

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BUILDING DEPARTMENT

PERMIT

Permit Number: 071166

PERMIT ISSUED

OCT 16 2007

This is to certify that CITY OF PORTLAND / DEPT Catherine (Richardson)

has permission to Place an Air Monitoring Unit

AT 356 STATE ST

035 1001001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and work on permit must be completed before this building or part thereof is closed-in. **48 HOUR NOTICE IS REQUIRED.**

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____

Health Dept. _____

Appeal Board _____

Other _____

Department Name

Jeane Bonfe 10/16/07
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-1166	Issue Date:	CBL: 035 I001001
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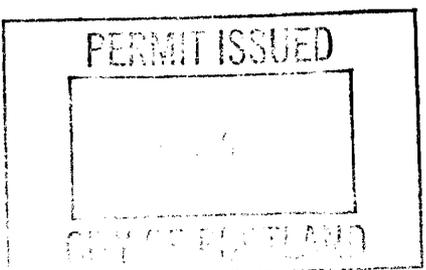
Location of Construction: 356 STATE ST	Owner Name: CITY OF PORTLAND	Owner Address: 389 CONGRESS ST	Phone:
Business Name:	Contractor Name: DEP (Catherine Clayton Richardson)	Contractor Address: 312 Canco Rd. Portland	Phone: 2078226312
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Commercial	Zone: ROS

Past Use: ROS	Proposed Use: ROS/Place an Air Monitoring Unit 8'x12'	Permit Fee: \$30.00	Cost of Work: \$1,000.00	CEO District: 1
Proposed Project Description: Place an Air Monitoring Unit 8'x12'		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>U</i> Type: <i>NO OCCUPANCY</i>	
		Signature:	Signature: <i>JMB 10/16/07</i>	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature: _____ Date: _____				

Permit Taken By: dmartin	Date Applied For: 09/19/2007	Zoning Approval		
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- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>9/24/07</i> <i>AK</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input checked="" type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>10/9/07</i> <i>D. Andrew B</i>
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CERTIFICATION

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

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE



General Building Permit Application

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

Location/Address of Construction: <u>356 State Street</u>		
Total Square Footage of Proposed Structure/Area x <u>96 sf</u>	Square Footage of Lot x	
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# x	Applicant * must be owner, Lessee or Buyer * Name <u>MEDOT</u> Address <u>16 State House Station</u> City, State & Zip <u>Augusta, ME 04333-0016</u>	Telephone:
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name <u>MEDOT</u> Address <u>16 State House Station</u> City, State & Zip <u>Augusta, ME 04333-0016</u>	Cost Of Work: \$ _____ C of O Fee: \$ _____ Total Fee: \$ <u>30</u>
Current legal use (i.e. single family) _____ If vacant, what was the previous use? _____ Proposed Specific use: _____ Is property part of a subdivision? _____ If yes, please name _____ Project description: <u>96 sqft air monitor unit</u>		
Contractor's name: _____ Address: _____ City, State & Zip _____ Telephone: _____ Who should we contact when the permit is ready: <u>Catherine Richardson</u> Telephone: <u>822-6312</u> Mailing address: _____		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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 Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Catherine Richardson Date: 9/19/07

This is not a permit; you may not commence ANY work until the permit is issue

CR

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-1166	Date Applied For: 09/19/2007	CBL: 035 I001001
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Business Name:	Contractor Name: DEP (Catherine Clayton Richardson)	Contractor Address: 312 Canco Rd. Portland	Phone (207) 822-6312
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Commercial	

Proposed Use: ROS Place an Air Monitoring Unit	Proposed Project Description: Place an Air Monitoring Unit
--	--

Dept: Historic **Status:** Not Applicable **Reviewer:** Deborah Andrews **Approval Date:** 10/09/2007
Note: Outside Deering Oaks Historic District boundaries--not subject to historic preservation review. **Ok to Issue:**

Dept: Zoning **Status:** Approved **Reviewer:** Ann Machado **Approval Date:** 09/26/2007
Note: The CBL for the property is not correct, but it is the closest. The area where the air quality monitoring station is going belongs to MDOT on Chart 113, but there is no Block letter or Lot # assigned to it since it is part of the MDOT land for I295.
An air quality monitoring station is not listed as a since it is an permitted use in the ROS zone but it falls under the definition of Emergency operations (section 14-47) since it is an operation "...conducted for the public health, safety or general welfare..."

Dept: Building **Status:** Approved with Conditions **Reviewer:** Jeanine Bourke **Approval Date:** 10/16/2007
Note: 1) This utility unit is not approved for occupancy. **Ok to Issue:**

Dept: Fire **Status:** Not Applicable **Reviewer:** Capt Greg Cass **Approval Date:**
Note: **Ok to Issue:**

Comments:
9/26/2007-amachado: Gave site plan exemption to planning.
10/5/2007-gg: received partial granted site plan exemption as of 10/5/07. Exemption with permit (Greg Cass) /gg



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

September 19, 2007

Building Inspections
City of Portland
Portland, Maine

To whom it may concern,

The Maine Department of Environmental Protection (MEDEP) is applying for permission to place an air monitoring shelter on Maine Department of Transportation (MEDOT) land adjacent to Deering Oaks Park; and between the State Street entrance to Deering Oaks Park and the Forest Avenue "East" exit off Interstate 295.

We are requesting an exemption from site review due to the minimal impact of the shelter on the property. Attached you will find our application for the exemption and documents that provide information about the siting of the shelter.

We have receive permits from the MEDOT for placing the shelter on the proposed location beside the existing rail tracks and using overhead space for an electrical line that will extend to the shelter from the nearest pole on State Street to the shelter.

Based on recommendations from Robert LaRoche, LA, MEDOT Supervisor, Landscape Architecture, we will be planting spirea around the shelter as an enhancement to the existing shrubbery. The shelter has been painted a sand color for the same purpose.

The attachments are as follows:

Page A: Shows location of shelter on City of Portland Zoning Map. The shelter is located in the green "Recreation Open Space" zone. Stapled to this map is the MEDOT permit giving us permission to place our air monitoring shelter on their land.

Page B: Using Google® maps we can show near exact placement of the shelter with regards to landmarks such as State Street, Forest Avenue, the Deering Oaks Parking lot, and the MEDOT shrubbery and rail tracks.

Page C: Contains a picture of the shelter with the "sand" color and information about the spirea plantings. It was recommended that we plant them 5 feet on center. We will be planting the classic bridal wreath spirea – Vanhouette spirea.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
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Page D: The picture illustrates where we will be running an electrical line from the CMP pole adjacent to the parking lot entrance. Stapled to the picture is the permit we received from MEDOT to run an electrical line through their airspace over the rail tracks.

Portland has been without any real time air quality monitoring since January of this year. This summer we monitored 5 zone episodes that impacted Portland residents and yet were unable to provide that information due to lack of monitoring within the City.

Historically the particle pollution levels in Portland have been among the highest in the state. We have had countless particle pollution episodes in 2007 and yet without Portland data we cannot forecast air quality levels for Portland and the greater Portland area.

We are hoping that we can receive permission to place the shelter as soon as possible so that we can continue with a Portland air monitoring program that is over 35 years old.

Should you require any additional information please contact me at my email address: catherine.c.richardson@maine.gov , or via desk phone: 822-6312.

Thank you !



