

25-B-1

1998-0106

161 Marginal Way

DHS Bld.

So. Maine Properties

Logged on Spreadsheet

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

19980106

I. D. Number

Southern Maine Properties Comp

Applicant

P.O. Box 7525, Portland, ME 04112

Applicant's Mailing Address

8/18/98

Application Date

DHS Building

Project Name/Description

Consultant/Agent

772-6404

772-9078

Applicant or Agent Daytime Telephone, Fax

Marginal Way

Address of Proposed Site

025-B-001+

Assessor's Reference: Chart-Block-Lot

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

52800

123,186

Proposed Building square Feet or # of Units

Acreage of Site

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 \$500.00 Subdivision _____ Engineer Review \$739.90 Date 8/18/98

Planning Approval Status:

Reviewer rk

- Approved Approved w/Conditions See Attached Denied

Approval Date 10/27/98 Approval Expiration 10/27/99 Extension to _____ Additional Sheets Attached

OK to Issue Building Permi r.knowland 6/7/99
signature date

Performance Guarantee Required* Not Required

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

<input checked="" type="checkbox"/> Performance Guarantee Accepted	6/7/99 date	\$60,196.00 amount	expiration date
<input checked="" type="checkbox"/> Inspection Fee Paid	6/7/99 date	\$1,118.00 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	date	<input type="checkbox"/> Conditions (See Attached)	
<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	



Angus S. King, Jr.
Governor

Kevin W. Concannon
Commissioner

STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES

May 21, 1999

Portland Planning Board
c/o John Carroll
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear ~~Planning Board~~^{members}:

It is with great pleasure that I invite you to a Groundbreaking Ceremony for the new Department of Human Services facility in Portland. The ceremony will be Monday, June 7th at 10:30 a.m. at 161 Marginal Way, Portland.

The building of 50,400 square feet will be a state-of-the-art facility designed by Curtis Walter Stewart Architects, constructed by Allied Cook Construction Company and owned by Fore River Company. The facility will assist DHS staff in better serving the Cumberland County public through more space for public interactions and better access to computers for both staff and clients who are transitioning into the workforce.

We anticipate an increase in the level of public interaction, which currently includes an average of 150 visitors per day and in excess of 2000 callers each day through our switchboards.

We look forward to having you join me, the Portland City Mayor, Fore River Company, Curtis Walter Stewart Architects and Allied Cook General Contractors representatives, the media, staff and members of the public on June 7th. A small reception will follow the groundbreaking ceremony. If you have any questions, feel free to call Andrea Paul, Regional Executive Manager at 822-2214.

Sincerely,

A handwritten signature in black ink that reads "Kevin W. Concannon".

Kevin W. Concannon
Commissioner

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DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

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Southern Maine Properties Comp
Applicant
P.O. Box 7525, Portland, ME 04112
Applicant's Mailing Address

8/18/98
Application Date
DHS Building
Project Name/Description

Consultant/Agent
772-6404 772-9078
Applicant or Agent Daytime Telephone, Fax

Marginal Way
Address of Proposed Site
025-B-001+
Assessor's Reference: Chart-Block-Lot

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

52800 123,186
Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

- Site Plan (major/minor) Subdivision # of lots _____ PAD Review 14-403 Streets Review
 Flood Hazard Shoreland Historic Preservation DEP Local Certification
 Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan \$500.00 Subdivision _____ Engineer Review \$739.90 Date: 8/18/98

DRC Approval Status:

Reviewer jw

- Approved Approved w/Conditions see attache Denied
Approval Date 10/27/98 Approval Expiration 10/27/99 Extension to _____ Additional Sheets Attached
 Condition Compliance r.knowland 6/7/99
signature date

Performance Guarantee Required* Not Required

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

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM

19980106

I. D. Number

Southern Maine Properties Comp

Applicant

P.O. Box 7525, Portland, ME 04112

Applicant's Mailing Address

Consultant/Agent

772-6404

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Applicant or Agent Daytime Telephone, Fax

8/18/98

Application Date

DHS Building

Project Name/Description

Marginal Way

Address of Proposed Site

025-B-001+

Assessor's Reference: Chart-Block-Lot

DRC Conditions of Approval

1. that the revised grading associated with the landscaped islands shall be reviewed and approved by the development review coordinator.

Planning Conditions of Approval

1. that the wall-mounted exterior light fixtures shall be replaced with a fixture that has an appropriate cut-off feature unless otherwise approved in writing by the planning dept.
2. that the revised grading associated with the landscaped islands shall be reviewed and approved by the development review coordinator [jim wende].

Inspections Conditions of Approval

Fire Conditions of Approval

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

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New Building

Building Addition

Change Of Use

Residential

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Retail

Manufacturing

Warehouse/Distribution

Parking Lot

Other (specify)

52800

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Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

Site Plan

(major/minor)

Subdivision

of lots _____

PAD Review

14-403 Streets Review

Flood Hazard

Shoreland

Historic Preservation

DEP Local Certification

Zoning Conditional

Zoning Variance

Other _____

Use (ZBA/PB)

Fees Paid: Site Plan

\$500.00

Subdivision _____

Engineer Review _____

Date: **8/18/98**

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

Performance Guarantee Accepted

date

amount

expiration date

Inspection Fee Paid

date

amount

Building Permit Issued

date

Performance Guarantee Reduced

date

remaining balance

signature

Temporary Certificate of Occupancy

date

Conditions (See Attached)

Final Inspection

date

signature

Certificate Of Occupancy

date

Performance Guarantee Released

date

signature

Defect Guarantee Submitted

submitted date

amount

expiration date

Defect Guarantee Released

date

signature

City of Portland Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 6-9-99

To: BRUCE KISTLER

From: RICK KNOWLAND

Fax: 772-9078

Re: BRUCE - I WENT OUT TO SHOPN SAVE LAST NIGHT,
ALTHOUGH THE MCGRAW BOJON WALL PACK IS BETTER
THAN MOST, YOU MIGHT WANT TO CONSIDER THE
ATTACHED GUTH FIXTURE OR EQUIVALENT, THIS IS
ONE OF THE FEW WALLPACK FIXTURES THAT ~~DOES~~ ADDS SOME
GLARE. I CAN'T SIGN OFF ON THE MCGRAW-HILL
ONE - TOO MUCH GLARE.

RIK

YOU SHOULD RECEIVE 2 PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 or 207-874-8719.

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
7 LANDSCAPING (attach breakdown of plant materials, quantities, and unit costs)	SEE ATTACH	10450	10450			
8 MISCELLANEOUS						
TOTAL:						\$ 28,006
GRAND TOTAL:		\$ 27,190				

28,006
 \$ 55,196 ← plus \$5,000 (LIGHTING)
 TOTAL \$ 60,196

INSPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
1: 1.7% of total:			
2: Alternative Assessment			
Created by:	(name)	(name)	

Department of Planning and Urban Development
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date 6/2/99

Name of Project DHS BUILDINGS

Address/Location 161 Marginal Way

Developer 161 Marginal Way, LLC

Form of Performance Guarantee _____

Type of Development: _____ Subdivision Site Plan (Major/Minor)

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
STREET SIDEWALK						
Road	0					
Granite Curbing (curb cuts)	2	22.00	7260			
Sidewalks	2607-16	18.00	4686			
Esplanades	0					
Monuments	0					
Street Lighting	0					
Other	0					
SANITARY SEWER						
Manholes	0					
Piping	0					
Connections New	1	800	800			
Other Discontinue/cap EXIST	2	500	1000			
STORM DRAINAGE						
Manholes	0					
Catchbasins	0					
Piping	0					
Detention Basin	0					
Other connection for New or cap/discontinue exist	3	500	1500			
SITE LIGHTING	0					
EROSION CONTROL	1	1500	1500			
RECREATION AND OPEN SPACE AMENITIES	0					

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
7 LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	<u>SEE ATTACH</u>	<u>10450</u>	<u>10450</u>			
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TOTAL:						
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INSPECTION FEE (to be filled out by City)

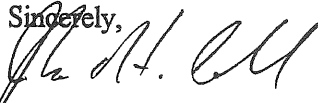
	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
1: 1.7% of totals:			
or			
2: Alternative Assessment:			
Assessed by:	<u>(name)</u>	<u>(name)</u>	

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. 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.
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 preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work'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 preconstruction 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. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. 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 the Planning Staff.

Sincerely,



John H. Carroll, Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Richard Knowland, Senior Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Mary Gresik, Building Permit Secretary
Kathleen Brown, Director of Economic Development
Susan Doughty, Assessor's Office
✓ Approval Letter File

CITY OF PORTLAND, MAINE

PLANNING BOARD

John H. Carroll, Chair
Jaimy Caron, Vice Chair
Kenneth M. Cole III
Cyrus Y. Hagge
Deborah Krichels
Erin Rodriguez
Mark Malone

October 28, 1998

Mr. Peter Quesada
Fore River Co.
P O Box 7525
Portland ME 04112

RE: Office Building at 161 Marginal Way; Southern Maine Properties and Five Liver Company

Dear Mr. Quesada:

On October 27, 1998, the Portland Planning Board voted on the following motions for a 52,800 sq. ft. office building proposed by Southern Maine Properties and Five Liver Company in the vicinity of 161 Marginal Way.

1. The Planning Board voted 4-2 (Carroll, Krichels opposed; Caron abstained) to approve a waiver of sec. 14-526 (26) (b), (d), and (e) regarding the R-5 Urban Commercial Mixed Use standard of the Site Plan Ordinance for this project. The Board determined that waivers were not required for sec. 14-526 (26) (c).
2. The Planning voted 6-0 (Caron abstained) to approve the site plan, subject to the following conditions:
 - i. The exterior lighting plan shall be revised for staff review and approval, substituting the wall-mounted fixtures with a cut-off fixture.
 - ii. That the landscaping plan shall be revised for staff review and approval, including new trees along Marginal Way and three (3) evergreen trees in the rear corner of the parking lot.
 - iii. The applicant shall plant eight (8) trees within the interior of the parking lot in a well distributed pattern, subject to review and approval of the location and species by planning staff.
 - iv. That the site plan shall be revised, reflecting the comments of the Development Review Coordinator and Public Works.
 - v. That the Marginal Way sidewalk shall be constructed of concrete.
 - vi. That the revised plan for the exterior of the penthouse structure shall be submitted for planning staff review and approval, and the plan shall reflect a high quality and durable material.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #50 -98, which is attached.

CITY OF PORTLAND, MAINE

PLANNING BOARD

John H. Carroll, Chair
Jaimey Caron, Vice Chair
Kenneth M. Cole III
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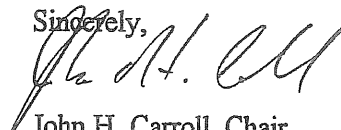
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Portland Planning Board

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Richard Knowland, Senior Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
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Lt. Gaylen McDougall, Fire Prevention
Mary Gresik, Building Permit Secretary
Kathleen Brown, Director of Economic Development
Susan Doughty, Assessor's Office
✓ Approval Letter File

City of Portland Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 6-4-99 D ONE

To: BRUCE KISTLER

From: R. KNOWLAND

Fax: 772-9078

Re: BRUCE - APPROVED ESTIMATE \$60,196 FIN
PERFORMANCE GUARANTEE. PLEASE LET ME KNOW
WHAT THE TIME FRAME WILL BE FOR THE
PERFORMANCE GUARANTEE

RK

YOU SHOULD RECEIVE 3 PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 or 207-874-8719.

161 Marginal Way LLC
P.O. Box 7525
Portland, ME 04112
(207) 772-6404

January 13, 2000

Mr. Alex Jaegerman, Chief Planner
Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

re: DHS Office Building
161 Marginal Way

Dear Alex,

Based on the progress of the work at the subject site, which has recently been inspected by Steve Bushey, we respectfully request a reduction in our Performance Guarantee Amount at your earliest convenience from \$60,196 to \$6,000.

Sincerely,



Peter W. Quesada

cc: Steve Bushey, DeLuca Hoffman Associates Inc.

10%

TO: Duane Kline, Finance Department
FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development
DATE: January 18, 2000
SUBJECT: Request for Reduction in Performance Guarantee
 DHS Office Building, 161 Marginal Way

A request by Peter Quezada has been received for a reduction of performance guarantee amount.

Original Amount	\$ 60,196
Reduction Requested ^{Approved}	\$ 6,000.00 43,727
Remaining Amount	\$ 16,469

Approved: _____
 Joseph E. Gray, Jr.
 Director of Planning and Urban Development

cc: Richard Knowland, Senior Planner
 Code Enforcement
 Steve Bushey, Development Review Coordinator

~~10,450~~
~~6,019~~
~~16,469~~

10,450
 6,019
 16,469

60,196
 6,019
 54,177

60,196
 6,019
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10,450
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 54,177

6,019
 60,196

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8 MISCELLANEOUS						
TOTAL:						
GRAND TOTAL:		\$ 27,190				\$ 49,006
		28,006				
		\$ 55,196				\$ 76,196
		+ 21,000				

INSPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
1. 1.7% of totals:			
2.			
3. Alternative Assessment			
4. Located by:	(name)	(name)	

Department of Planning and Urban Development
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

REVISED dw

Date 6/2/99

Name of Project DHS BUILDINGS

Address/Location 161 Marginal Way

Developer 161 Marginal Way, LLC

Form of Performance Guarantee _____

Type of Development: _____ Subdivision Site Plan (Major/Minor)

TO BE FILLED OUT BY APPLICANT:

ITEM	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
STREET SIDEWALK						
Road/PARKING	0			20,900 SF	\$1.30/SF	\$28,006
Granite Curbing (curb cuts)	2	22.00	7260			
Sidewalks	2607.66	18.00	46800			
Esplanades	0					
Monuments	0					
Street Lighting	0					
Other	0					
SANITARY SEWER						
Manholes	0					
Piping	0					
Connections New	1	800	800			
Other Discontinue/cap EXIST	2	500	1000			
STORM DRAINAGE						
Manholes	0					
Catchbasins	0					
Piping	0					
Detention Basin	0					
Other connection for New or cap/discontinue exist	3	500	1500			
SITE LIGHTING	0			5,000		
EROSION CONTROL	1	1500	1500			
RECREATION AND OPEN SPACE AMENITIES	0					

City of Portland Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 1-14-2000

To: STEVE BUJNOV

Company: _____

Fax #: 879-0896

From: RICK KNOWLTON

RE: ATTACHED IS A PERFORMANCE GUARANTEE

REQUEST RECOVERY FOR THE D.I.S. SITE. PLEASE

CALL ME ON THU

THANK,

RK

YOU SHOULD RECEIVE 2 PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 OR 207-874-8719.

