

34A-B-1

2007-0052

marginal way
Miss Portland Diner
Tomaks, LLC.

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

2007-0052

Application I. D. Number

3/16/2007

Application Date

Miss Portland Diner

Project Name/Description

omaks, LLC.

Applicant

116 Armour Drive, Mahwah, NJ 07430

Applicant's Mailing Address

Marginal Way, Portland, Maine

Address of Proposed Site

034A B001001

Assessor's Reference: Chart-Block-Lot

Consultant/Agent

Agent Ph: Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify) _____

Proposed Building square Feet or # of Units 6010 Acreage of Site _____ Zoning B7

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots _____
- Amendment to Plan - Board Review Zoning Conditional - ZBA Shoreland Historic Preservation DEP Local Certification
- Amendment to Plan - Staff Review Zoning Variance Flood Hazard Site Location
- After the Fact - Major Stormwater Traffic Movement Other _____
- After the Fact - Minor PAD Review 14-403 Streets Review

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 3/20/2007

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

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

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

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



City of Portland Site Plan Application

If you or the property owner owes real estate taxes, personal property taxes or user charges on any property within the City, payment arrangements must be made before permit applications can be received by the Inspections Division.

Address of Proposed Development: <u>MARGINAL WAY, PORTLAND, ME. Zone: B7</u>		
Existing Building Size: _____ sq. ft.	Proposed Building Size: <u>2956</u> sq. ft.	
Existing Acreage of Site: _____ sq. ft.	Proposed Acreage of Site: <u>6010</u> sq. ft.	
Tax Assessor's Chart, Block & Lot: Chart# <u>34A</u> Block# <u>B</u> Lot# <u>2</u>	Property owner's mailing address: <u>CITY OF PORTLAND, MAINE</u> <u>389 CONGRESS ST.</u> <u>PORTLAND, M.E. 04101</u>	Telephone #:
Consultant/Agent, mailing address, phone # & contact person: <u>207-797-8661</u> <u>DAVID O. LEASURE</u> <u>ARCHITECTURAL ASSOC. INC.</u> <u>1344 WASHINGTON AVE.</u> <u>PORTLAND, ME. 04103</u>	Applicant's name, mailing address, telephone #/Fax#/Pager#: <u>TOMAKS, LLC</u> <u>116 ARMOUR DRIVE</u> <u>MAHAHAW, N.J. 07430</u>	Project name: <u>MISS PORTLAND DIKE</u> <u>MARGINAL WAY</u> <u>PORTLAND, MAINE</u>
Fee For Service Deposit (all applications) _____ (\$200.00)		
Proposed Development (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____		
Major Development (more than 10,000 sq. ft.) <input type="checkbox"/> Under 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee)		
Minor Site Plan Review <input checked="" type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee)		
Plan Amendments <input type="checkbox"/> Planning Staff Review (\$250.00) <input type="checkbox"/> Planning Board Review (\$500.00)		
~ Please see next page ~		

PROJECT DESCRIPTION:

The "Project" consists of development of a 6,010 s.f. parcel of land adjacent to Route 295 on Marginal Way, Portland, Maine. The parcel of land does not currently have an address but is labeled as Map # 34A, Chart B, Lot # 2. The existing site was previously developed and currently has a open air bus shelter canopy with a semicircular driveway to the west of the bus shelter and subject property. Some trees and other vegetation are currently present on the site.

The current Project encompasses redevelopment of the site to house the historic Miss Portland Diner which is currently held in storage by the City of Portland. The current project will propose to add a new attached building that will house additional dining space, a cashier, memorabilia cases, men's & women's accessible restrooms, a commercial kitchen, utility room and freezer/cooler enclosure.

Parking for the facility will be shared and located on the adjacent parcel of land that was previously deeded from the City of Portland, Maine to the Maine Department of Transportation (MDOT). On-street parallel parking on Marginal Way, directly in front of the project will be permitted by the City of Portland. A new semicircular driveway to the rear of the property will be included in the construction scope of the Miss Portland Diner Developer that will provide access to the adjacent MDOT property to the southwest of the project.

From: "Thomas Errico" <terrico@wilbursmith.com>
To: "Rick Knowland" <RWK@portlandmaine.gov>
Date: 5/9/2007 1:45:44 PM
Subject: FW: Miss Portland Diner -- Traffic Assessment

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

Portland, Maine 04101

w: 207.871.1785 f: 207.871.5825

TErrico@WilburSmith.com

www.WilburSmith.com <<http://www.wilbursmith.com/>>

From: Thomas Errico [mailto:terrico@wilbursmith.com]
Sent: Thursday, April 12, 2007 2:22 PM
To: 'Rick Knowland '
Cc: 'James Carmody'
Subject: Miss Portland Diner -- Traffic Assessment

Rick -

In response to your request we have conducted a traffic assessment for the Miss Portland Diner to be located on Marginal Way opposite Chestnut Street. The assessment consisted of an estimate of traffic generation and assignment of those trips, a review of compliance of the project site plan with the principles of the Marginal Way Master Plan, an estimate of monetary contributions for transportation mitigation, and commentary on parking provisions.

Traffic Generation and Assignment

AM and Peak hour traffic generation was estimated according to data

- wall mounted light fixture
- fixtures in front of the building
- landscaping
- dumpster still not acceptable
- underground power
- 24
- overly bogged villages

June 4, 2007

Mr. Tom Manning
 Tomaks, LLC
 116 Armour Road
 Mahwah, New Jersey 07430

RE: Miss Portland Diner, 138 Marginal Way, CBL: 442-A-6; #2007-0052

Dear Mr. Manning:

On May 16, 2007 the Portland Planning Authority reviewed and approved for site plan review the proposed Miss Portland Diner and building addition in the vicinity of 138 Marginal Way subject to the following conditions of approval.

1. That the site plan shall be revised for review and approval addressing the comments of Dan Goyette dated May 11, 2007. Since a land survey is already on file in the Planning Office that comment is already addressed. Mr. Goyette's memo is attached.
2. The Applicant shall contribute \$7,000 towards implementation of the Marginal Way Master Plan and \$1,500 towards planned improvements at the Franklin Street and Marginal Way intersection. Applicant shall also be responsible for installing a crosswalk across Marginal Way on the eastside of Chestnut Street (including a tipdown curb). The cost of this improvement and other improvements within the Marginal Way right-of-way may be credited to the applicant's contribution towards the Marginal Way Master Plan. Applicant shall incorporate an appropriate transition between the proposed curb line adjacent to the Miss Portland Diner site and the existing curb line towards the east as reviewed and approved by the City Traffic Engineer. ~~Applicant shall install curb along the easterly edge of access drive or provide evidence that curb will be installed by others.~~
- 0 need met 3. A more appropriate screening material including a manufacturer's catalog cut for the exterior cooler and dumpster shall be submitted for Planning Staff review and approval.
4. The color of the Holophane Esplanade series street lighting pole, bracket and fixture shall be silver metallic aluminum (F264H). For your information the light fixture is supplied by Central Maine Power. The applicant is responsible for purchasing and installing the light base, light pole and bracket including the wiring and the decorative base. Applicant is also responsible for installing the light fixture in coordination with Central Maine Power.

5. The plan submitted for review bears the following “general note”: These drawings are conceptual in nature. Further development, information and detail is necessary for these drawings to fully define construction directives and compliance strategies to all governing codes and regulations... These drawings are not intended for use in bidding, construction, or obtaining governing authority approvals and permits. Thus, the submitted plan shall be finalized such that the general note as it applies to “obtaining governing authority approvals and permits” shall be able to be deleted as follows. Project architect shall submit building sections, details, material specifications and catalogue cuts for proposed addition. The following key architectural details should be addressed with a higher level of design development: cornice detail, screening for rooftop mechanicals, main entrance canopy, and new exterior stairs to the diner. Any exterior repairs and alterations to the historic diner not reflected on the final plan shall be reviewed and approved by Planning Staff. Planning Staff is of the opinion that more compatible roofing options for the historic diner would be a standing seam metal roof or a membrane roof (which can be coated.) Although the diner originally featured asphalt shingles, this is not a compatible choice given the character and material palette of the new addition. Construction drawings for proposed sign shall be submitted for final review and approval.
6. Applicant shall provide further information to Fire Department on details for fire access and available water supply for fire fighting use.
7. The three (3) Dawn Redwoods and two (2) White Birch trees shall be preserved along the northerly edge of driveway. Applicant shall consult with the City Arborist (Jeff Tarling (tel no. 874-8793) prior to construction to determine if any of the existing trees along Marginal Way can be transplanted.
8. That the applicant shall receive approval for a City license for the landscape related improvements within the Marginal Way right-of-way.
9. Catalog cuts of the proposed light fixtures shall be submitted for review and approval. Fixtures shall have a full cut-off feature. Photometric plan shows elevated light levels along certain sections of the site. Plan shall be revised and submitted for review and approval.

The approval is based on the submitted site plan and related submissions.

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

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

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind. If there are any questions, please contact Richard Knowland at 874-8725.

Sincerely,

Alex Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Jeanie Bourke, Inspections Division
Kathi Earley, Public Works
Bill Clark, Public Works
Jim Carmody, Transportation Manager
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File
David Leasure, Architectural Associates, 1344 Washington Avenue, Portland, Maine

MEMORANDUM

TO: Rick Knowland
FROM: Dan Goyette, PE – Development Review Engineer, Woodard & Curran
DATE: May 11, 2007
RE: Miss Portland Diner Minor Site Plan Review

Woodard & Curran has reviewed the Minor Site Plan submission for the proposed development of a 6,010 sf parcel of land adjacent to Interstate 295 on Marginal Way in Portland, ME. The site will be redeveloped to house the historic Miss Portland Diner, along with an expansion to the existing diner structure which is being stored by the City of Portland. No additional parking is proposed as part of the project.

Documents Reviewed

- Engineering Plan Sheets, C-100, C-200, C-201, C-202, C-203, C-204, A-200, A-400, and A-401, dated April 24, 2007, by David D. Leasure Architectural Associates, Inc. received on May 9, 2007.

Comments

- The engineering plan sheets have not been signed or stamped by a professional engineer.
- The erosion control plan is not adequate. Silt fence locations are not consistent between plans and no erosion control details have been provided.
- There are no details that show how lines and utilities are to be abandoned.
- The details for concrete sidewalk indicate both a 5" thick and 4" thick sidewalk.
- Details for granite curb tip downs have not been included.
- The catch basin cover shown in the catch basin inlet detail does not meet City standards. The applicant should refer to the City of Portland Technical and Design Standards and Guidelines Manual.
- It is not clear that the applicant has permission or rights to regrade the area within the Maine Dot Right-of-Way.
- The grading plan is lacking the detail necessary to insure that the drainage plan will function properly. This is especially true along Marginal Way. Additional spot grades and flow direction arrows will be required to insure that the road runoff will flow to the new catch basin and will not puddle on Marginal Way.
- At the rear of the building, the new light pole bases are shown to be installed directly over the new water service line.
- The applicant shows a 90 degree bend made of RCP pipe leaving the grease trap. This type of bend is not recommended and an alternate orientation of the tank is required.
- The new catch basin on Marginal Way is located directly behind an existing manhole. It is not clear if there is adequate room between the curb line and the manhole to install the new basin. The applicant may wish to show the basin offset from the manhole to insure that it can be installed properly and that the grading plan will work.

Please contact our office if you have any questions.

DRG
203943.12

June 6, 2007

Mr. Thomas Manning
116 Armour Road
Mahwah, New Jersey 07430

RE: Miss Portland Diner, 138 Marginal Way

Dear Tom:

This letter is intended to clarify several issues that have arisen regarding the Miss Portland Diner site plan approval letter dated May 23, 2007.

Comments regarding Condition #2: The curb along the driveway between Miss Portland Diner and the student housing project is the responsibility of the student housing project. Miss Portland Diner is not responsible for installing the curbing including along the easterly side of the driveway. This addresses the phrase in condition #2 of the approval letter referencing "or provide evidence that curb will be installed by others".

This project is responsible for installing a cross walk across Marginal Way on the easterly side of Chestnut Street. Applicant will not be responsible for installing a tip down curb on the southerly side of Marginal Way near the Chestnut Street intersection. The cross walk will need to be striped so as to intersect with the existing tip down. Any costs associated with a tip down on the northerly side of Marginal Way may be credited toward the \$7,000 contribution to the Marginal Way Master Plan.

Comments on Condition #5: We understand that you have concerns about the costs associated with the details listed in this condition. What we really are after here is a consultation on the building details that have not yet been specified due to the still conceptual plans. It is not our intent to generate excessively costly detail requirements, only to ensure that the details are properly developed. As for the roofing materials, we encourage, but do not require, that you continue to explore other materials besides shingles. Rubber membrane roofing might be a cost effective solution, more attractive than shingles, but less expensive than metal roof. A metal roof still remains as an option as far as we are concerned, but it might be cost prohibitive. It is up to you, but please keep us informed on a consultative basis as you dig down into the final design details.

Comments on Condition #6...Subsequent to the drafting of the approval letter, the Fire Dept. confirmed they were ok with the project in terms of site plan review. This condition has been met.

Comments on Condition #7: I just talked to Jeff Tarling about the transplanting tree option. What Jeff is requesting is an on site consultation as you get mobilized for construction. If there is a reasonable opportunity to relocate a good sized existing tree within your site, instead of chopping it down and planting a new baby tree, we would encourage that to happen. Jeff is aware that this can sometimes be accomplished for a very reasonable sum. If it is too expensive to carry out, we will not require it. But to consult with Jeff on site before committing to chopping down the larger healthy trees is our objective.

On another matter you had requested specifications for the depth of materials required for the public sidewalks. Attached is that information.

This I believe addresses the questions that have arisen concerning the Miss Portland Diner site plan approval. Should you have any further questions please call me. I hope you trust that in all of these matters we have tried to be very sensitive to the cost implications, and avoid adding to your already considerable investment in this important project. We are all highly motivated to assist in the success of Miss Portland Diner on the site, and while aiming very high, we recognize that the bottom line objective is that the diner will be operational in Bayside.

Sincerely,

Alexander Jaegerman
Planning Division Director

cc: Lee Urban, Director of Planning & Development
Rick Knowland, Senior Planner
Project File

From: Lee Urban
To: Alex Jaegerman ; Deb Andrews ; John Lufkin; Rick Knowland
Date: 01/10/2007 8:06:11 PM
Subject: Miss Portland Diner

Hello, all, . . .

So here's where I think we are at this point. I spoke with Richard Gutman today because back in December of last year he had given Tom Manning some comments on the latest design in an email from Richard to Tom [a copy of which I think all of you have], and I wanted to hear directly from Richard. I too have some comments on the latest design, and I know each of you have comments as well. I was on the phone with Tom Manning this morning on a parking issue while he was in line at a Dunkin Donuts in NYC, and I asked about the design. It was not really the best time to raise it, so I said we could talk further when he comes to Portland next week for the DPC meeting.

After a rather lengthy, interesting, informative on both our parts, and always enjoyable chat with Richard, who remains very interested in, and committed to, the successful conclusion of the legend of the re-birth of the Miss P, Richard said he was going to call Tom. I'm happy to chat with any of you about the substance of that conversation. Basically, Richard agreed that the goal is to get this project up and running while suggesting/urging that there might be a less expensive way to do that than his architect is now proposing.

After he and Tom chat, I suspect that I may hear from Richard. Let's then all get together so we can prepare for a meeting with Tom and David Leisure next week on the 18th at 2:30. I hope all of you can attend. This will not be a typical PREP-like meeting including zoning folks, building inspectors, fire folks and such, because Tom is not at that point yet. But we do need to acquaint him with the review process and share our thoughts with him.

Thanks.

CC: Lori Paulette

From: "Tom Manning" <tomakslc@hotmail.com>
To: <rwk@portlandmaine.gov>
Date: 04/18/2007 10:40:03 AM
Subject: FW: Miss Portland Diner -- Traffic Assessment

Good morning Rick,

In follow-up to our telephone call yesterday, I just wanted to forward to you in writing a couple of comments I have on the traffic report. In terms of the 10% figure used for "patrons walking to the diner", I think that assumption is on the low side. With 400 students next door, a 9 story medical building a few hundred yards away, a few hundred customers working from the DHS building across the street and a fitness center directly across, the use of only a 10% walk-in business seems much too low. The traffic study indicates that data on this type of activity is not available, but past studies conducted in the City have employed a reduction of 10%. I can't speak for past studies or produce any documentation, but I think it would be a safe bet to expect at least 50% of my business to come from "walk-ins".

As for the suggestion that a condition be placed on this project that if in the future, the parking lot is no longer available for use by Miss Portland Diner patrons, the applicant would be required to provide an acceptable alternative to be approved by the City, I totally disagree. The MDOT lot is a public lot to be used by all of the public, including diner patrons. Should that lot not be available in the future, my alternative would be to count on on-street parking or garage parking as most other restaurants in the City of Portland do.

I appreciate your consideration of the above.

thanks,
tom

>From: "David D. Leasure - Architectural Associates Inc."
><ddlarchitect@securespeed.net>
>To: "Thomas Manning" <tomakslc@hotmail.com>
>Subject: FW: Miss Portland Diner -- Traffic Assessment
>Date: Mon, 16 Apr 2007 11:10:16 -0400
>
>Hi Tom:
>
>I guess Rick didn't copy you on this.
>
>Best Regards,
>David D. Leasure, R.A.
>Architectural Associates Inc.
>Ph. 207.797.8661
>Fax. 207.797.8533
>Cell 207.841.8880
>E-mail ddlarchitect@securespeed.net
>
>

14. I'm expecting civil engineering comments from Dan Goyette within the next day or so.

These are the comments I have to date. As others become available, I will contact you accordingly. Should you have any questions please feel free to call me.

14. I'm expecting civil engineering comments from Dan Goyette within the next day or so.

These are the comments I have to date. As others become available, I will contact you accordingly. Should you have any questions please feel free to call me.

From: Lee Urban
To: Rick Knowland
Date: 03/28/2007 8:42:58 AM
Subject: Re: missportlandiner

Rick, to the points:

1. There's an expired P&S. Jim Adolph and I have taken the position that by the actions of the parties, the P&S has been extended and that at the closing the P&S would be reactivated for a millisecond. To do otherwise would require a Council hearing. I wouldn't worry about this one. We'll have something at the closing.

2. I don't have info on that.

3. There is no arrangement for parking and the number of spaces available for this project, other than the fact that there is a 75-car parking lot next door and Tom plans to use that for parking. And MDOT has agreed to a lease of that lot to the City.

>>> Rick Knowland 3/28/2007 9:24:18 AM >>>

Lee, This morning we have our staff development review meeting and I will be forwarding comments to David Leasure regarding missportlandiner later on today. For the file I need the following info. I could ask David for it but it might be easier to obtain this info here since this particular info is presumably somewhere in City Hall. I don't need this info today but I'll need it before signing off on the project.

1. A copy of the right, title or interest that applicant has in the project.

2. A note on the plan states "curbing to be installed by others". I need a statement from the City about who is doing this work.

3. What is the arrangement for parking and the number of spaces available for this project?

Thanks.

CC: Alex Jaegerman ; Barbara Barhydt

From: "Tom Manning" <tomakslc@hotmail.com>
To: <rwk@portlandmaine.gov>
Date: 04/11/2007 8:58:28 AM
Subject: Miss Portland

Good morning Rick,

Just wanted to reach out on a couple of issues. I had sent you an email last week about the brick sidewalks down in Bayside. The reason I asked whether the brick had to be of a certain standard is that I have a relative who is a General Manager at Unilock and he was telling me that they have pavers that look exactly like bricks, but they hold up much better. I only need to know if that might be an option.

On the debt guarantee for the City owned improvements that I will be installing, my bank has asked whether the guarantee will be the exact amount of the improvements or is there a formula that will be used. I realize that I need to fill out the form which you gave me a few weeks ago but the bank is asking this question.

thanks,
tom

Mortgage refinance is Hot. *Terms. Get a 5.375%* fix rate. Check savings
https://www2.nextag.com/goto.jsp?product=100000035&url=%2fst.jsp&tm=y&search=mortgage_text_links_88_h2bbb&disc=y&vers=925&s=4056&p=5117

From: "Tom Manning" <tomakslc@hotmail.com>
To: <RWK@portlandmaine.gov>
Date: 04/09/2007 2:51:37 PM
Subject: Re: Miss Portland Diner

Hello Rick,

Hope all is well. Is there a standard type of brick that will have to be used on the Marginal Way sidewalk? If so, could you let me know what that is? Also, what is the City standard foundation requirements for sidewalks?

thanks,
tom

>From: "Rick Knowland " <RWK@portlandmaine.gov>
>To: <tomakslc@hotmail.com>
>Subject: Re: Miss Portland Diner
>Date: Mon, 02 Apr 2007 09:49:43 -0400

>

>Tom, I am around today basically all afternoon after 1:00 if you'd like to
>give me a call then . On Tuesday available 8:00 to 9:30 then after 1:00.
>Give me a call 207-874-8725.

>

> >>> "Tom Manning" <tomakslc@hotmail.com> 03/29/2007 3:33:17 PM >>>

>Thanks Rick. I'll see you next wednesday at 3:00 pm. I appreciate you
>setting aside the time to meet.

>

>tom.

>

> >From: "Rick Knowland " <RWK@portlandmaine.gov>

> >To: <tomakslc@hotmail.com>

> >CC: "Lee Urban" <LDU@portlandmaine.gov>

> >Subject: Re: Miss Portland Diner

> >Date: Thu, 29 Mar 2007 15:58:47 -0400

> >

> >Tom, I am available next Wednesday (April 4) at 3:00 if that works for
> >you. In terms of staff review comments, aside from technical details, I
> >haven't seen any nor do I expect any dire comments that don't have
> >solutions.

> >

> > >>> "Tom Manning" <tomakslc@hotmail.com> 03/29/2007 11:03:13 AM >>>

> >Hello Rick,

> >

> >I'm actually going to be in Portland next Wednesday to meet with a MEP

> >

> >engineer and I was wondering if it would be worthwhile for David and I

> >to

> >schedule a short meeting to review the outstanding issues on our site

> >plan

> >submission. I'll be tied up until 2:30 that day so please let me know

> >if

> >there is any chance we can meet after that.

> >

> >Thanks,

> >tom

> >

> >

> >The average US Credit Score is 675. The cost to see yours: \$0 by

> >Experian.

> ><http://www.freecreditreport.com/pm/default.aspx?sc=660600&bcd=EMAILFOOTERAVERAGE>

> >

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>Live Search Maps * find all the local information you need, right when you

>need it. <http://maps.live.com/?icid=hmtag2&FORM=MGAC01>

>

>

>

Get a FREE Web site, company branded e-mail and more from Microsoft Office Live! <http://clk.atdmt.com/MRT/go/mcrssaub0050001411mrt/direct/01/>

From: "Dan Goyette" <DGoyette@woodardcurran.com>
To: "Rick Knowland " <RWK@portlandmaine.gov>
Date: 5/17/2007 9:33:31 AM
Subject: Miss Portland Diner

Rick,

Two things to note for the Miss Portland Diner. What happens to the driveway if the student housing doesn't get built. Does it become the responsibility of the Diner? Also, they have not shown the parking lot layout or how the driveway enters the parking lot. Let me know if you need anything else.

Daniel Goyette, PE

41 Hutchins Drive
Portland, Maine 04102
Phone: 800-426-4262
Fax: 207-871-0724
Email: dgoyette@woodardcurran.com

**COMMITMENT & INTEGRITY
DRIVE RESULTS**41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.comT 800.426.4262
T 207.774.2112
F 207.774.6635

MEMORANDUM



TO: Rick Knowland
FROM: Dan Goyette, PE – Development Review Engineer, Woodard & Curran
DATE: May 11, 2007
RE: Miss Portland Diner Minor Site Plan Review

Woodard & Curran has reviewed the Minor Site Plan submission for the proposed development of a 6,010 sf parcel of land adjacent to Interstate 295 on Marginal Way in Portland, ME. The site will be redeveloped to house the historic Miss Portland Diner, along with an expansion to the existing diner structure which is being stored by the City of Portland. No additional parking is proposed as part of the project.

Documents Reviewed

- Engineering Plan Sheets, C-100, C-200, C-201, C-202, C-203, C-204, A-200, A-400, and A-401, dated April 24, 2007, by David D. Leasure Architectural Associates, Inc. received on May 9, 2007.

Comments

- The engineering plan sheets have not been signed or stamped by a professional engineer.
- The erosion control plan is not adequate. Silt fence locations are not consistent between plans and no erosion control details have been provided.
- There are no details that show how lines and utilities are to be abandoned.
- The details for concrete sidewalk indicate both a 5" thick and 4" thick sidewalk.
- Details for granite curb tip downs have not been included.
- The catch basin cover shown in the catch basin inlet detail does not meet City standards. The applicant should refer to the City of Portland Technical and Design Standards and Guidelines Manual.
- It is not clear that the applicant has permission or rights to regrade the area within the Maine Dot Right-of-Way.
- The grading plan is lacking the detail necessary to insure that the drainage plan will function properly. This is especially true along Marginal Way. Additional spot grades and flow direction arrows will be required to insure that the road runoff will flow to the new catch basin and will not puddle on Marginal Way.
- At the rear of the building, the new light pole bases are shown to be installed directly over the new water service line.
- The applicant shows a 90 degree bend made of RCP pipe leaving the grease trap. This type of bend is not recommended and an alternate orientation of the tank is required.
- The new catch basin on Marginal Way is located directly behind an existing manhole. It is not clear if there is adequate room between the curb line and the manhole to install the new basin. The applicant may wish to show the basin offset from the manhole to insure that it can be installed properly and that the grading plan will work.

Please contact our office if you have any questions.

DRG
203943.12

TOMAKS LLC
116 ARMOUR ROAD
MAHWAH, NJ 07430

1033

PAY TO THE
ORDER OF

City of Portland

DATE 3/25/08

\$ 1500 ⁰⁰/₁₀₀

DOLLARS

Bangor
Savings Bank
BANGOR, MAINE 04401

Thomas J. Williams

FOR FRANKLIN STREET MERRIMONT

⑆001033⑆ ⑆211274382⑆ 2010066259⑆

MP

Edit/Advertising Department

Director of Administration

Fax cover sheet

Fax# 212-445-5134

Ph# 212-445-4133

To: RICK KNOWLAND

Fax#: _____

From: TOM MANNING

Date: _____

Re: _____

of pages: _____

Message:

RICK, HERE'S A COPY OF THE APPROVAL LETTER
THAT WE RECEIVED FROM DAVID SNERLOCK, REGIONAL
ENGINEER AT MDOT, AUTHORIZING THAT WE CAN
PERFORM WORK IN THE MDOT RIGHT OF WAY. I'M ALSO
FIXING A COPY OF THE CHECK TO COVER FRANKLIN STREET
FUTURE IMPROVEMENTS. THE PHYSICAL CHECK WILL BE
EXPRESSED VIA DHL FOR A DELIVERY TO YOU TOMORROW
AT 10:30 A.M.

THANKS FOR YOUR HELP,

TOM



JOHN ELIAS BALDACCIO
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
SOUTHERN REGION
P.O. BOX 358
SCARBOROUGH, MAINE
04070-0358

DAVID A. COLI
COMMISSIONER

July 24, 2007

Mr. David Leasure, Architect
1344 Washington Avenue
Portland, ME 04103

Re: Miss Portland Diner Project

Dear Mr. Leasure:

Your client, Mr. Tom Manning, and yourself have asked MaineDOT by phone and e-mail to comment on your proposed grading plan which would impact land inside the State of Maine I-295 right of way.

We have since received and reviewed that information and now conclude that we have no objections to the work in our right of way as presently proposed which is essentially minor re-grading work. The area shall be accessed from your client's property and the fence and entire area properly restored. The work is shown on Sheet C-202 titled "Site Lighting & Utility Plan" of plans titled "Miss Portland Diner Project" prepared by David D. Leasure - Architectural Associates, Inc. revision 8, dated June 29, 2007.

Please note that the State of Maine, by this action, does not give up any rights to use this land in the future.

Very Truly Yours,

David Sherlock, P.E.
Region Engineer

david.sherlock@maine.gov



PRINTED ON RECYCLED PAPER

MARUJIA
116 ARMOUR RD
BAYVIEW, N.J.

CITY OF PORTLAND
PLUMBS OUTSIDE

379 SAUSERS ST

PORTLAND, ME 04101

ATTN: RICK CLAWSON

1033

YOMARS LTD
116 ARMOUR ROAD
BAYVIEW, NJ 07002

52-108-212

DATE 3/25/08

PAY TO THE ORDER OF City of Portland 18 1000 00
The Portland Police Department

BAYVIEW
BAYVIEW BANK
BAYVIEW, MARYLAND 04-04

FOR DEPOSIT ONLY
FOR BAYVIEW BANK
1000 1033 152827438218 201006625918
James J. [Signature]

From: Rick Knowland
To: lloyd@archetypepa.com
Date: 3/24/2008 11:23:33 AM
Subject: addedum to earlier email on missportlandiner

David, I forgot to mention something.

Condition #7...Jeff Tarling indicated that the 4 RPMs by the dumpster enclosure should be replaced with 4 arborvitae (5 ft to 6 ft).

8
1378
5
1386

WALGREENS
127 MARSHAL WAY
COOPER
MH-16-W-150-MT-LL

Charron Inc.

OPER LIGHTING—LUMARK®

The curvilinear forms with progressive tapered sides provide an enhancing, dynamic look to balance today's progressive architecture. The *IMPACT* Wedge cutoff wall luminaire make it an ideal complement to site design. U.L. Listed and CSA Certified for wet locations in down mount applications and damp locations in up mounted applications.