Catherine Clayton-Richardson
MEDEP
Field Services, Bureau of Air Quality
312 Canco Road
Portland, maine 04103

Dwelling, two-family: A detached building or pair of attached buildings used exclusively for occupancy by two (2) families living independently of each other.

Dwelling, multifamily: A building or portion thereof containing three (3) or more dwelling units.

Dwelling unit: One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

Earth moving activity means any removal or placement, excavation, filling, stockpiling or grading of soil, earth, loam, sand, gravel, rock and other mineral deposits.

Emergency operations: Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Emergency shelter: A facility providing temporary overnight shelter to homeless individuals in a dormitory-style or per-bed arrangement.

Essential services: The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Fabrication: Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

Family: Not more than sixteen (16) individuals living together in a dwelling unit as a single nonprofit housekeeping unit. A group occupying a hotel, fraternity house or sorority house shall not be considered as a family. The family may include necessary servants.

ZONING

	R1 Residential		RP Residential Professional
	R2 Residential		AB Airport Business
	R3 Residential		OP Office Park
	R4 Residential		IL Industrial - Low Impact
	R5 Residential		ILb Industrial - Low Impact
	R6 Residential		IM Industrial - Moderate Impact
	B1 Neighborhood Business		IMb Industrial - Moderate Impact
	B1b Neighborhood Business		IH Industrial - High Impact
	B2 Business Community		RPZ Resource Protection
	B2b Business Community		ROS Recreation Open Space
	B2c Community Business		WPDZ Waterfront
	B3* Downtown Business		WCZ* Waterfront
	B3c Downtown Business		WSUZ Waterfront
	B4 Commercial Business		EWPZ Waterfront
	B5 Urban Commercial Business		Conditional or Contract
	B5b Urban Commercial Business		
	B6 Urban Commercial Business		
	B7 Urban Commercial Business		

* Indicates height Overlay Districts are in effect

The information contained on this map is compiled from past zoning maps, City Council orders and other documentation as depicted on the Map Summary of Zoning Documentation map on file in Portland's City Engineer's Archives Vault presently located at 55 Fort and Street and at the Department of Planning and Development located at 359 Congress Street.

**Adopted by Portland City Council
January 17, 2001
Effective February 17, 2001
Last revised May 18, 2007**

This Zoning Map of the City of Portland, Maine is provided for informational purposes only. The current official zoning map is on file and available for reference in the Department of Planning and Development, 574-5703.

Map prepared by the City of Portland's Department of Planning & Development and the Department of Public Works



X Proposed location of Air Monitoring trailer.

According to the Portland Zoning map (zoneall.pdf) we are proposing to locate in a Recreational Open Space or ROS.



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016

DAVID A. COLE
COMMISSIONER

September 13, 2007

Mr. John W. Chandler, Director
State of Maine Department of Environmental Protection
Air Quality Division
State House Station 17
Augusta, Maine 04333

Subject: Portland, License for Location of Air Quality Monitoring Trailer

Dear John,

Enclosed please find a fully executed original of the license between the MaineDot and the Maine DEP for location of an Air Quality Monitoring Trailer to be located in Portland, Maine.

If you have any questions, please feel free to contact me at (207)624-3420.

Sincerely,

Andrew L. MacDonald
Project Manager
Multimodal Program

Enc.

Cc: William Pulver
Norman Baker



PRINTED ON RECYCLED PAPER

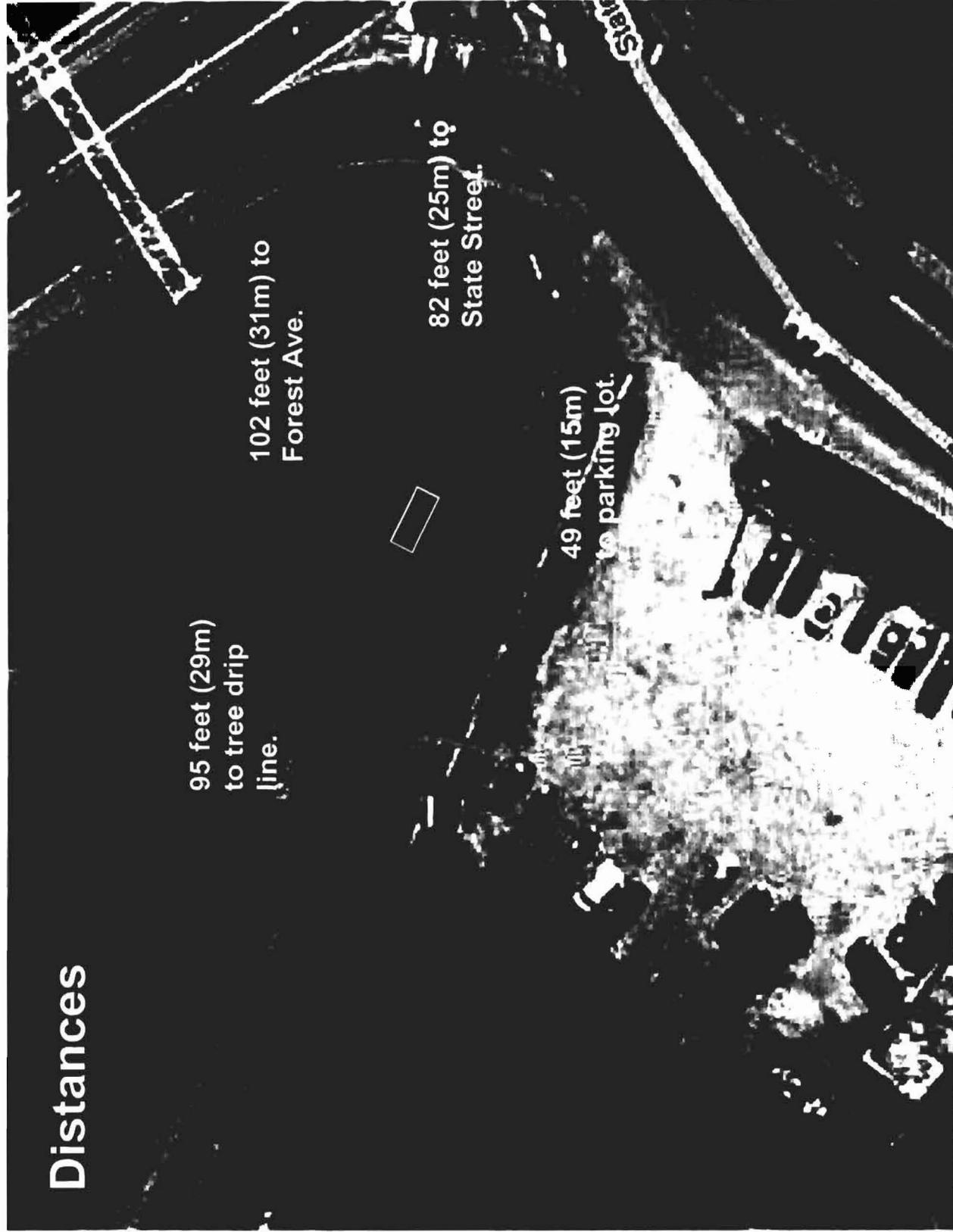
THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER

LICENSE AGREEMENT

This License Agreement is made this 31st day of August, 2007 between the **Maine Department of Transportation** ("MaineDOT"), and the **Maine Department of Environmental Protection** ("MaineDEP").

