CITY OF PORTLAND, MAINE
PLANNING BOARD

Bill Hall, Chair
Joe Lewis, Vice Chair
Lee Lowry, III
Carol Morrissette
Michael J. Patterson
David Silk
Janice Tevanian

June 17th, 2010

Christopher S. Flagg; Anthony J Gatti;
Christopher H. Pachios
Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011

Patrick J. Carroll
Carroll Associates
217 Commercial Street
Portland, ME 04101

RE: Cumberland Cold Storage Building
254 Commercial Street
Application ID: 10-99900003
CBL 041-A -016-001; 041-A -017-001; 041-A -018-001

Dear Messrs Flagg, Gatti, Pachios and Carroll:

On June 8th, 2010, the Portland Planning Board considered a proposal for renovation of the existing 5 story building to allow reuse of the upper four floors for offices (resulting in total of 100,816 sq ft of office use on the upper floors and 20,473 sq ft of marine use on the ground floor), along with reconfiguration of the parking lot and site improvements at 254 Commercial Street (site known as "Cumberland Cold Storage").

The Planning Board reviewed the proposal for conformance with the Waterfront Central Zone Conditional Use Standards, requirements of the Traffic Movement Permit, and the Site Plan Ordinance. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to approve the application with the following motions, waivers and conditions as presented below.

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the proposed conditional use for parking for marine uses that are not water-dependent and parking for non-marine uses does meet the standards of Sections 14-309 of the Waterfront Central Zone.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

i. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to waive the requirement of Section III.3.A of the Technical and Design Standards and Guidelines for parking spaces to be 9 feet by 19 feet, to allow 9 feet by 18 feet parking spaces as shown on the approved site plan L-1.0 (Attachment V.5 to Hearing Report #16-10); and

ii. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to waive the requirement of Section III.2.A of the Technical and Design Standards and Guidelines to allow closer driveway spacing where the site meets Commercial Street, as shown on the approved site plan L-1.0 (Attachment V.5 to Hearing Report #16-10).

TRAFFIC MOVEMENT PERMIT

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the site plan proposed is in conformance with 23 M.R.S.A. § 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits with the following condition of approval:

i. That the applicant shall contribute $4,500 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Commercial Street / High Street.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #16-10, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

i. That the noise levels of the external HVAC and other mechanical equipment shall comply with the noise standards of the Waterfront Central Zone, and the applicant shall submit documentation to confirm compliance (rated noise levels etc) to the satisfaction of the Zoning Administrator prior to the issuance of a building permit; and

ii. That the owner shall submit a copy of the maintenance records for the stormwater system (as per the submitted *Inspection and Maintenance of Stormwater Management Facilities* Plan dated June 1, 2010) to the City's Department of Public Services by June 30 of every year; and

iii. That any new signage would require a separate permit; and

iv. That the applicant shall provide for city staff approval of a revised site plan showing ingress and egress to the marine related use on the first floor of the building at such time as the marine use is identified; and

v. That the parking required for the proposed uses has been determined by the Planning Board to be 6 spaces for the water dependent marine uses (berthing) and 15 spaces for the ground floor marine uses which shall be on site; and 170 spaces for the office uses on the four upper floors; of which 50 spaces are provided on site and 120 spaces shall be provided in the identified off-site locations or equivalent. In the event that the uses change, the parking requirement would need further review by the Planning Board; and

vi. That the brick and granite curb treatment shown along the Commercial Street frontage of this project shall be extended, as appropriate and to the satisfaction of staff, across the loading dock (apron at Browne Trading) to join up with the existing concrete sidewalk.

The approval is based on the submitted plans and the findings related to review standards as contained in Planning Report #16-10 which is attached.

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

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 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. 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 Jean Fraser at (207) 874-8728.

Sincerely,

Bill Hall

Bill Hall, Chair
Portland Planning Board

Attachments:
1. Hearing Report #16-10
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
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, 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
Greg Vining, Public Services
John Low, 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

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

April 15th, 2014

Chris Pachios Waterfront Maine, LP 14 Maine Street Brunswick, ME 04011	Patrick J. Carroll Carroll Associates 217 Commercial Street Portland, ME 04101

Project Name:	Cumberland Cold Storage Building- Amendment to add pedestrian access ramp in parking area
Project ID:	# 2014-030
Address:	254 Commercial Street
CBL:	041-A -016-001; 041-A -017-001; 041-A -018-001
Applicant:	Waterfront Maine, LP
Planner:	Jean Fraser

Dear Sirs:

On April 15th, 2014, the Portland Planning Authority approved with conditions the amendments to the Level III Site Plan for Cumberland Cold Storage Building at 254 Commercial Street. The amendments comprise the creation of a pedestrian ramp alongside the building within the parking area, with associated adjustments to the parking and drive aisle. Any waivers and conditions included in the original approval remain valid for the amended site plan unless stated otherwise.

The amended plan as shown on the approved plan Plan LSK-5.0 dated April 4, 2014 is approved with the following conditions:

1. That the project shall obtain all necessary approvals from the National Park Service prior to implementation of the ramp; and
2. That the connection between the Cumberland Cold Storage Site and the Portland Fish Exchange/Fish Pier road access system shall remain open at all times and any revision to that access shall be the subject of a further site plan amendment application; and
3. That the applicant shall continue to manage the on-site parking area as per the Parking Management Plan developed in 2013, to ensure that the 6 on-site spaces for the water dependent marine uses (berthing) and the 15 on-site spaces for the ground floor marine uses (both as shown on Plan LSK-5.0 4.4.2014) support the marine uses on the property; that vehicles accessing the berthing from the drive aisle are short term only; and that the spaces near the new ramp are allocated for long-term use.

The site plan approval is based on the submitted site plan (date). If you need to make any modifications to the approved site plan, you must submit a revised 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. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in 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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*,dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 Jean Fraser at (207) 874- 8728.

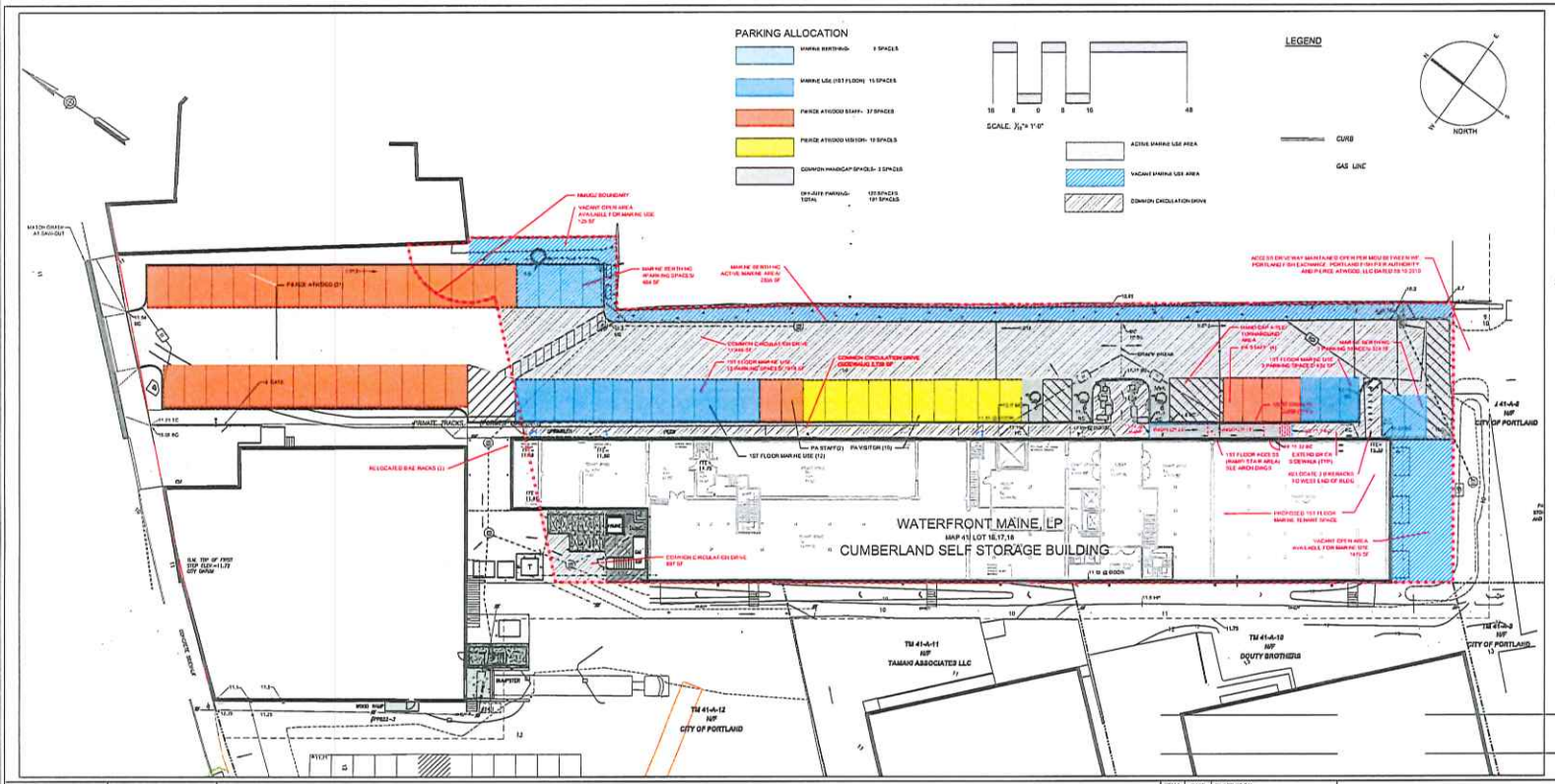
Sincerely,

Alexander Jaegerman (JB)

Alexander Jaegerman, FAICP
Planning Division Director

Attachment: Plan LSK-5.0 dated April 4, 2014

cc:
Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Lannie Dobson, Administration, Inspections Division
Brad Saucier, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



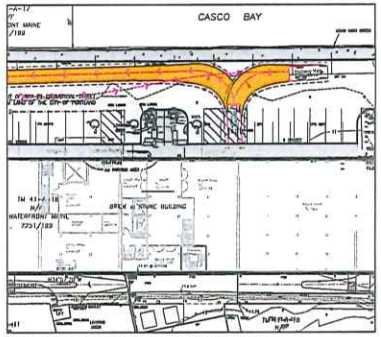
WCZ USE INVENTORY

AREA	SIZE	% OF TOTAL	% OF OPEN AREA NET
LAND PIER AREA WITHIN CWZ	46,254 SF	100%	
BUILDING FOOTPRINT AREA	20,185 SF	43.6%	
COMMON DRIVE/ CIRCULATION AREA- ROAD	11,445 SF	24.7%	
- SIDEWALKS	2,728 SF	5.9%	
- SERVICE AREA	997 SF	2.2%	
SUBTOTAL COMMON CIRCULATION	15,070 SF	32.6%	
OPEN AREA (NET)	10,999 SF	23.8%	
ACTIVE MARINE USE OPEN AREA- BERTHING ZONE	2,856 SF	6.2%	
- BERTHING PARKING	810 SF	1.8%	
- MARINE USE PARKING	2,348 SF	5.0%	
SUBTOTAL MARINE USE OPEN AREA	6,013 SF	13.0%	
VACANT MARINE USE OPEN AREA	1,600 SF	12.2%	
OPEN AREA AVAILABLE TO MARINE USE	7,613 SF		69.2%
ACTIVE NON-MARINE USE OPEN AREA	3,386 SF		30.8%

PARKING ALLOCATION

ON-SITE

MARINE BERTHING	6 SPACES
1ST FLOOR MARINE USE	15 SPACES
OFFICE	47 SPACES
COMMON HANDICAP	3 SPACES
OFF SITE PARKING (OFFICE/ RESTAURANT)	120 SPACES
TOTAL PARKING RESERVED	191 SPACES



DELIVERY TRUCK TURNING TEMPLATE

ISSUED FOR OWNER AND CITY REVIEW
NOT FOR CONSTRUCTION

Blais Civil Engineers, PA
700 Broadway
South Portland, ME 04106
T 207.767.7500
sblais@blaiscivil.com

Bartlett Design
942 Washington Street
T. 207.443.5447 F. 207.443.1560
bartdes@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
T. 207.846.1461 F. 207.846.1443

Carroll Associates Landscape Architects
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712

Becker Structural Engineers, Inc.
75 York Street, Portland, ME 04101
T. 207.878.1838 F. 207.878.1822
www.beckerstructural.com

Winton Scott Architects, PA
5 Mile Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

REV #	DATE	DESCRIPTION
1	10.24.13	SUBMIT TO CITY
2	11.12.13	ISSUE FOR CONSTRUCTION
3	01.14.14	ISSUE FOR CONSTRUCTION REVIEW
4	01.17.14	REVISE SITE PLAN LAYOUT
5	01.17.14	SUBMIT TO CITY
6	03.25.14	RE-SUBMIT TO CITY
7	10.12.14	REVISE PA OFFICE/ ACCOUNTING FUNCTIONS
8	07.09.15	WCZ INVENTORY
9	07.16.15	PARKING INVENTORY
10	01.04.16	MARINE BUILDING ACCESS PARKING PLAN
11	03.24.16	SUBMIT TO CITY FOR PLANNING BOARD
12	07.06.16	MODIFY PARKING COUNT, RESUBMIT TO CITY

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

MARINE USE ACCESS AND PARKING PLAN

LSK-5.0

04.04.2014

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

April 4, 2014

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: CCSB Amended Site Plan

Dear Jean,

In response to your recent email and comments from Tom Errico we offer the following responses:

Jean Fraser comments 4/3/14

Comment:

I notice that the number of parking spaces for the berthing has gone down to 5 (from 6) while that for the marine uses has gone up to 16 (from 15). That is in direct conflict with 2 very specific conditions of approval related to the 2013 amendment (for restaurant, attached) as well as the 2010 approval conditions, and either needs to be changed or go to the Planning Board with supporting info.

Response:

You are correct that the proposed parking plan indicated 5 Marine Berthing spaces and 16 Marine Use spaces. We had modified the plan as there are currently only 5 berthing tenants- there is room for a sixth but the harbor is too shallow to allow proper berthing so it will never be used. Rather than revisiting this issue with the Planning Board the Applicant will maintain the approved six parking spaces for marine berthing. The Site plan has been modified to indicate this change and is attached to this correspondence.

Tom Errico Comments on 4/3/14

Comment:

The spaces that are impacted by the changes will be used by PA staff and by the 1st floor Marine Use. Given constraints with Marine Berthing Unloading/Loading vehicles, allocation of these spaces for long-term use is suggested (which seems to be the case).

Response:

This is correct, the spaces shifted out from the building will be used by PA Staff and Marine Use. Short Term visitor spaces are located on the west side of the main entrance.

Comment:

Movements into and out of the subject spaces will be constrained when a Marine Berthing vehicle is parked. It is my understanding that the Berthing vehicles are short-term and will be able to be moved when necessary. On-site management of parking spaces will be critical to ensuring acceptable site circulation.

Response:

Marine berthing vehicles are required to park in their designated spaces except for short term loading and unloading of supplies directly adjacent to the wharf. This area along the wharf curbing is striped as a fire lane which effectively restricts parking. The parking for the entire property is actively managed to insure that all tenants and visitors park in their designated areas and unauthorized parking is not allowed.

Comment:

Egress from the site via the Portland Fish Exchange is critical in terms of on-site circulation and keeping the gate open should be required.

Response:

Egress from the site via the Fish Exchange is allowed and required as part of the lease agreement with the Fish Exchange, as previously submitted. There is not a gate currently separating the two properties and WFM has no intention of installing one.

With these comments and the attached revised parking plan I believe we have addressed all of your issues to date. We look forward to making these changes to the site this spring and are excited to have near full occupancy of the Building once the renovations are complete. Thank you for your thorough and timely review and support for this project.

Regards,
CARROLL ASSOCIATES

Patrick J.Carroll, Principal

Att: Revised Site Plan

CC: Chris Pachios, WFNY
Dan Jacques, WFM
Steve Weatherhead, WSA

Jean Fraser - Update: Cumberland Cold Storage Building - Parking Revisions

From: Jean Fraser
To: Carroll, Pat
Date: 4/3/2014 4:52 PM
Subject: Update: Cumberland Cold Storage Building - Parking Revisions
Attachments: image001.gif; Commercial St. - 254 - (CCSB Level III Amend) #2013-154.pdf

Pat

Just wanted to ley you know this is under review and I expect to be able to send out an approval letter soon subject to resolving a couple of things.

I am still waiting for a couple of reviewers to confirm they are "OK" but have received these comments (below) from Tom Errico re traffic issues. I will need to craft wording for conditions along the lines he suggests.

I notice that the number of parking spaces for the berthing has gone down to 5 (from 6) while that for the marine uses has gone up to 16 (from 15). That is in direct conflict with 2 very specific conditions of approval related to the 2013 amendment (for restaurant, attached) as well as the 2010 approval conditions, and either needs to be changed or go to the Planning Board with supporting info.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728
>>> Tom Errico <thomas.errico@tylin.com> 4/3/2014 12:46 PM >>>
Jean - I have reviewed the proposed changes to the parking spaces, specifically the reduction of the aisle width, and I find conditions to be acceptable. I would noted the following:

* The spaces that are impacted by the changes will be used by PA staff and by the 1st floor Marine Use. Given constraints with Marine Berthing Unloading/Loading vehicles, allocation of these spaces for long-term use is suggested (which seems to be the case).

* Movements into and out of the subject spaces will be constrained when a Marine Berthing vehicle is parked. It is my understanding that the Berthing vehicles are short-term and will be able to be moved when necessary. On-site management of parking spaces will be critical to ensuring acceptable site circulation.

* Egress from the site via the Portland Fish Exchange is critical in terms of on-site circulation and keeping the gate open should be required.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)
207.400.0719 (mobile)
207.781.4753 (fax)
thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>
Visit us online at www.tylin.com<http://www.tylin.com>
Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

Jean Fraser - Cumberland Cold Storage Building amend (2014-030)

From: Jean Fraser
To: Pirone, Chris
Date: 4/3/2014 4:28 PM
Subject: Cumberland Cold Storage Building amend (2014-030)
Attachments: CCSB final Site Plan as app Oct 2010.pdf; QUEST SITE AMENDMENT 032414.pdf; Annotated aerial showing ramp and gate locations.pdf

Chris

We discussed this at Dev Rev before you arrived and Tom Errico is OK with it, subject to no gate or barrier at the south end so that large vehicles (UPS delivery types) can get out through the Fish Pier. But Tom wanted me to be sure you were OK with it because its possible that if there is a vehicle parked in the aisle near the water's edge loading a boat, it would only leave 16 ft (ish) width to get by that vehicle.

Where they are adding the ramp they are reducing the parking aisle from 31 ft to 24 feet - and its 24 feet wide all along the wharf edge anyway (all in addition to 5 ft more for waters edge activities). But the wider parking aisle was in the original proposals (first attachment) to allow vehicles to turn around (because there was at that time a gate at the end) using the deeper turnaround areas- and also give some extra space in case there were vehicles parking temporarily to load boats.

As I recall, Keith assumed fire apparatus would access the building from the non-wharf side. Here are his final comments on the original site plan:

> ***From:*** *Keith Gautreau*
> ***To:*** *Jean Fraser*
> ***CC:*** *Fred LaMontagne; Penny Littell*
> ***Date:*** *5/13/2010 2:08 PM*
> ***Subject:*** *Cumberland Cold Storage*
>
> *Hi Jean,*
>
> *In regards to 254 Commercial Street (Cumberland Cold Storage Building project # 10-99900003) the proposed Fire / Emergency access to the structure is acceptable to the Fire Department. It is an existing building with a propose change of use which will change the occupancy from storage to business. The proposed building will meet all applicable building and fire codes (NFPA 101, 1, 13, 72) related to the business occupancy chapters. In addition, the structure will comply with any local ordinances and fire alarm rules.*
>
> *Any questions please feel free to call me.*
>
> *Regards,*
> *Keith*

They have provided a legal document confirming that the access connection from the CCSB parking lot along

the wharf, through Dropping Springs and to the Fish Pier, will remain open.

Could you please have a quick look and confirm that this is OK from your perspective (or not)?

thanks
Jean

Jean Fraser - CCSB- MOU re "gate"

From: Jean Fraser
To: Thompson, Jennifer
Date: 4/3/2014 4:03 PM
Subject: CCSB- MOU re "gate"
Attachments: Pierce Atwood Memorandum of Understanding Historic Marine Uses.pdf; Fraser Letter 032414.pdf; QUEST SITE AMENDMENT 032414.pdf; Annotated aerial showing ramp and gate locations.pdf

Jen

Further to the discussion at Dev Rev, Tom Errico has confirmed he is OK with the proposals subject to the "gate" remaining open- in fact, I do not think there is a gate there. But the legal constraint on replacing or closing the gate is what I would like you to check- they have submitted the attached MOU (first attachment) and it seems OK...

Is it?

thanks
Jean
(Other attachments explain proposals and locations of ramp and gate)

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrissette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

July 25th , 2013

Christopher H. Pachios
Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011

Patrick J. Carroll
Carroll Associates
217 Commercial Street
Portland, ME 04101

Project Name:	**Cumberland Cold Storage Building: Amendment to 2010 Level III Site Plan approval, and removal of condition of approval**
Project ID:	2013-154
CBL:	CBL 041-A -016-001; 041-A -017-001; 041-A -018-001
Address:	254 Commercial Street, Portland
Applicant:	Waterfront Maine LP
Planner:	Jean Fraser

Dear Mr Pachios and Mr Carroll:

On July 23rd, 2013, the Planning Board approved with c mendment application to remove *Site Plan Condition v.* from the 2010 approval a cluding a restaurant, on the ground floor of the Cumberland Cold Storage Buildin oard reviewed the proposal for conformance with the standards of the Water rdinance, and other regulations.

The approval is based upon the application, plans, reports a ubmitted by the applicant, findings and recommendations contained in Planning Board Report # ached), and the testimony presented at the Planning Board hearing. The Planning Board voted 6-0 (Boepple absent) to approve the application with the following conditions as presented below:

1. WATERFRONT CENTRAL ZONE PERFORMANCE STANDARDS FOR PLANNING BOARD REVIEW

The Planning Board voted 6-0 (Boepple absent) that the amended plan is in conformance with Waterfront Central Zone ordinance section 14.311 (d) Standards 8, 10, 13, 14, 15, 16, and 17, subject to the following conditions of approval:

i. That the applicant shall develop and implement a Parking Management Plan for the on-site parking area, prior to the issuance of a Certificate of Occupancy for the restaurant, to ensure that the 6 on-site spaces for the water dependent marine uses (berthing) and the 15 on-site spaces for the ground floor marine uses (both as shown on Plan LSK-3.1 Rev 7.16.2013) are reserved for the designated marine users and support the marine uses on the property; and

ii. That the applicant shall allocate, and mark on the ground, the two parking spaces nearest to the southern end of the site (nearest to the drainage easement) be reserved for marine use and managed to facilitate use of the area to the south of the building for marine uses at all times; and

iii. That the proposed non-marine use restaurant on the ground floor shall be full course meal food service and consumption as the primary function and that full course meal service must be continued until the hours of closing.

2. SITE PLAN REVIEW

The Planning Board voted 6-0 (Boepple absent) that the amended plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

i. That the condition v. of the June 2010 site plan approval shall be removed; and

ii. That the parking requirement for the amended uses shall be 6 on-site spaces for the water dependent marine uses (berthing) and 15 on-site spaces for the ground floor marine uses as shown on Plan LSK-3.1 Rev 7.16.2013; and 170 spaces for the non-marine uses, of which 50 spaces are provided on-site and 120 spaces shall be provided in the identified off-site locations or equivalent; and

iii. That all other conditions of the June 2010 site plan approval shall remain in force; and

iv. That the applicant shall relocate some of the bicycle parking currently on site, or install new bicycle parking, to be near to the restaurant use; and

v. That separate permits are required for any new signage; and that any new HVAC installation(s) shall meet the performance noise standards of the WCZ Zone as documented by submission of the dBA listing of the unit(s).

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

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in 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 Chapter 14, Land Use, of the Portland City Code.

2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. **Inspection Fees** An inspection fee payment of $300 shall be paid, and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department, prior to the release 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 site plan application for staff review and approval.

5. **Department of Public Services Permits** 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. 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 Jean Fraser at 874-8728.

Sincerely,

Carol Morrissette, Chair
Portland Planning Board

Attachments:

1. Plan LSK-3.1 Rev 7.16.2013 re parking allocations, as submitted and to be revised re Condition WCZ *ii*
2. Planning Board Report #32-13

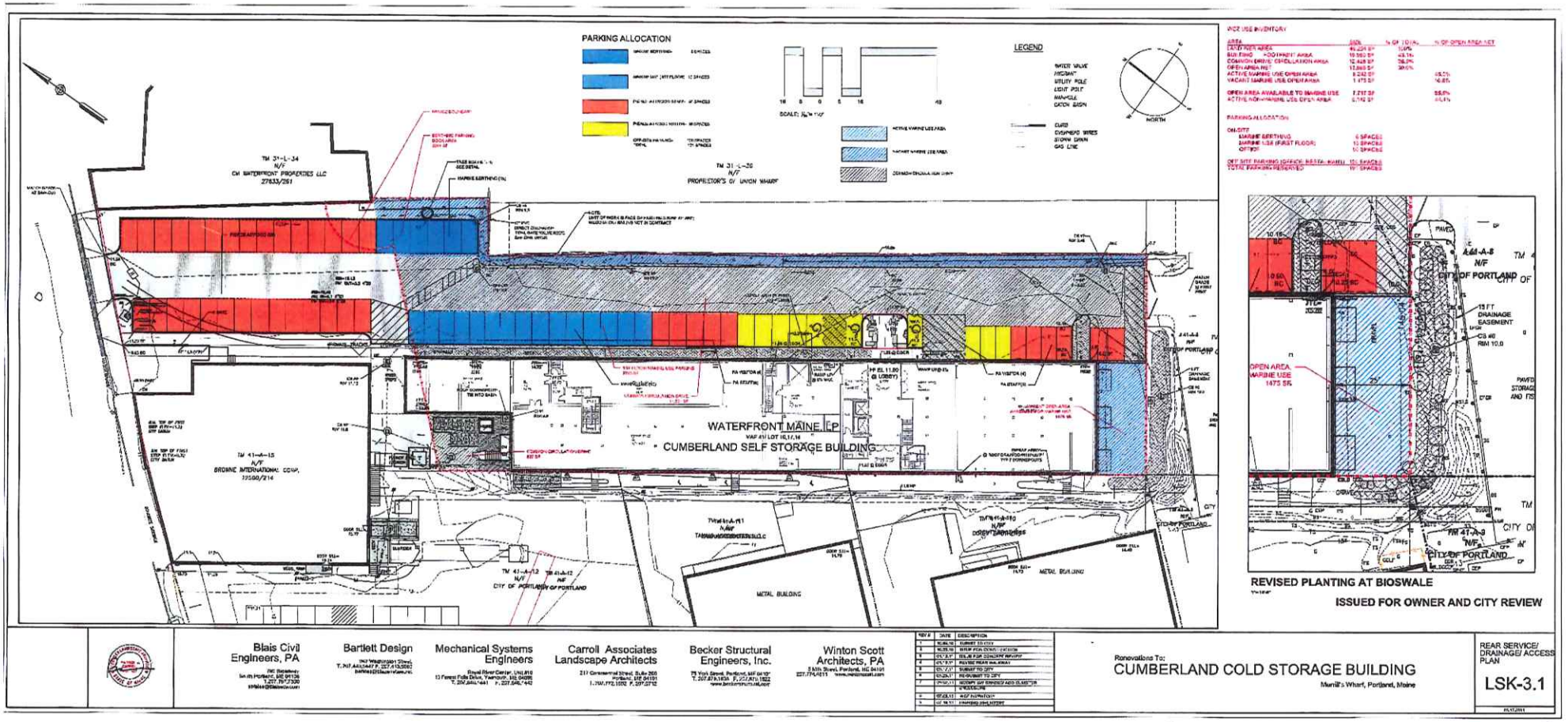
Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Attachment 1 to approval letter

PLAN 1

PB Hearing Report



Blais Civil Engineers, PA

Bartlett Design

Mechanical Systems Engineers

Carroll Associates Landscape Architects

Becker Structural Engineers, Inc.

Winton Scott Architects, PA

Renovations To:

CUMBERLAND COLD STORAGE BUILDING

Merrill's Wharf, Portland, Maine

REAR SERVICE/ DRAINAGE/ ACCESS PLAN

LSK-3.1

[Subject to Condition w/ CZ II 7.23.13 App.]

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

March 24, 2014

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Cumberland Cold Storage Building- Amendment to Amended Site Plan

Dear Jean,

On behalf of Waterfront Maine, I am submitting an Application request for an Amended Site Plan for the Cumberland Cold Storage Building at 254 Commercial Street. This Amendment is desired to accommodate two Marine Use tenants that have recently signed leases to occupy the first floor space at the east end of the building. This portion of the building is elevated approximately 30 inches above the main level floor, requiring a ramp to gain access to the space. The architects looked at an internal ramp and it was not feasible due to the amount of interior space it consumed, so we are proposing to locate the ramp and stairs onto the exterior of the building just to the left of the existing main entrance.

This ramp will provide dedicated access to the two marine tenants. To accomplish this, the existing parking on the left side of the entrance is proposed to be shifted out five feet and will be flush with the other parking along this driveway, maintaining a 24 foot aisle between the parking and marine berthing area consistent with the remaining portion of the site. The two turnaround spaces and one handicap space will remain as currently exists, and several parking spaces will be reassigned to provide three marine use parking spaces at this location.

The ramp and railing will be painted steel in keeping with the historical nature of the building, it is noted that the design for this ramp is currently being reviewed by the NSP for historical congruence with the building. I have attached a plan and detail of the ramp from Winton Scott Architects that illustrates the intent of the ramp construction.

We have also updated the Marine Use calculations that were part of the 2013 Amendment to reflect this change in parking and use. Based on our calculations the project is still in conformance with the WFZ requirements of 55% Marine Use for the property.

In response to your earlier questions regarding gated access to the Net Mending Area, I am attaching a MOU between the Portland Fish Pier Authority, Portland Fish Exchange, Waterfront Maine, and Pierce Atwood that describes an agreement to maintain access to the net mending area through the WFM property, insuring circulation through the site for vehicles. Additionally, we have included turning movements for a delivery truck at the CCSB indicating that it is still possible to turnaround within the reserved space adjacent to the main entrance.

Attached and part of this application is a check for $ 250.00, a full size copy of the Amended Site Plan and Architectural plans for the ramp and interior renovations, and the MOU described above. The lease of these spaces brings the building to near full occupancy, a great feeling of accomplishment for Waterfront Maine and the City of Portland. Please contact me if you have comments or need additional information.

Regards,

Patrick J, Carroll, Principal

CC: Dan Jacques, WFM
Steve Weatherhead, WSA

Level III – Preliminary and Final Site Plans
Development Review Application
Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level II: Preliminary or Final Site Plan. Please note that 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.

Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sq. ft. or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sq. ft. or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sq. ft. or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sq. ft. of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sq. ft. and/or facilities encompassing 20,000 sq. ft. or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at http://www.portlandmaine.gov/planning/default.asp

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

Updated: August 15, 2013

PROJECT NAME: CUMBERLAND COLD STORAGE BUILDING

PROPOSED DEVELOPMENT ADDRESS:

254 COMMERCIAL STREET, PORTLAND, ME 04101

PROJECT DESCRIPTION:

RECONFIGURE EXISTING PARKING AND DRIVE AISLE TO ACCOMODATE NEW PEDESTRIAN RAMP AND STAIR ACCESSING MARINE USE TENANTS ON FIRST FLOOR

CHART/BLOCK/LOT: 41/16, 41/17, 41/18

PRELIMINARY PLAN _____ (date)
FINAL PLAN _____ (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: WATERFRONT MAINE, LP Business Name, if applicable: Address: 14 MAINE STREET City/State : BRUNSWICK, ME Zip Code: 04011	**Applicant Contact Information** Work # 207-729-7970 Home# Cell # Fax# e-mail: cpachios@wfny.com
Owner – (if different from Applicant) Name: SAME AS ABOVE Address: City/State : Zip Code:	**Owner Contact Information** Work # SAME AS ABOVE Home# Cell # Fax# e-mail:
Agent/ Representative Name: CARROLL ASSOCIATES Address: 217 COMMERCIAL ST, #200 PORTLAND, ME 04101 City/State : Zip Code:	**Agent/Representative Contact information** Work # 207-772-1552 Cell # 207-329-8976 e-mail: pcarroll@carroll-assoc.com
Billing Information Name: SAME AS APPLICANT Address: City/State : Zip Code:	**Billing Information** Work # Cell # Fax# e-mail:

Engineer	Engineer Contact Information
Name: BLAIS CIVIL ENGINEERS Address: 780 BROADWAY SOUTH PORTLAND, ME 04106 City/State : Zip Code:	Work # 207-767-7300 Cell # 207-837-8721 Fax# 1-866-207-2033 e-mail: sblais@blaisce.com
Surveyor	**Surveyor Contact Information**
Name: OWEN HASKELL, INC. Address: 390 US ROUTE ONE FALMOUTH, ME 04105 City/State : Zip Code:	Work # 207-774-0424 Cell # 207-329-7117 Fax# e-mail:
Architect	**Architect Contact Information**
Name: WINTON SCOTT ARCHITECTS Address: 5 MILK STREET PORTLAND, ME 04101 City/State : Zip Code:	Work # 207-774-4811 Cell # Fax# e-mail: sweatherhead@wintonscott.com
Attorney	**Attorney Contact Information**
Name: Address: City/State : Zip Code:	Work # Cell # Fax# e-mail:

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level III Development (check applicable reviews)

___ Less than 50,000 sq. ft. ($500.00)
___ 50,000 - 100,000 sq. ft. ($1,000)
___ 100,000 – 200,000 sq. ft. ($2,000)
___ 200,000 – 300,000 sq. ft. ($3,000)
___ over $300,00 sq. ft. ($5,000)
___ Parking lots over 11 spaces ($1,000)
___ After-the-fact Review ($1,000.00 plus applicable application fee)

Plan Amendments (check applicable reviews)

_X_ Planning Staff Review ($250)
___ Planning Board Review ($500)

_____

The City invoices separately for the following:

- Notices ($.75 each)
- Legal Ad (% of total Ad)
- Planning Review ($40.00 hour)
- Legal Review ($75.00 hour)

Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.

Other Reviews (check applicable reviews)

___ Traffic Movement ($1,000)
___ Stormwater Quality ($250)
___ Subdivisions ($500 + $25/lot)
# of Lots ___ x $25/lot = _____
___ Site Location ($3,000, except for residential projects which shall be $200/lot)
# of Lots ___ x $200/lot = _____
___ Other _____
___ Change of Use
___ Flood Plain
___ Shoreland
___ Design Review
___ Housing Replacement
___ Historic Preservation

APPLICATION SUBMISSION:

1. **All site plans and written application materials must be submitted electronically on a CD or DVD with each plan submitted as separate files, with individual file names (see submittal requirements document attached).**
2. **In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Planning Division Office to start the review process.**

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

1. **One (1) full size site plans** that must be **folded.**
2. One (1) copy of all written materials or as follows, unless otherwise noted:
   a. Application form that is completed and signed.
   b. Cover letter stating the nature of the project.
   c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist for a detailed list of submission 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 http://www.portlandmaine.gov/citycode/chapter014.pdf

APPLICANT SIGNATURE:

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 a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:	**Date:**
	03/24/2014

PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	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	
Impervious Area (Total Existing)	sq. ft.
Impervious Area (Total Proposed)	sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	sq. ft.
Building Footprint (Total Proposed)	sq. ft.
Building Floor Area (Total Existing)	sq. ft.
Building Floor Area (Total Proposed)	sq. ft.
Zoning	
Existing	
Proposed, if applicable	
Land Use	
Existing	
Proposed	
Residential, If applicable	N/A
# of Residential Units (Total Existing)	
# of Residential Units (Total Proposed)	
# of Lots (Total Proposed)	
# of Affordable Housing Units (Total Proposed)	
Proposed Bedroom Mix	N/A
# of Efficiency Units (Total Proposed)	
# of One-Bedroom Units (Total Proposed)	
# of Two-Bedroom Units (Total Proposed)	
# of Three-Bedroom Units (Total Proposed)	
Parking Spaces	
# of Parking Spaces (Total Existing)	
# of Parking Spaces (Total Proposed)	
# of Handicapped Spaces (Total Proposed)	
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	
# of Bicycle Spaces (Total Proposed)	
Estimated Cost of Project	$ 30,000.00

PRELIMINARY PLAN (Optional) - Level III Site Plan N/A			
Applicant Checklist	Planner Checklist	# of Copies	**GENERAL WRITTEN SUBMISSIONS CHECKLIST**
		1	Completed Application form
		1	Application fees
		1	Written description of project
		1	Evidence of right, title and interest
		1	Evidence of state and/or federal approvals, if applicable
		1	Written assessment of proposed project's compliance with applicable zoning requirements
		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
		1	Written requests for waivers from site plan or technical standards, if applicable.
		1	Evidence of financial and technical capacity
		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	**SITE PLAN SUBMISSIONS CHECKLIST**
		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	**Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)**
		Proposed grading and contours;	
		Existing structures with distances from property line;	
		Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;	
		Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);	
		Preliminary infrastructure improvements;	
		Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;	
		Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);	
		Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);	
		Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;	
		Exterior building elevations.	

FINAL PLAN - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	**GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)**
X		1	* Completed Application form
X		1	* Application fees
X		1	* Written description of project
NA		1	* Evidence of right, title and interest
NA		1	* Evidence of state and/or federal permits
X		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
X		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
NA		1	* Evidence of financial and technical capacity
NA		1	Construction Management Plan
X		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
NA		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
NA		1	Stormwater management plan and stormwater calculations
X		1	Written summary of project's consistency with related city master plans
NA		1	Evidence of utility capacity to serve
NA		1	Written summary of solid waste generation and proposed management of solid waste
NA		1	A code summary referencing NFPA 1 and all Fire Department technical standards
NA		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
NA		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	**SITE PLAN SUBMISSIONS CHECKLIST** **(* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)**
ON FILE		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
X		1	**Final Site Plans including the following:**
X			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
NA			Existing and proposed structures on parcels abutting site;
NA			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
X			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
NA			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
X			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
NA			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
X			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
NA			Location of all snow storage areas and/or a snow removal plan;
X			A traffic control plan as detailed in Section 1 of the Technical Manual;
NA			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
NA			Location and proposed alteration to any watercourse;
NA			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
NA			Proposed buffers and preservation measures for wetlands;
NA			Existing soil conditions and location of test pits and test borings;
NA			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
NA			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
X			Grading plan;
NA			Ground water protection measures;
NA			Existing and proposed sewer mains and connections;

- Continued on next page -

X		Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
NA		Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
NA		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
NA		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
X		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
NA		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
NA		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
NA		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
NA		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
NA		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
X		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.

Execution Copy

MEMORANDUM OF UNDERSTANDING
(Historic Marine Uses)

THIS MEMORANDUM OF UNDERSTANDING (the "MOU"), dated as of August 10, 2010, is by and among **PORTLAND FISH EXCHANGE**, a Maine non-profit corporation (the "Fish Exchange"), **PORTLAND FISH PIER AUTHORITY**, a Maine non-profit corporation (the "Authority"), **WATERFRONT, MAINE LIMITED PARTNERSHIP**, a Maine limited partnership ("WFM") and **PIERCE ATWOOD LLP**, a Maine limited liability partnership ("Pierce Atwood").

PRELIMINARY STATEMENTS

A. Pursuant to a Lease Agreement between the Authority as landlord and the Fish Exchange as tenant dated May 1, 2006 (the "Fish Exchange Lease"), the Authority leased to the Fish Exchange certain portions of the Portland Fish Pier, which portions include, but are not limited to, Lots 7 and 8 as depicted on City of Portland Tax Map 41. Said Lots 7 and 8 are sometimes referred to as the "Net Yard".

B. WFM owns a certain parcel of land adjacent to the Net Yard being identified on the City of Portland Tax Map 41 as Tax Lots 17 and 18 (the "WMF Parcel"). Pursuant to a Lease Agreement between WFM and Pierce Atwood dated July 6, 2010, WFM has leased to Pierce Atwood a portion of the Cumberland Cold Storage building, now to be known as the Merrill Wharf Building (the "Pierce Atwood Lease").

C. The Fish Exchange has entered into a sublease for a portion of the Net Yard with Dropping Springs Bait Co., LLC ("Dropping Springs"), as set forth in a certain Sublease dated May 1, 2010, as amended by Amendment to Sublease dated on or about this date (collectively, the "Dropping Springs Sublease").

D. The parties would like to preserve the balance of the Net Yard for its historic uses for net mending and open space commercial fishing support. The Authority and the Fish Exchange agree that such activities are consistent with the short and long term goals for the use of the Fish Pier property. WFM and Pierce Atwood agree that the retention of such uses also provide a benefit to them. In order to ensure the continued availability of the Net Yard for such historic uses and to retain the benefits derived therefrom, WFM and Pierce Atwood have agreed to make annual payments, subject to the terms of this MOU.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The Fish Exchange and the Authority covenant and agree, that so long as this MOU shall remain in effect, that the portion of the Net Yard cross- hatched on the plan attached hereto as **Exhibit A** (the "Historic Marine Use Area") will be leased or otherwise used only for open space to support Maine commercial fishing fleet operations, including without limitation, net work and net mending and vessel loading and unloading. In addition, the Fish Exchange and the Authority covenant and agree that it will keep open and not block a reasonable access travel way for emergency vehicles running from Lot 8 to the parking lot on the WFM Parcel. WFM and Pierce Atwood acknowledge that there is currently located in the Historic Marine Use Area a processing tower, which tower is used in connection with the off-loading of fish. Notwithstanding the provisions of this Paragraph 1, such processing tower may remain and be used in the Historic Marine Use Area and may be moved, provided that it is located within the boundaries of Lot 7.

2. In consideration of the agreement set forth in Paragraph 1 above, and to provide the Fish Exchange and the Authority with an economic incentive and ability to preserve such historic uses, WFM and Pierce Atwood agree to contribute an annual fee to the Fish Exchange for the term of this Agreement (the "Marine Use Fee"). The first annual Marine Use Fee shall be payable in full on July 1, 2011 (such date being referred to herein as the "Marine Payment Commencement Date") and subsequent annual Marine Use Fees shall be payable on each annual anniversary of the Marine Payment Commencement Date, so long as this Agreement shall remain in effect. The initial Marine Use Fee shall be Twenty Thousand Dollars ($20,000) per year. The amount of the Marine Use Fee for each year that this Agreement shall remain in effect is set forth on **Exhibit B** attached hereto. WFM and Pierce Atwood may be entitled to certain credits against the Marine Use Fee in accordance with the terms of the "Dropping Springs MOU" (as such term is defined in Paragraph 6(a) below.

3. The initial term of this Agreement will be 15 years commencing on the Marine Payment Commencement Date. Unless this Agreement is terminated as provided herein, this Agreement shall automatically extend for one additional period of 10 years and two additional periods of five years each after the initial term. This Agreement may be terminated at any time after the seventh anniversary of the Marine Payment Commencement Date by WFM and Pierce Atwood on 12-months prior written notice; provided, however, that if the Dropping Springs MOU is terminated for failure to receive City of Portland Site Plan Approval, WFM and Pierce Atwood shall have the right to terminate this Agreement as of the date of termination of the Dropping Springs MOU. After the effective date of termination of this Agreement, no party shall have any further rights or obligations hereunder.

4. The Fish Exchange or the Authority shall have the right to terminate this MOU under the following circumstances:

(a) If the Fish Exchange (or if the Fish Exchange Lease, or any replacement or extension thereof is not in place at the end of the initial 15-year term, the Authority) determines in good faith that the fishing industry in Maine has changed substantially such that there is no longer a need for open space on the Portland waterfront to support the commercial fishing fleet industry, the Fish Exchange, or the Authority, as the case may be, may terminate this Agreement at the end of the initial 15 year term provided that the Fish Exchange, or the Authority, as the

case may be, gives at least twenty-four (24) months prior written notice to WFM and Pierce Atwood.

(b) If WFM and Pierce Atwood fail to make any Marine Use Payment when due, and such failure is not cured within twenty (20) days after notice to both WFM and Pierce Atwood. After the effective date of termination of this Agreement, neither party shall have any further rights or obligations hereunder.

5. WFM and Pierce Atwood shall have the right, but not the obligation, to landscape a certain portion of the Net Yard adjacent to the WFM Parcel, which portion is depicted and identified on the plan attached hereto as the "Landscaped Area"). Any landscaping other than grass shall require the prior approval of the Fish Exchange or the Authority, which approval shall not be unreasonably withheld, conditioned or delayed.

6. For so long as the Fish Exchange Lease shall remain in effect, the Marine Use Area will continue to be managed by the Fish Exchange, subject to the terms of this MOU. If at any time the Fish Exchange Lease shall terminate or expire and this Agreement has not expired or otherwise terminated as provided herein, the Authority agrees to recognize and be bound by the agreements and restrictions set forth in this MOU and the Marine Use Fee shall thereafter be paid to the Authority, or its designee.

7. Contingencies.

(a) On or about the date hereof, the parties hereto and Dropping Springs have entered into a Memorandum of Understanding pertaining to the relocation of the demised premises covered by the Dropping Springs Sublease (the "Dropping Springs Relocation MOU"). The Dropping Springs Relocation MOU provides that it may be terminated if City of Portland site plan approval or other required approvals are not obtained by a certain date. Anything to the contrary herein notwithstanding, if the Dropping Springs Relocation MOU is terminated, WFM and Pierce Atwood shall have the right to terminate this agreement upon thirty (30) days written notice.

(b) This MOU is subject to obtaining, on or before August 9, 2010, approval from the Board of Directors of the Fish Exchange and the Authority for (i) this MOU and (ii) the Dropping Springs Relocation MOU. If such approvals are not obtained by such date, any party shall have the right to terminate this MOU by giving written notice to the other parties, whereupon this MOU shall terminate and the parties shall have no further rights or obligations hereunder.

8. This MOU shall be binding upon, and shall inure to the benefit of, the parties hereto and the respective successors and assigns and shall be governed by and interpreted in accordance with the laws of the State of Maine.

DATED as of the date first set forth above.

PORTLAND FISH EXCHANGE, a Maine non-profit corporation

By: _____
Name: Kate Jordan
Its: President

PORTLAND FISH PIER AUTHORITY, a Maine non-profit corporation

By: _____
Name:
Its: President

WATERFRONT, MAINE LIMITED PARTNERSHIP, a Maine limited partnership

By: _____
Anthony J. Gatti, General Partner

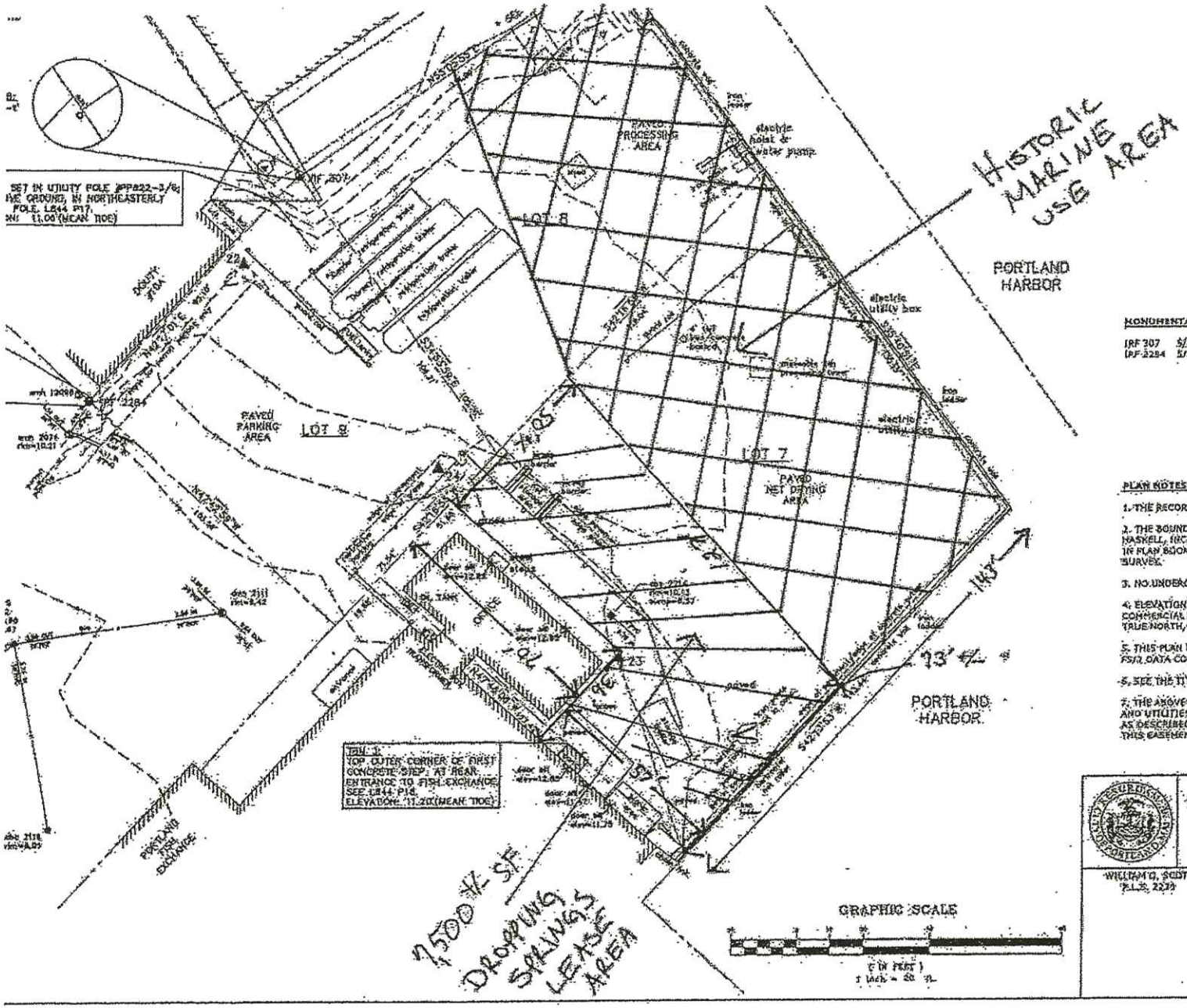
PIERCE ATWOOD LLP, a Maine limited liability partnership

By: _____
Name:
Its:

EXHIBIT A

PLAN DEPICTING MARINE USE AREA

[See Attached}



MONUMENTATION NOTES:

IRF 307 5/8" IRON REBAR FOUND; 7" LONG, BENT FLUSH TO GROUND, BUT STURDY <L84
IRF 2284 5/8" IRON REBAR FOUND, 1 1/2" BELOW PAVEMENT, SLIGHT LEAN <L844-29-228

PLAN NOTES:

1. THE RECORD OWNER OF THE THREE PARCELS COMPRISING THIS SITE IS THE CITY OF POR

2. THE BOUNDARY LINES SHOWN HEREON ARE BASED ON THE "AMENDED RECORDING PLAT HASKELL, INC., DATED FEBRUARY 5, 1990 AND REVISED THROUGH JUNE 24, 2002; RECORDE IN PLAN BOOK 202 PAGE 477 (CITY VAULT PLAN 924/11). ONLY LIMITED DEED RESEARCH W SURVEY.

3. NO UNDERGROUND UTILITY LINES WERE MARKED ON THIS SITE AT THE TIME OF THIS SU

4. ELEVATION DATUM IS MEAN TIDE, BASED ON A BENCHMARK SHOWN ON A PLAN ENTITLED COMMERCIAL STREET, PORTLAND, MAINE, MADE FOR CARROLL ASSOCIATES" BY OWEN HASK TRUE NORTH, ALSO BASED ON SAID OWEN HASKELL PLAN.

5. THIS PLAN IS BASED ON FIELD WORK PERFORMED JUNE 28-JULY 2, 2010 USING A LIETZ " FS/2 DATA COLLECTOR.

6. SEE THE TITLE BLOCK FOR PLAN REFERENCES.

7. THE ABOVE-MENTIONED OWEN HASKELL EXISTING CONDITIONS PLAN (SEE NOTE 4) INDIC AND UTILITIES FROM COMMERCIAL STREET TO LANDS OF THE CITY OF PORTLAND" ACROSS AS DESCRIBED IN DEED BOOK 4673 PAGE 162 (CCRD). THIS EASEMENT IS ALSO INDICATED ON THE AMENDED RECORDING PLAT DESCRIBED IN NO

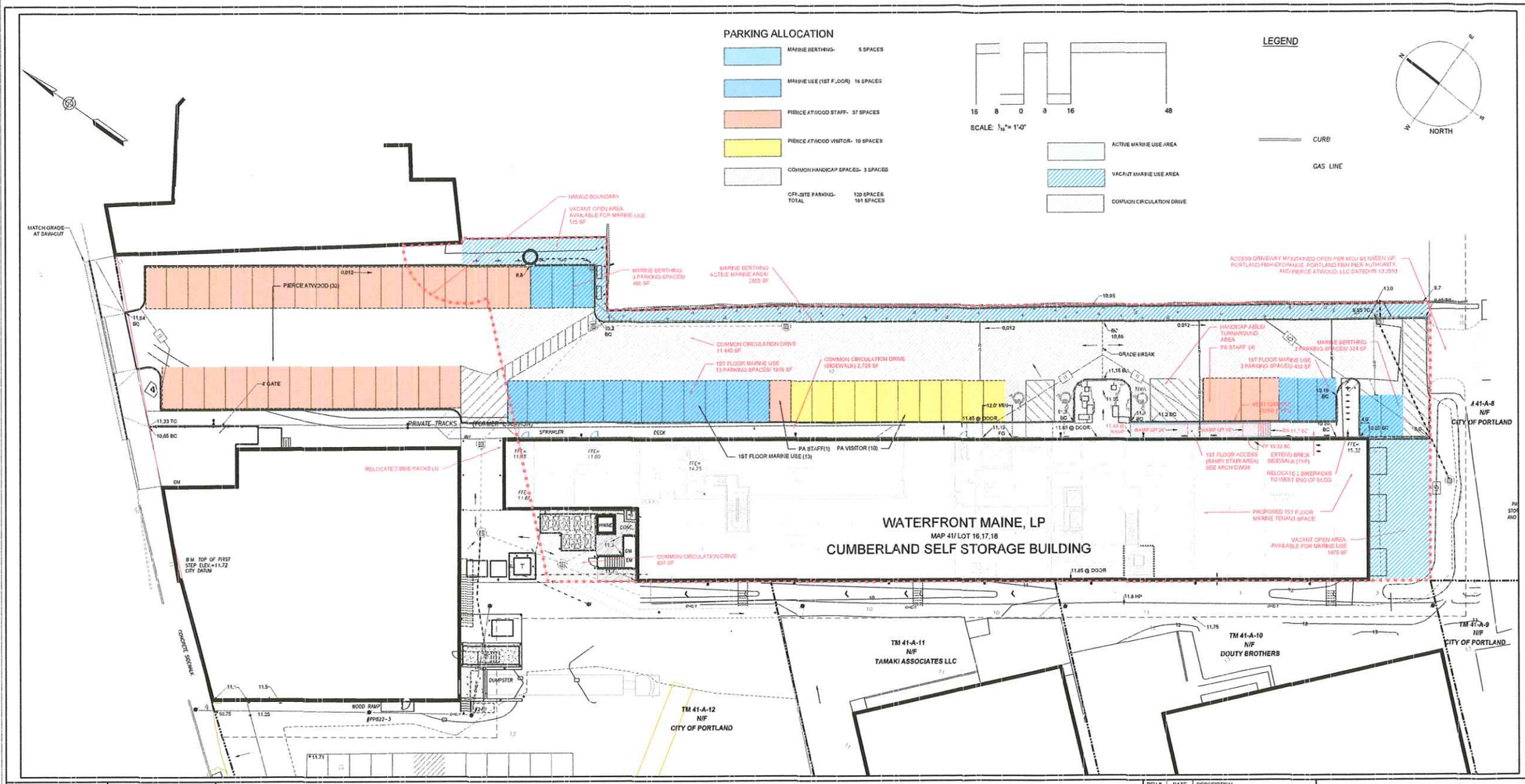
CITY OF PORTLAND, MAINE PUBLIC SERVICES DEPARTMENT ENGINEERING SECTION		EXI POR
WILLIAM O. SCOTT P.L.S. 2239	REFERENCES: LDD PROJECT: NetYard2010 DRAWING: Net_Yard_2010.dwg LEVEL/TRANSIT BOOK: L844 PP 27-25 & 27-28 CMM: NETYARD.ADI TAX MAP: 41 VAULT PLAN: 924/11 SHEET 2	CCRD: PLAN BOOK OWEN HASKELL, IN EXISTING CONDITI PORTLAND, MAINE, DATED: 05/10/201
	DRAWN BY: L. K. SCELZA	SURVEY CREW: WGS/LKS	DATE OF PLAN: 07/09/2010

EXHIBIT B

SCHEDULE OF MARINE USE FEE*

Contract Year Beginning July 1,	Marine Use Fee		Contract Year Beginning July 1,	Marine Use Fee
2011	$20,000		2031	$29,282
2012	$20,000		2032	$29,282
2013	$20,000		2033	$29,282
2014	$20,000		2034	$29,282
2015	$20,000		2035	$29,282
2016	$22,000		2036	$32,210
2017	$22,000		2037	$32,210
2018	$22,000		2038	$32,210
2019	$22,000		2039	$32,210
2020	$22,000		2040	$32,210
2021	$24,200		2041	$35,431
2022	$24,200		2041	$35,431
2023	$24,200		2043	$35,431
2024	$24,200		2044	$35,431
2025	$24,200		2045	$35,431
2026	$26,620			
2027	$26,620			
2028	$26,620			
2029	$26,620			
2030	$26,620			

* WFM and Pierce Atwood may be entitled to certain credits against the Marine Use Fee as provided in the Dropping Springs Relocation MOU.



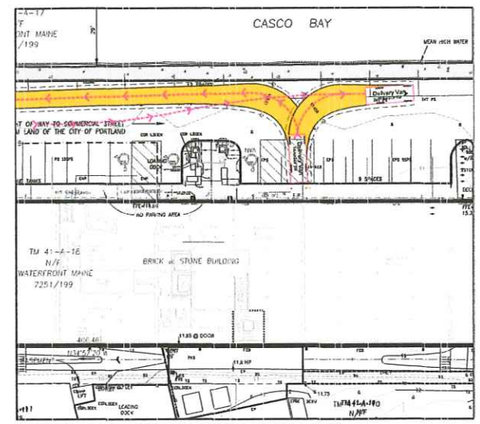
WCZ USE INVENTORY

AREA	SIZE	% OF TOTAL	% OF OPEN AREA NET
LAND PIER AREA WITHIN CWZ	46,254 SF	100%	
BUILDING FOOTPRINT AREA	20,185 SF	43.6%	
COMMON DRIVE/ CIRCULATION AREA- ROAD	11,445 SF	24.7%	
- SIDEWALKS	2,728 SF	5.9%	
- SERVICE AREA	897 SF	2.0%	
SUBTOTAL COMMON CIRCULATION	15,070 SF	32.6%	
OPEN AREA (NET)	10,939 SF	23.8%	
ACTIVE MARINE USE OPEN AREA- BERTHING ZONE	2,855 SF	6.2%	
- BERTHING PARKING	810 SF	1.8%	
- MARINE USE PARKING	2,348 SF	5.0%	
SUBTOTAL MARINE USE OPEN AREA	6,013 SF	13.0%	
VACANT MARINE USE OPEN AREA	1,600 SF	12.2%	
OPEN AREA AVAILABLE TO MARINE USE	**7,613 SF**		**69.2%**
ACTIVE NON-MARINE USE OPEN AREA	3,386 SF		30.8%

PARKING ALLOCATION

ON-SITE

MARINE BERTHING	5 SPACES
1ST FLOOR MARINE USE	16 SPACES
OFFICE	47 SPACES
COMMON HANDICAP	3 SPACES
OFF SITE PARKING (OFFICE/ RESTAURANT)	120 SPACES
TOTAL PARKING RESERVED	191 SPACES



DELIVERY TRUCK TURNING TEMPLATE
1"= 20'-0"

ISSUED FOR OWNER AND CITY REVIEW
NOT FOR CONSTRUCTION

Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T. 207.767.7300
sblaise@blaiseco.com

Bartlett Design
942 Washington Street,
T. 207.443.5447 F. 207.443.5560
bartdes@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
T. 207.846.1441 F. 207.846.1443

Carroll Associates Landscape Architects
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712

Becker Structural Engineers, Inc.
75 York Street, Portland, ME 04101
T. 207.879.1838 F. 207.879.1822
www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

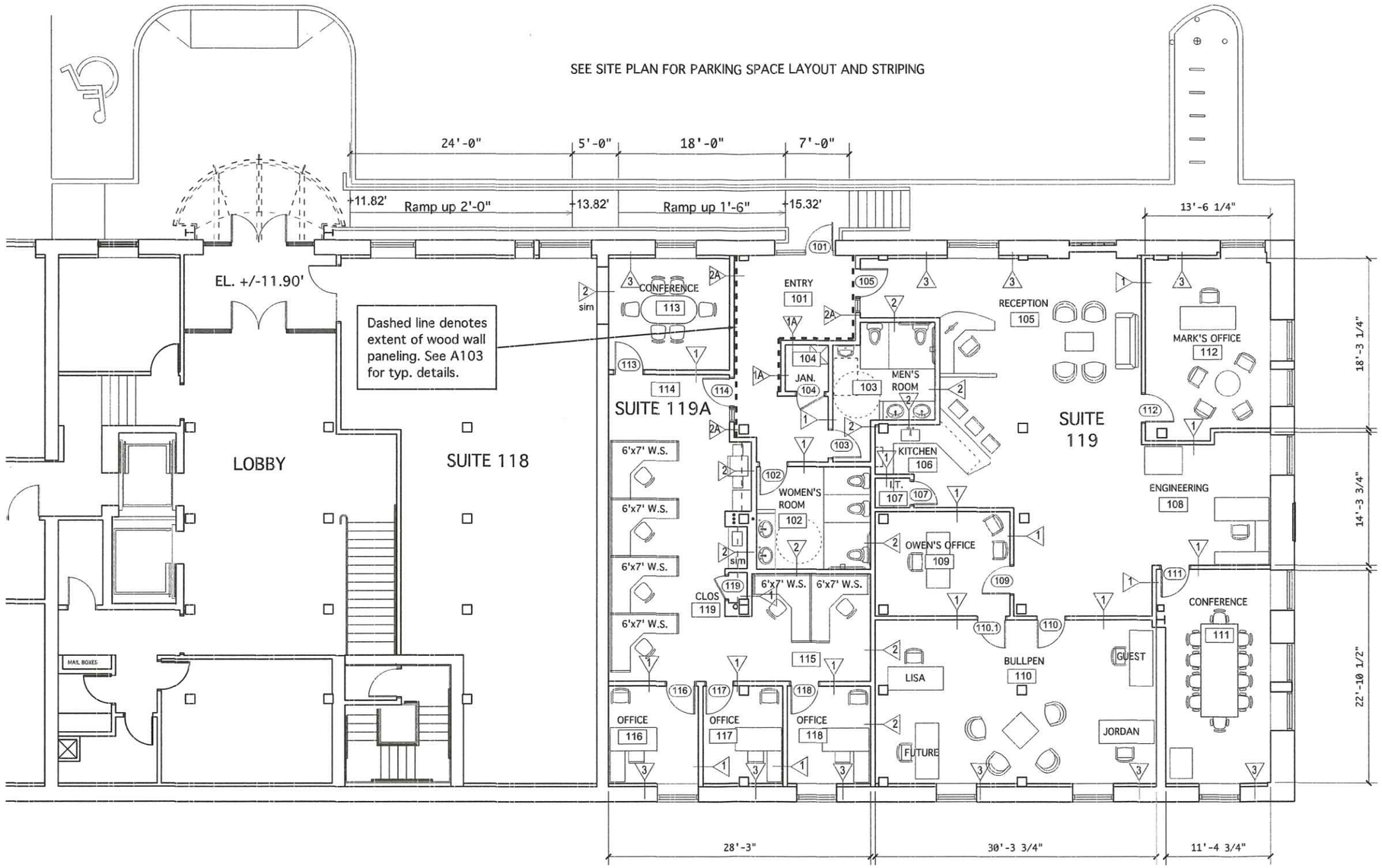
REV #	DATE	DESCRIPTION
1	10.06.10	SUBMIT TO CITY
2	10.22.10	ISSUE FOR CONSTRUCTION
3	01.13.11	ISSUE FOR CONCEPT REVIEW
4	01.19.11	REVISE REAR WALKWAY
5	05.17.11	SUBMIT TO CITY
6	05.25.11	RE-SUBMIT TO CITY
7	06.02.11	MODIFY BW GRADES/ ADD DUMSTER ENCLOSURE
8	07.09.13	WCZ INVENTORY
9	07.16.13	PARKING BY VENTORY
10	01.30.14	MARINE BUILDING ACCESS/ PARKING PLAN
11	03.24.14	SUBMIT TO CITY FOR AMENDMENT

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

MARINE USE ACCESS AND PARKING PLAN

LSK-5.0

03.24.2014



LAYOUT PLAN

1/8"=1'-0"

WINTON SCOTT ARCHITECTS

5 Milk Street
Portland, Maine 04101
207 774 4811
www.wintonscott.com

REGISTERED ARCHITECT * WINTON F. SCOTT, JR. No. 793 * STATE OF MAINE *

Winton Scott

QUEST & CASEY PRENTICE
Tenant Fit Ups

Merrill's Wharf
252/254 Commercial St.
Portland, Maine

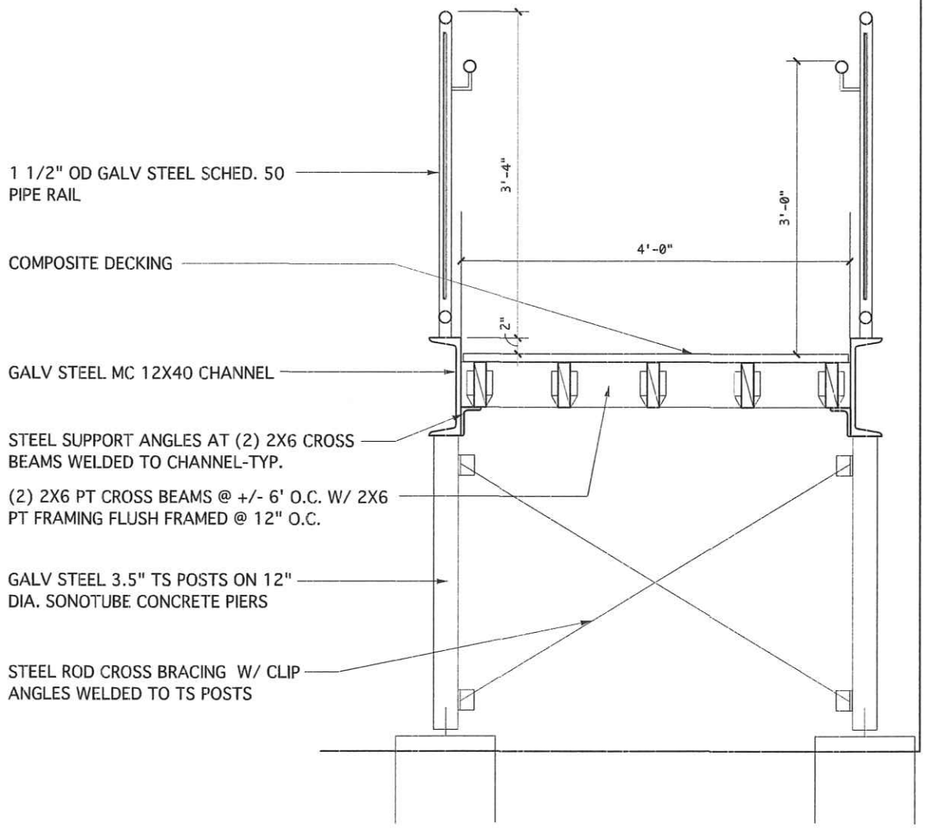
REVISIONS

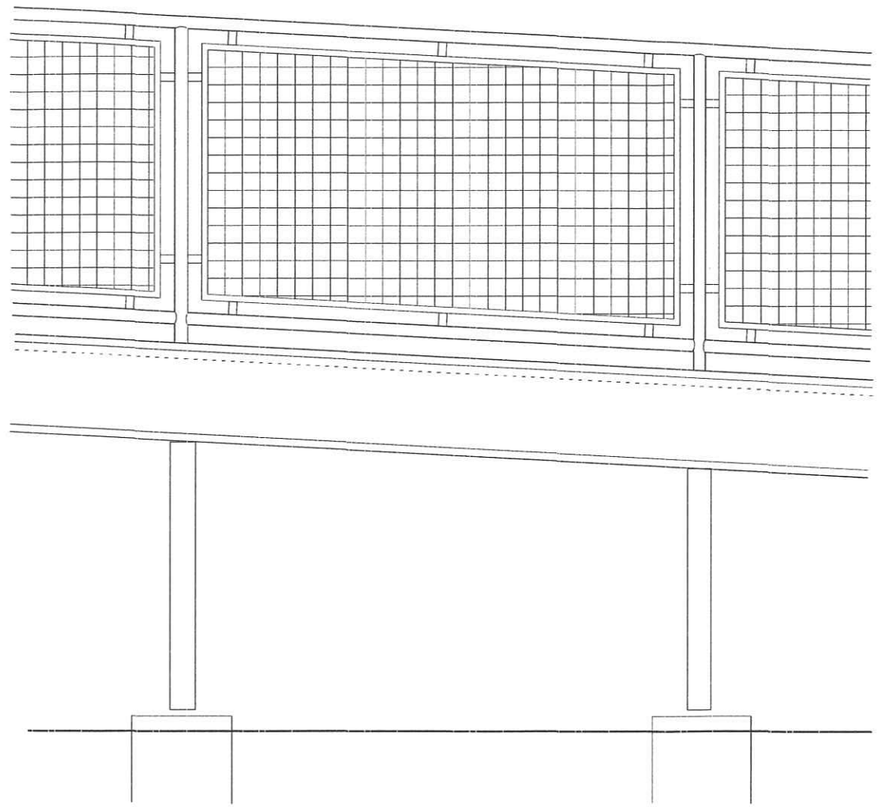
PRICING DOCUMENTS
JANUARY 14, 2014

Layout Plan

Scale: As Noted

A 101





WINTON SCOTT
ARCHITECTS

REGISTERED ARCHITECT
WINTON F. SCOTT, JR.
No. 793
STATE OF MAINE

Winton Scott

Consultant
Logo / Info

QUEST &
CASEY
PRENTICE
Tenant Fit Ups

Merrill's Wharf
252/254 Commercial St.
Portland, Maine

REVISIONS

PRICING DOCUMENTS
JANUARY 14, 2014

Conceptual
Ramp Details

Scale: As Noted

A 106

Recd 11-30-14

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Cumberland Cold Storage Building- Amendment to Amended Site Plan

Dear Jean,

On behalf of Waterfront Maine, I am submitting a request for an Amended Site Plan for the Cumberland Cold Storage Buildng at 254 Commercial Street. This Amendment is desired to accommodate two Marine Use tenants that hae recently signed leases to occupy the first floor space at the east end of the building. This portion of the building is elevated approximately 30 inches above the main level floor, requiring a ramp to gain access to the space. The architects looked at an internal ramp and it was not feasible due to the amount of interior space it consumed, so we are proposing to locate the ramp and stairs onto the exterior of the building just to the left of the existing main entrance.

This ramp will provide dedicated access to the two marine tenants. To accomplish this the existing parking on the left side of the entrance is proposed to be shifted out five feet and will be flush with the other parking along this driveway, maintaining a 24 foot aisle between the parking and marine berthing area consistent with the remaining portion of the site. The two turnaround spaces and one handicap space will remain as currently exists, and several parking spaces will be reassigned to provide three marine use parking spaces at this location.

The ramp and railing will be painted steel in keeping with the historical nature of the building, it is noted that the design for this ramp is currently being reviewed by the NSP for historical congruence with the building. I have attached a plan and detail of the ramp from Winton Scott Architects that illustrates the intent of the ramp construction.

We have also updated the Marine Use calculations that were part of the 2013 Amendment to reflect this change in parking and use. Based on our calculations the project is still in conformance with the WFZ requirements of 55% Marine Use for the property.

Please review this and let me know if there are other exhibits that you need to make an informed decision. The lease of these spaces brings the building to near full occupancy, a great feeling of accomplishment for Waterfront Maine and the City of Portland. Please contact me if you have comments or need additional information.

Regards,

Patrick J, Carroll, Principal

CC: Dan Jacques,WFM
Steve Weatherhead, WSA

217 Commercial Street, Suite 200, Portland, Maine, 04101 v 207.772.1552 f 207.772.0712 www.carroll-assoc.com

Jean Fraser - CCSB Proposed amendments fro ramp access

From: Jean Fraser
To: Errico, Thomas
Date: 1/31/2014 12:52 PM
Subject: CCSB Proposed amendments fro ramp access
CC: Barhydt, Barbara
Attachments: CCSB- Extracts from 2010 Hearing Report.docx; Commercial St. - 254 - (CCSB Level III Amend) #2013-154.pdf; APPR LTR Cumberland Cold Storage Bldg PB Dec 6.8.2010 no atts.pdf

Tom

I have dug out the 2010 Report and attach the extracts that refer to the widened drive aisle at the south end of the site. The relevant sections are attached and our comments have been quoted throughout. The 32 ft widened section was specifically included by them to meet your concerns at the time.

The wharf edge was for temporary loading and unloading.

At that time the proposal included a gate across the bottom end so all maneuvering had to be done on site. That gate has been removed. So maybe what they propose is OK if that gate remains gone...????

I also attach the approval letter from the amended plan **2013** (to accommodate the restaurant) which mainly related to the location of the allocated spaces and did not alter the drive aisle. The **2010** Approval letter is the last attachment.

You have the proposed layout.

Barbara and I will be determining the level of review this afternoon.

Thanks
Jean

EXTRACTS FROM:

PLANNING BOARD REPORT
PORTLAND, MAINE

CUMBERLAND COLD STORAGE BUILDING, VICINITY OF 254 COMMERCIAL STREET

Conditional Use, Major Site Plan and Traffic Movement Permit

Waterfront Maine, APPLICANT
Carroll Associates, TECHNICAL ASSISTANCE

Submitted to: Portland Planning Board: Public Hearing Date: 6/08/10	Prepared by: Jean Fraser, Planner Date: 6/04/10 **PB Report: #16-10**

WCZ CONDITIONAL USE REQUIREMENTS RE PARKING AND TRAFFIC CIRCULATION

Parking for marine uses that are not water-dependent and parking for non-marine uses constitute conditional uses in the WCZ in accordance with the following Section 14-309 (extracts included below).

The proposals show 6 spaces on-site for berthing; 15 spaces on site for the future marine uses located on the ground floor of the existing building; and 50 spaces on site for the proposed office use on the upper floors. An additional 105 spaces are to be secured off site to meet the parking requirements of the proposed uses (Attachment T). These proposals must meet the following conditions:

14-309 (2)a
Parking for marine uses that are not water-dependent: Notwithstanding section 14-315(h), 14-331, 14-334 and article V (site plan) of this chapter, no parking shall be allowed in this zone for marine uses that are not water-dependent uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for water-dependent uses that are permitted by section 14-308(a) which are or may be located on the subject property. (See editor's note below). The remainder of parking required for such non-water dependent uses shall be provided off-site and in other zones where parking is a permitted use.

14-309 (2)b
Parking for (a) conditional uses; (b) non-marine uses either allowed in buildings located within 35 feet of Commercial Street or uses permitted only above ground floor level, and/or (c) uses allowed under conditional or contract rezoning: Notwithstanding sections 14-315(h), 14-331, 14-334 (regarding off-street parking requirements) and article V (site plan) of this chapter, no parking shall be allowed in this zone for non-marine uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for marine and water-dependent uses that are permitted by section 14-308(a) which are or may be located on the subject property. (see editor's note below). The

remainder of parking required for such non-marine uses shall be provided off-site and in other zones where parking is a permitted use.

***Editor's Note:** Vacant ground floor space should be considered to have a parking demand similar to other space housing an existing water-dependent use elsewhere on the subject property or on a comparable property.*

In this case the proposed marine use on the ground floor is unknown so the "Editor's Note" applies and staff agree that 15 spaces (as proposed) would be comparable figure.

Regarding the 6 spaces to be provided for the existing berths, a recent staff survey of pier employment and boat usage shows that there are 100 lobster boats in the WCZ and an associated 122 year round lobster fishing employees (another 76 seasonal).

The Traffic Engineering Reviewer Tom Errico requested a parking analysis be submitted that *"identifies the required parking supply for the project and how it will be met"* (Attachment 5). The applicant has submitted a final statement of the parking demand as: (p. 2 of Attachment T):

C. Per demand based on actual projected employee need, the following is proposed by the Applicant for this project:

Use	# Employees	Parking Proposed
First Floor Marine	15	15
Marine berthing	6	6
Office- primary Tenant	175	145*
Office- secondary Tenant	25	10**
Total Demand	221	176

* Reduced slightly from P/A letter requesting need for 155

** reduced by 50% per Ordinance

In the *Parking and Traffic Circulation Plan* (Attachment T) this demand is compared with the parking requirement if based on Division 20 of the Land Use Ordinance and with the ITE Parking Manual data. Pierce Atwood have provided further information on their parking demand and their current TDM measures in a 5.20.2010 letter (Attachment K.2) which confirms that their actual demand is less than the number of employees and at least down to 155 parking spaces due to work schedules and staff using alternative modes of transit.

The proposal includes 50 parking spaces on-site for the office use and states that the other 105 spaces would be provided on the adjacent Fish Pier. Staff have received a copy of the consent from the MDOT to a lease of 70 spaces on the Fish Pier to Pierce Atwood (Attachment 16) and understand that the Fish Pier Authority are meeting on June 7th, 2010 to consider leases for this project that total up to 100 spaces. The applicant is anticipated to submit, at or before the Hearing, Letters of Intent from the Fish Pier Authority and any other parties from whom they have secured or are likely to secure off site parking.

As the proposal relates to a development over 50,000 sq ft, under Site Plan standards the determination of the parking requirement and evaluation of congestion falls to the Planning Board. Based on the maximum office floor space possible in this building (80,400 sq ft) the parking requirement as set out in Division 20 (1 space for 400 sq ft) would be 201.

The Performance Standards of the WCZ Zone allow for a reduction of up to 50% in accordance with 14-315 (h): *...off-street parking is required at fifty percent (50%) of the required number of parking spaces for specified uses as otherwise provided in division 20 of this article".*
In the context of parking supply the Traffic Engineering reviewer has noted that "*While not required under the City's Ordinance, it is suggested that the applicant consider Transportation Demand Management strategies that will help to reduce single-occupant vehicles. City staff can assist the applicant in developing such a program.*" (Attachment 5) The applicant requested Pierce Atwood to respond and further information is included in their letter in Attachment K.2.

Existing parking along wharf edge

Existing parking

For the conditional use of parking the following provision applies:

14-309 (1) c

i. *Parking and traffic circulation plan: All applications for conditional use in the WCZ shall submit a parking and circulation plan for review and approval by the planning board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways and parking under the common ownership and/or control of the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the WCZ. (See 14-306 {no adverse impact on marine uses} and 14-315 {performance standards}, (q) {functional utility of piers and access to the water's edge}).*

The applicant has submitted a final *Parking and Traffic Circulation Plan* (Attachment T) which provides further detail of parking demand, loading for the building and for the existing water-dependent marine uses, and physical design and how that will help manage the parking and loading uses. It concludes that the overall functioning would be improved. The curbing along the wharf edge (5-7 feet for the berthing use) has been modified to be mountable to facilitate loading.

The Site Plan was revised since the Workshop to enlarge the turning areas and the parking aisle through the southern part of the site (from 24 feet to 32 feet) to facilitate maneuvering by larger vehicles and vehicles with trailers. The conditions appear to be improved over the existing conditions (non-marine parking currently lines the wharf) and better than on most of the Portland piers.

The City's Traffic Engineering Reviewer had requested autoturn information as to how larger vehicles would turn within the site and these were submitted in Attachment S and described in the *Parking and Traffic Circulation Plan*

.

The Final Traffic Engineering review comments (Attachment 9) include:

> *Status: I have reviewed the June 3, 2010 Memorandum from Pat Carroll regarding parking requirements for the project. Based upon tenant specific parking needs the project will provide a reasonable amount of parking supply.*
>
> *Status: The applicant has provided two vehicle turning templates for on-site circulation. The first template is for a single-unit truck and I find the analysis to be acceptable. The second template illustrates the turning ability of a pick-up truck with a trailer. For the design vehicle provided, adequate room will be provided, although larger vehicles may have difficulty circulating.*

A second provision of 14-309(1) c is:

> ii. *Pier access/congestion: For conditional uses that propose or require twenty (20) or more parking spaces within the WCZ, the proposed conditional use, when considered in conjunction with past, present and reasonably foreseeable future development, specifically including but not limited to development and uses occurring in this district in structures within thirty-five (35) feet of the southerly edge of Commercial Street, shall meet the standards of section 14-526(a)(1) {traffic circulation}. For purposes of application of this standard only, in evaluating congestion, any private way or access road serving as the primary means of land access to a pier or wharf shall be deemed to be included within the term "street" at the intersection of such private way or access road with Commercial Street.*

SITE PLAN REVIEW

Parking

The site currently has about 100 spaces and constrained circulation; the parking area includes a particularly congested circulation pattern at the Commercial Street end and parallel parking along the wharf edge.

The parking has been reconfigured to provide a total of 71 spaces arranged along a central driveway in either a single or double loaded layout. This layout improves the circulation and provides a separated sidewalk along the building and a 5-7 foot wide "berthing access" along the wharf.

As parking is a conditional use in the WCZ the question of parking provision was reviewed under section B above and the Traffic Engineering Reviewer has confirmed **"** *I have reviewed the June 3, 2010 Memorandum from Pat Carroll regarding parking requirements for the project. Based upon tenant specific parking needs the project will provide a reasonable amount of parking supply." (*Attachment 9*)*

Tom Errico has also commented (Attachment 9):

> *While not required under the City's Ordinance, it is suggested that the applicant consider Transportation Demand Management strategies that will help to reduce single-occupant vehicles. City staff can assist the applicant in developing such a program.*

Status: The applicant has provided current employee commuting characteristics for the proposed primary tenant and no changes to current practices are proposed.

The Traffic Engineering Reviewer has stated that the driveway spacing (between Browne Trading loading area and the proposed site driveway) and the parking stall dimensions do not meet City Standards but would support waivers (Attachment 5 and 9) and the applicant has requested waivers (Attachment J, cover letter). The parking lot drive aisles meet City standards and do not require a waiver.

Servicing

At present there is a continuous curb cut along the frontage of the site; the proposals show a single two-way access for the site driveway access and a separate access between the site and Browne Trading which provides access to their loading dock(s).

The proposals provide a service area for the Cumberland Cold Storage Building between the building and Browne Trading to the north. A 24 foot wide break in the row of parking allows for access, which has been widened from the 20 ft width shown in the previous site plan. This area is also available for vehicle turning (described in Attachments O and T) in addition to the two turning areas provided at the other end of the building.

Since the Workshop the parking aisle through the southern part of the site has been widened to 32 feet wide giving more room for larger vehicles or vehicles with trailers to maneuver. At the south boundary of the site there is a 12 foot wide turning area which will accommodate cars and small trucks (described in detail in Attachment T) and near the new entrance there is a 16 foot wide turning area that can accommodate FedEx/UPS deliveries and will also allow for fishermen vehicles (including small trailers) as illustrated in Attachment S.

The City's Traffic Engineering Reviewer has noted "*For the design vehicle provided, adequate room will be provided, although larger vehicles may have difficulty circulating*." (Attachment 9)

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Cumberland Cold Storage Building- Amendment to Amended Site Plan

Dear Jean,

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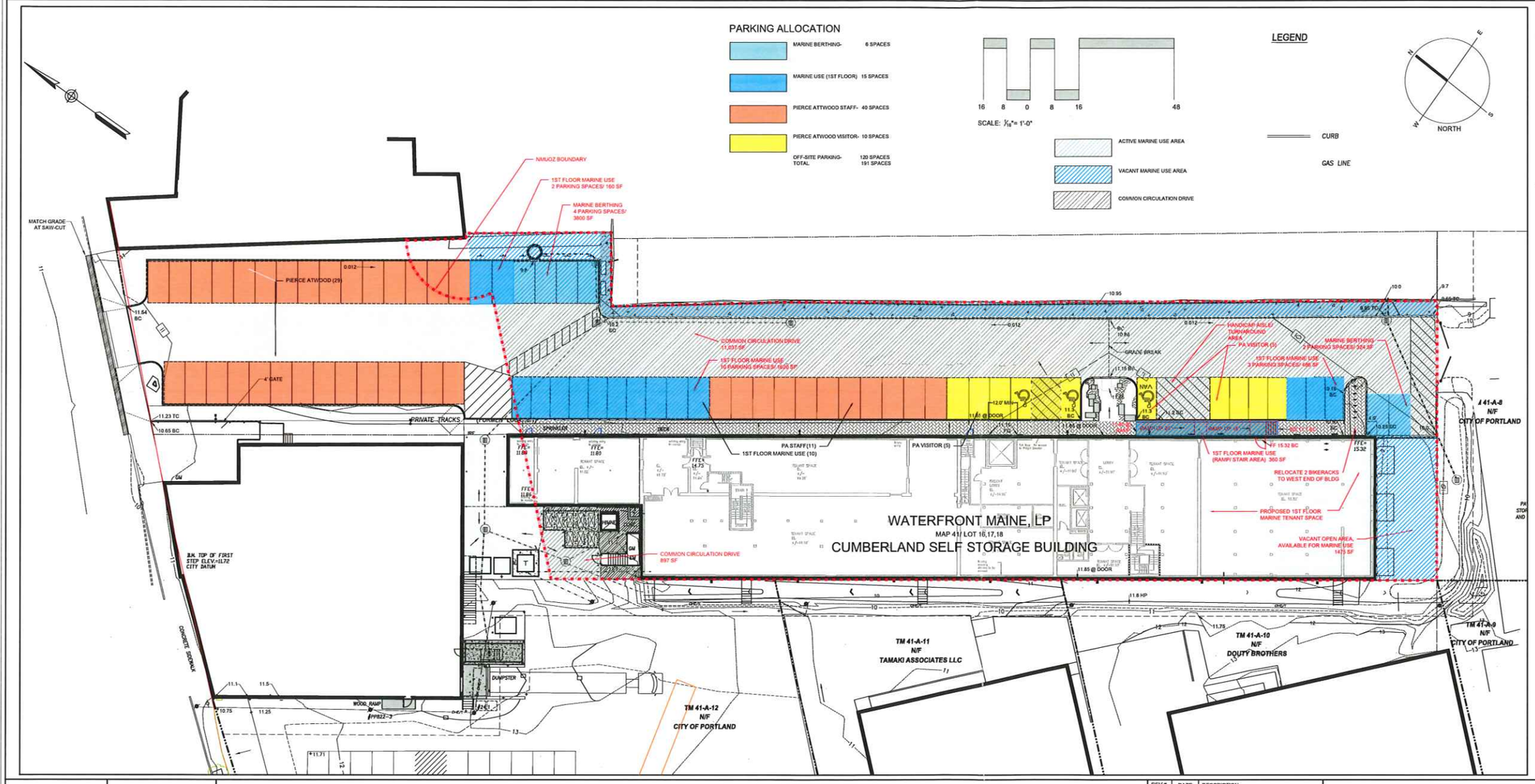
Please review this and let me know if there are other exhibits that you need to make an informed decision. The lease of these spaces brings the building to near full occupancy, a great feeling of accomplishment for Waterfront Maine and the City of Portland. Please contact me if you have comments or need additional information.

Regards,

Patrick J, Carroll, Principal

CC: Dan Jacques,WFM
Steve Weatherhead, WSA

217 Commercial Street, Suite 200 Portland, Maine 04101 v.207.772.1552 f.207.772.0712 www.carroll-assoc.com



WCZ USE INVENTORY

AREA	SIZE	% OF TOTAL	% OF OPEN AREA NET
LAND PIER AREA	46,254 SF	100%	
BUILDING FOOTPRINT AREA	20,160 SF	43.6%	
COMMON DRIVE/ CIRCULATION AREA	12,014 SF	26.0%	
OPEN AREA NET	14,080 SF	30.4%	
ACTIVE MARINE USE OPEN AREA	6,750 SF		48.0%
VACANT MARINE USE OPEN AREA	1,475 SF		10.5%
OPEN AREA AVAILABLE TO MARINE USE	**8,225 SF**		**58.4%**
ACTIVE NON-MARINE USE OPEN AREA	5,855 SF		41.6%

PARKING ALLOCATION

ON-SITE	
MARINE BERTHING	6 SPACES
MARINE USE (FIRST FLOOR)	15 SPACES
OFFICE	50 SPACES
OFF SITE PARKING (OFFICE/ RESTAURANT)	120 SPACES
TOTAL PARKING RESERVED	191 SPACES

ISSUED FOR OWNER AND CITY REVIEW
NOT FOR CONSTRUCTION

Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

Bartlett Design
942 Washington Street,
T. 207.443.5447 F. 207.443.5560
bartdes@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
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Carroll Associates Landscape Architects
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Portland, ME 04101
T. 207.772.1552 F. 207.0712

Becker Structural Engineers, Inc.
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www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

REV #	DATE	DESCRIPTION
1	10.06.10	SUBMIT TO CITY
2	10.22.10	ISSUE FOR CONSTRUCTION
3	01.13.11	ISSUE FOR CONCEPT REVIEW
4	01.19.11	REVISE REAR WALKWAY
5	05.17.11	SUBMIT TO CITY
6	05.25.11	RE-SUBMIT TO CITY
7	06.02.11	MODIFY SW GRADES/ ADD DUMSTER ENCLOSURE
8	07.09.13	WCZ INVENTORY
9	07.16.13	PARKING INVENTORY
10	01.28.14	MARINE BUILDING ACCESS/ PARKING PLAN

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

MARINE USE ACCESS AND PARKING PLAN

LSK-4.1

05.17.2011

from Pat Carroll
1-28-14.

all Board present except E Boepple Annotated 7-23-13

PLANNING BOARD REPORT
PORTLAND, MAINE

Cumberland Cold Storage Building

254 Commercial Street (Merrill's Wharf), Portland

Amendment to Level III Site Plan and removal of condition of approval

Project ID # 2013-154

Waterfront Maine LP, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: July 23rd, 2013	Prepared by: Jean Fraser, Planner Date: July 19th, 2013 Planning Board Report # 32-13

I. INTRODUCTION

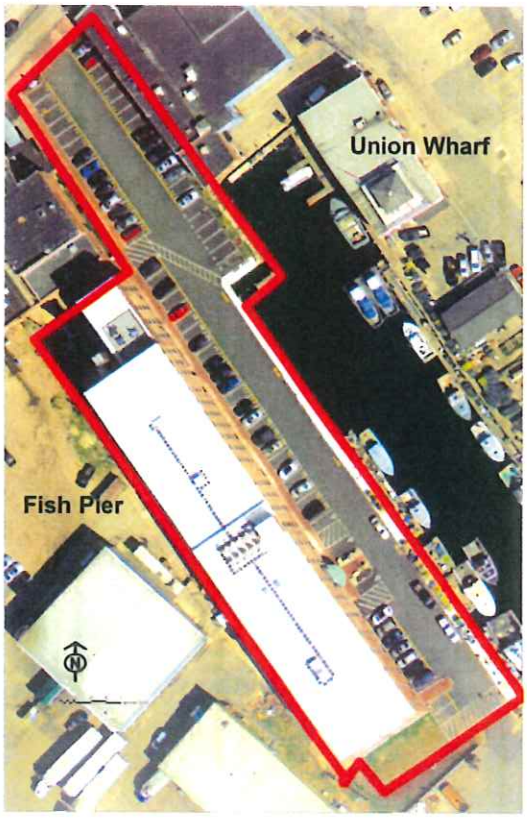
Carroll Associates, on behalf of Waterfront Maine LP, has submitted a Level III amendment application to allow for a proposed restaurant and several other non-marine uses to occupy the ground floor of the Cumberland Cold Storage Building, without any modifications to the access arrangements or parking provision on site. The amendment is being brought before the Board to comply with a condition of the 2010 site plan approval that stated:

> *That the parking required for the proposed uses has been determined by the Planning Board to be 6 spaces for the water dependent marine uses (berthing) and 15 spaces for the ground floor marine uses which shall be on site; and 170 spaces for the office uses on the four upper floors, of which 50 spaces are provided on site and 120 spaces shall be provided in the identified off-site locations or equivalent. In the event that the uses change, the parking requirement would need further review by the Planning Board; and*

The applicant has also requested that this condition be removed.

The site plan approval in June 2010 allowed for the rehabilitation of the Cumberland Cold Storage Building from warehouse to 80,300 sq ft of offices with 20,400 sq ft of marine use on the ground floor (Attachment 1). At that time the entire ground floor was reserved for marine use to meet the zoning requirements of the Waterfront Central Zone (WCZ) and the project and proposed parking was reviewed as a conditional use in accordance with the zoning ordinance in place at that time. The project was also the subject of an approved Traffic Movement Permit and there were concerns that the approved parking and access may not be adequate for potential uses of the vacant floorspace (the only tenant at that time was Pierce Atwood who were not going to be occupying the entire building).

Since the 2010 site plan review the WCZ ordinance has been revised and allows 45% of the ground floor (and outside area) to be in non-marine use where associated standards are met. The applicant is requesting approval to convert 45% of the ground floor usable area (6,585 sq ft) floorspace to a restaurant and other non-marine uses, which are permitted uses under the revised WCZ zoning. The remaining 55% of the ground floor (located at the southern end of the building) would remain designated and available for marine uses, with no change to the approved parking allocations.



A total of 406 notices of this Hearing were sent to property owners within 500 feet and to interested citizens. In addition, the project was the subject of a legal advertisement in the *Portland Press Herald* editions on July 15th and 16th, 2013. The Planning Division has not received any public comments as of the time of completing this report.

Required reviews:

Applicant's Proposal	Applicable Standards
Level III Amendment to approved Site Plan	Change of use; parking requirements; removal of condition.
WCZ Performance Standards: particularly 8 (*Off-street parking and loading);* 15 (*Compatibility of non-marine uses with marine uses*); and 16 (*Functional utility of piers and access to the water's edge*).	Specified (14-311 d) for Planning Board review as relevant to the proposed amendment

II. PROJECT DATA

Existing Zoning:	Waterfront Central Zone
Existing Use:	100 % Marine on ground floor; offices above
Proposed Use:	55% Marine on ground floor; 45% non marine uses as permitted by WCZ on ground floor; offices on upper floors
Parcel Size:	67,982 sq ft (1.56 acres)
Impervious Surface Area:	no change
Building Area:	100, 816 sq ft floorspace and 20,473 sq ft footprint- no overall change
Existing Parking Spaces: (specified in 2010 approval)	191, of which 71 existing on site (including 6 for berthing tenants and 15 for marine uses)- no change proposed
Bicycle Parking Spaces:	Existing 16 - no change proposed

III. BACKGROUND

The parking requirement for this project was a Planning Board decision in 2010 and remains the case under the current site plan ordinance. The parking requirements set out in condition v. (quoted below) reflect the Planning Board's decision to require more parking than the applicant had proposed (and staff had accepted) because the proposed parking appeared to be below demand, the demand from the vacant floor area was unknown, and a TDM Plan was not proposed.

The 2010 condition v (Attachment 1) states:

> i. *That the parking required for the proposed uses has been determined by the Planning Board to be 6 spaces for the water dependent marine uses (berthing) and 15 spaces for the ground floor marine uses which shall be on site; and 170 spaces for the office uses on the four upper floors, of which 50 spaces are provided on site and 120 spaces shall be provided in the identified off-site locations or equivalent. In the event that the uses change, the parking requirement would need further review by the Planning Board; and*

Condition v. was incorporated to document the parking requirement. The last sentence requiring a return to the Planning Board for any change of use reflected the following concerns during the 2010 review:

- Anticipated change in zoning (then under discussion) that would allow non-marine uses on the ground floor. Some non-marine uses potentially could increase the parking requirements and/or trip generation considerably; and
- In the context of the TMP, the Traffic Engineering Reviewer was concerned regarding the left turn movements out of the site and interaction with queuing for the nearby intersections.

The 2010 Revised WCZ zoning allows the proportion of the ground floor and associated parking to be split 55%/45% marine/non-marine use and the same proportions apply to the open area on the site (excluding the building, marine use and common areas). The amended proposals meet these requirements by designating additional areas of marine use on the site. The revised WCZ zoning introduces a set of performance standards for all uses, including the non-marine uses, and the Planning Board is the reviewing authority for some of these. Several of these apply to this project and are discussed in detail in this Report.

IV. EXISTING CONDITIONS

The project was developed in accordance with the 2010 approval (Attachment 1) and as shown in the aerial photograph (Attachment 2) and Plan 1.

V. PROPOSED DEVELOPMENT

The proposed physical alterations are internal fit-ups for 6585 sq ft of non-marine uses (including approx. 2000 sq ft for a restaurant – see Plans 3 & 4). These uses are at the Commercial Street end of the building as shown in the floorplan (Attachment Plan 2). The on-site parking allocation of the total 71 spaces is shown in Plan 1 with the 6 spaces for the marine-related use (berthing) to remain as existing and the 15 spaces for marine use to be located near the ground floor non-marine uses. The remainder of the on-site parking (50 spaces) is as existing (most allocated to Pierce Atwood). Aside from a grease trap for the restaurant, it is understood there are no external modifications to the site.

The applicant has requested removal of the condition that specifies the numbers of required parking and the requirement for any change of use to be reviewed by the Planning Board. This would effectively remove the clarity regarding the parking requirements for this site, particularly the off-site parking requirements (a further 120 spaces). It would also avoid a return to the Planning Board for each change of use, although any change of use would be reviewed by the Zoning Administrator to assure compliance with zoning provisions.

VI. PUBLIC COMMENT

At the time of preparing this Report the Planning office had not received any written public comments.

VII. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The owner of the property is Waterfront Maine LP as confirmed in Attachment C and there is little cost for the applicant as the development (of non-marine uses) would be borne by the leasee.

VIII. REVIEWS

A. ZONING REVIEW

1. The Zoning Administrator, Marge Schmuckal, has reviewed the proposals in the context of the Waterfront Central Zone (WCZ) requirements where she is authorized to make the determination (some are Planning Board; see below). Ms Schmuckal has commented (Attachment 3a):

> "This project is located within the Waterfront Central Zone (WCZ). Inspection Services has also received a building permit application to change the use of the first floor from a marine related use to a restaurant use. The Applicant has proven the case under 14-311 to allow 55% marine use and 45% for nonmarine uses as outlined under the Ordinance. This restaurant is part of the 44% nonmarine use allowed on the first floor. Presently there are just a couple other approved nonmarine uses as allowed under past permits.
>
> The restaurant use is being approved on the condition that full course meal food service and consumption is the primary function of the restaurant and that full course meal service must be continued until the hours of closing. This use is not considered or allowed to be a drinking establishment only.
>
> Separate permits are required for any new signage. Any new HVAC installation(s) shall meet the performance noise standards of the WCZ Zone. Any HVAC submission shall be accompanied with the dBA listing of the unit(s)."

Ms Schmuckal has clarified that since a drinking establishment is not allowed in the WCZ, that a potential condition of site plan approval should be:

> That the proposed non-marine use as "restaurant" on the first floor shall be full course meal food service and consumption is the primary function of the restaurant and that full course meal service must be continued until the hours of closing;

2. The Planning Board is the reviewing Authority for the following standards (in *italics*):

> 14.311 *(d) Performance standards: All uses in the waterfront central zone shall comply with the following standards. Standards 8, 10, 13, 14, 15, 16, and 17 below shall be reviewed by the planning authority:*

8. *Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply.*

The planning authority shall review applications for non-marine use parking against the following standards:

a. *Applicants for non-marine parking in the waterfront central zone shall submit a parking and traffic circulation plan showing the location of all existing and proposed structures, travel ways and parking on the subject lot.*

b. *Outside of the NMUOZ, non-marine use parking is subject to the limitations described in 14-311(a) ("55% rule").*

c. *Non-marine use parking shall only be located on a lot where, based on the parking and traffic circulation plan and a parking analysis to be submitted for planning authority review, the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot.*

d. *Water-dependent use parking spaces shall be located as close as reasonably possible to associated vessels and/or ground floor lease areas.*

Staff Comment: The applicant has submitted a parking and traffic circulation plan (Plan 1) and this project is located outside the NMUOZ (except for a small corner of the parking lot as shown on the plan). The parking analysis submitted with this amendment application (Attachment E.1) does not provide details of the revised demand related to the greater area of non-marine uses. The concern expressed by Tom Errico, Traffic Engineering Reviewer, is that the current provision does not take account of the proposed uses and that the marine use spaces may be used by employees or visitors to the non-marine uses being added to the ground floor; his comments request further information (Attachment 4):

- The City typically has a provision that parking needs for restaurants only include spaces to accommodate employees. Accordingly, the applicant should provide information on anticipated staffing levels. Additionally, the applicant should also provide information on the expected hours of operation of the restaurant.

- Additional supporting information is needed to better understand existing parking demand numbers. I would suggest that the applicant provide information on employee numbers, any available survey information on mode of travel, if parking fees are charged to employees that parked off-site, and information on employees that may park in other off-site parking lots or on-street locations that are not time limit regulated.

The applicant provided additional information in response to these comments (Attachment E.2) and Tom Errico has indicated he is comfortable with the proposal subject to conditions that require a Parking Management Plan and reiterate the required numbers of on-site and off-site parking (without any reference to change of use). Written confirmation of this comment will be available at the Planning Board hearing.

10. *Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.*

Staff Comment: The proposed amendments do not alter the approved and installed lighting.

13. *Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.*

Staff Comment: The proposed amendments do not include any new structures so this standard is not applicable.

14. *Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.*

Staff Comment: The proposed amendments do not include any pier or wharf expansion so this standard is not applicable.

15. *Compatibility of non-marine uses with marine uses: Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. Siting of a use not set forth in section 14-307(a) shall not substantially reduce or inhibit existing public access to marine or tidal waters.*

Staff Comment:

In order to meet the required 55% of open area in marine use, the applicant has designated an a 1475 sq ft area at the south end of the building (nearest the drainage easement) to be "open area- available for marine use" (Plan 1). The written submission further describes this area as being "…directly adjacent to the Marine Use section of the Building and would be reserved for potential uses that the marine tenant might need, such as trap storage, net mending etc". The identification of this area as being available for marine use, taken together with other marine use areas including parking, meets the requirement in WCZ 14-311 (a) 2 (see Zoning Review above) that requires the marine use to occupy 55% of the area of the site as well as 55% of the ground floor of the building.

This area appears to be potentially useful for marine users not only for the above-mentioned uses but also as a potential location for a loading dock access to the marine use end of the ground floor (the former loading docks were closed in as part of the 2010 rehabilitation). Access to this area is limited by the location of two non-marine parking spaces in front of it. It is recommended that these two spaces be designated for marine use and managed so as to allow access and use of the open area at the end of the building to be genuinely usable for the suggested marine uses and to support the marine use on the ground floor. A potential condition of approval has been included in the motions for the Board to consider to address this standard:

> That the applicant shall allocate, and mark on the ground, the two parking spaces nearest to the southern end of the site (nearest to the drainage easement) be reserved for marine use and managed to facilitate use of the area to the south of the building for marine uses at all times;

16. *Functional utility of piers and access to the water's edge: All new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge for the transfer of goods and materials between berthed vessels and land bound vehicles, and shall demonstrate adherence to the following provisions:*

    a. *Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.*

    b. *Any development that proposes to site a building within ten (10) feet of a pier edge (thus precluding vehicle use of the pier edge) should provide openings and circulation through or around the building to allow the transfer of goods and materials to trucks and circulation routes within the interior of the pier.*

    c. *With the exception of non-commercial berthing allowed under section 14-307(a)(20), there is to be no other non-commercial berthing.*

    d. *Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses.*

Staff Comment: The proposed amendment retains the 15 marine use parking spaces near the proposed restaurant rather than adjacent to the marine use part of the ground floor (note that staff have suggested a condition that moves 2 of these to the south end of the site- see above). At the time of the 2010 site plan approval it was anticipated that the non-marine use of the ground floor (then under discussion as part of the WCZ revised zoning discussions) would be at other (south) end of the building. Staff questioned (Attachment F) why the marine parking was not relocated to be adjacent to the proposed location of the marine use. The applicant has confirmed the 15 marine parking spaces are within 150 feet of the marine use and will be available for the marine use (Attachment F).

The Traffic and Parking Study suggests that these 15 spaces could be available after 6pm for non-marine (restaurant) users with signage proposed to specify this arrangement along with a parking management plan (Attachment E). While dual use of those spaces may be practical while the marine use part of the ground floor is vacant, there is a question over how to ensure these spaces are designated exclusively for the marine use once that use is in place. The likely demand from restaurant employees and visitors would need to be managed and the applicant has not identified how that would be achieved once the marine use space is occupied (also see discussion under Standard 8 above). The hours of parking needed by the marine use may be different from that assumed.

The management of the marine parking spaces is key to addressing this WCZ standard and staff recommend a condition of approval requiring the development and implementation of a parking management plan; suggested wording for the condition could be:

> That the applicant shall develop and implement a Parking Management Plan for the on-site parking area, prior to the issuance of a Certificate of Occupancy for the restaurant, to ensure that the marine use spaces are preserved for marine users and support the marine use of the property, and that the employees and visitors to the non-marine uses on the ground floor park in allocated or off-site spaces;

17. (not quoted in full) *Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement.*

Staff Comment: The proposed amendment does not impact the public views of the water.

B. SITE PLAN STANDARDS (Section 14-526)
The proposed development has been reviewed by staff for conformance with those site plan standards that relate to the proposed amendments, particularly traffic and parking.

i. **Transportation Standards**

a. Impact on Surrounding Street Systems (Traffic Movement Permit)
The 2010 review included a Traffic Movement Permit based on the traffic information related to 100% marine use on the ground floor of the building. The applicant has submitted a Traffic Study (Attachment E.1) that updates the 2010 information. Tom Errico has reviewed this information and confirmed that a modification to the 2010 Permit is not required but further information on the drive access onto Commercial Street was requested (Attachment 4):

- *I have reviewed the revised trip generation analysis and concur with the conclusions that a modified Traffic Movement Permit is not required.*
- *The applicant should provide details on whether any crashes have occurred at the Commercial Street/Site Entrance location (have any vehicles entering and exiting the site been involved in a crash).*

The applicant submitted additional information to address these concerns (Attachment E.2) and Mr Errico has reviewed the additional information and indicated that he considers the site will operate safely as existing. A written confirmation of his comments will be available for the Planning Board hearing.

b. Parking
The applicant has confirmed (Attachment F) that there would be no change to the number and allocation of on-site and off-site parking, although the original Parking Assessment (Attachment E) suggested the marine parking be reduced to 8 spaces from the 15 required in the 2010 approval. The applicant is not able to reduce the number of marine parking spaces because of the WCZ requirement to have 55% of the open area in marine use (as discussed above). The applicant has confirmed that the 15 marine use spaces would be reserved for marine users (Plan 1 and Attachment F).

The amendment proposes that 45% of the ground floor be non-marine use instead of marine use, and the non-marine use includes a restaurant of about 2000 sq ft (the uses and their floorspace figures are included at Attachment A, with slightly different figures in Attachment E.1). The question is whether the parking demand of these uses is greater than for marine uses and how much greater. (The impact of the non-marine use parking demand on the marine parking spaces is discussed above under the WCZ Zoning standards 8, 15 and 16). Tom Errico, Traffic Engineering reviewer, comments (Attachment 4):

- The City typically has a provision that parking needs for restaurants only include spaces to accommodate employees. Accordingly, the applicant should provide information on anticipated staffing levels. Additionally, the applicant should also provide information on the expected hours of operation of the restaurant.

- Additional supporting information is needed to better understand existing parking demand numbers. I would suggest that the applicant provide information on employee numbers, any available survey information on mode of travel, if parking fees are charged to employees that parked off-site, and information on employees that may park in other off-site parking lots or on-street locations that are not time limit regulated.

The applicant provided additional information in response to these comments (Attachment E.2). Tom Errico has indicated that he considers that the parking requirements, as confirmed in the application, should be documented in a condition along with a condition that requires a Parking Management Plan to ensure that the non-marine use parking demand is managed. Written confirmation of this comment will be available at the Planning Board hearing.

c. Bicycle Parking
The Plan 1 shows 16 existing bicycle parking spaces at the far south of the building and none near the proposed restaurant. It is suggested that some of these be relocated to be near the restaurant (or additional bike racks installed near the restaurant) to meet the likely demand generated by this use. A potential condition of approval has been included for the Board's consideration.

d. Transportation Demand Management (TDM)
At the time of the 2010 site plan review there was no requirement for a TDM and none was required. It would be difficult to implement a TDM at this stage since the parking patterns are now well-established for the many existing employees.

ii. **Environmental Quality Standards**

a. Water Quality, Storm Water Management and Erosion Control
The proposals include a new grease trap (Plan 4) and meet City standards.

IX. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the amended site plan. Staff recommend that a revised version of condition v. be approved to document the parking requirements for this site.

X. PROPOSED MOTIONS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #32-13 for application #2013-154 Amendment to Approved Site Plan for Cumberland Cold Storage Building at 254 Commercial Street relevant to the Waterfront Central Zone and Site Plan standards of the Land Use Code and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. WATERFRONT CENTRAL ZONE PERFORMANCE STANDARDS FOR PLANNING BOARD REVIEW

The Planning Board finds that the amended plan **(is/is not)** in conformance with Waterfront Central Zone ordinance section 14.311 (d) Standards 8, 10, 13, 14, 15, 16, and 17, subject to the following conditions of approval:

Potential conditions:

i. That the applicant shall develop and implement a Parking Management Plan for the on-site parking area, prior to the issuance of a Certificate of Occupancy for the restaurant, to ensure that the 6 on-site spaces for the water dependent marine uses (berthing) and the 15 on-site spaces for the ground floor marine uses (both as shown on Plan LSK-3.1 Rev 7.16.2013) are reserved for the designated marine users and support the marine uses on the property; and

ii. That the applicant shall allocate, and mark on the ground, the two parking spaces nearest to the southern end of the site (nearest to the drainage easement) be reserved for marine use and managed to facilitate use of the area to the south of the building for marine uses at all times; and

iii. That the proposed non-marine use restaurant on the ground floor shall be full course meal food service and consumption as the primary function and that full course meal service must be continued until the hours of closing.

2. SITE PLAN REVIEW

The Planning Board finds that the amended plan **(is/is not)** in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

Potential conditions:

i. That the condition v. of the June 2010 site plan approval shall be removed; and

ii. That the parking requirement for the amended uses shall be 6 on-site spaces for the water dependent marine uses (berthing) and 15 on-site spaces for the ground floor marine uses as shown on Plan LSK-3.1 Rev 7.16.2013; and 170 spaces for the non-marine uses, of which 50 spaces are provided on-site and 120 spaces shall be provided in the identified off-site locations or equivalent; and

iii. That all other conditions of the June 2010 site plan approval shall remain in force; and

iv. That the applicant shall relocate some of the bicycle parking currently on site, or install new bicycle parking, to be near to the restaurant use; and

v. That separate permits are required for any new signage; and that any new HVAC installation(s) shall meet the performance noise standards of the WCZ Zone as documented by submission of the dBA listing of the unit(s).

ATTACHMENTS next page

ATTACHMENTS

Report Attachments

1. Approval letter (Site Plan) June, 2010
2. Aerial from 2012
3. Marge Schmuckal, City Zoning Administrator dated 7.18.2013
4. Tom Errico, Traffic Engineering Reviewer 7.12.2013 (to be updated at Hearing)

Applicants Submittal

A. Carroll Associates Narrative 6.25.2013
B. Site Plan Amendment Application 6.27.2013
C. Right, title and interest documents
D. Marketing Information
E. Traffic Study
   1. Trip Generation, Collision History and Parking Review 7.26.2013
   2. Response to Staff Comments 7.16.2013
F. Carroll Associates narrative re Analysis of Area 7.9.2013

Submitted Plans

Plan 1 Service/drainage/access/parking allocation LSK-3.1
Plan 2 First Floor Plan A1.1
Plan 3 Restaurant layout Plan A 101
Plan 4 Restaurant utility Plan A 100
Plan 5 Survey
Plan 6 Survey
Plan 7 Survey

CITY OF PORTLAND, MAINE
PLANNING BOARD

Attachment 1.1

Bill Hall, Chair
Joe Lewis, Vice Chair
Lee Lowry, III
Carol Morrissette
Michael J. Patterson
David Silk
Janice Tevanian

June 17th, 2010

Christopher S. Flagg; Anthony J Gatti;
Christopher H. Pachios
Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011

Patrick J. Carroll
Carroll Associates
217 Commercial Street
Portland, ME 04101

RE: Cumberland Cold Storage Building
254 Commercial Street
Application ID: 10-99900003
CBL 041-A -016-001; 041-A -017-001; 041-A -018-001

Dear Messrs Flagg, Gatti, Pachios and Carroll:

On June 8th, 2010, the Portland Planning Board considered a proposal for renovation of the existing 5 story building to allow reuse of the upper four floors for offices (resulting in total of 100,816 sq ft of office use on the upper floors and 20,473 sq ft of marine use on the ground floor), along with reconfiguration of the parking lot and site improvements at 254 Commercial Street (site known as "Cumberland Cold Storage").

The Planning Board reviewed the proposal for conformance with the Waterfront Central Zone Conditional Use Standards, requirements of the Traffic Movement Permit, and the Site Plan Ordinance. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to approve the application with the following motions, waivers and conditions as presented below.

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the proposed conditional use for parking for marine uses that are not water-dependent and parking for non-marine uses does meet the standards of Sections 14-309 of the Waterfront Central Zone.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

i. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to waive the requirement of Section III.3.A of the Technical and Design Standards and Guidelines for parking spaces to be 9 feet by 19 feet, to allow 9 feet by 18 feet parking spaces as shown on the approved site plan L-1.0 (Attachment V.5 to Hearing Report #16-10); and

1. 2

ii. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to waive the requirement of Section III.2.A of the Technical and Design Standards and Guidelines to allow closer driveway spacing where the site meets Commercial Street, as shown on the approved site plan L-1.0 (Attachment V.5 to Hearing Report #16-10).

TRAFFIC MOVEMENT PERMIT

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the site plan proposed is in conformance with 23 M.R.S.A. § 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits with the following condition of approval:

i. That the applicant shall contribute $4,500 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Commercial Street / High Street.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #16-10, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

i. That the noise levels of the external HVAC and other mechanical equipment shall comply with the noise standards of the Waterfront Central Zone, and the applicant shall submit documentation to confirm compliance (rated noise levels etc) to the satisfaction of the Zoning Administrator prior to the issuance of a building permit; and

ii. That the owner shall submit a copy of the maintenance records for the stormwater system (as per the submitted *Inspection and Maintenance of Stormwater Management Facilities* Plan dated June 1, 2010) to the City's Department of Public Services by June 30 of every year; and

iii. That any new signage would require a separate permit; and

iv. That the applicant shall provide for city staff approval of a revised site plan showing ingress and egress to the marine related use on the first floor of the building at such time as the marine use is identified; and

v. That the parking required for the proposed uses has been determined by the Planning Board to be 6 spaces for the water dependent marine uses (berthing) and 15 spaces for the ground floor marine uses which shall be on site; and 170 spaces for the office uses on the four upper floors, of which 50 spaces are provided on site and 120 spaces shall be provided in the identified off-site locations or equivalent. In the event that the uses change, the parking requirement would need further review by the Planning Board; and

vi. That the brick and granite curb treatment shown along the Commercial Street frontage of this project shall be extended, as appropriate and to the satisfaction of staff, across the loading dock (apron at Browne Trading) to join up with the existing concrete sidewalk.

The approval is based on the submitted plans and the findings related to review standards as contained in Planning Report #16-10 which is attached.

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

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 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. 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 Jean Fraser at (207) 874-8728.

Sincerely,

Bill Hall, Chair
Portland Planning Board

Attachments:
1. Hearing Report #16-10

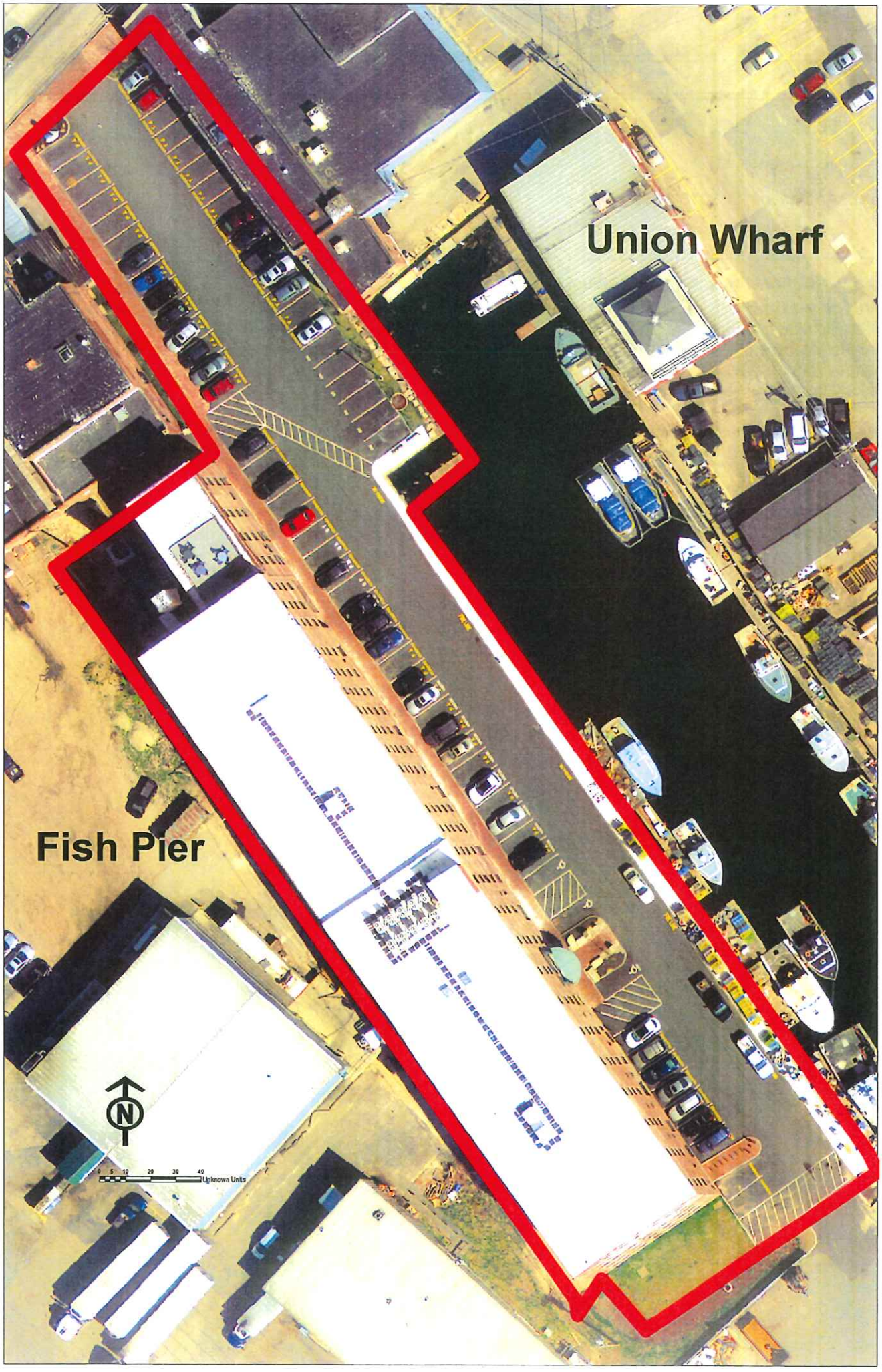
1.4

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
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, 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
Greg Vining, Public Services
John Low, 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

Att. 2



Attachment 3a

MEMORANDUM

To: FILE

From: Jean Fraser

Subject: Application ID: 2013-154

Date: 7/18/2013

re CCSB. WCZ

Comments Submitted by: Marge Schmuckal/Zoning on 7/18/2013

This project is located within the Watrfront Central Zone (WCZ). Inspection Services has also received a building permit application to change the use of the first floor from a marine related use to a restaurant use. The Applicant has proven the case under 14-311 to allow 55% marine use and 45% for nonmarine uses as outlined under the Ordinance. This restaurant is part of the 44% nonmarine use allowed on the first floor. Presently there are just a couple other approved nonmarine uses as allowed under past permits.

The restaurant use is being approved on the condition that full course meal food service and consumptionis the primary function of the restaurant and that full course meal service must be continued until the hours of closing. This use is not considered or allowed to be a drinking establishment only.

Separate permits are required for any new signage. Any new HVAC installation(s) shall meet the performance noise standards of the WCZ Zone. Any HVAC submission shall be accompanied with the dBA listing of the unit(s).

Marge Schmuckal
Zoning Administrator

Jean Fraser - Fwd: RE: Marine-related marketing

From: Jean Fraser
To: Fraser, Jean
Date: 7/18/2013 1:39 PM
Subject: Fwd: RE: Marine-related marketing

RCCSB. WCZ.

>>> Ann Machado 7/9/2013 11:18 AM >>>
I have been emailing back and forth with the Boulos Company who is marketing the property. First it was with Drew Sigffridson and more recently with his assistant Derek Miller. I have forwarded you the chain of emails that shows that the property has been marketed since the building was renovated.

Ann

Attachment 4
to PB Report # 32-13

Jean Fraser - CCSB Amended Site Plan

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 7/19/2013 10:42 AM
Subject: CCSB Amended Site Plan
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...

Hi Jean – The following represents a status update on my July 12th comments and should be considered my final comments.

- I have reviewed the revised trip generation analysis and concur with the conclusions that a modified Traffic Movement Permit is not required.
  Status: No response necessary.

- The applicant should provide details on whether any crashes have occurred at the Commercial Street/Site Entrance location (have any vehicles entering and exiting the site been involved in a crash).
  Status: The applicant has provided the requested information and one crash was reported that involved a vehicle departing the project driveway. No further action is required.

- The City typically has a provision that parking needs for restaurants only include spaces to accommodate employees. Accordingly, the applicant should provide information on anticipated staffing levels. Additionally, the applicant should also provide information on the expected hours of operation of the restaurant.
  Status: The applicant has provided the requested information and no further information is requested.

- Additional supporting information is needed to better understand existing parking demand numbers. I would suggest that the applicant provide information on employee numbers, any available survey information on mode of travel, if parking fees are charged to employees that parked off-site, and information on employees that may park in other off-site parking lots or on-street locations that are not time limit regulated.
  Status: The applicant has conducted a parking demand analysis and I generally agree with the details provided. The general conclusion is that adequate parking will be provided. I concur with the Condition of Approval in the Planning Board report regarding the number and allocation of parking spaces. I also support the Planning Board report condition of approval that a parking management plan be developed and implemented by the applicant.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TY LIN INTERNATIONAL
12 Northbrook Drive

Applicant's Submittal

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

Attachment A.1

June 25, 2013

Ms. Barbara Barhydt
City of Portland
389 Congress Street
Portland, ME 04101

RE: Cumberland Cold Storage Building- Amendment to Amended Site Plan

Dear Barbara,

On behalf of Waterfront Maine, LP, Carroll Associates is pleased to submit proposed revisions to the building programmed uses and associated parking requirements which will bring the project within the guidelines of the current Waterfront Zoning. As you remember, when the project was approved in 2010 there were zoning restrictions that required all first floor uses to be Marine-Related. In 2011 the Zoning was relaxed to allow up to 45% non-marine related uses on the ground floor of this building, pending sufficient marketing efforts to insure that these spaces were offered to marine uses first.

Waterfront Maine, LP has been actively marketing the ground floor for marine related uses and has been unsuccessful in securing any such marine tenant. Attached you will find copies of marketing efforts from their real estate broker that illustrates significant attempts to bring such tenants into the building. Meanwhile, the remaining upper floors and 45% of the ground floor has been or will be leased for non-marine uses, consistent with the current WFZ District requirements. Current on-marine uses comprising this 45% space include a small professional office, yoga studio, and magazine publisher; proposed tenants filling out the non-marine space include another small office user and a small sit-down restaurant, both planning on occupying the space in the fall, 2013.

The approved Site Plan required a total of 191 spaces on and off-site to meet the needs of the building tenants, assuming ground floor marine use of the building. Currently there are 71 spaces on site, with 6 dedicated to the berthing tenants, 15 for marine-related first floor use, and 50 for the office users. An additional 120 spaces are secured off-site to meet this condition of approval. The Amended Traffic and Parking Analysis concludes that the required spaces meet the needs of the development at full buildout and as such no additional parking is proposed.

This Site Plan Condition v. also requires that if a change in use occurs from the approved plan the parking requirements need further review from the Planning Board, and so the non-marine first floor tenants are triggering this Amendment Request. Based on the Amended Traffic and Parking Analysis, we request that the above mentioned condition be deleted as the new projections take into account full buildout allowed under the current WFZ restrictions.

Please review the attached plans and let me know how you want to process this Amendment Request.
As always, we look forward to working closely with you on this project and anticipate its successful completion.

Sincerely,
CARROLL ASSOCIATES

Patrick Carroll, Principal

Att.
CC: Chris Pachios
Jean Fraser

First Floor:	King's Head Restaurant	1,972 s.f.
	Still Water Yoga	871 s.f.
	Federlee/Mahoney Attorneys	443 s.f.
	Downeast Magazine	1,039 s.f.
	Ricoh	2,260 s.f.
	TOTAL:	6,585 s.f.
Second Floor:	On Point (med. data analysts)	3,390 s.f.
	Compass Health (med. data analysts)	4,288 s.f.
	Pierce Atwood	8,124 s.f.
	TOTAL:	15,802 s.f.
Third Floor:	Pierce Atwood	18, 567 s.f.
Fourth Floor;	Pierce Atwood	18,567 s.f.
Fifth Floor:	Pierce Atwood	17,031 s.f.

PROJECT NAME: CUMBERLAND COLD STORAGE BUILDING Attachment B.1

PROPOSED DEVELOPMENT ADDRESS:

254 COMMERCIAL STREET

PROJECT DESCRIPTION:

AMENDMENT OF APPROVED SITE PLAN TO ACCOMODTE CHANGE IN USE OF FIRST FLOOR FROM 100% MARINE USE TO 55% MARINE USE AND 45% NON0-MARINE USE; REMOVE CONDITION (v.) FROM ORIGINAL CONDITIONS OF APPROVAL.

CHART/BLOCK/LOT: 41/16, ~~41/17~~, ~~41/18~~ A

PRELIMINARY PLAN _____ (date)
FINAL PLAN _____ (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: WATERFRONT MAINE, LP Business Name, if applicable: Address: 14 MAINE ST City/State : BRUNSWICK, ME Zip Code: 04011	**Applicant Contact Information** Work # 207-729-7970 Home# Cell # Fax# e-mail: CPACHIOS@WFNY.COM
Owner – (if different from Applicant) Name: SAME AS ABOVE Address: City/State : Zip Code:	**Owner Contact Information** Work # SAME AS ABOVE Home# Cell # Fax# e-mail:
Agent/ Representative Name: CARROLL ASSOCIATES Address: 217 COMMERCIAL STREET, #200 City/State : PORTLAND, ME Zip Code: 04101	**Agent/Representative Contact information** Work # 207-772-1552 Cell # 207-329-8976 e-mail: pcarroll@carroll-assoc.com
Billing Information Name: SAME AS ABOVE Address: City/State : Zip Code:	**Billing Information** Work # Cell # Fax# e-mail:

RECEIVED
JUN 27 2013
City of Portland
Planning Division

Engineer Name: BLAIS CIVIL ENGINEERS Address: 780 BROADWAY SOUTH PORTLAND, ME 04106 City/State : Zip Code:	**Engineer Contact Information** Work # 207-767-7300 Cell # 207-837-8721 Fax# 1-866-207-2033 e-mail: SBLAIS@BLAISCE.COM
Surveyor Name: OWEN HASKELL, INC Address: 390 US ROUTE ONE, #10 FALMOUTH, ME 04105 City/State : Zip Code:	**Surveyor Contact Information** Work # 207-774-0424 Cell # 207-329-7117 Fax# e-mail: WSCOTT@WINTONSCOTT.COM
Architect Name: WINTON SCOTT ARCHITECTS Address: 5 MILK STREET PORTLAND, ME 04101 City/State : Zip Code:	**Architect Contact Information** Work # 207-774-4811 Cell # Fax# e-mail:
Attorney Name: Address: City/State : Zip Code:	**Attorney Contact Information** Work # Cell # Fax# e-mail:

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level II Development (check applicable reviews)	**Fees Paid** (office use)	**Other Reviews** (check applicable reviews)	**Fees Paid** (office use)
___ Less than 10,000 sq. ft. ($400.00) ___ After-the-fact Review ($1,000.00 plus applicable application fee) _____ The City invoices separately for the following: • Notices ($.75 each) • Legal Ad (% of total Ad) • Planning Review ($40.00 hour) • Legal Review ($75.00 hour) Third party review is assessed separately.	___ ___	___ Traffic Movement ($1,000) ___ Stormwater Quality ($250) ___ Section 14-403 Review ($400 + $25/lot) # of Lots ___ x $25/lot = _____ ___ Other _____ __X__ Change of Use ___ Flood Plain ___ Shoreland ___ Design Review ___ Housing Replacement ___ Historic Preservation	___ ___ ___
Plan Amendments (check applicable reviews)	**Fees Paid** (office use)		
___ Planning Staff Review ($250) __X__ Planning Board Review ($500)	___ ___		

B.3

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level III Development (check applicable reviews)	**Fees Paid** (office use)	**Other Reviews** (check applicable reviews)	**Fees Paid** (office use)
___ Less than 50,000 sq. ft. ($500.00)	___	___ Traffic Movement ($1,000)	___
___ 50,000 - 100,000 sq. ft. ($1,000)	___	___ Stormwater Quality ($250)	___
___ 100,000 – 200,000 sq. ft. ($2,000)	___	___ Subdivisions ($500 + $25/lot)	___
___ 200,000 – 300,000 sq. ft. ($3,000)	___	# of Lots ___ x $25/lot = _____	
___ over $300,00 sq. ft. ($5,000)	___	___ Site Location ($3,000, except for residential projects which shall be $200/lot)	___
___ Parking lots over 11 spaces ($1,000)	___	# of Lots ___ x $200/lot = _____	
___ After-the-fact Review ($1,000.00 plus applicable application fee)	___		
---		___ Other _____	
The City invoices separately for the following:		_X_ Change of Use	
- Notices ($.75 each)		___ Flood Plain	
- Legal Ad (% of total Ad)		___ Shoreland	
- Planning Review ($40.00 hour)		___ Design Review	
- Legal Review ($75.00 hour)		___ Housing Replacement	
Third party review is assessed separately.		___ Historic Preservation	
Plan Amendments (check applicable reviews)	**Fees Paid** (office use)		
___ Planning Staff Review ($250)	___		
_X_ Planning Board Review ($500)	___		

B.4

APPLICATION SUBMISSION

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Submissions shall include one (1) paper packet with folded plans containing the following materials:

1. **One (1) full size set of plans** that must be **folded.**
2. One (1) copy of all written materials as follows, unless otherwise noted:
   a. Application form that is completed and signed.
   b. Cover letter stating the nature of the project.
   c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
6. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist 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 a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:	**Date:**
	06.25.2013

B.5

General Submittal Requirements – Preliminary Plan (Optional)
Level III Site Plan
Preliminary Plan Phase Check list (if elected by applicant)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirements
X	☐	1	Completed application form
X	☐	1	Application fees
X	☐	1	Written description of project
☐ SEE ORIGINAL APP	☐	1	Evidence of right, title and interest.
☐ NA	☐	1	Copies of required State and/or Federal permits.
X	☐	1	Written assessment of proposed project's compliance with applicable zoning requirements.
☐ NA	☐	1	Written description of existing and proposed easements or other burdens.
☐ NA	☐	1	Written requests for waivers from individual site plan and/or technical standards, where applicable.
☐ NA	☐	1	Traffic analysis (may be preliminary, in nature, during the preliminary plan phase).
☐ NA	☐	1	Written summary of significant natural features located on the site.
☐ NA	☐	1	Written summary of project's consistency with related city master plans.
☐ NA	☐	1	Neighborhood Meeting Material (refer to page 13 of this application.)
Applicant Checklist	**Planner Checklist**	**Number of Copies**	**Site Plan Submittal Requirements**
☐ SEE ORIGINAL APP	☐	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
☐ SEE ORIGINAL APP	☐	1	**Preliminary Site Plan Including the following:** ***(*information provided may be preliminary in nature during preliminary plan phase):***
☐	☐		▪ *Existing and proposed structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).*
☐	☐		▪ *Location of adjacent streets and intersections and approximate location of structures on abutting properties.*
☐	☐		▪ *Proposed site access and circulation.*
☐	☐		▪ *Proposed grading and contours.*
☐	☐		▪ *Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways.*
☐	☐		▪ *Preliminary landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.*
☐	☐		▪ *Existing and proposed utilities (preliminary layout).*
☐	☐		▪ *Preliminary infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, transit infrastructure, roadway improvements).*
☐	☐		▪ *Preliminary stormwater management and erosion control plan.*
☐	☐		▪ *Existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b) 1. of the Land Use Code).*
☐	☐		▪ *Proposed alterations to and protection measures for significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).*

☐	☐		▪ *Existing and proposed easements or public or private rights of way.* B.6

General Submittal Requirements – Final Plan (Required)
Level III Site Plan
Final Plan Phase Check list (including items listed above in General Requirements for Preliminary Plan, if applicant did not elect to submit for a preliminary plan review)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirement
☐ SEE ORIGINAL APP	☐	1	Evidence of financial and technical capacity.
☐ SEE ORIGINAL APP	☐	1	Evidence of utilities' capacity to serve the development.
☐ SEE ORIGINAL APP	☐	1	Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).
☐ SEE ORIGINAL APP	☐	1	Construction management plan.
☒	☐	1	Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within ¼ mile of an intersection identified in a previous traffic study as a failing intersection).
☐ NA	☐	1	Stormwater management plan.
☐ NA	☐	1	Written summary of solid waste generation and proposed management of solid waste.
☐ NA	☐	1	Written assessment of conformity with applicable design standards.
☐ NA	☐	1	Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Final Plan Phase			
☒	☐	1	**Final Site Plan Including the following**
☐	☐		▪ *Existing and proposed structures on the site with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).*
☐	☐		▪ *Location of adjacent streets and intersections and approximate location of structures on abutting properties.*
☐	☐		▪ *Proposed site access and circulation.*
☐	☐		▪ *Proposed grading and contours.*
☐	☐		▪ *Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways. Proposed curb lines must be shown.*
☐	☐		▪ *Proposed loading and servicing areas, including applicable turning templates for delivery vehicles*
☐	☐		▪ *Proposed snow storage areas or snow removal plan.*
☐	☐		▪ *Proposed trash and recycling facilities.*
☐	☐		▪ *Landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.*
☐	☐		▪ *Existing and proposed utilities.*
☐	☐		▪ *Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, public transit infrastructure, roadway improvements).*
☐	☐		▪ *Proposed septic system, if not connecting to municipal sewer. (Portland Waste Water Application included in this application)*
☐	☐		▪ *Proposed finish floor elevation (FFE).*
☐	☐		▪ *Exterior building elevation(s) (showing all 4 sides).*
☐	☐		▪ *Proposed stormwater management and erosion controls.*

☐	☐	▪ *Exterior lighting plan, including street lighting improvements..* B.7
☐	☐	▪ *Proposed signage.*
☐	☐	▪ *Identification of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code). Wetlands must be delineated.*
☐	☐	▪ *Proposed alterations to and protection measures for of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).*
☐	☐	▪ *Total area and limits of proposed land disturbance.*
☐	☐	▪ *Soil type and location of test pits and borings.*
☐	☐	▪ *Details of proposed pier rehabilitation (Shoreland areas only).*
☐	☐	▪ *Existing and proposed easements or public or private rights of way.*

Attachment 6.1

KNOW ALL MEN BY THESE PRESENTS, THAT

POULTRY PROCESSING, INC., a Maine corporation having a principal place of business in Portland, County of Cumberland and State of Maine, for consideration paid by WATERFRONT, MAINE, a Maine limited partnership having a principal place of business in Brunswick, County of Cumberland and State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim unto the said WATERFRONT, MAINE, its successors and assigns forever, with QUITCLAIM COVENANTS the following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine and more particularly bounded and described as follows:

See Schedule A attached hereto and incorporated herein.

IN WITNESS WHEREOF, POULTRY PROCESSING, INC., as Grantor, and releasing all its rights in the above-described premises, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by George I. Lewis, its Vice President thereunto duly authorized, this 1st day of July, 1986.

Signed, Sealed and Delivered
in the Presence of:

POULTRY PROCESSING, INC.

By: _____
George I. Lewis
Its Vice President

STATE OF MAINE
CUMBERLAND, SS.

July 1, 1986

Personally appeared the above-named George I. Lewis, Vice President of Grantor corporation, as aforesaid, and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,

_____
Allen T. Hyer
~~Notary Public~~
Attorney at Law

C.2

PARCEL ONE:

The following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

A certain lot or parcel of land, flats, wharf, building, and railroad tracks situated on the southerly side of Commercial Street in said City of Portland now or formerly known as Merrill's Wharf and extending southeasterly from Commercial Street to low water mark. Said premises are bounded westerly in part by a line established between John Q. Twitchell and James P. Champlin and John Bradford by agreement dated April 13, 1883, recorded in the Cumberland County Registry of Deeds, Book 494, Page 433, and easterly by the line established between said John Q. Twitchell, James P. Champlin and the Proprietors of Union Wharf dated November 14, 1884, recorded in Cumberland County Registry of Deeds, Book 514, Page 180, and said premises including the benefit of an agreement with Richard Wharf Co. dated May 9, 1884, recorded in Cumberland County Registry of Deeds, Book 509, Page 185 and party wall agreement with Morris & Company, owners of Union Wharf, dated June 22, 1907, recorded in Cumberland County Registry of Deeds, Book 813, Page 87. Said premises are also subject to an agreement of easement with Cumberland County Power and Light Company dated March 2, 1935, recorded in Cumberland County Registry of Deeds, Book 1465, Page 311. Excepting, however, from the above described premises the portion thereof conveyed to Everett Wilson by Administrator's Deed dated July 10, 1897 recorded in Cumberland County Registry of Deeds, Book 654, Page 191, and Warranty Deed from James P. Champlin dated July 10, 1897, recorded in Cumberland County Registry of Deeds, Book 654, Page 193.

Also conveying, insofar as the Grantor has the power to grant the same, all water and riparian rights appurtenant to the above conveyed premises and rights in the area below the low water mark.

Also excepting and reserving the premises conveyed to Moulton Realty Co. by the Grantor herein by deed dated January 2, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4549, Page 85.

Also excepting and reserving from the above described premises, all of said land, flats, wharf, building, railroad tracks and water and riparian rights lying southerly of a line parallel to and twenty-five (25) feet southerly of the southerly side of the five story cold storage building located on the above described premises, right of way, and "right to locate underground utilities" as reserved in the deed of the premises from Poultry Processing, Inc. to Robert J. Levine, Trustee of Levine Realty Trust dated September 30, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4673, Page 162, which rights were subsequently acquired by the State of Maine by Notice of Taking by eminent domain dated March 24, 1981 recorded in said Registry, Book 4759, Page 119. Being the premises described in the deed from Poultry Processing, Inc. to Poultry Processing, Inc. dated March 19, 1986 and recorded in the Cumberland County Registry of Deeds, Book 7138, Page 317.

Exhibit C.3

KNOW ALL MEN BY THESE PRESENTS, That PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership with a principal place of business in Portland, County of Cumberland, State of Maine,

In consideration of One ($1.00) Dollar and other valuable considerations

Paid by WATERFRONT, MAINE, a Maine Limited Partnership, having an office at Main Street, Brunswick, Maine 04011.

The receipt whereof PROPERTY EXCHANGE PARTNERSHIP does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said WATERFRONT, MAINE, its successors and assigns forever,

A certain lot or parcel of land with the buildings and other improvements now or hereafter situated thereon, situated at and near 252 Commercial Street, Portland, County of Cumberland and State of Maine, more particularly described as follows:

Beginning at a point on the southerly sideline of Commercial Street in the City of Portland, Maine at the property line as agreed to by the Proprietors of Union Wharf and John Q. Twitchell and James P. Champlin as recorded in Book 514, Page 180 of the Cumberland County Registry of Deeds. Said point of beginning also being One Hundred Thirty-Nine and 44/100 (139.44) feet easterly along Commercial Street from the division line established between Twitchell and Champlin and John Bradford by agreement recorded in Book 494, Page 433 of said Registry. Thence by the following courses and distances:

1. S 23° 09' E along a party wall as described in an agreement between Morris & Co. and Twitchell and Champlin Co., recorded in Book 813, Page 87 of said Registry and along the line of agreement recorded in Book 514, Page 180 of said Registry Two Hundred Eight (208) feet to the end of a stone pier or retaining wall.

2. S 67° 00' W along the face of the wall Eighty-Two Hundredths (0.82) feet to a dock and building.

3. S 23° 09' E along the dock and building Nine and 55/100 (9.55) feet to a corner.

4. S 67° 09' W along the dock and building Thirty-Five and 40/100 (35.40) feet to the corner of the building as it now exists.

5. N 23° 08' 32" W along the building line One Hundred Eighty-Seven and 27/100 (187.27) feet to a corner.

6. N 10° 08' E along the building line Thirty-Two and 18/100 (32.18) feet to a corner at Commercial Street.

7. N 56° 49' E along Commercial Street Eighteen and 82/100 (18.82) feet to a point of beginning.

The description above is from a survey entitled "Plan of Property Merrill's Wharf" dated December 20, 1979 by Robert P. Titcomb, and recorded in the Cumberland County Registry of Deeds.

The bearings are magnetic of 1884.

ALSO the non-exclusive right, insofar as the Grantor has the power to grant the same, to use the lands and waters adjacent to the easterly sideline of the premises herein conveyed.

ALSO a right of way by vehicle and otherwise over the so-called Merrill's Wharf premises formerly of Poultry Processing, Inc. between the premises described herein and Commercial Street, such right of way to be in common with others for the purpose of entry and egress of the above-described premises. The non-exclusive right to locate underground utilities serving the premises described herein in the parcel between the above-described premises and the westerly boundary of said Merrill's Wharf, together with the right to connect to any common sewer pipe constructed or maintained by Poultry Processing, Inc., its successors or assigns, serving part or all of Merrill's Wharf, provided that Grantee shall be required to pay its fair and reasonable portion of the cost of such pipe and connection if Grantee elects to so connect, as well as its proportionate share of all assessments and charges made by the City of Portland or other governmental agency in relation to the use of said sewer.

ALSO the right to erect temporary scaffolding, store materials, park vehicles and conduct like activities incident to the repair, maintenance and alterations of the premises described herein on the Merrill's Wharf premises formerly of Poultry Processing, Inc. within ten (10) feet of the westerly sideline of the above-described premises, so long as such erections, storage, parking or activities do not unreasonably impede the use of said premises as a right of way for other owners, tenants and users of Merrill's Wharf.

Being part of the premises contained in the deed from the Executors of the Last Will and Testament of Benjamin Lewis to Cumberland Trading Co., Inc. dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 423. Said Cumberland Trading Co., Inc. merged into Pine State Beef Company on June 1, 1973. Said Pine State Beef Company merged into Poultry Processing, Inc. on October 28, 1974.

Also being the same premises conveyed to Robert J. Levine, Trustee of the Levine Real Estate Trust, by deed of MOULTON REALTY CO., dated January 2, 1980, and recorded in said Registry of Deeds in Book 4549, Page 113 and the same premises conveyed to Grantor by

Robert J. Levine, Trustee of the Levine Real Estate Trust by deed dated December 13, 1985 and recorded in said Registry of Deeds in Book 7005, Page 104.

Also hereby conveying all of the Grantor's right, title and interest in and to all easements, rights-of-way and other rights appurtenant to the above-described premises and in and to the fee underlying all public or private rights of way contiguous to said premises, and also including all mooring, wharfage and dockage rights and fees associated with said premises (all hereinafter sometimes referred to as the "Premises").

TO HAVE AND TO HOLD the aforegranted and bargained Premises, with all the privileges and appurtenances thereof, to the said Waterfront Maine, its successors and assigns, to its and their use and behoof forever.

And Grantor does covenant with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the Premises, that they are free of all encumbrances, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it will and its successors shall and will WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership, has caused this deed to be executed this 7th day of the month of August, 1987.

Signed, Sealed and Delivered
in Presence of:

PROPERTY EXCHANGE PARTNERSHIP,
a Maine general partnership

By: _____
John R. Gendron,
its General Partner

By: _____
Richard N. Gendron,
its General Partner

By: _____
Roger J. Gendron,
its General Partner

6.6

[illegible]

By: [signature]
Charles P. Gendron,
its General Partner

STATE OF MAINE
CUMBERLAND, ss.

August 20, 1987

Then personally appeared the above-named John R. Gendron, Richard N. Gendron, Roger J. Gendron and Charles P. Gendron, and acknowledged the foregoing instrument to be their free act and deed in their said capacities, and the free act and deed of said general partnership.

Before me,

[signature]
Notary Public
Attorney-at-Law

DIANE R. SOUZA
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES APRIL 21, 1992

Print Name

Attachment D.1

CBRE | The Boulos Company
CB RICHARD ELLIS

One Canal Plaza
Portland, ME 04101

T 207 772 1333
F 207 871 1288

www.boulos.com

June 18, 2013

Mr. Stephen Weatherhead
Winton Scott Architects
5 Milk Street
Portland ME 04101

RE: Marketing update – Marine related uses – Merrill's Wharf

Dear Steve,

Pursuant to your recent request, attached please find information regarding our extensive marketing efforts to marine-related users for the property owned by Waterfront Maine at 254-258 Commercial Street in Portland Maine. In addition to the information provided herein, our efforts have included:

- Multiple interviews with media outlets regarding availability of spaces and special pricing for marine-related uses. These interviews have resulted in newspaper articles with the Portland Press Herald, The Forecaster and Bangor Daily News highlighting the availability of marine spaces at Merrill's Wharf.

- We have sent mailers to marine-users with businesses along the Portland and South Portland waterfronts. We have followed up with phone calls to those users.

- We have made proactive lease proposals to organizations such as Friends of Casco Bay and the Maine Island Trail Association in an effort to pull marine-users to this property.

- We have had showings and interest from some marine-uses, but they have found that the infrastructure of the property does not meet their requirements. For instance, Chase Leavitt looked at the property, but needed direct access loading dock doors, which were not available.

- We have marketed the property on craigslist, loopnet and mainecpe and highlighted the availability of marine spaces at discounted rates.

Please see attached information and let us know if you need any additional details.

Sincerely,

DREW SIGFRIDSON, SIOR DEREK MILLER

Company Name	Address	City, State	Contact
New Meadows Lobster Co.	60 Portland Pier	Portland, ME 04101	
Harbor Fish Market	9 Custom House Wharf	Portland, ME 04101	
Sea Bags	25 Custom House Wharf	Portland, ME 04101	
Port Island Realty	73 Federal Street	Portland, ME 04101	
Island Water Taxi	72 Commercial Street (?)	Portland, ME 04101	
Three Brother Lobster	72 Commercial Street	Portland, ME 04101	
Bristol Seafood	5 Portland Fish Pier	Portland, ME 04101	Ray Swenton
Cozy Harbor	4 Portland Fish Pier	Portland, ME 04101	
Douty Brothers	10 Portland Fish Pier	Portland, ME 04101	Dick Douty
ISF Trading	Hobson's Wharf P.O. Box 772	Portland, ME 04104	Mr. Tomacki
Marine Trade Center	2 Portland Fish Pier	Portland, ME 04101	Bob Elder
North Atlantic Seafood	12A Portland Fish Pier P.O. Box 682	Portland, ME 04104	
Portland Fish Exchange	6 Portland Fish Pier	Portland, ME 04101	
Vessel Services	1 Portland Fish Pier	Portland, ME 04101	
Aqua Diving Academy	382 Commercial Street	Portland, ME 04101	
The Lobster Shack	225 Two Lights Road	Cape Elizabeth, ME 04107	
Watermark Yacht Sales	100 Kensington Street	Portland, ME 04103	
East Coast Yacht	106 Lafayette Street	Yarmouth, ME 04096	Laura Peterson
Hinkley	1 Little Harbor Landing	Portsmouth, RI 02871	
Sabre	Hawthorne Road P.O. Box 134	South Casco, ME 04077	
Brooklyn Boat Yard	Center Harbor Road P.O. Box 143	Brooklin, ME 04616	
New Wave Yachts	215 Foreside Road	Falmouth, ME 04105	Susan Ellis
Port Harbor Marine	1 Spring Point Drive	South Portland, ME 04106	
Accutech Marine Propeller	24 Cosby Road Unit #6	Dover, NH 03820	Larry Kindberg
Atlantic Boat Company	PO Box 217	Brooklin, ME 04616	Nate Hopkins
Baker Deisgn Consultants	11 Stoney Brook Lane	Yarmouth, ME 04096	Barney Baker
Back Cove Yachts	23 Merrill Drive	Rockland, ME 04841	Jason Constantine
Bamforth Marine Inc.	200 Main Street	Brunswick, ME 04011	Gary Favreau
Bay of Maine Boats	PO Box D	Kennebunkport, ME 04046	Michael Severance
Bayside Boat Sales	361 US Route One	Freeport, ME 04032	Steve Trenholm
BFC Marine	126 US Route One	Woolwich, ME 04579	Howard Kirkpatrick
Blue Maple Systems	2190 Western Road	Warren, ME 04864	Nik DeMaria
Bob Turcotte Yacht Design	12 Hagar Drive	Topsham, ME 04086	Bob Turcotte
Bohndell Sails	PO Box 628	Rockport, ME 04853	Bob Chace
Brown Ship Chandlery	PO Box 7302	Portland, ME 04112	Roberta Gagne

C.M. Bowker Company	835 Forest Ave.	Portland, ME 04103	R. Chase Bowker
Canvasworks	8 Bragdon Lane	Kennebunk, ME 04043	Stephen Eberle
Casco Bay Yacht Sales	PO Box 413	Freeport, ME 04032	Hydacoe Vokey
Chase Levitt Marine	PO Box 589	Portland, ME 04112	Chris Harrison
Cummins Northeast	10 Gibson Road	Scarborough, ME 04074	Stephen Savage
Custom Composites Technology	15 Wing Farm Pkwy	Bath, ME 04530	Steve Hassett
CW Hayden		Auburn, ME 04210	John Hayden
Donovan Marine	19 Pomerleau Street	Biddeford, ME 04005	Tom Norton
Dupont Marine Finishes	3 Chestnut Drive	Scarborough, ME	Chris McEvoy
Eco Analysis	PO Box 224	Bath, ME 04530	Bud Brown
Epifanes, N.A.	70 Water Street	Thomaston, ME 04861	Doug Theobalds
Even Keel Marine Specialties	124 Even Keel Road	Yarmouth, ME 04096	Joe Lowell
Fabco Industries	120 Exchange Street Ste. 300	Portland, ME 04101	Scott Gorneau
Fogg's Boatworks	230 Cumberland Road	North Yarmouth, ME 04097	Dennis Fogg
Fortune LLC	256 Read Street	Portland, ME 04103	Rick Fortune
Freeport Boat Outlet	PO Box 463	Freeport, ME 04032	George Brockman
French & Webb	21 Front Street	Belfast, ME 04915	Todd French
Lyman Morse Boatbuilding Co.	84 Knox Street	Thomaston, ME 04861	Ron Defoe
Maine Built Boats	185 Craigie Street	Portland, ME 04102	Jane Wellehand
Maine Liferaft & Inflatable Service	36 Union Wharf	Portland, ME 04101	Tristam Thompson
Maine Marine Composites	PO Box 15087	Portland, ME 04112	Steven Von Vogt
Maine Sailing Partners	24 Noble Drive	Freeport, ME 04032	Rob Haile
Marine Electric	PO Box 4714	Portland, ME 04112	Tim Carolan
Marine Industries Consultants	PO Box 856	Brunswick, ME 04011	Skip Robinson
Marine Safety Consultants	400 Commercial Street	Portland, ME 04101	Neil Rosen
Navtronics	15 Hannaford Drive	York, ME 03909	Tim Greer
New England Fiberglass Company	58 Fore Street	Portland, ME 04101	David Hoar
Portland Yacht Services	58 Fore Street	Portland, ME 04101	Phin Sprague
Sail Maine	58 Fore Street	Portland, ME 04101	Jeff Cumming
SP Marina Systems	106 Pine Street	Portland, ME 04102	Mason Spears
Shape Fabrication	24 Sky Harbor Drive	Biddeford, ME 04005	John Schafer
Shaw Yachts	52 Oyster River Road	Thomaston, ME 04861	Bernard Shaw
Six River Marine	160 Royal Road	N. Yarmouth, ME 04097	Chip Miller
Theriault Marine Consulting	14 Hampton Road	Cape Elizabeth, ME 04107	Tony Theriault
White Rock Outboard	351 Sebago Lake Road	Gorham, ME 04038	George Gerhardi Jr.
Yacht Sales Network	31 Main Street	Freeport, ME 04032	Willie Thomas

Yale Cordage	77 Industrial Park Road	Saco, ME 04072	Craig Locke or Tom Yale
Portland Harbor Museum	510 Congress Street	Portland, ME 04101	
Albatrans	111 Commercial Street	Portland, ME	Alison Leavit

D.4

D.5

http://maine.craigslist.org/off/3819983361.html

Waterfront Built-to-Suit Marine Commercial Space Available (254 Commercial St. Portland, ME)

We are pleased to offer up to 9,900sf of subdividable commercial space available on the Portland waterfront at Merrill's Wharf. Due to zoning restrictions the space is suited for marine and marine-related users only. The building was recently completely renovated and will be built to suit for incoming tenants' space needs. The space features brick and beam construction as well as 14'-18' ceilings. There is also marine berthing available.

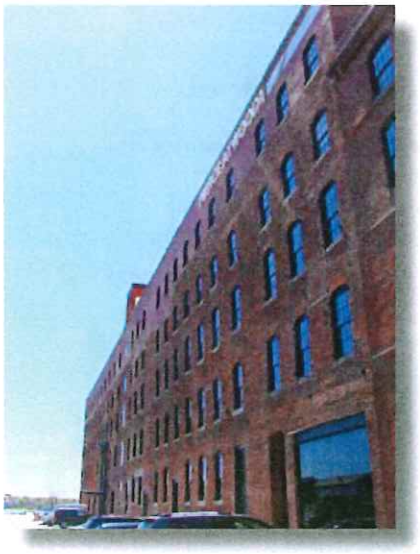
For pricing details and more information call Derek @ 207-773-1333.

FOR LEASE

MERRILL'S WHARF

254-258 COMMERCIAL ST

PORTLAND, ME



FEATURES

- 950 -12,225± sf available on first floor
- Join Pierce Atwood, Compass Health Analytics, Onpoint Health Data, Selkirk Partners, Federle Mahoney among others
- Historic rehabilitation on Portland's waterfront with great views of Portland Harbor
- Spaces newly renovated featuring exposed beams and brick walls
- New energy efficient windows and HVAC systems
- Lease Rate: From $21.50/sf MG

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FOR MORE INFORMATION PLEASE CONTACT

Drew Sigfridson, SIOR
Broker
T 207.772.1333
dsigfridson@boulos.com

Derek Miller
Associate
T 207.772.1333
dmiller@boulos.com

D.7

FOR LEASE

MERRILL'S WHARF

254-258 COMMERCIAL ST

PORTLAND, ME

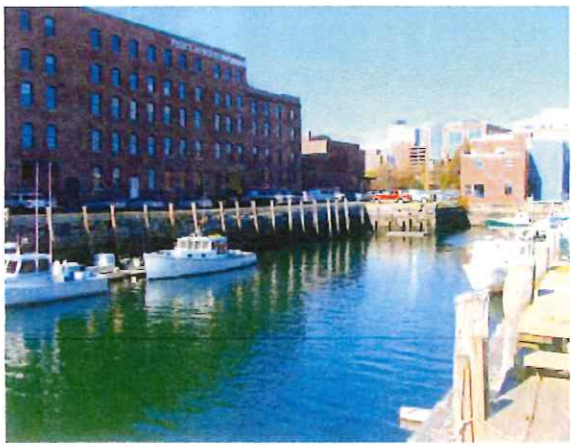
PROPERTY INFORMATION

OWNER:	Waterfront Maine
ADDRESS:	254-258 Commercial Street
BUILDING SIZE:	95,000± SF
NO. OF STORIES:	Five (5)
AVAILABLE SPACE:	950 - 12,225± SF (See attached floor plan for exact suite sizes available.)
ZONING:	WCZ (Waterfront Central)
ELEVATORS:	Two (2) new passenger elevators plus existing freight elevator
SPRINKLER:	Yes, wet sprinkler system
HVAC:	New gas-fired units installed in 1st & 2nd floor suites
UTILITIES:	Separately metered
PARKING:	Fifteen (15) on-site spaces available for first floor tenant at market rates. Additional spaces available in area garages and adjacent lots. See Broker for details.
OTHER TENANTS:	Pierce Atwood, Compass Health Analytics, Onpoint Health Data, Selkirk Partners, Federle Mahoney
LEASE TERM:	7-10 years preferred
LEASE RATE:	From $21.50/sf Modified Gross Tenant pays for gas, electricity and interior janitorial.
TENANT IMPROVEMENTS:	Lease rate will include "vanilla shell" and some interior office fit-out. (See Broker for details.)
AMENITIES:	Water views, harbor views, exposed brick and beams

AVAILABLE SPACE

Units may be combined.

Unit	Floor	SF
A	1	4,725± SF
B	1	1,675± SF
C	1	275± SF
D	1	200± SF
E	1	950± SF
I	1	4,400± SF



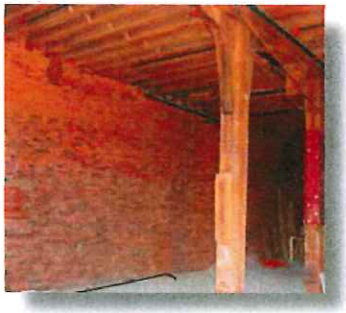
FOR LEASE

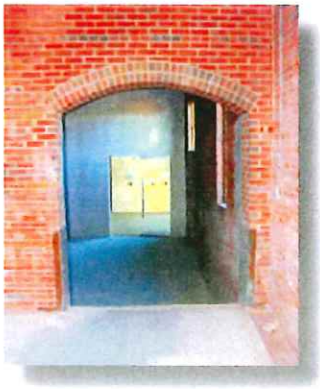
MERRILL'S WHARF

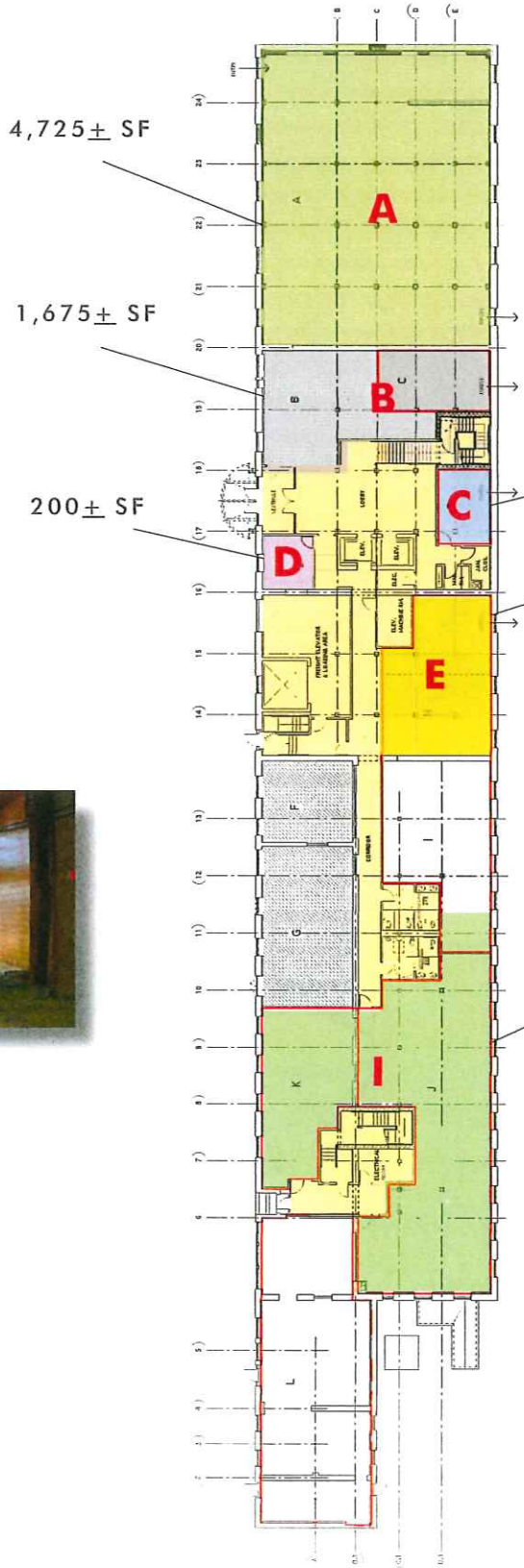
254-258 COMMERCIAL ST

PORTLAND, ME

FLOOR PLANS







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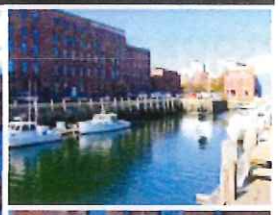
FOR LEASE

MERRILL'S WHARF

254-258 COMMERCIAL ST

PORTLAND, ME



FOR MORE INFORMATION PLEASE CONTACT

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Broker
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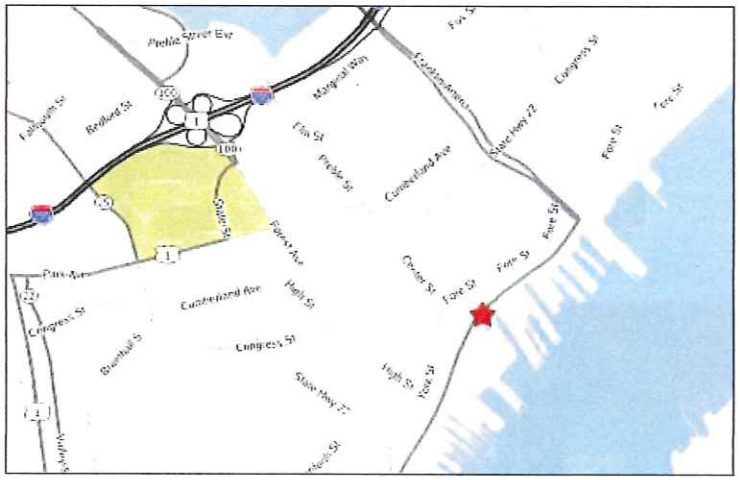
dsigfridson@boulos.com

Derek Miller
Associate
T 207.772.1333
dmiller@boulos.com

LOCUS MAP



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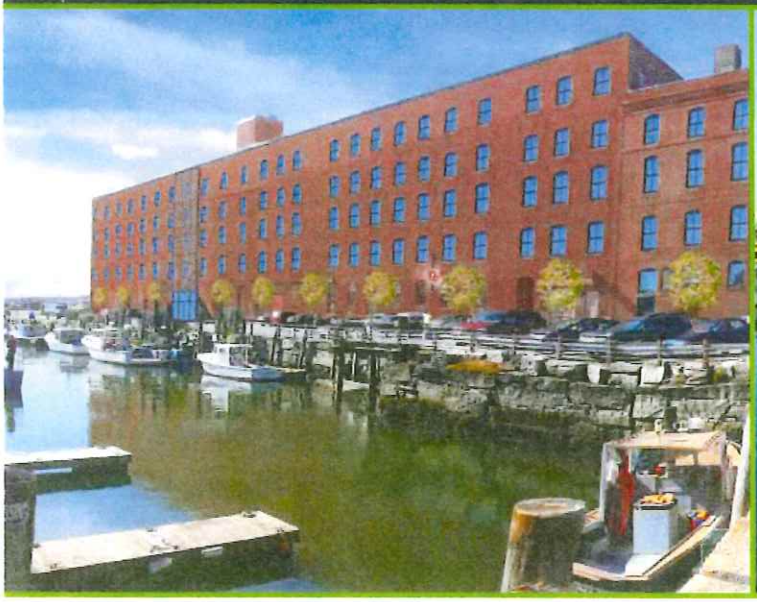
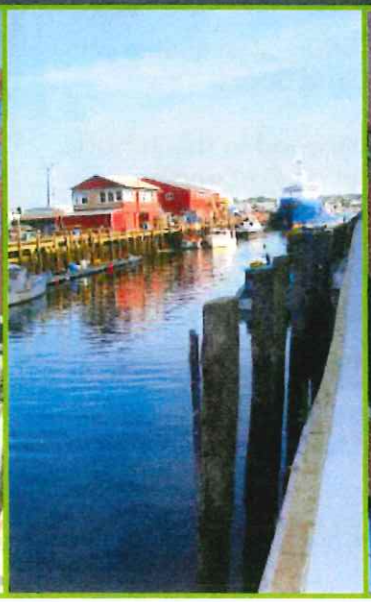
NOW AVAILABLE FOR LEASE

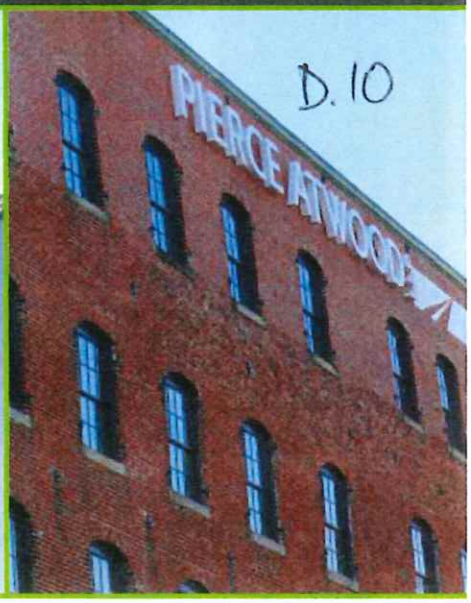
WATERFRONT OFFICE SPACE

MERRILL'S WHARF

254-258 COMMERCIAL STREET :: PORTLAND, MAINE







FOR MORE INFORMATION PLEASE CONTACT

Drew Sigfridson, SIOR
DesignatedBroker
207.772.1333
dsigfridson@boulos.com

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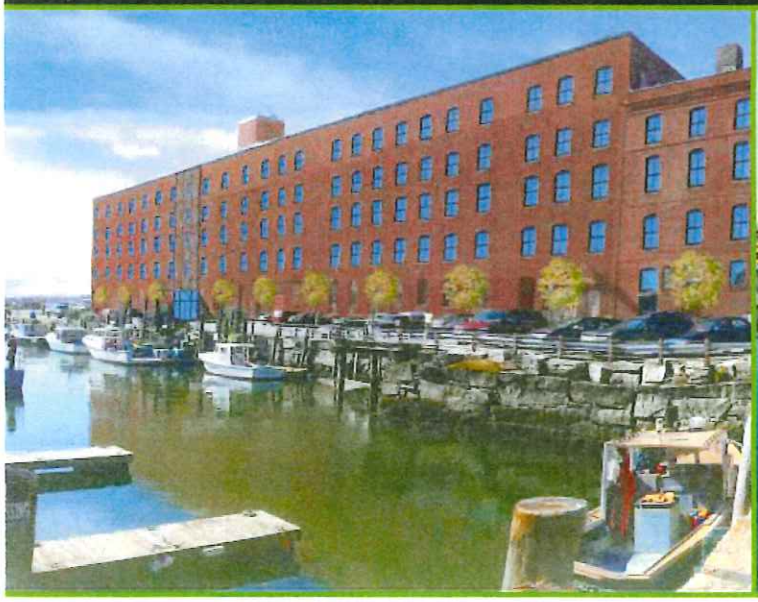
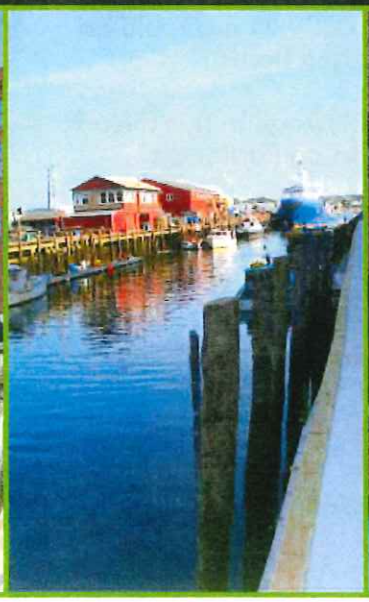
NOW AVAILABLE FOR LEASE

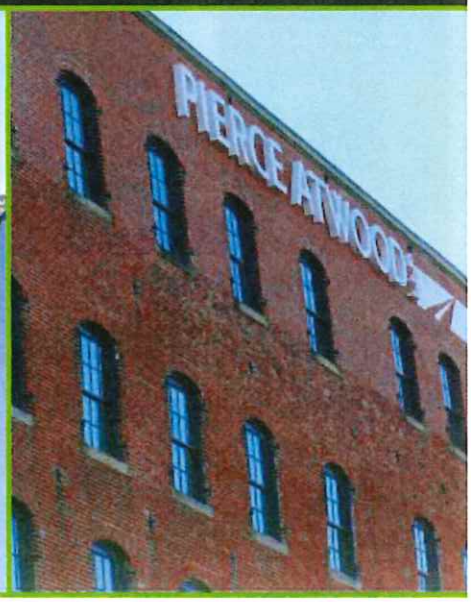
WATERFRONT OFFICE SPACE

MERRILL'S WHARF

254-258 COMMERCIAL STREET :: PORTLAND, MAINE







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D.11

FEATURES

:: 1,500 - 23,000± sf available on first and second floors

:: Join Pierce Atwood in this historic rehabilitation on Portland's waterfront

:: Exposed beams, brick walls, and great views of Portland Harbor

: New energy efficient windows and HVAC systems

: Spaces all newly renovated

: Lease Rate: From $21.50/sf MG
Special pricing for marine related uses.
Contact Broker for details.

FOR MORE INFORMATION CONTACT
Drew Sigfridson, SIOR
Designated Broker
207.772.1333 | dsigfridson@boulos.com

CBRE | The Boulos Company

One Canal Plaza, Suite 500
Portland, ME 04101
www.boulos.com

FEATURES

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Attachment E. 1. 1

Gorrill-Palmer Consulting Engineers, Inc.
Engineering Excellence Since 1998

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail:mailbox@gorrillpalmer.com

June 26, 2013

Mr. Pat Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Subject: Trip Generation, Collision History and Parking Review
Re-Use of Cumberland Cold Storage Facility
Portland, Maine

Dear Pat,

Per your request, Gorrill-Palmer Consulting Engineers, Inc. has completed an updated Traffic and Parking Review for the Cumberland Cold Storage Facility.

It is our understanding that the existing building consists of five floors each approximately 20,000 s.f. in area for a total gross building area of 99,751 s.f. The site has approximately 71 parking spaces on site and provisions for an additional 120 off site.

A summary of the current uses, gross square footage (gsf) and net square footage (nsf) is presented below;

Floors	GSF	NSF	USE	OCCUPIED (sf)	LEASED/ FUTURE (sf)	VACANT(sf)
1	20,205	14,306	marine/office	2,353 office	1,972 restaurant 2,260 office	7,868 marine
2	20,205	15,802	office	15,802 office		
3	20,205	18,567	office	18,567 office		
4	20,205	18,567	office	18,567office		
5	18,931	17,031	office	17,031 office		
TOTAL	99,751	84,273		72,320	4,232	7,868

Trip Generation

Gorrill-Palmer Consulting Engineers completed a traffic assessment in May of 2010 for the re-use of the building from storage to 30,000 sf of marine use and 70,000 of office use. The study forecast 163 trip ends. The current proposal revises this mix to approximately 88,124 gsf of office use, 9,297 gsf of marine use, and a 2330 gsf restaurant. Consistent with previous calculations used for this facility and National standards, the trip generation calculations are based on the larger gross square footage and not the smaller usable square footage as is frequently referenced in architectural plans.

The trip generation estimate for the mix of uses now proposed is presented below:

Use	Square Footage(gsf)	Land Use Code	PM Peak hour trip ends
Marine	9,297	110- Light Industrial	10
Office	88,124	710-Office	155
Restaurant	2,330	931-Quality Restaurant	21-No parking on site for restaurant
Total	99,751		186

Comparing this estimate to the original permit shows the revised configuration of uses will result in 23 additional peak hour trip ends (186-163) during the PM peak hour. Since these additional trip ends are less than 100, an amendment to the traffic movement permit is not required.

A copy of our trip generation estimates are included with this letter.

The previous study forecast 163 trip ends including 70 left and 69 right turns out of the Merrill Wharf driveway during the weekday PM peak hour. Our office completed turning movement counts in June, 2013 which showed 15 vehicles turning left and 15 vehicles turning right out of the site during the PM peak hour. A copy of the turning movement counts is included with this letter.

Collision Data

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) **and**:
2. A minimum of eight crashes over the same three-year period.

The following table summarizes the CRF and number of crashes provided by MaineDOT for the 2010-2012 time period for those locations that satisfy one or more of the aforementioned criteria:

MaineDOT Crash Data for 2010-2012: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
16790-16791	Commercial Street at Center Street	3	1.10	No
16790	Commercial Street at Union Street	15	0.86	No

Based on the information provided by MaineDOT, there are no high crash locations in the project study area. The crash information is enclosed with this letter. Gorrill-Palmer did complete a collision diagram for the intersection of Commercial Street and Union Wharf which is included in the Appendix to this letter for reference.

Parking Assessment

Existing Supply- There are currently 71 parking spaces on the site, including 6 reserved for berthing tenants, 15 dedicated to marine uses and 50 dedicated to office tenants. Since the 15 marine spaces were meant to meet the demand of a full first floor marine fit up, we recommend that that number be reduced to 8 and the remaining 7 be allowed for first floor non-marine tenants. In addition to the on-site parking spaces, the owner also rents approximately 120 off site, 70 of which are to the south of the site (Fisherman's Wharf).

Existing Demand- It is our understanding from the owner of the project, that while they have 50 parking spaces in addition to those at Fisherman Wharf, they are not used since there has been no demand.

Restaurant Demand-No on site spaces are planned for the proposed restaurant. Many of their weekday customers are anticipated to be drawn from the other businesses both in the building and from adjacent businesses in the Old Port area. Our office recommends a sign be placed at the entrance to the Wharf from Commercial Street stating that no parking is available for the restaurant during the weekday before 6:00 PM and we recommend that they adopt a parking management plan to tow any vehicle parking in a space without a permit, and that signs be posted adjacent to the restaurant to that effect. During the evenings after 6 PM and on weekends, we recommend that parking be allowed since the office demand will be significantly reduced. Existing bike racks are available on site and available for use by all tenants.

If you have any questions please contact our office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Thomas L. Gorrill, P.E., PTOE
President

TLG/tlg/JN2420/Carroll 6-25-13

E.1.4

JN: 2420.1
Project Description: Cumberland Cold Storage
Project Location: Portland
Date: 06/25/13

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 9,297

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 7.47(X) - 101.92	-32	18	50%	50%	-16	-16	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-78	29	85%	15%	-66	-12	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-150	26	15%	85%	-23	-128	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-50	27	90%	10%	-45	-5	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-112	27	15%	85%	-17	-95	0.89
Saturday	T = 0.85(X) + 163.06	171	6	50%	50%	86	86	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 6.97(X)	65	18	50%	50%	32	32	N/A
AM Peak of Adjacent	T = 0.92(X)	9	29	85%	15%	7	1	N/A
PM Peak of Adjacent	T = 0.98(X)	9	26	15%	85%	1	8	N/A
AM Peak of Generator	T = 1.01(X)	9	27	90%	10%	8	1	N/A
PM Peak of Generator	T = 1.08(X)	10	27	15%	85%	2	9	N/A
Saturday	T = 1.32(X)	12	6	50%	50%	6	6	N/A
Saturday Peak of Generator	T = 0.14(X)	1	5	50%	50%	1	1	N/A

E.1.5

JN: 2420.01
Project Description: Cumberland Cold Storage
Project Location: Portland, Maine
Date: June 25, 2013

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Office Building
Land Use Code (LUC) 710

Gross Floor Area 88,124

Trip Ends Based on Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split *		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	Ln (T) = 0.77 Ln (X) + 3.65	1210	78	50%	50%	605	605	0.80
AM Peak Hour	Ln (T) = 0.80 Ln (X) + 1.55	170	217	90%	10%	153	17	0.83
PM Peak Hour	T = 1.12 (X) + 78.81	178	235	15%	85%	27	151	0.82
Saturday	T = 2.14 (X) + 18.47	207	17	50%	50%	104	103	0.66
Peak Hour of Generator	Ln (T) = 0.81 Ln (X) - 0.12	33	10	55%	45%	18	15	0.59

* Percentages rounded to nearest 5%

Trip Ends Based on Average Rate

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split *		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	**T = 11.01 (X)**	**970**	**78**	**50%**	**50%**	**485**	**485**	---
AM Peak Hour	**T = 1.55 (X)**	**137**	**217**	**90%**	**10%**	**123**	**14**	---
PM Peak Hour	T = 1.49 (X)	131	235	15%	85%	20	111	---
Saturday	T = 2.37 (X)	209	17	50%	50%	105	104	---
Saturday Peak Hour of Gen.	**T = 0.41 (X)**	**36**	**10**	**50%**	**50%**	**18**	**18**	---

* Percentages rounded to nearest 5%

PM Peak Hour:	**T = 1.49/1.55 (AM Peak)**	**163**		**15%**	**85%**	**24**	**139**	**0.82**

Trip Generation using average of Equations & Rates

PM peak hour $\frac{178+131}{2} = 155$

E.1.6

JN: 2420.01
Project Description: Cumberland Cold Storage
Project Location: Portland
Date: 6/25/2013

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

Quality Restaurant
Land Use Code (LUC) 931

Gross Floor Area (ft^2): 2,330

Time Period	ITE Trip Rate (Average Rate)	Trip Ends	Directional Split IN	Directional Split OUT	Directional Distribution IN	Directional Distribution OUT
Weekday	T = 89.95 (X)	210	50%	50%	105	105
AM Peak Adjacent Street	T = 0.81 (X)	2	50%	50%	1	1
PM Peak Adjacent Street	T = 7.49 (X)	17	65%	35%	11	6
AM Peak of Generator	T = 5.57 (X)	13	80%	20%	10	3
PM Peak of Generator	T = 9.02 (X)	21	60%	40%	13	8
Saturday	T = 94.36 (X)	220	50%	50%	110	110
Saturday Peak Hour of Gen.	T = 10.82 (X)	25	60%	40%	15	10

E.1.7

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial and Union St wharf
Counter:Robin Googins
Board:2
Weather:clear

File Name : Not Named 2
Site Code : 00000000
Start Date : 6/18/2013
Page No : 1

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks

	COMMERCIAL STREET From North					UNION ST WHARF From East					COMMERCIAL STREET From South					UNION ST WHARF From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
03:30 PM	8	121	2	12	143	8	3	5	26	42	6	111	10	10	137	21	1	29	51	102	424
03:45 PM	10	113	3	17	143	1	1	9	24	35	3	109	11	23	146	26	0	28	46	100	424
Total	18	234	5	29	286	9	4	14	50	77	9	220	21	33	283	47	1	57	97	202	848
04:00 PM	10	126	2	1	139	3	1	7	11	22	1	121	7	9	138	38	2	34	57	131	430
04:15 PM	15	111	4	15	145	5	2	4	11	22	3	101	3	6	113	19	1	29	73	122	402
04:30 PM	14	124	0	6	144	5	3	8	26	42	1	117	8	8	134	49	1	44	47	141	461
04:45 PM	15	140	2	11	168	1	3	4	23	31	5	125	11	10	151	33	0	27	48	108	458
Total	54	501	8	33	596	14	9	23	71	117	10	464	29	33	536	139	4	134	225	502	1751
05:00 PM	16	126	2	17	161	3	9	9	21	42	4	114	10	7	135	36	2	38	60	136	474
05:15 PM	12	128	4	19	163	6	2	12	34	54	1	111	6	26	144	37	1	40	41	119	480
05:30 PM	20	136	1	16	173	3	2	12	32	49	2	126	10	16	154	27	2	44	69	142	518
05:45 PM	18	124	6	9	157	4	3	3	25	35	1	136	4	14	155	28	3	24	50	105	452
Total	66	514	13	61	654	16	16	36	112	180	8	487	30	63	588	128	8	146	220	502	1924
Grand Total	138	1249	26	123	1536	39	29	73	233	374	27	1171	80	129	1407	314	13	337	542	1206	4523
Apprch %	9	81.3	1.7	8		10.4	7.8	19.5	62.3		1.9	83.2	5.7	9.2		26	1.1	27.9	44.9		
Total %	3.1	27.6	0.6	2.7	34	0.9	0.6	1.6	5.2	8.3	0.6	25.9	1.8	2.9	31.1	6.9	0.3	7.5	12	26.7	
Passenger Vehicles	137	1229	25	103	1494	38	29	71	226	364	25	1150	78	119	1372	312	12	334	534	1192	4422
% Passenger Vehicles	99.3	98.4	96.2	83.7	97.3	97.4	100	97.3	97	97.3	92.6	98.2	97.5	92.2	97.5	99.4	92.3	99.1	98.5	98.8	97.8
Light Trucks	1	14	1	20	36	1	0	1	7	9	2	18	1	10	31	1	0	3	8	12	88
% Light Trucks	0.7	1.1	3.8	16.3	2.3	2.6	0	1.4	3	2.4	7.4	1.5	1.2	7.8	2.2	0.3	0	0.9	1.5	1	1.9
Heavy Trucks	0	6	0	0	6	0	0	1	0	1	0	3	1	0	4	1	1	0	0	2	13
% Heavy Trucks	0	0.5	0	0	0.4	0	0	1.4	0	0.3	0	0.3	1.2	0	0.3	0.3	7.7	0	0	0.2	0.3

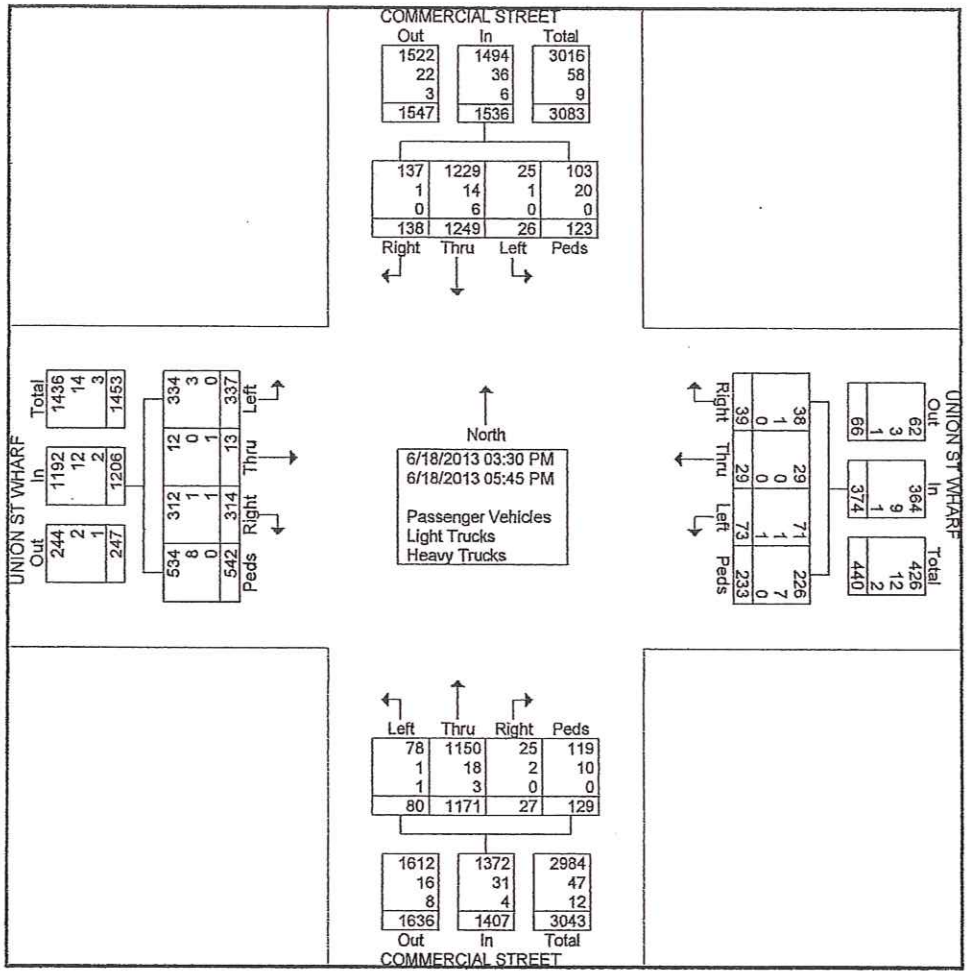
Gorrill-Palmer Consulting Engineers, Inc.