APPLICATION

The *IMPACT's* rugged die-cast construction and full cutoff classified optics perfectly provide facade and security lighting needs for light restricted zones surrounding schools, office complexes, apartments, and recreational facilities.

A...Housing

The housing is a two-piece design of die-cast aluminum for precise control of tolerances and repeatability.

B...Mounting

Gasketed and zinc plated rigid steel mounting attachment fits directly to 4" J-Box or wall with "Hook-N-Lock" mechanism for quick installation. Secured with two (2) captive corrosion resistant black oxide coated allen head set screws concealed but accessible from bottom.

C...Optical Modules

All optical modules utilize high performance 95% reflective sheet. Strong Type II optical module is standard.

D...Ballast

HID luminaires supplied with high power factor ballast with Class H insulation. Minimum starting temperatures are -40°C (-40°F) for HPS and -30°C (-20°F) for MH. Compact Fluorescent luminaires feature program start, high efficient multi-voltage 50/60Hz ballast with -18°C (0°F) minimum starting.

E...Door

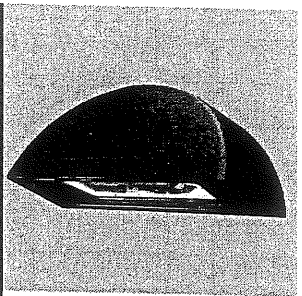
Die-cast door features, 1/8" heat- and impact-resistant clear tempered glass lens mounted with internal plated steel clips and sealed with EPDM gasketing. Hinged door secured in place via two (2) captive fasteners.

F...Finish

Durable polyester powder coat finish. Standard color is bronze. Optional white, black and silver colors available. Other finish colors available. Consult your Cooper Lighting Representative concerning special color requirements.



DARK SKY FRIENDLY
In downlight applications only.



IP IMPACT WEDGE

50 - 175 W
High Pressure Sodium
Metal Halide

26 - 52 W
Compact Fluorescent

FULL CUTOFF
WALL MOUNT
LUMINAIRE



TECHNICAL DATA
25°C Maximum Ambient Temperature
External Supply Wiring 90°C Minimum
Down Mounted—Wet Location
Up Mounted—Damp Location

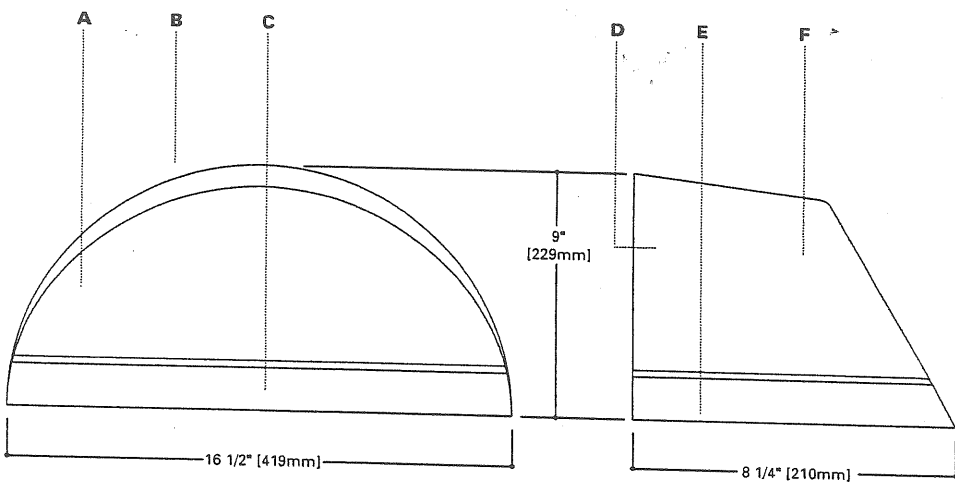
ENERGY DATA

High Reactance Ballast Input Watts
50W HPS HPF (66 Watts)
50W MH HPF (72 Watts)
70W HPS HPF (91 Watts)
70W MH HPF (90 Watts)
100W HPS HPF (130 Watts)
100W MH HPF (129 Watts)
150W HPS HPF (190 Watts)
150W MH HPF (185 Watts)

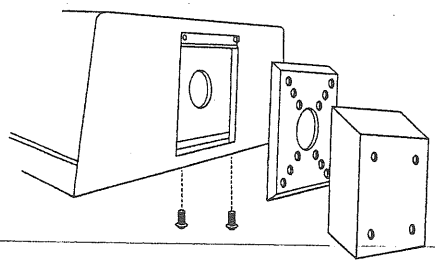
CWA Ballast Input Watts
175W MH HPF (210 Watts)

Electronic Ballast Input Watts
26W PL HPF (29 Watts)
32W PL HPF (36 Watts)
42W PL HPF (46 Watts)
52W PL HPF (55 Watts)

SHIPPING DATA
Approximate Net Weight:
18 lbs. (8 kgs.)



HOOK-N-LOCK MOUNTING (Mounting attachment included. J-Box not included.)



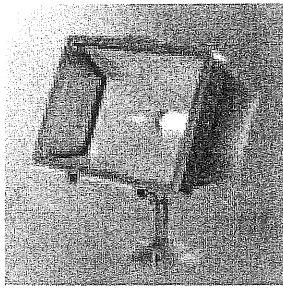
COOPER LIGHTING

Fixture "B"

ADH40001

9/18/09





SF FALCON

35 - 175 W
 High Pressure Sodium
 Metal Halide

26 - 70 W
 Compact Fluorescent

LOW WATTAGE FLOODLIGHT

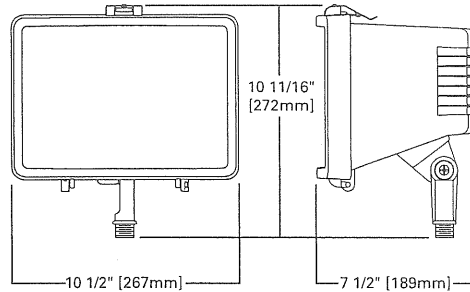
- Tempered glass lens is impact and thermal shock resistant. Easily released die-cast aluminum doorframe with stainless steel toolless latch
- Die-cast aluminum housing is finished in weather and abrasion resistant dark bronze polyester powder paint. Optional colors are available
- Full-circumference silicone gasket seals out external contaminants
- Pulse rated, 4KV, medium-base porcelain lamp socket standard for HID. Electronic compact 4-pin fluorescent sockets standard for PL lamp options
- Formed aluminum hammered reflector optimized beam efficiency and control
- Adjustable ANSI 1G rated stem mounting arm fits 1/2" NPS outlet box cover. (RBC round outlet box cover not included, order separately). Optional heavy-gauge steel adjustable trunnion mounting provides additional durability when required
- Approximate net weight: 18 lbs. (8 kgs.)

DESCRIPTION

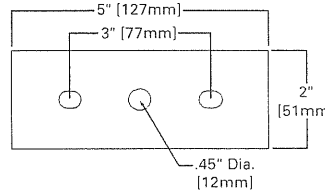
The Lumark Falcon is a stylish and rugged luminaire that combines value and performance with a soft, architecturally appealing form. This soft rounded corner, die-cast construction is excellent for applications that have a high visibility and where a uniform beam distribution is desired.

The Falcon floodlight can be wall or pole mounted, making it ideal for all commercial, industrial and residential low wattage floodlighting applications.

DIMENSIONS



TRUNNION-MOUNT DRILL PATTERN



ORDERING INFORMATION

SAMPLE NUMBER: MHSF-T-100-240V-FF-TR-PE-GN-LL

Lamp MH=Metal Halide HP=High Pressure Sodium PL=Compact Fluorescent	Fixture Type SF=Falcon	Mounting Type K=Knuckle T=Trunnion	Lamp Wattage HID ¹ 35=35W ^{2,3} 50=50W 70=70W 100=100W 150=150W ² 175=175W ⁴ Compact Fluorescent 26/32/42=26, 32, or 42W 26=26W 32=32W 42=42W 52=(2) 26W 57=57W 60=60W 64=(2) 32W 70=70W	Power Factor _ = Normal H=High Power Factor	Voltage ⁵ 120V ⁶ 208V ⁷ 240V ⁷ 277V 347V ⁸ 480V DT=Dual-Tap MT=Multi-Tap TT=Triple-Tap ⁹ E=Electronic Ballast ⁹	Options & Accessories (See Below)
---	----------------------------------	---	--	--	---	---

STOCK SAMPLE NUMBER (Lamp Included)

SAMPLE NUMBER: MHSF10K-MT

Lamp Type HP=High Pressure Sodium MH=Metal Halide	Series SF=Falcon	Lamp Options ¹⁰ 35=35W ^{2,3} 50=50W 70=70W 10=100W 15=150W ² 17=175W ⁴	Mounting K=Knuckle T=Trunnion	Wiring Options _ = Standard MT=Multi-Tap TT=Triple-Tap ⁹
--	----------------------------	---	--	---

NOTES (stock): Options not available with stock products. Order Accessories as separate items for field installation. Refer to standard ordering information to add options and accessories.



Options¹¹

F=Single Fuse (120, 277 or 347V. Specify Voltage)¹²

FF=Double Fuse (208, 240 or 480V. Specify Voltage)¹²

TR=Tamper-Resistant Entry Hardware

PE=Factory-Installed Internal Photocontrol (Specify Voltage)

BZ=Bronze
WH=White
BK=Black
GN=Hartford Green
AP=Grey

LL=Lamp Included (Must Specify Single Wattage with Fluorescent)

Accessories¹³

PE/MT=Field-Installed Photocontrol

TRSD-6/32=Tamper-Resistant Screwdriver

SF/TR=Tamper-Resistant Screw

TYS-XX=Trunnion or Yoke Slipfitter for 2 3/8", 3", or 3 1/2" O.D. Tenon

SF/V-XX=Visor (Must Specify Color)

SF/VS=Vandal Shield

SF/WG=Wire Guard

RBC-XX=Round Outlet Box Cover (Specify Color)

FA5-XX=2" Slipfitter for Trunnion Fixture (Specify Color. BRZ Standard)

RAB-XX=Right Angle Pipe Bracket for Slipfitters (Specify Color. BRZ Standard)

SAB-XX=Steel Bracket for Trunnion (Specify Color. BRZ Standard)

SPK=Landscape Post (Standard Color Dark Grey)

LAMP TYPE	WATTAGE
Metal Halide	50, 70, 100, 175W
High Pressure Sodium	35, 50, 70, 100, 150W
Compact Fluorescent	26, 32, 42, (2) 26, 57, 60, (2) 32, 70W

NOTES: 1 Medium-base only. 2 HPS only. 3 120V only. 4 MH with HPF CWA ballast only. 5 Products also available in non-US voltages and 50Hz for international markets. Consult factory for availability and ordering information. 6 Reactor ballasts used for HP lamps when specified. 7 Not available in Canada. 8 Canada only. 9 Compact fluorescent only. 10 Consult Lumark Stock Guide for available wattages. 11 Add as suffix in the order shown. 12 100W MH maximum. 13 Order separately, replace XX with color suffix. 14 Specifications and dimensions subject to change without notice.

FIXTURE "A" 9/16/08

City of Portland
 Development Review Application
 Planning Division Transmittal form

Application Number: 09-99600001 **Application Date:** 5/11/09

Project Name: MISS PORTLAND DINER

Address: 140 Marginal Way **CBL:** 442 - A-006-001

Project Description: Outdoor Seating Area Expansion; 140 Marginal Way; Miss Portland Diner

Zoning: B7

Other Reviews Required:

Review Type: ADMINISTRATIVE AMENDED SITE PLAN

Tom Manning
 116 Armour Road

Mahwah Nj 07430

Distribution List:

<input checked="" type="checkbox"/> Planner	Rick Knowland	<input checked="" type="checkbox"/> City Arborist	Jeff Tarling
<input checked="" type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input checked="" type="checkbox"/> Design Review	Alex Jaegerman
<input checked="" type="checkbox"/> Traffic	Tom Errico	<input checked="" type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input checked="" type="checkbox"/> Inspections	Tammy Munson	<input checked="" type="checkbox"/> Sanitary Sewer	John Emerson
<input checked="" type="checkbox"/> Fire Department	Keith Gautreau	<input checked="" type="checkbox"/> Stormwater	Dan Goyette
<input checked="" type="checkbox"/> Parking	John Peverada	<input checked="" type="checkbox"/> Historic Preservation	Deb Andrews
<input checked="" type="checkbox"/> City Engineer	D Margolis Pineo	<input type="checkbox"/> Outside Agency	
<input checked="" type="checkbox"/> DRC Coordinator	Phil DiPierro		

Preliminary Comments needed by: Wednesday, May 20th

Final Comments needed by:

Site Plan Checklist

Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

Miss Portland Diner

09-9960001

Project Name, Address of Project

Application Number

(The form is to be completed by the Applicant or Designated Representative)

Check Submitted **Required Information** *- asking for license - outdoor seating - does he need an easement?* **Section 14-525 (b,c)**

Applicant	Staff		
_____	_____	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
_____	✓	Name and address of applicant and name of proposed development	a
_____	✓	* Scale and north points	b
_____	✓	* Boundaries of the site	c
_____	✓	* Total land area of site	d
_____	✓	* Topography - existing and proposed (2 feet intervals or less)	e
_____	_____	Plans based on the boundary survey including:	2
_____	_____	* Existing soil conditions	a
_____	_____	* Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
_____	✓	* Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
_____	✓	* Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (<u>example page 11 of packet</u>)	d
_____	_____	* Location of on-site waste receptacles	e
_____	✓	* Public utilities	e
_____	_____	* Water and sewer mains	e
_____	✓	* Culverts, drains, existing and proposed, showing size and directions of flows	e
_____	✓	* Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
_____	✓	* Location and dimensions of on-site pedestrian and vehicular access ways	g
_____	✓	* Parking areas	g
_____	_____	* Loading facilities	g
_____	_____	* Design of ingress and egress of vehicles to and from the site onto public streets	g
_____	_____	* Curb and sidewalks	g
_____	_____	Landscape plan showing:	h
_____	_____	* Location of existing vegetation and proposed vegetation	h
_____	_____	* Type of vegetation	h
_____	_____	* Quantity of plantings	h
_____	_____	* Size of proposed landscaping	h
_____	_____	* Existing areas to be preserved	h
_____	_____	* Preservation measures to be employed	h
_____	_____	* Details of planting and preservation specifications	h
_____	_____	* Location and dimensions of all fencing and screening	i
_____	_____	Location and intensity of outdoor lighting system	j
_____	_____	Location of fire hydrants, existing and proposed (<u>refer to Fire Department checklist - page 11</u>)	k
_____	_____	Written statements to include:	c
_____	_____	* Description of proposed uses to be located on site	cl
_____	_____	* Quantity and type of residential, if any	cl
_____	_____	* Total land area of the site	c2
_____	_____	* Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
_____	_____	* General summary of existing and proposed easements or other burdens	c3
_____	_____	* Type, quantity and method of handling solid waste disposal	c4
_____	_____	* Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets (<u>refer to the wastewater capacity application - page 12</u>)	c5
_____	_____	* Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6

_____	_____	* An estimate of the time period required for completion of the development	7
_____	_____	* A list of all state and federal regulatory approvals to which the development may be subject to. the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction.	8
_____	_____	* Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.	
_____	_____	* Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.	
_____	_____	* A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.	
_____	_____	A jpeg or pdf of the proposed site plan, if available.	
_____	_____	Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.	

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- | | |
|---|---|
| - drainage patterns and facilities | - an environmental impact study |
| - erosion and sedimentation controls to be used during construction | - a sun shadow study |
| - a parking and/or traffic study | - a study of particulates and any other noxious emissions |
| - a wind impact analysis | - a noise study |



DEVELOPMENT REVIEW APPLICATION PORTLAND, MAINE

Department of Planning and Urban Development, Planning Division and Planning Board

PROJECT NAME: MISS PORTLAND DINER

PROPOSED DEVELOPMENT ADDRESS:
140 MARGINAL WAY PORTLAND, ME

PROJECT DESCRIPTION:
EXPAND OUTDOOR SEATING AREA TO INCLUDE
120 SQ FT OF CITY OWNED LAND

CHART/BLOCK/LOT: 442/A/006

CONTACT INFORMATION:

<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name: <u>TOM MANNING</u>	Name: <u>TOMAKSLUC</u>
Address: <u>116 ARMOUR RD</u> <u>MANWAN NJ</u>	Address: <u>116 ARMOUR RD</u> <u>MANWAN NJ</u>
Zip Code: <u>07430</u>	Zip Code: <u>07430</u>
Work #: <u>212 445-4133</u>	Work #: <u>917 951 4109</u>
Home #: <u>201 684 1087</u>	Home #: _____
Fax #: <u>212 445-5134</u>	Fax #: _____
E-mail: <u>TOMAKSLUC@HOTMAIL.COM</u>	E-mail: _____

BILLING ADDRESS

Name: TOM MANNING

Address: 116 ARMOUR RD
MANWAN N.J. 07430

Zip: 07430

Work #: 201 684 1087

Home #: 201 684 1087

Fax #: _____

E-mail: TOMAKSLUC@HOTMAIL.COM

RECEIVED

MAY 11 2009

City of Portland
Planning Division

(As applicable, see other side to include additional contact information)

(As applicable, include additional contact information)

AGENT/REPRESENTATIVE

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Home #: _____
Fax #: _____
E-mail: _____

ENGINEER

Name: SJR ENGINEERING
Address: 21 MAYFLOWER RD
AUGUSTA, ME
Zip Code: 04330
Work #: 207 622 1676
Home #: _____
Fax #: _____
E-mail: _____

ARCHITECT

Name: DAVID LLOYD
Address: 48 UNION WHARF
PORTLAND ME
Zip Code: 04101
Work #: 207 772-6033
Home #: _____
Fax #: _____
E-mail: _____

ARCHETYPE PA.

CONSULTANT

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Home #: _____
Fax #: _____
E-mail: _____

SURVEYOR

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Home #: _____
Fax #: _____
E-mail: _____

ATTORNEY

Name: NEWMAN SMITH
Address: 100 EXCHANGE ST
PORTLAND, ME
Zip Code: 04101
Work #: 207 778-7735
Home #: _____
Fax #: _____
E-mail: _____

PROJECT DATA:

To complete the application, the following data items must be answered if applicable.

Total Site Area _____ sq. ft.
 Proposed Total Disturbed Area of the Site _____ sq. ft.
 (If the proposed disturbance is greater than one acre, then the applicant shall apply for a
 Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with
 the City of Portland.)

Impervious Surface Area

Proposed Total Paved Area _____ sq. ft.
 Existing Total Impervious Area _____ sq. ft.
 Proposed Total Impervious Area _____ sq. ft.
 * Proposed Impervious Net Change _____ sq. ft.

Building Area

Existing Building Footprint _____ sq. ft.
 Proposed Building Footprint _____ sq. ft.
 Proposed Building Footprint Net change NO CHANGE sq. ft.
 Existing Total Building Area _____ sq. ft.
 Proposed Total Building Area _____ sq. ft.
 Proposed Building Area Net Change _____ sq. ft.
 New Building NO sq. ft.
 (yes or no)

Zoning

Existing _____
 Proposed B7

Land Use

Existing _____
 Proposed RESTAURANT
 OUTDOOR SEATING

Residential, if applicable

Proposed Number of Affordable Housing Units _____
 Proposed Number of Residential Units to be Demolished _____
 Existing Number of Residential Units _____
 Proposed Number of Residential Units _____
 Subdivision, Proposed Number of Lots _____

Parking Spaces

Existing Number of Parking Spaces _____
 Proposed Number of Parking Spaces _____
 Number of Handicapped Parking Spaces _____
 Proposed Total Parking Spaces _____

Bicycle Parking Spaces

Existing Number of Bicycle Parking Spaces _____
 Proposed Number of Bicycle Parking Spaces _____
 Total Bicycle Parking Spaces _____

* Estimated Cost of Project 2,500

Please check all reviews that apply to the proposed development

Design Review	_____	Stormwater Quality	_____
Flood Plain Review	_____	Traffic Movement	_____
Historic Preservation	_____	Zoning Variance	_____
Housing Replacement	_____	Historic District/Landmark	_____
14-403 Street Review	_____	Off Site Parking	_____
Shoreland	_____	Multi-Family Dwelling	_____
Site Location Act Local Review	_____	B-3 Pedestrian Activity Review	_____
Single Family Dwelling	_____	Change of Use	_____
2 Family Dwelling	_____		

APPLICATION FEE:

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

<p>Major Development (more than 10,000 sq. ft.)</p> <p><input type="checkbox"/> Under 50,000 sq. ft. (\$500.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00)</p> <p><input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00)</p> <p><input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00)</p> <p><input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00)</p> <p><input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments</p> <p><input checked="" type="checkbox"/> Planning Staff Review (\$250.00)</p> <p><input type="checkbox"/> Planning Board Review (\$500.00)</p> <p>Subdivision</p> <p><input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + (applicable Major site plan fee)</p>
<p>Minor Site Plan Review</p> <p><input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Other Reviews</p> <p><input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____)</p> <p><input type="checkbox"/> Traffic Movement (\$1,000.00)</p> <p><input type="checkbox"/> Storm water Quality (\$250.00)</p> <p><input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot)</p> <p><input type="checkbox"/> Other _____</p>

DEVELOPMENT REVIEW APPLICATION

Submittals shall include seven (7) packets with folded plans containing the following materials:

- ✓ 1. Seven (7) full size site plans that must be folded.
- ✓ 2. Application.
3. Cover letter stating the nature of the project.
4. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 9) for a detailed list of submittal requirements.

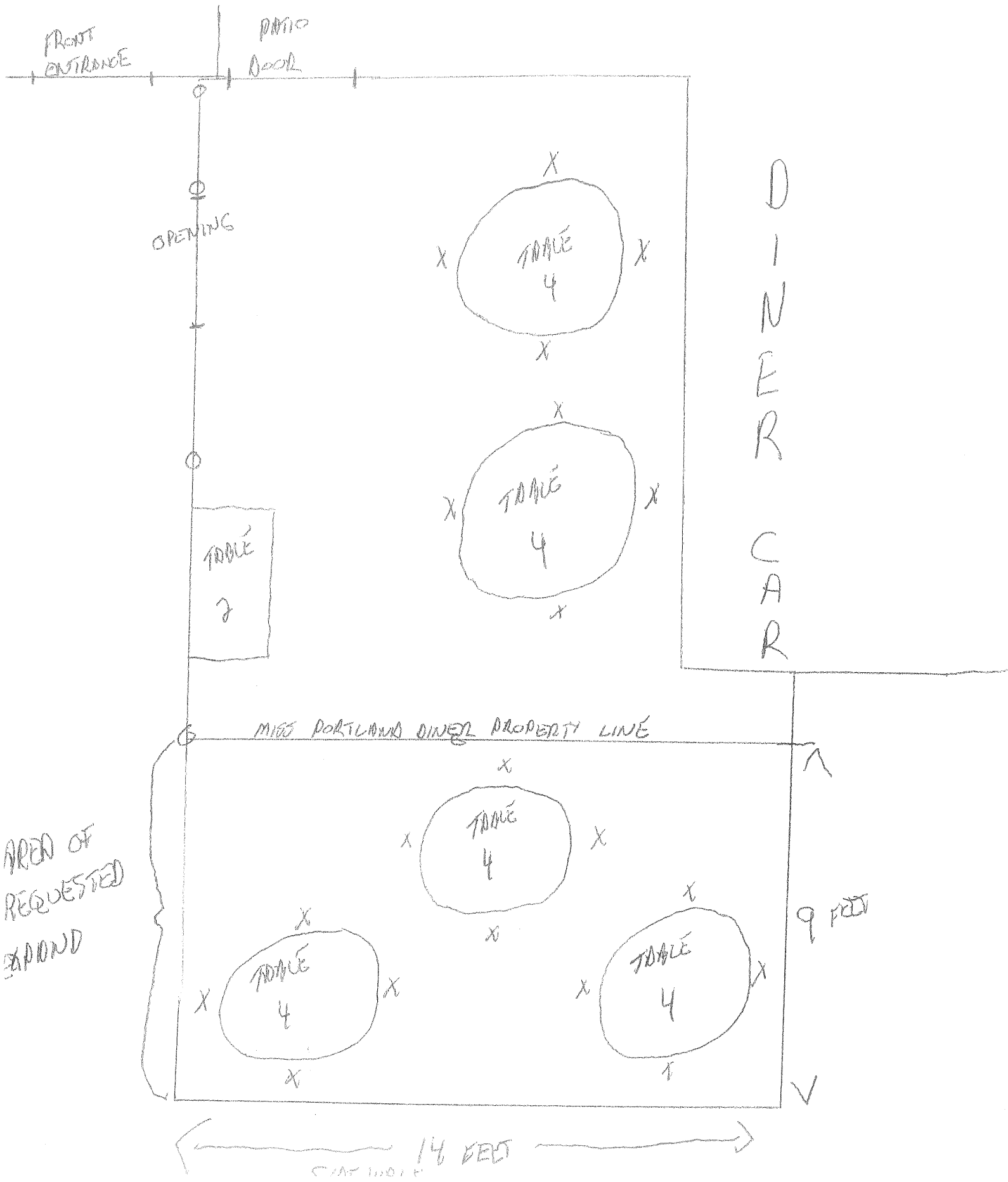
Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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

This application is for site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant:</p> 	<p>Date:</p> <p>5/8/09</p>
--	----------------------------

NEW DINING ROOM



Mayor Jill C. Duson
Members of the City Council
389 Congress Street
Portland, Me 04101

Dear Mayor and Members of the City Council:

The Miss Portland Diner currently has a food, beer and wine license for indoor and outdoor seating on private property at 140 Marginal Way. I would like to ask the council's consideration of allowing me to expand my outside patio area to include a small piece of City owned property. This property, a small grassed area abutting my patio, measures 120 square feet. If approved, I would install sidewalk bricks in the grassed in area. My current privately owned patio measures 140 square feet. The additional 120 square feet of City owned property would bring my outdoor seating area to 260 square feet.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Tom Manning".

Tom Manning



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
SOUTHERN REGION
P.O. BOX 358
SCARBOROUGH, MAINE
04070-0358

JOHN ELIAS BALDACCI
GOVERNOR

DAVID A. COLE
COMMISSIONER

July 24, 2007

Mr. David Leasure, Architect
1344 Washington Avenue
Portland, ME 04103

Re: Miss Portland Diner Project

Dear Mr. Leasure:

Your client, Mr. Tom Manning, and yourself have asked MaineDOT by phone and e-mail to comment on your proposed grading plan which would impact land inside the State of Maine I-295 right of way.

We have since received and reviewed that information and now conclude that we have no objections to the work in our right of way as presently proposed which is essentially minor re-grading work. The area shall be accessed from your client's property and the fence and entire area properly restored. The work is shown on Sheet C-202 titled "Site Lighting & Utility Plan" of plans titled "Miss Portland Diner Project" prepared by David D. Leasure - Architectural Associates, Inc. revision 8, dated June 29, 2007.

Please note that the State of Maine, by this action, does not give up any rights to use this land in the future.

Very Truly Yours,

David Sherlock, P.E.
Region Engineer

david.sherlock@maine.gov



PRINTED ON RECYCLED PAPER

Rick Knowland - Miss Portland Diner -- Traffic Assessment

From: "Thomas Errico" <terrico@wilbursmith.com>
To: "Rick Knowland" <RWK@portlandmaine.gov>
Date: 4/12/2007 2:23 PM
Subject: Miss Portland Diner -- Traffic Assessment
CC: "James Carmody" <JPC@portlandmaine.gov>

Rick –

In response to your request we have conducted a traffic assessment for the Miss Portland Diner to be located on Marginal Way opposite Chestnut Street. The assessment consisted of an estimate of traffic generation and assignment of those trips, a review of compliance of the project site plan with the principles of the Marginal Way Master Plan, an estimate of monetary contributions for transportation mitigation, and commentary on parking provisions.

Traffic Generation and Assignment

AM and Peak hour traffic generation was estimated according to data contained in the publication, Trip Generation, Institute of Transportation Engineers. For a High-Turnover Restaurant (land use code 932) with 94 seats the project can expect to generate the following:

- AM Peak Hour – 44 trips (23 entering/21 exiting)
- PM Peak Hour – 39 trips (23 entering/16 exiting)

Not all the trips associated with the proposed development will be “new” trips to the street system. In fact some trips to the restaurant will be vehicles that already exist on Marginal Way. According to data from the Institute of Transportation Engineers, approximately 43 percent of the traffic generated to a High-Turnover restaurant are “Pass-By” type trips, or trips that already exist on the street system. In addition, it can be expected that some restaurant patrons will walk to the site and not travel by car. Data for this type of activity is not available, but past studies conducted in the City have employed a reduction of 10%. This reduction factor was incorporated. The following table summarizes the expected new traffic from the proposed project.

	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Total Trips	23	21	44	23	16	39
Reduction for Walk Trips	-2	-2	-4	-2	-2	-4
Reduction for Pass-By Trips	-9	-9	-18	-8	-8	-16
Total New Trips	12	10	22	13	6	19

Traffic Mitigation Contribution

In an effort to share transportation improvement costs, the City has been requiring developments to contribute money in an effort to successfully implement infrastructure needs. The following summarizes the suggested monetary contributions for the implementation of the Marginal Way Master Plan and

improvements identified at the Franklin Arterial/Marginal Way intersection.