1. MaineDOT, as successor to the Maine State Highway Commission, owns property in the City of Portland, County of Cumberland and State of Maine, adjacent to the southerly side of the Exit 5A off-ramp from the northbound lane of Interstate 295 as shown on a plan entitled "Maine State Highway Commission Right of Way Map" SHC File No. 3-185, Sheet 60, dated December, 1967, on file at the Maine Department of Transportation, Augusta, Maine, and as described in a deed from Warren Realty Company to the State of Maine dated February 6, 1968 and recorded in the Cumberland County Registry of Deeds, Book 3029, Page 678, and a Notice of Layout and Taking dated February 28, 1973, and recorded in Book 3367, Page 68, in said Registry of Deeds. (the "I-295 Right of Way").
2. MaineDEP desires to situate its mobile air quality monitoring trailer (the "Air Quality Trailer") along with a utility pole and other utility equipment within the limits of the I-295 Right of Way near the intersection of Forest Avenue and State Street and northerly of the MaineDOT's Union Branch railroad corridor in the City of Portland.
3. MaineDOT grants to MaineDEP a license to enter upon the I-295 Right of Way for the purpose of situating, operating and maintaining the Air Quality Trailer in the area described in Paragraph 2, above, at a specific location mutually agreed to by the parties. Included in this license is the right of MaineDEP to install a utility pole for the purpose of running an overhead power feed to provide electrical service to the Air Quality Trailer.
4. MaineDEP agrees that all work and activities performed pursuant to or under authority of this License shall be done in accordance with all applicable federal, state and local laws and regulations, including but not limited to DigSafe compliance and Utility Certification. MaineDEP shall be solely responsible for obtaining all legally required permits to locate the Air Quality Trailer.
5. MaineDEP shall give MaineDOT reasonable notice of when the Air Quality Trailer will be placed. MaineDEP, at its sole expense, shall perform all work necessary to locate and maintain the Air Quality Trailer. In the event MaineDOT determines, in its sole discretion, that the Trailer needs to be relocated, MaineDEP shall assume all costs associated with such relocation.
6. The term of this License shall be one (1) year, from Aug 31, 2007, to Aug 31, 2008. This License may be renewed for additional one (1) year term upon the mutual agreement of the parties as to the terms and conditions of such renewal. Thereafter, the License may continue to be renewed upon the mutual agreement of the parties.
7. This license shall be revocable by MaineDOT during its term, or any renewal thereof, for any breach hereof which remains uncured after sixty (60) days written notice from MaineDOT of said breach. Notice of revocation shall be given to MaineDEP in writing.

Distances



ROS - front 25' min max height 35' - 8 given
rear 25' min. ok lot coverage 25% - 01C
side 17' min.

Shelter planting: Spirea

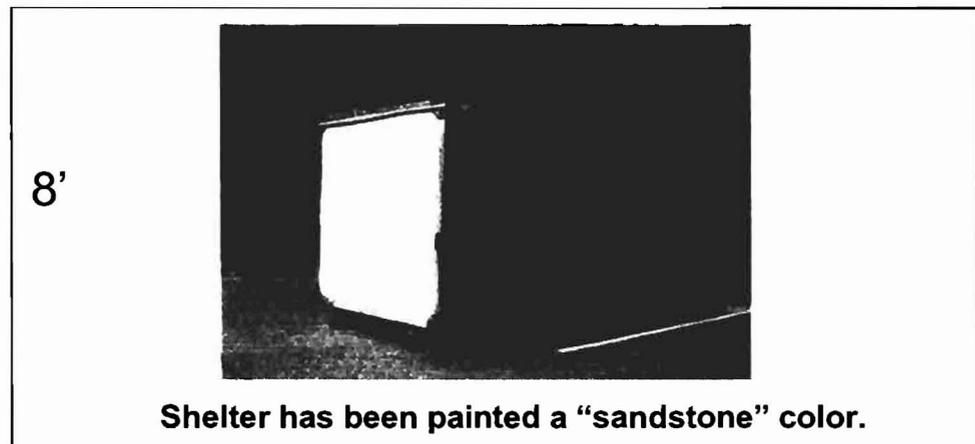


Spireas are small to medium sized deciduous shrubs that produce cascades of flowers in spring and summer.

Among the easiest flowering shrubs to grow, spireas are often used in foundation plantings, as hedges, and in perennial gardens. Most spireas bloom in late spring to midsummer. Flower colors include pink, red, yellow, and white, depending on the variety

Vanhoutte spirea (*S. vanhouttei*), the classic bridal wreath spirea, grows up to 10 feet tall and 20 feet wide, so give it plenty of elbow room. Masses of small, white flower clusters cover the plant in the spring.

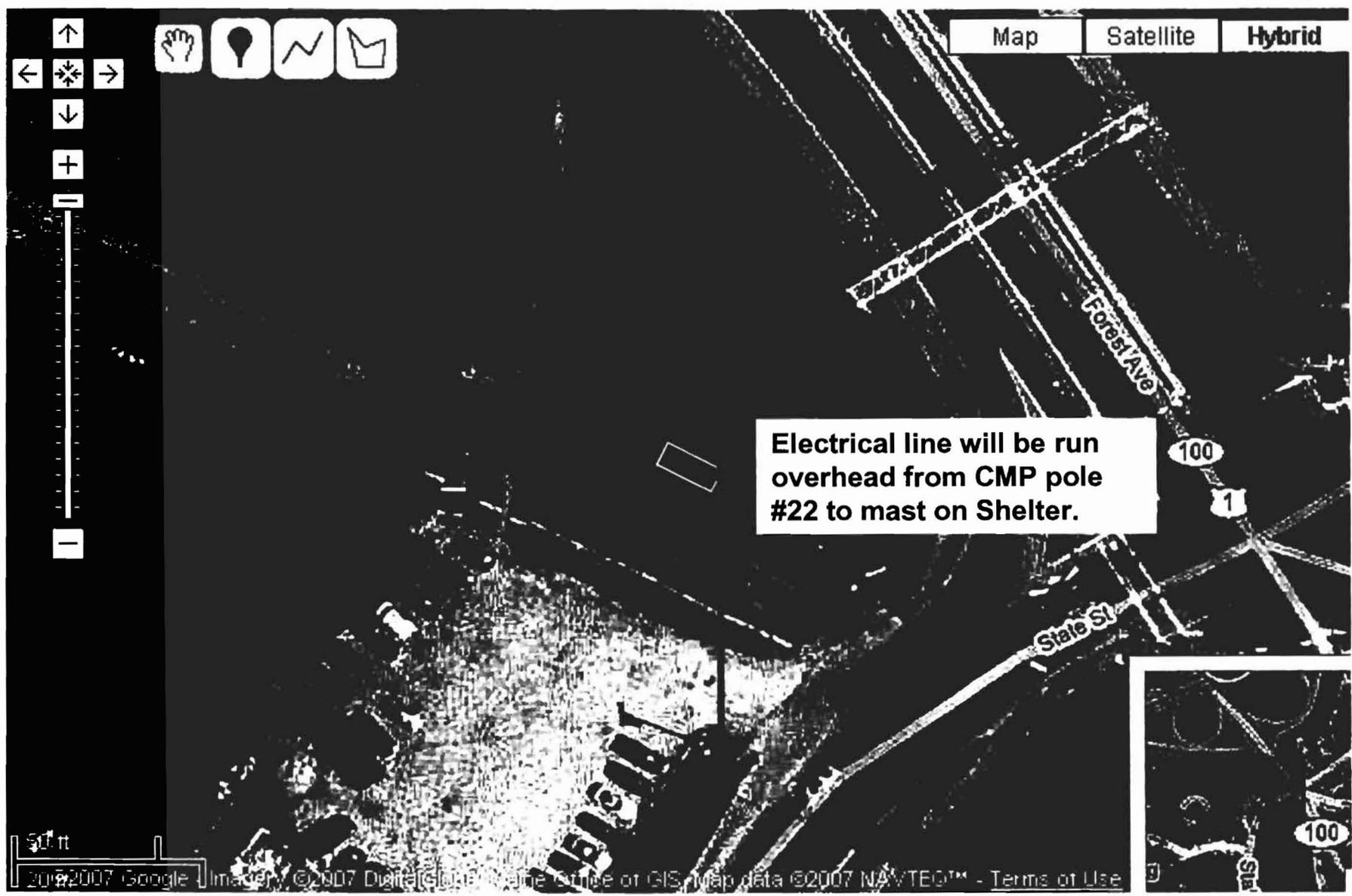
12'



8'

Shelter has been painted a "sandstone" color.