E.1.8

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial and Union St wharf
Counter:Robin Googins
Board:2
Weather:clear

File Name : Not Named 2
Site Code : 00000000
Start Date : 6/18/2013
Page No : 2



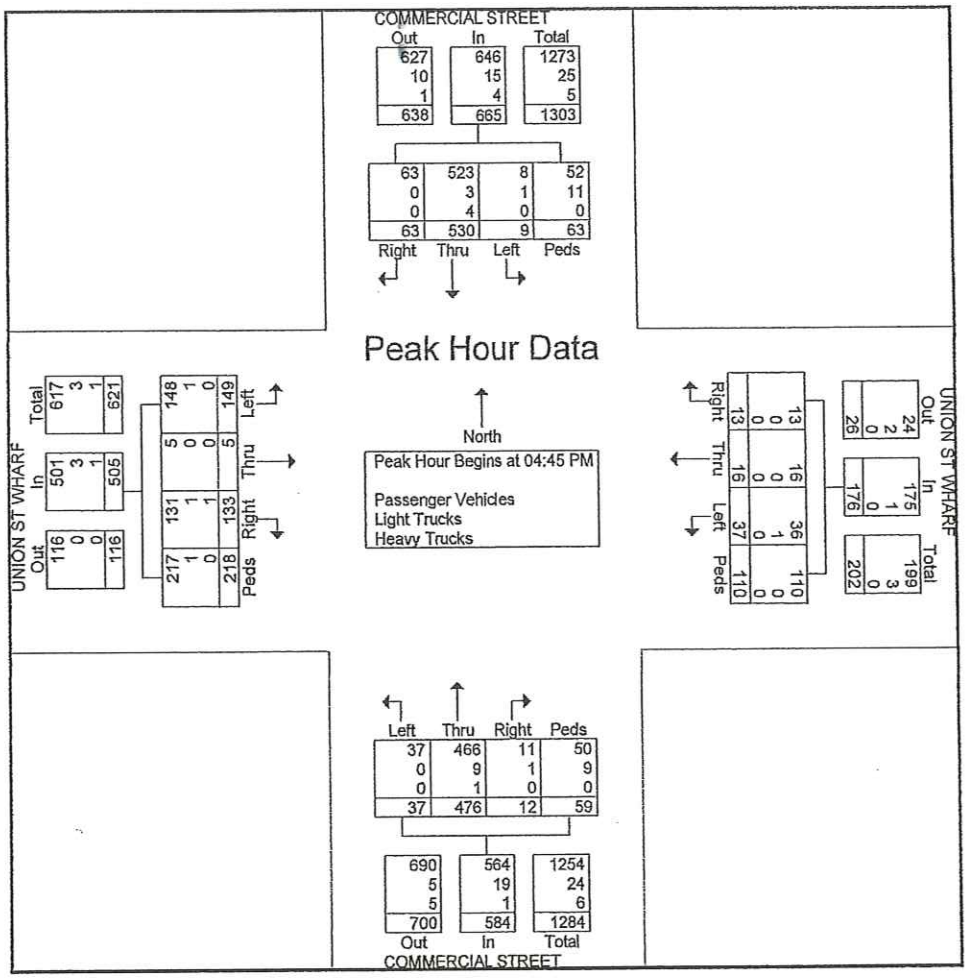
	COMMERCIAL STREET From North					UNION ST WHARF From East					COMMERCIAL STREET From South					UNION ST WHARF From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 03:30 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:45 PM																					
04:45 PM	15	**140**	2	11	168	1	3	4	23	31	**5**	125	**11**	10	151	33	0	27	48	108	458
05:00 PM	16	126	2	17	161	3	9	9	21	42	4	114	10	7	135	36	**2**	38	60	136	474
05:15 PM	12	128	**4**	**19**	163	**6**	2	**12**	**34**	**54**	1	111	6	**26**	144	**37**	1	40	41	119	480
05:30 PM	**20**	136	1	16	**173**	3	2	12	32	49	2	**126**	10	16	**154**	27	2	**44**	**69**	**142**	**518**
Total Volume	63	530	9	63	665	13	16	37	110	176	12	476	37	59	584	133	5	149	218	505	1930
% App. Total	9.5	79.7	1.4	9.5		7.4	9.1	21	62.5		2.1	81.5	6.3	10.1		26.3	1	29.5	43.2		
PHF	.788	.946	.563	.829	.961	.542	.444	.771	.809	.815	.600	.944	.841	.567	.948	.899	.625	.847	.790	.889	.931
Passenger Vehicles	63	523	8	52	646	13	16	36	110	175	11	466	37	50	564	131	5	148	217	501	1886
% Passenger Vehicles																					
Light Trucks	0	3	1	11	15	0	0	1	0	1	1	9	0	9	19	1	0	1	1	3	38
% Light Trucks	0	0.6	11.1	17.5	2.3	0	0	2.7	0	0.6	8.3	1.9	0	15.3	3.3	0.8	0	0.7	0.5	0.6	2.0
Heavy Trucks	0	4	0	0	4	0	0	0	0	0	0	1	0	0	1	1	0	0	0	1	6
% Heavy Trucks	0	0.8	0	0	0.6	0	0	0	0	0	0	0.2	0	0	0.2	0.8	0	0	0	0.2	0.3

E.1.9

Gorrill-Palmer Consulting Engineers, Inc.
PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial and Union St wharf
Counter:Robin Googins
Board:2
Weather:clear

File Name : Not Named 2
Site Code : 00000000
Start Date : 6/18/2013
Page No : 3



Gorrill-Palmer Consulting Engineers, Inc.

E.1.10

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial, Merrill Wharf, Cross st
Counter:Jarrod Googins
Board:1
Weather:clear

File Name : Not Named 1
Site Code : 00000000
Start Date : 6/18/2013
Page No : 1

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks

	COMMERC From North					CROSS MERRILL From East					COMMERC From South					CROSS MERRILL From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
03:30 PM	0	143	1	6	150	3	0	1	24	28	0	117	0	5	122	8	0	0	24	32	332
03:45 PM	0	155	3	1	159	0	0	2	22	24	4	121	0	4	129	8	0	5	32	45	357
Total	0	298	4	7	309	3	0	3	46	52	4	238	0	9	251	16	0	5	56	77	689
04:00 PM	0	173	1	0	174	0	0	3	8	11	1	122	0	9	132	9	0	2	29	40	357
04:15 PM	0	138	0	0	138	0	0	1	11	12	1	104	0	9	114	11	0	1	44	56	320
04:30 PM	0	180	1	0	181	3	0	3	9	15	0	122	0	10	132	14	0	2	18	34	362
04:45 PM	0	173	2	0	175	6	0	3	17	26	2	111	0	4	117	9	0	5	26	40	358
Total	0	664	4	0	668	9	0	10	45	64	4	459	0	32	495	43	0	10	117	170	1397
05:00 PM	0	177	4	0	181	3	0	4	16	23	1	121	0	5	127	13	0	4	35	52	383
05:15 PM	0	180	2	0	182	3	0	5	33	41	3	129	0	3	135	10	0	3	27	40	398
05:30 PM	0	170	2	0	172	1	0	1	27	29	0	119	0	1	120	14	0	3	22	39	360
05:45 PM	0	146	0	0	146	1	0	1	18	20	1	128	0	2	131	9	0	3	26	38	335
Total	0	673	8	0	681	8	0	11	94	113	5	497	0	11	513	46	0	13	110	169	1476
Grand Total	0	1635	16	7	1658	20	0	24	185	229	13	1194	0	52	1259	105	0	28	283	416	3562
Apprch %	0	98.6	1	0.4		8.7	0	10.5	80.8		1	94.8	0	4.1		25.2	0	6.7	68		
Total %	0	45.9	0.4	0.2	46.5	0.6	0	0.7	5.2	6.4	0.4	33.5	0	1.5	35.3	2.9	0	0.8	7.9	11.7	
Passenger Vehicles	0	1607	15	7	1629	20	0	24	174	218	12	1169	0	51	1232	102	0	27	274	403	3482
% Passenger Vehicles	0	98.3	93.8	100	98.3	100	0	100	94.1	95.2	92.3	97.9	0	98.1	97.9	97.1	0	96.4	96.8	96.9	97.8
Light Trucks	0	23	1	0	24	0	0	0	11	11	1	21	0	1	23	3	0	1	9	13	71
% Light Trucks	0	1.4	6.2	0	1.4	0	0	0	5.9	4.8	7.7	1.8	0	1.9	1.8	2.9	0	3.6	3.2	3.1	2
Heavy Trucks	0	5	0	0	5	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	9
% Heavy Trucks	0	0.3	0	0	0.3	0	0	0	0	0	0	0.3	0	0	0.3	0	0	0	0	0	0.3

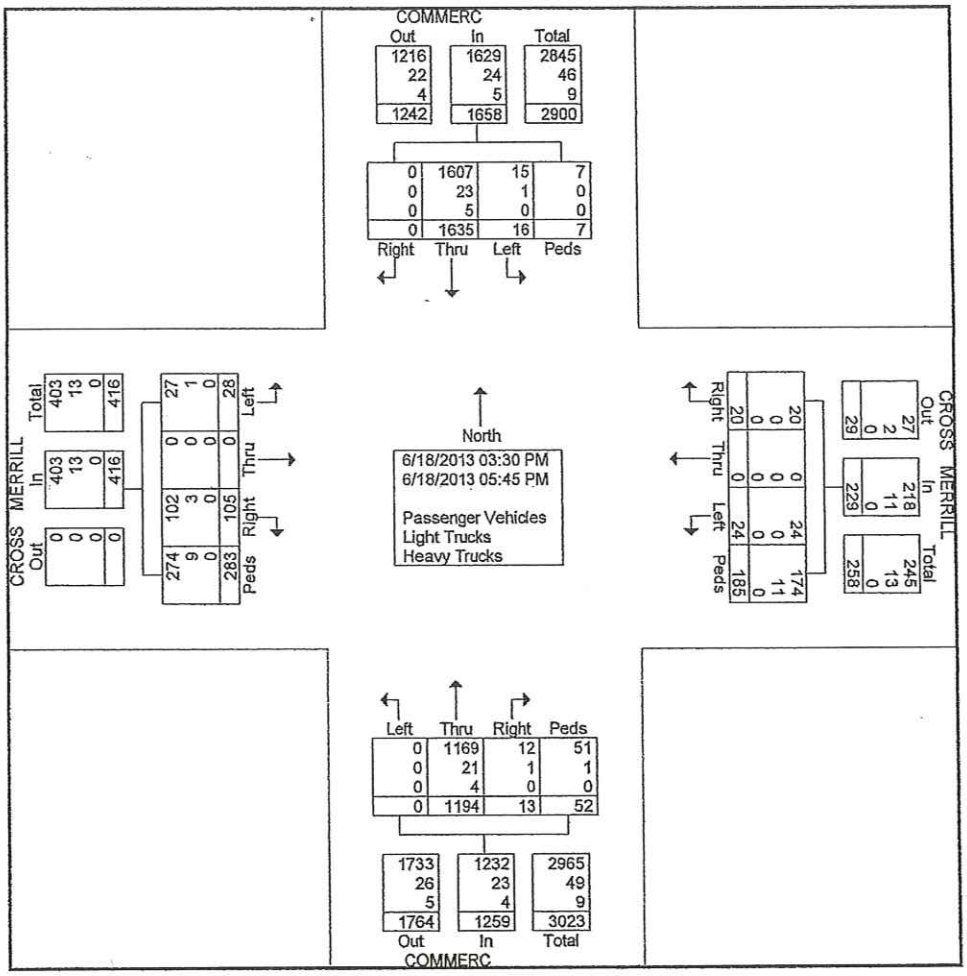
Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

E.1.11

Location:Commercial, Merrill Wharf, Cross st
Counter:Jarrod Googins
Board:1
Weather:clear

File Name : Not Named 1
Site Code : 00000000
Start Date : 6/18/2013
Page No : 2



	COMMERC From North					CROSS MERRILL From East					COMMERC From South					CROSS MERRILL From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 03:30 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
04:30 PM	0	180	1	0	181	3	0	3	9	15	0	122	0	10	132	14	0	2	18	34	362
04:45 PM	0	173	2	0	175	6	0	3	17	26	2	111	0	4	117	9	0	5	26	40	358
05:00 PM	0	177	4	0	181	3	0	4	16	23	1	121	0	5	127	13	0	4	35	52	383
05:15 PM	0	180	2	0	182	3	0	5	33	41	3	129	0	3	135	10	0	3	27	40	398
Total Volume	0	710	9	0	719	15	0	15	75	105	6	483	0	22	511	46	0	14	106	166	1501
% App. Total	0	98.7	1.3	0		14.3	0	14.3	71.4		1.2	94.5	0	4.3		27.7	0	8.4	63.9		
PHF	.000	.986	.563	.000	.988	.625	.000	.750	.568	.640	.500	.936	.000	.550	.946	.821	.000	.700	.757	.798	.943
Passenger Vehicles	0	701	9	0	710	15	0	15	68	98	6	474	0	22	502	46	0	14	104	164	1474
% Passenger Vehicles																					
Light Trucks	0	6	0	0	6	0	0	0	7	7	0	8	0	0	8	0	0	0	2	2	23
% Light Trucks	0	0.8	0	0	0.8	0	0	0	9.3	6.7	0	1.7	0	0	1.6	0	0	0	1.9	1.2	1.5
Heavy Trucks	0	3	0	0	3	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	4
% Heavy Trucks	0	0.4	0	0	0.4	0	0	0	0	0	0	0.2	0	0	0.2	0	0	0	0	0	0.3

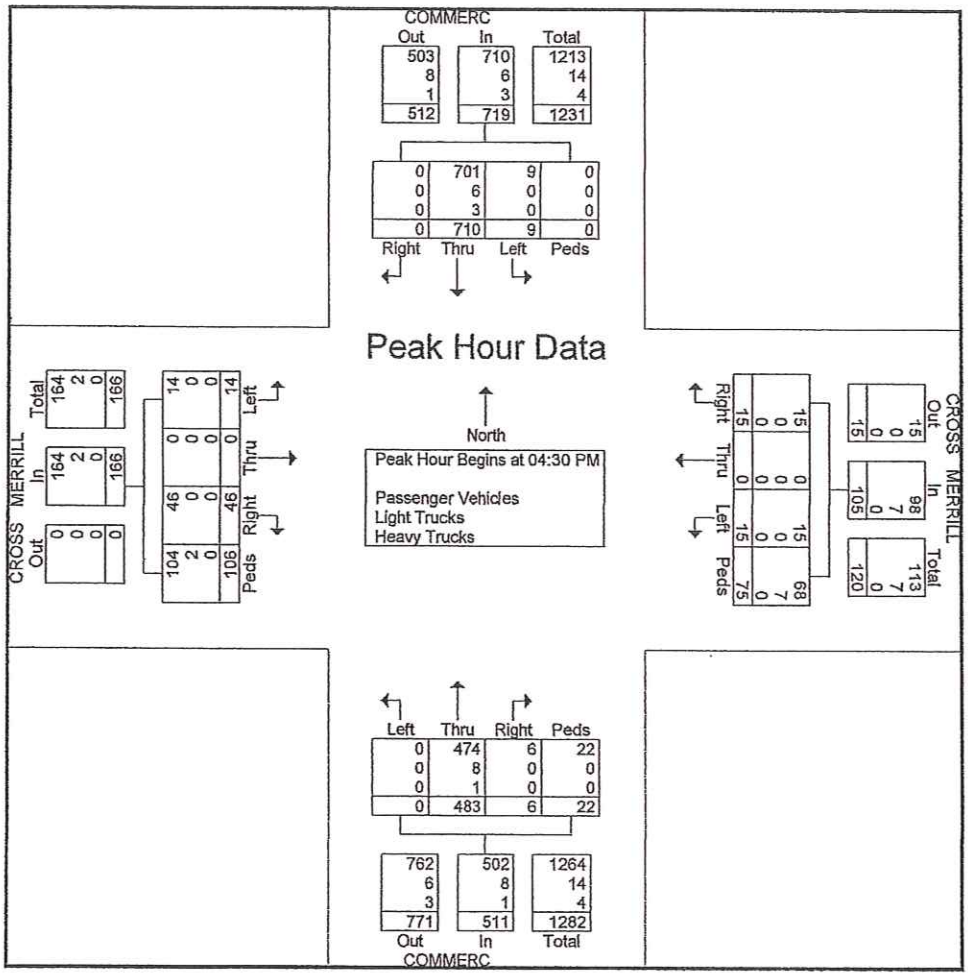
E.1.12

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial, Merrill Wharf, Cross st
Counter:Jarrod Googins
Board:1
Weather:clear

File Name : Not Named 1
Site Code : 00000000
Start Date : 6/18/2013
Page No : 3



Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☑ Crash Summary I ☐ Section Detail ☑ Crash Summary II ☐ 1320 Public ☐ 1320 Private ☐ 1320 Summary

REPORT DESCRIPTION

Commercial St

REPORT PARAMETERS

Year 2010, Start Month 1 through Year 2012 End Month: 12

Route: **0001A** Start Node: **16788** End Node: **16791** Start Offset: **0** End Offset: **0** ☐ Exclude First Node ☐ Exclude Last Node

3-1-13

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF
16788	0001A - 11.37	Int of CENTER ST, COMMERCIAL ST	9	7	0	0	1	1	5	28.6	5.582	0.42	1.09	0.00
												Statewide Crash Rate:	0.62	
16789	0001A - 11.43	Int of COMMERCIAL ST CROSS ST NO 2	2	1	0	0	0	0	1	0.0	4.955	0.07	0.32	0.00
												Statewide Crash Rate:	0.12	
16790	0001A - 11.49	Int of COMMERCIAL ST UNION ST UNION WHARF Z RD	9	15	0	1	4	0	10	33.3	5.252	0.95	1.10	0.00
												Statewide Crash Rate:	0.62	
16791	0001A - 11.53	Non Int COMMERCIAL ST	2	1	0	0	0	0	1	0.0	4.016	0.08	0.34	0.00
												Statewide Crash Rate:	0.12	
Study Years: 3.00		**NODE TOTALS:**		24	0	1	5	1	17	29.2	19.805	0.40	0.59	0.68

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section Length	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
16788	16789	3120368	0 - 0.06	0001A - 11.37	0.06	2	3	0	0	0	0	3	0.0	0.00278	360.31	490.89	0.00
Int of CENTER ST, COMMERCIAL ST				US 1A											Statewide Crash Rate: 176.20		
16789	16790	3120311	0 - 0.06	0001A - 11.43	0.06	2	4	0	0	1	0	3	25.0	0.00270	493.38	494.29	0.00
Int of COMMERCIAL ST CROSS ST NO 2				US 1A											Statewide Crash Rate: 176.20		
16790	16791	3130047	0 - 0.04	0001A - 11.45	0.04	2	3	0	0	0	0	3	0.0	0.00161	620.63	564.58	1.10
Int of COMMERCIAL ST UNION ST UNION WHARF Z RD				US 1A											Statewide Crash Rate: 176.20		
Study Years: 3.00				**Section Totals:**	0.16		10	0	0	1	0	9	10.0	0.00709	470.21	387.16	1.21
				Grand Totals:	0.16		34	0	1	6	1	26	23.5	0.00709	1598.70	535.85	2.98

Crash Summary

Section Details

Start Node	End Node	Element	Offset Begin - End	Route - MP	Total Crashes	Injury Crashes K	A	B	C	PD	Crash Report	Crash Date	Crash Mile Point	Injury Degree
16788	16789	3120368	0 - 0.06	0001A - 11.37	3	0	0	0	0	3	2012-25518	04/03/2012	11.38	PD
											2012-27	01/03/2012	11.39	PD
											2011-8566C	06/06/2011	11.41	PD
16789	16790	3120311	0 - 0.06	0001A - 11.43	4	0	0	1	0	3	2012-28776	05/22/2012	11.45	B
											2012-22170	02/17/2012	11.46	PD
											2012-43818	11/10/2012	11.47	PD
											2011-9093C	06/21/2011	11.47	PD
16790	16791	3130047	0 - 0.04	0001A - 11.49	3	0	0	0	0	3	2010-14633C	07/14/2010	11.50	PD
											2011-2971C	02/12/2011	11.51	PD
											2011-1377C	01/21/2011	11.52	PD
				Totals:	10	0	0	1	0	9				

E.1.16

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Day and Hour

	AM												PM												
Day Of Week	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	Un	Tot
SUNDAY	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	4
MONDAY	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	4
TUESDAY	0	0	0	0	0	0	0	0	0	0	0	1	2	1	1	0	0	1	1	1	0	0	0	1	0	9
WEDNESDAY	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	3
THURSDAY	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1	0	1	0	0	0	0	0	0	4
FRIDAY	0	1	0	0	0	0	0	0	0	0	0	2	0	0	0	0	1	0	1	0	0	0	0	0	0	5
SATURDAY	1	2	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	5
Totals	1	6	0	0	0	1	0	0	1	0	0	3	4	2	2	2	3	2	3	1	1	0	0	2	0	34

Vehicle Counts by Type

Unit Type	Total
1-Passenger Car	41
2-(Sport) Utility Vehicle	13
3-Passenger Van	3
4-Cargo Van (10K lbs or Less)	1
5-Pickup	5
6-Motor Home	0
7-School Bus	0
8-Transit Bus	0
9-Motor Coach	1
10-Other Bus	0
11-Motorcycle	0
12-Moped	1
13-Low Speed Vehicle	0
14-Autocycle	0
15-Experimental	0
16-Other Light Trucks (10,000 lbs or Less)	0
17-Medium/Heavy Trucks (More than 10,000 lbs)	1
18-ATV - (4 wheel)	0
20-ATV - (2 wheel)	0
21-Snowmobile	0
22-Pedestrian	4

Unit Type	Total
23-Bicyclist	0
24-Witness	4
25-Other	1
Total	**75**

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Driver Action at Time of Crash

Driver Action at Time of Crash	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
No Contributing Action	6	6	0	0	0	0	12
Ran Off Roadway	1	0	0	0	0	0	1
Failed to Yield Right-of-Way	6	1	0	0	0	0	7
Ran Red Light	0	1	0	0	0	0	1
Ran Stop Sign	0	0	0	0	0	0	0
Disregarded Other Traffic Sign	0	0	0	0	0	0	0
Disregarded Other Road Markings	0	0	0	0	0	0	0
Exceeded Posted Speed Limit	0	0	0	0	0	0	0
Drove Too Fast For Conditions	0	1	0	0	0	0	1
Improper Turn	1	0	0	0	0	0	1
Improper Backing	2	0	0	0	0	0	2
Improper Passing	0	3	0	0	0	0	3
Wrong Way	1	0	0	0	0	0	1
Followed Too Closely	2	4	0	0	0	0	6
Failed to Keep in Proper Lane	0	0	0	0	0	0	0
Operated Motor Vehicle in Erratic, Reckless, Careless, Negligent or Aggressive Manner	0	0	0	0	0	0	0
Swerved or Avoided Due to Wind, Slippery Surface, Motor Vehicle, Object, Non-Motorist in Roadway	0	0	0	0	0	0	0
Over-Correcting/Over-Steering	0	0	0	0	0	0	0
Other Contributing Action	2	1	0	0	0	0	3
Unknown	1	1	0	0	0	0	2
Total	22	18	0	0	0	0	40

Crashes by Apparent Physical Condition And Driver

Apparent Physical Condition	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
Apparently Normal	31	29	2	0	0	3	65
Physically Impaired or Handicapped	0	0	0	0	0	0	0
Emotional(Depressed, Angry, Disturbed, etc.)	0	0	0	0	0	0	0
Ill (Sick)	0	0	0	0	0	0	0
Asleep or Fatigued	0	0	0	0	0	0	0
Under the Influence of Medications/Drugs/Alcohol	2	1	0	0	0	0	3
Other	1	0	0	0	0	0	1
Total	34	30	2	0	0	3	69

Driver Age by Unit Type

Age	Driver	Bicycle	SnowMobile	Pedestrian	ATV	Total
09-Under	0	0	0	0	0	0
10-14	0	0	0	0	0	0
15-19	4	0	0	0	0	4
20-24	7	0	0	0	0	7
25-29	12	0	0	0	0	12
30-39	15	0	0	0	0	15
40-49	15	0	0	0	0	15
50-59	8	0	0	0	0	8
60-69	4	0	0	0	0	4
70-79	2	0	0	0	0	2
80-Over	0	0	0	0	0	0
Unknown	0	0	0	4	0	4
Total	67	0	0	4	0	71

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Most Harmful Event

Most Harmful Event	Total	Most Harmful Event	Total
1-Overturn / Rollover	0	38-Other Fixed Object (wall, building, tunnel, etc.)	0
2-Fire / Explosion	0	39-Unknown	0
3-Immersion	0	40-Gate or Cable	0
4-Jackknife	0	41-Pressure Ridge	0
5-Cargo / Equipment Loss Or Shift	0	**Total**	**34**
6-Fell / Jumped from Motor Vehicle	0		
7-Thrown or Falling Object	0		
8-Other Non-Collision	2		
9-Pedestrian	1		
10-Pedalcycle	0		
11-Railway Vehicle - Train, Engine	0		
12-Animal	0		
13-Motor Vehicle in Transport	29		
14-Parked Motor Vehicle	2		
15-Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle	0		
16-Work Zone / Maintenance Equipment	0		
17-Other Non-Fixed Object	0		
18-Impact Attenuator / Crash Cushion	0		
19-Bridge Overhead Structure	0		
20-Bridge Pier or Support	0		
21-Bridge Rail	0		
22-Cable Barrier	0		
23-Culvert	0		
24-Curb	0		
25-Ditch	0		
26-Embankment	0		
27-Guardrail Face	0		
28-Guardrail End	0		
29-Concrete Traffic Barrier	0		
30-Other Traffic Barrier	0		
31-Tree (Standing)	0		
32-Utility Pole / Light Support	0		
33-Traffic Sign Support	0		
34-Traffic Signal Support	0		
35-Fence	0		
36-Mailbox	0		
37-Other Post Pole or Support	0		

Traffic Control Devices

Traffic Control Device	Total
1-Traffic Signals (Stop & Go)	20
2-Traffic Signals (Flashing)	6
3-Advisory/Warning Sign	0
4-Stop Signs - All Approaches	0
5-Stop Signs - Other	0
6-Yield Sign	0
7-Curve Warning Sign	0
8-Officer, Flagman, School Patrol	0
9-School Bus Stop Arm	0
10-School Zone Sign	0
11-R.R. Crossing Device	0
12-No Passing Zone	0
13-None	7
14-Other	1
Total	**34**

Injury Data

Severity Code	Injury Crashes	Number Of Injuries
K	0	0
A	1	1
B	6	7
C	1	1
PD	26	0
Total	**34**	**9**

Road Character

Road Grade	Total
1-Level	32
2-On Grade	1
3-Top of Hill	0
4-Bottom of Hill	1
5-Other	0
Total	**34**

Light

Light Condition	Total
1-Daylight	20
2-Dawn	0
3-Dusk	0
4-Dark - Lighted	13
5-Dark - Not Lighted	0
6-Dark - Unknown Lighting	1
7-Unknown	0
Total	**34**

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Year and Month

Month	2010	2011	2012	Total
JANUARY	2	1	2	5
FEBRUARY	0	1	2	3
MARCH	1	0	1	2
APRIL	0	0	1	1
MAY	1	2	1	4
JUNE	1	2	0	3
JULY	2	3	2	7
AUGUST	1	0	0	1
SEPTEMBER	0	0	0	0
OCTOBER	0	2	1	3
NOVEMBER	2	2	1	5
DECEMBER	0	0	0	0
Total	**10**	**13**	**11**	**34**

Report is limited to the last 10 years of data.

E-1.20

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Crash Type and Type of Location

Crash Type	Straight Road	Curved Road	Three Leg Intersection	Four Leg Intersection	Five or More Leg Intersection	Driveways	Bridges	Interchanges	Other	Parking Lot	Private Way	Cross Over	Railroad Crossing	Total
Object in Road	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rear End / Sideswipe	8	0	4	10	0	0	0	0	0	0	0	0	0	22
Head-on / Sideswipe	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intersection Movement	0	0	0	5	0	2	0	0	0	0	0	0	0	7
Pedestrians	0	0	2	1	0	1	0	0	0	0	0	0	0	4
Train	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Went Off Road	0	0	0	0	0	0	0	0	0	0	0	0	0	0
All Other Animal	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycle	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Jackknife	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rollover	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Submersion	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Thrown or Falling Object	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bear	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deer	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moose	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	8	0	6	17	0	3	0	0	0	0	0	0	0	34

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather / Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Blowing Sand, Soil, Dirt												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Blowing Snow												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Clear												
Dark - Lighted	7	0	0	0	0	0	0	0	0	0	0	7
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	1	0	0	0	1
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	16	0	0	0	0	0	0	0	0	0	0	16
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Cloudy												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	1	1
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	1	0	0	0	0	0	0	0	0	0	0	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0

E.1.37

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather / Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Fog, Smog, Smoke												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	1	0	0	0	0	0	0	0	0	0	0	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Other												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Rain												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	4	4
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	1	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Severe Crosswinds												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0

E-1.23

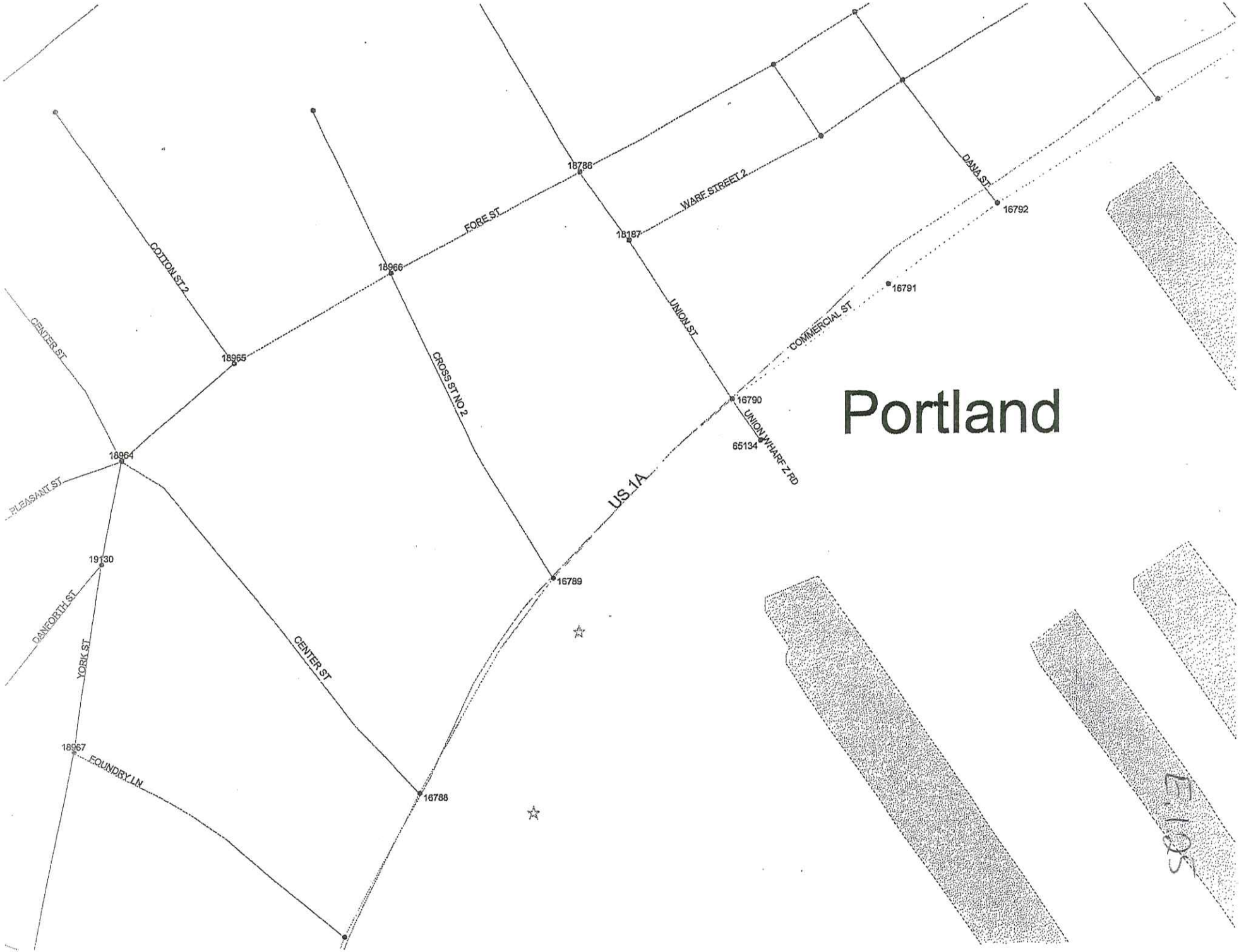
Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather / Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Sleet, Hail (Freezing Rain or Drizzle)												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Snow												
Dark - Lighted	0	1	0	0	0	0	0	0	0	0	0	1
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	1	0	0	0	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	25	1	0	0	0	0	0	2	0	0	0	34

E.1.24


Portland
18786
WARF STREET 2
DANA ST
16792
18187
FORE ST
18966
COTTON ST 2
16791
UNION ST
COMMERCIAL ST
CENTER ST
18965
CROSS ST NO 2
16790
65134
UNION WHARF 2 RD
18964
US 1A
PLEASANT ST
19130
16789
DANFORTH ST
YORK ST
CENTER ST
18967
FOUNDRY LN
16788

E.1.26

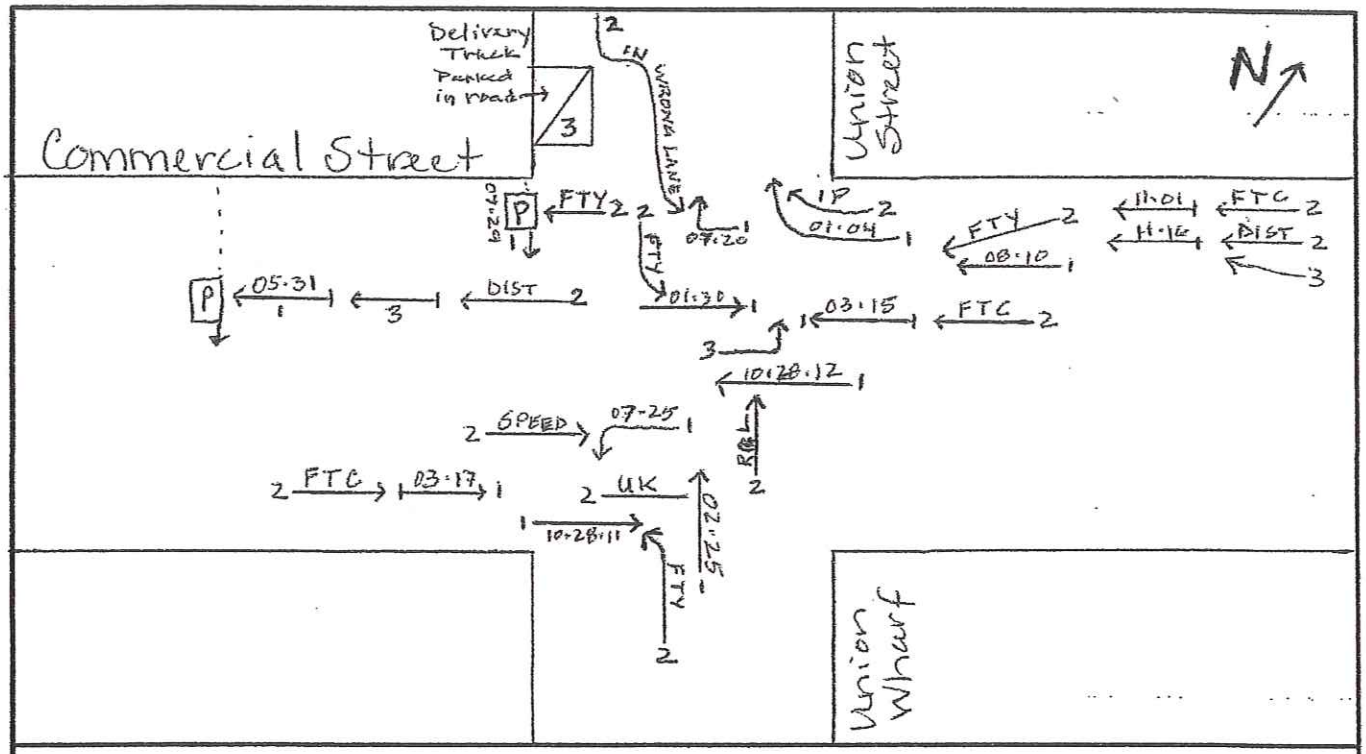
COLLISION DIAGRAM

SHEET 1 OF 2

LOCATION Commercial St. / Union St. / Union Wharf

TOWN Portland, ME NODE NO(S) 16790

YEARS REVIEWED 2010 - 2012 DATE PREPARED 06.19.2013



CRITICAL RATE FACTOR _____ EQUIV. PROP. DAMAGE ACC/YEAR _____ ACC/MEV _____

LIGHT
1. DAWN (MORNING) 2. DAYLIGHT 3. DUSK (EVENING)
4. DARK (ST. LIGHTS ON) 5. DARK (NO ST. LIGHTS) 6. DARK (ST. LIGHTS OFF)
7. OTHER

ROAD SURFACE
1. DRY 2. WET 3. SNOW/SLUSH-SANDED
4. ICE/PACKED SNOW-SANDED 5. MUDDY 6. DEBRIS
7. OILY 8. SNOW/SLUSH-NOT SANDED 9. ICE-PKD. SNOW-NOT SANDED
10. OTHER

APPARENT CONTRIBUTING FACTORS - HUMAN
1. NO IMPROPER ACTION 2. FAIL TO YLD. RIGHT OF WAY 3. ILLEGAL UNSAFE SPEED
4. FOLLOW TOO CLOSE 5. DISREGARD TRAFFIC CONTROL DEVICE
6. DRIVING LEFT OF CENTER-NO PASSING 7. IMPROPER PASS-OVERTAKING
8. IMP. UNSAFE LANE CHANGE 9. IMP. PARKING START/STOP 10. IMPROPER TURN
11. UNSAFE BACKING 12. NO SIGNAL OR IMP. SIGNAL 13. IMPEDING TRAFFIC
14. DRIVER INATTENTION-DISTRACTION 15. DRIVER INEXPERIENCE
16. PEDEST. VIOLATION ERROR 17. PHYSICAL IMPAIRMENT 18. VISION OBSCURED-WINDSHIELD GLASS
19. VISION OBSCURED-SUN/HEADLIGHTS
20. OTHER VISION OBSCUREMENT 30. OTHER HUMAN VIOLATION FACTOR
31. HIT AND RUN 51. UNKNOWN

- VEHICULAR
41. DEFECTIVE BRAKES 42. DEFECTIVE TIRE/FAILURE 43. DEFECTIVE LIGHTS
44. DEFECTIVE SUSPENSION 45. DEFECTIVE STEERING 50. OTHER VEHICLE DEFECT OR FACTOR
51. UNKNOWN

SYMBOLS
ANGLE, PEDESTRIAN (P), FATAL ACCIDENT
BACKING, REAR END
FIXED OBJECT, SIDE SWIPE, VEHICLE (MOVING)
HEAD ON, TURNING MOVE, BICYCLE (B)
OVERTURN, CHANGE LANE, ANIMAL (A)
PARKED VEHICLE, OUT OF CONTROL, SLED (S)

WEATHER
C = CLEAR F = FOG R = RAIN
SL = SLEET S = SNOW CL = CLOUDY
XW = CROSS WINDS

INJURIES
K = FATAL B = NON-INCAPACITATING
A = INCAPACITATING C = POSSIBLE INJURY

REPORT NO.	DATE	TIME	INJURIES K	A	B	C	LIGHT	ROAD SURFACE	ACF	OTHER
000033	01.04.10	05:05					6	3	7/12	
000341	01.30.10	01:20					4	1	2	
000694	03.17.10	08:00					1	1	4	
16-1920	07.25.10	01:15					4	2	3	
00020145	08.10.10	12:30					1	1	2	
003044	11.16.10	17:13					4	1	14	Pedestrian
001541	05.31.11	13:33					1	1	14	
003032	10.28.11	01:31					4	2	2	

S:/SHEETS/COLLISION DIAGRAM.DWG

E.1.27

COLLISION DIAGRAM

LOCATION Commercial St/Union St/Union Wharf

TOWN Portland, ME NODE NO(S) 16790

YEARS REVIEWED 2010 - 2012 DATE PREPARED 06·19·2013

REPORT NO.	DATE	TIME	INJURIES K	A	B	C	LIGHT	ROAD SURFACE	ACF	OTHER
003081	11·01·11	11:47					1	1	4	
00485	02·25·12	00:10					4	2	51	
663	03·15·12	16:05					1	1	4	
0017666	07·20·12	11:45					1	1	13	Moped
001853	07·29·12	01:22					4	2	2	Pedestrian
002712	10·28·12	01:27					4	1	5/14	

S:/SHEETS/COLLISION DIAGRAM.DWG

Attachment E. 2.1

Gorrill-Palmer Consulting Engineers, Inc.
Engineering Excellence Since 1998

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail:mailbox@gorrillpalmer.com

July 16, 2013

Mr. Pat Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Subject: Response to Staff Comments on Traffic and Parking Review
Re-Use of Cumberland Cold Storage Facility
Portland, Maine

Dear Pat,

Per your request, Gorrill-Palmer Consulting Engineers, Inc. has review comments from the City's peer reviewer for traffic and parking issues, Tom Errico in his email of 7/12/2013. His comments followed by our responses are presented below:

Comment: I have reviewed the revised trip generation analysis and concur with the conclusions that a modified Traffic Movement Permit is not required

Response: No response necessary

Comment: The applicant should provided details on whether any crashes have occurred on Commercial Street/Site Entrance location (have any vehicles entering and exiting the site been involved in a crash).

Response: The crash history provided by the MaineDOT shows four collision occurred from 2010 through 2012 on Commercial Street between Cross Street and Union Street. Of these four, one occurred at the driveway to the site and involved a vehicle turning left out of the site striking a pedestrian crossing Commercial Street. Two of the remaining collisions involved vehicles entering parking spaces along Commercial Street and one involved a vehicles approaching Union Street. The collision reports can be furnished if requested but our company policy is not to include them in the report due to the personal information they contain.

Comment: The City typically has a provision that parking needs for restaurants only include spaces to accommodate employees. Accordingly, the applicant should provide additional information on anticipated staffing levels. Additionally, the applicant should also provide information on the expected hours of operation of the restaurant.

Response: The proposed restaurant is anticipated by the applicant to have 4 employees at lunchtime and 6 during the evening. The hours of the restaurant are anticipated to be from 11:00 AM to 1:00 AM.

Comment: Additional supporting information is needed to better understand existing parking demand numbers. I would suggest that the applicant provide information on employee numbers, any available survey information on mode of travel, if parking fees are charged to employees that

parked off-site, and information on employees that may park in other off-site parking lots or on-street locations that are not time limit regulated.

Response: The site currently has 71 parking spaces which are utilized as follows:

- 6 are reserved for berthing tenants (currently there are 5 tenants).
- 15 are reserved for marine related businesses but are currently being rented on a temporary basis by building tenants. They are: Compass Health (1), OnPoint Health (1), Selkirk Partners (1), Stillwater Yoga (1), Federle Mahoney (1) and Down East Magazine (1). These tenants will park in the adjacent Portland Fish Pier lot when the spaces are need for marine related uses
- Pierce Atwood has reserved remaining 50 spots.

A more detailed summary of each the parking use by each of these tenants is summarized below based on information provided by the applicant from the tenants:

Pierce Atwood: normally about 90-100 people are on site; the maximum would be 121 on site if everyone were all together at the same time, which is rare. They currently have 41 people sharing the 50 reserved on site spots for associates and guests and generally about 30 associates are on site in those rented spots daily. They rent an additional 80 spots at the Portland Fish Pier and currently, about 65-70 of those are utilized daily, so there is overflow space. They have a few employees that are using spots at the Standard lot near Rufus Deering. They have 2 people that bike to work daily and another 5-7 that bike or run seasonally; those people all keep their bikes indoors rather than use the public bike racks on site. Finally, 1 person walks to work from Chandler's Wharf.

Compass Health: normally there are about 8 people are in the office daily; the total staff is 13 with 3 of those people living & working daily outside of Maine. The office manager uses the 1 reserved spot on site daily. They have rented 6-10 spots at the Fore Street Garage for many years, including before moving in to this building.

OnPoint Health: normally about 8 people are in the office at once; the total staff is 14 with several of those people based in the Augusta area office. The owner uses the 1 reserved spot on site on those days when he is in the office. They have half of the Portland staff parking at the Fore Street garage & the other half at the Commercial Street lot by Portland Lobster.

Selkirk Partners: 1 person business office with a reserved spot on site for those days that he is in the office.

Stillwater Yoga: 1 person Yoga Studio; students are mixed but primarily between the building and neighboring businesses. They recommend that students who are not coming directly from work to plan to park at a meter along Commercial Street.

Federle Mahoney: 1 person law office with a reserved spot on site for those days that he is in the office.

Down East Magazine: Portland based sales office for Camden/Rockport area company; normally 1 person uses the office each day & uses the 1 reserved spot on site. On days when a salesperson needs to pick up something at the office, they are short term and use a parking meter. There is a weekly early morning sales meeting that 4 people attend; they are typically off the street and in the field before the Commercial Street meters are in use at 9am.

Off site spaces: Condition v of the site plan approval on 6-8-2010 required that the project include 6 spaces for berthing, 15 spaces for ground floor marine uses, and 50 spaces for the office building all to be on site for a total of 71 spaces. The condition further required that there also be 120 spaces reserved off site. The demand for the off-site spaces based on the discussion above is 80 spaces for Pierce Atwood, 10 for Compass Health which leases spaces at the Fore Street garage, 8 spaces for On Point Health which currently leases 4 at the Fore Street garage and 4 spaces at the Commercial Street lot by Portland Lobster, and 4 spaces for the remaining uses currently parking on site until needed by a marine tenant. The proposed restaurant will require an additional 6 spaces which will be supplied off site, thus bringing the total estimated off site demand to 104 spaces, well beyond the 120 spaces currently reserved. The non-marine use parking currently utilizing marine use parking will be relocated off site when marine tenants are brought into the building.

If you have any questions please contact our office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Thomas L. Gorrill, P.E., PTOE
President

TLG/tlg/JN2420/Carroll 6-25-13

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

Attachment F.1

July 9, 2013

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: CCSB Site Plan Amendment Application

Dear Jean,

In response to the issues brought forth from your recent staff review we offer the following responses:

Issue:
At our preliminary review meeting on July 3rd, 2013 it was determined that further information was needed in order to progress the review. In particular, we need an analysis of the % of open area that will be marine/non-marine, as per Ordinance section as reiterated in
Response:
We have reviewed the 2012 Waterfront Central Zone Use Inventory: June 2013 that was recently issued and agree with its findings that Merrill's Wharf currently provides 47% of its "Open Area" for marine dependent uses. We understand that this is below the 55% of open area as described in the Waterfront Central Zone under Section 14-311(a)2 and 14-311(d)8. We offer two comments relative to a solution to this issue:

1. The 47% open area that currently exists was approved as part of our initial Site Plan Approval when the ground floor was 100% marine use and prior to adoption of the WCZ Zone requirements. As such, it should be considered a non-conforming use, and as long as the open area does not become more non-conforming the proposed changes to the building uses can be allowed. If 47% was acceptable for 100% ground floor marine use, it would be logical that a change in use within the building to reduce the marine use to 55% would allow the existing open area to function better than its current condition.
2. In an effort to meet this Zoning requirement, we are submitting an updated Inventory of Use that illustrates how we propose meeting the 55% available Open Area. This is accomplished by designating approximately 1200 sf at the south end of the building for Marine Use. This area is directly adjacent to the Marine Use section of the Building and would be reserved for potential uses that the marine tenant might need, such as trap storage, net mending, etc. See attached Site Plan for the proposed Inventory and calculations.
3. The Owners have entered into a long term lease with the Portland Fish Exchange and Portland Fish Pier Authority to guarantee preservation of historic marine access to and use of the end of the Fish Pier directly south of the property. Attached please find a copy of the lease agreement. While this is not on the Merrills Wharf property per se, it does indicate the commitment of WFM to maintaining a working waterfront.

Issue:
The information regarding section 14-311 (a) 3 appears incomplete in that there is no evidence regarding the 60 days. I await comments from the Zoning Administrator, as I understand that the she has some questions on this including whether the media were "targeted" to reach marine users;

F. 2

Response:
We understand that additional data was provided to Zoning/ Codes and this issue has been adequately resolved.

Issue:
The submitted Plan L-2.1R does not reflect the amendments submitted and approved on October 25, 2012 concerning the rear walkway, access and servicing (?dumpsters) (how will the new restaurant be serviced?);
Response:
You are correct that the submitted Site plan did not reflect the latest changes and amendments as approved on October 25, 2012. Attached please find an updated Site Plan that illustrates all current approvals as well as parking allocation on the wharf. As a clarification, service for the restaurant will be from the adjacent service area between the CCSB and Browne Trading Co.

Issue:
Why is the proposed residual marine-use parking located adjacent to the non-marine uses rather than adjacent to the ground floor marine use part of the building?
Response:
The 15 designated marine use parking spaces are located at the north end of the building because initially the south end of the building was envisioned to be where the non-marine uses were to be located and we located them adjacent to the marine berthing parking. The current location is still within 150 feet of the main building entrance which is a very short walk. All spaces on-site are currently designated and reserved, and the Owners are guaranteeing that there will be 15 spaces available for marine use tenants if and when they are occupied.

Please review these comments and let me know if we have adequately responded to your issues. I look forward to hearing from you and still anticipate meeting whth the Planning Board on July 23 to discuss these proposed changes in greater detail.

With Regards,
CARROLL ASSOCIATES

Patrick J. Carroll, Principal

Att.

CC: Chris Pachios, WFM
Steve Weatherhead, WSA

F. 3

Execution Copy

MEMORANDUM OF UNDERSTANDING
(Historic Marine Uses)

THIS MEMORANDUM OF UNDERSTANDING (the "MOU"), dated as of August 10, 2010, is by and among **PORTLAND FISH EXCHANGE**, a Maine non-profit corporation (the "Fish Exchange"), **PORTLAND FISH PIER AUTHORITY**, a Maine non-profit corporation (the "Authority"), **WATERFRONT, MAINE LIMITED PARTNERSHIP**, a Maine limited partnership ("WFM") and **PIERCE ATWOOD LLP**, a Maine limited liability partnership ("Pierce Atwood").

PRELIMINARY STATEMENTS

A. Pursuant to a Lease Agreement between the Authority as landlord and the Fish Exchange as tenant dated May 1, 2006 (the "Fish Exchange Lease"), the Authority leased to the Fish Exchange certain portions of the Portland Fish Pier, which portions include, but are not limited to, Lots 7 and 8 as depicted on City of Portland Tax Map 41. Said Lots 7 and 8 are sometimes referred to as the "Net Yard".

B. WFM owns a certain parcel of land adjacent to the Net Yard being identified on the City of Portland Tax Map 41 as Tax Lots 17 and 18 (the "WMF Parcel"). Pursuant to a Lease Agreement between WFM and Pierce Atwood dated July 6, 2010, WFM has leased to Pierce Atwood a portion of the Cumberland Cold Storage building, now to be known as the Merrill Wharf Building (the "Pierce Atwood Lease").

C. The Fish Exchange has entered into a sublease for a portion of the Net Yard with Dropping Springs Bait Co., LLC ("Dropping Springs"), as set forth in a certain Sublease dated May 1, 2010, as amended by Amendment to Sublease dated on or about this date (collectively, the "Dropping Springs Sublease").

D. The parties would like to preserve the balance of the Net Yard for its historic uses for net mending and open space commercial fishing support. The Authority and the Fish Exchange agree that such activities are consistent with the short and long term goals for the use of the Fish Pier property. WFM and Pierce Atwood agree that the retention of such uses also provide a benefit to them. In order to ensure the continued availability of the Net Yard for such historic uses and to retain the benefits derived therefrom, WFM and Pierce Atwood have agreed to make annual payments, subject to the terms of this MOU.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The Fish Exchange and the Authority covenant and agree, that so long as this MOU shall remain in effect, that the portion of the Net Yard cross- hatched on the plan attached hereto as **Exhibit A** (the "Historic Marine Use Area") will be leased or otherwise used only for open space to support Maine commercial fishing fleet operations, including without limitation, net work and net mending and vessel loading and unloading. In addition, the Fish Exchange and the Authority covenant and agree that it will keep open and not block a reasonable access travel way for emergency vehicles running from Lot 8 to the parking lot on the WFM Parcel. WFM and Pierce Atwood acknowledge that there is currently located in the Historic Marine Use Area a processing tower, which tower is used in connection with the off-loading of fish. Notwithstanding the provisions of this Paragraph 1, such processing tower may remain and be used in the Historic Marine Use Area and may be moved, provided that it is located within the boundaries of Lot 7.

2. In consideration of the agreement set forth in Paragraph 1 above, and to provide the Fish Exchange and the Authority with an economic incentive and ability to preserve such historic uses, WFM and Pierce Atwood agree to contribute an annual fee to the Fish Exchange for the term of this Agreement (the "Marine Use Fee"). The first annual Marine Use Fee shall be payable in full on July 1, 2011 (such date being referred to herein as the "Marine Payment Commencement Date") and subsequent annual Marine Use Fees shall be payable on each annual anniversary of the Marine Payment Commencement Date, so long as this Agreement shall remain in effect. The initial Marine Use Fee shall be Twenty Thousand Dollars ($20,000) per year. The amount of the Marine Use Fee for each year that this Agreement shall remain in effect is set forth on **Exhibit B** attached hereto. WFM and Pierce Atwood may be entitled to certain credits against the Marine Use Fee in accordance with the terms of the "Dropping Springs MOU" (as such term is defined in Paragraph 6(a) below.

3. The initial term of this Agreement will be 15 years commencing on the Marine Payment Commencement Date. Unless this Agreement is terminated as provided herein, this Agreement shall automatically extend for one additional period of 10 years and two additional periods of five years each after the initial term. This Agreement may be terminated at any time after the seventh anniversary of the Marine Payment Commencement Date by WFM and Pierce Atwood on 12-months prior written notice; provided, however, that if the Dropping Springs MOU is terminated for failure to receive City of Portland Site Plan Approval, WFM and Pierce Atwood shall have the right to terminate this Agreement as of the date of termination of the Dropping Springs MOU. After the effective date of termination of this Agreement, no party shall have any further rights or obligations hereunder.

4. The Fish Exchange or the Authority shall have the right to terminate this MOU under the following circumstances:

(a) If the Fish Exchange (or if the Fish Exchange Lease, or any replacement or extension thereof is not in place at the end of the initial 15-year term, the Authority) determines in good faith that the fishing industry in Maine has changed substantially such that there is no longer a need for open space on the Portland waterfront to support the commercial fishing fleet industry, the Fish Exchange, or the Authority, as the case may be, may terminate this Agreement at the end of the initial 15 year term provided that the Fish Exchange, or the Authority, as the

case may be, gives at least twenty-four (24) months prior written notice to WFM and Pierce Atwood.

(b) If WFM and Pierce Atwood fail to make any Marine Use Payment when due, and such failure is not cured within twenty (20) days after notice to both WFM and Pierce Atwood. After the effective date of termination of this Agreement, neither party shall have any further rights or obligations hereunder.

5. WFM and Pierce Atwood shall have the right, but not the obligation, to landscape a certain portion of the Net Yard adjacent to the WFM Parcel, which portion is depicted and identified on the plan attached hereto as the "Landscaped Area"). Any landscaping other than grass shall require the prior approval of the Fish Exchange or the Authority, which approval shall not be unreasonably withheld, conditioned or delayed.

6. For so long as the Fish Exchange Lease shall remain in effect, the Marine Use Area will continue to be managed by the Fish Exchange, subject to the terms of this MOU. If at any time the Fish Exchange Lease shall terminate or expire and this Agreement has not expired or otherwise terminated as provided herein, the Authority agrees to recognize and be bound by the agreements and restrictions set forth in this MOU and the Marine Use Fee shall thereafter be paid to the Authority, or its designee.

7. Contingencies.

(a) On or about the date hereof, the parties hereto and Dropping Springs have entered into a Memorandum of Understanding pertaining to the relocation of the demised premises covered by the Dropping Springs Sublease (the "Dropping Springs Relocation MOU"). The Dropping Springs Relocation MOU provides that it may be terminated if City of Portland site plan approval or other required approvals are not obtained by a certain date. Anything to the contrary herein notwithstanding, if the Dropping Springs Relocation MOU is terminated, WFM and Pierce Atwood shall have the right to terminate this agreement upon thirty (30) days written notice.

(b) This MOU is subject to obtaining, on or before August 9, 2010, approval from the Board of Directors of the Fish Exchange and the Authority for (i) this MOU and (ii) the Dropping Springs Relocation MOU. If such approvals are not obtained by such date, any party shall have the right to terminate this MOU by giving written notice to the other parties, whereupon this MOU shall terminate and the parties shall have no further rights or obligations hereunder.

8. This MOU shall be binding upon, and shall inure to the benefit of, the parties hereto and the respective successors and assigns and shall be governed by and interpreted in accordance with the laws of the State of Maine.

F. 6

DATED as of the date first set forth above.

PORTLAND FISH EXCHANGE, a Maine non-profit corporation

By: _____
Name:
Its:

PORTLAND FISH PIER AUTHORITY, a Maine non-profit corporation

By: _____
Name:
Its:

WATERFRONT, MAINE LIMITED PARTNERSHIP, a Maine limited partnership

By: _____
Anthony J. Gatti, General Partner

PIERCE ATWOOD LLP, a Maine limited liability partnership

By: _____
Name:
Its:

DATED as of the date first set forth above.

PORTLAND FISH EXCHANGE, a Maine non-profit corporation

By: James O'Donnell
Name: James O'Donnell
Its: Treasurer

PORTLAND FISH AUTHORITY, a Maine non-profit corporation

By: _____
Name:
Its:

WATERFRONT, MAINE LIMITED PARTNERSHIP, a Maine limited partnership
By: Tickly Bender Realty Corp., a New York corporation, and General Partner

By: _____
Name:
Its:

PIERCE ATWOOD LLP, a Maine limited liability partnership

By: _____
Name:
Its:

F. 8

DATED as of the date first set forth above.

PORTLAND FISH EXCHANGE, a Maine non-profit corporation

By: _____
Name:
Its:

PORTLAND FISH AUTHORITY, a Maine non-profit corporation

Pier

By: _____
Name: Robert D. Elder
Its: President

WATERFRONT, MAINE LIMITED PARTNERSHIP, a Maine limited partnership

By: Tickly Bender Realty Corp., a New York corporation, and General Partner

By: _____
Name:
Its:

PIERCE ATWOOD LLP, a Maine limited liability partnership

By: _____
Name:
Its:

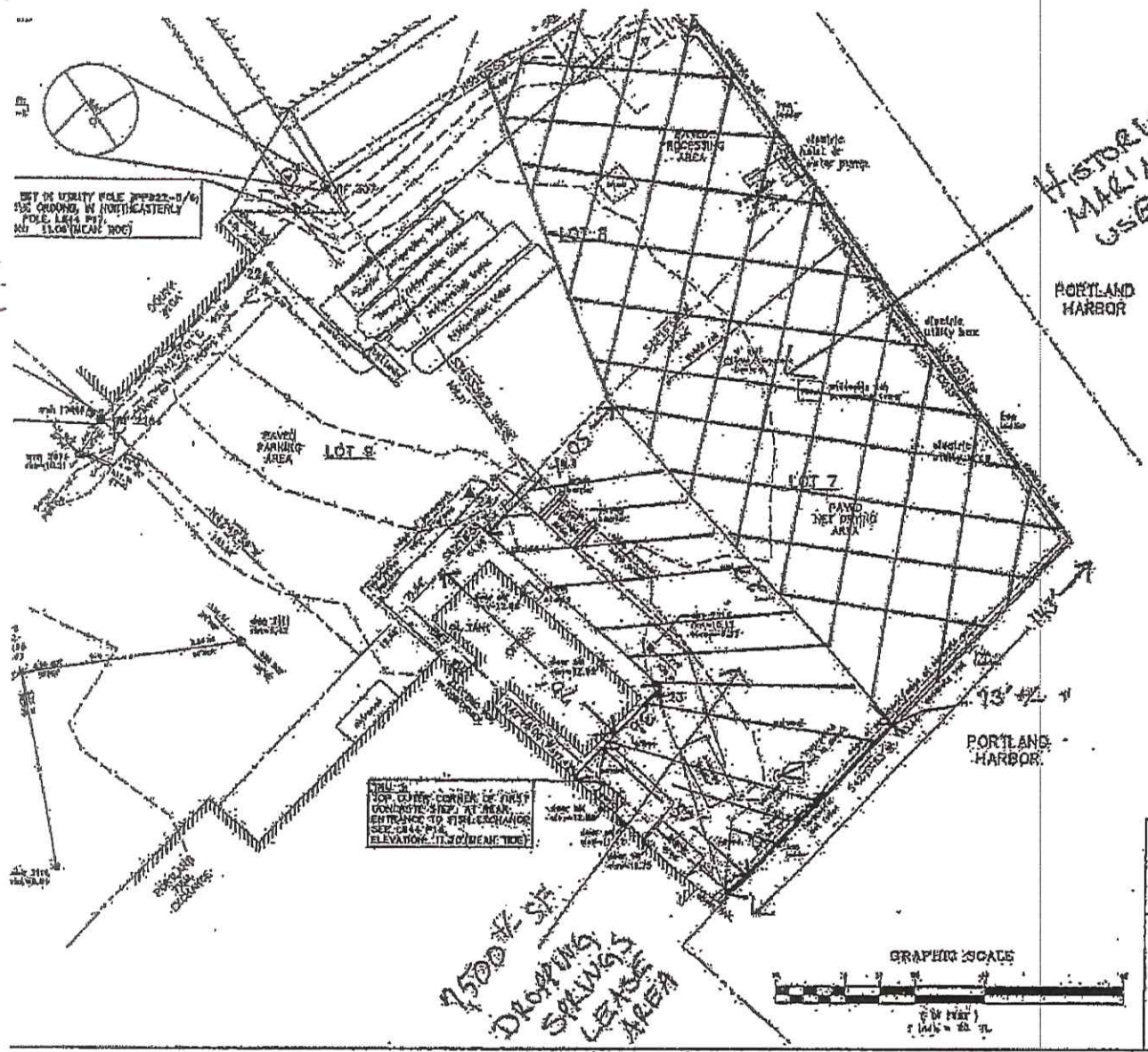
F. 9

EXHIBIT A

PLAN DEPICTING MARINE USE AREA

[See Attached}

F10



MONUMENTATION NOTES:

IRF 307 5/8" IRON REBAR FOUND, 3" LONG, BENT FLUSH TO GROUND, BUT STURDY <1.5
IRF 2284 5/8" IRON REBAR FOUND, 1 1/2" BELOW PAVEMENT, SLIGHT LEAN <1.5+4-28-224

PLAN NOTES:

1. THE RECORD OWNER OF THE THREE PARCELS COMPRISING THIS SITE IS THE CITY OF POR

2. THE BOUNDARY LINES SHOWN HEREON ARE BASED ON THE AMENDED RECORDING PLAT HASKELL, INC., DATED FEBRUARY 5, 1990 AND REVISED THROUGH JUNE 24, 2002 RECORDE IN PLAN BOOK 202 PAGE 477 (CITY VAULT PLAN 924/11). ONLY LIMITED DEED RESEARCH W SURVEY.

3. NO UNDERGROUND UTILITY LINES WERE MARKED ON THIS SITE AT THE TIME OF THIS SU

4. ELEVATION DATUM IS MEAN TIDE, BASED ON A BENCHMARK SHOWN ON A PLAN EMITTED COMMERCIAL STREET, PORTLAND, MAINE, MADE FOR CARROLL ASSOCIATES BY OWEN HASK TRUE NORTH, ALSO BASED ON SAID OWEN HASKELL PLAN.

5. THIS PLAN IS BASED ON FIELD WORK PERFORMED JUNE 28 JULY 2, 2010 USING A LIETZ FS/1 DATA COLLECTOR.

6. SEE THE TITLE BLOCK FOR PLAN REFERENCES.

7. THE ABOVE-MENTIONED OWEN HASKELL EXISTING CONDITIONS PLAN (SEE NOTE 4) INDIC AND UTILITIES FROM COMMERCIAL STREET TO LANDS OF THE CITY OF PORTLAND ACROSS AS DESCRIBED IN DEED BOOK 4672 PAGE 162 (CCRD).
THIS EASEMENT IS ALSO INDICATED ON THE AMENDED RECORDING PLAT DESCRIBED IN NO

CITY OF PORTLAND, MAINE PUBLIC SERVICES DEPARTMENT ENGINEERING SECTION		EXI POR
WILLIAM G. SCOTT P.L.S. 2219	REFERENCES: LDG PROJECT: HELYAN2010 DRAWING: HELYAN2010.dwg LEVEL/TRANSIT BOOK: L844 PT 27-25 & 27-28 CMM: METYARD.ADJ TAX MAP: 41 VAULT PLAN: 924/11 SHEET 2	CCRD: PLAN BOOK OWEN HASKELL, IN EXISTING CONDIT PORTLAND, MAINE, DATED: 01/10/201
	DRAWN BY: L. K. SCELZA	SURVEY CREW: WGS/LKS	DATE OF PLAN: 07/09/2010

F.11

EXHIBIT B

SCHEDULE OF MARINE USE FEE*

Contract Year Beginning July 1,	Marine Use Fee		Contract Year Beginning July 1,	Marine Use Fee
2011	$20,000		2031	$29,282
2012	$20,000		2032	$29,282
2013	$20,000		2033	$29,282
2014	$20,000		2034	$29,282
2015	$20,000		2035	$29,282
2016	$22,000		2036	$32,210
2017	$22,000		2037	$32,210
2018	$22,000		2038	$32,210
2019	$22,000		2039	$32,210
2020	$22,000		2040	$32,210
2021	$24,200		2041	$35,431
2022	$24,200		2041	$35,431
2023	$24,200		2043	$35,431
2024	$24,200		2044	$35,431
2025	$24,200		2045	$35,431
2026	$26,620			
2027	$26,620			
2028	$26,620			
2029	$26,620			
2030	$26,620			

* WFM and Pierce Atwood may be entitled to certain credits against the Marine Use Fee as provided in the Dropping Springs Relocation MOU.

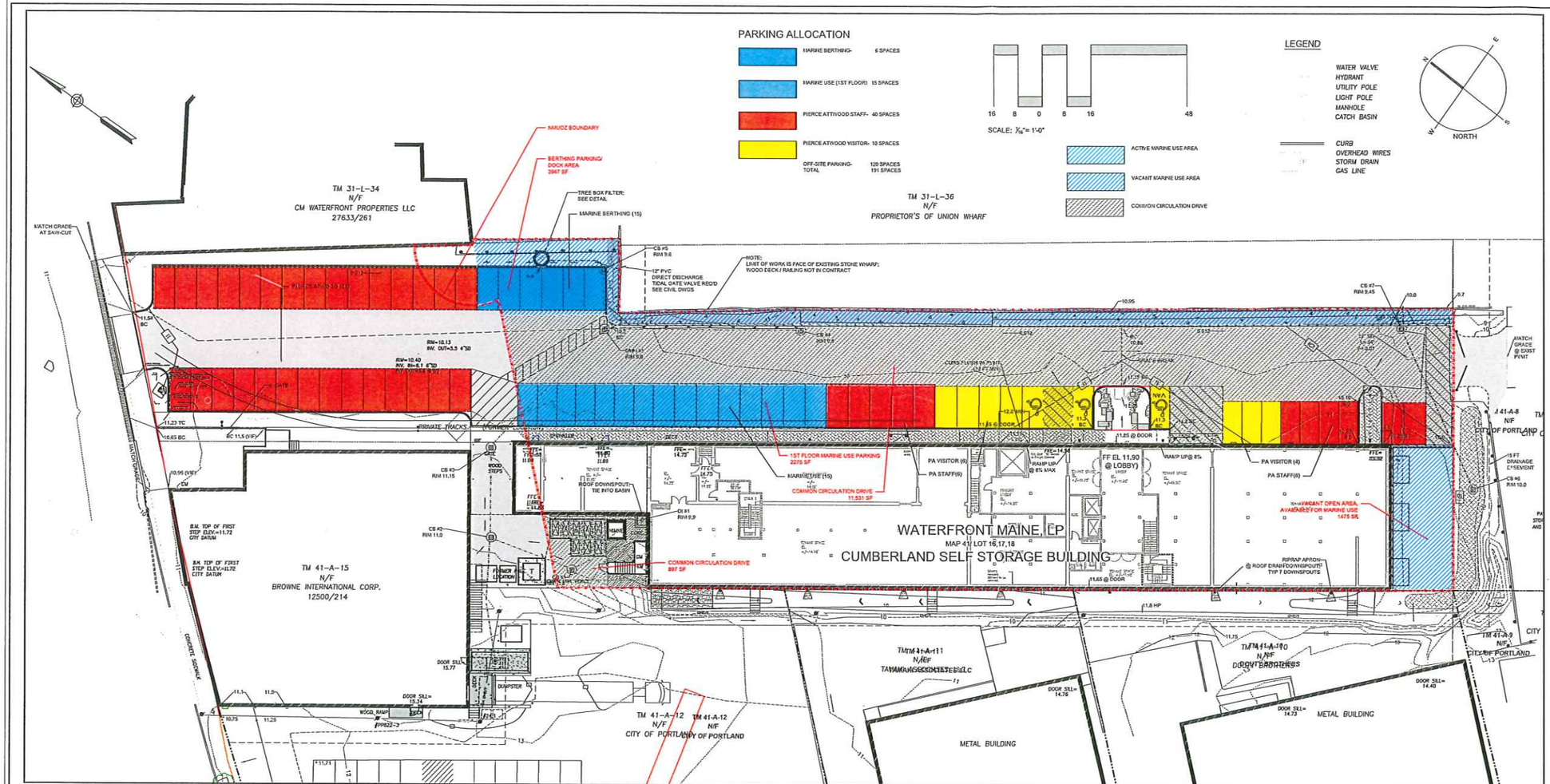
F.12

EXHIBIT C

JULY 6 LETTER AGREEMENT

[See Attached]

PLAN 1

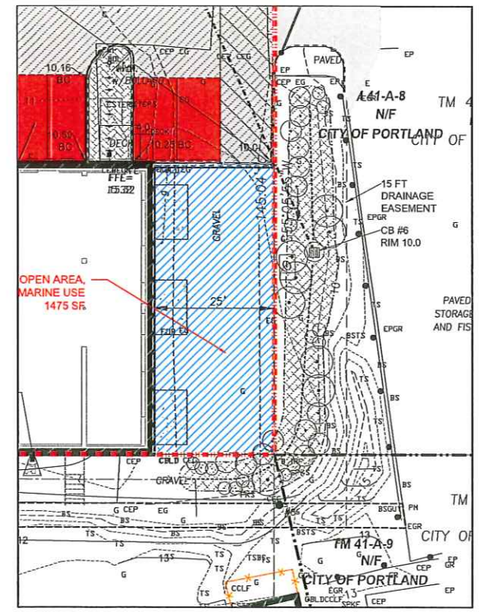


WCZ USE INVENTORY

AREA	SIZE	% OF TOTAL	% OF OPEN AREA NET
LAND PIER AREA	48,254 SF	100%	
BUILDING FOOTPRINT AREA	19,960 SF	43.1%	
COMMON DRIVE/ CIRCULATION AREA	12,428 SF	26.9%	
OPEN AREA NET	13,866 SF	30.0%	
ACTIVE MARINE USE OPEN AREA	6,242 SF		45.0%
VACANT MARINE USE OPEN AREA	1,475 SF		10.6%
OPEN AREA AVAILABLE TO MARINE USE	7,717 SF		55.6%
ACTIVE NON-MARINE USE OPEN AREA	6,149 SF		44.4%

PARKING ALLOCATION

ON-SITE	
MARINE BERTHING	6 SPACES
MARINE USE (FIRST FLOOR)	15 SPACES
OFFICE	50 SPACES
OFF SITE PARKING (OFFICE/ RESTAURANT)	120 SPACES
TOTAL PARKING RESERVED	191 SPACES



REVISED PLANTING AT BIOSWALE
1"= 10'-0"

ISSUED FOR OWNER AND CITY REVIEW

Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

Bartlett Design
942 Washington Street,
T. 207.443.5447 F. 207.443.5560
bartdes@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
T. 207.846.1441 F. 207.846.1443

Carroll Associates Landscape Architects
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712

Becker Structural Engineers, Inc.
75 York Street, Portland, ME 04101
T. 207.879.1838 F. 207.879.1822
www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

REV #	DATE	DESCRIPTION
1	10.04.10	SUBMIT TO CITY
2	10.22.10	ISSUE FOR CONSTRUCTION
3	01.13.11	ISSUE FOR CONCEPT REVIEW
4	01.19.11	REVISE REAR WALKWAY
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6	05.25.11	RE-SUBMIT TO CITY
7	06.02.11	MODIFY SW GRADES/ ADD DUMSTER ENCLOSURE
8	07.09.13	WCZ INVENTORY
9	07.16.13	PARKING INVENTORY

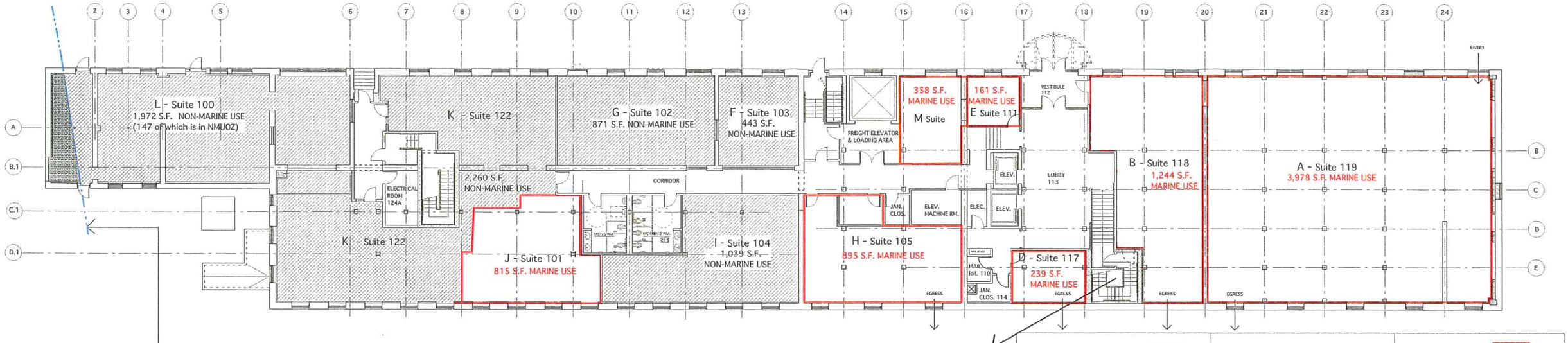
Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

REAR SERVICE/ DRAINAGE/ ACCESS PLAN

LSK-3.1

05.17.2011

PLAN 2



FIRST FLOOR TENANT MASTER PLAN

1/8" = 1'-0"

Line of Non-Marine Use Overlay Zone (NMUOZ):

Plotted 150' off of Southerly Commercial Street Right of Way as depicted on Survey Titled "Existing Conditions Survey at 260 Commercial Street, Portland, Maine" Prepared for Carroll Associates and dated 5/10/10

Portion of Building within the Line of Non-Marine Use Overlay Zone (NMUOZ) equals 147 Sq. Ft. of leasable space.:

SPACE UNDER STAIR IS USABLE AS PART OF SUITE 'A'

178 S.F. MARINE USE

REVISED 6.17.13

Suite 'M' is relocated and resized causing Suite 'A' to expand in area by 68 s.f. Suite 'A' is changed to Marine Use. Suites 'B' & 'C' are combined into a single suite 'B' ('C' suite designation is deleted). Also added 178 S.F. of Usable Space under lobby stair to be accessible from Suite 'B'. This space was not part of the previous calculations so it causes the Total Leasable Area to increase by 178 S.F.

Relocated Suite 'J' & changed Suites 'K' and 'L' to Non Marine Use. Also removed portion of Bldg that falls within the NMUOZ zone reducing the total leasable area by 147 S.F.

SUPPORT USES:		NON-MARINE USES:		MARINE USES:	
TOTAL INTERIOR AREA	18,931 S.F.	Tenant Space 'F'	443 S.F.	Tenant Space 'A'	3,978 S.F.
Lobby	- 731 S.F.	Tenant Space 'G'	871 S.F.	Tenant Space 'B'	1,244 S.F.
Corridors/Exits/Stairs	- 2,053 S.F.	Tenant Space 'I'	1,039 S.F.	Space @ Stair 'B'	178 S.F.
Toilet Rooms	-140 S.F.	Tenant Space 'K'	2,260 S.F.	Tenant Space 'C'	Deleted
Elevators	- 176 S.F.	Tenant Space 'L'	1,825 S.F.	Tenant Space 'D'	239 S.F.
Freight Elev./Loading	- 291 S.F.			Tenant Space 'E'	161 S.F.
Utility	- 587 S.F.			Tenant Space 'H'	895 S.F.
Demising Walls	- 500 S.F.			Tenant Space 'J'	815 S.F.
Bldg area within NMUOZ	- 147 S.F.			Tenant Space 'M'	358 S.F.
TOTAL LEASABLE SPACE: =	14,306 S.F.	TOTAL: =	6,438 S.F. 45% of Available Lease Space	TOTAL: =	7,868 S.F. 55% of Available Lease Space

REVISED 12.5.12

Added Janitor's closet to common area;
Changed Suites B & E to Marine Use;
Changed Suite I to Non-Marine Use;
Added new Suite M - Marine Use

Blais Civil Engineers, PA
760 Broadway
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sblais@blaisece.com

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barldos@blazenetme.net

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REV #	DATE	DESCRIPTION

Renovations To:

CUMBERLAND COLD STORAGE BUILDING

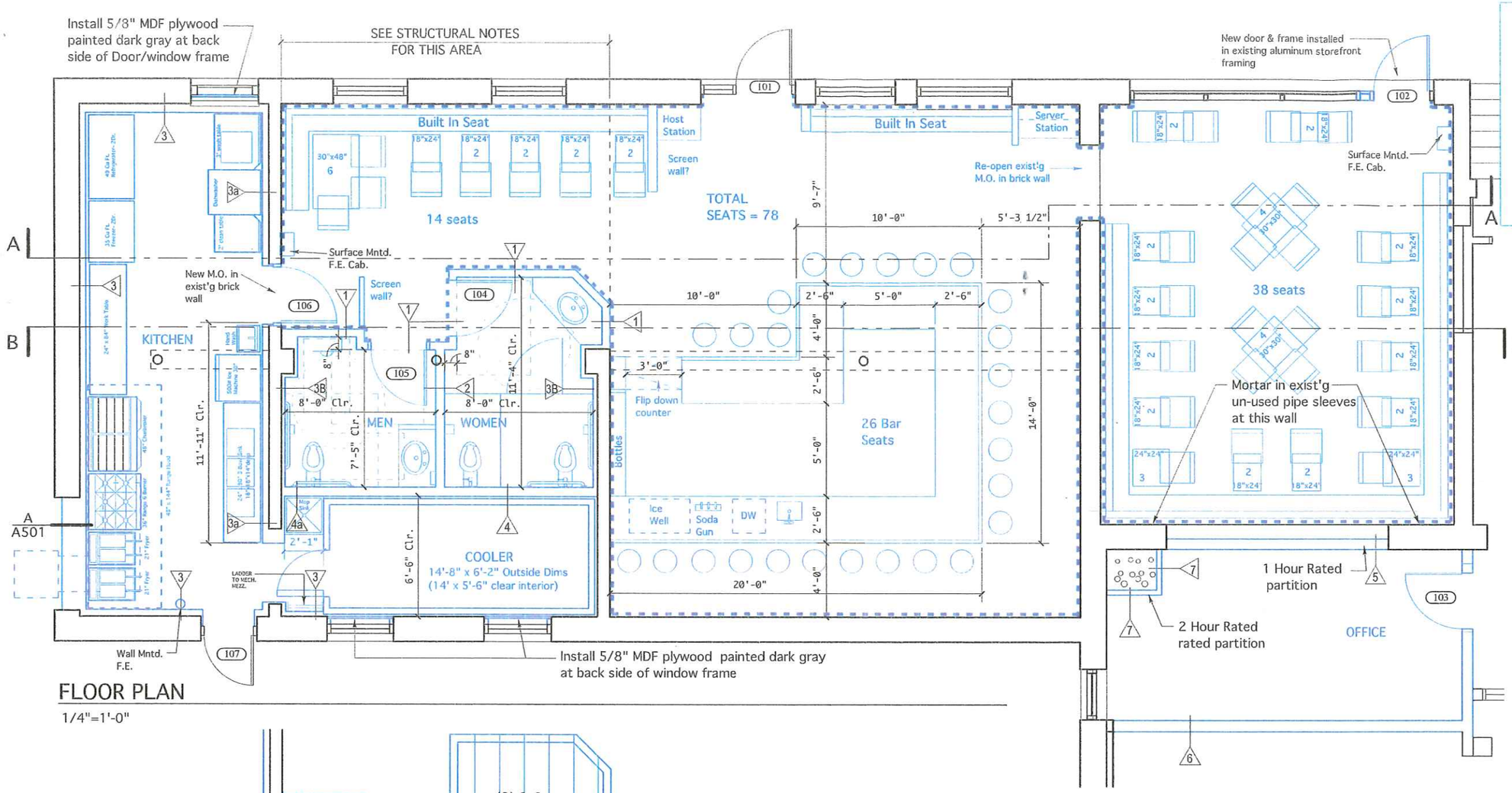
Merrill's Wharf, Portland, Maine

FIRST FLOOR PLAN

A1.1

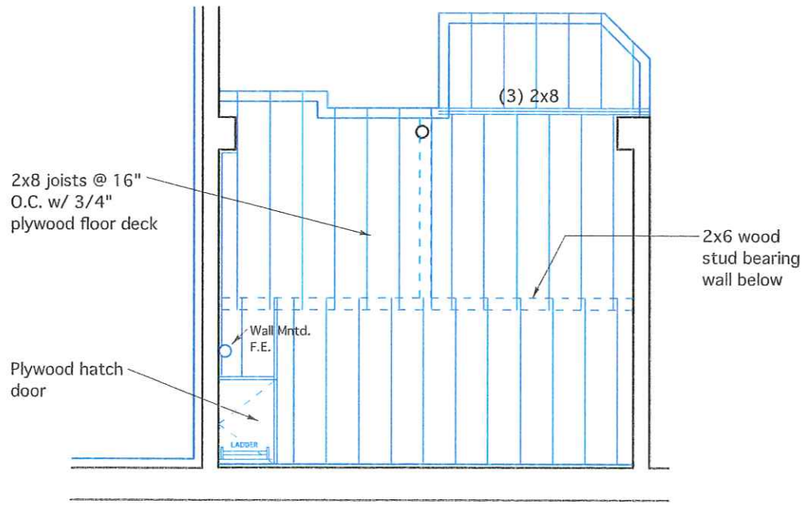
10. 17. 2011

PLAN 3



FLOOR PLAN

1/4"=1'-0"



MECHANICAL MEZZ. PLAN

1/4"=1'-0"

LEGEND

PARTITIONS SHOWN WITH DASHED LINE AT FACE TO RECEIVE 6' HIGH WOOD PANELING. CONFIRM DETAILS WITH TENANT

STRUCTURAL NOTES:

AT FLOOR AREA NOTED ABOVE, REMOVE ALL EXISTING LAYERS OF FLOOR DECKING TO EXPOSE EXISTING FRAMING. THE STRUCTURAL ENGINEER WILL THEN EVALUATE THE CONDITION AND CONFIGURATION OF FRAMING TO DETERMINE IF REPAIRS OR REINFORCEMENT IS NEEDED TO SUPPORT ANTICIPATED LOADS.

0' 4' 8' 12' 16'

WINTON SCOTT ARCHITECTS
5 Milk Street
Portland, Maine 04101
207 774 4811
www.wintonscott.com

REGISTERED ARCHITECT WINTON F. SCOTT, JR. No. 793 STATE OF MAINE

Winton Scott

KING'S HEAD
Tenant Fit Up

Merrill's Wharf
Portland, Maine

REVISIONS
5/9/13
6/8/13

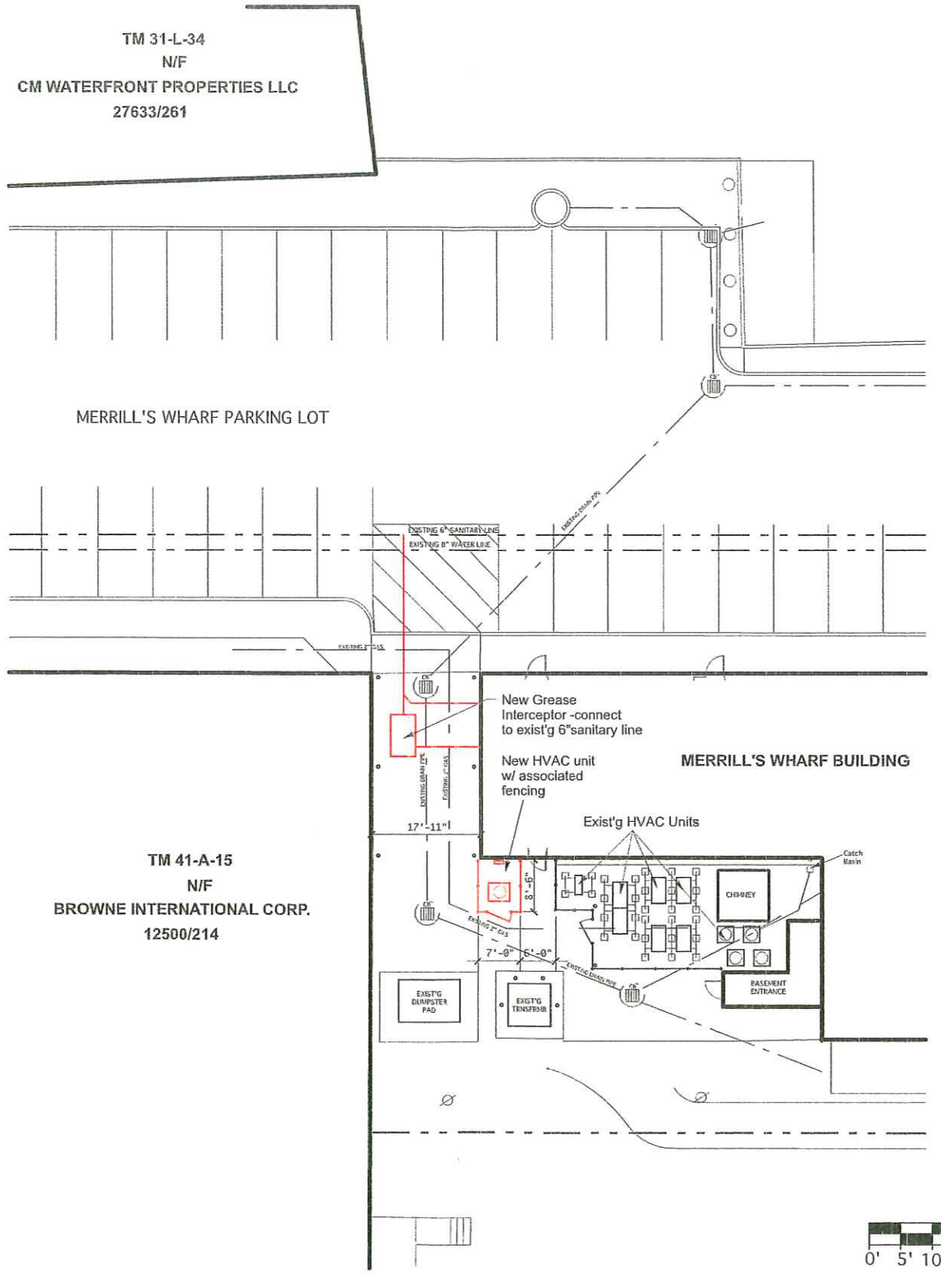
PERMIT DOCUMENTS
JUNE 8, 2013

Layout Plan

Scale: As Noted

A 101

PLAN 4



SITE UTILITIES PLAN

1"=16'

WINTON SCOTT ARCHITECTS

5 Milk Street
Portland, Maine 04101
207 774 4811
www.wintonscott.com

REGISTERED ARCHITECT
WINTON F. SCOTT, JR. No. 793
STATE OF MAINE

Winton Scott

KING'S HEAD
Tenant Fit Up

Merrill's Wharf
Portland, Maine

REVISIONS
5/9/13
6/8/13

PERMIT DOCUMENTS
JUNE 8, 2013

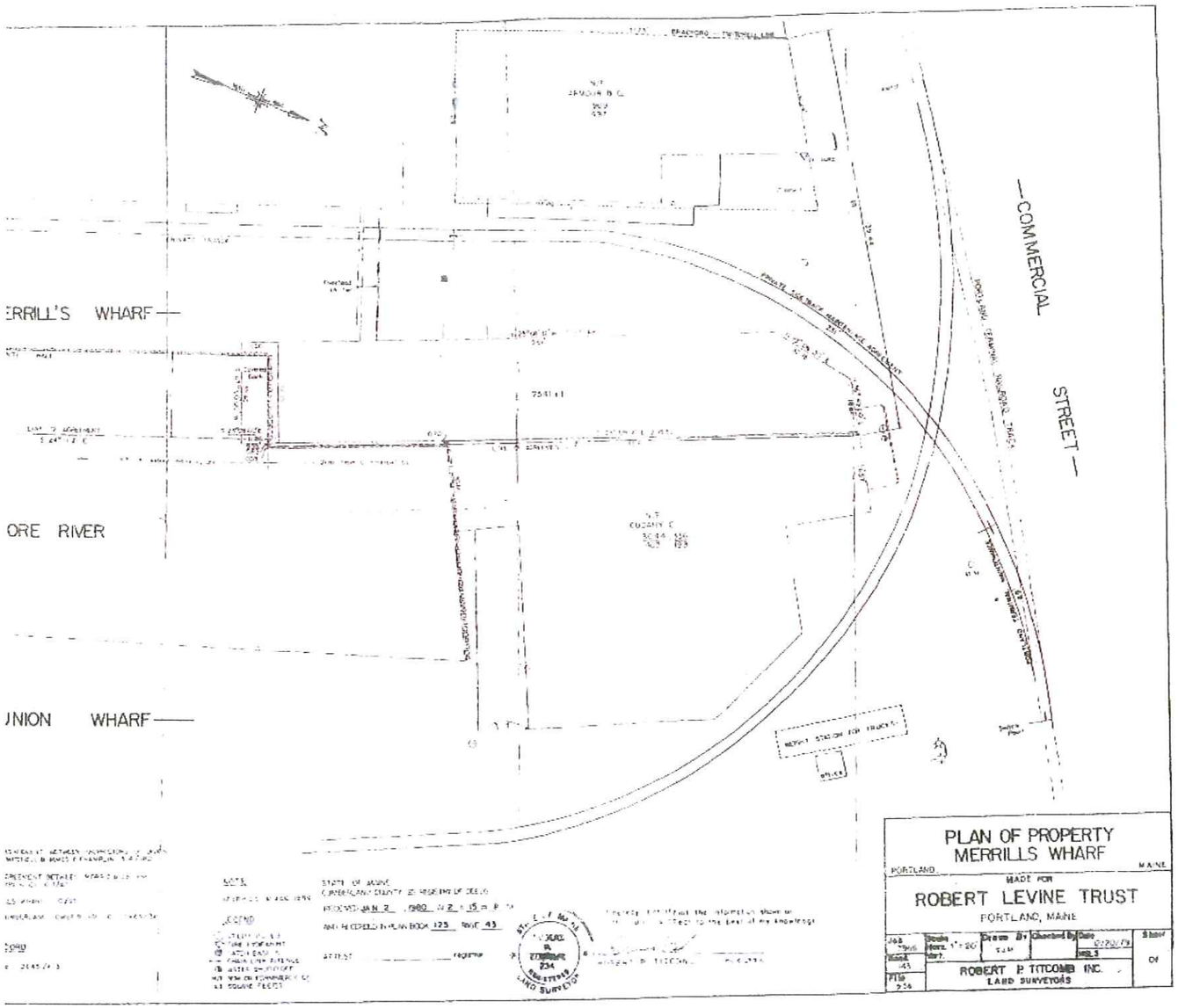
Site Utility Plan

Scale: As Noted

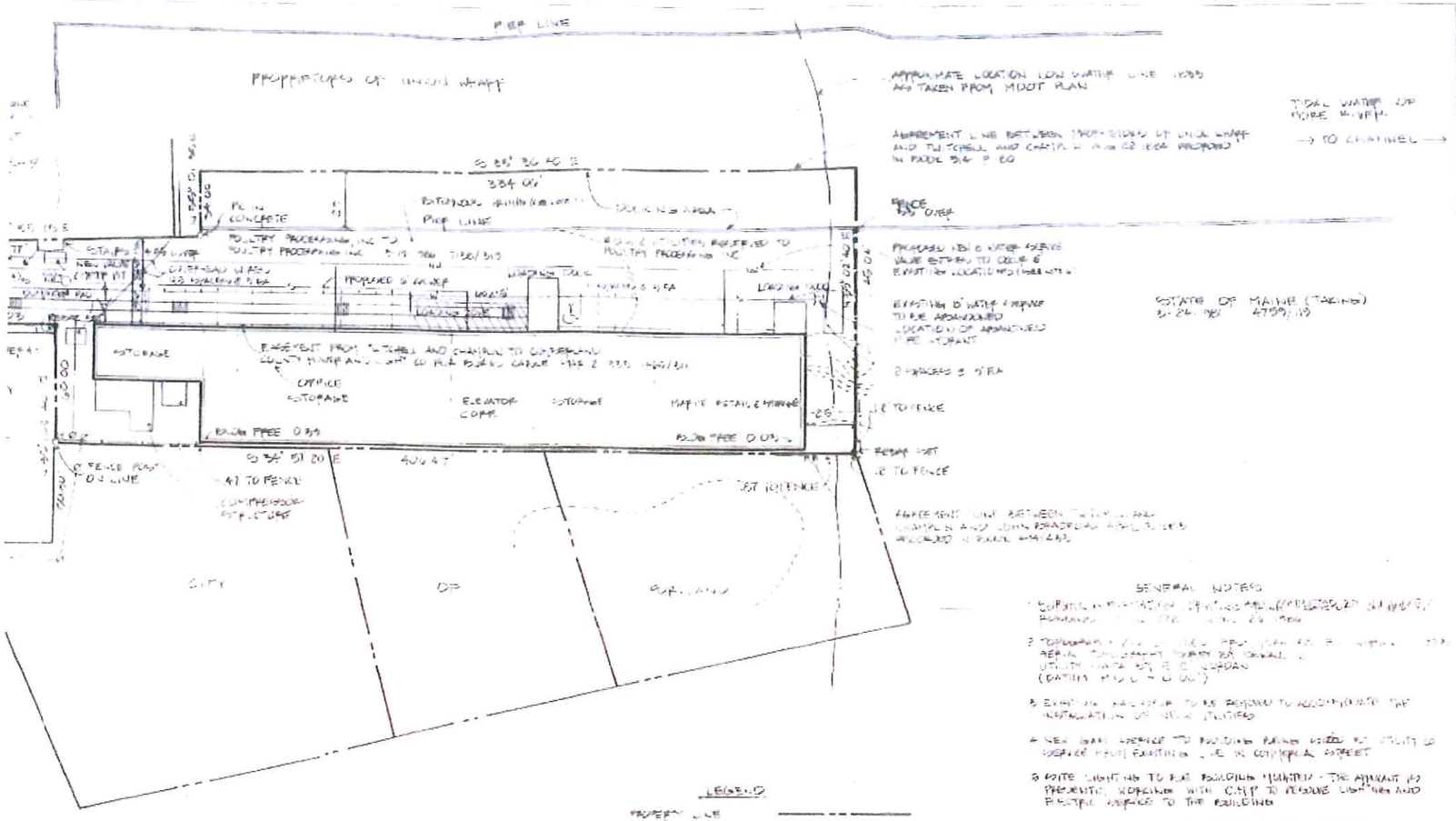
A 100

Attachment V.2

PLAN 5



PLAN 6



GENERAL NOTES

1. SURVEY INFORMATION [illegible] RECORDED [illegible] 1986
2. TOPOGRAPHY [illegible] AERIAL TOPOGRAPHY SURVEY BY SEWELL CO. UTILITY DATA BY E.C. JORDAN (DATUM [illegible])
3. EXISTING [illegible] TO BE REMOVED TO ACCOMMODATE THE INSTALLATION OF NEW UTILITIES
4. NEW GAS SERVICE TO BUILDING BEING SUPPLIED BY UTILITY CO SERVICE FROM EXISTING LINE IN COMMERCIAL STREET
5. SITE LIGHTING TO BE BUILDING MOUNTED - THE APPLICANT IS PRESENTLY WORKING WITH C.M.P. TO RESOLVE LIGHTING AND ELECTRIC SERVICE TO THE BUILDING
6. NEW 6" UTILITY WATER SERVICE TO BE INSTALLED BY MY TECH FIRE PROTECTION. FIRE HYDRANT LOCATION TO BE DETERMINED BY THE CITY OF PORTLAND. NEW VALVE AND METER PIT TO BE LOCATED IN THE FIELD.
7. THE EXISTING DRIVE PARKING AND SERVICE AREA TO BE RE-PAVED AFTER CONCRETE BUILDING REHABILITATION
8. PROPOSED SEWER TO BE LOCATED IN THE FIELD ALONG ALIGNMENT OF EXISTING RAIL SPUR

SURVEY INFORMATION

PLAN OF PROPERTY- HERRILL WHARF BY EC JORDAN PORTLAND ME
DATE OF SURVEY 06.26.1986
TOPOGRAPHY AND UTILITIES FROM PLAN BY EC JORDAN 1973
AERIAL TOPOGRAPHY SURVEY BY SEWELL CO 1973

SCALE 1" = 30'-0"

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

Owner/ Developer
WATERFRONT MAINE

Consultants

Architect
Winton Scott Architects
5 Milk Street
Portland, ME 04101
207 774 4811

Landscape Architect
Carroll Associates
217 Commercial Street
Suite 200
Portland, ME 04101
207 772 1552

Civil Engineer
Hinds Civil Engineers
780 Broadway
South Portland, ME 04101
207 767 7300

Traffic Consultants
Carroll Palmer Co., Inc.
17 Shaker Road
Gray, ME 04039
207 657 6910

Drawing Set

No	Date	Revision
1	5.4.10	SUBMIT TO P.B.

Drawing Set
PERMITTING

Drawn
TC

Checked
PC

Approved

Drawing Title
SITE SURVEYS

Job Number

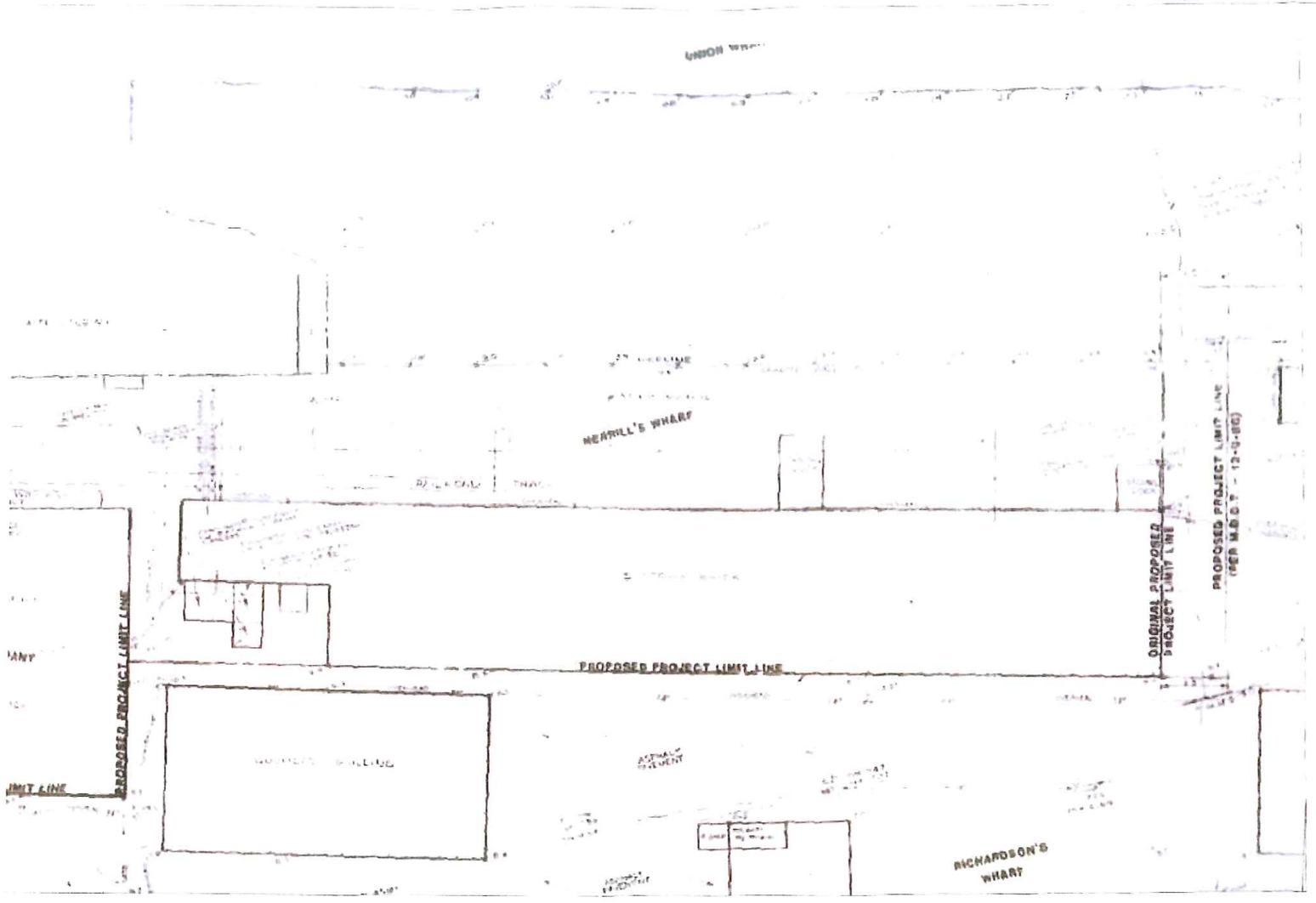
File

Date 08.09.10 | Scale AS SHOWN

Drawing Number
L-0.2

Attachment V.4

PLAN 7



SURVEY INFORMATION

PORTION OF PLAN OF PROPERTY - PORTLAND FISH PIER COMPLEX
DATE OF PLAN 09.01.98
PREPARED FOR PARSONS BRINKERHOFF QUADE & DOUGLAS INC
WITH HUNTER BALLEH ASSOCIATES AND NEILL & GUNTER INC

SCALE 1" = 20'-0"

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

Owner/ Developer
WATERFRONT MAINE

14 Maine Street Brunswick, ME 04011
212.696.8000 212.696.8000 Fax
cpacknow@wtrfrt.com

Consultants

Architect:
Winton Scott Architects
5 Milk Street
Portland, ME 04101
207.774.4811

Landscape Architect:
Carroll Associates
217 Commercial Street
Suite 200
Portland, ME 04101
207.772.1552

Civil Engineer:
Hilais Civil Engineers
780 Broadway
South Portland, ME 04101
207.767.7300

Traffic Consultants:
Carroll Palmer Cf. Inc.
17 Shaker Road
Gray, ME 04039
207.657.6910

Drawing Set

No	Date	Revision
1	5.4.10	SUBMIT TO P.B.

Drawing Set
PERMITTING

Drawn
TC

Checked
PC

Approved

Drawing Title
SITE SURVEYS

Job Number

File

Date: 05.05.10 Scale: AS SHOWN

Drawing Number
L-0.3

© 2010 CARROLL ASSOCIATES

Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

October 25, 2012

Waterfront Maine, LP
14 MAINE ST
BRUNSWICK, ME 04011

Patrick Carroll, Principal
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Project Name:	Cumberland Cold Storage Building, Amendment re walkway and dumpster enclosures
Address:	254 COMMERCIAL STREET
CBL:	041-A-016-001; 041-A-017-001; 041-A-018-001;041-A-08-001
Applicant:	Waterfront Maine, LP
Planner:	Jean Fraser

Dear Sirs:

On October 25, 2012, the Portland Planning Authority approved the amendments to the Level III Site Plan for Cumberland Cold Storage Building at 254 Commercial Street as shown on the approved plan (Plan LSK-3.1 Rev 7 dated June 2, 2011 and revised October 16, 2012, subject to the following conditions:

i. That the private bioswale for the Cumberland Cold Storage Building site that has been relocated onto land owned by the City of Portland (for which an easement has been secured) is subject to all stormwater maintenance and reporting requirements; and

ii. That the applicant and all assigns, shall comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management and comply with conditions of the approved construction storm water management plan and sediment & erosion control plan based on our standards and state guidelines; and

iii. That the owner shall submit a copy of the maintenance records for the stormwater management system including, but not limited to, the private bioswale (as per the submitted *Inspection and Maintenance of Stormwater Management Facilities* Plan dated June 1, 2010) to the City's Department of Public Services by June 30 of every year; and

iv. That if any dumpsters are located in the area reserved for a future service area, they shall be screened prior to use in accordance with the City of Portland Technical Manual Section 4.5.2; and

v. That any amendments to site lighting (including any building mounted lighting) shall comply with the standards set out in the City of Portland Technical Manual Section 12.

The approval is based on the submitted site plans. 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. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in 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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*,dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 Jean Fraser (207) 874-8728 .

Sincerely,

Alexander Jaegerman (JB)

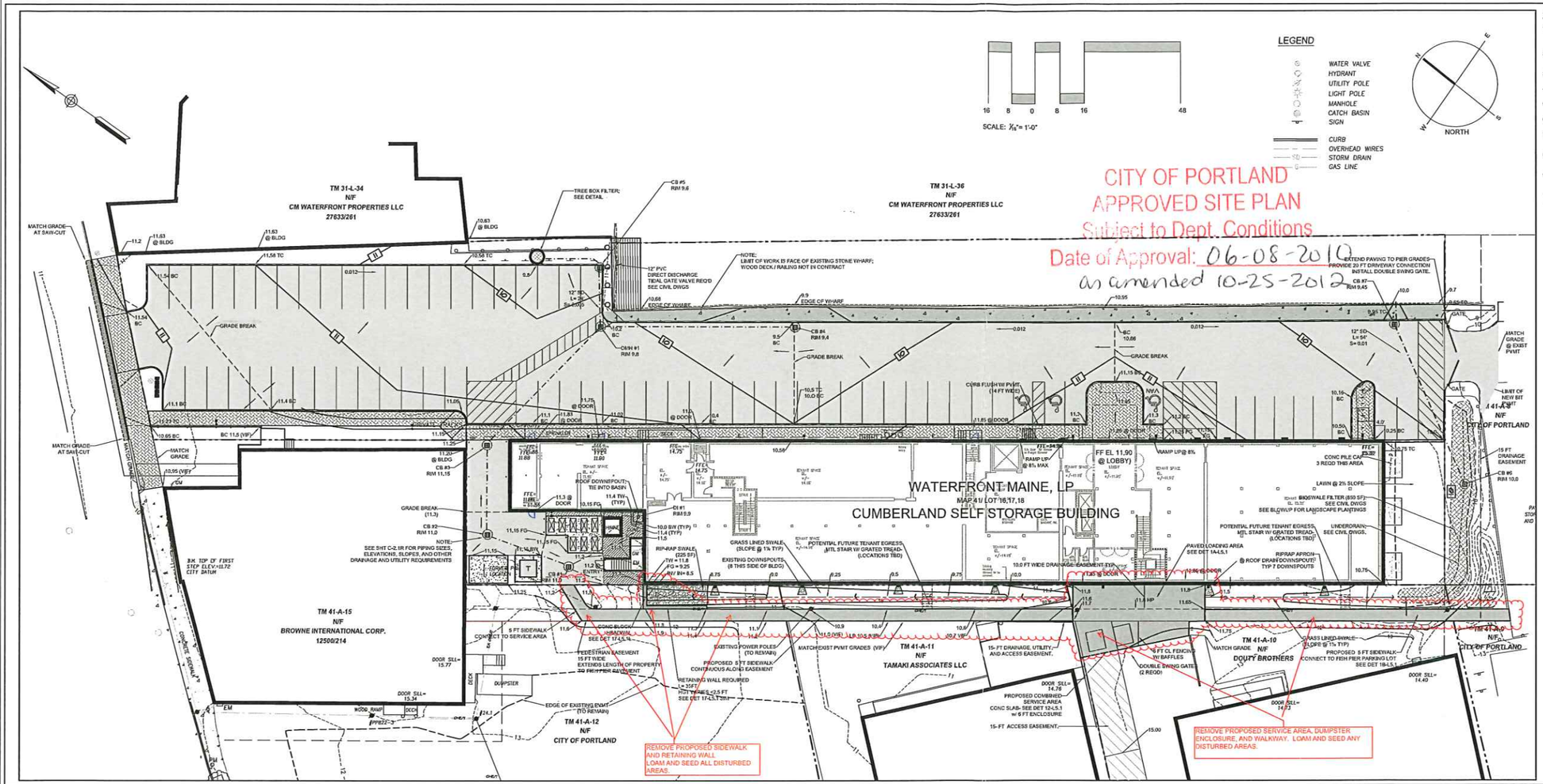
Alexander Jaegerman
Planning Division Director

Attachments: City Code: Chapter 32

Electronic Distribution:

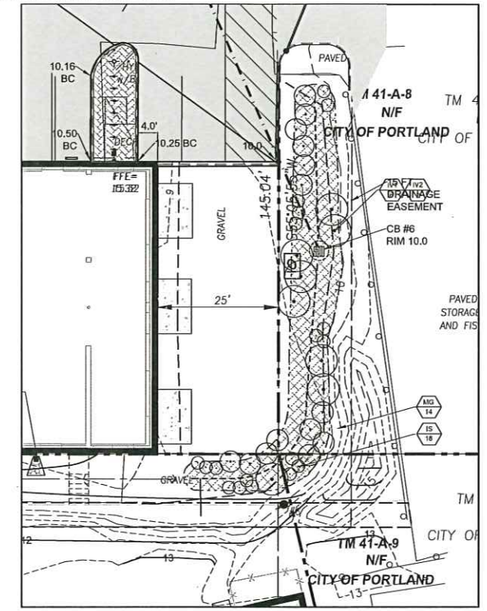
cc:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



GRADING NOTES:

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN JUNE 26, 1998 AND 1972, PLAN OF NEWFALL WHARF BY ROBERT TITCOMB, DECEMBER, 1870 AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981.
2. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED. CONTRACTOR SHALL PERFORM ON-SITE INSPECTION OF CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCIES WHICH MAY EXIST.
3. AREAS NOT REQUIRING GRADING SHALL BE LEFT UNDISTURBED. CONTRACTOR SHALL AVOID THESE AREAS AND PRESERVE ANY EXISTING VEGETATION AS NOTED.
4. UTILITY LOCATIONS ARE APPROXIMATE AND SHALL BE VERIFIED PRIOR TO CONSTRUCTION. ANY DISCREPANCIES OR CONFLICTS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT.
5. ALL UTILITY INSTALLATION SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTLAND, AS WELL AS ANY OTHER LOCAL, STATE, AND FEDERAL REQUIREMENTS.
6. SITE CONTRACTOR SHALL REPAIR ALL DISTURBED AREAS IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS.
7. ALL PROPOSED SLOPES GREATER THAN 3:1 SHALL HAVE JUTE EROSION MAT INSTALLED OVER FINISH GRADES TO PROTECT SEEDED SLOPES FROM EROSION. AT CONTRACTOR'S OPTION, SLOPES MAY BE SODDED AS AN APPROPRIATE SUBSTITUTION TO SEED AND MAT.
8. ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED IN THE BEST MANAGEMENT PRACTICES, AND MAINTAINED THROUGHOUT CONSTRUCTION OF THIS PROJECT.
9. ALL AREAS DISTURBED BY CONSTRUCTION NOT TO BE PAVED OR OTHERWISE TREATED SHALL BE LOAMED AND SEEDED ACCORDING TO THE PROJECT SPECIFICATIONS. EXISTING LAWN AREAS WHICH ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.
10. SEE CIVIL DRAWINGS FOR UTILITY, DRAINAGE PIPING, AND EROSION CONTROL REQUIREMENTS.
11. THIS DRAWING IS SUBMITTED AS A MODIFICATION TO THE APPROVED CONSTRUCTION PLANS. ALL STANDARDS, DETAILS, REQUIREMENTS, AND SPECIFICATIONS INDICATED IN THE ORIGINAL CONTRACT DOCUMENTS APPLY TO THE WORK OUTLINED ON THIS DRAWING. SEE SHT C2.1R FOR REVISED STORMWATER PIPING AND DRAINAGE IMPROVEMENTS



REVISED PLANTING AT BIOSWALE
1"= 10'-0"

ISSUED FOR OWNER AND CITY REVIEW

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780 Broadway
South Portland, ME 04106
T. 207.767.7300
sblaise@blaisece.com

Bartlett Design
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Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
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217 Commercial Street, Suite 200
Portland, ME 04101
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Becker Structural Engineers, Inc.
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www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

REV #	DATE	DESCRIPTION
1	10.06.10	SUBMIT TO CITY
2	10.22.10	ISSUE FOR CONSTRUCTION
3	01.13.11	ISSUE FOR CONCEPT REVIEW
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5	05.17.11	SUBMIT TO CITY
6	05.25.11	RE-SUBMIT TO CITY
7	06.02.11	MODIFY SW GRADES/ ADD DUMSTER ENCLOSURE

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

REAR SERVICE/ DRAINAGE/ ACCESS PLAN

LSK-3.1
REVISED 10.16.12

05.17.2011

Jean Fraser - Fwd: CCSB Amended Site Plan

From: Jean Fraser
To: Carroll, Pat
Date: 7/12/2013 4:07 PM
Subject: Fwd: CCSB Amended Site Plan

Pat

Here are Tom's comments; he will be able to provide fuller comments when further information is received.

thanks
Jean

>>> Tom Errico <thomas.errico@tylin.com> 7/12/2013 3:52 PM >>>
Hi Jean – I have reviewed the traffic and parking analyses for the project and offer the following comments.

- I have reviewed the revised trip generation analysis and concur with the conclusions that a modified Traffic Movement Permit is not required.
- The applicant should provide details on whether any crashes have occurred at the Commercial Street/Site Entrance location (have any vehicles entering and exiting the site been involved in a crash).
- The City typically has a provision that parking needs for restaurants only include spaces to accommodate employees. Accordingly, the applicant should provide information on anticipated staffing levels. Additionally, the applicant should also provide information on the expected hours of operation of the restaurant.
- Additional supporting information is needed to better understand existing parking demand numbers. I would suggest that the applicant provide information on employee numbers, any available survey information on mode of travel, if parking fees are charged to employees that parked off-site, and information on employees that may park in other off-site parking lots or on-street locations that are not time limit regulated.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
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Traffic Engineering Director
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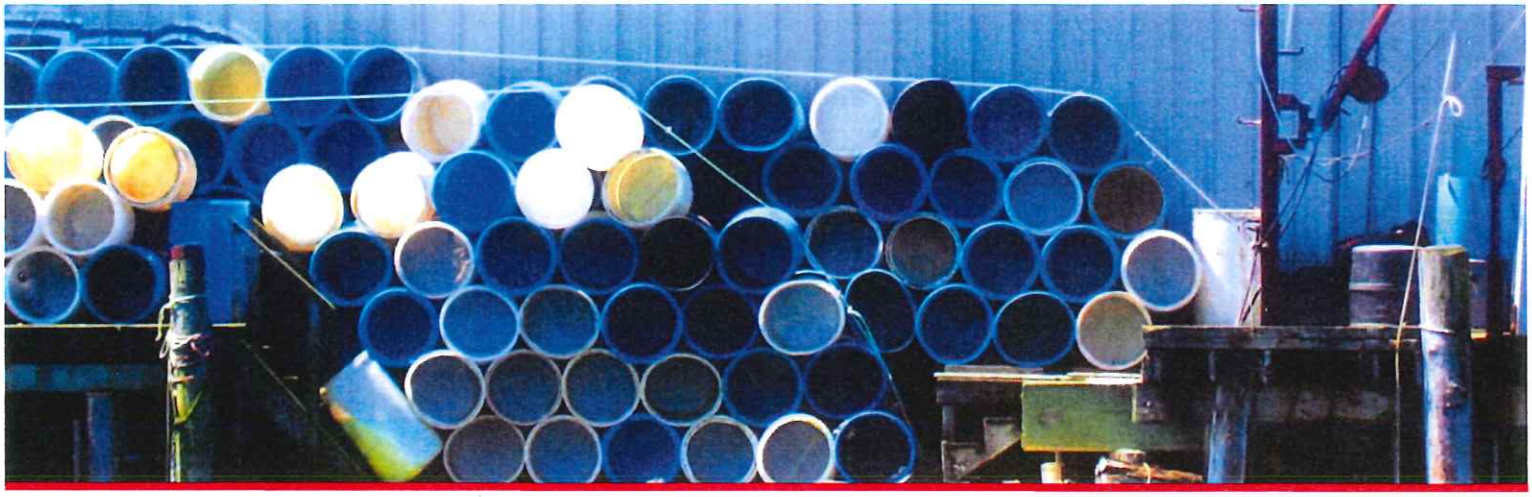

2012 Waterfront Central Zone Use Inventory: June 2013

Report to the City of Portland, Maine City Council

Prepared by the
Department of Planning and Urban Development
Planning Division

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2012 Waterfront Central Zone Inventory

Report to the City of Portland, Maine City Council
June 2013

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3. Master Inventory Data Table
4. Individual Pier Inventory maps

Deakes' Wharf
Sturdivant's Wharf
Holyoke Wharf
Berlin Mills Wharf
Hobson's Pier
Gulf of Maine Research Institute/US Coast Guard
Portland Fish Pier
Merrill's Wharf
Union Wharf
Widgery's Wharf
Chandler's Wharf Condos/Fisherman's Wharf
Parking
Long Wharf/Dimillo's
Portland Pier
Custom House Wharf
Maine Wharf

1. Introduction:

On December 20, 2010, the Portland City Council passed sweeping changes to the text of the Waterfront Central Zone (WCZ) allowing expanded non-marine use and development on Portland's Waterfront. When passing the 2010 zoning, the City Council required that the City conduct a periodic inventory of uses to understand the new regulation's impacts on marine industry and investment on the piers. In June 2011, Planning staff submitted the baseline inventory report as a communication to the City Council.

This report documents information collected at the end of 2012 and provides the first year-to-year comparison of data from 2011. The Planning Staff submits this report in compliance with the Council's requirements (City Code, Chapter 14, Land Use Ordinance, Section 14-311.)

2. Background:

The WCZ text regulates land use on Portland's waterfront in the areas located between but not including the Maine State Pier and the International Marine Terminal. The WCZ is home to the Portland Fish Pier, 14 private piers, the Gulf of Maine Research Institute, the majority of the city's commercial fishing fleet, the tourist excursion vessel fleet, and multiple marine and non-marine businesses. Prior to the 2010 changes, zoning limited new development almost entirely to marine uses and non-marine uses were restricted to certain existing buildings concentrated in upper floors and buildings located near Commercial Street. The 2010 zoning broadened the amount and types of non-marine uses allowed in new or existing space on the piers of Portland Harbor.

The 2011 WCZ inventory and additional background and the text of the new zoning are found at: http://www.portlandmaine.gov/planning/wcz.asp

3. Intent of the Inventory:

The intent of the inventory is to provide a foundation for understanding use trends as allowed under the current WCZ regulations.

One of the key requirements of the 2010 WCZ text is that at least 55% of ground floor space (both interior and exterior) must be reserved for marine use for that portion of the zone located outside of the "Non-Marine Use Overlay Zone" (NMUOZ.) The NMUOZ is located along Commercial Street and permits 100% non-marine use and development. The 55% marine use requirement applies to the balance of the zone, on the seaward side of the NMUOZ boundary. The intention of the 55% marine use requirement is to ensure that marine uses are retained and protected in the portions of the zone best suited to serve marine industry needs.

The provision (Land Use Code Section14-311(a)) requires that any non-marine use application must demonstrate adherence to the 55% marine use requirement by submitting an inventory of ground level uses to the Planning Authority. The Code further requires that the Planning Authority must compile and aggregate use inventories within the zone for reporting to the City Council on an annual basis. The specific text requiring use inventories is excerpted below:

> *14-311(a) 3.b. Uses inventoried: To demonstrate adherence to the 55% marine use requirement, the applicant shall submit to the planning authority, upon request, an inventory which lists each occupant (tenant or otherwise), as well as a map which depicts the location of each occupant. The map shall show all ground level space, including buildings, parking, open areas and submerged lands associated with the subject lot. For each occupant, the property owner must indicate the square footage of area occupied and whether the occupant is a marine use as defined herein. For vacant space, the last previous occupant shall be listed, along with the date of departure.*
>
> *c. Applicants for site plan review or a change of use permit outside of the NMUOZ shall provide the planning authority with proof of compliance with the requirements of this section as a condition of approval.*
>
> *d. The city planning authority shall compile and report inventories of ground level uses, as reported under (b) above, into an annual report of ground level uses and investment in the Central Waterfront. The report shall include an aggregated assessment of ground floor marine and non-marine use occupancy and a catalogue of marine infrastructure investment for the reporting period. The report shall be submitted to the City Council as a communication not less than once every calendar year.*

The above ordinance provisions apply only to those portions of the zone where first floor marine use is a requirement. Given that the NMUOZ is not restricted to a minimum percentage of marine use area, the properties within NMUOZ are not included within this inventory.

Readers should note that this document is not intended as a regulatory compliance tool. Applicants for new non-marine uses in the WCZ will need to map the NMUOZ boundary on their pier to show compliance with the 55% marine use requirement outside the NMUOZ , or for application of the 100% non-marine use allowance within the NMUOZ. Each applicant for change of use is expected to demonstrate compliance with the provisions of the WCZ, and the City Planning and Urban Development Department is not assuming that responsibility with this inventory.

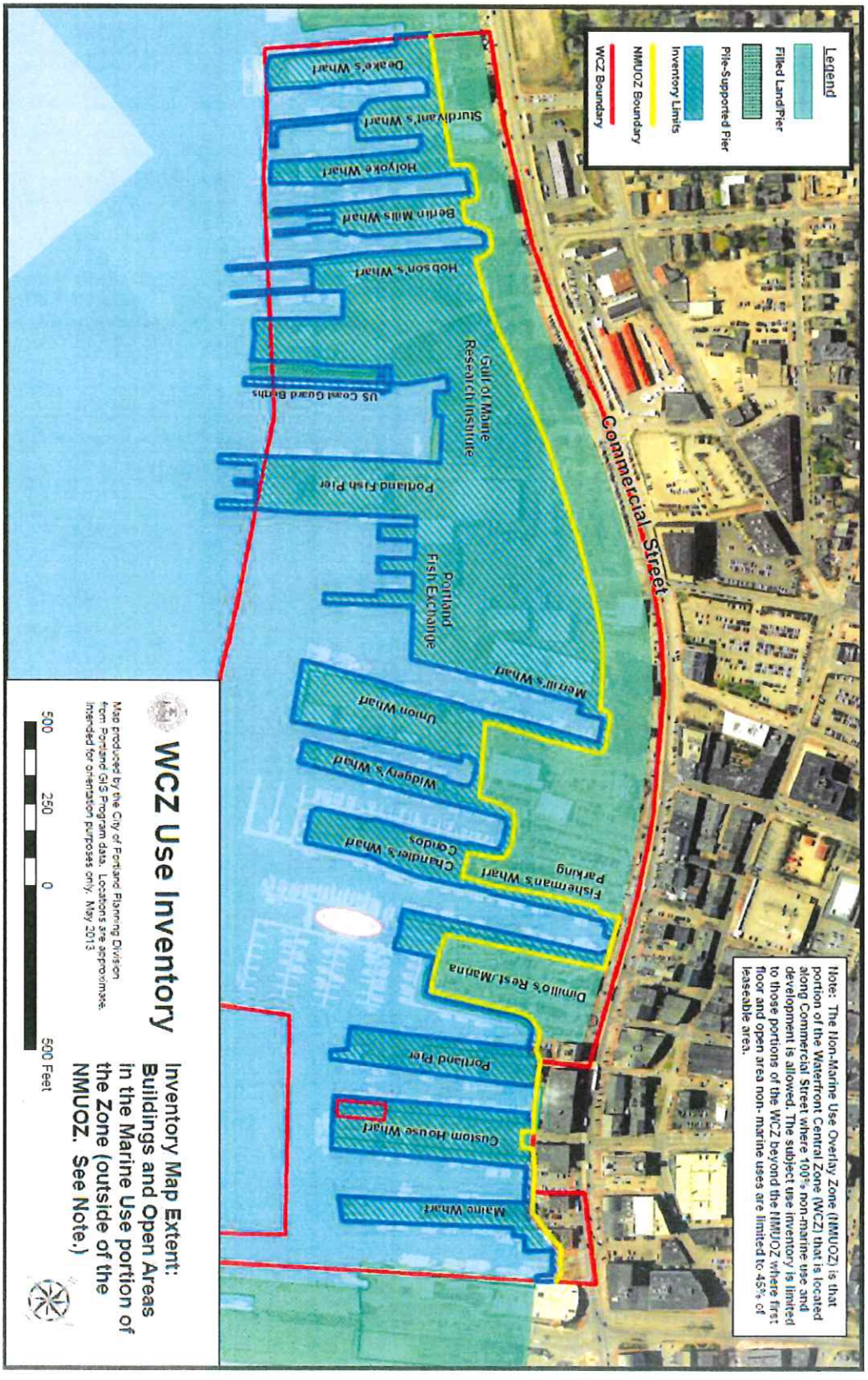
4. Inventory Extent:

The inventory includes every building and property, or portions thereof, which are located within the WCZ and outside of the Non-Marine Use Overlay Zone (NMUOZ). Only ground level uses were mapped and counted, including buildings, pier deck, paved areas, and open space on filled land and

pile supported piers. Submerged lands not covered by piers were not counted, nor were berthing floats, ramps, and vessels. The only floating feature inventoried was the Dimillo's floating restaurant, which was counted as a building.

The 2012 WCZ inventory updated the land/pier basis using newer aerial photography.

The inventory only includes piers and filled land located outside of the Non-Marine Use Overlay Zone.



5. Methodology:

The current WCZ inventory reflects a snapshot in time concluding in December 2012.

Using the 2011 inventory as a starting point, the 2012 inventory relies on three sources of information: direct observation by Planning Staff, pier owner and tenant interviews (as needed), and City GIS program data (including aerial photography.) Most pier inventories employed multiple data sources.

Mapping:

The first step in the process was to locate the NMUOZ boundary as the northerly extent of the inventory area. Section 14-306 of the WCZ text defines the NMUOZ boundary as:

> "...parcels of land and piers within the waterfront central zone located on the landward side of a line established one hundred fifty (150) feet southerly from the southerly sideline of Commercial Street and modified as follows: the seaward limit of the NMUOZ extends to a line 500 feet southerly from the southerly sideline of Commercial Street in the area between the easterly sideline of Long Wharf to the westerly sideline of Union Wharf. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor..."

Essentially, the NMUOZ is located 150 feet south of Commercial Street, except between Union Wharf and Long Wharf, where the boundary is 500 feet south of Commercial Street. The line, however, does not extend over the water and is set back from high tide by 25 feet in all areas.

The NMUOZ boundary was mapped as a best estimate based on GIS Program data on the Commercial Street right of way and a previously mapped "filled land" boundary. When drawing the NMUOZ boundary, Planning staff estimated the 25-foot high water setback by measuring from visible landmarks such as seawall bulk heads, or used the previously mapped "filled land" boundary. A certain amount of approximation was needed as the "filled land" boundary is itself an estimate based on aerial photography and limited field observation.

Secondly, the seaward boundary of the inventory area was established from the edges of working piers, seawall bulkheads, and by property ownership. As with the NMUOZ, estimation was needed.

Finally, every pier and property was separated individually with the results of each combined into an aggregate for the zone. The "filled land" and "pile supported piers" layers from the City GIS Program were combined with City taxation parcel information to identify individual piers. Planning staff amended the pier perimeters as appropriate based on aerial photos and field observations

Occupancy and Use

In updating the Inventory from 2011 to 2012, Planning Staff queried the Planning and Development Department for any permitted project within the inventory areas. Projects such as the new buildings (Portland Fish Pier and Union Wharf,) significant structural repairs (Maine Wharf), and

changes of use (Merrill's Wharf) were easily identifiable from this inquiry. The permit inquiry was followed by a site walk of the entire zone with the 2011 inventory results used as a guide. Each building was observed for visual change or obvious signs of vacancy (boarded up, "For Lease" signs...) While this method may have missed some vacant space, Planning staff is confident that significant changes were observed and captured for this inventory.

Reporting Results

The resulting inventory is essentially a series of individual pier maps with an accompanying spreadsheet of tabled square footage data. Properties, separated by ownership, are shown with bold black lines and each parcel is numbered with a black numeral. Likewise, each whole building is shown as a white polygon and every building (or similar collection of buildings) are numbered on the map in red. Where a building is bisected by the NMUOZ boundary, only that portion of the building outside of the NMUOZ is counted. Such buildings are noted with a "p" (for "partial") following their designation numeral and the portion of the building polygon counted in the inventory is shown in yellow.

The inventory spreadsheet is keyed to each building and parcel by number. The spreadsheet groups buildings and parcels by pier. Certain piers have more than one parcel and the inventory is additionally separated by ownership as far as it is known. Each Pier is further shown as its own map with its specific tabled information excerpted.

Measurement Precision: Planning Staff adjusted the filled land boundary as necessary to reflect conditions evident from aerial photos, corroborated with field observations. While the inventory spread sheets report observed results to the nearest whole square foot, individual parcel results are best rounded to the nearest 1000 square feet for land and 100 square feet for each building.

Building spaces were compiled according to the following categories.

Building Footprint Area	**Building Footprint Area -Pier totals**	**Active Marine Use Building Area**	**Vacant Building Area, Avail to marine use**	**Building Area Avail to Marine use (Active Marine plus Vacant)**	**Active Non-marine use Building Area**	**% Building Area Avail to Marine Use (Active marine use plus vacant)**

"Marine Uses" in this inventory are the permitted uses listed under WCZ section 14-307(a) and conditional uses listed under 14-308(a).

Building vacancies were tallied where reported by pier owners or observed, but it is assumed that some of the areas designated as "Active Marine Use Building Area" may be vacant. Given that the new WCZ text requires that vacant space is offered to marine tenants as a priority (with a 60 day marketing period,) the "Building Area Avail to Marine use" is calculated as an important indicator for tracking.

The percentage of space available to marine uses is the regulated figure stipulated in the code and is calculated by the following formula:

$$\frac{\textit{Active marine use building area + vacant building area}}{\textit{Total building footprint area}} \times 100 = \%\text{building area available to marine use}$$

Open spaces were treated similarly to building space.

Land Pier Area	Common Circulation Drive Area	Open Area - net (Land Pier area minus Com Drive - Building footprint)	Active Marine Use Open Area	Vacant Open Area, Avail to Marine use	Open Area Avail to Marine use (Active Marine plus Vacant)	Active Non-Marine Use Open Area	% Open Area Avail to Marine use (Active marine use plus vacant)

When calculating the amount of land/pier area, the zone text requires that "common circulation drives" are subtracted from the total open space prior to calculating use percentages. Such driveways, as defined in the WCZ, were estimated from aerial photos and direct observation, and were mapped for subtraction from the total open space.

The percentage of open area available to marine use was calculated by the formula below. For the purpose of this calculation, "pier area" includes filled land and pile supported pier capable of lease for active use.

$$\frac{\textit{Active marine use area + vacant pier area}}{\textit{Total pier area - common circulation drive areas - building footprint area}} \times 100 = \textit{\% open area available to marine use}$$

Un-leasable open space, which was not a common circulation driveway, was combined with the adjacent use with which it was most closely related. For example, landscaping adjacent to a non-marine use parking lot was counted as non-marine use open space. Likewise, open area serving as circulation to only marine uses was counted as marine use space.

A certain amount of approximation was necessary to create this inventory – both in the mapped features and in the use assumptions for certain buildings and open areas.

For example, it was easier to identify non-marine uses than to differentiate between active marine use and vacant space. Casual storage of marine gear and refuse could be either a leased "active" use, or a "vacant" un-leased space currently filled with transient materials. There is greater reliability in the numbers reported as areas "Available to Marine Use" than in the split between vacancies and active marine uses.

When assigning uses to areas such as common circulation drives in particular, Planning Staff employed a common sense, best judgment, approach given that the "drives" are as much use patterns as they are constructed features on certain piers.

All of the above assumptions and estimates will be fine-tuned over time as individual pier development projects provide improved base line data for inclusion in the inventory.

6. Notes on Year-to-Year Comparisons:

The 2011 inventory was based on the then most recent aerial photography from 2006. This update utilizes newer 2012 aerial photography and the base maps of certain piers were adjusted to reflect the newer, improved imagery. For example, the US Coast Guard berths located on the Gulf of Maine Research Institute (GMRI) property were rebuilt after 2006, but this improvement did not appear on the 2011 inventory since the mapped basis had not been updated. This current inventory redrew the boundary of the GMRI site, resulting in a smaller Land/Pier basis – though in reality, useable pier area increased due to the re-building of the Coast Guard berthing. The 2011 inventory showed +/-222, 000 sq ft of land/pier while the updated 2012 inventory corrects this number to +/-207, 000 sq ft. This +/-15,000 sq ft change reflects a reduction in reported pier deck but no actual loss of usable space as the old Coast Guard pier was derelict.

Likewise, with buildings, updated and improved aerial photography lead to variation in reported building space data. For example, the typical buildings on Widgery's Wharf are movable lobster sheds. Based on the 2006 photography, several of these shed failed to appear as "buildings" resulting in an underreporting of building space for the pier. The 2012 data has been updated to add +/-2000 additional square feet of building on Widgery's Wharf, but no new building actually occurred. In short, some variation in results is due to revised mapping and the basis for calculating "Land/Pier area" on some piers and the zone overall is not directly comparable between 2011 and 2012 reporting

Note on Interior Common Areas: *In completing this second version of the inventory, it became prudent to adjust the basis for calculating the first floor area for large mixed-tenant buildings to subtract out non-leasable space. For example, the Cumberland Storage building on Merrill's Wharf (Pierce Atwood building) has a "building footprint" of +/-19,600 square feet, but only +/-13,071 square feet of leasable area. The balance of the space is dedicated to shared hallways, mechanical space, trash rooms, and other common space. This area was not used in the percentage calculation of area available to marine use since neither marine nor non-marine*

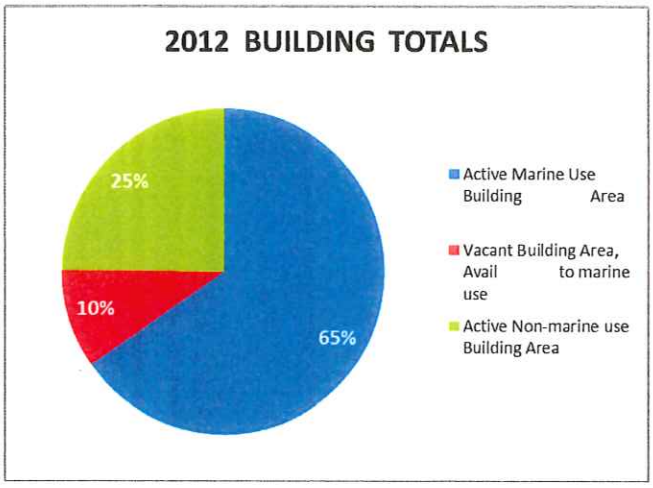
uses can lease the space. As detailed information on larger buildings becomes available and more buildings transition to mixed -use tenancy, such adjustments to the building footprint basis can be expected in future inventories.

7. Results:

As reported in 2011, after separating the NMUOZ portions of the zone the remaining area is still predominantly available to marine uses.

Building Ground Floors:

Buildings	Active Marine Use Building Area	Vacant Building Area	Active Non-marine use Building Area
2012 TOTALS	242058	36314	92088



There are approximately 371,000 square feet total of ground floor building space in the WCZ outside of the NMUOZ. This number is marginally less than reported in 2011 with the difference attributed to subtracting out unleaseable area from the Cumberland Storage building (the Pierce Atwood building) on Merrill's Wharf. In actuality, two new bait buildings were constructed producing a 3888 sq ft expansion of interior space in the study area. This expansion was partially offset by a small portion of building demolished on Custom House Wharf.

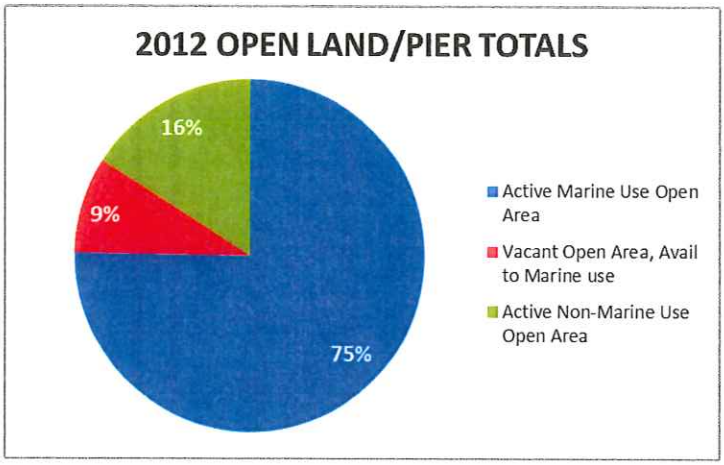
Similar to 2011, +/- 75% of building ground floors are available to marine uses, which include approximately 10% total vacancy (9% in 2011.) As noted above, the remaining 65% "active marine use" probably includes space which is un-leased, but currently occupied by marine storage.

The +/-25% non-marine ground floor space result is highly influenced by the large footprint of the Chandler's Wharf Condominium complex, which occupies almost 44% of the total ground floor non-marine use building space outside of the NMOUZ.

As one would expect, there is a geographic concentration of non-marine space in the eastern portion of the zone adjacent to the Old Port.

Open Space:

Land/Piers	Active Marine Use Open Area	Vacant Open Area, Avail to Marine use	Active Non-Marine Use Open Area
2012 OPEN LAND/PIER TOTALS	728310	84905	154789

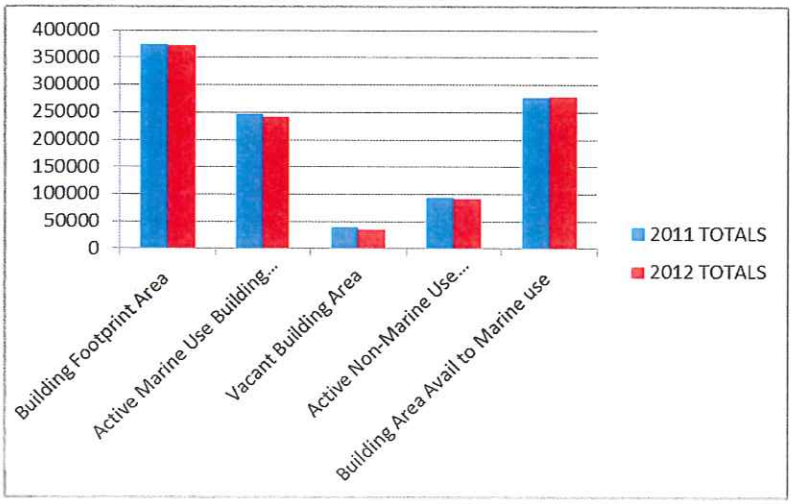


The WCZ continues to show a significant percentage of space currently not covered by a building. After subtracting out building footprints and common circulation drives, there are approximately 966,000 square feet of open space (22 acres) located outside of the NMUOZ. Approximately 9% of this space appears vacant. As reported in 2011, nearly all of the apparently vacant space is concentrated on the Gulf of Maine Research Institute site. The vacancy rate of open land was reported at 8% in 2011 and the 1% change is attributable to the reduced overall basis of land measured (as described Section 6, above) not in an increase in available space.

Approximately 84% of the open space is remains available to marine uses. As noted above, this process did not discover how much of this space is subject to a revenue- generating lease, but it is clear that the piers are being highly utilized by marine industry.

Year-to-Year Comparisons: Building Areas

2011 to 2012 Comparisions	Building Footprint Area	Active Marine Use Building Area	Vacant Building Area	Active Non-Marine Use Building Area	Building Area Avail to Marine use
2011 TOTALS	374621	246847	38664	92910	277012
2012 TOTALS	371288	242058	36314	92088	278372

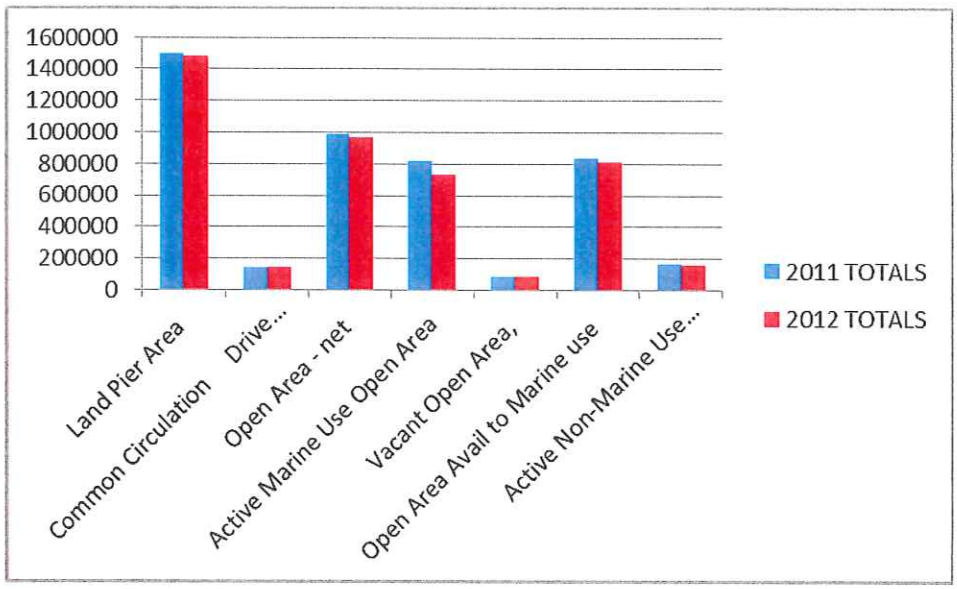


The 2012 Inventory did not discover large changes compared to 2011. There were neither large projects adding area nor large uses abandoning the zone. Individual piers, such as Maine Wharf showed change, but such changes did not appear to reflect a major trend.

As noted above, some of the reported "change" found in this inventory is due to improved mapping and methods for addressing Common areas within buildings.

Year-to-Year Comparisons: Land/Pier Areas

2011 to 2012 Comparisions	Land Pier Area	Common Circulation Drive Area	Open Area - net	Active Marine Use Open Area	Vacant Open Area,	Open Area Avail to Marine use	Active Non-Marine Use Open Area
2011 TOTALS	1496216	137534	984061	814245	84905	837632	167343
2012 TOTALS	1481132	137534	966041	728310	84905	813215	154789



Union Wharf and the Portland Fish Pier

Significant Changes in the Land/Pier area include reduction in the basis for land/Pier area are due to redrafting pier perimeters based on improved 2012 photogrametry.

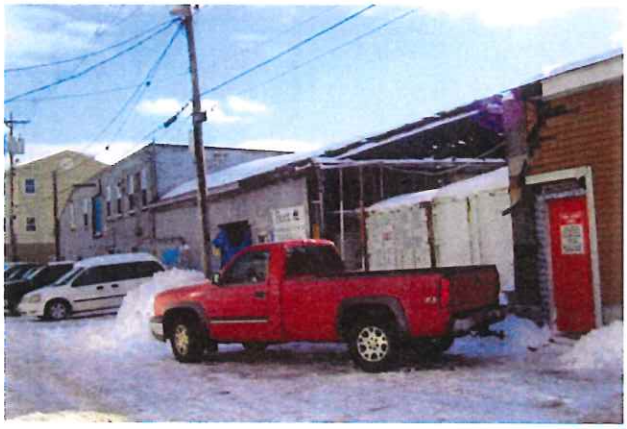
The "Open Area - Net" figures were further reduced due to the construction of two new marine use buildings on

Highlighted Changes in 2012

Union Wharf Bait Building – New in 2012

Dropping Springs Bait Building – New in 2012

Vacancies on Maine Wharf to allow structural repairs



Vacancies and small loss of building on Custom House Wharf, west side.

8. Concluding Remarks:

The Waterfront Central Zone remains a center for marine industry, but will continue to undergo incremental change. While the results of the 2012 WCZ do not indicate large-scale trends for change in the marine use portions of the zone, the sluggish economy may have played the largest role in tempering application of the non-marine use allowances. As the economy improves, development pressures are likely to increase on existing marine uses. The City will need to continue monitoring the pace of change and to diligently administer the standards of the WCZ to foster responsible investment toward a stable and viable working waterfront.

Attachments:

1. Summary Table of Results
2. Master Inventory Map of the Waterfront Central Zone
3. Master Inventory Data Table
4. Individual Pier Inventory maps

Att. 1

Summary Totals

2012 Waterfront Central Zone Ground Floor Marine Use Inventory - Marine Use Area (Outside of the NMUOZ) May 2013

Pier/Property Name	Building Footprint Area -Pier totals	Active Marine Use Building Area	Vacant Building Area, Avail to marine use	Building Area Avail to Marine Use (Active Marine plus Vacant)	Active Non-marine use Building Area	% Building Area Avail to Marine Use (Active marine use plus vacant)	Land Pier Area	Common Circulation Drive Area	Open Area - net (Land Pier area minus Com Drive - Building footprint)	Active Marine Use Open Area	Vacant Open Area, Avail to Marine use	Open Area Avail to Marine use (Active Marine plus Vacant)	Active Non-Marine Use Open Area	% Open Area Avail to Marine use (Active marine use plus vacant)
2011 TOTALS	374621	246847	38664	*277012	*92910	76%	1496216	*137534	984061	*751327	84905	*837632	*154789	84%
2012 TOTALS	**371288	242058	36314	278372	92088	75%	1481132	137534	966041	~728310	84905	813215	154789	>83%
Change from 2011 to 2012	3333	4798	***2350	**1360	822		~(15084)	0	~(18020)	~(23017)	0	~(24417)	0	
% Change	+0.8%	+1.9%	+6%	<+1%	>o%	-1%		0%	~	-3%	0%	-3%	0%	<+1%

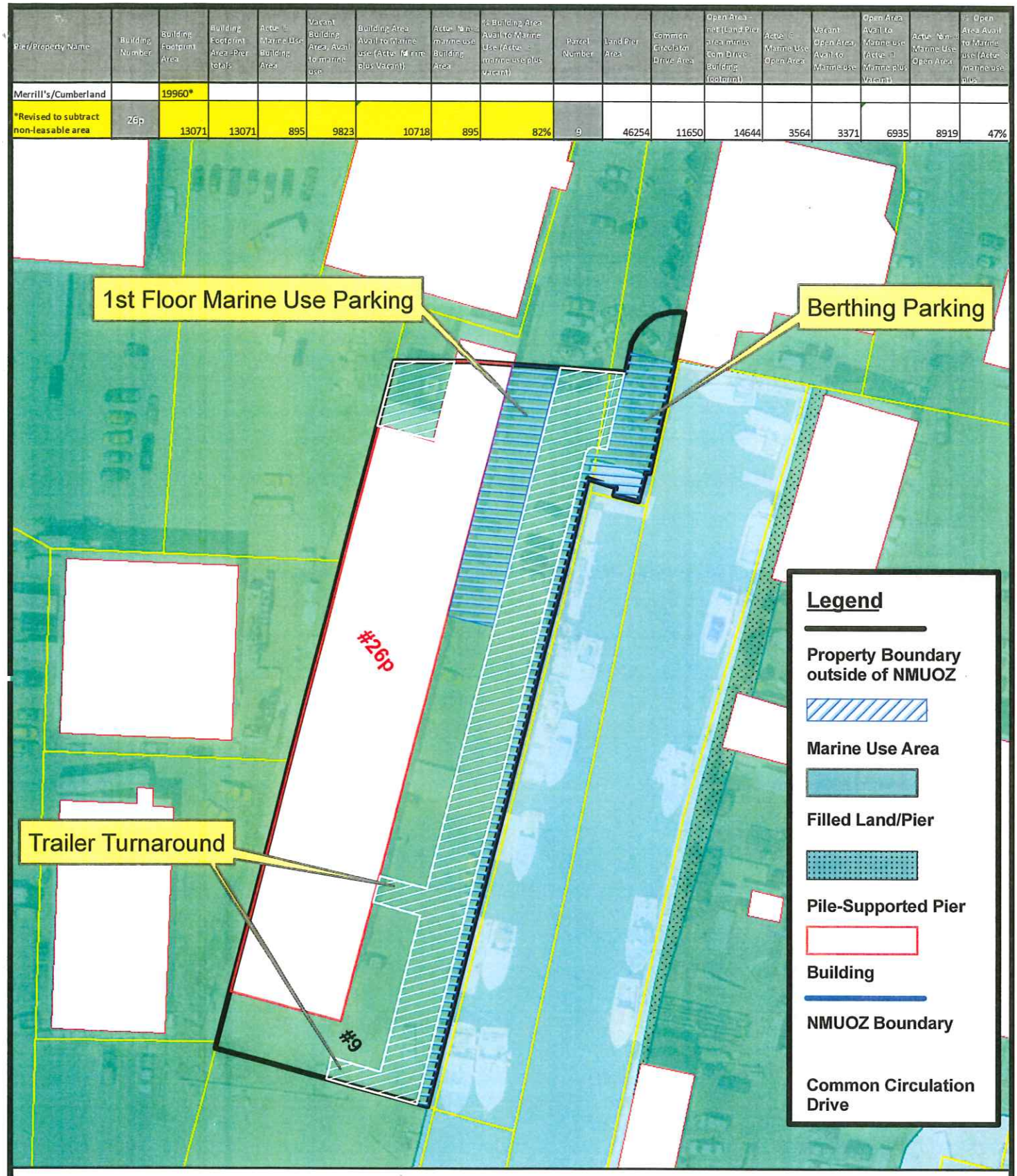
* Over reported in the 2011 Inventory. Corrected herein.

** Overal reduction in building footprint due to subtracting out unleasable area from the Peirce Atwood building on Merrills Wharf and small demo on Custom House Wharf

*** 2012 building vacancy rate of +/- <10%

~ Land area reduction due to re-drawing pier perimeters based on improved aerial photography and subtracting out new building footprints (+/-14500 sf reduction on GMRI parcel accounts for most of the over reporting from 2011. +/-4000 sf additional buildings reported for Widgery's Wharf and new buildings on Union Wharf and Fish Pier account for balance)

Pier/Property Name	Building Number	Building Footprint Area	Building Footprint Area -Pier totals	Active Marine Use Building Area	Vacant Building Area, Avail to marine use	Building Area Avail to Marine use (Active Marine Use plus Vacant)	Active Non-marine use Building Area	% Building Area Avail to Marine Use (Active + marine use plus vacant)	Parcel Number	Land Pier Area	Common Circulation Drive Area	Open Area - net (Land Pier area minus Com Drive - Building footprint)	Active Marine Use Open Area	Vacant Open Area Avail to Marine use	Open Area Avail to Marine use (Active + Marine plus Vacant)	Active Non-Marine Use Open Area	% Open Area Avail to Marine use (Active + marine use plus
Merrill's/Cumberland		19960*															
*Revised to subtract non-leasable area	26p	13071	13071	895	9823	10718	895	82%	9	46254	11650	14644	3564	3371	6935	8919	47%



WCZ Use Inventory

Merrill's Wharf
Cumberland Storage
Parcel #9

Map produced by the City of Portland Planning Division
from Portland GIS Program 2007 data.
Intended for orientation purposes only.
February 2013

150 75 0 150 Feet

PLANNING BOARD REPORT
PORTLAND, MAINE

Cumberland Cold Storage Building

254 Commercial Street (Merrill's Wharf), Portland

Amendment to Level III Site Plan and removal of condition of approval

Project ID # 2013-154

Waterfront Maine LP, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: July 23rd, 2013	Prepared by: Jean Fraser, Planner Date: July 19th, 2013 Planning Board Report # 32-13

I. INTRODUCTION

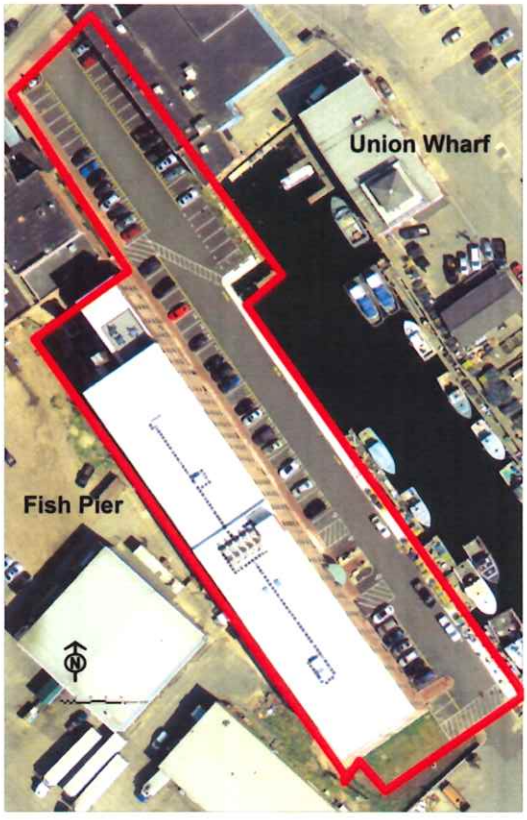
Carroll Associates, on behalf of Waterfront Maine LP, has submitted a Level III amendment application to allow for a proposed restaurant and several other non-marine uses to occupy the ground floor of the Cumberland Cold Storage Building, without any modifications to the access arrangements or parking provision on site. The amendment is being brought before the Board to comply with a condition of the 2010 site plan approval that stated:

> *That the parking required for the proposed uses has been determined by the Planning Board to be 6 spaces for the water dependent marine uses (berthing) and 15 spaces for the ground floor marine uses which shall be on site; and 170 spaces for the office uses on the four upper floors, of which 50 spaces are provided on site and 120 spaces shall be provided in the identified off-site locations or equivalent. In the event that the uses change, the parking requirement would need further review by the Planning Board; and*

The applicant has also requested that this condition be removed.

The site plan approval in June 2010 allowed for the rehabilitation of the Cumberland Cold Storage Building from warehouse to 80,300 sq ft of offices with 20,400 sq ft of marine use on the ground floor (Attachment 1). At that time the entire ground floor was reserved for marine use to meet the zoning requirements of the Waterfront Central Zone (WCZ) and the project and proposed parking was reviewed as a conditional use in accordance with the zoning ordinance in place at that time. The project was also the subject of an approved Traffic Movement Permit and there were concerns that the approved parking and access may not be adequate for potential uses of the vacant floorspace (the only tenant at that time was Pierce Atwood who were not going to be occupying the entire building).

Since the 2010 site plan review the WCZ ordinance has been revised and allows 45% of the ground floor (and outside area) to be in non-marine use where associated standards are met. The applicant is requesting approval to convert 45% of the ground floor usable area (6,585 sq ft) floorspace to a restaurant and other non-marine uses, which are permitted uses under the revised WCZ zoning. The remaining 55% of the ground floor (located at the southern end of the building) would remain designated and available for marine uses, with no change to the approved parking allocations.



A total of 406 notices of this Hearing were sent to property owners within 500 feet and to interested citizens. In addition, the project was the subject of a legal advertisement in the *Portland Press Herald* editions on July 15th and 16th, 2013. The Planning Division has not received any public comments as of the time of completing this report.

Required reviews:

Applicant's Proposal	Applicable Standards
Level III Amendment to approved Site Plan	Change of use; parking requirements; removal of condition.
WCZ Performance Standards: particularly 8 (*Off-street parking and loading);* 15 (*Compatibility of non-marine uses with marine uses*); and 16 (*Functional utility of piers and access to the water's edge*).	Specified (14-311 d) for Planning Board review as relevant to the proposed amendment

II. PROJECT DATA

Existing Zoning:	Waterfront Central Zone
Existing Use:	100 % Marine on ground floor; offices above
Proposed Use:	55% Marine on ground floor; 45% non marine uses as permitted by WCZ on ground floor; offices on upper floors
Parcel Size:	67,982 sq ft (1.56 acres)
Impervious Surface Area:	no change
Building Area:	100, 816 sq ft floorspace and 20,473 sq ft footprint- no overall change
Existing Parking Spaces: (specified in 2010 approval)	191, of which 71 existing on site (including 6 for berthing tenants and 15 for marine uses)- no change proposed
Bicycle Parking Spaces:	Existing 16 - no change proposed

III. BACKGROUND

The parking requirement for this project was a Planning Board decision in 2010 and remains the case under the current site plan ordinance. The parking requirements set out in condition v. (quoted below) reflect the Planning Board's decision to require more parking than the applicant had proposed (and staff had accepted) because the proposed parking appeared to be below demand, the demand from the vacant floor area was unknown, and a TDM Plan was not proposed.

The 2010 condition v (Attachment 1) states:

> i. *That the parking required for the proposed uses has been determined by the Planning Board to be 6 spaces for the water dependent marine uses (berthing) and 15 spaces for the ground floor marine uses which shall be on site; and 170 spaces for the office uses on the four upper floors, of which 50 spaces are provided on site and 120 spaces shall be provided in the identified off-site locations or equivalent. In the event that the uses change, the parking requirement would need further review by the Planning Board; and*

Condition v. was incorporated to document the parking requirement. The last sentence requiring a return to the Planning Board for any change of use reflected the following concerns during the 2010 review:

- Anticipated change in zoning (then under discussion) that would allow non-marine uses on the ground floor. Some non-marine uses potentially could increase the parking requirements and/or trip generation considerably; and
- In the context of the TMP, the Traffic Engineering Reviewer was concerned regarding the left turn movements out of the site and interaction with queuing for the nearby intersections.

The 2010 Revised WCZ zoning allows the proportion of the ground floor and associated parking to be split 55%/45% marine/non-marine use and the same proportions apply to the open area on the site (excluding the building, marine use and common areas). The amended proposals meet these requirements by designating additional areas of marine use on the site. The revised WCZ zoning introduces a set of performance standards for all uses, including the non-marine uses, and the Planning Board is the reviewing authority for some of these. Several of these apply to this project and are discussed in detail in this Report.

IV. EXISTING CONDITIONS

The project was developed in accordance with the 2010 approval (Attachment 1) and as shown in the aerial photograph (Attachment 2) and Plan 1.

V. PROPOSED DEVELOPMENT

The proposed physical alterations are internal fit-ups for 6585 sq ft of non-marine uses (including approx. 2000 sq ft for a restaurant – see Plans 3 & 4). These uses are at the Commercial Street end of the building as shown in the floorplan (Attachment Plan 2). The on-site parking allocation of the total 71 spaces is shown in Plan 1 with the 6 spaces for the marine-related use (berthing) to remain as existing and the 15 spaces for marine use to be located near the ground floor non-marine uses. The remainder of the on-site parking (50 spaces) is as existing (most allocated to Pierce Atwood). Aside from a grease trap for the restaurant, it is understood there are no external modifications to the site.

The applicant has requested removal of the condition that specifies the numbers of required parking and the requirement for any change of use to be reviewed by the Planning Board. This would effectively remove the clarity regarding the parking requirements for this site, particularly the off-site parking requirements (a further 120 spaces). It would also avoid a return to the Planning Board for each change of use, although any change of use would be reviewed by the Zoning Administrator to assure compliance with zoning provisions.

VI. PUBLIC COMMENT

At the time of preparing this Report the Planning office had not received any written public comments.

VII. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The owner of the property is Waterfront Maine LP as confirmed in Attachment C and there is little cost for the applicant as the development (of non-marine uses) would be borne by the leasee.

VIII. REVIEWS

A. ZONING REVIEW

1. The Zoning Administrator, Marge Schmuckal, has reviewed the proposals in the context of the Waterfront Central Zone (WCZ) requirements where she is authorized to make the determination (some are Planning Board; see below). Ms Schmuckal has commented (Attachment 3a):

> "This project is located within the Waterfront Central Zone (WCZ). Inspection Services has also received a building permit application to change the use of the first floor from a marine related use to a restaurant use. The Applicant has proven the case under 14-311 to allow 55% marine use and 45% for nonmarine uses as outlined under the Ordinance. This restaurant is part of the 44% nonmarine use allowed on the first floor. Presently there are just a couple other approved nonmarine uses as allowed under past permits.
>
> The restaurant use is being approved on the condition that full course meal food service and consumption is the primary function of the restaurant and that full course meal service must be continued until the hours of closing. This use is not considered or allowed to be a drinking establishment only.
>
> Separate permits are required for any new signage. Any new HVAC installation(s) shall meet the performance noise standards of the WCZ Zone. Any HVAC submission shall be accompanied with the dBA listing of the unit(s)."

Ms Schmuckal has clarified that since a drinking establishment is not allowed in the WCZ, that a potential condition of site plan approval should be:

> That the proposed non-marine use as "restaurant" on the first floor shall be full course meal food service and consumption is the primary function of the restaurant and that full course meal service must be continued until the hours of closing;

2. The Planning Board is the reviewing Authority for the following standards (in *italics*):

> 14.311 *(d) Performance standards: All uses in the waterfront central zone shall comply with the following standards. Standards 8, 10, 13, 14, 15, 16, and 17 below shall be reviewed by the planning authority:*

8. *Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply.*

   The planning authority shall review applications for non-marine use parking against the following standards:

   a. *Applicants for non-marine parking in the waterfront central zone shall submit a parking and traffic circulation plan showing the location of all existing and proposed structures, travel ways and parking on the subject lot.*

   b. *Outside of the NMUOZ, non-marine use parking is subject to the limitations described in 14-311(a) ("55% rule").*

   c. *Non-marine use parking shall only be located on a lot where, based on the parking and traffic circulation plan and a parking analysis to be submitted for planning authority review, the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot.*

   d. *Water-dependent use parking spaces shall be located as close as reasonably possible to associated vessels and/or ground floor lease areas.*

   Staff Comment: The applicant has submitted a parking and traffic circulation plan (Plan 1) and this project is located outside the NMUOZ (except for a small corner of the parking lot as shown on the plan). The parking analysis submitted with this amendment application (Attachment E.1) does not provide details of the revised demand related to the greater area of non-marine uses. The concern expressed by Tom Errico, Traffic Engineering Reviewer, is that the current provision does not take account of the proposed uses and that the marine use spaces may be used by employees or visitors to the non-marine uses being added to the ground floor; his comments request further information (Attachment 4):

   - The City typically has a provision that parking needs for restaurants only include spaces to accommodate employees. Accordingly, the applicant should provide information on anticipated staffing levels. Additionally, the applicant should also provide information on the expected hours of operation of the restaurant.

   - Additional supporting information is needed to better understand existing parking demand numbers. I would suggest that the applicant provide information on employee numbers, any available survey information on mode of travel, if parking fees are charged to employees that parked off-site, and information on employees that may park in other off-site parking lots or on-street locations that are not time limit regulated.

   The applicant provided additional information in response to these comments (Attachment E.2) and Tom Errico has indicated he is comfortable with the proposal subject to conditions that require a Parking Management Plan and reiterate the required numbers of on-site and off-site parking (without any reference to change of use). Written confirmation of this comment will be available at the Planning Board hearing.

10. *Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.*

    Staff Comment: The proposed amendments do not alter the approved and installed lighting.

13. *Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.*

    Staff Comment: The proposed amendments do not include any new structures so this standard is not applicable.

14. *Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.*

Staff Comment: The proposed amendments do not include any pier or wharf expansion so this standard is not applicable.

15. *Compatibility of non-marine uses with marine uses: Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. Siting of a use not set forth in section 14-307(a) shall not substantially reduce or inhibit existing public access to marine or tidal waters.*

Staff Comment:

In order to meet the required 55% of open area in marine use, the applicant has designated an a 1475 sq ft area at the south end of the building (nearest the drainage easement) to be "open area- available for marine use" (Plan 1). The written submission further describes this area as being "…directly adjacent to the Marine Use section of the Building and would be reserved for potential uses that the marine tenant might need, such as trap storage, net mending etc". The identification of this area as being available for marine use, taken together with other marine use areas including parking, meets the requirement in WCZ 14-311 (a) 2 (see Zoning Review above) that requires the marine use to occupy 55% of the area of the site as well as 55% of the ground floor of the building.

This area appears to be potentially useful for marine users not only for the above-mentioned uses but also as a potential location for a loading dock access to the marine use end of the ground floor (the former loading docks were closed in as part of the 2010 rehabilitation). Access to this area is limited by the location of two non-marine parking spaces in front of it. It is recommended that these two spaces be designated for marine use and managed so as to allow access and use of the open area at the end of the building to be genuinely usable for the suggested marine uses and to support the marine use on the ground floor. A potential condition of approval has been included in the motions for the Board to consider to address this standard:

> That the applicant shall allocate, and mark on the ground, the two parking spaces nearest to the southern end of the site (nearest to the drainage easement) be reserved for marine use and managed to facilitate use of the area to the south of the building for marine uses at all times;

16. *Functional utility of piers and access to the water's edge: All new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge for the transfer of goods and materials between berthed vessels and land bound vehicles, and shall demonstrate adherence to the following provisions:*

a. *Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.*

b. *Any development that proposes to site a building within ten (10) feet of a pier edge (thus precluding vehicle use of the pier edge) should provide openings and circulation through or around the building to allow the transfer of goods and materials to trucks and circulation routes within the interior of the pier.*

c. *With the exception of non-commercial berthing allowed under section 14-307(a)(20), there is to be no other non-commercial berthing.*

d. *Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses.*

Staff Comment: The proposed amendment retains the 15 marine use parking spaces near the proposed restaurant rather than adjacent to the marine use part of the ground floor (note that staff have suggested a condition that moves 2 of these to the south end of the site- see above). At the time of the 2010 site plan approval it was anticipated that the non-marine use of the ground floor (then under discussion as part of the WCZ revised zoning discussions) would be at other (south) end of the building. Staff questioned (Attachment F) why the marine parking was not relocated to be adjacent to the proposed location of the marine use. The applicant has confirmed the 15 marine parking spaces are within 150 feet of the marine use and will be available for the marine use (Attachment F).

The Traffic and Parking Study suggests that these 15 spaces could be available after 6pm for non-marine (restaurant) users with signage proposed to specify this arrangement along with a parking management plan (Attachment E). While dual use of those spaces may be practical while the marine use part of the ground floor is vacant, there is a question over how to ensure these spaces are designated exclusively for the marine use once that use is in place. The likely demand from restaurant employees and visitors would need to be managed and the applicant has not identified how that would be achieved once the marine use space is occupied (also see discussion under Standard 8 above). The hours of parking needed by the marine use may be different from that assumed.

The management of the marine parking spaces is key to addressing this WCZ standard and staff recommend a condition of approval requiring the development and implementation of a parking management plan; suggested wording for the condition could be:

> That the applicant shall develop and implement a Parking Management Plan for the on-site parking area, prior to the issuance of a Certificate of Occupancy for the restaurant, to ensure that the marine use spaces are preserved for marine users and support the marine use of the property, and that the employees and visitors to the non-marine uses on the ground floor park in allocated or off-site spaces;

17. (not quoted in full) *Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement.*

Staff Comment: The proposed amendment does not impact the public views of the water.

B. SITE PLAN STANDARDS (Section 14-526)
The proposed development has been reviewed by staff for conformance with those site plan standards that relate to the proposed amendments, particularly traffic and parking.

i. **Transportation Standards**
a. Impact on Surrounding Street Systems (Traffic Movement Permit)
The 2010 review included a Traffic Movement Permit based on the traffic information related to 100% marine use on the ground floor of the building. The applicant has submitted a Traffic Study (Attachment E.1) that updates the 2010 information. Tom Errico has reviewed this information and confirmed that a modification to the 2010 Permit is not required but further information on the drive access onto Commercial Street was requested (Attachment 4):

- *I have reviewed the revised trip generation analysis and concur with the conclusions that a modified Traffic Movement Permit is not required.*
- *The applicant should provide details on whether any crashes have occurred at the Commercial Street/Site Entrance location (have any vehicles entering and exiting the site been involved in a crash).*

The applicant submitted additional information to address these concerns (Attachment E.2) and Mr Errico has reviewed the additional information and indicated that he considers the site will operate safely as existing. A written confirmation of his comments will be available for the Planning Board hearing.

b. Parking
The applicant has confirmed (Attachment F) that there would be no change to the number and allocation of on-site and off-site parking, although the original Parking Assessment (Attachment E) suggested the marine parking be reduced to 8 spaces from the 15 required in the 2010 approval. The applicant is not able to reduce the number of marine parking spaces because of the WCZ requirement to have 55% of the open area in marine use (as discussed above). The applicant has confirmed that the 15 marine use spaces would be reserved for marine users (Plan 1 and Attachment F).

The amendment proposes that 45% of the ground floor be non-marine use instead of marine use, and the non-marine use includes a restaurant of about 2000 sq ft (the uses and their floorspace figures are included at Attachment A, with slightly different figures in Attachment E.1). The question is whether the parking demand of these uses is greater than for marine uses and how much greater. (The impact of the non-marine use parking demand on the marine parking spaces is discussed above under the WCZ Zoning standards 8, 15 and 16). Tom Errico, Traffic Engineering reviewer, comments (Attachment 4)**:**

- The City typically has a provision that parking needs for restaurants only include spaces to accommodate employees. Accordingly, the applicant should provide information on anticipated staffing levels. Additionally, the applicant should also provide information on the expected hours of operation of the restaurant.

- Additional supporting information is needed to better understand existing parking demand numbers. I would suggest that the applicant provide information on employee numbers, any available survey information on mode of travel, if parking fees are charged to employees that parked off-site, and information on employees that may park in other off-site parking lots or on-street locations that are not time limit regulated.

The applicant provided additional information in response to these comments (Attachment E.2). Tom Errico has indicated that he considers that the parking requirements, as confirmed in the application, should be documented in a condition along with a condition that requires a Parking Management Plan to ensure that the non-marine use parking demand is managed. Written confirmation of this comment will be available at the Planning Board hearing.

c. Bicycle Parking
The Plan 1 shows 16 existing bicycle parking spaces at the far south of the building and none near the proposed restaurant. It is suggested that some of these be relocated to be near the restaurant (or additional bike racks installed near the restaurant) to meet the likely demand generated by this use. A potential condition of approval has been included for the Board's consideration.

d. Transportation Demand Management (TDM)
At the time of the 2010 site plan review there was no requirement for a TDM and none was required. It would be difficult to implement a TDM at this stage since the parking patterns are now well-established for the many existing employees.

ii. **Environmental Quality Standards**

a. Water Quality, Storm Water Management and Erosion Control
The proposals include a new grease trap (Plan 4) and meet City standards.

IX. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the amended site plan. Staff recommend that a revised version of condition v. be approved to document the parking requirements for this site.

X. PROPOSED MOTIONS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #32-13 for application #2013-154 Amendment to Approved Site Plan for Cumberland Cold Storage Building at 254 Commercial Street relevant to the Waterfront Central Zone and Site Plan standards of the Land Use Code and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. WATERFRONT CENTRAL ZONE PERFORMANCE STANDARDS FOR PLANNING BOARD REVIEW

The Planning Board finds that the amended plan (**is/is not**) in conformance with Waterfront Central Zone ordinance section 14.311 (d) Standards 8, 10, 13, 14, 15, 16, and 17, subject to the following conditions of approval:

Potential conditions:

i. That the applicant shall develop and implement a Parking Management Plan for the on-site parking area, prior to the issuance of a Certificate of Occupancy for the restaurant, to ensure that the 6 on-site spaces for the water dependent marine uses (berthing) and the 15 on-site spaces for the ground floor marine uses (both as shown on Plan LSK-3.1 Rev 7.16.2013) are reserved for the designated marine users and support the marine uses on the property; and

ii. That the applicant shall allocate, and mark on the ground, the two parking spaces nearest to the southern end of the site (nearest to the drainage easement) be reserved for marine use and managed to facilitate use of the area to the south of the building for marine uses at all times; and

iii. That the proposed non-marine use restaurant on the ground floor shall be full course meal food service and consumption as the primary function and that full course meal service must be continued until the hours of closing.

2. SITE PLAN REVIEW

The Planning Board finds that the amended plan (**is/is not**) in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

Potential conditions:

i. That the condition v. of the June 2010 site plan approval shall be removed; and

ii. That the parking requirement for the amended uses shall be 6 on-site spaces for the water dependent marine uses (berthing) and 15 on-site spaces for the ground floor marine uses as shown on Plan LSK-3.1 Rev 7.16.2013; and 170 spaces for the non-marine uses, of which 50 spaces are provided on-site and 120 spaces shall be provided in the identified off-site locations or equivalent; and

iii. That all other conditions of the June 2010 site plan approval shall remain in force; and

iv. That the applicant shall relocate some of the bicycle parking currently on site, or install new bicycle parking, to be near to the restaurant use; and

v. That separate permits are required for any new signage; and that any new HVAC installation(s) shall meet the performance noise standards of the WCZ Zone as documented by submission of the dBA listing of the unit(s).

ATTACHMENTS next page

ATTACHMENTS

Report Attachments

1. Approval letter (Site Plan) June, 2010
2. Aerial from 2012
3. Marge Schmuckal, City Zoning Administrator dated 7.18.2013
4. Tom Errico, Traffic Engineering Reviewer 7.12.2013 (to be updated at Hearing)

Applicants Submittal

A. Carroll Associates Narrative 6.25.2013
B. Site Plan Amendment Application 6.27.2013
C. Right, title and interest documents
D. Marketing Information
E. Traffic Study
   1. Trip Generation, Collision History and Parking Review 7.26.2013
   2. Response to Staff Comments 7.16.2013
F. Carroll Associates narrative re Analysis of Area 7.9.2013

Submitted Plans

Plan 1 Service/drainage/access/parking allocation LSK-3.1
Plan 2 First Floor Plan A1.1
Plan 3 Restaurant layout Plan A 101
Plan 4 Restaurant utility Plan A 100
Plan 5 Survey
Plan 6 Survey
Plan 7 Survey

CITY OF PORTLAND, MAINE
PLANNING BOARD

Attachment 1.1

Bill Hall, Chair
Joe Lewis, Vice Chair
Lee Lowry, III
Carol Morrissette
Michael J. Patterson
David Silk
Janice Tevanian

June 17th, 2010

Christopher S. Flagg; Anthony J Gatti;
Christopher H. Pachios
Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011

Patrick J. Carroll
Carroll Associates
217 Commercial Street
Portland, ME 04101

RE: Cumberland Cold Storage Building
254 Commercial Street
Application ID: 10-99900003
CBL 041-A -016-001; 041-A -017-001; 041-A -018-001

Dear Messrs Flagg, Gatti, Pachios and Carroll:

On June 8th, 2010, the Portland Planning Board considered a proposal for renovation of the existing 5 story building to allow reuse of the upper four floors for offices (resulting in total of 100,816 sq ft of office use on the upper floors and 20,473 sq ft of marine use on the ground floor), along with reconfiguration of the parking lot and site improvements at 254 Commercial Street (site known as "Cumberland Cold Storage").

The Planning Board reviewed the proposal for conformance with the Waterfront Central Zone Conditional Use Standards, requirements of the Traffic Movement Permit, and the Site Plan Ordinance. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to approve the application with the following motions, waivers and conditions as presented below.

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the proposed conditional use for parking for marine uses that are not water-dependent and parking for non-marine uses does meet the standards of Sections 14-309 of the Waterfront Central Zone.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

i. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to waive the requirement of Section III.3.A of the Technical and Design Standards and Guidelines for parking spaces to be 9 feet by 19 feet, to allow 9 feet by 18 feet parking spaces as shown on the approved site plan L-1.0 (Attachment V.5 to Hearing Report #16-10); and

ii. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to waive the requirement of Section III.2.A of the Technical and Design Standards and Guidelines to allow closer driveway spacing where the site meets Commercial Street, as shown on the approved site plan L-1.0 (Attachment V.5 to Hearing Report #16-10).

TRAFFIC MOVEMENT PERMIT

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the site plan proposed is in conformance with 23 M.R.S.A. § 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits with the following condition of approval:

i. That the applicant shall contribute $4,500 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Commercial Street / High Street.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #16-10, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

i. That the noise levels of the external HVAC and other mechanical equipment shall comply with the noise standards of the Waterfront Central Zone, and the applicant shall submit documentation to confirm compliance (rated noise levels etc) to the satisfaction of the Zoning Administrator prior to the issuance of a building permit; and

ii. That the owner shall submit a copy of the maintenance records for the stormwater system (as per the submitted *Inspection and Maintenance of Stormwater Management Facilities* Plan dated June 1, 2010) to the City's Department of Public Services by June 30 of every year; and

iii. That any new signage would require a separate permit; and

iv. That the applicant shall provide for city staff approval of a revised site plan showing ingress and egress to the marine related use on the first floor of the building at such time as the marine use is identified; and

v. That the parking required for the proposed uses has been determined by the Planning Board to be 6 spaces for the water dependent marine uses (berthing) and 15 spaces for the ground floor marine uses which shall be on site; and 170 spaces for the office uses on the four upper floors, of which 50 spaces are provided on site and 120 spaces shall be provided in the identified off-site locations or equivalent. In the event that the uses change, the parking requirement would need further review by the Planning Board; and

vi. That the brick and granite curb treatment shown along the Commercial Street frontage of this project shall be extended, as appropriate and to the satisfaction of staff, across the loading dock (apron at Browne Trading) to join up with the existing concrete sidewalk.

The approval is based on the submitted plans and the findings related to review standards as contained in Planning Report #16-10 which is attached.

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

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 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. 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 Jean Fraser at (207) 874-8728.

Sincerely,

Bill Hall, Chair
Portland Planning Board

Attachments:
1. Hearing Report #16-10

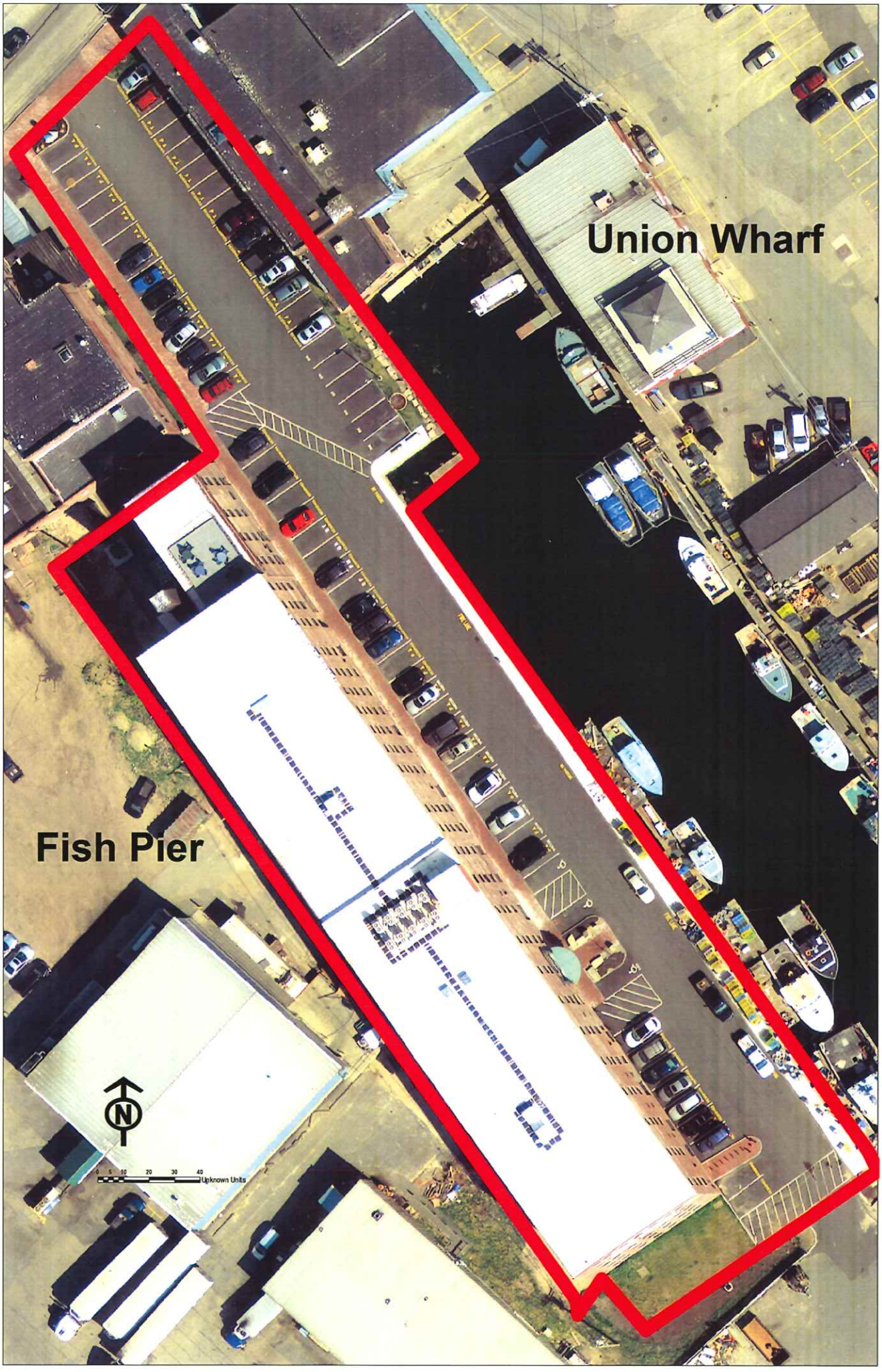
1.4

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
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, 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
Greg Vining, Public Services
John Low, 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

Att. 2



Attachment 3a

MEMORANDUM

To: FILE

From: Jean Fraser

Subject: Application ID: 2013-154

Date: 7/18/2013 re CCSB. WCZ

Comments Submitted by: Marge Schmuckal/Zoning on 7/18/2013

This project is located within the Watrfront Central Zone (WCZ). Inspection Services has also received a building permit application to change the use of the first floor from a marine related use to a restaurant use. The Applicant has proven the case under 14-311 to allow 55% marine use and 45% for nonmarine uses as outlined under the Ordinance. This restaurant is part of the 44% nonmarine use allowed on the first floor. Presently there are just a couple other approved nonmarine uses as allowed under past permits.

The restaurant use is being approved on the condition that full course meal food service and consumptionis the primary function of the restaurant and that full course meal service must be continued until the hours of closing. This use is not considered or allowed to be a drinking establishment only.

Separate permits are required for any new signage. Any new HVAC installation(s) shall meet the performance noise standards of the WCZ Zone. Any HVAC submission shall be accompanied with the dBA listing of the unit(s).

Marge Schmuckal
Zoning Administrator

Jean Fraser - Fwd: RE: Marine-related marketing

From: Jean Fraser
To: Fraser, Jean
Date: 7/18/2013 1:39 PM
Subject: Fwd: RE: Marine-related marketing re CCSB. WCZ.

>>> Ann Machado 7/9/2013 11:18 AM >>>
I have been emailing back and forth with the Boulos Company who is marketing the property. First it was with Drew Sigffridson and more recently with his assistant Derek Miller. I have forwarded you the chain of emails that shows that the property has been marketed since the building was renovated.

Ann

(arrived too late to staple into report)

Attachment 4
to PB Report # 32-13

Jean Fraser - CCSB Amended Site Plan

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 7/19/2013 10:42 AM
Subject: CCSB Amended Site Plan
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...

Hi Jean – The following represents a status update on my July 12th comments and should be considered my final comments.

- I have reviewed the revised trip generation analysis and concur with the conclusions that a modified Traffic Movement Permit is not required.
  Status: No response necessary.

- The applicant should provide details on whether any crashes have occurred at the Commercial Street/Site Entrance location (have any vehicles entering and exiting the site been involved in a crash).
  Status: The applicant has provided the requested information and one crash was reported that involved a vehicle departing the project driveway. No further action is required.

- The City typically has a provision that parking needs for restaurants only include spaces to accommodate employees. Accordingly, the applicant should provide information on anticipated staffing levels. Additionally, the applicant should also provide information on the expected hours of operation of the restaurant.
  Status: The applicant has provided the requested information and no further information is requested.

- Additional supporting information is needed to better understand existing parking demand numbers. I would suggest that the applicant provide information on employee numbers, any available survey information on mode of travel, if parking fees are charged to employees that parked off-site, and information on employees that may park in other off-site parking lots or on-street locations that are not time limit regulated.
  Status: The applicant has conducted a parking demand analysis and I generally agree with the details provided. The general conclusion is that adequate parking will be provided. I concur with the Condition of Approval in the Planning Board report regarding the number and allocation of parking spaces. I also support the Planning Board report condition of approval that a parking management plan be developed and implemented by the applicant.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TY LIN INTERNATIONAL
12 Northbrook Drive

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

Attachment A.1

June 25, 2013

Ms. Barbara Barhydt
City of Portland
389 Congress Street
Portland, ME 04101

RE: Cumberland Cold Storage Building- Amendment to Amended Site Plan

Dear Barbara,

On behalf of Waterfront Maine, LP, Carroll Associates is pleased to submit proposed revisions to the building programmed uses and associated parking requirements which will bring the project within the guidelines of the current Waterfront Zoning. As you remember, when the project was approved in 2010 there were zoning restrictions that required all first floor uses to be Marine-Related. In 2011 the Zoning was relaxed to allow up to 45% non-marine related uses on the ground floor of this building, pending sufficient marketing efforts to insure that these spaces were offered to marine uses first.

Waterfront Maine, LP has been actively marketing the ground floor for marine related uses and has been unsuccessful in securing any such marine tenant. Attached you will find copies of marketing efforts from their real estate broker that illustrates significant attempts to bring such tenants into the building. Meanwhile, the remaining upper floors and 45% of the ground floor has been or will be leased for non-marine uses, consistent with the current WFZ District requirements. Current on-marine uses comprising this 45% space include a small professional office, yoga studio, and magazine publisher; proposed tenants filling out the non-marine space include another small office user and a small sit-down restaurant, both planning on occupying the space in the fall, 2013.

The approved Site Plan required a total of 191 spaces on and off-site to meet the needs of the building tenants, assuming ground floor marine use of the building. Currently there are 71 spaces on site, with 6 dedicated to the berthing tenants, 15 for marine-related first floor use, and 50 for the office users. An additional 120 spaces are secured off-site to meet this condition of approval. The Amended Traffic and Parking Analysis concludes that the required spaces meet the needs of the development at full buildout and as such no additional parking is proposed.

This Site Plan Condition v. also requires that if a change in use occurs from the approved plan the parking requirements need further review from the Planning Board, and so the non-marine first floor tenants are triggering this Amendment Request. Based on the Amended Traffic and Parking Analysis, we request that the above mentioned condition be deleted as the new projections take into account full buildout allowed under the current WFZ restrictions.

