

City of Portland, Maine – Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 87 MARGINAL WAY		Owner: MARGINAL WAY HOLDING LLC		Phone:		Permit No: 00000
Owner Address: C/O ADAM ASSOCIATES 90 LEWIS AVE		Lessee/Buyer's Name: WALPOLE MA 02081		Phone:		
Contractor Name: WILD OATES MARKET CONSTRUCTION DEPARTMENT.		Address: 3375 MITCHELL LANE BOULDER CO.		Phone: 80301		Permit Issued: FEB 1 2001
Past Use: VACANT		Proposed Use: RETAIL GROCERY STORE		COST OF WORK: \$ 800,000 FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Signature: <i>[Signature]</i>		
Proposed Project Description: INTERIOR FIT OUT FOR MARKET		PERMIT FEE: \$4,824.00 INSPECTION: Use Group: M Type: 2B Signature: <i>[Signature]</i>		Zoning: D-5 ZBL: 034-D007 Zoning Approval: <i>[Signature]</i> Special Zone or Reviews: <input type="checkbox"/> Shoreland <i>N/A</i> <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <i>Panel 13 Zone C</i> <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>mail minor form # 19990012</i>		
Permit Taken By: K		Date Applied For: DEC 7 2000		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____		

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

PERMIT ISSUED WITH REQUIREMENTS

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit

DEC 7 2000 K

SIGNATURE OF APPLICANT _____ ADDRESS: _____ DATE: _____ PHONE: _____

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE _____ PHONE: _____

Zoning Appeal *PLANNING*

Variance *Board Approves*

Miscellaneous *Site original*

Conditional Use *for*

Interpretation *Book Land*

Approved

Denied

Historic Preservation

Not in District or Landmark

Does Not Require Review

Requires Review

Action:

Approved

Approved with Conditions

Denied

Date: *[Signature]*

PERMIT ISSUED WITH REQUIREMENTS

CEO DISTRICT 1

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

19990012

I. D. Number

60. Maine Properties

Applicant
P.O. Box 7525, Portland, ME 04112
 Applicant's Mailing Address
Ben Walters
 Consultant/Agent
774-4441 774-4016
 Applicant or Agent Daytime Telephone, Fax

02/04/1999

Application Date
Wild Oats
 Project Name/Description

87 - 87 Marginal Way
 Address of Proposed Site
034 D007
 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)
28000 2.34 B-5
 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 \$450.00 Subdivision _____ Engineer Review _____ Date: 02/04/1998

Inspections Approval Status:

Reviewer Marge Schmuckal
 Approved Approved w/Conditions see attached Denied
 Approval Date 12/13/2000 Approval Expiration _____ Extension to _____ Additional Sheets Attached
 Condition Compliance _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit 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		expiration date
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date

FIRE CODE PERMIT REPORT

DATE: 12/12/00ADDRESS: 87 Marginal WayPERMIT TO: Wild Oats

OWNER/CONTRACTOR: _____

APPROVED ✓

DENIED _____

CONDITIONS OF APPROVAL/DENIAL

1. The boiler or furnace shall be protected by enclosing with one hour fire rated construction including fire doors and ceiling or by providing automatic extinguishment and smoke protected enclosure. Sprinkler piping serving not more than six sprinklers may be connected to a domestic water supply system having a capacity sufficient to provide a 0.15 gpm, per square foot of floor throughout the entire area. An indicating shut-off valve shall be installed in an accessible location between the sprinkler and the connection to the domestic water supply. Minimum pipe size shall be 3/4 inch copper or 1 inch steel. Maximum coverage area of a residential sprinkler is 144 square feet per sprinkler.
2. All required Fire Alarm Systems shall have the capability of "Zone Disconnect" via switches or key pad program provided the method is approved by the Fire Prevention Bureau.
3. All remote annunciators shall have a visible "trouble" indicator along with the Fire Alarm "Zone" indicators.
4. Any Master Box connected to the Municipal Fire Alarm System shall have a supervised Municipal Disconnect Switch.
5. All Master Box locations shall be approved by the Fire Department Director or Communications. A Master Box shall be located so that the center of the box is five feet above finished floor.
6. All Master Box locations are required to have a locked box (knoxbox).
7. A fire alarm acceptance report shall be submitted to the Portland Fire Department.
8. All underground tank removal(s) and/or installation(s) shall be done in accordance with the Department of Environmental Regulations (Chapter 691).
9. No cutting of tanks on site. Cutting of tanks is to be done at an approved tank disposal site.
10. Fire Dispatcher must be at least 48 hours in advance of removal and/or transportation of tanks.
11. All above ground L/P storage tanks shall be located in accordance with NFPA 53 Standards.
12. Any tank located near the path of vehicle movement shall be protected with appropriate permanent barricades.

BUILDING PERMIT REPORT

DATE: 08 December 2000 ADDRESS: 87 Marginal way CBL: 034-D-007

REASON FOR PERMIT: Interior fit-up of market

BUILDING OWNER: Marginal way Holding

PERMIT APPLICANT: CONTRACTOR Wild OAKS market.

USE GROUP: M CONSTRUCTION TYPE: 20 CONSTRUCTION COST: \$80,000 PERMIT FEES: \$4,824.00

The City's Adopted Building Code (The BOCA National Building Code/1999 with City Amendments)
The City's Adopted Mechanical Code (The BOCA National Mechanical Code/1993)

CONDITION(S) OF APPROVAL

This permit is being issued with the understanding that the following conditions shall be met: *1 *13 *11 *17 *30
*21 *22 *23 *24 *31 *34 *37 *38

- *1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
- 2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection) **"ALL LOT LINES SHALL BE CLEARLY MARKED BEFORE CALLING."**
- 3. Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
- 4. Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' O.C. between bolts. Section 2305.17
- 5. Waterproofing and dampproofing shall be done in accordance with Section 1813.0 of the building code.
- 6. Precaution must be taken to protect concrete and masonry. Concrete Sections 1908.9-19.8.10/ Masonry Sections 2111.3-2111.4.
- 7. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
- 8. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4, Section 407.0 of the BOCA/1999)
- 9. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
- 10. Sound transmission control in residential building shall be done in accordance with Chapter 12, Section 1214.0 of the City's Building Code.
- *11. Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42". In occupancies in Use Group A, B, H-4, I-1, I-2, M, R, public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. Handrails shall be a minimum of 34" but not more than 38". Exception: Handrails that form part of a guard shall have a height not less than 36 inches (914 mm) and not more than 42 inches (1067 mm). Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0). Handrails shall be on both sides of stairway. (Section 1014.7)
- 12. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
- *13. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 1/4" maximum rise. All other Use Group minimum 11" tread, 7" maximum rise. (Section 1014.0)
- 14. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
- 15. Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft. (Section 1010.4)
- 16. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units. (Section 1010.1)
- *17. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closure's. (Over 3 stories in height requirements for fire rating is two (2) hours. (Section 710.0)
- 18. The boiler shall be protected by enclosing with (1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. (Table 302.1.1)

19. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 920.3.2 (BOCA National Building Code/1999), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):

- In the immediate vicinity of bedrooms
- In all bedrooms
- In each story within a dwelling unit, including basements

X20. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type. (Section 921.0)

X21. The Fire Alarm System shall be installed and maintained to NFPA #72 Standard.

X22. The Sprinkler System shall be installed and maintained to NFPA #13 Standard.

X23. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023.0 & 1024.0 of the City's Building Code. (The BOCA National Building Code/1999)

24. Section 25 - 135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".

25. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification the Division of Inspection Services.

26. Ventilation and access shall meet the requirements of Chapter 12 Sections 1210.0 and 1211.0 of the City's Building Code. (Crawl spaces & attics).

X27. All electrical, plumbing and HVAC permits must be obtained by Master Licensed holders of their trade. No closing in of walls until all electrical (min. 72 hours notice) and plumbing inspections have been done.

28. All requirements must be met before a final Certificate of Occupancy is issued.

29. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code (The BOCA National Building Code/1996).

30. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical code (The BOCA National Mechanical Code/1993). (Chapter M-16)

31. Please read and implement the attached Land Use Zoning report requirements. *All requirements and conditions on the attached Site Development Review Sheets shall be met.*

32. Boring, cutting and notching shall be done in accordance with Sections 2305.3, 2305.3.1, 2305.4.4 and 2305.5.1 of the City's Building Code.