Department of Planning and Urban Development
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

2ND REVISED dw

Date 6/2/99

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Developer 161 Marginal Way, LLC

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Road/PARKING	0			20,900 SF	\$1.34/SF	\$28,006
Granite Curbing (curbside)	2	22.00	72.00			
Sidewalks	2407.16	18.00	4680			
Esplanades	0					
Monuments	0					
Street Lighting	0					
Other	0					
SANITARY SEWER						
Manholes	0					
Piping	0					
Connections New	1	500	500			
Other Discontinues/ cap	2	500	1000			
Storm Drainage						
Manholes	0					
Catchbasins	0					
Piping	0					
Detention Basin	0					
Other connection for	3	500	1500			
New or cap / discontinues cap						
SITE LIGHTING	0					2,000
EROSION CONTROL	1	1500	1500			
RECREATION AND OPEN SPACE AMENITIES	0					

Uplight/Downlight with Minimal Light Trespass

SUNDOWNER™ 19

Sundowner offers light sculpturing and indirect lighting with controls that dramatizes walls, ceilings and surfaces with unparalleled uniformity... both indoor and outdoor.

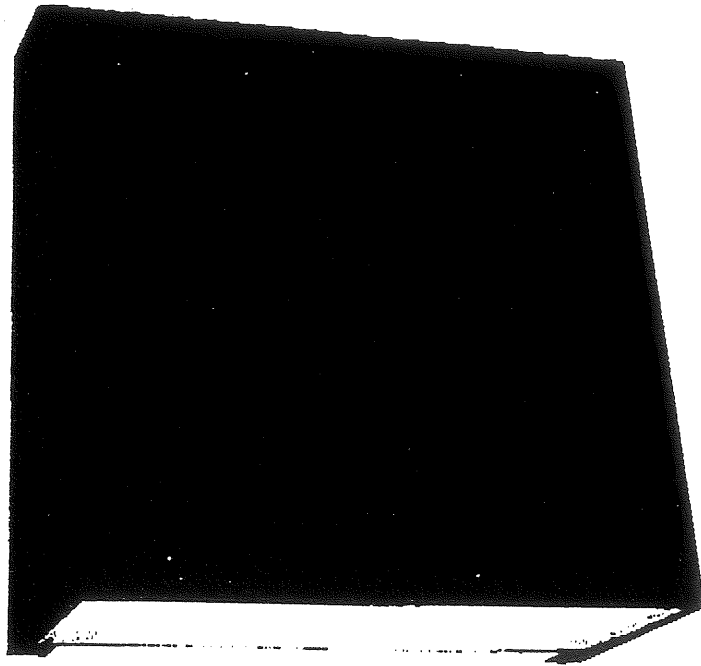
Available in watt-ages from 150-400 watt, Sundowner's vertical lamp position and optical system develops a sharp 85-degree light cutoff and uniform light distribution that is unique for uplight applications.

Ideal for lighting exterior walls, soffits and overhangs, tunnels, walkways, garages, stepwells and canopies.

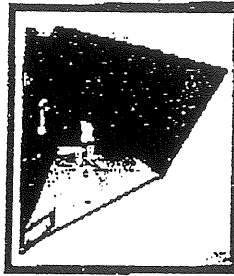
Indoor applications include shopping malls, auditoriums and convention centers. Double-up Sundowner units to create an uplight/downlight combination that is architecturally arresting.

The corrosion resistant canopy is sealed to the mounting plate, and the tempered diffused glass lens is silicone sealed in fixture canopy to prevent water and minimize insect infiltration. Units are Listed for Damp Locations for uplighting.

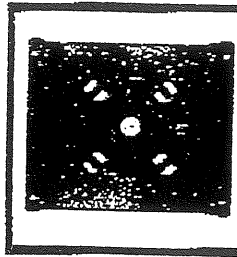
Sundowner - Another unique lighting tool for conquering demanding lighting requirements from Guth.



Canopy hinges for lamp or electrical maintenance and easily removes from backplate.



One-man hanging of SND 19 with adjustable mounting and leveling plate for conventional junction box.



Fixture canopy seals to backplate with quality silicone gasketing.



Diffusing glass lens is silicone sealed in canopy to resist moisture and insect infiltration.



Specifications/Features

GENERAL

- Sharp cutoff, wall mounted HID luminaire suitable for low glare applications and light trespass code compliance.
- Utilizes Metal Halide and High Pressure Sodium HID lamps up to 400W for best design options available.
- Wet location applications.
- Uplight mounting available. (Damp Location)

CONSTRUCTION

- Corrosion resistant .06" low copper content aluminum canopy and .09" back plate finished in baked bronze polyester powder coat.
- Easy one man installation with quick leveling, gasketed 18 ga 304 stainless steel mounting bracket; has extra holes for additional wall anchors; fixture simply attaches to 4 threaded studs on mounting plate.
- Canopy hinged and easily removable from back plate; enhances ease of installation.
- Prop rod included to hold fixture open and free hands for lamp replacement and maintenance.
- Specular aluminum reflectors produce front cutoff at 85 degree and S/MH 2 75:1.

- Canopy sealed to back plate with extruded, high temperature, silicone gasket.
- Corrosion resistant stainless steel external hardware.
- 5/32" tempered diffused glass lens silicone sealed to prevent entrance of water, and minimize insect infiltration.
- Canopy secured by two captive stainless steel screws; optional tamper resistant screws.

LISTINGS

- Listed 1572 Wet location for downlight and damp location for uplight versions.

ELECTRICAL

- Standard ballasts are 120V, HPF, maximum 400W mogul base HID lamp in vertical position.
- Ballast mounted to backplate with stake-in screws for positive grounding and secure mounting.
- Ground wire attached to backplate for positive grounding and quick installation.
- Optional button type photocell mounts in top of housing.
- All fixtures are IBEW, Union made to ensure quality.

GUTH
LIGHTING

Uplight/Downlight with Minimal Light Trespass

SUNDOWNER™ 19

Sundowner offers light sculpturing and indirect lighting with controls that dramatizes walls, ceilings and surfaces with unparalleled uniformity... both indoor and outdoor.

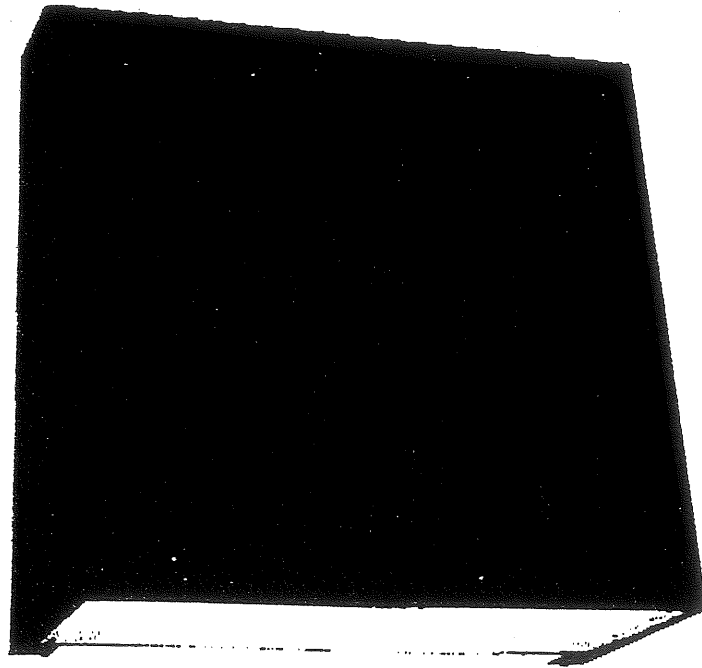
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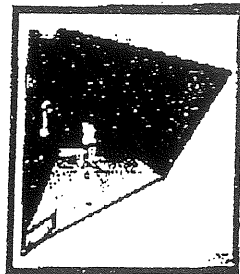
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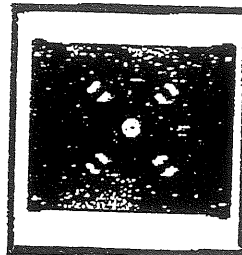
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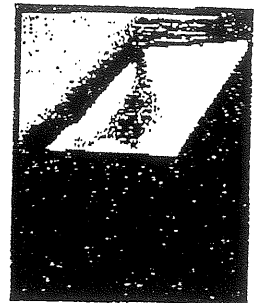
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GUTH
LIGHTING

DUPLICATE

GENERAL RECEIPT

CITY OF PORTLAND, MAINE

DEPARTMENT	DATE		
Planning	6-16-99		
RECEIVED FROM			
Allied Cook Const.			
ADDRESS			
PO Box 1396			
Portland ME 04104			
UNIT	ITEM	REVENUE CODE	DOLLAR AMOUNT
	Inspection fee		118.00
	CK. 6749		
	\$768.00 - Planning		
	\$350.00 - PLO		
	Engineer fee		739.90
	CK. 6748		
	\$459.96 - Planning		
	\$280.00 - PLO		
	TOTAL		1857.90

CASH CHECK OTHER
 RE: 101 New Way
 Sub# 10198016
 RECEIVED BY: J. DRE

GBE INFORMATION SYSTEMS Box 878 Portland, ME 04104 (603) 771-1482
Commercial Printing • Business Forms • Addressing Specialties • Labels 200747-EP

ALLIED/COOK CONSTRUCTION

P.O. Box 1396
Portland, ME 04104

Gorham Savings Bank
Gorham, Maine

52-7457
2112

006748

Pay: Seven hundred thirty-nine dollars and ninety cents

DATE: June 4, 1999 CHECK NO.: 6748 AMOUNT: \$****739.90

City of Portland

PAY TO THE ORDER OF

⑈006748⑈ ⑆211274573⑆ 604 0003672⑈

ALLIED/COOK CONSTRUCTION

P.O. Box 1396
Portland, ME 04104

Gorham Savings Bank
Gorham, Maine

52-7457
2112

006749

Pay: One thousand one hundred eighteen dollars and no. cents

DATE: June 4, 1999 CHECK NO.: 6749 AMOUNT: \$1,118.00

City of Portland

PAY TO THE ORDER OF

⑈006749⑈ ⑆211274573⑆ 604 0003672⑈

Engineer Review and Site Inspection Fee Invoice Worksheet

Address: 161 Marginal Way..... Proposed DHS Building..... DATE: 9/16/98

Engineering Review

To be filled out by Development Review Coordinator and Public Works at time of application.

Planning

of Hours Estimated: (Private Improvements)

Field Work _____
 Memos/Corresp. _____
3.0

Review/Analysis _____

Meetings/phone calls _____

Total Hours _____ at _____ per hour

Review Fee (Private): \$ 459.90

 Development Review Coordinator Signature

Public Works

of Hours Estimated: (Public Improvements)

Field Work _____ 1.0
 Memos/Corresp. _____

Review/Analysis _____ 3.0

Meetings/phone calls _____ 1.0

Total Hours 8.0 at \$35 per hour

Review Fee (Public): \$ \$280

 Public Works Engineer Signature

Site Inspection

To be filled out by DRC and Public Works at time of Performance Guarantee approval.

Planning

____ Accept 1.7% of Private Improvements P.G.
 \$ _____ (dollar amount)
 (dollar amount)

of Hours Estimated:

Field Work _____

Memos/Corresp. _____

Review/Analysis _____

Meetings/phone calls _____

Total Hours _____ at _____ per hour

Alternate Inspection Fee (Private): \$ 768

 Development Review Coordinator Signature

Public Works

____ Accept 1.7% of Private Improvements P.G.
 \$ _____

of Hours Estimated:

Field Work _____ 8.0

Memos/Corresp. _____ 1.0

Review/Analysis _____

Meetings/phone calls _____ 1.0

Total Hours 10.0 at \$35 per hour

Alternate Inspection Fee (Public): \$ \$350

 Public Works Engineer Signature

□

DATE	INVOICE NO.	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
June 4, 1999	060499	Inspection Fee <i>DHS</i>	\$1,118.00		\$1,118.00
CHECK DATE	060499	CHECK NUMBER	6749	TOTALS	\$1,118.00
				\$1,118.00	\$1,118.00

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

ALLIED/COOK
CONSTRUCTION

P.O. Box 1396
 Portland, ME 04104

Gorham Savings Bank
 Gorham, Maine 52-7457
2112

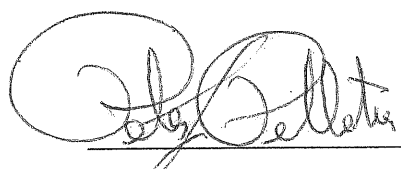
006749

Pay: One thousand one hundred eighteen dollars and no cents

DATE: June 4, 1999
 CHECK NO.: 6749*****
 AMOUNT: \$1,118.00

PAY
 TO THE
 ORDER
 OF

City of Portland



⑈006749⑈ ⑆211274573⑆ 604 0003672⑈

ALLIED/COOK CONSTRUCTION CORP.
P.O. Box 1396
PORTLAND, MAINE 04104

LETTER OF TRANSMITTAL

(207) 772-2888

DATE 6/7/99 JOB NO. 99022
ATTENTION BILL KLOWLAND
RE: DHS

TO CITY OF PORTLAND

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
1			SITE IMPROVEMENT BOUND
1			CHECK # 006743 - ENGINEER REVIEW FEE
1			CHECK # 006749 - INSPECTION FEE

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 _____
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO _____

SIGNED: Robert Van Luling

DATE	INVOICE NO.	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
June 4, 1999	060499	Engineer Review Fee - DHS	\$739.90		\$739.90
CHECK DATE	060499	CHECK NUMBER	6748	TOTALS	\$739.90
					\$739.90

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

ALLIED/COOK

CONSTRUCTION

P.O. Box 1396
Portland, ME 04104

Gorham Savings Bank
Gorham, Maine

52-7457
2112

006748

Pay: Seven hundred thirty-nine dollars and ninety cents

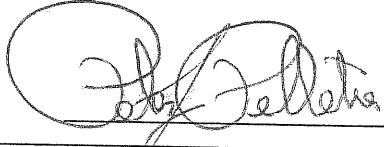
DATE
June 4, 1999

CHECK NO.
6748

AMOUNT
\$****739.90

PAY
TO THE
ORDER
OF

City of Portland



⑈006748⑈ ⑆211274573⑆ 604 0003672⑈

City of Portland Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 6-4-99

To: PETER QUIGADA

From: R. KNOWLAND

Fax: 772-9078

Re: PETOR - THIS IS A SAMPLE BOND. IF THE
BOND COMPANY HAS ANY QUESTIONS ON THIS,
THEY CAN
CALL PENNY LITTEL, ASOC, CORPORATION
COUNSEL.