Please review the attached plans and let me know how you want to process this Amendment Request.
As always, we look forward to working closely with you on this project and anticipate its successful completion.

Sincerely,
CARROLL ASSOCIATES

Patrick Carroll, Principal

Att.
CC: Chris Pachios
Jean Fraser

217 Commercial Street, Suite 200 Portland, Maine 04101 v.207.772.1552 f.207.772.0712 www.carroll-assoc.com

First Floor:	King's Head Restaurant	1,972 s.f.
	Still Water Yoga	871 s.f.
	Federlee/Mahoney Attorneys	443 s.f.
	Downeast Magazine	1,039 s.f.
	Ricoh	2,260 s.f.
	TOTAL:	6,585 s.f.
Second Floor:	On Point (med. data analysts)	3,390 s.f.
	Compass Health (med. data analysts)	4,288 s.f.
	Pierce Atwood	8,124 s.f.
	TOTAL:	15,802 s.f.
Third Floor:	Pierce Atwood	18, 567 s.f.
Fourth Floor;	Pierce Atwood	18,567 s.f.
Fifth Floor:	Pierce Atwood	17,031 s.f.

PROJECT NAME: CUMBERLAND COLD STORAGE BUILDING Attachment B.1

PROPOSED DEVELOPMENT ADDRESS:

254 COMMERCIAL STREET

PROJECT DESCRIPTION:

AMENDMENT OF APPROVED SITE PLAN TO ACCOMODTE CHANGE IN USE OF FIRST FLOOR FROM 100% MARINE USE TO 55% MARINE USE AND 45% NON0-MARINE USE; REMOVE CONDITION (v.) FROM ORIGINAL CONDITIONS OF APPROVAL.

CHART/BLOCK/LOT: 41/16, A, ~~41/17, 41/18~~

PRELIMINARY PLAN _____ (date)
FINAL PLAN _____ (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: WATERFRONT MAINE, LP Business Name, if applicable: Address: 14 MAINE ST City/State : BRUNSWICK, ME Zip Code: 04011	**Applicant Contact Information** Work # 207-729-7970 Home# Cell # Fax# e-mail: CPACHIOS@WFNY.COM
Owner – (if different from Applicant) Name: SAME AS ABOVE Address: City/State : Zip Code:	**Owner Contact Information** Work # SAME AS ABOVE Home# Cell # Fax# e-mail:
Agent/ Representative Name: CARROLL ASSOCIATES Address: 217 COMMERCIAL STREET, #200 City/State : PORTLAND, ME Zip Code: 04101	**Agent/Representative Contact information** Work # 207-772-1552 Cell # 207-329-8976 e-mail: pcarroll@carroll-assoc.com
Billing Information Name: SAME AS ABOVE Address: City/State : Zip Code:	**Billing Information** Work # Cell # Fax# e-mail:

RECEIVED
JUN 27 2013
City of Portland
Planning Division

B.2

Engineer Name: BLAIS CIVIL ENGINEERS Address: 780 BROADWAY SOUTH PORTLAND, ME 04106 City/State : Zip Code:	**Engineer Contact Information** Work # 207-767-7300 Cell # 207-837-8721 Fax# 1-866-207-2033 e-mail: SBLAIS@BLAISCE.COM
Surveyor Name: OWEN HASKELL, INC Address: 390 US ROUTE ONE, #10 FALMOUTH, ME 04105 City/State : Zip Code:	**Surveyor Contact Information** Work # 207-774-0424 Cell # 207-329-7117 Fax# e-mail: WSCOTT@WINTONSCOTT.COM
Architect Name: WINTON SCOTT ARCHITECTS Address: 5 MILK STREET PORTLAND, ME 04101 City/State : Zip Code:	**Architect Contact Information** Work # 207-774-4811 Cell # Fax# e-mail:
Attorney Name: Address: City/State : Zip Code:	**Attorney Contact Information** Work # Cell # Fax# e-mail:

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level II Development (check applicable reviews)	**Fees Paid** (office use)	**Other Reviews** (check applicable reviews)	**Fees Paid** (office use)
___ Less than 10,000 sq. ft. ($400.00) ___ After-the-fact Review ($1,000.00 plus applicable application fee) _____ The City invoices separately for the following: • Notices ($.75 each) • Legal Ad (% of total Ad) • Planning Review ($40.00 hour) • Legal Review ($75.00 hour) Third party review is assessed separately.	___ ___	___ Traffic Movement ($1,000) ___ Stormwater Quality ($250) ___ Section 14-403 Review ($400 + $25/lot) # of Lots ___ x $25/lot = _____ ___ Other _____ _X_ Change of Use ___ Flood Plain ___ Shoreland ___ Design Review ___ Housing Replacement ___ Historic Preservation	___ ___ ___
Plan Amendments (check applicable reviews)	**Fees Paid** (office use)		
___ Planning Staff Review ($250) _X_ Planning Board Review ($500)	___ ___		

B.3

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level III Development (check applicable reviews)	**Fees Paid** (office use)	**Other Reviews** (check applicable reviews)	**Fees Paid** (office use)
___ Less than 50,000 sq. ft. ($500.00)	___	___ Traffic Movement ($1,000)	___
___ 50,000 - 100,000 sq. ft. ($1,000)	___	___ Stormwater Quality ($250)	___
___ 100,000 – 200,000 sq. ft. ($2,000)	___	___ Subdivisions ($500 + $25/lot)	___
___ 200,000 – 300,000 sq. ft. ($3,000)	___	# of Lots ___ x $25/lot = _____	
___ over $300,00 sq. ft. ($5,000)	___	___ Site Location ($3,000, except for residential projects which shall be $200/lot)	___
___ Parking lots over 11 spaces ($1,000)	___	# of Lots ___ x $200/lot = _____	
___ After-the-fact Review ($1,000.00 plus applicable application fee)	___	___ Other _____	
---		_X_ Change of Use	
The City invoices separately for the following:		___ Flood Plain	
- Notices ($.75 each)		___ Shoreland	
- Legal Ad (% of total Ad)		___ Design Review	
- Planning Review ($40.00 hour)		___ Housing Replacement	
- Legal Review ($75.00 hour)		___ Historic Preservation	
Third party review is assessed separately.			
Plan Amendments (check applicable reviews)	**Fees Paid** (office use)		
___ Planning Staff Review ($250)	___		
_X_ Planning Board Review ($500)	___		

B.4

APPLICATION SUBMISSION

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Submissions shall include one (1) paper packet with folded plans containing the following materials:

1. **One (1) full size set of plans** that must be **folded.**
2. One (1) copy of all written materials as follows, unless otherwise noted:
   a. Application form that is completed and signed.
   b. Cover letter stating the nature of the project.
   c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
6. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist 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 a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:	**Date:**
	06.25.2013

General Submittal Requirements – Preliminary Plan (Optional)
Level III Site Plan
Preliminary Plan Phase Check list (if elected by applicant)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirements
X	☐	1	Completed application form
X	☐	1	Application fees
X	☐	1	Written description of project
☐ SEE ORIGINAL APP	☐	1	Evidence of right, title and interest.
☐ NA	☐	1	Copies of required State and/or Federal permits.
X	☐	1	Written assessment of proposed project's compliance with applicable zoning requirements.
☐ NA	☐	1	Written description of existing and proposed easements or other burdens.
☐ NA	☐	1	Written requests for waivers from individual site plan and/or technical standards, where applicable.
☐ NA	☐	1	Traffic analysis (may be preliminary, in nature, during the preliminary plan phase).
☐ NA	☐	1	Written summary of significant natural features located on the site.
☐ NA	☐	1	Written summary of project's consistency with related city master plans.
☐ NA	☐	1	Neighborhood Meeting Material (refer to page 13 of this application.)
Applicant Checklist	**Planner Checklist**	**Number of Copies**	**Site Plan Submittal Requirements**
☐ SEE ORIGINAL APP	☐	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
☐ SEE ORIGINAL APP	☐	1	**Preliminary Site Plan Including the following:** ***(*information provided may be preliminary in nature during preliminary plan phase):***
☐	☐		▪ *Existing and proposed structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).*
☐	☐		▪ *Location of adjacent streets and intersections and approximate location of structures on abutting properties.*
☐	☐		▪ *Proposed site access and circulation.*
☐	☐		▪ *Proposed grading and contours.*
☐	☐		▪ *Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways.*
☐	☐		▪ *Preliminary landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.*
☐	☐		▪ *Existing and proposed utilities (preliminary layout).*
☐	☐		▪ *Preliminary infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, transit infrastructure, roadway improvements).*
☐	☐		▪ *Preliminary stormwater management and erosion control plan.*
☐	☐		▪ *Existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b) 1. of the Land Use Code).*
☐	☐		▪ *Proposed alterations to and protection measures for significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).*

☐	☐		▪ *Existing and proposed easements or public or private rights of way.* B.6

General Submittal Requirements – Final Plan (Required)
Level III Site Plan
Final Plan Phase Check list (including items listed above in General Requirements for Preliminary Plan, if applicant did not elect to submit for a preliminary plan review)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirement
☐ SEE ORIGINAL APP	☒	1	Evidence of financial and technical capacity.
☐ SEE ORIGINAL APP	☒	1	Evidence of utilities' capacity to serve the development.
☐ SEE ORIGINAL APP	☒	1	Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).
☐ SEE ORIGINAL APP	☒	1	Construction management plan.
☒	☐	1	Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within ¼ mile of an intersection identified in a previous traffic study as a failing intersection).
☐ NA	☐	1	Stormwater management plan.
☐ NA	☐	1	Written summary of solid waste generation and proposed management of solid waste.
☐ NA	☐	1	Written assessment of conformity with applicable design standards.
☐ NA	☐	1	Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Final Plan Phase			
☒	☐	1	**Final Site Plan Including the following**
☐	☐		▪ *Existing and proposed structures on the site with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).*
☐	☐		▪ *Location of adjacent streets and intersections and approximate location of structures on abutting properties.*
☐	☐		▪ *Proposed site access and circulation.*
☐	☐		▪ *Proposed grading and contours.*
☐	☐		▪ *Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways. Proposed curb lines must be shown.*
☐	☐		▪ *Proposed loading and servicing areas, including applicable turning templates for delivery vehicles*
☐	☐		▪ *Proposed snow storage areas or snow removal plan.*
☐	☐		▪ *Proposed trash and recycling facilities.*
☐	☐		▪ *Landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.*
☐	☐		▪ *Existing and proposed utilities.*
☐	☐		▪ *Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, public transit infrastructure, roadway improvements).*
☐	☐		▪ *Proposed septic system, if not connecting to municipal sewer. (Portland Waste Water Application included in this application)*
☐	☐		▪ *Proposed finish floor elevation (FFE).*
☐	☐		▪ *Exterior building elevation(s) (showing all 4 sides).*
☐	☐		▪ *Proposed stormwater management and erosion controls.*

☐	☐	▪ *Exterior lighting plan, including street lighting improvements..* B.7
☐	☐	▪ *Proposed signage.*
☐	☐	▪ *Identification of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code). Wetlands must be delineated.*
☐	☐	▪ *Proposed alterations to and protection measures for of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).*
☐	☐	▪ *Total area and limits of proposed land disturbance.*
☐	☐	▪ *Soil type and location of test pits and borings.*
☐	☐	▪ *Details of proposed pier rehabilitation (Shoreland areas only).*
☐	☐	▪ *Existing and proposed easements or public or private rights of way.*

Attachment C.1

KNOW ALL MEN BY THESE PRESENTS, THAT

POULTRY PROCESSING, INC., a Maine corporation having a principal place of business in Portland, County of Cumberland and State of Maine, for consideration paid by WATERFRONT, MAINE, a Maine limited partnership having a principal place of business in Brunswick, County of Cumberland and State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim unto the said WATERFRONT, MAINE, its successors and assigns forever, with QUITCLAIM COVENANTS the following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine and more particularly bounded and described as follows:

See Schedule A attached hereto and incorporated herein.

IN WITNESS WHEREOF, POULTRY PROCESSING, INC., as Grantor, and releasing all its rights in the above-described premises, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by George I. Lewis, its Vice President thereunto duly authorized, this 1st day of July, 1986.

Signed, Sealed and Delivered
in the Presence of:

POULTRY PROCESSING, INC.

By: [signature]
George I. Lewis
Its Vice President

STATE OF MAINE
CUMBERLAND, SS.

July 1, 1986

Personally appeared the above-named George I. Lewis, Vice President of Grantor corporation, as aforesaid, and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,

[signature]
Allen T. Hyney
~~Notary Public~~
Attorney at Law

Portland 6.2

PARCEL ONE:

The following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

A certain lot or parcel of land, flats, wharf, building, and railroad tracks situated on the southerly side of Commercial Street in said City of Portland now or formerly known as Merrill's Wharf and extending southeasterly from Commercial Street to low water mark. Said premises are bounded westerly in part by a line established between John Q. Twitchell and James P. Champlin and John Bradford by agreement dated April 13, 1883, recorded in the Cumberland County Registry of Deeds, Book 494, Page 433, and easterly by the line established between said John Q. Twitchell, James P. Champlin and the Proprietors of Union Wharf dated November 14, 1884, recorded in Cumberland County Registry of Deeds, Book 514, Page 180, and said premises including the benefit of an agreement with Richard Wharf Co. dated May 9, 1884, recorded in Cumberland County Registry of Deeds, Book 509, Page 185 and party wall agreement with Morris & Company, owners of Union Wharf, dated June 22, 1907, recorded in Cumberland County Registry of Deeds, Book 813, Page 87. Said premises are also subject to an agreement of easement with Cumberland County Power and Light Company dated March 2, 1935, recorded in Cumberland County Registry of Deeds, Book 1465, Page 311. Excepting, however, from the above described premises the portion thereof conveyed to Everett Wilson by Administrator's Deed dated July 10, 1897 recorded in Cumberland County Registry of Deeds, Book 654, Page 191, and Warranty Deed from James P. Champlin dated July 10, 1897, recorded in Cumberland County Registry of Deeds, Book 654, Page 193.

Also conveying, insofar as the Grantor has the power to grant the same, all water and riparian rights appurtenant to the above conveyed premises and rights in the area below the low water mark.

Also excepting and reserving the premises conveyed to Moulton Realty Co. by the Grantor herein by deed dated January 2, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4549, Page 85.

Also excepting and reserving from the above described premises, all of said land, flats, wharf, building, railroad tracks and water and riparian rights lying southerly of a line parallel to and twenty-five (25) feet southerly of the southerly side of the five story cold storage building located on the above described premises, right of way, and "right to locate underground utilities" as reserved in the deed of the premises from Poultry Processing, Inc. to Robert J. Levine, Trustee of Levine Realty Trust dated September 30, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4673, Page 162, which rights were subsequently acquired by the State of Maine by Notice of Taking by eminent domain dated March 24, 1981 recorded in said Registry, Book 4759, Page 119. Being the premises described in the deed from Poultry Processing, Inc. to Poultry Processing, Inc. dated March 19, 1986 and recorded in the Cumberland County Registry of Deeds, Book 7138, Page 317.

Agreement

6.3

KNOW ALL MEN BY THESE PRESENTS, That PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership with a principal place of business in Portland, County of Cumberland, State of Maine,

In consideration of One ($1.00) Dollar and other valuable considerations

Paid by WATERFRONT, MAINE, a Maine Limited Partnership, having an office at Main Street, Brunswick, Maine 04011.

The receipt whereof PROPERTY EXCHANGE PARTNERSHIP does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said WATERFRONT, MAINE, its successors and assigns forever,

A certain lot or parcel of land with the buildings and other improvements now or hereafter situated thereon, situated at and near 252 Commercial Street, Portland, County of Cumberland and State of Maine, more particularly described as follows:

Beginning at a point on the southerly sideline of Commercial Street in the City of Portland, Maine at the property line as agreed to by the Proprietors of Union Wharf and John Q. Twitchell and James P. Champlin as recorded in Book 514, Page 180 of the Cumberland County Registry of Deeds. Said point of beginning also being One Hundred Thirty-Nine and 44/100 (139.44) feet easterly along Commercial Street from the division line established between Twitchell and Champlin and John Bradford by agreement recorded in Book 494, Page 433 of said Registry. Thence by the following courses and distances:

1. S 23° 09' E along a party wall as described in an agreement between Morris & Co. and Twitchell and Champlin Co., recorded in Book 813, Page 87 of said Registry and along the line of agreement recorded in Book 514, Page 180 of said Registry Two Hundred Eight (208) feet to the end of a stone pier or retaining wall.

2. S 67° 00' W along the face of the wall Eighty-Two Hundredths (0.82) feet to a dock and building.

3. S 23° 09' E along the dock and building Nine and 55/100 (9.55) feet to a corner.

4. S 67° 09' W along the dock and building Thirty-Five and 40/100 (35.40) feet to the corner of the building as it now exists.

5. N 23° 08' 32" W along the building line One Hundred Eighty-Seven and 27/100 (187.27) feet to a corner.

6. N 10° 08' E along the building line Thirty-Two and 18/100 (32.18) feet to a corner at Commercial Street.

7. N 56° 49' E along Commercial Street Eighteen and 82/100 (18.82) feet to a point of beginning.

The description above is from a survey entitled "Plan of Property Merrill's Wharf" dated December 20, 1979 by Robert P. Titcomb, and recorded in the Cumberland County Registry of Deeds.

The bearings are magnetic of 1884.

ALSO the non-exclusive right, insofar as the Grantor has the power to grant the same, to use the lands and waters adjacent to the easterly sideline of the premises herein conveyed.

ALSO a right of way by vehicle and otherwise over the so-called Merrill's Wharf premises formerly of Poultry Processing, Inc. between the premises described herein and Commercial Street, such right of way to be in common with others for the purpose of entry and egress of the above-described premises. The non-exclusive right to locate underground utilities serving the premises described herein in the parcel between the above-described premises and the westerly boundary of said Merrill's Wharf, together with the right to connect to any common sewer pipe constructed or maintained by Poultry Processing, Inc., its successors or assigns, serving part or all of Merrill's Wharf, provided that Grantee shall be required to pay its fair and reasonable portion of the cost of such pipe and connection if Grantee elects to so connect, as well as its proportionate share of all assessments and charges made by the City of Portland or other governmental agency in relation to the use of said sewer.

ALSO the right to erect temporary scaffolding, store materials, park vehicles and conduct like activities incident to the repair, maintenance and alterations of the premises described herein on the Merrill's Wharf premises formerly of Poultry Processing, Inc. within ten (10) feet of the westerly sideline of the above-described premises, so long as such erections, storage, parking or activities do not unreasonably impede the use of said premises as a right of way for other owners, tenants and users of Merrill's Wharf.

Being part of the premises contained in the deed from the Executors of the Last Will and Testament of Benjamin Lewis to Cumberland Trading Co., Inc. dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 423. Said Cumberland Trading Co., Inc. merged into Pine State Beef Company on June 1, 1973. Said Pine State Beef Company merged into Poultry Processing, Inc. on October 28, 1974.

Also being the same premises conveyed to Robert J. Levine, Trustee of the Levine Real Estate Trust, by deed of MOULTON REALTY CO., dated January 2, 1980, and recorded in said Registry of Deeds in Book 4549, Page 113 and the same premises conveyed to Grantor by

Robert J. Levine, Trustee of the Levine Real Estate Trust by deed dated December 13, 1985 and recorded in said Registry of Deeds in Book 7005, Page 104.

Also hereby conveying all of the Grantor's right, title and interest in and to all easements, rights-of-way and other rights appurtenant to the above-described premises and in and to the fee underlying all public or private rights of way contiguous to said premises, and also including all mooring, wharfage and dockage rights and fees associated with said premises (all hereinafter sometimes referred to as the "Premises").

TO HAVE AND TO HOLD the aforegranted and bargained Premises, with all the privileges and appurtenances thereof, to the said Waterfront Maine, its successors and assigns, to its and their use and behoof forever.

And Grantor does covenant with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the Premises, that they are free of all encumbrances, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it will and its successors shall and will WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership, has caused this deed to be executed this 7th day of the month of August, 1987.

Signed, Sealed and Delivered
in Presence of:

PROPERTY EXCHANGE PARTNERSHIP,
a Maine general partnership

By: _____
John R. Gendron,
its General Partner

By: _____
Richard N. Gendron,
its General Partner

By: _____
Roger J. Gendron,
its General Partner

B.6

By: _____
Charles P. Gendron,
its General Partner

STATE OF MAINE
CUMBERLAND, ss.

August 20, 1987

Then personally appeared the above-named John R. Gendron, Richard N. Gendron, Roger J. Gendron and Charles P. Gendron, and acknowledged the foregoing instrument to be their free act and deed in their said capacities, and the free act and deed of said general partnership.

Before me,

_____
Notary Public
Attorney-at-Law

DIANE R. SOUZA
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES APRIL 21, 1992

_____
Print Name

Attachment D.1

CBRE | The Boulos Company
CB RICHARD ELLIS

One Canal Plaza
Portland, ME 04101

T 207 772 1333
F 207 871 1288

www.boulos.com

June 18, 2013

Mr. Stephen Weatherhead
Winton Scott Architects
5 Milk Street
Portland ME 04101

RE: Marketing update – Marine related uses – Merrill's Wharf

Dear Steve,

Pursuant to your recent request, attached please find information regarding our extensive marketing efforts to marine-related users for the property owned by Waterfront Maine at 254-258 Commercial Street in Portland Maine. In addition to the information provided herein, our efforts have included:

- Multiple interviews with media outlets regarding availability of spaces and special pricing for marine-related uses. These interviews have resulted in newspaper articles with the Portland Press Herald, The Forecaster and Bangor Daily News highlighting the availability of marine spaces at Merrill's Wharf.

- We have sent mailers to marine-users with businesses along the Portland and South Portland waterfronts. We have followed up with phone calls to those users.

- We have made proactive lease proposals to organizations such as Friends of Casco Bay and the Maine Island Trail Association in an effort to pull marine-users to this property.

- We have had showings and interest from some marine-uses, but they have found that the infrastructure of the property does not meet their requirements. For instance, Chase Leavitt looked at the property, but needed direct access loading dock doors, which were not available.

- We have marketed the property on craigslist, loopnet and mainecpe and highlighted the availability of marine spaces at discounted rates.

Please see attached information and let us know if you need any additional details.

Sincerely,

DREW SIGFRIDSON, SIOR DEREK MILLER

Company Name	Address	City, State	Contact
New Meadows Lobster Co.	60 Portland Pier	Portland, ME 04101	
Harbor Fish Market	9 Custom House Wharf	Portland, ME 04101	
Sea Bags	25 Custom House Wharf	Portland, ME 04101	
Port Island Realty	73 Federal Street	Portland, ME 04101	
Island Water Taxi	72 Commercial Street (?)	Portland, ME 04101	
Three Brother Lobster	72 Commercial Street	Portland, ME 04101	
Bristol Seafood	5 Portland Fish Pier	Portland, ME 04101	Ray Swenton
Cozy Harbor	4 Portland Fish Pier	Portland, ME 04101	
Douty Brothers	10 Portland Fish Pier	Portland, ME 04101	Dick Douty
ISF Trading	Hobson's Wharf P.O. Box 772	Portland, ME 04104	Mr. Tomacki
Marine Trade Center	2 Portland Fish Pier	Portland, ME 04101	Bob Elder
North Atlantic Seafood	12A Portland Fish Pier P.O. Box 682	Portland, ME 04104	
Portland Fish Exchange	6 Portland Fish Pier	Portland, ME 04101	
Vessel Services	1 Portland Fish Pier	Portland, ME 04101	
Aqua Diving Academy	382 Commercial Street	Portland, ME 04101	
The Lobster Shack	225 Two Lights Road	Cape Elizabeth, ME 04107	
Watermark Yacht Sales	100 Kensington Street	Portland, ME 04103	
East Coast Yacht	106 Lafayette Street	Yarmouth, ME 04096	Laura Peterson
Hinkley	1 Little Harbor Landing	Portsmouth, RI 02871	
Sabre	Hawthorne Road P.O. Box 134	South Casco, ME 04077	
Brooklyn Boat Yard	Center Harbor Road P.O. Box 143	Brooklin, ME 04616	
New Wave Yachts	215 Foreside Road	Falmouth, ME 04105	Susan Ellis
Port Harbor Marine	1 Spring Point Drive	South Portland, ME 04106	
Accutech Marine Propeller	24 Cosby Road Unit #6	Dover, NH 03820	Larry Kindberg
Atlantic Boat Company	PO Box 217	Brooklin, ME 04616	Nate Hopkins
Baker Deisgn Consultants	11 Stoney Brook Lane	Yarmouth, ME 04096	Barney Baker
Back Cove Yachts	23 Merrill Drive	Rockland, ME 04841	Jason Constantine
Bamforth Marine Inc.	200 Main Street	Brunswick, ME 04011	Gary Favreau
Bay of Maine Boats	PO Box D	Kennebunkport, ME 04046	Michael Severance
Bayside Boat Sales	361 US Route One	Freeport, ME 04032	Steve Trenholm
BFC Marine	126 US Route One	Woolwich, ME 04579	Howard Kirkpatrick
Blue Maple Systems	2190 Western Road	Warren, ME 04864	Nik DeMaria
Bob Turcotte Yacht Design	12 Hagar Drive	Topsham, ME 04086	Bob Turcotte
Bohndell Sails	PO Box 628	Rockport, ME 04853	Bob Chace
Brown Ship Chandlery	PO Box 7302	Portland, ME 04112	Roberta Gagne

C.M. Bowker Company	835 Forest Ave.	Portland, ME 04103	R. Chase Bowker
Canvasworks	8 Bragdon Lane	Kennebunk, ME 04043	Stephen Eberle
Casco Bay Yacht Sales	PO Box 413	Freeport, ME 04032	Hydacoe Vokey
Chase Levitt Marine	PO Box 589	Portland, ME 04112	Chris Harrison
Cummins Northeast	10 Gibson Road	Scarborough, ME 04074	Stephen Savage
Custom Composites Technology	15 Wing Farm Pkwy	Bath, ME 04530	Steve Hassett
CW Hayden		Auburn, ME 04210	John Hayden
Donovan Marine	19 Pomerleau Street	Biddeford, ME 04005	Tom Norton
Dupont Marine Finishes	3 Chestnut Drive	Scarborough, ME	Chris McEvoy
Eco Analysis	PO Box 224	Bath, ME 04530	Bud Brown
Epifanes, N.A.	70 Water Street	Thomaston, ME 04861	Doug Theobalds
Even Keel Marine Specialties	124 Even Keel Road	Yarmouth, ME 04096	Joe Lowell
Fabco Industries	120 Exchange Street Ste. 300	Portland, ME 04101	Scott Gorneau
Fogg's Boatworks	230 Cumberland Road	North Yarmouth, ME 04097	Dennis Fogg
Fortune LLC	256 Read Street	Portland, ME 04103	Rick Fortune
Freeport Boat Outlet	PO Box 463	Freeport, ME 04032	George Brockman
French & Webb	21 Front Street	Belfast, ME 04915	Todd French
Lyman Morse Boatbuilding Co.	84 Knox Street	Thomaston, ME 04861	Ron Defoe
Maine Built Boats	185 Craigie Street	Portland, ME 04102	Jane Wellehand
Maine Liferaft & Inflatable Service	36 Union Wharf	Portland, ME 04101	Tristam Thompson
Maine Marine Composites	PO Box 15087	Portland, ME 04112	Steven Von Vogt
Maine Sailing Partners	24 Noble Drive	Freeport, ME 04032	Rob Haile
Marine Electric	PO Box 4714	Portland, ME 04112	Tim Carolan
Marine Industries Consultants	PO Box 856	Brunswick, ME 04011	Skip Robinson
Marine Safety Consultants	400 Commercial Street	Portland, ME 04101	Neil Rosen
Navtronics	15 Hannaford Drive	York, ME 03909	Tim Greer
New England Fiberglass Company	58 Fore Street	Portland, ME 04101	David Hoar
Portland Yacht Services	58 Fore Street	Portland, ME 04101	Phin Sprague
Sail Maine	58 Fore Street	Portland, ME 04101	Jeff Cumming
SP Marina Systems	106 Pine Street	Portland, ME 04102	Mason Spears
Shape Fabrication	24 Sky Harbor Drive	Biddeford, ME 04005	John Schafer
Shaw Yachts	52 Oyster River Road	Thomaston, ME 04861	Bernard Shaw
Six River Marine	160 Royal Road	N. Yarmouth, ME 04097	Chip Miller
Theriault Marine Consulting	14 Hampton Road	Cape Elizabeth, ME 04107	Tony Theriault
White Rock Outboard	351 Sebago Lake Road	Gorham, ME 04038	George Gerhardi Jr.
Yacht Sales Network	31 Main Street	Freeport, ME 04032	Willie Thomas

Yale Cordage	77 Industrial Park Road	Saco, ME 04072	Craig Locke or Tom Yale
Portland Harbor Museum	510 Congress Street	Portland, ME 04101	
Albatrans	111 Commercial Street	Portland, ME	Alison Leavit

D.4.

D.5

http://maine.craigslist.org/off/3819983361.html

Waterfront Built-to-Suit Marine Commercial Space Available (254 Commercial St. Portland, ME)

We are pleased to offer up to 9,900sf of subdividable commercial space available on the Portland waterfront at Merrill's Wharf. Due to zoning restrictions the space is suited for marine and marine-related users only. The building was recently completely renovated and will be built to suit for incoming tenants' space needs. The space features brick and beam construction as well as 14'-18' ceilings. There is also marine berthing available.

For pricing details and more information call Derek @ 207-773-1333.

D.6

FOR LEASE

MERRILL'S WHARF

254-258 COMMERCIAL ST

PORTLAND, ME

FEATURES

- 950 -12,225± sf available on first floor
- Join Pierce Atwood, Compass Health Analytics, Onpoint Health Data, Selkirk Partners, Federle Mahoney among others
- Historic rehabilitation on Portland's waterfront with great views of Portland Harbor
- Spaces newly renovated featuring exposed beams and brick walls
- New energy efficient windows and HVAC systems
- Lease Rate: From $21.50/sf MG

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FOR MORE INFORMATION PLEASE CONTACT

Drew Sigfridson, SIOR
Broker
T 207.772.1333
dsigfridson@boulos.com

Derek Miller
Associate
T 207.772.1333
dmiller@boulos.com

D.7

FOR LEASE

MERRILL'S WHARF
254-258 COMMERCIAL ST
PORTLAND, ME

PROPERTY INFORMATION

OWNER:	Waterfront Maine
ADDRESS:	254-258 Commercial Street
BUILDING SIZE:	95,000± SF
NO. OF STORIES:	Five (5)
AVAILABLE SPACE:	950 - 12,225± SF (See attached floor plan for exact suite sizes available.)
ZONING:	WCZ (Waterfront Central)
ELEVATORS:	Two (2) new passenger elevators plus existing freight elevator
SPRINKLER:	Yes, wet sprinkler system
HVAC:	New gas-fired units installed in 1st & 2nd floor suites
UTILITIES:	Separately metered
PARKING:	Fifteen (15) on-site spaces available for first floor tenant at market rates. Additional spaces available in area garages and adjacent lots. See Broker for details.
OTHER TENANTS:	Pierce Atwood, Compass Health Analytics, Onpoint Health Data, Selkirk Partners, Federle Mahoney
LEASE TERM:	7-10 years preferred
LEASE RATE:	From $21.50/sf Modified Gross Tenant pays for gas, electricity and interior janitorial.
TENANT IMPROVEMENTS:	Lease rate will include "vanilla shell" and some interior office fit-out. (See Broker for details.)
AMENITIES:	Water views, harbor views, exposed brick and beams

AVAILABLE SPACE

Units may be combined.

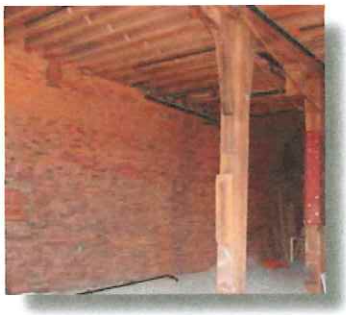
Unit	Floor	SF
A	1	4,725± SF
B	1	1,675± SF
C	1	275± SF
D	1	200± SF
E	1	950± SF
I	1	4,400± SF

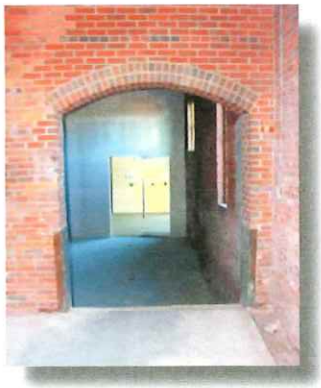
D.8

FOR LEASE

MERRILL'S WHARF
254-258 COMMERCIAL ST
PORTLAND, ME

FLOOR PLANS





4,725± SF

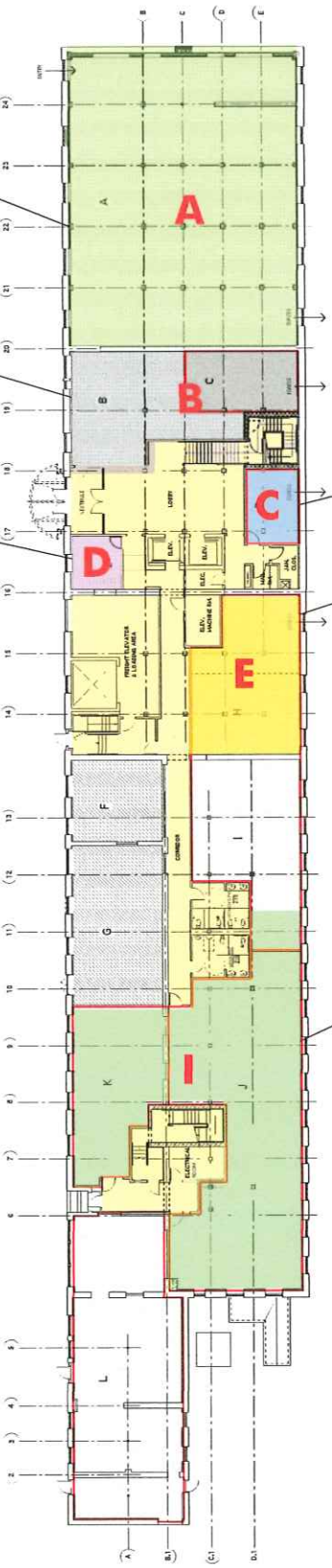
1,675± SF

275± SF

200± SF

950± SF

4,400± SF



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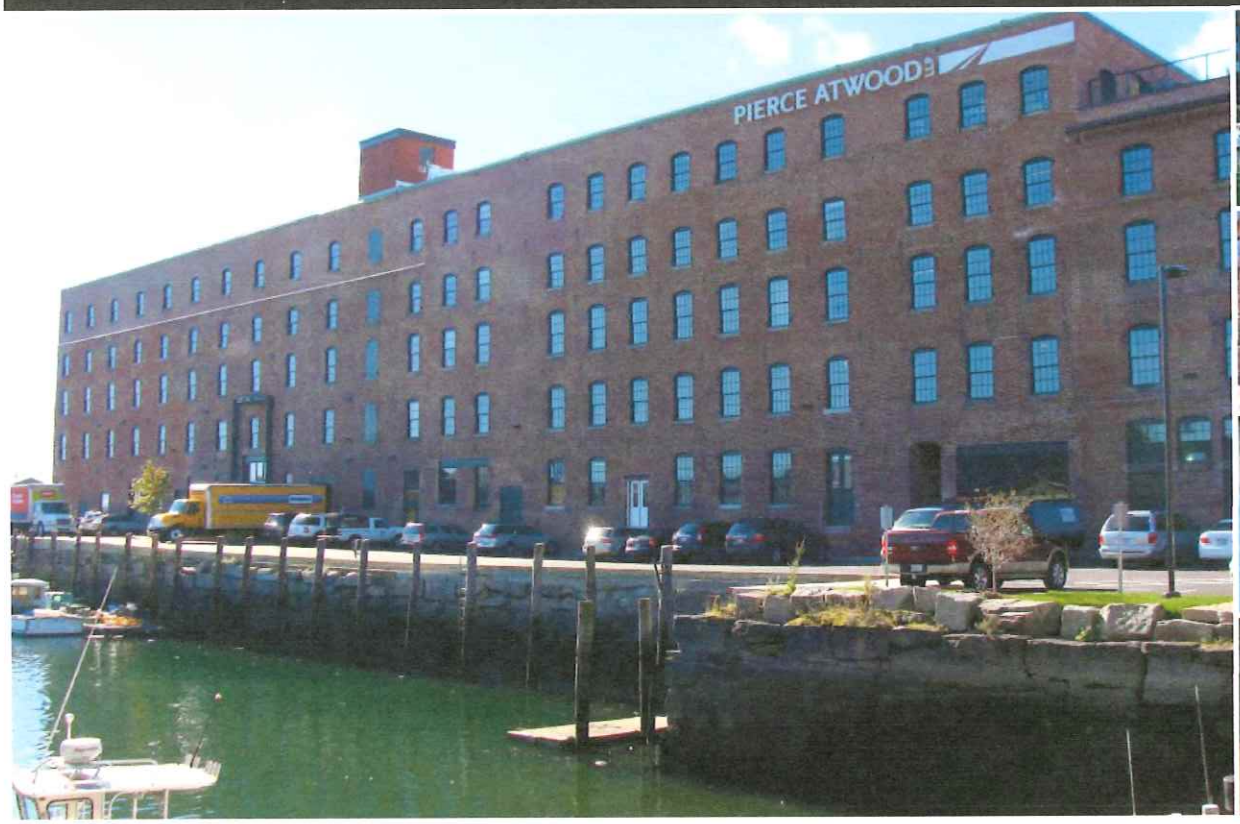
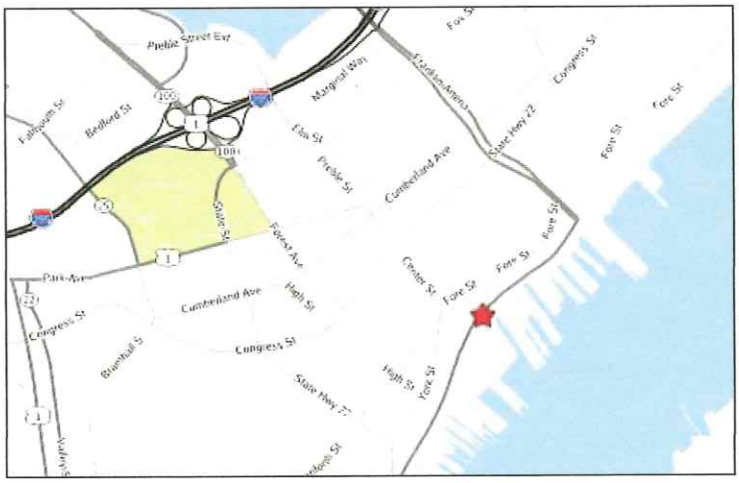
FOR LEASE

MERRILL'S WHARF
254-258 COMMERCIAL ST
PORTLAND, ME



LOCUS MAP



FOR MORE INFORMATION PLEASE CONTACT

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Derek Miller
Associate
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dmiller@boulos.com

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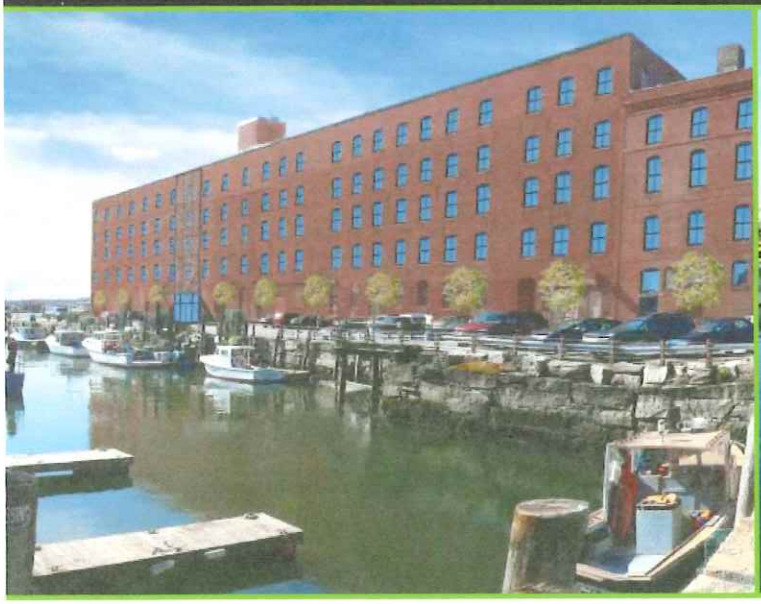
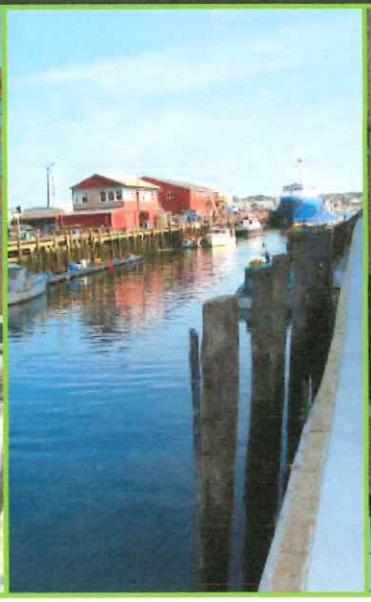
NOW AVAILABLE FOR LEASE

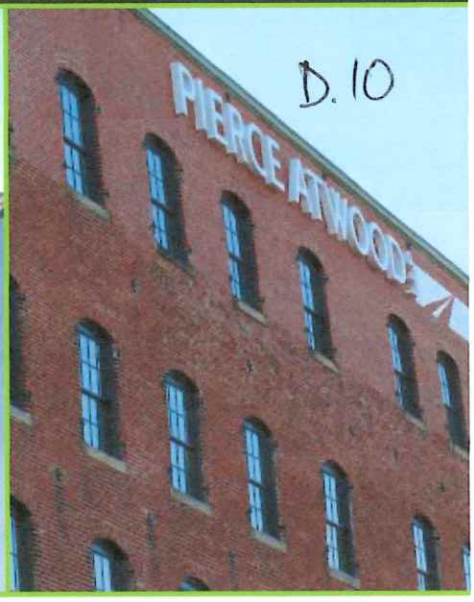
WATERFRONT OFFICE SPACE

MERRILL'S WHARF

254-258 COMMERCIAL STREET :: PORTLAND, MAINE







D.10

FOR MORE INFORMATION PLEASE CONTACT

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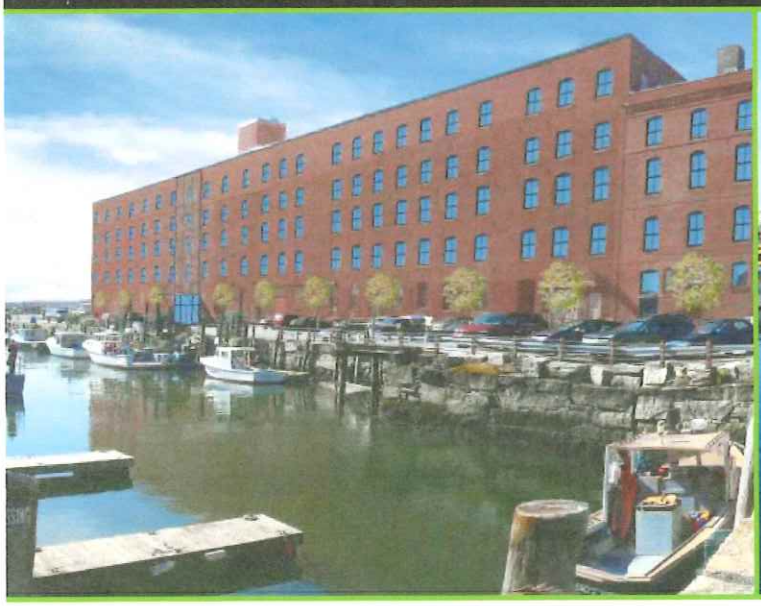
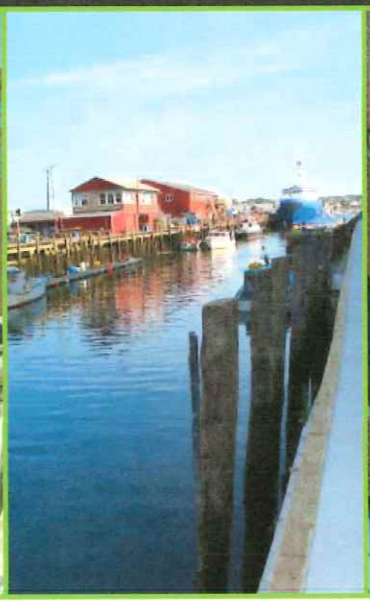
NOW AVAILABLE FOR LEASE

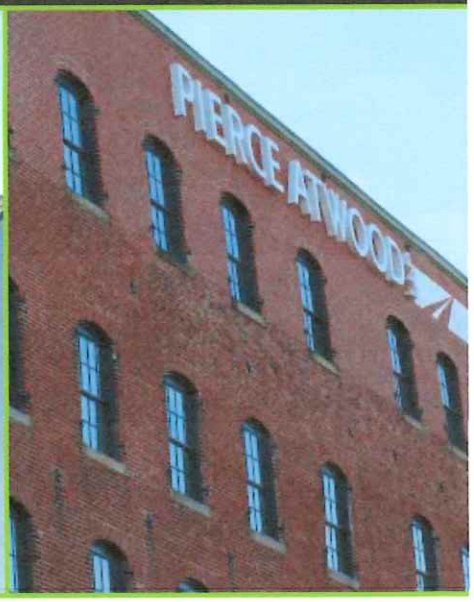
WATERFRONT OFFICE SPACE

MERRILL'S WHARF

254-258 COMMERCIAL STREET :: PORTLAND, MAINE







FOR MORE INFORMATION PLEASE CONTACT

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Portland, ME 04101
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D.11

FEATURES

- 1,500 - 23,000± sf available on first and second floors
- Join Pierce Atwood in this historic rehabilitation on Portland's waterfront
- Exposed beams, brick walls, and great views of Portland Harbor
- New energy efficient windows and HVAC systems
- Spaces all newly renovated
- Lease Rate: From $21.50/sf MG
  Special pricing for marine related uses.
  Contact Broker for details.

FOR MORE INFORMATION CONTACT

Drew Sigfridson, SIOR
Designated Broker
207.772.1333 | dsigfridson@boulos.com

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FEATURES

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  Contact Broker for details.

FOR MORE INFORMATION CONTACT

Drew Sigfridson, SIOR
Designated Broker
207.772.1333 | dsigfridson@boulos.com

Attachment E. 1. 1

Gorrill-Palmer Consulting Engineers, Inc.
Engineering Excellence Since 1998

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail:mailbox@gorrillpalmer.com

June 26, 2013

Mr. Pat Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Subject: Trip Generation, Collision History and Parking Review
Re-Use of Cumberland Cold Storage Facility
Portland, Maine

Dear Pat,

Per your request, Gorrill-Palmer Consulting Engineers, Inc. has completed an updated Traffic and Parking Review for the Cumberland Cold Storage Facility.

It is our understanding that the existing building consists of five floors each approximately 20,000 s.f. in area for a total gross building area of 99,751 s.f. The site has approximately 71 parking spaces on site and provisions for an additional 120 off site.

A summary of the current uses, gross square footage (gsf) and net square footage (nsf) is presented below;

Floors	GSF	NSF	USE	OCCUPIED (sf)	LEASED/ FUTURE (sf)	VACANT(sf)
1	20,205	14,306	marine/office	2,353 office	1,972 restaurant 2,260 office	7,868 marine
2	20,205	15,802	office	15,802 office		
3	20,205	18,567	office	18,567 office		
4	20,205	18,567	office	18,567office		
5	18,931	17,031	office	17,031 office		
TOTAL	99,751	84,273		72,320	4,232	7,868

Trip Generation

Gorrill-Palmer Consulting Engineers completed a traffic assessment in May of 2010 for the re-use of the building from storage to 30,000 sf of marine use and 70,000 of office use. The study forecast 163 trip ends. The current proposal revises this mix to approximately 88,124 gsf of office use, 9,297 gsf of marine use, and a 2330 gsf restaurant. Consistent with previous calculations used for this facility and National standards, the trip generation calculations are based on the larger gross square footage and not the smaller usable square footage as is frequently referenced in architectural plans.

The trip generation estimate for the mix of uses now proposed is presented below:

Use	Square Footage(gsf)	Land Use Code	PM Peak hour trip ends
Marine	9,297	110- Light Industrial	10
Office	88,124	710-Office	155
Restaurant	2,330	931-Quality Restaurant	21-No parking on site for restaurant
Total	99,751		186

Comparing this estimate to the original permit shows the revised configuration of uses will result in 23 additional peak hour trip ends (186-163) during the PM peak hour. Since these additional trip ends are less than 100, an amendment to the traffic movement permit is not required.

A copy of our trip generation estimates are included with this letter.

The previous study forecast 163 trip ends including 70 left and 69 right turns out of the Merrill Wharf driveway during the weekday PM peak hour. Our office completed turning movement counts in June, 2013 which showed 15 vehicles turning left and 15 vehicles turning right out of the site during the PM peak hour. A copy of the turning movement counts is included with this letter.

Collision Data

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) **and**:
2. A minimum of eight crashes over the same three-year period.

The following table summarizes the CRF and number of crashes provided by MaineDOT for the 2010-2012 time period for those locations that satisfy one or more of the aforementioned criteria:

MaineDOT Crash Data for 2010-2012: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
16790-16791	Commercial Street at Center Street	3	1.10	No
16790	Commercial Street at Union Street	15	0.86	No

Based on the information provided by MaineDOT, there are no high crash locations in the project study area. The crash information is enclosed with this letter. Gorrill-Palmer did complete a collision diagram for the intersection of Commercial Street and Union Wharf which is included in the Appendix to this letter for reference.

Parking Assessment

Existing Supply- There are currently 71 parking spaces on the site, including 6 reserved for berthing tenants, 15 dedicated to marine uses and 50 dedicated to office tenants. Since the 15 marine spaces were meant to meet the demand of a full first floor marine fit up, we recommend that that number be reduced to 8 and the remaining 7 be allowed for first floor non-marine tenants. In addition to the on-site parking spaces, the owner also rents approximately 120 off site, 70 of which are to the south of the site (Fisherman's Wharf).

Existing Demand- It is our understanding from the owner of the project, that while they have 50 parking spaces in addition to those at Fisherman Wharf, they are not used since there has been no demand.

Restaurant Demand-No on site spaces are planned for the proposed restaurant. Many of their weekday customers are anticipated to be drawn from the other businesses both in the building and from adjacent businesses in the Old Port area. Our office recommends a sign be placed at the entrance to the Wharf from Commercial Street stating that no parking is available for the restaurant during the weekday before 6:00 PM and we recommend that they adopt a parking management plan to tow any vehicle parking in a space without a permit, and that signs be posted adjacent to the restaurant to that effect. During the evenings after 6 PM and on weekends, we recommend that parking be allowed since the office demand will be significantly reduced. Existing bike racks are available on site and available for use by all tenants.

If you have any questions please contact our office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Thomas L. Gorrill, P.E., PTOE
President

TLG/tlg/JN2420/Carroll 6-25-13

E.1.4

JN: 2420.1
Project Description: Cumberland Cold Storage
Project Location: Portland
Date: 06/25/13

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 9,297

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split IN	Directional Split OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 7.47(X) - 101.92	-32	18	50%	50%	-16	-16	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-78	29	85%	15%	-66	-12	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-150	26	15%	85%	-23	-128	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-50	27	90%	10%	-45	-5	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-112	27	15%	85%	-17	-95	0.89
Saturday	T = 0.85(X) + 163.06	171	6	50%	50%	86	86	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split IN	Directional Split OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 6.97(X)	65	18	50%	50%	32	32	N/A
AM Peak of Adjacent	T = 0.92(X)	9	29	85%	15%	7	1	N/A
PM Peak of Adjacent	T = 0.98(X)	9	26	15%	85%	1	8	N/A
AM Peak of Generator	T = 1.01(X)	9	27	90%	10%	8	1	N/A
PM Peak of Generator	T = 1.08(X)	10	27	15%	85%	2	9	N/A
Saturday	T = 1.32(X)	12	6	50%	50%	6	6	N/A
Saturday Peak of Generator	T = 0.14(X)	1	5	50%	50%	1	1	N/A

E.1.5

JN: 2420.01
Project Description: Cumberland Cold Storage
Project Location: Portland, Maine
Date: June 25, 2013

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Office Building
Land Use Code (LUC) 710

Gross Floor Area 88,124

Trip Ends Based on Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split * IN	Directional Split * OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	Ln (T) = 0.77 Ln (X) + 3.65	1210	78	50%	50%	605	605	0.80
AM Peak Hour	Ln (T) = 0.80 Ln (X) + 1.55	170	217	90%	10%	153	17	0.83
PM Peak Hour	T = 1.12 (X) + 78.81	178	235	15%	85%	27	151	0.82
Saturday	T = 2.14 (X) + 18.47	207	17	50%	50%	104	103	0.66
Peak Hour of Generator	Ln (T) = 0.81 Ln (X) - 0.12	33	10	55%	45%	18	15	0.59

* Percentages rounded to nearest 5%

Trip Ends Based on Average Rate

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split * IN	Directional Split * OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	**T = 11.01 (X)**	**970**	**78**	**50%**	**50%**	**485**	**485**	---
AM Peak Hour	**T = 1.55 (X)**	**137**	**217**	**90%**	**10%**	**123**	**14**	---
PM Peak Hour	T = 1.49 (X)	131	235	15%	85%	20	111	---
Saturday	T = 2.37 (X)	209	17	50%	50%	105	104	---
Saturday Peak Hour of Gen.	**T = 0.41 (X)**	**36**	**10**	**50%**	**50%**	**18**	**18**	---

* Percentages rounded to nearest 5%

PM Peak Hour:	**T = 1.49/1.55 (AM Peak)**	**163**		**15%**	**85%**	**24**	**139**	**0.82**

Trip Generation using average of Equations & Rates

PM peak hour $\frac{178+131}{2} = 155$

E.1.6

JN: 2420.01
Project Description: Cumberland Cold Storage
Project Location: Portland
Date: 6/25/2013

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

Quality Restaurant
Land Use Code (LUC) 931

Gross Floor Area (ft^2): 2,330

Time Period	ITE Trip Rate (Average Rate)	Trip Ends	Directional Split IN	Directional Split OUT	Directional Distribution IN	Directional Distribution OUT
Weekday	T = 89.95 (X)	210	50%	50%	105	105
AM Peak Adjacent Street	T = 0.81 (X)	2	50%	50%	1	1
PM Peak Adjacent Street	T = 7.49 (X)	17	65%	35%	11	6
AM Peak of Generator	T = 5.57 (X)	13	80%	20%	10	3
PM Peak of Generator	T = 9.02 (X)	21	60%	40%	13	8
Saturday	T = 94.36 (X)	220	50%	50%	110	110
Saturday Peak Hour of Gen.	T = 10.82 (X)	25	60%	40%	15	10

Gorrill-Palmer Consulting Engineers, Inc.

E.1.7

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial and Union St wharf
Counter:Robin Googins
Board:2
Weather:clear

File Name : Not Named 2
Site Code : 00000000
Start Date : 6/18/2013
Page No : 1

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks

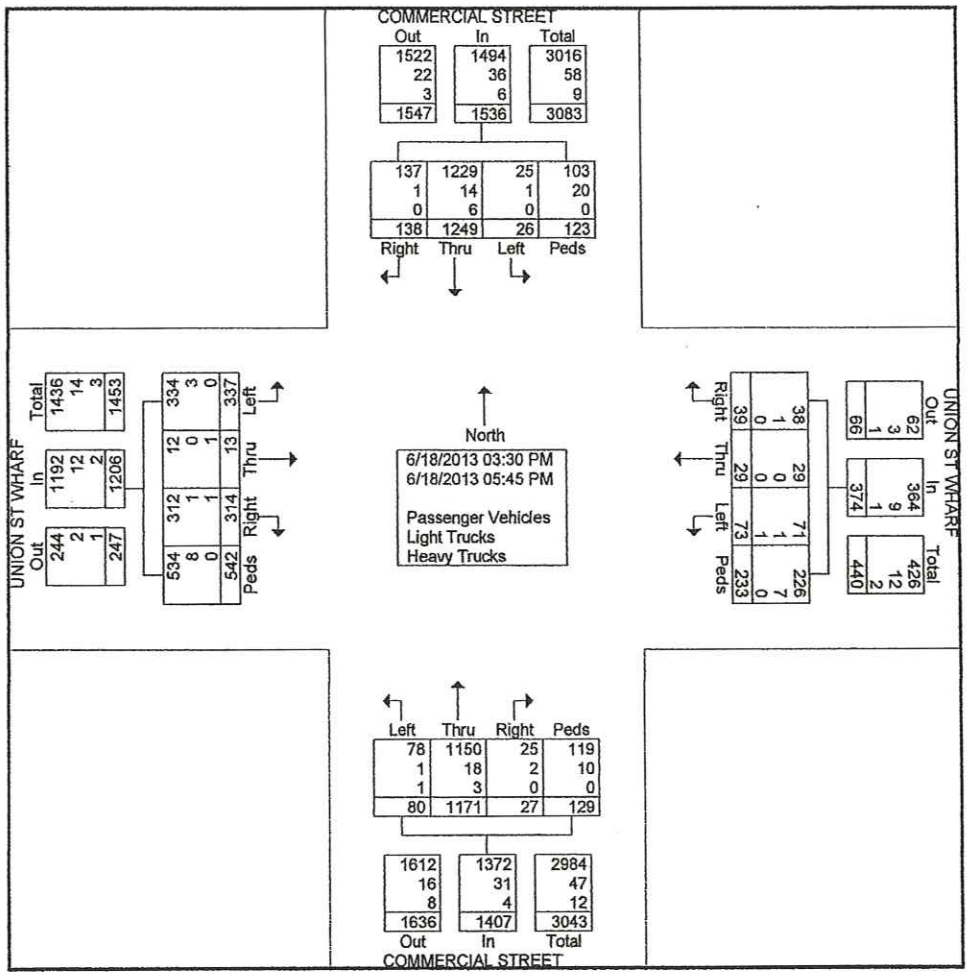
	COMMERCIAL STREET From North					UNION ST WHARF From East					COMMERCIAL STREET From South					UNION ST WHARF From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
03:30 PM	8	121	2	12	143	8	3	5	26	42	6	111	10	10	137	21	1	29	51	102	424
03:45 PM	10	113	3	17	143	1	1	9	24	35	3	109	11	23	146	26	0	28	46	100	424
Total	18	234	5	29	286	9	4	14	50	77	9	220	21	33	283	47	1	57	97	202	848
04:00 PM	10	126	2	1	139	3	1	7	11	22	1	121	7	9	138	38	2	34	57	131	430
04:15 PM	15	111	4	15	145	5	2	4	11	22	3	101	3	6	113	19	1	29	73	122	402
04:30 PM	14	124	0	6	144	5	3	8	26	42	1	117	8	8	134	49	1	44	47	141	461
04:45 PM	15	140	2	11	168	1	3	4	23	31	5	125	11	10	151	33	0	27	48	108	458
Total	54	501	8	33	596	14	9	23	71	117	10	464	29	33	536	139	4	134	225	502	1751
05:00 PM	16	126	2	17	161	3	9	9	21	42	4	114	10	7	135	36	2	38	60	136	474
05:15 PM	12	128	4	19	163	6	2	12	34	54	1	111	6	26	144	37	1	40	41	119	480
05:30 PM	20	136	1	16	173	3	2	12	32	49	2	126	10	16	154	27	2	44	69	142	518
05:45 PM	18	124	6	9	157	4	3	3	25	35	1	136	4	14	155	28	3	24	50	105	452
Total	66	514	13	61	654	16	16	36	112	180	8	487	30	63	588	128	8	146	220	502	1924
Grand Total	138	1249	26	123	1536	39	29	73	233	374	27	1171	80	129	1407	314	13	337	542	1206	4523
Apprch %	9	81.3	1.7	8		10.4	7.8	19.5	62.3		1.9	83.2	5.7	9.2		26	1.1	27.9	44.9		
Total %	3.1	27.6	0.6	2.7	34	0.9	0.6	1.6	5.2	8.3	0.6	25.9	1.8	2.9	31.1	6.9	0.3	7.5	12	26.7	
Passenger Vehicles	137	1229	25	103	1494	38	29	71	226	364	25	1150	78	119	1372	312	12	334	534	1192	4422
% Passenger Vehicles	99.3	98.4	96.2	83.7	97.3	97.4	100	97.3	97	97.3	92.6	98.2	97.5	92.2	97.5	99.4	92.3	99.1	98.5	98.8	97.8
Light Trucks	1	14	1	20	36	1	0	1	7	9	2	18	1	10	31	1	0	3	8	12	88
% Light Trucks	0.7	1.1	3.8	16.3	2.3	2.6	0	1.4	3	2.4	7.4	1.5	1.2	7.8	2.2	0.3	0	0.9	1.5	1	1.9
Heavy Trucks	0	6	0	0	6	0	0	1	0	1	0	3	1	0	4	1	1	0	0	2	13
% Heavy Trucks	0	0.5	0	0	0.4	0	0	1.4	0	0.3	0	0.3	1.2	0	0.3	0.3	7.7	0	0	0.2	0.3

Gorrill-Palmer Consulting Engineers, Inc. E.1.8

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial and Union St wharf
Counter:Robin Googins
Board:2
Weather:clear

File Name : Not Named 2
Site Code : 00000000
Start Date : 6/18/2013



	COMMERCIAL STREET From North					UNION ST WHARF From East					COMMERCIAL STREET From South					UNION ST WHARF From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 03:30 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:45 PM																					
04:45 PM	15	**140**	2	11	168	1	3	4	23	31	**5**	125	**11**	10	151	33	0	27	48	108	458
05:00 PM	16	126	2	17	161	3	**9**	9	21	42	4	114	10	7	135	36	**2**	38	60	136	474
05:15 PM	12	128	**4**	**19**	163	**6**	2	**12**	**34**	**54**	1	111	6	**26**	144	**37**	1	40	41	119	480
05:30 PM	**20**	136	1	16	**173**	3	2	12	32	49	2	**126**	10	16	**154**	27	2	**44**	**69**	**142**	**518**
Total Volume	63	530	9	63	665	13	16	37	110	176	12	476	37	59	584	133	5	149	218	505	1930
% App. Total	9.5	79.7	1.4	9.5		7.4	9.1	21	62.5		2.1	81.5	6.3	10.1		26.3	1	29.5	43.2		
PHF	.788	.946	.563	.829	.961	.542	.444	.771	.809	.815	.600	.944	.841	.567	.948	.899	.625	.847	.790	.889	.931
Passenger Vehicles	63	523	8	52	646	13	16	36	110	175	11	466	37	50	564	131	5	148	217	501	1885
% Passenger Vehicles																					
Light Trucks	0	3	1	11	15	0	0	1	0	1	1	9	0	9	19	1	0	1	1	3	38
% Light Trucks	0	0.6	11.1	17.5	2.3	0	0	2.7	0	0.6	8.3	1.9	0	15.3	3.3	0.8	0	0.7	0.5	0.6	2.0
Heavy Trucks	0	4	0	0	4	0	0	0	0	0	0	1	0	0	1	1	0	0	0	1	6
% Heavy Trucks	0	0.8	0	0	0.6	0	0	0	0	0	0	0.2	0	0	0.2	0.8	0	0	0	0.2	0.3

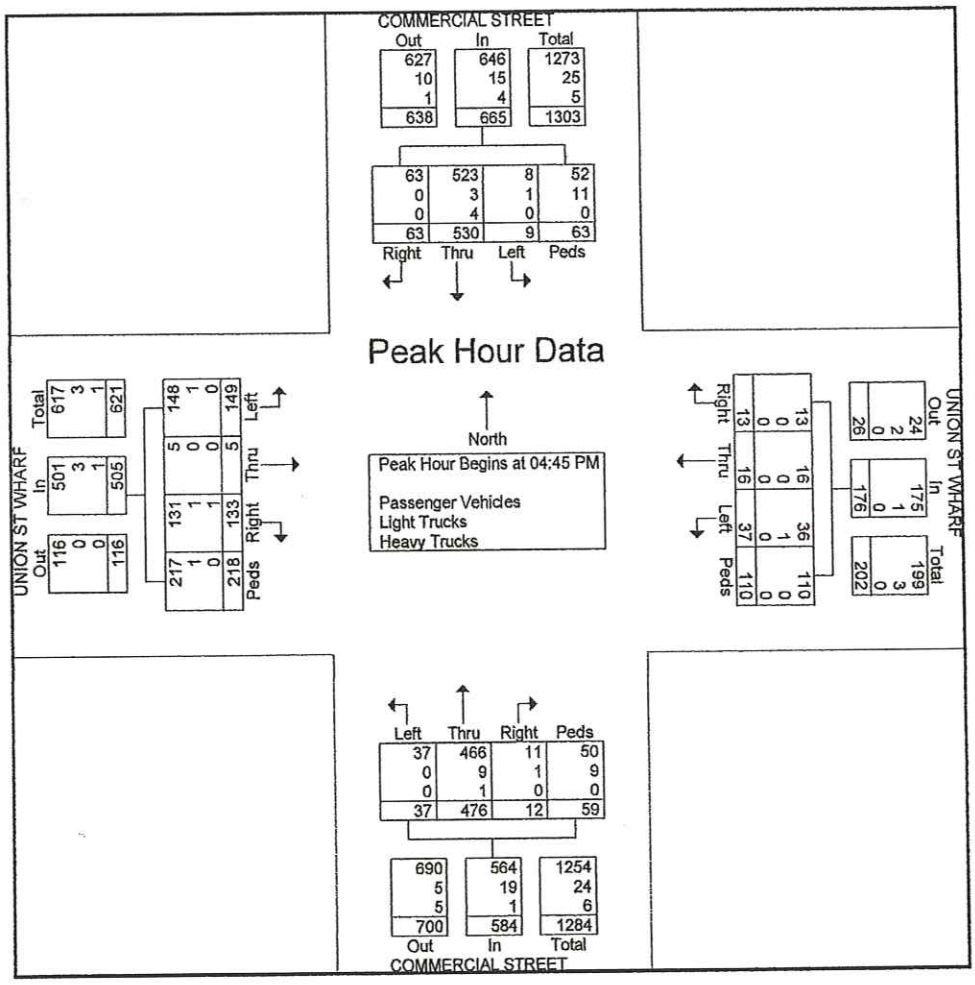
E.1.9

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial and Union St wharf
Counter:Robin Googins
Board:2
Weather:clear

File Name : Not Named 2
Site Code : 00000000
Start Date : 6/18/2013
Page No : 3



Gorrill-Palmer Consulting Engineers, Inc.

E.1.10

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial, Merrill Wharf, Cross st
Counter:Jarrod Googins
Board:1
Weather:clear

File Name : Not Named 1
Site Code : 00000000
Start Date : 6/18/2013
Page No : 1

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks

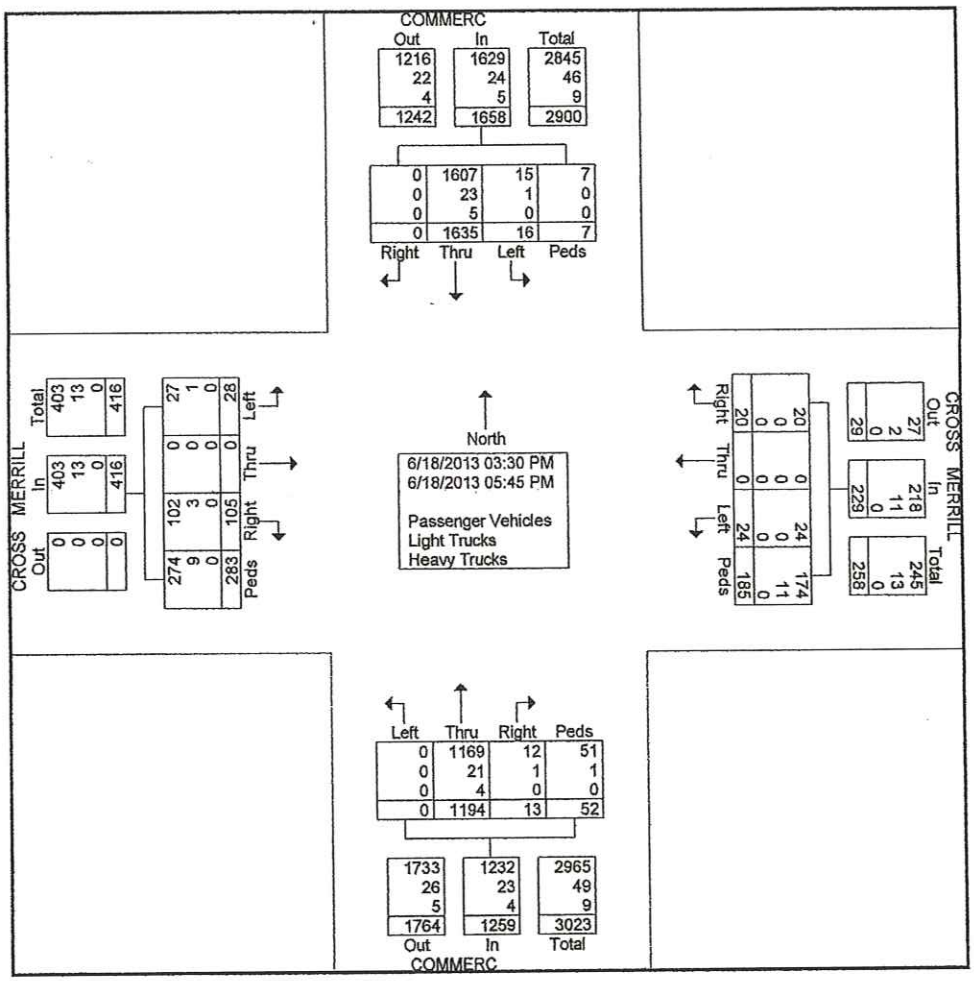
	COMMERC From North					CROSS MERRILL From East					COMMERC From South					CROSS MERRILL From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
03:30 PM	0	143	1	6	150	3	0	1	24	28	0	117	0	5	122	8	0	0	24	32	332
03:45 PM	0	155	3	1	159	0	0	2	22	24	4	121	0	4	129	8	0	5	32	45	357
Total	0	298	4	7	309	3	0	3	46	52	4	238	0	9	251	16	0	5	56	77	689
04:00 PM	0	173	1	0	174	0	0	3	8	11	1	122	0	9	132	9	0	2	29	40	357
04:15 PM	0	138	0	0	138	0	0	1	11	12	1	104	0	9	114	11	0	1	44	56	320
04:30 PM	0	180	1	0	181	3	0	3	9	15	0	122	0	10	132	14	0	2	18	34	362
04:45 PM	0	173	2	0	175	6	0	3	17	26	2	111	0	4	117	9	0	5	26	40	358
Total	0	664	4	0	668	9	0	10	45	64	4	459	0	32	495	43	0	10	117	170	1397
05:00 PM	0	177	4	0	181	3	0	4	16	23	1	121	0	5	127	13	0	4	35	52	383
05:15 PM	0	180	2	0	182	3	0	5	33	41	3	129	0	3	135	10	0	3	27	40	398
05:30 PM	0	170	2	0	172	1	0	1	27	29	0	119	0	1	120	14	0	3	22	39	360
05:45 PM	0	146	0	0	146	1	0	1	18	20	1	128	0	2	131	9	0	3	26	38	335
Total	0	673	8	0	681	8	0	11	94	113	5	497	0	11	513	46	0	13	110	169	1476
Grand Total	0	1635	16	7	1658	20	0	24	185	229	13	1194	0	52	1259	105	0	28	283	416	3562
Apprch %	0	98.6	1	0.4		8.7	0	10.5	80.8		1	94.8	0	4.1		25.2	0	6.7	68		
Total %	0	45.9	0.4	0.2	46.5	0.6	0	0.7	5.2	6.4	0.4	33.5	0	1.5	35.3	2.9	0	0.8	7.9	11.7	
Passenger Vehicles	0	1607	15	7	1629	20	0	24	174	218	12	1169	0	51	1232	102	0	27	274	403	3482
% Passenger Vehicles	0	98.3	93.8	100	98.3	100	0	100	94.1	95.2	92.3	97.9	0	98.1	97.9	97.1	0	96.4	96.8	96.9	97.8
Light Trucks	0	23	1	0	24	0	0	0	11	11	1	21	0	1	23	3	0	1	9	13	71
% Light Trucks	0	1.4	6.2	0	1.4	0	0	0	5.9	4.8	7.7	1.8	0	1.9	1.8	2.9	0	3.6	3.2	3.1	2
Heavy Trucks	0	5	0	0	5	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	9
% Heavy Trucks	0	0.3	0	0	0.3	0	0	0	0	0	0	0.3	0	0	0.3	0	0	0	0	0	0.3

Gorrill-Palmer Consulting Engineers, Inc. E.1.11

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial, Merrill Wharf, Cross st
Counter:Jarrod Googins
Board:1
Weather:clear

File Name : Not Named 1
Site Code : 00000000
Start Date : 6/18/2013



	COMMERC From North					CROSS MERRILL From East					COMMERC From South					CROSS MERRILL From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 03:30 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
04:30 PM	0	**180**	1	0	181	3	0	3	9	15	0	122	0	**10**	132	**14**	0	2	18	34	362
04:45 PM	0	173	2	0	175	**6**	0	3	17	26	2	111	0	4	117	9	0	**5**	26	40	358
05:00 PM	0	177	**4**	0	181	3	0	4	16	23	1	121	0	5	127	13	0	4	**35**	**52**	383
05:15 PM	0	180	2	0	**182**	3	0	**5**	**33**	**41**	**3**	**129**	0	3	**135**	10	0	3	27	40	**398**
Total Volume	0	710	9	0	719	15	0	15	75	105	6	483	0	22	511	46	0	14	106	166	1501
% App. Total	0	98.7	1.3	0		14.3	0	14.3	71.4		1.2	94.5	0	4.3		27.7	0	8.4	63.9		
PHF	.000	.986	.563	.000	.988	.625	.000	.750	.568	.640	.500	.936	.000	.550	.946	.821	.000	.700	.757	.798	.943
Passenger Vehicles	0	701	9	0	710	15	0	15	68	98	6	474	0	22	502	46	0	14	104	164	1474
% Passenger Vehicles																					
Light Trucks	0	6	0	0	6	0	0	0	7	7	0	8	0	0	8	0	0	0	2	2	23
% Light Trucks	0	0.8	0	0	0.8	0	0	0	9.3	6.7	0	1.7	0	0	1.6	0	0	0	1.9	1.2	1.5
Heavy Trucks	0	3	0	0	3	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	4
% Heavy Trucks	0	0.4	0	0	0.4	0	0	0	0	0	0	0.2	0	0	0.2	0	0	0	0	0	0.3

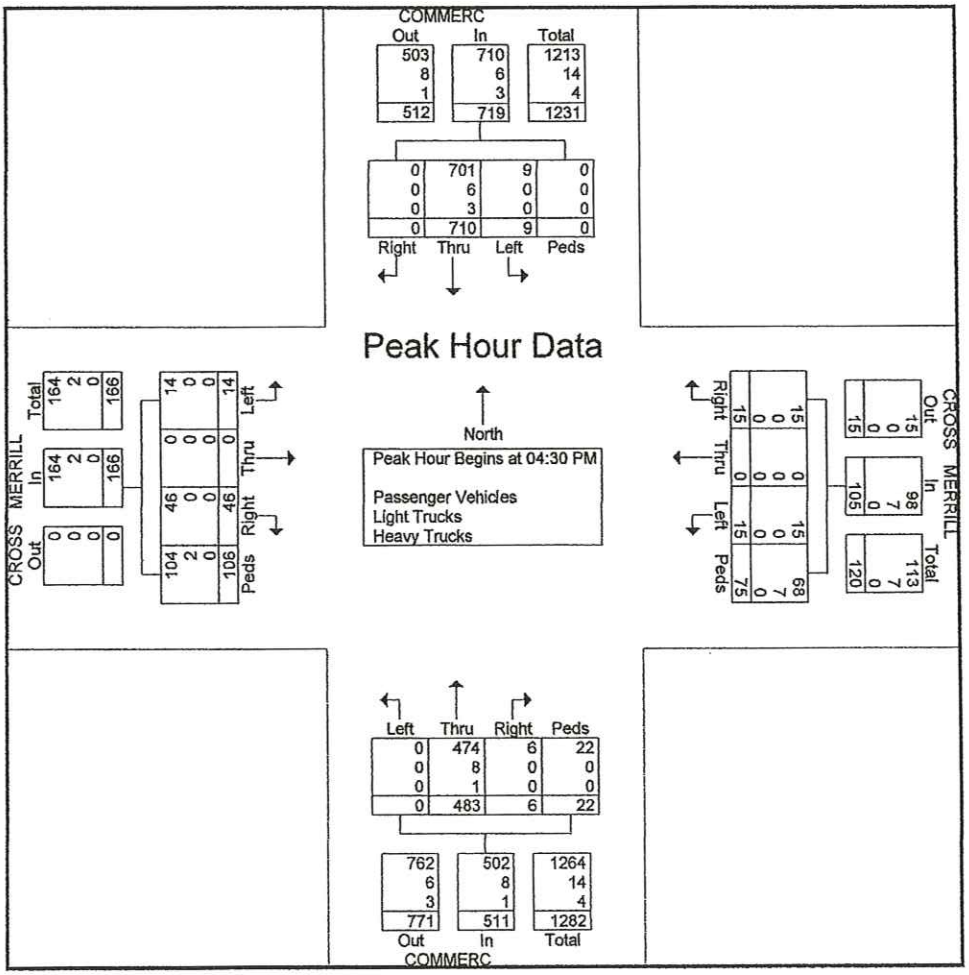
E.1.12

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237, 15 Shaker Road
Gray, ME 04039
Engineering Excellence Since 1998

Location:Commercial, Merrill Wharf, Cross st
Counter:Jarrod Googins
Board:1
Weather:clear

File Name : Not Named 1
Site Code : 00000000
Start Date : 6/18/2013
Page No : 3



Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☑ Crash Summary I ☐ Section Detail ☑ Crash Summary II ☐ 1320 Public ☐ 1320 Private ☐ 1320 Summary

REPORT DESCRIPTION

Commercial St

REPORT PARAMETERS

Year 2010, Start Month 1 through Year 2012 End Month: 12

Route: **0001A** Start Node: **16788** Start Offset: **0** ☐ Exclude First Node

End Node: **16791** End Offset: **0** ☐ Exclude Last Node

E.1.13

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF
16788	0001A - 11.37	Int of CENTER ST, COMMERCIAL ST	9	7	0	0	1	1	5	28.6	5.582	0.42	1.09	0.00
												Statewide Crash Rate:	0.62	
16789	0001A - 11.43	Int of COMMERCIAL ST CROSS ST NO 2	2	1	0	0	0	0	1	0.0	4.955	0.07	0.32	0.00
												Statewide Crash Rate:	0.12	
16790	0001A - 11.49	Int of COMMERCIAL ST UNION ST UNION WHARF Z RD	9	15	0	1	4	0	10	33.3	5.252	0.95	1.10	0.00
												Statewide Crash Rate:	0.62	
16791	0001A - 11.53	Non Int COMMERCIAL ST	2	1	0	0	0	0	1	0.0	4.016	0.08	0.34	0.00
												Statewide Crash Rate:	0.12	
Study Years: 3.00		**NODE TOTALS:**		24	0	1	5	1	17	29.2	19.805	0.40	0.59	0.68

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section Length	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
16788	16789	3120368	0 - 0.06	0001A - 11.37	0.06	2	3	0	0	0	0	3	0.0	0.00278	360.31	490.89	0.00
Int of CENTER ST, COMMERCIAL ST				US 1A											Statewide Crash Rate: 176.20		
16789	16790	3120311	0 - 0.06	0001A - 11.43	0.06	2	4	0	0	1	0	3	25.0	0.00270	493.38	494.29	0.00
Int of COMMERCIAL ST CROSS ST NO 2				US 1A											Statewide Crash Rate: 176.20		
16790	16791	3130047	0 - 0.04	0001A - 11.45	0.04	2	3	0	0	0	0	3	0.0	0.00161	620.63	564.58	1.10
Int of COMMERCIAL ST UNION ST UNION WHARF Z RD				US 1A											Statewide Crash Rate: 176.20		
Study Years: 3.00				**Section Totals:**	0.16		10	0	0	1	0	9	10.0	0.00709	470.21	387.16	1.21
				Grand Totals:	0.16		34	0	1	6	1	26	23.5	0.00709	1598.70	535.85	2.98

Crash Summary

Section Details

Start Node	End Node	Element	Offset Begin - End	Route - MP	Total Crashes	Injury Crashes K	A	B	C	PD	Crash Report	Crash Date	Crash Mile Point	Injury Degree
16788	16789	3120368	0 - 0.06	0001A - 11.37	3	0	0	0	0	3	2012-25518	04/03/2012	11.38	PD
											2012-27	01/03/2012	11.39	PD
											2011-8566C	06/06/2011	11.41	PD
16789	16790	3120311	0 - 0.06	0001A - 11.43	4	0	0	1	0	3	2012-28776	05/22/2012	11.45	B
											2012-22170	02/17/2012	11.46	PD
											2012-43818	11/10/2012	11.47	PD
											2011-9093C	06/21/2011	11.47	PD
16790	16791	3130047	0 - 0.04	0001A - 11.49	3	0	0	0	0	3	2010-14633C	07/14/2010	11.50	PD
											2011-2971C	02/12/2011	11.51	PD
											2011-1377C	01/21/2011	11.52	PD
				Totals:	10	0	0	1	0	9				

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Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Day and Hour

	AM												Hour of Day	PM											
Day Of Week	**12**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**Un**	**Tot**
SUNDAY	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	4
MONDAY	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	4
TUESDAY	0	0	0	0	0	0	0	0	0	0	0	1	2	1	1	0	0	1	1	1	0	0	0	1	0	9
WEDNESDAY	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	3
THURSDAY	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1	0	1	0	0	0	0	0	0	4
FRIDAY	0	1	0	0	0	0	0	0	0	0	0	2	0	0	0	0	1	0	1	0	0	0	0	0	0	5
SATURDAY	1	2	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	5
Totals	1	6	0	0	0	1	0	0	1	0	0	3	4	2	2	2	3	2	3	1	1	0	0	2	0	**34**

Vehicle Counts by Type

Unit Type	Total
1-Passenger Car	41
2-(Sport) Utility Vehicle	13
3-Passenger Van	3
4-Cargo Van (10K lbs or Less)	1
5-Pickup	5
6-Motor Home	0
7-School Bus	0
8-Transit Bus	0
9-Motor Coach	1
10-Other Bus	0
11-Motorcycle	0
12-Moped	1
13-Low Speed Vehicle	0
14-Autocycle	0
15-Experimental	0
16-Other Light Trucks (10,000 lbs or Less)	0
17-Medium/Heavy Trucks (More than 10,000 lbs)	1
18-ATV - (4 wheel)	0
20-ATV - (2 wheel)	0
21-Snowmobile	0
22-Pedestrian	4

Unit Type	Total
23-Bicyclist	0
24-Witness	4
25-Other	1
Total	**75**

E.1.17

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Driver Action at Time of Crash

Driver Action at Time of Crash	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
No Contributing Action	6	6	0	0	0	0	12
Ran Off Roadway	1	0	0	0	0	0	1
Failed to Yield Right-of-Way	6	1	0	0	0	0	7
Ran Red Light	0	1	0	0	0	0	1
Ran Stop Sign	0	0	0	0	0	0	0
Disregarded Other Traffic Sign	0	0	0	0	0	0	0
Disregarded Other Road Markings	0	0	0	0	0	0	0
Exceeded Posted Speed Limit	0	0	0	0	0	0	0
Drove Too Fast For Conditions	0	1	0	0	0	0	1
Improper Turn	1	0	0	0	0	0	1
Improper Backing	2	0	0	0	0	0	2
Improper Passing	0	3	0	0	0	0	3
Wrong Way	1	0	0	0	0	0	1
Followed Too Closely	2	4	0	0	0	0	6
Failed to Keep in Proper Lane	0	0	0	0	0	0	0
Operated Motor Vehicle in Erratic, Reckless, Careless, Negligent or Aggressive Manner	0	0	0	0	0	0	0
Swerved or Avoided Due to Wind, Slippery Surface, Motor Vehicle, Object, Non-Motorist in Roadway	0	0	0	0	0	0	0
Over-Correcting/Over-Steering	0	0	0	0	0	0	0
Other Contributing Action	2	1	0	0	0	0	3
Unknown	1	1	0	0	0	0	2
Total	22	18	0	0	0	0	40

Crashes by Apparent Physical Condition And Driver

Apparent Physical Condition	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
Apparently Normal	31	29	2	0	0	3	65
Physically Impaired or Handicapped	0	0	0	0	0	0	0
Emotional(Depressed, Angry, Disturbed, etc.)	0	0	0	0	0	0	0
Ill (Sick)	0	0	0	0	0	0	0
Asleep or Fatigued	0	0	0	0	0	0	0
Under the Influence of Medications/Drugs/Alcohol	2	1	0	0	0	0	3
Other	1	0	0	0	0	0	1
Total	34	30	2	0	0	3	69

Driver Age by Unit Type

Age	Driver	Bicycle	SnowMobile	Pedestrian	ATV	Total
09-Under	0	0	0	0	0	0
10-14	0	0	0	0	0	0
15-19	4	0	0	0	0	4
20-24	7	0	0	0	0	7
25-29	12	0	0	0	0	12
30-39	15	0	0	0	0	15
40-49	15	0	0	0	0	15
50-59	8	0	0	0	0	8
60-69	4	0	0	0	0	4
70-79	2	0	0	0	0	2
80-Over	0	0	0	0	0	0
Unknown	0	0	0	4	0	4
Total	67	0	0	4	0	71

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Most Harmful Event

Most Harmful Event	Total
1-Overturn / Rollover	0
2-Fire / Explosion	0
3-Immersion	0
4-Jackknife	0
5-Cargo / Equipment Loss Or Shift	0
6-Fell / Jumped from Motor Vehicle	0
7-Thrown or Falling Object	0
8-Other Non-Collision	2
9-Pedestrian	1
10-Pedalcycle	0
11-Railway Vehicle - Train, Engine	0
12-Animal	0
13-Motor Vehicle in Transport	29
14-Parked Motor Vehicle	2
15-Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle	0
16-Work Zone / Maintenance Equipment	0
17-Other Non-Fixed Object	0
18-Impact Attenuator / Crash Cushion	0
19-Bridge Overhead Structure	0
20-Bridge Pier or Support	0
21-Bridge Rail	0
22-Cable Barrier	0
23-Culvert	0
24-Curb	0
25-Ditch	0
26-Embankment	0
27-Guardrail Face	0
28-Guardrail End	0
29-Concrete Traffic Barrier	0
30-Other Traffic Barrier	0
31-Tree (Standing)	0
32-Utility Pole / Light Support	0
33-Traffic Sign Support	0
34-Traffic Signal Support	0
35-Fence	0
36-Mailbox	0
37-Other Post Pole or Support	0
38-Other Fixed Object (wall, building, tunnel, etc.)	0
39-Unknown	0
40-Gate or Cable	0
41-Pressure Ridge	0
Total	**34**

Traffic Control Devices

Traffic Control Device	Total
1-Traffic Signals (Stop & Go)	20
2-Traffic Signals (Flashing)	6
3-Advisory/Warning Sign	0
4-Stop Signs - All Approaches	0
5-Stop Signs - Other	0
6-Yield Sign	0
7-Curve Warning Sign	0
8-Officer, Flagman, School Patrol	0
9-School Bus Stop Arm	0
10-School Zone Sign	0
11-R.R. Crossing Device	0
12-No Passing Zone	0
13-None	7
14-Other	1
Total	**34**

Injury Data

Severity Code	Injury Crashes	Number Of Injuries
K	0	0
A	1	1
B	6	7
C	1	1
PD	26	0
Total	**34**	**9**

Road Character

Road Grade	Total
1-Level	32
2-On Grade	1
3-Top of Hill	0
4-Bottom of Hill	1
5-Other	0
Total	**34**

Light

Light Condition	Total
1-Daylight	20
2-Dawn	0
3-Dusk	0
4-Dark - Lighted	13
5-Dark - Not Lighted	0
6-Dark - Unknown Lighting	1
7-Unknown	0
Total	**34**

E.1.19

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Year and Month

Month	2010	2011	2012	Total
JANUARY	2	1	2	5
FEBRUARY	0	1	2	3
MARCH	1	0	1	2
APRIL	0	0	1	1
MAY	1	2	1	4
JUNE	1	2	0	3
JULY	2	3	2	7
AUGUST	1	0	0	1
SEPTEMBER	0	0	0	0
OCTOBER	0	2	1	3
NOVEMBER	2	2	1	5
DECEMBER	0	0	0	0
Total	**10**	**13**	**11**	**34**

Report is limited to the last 10 years of data.

E.1.20

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Crash Type and Type of Location

Crash Type	Straight Road	Curved Road	Three Leg Intersection	Four Leg Intersection	Five or More Leg Intersection	Driveways	Bridges	Interchanges	Other	Parking Lot	Private Way	Cross Over	Railroad Crossing	Total
Object in Road	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rear End / Sideswipe	8	0	4	10	0	0	0	0	0	0	0	0	0	22
Head-on / Sideswipe	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intersection Movement	0	0	0	5	0	2	0	0	0	0	0	0	0	7
Pedestrians	0	0	2	1	0	1	0	0	0	0	0	0	0	4
Train	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Went Off Road	0	0	0	0	0	0	0	0	0	0	0	0	0	0
All Other Animal	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycle	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Jackknife	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rollover	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Submersion	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Thrown or Falling Object	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bear	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deer	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moose	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	8	0	6	17	0	3	0	0	0	0	0	0	0	34

E.1.21

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather / Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Blowing Sand, Soil, Dirt												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Blowing Snow												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Clear												
Dark - Lighted	7	0	0	0	0	0	0	0	0	0	0	7
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	1	0	0	0	1
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	16	0	0	0	0	0	0	0	0	0	0	16
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Cloudy												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	1	1
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	1	0	0	0	0	0	0	0	0	0	0	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0

E.1.23

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather / Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Fog, Smog, Smoke												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	1	0	0	0	0	0	0	0	0	0	0	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Other												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Rain												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	4	4
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	1	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Severe Crosswinds												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0

E.1.23

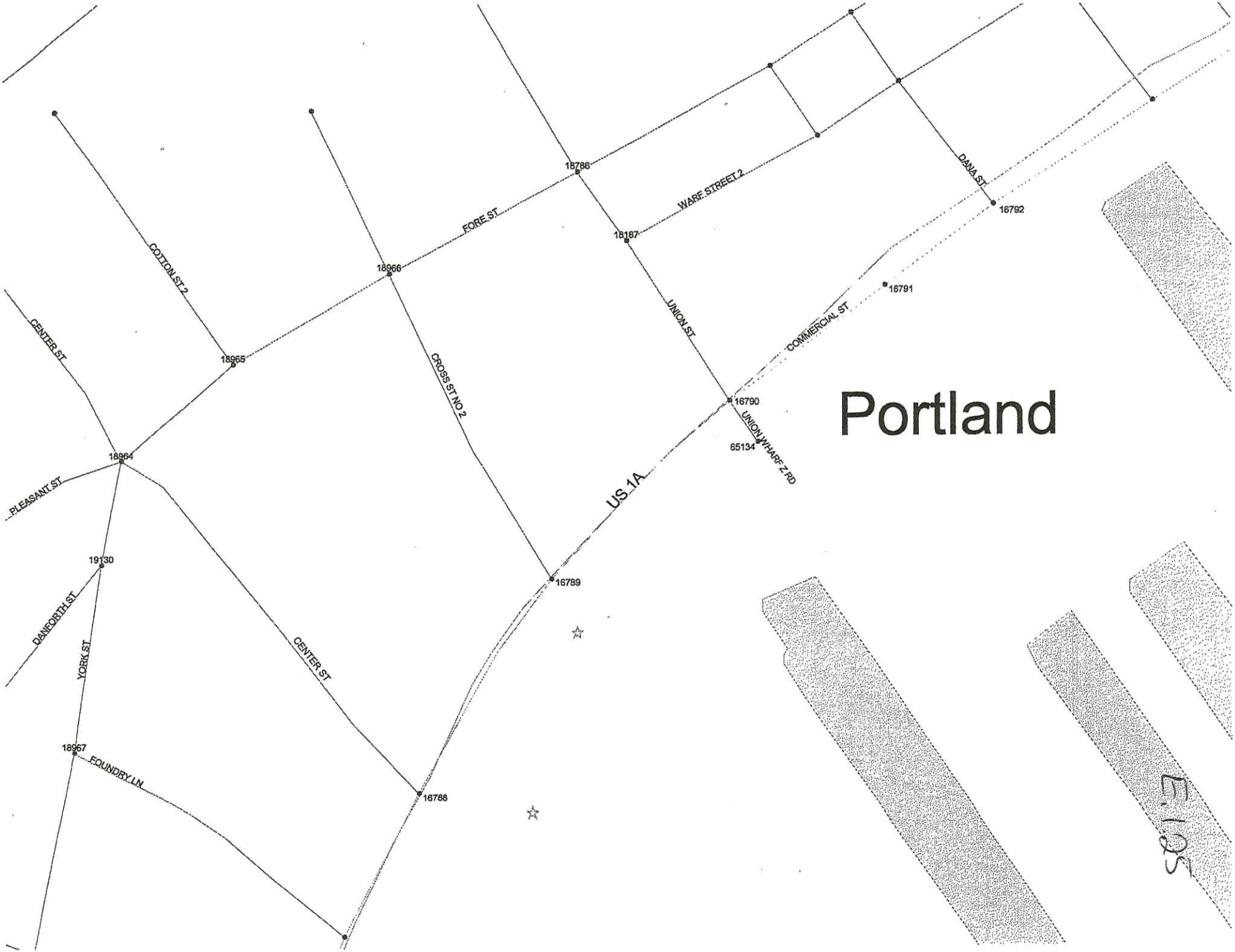
Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather / Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Sleet, Hail (Freezing Rain or Drizzle)												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Snow												
Dark - Lighted	0	1	0	0	0	0	0	0	0	0	0	1
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	1	0	0	0	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	**25**	**1**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**0**	**0**	**34**

E.1.24


Portland
COTTON ST 2
CENTER ST
FORE ST
WARF STREET 2
DANA ST
UNION ST
COMMERCIAL ST
CROSS ST NO 2
US_1A
UNION WHARF 2 RD
PLEASANT ST
DANFORTH ST
YORK ST
CENTER ST
FOUNDRY LN
18966
18786
18187
16792
16791
18965
16790
65134
18964
16789
19130
18967
16788
E-125

E.1.26

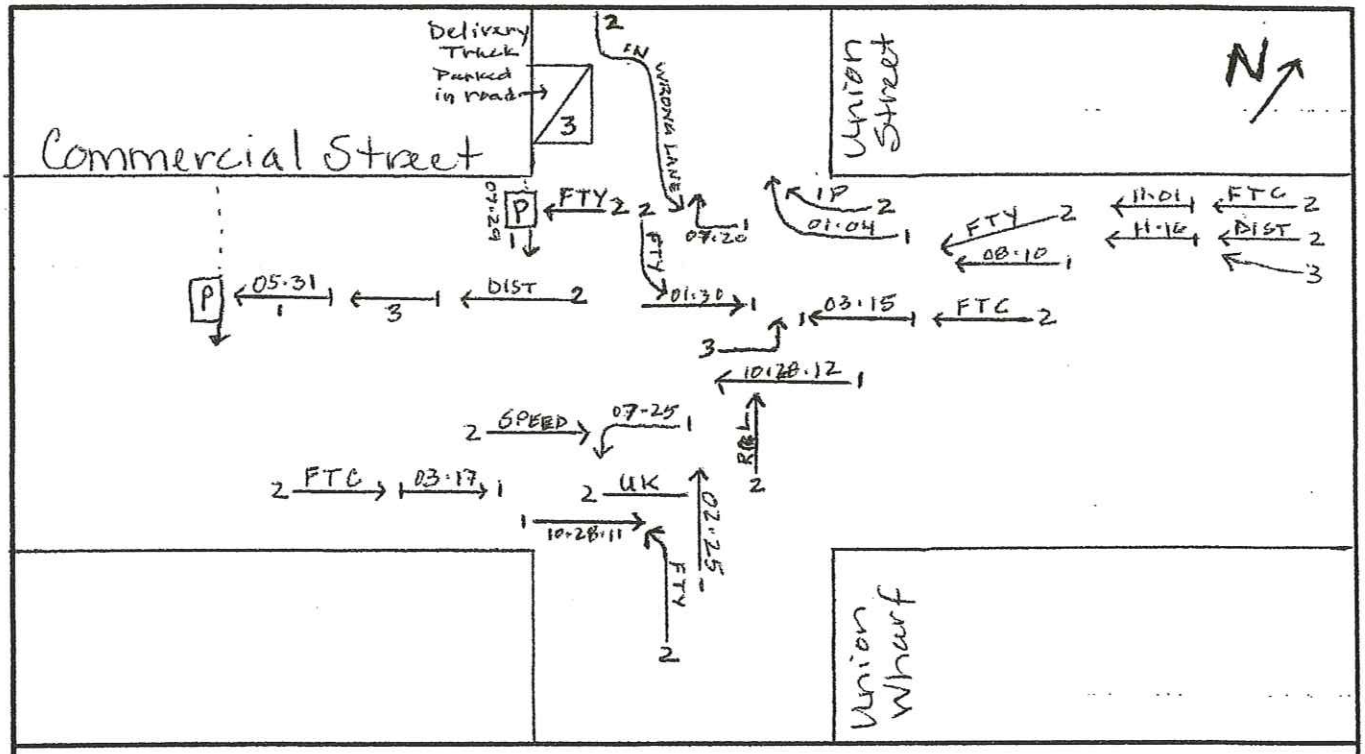
COLLISION DIAGRAM

SHEET 1 OF 2

LOCATION Commercial St./Union St./Union Wharf

TOWN Portland, ME NODE NO(S) 16790

YEARS REVIEWED 2010 - 2012 DATE PREPARED 06.19.2013



CRITICAL RATE FACTOR _____ EQUIV. PROP. DAMAGE ACC/YEAR _____ ACC/MEV _____

LIGHT
1. DAWN (MORNING) 2. DAYLIGHT 3. DUSK (EVENING)
4. DARK (ST. LIGHTS ON) 5. DARK (NO ST. LIGHTS) 6. DARK (ST. LIGHTS OFF)
7. OTHER

ROAD SURFACE
1. DRY 2. WET 3. SNOW/SLUSH-SANDED
4. ICE/PACKED SNOW-SANDED 5. MUDDY 6. DEBRIS
7. OILY 8. SNOW/SLUSH-NOT SANDED 9. ICE-PKD. SNOW-NOT SANDED
10. OTHER

APPARENT CONTRIBUTING FACTORS - HUMAN
1. NO IMPROPER ACTION 2. FAIL TO YLD. RIGHT OF WAY 3. ILLEGAL UNSAFE SPEED
4. FOLLOW TOO CLOSE 5. DISREGARD TRAFFIC CONTROL DEVICE
6. DRIVING LEFT OF CENTER-NO PASSING 7. IMPROPER PASS-OVERTAKING
8. IMP. UNSAFE LANE CHANGE 9. IMP. PARKING START/STOP 10. IMPROPER TURN
11. UNSAFE BACKING 12. NO SIGNAL OR IMP. SIGNAL 13. IMPEDING TRAFFIC
14. DRIVER INATTENTION-DISTRACTION 15. DRIVER INEXPERIENCE
16. PEDEST. VIOLATION ERROR 17. PHYSICAL IMPAIRMENT 18. VISION OBSCURED-WINDSHIELD GLASS 19. VISION OBSCURED-SUN/HEADLIGHTS
20. OTHER VISION OBSCUREMENT 30. OTHER HUMAN VIOLATION FACTOR
31. HIT AND RUN 51. UNKNOWN

- VEHICULAR
41. DEFECTIVE BRAKES 42. DEFECTIVE TIRE/FAILURE 43. DEFECTIVE LIGHTS
44. DEFECTIVE SUSPENSION OR FACTOR 45. DEFECTIVE STEERING 50. OTHER VEHICLE DEFECT
51. UNKNOWN

SYMBOLS
ANGLE, BACKING, FIXED OBJECT, HEAD ON, OVERTURN, PARKED VEHICLE, PEDESTRIAN, REAR END, SIDE SWIPE, TURNING MOVE, CHANGE LANE, OUT OF CONTROL, FATAL ACCIDENT, VEHICLE (MOVING), BICYCLE, ANIMAL, SLED

WEATHER
C = CLEAR F = FOG R = RAIN
SL = SLEET S = SNOW CL = CLOUDY
XW = CROSS WINDS

INJURIES
K = FATAL B = NON-INCAPACITATING
A = INCAPACITATING C = POSSIBLE INJURY

REPORT NO.	DATE	TIME	INJURIES K	A	B	C	LIGHT	ROAD SURFACE	ACF	OTHER
000033	01.04.10	05:05					6	3	7/12	
000341	01.30.10	01:20					4	1	2	
000694	03.17.10	08:00					1	1	4	
16-1920	07.25.10	01:15					4	2	3	
00020945	08.10.10	12:30					1	1	2	
003044	11.16.10	17:13					4	1	14	Pedestrian
001541	05.31.11	13:33					1	1	14	
003032	10.28.11	01:31					4	2	2	

S:/SHEETS/COLLISION DIAGRAM.DWG

E.1.27

COLLISION DIAGRAM

SHEET 2 OF 2

LOCATION Commercial St/Union St/Union Wharf

TOWN Portland, ME NODE NO(S) 16790

YEARS REVIEWED 2010 - 2012 DATE PREPARED 06·19·2013

REPORT NO.	DATE	TIME	INJURIES K	A	B	C	LIGHT	ROAD SURFACE	ACF	OTHER
003081	11·01·11	11:47					1	1	4	
00485	02·25·12	00:10					4	2	51	
663	03·15·12	16:05					1	1	4	
0017666	07·20·12	11:45					1	1	13	Moped
001853	07·29·12	01:22					4	2	2	Pedestrian
002712	10·28·12	01:27					4	1	5/14	

S:/SHEETS/COLLISION DIAGRAM.DWG

Attachment E.2.1

Gorrill-Palmer Consulting Engineers, Inc.
Engineering Excellence Since 1998

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail:mailbox@gorrillpalmer.com

July 16, 2013

Mr. Pat Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Subject: Response to Staff Comments on Traffic and Parking Review
Re-Use of Cumberland Cold Storage Facility
Portland, Maine

Dear Pat,

Per your request, Gorrill-Palmer Consulting Engineers, Inc. has review comments from the City's peer reviewer for traffic and parking issues, Tom Errico in his email of 7/12/2013. His comments followed by our responses are presented below:

Comment: I have reviewed the revised trip generation analysis and concur with the conclusions that a modified Traffic Movement Permit is not required

Response: No response necessary

Comment: The applicant should provided details on whether any crashes have occurred on Commercial Street/Site Entrance location (have any vehicles entering and exiting the site been involved in a crash).

Response: The crash history provided by the MaineDOT shows four collision occurred from 2010 through 2012 on Commercial Street between Cross Street and Union Street. Of these four, one occurred at the driveway to the site and involved a vehicle turning left out of the site striking a pedestrian crossing Commercial Street. Two of the remaining collisions involved vehicles entering parking spaces along Commercial Street and one involved a vehicles approaching Union Street. The collision reports can be furnished if requested but our company policy is not to include them in the report due to the personal information they contain.

Comment: The City typically has a provision that parking needs for restaurants only include spaces to accommodate employees. Accordingly, the applicant should provide additional information on anticipated staffing levels. Additionally, the applicant should also provide information on the expected hours of operation of the restaurant.

Response: The proposed restaurant is anticipated by the applicant to have 4 employees at lunchtime and 6 during the evening. The hours of the restaurant are anticipated to be from 11:00 AM to 1:00 AM.

Comment: Additional supporting information is needed to better understand existing parking demand numbers. I would suggest that the applicant provide information on employee numbers, any available survey information on mode of travel, if parking fees are charged to employees that

parked off-site, and information on employees that may park in other off-site parking lots or on-street locations that are not time limit regulated.

Response: The site currently has 71 parking spaces which are utilized as follows:

- 6 are reserved for berthing tenants (currently there are 5 tenants).
- 15 are reserved for marine related businesses but are currently being rented on a temporary basis by building tenants. They are: Compass Health (1), OnPoint Health (1), Selkirk Partners (1), Stillwater Yoga (1), Federle Mahoney (1) and Down East Magazine (1). These tenants will park in the adjacent Portland Fish Pier lot when the spaces are need for marine related uses
- Pierce Atwood has reserved remaining 50 spots.

A more detailed summary of each the parking use by each of these tenants is summarized below based on information provided by the applicant from the tenants:

Pierce Atwood: normally about 90-100 people are on site; the maximum would be 121 on site if everyone were all together at the same time, which is rare. They currently have 41 people sharing the 50 reserved on site spots for associates and guests and generally about 30 associates are on site in those rented spots daily. They rent an additional 80 spots at the Portland Fish Pier and currently, about 65-70 of those are utilized daily, so there is overflow space. They have a few employees that are using spots at the Standard lot near Rufus Deering. They have 2 people that bike to work daily and another 5-7 that bike or run seasonally; those people all keep their bikes indoors rather than use the public bike racks on site. Finally, 1 person walks to work from Chandler's Wharf.

Compass Health: normally there are about 8 people are in the office daily; the total staff is 13 with 3 of those people living & working daily outside of Maine. The office manager uses the 1 reserved spot on site daily. They have rented 6-10 spots at the Fore Street Garage for many years, including before moving in to this building.

OnPoint Health: normally about 8 people are in the office at once; the total staff is 14 with several of those people based in the Augusta area office. The owner uses the 1 reserved spot on site on those days when he is in the office. They have half of the Portland staff parking at the Fore Street garage & the other half at the Commercial Street lot by Portland Lobster.

Selkirk Partners: 1 person business office with a reserved spot on site for those days that he is in the office.

Stillwater Yoga: 1 person Yoga Studio; students are mixed but primarily between the building and neighboring businesses. They recommend that students who are not coming directly from work to plan to park at a meter along Commercial Street.

Federle Mahoney: 1 person law office with a reserved spot on site for those days that he is in the office.

Down East Magazine: Portland based sales office for Camden/Rockport area company; normally 1 person uses the office each day & uses the 1 reserved spot on site. On days when a salesperson needs to pick up something at the office, they are short term and use a parking meter. There is a weekly early morning sales meeting that 4 people attend; they are typically off the street and in the field before the Commercial Street meters are in use at 9am.

Off site spaces: Condition v of the site plan approval on 6-8-2010 required that the project include 6 spaces for berthing, 15 spaces for ground floor marine uses, and 50 spaces for the office building all to be on site for a total of 71 spaces. The condition further required that there also be 120 spaces reserved off site. The demand for the off-site spaces based on the discussion above is 80 spaces for Pierce Atwood, 10 for Compass Health which leases spaces at the Fore Street garage, 8 spaces for On Point Health which currently leases 4 at the Fore Street garage and 4 spaces at the Commercial Street lot by Portland Lobster, and 4 spaces for the remaining uses currently parking on site until needed by a marine tenant. The proposed restaurant will require an additional 6 spaces which will be supplied off site, thus bringing the total estimated off site demand to 104 spaces, well beyond the 120 spaces currently reserved. The non-marine use parking currently utilizing marine use parking will be relocated off site when marine tenants are brought into the building.

If you have any questions please contact our office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Thomas L. Gorrill, P.E., PTOE
President

TLG/tlg/JN2420/Carroll 6-25-13

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

Attachment F. 1

July 9, 2013

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: CCSB Site Plan Amendment Application

Dear Jean,

In response to the issues brought forth from your recent staff review we offer the following responses:

Issue:
At our preliminary review meeting on July 3rd, 2013 it was determined that further information was needed in order to progress the review. In particular, we need an analysis of the % of open area that will be marine/non-marine, as per Ordinance section as reiterated in
Response:
We have reviewed the 2012 Waterfront Central Zone Use Inventory: June 2013 that was recently issued and agree with its findings that Merrill's Wharf currently provides 47% of its "Open Area" for marine dependent uses. We understand that this is below the 55% of open area as described in the Waterfront Central Zone under Section 14-311(a)2 and 14-311(d)8. We offer two comments relative to a solution to this issue:

1. The 47% open area that currently exists was approved as part of our initial Site Plan Approval when the ground floor was 100% marine use and prior to adoption of the WCZ Zone requirements. As such, it should be considered a non-conforming use, and as long as the open area does not become more non-conforming the proposed changes to the building uses can be allowed. If 47% was acceptable for 100% ground floor marine use, it would be logical that a change in use within the building to reduce the marine use to 55% would allow the existing open area to function better than its current condition.
2. In an effort to meet this Zoning requirement, we are submitting an updated Inventory of Use that illustrates how we propose meeting the 55% available Open Area. This is accomplished by designating approximately 1200 sf at the south end of the building for Marine Use. This area is directly adjacent to the Marine Use section of the Building and would be reserved for potential uses that the marine tenant might need, such as trap storage, net mending, etc. See attached Site Plan for the proposed Inventory and calculations.
3. The Owners have entered into a long term lease with the Portland Fish Exchange and Portland Fish Pier Authority to guarantee preservation of historic marine access to and use of the end of the Fish Pier directly south of the property. Attached please find a copy of the lease agreement. While this is not on the Merrills Wharf property per se, it does indicate the commitment of WFM to maintaining a working waterfront.

Issue:
The information regarding section 14-311 (a) 3 appears incomplete in that there is no evidence regarding the 60 days. I await comments from the Zoning Administrator, as I understand that the she has some questions on this including whether the media were "targeted" to reach marine users;

F. 2

Response:
We understand that additional data was provided to Zoning/ Codes and this issue has been adequately resolved.

Issue:
The submitted Plan L-2.1R does not reflect the amendments submitted and approved on October 25, 2012 concerning the rear walkway, access and servicing (?dumpsters) (how will the new restaurant be serviced?);
Response:
You are correct that the submitted Site plan did not reflect the latest changes and amendments as approved on October 25, 2012. Attached please find an updated Site Plan that illustrates all current approvals as well as parking allocation on the wharf. As a clarification, service for the restaurant will be from the adjacent service area between the CCSB and Browne Trading Co.

Issue:
Why is the proposed residual marine-use parking located adjacent to the non-marine uses rather than adjacent to the ground floor marine use part of the building?
Response:
The 15 designated marine use parking spaces are located at the north end of the building because initially the south end of the building was envisioned to be where the non-marine uses were to be located and we located them adjacent to the marine berthing parking. The current location is still within 150 feet of the main building entrance which is a very short walk. All spaces on-site are currently designated and reserved, and the Owners are guaranteeing that there will be 15 spaces available for marine use tenants if and when they are occupied.

Please review these comments and let me know if we have adequately responded to your issues. I look forward to hearing from you and still anticipate meeting whth the Planning Board on July 23 to discuss these proposed changes in greater detail.

With Regards,
CARROLL ASSOCIATES

Patrick J. Carroll, Principal

Att.

CC: Chris Pachios, WFM
Steve Weatherhead, WSA

F. 3

Execution Copy

MEMORANDUM OF UNDERSTANDING
(Historic Marine Uses)

THIS MEMORANDUM OF UNDERSTANDING (the "MOU"), dated as of August 10, 2010, is by and among **PORTLAND FISH EXCHANGE**, a Maine non-profit corporation (the "Fish Exchange"), **PORTLAND FISH PIER AUTHORITY**, a Maine non-profit corporation (the "Authority"), **WATERFRONT, MAINE LIMITED PARTNERSHIP**, a Maine limited partnership ("WFM") and **PIERCE ATWOOD LLP**, a Maine limited liability partnership ("Pierce Atwood").

PRELIMINARY STATEMENTS

A. Pursuant to a Lease Agreement between the Authority as landlord and the Fish Exchange as tenant dated May 1, 2006 (the "Fish Exchange Lease"), the Authority leased to the Fish Exchange certain portions of the Portland Fish Pier, which portions include, but are not limited to, Lots 7 and 8 as depicted on City of Portland Tax Map 41. Said Lots 7 and 8 are sometimes referred to as the "Net Yard".

B. WFM owns a certain parcel of land adjacent to the Net Yard being identified on the City of Portland Tax Map 41 as Tax Lots 17 and 18 (the "WMF Parcel"). Pursuant to a Lease Agreement between WFM and Pierce Atwood dated July 6, 2010, WFM has leased to Pierce Atwood a portion of the Cumberland Cold Storage building, now to be known as the Merrill Wharf Building (the "Pierce Atwood Lease").

C. The Fish Exchange has entered into a sublease for a portion of the Net Yard with Dropping Springs Bait Co., LLC ("Dropping Springs"), as set forth in a certain Sublease dated May 1, 2010, as amended by Amendment to Sublease dated on or about this date (collectively, the "Dropping Springs Sublease").

D. The parties would like to preserve the balance of the Net Yard for its historic uses for net mending and open space commercial fishing support. The Authority and the Fish Exchange agree that such activities are consistent with the short and long term goals for the use of the Fish Pier property. WFM and Pierce Atwood agree that the retention of such uses also provide a benefit to them. In order to ensure the continued availability of the Net Yard for such historic uses and to retain the benefits derived therefrom, WFM and Pierce Atwood have agreed to make annual payments, subject to the terms of this MOU.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The Fish Exchange and the Authority covenant and agree, that so long as this MOU shall remain in effect, that the portion of the Net Yard cross- hatched on the plan attached hereto as **Exhibit A** (the "Historic Marine Use Area") will be leased or otherwise used only for open space to support Maine commercial fishing fleet operations, including without limitation, net work and net mending and vessel loading and unloading. In addition, the Fish Exchange and the Authority covenant and agree that it will keep open and not block a reasonable access travel way for emergency vehicles running from Lot 8 to the parking lot on the WFM Parcel. WFM and Pierce Atwood acknowledge that there is currently located in the Historic Marine Use Area a processing tower, which tower is used in connection with the off-loading of fish. Notwithstanding the provisions of this Paragraph 1, such processing tower may remain and be used in the Historic Marine Use Area and may be moved, provided that it is located within the boundaries of Lot 7.

2. In consideration of the agreement set forth in Paragraph 1 above, and to provide the Fish Exchange and the Authority with an economic incentive and ability to preserve such historic uses, WFM and Pierce Atwood agree to contribute an annual fee to the Fish Exchange for the term of this Agreement (the "Marine Use Fee"). The first annual Marine Use Fee shall be payable in full on July 1, 2011 (such date being referred to herein as the "Marine Payment Commencement Date") and subsequent annual Marine Use Fees shall be payable on each annual anniversary of the Marine Payment Commencement Date, so long as this Agreement shall remain in effect. The initial Marine Use Fee shall be Twenty Thousand Dollars ($20,000) per year. The amount of the Marine Use Fee for each year that this Agreement shall remain in effect is set forth on **Exhibit B** attached hereto. WFM and Pierce Atwood may be entitled to certain credits against the Marine Use Fee in accordance with the terms of the "Dropping Springs MOU" (as such term is defined in Paragraph 6(a) below.

3. The initial term of this Agreement will be 15 years commencing on the Marine Payment Commencement Date. Unless this Agreement is terminated as provided herein, this Agreement shall automatically extend for one additional period of 10 years and two additional periods of five years each after the initial term. This Agreement may be terminated at any time after the seventh anniversary of the Marine Payment Commencement Date by WFM and Pierce Atwood on 12-months prior written notice; provided, however, that if the Dropping Springs MOU is terminated for failure to receive City of Portland Site Plan Approval, WFM and Pierce Atwood shall have the right to terminate this Agreement as of the date of termination of the Dropping Springs MOU. After the effective date of termination of this Agreement, no party shall have any further rights or obligations hereunder.

4. The Fish Exchange or the Authority shall have the right to terminate this MOU under the following circumstances:

(a) If the Fish Exchange (or if the Fish Exchange Lease, or any replacement or extension thereof is not in place at the end of the initial 15-year term, the Authority) determines in good faith that the fishing industry in Maine has changed substantially such that there is no longer a need for open space on the Portland waterfront to support the commercial fishing fleet industry, the Fish Exchange, or the Authority, as the case may be, may terminate this Agreement at the end of the initial 15 year term provided that the Fish Exchange, or the Authority, as the

case may be, gives at least twenty-four (24) months prior written notice to WFM and Pierce Atwood.

(b) If WFM and Pierce Atwood fail to make any Marine Use Payment when due, and such failure is not cured within twenty (20) days after notice to both WFM and Pierce Atwood. After the effective date of termination of this Agreement, neither party shall have any further rights or obligations hereunder.

5. WFM and Pierce Atwood shall have the right, but not the obligation, to landscape a certain portion of the Net Yard adjacent to the WFM Parcel, which portion is depicted and identified on the plan attached hereto as the "Landscaped Area"). Any landscaping other than grass shall require the prior approval of the Fish Exchange or the Authority, which approval shall not be unreasonably withheld, conditioned or delayed.

6. For so long as the Fish Exchange Lease shall remain in effect, the Marine Use Area will continue to be managed by the Fish Exchange, subject to the terms of this MOU. If at any time the Fish Exchange Lease shall terminate or expire and this Agreement has not expired or otherwise terminated as provided herein, the Authority agrees to recognize and be bound by the agreements and restrictions set forth in this MOU and the Marine Use Fee shall thereafter be paid to the Authority, or its designee.

7. Contingencies.

(a) On or about the date hereof, the parties hereto and Dropping Springs have entered into a Memorandum of Understanding pertaining to the relocation of the demised premises covered by the Dropping Springs Sublease (the "Dropping Springs Relocation MOU"). The Dropping Springs Relocation MOU provides that it may be terminated if City of Portland site plan approval or other required approvals are not obtained by a certain date. Anything to the contrary herein notwithstanding, if the Dropping Springs Relocation MOU is terminated, WFM and Pierce Atwood shall have the right to terminate this agreement upon thirty (30) days written notice.

(b) This MOU is subject to obtaining, on or before August 9, 2010, approval from the Board of Directors of the Fish Exchange and the Authority for (i) this MOU and (ii) the Dropping Springs Relocation MOU. If such approvals are not obtained by such date, any party shall have the right to terminate this MOU by giving written notice to the other parties, whereupon this MOU shall terminate and the parties shall have no further rights or obligations hereunder.

8. This MOU shall be binding upon, and shall inure to the benefit of, the parties hereto and the respective successors and assigns and shall be governed by and interpreted in accordance with the laws of the State of Maine.

F. 6

DATED as of the date first set forth above.

PORTLAND FISH EXCHANGE, a Maine non-profit corporation

By: _____
Name:
Its:

PORTLAND FISH PIER AUTHORITY, a Maine non-profit corporation

By: _____
Name:
Its:

WATERFRONT, MAINE LIMITED PARTNERSHIP, a Maine limited partnership

By: _____
Anthony J. Gatti, General Partner

PIERCE ATWOOD LLP, a Maine limited liability partnership

By: _____
Name:
Its:

DATED as of the date first set forth above.

PORTLAND FISH EXCHANGE, a Maine non-profit corporation

By: James O'Donnell
Name: James O'Donnell
Its: Treasurer

PORTLAND FISH AUTHORITY, a Maine non-profit corporation

By: _____
Name:
Its:

WATERFRONT, MAINE LIMITED PARTNERSHIP, a Maine limited partnership
By: Tickly Bender Realty Corp., a New York corporation, and General Partner

By: _____
Name:
Its:

PIERCE ATWOOD LLP, a Maine limited liability partnership

By: _____
Name:
Its:

F. 8

DATED as of the date first set forth above.

PORTLAND FISH EXCHANGE, a Maine non-profit corporation

By: _____
Name:
Its:

PORTLAND FISH AUTHORITY, a Maine non-profit corporation

Pier

By: _____
Name: Robert D. Elder
Its: President

WATERFRONT, MAINE LIMITED PARTNERSHIP, a Maine limited partnership

By: Tickly Bender Realty Corp., a New York corporation, and General Partner

By: _____
Name:
Its:

PIERCE ATWOOD LLP, a Maine limited liability partnership

By: _____
Name:
Its:

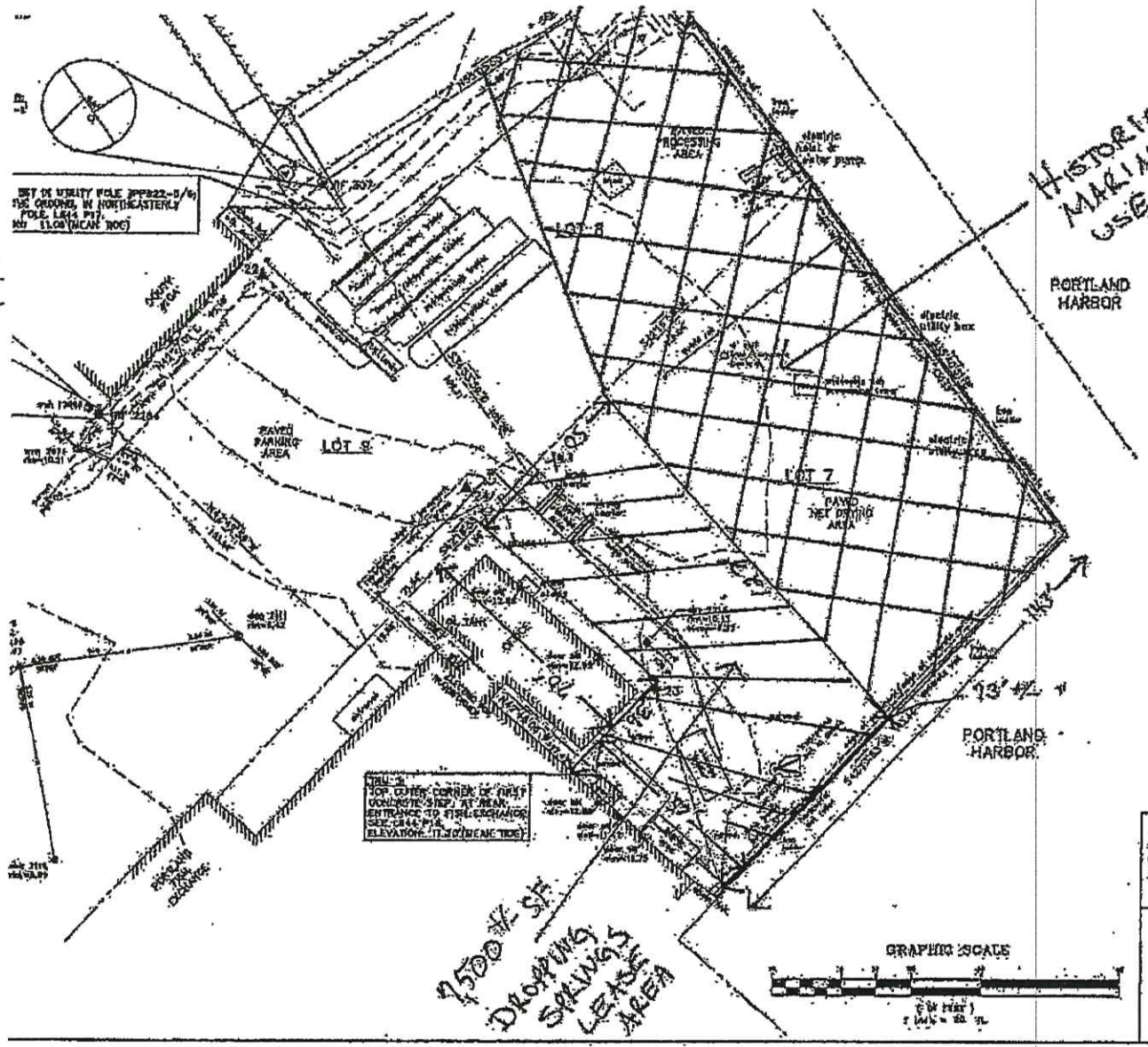
F. 9

EXHIBIT A

PLAN DEPICTING MARINE USE AREA

[See Attached}

F.10



SET DE UTILITY POLE #PP822-5/6; THE GROUND, IN NORTHEASTERLY POLE, LE14 PT7. NO 11.08'(MEAN HOC)

MAG NAIL TOP OUTER CORNER OF NEW CONCRETE STEP AT MAIN ENTRANCE TO FISHERMAN'S CO-OP. SEE 1844-P14. ELEVATION = 11.30'(MEAN HIGH TIDE)

MONUMENTATION NOTES:

IRF 307 5/8" IRON REBAR FOUND, 2" LONG, BENT FLUSH TO GROUND, BUT STURDY <134
IRF 3284 5/8" IRON REBAR FOUND, 1 1/2" BELOW PAVEMENT, SLIGHT LEAN <134-28-22

PLAN NOTES:

1. THE RECORD OWNER OF THE THREE PARCELS COMPRISING THIS SITE IS THE CITY OF POR

2. THE BOUNDARY LINES SHOWN HEREON ARE BASED ON THE "AMENDED RECORDING PLAT HASKELL, INC., DATED FEBRUARY 5, 1980 AND REVISED THROUGH JUNE 24, 2009" RECORDE IN PLAN BOOK 208, PAGE 977 (CITY VAULT PLAN 9 247 (1)). ONLY LIMITED DEED RESEARCH W SURVEY.

3. NO UNDERGROUND UTILITY LINES WERE MARKED ON THIS SITE AT THE TIME OF THIS SUI

4. ELEVATION DATUM IS MEAN TIDE, BASED ON A BENCHMARK SHOWN ON A PLAN ENTITLED COMMERCIAL STREET, PORTLAND, MAINE, PREPARED FOR CARROLL ASSOCIATES" BY OWEN HASK TRUE NORTH, ALSO BASED ON SAID OWEN HASKELL PLAN.

5. THIS PLAN IS BASED ON FIELD WORK PERFORMED JUNE 29-JULY 2, 2010 USING A LEICA " FOR DATA COLLECTOR.

6. SEE DEED TITLE BLOCK FOR PLAN REFERENCES.

7. THE ABOVE-MENTIONED OWEN HASKELL EXISTING CONDITIONS PLAN (SEE NOTE 4) INDIC AND UTILITIES FROM COMMERCIAL STREET TO LANDS OF THE CITY OF PORTLAND ACROSS T AS DESCRIBED IN DEED BOOK 4173 PAGE 183 (SCHOL). THIS EASEMENT IS ALSO INDICATED ON THE AMENDED RECORDING PLAT DESCRIBED IN NO

CITY OF PORTLAND, MAINE
PUBLIC SERVICES DEPARTMENT
ENGINEERING SECTION

EXI
POR

WICKENED, 1 COPY
PLAN 2214

REFERENCES:
LDC PROJECT: HELVANDIG
DRAWING: LDC-VAR_2010.DWG
LEVEL/TRANSIT BOOK: LB14 PG 17-25 & 27-28
CMM: NETGRID.ADJ
TAXMAP: 41
VAULT PLAN: 9247 SHEET 1

CCRS: PLAN #204
OWEN HASKELL, IN
EXISTING CONDITI
PORTLAND, MAINE,
DATED: 05/10/201

DRAWN BY:	SURVEY CREW:	DATE OF PLAN:
L.K. SOBERA	WCS/LKS	07/09/2010

F.11

EXHIBIT B

SCHEDULE OF MARINE USE FEE*

Contract Year Beginning July 1,	Marine Use Fee		Contract Year Beginning July 1,	Marine Use Fee
2011	$20,000		2031	$29,282
2012	$20,000		2032	$29,282
2013	$20,000		2033	$29,282
2014	$20,000		2034	$29,282
2015	$20,000		2035	$29,282
2016	$22,000		2036	$32,210
2017	$22,000		2037	$32,210
2018	$22,000		2038	$32,210
2019	$22,000		2039	$32,210
2020	$22,000		2040	$32,210
2021	$24,200		2041	$35,431
2022	$24,200		2041	$35,431
2023	$24,200		2043	$35,431
2024	$24,200		2044	$35,431
2025	$24,200		2045	$35,431
2026	$26,620			
2027	$26,620			
2028	$26,620			
2029	$26,620			
2030	$26,620			

* WFM and Pierce Atwood may be entitled to certain credits against the Marine Use Fee as provided in the Dropping Springs Relocation MOU.

F. 12

EXHIBIT C

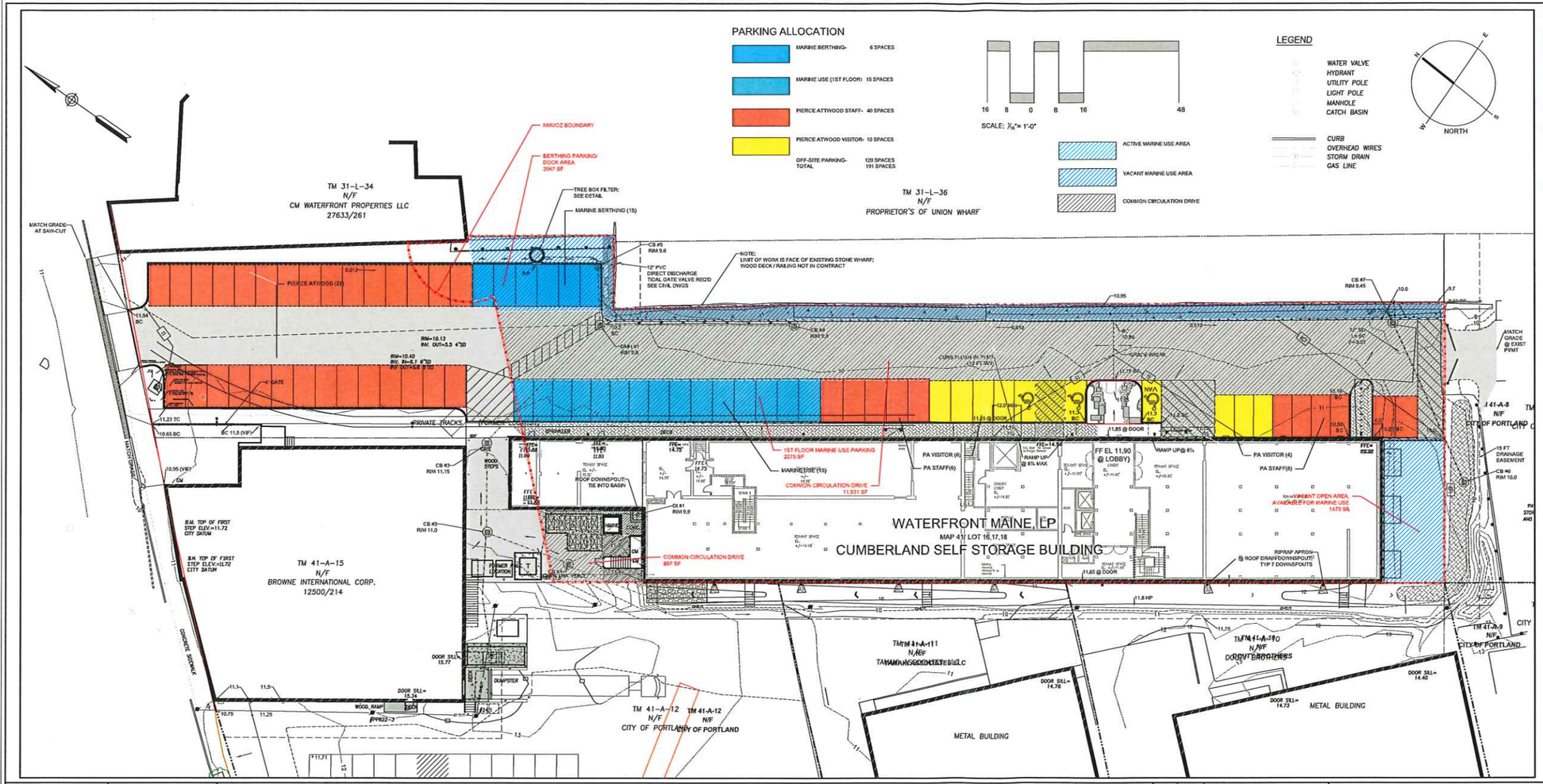
JULY 6 LETTER AGREEMENT

[See Attached]

Attachment 1 to approval letter

PLAN 1

PB Hearing Report

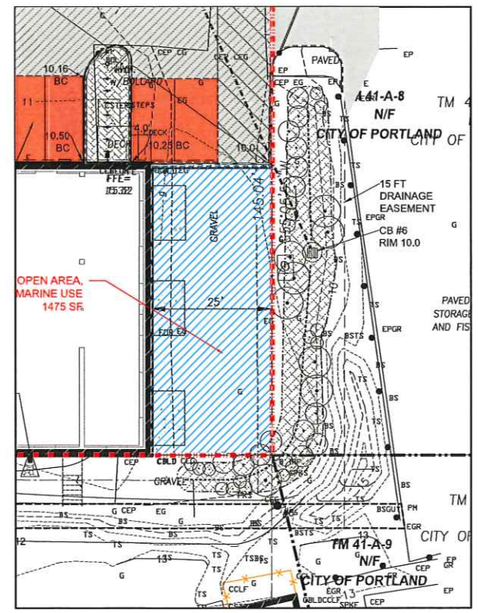


WCZ USE INVENTORY

AREA	SIZE	% OF TOTAL	% OF OPEN AREA NET
LAND PIER AREA	46,294 SF	100%	
BUILDING FOOTPRINT AREA	19,960 SF	43.1%	
COMMON DRIVE/ CIRCULATION AREA	12,428 SF	26.9%	
OPEN AREA NET	13,866 SF	30.0%	
ACTIVE MARINE USE OPEN AREA	6,242 SF		45.0%
VACANT MARINE USE OPEN AREA	1,475 SF		10.6%
OPEN AREA AVAILABLE TO MARINE USE	**7,717 SF**		**55.6%**
ACTIVE NON-MARINE USE OPEN AREA	6,149 SF		44.4%

PARKING ALLOCATION

ON-SITE	
MARINE BERTHING	6 SPACES
MARINE USE (FIRST FLOOR)	15 SPACES
OFFICE	50 SPACES
OFF SITE PARKING (OFFICE/ RESTAURANT)	120 SPACES
TOTAL PARKING RESERVED	191 SPACES



REVISED PLANTING AT BIOSWALE

1"= 10'-0"

ISSUED FOR OWNER AND CITY REVIEW

Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaiseco.com

Bartlett Design
942 Washington Street,
T. 207.443.5447 F. 207.443.5560
bartdes@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
T. 207.846.1441 F. 207.846.1443

Carroll Associates Landscape Architects
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712

Becker Structural Engineers, Inc.
75 York Street, Portland, ME 04101
T. 207.879.1838 F. 207.879.1822
www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

REV #	DATE	DESCRIPTION
1	10.04.10	SUBMIT TO CITY
2	10.22.10	ISSUE FOR CONSTRUCTION
3	01.13.11	ISSUE FOR CONCEPT REVIEW
4	01.19.11	REVISE REAR WALKWAY
5	05.17.11	SUBMIT TO CITY
6	05.25.11	RE-SUBMIT TO CITY
7	06.02.11	MODIFY SW GRADES/ ADD DUMSTER ENCLOSURE
8	07.09.13	WCZ INVENTORY
9	07.16.13	PARKING INVENTORY

Renovations To:

CUMBERLAND COLD STORAGE BUILDING

Merrill's Wharf, Portland, Maine

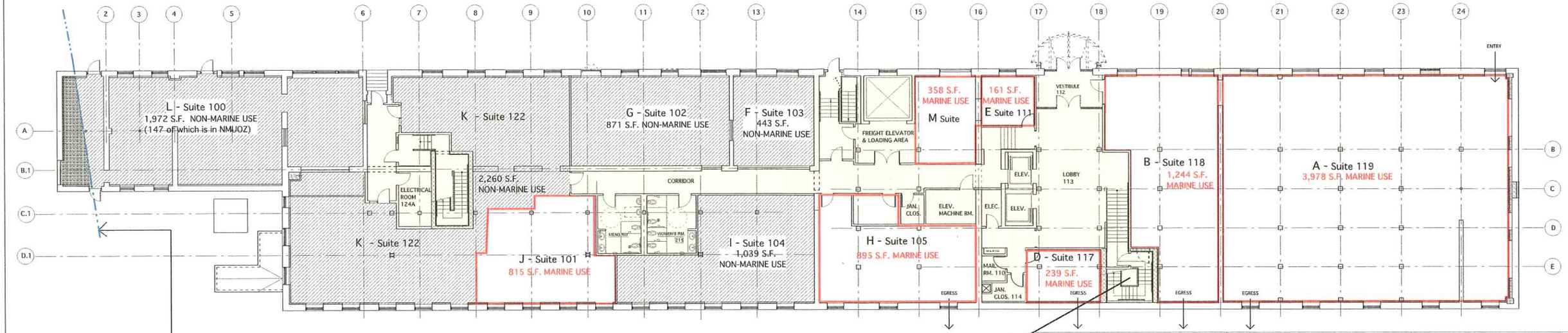
REAR SERVICE/ DRAINAGE/ ACCESS PLAN

LSK-3.1

05.17.2011

[Subject to Condition WCZ ii 7.23.13 App.]

PLAN 2



FIRST FLOOR TENANT MASTER PLAN

1/8" = 1'-0"

SPACE UNDER STAIR IS USABLE AS PART OF SUITE 'A'

178 S.F. MARINE USE

Line of Non-Marine Use Overlay Zone (NMUOZ):

Plotted 150' off of Southerly Commercial Street Right of Way as depicted on Survey Titled "Existing Conditions Survey at 260 Commercial Street, Portland, Maine" Prepared for Carroll Associates and dated 5/10/10

Portion of Building within the Line of Non-Marine Use Overlay Zone (NMUOZ) equals 147 Sq. Ft. of leasable space.:

REVISED 6.17.13

Suite 'M' is relocated and resized causing Suite 'A' to expand in area by 68 s.f. Suite 'A' is changed to Marine Use. Suites 'B' & 'C' are combined into a single suite 'B' ('C' suite designation is deleted). Also added 178 S.F. of Usable Space under lobby stair to be accessible from Suite 'B'. This space was not part of the previous calculations so it causes the Total Leasable Area to increase by 178 S.F.

Relocated Suite 'J' & changed Suites 'K' and 'L' to Non Marine Use. Also removed portion of Bldg that falls within the NMUOZ zone reducing the total leasable area by 147 S.F.

SUPPORT USES:		NON-MARINE USES:		MARINE USES:	
TOTAL INTERIOR AREA	18,931 S.F.	Tenant Space 'F'	443 S.F.	Tenant Space 'A'	3,978 S.F.
Lobby	- 731 S.F.	Tenant Space 'G'	871 S.F.	Tenant Space 'B'	1,244 S.F.
Corridors/Exits/Stairs	- 2,053 S.F.	Tenant Space 'I'	1,039 S.F.	Space @ Stair 'B'	178 S.F.
Toilet Rooms	-140 S.F.	Tenant Space 'K'	2,260 S.F.	Tenant Space 'C'	Deleted
Elevators	- 176 S.F.	Tenant Space 'L'	1,825 S.F.	Tenant Space 'D'	239 S.F.
Freight Elev./Loading	- 291 S.F.			Tenant Space 'E'	161 S.F.
Utility	- 587 S.F.			Tenant Space 'H'	895 S.F.
Demising Walls	- 500 S.F.			Tenant Space 'J'	815 S.F.
Bldg area within NMUOZ	- 147 S.F.			Tenant Space 'M'	358 S.F.
TOTAL LEASABLE SPACE: =	14,306 S.F.	TOTAL: =	6,438 S.F. 45% of Available Lease Space	TOTAL: =	7,868 S.F. 55% of Available Lease Space

REVISED 12.5.12

Added Janitor's closet to common area;
Changed Suites B & E to Marine Use;
Changed Suite I to Non-Marine Use;
Added new Suite M - Marine Use

Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T. 207.767.7300
sblaise@blaisece.com

Bartlett Design
942 Washington Street
Bath, ME 04530
T. 207.443.5447 F. 207.443.5560
bartdes@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
T. 207.846.1441 F. 207.846.1443

Carroll Associates Landscape Architects
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712

Becker Structural Engineers, Inc.
75 York Street, Portland, ME 04101
T. 207.879.1838 F. 207.879.1822
www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

REV #	DATE	DESCRIPTION

Renovations To:

CUMBERLAND COLD STORAGE BUILDING

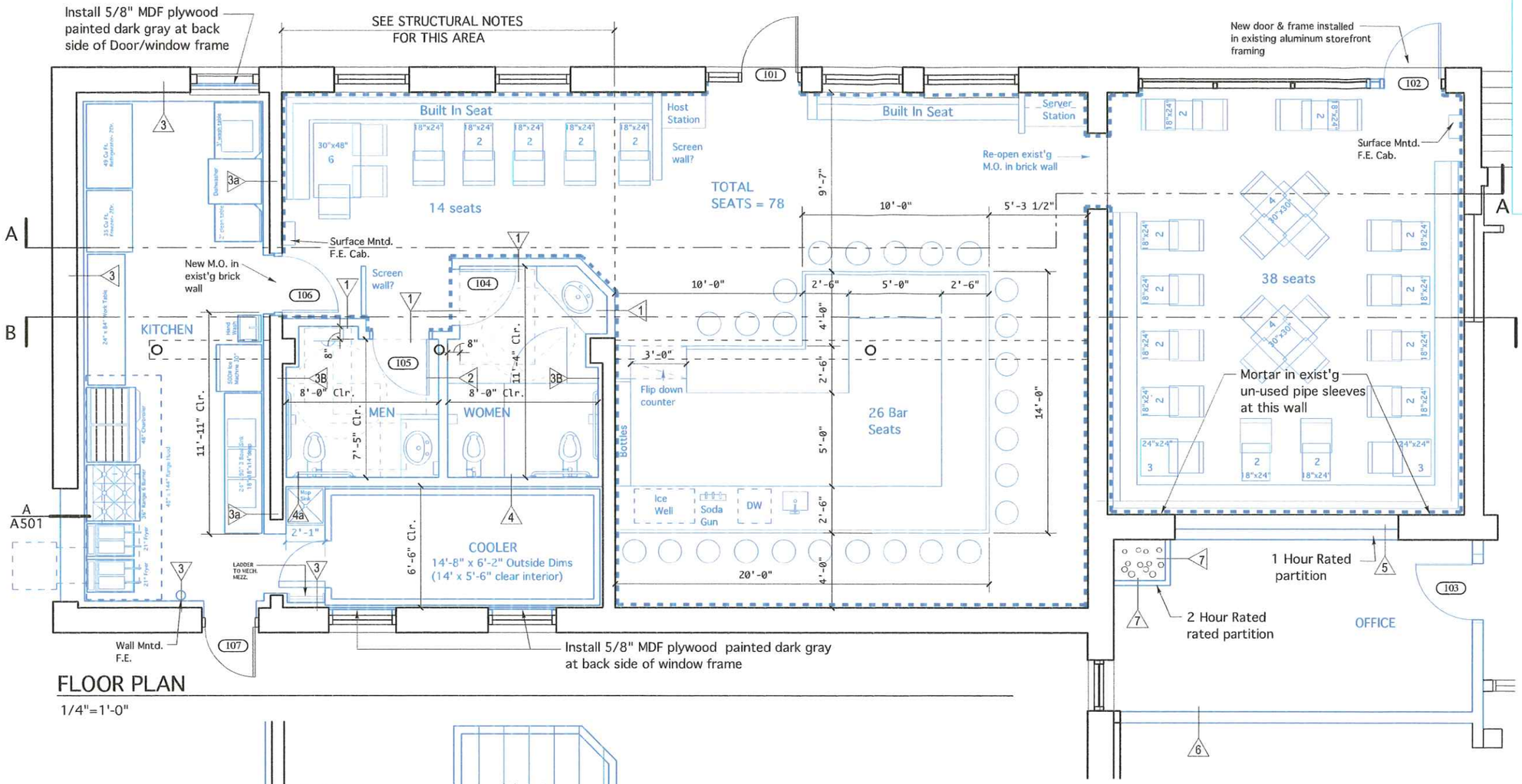
Merrill's Wharf, Portland, Maine

FIRST FLOOR PLAN

A1.1

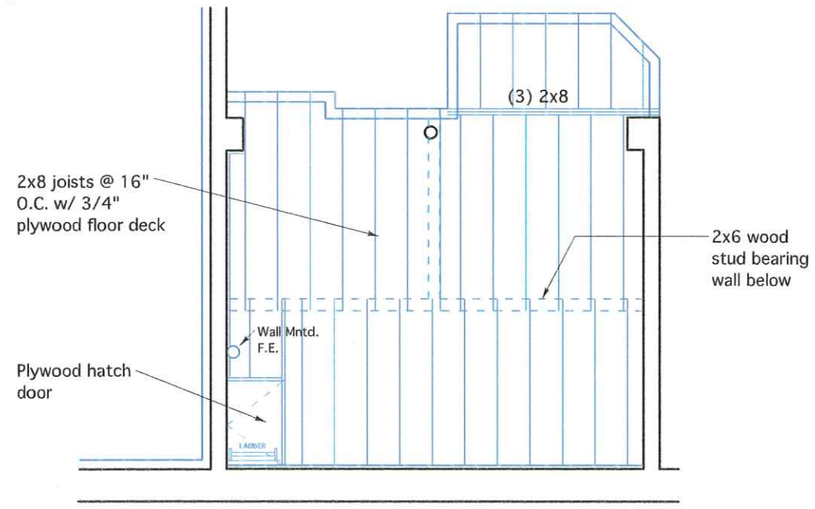
10. 17. 2011

PLAN 3



FLOOR PLAN

1/4"=1'-0"



MECHANICAL MEZZ. PLAN

1/4"=1'-0"

LEGEND

PARTITIONS SHOWN WITH DASHED LINE AT FACE TO RECEIVE 6' HIGH WOOD PANELING. CONFIRM DETAILS WITH TENANT

STRUCTURAL NOTES:

AT FLOOR AREA NOTED ABOVE, REMOVE ALL EXISTING LAYERS OF FLOOR DECKING TO EXPOSE EXISTING FRAMING. THE STRUCTURAL ENGINEER WILL THEN EVALUATE THE CONDITION AND CONFIGURATION OF FRAMING TO DETERMINE IF REPAIRS OR REINFORCEMENT IS NEEDED TO SUPPORT ANTICIPATED LOADS.

0' 4' 8' 12' 16'

WINTON SCOTT ARCHITECTS
5 Milk Street
Portland, Maine 04101
207 774 4811
www.wintonscott.com

REGISTERED ARCHITECT WINTON F. SCOTT, JR. No. 793 STATE OF MAINE

Winton Scott

KING'S HEAD
Tenant Fit Up

Merrill's Wharf
Portland, Maine

REVISIONS
5/9/13
6/8/13

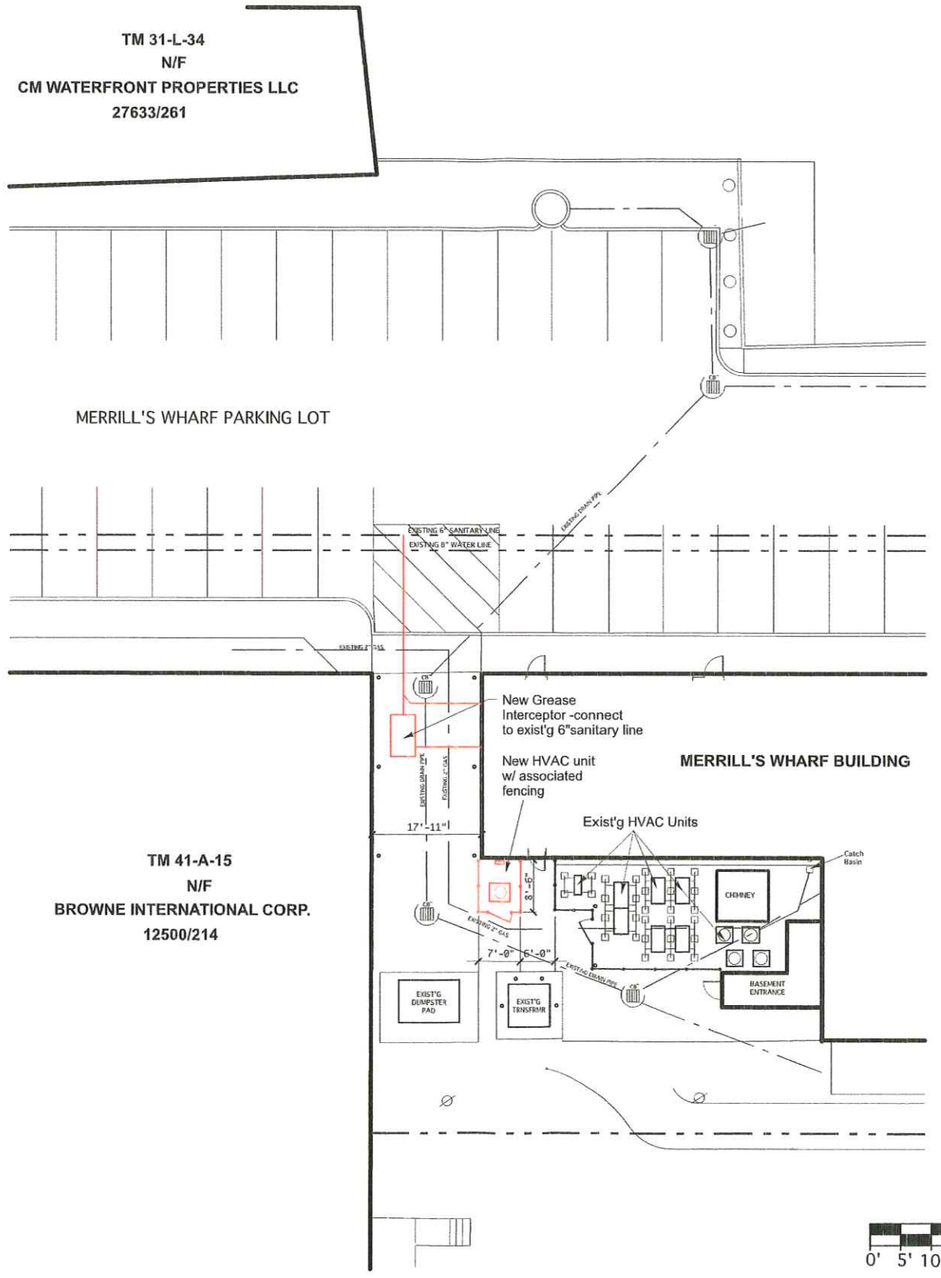
PERMIT DOCUMENTS
JUNE 8, 2013

Layout Plan

Scale: As Noted

A 101

PLAN 4



SITE UTILITIES PLAN

1"=16'

WINTON SCOTT ARCHITECTS

5 Milk Street
Portland, Maine 04101
207 774 4811
www.wintonscott.com

REGISTERED ARCHITECT
WINTON F. SCOTT, JR. No. 703
STATE OF MAINE

Winton Scott

KING'S HEAD
Tenant Fit Up

Merrill's Wharf
Portland, Maine

REVISIONS
5/9/13
6/8/13

PERMIT DOCUMENTS
JUNE 8, 2013

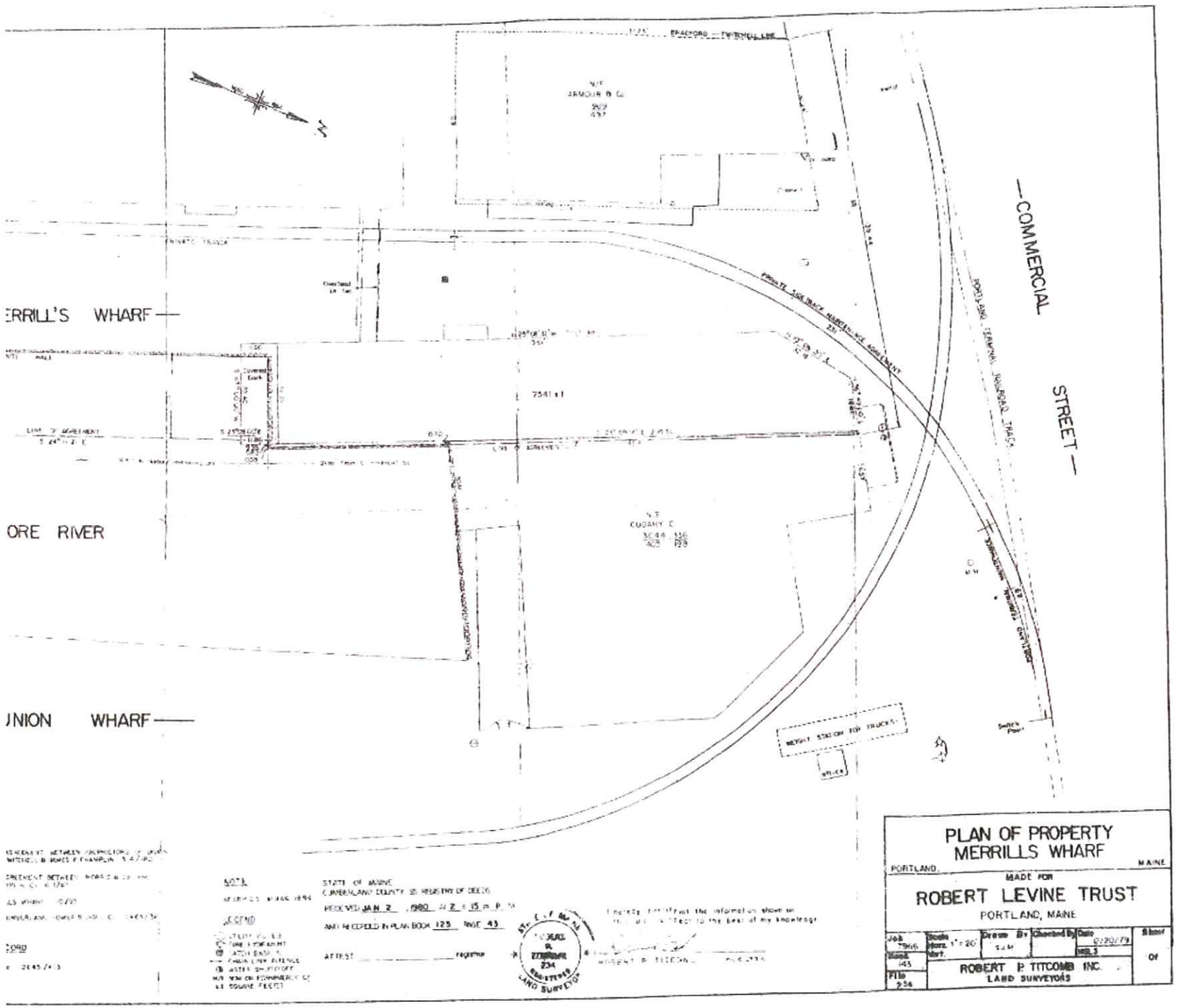
Site Utility Plan

Scale: As Noted

A 100

PLAN 5

Attachment V.2



PLAN OF PROPERTY
MERRILLS WHARF
PORTLAND, MAINE
MADE FOR
ROBERT LEVINE TRUST
PORTLAND, MAINE

Job	Scale	Drawn By	Checked By	Date	Sheet
7966	Horz. 1" = 20'	SJM		07/20/79	
Book 143	Vert.			NBL 3	Of
File 234	ROBERT P. TITCOMB INC. LAND SURVEYORS				

STATE OF MAINE
CUMBERLAND COUNTY SS REGISTRY OF DEEDS
RECEIVED JAN 2 1980 AT 2 h 15 m P.M.
AND RECORDED IN PLAN BOOK 125 PAGE 43
ATTEST _____ register

Thereby certify that the information shown on this plan is correct to the best of my knowledge
ROBERT P. TITCOMB

SURVEY INFORMATION

PLAN OF PROPERTY - MERRILLS WHARF, BY ROBERT TITCOMB INC.
DATE OF SURVEY 12.20.1979
RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 125, PAGE 43

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

Owner/ Developer
WATERFRONT MAINE

14 Maine Street Brunswick, ME 04011
212.695.8000 212.695.8000 Fax
cpachios@wfny.com

Consultants

Architect:
Winton Scott Architects
5 Milk Street
Portland, ME 04101
207.774.4811

Landscape Architect:
Carroll Associates
217 Commercial Street
Suite 200
Portland, ME 04101
207.772.1552

Civil Engineer:
Blais Civil Engineers
780 Broadway
South Portland, ME 04101
207.767.7300

Traffic Consultants:
Gorrill Palmer CE, Inc
17 Shaker Road
Gray, ME 04039
207.657.6910

Drawing Set

No.	Date	Revision
1	5.4.10	SUBMIT TO P.B

Drawing Set
PERMITTING

Drawn: TC
Checked: PC
Approved:

Drawing Title
SITE SURVEYS

Job Number:
File:
Date: 08.05.10 Scale: AS SHOWN

Drawing Number
L-0.1

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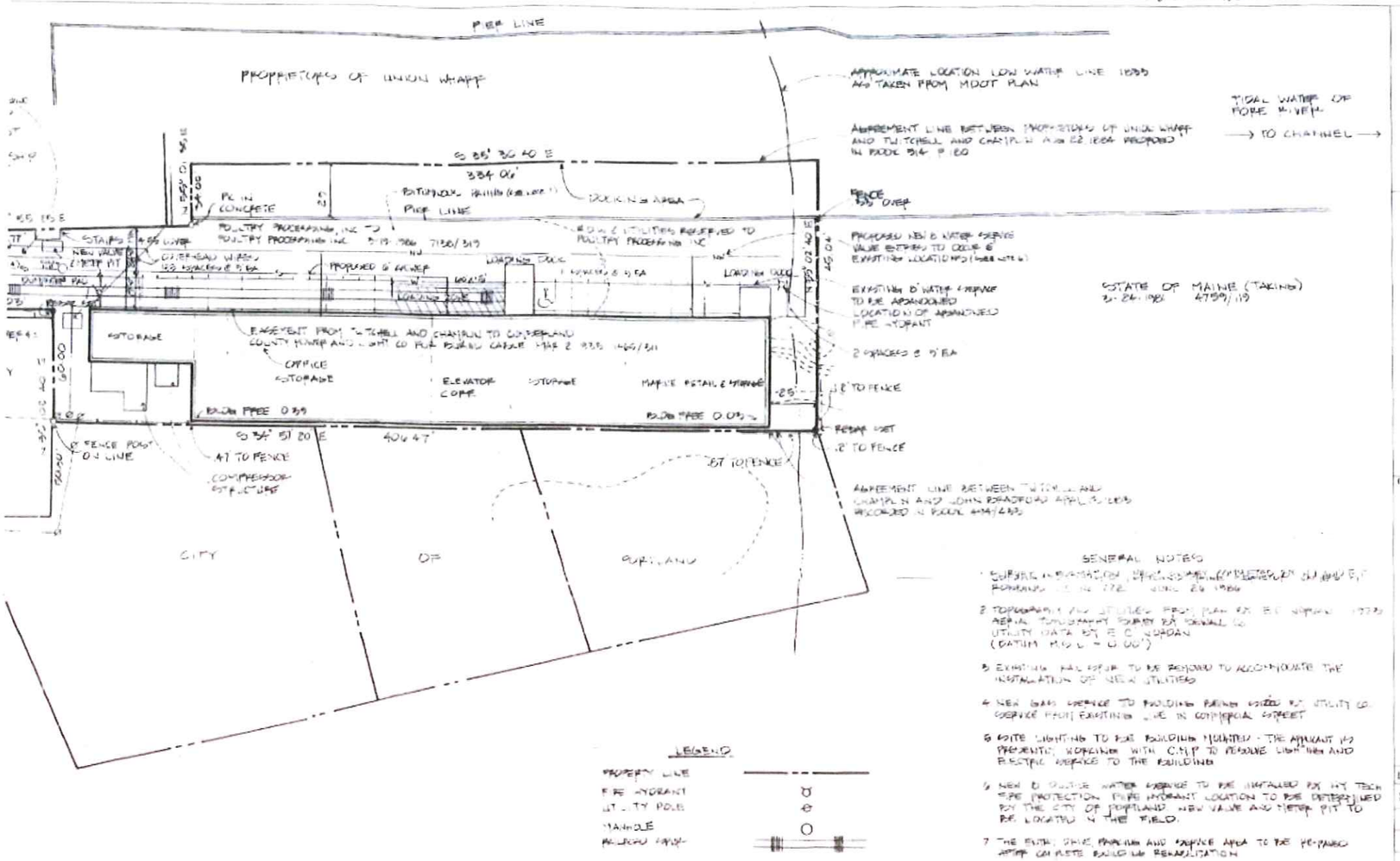
Attachment V - 2

PLAN 6



GENERAL NOTES

1. SURVEY INFORMATION [illegible] ROBBINS [illegible] 772 JUNE 26 1986
2. TOPOGRAPHY AND UTILITIES FROM PLAN BY E.C. JORDAN 1973 AERIAL TOPOGRAPHY SURVEY BY SEWALL CO. UTILITY DATA BY E.C. JORDAN (DATUM M.S.L. = 0.00')
3. EXISTING RAIL SPUR TO BE REMOVED TO ACCOMMODATE THE INSTALLATION OF NEW UTILITIES
4. NEW GAS SERVICE TO BUILDING BEING SIZED BY UTILITY CO. SERVICE FROM EXISTING LINE IN COMMERCIAL STREET
5. SITE LIGHTING TO BE BUILDING MOUNTED - THE APPLICANT IS PRESENTLY WORKING WITH C.M.P. TO RESOLVE LIGHTING AND ELECTRIC SERVICE TO THE BUILDING
6. NEW 8" PUBLIC WATER SERVICE TO BE INSTALLED BY HY TECH FIRE PROTECTION. FIRE HYDRANT LOCATION TO BE DETERMINED BY THE CITY OF PORTLAND. NEW VALVE AND METER PIT TO BE LOCATED IN THE FIELD.
7. THE ENTRY DRIVE, PARKING AND SERVICE AREA TO BE RE-PAVED AFTER COMPLETE BUILDING REHABILITATION
8. PROPOSED SEWER TO BE LOCATED IN THE FIELD ALONG ALIGNMENT OF EXISTING RAIL SPUR

SURVEY INFORMATION

PLAN OF PROPERTY- MERRILL'S WHARF BY EC JORDAN PORTLAND ME
DATE OF SURVEY 06.26.1988
TOPOGRAPHY AND UTILITIES FROM PLAN BY EC JORDAN 1973
AERIAL TOPOGRAPHY SURVEY BY SEWELL CO 1973

SCALE 1"= 30'-0"

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

Owner/ Developer
WATERFRONT MAINE

14 Maine Street Brunswick, ME 04011
212.695.8090 212.695.8090 Fax
cpachon@twfm.com

Consultants

Architect
Winton Scott Architects
5 Milk Street
Portland, ME 04101
207.774.4811

Landscape Architect
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217 Commercial Street
Suite 200
Portland, ME 04101
207.772.1552

Civil Engineer
Blais Civil Engineers
780 Broadway
South Portland, ME 04101
207.767.7300

Traffic Consultants
Garrill Palmer CE, Inc
17 Shaker Road
Gray, ME 04039
207.657.6910

Drawing Set

No.	Date	Revision
1	5.4.10	SUBMIT TO P.B.

Drawing Set
PERMITTING

Drawn
TC

Checked
PC

Approved

Drawing Title
SITE SURVEYS

Job Number

File

Date: 05.20.10 | Scale: AS SHOWN

Drawing Number
L-0.2

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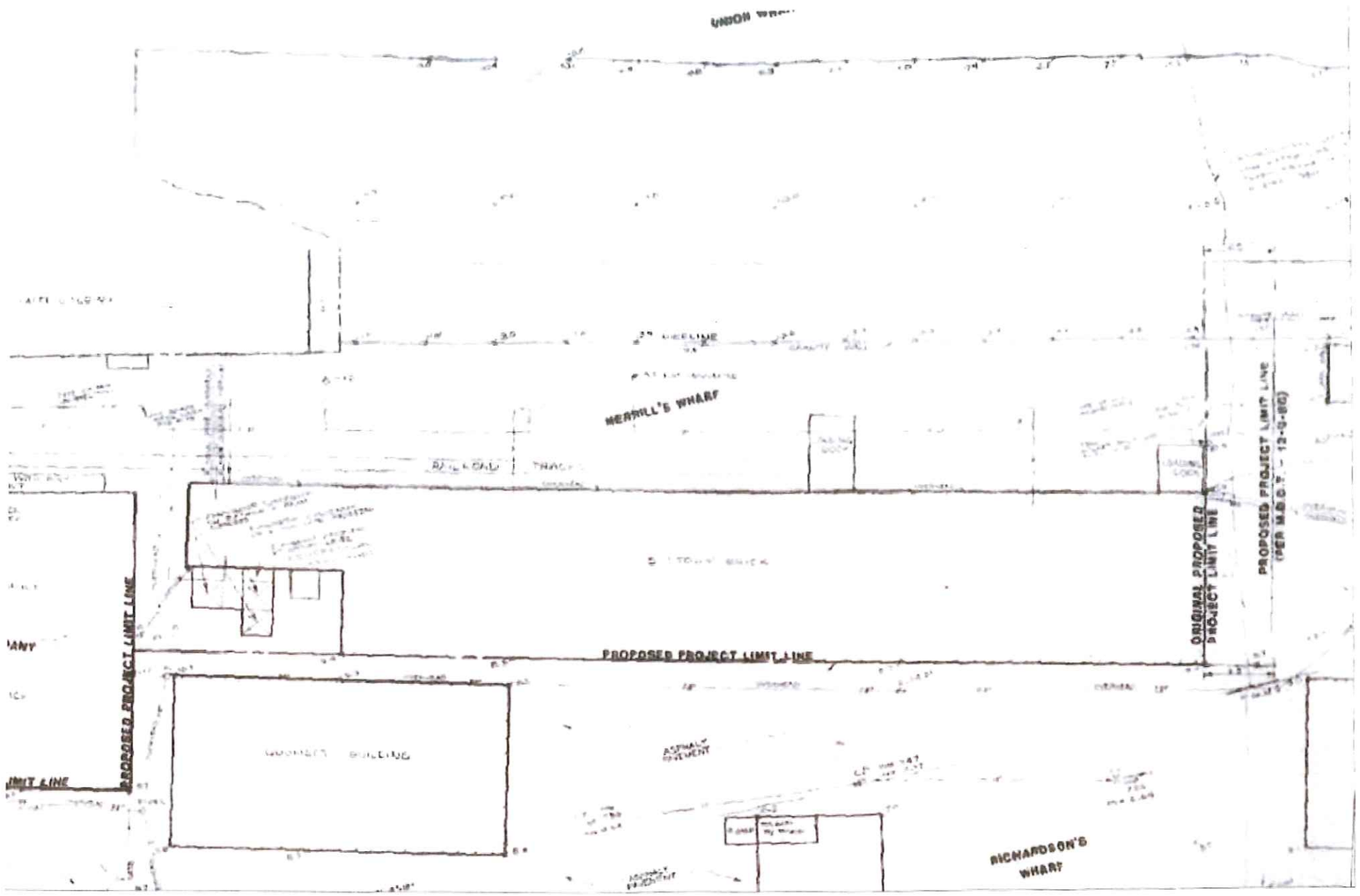
Attachment V.4

PLAN 7



SURVEY INFORMATION

PORTION OF PLAN OF PROPERTY - PORTLAND FISH PIER COMPLEX
DATE OF PLAN 09.01.1981
PREPARED FOR PARSONS BRINKERHOFF QUADE & DOUGLAS, INC
WITH HUNTER BALLEN ASSOCIATES AND NEILL & GUNTER, INC

SCALE 1" = 20'-0"

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

Owner/ Developer
WATERFRONT MAINE

14 Maine Street Brunswick, ME 04011
212.695.8000 212.695.8000 Fax
cpachino@wfmy.com

Consultants

Architect:
Winton Scott Architects
5 Milk Street
Portland, ME 04101
207.774.4811

Landscape Architect
Carroll Associates
217 Commercial Street
Suite 200
Portland, ME 04101
207.772.1552

Civil Engineer
Blais Civil Engineers
780 Broadway
South Portland, ME 04101
207.767.7300

Traffic Consultants
Gorrill Palmer CE, Inc
17 Shaker Road
Gray, ME 04039
207.657.6910

Drawing Set

No.	Date	Revision
1	5.4.10	SUBMIT TO P.B

Drawing Set
PERMITTING

Drawn
TC

Checked
PC

Approved

Drawing Title
SITE SURVEYS

Job Number

File

Date: 09.08.10 Scale: AS SHOWN

Drawing Number
L-0.3

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City of Portland

Development Review Application

Planning Division Transmittal Form

Application Number: 2013-154 **Application Date:** 06/27/2013

CBL: 041 A016001 **Application Type:** Plan Amendment - Board Level III

Project Name: Cumberland Cold Storage Bld.

Address: 254 COMMERCIAL ST

Project Description: An Amendment to the approved site plan to accommodate change in use of first floor.

Zoning: WCZ

Other Required Reviews:

- ☐ Traffic Movement
- ☐ Storm Water
- ☐ Subdivision
  # Lots _____
- ☐ Site Location
  # Unit _____
- ☐ 14-403 Streets
  # Units _____
- ☐ Flood Plain
- ☐ Shoreland
- ☐ Design Review
- ☐ Housing Replacement
- ☐ Historic Preservation
- ☐ Other:

Distribution List:

	Planner	Jean Fraser		**Parking**	John Peverada
	Zoning	Marge Schmuckal		**Design Review**	Alex Jaegerman
	Traffic Engineer	Tom Errico		**Corporation Counsel**	Danielle West-Chuhta
	Civil Engineer	David Senus		**Sanitary Sewer**	John Emerson
	Fire Department	Chris Pirone		**Inspections**	Tammy Munson
	City Arborist	Jeff Tarling		**Historic Preservation**	Deb Andrews
	Engineering	David Margolis-Pineo		**DRC Coordinator**	Phil DiPierro
				Outside Agency	

Comments needed by 7/4/2013

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No:	2013-154	**Applicant:**	WATERFRONT MAINE
Project Name:	Cumberland Cold Storage Bld.	**Location:**	254 COMMERCIAL ST
CBL:	041 A016001	**Development Type:**	Plan Amendment - Board Level III
Invoice Date:	06/27/2013		

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
$0.00		$0.00		$500.00		$500.00		$0.00	On Receipt

Previous Balance **$0.00**

Fee Description	Qty	Fee/Deposit Charge
Plan Amendment - Board Review	1	$500.00
		$500.00

Total Current Fees:	+	**$500.00**
Total Current Payments:	-	**$500.00**
Amount Due Now:		**$0.00**

Application No: 2013154
Invoice Date: 06/27/2013
Invoice No: 41649
Total Amt Due: $0.00
Payment Amount: $500.00

CBL 041 A016001
Bill to: Carroll Associates, Landscape Architects
217 Commercial Street
Portland, ME 04101

Make checks payable to the ***City of Portland,*** ATTN: Jennifer Yeaton, 4th Floor, 389 Congress Street, Portland, ME 0410

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

July 9, 2013

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: CCSB Site Plan Amendment Application

Dear Jean,

In response to the issues brought forth from your recent staff review we offer the following responses:

Issue:
At our preliminary review meeting on July 3rd, 2013 it was determined that further information was needed in order to progress the review. In particular, we need an analysis of the % of open area that will be marine/non-marine, as per Ordinance section as reiterated in
Response:
We have reviewed the 2012 Waterfront Central Zone Use Inventory: June 2013 that was recently issued and agree with its findings that Merrill's Wharf currently provides 47% of its "Open Area" for marine dependent uses. We understand that this is below the 55% of open area as described in the Waterfront Central Zone under Section 14-311(a)2 and 14-311(d)8. We offer two comments relative to a solution to this issue:

1. The 47% open area that currently exists was approved as part of our initial Site Plan Approval when the ground floor was 100% marine use and prior to adoption of the WCZ Zone requirements. As such, it should be considered a non-conforming use, and as long as the open area does not become more non-conforming the proposed changes to the building uses can be allowed. If 47% was acceptable for 100% ground floor marine use, it would be logical that a change in use within the building to reduce the marine use to 55% would allow the existing open area to function better than its current condition.
2. In an effort to meet this Zoning requirement, we are submitting an updated Inventory of Use that illustrates how we propose meeting the 55% available Open Area. This is accomplished by designating approximately 1200 sf at the south end of the building for Marine Use. This area is directly adjacent to the Marine Use section of the Building and would be reserved for potential uses that the marine tenant might need, such as trap storage, net mending, etc. See attached Site Plan for the proposed Inventory and calculations.
3. The Owners have entered into a long term lease with the Portland Fish Exchange and Portland Fish Pier Authority to guarantee preservation of historic marine access to and use of the end of the Fish Pier directly south of the property. Attached please find a copy of the lease agreement. While this is not on the Merrills Wharf property per se, it does indicate the commitment of WFM to maintaining a working waterfront.

Issue:
The information regarding section 14-311 (a) 3 appears incomplete in that there is no evidence regarding the 60 days. I await comments from the Zoning Administrator, as I understand that the she has some questions on this including whether the media were "targeted" to reach marine users;

Response:
We understand that additional data was provided to Zoning/ Codes and this issue has been adequately resolved.

Issue:
The submitted Plan L-2.1R does not reflect the amendments submitted and approved on October 25, 2012 concerning the rear walkway, access and servicing (?dumpsters) (how will the new restaurant be serviced?);
Response:
You are correct that the submitted Site plan did not reflect the latest changes and amendments as approved on October 25, 2012. Attached please find an updated Site Plan that illustrates all current approvals as well as parking allocation on the wharf. As a clarification, service for the restaurant will be from the adjacent service area between the CCSB and Browne Trading Co.

Issue:
Why is the proposed residual marine-use parking located adjacent to the non-marine uses rather than adjacent to the ground floor marine use part of the building?
Response:
The 15 designated marine use parking spaces are located at the north end of the building because initially the south end of the building was envisioned to be where the non-marine uses were to be located and we located them adjacent to the marine berthing parking. The current location is still within 150 feet of the main building entrance which is a very short walk. All spaces on-site are currently designated and reserved, and the Owners are guaranteeing that there will be 15 spaces available for marine use tenants if and when they are occupied.

Please review these comments and let me know if we have adequately responded to your issues. I look forward to hearing from you and still anticipate meeting whth the Planning Board on July 23 to discuss these proposed changes in greater detail.

With Regards,
CARROLL ASSOCIATES

Patrick J. Carroll, Principal

Att.

CC: Chris Pachios, WFM
Steve Weatherhead, WSA

Execution Copy

MEMORANDUM OF UNDERSTANDING
(Historic Marine Uses)

THIS MEMORANDUM OF UNDERSTANDING (the "MOU"), dated as of August 10, 2010, is by and among **PORTLAND FISH EXCHANGE**, a Maine non-profit corporation (the "Fish Exchange"), **PORTLAND FISH PIER AUTHORITY**, a Maine non-profit corporation (the "Authority"), **WATERFRONT, MAINE LIMITED PARTNERSHIP**, a Maine limited partnership ("WFM") and **PIERCE ATWOOD LLP**, a Maine limited liability partnership ("Pierce Atwood").

PRELIMINARY STATEMENTS

A. Pursuant to a Lease Agreement between the Authority as landlord and the Fish Exchange as tenant dated May 1, 2006 (the "Fish Exchange Lease"), the Authority leased to the Fish Exchange certain portions of the Portland Fish Pier, which portions include, but are not limited to, Lots 7 and 8 as depicted on City of Portland Tax Map 41. Said Lots 7 and 8 are sometimes referred to as the "Net Yard".

B. WFM owns a certain parcel of land adjacent to the Net Yard being identified on the City of Portland Tax Map 41 as Tax Lots 17 and 18 (the "WMF Parcel"). Pursuant to a Lease Agreement between WFM and Pierce Atwood dated July 6, 2010, WFM has leased to Pierce Atwood a portion of the Cumberland Cold Storage building, now to be known as the Merrill Wharf Building (the "Pierce Atwood Lease").

C. The Fish Exchange has entered into a sublease for a portion of the Net Yard with Dropping Springs Bait Co., LLC ("Dropping Springs"), as set forth in a certain Sublease dated May 1, 2010, as amended by Amendment to Sublease dated on or about this date (collectively, the "Dropping Springs Sublease").

D. The parties would like to preserve the balance of the Net Yard for its historic uses for net mending and open space commercial fishing support. The Authority and the Fish Exchange agree that such activities are consistent with the short and long term goals for the use of the Fish Pier property. WFM and Pierce Atwood agree that the retention of such uses also provide a benefit to them. In order to ensure the continued availability of the Net Yard for such historic uses and to retain the benefits derived therefrom, WFM and Pierce Atwood have agreed to make annual payments, subject to the terms of this MOU.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The Fish Exchange and the Authority covenant and agree, that so long as this MOU shall remain in effect, that the portion of the Net Yard cross- hatched on the plan attached hereto as **Exhibit A** (the "Historic Marine Use Area") will be leased or otherwise used only for open space to support Maine commercial fishing fleet operations, including without limitation, net work and net mending and vessel loading and unloading. In addition, the Fish Exchange and the Authority covenant and agree that it will keep open and not block a reasonable access travel way for emergency vehicles running from Lot 8 to the parking lot on the WFM Parcel. WFM and Pierce Atwood acknowledge that there is currently located in the Historic Marine Use Area a processing tower, which tower is used in connection with the off-loading of fish. Notwithstanding the provisions of this Paragraph 1, such processing tower may remain and be used in the Historic Marine Use Area and may be moved, provided that it is located within the boundaries of Lot 7.

2. In consideration of the agreement set forth in Paragraph 1 above, and to provide the Fish Exchange and the Authority with an economic incentive and ability to preserve such historic uses, WFM and Pierce Atwood agree to contribute an annual fee to the Fish Exchange for the term of this Agreement (the "Marine Use Fee"). The first annual Marine Use Fee shall be payable in full on July 1, 2011 (such date being referred to herein as the "Marine Payment Commencement Date") and subsequent annual Marine Use Fees shall be payable on each annual anniversary of the Marine Payment Commencement Date, so long as this Agreement shall remain in effect. The initial Marine Use Fee shall be Twenty Thousand Dollars ($20,000) per year. The amount of the Marine Use Fee for each year that this Agreement shall remain in effect is set forth on **Exhibit B** attached hereto. WFM and Pierce Atwood may be entitled to certain credits against the Marine Use Fee in accordance with the terms of the "Dropping Springs MOU" (as such term is defined in Paragraph 6(a) below.

3. The initial term of this Agreement will be 15 years commencing on the Marine Payment Commencement Date. Unless this Agreement is terminated as provided herein, this Agreement shall automatically extend for one additional period of 10 years and two additional periods of five years each after the initial term. This Agreement may be terminated at any time after the seventh anniversary of the Marine Payment Commencement Date by WFM and Pierce Atwood on 12-months prior written notice; provided, however, that if the Dropping Springs MOU is terminated for failure to receive City of Portland Site Plan Approval, WFM and Pierce Atwood shall have the right to terminate this Agreement as of the date of termination of the Dropping Springs MOU. After the effective date of termination of this Agreement, no party shall have any further rights or obligations hereunder.

4. The Fish Exchange or the Authority shall have the right to terminate this MOU under the following circumstances:

(a) If the Fish Exchange (or if the Fish Exchange Lease, or any replacement or extension thereof is not in place at the end of the initial 15-year term, the Authority) determines in good faith that the fishing industry in Maine has changed substantially such that there is no longer a need for open space on the Portland waterfront to support the commercial fishing fleet industry, the Fish Exchange, or the Authority, as the case may be, may terminate this Agreement at the end of the initial 15 year term provided that the Fish Exchange, or the Authority, as the

case may be, gives at least twenty-four (24) months prior written notice to WFM and Pierce Atwood.

(b) If WFM and Pierce Atwood fail to make any Marine Use Payment when due, and such failure is not cured within twenty (20) days after notice to both WFM and Pierce Atwood. After the effective date of termination of this Agreement, neither party shall have any further rights or obligations hereunder.

5. WFM and Pierce Atwood shall have the right, but not the obligation, to landscape a certain portion of the Net Yard adjacent to the WFM Parcel, which portion is depicted and identified on the plan attached hereto as the "Landscaped Area"). Any landscaping other than grass shall require the prior approval of the Fish Exchange or the Authority, which approval shall not be unreasonably withheld, conditioned or delayed.

6. For so long as the Fish Exchange Lease shall remain in effect, the Marine Use Area will continue to be managed by the Fish Exchange, subject to the terms of this MOU. If at any time the Fish Exchange Lease shall terminate or expire and this Agreement has not expired or otherwise terminated as provided herein, the Authority agrees to recognize and be bound by the agreements and restrictions set forth in this MOU and the Marine Use Fee shall thereafter be paid to the Authority, or its designee.

7. Contingencies.

(a) On or about the date hereof, the parties hereto and Dropping Springs have entered into a Memorandum of Understanding pertaining to the relocation of the demised premises covered by the Dropping Springs Sublease (the "Dropping Springs Relocation MOU"). The Dropping Springs Relocation MOU provides that it may be terminated if City of Portland site plan approval or other required approvals are not obtained by a certain date. Anything to the contrary herein notwithstanding, if the Dropping Springs Relocation MOU is terminated, WFM and Pierce Atwood shall have the right to terminate this agreement upon thirty (30) days written notice.

(b) This MOU is subject to obtaining, on or before August 9, 2010, approval from the Board of Directors of the Fish Exchange and the Authority for (i) this MOU and (ii) the Dropping Springs Relocation MOU. If such approvals are not obtained by such date, any party shall have the right to terminate this MOU by giving written notice to the other parties, whereupon this MOU shall terminate and the parties shall have no further rights or obligations hereunder.

8. This MOU shall be binding upon, and shall inure to the benefit of, the parties hereto and the respective successors and assigns and shall be governed by and interpreted in accordance with the laws of the State of Maine.

DATED as of the date first set forth above.

PORTLAND FISH EXCHANGE, a Maine non-profit corporation

By: _____
Name:
Its:

PORTLAND FISH PIER AUTHORITY, a Maine non-profit corporation

By: _____
Name:
Its:

WATERFRONT, MAINE LIMITED PARTNERSHIP, a Maine limited partnership

By: _____
Anthony J. Gatti, General Partner

PIERCE ATWOOD LLP, a Maine limited liability partnership

By: _____
Name:
Its:

DATED as of the date first set forth above.

PORTLAND FISH EXCHANGE, a Maine non-profit corporation

By: James O'Donnell
Name: James O'Donnell
Its: Treasurer

PORTLAND FISH AUTHORITY, a Maine non-profit corporation

By: _____
Name:
Its:

WATERFRONT, MAINE LIMITED PARTNERSHIP, a Maine limited partnership
By: Tickly Bendor Realty Corp., a New York corporation, and General Partner

By: _____
Name:
Its:

PIERCE ATWOOD LLP, a Maine limited liability partnership

By: _____
Name:
Its:

DATED as of the date first set forth above.

PORTLAND FISH EXCHANGE, a Maine non-profit corporation

By: _____
Name:
Its:

PORTLAND FISH AUTHORITY, a Maine non-profit corporation

Pier

By: _____
Name: Robert D. Elder
Its: President

WATERFRONT, MAINE LIMITED PARTNERSHIP, a Maine limited partnership

By: Tickly Bender Realty Corp., a New York corporation, and General Partner

By: _____
Name:
Its:

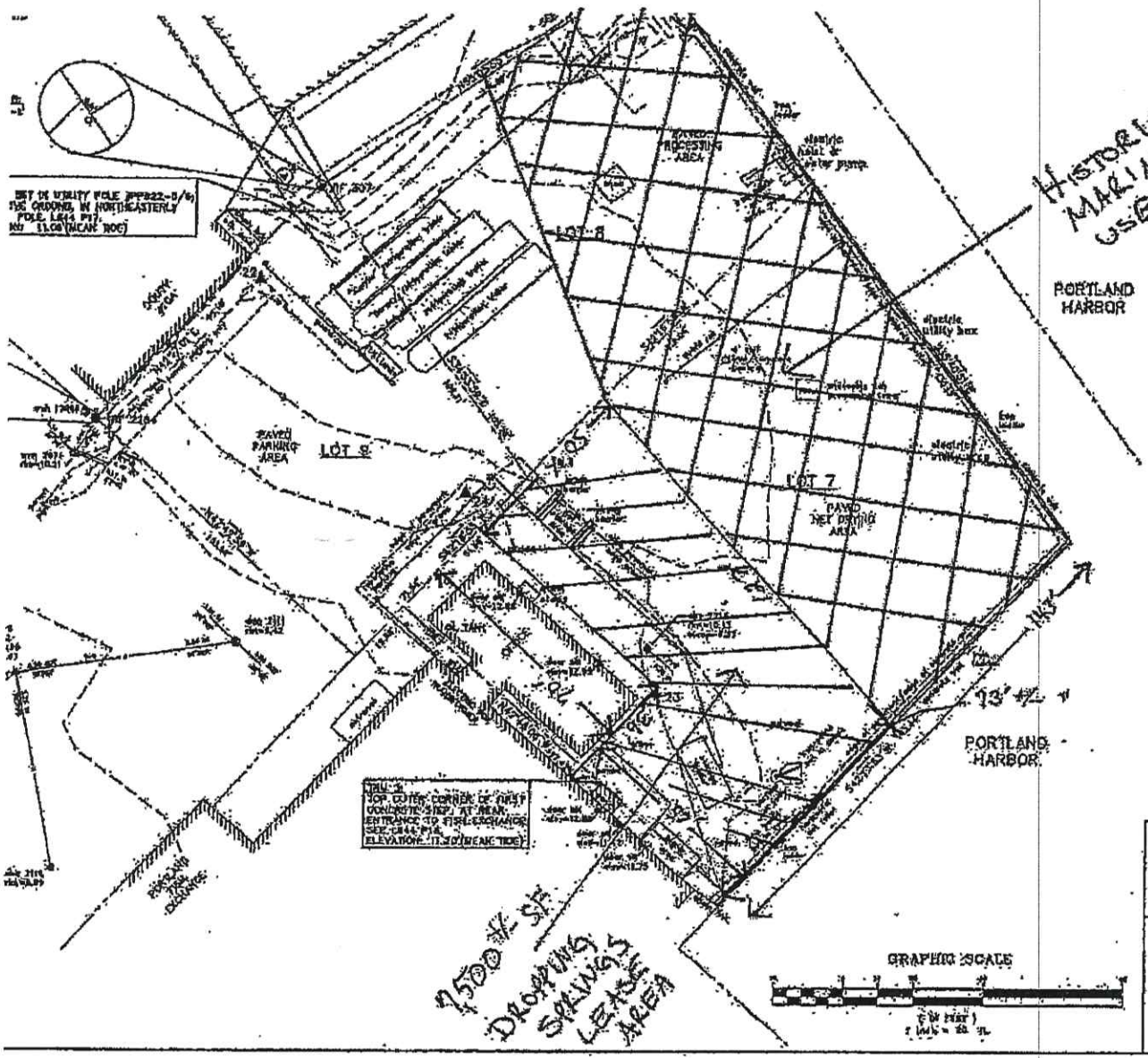
PIERCE ATWOOD LLP, a Maine limited liability partnership

By: _____
Name:
Its:

EXHIBIT A

PLAN DEPICTING MARINE USE AREA

[See Attached}



MONUMENTATION NOTES:

IRF 307 5/8" IRON REBAR FOUND; 3" LONG, BENT FLUSH TO GROUND, BUT STURDY <184
IRF 2284 5/8" IRON REBAR FOUND, 1 1/2" BELOW PAVEMENT, SLIGHT LEAN <L844-29-221

PLAN NOTES:

1. THE RECORD OWNER OF THE THREE PARCELS COMPRISING THIS SITE IS THE CITY OF POR

2. THE BOUNDARY LINES SHOWN HEREON ARE BASED ON THE "AMENDED RECORDING PLAT HASKELL, INC., DATED FEBRUARY 5, 1990 AND REVISED THROUGH JUNE 24, 2002" RECORDE IN PLAN BOOK 202 PAGE 477 (CITY VAULT PLAN 924/11). ONLY LIMITED DEED RESEARCH W SURVEY.