33. Bridging shall comply with Section 2305.16.

X34. Glass and glazing shall meet the requirements of Chapter 24 of the building code. (Safety Glazing Section 2406.0)

35. All flashing shall comply with Section 1406.3.10.

36. All signage shall be done in accordance with Section 2102.0 signs of the City's Building Code, (The BOCA National Building Code/1999).

X37. ~~Two means of egress is required from room 105. 24" minimum~~

X38. ~~All food service equipment shall adhere to the rules and requirements set forth by City and State food service requirements.~~

X39. ~~The permit applicant shall provide special inspections as per section 1705.0~~

40. The Fire Alarm system shall be connected to the master box fire alarm system. Contact Ben Dineen 874-8489.

R. Santos Flores, Building Inspector

cc: I. McDougall, PFD

Marge Schmuckal, Zoning Administrator

PSH 10/1/00

**This permit is herewith issued, on the basis of plans submitted and conditions placed on these plans, any deviations shall require a separate approval.

***THIS PERMIT HAS BEEN ISSUED WITH THE UNDERSTANDING THAT ALL THE CONDITIONS OF THE APPROVAL SHALL BE COMPLETED. THEREFORE, BEFORE THE WORK IS COMPLETED A REVISED PLAN OR STATEMENT FROM THE PERMIT HOLDER SHALL BE SUBMITTED TO THIS OFFICE SHOWING OR EXPLAINING THAT THE CONDITIONS HAVE BEEN MET. IF THIS REQUIREMENT IS NOT RECEIVED YOUR CERTIFICATE OF OCCUPANCY SHALL BE WITHHELD.

****ALL PLANS THAT REQUIRE A PROFESSIONAL DESIGNER'S SEAL, (AS PER SECTION 114.0 OF THE BUILDING CODE) SHALL ALSO BE PRESENTED TO THIS DIVISION ON AUTO CAD LT. 2000, DXF FORMAT OR EQUIVALENT.

*****CERTIFICATE OF OCCUPANCY FEE \$50.00

Applicant: Wild Oates Market

Date: 12/13/00

Address: 87 Marginal Way

C-B-L: 034-D-007

CHECK-LIST AGAINST ZONING ORDINANCE

Date - Existing Bldg

Zone Location - B-5 zone

Interior or corner lot

Proposed Use/Work - interior fit-up for market (retail)

Sevage Disposal - City

Lot Street Frontage - None req

Front Yard - None required

Rear Yard - None required

Side Yard - None required

Projections -

Width of Lot - N/A

Height - 65' max - existing 1 story

Lot Area - 2.34 Acres shown

Lot Coverage/ Impervious Surface - 100%

Area per Family - N/A

Off-street Parking - None required

Loading Bays - 1 shown ~~none~~

Site Plan - major - originally approved by PR for Bookland

19990012

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 13 - zone X

- Sep. Permits required for Signage

- Shall meet and maintain all performance standard including such as, but not limited to noise levels & odor levels -

LAWRENCE M. ROSENBLOOM
ARCHITECT, P.C.

Transmittal

To: INSPECTION DIVISION From: JOANNA GAYLORD
Company: DEPT. OF PLANNING & Date: DEC. 05, 2000
Address: URBAN DEVELOPMENT Job Name: WILD OATS MARKET
PORTLAND MAINE 04101 Job No.: 2050
Via: U.S. Mail Federal Express Messenger Pick Up _____

WE ARE TRANSMITTING THE FOLLOWING ITEMS: FOR REVIEW FOR
BUILDING PERMIT

NO. OF COPIES	DWG NO.	DATE	DESCRIPTION
2 ea	A0÷A9	12-04	ARCHITECTURAL FLOOR PLANS & DETAILS
	M1÷M2	12-04	MECHANICAL PLANS & DETAILS
	P1÷P5	12-04	PLUMBING PLANS & DETAILS
	E1÷E5	12-04	ELECTRICAL PLANS & DETAILS
1			APPLICATION
1			BUILDING PERMIT FEE, CHECK FOR 4,824.00

CC: LMR



CITY OF PORTLAND, MAINE

Department of Building Inspection

Dec 7 2000

Received from Wild Oats Market inc a fee

of four thousand eight hundred ^{thirty} 4,834-
100 Dollars \$

for permit to inter. fitout for market

at 87 Marginal way Est. Cost \$ 800,000

5479

Inspector of buildings

Per _____

Joanna
Garland

THIS IS NOT A PERMIT

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$5.00 or 10% whichever is greater.

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Auditors Copy

THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

**Building or Use Permit Pre-Application
Attached Single Family Dwellings/Two-Family Dwelling
Multi-Family or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the Information below for a Building or Use Permit.

NOTEIf you or the property owner owes real estate or personal property taxes or user charges on ANY PROPERTY within the City, payment arrangements must be made before permits of any kind are accepted.**

Location/Address of Construction (include Portion of Building): 87 MARGINAL WAY, PORTLAND MAINE 04101			
Total Square Footage of Proposed Structure 32,010 SF		Square Footage of Lot ± 2.3 ACRES	
Tax Assessor's Chart, Block & Lot Number Chart# Block# D Lot# 1-7		Owner: MARGINAL HOLDINGS L.L.C	Telephone#:
Owner's Address: C/O ADAM ASSOCIATES 90 LEWIS AVENUE WALPOLE MA 02081		Lessor/Buyer's Name (If Applicable)	Cost Of Work: For \$ 800,000 \$4,824.00
Proposed Project Description: (Please be as specific as possible) INTERIOR TENANT FIT-OUT FOR WILD OATS MARKET, NATURAL AND ORGANIC GROCERY STORE			
Contractor's Name, Address & Telephone: WILD OATS MARKET CONSTRUCTION DEPARTMENT Rec'd By 3375 MITCHELL LANE, BOULDER, CO 80301			
Current Use:		Proposed Use: RETAIL GROCERY STORE	

Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.
- HVAC(Heating, Ventilation and Air Conditioning) Installation must comply with the 1993 BOCA Mechanical Code.

You must include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan/Site Plan

Minor or Major site plan review will be required for the above proposed projects. The attached checklist outlines the minimum standards for a site plan.

4) Building Plans

Unless exempted by State Law, construction documents must be designed by a registered design professional.

A complete set of construction drawings showing all of the following elements of construction:

- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and dampproofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

Certification

I hereby certify that I am the Owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: <i>Craig Dodson</i>	DIR. OF FIELD CONSTRUCTION	Date: 11-29-00
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Building Permit Fee: \$30.00 for the 1st \$1000 cost plus \$6.00 per \$1,000.00 construction cost thereafter.
Additional Site review and related fees are attached on a separate addendum



State of Maine
 Department of Public Safety
Construction Permit



Reviewed
 for Barrier
 Free

11336

Sprinkled
 Sprinkler Supervised

WILD OATS COMMUNITY MARKET - BUILDING SHELL

Located at: 87 MARGINAL WAY

PORTLAND

Occupancy/Use: MERCANTILE CLASS A

Permission is hereby given to:

MARGINAL HOLDINGS, LLC
 C/O ADAM ASSOCIATES
 90 LEWIS AVENUE
 WALPOLE, MA 02081

to construct or alter the afore referenced building according to the plans hitherto filed with the Commisioner and now approved. no departure from application form/plans shall be madewithout prior approval in writing. This permit is issued under the provision of Title 25, Chapter 317, Section 2448 and the provisions of Title 5, Section 4594 - F.

Nothing herein shall excuse the holder of this permit for failure to comply with local ordinances, zoning laws, or other pertinent legal restrictions. Each permit issued shall be displayed/available at the site of construction.