- Marginal Way Master Plan Contribution - \$7,000.00
- Franklin Arterial/Marginal Way - \$1,500.00

Parking Requirements

It is my understanding that parking for the proposed project will be accommodated in the adjacent MaineDOT parking lot, through a State/City agreement. I would suggest that a condition be placed on this project that if in the future, the parking lot is no longer available for use by Miss Portland Diner patrons, the applicant would be required to provide an acceptable alternative to be approved by the City.

Marginal Way Master Plan Conformance

- The general curb location seems appropriate.
- The distance between the edge of the bicycle lane and the edge of sidewalk is approximately 12 to 13 feet. This width would not allow for the proposed Narrow Gauge Railroad (assumed to be a 14-foot width). The proposed sidewalk is 6 feet wide and thus could be narrowed in the event the railroad is implemented. I would suggest that the sidewalk be widened towards the building such that it is 8 feet wide.
- The applicant needs to incorporate appropriate transition between the proposed curb line adjacent to their site and the existing curb location towards the east.
- The pavement markings illustrated on Marginal Way is based on previous recommendations. The specific markings may need to be adjusted to account for transition length on Marginal Way in the eastbound direction. The 84 Marginal Way project is responsible for implementing the pavement markings in this area. A condition of approval for the 84 Marginal Way project is development of an acceptable plan. Obviously there is some overlap and coordination of the all projects will be necessary. We should strategize on how this will take place based upon construction schedules for proposed developments on Marginal Way.
- I would suggest that a crosswalk be considered across Marginal Way on the eastside of Chestnut Street.

If you have any questions or comments, please call me.

Best Regards,

Thomas A. Errico, P.E.
Senior Transportation Engineer
Wilbur Smith Associates
59 Middle Street
Portland, Maine 04101
w: 207.871.1785 f: 207.871.5825
TErrico@WilburSmith.com
www.WilburSmith.com

December 20, 2007

Rick Knowland
City of Portland
389 Congress Street
Portland, ME 04101

RE: Revision to: Miss Portland Diner – 138 Marginal Way, CBL 442-A-6; #2007-0052

Dear Rick,

Attached four (4) copies of the architectural and civil plans for the above mentioned project. This is a revision to the previously submitted site plan application that was approved by the Planning Board on May 16, 2007.

Please call with any questions or concerns.

Sincerely,



David Lloyd
Architect

December 21, 2007

Mr. Tom Manning
Tomaks,LLC
116 Armour Road
Mahwah, New Jersey 07430

RE: Miss Portland Diner revised plan, 138 Marginal Way, CBL: 442-A-6; #2007-0052

Dear Mr. Manning:

On December 19, 2007 the Portland Planning Authority reviewed and approved certain revisions to the approved site plan review for the proposed Miss Portland Diner and building addition in the vicinity of 138 Marginal Way subject to the following conditions of approval.

1. That the site plan shall be revised for review and approval addressing the comments of Dan Goyette dated May 11, 2007. Since a land survey is already on file in the Planning Office that comment is already addressed. Mr. Goyette's memo is attached.
2. The Applicant shall contribute \$7,000 towards implementation of the Marginal Way Master Plan and \$1,500 towards planned improvements at the Franklin Street and Marginal Way intersection. Applicant shall also be responsible for installing a crosswalk across Marginal Way on the east side of Chestnut Street (including a tipdown curb). The cost of this improvement and other improvements within the Marginal Way right-of-way may be credited to the applicant's contribution towards the Marginal Way Master Plan. Applicant shall incorporate an appropriate transition between the proposed curb line adjacent to the Miss Portland Diner site and the existing curb line towards the east as reviewed and approved by the City Traffic Engineer. The City Traffic Engineer will be reviewing the street improvement plan for the Bayside Village project and may require some adjustments in the curb line along the Miss Portland Diner site if necessary.
3. A more appropriate material for the dumpster screen including a manufacturer's catalog cut shall be submitted for Planning Staff review and approval.
4. The color of the Holophane Esplanade series street lighting pole, bracket and fixture shall be silver metallic aluminum (F264H). For your information the light fixture is supplied by Central Maine Power. The applicant is responsible for purchasing and installing the light base, light pole and bracket including the wiring and the decorative base. Applicant is also responsible for installing the light fixture in coordination with Central Maine Power.

5. Any proposed exterior repairs or alterations to the dining car itself will be subject to review and approval by the Historic Preservation staff.
6. Applicant shall provide further information to Fire Department on details for fire access and available water supply for fire fighting use.
7. The three (3) Dawn Redwoods and two (2) White Birch trees shall be preserved along the northerly edge of driveway. Applicant shall consult with the City Arborist (Jeff Tarling (tel no. 874-8793) prior to construction to determine if any of the existing trees along Marginal Way can be transplanted. Also additional upright landscaping shall be planted in front of the dumpster screening and the easterly wing of the building addition as it faces Marginal Way as reviewed and approved by the City Arborist.
8. Catalog cuts of the proposed light fixtures shall be submitted for review and approval. Fixtures shall have a full cut-off feature. Plan shall be revised and submitted for review and approval.
9. The width of the driveway behind the diner shall be 24 feet not 23 feet as shown on the plan.

The approval is based on the submitted site plan and related submissions.

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please

make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind. If there are any questions, please contact Richard Knowland at 874-8725.

Sincerely,

Alex Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Jeanie Bourke, Inspections Division
Kathi Earley, Public Works
Bill Clark, Public Works
Jim Carmody, Transportation Manager
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File
David Lloyd, Archtype, 48 Union Wharf, Portland, Maine 04101
Nathan Smith, Bernstein Shur, 100 Middle Street, Portland, Maine 04101

MEMORANDUM

TO: Rick Knowland
FROM: Dan Goyette, PE – Development Review Engineer, Woodard & Curran
DATE: May 11, 2007
RE: Miss Portland Diner Minor Site Plan Review

Woodard & Curran has reviewed the Minor Site Plan submission for the proposed development of a 6,010 sf parcel of land adjacent to Interstate 295 on Marginal Way in Portland, ME. The site will be redeveloped to house the historic Miss Portland Diner, along with an expansion to the existing diner structure which is being stored by the City of Portland. No additional parking is proposed as part of the project.

Documents Reviewed

- Engineering Plan Sheets, C-100, C-200, C-201, C-202, C-203, C-204, A-200, A-400, and A-401, dated April 24, 2007, by David D. Leasure Architectural Associates, Inc. received on May 9, 2007.

Comments

- The engineering plan sheets have not been signed or stamped by a professional engineer.
- The erosion control plan is not adequate. Silt fence locations are not consistent between plans and no erosion control details have been provided.
- There are no details that show how lines and utilities are to be abandoned.
- The details for concrete sidewalk indicate both a 5" thick and 4" thick sidewalk.
- Details for granite curb tip downs have not been included.
- The catch basin cover shown in the catch basin inlet detail does not meet City standards. The applicant should refer to the City of Portland Technical and Design Standards and Guidelines Manual.
- It is not clear that the applicant has permission or rights to regrade the area within the Maine Dot Right-of-Way.
- The grading plan is lacking the detail necessary to insure that the drainage plan will function properly. This is especially true along Marginal Way. Additional spot grades and flow direction arrows will be required to insure that the road runoff will flow to the new catch basin and will not puddle on Marginal Way.
- At the rear of the building, the new light pole bases are shown to be installed directly over the new water service line.
- The applicant shows a 90 degree bend made of RCP pipe leaving the grease trap. This type of bend is not recommended and an alternate orientation of the tank is required.
- The new catch basin on Marginal Way is located directly behind an existing manhole. It is not clear if there is adequate room between the curb line and the manhole to install the new basin. The applicant may wish to show the basin offset from the manhole to insure that it can be installed properly and that the grading plan will work.

Please contact our office if you have any questions.

DRG
203943.12

The March 25th Planning Board meeting includes the following:

Workshop: The Village at Ocean Gate Conditional Zone Amendment- Newbury Street. Metal Recycling Facility-568 Riverside St. Prolerized NE Company.

Public Hearing: Zoning Map Amendment- 202 Washington Avenue; B-7 Design Standards; Maine Medical Center TDM.

The April 8th Planning Board Meeting includes the following:

Workshop: Skylark Subdivision

Public Hearing: Morning Star Lane Subdivision; Walgreens- 606 Forest Avenue

Dev Rev meeting on Wednesday March 19, 2008

10 a.m Fourth Floor Conference Room

Please let Barbara know if you cannot attend.

Agenda follows....

A. Preliminary Reviews (Please share preliminary comments on new or revised plans distributed week before)

1. 314 Presumpscot St...sw
2. fitzpatrick restrooms..rk

B. Final Written Reviews - Major Site Plans (Planning Board Review)

1. UNE...review of construction vehicle parking plan, traffic control and site utilization plan...sw
2. Danforth Street (Szanton)...applicant request meeting with Barbara, Alex, Penny to review the conditional rezone agreement...sw
3. prolerized new england...workshop next week...rk
4. MMC TDM (issues for hearing).....jf
- ✓ 5. Skylark Commons subdivision....issues & timetable.....jf
6. Jo Coyne - public works....bb

C. Final Written Review - Minor Site Plans (Administrative Review)

1. missportlandiner...reviewing conditions of approval...rk

D. Pressing Issues

1. ongoing traffic discussions- Walgreens....mc
2. MSL subdiv Timetable for Hearing.....jf
3. sidewalks on State St....mc

E. Exemptions and Miscellaneous Requests

1. Webb and Terrace

F. Distribution of New Projects and Revised Plans

1. 1600 Congress Street...preapplication feed back requested...bn for bb
2. Westgate Shopping Center

Infrastructure Financial Contribution Form

Obtain an Account Number from Paul Colpitts, Chief Acct.,
(ext. 8665) prior to the distribution of this form.

Amount \$ 1,500.00

City Account Number: 710-0000-236-80-00

Project Name: MUJ PORTLAND DINER

Application ID #: # 2007-0052
(from Site Plan Application Form)

Project Location: 138 MARGINAL WAY

Project Description: MUJ PORTLAND DINER SITE PLAN

Funds intended for: CONTRIBUTION TOWARD IMPROVEMENT TO FRANKLIN ST/MARGINAL WAY INTERSECTION

Applicant's Name: TOM MANNING, TOMAKJ LLC

Applicant's Address: 116 ARMOUR ROAD, MAHWAH, N.J. 07430

Expiration:

If funds are not expended or encumbered for the intended purpose by _____, funds, or any balance of remaining funds, shall be returned to contributor within six months of said date.

Funds shall be permanently retained by the City.

Other (describe in detail) _____

Form of Contribution:

Escrow Account

Cash Contribution

Interest Disbursement: Interest on funds to be paid to contributor only if project is not commenced.

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from Public Works, which form shall specify use of City Account # shown above.

Date of Form: 3-27-08

Planner: R. KNOWLAND

Person Completing Form: Rachel K... ..

- Attach the approval letter, condition of approval or other documentation of the required contribution.
- One copy sent to the Applicant.

Electronic Distribution to:

Peggy Axelsen, Michael Bobinsky, Michael Farmer, Kathi Earley, Betsy Beety, Alex Jaegerman, Barbara Barhydt, Phil DiPierro, Planner for project and Applicant.

December 21, 2007

Mr. Tom Manning
Tomaks, LLC
116 Armour Road
Mahwah, New Jersey 07430

RE: Miss Portland Diner revised plan, 138 Marginal Way, CBL: 442-A-6; #2007-0052

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Sincerely,

Alex Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Jeanie Bourke, Inspections Division
Kathi Earley, Public Works
Bill Clark, Public Works
Jim Carmody, Transportation Manager
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File
David Lloyd, Archtype, 48 Union Wharf, Portland, Maine 04101
Nathan Smith, Bernstein Shur, 100 Middle Street, Portland, Maine 04101

DEVELOPMENT REVIEW COORDINATOR
POST APPROVAL PROJECT CHECKLIST

Date: 8/14/09

Project Name: Walgreens

Project Address: 127 Marginal Way

Site Plan ID Number: 2008-0127

Planning Board/Authority Approval Date: 1/30/09

Site Plan Approval Date: 4/20/10

Performance Guarantee Accepted: 4/14/10

Inspection Fee Paid: 4/9/10

Infrastructure Contributions Paid: 4/9/10

Amount of Disturbed Area in SF or Acres: < 1 Acre

MCGP/Chapter 500 Stormwater PBR: N/A

Plans/CADD Drawings Submitted: ?

Pre-Construction Meeting: 4/20/10

Conditions of Approval Met: 6/8/11

As-Builts Submitted: N/A

Public Services Sign Off: 6/8/11

Certificate of Occupancy Memo Processed:
(Temporary or Permanent) Temp. Issued 3/15/11 - Expires 6/1/11
Permit Issued 6/14/11

Performance Guarantee to Defect Guarantee: Reduced by \$103,300 to \$52,400 on 4/10/11
→ 6/14/11 \$15,570.00

Defect Guarantee Released: 6/14/12



PORTLAND, MAINE

Strengthening a Remarkable City, Building a Community for Life
www.portlandmaine.gov

Planning and Urban Development
Gregory A. Mitchell, Acting Director

Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: June 14, 2012
SUBJECT: Request for release of Defect Guarantee
127 Marginal Way, Walgreen's Pharmacy
(ID# 2008-0127 Lead CBL #025 A 014001)

Please release the Defect Guarantee, Letter of Credit #242-6134554 for Walgreen's Pharmacy Project at 127 Marginal Way.

Remaining Balance \$15,570.00

Approved:

Alexander Jaegerman
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
File: 1 Solution



PORTLAND, MAINE

Strengthening a Remarkable City, Building a Community for Life
www.portlandmaine.gov

Planning and Urban Development
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: June 14, 2011
SUBJECT: Request for Reduction of Performance Guarantee to Defect Guarantee
127 Marginal Way, Walgreen's Pharmacy
(ID# 2008-0127 Lead CBL #025 A 014001)

Please reduce the Performance Guarantee, Letter of Credit #242-6134554 for Walgreen's Pharmacy Project at 127 Marginal Way, to the Defect Guarantee.

Original Amount	\$155,700.00
First Reduction	\$103,300.00
<u>This Reduction</u>	<u>\$ 36,830.00</u>
Remaining Balance	\$ 15,570.00

This is the second reduction for the project.

Approved:


Alexander Jaegerman
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
File: 1 Solution

Memorandum
Department of Planning and Development
Planning Division



TO: Inspections Department

FROM: Philip DiPierro, Development Review Coordinator

DATE: June 14, 2011

RE: C. of O. for # 127 Marginal Way, Walgreen's
(Id # 2008-0127) (CBL 025 A 014001)

After visiting the site, I have the following comments:

Site work complete:

At this time, **I recommend issuing a permanent Certificate of Occupancy.**

Cc: Tammy Munson, Inspection Services Manager
Barbara Barhydt, Development Review Services Manager
File: 1 Solution

Philip DiPierro - Certificate of Occupancy/Final Scheduled. Property Addr: 127 MARGINAL WAY Parcel ID: 025 A014001 Dist: 1

From: Lannie Dobson
To: C of O; nadams
Date: 3/9/2011 1:00 PM
Subject: Certificate of Occupancy/Final Scheduled. Property Addr: 127 MARGINAL WAY Parcel ID: 025 A014001 Dist: 1

Date: 3/14/2011 **Time:** 6:00:00 AM

Note: Walgreens 423-7798 Ronald Must have call in a.m. For time Property Addr: 127 MARGINAL WAY Parcel ID: 025 A014001

Application Type: Prmt
Application ID: 91398

Contact:
Phone1: Phone2:

Owner Name: BACK COVE COMPANY
Owner Addr: PO BOX 7525
PORTLAND, ME 04112



PORTLAND MAINE

Strengthening a Remarkable City. Building a Community for Life www.portlandmaine.gov

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

Planning Division
Alexander Jaegerman, Director

January 30, 2009

Mr. Peter Quesada
Back Cove Company
P.O. Box 7525
Portland, ME 04112

RE: Proposed Walgreen's Pharmacy; 127 Marginal Way
CBL: 25-A-014
Application ID: 2008-0127

Dear Mr. Quesada, *Peter*

On January 30, 2009 the Portland Planning Authority approved a minor site plan for a proposed Walgreen's Pharmacy at 127 Marginal Way as submitted by Back Cove Company and shown on the approved plan prepared by Back Cove Company and dated January 26, 2008 with the following conditions:

1. That the Marginal Way driveway (approx. 125 feet from the Marginal Way/ Chestnut Street intersection) as shown on a site plan dated 12-26-08 may be used until the City has advanced its plan for on-street parking along the Marginal Way frontage of the subject property. The City shall give the property owner a minimum of 60 days notice of the City's intent to install parallel parking along the street and to close the curb cut opening. **Property owner shall contribute \$5,000** towards an account to be held by the City to cover the cost of closing the curb cut, which shall be accomplished by the City or its contractors. In the event the curb cut is not closed by June 1, 2015, the money shall be refunded to the property owner. At the time of closing the Marginal Way curb cut, the property owner shall reconfigure the parking spaces and travel lanes on their site to assure safe circulation and access from the shared (87 Marginal Way, LLC/ Back Cove Company) driveway, subject to the review and approval of the City Transportation Engineer and the Planning Authority.
2. That a revised exterior lighting plan including specifications and catalog cuts shall be submitted for Planning Authority review and approval.
3. That the landscaping plan shall be revised to replace the Euonymus Alatus with other plant material such as Dwarf Korean Lilacs, Miss Kim Lilacs or Spirea as approved by the City

*done
4/9/10*

*done
4/20/10
RJB*

*done
4/20/10
RJB*

- done* Arborist. Also the Barberry should be a Bayberry.
- done* 4. The brick sidewalk along Marginal Way shall be a minimum of 8 feet wide.
- done* 5. Site Plan shall be revised reflecting a stormwater management plan including water quality treatment and addressing comments from Dan Goyette's memo dated 9-18-08.
- n/a* 6. That all exterior signage shall be submitted for Planning Authority review and approval.
- done* 7. That the dumpster enclosure shall be a solid wood fence unless an alternative design is approved in writing by the Planning Authority.

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

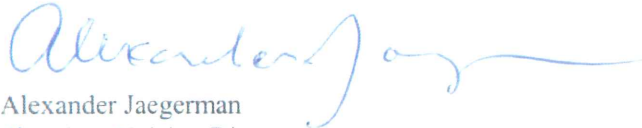
Please note the following provisions and requirements for all site plan approvals:

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds or prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised subdivision or site plan application for staff review and approval.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

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

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

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachments:

1. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File



PORTLAND, MAINE

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Planning and Urban Development
Penny St. Louis Littell, Director

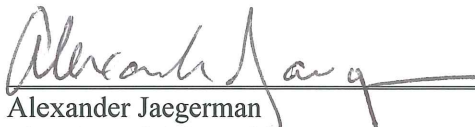
Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: January 10, 2011
SUBJECT: Request for Reduction of Performance Guarantee
Walgreens Pharmacy, 127 Marginal Way
(ID# 2008-0127 Lead CBL #025 A 014001)

Please reduce the Performance Guarantee, Bank Held Escrow Account #242-6134554 for the Walgreens Pharmacy Project at 127 Marginal Way.

Original Amount	\$155,700.00
<u>This Reduction</u>	<u>\$103,300.00</u>
Remaining Balance	\$ 52,400.00

This is the first reduction for the project.

Approved: 
Alexander Jaegerman
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
File: Urban Insight

PM Construction Co., Inc.

**WALGREEN'S MARGINAL
WAY SPRING WORK -**

Project: CONTRACT

Date: 5-Jan-11 revised to include City street light

Phase	Item	Hr	\$	Labor	Unit	\$	Material	Equip.	Sub.	Misc.	Total	
											0	
1	Super	80	50	4,000	0	0	0	0	0	0	4,000	
1	Proj Mger	2	75	150	0	0	0	0	0	0	150	
	Demo temp paving (feathered edges put in for temp use)	32	35	1,120	0	0	0	650	0	0	1,770	
	Paving (finish coat)	0	35	0	0	0	0	0	24,000	0	24,000	Dayton
	Linestripping (car stripes)	0	35	0	0	0	0	0	8,600	0	8,600	Zebra
	Loam & Seed (ROW)	0	35	0	0	0	0	0	2,100	0	2,100	Picard
	Landscaping (a few on-site plants yet to plant)	0	35	0	0	0	0	0	3,520	0	3,520	Salmon Fall:
18017	City Street Light in Marginal Way ROW (back ordered to late April; base and meter going in this week).											
	Electical - pole		35	-			-		5,479		5,479	BH Milikin
	fixture			-			-		1,699		1,699	BH Milikin
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
	Sub Totals	114		5,270	0	0	0	650	45,398	0	51,318	
									Permit			
									Contingency			0
									Misc.			
									Sub Total		51,318	
									OH&P	5.5%	2,822	
									Grand Total		54,140	

Memorandum
Department of Planning and Development
Planning Division



TO: Inspections Department

FROM: Philip DiPierro, Development Review Coordinator

DATE: March 15, 2011

RE: C. of O. for # 127 Marginal Way, Walgreen's
(Id # 2008-0127) (CBL 025 A 014001)

After visiting the site, I have the following comments:

Site work incomplete:

1. Paving and Striping,
2. Landscaping, loam and seeding,
3. The installation of 2 parking lot islands,
4. Casco trap installation,
5. Minor Miscellaneous site work,

I anticipate this work can be completed by **June 1, 2011**.

At this time, **I recommend issuing a temporary Certificate of Occupancy.**

Cc: Tammy Munson, Inspection Services Manager
Barbara Barhydt, Development Review Services Manager

Rick Knowland - 127 Marginal Way sidewalk tip downs

From: Peter Quesada <pquesada@forerivercompany.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 1/5/2011 9:19 AM
Subject: 127 Marginal Way sidewalk tip downs
CC: Bruce Kistler <bkistler@forerivercompany.com>
Attachments: 20110105091142429.pdf

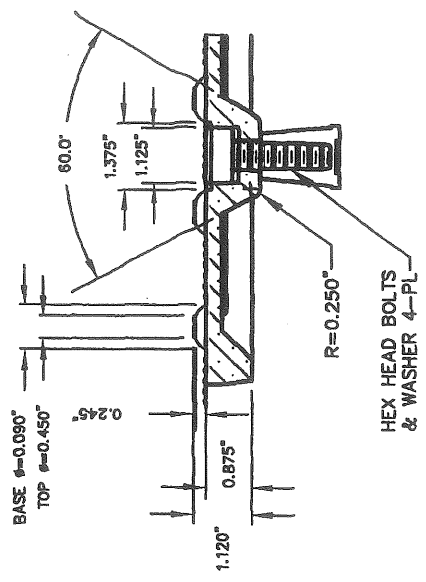
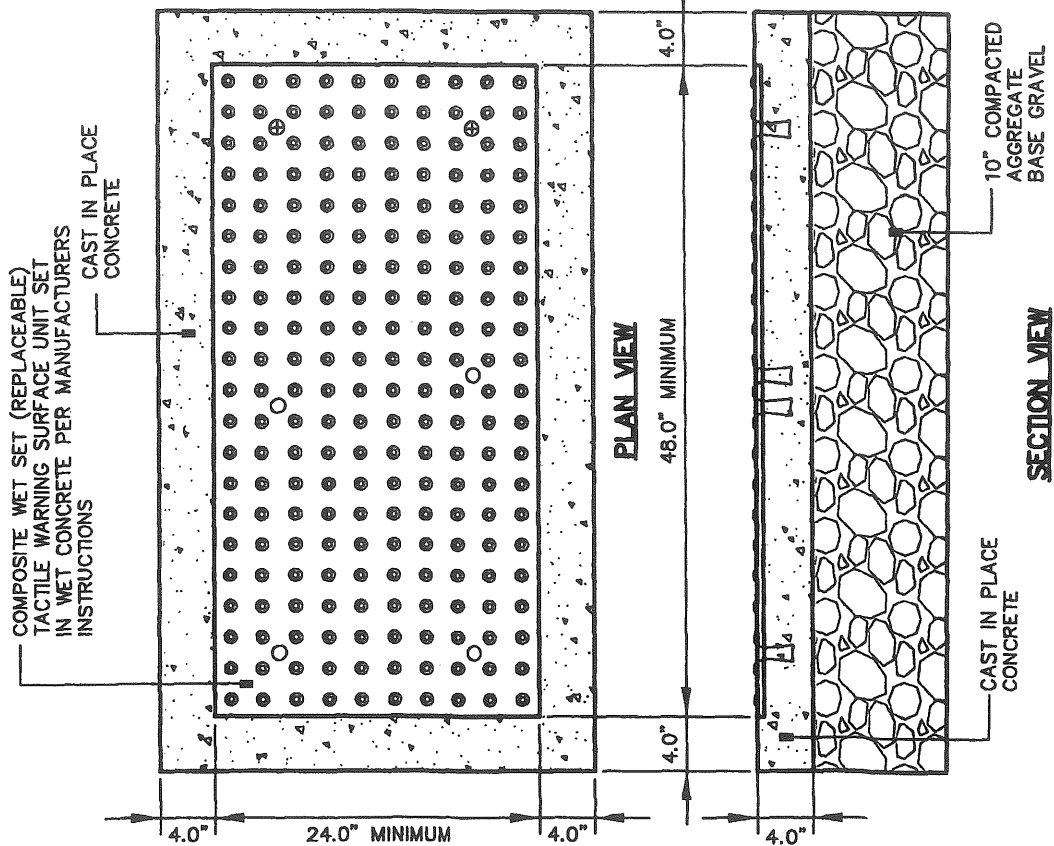
Rick: PM construction has talked to Greg Vining at the City about the tip down plates with bumps in them. My understanding is that the installed plates are a reasonable standard, but are not the exact spec now proposed by the City (not yellow, and perhaps some other minor variations). Makes sense to me to want a standard, but looking around (across MW and across Chestnut St) there is now quite a bit of variation, so yellow won't create a standard "here." Attached is a pdf of the city's preferred standard, with a June 1 date on it. PM is telling me that (i) they made a last minute change to install the concrete border, at the request of the city (perhaps Greg), instead of a direct plate to brick paver transition, (ii) but that they did not find out until too late that there was a color preference--both border and color differing from the approved plans their subs were working from. Peter

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

Δ when - not yellow but yes contrast.
 Δ spec - but some ideas
 yes concrete border not in plans

NOTES:

1. COMPOSITE WET SET (REPLACEABLE) TACTILE WARNING SURFACE UNITS SHALL BE AS MANUFACTURED BY ADA SOLUTIONS, INC. (WWW.ADATILE.COM), OR APPROVED EQUAL.
2. CAST IN PLACE CONCRETE SHALL MEET SPECIFICATIONS FOR MDOT CLASS A STRUCTURAL CONCRETE, MINIMUM COMPRESSIVE STRENGTH 4,000 PSI. THE CONCRETE SHALL BE SEALED PRIOR TO SETTING PANELS. THE EXPOSED CONCRETE BORDER SHALL RECEIVE A GROOVED EDGE BETWEEN THE TILE AND CONCRETE, ALONG WITH A UNIFORM BROOM FINISH PERPENDICULAR TO THE FLOW OF PEDESTRIAN TRAFFIC.
3. TRUNCATED DOMES SHALL BE ALIGNED IN ROWS, PARALLEL AND PERPENDICULAR TO THE PREDOMINANT DIRECTION OF TRAVEL. TRUNCATED DOME BRICKS AND GRANITE PAVERS ARE NOT ALLOWED.
4. FOR ALL SIDEWALK RAMPS MADE OF CONCRETE OR ASPHALT, FEDERAL YELLOW COLORED (#33538) TILES SHALL BE USED. FOLLOW MANUFACTURER'S INSTRUCTIONS FOR INSTALLATION.
5. FOR ALL SIDEWALK RAMPS MADE OF BRICK, SEATTLE YELLOW (#23594) COATED COLORED TILES SHALL BE USED.