Four plants will be set around the shelter. One will be centered on the short end. On the broad side they will be planted approx. 5' on center starting at the corner.



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

UTILITIES CROSSING/RIGHT TO ACCESS

This Agreement, made in duplicate this 20th
day of August, 2007, by and between the STATE OF
MAINE DEPARTMENT OF TRANSPORTATION (hereinafter called
DEPARTMENT) and Maine Department of Environmental Protection
(hereinafter called "LICENSEE").

WITNESSETH:

WHEREAS, LICENSEE herein acknowledges that the term
DEPARTMENT, wherever used in this Agreement shall include not
only the Maine Department of Transportation, but also any
OPERATOR licensed by the Department of Transportation to provide
rail service on the Union Branch Line, and;

WHEREAS, LICENSEE desires to construct, maintain and use a
power line, and access a work trailer (hereinafter called
"CONSTRUCTION"), over the property and tracks of DEPARTMENT, such
CONSTRUCTION to conform to the location and data shown on the
photo approved by DEPARTMENT, attached hereto and designated as
Exhibit "A", it is mutually agreed as follows:

1. Permit for Power Lines

(a) DEPARTMENT hereby permits LICENSEE to construct,
maintain and use the CONSTRUCTION located in Portland, Maine over
the property and tracks of DEPARTMENT, and access a work trailer
located at or near where the Union Branch crosses Forest Avenue
upon the terms and conditions set forth in this Agreement.

2. Specifications

(a) LICENSEE shall, at its sole expense, at all times during
the term of this Agreement, maintain the CONSTRUCTION in
accordance with the design indicated on the aforesaid approved
plan.

(b) If, in any particular, said specifications conflict with
any statutes or with any order, rules, or regulations of any
competent public authority having jurisdiction in the matter,
then such statutes, orders, rules, or regulations shall prevail,
but in all remaining particulars said specifications shall
govern.

3. Maintenance

(b) LICENSEE assumes all risk of loss or damage to LICENSEE's property, inclusive of free or unused materials, supplies and equipment, however caused, resulting directly or indirectly, by reason of the installation, maintenance, use, existence or removal of the CONSTRUCTION, and hereby releases DEPARTMENT from any and all liability on account of such loss or damage, whether or not the negligence of DEPARTMENT contributed thereto in whole or in part.

7. Changes or Relocation

LICENSEE shall, at its sole expense, within 30 days after receipt of written notice from DEPARTMENT, make such changes in the CONSTRUCTION, including relocation, as may be required by DEPARTMENT, if such changes or relocation shall, in the judgment of DEPARTMENT, be needed for the better development, or use of the property of DEPARTMENT, or if such changes or relocation shall, in the judgment of DEPARTMENT, be needed to protect its requirements, or contractual obligations, or if such change or relocation is required, directly or indirectly by statute or by any order of any competent public authority having jurisdiction in the matter. Provided, however, that the term "contractual obligation" used in this paragraph shall not be construed as including obligations similar hereto, entered into subsequent to the date hereof.

8. Discontinuance

LICENSEE shall, at its sole expense, upon termination of this Agreement, or upon the abandonment or discontinuance of use of the CONSTRUCTION, promptly remove its property from the premises of DEPARTMENT and restore such premises disturbed by the CONSTRUCTION to a condition satisfactory to DEPARTMENT.

9. Cost of Changes

If LICENSEE fails to change or relocate the CONSTRUCTION within five days after the expiration of notice given as provided in Paragraph 7, or remove its property as provided in Paragraph 8, DEPARTMENT may, without further notice, in case of abandonment, remove, and in case of necessary alteration, change or relocate the CONSTRUCTION and render bills for the cost of such removal, change or relocation to LICENSEE which bills LICENSEE agrees to pay on or before the fifteenth of the month next succeeding that in which such bill is rendered.

10. Waiver

It is expressly understood and agreed that any waiver on the part of DEPARTMENT of any term, provision or covenant of this Agreement shall not constitute a precedent, nor bind DEPARTMENT to a waiver of any similar or succeeding breach of same or any other terms, provisions or covenants of this Agreement.

The permit herein given shall terminate upon 30 days written notice of intention to terminate given by either DEPARTMENT or LICENSEE at any time to the other party.

15. Successors

This Agreement shall inure to the benefit of and be binding upon the parties hereto, their successors or assigns, provided that LICENSEE shall not transfer, assign or permit the use of the permit hereby granted by any person or corporation without the prior consent and agreement, in writing, of DEPARTMENT.

16. Survival

Any covenants and representations contained herein, and any obligations that by their nature can be or are to be performed after the termination of this license, shall survive such termination.

IN WITNESS WHEREOF, the parties have executed this license on the date first written above.

Witness

Citeda S. Lord

STATE OF MAINE DEPARTMENT
OF TRANSPORTATION

By Robert D. Elder
Robert D. Elder, Director
Office of Freight Trans.

Witness

Jeffrey C. Emery
JEFFREY C. EMERY

LICENSEE

By John W. Chandler
John W. Chandler, Director
Field Services Division,
Bur Air Quality, MEDEP



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
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DAVID P. LITTELL
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September 19, 2007

Building Inspections
City of Portland
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Thank you !



Catherine Clayton-Richardson
MEDEP
Field Services, Bureau of Air Quality
312 Canco Road
Portland, maine 04103

ZONING

	R1 Residential		RP Residential Professional
	R2 Residential		AB Airport Business
	R3 Residential		OP Office Park
	R4 Residential		IL Industrial - Low Impact
	R5 Residential		ILb Industrial - Low Impact
	R6 Residential		IM Industrial - Moderate Impact
	B1 Neighborhood Business		IMb Industrial - Moderate Impact
	B1b Neighborhood Business		IH Industrial - High Impact
	B2 Business Community		RPZ Resource Protection
	B2b Business Community		ROS Recreation Open Space
	B2c Community Business		WPDZ Waterfront
	B3* Downtown Business		WCZ* Waterfront
	B3c Downtown Business		WSUZ Waterfront
	B4 Commercial Business		EWPZ Waterfront
	B5 Urban Commercial Business		Conditional or Contract
	B5b Urban Commercial Business		
	B6 Urban Commercial Business		
	B7 Urban Commercial Business		

* indicates Height Overlay Districts are in effect

The information contained on this map is compiled from past zoning maps, City Council orders and other documentation as depicted on the Map Summary of Zoning Documentation map on file in Portland's City Engineer's Archives Vault presently located at 55 Portland Street and at the Department of Planning and Development located at 388 Congress Street.