This permit will expire at midnight on the 28th of May 2001

Dated the 29th day of November A.D. 2000



Commissioner

Fee: \$200.00
 \$200.00

Copy-3 Code Enforcement Officer

Comments:

034-C-0049

Code Enforcement Officer
 PORTLAND, ME

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

19990012
I. D. Number

So. Maine Properties

Applicant
P.O. Box 7526, Portland, ME 04112
Applicant's Mailing Address
Ben Walters
Consultant/Agent
774-4441 774-4016
Applicant or Agent Daytime Telephone, Fax

02/04/1999
Application Date
Wild Oats
Project Name/Description

87 - 87 Marginal Way
Address of Proposed Site
034 D007
Assessor's Reference: Chart-Block-Lot

DRC Conditions of Approval

Planning Conditions of Approval

Inspections Conditions of Approval

1. Separate permits are required for any signage.
2. Shall meet and maintain all performance standard including , such as, but not inclusive; noise levels and odor levels.
3. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Fire Conditions of Approval

Application requires State Fire Marshal approval.

THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

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- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

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Signature of applicant: Greg Dodson	DIR. OF FIELD CONSTRUCTION	Date: 11-29-00
--	----------------------------	-----------------------

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WILD OATS MARKETS, INC.
CONSTRUCTION ACCOUNT
3375 MITCHELL LANE
BOULDER, CO 80301

20-137
740

5479

DATE 11-29-00

PAY TO THE
ORDER OF

City of Portland, Dept of Urban Development | \$ 4,824.⁰⁰

Forty Eight Hundred Twenty four + ⁰⁰/₁₀₀ — DOLLARS

BANK ONE.

Bank One, Indiana, NA
Indianapolis, IN 46277

MEMO PME-0169 Bldg Permit Appl.

Greg Dodson

⑆074000010⑆ 840515217⑆ 5479

SAFETY PAPER

LAWRENCE M. ROSENBLOOM
ARCHITECT, P.C.

PART OF OTHER PACKAGE

Transmittal

To: INSPECTION DIVISION From: JOANNA GAYLORD
Company: DEPT. OF PLANNING & Date: DEC. 05, 2000
Address: URBAN DEVELOPMENT Job Name: WILD OATS MARKET
PORTLAND MAINE 04101 Job No.: 2050
Via: U.S. Mail Federal Express Messenger Pick Up

WE ARE TRANSMITTING THE FOLLOWING ITEMS: FOR REVIEW FOR BUILDING PERMIT

NO. OF COPIES	DWG NO.	DATE	DESCRIPTION
2 ea	A0-A9	12-04	ARCHITECTURAL FLOOR PLANS & DETAILS
	M1-M2	12-04	MECHANICAL PLANS & DETAILS
	P1-P5	12-04	PLUMBING PLANS & DETAILS
	E1-E5	12-04	ELECTRICAL PLANS & DETAILS
1			APPLICATION
1			BUILDING PERMIT FEE, CHECK FOR 4,824.00

THIS PACKAGE INCLUDES EQUIPMENT CUT SHEETS FOR DEPT. OF HEALTH REVIEW.

CWS**CURTIS WALTER STEWART**
A r c h i t e c t s434 Cumberland Avenue
Portland ME 04101-2325

Benedict B. Walter, Vice President

Phone: 207.774.4441
Fax: 207.774.4016
E-mail: BWalter@CWSarch.com

wild oats market

2/10/00

July 6, 2000

Don Crotts, Project Manager
Wild Oats Market Inc.
3375 Mitchell Lane, 1st Floor
Boulder CO 80301

1-303-928-0018

Jed Hayes
SullivanHayes Companies
10 Waterside Drive, Suite 200
Farmington CT 06032

1-806-677-5260

160
2

320Re: Proposed **Wild Oats Market**
Marginal Way and Elm Street
Portland, Maine

Dear Don and Jed,

Attached (hard copy and email) are the proposed building shell plans and site sketch for the above referenced project being developed by Topsfield Associates. This provides a total building footprint of approximately 32,005 square feet of both existing renovated and new construction and 143 parking spaces.

I believe our preliminary and informal discussion yesterday with Rick Knowland of the Portland Planning Department about the overall scope of the project and the approvals process went very well. Because we have a current approval on the site and because we are proposing an addition of less than 10,000 sf, he is hopeful that the code enforcement officer will allow a "staff review" of our application rather than sending the project to the planning board. Review by the planning board should be avoided if at all possible, as it might add many months to the approval process. Rick is in the process of checking with the city's code review and legal department to determine if these assumptions are correct and how the process should take place, i.e. should we continue the previous application of re-apply.

In terms of the buildings use and the design concept, Rick seemed encouraged to see that a café with many opportunities for fenestration to break up the facades might be part of the design. He encouraged us to consider the pedestrian experience in our design, an element that the city is trying to foster in plans for a Bayside renaissance. He emphasized that the city would encourage the owner and tenant to pursue ways of engaging pedestrian activity as is highlighted in the Bayside master plan, "A New Vision for Bayside" (attached). He also liked bringing the building closer to the property line and the propose use of masonry as a finish material.

Don Crotts
Jed Hayes
Proposed Wild Oats Market - Portland, Maine
July 6, 2000
Page 2 of 2

In terms of zoning, there dose not appear to be any issues with the proposed scheme, as the B-5 zone requires no minimum lot size, frontage, or setbacks and allows a 100% lot coverage with a maximum building height of 65 feet. The signage scheme that we presented seamed to meet the sign ordinance and Rick would check with the City's code enforcement officer to confirm this. He indicated he would also get clarification on what the sign ordinance is requiring regarding free standing signs.

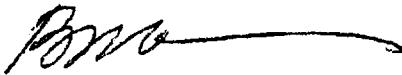
Rick suggested that we contact Lee Urban, the Economic Development Director for the City of Portland help us find a way to resolve the probably easement needed to add the brick veneer to the south-west corner of the building where it encroaches on the city-owned sidewalk. A call has been placed to Lee to discuss this.

Also included in this packet are three correspondences from the planning department 1) extension of site plan approval; 2) conditions of Site Plan approval for the previous application; and 3) a zoning interpretation for the use of murals for the previous application.

Please do not hesitate to contact me if there is additional information you need.

Very truly yours,

CURTIS WALTER STEWART ARCHITECTS



Benedict B. Walter, Architect
Vice President

cc: George Gamache, Adams Associates, c/o Topsfield Associates (508) 660-2672
Rick Knowland, City of Portland Planning Department 874-8710



Curtis Walter Stewart
Architects

FAX TRANSMITTAL

434 Cumberland Avenue Portland ME 04101-2325
www.CWSArch.com

Phone: 207.774.4441
Fax: 207.774.4016

To: <u>GEORGE GAMACHE</u>	From: <u>BEN WALTER</u>
Company: <u>ADAMS ASSOCIATES</u> <u>BPS FIELD ASSOCIATES</u>	Message: <u>WILD CATS MARKET</u> <u>PORTLAND, ME</u> <u>FOLLOW-UP NOTES ON</u> <u>MEETING W/ RICK KNOWLAND.</u>
Fax No: <u>1-508-660-2672</u>	
Date: <u>7-14-2000</u>	
Project/No.: <u>WILD CATS</u>	
Copies to: <u>RICK KNOWLAND</u> - <u>DON GROTTIS, W.O.</u> - <u>JED HAYES</u> - <u>PETER QUESADA</u> -	<u>874-8716</u> <u>303-928-0018</u> <u>860-679-5260</u> <u>772-9078</u>

Please notify CWS if received in error.

No. of Pages:

Planning

7-14-00

← MARCG
PGWNV
ALGX

DISCUSSION WITH BEN WALTERS ON THE
HOT SHOTS BLOG. IF THESE NOTES APPEAR
"OFF THE WALL" LET ME KNOW

THANKU
RK

**CURTIS WALTER STEWART**
A r c h i t e c t s434 Cumberland Avenue
Portland ME 04101-2325

Benedict B. Walter, Vice President

Phone: 207.774.4441
Fax: 207.774.4016
E-mail: BWalter@CWSarch.com

July 13, 2000

George Gamache
Adams Associates
for Topsfield Associates
90 Lewis Avenue
Walpole, MA 02081Re: **Proposed Wild Oats Market**
Marginal Way and Elm Street
Portland, Maine

Dear George,

I had a follow up telephone conversation with Rick Knowland of the City of Portland Planning Department on July 12, 2000. Based on discussions with the planning staff, legal staff and code enforcement staff, he clarified the following items that were asked at our last meeting:

1. If we demolish the existing building and reconstruct it, even if within the same footprint, it would trigger starting the planning process over. This would require bringing the project to the planning board for review and approval;
2. If we were to add less than 10,000 SF of new floor area to the previously approved plan, we would not be required to go back to the planning board for review and approval. The plan would be reviewed by staff;
3. If we were to add vertically (we discussed 4' to bring it to 20') to the building, it would not be required to go back to the planning board as long as less than 10,000 SF of new floor area were added to the previously approved plan;
4. If Topsfield Associates were able to demonstrate right, title and interest to develop the property (in its land lease), it may be possible to piggyback this project on the previous application (he is still a little unclear on this but is hopeful). The other option might be to submit a new application that references the past approval;
5. He had an initial discussion with Marge Schmuckel, Code Enforcement Officer, about signage. Her preliminary interpretation was that a building can only have 4 facades, and thus, the sign on the angled façade facing the corner of Elm/Prebble Streets and Marginal Way would have to be considered to be on one of the two streets. I have a call in to her to further clarify this interpretation and to clarify the intent of the free standing sign requirements.