3. NO UNDERGROUND UTILITY LINES WERE MARKED ON THIS SITE AT THE TIME OF THIS SU

4. ELEVATION DATUM IS MEAN TIDE, BASED ON A BENCHMARK SHOWN ON A PLAN ENTITLED COMMERCIAL STREET, PORTLAND, MAINE, MADE FOR CARROLL ASSOCIATES" BY OWEN HASK TRUE NORTH, ALSO BASED ON SAID OWEN HASKELL PLAN.

5. THIS PLAN IS BASED ON FIELD WORK PERFORMED JUNE 24-JULY 2, 2010 USING A LIETZ FS/2 DATA COLLECTOR.

6. SEE THE TITLE BLOCK FOR PLAN REFERENCES.

7. THE ABOVE-MENTIONED OWEN HASKELL EXISTING CONDITIONS PLAN (SEE NOTE 4) INDIC AND UTILITIES FROM COMMERCIAL STREET TO LANDS OF THE CITY OF PORTLAND" ACROSS AS DESCRIBED IN DEED BOOK 1672 PAGE 161 (CCRD).
THIS EASEMENT IS ALSO INDICATED ON THE AMENDED RECORDING PLAT DESCRIBED IN NO

CITY OF PORTLAND, MAINE PUBLIC SERVICES DEPARTMENT ENGINEERING SECTION		EXI POR
WILLIAM D. SCOTT P.L.S. 2219	REFERENCES: LDD PROJECT: HETYARD2010 DRAWING: Net_Yard_2010.dwg LEVEL/TRANSIT BOOK: L844 PT 17-25 & 27-28 CMM: HETYARD.ADJ TAX MAP: 41 VAULT PLAN: 924/11 SHEET 2	CCRD: PLAN BOOK OWEN HASKELL, IN EXISTING CONDITI PORTLAND, MAINE, DATED: 05/10/201
DRAWN BY: L. K. SCELZA	SURVEY CREW: WGS/LKS	DATE OF PLAN: 07/09/2010

EXHIBIT B

SCHEDULE OF MARINE USE FEE*

Contract Year Beginning July 1,	Marine Use Fee		Contract Year Beginning July 1,	Marine Use Fee
2011	$20,000		2031	$29,282
2012	$20,000		2032	$29,282
2013	$20,000		2033	$29,282
2014	$20,000		2034	$29,282
2015	$20,000		2035	$29,282
2016	$22,000		2036	$32,210
2017	$22,000		2037	$32,210
2018	$22,000		2038	$32,210
2019	$22,000		2039	$32,210
2020	$22,000		2040	$32,210
2021	$24,200		2041	$35,431
2022	$24,200		2041	$35,431
2023	$24,200		2043	$35,431
2024	$24,200		2044	$35,431
2025	$24,200		2045	$35,431
2026	$26,620			
2027	$26,620			
2028	$26,620			
2029	$26,620			
2030	$26,620			

* WFM and Pierce Atwood may be entitled to certain credits against the Marine Use Fee as provided in the Dropping Springs Relocation MOU.

EXHIBIT C

JULY 6 LETTER AGREEMENT

[See Attached]

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

June 25, 2013

Ms. Barbara Barhydt
City of Portland
389 Congress Street
Portland, ME 04101

RE: Cumberland Cold Storage Building- Amendment to Amended Site Plan

Dear Barbara,

On behalf of Waterfront Maine, LP, Carroll Associates is pleased to submit proposed revisions to the building programmed uses and associated parking requirements which will bring the project within the guidelines of the current Waterfront Zoning. As you remember, when the project was approved in 2010 there were zoning restrictions that required all first floor uses to be Marine-Related. In 2011 the Zoning was relaxed to allow up to 45% non-marine related uses on the ground floor of this building, pending sufficient marketing efforts to insure that these spaces were offered to marine uses first.

Waterfront Maine, LP has been actively marketing the ground floor for marine related uses and has been unsuccessful in securing any such marine tenant. Attached you will find copies of marketing efforts from their real estate broker that illustrates significant attempts to bring such tenants into the building. Meanwhile, the remaining upper floors and 45% of the ground floor has been or will be leased for non-marine uses, consistent with the current WFZ District requirements. Current on-marine uses comprising this 45% space include a small professional office, yoga studio, and magazine publisher; proposed tenants filling out the non-marine space include another small office user and a small sit-down restaurant, both planning on occupying the space in the fall, 2013.

The approved Site Plan required a total of 191 spaces on and off-site to meet the needs of the building tenants, assuming ground floor marine use of the building. Currently there are 71 spaces on site, with 6 dedicated to the berthing tenants, 15 for marine-related first floor use, and 50 for the office users. An additional 120 spaces are secured off-site to meet this condition of approval. The Amended Traffic and Parking Analysis concludes that the required spaces meet the needs of the development at full buildout and as such no additional parking is proposed.

This Site Plan Condition v. also requires that if a change in use occurs from the approved plan the parking requirements need further review from the Planning Board, and so the non-marine first floor tenants are triggering this Amendment Request. Based on the Amended Traffic and Parking Analysis, we request that the above mentioned condition be deleted as the new projections take into account full buildout allowed under the current WFZ restrictions.

Please review the attached plans and let me know how you want to process this Amendment Request.
As always, we look forward to working closely with you on this project and anticipate its successful completion.

Sincerely,
CARROLL ASSOCIATES

Patrick Carroll, Principal

Att.
CC: Chris Pachios
Jean Fraser

217 Commercial Street, Suite 200 Portland, Maine 04101 v.207.772.1552 f.207.772.0712 www.carroll-assoc.com

Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form to be used for a Level III: Preliminary or Final Site Plan. Please note that 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. General information pertaining to the thresholds of review and fee structure is contained on page 3 of this application. The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at http://www.portlandmaine.gov/planning/default.asp

Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sf or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sf or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sf or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sf or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sf or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sf of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sf and/or facilities encompassing 20,000 sf or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at http://www.portlandmaine.gov/planning/default.asp or copies may be purchased at the Planning Division Office.

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: CUMBERLAND COLD STORAGE BUILDING

PROPOSED DEVELOPMENT ADDRESS:

254 COMMERCIAL STREET

PROJECT DESCRIPTION:

AMENDMENT OF APPROVED SITE PLAN TO ACCOMODTE CHANGE IN USE OF FIRST FLOOR FROM 100% MARINE USE TO 55% MARINE USE AND 45% NON0-MARINE USE; REMOVE CONDITION (v.) FROM ORIGINAL CONDITIONS OF APPROVAL.

CHART/BLOCK/LOT: 41/16, 41/17, 41/18

PRELIMINARY PLAN _____ (date)
FINAL PLAN _____ (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: WATERFRONT MAINE, LP Business Name, if applicable: Address: 14 MAINE ST City/State : BRUNSWICK, ME Zip Code: 04011	**Applicant Contact Information** Work # 207-729-7970 Home# Cell # Fax# e-mail: CPACHIOS@WFNY.COM
Owner – (if different from Applicant) Name: SAME AS ABOVE Address: City/State : Zip Code:	**Owner Contact Information** Work # SAME AS ABOVE Home# Cell # Fax# e-mail:
Agent/ Representative Name: CARROLL ASSOCIATES Address: 217 COMMERCIAL STREET, #200 City/State : PORTLAND, ME Zip Code: 04101	**Agent/Representative Contact information** Work # 207-772-1552 Cell # 207-329-8976 e-mail: pcarroll@carroll-assoc.com
Billing Information Name: SAME AS ABOVE Address: City/State : Zip Code:	**Billing Information** Work # Cell # Fax# e-mail:

Engineer	Engineer Contact Information
Name: BLAIS CIVIL ENGINEERS Address: 780 BROADWAY SOUTH PORTLAND, ME 04106 City/State : Zip Code:	Work # 207-767-7300 Cell # 207-837-8721 Fax# 1-866-207-2033 e-mail: SBLAIS@BLAISCE.COM
Surveyor	**Surveyor Contact Information**
Name: OWEN HASKELL, INC Address: 390 US ROUTE ONE, #10 FALMOUTH, ME 04105 City/State : Zip Code:	Work # 207-774-0424 Cell # 207-329-7117 Fax# e-mail: WSCOTT@WINTONSCOTT.COM
Architect	**Architect Contact Information**
Name: WINTON SCOTT ARCHITECTS Address: 5 MILK STREET PORTLAND, ME 04101 City/State : Zip Code:	Work # 207-774-4811 Cell # Fax# e-mail:
Attorney	**Attorney Contact Information**
Name: Address: City/State : Zip Code:	Work # Cell # Fax# e-mail:

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level II Development (check applicable reviews)	**Fees Paid** (office use)	**Other Reviews** (check applicable reviews)	**Fees Paid** (office use)
___ Less than 10,000 sq. ft. ($400.00) ___ After-the-fact Review ($1,000.00 plus applicable application fee) _____ The City invoices separately for the following: • Notices ($.75 each) • Legal Ad (% of total Ad) • Planning Review ($40.00 hour) • Legal Review ($75.00 hour) Third party review is assessed separately.	___ ___	___ Traffic Movement ($1,000) ___ Stormwater Quality ($250) ___ Section 14-403 Review ($400 + $25/lot) # of Lots ___ x $25/lot = _____ ___ Other _____ _X_ Change of Use ___ Flood Plain ___ Shoreland ___ Design Review ___ Housing Replacement ___ Historic Preservation	___ ___ ___
Plan Amendments (check applicable reviews)	**Fees Paid** (office use)		
___ Planning Staff Review ($250) _X_ Planning Board Review ($500)	___ ___		

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level III Development (check applicable reviews)	**Fees Paid** (office use)	**Other Reviews** (check applicable reviews)	**Fees Paid** (office use)
___ Less than 50,000 sq. ft. ($500.00)	___	___ Traffic Movement ($1,000)	___
___ 50,000 - 100,000 sq. ft. ($1,000)	___	___ Stormwater Quality ($250)	___
___ 100,000 – 200,000 sq. ft. ($2,000)	___	___ Subdivisions ($500 + $25/lot)	___
___ 200,000 – 300,000 sq. ft. ($3,000)	___	# of Lots ___ x $25/lot = _____	
___ over $300,00 sq. ft. ($5,000)	___	___ Site Location ($3,000, except for	
___ Parking lots over 11 spaces ($1,000)	___	residential projects which shall be	
___ After-the-fact Review ($1,000.00 plus	___	$200/lot)	
applicable application fee)		# of Lots ___ x $200/lot = _____	

The City invoices separately for the following:		___ Other _____	
- Notices ($.75 each)		_X_ Change of Use	
- Legal Ad (% of total Ad)		___ Flood Plain	
- Planning Review ($40.00 hour)		___ Shoreland	
- Legal Review ($75.00 hour)		___ Design Review	
Third party review is assessed separately.		___ Housing Replacement	
		___ Historic Preservation	
Plan Amendments (check applicable reviews)	**Fees Paid** (office use)		
___ Planning Staff Review ($250)	___		
_X_ Planning Board Review ($500)	___		

APPLICATION SUBMISSION

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Submissions shall include one (1) paper packet with folded plans containing the following materials:

1. **One (1) full size set of plans** that must be **folded.**
2. One (1) copy of all written materials as follows, unless otherwise noted:
   a. Application form that is completed and signed.
   b. Cover letter stating the nature of the project.
   c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
6. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist 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 a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:	**Date:**
	06.25.2013

B.7

BUREAU OF TAXATION

FILE WITH COUNTY REGISTRY OF DEEDS

STATE OF MAINE

Property Tax Division
State House Station #24
Augusta, Maine 04333

PLACE STAMP ABOVE

REAL ESTATE TRANSFER TAX DECLARATION

TITLE 36, M.R.S.A., SECTIONS 4641 through 464

1. MUNICIPALITY OR TOWNSHIP	COUNTY	BOOK	PAGE
Portland	Cumberland		

GRANTEE (BUYER)

2. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(

► Waterfront, Maine ► 13 | 339 | 002

3. NUMBER AND STREET	CITY OR TOWN	STATE AND ZIP CODE
Main Street	Brunswick	ME 04011

GRANTOR (SELLER)

4. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(

► Property Exchange Partnership ► 010 | 384 | 83

5. NUMBER AND STREET	CITY OR TOWN	STATE AND ZIP CODE
4 Moulton St	Portland	ME

PROPERTY

6. BRIEF DESCRIPTION (Such as: Map and Lot numbers; Located at 17 Elm Street, Augusta; or 10 Acres, farmhouse and barn known as Smith Farm, Mill Road, Houlton). Land and buildings at 252 Commercial Street, Portland, Maine

On date of transfer, this property was classified under Title 36 MRSA Chapte 105 as (check only one):

☐ Tree Growth ☐ Farmland

☐ Open Space ☒ Not Applicable

7. DATE OF TRANSFER (Use numerals) ► MO. 8 | DAY 20 | YR. 87

CONSIDERATION

8. Consideration meaning total amount or price paid, or required to be paid, for real property valued in money, whether received in money or otherwise and shall include the amount of any mortgage, liens or encumbrances thereon. (Tax will be collected at the registry when the deed is recorded. The tax rate is $2.20 per $500 of consideration, or fractional part thereof. The tax incidence is equally divided between the buyer and seller.)
If exempt, complete line 9

► $300,000 .0

EXEMPTION

9. EXPLAIN BASIS FOR EXEMPTION (Complete only if transfer is claimed to be exempt).

SPECIAL CIRCUMSTANCES

10. Were there special circumstances in the transfer which suggest that the sale price of the property was either more or less than its fair market value (Such as the fact that transfer was a forced sale, interfamily sale, intercorporate sale, gift, exchange, etc.).

► ☐ YES ☒ NO

OATH

11. Aware of penalties as set forth by Title 36, Section 4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete.

GRANTEE(S) or AUTHORIZED AGENT	DATE	GRANTOR(S) or AUTHORIZED AGENT	DATE
Waterfront, Maine	8/20/87	Property Exchange Partnership	8/2
C P. Burke			

PREPARER

12. Name and address of person or firm preparing this form: Verrill & Dana, P. O. ~~Box 586~~, Portland, Maine 04112

RTSF20 THIS DOCUMENT IS CONFIDENTIAL WHEN COMPLETED

Y OF PORTLAND, MAINE
ANNING BOARD

Carol Morrissette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

July 25th , 2013

Christopher H. Pachios
Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011

Patrick J. Carroll
Carroll Associates
217 Commercial Street
Portland, ME 04101

Project Name: **Cumberland Cold Storage Building: Amendment to 2010 Level III Site Plan approval, and removal of condition of approval**
Project ID: 2013-154
CBL: CBL 041-A -016-001; 041-A -017-001; 041-A -018-001
Address: 254 Commercial Street, Portland
Applicant: Waterfront Maine LP
Planner: Jean Fraser

Dear Mr Pachios and Mr Carroll:

On July 23rd, 2013, the Planning Board approved with conditions the Level III Site Plan Amendment application to remove *Site Plan Condition v.* from the 2010 approval and to allow for non-marine uses, including a restaurant, on the ground floor of the Cumberland Cold Storage Building at 254 Commercial Street. The Board reviewed the proposal for conformance with the standards of the Waterfront Central Zone, the Site Plan Ordinance, and other regulations.

The approval is based upon the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #32-13 (attached), and the testimony presented at the Planning Board hearing. The Planning Board voted 6-0 (Boepple absent) to approve the application with the following conditions as presented below:

1. WATERFRONT CENTRAL ZONE PERFORMANCE STANDARDS FOR PLANNING BOARD REVIEW

The Planning Board voted 6-0 (Boepple absent) that the amended plan is in conformance with Waterfront Central Zone ordinance section 14.311 (d) Standards 8, 10, 13, 14, 15, 16, and 17, subject to the following conditions of approval:

i. That the applicant shall develop and implement a Parking Management Plan for the on-site parking area, prior to the issuance of a Certificate of Occupancy for the restaurant, to ensure that the 6 on-site spaces for the water dependent marine uses (berthing) and the 15 on-site spaces for the ground floor marine uses (both as shown on Plan LSK-3.1 Rev 7.16.2013) are reserved for the designated marine users and support the marine uses on the property; and

ii. That the applicant shall allocate, and mark on the ground, the two parking spaces nearest to the southern end of the site (nearest to the drainage easement) be reserved for marine use and managed to facilitate use of the area to the south of the building for marine uses at all times; and

iii. That the proposed non-marine use restaurant on the ground floor shall be full course meal food service and consumption as the primary function and that full course meal service must be continued until the hours of closing.

2. SITE PLAN REVIEW

The Planning Board voted 6-0 (Boepple absent) that the amended plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

i. That the condition v. of the June 2010 site plan approval shall be removed; and

ii. That the parking requirement for the amended uses shall be 6 on-site spaces for the water dependent marine uses (berthing) and 15 on-site spaces for the ground floor marine uses as shown on Plan LSK-3.1 Rev 7.16.2013; and 170 spaces for the non-marine uses, of which 50 spaces are provided on-site and 120 spaces shall be provided in the identified off-site locations or equivalent; and

iii. That all other conditions of the June 2010 site plan approval shall remain in force; and

iv. That the applicant shall relocate some of the bicycle parking currently on site, or install new bicycle parking, to be near to the restaurant use; and

v. That separate permits are required for any new signage; and that any new HVAC installation(s) shall meet the performance noise standards of the WCZ Zone as documented by submission of the dBA listing of the unit(s).

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

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in 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 Chapter 14, Land Use, of the Portland City Code.

2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. **Inspection Fees** An inspection fee payment of $300 shall be paid, and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department, prior to the release 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 site plan application for staff review and approval.

5. **Department of Public Services Permits** 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. 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 Jean Fraser at 874-8728.

Sincerely,

Carol Morrissette, Chair
Portland Planning Board

Attachments:

1. Plan LSK-3.1 Rev 7.16.2013 re parking allocations, as submitted and to be revised re Condition WCZ *ii*
2. Planning Board Report #32-13

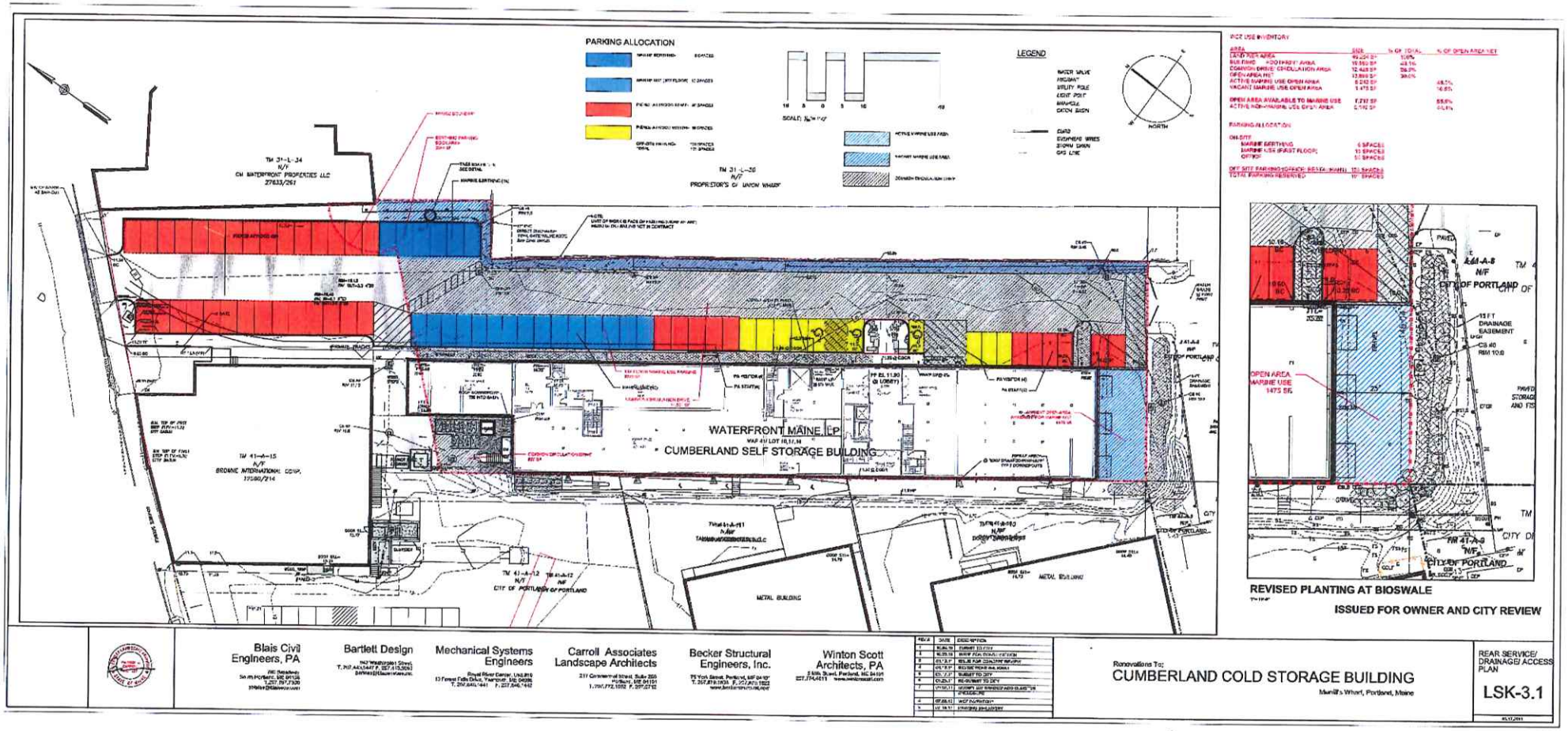
Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Attachment 1 to approval letter

PLAN 1

PB Hearing Report



Blais Civil Engineers, PA	
Bartlett Design	
Mechanical Systems Engineers	
Carroll Associates Landscape Architects	
Becker Structural Engineers, Inc.	
Winton Scott Architects, PA	

Renovations To:

CUMBERLAND COLD STORAGE BUILDING

Merrill's Wharf, Portland, Maine

REAR SERVICE/ DRAINAGE/ ACCESS PLAN

LSK-3.1

[Subject to Condition WCZ II 7.23.13 App.]

Tom E comments Circ.

PLANNING BOARD HEARING 07.23.2013
Cumberland Cold Storage; 254 Commercial Street (Waterfront Maine, Applicant)

Planners Presentation:

1. Waterfront Maine rehabilitated the existing warehouse in 2010 to provide offices in the upper floors and reserved the ground floor for marine uses as required by the zoning in place at the time. The zoning requirements for the ground floor of waterside buildings has since been revised and they are now able to use 45% of the ground floor for non-marine uses (in this case a restaurant is among those uses). Normally the change of use on its own would be a zoning issue and only be reviewed by the Planning Board/Authority if site plan was triggered or if the performance standards were an issue. In this case it has come before the Board because of an explicit condition on the 2010 approval that required the owner to return to the Board if there was a proposed change of use, and several performance standards also apply.

2. Review:
   - Amendment to Level III Site Plan pursuant to a condition of approval and also request to remove that condition;
   - WCZ Zoning - PB to make determination on some of the performance standards;
   - Note- the project received a TMP in 2010 but this review has determined that it does not need modification

3. The Report outlines why the Planning Board incorporated this condition in the approval in the first place, including the scale of vacant floor space proposed; the need to preserve the marine use areas and parking; the implications of some non-marine uses for this tight site; and the TMP.

4. Public comment: Planning Staff have not received any public comments.

5. Status re Key Issues:

   - Parking Requirements: The original amendment request envisaged a reduction in the marine parking spaces, but in order to meet the new zoning requirements the applicant has maintained the same number as approved. The Traffic Engineer was concerned regarding the impact of the restaurant use (employees and visitors) on the on-site parking, but the detailed information in Att E.2 explains the demand and how it generally is managed. This addresses Tom Errico's concerns subject to the inclusion of suggested conditions:

     i. requiring a parking management plan; and
     ii. confirming the parking allocation.

   - Marine Uses and Marine use areas: The revised zoning allows 45% of both the building, and the area around the building, to be non-marine use and that calculation has been submitted and is acceptable. Staff have noted that there is an additional area that has been identified as "marine" in area at the south end of the building, and so that area needs to be available and accessible for marine use. Staff have suggested a condition that requires the 2 parking spaces in front of this area to also be designated for marine use (currently designated for the offices above) and managed to facilitate marine use of that area.

   - Several other suggested conditons: [run through the conditions]

7.23.2013

Hearing Waterfront Maine
CCSB.

(1) JF – intro
(2) Pat Carroll – intro.
Jaques – CCSB mem.
Justin O'Connor – test tenant
Tom Gorrell traffic.

Pat – non-marine uses now near Commercial St
marine at other end.
Could v. bkground. – new zoning
not certain.
At build-out of non-marine use.
Req for Bd review of c-o-u not relevant now.
Marketing considerable
this building not really built
for a waterfront use. – unique,
several potential tenants not allowed (zoning)
Maine Island Trail Assoc. } not
marine-related clothing } allowed
parking – detailed assessment.
– staff with in 191 spaces.
– Tom Gorrell is here,
Pat reviewed how the marine use area was calculated.
Pat confirmed conds OK.

Public Comments – none

Discussion by Board

Bill Hall - WCZ - in conformance

Carol M - Since this 1st time through this process give feedback re process (Zoning Admin)

Sean D - area of bldg in marine.
Steve W all marine uses are vacant. (burden)
Steve W ref. to the inside plan.

Tim Dean - ? cond refers to Man Plan before Co-clarified.

Jack Soley - concerned that WCZ does not adequately address the question of rates for floorspace - $21 high.
gamesmanship by owner - parking also

Tuck - is there a permit for marine user
all striped + signed re designated
Jacques confirmed is "policed"
ask Bill to do a table of rates + how to apply whats in 3a
inventory might include this
Jacques - finish level would impact basis is $9/sq ft.
asked about interpretation of 3a in ord - more there.

Hearing 7.23.12 2nd item Cumberland Cold Storage Building

Jean Fraser - CCSB Amended Site Plan

Attachment 4 – already circulated but not in all packets.

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 7/19/2013 10:42 AM
Subject: CCSB Amended Site Plan
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...

Hi Jean – The following represents a status update on my July 12th comments and should be considered my final comments.

- I have reviewed the revised trip generation analysis and concur with the conclusions that a modified Traffic Movement Permit is not required.
  Status: No response necessary.

- The applicant should provide details on whether any crashes have occurred at the Commercial Street/Site Entrance location (have any vehicles entering and exiting the site been involved in a crash).
  Status: The applicant has provided the requested information and one crash was reported that involved a vehicle departing the project driveway. No further action is required.

- The City typically has a provision that parking needs for restaurants only include spaces to accommodate employees. Accordingly, the applicant should provide information on anticipated staffing levels. Additionally, the applicant should also provide information on the expected hours of operation of the restaurant.
  Status: The applicant has provided the requested information and no further information is requested.

- Additional supporting information is needed to better understand existing parking demand numbers. I would suggest that the applicant provide information on employee numbers, any available survey information on mode of travel, if parking fees are charged to employees that parked off-site, and information on employees that may park in other off-site parking lots or on-street locations that are not time limit regulated.
  Status: The applicant has conducted a parking demand analysis and I generally agree with the details provided. The general conclusion is that adequate parking will be provided. I concur with the Condition of Approval in the Planning Board report regarding the number and allocation of parking spaces. I also support the Planning Board report condition of approval that a parking management plan be developed and implemented by the applicant.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL
12 Northbrook Drive

Hearing 7.23.12 2nd item Cumberland Cold Storage Building

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Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TY LIN INTERNATIONAL
12 Northbrook Drive

Jean Fraser - Fwd: CCSB add'l info

From: Jean Fraser
To: Errico, Thomas
Date: 7/10/2013 12:01 PM
Subject: Fwd: CCSB add'l info

Tom

I need to complete a hearing Report on this by next thursday July 18th latest.

Further to the brief Dev Rev conversation, please note:

- the submitted Traffic and Parking study is in e-plan and labeled: "doc20130626152244pdfV1"
- they are essentially saying that the approved parking is adequate for the change of use because the restaurant would not use day time spaces
- they are suggesting the restaurant could use on site spaces at night (signage)
- they are asking for the condition to be removed completely- I think we will give the Board this option plus the option to revise the condition and spell out implications etc
- you recommended 15 less spaces at the time of the review but lets see what they say in response to my e-mail
- I need your comments re TMP and left turns out of the site in any case.

We may need to discuss further once you have had a look at the Gorrill-Palmer study; hopefully I will get something more tomorrow.

I would appreciate it if we could discuss this week so its not last minute for the Hearing Report.

thanks
Jean

>>> Jean Fraser 7/10/2013 11:53 AM >>>
Pat

Just to let you know that I got your e-mail last night (as I was staying late for a hearing) and uploaded it into e-plan so that we could discuss at this morning's Dev Rev meeting.

If you have met the 55% and keeping the 15 parking spaces for marine use then I think we are good, with the exception of a final review of the adequacy of the parking overall.

With this latest submission the Traffic and Parking Study and the plans are inconsistent and it would be helpful

(since going straight to a hearing) to have a Traffic and Parking cover letter confirming/summarizing the current request and supporting information (and then I could have Tom Errico comment on that for the Board Report). Could you get me that fairly quickly (not a revised Study, just a letter updating)

I don't think staff will support the remove of the entirety of condition v, but will be recommending a revised condition.

If the total number of parking spaces required is the issue, I suggest you send something that states that if the Board is minded to retain the condition regarding parking requirements, then the applicant would like to have the requirement reduced to ... - but there would need to be a justification for the reduced number, not just that the 50 are unused. (The current Gorrill-Palmer parking assessment is not very complete and now overtaken by the 7.9.13 submission).

Please call if you have any questions.

thank you
Jean

Jean Fraser - CCSB add'l info

From: Jean Fraser
To: Carroll, Pat
Date: 7/10/2013 11:53 AM
Subject: CCSB add'l info

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Please call if you have any questions.

thank you
Jean

From: Jean Fraser
To: Errico, Thomas; Jaegerman, Alex; Schmuckal, Marge
CC: Barhydt, Barbara; Needelman, William
Date: 7/5/2013 4:40 PM
Subject: Fwd: CCSB- Amendment application (status update)

Alex, Marge and Tom

We discussed this at Dev Rev (with Bill present) and I understand that both Pat and the applicant are aware of the standards referenced in my e-mail and that this issue re the 55% of open land is not new info.

I will keep you updated.

Please note that they have requested the entire removal of the condition v - not just to modify it - It reads:

v. That the parking required for the proposed uses has been determined by the Planning Board to be 6 spaces for the water dependent marine uses (berthing) and 15 spaces for the ground floor marine uses which shall be on site; and 170 spaces for the office uses on the four upper floors, of which 50 spaces are provided on site and 120 spaces shall be provided in the identified off-site locations or equivalent. In the event that the uses change, the parking requirement would need further review by the Planning Board; and

So we need to review the parking analysis and the need for the specified number of spaces. These numbers were increased by 15 by the PB over what Tom Errico had recommended. I am not sure whether we need more info or not...

thanks

Jean

>>> Jean Fraser 7/5/2013 4:28 PM >>>
Pat

I am writing to update you on the site plan review on the above project, which was registered in our system on June 27th and is currently under review.

At our preliminary review meeting on July 3rd, 2013 it was determined that further information was needed in order to progress the review. In particular, we need an analysis of the % of open area that will be marine/non-marine, as per Ordinance section **14-311 (a) 2 ,** as reiterated in **section 14-311 (d) 8.**

Guidance and background regarding this part of the new ordinance can be found on the City's website at: http://www.portlandmaine.gov/planning/wczinventory.pdf

At first glance it appears that the current proposals do not meet the ordinance. Therefore I am sending this e-mail in advance of the comprehensive review letter, as we understand that time is of the essence.

While writing, please note that several other issues were also raised:
The information regarding section 14-311 (a) 3 appears incomplete in that there is no evidence regarding the 60 days. I await comments from the Zoning Administrator, as I understand that the she has some questions on this including whether the media were "targeted" to reach marine users;
The submitted Plan L-2.1R does not reflect the amendments submitted and approved on October 25, 2012 concerning the rear walkway, access and servicing (?dumpsters) (how will the new restaurant be serviced?);
Why is the proposed residual marine-use parking located adjacent to the non-marine uses rather than

adjacent to the ground floor marine use part of the building?
Please note that the Traffic Engineering Reviewer has not yet sent review comments on the Gorrill Palmer study and I anticipate further comments (on this and maybe other issues) at or immediately after the internal development review meeting on July 10, 2013.

At the moment this project is tentatively scheduled to go direct to the PB Hearing on July 23, 2013, but we may need to review this timetable depending on when the basic zoning standards are addressed/documented.

Please do not hesitate to contact me if you have any questions.

thank you

Jean

Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - CCSB- Amendment application (status update)

From: Jean Fraser
To: Carroll, Pat
Date: 7/5/2013 4:28 PM
Subject: CCSB- Amendment application (status update)

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thank you

Jean

Jean Fraser, Planner
City of Portland
874 8728

From: Jean Fraser
To: erin@carroll-assoc.com
Date: 7/5/2013 4:34 PM
Subject: Fwd: CCSB- Amendment application (status update)

Erin

Pl bring this to Pat's attention when he returns. Thanks Jean

>>> Jean Fraser 7/5/2013 4:28 PM >>>
Pat

I am writing to update you on the site plan review on the above project, which was registered in our system on June 27th and is currently under review.

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Please do not hesitate to contact me if you have any questions.

thank you

Jean

Jean Fraser, Planner
City of Portland
874 8728

? Site Plan re rear - dumpsters?

? Elev - doors?

? loc. marine parking re marine use.

5-22-13.
CCSB

Steve Weatherlead
Pat Carroll
Anthony Gatti ?, WM

- PCarroll intro
- new tenant would fill out the 45% of gd. floor
- ? orig PB cond re c/u - 55/45 of 15
  seem sensible
- TMP (JF spk on behalf TE) - left turn out of site - look at nos. - not much parking but use of empty spaces at night. TE review + determine whether TMP amend. triggered.

- DM-P clar. re grease trap
- SW re Code ? - rest use is assembly
  needs rated separation/sprinkling
- Goes to Fire Marshall.
- JR - do analysis re Codes to speed up.
- Phone - Hood installation by Eng. + Chc.
  do as part of BP.

- BB - do amended plan to PB.
  amend III direct to Hearing (narrow question) to revise the condition.
  - incl. parking + TMP analysis
  - MS to confirm zoning piece addressed w/updated info. (they send clar. info to MS)

BS can be done concurrently SP amend to PB

REFERENCE COPY
Site Plan Application
Rec'd 5.4.10.

Cumberland Cold Storage Building
254 Commercial Street
Portland, Maine

Application For:

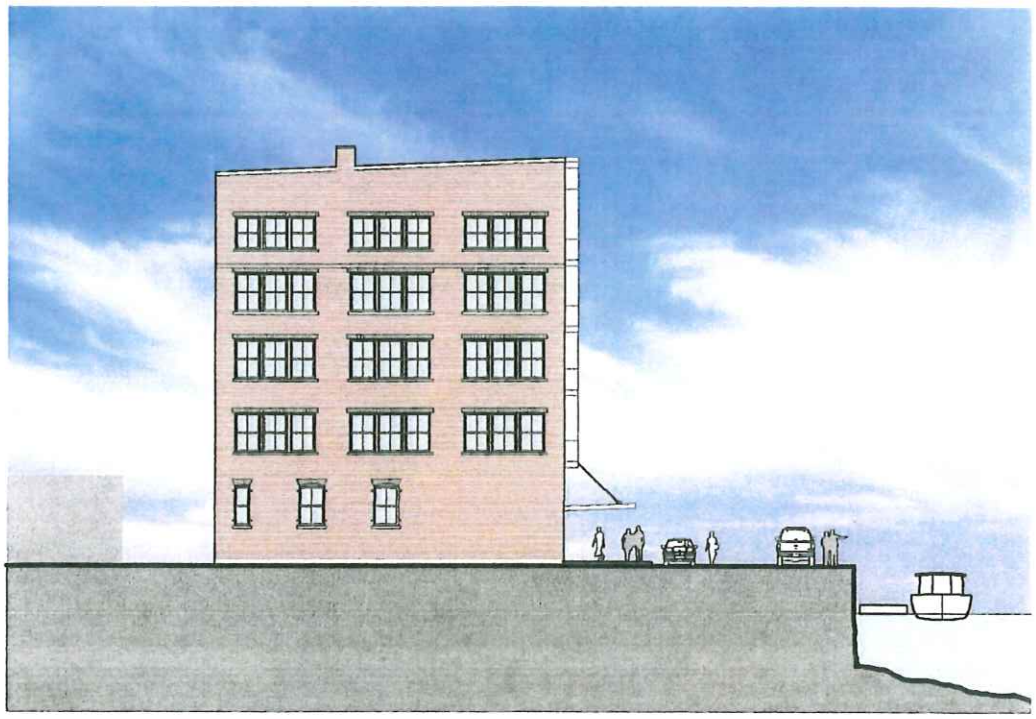
Major Site Plan Review

Submitted By:
Carroll Associates
217 Commercial Street
Portland, Maine 04101

Winton Scott Architects
5 Milk Street
Portland, Maine 04101

For:
Waterfront Maine
14 Maine Street
Brunswick, ME 04011

Date:
May 4, 2010



WATERFRONT MAINE

May 4, 2010

Ms. Penny St. Louis Littell
Director Planning and Urban Development Department
389 Congress Street
Portland, ME 04101-3509

Re: Cumberland Cold Storage Building,
254 Commercial Street.

Dear Ms. Littell:

The proposed project involves a change of use and conversion from warehouse to office use of the second through fifth floors of 254 Commercial Street which is located in the Waterfront Central Zone ("WCZ"). The site has approximately 78 linear feet of frontage on Commercial Street. The total site footprint is 67,982 square feet and the building coverage area is 20,473 square feet. The ground floor will remain marine related use and approximately 664 square feet of the ground floor shall serve as a common area lobby with two new elevators providing access to floors 2 through 5. The ground floor lobby will include entries and connections to the ground floor marine related use.

The proposed tenant for the fifth, fourth, third and part of the second floor is a law firm. The law firm will occupy approximately 70,000 square feet as their headquarters. The balance of the second floor will also be office use. The ground floor shall remain marine related use in compliance with the existing WCZ.

Waterfront Maine
14 Maine Street
Brunswick, Maine 04011

Brunswick, ME: 207-729-7970

New York, NY: 212-695-8090

The proposed parking on the site will have 71 spaces including six (6) parking spaces for berthing for fisherman, fifteen (15) parking spaces will be provided for the possible ground floor marine related use, and fifty (50) parking spaces for upper floors of which three (3) spaces will be reserved for handicapped parking. If the ground floor is vacant, the applicant proposes leasing the fifteen (15) parking spaces for the vacant ground floor marine related use to upper floor tenants until such ground floor space is rented to marine related users.

The property has an easement which exists from Commercial Street to the Fish Pier.

The project is an opportunity for further connecting the existing old port office and retail uses to Portland's waterfront alongside marine related uses and the working waterfront.

Thank you for your attention to this exciting project.

Respectfully submitted,

Christopher S. Flagg

Anthony J. Gatti

Christopher H. Pachios

Cumberland Cold Storage Building
Application for Site Plan Review

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Stormwater Management	6
Traffic	7
Site Lighting	8

Development Review Application

Portland, Maine

Dept. of Planning and Urban Development, Planning Division and Planning Board

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2.	Development Review Application	5-8
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	a. Zoning Summary Example	9-10
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To All Applicants and Consultants for Development Review
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

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.

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, (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

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.

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 rates: Planning services, $30.00/ hour and Legal services: $40.00/hour.

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.

Public Notices

- Public notices must be sent to property owners within 500 feet for all proposals at the time an application is received. Industrial projects require notices to be sent to property owners within 1,000 feet.
- Prior to any workshop or public hearing meetings, notices will be sent to property owners. The item will also appear on a legal ad that is published in the Portland Press Herald and 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 applicant will be billed for actual or apportioned costs for advertising and sending of meeting notices.
- If an applicant is required to hold a neighborhood meeting under the City's regulations, mailing labels for the meeting invitations must be purchased from the Planning Division. A request for labels requires a minimum of two business days to generate and a charge of $1.00 per sheet will be payable upon receipt of the labels.

Performance Guarantees and Inspection Fee

- 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.
- Upon approval, a performance guarantee packet will be mailed with the approval letter. The packet includes a cost estimate form, sample forms for a letter of credit/escrow account and the provisions for a 10% defect guarantee. An inspection fee of 2% of the performance guarantee is required prior to the issuance of a building permit.

Development Review Fee Schedule (effective July 15, 2005)

Portland, Maine

• Fee for Services (billed monthly)	
- Planning Services	$30.00/hour
- Legal Services	$40.00/hour
• Major Site Plan Review (more than 10,000 sq. ft..)	
- Under 50,000 sq. ft.	$500.00
- 50,000 - 100,000 sq. ft.	$1,000.00
- Parking Lots over 100 spaces	$1,000.00
- 100,000 - 200,000 sq. ft.	$2,000.00
- 200,000 - 300,000 sq. ft.	$3,000.00
- Over 300,000 sq. ft.	$5,000.00
• After-the-fact Major Site Plan Review	$1,000.00 + applicable application fee
• Minor Site Plan Review (less than 10,000 sq. ft.)	$400.00 (or up to 20,000 in an industrial zone)
• After-the-fact Minor Site Plan Review	$1,000.00 + applicable application fee
• Minor-Minor Site Plan Review (Single Families)	$300.00
• Amendment to Plans	
- Planning Board Review	$500.00
- Planning Staff Review	$250.00
• Subdivision Fee	$500.00 + $25.00 per lot
• Section 14-403 Review	$400.00 + $25.00 per lot
• Site Location of Development	$3,000.00 (except for residential projects which shall be $200.00 per lot)
• Traffic Movement Permit	$1,000.00
• Storm water Quality Permit	$250.00
• Street Vacation	$2,000.00

Engineering Fees

- Engineer Review Fee - This fee is assessed by the Engineer
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with $300.00 being the minimum.

Zone Change

• Zoning Map Amendments		$2,000.00
• Text Amendments		$2,000.00
• Contract/Conditional Rezonings:	Under 5,000 sq. ft	$1,000.00
	5,000 sq. ft. and over	$3,000.00
• Conditional Use		$100.00

Historic Preservation

• Administrative Review $50.00	
• Minor Projects - Committee Review	$100.00
• Major Projects - Committee Review	$500.00
• After-the-fact Review	$750.00
• HP Special Exception Sign Review	$35.00

Noticing/Advertisements for Historic Preservation and Planning Board Review

• Legal Advertisement:	Percent of total bill
• Notices:	.75 cents each

(notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings)

Development Review Application
PORTLAND, MAINE
Department of Planning and Urban Development,
Planning Division and Planning Board

PROJECT NAME: Portland Cold Storage Building

PROPOSED DEVELOPMENT ADDRESS:

254 Commercial Street, Portland, ME 04101

PROJECT DESCRIPTION:

Renovation of approx 100,000 sf of space of an existing warehouse building to include professional office use on the upper stories, marine/ warehouse uses on first floor, and associated sitework.

CHART/BLOCK/LOT: 41/16,41/17, 41/18

CONTACT INFORMATION:

APPLICANT

Name: Waterfront Maine, LP
Address: 14 Maine Street
Brunswick, ME
Zip Code: 04011
Work #: 207-729-7970
Cell #:
Fax #: 207-725-9500
Home:
E-mail: agatti@waterfrontme.com

PROPERTY OWNER

Name: Waterfront Maine, LP
Address: c/0 Anthony Gatti
14 Maine Street
Zip Code: Brunswick, ME 04011
Work #:
Cell #:
Fax #:
Home:
E-mail:

BILLING ADDRESS

Name: Same as Property Owner
Address:
Zip:
Work #:
Cell #:
Fax #:
Home:
E-mail:

~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: Carroll Associates
Address: 217 Commercial Street
Portland, ME
Zip Code: 04101
Work #: 207-772-1552
Cell #: 207-329-8976
Fax #: 207-772-0712
Home:
E-mail: pcarroll@carroll-assoc.com

ENGINEER

Name: Blais Civil Engineers
Address: 780 Broadway
South Portland, ME
Zip Code: 04206
Work #: 207-767-7300
Cell #: 207-837-8721
Fax #: 1-866-207-2033
Home:
E-mail: sblais@BLAISce.com

ARCHITECT

Name: Winton Scott Architects
Address: 5 Milk Street
Portland, ME
Zip Code: 04101
Work #: 207-774-4811
Cell #: (207) 329-7117
Fax #:
Home:
E-mail: wscott@wintonscott.com

CONSULTANT

Name: Gorrill-Palmer Consulting Engineers
Address: 15 Shaker Road
Gray, ME
Zip Code: 04039
Work #: 207-657-6910
Cell #:
Fax #:
Home:
E-mail: tgorrill@gorrillpalmer.com

SURVEYOR

Name: Owen Haskell, Inc.
Address: 390 U S Route One, #10
Falmouth, ME
Zip Code: 04105
Work #: 207-774-0424
Cell #:
Fax #:
Home:
E-mail: jswan@owenhaskell,com

ATTORNEY

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

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	67,982	sq. ft.
Proposed Total Disturbed Area of the Site	38,740	sq. ft. (nic Building)

(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	33,975	sq. ft.
Existing Total Impervious Area	58,473	sq. ft. (38,000 ex paved)
Proposed Total Impervious Area	54,448	sq. ft.
Proposed Impervious Net Change	-4,025	sq. ft.

BUILDING AREA

Existing Building Footprint	20,473	sq. ft.
Proposed Building Footprint	20,473	sq. ft.
Proposed Building Footprint Net change	0	sq. ft.
Existing Total Building Floor Area	100,680	sq. ft.
Proposed Total Building Floor Area	100,800	sq. ft.
Proposed Building Floor Area Net Change	120	sq. ft.
New Building	no	(yes or no)

ZONING

Existing	WCZ
Proposed, if applicable	WCZ

LAND USE

Existing	marine/ warehouse
Proposed	marine/ warehouse/ office

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units	n/a
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	102
Proposed Number of Parking Spaces	71
Number of Handicapped Parking Spaces	3
Proposed Total Parking Spaces	71

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces	0
Proposed Number of Bicycle Parking Spaces	8
Total Bicycle Parking Spaces	8

ESTIMATED COST OF PROJECT

Please answer the following with a Yes/No response on all that apply to the proposed development

Institutional	N	Change of Use	Y	
Parking Lot	Y	Design Review	N	
Manufacturing	N	Flood Plain Review	Y	
Office	Y	Historic Preservation	N	
Residential	N	Housing Replacement	N	
Retail/Business	N	14-403 Street Review	N	
Warehouse	Y	Shoreland	Y	
Single Family Dwelling	N	Site Location	N	
2 Family Dwelling	N	Stormwater Quality	N	
Multi-Family Dwelling	N	Traffic Movement	Y	
B-3 Ped Activity Review	N	Zoning Variance	N	(or date)
Change of Use	Y	Historic Dist./Landmark	N	
		Off Site Parking	Y	

APPLICATION FEE:

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

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

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submissions 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 form that is completed and signed.
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.

Signature of Applicant:	Date:
Cy J Gatti	5/4/2010

Site Plan Checklist

Portland, Maine

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

Project Name, Address of Project _____ **Application Number** _____

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

Check Submitted: Applicant	Staff	Required Information	Section 14-525 (b,c)
X		Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
X		Name and address of applicant and name of proposed development	a
X		* Scale and north points	b
X		* Boundaries of the site	c
X		* Total land area of site	d
X		* Topography - existing and proposed (2 feet intervals or less)	e
X		Plans based on the boundary survey including:	2
X		* Existing soil conditions	a
X		* Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
X		* 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
X		* Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 11 of packet)	d
X		* Location of on-site waste receptacles	e
X		* Public utilities	
X		* Water and sewer mains	e
X		* Culverts, drains, existing and proposed, showing size and directions of flows	e
X		* Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
X		* Location and dimensions of on-site pedestrian and vehicular access ways	g
X		* Parking areas	
X		* Loading facilities	g
X		* Design of ingress and egress of vehicles to and from the site onto public streets	g
X		* Curb and sidewalks	g
		Landscape plan showing:	h
X		* Location of existing vegetation and proposed vegetation	h
X		* Type of vegetation	h
X		* Quantity of plantings	h
X		* Size of proposed landscaping	h
X		* Existing areas to be preserved	h
X		* Preservation measures to be employed	h
X		* Details of planting and preservation specifications	h
X		* Location and dimensions of all fencing and screening	i
X		Location and intensity of outdoor lighting system	j
X		Location of fire hydrants, existing and proposed (refer to Fire Department checklist – page 11)	k
		Written statements to include:	c
X		* Description of proposed uses to be located on site	c1
N/A		* Quantity and type of residential, if any	c1
X		* Total land area of the site	c2
X		* Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
X		* General summary of existing and proposed easements or other burdens	c3
X		* Type, quantity and method of handling solid waste disposal	c4
X		* 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
X		* Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6

X	____	* An estimate of the time period required for completion of the development	7
X	____	* 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
X	____	* 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.	
X	____	* Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.	
X	____	* A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.	
X	____	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

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%

Portland Fire Department Checklist

A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews, which shall include:

1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
7. Hydrant locations
8. Water main[s] size and location
9. Access to any fire department connections
10. Access to all structures [min. 2 sides]
11. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.
12. Elevators shall be sized to fit an 81" x 23" stretcher and two personnel.
13. Some structures may require Fire flows using annex H of NFPA 1

Additional Submission for Subdivisions:
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 and shall include 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.

Cumberland Cold Storage Building
Application for Site Plan Review

Project Description/ Schedule

The current site consists of approximately 67,982 sf of land, including berthing space for commercial fishermen along Merrill Wharf. A detailed description of the proposed uses to be located on the site of the project are described in the cover letter.

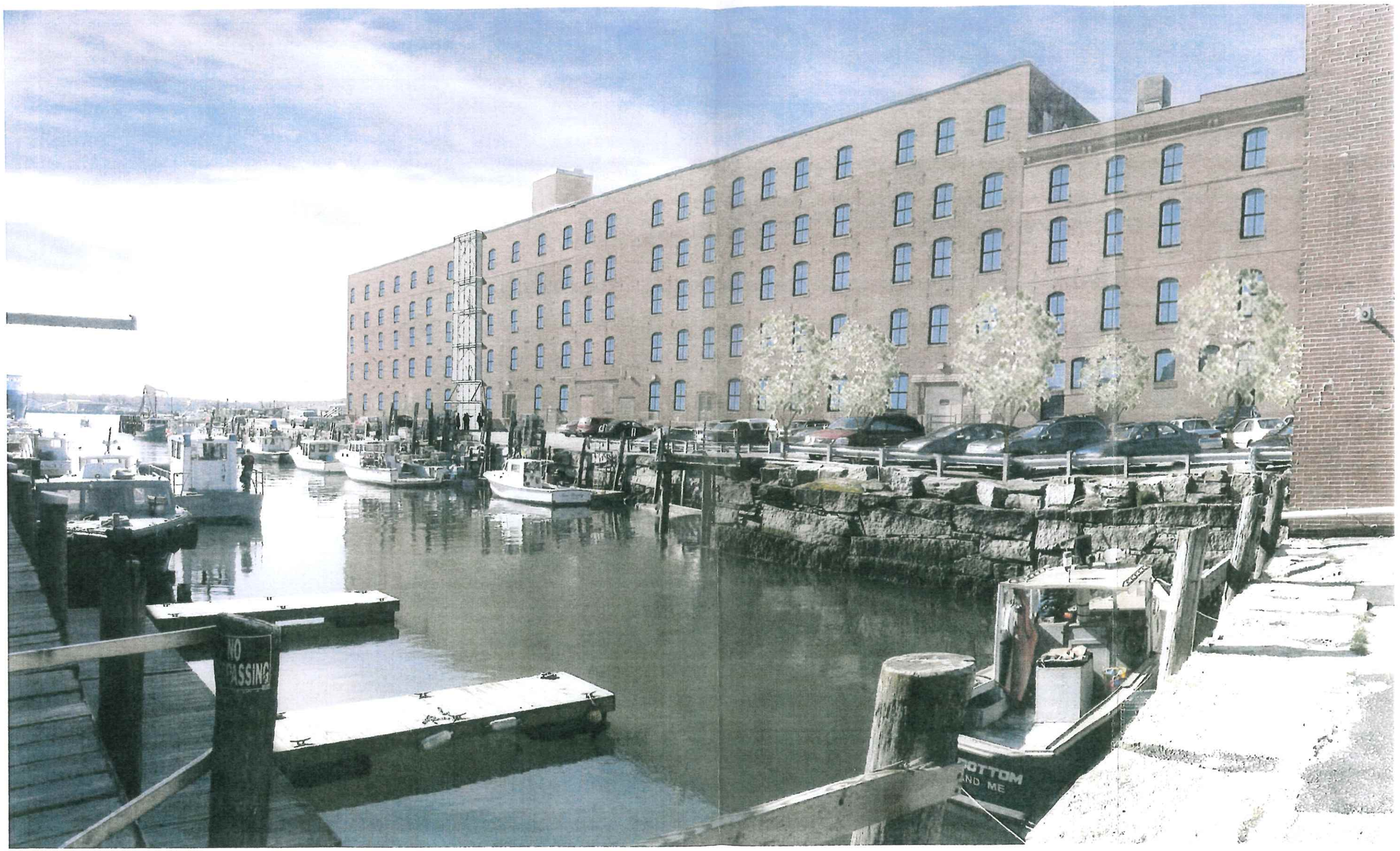
The site plan envisions a reconfiguring of the existing parking to provide safe egress and parking for vehicles, as well as a pedestrian connection between Commercial Street and the building entrance. The current parking (102spaces) will be reduced to 71 spaces arranged along a central driveway in either a single or double loaded configuration. Adjacent to the berthing area a 5 foot marine use zone will be provided to allow loading/ unloading of equipment and other needs of the commercial fishermen.

Parking required by the Zoning Ordinance formula indicates a total need of 228 spaces, including 6 for the berthing spaces, 21 for the first floor marine use, and 201 for the upper floors. The Applicant is proposing to accommodate 71 spaces on-site, with the remaining to be reserved in off-site lots near the proposed building. At this time the City of Portland has verbally agreed to provide approximately 75 spaces at the Fish Pier parking lot, and the Owner is actively negotiating with two other lots to meet the need for the project. It is noted that the Zoning does allow for a reduction of up to 50% in the parking requirement, and we are currently determining just what the parking demand will be at build-out.

The project is currently served by public utilities. Water, sewer, and gas all feed off of Commercial Street, and power is served from the Fish Pier side of the property. Existing utilities appear adequate to serve the property. A new transformer will be installed in the service area of the property with a feed from the overhead service which currently exists at the property line.

Solid waste generated during construction will be sent to a licensed waste disposal site. Once construction is completed, daily waste will be picked up by contract with a private hauler for disposal. A dumpster is proposed to be located in the rear service area of the property

The project schedule anticipates mobilization onto the site immediately upon securing all necessary approvals, and completion of the project within a ten-month period.



Redevelopment Proposal

254 Commercial Street
Portland, Maine
Waterfront Maine Owner / Developer

Winton Scott Architects

KNOW ALL MEN BY THESE PRESENTS, THAT

POULTRY PROCESSING, INC., a Maine corporation having a principal place of business in Portland, County of Cumberland and State of Maine, for consideration paid by WATERFRONT, MAINE, a Maine limited partnership having a principal place of business in Brunswick, County of Cumberland and State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim unto the said WATERFRONT, MAINE, its successors and assigns forever, with QUITCLAIM COVENANTS the following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine and more particularly bounded and described as follows:

See Schedule A attached hereto and incorporated herein.

IN WITNESS WHEREOF, POULTRY PROCESSING, INC., as Grantor, and releasing all its rights in the above-described premises, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by George I. Lewis, its Vice President thereunto duly authorized, this 1st day of July, 1986.

Signed, Sealed and Delivered
in the Presence of:

POULTRY PROCESSING, INC.

By: _____
George I. Lewis
Its Vice President

STATE OF MAINE
CUMBERLAND, SS.

July 1, 1986

Personally appeared the above-named George I. Lewis, Vice President of Grantor corporation, as aforesaid, and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,

_____
Allen T. Hyson
~~Notary Public~~
Attorney at Law

Portland

PARCEL ONE:

The following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

A certain lot or parcel of land, flats, wharf, building, and railroad tracks situated on the southerly side of Commercial Street in said City of Portland now or formerly known as Merrill's Wharf and extending southeasterly from Commercial Street to low water mark. Said premises are bounded westerly in part by a line established between John Q. Twitchell and James P. Champlin and John Bradford by agreement dated April 13, 1883, recorded in the Cumberland County Registry of Deeds, Book 494, Page 433, and easterly by the line established between said John Q. Twitchell, James P. Champlin and the Proprietors of Union Wharf dated November 14, 1884, recorded in Cumberland County Registry of Deeds, Book 514, Page 180, and said premises including the benefit of an agreement with Richard Wharf Co. dated May 9, 1884, recorded in Cumberland County Registry of Deeds, Book 509, Page 185 and party wall agreement with Morris & Company, owners of Union Wharf, dated June 22, 1907, recorded in Cumberland County Registry of Deeds, Book 813, Page 87. Said premises are also subject to an agreement of easement with Cumberland County Power and Light Company dated March 2, 1935, recorded in Cumberland County Registry of Deeds, Book 1465, Page 311. Excepting, however, from the above described premises the portion thereof conveyed to Everett Wilson by Administrator's Deed dated July 10, 1897 recorded in Cumberland County Registry of Deeds, Book 654, Page 191, and Warranty Deed from James P. Champlin dated July 10, 1897, recorded in Cumberland County Registry of Deeds, Book 654, Page 193.

Also conveying, insofar as the Grantor has the power to grant the same, all water and riparian rights appurtenant to the above conveyed premises and rights in the area below the low water mark.

Also excepting and reserving the premises conveyed to Moulton Realty Co. by the Grantor herein by deed dated January 2, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4549, Page 85.

Also excepting and reserving from the above described premises, all of said land, flats, wharf, building, railroad tracks and water and riparian rights lying southerly of a line parallel to and twenty-five (25) feet southerly of the southerly side of the five story cold storage building located on the above described premises, right of way, and "right to locate underground utilities" as reserved in the deed of the premises from Poultry Processing, Inc. to Robert J. Levine, Trustee of Levine Realty Trust dated September 30, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4673, Page 162, which rights were subsequently acquired by the State of Maine by Notice of Taking by eminent domain dated March 24, 1981 recorded in said Registry, Book 4759, Page 119. Being the premises described in the deed from Poultry Processing, Inc. to Poultry Processing, Inc. dated March 19, 1986 and recorded in the Cumberland County Registry of Deeds, Book 7138, Page 317.

KNOW ALL MEN BY THESE PRESENTS, That PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership with a principal place of business in Portland, County of Cumberland, State of Maine,

In consideration of One ($1.00) Dollar and other valuable considerations

Paid by WATERFRONT, MAINE, a Maine Limited Partnership, having an office at Main Street, Brunswick, Maine 04011.

The receipt whereof PROPERTY EXCHANGE PARTNERSHIP does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said WATERFRONT, MAINE, its successors and assigns forever,

A certain lot or parcel of land with the buildings and other improvements now or hereafter situated thereon, situated at and near 252 Commercial Street, Portland, County of Cumberland and State of Maine, more particularly described as follows:

Beginning at a point on the southerly sideline of Commercial Street in the City of Portland, Maine at the property line as agreed to by the Proprietors of Union Wharf and John Q. Twitchell and James P. Champlin as recorded in Book 514, Page 180 of the Cumberland County Registry of Deeds. Said point of beginning also being One Hundred Thirty-Nine and 44/100 (139.44) feet easterly along Commercial Street from the division line established between Twitchell and Champlin and John Bradford by agreement recorded in Book 494, Page 433 of said Registry. Thence by the following courses and distances:

1. S 23° 09′ E along a party wall as described in an agreement between Morris & Co. and Twitchell and Champlin Co., recorded in Book 813, Page 87 of said Registry and along the line of agreement recorded in Book 514, Page 180 of said Registry Two Hundred Eight (208) feet to the end of a stone pier or retaining wall.

2. S 67° 00′ W along the face of the wall Eighty-Two Hundredths (0.82) feet to a dock and building.

3. S 23° 09′ E along the dock and building Nine and 55/100 (9.55) feet to a corner.

4. S 67° 09′ W along the dock and building Thirty-Five and 40/100 (35.40) feet to the corner of the building as it now exists.

5. N 23° 08′ 32" W along the building line One Hundred Eighty-Seven and 27/100 (187.27) feet to a corner.

6. N 10° 08′ E along the building line Thirty-Two and 18/100 (32.18) feet to a corner at Commercial Street.

7. N 56° 49' E along Commercial Street Eighteen and 82/100 (18.82) feet to a point of beginning.

The description above is from a survey entitled "Plan of Property Merrill's Wharf" dated December 20, 1979 by Robert P. Titcomb, and recorded in the Cumberland County Registry of Deeds.

The bearings are magnetic of 1884.

ALSO the non-exclusive right, insofar as the Grantor has the power to grant the same, to use the lands and waters adjacent to the easterly sideline of the premises herein conveyed.

ALSO a right of way by vehicle and otherwise over the so-called Merrill's Wharf premises formerly of Poultry Processing, Inc. between the premises described herein and Commercial Street, such right of way to be in common with others for the purpose of entry and egress of the above-described premises. The non-exclusive right to locate underground utilities serving the premises described herein in the parcel between the above-described premises and the westerly boundary of said Merrill's Wharf, together with the right to connect to any common sewer pipe constructed or maintained by Poultry Processing, Inc., its successors or assigns, serving part or all of Merrill's Wharf, provided that Grantee shall be required to pay its fair and reasonable portion of the cost of such pipe and connection if Grantee elects to so connect, as well as its proportionate share of all assessments and charges made by the City of Portland or other governmental agency in relation to the use of said sewer.

ALSO the right to erect temporary scaffolding, store materials, park vehicles and conduct like activities incident to the repair, maintenance and alterations of the premises described herein on the Merrill's Wharf premises formerly of Poultry Processing, Inc. within ten (10) feet of the westerly sideline of the above-described premises, so long as such erections, storage, parking or activities do not unreasonably impede the use of said premises as a right of way for other owners, tenants and users of Merrill's Wharf.

Being part of the premises contained in the deed from the Executors of the Last Will and Testament of Benjamin Lewis to Cumberland Trading Co., Inc. dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 423. Said Cumberland Trading Co., Inc. merged into Pine State Beef Company on June 1, 1973. Said Pine State Beef Company merged into Poultry Processing, Inc. on October 28, 1974.

Also being the same premises conveyed to Robert J. Levine, Trustee of the Levine Real Estate Trust, by deed of MOULTON REALTY CO., dated January 2, 1980, and recorded in said Registry of Deeds in Book 4549, Page 113 and the same premises conveyed to Grantor by

Robert J. Levine, Trustee of the Levine Real Estate Trust by deed dated December 13, 1985 and recorded in said Registry of Deeds in Book 7005, Page 104.

Also hereby conveying all of the Grantor's right, title and interest in and to all easements, rights-of-way and other rights appurtenant to the above-described premises and in and to the fee underlying all public or private rights of way contiguous to said premises, and also including all mooring, wharfage and dockage rights and fees associated with said premises (all hereinafter sometimes referred to as the "Premises").

TO HAVE AND TO HOLD the aforegranted and bargained Premises, with all the privileges and appurtenances thereof, to the said Waterfront Maine, its successors and assigns, to its and their use and behoof forever.

And Grantor does covenant with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the Premises, that they are free of all encumbrances, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it will and its successors shall and will WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership, has caused this deed to be executed this 7th day of the month of August, 1987.

Signed, Sealed and Delivered
in Presence of:

PROPERTY EXCHANGE PARTNERSHIP,
a Maine general partnership

By: _____
John R. Gendron,
its General Partner

By: _____
Richard N. Gendron,
its General Partner

By: _____
Roger J. Gendron,
its General Partner

Witness

By: _____
Charles P. Gendron,
its General Partner

STATE OF MAINE
CUMBERLAND, ss.

August 20, 1987

Then personally appeared the above-named John R. Gendron, Richard N. Gendron, Roger J. Gendron and Charles P. Gendron, and acknowledged the foregoing instrument to be their free act and deed in their said capacities, and the free act and deed of said general partnership.

Before me,

_____
Notary Public
Attorney-at-Law

DIANE R. SOUZA
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES APRIL 21, 1992

_____
Print Name

BUREAU OF TAXATION

Property Tax Division
State House Station #24
Augusta, Maine 04333

FILE WITH COUNTY REGISTRY OF DEEDS

STATE OF MAINE

PLACE STAMP ABOVE

REAL ESTATE TRANSFER TAX DECLARATION

TITLE 36, M.R.S.A., SECTIONS 4641 through 464

1. MUNICIPALITY OR TOWNSHIP	COUNTY	BOOK	PAGE
Portland	Cumberland		

GRANTEE (BUYER)

2. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(

► Waterfront, Maine ► 13 | 339 | 002

3. NUMBER AND STREET	CITY OR TOWN	STATE AND ZIP CODE
Main Street	Brunswick	ME 04011

GRANTOR (SELLER)

4. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(

► Property Exchange Partnership ► 010 | 384 | 83

5. NUMBER AND STREET	CITY OR TOWN	STATE AND ZIP CODE
4 Moulton St.	Portland	ME

PROPERTY

6. BRIEF DESCRIPTION (Such as: Map and Lot numbers; Located at 17 Elm Street, Augusta; or 10 Acres, farmhouse and barn known as Smith Farm, Mill Road, Houlton). Land and buildings at 252 Commercial Street, Portland, Maine

On date of transfer, this property was classified under Title 36 MRSA Chapte 105 as (check only one):

☐ Tree Growth ☐ Farmland

☐ Open Space ☒ Not Applicable

7. DATE OF TRANSFER (Use numerals) ► MO. 8 | DAY 20 | YR. 87

CONSIDERATION

8. Consideration meaning total amount or price paid, or required to be paid, for real property valued in money, whether received in money or otherwise and shall include the amount of any mortgage, liens or encumbrances thereon. (Tax will be collected at the registry when the deed is recorded. The tax rate is $2.20 per $500 of consideration, or fractional part thereof. The tax incidence is equally divided between the buyer and seller.)
If exempt, complete line 9

► $300,000 .0

EXEMPTION

9. EXPLAIN BASIS FOR EXEMPTION (Complete only if transfer is claimed to be exempt).

SPECIAL CIRCUMSTANCES

10. Were there special circumstances in the transfer which suggest that the sale price of the property was either more or less than its fair market value (Such as the fact that transfer was a forced sale, interfamily sale, intercorporate sale, gift, exchange, etc.).

► ☐ YES ☒ NO

OATH

11. Aware of penalties as set forth by Title 36, Section 4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete.

GRANTEE(S) or AUTHORIZED AGENT	DATE	GRANTOR(S) or AUTHORIZED AGENT	DATE
Waterfront, Maine	8/20/87	Property Exchange Partnership	8/2
C. P. Burke			

PREPARER

12. Name and address of person or firm preparing this form: Verrill & Dana, P. O. ~~Box 586~~, Portland, Maine 04112

THIS DOCUMENT IS CONFIDENTIAL WHEN COMPLETED

MAINE BANK & TRUST
the mutual bank for mutual profit

A division of People's United Bank

467 Congress Street
Portland, ME 04101
(207) 828-3011

April 16, 2010

City of Portland
Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101

Re: Proposed Merrill Wharf Project

Dear Sirs:

Maine Bank & Trust has been working with Waterfront Maine, Limited Partnership, who is seeking Planning Board approval to renovate a ±100,000 square foot building located at 258 Commercial Street, Portland, Maine, pursuant to the requirements of potential new tenant(s) that will occupy a significant portion of the building. Our understanding is that the estimated cost of this project is approximately $12 million. We are sufficiently familiar with the principals of Waterfront Maine and the rest of the development team. Based on our knowledge of their financial and development capabilities, Waterfront Maine possesses the qualifications necessary to obtain financing and to successfully carry out a project of this magnitude.

Please be advised the foregoing should not be construed as an agreement or commitment by the Bank to provide financing for this project at this time. However, we are presently considering a request from Waterfront Maine, with any approval of such financing being subject to our underwriting and approval policies and procedures.

If I may be of any further assistance, please contact me at (207) 828-3023. Thank you.

Sincerely,

Timothy J McMachen
Vice President
Commercial Real Estate

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991

Date: May 3, 2010

Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail:fjb@portlandmaine.gov

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 254 Commercial Street, Portland, ME 04101

(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LMK@portlandmaine.gov)

Chart Block Lot Number: 41/18

Proposed Use: Marine/ office/ warehouse

Previous Use: Marine/ Warehouse

Existing Sanitary Flows: 150 GPD

Existing Process Flows: GPD

Description and location of City sewer, at proposed building sewer lateral connection:
Existing 6" sanitary exits bldg on n-side approx 100 ft from west end of bldg. connects to brick sewer in Commercial Street

Site Category

Commercial	X
Industrial *(complete part 4 below)*	
Governmental	
Residential	
Other *(specify)*	

Clearly, indicate the proposed connection, on the submitted plans.

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 4300 GPD

Peaking Factor/ Peak Times: 3/ 12 pm

Specify the source of design guidelines: *(i.e.__"Handbook of Subsurface Wastewater Disposal in Maine," __"Plumbers and Pipe Fitters Calculation Manual," __ Portland Water District Records, _ Other (specify)*

"Handbook of Subsurface Wastewater Disposal in Maine"

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

3. Please, Submit Contact Information.

Owner/Developer Name: Waterfront Maine

Owner/Developer Address: 14 Maine Street Brunswick, ME 04011

Phone: 207-729-7970 Fax: E-mail: agatti@waterfrontme.com

Engineering Consultant Name: Blais Civil Engineers

Engineering Consultant Address: 780 Broadway, South Portland, ME 04106

Phone: 207-767-7300 Fax: E-mail: sblais@BLAISce.com

City Planner's Name: Jean Fraser Phone: 207-874-8728

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: GPD

Do you currently hold Federal or State discharge permits? Yes ____ No ____

Is the process wastewater termed categorical under CFR 40? Yes ____ No ____

OSHA Standard Industrial Code (SIC): *(http://www.osha.gov/oshstats/sicser.html)*

Peaking Factor/Peak Process Times:

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

Notes, Comments, or Calculations:

CARROLL ASSOCIATES
217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1553 FAX 207.772.0712
LANDSCAPE ARCHITECTS

May 3, 2010

Rico Spugnardi, P.E.
Department of New Services
Portland Water District
P.O. Box 3553
Portland, Maine 04104-3553

Re: Cumberland Cold Storage Building
254 Commercial Street
Waterfront Maine, LP
Request for Confirmation of Ability to Serve

Dear Mr. Spugnardi,

On behalf of Maine Waterfront, LP, we are requesting a letter of confirmation of the Portland Water District's ability to serve the redevelopment of the Cumberland Cold Storage Building in Downtown Portland. The project is located on Merrill Wharf along the waterfront, just north of the Portland Fish Exchange on Commercial Street.

Waterfront Maine, LP is proposing to develop the building to accommodate approximately 80,000 sf of professional office use on the upper floors and 20,000 sf of marine related uses on the ground floor. Based on projected use of the building we believe usage of approximately 4300 GPD will be required to meet the needs of the project. The building is currently served by an 8" CI service that tees off of a 12" water main located in Commercial Street. We believe this service line is in good condition and will meet the needs of the project. The building will be fully sprinklered.

The project is scheduled for Workshop Review on the May 25th Planning Board agenda. We hope to receive your feedback prior to the meeting to expedite the review process.

We will be happy to meet with you or other members of the staff at your convenience to review the project in detail, and address any comments you may have regarding this proposal. Please call if you have any questions or require additional information.

Sincerely,

Carroll Associates

Patrick Carroll, Principal

Enc.

Blais
civil engineers

STORMWATER MANAGEMENT REPORT
CUMBERLAND SELF STORAGE BUILDING
254 COMMERCIAL STREET
PORTLAND, MAINE
May 3, 2010

INTRODUCTION

The subject property (Site), Cumberland Self Storage Building, owned by Waterfront Maine, LP is located at 254 Commercial Street in Portland, Maine. The Site is located on the north side of Commercial Street west of Union Wharf.

The owner is proposing to reconfigure the Site's parking, sidewalks, and building entrances. They will also implement stormwater mitigation measures.

This report discusses the Site's hydrological conditions and the stormwater quality treatment measures that will be implemented to mitigate stormwater impacts from this project.

EXISTING SITE CONDITIONS

The Site currently hosts a 20,473 square foot building (footprint) with 38,740 square feet of associated parking and sidewalks. Topography is generally flat with a retaining wall along the northern waterfront. The land cover is mostly impervious.

The western portion of the parking lot slopes inward to a catch basin, which discharges to the City's combined sewer system. The remainder of the Site generally sheet flows to the north into the Fore River. Roof water currently is discharged via downspouts to south at the back of the building.

PROPOSED SITE CONDITIONS

Redevelopment of the Site includes improvements to the existing parking lot, sidewalks, and building entrances. These features will be reconfigured resulting in 4,000 square feet less impervious area.

780 Broadway
South Portland, ME · 04106
207-767-7300 · blaisce.com

A curb and catch basin system will be added along the waterfront. Short pipes will discharge stormwater from these catch basins directly into the Fore River.

Stormwater from approximately 12,000 square feet of the northwestern potion of the parking lot will be redirected to the Fore River resulting in reduced loads to the combined sewer system. This runoff will be treated by a tree box filter before it discharged to the Fore River.

WATER QUALITY

The Site currently has no apparent stormwater mitigation. The proposed tree box filter will provide treatment for approximately 10,000 square feet of impervious area. The catch basins along the water front will have 3-foot deep sumps to capture sediment. These catch basins will also be equipped with hoods to help separate possible oil and debris from the parking lot.

All construction will be in accordance with the most current Maine Erosion and Sedimentation Control Best Management Practices. These measures will include, as necessary, temporary and permanent seeding, temporary sediment barriers, drainage inlet and outlet protection, and a construction entrance.

CONCLUSIONS

This project will use long-term and short-term erosion control measures as well as stormwater quality treatment measures that will mitigate environmental impacts from stormwater. This project will have no significant adverse impacts on downstream properties as a result of stormwater.

BLAIS CIVIL ENGINEERS

Steve G. Blais, PE

GP Gorrill-Palmer Consulting Engineers, Inc.
Transportation and Civil Engineering Services

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail:mailbox@gorrillpalmer.com

May 3, 2010

Mr. Pat Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Subject: Trip Generation Forecast
Re-use of Cumberland Cold Storage Facility
Portland, Maine

Dear Pat,

Per your request, Gorrill-Palmer Consulting Engineers, Inc. has completed a trip generation forecast for the re-use of the Cumberland Cold Storage facility off Commercial Street in Portland.

It is our understanding that the existing building consists of five floors each 20,000 s.f. in area for a total building area of 100,000 s.f. Currently, we understand that the building is used for storage except for approximately 5,000 s.f. used for light manufacturing. The site has approximately 87 parking spaces. The building is proposed to be re-occupied by offices in the upper three and a half floors with the lower story and a half utilized by marine related uses.

Trip Generation Estimate

Gorrill-Palmer Consulting Engineers utilized the 7th edition of the Institute of Transportation Engineers publication, *Trip Generation*, to estimate the traffic to and from the site both for the existing use and for the proposed re-use of the building. Our forecast utilized the following land use codes (LUC) in completing our forecast:

Existing uses: We utilized land use LUC 110, General Light Industry for the 5,000 s.f. of existing marine uses. The remaining 95,000 s.f. of the building, used for storage, was estimated utilizing LUC 150, Warehousing.

Proposed uses: LUC 110, General Light Industry was utilized for the proposed 30,000 s.f. of marine uses. The remaining 70,000 s.f. of space proposed for the office use was estimated utilizing LUC 710, General Office Building.

A summary of the existing and post re-development trips is summarized in the following table:

Trip Generation Summary for Reuse of Cumberland Cold Storage Facility

Uses	Weekday	Weekday AM Peak Hour	Weekday PM Peak Hour
Existing			
LUC 110- Light Industrial	35	5	5
LUC 150- Warehousing	471	54	58
Total for Existing	**506**	**59**	**63**
Proposed			
LUC 110 Light Industrial	209	30	32
LUC 710 Office Building	771	109	104
Total for Proposed	**980**	**139**	**136**
Total Increase	**474**	**80**	**73**

Based on the above table, the project will not require a traffic movement permit from the MaineDOT, as the estimated increase in trip generation is less than 100 trips during either the AM or PM peak hours. A copy of our trip generation estimates and assignments are included with this letter.

Collision Data

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) **and**:
2. A minimum of eight crashes over the same three-year period.

The following tables summarize the CRF and number of crashes provided by MaineDOT for the 2006-2008 time period for those locations that satisfy one or more of the aforementioned criteria:

MaineDOT Crash Data for 2006-2008: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
16788	Commercial Street at Center Street	12	0.61	No
16790	Commercial Street at Union Street	9	0.53	No

Based on the information provided by MaineDOT, there are no high crash locations in the project study area. The crash information is enclosed with this letter.

Sight Line Review

As part of this review, Gorrill-Palmer Consulting Engineers reviewed the sight distances of the site driveway. Based on the review, the sight line to the left is impacted by short term (on-street) parking approximately 65 feet from the driver's line of sight, resulting in visibility of approximately 140 feet. The sight line looking to the right is through the signalized intersection with Union Street, or in excess of 200 feet. While MaineDOT typically recommends a sight distance of 200 feet for a street at 25 mph (assumed for Commercial Street), to extend the distance would require removal of on-street parking. Furthermore, this is a common condition for driveways along Commercial Street and other locations in the downtown peninsula.

Pedestrian Access

For a facility such as this, pedestrian access is an important component. Based on the field review, crosswalks are provided at the nearby intersection of Commercial Street with Union Street, and sidewalks are provided on both sides of Commercial Street.

Capacity Analyses

Gorrill-Palmer Consulting Engineers, Inc. completed capacity analyses for Commercial Street at Merrill Wharf and at Union Street. The analyses were completed utilizing the HCM outputs of the Synchro software for the Union intersection, and the HCM software for the Merrill driveway. They are based on turning movement counts completed at these locations on May 3, 2010, which are included with this letter.

Levels of service rankings are similar to the academic ranking system where an 'A' has little control delay and an 'F' represents extensive delay. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if an alternative form of traffic control may be advisable.

The following tables summarize the relationship between delay and level of service for signalized and unsignalized intersections:

Level of Service Criteria for Signalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

Level of Service Criteria for Unsignalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The results of the capacity analyses, based on the analysis results, are summarized as follows, with the detailed analysis sheets included with this letter.

Level of Service for Commercial Street at Union Street

Approach/Movement	2010 PM Peak Hour			
	Pre Build		Post Build	
	Delay (sec)	LOS	Delay (sec)	LOS
Union EB LT/TH/RT	14	B	14	B
Union Wharf WB LT/TH/RT	11	B	11	B
Commercial NB LT	7	A	7	A
Commercial NB TH/RT	8	A	9	A
Commercial SB LT	6	A	6	A
Commercial SB TH	10	B	10	B
Commercial SB RT	6	A	6	A
Overall	**10**	**B**	**10**	**B**

Level of Service for Commercial Street at Merrill Wharf

Approach/Movement	2010 PM Peak Hour			
	Pre Build		Post Build	
	Delay (sec)	LOS	Delay (sec)	LOS
Merrill WB LT/RT	13	B	16	C
Commercial NB TH/RT	<1	A	<1	A
Commercial SB LT	8	A	8	A
Commercial SB TH	<1	A	<1	A

Based on the findings of the analyses, all lane groups are anticipated to operate at a level of service 'C' or better. Based on the analyses, the addition of development traffic to the Commercial Street/Union Street intersection does not noticeably impact delay. Queuing from the Union Street and the Center Street signals did block the driveway several times while the counts were being conducted. However, this is not unusual in an urban environment.

Recommendations

The potential for coordination of the Union Street and Center Street signals should be explored, as these locations currently operate independently of one another, resulting in issues with vehicular progression.

In addition, the potential for flexible schedules should be utilized to the greatest extent possible in order to reduce the overall peak-hour traffic to and from the site.

If you have any questions please contact our office.

Sincerely,

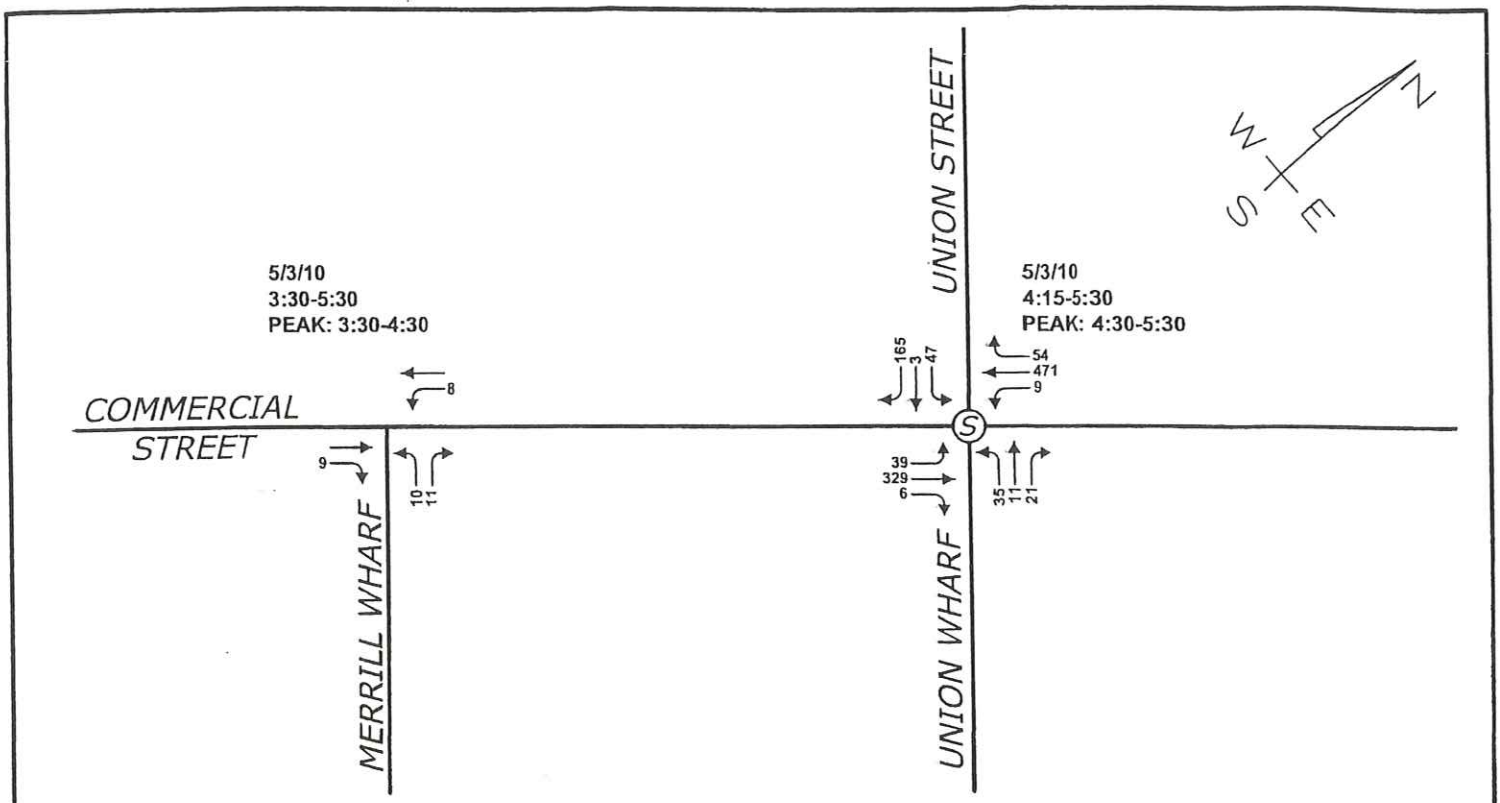
Gorrill-Palmer Consulting Engineers, Inc.

Thomas L. Gorrill, P.E., PTOE
President

TLG/jjb/JN2420/Carroll 5-3-10

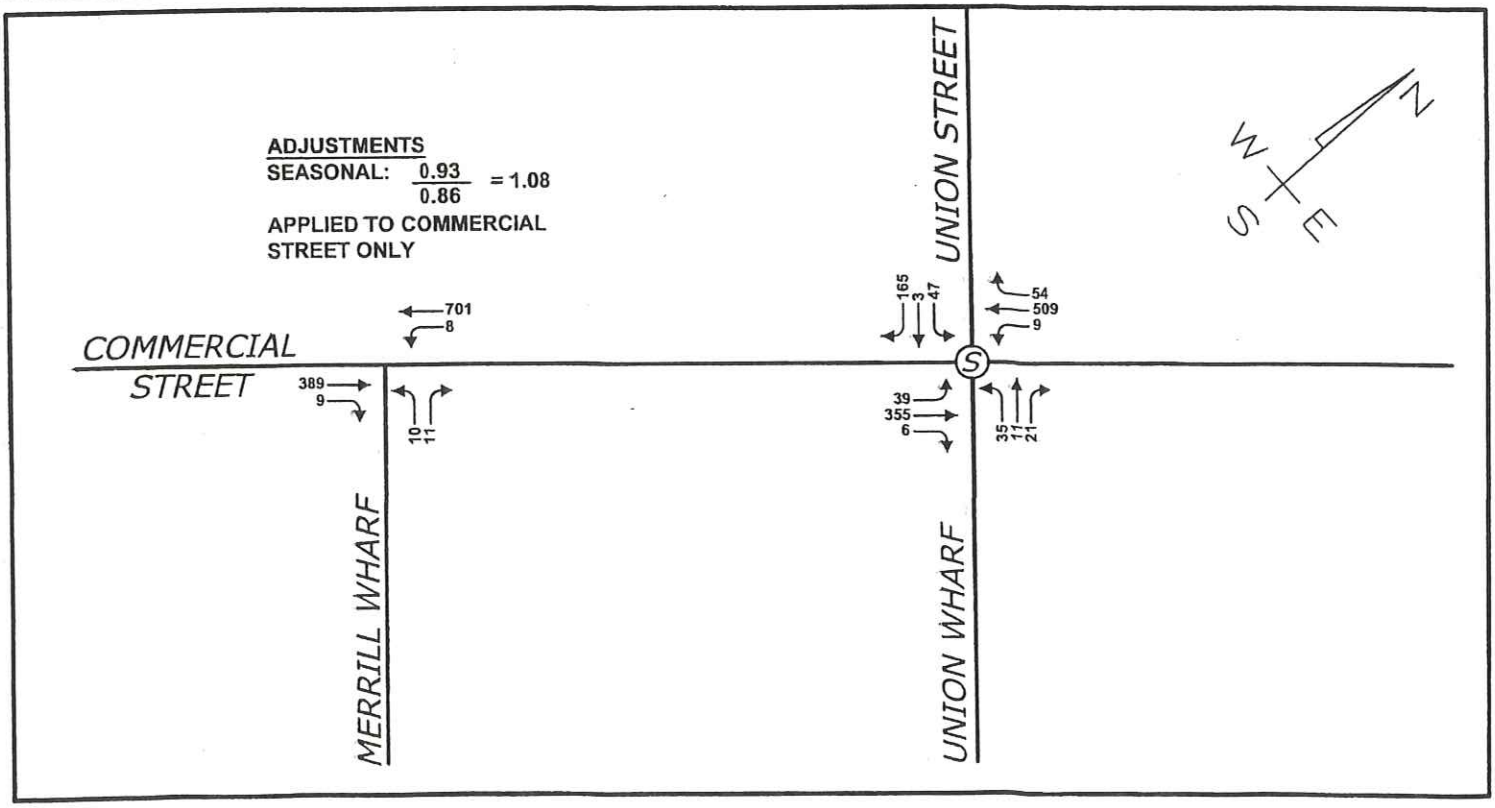
Raw Volumes

Figure No. 1A



2010 Adjusted Volumes

Figure No. 1B



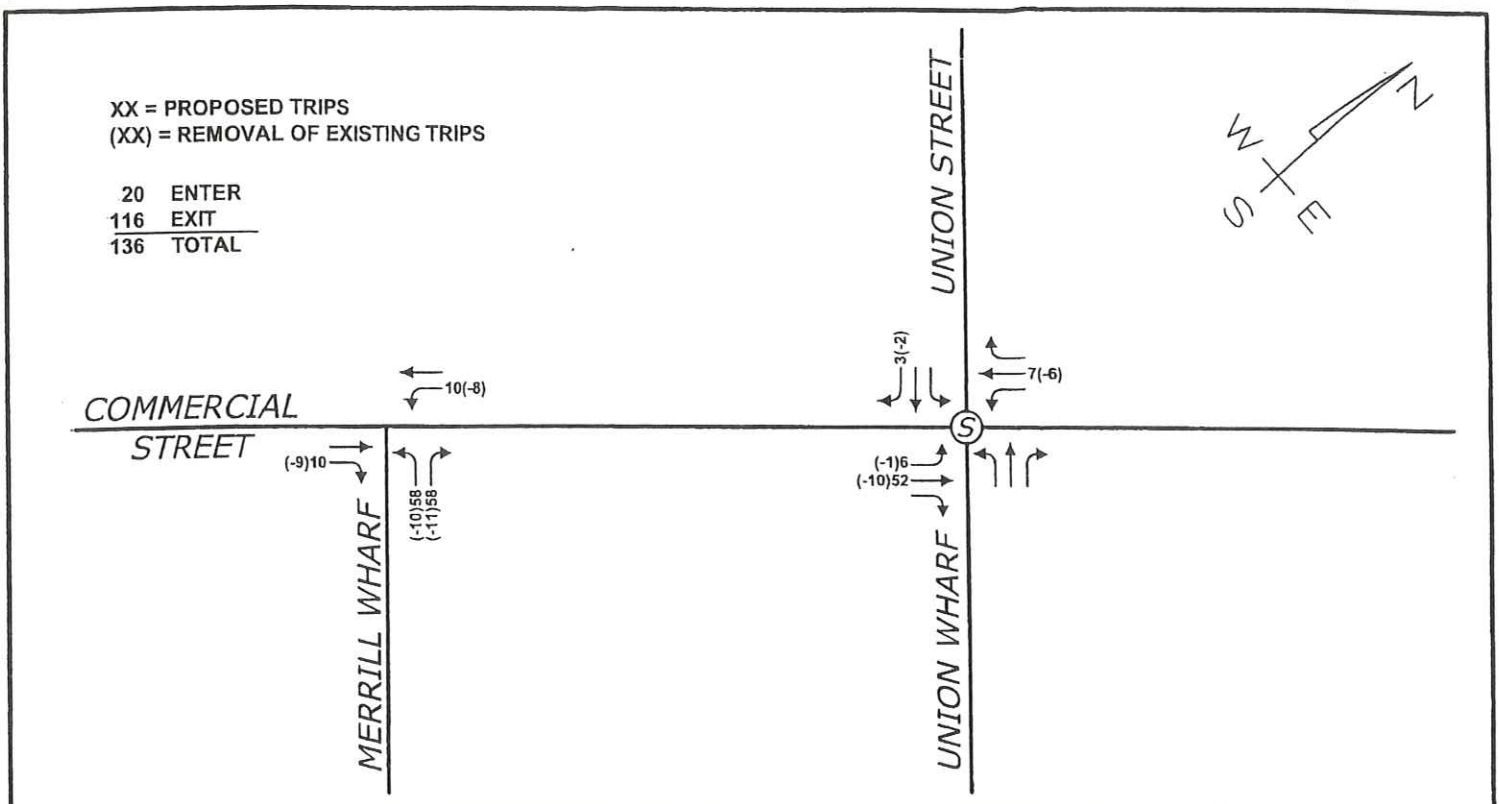
CUMBERLAND COLD STORAGE FACILITY, PORTLAND, MAINE

Design:	JJB	Scale:	NONE
Draft:	DB	Date:	MAY 2010
Checked:	JLW	File Name:	2420_TRAFF.dwg

Gorrill–Palmer Consulting Engineers, Inc.
Engineering Excellence Since 1998
PO Box 1237
15 Shaker Road
Gray, ME 04039
207-657-6910
Fax: 207-657-6912
mailbox@gorrillpalmer.com
www.gorrillpalmer.com

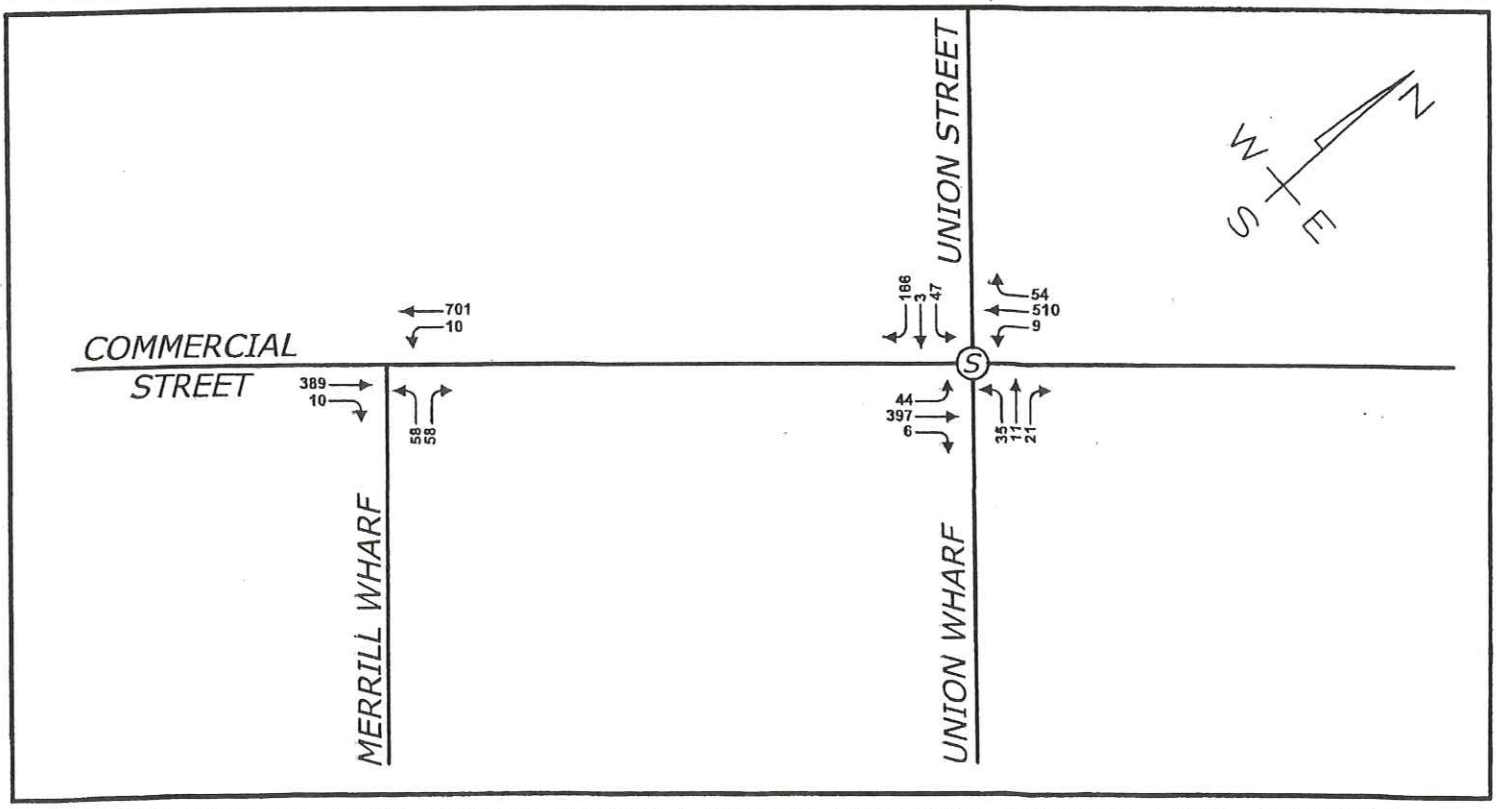
Trip Assignment

Figure No. 2A



2010 Build Volumes

Figure No. 2B



CUMBERLAND COLD STORAGE FACILITY, PORTLAND, MAINE

Design:	JJB	Scale:	NONE
Draft:	DB	Date:	MAY 2010
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207-657-6910
Fax: 207-657-6912
mailbox@gorrillpalmer.com
www.gorrillpalmer.com

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	J. Bartlett
Agency/Co.	Gorrill-Palmer
Date Performed	5/4/2010
Analysis Time Period	PM Peak Hour

Site Information

Intersection	Commercial at Merrill
Jurisdiction	Portland, Maine
Analysis Year	2010

Project Description: 2010 Adjusted Volumes: JN 2420

East/West Street: Merill Wharf | North/South Street: Commercial Street

Intersection Orientation: North-South | Study Period (hrs): 1.00

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		389	9	8		
Peak-Hour Factor, PHF	1.00	0.98	0.98	0.85	0.85	1.00
Hourly Flow Rate, HFR (veh/h)	0	396	9	9	834	0
Percent Heavy Vehicles	0	--	--	10	--	--
Median Type	Two Way Left Turn Lane					
RT Channelized			0			0
Lanes	0	1	0	1	1	0
Configuration			TR	L	T	
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				10		11
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.92	1.00	0.92
Hourly Flow Rate, HFR (veh/h)	0	0	0	10	0	11
Percent Heavy Vehicles	0	0	0	0	0	10
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration					LR	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L		LR				
v (veh/h)		9		21				
C (m) (veh/h)		1112		472				
v/c		0.01		0.04				
95% queue length		0.02		0.14				
Control Delay (s/veh)		8.3		13.0				
LOS		A		B				
Approach Delay (s/veh)	--	--	13.0					
Approach LOS	--	--	B					

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HCS+™ Version 5.3 Generated: 5/4/2010 1:39 PM

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*J. Bartlett*
Agency/Co.	*Gorrill-Palmer*
Date Performed	*5/4/2010*
Analysis Time Period	*PM Peak Hour*

Site Information

Intersection	*Commercial at Merrill*
Jurisdiction	*Portland, Maine*
Analysis Year	*2010*

Project Description *2010 Build Volumes: JN 2420*

East/West Street: *Merrill Wharf* | North/South Street: *Commercial Street*

Intersection Orientation: *North-South* | Study Period (hrs): *1.00*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		*389*	*10*		*709*	
Peak-Hour Factor, PHF	*1.00*	*0.98*	*0.98*	*0.85*	*0.85*	*1.00*
Hourly Flow Rate, HFR (veh/h)	*0*	*396*	*10*	*21*	*834*	*0*
Percent Heavy Vehicles	*0*	–	–	*2*	–	–
Median Type	*Two Way Left Turn Lane*					
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*1*	*1*	*0*
Configuration			*TR*	*L*	*T*	
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				*58*		*58*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*0.92*	*1.00*	*0.92*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*0*	*63*	*0*	*63*
Percent Heavy Vehicles	*0*	*0*	*0*	*2*	*0*	*2*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*0*	*0*	*0*
Configuration					*LR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		*L*		*LR*				
v (veh/h)		*21*		*126*				
C (m) (veh/h)		*1153*		*459*				
v/c		*0.02*		*0.27*				
95% queue length		*0.06*		*1.13*				
Control Delay (s/veh)		*8.2*		*15.8*				
LOS		*A*		*C*				
Approach Delay (s/veh)	–	–	*15.8*					
Approach LOS	–	–	*C*					

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HCS+™ Version 5.3 Generated: 5/4/2010 1:39 PM

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔		↰	↑		↰	↑	↱
Volume (vph)	47	3	165	35	11	21	39	355	6	9	509	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	12	12	12	12	12	12	12	12	12	11	11
Total Lost time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Lane Util. Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt		0.90			0.96		1.00	1.00		1.00	1.00	0.85
Flt Protected		0.99			0.97		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)		1685			1757		1805	1854		1480	1801	1531
Flt Permitted		0.91			0.80		0.36	1.00		0.47	1.00	1.00
Satd. Flow (perm)		1555			1441		691	1854		724	1801	1531
Peak-hour factor, PHF	0.84	0.84	0.84	0.86	0.86	0.86	0.81	0.85	0.85	0.75	0.96	0.90
Adj. Flow (vph)	56	4	196	41	13	24	48	418	7	12	530	60
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	256	0	0	78	0	48	425	0	12	530	60
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	2%	17%	22%	2%	2%
Turn Type	Perm			Perm			Perm			Perm		Perm
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		6
Actuated Green, G (s)		12.1			12.1		19.1	19.1		19.1	19.1	19.1
Effective Green, g (s)		12.1			12.1		19.1	19.1		19.1	19.1	19.1
Actuated g/C Ratio		0.29			0.29		0.46	0.46		0.46	0.46	0.46
Clearance Time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Vehicle Extension (s)		3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)		457			423		320	860		336	835	710
v/s Ratio Prot								0.23			c0.29	
v/s Ratio Perm		c0.16			0.05		0.07			0.02		0.04
v/c Ratio		0.56			0.18		0.15	0.49		0.04	0.63	0.08
Uniform Delay, d1		12.3			10.9		6.4	7.7		6.0	8.4	6.2
Progression Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2		1.6			0.2		0.2	0.4		0.0	1.6	0.1
Delay (s)		13.9			11.1		6.6	8.1		6.1	10.0	6.2
Level of Service		B			B		A	A		A	A	A
Approach Delay (s)		13.9			11.1			8.0			9.5	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	9.9	HCM Level of Service	A
HCM Volume to Capacity ratio	0.61		
Actuated Cycle Length (s)	41.2	Sum of lost time (s)	10.0
Intersection Capacity Utilization	54.2%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	47	3	166	35	11	21	44	397	6	9	510	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	12	12	12	12	12	12	12	12	12	11	11
Total Lost time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Lane Util. Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt		0.90			0.96		1.00	1.00		1.00	1.00	0.85
Flt Protected		0.99			0.97		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)		1685			1757		1805	1855		1480	1801	1531
Flt Permitted		0.91			0.80		0.36	1.00		0.42	1.00	1.00
Satd. Flow (perm)		1556			1442		689	1855		649	1801	1531
Peak-hour factor, PHF	0.84	0.84	0.84	0.86	0.86	0.86	0.81	0.85	0.85	0.75	0.96	0.90
Adj. Flow (vph)	56	4	198	41	13	24	54	467	7	12	531	60
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	258	0	0	78	0	54	474	0	12	531	60
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	2%	17%	22%	2%	2%
Turn Type	Perm			Perm			Perm			Perm		Perm
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		6
Actuated Green, G (s)		12.2			12.2		19.2	19.2		19.2	19.2	19.2
Effective Green, g (s)		12.2			12.2		19.2	19.2		19.2	19.2	19.2
Actuated g/C Ratio		0.29			0.29		0.46	0.46		0.46	0.46	0.46
Clearance Time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Vehicle Extension (s)		3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)		459			425		320	860		301	835	710
v/s Ratio Prot								0.26			c0.29	
v/s Ratio Perm		c0.17			0.05		0.08			0.02		0.04
v/c Ratio		0.56			0.18		0.17	0.55		0.04	0.64	0.08
Uniform Delay, d1		12.3			10.9		6.5	8.0		6.1	8.4	6.2
Progression Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2		1.6			0.2		0.3	0.8		0.1	1.6	0.1
Delay (s)		13.9			11.1		6.7	8.8		6.1	10.0	6.2
Level of Service		B			B		A	A		A	B	A
Approach Delay (s)		13.9			11.1			8.6			9.6	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	10.1	HCM Level of Service	B
HCM Volume to Capacity ratio	0.61		
Actuated Cycle Length (s)	41.4	Sum of lost time (s)	10.0
Intersection Capacity Utilization	56.2%	ICU Level of Service	B
Analysis Period (min)	15		

c Critical Lane Group

JN:2420
Project Description:Redevelopment of Cumberland Cold Storage Building- Trip Generation for Existing Uses
Project Location:Congress Street in Portland
Date:4-30-10

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 5,000

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 7.47(X) - 101.92	-65	18	50%	50%	-33	-33	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-83	29	85%	15%	-71	-12	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-156	26	15%	85%	-23	-133	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-55	27	90%	10%	-50	-6	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-118	27	15%	85%	-18	-100	0.89
Saturday	T = 0.85(X) + 163.06	167	6	50%	50%	84	84	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 6.97(X)	35	18	50%	50%	17	17	N/A
AM Peak of Adjacent	T = 0.92(X)	5	29	85%	15%	4	1	N/A
PM Peak of Adjacent	T = 0.98(X)	5	26	15%	85%	1	4	N/A
AM Peak of Generator	T = 1.01(X)	5	27	90%	10%	5	1	N/A
PM Peak of Generator	T = 1.08(X)	5	27	15%	85%	1	5	N/A
Saturday	T = 1.32(X)	7	6	50%	50%	3	3	N/A
Saturday Peak of Generator	T = 0.14(X)	1	5	50%	50%	0	0	N/A

JN: 2420
Project Description: ɔerland Cold Storage Building
Project Location: Portland, Maine
Date: 4/30/2010

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

Warehousing
Land Use Code (LUC) 150

Gross Floor Area (ft^2): 95,000

Fitted Curve

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split* IN	Directional Split* OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 3.68 (X) + 350.27	700	16	50%	50%	350	350	0.82
AM Peak Adjacent Street	Ln(T) = 0.71 Ln(X) + 1.15	80	19	80%	20%	64	16	0.79
PM Peak Adjacent Street	Ln(T) = 0.79 Ln(X) + 0.54	63	26	25%	75%	16	47	0.75
AM Peak of Generator	T = 0.39(X) + 63.12	100	19	60%	40%	60	40	0.86
PM Peak of Generator	T = 0.46(X) + 53.12	97	18	10%	90%	10	87	0.88
Saturday	---	---	2	50%	50%	---	---	---
Saturday Peak Hour of Gen.	---	---	2	65%	35%	---	---	---

*Percentages rounded to nearest 5%

Average Rate

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split* IN	Directional Split* OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 4.96 (X)	471	16	50%	50%	236	235	---
AM Peak Adjacent Street	T = 0.45 (X)	43	19	80%	20%	34	9	---
PM Peak Adjacent Street	T = 0.47 (X)	45	26	25%	75%	11	34	---
AM Peak of Generator	**T = 0.57 (X)**	**54**	**19**	**60%**	**40%**	**32**	**22**	**---**
PM Peak of Generator	**T = 0.61 (X)**	**58**	**18**	**10%**	**90%**	**6**	**52**	**---**
Saturday	**T = 1.22 (X)**	**116**	**2**	**50%**	**50%**	**58**	**58**	**---**
Saturday Peak Hour of Gen.	**T = 0.12 (X)**	**11**	**2**	**65%**	**35%**	**7**	**4**	**---**

*Percentages rounded to nearest 5%

JN:2420
Project Description:Redevelopment of Cumberland Cold Storage Building- Trip Generation for Existing Uses
Project Location:Congress Street in Portland
Date:4-30-10

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 30,000

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 7.47(X) - 101.92	122	18	50%	50%	61	61	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-54	29	85%	15%	-46	-8	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-121	26	15%	85%	-18	-103	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-25	27	90%	10%	-23	-3	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-83	27	15%	85%	-12	-71	0.89
Saturday	T = 0.85(X) + 163.06	189	6	50%	50%	95	95	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 6.97(X)	209	18	50%	50%	105	105	N/A
AM Peak of Adjacent	T = 0.92(X)	28	29	85%	15%	23	4	N/A
PM Peak of Adjacent	T = 0.98(X)	29	26	15%	85%	4	25	N/A
AM Peak of Generator	T = 1.01(X)	30	27	90%	10%	27	3	N/A
PM Peak of Generator	T = 1.08(X)	32	27	15%	85%	5	28	N/A
Saturday	T = 1.32(X)	40	6	50%	50%	20	20	N/A
Saturday Peak of Generator	T = 0.14(X)	4	5	50%	50%	2	2	N/A

JN: 2420
Project Description: Redevelpment of Cumberland Cold Storage Building
Project Location: Portland
Date: April 30, 2010

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Office Building
Land Use Code (LUC) 710

Gross Floor Area 70,000

Trip Ends Based on Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split *		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	Ln (T) = 0.77 Ln (X) + 3.65	1014	78	50%	50%	507	507	0.80
AM Peak Hour	Ln (T) = 0.80 Ln (X) + 1.55	141	217	90%	10%	127	14	0.83
PM Peak Hour	T = 1.12 (X) + 78.81	157	235	15%	85%	24	133	0.82
Saturday	T = 2.14 (X) + 18.47	168	17	50%	50%	84	84	0.66
Peak Hour of Generator	Ln (T) = 0.81 Ln (X) - 0.12	28	10	55%	45%	15	13	0.59

* Percentages rounded to nearest 5%

Trip Ends Based on Average Rate

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split *		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 11.01 (X)	771	78	50%	50%	386	385	—
AM Peak Hour	T = 1.55 (X)	109	217	90%	10%	98	11	—
PM Peak Hour	T = 1.49 (X)	104	235	15%	85%	16	88	—
Saturday	T = 2.37 (X)	166	17	50%	50%	83	83	—
Saturday Peak Hour of Gen.	T = 0.41 (X)	29	10	50%	50%	15	14	—

* Percentages rounded to nearest 5%

PM Peak Hour:	T = 1.49/1.55 (AM Peak)	136		15%	85%	20	116	0.82

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☑ Crash Summary I ☑ Section Detail ☑ Crash Summary II ☐ 1320 Included ☐ 1320 & Driver Report Included

REPORT DESCRIPTION

Commercial St from Center St to Union St in Portland

REPORT PARAMETERS

Year 2006, Start Month 1 through Year 2008 End Month: 12

Route: **0001A**
Start Node: **16788**
End Node: **16790**
Start Offset: **0**
End Offset: **0**
☐ Exclude First Node
☐ Exclude Last Node

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Nodes

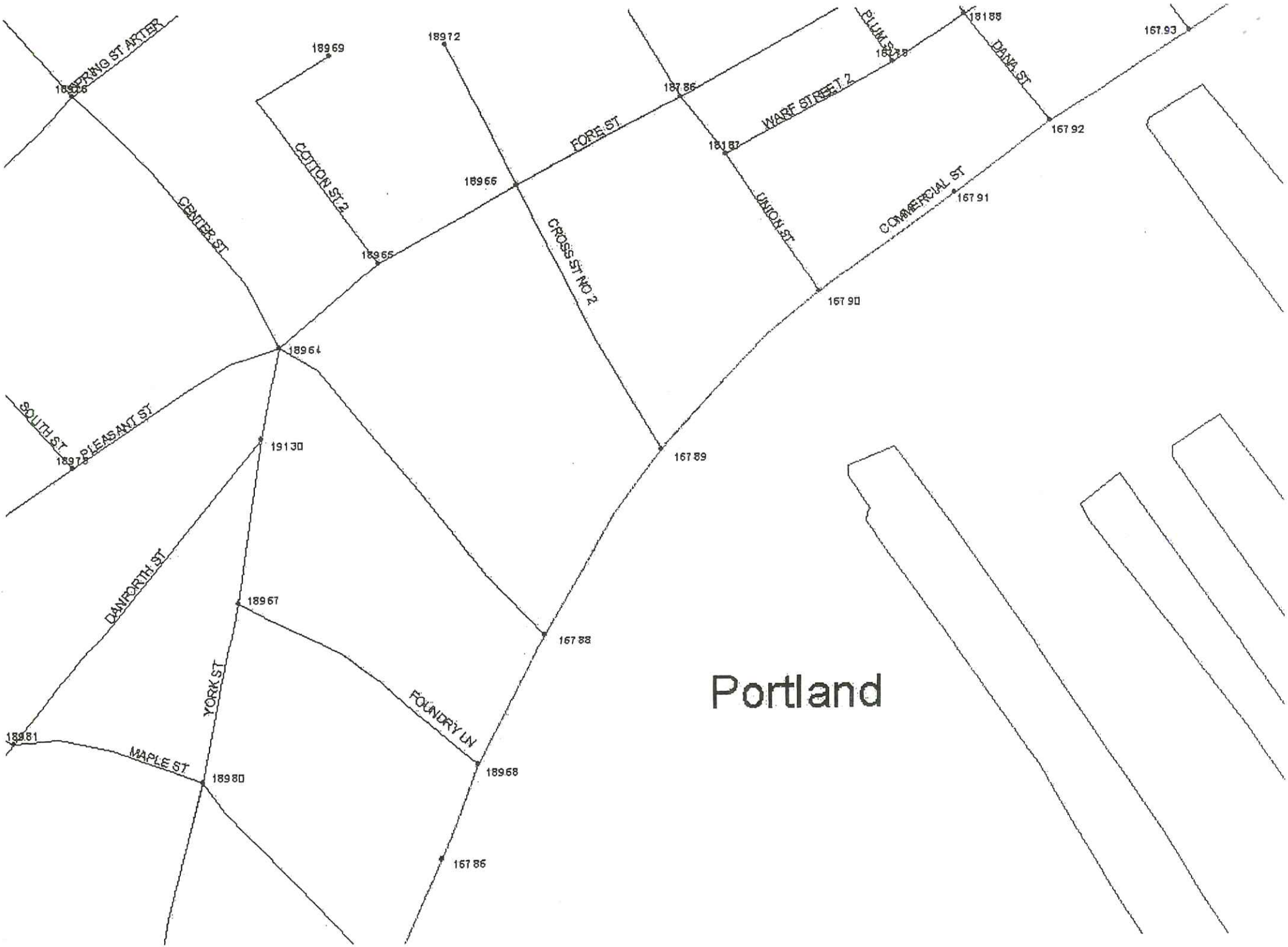
Node	Route - MP	Node Description	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF
16788	0001A - 10.92	0507205 POR,COMMERCIAL,CENTER ST.	9	12	0	0	0	2	10	16.7	5.826	0.69	1.13	0.00
										Statewide Crash Rate:		0.66		
16789	0001A - 10.97	0507206 POR,COMMERCIAL,CROSS ST.2	2	5	0	0	0	1	4	20.0	4.984	0.33	0.39	0.00
										Statewide Crash Rate:		0.16		
16790	0001A - 11.03	0507207 POR,COMMERCIAL,UNION ST.	9	9	0	0	2	0	6	25.0	4.844	0.62	1.17	0.00
										Statewide Crash Rate:		0.66		
		NODE TOTALS:		26	0	0	2	3	20	19.2	15.654	0.55	0.76	0.73

Study Years: 3.00

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section Length	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
16789	16790	192466	0 - 0.06	0001A - 10.91	0.06	2	3	0	0	0	0	3	0.0	0.00281	355.32	498.13	0.00
0507206 POR,COMMERCIAL,CROSS ST.2				US 1A									Statewide Crash Rate:		180.60		
16788	16789	192463	0 - 0.05	0001A - 10.92	0.05	2	0	0	0	0	0	0	0.0	0.00241	0.00	518.63	0.00
0507205 POR,COMMERCIAL,CENTER ST.				US 1A									Statewide Crash Rate:		180.60		
Study Years: 3.00				**Section Totals:**	0.11		3	0	0	0	0	3	0.0	0.00522	191.45	425.24	0.45
				Grand Totals:	0.11		29	0	0	2	3	23	17.2	0.00522	1850.66	637.15	2.90



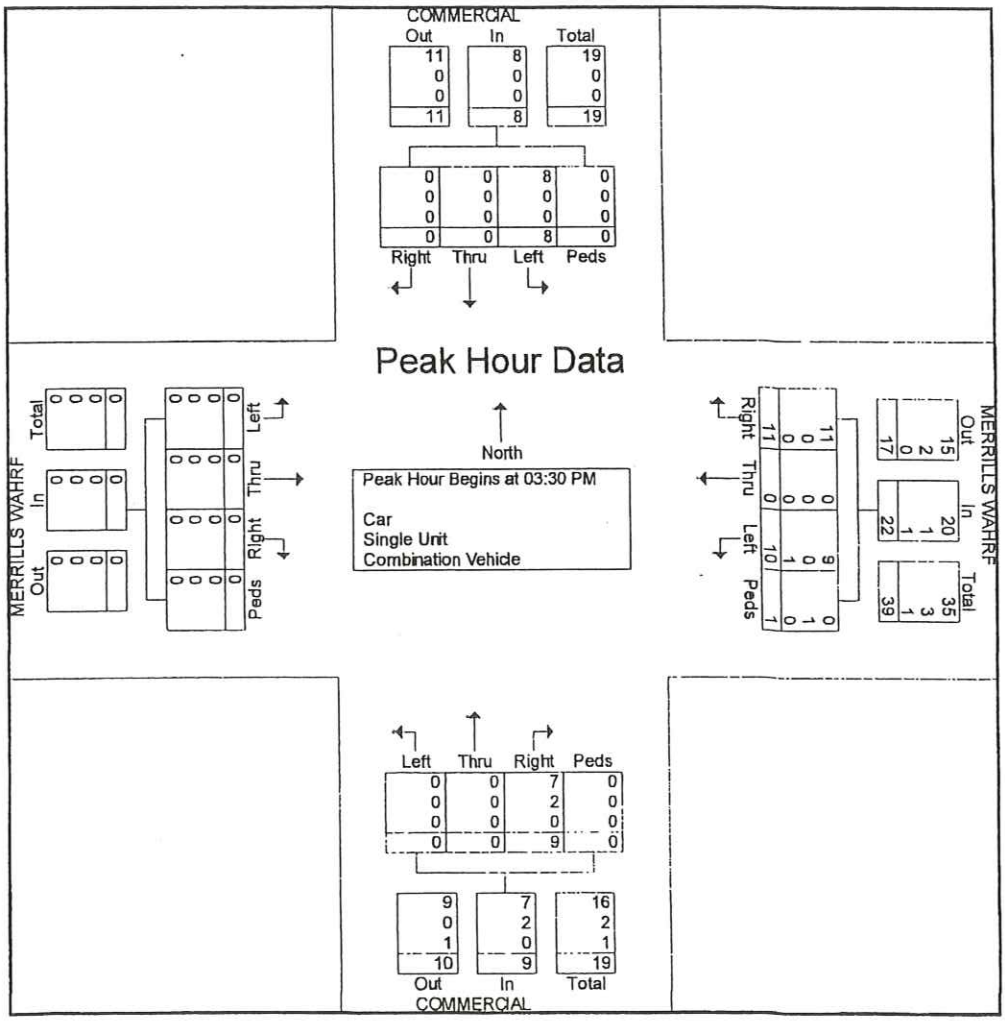
SPRING ST ARTER
18969
18972
18786
PLUM ST
18188
167.93
DANA ST
WARF STREET 2
FORE ST
18187
167.92
COTTON ST 2
18966
CENTER ST
CROSS ST NO 2
UNION ST
COMMERCIAL ST
167.91
18965
167.90
18964
SOUTH ST
PLEASANT ST
19130
167.89
DANFORTH ST
18967
167.88
YORK ST
FOUNDRY LN
18981
MAPLE ST
18980
18968
167.86
Portland

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

File Name : Merrill_Trip_Gen_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 3

	COMMERCIAL From North					MERRILLS WAHRF From East					COMMERCIAL From South					MERRILLS WAHRF From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 03:30 PM to 05:15 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 03:30 PM																					
03:30 PM	2	0	0	0	2	5	0	2	0	7	0	0	2	0	2	0	0	0	0	0	11
03:45 PM	3	0	0	0	3	2	0	4	0	6	0	0	2	0	2	0	0	0	0	0	11
04:00 PM	2	0	0	0	2	1	0	4	0	5	0	0	2	0	2	0	0	0	0	0	9
04:15 PM	1	0	0	0	1	2	0	1	1	4	0	0	3	0	3	0	0	0	0	0	8
Total Volume	8	0	0	0	8	10	0	11	1	22	0	0	9	0	9	0	0	0	0	0	39
% App. Total	100	0	0	0		45.5	0	50	4.5		0	0	100	0		0	0	0	0		
PHF	.667	.000	.000	.000	.667	.500	.000	.688	.250	.786	.000	.000	.750	.000	.750	.000	.000	.000	.000	.000	.886
Car	8	0	0	0	8	9	0	11	0	20	0	0	7	0	7	0	0	0	0	0	35
% Car	100	0	0	0	100	90.0	0	100	0	90.9	0	0	77.8	0	77.8	0	0	0	0	0	89.7
Single Unit	0	0	0	0	0	0	0	0	1	1	0	0	2	0	2	0	0	0	0	0	3
% Single Unit	0	0	0	0	0	0	0	0	100	4.5	0	0	22.2	0	22.2	0	0	0	0	0	7.7
Combination Vehicle	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
% Combination Vehicle	0	0	0	0	0	10.0	0	0	0	4.5	0	0	0	0	0	0	0	0	0	0	2.6



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

Location: Portland, Maine
Counter: TLG
Board: DB-400
Weather: Clear/Windy

File Name : Merrill_Trip_Gen_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 1

Groups Printed- Car - Single Unit - Combination Vehicle

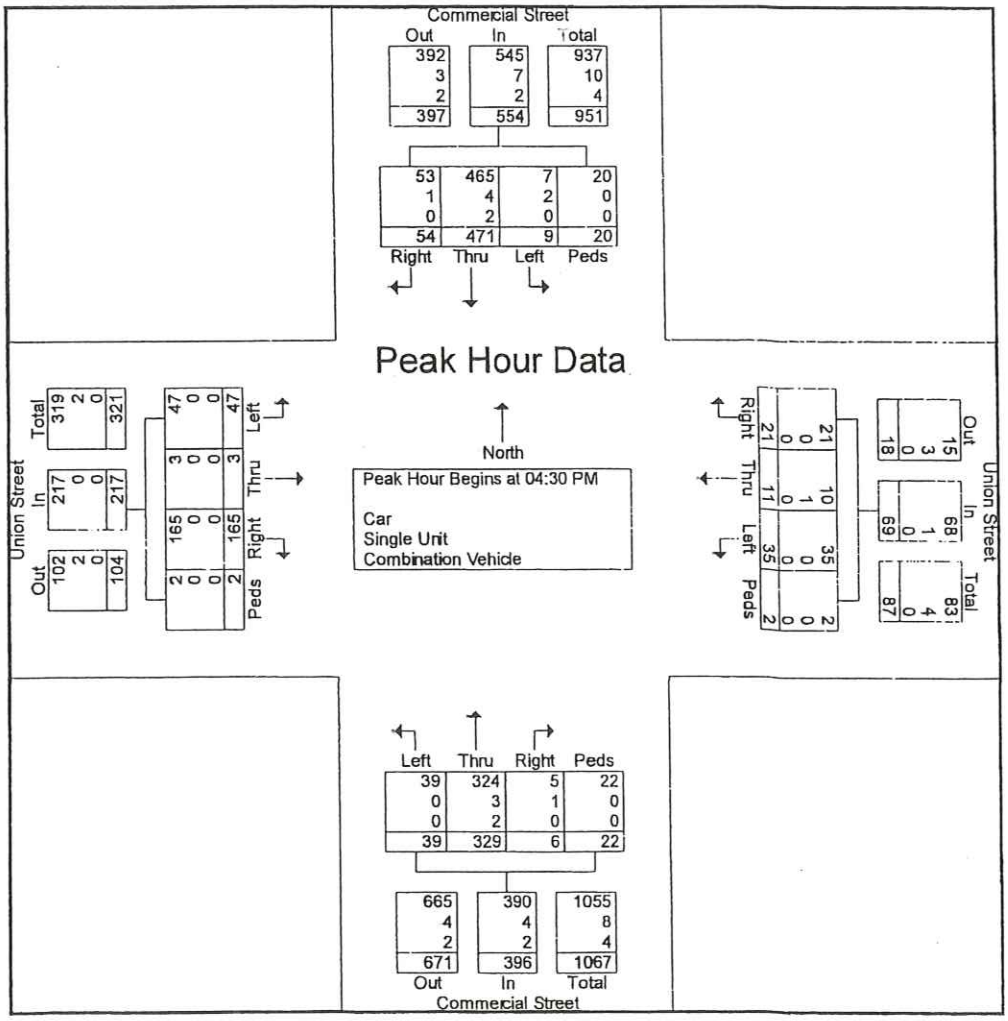
	COMMERCIAL From North					MERRILLS WAHRF From East					COMMERCIAL From South					MERRILLS WAHRF From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
03:30 PM	2	0	0	0	2	5	0	2	0	7	0	0	2	0	2	0	0	0	0	0	11
03:45 PM	3	0	0	0	3	2	0	4	0	6	0	0	2	0	2	0	0	0	0	0	11
Total	5	0	0	0	5	7	0	6	0	13	0	0	4	0	4	0	0	0	0	0	22
04:00 PM	2	0	0	0	2	1	0	4	0	5	0	0	2	0	2	0	0	0	0	0	9
04:15 PM	1	0	0	0	1	2	0	1	1	4	0	0	3	0	3	0	0	0	0	0	8
04:30 PM	1	0	1	0	2	2	0	1	0	3	0	0	1	0	1	0	0	0	0	0	6
04:45 PM	1	0	0	0	1	3	0	1	0	4	0	0	2	0	2	0	0	0	0	0	7
Total	5	0	1	0	6	8	0	7	1	16	0	0	8	0	8	0	0	0	0	0	30
05:00 PM	0	0	0	0	0	6	0	3	0	9	0	0	0	0	0	0	0	0	0	0	9
05:15 PM	0	0	0	0	0	1	0	4	0	5	0	0	0	0	0	0	0	0	0	0	5
Grand Total	10	0	1	0	11	22	0	20	1	43	0	0	12	0	12	0	0	0	0	0	66
Apprch %	90.9	0	9.1	0		51.2	0	46.5	2.3		0	0	100	0		0	0	0	0		
Total %	15.2	0	1.5	0	16.7	33.3	0	30.3	1.5	65.2	0	0	18.2	0	18.2	0	0	0	0	0	
Car	10	0	0	0	10	21	0	20	0	41	0	0	9	0	9	0	0	0	0	0	60
% Car	100	0	0	0	90.9	95.5	0	100	0	95.3	0	0	75	0	75	0	0	0	0	0	90.9
Single Unit	0	0	1	0	1	0	0	0	1	1	0	0	3	0	3	0	0	0	0	0	5
% Single Unit	0	0	100	0	9.1	0	0	0	100	2.3	0	0	25	0	25	0	0	0	0	0	7.6
Combination Vehicle	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
% Combination Vehicle	0	0	0	0	0	4.5	0	0	0	2.3	0	0	0	0	0	0	0	0	0	0	1.5

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

File Name : Commercial@Union_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 2

	Commercial Street From North					Union Street From East					Commercial Street From South					Union Street From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:15 PM to 05:15 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
04:30 PM	2	119	12	3	136	10	2	5	**2**	19	8	77	2	0	87	12	**2**	51	0	**65**	307
04:45 PM	**3**	114	14	5	136	9	1	1	0	11	11	73	1	2	87	**17**	1	24	0	42	276
05:00 PM	3	115	**15**	**9**	**142**	**12**	2	5	0	19	8	82	0	**15**	105	7	0	**52**	**1**	60	326
05:15 PM	1	**123**	13	3	140	4	**6**	**10**	0	**20**	**12**	**97**	**3**	5	**117**	11	0	38	1	50	**327**
Total Volume	9	471	54	20	554	35	11	21	2	69	39	329	6	22	396	47	3	165	2	217	1236
% App. Total	1.6	85	9.7	3.6		50.7	15.9	30.4	2.9		9.8	83.1	1.5	5.6		21.7	1.4	76	0.9		
PHF	.750	.957	.900	.556	.975	.729	.458	.525	.250	.863	.813	.848	.500	.367	.846	.691	.375	.793	.500	.835	.945
Car	7	465	53	20	545	35	10	21	2	68	39	324	5	22	390	47	3	165	2	217	1220
% Car	77.8	98.7	98.1	100	98.4	100	90.9	100	100	98.6	100	98.5	83.3	100	98.5	100	100	100	100	100	98.7
Single Unit	2	4	1	0	7	0	1	0	0	1	0	3	1	0	4	0	0	0	0	0	12
% Single Unit	22.2	0.8	1.9	0	1.3	0	9.1	0	0	1.4	0	0.9	16.7	0	1.0	0	0	0	0	0	1.0
Combination Vehicle	0	2	0	0	2	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	4
% Combination Vehicle	0	0.4	0	0	0.4	0	0	0	0	0	0	0.6	0	0	0.5	0	0	0	0	0	0.3



Gorrill-Palmer Consulting Engineers, Inc.

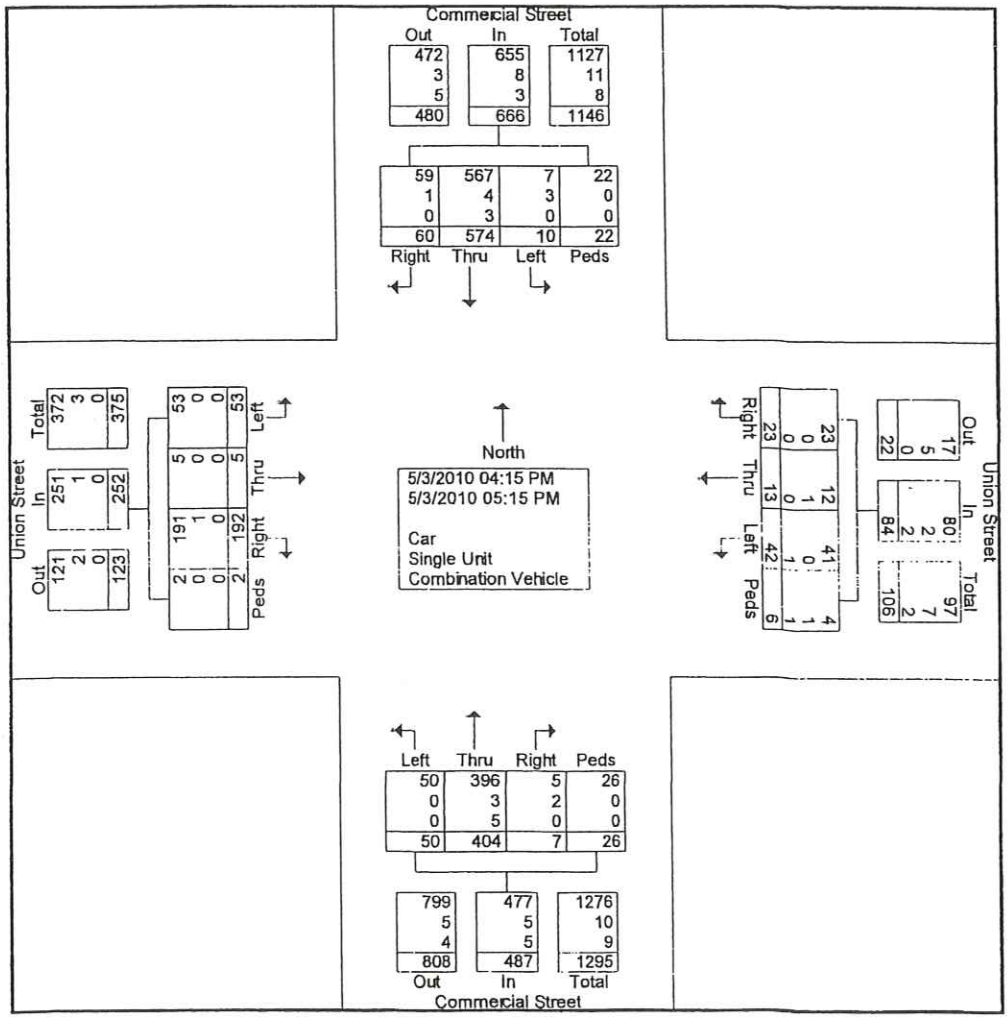
PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

Location: Portland, Maine
Counter: TLG
Board: DB-400
Weather: Clear/Windy

File Name : Commercial@Union_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 1

Groups Printed- Car - Single Unit - Combination Vehicle

	Commercial Street From North					Union Street From East					Commercial Street From South					Union Street From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
04:15 PM	1	103	6	2	112	7	2	2	4	15	11	75	1	4	91	6	2	27	0	35	253
04:30 PM	2	119	12	3	136	10	2	5	2	19	8	77	2	0	87	12	2	51	0	65	307
04:45 PM	3	114	14	5	136	9	1	1	0	11	11	73	1	2	87	17	1	24	0	42	276
Total	6	336	32	10	384	26	5	8	6	45	30	225	4	6	265	35	5	102	0	142	836
05:00 PM	3	115	15	9	142	12	2	5	0	19	8	82	0	15	105	7	0	52	1	60	326
05:15 PM	1	123	13	3	140	4	6	10	0	20	12	97	3	5	117	11	0	38	1	50	327
Grand Total	10	574	60	22	666	42	13	23	6	84	50	404	7	26	487	53	5	192	2	252	1489
Apprch %	1.5	86.2	9	3.3		50	15.5	27.4	7.1		10.3	83	1.4	5.3		21	2	76.2	0.8		
Total %	0.7	38.5	4	1.5	44.7	2.8	0.9	1.5	0.4	5.6	3.4	27.1	0.5	1.7	32.7	3.6	0.3	12.9	0.1	16.9	
Car	7	567	59	22	655	41	12	23	4	80	50	396	5	26	477	53	5	191	2	251	1463
% Car	70	98.8	98.3	100	98.3	97.6	92.3	100	66.7	95.2	100	98	71.4	100	97.9	100	100	99.5	100	99.6	98.3
Single Unit	3	4	1	0	8	0	1	0	1	2	0	3	2	0	5	0	0	1	0	1	16
% Single Unit	30	0.7	1.7	0	1.2	0	7.7	0	16.7	2.4	0	0.7	28.6	0	1	0	0	0.5	0	0.4	1.1
Combination Vehicle	0	3	0	0	3	1	0	0	1	2	0	5	0	0	5	0	0	0	0	0	10
% Combination Vehicle	0	0.5	0	0	0.5	2.4	0	0	16.7	2.4	0	1.2	0	0	1	0	0	0	0	0	0.7



6 Optional Houseside Shield:

Cat. No.: **HS**

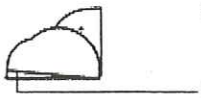
Combination louver shield and black end-panel for reflector. Factory installed to reflector module. Reduces light toward wall by the following amounts:

Approximate light reduction toward wall.	Type II	Type III	Type IV
WD14	-43%	-74%	-77%

Cat. No.: **HSC**

For fixtures with optional Lexan® SLX Enclosure.

7 Optional 5° Shield:



Cat. No.: **5DS14**

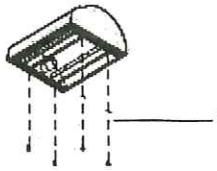
Aluminum shield field-attached to lens frame. Maintains a horizontal cutoff fixture edge when the luminaire is tilted 5°. Finished to match the fixture.

8 Optional Lexan® SLX Non-Yellowing Enclosure:

Cat. No.: **SX**

For DOWN fixture models only. Clear convex vacuum formed non-yellowing Lexan® SLX enclosure with gasket replaces standard tempered flat glass lens.

9 Optional Wire Guard:



Cat. No.: **WG14**

For use with all WD14 fixtures, UP or DOWN. 11 ga. (.12" dia.) BB Wire. (.75" sq. welded mesh pattern.) 11⅜" x 10¼" x 1½" deep. Finish is Super TGIC thermoset polyester powder coat paint, over zinc plated wireform. Finished to match the fixture.

NOTE: Only available with flat lens applications.

10 Optional Fusing:

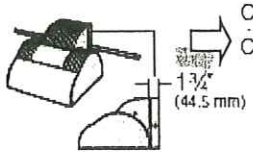
Line Volts:	120V	208V	240V	277V	347V	480V
Cat. No.:	**SF**	**DF**	**DF**	**SF**	**SF**	**DF**

11 Optional Quartz Standby:

Cat. No.: **QS**

Integral electronic device energizes a T-4 mini-can socket during initial lamp start-up or after a power interruption. De-energizes prior to HID lamp reaching full brightness. T-4 halogen lamp by others; 100W maximum.

12 Optional Surface Conduit Mount:



Cat. No.: **SCM14U**

Cat. No.: **SCM14D**

For WD14 fixtures, UP only.

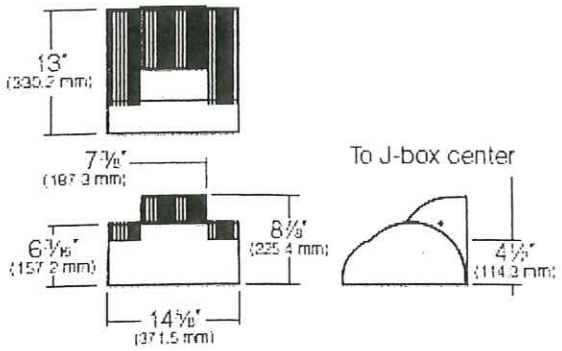
For WD14 fixtures, DOWN only.

For use with all WD14 fixtures. UP or DOWN. Cast aluminum junction box and fixture mount for attachment (by others) to existing walls, beams or columns. SCM14 has one ¾" NPT conduit tap in each side, top and bottom. Finished to match the fixture.

13 Optional Battery Back-up:

Cat. No.: **EM**

Internal battery pack provides 90 minutes of supplemental light at 750 lumens on 26, 32, or 42 watt compact fluorescent lamps. (Remote mounted battery pack also available for 57W, 60W, and 70W CFL - consult factory.)

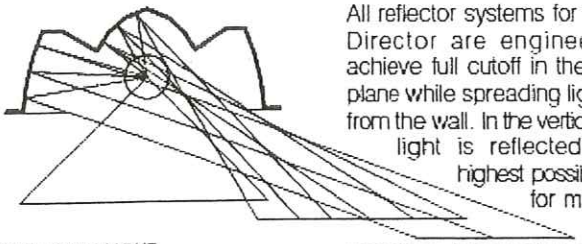


Type S1

KIM LIGHTING

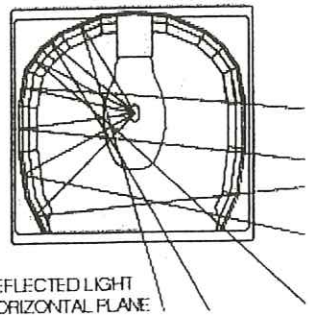
Full Cutoff

The term "full cutoff" as applied to a down facing fixture, means that no portion of the luminaire's optical system is visible above horizontal. In addition to this physical requirement, the fixture also meets IES photometric requirements for classification as a full cutoff luminaire. While some wall luminaires claim to be cutoff, their visible optical systems create brightness that overwhelms the surrounding architecture. The Wall Director® utilizes a horizontal lamp orientation and a standard flat clear glass lens to achieve full cutoff. The distribution of light is handled entirely by a precision reflector system engineered for maximum fixture spacing with outstanding uniformity.

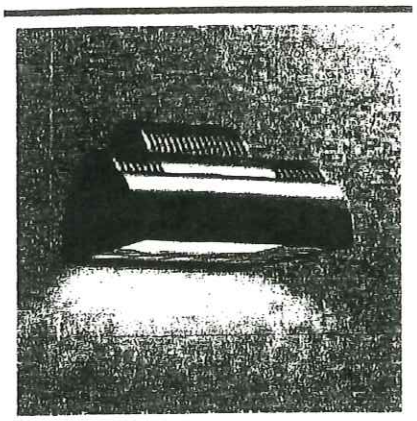


REFLECTED LIGHT
VERTICAL PLANE

All reflector systems for the Wall Director are engineered to achieve full cutoff in the vertical plane while spreading light away from the wall. In the vertical plane, light is reflected at the highest possible angle for maximum fixture spacing. Excessive straight down illumination is avoided by the elimination of downward reflecting surfaces. In the horizontal plane, light is precisely directed away from the wall. All light striking the wall comes only from the lamp. This wall illumination may be aesthetically desirable whether directed up or down, or can be substantially reduced by using the optional houseside shield.



REFLECTED LIGHT
HORIZONTAL PLANE



Reflector Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Rotates against ballast housing to provide 10° of adjustment with degree markers cast into the housing. At 0° adjustment, lens is totally concealed from view above horizontal with fixture aimed downward.

Ballast Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Fastens to mounting plate with keyhole slots freeing both hands for securing and wiring. One stainless steel socket-head screw on each side of housing frees the reflector housing to rotate for aiming. Tightening the screws locks the two housings together with sealing provided by a silicone gasket. For visual aiming, adjustment may be accomplished with the fixture on.

Lens Frame: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral hinges and stainless steel pins. Two stainless steel quarter-turn fasteners secure lens frame to reflector housing with sealing provided by a one-piece extruded and vulcanized silicone gasket. Lens is clear flat 1/8" thick tempered glass sealed to lens frame with a silicone gasket and retainer clips. For UP models, lens is mounted flush with frame for water run off, and is silicone sealed.

Type II, III, and IV Reflector Module: Specular Alzak® optical segments are rigidly mounted within a die-cast aluminum enclosure that attaches to the housing by a no-tool quick-disconnecting hinge and fastener. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast. Available in three light distributions, all interchangeable within the same housing.

Wall Grazer Reflector Module: Specular Alzak® optical segment is rigidly formed into a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black louver vanes run parallel to the lamp arc for controlling the hot spot directly behind the fixture, and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are porcelain mogul base with HPS and PMH rated at 4KV, and MH versions having pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Spot Reflector Module: Specular Alzak® optical spun parabola is rigidly mounted to a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black internal louvers are provided to control the beam and prevent hot spots directly behind the fixture and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Electrical Components: High power factor ballasts are rigidly mounted inside the housing and are factory prewired with a quick-disconnect plug for mating to the socket. Starting temperatures are -40°F for HPS lamp modes and -20°F for MH and PMH lamp modes.

Mounting Plate: For WD14 models, mounting plate attaches directly to any standard 4" junction box. For WD18 models, standard mounting plate is attached to wall (by others) outside the junction box perimeter. All mounting plates are die-cast aluminum with reinforced ribs. Two studs are provided in each plate with flange nuts to allow fixture mounting by keyhole slots. Sealant must be applied (by others) between mounting plate and mounting surface to insure a dry junction box.

Finish/Color: Finish is Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; A.S.T.M. 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Light Gray, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

Type S1

Small Wall Director®

WD14
Medium Base
70 to 175 Watt

Ordering Example:
For Standard Fixture

Fixture	Electrical Module	Finish	Options
WD14D3	/150PMH277/	BL	/ A-33
1	2	3	4-13

See page 15 for complete option specifications information

1 Fixture:

Cat. No. designates **WD14** fixture, Up (U) or Down (D) configuration, and light distribution (2, 3, 4, G, or S).

Fixture:		Light Distribution:	Type II	Type III	Type IV	Wall Grazer	Spot
UP 14"		Cat. No.:	WD14U2	WD14U3	WD14U4	WD14UG	WD14US
DOWN 14"		Cat. No.:	WD14D2	WD14D3	WD14D4	WD14DG	WD14DS

2 Electrical Module:

PMH = Pulse Start Metal Halide
HPS = High Pressure Sodium
PL = Compact Fluorescent Triple Tube
IF = Induction Fluorescent

See lamp and electrical data on pages **16 - 17** for ballast types and characteristics.

Lamp Watts	Lamp Type	Line Volts
150	PMH	277

Pulse Start Metal Halide		High Pressure Sodium	Compact Fluorescent	Induction Fluorescent
50PMH120	125PMH120	70HPS120	42PL120	55IF120
50PMH208	125PMH208	70HPS208	42PL208	55IF208
50PMH240	125PMH240	70HPS240	42PL240	55IF240
50PMH277	125PMH277	70HPS277	42PL277	55IF277
50PMH347		70HPS347	57PL120	
		70HPS480	57PL208	
70PMH120	150PMH120	100HPS120	57PL240	
70PMH208	150PMH208	100HPS208	57PL277	
70PMH240	150PMH240	100HPS240	60PL120	
70PMH277	150PMH277	100HPS277	60PL208	
70PMH347	150PMH347	100HPS347	60PL240	
70PMH480	150PMH480	100HPS480	60PL277	
100PMH120		150HPS120		
100PMH208		150HPS208		
100PMH240		150HPS240		
100PMH277		150HPS277		
100PMH347		150HPS347		
100PMH480		150HPS480		

NOTE: Due to the Energy Independence and Security Act (EISA) of 2007, Kim Lighting can no longer supply probe start metal halide ballasts with its luminaires, effective January 1, 2009. Contact Kim Lighting for availability of replacement ballasts for warranty service claims.

(Visit www.aboutlightingcontrols.org or the Library of Congress website for more details).

KN! **KimNOW! Available Configurations:**
KN-WD14D3/70PMH/DB*,
KN-WD14D3/150PMH/DB*
Accessories:
KN-SCM14D/DB, KN-SDS14/DB, KN-WG14/DB
*Multi-tap ballast (120, 208, 240, or 277 volts)

3 Finish:

Super TGIC powder coat paint over titanated zirconium conversion coating.

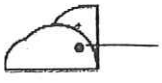
Color:	Black	Dark Bronze	Light Gray	Platinum Silver	White	Custom Colors
Cat. No.:	BL	DB	LG	PS	WH	CC

Consult representative for custom colors.

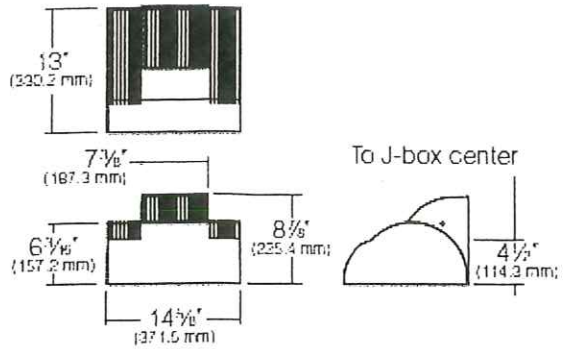
4 Optional Base Socket:

Cat. No.: **G12** — Optional G12 base socket available for 70W and 150W Pulse Start Metal Halide lamps only.

5 Optional Photocell:



Line Volts:	120V	208V	240V	277V	480V	347V
Cat. No.:	A-30	A-31	A-32	A-33	A-34	A-35

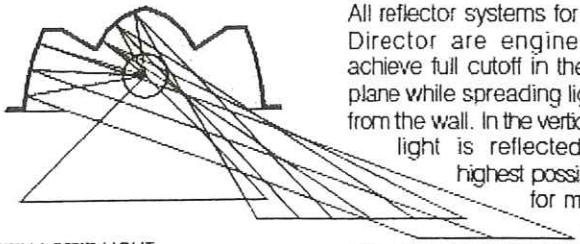


Type S2

KIM LIGHTING

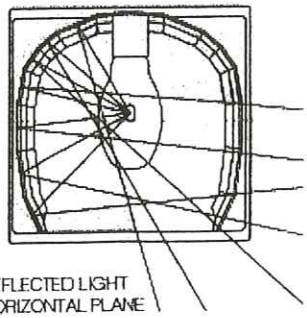
Full Cutoff

The term "full cutoff" as applied to a down facing fixture, means that no portion of the luminaire's optical system is visible above horizontal. In addition to this physical requirement, the fixture also meets IES photometric requirements for classification as a full cutoff luminaire. While some wall luminaires claim to be cutoff, their visible optical systems create brightness that overwhelms the surrounding architecture. The Wall Director® utilizes a horizontal lamp orientation and a standard flat clear glass lens to achieve full cutoff. The distribution of light is handled entirely by a precision reflector system engineered for maximum fixture spacing with outstanding uniformity.

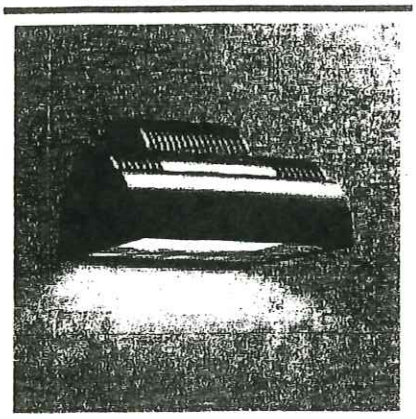


REFLECTED LIGHT
VERTICAL PLANE

All reflector systems for the Wall Director are engineered to achieve full cutoff in the vertical plane while spreading light away from the wall. In the vertical plane, light is reflected at the highest possible angle for maximum fixture spacing. Excessive straight down illumination is avoided by the elimination of downward reflecting surfaces. In the horizontal plane, light is precisely directed away from the wall. All light striking the wall comes only from the lamp. This wall illumination may be aesthetically desirable whether directed up or down, or can be substantially reduced by using the optional houseside shield.



REFLECTED LIGHT
HORIZONTAL PLANE



Reflector Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Rotates against ballast housing to provide 10° of adjustment with degree markers cast into the housing. At 0° adjustment, lens is totally concealed from view above horizontal with fixture aimed downward.

Ballast Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Fastens to mounting plate with keyhole slots freeing both hands for securing and wiring. One stainless steel socket-head screw on each side of housing frees the reflector housing to rotate for aiming. Tightening the screws locks the two housings together with sealing provided by a silicone gasket. For visual aiming, adjustment may be accomplished with the fixture on.

Lens Frame: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral hinges and stainless steel pins. Two stainless steel quarter-turn fasteners secure lens frame to reflector housing with sealing provided by a one-piece extruded and vulcanized silicone gasket. Lens is clear flat 1/8" thick tempered glass sealed to lens frame with a silicone gasket and retainer clips. For UP models, lens is mounted flush with frame for water run off, and is silicone sealed.

Type II, III, and IV Reflector Module: Specular Alzak® optical segments are rigidly mounted within a die-cast aluminum enclosure that attaches to the housing by a no-tool quick-disconnecting hinge and fastener. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast. Available in three light distributions, all interchangeable within the same housing.

Wall Grazer Reflector Module: Specular Alzak® optical segment is rigidly formed into a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black louver vanes run parallel to the lamp arc for controlling the hot spot directly behind the fixture, and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are porcelain mogul base with HPS and PMH rated at 4KV, and MH versions having pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Spot Reflector Module: Specular Alzak® optical spun parabola is rigidly mounted to a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black internal louvers are provided to control the beam and prevent hot spots directly behind the fixture and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Electrical Components: High power factor ballasts are rigidly mounted inside the housing and are factory prewired with a quick-disconnect plug for mating to the socket. Starting temperatures are -40°F for HPS lamp modes and -20°F for MH and PMH lamp modes.

Mounting Plate: For WD14 models, mounting plate attaches directly to any standard 4" junction box. For WD18 models, standard mounting plate is attached to wall (by others) outside the junction box perimeter. All mounting plates are die-cast aluminum with reinforced ribs. Two studs are provided in each plate with flange nuts to allow fixture mounting by keyhole slots. Sealant must be applied (by others) between mounting plate and mounting surface to insure a dry junction box.

Finish/Color: Finish is Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; A.S.T.M. 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Light Gray, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

Type S2

Small Wall Director®

WD14
Medium Base
70 to 175 Watt

Ordering Example:
For Standard Fixture

Fixture	Electrical Module	Finish	Options
WD14D3	/150PMH277/	BL	/ A-33
1	2	3	4-13

See page 15 for complete option specifications information.

1 Fixture:
Cat. No. designates **WD14** fixture, Up (U) or Down (D) configuration, and light distribution (2, 3, 4, G or S).

Fixture:		Light Distribution:	Type II	Type III	Type IV	Wall Grazer	Spot
UP 14°		Cat. No.:	WD14U2	WD14U3	WD14U4	WD14UG	WD14US
DOWN 14°		Cat. No.:	WD14D2 ⇨	WD14D3	WD14D4	WD14DG	WD14DS

2 Electrical Module:
PMH = Pulse Start Metal Halide
HPS = High Pressure Sodium
PL = Compact Fluorescent Triple Tube
IF = Induction Fluorescent

See lamp and electrical data on pages 16 - 17 for ballast types and characteristics.

Lamp Watts	Lamp Type	Line Volts
150	PMH	277

Pulse Start Metal Halide		High Pressure Sodium	Compact Fluorescent	Induction Fluorescent
50PMH120	125PMH120	70HPS120	42PL120	55IF120
50PMH208	125PMH208	70HPS208	42PL208	55IF208
50PMH240	125PMH240	70HPS240	42PL240	55IF240
50PMH277	125PMH277	70HPS277	42PL277	55IF277
50PMH347		70HPS347	57PL120	
		70HPS480	57PL208	
70PMH120	150PMH120	100HPS120	57PL240	
70PMH208	150PMH208	100HPS208	57PL277	
70PMH240	150PMH240	100HPS240	60PL120	
70PMH277	150PMH277	100HPS277	60PL208	
70PMH347	150PMH347	100HPS347	60PL240	
70PMH480	150PMH480	100HPS480	60PL277	
100PMH120		150HPS120		
100PMH208		150HPS208		
100PMH240		150HPS240		
100PMH277		150HPS277		
100PMH347		150HPS347		
100PMH480		150HPS480		

NOTE: Due to the Energy Independence and Security Act (EISA) of 2007, Kim Lighting can no longer supply probe start metal halide ballasts with its luminaires, effective January 1, 2009. Contact Kim Lighting for availability of replacement ballasts for warranty service claims.

(Visit www.aboutlightingcontrols.org or the Library of Congress website for more details).

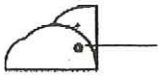
KimNOW! Available Configurations:
KN-WD14D3/70PMH/DB*,
KN-WD14D3/150PMH/DB*
Accessories:
KN-SCM14D/DB, KN-SDS14/DB, KN-WG14/DB
*Multi-tap ballast (120, 208, 240, or 277 volts)

3 Finish:
Super TGIC powder coat paint over titanated zirconium conversion coating.

Color:	Black	Dark Bronze	Light Gray	Platinum Silver	White	Custom Colors
Cat. No.: ⇨	BL	DB	LG	PS	WH	CC Consult representative for custom colors.

4 Optional Base Socket:
Cat. No.: **G12** — Optional G12 base socket available for 70W and 150W Pulse Start Metal Halide lamps only.

5 Optional Photocell:



Line Volts:	120V	208V	240V	277V	480V	347V
Cat. No.: ⇨	A-30	A-31	A-32	A-33	A-34	A-35

6 Optional Houseside Shield:

HS for flat lens

Cat. No.: **HS**

Combination louver shield and black end-panel for reflector. Factory installed to reflector module. Reduces light toward wall by the following amounts:

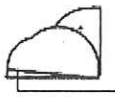
Approximate light reduction toward wall.	Type II	Type III	Type IV
WD14	-43%	-74%	-77%

HSC for Loxan SLX Enclosure

Cat. No.: **HSC**

For fixtures with optional Loxan® SLX Enclosure.

7 Optional 5° Shield:



5° Shield

Cat. No.: **5DS14**

Aluminum shield field-attached to lens frame. Maintains a horizontal cutoff fixture edge when the luminaire is tilted 5°. Finished to match the fixture.

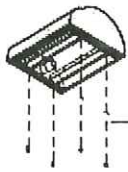
8 Optional Lexan® SLX Non-Yellowing Enclosure:

Lexan® SLX Enclosure

Cat. No.: **SX**

For DOWN fixture models only. Clear convex vacuum formed non-yellowing Lexan® SLX enclosure with gasket replaces standard tempered flat glass lens.

9 Optional Wire Guard:



Wire Guard

Cat. No.: **WG14**

For use with all WD14 fixtures, UP or DOWN. 11 ga. (.12" dia.) BB Wire. (.75" sq. welded mesh pattern.) 11⅜" x 10¼" x 1½" deep. Finish is Super TGIC thermoset polyester powder coat paint, over zinc plated wireform. Finished to match the fixture.

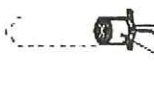
NOTE: Only available with flat lens applications.

10 Optional Fusing:

Single Fuse

Line Volts:	120V	208V	240V	277V	347V	480V
Cat. No.:	**SF**	**DF**	**DF**	**SF**	**SF**	**DF**

11 Optional Quartz Standby:

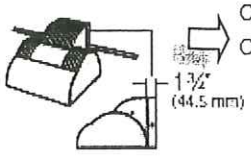


Quartz Standby

Cat. No.: **QS**

Integral electronic device energizes a T-4 mini-can socket during initial lamp start-up or after a power interruption. De-energizes prior to HID lamp reaching full brightness. T-4 halogen lamp by others; 100W maximum.

12 Optional Surface Conduit Mount:



Cat. No.: **SCM14U**

For WD14 fixtures, UP only.

Cat. No.: **SCM14D**

For WD14 fixtures, DOWN only.

For use with all WD14 fixtures, UP or DOWN. Cast aluminum junction box and fixture mount for attachment (by others) to existing walls, beams or columns. SCM14 has one ¾" NPT conduit tap in each side, top and bottom. Finished to match the fixture.

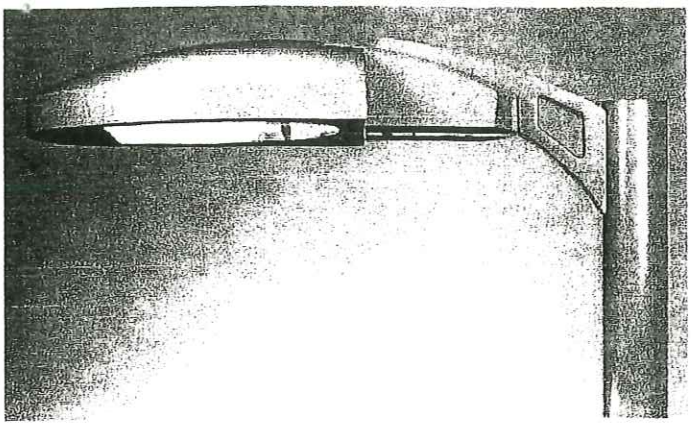
13 Optional Battery Back-up:

Cat. No.: **EM**

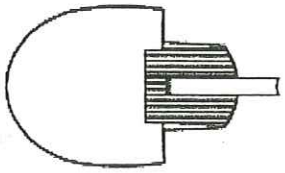
Internal battery pack provides 90 minutes of supplemental light at 750 lumens on 26, 32, or 42 watt compact fluorescent lamps. (Remote mounted battery pack also available for 57W, 60W, and 70W CFL - consult factory.)

Type S3

KIM LIGHTING



WP9SE
Small LED
60 LEDs
EPA: .52
Maximum Weight:
17 lbs.
Maximum System
Watts = 75 W



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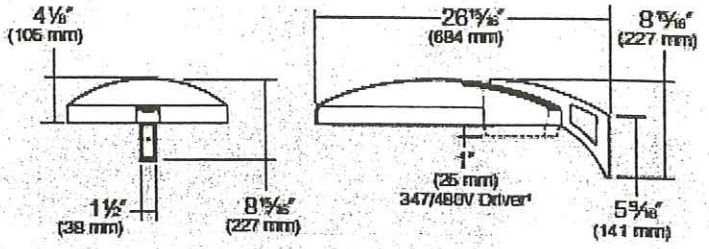
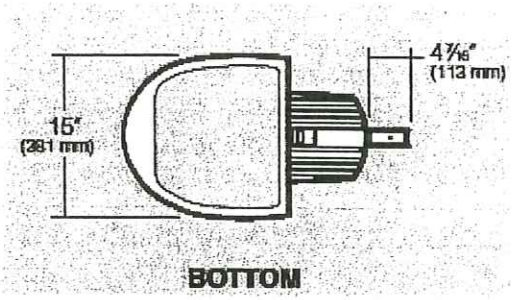




HOUSING: One-piece die-cast low copper alloy (<0.6% Cu) aluminum with integral cooling fins over the electrical compartment. Solid fixing wall mounting arms with 2 conduit entries. A single die-cast gasketed cover with 4 captive stainless steel screws provides access to the electrical compartment. Assembly is gasketed with a one-piece silicone gasket to IP65 rating.

FINISH: Housing is finished with a tough, durable, electrostatically applied, low VOC, polyester powder coat paint. Finish is resistant to UV degradation, abrasion and corrosion. Standard finish is Dark Bronze. Consult factory for other standard and custom finishes.

OPTICAL MODULE: Precision injection molded high specular reflectors are positioned to direct light output. Secondary high specular reflectors further control light output. Reflectors are fixed in position and cannot be adjusted or removed in the field. Optical module is sealed to the housing with a one-piece silicone gasket to IP65 rating.

LENS: Clear, UV stabilized, polycarbonate lens is sealed to the optical module with a one-piece silicone gasket to IP65 rating.

MOUNTING: Universal mounting arms for direct wall mounting. Arms are fixed to the housing and cannot be removed. Mounting arms are provided with 2 conduit entries.

GASKETS: All gaskets are one-piece silicone gaskets.

HARDWARE: All exposed hardware is stainless steel.

ELECTRICAL: Luminaire is designed for 120-277V, 50/60 Hz operation. Luminaire is designed for 347/480V operation. Luminaire is designed for 0-10V dimming. Standard luminaire is provided with 10kV surge protection. Optional 20kV surge protection is available. Luminaire is provided with a 3-wire cord for connection to the power supply. Optional 5-wire cord is available for 0-10V dimming. Optional Photocell is available.

CAUTION: Luminaire must be grounded in accordance with national and local electrical codes. Failure to do so may result in serious personal injury.

Listings and Ratings			
cULus	CE	IP65	25°C Ambient

WARP9 LED

Ordering Example: ISA / WP9LE3 / L5K240 / SG / A-35 / PRA20-4188SA/SG / VSF-1SA

1 2 3 4 5-12 13 14

1 Mounting
3SY configurtion is available for round poles only.

EPA WP9S:	0.52	1.04	0.82	1.3	1.3	1.5	n/a
EPA WP9L:	0.95	1.9	1.47	2.4	2.4	2.7	n/a
Cat. No.:	**1SA**	**2SB**	**2SL**	**3ST**	**3SY**	**4SC**	**1W**

2 Fixture
Catalog no. designates fixture and light distribution.

WP9

HOUSING
WP9 = WARP9 LED

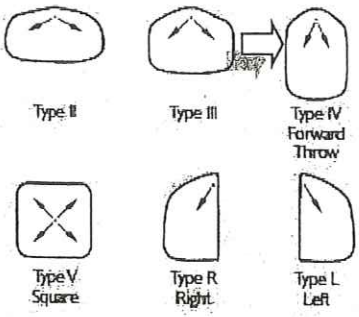
SIZE
S = Small, 60 LEDs, 75W
L = Large, 120 LEDs, 140W

E

DRIVER
E=Electronic

DISTRIBUTION
2 = Type II Full Cutoff
3 = Type III Full Cutoff
4 = Type IV Full Cutoff
5 = Type V Square Full Cutoff
R = Type R Right Full Cutoff
L = Type L Left Full Cutoff

Light Distribution



3 Electrical Module

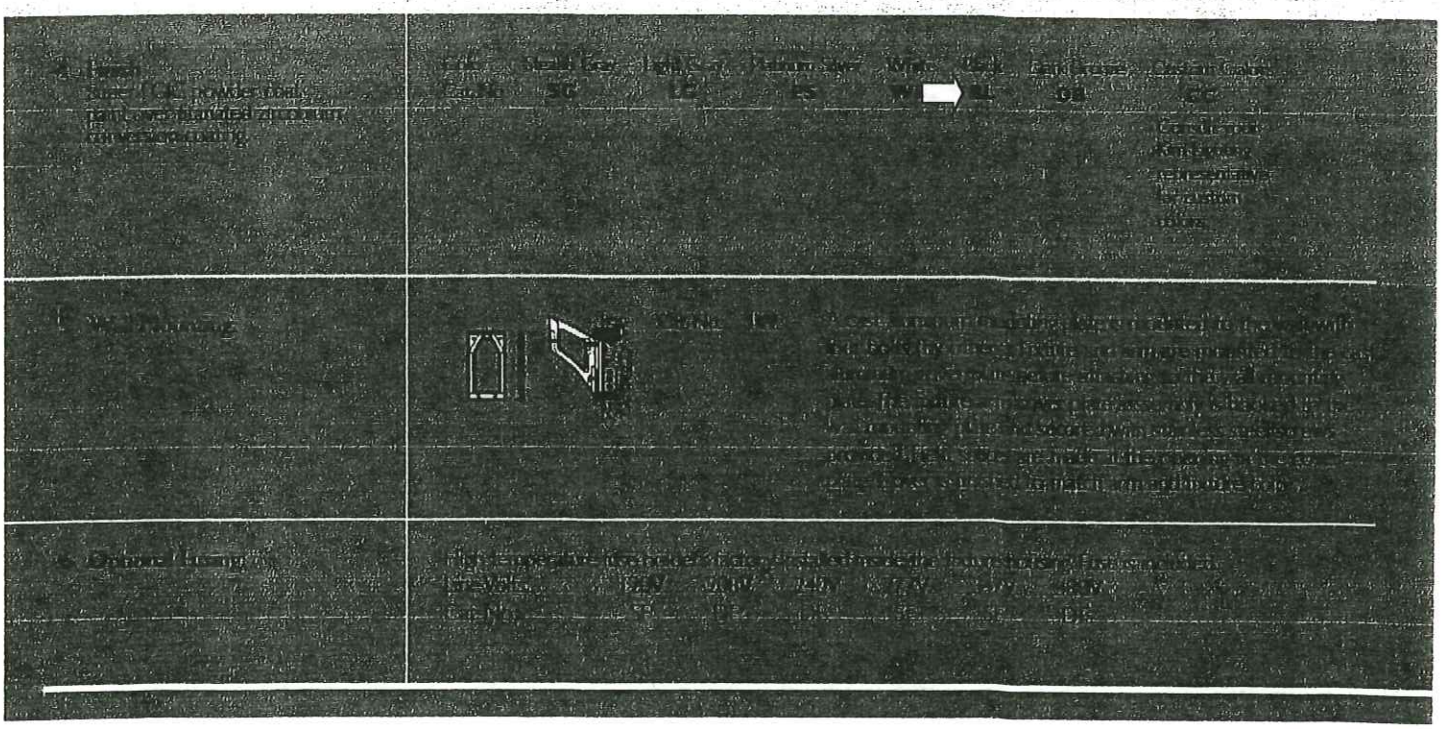
L

SOURCE
L = LED

COLOR TEMPERATURE
3K = 3500K
5K = 5100K
2K = 1700K Amber

VOLTAGE
120 = 120V
208 = 208V
240 = 240V
277 = 277V
347 = 347V[1]
480 = 480V[1]

[1] Due to current unavailability of 347V and 480V drivers, specification of these voltages shall feature an integral step-down transformer. Driver compartment door extends down 1" on small housing and 1½" on large housing to accommodate. See page 22.



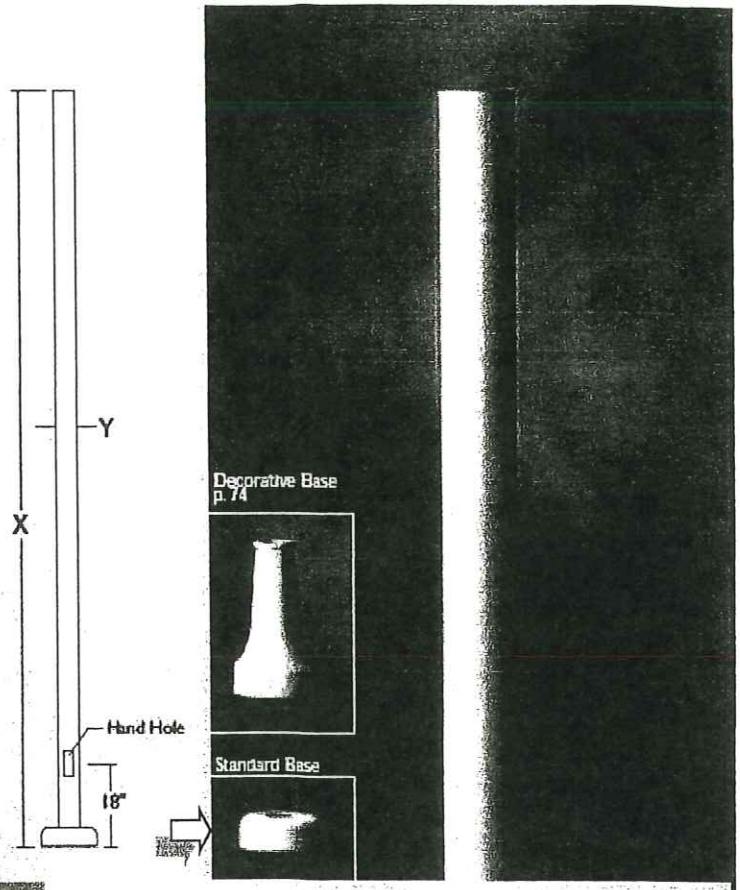
Type S3

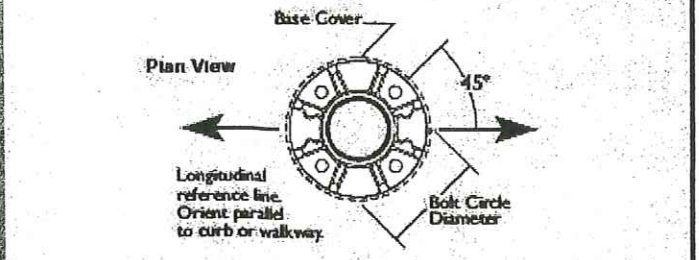
Plan View	*Cat. No.	Mounting Orientations
●	FM:	Luminaire is flush mounted directly to top of pole
⇨ ●—	A/SA:	Pole is drilled to mount a single luminaire directly to the side of pole
●—●	B/SB:	Pole is drilled to mount two luminaires directly to the side of pole, 180 degrees apart
●●	L/SL:	Pole is drilled to mount two luminaires directly to the side of pole, 90 degrees apart
●●●	T/ST:	Pole is drilled to mount three luminaires directly to the side of pole, 90 degrees apart
●●●	Y/SY:	Pole is drilled to mount three luminaires directly to the side of pole, 120 degrees apart
●●●●	C/SC:	Pole is drilled to mount four luminaires directly to the side of pole, 90 degrees apart

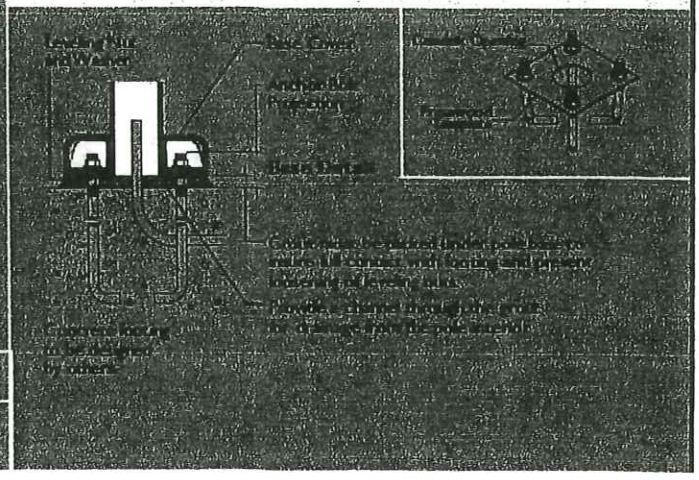
Structural Luminaires Only - Examples:

- TS: Single Tension for small and large Structural - PRA20-5188SB-TS
- TD: Double Tension for small and large Structural - PRA20-5188B-TD
- TR: Truss for small and large Structural - PRA20-5188SB-TR
- XTS: Single Tension for 1000W Structural - PRA20-5188B-XTS
- XTD: Double Tension for 1000W Structural - PRA20-5188B-XTD
- XTR: Truss for 1000W Structural - PRA20-5188B-XTR

* See luminaire drilling requirements in luminaire catalog.







Specifications

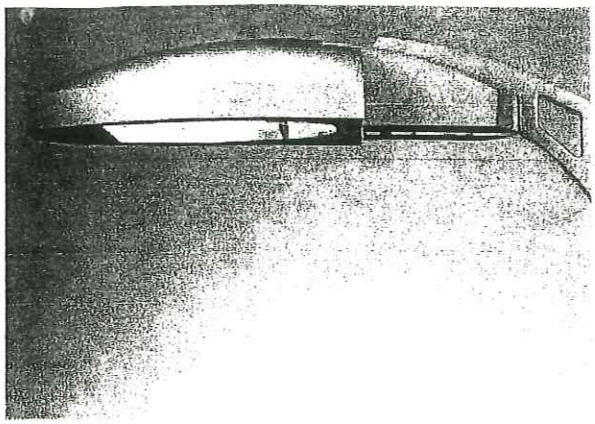
Anchor Base and Bolt Detail (mm)

Pole Diameter	Bolt Circle Diameter	Anchor Bolt Projection	Bolt Cover Size	Conduit Opening
3.375"(85.7)	7"(178)	3.13"(80)	9.5"(241)	2.5"(63)
4"(102)	7-8.5"(178-216)	3.25"(83)	11.88"(302)	3"(76)

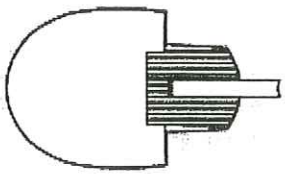
Pole Cat. No.	X	Y	A.B. Size	Allowable Pole EPA - Refer to wind map on p. 75 85 (38m/s)	90 (40m/s)	100 (45m/s)	110 (49m/s)	120 (54m/s)
PRA20-4188	19.5'	4" x .188	¾" x 30 + 4	5.33	4.37	3.74	2.48	1.52

Type S4

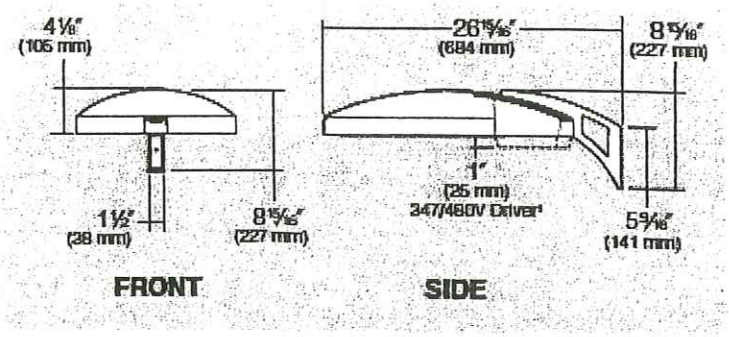
KIM LIGHTING

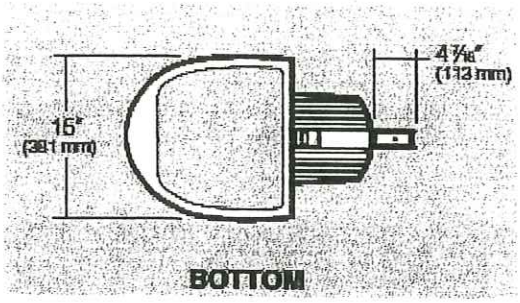


WP9SE
Small LED
60 LEDs
EPA: .52
Maximum Weight:
17 lbs.
Maximum System
Watts = 75 W



TOP





[illegible]

Listings and Ratings			
[illegible]	[illegible]	[illegible]	[illegible]

[illegible]

Type S4

WARP9 LED

Ordering Example: ISA / WP9LE3 / L5K240 / SG / A-35 / PRA20-4188SA/SG / VSF-ISA

1 2 3 4 5-12 13 14

1 Mounting

3SY configurtion is available for round poles only.

Plan View:							
EPA WP9S:	0.52	1.04	0.82	1.3	1.3	1.5	n/a
EPA WP9L:	0.95	1.9	1.47	2.4	2.4	2.7	n/a
Cat. No.:	**1SA**	**2SB**	**2SL**	**3ST**	**3SY**	**4SC**	**1W**

Wall Mount

2 Fixture

Catalog no. designates fixture and light distribution.

WP9

HOUSING
WP9 = WARP9 LED

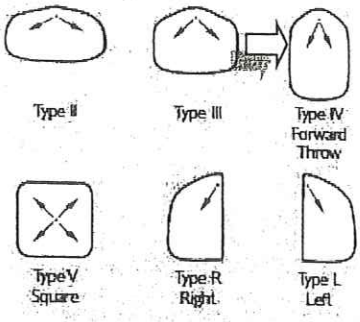
SIZE
S = Small, 60 LEDs, 75W
L = Large, 120 LEDs, 140W

E

DRIVER
E=Electronic

DISTRIBUTION
2 = Type II Full Cutoff
3 = Type III Full Cutoff
4 = Type IV Full Cutoff
5 = Type V Square Full Cutoff
R = Type R Right Full Cutoff
L = Type L Left Full Cutoff

Light Distribution



3 Electrical Module

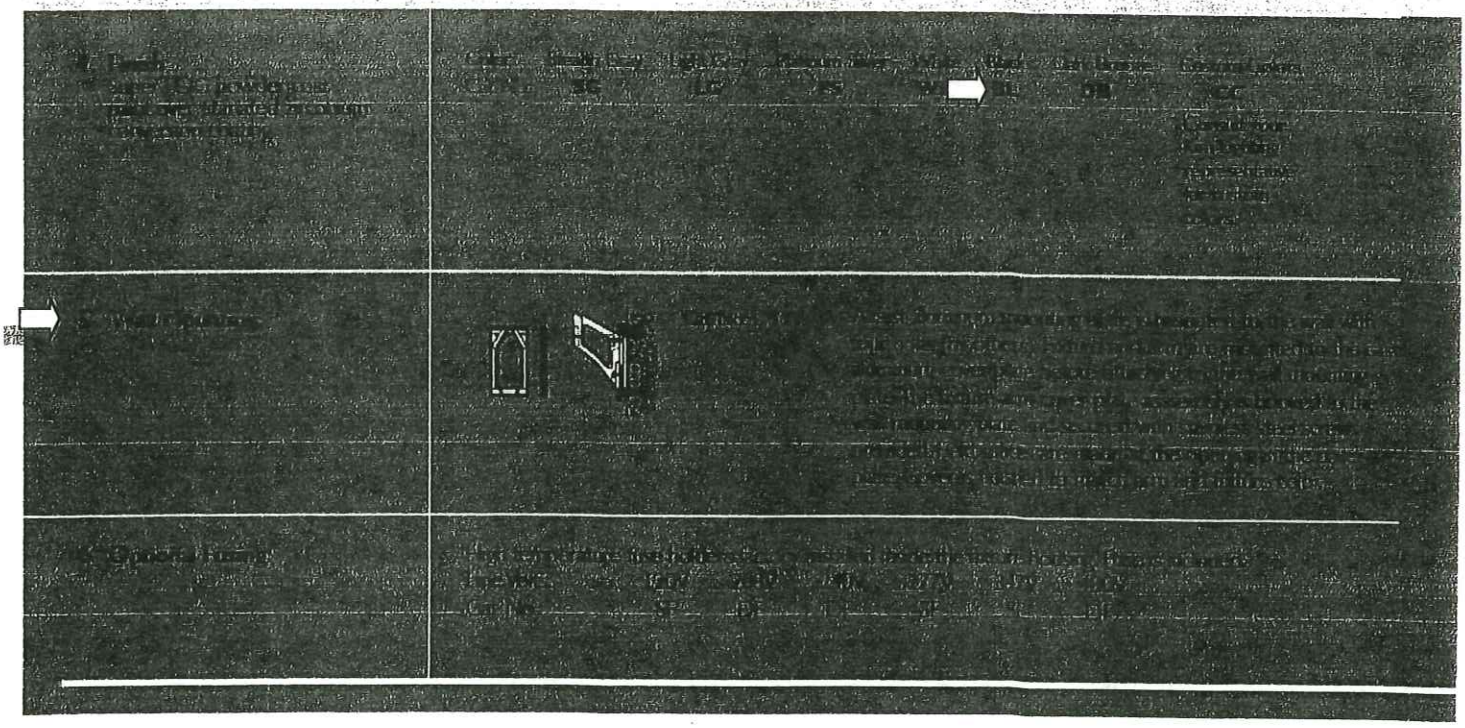
L

SOURCE
L = LED

COLOR TEMPERATURE
3K = 3500K
5K = 5100K
2K = 1700K Amber

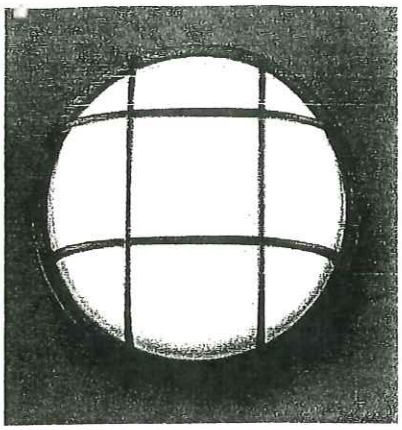
VOLTAGE
120 = 120V
208 = 208V
240 = 240V
277 = 277V
347 = 347V[1]
480 = 480V[1]

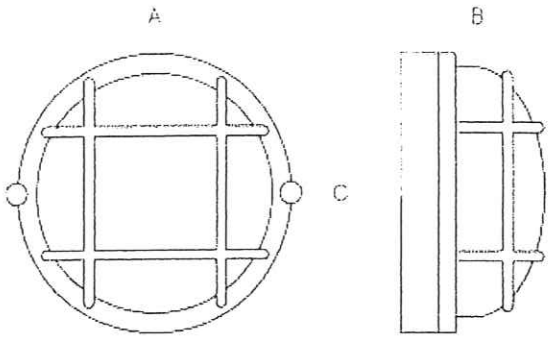
[1] Due to current unavailability of 347V and 480V drivers, specification of these voltages shall feature an integral step-down transformer. Driver compartment door extends down 1" on small housing and 1½" on large housing to accommodate. See page 22.



Type S5

LUMUX
Architectural Lighting





Catalog Reference Table:

CATALOG #	A	B	LAMP(XXX)
L309/XXX/Volt/*	10 1/8	6.0	PL9-PL13-PL18-PL26 PL32-PL42-PL2X26 PL2X32

Description:
Wall or ceiling surface mount luminaire with round trim and guard bars for general purpose applications. Die-cast aluminum body and trim. The unit is painted with high corrosion resistance polyester powder coat. Available in electronic ballast with silicone wires. Stainless steel screws. Tempered prismatic glass diffuser. UL & CUL listed for wet locations.

CITY OF PORTLAND, MAINE
PLANNING BOARD

Bill Hall, Chair
Joe Lewis, Vice Chair
Lee Lowry, III
Carol Morrissette
Michael J. Patterson
David Silk
Janice Tevanian

June 17th, 2010

Christopher S. Flagg; Anthony J Gatti;
Christopher H. Pachios
Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011

Patrick J. Carroll
Carroll Associates
217 Commercial Street
Portland, ME 04101

RE: Cumberland Cold Storage Building
254 Commercial Street
Application ID: 10-99900003
CBL 041-A -016-001; 041-A -017-001; 041-A -018-001

Dear Messrs Flagg, Gatti, Pachios and Carroll:

On June 8th, 2010, the Portland Planning Board considered a proposal for renovation of the existing 5 story building to allow reuse of the upper four floors for offices (resulting in total of 100,816 sq ft of office use on the upper floors and 20,473 sq ft of marine use on the ground floor), along with reconfiguration of the parking lot and site improvements at 254 Commercial Street (site known as "Cumberland Cold Storage").

The Planning Board reviewed the proposal for conformance with the Waterfront Central Zone Conditional Use Standards, requirements of the Traffic Movement Permit, and the Site Plan Ordinance. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to approve the application with the following motions, waivers and conditions as presented below.

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the proposed conditional use for parking for marine uses that are not water-dependent and parking for non-marine uses does meet the standards of Sections 14-309 of the Waterfront Central Zone.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

i. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to waive the requirement of Section III.3.A of the Technical and Design Standards and Guidelines for parking spaces to be 9 feet by 19 feet, to allow 9 feet by 18 feet parking spaces as shown on the approved site plan L-1.0 (Attachment V.5 to Hearing Report #16-10); and

ii. The Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) to waive the requirement of Section III.2.A of the Technical and Design Standards and Guidelines to allow closer driveway spacing where the site meets Commercial Street, as shown on the approved site plan L-1.0 (Attachment V.5 to Hearing Report #16-10).

TRAFFIC MOVEMENT PERMIT

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the site plan proposed is in conformance with 23 M.R.S.A. § 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits with the following condition of approval:

i. That the applicant shall contribute $4,500 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Commercial Street / High Street.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #16-10, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

i. That the noise levels of the external HVAC and other mechanical equipment shall comply with the noise standards of the Waterfront Central Zone, and the applicant shall submit documentation to confirm compliance (rated noise levels etc) to the satisfaction of the Zoning Administrator prior to the issuance of a building permit; and

ii. That the owner shall submit a copy of the maintenance records for the stormwater system (as per the submitted *Inspection and Maintenance of Stormwater Management Facilities* Plan dated June 1, 2010) to the City's Department of Public Services by June 30 of every year; and

iii. That any new signage would require a separate permit; and

iv. That the applicant shall provide for city staff approval of a revised site plan showing ingress and egress to the marine related use on the first floor of the building at such time as the marine use is identified; and

v. That the parking required for the proposed uses has been determined by the Planning Board to be 6 spaces for the water dependent marine uses (berthing) and 15 spaces for the ground floor marine uses which shall be on site; and 170 spaces for the office uses on the four upper floors, of which 50 spaces are provided on site and 120 spaces shall be provided in the identified off-site locations or equivalent. In the event that the uses change, the parking requirement would need further review by the Planning Board; and

vi. That the brick and granite curb treatment shown along the Commercial Street frontage of this project shall be extended, as appropriate and to the satisfaction of staff, across the loading dock (apron at Browne Trading) to join up with the existing concrete sidewalk.

