

30-H-8

1997-0116

39 Portland Pier  
Pier Replacement

Dan Lilley

on Spreadsheet

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

19970116

I. D. Number

Lilley, Daniel

12/17/97

Applicant

Application Date

Portland, ME

Portland Pier

Applicant's Mailing Address

Project Name/Description

Associated Design/Eric Dube

39 Portland Pier

Consultant/Agent

Address of Proposed Site

871-8333 871-1480

030-M-008

Applicant or Agent Daytime Telephone, Fax

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) replace pier

Proposed Building square Feet or # of Units	Acreage of Site	Zoning

**Check Review Required:**

<input 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    \$300.00    Subdivision    Engineer Review    Date    12/17/97

**Planning Approval Status:**

Reviewer \_\_\_\_\_

Approved     Approved w/Conditions  
See Attached     Denied

Approval Date    2/9/98    Approval Expiration    2/9/99    Extension to    \_\_\_\_\_     Additional Sheets  
Attached

OK to Issue Building Permit    Kandice Talbot    2/10/98  
signature    date

Performance Guarantee     Required\*     Not Required

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

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

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

19970116  
I. D. Number

Lilley, Daniel  
Applicant  
Portland, ME  
Applicant's Mailing Address  
Associated Design/Eric Dube  
Consultant/Agent  
871-8333 871-1480  
Applicant or Agent Daytime Telephone, Fax

12/17/97  
Application Date  
Portland Pier  
Project Name/Description

39 Portland Pier  
Address of Proposed Site  
030-H-008  
Assessor's Reference: Chart-Block-Lot

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

Proposed Building square Feet or # of Units	Acreage of Site	Zoning
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**Check Review Required:**

<input 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 \$300.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date: 12/17/97

**DRC Approval Status:**

Reviewer Jim Wendel

Approved  Approved w/Conditions  
see attache  Denied

Approval Date 1/30/98 Approval Expiration 1/30/99 Extension to \_\_\_\_\_  Additional Sheets Attached

Condition Compliance Jim Wendel 1/30/98  
signature date

Performance Guarantee  Required\*  Not Required

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

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

19970116

I. D. Number

Lilley, Daniel

Applicant

Portland, ME

Applicant's Mailing Address

Associated Design/Eric Dube

Consultant/Agent

871-8333

871-1480

Applicant or Agent Daytime Telephone. Fax

12/17/97

Application Date

Portland Pier

Project Name/Description

39 Portland Pier

Address of Proposed Site

030-H-008

Assessor's Reference: Chart-Block-Lot

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**DRC Conditions of Approval**

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**Planning Conditions of Approval**

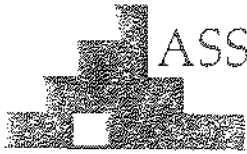
- construction plan must be submitted and stamped by Maine Professional Engineer before issuance of a building permit.
- That the comments from the letter dated January 6, 1998 be added to the construction plans.
- that a sign be installed on the pier stating that a vehicle having an axle load of more than 5,000 lbs is prohibited from the pier.

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**Inspections Conditions of Approval**

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**Fire Conditions of Approval**



ASSOCIATED DESIGN  
PARTNERS INC.

Office: 207 • 871 • 8333  
Fax: 207 • 871 • 1480

71 Federal Street • Portland, Maine 04101

January 6, 1998

RE: Lilley's Pier Reconstruction

97144

Ms. Kandice Talbot, Planner  
Planning Department  
City of Portland  
Portland, ME 04101

Dear Ms. Talbot,

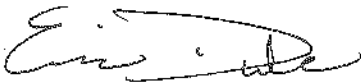
In response to your letter, dated December 30, 1997, questions raised will be addressed in the contract (detailed) plans and technical specifications. These documents will be developed after a permit is granted. However, most questions may be answered as follows:

- Optionally using non-treated planking is based on our experience with non-treated decks on bridges and other structures. Non-treated hemlock and spruce have relatively long lives because, except for the contact surface between planks and supporting stringers, the planks dry out and fungus rot cannot grow. The contact surface between the stringers and the planks is treated with an asphaltic product to discourage fungus growth.
- As a rule, CCA treatment varies between 1.0 and 1.5 pcf, more in the piles and caps, and less in the upper layers.
- Galvanized hardware will be hot-dipped, according to ASTM A153, shapes will be galvanized according to appropriate ASTM standards, zinc weights as appropriate.
- Minimum vehicular axle loads will be 5,000 lbs. This pier is not design for heavy trucks (H-10 and heavier).
- The elevation of the pier (existing and new) related to the mean sea level is noted on the site plan as 8.3'±. We developed this elevation from a NGVD 29 5/8" drill hole at the front entrance to the Custom House located at the intersection of Commercial and Pearl streets.
- The reconstructed pier will be at the same level as the existing pier; to my knowledge there has not been a problem, historically, with uplift so no additional precautions are planned.
- There will be positive (hold-down) connections between the stringers and the pile caps, and between the pile caps and the piles. Deck fasteners will have high withdrawal capacities.
- Pile Caps will likely be (treated) southern pine or eastern hemlock, sized and graded to safely support design loads.

- A fender/bumper system will be provided, appropriately sized for the marine traffic that docks at the pier. It will be braced and chocked, however, we have not finalized details of the fender/bumper system.
- Appropriately sized galvanized steel clip angles and galvanized bolts will connect stringers at each pile location.
- The deck will likely be fastened with galvanized spikes, at least 50d, at least one at each plank-stringer intersection and two at the ends.
- I will certify the contract plans with a Maine P.E. stamp.

I trust that this information adequately addresses your questions. Please call if you have any further concerns regarding Lilley's Pier

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Dube". The signature is fluid and cursive, with a large initial "E" and a long horizontal stroke extending to the right.

Eric Dube  
Project Engineer

cc: Ernie Selberg  
Roger Gagnon

**From:** Michael Claus  
**To:** KCOTE  
**Date:** 1/23/98 8:51am  
**Subject:** Lilley's Pier Reconstruction

I have reviewed Associated Design Partner's letter dated 1/6/98. It appears that they are waiting to finalize construction plans until after a permit is issued. If it is your policy to issue permits based on preliminary plans, then this letter and previous submittal would be sufficient.

I recommend that they submit final P.E. stamped construction plans before a permit is issued. I believe that is also the policy for Maine DEP and US Army Corp of Engineers projects submitted for waterfront construction, but the Harbor Commissioner's office would have additional information on those permit requirements. If items mentioned in their letter are included on the plans, they would be sufficient for the construction drawing part of permitting process.

**CC:** SPH, MJN, REL, ARJ



ASSOCIATED DESIGN  
PARTNERS INC.

Office: 207-871-8333  
Fax: 207-871-1480

71 Federal Street • Portland, Maine 04101

January 6, 1998

RE: Lilley's Pier Reconstruction

97144

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Planning Department  
City of Portland  
Portland, ME 04101

Dear Ms. Talbot,

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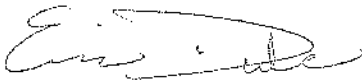
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- I will certify the contract plans with a Maine P.E. stamp.

I trust that this information adequately addresses your questions. Please call if you have any further concerns regarding Lilley's Pier

Sincerely,



Eric Dube  
Project Engineer

cc: Ernie Selberg  
Roger Gagnon



ASSOCIATED DESIGN  
PARTNERS INC.

Office: 207•871•8333  
Fax: 207•871•1480

71 Federal Street • Portland, Maine 04101

December 4, 1997

Ms. Marge Schmuckal  
Code Enforcement, City of Portland  
389 Congress Street  
Portland, Maine 04101

RE. Wharf reconstruction, 39 Portland Pier

Dear Ms. Schmuckal,

Associated Design Partners has attached seven (7) copies of engineering plans for the above referenced project on behalf of Cianbro Corporation. Cianbro intends to reconstruct an existing wharf at the office of Mr. Daniel G. Lilley, 39 Portland Pier, Portland, Maine. The property is shown on the Portland tax map as Map 30, Block "H", Lot 8.