RLK

YOU SHOULD RECEIVE 2 PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 or 207-874-8719.

[Bonding Company Letterhead]

BOND NO. _____

KNOW ALL MEN BY THESE PRESENTS, That we, [Insert Name], as Principal, and [Insert Name], a corporation organized under the laws of the State of Connecticut and duly authorized to transact business in the State of Maine, as Surety, are held and firmly bound unto

THE CITY OF PORTLAND, MAINE

as Obligee, in the sum of _____ Dollars (\$ _____) for the payment whereof well and truly made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, in conjunction with the development of [Insert site and/or project name] said Principal shall make, and ensure the fulfillment of, all site improvements required by Section 14-499 as well as the requirements of Article III of Chapter 25 of the City of Portland Land Use Code.

NOW, THEREFORE, the condition of the foregoing obligation is such that if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of the Principal's failure to fulfill all improvements as required by Section 14-499 and Article III of Chapter 25 of the City of Portland Land Use Code, then this obligation shall be void, otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this _____ day of _____, 1998.

[NAME OF PRINCIPAL]

By: _____

[NAME OF SURETY]

By: _____

Facsimile Cover Sheet

To: RICK KNOWLAND

Company: PORTLAND

Phone: _____

Fax: 756-8258

From: Jan W

Company: DeLuca-Hoffman Associates, Inc.
Phone: (207) 775-1121
Fax: (207) 879-0896

Date: June 4/99

Pages including this cover page: 3

Comments: _____

City of Portland Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 6-4-99

To: BRUCE KISTLER

From: RICK KNOWLAND

Fax: 772-9078

Re: BWCG-AJ REQUESTED ATTACHED IS ANOTHER
COPY OF THE PERFORMANCE GUARANTEE FORM,
RIK

YOU SHOULD RECEIVE 10 PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 or 207-874-8719.

City of Portland Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 6-4-99

To: POST ON BOB

From: RICK KNOWLTON 874-8725

Fax: 885-5135

Re: SAMPLE FOR BOND, IF THE BOND COMPANY
HAS A SPECIFIC QUESTION ON GLEMENTY
WE ARE LOOKING FOR ON THE FIRM, THEY
CAN CALL PENNY LITTLE AT 874-8430

YOU SHOULD RECEIVE 2 PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 or 207-874-8719.



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Duane Kline, Finance Department

FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

DATE: January 18, 2000

SUBJECT: Request for Reduction in Performance Guarantee
DHS Office Building, 161 Marginal Way

A request by Peter Quesada has been received for a reduction of performance guarantee amount.

Original Amount	\$60,196
Reduction Approved	<u>\$43,727</u>
Remaining Amount	\$16,469

Approved: _____
Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Richard Knowland, Senior Planner
Code Enforcement
Steve Bushey, Development Review Coordinator

778 Main Street
Suite 8
South Portland, Maine 04106
Phone: (207) 775-1121
Fax: (207) 879-0896

DeLuca-Hoffman Associates, Inc.

FAX

To: RICK KNOWLAND

From: Jim W

Fax: 756-8258

Date: 6/4/99

Phone: _____

Pages (incl. cover): 3

Re: _____

Urgent

For Review

Please Comment

Please Reply

Please Recycle

Comments: _____

RICK

THIS ESTIMATE INCLUDES LIGHTING

Jim W,

[Bonding Company Letterhead]

BOND NO. _____

KNOW ALL MEN BY THESE PRESENTS, That we, [Insert Name], as Principal, and [Insert Name], a corporation organized under the laws of the State of Connecticut and duly authorized to transact business in the State of Maine, as Surety, are held and firmly bound unto

THE CITY OF PORTLAND, MAINE

as Obligee, in the sum of _____ Dollars (\$ _____) for the payment whereof well and truly made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, in conjunction with the development of [Insert site and/or project name] said Principal shall make, and ensure the fulfillment of, all site improvements required by Section 14-499 as well as the requirements of Article III of Chapter 25 of the City or Portland Land Use Code.

NOW, THEREFORE, the condition of the foregoing obligation is such that if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of the Principal's failure to fulfill all improvements as required by Section 14-499 and Article III of Chapter 25 of the City of Portland Land Use Code, then this obligation shall be void, otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this _____ day of _____, 1998.

[NAME OF PRINCIPAL]

By: _____

[NAME OF SURETY]

By: _____

Acadia Insurance

BOND NUMBER: BSA0503267

KNOW ALL MEN BY THESE PRESENTS, that we ALLIED/COOK CONSTRUCTION CORP., PO BOX 1396, PORTLAND, MAINE 04104, as Principal and ACADIA INSURANCE COMPANY, 174 SOUTH FREEPORT ROAD, SOUTH FREEPORT, MAINE 04078-0745, a corporation organized under the laws of the State of MAINE and duly authorized to transact business in the State of Maine, as Surety, are held and stand firmly bound unto

THE CITY OF PORTLAND, MAINE

as Obligee, in the sum of SIXTY THOUSAND, ONE HUNDRED NINETY-SIX AND 00/100 Dollars (\$60,196.00) for the payment whereof well and truly made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, in conjunction with the development of DEPARTMENT OF HUMAN SERVICES BUILDING, 161 MARGINAL WAY, PORTLAND, MAINE, said Principal shall make, and ensure the fulfillment of, all site improvements required by Section 14-499 as well as the requirements of Article III of Chapter 25 of the City of Portland Land Use Code.

NOW, THEREFORE, the condition of the foregoing obligation is such that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of the Principal's failure to fulfill all improvements as required by Section 14-499 and Article III of Chapter 25 of the City of Portland Land Use Code, then this obligation shall be null and void, otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this 4TH day of JUNE, 1999.

WITNESS:

[Signature]

[Signature]

ALLIED/COOK CONSTRUCTION CORP.,

BY

[Signature]

ACADIA INSURANCE COMPANY

BY

[Signature]
DAVID H. SKILLINGS, ATTORNEY-IN-FACT

LIMITED POWER OF ATTORNEY

POA #: 1771-3

Acadia Insurance Company
Westbrook, Maine

WARNING: THIS POWER INVALID IF NOT PRINTED ON GREEN BACKGROUND WITH GREEN BORDER

KNOW ALL MEN BY THESE PRESENTS: that Acadia Insurance Company, a corporation organized under the laws of the State of Maine, having its principal office in the City of Westbrook, Maine (the "Company"), does hereby make, constitute and appoint each of

Sharon K. Martel, Robert E. Shaw, Jr. and David H. Skillings of South Freeport, Maine

individually, its true and lawful Attorney-in-Fact, with the power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf, as surety, any and all bonds, recognizances, stipulations, and suretyship undertakings and obligations of all kinds, excluding, however, any bonds or undertakings guaranteeing payment of loans, notes or other evidences of indebtedness or the interest thereon; provided, however, that the authority granted hereunder is expressly made subject to the following limitations:

Single Obligation Limit: Unlimited

Types of bonds, recognizances stipulations and undertakings excluded: None

Acadia Insurance Company further certifies that this Power of Attorney is granted and is executed and sealed under and by authority of the following resolutions adopted by the Board of Directors of Acadia Insurance Company at a meeting duly called and held on the 1st day of December 1993, to wit:

RESOLVED:

That any one of the president, executive vice president or vice president, underwriting may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds, stipulations, recognizances and suretyship undertakings and obligations of all kinds; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power of attorney previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED:

That any bond, recognizance, stipulation or suretyship undertaking or obligation shall be valid and binding upon the Company,

(i) when signed by any one of the president, executive vice president or vice president, underwriting and sealed with the Company seal; or

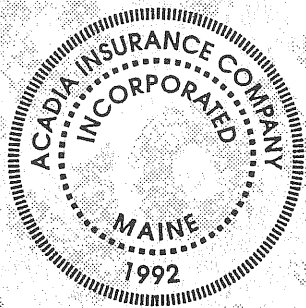
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons, a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company

RESOLVED:

That the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, Acadia Insurance Company has caused its corporate seal to be hereunto affixed and these presents to be duly executed by its duly authorized officer as of the 1st day of January, 1994.

Acadia Insurance Company



(Corporate Seal)
STATE OF MAINE
CUMBERLAND COUNTY

By Its Chairman and CEO

On this day, before the undersigned, a Notary Public in and for said District, personally appeared the above named officer of Acadia Insurance Company, to me personally known to be the individual and officer who executed the preceding instrument, and acknowledged the execution of said instrument to be the voluntary act and deed of the Acadia Insurance Company and his voluntary act and deed as an officer of said corporation, and that the seal of said corporation was affixed to said instrument by the authority and direction of the said corporation.

Witness my hand and my Notarial Seal at Westbrook, Maine, the day and year last written above.

(Notary Seal)
LINDA M. McDONALD
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JULY 14, 2004

Notary Public

CERTIFICATE

The undersigned, being the Attorney-in-Fact identified in the foregoing Limited Power of Attorney does hereby certify that the original Power of Attorney, of which the foregoing is a full, true and correct copy, is in full force and effect as of the date hereof.

In witness whereof, I have hereunto subscribed my name in such capacity this 4TH day of JUNE, 1999

Attorney-in-Fact

DAVID H. SKILLINGS

(Corporate Seal)



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Duane Kline, Finance Department

FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

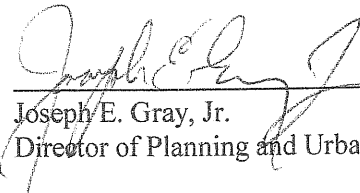
DATE: January 18, 2000

SUBJECT: Request for Reduction in Performance Guarantee
DHS Office Building, 161 Marginal Way

A request by Peter Quesada has been received for a reduction of performance guarantee amount.

Original Amount	\$60,196
Reduction Approved	<u>\$43,727</u>
Remaining Amount	\$16,469

Approved:



Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Richard Knowland, Senior Planner
Code Enforcement
Steve Bushey, Development Review Coordinator

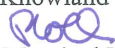
Fore River Company

5 Milk Street

P.O. Box 7525

Portland, ME 04112

(207) 772-6404

Memorandum for: Rick Knowland
From Peter W. Quesada 
Re: DHS Building, 161 Marginal Way
January 27, 2000

Thanks for your letter dated January 21, 2000 confirming a reduction in the site plan performance guarantee, with the remaining balance held until thawed ground and snow removal allow work to be completed in the spring of 2000. You correctly assume that this work will consist of both landscaping and timber placement.

Let me know if you or anyone on Planning staff wants a tour of the building before DHS' term starts.



CITY OF PORTLAND

January 21, 2000

Peter Quesada
161 Marginal Way LLC
P.O. Box 7525
Portland ME 04112

RE: DHS Building, 161 Marginal Way

Dear Peter:

Per your letter of January 13th, we have requested the Finance Department to authorize a reduction in the DHS building site plan performance guarantee. The recommended reduction is \$43,727 leaving a balance of \$16,469 for the performance guarantee.

We were not able to reduce the performance guarantee to the amount you requested because the landscaping has not been installed yet (a \$10,450 item.) Also, we retain 10% of the total amount of the performance guarantee until a defect guarantee has been posted. I am assuming that the spiked timbers are scheduled to be installed along the westerly perimeter of the parking lot.

Should you have any questions on this letter, please call me.

Sincerely,

✓ Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Steve Bushey, Development Review Coordinator

O:\PLANDEVREV\MARG161\LETTERS\QUESADA.JMD



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Duane Kline, Finance Department

FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

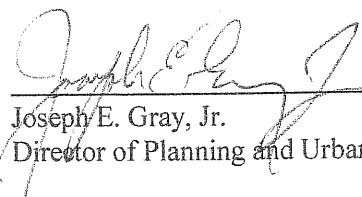
DATE: January 18, 2000

SUBJECT: Request for Reduction in Performance Guarantee
DHS Office Building, 161 Marginal Way

A request by Peter Quesada has been received for a reduction of performance guarantee amount.

Original Amount	\$60,196
Reduction Approved	<u>\$43,727</u>
Remaining Amount	\$16,469

Approved:



Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Richard Knowland, Senior Planner
Code Enforcement
Steve Bushey, Development Review Coordinator

STORMWATER RUNOFF EVALUATION

161 Marginal Way, LLC
Portland, Maine

General

The following stormwater evaluation has been prepared for 161 Marginal Way, LLC to analyze stormwater runoff associated with the proposed parking lot expansion located at 161 Marginal Way in Portland, Maine. This location is occupied by the Department of Human Services which was built and permitted in 1999.

161 Marginal Way, LLC is proposing a 27,000 square foot parking lot expansion for the Department of Human Services. Associated site work will include some minor reconfiguration of the existing parking lot.