The approval is based on the submitted plans and the findings related to review standards as contained in Planning Report #16-10 which is attached.

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

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 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. 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 Jean Fraser at (207) 874-8728.

Sincerely,

Bill Hall

Bill Hall, Chair
Portland Planning Board

Attachments:
1. Hearing Report #16-10
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
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, 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
Greg Vining, Public Services
John Low, 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

Jean Fraser - RE: Cumberland Cold Storage

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
Date: 5/8/2013 4:54 PM
Subject: RE: Cumberland Cold Storage
CC: "'Barbara Barhydt'" <BAB@portlandmaine.gov>, "'William Needelman'" <WBN@...

Hi Jean,

Thanks for the quick turnaround, I know you guys were a bit in the dark on this as I did not have time to assemble materials for your staff meeting, so I appreciate you keeping things moving forward.

The proposed tenant is interested in approximately 2000 sf of space at the end of the building closest to Commercial Street, and hopes to operate a restaurant/pub. The business would be open for daily lunch and dinner and into the evening hours. Steve Weatherhead at WSA is the architect working with WFM and the tenant on fit up. I believe he has been in touch with Marge on this and is aware of the non-marine use requirements. You are correct that this is considered a Change of Use from the permitted Site Plan, as the non-marine use was not envisioned or permitted when the project was originally approved.

Our calculations indicate that there is a total of 14,280 sf of leasable space on the first floor of the CCSB, of which 55% or 7,855 sf needs to be retained for marine use. We interpret this also means that 55% of the 15 parking spaces reserved for marine use in the approval needs to maintained (9), leaving 6 spaces available for non-marine uses. My understanding is that the analysis of the new Central Waterfront Zone has been completed and there is documentation of marketing efforts as required in the new ordinance.

We are calculating parking requirements for this use as well as the remaining non-marine first floor uses (totaling 45% or 6,427 sf) and would like to set up a pre-application meeting with you and the Planning Staff as soon as possible to review the change of use, parking, TMP, utilities, and other issues that have been raised. I will make an official request through your website and am hopeful that we can get you, Marge, Barbara B., Bill N., David M., and Tom Errico together within the next week to review the details of the project and determine a course of action that works for all parties.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, May 08, 2013 3:35 PM
To: Pat Carroll
Cc: Barbara Barhydt; William Needelman
Subject: Cumberland Cold Storage

Pat

I discussed the change of use of the lower floor to a restaurant with colleagues today and a number of questions came up (in addition to the issue of the approval letter conditions which raise this question of Board review):

1. Has an analysis in the context of the new Waterfront Central Zone zone ordinance been done- it includes requirements re marketing and parking (see attached)? I suggest you read that new zoning closely and check that the process and proposal address those requirements (the parking is complicated by the need to ensure marine uses parking is retained).

2. The Cumberland Cold Storage building was subject to a TMP (city has delegated authority from MDOT) so any change of use would need to be assessed in that context, since a restaurant may create more trip generation than marine use. I don't know what the implications would be but this would need some form of review and Tom Errico would need to make a determination (in consultation with MDOT) based on more information.

3. I believe it would need at least a site plan administrative authorization and maybe Level II Site plan review depending on the floor area and parking implications.

4. The grease trap and sewer connection issues need to be discussed with David Margolis-Pineo at DPS.

The applicant may want to avail themselves of the newly set up pre-application meeting arrangement as outlined on the City's web at: http://www.portlandmaine.gov/planning/showart.asp?contentID=415 - since this raises a number of policy and other questions. It is difficult to advise in detail without any details of the proposals.

Hope this helps.

Jean

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Jean Fraser - Fwd: RE: Cumberland Cold Storage

From: Jean Fraser
To: Errico, Thomas
Date: 5/13/2013 11:33 AM
Subject: Fwd: RE: Cumberland Cold Storage
Attachments: APPR LTR Cumberland Cold Storage Bldg PB Dec 6.8.2010 no atts.pdf

Tom

I don't know whether you have been contacted already re Pat's e-mail and the proposed pub at CCSB, but I guess (at any pre-app meeting, apparently being arranged) you will be asked whether this requires an amendment to the TMP- so is this a decision by you or by MDOT or jointly? If it needs a TMP amendment, then it needs to go back to the Planning Board (Barbara confirmed this)

I attach the approval letter (see opening para which refers to the specific approved floor areas) and condition Site Plan v. (re parking which requires PB approval for change of uses) which I mentioned at Dev Rev- I am not sure how that plays out in the context of the small area of floorspace proposed to change and the fact that we have not required parking for restaurants in recent projects (including I think the 321 Commercial which is located very near CCSB).

You may recall that Pierce Atwood had provided some weak memos re where the staff would park and the PB actually increased the parking requirement at the hearing to 15 more than your recommendation. (I think most of the Board members that were part of that discussion are now gone). We may need Danielle to advise on this piece of it.

There was an article on the proposed pub in Saturday's paper; if you didn't see it here's the link:
http://www.pressherald.com/news/vacancies-plague-waterfront_2013-05-11.html

Thanks
Jean

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Portland Press Herald

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May 11

Vacancies plague Portland waterfront

Pier owners can't fill space for marine uses, and an updated inventory of tenants could have an impact on the way space is allotted.

By Randy Billingsrbillings@mainetoday.com
Staff Writer

PORTLAND - Tenants of the Commercial Street building that houses the Pierce Atwood law firm have filled nearly all of the ground-floor space available for nonmarine uses now that owners of a new gastro-pub have decided to operate on Merrill's Wharf.

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The ground floor of the Merrill's Wharf building has yet to attract a marine-use tenant nine months after Pierce Atwood moved into the upper floors.

2012 Press Herald file photo/Gregory Rec

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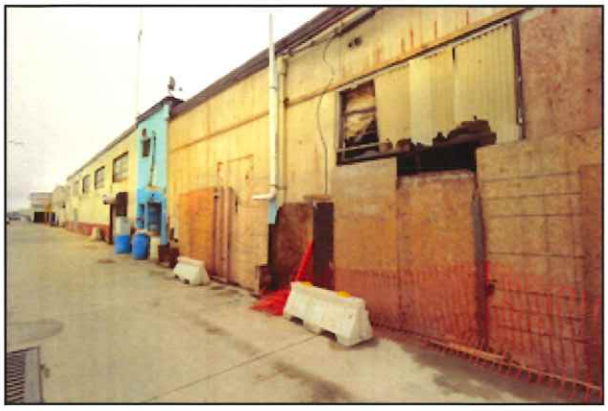

Renovations move forward on a building on Portland Wharf.

John Ewing/Staff Photographer

Additional Photos Below

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But the space set aside for marine-use tenants remains vacant, despite marketing efforts by the owner's brokers.

Farther east on Commercial Street, the owners of Maine Wharf, which is being rebuilt, say they're seeing a similar trend, with high demand from restaurants and other nonmarine users, and little interest from tenants who conduct a marine-related business.

The struggle to comply with the zoning formula that applies on Portland's waterfront raises questions about the relevance of the marine-only designation. In the coming weeks, the city will receive an updated inventory of waterfront tenants to track how uses have changed since the city relaxed zoning laws to allow more nonmarine uses.

CBRE-The Boulos Co. announced this week that King's Head LLC has a lease for a 2,250-square-foot gastro-pub serving high-quality beer and food. King's Head currently operate pubs in Stowe, Vt., and Athens, Ga., and plans to open its Portland restaurant in September, according to CBRE.

When contacted Wednesday, Justin O'Connor, a partner in King's Head, said that, for marketing purposes, he is not granting interviews until the pub is ready to open.

"It's going to be a great addition to the building," said Anthony Gatti, a partner in Waterfront Maine, which owns Merrill's Wharf.

Since the former Cumberland Cold Storage building was renovated back in 2011, its upper floors have filled with nonmarine tenants, including the Pierce Atwood law firm.

So far the only ground-floor users are Stillwater Yoga, Federle Mahoney and Down East Enterprises -- all nonmarine.

Gatti said CBRE is currently negotiating a lease with an office user for the remaining 1,400 square feet of nonmarine space, leaving all of the roughly 12,000 square feet of space for marine uses vacant.

Real estate broker Drew Sigfridson said Waterfront Maine is reducing rents by 25-35 percent to land a marine tenant.

"All of the tenants that would qualify as a marine use are still not able to pay those reduced rents," Sigfridson said.

Until 2010, only marine uses were allowed on the ground floor of the 15 piers located in the Waterfront Central Zone, which runs from the Maine State Pier to the International Marine Terminal.

When pier owners complained that rents from marine tenants weren't enough to fund pier repairs, the city relaxed the zoning to allow up to 45 percent of the ground-floor space to be used for nonmarine uses, provided pier owners first marketed space for marine users.

Finding marine tenants is also a challenge for Maine Wharf, which is near Maine State Pier.

Pat Tinsman, who was speaking on behalf of pier owner Stephen Goodrich, said Maine Wharf has been looking for marine tenants for several months to no avail.

"There just aren't marine uses out there," Tinsman said.

City Planner Bill Needelman said city staff is updating an inventory of uses within the Waterfront Central Zone to present to the City Council in June.

The annual inventory is a way for city councilors to track the balance of marine and nonmarine uses on the waterfront. A baseline inventory was conducted in 2011, and the updated inventory will cover changes through 2012.

"There hasn't been a lot of activity," Needelman said.

The working waterfront is not as robust as it once was, especially when it comes to groundfishing.

In 2012, 6.3 million pounds of groundfish, valued at $7.8 million, were landed in Maine, down from 9.7 million pounds, valued at $12.3 million, in 2008, according to the Maine Department of Marine Resources.

(Continued on page 2)

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By Randy Billingsrbillings@mainetoday.com
Staff Writer

(Continued from page 1)

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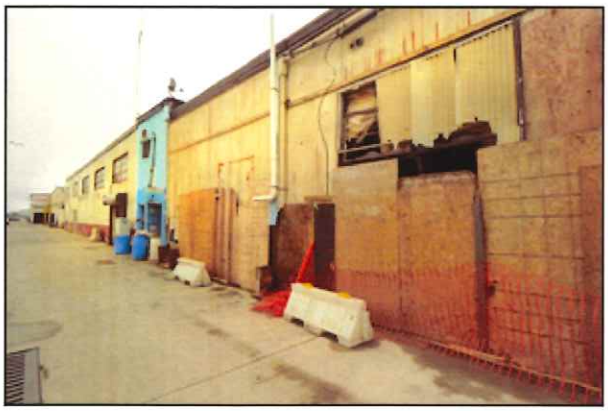

Renovations move forward on a building on Portland Wharf.

John Ewing/Staff Photographer

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In Portland, only 5.6 million pounds of groundfish worth $8.9 million were landed, down from the 8.1 million pounds valued at $12.1 million in 2008, according to the Portland Fish Exchange.

There are between 40 and 45 active groundfishing licenses in Maine, with about 35 of those fishermen either landing or trucking their catch to Portland, according to DMR spokesman Jeff Nichols.

That's down from as many as 350 vessels in 1990.

"The fishing year that began on May 1 will impose significant landings restrictions on the ground-fish fleet, so we would not expect to see an increase in participation this year," Nichols said in an email.

As the groundfish industry has waned, so have industries supporting it, said Larry Legere, chairman of the Waterfront Alliance, a diverse coalition of waterfront users.

"Groundfishing is pretty much nonexistent now," Legere said.

Lobstering remains a strong industry, as does the cruise-ship industry. The city's cargo port is slowly making a comeback after a year without service.

Ken Macgowan, whose family owns Custom House Wharf, said he is already at his limit of nonmarine uses, including the Porthole Restaurant and Pub. He has roughly 8,000 square feet of vacant space for a marine tenant, but the only marine uses he sees are lobstermen, who only want berthing space,.

Macgowan said all of his berthing space has been leased to lobstermen, limiting the options for marine uses in his pier buildings.

"It doesn't do any good to have space for a marine-related tenant if you don't have a place for them to put their boat," he said.

Meanwhile, Union Wharf is losing a marine tenant -- a lobster-trap maker is moving to the Riverside industrial area -- and advertising efforts over the last few months have failed to generate interest from marine users, according to Charlie Poole, president of the Proprietors of Union Wharf.

"It has berthing and truck access -- all of the ingredients," said Poole, who is not planning on seeking permission to lease the space to a nonmarine user. "I have had zero interest from the marine world."

Tinsman is spearheading the renovation of the Maine Wharf pier, which suffered structural damage after years of use as a lobster wholesale business.

The lobster wholesaler, Three Sons Lobster & Fish, and two other marine businesses -- raft-maker and marine supplier Chase Leavitt and Fresh Atlantic sea urchin processing -- were evicted from the wharf because of safety concerns before it was purchased last year by Goodrich, the chief executive officer of Powerpay.

Two other marine businesses, Morrison's Maine Course and Upstream Trucking, as well as berthing for commercial vessels, are still on the pier.

The renovation plan includes increasing the first-floor ceiling height and building out the second and third floors, said Tinsman, who noted the project is not seeking any zoning exceptions.

In the absence of marine users, nonmarine users such as restaurants, retailers and office users have expressed interest in the space, Tinsman said.

"It's definitely a hot spot for a restaurant. We have a few . . . looking," he said.

Tinsman said pier supports have been stabilized and permits have been pulled to begin renovating buildings. The renovation process will be done in phases over the coming year, and some changes may require approvals from the city's Planning Board, he said.

Tinsman said the goal is to work within the existing building footprint. Rather than keeping the current warehouse look, the design will have a "cool, eclectic waterfront" feel, he said.

City Zoning Administrator Marge Schmuckal said Maine Wharf has not requested any determination letters about whether the group's marketing efforts -- or any potential restaurant use -- met the letter of the code.

(Continued on page 3)

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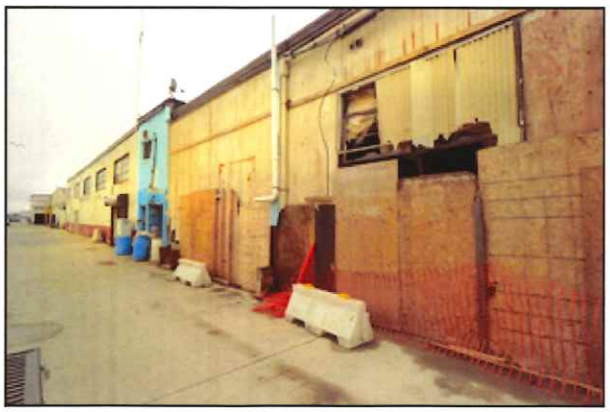
2012 Press Herald file photo/Gregory Rec

click image to enlarge



Renovations move forward on a building on Portland Wharf.

John Ewing/Staff Photographer

Additional Photos Below

Select images available for purchase in the Maine Today Photo Store

Farther west along Commercial Street, Sigfridson said a few marine-related tenants have expressed interest in the space at Merrill's Wharf, but several were rejected by the city.

Those prospective tenants included a marine-related apparel designer and user who owns marinas and island-related hospitality ventures.

Schmuckal said brokers have asked for determination letters for a few marine businesses, but they often lack information. She said the hospitality business was mostly looking for office space, which she denied. Requests for vessel berthing space and a ticketing operation were approved, she said.

"I'm just trying to be judicious," Schmuckal said. "Just because you're using a boat doesn't mean you're marine-related."

Steve Stracqualursi is the owner of 12wt, an online retailer which makes light clothing that fishermen wear in tropical climates instead of sunscreen. His application to the city to be a marine-dependent use at Merrill's Wharf was initially denied, but later approved after a personal meeting, he said.

"You need to be a lawyer to figure this stuff out," he said.

Stracqualursi said he ultimately decided not to lease space at Merrill's Wharf, because he would have had to invest more than $20,000 in the space before he could open.

His 12wt now operates at 2 Cotton St., where rents are comparable to those being charged at Merrill's Wharf.

"We still have hopes to grow into the type of business that could make its way down to the marine zone," he said. "We are boot-strapping our business."

While marine industries are struggling, Legere, of the Waterfront Alliance, said the city is right to maintain capacity on the waterfront in the event it makes a comeback.

"I think the balance right now is good," he said.

Randy Billings can be contacted at 791-6346 or at:

rbillings@mainetoday.com

Twitter: @randybillings

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PLANNING BOARD REPORT
PORTLAND, MAINE

CUMBERLAND COLD STORAGE BUILDING, VICINITY OF 254 COMMERCIAL STREET

Conditional Use, Major Site Plan and Traffic Movement Permit

annotated records

Waterfront Maine, APPLICANT
Carroll Associates, TECHNICAL ASSISTANCE

Submitted to: Portland Planning Board: Public Hearing Date: 6/08/10	Prepared by: Jean Fraser, Planner Date: 6/04/10 **PB Report: #16-10**

I. INTRODUCTION

On behalf of Waterfront Maine LP, Carroll Associates have requested approval for the renovation of the existing 5 story brick building known as "Cumberland Cold Storage" to allow for the reuse of the upper floors of the building for office use, along with reconfiguration of the parking area.

The building has a footprint of about 20,500 sq ft and totals 100,680 sq ft of potentially usable floor space. At present the building is primarily utilized for cold storage with some marine use on the ground floor. The proposals comprise a change of use from warehouse to professional offices on the upper four floors (approx 80,300 sq ft of offices) and retain the ground floor (approx 20,400 sq ft) for marine related uses.

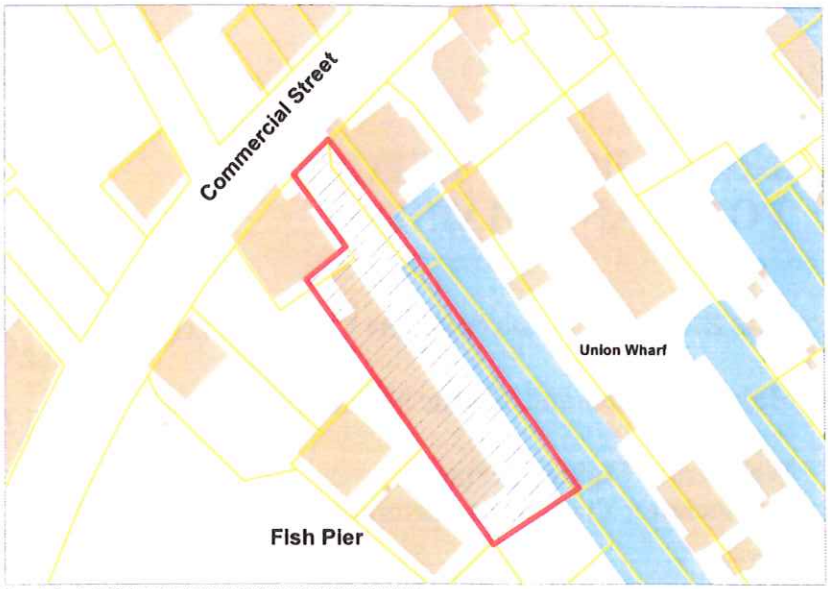
The building is located on a 1.56 acre site known as Merrill's Wharf, located between Union Wharf and the Portland Fish Pier. The wharf is mostly on filled land and currently is paved and used for parking, with berthing alongside that is currently occupied by 5-6 commercial lobster boats.

The proposal is being reviewed for compliance with the Conditional Use requirements of the Waterfront Central Zone (WCZ) and the Site Plan standards. In addition the proposal requires a MDOT Traffic Movement Permit (TMP) to be reviewed by the Planning Board as part of this review. MDEP permits regarding stormwater impacts on the coastal waters have been issued.

The potential occupants of the office space are the law firm Pierce Atwood (175 employees) who are seeking to relocate from their existing premises at Monument Square. They have been actively involved in progressing some aspects of the proposal.

Since the Workshop the applicant has submitted additional information regarding servicing of the site and Browne Trading, vehicle turning accommodations, parking requirements, traffic impacts, public trail access and maintenance of the stormwater treatment system. Further information regarding the roof deck part of the proposal was also submitted via Pierce Atwood.

This Hearing has been noticed to 339 neighbors and interested citizens and the TMP was noticed in accordance with MDOT procedures. A notice of this Hearing appeared in the May 31, 2010 and June 1, 2010 editions of the *Portland Press Herald.*



II. PROJECT DATA

Existing Zoning:	Waterfront Central Zone
Existing Use:	Marine/Warehouse
Proposed Use:	Marine/Warehouse/Office
Parcel Size:	67,982 sq ft (1.56 acres)
Impervious Surface Area:	
Existing:	58,473 sq ft
Proposed:	54,448 sq ft
Net Change:	-4,025 sq ft
Total Disturbed Area:	38,740 sq ft (not including building)
Building Area:	
Existing Building Area:	100,680 sq ft
Proposed Building Area:	100,816 sq ft
Proposed Building Net Change:	+136 sq ft
Existing Building Footprint:	20,473 sq ft
Proposed Building Footprint:	20,473 sq ft
Parking Spaces:	
Existing:	102
Proposed:	71
Number of Handicapped Spaces:	3
Bicycle Parking Spaces:	
Existing:	0
Proposed:	14
Proposed Total Paved Area:	33,975 sq ft

III. EXISTING CONDITIONS

The existing red brick building dates from the mid 1800's and was first built by the J.B. Brown Sugar Co., and was used for canning molasses. In 1886 it was owned by the Twitchell-Champlin Co., wholesale grocers and canners.

It is structurally sound but its use for storage has resulted in the windows being bricked up and the addition of miscellaneous functional items such as metal doors, loading areas, and vents.

Applicant's Submittal

Attachment A.1

Cumberland Cold Storage Building
254 Commercial Street
Portland, Maine

Application For:

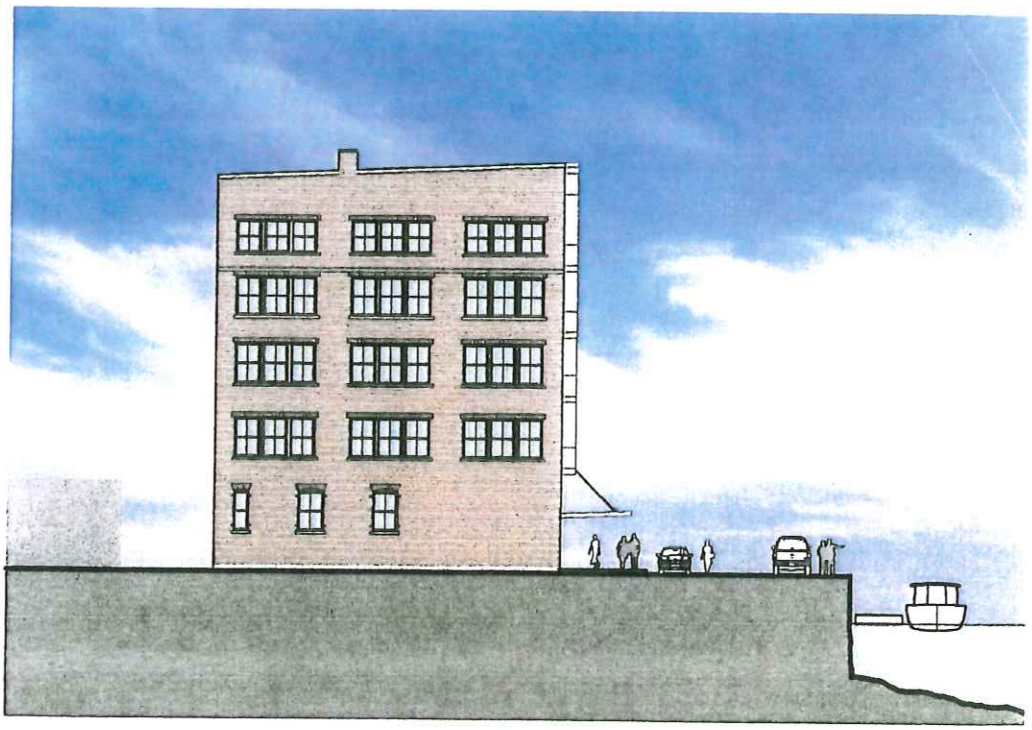
Major Site Plan Review

Submitted By:
Carroll Associates
217 Commercial Street
Portland, Maine 04101

Winton Scott Architects
5 Milk Street
Portland, Maine 04101

For:
Waterfront Maine
14 Maine Street
Brunswick, ME 04011

Date:
May 4, 2010



A.2

WATERFRONT MAINE

May 4, 2010

Ms. Penny St. Louis Littell
Director Planning and Urban Development Department
389 Congress Street
Portland, ME 04101-3509

Re: Cumberland Cold Storage Building,
254 Commercial Street.

Dear Ms. Littell:

The proposed project involves a change of use and conversion from warehouse to office use of the second through fifth floors of 254 Commercial Street which is located in the Waterfront Central Zone ("WCZ"). The site has approximately 78 linear feet of frontage on Commercial Street. The total site footprint is 67,982 square feet and the building coverage area is 20,473 square feet. The ground floor will remain marine related use and approximately 664 square feet of the ground floor shall serve as a common area lobby with two new elevators providing access to floors 2 through 5. The ground floor lobby will include entries and connections to the ground floor marine related use.

The proposed tenant for the fifth, fourth, third and part of the second floor is a law firm. The law firm will occupy approximately 70,000 square feet as their headquarters. The balance of the second floor will also be office use. The ground floor shall remain marine related use in compliance with the existing WCZ.

Waterfront Maine
14 Maine Street
Brunswick, Maine 04011

Brunswick, ME: 207-729-7970

New York, NY: 212-695-8090

The proposed parking on the site will have 71 spaces including six (6) parking spaces for berthing for fisherman, fifteen (15) parking spaces will be provided for the possible ground floor marine related use, and fifty (50) parking spaces for upper floors of which three (3) spaces will be reserved for handicapped parking. If the ground floor is vacant, the applicant proposes leasing the fifteen (15) parking spaces for the vacant ground floor marine related use to upper floor tenants until such ground floor space is rented to marine related users.

The property has an easement which exists from Commercial Street to the Fish Pier.

The project is an opportunity for further connecting the existing old port office and retail uses to Portland's waterfront alongside marine related uses and the working waterfront.

Thank you for your attention to this exciting project.

Respectfully submitted,

Christopher S. Flagg Anthony J. Gatti Christopher H. Pachios

Cumberland Cold Storage Building
Application for Site Plan Review

A.4

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Development Review Application

Portland, Maine

Dept. of Planning and Urban Development, Planning Division and Planning Board

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A. 6

To All Applicants and Consultants for Development Review

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

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.

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, (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

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.

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 rates: Planning services, $30.00/ hour and Legal services: $40.00/hour.

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.

Public Notices

- Public notices must be sent to property owners within 500 feet for all proposals at the time an application is received. Industrial projects require notices to be sent to property owners within 1,000 feet.
- Prior to any workshop or public hearing meetings, notices will be sent to property owners. The item will also appear on a legal ad that is published in the Portland Press Herald and 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 applicant will be billed for actual or apportioned costs for advertising and sending of meeting notices.
- If an applicant is required to hold a neighborhood meeting under the City's regulations, mailing labels for the meeting invitations must be purchased from the Planning Division. A request for labels requires a minimum of two business days to generate and a charge of $1.00 per sheet will be payable upon receipt of the labels.

Performance Guarantees and Inspection Fee

- 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.
- Upon approval, a performance guarantee packet will be mailed with the approval letter. The packet includes a cost estimate form, sample forms for a letter of credit/escrow account and the provisions for a 10% defect guarantee. An inspection fee of 2% of the performance guarantee is required prior to the issuance of a building permit.

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Development Review Fee Schedule (effective July 15, 2005)

Portland, Maine

• Fee for Services (billed monthly)	
- Planning Services	$30.00/hour
- Legal Services	$40.00/hour
• Major Site Plan Review (more than 10,000 sq. ft..)	
- Under 50,000 sq. ft.	$500.00
- 50,000 - 100,000 sq. ft.	$1,000.00
- Parking Lots over 100 spaces	$1,000.00
- 100,000 - 200,000 sq. ft.	$2,000.00
- 200,000 - 300,000 sq. ft.	$3,000.00
- Over 300,000 sq. ft.	$5,000.00
• After-the-fact Major Site Plan Review	$1,000.00 + applicable application fee
• Minor Site Plan Review (less than 10,000 sq. ft.)	$400.00 (or up to 20,000 in an industrial zone)
• After-the-fact Minor Site Plan Review	$1,000.00 + applicable application fee
• Minor-Minor Site Plan Review (Single Families)	$300.00
• Amendment to Plans	
- Planning Board Review	$500.00
- Planning Staff Review	$250.00
• Subdivision Fee	$500.00 + $25.00 per lot
• Section 14-403 Review	$400.00 + $25.00 per lot
• Site Location of Development	$3,000.00 (except for residential projects which shall be $200.00 per lot)
• Traffic Movement Permit	$1,000.00
• Storm water Quality Permit	$250.00
• Street Vacation	$2,000.00

Engineering Fees

- Engineer Review Fee - This fee is assessed by the Engineer
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with $300.00 being the minimum.

Zone Change

• Zoning Map Amendments		$2,000.00
• Text Amendments		$2,000.00
• Contract/Conditional Rezonings:	Under 5,000 sq. ft	$1,000.00
	5,000 sq. ft. and over	$3,000.00
• Conditional Use		$100.00

Historic Preservation

• Administrative Review $50.00	
• Minor Projects - Committee Review	$100.00
• Major Projects - Committee Review	$500.00
• After-the-fact Review	$750.00
• HP Special Exception Sign Review	$35.00

Noticing/Advertisements for Historic Preservation and Planning Board Review

• Legal Advertisement:	Percent of total bill
• Notices: (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings)	.75 cents each

A.9

Development Review Application
PORTLAND, MAINE
Department of Planning and Urban Development,
Planning Division and Planning Board

PROJECT NAME: Portland Cold Storage Building

PROPOSED DEVELOPMENT ADDRESS:

254 Commercial Street, Portland, ME 04101

PROJECT DESCRIPTION:

Renovation of approx 100,000 sf of space of an existing warehouse building to include professional office use on the upper stories, marine/ warehouse uses on first floor, and associated sitework.

CHART/BLOCK/LOT: 41/16,41/17, 41/18

CONTACT INFORMATION:

APPLICANT

Name: Waterfront Maine, LP
Address: 14 Maine Street
Brunswick, ME
Zip Code: 04011
Work #: 207-729-7970
Cell #:
Fax #: 207-725-9500
Home:
E-mail: agatti@waterfrontme.com

PROPERTY OWNER

Name: Waterfront Maine, LP
Address: c/0 Anthony Gatti
14 Maine Street
Zip Code: Brunswick, ME 04011
Work #:
Cell #:
Fax #:
Home:
E-mail:

BILLING ADDRESS

Name: Same as Property Owner
Address:
Zip:
Work #:
Cell #:
Fax #:
Home:
E-mail:

~As applicable, please include additional contact information on the next page~

A.10

AGENT/REPRESENTATIVE

Name: Carroll Associates
Address: 217 Commercial Street
Portland, ME
Zip Code: 04101
Work #: 207-772-1552
Cell #: 207-329-8976
Fax #: 207-772-0712
Home:
E-mail: pcarroll@carroll-assoc.com

ENGINEER

Name: Blais Civil Engineers
Address: 780 Broadway
South Portland, ME
Zip Code: 04206
Work #: 207-767-7300
Cell #: 207-837-8721
Fax #: 1-866-207-2033
Home:
E-mail: sblais@BLAISce.com

ARCHITECT

Name: Winton Scott Architects
Address: 5 Milk Street
Portland, ME
Zip Code: 04101
Work #: 207-774-4811
Cell #: (207) 329-7117
Fax #:
Home:
E-mail: wscott@wintonscott.com

CONSULTANT

Name: Gorrill-Palmer Consulting Engineers
Address: 15 Shaker Road
Gray, ME
Zip Code: 04039
Work #: 207-657-6910
Cell #:
Fax #:
Home:
E-mail: tgorrill@gorrillpalmer.com

SURVEYOR

Name: Owen Haskell, Inc.
Address: 390 U S Route One, #10
Falmouth, ME
Zip Code: 04105
Work #: 207-774-0424
Cell #:
Fax #:
Home:
E-mail: jswan@owenhaskell,com

ATTORNEY

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

A.11

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	67,982	sq. ft.
Proposed Total Disturbed Area of the Site	38,740	sq. ft. (nic Building)

(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	33,975	sq. ft.
Existing Total Impervious Area	58,473	sq. ft. (38,000 ex paved)
Proposed Total Impervious Area	54,448	sq. ft.
Proposed Impervious Net Change	-4,025	sq. ft.

BUILDING AREA

Existing Building Footprint	20,473	sq. ft.
Proposed Building Footprint	20,473	sq. ft.
Proposed Building Footprint Net change	0	sq. ft.
Existing Total Building Floor Area	100,680	sq. ft.
Proposed Total Building Floor Area	100,800	sq. ft.
Proposed Building Floor Area Net Change	120	sq. ft.
New Building	no	(yes or no)

ZONING

Existing	WCZ
Proposed, if applicable	WCZ

LAND USE

Existing	marine/ warehouse
Proposed	marine/ warehouse/ office

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units	n/a
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	102
Proposed Number of Parking Spaces	71
Number of Handicapped Parking Spaces	3
Proposed Total Parking Spaces	71

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces	0
Proposed Number of Bicycle Parking Spaces	8
Total Bicycle Parking Spaces	8

ESTIMATED COST OF PROJECT

Please answer the following with a Yes/No response on all that apply to the proposed development

Institutional	N	Change of Use	Y	
Parking Lot	Y	Design Review	N	
Manufacturing	N	Flood Plain Review	Y	
Office	Y	Historic Preservation	N	
Residential	N	Housing Replacement	N	
Retail/Business	N	14-403 Street Review	N	
Warehouse	Y	Shoreland	Y	
Single Family Dwelling	N	Site Location	N	
2 Family Dwelling	N	Stormwater Quality	N	
Multi-Family Dwelling	N	Traffic Movement	Y	
B-3 Ped Activity Review	N	Zoning Variance	N	(or date)
Change of Use	Y	Historic Dist./Landmark	N	
		Off Site Parking	Y	

A.12

APPLICATION FEE:

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

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

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submissions 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 form that is completed and signed.
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.

Signature of Applicant:	**Date:**
Cy J Gatti	5/4/2010

A.13

Site Plan Checklist

Portland, Maine

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

Project Name, Address of Project _____ **Application Number** _____

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

Check Submitted: Applicant	Staff	Required Information	Section 14-525 (b,c)
X		Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
X		Name and address of applicant and name of proposed development	a
X		* Scale and north points	b
X		* Boundaries of the site	c
X		* Total land area of site	d
X		* Topography - existing and proposed (2 feet intervals or less)	e
X		Plans based on the boundary survey including:	2
X		* Existing soil conditions	a
X		* Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
X		* 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
X		* Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 11 of packet)	d
X		* Location of on-site waste receptacles	e
X		* Public utilities	
X		* Water and sewer mains	e
X		* Culverts, drains, existing and proposed, showing size and directions of flows	e
X		* Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
X		* Location and dimensions of on-site pedestrian and vehicular access ways	g
X		* Parking areas	
X		* Loading facilities	g
X		* Design of ingress and egress of vehicles to and from the site onto public streets	g
X		* Curb and sidewalks	g
		Landscape plan showing:	h
X		* Location of existing vegetation and proposed vegetation	h
X		* Type of vegetation	h
X		* Quantity of plantings	h
X		* Size of proposed landscaping	h
X		* Existing areas to be preserved	h
X		* Preservation measures to be employed	h
X		* Details of planting and preservation specifications	h
X		* Location and dimensions of all fencing and screening	i
X		Location and intensity of outdoor lighting system	j
X		Location of fire hydrants, existing and proposed (refer to Fire Department checklist – page 11)	k
		Written statements to include:	c
X		* Description of proposed uses to be located on site	c1
N/A		* Quantity and type of residential, if any	c1
X		* Total land area of the site	c2
X		* Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
X		* General summary of existing and proposed easements or other burdens	c3
X		* Type, quantity and method of handling solid waste disposal	c4
X		* 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
X		* Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6

X	____	* An estimate of the time period required for completion of the development	7
X	____	* 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
X	____	* 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.	
X	____	* Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.	
X	____	* A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.	
X	____	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

A.15

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%

Portland Fire Department Checklist

A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews, which shall include:

1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
7. Hydrant locations
8. Water main[s] size and location
9. Access to any fire department connections
10. Access to all structures [min. 2 sides]
11. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.
12. Elevators shall be sized to fit an 81" x 23" stretcher and two personnel.
13. Some structures may require Fire flows using annex H of NFPA 1

Additional Submission for Subdivisions:
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 and shall include 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.

Cumberland Cold Storage Building
Application for Site Plan Review

A. 16

Project Description/ Schedule

The current site consists of approximately 67,982 sf of land, including berthing space for commercial fishermen along Merrill Wharf. A detailed description of the proposed uses to be located on the site of the project are described in the cover letter.

The site plan envisions a reconfiguring of the existing parking to provide safe egress and parking for vehicles, as well as a pedestrian connection between Commercial Street and the building entrance. The current parking (102spaces) will be reduced to 71 spaces arranged along a central driveway in either a single or double loaded configuration. Adjacent to the berthing area a 5 foot marine use zone will be provided to allow loading/ unloading of equipment and other needs of the commercial fishermen.

Parking required by the Zoning Ordinance formula indicates a total need of 228 spaces, including 6 for the berthing spaces, 21 for the first floor marine use, and 201 for the upper floors. The Applicant is proposing to accommodate 71 spaces on-site, with the remaining to be reserved in off-site lots near the proposed building. At this time the City of Portland has verbally agreed to provide approximately 75 spaces at the Fish Pier parking lot, and the Owner is actively negotiating with two other lots to meet the need for the project. It is noted that the Zoning does allow for a reduction of up to 50% in the parking requirement, and we are currently determining just what the parking demand will be at build-out.

The project is currently served by public utilities. Water, sewer, and gas all feed off of Commercial Street, and power is served from the Fish Pier side of the property. Existing utilities appear adequate to serve the property. A new transformer will be installed in the service area of the property with a feed from the overhead service which currently exists at the property line.

Solid waste generated during construction will be sent to a licensed waste disposal site. Once construction is completed, daily waste will be picked up by contract with a private hauler for disposal. A dumpster is proposed to be located in the rear service area of the property

The project schedule anticipates mobilization onto the site immediately upon securing all necessary approvals, and completion of the project within a ten-month period.

[Submitted rendering / photomontage of proposal was included in letter but relocated to N-15]

Attachment B.1

KNOW ALL MEN BY THESE PRESENTS, THAT

POULTRY PROCESSING, INC., a Maine corporation having a principal place of business in Portland, County of Cumberland and State of Maine, for consideration paid by WATERFRONT, MAINE, a Maine limited partnership having a principal place of business in Brunswick, County of Cumberland and State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim unto the said WATERFRONT, MAINE, its successors and assigns forever, with QUITCLAIM COVENANTS the following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine and more particularly bounded and described as follows:

See Schedule A attached hereto and incorporated herein.

IN WITNESS WHEREOF, POULTRY PROCESSING, INC., as Grantor, and releasing all its rights in the above-described premises, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by George I. Lewis, its Vice President thereunto duly authorized, this 1st day of July, 1986.

Signed, Sealed and Delivered
in the Presence of:

POULTRY PROCESSING, INC.

By: _____
George I. Lewis
Its Vice President

STATE OF MAINE
CUMBERLAND, SS.

July 1, 1986

Personally appeared the above-named George I. Lewis, Vice President of Grantor corporation, as aforesaid, and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,

_____
Attorney at Law
~~Notary Public~~

Portland B.2

PARCEL ONE:

The following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

A certain lot or parcel of land, flats, wharf, building, and railroad tracks situated on the southerly side of Commercial Street in said City of Portland now or formerly known as Merrill's Wharf and extending southeasterly from Commercial Street to low water mark. Said premises are bounded westerly in part by a line established between John Q. Twitchell and James P. Champlin and John Bradford by agreement dated April 13, 1883, recorded in the Cumberland County Registry of Deeds, Book 494, Page 433, and easterly by the line established between said John Q. Twitchell, James P. Champlin and the Proprietors of Union Wharf dated November 14, 1884, recorded in Cumberland County Registry of Deeds, Book 514, Page 180, and said premises including the benefit of an agreement with Richard Wharf Co. dated May 9, 1884, recorded in Cumberland County Registry of Deeds, Book 509, Page 185 and party wall agreement with Morris & Company, owners of Union Wharf, dated June 22, 1907, recorded in Cumberland County Registry of Deeds, Book 813, Page 87. Said premises are also subject to an agreement of easement with Cumberland County Power and Light Company dated March 2, 1935, recorded in Cumberland County Registry of Deeds, Book 1465, Page 311. Excepting, however, from the above described premises the portion thereof conveyed to Everett Wilson by Administrator's Deed dated July 10, 1897 recorded in Cumberland County Registry of Deeds, Book 654, Page 191, and Warranty Deed from James P. Champlin dated July 10, 1897, recorded in Cumberland County Registry of Deeds, Book 654, Page 193.

Also conveying, insofar as the Grantor has the power to grant the same, all water and riparian rights appurtenant to the above conveyed premises and rights in the area below the low water mark.

Also excepting and reserving the premises conveyed to Moulton Realty Co. by the Grantor herein by deed dated January 2, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4549, Page 85.

Also excepting and reserving from the above described premises, all of said land, flats, wharf, building, railroad tracks and water and riparian rights lying southerly of a line parallel to and twenty-five (25) feet southerly of the southerly side of the five story cold storage building located on the above described premises, right of way, and "right to locate underground utilities" as reserved in the deed of the premises from Poultry Processing, Inc. to Robert J. Levine, Trustee of Levine Realty Trust dated September 30, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4673, Page 162, which rights were subsequently acquired by the State of Maine by Notice of Taking by eminent domain dated March 24, 1981 recorded in said Registry, Book 4759, Page 119. Being the premises described in the deed from Poultry Processing, Inc. to Poultry Processing, Inc. dated March 19, 1986 and recorded in the Cumberland County Registry of Deeds, Book 7138, Page 317.

Duplicate

B.3

KNOW ALL MEN BY THESE PRESENTS, That PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership with a principal place of business in Portland, County of Cumberland, State of Maine,

In consideration of One ($1.00) Dollar and other valuable considerations

Paid by WATERFRONT, MAINE, a Maine Limited Partnership, having an office at Main Street, Brunswick, Maine 04011.

The receipt whereof PROPERTY EXCHANGE PARTNERSHIP does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said WATERFRONT, MAINE, its successors and assigns forever,

A certain lot or parcel of land with the buildings and other improvements now or hereafter situated thereon, situated at and near 252 Commercial Street, Portland, County of Cumberland and State of Maine, more particularly described as follows:

Beginning at a point on the southerly sideline of Commercial Street in the City of Portland, Maine at the property line as agreed to by the Proprietors of Union Wharf and John Q. Twitchell and James P. Champlin as recorded in Book 514, Page 180 of the Cumberland County Registry of Deeds. Said point of beginning also being One Hundred Thirty-Nine and 44/100 (139.44) feet easterly along Commercial Street from the division line established between Twitchell and Champlin and John Bradford by agreement recorded in Book 494, Page 433 of said Registry. Thence by the following courses and distances:

1. S 23° 09′ E along a party wall as described in an agreement between Morris & Co. and Twitchell and Champlin Co., recorded in Book 813, Page 87 of said Registry and along the line of agreement recorded in Book 514, Page 180 of said Registry Two Hundred Eight (208) feet to the end of a stone pier or retaining wall.

2. S 67° 00′ W along the face of the wall Eighty-Two Hundredths (0.82) feet to a dock and building.

3. S 23° 09′ E along the dock and building Nine and 55/100 (9.55) feet to a corner.

4. S 67° 09′ W along the dock and building Thirty-Five and 40/100 (35.40) feet to the corner of the building as it now exists.

5. N 23° 08′ 32" W along the building line One Hundred Eighty-Seven and 27/100 (187.27) feet to a corner.

6. N 10° 08′ E along the building line Thirty-Two and 18/100 (32.18) feet to a corner at Commercial Street.

7. N 56° 49' E along Commercial Street Eighteen and 82/100 (18.82) feet to a point of beginning.

The description above is from a survey entitled "Plan of Property Merrill's Wharf" dated December 20, 1979 by Robert P. Titcomb, and recorded in the Cumberland County Registry of Deeds.

The bearings are magnetic of 1884.

ALSO the non-exclusive right, insofar as the Grantor has the power to grant the same, to use the lands and waters adjacent to the easterly sideline of the premises herein conveyed.

ALSO a right of way by vehicle and otherwise over the so-called Merrill's Wharf premises formerly of Poultry Processing, Inc. between the premises described herein and Commercial Street, such right of way to be in common with others for the purpose of entry and egress of the above-described premises. The non-exclusive right to locate underground utilities serving the premises described herein in the parcel between the above-described premises and the westerly boundary of said Merrill's Wharf, together with the right to connect to any common sewer pipe constructed or maintained by Poultry Processing, Inc., its successors or assigns, serving part or all of Merrill's Wharf, provided that Grantee shall be required to pay its fair and reasonable portion of the cost of such pipe and connection if Grantee elects to so connect, as well as its proportionate share of all assessments and charges made by the City of Portland or other governmental agency in relation to the use of said sewer.

ALSO the right to erect temporary scaffolding, store materials, park vehicles and conduct like activities incident to the repair, maintenance and alterations of the premises described herein on the Merrill's Wharf premises formerly of Poultry Processing, Inc. within ten (10) feet of the westerly sideline of the above-described premises, so long as such erections, storage, parking or activities do not unreasonably impede the use of said premises as a right of way for other owners, tenants and users of Merrill's Wharf.

Being part of the premises contained in the deed from the Executors of the Last Will and Testament of Benjamin Lewis to Cumberland Trading Co., Inc. dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 423. Said Cumberland Trading Co., Inc. merged into Pine State Beef Company on June 1, 1973. Said Pine State Beef Company merged into Poultry Processing, Inc. on October 28, 1974.

Also being the same premises conveyed to Robert J. Levine, Trustee of the Levine Real Estate Trust, by deed of MOULTON REALTY CO., dated January 2, 1980, and recorded in said Registry of Deeds in Book 4549, Page 113 and the same premises conveyed to Grantor by

B.5

Robert J. Levine, Trustee of the Levine Real Estate Trust by deed dated December 13, 1985 and recorded in said Registry of Deeds in Book 7005, Page 104.

Also hereby conveying all of the Grantor's right, title and interest in and to all easements, rights-of-way and other rights appurtenant to the above-described premises and in and to the fee underlying all public or private rights of way contiguous to said premises, and also including all mooring, wharfage and dockage rights and fees associated with said premises (all hereinafter sometimes referred to as the "Premises").

TO HAVE AND TO HOLD the aforegranted and bargained Premises, with all the privileges and appurtenances thereof, to the said Waterfront Maine, its successors and assigns, to its and their use and behoof forever.

And Grantor does covenant with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the Premises, that they are free of all encumbrances, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it will and its successors shall and will WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership, has caused this deed to be executed this 7th day of the month of August, 1987.

Signed, Sealed and Delivered
in Presence of:

PROPERTY EXCHANGE PARTNERSHIP,
a Maine general partnership

By: _____
John R. Gendron,
its General Partner

By: _____
Richard N. Gendron,
its General Partner

By: _____
Roger J. Gendron,
its General Partner

B.6

Witness

By: _____
Charles P. Gendron,
its General Partner

STATE OF MAINE
CUMBERLAND, ss.

August 20, 1987

Then personally appeared the above-named John R. Gendron, Richard N. Gendron, Roger J. Gendron and Charles P. Gendron, and acknowledged the foregoing instrument to be their free act and deed in their said capacities, and the free act and deed of said general partnership.

Before me,

_____
Notary Public
Attorney-at-Law
DIANE R. SOUZA
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES APRIL 21, 1992

_____
Print Name

B.7

BUREAU OF TAXATION

Property Tax Division
State House Station #24
Augusta, Maine 04333

FILE WITH COUNTY REGISTRY OF DEEDS

STATE OF MAINE

PLACE STAMP ABOVE

REAL ESTATE TRANSFER TAX DECLARATION

TITLE 36, M.R.S.A., SECTIONS 4641 through 464

1. MUNICIPALITY OR TOWNSHIP	COUNTY	BOOK	PAGE
Portland	Cumberland		

GRANTEE (BUYER)

2. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(

► Waterfront, Maine ► 13 | 339 | 002

3. NUMBER AND STREET	CITY OR TOWN	STATE AND ZIP CODE
Main Street	Brunswick	ME 04011

GRANTOR (SELLER)

4. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(

► Property Exchange Partnership ► 010 | 384 | 83

5. NUMBER AND STREET	CITY OR TOWN	STATE AND ZIP CODE
4 Moulton St.	Portland	ME

PROPERTY

6. BRIEF DESCRIPTION (Such as: Map and Lot numbers; Located at 17 Elm Street, Augusta; or 10 Acres, farmhouse and barn known as Smith Farm, Mill Road, Houlton). Land and buildings at 252 Commercial Street, Portland, Maine

On date of transfer, this property was classified under Title 36 MRSA Chapte 105 as (check only one):

☐ Tree Growth ☐ Farmland

☐ Open Space ☒ Not Applicable

7. DATE OF TRANSFER (Use numerals) ► MO. 8 | DAY 20 | YR. 87

CONSIDERATION

8. Consideration meaning total amount or price paid, or required to be paid, for real property valued in money, whether received in money or otherwise and shall include the amount of any mortgage, liens or encumbrances thereon. (Tax will be collected at the registry when the deed is recorded. The tax rate is $2.20 per $500 of consideration, or fractional part thereof. The tax incidence is equally divided between the buyer and seller.)
If exempt, complete line 9

► $300,000 .0

EXEMPTION

9. EXPLAIN BASIS FOR EXEMPTION (Complete only if transfer is claimed to be exempt).

SPECIAL CIRCUMSTANCES

10. Were there special circumstances in the transfer which suggest that the sale price of the property was either more or less than its fair market value (Such as the fact that transfer was a forced sale, interfamily sale, intercorporate sale, gift, exchange, etc.).

► ☐ YES ☒ NO

OATH

11. Aware of penalties as set forth by Title 36, Section 4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete.

GRANTEE(S) or AUTHORIZED AGENT	DATE	GRANTOR(S) or AUTHORIZED AGENT	DATE
Waterfront, Maine	8/20/87	Property Exchange Partnership	8/2
C. P. Burke			

PREPARER

12. Name and address of person or firm preparing this form: Verrill & Dana, P. O. ~~Box 586~~, Portland, Maine 04112

PTS520

THIS DOCUMENT IS CONFIDENTIAL WHEN COMPLETED

Bangor Savings Bank

You matter more.

Attachment C.1

March 29, 2010

Mr. Christopher Pachios
Waterfront Maine
14 Maine Street
Brunswick, ME 04011

RE: Cumberland Cold Storage Project

Dear Chris,

This letter will confirm that, based on our preliminary due diligence on project and sponsor background information received to date, Waterfront Maine will have the financial capacity, development experience and operational management expertise to complete the renovation of the Cumberland Cold Storage Building into an office project with the law offices of Pierce Atwood as the main tenant. Also, based upon a review of the projected cash flow of the project, proposed equity into the deal, and subject to our standard underwriting requirements, the Bank would consider financing the project as proposed.

Should you have any further questions, please do not hesitate to call me at 541-2710. We look forward to working with you further on this exciting project.

Very truly yours,

Michael P. O'Reilly
Vice President
Bangor Savings Bank
Commercial Banking
280 Fore Street, Suite 200
Portland, ME 04101

MAINE BANK & TRUST

A division of People's United Bank

C.2

467 Congress Street
Portland, ME 04101
(207) 828-3011

April 16, 2010

City of Portland
Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101

Re: Proposed Merrill Wharf Project

Dear Sirs:

Maine Bank & Trust has been working with Waterfront Maine, Limited Partnership, who is seeking Planning Board approval to renovate a ±100,000 square foot building located at 258 Commercial Street, Portland, Maine, pursuant to the requirements of potential new tenant(s) that will occupy a significant portion of the building. Our understanding is that the estimated cost of this project is approximately $12 million. We are sufficiently familiar with the principals of Waterfront Maine and the rest of the development team. Based on our knowledge of their financial and development capabilities, Waterfront Maine possesses the qualifications necessary to obtain financing and to successfully carry out a project of this magnitude.

Please be advised the foregoing should not be construed as an agreement or commitment by the Bank to provide financing for this project at this time. However, we are presently considering a request from Waterfront Maine, with any approval of such financing being subject to our underwriting and approval policies and procedures.

If I may be of any further assistance, please contact me at (207) 828-3023. Thank you.

Sincerely,

Timothy J McMachen
Vice President
Commercial Real Estate

Attachment D.1

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991

Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail:fjb@portlandmaine.gov

Date: May 3, 2010

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 254 Commercial Street, Portland, ME 04101

(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LMK@portlandmaine.gov)

Chart Block Lot Number: 41/18

Proposed Use: Marine/ office/ warehouse

Previous Use: Marine/ Warehouse

Existing Sanitary Flows: 150 GPD

Existing Process Flows: GPD

Description and location of City sewer, at proposed building sewer lateral connection:
Existing 6" sanitary exits bldg on n-side approx 100 ft from west end of bldg. connects to brick sewer in Commercial Street

Site Category

Commercial	X
Industrial *(complete part 4 below)*	
Governmental	
Residential	
Other *(specify)*	

Clearly, indicate the proposed connection, on the submitted plans.

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 4300 GPD

Peaking Factor/ Peak Times: 3/ 12 pm

Specify the source of design guidelines: *(i.e.__"Handbook of Subsurface Wastewater Disposal in Maine," __"Plumbers and Pipe Fitters Calculation Manual," __ Portland Water District Records, _ Other (specify)*

"Handbook of Subsurface Wastewater Disposal in Maine"

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

3. Please, Submit Contact Information.

Owner/Developer Name: Waterfront Maine

Owner/Developer Address: 14 Maine Street Brunswick, ME 04011

Phone: 207-729-7970 Fax: E-mail: agatti@waterfrontme.com

Engineering Consultant Name: Blais Civil Engineers

Engineering Consultant Address: 780 Broadway, South Portland, ME 04106

Phone: 207-767-7300 Fax: E-mail: sblais@BLAISce.com

City Planner's Name: Jean Fraser Phone: 207-874-8728

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: GPD

Do you currently hold Federal or State discharge permits? Yes ____ No ____

Is the process wastewater termed categorical under CFR 40? Yes ____ No ____

OSHA Standard Industrial Code (SIC): *(http://www.osha.gov/oshstats/sicser.html)*

Peaking Factor/Peak Process Times:

D.2

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

Notes, Comments, or Calculations:

CARROLL ASSOCIATES
217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.775.1553 FAX 207.775.0712
LANDSCAPE ARCHITECTS

D.3

May 3, 2010

Rico Spugnardi, P.E.
Department of New Services
Portland Water District
P.O. Box 3553
Portland, Maine 04104-3553

Re: Cumberland Cold Storage Building
254 Commercial Street
Waterfront Maine, LP
Request for Confirmation of Ability to Serve

Dear Mr. Spugnardi,

On behalf of Maine Waterfront, LP, we are requesting a letter of confirmation of the Portland Water District's ability to serve the redevelopment of the Cumberland Cold Storage Building in Downtown Portland. The project is located on Merrill Wharf along the waterfront, just north of the Portland Fish Exchange on Commercial Street.

Waterfront Maine, LP is proposing to develop the building to accommodate approximately 80,000 sf of professional office use on the upper floors and 20,000 sf of marine related uses on the ground floor. Based on projected use of the building we believe usage of approximately 4300 GPD will be required to meet the needs of the project. The building is currently served by an 8" CI service that tees off of a 12" water main located in Commercial Street. We believe this service line is in good condition and will meet the needs of the project. The building will be fully sprinklered.

The project is scheduled for Workshop Review on the May 25th Planning Board agenda. We hope to receive your feedback prior to the meeting to expedite the review process.

We will be happy to meet with you or other members of the staff at your convenience to review the project in detail, and address any comments you may have regarding this proposal. Please call if you have any questions or require additional information.

Sincerely,

Carroll Associates

Patrick Carroll, Principal

Enc.

Blais
civil engineers

Attachment E.1

STORMWATER MANAGEMENT REPORT
CUMBERLAND SELF STORAGE BUILDING
254 COMMERCIAL STREET
PORTLAND, MAINE
May 3, 2010

INTRODUCTION

The subject property (Site), Cumberland Self Storage Building, owned by Waterfront Maine, LP is located at 254 Commercial Street in Portland, Maine. The Site is located on the north side of Commercial Street west of Union Wharf.

The owner is proposing to reconfigure the Site's parking, sidewalks, and building entrances. They will also implement stormwater mitigation measures.

This report discusses the Site's hydrological conditions and the stormwater quality treatment measures that will be implemented to mitigate stormwater impacts from this project.

EXISTING SITE CONDITIONS

The Site currently hosts a 20,473 square foot building (footprint) with 38,740 square feet of associated parking and sidewalks. Topography is generally flat with a retaining wall along the northern waterfront. The land cover is mostly impervious.

The western portion of the parking lot slopes inward to a catch basin, which discharges to the City's combined sewer system. The remainder of the Site generally sheet flows to the north into the Fore River. Roof water currently is discharged via downspouts to south at the back of the building.

PROPOSED SITE CONDITIONS

Redevelopment of the Site includes improvements to the existing parking lot, sidewalks, and building entrances. These features will be reconfigured resulting in 4,000 square feet less impervious area.

780 Broadway
South Portland, ME · 04106
207-767-7300 · blaisce.com

A curb and catch basin system will be added along the waterfront. Short pipes will discharge stormwater from these catch basins directly into the Fore River.

Stormwater from approximately 12,000 square feet of the northwestern potion of the parking lot will be redirected to the Fore River resulting in reduced loads to the combined sewer system. This runoff will be treated by a tree box filter before it discharged to the Fore River.

WATER QUALITY

The Site currently has no apparent stormwater mitigation. The proposed tree box filter will provide treatment for approximately 10,000 square feet of impervious area. The catch basins along the water front will have 3-foot deep sumps to capture sediment. These catch basins will also be equipped with hoods to help separate possible oil and debris from the parking lot.

All construction will be in accordance with the most current Maine Erosion and Sedimentation Control Best Management Practices. These measures will include, as necessary, temporary and permanent seeding, temporary sediment barriers, drainage inlet and outlet protection, and a construction entrance.

CONCLUSIONS

This project will use long-term and short-term erosion control measures as well as stormwater quality treatment measures that will mitigate environmental impacts from stormwater. This project will have no significant adverse impacts on downstream properties as a result of stormwater.

BLAIS CIVIL ENGINEERS

Steve G. Blais, PE

Attachment F.1

Gorrill-Palmer Consulting Engineers, Inc.
Transportation and Civil Engineering Services

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail:mailbox@gorrillpalmer.com

May 3, 2010

Mr. Pat Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

See also Traffic Movement Permit Application submitted 5.13.10 which updates this submittal. (staff comment)

Subject: Trip Generation Forecast
Re-use of Cumberland Cold Storage Facility
Portland, Maine

Dear Pat,

Per your request, Gorrill-Palmer Consulting Engineers, Inc. has completed a trip generation forecast for the re-use of the Cumberland Cold Storage facility off Commercial Street in Portland.

It is our understanding that the existing building consists of five floors each 20,000 s.f. in area for a total building area of 100,000 s.f. Currently, we understand that the building is used for storage except for approximately 5,000 s.f. used for light manufacturing. The site has approximately 87 parking spaces. The building is proposed to be re-occupied by offices in the upper three and a half floors with the lower story and a half utilized by marine related uses.

Trip Generation Estimate

Gorrill-Palmer Consulting Engineers utilized the 7th edition of the Institute of Transportation Engineers publication, *Trip Generation*, to estimate the traffic to and from the site both for the existing use and for the proposed re-use of the building. Our forecast utilized the following land use codes (LUC) in completing our forecast:

Existing uses: We utilized land use LUC 110, General Light Industry for the 5,000 s.f. of existing marine uses. The remaining 95,000 s.f. of the building, used for storage, was estimated utilizing LUC 150, Warehousing.

Proposed uses: LUC 110, General Light Industry was utilized for the proposed 30,000 s.f. of marine uses. The remaining 70,000 s.f. of space proposed for the office use was estimated utilizing LUC 710, General Office Building.

A summary of the existing and post re-development trips is summarized in the following table:

Trip Generation Summary for Reuse of Cumberland Cold Storage Facility

Uses	Weekday	Weekday AM Peak Hour	Weekday PM Peak Hour
Existing			
LUC 110- Light Industrial	35	5	5
LUC 150- Warehousing	471	54	58
Total for Existing	**506**	**59**	**63**
Proposed			
LUC 110 Light Industrial	209	30	32
LUC 710 Office Building	771	109	104
Total for Proposed	**980**	**139**	**136**
Total Increase	**474**	**80**	**73**

Based on the above table, the project will not require a traffic movement permit from the MaineDOT, as the estimated increase in trip generation is less than 100 trips during either the AM or PM peak hours. A copy of our trip generation estimates and assignments are included with this letter.

Collision Data

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) **and**:
2. A minimum of eight crashes over the same three-year period.

The following tables summarize the CRF and number of crashes provided by MaineDOT for the 2006-2008 time period for those locations that satisfy one or more of the aforementioned criteria:

MaineDOT Crash Data for 2006-2008: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
16788	Commercial Street at Center Street	12	0.61	No
16790	Commercial Street at Union Street	9	0.53	No

Based on the information provided by MaineDOT, there are no high crash locations in the project study area. The crash information is enclosed with this letter.

Sight Line Review

As part of this review, Gorrill-Palmer Consulting Engineers reviewed the sight distances of the site driveway. Based on the review, the sight line to the left is impacted by short term (on-street) parking approximately 65 feet from the driver's line of sight, resulting in visibility of approximately 140 feet. The sight line looking to the right is through the signalized intersection with Union Street, or in excess of 200 feet. While MaineDOT typically recommends a sight distance of 200 feet for a street at 25 mph (assumed for Commercial Street), to extend the distance would require removal of on-street parking. Furthermore, this is a common condition for driveways along Commercial Street and other locations in the downtown peninsula.

Pedestrian Access

For a facility such as this, pedestrian access is an important component. Based on the field review, crosswalks are provided at the nearby intersection of Commercial Street with Union Street, and sidewalks are provided on both sides of Commercial Street.

Capacity Analyses

Gorrill-Palmer Consulting Engineers, Inc. completed capacity analyses for Commercial Street at Merrill Wharf and at Union Street. The analyses were completed utilizing the HCM outputs of the Synchro software for the Union intersection, and the HCM software for the Merrill driveway. They are based on turning movement counts completed at these locations on May 3, 2010, which are included with this letter.

Levels of service rankings are similar to the academic ranking system where an 'A' has little control delay and an 'F' represents extensive delay. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if an alternative form of traffic control may be advisable.

The following tables summarize the relationship between delay and level of service for signalized and unsignalized intersections:

Level of Service Criteria for Signalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

Level of Service Criteria for Unsignalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The results of the capacity analyses, based on the analysis results, are summarized as follows, with the detailed analysis sheets included with this letter.

Level of Service for Commercial Street at Union Street

Approach/Movement	2010 PM Peak Hour			
	Pre Build		Post Build	
	Delay (sec)	LOS	Delay (sec)	LOS
Union EB LT/TH/RT	14	B	14	B
Union Wharf WB LT/TH/RT	11	B	11	B
Commercial NB LT	7	A	7	A
Commercial NB TH/RT	8	A	9	A
Commercial SB LT	6	A	6	A
Commercial SB TH	10	B	10	B
Commercial SB RT	6	A	6	A
Overall	**10**	**B**	**10**	**B**

Level of Service for Commercial Street at Merrill Wharf

Approach/Movement	2010 PM Peak Hour			
	Pre Build		Post Build	
	Delay (sec)	LOS	Delay (sec)	LOS
Merrill WB LT/RT	13	B	16	C
Commercial NB TH/RT	<1	A	<1	A
Commercial SB LT	8	A	8	A
Commercial SB TH	<1	A	<1	A

Based on the findings of the analyses, all lane groups are anticipated to operate at a level of service 'C' or better. Based on the analyses, the addition of development traffic to the Commercial Street/Union Street intersection does not noticeably impact delay. Queuing from the Union Street and the Center Street signals did block the driveway several times while the counts were being conducted. However, this is not unusual in an urban environment.

Recommendations

The potential for coordination of the Union Street and Center Street signals should be explored, as these locations currently operate independently of one another, resulting in issues with vehicular progression.

In addition, the potential for flexible schedules should be utilized to the greatest extent possible in order to reduce the overall peak-hour traffic to and from the site.

If you have any questions please contact our office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

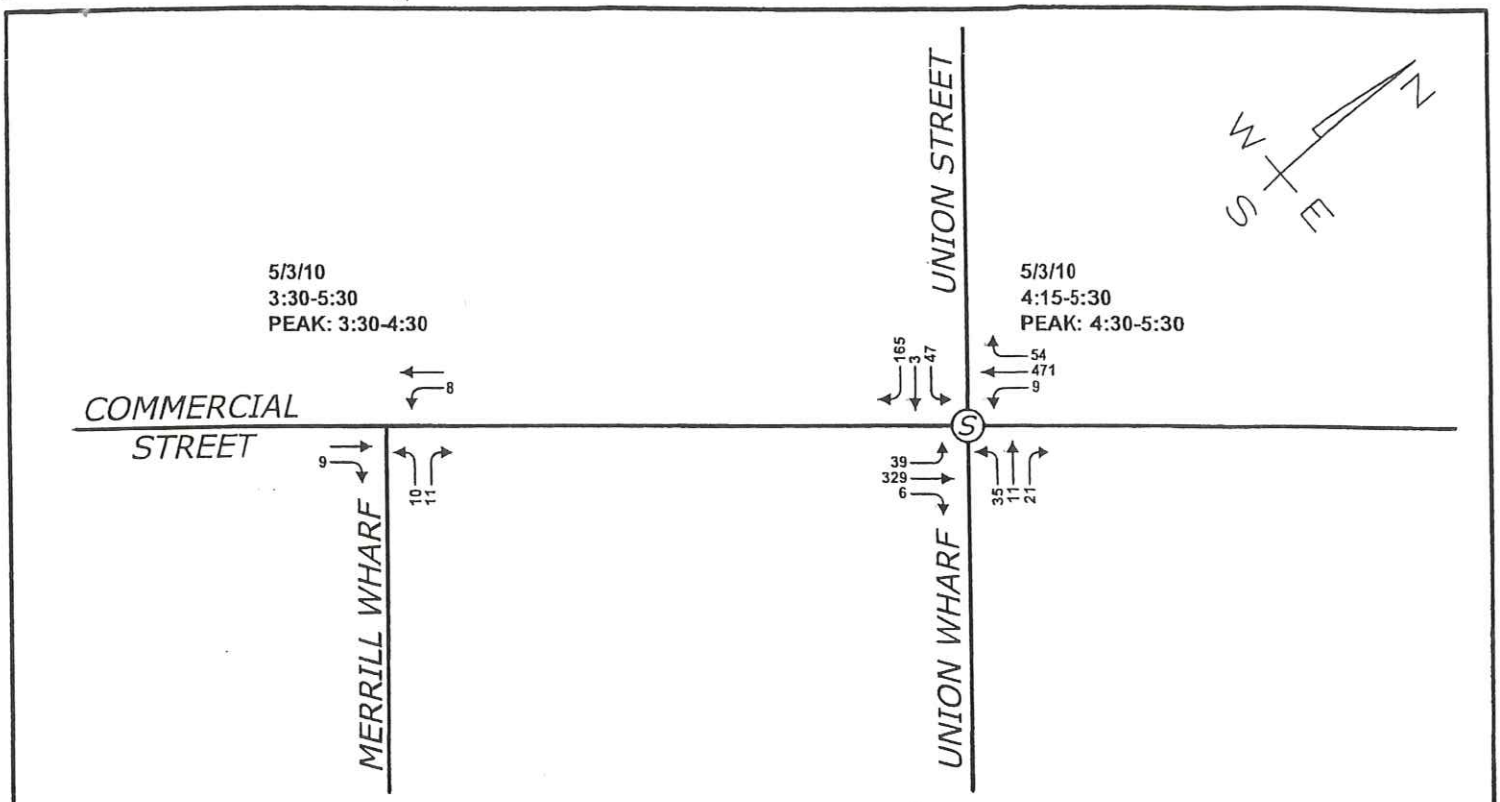
Thomas L. Gorrill, P.E., PTOE
President

TLG/jjb/JN2420/Carroll 5-3-10

F.5

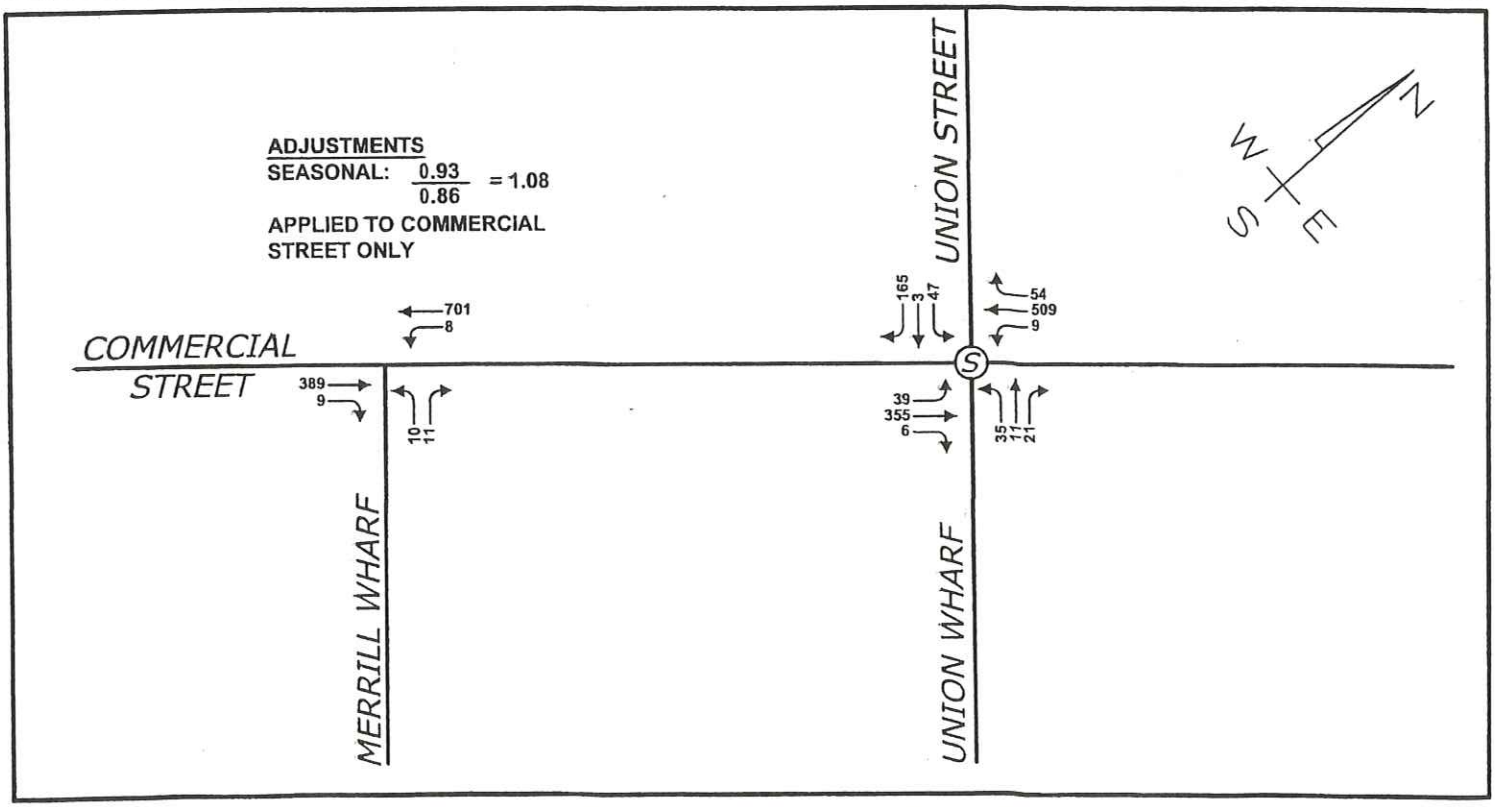
Raw Volumes

Figure No. 1A



2010 Adjusted Volumes

Figure No. 1B



CUMBERLAND COLD STORAGE FACILITY, PORTLAND, MAINE

Design: JJB
Draft: DB
Checked: JLW
Scale: NONE
Date: MAY 2010
File Name: 2420_TRAFF.dwg

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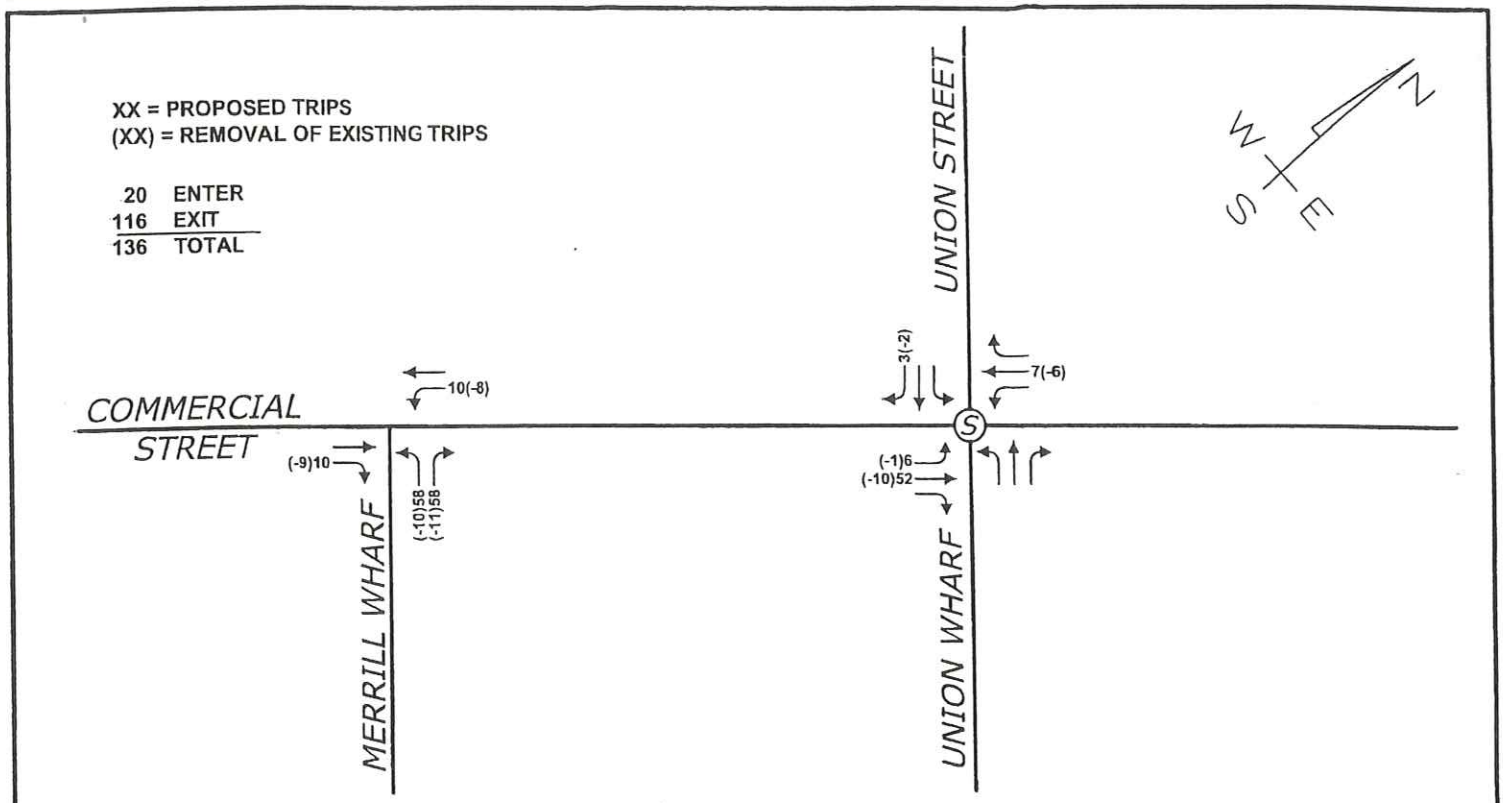
F6

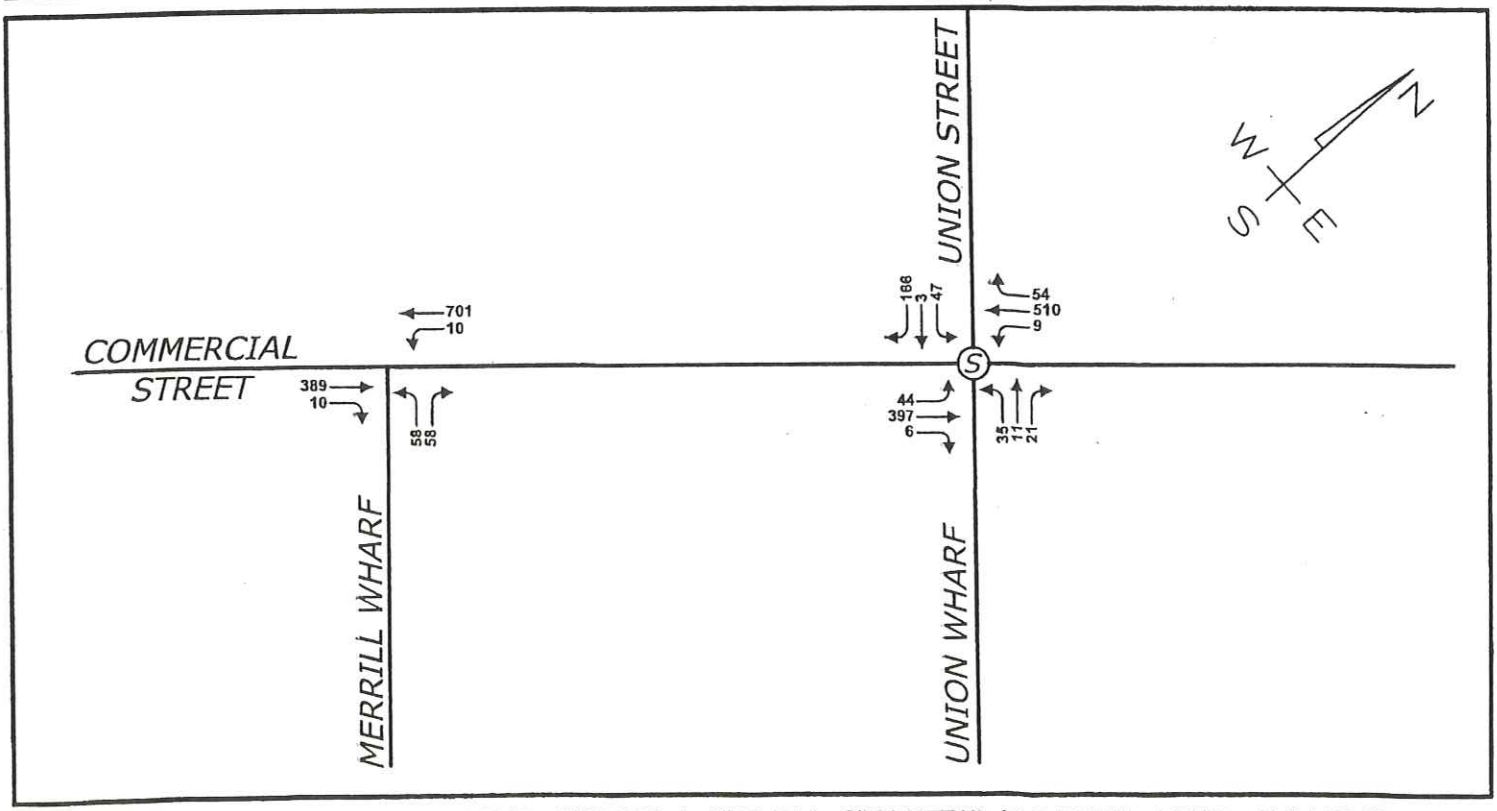
Trip Assignment

Figure No. 2A



2010 Build Volumes

Figure No. 2B



CUMBERLAND COLD STORAGE FACILITY, PORTLAND, MAINE

Design:	JJB	Scale:	NONE
Draft:	DB	Date:	MAY 2010
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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	J. Bartlett
Agency/Co.	Gorrill-Palmer
Date Performed	5/4/2010
Analysis Time Period	PM Peak Hour

Site Information

Intersection	Commercial at Merrill
Jurisdiction	Portland, Maine
Analysis Year	2010

Project Description: 2010 Adjusted Volumes: JN 2420

East/West Street: Merill Wharf | North/South Street: Commercial Street

Intersection Orientation: North-South | Study Period (hrs): 1.00

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		389	9	8		
Peak-Hour Factor, PHF	1.00	0.98	0.98	0.85	0.85	1.00
Hourly Flow Rate, HFR (veh/h)	0	396	9	9	834	0
Percent Heavy Vehicles	0	--	--	10	--	--
Median Type	Two Way Left Turn Lane					
RT Channelized			0			0
Lanes	0	1	0	1	1	0
Configuration			TR	L	T	
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				10		11
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.92	1.00	0.92
Hourly Flow Rate, HFR (veh/h)	0	0	0	10	0	11
Percent Heavy Vehicles	0	0	0	0	0	10
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration					LR	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L		LR				
v (veh/h)		9		21				
C (m) (veh/h)		1112		472				
v/c		0.01		0.04				
95% queue length		0.02		0.14				
Control Delay (s/veh)		8.3		13.0				
LOS		A		B				
Approach Delay (s/veh)	--	--	13.0					
Approach LOS	--	--	B					

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*J. Bartlett*	Intersection	*Commercial at Merrill*
Agency/Co.	*Gorrill-Palmer*	Jurisdiction	*Portland, Maine*
Date Performed	*5/4/2010*	Analysis Year	*2010*
Analysis Time Period	*PM Peak Hour*		

Project Description *2010 Build Volumes: JN 2420*

East/West Street: *Merrill Wharf* | North/South Street: *Commercial Street*

Intersection Orientation: *North-South* | Study Period (hrs): *1.00*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		*389*	*10*		*709*	
Peak-Hour Factor, PHF	*1.00*	*0.98*	*0.98*	*0.85*	*0.85*	*1.00*
Hourly Flow Rate, HFR (veh/h)	*0*	*396*	*10*	*21*	*834*	*0*
Percent Heavy Vehicles	*0*	–	–	*2*	–	–
Median Type	*Two Way Left Turn Lane*					
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*1*	*1*	*0*
Configuration			*TR*	*L*	*T*	
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				*58*		*58*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*0.92*	*1.00*	*0.92*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*0*	*63*	*0*	*63*
Percent Heavy Vehicles	*0*	*0*	*0*	*2*	*0*	*2*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*0*	*0*	*0*
Configuration					*LR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		*L*		*LR*				
v (veh/h)		*21*		*126*				
C (m) (veh/h)		*1153*		*459*				
v/c		*0.02*		*0.27*				
95% queue length		*0.06*		*1.13*				
Control Delay (s/veh)		*8.2*		*15.8*				
LOS		*A*		*C*				
Approach Delay (s/veh)	–	–	*15.8*					
Approach LOS	–	–	*C*					

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	47	3	165	35	11	21	39	355	6	9	509	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	12	12	12	12	12	12	12	12	12	11	11
Total Lost time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Lane Util. Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt		0.90			0.96		1.00	1.00		1.00	1.00	0.85
Flt Protected		0.99			0.97		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)		1685			1757		1805	1854		1480	1801	1531
Flt Permitted		0.91			0.80		0.36	1.00		0.47	1.00	1.00
Satd. Flow (perm)		1555			1441		691	1854		724	1801	1531
Peak-hour factor, PHF	0.84	0.84	0.84	0.86	0.86	0.86	0.81	0.85	0.85	0.75	0.96	0.90
Adj. Flow (vph)	56	4	196	41	13	24	48	418	7	12	530	60
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	256	0	0	78	0	48	425	0	12	530	60
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	2%	17%	22%	2%	2%
Turn Type	Perm			Perm			Perm			Perm		Perm
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		6
Actuated Green, G (s)		12.1			12.1		19.1	19.1		19.1	19.1	19.1
Effective Green, g (s)		12.1			12.1		19.1	19.1		19.1	19.1	19.1
Actuated g/C Ratio		0.29			0.29		0.46	0.46		0.46	0.46	0.46
Clearance Time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Vehicle Extension (s)		3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)		457			423		320	860		336	835	710
v/s Ratio Prot								0.23			c0.29	
v/s Ratio Perm		c0.16			0.05		0.07			0.02		0.04
v/c Ratio		0.56			0.18		0.15	0.49		0.04	0.63	0.08
Uniform Delay, d1		12.3			10.9		6.4	7.7		6.0	8.4	6.2
Progression Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2		1.6			0.2		0.2	0.4		0.0	1.6	0.1
Delay (s)		13.9			11.1		6.6	8.1		6.1	10.0	6.2
Level of Service		B			B		A	A		A	A	A
Approach Delay (s)		13.9			11.1			8.0			9.5	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	9.9	HCM Level of Service	A
HCM Volume to Capacity ratio	0.61		
Actuated Cycle Length (s)	41.2	Sum of lost time (s)	10.0
Intersection Capacity Utilization	54.2%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔			↑			↑	
Volume (vph)	47	3	166	35	11	21	44	397	6	9	510	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	12	12	12	12	12	12	12	12	12	11	11
Total Lost time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Lane Util. Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt		0.90			0.96		1.00	1.00		1.00	1.00	0.85
Flt Protected		0.99			0.97		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)		1685			1757		1805	1855		1480	1801	1531
Flt Permitted		0.91			0.80		0.36	1.00		0.42	1.00	1.00
Satd. Flow (perm)		1556			1442		689	1855		649	1801	1531
Peak-hour factor, PHF	0.84	0.84	0.84	0.86	0.86	0.86	0.81	0.85	0.85	0.75	0.96	0.90
Adj. Flow (vph)	56	4	198	41	13	24	54	467	7	12	531	60
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	258	0	0	78	0	54	474	0	12	531	60
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	2%	17%	22%	2%	2%
Turn Type	Perm			Perm			Perm			Perm		Perm
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		6
Actuated Green, G (s)		12.2			12.2		19.2	19.2		19.2	19.2	19.2
Effective Green, g (s)		12.2			12.2		19.2	19.2		19.2	19.2	19.2
Actuated g/C Ratio		0.29			0.29		0.46	0.46		0.46	0.46	0.46
Clearance Time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Vehicle Extension (s)		3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)		459			425		320	860		301	835	710
v/s Ratio Prot								0.26			c0.29	
v/s Ratio Perm		c0.17			0.05		0.08			0.02		0.04
v/c Ratio		0.56			0.18		0.17	0.55		0.04	0.64	0.08
Uniform Delay, d1		12.3			10.9		6.5	8.0		6.1	8.4	6.2
Progression Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2		1.6			0.2		0.3	0.8		0.1	1.6	0.1
Delay (s)		13.9			11.1		6.7	8.8		6.1	10.0	6.2
Level of Service		B			B		A	A		A	B	A
Approach Delay (s)		13.9			11.1			8.6			9.6	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	10.1	HCM Level of Service	B
HCM Volume to Capacity ratio	0.61		
Actuated Cycle Length (s)	41.4	Sum of lost time (s)	10.0
Intersection Capacity Utilization	56.2%	ICU Level of Service	B
Analysis Period (min)	15		

c Critical Lane Group

JN:2420
Project Description:Redevelopment of Cumberland Cold Storage Building- Trip Generation for Existing Uses
Project Location:Congress Street in Portland
Date:4-30-10

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 5,000

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split IN	Directional Split OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 7.47(X) - 101.92	-65	18	50%	50%	-33	-33	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-83	29	85%	15%	-71	-12	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-156	26	15%	85%	-23	-133	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-55	27	90%	10%	-50	-6	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-118	27	15%	85%	-18	-100	0.89
Saturday	T = 0.85(X) + 163.06	167	6	50%	50%	84	84	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split IN	Directional Split OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 6.97(X)	35	18	50%	50%	17	17	N/A
AM Peak of Adjacent	T = 0.92(X)	5	29	85%	15%	4	1	N/A
PM Peak of Adjacent	T = 0.98(X)	5	26	15%	85%	1	4	N/A
AM Peak of Generator	T = 1.01(X)	5	27	90%	10%	5	1	N/A
PM Peak of Generator	T = 1.08(X)	5	27	15%	85%	1	5	N/A
Saturday	T = 1.32(X)	7	6	50%	50%	3	3	N/A
Saturday Peak of Generator	T = 0.14(X)	1	5	50%	50%	0	0	N/A

JN: 2420
Project Description: ɔerland Cold Storage Building
Project Location: Portland, Maine
Date: 4/30/2010

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

Warehousing
Land Use Code (LUC) 150

Gross Floor Area (ft^2): 95,000

Fitted Curve

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split* IN	Directional Split* OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 3.68 (X) + 350.27	700	16	50%	50%	350	350	0.82
AM Peak Adjacent Street	Ln(T) = 0.71 Ln(X) + 1.15	80	19	80%	20%	64	16	0.79
PM Peak Adjacent Street	Ln(T) = 0.79 Ln(X) + 0.54	63	26	25%	75%	16	47	0.75
AM Peak of Generator	T = 0.39(X) + 63.12	100	19	60%	40%	60	40	0.86
PM Peak of Generator	T = 0.46(X) + 53.12	97	18	10%	90%	10	87	0.88
Saturday	---	---	2	50%	50%	---	---	---
Saturday Peak Hour of Gen.	---	---	2	65%	35%	---	---	---

*Percentages rounded to nearest 5%

Average Rate

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split* IN	Directional Split* OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 4.96 (X)	471	16	50%	50%	236	235	---
AM Peak Adjacent Street	T = 0.45 (X)	43	19	80%	20%	34	9	---
PM Peak Adjacent Street	T = 0.47 (X)	45	26	25%	75%	11	34	---
AM Peak of Generator	**T = 0.57 (X)**	**54**	**19**	**60%**	**40%**	**32**	**22**	**---**
PM Peak of Generator	**T = 0.61 (X)**	**58**	**18**	**10%**	**90%**	**6**	**52**	**---**
Saturday	**T = 1.22 (X)**	**116**	**2**	**50%**	**50%**	**58**	**58**	**---**
Saturday Peak Hour of Gen.	**T = 0.12 (X)**	**11**	**2**	**65%**	**35%**	**7**	**4**	**---**

*Percentages rounded to nearest 5%

E.12

F.13

JN:2420
Project Description:Redevelopment of Cumberland Cold Storage Building- Trip Generation for Existing Uses
Project Location:Congress Street in Portland
Date:4-30-10

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 30,000

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 7.47(X) - 101.92	122	18	50%	50%	61	61	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-54	29	85%	15%	-46	-8	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-121	26	15%	85%	-18	-103	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-25	27	90%	10%	-23	-3	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-83	27	15%	85%	-12	-71	0.89
Saturday	T = 0.85(X) + 163.06	189	6	50%	50%	95	95	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 6.97(X)	209	18	50%	50%	105	105	N/A
AM Peak of Adjacent	T = 0.92(X)	28	29	85%	15%	23	4	N/A
PM Peak of Adjacent	T = 0.98(X)	29	26	15%	85%	4	25	N/A
AM Peak of Generator	T = 1.01(X)	30	27	90%	10%	27	3	N/A
PM Peak of Generator	T = 1.08(X)	32	27	15%	85%	5	28	N/A
Saturday	T = 1.32(X)	40	6	50%	50%	20	20	N/A
Saturday Peak of Generator	T = 0.14(X)	4	5	50%	50%	2	2	N/A

JN: 2420
Project Description: Redevelopment of Cumberland Cold Storage Building
Project Location: Portland
Date: April 30, 2010

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Office Building
Land Use Code (LUC) 710

Gross Floor Area 70,000

Trip Ends Based on Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split * IN	Directional Split * OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	Ln (T) = 0.77 Ln (X) + 3.65	1014	78	50%	50%	507	507	0.80
AM Peak Hour	Ln (T) = 0.80 Ln (X) + 1.55	141	217	90%	10%	127	14	0.83
PM Peak Hour	T = 1.12 (X) + 78.81	157	235	15%	85%	24	133	0.82
Saturday	T = 2.14 (X) + 18.47	168	17	50%	50%	84	84	0.66
Peak Hour of Generator	Ln (T) = 0.81 Ln (X) - 0.12	28	10	55%	45%	15	13	0.59

* Percentages rounded to nearest 5%

Trip Ends Based on Average Rate

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split * IN	Directional Split * OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 11.01 (X)	771	78	50%	50%	386	385	—
AM Peak Hour	T = 1.55 (X)	109	217	90%	10%	98	11	—
PM Peak Hour	T = 1.49 (X)	104	235	15%	85%	16	88	—
Saturday	T = 2.37 (X)	166	17	50%	50%	83	83	—
Saturday Peak Hour of Gen.	T = 0.41 (X)	29	10	50%	50%	15	14	—

* Percentages rounded to nearest 5%

PM Peak Hour:	T = 1.49/1.55 (AM Peak)	136		15%	85%	20	116	0.82

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☑ Crash Summary I ☑ Section Detail ☑ Crash Summary II ☐ 1320 Included ☐ 1320 & Driver Report Included

REPORT DESCRIPTION

Commercial St from Center St to Union St in Portland

REPORT PARAMETERS

Year 2006, Start Month 1 through Year 2008. End Month: 12

Route: **0001A**

Start Node: **16788**
End Node: **16790**

Start Offset: **0**
End Offset: **0**

☐ Exclude First Node
☐ Exclude Last Node

T-5

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF
16788	0001A - 10.92	0507205 POR,COMMERCIAL,CENTER ST.	9	12	0	0	0	2	10	16.7	5.826	0.69	1.13	0.00
										Statewide Crash Rate:		0.66		
16789	0001A - 10.97	0507206 POR,COMMERCIAL,CROSS ST.2	2	5	0	0	0	1	4	20.0	4.984	0.33	0.39	0.00
										Statewide Crash Rate:		0.16		
16790	0001A - 11.03	0507207 POR,COMMERCIAL,UNION ST.	9	9	0	0	2	0	6	25.0	4.844	0.62	1.17	0.00
										Statewide Crash Rate:		0.66		
		NODE TOTALS:		26	0	0	2	3	20	19.2	15.654	0.55	0.76	0.73

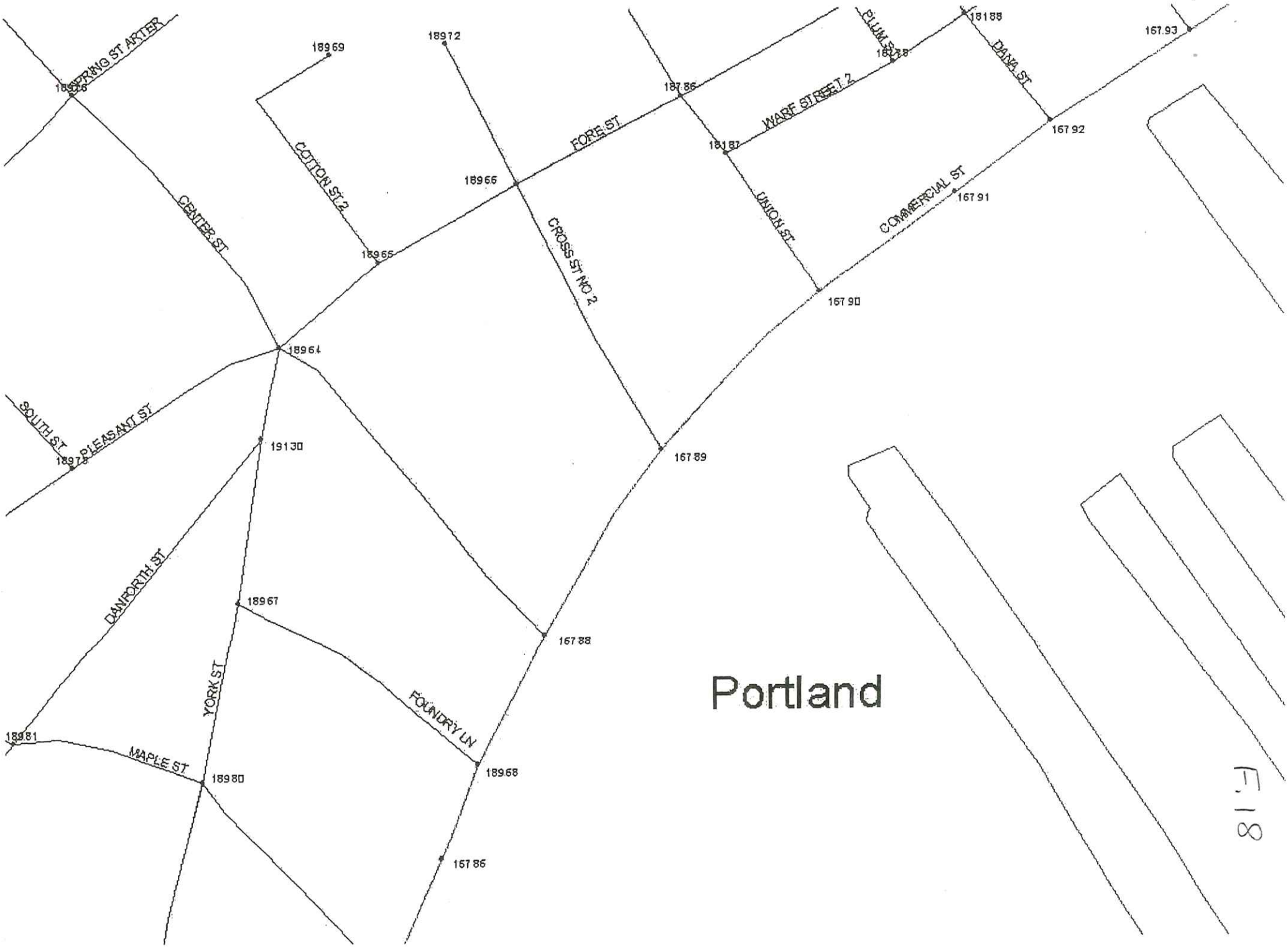
Study Years: 3.00

F16

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section Length	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
16789	16790	192466	0 - 0.06	0001A - 10.91	0.06	2	3	0	0	0	0	3	0.0	0.00281	355.32	498.13	0.00
0507206 POR,COMMERCIAL,CROSS ST.2				US 1A									Statewide Crash Rate:		180.60		
16788	16789	192463	0 - 0.05	0001A - 10.92	0.05	2	0	0	0	0	0	0	0.0	0.00241	0.00	518.63	0.00
0507205 POR,COMMERCIAL,CENTER ST.				US 1A									Statewide Crash Rate:		180.60		
Study Years: 3.00				**Section Totals:**	0.11		3	0	0	0	0	3	0.0	0.00522	191.45	425.24	0.45
				Grand Totals:	0.11		29	0	0	2	3	23	17.2	0.00522	1850.66	637.15	2.90



SPRING ST ARTER
18969
18972
18786
18188
167.93
PLUM ST
DANA ST
WARF STREET 2
FORE ST
18187
167.92
COTTON ST 2
18966
CENTER ST
CROSS ST NO 2
UNION ST
COMMERCIAL ST
167.91
18965
167.90
18964
SOUTH ST
PLEASANT ST
19130
167.89
DANFORTH ST
18967
167.88
YORK ST
FOUNDRY LN
18981
MAPLE ST
18980
18968
167.86
Portland

F.18

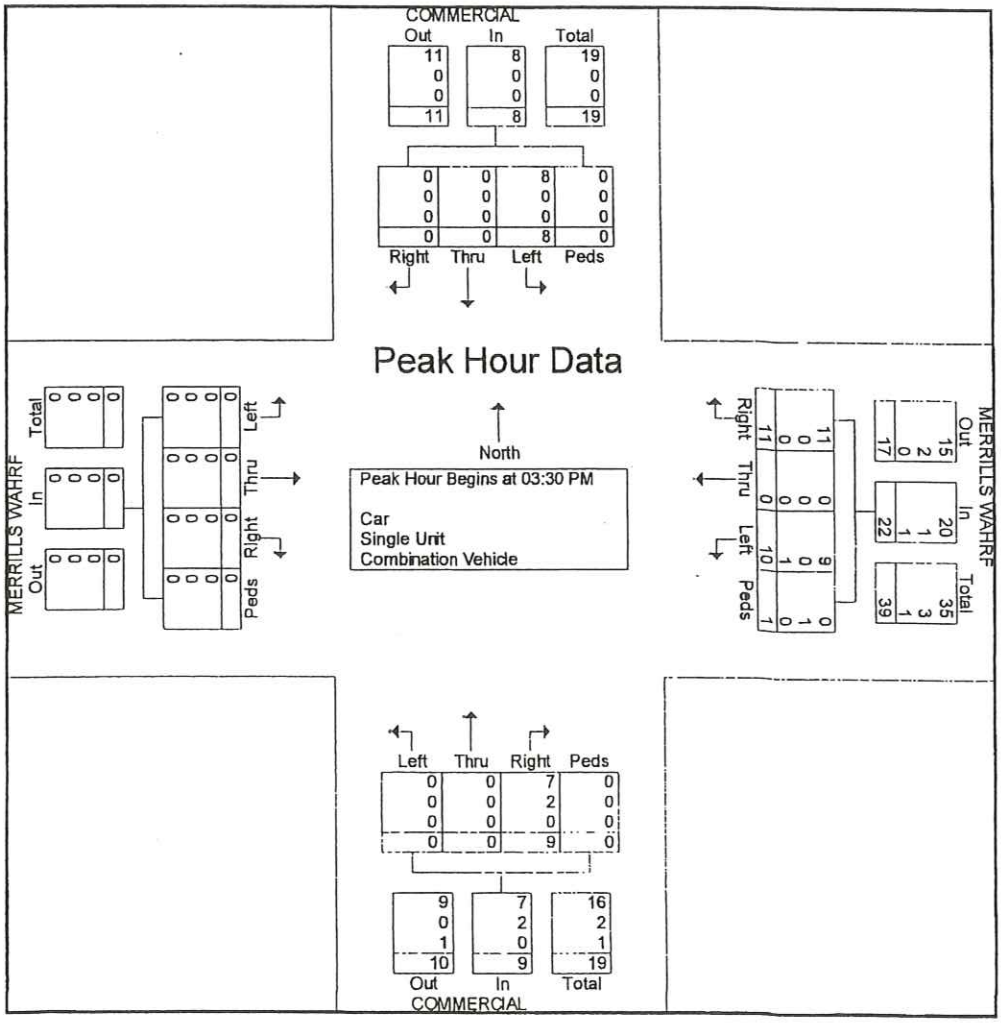
F. 19

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

File Name : Merrill_Trip_Gen_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 3

	COMMERCIAL From North					MERRILLS WAHRF From East					COMMERCIAL From South					MERRILLS WAHRF From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 03:30 PM to 05:15 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 03:30 PM																					
03:30 PM	2	0	0	0	2	5	0	2	0	7	0	0	2	0	2	0	0	0	0	0	11
03:45 PM	3	0	0	0	3	2	0	4	0	6	0	0	2	0	2	0	0	0	0	0	11
04:00 PM	2	0	0	0	2	1	0	4	0	5	0	0	2	0	2	0	0	0	0	0	9
04:15 PM	1	0	0	0	1	2	0	1	1	4	0	0	3	0	3	0	0	0	0	0	8
Total Volume	8	0	0	0	8	10	0	11	1	22	0	0	9	0	9	0	0	0	0	0	39
% App. Total	100	0	0	0		45.5	0	50	4.5		0	0	100	0		0	0	0	0		
PHF	.667	.000	.000	.000	.667	.500	.000	.688	.250	.786	.000	.000	.750	.000	.750	.000	.000	.000	.000	.000	.886
Car	8	0	0	0	8	9	0	11	0	20	0	0	7	0	7	0	0	0	0	0	35
% Car	100	0	0	0	100	90.0	0	100	0	90.9	0	0	77.8	0	77.8	0	0	0	0	0	89.7
Single Unit	0	0	0	0	0	0	0	0	1	1	0	0	2	0	2	0	0	0	0	0	3
% Single Unit	0	0	0	0	0	0	0	0	100	4.5	0	0	22.2	0	22.2	0	0	0	0	0	7.7
Combination Vehicle	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
% Combination Vehicle	0	0	0	0	0	10.0	0	0	0	4.5	0	0	0	0	0	0	0	0	0	0	2.6



Gorrill-Palmer Consulting Engineers, Inc.

F-20

PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

Location: Portland, Maine
Counter: TLG
Board: DB-400
Weather: Clear/Windy

File Name : Merrill_Trip_Gen_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 1

Groups Printed- Car - Single Unit - Combination Vehicle

	COMMERCIAL From North					MERRILLS WAHRF From East					COMMERCIAL From South					MERRILLS WAHRF From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
03:30 PM	2	0	0	0	2	5	0	2	0	7	0	0	2	0	2	0	0	0	0	0	11
03:45 PM	3	0	0	0	3	2	0	4	0	6	0	0	2	0	2	0	0	0	0	0	11
Total	5	0	0	0	5	7	0	6	0	13	0	0	4	0	4	0	0	0	0	0	22
04:00 PM	2	0	0	0	2	1	0	4	0	5	0	0	2	0	2	0	0	0	0	0	9
04:15 PM	1	0	0	0	1	2	0	1	1	4	0	0	3	0	3	0	0	0	0	0	8
04:30 PM	1	0	1	0	2	2	0	1	0	3	0	0	1	0	1	0	0	0	0	0	6
04:45 PM	1	0	0	0	1	3	0	1	0	4	0	0	2	0	2	0	0	0	0	0	7
Total	5	0	1	0	6	8	0	7	1	16	0	0	8	0	8	0	0	0	0	0	30
05:00 PM	0	0	0	0	0	6	0	3	0	9	0	0	0	0	0	0	0	0	0	0	9
05:15 PM	0	0	0	0	0	1	0	4	0	5	0	0	0	0	0	0	0	0	0	0	5
Grand Total	10	0	1	0	11	22	0	20	1	43	0	0	12	0	12	0	0	0	0	0	66
Apprch %	90.9	0	9.1	0		51.2	0	46.5	2.3		0	0	100	0		0	0	0	0		
Total %	15.2	0	1.5	0	16.7	33.3	0	30.3	1.5	65.2	0	0	18.2	0	18.2	0	0	0	0	0	
Car	10	0	0	0	10	21	0	20	0	41	0	0	9	0	9	0	0	0	0	0	60
% Car	100	0	0	0	90.9	95.5	0	100	0	95.3	0	0	75	0	75	0	0	0	0	0	90.9
Single Unit	0	0	1	0	1	0	0	0	1	1	0	0	3	0	3	0	0	0	0	0	5
% Single Unit	0	0	100	0	9.1	0	0	0	100	2.3	0	0	25	0	25	0	0	0	0	0	7.6
Combination Vehicle	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
% Combination Vehicle	0	0	0	0	0	4.5	0	0	0	2.3	0	0	0	0	0	0	0	0	0	0	1.5

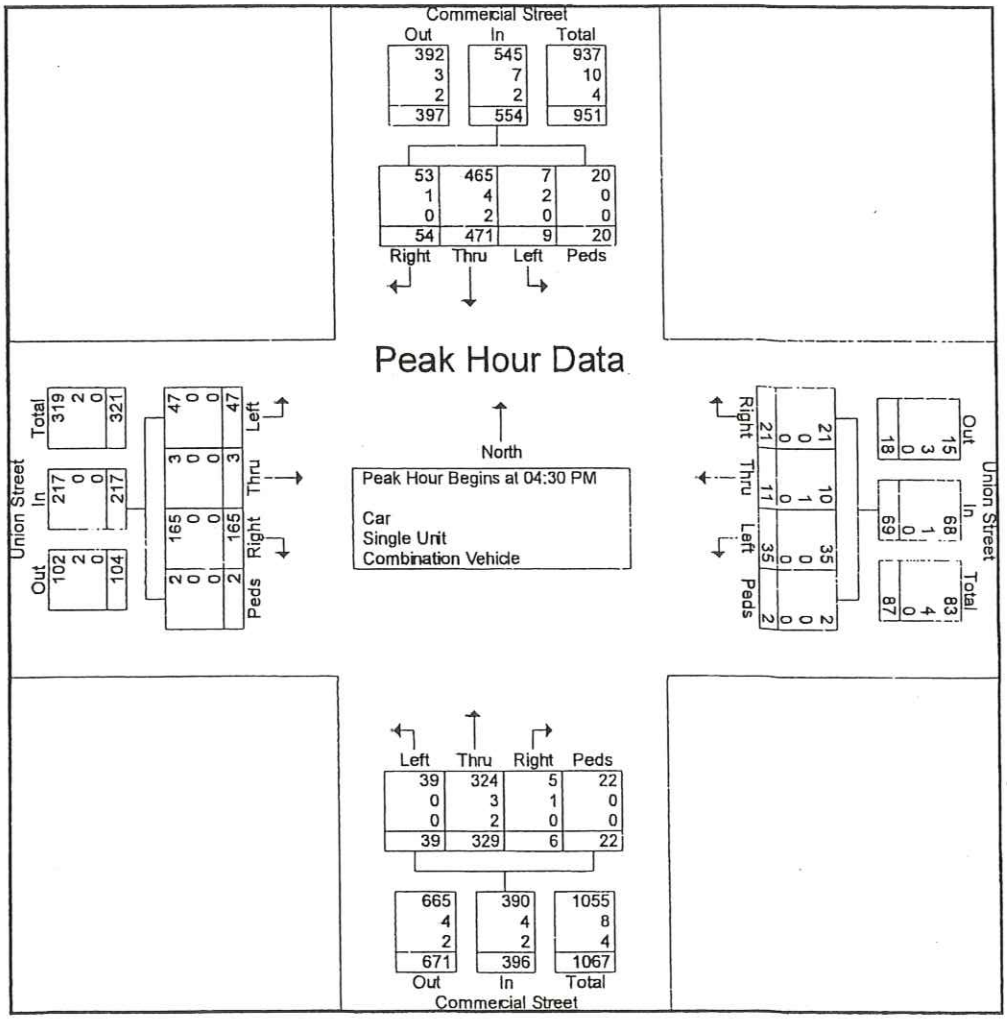
F. 21

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

File Name : Commercial@Union_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 2

	Commercial Street From North					Union Street From East					Commercial Street From South					Union Street From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:15 PM to 05:15 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
04:30 PM	2	119	12	3	136	10	2	5	**2**	19	8	77	2	0	87	12	**2**	51	0	**65**	307
04:45 PM	**3**	114	14	5	136	9	1	1	0	11	11	73	1	2	87	**17**	1	24	0	42	276
05:00 PM	3	115	**15**	**9**	**142**	**12**	2	5	0	19	8	82	0	**15**	105	7	0	**52**	**1**	60	326
05:15 PM	1	**123**	13	3	140	4	**6**	**10**	0	**20**	**12**	**97**	**3**	5	**117**	11	0	38	1	50	**327**
Total Volume	9	471	54	20	554	35	11	21	2	69	39	329	6	22	396	47	3	165	2	217	1236
% App. Total	1.6	85	9.7	3.6		50.7	15.9	30.4	2.9		9.8	83.1	1.5	5.6		21.7	1.4	76	0.9		
PHF	.750	.957	.900	.556	.975	.729	.458	.525	.250	.863	.813	.848	.500	.367	.846	.691	.375	.793	.500	.835	.945
Car	7	465	53	20	545	35	10	21	2	68	39	324	5	22	390	47	3	165	2	217	1220
% Car	77.8	98.7	98.1	100	98.4	100	90.9	100	100	98.6	100	98.5	83.3	100	98.5	100	100	100	100	100	98.7
Single Unit	2	4	1	0	7	0	1	0	0	1	0	3	1	0	4	0	0	0	0	0	12
% Single Unit	22.2	0.8	1.9	0	1.3	0	9.1	0	0	1.4	0	0.9	16.7	0	1.0	0	0	0	0	0	1.0
Combination Vehicle	0	2	0	0	2	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	4
% Combination Vehicle	0	0.4	0	0	0.4	0	0	0	0	0	0	0.6	0	0	0.5	0	0	0	0	0	0.3



Gorrill-Palmer Consulting Engineers, Inc. F.22

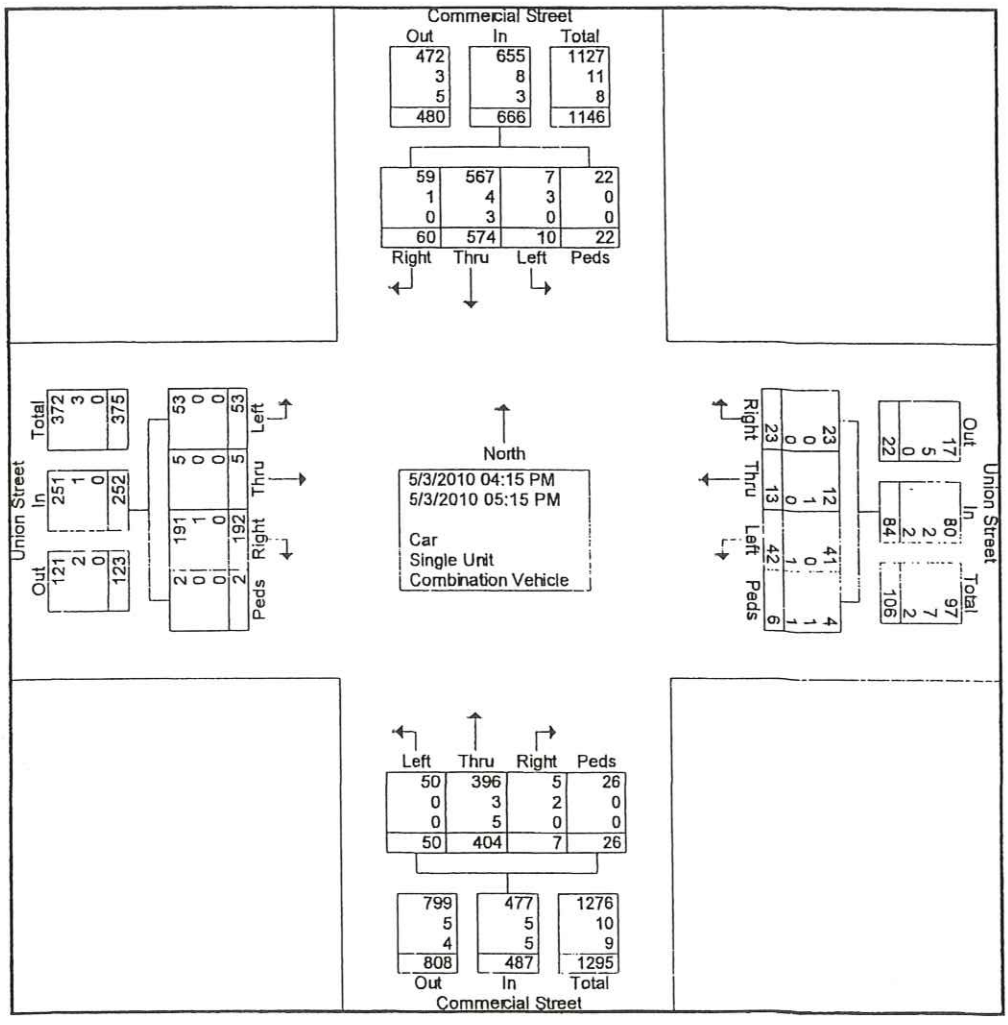
PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

Location: Portland, Maine
Counter: TLG
Board: DB-400
Weather: Clear/Windy

File Name : Commercial@Union_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 1

Groups Printed- Car - Single Unit - Combination Vehicle

	Commercial Street From North					Union Street From East					Commercial Street From South					Union Street From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
04:15 PM	1	103	6	2	112	7	2	2	4	15	11	75	1	4	91	6	2	27	0	35	253
04:30 PM	2	119	12	3	136	10	2	5	2	19	8	77	2	0	87	12	2	51	0	65	307
04:45 PM	3	114	14	5	136	9	1	1	0	11	11	73	1	2	87	17	1	24	0	42	276
Total	6	336	32	10	384	26	5	8	6	45	30	225	4	6	265	35	5	102	0	142	836
05:00 PM	3	115	15	9	142	12	2	5	0	19	8	82	0	15	105	7	0	52	1	60	326
05:15 PM	1	123	13	3	140	4	6	10	0	20	12	97	3	5	117	11	0	38	1	50	327
Grand Total	10	574	60	22	666	42	13	23	6	84	50	404	7	26	487	53	5	192	2	252	1489
Apprch %	1.5	86.2	9	3.3		50	15.5	27.4	7.1		10.3	83	1.4	5.3		21	2	76.2	0.8		
Total %	0.7	38.5	4	1.5	44.7	2.8	0.9	1.5	0.4	5.6	3.4	27.1	0.5	1.7	32.7	3.6	0.3	12.9	0.1	16.9	
Car	7	567	59	22	655	41	12	23	4	80	50	396	5	26	477	53	5	191	2	251	1463
% Car	70	98.8	98.3	100	98.3	97.6	92.3	100	66.7	95.2	100	98	71.4	100	97.9	100	100	99.5	100	99.6	98.3
Single Unit	3	4	1	0	8	0	1	0	1	2	0	3	2	0	5	0	0	1	0	1	16
% Single Unit	30	0.7	1.7	0	1.2	0	7.7	0	16.7	2.4	0	0.7	28.6	0	1	0	0	0.5	0	0.4	1.1
Combination Vehicle	0	3	0	0	3	1	0	0	1	2	0	5	0	0	5	0	0	0	0	0	10
% Combination Vehicle	0	0.5	0	0	0.5	2.4	0	0	16.7	2.4	0	1.2	0	0	1	0	0	0	0	0	0.7



Attachment G.1

Type S1

6 Optional Houseside Shield:

HS for flat lens

Cat. No.: **HS**

Combination louver shield and black end-panel for reflector. Factory installed to reflector module. Reduces light toward wall by the following amounts:

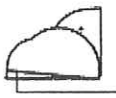
Approximate light reduction toward wall.	Type II	Type III	Type IV
WD14	-43%	-74%	-77%

HSC for Lexan SLX Enclosure

Cat. No.: **HSC**

For fixtures with optional Lexan® SLX Enclosure.

7 Optional 5° Shield:



5° Shield

Cat. No.: **5DS14**

Aluminum shield field-attached to lens frame. Maintains a horizontal cutoff fixture edge when the luminaire is tilted 5°. Finished to match the fixture.

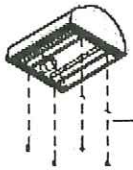
8 Optional Lexan® SLX Non-Yellowing Enclosure:

Lexan® SLX Enclosure

Cat. No.: **SX**

For DOWN fixture models only. Clear convex vacuum formed non-yellowing Lexan® SLX enclosure with gasket replaces standard tempered flat glass lens.

9 Optional Wire Guard:



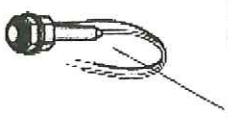
Wire Guard

Cat. No.: **WG14**

For use with all WD14 fixtures, UP or DOWN. 11 ga. (.12" dia.) BB Wire. (.75" sq. welded mesh pattern.) 11⅜" x 10¼" x 1½" deep. Finish is Super TGIC thermoset polyester powder coat paint, over zinc plated wireform. Finished to match the fixture.

NOTE: Only available with flat lens applications.

10 Optional Fusing:

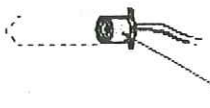


Single Fuse

Line Volts: / Cat. No.:

120V	208V	240V	277V	347V	480V
SF	**DF**	**DF**	**SF**	**SF**	**DF**

11 Optional Quartz Standby:

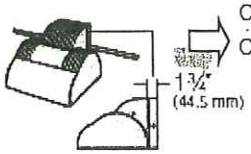


Quartz Standby

Cat. No.: **QS**

Integral electronic device energizes a T-4 mini-can socket during initial lamp start-up or after a power interruption. De-energizes prior to HID lamp reaching full brightness. T-4 halogen lamp by others; 100W maximum.

12 Optional Surface Conduit Mount:



Cat. No.: **SCM14U** For WD14 fixtures, UP only.

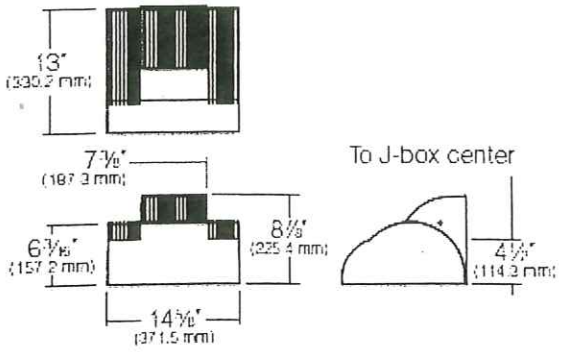
Cat. No.: **SCM14D** For WD14 fixtures, DOWN only.

For use with all WD14 fixtures. UP or DOWN. Cast aluminum junction box and fixture mount for attachment (by others) to existing walls, beams or columns. SCM14 has one ¾" NPT conduit tap in each side, top and bottom. Finished to match the fixture.

13 Optional Battery Back-up:

Cat. No.: **EM**

Internal battery pack provides 90 minutes of supplemental light at 750 lumens on 26, 32, or 42 watt compact fluorescent lamps. (Remote mounted battery pack also available for 57W, 60W, and 70W CFL - consult factory.)



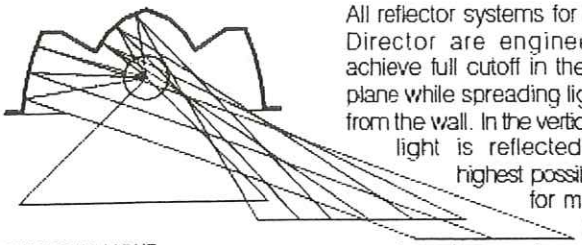
G.2

Type S1

KIM LIGHTING

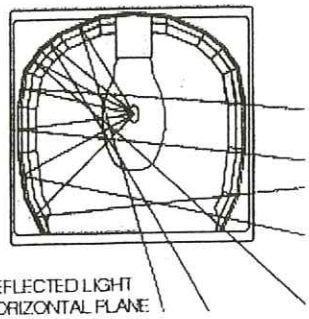
Full Cutoff

The term "full cutoff" as applied to a down facing fixture, means that no portion of the luminaire's optical system is visible above horizontal. In addition to this physical requirement, the fixture also meets IES photometric requirements for classification as a full cutoff luminaire. While some wall luminaires claim to be cutoff, their visible optical systems create brightness that overwhelms the surrounding architecture. The Wall Director® utilizes a horizontal lamp orientation and a standard flat clear glass lens to achieve full cutoff. The distribution of light is handled entirely by a precision reflector system engineered for maximum fixture spacing with outstanding uniformity.

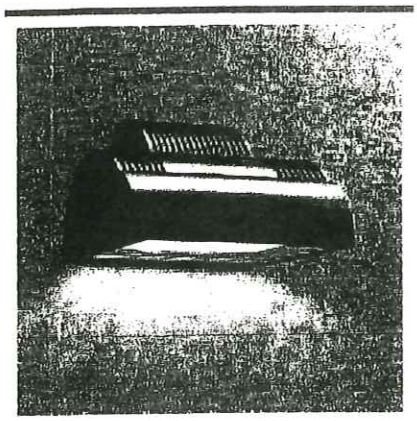


REFLECTED LIGHT
VERTICAL PLANE

All reflector systems for the Wall Director are engineered to achieve full cutoff in the vertical plane while spreading light away from the wall. In the vertical plane, light is reflected at the highest possible angle for maximum fixture spacing. Excessive straight down illumination is avoided by the elimination of downward reflecting surfaces. In the horizontal plane, light is precisely directed away from the wall. All light striking the wall comes only from the lamp. This wall illumination may be aesthetically desirable whether directed up or down, or can be substantially reduced by using the optional houseside shield.



REFLECTED LIGHT
HORIZONTAL PLANE



Reflector Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Rotates against ballast housing to provide 10° of adjustment with degree markers cast into the housing. At 0° adjustment, lens is totally concealed from view above horizontal with fixture aimed downward.

Ballast Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Fastens to mounting plate with keyhole slots freeing both hands for securing and wiring. One stainless steel socket-head screw on each side of housing frees the reflector housing to rotate for aiming. Tightening the screws locks the two housings together with sealing provided by a silicone gasket. For visual aiming, adjustment may be accomplished with the fixture on.

Lens Frame: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral hinges and stainless steel pins. Two stainless steel quarter-turn fasteners secure lens frame to reflector housing with sealing provided by a one-piece extruded and vulcanized silicone gasket. Lens is clear flat 1/8" thick tempered glass sealed to lens frame with a silicone gasket and retainer clips. For UP models, lens is mounted flush with frame for water run off, and is silicone sealed.

Type II, III, and IV Reflector Module: Specular Alzak® optical segments are rigidly mounted within a die-cast aluminum enclosure that attaches to the housing by a no-tool quick-disconnecting hinge and fastener. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast. Available in three light distributions, all interchangeable within the same housing.

Wall Grazer Reflector Module: Specular Alzak® optical segment is rigidly formed into a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black louver vanes run parallel to the lamp arc for controlling the hot spot directly behind the fixture, and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are porcelain mogul base with HPS and PMH rated at 4KV, and MH versions having pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Spot Reflector Module: Specular Alzak® optical spun parabola is rigidly mounted to a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black internal louvers are provided to control the beam and prevent hot spots directly behind the fixture and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Electrical Components: High power factor ballasts are rigidly mounted inside the housing and are factory prewired with a quick-disconnect plug for mating to the socket. Starting temperatures are -40°F for HPS lamp modes and -20°F for MH and PMH lamp modes.

Mounting Plate: For WD14 models, mounting plate attaches directly to any standard 4" junction box. For WD18 models, standard mounting plate is attached to wall (by others) outside the junction box perimeter. All mounting plates are die-cast aluminum with reinforced ribs. Two studs are provided in each plate with flange nuts to allow fixture mounting by keyhole slots. Sealant must be applied (by others) between mounting plate and mounting surface to insure a dry junction box.

Finish/Color: Finish is Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; A.S.T.M. 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Light Gray, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

G.3

Type S1

Small Wall Director®

WD14
Medium Base
70 to 175 Watt

Ordering Example:
For Standard Fixture

Fixture	Electrical Module	Finish	Options
WD14D3	/150PMH277/	BL	/ A-33
1	2	3	4-13

See page 15 for complete option specifications information

1 Fixture:

Cat. No. designates **WD14** fixture, Up (U) or Down (D) configuration, and light distribution (2, 3, 4, G or S).

Fixture:		Light Distribution:	Type II	Type III	Type IV	Wall Grazer	Spot
UP 14"		Cat. No.:	WD14U2	WD14U3	WD14U4	WD14UG	WD14US
DOWN 14"		Cat. No.:	WD14D2	WD14D3	WD14D4	WD14DG	WD14DS

2 Electrical Module:

PMH = Pulse Start Metal Halide
HPS = High Pressure Sodium
PL = Compact Fluorescent Triple Tube
IF = Induction Fluorescent

See lamp and electrical data on pages **16 - 17** for ballast types and characteristics.

Lamp Watts	Lamp Type	Line Volts
150	PMH	277

Pulse Start Metal Halide		High Pressure Sodium	Compact Fluorescent	Induction Fluorescent
50PMH120	125PMH120	70HPS120	42PL120	55IF120
50PMH208	125PMH208	70HPS208	42PL208	55IF208
50PMH240	125PMH240	70HPS240	42PL240	55IF240
50PMH277	125PMH277	70HPS277	42PL277	55IF277
50PMH347		70HPS347	57PL120	
		70HPS480	57PL208	
70PMH120	150PMH120	100HPS120	57PL240	
70PMH208	150PMH208	100HPS208	57PL277	
70PMH240	150PMH240	100HPS240	60PL120	
70PMH277	150PMH277	100HPS277	60PL208	
70PMH347	150PMH347	100HPS347	60PL240	
70PMH480	150PMH480	100HPS480	60PL277	
100PMH120		150HPS120		
100PMH208		150HPS208		
100PMH240		150HPS240		
100PMH277		150HPS277		
100PMH347		150HPS347		
100PMH480		150HPS480		

NOTE: Due to the Energy Independence and Security Act (EISA) of 2007, Kim Lighting can no longer supply probe start metal halide ballasts with its luminaires, effective January 1, 2009. Contact Kim Lighting for availability of replacement ballasts for warranty service claims.

(Visit www.aboutlightingcontrols.org or the Library of Congress website for more details).

KN! KimNOW! Available Configurations:

KN-WD14D3/70PMH/DB*,
KN-WD14D3/150PMH/DB*

Accessories:
KN-SCM14D/DB, KN-SDS14/DB, KN-WG14/DB

*Multi-tap ballast (120, 208, 240, or 277 volts)

3 Finish:

Super TGIC powder coat paint over titanated zirconium conversion coating.

Color:	Black	Dark Bronze	Light Gray	Platinum Silver	White	Custom Colors
Cat. No.:	BL	DB	LG	PS	WH	CC

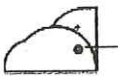
Consult representative for custom colors.

4 Optional Base Socket:

Cat. No.: **G12** — Optional G12 base socket available for 70W and 150W Pulse Start Metal Halide lamps only.

5 Optional Photocell:

Line Volts:	120V	208V	240V	277V	480V	347V
Cat. No.:	A-30	A-31	A-32	A-33	A-34	A-35

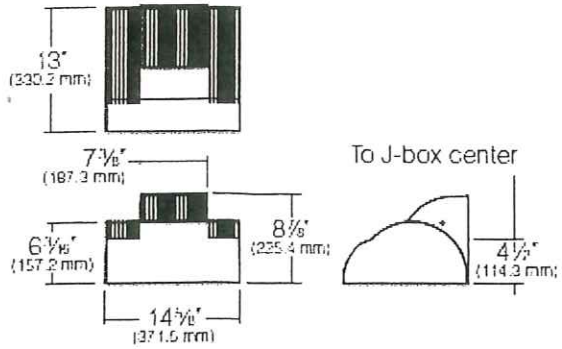


Photocell Sensor

G.4

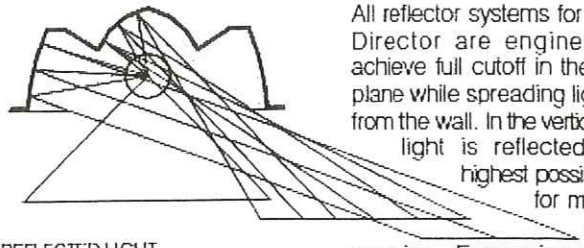
Type S2

KIM LIGHTING



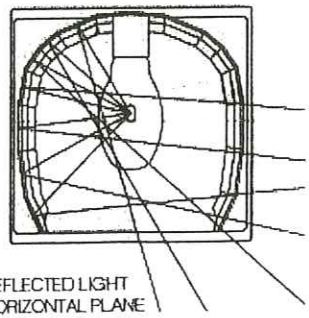
Full Cutoff

The term "full cutoff" as applied to a down facing fixture, means that no portion of the luminaire's optical system is visible above horizontal. In addition to this physical requirement, the fixture also meets IES photometric requirements for classification as a full cutoff luminaire. While some wall luminaires claim to be cutoff, their visible optical systems create brightness that overwhelms the surrounding architecture. The Wall Director® utilizes a horizontal lamp orientation and a standard flat clear glass lens to achieve full cutoff. The distribution of light is handled entirely by a precision reflector system engineered for maximum fixture spacing with outstanding uniformity.

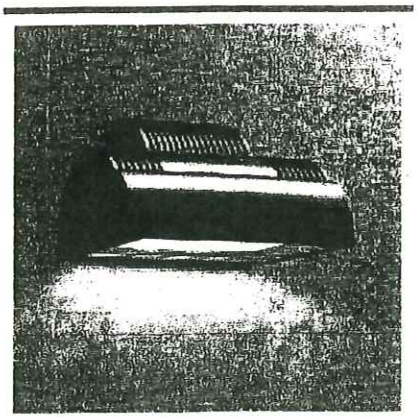


REFLECTED LIGHT
VERTICAL PLANE

All reflector systems for the Wall Director are engineered to achieve full cutoff in the vertical plane while spreading light away from the wall. In the vertical plane, light is reflected at the highest possible angle for maximum fixture spacing. Excessive straight down illumination is avoided by the elimination of downward reflecting surfaces. In the horizontal plane, light is precisely directed away from the wall. All light striking the wall comes only from the lamp. This wall illumination may be aesthetically desirable whether directed up or down, or can be substantially reduced by using the optional houseside shield.



REFLECTED LIGHT
HORIZONTAL PLANE



Reflector Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Rotates against ballast housing to provide 10° of adjustment with degree markers cast into the housing. At 0° adjustment, lens is totally concealed from view above horizontal with fixture aimed downward.

Ballast Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Fastens to mounting plate with keyhole slots freeing both hands for securing and wiring. One stainless steel socket-head screw on each side of housing frees the reflector housing to rotate for aiming. Tightening the screws locks the two housings together with sealing provided by a silicone gasket. For visual aiming, adjustment may be accomplished with the fixture on.

Lens Frame: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral hinges and stainless steel pins. Two stainless steel quarter-turn fasteners secure lens frame to reflector housing with sealing provided by a one-piece extruded and vulcanized silicone gasket. Lens is clear flat ⅛" thick tempered glass sealed to lens frame with a silicone gasket and retainer clips. For UP models, lens is mounted flush with frame for water run off, and is silicone sealed.

Type II, III, and IV Reflector Module: Specular Alzak® optical segments are rigidly mounted within a die-cast aluminum enclosure that attaches to the housing by a no-tool quick-disconnecting hinge and fastener. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast. Available in three light distributions, all interchangeable within the same housing.

Wall Grazer Reflector Module: Specular Alzak® optical segment is rigidly formed into a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black louver vanes run parallel to the lamp arc for controlling the hot spot directly behind the fixture, and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are porcelain mogul base with HPS and PMH rated at 4KV, and MH versions having pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Spot Reflector Module: Specular Alzak® optical spun parabola is rigidly mounted to a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black internal louvers are provided to control the beam and prevent hot spots directly behind the fixture and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Electrical Components: High power factor ballasts are rigidly mounted inside the housing and are factory prewired with a quick-disconnect plug for mating to the socket. Starting temperatures are -40°F for HPS lamp modes and -20°F for MH and PMH lamp modes.

Mounting Plate: For WD14 models, mounting plate attaches directly to any standard 4" junction box. For WD18 models, standard mounting plate is attached to wall (by others) outside the junction box perimeter. All mounting plates are die-cast aluminum with reinforced ribs. Two studs are provided in each plate with flange nuts to allow fixture mounting by keyhole slots. Sealant must be applied (by others) between mounting plate and mounting surface to insure a dry junction box.

Finish/Color: Finish is Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; A.S.T.M. 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Light Gray, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

Type S2

G.5

Small Wall Director®

WD14
Medium Base
70 to 175 Watt

Ordering Example:
For Standard Fixture

Fixture	Electrical Module	Finish	Options
WD14D3	/150PMH277/	BL	/ A-33
1	2	3	4-13

See page 15 for complete option specifications information.

1 Fixture:

Cat. No. designates **WD14** fixture, Up (U) or Down (D) configuration, and light distribution (2, 3, 4, G, or S).

Fixture:		Light Distribution:	Type II	Type III	Type IV	Wall Grazer	Spot
UP 14"		Cat. No.:	WD14U2	WD14U3	WD14U4	WD14UG	WD14US
DOWN 14"		Cat. No.:	WD14D2	WD14D3	WD14D4	WD14DG	WD14DS

2 Electrical Module:

PMH = Pulse Start Metal Halide
HPS = High Pressure Sodium
PL = Compact Fluorescent Triple Tube
IF = Induction Fluorescent

See lamp and electrical data on pages **16 - 17** for ballast types and characteristics.

Lamp Watts	Lamp Type	Line Volts
150	PMH	277

Pulse Start Metal Halide		High Pressure Sodium	Compact Fluorescent	Induction Fluorescent
50PMH120	125PMH120	70HPS120	42PL120	55IF120
50PMH208	125PMH208	70HPS208	42PL208	55IF208
50PMH240	125PMH240	70HPS240	42PL240	55IF240
50PMH277	125PMH277	70HPS277	42PL277	55IF277
50PMH347		70HPS347	57PL120	
		70HPS480	57PL208	
70PMH120	150PMH120	100HPS120	57PL240	
70PMH208	150PMH208	100HPS208	57PL277	
70PMH240	150PMH240	100HPS240	60PL120	
70PMH277	150PMH277	100HPS277	60PL208	
70PMH347	150PMH347	100HPS347	60PL240	
70PMH480	150PMH480	100HPS480	60PL277	
100PMH120		150HPS120		
100PMH208		150HPS208		
100PMH240		150HPS240		
100PMH277		150HPS277		
100PMH347		150HPS347		
100PMH480		150HPS480		

NOTE: Due to the Energy Independence and Security Act (EISA) of 2007, Kim Lighting can no longer supply probe start metal halide ballasts with its luminaires, effective January 1, 2009. Contact Kim Lighting for availability of replacement ballasts for warranty service claims.

(Visit www.aboutlightingcontrols.org or the Library of Congress website for more details).

KimNOW! Available Configurations:
KN-WD14D3/70PMH/DB*,
KN-WD14D3/150PMH/DB*
Accessories:
KN-SCM14D/DB, KN-SDS14/DB, KN-WG14/DB
*Multi-tap ballast (120, 208, 240, or 277 volts)

3 Finish:

Super TGIC powder coat paint over titanated zirconium conversion coating.

Color:	Black	Dark Bronze	Light Gray	Platinum Silver	White	Custom Colors
Cat. No.:	BL	DB	LG	PS	WH	CC

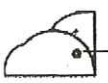
Consult representative for custom colors.

4 Optional Base Socket:

Cat. No.: **G12** Optional G12 base socket available for 70W and 150W Pulse Start Metal Halide lamps only.

5 Optional Photocell:

Line Volts:	120V	208V	240V	277V	480V	347V
Cat. No.:	A-30	A-31	A-32	A-33	A-34	A-35



Photocell Sensor

6 Optional Houseside Shield:

HS for flat lens

Cat. No.: **HS**

Combination louver shield and black end-panel for reflector. Factory installed to reflector module. Reduces light toward wall by the following amounts:

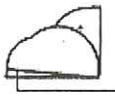
Approximate light reduction toward wall.	Type II	Type III	Type IV
WD14	-43%	-74%	-77%

HSC for Lexan SLX Enclosure

Cat. No.: **HSC**

For fixtures with optional Lexan® SLX Enclosure.

7 Optional 5° Shield:



5° Shield

Cat. No.: **5DS14**

Aluminum shield field-attached to lens frame. Maintains a horizontal cutoff fixture edge when the luminaire is tilted 5°. Finished to match the fixture.

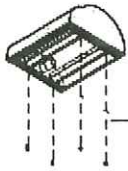
8 Optional Lexan® SLX Non-Yellowing Enclosure:

Lexan® SLX Enclosure

Cat. No.: **SX**

For DOWN fixture models only. Clear convex vacuum formed non-yellowing Lexan® SLX enclosure with gasket replaces standard tempered flat glass lens.

9 Optional Wire Guard:



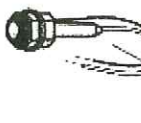
Wire Guard

Cat. No.: **WG14**

For use with all WD14 fixtures, UP or DOWN. 11 ga. (.12" dia.) BB Wire. (.75" sq. welded mesh pattern.) 11⅜" x 10¼" x 1½" deep. Finish is Super TGIC thermoset polyester powder coat paint, over zinc plated wireform. Finished to match the fixture.

NOTE: Only available with flat lens applications.

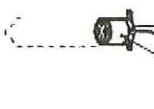
10 Optional Fusing:



Single Fuse

Line Volts:	120V	208V	240V	277V	347V	480V
Cat. No.:	**SF**	**DF**	**DF**	**SF**	**SF**	**DF**

11 Optional Quartz Standby:

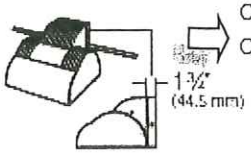


Quartz Standby

Cat. No.: **QS**

Integral electronic device energizes a T-4 mini-can socket during initial lamp start-up or after a power interruption. De-energizes prior to HID lamp reaching full brightness. T-4 halogen lamp by others; 100W maximum.

12 Optional Surface Conduit Mount:



Cat. No.: **SCM14U**

For WD14 fixtures, UP only.

Cat. No.: **SCM14D**

For WD14 fixtures, DOWN only.

For use with all WD14 fixtures. UP or DOWN. Cast aluminum junction box and fixture mount for attachment (by others) to existing walls, beams or columns. SCM14 has one ¾" NPT conduit tap in each side, top and bottom. Finished to match the fixture.

13 Optional Battery Back-up:

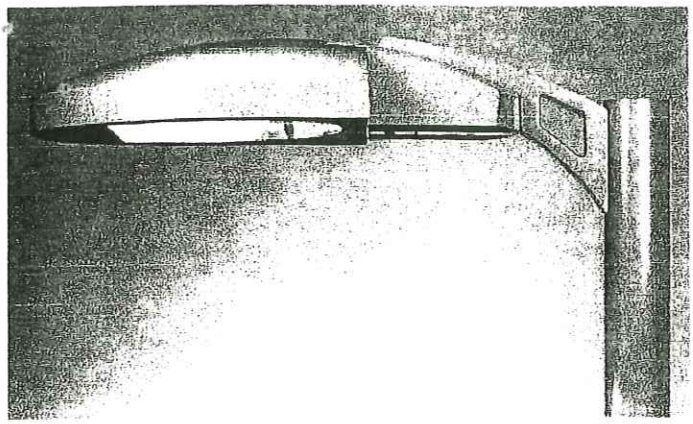
Cat. No.: **EM**

Internal battery pack provides 90 minutes of supplemental light at 750 lumens on 26, 32, or 42 watt compact fluorescent lamps. (Remote mounted battery pack also available for 57W, 60W, and 70W CFL - consult factory.)

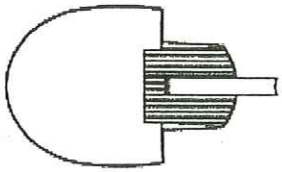
G. 7

Type S3

KIM LIGHTING



WP9SE
Small LED
60 LEDs
EPA: .52
Maximum Weight:
17 lbs.
Maximum System
Watts = 75 W



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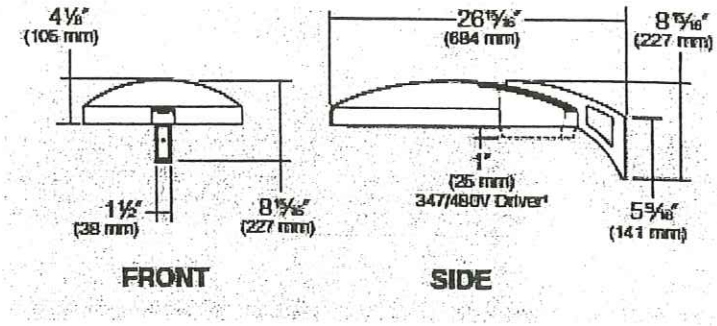
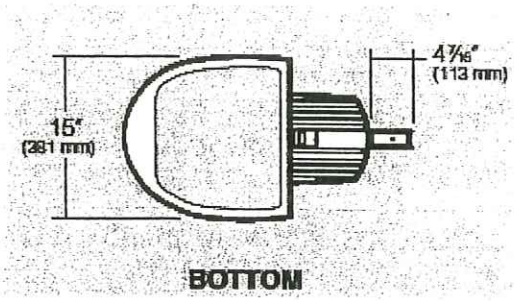




HOUSING: One piece die cast low copper alloy (<0.6% Cu) aluminum with integral cooling pins over the electrical compartment. Solid barrier wall separates optical and electrical compartments. A single the cast aluminum [illegible] provides positive locking and sealing of the optical chamber. [illegible] the housing [illegible] the lens surface.

ELECTRONICS [illegible] MODULE: One piece die cast low copper alloy [illegible] with integral cooling pins over exposed bottom surface [illegible] and side hinge with stainless steel hardware provides no tool [illegible] and removal from housing. All electronic components are UL and [illegible] recognized and mounted directly to the driver tray for maximum heat dissipation.

[illegible] max tempered glass lens retained by a stainless steel [illegible] the cast aluminum [illegible] the cast aluminum [illegible] the outer portion of the housing.

OPTICAL MODULE: [illegible] high specular reflectors are positioned to achieve directional control toward [illegible] Secondary high specular reflector [illegible] panels [illegible] Non-stainless [illegible] [illegible]

[illegible] Aluminum with [illegible] [illegible]

[illegible] Superior [illegible] Polyester powder coat paint [illegible] [illegible] Standard color [illegible] Platinum Silver or White [illegible]

CAUTION: [illegible] with national [illegible] may result in [illegible]

Listings and Ratings			
UL [illegible]	[illegible]	[illegible]	25°C Ambient

G.8

Type S3

WARP9 LED

Ordering Example: ISA / WP9LE3 / L5K240 / SG / A-35 / PRA20-4188SA/SG / VSF-ISA

1 2 3 4 5-12 13 14

1 Mounting
3SY configurtion is available for round poles only.

Plan View:							
EPA WP9S:	0.52	1.04	0.82	1.3	1.3	1.5	n/a
EPA WP9L:	0.95	1.9	1.47	2.4	2.4	2.7	n/a
Cat. No.:	**1SA**	**2SB**	**2SL**	**3ST**	**3SY**	**4SC**	**1W**

Wall Mount

2 Fixture
Catalog no. designates fixture and light distribution.

WP9

HOUSING
WP9 = WARP9 LED

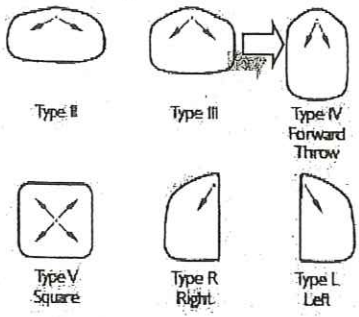
SIZE
S = Small, 60 LEDs, 75W
L = Large, 120 LEDs, 140W

E

DRIVER
E=Electronic

DISTRIBUTION
2 = Type II Full Cutoff
3 = Type III Full Cutoff
4 = Type IV Full Cutoff
5 = Type V Square Full Cutoff
R = Type R Right Full Cutoff
L = Type L Left Full Cutoff

Light Distribution



3 Electrical Module

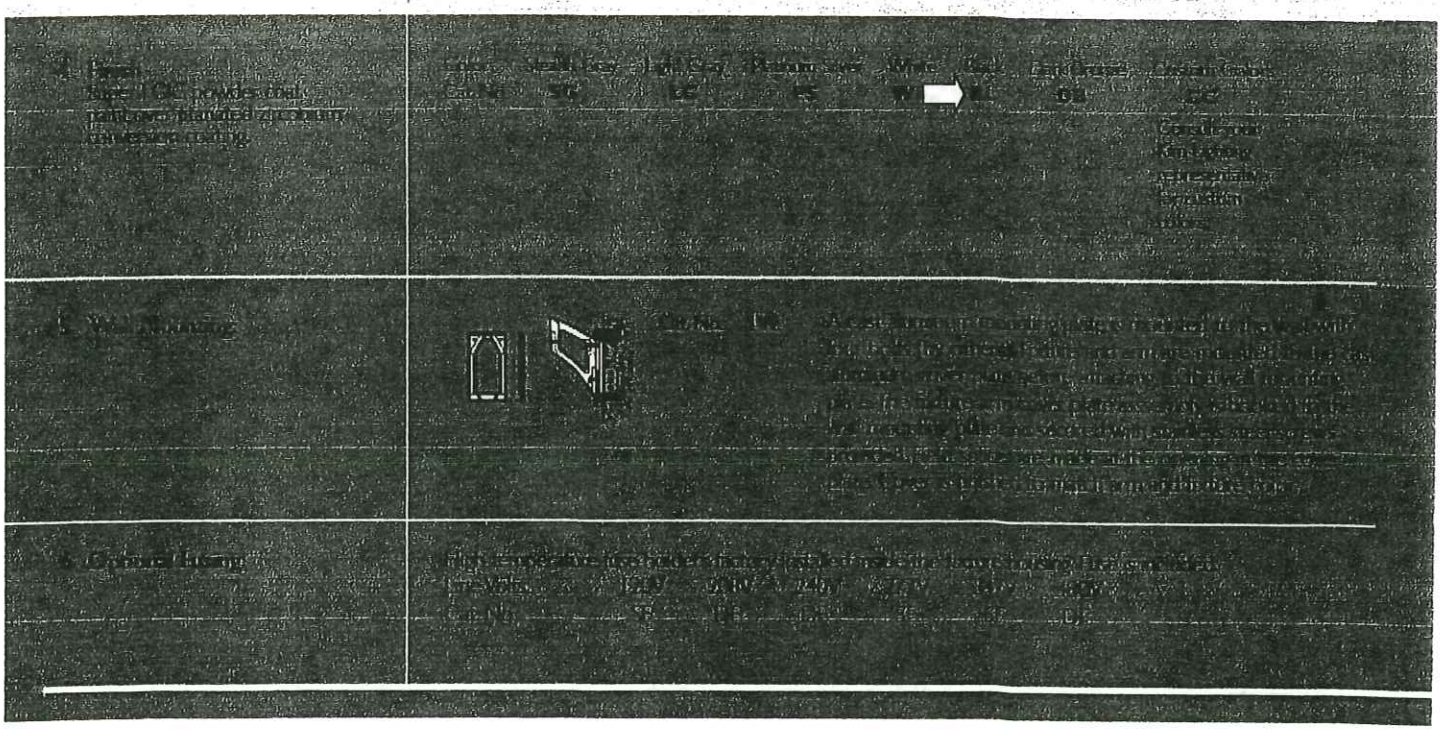
L

SOURCE
L = LED

COLOR TEMPERATURE
3K = 3500K
5K = 5100K
2K = 1700K Amber

VOLTAGE
120 = 120V
208 = 208V
240 = 240V
277 = 277V
347 = 347V[1]
480 = 480V[1]

[1] Due to current unavailability of 347V and 480V drivers, specification of these voltages shall feature an integral step-down transformer. Driver compartment door extends down 1" on small housing and 1½" on large housing to accommodate. See page 22.



G.9

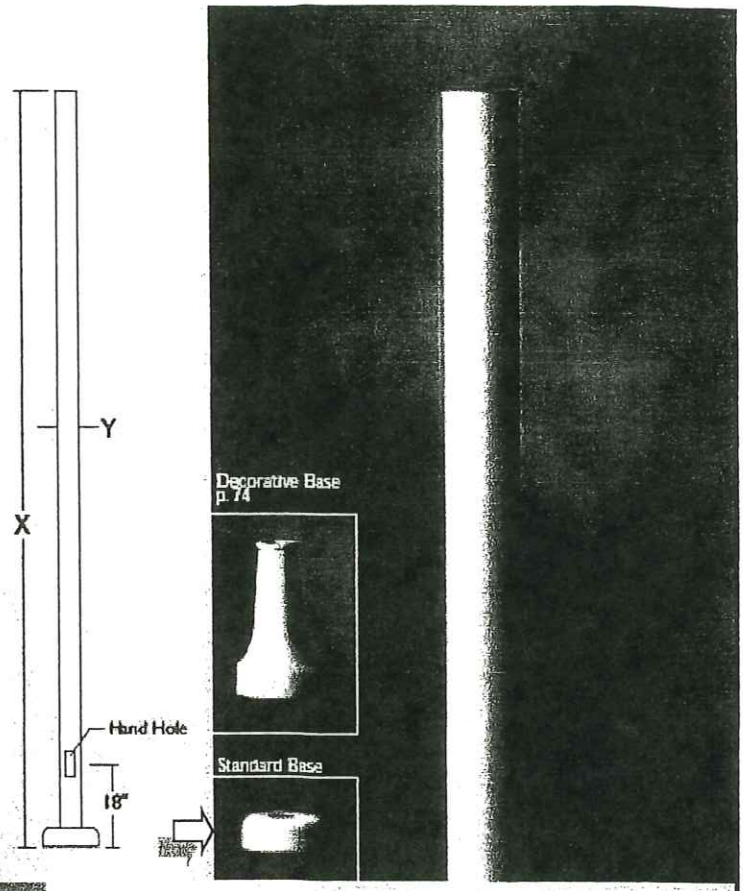
Type S3

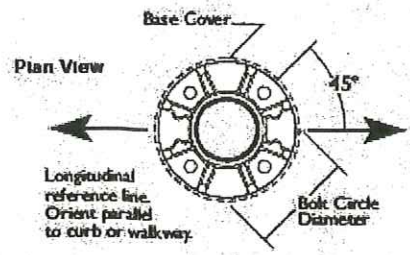
Plan View	*Cat. No.	Mounting Orientations
●	FM:	Luminaire is flush mounted directly to top of pole
⇨ ●—	A/SA:	Pole is drilled to mount a single luminaire directly to the side of pole
●—●	B/SB:	Pole is drilled to mount two luminaires directly to the side of pole, 180 degrees apart
●●	L/SL:	Pole is drilled to mount two luminaires directly to the side of pole, 90 degrees apart
●●●	T/ST:	Pole is drilled to mount three luminaires directly to the side of pole, 90 degrees apart
●●●	Y/SY:	Pole is drilled to mount three luminaires directly to the side of pole, 120 degrees apart
●●●●	C/SC:	Pole is drilled to mount four luminaires directly to the side of pole, 90 degrees apart

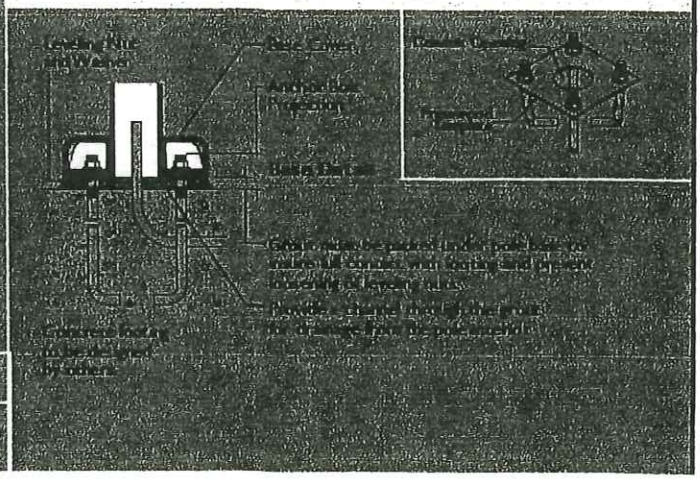
Structural Luminaires Only - Examples:

TS: Single Tension for small and large Structural - PRA20-5188SB-TS
TD: Double Tension for small and large Structural - PRA20-5188B-TD
TR: Truss for small and large Structural - PRA20-5188SB-TR
XTS: Single Tension for 1000W Structural - PRA20-5188B-XTS
XTD: Double Tension for 1000W Structural - PRA20-5188B-XTD
XTR: Truss for 1000W Structural - PRA20-5188B-XTR

* See luminaire drilling requirements in luminaire catalog.







Anchor Base and Bolt Detail (mm)

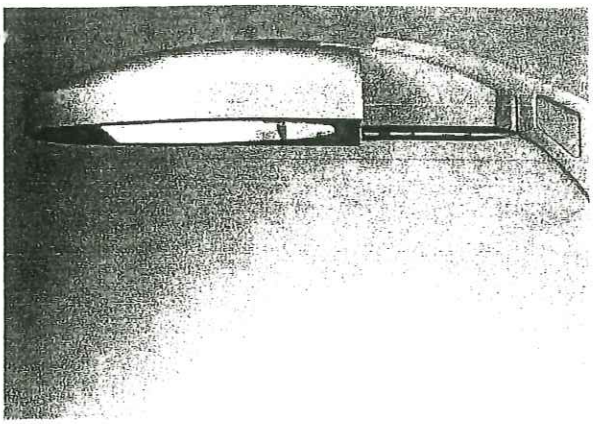
Pole Diameter	Bolt Circle Diameter	Anchor Bolt Projection	Bolt Cover Size	Conduit Opening
3.375"(85.7)	7"(178)	3.13"(80)	9.5"(241)	2.5"(63)
⇨ 4"(102)	7-8.5"(178-216)	3.25"(83)	11.88"(302)	3"(76)

Pole Cat. No.	X	Y	A.B. Size	Allowable Pole EPA - Refer to wind map on p. 75 85 (38m/s)	90 (40m/s)	100 (45m/s)	110 (49m/s)	120 (54m/s)
PRA20-4188	19.5'	4" x .188	¾" x 30 + 4	5.33	4.37	3.74	2.48	1.52

G.10

Type S4

KIM LIGHTING



WP9SE
Small LED
60 LEDs
EPA: .52
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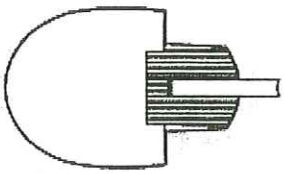
Maximum System
Watts = 75 W



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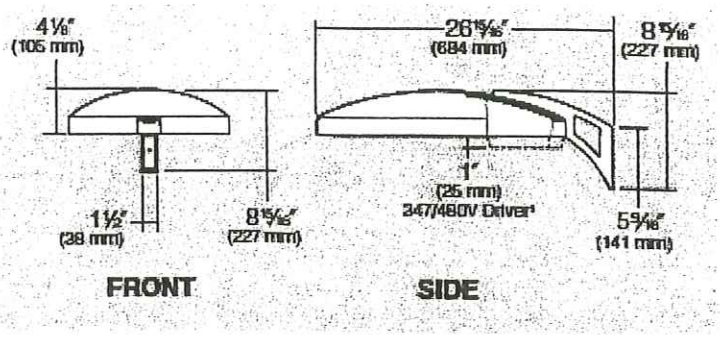

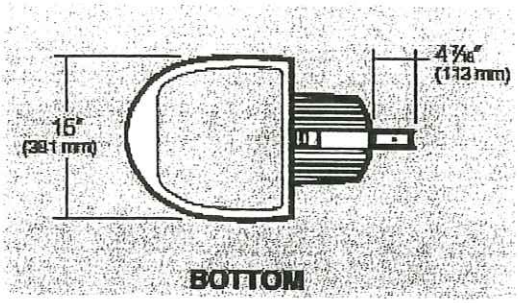

[illegible]

Listings and Ratings			
[illegible]	[illegible]	[illegible]	[illegible]

[illegible]

G.11

Type S4

WARP9 LED

Ordering Example: ISA / WP9LE3 / L5K240 / SG / A-35 / PRA20-4188SA/SG / VSF-1SA

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1 Mounting
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Plan View:							
EPA WP9S:	0.52	1.04	0.82	1.3	1.3	1.5	n/a
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Cat. No.:	**1SA**	**2SB**	**2SL**	**3ST**	**3SY**	**4SC**	**1W**

Wall Mount

2 Fixture
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WP9

HOUSING
WP9 = WARP9 LED

SIZE
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L = Large, 120 LEDs, 140W

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DRIVER
E=Electronic

DISTRIBUTION
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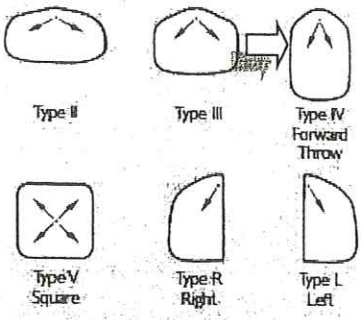
Light Distribution



3 Electrical Module

L

SOURCE
L = LED

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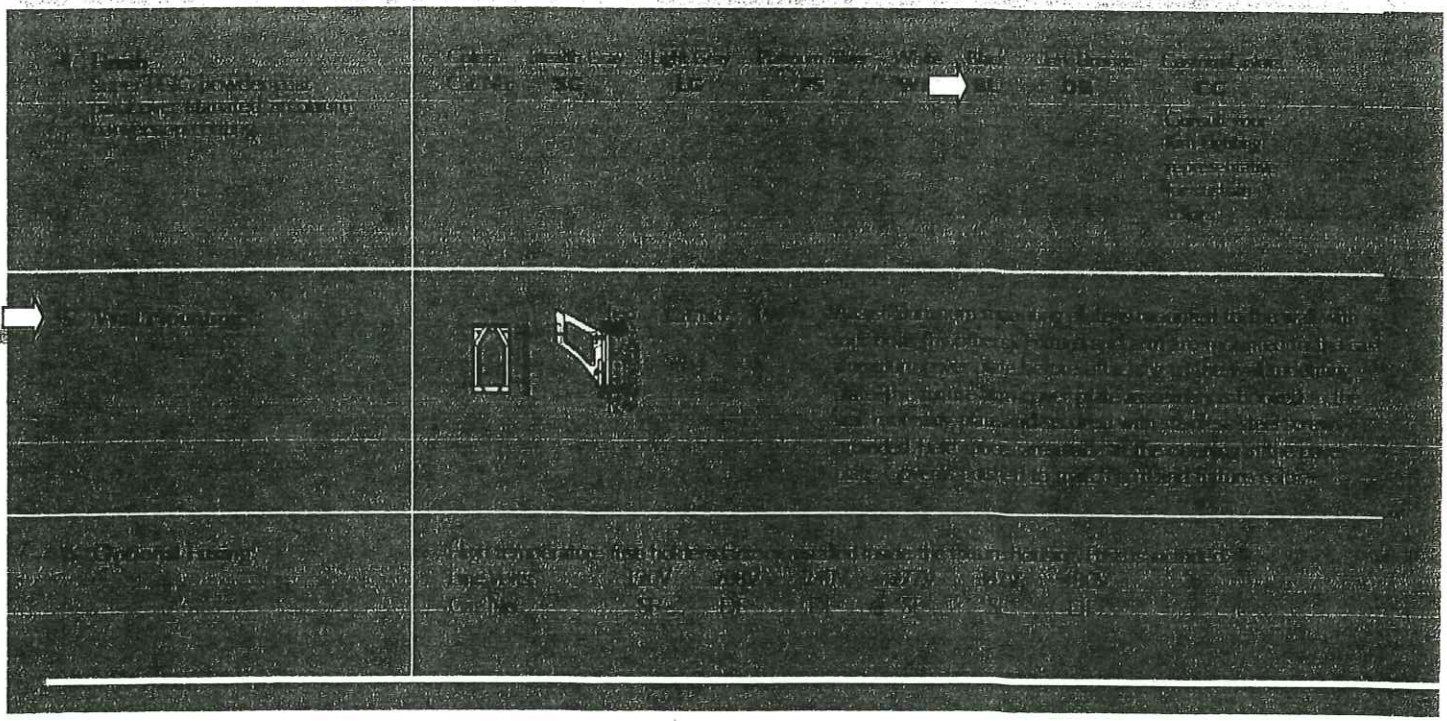
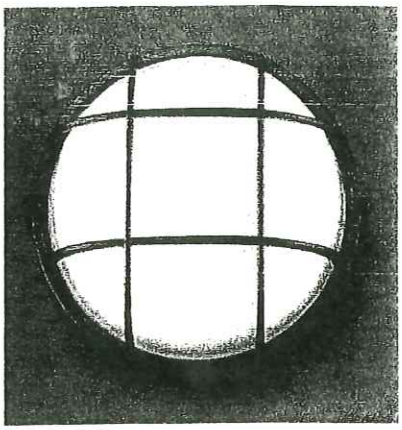
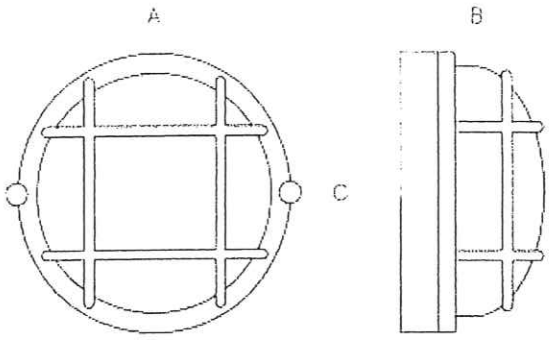


G.12

Type S5

LUMUX
Architectural Lighting





Catalog Reference Table:

CATALOG #	A	B	LAMP(XXX)
L309/XXX/Volt/*	10 1/8	6.0	PL9-PL13-PL18-PL26 PL32-PL42-PL2X26 PL2X32

Description:
Wall or ceiling surface mount luminaire with round trim and guard bars for general purpose applications. Die-cast aluminum body and trim. The unit is painted with high corrosion resistance polyester powder coat. Available in electronic ballast with silicone wires. Stainless steel screws. Tempered prismatic glass diffuser. UL & CUL listed for wet locations.

Attachment H.

PORTLAND, MAINE

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

Public Services Department
Michael J. Bobinsky, Director

12 May 2010

Mr. Steve Blais, P.E.
Principal,
Blais Civil Engineers,
780 Broadway,
South Portland, Maine 04106

RE: The Capacity to Handle Wastewater Flows, from a Proposed Reuse, of the former Cumberland Cold Storage building, at 254 Commercial Street.

Dear Mr. Blais:

The existing three foot by four foot-six inch, diameter, brick, City of Portland, sanitary sewer pipe, located in Commercial Street, has adequate capacity to **transport,** while The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to **treat,** the total anticipated wastewater flows of **4,150 GPD**, from this proposed project.

Anticipated Wastewater Flows from the Proposed Building Reuse:	
Proposed Domestic Wastewater Flow	= 4,300 GPD
Less Previous Domestic Wastewater Flow	= 150 GPD
Total Proposed Increase in Wastewater Flows for this Project	= **4,150 GPD**

If The City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

Frank Brancely

Frank J Brancely, B.A., M.A.
Senior Engineering Technician

FJB

CC: Penny Littell, Director, Department of Planning, and Urban Development, City of Portland
Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
Jean Fraser, Planner, Planning Division, Department of Planning, and Urban Development, City of Portland
David Margolis-Pineo, Deputy City Engineer, City of Portland
Michael Farmer, P.E., Project Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
John Emerson, Wastewater Coordinator, City of Portland
Jane Ward, Administrative Assistant, City of Portland

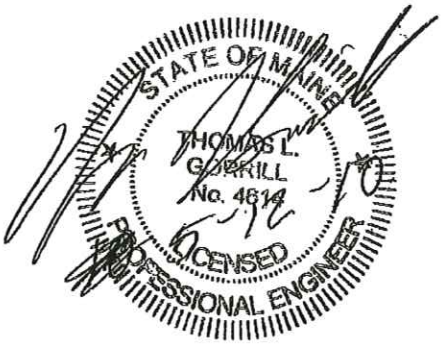
C:\Frank's\Capacity Letters\Commercial Street 254
O:\Engshare\FJB\Capacity Letters\Commercial Street 254

Attachment I. 1

Traffic Permit Application
Request for Scoping Meeting
Proposed Re-Use of Cold Storage Facility
Portland, Maine

Prepared for:

Waterfront Maine, LP
14 Main Street
Brunswick, ME 04011



May 2010

Prepared by:

Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237
15 Shaker Road
Gray, ME 04039
(207) 657-6910
Fax: (207) 657-6912
E-mail: mailbox@gorrillpalmer.com

recd Planning 5.13.2010

I. 2

Department of Transportation
Traffic Engineering Division
16 State House Station
Augusta, Maine 04333
Telephone: 207-287-3775

FOR MDOT USE 12/99
ID#_____

Total Fees:_____
Date Received: _____

****

PERMIT APPLICATION – TRAFFIC
TRAFFIC MOVEMENT PERMIT, 23 M.R.S.A. §704-A

Please type or print:

This application is for (check all that apply): Traffic 100-200 PCE's ☒
Traffic 200 + PCE's ☐

Name of Applicant: **Waterfront Maine, LP**

Address: **14 Maine Street, Brunswick, ME 04011** Telephone: **207 729-7970**

Name of local contact or agent: **Thomas Gorrill; Gorrill-Palmer Consulting Engineers, Inc.**

Address: **PO Box 1237 Gray, ME 04039** Telephone: **(207) 657-6910**

Name and type of development: **Proposed reuse of a Cold Storage Facility to Marine Use / General Office**

Location of development including road, street, or nearest route number: **The site is located at 254 Commercial Street in Portland, Maine. Site of an existing Cold Storage Facility**

City/~~Town/Plantation~~: **Portland** County: ~~**Cumberland**~~ Tax Map: **41** Lots: **16,17,18**

Do you want a consolidated review with DEP pursuant to 23 M.R.S.A. § 704-A (7)? **No**

Was this development started prior to obtaining a traffic permit? **No**

Is the project located in an area designated as a growth area (as defined in M.R.S.A. title 30-A, chapter 187)?
Yes X No_____

Is this project located within a compact area of an urban compact municipality? Yes X No_____

Is this development or any portion of the site currently subject to state or municipal enforcement action?
No

Existing DEP or MDOT permit number (if applicable): _____

Name(s) DOT staff person(s) contacted concerning this application: None

Name(s) of DOT staff person(s) present at the scoping meeting for 200+ applicants: None

I.3

7/99

CERTIFICATION

This person responsible for preparing this application and/or attaching pertinent site and traffic information hereto, by signing below, certifies that the applicant for traffic approval is complete and accurate to the best of his/her knowledge.

Signature: _____ Re/Cert/Lic No.: _____

Name (print): Thomas L. Gorrill Engineer: **Maine PE # 4614**

Date: _____ Other: _____

(See Cover Page For Stamp/Signature)

If the signature below is not the applicant's signature, attach letter of agent authorization signed by applicant.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Signature of applicant

5-13-10
Date

I. 4

Form C 7/97

NOTICE OF INTENT TO FILE

Please take notice that

Waterfront Maine, LP
14 Main Street
Brunswick, Maine 04011
(212) 695-8090

is intending to file a Traffic Permit application with the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. §704 – A on or about **May 13, 2010**
(anticipated filing date)

This application is for

The application is for the conversion of a 100,000 square foot building in downtown Portland. The existing use is approximately 5,000 sf of marine use and 95,000 sf of cold storage. After redevelopment, the uses are proposed to be approximately 30,000 sf of marine use and 70,000 sf of general office. The project is forecast to generate 155 and 163 trip ends in the AM and PM peak hours, respectively. The project is expected to begin and be completed in 2010.

(Summary of project: specifying trip generation at peak hour for the proposed development and the year the project is proposed to be completed and occupied)

at the following location:

254 Commercial Street; Tax Map 41, Lots 16, 17, 18.

(Project Location)

A request for a public hearing must be received by the Municipality, in writing no later than 20 days after the application is found by the City to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the City of Portland Planning Department in Portland during normal working hours. A copy of the application may also be seen at the Department of Transportation Regional Office in Scarborough, Maine.

Written public comments may be sent to the following address: Attention: City Planner, City of Portland, Planning Department, 389 Congress Street, Portland, ME 04101-3503

STATE OF MAINE
RANDALL E. DUNTON
No. 8686
LICENSED
PROFESSIONAL ENGINEER

May 13, 2010

I.5

CARROLL ASSOCIATES

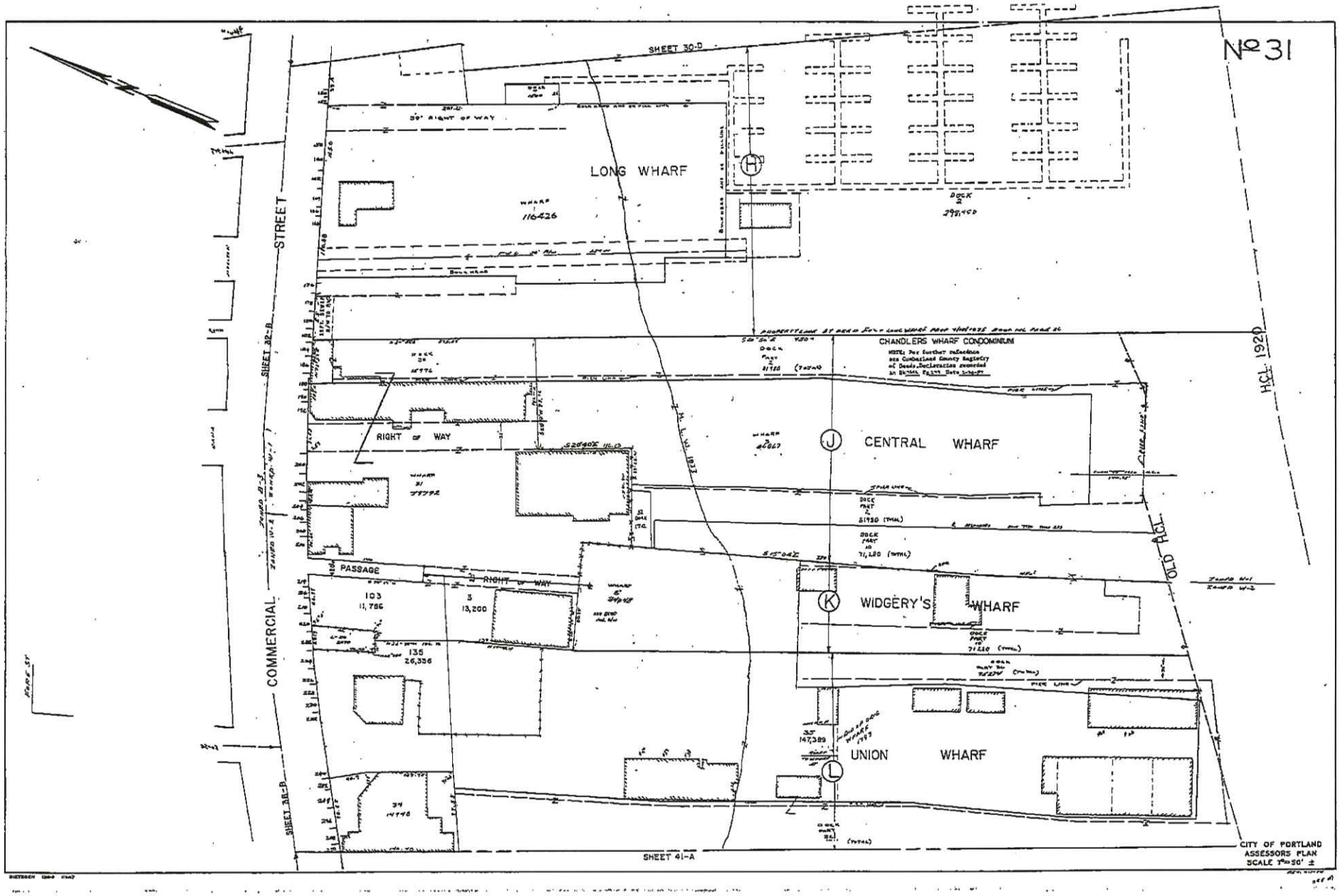
LANDSCAPE ARCHITECTS

Portland Cold Storage Building

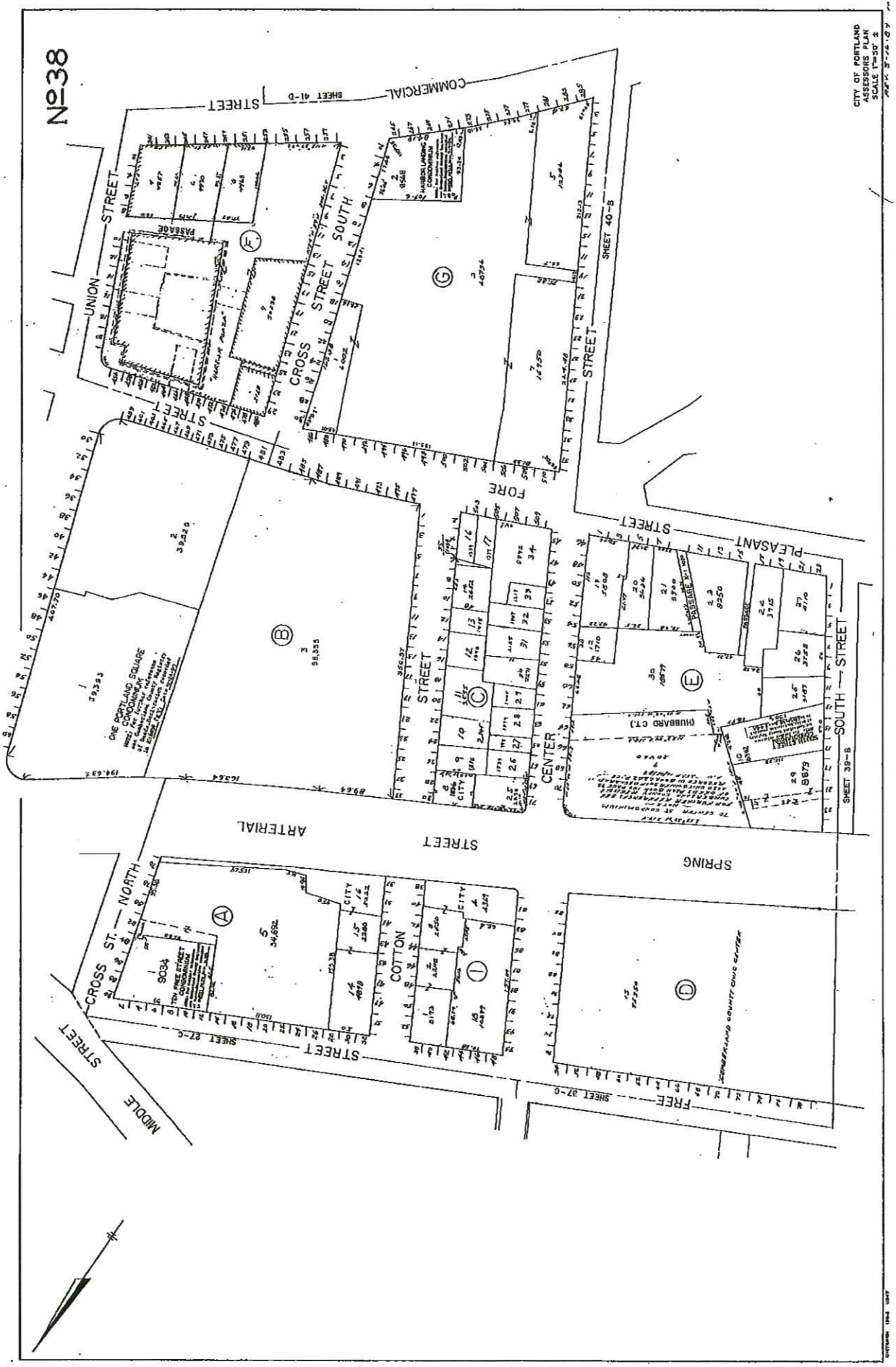
254 Commercial Street
Assessors Map 42, Lots 16,17,18

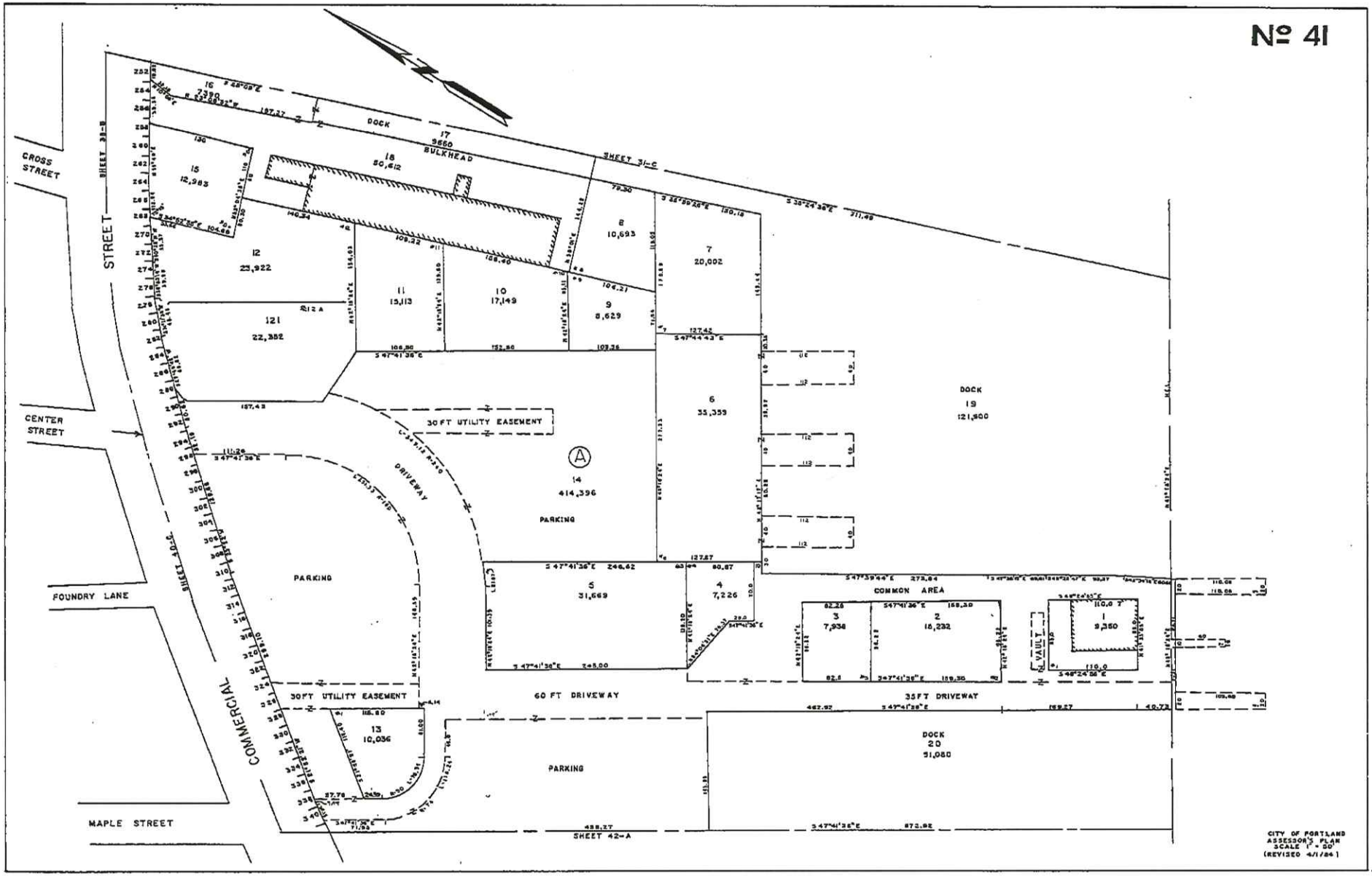
List of Direct Abutters:

Map	Lot	Owner	Mailing Address
31	L034	CM Waterfront Properties, LLC	PO Box 7467 Portland, ME 04112
31	L035	Proprietors of Union Wharf	36 Union Wharf Portland, ME 04101
38	F004	SLM Properties Ltd	241 Commercial Street Portland ME 04101
38	F006	Casco View Holdings, LLC	PO Box 11409 Portland, ME 04104
38	F009	Harbor Plaza Associates II	PO Box 3572 Portland, ME 04104
38	F009	Dictar Associates II	PO Box 3572 Portland ME 04104
41	A007 A008 A009 A012 A019	City of Portland	389 Congress Street Portland, ME 04101
41	A010	Douty Brothers	10 Portland Fish Pier Portland, ME 04101
41	A011	Tamaki Associates, LLC	PO Box 924 Portland, ME 04101
41	A015	Browne International Corp.	260 Commercial Street Portland ME 04101


№31
SHEET 30-D
LONG WHARF
STREET
COMMERCIAL
39' RIGHT OF WAY
CHANDLERS WHARF CONDOMINIUM
HCL 1920
RIGHT OF WAY
CENTRAL WHARF
PASSAGE
RIGHT OF WAY
WIDGERY'S WHARF
OLD PIER
UNION WHARF
SHEET 38-B
SHEET 41-A
CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1"=50' ±

I.7


№38
CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1"=50' ±
COMMERCIAL STREET
SHEET 41-D
UNION STREET
CROSS STREET SOUTH
SHEET 40-B
FORE STREET
PLEASANT STREET
ONE PORTLAND SQUARE
CONDOMINIUM
CENTER STREET
SOUTH STREET
SHEET 39-B
ARTERIAL STREET
SPRING
CROSS ST. — NORTH
COTTON STREET
MIDDLE STREET
FREE STREET
SHEET 37-C
SHEET 27-C
CUMBERLAND COUNTY CIVIC CENTER


№ 41
CROSS STREET
STREET
SHEET 31-B
SHEET 31-C
DOCK
17
9660
BULKHEAD
18
50,612
15
12,983
16
7390
12
23,922
121
22,382
11
15,113
10
17,149
9
8,629
8
10,693
7
20,002
6
35,353
DOCK
19
121,900
CENTER STREET
30 FT UTILITY EASEMENT
DRIVEWAY
14
414,396
PARKING
PARKING
FOUNDRY LANE
5
31,669
4
7,226
COMMON AREA
3
7,934
2
18,232
1
9,250
VAULT
30FT UTILITY EASEMENT
60 FT DRIVEWAY
35FT DRIVEWAY
13
10,036
PARKING
DOCK
20
51,080
COMMERCIAL
MAPLE STREET
SHEET 42-A
CITY OF PORTLAND
ASSESSOR'S PLAN
SCALE 1" = 50'
(REVISED 4/1/84)

8-4

I. 9

Section 1
Site and Traffic Information

1.A. Site Description and Site Plan

The site is located at the existing cold storage facility, 254 Commercial Street in Portland, Maine. Existing access to the site will remain unchanged, which is a full movement driveway onto Commercial Street. Site and survey plans of the property are provided in Appendix 1A.

1.B. Existing and Proposed Site Uses

The existing building has a footprint of approximately 20,000 square feet and is five stories tall for a total of approximately 100,000 square feet; of which approximately 5,000 square feet is for marine use and approximately 95,000 square feet is for storage.

The proposed use will utilize the existing 100,000 square feet of building but will revise the uses to include approximately 30,000 square feet of marine use and 70,000 square feet of general business space.

1.C. Site and Vicinity Boundaries

The site is bounded to the north by Commercial Street, to the west by businesses, and to the east and south by the ocean.

1.D. Proposed uses in the Vicinity of the Proposed Development

No other proposed development in the area is anticipated to have an impact on this project.

1.E. Trip Generation

Gorrill-Palmer Consulting Engineers utilized the 7th edition of the Institute of Transportation Engineers publication, *Trip Generation*, to estimate the traffic to and from the site both for the existing use and for the proposed re-use of the building. Our forecast utilized the following land use codes (LUC) in completing our forecast:

Existing uses: We utilized land use LUC 110, General Light Industry for the 5,000 s.f. of existing marine uses. The remaining 95,000 s.f. of the building, used for storage, was estimated utilizing LUC 150, Warehousing.