This reconstruction project to Lilley's wharf is being undertaken for the primary purpose of providing structural repairs or replacement of deteriorated deck and pilings. The existing wharf location will be maintained. The attached plans provide a more detailed scope of work. Should you have any questions regarding the project please contact us.

Sincerely,

Eric Dube  
Project Engineer  
Associated Design Partners

cc. Ernie Selberg, Cianbro



WRITTEN STATEMENTS TO ACCOMPANY PORTLAND SITE PLAN ORDINANCE

PROJECT : Lilley's Wharf Reconstruction , @ 39 Portland Pier  
Map 30, Block "H" , Lot 8

APPLICANT: Associated Design Partners Inc. FOR Cianbro Corporation

The following statements are provided in response to article 14-525 (c) :

1. The current use of these piers serves as a parking lot area for the Law offices of Mr. Daniel G. Lilley. The proposed future use is unchanged. The primary purpose of this project is to provide for necessary structural repairs or replacement of existing deteriorated structural pilings and decking.
2. Daniel G. Lilley owns the existing land from which the pier extends. The lot size is approximately 14,824 SF. The total square footage of the pier section to be repaired is approximately 3000 SF.
3. None
4. Demolition debris will include wood pilings, wood decking, and wood girder beams. The woodpiles will be transported to a KTI facility nearby to be chipped and incinerated.
5. Not required for this project.
6. The existing drainage is sheet flow into the harbor and will be unaltered as a result of this project
7. Construction is currently scheduled to begin upon permit approvals; anticipated completion is approximately 6 months after permit approvals.
8. Shown on the attached site plan; Portland Harbor Commission permit has been submitted, and is anticipated to be approved prior to December 12, 1997.
9. Attached
10. A copy of the deed is attached.
11. None



KeyBank  
One Canal Plaza  
Portland, Maine 04101-4036

Tel: (800) 452-8762

ALLONGE TO REVOLVING CREDIT NOTE DATED OCTOBER 25, 1993

This is an allonge modifying that certain Revolving Credit Note (the "Note") dated October 25, 1993 in the original principal amount of FIFTEEN MILLION DOLLARS (\$15,000,000.00) given by Cianbro Corporation (the "Borrower") to KeyBank National Association (formerly known as Key Bank of Maine) ("Bank"), and as amended on August 5, 1994 to an amount of EIGHTEEN MILLION DOLLARS (\$18,000,000.00), and as further amended on July 14, 1995 and July 14, 1996.

In exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Borrower and Bank hereby agree that from and after the date below the Note shall be amended as follows:

1. The maturity date for the Note shall be May 31, 1999.
2. The Bank hereby deletes Section 7.12 titled "Capital Expenditures" of the Revolving Credit Agreement dated October 25, 1993
3. The definition of "Leverage" in the Pricing Matrix outlined in the Allonge dated July 14, 1996 shall be revised as follows below:

Total Liabilities - (Cash Balance - \$3,000,000)  
Tangible Net Worth

All other provisions of the original Note and subsequent Allonges not amended hereby shall remain unchanged, and are hereby ratified and confirmed by the undersigned. This modification is a revision only and shall not be viewed as a novation, but shall be deemed to stand as part of the Note, to which this Allonge shall be attached.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on May 30,  
1997.