Stormwater Management

The proposed plan is to utilize the existing drainage system which consists of a series of catch basins connected to a stormwater treatment tank. There will be a modest change in peak stormwater runoff from this site with the proposed parking lot addition. This is attributed to the limited capacity of the existing stormwater treatment tank (Downstream Defender) installed in 1999 and existing conditions downstream. The original tank has an 8.0 cfs capacity with a head loss of 16". The new 10-year design flow is 9.55 cfs. To determine if the original tank could handle the new design flow, we met with the manufacturer's representative. He indicated that the treatment tank would continue to function as designed, but with an increase in head loss. An increase in head loss will not present any predictable problem with this site. There are no foundation drains connected to this system and, if flooding does occur, it would be limited to the parking area around three catch basins. Although there would be an increase in head loss, the downstream conditions would be more of a restriction.

The existing stormdrain outlet is only 12" with limited capacity, which is also subject to backwater from the drainage system in Marginal Way. The Marginal Way drainage is controlled by the elevation of the tides in Back Cove. The City Engineering Department reported minor flooding during peak tides and storm events. It is not anticipated that this project will have an adverse affect on the downstream receiving area. To achieve water quality, the 6' diameter Downstream Defender treatment tank will continue to function as before.

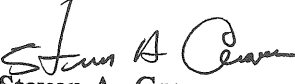
PRELIMINARY

Summary

The preceding stormwater evaluation has been prepared to address stormwater runoff for the proposed Department of Human Services building. Principal stormwater features include catch basins and a water quality treatment system. After evaluating the existing system, we feel it is adequate to treat the additional runoff from this site. An erosion control plan has been made an integral part of the overall project, and specific instructions and details have been placed directly on the plans.

Prepared by,

SEBAGO TECHNICS, INC.


Steven A. Groves
Project Engineer

SAG:sag/jc
September 12, 2003

PRELIMINARY
Subject to Revision

SEBAGO TECHNICS, INC.

1 Chabot Street
P.O. Box 1339
WESTBROOK, MAINE 04098
(207) 856-0277 FAX (207) 856-2206

JOB 98430
SHEET NO. _____ OF _____
CALCULATED BY JAG DATE 9-11-03
CHECKED BY _____ DATE _____
SCALE _____

Existing Design Flows (10yr. Storm)

Rational Method CIA

$$C = 0.9 \text{ (Pavement)}$$

$$A = 1.75 \text{ ac}$$

$$i = 4.46 \text{ "/hr.}$$

$$(0.9)(1.75 \text{ ac})(4.46 \text{ "/hr.}) = 7.02 \text{ cfs}$$

Proposed Design Flows (10yr Storm)

$$C = 0.9 \text{ (Pavement)}$$

$$A = 2.38 \text{ ac}$$

$$i = 4.46 \text{ "/hr.}$$

$$(0.9)(2.38)(4.46 \text{ "/hr.}) = 9.55 \text{ cfs}$$

PROFESSIONAL
Subject to Revision

From: Rick Knowland
To: Lee Urban
Date: Wed, Jan 14, 2004 3:01 PM
Subject: Answers to questions

4. Post Taking

The taking left a building footprint of approximately 12,800 sq.ft. The development potential of the remaining parcel is a function of how much space is available on site for a building and parking.

The pre taking development was an 18,000 sq.ft. one-story retail/office building with 104 spaces. The parking space to building space ratio was 5.78 spaces per 1,000 sq.ft. of building space. We have used the same parking space ratio to calculate the net development potential of the parcel.

We have counted 79 parking spaces possible on the post taking parcel (30 spaces at 135 Marginal Way and 49 spaces between the Whole Grocer building and the taking.) Dividing 5.78 spaces into 79 spaces yields 13.666. This means a 13,666 sq.ft. building can be accommodated at the 135 Marginal Way site with the taking. A building of this size can fit on the site by extending the earlier building foot print to the east about 10 feet. This is easily accomplished on the site because there is about 39 feet between the building line and the easterly property line.

This is a fairly conservative parking estimate. There may be more parking spaces that could be squeezed from the site which could increase the size of the building. These assumptions were for a one story building. If a two story building were proposed, the building floor area could be increased since more land area could be devoted to parking. Let me know if you would like that calculated.


5. Present Development Proposal

Five Liver is proposing an 18,000 sq.ft. two-story building. The second floor will be office, the first floor will be retail or office. We have heard that a portion of the building will have medical offices. There is a covered drop-off area on the side of the building presumably for medical clients.

94 parking spaces are proposed. The parking is located to the side and rear of the building unlike the earlier proposal that had parking in front and to the side.

The building is constructed of brick with concrete masonry unit trim.

CC: Alex Jaegerman

Memorandum for: Rick Knowland
From: Peter W Quesada 
Re: Five Liver Co (135 Marginal Way)—Amended Site Plan Application
November 21, 2003

Enclosed are nine copies of our Amended Site Plan Application for Five Liver Company's property at 135 Marginal Way. These final documents, in conjunction with previously submitted materials, address your concerns raised in your email to us dated October 8 (copy below). My notes to your numbered comments are shown underlined.

-----Original Message-----

From: Rick Knowland [mailto:RWK@ci.portland.me.us]
Sent: Wednesday, October 08, 2003 3:33 PM
To: Peter Quesada
Cc: Idu@ci.portland.me.us
Subject: 135 Marginal Way

This email outlines staff comments to date on the site plan submitted for 135 Marginal Way. I am looking forward to meeting with you this Friday at 9:00 to review the comments and the site plan. Many of these are technical issues that resolve themselves as the plan becomes more detailed.

1. Exterior light fixture and catalog cut needed. Height of pole needed. A photometric plan overlay of the site plan needed. Previously submitted by us.
2. Submit final stamped or signed survey. As discussed, you will rely on the stamped survey submitted by Sebago Technics with the previously approved Amended Site Plan Application of our affiliate, 161 Marginal Way LLC, which shows the property boundaries for Five Liver's property.
3. Additional street trees needed along Marginal Way esplanade staggered as in front of DHS property. Shown on the enclosed landscape plan.
4. Show detail of enclosure for dumpster and mechanical unit. Shown on the enclosed "Details 11/21/03" sheet.
5. Concrete sidewalk needed along Marginal Way.. Shown on the enclosed Site and Utilities Plan; also see construction details on "Details 11/21/03" sheet.
6. Can't remember, did you do a traffic study before? Copy of previous traffic study enclosed.
7. Building looks great.
8. Is signage proposed? See proposed signage plan on elevations, attached.

Engineering

1. Stormwater...Where does stormwater discharge to? Amount of runoff and capacity of existing drains? Capacity of drains? Need treatment tank details. All connections on Marginal Way; no changes in discharge from previously approved Site Plan Application; See attached memo from Sebago Technics

2. Grading Plan...Show parking lot grades. Also spot grades at entrance and building footprint. See attached plan from Sebago Technics. This plan is not for construction; we expect to consult with the City after receiving approval of our application to make sure that our grades and the proposed grades for Chestnut Street and sidewalks marry correctly.

3. Utilities...Capacity letters needed. Basements[easements?] from abutting properties. Roof drains-internal? We re projecting no change in utility requirements from the original application for which capacity letters were submitted. See the Amended Site Plan of 161 Marginal Way LLC dated 6/27/03 from Sebago Technics, for proposed circulation and drainage easements. The closing scheduled among the City, 161 Marginal Way LLC (GE as lender), and Five Liver Company will specify cross easements for vehicular circulation to the various curb cuts, and across internal travel lanes to access parking; DHS has signed off on circulation plans, but GE has not, and as you know, we have decided as a tactical matter not to present these cross easements to GE as a "done deal." but as a proposal for their acceptance; we suggest you make appropriate access easements a condition of approval, to keep us all from getting ahead of GE. The attached plan also shows proposed drainage easements to Five Liver Company. We are currently proposing internal roof drains.

4. Layout... Drop off entrance looks like tight turning radius (on Marginal way side). Difficult to access. Explain how it works. We are told this works; circulation at entrance is counter-clockwise (passenger drop-off at door). The drawing lines (utility entrances) around parking facing Marginal Way make the parking spaces appear longer than they are; the turn around area farthest from Marginal Way (pulling away after drop off, is bigger than it needs to be, but would have been uncomfortably tight if we had added another space. Essentially, the asymmetry between entering and exiting area artificially makes the entering area appear too small.

5. General...Snow storage/removal. Where? How? We will likely combine snow plowing and removal with the adjacent 161 Marginal Way property, to gain cost efficiency. As is the case with our other Marginal Way properties, we contract for snow hauling (removal) as needed. Snow would likely be plowed to SW corner of combined lot, but as is the case now, hauling occurs on the day of big storms before opening for business (or during the day if needed).

Limits of construction and how paving/islands will blend

——together from DHS project? During building construction, we expect all currently paved parking areas to remain unencumbered (dirt area is enough for construction staging, and construction fencing will be at edge of dirt areas, with temporary access from Marginal Way). All but one of the 161 MW islands are now in place for the reconfigured DHS lot; the Five Liver islands shown on the attached Site and Utilities Plan marry to the new DHS configuration. The property boundary on the attached Site and Utilities Plan show how spaces will be allocated between 161 MW (DHS) and Five Liver.

6. Public Works (right-of-way)

Granite radii on entrances

Handicap ramps/tipdowns at entrances.); . See the Amended Site Plan of 161 Marginal Way LLC, dated 6/27/03 from Sebago Technics, for relocated Marginal Way curb cut with tip downs; as contemplated in the P&S relating to all these land swaps, the City will be responsible for the curb cut onto Chestnut Street and the Chestnut Street tip downs and sidewalks. Also see enclosed "Details 11/21/03" for curb, sidewalk and tipdown details. As noted above, Five Liver and the City will need to coordinate grades before construction commences.

From: William Clark
To: Donna Katsiaticas
Date: February 4, 2004 1:54:34 PM
Subject: Chestnut Street Extension - Request for All Documents

Donna,

I have finished copying and printing documents that I have that may relate to the proposed extension of Chestnut Street from the Rail Yard to Marginal Way.

I will deliver them to your office this afternoon.

This information does not include miscellaneous data regarding the survey of the Rail Yard by OEST Associates. Some OEST Associates plan copies are included as they were tied into my Chestnut Street Survey. I can copy that info for you if you wish.

The Information I will send you is as follows:

1. WBC computer files given to Sebago Technics 1 02 2003.
I plotted CAD (Computer Aided Design/Drafting) drawings given to them as well as survey coordinates used for my Chestnut Street Extension Survey and the OEST Associates Rail Yard Survey.
The CAD drawings have "plot stamps" along the edge indicating what the plot file is.
The deed descriptions are printed out with a header added to indicate the file name and location on my computer.
The originals are saved without my headers added. I can supply them in digital form if you wish.
2. WBC computer files from 8 11 2003
I plotted a CAD drawing and printed deed descriptions by Sebago Technics for our review.
The CAD drawings have "plot stamps" along the edge indicating what the plot file is.
The deed descriptions are printed out with a header added to indicate the file name and location on my computer.
The originals are saved without my headers added. I can supply them in digital form if you wish.
3. WBC computer files from 8 13 2003
I plotted CAD drawings and revised deed descriptions by Sebago Technics for additional review.
The CAD drawings have "plot stamps" along the edge indicating what the plot file is.
The deed descriptions are printed out with a header added to indicate the file name and location on my computer.
The originals are saved without my headers added. I can supply them in digital form if you wish.
4. WBC computer file from 11 14 2003
I plotted a CAD drawing and printed an email sent by David St.Clair. Final deed descriptions were not sent to me.
The CAD drawing has a "plot stamp" along the edge indicating what the plot file is.
5. DPW Engineering Vault Plan 878/17. Copy of the Rail Yard by OEST Associates, revision C, dated 8-28-02.
6. Copies of misc Cumberland County Registry Research deeds and sketches.
7. Copies of misc email printouts, plan transmittal cover sheets, and misc notes.
8. Email printouts from my Bayside Archive Email Folder
9. Copy of deed description dated 7 01 2002 for proposed land to obtain from 5 Liver Company based on my survey, with associated email.

10. 12 Page FAX dated 3 20 2002 from Sara Sewell to me with City Council Order, and descriptions of land to be taken.
11. 3 Page FAX dated 10 25 2001 from Rick Knowland to me including the survey description of Chestnut Street to be taken northerly of the Rail Yard, and email dated 10 26 2001 from me to Rick stating that I had checked it.
12. Copy of survey field notes given to Bruce Marquis of Sebago Technics on 1 17 2003.
13. 2 Sheets of 11 x 17 Survey worksheet plots dated 2 27 2003 by me (from City Survey) calculating area of land to be taken for the extension of Chestnut Street.
14. DPW Survey plan titled "Survey Plan of the Extension of Chestnut Street - Somerset Street to Marginal Way " signed by the City Engineer, Eric Labelle, Revision 1 dated August 8, 2001. DPW Vault Plan # 920/13. This is the survey plan I prepared, but had not been revised to reflect exact areas to be taken from 161 Marginal Way and 5 Liver Company.
15. OEST Associates Rail Yard Survey Plan revision B dated 7 22 2002. This was superseded by Revision C dated 8 28 2002. This is a copy of the plan in my file I used to check the OEST Associated plan.
16. DPW Survey plan titled "Survey Plan of the Extension of Chestnut Street - Somerset Street to Marginal Way " signed by the City Engineer, Eric Labelle, Revision 1 dated August 8, 2001. DPW Vault Plan # 920/13. This is the survey plan I prepared, but had not been revised to reflect exact areas to be taken from 161 Marginal Way and 5 Liver Company. This was in my file and had hand-written notes on it indicating the bearings and distances needed to prepare the deed descriptions for individual parcels to be taken for Chestnut Street Extension.
17. Copy of Survey Field notes in DPW Transit Book 134 for the Bayside Survey including the Chestnut Street survey by DPW in 2001.
18. Engineering Worksheet Summary by WBC 6 07 2002 to 6 12 2002 indicating what survey points were used for the Bayside 2002 and Chestnut Street 2001 surveys.
19. Engineering Worksheet Summary Sketches of Survey Control Traverse for Bayside dated 4 01 2002 and the Least Squares Adjustment of the Control Traverse tied into the DPW Engineering Survey Control Network. The Least Squares Adjustment was using the CMM Least Squares Adjustment Program developed by the University of Maine. The DPW Engineering Control Network is tied into the Maine State Plane Coordinate System and allows us to insert/overlay digital images from Aerial Photography into our CAD drawings.
20. Benchmark Survey Program printout used to check the input of the survey data from the Survey Field Notes. dated 4 02 2002.
21. DPW Engineering Vault Plan 594/13 of the Peninsula and City Streets showing a summary of survey control traverse points in the Bayside Area.