BOLT DETAIL

SIDEWALK RAMP DETECTABLE WARNING TILE

NOT TO SCALE

DATE:
 JUNE 3, 2010
 REVISID:

CITY OF PORTLAND, MAINE
 TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS
 AND STREET DESIGN
 SECTION I

FIGURE:

SIDEWALK RAMP DETECTABLE WARNING TILE

I-7

6. SITE LIGHTING	_____	_____	_____	2	\$1500	\$3000 ✓
7. EROSION CONTROL	_____	_____	_____			
Silt Fence	_____	_____	_____	1	\$500	\$500 ✓
Check Dams	_____	_____	_____	_____	_____	_____
Pipe Inlet/Outlet Protection	_____	_____	_____	_____	_____	_____
Level Lip Spreader	_____	_____	_____	_____	_____	_____
Slope Stabilization	_____	_____	_____	_____	_____	_____
Geotextile	_____	_____	_____	_____	_____	_____
Hay Bale Barriers	_____	_____	_____	_____	_____	_____
Catch Basin Inlet Protection	8	\$200	\$1600 ✓	8	\$200	\$1600 ✓
8. RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	_____
9. LANDSCAPING	1	\$300	\$300	1	\$6700	\$6700
(Attach breakdown of plant materials, quantities, and unit costs)						
10. MISCELLANEOUS (bike rack)	_____	_____	_____	2	\$500	\$1000 ✓

TOTAL: \$37800

~~\$111400~~ 117,900

GRAND TOTAL:

~~\$149200~~
 \$155,700
 OK PHD
 8/14/09

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:	\$750	\$2,358	\$3,114.00
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	<u>[Signature]</u> (name)	<u>[Signature]</u> (name)	8/14/09

1/10/11 Hold 9,300 43,100 = total \$52,400

dc to release \$103,500

PUBLIC PLANT LIST

SCOPE	UNIT COST	COST
REPLANT ESPLADE GRASS	300	300
PUBLIC TOTAL		

PRIVATE PLANT LIST

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	UNIT COST	COST
<u>TREES</u>						
G. BPS	5	GINKO BILOBA 'PRINCETON SENTRY'	MAIDENHAIR TREE	2.5"-3" CAL	380	1900
M. PS	9	MALUS 'PINK SPIRE'	PINK SPIRE CRAB	2" CAL	350	3150
<u>SHRUBS</u>						
J. HW	30	JUNIPERUS HORIZONTALIS 'WILTONI'	BLUE RUG JUNIPER	#2	15	450
J. CBP	4	JUNIPERUS CHINENSIS 'BLUE POINT'	BLUE POINT JUNIPER	#5	25	100
S. JMC	2	SPIREA JAPONICA 'MAGIC CARPET'	MAGIC CARPET SPIREA	#3	20	40
T. MN	30	TAXUS X MEDIA NIGRA	DARK SPREADING YEW	#3	20	600
<u>GRASSES/PERENNIALS</u>						
C. AKF	17	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS	1 QT	5	85
F. GEB	6	FESTUCA GLAUCA 'ELIJAH BLUE'	BLUE FESCUE	1 QT	5	30
H. SS	6	HELICTOTRICHON SEMPERVIRENS 'SAPPHIRE'	BLUE OAT GRASS	1 QT	5	30
H. SD	44	HEMEROCALLIS 'STELLA D'ORO'	STELLA D'ORO DAYLILY	1 QT	5	220
M. SG	16	MISCANTHUS SINENSIS 'GRACILLIMUS'	GRACILLIMUS MAIDEN GRASS	1 QT	5	80
P. TR	3	PARTHENOCCISSUS TRICUSPIDATA	BOSTON IVY	1 QT	5	15

PRIVATE TOTAL						6700
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PUBLIC & PRIVATE TOTALS		\$7000
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127 MARGINAL WAY - LANDSCAPING COST ESTIMATE BREAKDOWN - 8/13/09

PM Construction Co., Inc.

**WALGREEN'S MARGINAL
WAY SPRING WORK -**

Project: CONTRACT

Date: 5-Jan-11 revised to include City street light

Phase	Item	Hr	\$	Labor	Unit	\$	Material	Equip.	Sub.	Misc.	Total	
											0	
1	Super	80	50	4,000	0	0	0	0	0	0	4,000	
1	Proj Mger	2	75	150	0	0	0	0	0	0	150	
	Demo temp paving (feathered edges put in for temp use)	32	35	1,120	0	0	0	650	0	0	1,770	
	Paving (finish coat)	0	35	0	0	0	0	0	24,000	0	24,000	Dayton
	Linestripping (car stripes)	0	35	0	0	0	0	0	8,600	0	8,600	Zebra
	Loam & Seed (ROW)	0	35	0	0	0	0	0	2,100	0	2,100	Picard
	Landscaping (a few on-site plants yet to plant)	0	35	0	0	0	0	0	3,520	0	3,520	Salmon Fall:
18017	City Street Light in Marginal Way ROW (back ordered to late April; base and meter going in this week).											
	Electical - pole		35	-			-		5,479		5,479	BH Milikin
	fixture			-			-		1,699		1,699	BH Milikin
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
		0	35	0	0	0	0	0	0	0	0	
	Sub Totals	114		5,270	0	0	0	650	45,398	0	51,318	
										Permit		
										Contingency	0	
										Misc.		
										Sub Total	51,318	
										OH&P	5.5%	2,822
										Grand Total	54,140	

Fore River Company 5 Milk Street P.O. Box 7525 Portland, ME 04112 (207) 772-6404

April 12, 2010

by hand

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

RECEIVED

APR 14 2010

**City of Portland
Planning Division**

Re: 127 Marginal Way—Site Escrow

Dear Phil,

Attached is an escrow agreement signed by TD Bank, which has the required funds in the escrow account. Your contact at the bank is Kim Twitchell.

Kimberly J. Twitchell
Senior Vice President
TD Bank NA
One Portland Square
P.O. Box 9540
Portland, ME 04112-9540
207 761-8648

Please call me with any administrative questions relating to this account and Kim as the need arises.

Sincerely



Peter W. Quesada

enclosure

Fore River Company 5 Milk Street P.O. Box 7525 Portland, ME 04112 (207) 772-6404

April 8, 2010

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Re: Walgreen's—127 Marginal Way

Dear Phil,

Enclosed are two checks payable to the "City of Portland" as follows:

1. \$5,000 to be applied by the City to the possible closure of a curb cut on Marginal Way, as provided in the City's minor site plan approval, and
2. \$3,114 for site inspection fees.

I expect that you will shortly receive confirmation from TD Bank that they hold the performance guaranty funds in the amount of \$155,700, and a signed copy of the escrow agreement.

Sincerely,



Peter W. Quesada

RECEIVED

APR - 9 2010

**City of Portland
Planning Division**

SUBDIVISION/SITE DEVELOPMENT
Cost Estimate of Improvements to be covered by Performance Guarantee

Date: 8/7/09

Name of Project: 127 Marginal Way/Walgreens

Address/Location: 127 Marginal Way

Application ID #: _____

Developer: Back Cove Company

Form of Performance Guarantee: Escrow Account with private financial institution

Type of Development: Subdivision no Site Plan (Major/Minor) Minor

TO BE FILLED OUT BY THE APPLICANT:


Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas						
Curbing	100 lf	\$33/lf	\$3300	230 lf	\$20/lf	\$4600
Sidewalks	1600sf	\$11/sf	\$17600	2300 sf	\$4/sf	\$9200
Esplanades						
Monuments						
Street Lighting	2	\$4500	\$9000			
Street Opening Repairs						
Other						
2. EARTH WORK						
Cut						
Fill						
3. SANITARY SEWER						
Manholes						
Piping				120 lf	\$10/lf	\$1200
Connections						
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other						
4. WATER MAINS				2 @ 120 lf	\$20/lf	\$4800
5. STORM DRAINAGE						
Manholes						
Catchbasins				4	\$1200	\$4800
Piping				444	\$12/lf	\$5400
Detention Basin						
Stormwater Quality Units				1	\$5000	\$5000
Other						

6. SITE LIGHTING	_____	_____	_____	2	\$1500	\$3000
7. EROSION CONTROL						
Silt Fence	_____	_____	_____	1	LS	\$200
Check Dams	_____	_____	_____			
Pipe Inlet/Outlet Protection	_____	_____	_____			
Level Lip Spreader	_____	_____	_____			
Slope Stabilization	_____	_____	_____			
Geotextile	_____	_____	_____			
Hay Bale Barriers	_____	_____	_____			
Catch Basin Inlet Protection	8	\$200	\$1600	8	\$200	\$1600
8. RECREATION AND OPEN SPACE AMENITIES						
9. LANDSCAPING	1	\$300	\$300	1	\$6700	\$6700
(Attach breakdown of plant materials, quantities, and unit costs)						
10. MISCELLANEOUS (bike rack)	_____	_____	_____	2	\$500	\$1000
TOTAL:		\$31800			\$47300	91,200
GRAND TOTAL:		\$38,200			\$79100	\$129,400

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:	_____	_____	_____
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

Need estimate for paving
 " " " Street opening
 " landscaping breakdown

TRANSMITTAL NOTICE –By Hand		DATE: 8/7/09
TO: Phil DiPierro Planning Department City of Portland		SUBJECT: 127 Marginal Way - Walgreens
NO. OF COPIES:	DESCRIPTION:	
1	Sht C1.1 Site Plan revised 7/27/09 (24x36)	
1	Sht C 2.1 Grading Plan revised 8/5/09 (24x36)	
1	Sht C 2.2 Drainage Plan revised 8/5/09 (24x36)	
1	Sht C 2.3 Erosion & Sediment Control Plan (24x36)	
1	Sht C 3.1 Utilities Plan revised 8/5/09 (24x36)	
1	Sht C 4.1 Civil Sections and Details 5/22/09 (24x36)	
1	Sht C 4.2 Civil Sections and Details 5/22/09 (24x36)	
1	Sht C 4.3 Civil Sections and Details 6/30/09 (24x36)	
1	Sht L1 Landscape Plan revised 7/27/09 (24x36)	
1	Sht A 2.1 Exterior Elevations revised 7/20/09	
1	Reduced set of above drawings (11x17)	
1	Completed Cost Estimate of Improvements Form 8/7/09	
REMARKS:		
Dear Phil,		
Welcome back. We would like to apply for a building permit for this project ASAP. The remaining minor site plan review items are site lighting (photometrics) and building signage. Rick Knowland suggested I send you the above final drawings and my estimate for your review upon your return from vacation. Please review the above and call me with questions or problems or, if none, when you have completed your review so I can send you check for the fee and arrange for the escrow account.		
Sincerely, Bruce Kistler  772-8286 x207		
cc: Rick Knowland (w/o attachments)		



PORTLAND MAINE

Strengthening a Remarkable City. Building a Community for Life www.portlandmaine.gov

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

Planning Division
Alexander Jaegerman, Director

April 1, 2009

Mr. Peter Quesada
Fore River Company
PO Box 7525
Portland, ME 04112

Re: Proposed Walgreen's Pharmacy; 127 Marginal Way
CBL: 25-A-014
Application ID: 2008-0127

Dear Peter:

This letter is in reference to your most recent request to revise/amend the 127 Marginal Way site plan as requested by Bruce Kistler on February 9, 2009, supplemented by the supporting materials from Tom Gorrill and Ron Ward. The following constitutes the terms of our approval of your most recent request, outlined in the email to us from Ron Ward on March 24, 2009.

The following is a summary of the history of the site plan approval for this particular Project:

The initial Planning Authority approval for this Project was set forth in our letter to you dated January 30, 2009, and incorporating the plans referenced therein (noting that the plan referenced as January 26, 2008 was, in fact, intended to reference the plan dated December 26, 2008). Among other things, that plan included a two-way access driveway off Marginal Way to the interior of the site. As referenced above, you made a written request to the Planning Authority for a revision to this access driveway, converting it to a one-way entrance as depicted on a revised plan dated February 3, 2009.

In response to that request, the Planning Authority approved the one-way access in its letter dated March 18, 2009, subject to the conditions stated therein.

More recently, you have approached us with a proposal that requests that the original January 30, 2009 site plan approval be reinstated, but with the added request that the Planning Authority

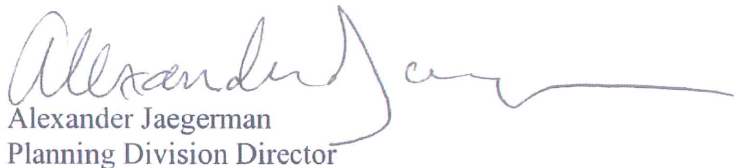
O:\PLAN\Dev Rev\Marginal Way - 127 (Walgreen's Pharmacy)\4-01-09 Approval Letter.DOC

approve the resulting parking and internal circulation plan to be implemented at such time as the Marginal Way curb cut is closed. In connection with this most recent request, you have submitted to us the original site plan, amended to show the dumpster enclosure, and bearing the designation "A-O". With respect to the future parking and internal circulation plan, you have submitted to us the plan designated "A-Oa" dated March 7, 2009, and a revision thereto, designated "A-Oa: revision dated March 25, 2009", which revision incorporates a 5' wide island separating the common "Wild Oats / Walgreens" driveway and the parking space closest to that driveway, and a reduction in the width of the adjacent parking stalls.

The net result of your current request is that you will retain your initial site plan approval and have pre-approval for your parking and internal circulation (as shown in the attached revised plan designated "A-Oa: revision dated March 25, 2009") at such time as the City closes the Marginal Way curb cut closest to the currently existing sign pylon.

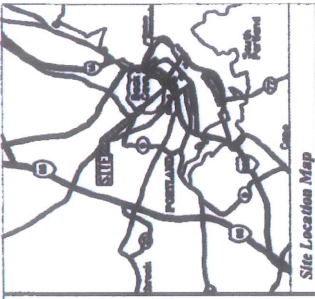
The Planning Authority hereby approves this request, subject only to the following additional conditions:

Sincerely,


Alexander Jaegerman
Planning Division Director

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Rick Knowland, Senior Planner
Philip DiPiero, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pinco, Deputy City Engineer
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File



Site Location Map

Site Plan After Remaining Marginal Way Curb Cut is Closed

The site is located at the intersection of Marginal Way and... The plan shows the layout of the building, parking areas, and landscaping. Key features include:

- Existing and Proposed Buildings
- Parking Areas
- Landscaping and Site Amenities
- Storm Drainage

- LEGEND**
- Existing Building
 - Proposed Building
 - Parking Area
 - Landscaping
 - Storm Drainage
 - Site Amenities
 - Utility Lines
 - Other

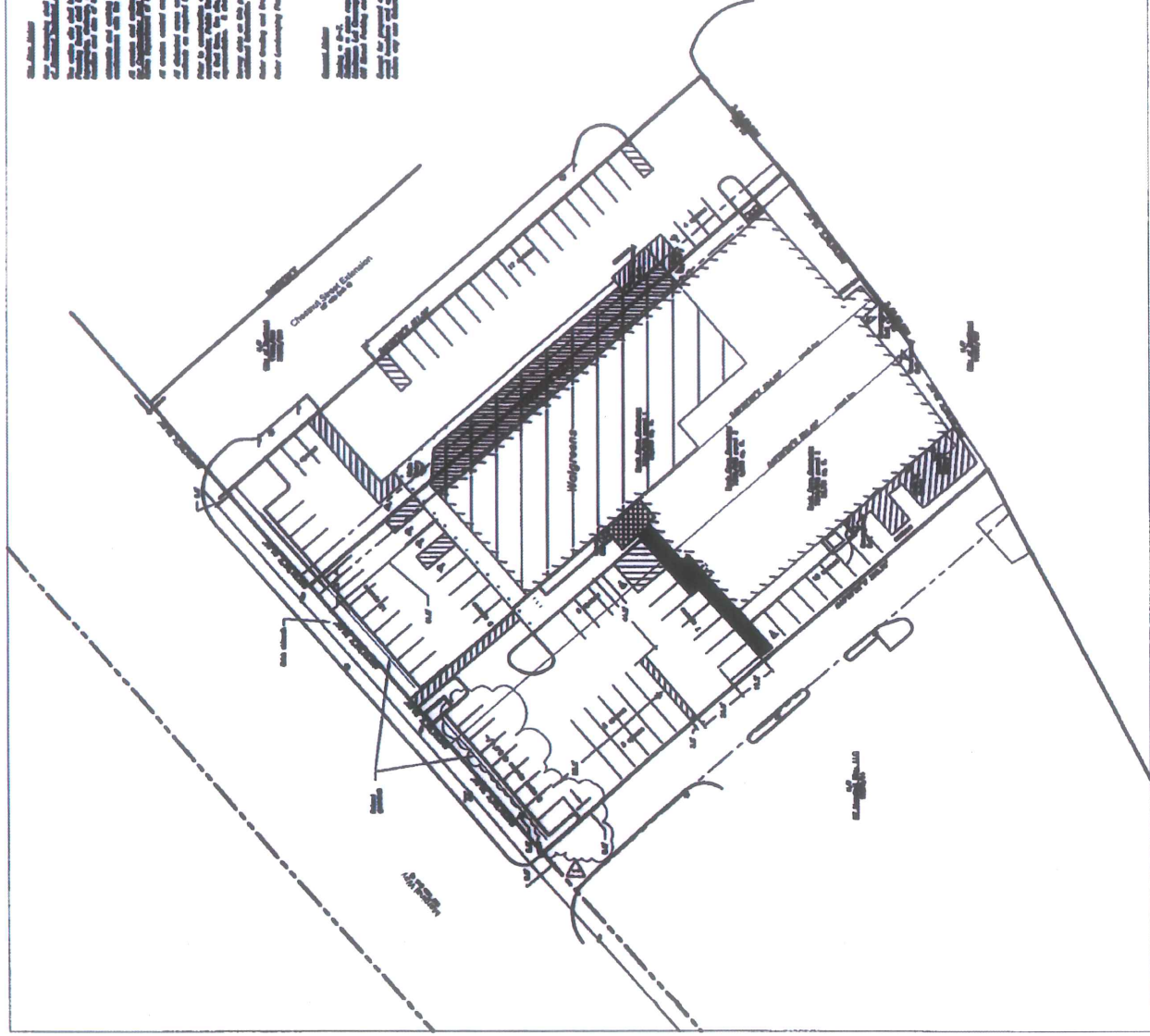


Scale of Drawing:
Site Plan Drawing is 1/8" = 1'-0"
Site Plan Drawing is 1/8" = 1'-0"

DATE	10/1/78
BY	J. M. [Signature]
CHECKED BY	[Signature]
SCALE	1/8" = 1'-0"
TITLE	SITE PLAN AFTER REMAINING MARGINAL WAY CURB CUT IS CLOSED
PROJECT NO.	A-0a
CLIENT	Back Cove Company

NOTES:

- See also Page reference in the referenced Survey Report of work, same as shown on Page 105.
- Site Plan Drawing is 1/8" = 1'-0".
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CHECKED BY	[Signature]
SCALE	1/8" = 1'-0"
TITLE	SITE PLAN AFTER REMAINING MARGINAL WAY CURB CUT IS CLOSED
PROJECT NO.	A-0a
CLIENT	Back Cove Company

Rick Knowland - FW: Miss Portland Diner

From: Tom Manning <tomakslc@hotmail.com>
To: Alex Yagerman <aqj@portlandmaine.gov>, <rwk@portlandmaine.gov>
Date: 4/29/2009 6:16 PM
Subject: FW: Miss Portland Diner

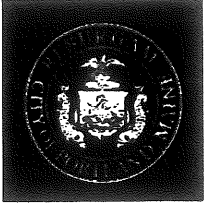
Alex/Rick, here's the layout of the concrete patio and how we had planned on placing the bench-seating and plantings around the perimeter. We would now continue this down onto the new bricked area.

Hope this helps.

tom

> From: lloyd@archetypepa.com
> To: wallaceb@portlandmaine.gov; tomakslc@hotmail.com
> Subject: FW: Miss Portland Diner
> Date: Tue, 21 Apr 2009 11:12:04 -0400
>
> Ben
>
> Attached is my sketch for outdoor dining at the miss Portland Diner
> incorporating your comments.
>
> Thank you for your review
>
> David Lloyd
> Archetype, P.A.
> 48 Union Wharf
> Portland, ME 04101
> Phone: (207) 772-6022
> Fax: (207) 772-4056
> lloyd@archetypepa.com
> <http://www.archetype-architects.com>
>
> -----Original Message-----
> From: C2824@archetypepa.com [mailto:C2824@archetypepa.com]
> Sent: Tuesday, April 21, 2009 11:04 AM
> To: David
> Subject:
>
> This E-mail was sent from "C2824" (Aficio 3228C).
>
> Scan Date: 04.21.2009 11:03:32 (-0400)
> Queries to: C2824@archetypepa.com

Windows Live™ Hotmail®:...more than just e-mail. [Check it out.](#)



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**Development Review Application
Portland, Maine
Department of Planning and Urban Development
Planning Division and Planning Board**

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To All Applicants and Consultants for Development Review City of Portland, Maine

Portland's Department of Planning and Urban Development coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits. The **Application Process** is summarized below under Section I and the associated costs for reviews are found under Section II, **Development Review Fees, Public Notices And Guarantees**, and are listed on the fee structure sheet (page 4 of this packet).

I. APPLICATION SUBMITTAL

1. Pre-application meeting:

Prior to submitting an application, the Planning Division recommends that the applicant or the designated representative schedule a pre-application meeting to discuss the required reviews and applicable standards for a proposal. Please contact Barbara Barhydt, Development Review Services Manager at 874-8699 to schedule a meeting.

2. Plan Application Packet

- Submit seven (7) complete sets of the development review application, which must include full size plans and the written submittals. Applications may be submitted between 8 a.m. and 4:30 p.m. Monday through Friday at the Planning Division on the 4th floor of City Hall, 389 Congress Street, Portland.
- All applications are processed in the order in which they are received.
- In order for the Planning Division's Administrative Staff to accept and log-in an application, the application form must be complete, it shall be signed by the applicant's or the applicant's designated representative, and all applicable fees paid at the time of submittal.
- The Land Use Code is available on the City's website at www.portlandmaine.gov or may be purchased at Bayside Printing, at 774-0093.
- If the application is found to be incomplete, the applicant will be informed in writing of the required plans and materials.

II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

1. Application Fees

- Each application must be submitted with the applicable fees as listed in the fee structure on page 4. The fees cover general administrative processing costs.
- Application fees may be paid in cash or by check (addressed to the City of Portland).
- An application will not be processed without the required application fees.

2. Fee for City Review Services

- The City of Portland charges fees for service to cover the cost of reviews by Planning and Legal staff members. The charges will be billed at an hourly rate and will be invoiced monthly for reimbursement.
- Current billing rate for planning services: \$30.00/ hour
- Current billing rate for legal services: \$40.00/hour.

3. Fee for Third Party Review

- Portland contracts with local engineering firms to conduct engineering reviews of development proposals. The direct cost of all engineering services or third-party consultant reviews, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's Ordinances, will be included in the monthly invoices for reimbursement.

4. Public Notices

- Public notices must be sent to property owners within 500 for all proposals at the time an application is received. Industrial projects require notices to be sent to property owners within 1,000 feet.
- Public notices for projects must be sent to property owners in advance of a Planning Board workshop or public hearing.
- Projects requiring Planning Board review are posted in a legal ad in the Portland Press Herald as well as on the City's web site.
- Zoning Map Amendments, text amendments and conditional rezoning agreements require individual notices to be posted in the Portland Press Herald.
- The Planning Division mails public notices and posts notices in the newspaper. The applicant will be billed for actual or apportioned costs for advertising and sending mailed notices.

5. Performance Guarantees

- A Performance Guarantee will be required following approval of development plans. The guarantee covers all required improvements within the right-of-way, plus certain site improvements such as landscaping, paving and drainage improvements.
- A cost estimate form must be submitted to the Planning Division for review and approval and the Planning Division will provide sample forms for letters of credit or escrow accounts. Escrow accounts may be held by a responsible private financial institution or by the City.
- Upon successful completion of the project, the Performance Guarantee may be reduced or released to a Defect Guarantee that is 10% of the total amount of the original Performance Guarantee.
- The Defect Guarantee will be released after a year, assuming all project improvements are completed satisfactorily. Defect Guarantees are not released in the winter months between October and April.

6. Inspection Fee

- The Inspection Fee is 2.0% of the Performance Guarantee.
- An Inspection Fee must be submitted once a project is approved and prior to receiving a building permit for site inspections to ensure that sites are developed in accordance with the approved plan.



DEVELOPMENT REVIEW APPLICATION PORTLAND, MAINE

Department of Planning and Urban Development, Planning Division and Planning Board

PROJECT NAME: _____

PROPOSED DEVELOPMENT ADDRESS:

PROJECT DESCRIPTION:

CHART/BLOCK/LOT: _____

CONTACT INFORMATION:

APPLICANT

PROPERTY OWNER

Name: _____ Name: _____

Address: _____ Address: _____

Zip Code: _____ Zip Code: _____

Work #: _____ Work #: _____

Home #: _____ Home #: _____

Fax #: _____ Fax #: _____

E-mail: _____ E-mail: _____

BILLING ADDRESS

Name: _____

Address: _____

Zip: _____

Work #: _____

Home #: _____

Fax #: _____

E-mail: _____

(As applicable, see other side to include additional contact information)

(As applicable, include additional contact information)

AGENT/REPRESENTATIVE

ENGINEER

Name: _____ Name: _____
Address: _____ Address: _____

Zip Code: _____ Zip Code: _____
Work #: _____ Work #: _____
Home #: _____ Home #: _____
Fax #: _____ Fax #: _____
E-mail: _____ E-mail: _____

ARCHITECT

CONSULTANT

Name: _____ Name: _____
Address: _____ Address: _____

Zip Code: _____ Zip Code: _____
Work #: _____ Work #: _____
Home #: _____ Home #: _____
Fax #: _____ Fax #: _____
E-mail: _____ E-mail: _____

SURVEYOR

ATTORNEY

Name: _____ Name: _____
Address: _____ Address: _____

Zip Code: _____ Zip Code: _____
Work #: _____ Work #: _____
Home #: _____ Home #: _____
Fax #: _____ Fax #: _____
E-mail: _____ E-mail: _____

PROJECT DATA:

To complete the application, the following data items must be answered if applicable.

Total Site Area _____ sq. ft.
 Proposed Total Disturbed Area of the Site _____ sq. ft.

(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.)

Impervious Surface Area

Proposed Total Paved Area _____ sq. ft.
 Existing Total Impervious Area _____ sq. ft.
 Proposed Total Impervious Area _____ sq. ft.
 Proposed Impervious Net Change _____ sq. ft.

Building Area

Existing Building Footprint _____ sq. ft.
 Proposed Building Footprint _____ sq. ft.
 Proposed Building Footprint Net change NO CHANGE sq. ft.
 Existing Total Building Area _____ sq. ft.
 Proposed Total Building Area _____ sq. ft.
 Proposed Building Area Net Change _____ sq. ft.
 New Building NO (yes or no)

Zoning

Existing _____
 Proposed _____

Land Use

Existing _____
 Proposed _____

Residential, if applicable

Proposed Number of Affordable Housing Units _____
 Proposed Number of Residential Units to be Demolished _____
 Existing Number of Residential Units _____
 Proposed Number of Residential Units _____
 Subdivision, Proposed Number of Lots _____

Parking Spaces

Existing Number of Parking Spaces _____
 Proposed Number of Parking Spaces _____
 Number of Handicapped Parking Spaces _____
 Proposed Total Parking Spaces _____

Bicycle Parking Spaces

Existing Number of Bicycle Parking Spaces _____
 Proposed Number of Bicycle Parking Spaces _____
 Total Bicycle Parking Spaces _____

Estimated Cost of Project _____

Please check all reviews that apply to the proposed development

Design Review	_____	Stormwater Quality	_____
Flood Plain Review	_____	Traffic Movement	_____
Historic Preservation	_____	Zoning Variance	_____
Housing Replacement	_____	Historic District/Landmark	_____
14-403 Street Review	_____	Off Site Parking	_____
Shoreland	_____	Multi-Family Dwelling	_____
Site Location Act Local Review	_____	B-3 Pedestrian Activity Review	_____
Single Family Dwelling	_____	Change of Use	_____
2 Family Dwelling	_____		

APPLICATION FEE:

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

<p>Major Development (more than 10,000 sq. ft.)</p> <p><input type="checkbox"/> Under 50,000 sq. ft. (\$500.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00)</p> <p><input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00)</p> <p><input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00)</p> <p><input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00)</p> <p><input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments</p> <p><input type="checkbox"/> Planning Staff Review (\$250.00)</p> <p><input type="checkbox"/> Planning Board Review (\$500.00)</p> <p>Subdivision</p> <p><input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$_____ + (applicable Major site plan fee)</p>
<p>Minor Site Plan Review</p> <p><input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Other Reviews</p> <p><input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____)</p> <p><input type="checkbox"/> Traffic Movement (\$1,000.00)</p> <p><input type="checkbox"/> Storm water Quality (\$250.00)</p> <p><input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot)</p> <p><input type="checkbox"/> Other _____</p>

DEVELOPMENT REVIEW APPLICATION

Submittals shall include seven (7) packets with folded plans containing the following materials:

1. Seven (7) full size site plans that must be folded.
2. Application.
3. Cover letter stating the nature of the project.
4. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 9) for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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

This application is for site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant:</p>	<p>Date:</p>
---------------------------------------	---------------------

*how is it going to drain
after storm or rain*



Site Plan Checklist Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

Project Name, Address of Project

(The form is to be completed by the Applicant or Designated Representative)

Application Number

Check Submitted		Required Information	Section 14-525 (b,c)
Applicant	Staff		
_____	_____	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
_____	_____	Name and address of applicant and name of proposed development	a
_____	_____	* Scale and north points	b
_____	_____	* Boundaries of the site	c
_____	_____	* Total land area of site	d
_____	_____	* Topography - existing and proposed (2 feet intervals or less)	e
_____	_____	Plans based on the boundary survey including:	2
_____	_____	* Existing soil conditions	a
_____	_____	* Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
_____	_____	* Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
_____	_____	* Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 10 of packet)	d
_____	_____	* Location of on-site waste receptacles	e
_____	_____	* Public utilities	e
_____	_____	* Water and sewer mains	e
_____	_____	* Culverts, drains, existing and proposed, showing size and directions of flows	e
_____	_____	* Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
_____	_____	* Location and dimensions of on-site pedestrian and vehicular access ways	g
_____	_____	* Parking areas	g
_____	_____	* Loading facilities	g
_____	_____	* Design of ingress and egress of vehicles to and from the site onto public streets	g
_____	_____	* Curb and sidewalks	g
_____	_____	Landscape plan showing:	h
_____	_____	* Location of existing vegetation and proposed vegetation	h
_____	_____	* Type of vegetation	h
_____	_____	* Quantity of plantings	h
_____	_____	* Size of proposed landscaping	h
_____	_____	* Existing areas to be preserved	h
_____	_____	* Preservation measures to be employed	h
_____	_____	* Details of planting and preservation specifications	h
_____	_____	* Location and dimensions of all fencing and screening	i
_____	_____	Location and intensity of outdoor lighting system	j
_____	_____	Location of fire hydrants, existing and proposed (refer to Fire Department checklist – page 11)	
_____	_____	Written statements to include:	c
_____	_____	* Description of proposed uses to be located on site	cl
_____	_____	* Quantity and type of residential, if any	cl
_____	_____	* Total land area of the site	c2
_____	_____	* Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
_____	_____	* General summary of existing and proposed easements or other burdens	c3
_____	_____	* Type, quantity and method of handling solid waste disposal	c4
_____	_____	* Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets (refer to the wastewater capacity application – page 12)	c5