I also had a conversation with Lee Urban, Economic Development Director for the City of Portland about the possible existing (6" +/-) and future (14" +/-)

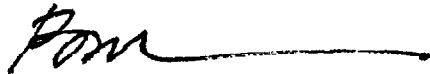
George Gamache
Proposed Wild Oats Market – Portland, Maine
July 13, 2000
Page 2 of 2

encroachment of the south west corner of the building on the city sidewalk. He recommended that the owner document the existing condition with an updated survey and title work and write a proposed easement for the improved building. He would identify the appropriate channels in the city required to review and approve the easement. He felt that if all was in order, it shouldn't become an issue.

In summary, all indication were that the general plan as we proposed it was received well by staff and should be approved, pending minor discussions and revisions, as proposed. I will keep you informed of further developments.

Very truly yours,

CURTIS WALTER STEWART ARCHITECTS



Benedict B. Walter, Architect
Vice President

cc: Rick Knowland, City of Portland Planning Department
Don Crotts, Project Manager, Wild Oats Market Inc.
Jed Hayes, SullivanHayes Companies
Peter W. Quesada, Fore River Company



Curtis Walter Stewart
Architects

FAX TRANSMITTAL

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Phone: 207.774.4441
Fax: 207.774.4016

To: <u>GEORGE GAMACHE</u>	From: <u>BEN WALTER</u>
Company: <u>ADAMUS ASSOCIATES</u> <u>BPS FIELD ASSOCIATES</u>	Message: <u>WILD OATS MARKET</u> <u>PORTLAND, ME</u>
Fax No: <u>1-508-660-2672</u>	<u>FOLLOW-UP NOTES ON</u> <u>MEETING W/ RICK KNOWLAND.</u>
Date: <u>7-14-2000</u>	
Project/No.: <u>WILD OATS</u>	
Copies to: <u>RICK KNOWLAND</u> -	<u>874-8716</u>
<u>DON GROTTI, W.O.</u> -	<u>203-928-0018</u>
<u>JED HAYES</u> -	<u>860-679-5260</u>
<u>PETER RUESADA</u> -	<u>772-9078</u>

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DISCUSSION WITH BEN WALTERS ON THE
HOT SHOTS BLDG. IF THESE NOTES APPEAR
"OFF THE WALL" LET ME KNOW

THANKU
RICK



CURTIS WALTER STEWART
A r c h i t e c t s

434 Cumberland Avenue
Portland ME 04101-2325

Benedict B. Walter, Vice President

Phone: 207.774.4441
Fax: 207.774.4016
E-mail: BWalter@CWSarch.com

July 24, 2000

George Gamache
Adams Associates
for Topsfield Associates
90 Lewis Avenue
Walpole, MA 02081

Re: **Proposed Wild Oats Market – Parking Requirements**
Marginal Way and Elm Street
Portland, Maine

Dear George,

I have reviewed the Portland Zoning Ordinance for Off Street Parking requirements. DIVISION 20, OFF-STREET PARKING, Sec. 14-322 Uses Requiring Off-Street Parking lists two uses that might be applicable to this project. They are:

- (8) **Retail Stores:** One (1) parking space for each two hundred (200) square feet of first floor area in excess of two thousand (2000) square feet not used for bulk storage and one (1) parking space for each seven hundred (700) square feet, or major fraction thereof, for each floor above the first floor not used for bulk storage.
- (9) **Restaurants or establishments constructed and intended for the dispensing of food and drink as the principal activity:** One (1) parking space for each one hundred fifty (150) square feet, or major fraction thereof, of floor area not used for bulk storage or food preparation.

As I read the ordinance, we would be required to provide one (1) space for each 200 SF of retail area, excluding the back rooms. Since we don't know where that line will be drawn in plan, it is hard to calculate the number of spaces required. Also, it is possible that the City might require that we use the "Restaurants" parking ratios for the portion of the facility dedicated to the café. Again, we do not know where that line is to be drawn. It would be a good idea to confirm the calculation methodology with the Planning Department and Code Enforcement Officer.

As an example, if we were to assume that we had a retail floor area of 22,000 SF and a Café of 2,000 SF, leaving 8,000 SF for back room and bulk storage, the Zoning Ordinance as per my reading of it would require 124 parking spaces. The current version of the site plan shows 143 parking spaces. Working backwards, this scenario might allow increasing the retail floor area to 25,800 SF, leaving 4,200 SF of back room and bulk storage space.

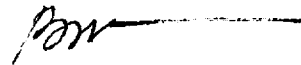
George Gamache
Proposed **Wild Oats Market** – Portland, Maine
July 13, 2000
Page 2 of 2

I have enclosed a copy of the Off-Street portion of the Zoning Ordinance for your further interpretation. In any case, I believe this should help Wild Oats in their planning efforts if we are able to clarify that our calculation methods are appropriate. I am forwarding a copy of this letter to Rick Knowland so he can follow up on the issue with the Code Enforcement Officer.

Please call if you have further questions on this issue.

Very truly yours,

CURTIS WALTER STEWART ARCHITECTS



Benedict B. Walter, Architect
Vice President

cc: Rick Knowland, City of Portland Planning Department
Don Crotts, Project Manager, Wild Oats Market Inc.
Jed Hayes, SullivanHayes Companies

Secs. 14-328—14-330. Reserved.

DIVISION 20. OFF-STREET PARKING

Sec. 14-331. Defined.

Off-street parking, either by means of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical and Design Standards and Guidelines, as hereafter amended, in addition to being a permitted use in certain zones, shall be considered as an accessory use when required or provided to serve conforming uses in any zone.

(Code 1968, § 602.14.A; Ord. No. 272-77, 5-16-77; Ord. No. 389-89, § 1, 4-3-89)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 14-332. Uses requiring off-street parking.

In all zones where off-street parking is required, the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

- (1) *Residential structures:*
 - a. For new construction, two, (2) parking spaces for each dwelling unit, plus one (1) additional parking space for every six (6) units or fraction thereof.
 - b. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, one and one-half (1½) additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.
- (2) *Motel:* One (1) parking space for each sleeping room.
- (3) *Hotels:* One (1) parking space for each four (4) guest rooms.
- (4) *Schools providing instruction for students up to and including those fifteen (15) years of age:* One (1) parking space for each room used for purposes of instruction.
- (5) *Schools providing instruction for students sixteen (16) years of age and over:* One (1) parking space for each ten (10) seats or major fraction thereof, used for purposes of instruction; if no fixed seats, one (1) parking space for each one hundred (100) square feet or major fraction thereof used for purposes of instruction.
- (6) *Hospitals:* One (1) parking space for each five hundred (500) square feet or major fraction thereof, of floor area, exclusive of cellar.
- (7) *Auditoriums, theaters, assembly halls, funeral homes:* One (1) parking space for each five (5) seats or for each one hundred (100) square feet, or major fraction thereof, of assemblage space if no fixed seats.

