable guardrail is reviewed and approved by the Planning Division.
3. A "do not enter" sign shall be added on the left hand side of the entrance per Jim Seymour's comments dated April 2, 2003.
4. The existing catch basin in the middle of driveway shall be relocated as required by Anthony Lombardo of Public Works. Installation details shall be submitted for review and approval.
5. A six-foot concrete sidewalk shall be installed along the applicant's Marginal Way street frontage with a five-foot wide esplanade. In areas where the sidewalk occupies land on private property, the applicant shall submit a sidewalk easement for City staff review and approval. Construction details of the sidewalk shall be submitted for review and approval.
6. Given the uncertainty of the specific design for the Franklin Street reconstruction, the applicant may choose from one of the following:

- (a) Construct a six-foot wide bituminous sidewalk with a five-foot esplanade along the applicant's Franklin Street frontage. Construction details of the sidewalk shall be submitted for review and approval.
- Or

- (b) Provide a financial contribution to the City equal to the cost of constructing a six-foot wide concrete sidewalk along the applicant's Franklin Street frontage.
- In both cases easements for an esplanade and sidewalk (if on private property) shall be submitted for City staff review and approval.
- 7. A revised landscaping plan shall be submitted for City Arborist review and approval. The plan shall incorporate street trees along Franklin Street and Marginal Way. Curb shall be required along the edge of the two landscaped islands within the parking lot.
- 8. The exterior lighting plan shall be subject to review and approval by the Planning Division. The light fixtures referenced on the site plan shall match the proposed light fixtures. All proposed light fixtures shall have specifications submitted.
- 9. Submit additional copies of standard boundary survey prepared by a land surveyor.
- The approved revisions include expanding the parking area and other changes shown on the approved plan.
- 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.
- Please note the following provisions and requirements for all site plan approvals:
- 1. 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. A one-year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
- 2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
- 3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
- 4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
- 5. 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. 8822. (Only excavators licensed by the City of Portland are eligible.)
- 6. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CAD/DXF files with seven sets of final plans.

From: Rick Knowland
To: Internet:stst@tsrharchitects@com
Date: Fri, Oct 25, 2002 3:58 PM
Subject: Tralum project, Marginal Way and Franklin St.

Scott, comments on the above referenced project.

1. Memo from Sebago Technics has been previously forwarded to you.
 2. Engineering comments from Public Works (dated 10-18-02) ¹⁵ will be faxed to you.

3. Need a land survey stamped by a surveyor.

4. Show dimensions of driveway opening, parking spaces and parking lot aisles.

5. Show land area on the plan.

6. Concrete sidewalk should be shown along Marginal Way.

7. Submit written statements per sec. 14-525 (c).

8. Submit photometrics of the light fixtures on a site plan. On the site plan, a fixture F is shown. On the spec sheet it says its an uplight. An oversight? Clarify G. Indicate height of poles.

9. Will need a water quality unit for run-off from the parking lot.

10. Add the "site plan notes" that will be faxed to you.

11. Add street trees along Marginal between the sidewalk and the building but closer to the sidewalk. Spacing approx. 30 ft. on center.

12. Please submit full size drawings next time. Can't tell what the real scale of the site plan is.

13. Indicate size of plant material.

14. Label grass areas.

Thats what I have so far. I'll forward other comments as they become available.

James Seymour

From: James Seymour
Sent: Wednesday, April 02, 2003 9:52 AM
To: 'RWK@ciportland.me.us'
Subject: Truman Development 211 Marginal Way # 03P046

Rick,
Here is a quick list of items on the 211 Marginal Way Site Plan. Due to time constraints I'm putting them in quick bullet points.

- The elevation at the entrance is too steep of a bump, almost 9%.
 - Spot grades at building loading dock and at property line appear too low.
 - Parallel parking at building appears in conflict with loading area.
 - Signs are needed to direct one way traffic, a "do not enter" sign way be warranted to the left side of the entrance.
 - Bollards are needed on the SE corner of building.
 - Riprap stone shall be sized appropriately.
 - Specify gravel base and subbase material and depths for parking lot.
 - Provide notes, show on plan and detail of electrical trench to serve building from pole in Marginal Way.
 - Provide detail or specification on propane tank. The site is subject to high water table, an anti-floitation device will be needed.
 - Show curb details with tipdowns for entrance.
- Sorry for the quick notes I hope they work for you.

James Seymour