- _____ _____ * Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff. c6
- _____ _____ * An estimate of the time period required for completion of the development 7
- _____ _____ * A list of all state and federal regulatory approvals to which the development may be subject to, the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction. 8
- _____ _____ * Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.
- _____ _____ * Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.
- _____ _____ * A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.
- _____ _____ A jpeg or pdf of the proposed site plan, if available.
- _____ _____ Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities
- erosion and sedimentation controls to be used during construction
- a parking and/or traffic study
- emissions
- a wind impact analysis
- an environmental impact study
- a sun shadow study
- a study of particulates and any other noxious
- a noise study

Street Names and Street Numbering for Proposed Subdivisions

Notice to Developers of New Subdivisions

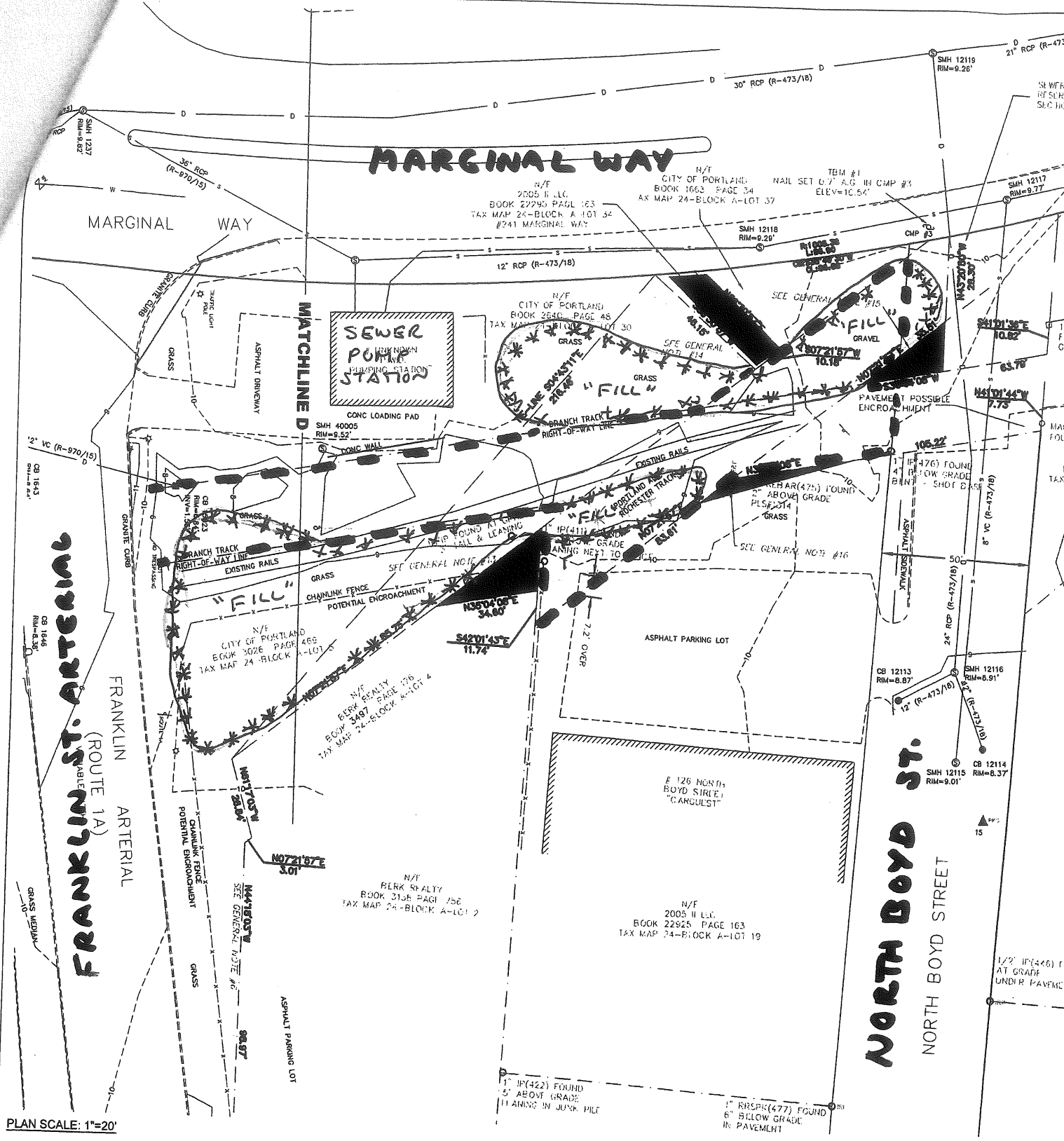
Effective January 1, 1998, the City of Portland requests that developers of new subdivisions submit information regarding the origin of the name of any new street(s) created within the City limits. This information shall be submitted to the Planning Division with all other related application materials. As part of the subdivision review process, applicants are required to submit information regarding the person or subject for which all new streets are being named. In the case of a person, the full name should be submitted, as well as their vocation, relationship to the developer or the area, or other pertinent information.

Street Numbering Assignments

The assignment of official street addresses is the sole responsibility of the Department of Public Services. These assignments proceed by a set of guidelines and are done from submitted site plans whenever possible. For Enhanced 9-1-1 purposes, they need to be as accurate as possible and, depending on size and site layout, the creation of new street names may be required. Despite addresses listed on such things as the check sheet for site plan approval, building inspection documents or tax maps, it is requested you contact the Department of Public Services for your official address(es). Please call, Leslie Kaynor, GIS Surveyor at (207) 874-8346.

Example of Zoning Summary			
1.	Property is located in the IM Zone (Moderate Impact Industrial)		
2.	Parcel Acreage: 1.37 AC (59,677.2 sf)		
	Regulations	Required/Allowed	Provided
	Min Lot Area	none	59,677.2 sf.
	Min Street Frontage	60 ft.	314,46 ft.
	Min Front Yard Setback	1 ft./1 ft. Building Height	72.04 ft.
	Min Rear Yard Setback	1 ft./1 ft. Building Height	35.66 ft.
	Min Side Yard Setback	1 ft./1 ft. Building Height	82.80 and 38.22
	Max Building Height	75 ft.	65 ft.
4.	Parking – Warehouse Distribution:	1 space/1000 sf.	10 spaces
5.	Maximum Impervious Surface Ratio:	75%	43%

ATTACHMENT A



PLAN SCALE: 1"=20'

LEGEND			
○	IRON PIPE FOUND	—	STREET LINE
○	IRON ROD FOUND	—	PROPERTY LINE
○	REBAR FOUND	- - -	EXISTING SEWER AND/OR DRAINAGE RIGHT-OF-WAY
○	MONUMENT FOUND	- - -	CONTOUR LINE - MAJOR
○	PK NAIL FOUND	- - -	CONTOUR LINE - MINOR
○	PK NAIL SET	- - -	SEWER DRAIN PIPE
○	PK MAG NAIL SET	- - -	GAS LINE
○	DRILL HOLE FOUND	- - -	WATER LINE
○	POINT NUMBER	- - -	UNDERGROUND ELECTRIC LINE
○	FLOW ARROW	- - -	OVERHEAD WIRE
○	DECIDUOUS TREE	- - -	COMBINED ELECTRIC/TELEPHONE/CABLE
○	CONC	IP	IRON PIPE
○		PVC	POLYVINYL CHLORIDE PIPE
○	SEWER MANHOLE	○	RECORD MEASUREMENT
○	DRAIN MANHOLE	○	RECORD INFORMATION
○	ELECTRIC MANHOLE	○	BOULDER
○	CATV MANHOLE	○	GAS METER
○	WATER VALVE	○	ELECTRIC METER
○	WATER SHUT-OFF	○	FIRE ALARM
○	HYDRANT	○	DIAMETER
○	CATCH BASIN ROUND	○	ABOVE GRADE
○	CATCH BASIN SQUARE	○	BELOW GRADE
○	BOLLARD	○	ELEVATION
○	RAILROAD SWITCH	○	LIGHT POST
○	REINFORCED CONCRETE	○	UTILITY POLE
		○	GUY ANCHOR

REVISIONS:	
NO.	DATE
1	05/09/08

DEVELOPMENT REVIEW COORDINATOR
POST APPROVAL PROJECT CHECKLIST

Date: 6/2/09

Project Name: Miss Portland Diner

Project Address: 140 Marginal Way

Site Plan ID Number: 09-99600001

Planning Board/Authority Approval Date: 5/29/09

Site Plan Approval Date: 6/02/09

Performance Guarantee Accepted: N/A

Inspection Fee Paid: N/A

Infrastructure Contributions Paid: N/A

Amount of Disturbed Area in SF or Acres: N/A

MCGP/Chapter 500 Stormwater PBR: N/A

Plans/CADD Drawings Submitted: N/A

Pre-Construction Meeting: N/A

Conditions of Approval Met: 6/30/09

As-Builts Submitted: N/A

Public Services Sign Off: 6/30/09

Certificate of Occupancy Memo Processed:
(Temporary or Permanent) 10/8/09

Performance Guarantee to Defect Guarantee: 10/8/09

Defect Guarantee Released: 9/13/10



PORTLAND, MAINE

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Planning and Urban Development
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: September 13, 2010
SUBJECT: Request for release of Defect Guarantee
Miss Portland Diner, 134 Marginal Way
(ID# 2007-0052 Lead CBL # 442 A 006001)

Please release the Defect Guarantee, City Held Escrow Account # 710-000-233-91-19, for the Miss Portland Diner Project at 134 Marginal Way.

Remaining Balance \$6,000.00

Approved:


Alexander Jaegerman
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
File: Urban Insight

Order 280-08/09 Order Declaring "Urban Epic" as a Festival and Approving Contract (Tab 9) and Permits Therefor – Sponsored by Joseph E. Gray, Jr., City Manager.

This order declares Saturday, July 18th as Urban Epic Festival and authorizes use of the Maine State Pier from 4:00 a.m. on Saturday, July 18, through 2:00 p.m. on Saturday, July 18, with a finish line and post-triathlon celebration to be held on Saturday, July 18, from 9:00 a.m. to 2:00 p.m. Gates will open at 9:00 a.m.

All public announcement and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Big Brothers Big Sisters of Southern Maine's contractor to send the sound away from residential units.. The City will focus the sound on the pier and its immediate environment.

Order 281-08/09 Order Approving National Oceanic and Atmospheric Administration (Tab 10) License Renewal for Government's Use of Real Property – Sponsored by Joseph E. Gray, Jr., City Manager.

The Portland International Jetport requests approval to renew the license which allows the National Oceanic and Atmospheric Administration use of Jetport property for the continued operation of the Automated Surface Observing System (ASOS). The ASOS system provides weather reporting and communication activities related to air traffic control and pilots.

This license serves as an agreement between the U.S. Department of Commerce and the City of Portland for the duration of 15 years.

Order 282-08/09 Order Granting Revocable License Re: Miss Portland Diner – (Tab 11) Sponsored by Joseph E. Gray, Jr., City Manager.

Miss Portland Diner on Marginal Way would like to locate and construct a 100 sq. ft. brick area on city property directly abutting the diner. This brick area will be used as part of an outside seating area for customers of the diner.

Five affirmative votes are required for passage of the Consent Calendar.

LICENSES:

Order 283-08/09 Order Granting Municipal Officer's Approval of LLP, Corp., (Tab 12) d/b/a Verrillo's, Catering Big Brothers Big Sisters of Southern Maine – Urban Epic, to Serve in Beer Garden at the Maine State Pier on July 18, 2009 from 9:00 A.M. to 2:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

Date application filed 4-8-09.

Five affirmative votes are required for passage after public comment.

Order 284-08/09 Order Granting Municipal Officer's Approval of Lafayette Inn by The (Tab 13) Bay, Inc., d/b/a Holiday Inn by The Bay, 88 Spring Street. Application for Class I-A Hotel, more than 40 rooms, with Liquor and Entertainment with Dance License – Sponsored by Linda C. Cohen, City Clerk.

Change of ownership of existing Class I-A Hotel, more than 40 rooms license. Date application filed 4-15-09.

Five affirmative votes are required for passage after public comment.

Order 285-08/09 Order Granting Municipal Officer's Approval of TOMAKS, LLC, (Tab 14) d/b/a Miss Portland Diner, 140 Marginal Way. Application to Expand Class III & IV (Beer & Wine) License to Include Outdoor Dining on City Property – Sponsored by Linda C. Cohen, City Clerk.



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

Planning Division
Alexander Jaegerman, Director

May 29, 2009

Mr. Thomas Manning
Tomaks, LLC.
116 Armour Road
Mahwah, NJ 07430

Project Name: Outside Patio; 140 Marginal Way; Miss Portland Diner
Project ID: 09-99600001
Project Address: 140 Marginal Way CBL: 442 - A-006-001

Planner: Rick Knowland

Dear Tom:

On May 29, 2009, the Portland Planning Authority approved the amended site plan for an outside patio as shown on the approved plan dated April 28, 2009 with the following conditions:

done 1. That construction activities within the street right-of-way shall be completed by a contractor licensed by the City; that an excavation permit is required and that all materials and workmanship shall meet City standards. Applicant is responsible for all costs and materials associated with this project.

done 2. Approval is subject to City approval of your plan to use the site for the intended use and to install improvements within the street right-of-way.

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

STANDARD CONDITIONS OF APPROVAL

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

1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or

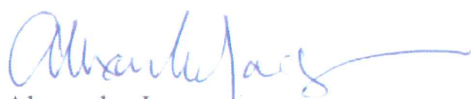
alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.

2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the original approval date or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

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

If there are any questions, please contact Rick Knowland at (207) 874-8725.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachments:

1. (applicable staff memo's)
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Rick Knowland, Senior Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guerton, Inspections Division
Lisa Danforth, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

May 8, 2009

To: Rick Knowland
From: David Margolis-Pineo
Re: Public Services Review Comments – Miss Portland Diner Sidewalk

Public Services has review the topographic& Landscaping Plan by SJR Engineering, Inc revised on 4-28-09 showing the additional brick sidewalk area and has no issues with expanding the brick sidewalk into the street R-O-W for the purpose of outdoor dinning.

It is understood the work shall be completed by a contractor licensed by the City, that an excavation permit is required and that all materials and workmanship meet City standards. It is also understood that the applicant is responsible for supplying and installing the proposed sidewalk addition.

DEVELOPMENT REVIEW COORDINATOR
POST APPROVAL PROJECT CHECKLIST

Date: 2/5/09

Project Name: Miss Portland Diner

Project Address: 138 Marginal Way

Site Plan ID Number: 2007-0052

Planning Board/Authority Approval Date: 12/19/07

Site Plan Approval Date: 3/28/08

Performance Guarantee Accepted: 3/28/08

Inspection Fee Paid: 4/4/08

Infrastructure Contributions Paid: 3/27/08

Amount of Disturbed Area in SF or Acres: N/A

MCGP/Chapter 500 Stormwater PBR: N/A

Plans/CADD Drawings Submitted: 3/28/08

Pre-Construction Meeting: 4/9/08

Conditions of Approval Met: 10/8/09

As-Builts Submitted: 10/27/08

Public Services Sign Off: 10/27/08

Certificate of Occupancy Memo Processed:
(Temporary or Permanent) 10/15/08 - Temp Expires 6/1/09
10/8/09

Performance Guarantee to Defect Guarantee: 10/8/09

Defect Guarantee Released: 9/13/10 by Escrow

TO: Inspections Department

FROM: Philip DiPierro, Development Review Coordinator

DATE: October 8, 2009

RE: C. of O. for #134 Marginal Way, Miss Portland Diner
(Id#2007-0052)(CBL 442 A 006001)

After visiting the site, I have the following comments:

Site work complete:

At this time, I recommend issuing a permanent Certificate of Occupancy.

Cc: Barbara Barhydt, Development Review Services Manager
Tammy Munson, Inspection Services Manager
File: Urban Insight



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Finance Department
Ellen Sanborn, Director

February 23, 2009

Bangor Savings Bank
280 Fore Street, Suite 200
Portland, ME 04101

Re: Tomaks, LLC – 138 Marginal Way
Letter of Credit No. 1011 dated March 28, 2008

This is to inform you that I am authorizing the release of the above-named letter of credit by \$6,000.00, which now leaves a zero balance. Please find enclosed the original letter of credit for your files.

If you require any further information, please let me know.

Sincerely,

Ellen Sanborn
Finance Director

ES:mma

cc: ~~Barbara Barhydt, Development Review Services Manager~~
Philip DiPierro, Development Review Coordinator



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Planning and Urban Development
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department

FROM: Alexander Jaegerman, Planning Division Director

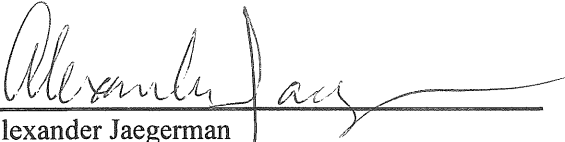
DATE: February 12, 2009

SUBJECT: Request for Release of Performance Guarantee Letter of Credit
Miss Portland Diner, 138 Marginal Way
(ID# 2007-0052 Lead CBL 442 A 006001)

Please release the letter of credit #1011 for the Miss Portland Diner project at 138 Marginal Way. This Letter of Credit is being replaced with a City Held Internal Defect Guarantee.

Remaining Balance \$6,000.00

Approved:



Alexander Jaegerman
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
File: Urban Insight

MODE = MEMORY TRANSMISSION

START=NOV-03 09:00

END=NOV-03 09:01

FILE NO.=367

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		98838647	002/002	00:00:32

-CITY OF PORTLAND -

***** -PLANNING DEPT. - ***** 2077568258-*****

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



FAX

To: Terry Trickey
 Company: Bangor Savings Bank
 Fax #: 883-8647
 Date: 11/3/08
 From: Phil D. Pierro

Terry.Trickey
 @Bangor.com

You should receive 2 page(s) including this cover sheet.

Comments:

Terry, Tom Manning asked me to
 FAX this to you.
 Please contact me with any questions.

Thanks

Bill

City of Portland
Department of Planning and Development
Planning Division

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



FAX

To:

Terry Trickey

Company:

Bangor Savings Bank

Fax #:

883-8647

Date:

11/3/08

From:

Phil D. Pierro

You should receive 2 page(s) including this cover sheet.

Comments:

Terry, Tom Manning asked me to
FAX this to you.

Please contact me with any questions.

Thanks

Phil



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Finance Department
Ellen Sanborn, Director

October 28, 2008

Bangor Savings Bank
280 Fore Street, Suite 200
Portland, ME 04101

Re: Tomaks, LLC – 138 Marginal Way
Letter of Credit No. 1011 dated March 28, 2008

This is to inform you that I am authorizing the reduction in the above-named letter of credit by the amount of \$54,000.00, which leaves a balance of \$6,000.00 remaining.

If you require any further information, please let me know.

Sincerely,

Ellen Sanborn
Finance Director

ES:mma

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator



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Planning and Urban Development
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director


TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: October 24, 2008
SUBJECT: Request for Reduction of Performance Guarantee
Miss Portland Diner, 138 Marginal Way
(ID# 2007-0052 Lead CBL#442 A 006001)
(Tomaks, LLC)

Please reduce the letter of credit #1011 for the Miss Portland Diner, at 138 Marginal Way.

Original Amount	\$60,000.00
<u>This Reduction</u>	<u>\$54,000.00</u>
Remaining Balance	\$ 6,000.00

This is the first reduction for the project.

Approved:



Alexander Jaegerman
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
File: Urban Insight

TO: Inspections Department
FROM: Philip DiPierro, Development Review Coordinator
DATE: October 15, 2008
RE: C. of O. for #134 Marginal Way, Miss Portland Diner
(Id#2007-0052)(CBL 442 A 006001)

After visiting the site, I have the following comments:

Site work incomplete:

- ✓ 1. Drainage Manhole Brick Repair,
- ✓ 2. Installation of "Cut-off" Lights,
- ✓ 3. Submission of As-Built Plans,
- ✓ 4. Submission of Sewer Line Videotapes,
- ✓ 5. Installation of the Permanent Lighting Along Marginal Way,

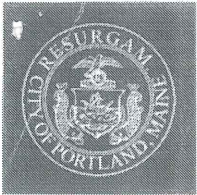
I anticipate this work can be completed by **December 31, 2008**.

6. Completion of Tree Plantings

I anticipate this work can be completed by **June 1, 2009**.

At this time, I recommend issuing a temporary Certificate of Occupancy.

Cc: Barbara Barhydt, Development Review Services Manager
Inspection Services Manager
File: Urban Insight



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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

December 21, 2007

Mr. Tom Manning
Tomaks, LLC
116 Armour Road
Mahwah, New Jersey 07430

RE: Miss Portland Diner revised plan, 138 Marginal Way, CBL: 442-A-6; #2007-0052

Dear Mr. Manning:

On December 19, 2007 the Portland Planning Authority reviewed and approved certain revisions to the approved site plan review for the proposed Miss Portland Diner and building addition in the vicinity of 138 Marginal Way subject to the following conditions of approval.

- dme* 1. That the site plan shall be revised for review and approval addressing the comments of Dan Goyette dated May 11, 2007. Since a land survey is already on file in the Planning Office that comment is already addressed. Mr. Goyette's memo is attached.
- dme* 2. The Applicant shall contribute \$7,000 towards implementation of the Marginal Way Master Plan and \$1,500 towards planned improvements at the Franklin Street and Marginal Way intersection. Applicant shall also be responsible for installing a crosswalk across Marginal Way on the east side of Chestnut Street (including a tipdown curb). The cost of this improvement and other improvements within the Marginal Way right-of-way may be credited to the applicant's contribution towards the Marginal Way Master Plan. Applicant shall incorporate an appropriate transition between the proposed curb line adjacent to the Miss Portland Diner site and the existing curb line towards the east as reviewed and approved by the City Traffic Engineer. The City Traffic Engineer will be reviewing the street improvement plan for the Bayside Village project and may require some adjustments in the curb line along the Miss Portland Diner site if necessary.
- dme* 3. A more appropriate material for the dumpster screen including a manufacturer's catalog cut shall be submitted for Planning Staff review and approval.
- dme* 4. The color of the Holophane Esplanade series street lighting pole, bracket and fixture shall be silver metallic aluminum (F264H). For your information the light fixture is supplied by Central Maine Power. The applicant is responsible for purchasing and installing the light base, light pole and bracket including the wiring and the decorative base. Applicant is also responsible for installing the light fixture in coordination with Central Maine Power.



done 5.

Any proposed exterior repairs or alterations to the dining car itself will be subject to review and approval by the Historic Preservation staff.

done 6.

Applicant shall provide further information to Fire Department on details for fire access and available water supply for fire fighting use.

done 7.

The three (3) Dawn Redwoods and two (2) White Birch trees shall be preserved along the northerly edge of driveway. Applicant shall consult with the City Arborist (Jeff Tarling (tel no. 874-8793)) prior to construction to determine if any of the existing trees along Marginal Way can be transplanted. Also additional upright landscaping shall be planted in front of the dumpster screening and the easterly wing of the building addition as it faces Marginal Way as reviewed and approved by the City Arborist.

done 8.

Catalog cuts of the proposed light fixtures shall be submitted for review and approval. Fixtures shall have a full cut-off feature. Plan shall be revised and submitted for review and approval.

done 9.

The width of the driveway behind the diner shall be 24 feet not 23 feet as shown on the plan.

The approval is based on the submitted site plan and related submissions.

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. **If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.**
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please

From: "David Lloyd" <lloyd@archetypepa.com>
To: <RWK@portlandmaine.gov>
Date: 3/24/2008 11:25:13 AM
Subject: FW: Miss Portland Diner

Rick

Per your memo

Items 1 and 2 Tom Manning to respond

Item 6, FYI I have talked to Captain Cass and he seemed set with building

Item 8, See attached full cut off fixtures. Also I would like to delete lights shown on dining car facing Marginal way.

Thank you

David

David Lloyd
Archetype, P.A.
48 Union Wharf
Portland, ME 04101
Phone: (207) 772-6022
Fax: (207) 772-4056
lloyd@archetypepa.com
<http://www.archetype-architects.com>

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

From: C2824@archetypepa.com [mailto:C2824@archetypepa.com]
Sent: Monday, March 24, 2008 12:13 PM
To: David
Subject:

This E-mail was sent from "C2824" (Aficio 3228C).

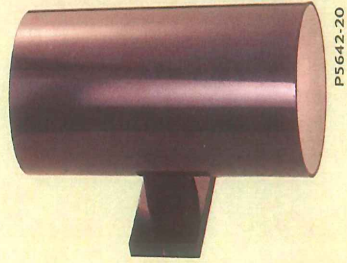
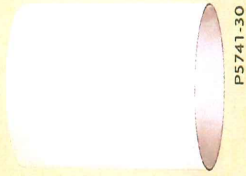
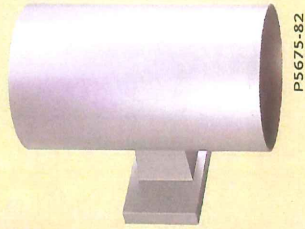
Scan Date: 03.24.2008 11:12:38 (-0500)
Queries to: C2824@archetypepa.com

CC: "Tom Manning" <tomakslc@hotmail.com>

Outdoor

ALUMINUM CYLINDERS

Modern - if not slightly futuristic - in style, Aluminum Cylinders offer a sleek powder coat finish for superior resistance to chipping and fading. With heavy-duty aluminum construction and die-cast aluminum wall brackets, these cylinders are UL listed for wet locations.