- (8) *Retail stores:* One (1) parking space for each two hundred (200) square feet of first floor area in excess of two thousand (2,000) square feet not used for bulk storage and one (1) parking space for each seven hundred (700) square feet, or major fraction thereof, for each floor above the first floor not used for bulk storage.
- (9) *Restaurants or establishments constructed and intended for the dispensing of food and drink as the principal activity:* One (1) parking space for each one hundred fifty (150) square feet, or major fraction thereof, of floor area not used for bulk storage or food preparation.
- (10) *Offices, professional and public buildings:* One (1) parking space for each four hundred (400) square feet, or major fraction thereof, of floor area exclusive of cellar not used for bulk storage.
- (11) *Church and accessory uses located on same or contiguous lots:* One (1) parking space for each five (5) fixed seats; or if no fixed seats, one (1) parking space for each twenty-five (25) square feet, or major fraction thereof, of area in sanctuary or principal place of assemblage for worship in the church.
- (12) *For that part of every business, manufacturing, and industrial building not catering to retail trade and with floor area over three thousand (3,000) square feet:* One (1) parking space for each one thousand (1,000) square feet of floor area, or major fraction thereof.
- (13) *Beds:* One (1) parking space for each eight (8) beds, or major fraction thereof.
- (14) *Longterm, extended care and intermediate care facilities:* One (1) parking space for each five (5) beds, or major fraction thereof, plus one (1) parking space per each employee normally present during one (1) weekday morning shift.
- (15) *Lodging houses:* One (1) parking space for each five (5) rooming units, except in the R-5 zone; in the R-5 zone, one (1) parking space for every two (2) rooming units.
- (16) *Sheltered care group homes and emergency shelters:* One (1) parking space for every two (2) employees.
- (17) *Congregate care facilities:* One (1) parking space for every three (3) living units.
- (18) *Special needs independent living units:* One (1) parking space per every four (4) living units, plus one (1) parking space for each staff member, if any, normally present at any one time.
- (19) *Bed and breakfast:*
- a. *Except in the I-B zone:* One (1) parking space for each two (2) guest rooms or fraction thereof for the first four (4) guest rooms; one (1) parking space for each additional guest room in excess of four (4).
 - b. *In the I-B zone:* No off-street parking required.
- (20) *[Exception:]* Notwithstanding the preceding provisions of this section, the parking requirement for any new structure in excess of fifty thousand (50,000) square feet shall be as established by the planning board pursuant to section 14-526(a)(2).
- (Code 1968, § 602 14.B; Ord. No. 268-77, 5-16-77; Ord. No. 431-82, § 2, 2-22-82; Ord. No. 575-86, §§ 1, 2, 5-19-86; Ord. No. 65-87, 11-2-87; Ord. No. 230-90, § 2, 3-5-90; Ord. No. 33-91, § 14, 1-23-91; Ord. No. 243-91, § 1, 3-11-91; Ord. No. 33A-91, § 8, 4-17-91; Ord. No. 125-97, § 10, 3-3-97)

Sec. 14-333. To be located on lot with principal use in residence zones; exceptions.

Required off-street parking in all residence zones and accessory off-street parking in R-1 through R-5 zones shall be located on the same lot with the principal building or use, except that the board of appeals may permit such off-street parking to be located at a distance of not more than three hundred (300) feet from the principal building or use, measured along lines of public access where it cannot reasonably be provided on the same lot if the premises to be used for parking are held under the same ownership or lease as the building or use served and if said premises are located in the same or a less restricted zone as the building or use served. Evidence of such control, either deed or lease, shall be required.

(Code 1968, § 602.14.C)

Sec. 14-334. To be located on lot with principal use in nonresidential zones; exceptions.

Required off-street parking in all nonresidential zones shall be located on the same lot with the principal building or use, or within one hundred (100) feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the board of appeals may permit such off-street parking to be located a reasonable distance from the principal building or use measured along lines of public access if the premises to be used for parking are held under the same ownership or lease. Evidence of such control, either deed or lease, shall be required.

(Code 1968, § 602.14.D; Ord. No. 430-83, § 1, 4-25-83)

Sec. 14-335. Off-street parking restricted.

Off-street parking shall not include:

- (1) More than one (1) commercial motor vehicle in any residence zone, the R-P zone or any B-1 zone;
- (2) More than six (6) commercial motor vehicles in any B-2 zone;
- (3) Loading, sales, dead storage, repair, or servicing of any kind, except when customarily incidental or accessory to a conforming principal building or use when located in an I-2, I-2b, I-3 zone and I-3b zone;
- (4) Except in the case of a car dealer, more than one (1) unregistered motor vehicle stored outside for a period in excess of thirty (30) days in any residence zone, the R-P zone or any business zone;
- (5) Notwithstanding (1) above, any truck body, commercial trailer or similar commercial vehicles in any residence zone or the R-P zone.

(Code 1968, § 602.14.E; Ord. No. 298-88, 5-31-88)

Sec. 14-336. Location in residence zones for six or fewer vehicles.

(a) Where off-street parking for six (6) or fewer vehicles is required or provided in any residence zone, it shall not be located closer than fifty (50) feet to any street line if less than five (5) feet from any lot line and shall not be closer to any street line than the required depth

of the front yard for the same lot, except on a corner lot where the minimum depth from the line of the side street shall be the minimum width of the side yard on the side street. Lots in the R-6 zone shall not be required to provide the five-foot setback required by this section, but parking in the R-6 zone shall meet the front yard setbacks set forth in this section.

(b) Parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, except within one (1) driveway on the lot. "Driveway," as used in this paragraph, shall not include any turnaround area.

(Code 1968, § 602.14.F; Ord. No. 231-90, § 1, 3-5-90; Ord. No. 310-98, § 2, 5-4-98)

Sec. 14-337. Location in residence zones for more than six vehicles.

Where off-street parking for more than six (6) vehicles is required or provided for nonresidential uses in residence zones, it shall not be located closer than twenty-five (25) feet to any residential structure on an adjoining lot.

(Code 1968, § 602.14.G)

Sec. 14-338. When located within required open yard areas in residence zones.

(a) Where off-street parking for more than six (6) vehicles is required or provided on a lot in a residence zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:

- (1) A continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface.
- (2) Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a residence zone, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

(b) Notwithstanding the provisions of subsection (a) of this section, parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, except within one (1) driveway on the lot. "Driveway," as used in this paragraph, shall not include any turnaround area.

(Code 1968, § 602.14.H; Ord. No. 231-90, § 2, 3-5-90)

Sec. 14-339. When located adjacent to a street or a residential use.

Where off-street parking for more than six (6) vehicles is required or provided on a lot in any business zone, the following requirements shall be met:

- (1) Where vehicles are to be or may be parked within ten (10) feet of any street line, a continuous curb guard, rectangular in cross-section, at least six (6) inches in height

and permanently anchored, shall be provided and maintained at least five (5) feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that bumpers of vehicles cannot project beyond its face toward the street line involved either above or below the impact surface.

- (2) Where such off-street parking shall abut a lot in a residence zone or a lot in residential use, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

(Code 1968, § 602.14.1)

Sec. 14-340. Construction requirements when more than six vehicles parked.

Where off-street parking for more than six (6) vehicles is required or provided, the following construction requirements shall apply:

- (1) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the traffic engineer.
- (2) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted, and with a wearing surface equivalent in quantities of compaction and durability to fine gravel.
- (3) A system of surface drainage shall be provided in such a way that the waste run-off shall not run over or across any public sidewalk or street.
- (4) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

(Code 1968, § 602.14.J; Ord. No. 96-88, § 1, 7-19-88)

Editor's note—Ord. No. 96-88, § 1, adopted July 19, 1988, amended subsection (1) of this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 96-88.

Sec. 14-341. Aisles required for six or more spaces.

In parking facilities containing six (6) or more parking spaces, there shall be provided vehicular access by one (1) or more aisles. Aisle widths shall be in conformance with the standards set forth in the City of Portland Technical and Design Standards and Guidelines, as hereafter amended.

(Code 1968, § 602.14.A; Ord. No. 272-77, 5-16-77; Ord. No. 389-89, § 2, 4-3-89)

Sec. 14-342. Reserved.

Editor's note—Section 1 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-342, relative to a reduction of requirements by the board of appeals, which derived from Code 1965, § 602.14.K.

Sec. 14-343. Board of appeals may approve joint use.