CIAMBRO CORPORATION

Wanda Yarbrough  
Witness

By: Robert J. Desjardins  
Robert J. Desjardins  
Its Executive Vice President and  
Treasurer

KEYBANK NATIONAL ASSOCIATION

Daryl Wentworth  
Witness

By: Stephen R. Woods  
Stephen R. Woods  
Its Senior Vice President

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BY ALL MEN BY THESE PRESENTS, That Harbor Realty Company, a corporation duly organized and existing by law and having a place of business in Portland, in the County of Cumberland and State of Maine, in consideration of the sum of Three Thousand and One Hundred (\$3,100.00) Dollars, paid by City of Portland, a municipal corporation and body politic, duly created, organized and existing in accordance with the laws of the State of Maine, and located in the County of Cumberland and State of Maine, the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said City of Portland, its successors and assigns, together with a certain lot or parcel of land with the ferry wings, racks and structures thereon, which comprise the area known as the Ferry Slip at the end of Portland Pier in the City of Portland extending into Portland Harbor, and bounded and described as follows: Beginning at the point in the southwesterly side line of Portland Pier as laid out by the County Commissioners June 6, 1887, distant southeasterly along the said southwesterly side line six hundred and seventy (670) feet from its intersection with the southerly side line of Commercial Street; thence southeasterly and making an included angle of one hundred and seventy (170) degrees through the west with the northwesterly side line of the said southwesterly side line of Portland Pier and following the same to the northeasterly side line of the wharf as now exists, a distance of twenty-five (25) feet to a point; thence southerly and making an included angle of

Harbor  
Realty  
Co. to  
City of  
Portland  
War

CITY DOCK

one hundred and fifty-seven (157) degrees through the west with the northeasterly direction of the last described course a distance of twenty-six (26) feet to a point thence southwesterly on a course which is at right angles to the northeasterly side line of the dock between Commercial wharf and Portland Pier a distance of thirty (30) feet more or less to the said northeasterly side line of the dock between Commercial wharf and Portland Pier; thence southeasterly by and along the said northeasterly side line of the dock between Commercial Wharf and Portland Pier and by land along the said side line of said dock produced southeasterly in a straight line a distance of eight (8) feet more or less to the Harbor Commissioner's line as of 1887; thence northeasterly by the said Harbor Commissioner's line a distance of eight (8) feet to a point, said point being approximately in the southwesterly side line of the wharf as it now exists on the northeasterly side of the ferry slip; thence northeasterly and making an included angle of ninety-six (96) degrees with the southwesterly direction of the Harbor Commissioners Line and following approximately the southeasterly line of the wharf as it now exists a distance of seventy-nine (79) feet to an angle in the said wharf; thence southwesterly and following approximately the line of the wharf as it now exists and making an included angle of one hundred and one (101) degrees with the southeasterly direction of the last described course a distance of eight (8) feet to a point and an angle in the southwesterly side line of the said wharf; thence northwesterly and making an included angle of ninety-nine (99) degrees with the northeasterly direction of the last described course and following approximately the southwesterly side line of said wharf a distance of twenty-five (25) feet more or less to a point; thence southwesterly on a line at right angles to the southwesterly side line of Portland Pier as described above a distance of thirty-four (34) feet more or less to the said southwesterly side line of Portland Pier and the point begun at. Excepting from the above however, all that portion which was laid out and taken for Portland Pier by the County Commissioners June 7, 1887.

Together with whatever dock and riparian rights relating to the above described premises, rights of way and easements adjacent and appurtenant to said Portland Pier and the Ferry Slip thereon which the Grantor has individually and in common with others and also together with whatever rights of way and easements on and over said Pier which the Grantor also has in common with others.

This conveyance is subject to whatever rights, title and easements the County of Cumberland and City of Portland have in the Public Way or Street approximately twenty-eight (28) feet wide leading southerly from said Commercial Street over and across said Pier to the southerly end thereof, and subject also to whatever rights, title and easements the said County and City have in the Ferry Slip at said southerly end of said Pier, and also subject to any rights of the public in and to the said Public Way or Street and in and to said Ferry Slip and in and to said passageways.

Being a portion of the premises conveyed to this Grantor by the City of Portland Pier by deed dated June 15, 1948 to be recorded in the Cumberland County Registry of Deeds.