**Adopted by Portland City Council
January 17, 2001
Effective February 17, 2001
Last revised May 18, 2007**

This Zoning Map of the City of Portland, Maine is provided for informational purposes only. The current official zoning map is on file and available for reference in the Department of Planning and Development, 874-E703.

Map prepared by the City of Portland's Department of Planning & Development and the Department of Public Works



X Proposed location of Air Monitoring trailer.

According to the Portland Zoning map (zoneall.pdf) we are proposing to locate in a Recreational Open Space or ROS.



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016

DAVID A. COLE
COMMISSIONER

September 13, 2007

Mr. John W. Chandler, Director
State of Maine Department of Environmental Protection
Air Quality Division
State House Station 17
Augusta, Maine 04333

Subject: Portland, License for Location of Air Quality Monitoring Trailer

Dear John,

Enclosed please find a fully executed original of the license between the MaineDot and the Maine DEP for location of an Air Quality Monitoring Trailer to be located in Portland, Maine.

If you have any questions, please feel free to contact me at (207)624-3420.

Sincerely,

Andrew L. MacDonald
Project Manager
Multimodal Program

Enc.

Cc: William Pulver
Norman Baker



PRINTED ON RECYCLED PAPER

THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER

LICENSE AGREEMENT

This License Agreement is made this 31st day of August, 2007 between the **Maine Department of Transportation** ("MaineDOT"), and the **Maine Department of Environmental Protection** ("MaineDEP").

1. MaineDOT, as successor to the Maine State Highway Commission, owns property in the City of Portland, County of Cumberland and State of Maine, adjacent to the southerly side of the Exit 5A off-ramp from the northbound lane of Interstate 295 as shown on a plan entitled "Maine State Highway Commission Right of Way Map" SHC File No. 3-185, Sheet 60, dated December, 1967, on file at the Maine Department of Transportation, Augusta, Maine, and as described in a deed from Warren Realty Company to the State of Maine dated February 6, 1968 and recorded in the Cumberland County Registry of Deeds, Book 3029, Page 678, and a Notice of Layout and Taking dated February 28, 1973, and recorded in Book 3367, Page 68, in said Registry of Deeds. (the "I-295 Right of Way").
2. MaineDEP desires to situate its mobile air quality monitoring trailer (the "Air Quality Trailer") along with a utility pole and other utility equipment within the limits of the I-295 Right of Way near the intersection of Forest Avenue and State Street and northerly of the MaineDOT's Union Branch railroad corridor in the City of Portland.
3. MaineDOT grants to MaineDEP a license to enter upon the I-295 Right of Way for the purpose of situating, operating and maintaining the Air Quality Trailer in the area described in Paragraph 2, above, at a specific location mutually agreed to by the parties. Included in this license is the right of MaineDEP to install a utility pole for the purpose of running an overhead power feed to provide electrical service to the Air Quality Trailer.
4. MaineDEP agrees that all work and activities performed pursuant to or under authority of this License shall be done in accordance with all applicable federal, state and local laws and regulations, including but not limited to DigSafe compliance and Utility Certification. MaineDEP shall be solely responsible for obtaining all legally required permits to locate the Air Quality Trailer.
5. MaineDEP shall give MaineDOT reasonable notice of when the Air Quality Trailer will be placed. MaineDEP, at its sole expense, shall perform all work necessary to locate and maintain the Air Quality Trailer. In the event MaineDOT determines, in its sole discretion, that the Trailer needs to be relocated, MaineDEP shall assume all costs associated with such relocation.
6. The term of this License shall be one (1) year, from Aug 31, 2007, to Aug 31, 2008. This License may be renewed for additional one (1) year term upon the mutual agreement of the parties as to the terms and conditions of such renewal. Thereafter, the License may continue to be renewed upon the mutual agreement of the parties.
7. This license shall be revocable by MaineDOT during its term, or any renewal thereof, for any breach hereof which remains uncured after sixty (60) days written notice from MaineDOT of said breach. Notice of revocation shall be given to MaineDEP in writing.

8. MaineDEP hereby agrees to hold MaineDOT harmless from all loss of, damage to, or destruction of the property of MaineDEP and the properties of any other person or persons, whether by casualty, or otherwise, and for the death or injury to any person or persons when such loss of, damage to, or destruction of property or such death or injury to person or persons arises out of or relates to the placement or maintenance of the Air Quality Trailer in the I-295 Right of Way or to other powers or obligations under this License Agreement, excluding only those losses and damages resulting from the negligent or willful acts of MaineDOT and its employees

9. MaineDEP agrees that any and all rights conveyed by this License may be terminated and this License revoked by MaineDOT at any time if MaineDOT in its sole discretion determines that it needs the property where the Equipment is located for transportation purposes, without compensation to MaineDEP.

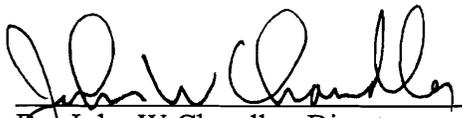
10. Upon termination of this License Agreement for any reason, MeDEP shall promptly remove the Air Quality Trailer, utility pole and equipment, and any other equipment that MeDEP installed within the I-295 right of way. If MeDEP fails to remove such items within thirty (30) days of the termination of this Agreement, MaineDOT will remove them and bill MeDEP for costs of removal.

In witness whereof, the parties have caused this License Agreement to be executed by their duly authorized representatives on the day and year first above written.

**MAINE DEPARTMENT OF
TRANSPORTATION**


By: *William Pulver*
Its: *Property Office Director*

**MAINE DEPARTMENT OF
ENVIRONMENTAL PROTECTION**


By: *John W Chandler, Director,*
Its: *Field Services Division,*
Bur. Of Air Quality, MEDEP