Proposed uses: LUC 110, General Light Industry was utilized for the proposed 30,000 s.f. of marine uses. The remaining 70,000 s.f. of space proposed for the office use was estimated utilizing LUC 710, General Office Building.

I. 10

A summary of the existing and post re-development trips is summarized in the following table:

Trip Generation Summary for Reuse of Cumberland Cold Storage Facility

Uses	Weekday	Weekday AM Peak Hour	Weekday PM Peak Hour
Existing			
LUC 110- Light Industrial	35	5	5
LUC 150- Warehousing	471	54	58
Total for Existing	**506**	**59**	**63**
Proposed			
LUC 110 Light Industrial	209	30	32
LUC 710 Office Building	893	125	131
Total for Proposed	**1102**	**155**	**163**
Total Increase	**596**	**96**	**100**

Based on the above table, the project will require a traffic movement permit. The City of Portland has delegated review for MaineDOT for projects with a study area within the City. A copy of our trip generation estimates and assignments are included in Appendix 1B.

It should be noted that the actual vehicular trip generation for this facility is anticipated to be less than identified above since it is located within the downtown area and some pedestrian and bicyclist trips are anticipated.

1.F. Trip Distribution

Gorrill-Palmer Consulting Engineers, Inc. has based the ratio of entering and exiting traffic on a review of the Institute of Transportation Engineers publication *Trip Generation, 7th Edition.*

		Light Industrial	General Office
AM peak hour:	Enter	85%	85%
	Exit	15%	15%
PM peak hour:	Enter	15%	15%
	Exit	85%	85%

1.G. Trip Composition and Assignment

All the trips to this facility are anticipated to be primary trips, with the sole purpose of being on the roadway network to visit this site. The trips to/from this site are anticipated to mimic the existing traffic patterns.

1.H. Attachments

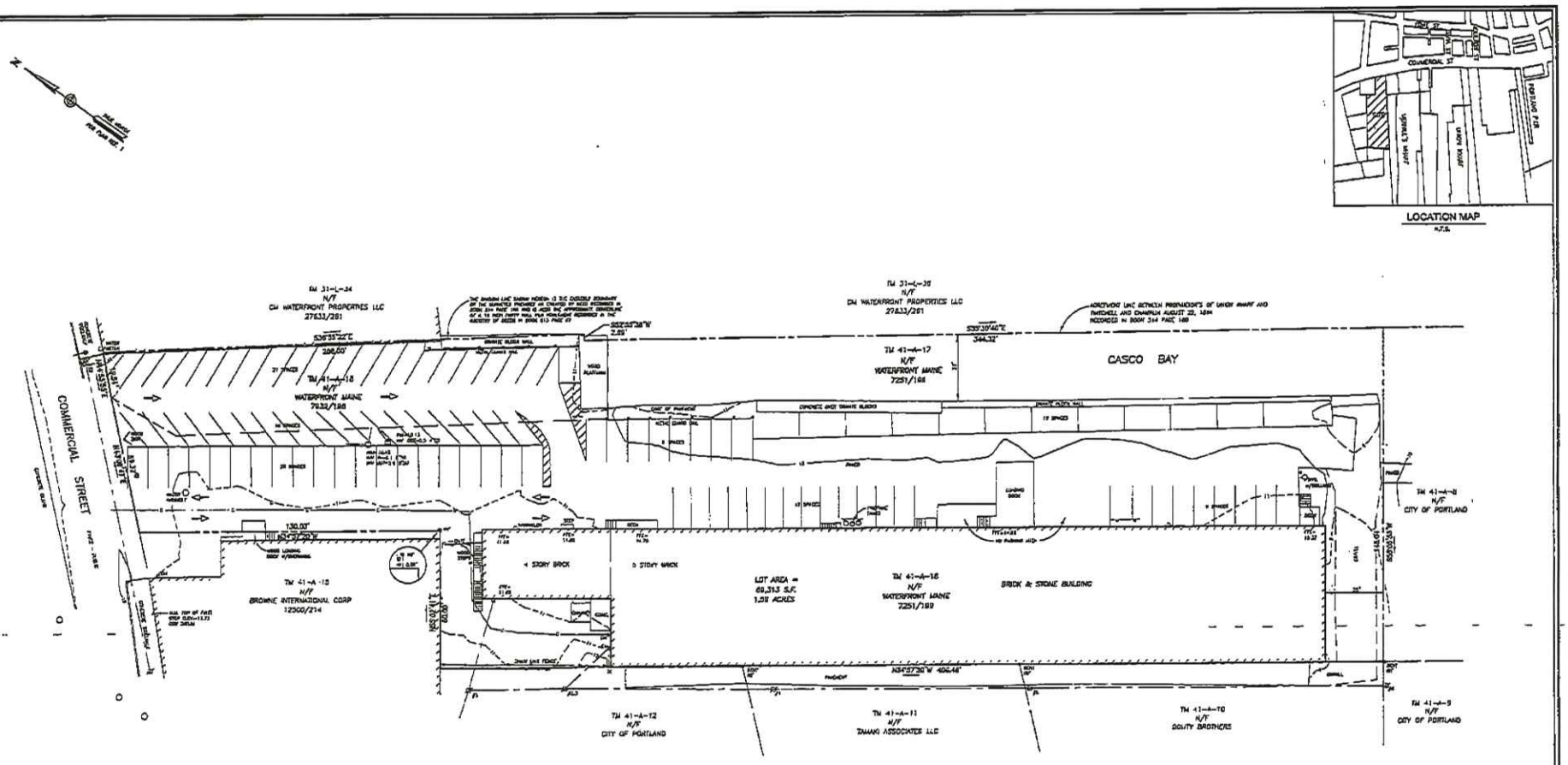
Attachment 1A – Site and Survey Plans

Attachment 1B—Trip Generation and Assignments

I. 11

Attachment 1A

Site and Survey Plan



LEGEND

- IRON PIPE OR ROD FOUND
- WATER VALVE
- HYDRANT
- UTILITY POLE
- LIGHT POLE
- MANHOLE
- CATCH BASIN
- SIGN
- FENCE
- CURB
- OVERHEAD WIRES
- STORM DRAIN
- GAS LINE
- 1' CONTOUR

GRAPHIC SCALE

0 10' 20' 40' 80'

PLAN REFERENCES

1. PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR WATERFRONT MAINE, LAND TITLE SURVEY DATED 28 JUNE 1985 BY H.J. & C.C. JORDAN SURVEYORS.
2. AMENDED ACCORDING PLAT "PORTLAND FISH PIER COMPLEX" IN PORTLAND, MAINE FOR THE CITY OF PORTLAND DATED FEB. 8, 1980 REV. 6-15-84 BY OWEN HASKELL, INC.
3. TOPOGRAPHIC SURVEY AT PORTLAND FISH PIER COMPLEX, COMMERCIAL STREET, PORTLAND, MAINE MADE FOR CITY OF PORTLAND DATED OCT 16, 2000 BY OWEN HASKELL, INC.
4. STANDARD BOUNDARY SURVEY AT 250 COMMERCIAL STREET PORTLAND, MAINE MADE FOR MACOMBER, INC JAN. 25 2001 REV. 2 12/22/10 BY OWEN HASKELL, INC.

NOTES

1. OWNER OF RECORD: WATERFRONT MAINE, C.C.R.D. BOOK 7251 PAGE 139.
BOOK 7932 PAGE 137
2. COMMERCIAL STREET SIDELINE AS SHOWN IS BASED ON HISTORICAL SURVEYS. CURRENT MAINE D.O.T. STREET LINE MAY VARY SLIGHTLY FROM LINE SHOWN
3. SURVEYED PREMISES SUBJECT TO RIGHT OF WAY FOR ACCESS AND UTILITIES FROM COMMERCIAL STREET TO LANDS OF THE CITY OF PORTLAND. SAID RIGHT OF WAY DESCRIBED IN DEED BOOK 4673 PAGE 162.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE

5/1/12
DATE

JOHN W. SWAN, PLS NO. 1082

STATE OF MAINE
JOHN W. SWAN
1082
REGISTERED
PROFESSIONAL
LAND SURVEYOR

EXISTING CONDITIONS SURVEY

AT

250 COMMERCIAL STREET
PORTLAND, MAINE

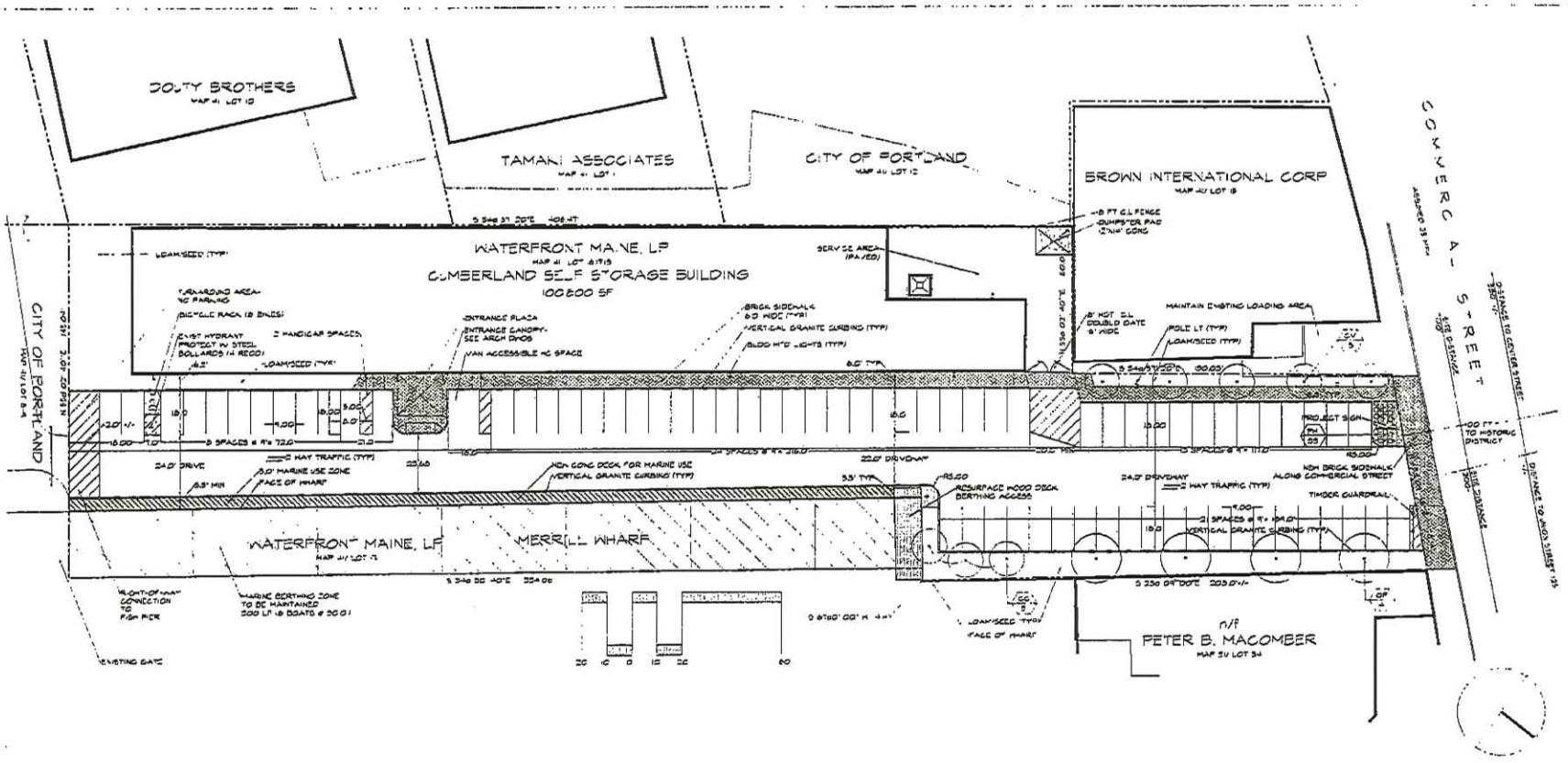
MADE FOR

CARROLL ASSOCIATES

OWEN HASKELL, INC.
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207)774-0424
PROFESSIONAL LAND SURVEYORS

Drwn. By	RS	Date	Job No.
Trans. By	JLH	MAY 10, 2010	2010-048P
Check By	JWS	Scale	Dwg. No.
Book No.	1092	1" = 20'	1

CM\10-048 Commercial St\10-048 Aug 2010\10-048 EXISTING.dgn



SOILS INFORMATION

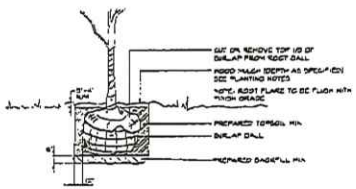
1. SOILS CLASSIFICATION FROM CUMBERLAND COUNTY SOIL SURVEY USDA 1974.
2. SOILS ARE "CL" SUT AND / LL DESCRIBED AS SANDY CLAMEY SILTY COBBLY AND GRAVELY SEDIMENT SEPARATELY OR IN VARIOUS COMBINATIONS

PLANTING NOTES

1. CONTRACTOR SHALL SUPPLY PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE THE WORK SHOWN ON THE PLAN. ANY DISCREPANCY BETWEEN THE QUANTITIES SHOWN IN THE PLANT SCHEDULE AND THOSE REQUIRED ON THE PLAN SHALL NOT ENTITLE THE CONTRACTOR TO ADDITIONAL REMUNERATION
2. ALL PLANT MATERIAL SHALL CONFORM TO THE SPECIFICATIONS OF THE AMERICAN STANDARDS FOR NURSERY STOCK, LATEST EDITION, AS SET FORTH BY THE AMERICAN NURSERYMAN ASSOCIATION
3. ALL TREES SHALL BE LOCATED IN THE FIELD PER PLANS AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION
4. NO PLANT MATERIAL SHALL BE INSTALLED UNTIL ALL EARTH WORK INCLUDING LOAMING AND FINISH GRADING HAS BEEN COMPLETED IN THE IMMEDIATE AREA
5. PLANTING BEDS SHALL HAVE A MINIMUM OF 10" OF TOPSOIL. SEE PLANTING SPECIFICATIONS FOR SOIL AMENDMENTS
6. ALL SHRUB BEDS AND TREE WELLS SHALL HAVE A MINIMUM OF 3" OF UNIFORMLY DISTRIBUTED DARK SHREDDED BARK MULCH. SHRUB BEDS SHALL BE MULCHED AS CONTIGUOUS PLANTING BED

PLANT SCHEDULE

QTY	SYM	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
CONIFEROUS EVERGREEN TREES					
2	GG	CRATAEGUS CRUSGALLI 'INERMIS'	COCKSPUR "THORNLESS HAWTHORN"	2-2.5" CAL	B+B
5	CV	CRATAEGUS VIRIDIS 'WINTER KING'	WINTER KING HAWTHORN	2-2.5" CAL	B+B
4	SP	SORBUS PAUCIFLORA 'GREEN PILLAR'	FASTIGIATE RH OAK	3" CAL	B+B
33	PA	PACHYSANDRA TERMINALIS 'GREEN SLEEVE'	ALLEGHENY SPURGE	2 GAL HEIGHT	



1 TREE PLANTING DETAIL — NOT TO SCALE

SITE PLAN NOTES, CITY OF PORTLAND

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY DG JORDAN, JUNE 26, 1986 AND INFO. PLAN OF MERRILL WHARF BY ROBERT TITCOMB INC DECEMBER, 1974, AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINCKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED
2. TOPOGRAPHY AND UTILITIES FROM A PLAN BY DG JORDAN #13 AERIAL TOPOGRAPHY SURVEY BY SCHELL DO (DATUM MSL= 0.00
3. 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 TO OR DEVIATION FROM THE APPROVED SITE PLAN INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF INDICATED OR LAWN AREAS, ACCESS SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS
4. ALL POWER LINES WITHIN THE PROPERTY SHALL BE UNDERGROUND (SEE D-G.1).
5. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIP DOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES
6. 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 MAY DALE EYE) AS WELL AS THEIR LOCATION.)
7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING
8. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY DEP MANAGEMENT PRACTICES (BEC ABOVE)
9. 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 SITE REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING
10. SITE DISTANCES AND DISTANCES TO NEAREST INTERSECTIONS MEASURED BY GORRILL PALMER CONSULTING ENGINEERS MAY 3 2010

WCZ - WATERFRONT CENTRAL ZONE DISTRICT

SPATIAL STANDARDS	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	67,902 SF (1.20 AC)
MINIMUM FRONTAGE	NONE	701.4 FT
FRONT SETBACK	NONE	147.56 FT
SIDE SETBACK	NONE	0 FT
REAR SETBACK	NONE	25.0 FT
SETBACK FROM PIER LINE	5 FT	52.0 FT
MAXIMUM LOT COVERAGE	100%	42%
MAXIMUM BUILDING HEIGHT	45 FT	55.0 FT (EXIST)
MINIMUM GROUND FLOOR CLEARANCE	N/A	
TOTAL FLOOR AREA		
PARKING- ON-SITE		
MARINE BERTHING	8	8 SPACES
1ST FLOOR MARINE USE	20	19 SPACES
UPPER FLOOR OFFICE USE	201	30 SPACES
TOTAL	229	71 SPACES (3 ADA SPACES) ADDTL SPACES LEASED OFF SITE

FOR REVIEW- NOT FOR CONSTRUCTION

CUMBERLAND COLD STORAGE BUILDING

254 CUMBERLAND ST
MERRILL WHARF
PORTLAND, ME.

Owner/ Developer
WATERFRONT MAINE
14 Maine Street Brunswick, ME 04011
212.865.8888 tpalmer@wbpg.com

Consultants:

Architect:
Winton Scott Architects
9 Mill Street
Portland, ME 04101
207 774 4811

Landscape Architect:
Carroll Associates
247 Commercial Street
Suite 400
Portland, ME 04101
207 772 [illegible]

Civil Engineer:
Bibo Civil Engineers
780 Brighton
South Portland, ME 04101
207 767 [illegible]

Traffic Consultants:
Gorrell Palmer [illegible]
17 Shaker Road
Gray, ME 04039
207 657 [illegible]

Drawing Set:		
No.	Date	Revision
1	3.4.10	Submit TO P.B
2	3.12.10	ADD SITE DISTANCES

Drawing Set:
PERMITTING

Drawn: TC
Checked: PC
Approved:

Drawing Title:
SITE PLAN

Job Number:

Date: 03.03.10 | Scale: 1"= 20'-0"

Drawing Number:
L-1.0

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1.13

I. 14

Attachment 1B

Trip Generation and Assignment

I. 15

JN:2420
Project Description:Redevelopment of Cumberland Cold Storage Building- Trip Generation for Existing Uses
Project Location:Congress Street in Portland
Date:4-30-10

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 5,000

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 7.47(X) - 101.92	-65	18	50%	50%	-33	-33	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-83	29	85%	15%	-71	-12	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-156	26	15%	85%	-23	-133	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-55	27	90%	10%	-50	-6	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-118	27	15%	85%	-18	-100	0.89
Saturday	T = 0.85(X) + 163.06	167	6	50%	50%	84	84	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 6.97(X)	35	18	50%	50%	17	17	N/A
AM Peak of Adjacent	T = 0.92(X)	5	29	85%	15%	4	1	N/A
PM Peak of Adjacent	T = 0.98(X)	5	26	15%	85%	1	4	N/A
AM Peak of Generator	T = 1.01(X)	5	27	90%	10%	5	1	N/A
PM Peak of Generator	T = 1.08(X)	5	27	15%	85%	1	5	N/A
Saturday	T = 1.32(X)	7	6	50%	50%	3	3	N/A
Saturday Peak of Generator	T = 0.14(X)	1	5	50%	50%	0	0	N/A

JN: 2420
Project Description: ɔerland Cold Storage Building
Project Location: Portland, Maine
Date: 4/30/2010

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

Warehousing
Land Use Code (LUC) 150

Gross Floor Area (ft^2): 95,000

Fitted Curve

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split* IN	Directional Split* OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 3.68 (X) + 350.27	700	16	50%	50%	350	350	0.82
AM Peak Adjacent Street	Ln(T) = 0.71 Ln(X) + 1.15	80	19	80%	20%	64	16	0.79
PM Peak Adjacent Street	Ln(T) = 0.79 Ln(X) + 0.54	63	26	25%	75%	16	47	0.75
AM Peak of Generator	T = 0.39(X) + 63.12	100	19	60%	40%	60	40	0.86
PM Peak of Generator	T = 0.46(X) + 53.12	97	18	10%	90%	10	87	0.88
Saturday	---	---	2	50%	50%	---	---	---
Saturday Peak Hour of Gen.	---	---	2	65%	35%	---	---	---

*Percentages rounded to nearest 5%

Average Rate

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split* IN	Directional Split* OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 4.96 (X)	471	16	50%	50%	236	235	---
AM Peak Adjacent Street	T = 0.45 (X)	43	19	80%	20%	34	9	---
PM Peak Adjacent Street	T = 0.47 (X)	45	26	25%	75%	11	34	---
AM Peak of Generator	**T = 0.57 (X)**	**54**	**19**	**60%**	**40%**	**32**	**22**	---
PM Peak of Generator	**T = 0.61 (X)**	**58**	**18**	**10%**	**90%**	**6**	**52**	---
Saturday	**T = 1.22 (X)**	**116**	**2**	**50%**	**50%**	**58**	**58**	---
Saturday Peak Hour of Gen.	**T = 0.12 (X)**	**11**	**2**	**65%**	**35%**	**7**	**4**	---

*Percentages rounded to nearest 5%

I. 17

JN:2420
Project Description:Redevelopment of Cumberland Cold Storage Building- Trip Generation for Existing Uses
Project Location:Congress Street in Portland
Date:4-30-10

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 30,000

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 7.47(X) - 101.92	122	18	50%	50%	61	61	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-54	29	85%	15%	-46	-8	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-121	26	15%	85%	-18	-103	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-25	27	90%	10%	-23	-3	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-83	27	15%	85%	-12	-71	0.89
Saturday	T = 0.85(X) + 163.06	189	6	50%	50%	95	95	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 6.97(X)	209	18	50%	50%	105	105	N/A
AM Peak of Adjacent	T = 0.92(X)	28	29	85%	15%	23	4	N/A
PM Peak of Adjacent	T = 0.98(X)	29	26	15%	85%	4	25	N/A
AM Peak of Generator	T = 1.01(X)	30	27	90%	10%	27	3	N/A
PM Peak of Generator	T = 1.08(X)	32	27	15%	85%	5	28	N/A
Saturday	T = 1.32(X)	40	6	50%	50%	20	20	N/A
Saturday Peak of Generator	T = 0.14(X)	4	5	50%	50%	2	2	N/A

I. 18

JN: 2420
Project Description: Redevelpment of Cumberland Cold Storage Building
Project Location: Portland
Date: April 30, 2010

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Office Building
Land Use Code (LUC) 710

Gross Floor Area 70,000

Trip Ends Based on Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split * IN	Directional Split * OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	Ln (T) = 0.77 Ln (X) + 3.65	1014	78	50%	50%	507	507	0.80
AM Peak Hour	Ln (T) = 0.80 Ln (X) + 1.55	141	217	90%	10%	127	14	0.83
PM Peak Hour	T = 1.12 (X) + 78.81	157	235	15%	85%	24	133	0.82
Saturday	T = 2.14 (X) + 18.47	168	17	50%	50%	84	84	0.66
Peak Hour of Generator	Ln (T) = 0.81 Ln (X) - 0.12	28	10	55%	45%	15	13	0.59

* Percentages rounded to nearest 5%

Trip Ends Based on Average Rate

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split * IN	Directional Split * OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 11.01 (X)	771	78	50%	50%	386	385	---
AM Peak Hour	T = 1.55 (X)	109	217	90%	10%	98	11	---
PM Peak Hour	T = 1.49 (X)	104	235	15%	85%	16	88	---
Saturday	T = 2.37 (X)	166	17	50%	50%	83	83	---
Saturday Peak Hour of Gen.	T = 0.41 (X)	29	10	50%	50%	15	14	---

* Percentages rounded to nearest 5%

PM Peak Hour:	T = 1.49/1.55 (AM Peak)	136		15%	85%	20	116	0.82

Trip Gen Using Avg. of Equation and Rates

Weekday $\frac{1014+771}{2} = 893$

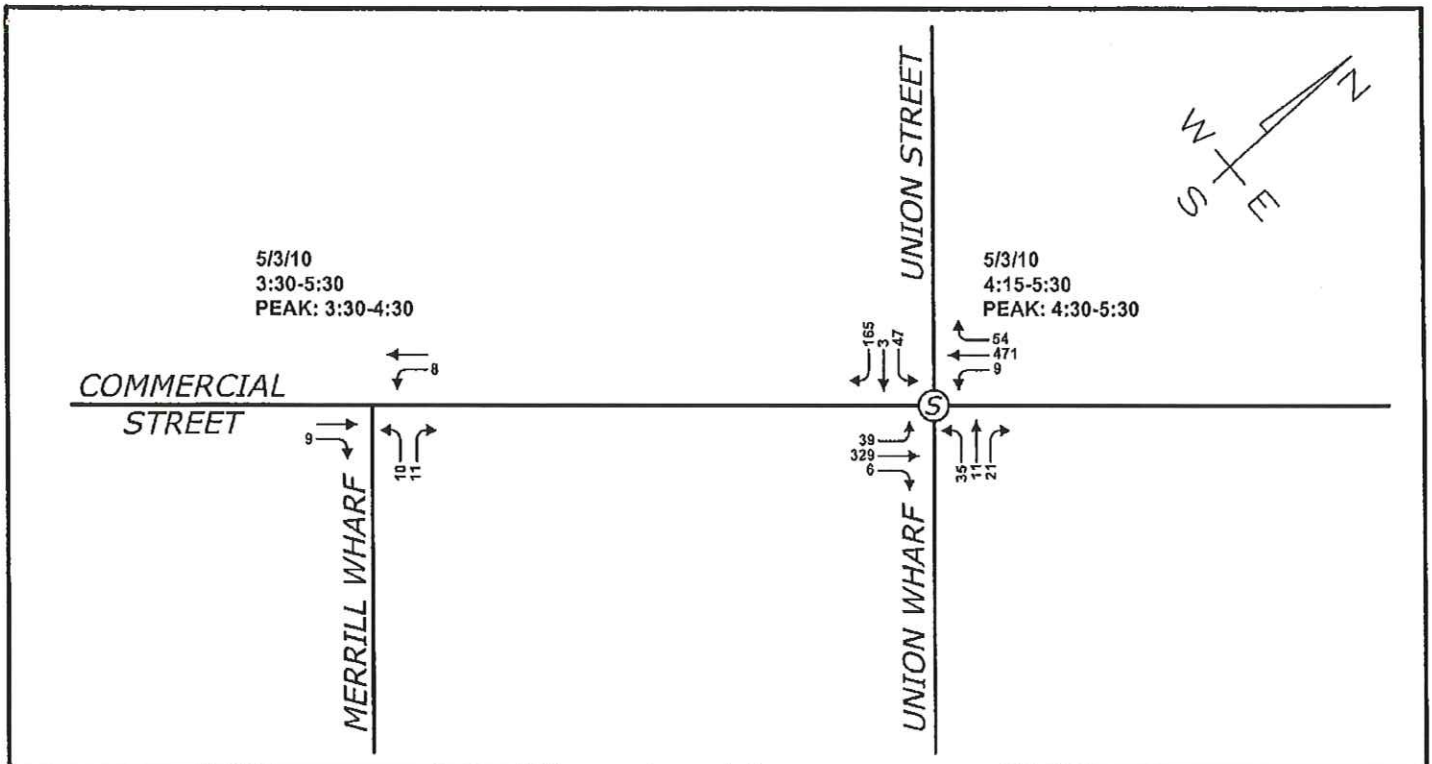
AM Peak Hour $\frac{141+109}{2} = 125$

PM Peak Hour $\frac{157+104}{2} = 131$

I. 19

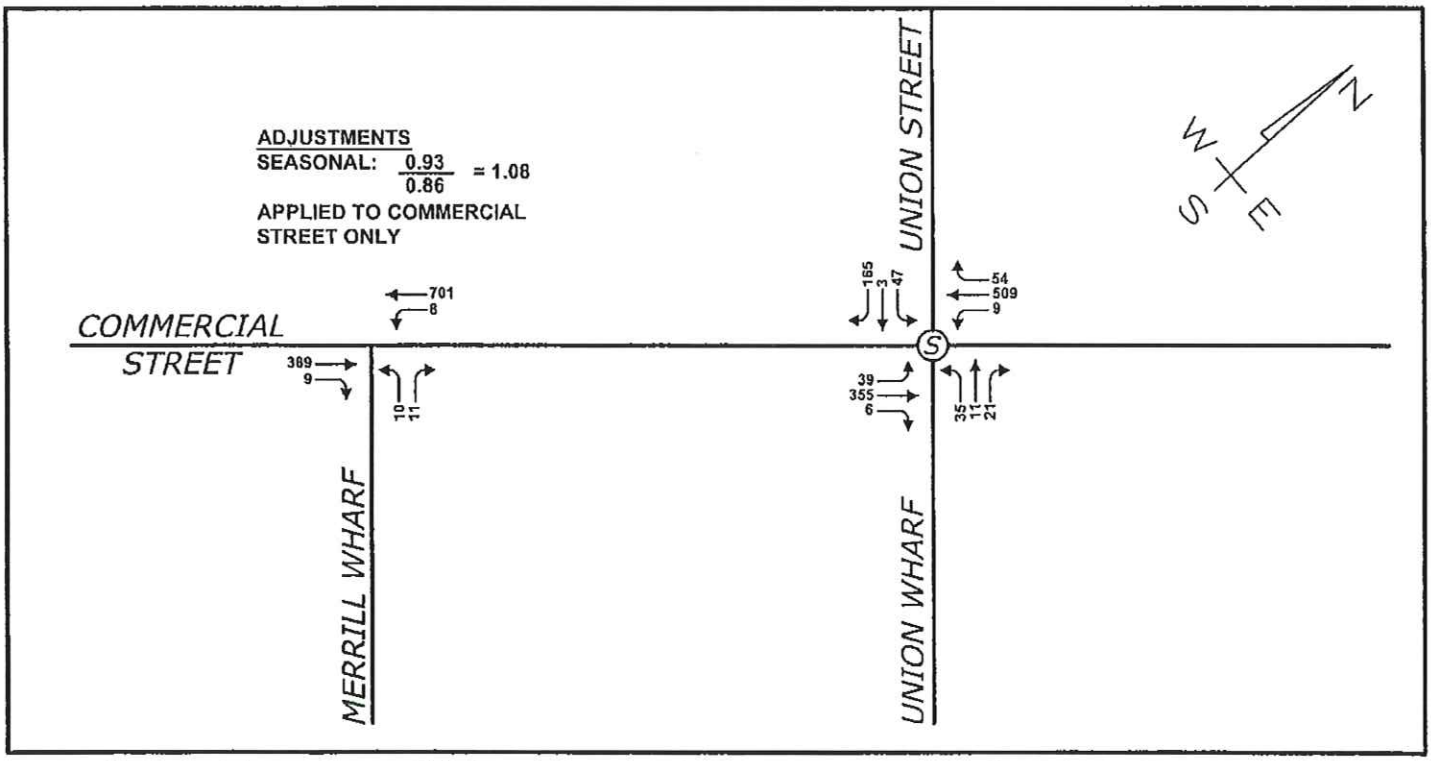
Raw Volumes

Figure No. 1A



2010 Adjusted Volumes

Figure No. 1B



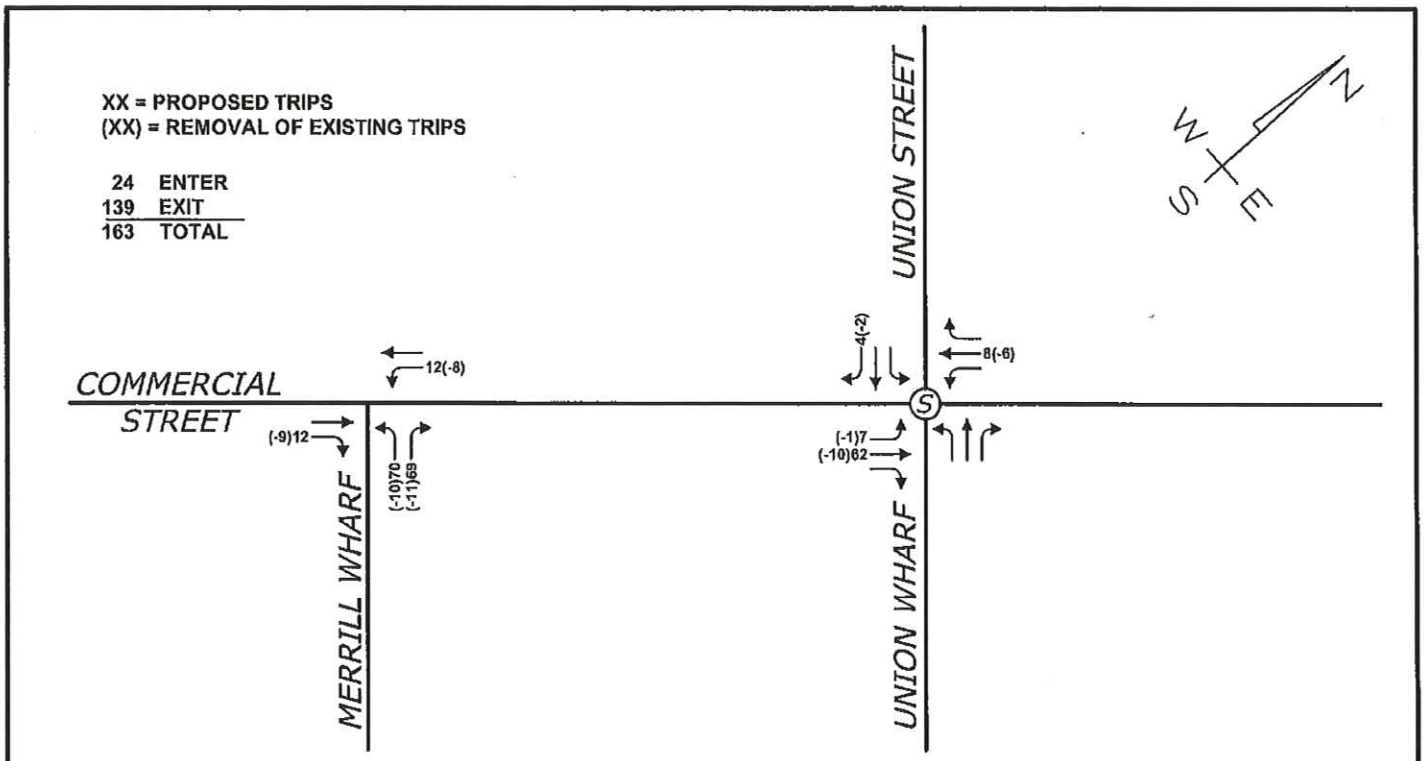
CUMBERLAND COLD STORAGE FACILITY, PORTLAND, MAINE

Design:	JJB	Scale:	NONE
Draft:	DB	Date:	MAY 2010
Checked:	JLW	File Name:	2420_TRAFF.dwg

Gorrill-Palmer Consulting Engineers, Inc.
Engineering Excellence Since 1998
PO Box 1237
15 Shaker Road
Gray, ME 04039
207-657-6910
Fax: 207-657-6912
mailbox@gorrillpalmer.com
www.gorrillpalmer.com

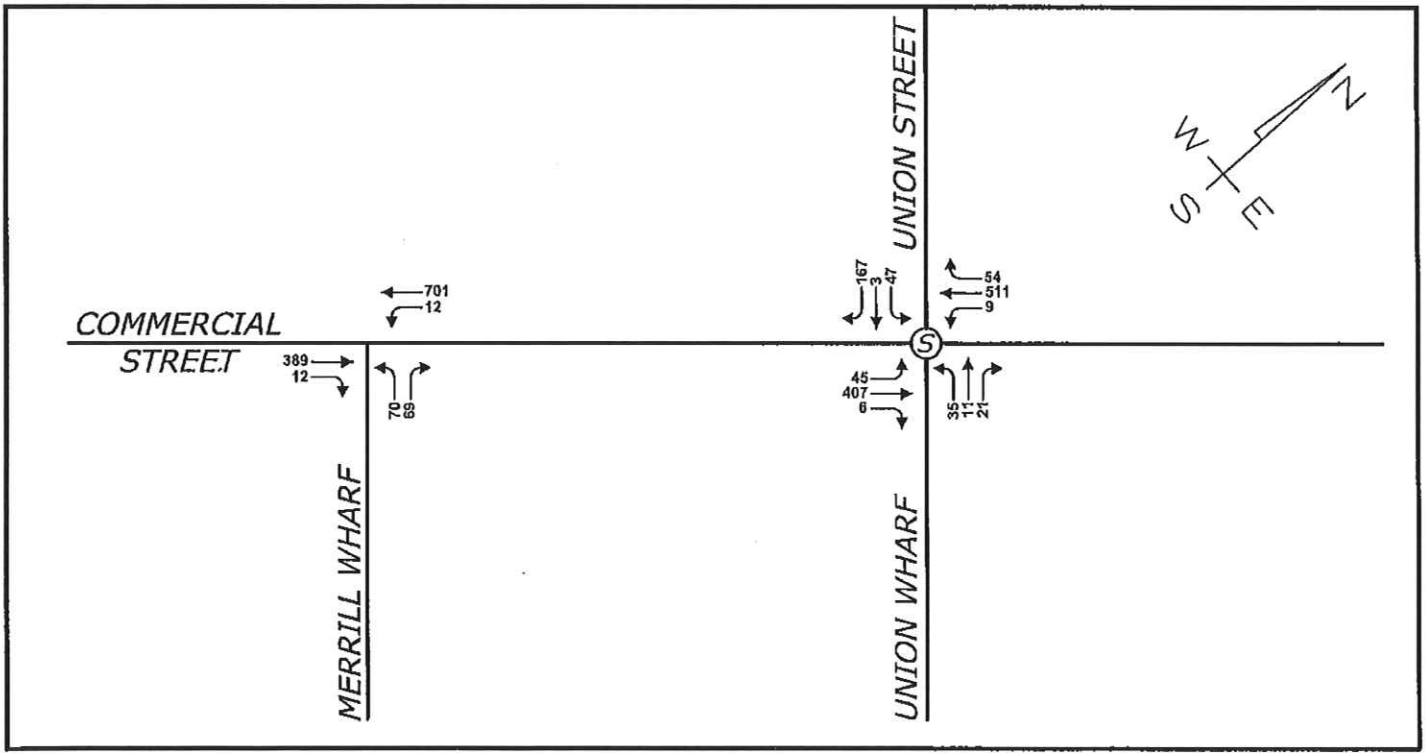
Trip Assignment

Figure No. 2A



2010 Build Volumes

Figure No. 2B



CUMBERLAND COLD STORAGE FACILITY, PORTLAND, MAINE

Design: JJB Scale: NONE
Draft: DB Date: MAY 2010
Checked: JLW File Name: 2420_TRAFF.dwg

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Section 2
Traffic Crashes

2.A. Crash Summary Data

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) **and**:
2. A minimum of eight crashes over the same three-year period.

The following table summarizes the CRF and number of crashes provided by MaineDOT for the 2006-2008 time period for those locations that satisfy one or more of the aforementioned criteria:

MaineDOT Crash Data for 2006-2008: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
16788	Commercial Street at Center Street	12	0.61	No
16790	Commercial Street at Union Street	9	0.53	No

Based on the information provided by MaineDOT, there are no high crash locations in the project study area. The crash information is provided in Attachment 2A.

2.B. Attachments

Attachment 2A – MaineDOT Crash Data

I. 22

Attachment 2A

MaineDOT Crash Data

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☑ Crash Summary I ☑ Section Detail ☑ Crash Summary II ☐ 1320 Included ☐ 1320 & Driver Report Included

REPORT DESCRIPTION

Commercial St from Center St to Union St in Portland

REPORT PARAMETERS

Year 2006, Start Month 1 through Year 2008 End Month: 12

Route: **0001A**	Start Node: **16788**	Start Offset: **0**	☐ **Exclude First Node**
	End Node: **16790**	End Offset: **0**	☐ **Exclude Last Node**

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Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

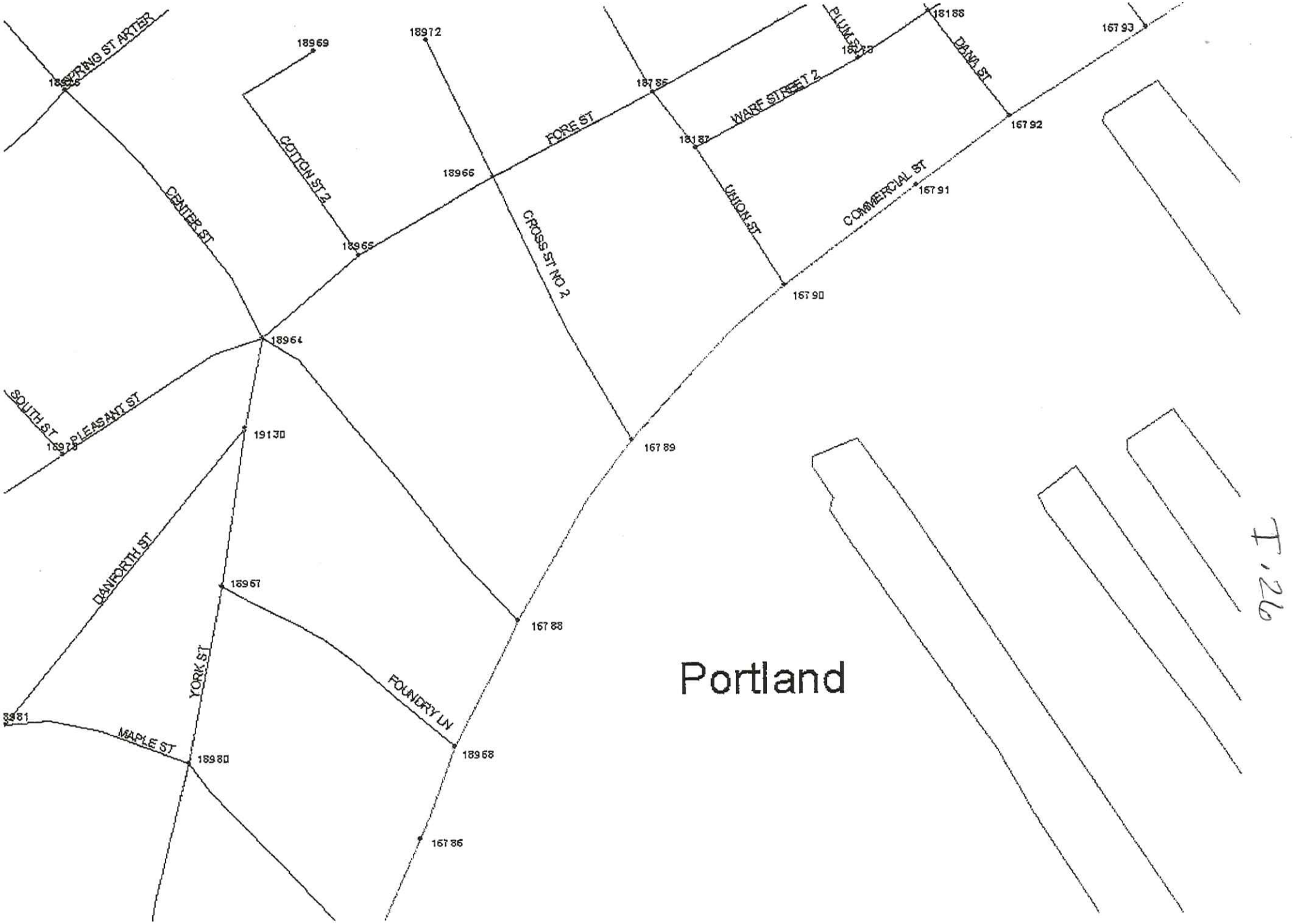
Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF
16788	0001A - 10.92	0507205 POR,COMMERCIAL,CENTER ST.	9	12	0	0	0	2	10	16.7	5.826	0.69	1.13	0.00
											Statewide Crash Rate:	0.66		
16789	0001A - 10.97	0507206 POR,COMMERCIAL,CROSS ST.2	2	5	0	0	0	1	4	20.0	4.984	0.33	0.39	0.00
											Statewide Crash Rate:	0.16		
16790	0001A - 11.03	0507207 POR,COMMERCIAL,UNION ST.	9	9	0	0	2	0	6	25.0	4.844	0.62	1.17	0.00
											Statewide Crash Rate:	0.66		
Study Years:	3.00	**NODE TOTALS:**		26	0	0	2	3	20	19.2	15.654	0.55	0.76	0.73

I.24

Crash Summary I

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section Length	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
Sections																	
16789	16790	192466	0 - 0.06	0001A - 10.91	0.06	2	3	0	0	0	0	3	0.0	0.00281	355.32	498.13	0.00
0507206 POR,COMMERCIAL,CROSS ST.2				US 1A									Statewide Crash Rate:		180.60		
16788	16789	192463	0 - 0.05	0001A - 10.92	0.05	2	0	0	0	0	0	0	0.0	0.00241	0.00	518.63	0.00
0507205 POR,COMMERCIAL,CENTER ST.				US 1A									Statewide Crash Rate:		180.60		
Study Years: 3.00				**Section Totals:**	0.11		3	0	0	0	0	3	0.0	0.00522	191.45	425.24	0.45
				Grand Totals:	0.11		29	0	0	2	3	23	17.2	0.00522	1850.66	637.15	2.90


SPRING ST ARTER
18969
18972
18786
18188
16793
PLUM ST
DANA ST
WARF STREET 2
18187
16792
FORE ST
COTTON ST 2
18966
CENTER ST
18965
CROSS ST NO 2
UNION ST
COMMERCIAL ST
16791
16790
18964
SOUTH ST
PLEASANT ST
19130
16789
DANFORTH ST
18967
16788
YORK ST
FOUNDRY LN
MAPLE ST
18980
18968
16786
Portland

I.26

I.27

Section 3
Development Entrances and Exits

3.A. Entrance and Exit Locations

The site is currently accessed via a full movement driveway onto Commercial Street. The project is not proposing any new accesses to the site.

3.B. Plan View

Attachment 1A of Section 1 shows the site location.

- Names of intersecting roads – The site is fronted by Commercial Street to the northwest.
- Posted speed limit – 25 mph (assumed)

Sight Line Review:

As part of this review, Gorrill-Palmer Consulting Engineers reviewed the sight distances of the site driveway. Based on the review, the sight line to the left is impacted by short term (on-street) parking approximately 65 feet from the driver's line of sight, resulting in visibility of approximately 140 feet. The sight line looking to the right is through the signalized intersection with Union Street, or in excess of 200 feet. While MaineDOT typically recommends a sight distance of 200 feet for a street at 25 mph (assumed for Commercial Street), to extend the sight distance would require removal of on-street parking. Furthermore, this is a common condition for driveways along Commercial Street and other locations in the downtown peninsula.

I. 28

Section 4
Title, Right or Interest

4.A. Evidence of Title, Right or Interest

A copy of the Deed for the site is included in Attachment 4A

4.B. Attachments

Attachment 4A – Deed

I.29

Attachment 4A

Deed

I. 30

KNOW ALL MEN BY THESE PRESENTS, THAT

POULTRY PROCESSING, INC., a Maine corporation having a principal place of business in Portland, County of Cumberland and State of Maine, for consideration paid by WATERFRONT, MAINE, a Maine limited partnership having a principal place of business in Brunswick, County of Cumberland and State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim unto the said WATERFRONT, MAINE, its successors and assigns forever, with QUITCLAIM COVENANTS the following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine and more particularly bounded and described as follows:

See Schedule A attached hereto and incorporated herein.

IN WITNESS WHEREOF, POULTRY PROCESSING, INC., as Grantor, and releasing all its rights in the above-described premises, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by George I. Lewis, its Vice President thereunto duly authorized, this 1st day of July, 1986.

Signed, Sealed and Delivered
in the Presence of:

POULTRY PROCESSING, INC.

By: _____
George I. Lewis
Its Vice President

STATE OF MAINE
CUMBERLAND, SS.

July 1, 1986

Personally appeared the above-named George I. Lewis, Vice President of Grantor corporation, as aforesaid, and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,

_____
Alva T. Hyson
~~Notary Public~~
Attorney at Law

I.31

Portland

PARCEL ONE:

The following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

A certain lot or parcel of land, flats, wharf, building, and railroad tracks situated on the southerly side of Commercial Street in said City of Portland now or formerly known as Merrill's Wharf and extending southeasterly from Commercial Street to low water mark. Said premises are bounded westerly in part by a line established between John Q. Twitchell and James P. Champlin and John Bradford by agreement dated April 13, 1883, recorded in the Cumberland County Registry of Deeds, Book 494, Page 433, and easterly by the line established between said John Q. Twitchell, James P. Champlin and the Proprietors of Union Wharf dated November 14, 1884, recorded in Cumberland County Registry of Deeds, Book 514, Page 180, and said premises including the benefit of an agreement with Richard Wharf Co. dated May 9, 1884, recorded in Cumberland County Registry of Deeds, Book 509, Page 185 and party wall agreement with Morris & Company, owners of Union Wharf, dated June 22, 1907, recorded in Cumberland County Registry of Deeds, Book 813, Page 87. Said premises are also subject to an agreement of easement with Cumberland County Power and Light Company dated March 2, 1935, recorded in Cumberland County Registry of Deeds, Book 1465, Page 311. Excepting, however, from the above described premises the portion thereof conveyed to Everett Wilson by Administrator's Deed dated July 10, 1897 recorded in Cumberland County Registry of Deeds, Book 654, Page 191, and Warranty Deed from James P. Champlin dated July 10, 1897, recorded in Cumberland County Registry of Deeds, Book 654, Page 193.

Also conveying, insofar as the Grantor has the power to grant the same, all water and riparian rights appurtenant to the above conveyed premises and rights in the area below the low water mark.

Also excepting and reserving the premises conveyed to Moulton Realty Co. by the Grantor herein by deed dated January 2, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4549, Page 85.

Also excepting and reserving from the above described premises, all of said land, flats, wharf, building, railroad tracks and water and riparian rights lying southerly of a line parallel to and twenty-five (25) feet southerly of the southerly side of the five story cold storage building located on the above described premises, right of way, and "right to locate underground utilities" as reserved in the deed of the premises from Poultry Processing, Inc. to Robert J. Levine, Trustee of Levine Realty Trust dated September 30, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4673, Page 162, which rights were subsequently acquired by the State of Maine by Notice of Taking by eminent domain dated March 24, 1981 recorded in said Registry, Book 4759, Page 119. Being the premises described in the deed from Poultry Processing, Inc. to Poultry Processing, Inc. dated March 19, 1986 and recorded in the Cumberland County Registry of Deeds, Book 7138, Page 317.

I. 32

KNOW ALL MEN BY THESE PRESENTS, That PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership with a principal place of business in Portland, County of Cumberland, State of Maine,

In consideration of One ($1.00) Dollar and other valuable considerations

Paid by WATERFRONT, MAINE, a Maine Limited Partnership, having an office at Main Street, Brunswick, Maine 04011.

The receipt whereof PROPERTY EXCHANGE PARTNERSHIP does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said WATERFRONT, MAINE, its successors and assigns forever,

A certain lot or parcel of land with the buildings and other improvements now or hereafter situated thereon, situated at and near 252 Commercial Street, Portland, County of Cumberland and State of Maine, more particularly described as follows:

Beginning at a point on the southerly sideline of Commercial Street in the City of Portland, Maine at the property line as agreed to by the Proprietors of Union Wharf and John Q. Twitchell and James P. Champlin as recorded in Book 514, Page 180 of the Cumberland County Registry of Deeds. Said point of beginning also being One Hundred Thirty-Nine and 44/100 (139.44) feet easterly along Commercial Street from the division line established between Twitchell and Champlin and John Bradford by agreement recorded in Book 494, Page 433 of said Registry. Thence by the following courses and distances:

1. S 23° 09' E along a party wall as described in an agreement between Morris & Co. and Twitchell and Champlin Co., recorded in Book 813, Page 87 of said Registry and along the line of agreement recorded in Book 514, Page 180 of said Registry Two Hundred Eight (208) feet to the end of a stone pier or retaining wall.

2. S 67° 00' W along the face of the wall Eighty-Two Hundredths (0.82) feet to a dock and building.

3. S 23° 09' E along the dock and building Nine and 55/100 (9.55) feet to a corner.

4. S 67° 09' W along the dock and building Thirty-Five and 40/100 (35.40) feet to the corner of the building as it now exists.

5. N 23° 08' 32" W along the building line One Hundred Eighty-Seven and 27/100 (187.27) feet to a corner.

6. N 10° 08' E along the building line Thirty-Two and 18/100 (32.18) feet to a corner at Commercial Street.

7. N 56° 49' E along Commercial Street Eighteen and 82/100 (18.82) feet to a point of beginning.

The description above is from a survey entitled "Plan of Property Merrill's Wharf" dated December 20, 1979 by Robert P. Titcomb, and recorded in the Cumberland County Registry of Deeds.

The bearings are magnetic of 1884.

ALSO the non-exclusive right, insofar as the Grantor has the power to grant the same, to use the lands and waters adjacent to the easterly sideline of the premises herein conveyed.

ALSO a right of way by vehicle and otherwise over the so-called Merrill's Wharf premises formerly of Poultry Processing, Inc. between the premises described herein and Commercial Street, such right of way to be in common with others for the purpose of entry and egress of the above-described premises. The non-exclusive right to locate underground utilities serving the premises described herein in the parcel between the above-described premises and the westerly boundary of said Merrill's Wharf, together with the right to connect to any common sewer pipe constructed or maintained by Poultry Processing, Inc., its successors or assigns, serving part or all of Merrill's Wharf, provided that Grantee shall be required to pay its fair and reasonable portion of the cost of such pipe and connection if Grantee elects to so connect, as well as its proportionate share of all assessments and charges made by the City of Portland or other governmental agency in relation to the use of said sewer.

ALSO the right to erect temporary scaffolding, store materials, park vehicles and conduct like activities incident to the repair, maintenance and alterations of the premises described herein on the Merrill's Wharf premises formerly of Poultry Processing, Inc. within ten (10) feet of the westerly sideline of the above-described premises, so long as such erections, storage, parking or activities do not unreasonably impede the use of said premises as a right of way for other owners, tenants and users of Merrill's Wharf.

Being part of the premises contained in the deed from the Executors of the Last Will and Testament of Benjamin Lewis to Cumberland Trading Co., Inc. dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 423. Said Cumberland Trading Co., Inc. merged into Pine State Beef Company on June 1, 1973. Said Pine State Beef Company merged into Poultry Processing, Inc. on October 28, 1974.

Also being the same premises conveyed to Robert J. Levine, Trustee of the Levine Real Estate Trust, by deed of MOULTON REALTY CO., dated January 2, 1980, and recorded in said Registry of Deeds in Book 4549, Page 113 and the same premises conveyed to Grantor by

I.34

Robert J. Levine, Trustee of the Levine Real Estate Trust by deed dated December 13, 1985 and recorded in said Registry of Deeds in Book 7005, Page 104.

Also hereby conveying all of the Grantor's right, title and interest in and to all easements, rights-of-way and other rights appurtenant to the above-described premises and in and to the fee underlying all public or private rights of way contiguous to said premises, and also including all mooring, wharfage and dockage rights and fees associated with said premises (all hereinafter sometimes referred to as the "Premises").

TO HAVE AND TO HOLD the aforegranted and bargained Premises, with all the privileges and appurtenances thereof, to the said Waterfront Maine, its successors and assigns, to its and their use and behoof forever.

And Grantor does covenant with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the Premises, that they are free of all encumbrances, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it will and its successors shall and will WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership, has caused this deed to be executed this 7th day of the month of August, 1987.

Signed, Sealed and Delivered in Presence of:

PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership

By: _____
John R. Gendron,
its General Partner

By: _____
Richard N. Gendron,
its General Partner

By: _____
Roger J. Gendron,
its General Partner

I.35

[illegible]

By: [illegible]
Charles P. Gendron,
its General Partner

STATE OF MAINE
CUMBERLAND, ss.

August 20, 1987

Then personally appeared the above-named John R. Gendron, Richard N. Gendron, Roger J. Gendron and Charles P. Gendron, and acknowledged the foregoing instrument to be their free act and deed in their said capacities, and the free act and deed of said general partnership.

Before me,

[illegible]
Notary Public
Attorney-at-Law

DIANE R. SOUZA
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES APRIL 21, 1992

Print Name

I. 36

Section 5
Public or Private Right-of-Way

5.A. Public or Private Rights-of-Way

No additional rights-of-way are proposed for this project.

I. 37

Section 6
Schedule

6.A. Schedule

The Applicant proposes to begin and complete the project in 2010.

I. 38

Section 7
Additional Information

Although not typically required for a 100-200 traffic movement permit, anticipated supplemental review was also performed for this project and is summarized as follows:

Capacity Analyses

Gorrill-Palmer Consulting Engineers, Inc. completed capacity analyses for Commercial Street at Merrill Wharf and at Union Street. The analyses were completed utilizing the HCM outputs of the Synchro software for the Union intersection, and the HCM software for the Merrill driveway. They are based on turning movement counts completed at these locations on May 3, 2010, which are included in Attachment 1B in Section 1.

Levels of service rankings are similar to the academic ranking system where an 'A' has little control delay and an 'F' represents extensive delay. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if an alternative form of traffic control may be advisable.

The following tables summarize the relationship between delay and level of service for signalized and unsignalized intersections:

Level of Service Criteria for Signalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

Level of Service Criteria for Unsignalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The results of the capacity analyses, based on the analysis results, are summarized as follows, with the detailed analysis sheets included in Attachment 7A.

I.39

Level of Service for Commercial Street at Union Street (Signalized)

Approach/Movement	2010 PM Peak Hour			
	Pre Build		Post Build	
	Delay (sec)	LOS	Delay (sec)	LOS
Union EB LT/TH/RT	14	B	14	B
Union Wharf WB LT/TH/RT	11	B	11	B
Commercial NB LT	7	A	7	A
Commercial NB TH/RT	8	A	9	A
Commercial SB LT	6	A	6	A
Commercial SB TH	10	B	10	B
Commercial SB RT	6	A	6	A
Overall	**10**	**B**	**10**	**B**

Level of Service for Commercial Street at Merrill Wharf (Unsignalized)

Approach/Movement	2010 PM Peak Hour			
	Pre Build		Post Build	
	Delay (sec)	LOS	Delay (sec)	LOS
Merrill WB LT/RT	13	B	17	C
Commercial NB TH/RT	<1	A	<1	A
Commercial SB LT	8	A	8	A
Commercial SB TH	<1	A	<1	A

Based on the findings of the analyses, all lane groups are anticipated to operate at a level of service 'C' or better. Based on the analyses, the addition of development traffic to the Commercial Street/Union Street intersection does not noticeably impact delay. Queuing from the Union Street and the Center Street signals did block the driveway several times while the counts were being conducted. However, this is not unusual in an urban environment.

Attachments

Attachment 7A - Capacity Analysis

I. 40

Attachment 7A

Capacity Analysis

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	J. Bartlett	Intersection	Commercial at Merrill
Agency/Co.	Gorrill-Palmer	Jurisdiction	Portland, Maine
Date Performed	5/4/2010	Analysis Year	2010
Analysis Time Period	PM Peak Hour		

Project Description: 2010 Adjusted Volumes: JN 2420

East/West Street: Merill Wharf | North/South Street: Commercial Street

Intersection Orientation: North-South | Study Period (hrs): 1.00

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		389	9	8		
Peak-Hour Factor, PHF	1.00	0.98	0.98	0.85	0.85	1.00
Hourly Flow Rate, HFR (veh/h)	0	396	9	9	834	0
Percent Heavy Vehicles	0	--	--	10	--	--
Median Type	Two Way Left Turn Lane					
RT Channelized			0			0
Lanes	0	1	0	1	1	0
Configuration			TR	L	T	
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				10		11
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.92	1.00	0.92
Hourly Flow Rate, HFR (veh/h)	0	0	0	10	0	11
Percent Heavy Vehicles	0	0	0	0	0	10
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration					LR	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L		LR				
v (veh/h)		9		21				
C (m) (veh/h)		1112		472				
v/c		0.01		0.04				
95% queue length		0.02		0.14				
Control Delay (s/veh)		8.3		13.0				
LOS		A		B				
Approach Delay (s/veh)	--	--	13.0					
Approach LOS	--	--	B					

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔		↰	↑		↰	↑	↱
Volume (vph)	47	3	165	35	11	21	39	355	6	9	509	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	12	12	12	12	12	12	12	12	12	11	11
Total Lost time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Lane Util. Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt		0.90			0.96		1.00	1.00		1.00	1.00	0.85
Flt Protected		0.99			0.97		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)		1685			1757		1805	1854		1480	1801	1531
Flt Permitted		0.91			0.80		0.36	1.00		0.47	1.00	1.00
Satd. Flow (perm)		1555			1441		691	1854		724	1801	1531
Peak-hour factor, PHF	0.84	0.84	0.84	0.86	0.86	0.86	0.81	0.85	0.85	0.75	0.96	0.90
Adj. Flow (vph)	56	4	196	41	13	24	48	418	7	12	530	60
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	256	0	0	78	0	48	425	0	12	530	60
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	2%	17%	22%	2%	2%
Turn Type	Perm			Perm			Perm			Perm		Perm
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		6
Actuated Green, G (s)		12.1			12.1		19.1	19.1		19.1	19.1	19.1
Effective Green, g (s)		12.1			12.1		19.1	19.1		19.1	19.1	19.1
Actuated g/C Ratio		0.29			0.29		0.46	0.46		0.46	0.46	0.46
Clearance Time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Vehicle Extension (s)		3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)		457			423		320	860		336	835	710
v/s Ratio Prot								0.23			c0.29	
v/s Ratio Perm		c0.16			0.05		0.07			0.02		0.04
v/c Ratio		0.56			0.18		0.15	0.49		0.04	0.63	0.08
Uniform Delay, d1		12.3			10.9		6.4	7.7		6.0	8.4	6.2
Progression Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2		1.6			0.2		0.2	0.4		0.0	1.6	0.1
Delay (s)		13.9			11.1		6.6	8.1		6.1	10.0	6.2
Level of Service		B			B		A	A		A	A	A
Approach Delay (s)		13.9			11.1			8.0			9.5	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	9.9	HCM Level of Service	A
HCM Volume to Capacity ratio	0.61		
Actuated Cycle Length (s)	41.2	Sum of lost time (s)	10.0
Intersection Capacity Utilization	54.2%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	J. Bartlett	Intersection	Commercial at Merrill
Agency/Co.	Gorrill-Palmer	Jurisdiction	Portland, Maine
Date Performed	5/12/2010	Analysis Year	2010
Analysis Time Period	PM Peak Hour		

Project Description: 2010 Build Volumes: JN 2420

East/West Street: Merrill Wharf | North/South Street: Commercial Street

Intersection Orientation: North-South | Study Period (hrs): 1.00

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		389	12	12		
Peak-Hour Factor, PHF	1.00	0.98	0.98	0.85	0.85	1.00
Hourly Flow Rate, HFR (veh/h)	0	396	12	14	834	0
Percent Heavy Vehicles	0	--	--	2	--	--
Median Type	Two Way Left Turn Lane					
RT Channelized			0			0
Lanes	0	1	0	1	1	0
Configuration			TR	L	T	
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				70		69
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.92	1.00	0.92
Hourly Flow Rate, HFR (veh/h)	0	0	0	76	0	74
Percent Heavy Vehicles	0	0	0	2	0	2
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration					LR	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L		LR				
v (veh/h)		14		150				
C (m) (veh/h)		1151		463				
v/c		0.01		0.32				
95% queue length		0.04		1.42				
Control Delay (s/veh)		8.2		16.5				
LOS		A		C				
Approach Delay (s/veh)	--	--	16.5					
Approach LOS	--	--	C					

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔			↑			↑	
Volume (vph)	47	3	167	35	11	21	45	407	6	9	511	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	12	12	12	12	12	12	12	12	12	11	11
Total Lost time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Lane Util. Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt		0.90			0.96		1.00	1.00		1.00	1.00	0.85
Flt Protected		0.99			0.97		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)		1685			1757		1805	1855		1480	1801	1531
Flt Permitted		0.91			0.80		0.36	1.00		0.41	1.00	1.00
Satd. Flow (perm)		1557			1442		687	1855		631	1801	1531
Peak-hour factor, PHF	0.84	0.84	0.84	0.86	0.86	0.86	0.81	0.85	0.85	0.75	0.96	0.90
Adj. Flow (vph)	56	4	199	41	13	24	56	479	7	12	532	60
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	259	0	0	78	0	56	486	0	12	532	60
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	2%	17%	22%	2%	2%
Turn Type	Perm			Perm			Perm			Perm		Perm
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		6
Actuated Green, G (s)		12.2			12.2		19.2	19.2		19.2	19.2	19.2
Effective Green, g (s)		12.2			12.2		19.2	19.2		19.2	19.2	19.2
Actuated g/C Ratio		0.29			0.29		0.46	0.46		0.46	0.46	0.46
Clearance Time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Vehicle Extension (s)		3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)		459			425		319	860		293	835	710
v/s Ratio Prot								0.26			c0.30	
v/s Ratio Perm		c0.17			0.05		0.08			0.02		0.04
v/c Ratio		0.56			0.18		0.18	0.57		0.04	0.64	0.08
Uniform Delay, d1		12.4			10.9		6.5	8.1		6.1	8.4	6.2
Progression Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2		1.6			0.2		0.3	0.9		0.1	1.6	0.1
Delay (s)		13.9			11.1		6.7	8.9		6.1	10.1	6.2
Level of Service		B			B		A	A		A	B	A
Approach Delay (s)		13.9			11.1			8.7			9.6	
Approach LOS		B			B			A			A	

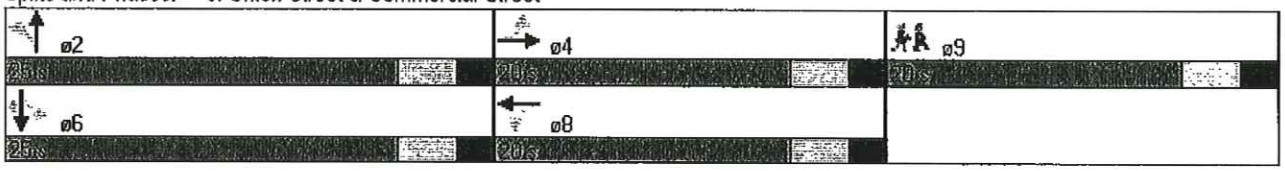
Intersection Summary			
HCM Average Control Delay	10.1	HCM Level of Service	B
HCM Volume to Capacity ratio	0.61		
Actuated Cycle Length (s)	41.4	Sum of lost time (s)	10.0
Intersection Capacity Utilization	56.3%	ICU Level of Service	B
Analysis Period (min)	15		
c Critical Lane Group			

Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT	SBR	ø9
Lane Configurations										
Volume (vph)	47	3	35	11	45	407	9	511	54	
Turn Type	Perm		Perm		Perm		Perm		Perm	
Protected Phases		4		8		2		6		9
Permitted Phases	4		8		2		6		6	
Detector Phase	4	4	8	8	2	2	6	6	6	
Switch Phase										
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0
Total Split (s)	20.0	20.0	20.0	20.0	25.0	25.0	25.0	25.0	25.0	20.0
Total Split (%)	30.8%	30.8%	30.8%	30.8%	38.5%	38.5%	38.5%	38.5%	38.5%	31%
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	
Lead/Lag										
Lead-Lag Optimize?										
Recall Mode	None	None	None	None	None	None	None	None	None	None

Intersection Summary

Cycle Length: 65
Actuated Cycle Length: 41.5
Natural Cycle: 65
Control Type: Actuated-Uncoordinated

Splits and Phases: 3: Union Street & Commercial Street



CARROLL ASSOCIATES

217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712

LANDSCAPE ARCHITECTS

Attachment J. 1

May 18, 2010

Ms. Penny Littell, Planning Director
Ms. Jean Fraser, Planner
City of Portland
389 Congress street
Portland, ME 04101

RE: Cumberland Cold Storage Building- Response to Staff Review Comments

Dear Penny,

We have reviewed the Plan Review comments from Zoning, Traffic, Public Services, and Fire, and are submitting response comments to their memorandums as an attachment to this letter. Additionally, We are resubmitting sheets L-1.0 and L-2.0, as modifications to the plans have taken place as a result of ongoing review with the staff, updated survey information, and meetings and discussions with Maine DEP.

On behalf of the Applicant we would also like to formally request a waiver to the City Standards relating to parking lot dimensions, aisle width, and distances between driveways. The proposed site plan reconfigures a very confusing parking lot, reduces the curb cut width along Commercial Street, and provides safe circulation throughout the site. We believe the minor modifications to space depth and lot width do not compromise circulation or safety and are consistent with many other dimensions found in Portland. The driveway separation between this project and the abutter to the south id improved by this plan, and the City's traffic engineer has noted in his comments that he would support such waivers from the standards.

Significant modifications to the plans include the following changes:

1. The site plan has been slightly revised based on the new survey information. It is noted that the overall concept for the site is consistent with the previous submitted plan.
2. The roof runoff has been shown as collected in an 8" pipe inside the basement and discharged out the end of the building into a bio-swale filter area prior to discharge into Casco Bay. This solution is indicated as a way to collect runoff that currently is discharged onto abutter property, and is consistent with conversations with DEP staff regarding treatment of this flow. The Applicant is also discussing the long term use of the land directly behind the Cold Storage Building where the roof runoff discharges with the City and Fish Pier, in an effort to resolve ongoing runoff issues from the abutting properties that flood the Cold Storage Building on occasion. We are hopeful that a solution can be worked out that benefits all parties.
3. The survey indicated a significant encroachment of the Brown Trading Company loading dock onto our property. The site plan has been developed to allow this loading dock to continue to function, but the Applicant realizes that a formal solution to the issue will need to be worked out between the parties involved.

J.2

The attached memorandum addresses all issues raised to date by the staff review, and we believe the project is substantially improved by their comments and critiques. We look forward to meeting with the Planning Board at its Workshop on May 25, 2010, and subsequent Public Hearing. As evident by the many meetings and communication to date by the Applicant, it is our intent to work closely with the City to insure that all issues are identified and addressed. We see the Workshop as a critical platform for dialog and look forward to discussing the project in detail.

Please do not hesitate to contact me if you have any questions or need additional information.

With Regards,
CARROLL ASSOCIATES

Patrick Carroll, Principal

Att: Response Memo 5/18/10
Site Plan Revisions L-1 and L-2

CC: Christopher Pachios
Donal Carroll
Anthony Gatti
Steve Weatherhead
Steve Blais

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LANDSCAPE ARCHITECTS

J.3

PROJECT MEMO: **Cumberland Cold Storage Building**
254 Commercial Street

TO: **Penny Littell, Jean Fraser**
FROM: **Pat Carroll**
DATE: **May 18, 2010**

RE: Cumberland Cold Storage Building- Response to Staff Review Comments

We have reviewed the Plan Review comments from Zoning, Traffic, Public Services, and Fire, and offer the following responses:

ZONING (Marge Schmuckal, dated 5/11/2010)

Comment: The change of use for office use is approximately 80,207.39 square feet above the first floor. This information is based upon my calculations using the first floor footprint. The applicant should confirm those calculations.

Response: Based on the recently updated survey and field measurements, the following building gross floor area calculations are submitted:

Floor	Existing	Proposed	Existing Use	Proposed Use
Floor 1	20,473 SF	20,473 SF	Marine/ Storage	Marine/ Lobby
Floor 2	20,473 SF	20,507 SF	Storage	Professional Office
Floor 3	20,373 SF	20,507 SF	Storage	Professional Office
Floor 4	20,473 SF	20,507 SF	Storage	Professional Office
Floor 5	18,788 SF	18,882 SF	Storage	Professional Office
Total Floor Area	100,680 SF	100,816 SF		
Total Marine Space	20,473 SF	20,473 SF		
Total Office Space	80,207 SF	80,343 SF		

Comment: The applicant is proposing to add a glass bump out which is 2' x 10' by the height of the building for the entry way. This bump out meets the WCZ setback requirements. The applicant is also showing an exterior deck on the top of lower roof. There is no tangible information showing this deck. No dimensions – no specifics are given for review. Without more specific information, I cannot further review or approve it. It may be considered an expansion of the legally nonconforming building height and could not be allowed without special approvals.

Response: The glass bump out dimensions have been modified to 2'-8" x 12'-10", or approx 34 SF per floor. A portion of the roof deck (+/- 1000 sf) over the west end of the building above the fourth floor is intended to become an outdoor space for the tenants. No increase on building height is proposed for this terrace, and we believe any guardrails necessary for safety purposes would be interpreted as an accessory element to the roof and not fall under the definition of building height. (The existing building height was measured by the Architect on May 17, 2010 and determined the height at the parapet of the fourth floor roof is approximately 55'-6")

Comment: The proposed parking and circulation must be reviewed and approved under a conditional use appeal to the Planning Board under section 14-309(2) a & b.

Response: The Applicant is aware of this requirement and anticipates that this will be part of the overall Site Plan Review and approval.

J.4

Comment: I will need the applicant's confirmation of the amount of change of use for the office space before determining the need of off-street loading requirements under section 14-315(i). If the office space is over 100,000 square feet, there is a requirement to show a 14' x 50' loading area.
Response: As indicated above, the gross area of office space is 80,434 sf, which falls below the threshold of requiring a dedicated loading area.

Comment: The applicant has shown that there will be no adverse impact on marine uses as required under the four prong test listed under section 14-306. The applicant is retaining the existing berthing spaces and 6 parking spaces for their use. Also being reserved is a 5 foot marine use area abutting the berthing spaces. 15 parking spaces are also reserved for ground floor marine uses. 50 parking spaces remain for the professional offices. 8 bicycle spaces are also being provided.
Response: The Applicant agrees with the above comment.

Comment: The project is located on panel 13 of the FEMA Floodplain maps. The area is in Zone A-2 with an elevation of 10. The plans show grades of 97.34' to 99'. I would like confirmation as to what base the grade datum was used. The FEMA maps are based upon NGVD (National Geodetic Vertical Datum) of 1929. What would be the grades using NGVD? I want to compare to the FEMA maps using the same basis. It is my understanding that the building and the site is located on filled land. It is not over water.
Response: The updated stamped survey has based all elevations on the City of Portland datum, which is 0.003 (1/4") lower than the NGVD 1929 datum that the FEMA maps are based on. The site plan grades and elevations have been revised to match this City datum. The finish floor of the lobby is anticipated to be at elevation 11.90.

Comment: I do not see any information regarding new HVAC systems. It is reminded that the WCZ Zone has maximum noise requirements under the performance standards of 14-315. There generally is a maximum of 75 dBAs requirement measured at lot boundary lines. Prior to final zoning approvals I will need such information.
Response: The Applicant is currently developing plans for the mechanical systems for the project, is aware of the noise requirement under the performance standards of 14-315, and is confident that those noise requirements can be met at the property line. Once a system has been determined the appropriate noise information will be forwarded to the City for review and approval.

Comment: 14-315(e) concerns discharges into harbor areas. "No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of parks and public works in accordance with chapter 24, article III of this code." Section 14-449(m) of the shoreland regulations also address stormwater runoff. That section reads: "All new construction ***and development*** *shall be designed to be in compliance with the City of Portland Technical and Design Standards and Guidelines to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm water. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning." I will be consulting with public services and our engineers to ensure that these sections of the ordinance are appropriately met.*
Response: The proposed stormwater management plan attempts to manage the stormwater by removing it from the existing combined sewer system on Commercial Street, treating approximately 10,000 sf of paved parking area in a tree box filter, redirecting roof runoff that currently discharges onto abutting properties into a bio-swale filter, and utilizing deep sumps and oil/grit separators on catch basins prior to discharge into the Fore River. A long term maintenance plan and agreement with the City will be submitted and part of this project review and approval. This approach was reviewed with DEP on May 17, 2010 and found to be acceptable to them as a Permit by Rule activity.

J.5

Comment: Separate permits are required for any new signage.
Response: A separate permit for Building signage will be made by the tenant under a separate application. A freestanding project identification sign is proposed to be located at the entrance from Commercial Street and is indicated on Sheet L-1.0. The actual sign will be applied for under a separate permit from the Applicant at a later date.

Comment: The lobby with stairs and elevators shown on the first floor are meeting the WCZ requirements.
The WCZ Zone is exempt from the 75' setback from HWM as stated under section 14-449(a).
Response: We concur with the above findings.

Comment: Please submit your stamped survey site plan as soon as possible. It will be needed to confirm specifics.
Response: An updated, signed and stamped survey was submitted to the City on May 12, 2010 and is made part of the revised set of drawings being submitted with this memorandum.

TRAFFIC (Tom Errico, dated May 13, 2010)

Comment: As noted in my email of last Friday, the project will require a Traffic Movement Permit. As soon as I receive the application, I will review it for completeness and will schedule a scoping meeting as soon as possible.
Response: A Traffic Movement Permit Application was filed with the City on May 14, 2010. A scoping meeting has been scheduled for May 21, 2010 at 12:30 pm at City Hall. Notices have been sent to abutters and were published in the Press Herald on May 13, 2010.

Comment: Parking stall dimensions do not meet City standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.
Response: A letter requesting a waiver from the parking stall and distance between driveways is submitted as an attachment to this memorandum.

Comment: Parking aisle widths do not meet City standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.
Response: The revised site plan maintains a 24 foot aisle width which is consistent with City Standards.

Comment: The distance between the proposed site driveway and the existing loading dock driveway for Brown Trading Company does not meet City Standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.
Response: A letter requesting a waiver from the parking stall, aisle width, and distance between driveways is submitted as an attachment to this memorandum.

Comment: A portion of the Brown Trading Company loading dock is located on the applicant's site and therefore the plans should note removal of the dock.
Response: The Applicant is aware of the encroachment issue and will be contacting Brown Trading to discuss long term options for its use. The current site plan has been designed to allow use of the loading dock by Brown Trading Company.

J. 6

Comment: The City has been collecting monetary contributions for improvements to the Commercial Street/High Street intersection. Based upon my initial review the project will have a traffic impact at the Commercial Street/High Street intersection. Accordingly, the applicant may be required to make a contribution. I have not estimated the contribution amount but will do so upon receipt of revised trip generation and assignment data from the applicant.

Response: We anticipate that this calculation will be determined as part of the scoping meeting and review of the Traffic Movement Permit Application.

Comment: The applicant shall conduct an evaluation of vehicle queuing at the Commercial Street/Union Street intersection particularly as it relates to blockage of the project site driveway. Under current conditions it is common for queues to extend past the proposed driveway. While it was briefly noted in the applicants report, further detail is necessary.

Response: We anticipate that this calculation will be determined as part of the scoping meeting and review of the Traffic Movement Permit Application.

Comment: While not required under the City's Ordinance, it is suggested that the applicant consider Transportation Demand Management strategies that will help to reduce single-occupant vehicles. City staff can assist the applicant in developing such a program.

Response: The Applicant is considering this option with the proposed tenant and will respond in a separate letter to the City.

Comment: The applicant should provide a parking analysis for review that identifies the required parking supply for the project and how it will be met.

Response: A parking analysis identifying the project parking need based on employees and how that need is being met follows:

Use	# Employees	Parking Required
First Floor Marine	15	15
Marine berthing	6	6
Office- primary Tenant	175	175
Office- secondary Tenant	25	25
Total Demand	220	220

Parking will be accommodated in the following ways:

On-site		79 spaces (inc 8 bicycle spaces)
Off-site	Fish Pier Authority	70 spaces
	Additional Sites *	+/- 71 spaces

- The Applicant is in discussions with several property owners in the immediate area and will submit letters of intent once a final parking demand is agreed upon.

Comment: The applicant should provide auto-turn graphics that illustrates how delivery trucks will maneuver on and off the site.

Response: Turning movements for a standard UPS/ FedEx delivery truck are currently being reviewed and will be submitted to the City when completed. Options being considered include turning around in the service area, at the end of the parking area, and acquiring access through the City property at the end of the site. We are evaluating these options for safety, convenience, and traffic management.

J.7

PUBLIC SERVICES (David Margolis-Pineo May 12, 2010)

Comment: The submitted plans have not been stamped by a Professional Engineer.
Response: The revised plans dated May 18, 2010 have been stamped by a professional Engineer and Registered Landscape Architect.

Comment: The plan sheet L-3.0, Details, do not accurately reflect the City's current standards. However Note 5 states: "All work shall meet the requirements of the City of Portland ……" The applicant's contractor shall coordinate all work within the City R-O-W prior to starting work.
Response: We Are aware that the City is in the process of updating its standard details and will be revising the plans to reflect the adopted City Design Standards.

Comment: It is requested that the applicant connect the proposed 6" sewer lateral into the 48" interceptor sewer and not as shown. The conditions of Note 2 above shall apply.
Response: The existing 6" sewer line is in service and has adequate capacity to serve the proposed building. The Applicant is not proposing to modify this sewer lateral.

Comment: The applicant proposes to re-grade the south-west side of the building to carry roof drainage to the proposed catch basin on the south-east side of the building. This will require a drainage easement from the abutting property owners. The applicant may want to consider an alternative method of collecting and directing roof drainage from this side of the building.
Response: The Applicant is discussing options for grading and drainage along the south side of the building with the Fish Pier and City in hope of developing a solution that benefits all parties. As a backup, the Applicant is proposing to collect all roof water currently discharging onto the abutter's property into an internal roof drain system in the basement and discharging into a vegetated bio-swale area on the east side of the building, where it will be piped into a catch basin and ultimately discharged into the Fore River.

Comment: It is recommended that the applicant add the proposed eight bicycle parking spaces to "Parking On-Site," Sheet L-1.0.
Response: The On-site Parking count on Sheet L-1.0 has been updated to include the bicycle parking.

Comment: The applicant is proposing to re-direct the drainage from the front portion of the parking lot from the City's sanitary sewer system and treat that water by using a tree box filter and discharging to Portland Harbor. The City is very appreciative of this effort to reduce Combined Sewer Overflow volumes and to treat stormwater from their parking lot. To follow the same line of thinking for the remainder of the parking lot, the City is asking the applicant to consider re-direction the drainage from the harbor side of the parking lot to one or two additional tree box filters located in the lawn area at the south-east end of the building. The discharge could be directed into the proposed catch-basin system.
Response: The proposed project falls below the Chapter 500 Rules for Stormwater Management and as such no treatment if stormwater is required. The applicant is willing to provide some level of treatment and has proposed to remove stormwater from the existing combined sewer system and treat it with a tree box filter. This effort will treat approximately 10,000 sf of the paved area. The Applicant has looked at regrading the site to redirect drainage from the harbor side to the lawn area and determined that it is unfeasible due to the grades across the site and the need to provide accessible entry to the building. The Applicant is also intending to treat the roof water (approximately 20,000) sf in a bio-swale filter that will be located on the south side of the driveway, discharging into the proposed catch basin.

J. 8

Comment: *The proposed brick sidewalk and drive apron do not reflect city standard. Again, please refer to note 2 above. Re-setting of the granite curbing may be necessary for a seven inch curb reveal.*
Response: We Are aware that the City is in the process of updating its standard details and will be revising the plans to reflect the adopted City Design Standards.

Comment: *The Maine Department of Environmental Protection requires permits to "All discharges to the waters of the State of Maine." The applicant has indicated that a Permit by Rule will be applied for.*
Response: The Applicant and City Planning Staff met with Maine DEP on Monday May 17, 2010 and it was determined that with some modifications to the plans the project would meet the standards for a Permit by Rule. A copy of this Notification Form will be submitted to the City upon completion.

FIRE DEPARTMENT (Keith Gautreau 5/13/2010)

Comment: *In regards to 254 Commercial Street (Cumberland Cold Storage Building project # 10-99900003) the proposed Fire / Emergency access to the structure is acceptable to the Fire Department. It is an existing building with a propose change of use which will change the occupancy from storage to business. The proposed building will meet all applicable building and fire codes (NFPA 101, 1, 13, 72) related to the business occupancy chapters. In addition, the structure will comply with any local ordinances and fire alarm rules.*
Response: The Applicant acknowledges the response by the Fire Department and confirms that the project will meet all applicable building and fire codes. This project will also be reviewed/ approved by the State Fire Marshall prior to construction.

Attachment K.1;

CARROLL ASSOCIATES
217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712
LANDSCAPE ARCHITECTS

PROJECT MEMO: **Cumberland Cold Storage Building**
254 Commercial Street

TO: **Jean Fraser**
FROM: **Pat Carroll**
DATE: **May 20, 2010**

RE: **Parking and Traffic Circulation Plan**

Redevelopment of the Cumberland Cold Storage Building on Merrill's Wharf will require reconfiguration of the existing site to accommodate vehicular and pedestrian circulation to a new building entrance located on the north (water) side of the building. It is the intent of Waterfront Maine that this renovation and change in use of the building will improve the existing site conditions, reduce congestion and insure the continued access and use of Merrill's Wharf and the first floor of the building for marine activities.

The current use of the site accommodates approximately 102 parking spaces, most of which are leased for tenants that live/ work in the Old Port area. The parking is configured to provide the maximum spaces that the site can accommodate. The parking arrangement has two entrances from Commercial Street, merging into a single drive aisle along the face of the Cold Storage Building, restricted in places. No dedicated turnaround for vehicles currently exists.

Marine Use along the pier consists of 5-6 commercial fishermen that berth their boats along the wharf. The area immediately adjacent to the wharf is utilized by the fishermen to stockpile traps, bait and boat supplies. Additional storage space is provided along the floats that the boats tie up to.

The proposed reconfiguration of the site reduces the on-site parking to 71 vehicle spaces plus 8 bicycle spaces and defines a single 24 foot driveway aisle into and through the property. Parking is double loaded in the western end of the site towards Commercial Street and becomes single loaded along the building. A 6 foot wide pedestrian sidewalk is planned to extend along the south side of the parking connecting the building with Commercial Street.

The driveway and parking configuration between the building and wharf edge has been designed to provide a separation of use between the building and pier tenants and keeping pedestrians and vehicles away from the pier edge to allow tenants of the marine use to continue to function. A dedicated 'marine use' zone varying in width between 5 feet and 7 feet between the driveway and pier edge will ensure adequate space for storage of traps and other necessities of the fishermen. A 6" vertical curb will provide a physical delineation of this zone, act to divert runoff from their work areas, and provide a safety barrier for vehicles traveling along the driveway. Six dedicated spaces will be provided for the berthing employees, and it is assumed that they may utilize the north side of the drive aisle for short periods to load/ unload their vehicles if necessary.

The remaining 65 parking spaces will be utilized by the tenants of the building, with up to 15 spaces dedicated to the marine use allowed on the first floor and the remaining 50 spaces leased for office use

Att. K.1ii

tenants. Parking required in addition to what can be accommodated on-site will be secured in a number of off-site locations, including up to 70 spaces located on the Fish Pier. The Applicant is currently in the process of securing Letters from the various property owners which will satisfy the parking demands of the project.

A parking demand has been calculated based on actual projected employee need and can be described as noted below:

Use	# Employees	Parking Required
First Floor Marine	15	15
Marine berthing	6	6
Office- primary Tenant	175	155*
Office- secondary Tenant	25	20
Total Demand	221	196

* See attached letter from Pierce Atwood

Loading and unloading for the building will be either in the service alley located along the west side of the building or directly in front of the entrance for short term deliveries (UPS, FedEx, etc). Given the small amount of traffic anticipated at this end of the pier and the 24 foot aisle width, we do not anticipate any blockage of vehicles resulting from short term loading and unloading at the building entrance. A vehicle turnaround will be designated that accommodates a standard delivery truck or typical automobile/ truck. It is noted that the adjacent Fish Pier net mending area will continue to be accessible by the City through their access easement, although we believe the existing gate should be maintained to prevent unnecessary through traffic by others.

An existing loading dock for the abutting Brown Trading Company is encroaching well within the Waterfront Maine Property and the current site plan provides for continued use of part of this loading area. The Applicant is currently in discussions with this abutter to reconcile this encroachment.

In summary, the proposed site plan will ensure that access to and the functioning marine use of the pier, first floor use of the building, and the abutting loading facility is maintained and protected. Traffic function will be greatly improved over current conditions, resulting in significant reduction in congestion throughout the site.

Attachment K.2i

PIERCE ATWOOD
LLP
ATTORNEYS AT LAW

Dennis C. Keeler

One Monument Square
Portland, ME 04101

207-791-1331 voice
207-791-1350 fax
dkeeler@pierceatwood.com
pierceatwood.com

Admitted in: CO ME NH

May 20, 2010

Christopher Pachios
Waterfront Maine LP
14 Maine Street
Brunswick, ME 04011

Re: Cold Storage Building

Dear Chris:

You have asked me to provide you with some information regarding our parking needs and general information about our programs and schedules insofar as they impact parking.

As you know, we have approximately 170 employees and attorneys in our Monument Square office. We use 150 to 153 parking spaces scattered among four or five parking garages and a couple of surface lots. Accordingly, we are looking to secure approximately 155 spaces for our attorneys and staff, together with some client parking.

As part of our benefits package, Pierce Atwood also provides commuting benefits. For example, we provide a transportation subsidy for employees who take the bus. We also have a subsidy for people who commute to work by bike. Currently, we have three people getting the bicycle subsidy and nine people getting the bus subsidy.

You also asked about the schedule of work hours. The staff generally comes in between 8:00 and 8:30 a.m. and leaves at 5:00 p.m. The staff, however, comprises less than half of the total personnel working at Monument Square. Approximately 95 of the people at Monument Square are attorneys. The work hours for attorneys vary widely. Some come in as early as 6:00 or 6:30 in the morning and some as late as 9:00 or 9:30 a.m. In the evening, some attorneys may leave between 5:00 and 5:30 p.m., although many attorneys do not leave until 6:00 p.m. or 7:00 p.m. in the evening or later. In addition, given the nature of our practice, on any given day, a significant percentage of the attorneys will not be in the office. They may be out of Town on business; working out of one of our other offices; working from home, visiting clients or otherwise out of the office serving client's needs.

Att. K. 2ii

As a result of all of the above, it is inaccurate to think that there will be 175 cars arriving at any location relating to a Pierce Atwood Portland office. As a result of public transportation incentives, bicycling and other alternatives and the varied schedules of the professionals in the office, that number is significantly reduced and spread out through the day.

If you have any further questions, please let me know.

Sincerely,

Dennis C. Keeler

DCK/mtd

Attachment L. 1.i

Jean Fraser - RE: Cold Storage Building - Roof Deck

From: "Helen Edmonds" <hedmonds@PierceAtwood.com>
To: "Marge Schmuckal" <MES@portlandmaine.gov>
Date: 6/1/2010 3:15 PM
Subject: RE: Cold Storage Building - Roof Deck
CC: <pcarroll@carroll-assoc.com>, "Dennis Keeler" <dkeeler@pierceatwood.com>...

Marge,

Bob Caulfield, our architect, has provided the following responses to your questions about the construction of the rootop deck:

All design and construction details are in the preliminary stage.

That said, the structural details have yet to be fully studied and are not totally engineered, but suffice to say the floor joists will more than likely be a combination of steel main beams and joists fire retardant wood blocking.

While we haven't worked out the actual attachment to the roof itself, we envision the only connections to the roof will be with steel posts/columns, which will engage existing columns and bearing walls of the base building.

The flooring will be removable so as to allow any access to the existing roof, should any troubleshooting be required in the future.

Again, this is meant to give an over-view on the construction of the deck. I am confident that my assumptions at this time, will be the basis of the actual Engineering and Architectural details.

Bob has indicated that he is not able to provide exact specifications for the sizing of supports and joists at this time, however they will be sized no larger than is needed to satisfy applicable codes and support requirements.

Please let us know if you require any additional information, Marge.

Thanks very much,

Helen L. Edmonds
Pierce Atwood LLP
77 Winthrop Street
Augusta, Maine 04330
207-622-6311 voice
207-623-9367 fax
hedmonds@pierceatwood.com
http://www.pierceatwood.com/bios/edmonds.html

This email was sent from the law firm Pierce Atwood LLP. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it, please delete it and notify us as soon as possible. Thank you.

Att. L.1 ii

From: Marge Schmuckal [mailto:MES@portlandmaine.gov]
Sent: Wednesday, May 26, 2010 11:56 AM
To: Helen Edmonds
Cc: pcarroll@carroll-assoc.com; Dennis Keeler; Jean Fraser; Penny Littell; Robert Caulfield
Subject: Re: Cold Storage Building - Roof Deck

Thank you Helen,
Can I get more information concerning how the terrace/deck will be constructed? The elevation that you submitted does not give any structural details concerning how it will be "attached" to the existing roof. Size of joists? supports? etc. I am not thinking that what I believe you are proposing will impact the legal nonconforming height of this section of the building. But I want to be sure on every thing that is being proposed.
Marge

>>> "Helen Edmonds" <hedmonds@PierceAtwood.com> 5/25/2010 1:05 PM >>>

Dear Marge:

I have been asked to help facilitate the Planning Board's review of the Cumberland Cold Storage Building renovation project, and have received a copy of your comments on the Applicant's site plan review application. In response to your comments on the proposed rooftop deck, I am attaching below some preliminary concept plans that should help to answer your questions.

As you noted in your follow up comments of May 18, the building height for a flat roof is measured to the top of the structural roof beams. The plans for the rooftop deck will respect this definition. The concept calls for a platform design, to be placed on top of the current roof structure and accessed via a doorway from the adjacent interior space. While safety of course dictates a railing around the deck area (the specific design of which has not yet been determined), the deck will not be otherwise enclosed or roofed. The architect presently envisions that the railing will be placed inboard of the roof edge by approximately 3 feet on all sides; the final plan will be modified to reflect the exact distance from the railing to the parapet. Although not yet indicated on the attached plans, the slightly sloped surface of the roof will require one or two steps (with a lift or ramp for accessibility) from the interior floor up to the deck's level surface. The final plans will be prepared in consultation with a structural engineer to ensure proper design, but it is not expected that the decking surface will require roof penetrations except for support columns. Finally, while plans have not been prepared at this time, we anticipate that the space will include seating and landscaped planters for shade and color.

We would be happy to meet with you if necessary to discuss this issue in more detail. Please feel free to give me a call if you have any questions.

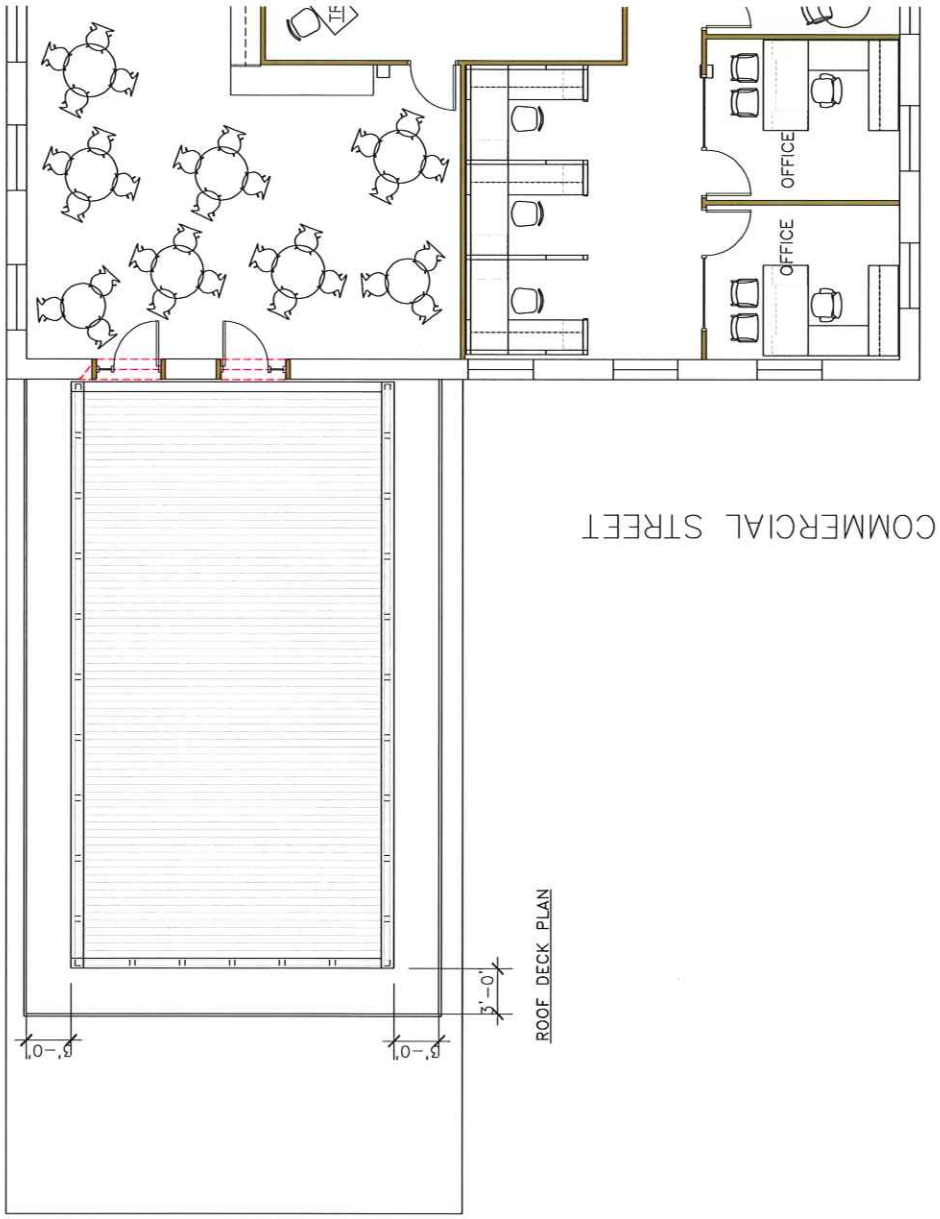
Best regards,
Helen Edmonds

<<ROOF DECK PLAN.pdf>> <<ROOF DECK ELEVATION.pdf>>

Helen L. Edmonds
Pierce Atwood LLP
77 Winthrop Street
Augusta, Maine 04330
207-622-6311 voice
207-623-9367 fax
hedmonds@pierceatwood.com
http://www.pierceatwood.com/bios/edmonds.html

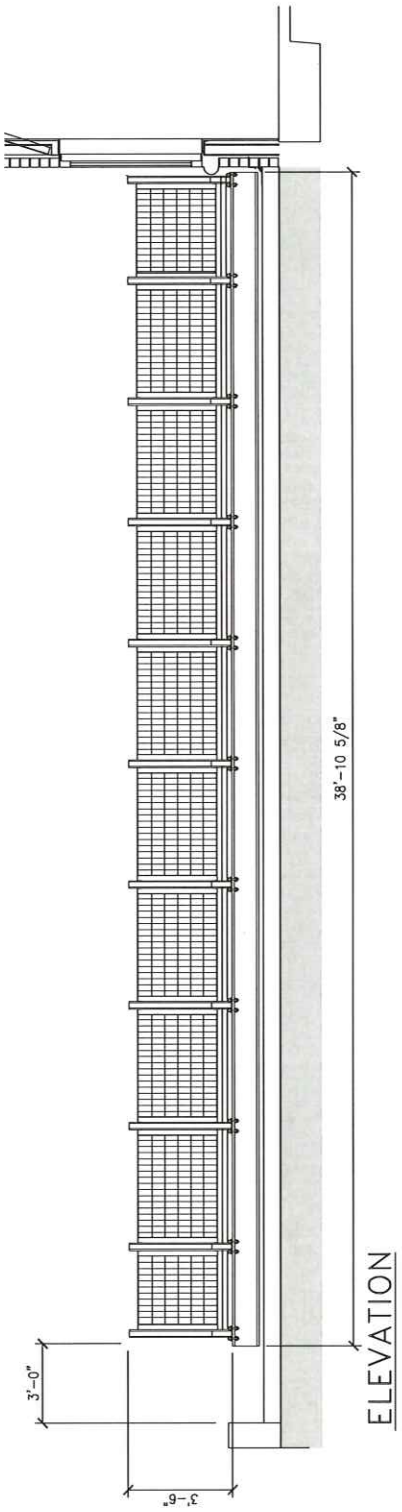
This email was sent from the law firm Pierce Atwood LLP. It may contain

Att. L-1iii



ROOF DECK PLAN

Att. L.1 iv



ELEVATION

with e-mail from
Helen Edmonds 5.26.10

Attachment M.1

Gorrill-Palmer Consulting Engineers, Inc.
Transportation and Civil Engineering Services

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail:mailbox@gorrillpalmer.com

May 26, 2010

Mr. Pat Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Subject: Additional Traffic Review
Re-use of Cumberland Cold Storage Facility
Portland, Maine

Dear Pat,

As a result of the recent Traffic Movement Permit Scoping meeting, additional traffic information was requested for the proposed Cold Storage facility located off Commercial Street in downtown Portland. Below is a summary of the requested information and the conclusions.

Actual Traffic Impact of Development

Figure 2A as provided in the Traffic Movement Permit application showed all of trip generation associated with this project focused at the site driveway, and only showed reduction of trips as counted, and not the full allowable trip credit.

Because the proposed on-site parking will be reduced from the existing approximately 102 parking spaces to the proposed approximately 71 spaces, the potential trips entering and exiting the site will actually be reduced from the predevelopment condition to the postdevelopment condition.

In addition to the reduction of on-site parking, which is anticipated to reduce the traffic into and out-of the site, there are other factors that are anticipated to reduce the traffic impact of the facility. Those factors include the traffic demand management techniques (TDM) and the variable schedule of the primary occupant.

- The primary occupant of the building encourages walking, biking, and bus use, and actually subsidizes the bicycle and bus use. The site will include bike racks and has indicated additional bike racks will be provided if the need is there.

- In addition to TDM measures, the primary occupant is anticipated to be attorney based. The occupant has submitted in writing that their schedules are atypical and that unlike a typical office building where most arrive during the AM peak hour and leave during the PM peak hour, the attorneys generally have a more variable schedule which means they are not concentrated in the AM and PM peak hours.

In addition to the on-site parking spaces, the facility is also anticipated to rent approximately 70 of the existing parking spaces to the south of the site (Fisherman's Wharf). However, this will not result in an increase in traffic on the adjacent street since these existing spaces are currently utilized.

AH, M.2

Thus our conclusion is that the proposed potential net traffic impact to the adjacent street will be less in the postdevelopment condition than the predevelopment condition.

Driveway Operations

Curb Cuts: A description of the driveway operations was requested at the scoping meeting. The current conditions include a full movement driveway and an enter only driveway along a continuous large curb cut opening on Commercial Street. As part of the development, these two curb cuts will be reduced to a single full movement curb cut, thus resulting in improved access management along Commercial Street.

Commercial Street: Commercial Street along the site frontage includes a single travel lane in each direction and a center two-way-left-turn lane (twltl). Left turning vehicles into the site can use this lane to maneuver out of the southbound through traffic, allowing the through traffic to continue without stopping. Left turning vehicles from the site onto Commercial Street can use the twltl lane to turn into and wait for a gap in southbound traffic.

Queuing of Traffic on Commercial Street: Previous observations of the site driveway operation identified that vehicles can queue along Commercial Street in front of the site. This occurs both for northbound and southbound directions. This is a result of the proximity to the signalized intersections at Center Street to the south and Union Street to the north.

It was identified at the Scoping Meeting that vehicles along this section of Commercial Street are traveling at slow speeds (assumed 25 mph) and this condition is typical for a downtown urban area. There are numerous roads/driveways in the area and within the City that experience the same condition. As stated previously, due to the reduction in on-site parking, the site driveway is anticipated to experience less traffic in the postdevelopment condition than the predevelopment condition.

There was some discussion at the scoping meeting to attempt to quantify the queuing. The signalized intersection of Center Street to the south currently includes an exclusive pedestrian phase. This means that every time a pedestrian pushes one of the pedestrian buttons, all of the approaches to the intersection receive a red light and the only thing that moves are the pedestrians. This is a random event, and during the peak hours of the day, can happen frequently. This random occurrence prevents any reliable queuing analysis from being performed.

Crash History

A summary of the crash data and supporting crash information was provided in the Traffic Movement Permit application and discussed at the Scoping Meeting. It was identified at the scoping meeting that there are no High Crash Locations in the immediate study area. More specific information about the crash history was requested at the Scoping Meeting. Gorrill-Palmer Consulting Engineers requested the police reports and provides the following summary.

AH. M.3

There were four crashes along the site frontage from 2006-2008 (latest available data). Of those four, none were associated with vehicles entering or exiting the site driveway. Only one of the four crashes occurred during an AM or PM peak hour. Copies of the police reports are attached.

Level of Service

As identified in the Traffic Movement Permit application, the site driveway was forecast to operate at an acceptable level of service. This analysis was conservative since it focused all of the potential traffic at the site driveway, which as described previously herein, will actually be significantly less, and the site driveway is anticipated to operate better than predevelopment conditions.

Commercial Street / High Street Intersection

According to the City's peer reviewer, the City has been collecting impact fees for the potential signalization of the Commercial Street / High Street intersection. It is our understanding that this impact fee is a per vehicle fee for each additional trip above and beyond the predevelopment condition that will travel through this intersection during the PM peak hour of adjacent street traffic. This is because each additional trip potentially gets the City closer to the need for signalization.

As identified previously, the trips that would be anticipated to travel through this intersection as a result of the facility are destined for two locations; the parking area to the south of the facility (Fisherman's Wharf) and the on-site parking area. The vehicles traveling to the Fisherman's Wharf parking area are displacing existing vehicles, which results in no net increase to the intersection. Similarly, the vehicles traveling to the on-site parking are also displacing existing vehicles (there is actually a decrease in parking) and therefore also results in no net increase in traffic to the intersection.

As a result of this project, the Commercial Street / High Street intersection is not anticipated to experience an increase in traffic.

Conclusion

The following is a summary of above additional information and review:

- The overall traffic impact to the adjacent roadway network is forecast to decrease from the predevelopment condition to the postdevelopment condition.
- Traffic Demand Management Techniques and variable work schedules will further reduce traffic impacts
- Access Management along the site frontage will be improved by reducing the number of curb cuts
- A center two-way-left-turn-lane along Commercial Street will aid left turning vehicles into and out of the site

AH. M.4

- Queuing of vehicles along the site frontage is currently observed. Speeds are slow in this area, the facility is proposing to improve access management, the proposed traffic from the site is anticipated to decrease, and this is typical for a downtown area.
- There are no high crash locations in the area and according to the MaineDOT information there were no crashes associated with this site
- Level of Service of the driveway is currently at acceptable levels and is anticipated to improve with the decrease in on-site parking
- The proposed facility is not anticipated to add any additional traffic to the Commercial Street / High Street intersection.

If you have any questions, please contact our office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Thomas L. Gorrill, P.E., PTOE
President

TLG/red/JN2420/ Response 5-26-10

Att. M.5

TRAFFIC ACCIDENT REPORT

STATE OF MAINE

INVESTIGATING AGENCY CODE NUMBER								FOR D P S USE ONLY
ME0030500							08-02407	2008-25337
DATE OF ACCIDENT	MONTH	DAY	YEAR	DAY OF WEEK	TIME	TIME REPORTED	TIME ARRIVED	
1	8	29	2008	Fri	14:30	14:30	15:30	

	ROUTE	OR NAME OF STREET OR HIGHWAY	CITY OR TOWN	CODE NUMBER	COUNTY	HIT AND RUN
ON		COMMERCIAL ST	Portland	05170 (R) (U)	Cumberland	☐

	BETWEEN NODE NUMBERS		DISTANCE FROM SCENE		TO NUMBER	MILES AND TENTHS TO LANDMARK
2 AT	16789	16790	0 MILES	01 TNTHS	16789	N W E S (CIRCLE ONE)

W← UNIT NO. 1 - Vehicle | TOTAL UNITS INV. 2 | W← UNIT NO. 2 - [X] VEH 2 [ ] PED. [ ] BIKE

DRIVER

DRIVER'S LICENSE NUMBER	STATE	LAST NAME	FIRST NAME	MIDDLE
2766314	ME	BARTON, PETER		

NUMBER AND STREET: 3 GORDON'S LANE

CITY	STATE	CODE NUMBER	DATE OF BIRTH	SEX	LICENSE STATUS	REST/PERM	CLASS
Cape Elizabeth	ME 04107	2 2	05/08/1992	M	(A) S P N	0	C

OWNER

LAST NAME - OWNER 1: BARTON, PETER

NUMBER AND STREET: 3 GORDON'S LANE

CITY: Cape Elizabeth STATE: ME 04107

VEHICLE

VEHICLE TYPE	YEAR AND MAKE	COLOR	LICENSE PLATE NUMBER	YEAR	ISSUE STATE	NO OCCUP
Pickup Truck	1999 Chevrolet	White	8217QC	2009	ME	1

VEHICLE IDENTIFICATION NO. 1GCCS1449XK227065

INSURANCE CO. PATRON'S OXFORD INS.

POLICY NO. AUT264339

TOWED BY: N/A

DAMAGE CODES: 1 DAMAGE ESTIMATE: $ 200.00

DRIVER

DRIVER'S LICENSE NUMBER	STATE	LAST NAME	FIRST NAME	MIDDLE
3277280	ME	CORY, SAMUEL G.		

NUMBER AND STREET: 169 BRENTWOOD ST.

CITY	STATE	CODE NUMBER	DATE OF BIRTH	SEX	LICENSE STATUS	REST/PERM	CLASS
Portland	ME 04103	2 2	03/25/1989	M	(A) S P N	0	C

OWNER

LAST NAME - OWNER 1: CORY, BARTON

NUMBER AND STREET: 169 BRENTWOOD ST

CITY: Portland STATE: ME 04103

VEHICLE

VEHICLE TYPE	YEAR AND MAKE	COLOR	LICENSE PLATE NUMBER	YEAR	ISSUE STATE	NO OCCUP.
Van	2001 Honda	White	7397G	2009	ME	2

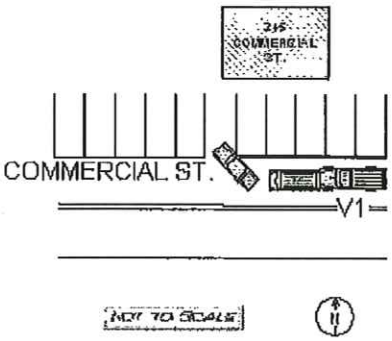
VEHICLE IDENTIFICATION NO. 2HKRL18501H552560

INSURANCE CO. MMG INS. CO.

POLICY NO. AC10828531

TOWED BY: N/A

DAMAGE CODES: 5 DAMAGE ESTIMATE: $ 1,000.00



TOTAL NUMBER OF PERSONS INVOLVED 3

DESCRIPTION: V2 WAS TRAVELING WEST ON COMMERCIAL IN THE AREA OF 245 COMMERCIAL STREET. V2 PAUSED IN TRAFFIC TO LET AN UNRELATED VEHICLE TURN RIGHT INTO A PARKING SPACE NEAR 245 COMMERCIAL STREET. V1 WAS TRAVELING IN THE SAME DIRECTION AND DIRECTLY BEHIND V2. V1 FAILED TO STOP WHEN V2 STOPPED AND HIT V2 FROM BEHIND, CAUSING DAMAGE.

OPERATOR OF V1 LEFT THE SCENE BEFORE MY ARRIVAL. BUT PROVIDED OPERATOR OF V2 WITH

AMBULANCE CODES N/A(1000)

NAME AND ADDRESS OF OWNER OF DAMAGED PROPERTY (OTHER THAN VEH.)

NAMES OF ALL PERSONS INVOLVED (DRIVERS - PASSENGERS - WITNESSES - PEDESTRIANS)	25	26	27	28	29	30	31	32	33	34
BARTON, PETER (Driver/Owner)	11	11	2	5	1	1	1	1	M	16
CORY, SAMUEL G. (Driver)	11	11	2	5	1	2	1	1	M	19
CORY, BARTON (Passenger/Owner)	11	11	2	5	1	2	1	3	M	53

LOCAL CODES

INVESTIGATING OFFICER (SIGNATURE)	OFFICER NUMBER	TROOP OR DEPARTMENT	APPROVED BY	DATE
DAVID ARGITIS	148	Portland Police Department	Sgt. Hutcheson	9/2/2008

FORM 13-20A
Rev 4/97

Printed from Maine DOT Data

Att. M.6

TRAFFIC ACCIDENT REPORT

STATE OF MAINE

INVESTIGATING AGENCY CODE NUMBER								FOR D P S USE ONLY
ME0030500							06-002054	2006-24656
DATE OF ACCIDENT	MONTH	DAY	YEAR	DAY OF WEEK	TIME	TIME REPORTED	TIME ARRIVED	
1	7	07	2006	Fri	23:17	23:18	23:18	

ON	ROUTE	OR NAME OF STREET OR HIGHWAY	CITY OR TOWN	CODE NUMBER	COUNTY	HIT AND RUN
		COMMERCIAL ST	Portland	05170 R U	Cumberland	☐

AT	BETWEEN NODE NUMBERS		DISTANCE FROM SCENE		TO NUMBER	MILES AND TENTHS TO LANDMARK
2	16789	16790	0 MILES	01 TNTHS	16789	N W E S (CIRCLE ONE)

S ↓ UNIT NO. 1 - Vehicle — TOTAL UNITS INV. 2 — E → UNIT NO. 2 - [X] VEH 2 [ ] PED. [ ] BIKE

DRIVER

DRIVER'S LICENSE NUMBER	STATE
4771267	ME

LAST NAME: Kovats, Delia J. — FIRST NAME — MIDDLE

NUMBER AND STREET: 46 Johnson Rd.

CITY: Gorham — STATE: ME 04038 — CODE NUMBER: 22

DATE OF BIRTH	SEX	LICENSE STATUS	REST/PERM	CLASS
06/14/1983	F	(A) S P N	0	C

OWNER

LAST NAME - OWNER 1 — FIRST NAME — MIDDLE

NUMBER AND STREET

CITY — STATE

VEHICLE

VEHICLE TYPE	YEAR AND MAKE	COLOR
SUV	2005 Chevrolet	White

LICENSE PLATE NUMBER	YEAR	ISSUE STATE	NO OCCUP
FERRAR	2007	ME	1

VEHICLE IDENTIFICATION NO. 2CNDL73F656147189

INSURANCE CO. Patriot Mutual Insurance

POLICY NO. AAP3060686

TOWED BY: None

ENTIRE VEH # 11 — 9 (TOP) 10 (BOTTOM) — 5 — $ 500.00

DAMAGE CODES — DAMAGE ESTIMATE

DRIVER

DRIVER'S LICENSE NUMBER	STATE
7932251	ME

LAST NAME: Rolfson, Sabrina J. — FIRST NAME — MIDDLE

NUMBER AND STREET: 62 A NYE ST

CITY: Saco — STATE: ME 04072 — CODE NUMBER: 22

DATE OF BIRTH	SEX	LICENSE STATUS	REST/PERM	CLASS
12/12/1980	F	(A) S P N	0	C

OWNER

LAST NAME - OWNER 1 — FIRST NAME — MIDDLE

NUMBER AND STREET

CITY — STATE

VEHICLE

VEHICLE TYPE	YEAR AND MAKE	COLOR
2 Door	1997 Ford	Red

LICENSE PLATE NUMBER	YEAR	ISSUE STATE	NO OCCUP
6208MR	2006	ME	2

VEHICLE IDENTIFICATION NO 1FALP4040VF184708

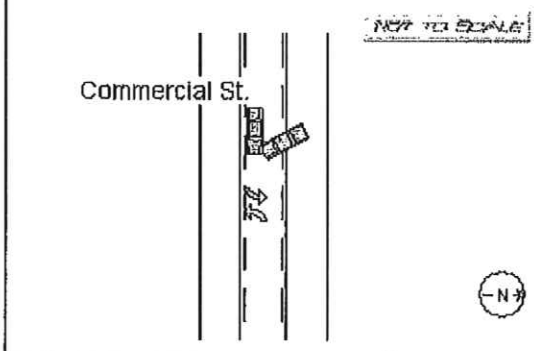
INSURANCE CO. GEICO INSURANCE

POLICY NO. 4041-45-43-66

TOWED BY: NONE

ENTIRE VEH # 11 — 9 (TOP) 10 (BOTTOM) — 8 — $ 1,500.00

DAMAGE CODES — DAMAGE ESTIMATE



TOTAL NUMBER OF PERSONS INVOLVED 3

DESCRIPTION: Vehicle one backed into vehicle two, which was waiting to pull into parking space.

AMBULANCE CODES N/A(1000)

NAME AND ADDRESS OF OWNER OF DAMAGED PROPERTY (OTHER THAN VEH.)

NAMES OF ALL PERSONS INVOLVED (DRIVERS - PASSENGERS - WITNESSES - PEDESTRIANS)	25	26	27	28	29	30	31	32	33	34
Kovats, Delia J. (Driver)	11	11	2	5	1	1	1	1	F	23
Rolfson, Sabrina J. (Driver)	11	11	2	5	1	2	1	1	F	25
Smith, Joshua (Passenger)	11	11	2	5	1	2	1	3	M	23

LOCAL CODES

INVESTIGATING OFFICER (SIGNATURE)	OFFICER NUMBER	TROOP OR DEPARTMENT	APPROVED BY	DATE
J. T. Alderman	130	Portland Police Department	SGT. HUTCHESON	7/10/2006

FORM 13-20A
Rev. 4/97

Printed from Maine DOT Data

Att. M.7

INVESTIGATING AGENCY CODE NUMBER ME0030500	TRAFFIC ACCIDENT REPORT STATE OF MAINE	06-002108	FOR D P S USE ONLY 2006-24697

DATE OF ACCIDENT	MONTH	DAY	YEAR	DAY OF WEEK	TIME	TIME REPORTED	TIME ARRIVED
1 1	7	13	2006	Thu	12:00	15:30	15:30

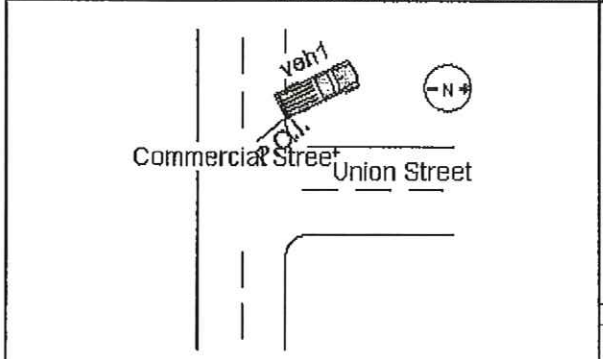
ON	ROUTE	OR NAME OF STREET OR HIGHWAY	CITY OR TOWN	CODE NUMBER	COUNTY	HIT AND RUN
		COMMERCIAL ST	Portland	05170 R U	Cumberland	☐

AT	BETWEEN NODE NUMBERS		DISTANCE FROM SCENE	TO NUMBER	MILES AND TENTHS TO LANDMARK
2 2	16789	16790	0 MILES 05 TNTHS	16789	N W E S CIRCLE ONE

N ↑ UNIT NO. 1 - Vehicle | TOTAL UNITS INV. 2 | UNIT NO. 2 - [X] VEH 2 ☐ PED. ☐ BIKE

DRIVER											
DRIVER'S LICENSE NUMBER			STATE		DRIVER'S LICENSE NUMBER			STATE			13 13
LAST NAME	FIRST NAME		MIDDLE		LAST NAME	FIRST NAME		MIDDLE			14
NUMBER AND STREET					NUMBER AND STREET						
CITY	STATE		CODE NUMBER 4 4		CITY	STATE		CODE NUMBER 2 2			15 1
DATE OF BIRTH	SEX	LICENSE STATUS A S P N	REST/PERM	CLASS	DATE OF BIRTH	SEX	LICENSE STATUS A S P N	REST/PERM	CLASS		16
LAST NAME - OWNER 1	FIRST NAME		MIDDLE		LAST NAME - OWNER 1	FIRST NAME		MIDDLE			17
King, Matthew Wyatt											
NUMBER AND STREET					NUMBER AND STREET						18
Po Box 939											
CITY	STATE				CITY	STATE					19
Warsaw	VA 22572										
VEHICLE TYPE	YEAR AND MAKE		COLOR 1		VEHICLE TYPE	YEAR AND MAKE		COLOR			20
Pickup Truck 6	2005 Ford 6		Black		Unknown 99						
LICENSE PLATE NUMBER	YEAR	ISSUE STATE	NO OCCUP		LICENSE PLATE NUMBER	YEAR	ISSUE STATE	NO OCCUP.			21 2
JWN9371	2006	VA	0				ME				
VEHICLE IDENTIFICATION NO. 1FTZR15EO5PB08513					VEHICLE IDENTIFICATION NO						23
INSURANCE CO Progressive					INSURANCE CO.						
POLICY NO. 12454878-1					POLICY NO.						24
2 3 4 1 9 (TOP) 10 (BOTTOM) 5 8 7 6 ENTIRE VEH # 11	TOWED BY: N/a				2 3 4 1 9 (TOP) 10 (BOTTOM) 5 8 7 6 ENTIRE VEH # 11	TOWED BY:					
	4 DAMAGE CODES	$ 2,500.00 DAMAGE ESTIMATE				DAMAGE CODES	$ DAMAGE ESTIMATE				

9 1 10 1 11 1 12 1



DESCRIPTION: veh 1 was parked on commercial street in front of #241. unknown veh 2 struck the passenger side rear of veh 1 and then left the area without leaving any information.

AMBULANCE CODES N/A(1000)

NAME AND ADDRESS OF OWNER OF DAMAGED PROPERTY (OTHER THAN VEH.)

TOTAL NUMBER OF PERSONS INVOLVED 0

NAMES OF ALL PERSONS INVOLVED (DRIVERS - PASSENGERS - WITNESSES - PEDESTRIANS)	25	26	27	28	29	30	31	32	33	34
King, Matthew Wyatt (Last Known Operator/Owner)						1			M	24

LOCAL CODES

INVESTIGATING OFFICER (SIGNATURE)	OFFICER NUMBER	TROOP OR DEPARTMENT	APPROVED BY	DATE
	5	Portland Police Department	Sgt. Hutcheson	7/14/2006

Coreena Behnke

FORM 13-20A
Rev 4/97

Printed from Maine DOT Data

AH. M.8

TRAFFIC ACCIDENT REPORT

STATE OF MAINE

INVESTIGATING AGENCY CODE NUMBER								FOR D P S USE ONLY
ME0030500							07-3459	2007-29493
DATE OF ACCIDENT	MONTH	DAY	YEAR	DAY OF WEEK	TIME	TIME REPORTED	TIME ARRIVED	
1	11	14	2007	Wed	17:28	17:28	17:30	

	ROUTE	OR NAME OF STREET OR HIGHWAY	CITY OR TOWN	CODE NUMBER	COUNTY	HIT AND RUN
ON		COMMERCIAL ST	Portland	05170 R U	Cumberland	☐

	BETWEEN NODE NUMBERS		DISTANCE FROM SCENE		TO NUMBER	MILES AND TENTHS TO LANDMARK
2 AT	16789	16790	0 MILES	01 TNTHS	16789	N W E S CIRCLE ONE

UNIT NO. 1 - Vehicle | TOTAL UNITS INV. 2 | UNIT NO. 2 - [X] VEH. 2 [ ] PED. [ ] BIKE

DRIVER

DRIVER'S LICENSE NUMBER	STATE	LAST NAME	FIRST NAME	MIDDLE
9557234	ME	Webber,	Christina	A

NUMBER AND STREET: 182 Oak St

CITY	STATE	CODE NUMBER
Oakland	ME 04963	22

DATE OF BIRTH	SEX	LICENSE STATUS	REST/PERM	CLASS
4 07/04/1978	F	(A) S P N	0	C

OWNER

LAST NAME - OWNER 1: Webber, | FIRST NAME: Gordon | MIDDLE: B

5 13 NUMBER AND STREET: 182 Oak St

CITY	STATE
Oakland	ME 04963

VEHICLE

VEHICLE TYPE	YEAR AND MAKE 17	COLOR 5
6 4 SUV 7	1998 Subaru	Green (GR)

LICENSE PLATE NUMBER	YEAR	ISSUE STATE	NO OCCUP
8596D	2007	ME	1

7 1 VEHICLE IDENTIFICATION NO. JF1SF6358WH767046

INSURANCE CO. Citizens

POLICY NO. PP8653129

8 1 2 3 4 1 9 (TOP) 5 10 (BOTTOM) 8 7 6 ENTIRE VEH # 11

TOWED BY: N-a

6 | $ 1,000.00 (DAMAGE CODES | DAMAGE ESTIMATE)

DRIVER

DRIVER'S LICENSE NUMBER	STATE	LAST NAME	FIRST NAME	MIDDLE
3096115	ME	Leasure,	Joseph	H

NUMBER AND STREET: 127 Old Blue Pt Rd

CITY	STATE	CODE NUMBER
Scarborough	ME 04074	22

DATE OF BIRTH	SEX	LICENSE STATUS	REST/PERM	CLASS
03/25/1962	M	(A) S P N	I	C

OWNER

LAST NAME - OWNER 1: Leasure, | FIRST NAME: Joseph | MIDDLE: H

NUMBER AND STREET: 127 Old Blue Pt Rd

CITY	STATE
Scarborough	ME 04074

VEHICLE

VEHICLE TYPE	YEAR AND MAKE 11	COLOR 10
SUV 7	2007 Chrysler	Red

LICENSE PLATE NUMBER	YEAR	ISSUE STATE	NO OCCUP
790NY	2007	ME	4

VEHICLE IDENTIFICATION NO 1A8HW58227F507678

INSURANCE CO. Allstate

POLICY NO. 619186573 08/04

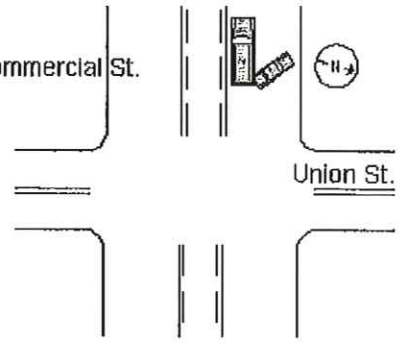
2 3 4 1 9 (TOP) 5 10 (BOTTOM) 8 7 6 ENTIRE VEH # 11

TOWED BY: N-a

4 | $ 3,000.00 (DAMAGE CODES | DAMAGE ESTIMATE)

13 20 | 14 1 | 15 2 | 16 1 | 17 30 | 18 | 19 2 | 20 1 | 21 1 | 23 1 | 24 1

9 1 | 10 1 | 11 30 | 12 1



TOTAL NUMBER OF PERSONS INVOLVED 5

DESCRIPTION: Vehicle 2 was west on Commercial St. stopped in traffic. Vehicle 1 backed up from a parked position into the right rear of vehicle 2.

Attached case #07-13473

AMBULANCE CODES N/A(1000)

NAME AND ADDRESS OF OWNER OF DAMAGED PROPERTY (OTHER THAN VEH.)

NAMES OF ALL PERSONS INVOLVED (DRIVERS - PASSENGERS - WITNESSES - PEDESTRIANS)	25	26	27	28	29	30	31	32	33	34
Webber, Christina A (Driver)	11	11	2	5	6	1	1	1	F	29
Leasure, Joseph H (Driver/Owner)	11	11	2	5	1	2	1	1	M	45
Sanny, Deanne (Passenger)	11	11	2	5	1	2	1	3	F	43
Leasure, Briston (Passenger)	11	11	2	5	1	2	1	32	F	10
Rodriguez, Micaella (Passenger)	11	11	2	5	1	2	1	31	F	10

LOCAL CODES

INVESTIGATING OFFICER (SIGNATURE)	OFFICER NUMBER	TROOP OR DEPARTMENT	APPROVED BY	DATE
Christian E. Stickney	162	Portland Police Department	Sgt. Hutcheson	11/15/2007

FORM 13 20A
Rev 4/97

Printed from Maine DOT Data

Attachment N. 1

Neighborhood Meeting Certification

I, (applicant /consultant) hereby certify that a neighborhood meeting was held on (date) May 26, 2010 at (location) DIMILLO'S RESTAURANT at (time).

I also certify that on (date at least seven days prior to the neighborhood meeting) May 19, 2010, invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development or within 1000 feet of a proposed development in an industrial zone and the residents on the "interested parties" list.

Signed,

_____ 6/1/2010 (date)

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes

Att. N. 2

CARROLL ASSOCIATES

217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712

LANDSCAPE ARCHITECTS

Neighborhood Meeting Invitation

May 19, 2010

Dear Neighbor:

Please join Waterfront Maine and its consultants for a neighborhood meeting to discuss our plans for redevelopment of the Cumberland Cold Storage Building located at 254 Commercial Street.

Meeting Location: **Dimillo's Floating Restaurant**

Meeting Date: **Wednesday, May 26, 2010**
Meeting Time: **6:00 PM**

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Anthony Gatti, Waterfront Maine, 729-7970

Sincerely,

Patrick J. Carroll

Note:
Under Section 14-32(C) of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Department of Planning and Development, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email: to baba.portlandmaine.gov.

Att. N. 3

Cumberland Cold Storage Project
Neighborhood Meeting 05/26/10

Guests in Attendance:

Roger A. Hale
Steven Scharf
Scott Lindsay
Elizabeth Astor
Peter Gellerson
Tom Bell
Dennis Keeler
Peter Culley
Edie Black
Roger Hale Jr.
Gloria Pinza
Harold Pachios

Waterfront Partners, Staff & Consultants in attendance:

Chris Pachios
Donal Carroll
Anthony Gatti III
Dan Jacques
Pat Carroll
Steve Weatherhead

AH. N.4

NEIGHBORHOOD MEETING 5/26/10 5:30 PM

NAME

ROGER A. HALE

Steven Schorf SCSMedia@aol.com

SCOTT Lindsay

Elizabeth Rose

Peter Gellerson

Tom Bell - tbell@presschalet.com

Dennis Reeler

PETER CULLEY

Edie Black

R Hale

Att. N.5

Cumberland Cold Storage Project
Neighborhood Meeting Notes 05/26/10

The meeting was called to order at 6:02pm by Chris Pachios of Waterfront Maine. Guests were welcomed, the purpose of the meeting was stated & there were introductions of the Waterfront Maine partners, staff & the consultants that were in attendance.

At 6:03, Pat Carroll of Carroll Associates Landscape Architects gave a review of the existing site & of the proposed site plan improvements.

At 6:09, Steve Weatherhead of Winton Scott Architects gave a review of the proposed exterior building upgrades.

At 6:13, the meeting was opened to comments & questions. The following questions were asked:

- **How do you know when the building was built? What is the oldest section of the building?**
- **There are tax breaks available for preservation efforts; why aren't you using them? What are the reasons for not pursuing them?**
- **According to the tax map, there are 2 parcels; what are they?**
- **Is there marine use on the 1st floor now? Are any of them being removed or displaced for the project? Are they planning to stay? How will you determine their rent; will it increase due to the project?**
- **What is the sidewalk like out front now? Would you be willing to add a brick sidewalk in front of Browne Trading too?**
- **How many parking spaces will there be? Will the rent increase?**
- **How much parking do we think is appropriate? Is the tenant renting the spaces at the Fish Exchange or is the developer?**
- **How about parking for other users or renters of the property?**
- **How much space is the new tenant taking, all of it?**
- **So you are going to remodel the building with existing tenants on the 1st floor; good luck with that! How much space is non-marine now? How much is going to be non-marine?**
- **What is the time frame for completion, any idea?**

After the questioning ended, the meeting was adjourned at 6:26pm.

Attachment 0.1

Jean Fraser - CCSB Outstanding issues

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
Date: 6/1/2010 5:13 PM
Subject: CCSB Outstanding issues
CC: "'Chris Pachios (E-mail)'" <cpachios@wfny.com>, "'Donal Carroll (E-mail)...
Attachments: SITE 60110 L1- SITE PLAN (1).pdf; SITE 60110 L3- SITE DETAILS (1).pdf; SITE 60110 L2- GRADING- UTILITIES PLAN (1).pdf

Jean,

Attached are pdf files of the revised site plans, with the following modifications based on Board comments, staff discussions, and coordination with Brown Trading re: the loading dock:

- The parking has been modified slightly to accommodate turnaround for vehicles. We are accomplishing this in the following ways-
  a. The 10 spaces at the east end of the building have been pulled tight to the building as currently exists. This allows approximately 34 feet of driveway aisle at this end if the drive for maneuvering.
  b. The curbing along the waterside will be changed to sloped granite, thereby allowing a truck to mount the curb if necessary, allowing a greater maneuvering area and potential for pulling a vehicle further out of the traffic lane.
  c. A 12 ft no parking zone is located at the end of the driveway adjacent to the Fish Pier land. This will provide turnaround for automobiles and small trucks that drive to the end and need to turnaround.
  d. Adjacent to the van accessible space the aisle has been widened to 15 ft to allow delivery trucks (UPS/ FedEx) that are loading at the building entrance to turnaround. I will be sending over a diagram of how this maneuver works as requested by Tom Errico in the morning. This may also be utilized by the fishermen maneuvering with a small trailer.
  e. A third area for turnaround is located at the service drive, where a larger truck or trailer could pull into the service area, back out, turning around to reverse directions before exiting the site onto Commercial Street.
- The existing section of pier over the water indicated to be resurfaced has been noted to be reserved for public access based on the unofficial Public Access Plan currently being developed for the CWZ. Waterfront Maine is supportive of this endeavor but recognizes that there are liability issues involved in allowing public access along the working waterfront and is willing to entertain the idea if appropriate measures are undertaken by the City or other managing organization (Portland Trails?) to protect their interests. As part of this public access a painted crosswalk to the deck will be installed along with appropriate signage. This is indicated on the plan.
- The existing loading dock at Brown Trading is proposed to remain as-is, with restrictions to its use to allow only pickup trucks access to this loading dock, reducing the potential for conflict with pedestrians walking along the adjacent sidewalk. Additionally, a series of steel bollards (4) and vertical curbing will be installed to further prohibit trucks from encroaching on the sidewalk. A memorandum from Brown trading Co is expected and will be forwarded to you upon receipt.
- The bicycle racks have been adjusted to accommodate 14 bikes, which relates to 1 bike per 5 parking spaces per Ordinance.

Other parking related modifications to the proposal include a proposed parking requirement of 176 spaces, which is less than the required 228 spaces required by Ordinance but justified based on real demand needs as expressed in the supplemental letter from Pierce Atwood and earlier discussions. The Applicant proposes to

meet this demand by supplying 71 spaces on-site and 105 spaces leased from the Fish Pier, including the 70 spaces being leased by Pierce Atwood as part of their TIF agreement with the City. The Applicant has discussed the availability of the additional 35 spaces with the City and is expecting a Letter of Intent that will be submitted shortly.

With respect to snow removal, it is the intent of the Applicant to have all snow removed from the site. No snow storage area exists on the property that would accommodate the snow from the [parking lot. This will be handled through a contract with a private hauler and legally disposed of inland.

Finally, the existing right of way easement across the property is recognized and the Applicant will insure that proper access to the adjacent Fish Pier site will be maintained. The proposed site plan anticipates such access and provides a connection at the end of the driveway should the Fish Pier or City need to exercise that right.

Please review the plans and contact me if you have any questions. We look forward to meeting with the Board on June 8 to discuss this in greater detail.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

Attachment P. 1

Jean Fraser - Stormwater Maintenance for Cumberland Cold Storage

From: "Steve Blais" <sblais@BLAISce.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
Date: 6/2/2010 8:56 AM
Subject: Stormwater Maintenance for Cumberland Cold Storage
CC: "'Patrick Carroll'" <pcarroll@carroll-assoc.com>
Attachments: Storwater Maintenance.pdf

Hi Jean,

Pat Carroll asked me to send this document directly so you may have it for your staff meeting. I believe Dan Goyette will be present. He had asked us for this document in earlier comments we received from you. Please contact Pat Carroll or myself if you have any questions or require further information.

Regards,

Steve G. Blais, PE, LEED AP
Blais Civil Engineers, PA
207-767-7300
www.BLAISce.com

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Att. P. 2

Blais
civil engineers

INSPECTION AND MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

CUMBERLAND SELF STORAGE BUILDING
254 COMMERCIAL STREET
PORTLAND, MAINE
June 1, 2010

Inspection and Maintenance of the stormwater management facilities for the Cumberland Self Storage Building will be required during construction of the Site and as part of the post-construction long term operation of the site.

During construction activities, the Site contractor will be required to address maintenance of erosion and sedimentation control at the Site, as detailed in the Erosion Control Plan and Erosion Control Notes & Details provided in the drawing set for the project. Long term operation and maintenance of the storm water facilities will be the responsibility of the owner. Inspection and maintenance of the facilities will be conducted as follows:

CURBS AND PAVED AREAS

Stormwater management facilities include paved surfaces, drain pipes, treatment areas, and rip rapped aprons. Periodic inspection and maintenance of these site features and devices is necessary to prevent erosion, protect roadways and other paved areas, and remove pollutants from stormwater runoff.

Curbs and paved areas are easily inspected during a site walk. Since visual inspection is easy, their condition should be assessed during and/or after a significant rainfall event such as thundershowers and periods of heavy or extended rainfall and during periods of significant snowmelt. Any damage or unusual condition such as sedimentation of erosion, damaged curb or dying vegetation should be recorded, dated and initialed by the inspector when observed. Even if there is no evident damage, the inspector should make record of these inspections a minimum of twice annually.

Paved areas should be visually inspected monthly during the winter. The inspector should pay particular attention to the build up of sand around inlets and remove accumulations that block the free flow of surface runoff to the drainage system. The date and initials of the inspector should be recorded on the forms provided as well as notations of any cleanup effort that was made and the approximated volume of sediment that was removed.

780 Broadway
South Portland, ME · 04106
207-767-7300 · blaisce.com`

UNDERDRAINED BIORETENTION CELLS

The bio-cells should be inspected after every major storm in the first few months to ensure proper function and establishment of vegetation. Thereafter, the filters should be inspected at least once every six months to ensure that it is draining within 48 hours. Sediment and plant debris should be removed at least annually.

Any bare area or erosion rills shall be repaired with new filter media or sandy loam then planted and mulched. If the surface does not drain in 48 hours, the top several inches of the filter shall be replaced with fresh material. The removed sediments should be disposed of in an acceptable manner.

Harvesting and pruning of excessive growth will need to be done occasionally. Weeding to control unwanted or invasive plans may also be necessary. Plants that are not thriving must be replaced. Fertilization should be avoided unless absolutely necessary to establish vegetation.

The date and initials of the inspector should be recorded on the forms provided as well as notations of any cleanup effort that was made and the approximated volume of sediment that was removed.

TREE BOX FILTERS

In the first few months, the tree box filter should be inspected after every major storm event to monitor proper drainage and tree health. Thereafter, the filters should be inspected at least once every six months to ensure that they are accepting flows and draining properly. Sediment and debris should be removed at least annually and disposed of properly.

The tree will require watering until it is acclimated to its settings. After this period water should only be required during extreme drought periods. Fertilizing should be avoided unless absolutely necessary to maintain tree health.

In the event of a chemical spill, all the soil and plants should be removed and properly disposed of. New filter media and a tree should be installed.

The date and initials of the inspector should be recorded on the forms provided as well as notations of any cleanup effort that was made and the approximated volume of sediment that was removed.

Project Name: Cumberland Self Storage Building
Form Title: Inspection/ Maintenance Log
Area inspected: Catch Basins, Paved Areas, Tree Box Filter and Bio-Cells

Blais civil engineers

Summary				
Date	Initials/ Organization	Inspection Observation	Maintenance Activity Performed	Comments

AH. P.4

Jean Fraser - Cumberland Storage building

From: "Maclaine, John" <John.Maclaine@maine.gov>
To: "Pat Carroll" <pcarroll@carroll-assoc.com>
Date: 6/2/2010 2:44 PM
Subject: Cumberland Storage building
CC: "Jean Fraser" <JF@portlandmaine.gov>
Attachments: WaterfrontME FD.pdf

Good afternoon,

Here is a copy of the field determination for the Cumberland storage renovation. I approved the Permit By Rule for the activities today. Let me know if you have any other questions/concerns. The hard copy of the Field Determination will be arriving in the mail shortly.

Thanks,

John

Att. Q.2

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND AND WATER QUALITY

6/2/2010

FIELD DETERMINATION FORM

CONTACT ID 8588

CONTACT

PAT CARROLL
75 MARKET STREET

PORTLAND ME 04101
2077721552

PROPERTY OWNER

WATERFRONT MAINE, LP
14 MAINE STREET
BRUNSWICK ME 04011

STAFF MACLAINE, JOHN

RESOURCE CW

DIRECTIONS

Located on Merrill Wharf on Portland Waterfront off Commercial Street

SITE TOWN PORTLAND

MAP	LOT
41	16,17,18

MEMO

On May 17, 2010, I inspected the site of a proposed renovation of the facilities on Merrill Wharf off Commercial Street in Portland. The site currently contains a building located on filled land and portions on pilings over the coastal wetland. The owner proposes to repair and repave the parking areas on site, including providing curbing to eliminate portions of direct stormwater discharge flowing from the parking lot and other impervious areas into the ocean.

Repaving and general maintenance of the parking area is considered to be a repair/maintenance activty and does not require a permit from the Department. In the proposed stormwater system, stormwater from a portion of the site will be rerouted from a connection to the City's CSO and allowed to discharge from the site into the ocean under waiver of the 25 foot vegetated filter strip under Section 7 Permit By Rule provided where possible, storwater discharging to the ocean recieves some level of treatment. The treatment proposed by the applicant as discussed on-site includes a vegetated swale on the outer portion of the wharf where it is practicable before discharge to the ocean, and installation of tree box filters and sumps on other portions of the lot for parking lot stormwater treatment. This Field Determination can be used as the written approval for the waiver from the 25 foot vegetated filter strip on this project provided these treatment recommendations are implemented.

Portions of the lot that will have slight changes to the the topography, include soil disturbance, or building footprint changes will require the applicant to file a Permit By Rule Section 2 (Activities adjacent to protected natural resources) with the Department.

Erosion control devices must be installed and maintained on the project site during any soil disturbance activity.

NAME:

RECEIVED 5/13/2010 **SITE VISIT** 5/17/2010 **COMPLETED** 6/1/2010

Attachment R. 1

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>, "Thomas Errico" <Thomas.Errico@t...
CC: "'C Pachios'" <CPachios@wfny.com>, "'Donal Carroll (E-mail)'" <dcarroll@...
Date: 6/2/2010 3:45 PM
Subject: CCSB INTERFACE w/ BROWN TRADING DOCK
Attachments: SITE 60110 LSK1 LOADING DOCK (1).pdf

Jean/ Tom,

Attached is a pdf that illustrates the existing conditions and proposed improvements at the Brown Trading Company loading Dock. The current condition is that two loading areas exist, one larger dock that has a rolling door and a second open dock that unloads onto a raised concrete deck. It is this open dock that encroaches into the CCSB site by approximately 4.75 ft.

The approach discussed with Brown Trading Company is to allow continue use of this open dock, but restrict its use to smaller pick-up trucks only, thereby ensuring that the vehicles stay within the loading driveway and avoiding potential conflicts with pedestrians. The loading area will be separated from the sidewalk by a vertical granite curb and 4 steel bollards located approximately 12 feet on-center along the edge of the walk. This will allow approximately 7.0 ft clear for vehicles to back in and load/ unload. Please note that the entire loading area is 25.0 feet wide, providing ample area for trucks to park and load. It is also noted that the average pick-up truck is +/- 5 feet wide, so we feel confident that these smaller vehicles can utilize this dock without interfering with the pedestrian movement on the adjacent sidewalk. Brown Trading Company is in agreement to restrict the use of this dock area for pick-up trucks only.

Please review the attached sketch and contact me if you have any additional questions.

Regards, Pat

Patrick J. Carroll

Carroll Associates Landscape Architects

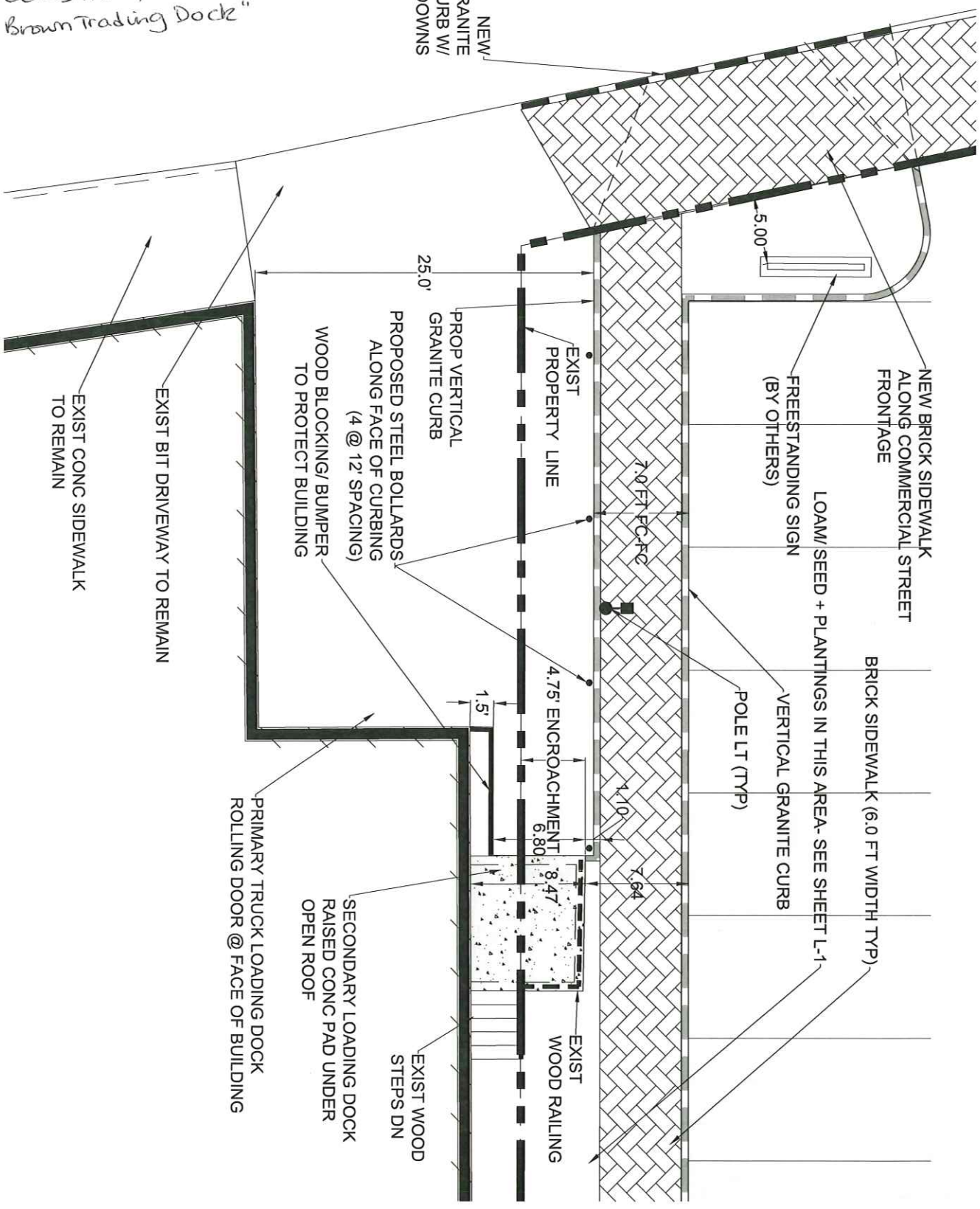
207-772-1552 (w)

207-329-8976 (c)

pcarroll@carroll-assoc.com

Att. R.2

Att. to 6.2.10
email from Pat Carroll
"CCSB interface w/
Brown Trading Dock"

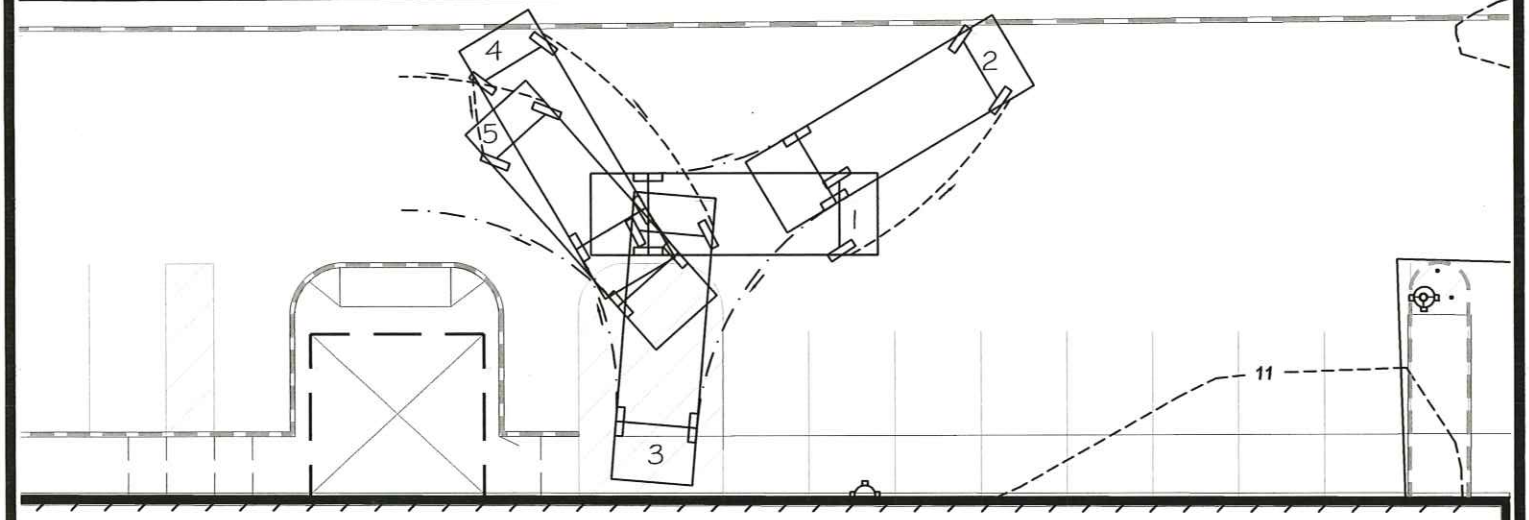


PROJECT: CUMBERLAND COLD STORAGE BUILDING		DATE: JUNE 2, 2010	CARROLL ASSOCIATES Landscape Architects	SHEET NO.
DRAWING TITLE: BROWN TRADING COMPANY LOADING DOCK		SCALE: 1"= 10'-0"	217 Commercial St Portland, ME PH: 207.772.1552 FAX: 207.772.0712	

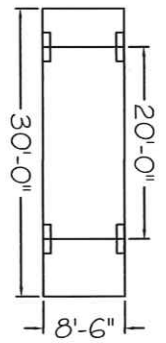
Attachment S.1

S35°30'40"E
344.32'

CASCO BAY



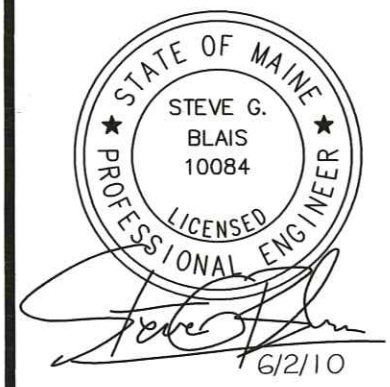
SU DESIGN VEHICLE



GRAPHIC SCALE

0 10 20 40

(IN FEET)
1 inch = 20 ft.



Blais
civil engineers
780 BROADWAY, SO.
PORTLAND, ME 04106
(207) 767-7300

TURNING ANALYSIS

CUMBERLAND COLD STORAGE BUILDING
254 COMMERCIAL STREET

MERRILL WHARF
PORTLAND, MAINE

SCALE:1"=20' C.I.: N/A DATE:6-1-10

DRAWING 1 OF 1

BCE 10125

Attachment S.2

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
CC: "'C Pachios'" <CPachios@wfny.com>, "'Donal Carroll (E-mail)'" <dcarroll@...
Date: 6/3/2010 1:02 PM
Subject: FW: CCSB - Truck w/ trailer turning analysis
Attachments: 10125,TURNING-TRAILER Turn Analyis (1).pdf

Hi Jean,

The attached diagram illustrates how a standard pickup truck with a 5 x 8' trailer can maneuver and turnaround within the proposed parking arrangement. Note in my earlier memo that historically they have been exiting through the Fish Pier through the gate, and we anticipate this will also continue to occur. Please contact me with any questions or need for additional information.

Regards, Pat

Patrick J. Carroll

Carroll Associates Landscape Architects

207-772-1552 (w)

207-329-8976 (c)

pcarroll@carroll-assoc.com

ü Please consider the environment before printing this email.

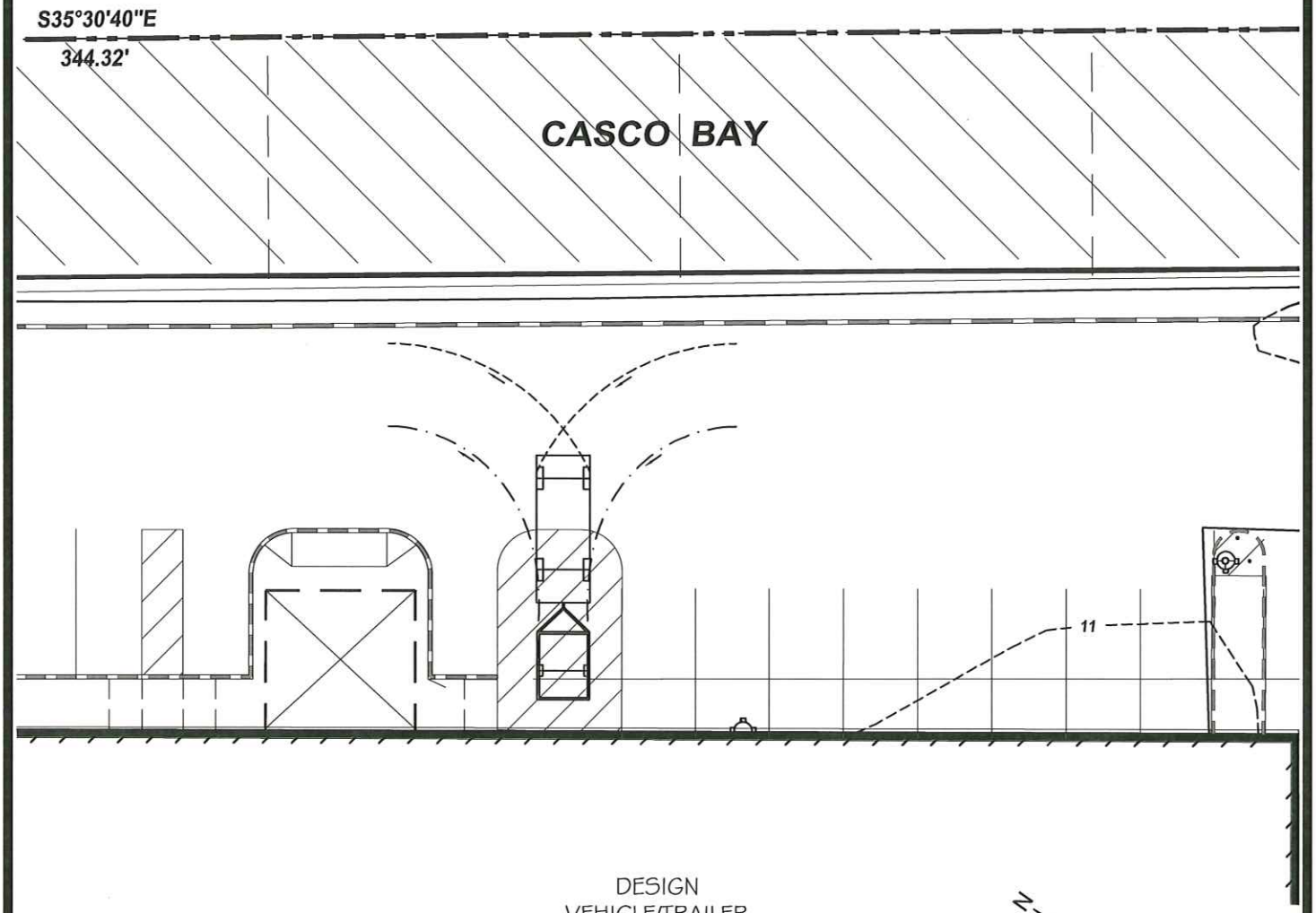
From: Steve Blais [mailto:sblais@BLAISce.com]
Sent: Thursday, June 03, 2010 12:55 PM
To: 'Patrick Carroll'
Subject: CCSB - Truck w/ trailer turning analysis

Steve G. Blais, PE, LEED AP

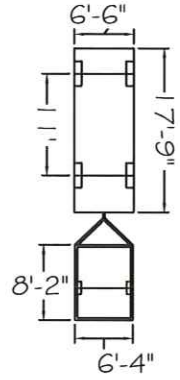
Blais Civil Engineers, PA

207-767-7300

Att. S.3



DESIGN VEHICLE/TRAILER



STATE OF MAINE
STEVE G. BLAIS
10084
LICENSED PROFESSIONAL ENGINEER

6/3/10

GRAPHIC SCALE

0 10 20 40

(IN FEET)
1 inch = 20 ft.

Blais civil engineers
780 BROADWAY, SO.
PORTLAND, ME 04106
(207) 767-7300

TURNING ANALYSIS - TRUCK WITH TRAILER

CUMBERLAND COLD STORAGE BUILDING
254 COMMERCIAL STREET

MERRILL WHARF
PORTLAND, MAINE

SCALE:1"=20' C.I.: N/A DATE:6-3-10

DRAWING 1 OF 1

BCE 10125

Attachment T. 1

CARROLL ASSOCIATES
217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712
LANDSCAPE ARCHITECTS

PROJECT MEMO: **Cumberland Cold Storage Building**
254 Commercial Street

TO: **Jean Fraser**
FROM: **Pat Carroll**
DATE: **Revised June 3, 2010**

RE: **Parking and Traffic Circulation Plan**

Redevelopment of the Cumberland Cold Storage Building on Merrill's Wharf will require reconfiguration of the existing site to accommodate vehicular and pedestrian circulation to a new building entrance located on the north (water) side of the building. It is the intent of Waterfront Maine that this renovation and change in use of the building will improve the existing site conditions, reduce congestion and insure the continued access and use of Merrill's Wharf and the first floor of the building for marine activities.

The current use of the site accommodates approximately 102 parking spaces, most of which are leased for tenants that live/ work in the Old Port area. The parking is configured to provide the maximum spaces that the site can accommodate. The parking arrangement has two entrances from Commercial Street, merging into a single drive aisle along the face of the Cold Storage Building, restricted in places. No dedicated turnaround for vehicles currently exists.

Marine Use along the pier consists of 5-6 commercial fishermen that berth their boats along the wharf. The area immediately adjacent to the wharf is utilized by the fishermen to stockpile traps, bait and boat supplies. Additional storage space is provided along the floats that the boats tie up to. Parallel parking spaces currently exist along the waterfront, most of which are leased to off-site users, restricting access to the wharf when those spaces are occupied.

The proposed reconfiguration of the site reduces the on-site parking to 71 vehicle spaces plus 14 bicycle spaces and defines a two way driveway aisle into and through the property. This aisle varies from a minimum of 24 feet in width to 32 feet wide at the rear of the property. Parking is double loaded in the western end of the site towards Commercial Street and becomes single loaded along the building. A six foot wide pedestrian sidewalk is planned to extend along the south side of the parking connecting the building with Commercial Street.

The driveway and parking configuration between the building and wharf edge has been designed to provide a separation of use between the building and pier tenants, and works to keep pedestrians and vehicles away from the pier edge to allow tenants of the marine use to continue to function. A dedicated 'marine use' zone varying in width between 5 feet and 7 feet between the driveway and pier edge will ensure adequate space for storage of traps and other necessities of the fishermen. A six-inch mountable curb will provide a physical delineation of this zone, act to divert runoff from their work areas, provide a safety barrier for vehicles traveling along the driveway, yet allow a truck to mount the curb for loading/ unloading if necessary. Six dedicated spaces will be provided for the berthing employees, and it is assumed that they may utilize the north side of the drive aisle for short periods to load/ unload their vehicles if necessary.

Att. T.2

The remaining 65 on-site parking spaces will be utilized by the tenants of the building, with up to 15 spaces dedicated to the marine use allowed on the first floor and the remaining 50 spaces leased for office use tenants. Parking required in addition to what can be accommodated on-site will be secured at the Fish Pier, including the 70 spaces being leased by Pierce Atwood as part of their agreement with the City. A letter of Intent from the Fish Pier will be forthcoming under a separate cover.

The overall parking demand has been calculated in several ways including the following:

A. Per Zoning Ordinance (Use based, per Chapter 20, Section 14-332)

Use	Requirement	Area	Parking
Warehouse	1 PS/ 1000 SF	20,473	20
Office Use	1 PS/ 400 SF	80,327	201
Marine Berthing	1 PS/ berthing space	6	6
Total			227

* Per ordinance, the Parking requirement *can* be reduced by up to 50% in the CWZ, or 114 Spaces total.

B. Per ITE Parking Manual, the parking demand for Office Use in an urban condition meeting the 85th percentile yields 2.97 spaces / 1000 sf of office space. Assuming the marine uses are a constant and not impacted the following parking demand is projected:

Use	Requirement	Area	Parking
First Floor Marine	15		15
Marine berthing	6		6
Office- primary Tenant	2.97 PS/ 1000 SF	10,000	30
Office- secondary Tenant	2.97 PS/ 1000 SF	70,327	209
Total Demand			260

C. Per demand based on actual projected employee need, the following is proposed by the Applicant for this project:

Use	# Employees	Parking Proposed
First Floor Marine	15	15
Marine berthing	6	6
Office- primary Tenant	175	145*
Office- secondary Tenant	25	10**
Total Demand	221	176

* Reduced slightly from P/A letter requesting need for 155
** reduced by 50% per Ordinance

The proposed parking demand total of 176 spaces represents a reasonable number of reserved spaces for the proposed use that protects and preserves parking for the marine uses on the property and accommodates the majority of parking needs for the non-marine use proposed for the upper floors of the building. This number is significantly higher than the 114 parking spaces allowed under the 50% reduction that is allowed in the CWZ, and is proposed to be accommodated either on-site or at the Fish Pier lot, which is in very close proximity to the proposed building.

Att. T. 3

Loading and unloading for the building will be either in the service alley located along the west side of the building or directly in front of the entrance for short term deliveries (UPS, FedEx, etc). Given the small amount of traffic anticipated at this end of the pier and the 24 to 32 foot aisle width, we do not anticipate any blockage of vehicles resulting from short term loading and unloading at the building entrance. A vehicle turnaround is designated that accommodates a standard delivery truck or typical automobile/ truck (see sketch from Blais Civil Engineers, submitted 6/02/10). Existing marine use (fishermen) that occasionally bring trailers onto the site have historically turned around at the end of the building or exited through the driveway connection to the Fish Pier land to the south. Given the wider drive aisle that is proposed at this end of the site (32 ft), the designated turnaround areas within the parking lot (see Turning diagram by BCE, 6/3/10), and the ability to continue to exit through the Fish Pier, the Applicant is confident that the use of the site is actually improved for the fishermen over what currently exists and see no negative impact on their continued fishing operations.

An existing loading dock for the abutting Brown Trading Company is encroaching well within the Waterfront Maine Property and the current site plan provides for continued use of part of this loading area. The Applicant has discussed this issue with Brown Trading and they have agreed to limit the use of this loading dock to smaller pickup truck vehicles. It is noted that a granite curb and steel bollards will restrict vehicular access onto the adjacent sidewalk, minimizing the potential for conflict in this area. (See memo 6/2/10).

In summary, the proposed site plan will ensure that access to and the functioning marine use of the pier, first floor marine use of the building, and the abutting loading facility is maintained and protected. Traffic function will be greatly improved over current conditions, resulting in significant reduction in congestion throughout the site.

Att. T. 4

3rd Edition

Parking Generation

ite

Author: Ransford S. McCourt, P.E., PTOE
Technical Editor: Kevin G. Hooper, P.E.

Institute of Transportation Engineers

Att. T. 5

Land Use: 701
Office Building

Land Use Description

ITE defines office uses in several categories. In reviewing the statistics for office parking demand, it was found that five of the basic office land uses had virtually no difference in parking demand characteristics. The following section merges these uses together for analysis purposes. ***Analysts should continue to record the specific ITE land use category for data that they submit.***

710: General Office Building—A general office building houses multiple tenants; it is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services; insurance companies; investment brokers; and tenant services, such as a bank or savings and loan institution, a restaurant or cafeteria and service retail facilities. Corporate headquarters (Land Use 714), single tenant office building (Land Use 715), office park (Land Use 750) and research and development center (Land Use 760) are related uses.

714: Corporate Headquarters Building—A corporate headquarters building is a single tenant office building that houses the corporate headquarters of a company or organization, which generally consists of offices, meeting rooms, space for file storage and data processing, a restaurant or cafeteria and other service functions. General office building (Land Use 710), single tenant office building (Land Use 715), office park (Land Use 750) and research and development center (Land Use 760) are related uses.

715: Single Tenant Office Building—A single tenant office building generally contains offices, meeting rooms and space for file storage and data processing for a single business or company, and possibly other service functions, including a restaurant or cafeteria. General office building (Land Use 710), corporate headquarters building (Land Use 714), office park (Land Use 750) and research and development center (Land Use 760) are related uses.

750: Office Park—Office parks are usually suburban subdivisions or planned unit developments containing general office buildings and support services, such as banks, restaurants and service stations, arranged in a park- or campus-like atmosphere. General office building (Land Use 710), corporate headquarters building (Land Use 714), single tenant office building (Land Use 715) and research and development center (Land Use 760) are related uses.

760: Research and Development Center—Research and development centers are facilities or groups of facilities devoted almost exclusively to research and development activities. The range of specific types of businesses contained in this land use varies significantly. Research and development centers may contain offices and light fabrication areas. General office building (Land Use 710), corporate headquarters building (Land Use 714), single tenant office building (Land Use 715) and office park (Land Use 750) are related uses.

Database Description

The database consisted of a mix of suburban and urban sites. Parking demand differed between the area types for one independent variable (1,000 sq. ft. GFA) but not for another (employees). Therefore, parking demand was analyzed separately for 1,000 sq. ft. and was combined for employees.

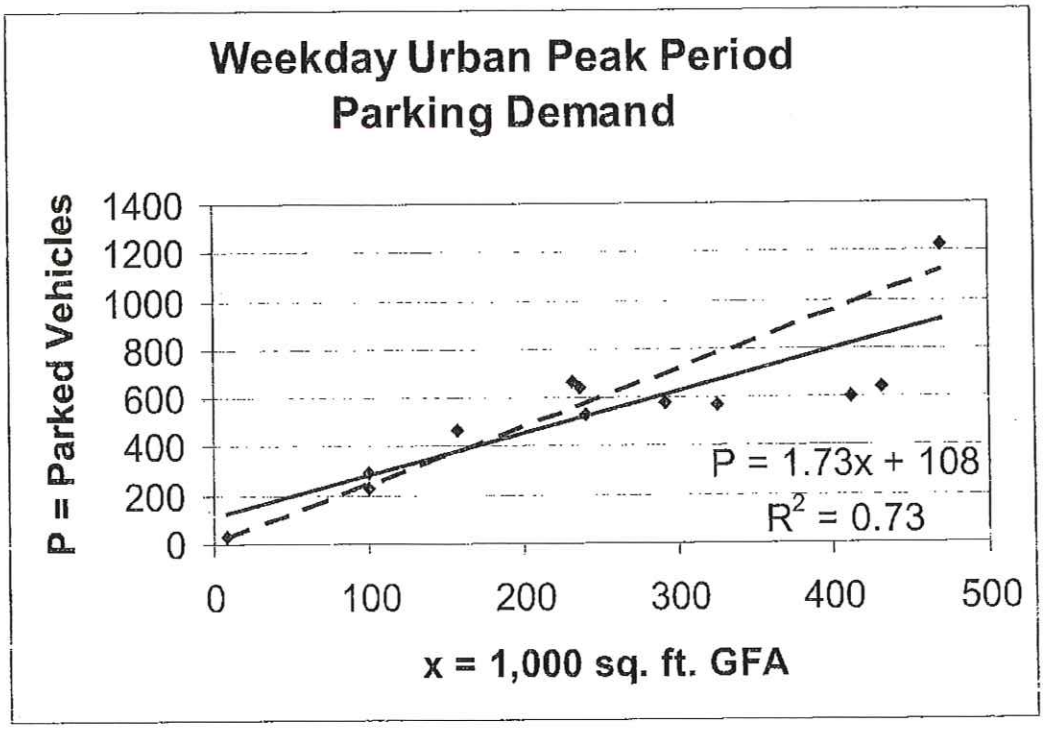
- Average parking supply ratios: 4.0 spaces per 1,000 sq. ft. GFA (84 study sites) and 1.1 spaces per employee (48 study sites).
- Average employee density: 3.3 employees per 1,000 sq. ft. GFA (54 study sites). Employee densities for corporate headquarter buildings and research and development centers tended to be slightly lower than the average.

Att. T. 6

Land Use: 701
Office Building

Average Peak Period Parking Demand vs: 1,000 sq. ft. GFA
On a: Weekday
Location: Urban

Statistic	Peak Period Demand
Peak Period	9:00 a.m.–4:00 p.m.
Number of Study Sites	12
Average Size of Study Sites	250,000 sq. ft. GFA
Average Peak Period Parking Demand	2.40 vehicles per 1,000 sq. ft. GFA
Standard Deviation	0.63
Coefficient of Variation	26%
Range	1.46–3.43 vehicles per 1,000 sq. ft. GFA
85th Percentile	2.97 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.12 vehicles per 1,000 sq. ft. GFA

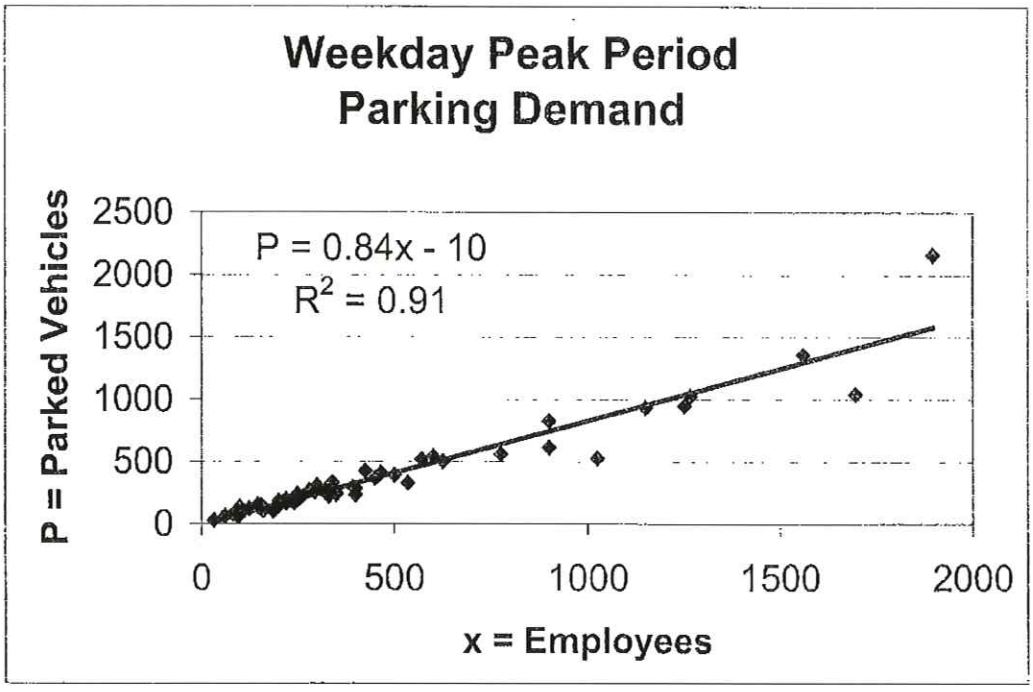


Att. T. 7

Land Use: 701
Office Building

Average Peak Period Parking Demand vs: Employees
On a: Weekday

Statistic	Peak Period Demand
Peak Period	9:00 a.m.–12:00 p.m.; 2:00–4:00 p.m.
Number of Study Sites	58
Average Size of Study Sites	440 employees
Average Peak Period Parking Demand	0.83 vehicles per employee
Standard Deviation	0.16
Coefficient of Variation	19%
95% Confidence Interval	0.79–0.87 vehicles per employee
Range	0.52–1.35 vehicles per employee
85th Percentile	0.98 vehicles per employee
33rd Percentile	0.76 vehicles per employee



Jean Fraser - Brown's Trading Admin Auth

From: Jean Fraser
To: Carroll, Pat
Date: 4/9/2013 10:58 AM
Subject: Brown's Trading Admin Auth

Pat,

I refer to your question last week about what (if anything) was needed re Planning Division prior to the start of work on this (loading dock and associated drainage work).

I confirm that neither a Performance Guarantee nor a preconstruction meeting are required for this; just the building permit and meeting of the A.A. conditions.

I would recommend including Phil DiPierro in a precon meeting because its in the vicinity of the Cumberland Cold Storage building.

Thank you for checking on this.

Jean

Jean Fraser - Administrative Authorization Browne's Trading Service area

Approval DOCS Jennifer processed app.

From: Jean Fraser
To: Carroll, Pat
Date: 12/13/2012 10:18 AM
Subject: Administrative Authorization Browne's Trading Service area
Attachments: 260 Commercial Brownes Trading Admin Auth Dec w conds 12.12.2012.pdf; final Browne Trading lease 11.09.12.pdf; Drainage Easement re Brownes.pdf; FINAL SITE- REV 112012 brown trading plan L1-L2 REV 112012.pdf; s1.pdf; s2.pdf

Pat

Please find attached the confirmation of a decision (conditional approval) on the Administrative Authorization request.

I also attach the docs and plans referenced in the conditions.

Our front office is "processing" this and a further paper copy should go out as well.

Please call if any questions.

Jean

Administrative Authorization Decision

Name: Waterfront Maine, LP
Address: 260 Commercial Street
Project Description: Consolidation of Service area at rear of building to include replacement of existing truck dock, compactor and dumpster pads, allowing relocation of semi-truck delivery from Commercial Street to rear of building

Criteria for an Adminstrative Authorizations: (4) on page 2 of this application)	**Applicant's Assessment Y(yes), N(no), N/A**	**Planning Division(See Section 14-523 Use Only**
a) Is the proposal within existing structures?	No	No
b) Are there any new buildings, additions, or demolitions?	Yes	Yes
c) Is the footprint increase less than 500 sq. ft.?	Yes	Yes
d) Are there any new curb cuts, driveways or parking areas?	No	No
e) Are the curbs and sidewalks in sound condition?	Yes	Yes
f) Do the curbs and sidewalks comply with ADA?	N/A	N/A
g) Is there any additional parking?	No	No
h) Is there an increase in traffic?	No	No but rerouted
i) Are there any known stormwater problems?	No	No
j) Does sufficient property screening exist?	Yes	Yes
k) Are there adequate utilities?	Yes	Yes
l) Are there any zoning violations?	No	No
m)Is an emergency generator located to minimize noise?	N/A	N/A
n) Are there any noise, vibration, glare, fumes or other impacts?	No	No

The Administrative Authorization for the modification of the Browne's Trading service area with new and improved loading docks, compactor and pad and associated drainage (2012-591) was approved by Jean Fraser, Planner, on December 12, 2012 with the following conditions of approval listed below:

1. All construction shall comply with approved plans: L-1.0 Rev 9 Site Plan; L-2.0 Rev 9 Site Details; and S.1 and S.2 (Structural Plans).

2. All construction and future management shall be in accordance with the Drainage Easement from Waterfront Maine dated September 17, 2012, and the Lease Agreement regarding Parcel 12 of the Fish Pier complex, between the Portland Fish Pier Authority and Browne Trading Co. and Waterfront Maine Limited Partnership, dated November 9, 2012 (page 3 as noted 12.12.12).

3. Any proposals to pave, landscape or fence within or near the service area or access road (other than as shown in the approved plans) shall be subject to further review and approval by the Planning Authority.

4. Standard Condition of Approval: The applicant shall obtain all required City Permits, including building permits from the Inspection Division (874-8703) and any other permits required from the Department of Public Services (874-8801) prior to the start of any construction.

Jean Fraser

Jean Fraser
Planner
Date of Approval: 12.12.2012

Drainage Easement

Waterfront, Maine Limited Partnership, a Maine limited partnership with a mailing address of 14 Maine Street, Brunswick, ME, 04011 (Grantor), for consideration given, grants to Maine BT LLC, A Delaware limited liability company, with an office at 14 Maine Street Brunswick Maine 04011, and , and its respective successors and assigns the Owner of the property described thereto in Exhibit A attached hereto (Grantees), the right and easement over the premises in Exhibit B attached hereto (the "Easement Area") to erect, bury, maintain, rebuild, respace, patrol, operate, and remove and do all other actions involving the right to perpetually maintain through under and across said Easement Area existing conduits or pipelines with all necessary fixtures and appurtenances for conveying water and to lay, relay, repair, maintain, clean and remove any existing stormwater pipe or pipes upon or under said Easement Area, with all necessary fixtures and appurtenances, together with the right at all times to make connections with said conduits or pipelines to land adjoining said Easement Area by means of pipes or other services; to place, install, repair and maintain utilities; to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said Easement Area to such extent as mutually agreed upon by the parties is necessary or appropriate for any of the above purposes; and to enter upon said Easement area at any and all times for any of the foregoing purposes, reserving to the Grantor and its lessees, heirs and assigns the right to Use the Easement Area for drainage and utilities, as well as the use and enjoyment of said Easement Area and for such other purposes; provided the foregoing reserved rights shall not unreasonably interfere with the perpetual use thereof by the Grantee, its successors and assigns for the purpose above mentioned; and further provided that no building or permanent structure, shall be erected on said Easement Area by the Grantor, its successors or assigns. Grantee further covenants and agrees that it shall maintain the Easement Area in good order and repair and free from obstructions that would interfere with the proper drainage function performed within the Easement Area.

By acceptance of this Easement, the Grantee agrees for itself and its successors and assigns to properly and professionally undertake all work permitted hereunder within the Easement Area at its sole cost and expense and, following the completion of any work within the Easement Area and the disturbance of the Easement Area or any land adjacent thereto, to restore the Easement Area and land adjacent thereto to substantially the condition in existence prior to the undertaking of such work subject to such modifications as may be mutually agreed upon by the parties.

CITY OF PORTLAND
APPROVED SITE PLAN
Subject to Dept. Conditions
Date of Approval: 12-12-2012

admin Auth.

WITNESS the hand and seal of Grantor's duly authorized representatives on this 17th day of September, 2012.

Signed, Sealed and Delivered in the presence of:

Waterfront, Maine Limited Partnership

By: _____
Anthony Gatti, Vice President Tickly Bender Realty Corp., Managing General Partner

State Of Maine
County of Sagadahoc

The above-named Anthony Gatti, Vice President, Tickly Bender Realty Corp. Managing General Partner , of Waterfront, Maine Limited Partnership personally appeared before me this 17th day of September 2012, 2012 and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Waterfront, Maine Limited Partnership.

_____
Notary Public/Attorney
Printed Name:
My Commission Expires:

MARTHA A. KNEELAND
Notary Public-Maine
My Commission Expires
March 27, 2019

EXHIBIT A

All the following described lots, pieces or parcels of land situate on the Southerly side of Commercial Street in the City of Portland, County of Cumberland, and State of Maine and know and described as follows, to-wit:

Parcel "A":

Beginning at a bolt in the southerly side line of said Commercial Street at the Northeast corner of land formerly of John Bradford, and in the division line established between the property now or formerly of John Q. Twitchell and James P. Champlin and said John Bradford, April 13th, A.D. 1883, as per agreement recorded in Cumberland County Registry of Deeds, Book 494, page 433; thence Southerly by said division line One Hundred and Seventeen and seventy-three one hundredths (117.73) feet; thence easterly and at right angles with said division line Sixty (60) feet; thence northerly at right angles with said last mentioned line arid parallel with said division line One Hundred and Thirty (130) feet to sad southerly line of Commercial Street; thence westerly by said Southerly line Sixty-one and Twenty-four one-hundredths (61.24) feet to said Bradford land and point of beginning. Being a portion of Merrill's Wharf, so-called, arid the same conveyed to John Q. Twitchell arid James P. Champlin by Woodbury S. Dana and Mary L. Dana and others by two deeds each dated February 15, 1833, and recorded respectively in said Registry Book 496, page 33, and Book 494, page 429. Also being the same premises conveyed to Everett Wilson by Hugh J. Chisholm and Payson Tucker, Administrators of the Estate of John Q. Twitchell, deceased, and by James P. Champlin by two deeds each dated July 10, 1897, and recorded respectively in said Registry Book 654, page 191 and Book 654, page 193. Said parcel containing about Seven Thousand Four Hundred and Thirty-two (7,432) square feet, situate in the City of Portland, in said County and State. Together with all the trackage rights appurtenant to said property. Also the right in common with others to use all parts of the parcel between the lot above described arid said railroad track free from all obstructions as a passageway with teams or otherwise to and from said Commercial Street and to and from said Railroad track and parcel about described. Said lot is numbered 260-264 on said Commercial Street in said Portland.

Also Parcel "B":

Beginning at the Northwesterly corner of the lot of land conveyed by Everett Wilson to J. Ogden Armour by deed dated September 22, 1897, recorded in Cumberland County Registry of Deeds, Book 657, page 205, thence southeasterly by said Armour land one hundred seventeen and seventy-three one-hundredths (117.73) feet to the southerly corner of said Armour land; thence westerly at right angles to line of said Armour land, fifty (50) feet to a point, and land of now or formerly Franklin Real estate Company, thence Northerly, and parallel with the line of the above mentioned Armour land, one hundred four and thirty-five one-hundredths (104.35) feet, more or less, to Commercial Street; thence easterly by Commercial Street fifty-one and seventy-six one-hundredths

(51.76) feet, more or less, to the point of beginning. Being part of what was formerly known as the John Bradford lot, and part of the premises conveyed to Franklin Real Estate Company by George W. Brown, by deed dated November 17, 1909, recorded in said Registry, Book 849, Page 306; and the same conveyed to George W. Brown by John E. Bradford by deed dated November 17, 1909 and recorded in said Registry, Book 849, Page 305. Said lot is numbered 266-268 Commercial Street in said Portland.

Also Parcel "C":

Beginning on the southeasterly sideline of said Commercial St. at the northwesterly corner of land conveyed to Armour and Company (an Illinois corporation herein after referred to as "Armour Illinois") by Franklin Real Estate Company by deed dated April 26, 1918 and recorded in the Cumberland County Registry of Deeds in Book 1008, Page 120 (said land so conveyed to Armour Illinois hereinafter referred to "Armour Illinois land"); thence South 34° 57' East by the southwesterly line of Armour Illinois land a distance of 104.63 feet to the southerly corner of Armour Illinois land, which corner is also on the northwesterly line of land formerly of the Proprietors of Union Wharf and more recently taken by the City of Portland by Condemnation Proceedings for which the Notice of Taking is dated March 24, 1981 and recorded in said Registry of Deeds on April 1, 1981 in Book 4759, Page 119; thence South 55° 03' West on the extension of the southeasterly sideline of Armour Illinois land, being the northwesterly line of said land condemned by the City of Portland, a distance of three-tenths of a foot (0.30) to the point of intersection of the course herein described with the projection southeasterly of the exterior face of the southwesterly wall of the building located in part on Armour Illinois land and in part on the premises herein conveyed, said point of intersection also marking a corner in said land condemned by the City of Portland; thence northwesterly by the line of said projection of the exterior face of said southwesterly wall and by the exterior face of said southwesterly wall, being the northeasterly line of said land condemned by the City of Portland (which line is sometimes described as being North 34° 47' West), a distance of 104.63 feet, more or less, to the southeasterly line of Commercial Street and the point of beginning; being a portion of the premises conveyed to the Proprietors of Union Wharf by deed of Brockway-Smith-Haigh-Lovell Co. dated January 31, 1964 and recorded in said Registry of Deeds in Book 2802, Page 198.

Reference is made to a Warranty Deed from the Proprietors of Union Wharf to Browne International Corporation dated May 10, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12500, Page 214.

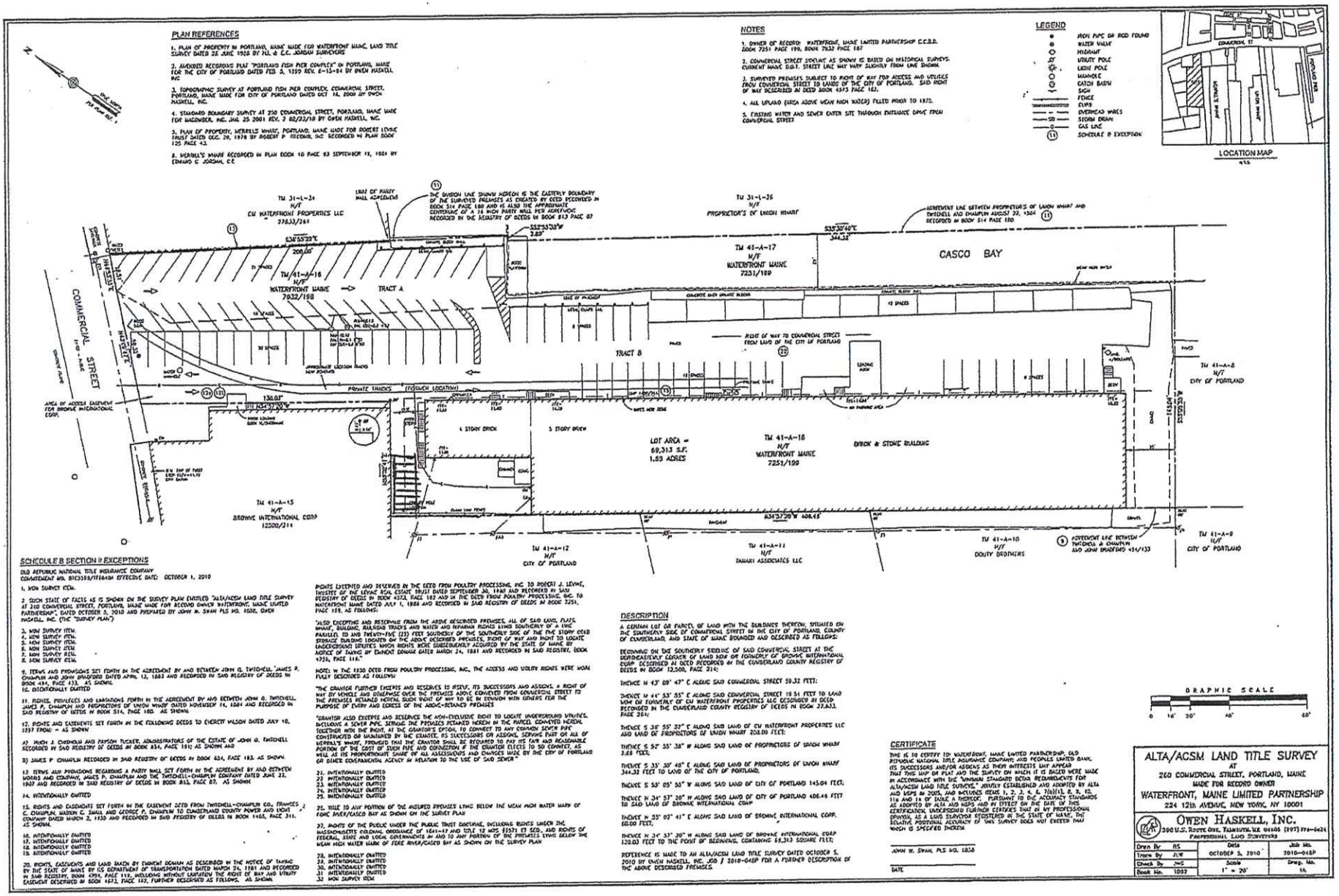


Exhibit B

Easement Area

C:\2010\045P Commercial St\045P ALTA.dwg, 10/5/2010 8:14:55 AM

LEASE AGREEMENT BETWEEN

PORTLAND FISH PIER AUTHORITY

AND BROWNE TRADING CO.