Please feel free to contact me if you need any other information.

Bill Clark
Senior Surveyor
DPW Engineering

CC: Eric Labelle; William Scott

FROM : WRIGHT-RYAN CONSTRUCTION

PHONE NO. : 2077735173

Oct. 15 2004 01:26PM P1



Wright-Ryan Construction Inc

Transmittal No: 00128



TO: Five Liver Company

FROM: Pat Richter

ATTN: Bruce Kistler

DATE: 10/15/2004

FAX: 772-9078

REF:

SUBJECT: Multi-Tenant Office Building

If you have problems receiving this transmittal, please call us immediately at (207) 773-3625



Here are the unit pricies for the water and storm sewer work:

Water pipe - \$88.00/lf

Storm Sewer pipe - \$73.00/lf

Catch basins - \$2978.00/ea

Let me know if there is any other information required.

Thanks, Pat

CC: Rodney Boyington

10 Danforth Street Portland, ME 04101 Phone: 207-773-3625 Fax: 207-773-5173

Phone: (207) 772-6404 **FORE RIVER COMPANY** Fax: (207) 772-9078
P.O. Box 7525, Portland, ME 04112

TO: Rick Knowland, Planning
FAX NO.: 756-8258
FROM: Bruce Kistner
DATE: 10/15/04
OF PAGES: 2 (Including This Page)

REMARKS:

RE: 135 Marginal Way / Chestnut St Unit Prices.

Hi Rick,

Attached are the unit prices I received from the Granel Contractor, Wright-Ryan. Please call me with questions or if you need additional information.

Sincerely,

Bruce Kistner

772-8286 x 207

Original to Follow Via:

- Regular Mail
- Overnight Delivery
- Hand Delivery
- Other

Original Will Not Follow

City of Portland
Department of Planning and Development
Planning Division

389 Congress Street, 4th Floor
Portland ME 04101
(207) 874-8721 or (207) 874-8719
Fax: (207) 756-8258



FAX

To: ERIC LABELLG

Company: _____

Fax #: 874-8852

Date: OCT 15, 2014

From: RICK KNOWLAND

You should receive 3 page(s) including this cover sheet.

Comments:

ERIC - THIS JUST CAME IN FROM BRUCE KINTLER.
A PARTIAL ESTIMATE.

RK

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

July 6, 2004

Mr. Peter Quesada
Five Liver Company
P. O. Box 7525
Portland, ME 04112
Dear Peter:

In reviewing the revised site plan and building elevations for 135 Marginal Way, we have a few comments and suggestions that we hope you will consider prior to our approving the revised plan.

The original façade along Marginal Way had large windows and awnings, which presented an appropriate pedestrian scale and retail, feel to the first floor. While we understand that your ground floor use is apparently a medical office, it would be helpful if your architect could explore some minor tweaking to the building that could provide more of a building face on Marginal Way.

If the awning or retail windows cannot be re-introduced into the building façade, could you explore the possibility of introducing a Marginal Way side door for the stair tower? In studying the elevations and floor plans, I wonder if the stair/entry arrangement could be reversed with the entry on the Marginal Way side, and the stairs to the left as you enter. It would certainly make the building façade appear more oriented toward Marginal Way and contribute towards a more pedestrian friendly environment along Marginal Way.

On the Chestnut and Marginal Way facades, there appear to be utility structures on the building. These should be relocated to less prominent facades or screened from view.

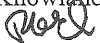
These are our comments. We would like to discuss these issues with you or your architect at your earliest opportunity. It might be possible to fashion a condition of approval to expedite the review while these issues are being addressed.

We are looking forward to seeing your new building sprout up on Marginal Way as progress continues in Bayside. Meanwhile, we look forward to hearing from you.

Sincerely,

Alexander Jaegerman
Planning Division Director

cc: Lee Urban, Planning and Development Director
Rick Knowland, Senior Planner

Memorandum for: Rick Knowland
From: Peter W Quesada 
Re: Five Liver Co (135 Marginal Way)—Amended Site Plan Application
December 18, 2003

This memo responds to your list of 11 comments or notes which you, Lee and I reviewed in Lee's office last Friday, relating to our Site Plan Amendment for 135 Marginal Way. My responses follow the numbering of your listed notes, and picks up a few additional items we discussed which were not in your notes.

1. We will consecutively number the submitted drawings.
2. The piping and drain lines which traversed the 135 Marginal Way property prior to our commencement of construction under the original Site Plan approval were removed during the period of construction which preceded the City's condemnation and halt of construction.
3. Currently there is a 6" and a 2" service, both of which served the previous building at 161 Marginal Way; we plan to reuse both services for this building; Sebago Technics got this wrong; Sheet #1 now shows the correct locations and lines.
4. Drainage calculations for this project from Sebago Technics are attached. They are insignificantly different from the original site plan application.
5. Sheet #1 now shows the limit of proposed excavation in the street for curbs, sanitary sewer and storm sewer. There are no existing sidewalks and a few discontinuous pieces of curbing along Marginal Way—nothing there to save or disturb.
6. The 161 Marginal Way Site Plan amendment shows reciprocal easements relating to both the 161 and the 135 Marginal Way properties (Easement Exhibit by Sebago Technics, dated June 27, '03). We intend that 135 Marginal Way be obligated to do its part to put into effect the easement regime specified in the 161 Marginal Way Site Plan Amendment. One of your suggested alternative designs for the parking lot on the west side of Chestnut Street involved relocating a curb on the east side of Chestnut Street (into the 135 and 161 Marginal Way properties). Any such change would presumably require further amendment to the 161 Site Plan Application, and a relocation of reciprocal easements. We therefore suggest that the 135 Site Plan approval be conditioned on implementation of an easement regime consistent with the approved easements for the 161 site (whatever they may finally be). We would be happy to attach a copy of the existing easement plan to our submission package; let us know.
7. The sidewalks in front of the DHS building are concrete and 5 feet wide. We propose continuing with the same sidewalk on this adjacent parcel. Suddenly switching to 10' sidewalks makes no sense to us.
8. As discussed, we do not believe it is necessary to require internal signage for this Site Plan Amendment, since none was required for the 161 Site Plan Amendment. When these two properties are in operation, and once we know the design of Chestnut Street, which will have an impact on traffic flow, internal signage at 135 and/or 161 Marginal Way may well be appropriate. We ask that you trust us to do it appropriately at the right time.
9. Attached is a photometrics plan which we believe is appropriate for the both the 135 and the 161 Marginal Way sites. We also look forward to discussions with the City about ways we might modify our lighting plan after approval of the Site Plan Amendment, if appropriate, in response to the City's Chestnut Street design, which we understand may be ready early in the New Year. Within reason, we prefer less light to more; 60% of Americans can no longer see the Milky Way.
10. I enclose a copy of the traffic impact letter dated September 15, 2000, in connection with the previously approved Site Plan Application for a similar sized retail building to the office building now proposed in the Site Plan Amendment. We believe that the most likely use of the currently proposed building will be as medical office, with a slight chance of general office use; in either case, the building employees would likely be professionals with irregular schedules unlikely to generate the peak AM and PM traffic typical of office workers who have specific designated work hours. As to "customers," the retail building expected to have not only the Mailboxes Etc tenancy, but other similar tenancies (e.g., Haven's Candy), where this location was selected to take advantage of stop by business of office workers heading in and out of town. These sorts of business had considerable spikes early

and/or late. The medical businesses expected for the building has “customers” much more evenly spread out during the day, so the “peak” is expected to be considerably lower than was the case for a retail building. Also, the medical “customers” typically drop off precipitously before the afternoon peak, so the critical 4PM—6PM traffic from customers is expected to be vastly lower than would have been the case for the retail use proposed under the original Site Plan Application.

11. See the revised landscape plan, which shows more trees along Marginal Way. We propose to use the same trees, flowering pears, as are currently in front of 161 Marginal Way. We have also changed the planting around the dumpster to arbor vitae.

In addition to the numerated items in your memo, we also discussed ways we might make the design more pedestrian friendly. We understand that these are not “conditions of approval” but rather are ways that we can all take steps to make the area more attractive to walkers. Several ideas we discussed were a low pedestal sign on the opposite side of the sidewalk from Marginal Way from the building, at the ROW line, and some reference in the entrance canopy which makes it read as a pedestrian entrance from Marginal Way. I confirm that we are willing to discuss these and other possibilities, and that we understand that we will need Planning staff approval before implementing any such changes.

We await your final comments on layout of the parking area on the west side of proposed Chestnut Street to meet your requirements and those of the Whole Grocer. We will then submit final drawings incorporating the above. We appreciate your attention to this project and are pleased to be heading in the direction the Planning Board, you and we preferred at the time the original application was approved.

Enclosures

- Traffic impact letter
- Site plan (sheet #1)
- Landscaping plan (sheet #2)
- Photometrics Plan (sheet #6)
- Stormwater report

JOHN L. MURPHY, P.E.

ATTACHMENT D-1

Civil Engineer
Traffic Engineer

RR1, BOX 6300
WEST BALDWIN, MAINE 04091-9745
207-625-8222

September 15, 2000

Bruce Kistler
P.O. Box 7525
Portland, Maine 04112

Re: Five Liver Company project, 135 Marginal Way, Portland, Maine
traffic impact.

Dear Bruce:

I discussed the project with Larry Ash, City Traffic Engineer. Larry requested impact data in the form of trip generation/distribution. Therefore, based upon the 9/14/00 4 PM to 6 PM weekday peak period count, the Mailboxes Etc in the existing 5,860 square foot building has a peak hour between 4 PM and 5 PM of 32 trips with 10% oriented toward the east (Franklin Arterial) and 90% oriented westerly. This building is not fully occupied at the current time.

Trip Generation

The proposed project will result in demolition of the existing 5,860 square foot building and replacement with an 18,000 square foot building comprised of 6,000 square feet of office and 12,000 square feet of retail. Using the Institute of Transportation Engineers' publication Trip Generation, the building would generate the following during the peak one hour occurring between 4 PM and 6 PM:

	In	Out	Total
Use 710 Office (6K)	2	7	9
Use 814 Retail (12K)	<u>13</u>	<u>18</u>	<u>31</u>
Totals	15	25	40

Net Impact

The existing use of Mailboxes Etc. already generates 32 trips, 16 in and 16 out. Thus based upon I.T.E. data, a net effect of only 8 trips per hour would be expected. This is minor and no future impact would occur.

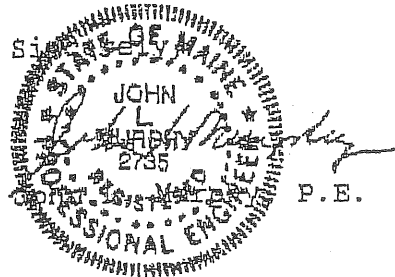
Future Plans

The City desires this data because, as the Traffic Engineer mentioned, there are PM peak hour capacity deficiencies at Franklin Arterial and Marginal Way between 4:45 and 5:45 PM on weekdays. The City also has plans for other larger projects in this area including IDEXX, a railroad station, office space and hotel rooms.

Improvements to the Marginal Way/Franklin Arterial intersection are being planned which necessarily also involve I-295 interchange modifications.

Conclusion

The future impact of this project will be very minor and will have no measurable impact on the adjacent public roadway system.



From: "Tom Errico" <terrico@wilbursmith.com>
To: "Rick Knowland" <rwk@ci.portland.me.us>
Date: Wed, Jan 21, 2004 2:07 PM
Subject: Marginal Way

Rick--

I am sending you a fax that illustrates the suggested location of a driveway on the proposed Chestnut Street. MDOT has Access Management guidelines that suggest the following:

"The minimum corner clearance for entrances onto a major collector or non-compact arterial must be 100 feet for an unsignalized intersections and 125 feet for signalized intersections..." As is the case with many projects, the standards are somewhat difficult to apply. If we were to assume that the Marginal Way/Chestnut intersection will be unsignalized in the future (It would be my guess that it would be signalized someday), a corner clearance of 100 feet is suggested. However, it is my professional opinion that the standard is intended for a higher classification street (i.e. major collector/non-compact arterial). In any event it would be ideal to have 125 feet corner clearance. Considering the location of the tree boxes on the provided plan, I would suggest locating the driveway between the third and fourth tree, or approximately 110 feet. I would note that this is preferred. I am comfortable locating the driveway between the second and third tree, or approximately 75 feet, due to the assumed lower classification of Chestnut Street.

Thomas A. Errico, P.E.
Senior Transportation Engineer
Wilbur Smith Associates
59 Middle Street
Portland, Maine 04101
(207) 871-1785
(207) 871-5825 fax

CC: "Katherine Earley" <KAS@ci.portland.me.us>



CWS
A r c h i t e c t s

434 Cumberland Avenue
Portland ME 04101-2325

Guy T. Labrecque - Architect

Phone: 207.774.4441
Fax: 207.774.4016
E-mail: GLabrecque@CWSArch.com

July 14, 2004

Alex Jaegerman AICP, Planning Division Director
City of Portland
389 Congress Street
Portland, ME 04101

RE: Multi-tenant Office Building @ 135 Marginal Way - Portland

Dear Alex,

As you know, CWS Architects has been engaged by Five Liver Company to provide architectural design services for the proposed two story building at the corner of Chestnut Street and Marginal Way (135 Marginal Way). Peter Quesada has passed on your letter dated July 6 containing comments on our design, your verbal comments on the same from your meeting last Friday, and your sketch of suggested revisions to the main stair tower.