The board of appeals may approve the joint use of a parking facility by two (2) or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments. This section shall apply to residential uses in the B-3 zone which propose joint use of a parking facility with another principal use in the B-3 zone.

(Code 1968, § 602.14.L; Ord. No. 243-91, § 2, 3-11-91)

Sec. 14-344. Board of appeals may authorize parking in certain residence zones.

In R-3 through R-5 zones, the board of appeals may permit off-street parking for passenger cars only accessory to a use located in and conforming with the provisions of a nearby business or industrial zone (except B-1 zones) if the lot on which the use is proposed is located wholly within three hundred (300) feet, measured along lines of public access, of the principal building of the use to which the proposed use would be accessory and provided further that:

- (1) The lot where the parking use is proposed shall be under the control of the owner of the use to which the parking use would be accessory. Evidence of such control by deed or lease shall be required before the certificate of occupancy is issued. If such control should be abrogated, the parking use thus allowed shall automatically revert to a nonconforming use in violation of this article and shall be terminated forthwith.
- (2) No such appeal shall be in order for hearing before the board of appeals until the planning board shall have reviewed the site plan accompanying the application for building permit or certificate of occupancy for such use and shall have submitted its recommendations with respect thereto.
- (3) The board of appeals may impose such conditions as deemed necessary to insure development compatible with that of the immediate neighborhood notwithstanding the provisions of any other section of this article and may at its discretion limit the period of such use.

(Code 1968, § 602.14.M; Ord. No. 541-84, 5-7-84)

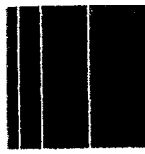
Secs. 14-345–14-350. Reserved.

DIVISION 21. OFF-STREET LOADING

Sec. 14-351. Minimum loading bays or loading berth.

In those zones where off-street loading is required, the following minimum off-street loading bays or loading berths shall be provided and maintained in the case of new construction, alterations and change of use:

- (1) Office buildings and hotels with a gross floor area of more than one hundred thousand (100,000) square feet: One (1) bay.



Sebago Technics

Engineering & Planning for the Future

October 3, 2000
99045

Richard Knowland, Planner
Planning & Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Amended Site Plan Application - Wild Oats Market, 87 Marginal Way

Dear Rick:

On behalf of Marginal Holdings, LLC, I am pleased to submit these final plan documents which we feel address the review comments made by the City. These plans also incorporate design changes requested by Wild Oats. Specific changes are as follows:

1. Building footprint and architectural elevations have been refined. Changes consist of refinement of the elevations and material selection, building signage, service area configuration, and utility connections. An outdoor eating area has also been added near the main entry to the site.
2. Landscape plantings have been enhanced to respond to the new architectural elevations and to provide a variety of seasonal interest along the public way.
3. The entry drive has been reduced from 30' to 26' and shifted north 10' to accommodate the outside eating area.
4. The transformer has been relocated to the service area.
5. A grease trap has been added and a new sanitary connection proposed into the sewer main on Marginal Way.

In addressing specific review comments made by the City, we have the following responses:

A. Response Comments to September 14, 2000 Letter from Rick Knowland

1. The traffic report is currently being revised by John Murphy. This report is expected to be completed following a meeting on October 3rd which was set up by the City to discuss traffic issues in the Bayside area.

2. **Building mounted signage has been revised per allowable square footage and is shown on the architectural plans. A freestanding pylon sign is also shown near our main entrance. See architectural plans for details of all signs.**
3. **A lighting photometric plan is attached. Light pole and building mounted fixtures are shown on the attached site plan.**
4. **Architectural elevations and floor plans are attached.**
5. **As previously mentioned, the Landscape Plan has been improved upon from the original submission.**
6. **The septic system reference has been deleted.**
- 7/8. **The appropriate notes have been added to the plan documents.**
9. **The transformer has been relocated to the service area which is screened from the public way by a wall and evergreen plantings.**
10. **In accordance with Section 14-525(c), I offer the following written statements:**
 - a. **The proposed use is a health food store with a 60 indoor seat cafeteria and a 12-16 seat outdoor seasonal cafeteria.**
 - b. **Site acreage is 2.3 acres with an existing building of 23,775 gross square feet and a building addition of 8,242 gross square feet for a total new building of 32,017 square feet.**
 - c. **No existing easements are on the property. A new access easement is proposed along the common boundary with Back Cove Company.**
 - d. **Solid waste will be consistent with waste generated by grocery and health food stores. Waste material will be stored in an enclosed compactor in the service area and removed on a weekly basis by a private hauler.**
 - e. **The site is currently serviced by public water, sewer and overhead electric. There is adequate capacity for this new use. These services will be upgraded as shown on the attached Grading & Utility Plan.**
 - f. **The surface drainage plan is consistent with the previously prepared plan for The Bookland. Surface runoff will be collected on site in catch basins and piped through a Vortech Unit Model #4000 before entering the City storm drainage system in Marginal Way. The site is currently entirely impervious with no treatment system in place.**

- g. A construction schedule is outlined in our Erosion & Sedimentation Control Plan on our Detail Sheet. Work on the project is anticipated to begin in October.
 - h. No State or Federal regulatory approvals are required for this development.
 - i. A letter from the applicant's lending institution is attached. The applicant has developed numerous projects throughout the New England area and is currently completing The Shops at Falmouth Village in Falmouth, Maine.
 - j. A letter from Southern Maine Properties (the owner) authorizing Marginal Holdings, LLC to undertake this project on their behalf is attached.
 - k. There are no unusual natural areas, wildlife habitats, or archaeological sites located on the property.
11. The material and height of the compactor screen is shown on the architectural plans. This area is fully enclosed with a screen fence and roof.
12. CADD .dxf files will be made available upon request.
13. We have requested information from Wild Oats as to their recycling program for solid waste. This will be submitted upon receipt.

B. Response Comments to Steve Bushey

- 1. New plans identify limits of work within the public right-of-way.
- 2. No response required.
- 3. Parking spaces along Marginal Way have been widened to a 19' depth. The Bookland project had 17' deep spaces which were acceptable.
- 4. The screen wall is detailed on the architectural drawings.
- 5. A foundation drain is proposed at the front entry door only. This will discharge into a drainage manhole in the parking lot.
- 6. A free-standing pylon sign will be located at the main site entrance and is shown on our site plan. The detail is shown on the architectural plans.
- 7. A sewer capacity letter has been sent to Frank Brancley. A copy is attached.

I trust this package, with the exception of the traffic report, is complete and in accordance with City requirements.

If you have questions on these plan documents, please call Ben Walters at CWS Architects or me.

Sincerely,

SEBAGO TECHNICS, INC.

A handwritten signature in black ink, appearing to read "Stephen G. Doe". The signature is stylized and cursive.

Stephen G. Doe, R.L.A.
Landscape Architect

SGD:jc
Enc.

cc: Ben Walters, CWS Architects
George Gamache, ADAM Associates



Sebago Technics

Engineering & Planning for the Future

October 3, 2000
99045

Mr. Frank Brancley
Public Works Department
City of Portland
55 Portland Street
Portland, ME 04101

Wild Oats Market, 87 Marginal Way

Dear Mr. Brancley:

On behalf of Marginal Holdings, LLC, I wish to request a sanitary sewer capacity letter from you for a proposed 32,000 square foot health food store located at 87 Marginal Way, Tax Map 34, Block D, Lots 1 and 7. Given the food use of this facility, a grease trap will be required in our sanitary line before entering the City system. We propose a new connection to the 36" main in Marginal Way. The existing service will be discontinued at the main on Elm Street.

We estimate this facility to generate 5,280 gallons per day based on the Maine State Plumbing Code for retail stores with public restrooms and cafeterias. We have submitted our plans and supportive documents to the City for final approval. I would appreciate it if you could please send your response to Rick Knowland in Planning with a copy to me.

Sincerely,

SEBAGO TECHNICS, INC.