605

5" CYLINDERS

Product No.	Finish	Description	Size	Lamp(s)
P5674-20	Bronze	One-light down	5" W., 7-1/4" ht. Extends 8". H/CTR 2-1/2".	1 75w PAR-30 or 75w BR-30
P5674-30	White			
P5674-31	Black			
P5674-82	Metallic Gray	Two-light up/down For wet locations specify P8799 top cover lens.	5" dia., 14" ht. Extends 8". H/CTR 7".	2 75w PAR-30
P5675-20	Bronze			
P5675-30	White			
P5675-31	Black			
P5774-20	Bronze	One-light. Mounts flush to ceiling	5" dia., 6-1/2" ht.	1 75w PAR-30 or 75w BR-30
P5774-30	White			
P5774-31	Black			



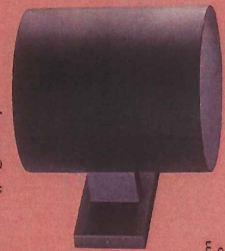
P5774-30

P5674-31

P5674-82

6" CYLINDERS

Product No.	Finish	Description	Size	Lamp(s)
P5641-20	Bronze	One-light down	6" W., 12" ht. Extends 8-7/8". H/CTR 4-1/2".	1 250w PAR-38 or 150w BR-40
P5641-30	White			
P5641-31	Black			
P5641-82	Metallic Gray	Two-light up/down. For wet location specify P8798 top cover lens.	6" W., 18" ht. Extends 8-7/8". H/CTR 8".	2 250w PAR-38
P5642-20	Bronze			
P5642-30	White			
P5642-31	Black			
P5741-20	Bronze	One-light cylinder. Mounts flush to ceiling or hangs with pendant accessory kit. (page 606)	6" dia., 12" ht.	1 250w PAR-38 or 150w BR-40
P5741-30	White			
P5741-31	Black			



P5641-31

P5641-82

NOTE: H/CTR = Height from center of J-box to top of fixture

progresslighting.com

From: Lannie Dobson
To: C of O; smh
Date: 9/25/2008 1:02:38 PM
Subject: Certificate of Occupancy/Final Scheduled. Property Addr: 140 MARGINAL WAY Parcel ID: 442 A006001

Date: 9/30/2008 Time: 6:00:00 AM

Note: Miss Portland Diner - not ready for health inspection - 615-1463 Rick Property Addr: 140 MARGINAL WAY Parcel ID: 442 A006001

Application Type: Prmt
Application ID: 80179

Contact:
Phone1: Phone2:

Owner Name: TOMAKS LLC
Owner Addr: 116 ARMOUR RD
MAHWAH, NJ 07430

- Get As Built's
- Sewer line & Storm Drain to be videoed
- Street trees - trees cut back
- caulk / grout curbing
- ~~lower truck up~~
- cut off lights
- ~~crosswalk~~
- ~~revised grading - tip drums; ramp T-dimes?~~
- ~~Add field inlet to rear & regrade lawn~~

MISS PORTLAND DINER
PROJECT SCHEDULE
MARCH 28, 2008

ID	Task Name	Duration	Start	Finish	Predecessors	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27				
1	General Conditions	120 days	Tue 4/1/08	Mon 9/15/08																															
2	Diner Caf. relocation	5 days	Tue 4/22/08	Mon 4/29/08																															
3	Selective Demolition	12 days	Mon 4/7/08	Mon 5/5/08																															
4	Earthwork	20 days	Mon 4/7/08	Fri 5/16/08																															
5	Pruning	10 days	Tue 7/15/08	Mon 7/28/08																															
6	Utilities	10 days	Tue 5/20/08	Mon 6/2/08																															
7	Site Improvement	15 days	Mon 6/1/08	Fri 6/29/08																															
8	Learn Seed Plants	10 days	Mon 6/1/08	Fri 6/29/08																															
9	Concrete Foundations & Slabs	25 days	Mon 4/14/08	Mon 6/9/08																															
10	Masonry	10 days	Mon 5/12/08	Fri 5/23/08																															
11	Structural steel/misc. steel	10 days	Mon 5/12/08	Fri 5/23/08																															
12	Rough Carpentry	25 days	Mon 5/12/08	Fri 6/13/08																															
13	Finish Carpentry	25 days	Mon 6/1/08	Fri 6/27/08																															
14	Exterior Siding	25 days	Mon 6/30/08	Fri 8/1/08	16																														
15	Building Insulation	5 days	Mon 7/21/08	Fri 7/25/08																															
16	Roofing	10 days	Mon 6/16/08	Fri 6/27/08	12																														
17	Joint Sealants	5 days	Mon 6/16/08	Fri 6/27/08																															
18	Steel Doors/Frames/HW	10 days	Mon 7/21/08	Fri 8/1/08																															
19	Alum Doors/Windows	10 days	Tue 7/15/08	Mon 7/28/08																															
20	Gypsum Wallboard	20 days	Mon 7/21/08	Fri 8/15/08																															
21	Acoustical Panels	10 days	Mon 8/11/08	Fri 8/22/08																															
22	Ceramic Quarry, Resilient	15 days	Wed 7/23/08	Tue 8/12/08																															
23	Painting	20 days	Mon 8/11/08	Fri 9/5/08																															
24	Specialties	10 days	Mon 8/25/08	Fri 9/5/08																															
25	Toilet/Bath Access	7 days	Tue 9/2/08	Wed 9/10/08																															
26	Mechanical	25 days	Wed 6/18/08	Tue 7/22/08																															
27	Electrical	25 days	Wed 6/19/08	Tue 7/22/08																															

Project Gains Cheer project schedule
Date: Fri 3/28/08

Task Split

Progress Milestone

Summary Rolled Up Task

Rolled Up Split

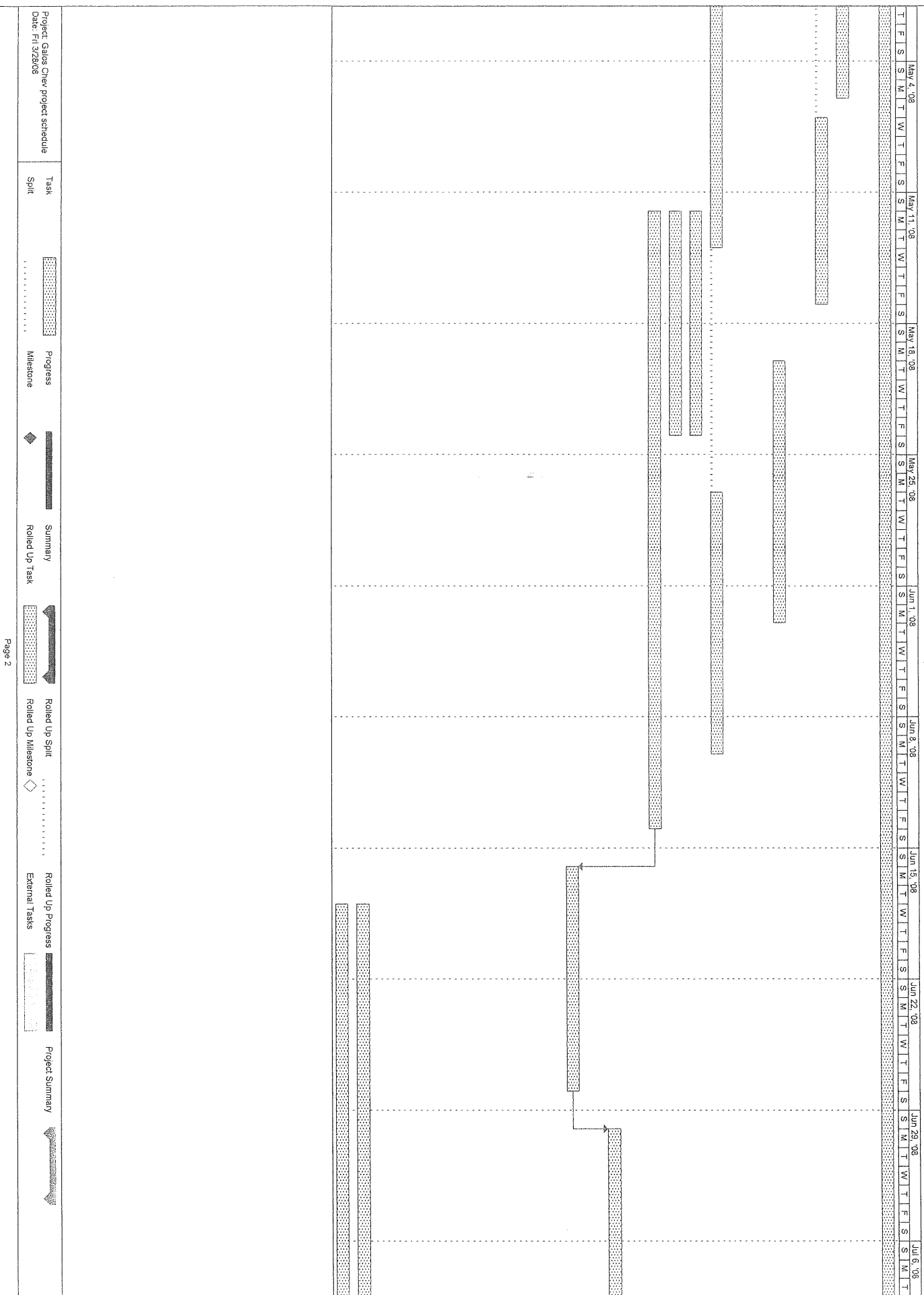
Rolled Up Milestone

Rolled Up Progress External Tasks

Project Summary

Page 1

MISS FORTLAND DINER
PROJECT SCHEDULE
MARCH 28, 2008



Project: Galus Crew project schedule
Date: Fri 9/28/08

Task Split

Progress Milestone

Summary Rolled Up Task

Rollled Up Split

Rollled Up Milestone

Rollled Up Progress

External Tasks

Project Summary

MISS PORT AND DUNE
PROJECT SCHEDULE
MARCH 28, 2008



Project: Gates Chev/ project schedule
Date: 7/13/2008

Task



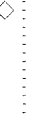
Progress



Milestone



Summary



Rolled Up Task



Rolled Up Spill



Rolled Up Milestone



Rolled Up Progress

External Tasks

Project Summary



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

442 A 5

Planning Division
Alexander Jaegerman, Director

08-0179

March 27, 2008

Mr Tom Manning
Tomacks, LLC
116 Armour Road
Mahwah, New Jersey 07430

RE: Miss Portland Diner, 138 Marginal Way

Dear Tom:

Thank you for your check of \$1,500 which addresses a condition of approval for the Miss Portland Diner site plan regarding a contribution towards future improvements at the Marginal Way and Franklin Street intersection.

A reminder that we will also need a check for the site inspection fee related to the performance guarantee. This amount is calculated as 0.02 % of the performance guarantee total (\$59,175) or \$1,183.50. This is normally processed as part of the performance guarantee review but with time constraints of the scheduled closing we did not receive the check. We would appreciate receiving the check at your earliest convenience.

Should you have any questions concerning this letter please feel free to contact me at (207)-874-8725.

Sincerely,

Richard Knowland
Senior Planner

cc: Lee Urban, Director of Planning and Development
Alexander Jaegerman, Director of Planning
Barbara Barhydt, Manager of Development Services
Philip DiPierro, Development Review Coordinator

MODE = MEMORY TRANSMISSION

START=MAR-24 08:18

END=MAR-24 08:19

FILE NO.=966

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		97746635	003/003	00:00:32

-CITY OF PORTLAND -

***** -PLANNING DEPT. - ***** 2077568258- *****

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



FAX

To: Dan Goyette
 Company: Woodard & Curran
 Fax #: 774-6635
 Date: 3/24/08
 From: Phil DiPierro
 You should receive 3 page(s) including this cover sheet.

Comments:

Hi Dan, following is the estimate for the
 Miss Portland Diner. Please review the
 Public Improvements section. I look forward
 to your comments

Thanks,
 Phil

Planning and Development Department
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date: 3.6.08

Name of Project: MISS PORTLAND DINER

Address/Location: MARGINAL WAY PORTLAND

Application ID #: _____

Developer: TOMASK, LLC

Form of Performance Guarantee: _____

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

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK	175		3150			6480
Road/Parking Areas	100SY	12	1200	400SY	8	3200
Curbing / (relocated)	120	10	1200	300	10	3000
Sidewalks			10000	180LF	15	2700 4500
Esplanades						
Monuments						
Street Lighting						
Street Opening Repairs	1		5000			
Other						
2. EARTH WORK						
Cut				1000	3.50	3500
Fill						
3. SANITARY SEWER						
Manholes				1	2500	2500
Piping	52LF	25	1300	30LF	1500	1500
Connections	1	1200	1200		20	600
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other GREASE TRAP				1	2500	2500
4. WATER MAINS	80	60	4800	20	30	600
5. STORM DRAINAGE						
Manholes						
Catchbasins	1	2100	2100	1	1400	1400
Piping	45	35	1575	20	30	600
Detention Basin						
Stormwater Quality Units						
Other						

6. SITE LIGHTING	_____	_____	1500	_____	_____	_____
7. EROSION CONTROL	_____	_____	_____	_____	_____	_____
Silt Fence	1	_____	_____	400'	3"	1200
Check Dams	_____	_____	_____	1	600	600
Pipe Inlet/Outlet Protection	_____	_____	_____	_____	_____	_____
Level Lip Spreader	_____	_____	_____	_____	_____	_____
Slope Stabilization	_____	_____	_____	_____	_____	_____
Geotextile	_____	_____	_____	_____	_____	_____
Hay Bale Barriers	_____	_____	_____	40	10	400
Catch Basin Inlet Protection	_____	_____	_____	_____	_____	_____
8. RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	_____
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	_____	_____	7500	_____	_____	_____
10. MISCELLANEOUS	_____	_____	37,375	_____	_____	_____
TOTAL:	_____	_____	_____	_____	_____	21800
GRAND TOTAL:	_____	_____	_____	_____	_____	59,175

INSPECTION FEE (to be filled out by the City)

\$60,000
 OK 4/4/08 *[Signature]*

		<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A:	2.0% of totals:	747.50	436.00	\$ 1,183.50
	<u>or</u>			
B:	Alternative Assessment:	_____	_____	_____
	Assessed by:	_____	_____	_____
		(name)	(name)	

**City of Portland
Department of Planning and Development
Planning Division**

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



FAX

To:

Dan Goyette

Company:

Woodward & Curran

Fax #:

774-6635

Date:

3/24/08

From:

Phil DiPierro

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

Comments:

Hi Dan, following is the estimate for the
Miss Portland Diner. Please review the
Public Improvements section. I look forward
to your comments.

Thanks,
Phil

PHIL - YOU WILL
REQUIRE AN EXPLANATION
ON
MISS PORTLAND DINER

June 4, 2007

Mr. Tom Manning
Tomaks, LLC
116 Armour Road
Mahwah, New Jersey 07430

RK

RE: Miss Portland Diner, 138 Marginal Way, CBL: 442-A-6; #2007-0052

Dear Mr. Manning:

On May 16, 2007 the Portland Planning Authority reviewed and approved for site plan review the proposed Miss Portland Diner and building addition in the vicinity of 138 Marginal Way subject to the following conditions of approval.

1. That the site plan shall be revised for review and approval addressing the comments of Dan Goyette dated May 11, 2007. Since a land survey is already on file in the Planning Office that comment is already addressed. Mr. Goyette's memo is attached.
2. The Applicant shall contribute \$7,000 towards implementation of the Marginal Way Master Plan and \$1,500 towards planned improvements at the Franklin Street and Marginal Way intersection. Applicant shall also be responsible for installing a crosswalk across Marginal Way on the eastside of Chestnut Street (including a tipdown curb). The cost of this improvement and other improvements within the Marginal Way right-of-way may be credited to the applicant's contribution towards the Marginal Way Master Plan. Applicant shall incorporate an appropriate transition between the proposed curb line adjacent to the Miss Portland Diner site and the existing curb line towards the east as reviewed and approved by the City Traffic Engineer. Applicant shall install curb along the easterly edge of access drive or provide evidence that curb will be installed by others.
3. A more appropriate screening material including a manufacturer's catalog cut for the exterior cooler and dumpster shall be submitted for Planning Staff review and approval.
4. The color of the Holophane Esplanade series street lighting pole, bracket and fixture shall be silver metallic aluminum (F264H). For your information the light fixture is supplied by Central Maine Power. The applicant is responsible for purchasing and installing the light base, light pole and bracket including the wiring and the decorative base. Applicant is also responsible for installing the light fixture in coordination with Central Maine Power.

5. The plan submitted for review bears the following “general note”: These drawings are conceptual in nature. Further development, information and detail is necessary for these drawings to fully define construction directives and compliance strategies to all governing codes and regulations... These drawings are not intended for use in bidding, construction, or obtaining governing authority approvals and permits. Thus, the submitted plan shall be finalized such that the general note as it applies to “obtaining governing authority approvals and permits” shall be able to be deleted as follows. Project architect shall submit building sections, details, material specifications and catalogue cuts for proposed addition. The following key architectural details should be addressed with a higher level of design development: cornice detail, screening for rooftop mechanicals, main entrance canopy, and new exterior stairs to the diner. Any exterior repairs and alterations to the historic diner not reflected on the final plan shall be reviewed and approved by Planning Staff. Planning Staff is of the opinion that more compatible roofing options for the historic diner would be a standing seam metal roof or a membrane roof (which can be coated.) Although the diner originally featured asphalt shingles, this is not a compatible choice given the character and material palette of the new addition. Construction drawings for proposed sign shall be submitted for final review and approval.
6. Applicant shall provide further information to Fire Department on details for fire access and available water supply for fire fighting use.
7. The three (3) Dawn Redwoods and two (2) White Birch trees shall be preserved along the northerly edge of driveway. Applicant shall consult with the City Arborist (Jeff Tarling (tel no. 874-8793) prior to construction to determine if any of the existing trees along Marginal Way can be transplanted.
8. That the applicant shall receive approval for a City license for the landscape related improvements within the Marginal Way right-of-way.
9. Catalog cuts of the proposed light fixtures shall be submitted for review and approval. Fixtures shall have a full cut-off feature. Photometric plan shows elevated light levels along certain sections of the site. Plan shall be revised and submitted for review and approval.

The approval is based on the submitted site plan and related submissions.

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

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

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind. If there are any questions, please contact Richard Knowland at 874-8725.

Sincerely,

Alex Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Jeanie Bourke, Inspections Division
Kathi Earley, Public Works
Bill Clark, Public Works
Jim Carmody, Transportation Manager
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File
David Leasure, Architectural Associates, 1344 Washington Avenue, Portland, Maine

MEMORANDUM

TO: Rick Knowland
FROM: Dan Goyette, PE – Development Review Engineer, Woodard & Curran
DATE: May 11, 2007
RE: Miss Portland Diner Minor Site Plan Review

Woodard & Curran has reviewed the Minor Site Plan submission for the proposed development of a 6,010 sf parcel of land adjacent to Interstate 295 on Marginal Way in Portland, ME. The site will be redeveloped to house the historic Miss Portland Diner, along with an expansion to the existing diner structure which is being stored by the City of Portland. No additional parking is proposed as part of the project.

Documents Reviewed

- Engineering Plan Sheets, C-100, C-200, C-201, C-202, C-203, C-204, A-200, A-400, and A-401, dated April 24, 2007, by David D. Leasure Architectural Associates, Inc. received on May 9, 2007.

Comments

- The engineering plan sheets have not been signed or stamped by a professional engineer.
- The erosion control plan is not adequate. Silt fence locations are not consistent between plans and no erosion control details have been provided.
- There are no details that show how lines and utilities are to be abandoned.
- The details for concrete sidewalk indicate both a 5" thick and 4" thick sidewalk.
- Details for granite curb tip downs have not been included.
- The catch basin cover shown in the catch basin inlet detail does not meet City standards. The applicant should refer to the City of Portland Technical and Design Standards and Guidelines Manual.
- It is not clear that the applicant has permission or rights to regrade the area within the Maine Dot Right-of-Way.
- The grading plan is lacking the detail necessary to insure that the drainage plan will function properly. This is especially true along Marginal Way. Additional spot grades and flow direction arrows will be required to insure that the road runoff will flow to the new catch basin and will not puddle on Marginal Way.
- At the rear of the building, the new light pole bases are shown to be installed directly over the new water service line.
- The applicant shows a 90 degree bend made of RCP pipe leaving the grease trap. This type of bend is not recommended and an alternate orientation of the tank is required.
- The new catch basin on Marginal Way is located directly behind an existing manhole. It is not clear if there is adequate room between the curb line and the manhole to install the new basin. The applicant may wish to show the basin offset from the manhole to insure that it can be installed properly and that the grading plan will work.

Please contact our office if you have any questions.

DRG
203943.12

June 6, 2007

Mr. Thomas Manning
116 Armour Road
Mahwah, New Jersey 07430

RE: Miss Portland Diner, 138 Marginal Way

Dear Tom:

This letter is intended to clarify several issues that have arisen regarding the Miss Portland Diner site plan approval letter dated May 23, 2007.

Comments regarding Condition #2: The curb along the driveway between Miss Portland Diner and the student housing project is the responsibility of the student housing project. Miss Portland Diner is not responsible for installing the curbing including along the easterly side of the driveway. This addresses the phrase in condition #2 of the approval letter referencing "or provide evidence that curb will be installed by others".

This project is responsible for installing a cross walk across Marginal Way on the easterly side of Chestnut Street. Applicant will not be responsible for installing a tip down curb on the southerly side of Marginal Way near the Chestnut Street intersection. The cross walk will need to be striped so as to intersect with the existing tip down. Any costs associated with a tip down on the northerly side of Marginal Way may be credited toward the \$7,000 contribution to the Marginal Way Master Plan.

Comments on Condition #5: We understand that you have concerns about the costs associated with the details listed in this condition. What we really are after here is a consultation on the building details that have not yet been specified due to the still conceptual plans. It is not our intent to generate excessively costly detail requirements, only to ensure that the details are properly developed. As for the roofing materials, we encourage, but do not require, that you continue to explore other materials besides shingles. Rubber membrane roofing might be a cost effective solution, more attractive than shingles, but less expensive than metal roof. A metal roof still remains as an option as far as we are concerned, but it might be cost prohibitive. It is up to you, but please keep us informed on a consultative basis as you dig down into the final design details.

Comments on Condition #6...Subsequent to the drafting of the approval letter, the Fire Dept. confirmed they were ok with the project in terms of site plan review. This condition has been met.

Comments on Condition #7: I just talked to Jeff Tarling about the transplanting tree option. What Jeff is requesting is an on site consultation as you get mobilized for construction. If there is a reasonable opportunity to relocate a good sized existing tree within your site, instead of chopping it down and planting a new baby tree, we would encourage that to happen. Jeff is aware that this can sometimes be accomplished for a very reasonable sum. If it is too expensive to carry out, we will not require it. But to consult with Jeff on site before committing to chopping down the larger healthy trees is our objective.

On another matter you had requested specifications for the depth of materials required for the public sidewalks. Attached is that information.

This I believe addresses the questions that have arisen concerning the Miss Portland Diner site plan approval. Should you have any further questions please call me. I hope you trust that in all of these matters we have tried to be very sensitive to the cost implications, and avoid adding to your already considerable investment in this important project. We are all highly motivated to assist in the success of Miss Portland Diner on the site, and while aiming very high, we recognize that the bottom line objective is that the diner will be operational in Bayside.

Sincerely,

Alexander Jaegerman
Planning Division Director

cc: Lee Urban, Director of Planning & Development
Rick Knowland, Senior Planner
Project File

**Planning and Development Department
SUBDIVISION/SITE DEVELOPMENT**

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date: 7/16/07

Name of Project: MISS PORTLAND DINER

Address/Location: 140 MARGINAL WAY, PORTLAND, ME

Developer: TOMAKS LLC

Form of Performance Guarantee: LETTER OF CREDIT (BANKOR SAVINGS)

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

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas	<u>100 LF</u>	<u>120</u>	<u>12,000</u>			
Curbing	<u>125 LF</u>	<u>6</u>	<u>750</u>			
Sidewalks	<u>150 sq. F</u>	<u>50</u>	<u>7,500</u>	<u>30 sq. F</u>	<u>50</u>	<u>1,500</u>
Esplanades	<u>80 sq. F</u>	<u>20</u>	<u>1,600</u>			
Monuments	<u>4</u>	<u>200</u>	<u>800</u>			
Street Lighting	<u>1</u>	<u>750</u>	<u>750</u>			
Street Opening Repairs	<u>120 sq. F</u>	<u>50</u>	<u>6,000</u>			
Other						
2. EARTH WORK						
Cut	<u>75</u>	<u>5</u>	<u>375</u>	<u>300</u>	<u>5</u>	<u>1,500</u>
Fill	<u>75</u>	<u>20</u>	<u>1,500</u>	<u>300</u>	<u>20</u>	<u>6,000</u>
3. SANITARY SEWER						
Manholes						
Piping	<u>40</u>	<u>50</u>	<u>2,000</u>	<u>20</u>	<u>50</u>	<u>1,000</u>
Connections	<u>1</u>		<u>2,000</u>			
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other						
4. WATER MAINS <u>1 1/4"</u>	<u>25</u>	<u>20</u>	<u>500</u>	<u>40</u>	<u>20</u>	<u>800</u>
5. STORM DRAINAGE						
Manholes						
Catchbasins	<u>1</u>		<u>1,000</u>			
Piping	<u>25</u>	<u>50</u>	<u>1,250</u>	<u>200</u>	<u>5</u>	<u>1,000</u>
Detention Basin						
Stormwater Quality Units						
Other						

WHITE LIGHTING				4	250	1000
EROSION CONTROL						
Silt Fence	100	5	500	75	5	375
Check Dams	5	25	125	5	25	125
Pipe Inlet/Outlet Protection	3	50	150	4	50	200
Level Lip Spreader						
Slope Stabilization						
Geotextile	50	3	150	150	3	450
Hay Bale Barriers	25	5	175	25	5	175
Catch Basin Inlet Protection	1	50	50	1	50	50
8. RECREATION AND OPEN SPACE AMENITIES						
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	2	250	500	1		5000
10. MISCELLANEOUS <i>ERT</i>				80	70	1600
TOTAL:		<i>\$39,875</i>			<i>\$20,125</i>	
GRAND TOTAL:			<i>\$60,650</i>			

INSPECTION FEE (to be filled out by the City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: 2.0% of totals:	<u>\$797.50</u>	<u>\$415.50</u>	<u>\$1,213</u>
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

Planning and Development Department
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date: 7/16/07

Name of Project: MISS PORTLAND DINER

Address/Location: 140 MARGINAL WAY, PORTLAND, ME

Developer: TOMAKS LLC

Form of Performance Guarantee: LETTER OF CREDIT (BANCOF SAVINGS)

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

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas	<u>100 LF</u>	<u>170</u>	<u>17,000</u>			
Curbing	<u>125 LF</u>	<u>6</u>	<u>750</u>			
Sidewalks	<u>150 SF</u>	<u>50</u>	<u>7,500</u>	<u>30 SF</u>	<u>50</u>	<u>1,500</u>
Esplanades	<u>80 SF</u>	<u>20</u>	<u>1,600</u>			
Monuments	<u>4</u>	<u>200</u>	<u>800</u>			
Street Lighting	<u>1</u>	<u>750</u>	<u>750</u>			
Street Opening Repairs	<u>120 SF</u>	<u>50</u>	<u>6,000</u>			
Other						
2. EARTH WORK						
Cut	<u>75</u>	<u>5</u>	<u>375</u>	<u>300</u>	<u>5</u>	<u>1,500</u>
Fill	<u>75</u>	<u>20</u>	<u>1,500</u>	<u>300</u>	<u>20</u>	<u>6,000</u>
3. SANITARY SEWER						
Manholes						
Piping	<u>40</u>	<u>50</u>	<u>2,000</u>	<u>20</u>	<u>50</u>	<u>1,000</u>
Connections	<u>1</u>		<u>2,000</u>			
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other						
4. WATER MAINS <u>1 1/4"</u>	<u>25</u>	<u>20</u>	<u>500</u>	<u>40</u>	<u>20</u>	<u>800</u>
5. STORM DRAINAGE						
Manholes						
Catchbasins	<u>1</u>		<u>1200</u>			
Piping	<u>25</u>	<u>50</u>	<u>1,250</u>	<u>200</u>	<u>5</u>	<u>1,000</u>
Detention Basin						
Stormwater Quality Units						
Other						

WHITE LIGHTING

4 250 1000

EROSION CONTROL

Silt Fence	<u>100</u>	<u>5</u>	<u>500</u>	<u>75</u>	<u>5</u>	<u>375</u>
Check Dams	<u>5</u>	<u>25</u>	<u>125</u>	<u>5</u>	<u>25</u>	<u>125</u>
Pipe Inlet/Outlet Protection	<u>3</u>	<u>50</u>	<u>150</u>	<u>4</u>	<u>50</u>	<u>200</u>
Level Lip Spreader						
Slope Stabilization						
Geotextile	<u>50</u>	<u>3</u>	<u>150</u>	<u>150</u>	<u>3</u>	<u>450</u>
Hay Bale Barriers	<u>25</u>	<u>5</u>	<u>175</u>	<u>25</u>	<u>5</u>	<u>175</u>
Catch Basin Inlet Protection	<u>1</u>	<u>50</u>	<u>50</u>	<u>1</u>	<u>50</u>	<u>50</u>

8. RECREATION AND OPEN SPACE AMENITIES

9. LANDSCAPING
(Attach breakdown of plant materials, quantities, and unit costs)

	<u>2</u>	<u>250</u>	<u>500</u>	<u>1</u>		<u>5000</u>
--	----------	------------	------------	----------	--	-------------

10. MISCELLANEOUS *ELECT*

80 70 1600

TOTAL:

\$ 39,875

\$ 20,125

GRAND TOTAL:

\$ 60,000

INSPECTION FEE (to be filled out by the City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: 2.0% of totals:	<u>\$ 797.50</u>	<u>\$ 415.50</u>	<u>\$ 1,213</u>
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

MODE = MEMORY TRANSMISSION

START=JUL-19 13:35

END=JUL-19 13:35

FILE NO.=405

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	97746635	003/003	00:00:33

-CITY OF PORTLAND -

***** -PLANNING DEPT. - ***** 2077568258-*****

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



FAX

To: Dan Goyette

Company: Woodward & Curran

Fax #: 774-6635

Date: 7/19/07

From: Phil

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

Comments:

Dan,

Here is another cost estimate for you.
 (Miss Portland Diner)

Thanks

Phil

City of Portland
Department of Planning and Development
Planning Division

389 Congress Street, 4th Floor
Portland ME 04101
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Thanks
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Strengthening a Remarkable City. Building a Community for Life www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

May 23, 2007

Mr. Tom Manning
Tomaks, LLC
Mahwah, New Jersey 07430

RE: Miss Portland Diner, 138 Marginal Way, CBL: 442-A-6; #2007-0052

Dear Mr. Manning:

On May 16, 2007 the Portland Planning Authority reviewed and approved for site plan review the proposed Miss Portland Diner and building addition in the vicinity of 138 Marginal Way subject to the following conditions of approval.

1. That the site plan shall be revised for review and approval addressing the comments of Dan Goyette dated May 11, 2007. Since a land survey is already on file in the Planning Office that comment is already addressed. Mr. Goyette's memo is attached.
2. The Applicant shall contribute \$7,000 towards implementation of the Marginal Way Master Plan and \$1,500 towards planned improvements at the Franklin Street and Marginal Way intersection. Applicant shall also be responsible for installing a crosswalk across Marginal Way on the eastside of Chestnut Street (including a tipdown curb). The cost of this improvement and other improvements within the Marginal Way right-of-way may be credited to the applicant's contribution towards the Marginal Way Master Plan. Applicant shall incorporate an appropriate transition between the proposed curb line adjacent to the Miss Portland Diner site and the existing curb line towards the east as reviewed and approved by the City Traffic Engineer. Applicant shall install curb along the easterly edge of access drive or provide evidence that curb will be installed by others.
3. A more appropriate screening material including a manufacturer's catalog cut for the exterior cooler and dumpster shall be submitted for Planning Staff review and approval.
4. The color of the Holophane Esplanade series street lighting pole, bracket and fixture shall be silver metallic aluminum (F264H). For your information the light fixture is supplied by Central Maine Power. The applicant is responsible for purchasing and installing the light base, light pole and bracket including the wiring and the decorative base. Applicant is also responsible for installing the light fixture in coordination with Central Maine Power.