All of your concerns about the building relate generally to an issue which we have tried to be responsive to throughout the design process and one which is important to our client—how to design the building to meet the needs of current users and the current use patterns on Marginal Way, and also assure that the building can adapt to changes in use and in use patterns if the area transforms to different use patterns over time. The building's immediate use is likely to be medical office, and, regardless of users, will inevitably be destination use, with customers arriving by automobile. Over time, if Somerset and Kennebec Streets gradually integrate themselves with the downtown, on the spine and on the water side of the peninsula, we hope for more local traffic and more retail activity, and have designed the building to allow the building to respond to that change. Your comments seem to have focused on the Marginal Way façade; our design has been based on the premise that if the area becomes more of a neighborhood, at least as much activity will be coming down Chestnut Street, and have therefore attempted to allow the building to respond to that possible change in activity patterns.

Our original first floor and first floor window design, was intended to accommodate retail use, at our client's direction, as was the case at the DHS building. We have purposely held a high floor to floor height for the building in an effort to accommodate retail tenants in the future. For the immediate and current users the first floor ceiling heights will be lower as is appropriate for small medical office type spaces. Windows were originally conceived as retail type windows—broad glazing with narrow steel muntions in a very wide window opening. As we continued to refine our design and in an effort to better suit the current intended users, we found that these larger window openings hinder typical medical use partitioning and common room sizes. This insufficient flexibility forced us to revise our design to a pair windows separated by a band of brick in between as well as forced us to reposition the window pairs within the façade. In an effort to address a future retail use we have designed a structural header that spans the full width of the window pair at the first floor level. This will allow the building owners to remove large portions of the exterior wall, install larger retail

glazing and/or create new entry locations along any of the four building facades. Without question these types of considerations have provided a great deal of user flexibility and certainly make the building more marketable for our client.

Our original façade had a very high expanse of brick between first floor headers and 2nd floor window bottoms. To disguise this expanse, we experimented with awnings, feeling that this type of fenestration treatment would be appropriate for retail use, perhaps even allowing for signage. As medical use tenants became identified we felt that the awnings would be an inappropriate and perhaps unacceptable design element. We had at this time transitioned into detailing and construction documentation. As wall sections were explored and refined, we were able to lower the overall building height slightly and incorporate brick accent bands that effectively break up the brick plane and add a great deal of interest to the façade. By removing a bit of material we were also able to bring costs in line. The façade will still allow awnings in the future if the retail demand develops. From a cost and design point of view, we are not convinced that awnings are appropriate at this time.

We switched from an interior to an exterior stair tower largely to try to introduce some interest, windows, light and activity visible from the street, and in response to your suggestion some time ago to Peter Quesada that we create some lighted entrance visible from the outside. We believe this entrance will be prominently visible from Marginal Way from the east and will create no confusion among vehicle drivers or pedestrians. We have reviewed your sketch showing a "switching" of the stairs to the Marginal Way side, keeping the stair tower in its current location. We looked at the same possibility in our design development process, and found that the "switch" puts the entrance inappropriately remote from the building's users, the vast majority of whom will be arriving by vehicle, and puts the entrance into the teeth of the winter wind, which has been a continuing problem at the DHS building. We suspect that some of your concern may have been generated by the location of the electric meter boxes, which show prominently on the elevations, but which would be entirely hidden by plantings. We would be happy to discuss relocation of these boxes with you, if you are doubtful about landscaping being sufficient barrier.

Over the course of the design process we experimented with various stair tower locations. As we did so we found that the stair began to limit and place constraints upon the interior. As the stair shifted toward Marginal Way, we effectively ruined any hope of allowing natural light into a corner oriented waiting room as well as limited the use of the corner for display purposes in the future. In exploring a shift away from Marginal Way we found similar problems. Natural light and potential interior spaces became hindered within potential spaces on the uphill side of the building. As you can imagine, each design decision involves choices and compromises, in an effort to promote a vision of a pedestrian retail location which at best case is in the very far future the incorporation your sketch suggests will make the building's design unworkable for its current users. Our client has instructed us to design a building for current users but still remain flexible for future users. Medical use clientele require parking near and adjacent to the practice entry. These people are often on crutches or in wheel chairs. Often these people are elderly and suffering from illnesses. The bottom line is that if building access proves difficult, the practice will experience complaints from its clients. If the problems aren't addressed and resolved, they find another practice.

You raised concerns about utility structures (gas and water meters) on Chestnut Street. Peter Quesada thought that your concerns may have been alleviated once you understood from the plans that this area has been recessed into the building about 16 inches. If you are still concerned about this location, we would be happy to discuss an alternative location with you. Our design decision was based on having the meters near the boiler room, and on a side wall rather than on Marginal Way or the prominent façade facing up Chestnut Street. We thought that by putting the meters on the side wall and recessed, they would be minimally intrusive.

In the aggregate, we hope you will appreciate that our design is intended to respond to current user demands, while also allowing the building to evolve over the course of time. The only way for us to design a building which is entirely responsive to the uncertain future would be to wait until the indefinite future to build the building. We believe we have more than met the spirit and letter of the current ordinance in designing a building on the proposed street corner and one which is adaptable to increasing retail and pedestrian use if that need arises. Our client has asked us to add that it "is unwilling to forswear present demands for a future utopia."

Thank you for your time.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Guy T. Labrecque, Jr.", with a long horizontal line extending to the right.

Guy T. Labrecque, Jr.
Vice President – CWS Architects

CC: Ric & Peter Quesada
Rick Knowland



ARCHITECTS

434 Cumberland Ave.
Portland ME 04101-2325
(207)-774-4441

LETTER OF TRANSMITTAL

DATE: 7-15-04	JOB NO.
ATTENTION: Rick Knowland	
RE: 135 Marginal Way Multi-Tenant Office Building	

TO: City of Portland
389 Congress St.
Portland, ME 04101

WE ARE SENDING YOU Attached Under separate cover via _____
the following items:

- Shop drawings
- Prints
- Plans
- Samples
- Specifications
- Copy of letter
- Change order
- _____

COPIES	DATE	NO.	DESCRIPTION
			Letter

THESE ARE TRANSMITTED as checked below:

- For approval
- For your use
- As requested
- For review and comment
- FOR BIDS DUE _____
- Approved as submitted
- Approved as noted
- Returned for corrections
- _____
- PRINTS RETURNED AFTER LOAN TO US
- Resubmit _____ copies for approval
- Submit _____ copies for distribution
- Return _____ corrected prints

REMARKS:

COPY TO: Alex Jaegerman – City of Portland
Peter Quesada – Fore River Company

SIGNED: Guy Labrecque

If enclosures are not as noted, kindly notify us at once.

**Development Review Meeting Agenda
Wednesday, August 11, 2004**

New Projects

1. 1415 Congress Duplex.....JJR

Exemptions

1. 1st Parish Church architectural lighting.....bn

On-going Projects

1. Plymouth Street, Oak Ridge, detention basin maintenance....kt
2. Lifestyles Fitness Center, Warren Avenue....kt
3. Warren/Hicks Street Development....kt
4. adamwolf-riverwalk (another green book)...rk
5. Presumpscot Street Warehouse, revised plans...kt
6. 1-3 Orange Street Duplex.....ebm
7. Waterview Apartments.....ebm
8. 490 Congress Street.....ebm
9. 91 Bell Street....latest, greatest, last?.....bn
10. 280 fore Street....Need comments on latest plan....bn
11. Custom House Wharf rezone.....bn

Revisions/Post Approvals

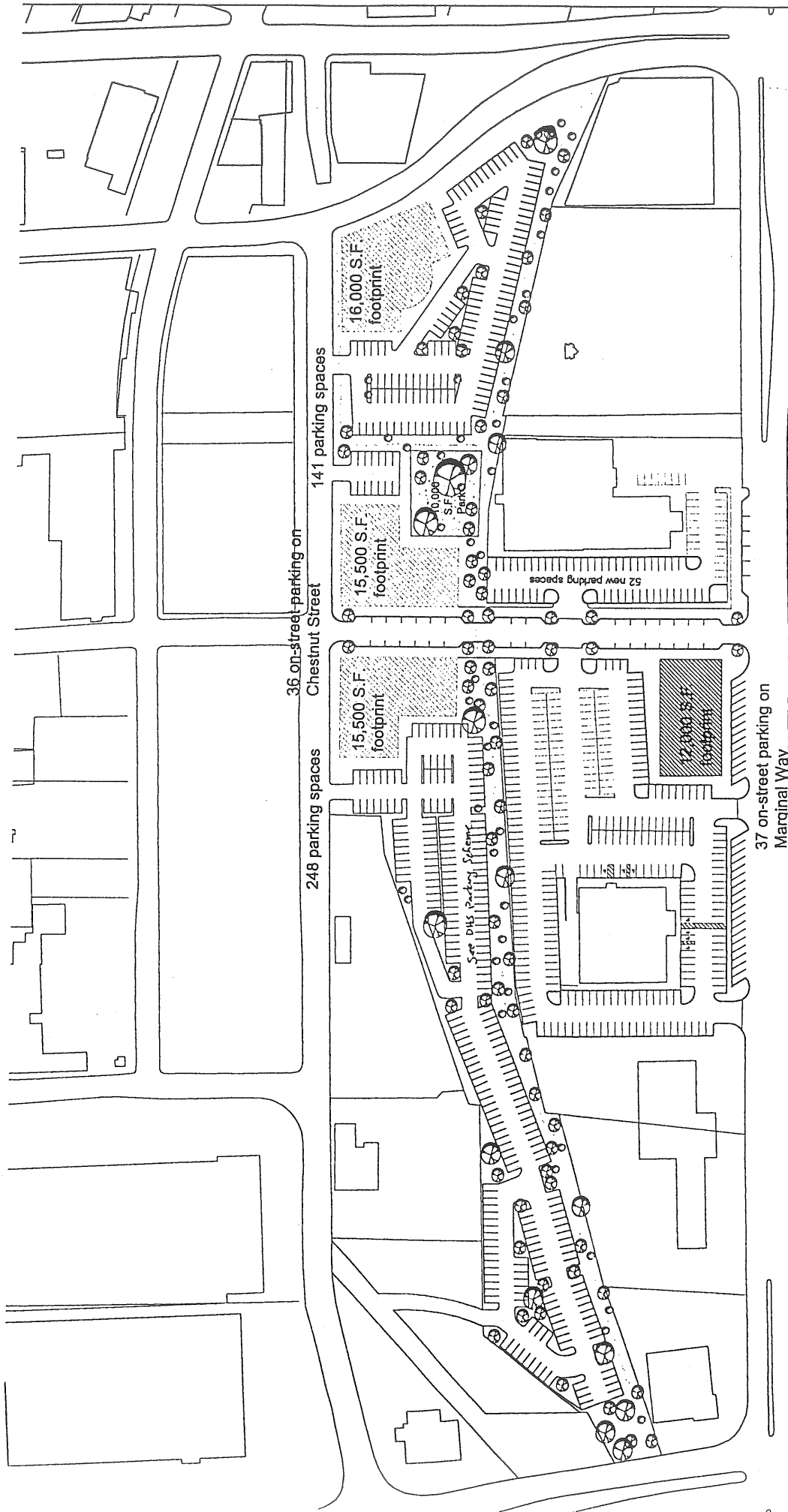
1. Hollywood Video, site issue (?).....JJR
2. MMMotors, Easements, easements, easements.....JJR
3. Holiday Inn West, Easement.....JJR
4. Logan Place, ch-ch-ch-changes.....JJR
5. 135 marginal way site plan revisions...rk
6. Gulf of Maine.....done deal.....bn
7. Maine Mall Motors.....so many changes, so little time...bn
8. Holm Ave.....Letter.....JJR
9. Paradigm Windows...PG Question.....JJR



TRANSMITTAL NOTICE		DATE 8/19/04
TO: Rick Knowland Planning Dept City of Portland	PROJECT 135 Marginal Way JOB NUMBER	<input type="checkbox"/> FOR CHECKING <input type="checkbox"/> FOR YOUR APPROVAL <input type="checkbox"/> FOR YOUR COMMENTS <input checked="" type="checkbox"/> FOR YOUR USE <input type="checkbox"/> APPROVED AS NOTED

NO. OF COPIES	DRAWING NUMBERS	DESCRIPTION
6	-	SITE PLAN & DTCS
1	-	Disc.

REMARKS



**Buildout scenario -
Scheme A, Phase One**

Prepared by the Portland Planning Office
1" = 120'



CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Guilford Team
John Peverada

FROM: Gary Wood

DATE: April 9, 2002

RE: Recap of Meeting with MDOT

Here is a brief summary of information I learned from Nate Smith and Joe Gray about their meeting last Thursday with John Melrose and Ron Roy. I am forwarding Ron Roy's e-mail which is consistent.

(1) MDOT has agreed to sell us the Guilford property for \$1.9 million so long as the Council passes a resolution committing the City to the location for the rail line next to the I-295 corridor regardless of the outcome of the "no left hand turn" controversy re Forest Avenue onto Marginal Way and leaving that issue and other traffic issues to be resolved to MDOT's satisfaction.

The next "left hand turn" meeting is on April 25 in _____ (?)

GCW is drafting the proposed resolution for the May 6th Council meeting. It will be circulated in draft form before going on the agenda.

* (2) Terms of payment: Total purchase price is \$1.9 million with \$1 million down at the time of closing. The state will reserve a 26-33 foot wide rail corridor until such time as the train issues are finally resolved. The 26 to 33 foot corridor supposedly gives us enough room to provide Peter Quesada with the replacement parking property that will be lost for the DHS building if we condemn Peter Q's property for the Chestnut Street Extension.

for acquisition? ↓ (3) To help us pay the additional \$0.9 million, MDOT is supposed to dedicate ice T funds for the pedestrian trail east of Franklin Arterial; MDOT will also credit the City for City land needed for the rail line next to I-295. The City will also seek a grant enhancement from the Feds.

Other money for the project will have to come from the City's CIP and potentially from the sale of the Guilford property to private developers.

(4) Environmental Issues: MDOT is supposed to contact Guilford to see what Guilford might pay to buy itself out of its environmental obligations under the VRAP. If Guilford agrees to pay anything and the payment is reasonable, then the amount Guilford pays

will also reduce the City's cost for purchasing the property.