## CITY OF PORTLAND

December 30, 1997

Eric Dube  
Associated Design Partners Inc.  
71 Federal Street  
Portland, ME 04101

RE: Wharf Reconstruction at 39 Portland Pier

Dear Mr. Dube:

After review of the plans submitted for the wharf reconstruction at 39 Portland Pier the following comments have been made. The applicant shall address these issues.

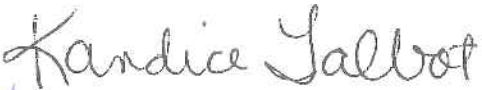
- Under materials list, it states that the wood planking and guardrail will be No. 2 or better, pressure treated optional. If pressure treatment not used, what rot resistant wood species would be required?
- What would be the amount of CCA for the pressure treated wood joists, stringers, and pilecaps?
- The materials list states that the hardware and steel plates and shapes will be galvanized. Will they also be hot dipped?
- What truck loading will be allowed on this part of the pier? H-20? H-10? What will be the maximum axle weight allowed?
- What is the elevation of pier related to the mean low water?
- Will there be uplift on pier if flooding occurs?
- Are hold down connections required for deck, stringer and pile cap?
- What is pile cap material?
- Is there steel section located above the rubber shock absorber?
- Is the rubber shock absorber continuous? What is the size of the bumper? How is it attached to the pier?



- Any bracing or chocks required between fender piles?
- What is stringer to pile cap connection?
- What is deck nailing size and spacing? What is size of drift pins?
- The Pier Construction Plan must be stamped by a Maine Professional Engineer.

If you have any questions, please do not hesitate to contact this office at 874-8721.

Sincerely,



✓ Kandice Talbot  
Planner

COPY

97-15

BOARD OF HARBOR COMMISSIONERS  
HARBOR OF PORTLAND

PERMIT

TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To..... Associated Design Partners (for Cianbro Corporation)  
..... 39 Portland Pier, Portland, ME 04101

The undersigned, Board of Harbor Commissioners for the Harbor of Portland, having carefully considered your application, dated the 25th day of November 1997, for a permit authorizing

..... the structural repair and replacement of deteriorating pilings  
..... and deck superstructure at Portland Pier

..... and having given public notice of pendency of this application as required by law, and therein designazd Thursday, the 11th day of December 1997, 5 o'clock in the afternoon prevailing time, as the time when they would meet at So. Portland City Council Chambers and examine this issue, and hear all parties interested; and having met at the time and place mentioned and examined the location of this proposed structural repairs and replacement of deteriorating pilings and deck superstructure and heard all parties interested, issue to you this permit authorizing you to proceed under all applicable local and federal regulations hereinafter stated and to maintain the same within the limits mentioned, namely: none

..... In addition, the construction project described above must be surrounded by a containment boom unless the Board of Harbor Commissioners for the Harbor of Portland has waived this requirement in writing either as part of the above-listed conditions or in a separate statement.

..... This permit is a limited authorization containing a stated set of conditions which must be complied with. If a contractor performs the work for you, both you and the contractor are responsible for assuring the work is done in conformance with the conditions and limitations of this authorization. Please be sure that the person who will do the work has read and understands these conditions.

..... Performing any work not specifically authorized by this permit, or failing to comply with its conditions, may subject you to the enforcement provisions of our regulations. If any change in the plans or construction methods is found necessary, please contact us immediately to discuss modifications of your authorization. Any change must be approved before it is undertaken.

..... Nothing in this permit shall be construed to justify or authorize any invasion to the private rights of others. Moreover, nothing in this permit shall limit or modify the authority of the Board of Harbor Commissioners for the Harbor of Portland within their applicable statute. Attested copies will be submitted to the U.S. Army Corps of Engineers, the Department of Environmental Protection, the City of Portland and the City of South Portland.

..... The work authorized by this permit is to be completed on or before the 11th day of December 1998.  
..... In Witness Whereof the members of the Board of Harbor Commissioners for the Harbor of Portland have hereunto set their hands and affixed their corporate seal on this 11th day of December 1997.

.....  
.....  
.....  
.....  
.....



Board of Harbor Commissioners for the Harbor of Portland