DEPARTMENT OF ENVIRONMENTAL PROTECTION
312 CANCO ROAD
PORTLAND, ME 04103

Distances



Shelter planting: Spirea

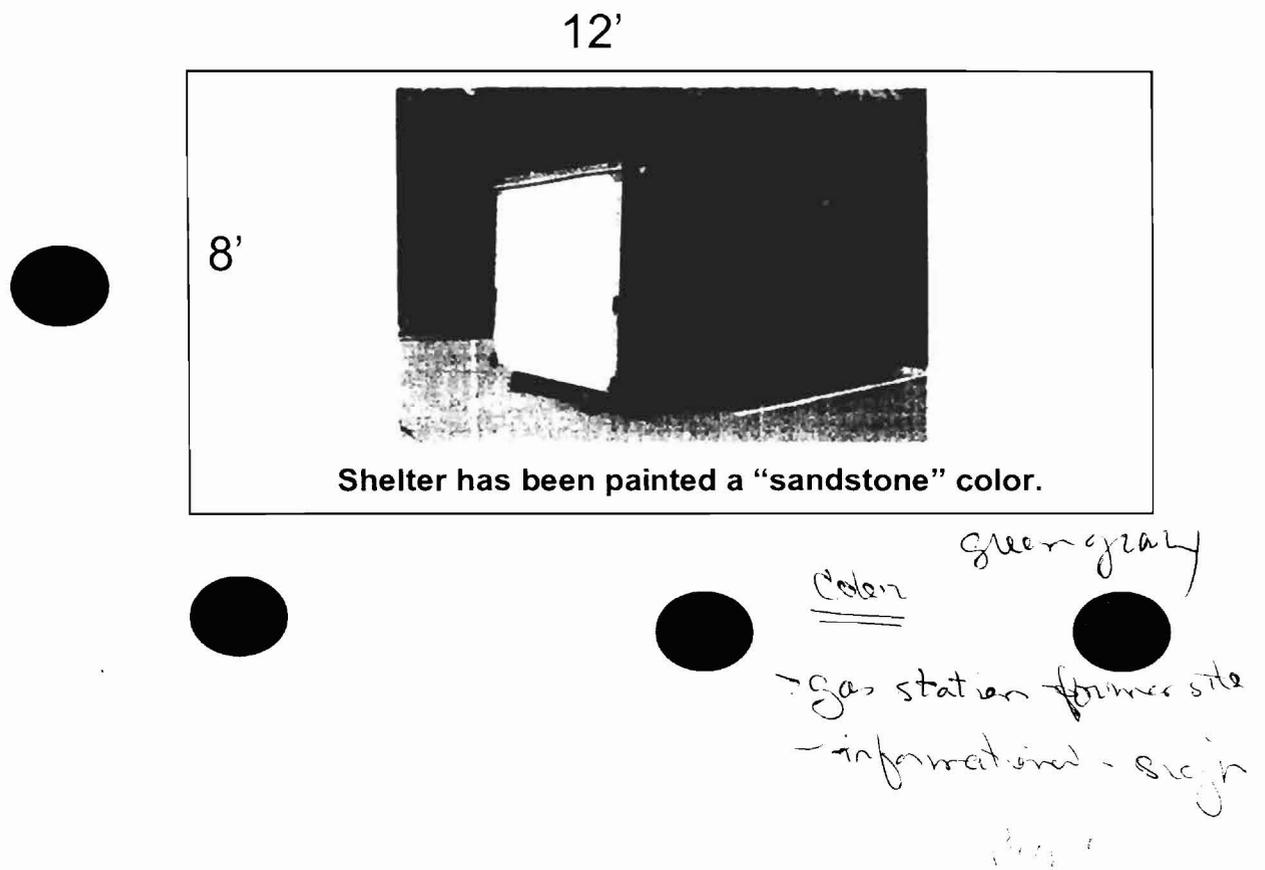


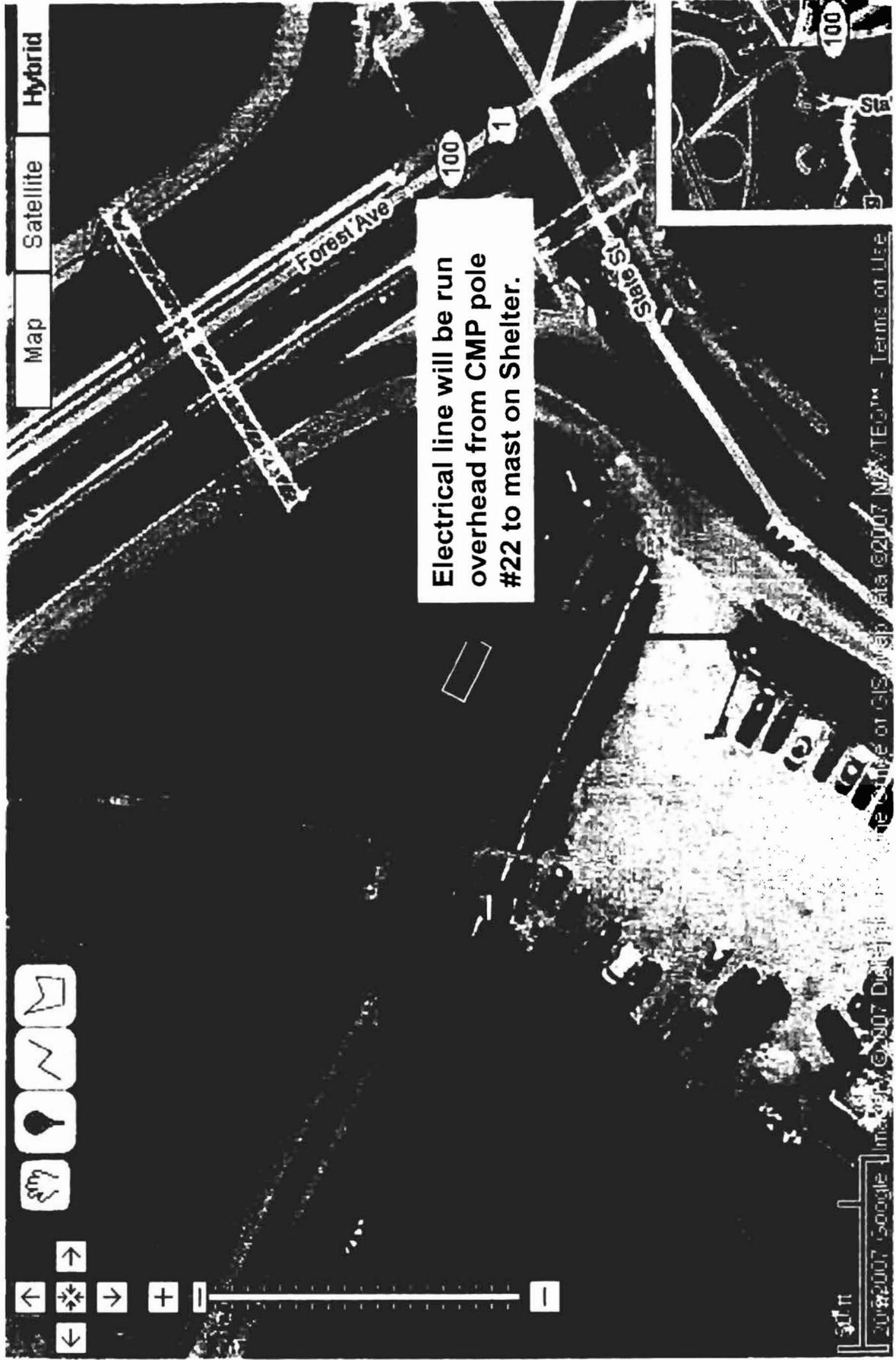
Spireas are small to medium sized deciduous shrubs that produce cascades of flowers in spring and summer.

Among the easiest flowering shrubs to grow, spireas are often used in foundation plantings, as hedges, and in perennial gardens. Most spireas bloom in late spring to midsummer. Flower colors include pink, red, yellow, and white, depending on the variety

Vanhoutte spirea (*S. vanhouttei*), the classic bridal wreath spirea, grows up to 10 feet tall and 20 feet wide, so give it plenty of elbow room. Masses of small, white flower clusters cover the plant in the spring.

Four plants will be set around the shelter. One will be centered on the short end. On the broad side they will be planted approx. 5' on center starting at the corner.





10/10

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

UTILITIES CROSSING/RIGHT TO ACCESS

This Agreement, made in duplicate this 20th
day of August, 2007, by and between the STATE OF
MAINE DEPARTMENT OF TRANSPORTATION (hereinafter called
DEPARTMENT) and Maine Department of Environmental Protection
(hereinafter called "LICENSEE").