The Council's goal and the City's goal in relation to Guilford and its environmental obligation is to remove them from the picture. Legal needs to find out if DEP is open to a substitution of the City for Guilford in the VRAP.

(5) For AAA parcel: Another reduction in the cost to the City from the \$1.9 million purchase price will come from the purchase by AAA of property behind its current location from MDOT. That sale has to be crafted in such a way as the staked out trail corridor is reserved for that purpose from the transfer. It is not clear to anyone whether we are expected to pay MDOT for that portion of the property over which the trail easement will pass, but it is a safe bet that AAA will not want to pay for it. We told MDOT that it is alright for them to directly negotiate with Kevin McQuinn for the sale by MDOT of this property.

(6) Cianbro parking lot: MDOT is no longer trying to inject itself into this deal. We can go ahead and get a lease from MDOT of the property that we need to construct the parking lot with Cianbro. One proviso that Nate Smith and the Manager thinks we need in the Cianbro agreement is that we need the right to relocate their parking subject to their agreement just in case we do get a development opportunity within the next two years that either needs that space or the parking on it. Question: Is the property that we need to convey to Quesada close enough to the Cianbro parking lot that we could get it ready for parking at the same time?

(7) Key dates:

- (a) Council workshop on Bayside: May 6 at 4:00 p.m.
- (b) First reading of Bayside items, not including Quesada's condemnation: May 20
- (c) Action on all Bayside items, including Quesada condemnation: June 3 Council meeting

(8) Update on Peter Quesada and condemnation issues: I talked with Peter yesterday (Monday, April 8) and set out copies of the revised appraisal and review appraisal for him. Someone from his office picked them up this morning. He said they are not going to fight the legality of the taking. They will litigate with us about the value of the property. On that issue, he stated that he thinks our appraisal is incorrect where it has a \$60,000 substitution value for the DHS parking. He noted, and I think he is correct, that the \$60,000 is for the construction of the parking lot but does not contain within it the value of the property that would have to be purchased for the parking. His thinking seems to be that we need to add the cost of the land to the original taking offer. He will then decide whether he wants to accept our offer of the Guilford property or cut his own deal for other property. I think he's right and we should add the cost of purchasing the amount of space necessary to replace the 10-12 parking spaces to the \$60,000 construction appraisal cost. We will then have to charge him for the land if he chooses to buy it from us, but that seems to be the way he wants it. The bigger appraisal issue in his mind is the lost opportunity value of building the approved 18,000 square foot building. He thinks that factor adds a big multiplier to the value of the land we are taking. Also, Peter says he

has a legal right under federal law to attend future meetings with MDOT. Ron Ward is sending me a letter with the legal reference – I suspect they think we are using federal money to buy his property, but we aren't.

From: Mark Adelson
To: Donna Katsiaficas; Gary Wood
Date: Thu, Jan 31, 2002 8:26 AM
Subject: Fwd: Re: Marginal Way condemnation/Peter Q's Response

The federal timeframe I'm working with says we need to start construction by Sept 17, 2002, and end by Sept, 2004.

I'm working with DPW to start construction on the sewer project on Somerset Street to meet this deadline. Without the borings, Chestnut St extension will take longer. In the very near future, we need to determine where the parking lot will be located. This is factor in the sewer and street design. Also, now the parking lot is becoming more crucial due to the Cianbro project. I think it would be a good idea to meet next week on these issues. I'll organize it. Thanks

>>> Gary Wood 01/30 7:19 PM >>>

given this track what is DPW' survey time line and how does it match our need to meet Marks federal deadlines for using money,ie all we need is the survey and a deed description based on it and we start the process using the low appraissal right?

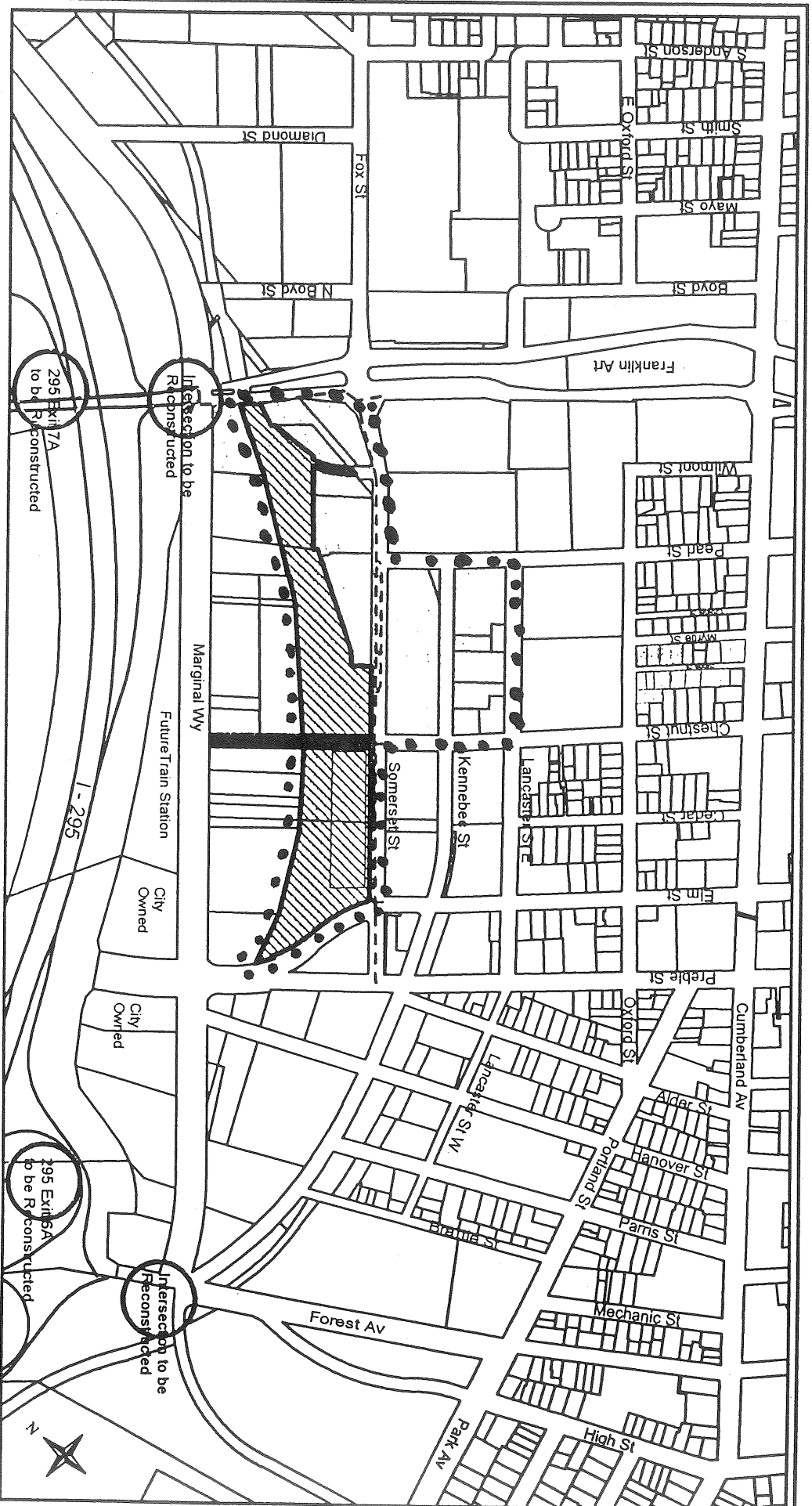
CC: ALEX JAEGERMAN; Katherine Earley; Lee Urban; R...

BAYSIDE BUSINESS & TECHNOLOGY PARK

Portland, Maine

Application for EDA Assistance, April 2001

Map prepared by the City of Portland's GIS Workgroup April 2001



- Proposed Park 14.5 Acres
- ▨ Proposed Initial Purchase 6.8 Acres (Call 5202)
- - - Proposed Sanitation & Storm Sewers
- ▭ Proposed Public Parking
- ▬ Proposed Chestnut Street Extension

CONFIDENTIAL

(2) Purchase Price: \$1.9 million Total

SOURCE OF FUNDS: \$1 million Federal Funds (already approved)
\$400,000 other funds

- Where will these funds come from?

Possible sources: federal enhancement grant, proceeds from sale of this property, CIP

\$500,000 worth of City land

- We anticipate that most of this land will be for the railroad corridor next to I-295 and the Forest Avenue and Franklin Arterial off/on ramps but no specific land has been identified nor have appraisals been done.

- Still needed: Agreement with Guilford in which City takes on Guilford's rights and responsibilities for environmental remediation and Guilford agrees to lift deed restrictions. N.B.: Both MDOT and MDEP will also have to agree to the lifting of deed restrictions.
- John Tewhey's general conclusion is that this particular piece of property does not pose significant environmental problems for purposes of development. The nearby Department of Human Services Building is a good example of the type of construction that can be done without significant expenditures for environmental issues. John's estimate is that it will only cost \$63,000 to remediate the rail yard (6.5 acres ~ \$10 per acre) for his plan (6" of gravel); MDOT's plan worked out ~ \$20 per acre for 12" of gravel.

(2) Condemnation of 15,500 square feet for the extension of Chestnut Street from The Five Liver Company and 161 Marginal Way, LLC.

Land to be condemned:

- (1) 6,550 square feet owned by 161 Marginal Way, LLC/ appraised value: \$60,000
- (2) 8,944 square feet owned by Five Liver Company/ appraised value: \$215,000

Total condemnation award: \$275,000

CONFIDENTIAL

- Peter Quesada has put the City on notice that he believes the condemnation award for both parcels is way too low. He estimates the value of the property at a minimum of \$1.2 million. His estimate escalates dramatically if the DHS lease or his lending agreement with GE are put in jeopardy. We have not had our appraisals updated or reviewed by a legal expert nor have we had an opportunity to present Peter's arguments and numbers to our appraisers. He has agreed to contest only the value, i.e. he will not contest the taking itself but once we condemn the property, we have to pay for it even if the amount is much higher than expected. Neither amount contains the funds that Mr. Quesada and his companies have spent in the last few days preparing the construction site for the 18,000 square foot building that he plans to construct. His on site construction costs are unknown at this time.

To address the issues related to the DHS building, Councilor Smith has proposed condemning just the other parcel on which the new building will sit. This recommendation makes sense to staff but we will still have to address the valuation issues on the remaining parcel. This uncertainty raises for some staff the question of whether the extension of Chestnut Street is critical to Bayside development. Councilor Smith and other staff believe that it is.

Source of funds for Condemnation Award: \$355,974 currently in the Bayside land acquisition CIP account.

Source of Funding for the Construction of Chestnut Street Extension: \$480,000 (DPW estimate) out of \$1.5 million EDA Grant for the Bayside Business and Technology Park.

CC: Joe Gray, City Manager
Guilford Property Team

O:\OFFICE\GARY\Memos\Mayor and Council\Bayside overview 06-20-02.doc

City of Portland, Maine
MEMORANDUM

To: Joseph Gray, City Manager

From: Mark B. Adelson, Housing and Neighborhood Services Director

Subject: Background on the Purchase of the Former Guilford Property

Date: December 10, 2002

The Bayside Plan

The City has been interested in purchasing portions of the Union Branch rail corridor and rail yard in Bayside for several years. This interest started during the planning for the Bayside plan (A New Vision For Bayside, adopted in December, 1999) and our efforts to attract IDEXX to Bayside.

The Bayside plan identifies eleven development principles to transform this area into the vital, productive and diverse urban neighborhood envisioned in the plan. Several of the principles directly relate City's need to purchase and control the railroad property. These include, economic and employment opportunities, a walkable district, transit-oriented development, multi-level parking structures, recreation and open space, and environmental remediation.

The Bayside plan also contains five Critical Actions that are the highest near-term priorities for achieving the City's goals in this area. Critical Action #1 is Acquire the Railroad Property, and reads;

“ The railroad property provides multiple opportunities to provide land and infrastructure to support the Bayside redevelopment plan. It is the best location for the multi-use trail and bikeway, which will signify the positive changes to come to Bayside. The rail provides direct links to parks and neighborhoods, structure neighborhood development and circulation patterns, and a focal amenity to support other private and public developments. The real estate associated with the rail corridor is centrally located, and its future disposition for infrastructure and development purposes will be an important resource in the bringing the plan to fruition.”

In September 2001, the MDOT purchased the entire Union Branch rail line (St. John Street to Tukey's Bridge) from Guilford Transportation Industries, Inc., (d.b.a. Portland Terminal Company). The MDOT purchased this property for two reasons, first to assist the City with our development efforts in Bayside, and second as a rail alignment option to extend passenger rail service north of Portland along the coastal route. MDOT and the City had a verbal agreement that the City would purchase the Bayside portion if and when it became available. The decision to locate the new Amtrak rail line along I-295 cleared the way for the City to purchase the Union Branch property.

Bayside Business and Technology Park

Following the decision by IDEXX not to relocate to Bayside, it became clear that unless the land is acquired, cleared and prepared, no significant development will take place in

the area. The proposal for the Bayside Business and Technology Park was developed as a proactive alternative similar a suburban industrial park. Rather than trying to attract developers first, the City will be out in front with prepared land in Bayside. The proposal also allows the City to maintain a significant portion of the state and federal funds obtained while working on the IDEXX proposal.

As proposed, the Bayside Business and Technology Park will consist of a total of 14.5 acres of land adjacent to Somerset and Kennebec Streets. This is the land originally designated as an EPA Brownfields area in Bayside, and includes all the scrap yards.