Stephen G. Doe, R.L.A.
Project Manager

SGD:jc
Enc.

cc: Rick Knowland
George Gamache
Ben Walters

10/02/00 12:57 FAX 8172244318

TOPSFIELD ASSC

001



Sovereign

SOVEREIGN BANK NEW ENGLAND
A Division of Sovereign Bank
APPLICATION FOR FINANCING

August 29, 2000

Sovereign Bank New England
15 Westminster Street
RI WST 0102
Providence, RI 02903

Attn: James F. St. Thomas, Vice President

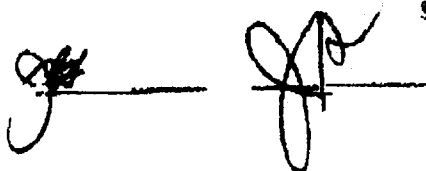
The undersigned, LLC, (hereinafter referred to as Applicant), requests Sovereign Bank New England, (hereinafter referred to as SBNE) to seek approval for a construction loan converting to a mid-permanent mortgage for the amount and on the terms and conditions set forth below.

This is an application for financing. The purpose is to clarify the terms and conditions of which approval will be sought. This letter is provided for discussion purposes only and does not constitute an offer, agreement or commitment to lend. The actual terms and conditions upon which SBNE might extend credit to the applicant are subject to satisfactory completion of due diligence, credit committee approval, satisfactory review of documentation and such other terms and conditions as determined by SBNE in its sole discretion.

- APPLICANT:** Marginal Holdings, LLC,
- LOAN AMOUNT:** The lesser of \$ [redacted] or 75% Loan to Value, or the amount resulting in 1.25x debt service coverage based on SBNE's current underwriting constant.
- USE OF PROCEEDS:** Proceeds shall be used to construct a 32,005 sf retail building in Portland, ME for 100% occupancy by Wild Oats Markets, Inc.
- SECURITY:**
1. Senior leasehold mortgage position on improvements to be constructed on approximately 110,000sf located at 87 Marginal Way, Portland, ME. The improvements will consist of a 32,005 sf commercial retail building to be 100% occupied.
 2. A first collateral assignment of the construction and architectural contracts used in connection with the construction project. The contractor shall be approved by SBNE. It is our understanding that the contractor will be Allied Cook.
 3. Collateral assignment of the lease with Wild Oats Markets, Inc. Contract income shall be as follows:

Lessee	Annual Net Rent	Term
Wild Oats	\$584,091 Yrs 1-10	20 years
	\$680,106 Yrs. 11-20	

Initials:



Page 2

4. A first and exclusive security interest covering all personal property of the Applicant located on or used in connection with the premises.
5. A Collateral Assignment of any reserves, escrow's or contingency accounts

GROUND LEASE:

The unsubordinated ground lease must be satisfactory to SBNE in all respects including term, rent, purchase options, and notice and cure provisions to the leasehold lender. The initial annual rent (payable in monthly installments) for yrs. 1-10 is \$[REDACTED], increasing to \$[REDACTED] yrs. 11-20.

INTEREST RATE:

Applicant will have the option of selecting from a floating rate or a fixed rate. The floating rate options shall be indexed to a) SBNE's Prime Rate (WSJ) plus 3/4%, or b) LIBOR plus 325 basis points.

FIXED RATE
OPTION:

At the Applicant's option, a fixed interest rate may be provided during the mini-perm period. Such interest rate shall be determined at the time a Fixed Rate Option is offered by SBNE and shall provide SBNE a yield equivalent to SBNE's cost of funds plus 250 basis points based on the remaining term and a 20 year mortgage amortization schedule.

PREPAYMENT:

Prepayment is permitted at any time without penalty upon thirty (30) days prior written notice (subject to prepayment penalties associated with breakage of LIBOR Contracts).

In the event the fixed rate option is exercised, an appropriate yield maintenance clause shall be included in the documentation sufficient to compensate SBNE for any loss incurred due to the prepayment.

TERM/
MATURITY:

Construction Period: 12 months Term Loan Period: 4 years Five (5) year construction mini-perm loan, maturing sixty (60) months from closing. The loan term includes a construction loan period that commences at closing and expires the earlier of: 12 months from closing, or commencement of rent from Wild Oats. Amortization based on a 20 year schedule shall commence on the due date of the first full month after the construction period ends.

LATE PAYMENT:

There shall be a late payment penalty of 5% of the payment amount. A 7-day grace period will be provided.


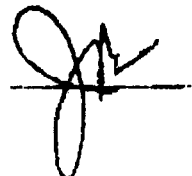
DEFAULT RATE:

Should SBNE not receive the monthly interest payments on the due date, the default rate will be 18%. Automatic debit service from the Operating Account is available to make the loan payments on a monthly due date as selected by the Applicant.

APPLICATION FEE:

Seventy-five basis points (\$[REDACTED]) due at closing.

Initials:

Page 3

PAYMENTS:

Interest shall be computed on the daily outstanding principal on the basis of a 360 day year, but shall accrue and be payable monthly for the actual number of days during which funds are outstanding.

FLOOD INSURANCE:

In accordance with requirements imposed on National Banks which make loans secured by real estate, the Borrowers shall supply to SBNE satisfactory flood insurance or a satisfactory authoritative certificate that the premises are not in such a zone.

GUARANTEE:

Joint, several and unconditional guarantees shall be provided by Jeffrey Gove and Christopher Forbes Nash who, in the aggregate shall maintain at least a 51% ownership stake in the Applicant.

SURVEY:

The Applicant, at its expense, shall furnish an up-to-date certified engineer's survey of the subject property to be mortgaged, showing no state of facts objectionable to SBNE. Such survey shall show that the proposed buildings are within lot and building lines and shall show all easements, improvements, appurtenances, utilities and rights of way (whether below, at, or above ground level) which exist at the date of certification. A recertification of the original survey may be accepted by SBNE. Acceptance or non-acceptance of a recertified survey will be at the sole discretion of SBNE.

PRE-FUNDING REQUIREMENT:

- 1) SBNE approved appraisal indicating the loan to value based on the Market Value of the Leashold Estate to be no greater than 75%
- 2) Cash equity injection of a minimum of \$ [REDACTED] including Topsfield's commissions.
- 3) Signed lease with Wild Oats, satisfactory to SBNE. A satisfactory SNDA will be required.



SOURCES & USES:

See attached Schedule "A"

KEY COVENANTS:

- 1) The Project and Applicant shall provide Debt Coverage Ratio of 1.25x, on a stabilized basis. The test assumes the amortization will be 25 years. The first test will be conducted at 6/30/02, on a six month running basis annualized. Thereafter tests will be semi-annual based on the previous 12 months of operations. "Debt Coverage Ratio" shall be defined as the ratio of Net Operating Income from the subject property divided by principal and interest payments. "Net Operating Income" shall be defined for any period of time as all rental and other income received by the Borrower from the subject property before interest, extraordinary expenses (Capex), non-cash expenses and income taxes less all real estate taxes and assessments, insurance, other operating expenses, and non-discretionary capital expenditures (maintenance expense) spent by the Borrower in relation to the subject property during that period.
- 2) A Minimum loan to value of 75% must be provided for the subject property on a "as completed" basis. Compliance must be maintained throughout the term of the loan.

Initials:

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Page 4

- 3) Individual Guarantors, Jeffrey Gove and Christopher Forbes Nash, shall maintain individual debt service coverage of at least 1.25x; with debt service coverage calculated as follows: Gross income, (salaries, draws, commissions, net cash flow from real estate investments, and investment income) less living expenses calculated at 25% of Gross Income, less Federal and State Taxes divided by personal debt service.
- 4) The Applicant and Guarantors and any affiliate borrowers, on an aggregate basis, shall maintain minimum liquidity of [REDACTED]. This requirement shall be tested quarterly during construction and thereafter annually as verified by copies of bank and investment fund statements due by 4/15 of each year.

FINANCIAL DISCLOSURES:

- Receipt of Applicant's accountant prepared annual financial statements within 120 days of the fiscal year end and annual Federal Tax return within 30 days of such filing.
- Receipt of management prepared quarterly Operating Statements beginning with the quarter in which the Certificate of Occupancy is issued.
- Receipt of annual personal income tax returns of the individual Guarantors. In addition, the Guarantors must also submit a personal financial statement cash flow schedule for all real estate projects, and a debt summary (obligation amount, debt service and maturity date) for all direct and indirect obligations.