AND WATERFRONT, MAINE LIMITED PARTNERSHIP

THIS AGREEMENT made this 9th day of November, 2012, by and between the **PORTLAND FISH PIER AUTHORITY**, a Maine non-profit local development authority, having a place of business in the City of Portland, County of Cumberland, and State of Maine, and acting pursuant to the terms of a Lease between the City of Portland and the Portland Fish Pier Authority (hereinafter "AUTHORITY"), dated April 30, 1990, and **BROWNE TRADING CO.**, a corporation organized under the laws of Maine and having a place of business in said Portland (hereinafter "BROWNE"), and **WATERFRONT, MAINE LIMITED PARTNERSHIP**, a limited partnership organized under the laws of Maine and having a place of business in said Portland (hereinafter "WATERFRONT MAINE"); BROWNE and WATERFRONT MAINE are hereinafter together and jointly referred to as "TENANT", and both BROWNE and WATERFRONT MAINE shall be severally (and jointly) liable for duties and obligations ascribed to TENANT, hereunder.

W I T N E S S E T H:

WHEREAS, AUTHORITY operates the Portland Fish Pier Complex, pursuant to the terms of a Management Agreement between it and the City of Portland, dated September 24, 1990; and

WHEREAS, BROWNE has been leasing certain property situated on the said complex pursuant to a lease dated

September 14, 2009, and before that pursuant to a lease dated December 30, 2005; and

WHEREAS, BROWNE has sold its real estate adjacent to the Portland Fish Pier Complex to WATERFRONT MAINE, and now leases that same adjacent real estate from WATERFRONT MAINE; and

WHEREAS, the parties hereto wish enter into a new Lease Agreement;

NOW, THEREFORE, in consideration of their mutual promises, covenants and agreements, and other good and valuable consideration, receipt of which is hereby acknowledged, the said parties agree, as follows:

1. DESCRIPTION OF PREMISES. The premises which are the subject of this lease contain 23,922 square feet, more or less, and are more fully described on the plan designated "Amended Recording Plat 'Portland Fish Pier Complex'," dated January 9, 2001, and recorded in the Cumberland County Registry of Deeds in Plan Book 201, Page 18, on January 18, 2001, as Parcel 12. A copy of the Plat is attached hereto as Exhibit A.

2. TERM. The term of the lease shall be from September 1, 2012 through August 31, 2014.

3. RENT. The rental for the premises will be One Thousand Five Hundred Eighty-Six Dollars and Fifty-Nine Cents ($1,586.59) per month, for a yearly total of Nineteen Thousand Thirty-Nine Dollars and Eight Cents ($19,039.08) during the first year, and during the second year The rental for the premises will be One Thousand Six Hundred Twenty-Six Dollars and Twenty-six Cents ($1,626.26) per

month, for a yearly total of Nineteen Thousand Five Hundred Fifteen Dollars and Twelve Cents ($19,515.12). TENANT will pay AUTHORITY, without demand and in advance of the first (1st) day of each month. The parties acknowledge that as of the date of the signing of this Lease all rents due and payable have been paid through November 31, 2012, and that the first payment due under this Lease shall be on December 1, 2012.

4. **PERMITTED USES**. TENANT may use and occupy the premises which are the subject of this lease only for the uses which are described below:

(a) placement and operation of a loading dock and a trash compactor, or other receptacle for trash, supported on a cement pad;

(b) use and improvement of the existing gravel road which crosses the property for vehicular traffic;

(c) BROWNE employee only parking for no more than ten vehicles;

(d) parking for customers of BROWNE's retail operations via the existing Commercial Street curb cut, subject to approval by the Portland planning authority and the AUTHORITY. Such parking, if approved, shall only be permitted during the normal business hours of the retail operation and shall be regulated by TENANT or their agent(s) accordingly;

(e) right of access across the paved areas of Lot 12a as shown on Exhibit A, for vehicles and pedestrians who are either business

Corrected page 3, substituted on 12/12/12, with the consent of all parties - LCWalker

invitees, other than retail customers, or employees of BROWNE;

(f) landscaping and fencing, subject to the approval of the City of Portland Director of Public Buildings; and

(g) outdoor seating for BROWNE's customers and associated landscaping, subject to approval of the City of Portland Director of Public Buildings.

5. APPROVAL OF AUTHORITY. Notwithstanding any other provisions of this lease to the contrary, TENANT may not make any improvements to the premises, including, but not limited to, those described in Paragraph 4 above, without the prior written approval of the AUTHORITY. TENANT will be responsible for procuring all approvals and permits necessary to make any improvements to the premises.

6. INSURANCE. As a condition of this lease, TENANT agrees to maintain, at its own expense, from the time it begins exercising the rights granted by this lease until its termination, a policy of commercial general liability insurance, written on an occurrence basis, and including broad form contractual liability coverage, insuring against all claims for injury to or death of persons or destruction of or damage to property, on or about the licensed area, or arising out of the use of the license by TENANT, its officers, agents, employees or invitees, as well as fire legal liability insurance. Such policies will name the Fish Pier Authority and the City of Portland as additional insureds. The minimum limits of liability of for the commercial general liability insurance will be a combined

single limit of One Million Dollars ($1,000,000.00), and the minimum limits of liability for the fire legal liability insurance will be a combined single limit of One Hundred Thousand Dollars ($100,000.00).

Such insurance coverage will be effected upon terms reasonably available from insurers authorized to do business in Maine and having a Bests' rating of A or better, and under valid and enforceable policies which shall be non-amendable and non-cancelable without thirty (30) days prior notice to the AUTHORITY.

Certificates or other evidence of insurance coverages required of TENANT in this Section, in amounts no less than those stipulated herein or as may be in effect from time-to-time, shall be delivered to the AUTHORITY prior to use of the Premises.

7. LESSEE'S INDEMNITY. TENANT will indemnify and save harmless both the AUTHORITY and also the City of Portland, their officers, agents, and employees, from and against all claims, expenses, losses, or liability of whatever nature, arising, directly or indirectly, from any accident or injury, however caused, to any person on or about the area which is the subject of this Lease, where such accident or injury results from any act, omission, or negligence on the part of TENANT or TENANT's contractors, licensees, agents, servants, employees, customers, or anyone claiming by or through TENANT; provided, however, that in no event shall TENANT be obligated under this Section to indemnify AUTHORITY, its officers, agents and employees, to the extent that such claim, expense, loss, or liability results from any omission, fault, negligence, or other misconduct of AUTHORITY or its officers, agents or employees, on or

about the area which is the subject of this revocable license.

This indemnity and hold harmless provision includes indemnity against all reasonable expenses and liabilities incurred by or in connection with any claim or proceeding brought thereon, as well as the defense thereof with counsel reasonably acceptable to AUTHORITY and to the City of Portland.

8. NO ASSIGNMENT. The rights granted to TENANT herein may not be assigned, transferred, encumbered or sublet in whole or in part by it.

9. REMOVAL OF IMPROVEMENTS MADE BY TENANT. TENANT agrees, at its own expense, to remove any improvements or structures which it may place in the leased premises within ninety (90) days after August 31, 2014 and to restore the area to the same condition it was in prior to the granting of the lease. Should TENANT fail to so remove such improvements, the AUTHORITY may at any time after said ninety (90) days have passed caused such improvements to be removed, and TENANT shall thereafter to liable to all costs related to such removal.

10. SURVIVAL OF CERTAIN PROVISIONS. The provisions of Article 7 (indemnification) and Article 9 (removal and restoration) shall survive termination of this lease and remain enforceable against TENANT in regard to events which occurred prior to the date of termination and TENANT's surrender of the premises to AUTHORITY.

11. MAINTENANCE. TENANT is responsible for all maintenance of the leased premises, including, but not limited to, snowplowing and sanding, as circumstances may require, and, further, agrees to keep them in a neat and orderly condition to the satisfaction of the City of Portland Director of Public Buildings.

12. LAWS AND REQUIREMENTS. During the term, TENANT shall, at its own cost and expense, promptly observe and comply with all existing and future laws, of the federal, state, and county and city governments, including the Fish Pier rules, and of all other governmental authorities affecting the Fish Pier Complex or appurtenances thereto, to the extent that such laws or regulations are directly related to the Premises, while such laws or regulations are in force, regardless of when enacted.

13. DEFAULT. The AUTHORITY may cancel and terminate this Lease in the event any monthly rental payment is in arrears, and remains unpaid for a period of fifteen (15) days after the payment is due, upon the giving of fifteen (15) days written notice to TENANT of its intention to so terminate, at the end of which time all the rights of TENANT shall terminate unless the rental payment owed shall have been tendered to the AUTHORITY within such fifteen (15) day period.

Upon thirty (30) days' prior written notice, either party may cancel and terminate this Lease in the event of any default of the other unless the default, which shall be specified in such written notice, is cured within the said thirty (30) days or, if said default cannot reasonably be

cured within said 30 days, the defaulting party has diligently begun to cure said default and continues to do so, in which case such termination shall not take effect.

14. OPTION TO RENEW. There is no option to renew.

IN WITNESS WHEREOF, the **PORTLAND FISH PIER AUTHORITY** has caused this Agreement to be signed by ~~Kevin Rousseau~~ Robert Elder, its President; and **BROWNE TRADING COMPANY,** has caused this Agreement to be signed by ROD B. Mitchell, its Chief Executive Officer thereunto duly authorized and **WATERFRONT, MAINE LIMITED PARTNERSHIP,** has caused this Agreement to be signed by Anthony Gatti, its General Partner thereunto duly authorized, all as of the day and date first above-written.

Signed, Sealed and
Delivered in presence of

PORTLAND FISH PIER AUTHORITY

Joan L. Morgan

By: _____
Robert Elder
Its President

BROWNE TRADING CO.

By: _____
ROD B. Mitchell
Its: President

WATERFRONT, MAINE LIMITED PARTNERSHIP

By: _____
Anthony Gatti
Its General Partner

STATE OF MAINE
Cumberland, ss. Kennebec

11-5, 2012

Personally appeared before me the above-named Robert D. Elder, and acknowledged the foregoing instrument to be his free act and deed in his capacity as President of the Portland Fish Pier Authority, and the free act and deed of said corporation.

JEAN A. STEWART
Notary Public State of Maine
My commission expires August 15, 2013

Before me,
Jean A Stewart
Notary Public/~~Attorney at Law~~

STATE OF MAINE
Cumberland, ss.

11-13, 2012

Personally appeared before me the above-named Anthony Gatti, and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity as general partner of Waterfront, Maine Limited Partnership, and the free act and deed of said entity.

Before me,

MARTHA A. KNEELAND
Notary Public-Maine
My Commission Expires
March 27, 2019

Martha A Kneeland
Notary Public/~~Attorney at Law~~

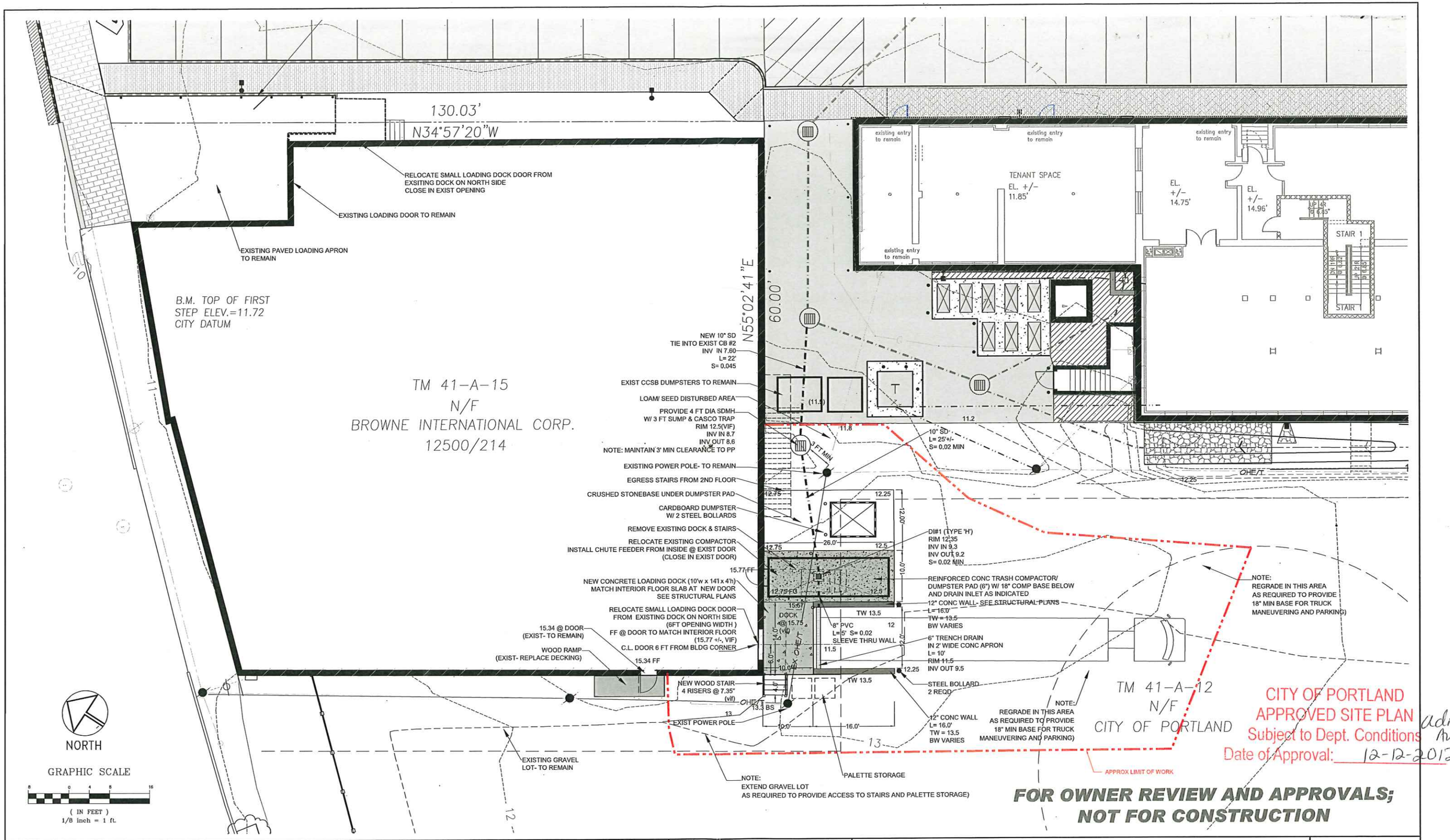
STATE OF MAINE
Cumberland, ss.

12-5, 2012

Personally appeared before me the above-named ROD B. MITCHELL, and acknowledged the foregoing instrument to be ~~her~~ his (CPA) free act and deed in capacity as president of Browne Trading Company, and the free act and deed of said corporation.

Chanterelle P. Atkins
Notary Public, State of Maine
My Commission Expires on January 30, 2019

Before me,
Chanterelle Atkins
Notary Public/Attorney at Law



CITY OF PORTLAND
APPROVED SITE PLAN
Subject to Dept. Conditions
Date of Approval: 12-12-2012

FOR OWNER REVIEW AND APPROVALS; NOT FOR CONSTRUCTION

OWNER: Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011
T. 207.729.7970 F. 207.725.9500
djacques@WaterfrontME.com

LANDSCAPE ARCHITECTS: Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712
pcarroll@carroll-assoc.com

STRUCTURAL ENGINEER: Structural Integrity, Inc.
75 Oak Street
Portland, ME 04101
T. 207.774.4614 M. 207.272.4910
www.beckerstructural.com

CIVIL ENGINEER: Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

PATRICK J. CARROLL NO. 127 — LICENSED LANDSCAPE ARCHITECT — STATE OF MAINE

REV #	DATE	DESCRIPTION
1	030112	ISSUE FOR PRELIM PRICING
2	041912	ISSUE FOR OWNER REVIEW
3	042612	ISSUE FOR OWNER REVIEW
4	051512	REVISE DOCK LOCATION
5	072312	REVISE DOCK SIZE/ STAIR LOCATION
6	080312	REVISE DOCK DOOR/ DRAINAGE PIPING
7	082712	REVISE COMPACTOR PAD
8	090512	SUBMIT TO CITY
9	112012	MODIFY DRAINAGE

Site Improvements To:

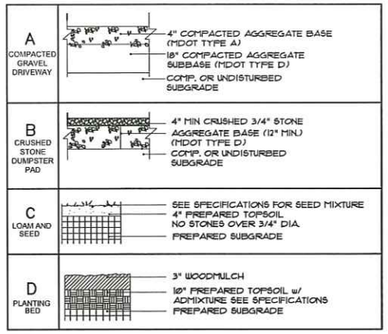
BROWNE TRADING CO.

Merrill's Wharf, Portland, Maine

SITE PLAN

L-1.0

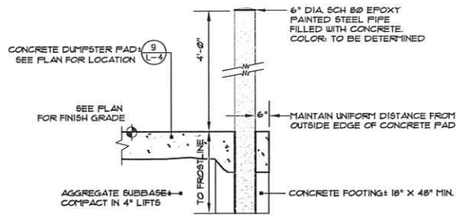
08. 29. 2012



NOTE: ALL COURSE MATERIALS REFLECT THICKNESS AFTER FINAL COMPACTION.

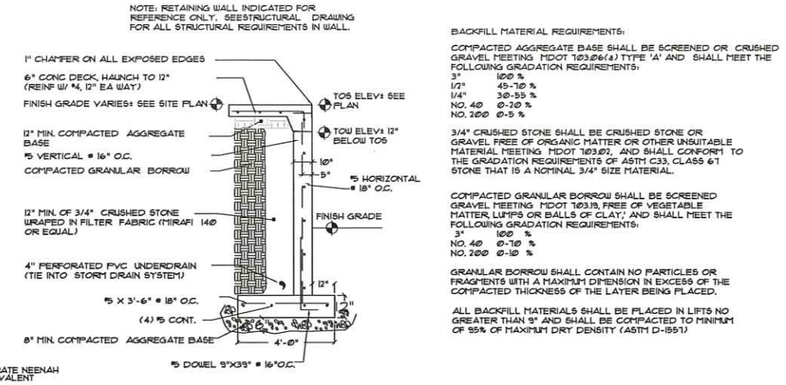
1 SCHEDULE OF SURFACES / DETAIL

NOT TO SCALE



4 STEEL BOLLARD DETAIL

NOT TO SCALE



BACKFILL MATERIAL REQUIREMENTS:

COMPACTED AGGREGATE BASE SHALL BE SCREENED OR CRUSHED GRAVEL MEETING MDOT 703.06(a) TYPE 'A' AND SHALL MEET THE FOLLOWING GRADATION REQUIREMENTS:

3"	100 %
1/2"	45-70 %
1/4"	30-55 %
NO. 40	0-20 %
NO. 200	0-5 %

3/4" CRUSHED STONE SHALL BE CRUSHED STONE OR GRAVEL FREE OF ORGANIC MATTER OR OTHER UNSUITABLE MATERIAL MEETING MDOT 703.02, AND SHALL CONFORM TO THE GRADATION REQUIREMENTS OF ASTM C33, CLASS 67 STONE THAT IS A NOMINAL 3/4" SIZE MATERIAL.

COMPACTED GRANULAR BORROW SHALL BE SCREENED GRAVEL MEETING MDOT 703.19, FREE OF VEGETABLE MATTER, LUMPS OR BALLS OF CLAY; AND SHALL MEET THE FOLLOWING GRADATION REQUIREMENTS:

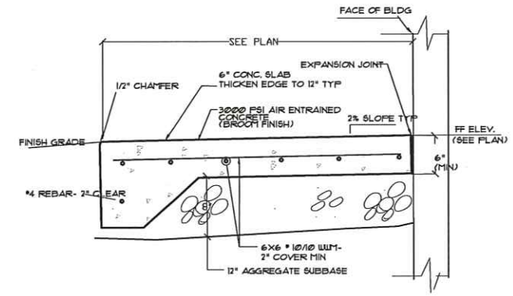
3"	100 %
NO. 40	0-70 %
NO. 200	0-10 %

GRANULAR BORROW SHALL CONTAIN NO PARTICLES OR FRAGMENTS WITH A MAXIMUM DIMENSION IN EXCESS OF THE COMPACTED THICKNESS OF THE LAYER BEING PLACED.

ALL BACKFILL MATERIALS SHALL BE PLACED IN LIFTS NO GREATER THAN 9" AND SHALL BE COMPACTED TO MINIMUM OF 95% OF MAXIMUM DRY DENSITY (ASTM D-1557)

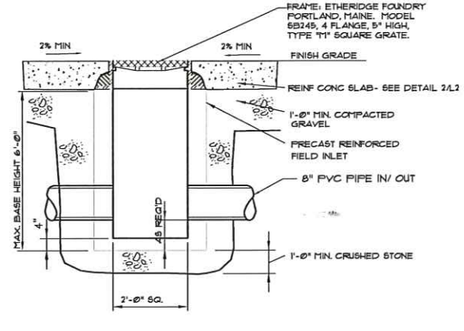
9 CONC. LOADING DOCK (CAST-IN-PLACE)

NOT TO SCALE



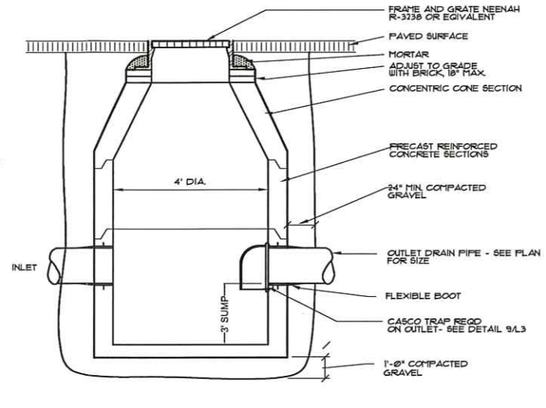
2 CONCRETE DUMPSTER PAD DETAIL

NOT TO SCALE



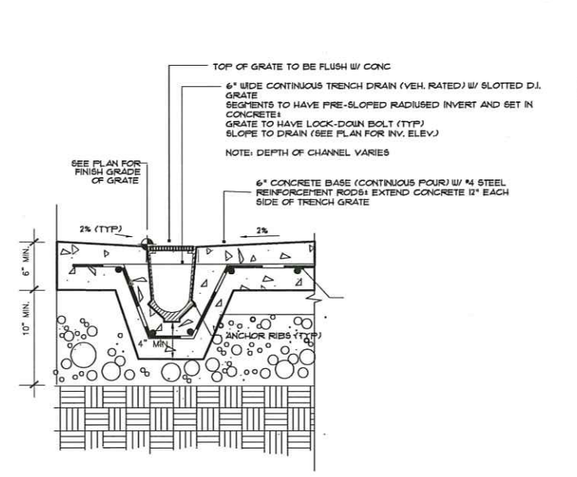
5 FIELD INLET DETAIL

NOT TO SCALE



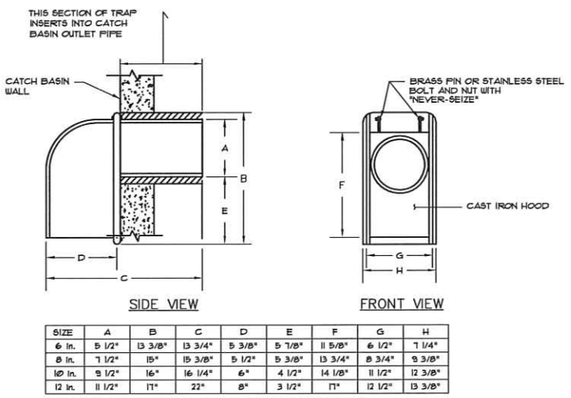
7 CATCH BASIN W/ CONCENTRIC CONE

NOT TO SCALE



3 TRENCH DRAIN DETAIL

NOT TO SCALE



SIZE	A	B	C	D	E	F	G	H
6 in.	5 1/2"	13 3/8"	13 3/4"	5 3/8"	5 7/8"	11 5/8"	6 1/2"	7 1/4"
8 in.	7 1/2"	15"	15 3/8"	5 1/2"	5 3/8"	13 3/4"	8 3/4"	9 3/8"
10 in.	9 1/2"	16"	16 1/4"	6"	4 1/2"	14 1/8"	11 1/2"	12 3/8"
12 in.	11 1/2"	17"	22"	8"	3 1/2"	17"	12 1/2"	13 3/8"

(AS MANUFACTURED BY THE ETHERIDGE FOUNDRY IN PORTLAND, ME)

NOTE: CONTRACTOR SHALL UTILIZE THE "CASCO TRAP" AS MANUFACTURED BY THE ETHERIDGE FOUNDRY, OR AN APPROVED EQUIVALENT AS SUPPLIED BY THE LEBARON FOUNDRY, MODEL * L, 201 "STANDARD CATCH BASIN TRAP"

CASCO TRAP DETAIL

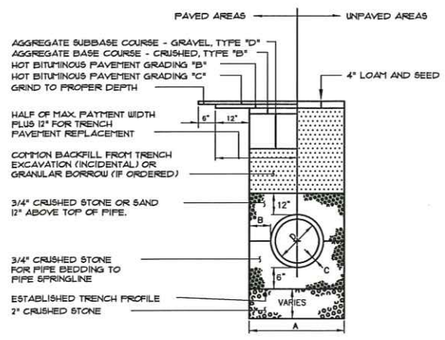
NOT TO SCALE

6 CASCO TRAP INSTALLATION

NOT TO SCALE

NOTES:
DEPTH OF BITUMINOUS PAVEMENT AND AGGREGATE COURSES SHALL BE DETERMINED BY STREET CLASSIFICATION.

ANY ALTERNATE TRENCHING OR PAYMENT METHODS SHALL BE APPROVED IN ADVANCE BY THE CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES.



8 TYPICAL PIPE TRENCH INSTALLATION

NOT TO SCALE

CITY OF PORTLAND
APPROVED SITE PLAN
Subject to Dept. Conditions
Date of Approval: 12-12-2012

SITE PLAN NOTES, CITY OF PORTLAND

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1986 AND 1973; PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1978; AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.
2. TOPOGRAPHY AND UTILITIES FROM A PLAN BY EC JORDAN 1973. AERIAL TOPOGRAPHY SURVEY BY SEWELL CO. (DATUM MSL= 0.00')
3. 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 TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
4. ALL POWER LINES WITHIN THE PROPERTY SHALL BE UNDERGROUND (SEE E-0.1).
5. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIP DOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS, AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
6. 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 BALE, ETC.) AS WELL AS THEIR LOCATION.)
7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
8. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE.)
9. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORK'S REPRESENTATIVE, AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE/BUILDING CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.

FOR OWNER REVIEW AND APPROVALS; NOT FOR CONSTRUCTION

LICENSED LANDSCAPE ARCHITECT PATRICK J. CARROLL #NO. 127 STATE OF MAINE

OWNER: Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011
T. 207.729.7970 F. 207.725.9500
djacques@WaterfrontME.com

LANDSCAPE ARCHITECTS: Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712
pcarroll@carroll-assoc.com

STRUCTURAL ENGINEER: Structural Integrity, Inc.
75 Oak Street
Portland, ME 04101
T. 207.774.4614 M. 207.272.4910
www.beckerstructural.com

CIVIL ENGINEER: Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

REV #	DATE	DESCRIPTION
1	030112	ISSUE FOR PRELIM PRICING
2	041912	ISSUE FOR OWNER REVIEW
3	042612	ISSUE FOR OWNER REVIEW
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8	090512	SUBMIT TO CITY
9	112012	MODIFY DRAINAGE DETAILS

Site Improvements To:

BROWNE TRADING CO.

Merrill's Wharf, Portland, Maine

SITE DETAILS

L-2.0

08. 28. 2012

From: David Margolis-Pineo
To: Jean Fraser
Date: 12/10/2012 1:39 PM
Subject: asap please Fwd: RE: Browne's Trading Admin authorization

September 12, 2012
September 21, 2012
December 10, 2012

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Review Comments: 260 Commercial Street – Browne Trading Post

Based on a letter from Patrick J. Carroll dated September 19, 2012,
The Department of Public Services has the following comments:
The applicant will required a drainage easement from the owners of the former Cumberland Cold Storage facility.

Easement obtained.The applicant is requested to install a four foot diameter precast catchbasin with a three foot sump and a floatables control device on the outlet pipe.

A four foot diameter catchbasin with a three foot sump contains approximately 37 cubic feet of sediment storage versus approximately 12 cubic feet of storage for the currently proposed two foot square catchbasin with a three foot sump. All catchbasins connected downstream of this proposed catchbasin are four foot diameter with three foot sumps and also contain a "Snout" device for floatables capture. Several of the downstream basins also have a very small drainage area. The installation of a floatables capture device in a two foot square catchbasin would make the sump very difficult if not impossible to clean.

Therefore, since the Technical Manual standard for catchbasins on stormwater drainage systems discharging to water bodies within the City of Portland/State of Maine require a four foot diameter with three foot sump, and since the proposed location of this is catchbasin is underneath a trash compactor and that a proposed surface trench drain is connected to the catchbasin and since all downstream catchbasins incorporate City Technical Manual standards, it is felt that a four foot catchbasin with three foot sump incorporating a "Snout" style floatables type capture device in imperative and required for proper stormwater management at this location.

Applicant has agreed to install a new four foot diameter catch basin with three foot sump. Thank you

We have no further comments.
>>> Jean Fraser 12/10/2012 12:11 PM >>>
David

I attach the renewed lease from the Fish Pier for information.

I am now able to issue the administrative authorization and just need your sign off.

thanks
Jean

Jean Fraser - RE: Browne Trading loading dock

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 9/20/2012 10:52 AM
Subject: RE: Browne Trading loading dock
CC: "Margolis-Pineo, David" <DMP@portlandmaine.gov>, "Earley, Katherine" <KA...

Jean – I'm fine with how trucks will be access and egress the loading dock. Clearly, access may be complicated by other vehicles parking in the circulation area, but I'm not sure how we dictate that it remain open given that it is an unmanaged area. Generally, circulation areas are paved, but in this case it doesn't appear to be the case. Thanks

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TY LIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, September 20, 2012 9:31 AM
To: Tom Errico
Subject: Browne Trading loading dock

Tom

I would be grateful for any comments you may have and the docs I gave you yesterday (also attached).

Its getting a bit contentious because Danielle has determined it needs to be approved by the Fish Pier as that level of truck traffic may raise concerns. So your comments will be widely circulated and be of interest to the Fish Pier.

thanks
Jean

Rcd from Waterfront Maine 12-10-12
Not final - page 3
has been altered

LEASE AGREEMENT BETWEEN

PORTLAND FISH PIER AUTHORITY

AND BROWNE TRADING CO.

AND WATERFRONT, MAINE LIMITED PARTNERSHIP

THIS AGREEMENT made this 9th day of November, 2012, by and between the **PORTLAND FISH PIER AUTHORITY**, a Maine non-profit local development authority, having a place of business in the City of Portland, County of Cumberland, and State of Maine, and acting pursuant to the terms of a Lease between the City of Portland and the Portland Fish Pier Authority (hereinafter "AUTHORITY"), dated April 30, 1990, and **BROWNE TRADING CO.**, a corporation organized under the laws of Maine and having a place of business in said Portland (hereinafter "BROWNE"), and **WATERFRONT, MAINE LIMITED PARTNERSHIP**, a limited partnership organized under the laws of Maine and having a place of business in said Portland (hereinafter "WATERFRONT MAINE"); BROWNE and WATERFRONT MAINE are hereinafter together and jointly referred to as "TENANT", and both BROWNE and WATERFRONT MAINE shall be severally (and jointly) liable for duties and obligations ascribed to TENANT, hereunder.

W I T N E S S E T H:

WHEREAS, AUTHORITY operates the Portland Fish Pier Complex, pursuant to the terms of a Management Agreement between it and the City of Portland, dated September 24, 1990; and

WHEREAS, BROWNE has been leasing certain property situated on the said complex pursuant to a lease dated

September 14, 2009, and before that pursuant to a lease dated December 30, 2005; and

WHEREAS, BROWNE has sold its real estate adjacent to the Portland Fish Pier Complex to WATERFRONT MAINE, and now leases that same adjacent real estate from WATERFRONT MAINE; and

WHEREAS, the parties hereto wish enter into a new Lease Agreement;

NOW, THEREFORE, in consideration of their mutual promises, covenants and agreements, and other good and valuable consideration, receipt of which is hereby acknowledged, the said parties agree, as follows:

1. **DESCRIPTION OF PREMISES**. The premises which are the subject of this lease contain 23,922 square feet, more or less, and are more fully described on the plan designated "Amended Recording Plat 'Portland Fish Pier Complex'," dated January 9, 2001, and recorded in the Cumberland County Registry of Deeds in Plan Book 201, Page 18, on January 18, 2001, as Parcel 12. A copy of the Plat is attached hereto as Exhibit A.

2. **TERM**. The term of the lease shall be from September 1, 2012 through August 31, 2014.

3. **RENT**. The rental for the premises will be One Thousand Five Hundred Eighty-Six Dollars and Fifty-Nine Cents ($1,586.59) per month, for a yearly total of Nineteen Thousand Thirty-Nine Dollars and Eight Cents ($19,039.08) during the first year, and during the second year The rental for the premises will be One Thousand Six Hundred Twenty-Six Dollars and Twenty-six Cents ($1,626.26) per

month, for a yearly total of Nineteen Thousand Five Hundred Fifteen Dollars and Twelve Cents ($19,515.12). TENANT will pay AUTHORITY, without demand and in advance of the first (1st) day of each month. The parties acknowledge that as of the date of the signing of this Lease all rents due and payable have been paid through November 31, 2012, and that the first payment due under this Lease shall be on December 31, 2012.

4. **PERMITTED USES**. TENANT may use and occupy the premises which are the subject of this lease only for the uses which are described below:

(a) operation of a trash compactor, or other receptacle for trash, supported on a cement pad;

(b) use and improvement of the existing gravel road which crosses the property for vehicular traffic;

(c) BROWNE employee only parking for no more than ten vehicles;

(d) parking for customers of BROWNE's retail operations via the existing Commercial Street curb cut, subject to approval by the Portland planning authority and the AUTHORITY. Such parking, if approved, shall only be permitted during the normal business hours of the retail operation and shall be regulated by TENANT or their agent(s) accordingly;

(e) right of access across the paved areas of Lot 12a as shown on Exhibit A, for vehicles and pedestrians who are either business

invitees, other than retail customers, or employees of BROWNE;

(f) landscaping and fencing, subject to the approval of the City of Portland Director of Public Buildings; and

(g) outdoor seating for BROWNE's customers and associated landscaping, subject to approval of the City of Portland Director of Public Buildings.

5. **APPROVAL OF AUTHORITY**. Notwithstanding any other provisions of this lease to the contrary, TENANT may not make any improvements to the premises, including, but not limited to, those described in Paragraph 4 above, without the prior written approval of the AUTHORITY. TENANT will be responsible for procuring all approvals and permits necessary to make any improvements to the premises.

6. **INSURANCE**. As a condition of this lease, TENANT agrees to maintain, at its own expense, from the time it begins exercising the rights granted by this lease until its termination, a policy of commercial general liability insurance, written on an occurrence basis, and including broad form contractual liability coverage, insuring against all claims for injury to or death of persons or destruction of or damage to property, on or about the licensed area, or arising out of the use of the license by TENANT, its officers, agents, employees or invitees, as well as fire legal liability insurance. Such policies will name the Fish Pier Authority and the City of Portland as additional insureds. The minimum limits of liability of for the commercial general liability insurance will be a combined

single limit of One Million Dollars ($1,000,000.00), and the minimum limits of liability for the fire legal liability insurance will be a combined single limit of One Hundred Thousand Dollars ($100,000.00).

Such insurance coverage will be effected upon terms reasonably available from insurers authorized to do business in Maine and having a Bests' rating of A or better, and under valid and enforceable policies which shall be non-amendable and non-cancelable without thirty (30) days prior notice to the AUTHORITY.

Certificates or other evidence of insurance coverages required of TENANT in this Section, in amounts no less than those stipulated herein or as may be in effect from time-to-time, shall be delivered to the AUTHORITY prior to use of the Premises.

7. LESSEE'S INDEMNITY. TENANT will indemnify and save harmless both the AUTHORITY and also the City of Portland, their officers, agents, and employees, from and against all claims, expenses, losses, or liability of whatever nature, arising, directly or indirectly, from any accident or injury, however caused, to any person on or about the area which is the subject of this Lease, where such accident or injury results from any act, omission, or negligence on the part of TENANT or TENANT's contractors, licensees, agents, servants, employees, customers, or anyone claiming by or through TENANT; provided, however, that in no event shall TENANT be obligated under this Section to indemnify AUTHORITY, its officers, agents and employees, to the extent that such claim, expense, loss, or liability results from any omission, fault, negligence, or other misconduct of AUTHORITY or its officers, agents or employees, on or

about the area which is the subject of this revocable license.

This indemnity and hold harmless provision includes indemnity against all reasonable expenses and liabilities incurred by or in connection with any claim or proceeding brought thereon, as well as the defense thereof with counsel reasonably acceptable to AUTHORITY and to the City of Portland.

8. **NO ASSIGNMENT**. The rights granted to TENANT herein may not be assigned, transferred, encumbered or sublet in whole or in part by it.

9. **REMOVAL OF IMPROVEMENTS MADE BY TENANT**. TENANT agrees, at its own expense, to remove any improvements or structures which it may place in the leased premises within ninety (90) days after August 31, 2014 and to restore the area to the same condition it was in prior to the granting of the lease. Should TENANT fail to so remove such improvements, the AUTHORITY may at any time after said ninety (90) days have passed caused such improvements to be removed, and TENANT shall thereafter to liable to all costs related to such removal.

10. **SURVIVAL OF CERTAIN PROVISIONS**. The provisions of Article 7 (indemnification) and Article 9 (removal and restoration) shall survive termination of this lease and remain enforceable against TENANT in regard to events which occurred prior to the date of termination and TENANT's surrender of the premises to AUTHORITY.

11. **MAINTENANCE**. TENANT is responsible for all maintenance of the leased premises, including, but not limited to, snowplowing and sanding, as circumstances may require, and, further, agrees to keep them in a neat and orderly condition to the satisfaction of the City of Portland Director of Public Buildings.

12. **LAWS AND REQUIREMENTS**. During the term, TENANT shall, at its own cost and expense, promptly observe and comply with all existing and future laws, of the federal, state, and county and city governments, including the Fish Pier rules, and of all other governmental authorities affecting the Fish Pier Complex or appurtenances thereto, to the extent that such laws or regulations are directly related to the Premises, while such laws or regulations are in force, regardless of when enacted.

13. **DEFAULT.** The AUTHORITY may cancel and terminate this Lease in the event any monthly rental payment is in arrears, and remains unpaid for a period of fifteen (15) days after the payment is due, upon the giving of fifteen (15) days written notice to TENANT of its intention to so terminate, at the end of which time all the rights of TENANT shall terminate unless the rental payment owed shall have been tendered to the AUTHORITY within such fifteen (15) day period.

Upon thirty (30) days' prior written notice, either party may cancel and terminate this Lease in the event of any default of the other unless the default, which shall be specified in such written notice, is cured within the said thirty (30) days or, if said default cannot reasonably be

cured within said 30 days, the defaulting party has diligently begun to cure said default and continues to do so, in which case such termination shall not take effect.

14. **OPTION TO RENEW**. There is no option to renew.

IN WITNESS WHEREOF, the **PORTLAND FISH PIER AUTHORITY** has caused this Agreement to be signed by Kevin Rousseau, its President; and **BROWNE TRADING COMPANY**, has caused this Agreement to be signed by ROD B. Mitchell, its Chief Executive Officer thereunto duly authorized and **WATERFRONT, MAINE LIMITED PARTNERSHIP**, has caused this Agreement to be signed by Anthony Gatti, its General Partner thereunto duly authorized, all as of the day and date first above-written.

Signed, Sealed and
Delivered in presence of

PORTLAND FISH PIER AUTHORITY

Joan L. Morgan

By: _____
Its President

BROWNE TRADING CO

By: _____
ROD B. Mitchell
Its: President

WATERFRONT, MAINE LIMITED PARTNERSHIP

By: _____
Anthony Gatti
Its General Partner

STATE OF MAINE
~~Cumberland~~ Kennebec, ss.

11-5, 2012

Personally appeared before me the above-named Robert D. Elder, and acknowledged the foregoing instrument to be his free act and deed in his capacity as President of the Portland Fish Pier Authority, and the free act and deed of said corporation.

JEAN A. STEWART
Notary Public State of Maine
My commission expires August 15, 2013

Before me,
Jean A Stewart
Notary Public/~~Attorney at Law~~

STATE OF MAINE
Cumberland, ss.

11-13, 2012

Personally appeared before me the above-named Anthony Gatti, and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity as General Partner of Waterfront, Maine Limited Partnership, and the free act and deed of said entity.

Before me,

MARTHA A. KNEELAND
Notary Public-Maine
My Commission Expires
March 27, 2019

Martha A Kneeland
Notary Public/~~Attorney at Law~~

STATE OF MAINE
Cumberland, ss.

12-5, 2012

Personally appeared before me the above-named ROD B. MITCHELL, and acknowledged the foregoing instrument to be ~~her~~ his free act and deed in ~~her~~ capacity as president of Browne Trading Company, and the free act and deed of said corporation.

Chanterelle P. Atkins
Notary Public, State of Maine
My Commission Expires on January 30, 2019

Before me,
Chanterelle Atkins
Notary Public/Attorney at Law

Jean Fraser - asap please Fwd: RE: Browne's Trading Admin authorization

From: David Margolis-Pineo
To: Jean Fraser
Date: 12/10/2012 1:39 PM
Subject: asap please Fwd: RE: Browne's Trading Admin authorization

September 12, 2012
September 21, 2012
December 10, 2012

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Review Comments: 260 Commercial Street – Browne Trading Post

Based on a letter from Patrick J. Carroll dated September 19, 2012,
The Department of Public Services has the following comments:

1. The applicant will required a drainage easement from the owners of the former Cumberland Cold Storage facility.

   Easement obtained.
2. The applicant is requested to install a four foot diameter precast catchbasin with a three foot sump and a floatables control device on the outlet pipe.

   A four foot diameter catchbasin with a three foot sump contains approximately 37 cubic feet of sediment storage versus approximately 12 cubic feet of storage for the currently proposed two foot square catchbasin with a three foot sump. All catchbasins connected downstream of this proposed catchbasin are four foot diameter with three foot sumps and also contain a "Snout" device for floatables capture. Several of the downstream basins also have a very small drainage area. The installation of a floatables capture device in a two foot square catchbasin would make the sump very difficult if not impossible to clean.

   Therefore, since the Technical Manual standard for catchbasins on stormwater drainage systems discharging to water bodies within the City of Portland/State of Maine require a four foot diameter with three foot sump, and since the proposed location of this is catchbasin is underneath a trash compactor and that a proposed surface trench drain is connected to the catchbasin and since all downstream catchbasins incorporate City Technical Manual standards, it is felt that a four foot catchbasin with three foot sump incorporating a "Snout" style floatables type capture device in imperative and required for proper stormwater management at this location.

   Applicant has agreed to install a new four foot diameter catch basin with three foot sump.
   Thank you

We have no further comments.

>>> Jean Fraser 12/10/2012 12:11 PM >>>
David

I attach the renewed lease from the Fish Pier for information.

I am now able to issue the administrative authorization and just need your sign off.

thanks
Jean

>>> Jean Fraser 12/7/2012 3:30 PM >>>
David

I don't think I have received a formal sign off from you on this..... when you have a minute could you check that it meets your comments and confirm to me. This was copied to you by Pat on 11.20.2012.

thanks
Jean

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 11/20/2012 3:33 PM >>>

Hi Jean,

Attached please find the revised site plans for Browne Trading Co Service Area reconfiguration as pre the Administrative Authorization Request. We have added a 4 ft precast catch basin with a 3 ft sump and Casco Trap as per Dave Margolis-Pineo's request. We located it near the property line with CCSB to allow for ease of maintenance. I believe this satisfies all requests and staff comments and we look forward to the successful completion of this project and its positive improvements to the Commercial Street neighborhood.

I do not believe that any other site improvements were tied to the revised lease between the Fish Pier Authority and Browne Trading. Larry Walden should have signed copies on file, I know they were signed by WFM last week. If you still need a copy of the lease please contact me and I will track one down.

Please contact me if you have any questions or need additional information.

Regards, Pat

Patrick J. Carroll

Carroll Associates Landscape Architects

207-772-1552 (w)

207-329-8976 (c)

Jean Fraser - RE: Browne's Trading Admin auth

Not yet signed off
1) Lease - FP agreed new one late Oct Req 9.20.12
2) Revised plans with larger sump etc see DPS -
Rev. Plan submitted to DPS. 11.20.2012

From: Jean Fraser
To: Carroll, Patrick
Date: 12/7/2012 2:54 PM
Subject: RE: Browne's Trading Admin authorization
CC: Margolis-Pineo, David

Pat

I understand from Larry that the new lease has been with Waterfront
any comments back from them.

So I am still holding the administrative authorization paperwork an
the near future.

thanks
Jean

12-7-12
Spoke Larry - WM has had new lease for awhile + no comments
Clearing DM-P for signoff
Emailed Pat Carroll the following up.
JF

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 11/20/2012 4:

I think their hang-up was that it was not automatically renewable
was in the earlier lease was struck... Larry would know more than

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, November 20, 2012 4:32 PM
To: Patrick Carroll
Cc: David Margolis-Pineo
Subject: RE: Browne's Trading Admin authorization

Pat

Hmmm- I know one of the issues was that it was not transferrable/assignable from Browne's to others....

OK- I will talk to Larry.

thanks
Jean

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 11/20/2012 4:26 PM >>>

Jean,

I just found out that the lease has not been executed by Browne Trading yet, so I would not jump through any hoops. Think they are uncomfortable with some of the revision language (or lack of it). Larry might be able to shed some light .

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, November 20, 2012 4:24 PM
To: Patrick Carroll
Cc: David Margolis-Pineo
Subject: RE: Browne's Trading Admin authorization

Thanks Pat- we are on standby to clear this - I am in the office tomorrow. Jean

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 11/16/2012 4:33 PM >>>

Hi Jean,

I will be sending out on Monday- Tuesday. I had to convince the WFM boys that it is the right thing to do... we originally had it in the project and was removed due to cost, but they are now back on board... it has taken a while to sort out because Chris et al were hit hard by Hurricane Sandy- 8 ft of water in the basements of their buildings in NYC and no power/ computers for many days...

I will be in touch on Monday. Have a good weekend.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, November 16, 2012 2:18 PM
To: Pat Carroll
Cc: David Margolis-Pineo
Subject: Browne's Trading Admin authorization

Pat

Just to follow up on this- I am awaiting revised plans that address the issue raised by DPS (item 2 of attached) before this can be signed off. Also, does the new lease with the Fish Pier require anything else re site work (I am trying to get a copy of it)????

thanks

Jean

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

September 19, 2012

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Administrative Approval, Browne Trading Co.

Dear Jean,

We have reviewed the Staff comments relating to the proposed modification of the service area at Browne Trading and offer the following comments:

Staff Comment: *Is there a plan that shows that semi-trailers are able to access the site/new loading bay safely and without impacting other properties (Barbara recalls that a plan was tabled at a previous meeting but we don't have a copy)*
Response: Attached is a diagram that illustrates how a WB-67 semi-trailer will maneuver to the loading dock within the property. There is an existing 28 ft wide easement across the Atlantic Seafood property adjacent to the Tamaki property that provides access to the site. Once on the property a 4- point turn will be required to park the trailer in the loading dock. Exiting from the dock will be a straight maneuver out of the dock area and across the access easement.

Staff Comment: *Is there a document that confirms that Browne Trading has rights to service from the Fish Pier site/roads in this way;*
Response: Attached please find an Amended Subdivision Plan that identifies the lots in question as well as the access easement across the Atlantic Seafood parcel. I am also attaching a copy of the License from the City to Browne Trading that allows vehicular access into the property.

Staff Comment: *Browne Trading will need a drainage easement from CCSB;*
Response: Attached please find a recorded drainage easement between the two parties for the proposed drainage improvements.

Staff Comment: *Treatment is needed to the drainage eg through installation of a Casco Trap device (detailed comments awaited from David Margolis-Pineo and will be forwarded later today).*
Response: See response to Public Services comments below.

The Department of Public Services has the following comments:
Staff Comment: The applicant will required a drainage easement from the owners of the former Cumberland Cold Storage facility.
Response: See attached drainage easement which has been signed and recorded.

Staff Comment: The applicant is requested to install a four foot diameter precast catchbasin with a three foot sump and a floatable control device on the outlet pipe.
Response: The Applicant disagrees that a full four-foot catch basin with a three foot sump is required in this area to provide treatment for the collected runoff. This area collects a very minor amount of runoff,

and is only proposed to provide a drain for the concrete pad that the compactor site on (approx 240 sf of area). We believe that a 2 ft square precast Drain Inlet is appropriate in this area and will allow for cleanout of any sediment that settles in the bottom or access in the case of a blockage of the pipe. We would propose to install a Casco Trap on the outfall of this structure and deepen the sump to allow for settling of sediments and solids. Other options might be to eliminate the drain completely and pitch the slab to drain towards the parking lot. Installing the full size catch basin adds cost to the project with little gain in water quality.

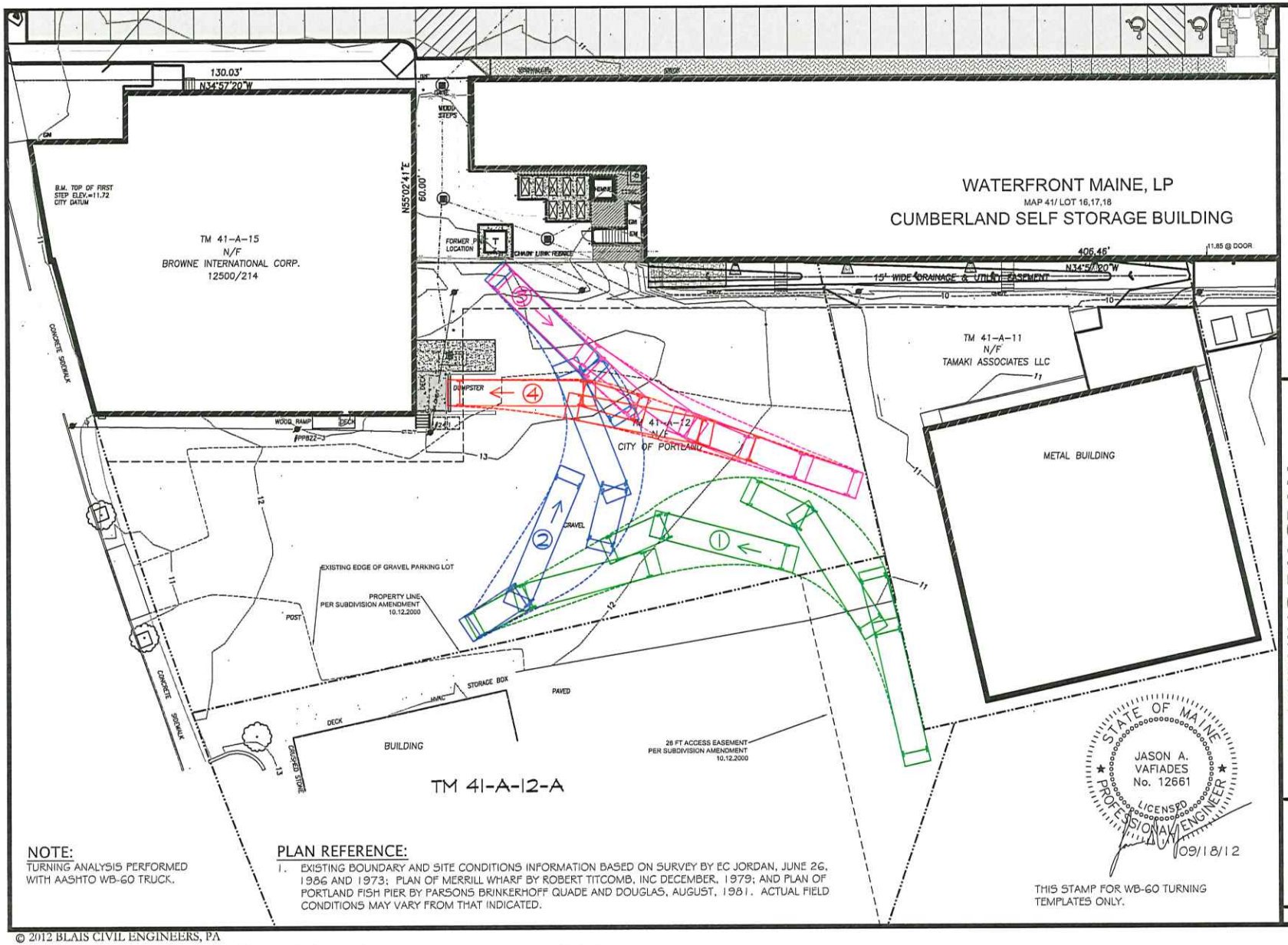
I hope these responses to your comments are appropriate and address all of the concerns raised during the review last week. If you have any other concerns or comments, please contact me immediately. We are anxious to begin work on this project and believe that it will provide a better operation for Browne Trading Co and greatly improve the traffic situation on Commercial Street.

Regards,
CARROLL ASSOCIATES

Patrick J. Carroll, Principal

Att.

CC: Chris Pachios
Dan Jacques



NOTE:
TURNING ANALYSIS PERFORMED WITH AASHTO WB-60 TRUCK.

PLAN REFERENCE:
1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1986 AND 1973; PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1979; AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.

STATE OF MAINE
JASON A. VAFIADES
No. 12661
LICENSED PROFESSIONAL ENGINEER
09/18/12

THIS STAMP FOR WB-60 TURNING TEMPLATES ONLY.

TURNING DIAGRAM

SITE IMPROVEMENTS BROWNE TRADING CO.
MERRILL'S WHARF, PORTLAND, MAINE

OWNER:
WATERFRONT MAINE, LP
14 MAINE STREET
BRUNSWICK, MAINE 04011

DESIGNED/DRAWN BY: JV/MV CHECKED BY: JV DATE: 9/18/12

DRAWING
1

BCE: 11150

Blais civil engineers
780 BROADWAY, SO. PORTLAND, ME 04106 (207) 767-7300

© 2012 BLAIS CIVIL ENGINEERS, PA

06169

REVOCABLE LICENSE 01.30.97 #2

Grantor: PORTLAND FISH PIER AUTHORITY

Grantee: BROWNE TRADING COMPANY

Location: PORTLAND FISH PIER
252-340 COMMERCIAL STREET
PORTLAND, MAINE

THIS AGREEMENT made this 31 day of February, 1997, by and between the **PORTLAND FISH PIER AUTHORITY**, a Maine nonprofit local development authority, having a place of business in the City of Portland, County of Cumberland, and State of Maine, and acting pursuant to the terms of a Lease between the City of Portland and the Portland Fish Pier Authority (hereinafter "AUTHORITY"), dated April 30, 1990, and **BROWNE TRADING COMPANY**, a corporation organized under the laws of Maine and having a place of business in said Portland (hereinafter "BROWNE").

W I T N E S S E T H

WHEREAS, AUTHORITY operates the Portland Fish Pier Complex, pursuant to the terms of a Lease between it and the City of Portland, dated April 30, 1990; and

WHEREAS, BROWNE desires to obtain a revocable license in the vicinity of a certain right of way which is situated on the said Complex:

NOW, THEREFORE, in consideration of their mutual promises, covenants and agreements, and other good and valuable consideration, receipt of which is hereby acknowledged, the said parties agree, as follows:

1. DESCRIPTION OF REVOCABLE LICENSE. The AUTHORITY hereby remises, releases, bargains and conveys a revocable license to BROWNE, all as more fully described below, for the purposes of providing emergency handicapped egress and vehicular access in, along and abutting a right of way which appears on Lot 12 on the plan "Recording Plat of the Fish Pier Complex," dated October 13, 1989, which is recorded in the Cumberland County Registry of Deeds in Plan Book 182, Page 2 (hereinafter "Plat").

2. TERM OF REVOCABLE LICENSE. Unless sooner revoked by either the AUTHORITY or the City of Portland, this revocable license shall terminate and expire at the time of either the expiration or the termination of the Lease between the AUTHORITY and the City of Portland referred to above. Either the AUTHORITY or the City of Portland may revoke the license granted herein at any time by giving ninety (90) days notice of such revocation to BROWNE.

3. FEE FOR REVOCABLE LICENSE. BROWNE will pay AUTHORITY, without demand and in advance of the first (1st) day of each month, Fifty Dollars ($50.00) for the revocable license authorized herein.

At the start of the thirteenth (13th) month of the revocable license, and each twelve (12) months thereafter, the monthly payment will be adjusted by multiplying the annual payment of Six Hundred Dollars ($600.00) by a fraction, the denominator of which shall be the "Consumer Price Index for All Urban Wage Earners ("CPI-U")," U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the Index") for the first calendar month of the rental year, and the numerator of which shall be the Index for the same month in each subsequent year ("the Base Index"). The annual charge, however, shall in no event be less than the annual charge during the immediately prior year. In the event that the Index is not then in existence, the parties shall use any equivalent price index which may be published by any successor governmental agency then in existence; or, if none, then by any nongovernmental agency which may then be publishing an

equivalent price index, in lieu of and adjusted to the Index. If the Index should cease to use the 1982-84 average of 100 as the basis of calculation, or, if a substantial change should be made in the terms or number of items contained in the Index, the Base Index shall be adjusted to conform to such change, using such computation thereof, if available, employed by the United States Department of Labor in computing same. It is understood that the determination of the charge for each subsequent year may be delayed until after the commencement of any given year; and, in such event, BROWNE will continue to pay monthly charges at the rate applicable to the immediately prior year until such determination should be made, at which time it shall pay such unpaid charges as may then be accrued.

4. LICENSE SUBORDINATE. The revocable license granted herein is subject to any rights either granted heretofore or which may be granted in the future by either the City of Portland or the Fish Pier Authority to any other entity or reserved by either of them.

5. INSURANCE. As a condition of this revocable license, BROWNE agrees to maintain, at its own expense, from the time it will begin exercising the privileges granted by this license until its termination, a policy of commercial general liability insurance, written on an occurrence basis, and including broad form contractual liability coverage, insuring against all claims for injury to or death of persons or destruction of or damage to property, on or about the licensed area, or arising out of the use of the license by BROWNE, its officers, agents, employees or invitees. Such policy will name the Fish Pier Authority and the City of Portland as additional insureds.

The minimum limits of liability of such insurance will be a combined single limit of One Million Dollars ($1,000,000.00).

Such insurance coverage will be effected upon terms reasonably available from insurers authorized to do business in Maine and having a Bests' rating of A or better, and under valid

and enforceable policies which shall be non-amendable and non-cancelable without thirty (30) days prior notice to the AUTHORITY.

6. LICENSEE'S INDEMNITY. BROWNE will indemnify and save harmless both the AUTHORITY and also the City of Portland, their officers, agents, and employees, from and against all claims, expenses, losses, or liability of whatever nature, arising, directly or indirectly, from any accident or injury, however caused, to any person on or about the area which is the subject of this revocable license, where such accident or injury results from any act, omission, or negligence on the part of BROWNE or BROWNE's contractors, licensees, agents, servants, employees, customers, or anyone claiming by or through BROWNE; provided, however, that in no event shall BROWNE be obligated under this Section to indemnify AUTHORITY, its officers, agents and employees, to the extent that such claim, expense, loss, or liability results from any omission, fault, negligence, or other misconduct of AUTHORITY or its officers, agents or employees, on or about the area which is the subject of this revocable license.

This indemnity and hold harmless provision includes indemnity against all reasonable expenses and liabilities incurred by or in connection with any claim or proceeding brought thereon, as well as the defense thereof with counsel reasonably acceptable to AUTHORITY.

7. LOCATION OF AREA SUBJECT TO THIS AGREEMENT. The revocable license which is the subject of this Agreement includes the utility and drainage easement along the westerly line of land now or formerly of Armour & Co., situated along the easterly side of Lot 12 of the Plat. It is approximately eighteen (18) feet in width from Commercial Street to a point fifteen (15) feet beyond the southwesterly corner of said Armour land, thence it proceeds in a general easterly direction, approximately fifteen (15) feet in width, fifty (50) feet more or less, to land now or formerly of the Levine Real Estate Trust. The area of the license is depicted by

shaded lines on Exhibit A which is attached hereto and made a part hereof.

8. NO ASSIGNMENT. The rights granted to BROWNE herein may not be assigned by it.

9. REMOVAL OF IMPROVEMENTS MADE BY BROWNE. BROWNE agrees, at its own expense, to remove any improvements or structures which it may place in the area of the revocable license within ninety (90) days after it has received notice of revocation of the said license and to restore the area to the same condition it was in prior to the granting of the license.

10. SURVIVAL OF CERTAIN PROVISIONS. The provisions of Article 6 (indemnification) and Article 9 (removal and restoration) shall survive revocation of this license and remain enforceable against BROWNE.

IN WITNESS WHEREOF, the PORTLAND FISH PIER AUTHORITY has caused this Agreement to be signed by Peter V. Anania, its President; and BROWNE TRADING COMPANY has caused this Agreement to be signed by Cynde P. Mitchell, its Chief Executive Officer thereunto duly authorized, on the day and date first above-written.

Signed, Sealed and
Delivered in presence of

Charles A. Lane

Charles A. Lane

PORTLAND FISH PIER AUTHORITY

By: _____
Peter V. Anania
Its president

BROWNE TRADING COMPANY

By: _____ CEO
Cynde P. Mitchell
Its Chief Executive Officer

STATE OF MAINE
Cumberland, ss.

February 3, 1997

Personally appeared before me the above-named PETER V. ANANIA, and acknowledged the foregoing instrument to be his free act and deed in his capacity as President of the Portland Fish Pier Authority, and the free act and deed of said corporation.

Before me,

Charles A. Lane

~~Notary Public~~/Attorney at Law

Charles A. Lane

STATE OF MAINE
Cumberland, ss.

February 3, 1997

Personally appeared before me the above-named CYNDE P. MITCHELL, and acknowledged the foregoing instrument to be her free act and deed in her capacity as Chief Executive Officer of Browne Trading Company, and the free act and deed of said corporation.

Before me,

Charles A. Lane

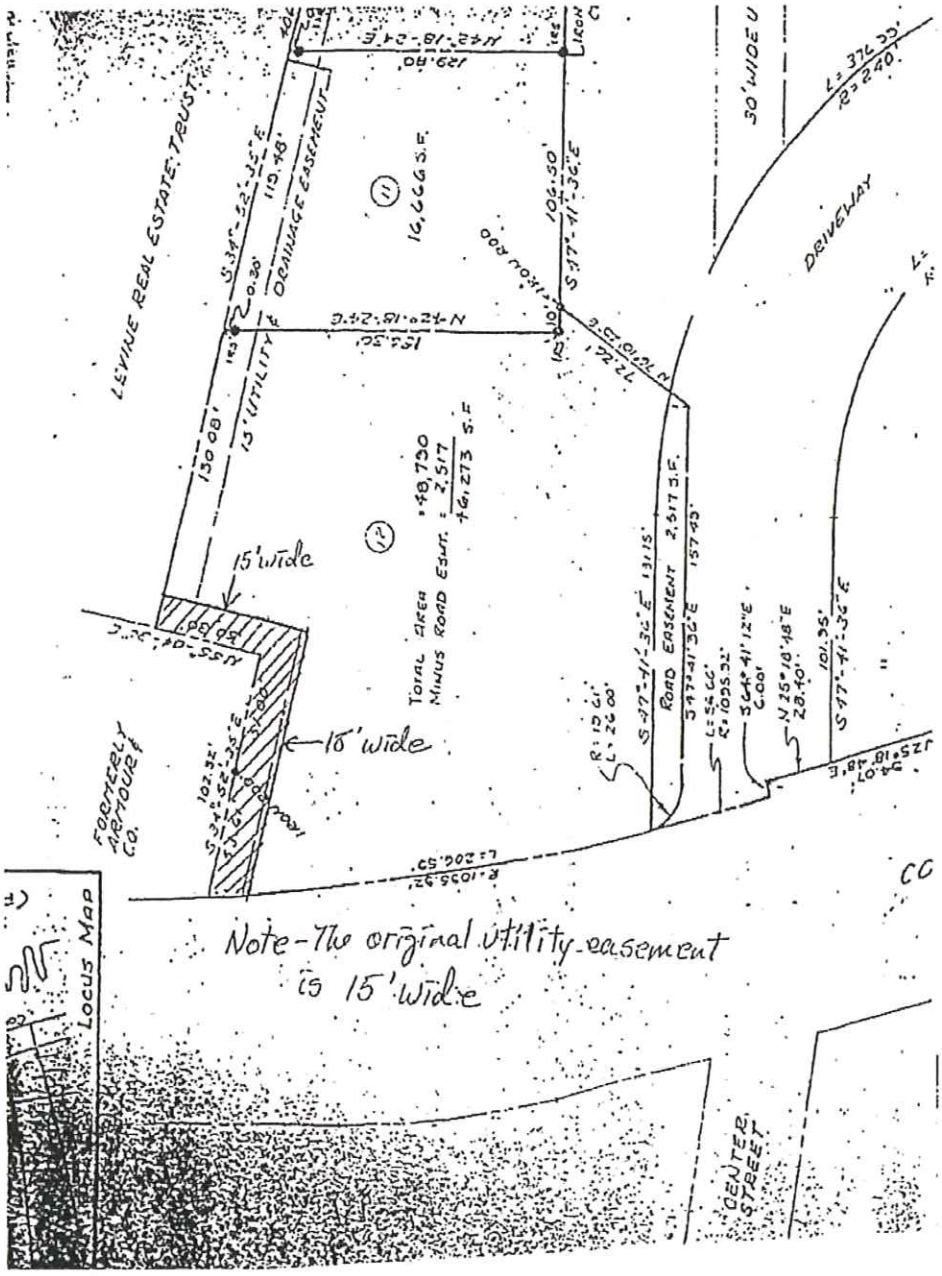
~~Notary Public~~/Attorney at Law

Charles A. Lane

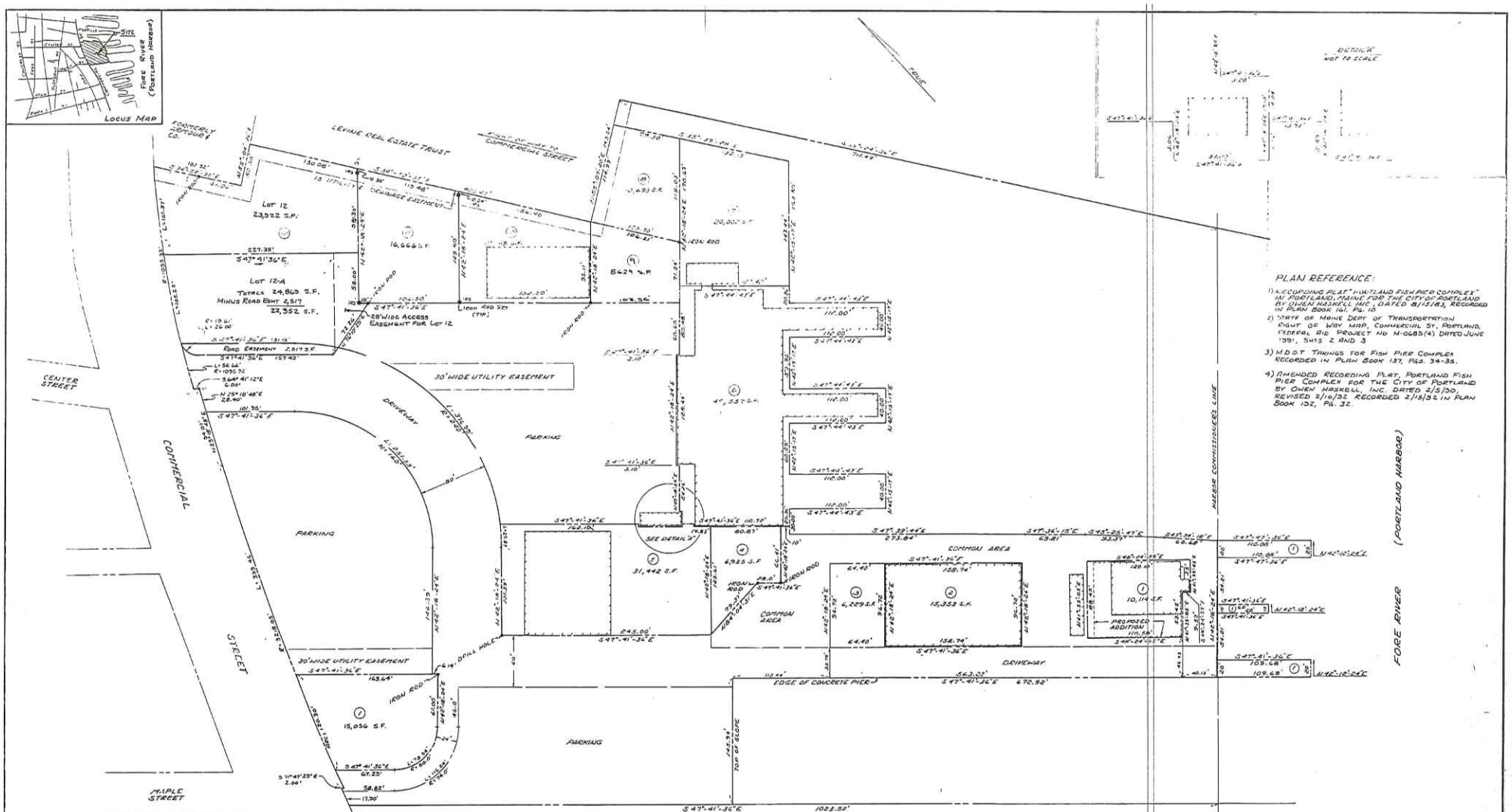
cal\waterfro\browne.fpa

BK12935PG271

Exhibit
A



RECEIVED
'RECORDED REGISTRY OF DEEDS'
97 FEB -7 AM 10: 24
CUMBERLAND COUNTY
John B O'Brien



PLAN REFERENCE:

1) RECORDING PLAT "PORTLAND FISH PIER COMPLEX" IN PORTLAND, MAINE FOR THE CITY OF PORTLAND BY OWEN HASKELL INC., DATED 8/13/83, RECORDED IN PLAN BOOK 161, PG. 10
2) STATE OF MAINE DEPT OF TRANSPORTATION RIGHT OF WAY MAP, COMMERCIAL ST, PORTLAND, FEDERAL AID PROJECT NO M-0685(4) DATED JUNE 1991, SHTS 2 AND 3
3) M.D.O.T. TAKINGS FOR FISH PIER COMPLEX RECORDED IN PLAN BOOK 137, PGS. 34-35.
4) AMENDED RECORDING PLAT, PORTLAND FISH PIER COMPLEX FOR THE CITY OF PORTLAND BY OWEN HASKELL, INC. DATED 2/5/90, REVISED 2/10/92 RECORDED 2/13/92 IN PLAN BOOK 152, PG. 32.

NOTES:

1) CITY RESERVES THE RIGHT TO RELOCATE PROPOSED DRIVEWAYS, UTILITIES, PARKING & OTHER COMMON AREAS, AND PROVIDE REASONABLE SUBSTITUTE FACILITIES TO ANY AFFECTED TENANT
2) ALL POWER LINES ARE TO BE INSTALLED OVERHEAD

ALTERATIONS TO THE ORIGINAL APPROVED RECORDING PLAT HAVE BEEN APPROVED BY THE CITY OF PORTLAND DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT IN COMPLIANCE WITH SECTION 14-436(3) OF THE SUBDIVISION ORDINANCE.

7/25/94
DATE

DIRECTOR, DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT
CITY OF PORTLAND, MAINE

STATE OF MAINE, CUMBERLAND ss
REGISTRY OF DEEDS
RECEIVED _____ 19__
AT __H__M__m AND RECORDED
IN PLAN BOOK _____ PAGE _____
ATTEST
REGISTRAR

THIS PLAN IS BASED ON SURVEYS BY OWEN HASKELL, INC.

STATE OF MAINE JOHN W. SHAW JR. REGISTERED LAND SURVEYOR

10-12-00	DIVIDE LOT 12
6-15-94	EXPANDED LOT 11
2-10-92	REVISED COMMERCIAL STREET RIGHT OF WAY

AMEMDED RECORDING PLAT
"PORTLAND FISH PIER COMPLEX"
IN
PORTLAND, MAINE
FOR
THE CITY OF PORTLAND CONGRESS ST PORTLAND, ME

Owen Haskell, Inc.
Civil Engineers — Land Surveyors
South Portland - Kennebunk, Maine

Drwn By DBP	Date 2-5-90	Job No. 8006 P	
Trace By DBP			
Check By JWS ✓	Scale 1" = 50 FEET	Drwg. No. 2	
Bk No 208, 272, 457			

REC. PL.BK 194, PG 254 8/14

Drainage Easement

Waterfront, Maine Limited Partnership, a Maine limited partnership with a mailing address of 14 Maine Street, Brunswick, ME, 04011 (Grantor), for consideration given, grants to Maine BT LLC, A Delaware limited liability company, with an office at 14 Maine Street Brunswick Maine 04011, and , and its respective successors and assigns the Owner of the property described thereto in Exhibit A attached hereto (Grantees), the right and easement over the premises in Exhibit B attached hereto (the "Easement Area") to erect, bury, maintain, rebuild, respace, patrol, operate, and remove and do all other actions involving the right to perpetually maintain through under and across said Easement Area existing conduits or pipelines with all necessary fixtures and appurtenances for conveying water and to lay, relay, repair, maintain, clean and remove any existing stormwater pipe or pipes upon or under said Easement Area, with all necessary fixtures and appurtenances, together with the right at all times to make connections with said conduits or pipelines to land adjoining said Easement Area by means of pipes or other services; to place, install, repair and maintain utilities; to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said Easement Area to such extent as mutually agreed upon by the parties is necessary or appropriate for any of the above purposes; and to enter upon said Easement area at any and all times for any of the foregoing purposes, reserving to the Grantor and its lessees, heirs and assigns the right to Use the Easement Area for drainage and utilities, as well as the use and enjoyment of said Easement Area and for such other purposes; provided the foregoing reserved rights shall not unreasonably interfere with the perpetual use thereof by the Grantee, its successors and assigns for the purpose above mentioned; and further provided that no building or permanent structure, shall be erected on said Easement Area by the Grantor, its successors or assigns. Grantee further covenants and agrees that it shall maintain the Easement Area in good order and repair and free from obstructions that would interfere with the proper drainage function performed within the Easement Area.

By acceptance of this Easement, the Grantee agrees for itself and its successors and assigns to properly and professionally undertake all work permitted hereunder within the Easement Area at its sole cost and expense and, following the completion of any work within the Easement Area and the disturbance of the Easement Area or any land adjacent thereto, to restore the Easement Area and land adjacent thereto to substantially the condition in existence prior to the undertaking of such work subject to such modifications as may be mutually agreed upon by the parties.

WITNESS the hand and seal of Grantor's duly authorized representatives on this 17th day of September, 2012.

Signed, Sealed and Delivered in the presence of:

Waterfront, Maine Limited Partnership

By: _____
Anthony Gatti, Vice President Tickly Bender Realty Corp., Managing General Partner

State Of Maine
County of Sagadahoc

The above-named Anthony Gatti, Vice President, Tickly Bender Realty Corp. Managing General Partner , of Waterfront, Maine Limited Partnership personally appeared before me this 17th day of September 2012, 2012 and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Waterfront, Maine Limited Partnership.

_____
Notary Public/Attorney
Printed Name:
My Commission Expires:

MARTHA A. KNEELAND
Notary Public-Maine
My Commission Expires
March 27, 2019

EXHIBIT A

All the following described lots, pieces or parcels of land situate on the Southerly side of Commercial Street in the City of Portland, County of Cumberland, and State of Maine and know and described as follows, to-wit:

Parcel "A":

Beginning at a bolt in the southerly side line of said Commercial Street at the Northeast corner of land formerly of John Bradford, and in the division line established between the property now or formerly of John Q. Twitchell and James P. Champlin and said John Bradford, April 13th, A.D. 1883, as per agreement recorded in Cumberland County Registry of Deeds, Book 494, page 433; thence Southerly by said division line One Hundred and Seventeen and seventy-three one hundredths (117.73) feet; thence easterly and at right angles with said division line Sixty (60) feet; thence northerly at right angles with said last mentioned line arid parallel with said division line One Hundred and Thirty (130) feet to sad southerly line of Commercial Street; thence westerly by said Southerly line Sixty-one and Twenty-four one-hundredths (61.24) feet to said Bradford land and point of beginning. Being a portion of Merrill's Wharf, so-called, arid the same conveyed to John Q. Twitchell arid James P. Champlin by Woodbury S. Dana and Mary L. Dana and others by two deeds each dated February 15, 1833, and recorded respectively in said Registry Book 496, page 33, and Book 494, page 429. Also being the same premises conveyed to Everett Wilson by Hugh J. Chisholm and Payson Tucker, Administrators of the Estate of John Q. Twitchell, deceased, and by James P. Champlin by two deeds each dated July 10, 1897, and recorded respectively in said Registry Book 654, page 191 and Book 654, page 193. Said parcel containing about Seven Thousand Four Hundred and Thirty-two (7,432) square feet, situate in the City of Portland, in said County and State. Together with all the trackage rights appurtenant to said property. Also the right in common with others to use all parts of the parcel between the lot above described arid said railroad track free from all obstructions as a passageway with teams or otherwise to and from said Commercial Street and to and from said Railroad track and parcel about described. Said lot is numbered 260-264 on said Commercial Street in said Portland.

Also Parcel "B":

Beginning at the Northwesterly corner of the lot of land conveyed by Everett Wilson to J. Ogden Armour by deed dated September 22, 1897, recorded in Cumberland County Registry of Deeds, Book 657, page 205, thence southeasterly by said Armour land one hundred seventeen and seventy-three one-hundredths (117.73) feet to the southerly corner of said Armour land; thence westerly at right angles to line of said Armour land, fifty (50) feet to a point, and land of now or formerly Franklin Real estate Company, thence Northerly, and parallel with the line of the above mentioned Armour land, one hundred four and thirty-five one-hundredths (104.35) feet, more or less, to Commercial Street; thence easterly by Commercial Street fifty-one and seventy-six one-hundredths

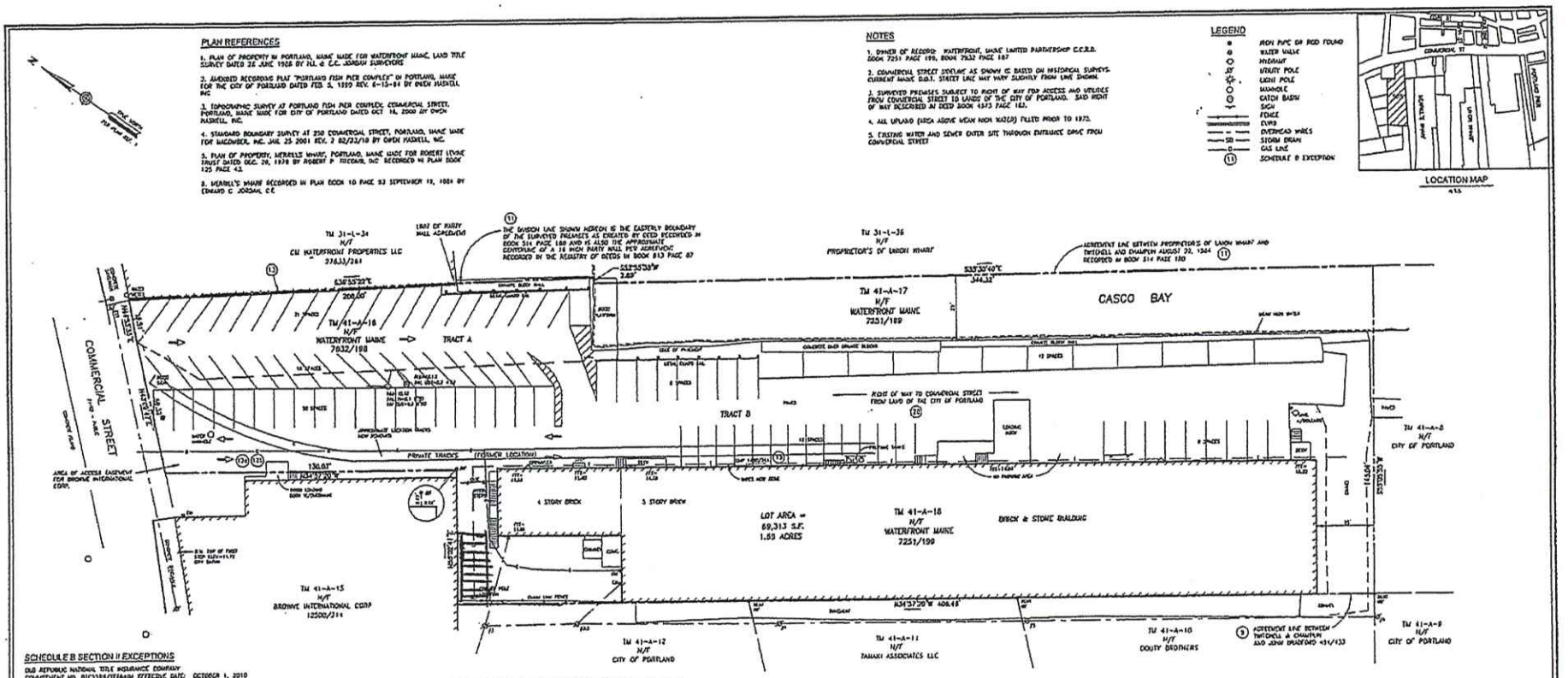
(51.76) feet, more or less, to the point of beginning. Being part of what was formerly known as the John Bradford lot, and part of the premises conveyed to Franklin Real Estate Company by George W. Brown, by deed dated November 17, 1909, recorded in said Registry, Book 849, Page 306; and the same conveyed to George W. Brown by John E. Bradford by deed dated November 17, 1909 and recorded in said Registry, Book 849, Page 305. Said lot is numbered 266-268 Commercial Street in said Portland.

Also Parcel "C":

Beginning on the southeasterly sideline of said Commercial St. at the northwesterly corner of land conveyed to Armour and Company (an Illinois corporation herein after referred to as "Armour Illinois") by Franklin Real Estate Company by deed dated April 26, 1918 and recorded in the Cumberland County Registry of Deeds in Book 1008, Page 120 (said land so conveyed to Armour Illinois hereinafter referred to "Armour Illinois land"); thence South 34° 57' East by the southwesterly line of Armour Illinois land a distance of 104.63 feet to the southerly corner of Armour Illinois land, which corner is also on the northwesterly line of land formerly of the Proprietors of Union Wharf and more recently taken by the City of Portland by Condemnation Proceedings for which the Notice of Taking is dated March 24, 1981 and recorded in said Registry of Deeds on April 1, 1981 in Book 4759, Page 119; thence South 55° 03' West on the extension of the southeasterly sideline of Armour Illinois land, being the northwesterly line of said land condemned by the City of Portland, a distance of three-tenths of a foot (0.30) to the point of intersection of the course herein described with the projection southeasterly of the exterior face of the southwesterly wall of the building located in part on Armour Illinois land and in part on the premises herein conveyed, said point of intersection also marking a corner in said land condemned by the City of Portland; thence northwesterly by the line of said projection of the exterior face of said southwesterly wall and by the exterior face of said southwesterly wall, being the northeasterly line of said land condemned by the City of Portland (which line is sometimes described as being North 34° 47' West), a distance of 104.63 feet, more or less, to the southeasterly line of Commercial Street and the point of beginning; being a portion of the premises conveyed to the Proprietors of Union Wharf by deed of Brockway-Smith-Haigh-Lovell Co. dated January 31, 1964 and recorded in said Registry of Deeds in Book 2802, Page 198.

Reference is made to a Warranty Deed from the Proprietors of Union Wharf to Browne International Corporation dated May 10, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12500, Page 214.

Exhibit B



SCHEDULE B SECTION II EXCEPTIONS

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
COMMITMENT NO. 01E3358/1TF68AM EFFECTIVE DATE: OCTOBER 1, 2010

1. NON SURVEY ITEM.
2. SUCH STATE OF FACTS AS IS SHOWN ON THE SURVEY PLAN ENTITLED "ALTA/ACSM LAND TITLE SURVEY AT 250 COMMERCIAL STREET, PORTLAND, MAINE MADE FOR RECORD OWNER WATERFRONT, MAINE LIMITED PARTNERSHIP", DATED OCTOBER 5, 2010 AND PREPARED BY JOHN M. SWAN PLS NO. 1038, OWEN HASKELL, INC. (THE "SURVEY PLAN")
3. NON SURVEY ITEM.
4. NON SURVEY ITEM.
5. NON SURVEY ITEM.
6. NON SURVEY ITEM.
7. NON SURVEY ITEM.
8. NON SURVEY ITEM.
9. TERMS AND PROVISIONS SET FORTH IN THE AGREEMENT BY AND BETWEEN JOHN O. TWITCHELL, JAMES P. CHAMPLIN AND JOHN BRADFORD DATED APRIL 12, 1883 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 454, PAGE 433. AS SHOWN.
10. INTENTIONALLY OMITTED
11. RIGHTS, PRIVILEGES AND LIABILITIES SETFORTH IN THE AGREEMENT BY AND BETWEEN JOHN O. TWITCHELL, JAMES P. CHAMPLIN AND PROPRIETORS OF UNION WHARF DATED NOVEMBER 14, 1884 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 514, PAGE 180. AS SHOWN.
12. RIGHTS AND EASEMENTS SET FORTH IN THE FOLLOWING DEEDS TO EVARTT WILSON DATED JULY 10, 1897 FROM: - AS SHOWN
A) JOHN J. CHADBOURN AND PAYSON TUCKER, ADMINISTRATORS OF THE ESTATE OF JOHN O. TWITCHELL RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 834, PAGE 192 AS SHOWN AND
B) JAMES P. CHAMPLIN RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 834, PAGE 193. AS SHOWN.
13. TERMS AND PROVISIONS REGARDING A PARTY WALL SET FORTH IN THE AGREEMENT BY AND BETWEEN MORRIS AND COMPANY, JAMES P. CHAMPLIN AND THE TWITCHELL-CHAMPLIN COMPANY DATED JUNE 22, 1907 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 813, PAGE 87. AS SHOWN.
14. INTENTIONALLY OMITTED
15. RIGHTS AND EASEMENTS SET FORTH IN THE EASEMENT DEED FROM TWITCHELL-CHAMPLIN CO., FRANCES C. CHAMPLIN, MARION C. SMALL AND GEORGE P. CHAMPLIN TO CUMBERLAND COUNTY POWER AND LIGHT COMPANY DATED MARCH 2, 1933 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 1465, PAGE 311. AS SHOWN.
16. INTENTIONALLY OMITTED
17. INTENTIONALLY OMITTED
18. INTENTIONALLY OMITTED
19. INTENTIONALLY OMITTED
20. RIGHTS, EASEMENTS AND LAND TAKEN BY EMINENT DOMAIN AS DESCRIBED IN THE NOTICE OF TAKING BY THE STATE OF MAINE BY ITS DEPARTMENT OF TRANSPORTATION DATED MARCH 24, 1981 AND RECORDED IN SAID REGISTRY, BOOK 4791, PAGE 113, INCLUDING WITHOUT LIMITATION THE RIGHT OF WAY AND UTILITY EASEMENT DESCRIBED IN BOOK 4813, PAGE 107, FURTHER DESCRIBED AS FOLLOWS. AS SHOWN.

RIGHTS EXCEPTED AND RESERVED IN THE DEED FROM POULTRY PROCESSING, INC. TO ROBERT J. LEVINE, TRUSTEE OF THE LEVINE REAL ESTATE TRUST DATED SEPTEMBER 30, 1980 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 4313, PAGE 183 AND IN THE DEED FROM POULTRY PROCESSING, INC. TO WATERFRONT MAINE DATED JULY 1, 1986 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 5251, PAGE 188, AS FOLLOWS:

"ALSO EXCEPTING AND RESERVING FROM THE ABOVE DESCRIBED PREMISES, ALL OF SAID LAND, PLATS, WHARF, BUILDING, RAILROAD TRACKS AND WATER AND REPARIAN RIGHTS LYING SOUTHERLY OF A LINE PARALLEL TO AND TWENTY-FIVE (25) FEET SOUTHERLY OF THE SOUTHERLY SIDE OF THE FIVE STORY BRICK STORAGE BUILDING LOCATED ON THE ABOVE DESCRIBED PREMISES, RIGHT OF WAY AND RIGHT TO LOCATE UNDERGROUND UTILITIES WHICH RIGHTS WERE SUBSEQUENTLY ACQUIRED BY THE STATE OF MAINE BY NOTICE OF TAKING BY EMINENT DOMAIN DATED MARCH 24, 1981 AND RECORDED IN SAID REGISTRY, BOOK 4726, PAGE 118."

NOTE: IN THE 1930 DEED FROM POULTRY PROCESSING, INC., THE ACCESS AND UTILITY RIGHTS WERE MORE FULLY DESCRIBED AS FOLLOWS:

"THE GRANTOR FURTHER EXCEPTS AND RESERVES TO ITSELF, ITS SUCCESSORS AND ASSIGNS, A RIGHT OF WAY BY SEWER AND OTHERWISE OVER THE PREMISES ABOVE CONVEYED FROM COMMERCIAL STREET TO THE PREMISES RETAINED HEREIN, SUCH RIGHT OF WAY TO BE IN COMMON WITH OTHERS FOR THE PURPOSE OF EVERY AND EGRESS OF THE ABOVE-RETAINED PREMISES

"GRANTOR ALSO EXCEPTS AND RESERVES THE NON-EXCLUSIVE RIGHT TO LOCATE UNDERGROUND UTILITIES, INCLUDING A SEWER PIPE, SERVING THE PREMISES RETAINED HEREIN IN THE PARCEL CONVEYED HEREIN, TOGETHER WITH THE RIGHT, AT THE GRANTOR'S OPTION, TO CONNECT TO ANY COMMON SEWER PIPE CONSTRUCTED OR MAINTAINED BY THE GRANTEE, ITS SUCCESSORS OR ASSIGNS, SERVING PART OR ALL OF MERRILL'S WHARF, PROVIDED THAT THE GRANTOR SHALL BE REQUIRED TO PAY ITS FAIR AND REASONABLE PORTION OF THE COST OF SUCH PIPE AND CONNECTION IF THE GRANTOR ELECTS TO SO CONNECT, AS WELL AS ITS PROPORTIONATE SHARE OF ALL ASSESSMENTS AND CHARGES MADE BY THE CITY OF PORTLAND OR OTHER GOVERNMENTAL AGENCY IN RELATION TO THE USE OF SAID SEWER."

21. INTENTIONALLY OMITTED
22. INTENTIONALLY OMITTED
23. INTENTIONALLY OMITTED
24. INTENTIONALLY OMITTED
25. INTENTIONALLY OMITTED
26. TITLE TO ANY PORTION OF THE INSURED PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF FORE RIVER/CASCO BAY AS SHOWN ON THE SURVEY PLAN
27. RIGHTS OF THE PUBLIC UNDER THE PUBLIC TRUST DOCTRINE, INCLUDING RIGHTS UNDER THE MASSACHUSETTS COLONIAL ORDINANCE OF 1641-47 AND TITLE 12 MRS. §3571 ET SEQ., AND RIGHTS OF FEDERAL, STATE AND LOCAL GOVERNMENTS IN AND TO ANY PORTION OF THE PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF FORE RIVER/CASCO BAY AS SHOWN ON THE SURVEY PLAN
28. INTENTIONALLY OMITTED
29. INTENTIONALLY OMITTED
30. INTENTIONALLY OMITTED
31. INTENTIONALLY OMITTED
32. NON SURVEY ITEM

DESCRIPTION

A CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDINGS THEREON, SITUATED ON THE SOUTHERLY SIDE OF COMMERCIAL STREET IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND, AND STATE OF MAINE BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERLY SIDELINE OF SAID COMMERCIAL STREET AT THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF BROWNE INTERNATIONAL CORP. DESCRIBED IN DEED RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 12,500, PAGE 214;

THENCE N 43° 09' 47" E ALONG SAID COMMERCIAL STREET 59.32 FEET;

THENCE N 46° 53' 55" E ALONG SAID COMMERCIAL STREET 19.51 FEET TO LAND NOW OR FORMERLY OF CLI WATERFRONT PROPERTIES LLC DESCRIBED BY DEED RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 27,833, PAGE 284;

THENCE S 35° 58' 52" E ALONG SAID LAND OF CLI WATERFRONT PROPERTIES LLC AND LAND OF PROPRIETORS OF UNION WHARF 208.00 FEET;

THENCE S 53° 53' 38" W ALONG SAID LAND OF PROPRIETORS OF UNION WHARF 3.83 FEET;

THENCE S 35° 30' 40" E ALONG SAID LAND OF PROPRIETORS OF UNION WHARF 344.33 FEET TO LAND OF THE CITY OF PORTLAND;

THENCE S 53° 05' 55" W ALONG SAID LAND OF CITY OF PORTLAND 145.04 FEET;

THENCE N 36° 53' 38" W ALONG SAID LAND OF CITY OF PORTLAND 406.48 FEET TO SAID LAND OF BROWNE INTERNATIONAL CORP

THENCE N 35° 03' 41" E ALONG SAID LAND OF BROWNE INTERNATIONAL CORP. 60.00 FEET;

THENCE N 36° 53' 30" W ALONG SAID LAND OF BROWNE INTERNATIONAL CORP 120.00 FEET TO THE POINT OF BEGINNING, CONTAINING 69,313 SQUARE FEET;

REFERENCE IS MADE TO AN ALTA/ACSM LAND TITLE SURVEY DATED OCTOBER 5, 2010 BY OWEN HASKELL, INC. JOB # 2010-048P FOR A FURTHER DESCRIPTION OF THE ABOVE DESCRIBED PREMISES.

CERTIFICATE

THIS IS TO CERTIFY TO: WATERFRONT, MAINE LIMITED PARTNERSHIP; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; AND PEOPLES UNITED BANK, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(a)(1), 8, 9, 10, 11a AND 14 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF MAINE, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

JOHN M. SWAN PLS NO. 1038

DATE

ALTA/ACSM LAND TITLE SURVEY

AT

250 COMMERCIAL STREET, PORTLAND, MAINE

MADE FOR RECORD OWNER

WATERFRONT, MAINE LIMITED PARTNERSHIP

224 12th AVENUE, NEW YORK, NY 10001

OWEN HASKELL, INC.
390 U.S. ROUTE ONE, YARMOUTH, ME 04096 (207) 846-0434
PROFESSIONAL LAND SURVEYORS

Drawn By:	RS	Date:	Job No.:
Trace By:	JLW	OCTOBER 5, 2010	2010-048P
Check By:	JMS	Scale:	Dwg. No.:
Book No.:	1052	1" = 20'	14

Easement Area

C:\2010\048 Commercial St\250 Commercial St ALTA.dwg, 10/5/2010 9:41:55 AM

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
CC: "'David Margolis-Pineo'" <DMP@portlandmaine.gov>, "'Dan Jacques'" <djacq...
Date: 11/20/2012 3:34 PM
Subject: RE: Browne's Trading Admin authorization
Attachments: FINAL SITE- REV 112012 brown trading plan L1-L2 REV 112012.pdf

Hi Jean,

Attached please find the revised site plans for Browne Trading Co Service Area reconfiguration as pre the Administrative Authorization Request. We have added a 4 ft precast catch basin with a 3 ft sump and Casco Trap as per Dave Margolis-Pineo's request. We located it near the property line with CCSB to allow for ease of maintenance. I believe this satisfies all requests and staff comments and we look forward to the successful completion of this project and its positive improvements to the Commercial Street neighborhood.

I do not believe that any other site improvements were tied to the revised lease between the Fish Pier Authority and Browne Trading. Larry Walden should have signed copies on file, I know they were signed by WFM last week. If you still need a copy of the lease please contact me and I will track one down.

Please contact me if you have any questions or need additional information.

Regards, Pat

Patrick J. Carroll

Carroll Associates Landscape Architects

207-772-1552 (w)

207-329-8976 (c)

pcarroll@carroll-assoc.com

ü Please consider the environment before printing this email.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, November 16, 2012 2:18 PM
To: Pat Carroll
Cc: David Margolis-Pineo
Subject: Browne's Trading Admin authorization

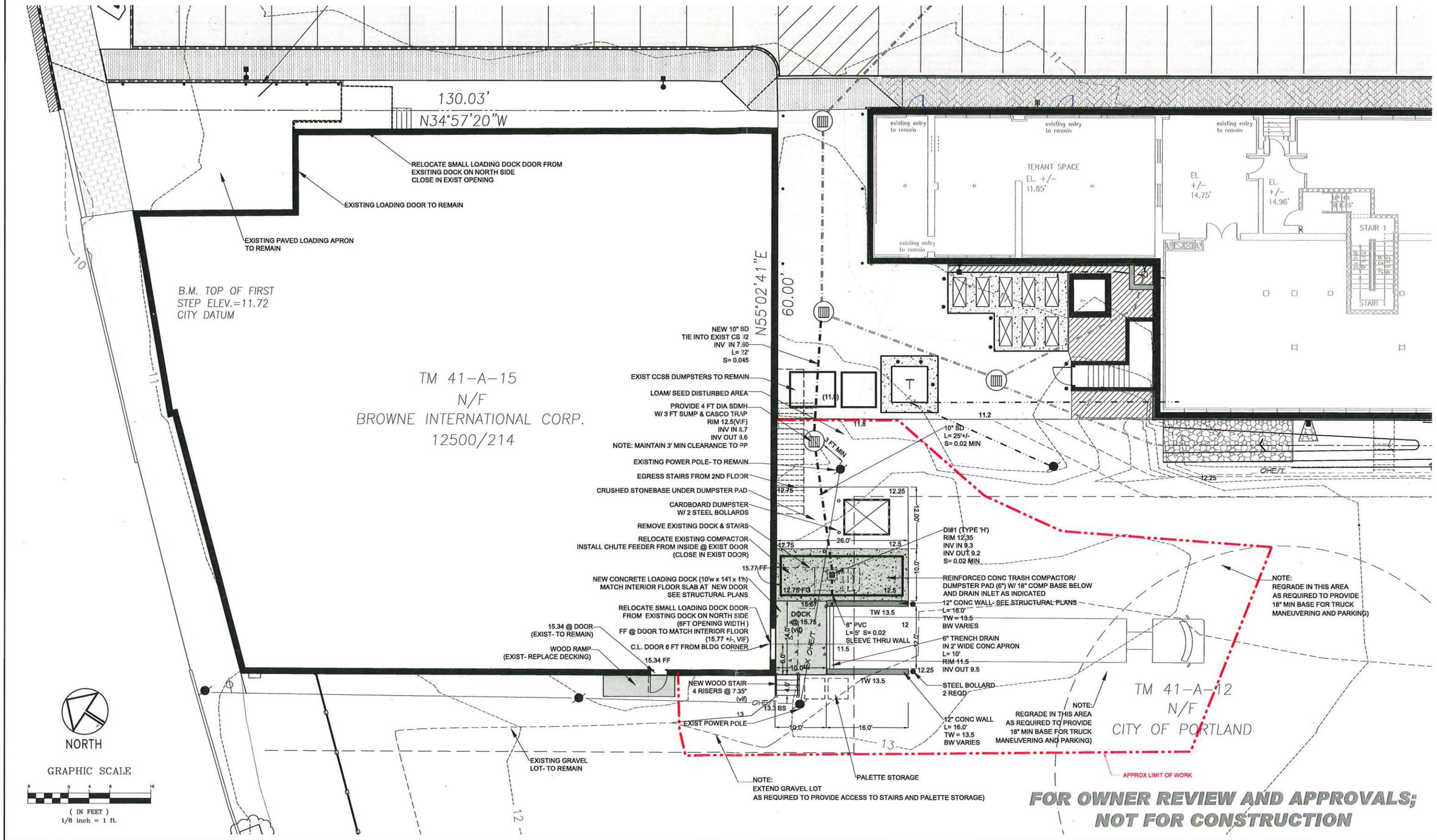
Pat

Just to follow up on this- I am awaiting revised plans that address the issue raised by DPS (item 2 of attached) before this can be signed off. Also, does the new lease with the Fish Pier require anything else re site work (I am trying to get a copy of it)????

thanks

Jean

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested. --



FOR OWNER REVIEW AND APPROVALS; NOT FOR CONSTRUCTION

LICENSED LANDSCAPE ARCHITECT PATRICK J. CARROLL NO. 127 STATE OF MAINE

OWNER: Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011
T. 207.729.7970 F. 207.725.9500
djacques@WaterfrontME.com

LANDSCAPE ARCHITECTS: Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712
pcarroll@carroll-assoc.com

STRUCTURAL ENGINEER: Structural Integrity, Inc.
75 Oak Street
Portland, ME 04101
T. 207.774.4614 M. 207.272.4910
www.beckerstructural.com

CIVIL ENGINEER: Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

REV #	DATE	DESCRIPTION
1	030112	ISSUE FOR PRELIM PRICING
2	041912	ISSUE FOR OWNER REVIEW
3	042612	ISSUE FOR OWNER REVIEW
4	051512	REVISE DOCK LOCATION
5	072312	REVISE DOCK SIZE/ STAIR LOCATION
6	080312	REVISE DOCK DOOR/ DRAINAGE PIPING
7	082712	REVISE COMPACTOR PAD
8	090512	SUBMIT TO CITY
9	112012	MODIFY DRAINAGE

Site Improvements To:

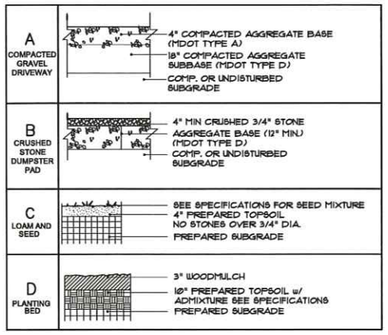
BROWNE TRADING CO.

Merrill's Wharf, Portland, Maine

SITE PLAN

L-1.0

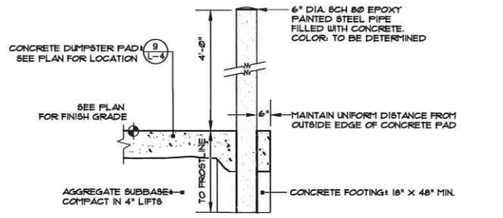
08. 29. 2012



NOTE: ALL COURSE MATERIALS REFLECT THICKNESS AFTER FINAL COMPACTION.

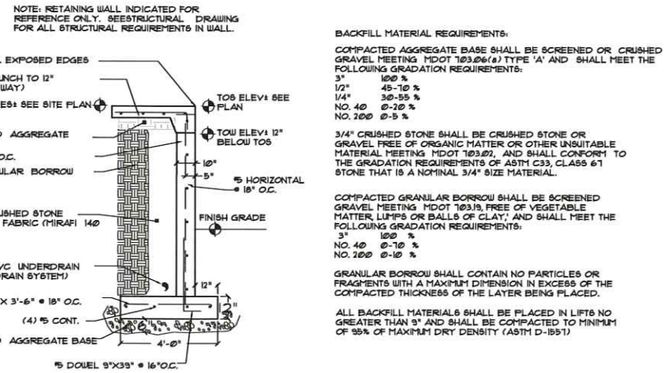
1 SCHEDULE OF SURFACES / DETAIL

NOT TO SCALE



4 STEEL BOLLARD DETAIL

NOT TO SCALE



BACKFILL MATERIAL REQUIREMENTS:

COMPACTED AGGREGATE BASE SHALL BE SCREENED OR CRUSHED GRAVEL MEETING MDOT 703.06(a) TYPE 'A' AND SHALL MEET THE FOLLOWING GRADATION REQUIREMENTS:

3"	100 %
1/2"	45-70 %
1/4"	30-55 %
NO. 40	0-20 %
NO. 200	0-5 %

3/4" CRUSHED STONE SHALL BE CRUSHED STONE OR GRAVEL FREE OF ORGANIC MATTER OR OTHER UNSUITABLE MATERIAL MEETING MDOT 703.02, AND SHALL CONFORM TO THE GRADATION REQUIREMENTS OF ASTM C33, CLASS 67 STONE THAT IS A NOMINAL 3/4" SIZE MATERIAL.

COMPACTED GRANULAR BORROW SHALL BE SCREENED GRAVEL MEETING MDOT 703.19, FREE OF VEGETABLE MATTER, LUMPS OR BALLS OF CLAY, AND SHALL MEET THE FOLLOWING GRADATION REQUIREMENTS:

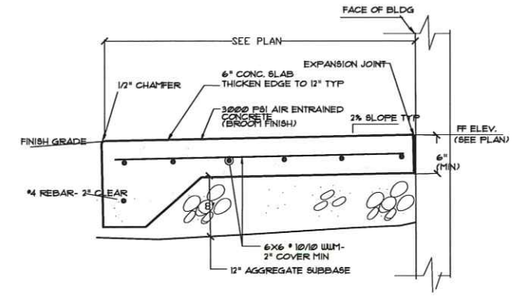
3"	100 %
NO. 40	0-70 %
NO. 200	0-10 %

GRANULAR BORROW SHALL CONTAIN NO PARTICLES OR FRAGMENTS WITH A MAXIMUM DIMENSION IN EXCESS OF THE COMPACTED THICKNESS OF THE LAYER BEING PLACED.

ALL BACKFILL MATERIALS SHALL BE PLACED IN LIFTS NO GREATER THAN 9" AND SHALL BE COMPACTED TO MINIMUM OF 95% OF MAXIMUM DRY DENSITY (ASTM D-1557)

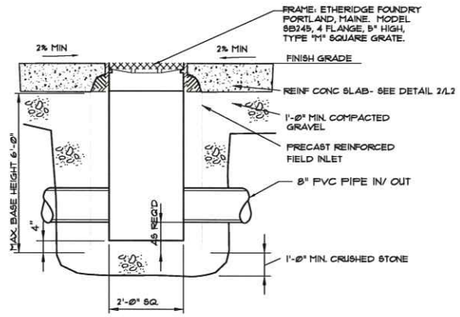
9 CONC. LOADING DOCK (CAST-IN-PLACE)

NOT TO SCALE



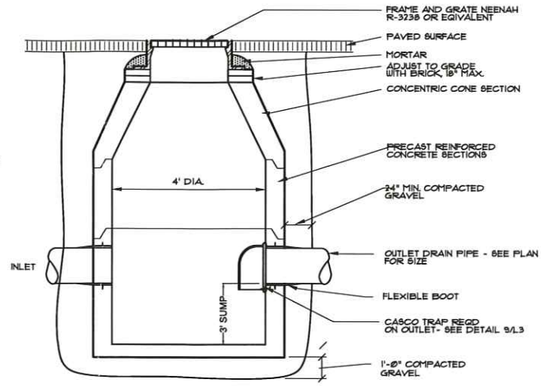
2 CONCRETE DUMPSTER PAD DETAIL

NOT TO SCALE



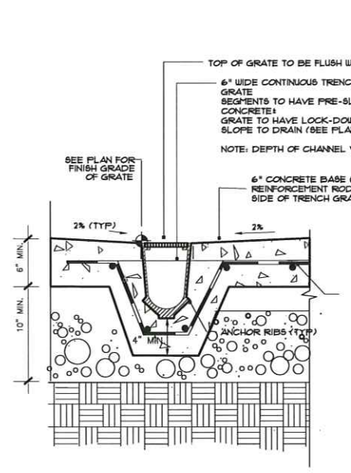
5 FIELD INLET DETAIL

NOT TO SCALE



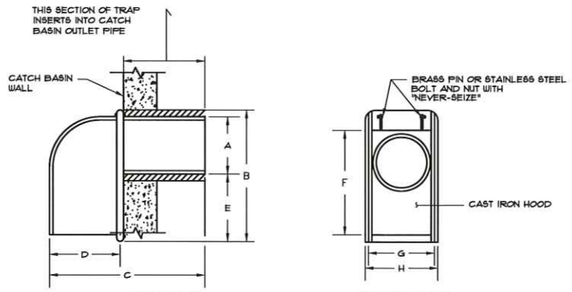
7 CATCH BASIN W/ CONCENTRIC CONE

NOT TO SCALE



3 TRENCH DRAIN DETAIL

NOT TO SCALE



SIZE	A	B	C	D	E	F	G	H
6 in.	5 1/2"	13 3/8"	13 3/4"	5 3/8"	5 7/8"	11 5/8"	6 1/2"	7 1/4"
8 in.	7 1/2"	15"	15 3/8"	5 1/2"	5 3/8"	13 3/4"	8 3/4"	9 3/8"
10 in.	9 1/2"	16"	16 1/4"	6"	4 1/2"	14 1/8"	11 1/2"	12 3/8"
12 in.	11 1/2"	17"	22"	8"	3 1/2"	17"	12 1/2"	13 3/8"

(AS MANUFACTURED BY THE ETHERIDGE FOUNDRY IN PORTLAND, ME.)

NOTE: CONTRACTOR SHALL UTILIZE THE "CASCO TRAP" AS MANUFACTURED BY THE ETHERIDGE FOUNDRY, OR AN APPROVED EQUIVALENT AS SUPPLIED BY THE LEBARON FOUNDRY, MODEL # L, 2612 "STANDARD CATCH BASIN TRAP"

CASCO TRAP DETAIL

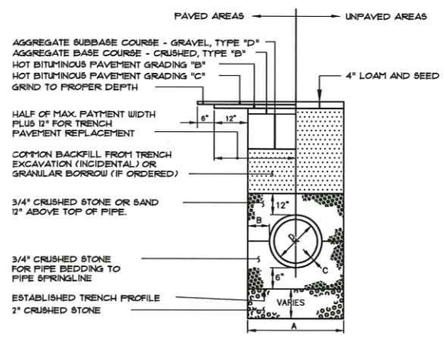
NOT TO SCALE

6 CASCO TRAP INSTALLATION

NOT TO SCALE

NOTES:
DEPTH OF BITUMINOUS PAVEMENT AND AGGREGATE COURSES SHALL BE DETERMINED BY STREET CLASSIFICATION.

ANY ALTERNATE TRENCHING OR PAYMENT METHODS SHALL BE APPROVED IN ADVANCE BY THE CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES.



8 TYPICAL PIPE TRENCH INSTALLATION

NOT TO SCALE

SITE PLAN NOTES, CITY OF PORTLAND

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1986 AND 1973; PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1979; AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.
2. TOPOGRAPHY AND UTILITIES FROM A PLAN BY EC JORDAN 1973. AERIAL TOPOGRAPHY SURVEY BY SEWELL CO. (DATUM MSL= 0.00'
3. 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 TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
4. ALL POWER LINES WITHIN THE PROPERTY SHALL BE UNDERGROUND (SEE E-0.1).
5. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIP DOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS, AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
6. 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 BALE, ETC.) AS WELL AS THEIR LOCATION.)
7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
8. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE.)
9. 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.

FOR OWNER REVIEW AND APPROVALS; NOT FOR CONSTRUCTION

LICENSED LANDSCAPE ARCHITECT — PATRICK J. CARROLL — No. 127 — STATE OF MAINE

OWNER: Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011
T. 207.729.7970 F. 207.725.9500
djacques@WaterfrontME.com

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Portland, ME 04101
T. 207.772.1552 F. 207.0712
pcarroll@carroll-assoc.com

STRUCTURAL ENGINEER: Structural Integrity, Inc.
75 Oak Street
Portland, ME 04101
T. 207.774.4614 M. 207.272.4910
www.beckerstructural.com

CIVIL ENGINEER: Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

REV #	DATE	DESCRIPTION
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Site Improvements To:

BROWNE TRADING CO.

Merrill's Wharf, Portland, Maine

SITE DETAILS

L-2.0

08. 28. 2012

Jean Fraser - Browne's Trading Admin authorization

From: Jean Fraser
To: Carroll, Pat
Date: 11/16/2012 2:18 PM
Subject: Browne's Trading Admin authorization
CC: Margolis-Pineo, David
Attachments: COMMERCIAL STREET #260 - BROWNE TRADING POST_1.docx

Pat

Just to follow up on this- I am awaiting revised plans that address the issue raised by DPS (item 2 of attached) before this can be signed off. Also, does the new lease with the Fish Pier require anything else re site work (I am trying to get a copy of it)????

thanks

Jean

Jean Fraser - Fish Pier lease to Browne Trading

From: Jean Fraser
To: Walden, Lawrence
Date: 11/16/2012 2:21 PM
Subject: Fish Pier lease to Browne Trading

Larry

Could you please send a pdf copy of the new lease that the Fish Pier approved in October- I assume its transferrable to Waterfront Maine???

Thanks
Jean

Jean Fraser - Re: Browne Trading Service Area

From: Jean Fraser
To: Carroll, Patrick
Date: 10/25/2012 2:10 PM
Subject: Re: Browne Trading Service Area
Attachments: COMMERCIAL STREET #260 - BROWNE TRADING POST.docx

Pat

1. Re your voice message- I am working on the approval letter now and it will go for signing tomorrow so you can put today's date;

Re amends - sent for signing

2. Re your e-mail to me below, subject to Planning having sight of the renewed lease approvals (I think they are on the way to me from internal sources) I think the only issue is the Casco Trap, as the easement is OK. DPS feel strongly about the dimensions and have provided the attached comment. So I guess the timing of the approval of the Admin Auth depends on the resolution of this issue with DPS.

DPS comment 9-21-12.

Thank you

Jean

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 10/24/2012 3:19 PM >>>
Hi Jean,

It is my understanding that on 10/22 the FPA approved renewal of the lease for Lot 12 with Browne Trading, as well as the service area improvements that we are proposing. Are there other issues that we need to discuss prior to approval of the Admin Authorization to complete this work? I believe we have responded to all of the other staff review comments.

It is desirable to get underway on these modifications this fall if possible, so we are trying to figure out a schedule for construction. If things are going to be delayed by Planning it would be good to know now vs. later-as we might have to postpone the work until next spring if things drag well into November.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

October 25, 2012

Waterfront Maine, LP
14 MAINE ST
BRUNSWICK, ME 04011

Patrick Carroll, Principal
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Project Name:	Cumberland Cold Storage Building, Amendment re walkway and dumpster enclosures
Address:	254 COMMERCIAL STREET
CBL:	041-A-016-001; 041-A-017-001; 041-A-018-001;041-A-08-001
Applicant:	Waterfront Maine, LP
Planner:	Jean Fraser

Dear Sirs:

On October 25, 2012, the Portland Planning Authority approved the amendments to the Level III Site Plan for Cumberland Cold Storage Building at 254 Commercial Street as shown on the approved plan (Plan LSK-3.1 Rev 7 dated June 2, 2011 and revised October 16, 2012, subject to the following conditions:

i. That the private bioswale for the Cumberland Cold Storage Building site that has been relocated onto land owned by the City of Portland (for which an easement has been secured) is subject to all stormwater maintenance and reporting requirements; and

ii. That the applicant and all assigns, shall comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management and comply with conditions of the approved construction storm water management plan and sediment & erosion control plan based on our standards and state guidelines; and

iii. That the owner shall submit a copy of the maintenance records for the stormwater management system including, but not limited to, the private bioswale (as per the submitted *Inspection and Maintenance of Stormwater Management Facilities* Plan dated June 1, 2010) to the City's Department of Public Services by June 30 of every year; and

iv. That if any dumpsters are located in the area reserved for a future service area, they shall be screened prior to use in accordance with the City of Portland Technical Manual Section 4.5.2; and

v. That any amendments to site lighting (including any building mounted lighting) shall comply with the standards set out in the City of Portland Technical Manual Section 12.

The approval is based on the submitted site plans. 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. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in 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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*,dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 Jean Fraser (207) 874-8728 .

Sincerely,

Alexander Jaegerman (JB)

Alexander Jaegerman
Planning Division Director

Attachments: City Code: Chapter 32

Electronic Distribution:

cc:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Jean Fraser - Re: CCSB Request for Amendment to Amended Site Plan

From: Jean Fraser
To: Carroll, Patrick
Date: 10/24/2012 2:11 PM
Subject: Re: CCSB Request for Amendment to Amended Site Plan
CC: Barhydt, Barbara; DiPierro, Philip; Pachios', 'Chris

Pat

Sorry for the delay in getting back to you.

I confirm:

- That the proposed amendments are approved, and a formal approval letter will be with you tomorrow;
- That this will be treated as an amendment but we will not charge the fee since it was paid in respect of the earlier amendment (no further action necessary);
- That the submitted plan is adequate; and
- That Phil diPierro is aware that these amendments have been approved and will clarify re the escrow account.

Thank you
Jean

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 10/16/2012 3:35 PM >>>
Hi Barbara,

Attached is a letter and marked up site plan that illustrates the modifications we are requesting to the Amended Site Plan for CCSB. These changes are requested in response to a desire on the Owners and City's parts to close out the original site plan Approval and release all Performance Guarantees. As you know, all approved improvements need to be constructed, and these planned improvements in the rear are directly tied to first floor tenants in the building, which WFM has not been able to secure as of this date.

We are hopeful that this Amendment will allow closure on the original Permit, and also that such improvements will come back to the Planning Staff in the future as the first floor tenants are established and WFM can better understand their egress, service, and pedestrian needs.

Please review with Alex and Jean and let me know procedurally how you want to process this Request.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)

pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

October 16, 2012

Ms. Barbara Barhydt
City of Portland
389 Congress Street
Portland, ME 04101

RE: Cumberland Cold Storage Building- Amendment to Amended Site Plan

Dear Barbara,

On behalf of Waterfront Maine, LP, Carroll Associates is pleased to submit proposed revisions to service and access at the rear of the Cumberland Cold Storage Building site on Merrill's Wharf. As you know, we are working towards closing out the remaining constriction items relating to the Site Plan for the project, as amended in 2011. The outstanding items are primarily in the rear of the building and were directly related to the Site Plan Amendment that allowed construction of improved drainage, as well as a new service area at the midpoint of the building and a pedestrian walkway running the length of the CCSB Building. The drainage is in place and functions well, collecting the roof runoff and draining into the bio-swale to the south and storm drain system to the west of the property. The other proposed improvements were envisioned to meet the needs of potential first floor marine use tenants, which as of this date have not been leased. Without tenants in place there is not a need or particular requirement for these improvements, and as such WFM is not in a position to undertake their construction at this time.

As the Approvals, Occupancy Certificate, and Performance Guarantees are directly tied to 100% completion of the Approved and Amended Site Plans, we are left with the option of either completing work that is not necessary at this time or removing the improvements from the plan. As mentioned above, the lack of a first-floor tenant and uncertainty of when such a user will be found reluctantly now requires WFM to request that the proposed sidewalk and service improvements (that were added in the original Amendment) now be removed from the Approved Site Plan. Existing easements with the Fish Pier to allow access and use associated with these improvements will remain in place; it is hoped that these improvements become necessary in the future and we will be back before the City again to seek permission to make these improvements- hopefully at that time in synch with site specific requirements for a long term marine use tenant.

So we are formally requesting that the service area, dumpster enclosure, pedestrian walkway, and retaining wall associated with the walkway at the service area side of the building be removed from the plan and either left in an undisturbed state, or stabilized with loam/ seed if the area has been disturbed during the construction of the drainage swale or building improvements. The attached site plan illustrates the proposed site condition without these improvements. Please note changes in red- if important I can revise the dwg and reissue as a plan without the improvements on it.

Please review the attached plans and let me know how you want to process this Amendment Request.
As always, we look forward to working closely with you on this project and anticipate its successful completion.

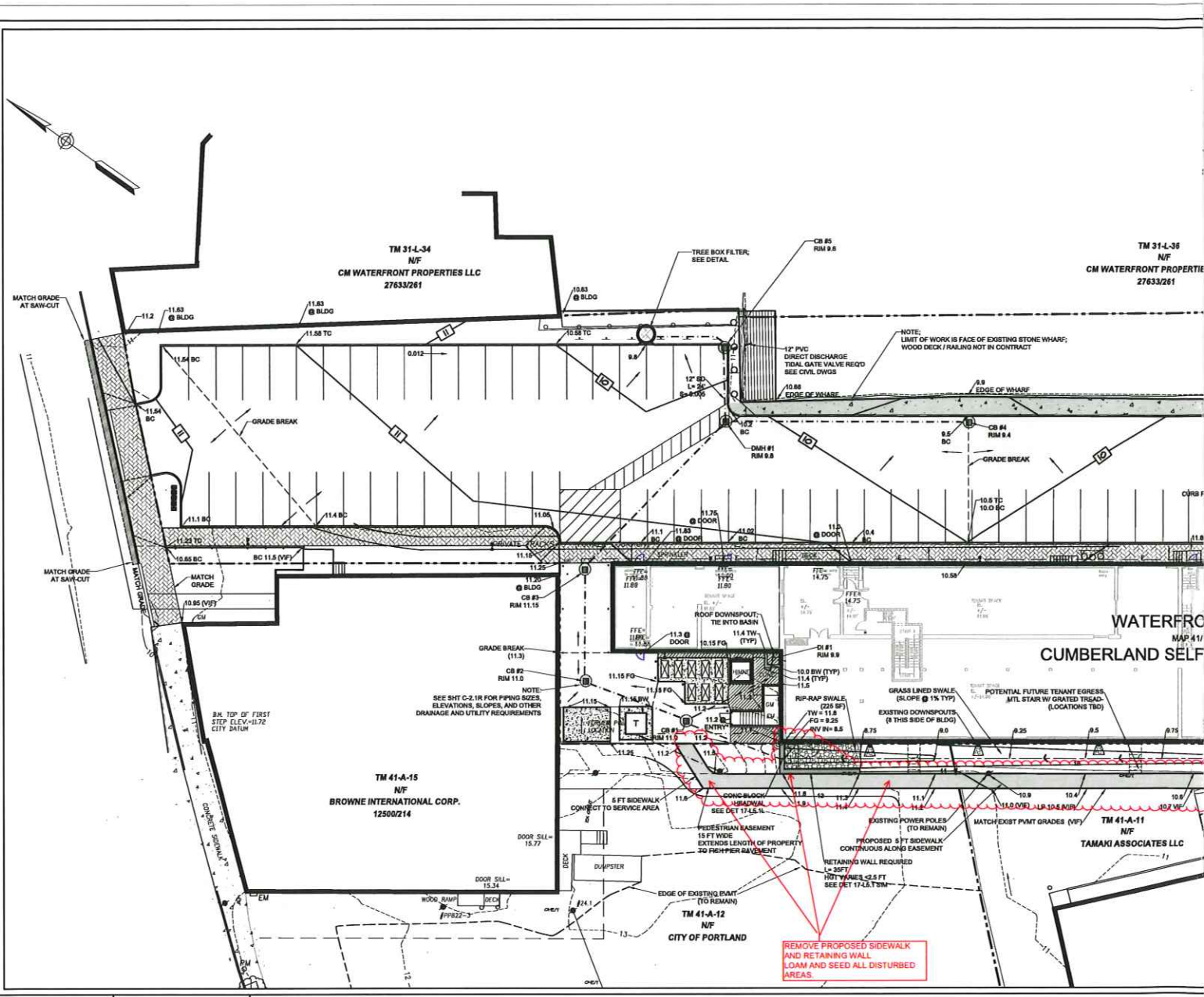
Sincerely,
CARROLL ASSOCIATES

Patrick Carroll, Principal

Att.
CC: Chris Pachios
Jean Fraser

Dev Rev 10-24-2012 Reviewed and approved these amendments BB - waive fee but # as amendment.

217 Commercial Street, Suite 200 Portland, Maine 04101 v.207.772.1552 f.207.772.0712 www.carroll-assoc.com



LICENSED LANDSCAPE ARCHITECT PATRICK J. CARROLL Inc. 127 STATE OF MAINE

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South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

Bartlett Design
942 Washington Street,
T. 207.443.5447 F. 207.443.5560
bartdes@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
T. 207.846.1441 F. 207.846.1443

Carroll Associates Landscape Architects
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Portland, ME 04101
T. 207.772.1552 F. 207.0712

Becker Structural Engineers, Inc.
75 York Street, Portland, ME 04101
T. 207.879.1838 F. 207.879.1822
www.beckerstructural.com

Planning and Urban Development Department
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

June 6, 2011

Waterfront Maine, LP
14 MAINE ST
BRUNSWICK, MAINE 04011

Project Name:	Cumberland Cold Storage Building
Address:	254 COMMERCIAL STREET
Project ID:	2011-260
CBL:	041-A-016-001; 041-A-017-001;041-A-018-001;041-A-08-001
Applicant:	Waterfront Maine, LP
Planner:	Jean Fraser

Dear Waterfront Maine, LP:

On June 6, 2011, the Portland Planning Authority approved the amended Level III Site Plan for Cumberland Cold Storage Building at 254 Commercial Street as shown on the approved plans (Plan LSK-3.1 Rev 7 dated June 2, 201, and Plan C-2.1R Rev 3 dated June 3, 2011) with the following conditions:

i. That the private bioswale for the Cumberland Cold Storage Building site that has been relocated onto land owned by the City of Portland (for which an easement has been secured) is subject to all stormwater maintenance and reporting requirements; and

ii. That the applicant and all assigns, shall comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management and comply with conditions of the approved construction storm water management plan and sediment & erosion control plan based on our standards and state guidelines; and

iii. That the owner shall submit a copy of the maintenance records for the stormwater management system including, but not limited to, the private bioswale (as per the submitted *Inspection and Maintenance of Stormwater Management Facilities* Plan dated June 1, 2010) to the City's Department of Public Services by June 30 of every year; and

389 Congress Street • Portland, Maine 04101-3509 • Ph (207) 874-8721 or 874-8719 • Fax 856-8258 • TTY 874-8936

iv. That the dumpsters near the new paved loading area shall be screened in accordance with the City of Portland Technical Manual Section 4.5.2 prior to the issuance of a Certificate of Occupancy; and

v. That any amendments to site lighting (including any building mounted lighting) shall comply with the standards set out in the City of Portland Technical Manual Section 12.

The approval is based on the submitted site plans. 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. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in 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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division. (If applicable)

3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date. (If applicable)

4. **Final Plans** Seven (7) final sets of plans must be submitted to and approved by the Planning Division prior to the start of the work subject of the approved amendments. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

5. **Preconstruction Meeting** Please contact the Development Review Coordinator prior to the commencement of the work subject of the approved amendments, who will confirm that the contractor is working from the approved site plan.

6. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*,dwg), release AutoCAD 2005 or greater.

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

Planning Division at 874-8632. 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 Jean Fraser (207) 874-8728 .

Sincerely,

Alexander Jaegerman
Planning Division Director

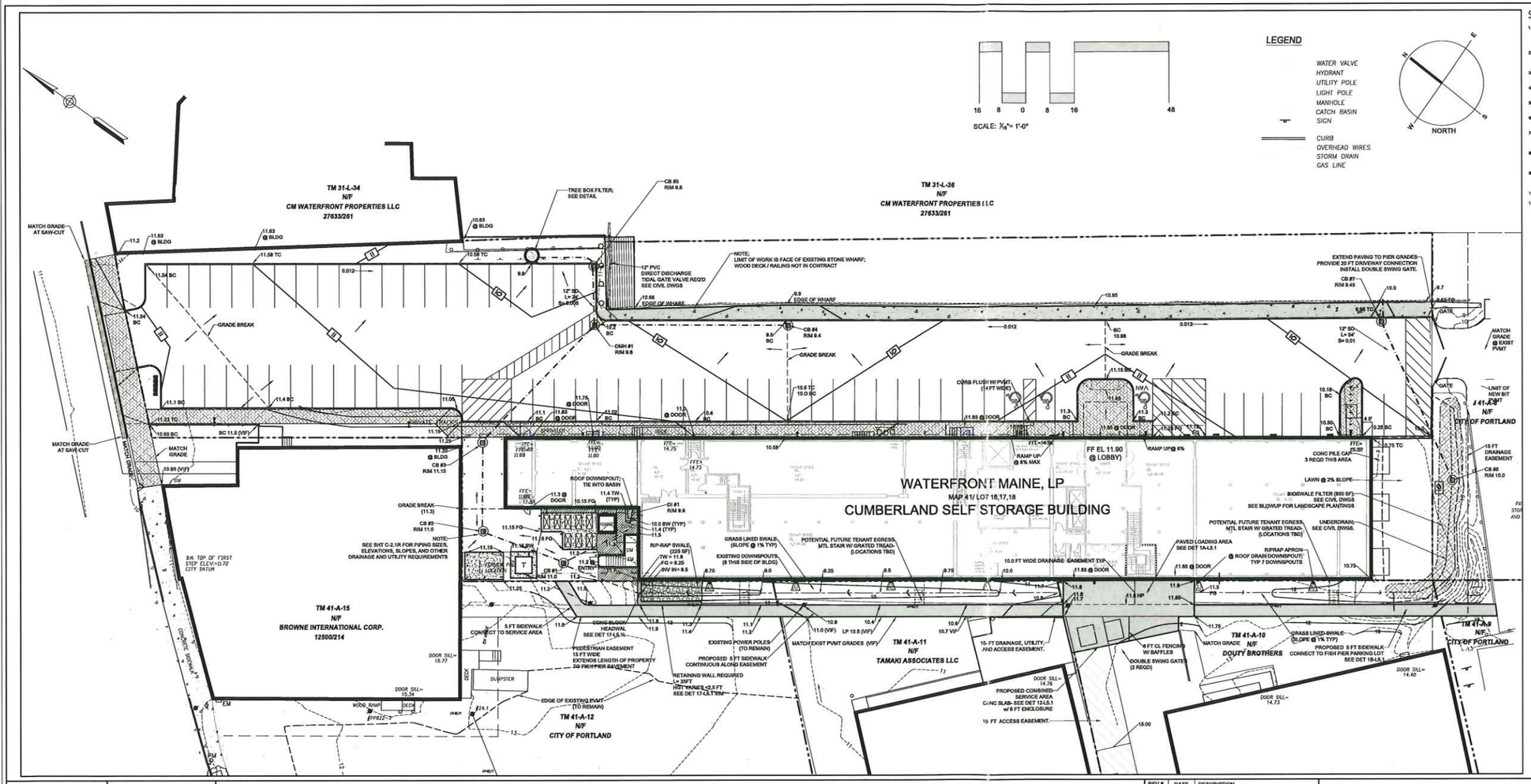
Attachments:
1. City Code: Chapter 32

Electronic Distribution:
Penny St. Louis, Director of Planning and Urban Development Department
Alexander Jaegerman, Division Director, Planning
Barbara Barhydt, Development Review Services Manager, Planning
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Plan Reviewer, Inspections Division
Lannie Dobson, Administration, Inspections Division
Michael Bobinsky, Director, Public Services
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
David Senus, P.E., Woodard & Curran
Jane Ward, Administration, Public Services
Capt. Keith Gautreau, Fire Department
Jeff Tarling, City Arborist, Public Services
Tom Errico, P.E., T.Y. Lin Associates
Assessor's Office

Approval Letter File

2011 - 260

CITY OF PORTLAND
APPROVED SITE PLAN
Subject to Dept. Conditions
Date of Approval: 06-08-2010 as amended 06-06-2011 (Sht 1 of 2)


LEGEND
WATER VALVE
HYDRANT
UTILITY POLE
LIGHT POLE
MANHOLE
CATCH BASIN
SIGN
CURB
OVERHEAD WIRES
STORM DRAIN
GAS LINE
SCALE: 1/8"= 1'-0"
NORTH
TM 31-L-34
N/F
CM WATERFRONT PROPERTIES LLC
27633/261
TM 31-L-36
N/F
CM WATERFRONT PROPERTIES LLC
27633/261
TM 41-A-15
N/F
BROWNE INTERNATIONAL CORP.
12500/214
TM 41-A-12
N/F
CITY OF PORTLAND
TM 41-A-11
N/F
TAMAKI ASSOCIATES LLC
TM 41-A-10
N/F
DOUTY BROTHERS
TM 41-A-9
N/F
CITY OF PORTLAND
WATERFRONT MAINE, LP
MAP 41/ LOT 16,17,18
CUMBERLAND SELF STORAGE BUILDING
FF EL 11.90 @ LOBBY)
GRADE BREAK
EDGE OF WHARF
EDGE OF EXISTING PVMT (TO REMAIN)
TREE BOX FILTER; SEE DETAIL
NOTE: LIMIT OF WORK IS FACE OF EXISTING STONE WHARF; WOOD DECK / RAILING NOT IN CONTRACT
12" PVC DIRECT DISCHARGE TIDAL GATE VALVE REQ'D SEE CIVIL DWGS
EXTEND PAVING TO PIER GRADES- PROVIDE 20 FT DRIVEWAY CONNECTION INSTALL DOUBLE SWING GATE.
CURB FLUSH W/ PVMT (14 FT WIDE)
RAMP UP @ 6% MAX
RAMP UP @ 8%
CONC PILE CAP 3 REQ'D THIS AREA
LAWN @ 2% SLOPE
BIOSWALE FILTER (950 SF) SEE CIVIL DWGS SEE BLOWUP FOR LANDSCAPE PLANTINGS
POTENTIAL FUTURE TENANT EGRESS MTL STAIR W/ GRATED TREAD- (LOCATIONS TBD)
UNDERDRAIN; SEE CIVIL DWGS.
PAVED LOADING AREA SEE DET 14-L5.1
RIPRAP APRON @ ROOF DRAIN DOWNSPOUT; TYP 7 DOWNSPOUTS
10.0 FT WIDE DRAINAGE EASEMENT TYP.
GRASS LINED SWALE (SLOPE @ 1% TYP)
EXISTING DOWNSPOUTS (8 THIS SIDE OF BLDG)
ROOF DOWNSPOUT; TIE INTO BASIN
GRADE BREAK (11.3)
CB #2 RIM 11.0
NOTE SEE SHT C-2.1R FOR PIPING SIZES, ELEVATIONS, SLOPES, AND OTHER DRAINAGE AND UTILITY REQUIREMENTS
RIP-RAP SWALE (225 SF) TW = 11.8 FG = 9.25 INV IN= 8.5
DI #1 RIM 9.9
8.25
8.5
8.75
9.0
9.25
9.5
9.75
10.0
10.25
10.5
10.75
11.0
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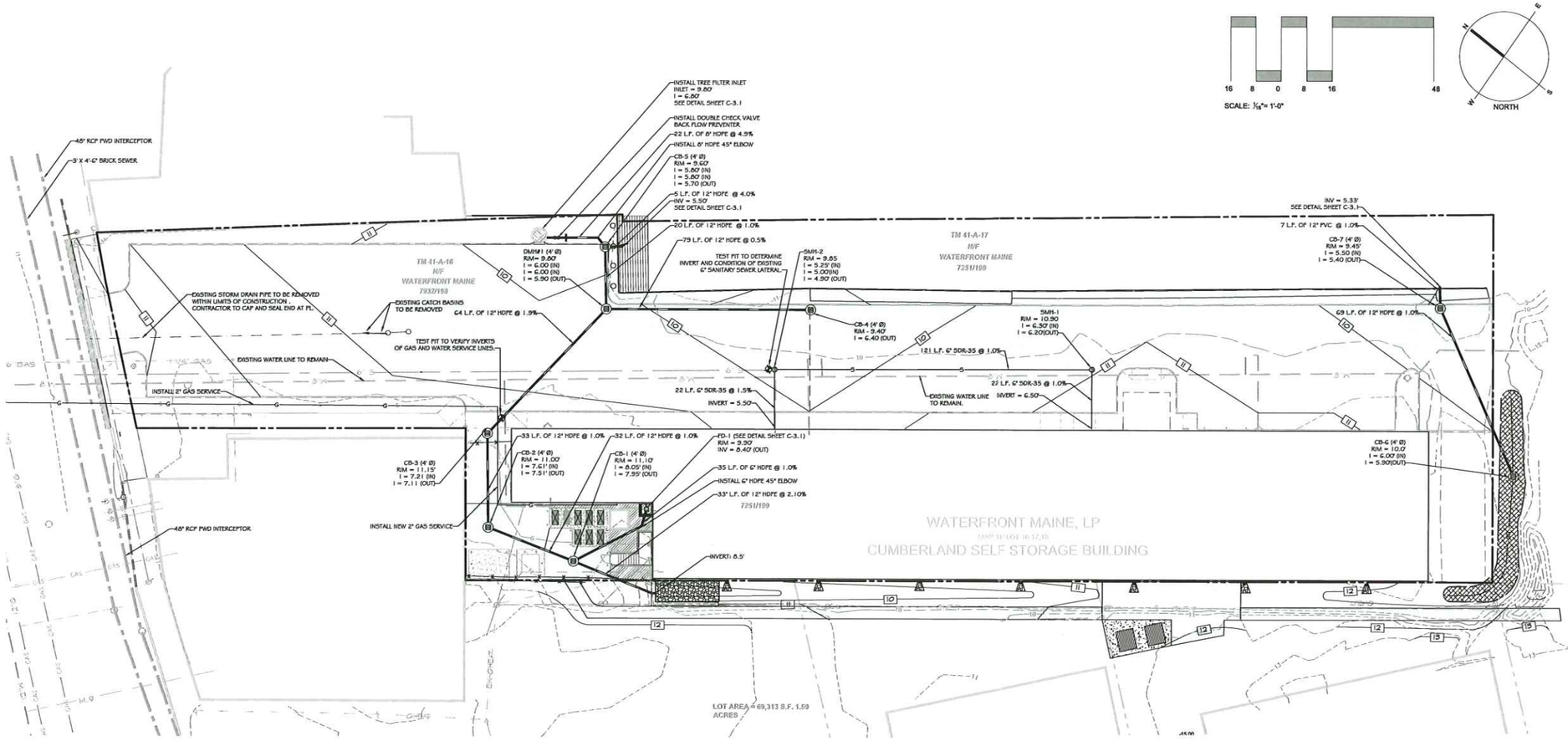
17.75
18.0

2011-260

CITY OF PORTLAND
APPROVED SITE PLAN
Subject to Dept. Conditions
Date of Approval: 06-08-2010
as amended 06-06-2011
(sheet 1 of 2)



CONSTRUCTION NOTES:

1. CONTRACTOR SHALL PREPARE SUBGRADE TO UNIFORMLY DRAIN AWAY FROM PAVEMENT BASES AND SUBBASES BEFORE INSTALLATION OF SUBBASE GRAVELS.
2. ENGINEER SHALL DETERMINE IF GEOTEXTILE IS REQUIRED OVER SUBGRADE PRIOR TO INSTALLATION OF SUBBASE GRAVEL.

NOTE:

1. SEE ELECTRICAL SITE PLAN EQ.1 FOR PROPOSED SITE ELECTRIC.
2. CONTRACTOR SHALL APPLY FOR AND OBTAIN PERMITS FOR ANY REQUIRED CONNECTION TO THE PORTLAND WATER AND SEWER DISTRICTS EXISTING SANITARY SYSTEM; AND, PAY ALL FEES, TO INCLUDE THE READY TO SERVE FEE.
3. REFER TO ARCHITECTURAL PLANS FOR ELEVATION OF ANY FOUNDATION DRAINS.
4. CONTRACTOR TO INSTALL CASCO BAY TRAPS AT OUTLET OF ALL CATCH BASINS. SEE DETAIL SHEET C-3.1

LEGEND

- GAS LINE
- GRAVITY SEWER PIPE
- STORM DRAIN PIPE
- UNDERDRAIN
- CATCH BASIN
- SEWER MANHOLE
- FIELD INLET
- TEST PIT LOCATION

CITY SUBMITTAL
6/3/2011

STATE OF MAINE — STEVE G. BLAIS 10084 — LICENSED PROFESSIONAL ENGINEER — 10/20/11

Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

Bartlett Design
942 Washington Street,
T. 207.443.5447 F. 207.443.5560
bartdes@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
T. 207.846.1441 F. 207.846.1443

Carroll Associates Landscape Architects
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712

Becker Structural Engineers, Inc.
75 York Street, Portland, ME 04101
T. 207.879.1838 F. 207.879.1822
www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

REV #	DATE	DESCRIPTION
1	10/7/10	RESUBMIT TO CITY
2	10/22/10	ISSUED FOR CONSTRUCTION
3	06/03/11	ISSUED TO CITY

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

UTILITY PLAN
C-2.1R
9. 23. 2010

Jean Fraser - Re: Browne trading

From: Jean Fraser
To: Carroll, Patrick
Date: 10/5/2012 3:42 PM
Subject: Re: Browne trading
CC: Barhydt, Barbara; DiPierro, Philip
Attachments: approved SITE PLAN AMENDMENT LSK-3.pdf

Pat

Thank you for the update.

I think we are more concerned to see the area along the rear of CCSB and around the Browne Trading service area/CCSB brought to a reasonable interim standard of "completion" and less worried about the sidewalk.

The approved amended plan (copy attached) also included dumpsters with a dumpster enclosure, paved loading area, a retaining wall and a few other things that need to be removed from the plans or completed/addressed in some other way (and included in the retained escrow account).

Maybe we can discuss further on tuesday.

Do you have a date for the Fish Pier meeting?

thanks
Jean

>>> Patrick Carroll <pcarroll@carroll-assoc.com> 10/5/2012 11:04 AM >>>
Hi Jean,

Just to update you on the status of the Admin Authorization request, Browne Trading has requested a renewal of their lease with the FPA, and we are planning on meeting with the Board in mid-October, at which time they will also review the proposed use of the lot as proposed. I hope that all goes well and we can resume our request with you after that meeting. Unfortunately, the timing may push the proposed improvements back due to the weather. We will assess once approvals are in place.

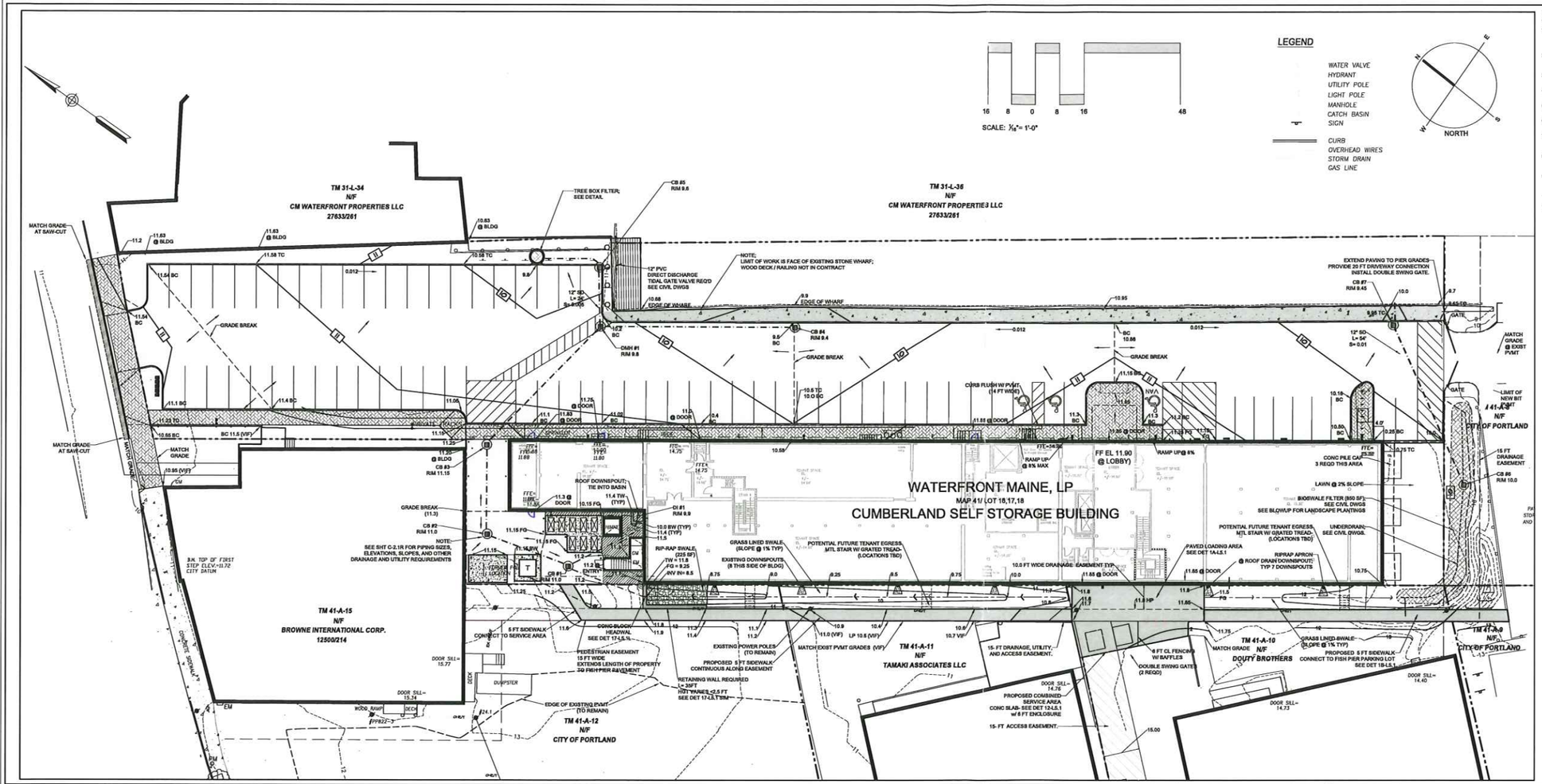
We will also be submitting an application for CCSB to remove the walkway in the rear from the approved plan. Given the uncertainty of securing first floor tenants for the building and a desire to close out the project it seems the prudent thing to do. A future sidewalk will need to come back to you but at that point we should have a better idea of its need and can design it accordingly.

I am out until Tuesday but you can reach me by cell 329-8976 if you need me before then.

Have a good weekend.

Pay Carroll

Sent from my iPhone



GRADING NOTES:

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY BC JORDAN, JUNE 26, 1998 AND 1973, PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1978, AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981.
2. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED. CONTRACTOR SHALL PERFORM ON-SITE INSPECTION OF CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCIES WHICH MAY EXIST.
3. AREAS NOT REQUIRING GRADING SHALL BE LEFT UNDISTURBED. CONTRACTOR SHALL AVOID THESE AREAS AND PRESERVE ANY EXISTING VEGETATION AS NOTED.
4. UTILITY LOCATIONS ARE APPROXIMATE AND SHALL BE VERIFIED PRIOR TO CONSTRUCTION. ANY DISCREPANCIES OR CONFLICTS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT.
5. ALL UTILITY INSTALLATION SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTLAND, AS WELL AS ANY OTHER LOCAL, STATE, AND FEDERAL REQUIREMENTS.
6. SITE CONTRACTOR SHALL REPAIR ALL DISTURBED AREAS IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS.
7. ALL PROPOSED SLOPES GREATER THAN 3:1 SHALL HAVE AN EROSION MAT INSTALLED OVER FINISH GRADES TO PROTECT SEEDED SLOPES FROM EROSION. AT CONTRACTOR'S OPTION, SLOPES MAY BE SODDED AS AN APPROPRIATE SUBSTITUTION TO SEED, AND MAT.
8. ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED IN THE BEST MANAGEMENT PRACTICES, AND MAINTAINED THROUGHOUT CONSTRUCTION OF THIS PROJECT.
9. ALL AREAS DISTURBED BY CONSTRUCTION NOT TO BE PAVED OR OTHERWISE TREATED SHALL BE LOAMED AND SEEDED ACCORDING TO THE PROJECT SPECIFICATIONS. EXISTING LAWN AREAS WHICH ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.
10. SEE CIVIL DRAWINGS FOR UTILITY, DRAINAGE PIPING, AND EROSION CONTROL REQUIREMENTS.
11. THIS DRAWING IS SUBMITTED AS A MODIFICATION TO THE APPROVED CONSTRUCTION PLANS. ALL STANDARDS, DETAILS, REQUIREMENTS, AND SPECIFICATIONS INDICATED IN THE ORIGINAL CONTRACT DOCUMENTS APPLY TO THE WORK OUTLINED ON THIS DRAWING. SEE SHT C2.1R FOR REVISED STORMWATER PIPING AND DRAINAGE IMPROVEMENTS

REVISED PLANTING AT BIOSWALE

1"= 10'-0"

ISSUED FOR OWNER AND CITY REVIEW

Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaiseca.com

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barbles@blazenetme.net

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207.774.4811 www.wintonscott.com

PATRICK J. CARROLL — 127 — STATE OF MAINE — LANDSCAPE ARCHITECT

REV #	DATE	DESCRIPTION
1	10.08.10	SUBMIT TO CITY
2	10.22.10	ISSUE FOR CONSTRUCTION
3	01.13.11	ISSUE FOR CONCEPT REVIEW
4	01.19.11	REVISE REAR WALKWAY
5	05.17.11	SUBMIT TO CITY
6	05.25.11	RE-SUBMIT TO CITY
7	06.02.11	MODIFY SW GRADES/ ADD DUMPSTER ENCLOSURE

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

REAR SERVICE/ DRAINAGE/ ACCESS PLAN

LSK-3.1

05.17.2011

Jean Fraser - Fish Pier?Browne Trading

From: Jean Fraser
To: Barhydt, Barbara; Jaegerman, Alex; Needelman, William
Date: 10/2/2012 3:51 PM
Subject: Fish Pier?Browne Trading
CC: Errico, Thomas

Alex, Barbara and Bill

You recall that in "prepping" for one of you to attend the Fish Pier meeting, I had undertaken to sound Tom out re preferred access to Lot #12 in the Fish Pier subdivision (#12 is/was leased to Browne trading).

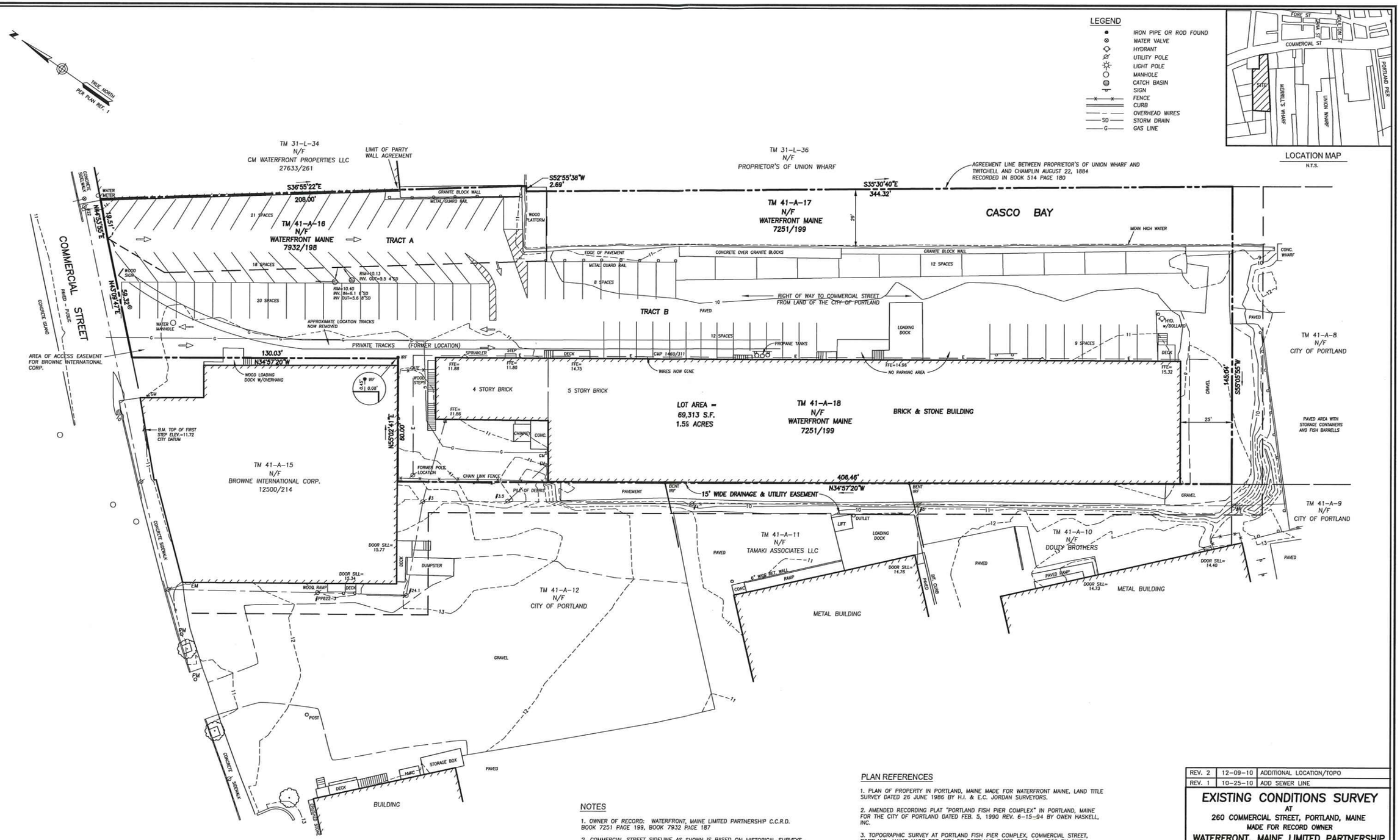
Its on the Dev Rev agenda for tomorrow, but Tom confirmed today (at DPS meeting) that he:

- Does not want an access/curb cut of any kind from Commercial Street;
- Does not want the trucks backing from the main Fish Pier drive;
- If trying to preserve area within Lot #12 for new building and some parking, prefers trucks back in from the area off the main Fish Pier Drive in front of Lot #11 - see attached (pink lines- will do a tidied up version of these);
- But from traffic viewpoint, the multi-move turning (as illustrated on submitted sketch, using up much of the lot) is OK too.

Let me know if you need more info/research for Fish Pier discussion.

Jean

10-3-12
Discussed briefly at Dev Rev
with Barbara & Tom (Bill & Alex
not there) -
agreed would be helpful to know
o # trucks accessing Brownes
turning movement on paper for backing up!
but as applicant does Right, title & interest
not appear to have to request this
BB advises not to
info now JF.



NOTES

1. OWNER OF RECORD: WATERFRONT, MAINE LIMITED PARTNERSHIP C.C.R.D. BOOK 7251 PAGE 199, BOOK 7932 PAGE 187
2. COMMERCIAL STREET SIDELINE AS SHOWN IS BASED ON HISTORICAL SURVEYS. CURRENT MAINE D.O.T. STREET LINE MAY VARY SLIGHTLY FROM LINE SHOWN.
3. SURVEYED PREMISES SUBJECT TO RIGHT OF WAY FOR ACCESS AND UTILITIES FROM COMMERCIAL STREET TO LANDS OF THE CITY OF PORTLAND. SAID RIGHT OF WAY DESCRIBED IN DEED BOOK 4673 PAGE 162.
4. ALL UPLAND (AREA ABOVE MEAN HIGH WATER) FILLED PRIOR TO 1975.
5. EXISTING WATER AND SEWER ENTER SITE THROUGH ENTRANCE DRIVE FROM COMMERCIAL STREET.

PLAN REFERENCES

1. PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR WATERFRONT MAINE, LAND TITLE SURVEY DATED 26 JUNE 1986 BY H.I. & E.C. JORDAN SURVEYORS.
2. AMENDED RECORDING PLAT "PORTLAND FISH PIER COMPLEX" IN PORTLAND, MAINE FOR THE CITY OF PORTLAND DATED FEB. 5, 1990 REV. 6-15-94 BY OWEN HASKELL, INC.
3. TOPOGRAPHIC SURVEY AT PORTLAND FISH PIER COMPLEX, COMMERCIAL STREET, PORTLAND, MAINE MADE FOR CITY OF PORTLAND DATED OCT. 16, 2000 BY OWEN HASKELL, INC.
4. STANDARD BOUNDARY SURVEY AT 250 COMMERCIAL STREET, PORTLAND, MAINE MADE FOR MACOMBER, INC. JAN. 25 2001 REV. 2 02/23/10 BY OWEN HASKELL, INC.
5. PLAN OF PROPERTY, MERRILLS WHARF, PORTLAND, MAINE MADE FOR ROBERT LEVINE TRUST DATED DEC. 20, 1979 BY ROBERT P. TITCOMB, INC. RECORDED IN PLAN BOOK 125 PAGE 43.
6. MERRILL'S WHARF RECORDED IN PLAN BOOK 10 PAGE 93 SEPTEMBER 19, 1884 BY EDWARD C. JORDAN, C.E.

REV. 2	12-09-10	ADDITIONAL LOCATION/TOPO
REV. 1	10-25-10	ADD SEWER LINE

EXISTING CONDITIONS SURVEY

AT

260 COMMERCIAL STREET, PORTLAND, MAINE

MADE FOR RECORD OWNER

WATERFRONT, MAINE LIMITED PARTNERSHIP

224 12th AVENUE, NEW YORK, NY 10001

OWEN HASKELL, INC.

390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207)774-0424

PROFESSIONAL LAND SURVEYORS

Drwn By	RS	Date	Job No.
Trace By	JLW	MAY 10, 2010	2010-048P
Check By	JWS	Scale	Dwg. No.
Book No.	1092	1" = 20'	1EC

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

Danielle
re easement 12th page
OK.
? poss condition
send
? Larry docs
send
Larry all
info. re DWC

September 19, 2012

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Administrative Approval, Browne Trading Co.

Dear Jean,

We have reviewed the Staff comments relating to the proposed modification of the service area at Browne Trading and offer the following comments:

Staff Comment: *Is there a plan that shows that semi-trailers are able to access the site/new loading bay safely and without impacting other properties (Barbara recalls that a plan was tabled at a previous meeting but we don't have a copy)*
Response: Attached is a diagram that illustrates how a WB-67 semi-trailer will maneuver to the loading dock within the property. There is an existing 28 ft wide easement across the Atlantic Seafood property adjacent to the Tamaki property that provides access to the site. Once on the property a 4- point turn will be required to park the trailer in the loading dock. Exiting from the dock will be a straight maneuver out of the dock area and across the access easement.

Staff Comment: *Is there a document that confirms that Browne Trading has rights to service from the Fish Pier site/roads in this way;*
Response: Attached please find an Amended Subdivision Plan that identifies the lots in question as well as the access easement across the Atlantic Seafood parcel. I am also attaching a copy of the License from the City to Browne Trading that allows vehicular access into the property.

Staff Comment: *Browne Trading will need a drainage easement from CCSB;*
Response: Attached please find a recorded drainage easement between the two parties for the proposed drainage improvements.

Staff Comment: *Treatment is needed to the drainage eg through installation of a Casco Trap device (detailed comments awaited from David Margolis-Pineo and will be forwarded later today).*
Response: See response to Public Services comments below.

The Department of Public Services has the following comments:
Staff Comment: The applicant will required a drainage easement from the owners of the former Cumberland Cold Storage facility.
Response: See attached drainage easement which has been signed and recorded.

Staff Comment: The applicant is requested to install a four foot diameter precast catchbasin with a three foot sump and a floatable control device on the outlet pipe.
Response: The Applicant disagrees that a full four-foot catch basin with a three foot sump is required in this area to provide treatment for the collected runoff. This area collects a very minor amount of runoff,

and is only proposed to provide a drain for the concrete pad that the compactor site on (approx 240 sf of area). We believe that a 2 ft square precast Drain Inlet is appropriate in this area and will allow for cleanout of any sediment that settles in the bottom or access in the case of a blockage of the pipe. We would propose to install a Casco Trap on the outfall of this structure and deepen the sump to allow for settling of sediments and solids. Other options might be to eliminate the drain completely and pitch the slab to drain towards the parking lot. Installing the full size catch basin adds cost to the project with little gain in water quality.

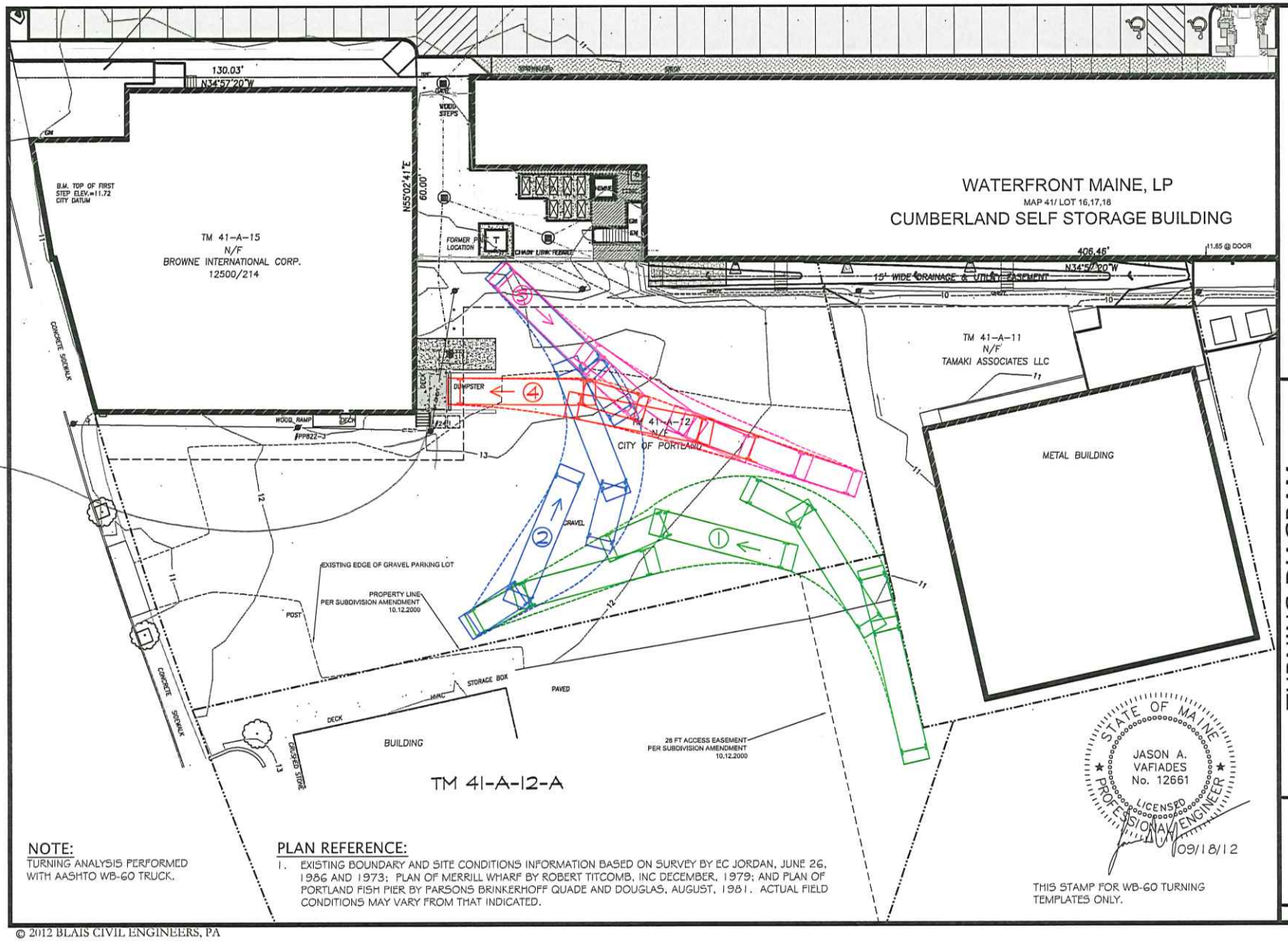
I hope these responses to your comments are appropriate and address all of the concerns raised during the review last week. If you have any other concerns or comments, please contact me immediately. We are anxious to begin work on this project and believe that it will provide a better operation for Browne Trading Co and greatly improve the traffic situation on Commercial Street.

Regards,
CARROLL ASSOCIATES

Patrick J. Carroll, Principal

Att.

CC: Chris Pachios
Dan Jacques



NOTE:
TURNING ANALYSIS PERFORMED WITH AASHTO WB-60 TRUCK.

PLAN REFERENCE:
1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1986 AND 1973; PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1979; AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.

STATE OF MAINE
JASON A. VAFIADES
No. 12661
LICENSED PROFESSIONAL ENGINEER
09/18/12

THIS STAMP FOR WB-60 TURNING TEMPLATES ONLY.

© 2012 BLAIS CIVIL ENGINEERS, PA

Blais civil engineers
780 BROADWAY, SO. PORTLAND, ME 04106 (207) 767-7300

TURNING DIAGRAM

SITE IMPROVEMENTS BROWNE TRADING CO.
MERRILL'S WHARF, PORTLAND, MAINE

OWNER:
WATERFRONT MAINE, LP
14 MAINE STREET
BRUNSWICK, MAINE 04011

DESIGNED/DRAWN BY: JV/MV CHECKED BY: JV DATE: 9/18/12

DRAWING
1

BCE: 11150

new loading dock for Sonis

BK12935PG265

06169

REVOCABLE LICENSE 01.30.97 #2

Grantor: PORTLAND FISH PIER AUTHORITY

Grantee: BROWNE TRADING COMPANY

Location: PORTLAND FISH PIER
252-340 COMMERCIAL STREET
PORTLAND, MAINE

X expired

THIS AGREEMENT made this 31 day of February, 1997, by and between the **PORTLAND FISH PIER AUTHORITY**, a Maine nonprofit local development authority, having a place of business in the City of Portland, County of Cumberland, and State of Maine, and acting pursuant to the terms of a Lease between the City of Portland and the Portland Fish Pier Authority (hereinafter "AUTHORITY"), dated April 30, 1990, and **BROWNE TRADING COMPANY**, a corporation organized under the laws of Maine and having a place of business in said Portland (hereinafter "BROWNE").

W I T N E S S E T H

WHEREAS, AUTHORITY operates the Portland Fish Pier Complex, pursuant to the terms of a Lease between it and the City of Portland, dated April 30, 1990; and

WHEREAS, BROWNE desires to obtain a revocable license in the vicinity of a certain right of way which is situated on the said Complex:

NOW, THEREFORE, in consideration of their mutual promises, covenants and agreements, and other good and valuable consideration, receipt of which is hereby acknowledged, the said parties agree, as follows:

1. DESCRIPTION OF REVOCABLE LICENSE. The AUTHORITY hereby remises, releases, bargains and conveys a revocable license to BROWNE, all as more fully described below, for the purposes of providing emergency handicapped egress and vehicular access in, along and abutting a right of way which appears on Lot 12 on the plan "Recording Plat of the Fish Pier Complex," dated October 13, 1989, which is recorded in the Cumberland County Registry of Deeds in Plan Book 182, Page 2 (hereinafter "Plat").

2. TERM OF REVOCABLE LICENSE. Unless sooner revoked by either the AUTHORITY or the City of Portland, this revocable license shall terminate and expire at the time of either the expiration or the termination of the Lease between the AUTHORITY and the City of Portland referred to above. Either the AUTHORITY or the City of Portland may revoke the license granted herein at any time by giving ninety (90) days notice of such revocation to BROWNE.

3. FEE FOR REVOCABLE LICENSE. BROWNE will pay AUTHORITY, without demand and in advance of the first (1st) day of each month, Fifty Dollars ($50.00) for the revocable license authorized herein.

At the start of the thirteenth (13th) month of the revocable license, and each twelve (12) months thereafter, the monthly payment will be adjusted by multiplying the annual payment of Six Hundred Dollars ($600.00) by a fraction, the denominator of which shall be the "Consumer Price Index for All Urban Wage Earners ("CPI-U")," U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the Index") for the first calendar month of the rental year, and the numerator of which shall be the Index for the same month in each subsequent year ("the Base Index"). The annual charge, however, shall in no event be less than the annual charge during the immediately prior year. In the event that the Index is not then in existence, the parties shall use any equivalent price index which may be published by any successor governmental agency then in existence; or, if none, then by any nongovernmental agency which may then be publishing an

equivalent price index, in lieu of and adjusted to the Index. If the Index should cease to use the 1982-84 average of 100 as the basis of calculation, or, if a substantial change should be made in the terms or number of items contained in the Index, the Base Index shall be adjusted to conform to such change, using such computation thereof, if available, employed by the United States Department of Labor in computing same. It is understood that the determination of the charge for each subsequent year may be delayed until after the commencement of any given year; and, in such event, BROWNE will continue to pay monthly charges at the rate applicable to the immediately prior year until such determination should be made, at which time it shall pay such unpaid charges as may then be accrued.

4. LICENSE SUBORDINATE. The revocable license granted herein is subject to any rights either granted heretofore or which may be granted in the future by either the City of Portland or the Fish Pier Authority to any other entity or reserved by either of them.

5. INSURANCE. As a condition of this revocable license, BROWNE agrees to maintain, at its own expense, from the time it will begin exercising the privileges granted by this license until its termination, a policy of commercial general liability insurance, written on an occurrence basis, and including broad form contractual liability coverage, insuring against all claims for injury to or death of persons or destruction of or damage to property, on or about the licensed area, or arising out of the use of the license by BROWNE, its officers, agents, employees or invitees. Such policy will name the Fish Pier Authority and the City of Portland as additional insureds.

The minimum limits of liability of such insurance will be a combined single limit of One Million Dollars ($1,000,000.00).

Such insurance coverage will be effected upon terms reasonably available from insurers authorized to do business in Maine and having a Bests' rating of A or better, and under valid

and enforceable policies which shall be non-amendable and non-cancelable without thirty (30) days prior notice to the AUTHORITY.

6. LICENSEE'S INDEMNITY. BROWNE will indemnify and save harmless both the AUTHORITY and also the City of Portland, their officers, agents, and employees, from and against all claims, expenses, losses, or liability of whatever nature, arising, directly or indirectly, from any accident or injury, however caused, to any person on or about the area which is the subject of this revocable license, where such accident or injury results from any act, omission, or negligence on the part of BROWNE or BROWNE's contractors, licensees, agents, servants, employees, customers, or anyone claiming by or through BROWNE; provided, however, that in no event shall BROWNE be obligated under this Section to indemnify AUTHORITY, its officers, agents and employees, to the extent that such claim, expense, loss, or liability results from any omission, fault, negligence, or other misconduct of AUTHORITY or its officers, agents or employees, on or about the area which is the subject of this revocable license.

This indemnity and hold harmless provision includes indemnity against all reasonable expenses and liabilities incurred by or in connection with any claim or proceeding brought thereon, as well as the defense thereof with counsel reasonably acceptable to AUTHORITY.

7. LOCATION OF AREA SUBJECT TO THIS AGREEMENT. The revocable license which is the subject of this Agreement includes the utility and drainage easement along the westerly line of land now or formerly of Armour & Co., situated along the easterly side of Lot 12 of the Plat. It is approximately eighteen (18) feet in width from Commercial Street to a point fifteen (15) feet beyond the southwesterly corner of said Armour land, thence it proceeds in a general easterly direction, approximately fifteen (15) feet in width, fifty (50) feet more or less, to land now or formerly of the Levine Real Estate Trust. The area of the license is depicted by

shaded lines on Exhibit A which is attached hereto and made a part hereof.

8. NO ASSIGNMENT. The rights granted to BROWNE herein may not be assigned by it.

9. REMOVAL OF IMPROVEMENTS MADE BY BROWNE. BROWNE agrees, at its own expense, to remove any improvements or structures which it may place in the area of the revocable license within ninety (90) days after it has received notice of revocation of the said license and to restore the area to the same condition it was in prior to the granting of the license.

10. SURVIVAL OF CERTAIN PROVISIONS. The provisions of Article 6 (indemnification) and Article 9 (removal and restoration) shall survive revocation of this license and remain enforceable against BROWNE.

IN WITNESS WHEREOF, the PORTLAND FISH PIER AUTHORITY has caused this Agreement to be signed by Peter V. Anania, its President; and BROWNE TRADING COMPANY has caused this Agreement to be signed by Cynde P. Mitchell, its Chief Executive Officer thereunto duly authorized, on the day and date first above-written.

Signed, Sealed and
Delivered in presence of

Charles A. Lane

Charles A. Lane

PORTLAND FISH PIER AUTHORITY

By: _____
Peter V. Anania
Its president

BROWNE TRADING COMPANY

By: _____ CEO
Cynde P. Mitchell
Its Chief Executive Officer

STATE OF MAINE
Cumberland, ss.

February 3, 1997

Personally appeared before me the above-named PETER V. ANANIA, and acknowledged the foregoing instrument to be his free act and deed in his capacity as President of the Portland Fish Pier Authority, and the free act and deed of said corporation.

Before me,

Charles A. Lane

~~Notary Public~~/Attorney at Law

Charles A. Lane

STATE OF MAINE
Cumberland, ss.

February 3, 1997

Personally appeared before me the above-named CYNDE P. MITCHELL, and acknowledged the foregoing instrument to be her free act and deed in her capacity as Chief Executive Officer of Browne Trading Company, and the free act and deed of said corporation.

Before me,

Charles A. Lane

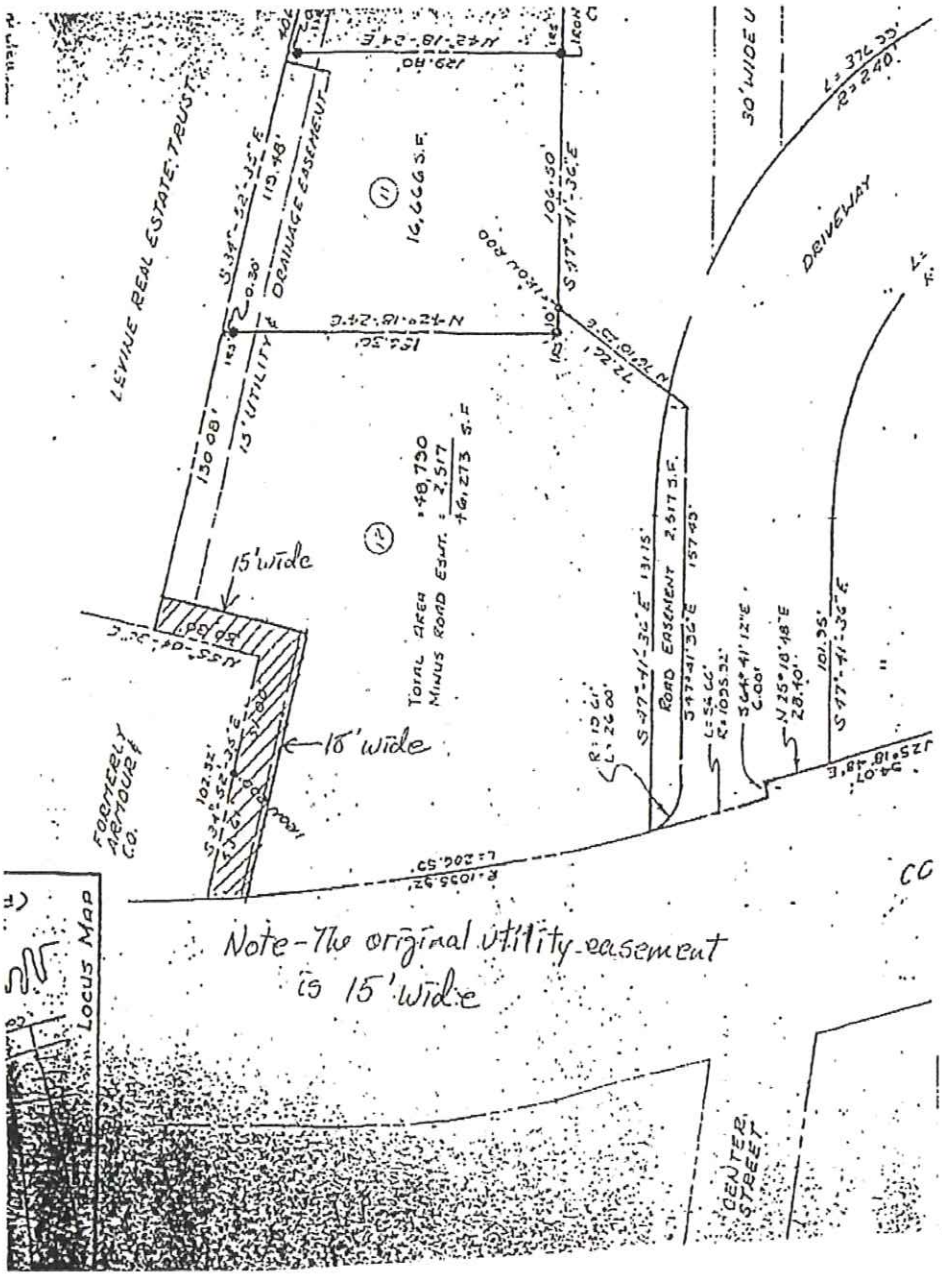
~~Notary Public~~/Attorney at Law

Charles A. Lane

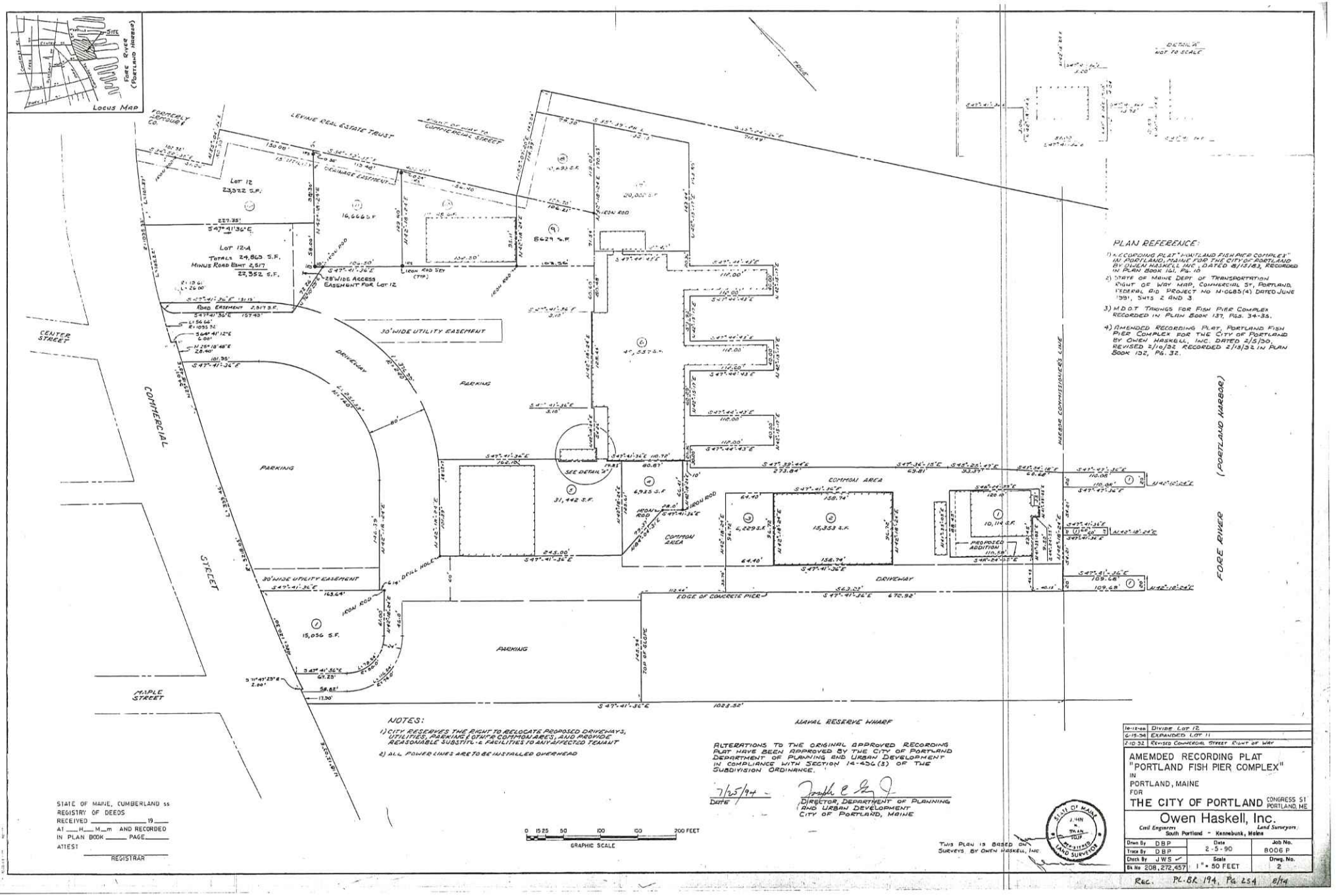
cal\waterfro\browne.fpa

BK 12935 PG 271

Exhibit A



RECEIVED
'RECORDED REGISTRY OF DEEDS'
97 FEB -7 AM 10: 24
CUMBERLAND COUNTY
John B O'Brien



PLAN REFERENCE:

1) RECORDING PLAT "PORTLAND FISH PIER COMPLEX" IN PORTLAND, MAINE FOR THE CITY OF PORTLAND BY OWEN HASKELL INC., DATED 8/15/83, RECORDED IN PLAN BOOK 161, PG. 10
2) STATE OF MAINE DEPT OF TRANSPORTATION RIGHT OF WAY MAP, COMMERCIAL ST, PORTLAND, FEDERAL AID PROJECT NO M-0685(4) DATED JUNE 1991, SHTS 2 AND 3.
3) M.D.O.T TAKINGS FOR FISH PIER COMPLEX RECORDED IN PLAN BOOK 137, PGS. 34-35.
4) AMENDED RECORDING PLAT, PORTLAND FISH PIER COMPLEX FOR THE CITY OF PORTLAND BY OWEN HASKELL, INC. DATED 2/5/90, REVISED 2/10/92 RECORDED 2/13/92 IN PLAN BOOK 132, PG. 32.

NOTES:

1) CITY RESERVES THE RIGHT TO RELOCATE PROPOSED DRIVEWAYS, UTILITIES, PARKING & OTHER COMMON AREAS, AND PROVIDE REASONABLE SUBSTITUTE FACILITIES TO ANY AFFECTED TENANT
2) ALL POWER LINES ARE TO BE INSTALLED OVERHEAD

ALTERATIONS TO THE ORIGINAL APPROVED RECORDING PLAT HAVE BEEN APPROVED BY THE CITY OF PORTLAND DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT IN COMPLIANCE WITH SECTION 14-496(3) OF THE SUBDIVISION ORDINANCE.

7/25/94
DATE

DIRECTOR, DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT
CITY OF PORTLAND, MAINE

STATE OF MAINE, CUMBERLAND ss
REGISTRY OF DEEDS
RECEIVED _____ 19____
AT ___H___M___m AND RECORDED
IN PLAN BOOK _____ PAGE _____
ATTEST _____
REGISTRAR

THIS PLAN IS BASED ON SURVEYS BY OWEN HASKELL, INC.

STATE OF MAINE JOHN W. SWAN JR. REGISTERED LAND SURVEYOR

10-12-90	DIVIDE LOT 12
6-15-94	EXPANDED LOT 11
2-10-92	REVISED COMMERCIAL STREET RIGHT OF WAY

AMEMDED RECORDING PLAT
"PORTLAND FISH PIER COMPLEX"
IN
PORTLAND, MAINE
FOR
THE CITY OF PORTLAND CONGRESS ST PORTLAND, ME

Owen Haskell, Inc.
Civil Engineers — Land Surveyors
South Portland - Kennebunk, Maine

Drawn By DBP	Date 2-5-90	Job No. 8006 P	
Trace By DBP			
Check By JWS ✓	Scale 1" = 50 FEET	Drwg. No. 2	
Bk No 208, 272, 457			

REC. PL. BK 194, PG 254 8/94

Drainage Easement

Waterfront, Maine Limited Partnership, a Maine limited partnership with a mailing address of 14 Maine Street, Brunswick, ME, 04011 (Grantor), for consideration given, grants to Maine BT LLC, A Delaware limited liability company, with an office at 14 Maine Street Brunswick Maine 04011, and , and its respective successors and assigns the Owner of the property described thereto in Exhibit A attached hereto (Grantees), the right and easement over the premises in Exhibit B attached hereto (the "Easement Area") to erect, bury, maintain, rebuild, respace, patrol, operate, and remove and do all other actions involving the right to perpetually maintain through under and across said Easement Area existing conduits or pipelines with all necessary fixtures and appurtenances for conveying water and to lay, relay, repair, maintain, clean and remove any existing stormwater pipe or pipes upon or under said Easement Area, with all necessary fixtures and appurtenances, together with the right at all times to make connections with said conduits or pipelines to land adjoining said Easement Area by means of pipes or other services; to place, install, repair and maintain utilities; to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said Easement Area to such extent as mutually agreed upon by the parties is necessary or appropriate for any of the above purposes; and to enter upon said Easement area at any and all times for any of the foregoing purposes, reserving to the Grantor and its lessees, heirs and assigns the right to Use the Easement Area for drainage and utilities, as well as the use and enjoyment of said Easement Area and for such other purposes; provided the foregoing reserved rights shall not unreasonably interfere with the perpetual use thereof by the Grantee, its successors and assigns for the purpose above mentioned; and further provided that no building or permanent structure, shall be erected on said Easement Area by the Grantor, its successors or assigns. Grantee further covenants and agrees that it shall maintain the Easement Area in good order and repair and free from obstructions that would interfere with the proper drainage function performed within the Easement Area.