WITNESSETH:

WHEREAS, LICENSEE herein acknowledges that the term
DEPARTMENT, wherever used in this Agreement shall include not
only the Maine Department of Transportation, but also any
OPERATOR licensed by the Department of Transportation to provide
rail service on the Union Branch Line, and;

WHEREAS, LICENSEE desires to construct, maintain and use a
power line, and access a work trailer (hereinafter called
"CONSTRUCTION"), over the property and tracks of DEPARTMENT, such
CONSTRUCTION to conform to the location and data shown on the
photo approved by DEPARTMENT, attached hereto and designated as
Exhibit "A", it is mutually agreed as follows:

1. Permit for Power Lines

(a) DEPARTMENT hereby permits LICENSEE to construct,
maintain and use the CONSTRUCTION located in Portland, Maine over
the property and tracks of DEPARTMENT, and access a work trailer
located at or near where the Union Branch crosses Forest Avenue
upon the terms and conditions set forth in this Agreement.

2. Specifications

(a) LICENSEE shall, at its sole expense, at all times during
the term of this Agreement, maintain the CONSTRUCTION in
accordance with the design indicated on the aforesaid approved
plan.

(b) If, in any particular, said specifications conflict with
any statutes or with any order, rules, or regulations of any
competent public authority having jurisdiction in the matter,
then such statutes, orders, rules, or regulations shall prevail,
but in all remaining particulars said specifications shall
govern.

3. Maintenance

(b) LICENSEE assumes all risk of loss or damage to LICENSEE's property, inclusive of free or unused materials, supplies and equipment, however caused, resulting directly or indirectly, by reason of the installation, maintenance, use, existence or removal of the CONSTRUCTION, and hereby releases DEPARTMENT from any and all liability on account of such loss or damage, whether or not the negligence of DEPARTMENT contributed thereto in whole or in part.

7. Changes or Relocation

LICENSEE shall, at its sole expense, within 30 days after receipt of written notice from DEPARTMENT, make such changes in the CONSTRUCTION, including relocation, as may be required by DEPARTMENT, if such changes or relocation shall, in the judgment of DEPARTMENT, be needed for the better development, or use of the property of DEPARTMENT, or if such changes or relocation shall, in the judgment of DEPARTMENT, be needed to protect its requirements, or contractual obligations, or if such change or relocation is required, directly or indirectly by statute or by any order of any competent public authority having jurisdiction in the matter. Provided, however, that the term "contractual obligation" used in this paragraph shall not be construed as including obligations similar hereto, entered into subsequent to the date hereof.

8. Discontinuance

LICENSEE shall, at its sole expense, upon termination of this Agreement, or upon the abandonment or discontinuance of use of the CONSTRUCTION, promptly remove its property from the premises of DEPARTMENT and restore such premises disturbed by the CONSTRUCTION to a condition satisfactory to DEPARTMENT.

9. Cost of Changes

If LICENSEE fails to change or relocate the CONSTRUCTION within five days after the expiration of notice given as provided in Paragraph 7, or remove its property as provided in Paragraph 8, DEPARTMENT may, without further notice, in case of abandonment, remove, and in case of necessary alteration, change or relocate the CONSTRUCTION and render bills for the cost of such removal, change or relocation to LICENSEE which bills LICENSEE agrees to pay on or before the fifteenth of the month next succeeding that in which such bill is rendered.

10. Waiver

It is expressly understood and agreed that any waiver on the part of DEPARTMENT of any term, provision or covenant of this Agreement shall not constitute a precedent, nor bind DEPARTMENT to a waiver of any similar or succeeding breach of same or any other terms, provisions or covenants of this Agreement.

The permit herein given shall terminate upon 30 days written notice of intention to terminate given by either DEPARTMENT or LICENSEE at any time to the other party.

15. Successors

This Agreement shall inure to the benefit of and be binding upon the parties hereto, their successors or assigns, provided that LICENSEE shall not transfer, assign or permit the use of the permit hereby granted by any person or corporation without the prior consent and agreement, in writing, of DEPARTMENT.

16. Survival

Any covenants and representations contained herein, and any obligations that by their nature can be or are to be performed after the termination of this license, shall survive such termination.

IN WITNESS WHEREOF, the parties have executed this license on the date first written above.

Witness

Robert D. Elder
Robert D. Elder

STATE OF MAINE DEPARTMENT
OF TRANSPORTATION

By

Robert D. Elder

Robert D. Elder, Director
Office of Freight Trans.

Witness

Jeffrey C. Emery
Jeffrey C. Emery

LICENSEE

By

John W. Chandler

John W. Chandler, Director
Field Services Division,
Bur Air Quality, MEDEP



APPLICATION FOR EXEMPTION FROM SITE PLAN REVIEW

#2007 0176

Main Department of Environmental Protection (MEDep) 7/14/07
 Applicant Application Date
312 Cannon Road, Portland, OR 97202 Particulate Air Monitoring Site
 Applicant's Mailing Address Project Name/Description
Katherine Richardson 312 Cannon DOT project adjacent to State Street
 Consultant/Agent/Phone Number Address of Proposed Site
adjacent to Deering Oaks Park
 CBL: 45-1-1

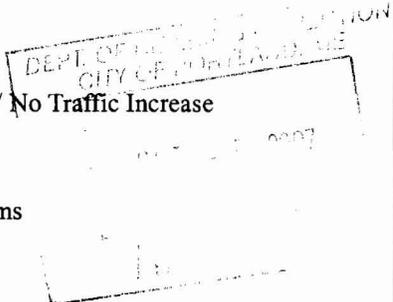
Description of Proposed Development:

MEDep proposes to install an air monitoring system (equipment) on ME DOT property adjacent to Deering Oaks Park in order to continue a 35 year air monitoring program monitoring and reporting air quality information to Portland citizens.