5. The plan submitted for review bears the following “general note”: These drawings are conceptual in nature. Further development, information and detail is necessary for these drawings to fully define construction directives and compliance strategies to all governing codes and regulations... These drawings are not intended for use in bidding, construction, or obtaining governing authority approvals and permits. Thus, the submitted plan shall be finalized such that the general note as it applies to “obtaining governing authority approvals and permits” shall be able to be deleted as follows. Project architect shall submit building sections, details, material specifications and catalogue cuts for proposed addition. The following key architectural details should be addressed with a higher level of design development: cornice detail, screening for rooftop mechanicals, main entrance canopy, and new exterior stairs to the diner. Any exterior repairs and alterations to the historic diner not reflected on the final plan shall be reviewed and approved by Planning Staff. Planning Staff is of the opinion that more compatible roofing options for the historic diner would be a standing seam metal roof or a membrane roof (which can be coated.) Although the diner originally featured asphalt shingles, this is not a compatible choice given the character and material palette of the new addition. Construction drawings for proposed sign shall be submitted for final review and approval.
6. Applicant shall provide further information to Fire Department on details for fire access and available water supply for fire fighting use.
7. The three (3) Dawn Redwoods and two (2) White Birch trees shall be preserved along the northerly edge of driveway. Applicant shall consult with the City Arborist (Jeff Tarling (tel no. 874-8793) prior to construction to determine if any of the existing trees along Marginal Way can be transplanted.
8. That the applicant shall receive approval for a City license for the landscape related improvements within the Marginal Way right-of-way.
9. Catalog cuts of the proposed light fixtures shall be submitted for review and approval. Fixtures shall have a full cut-off feature. Photometric plan shows elevated light levels along certain sections of the site. Plan shall be revised and submitted for review and approval.

The approval is based on the submitted site plan and related submissions.

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

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

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind. If there are any questions, please contact Richard Knowland at 874-8725.

Sincerely,


Alex Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Jeanie Bourke, Inspections Division
Kathi Earley, Public Works
Bill Clark, Public Works
Jim Carmody, Transportation Manager
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File
David Leasure, Architectural Associates, 1344 Washington Avenue, Portland, Maine

MEMORANDUM

TO: Rick Knowland

FROM: Dan Goyette, PE – Development Review Engineer, Woodard & Curran

DATE: May 11, 2007

RE: Miss Portland Diner Minor Site Plan Review

Woodard & Curran has reviewed the Minor Site Plan submission for the proposed development of a 6,010 sf parcel of land adjacent to Interstate 295 on Marginal Way in Portland, ME. The site will be redeveloped to house the historic Miss Portland Diner, along with an expansion to the existing diner structure which is being stored by the City of Portland. No additional parking is proposed as part of the project.

Documents Reviewed

- Engineering Plan Sheets, C-100, C-200, C-201, C-202, C-203, C-204, A-200, A-400, and A-401, dated April 24, 2007, by David D. Leasure Architectural Associates, Inc. received on May 9, 2007.

Comments

- The engineering plan sheets have not been signed or stamped by a professional engineer.
- The erosion control plan is not adequate. Silt fence locations are not consistent between plans and no erosion control details have been provided.
- There are no details that show how lines and utilities are to be abandoned.
- The details for concrete sidewalk indicate both a 5" thick and 4" thick sidewalk.
- Details for granite curb tip downs have not been included.
- The catch basin cover shown in the catch basin inlet detail does not meet City standards. The applicant should refer to the City of Portland Technical and Design Standards and Guidelines Manual.
- It is not clear that the applicant has permission or rights to regrade the area within the Maine Dot Right-of-Way.
- The grading plan is lacking the detail necessary to insure that the drainage plan will function properly. This is especially true along Marginal Way. Additional spot grades and flow direction arrows will be required to insure that the road runoff will flow to the new catch basin and will not puddle on Marginal Way.
- At the rear of the building, the new light pole bases are shown to be installed directly over the new water service line.
- The applicant shows a 90 degree bend made of RCP pipe leaving the grease trap. This type of bend is not recommended and an alternate orientation of the tank is required.
- The new catch basin on Marginal Way is located directly behind an existing manhole. It is not clear if there is adequate room between the curb line and the manhole to install the new basin. The applicant may wish to show the basin offset from the manhole to insure that it can be installed properly and that the grading plan will work.

Please contact our office if you have any questions.

DRG

203943.12

PLANNING REPORT #1-01

**OFFICE/RETAIL BUILDING
135 MARGINAL WAY
FIVE LIVER COMPANY, APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine

January 9, 2001

I. INTRODUCTION

A public hearing has been scheduled to consider an 18,000 sq. ft. retail and office building proposed by the Five Liver Company in the vicinity of 135 Marginal Way. This property is located next to the DHS building on the east and The Whole Grocer on the west. Five Liver Company is a subsidiary of the Fore River Company, and is owner of all three properties. The existing Mail Box Etc. building will be removed from the site.

The development will be subject to site plan review and also involves minor revisions to the DHS site plan. See Attachment A, B, C for site plans, building elevations and background information.

137 notices were sent to area residents.

II. FINDINGS

Zoning:	B-5 Zone
Land area:	1.44 acres
Building area:	18,000 sq. ft.
Building height:	18 feet
Parking spaces:	104

The site plan involves certain revisions to the DHS site plan. These involve a shared driveway with 135 Marginal Way, some relocated trees and 9 relocated parking spaces.

Building Elevations

Building elevations have been submitted (Attachment B). The primary building material will be "jumbo brick" with a masonry unit on the lower section of the facade. The building elevation has been divided into bays with large windows, brick columns and precast concrete header bands (above the windows), suggesting a "retail look" to the building. Between the roofing and the header band is a cornice line. The 4 entrances to the building (facing Marginal Way) are highlighted by a vertical element that includes a sign.

Bayside Plan

A New Vision For Bayside envisions an urban, compact and intensive land development pattern for this area. The illustrative plans in this document show newly constructed buildings built to the street line. The proposed site plan presently before the Board does not meet this objective. The City has continued conversations with the developer about alternative scenarios incorporating a multi-story building and shifting the building to the street line. These

scenarios include the city facilitating the availability of additional off-site parking spaces for this development. The applicant and the city are hopeful that these discussions will result in a more appropriate development for this site. While these discussions may or may not achieve the desired result, the current submission is what is presently before the Board although the plan could conceivably change depending on the above ongoing discussions.

Another issue is the potential extension of Chestnut Street. Throughout the Bayside planning process, there has been discussion on the desirability of creating a pedestrian and or vehicular corridor from the current terminus of Chestnut Street (at Somerset Street) through the railroad property and Five Liver Company site to Marginal Way. As depicted on the current site plan, a portion of the building would be within the corridor if Chestnut Street were extended to Marginal Way. The city continues to have conversations with the applicant concerning this issue. While Chestnut Street may or may not be extended in the future, the Board currently has a specific development application before it.

1/2. Traffic

Two driveways are proposed along Marginal Way.

An existing DHS driveway opening will be closed and shifted about 40 feet to the west so that both properties will have a shared driveway. The other DHS driveway on the far easterly end of the site remains unchanged. A second driveway is proposed for 135 Marginal Way on the westerly side of the site. To accomplish these changes, the existing driveways on the site will be closed.

104 parking spaces are proposed on the site.

A sidewalk is shown along three sides of the building. A note on the plan indicates that the sidewalk along Marginal Way will be concrete. It should specify a "new" concrete sidewalk.

It appears that two sections of the curb stops originally shown on the DHS plan will be removed to facilitate joint use of access and parking for both properties. A note on the plan indicates that nine parking spaces (on the property) behind the 135 Marginal Way building will be relocated.

A traffic report has been prepared by John Murphy (see Attachment D). He concludes that "the future impact of this project will be very minor and will have no measurable impact on the adjacent roadway system." Given the existing use on the site (Mail Boxes Etc.), the proposed development will generate only a net increase of 8 trips per hour during the PM peak hour. Larry Ash, City Traffic

After viewing the DHS lights at night this week, we are recommending that a new fixture be submitted for review. The proposed fixture does not function as a full cut-off fixture.

10. Fire

Lt. Gayland McDougall has reviewed and approved fire related concerns for the site.

11. Infrastructure

There are no known conflicts with existing municipal utility infrastructure posed by this site plan. A discussion on Chestnut Street extension is shown under the Findings section (II) of this report.

12. B-5 development standards

a. Shared infrastructure

The site plan shares a driveway with the DHS building.

b. Buildings and uses shall be located close to the street where practicable.

The building is located 75 feet from the street line.

c. Buildings shall be oriented toward the street and shall include prominent facades with windows and entrances oriented toward the street. Uses that include public access to a building or commercial/office uses in mixed-use developments shall be oriented toward major streets whenever possible.

The building is oriented to Marginal Way.

d. Parking lots shall be located to the maximum extent practicable toward the rear of the property and shall be located along property lines where joint use or combined parking areas with abutting properties are proposed or anticipated.

Fifty (50) of the 104 spaces are located between the building and Marginal Way.

e. Modifications to siting standards for the B-5 zone: In the B-5 zone, the planning board may modify or waive standards a. through d. of this subsection as may be reasonably necessary to suit the operational or marketing needs of the user(s) of the property.

The applicant is requesting a modification/waiver for paragraphs b and d.

IV MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Report #1-01, the Planning Board finds:

- A. That the plan is in conformance with the Site Plan Ordinance of the Land Use Code.
 1. That a revised lighting plan should be submitted for staff review and approval with a full cut-off light fixture.
 2. That additional trees shall be planted in the Marginal Way esplanade as required by the City Arborist.
 3. That the site plan shall be revised to reference a now concrete sidewalk along Marginal Way.

Attachments

- A. Site Plan
- B. Building Elevations
- C. Background Info
- D. Traffic Report
- E. B-5 Development Standards
- F. Lighting Specifications

7/7/00

Site Plan Review

New Retail/Office Building Facility at 135 Marginal Way, Portland, Maine

Below are responses to contents requirements as set forth in Portland's Land Use §14-525b. The numbers below correspond to the numbers given in the code.

§14-525(b)1)

- a. Applicant: Five Liver Company
P.O. Box 7525
Portland, ME 04112
- Development Name: 135 Marginal Way
New Retail/Office Building
- b. See Site Plan.
- c. See Site Plan.
- d. See Site Plan.
- e. See "Grading Plan".

§14-525(b)2)

- a. Existing soils – sand, gravel, bricks, ash, grey silty clay, grey silty sand, and gravel.
- b. Site is 100% impervious and without rock outcroppings. No easements or rights of way. Drainage on "Grading Plan".
- c. See Site Plan, floor plan, and Elevations.
- d. See Site Plan.
- e. See Site Plan and grading plan (to follow).
- f. None.
- g. See Site Plan.
- h. See Landscape Plan.
- i. See Site Plan.
- j. See site lighting plan to follow.
- k. See Site Plan.
- l. N/A.
- m. See written statement.
- n. See Grading Plan details.
- o. All recycling to be by tenants within tenants' spaces.

7/7/00

Site Plan Review – Written Statements
 New Retail/Office Building Facility at 135 Marginal Way, Portland, Maine

Below are responses to written statement requirements as set forth in Portland's Land Use §14-525c. The numbers below correspond to the numbers given in the code.

14-525c: Owners

Five Liver Company (FLC)
 P.O. Box 7525
 Portland, ME 04112

- 1) Site to be used for retail sales and office uses.
- 2) Land Area
1.44± acres

Proposed Coverage
Bldg, 18,000± SF
- 3) None.
- 4) Normal retail waste.
- 5) Site is currently served by:
 PWD – water & sprinklers
 Portland Sewer Department – sewer & storm
 (a letter to Public Works verifying sewer capacity is attached)
 CMP – electrical
 Northern Utilities – natural gas
 Bell Atlantic – telephone
- 6) Site waste management:

The site currently is mostly impervious with one building. The surrounding land is mostly developed commercial properties. The land immediately to the east is low-lying with various growths that drain to a field inlet east of the site. Storm water on the center of the site drains to an existing catch basin system and is piped into the Marginal Way drainage system. The front portion of the site currently flows overland to Marginal Way.

The plans call for demolition of the existing building and reconstruction of the existing parking areas and storm drain system. The reconstructed storm drain system will include relocation of catch basins to more advantageous locations, new piping, and the installation of a Casco Trap in the catch basin just before the storm water leaves the site.

The plans also call for a new curb cut for shared access to this site and the adjacent site, 161 Marginal Way. A catch basin will be installed to facilitate better drainage around the new curb cut and shared access area and will be piped to the existing catch basin serving the existing curb cut.

The proposed impervious surface area is consistent with the existing surface and therefore should impose no increased runoff. It is not anticipated that this project will have an increased adverse effect on the downstream receiving area. A letter from Public Works verifying capacity has been requested. An erosion control plan is part of this project with details and instructions on the plans.

- 7) Permitting – 1 month
Construction – 6 months
 - Demolition
 - Site work
 - New building construction
- 8) None.
- 9) To follow.
- 10) See attached tax bills.
- 11) None.
- 12) Any plans in this format will follow.
- 13) Recycling will be the responsibility of the individual tenants. Storage of recyclables will be within tenants' spaces.

Fore River Company 5 Milk Street P.O. Box 7525 Portland, ME 04112 (207) 772-6404

July 7, 2000

Clifford Farris, Sewage Facility Tech.
Department of Public Works
City of Portland
55 Portland Street
Portland, ME 04101

re: 135 Marginal Way Storm and Sanitary Sewer Capacity

Dear Mr. Farris,

We are applying for Site Plan Review from the City of Portland for our site at 135 Marginal Way. One of the requirements for Site Plan approval is a letter from Public Works verifying storm and sanitary sewer capacity. Public Works told me you are responsible for these letters.

Briefly, our plans call for the demolition of the existing building, currently Mail Boxes Etc, and the construction of a new 90' x 180' building, reconstruction of the parking lot and storm sewer system, and a new sanitary sewer connection.

The plans for the site call for reconstruction of the existing storm water system by relocating catch basins to more advantageous locations, new piping and the addition of a Casco Trap to the last catch basin just before the storm water is piped off the site.

Because the proposed impervious surface plan is consistent with the existing surface it is not anticipated that this project will have any increased effect on the Marginal Way drainage for the downstream receiving area.

The sanitary sewer plans call for capping the existing 4" C1 service to the existing building and installation of a new 6" line to service the new building. The building is proposed to be for typical retail/office users.

Please review the attached plans and call me with any questions or problems.

Sincerely,

Bruce Kistler

enclosure

C-5

REALTY FINANCE
COMPANY, LLC

June 9, 2000

Joe Gray
Director of Planning & Development
City of Portland
389 Congress Street
Portland, ME 04101

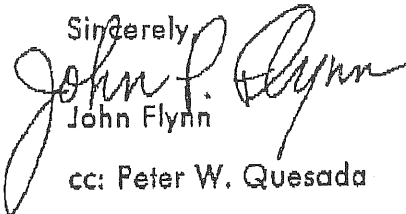
Re: 135 Marginal Way Site Plan

Dear Mr. Gray,

Five Liver Company is preparing a Site Plan Application for redevelopment of its site at 135 Marginal Way in Portland into a \pm 18,000 SF single story retail building facing Marginal Way, with some office space projected for the rear. With retail parking available in front of the building, our experience leads us to believe that this project can be successfully leased and, when leased, will be attractive to lenders interested in retail development lending, if the owner chooses to place financing on the project.

In the past several years we have refinanced two downtown Portland retail and office properties managed by the principals of Five Liver Company. We recently placed the permanent financing on an adjacent property owned by 161 Marginal Way LLC, which is managed by the principals of Five Liver Company. That adjacent project was significantly larger than the proposed development at 135 Marginal Way and presented complex financing issues not presented by this development. It is also noteworthy that the owners of the adjacent property financed the construction of that building internally, without the customary construction lender. Based on our experience with the principals of Five Liver Company, we are confident that they have the financial and technical capacity to undertake and complete the proposed retail development of 135 Marginal Way.

Sincerely


John Flynn

cc: Peter W. Quesada

Civil Engineer
Traffic Engineer

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

September 15, 2000

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

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

Dear Bruce:

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

Trip Generation

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

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

Net Impact

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

Future Plans

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

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

Conclusion

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

JOHN
L.
MURPHY
2735
P. E.

LAND USE

§ 14-526

4. Front yards along arterial and collector streets, as delineated on the Maine Department of Transportation Map, a copy of which is on file in the department of planning and urban development, shall be landscaped. Landscaping shall also be required for the following:
 - (a) Rear yards.
 - (b) Side yards.
 - (c) Parking areas for more than fifteen (15) vehicles in the I-L and I-Lb zones, twenty-five (25) vehicles in the I-M and I-Mb zones, or thirty-five (35) vehicles in the I-H and I-Hb zones.
5. Where pavement or gravel is proposed for vehicle or machinery parking or storage, a landscaped buffer shall be planted or a preserved buffer shall be maintained along the downward slope of the paved or graveled area to provide passive treatment of stormwater before it leaves the site.



(26) Development located in the B-5 and B-5b zones shall meet the following additional standards:

- a. Shared infrastructure: Shared circulation, parking, and transportation infrastructure shall be provided to the extent practicable, with utilization of joint curb cuts, walkways, service alleys, bus pull-out areas, and related infrastructure shared with abutting lots and roadways. Easements for access for abutting properties and shared internal access points at property lines shall be provided where possible to facilitate present or future sharing of access and infrastructure.
- b. Buildings and uses shall be located close to the street where practicable. Corner lots shall fill into the corner and shall provide an architectural presence and focus to mark the corner.
- c. Buildings shall be oriented toward the street and shall include prominent facades with windows and entrances oriented toward the street. Uses that include public access to a building or commercial/office uses in mixed-use developments shall be oriented toward major streets whenever possible.
- d. Parking lots shall be located to the maximum extent practicable toward the rear of the property and shall be located along property lines where joint use or combined parking areas with abutting properties are proposed or anticipated.
- e. *Modifications to siting standards for the B-5 zone:* In the B-5 zone, the planning board may modify or waive standards a. through d. of this subsection as may be reasonably necessary to suit the operational or marketing needs of the user(s) of the property.

(b) *Conditions.* Notwithstanding the provisions of subsection (a), the planning authority or planning board may impose any condition upon its approval of any site plan: (1) to minimize or abate any adverse impact of the proposed development on the value or utility of other private property, or on public property or facilities, to the extent feasible; or (2) to bring the development into compliance with the requirements of subsection (a); or (3) to minimize any

TYPE: A

CATALOG #: GMX40129AR

McGRAW-EDISON®

DESCRIPTION

McGraw-Edison's Galleria combines beauty and versatility to make it an excellent choice for architects, specifiers and contractors in today's energy- and design-conscious environment. An aesthetic reveal in the formed aluminum housing gives the Galleria a distinctive look while a variety of mounting options and lamp wattages provide maximum flexibility.

APPLICATION

The Galleria achieves superior light distribution by utilizing a seamless reflector system, making it the optimum choice for almost any small or medium area lighting application.

SPECIFICATION FEATURES

A...Housing

Formed aluminum housing with stamped reveal has interior-welded seams for structural integrity and is finished in polyester powder coat. U.L. listed for wet locations. CSA approved.

B...Ballast Tray

Ballast tray is hard-mounted to housing interior for cooler operation.

C...Ballast

Long-life core and coil ballast.

D...Reflector

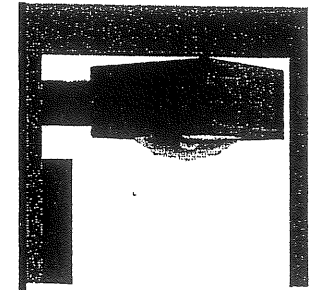
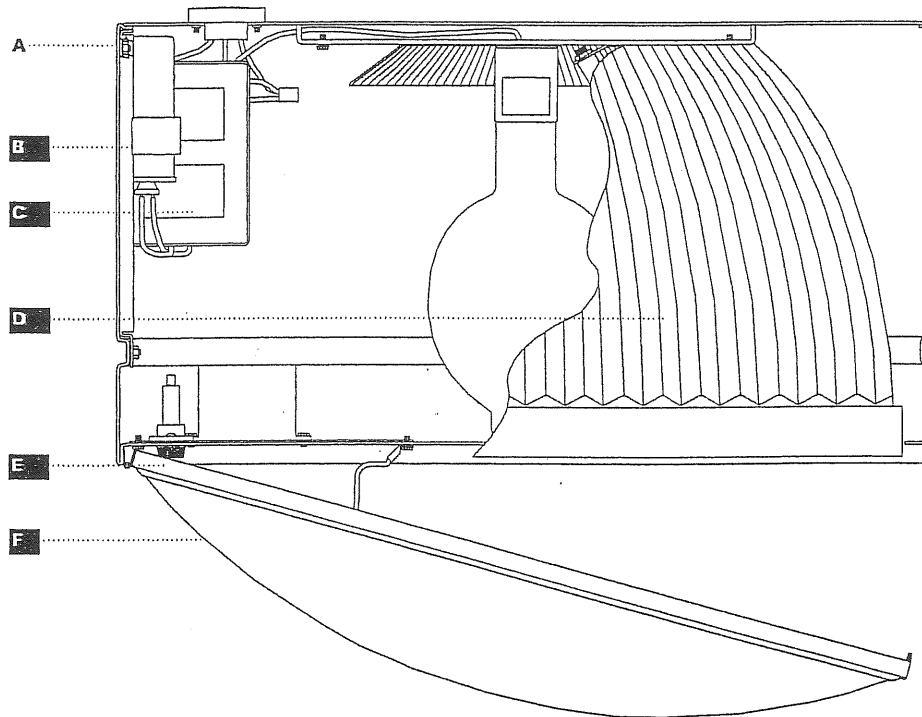
Spun and stamped aluminum reflector in vertical lamp units, or hydroformed anodized aluminum reflector in horizontal lamp units.

E...Door

Formed aluminum door has heavy-duty hinges, captive retaining screws and is finished in polyester powder coat. (Spider mount unit has steel door.)

F...Lens

Convex tempered glass lens.



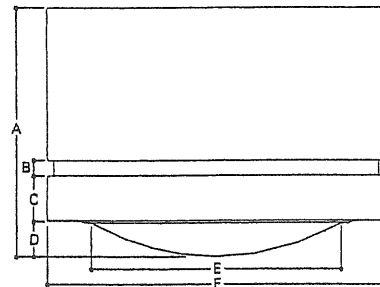
GMGALLERIA
250-400W

Metal Halide

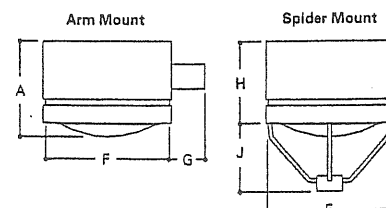
ARCHITECTURAL
AREA LIGHT

*Mounted on
20' poles*

DIMENSIONS



Fixture	A	B	C	D	E	F	G	H	J
Medium (In.)	16	3/4	3	4	18 3/4	21 3/4	6 or 14	12	21
(mm)	381	19	76	102	476	552	152 or 356	305	533

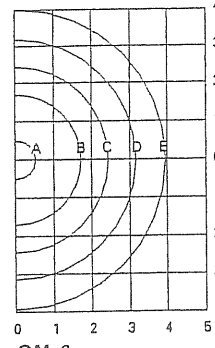
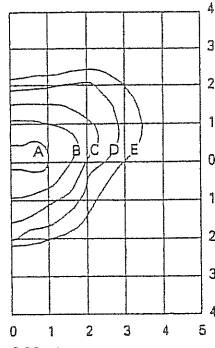
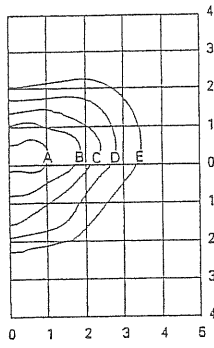
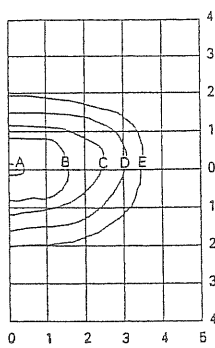


COOPER LIGHTING

ENERGY DATA

CWA Ballast Input Watts
250W MH HPF (295 Watts)
400W MH HPF (465 Watts)

PHOTOMETRICS



GM-5
GMA401291D
400-Watt MH Type I
40,000-Lumen Clear Lamp

GM-6
GMA401292D
400-Watt MH Type II
40,000-Lumen Clear Lamp

GM-7
GMA401293D
400-Watt MH Type III
40,000-Lumen Clear Lamp

GM-8
GMA40129AR
400-Watt MH Area Round
40,000-Lumen Clear Lamp

Footcandle Table

Select mounting height and read across for footcandle values of each isofootcandle line.

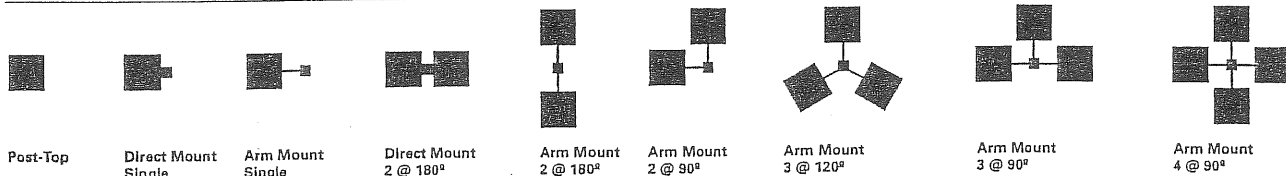
Mounting Height	Footcandle Values for Isofootcandle Lines				
	A	B	C	D	E
20'	11.25	4.50	2.25	1.12	0.56
25'	7.20	2.88	1.44	0.72	0.36
30'	6.00	2.00	1.00	0.50	0.25
35'	1.58	1.18	0.79	0.39	0.19
40'	1.28	0.96	0.64	0.32	0.16

Footcandle Table

Select mounting height and read across for footcandle values of each isofootcandle line.

Mounting Height	Footcandle Values for Isofootcandle Lines				
	A	B	C	D	E
20'	4.50	2.25	1.13	0.56	0.23
25'	2.83	1.14	0.72	0.36	0.14
30'	2.00	1.00	0.50	0.25	0.10
35'	1.47	0.73	0.37	0.18	0.07
40'	1.12	0.56	0.28	0.19	0.06

MOUNTING VARIATIONS



ORDERING INFORMATION

SAMPLE NUMBER: GMA251292D

G	M	A	40	1	2	9	FT
Product Family G=Galleria	Mounting Method A=Arm B=Spider C=Spider	Lamp Wattage 25=250 40=400	Lamp Type 1=MH	Ballast Type 2=CWA	Voltage 1=120V 2=208V 3=240V 4=277V 5=480V 9=Multi-Tap wired 277V 6=Triple-Tap wired 347V	Distribution 1D=Type I MCO 2D=Type II MCO 3D=Type III MCO FT=Forward Throw AR=Area Round AS=Area Square RW=Rectangular Wide	Options (add as suffix) F=Single Fuse FF=Double Fused R=Photocontrol Receptacle Q=Quartz Restrike HS=House Side Shield (AR and AS distributions only) VS=Vandal Shield
Housing Size M=Medium	for 2 3/8" O.D. tenon for 3 1/2" O.D. tenon						

Accessories (order separately)
MA1004=14" arm for square pole. 1.0 EPA
MA1005=6" arm for square pole. 0.5 EPA
MA1006=Direct mount kit for square pole
MA1007=14" arm for round pole. 1.0 EPA
MA1008=6" arm for round pole. 0.5 EPA
MA1009=Direct mount kit for round pole
OA1016=Photocontrol-Multi-Tap
OA1027=Photocontrol-480V
MA1010=Single-arm tenon adapter for 3" tenon
MA1011=2 @ 90° tenon adapter for 3" tenon
MA1012=3 @ 120° tenon adapter for 3" tenon
MA1013=4 @ 90° tenon adapter for 3" tenon
MA1014=2 @ 90° tenon adapter for 3" tenon
MA1015=2 @ 120° tenon adapter for 3" tenon
MA1016=3 @ 90° tenon adapter for 3" tenon
MA1017=Single-arm tenon adapter for 2" tenon
MA1018=2 @ 180° tenon adapter for 2" tenon
MA1029=Wall bracket

Colors (add as suffix)
AP=Grey
BR=Bronze (standard)
BG=Beige
BK=Black
BL=Blue
GR=Green
RD=Red
SY=Silver
WH=White
YL=Yellow

Catalog Number ¹	Lamp Wattage	Lamp Type ²	Ballast Type/ Power Factor	Voltage ³	Size	EPA	Net Wt. (Lbs.)	Shipping Volume (Cu.Ft.)
Arm Mount (Order arm separately)								
GMA25129XX	250	MH	CWA/HPF	MT	Medium	2.4	64	5.5
GMA40129XX	400	MH	CWA/HPF	MT	Medium	2.4	64	5.5
Spider Mount (For 2 3/8" O.D. tenon)								
GMB25129XX	250	MH	CWA/HPF	MT	Medium	2.4	57	9.1
GMB40129XX	400	MH	CWA/HPF	MT	Medium	2.4	57	9.1
Spider Mount (For 3 1/2" O.D. tenon)								
GMC25129XX	250	MH	CWA/HPF	MT	Medium	2.4	59	9.1
GMC40129XX	400	MH	CWA/HPF	MT	Medium	2.4	59	9.1

NOTES: ¹ Arm not included. See accessories.
² Designate distribution by changing 9th and 10th digits.
³ All lamps are mogul base. Lamps are not included.
⁴ Multi-Tap ballast is 120/208/240/277V. Triple-Tap ballast is 120/277/347V.