SPECIAL REQUIREMENTS:

- A) Applicant to furnish all necessary documents pertaining to this transaction, including, but not limited to: surveys, title insurance, liability and fire insurance. All documents in connection with this transaction are subject to review and approval by the attorneys for SBNE.
- B) Applicant will indemnify SBNE from any claim of brokerage fee in this transaction.
- C) Applicant will not sell, transfer, or otherwise dispose of its leasehold interest and improvements without the prior written consent of SBNE, whose consent will not be unreasonably withheld.
- D) This Loan will be subject to site inspections by SBNE.
- E) At Applicant's expense, Applicant agrees to allow SBNE to order an appraisal based upon the lease fee value of the Leasehold Estate. Said appraisal to be completed by an appraiser designated by or acceptable to SBNE and the SBNE Appraisal Review Unit, and provide a loan to value ratio not to exceed 75%. The costs of said appraisal is to be borne by Applicant.

Initials:

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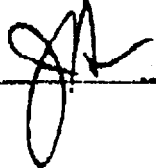
Page 5

- F) The Applicant shall give evidence in all respects, that all hazardous, or toxic materials presently located on the subject property being provided as collateral, or on the common property area in which the Applicant has an undivided interest, or properties adjacent to the site are under a specific state and local approved plan requiring No Further Action. Said evidence must be considered in the form of Phase I Environmental Site Assessment update with associated reports as deemed necessary and appropriate by SBNE. The loan documents shall contain a provision whereby the Borrowers shall be obligated to immediately contain and remove any new oil or hazardous or toxic materials that are considered a spill, or not properly contained, found on the property. Applicant must be deemed in compliance with all applicable laws. The Applicant shall indemnify SBNE against any costs and expenses arising from containment and removal of such material
- G) Prior to funding of the Construction Loan, Applicant shall supply SBNE evidence that all necessary permits and zoning approvals have been obtained in connection with the project, including a building permit
- H) Approval of the cost breakdown for construction by SBNE in the form of a detailed construction budget. The final contract shall be a Guaranteed Maximum Price Contract acceptable to SBNE, and must be bonded to the satisfaction of SBNE
- I) Loan to be funded in the amount of 90% on the work in place and stored on site as requested by Subcontractors and as certified to by SBNE's architects. Such 10% retainage to be held back until a Certificate of Occupancy is received.
- J) Prior to the beginning of construction, SBNE will retain an independent engineer at Applicant's cost to review and approve the plans, specifications and construction budget. In addition at Applicant's cost the independent engineer shall perform inspections from the start through the completion of construction of the project. SBNE will provide a good faith estimate of costs before proceeding.
- K) Applicant agrees to maintain their main operating account with SBNE into which construction disbursements will be funded.

EXPENSES.

By the Applicant's acceptance to the terms of this application, the Applicant hereby agree to pay all expenses normal to this transaction, including but not limited to, appraisal fees, environmental site assessment fees, broker's fees, title insurance, tax search, mortgage tax, recording fees, survey charges, and SBNE's attorneys' fees, whether or not the loan is approved or thereafter closes.

Initials

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Page 6.

MATERIAL ADVERSE CHANGE:

If there occurs a material adverse change in the circumstances or conditions affecting the Applicant, Guarantors, or the premises to be mortgaged, (as determined by SBNE), up to the time a commitment is issued or the loan request is rejected, this Application (except for the provision relating to "Expenses" above), shall be null and void.

If the above terms are acceptable, please indicate by signing below and returning one original of this Application For Financing to SBNE.

This application for financing will expire September 15, 2000.

APPLICANT:

SOVEREIGN BANK

Portland Ventures, LLC

By: [Signature] Date: 9-6-00
Jeffrey Gove

By: [Signature] Date: 8/30/00
James F. St. Thomas
Vice President

GUARANTORS

[Signature] Date: 9-6-00
Christopher Forbes Nash

[Signature] Date: 9-6-00
Jeffrey Gove

2007

TX:RX NO. 7436

07/20/00 15:40

002 002

**SOUTHERN MAINE PROPERTIES COMPANY
5 MILK STREET
PORTLAND, ME 04112**

July 19, 2000

Marginal Holdings, LLC
c/o Tapscott Associates, Inc.
20 Burlington Mall Road, Suite 460
Burlington, MA 01908
Attention: Jeffrey F. Gow

RE: ~~PROPERTY AT 87 MARGINAL WAY, PORTLAND, MAINE~~

Confirmation:

This letter will confirm our agreement that you have our permission to make application to and seek permits and approvals from the City of Portland and any other agencies or governmental entities having jurisdiction over the property at 87 Marginal Way, Portland, Maine, all for the purposes of obtaining any necessary permit for the development and/or reuse of the property. You agree to copy us on all communications with any officials or staff and that you shall provide us copies of any return communications on all applications filed with the city. You agree to comply with the provisions in other documents executed by us with respect to the permits and approvals for the abovesaid property. You also agree to inform Mr. George Gernsabe of Adams Associates and other representatives who may act on your behalf of the applicable provisions of such other documents.

If there are any questions with regard to the foregoing, please let us know. We wish you the best of luck in this process, and we look forward to concluding a successful transaction with you.

Very truly yours,

By: [Signature]

cc: Dennis Keeler, Esq.

CONFIRMATION OF THE RECEIPT OF THE ABOVE-SIGNED DOCUMENTS BY THE ADDRESSEE



Sebago Technics

Engineering & Planning for the Future

October 20, 2000
99045

Richard Knowland, Senior Planner
Planning & Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Wild Oats Site Plan, 87 Marginal Way

10/20/00

Dear Rick:

In response to your October 12th letter, I am enclosing six copies of the revised plan set to address items 1-3 and 5-7. Item 4 is being coordinated directly with John Murphy. The changes are as follows:

1. Based upon discussions with Tony Lombardo, Dave Peterson and the site contractor, we will be revising our proposed utility connection and utilizing our existing service to the building. Public Works is permitting placement of our grease trap within the City right-of-way which will allow us to place the tank between the curb and the building on Elm Street. This will eliminate substantial costs and excavation into Marginal Way. The specifics of our design are shown on the Grading Plan, Sheet 2 of 6.
2. Notes on your Attachment B that were requested to be placed on the plan set can be found in the following locations:
 - Note 1 is found on Sheet 3 as Note 13.
 - Note 2 is added to Sheet 1 as Note 17.
 - Note 3 is found on Sheet 1 as Note 6.
 - Note 4 is added to Sheet 1 as Note 18.
 - Note 5 has been incorporated into our Erosion & Sedimentation Control Plan, Section A, paragraph 1 as shown on Sheet 5.
 - Note 6 - N/A
 - Note 7: This note is redundant to notes on stabilization of disturbed areas specifically discussed on both the Landscape Plan (Sheet 3), Grading Plan (Sheet 2, Note 9), and in our Erosion & Sedimentation Control Plan (Sheet 5) and has not been added.

Note 8 is found in our Erosion & Sedimentation Control Plan, Section A, paragraph 2.

Note 9 - N/A. No existing trees or vegetation are to remain on the site.

3. *Sewer Capacity Letter.* We have sent a letter to Mr. Frank Brancley requesting a capacity letter. I understand from Public Works that Mr. Brancley is on vacation from October 4th to October 25th. Hopefully, he will forward to you his response promptly upon his return.
4. No comment required.
5. We have forwarded the site lighting standards to B. H. Milliken, Electrical Contractors for reworking and will forward these to you upon receipt.
6. As per your discussions with Ben Walters and Jeff Tarling, we will not be saving the existing trees on Elm Street. However, we will substitute all our proposed Ginkgo trees with Armstrong Maples. We have also added three Cleveland Select Pear trees in the esplanade along Marginal Way.
7. A detail of the easement for the brick façade has been added to Sheet 1, and an easement description has been forwarded to our client's attorney for formalization with the City.

I trust these revisions address the City's comments as they pertain to the plan documents. Please call if you have further comments.

Sincerely,

SEBAGO TECHNICS, INC.



Stephen G. Doe, R.L.A.

Landscape Architect

SGD:jc

Enc.

cc: Ben Walters, CWS Architects
George Gamache, ADAM Associates
George Liming, Allied/Cook Construction Corp.

**AutoCAD digital format Final plans depicting
the as-built condition must be filed with this
office prior to closure.**