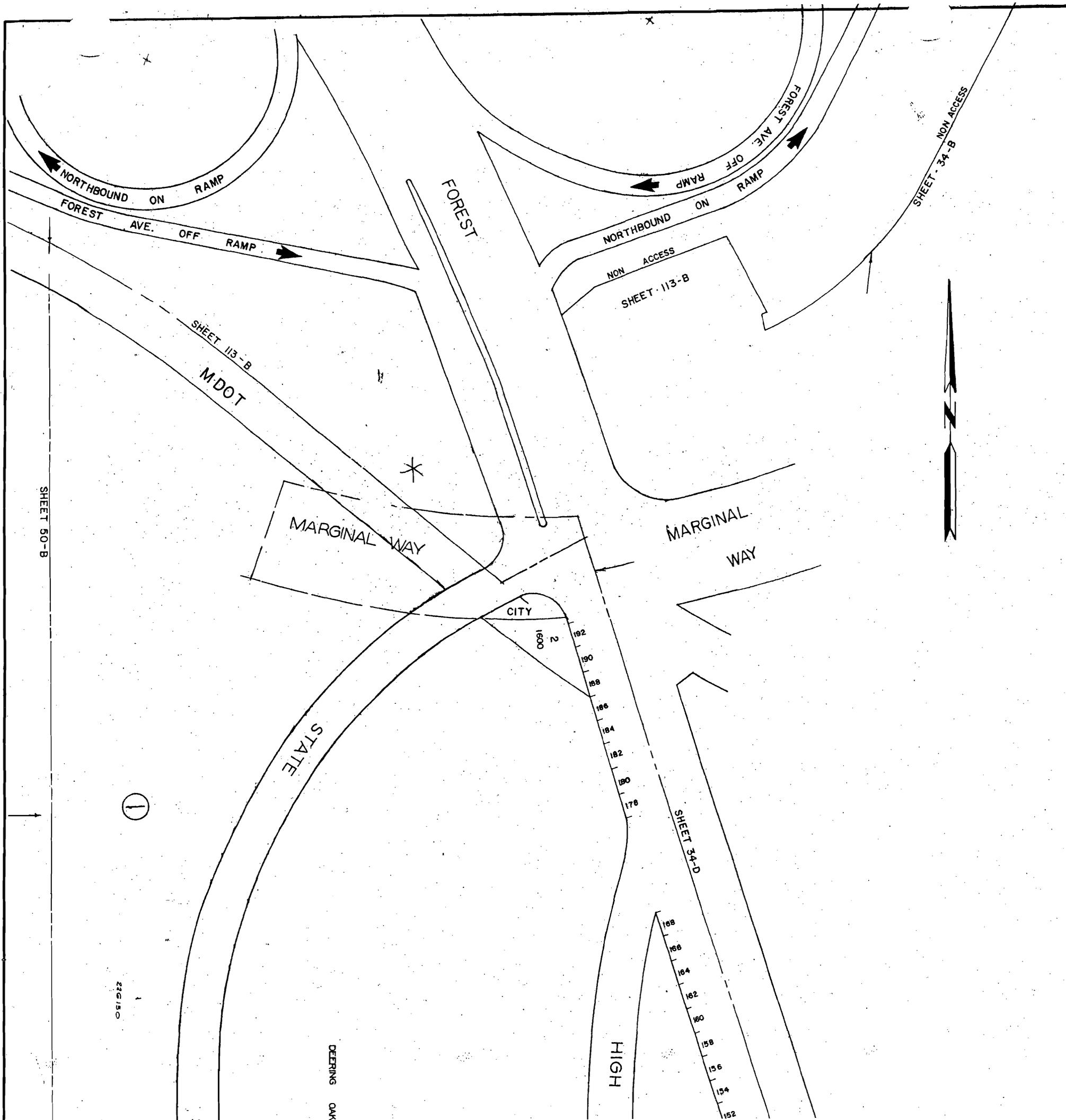
Please Attach Sketch/Plan of Proposal/Development

Criteria for Exemptions:
 See Section 14-523 (4) on back side of form

- a) Within Existing Structures; No New Buildings, Demolitions or Additions
- b) Footprint Increase Less Than 500 Sq. Ft.
- c) No New Curb Cuts, Driveways, Parking Areas
- d) Curbs and Sidewalks in Sound Condition/Comply with ADA
- e) No Additional Parking/ No Traffic Increase
- f) No Stormwater Problems
- g) Sufficient Property Screening
- h) Adequate Utilities



Applicant's Assessment (Yes, No, N/A)	Planning Office Use Only
yes	✓
yes	with a condition with a permit
yes	✓



SHEET 50-B

SHEET 113-B
M.DOT

NON ACCESS
SHEET 113-B

SHEET 34-B
NON ACCESS

MARGINAL WAY

MARGINAL WAY

CITY

STATE

HIGH

SHEET 34-D

①

210150

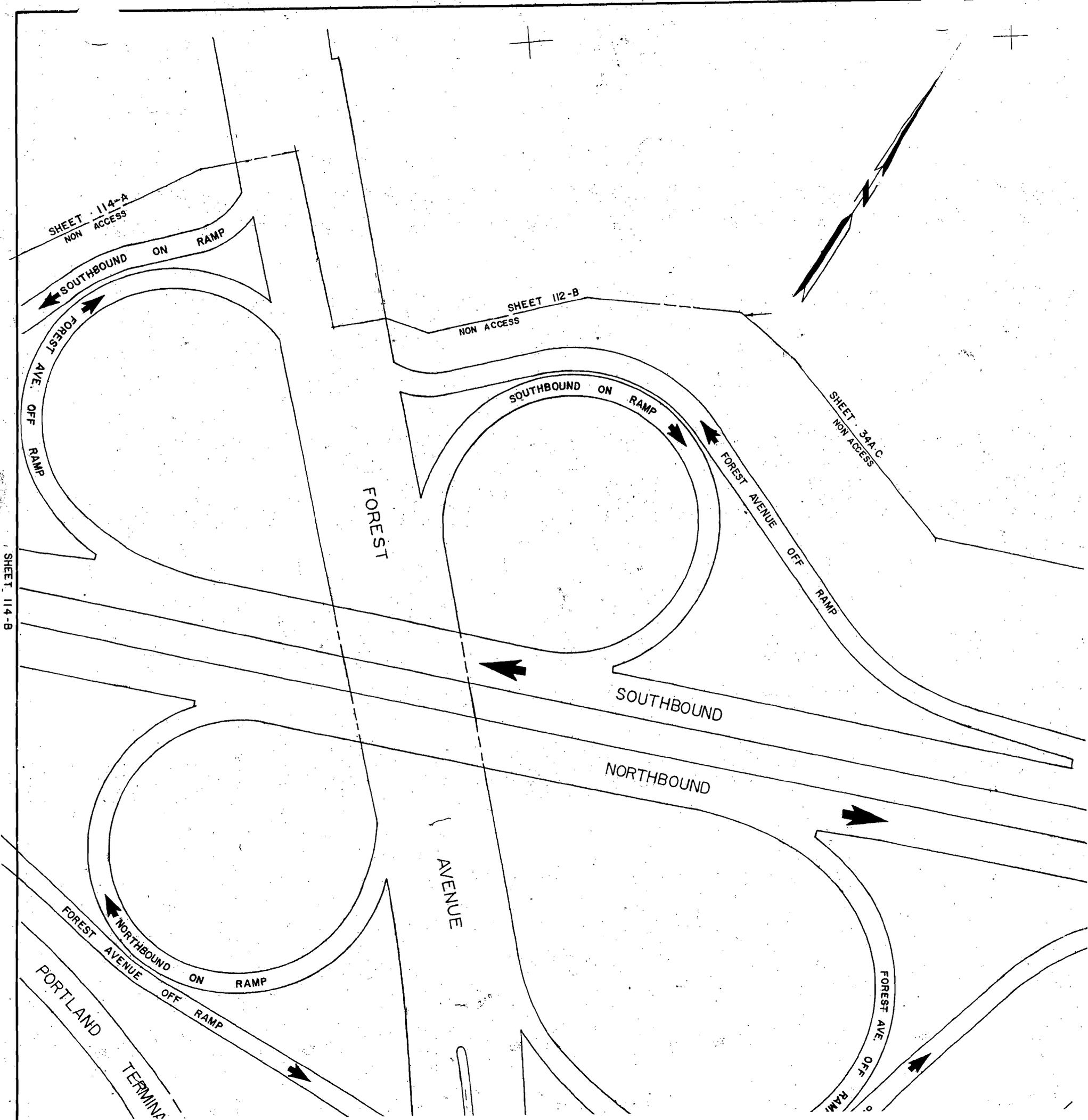
DEERING OAK

1600

2

192
190
188
186
184
182
180
178

168
166
164
162
160
158
156
154
152



SHEET 114-A
NON ACCESS

SHEET 112-B
NON ACCESS

SHEET 34A-C
NON ACCESS

SHEET 114-B

FOREST

1 AVENUE

SOUTHBOUND ON RAMP

FOREST AVE. OFF RAMP

SOUTHBOUND ON RAMP

FOREST AVENUE OFF RAMP

SOUTHBOUND

NORTHBOUND

NORTHBOUND ON RAMP

FOREST AVENUE OFF RAMP

FOREST AVE OFF RAMP

PORTLAND TERMINA