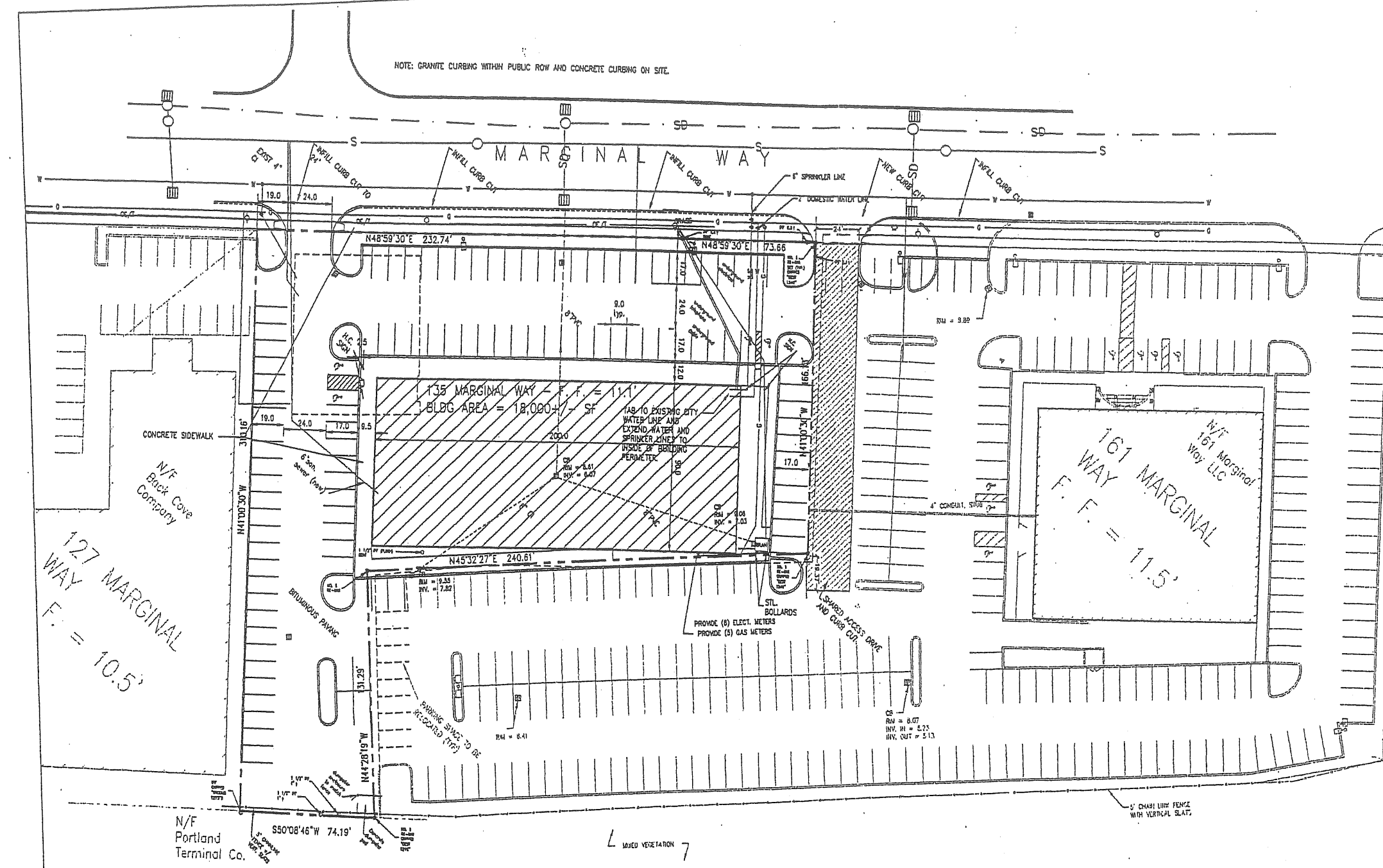
NOTE: Specifications and Dimensions subject to change without notice.



LEGEND

- PROPERTY LINE
- - - EASEMENT
- - - ABANDONED UNDERGROUND UTILITY
- ▭ BUILDING
- ▭ CATCH BASIN
- ▭ CONCRETE CURB
- ▭ GRANITE CURB
- D.M.H.
- EDGE OF CONCRETE SURFACE
- EDGE OF BITUMINOUS PAVED SURFACE
- FENCE
- GAS MAIN
- GAS VALVE
- FIRE HYDRANT
- I.R.F.
- I.P.F.
- LIGHT POLE
- O.E./T.
- NUMBER OF PARKING SPACES IN ROW
- STORM DRAIN
- SEWER MAIN
- UNDERGROUND ELECTRIC
- UNDERGROUND TELEPHONE
- SPRINKLER MAIN
- WATER MAIN
- WATER GATE VALVE
- CONCRETE FILLED STEEL BOLLARD
- NO. 5 RE-BAR CAPPED "DEST 1245"

- General Notes:**
- Record Owner of Property: Five Liver Company
Book 11185 - Page 238
Book 14990 - Page 232
Book 14990 - Page 260
Area = 1.44 Acres, more or less.
 - Bearings are based on Plan Reference 1.
 - Dest Associates, Inc. is accepting responsibility for the boundary shown on this plan. Site plan and design prepared by Five Liver Company. See certification below.
- Plan References:**
- "RIGHT OF WAY MAP", DEPARTMENT OF TRANSPORTATION, STATE AID HIGHWAY NO. 15, PROJECT NO. M-0612(1), DATED JAN. 1979.
 - "RIGHT OF WAY & TRACK MAP", PORTLAND TERMINAL COMPANY, YARD 7, DATED JUNE 1918.
 - "HANNAFORD BROS. COMPANY", PORTLAND, MAINE, BY H.L. & E.C. JORDAN, DATED DEC. 1959.
 - "SOCONY MOBILE OIL COMPANY", PORTLAND, MAINE BY H.L. & E.C. JORDAN, DATED DEC. 1959.
 - "ANDREW REDMOND", PORTLAND, MAINE BY H.L. & E.C. JORDAN, DATED JULY 1985.
 - "MCDONALD LUMBER COMPANY", PORTLAND, MAINE BY H.L. & E.C. JORDAN, DATED JUNE 1961.
 - "LEDGEWOOD, INC.", PORTLAND, MAINE, BY OWEN HASKELL, INC., DATED DEC. 1987.
 - "SITE PLAN - MARGINAL WAY - PORTLAND, MAINE FOR SATCO", BY TITCOMB ASSOC., DATED 1990.
 - "LAND TITLE SURVEY OF EARL W. HOTES & SONS PROPERTY, 181 - 205 MARGINAL WAY, PORTLAND, ME", BY SEBAGO TECHNICS, DATED JULY 7, 1988.
 - "PLAN OF PROPERTIES - MARGINAL WAY - SOMERSET STREET, PORTLAND, ME", BY HTA-DEST ASSOC., INC., DATED JULY 1988.



127 MARGINAL
F.F. = 10.5'

161 MARGINAL
F.F. = 11.5'

Site Plan Notes:
Landscaping shall meet the "Arboricultural Specifications and Standards of Practice and Landscaping Guidelines" of the City of Portland Technical and Design Standards and Guidelines.

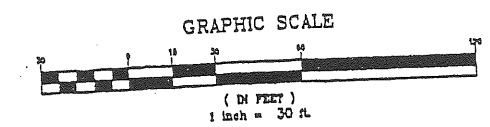
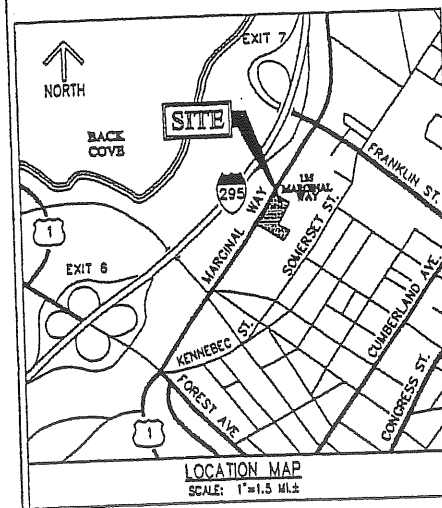
The entire site shall be developed and/or maintained as depicted on the site plan. Approval of the Planning Authority or Planning Board shall be required for any alteration or deviation from the approved site plan, including, without limitation: topography; drainage; landscaping; retention of wooded or lawn areas; access; site, location, and surfacing of parking areas; and location and size of buildings.

All overhead utilities shall be underground.
Sidewalks and curbing shall be designed and built with up down ramps at all street corners, crosswalks and driveways in conformance with the City of Portland Technical and Design Standards and Guidelines.

All erosion and sediment control measures shall be designed in accordance with Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices published by the Cumberland County Soil and Water Conservation District and Maine Department of Environmental Protection, March 1991 or latest edition. [Note: the site plan should specify the erosion control device to be employed (silt fence, hay bales, etc.) as well as their location.]

All erosion control measures shall be installed prior to any site excavation or regrading.
All disturbed areas on the site not covered by building or paved area shall be stabilized with loam and seed or other methods as required by Best Management and Practices [see above].

Prior to construction a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building construction schedule and critical aspects of the site work shall be provided to the attending City representative. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.



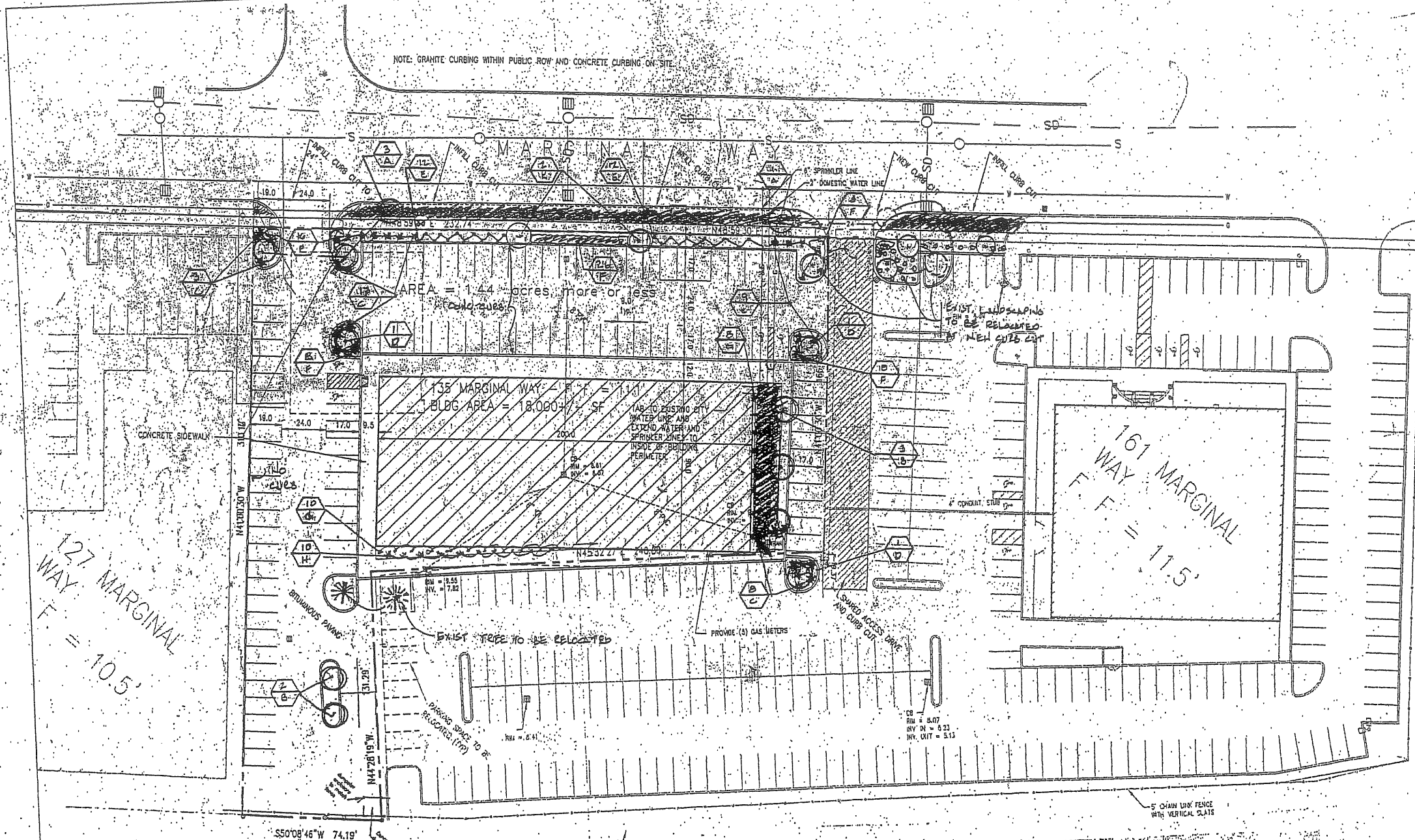
CERTIFICATION:
THE PROPERTY SHOWN ON THIS PLAN CONFORMS TO THE STANDARDS ADOPTED BY THE MAINE STATE BOARD OF LICENSURE FOR CATEGORY I - CONDITION II STANDARD BOUNDARY SURVEY AND IS INVALID WITHOUT AN EMBOSSED SEAL IN THIS AREA BY THE PROFESSIONAL LAND SURVEYOR NAMED BELOW, SEE NOTE 3 ABOVE.

J. B. White
DEST ASSOCIATES, INC. (PLS 1245) DATE 2-12-2000

FIVE LIVER COMPANY 5 MILK STREET • PORTLAND, MAINE		
SITE PLAN 135 Marginal Way Portland, Maine		
SCALE: 1" = 30'	PROJECT NO.	DRAWING NO.
DATE: JUNE 30, 2000		S-1
REVISIONS: July 12, 2000 (additior & il-pole @ legend)	SHEET OF	

LEGEND

- PROPERTY LINE
- - - EASEMENT
- - - ABANDONED UNDERGROUND UTILITY
- ▭ BUILDING
- CATCH BASIN
- CONCRETE CURB
- GRANITE CURB
- DMH DRAINAGE MARKHOLE
- EDGE OF CONCRETE SURFACE
- - - EDGE OF BITUMINOUS PAVED SURFACE
- - - FENCE
- GAS MAIN
- GAS VALVE
- FIRE HYDRANT
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- LIGHT POLE
- OE/T OVERHEAD ELECTRIC & TELEPHONE
- NUMBER OF PARKING SPACES IN ROW
- SD STORM DRAIN
- S SEWER MAIN
- UNDERGROUND ELECTRIC
- UT UNDERGROUND TELEPHONE
- SPR SPRINKLER MAIN
- WATER MAIN
- WATER GATE VALVE
- CONCRETE FILLED STEEL BOLLARD



Note: Data on property lines, topography, and utilities taken from surveys by HTA/QUEST 343 Gorham Rd. South Portland, ME 04106; project # 845.01 dated July 1988 and project # 845.01 dated January 2000; and Tilcomb Associates #8 Portland North Business Park Falmouth, ME Job 90058 dated June 4, 1990.

Site Plan Notes:
Landscaping shall meet the Arboricultural Specifications and Standards of Practice and Landscaping Guidelines of the City of Portland Technical and Design Standards and Guidelines.

The entire site shall be developed and/or maintained as depicted on the site plan. Approval of the Planning Authority or Planning Board shall be required for any alteration or deviation from the approved site plan, including, without limitation: topography; drainage; landscaping; retention of wooded or lawn areas; access; site, location, and surfacing of parking areas; and location and size of buildings.

All powerline utilities shall be underground.

Sidewalks and curbing shall be designed and built with 1/4" down ramps at all street corners, crosswalks and driveways in conformance with the City of Portland Technical and Design Standards and Guidelines.

All erosion and sediment control measures shall be designed in accordance with Maine Erosion and Sediment Control Handbook for Construction-Best Management Practices published by the Cumberland County Soil and Water Conservation District and Maine Department of Environmental Protection, March 1991 or latest edition. [Note: the site plan should specify the erosion control devices to be employed (silt fence, hay bales, etc.) as well as their location.]

All erosion control measures shall be installed prior to any site excavation or grading.

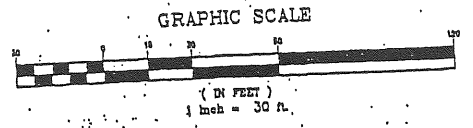
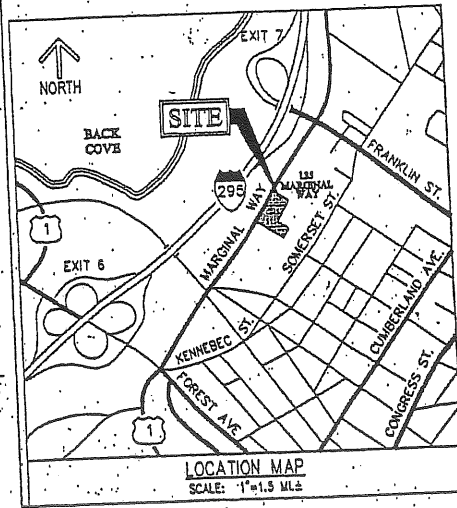
All disturbed areas on the site not covered by building or paved areas shall be stabilized with loam and seed or other methods as required by Best Management and Practices [see above].

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

REFER TO SITE PLAN FOR ADDITIONAL INFORMATION

PLANT LIST

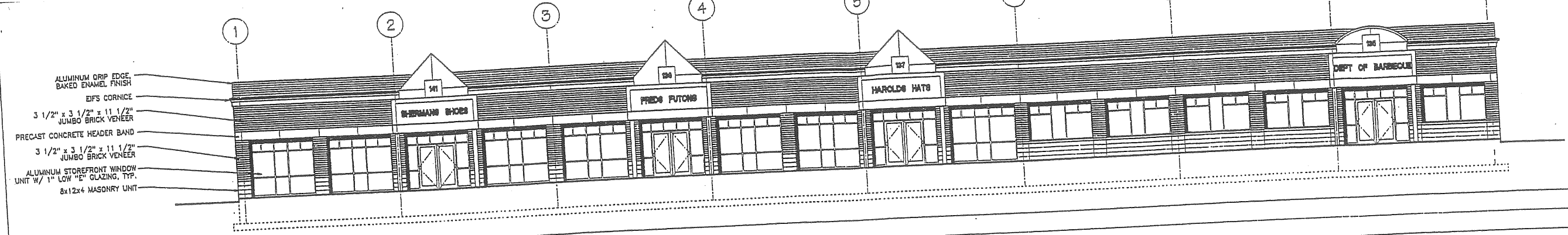
MARK	QUANTITY	TREE	SIZE
A	4	EUROPEAN SPRINGING PEAR	2 1/2" DBH
B	5	PALEFLOR HONEYLOCUST	2 1/2" DBH
C	33	SCANDIA JUNIPER	2-3" DBH
D	2	KARPIK RED MAPLE	2-3" DBH
E	24	DIANE'S DUNING BUSH	1 GAL
F	64	SMILEX RED OAK CATALPA	1 GAL
G	18	REVERA	1 GAL
H	30	NOVA ZEPHYRUS	1 GAL
I	2	MILLS' BLOOMING BLOOMING PEAR	1 GAL



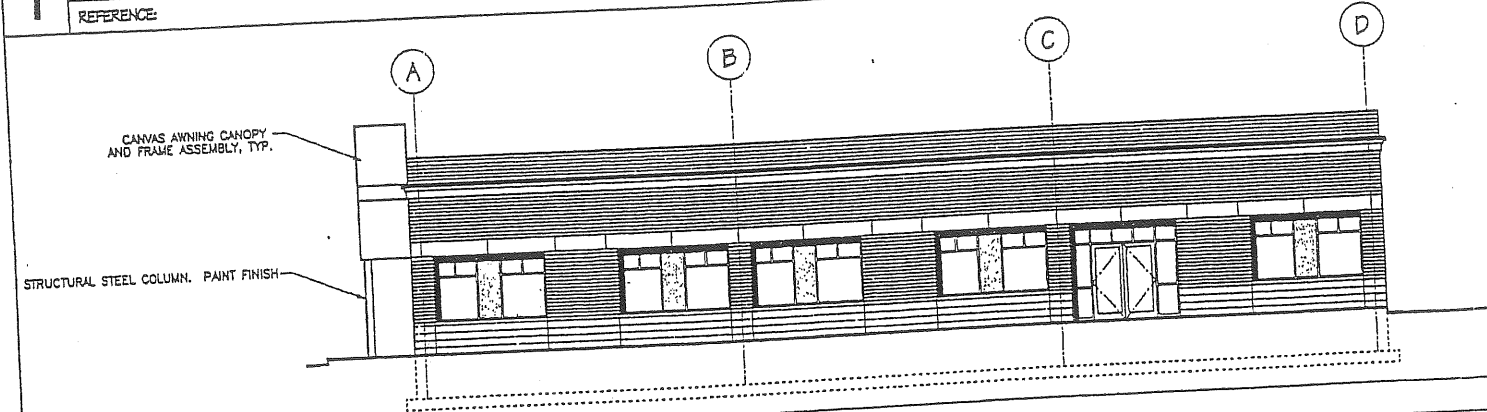
FIVE LIVER COMPANY
3 MILK STREET • PORTLAND, MAINE

LANDSCAPE PLAN
135 Marginal Way
Portland, Maine

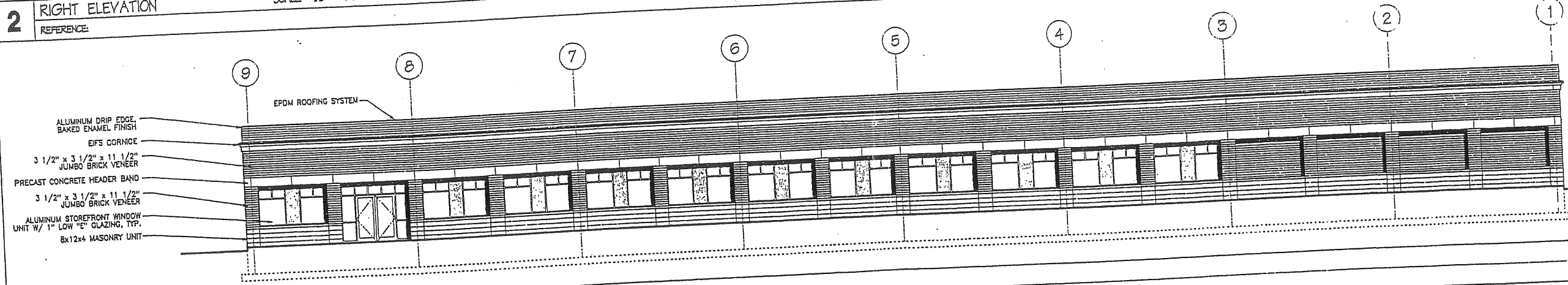
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DATE: JUNE 30, 2000	SHEET OF	LS-1
REVISIONS:		



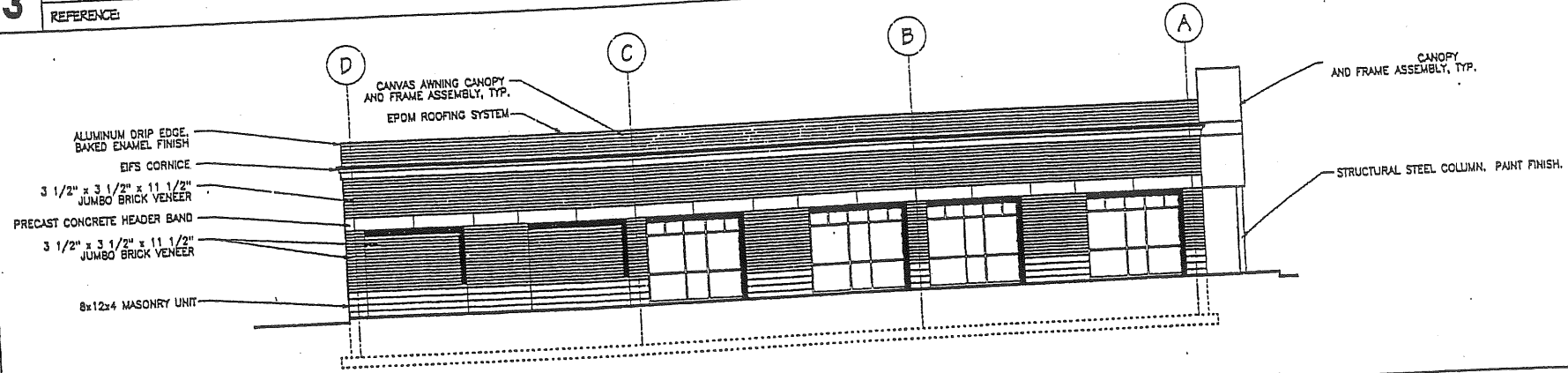
1 FRONT ELEVATION SCALE: 1/8" = 1'-0" REFERENCE:



2 RIGHT ELEVATION SCALE: 1/8" = 1'-0" REFERENCE:



3 BACK ELEVATION SCALE: 1/8" = 1'-0" REFERENCE:



4 LEFT ELEVATION SCALE: 1/8" = 1'-0" REFERENCE:

CONCEPTUAL PLAN

434 Cumberland Avenue
 Portland, ME 04101
 Phone: (207)774-4441
 Fax: (207)774-4016

PO Box 6555
 Laconia, NH 03247
 Phone: (603)524-3000
 Fax: (603)527-0700

www.CWSarch.com

Owner:
FORE RIVER COMPANY
 5 Milk Street
 Portland ME 04101
 (207) 772-6404

General Contractor:

OFFICE BUILDING

135 Marginal Way
Portland ME

Tenant:

Project No: 2000-411

Drawing Title:

ELEVATIONS

Scale: 1/8"=1'-0"
 Date: Progress 5/10/00
 Revision Dates:

Drawing Number:

A3.1

434 Cumberland Avenue
Portland, ME 04101
Phone: (207)774-4441
Fax: (207)774-4016

PO Box 6555
Laconia, NH 03247
Phone: (603)524-3000
Fax: (603)527-0700
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Portland ME 04101
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Tenant:

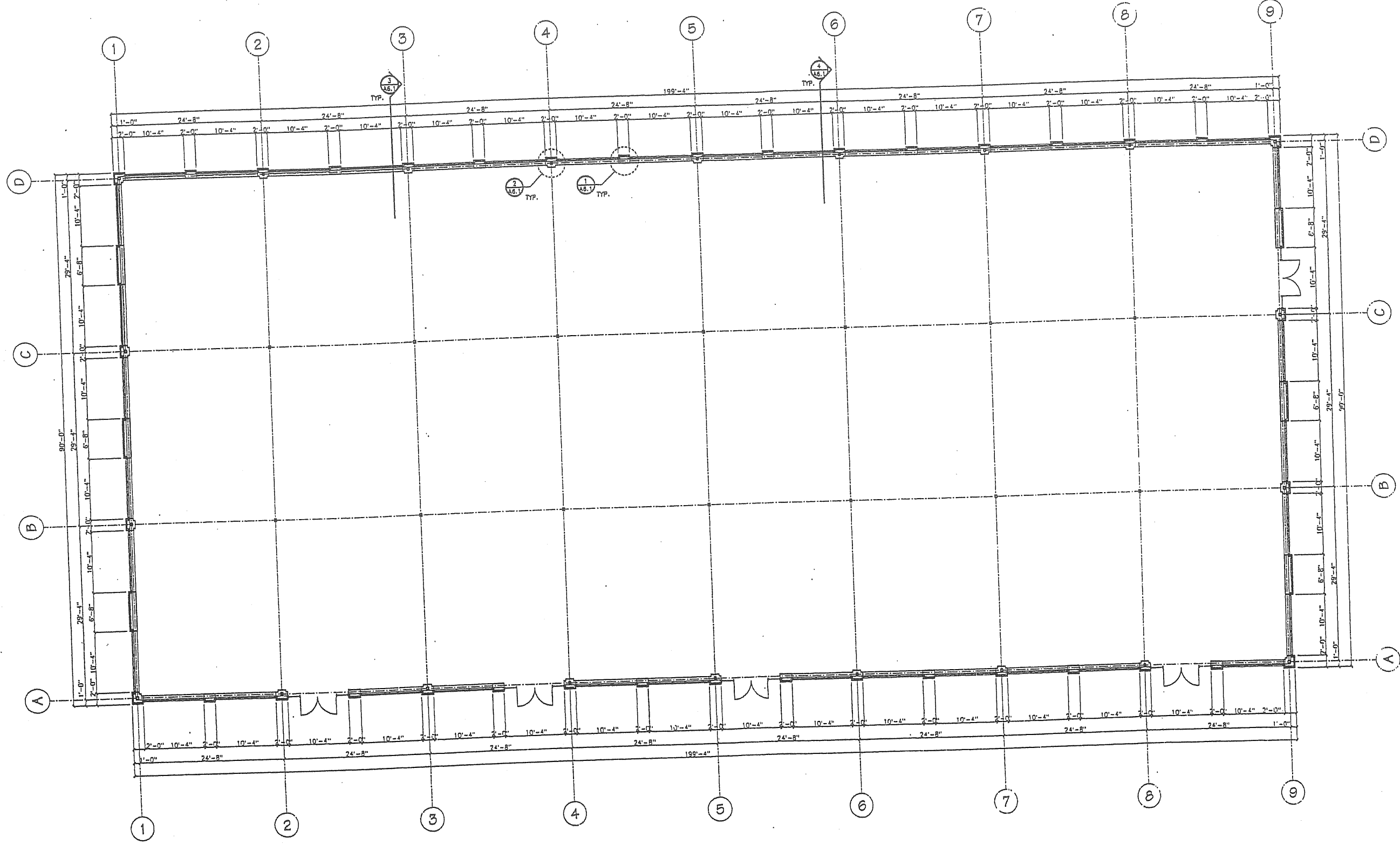
Project No: 2000411

Drawing Title:
FLOOR PLAN

Scale: 1/8"=1'-0"
Date: Proj. 5/10/00
Revision Dates:

Drawing Number:

A1.1



A FLOOR PLAN
REFERENCE

CONCEPTUAL PLAN

SCALE: 1/8" = 1'-0"