The long-term goals for the Bayside Business and Technology Park include;

- Build-out of 400,000 square feet of commercial development
- Creation of 1,500 jobs
- Develop 1,000 spaces of public structured parking
- Stimulate commercial and residential development on surrounding properties
- Development of green space and extension of the trail system

Phase I

The available funding only allows the implementation of Phase I of the Bayside Business and Technology Park. The funding outlined below will be used to;

- Purchase 6.54 acres of railroad property from MDOT
- Purchase Chestnut Street Right-of-Way (15,464 sq. ft.)
- Remediate environmental hazards (contaminated soil) according to DEP Plan
- Construct new sanitary and storm sewers, and reconstruct Somerset Street
- Construct Chestnut Street Extension from Somerset St. to Marginal Way
- Construct 350 parking spaces as an incentive for private development on the site
- Construct over 1,600 feet of trail and bikeway
- Create 3 developable building sites

Funding Summary – Phase I

Purchase of Guilford Property: \$1,500,000

\$997,800	HUD EDI Special Project Grant
\$500,000	Future Land Value for MDOT Projects
\$2,200	City CIP Funds

Purchase Chestnut Street Right-of-Way: \$353,800 available (\$251,000 appraised)

\$353,800	City CIP Funds available
-----------	--------------------------

Building Site Preparation and Remediation (Hazardous Soils) \$387,000 available

\$387,000	EPA Brownfields Remediation Loan/Grant Program
-----------	------------------------------------------------

Chestnut Street Extension: \$480,000

\$250,000	EDA Grant
\$100,000	City CIP (local EDA Match)
\$111,900	PACTS Transit Oriented Development Funds
\$18,100	City CIP (local PACTS Match)

Somerset Street Sewer Construction: \$1,350,000
\$500,000 EDA Grant
\$850,000 City 2002 Sewer Fund (local EDA match)

Surface Parking Facility \$700,000
\$650,000 EDA Grant (or EPA Brownfields Funds)
\$50,000 City CIP (local match)

Trail and Bikeway \$207,000
\$50,000 PACTS
\$44,000 City CIP (local PACTS match)
\$113,000 EPA Brownfields Remediation Loan/Grant Program

Engineering \$50,000
\$50,000 EDA Grant

Total Phase I Budget: \$5,027,800

All funding shown has been secured and appropriated by the City. Budget adjustments will occur as final construction estimates are completed and additional funding is secured.

Once the remediation is complete and the surface parking created it will initially be used as interim parking for USM while their new garage is being built on campus. This anticipates that the existing USM parking lot at the corner of Preble Street and Marginal Way, will be sold by the City to developer in the next 12 to 18 months.

While construction and preparation of building sites is underway, the City's Division of Economic Development will begin to market the area to prospective businesses and developers. As development takes place under Phase I, Phase II funding will become available. Phase II will involve purchasing the Finkleman scrap metal business and preparing that site for more commercial development, as well as the development of structured parking.

City Council Review To Date

The City Council authorized the acceptance and appropriation of HUD and EDA funds for the purpose of creating the Bayside Business and Technology Park on September 5, 2001. The City Council authorized the taking of private land to extend Chestnut Street on April 1, 2002.

Attachments:

1. Bayside Business and Technology Park
2. Chestnut Street Extension
3. Phase I Buildout Concept Scheme
4. Dept. of Human Services Parking Replacement Plan

Cc: Joe Gray
Lee Urban
Gary Wood

FAX

TO: ERIC LABELLE

FROM: RICK KNOWLAND

FAX: 874-8852

RE: CHESTNUT ST. STORM DRAIN FOR Q

ERIC, ATTACHED IS AN ESTIMATE FOR THE STORM DRAIN WORK RELATIVE TO CHESTNUT ST. LEE HAS ASKED Q FOR AN ESTIMATE TO SUBSTANTIATE THE ESTIMATE. I WILL CALL BRUCE K. TO SEE HOW HE IS COMING ALONG WITH THE BREAKDOWN ON COSTS. A BREAK DOWN HAS ALSO BEEN REQUESTED FOR THE WATER LINE.

WE DON'T WANT TO HAVE THEM PAVE THE PORTION OF THE STREET YET BECAUSE OF THE MUD GRANT. ALSO WHERE DO WE WANT THEM TO PUT THE DIRTY SOIL FROM EXCAVATING?

RK

Phone: (207) 772-6404 **FORE RIVER COMPANY** Fax: (207) 772-9078
P.O. Box 7525, Portland, ME 04112

TO: Rick Knowland, City of Portland, Planning Dept
FAX NO.: (207) 756-8258
FROM: Peter Quisada
DATE: 10/4/04
OF PAGES: 3 (Including This Page)

REMARKS:

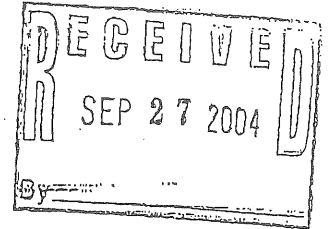
Original to Follow Via:

- Regular Mail
- Overnight Delivery
- Hand Delivery
- Other

 X

Original Will Not Follow

Southern Maine
Sitework, Inc.



September 27, 2004

Mr. Pat Richter
Wright - Ryan Construction
10 Danforth Street
Portland, Maine

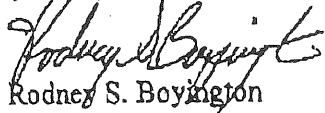
RE: Five Liver Company
135 Marginal Way
Portland, Maine

Southern Maine Sitework, Inc. submits the following information as requested for a proposed change in the storm drain for the project. This change is based on a drawings dated 5/17/04 and 9/16/04. Our price is a net add of \$48,610. Our scope of work is as follows:

- No street opening permit per note # 3 on sheet 2
- Four new drain manholes with inverts and frame & covers
- 15" and 18" storm drain piping as shown with granular borrow backfill
- Stockpile excavated material, compact, and cover excavated material as noted / shown
- Pave and one year maintenance repair on paving as per note # 14 sheet 2
- Stub out and cap future connections as shown at now structures
- No further surface treatment at Chestnut Street Ext. (Granular Borrow to existing grade)

If you need further information please call. I look forward to working with you on this project.

Sincerely,
Southern Maine Sitework, Inc.


Rodney S. Boyington
President



WRIGHT-RYAN CONSTRUCTION, INC.
Proposed Change Estimate

JOB NAME: Multi-Tenant Office Building
 JOB NUMBER: 0414
 PC NUMBER: 004
 DESCRIPTION: extend storm sewer into Chestnut Street
 DATE: 10/4/04

We Propose to Incorporate Changes for the Following Price:

Phase Code	Category	Description	Price									
02-200	S	Southern Maine Sitework quote	\$48,610.00									
01-806	O	Insurance @ \$2.82/\$1000	\$137.08									
<table border="1"> <tr> <td colspan="2">Subtotal</td> <td>\$48,747.08</td> </tr> <tr> <td>Mark-up</td> <td>10.00%</td> <td>\$4,874.71</td> </tr> <tr> <td colspan="2">TOTAL</td> <td>\$53,622</td> </tr> </table>			Subtotal		\$48,747.08	Mark-up	10.00%	\$4,874.71	TOTAL		\$53,622	
Subtotal		\$48,747.08										
Mark-up	10.00%	\$4,874.71										
TOTAL		\$53,622										
A Time Extension of		Days is Required										
This Price is Good for		Days										
Comments: This work is subject to street openings and paving, therefore we need approval by 10/15 in order to complete this work.												

Signature of Owner Representative

Signature of Wright-Ryan Representative

City of Portland
Department of Planning and Development
Planning Division
389 Congress Street, 4th Floor
Portland ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258



FAX

To: JIM SGYMOUR

Company: SEBAGO TECHNICS

Fax #: 856-2206

Date: OCT 5, 2004

From: RICK KNOWLAND

You should receive 3 page(s) including this cover sheet.

Comments: JIM- PER MY VOICE MAIL OF THIS MORNING, ATTACHED IS AN ESTIMATE REGARDING THE COST OF A STORM DRAIN IN CHESTNUT STREET. HERE ARE MY QUESTIONS.

1. WOULD THESE IMPROVEMENTS BE NEEDED ANYWAY AS PART OF THE OFFICIAL CHESTNUT STREET PLAN DESIGNED BY SEBAGO TECHNICS?
2. ARE THESE IMPROVEMENTS NEEDED NOW BECAUSE OF AN ERROR/OVERSIGHT OF THE 135 MARGINAL WAY SITE PLAN?
3. IS THIS A REASONABLE ESTIMATE?

I WOULD GREATLY APPRECIATE IT IF YOU COULD GET BACK TO ME TODAY ON THESE QUESTIONS!

THANKS

RE

CC: LEE URRAN

Phone: (207) 772-6404

FORE RIVER COMPANY

Fax: (207) 772-9078

P.O. Box 7525, Portland, ME 04112

TO: Rick Knowland, City of Portland, Planning Dept
 FAX NO.: (207) 756-8258
 FROM: Peter Quisada
 DATE: 10/4/04
 # OF PAGES: 3 (Including This Page)

REMARKS:

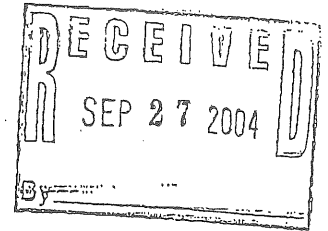
Original to Follow Via:

- Regular Mail
- Overnight Delivery
- Hand Delivery
- Other

Y

Original Will Not Follow

Southern Maine
Sitework, Inc.



September 27, 2004

Mr. Pat Richter
Wright - Ryan Construction
10 Danforth Street
Portland, Maine


RE: Five Liver Company
135 Marginal Way
Portland, Maine

Southern Maine Sitework, Inc. submits the following information as requested for a proposed change in the storm drain for the project. This change is based on a drawings dated 5/17/04 and 9/16/04. Our price is a net add of \$48,610. Our scope of work is as follows:

- No street opening permit per note # 3 on sheet 2
- Four new drain manholes with inverts and frame & covers
- 15" and 18" storm drain piping as shown with granular borrow backfill
- Stockpile excavated material, compact, and cover excavated material as noted / shown
- Pave and one year maintenance repair on paving as per note # 14 sheet 2
- Stub out and cap future connections as shown at new structures
- No further surface treatment at Chestnut Street Ext. (Granular Borrow to existing grade)

If you need further information please call. I look forward to working with you on this project.

Sincerely,
Southern Maine Sitework, Inc.


Rodney S. Boyington
President



WRIGHT-RYAN CONSTRUCTION, INC.
Proposed Change Estimate

JOB NAME: Multi-Tenant Office Building
 JOB NUMBER: 0414
 PC NUMBER: 004
 DESCRIPTION: extend storm sewer into Chestnut Street
 DATE: 10/4/04

We Propose to Incorporate Changes for the Following Price:

Phase Code	Category	Description	Price								
02-200	S	Southern Maine Sitework quote	\$48,610.00								
01-806	O	Insurance @ \$2.82/\$1000	\$137.08								
<table border="1"> <tr> <td colspan="2">Subtotal</td> <td>\$48,747.08</td> </tr> <tr> <td>Mark-up</td> <td>10.00%</td> <td>\$4,874.71</td> </tr> <tr> <td colspan="2">TOTAL</td> <td>\$53,622</td> </tr> </table>			Subtotal		\$48,747.08	Mark-up	10.00%	\$4,874.71	TOTAL		\$53,622
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A Time Extension of _____ Days is Required

This Price is Good for _____ Days

Comments: This work is subject to street openings and paving, therefore we need approval by 10/15 in order to complete this work.

Signature of Owner Representative

Signature of Wright-Ryan Representative

From: "Peter Quesada" <pquesada@forerivercompany.com>
To: "Lee Urban" <ldu@ci.portland.me.us>, "Rick Knowland " <RWK@portlandmaine.gov>
Date: 10/4/04 11:09:23 AM
Subject: chestnut street

We have a written change order price from Wright Ryan (through sub Southern Maine Sitework) for extending the storm drain; I believe it is complete and consistent with your expectations. Price is \$53,622. Paperwork coming by fax to Rick Knowland only.

Waterline change order (to extend waterline) not yet in; I expect it later today. I hear it's a \$10k kind of number. I will forward to Rick.

Rick pls circulate what you receive as required, including perhaps to Public Works?


Peter Quesada
Fore River Company
5 Milk Street
PO Box 7525
Portland, ME 04112
(207) 772-6404
(207) 772-9078 fax
Direct line: (207) 772-8286 x203
pquesada@forerivercompany.com

CC: "Bruce Kistler" <bkistler@forerivercompany.com>, "Cathryn Douglass" <cdouglass@forerivercompany.com>

CONFIDENTIAL

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Mayor Geraghty & Members of the Portland City Council

FROM: Gary C. Wood, Corporation Council 

DATE: June 21, 2002

RE: **Executive Summary of Key Facts and Staff Recommendations
Re: Purchase of Former Guilford Property from the State and
Condemnation of Property owned by Five Liver Company and
161 Marginal Way, LLC for the Purpose of Extending Chestnut
Street**

In the Council packet you will find detailed memos on each of the above subjects with supporting documents. The purpose of this memo is to give you an executive summary of the two proposed actions, basic facts and the staff recommendations. The need for a quick decision from the Council has been generated by Peter Quesada's decision to start construction on his approved 18,000 square foot building on Marginal Way. That building will sit right in a portion of the property that we have proposed for condemnation in order to extend Chestnut Street. The law cited by Mr. Quesada's attorney, Ron Ward, suggests that we will have to pay Mr. Quesada his out of pocket expenses for this construction work in addition to the \$275,000 that is proposed in the condemnation order. In Peter's defense, he has been very patient with the many delays that the Bayside development project has experienced.

The memo has bullets in bold to identify unresolved issues.

The extension of Chestnut Street is linked to the purchase of the Guilford/State property because that property contains the land that would be used to replace parking lost for the DHS building once the extension of Chestnut Street is actually constructed. ~~To minimize the damages that we have to pay Mr. Quesada for the taking, we need to be in a legal position to offer adequate replacement parking and to do that we have to have an ownership interest in that property.~~

Here is a summary of the staff's recommendations and key points on these two issues. More detailed information is in the back up documents.

(1) Guilford Purchase.

- (1) Size and location of parcel: 9.52 acres \pm (see attached maps: 6.54 acres are in the rail yard and approximately 3 acres are in the rail corridor from Forest Avenue to Tukey's Bridge)