By acceptance of this Easement, the Grantee agrees for itself and its successors and assigns to properly and professionally undertake all work permitted hereunder within the Easement Area at its sole cost and expense and, following the completion of any work within the Easement Area and the disturbance of the Easement Area or any land adjacent thereto, to restore the Easement Area and land adjacent thereto to substantially the condition in existence prior to the undertaking of such work subject to such modifications as may be mutually agreed upon by the parties.

WITNESS the hand and seal of Grantor's duly authorized representatives on this 17th day of September, 2012.

Signed, Sealed and Delivered in the presence of:

Waterfront, Maine Limited Partnership

By: _____
Anthony Gatti, Vice President Tickly Bender Realty Corp., Managing General Partner

State Of Maine
County of Sagadahoc

The above-named Anthony Gatti, Vice President, Tickly Bender Realty Corp. Managing General Partner , of Waterfront, Maine Limited Partnership personally appeared before me this 17th day of September 2012, 2012 and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Waterfront, Maine Limited Partnership.

_____
Notary Public/Attorney
Printed Name:
My Commission Expires:

MARTHA A. KNEELAND
Notary Public-Maine
My Commission Expires
March 27, 2019

EXHIBIT A

All the following described lots, pieces or parcels of land situate on the Southerly side of Commercial Street in the City of Portland, County of Cumberland, and State of Maine and know and described as follows, to-wit:

Parcel "A":

Beginning at a bolt in the southerly side line of said Commercial Street at the Northeast corner of land formerly of John Bradford, and in the division line established between the property now or formerly of John Q. Twitchell and James P. Champlin and said John Bradford, April 13th, A.D. 1883, as per agreement recorded in Cumberland County Registry of Deeds, Book 494, page 433; thence Southerly by said division line One Hundred and Seventeen and seventy-three one hundredths (117.73) feet; thence easterly and at right angles with said division line Sixty (60) feet; thence northerly at right angles with said last mentioned line arid parallel with said division line One Hundred and Thirty (130) feet to sad southerly line of Commercial Street; thence westerly by said Southerly line Sixty-one and Twenty-four one-hundredths (61.24) feet to said Bradford land and point of beginning. Being a portion of Merrill's Wharf, so-called, arid the same conveyed to John Q. Twitchell arid James P. Champlin by Woodbury S. Dana and Mary L. Dana and others by two deeds each dated February 15, 1833, and recorded respectively in said Registry Book 496, page 33, and Book 494, page 429. Also being the same premises conveyed to Everett Wilson by Hugh J. Chisholm and Payson Tucker, Administrators of the Estate of John Q. Twitchell, deceased, and by James P. Champlin by two deeds each dated July 10, 1897, and recorded respectively in said Registry Book 654, page 191 and Book 654, page 193. Said parcel containing about Seven Thousand Four Hundred and Thirty-two (7,432) square feet, situate in the City of Portland, in said County and State. Together with all the trackage rights appurtenant to said property. Also the right in common with others to use all parts of the parcel between the lot above described arid said railroad track free from all obstructions as a passageway with teams or otherwise to and from said Commercial Street and to and from said Railroad track and parcel about described. Said lot is numbered 260-264 on said Commercial Street in said Portland.

Also Parcel "B":

Beginning at the Northwesterly corner of the lot of land conveyed by Everett Wilson to J. Ogden Armour by deed dated September 22, 1897, recorded in Cumberland County Registry of Deeds, Book 657, page 205, thence southeasterly by said Armour land one hundred seventeen and seventy-three one-hundredths (117.73) feet to the southerly corner of said Armour land; thence westerly at right angles to line of said Armour land, fifty (50) feet to a point, and land of now or formerly Franklin Real estate Company, thence Northerly, and parallel with the line of the above mentioned Armour land, one hundred four and thirty-five one-hundredths (104.35) feet, more or less, to Commercial Street; thence easterly by Commercial Street fifty-one and seventy-six one-hundredths

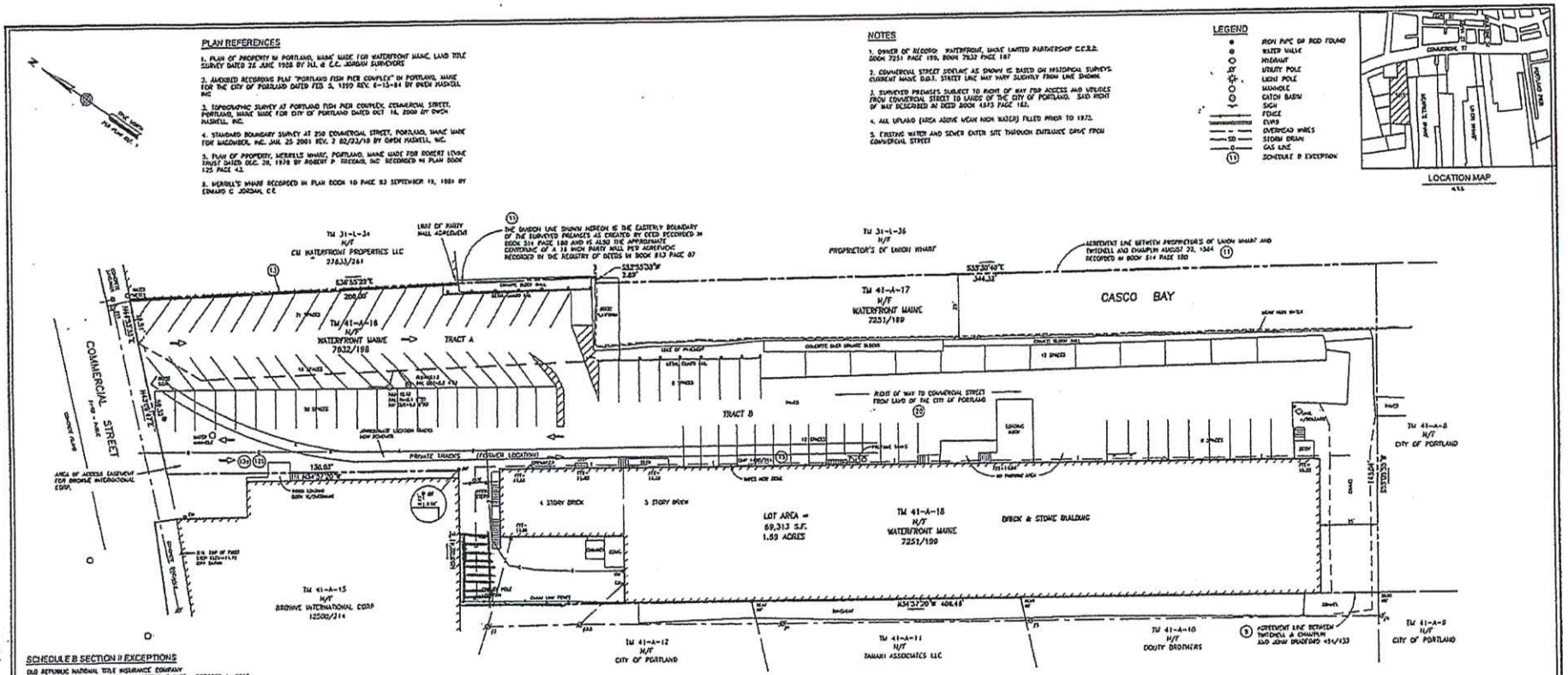
(51.76) feet, more or less, to the point of beginning. Being part of what was formerly known as the John Bradford lot, and part of the premises conveyed to Franklin Real Estate Company by George W. Brown, by deed dated November 17, 1909, recorded in said Registry, Book 849, Page 306; and the same conveyed to George W. Brown by John E. Bradford by deed dated November 17, 1909 and recorded in said Registry, Book 849, Page 305. Said lot is numbered 266-268 Commercial Street in said Portland.

Also Parcel "C":

Beginning on the southeasterly sideline of said Commercial St. at the northwesterly corner of land conveyed to Armour and Company (an Illinois corporation herein after referred to as "Armour Illinois") by Franklin Real Estate Company by deed dated April 26, 1918 and recorded in the Cumberland County Registry of Deeds in Book 1008, Page 120 (said land so conveyed to Armour Illinois hereinafter referred to "Armour Illinois land"); thence South 34° 57' East by the southwesterly line of Armour Illinois land a distance of 104.63 feet to the southerly corner of Armour Illinois land, which corner is also on the northwesterly line of land formerly of the Proprietors of Union Wharf and more recently taken by the City of Portland by Condemnation Proceedings for which the Notice of Taking is dated March 24, 1981 and recorded in said Registry of Deeds on April 1, 1981 in Book 4759, Page 119; thence South 55° 03' West on the extension of the southeasterly sideline of Armour Illinois land, being the northwesterly line of said land condemned by the City of Portland, a distance of three-tenths of a foot (0.30) to the point of intersection of the course herein described with the projection southeasterly of the exterior face of the southwesterly wall of the building located in part on Armour Illinois land and in part on the premises herein conveyed, said point of intersection also marking a corner in said land condemned by the City of Portland; thence northwesterly by the line of said projection of the exterior face of said southwesterly wall and by the exterior face of said southwesterly wall, being the northeasterly line of said land condemned by the City of Portland (which line is sometimes described as being North 34° 47' West), a distance of 104.63 feet, more or less, to the southeasterly line of Commercial Street and the point of beginning; being a portion of the premises conveyed to the Proprietors of Union Wharf by deed of Brockway-Smith-Haigh-Lovell Co. dated January 31, 1964 and recorded in said Registry of Deeds in Book 2802, Page 198.

Reference is made to a Warranty Deed from the Proprietors of Union Wharf to Browne International Corporation dated May 10, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12500, Page 214.

Exhibit B



SCHEDULE B SECTION II EXCEPTIONS

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
COMMITMENT NO. 01C2358/07164SM EFFECTIVE DATE: OCTOBER 1, 2010

1. NON SURVEY ITEM.
2. SUCH STATE OF FACTS AS IS SHOWN ON THE SURVEY PLAN ENTITLED "ALTA/ACSM LAND TITLE SURVEY AT 250 COMMERCIAL STREET, PORTLAND, MAINE MADE FOR RECORD OWNER WATERFRONT, MAINE LIMITED PARTNERSHIP", DATED OCTOBER 5, 2010 AND PREPARED BY JOHN W. SHAW PLS NO. 1058, OWEN HASKELL, INC. (THE "SURVEY PLAN")
3. NON SURVEY ITEM.
4. NON SURVEY ITEM.
5. NON SURVEY ITEM.
6. NON SURVEY ITEM.
7. NON SURVEY ITEM.
8. NON SURVEY ITEM.
9. TERMS AND PROVISIONS SET FORTH IN THE AGREEMENT BY AND BETWEEN JOHN O. TWITCHELL, JAMES P. CHAMPLIN AND JOHN BRADFORD DATED APRIL 12, 1883 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 451, PAGE 133. AS SHOWN.
10. INTENTIONALLY DELETED
11. RIGHTS, PRIVILEGES AND LIMITATIONS SETFORTH IN THE AGREEMENT BY AND BETWEEN JOHN O. TWITCHELL, JAMES P. CHAMPLIN AND PROPRIETORS OF UNION WHARF DATED NOVEMBER 14, 1884 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 514, PAGE 180. AS SHOWN.
12. RIGHTS AND EASEMENTS SET FORTH IN THE FOLLOWING DEEDS TO EVERETT WILSON DATED JULY 10, 1897 FROM: - AS SHOWN
A) HUGH J. CHAMPLIN AND PERSON TUCKER, ADMINISTRATORS OF THE ESTATE OF JOHN O. TWITCHELL RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 854, PAGE 181; AS SHOWN AND
B) JAMES P. CHAMPLIN RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 854, PAGE 183. AS SHOWN.
13. TERMS AND PROVISIONS REGARDING A PARTY WALL SET FORTH IN THE AGREEMENT BY AND BETWEEN MORRIS AND COMPANY, JAMES P. CHAMPLIN AND THE TWITCHELL-CHAMPLIN COMPANY DATED JUNE 22, 1907 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 813, PAGE 87. AS SHOWN.
14. INTENTIONALLY OMITTED
15. RIGHTS AND EASEMENTS SET FORTH IN THE EASEMENT DEED FROM TWITCHELL-CHAMPLIN CO., FRANCES C. CHAMPLIN, WARREN C. SHALL AND GEORGE P. CHAMPLIN TO CUMBERLAND COUNTY POWER AND LIGHT COMPANY DATED MARCH 2, 1933 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 1465, PAGE 311. AS SHOWN.
16. INTENTIONALLY OMITTED
17. INTENTIONALLY OMITTED
18. INTENTIONALLY OMITTED
19. INTENTIONALLY OMITTED
20. RIGHTS, EASEMENTS AND LAND TAKEN BY EMINENT DOMAIN AS DESCRIBED IN THE NOTICE OF TAKING BY THE STATE OF MAINE BY ITS DEPARTMENT OF TRANSPORTATION DATED MARCH 24, 1981 AND RECORDED IN SAID REGISTRY, BOOK 4795, PAGE 119, INCLUDING WITHOUT LIMITATION THE RIGHT OF WAY AND UTILITY EASEMENT DESCRIBED IN BOOK 4873, PAGE 162, FURTHER DESCRIBED AS FOLLOWS. AS SHOWN

RIGHTS EXCEPTED AND RESERVED IN THE DEED FROM POULTRY PROCESSING, INC. TO ROBERT J. LEVINE, TRUSTEE OF THE LEVINE REAL ESTATE TRUST DATED SEPTEMBER 30, 1980 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 4313, PAGE 182 AND IN THE DEED FROM POULTRY PROCESSING, INC. TO WATERFRONT MAINE DATED JULY 1, 1986 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 7251, PAGE 199, AS FOLLOWS:

"ALSO EXCEPTING AND RESERVING FROM THE ABOVE DESCRIBED PREMISES, ALL OF SAID LAND, PLUS WHARF, BUILDING, RAILROAD TRACKS AND WATER AND REPARIAN RIGHTS LYING SOUTHERLY OF A LINE PARALLEL TO AND TWENTY-FIVE (25) FEET SOUTHERLY OF THE SOUTHERLY SIDE OF THE FIVE STORY RED STORAGE BUILDING LOCATED ON THE ABOVE DESCRIBED PREMISES, RIGHT OF WAY AND RIGHT TO LOCATE UNDERGROUND UTILITIES WHICH RIGHTS WERE SUBSEQUENTLY ACQUIRED BY THE STATE OF MAINE BY NOTICE OF TAKING BY EMINENT DOMAIN DATED MARCH 24, 1981 AND RECORDED IN SAID REGISTRY, BOOK 4795, PAGE 118."

NOTE: IN THE 1930 DEED FROM POULTRY PROCESSING, INC., THE ACCESS AND UTILITY RIGHTS WERE MORE FULLY DESCRIBED AS FOLLOWS:

"THE GRANTOR FURTHER EXCEPTS AND RESERVES TO ITSELF, ITS SUCCESSORS AND ASSIGNS, A RIGHT OF WAY BY VEHICLE AND OTHERWISE OVER THE PREMISES ABOVE CONVEYED FROM COMMERCIAL STREET TO THE PREMISES RETAINED HEREIN, SUCH RIGHT OF WAY TO BE IN COMMON WITH OTHERS FOR THE PURPOSE OF ENTRY AND EGRESS OF THE ABOVE-RETAINED PREMISES

"GRANTOR ALSO EXCEPTS AND RESERVES THE NON-EXCLUSIVE RIGHT TO LOCATE UNDERGROUND UTILITIES, INCLUDING A SEWER PIPE, SERVING THE PREMISES RETAINED HEREIN IN THE PARCEL CONVEYED HEREIN, TOGETHER WITH THE RIGHT, AT THE GRANTOR'S OPTION, TO CONNECT TO ANY COMMON SEWER PIPE CONSTRUCTED OR MAINTAINED BY THE GRANTEE, ITS SUCCESSORS OR ASSIGNS, SERVING PART OR ALL OF MERRILL'S WHARF, PROVIDED THAT THE GRANTOR SHALL BE REQUIRED TO PAY ITS FAIR AND REASONABLE PORTION OF THE COST OF SUCH PIPE AND CONNECTION IF THE GRANTOR ELECTS TO SO CONNECT, AS WELL AS ITS PROPORTIONATE SHARE OF ALL ASSESSMENTS AND CHARGES MADE BY THE CITY OF PORTLAND OR OTHER GOVERNMENTAL AGENCY IN RELATION TO THE USE OF SAID SEWER"

21. INTENTIONALLY OMITTED
22. INTENTIONALLY OMITTED
23. INTENTIONALLY OMITTED
24. INTENTIONALLY OMITTED
25. INTENTIONALLY OMITTED

26. TITLE TO ANY PORTION OF THE INSURED PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF FORE RIVER/CASCO BAY AS SHOWN ON THE SURVEY PLAN

27. RIGHTS OF THE PUBLIC UNDER THE PUBLIC TRUST DOCTRINE, INCLUDING RIGHTS UNDER THE MASSACHUSETTS COLONIAL ORDINANCE OF 1641-47 AND TITLE 12 MRS. §§571 ET SEQ., AND RIGHTS OF FEDERAL, STATE AND LOCAL GOVERNMENTS IN AND TO ANY PORTION OF THE PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF FORE RIVER/CASCO BAY AS SHOWN ON THE SURVEY PLAN

28. INTENTIONALLY OMITTED
29. INTENTIONALLY OMITTED
30. INTENTIONALLY OMITTED
31. INTENTIONALLY OMITTED
32. NON SURVEY ITEM

DESCRIPTION

A CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDINGS THEREON, SITUATED ON THE SOUTHERLY SIDE OF COMMERCIAL STREET IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND, AND STATE OF MAINE BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERLY SIDELINE OF SAID COMMERCIAL STREET AT THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF BROWNE INTERNATIONAL CORP. DESCRIBED IN DEED RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 12,500, PAGE 214;

THENCE N 43° 08' 47" E ALONG SAID COMMERCIAL STREET 59.33 FEET;

THENCE N 44° 53' 55" E ALONG SAID COMMERCIAL STREET 19.51 FEET TO LAND NOW OR FORMERLY OF CW WATERFRONT PROPERTIES LLC DESCRIBED IN DEED RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 27,833, PAGE 261;

THENCE S 30° 55' 23" E ALONG SAID LAND OF CW WATERFRONT PROPERTIES LLC AND LAND OF PROPRIETORS OF UNION WHARF 208.00 FEET;

THENCE S 57° 55' 38" W ALONG SAID LAND OF PROPRIETORS OF UNION WHARF 2.89 FEET;

THENCE S 33° 30' 40" E ALONG SAID LAND OF PROPRIETORS OF UNION WHARF 344.32 FEET TO LAND OF THE CITY OF PORTLAND;

THENCE S 53° 05' 53" W ALONG SAID LAND OF CITY OF PORTLAND 145.04 FEET;

THENCE N 34° 57' 26" W ALONG SAID LAND OF CITY OF PORTLAND 406.48 FEET TO SAID LAND OF BROWNE INTERNATIONAL CORP.

THENCE N 55° 02' 41" E ALONG SAID LAND OF BROWNE INTERNATIONAL CORP. 60.00 FEET;

THENCE N 34° 57' 20" W ALONG SAID LAND OF BROWNE INTERNATIONAL CORP 120.03 FEET TO THE POINT OF BEGINNING, CONTAINING 69,313 SQUARE FEET.

REFERENCE IS MADE TO AN ALTA/ACSM LAND TITLE SURVEY DATED OCTOBER 5, 2010 BY OWEN HASKELL, INC. JOB # 2010-048P FOR A FURTHER DESCRIPTION OF THE ABOVE DESCRIBED PREMISES.

CERTIFICATE

THIS IS TO CERTIFY TO: WATERFRONT, MAINE LIMITED PARTNERSHIP, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, AND PEOPLES UNITED BANK, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(a)(1), 8, 9, 10, 11a AND 16 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF MAINE, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

JOHN W. SHAW, PLS NO. 1058

DATE

Easement Area

ALTA/ACSM LAND TITLE SURVEY

AT

250 COMMERCIAL STREET, PORTLAND, MAINE

MADE FOR RECORD OWNER

WATERFRONT, MAINE LIMITED PARTNERSHIP

224 12th AVENUE, NEW YORK, NY 10001

OWEN HASKELL, INC.
390 U.S. ROUTE ONE, YARMOUTH, ME 04096 (207) 846-0480
PROFESSIONAL LAND SURVEYORS

Drawn By: RS	Date: OCTOBER 5, 2010	Job No.: 2010-048P
Traced By: JLW	Scale: 1" = 20'	Drwg. No.: 14
Check By: JWS		
Book No.: 1092		

C:\2010-048 Commercial St\250-04 ALTA.dwg, 10/5/2010 8:41:58 AM

Jean Fraser - RE: Browne Trading loading dock

From: Jean Fraser
To: Errico, Tom
Date: 9/28/2012 11:27 AM
Subject: RE: Browne Trading loading dock
CC: Barhydt, Barbara; Bartlett, Jeremiah; Earley, Katherine; Margolis-Pin...
Attachments: Browne Trading submitted turning movements for new loading dock rec'd 9.19.2012.pdf; Extract from Fish Pier Plat.pdf; Aerial 254 Comm.jpg; Proposed Loading dock Browne Trading as submitted 9.5.2012.pdf

Tom

As outlined at Dev Rev, the applicant needs to obtain Fish Pier approval to the new loading dock, and the Fish Pier Authority will be considering the Browne Trading proposal at a meeting sometime in October. The Fish Pier Authority (FPA) are concerned that Lot #12 should be developed for some better use than parking and access for vehicles and want to better understand how the Browne Trading proposals would encumber the site and its future development (before agreeing to any lease).

The FPA have requested the Planning Division to attend the meeting to help them understand the proposals and their implications. To prep for that I will be placing this item on the Dev Rev agenda for next week - we would particularly like to investigate the other possible access options so we know whether the applicant's proposed 4 point turn (attached and which you commented on below) is the only option (and if there is another option, what implications that may have for the various parties/future uses).

So this is advance notice regarding the 2 other options we would like your opinion on at the Dev Rev meeting:
1. That the trailer trucks back into the site from the Fish Pier (curved) drive by backing into the 28 ft wide access easement (between lots 11 and 12A) and then backing up to the dock; or

2. Create a new narrow one-way (in presumably) curb cut from Commercial Street alongside Browne Trading (theres a drainage easement there already) which would allow the trailers to drive in and either load to a reconfigured loading dock or pull forward and slightly change angle to back into the proposed dock; then drive out via the access easement to the Fish Pier Drive.

(we had wondered whether the loading areas for CCSB and Browne Trading could be combined to allow access from the CCSB side, but that does not appear feasible)

I attach the following info to help in your evaluation of these options:

- Extract from the Fish Pier Plat
- Aerial photo
- The loading dock proposal (has scale so you can determine dimensions)

Please call if any questions
Thanks

Jean

>>> Tom Errico <thomas.errico@tylin.com> 9/20/2012 10:51 AM >>>

Jean – I'm fine with how trucks will be access and egress the loading dock. Clearly, access may be complicated by other vehicles parking in the circulation area, but I'm not sure how we dictate that it remain open given that it is an unmanaged area. Generally, circulation areas are paved, but in this case it doesn't appear to be the case. Thanks

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TY·LIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

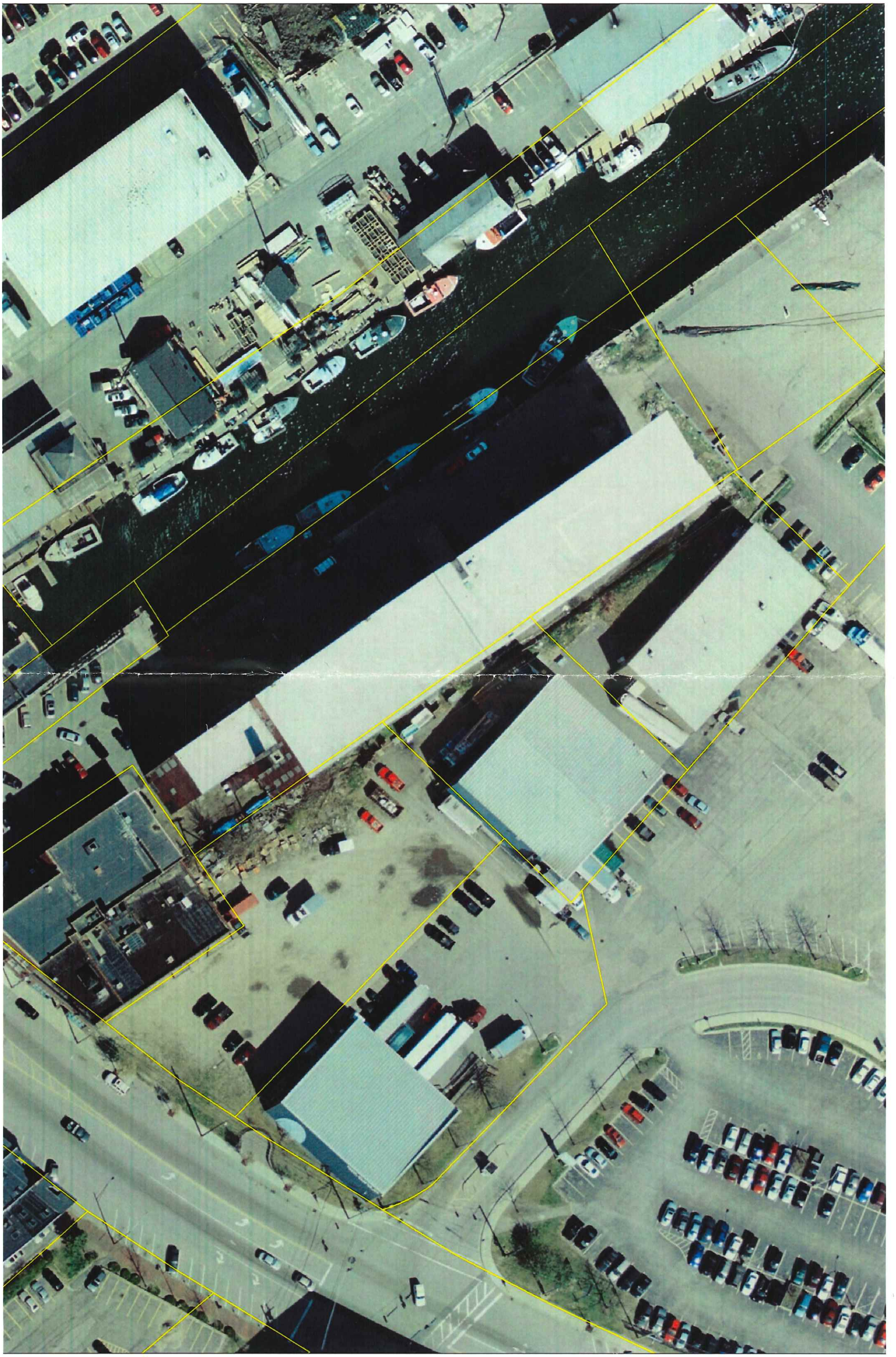
From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, September 20, 2012 9:31 AM
To: Tom Errico
Subject: Browne Trading loading dock

Tom

I would be grateful for any comments you may have and the docs I gave you yesterday (also attached).

Its getting a bit contentious because Danielle has determined it needs to be approved by the Fish Pier as that level of truck traffic may raise concerns. So your comments will be widely circulated and be of interest to the Fish Pier.

thanks
Jean



latest as confirmed by Greg Mitchell.

LEASE AGREEMENT BETWEEN

PORTLAND FISH PIER AUTHORITY

AND

BROWNE TRADING CO., INC.

THIS AGREEMENT made this 14th day of September 2009, by and between the **PORTLAND FISH PIER AUTHORITY**, a Maine non-profit local development authority, having a place of business in the City of Portland, County of Cumberland, and State of Maine, and acting pursuant to the terms of a Lease between the City of Portland and the Portland Fish Pier Authority (hereinafter "AUTHORITY"), dated April 30, 1990, and **BROWNE TRADING CO.**, a corporation organized under the laws of Maine and having a place of business in said Portland (hereinafter "BROWNE").

W I T N E S S E T H:

WHEREAS, AUTHORITY operates the Portland Fish Pier Complex, pursuant to the terms of a Management Agreement between it and the City of Portland, dated September 24, 1990; and

WHEREAS, BROWNE has been leasing certain property situated on the said complex pursuant to a Lease dated December 30, 2005; and

WHEREAS, Said lease by its terms expired on December 31, 2007; and

WHEREAS, the parties wish enter into a new Lease Agreement;

NOW, THEREFORE, in consideration of their mutual promises, covenants and agreements, and other good and valuable consideration, receipt of which is hereby acknowledged, the said parties agree, as follows:

1. **DESCRIPTION OF PREMISES**. The premises which are the subject of this lease contain 23,922 square feet, more or less, and are more fully described on the plan designated "Amended Recording Plat 'Portland Fish Pier Complex'," dated January 9, 2001, and recorded in the Cumberland County Registry of Deeds in Plan Book 201, Page 18, on January 18, 2001, as Parcel 12. A copy of the Plat is attached hereto as Exhibit A.

2. **TERM**. The term of the lease shall be three (3) years from and after September 1, 2009 through August 31, 2012, with an option to renew the lease for an additional two years in accordance with section 15 of this lease.

3. **RENT**. The rental for the premises will be One Thousand Four Hundred Seventy-Three Dollars and Thirty-One Cents ($1,473.31) per month, for a yearly total of Seventeen Thousand Six Hundred Seventy-Nine Dollars and Seventy-Two Cents ($17,679.72). BROWNE will pay AUTHORITY, without demand and in advance of the first (1st) day of each month. The parties acknowledge that all rents due and payable have been paid through May 31, 2009, and that the first payment due under this Revised and Restated Lease shall be on September 1, 2009 and shall include the rental fees for the months of June, July, August and September.

Lease Year (includes options to renew periods)	**Monthly Payment with 2.5% Increase After First Year**
September 1, 2010 - August 31, 2011	$1,510.14
September 1, 2011 - August 31, 2012	$1,547.90
September 1, 2012 - August 31, 2013	$1,586.59
September 1, 2013 - August 31, 2014	$1,626.26

4. **PERMITTED USES**. BROWNE may use and occupy the premises which are the subject of this lease only for the uses which are described below:

(a) operation of a trash compactor, or other receptacle for trash, supported on a cement pad;

(b) use and improvement of the existing gravel road which crosses the property for vehicular traffic;

(c) employee only parking for no more than ten vehicles;

(d) parking for customers of BROWNE's retail operations via the existing Commercial Street curb cut, subject to approval by the Portland planning authority and the AUTHORITY. Such parking, if approved, shall only be permitted during the normal business hours of the retail operation and shall be regulated by BROWNE or their agent(s) accordingly;

(e) right of access across the paved areas of Lot 12a as shown on Exhibit A, for vehicles and pedestrians who are either business invitees, other than retail customers, or employees of BROWNE;

(f) outdoor seating for BROWNE's customers and associated landscaping and fencing, subject Fish Pier Authority President and to City approval.

5. **APPROVAL OF AUTHORITY**. Notwithstanding any other provisions of this lease to the contrary, BROWNE may not

make any improvements to the premises, including, but not limited to, those described in Paragraph 4 above, without the prior written approval of the AUTHORITY. BROWNE will be responsible for procuring all approvals and permits necessary to make any improvements to the premises.

6. **INSURANCE**. As a condition of this lease, BROWNE agrees to maintain, at its own expense, from the time it begins exercising the rights granted by this lease until its termination, a policy of commercial general liability insurance, written on an occurrence basis, and including broad form contractual liability coverage, insuring against all claims for injury to or death of persons or destruction of or damage to property, on or about the licensed area, or arising out of the use of the license by BROWNE, its officers, agents, employees or invitees, as well as fire legal liability insurance. Such policies will name the Fish Pier Authority and the City of Portland as additional insureds. The minimum limits of liability of for the commercial general liability insurance will be a combined single limit of One Million Dollars ($1,000,000.00), and the minimum limits of liability for the fire legal liability insurance will be a combined single limit of One Hundred Thousand Dollars ($100,000.00).

Such insurance coverage will be effected upon terms reasonably available from insurers authorized to do business in Maine and having a Bests' rating of A or better, and under valid and enforceable policies which shall be non-amendable and non-cancelable without thirty (30) days prior notice to the AUTHORITY.

Certificates or other evidence of insurance coverages required of BROWNE in this Section, in amounts no less than

those stipulated herein or as may be in effect from time-to-time, shall be delivered to the AUTHORITY prior to use of the Premises.

7. **LESSEE'S INDEMNITY**. BROWNE will indemnify and save harmless both the AUTHORITY and also the City of Portland, their officers, agents, and employees, from and against all claims, expenses, losses, or liability of whatever nature, arising, directly or indirectly, from any accident or injury, however caused, to any person on or about the area which is the subject of this Lease, where such accident or injury results from any act, omission, or negligence on the part of BROWNE or BROWNE's contractors, licensees, agents, servants, employees, customers, or anyone claiming by or through BROWNE; provided, however, that in no event shall BROWNE be obligated under this Section to indemnify AUTHORITY, its officers, agents and employees, to the extent that such claim, expense, loss, or liability results from any omission, fault, negligence, or other misconduct of AUTHORITY or its officers, agents or employees, on or about the area which is the subject of this revocable license.

This indemnity and hold harmless provision includes indemnity against all reasonable expenses and liabilities incurred by or in connection with any claim or proceeding brought thereon, as well as the defense thereof with counsel reasonably acceptable to AUTHORITY and to the City of Portland.

8. **NO ASSIGNMENT**. The rights granted to BROWNE herein may not be assigned, transferred, encumbered or sublet in whole or in part by it.

9. **REMOVAL OF IMPROVEMENTS MADE BY BROWNE**. BROWNE agrees, at its own expense, to remove any improvements or structures which it may place in the leased premises within ninety (90) days after termination of the lease and to restore the area to the same condition it was in prior to the granting of the lease.

10. **SURVIVAL OF CERTAIN PROVISIONS**. The provisions of Article 7 (indemnification) and Article 9 (removal and restoration) shall survive termination of this lease and remain enforceable against BROWNE in regard to events which occurred prior to the date of termination and BROWNE's surrender of the premises to AUTHORITY.

11. **MAINTENANCE**. BROWNE is responsible for all maintenance of the leased premises, including, but not limited to, snowplowing and sanding, as circumstances may require, and, further, agrees to keep them in a neat and orderly condition to the satisfaction of the City of Portland Director of Public Buildings.

12. **LAWS AND REQUIREMENTS**. During the term, BROWNE shall, at its own cost and expense, promptly observe and comply with all existing and future laws, of the federal, state, and county and city governments, including the Fish Pier rules, and of all other governmental authorities affecting the Fish Pier Complex or appurtenances thereto, to the extent that such laws or regulations are directly related to the Premises, while such laws or regulations are in force, regardless of when enacted.

13. **DEFAULT.** The AUTHORITY may cancel and terminate this Lease in the event any monthly rental payment is in arrears, and remains unpaid for a period of fifteen (15) days after the payment is due, upon the giving of fifteen (15) days written notice to BROWNE of its intention to so terminate, at the end of which time all the rights of BROWNE shall terminate unless the rental payment owed shall have been tendered to the AUTHORITY within such fifteen (15) day period.

Upon thirty (30) days' prior written notice, either party may cancel and terminate this Lease in the event of any default of the other unless the default, which shall be specified in such written notice, is cured within the said thirty (30) days or, if said default cannot reasonably be cured within said 30 days, the defaulting party has diligently begun to cure said default and continues to do so, in which case such termination shall not take effect.

14. **ERECTION OF STRUCTURE: OPTION**. If, during the term, BROWNE should elect to erect a building or a structure on the premises, then AUTHORITY agrees to enter into good-faith negotiations with it for a new lease, with up to a 40 year term, which would supersede this lease and be subject to such other terms and conditions as to which the parties might reach agreement.

15. **OPTION TO RENEW**. Provided that it is not in default of any term or condition of this Lease, BROWNE will have the option to renew this lease for one (1) additional two (2) year term through August 31, 2014, on the same terms and conditions. BROWNE may exercise the option to renew by

giving the AUTHORITY written notice of its intentions to do so at least ninety (90) days before expiration of the Term.

IN WITNESS WHEREOF, the **PORTLAND FISH PIER AUTHORITY** has caused this Agreement to be signed by Kevin Rousseau, its President; and **BROWNE TRADING COMPANY**, has caused this Agreement to be signed by Cynde P. Mitchell, its Chief Executive Officer thereunto duly authorized, on the day and ~~date first above~~-written.

Signed, Sealed and
Delivered in presence of

PORTLAND FISH PIER AUTHORITY

By: _____
Kevin Rousseau
Its President

BROWNE TRADING CO.

By: _____
Cynde P. Mitchell
Its Chief Executive Officer

STATE OF MAINE
~~Cumberland~~ Kennebec, ss.

October 5, 2009

Personally appeared before me the above-named KEVIN ROUSSEAU, and acknowledged the foregoing instrument to be his free act and deed in his capacity as President of the Portland Fish Pier Authority, and the free act and deed of said corporation.

Before me,

Penny Vaillancourt
Notary Public ~~Attorney at Law~~

PENNY VAILLANCOURT
Notary Public, Maine
My Commission Expires August 31, 2016

STATE OF MAINE
Cumberland, ss.

9/23, 2009

Personally appeared before me the above-named CYNDE P. MITCHELL, and acknowledged the foregoing instrument to be her free act and deed in her capacity as Chief Executive Officer of Browne Trading Company, and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law, 2012

PENNY VAILLANCOURT NOTARY PUBLIC

O:\fish pier\Brown Trading\BrowneTrading Draft Lease 8-24-09.doc

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 10/1/2009

PRODUCER (207)774-6257 FAX: (207)774-2994
Clark Associates
2385 Congress Street
P O Box 3543
Portland ME 04104

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Browne Trading Co, DBA: Browne Trading Market
Cynde Mitchell
260 Commercial Street
Portland ME 04101

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Hanover Ins Company	22292
INSURER B: Maine Employers Mutual	11149
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC	ZBP5615131	6/1/2009	6/1/2010	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 500,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
A		AUTOMOBILE LIABILITY [X] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [ ] NON-OWNED AUTOS	CAP0024257-22	6/1/2009	6/1/2010	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
		GARAGE LIABILITY [ ] ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ $ $
A		EXCESS/UMBRELLA LIABILITY [ ] OCCUR [ ] CLAIMS MADE [ ] DEDUCTIBLE [X] RETENTION $ None	UHP5615178	6/1/2009	6/1/2010	EACH OCCURRENCE AGGREGATE	$ 3,000,000 $ 3,000,000
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	5101800113	6/1/2009	6/1/2010	[X] WC STATU-TORY LIMITS [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 500,000 $ 500,000 $ 500,000
		OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
Fish Pier Authority and the City of Portland are additional insured with respect to the insured's operations at t 252-340 Commercial St. parking lot, Portland, ME and if required by written contract.

CERTIFICATE HOLDER

maryp@portlandmaine.gov
City of Portland
389 Congress Street
Portland, ME 04101

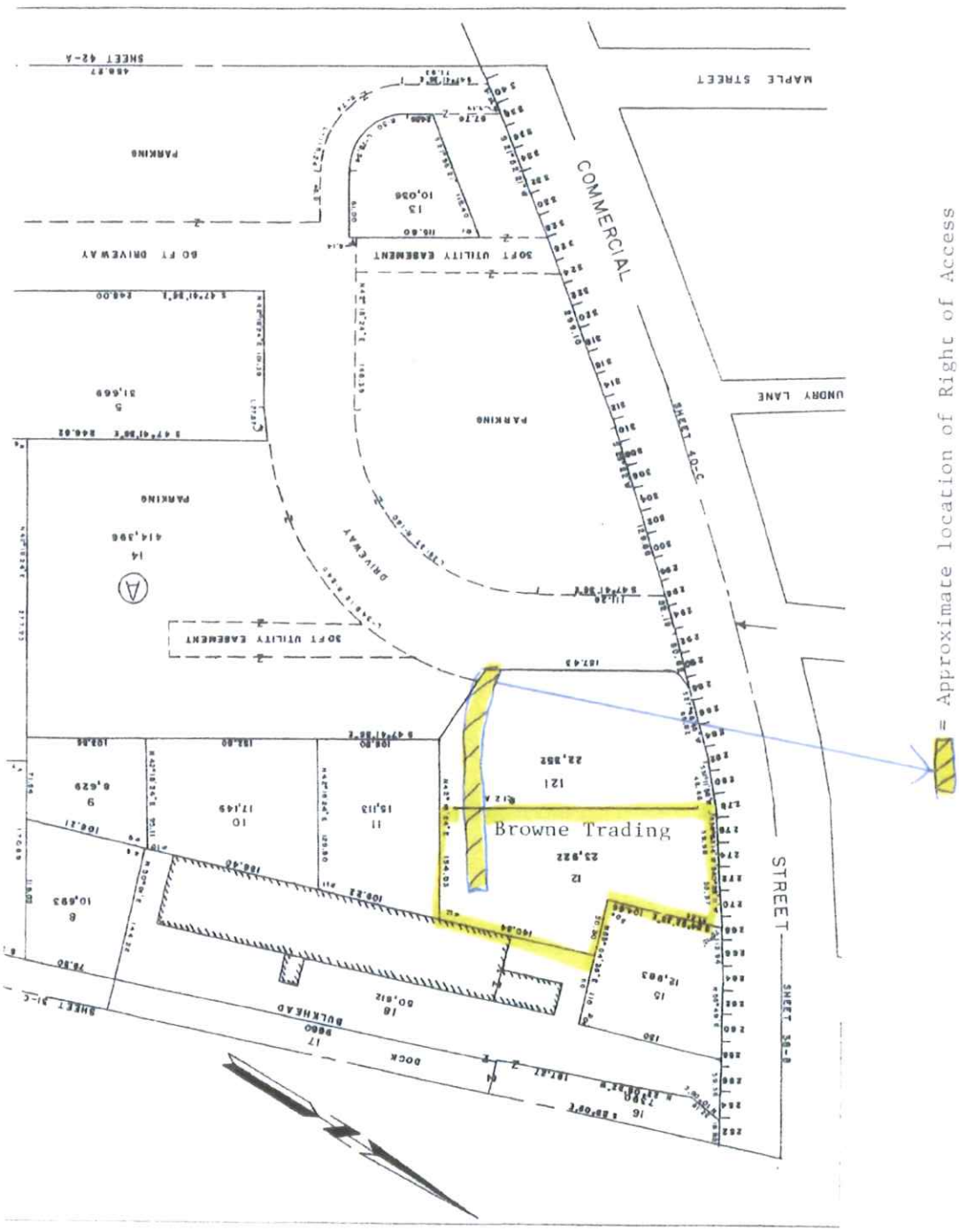
CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Kenneth Ross/BLWM

© ACORD CORPORATION 1988

EXHIBIT A



COMMERCIAL
STREET
Browne Trading
= Approximate location of Right of Access

Jean Fraser - Fwd: Browne Trading/CCSB

From: Jean Fraser
To: Barhydt, Barbara; DiPierro, Philip; Mitchell, Greg; Walden, Larry; W...
Date: 9/20/2012 2:37 PM
Subject: Fwd: Browne Trading/CCSB
Attachments: Lease Exec 9-14-09 w Browne Trading and FPA.pdf

fyi

>>> Jean Fraser 9/20/2012 2:35 PM >>>
Pat

Browne Trading: I have discussed this with Greg Mitchell and Danielle West-Chuhta today. Greg has advised that the lease you sent to me has expired and the current lease is attached (and it is noted that it is to Browne Trading not to the applicant for the Administrative Site Plan Authorization). I understand that the possible need to get FPA approval to plans for Lot #12 was discussed with Chris.

I have been advised to request that you obtain FPA approval to the loading dock proposals, including their approval to the access for tractor trailers to the dock over Lot #12, prior to the Planning sign off on the Administrative Authorization. Larry Walden in the Legal Department (LCW@portlandmaine.com) is now dealing with Fish Pier issues.

CCSB: I refer to the question about completing the approved site plan improvements at the rear of the CCSB and how to "close" that project without completing the rear walkway etc. I understand that Phil was recommending you send in an amendment but appreciate your concern that this would entail another amendment when the owner wanted to go forward with the walkway. I have raised the issue with Barbara and Alex but won't be able to discuss it in detail with them until tomorrow- I guess it would be useful if there was a way that the area could be tidied up in conjunction with the Browne Trading work. Also, a number of ideas for integrating those service areas were mentioned to us in the past and we are wondering if those are still a possibility. Let me know if you have any other suggestions or information.

Please cc Barbara Barhydt (BAB@portlandmaine.gov) on any reply.

thank you
Jean

9.20.12 sent the hard to Pat Carroll.

Jean Fraser - Fwd: Re: Urgent re Browne's Trading and Fish Pier

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Fraser, Jean
Date: 9/20/2012 11:22 AM
Subject: Fwd: Re: Urgent re Browne's Trading and Fish Pier
Attachments: Lease Exec 9-14-09 w Browne Trading and FPA.pdf

I still note that the lease is with Browne Trading not with the owner of the building. I also note the fact that after speaking with Larry the FPA may have concerns about them using this land - but I am not sure - given that I think that we need the FPA to sign off on this one.

>>> Greg Mitchell 9/20/2012 11:17 AM >>>
Jean:

It looks like everyone has been reviewing an expired lease for Browne Trading. Attached is the current FPA lease for Browne Trading. This lease does not have any assignment provision and does not address on-site truck activity.

I have had a couple of general conversations with Chris Pachios about his plans for the Browne Trading property. We discussed the possible need to have the FPA approve their plans to change use of Lot 12 under FPA control.

Let me know if you need any further assistance, Greg

Greg A. Mitchell, Director
Economic Development Dept.
City of Portland
389 Congress Street
Portland, Maine 04101
Tel. 207.874.8945
Fax 207.756.8217

>>> Jean Fraser 9/20/2012 9:47 AM >>>
Greg

I understand from Pat Carroll that you have been involved in discussions between Chris Pachios and the Fish Pier authority.

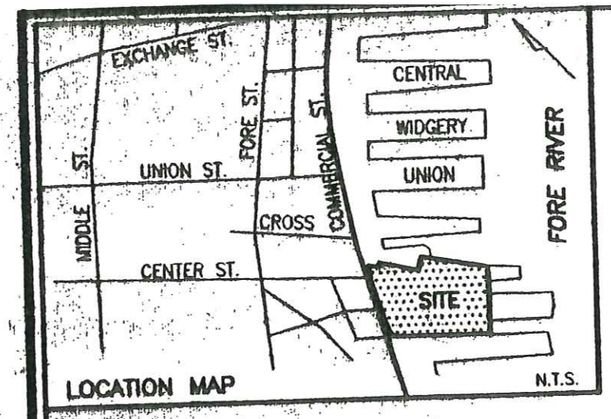
Waterfront Maine (through Pat Carroll) has asked for administrative site plan approval for a new loading dock (for tractor trailers) at the rear of Browne's Trading)(application is first attachment).

During the review I requested evidence of how the tractor trailers were going to get to the rear of the Browne's Trading (since it s a circuitous route through the Fish Pier and alongside other leased sites) and evidence of their rights of access.

They submitted the license attached in the second attachment which I discussed with Danielle yesterday. She had some concerns and discussed it with Larry and this is her advice.

I know that Pat Carroll and Chris Pachios think the Browne's license from the Fish Pier is adequate evidence of

Site visit 9-13-12



FORMERLY ARMOUR & CO.

LEVINE REAL ESTATE TRUST

RIGHT OF WAY TO COMMERCIAL ST

S34°52'35"E 102.32'

I.R.

51.00'

N55°04'36"E 50.30'

130.08'

15' UTILITY & DRAINAGE EASEMENT

0.30' I.R.S.

S34°52'35"E 406.47'

119.48'

0.24' I.R.S.

156.40'

N55°07'20"E 145.04'

114.99'

S35°39

79.30'

LOT 8
10,693 S.F.

119.03'

S34°52'35"E 105.70'

106.21'

LOT 10
17,149 S.F.

LOT 12
23,922 S.F.

L=101.37'

R=1095.92'

L=105.22'

227.35'

S47°41'36"E

Parking

98.30'

N42°18'24"E

LOT 11
16,666 S.F.

129.80'

N42°18'12"E

LOT 9
8,629 S.F.

95.11'

N42°18'24"E

71.54'

LOT 12A
TOTAL = 24,869 S.F.
MINUS RD ESMT — 2,517
22,352 S.F.

58.00'

152.50'

I.R.S.

10' I.R.

106.50'

I.R.S.

I.R

103.56'

S47°41'36"E

28' WIDE ACCESS EASEMENT FOR LOT 12 AND FISH PIER AUTHORITY

72.26'

N76°10'29"E

R=19.61'
L=26.00'

S47°41'36"E 131.15'

ROAD EASEMENT 2,517 S.F.

S47°41'36"E 157.49'

60.60'

S47°41'36"E
3.10'

30' WIDE UTILITY EASEMENT

CENTER ST.

R=1095.92'
L=56.66'

S64°41'12"E
6.00'

28.40'

101.95'
S47°41'36"E

80'

L=309.29'
R=240.00'

PARKING

N25°18'48"E 94.07'

DRIVEWAY

R=160.00'
L=251.33'

7.87'

S47°41'36"E
37.08'

N42°18'24"E

S47°41'36"E
3.10'

N42°18'24"E

Jean Fraser - Re: Urgent re Browne's Trading and Fish Pier

From: Greg Mitchell
To: Fraser, Jean
Date: 9/20/2012 11:17 AM
Subject: Re: Urgent re Browne's Trading and Fish Pier
CC: Barhydt, Barbara; West-Chuhta, Danielle
Attachments: Lease Exec 9-14-09 w Browne Trading and FPA.pdf

Jean:

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Greg A. Mitchell, Director
Economic Development Dept.
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389 Congress Street
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Tel. 207.874.8945
Fax 207.756.8217

>>> Jean Fraser 9/20/2012 9:47 AM >>>
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They submitted the license attached in the second attachment which I discussed with Danielle yesterday. She had some concerns and discussed it with Larry and this is her advice.

I know that Pat Carroll and Chris Pachios think the Browne's license from the Fish Pier is adequate evidence of their rights, so I think they will be surprised when I (later today) confirm to them that they need to get Fish Pier approval.

Before contacting Pat and Chris formally, I just wanted to ensure that City staff were all on the same page re

this.

So please let me know if there have been any other discussions that may be relevant.

Thanks
Jean

>>> Danielle West-Chuhta 9/19/2012 3:19 PM >>>
I just talked with Larry. They definitely need the Fish Pier Authority to sign off on their use. There may be some questions about their use of that area and we may have not seen the most recent agreement on use of that land (I am not sure of this, but they need to get the FPA approval to show that it is ok to do what they are doing).

You do not need to send to Larry.

Danielle

Jean Fraser - RE: second reply Re: Browne trading survey

From: Jean Fraser
To: Carroll, Patrick
Date: 9/12/2012 2:03 PM
Subject: RE: second reply Re: Browne trading survey
CC: Errico, Thomas; Margolis-Pineo, David

Pat

I discussed this with reviewers at the Wednesday Development Review meeting and there are several issues that came up:

- Is there a plan that shows that semi-trailers are able to access the site/new loading bay safely and without impacting other properties (Barbara recalls that a plan was tabled at a previous meeting but we don't have a copy);
- Is there a document that confirms that Browne Trading has rights to service from the Fish Pier site/roads in this way;
- Browne Trading will need a drainage easement from CCSB;
- Treatment is needed to the drainage eg through installation of a Casco Trap device (detailed comments awaited from David Margolis-Pineo and will be forwarded later today).

Thank you
Jean
874 8728

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 9/11/2012 3:04 PM >>>
Ok, call with questions.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 11, 2012 2:50 PM
To: Patrick Carroll
Cc: David Margolis-Pineo
Subject: second reply Re: Browne trading survey

Pat

David has been in meetings all day and has not had a chance to even look at the plans - so would prefer not to meet today.

I will confer with him tomorrow morning and get back to you at lunchtime re whether he wants to visit the site and better understand the stormwater.

Thanks for the survey.

Jean

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 9/11/2012 11:44 AM >>>
Jean,

Attached is the Owen Haskell survey for the Browne Trading site along with the Cold Storage property.
As you can see, the existing lot drains primarily in a southerly direction towards the Fish Authority.

Please let me know if you can meet at the site this afternoon, I am available after 2:30.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

Jean Fraser - Re: Urgent- could you meet today re Fwd: Browne Trading Administrative Authorization Request

From: David Margolis-Pineo
To: Jean Fraser
Date: 9/11/2012 3:29 PM
Subject: Re: Urgent- could you meet today re Fwd: Browne Trading Administrative Authorization Request

Jean,

I have reviewed the material you sent and intend to review the site after work today. A few things which need to be addressed.

-Brown will need a drainage easement from CCSB.
-I am requesting a three foot sump in the drainage structure with a Casco Trap device to contain floatables.
-Please indicate the intent of the "8" PVC sleeve thru wall."

+ 4x4 structure

9-12-12 DM-P to send more detailed email

I'll talk to you tomorrow.

>>> Jean Fraser 9/11/2012 12:11 PM >>>
David

Please see attached:

- Administrative Authorization Request (see cover e-mail below)
- Survey of existing as requested by me today and just received

You will see that this proposal alters the stormwater drainage at the rear of Browne Trading and redirects some stormwater towards the Cumberland Cold Storage drainage system near Commercial Street. The redirected stormwater is stated to be from "small areas" and negligible".

Given that you and the MDEP had concerns re the CCSB drainage I am trying to understand whether this is really negligible and asked Pat Carroll to send the survey of the existing conditions behind Browne's trading (second attachment as received a few minutes ago).

Pat has offered to meet me and you on site today after 2:30pm and I wondered if you would be able to do that- he will be able to give you a scaled plan at that time and explain whats happening. Any chance you could meet on site sometime between 2:30 and 4:00 today?

If so, pl let me know and I will confirm with Pat.

thanks
Jean

9-12-12 ck. have rights to bring stems into Fish Pier etc. & can work under plan? (mtg CP).

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

September 5, 2012

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Administrative Authorization Request, Browne Trading Co.

Dear Jean,

On behalf of Waterfront Maine, LP, we are hereby requesting an Administrative Authorization to complete minor sitework at the rear of the Browne Trading Company building on 260 Commercial Street. The proposed work is intended to consolidate the service and delivery operations for Browne Trading, and its major benefit will be the removal of semi-trailer deliveries to the front of the building, which currently block Commercial Street on a regular basis when they do make deliveries to the business.

The proposed project includes minor renovations to the interior of the building, and reworking of the existing service area at the rear of the building to accommodate this semi-trailer delivery. The existing wooden dock will be replaced with a raised concrete dock approximately 10 ft wide x 14 ft long x 4 ft high. Adjacent to the new dock the existing compactor will be reconfigured to provide direct access from inside the building, and the existing dumpster will be relocated to the far side of the compactor, minimizing its visibility from any public street. Pease note all proposed improvements will occur on TM 41-A-12, which is currently owned by the City of Portland but under a long term lease by Browne Trading Co.

The resulting improvements will consolidate most service operations for the business; however the existing loading dock facing Commercial Street will continue to be used for small pickup/ van shipping out from the company. This will allow all deliveries to occur at one end of the building and shipping at the other, greatly improving the internal functioning of the business. It also removes the larger truck from encroaching onto Commercial Street, greatly improving the traffic situation there.

We are proposing to collect small amounts of runoff from the truck bay and compactor pad and piping into the existing CCSB stormwater system. We believe these small areas contribute negligible runoff amounts and the existing stormwater system has capacity to handle these small increases.

We have reviewed the criteria for review of Administrative Authorization requests, and offer the following response to the 11 criteria indicated in Section 140523 of the Site Plan Ordinance:

1. The proposed development will be located within existing structures, and there will be no new buildings, demolitions, or building additions other than those permitted by subsection b of this section;
   Response: There are minor interior renovations planned, including relocation of doors and walls to provide egress to the new dock and make the interior function better.
2. Any building addition shall have a new building footprint expansion of less than five hundred (500) square feet;
   Response: The proposed truck dock will be approximately 140 sf in size and will be an open, uncovered raised platform.

3. The proposed site plan does not add any new curb cuts, driveways, or parking areas; the existing site has no more than one (1) curb cut and will not disrupt the circulation flows and parking on-site; and there will be no drive-through services provided;
   Response: The proposed improvements are planned in an existing service area. No new parking, driveways, or curb cuts are proposed. No drive through facilities are proposed.
4. The curbs and sidewalks adjacent to the lot are complete and in sound condition, as determined by the public works authority, with granite curb with at least four (4) inch reveal, and sidewalks are in good repair with uniform material and level surface and meet accessibility requirements of the Americans with Disabilities Act;
   Response: The curb and sidewalk adjacent to the Browne Trading Building are in good shape, with new granite curbing and brick sidewalk extending from the building towards the north, and an existing granite curbing and concrete sidewalk extending towards the Fish Authority to the south. Access to the building from Commercial Street is not proposed to change.
5. The use does not require additional or reduce existing parking, either on or off the site, and the project does not significantly increase traffic generation;
   Response: The proposed improvements are at an existing service area for the building and do not require additional or reduce existing parking. The improvements are requested to improve the function of the business operation and remove semi traffic from Commercial Street. The result will be a significant reduction in traffic backup on Commercial Street and a consolidated and upgraded service facility in the rear of the building where it is less visible to the public.
6. There are no known stormwater impacts from the proposed use or any existing deficient conditions of stormwater management on the site;
   Response: A small portion of the site is proposed to connect into the CCSB stormwater system. Given the small areas being collected we do not anticipate any stormwater impacts from the proposed use.
7. There are no evident deficiencies in existing screening from adjoining properties; and
   Response: The proposed improvements will allow the service area to be reorganized and the dumpster relocated to a less visible area. The service area abuts the CCSB service area and does not require screening from these similar uses.
8. Existing utility connections are adequate to serve the proposed development and there will be no disturbance to or improvements within the public right-of-way.
   Response: No new utility connections are required for this project.
9. There are no current zoning violations;
   Response: There are no known zoning violations with the property and we believe the proposed improvements fall within the Zoning requirements.
10. Any emergency generators are to be located to minimize noise impacts to adjoining properties and documentation that routine testing of the generators occur on weekdays between the hours of 9 a.m. to 5 p.m. Documentation pertaining to the noise impacts of the emergency generator shall be submitted; and
    Response: There are no generators proposed for this project.
11. There is no anticipated noise, vibration, glare, fumes or other foreseeable impacts associated with the project.
    Response: The proposed consolidation will remove truck traffic from Commercial Street, allow direct access to the compactor from inside the building, and relocate the dumpster to a less visible location. There are no known impacts associated with this project.

Based on the plans and above responses, we believe that the project meets all of the standards 1-11 of Section 11-423 (b)1. Of the Site Plan Ordinance and request your thoughtful review and approval. We look forward to discussing any questions that you might have regarding this project and look forward to a successful completion of this work this fall.

Please do not hesitate to contact me if you have questions or need additional information.

With Regards,
CARROLL ASSOCIATES

Patrick J. Carroll, Principal

CC: Dan Jacques, Waterfront Maine

Att. Site Plan and Details

PORTLAND MAINE

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

Receipts Details:

Tender Information: Check , BusinessName: Carroll Associates, Check Number: 5545
Tender Amount: 50.00

Receipt Header:

Cashier Id: ldobson
Receipt Date: 9/6/2012
Receipt Number: 47935

Receipt Details:

Referance ID:	1770	Fee Type:	PEZ-ADAUTH
Receipt Number:	0	Payment Date:	
Transaction Amount:	50.00	Charge Amount:	50.00
Job ID: Project ID: 2012-591 - 260 Commercial St.; Replace, truck dock, Pads			
Additional Comments: 260 Commercial St.			

Thank You for your Payment!

ck what else sub before

Jean Fraser - Browne Trading Administrative Authorization Request

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
Date: 9/6/2012 11:10 AM
Subject: Browne Trading Administrative Authorization Request
CC: "'Barbara Barhydt'" <BAB@portlandmaine.gov>
Attachments: Browne Trading AA Request Letter September 5.pdf - Adobe Acrobat Pro.pdf

Hi Jean,

Attached is a cover letter, application, and site plans for the proposed reorganization of service behind the Browne Trading Company. As described in the cover letter, Waterfront Maine is proposing to upgrade and reconfigure the existing service area behind Browne Trading, which will result in a better business operation for Browne Trading, remove semi traffic from Commercial Street, and provide a cleaner and more organized service area behind the building. We believe these minor improvements provide significant improvements to the visual and functional aspect of the site and hope your review concurs.

I will be dropping off the Application Fee ($50.00) along with full and reduced copies of the plans today during lunch. If you would like to meet either in your office or at the site to discuss please let me know and I can schedule accordingly.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

Jean Fraser - RE: Fwd: Browne Trading

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Barbara Barhydt'" <BAB@portlandmaine.gov>, "'Jean Fraser'" <JF@portlan...
Date: 9/7/2012 1:51 PM
Subject: RE: Fwd: Browne Trading
CC: "'Jones Aaron'" <aaron@structuralinteg.com>, "'Jacques Dan'" <djacques@W...

Hi Barbara,

The new concrete loading dock and a concrete pad for the compactor is what is shown in gray on the site plan associated with the Browne Trading development. The gray shown for the Cold Storage building is existing and we are not planning any improvements there. The existing lot behind Browne Trading is currently gravel and is proposed to remain gravel at this time, so there is no new "pavement' area associated with this proposal.

The existing curb cut on Commercial Street will remain, as that existing dock will be utilized by Browne Trading for its outgoing (shipping) operation. The vehicles utilized for shipping are smaller trucks and vans, the intent is to relocate the incoming deliveries to the rear of the building. The bulk of these are larger single axle and semitrailers that currently have to extend out into Commercial Street. The relocation should eliminate this traffic issue, and the reconfiguration of flow within the building will also be much improved, as the loading area currently serves both incoming deliveries and outgoing shipping of merchandise.

Thanks for your timely review of the application. Please contact me f you have any other questions, or would like to set up a time to visit the building and site.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Friday, September 07, 2012 10:50 AM
To: Patrick Carroll; Jean Fraser
Cc: Jones Aaron; Jacques Dan
Subject: Re: Fwd: Browne Trading

Hi Pat:

I looked at the application briefly yesterday. I had a couple of questions. The new pavement area and loading is shown in gray on the Browne trading site. The area behind the Cumberland Cold Storage is shown in the same

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

September 5, 2012

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

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Please do not hesitate to contact me if you have questions or need additional information.

With Regards,
CARROLL ASSOCIATES

Patrick J. Carroll, Principal

CC: Dan Jacques, Waterfront Maine

Att. Site Plan and Details

Administrative Authorization Application

Portland, Maine

Planning and Urban Development Department, Planning Division

PROJECT NAME: Browne Trading Company

PROJECT ADDRESS: 260 Commercial Street **CHART/BLOCK/LOT:** 41-A-15, 41-A-12

APPLICATION FEE: $ 50.00 **($50.00)**

PROJECT DESCRIPTION: (Please Attach Sketch/Plan of the Proposal/Development)

Consolidation of Service area at rear of building to include replacement of existing truck dock, compactor and dumpster pads, allowing relocation of semi-truck delivery from Commercial Street to rear of building.

CONTACT INFORMATION:

OWNER/APPLICANT

Name: Waterfront Maine, LP
Address: 14 Maine Street
Brunswick, ME 04011
Work #: 207.729.7970
Cell #: 207.522.4133
Fax #: 207.725.9500
Home #:
E-mail: djaques@WaterfrontME.com

CONSULTANT/AGENT

Name: Carroll Associates
Address: 217 Commercial St, Suite 200
Portland, ME 04101
Work #: 207.772.1552
Cell #: 207.329-8976
Fax #: 207.772-0712
Home #:
E-mail: pcarroll@carroll-assoc.com

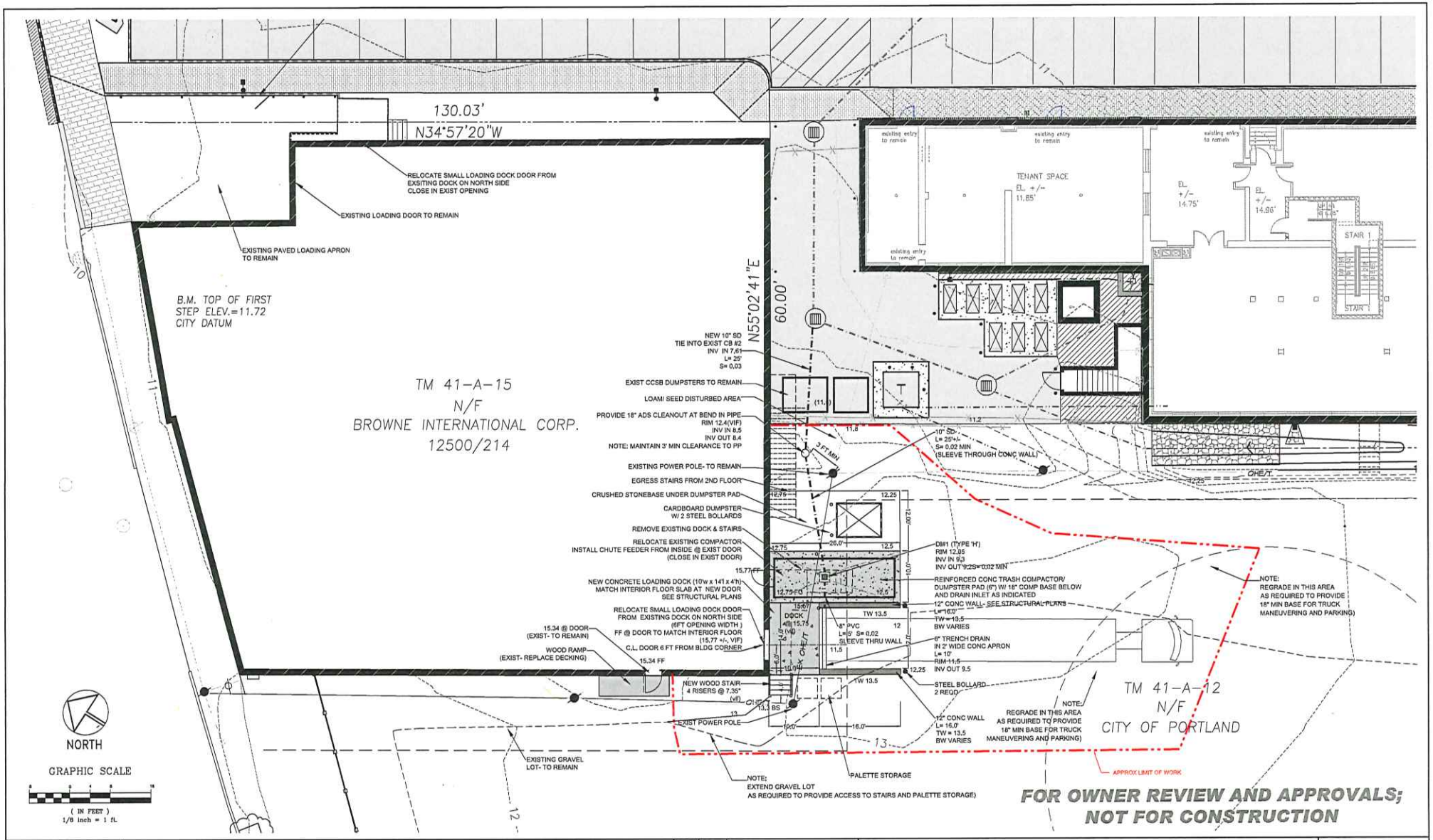
Criteria for an Administrative Authorization:
(see section 14-523(4) on pg .2 of this appl.)

Applicant's Assessment
Y(yes), N(no), N/A

a)	Is the proposal within existing structures?	N
b)	Are there any new buildings, additions, or demolitions?	Y
c)	Is the footprint increase less than 500 sq. ft.?	Y
d)	Are there any new curb cuts, driveways or parking areas?	N
e)	Are the curbs and sidewalks in sound condition?	Y
f)	Do the curbs and sidewalks comply with ADA?	NA
g)	Is there any additional parking?	N
h)	Is there an increase in traffic?	N
i)	Are there any known stormwater problems?	N
j)	Does sufficient property screening exist?	Y
k)	Are there adequate utilities?	Y
l)	Are there any zoning violations?	N
m)	Is an emergency generator located to minimize noise?	NA
n)	Are there any noise, vibration, glare, fumes or other impacts?	N

Signature of Applicant:	**Date:** 09.05.12

IMPORTANT NOTICE TO APPLICANT: The granting of an Administrative Authorization to exempt a development from site plan review does not exempt this proposal from other required approvals or permits, nor is it an authorization for construction. You should first check with the Building Inspections Office, Room 315, City Hall (207)874-8703, to determine what other City permits, such as a building permit, will be required.



REV #	DATE	DESCRIPTION
1	030112	ISSUE FOR PRELIM PRICING
2	041912	ISSUE FOR OWNER REVIEW
3	042612	ISSUE FOR OWNER REVIEW
4	051512	REVISE DOCK LOCATION
5	072312	REVISE DOCK SIZE/ STAIR LOCATION
6	080312	REVISE DOCK DOOR/ DRAINAGE PIPING
7	082712	REVISE COMPACTOR PAD
8	090512	SUBMIT TO CITY

OWNER:
Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011
T. 207.729.7970 F. 207.725.9500
djacques@WaterfrontME.com

LANDSCAPE ARCHITECTS:
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712
pcarroll@carroll-assoc.com

STRUCTURAL ENGINEER:
Structural Integrity, Inc.
75 Oak Street
Portland, ME 04101
T. 207.774.4614 M. 207.272.4910
www.beckerstructural.com

CIVIL ENGINEER:
Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

Site Improvements To:

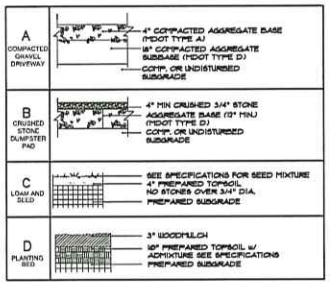
BROWNE TRADING CO.

Merrill's Wharf, Portland, Maine

SITE PLAN

L-1.0

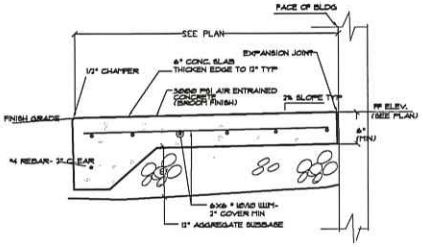
08. 29. 2012



NOTE: ALL COURSE MATERIALS REFLECT THICKNESS AFTER FINAL COMPACTION.

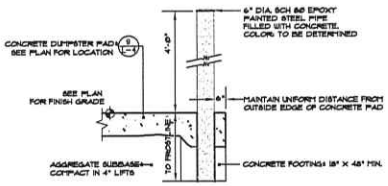
1 SCHEDULE OF SURFACES / DETAIL

NOT TO SCALE



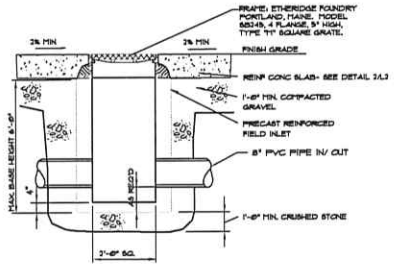
2 CONCRETE DUMPSTER PAD DETAIL

NOT TO SCALE



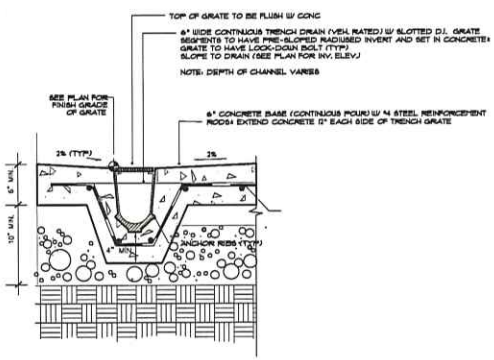
4 STEEL BOLLARD DETAIL

NOT TO SCALE



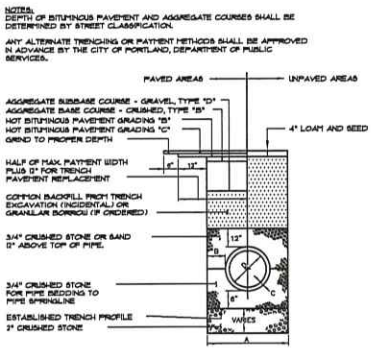
5 FIELD INLET DETAIL

NOT TO SCALE



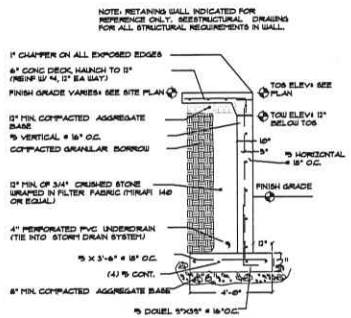
3 TRENCH DRAIN DETAIL

NOT TO SCALE



6 TYPICAL PIPE TRENCH INSTALLATION

NOT TO SCALE



7 CONC. LOADING DOCK (CAST-IN-PLACE)

NOT TO SCALE

BACKFILL MATERIAL REQUIREMENTS:

COMPACTED AGGREGATE BASE SHALL BE SCREENED OR CRUSHED GRAVEL MEETING MDOT 703.06(A) TYPE 'A' AND SHALL MEET THE FOLLOWING GRADATION REQUIREMENTS:

3"	100 %
1/2"	45-70 %
1/4"	30-55 %
NO. 40	0-30 %
NO. 200	0-5 %

3/4" CRUSHED STONE SHALL BE CRUSHED STONE OR GRAVEL FREE OF ORGANIC MATTER OR OTHER UNSUITABLE MATERIAL MEETING MDOT 703.02, AND SHALL CONFORM TO THE GRADATION REQUIREMENTS OF ASTM C33, CLASS 67 STONE THAT IS A NOMINAL 3/4" SIZE MATERIAL.

COMPACTED GRANULAR BORROW SHALL BE SCREENED GRAVEL MEETING MDOT 703.19, FREE OF VEGETABLE MATTER, LUMPS OR BALLS OF CLAY, AND SHALL MEET THE FOLLOWING GRADATION REQUIREMENTS:

3"	100 %
NO. 40	0-70 %
NO. 200	0-10 %

GRANULAR BORROW SHALL CONTAIN NO PARTICLES OR FRAGMENTS WITH A MAXIMUM DIMENSION IN EXCESS OF THE COMPACTED THICKNESS OF THE LAYER BEING PLACED.

ALL BACKFILL MATERIALS SHALL BE PLACED IN LIFTS NO GREATER THAN 9" AND SHALL BE COMPACTED TO MINIMUM OF 95% OF MAXIMUM DRY DENSITY (ASTM D-1557)

SITE PLAN NOTES, CITY OF PORTLAND

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1996 AND 1973; PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1978; AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.
2. TOPOGRAPHY AND UTILITIES FROM A PLAN BY EC JORDAN 1973. AERIAL TOPOGRAPHY SURVEY BY SEWELL CO. (DATUM MSL= 0.00'
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FOR OWNER REVIEW AND APPROVALS; NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT PATRICK J. CARROLL #102 STATE OF MAINE

OWNER:
Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011
T. 207.729.7970 F. 207.725.9500
djacques@WaterfrontME.com

LANDSCAPE ARCHITECTS:
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712
pcarroll@carroll-assoc.com

STRUCTURAL ENGINEER:
Structural Integrity, Inc.
75 Oak Street
Portland, ME 04101
T. 207.774.4614 M. 207.272.4910
www.beckerstructural.com

CIVIL ENGINEER:
Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

REV #	DATE	DESCRIPTION
1	030112	ISSUE FOR PRELIM PRICING
2	041912	ISSUE FOR OWNER REVIEW
3	042612	ISSUE FOR OWNER REVIEW
4	051512	REVISE DOCK LOCATION
5	072312	REVISE DOCK SIZE/ STAIR LOCATION
6	080312	REVISE DOCK DOOR/ DRAINAGE PIPING
7	082712	REVISE COMPACTOR PAD
8	090512	SUBMIT TO CITY

Site Improvements To:

BROWNE TRADING CO.

Merrill's Wharf, Portland, Maine

SITE DETAILS

L-2.0

08.28.2012

Jean Fraser - Re: Fwd: FW: Browne Trading - Loading Dock

From: Jean Fraser
To: Pachios, Chris
Date: 6/20/2012 12:34 PM
Subject: Re: Fwd: FW: Browne Trading - Loading Dock
CC: Barhydt, Barbara; Jaegerman, Alec; Mitchell, Greg

Chris

Just to add to Barbara's e-mail, please also submit information on the drainage as (if I read the plans correctly) it is tying into the system that was reviewed and approved as part of the Cumberland Cold Storage Building where a tree box filter was incorporated to treat stormwater before it went into the bay and there was a MDEP review.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

>>> Barbara Barhydt 6/19/2012 11:13 AM >>>
Good morning Chris:

I looked at the attached plan and I recommend that you submit an Administrative Authorization Application for the changes behind Browne Trading, as long at the net increase in building footprint is 500 square feet. The area of the existing loading dock can be noted and deducted from the total. In addition to the material that you have shared, we will need to have a site plan showing how trucks will access the loading dock and copies of any easements or agreements regarding the right to access the loading dock.

If there are changes occurring behind the Cumberland Cold Storage, I would recommend submitting a separate administrative authorization for those changes. I do recall when we met that we talked about the possibility of an amendment to the approved plan, so if the extent of work exceeds the parameters of an Administrative Authorization Application, then you could submit an amended site plan.

I am attaching a copy of the Administrative Authorization for your use. I have asked Jean to be the planner on this project, since she is the one who reviewed the Cumberland Cold Storage plans.

Thank you.

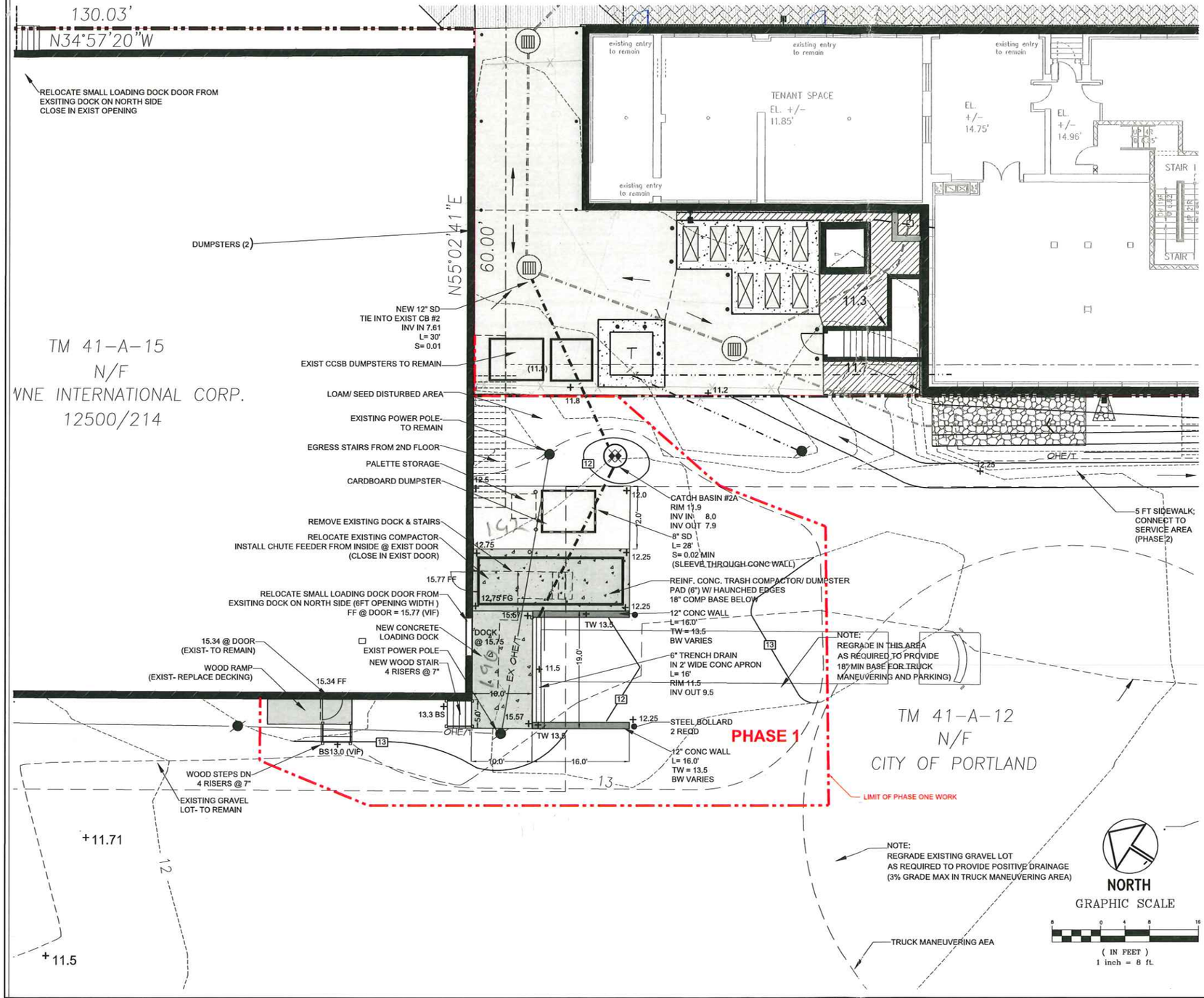
Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov>> Greg Mitchell Monday, June 18, 2012 11:19 AM >>>
Alex and Barb:

See attached plan. Please assign a planner to this development proposal and advise regarding next steps.

Thanks, Greg

Greg A. Mitchell, Director
Economic Development Division
City of Portland
389 Congress Street
Portland, Maine 04101
Tel. 207.874.8945
Fax 207.756.8217



PHASING NOTES

PHASE 1

- CONSTRUCT NEW CONC LOADING DOCK ON WEST SIDE OF BLDG
- REMOVE WOOD DOCK ON SOUTH SIDE OF BLDG
- CONSTRUCT STORM DRAIN SYSTEM- TIE INTO CCSB CB # 2
- CONSTRUCT REINFORCED CONC PADS FOR COMPACTOR AND DUMPSTERS
- INSTALL GRANITE WALL AND CURB ALONG SIDES OF LOADING DOCK
- INSTALL FULL DEPTH BIT PAVEMENT IN DUMPSTER LOADING AREAS
- REGRADE AND FEATHER INTO EXISTING GRADES IN PARKING LOT

SITE PLAN NOTES, CITY OF PORTLAND

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1986 AND 1973; PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1979; AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.
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FOR OWNER REVIEW AND PRICING; NOT FOR CONSTRUCTION

Admin Auth Approval from PC 9-5-2012

Carroll Associates
Landscape Architects

217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712

REV #	DATE	DESCRIPTION
1	030112	ISSUE FOR PRELIM PRICING
2	041912	ISSUE FOR OWNER REVIEW
3	042612	ISSUE FOR OWNER REVIEW
4	051512	REVISE DOCK LOCATION

Site Improvements To:

BROWNE TRADING CO.

Merrill's Wharf, Portland, Maine

SITE PLAN
PHASE ONE

L-2.0

04. 19. 2012

Penny St. Louis Littell- Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator

July 9, 2010

Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011

Patrick J. Carroll
Carroll Associates
217 Commercial Street
Portland, ME 04101

RE: 254 Commercial Street – 041-A-17 & 18 (the "Property") – WCZ Zone

Dear Sirs/Madams:

This is a follow up letter to my determination letter dated June 3, 2010 in regards to the proposed terrace/roof deck to be placed upon the lower building portion of the Property.

Thirty days have passed without an appeal to my determination. Therefore, there has been a failure to make a timely appeal. My decision outlined in the June 3, 2010 letter is binding and not subject to any further appeals.

If you have any further questions regarding this matter, please do not hesitate to contact me at 874-8695.

Sincerely,

Marge Schmuckal
Zoning Administrator

Cc: Helen Edmunds, Pierce Atwood, LLP, 77 Winthrop Street, Augusta, ME 04330
Penny St. Louis Littell, Director of Planning and Urban Development
Jean Fraser, Planning

Jean

Attachment 11i

PORTLAND MAINE

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

Penny St. Louis Littell- Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator

June 3, 2010

Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011

RE: 254 Commercial Street – 041-A-17 & 18 (the "Property") – WCZ Zone

Dear Sirs/Madams:

This letter is a determination of compliance with the City of Portland's Land Use Ordinance concerning the terrace/deck to be placed upon the lower building portion of the Property.

Based upon the information I have been provided by Helen Edmonds of Pierce Atwood and their architect, Bob Caulfield, I have determined that the height of the lower level of the Property's building will not be increased.

The definition for height in the Land Use Ordinance is the vertical measurement from (average) grade to the highest point of the roof beams in flat roofs. See City Code of Ordinances 14-47. The proposed platform does not add any new floor area to the Property. The platform also does not have a roof and is not enclosed with exterior walls. The Property's flat roof beams are also not being changed in height.

Therefore, the proposed platform to be placed upon the lower level of the building is not increasing any existing nonconformity on the Property.

You have the right to appeal my decision. If you or any aggrieved party wishes to exercise their rights, you have thirty (30) days from the date of this letter in which to appeal. If you fail to make a timely appeal, the decision outlined herein is binding and not subject to any further appeals. Any person who wishes to appeal this decision must contact this office for the necessary paperwork that is required to file an appeal.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Sincerely,

Marge Schmuckal
Zoning Administrator

Att. 11 ii

Cc: Helen Edmunds, Pierce Atwood, LLP, 77 Winthrop Street, Augusta, Maine 04330
Penny St. Louis Littell, Director of Planning and Urban Development
Jean Fraser, Planning

Jean Fraser - Cold Storage Building - Roof Deck

From: "Helen Edmonds" <hedmonds@PierceAtwood.com>
To: <mes@portlandmaine.gov>
Date: 5/25/2010 1:05 PM
Subject: Cold Storage Building - Roof Deck
CC: <jf@portlandmaine.gov>, <pl@portlandmaine.gov>, <pcarroll@carroll-assoc....
Attachments: ROOF DECK PLAN.pdf; ROOF DECK ELEVATION.pdf

Dear Marge:

I have been asked to help facilitate the Planning Board's review of the Cumberland Cold Storage Building renovation project, and have received a copy of your comments on the Applicant's site plan review application. In response to your comments on the proposed rooftop deck, I am attaching below some preliminary concept plans that should help to answer your questions.

As you noted in your follow up comments of May 18, the building height for a flat roof is measured to the top of the structural roof beams. The plans for the rooftop deck will respect this definition. The concept calls for a platform design, to be placed on top of the current roof structure and accessed via a doorway from the adjacent interior space. While safety of course dictates a railing around the deck area (the specific design of which has not yet been determined), the deck will not be otherwise enclosed or roofed. The architect presently envisions that the railing will be placed inboard of the roof edge by approximately 3 feet on all sides; the final plan will be modified to reflect the exact distance from the railing to the parapet. Although not yet indicated on the attached plans, the slightly sloped surface of the roof will require one or two steps (with a lift or ramp for accessibility) from the interior floor up to the deck's level surface. The final plans will be prepared in consultation with a structural engineer to ensure proper design, but it is not expected that the decking surface will require roof penetrations except for support columns. Finally, while plans have not been prepared at this time, we anticipate that the space will include seating and landscaped planters for shade and color.

We would be happy to meet with you if necessary to discuss this issue in more detail. Please feel free to give me a call if you have any questions.

Best regards,
Helen Edmonds

<<ROOF DECK PLAN.pdf>> <<ROOF DECK ELEVATION.pdf>>

Helen L. Edmonds
Pierce Atwood LLP
77 Winthrop Street
Augusta, Maine 04330
207-622-6311 voice
207-623-9367 fax
hedmonds@pierceatwood.com
http://www.pierceatwood.com/bios/edmonds.html

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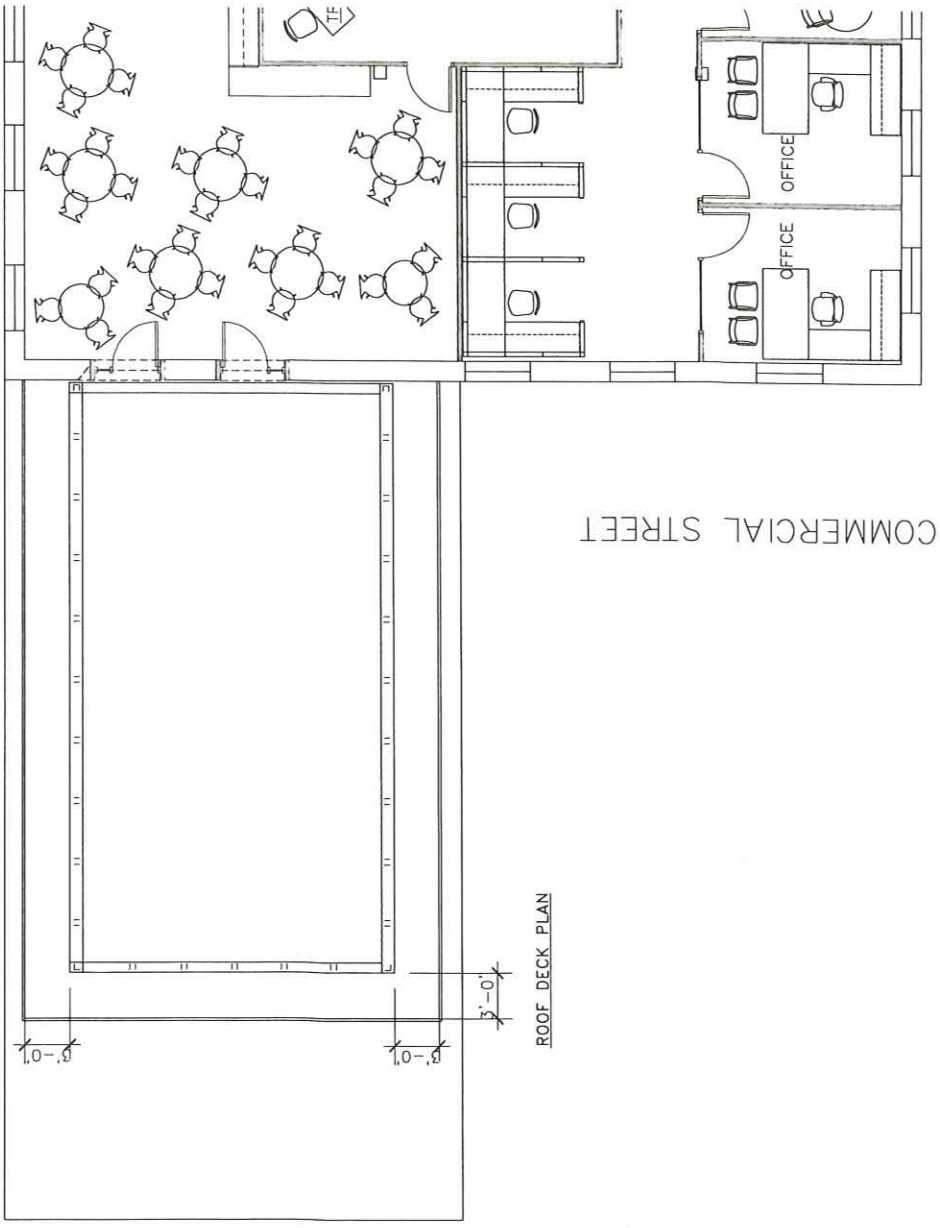

ROOF DECK PLAN

Jean Fraser - Cumberland Cold Storage

From: Danielle West-Chuhta
To: Schmuckal, Marge
Date: 5/26/2010 1:31 PM
Subject: Cumberland Cold Storage
CC: Fraser, Jean

Marge:

In thinking about your decision regarding the roof-top deck further, I had the opportunity to review some applicable Maine cases and statutes. Basically, as you know, when a municipality has adopted a zoning ordinance, the Zoning Administrator and ultimately the Zoning Board of Appeals is the local and exclusive authority over zoning issues. 30-A M.R.S.A. section 4353. In addition, under Maine law, a decision needs to put people on notice as to the reasoning behind the decision and their right to appeal the same.

Given the above, I think that a letter from you to the applicant (with Pierce Atwood cc'd) regarding your determination on this issue and indicating the appeal rights would be appropriate. I think that this letter could then be referenced in your comments to the board and even included in the packet to the Board (so the public is then on notice of the matter and their right to appeal).

Thanks,

Danielle P. West-Chuhta
Associate Corporation Counsel
City of Portland, Maine
(2070 874-8480

Jean Fraser - RE: Cold Storage Building - Roof Deck

From: "Helen Edmonds" <hedmonds@PierceAtwood.com>
To: "Marge Schmuckal" <MES@portlandmaine.gov>
Date: 5/26/2010 12:40 PM
Subject: RE: Cold Storage Building - Roof Deck
CC: <pcarroll@carroll-assoc.com>, "Dennis Keeler" <dkeeler@pierceatwood.com>...

Marge, we'll work on getting you some additional details. Thanks for getting back so quickly.

Regards,
Helen

Helen L. Edmonds
Pierce Atwood LLP
77 Winthrop Street
Augusta, Maine 04330
207-622-6311 voice
207-623-9367 fax
hedmonds@pierceatwood.com
http://www.pierceatwood.com/bios/edmonds.html

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From: Marge Schmuckal [mailto:MES@portlandmaine.gov]
Sent: Wednesday, May 26, 2010 11:56 AM
To: Helen Edmonds
Cc: pcarroll@carroll-assoc.com; Dennis Keeler; Jean Fraser; Penny Littell; Robert Caulfield
Subject: Re: Cold Storage Building - Roof Deck

Thank you Helen,
Can I get more information concerning how the terrace/deck will be constructed? The elevation that you submitted does not give any structural details concerning how it will be "attached" to the existing roof. Size of joists? supports? etc. I am not thinking that what I believe you are proposing will impact the legal nonconforming height of this section of the building. But I want to be sure on every thing that is being proposed.
Marge

>>> "Helen Edmonds" <hedmonds@PierceAtwood.com> 5/25/2010 1:05 PM >>>

Dear Marge:

I have been asked to help facilitate the Planning Board's review of the Cumberland Cold Storage Building renovation project, and have received a copy of your comments on the Applicant's site plan review application. In response to your comments on the proposed rooftop deck, I am attaching below some preliminary concept plans that should help to answer your questions.

As you noted in your follow up comments of May 18, the building height for a flat roof is measured to the top of the structural roof beams. The plans for the rooftop deck will respect this definition. The concept calls for a platform design, to be placed on top of the current roof structure and accessed via a doorway from the adjacent interior space. While safety of course dictates a railing around the deck area (the specific design of which has not yet been determined), the deck will not be otherwise enclosed or roofed. The architect presently envisions that the railing will be placed inboard of the roof edge by approximately 3 feet on all sides; the final plan will be modified to reflect the exact distance from the railing to the parapet. Although not yet indicated on the attached plans, the slightly sloped surface of the roof will require one or two steps (with a lift or ramp for accessibility) from the interior floor up to the deck's level surface. The final plans will be prepared in consultation with a structural engineer to ensure proper design, but it is not expected that the decking surface will require roof penetrations except for support columns. Finally, while plans have not been prepared at this time, we anticipate that the space will include seating and landscaped planters for shade and color.

We would be happy to meet with you if necessary to discuss this issue in more detail. Please feel free to give me a call if you have any questions.

Best regards,
Helen Edmonds

<<ROOF DECK PLAN.pdf>> <<ROOF DECK ELEVATION.pdf>>

Helen L. Edmonds
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Jean Fraser - RE: Cold Storage public notices

From: "Helen Edmonds" <hedmonds@PierceAtwood.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 5/27/2010 9:59 AM
Subject: RE: Cold Storage public notices

Thanks for the update, Jean.

On the deck, I have asked our architect whether it's possible to get Marge the more detailed structural/construction information she has asked for. If we can't provide a more detailed plan prior to the hearing, perhaps a preliminary determination from Marge, based on what she has, and a condition requiring her final approval prior to construction, would make sense.

With regard to signage, I think we can probably leave that for final resolution outside the Planning Board process, but this is something that can be discussed in more detail at the meeting that I believe is being scheduled with staff for Friday morning. We have discussed the sign with Waterfront Maine, and I believe the concept is for a freestanding sign indicating the building name, with Pierce Atwood also prominently featured. We will need to discuss the acceptable dimensions and design.

Best,
Helen

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, May 27, 2010 9:40 AM
To: Helen Edmonds
Subject: RE: Cold Storage public notices

Helen,

That is often the case unless an immediate abutter feels aggrieved. I imagine this project is welcomed by most people and its not complicated (ie the building it there).

The neighborhood meeting process is part of the Ordinance and neither staff nor Planning Board have any discretion regarding whether or not it is held.

Re the roof deck, I am waiting for Marge Schmuckal to confirm her determination and that is likely to be in a letter from her; then that will be provided as information to the Planning Board at the Hearing.

I would be grateful for an update re the sign- is that something that (from your/applicant's viewpoint) needs to be addressed prior to the Hearing?

Thank you
Jean

>>> "Helen Edmonds" <hedmonds@PierceAtwood.com> 5/27/2010 9:08 AM >>>
Thanks, Jean. I understand very few people showed up.

Best,
Helen

I am out of the office until 2:30pm today so won't be able to follow up until then.

Jean

>>> "Helen Edmonds" <hedmonds@PierceAtwood.com> 5/26/2010 10:17 AM >>>

Jean, can you provide me with a copy of the public/abutter notices that have been sent for the Cold Storage project? Thanks very much.

Regards,
Helen

Helen L. Edmonds
Pierce Atwood LLP
77 Winthrop Street
Augusta, Maine 04330
207-622-6311 voice
207-623-9367 fax
hedmonds@pierceatwood.com
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Jean Fraser - RE: Signage - Cumberland Storage - citation

From: Jean Fraser
To: Edmonds, Helen
Date: 5/28/2010 1:18 PM
Subject: RE: Signage - Cumberland Storage - citation

Helen

Alex had to leave right after the meeting so may want to comment further on Tuesday...I think it might be useful for you to meet with Marge and Alex before finalizing any sign to clarify how this usually plays out.

Jean

>>> "Helen Edmonds" <hedmonds@PierceAtwood.com> 5/28/2010 12:39 PM >>>
Thanks, Jean, I thought this was the correct section, but it's helpful to have confirmation. We will pursue this issue when we have more definitive plans for the signage.

Enjoy the long weekend.

Helen L. Edmonds
Pierce Atwood LLP
77 Winthrop Street
Augusta, Maine 04330
207-622-6311 voice
207-623-9367 fax
hedmonds@pierceatwood.com
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From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, May 28, 2010 12:36 PM
To: Helen Edmonds
Cc: Pat Carroll; Alex Jaegerman; Marge Schmuckal; Penny Littell; cpachios@wfny.com
Subject: Signage - Cumberland Storage - citation

Helen,

During the telephone conversation this morning regarding a future new freestanding sign on this site near Commercial Street, Alex Jaegerman confirmed that if the proposed sign did not meet the requirements set out in the tables there was an "exception" provision; I have extracted the relevant sections of the Ordinance below.

Jean

14-368.5(g)(Signs) *Issuance pursuant to minor site plan review.* An applicant for a permit or other approval under this division whose application has been denied for failure to meet the regulations contained in section 14-369.5 may apply to the planning authority for review of the denied signage pursuant to the standards set forth in section 14-526(a)(22), provided, however, that no site plan fee shall be required for this review and no site plan submission materials shall be required beyond those necessary to allow review under this section.

14-526 (a)(22) (Site Plan) Signs: Signs shall meet the following requirements:

a. The size, scale, proportions, design, materials, placement, and source and intensity of illumination of all permanent freestanding and building signs shall be designed to complement and enhance the architectural attributes of the building(s) to which they are attached or visually related. In addition, such signs shall be appropriate to the scale and character of the neighborhood in which the sign is located, and shall be designed to suit the conditions from which it will be viewed, especially in relation to the distance, travel speed and mode of travel of the viewing public.

b. In the case of freestanding signs, such signs shall relate to the architecture of the buildings they identify and shall be integrated with other site and landscape features.

c. Sign lighting shall be designed to avoid glare, unshielded light sources and light spillover toward the sky. All light sources shall be shielded or provided with a diffuser lens so that lamps and bulbs are not visible to pedestrians or drivers of vehicles.

Attachment 14

162

24233

KNOW ALL MEN BY THESE PRESENTS, THAT

POULTRY PROCESSING, INC., a Maine corporation having a principal place of business in Portland, County of Cumberland and State of Maine, for consideration paid by ROBERT J. LEVINE, Trustee of the LEVINE REAL ESTATE TRUST, established by Declaration of Trust dated April 29, 1976, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim, with QUITCLAIM COVENANT, unto the said ROBERT J. LEVINE, Trustee as aforesaid, its heirs and assigns forever, all of its right, title and interest in and to the following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

A certain lot or parcel of land, flats, wharf, building, and railroad tracks situated on the southerly side of Commercial Street in said City of Portland now or formerly known as Merrill's Wharf and extending southeasterly from Commercial Street to low water mark. Said premises are bounded westerly in part by a line established between John Q. Twitchell and James P. Champlin and John Bradford by agreement dated April 13, 1883, recorded in Cumberland County Registry of Deeds Book 494, Page 433, and easterly by the line established between said John Q. Twitchell, James P. Champlin and the Proprietors of Union Wharf dated November 14, 1884, recorded in Cumberland County Registry of Deeds Book 514, Page 180, and said premises include the benefit of an agreement with Richardson Wharf Co. dated May 9, 1884, recorded in Cumberland County Registry of Deeds Book 509, Page 185 and party wall agreement with Morris & Company, owners of Union Wharf, dated June 22, 1907, recorded in Cumberland County Registry of Deeds Book 813, Page 87. Said premises are also subject to an agreement of easement with Cumberland County Power & Light Co. dated March 2, 1935, recorded in Cumberland County Registry of Deeds Book 1465, Page 311. Excepting, however, from the above described premises the portion thereof conveyed to Everett Wilson by Administrator's Deed dated July 10, 1897 recorded in Cumberland County Registry of Deeds Book 654, Page 191, and Warranty Deed from James P. Champlin dated July 10, 1897, recorded in Cumberland County Registry of Deeds Book 654, Page 193.

Also conveying, insofar as the Grantor has the power to grant the same, all water and riparian rights appurtenant to the above conveyed premises.

Also excepting and reserving the premises conveyed to Moulton Realty Co. by the Grantor herein by deed

Att. 14 ii

dated January 2, 1980 and recorded in the Cumberland County Registry of Deeds in Book 4549, Page 85.

Also excepting and reserving to the Grantor, its successors and assigns, from the above described premises, all of said land, flats, wharf, building, railroad tracks and water and riparian rights lying southerly of a line parallel to and Twenty-Five (25) feet southerly of the southerly side of the five story cold storage building located on the above described premises.

The Grantor further excepts and reserves to itself, its successors and assigns, a right of way by vehicle and otherwise over the premises above conveyed from Commercial Street to the premises retained herein, such right of way to be in common with others for the purpose of entry and egress of the above-retained premises. Grantor also excepts and reserves the non-exclusive right to locate underground utilities, including a sewer pipe, serving the premises retained herein in the parcel conveyed herein, together with the right, at the Grantor's option, to connect to any common sewer pipe constructed or maintained by the Grantee, its successors or assigns, serving part or all of Merrill's Wharf, provided that the Grantor shall be required to pay its fair and reasonable portion of the cost of such pipe and connection if the Grantor elects to so connect, as well as its proportionate share of all assessments and charges made by the City of Portland or other governmental agency in relation to the use of said sewer.

This conveyance is also made subject to any sovereign ownership claims which may be asserted by the State of Maine or by the City of Portland by virtue of any sovereign rights said City of Portland may have obtained from the State of Maine.

Being part of the premises contained in the deeds from the Executors of the Last Will and Testament of Benjamin Lewis and from Rosa Lewis to Cumberland Trading Co., Inc., both of which were dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Pages 423 and 425 respectively. Said Cumberland Trading Co., Inc. merged into Pine State Beef Company on June 1, 1973. Said Pine State Beef Company merged into Poultry Processing, Inc. on October 28, 1974.

IN WITNESS WHEREOF, POULTRY PROCESSING, INC., as Grantor, and releasing all its rights in the above-described premises, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by George I. Lewis, its Vice President thereunto duly authorized, this 30th day of September, 1980.

SIGNED, SEALED, and DELIVERED
in the Presence of:

Allen J. Knapp

POULTRY PROCESSING, INC.

By: George I. Lewis
Its Vice President

Attachment 15

Jean Fraser - Follow up re easement for access & utilities - Cumberland Storage

From: Jean Fraser
To: Carroll, Pat
Date: 5/28/2010 3:57 PM
Subject: Follow up re easement for access & utilities - Cumberland Storage

Pat,

I have today spoke with Mary Costigan, Associate Corporation Counsel who acts for the City and the Fish Pier Authority in respect of the Fish Pier land around the Cumberland Storage Building.

She has reviewed the Site Plan proposals and considers that the applicant should provide confirmation (in writing) that the access through the site (from Commercial Street to the boundary with the Fish Pier to the south) will be maintained for vehicles and would allow for utility connections etc as described in the [reference the deed, incl book and page].

She feels this is adequate and that the applicant does not need to obtain any express consents from the FPA or City.

Jean

Jean Fraser, Planner
City of Portland
874 8728

Attachment 16

CONSENT OF THE MAINE DEPARTMENT OF TRANSPORTATION

The State of Maine, acting by and through its Department of Transportation, for good and valuable consideration, hereby consents to a certain parking lease from the Portland Fish Pier Authority to Pierce Atwood, LLP, which conveys to Pierce Atwood a leasehold interest in seventy (70) parking spaces for a period of ten (10) years on a parcel that is subject to the Quitclaim Deed conveyance from the State of Maine to the City of Portland dated September 9, 1983, and recorded at the Cumberland County Registry of Deeds at Book 6268 Page 133.

Dated: 05/18/10

MAINE DEPARTMENT OF TRANSPORTATION

By: _____

Robert P. Elder

Printed Name

Its: Director of the Office of Freight and Business Services

Jean Fraser - Cumberland Storage- Fish Pier Docs

From: Jean Fraser
To: agatti@waterfrontme.com
Date: 5/5/2010 5:07 PM
Subject: Cumberland Storage- Fish Pier Docs

Hello Anthony,

I am taking the liberty of e-mailing you directly to follow up yesterdays 1:15pm conference call in which Penny Littell said we would get you the "governing" documents that relate to the "Fish Pier" land surrounding your site.

I now have in my hands a paper copy of the **"master" ground lease agreement between the City of Portland and Portland Fish Pier Authority** (the City owns the Fish Pier and leases it to the FPA), which includes the deed from MDOT to the City which contains some limitations on uses.

I also have a paper copy of the **Bylaws of the Portland Fish Pier Authority**.

Do you want me to mail these to the Brunswick address (14 Maine Street) or do you want me to leave them for someone to collect from our reception?

Thank you

Jean (Fraser)
Planner/Coordinator re the Site Plan (met you yesterday when you dropped off the plans)
874 8728

PS I gave a copy of the WCZ Zoning Ordinance to Chris Pachios yesterday

Jean Fraser - Follow up re easement for access & utilities - Cumberland Storage

From: Jean Fraser
To: Carroll, Pat
Date: 5/28/2010 3:57 PM
Subject: Follow up re easement for access & utilities - Cumberland Storage

Pat,

I have today spoke with Mary Costigan, Associate Corporation Counsel who acts for the City and the Fish Pier Authority in respect of the Fish Pier land around the Cumberland Storage Building.

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She feels this is adequate and that the applicant does not need to obtain any express consents from the FPA or City.

Jean

Jean Fraser, Planner
City of Portland
874 8728

LEVINE REAL ESTATE TRUST

FORMERLY A.R. MOUIR & CO.

RIGHT OF WAY TO LOT B

UTILITY / DRAINAGE EASEMENT

UTILITY / DRAINAGE EASEMENT

30,002 SQ. FT. (2)

15,113 SQ. FT. (11)

17,149 SQ. FT. (10)

8,629 SQ. FT. (9)

10,693 SQ. FT. (8)

20,002 SQ. FT. (7)

52,856 SQ. FT. (6)

31,669 SQ. FT. (5)

7,226 SQ. FT. (4)

7,938 SQ. FT. (3)

15,232 SQ. FT. (2)

9,350 SQ. FT. (1) ICE PLANT

10,080 SQ. FT. (1)

EASEMENT

DRIVEWAY

PARKING

COMMON AREA

VAULT

EDGE OF CONCRETE PIER

CENTER STREET

COMMERCIAL STREET

MAPLE STREET

FORE RIVER
PORTLAND HARBOR

PORTLAND HARBOR COMMISSIONERS LINE

NAVAL RESERVE WHARF

TRUE

LEGEND

- IRON ROD SET
- DRILL HOLE SET
- UTILITY POLE

NOTE:

1) CITY RESERVES THE RIGHT TO RELOCATE PROPOSED DRIVEWAYS, UTILITIES, PARKING, & OTHER COMMON AREAS, AND PROVIDE REASONABLE SUBSTITUTE FACILITIES TO ANY AFFECTED TENANT.

2) ALL POWER LINES ARE TO BE INSTALLED OVERHEAD.

REVISIONS TO RECORDING PLAT APPROVED BY PLANNING AUTHORITY

10/11/89 DATE

10/16/89 DATE

CITY OF PORTLAND PLANNING BOARD

DATE: 10/10/89 for 8/22/89 meeting

STATE OF MAINE
JOHN W. SWAN 1038
REGISTERED LAND SURVEYOR

State of Maine, Cumberland ss.
Registry of Deeds
Received October 16 1989
at 10h 30m A M and recorded in
Plan Book 182 Page 2
Attest
Register

REV 2	10/13/89	MISC. REVISIONS
REV 1	9/11/89	ADDED DRAINAGE EASEMENT

RECORDING PLAT
"PORTLAND FISH PIER COMPLEX"
IN
PORTLAND, MAINE
FOR
THE CITY OF PORTLAND

Owen Haskell, Inc.
Civil Engineers Land Surveyors
South Portland, Maine

Drwn By R.S.P.	Date	Job No.
Trace By M.M.H.	8/15/89	806 P
Check By J.W.S.	Scale	Drwg. No.
Bk No 208, 212	1" = 50'	1

Yours Bill Clark
6/11/15

5/28/10. Spoke to Mary Coshigan
Attorney re City / FPA re Fish Pier

She reviewed Site Plan proposals, easement, aerial etc.
Tho' not clear which part of FP has these rights, if
applicant provides confirmation that rights are
maintained then no need for formal consent.

See wording that she agreed as sent Pat Carroll
on 5-28-10 e-mail

From: Penny St. Louis
To: Shukria Wiar
Date: 8/3/2011 8:25 AM
Subject: Fw: Revised Building signage for Merrill's Wharf
Attachments: Revised Building signage for Merrill's Wharf

Can you give me a quick call on this Please. 653 [redacted]

Shukria Wiar - Revised Building signage for Merrill's Wharf

From: "Dennis Keeler" <dkeeler@pierceatwood.com>
To: "Penny St Louis" <pl@portlandmaine.gov>, <dga@portlandmaine.gov>
Date: 8/2/2011 4:05 PM
Subject: Revised Building signage for Merrill's Wharf
CC: "Chris Pachios" <CPachios@wfny.com>, "Gloria Pinza" <gpinza@pierceatwood...
Attachments: Pierce Atwood Signage v5.8.1.11 (W2568371).PDF

Penny and Deb, attached are revised drawings for the building signage for Merrill's Wharf. In response to our meeting last Friday we have adjusted them as follows:

1. The signage on the west and south elevations have been reduced from 2'9" to 2'5" in height; and
2. The painted stripe on the top of the north elevation has been eliminated.

The sign on the north end of the Annex wall has not changed. We had our sign consultant review the various alternatives and he recommended that we keep the painted stripe on the left. He felt that best carried through the continuity from the East Elevation. Based upon that recommendation, we have decided to keep the painted sign on the left.

I would appreciate it if you would issue the signage permit for the buildings signs and the monument sign, based upon our Signage Application submitted on July 22, 2011, as modified by this submission. If you need something more formal than this, or any additional information, please let me know. We are extremely anxious to obtain this permit as soon as possible so that we can begin the manufacturing process for the signs and have them installed by the time we move in mid-September.

Thanks you for your assistance.

Dennis

****

Dennis C. Keeler
Pierce Atwood LLP
One Monument Square
Portland, Maine 04101
(207) 791-1331 direct
DKeeler@pierceatwood.com
www.PierceAtwood.com
Admitted in Maine and New Hampshire
Confidentiality Notice: This email was sent from the law firm Pierce Atwood LLP. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it, please delete it and notify us as soon as possible. Thank you.

Jean Fraser - RE: Meeting 4pm Mon Pierce Atwood's new offices -- building signage

From: "Matt Manahan" <mmanahan@pierceatwood.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 5/19/2011 10:27 AM
Subject: RE: Meeting 4pm Mon Pierce Atwood's new offices -- building signage
CC: "Chris Supple" <csupple@pierceatwood.com>

Okay, sounds good. Thanks Jean. Matt

Matthew D. Manahan
Pierce Atwood LLP
207-791-1189 direct
207-807-4653 mobile

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, May 19, 2011 9:59 AM
To: Matt Manahan
Cc: Chris Supple
Subject: Meeting 4pm Mon Pierce Atwood's new offices -- building signage

Matt

I am tentatively confirming for 4pm on Monday.

Tentative because I am unable to reach Alex - he is back tomorrow so I can finally confirm then, but I am fairly sure its OK for him.

Those attending will include Deb Andrews (Historic Preservation and sign reviewer), Marge Schmuckal (Zoning) and Barbara Barhydt (Development Review Services Manager) and Alex Jaegerman. I think these staff will be able to respond re the issues you have raised.

Jean

>>> "Matt Manahan" <mmanahan@pierceatwood.com> 5/19/2011 9:36 AM >>>

Jean –

Yes, 4:00 on Monday works for us.

With respect to your email yesterday, I was hoping we could have this discussion based on photos of the building, and our knowledge of the building. If based on that you think roof signage isn't an option, then we will try to design something that works on the building walls. The open area of brick facing Commercial Street

might work for a sign facing Commercial Street, but we are thinking more in terms of signs facing the other three directions – particularly southwest (toward the bridge) and northeast. We would want any signage to be consistent with the historic character of the building, and we would appreciate suggestions from you about that.

Let's plan to meet at 4:00 Monday to discuss how we should proceed. Does that make sense?

Thanks,

Matt

Matthew D. Manahan
Pierce Atwood LLP
207-791-1189 direct
207-807-4653 mobile

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, May 19, 2011 9:32 AM
To: Matt Manahan
Cc: Chris Supple
Subject: ? timeRE: Pierce Atwood's new offices -- building signage

Matt,

Would 4pm on Monday work for you?

Jean

>>> "Matt Manahan" <mmanahan@pierceatwood.com> 5/18/2011 4:21 PM >>>

Jean –

2:00 Monday would be okay for us. With respect to options, we are not far enough along at this point for that – we first need to know what locations we have to work with!

Thanks,

Matt

Matthew D. Manahan
Pierce Atwood LLP
207-791-1189 direct
207-807-4653 mobile

From: Jean Fraser [mailto:JF@portlandmaine.gov]

Sent: Wednesday, May 18, 2011 4:11 PM
To: Matt Manahan
Cc: Chris Supple
Subject: RE: Pierce Atwood's new offices -- building signage

Matt

At the moment I am working on something for Monday afternoon (5.23.2011), maybe 2pm - but its not quite confirmed.

Are there some options for us to look at (before or at the meeting) to see what you have in mind?

thank you
Jean

>>> "Matt Manahan" <mmanahan@pierceatwood.com> 5/17/2011 4:05 PM >>>

Hi Jean –

Thanks for offering to meet to discuss this – I think that would be helpful. It also would be good for Chris Supple to join us. Chris is our Manager of Office Services. Chris and I are available next Monday any time other than from 10:00-11:00, and any time next Tuesday morning; Wednesday doesn't work for us because it's our Day of Community Service. Let us know if you can fit us in on Monday or Tuesday.

Thanks,

Matt

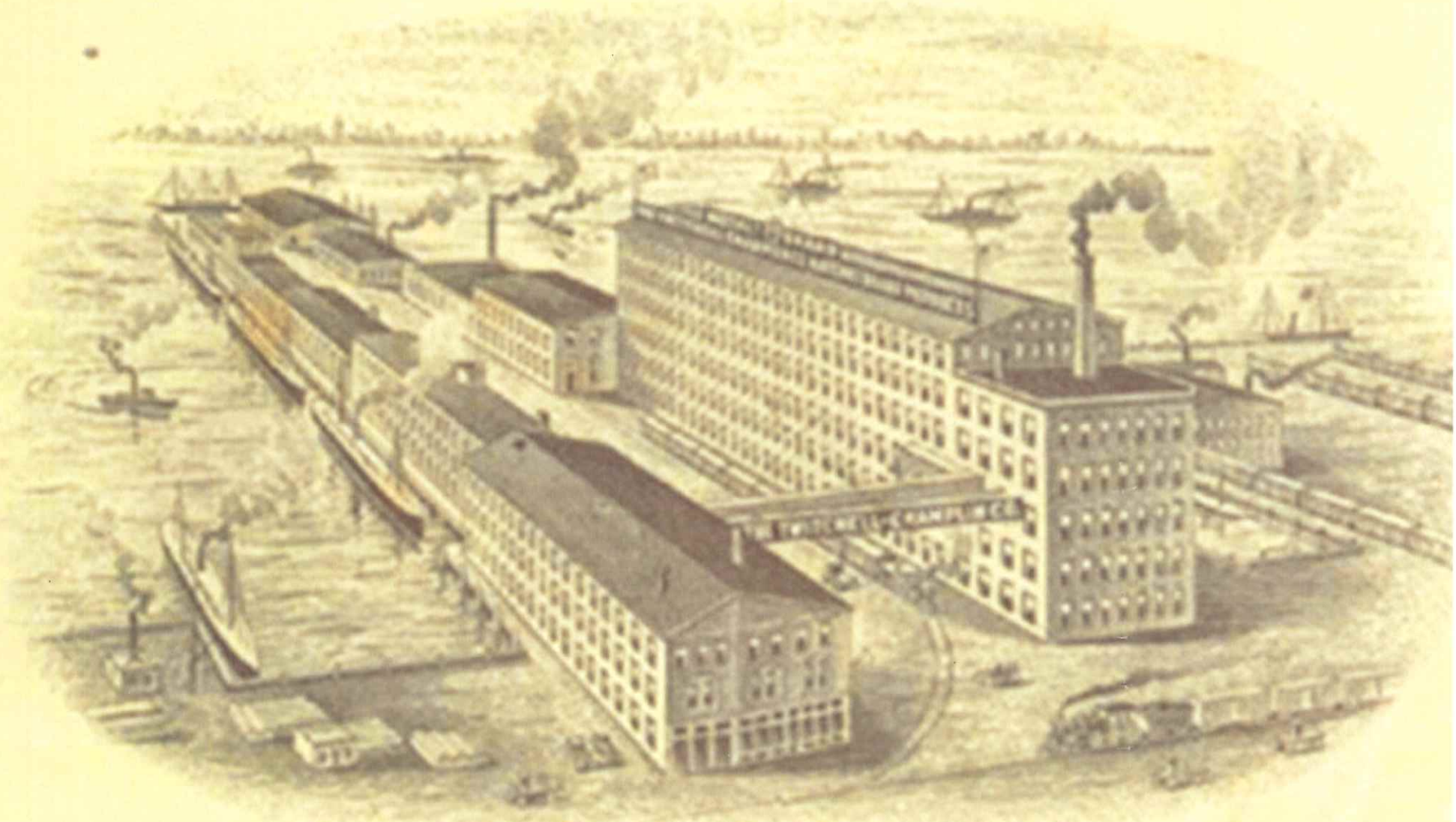
Matthew D. Manahan
Pierce Atwood LLP
207-791-1189 direct
207-807-4653 mobile

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, May 17, 2011 2:57 PM
To: Matt Manahan
Subject: Pierce Atwood's new offices -- building signage

Hello Matt,

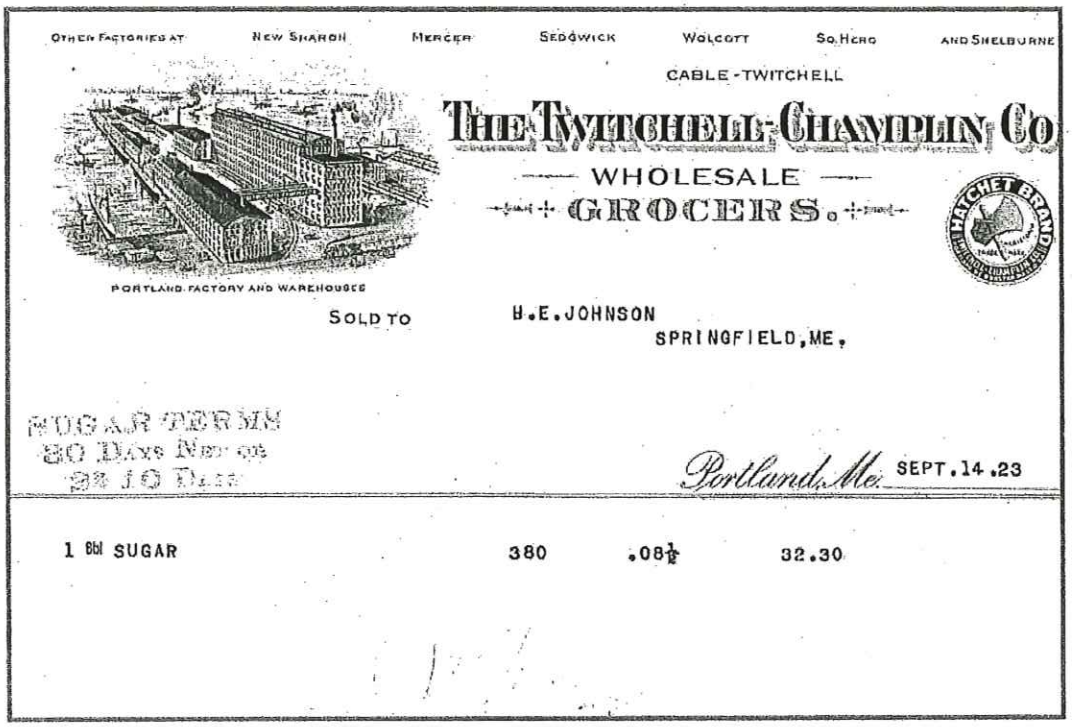
Alex asked me to let you know we have been discussing the question of roof signage on the building but feel we need to better understand the options and constraints before forming a final view....and I have been asked (because I was the Planner that handled the original review of the CCSB last year and because Alex is away for a couple of days) to ask if you could meet with us next week.

OTHER FACTORIES AT NEW SHARON ME



PORTLAND FACTORY AND WAREHOUSES

D | Road Aerial
Union Wharf
© 2010 Microsoft | Privacy | Leg


OTHER FACTORIES AT NEW SHARON MERCER SEDGWICK WOLCOTT SO. HERO AND SHELBURNE

CABLE-TWITCHELL

THE TWITCHELL-CHAMPLIN CO

WHOLESALE GROCERS.

HATCHET BRAND

PORTLAND FACTORY AND WAREHOUSES

SOLD TO H.E.JOHNSON
SPRINGFIELD, ME.

SUGAR TERMS
30 Days Net or
2% 10 Days

Portland, Me. SEPT. 14 .23

1 Bbl SUGAR	380	.08½	32.30

Image 4: Twitchell-Champlin Co. billhead showing illustration of Merrill's Wharf. The artist has added an additional story to the entire building (when view from the opposite side it does appear to have six stories because of the basement level windows) and a gabled roof. There is no other evidence of a gabled roof after 1904 and this is almost certainly from the artist's imagination. Maine Historic Preservation Commission, 1923.

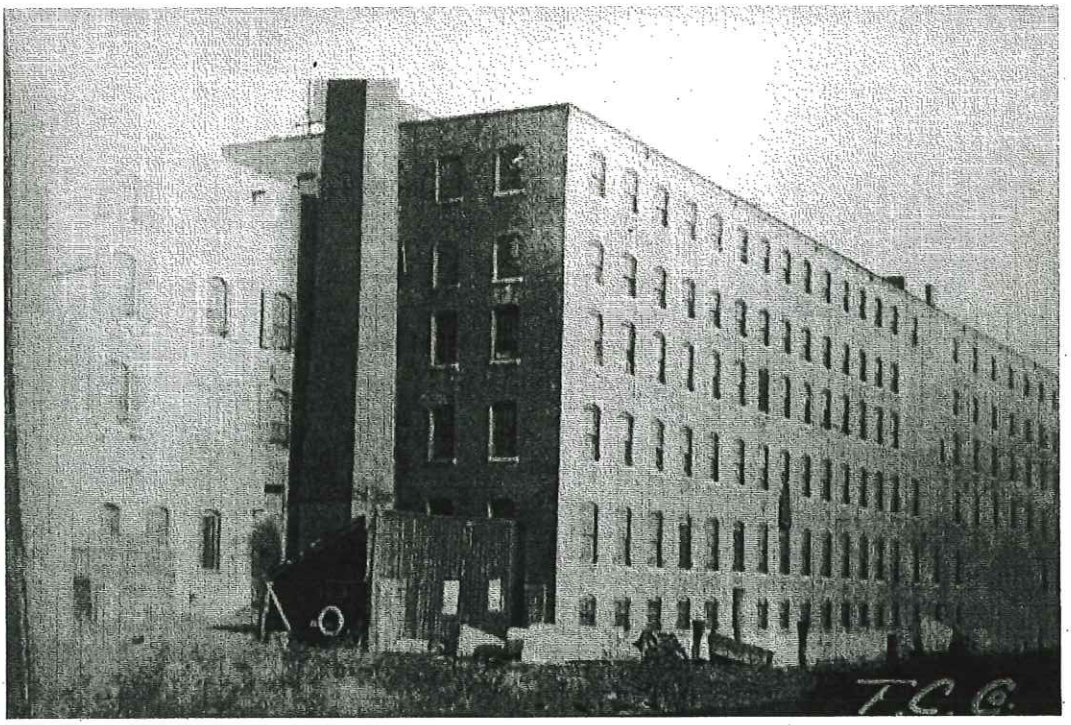
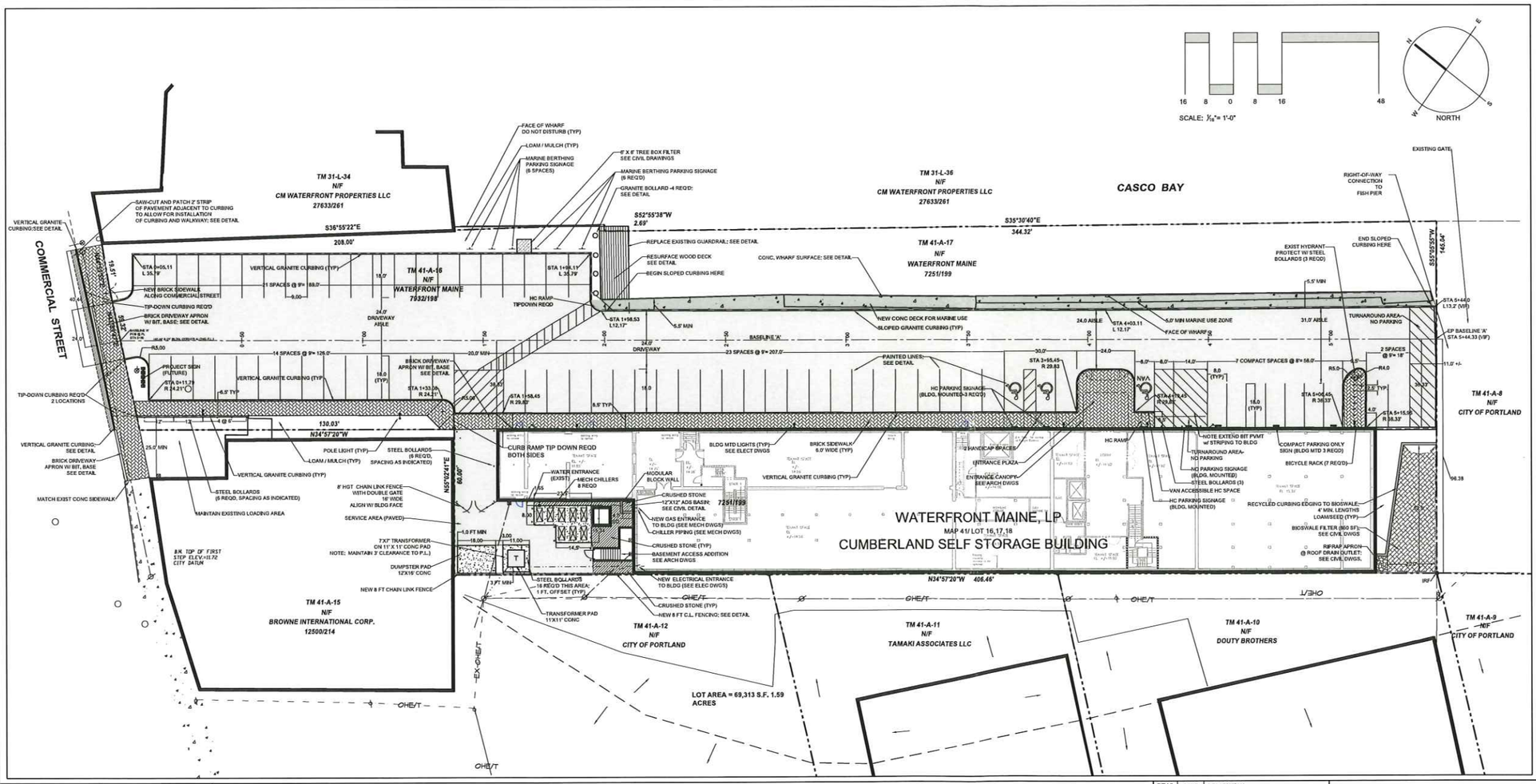


Image 5: Twitchell-Champlin Co. building as fully developed. Smoke stack is cropped by photo size. Note framework for rooftop sign. Collection of the City of Portland, 1924.



WCZ - WATERFRONT CENTRAL ZONE DISTRICT

SPATIAL STANDARDS	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	67,982 sf (1.56 ac)
MINIMUM FRONTAGE	NONE	78.14 FT
FRONT SETBACK	NONE	147.36 FT
SIDE SETBACK	NONE	0.47 FT
REAR SETBACK	NONE	25.0 FT
SETBACK FROM PIER LINE	5 FT	52.0 FT
MAXIMUM LOT COVERAGE	100%	92%
MAXIMUM BUILDING HEIGHT	45 FT	55.0 FT (EXIST)
MINIMUM GROUND FLOOR CLEARANCE	N/A	
TOTAL FLOOR AREA	N/A	
PARKING- ON-SITE		
MARINE BERTHING	6	6 SPACES
1ST FLOOR MARINE USE	21	15 SPACES
UPPER FLOOR OFFICE USE	201	50 SPACES
BICYCLE PARKING	14	14
TOTAL	228	71 SPACES (3 ADA SPACES) ADDTL SPACES LEASED OFFSITE

SITE PLAN NOTES, CITY OF PORTLAND

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 28, 1988 AND 1973; PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1979; AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.
2. TOPOGRAPHY AND UTILITIES FROM A PLAN BY EC JORDAN 1973. AERIAL TOPOGRAPHY SURVEY BY SEWELL CO. (DATUM MSL= 0.00'
3. 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 TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
4. ALL POWER LINES WITHIN THE PROPERTY SHALL BE UNDERGROUND (SEE E-0.1).
5. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIP DOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS, AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
6. 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 BALE, ETC.) AS WELL AS THEIR LOCATION.)
7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
8. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE.)
9. 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.

PERMIT SET
NOT FOR CONSTRUCTION

Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T. 207.767.7300
sblaise@blaisece.com

Bartlett Design
942 Washington Street,
T. 207.443.5447 F. 207.443.5560
bartdes@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
T. 207.846.1441 F. 207.846.1443

Carroll Associates Landscape Architects
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712

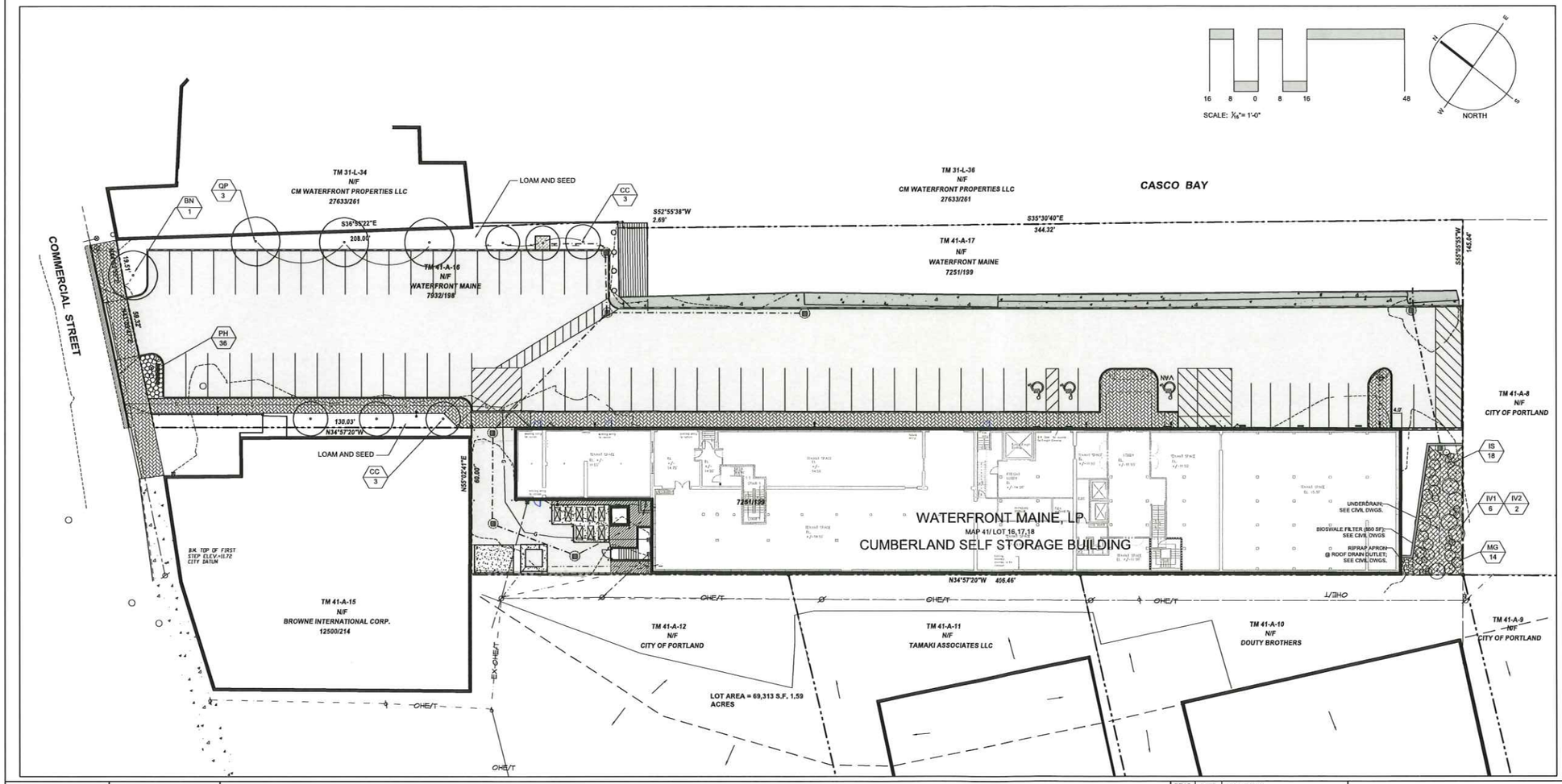
Becker Structural Engineers, Inc.
75 York Street, Portland, ME 04101
T. 207.879.1838 F. 207.879.1822
www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

REV #	DATE	DESCRIPTION
1	10.06.10	SUBMIT TO CITY

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

SITE LAYOUT PLAN
L-2.1
9. 23. 2010



PLANT SCHEDULE

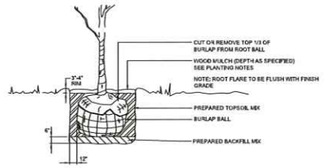
QTY.	SYM.	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
6	CC	CRATAEGUS CRUSGALLI INERMIS	COCKSPUR THORNLESS HAWTHORN	2-2.5" CAL.	B&B
1	BN	BETULA NIGRA 'HERITAGE'	HERITAGE RIVER BIRCH	12-14'	CLUMP FORM
3	QP	QUERCUS PALUSTRIS 'GREEN PILLAR'	FASTIGIATE PIN OAK	3" CAL.	B&B
18	IS	IRIS ENSATA	JAPANESE IRIS	2 GAL	CONT
6	IV1	ILEX VERTICILLATTA 'WINTER RED	WINTER RED WINTERBERRY	24-30"	CONT
2	IV2	ILEX VERTICILLATTA 'JIM DANDY'	JIM DANDY WINTERBERRY	24-30"	CONT
14	MG	MYRICA GALE	SWEETGALE	1 GAL.	CONT
36	PH	PHILARIS ARUNDINACEA VAR. PICTA	RIBBON GRASS	2 GAL.	CONT

PLANTING NOTES

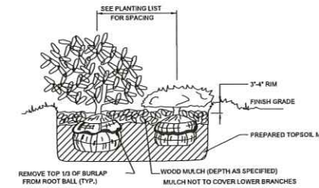
1. CONTRACTOR SHALL SUPPLY PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE THE WORK SHOWN ON THE PLAN. ANY DISCREPANCY BETWEEN THE QUANTITIES SHOWN IN THE PLANT SCHEDULE AND THOSE REQUIRED ON THE PLAN SHALL NOT ENTITLE THE CONTRACTOR TO ADDITIONAL REMUNERATION.
2. ALL PLANT MATERIAL SHALL CONFORM TO THE SPECIFICATIONS OF THE AMERICAN STANDARDS FOR NURSERY STOCK, LATEST EDITION, AS SET FORTH BY THE AMERICAN NURSERYMAN'S ASSOCIATION.
3. ALL TREES SHALL BE LOCATED IN THE FIELD PER PLANS, AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. NO PLANT MATERIAL SHALL BE INSTALLED UNTIL ALL EARTH WORK INCLUDING LOAMING AND FINISH GRADING HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
5. PLANTING BEDS SHALL HAVE A MINIMUM OF 12" OF TOPSOIL. SEE PLANTING SPECIFICATIONS FOR SOIL ADMIXTURE.
6. ALL SHRUB BEDS AND TREE WELLS SHALL HAVE A MINIMUM OF 3" OF UNIFORMLY DISTRIBUTED, DARK, SHREDDED BARK MULCH. SHRUBS SHALL BE MULCHED AS CONTIGUOUS PLANTING BED.

SOILS INFORMATION

1. SOILS CLASSIFICATION FROM CUMBERLAND COUNTY SOIL SURVEY, USDA, 1974.
2. SOILS ARE "CU", CUT AND FILL. DESCRIBED AS SANDY, CLAYEY, SILTY, COBBLY, AND GRAVELY SEDIMENT SEPARATELY OR IN VARIOUS COMBINATIONS.



1 TREE PLANTING DETAIL
NOT TO SCALE



2 SHRUB PLANTING DETAIL
NOT TO SCALE

PERMIT SET
NOT FOR CONSTRUCTION

Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblaise@blaisece.com

Bartlett Design
942 Washington Street,
T. 207.443.6447 F. 207.443.5560
barides@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
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Portland, ME 04101
T. 207.772.1552 F. 207.0712

Becker Structural Engineers, Inc.
75 York Street, Portland, ME 04101
T. 207.879.1838 F. 207.879.1822
www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

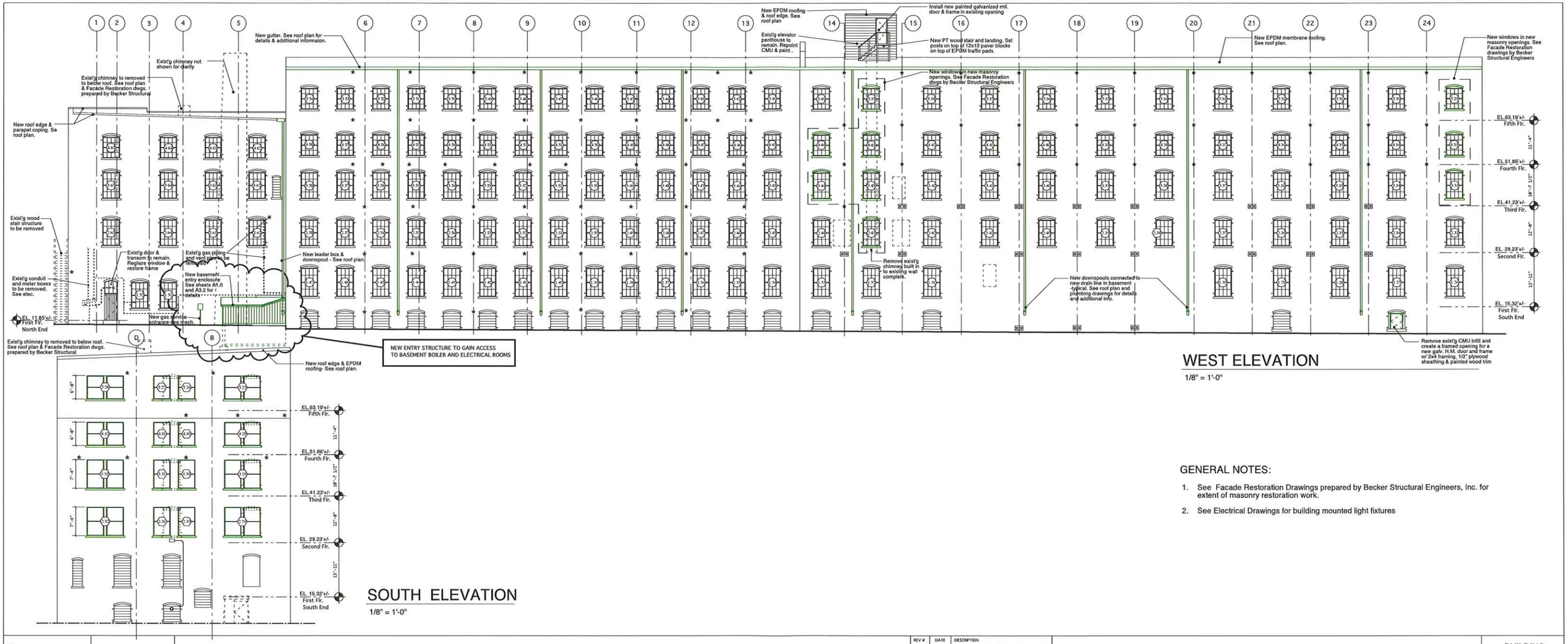
REV #	DATE	DESCRIPTION
1	10.06.10	SUBMIT TO CITY

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

LANDSCAPE PLAN

L-4.1

9. 23. 2010



WEST ELEVATION

1/8" = 1'-0"

SOUTH ELEVATION

1/8" = 1'-0"

GENERAL NOTES:

1. See Facade Restoration Drawings prepared by Becker Structural Engineers, Inc. for extent of masonry restoration work.
2. See Electrical Drawings for building mounted light fixtures

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REV #	DATE	DESCRIPTION

Renovations To:

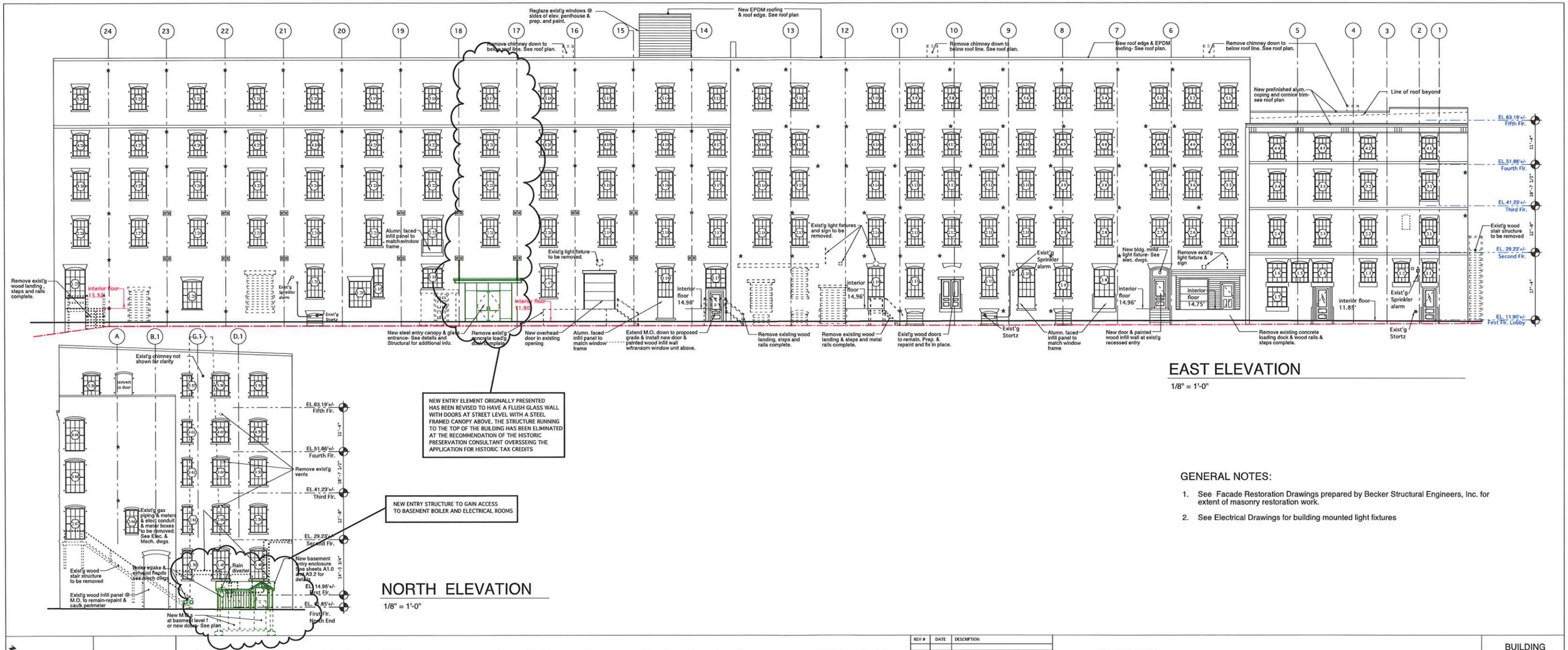
CUMBERLAND COLD STORAGE BUILDING

Merrill's Wharf, Portland, Maine

BUILDING ELEVATIONS

A2.1

8. 25. 2010



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Renovations To:

CUMBERLAND COLD STORAGE BUILDING

Merrill's Wharf, Portland, Maine

BUILDING ELEVATIONS

A2.2

8. 25. 2010

the front facades of the abutting buildings (or other tenants' frontage in the same multi-tenant building).

Freestanding Signs

	Single & Multi-Tenant Buildings
Area	16 sq. ft.
Height	6 ft.
Minimum setback	5 ft.
Number of freestanding signs per lot	1 per abutting street

Building Signs

		Multi-Tenant Buildings	
	Single Tenant Buildings	*Building ID Sign and/or Upper Floor Tenant Signs*	*Ind. Ground Floor Tenant Signs*
Maximum cumulative permitted area of all building signs	Na	*Na*	*na*
Square feet per linear feet of building	2 sq. ft.	na	2 sq. ft. per ft. of tenant's building

facade on which sign will be placed			frontage
Maximum percent of wall area on which sign(s) is(are) to be placed	Na	5%	na
Number of building signs permitted per lot	1 per facade + 1	1 per facade + 1 per tenant	1 per tenant (a)

(a) If individual tenant fronts on more than one (1) street, one (1) additional building sign is permitted for each additional frontage.

TABLE 2.9 ISLAND BUSINESS (IB) ZONE

Freestanding: None allowed, except for marine-related uses serving vessel traffic. Such signs shall not exceed twenty (20) square feet in area and ten (10) feet in height. One (1) such sign is allowed per use.

Building

Maximum permitted sign area	40 sq. ft.
Square feet per linear feet of building facade on which sign will be placed	1 sq. ft.
Number of building signs permitted per lot	1 per building facade facing an abutting street + 1 additional

(a) If lot fronts on more than one (1) street, one (1) freestanding sign is permitted for each additional frontage, provided such signs are not readily concurrently visible.

Building Signs

Maximum cumulative area of all building signs	na
Square feet per linear foot of building facade on which sign will be placed – or -	2 sq. ft.; or
Maximum percent of wall area on which sign(s) is(are) to be placed	6%
Number building signs permitted per lot	1 per building facade facing an abutting street + 1 additional

TABLE 2.8 SIGN REGULATIONS BY ZONE

Downtown Business (B-3), Urban Commercial (B-5), Waterfront Central (WC), and Waterfront Special Use (WSU) Zones

* Signs located on individual landmark properties or within historic districts, PAD overlay districts or PAD encouragement areas shall, in addition to the provisions herein, be subject to article IX of this Code or the Downtown Urban Design Guidelines, as applicable. Where the design guidelines are more restrictive than these regulations, the design guidelines shall supersede the otherwise applicable dimensional standards.

(o) Freestanding signs shall be allowed only if the front facade of the building (or individual tenant's/tenants' frontage in the case of a multi-tenant building) is set back a distance of at least twenty (20) feet from either of

If so, maybe you could suggest a few convenient days/times (avoiding tuesday afternoon) and I will get it organized.

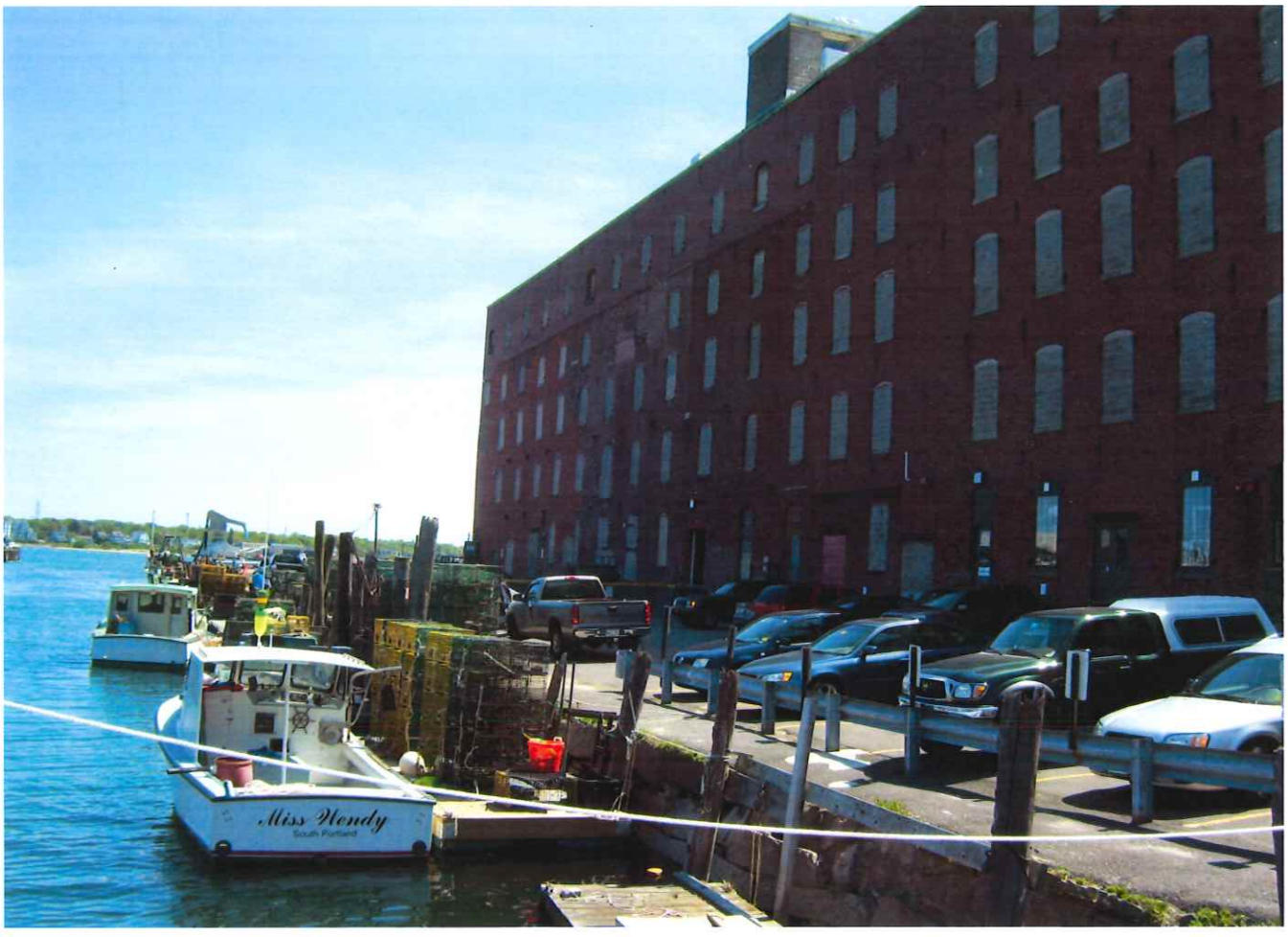
Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

5-17-2010

5-17-2010

5-17-2010



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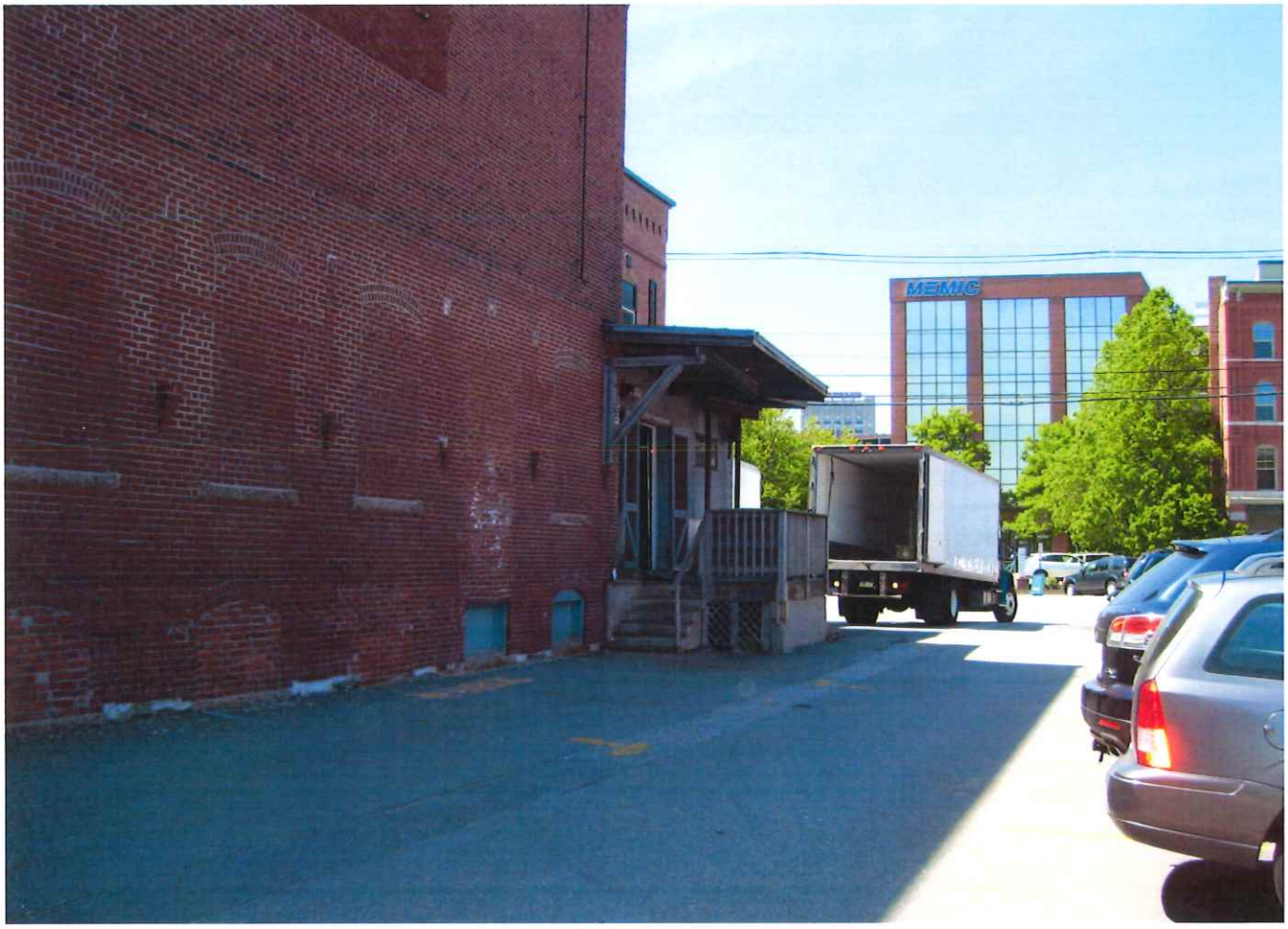

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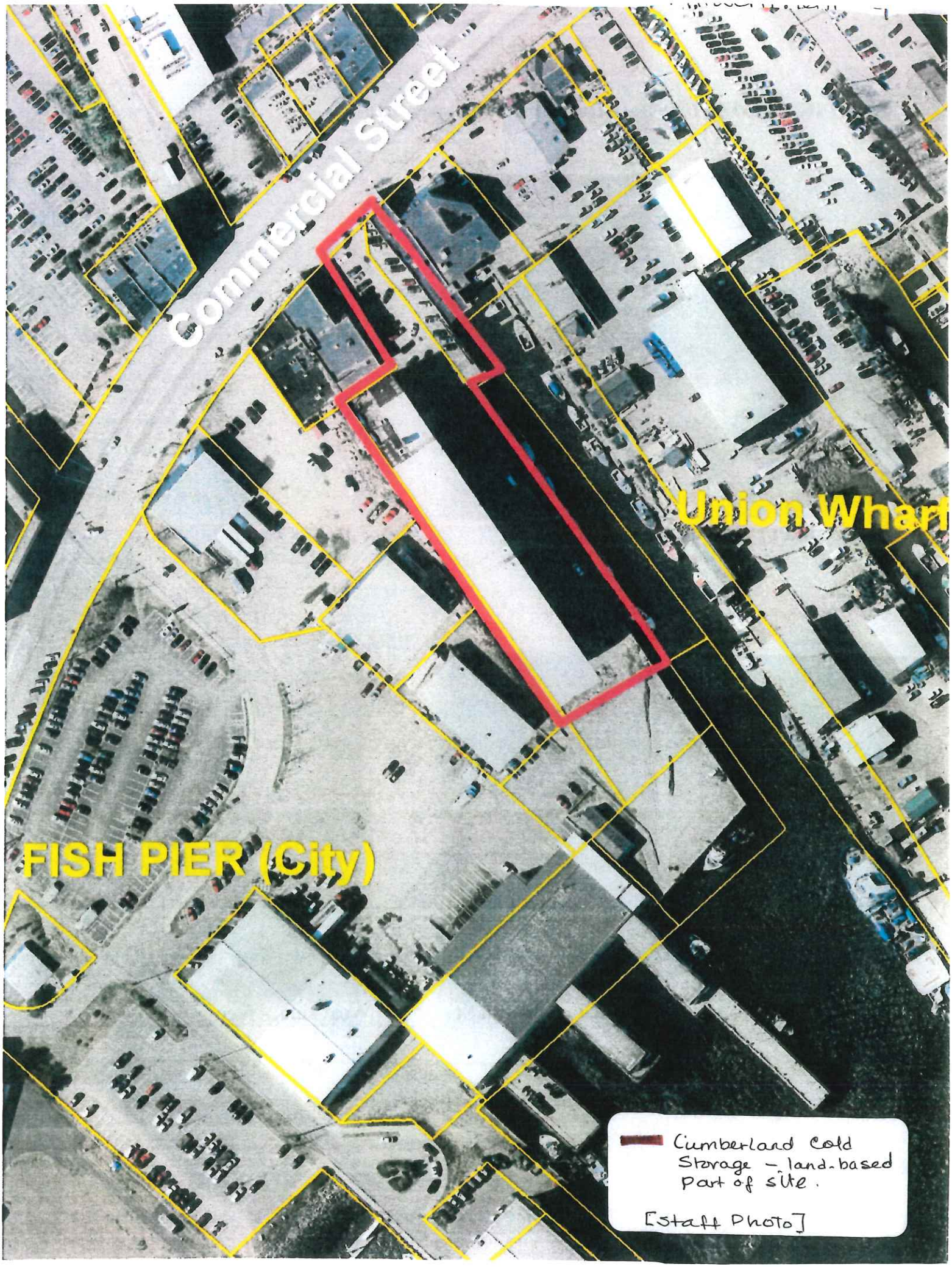
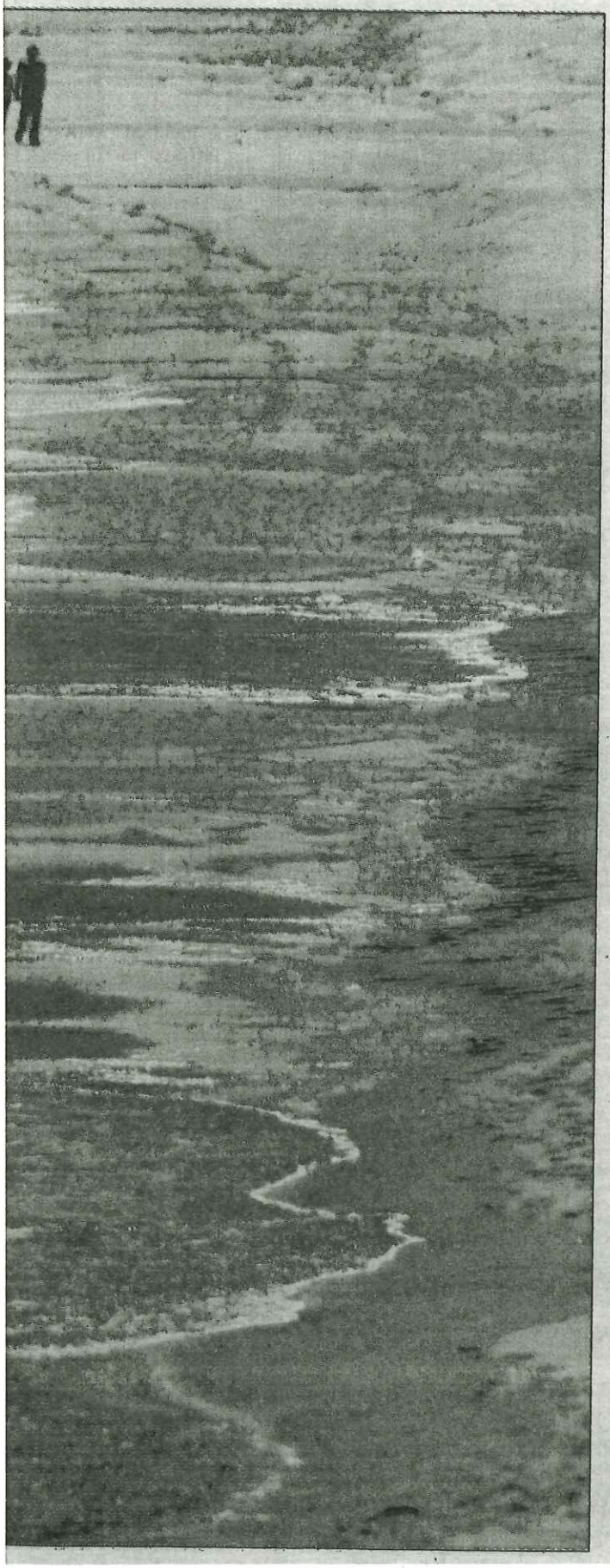

Commercial Street
Union Wharf
FISH PIER (City)
Cumberland Cold Storage – land-based part of site.
[Staff Photo]

N THE SAND



Pierce Atwood may be moving, will decide soon

The law firm may relocate to Portland's waterfront; officials are working to at least keep it in the city.

By TOM BELL
Staff Writer

PORTLAND — Pierce Atwood, northern New England's largest law firm, appears poised to leave One Monument Square, the 10-story downtown building it has occupied since the 1970s.

The firm is considering moving, possibly out of Portland, and will make a decision in the next two or three days, said Frank O'Connor, a real estate broker for Pierce Atwood. Its lease at One Monument Square will expire at the end of March 2011.

The company that owns One Monument Square recently began looking for new tenants for the six floors that Pierce Atwood now occupies.

City officials have been negotiating with representatives from Pierce Atwood in recent days. City Councilor Cheryl Leeman, who chairs the council's Community Development Committee, said her committee will talk with officials from the firm on May 12 about how the city can help Pierce Atwood stay on the Portland peninsula.

"There are 175 employees at Pierce Atwood, and the city is working to keep those employees here in our downtown area," Leeman said. "It's really important we do whatever we can to help them stay here. The economic impact is huge."

The city has given tax breaks to developers in the past to make real estate deals financially feasible or attract investment to certain parts of the city, such as Bayside and the waterfront.

O'Connor declined to name any locations, but confirmed that the law firm is considering moving to 258 Commercial St., a building is now occupied only by Cumberland Self Storage.

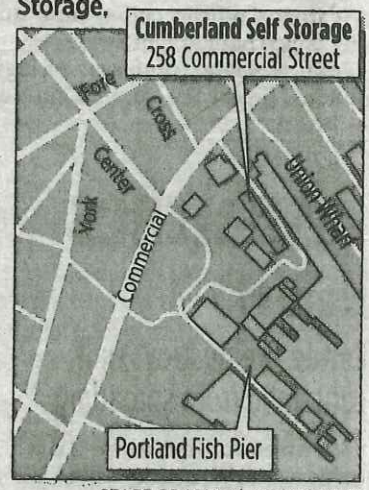
If Pierce Atwood decides to buy or lease the building, it will be the first time that a large company has established professional offices on the Portland Harbor side of Commercial Street.

The building, on a pier across from Union Wharf, would need extensive renovations. Most of it has no plumbing, and its windows are filled in with concrete. There are 117 parking spaces on the lot.

Several lobster boats are berthed along the pier. City zoning requires that the first floor of buildings in the area be reserved for marine use, but the upper floors could be used for office space.

BIG ECONOMIC PRESENCE

Pierce Atwood is considering relocating from One Monument Square to a five-story brick building on the waterfront now occupied by Cumberland Self Storage.



STAFF GRAPHIC | JEFF WOODBURY

MOVE

Continued from Page B1

much interior renovation that it would essentially be made into a new building, said Morris Fisher, president of CBRE/The Boulos Company, which is not involved in the deal.

"From my perspective, it would be very interesting and unique office space," he said.

Pierce Atwood now occupies 75,600 square feet of space on the top six floors of One Monument Square, which is owned by Finard Properties of Burlington, Mass.

Finard Properties has spent several million dollars over the past five years upgrading the building, including installing new windows and resurfacing the facade, said James Harnden, a broker for Finard Properties.

Harnden said the company has begun searching for new tenants because Pierce Atwood has not given any commitment that it will stay.

"They could very well be moving," he said. "From a landlord's perspective, we need to be proactive and go out and market the space."

Rick Feldman, a project manager for Finard Properties, said the company is confident that it will lease the space, although it's unlikely to find one large tenant like Pierce Atwood.

He said the company and the city have worked together to improve landscaping at Monument Square, and the new renovation of the nearby Portland Public Library also makes the area attractive.

"It's a Class A building in a Class A location," he said.

Officials from Pierce Atwood declined to comment.

Coleman Burke, a New York City resident who owns the Cumberland Self Storage building, did not return phone calls or e-mail messages. The building was known previously as Cumberland Cold Storage.

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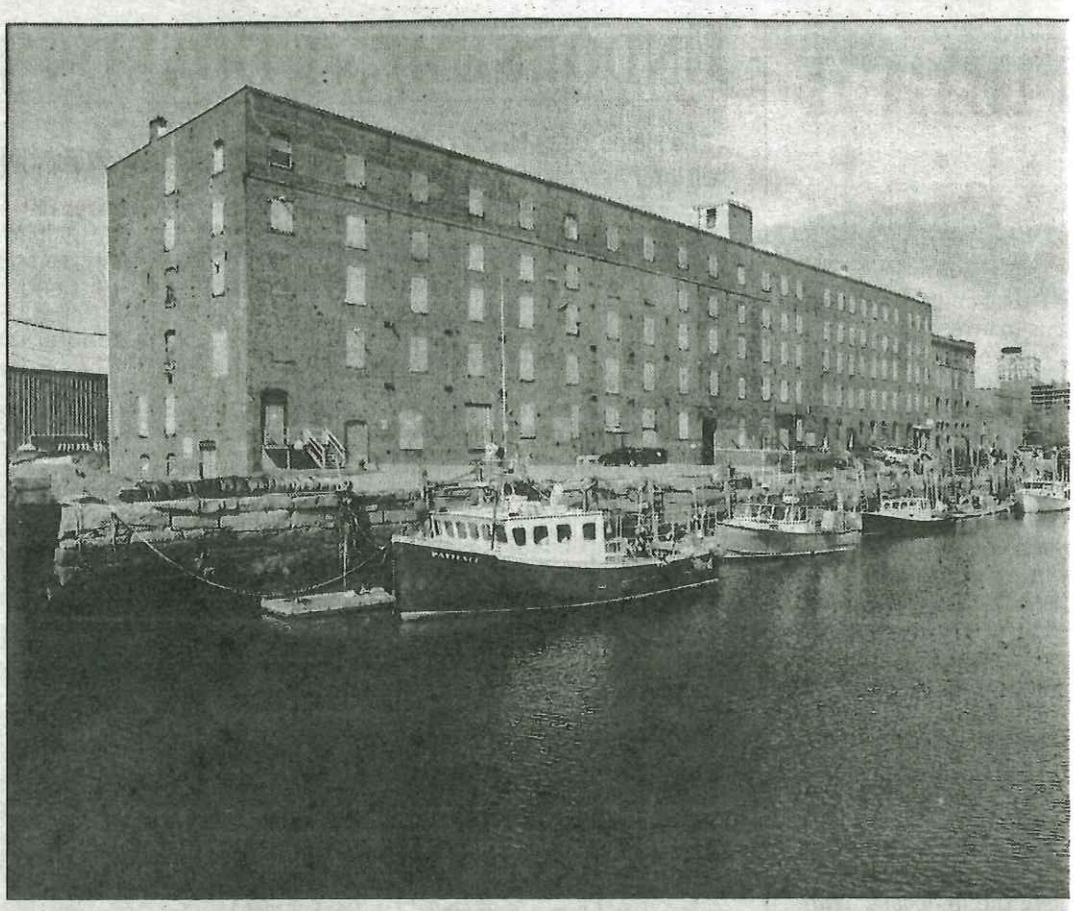

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'S IN THE SAND

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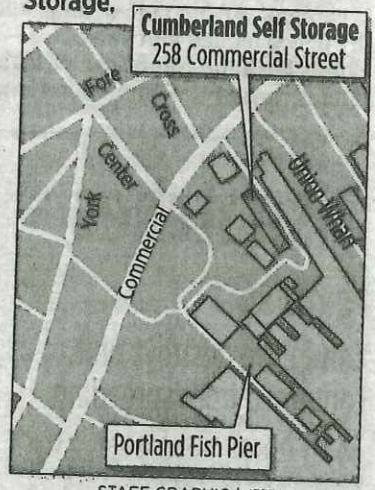

STAFF GRAPHIC | JEFF WOODBURY

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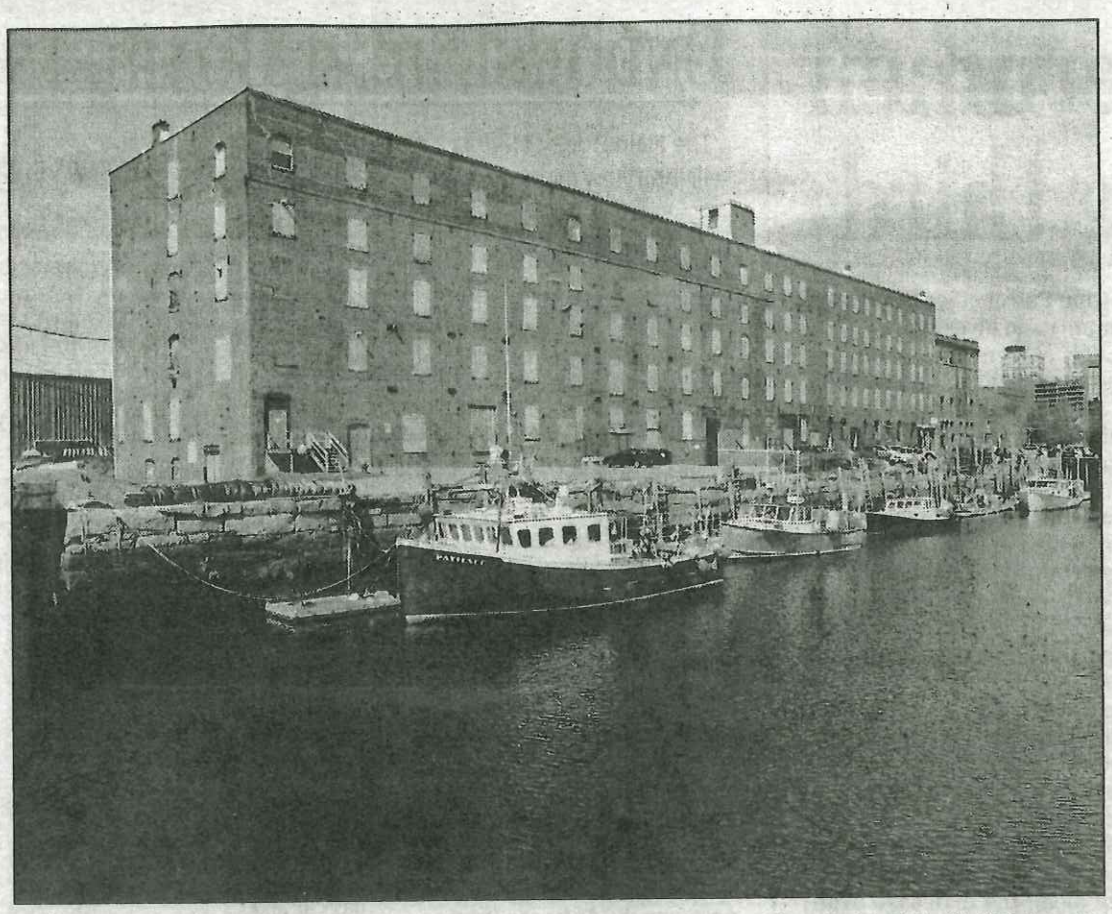

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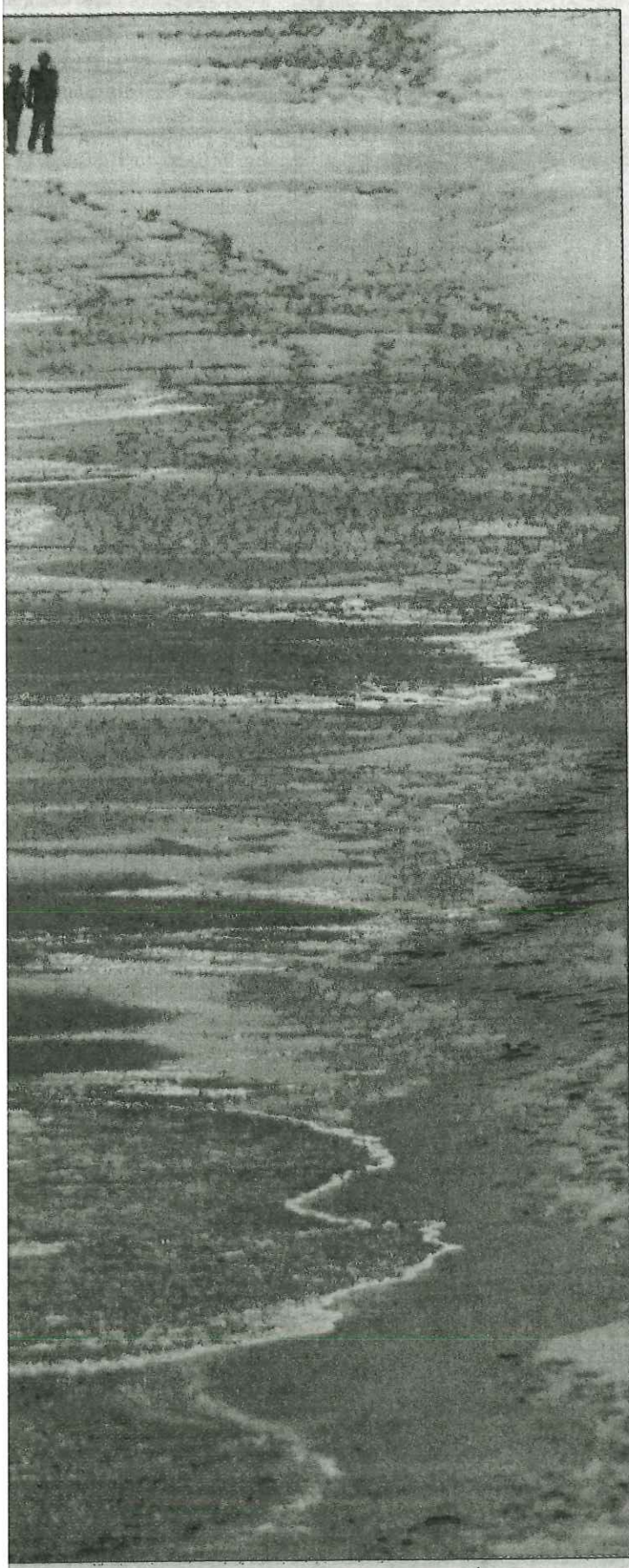
over the resolution after area talk

IN THE SAND



Pat Wellenbach/Associated Press

and Dan Merrill, both of Thomaston, stroll on the beach at Georgetown on a summerlike Wednesday.

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BIG ECONOMIC PRESENCE

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STAFF GRAPHIC | JEFF WOODBURY

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Please see **MOVE**, Page B4

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Continued from Page B1

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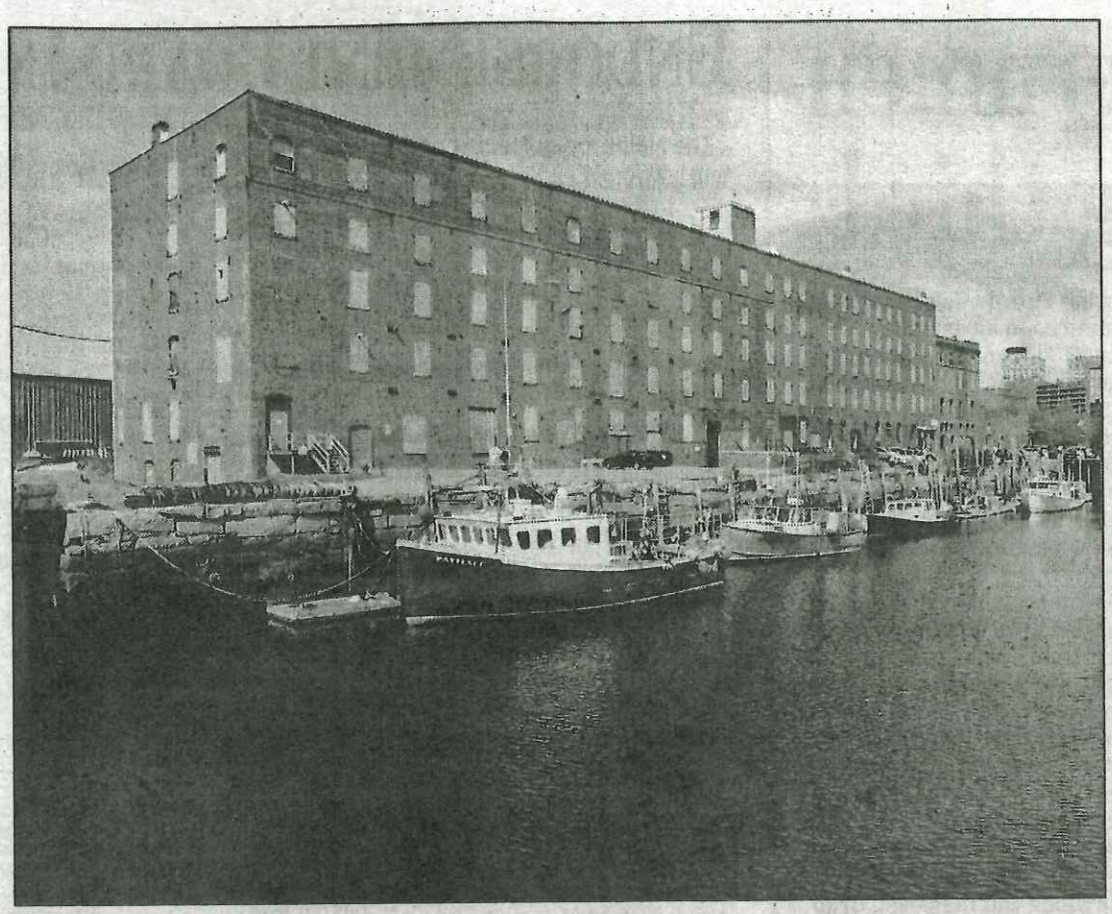

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Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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Land Use Type	WAREHOUSE & STORAGE
Property Location	254 COMMERCIAL ST
Owner Information	WATERFRONT MAINE 14 MAINE ST BRUNSWICK ME 04011
Book and Page	7251/199
Legal Description	41-A-17-18 COMMERCIAL ST 254-258 50612 SF
Acres	1.162

Current Assessed Valuation:

TAX ACCT NO.	6220	**OWNER OF RECORD AS OF APRIL 2009** WATERFRONT MAINE
LAND VALUE	$653,000.00	14 MAINE ST BRUNSWICK ME 04011
BUILDING VALUE	$168,600.00	
NET TAXABLE - REAL ESTATE	$821,600.00	
TAX AMOUNT	$14,575.18	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

Building Information:

Card 1 of 1

Year Built	1900
Style/Structure Type	WAREHOUSE
# Units	1
Building Num/Name	1 - CUMBERLAN SELF STORAGE
Square Feet	118410

View Sketch View Map View Picture

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

browse city services a-z

browse facts and links a-z

Best viewed at 800x600, with Internet Explorer

Structure	OVERHEAD DOOR - WD/MT
Size	8X8

Outbuildings/Yard Improvements:

Card 1

Year Built	1960
Structure	ASPHALT PARKING
Size	21600
Units	1
Grade	C
Condition	2

Card 1

Year Built	1980
Structure	TANK STEEL PREFAB
Size	1X1000
Units	1
Grade	C
Condition	3

Card 1

Year Built	1930
Structure	STACKS BRICK
Size	1X900
Units	1
Grade	C
Condition	1

Sales Information:

Sale Date	Type	Price	Book/Page
7/1/1986	LAND + BUILDING	$0.00	7251/199

New Search!

City of Portland
Development Review Application
Planning Division Transmittal form

Application Number: 10-99900003 **Application Date:** May 4, 2010

Project Name: Cumberland Cold Storage Building

Address: 254 Commercial Street **CBL:** 041 - A-017-001

Project Description: Commercial Street - 254; Cumb. Cold Storage Bld.; Waterfront Maine, Applicant.

Zoning: WCZ

Other Reviews Required:

Review Type: MAJOR SITE PLAN

Applicant:
Waterfront Maine, LP
14 Maine Street
Brunswick Me 04011

Agent/Representative:
Carroll Associates
217 Commercial Street
Portland Me 04101

Minor revisions to address new survey + details of trees, parking aisle/+ analysis + drainage – as going to PB workshop May 25, 2010

(report to PB going out noon on Fri 5/21/10)

Distribution List:

☐ Planner	Jean Fraser	☐ Parking	John Peverada
☐ ZoningAdministrator	Marge Schmuckal	☐ Design Review	Alex Jaegerman
☐ Traffic	Tom Errico	☐ Corporation Counsel	Danielle West-Chuhta
☐ Stormwater	Dan Goyette	☐ Sanitary Sewer	John Emerson
☐ Fire Department	Keith Gautreau	☐ Inspections	Tammy Munson
☐ City Arborist	Jeff Tarling	☐ Historic Preservation	Deb Andrews
☐ Engineering	David Margolis-Pineo	☐ Outside Agency	
		☐ DRC Coordinator	Phil DiPierro

If you have further comments that would assist Board in understanding / evaluating the proposal, please get to me by end Thurs May 20, 2010

Thanks Jean.

Note: the Plan orientation has been changed!

City of Portland
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TMP + Boundary Survey submitted as part of application to be reviewed by May 19th at latest (for PB 5.25.10)

sent out 5-13-10/5-14-10.

5-21-10

Present: PA Gloria Ponza + Helen Edmunds
from Gorrill Palmer - RB
TE/RD/PD/AJ.

TMP Scoping Mtg.
City Hall - Pl. conf Rm

Gloria 622
Helen Edmonds. 6311.

SF introduced

T.E opened re process - conc: form to frame discussion.
delegated from MDOT.

Based on 70,000/30,000.

Gorrill Palmer still feel does not reach 100.

? ex. 102 spaces doesn't get taken into account

TE/RD as the l.u. generates traffic "pkg. doesn't gen traffic"

AJ - confirmed Permit gets confirmed as sep. no hrg
at same Hearing SP.

Pg 3 - Crashes - no high crash locations
no safety issues

Driveways - not much change
currently 2 curb cuts to 1 access

Sight distance - re pkd. vehs in front BT -
RD - no issue as common downtown

pg 4. of form RT 1
BT not a row issue

Turnaround
HP
Code.

The Study /

Intersections to be eval.

~~[illegible]~~

driveway / union St. — Study area

Comm/High — prog to install signals + ped imps

— TE guessing $5000 - 10,000.

— Randy to give TE peak hr. not generator for purposes of calc.

Analysis - Syncro. OK.

TE suggesting needs narrative to demonstrate meets std.

Queuing from Union - diff pre + post dev. (length of queue)

what scale of issue — coor of signals union / center

needs analysis / eval. — not poss because ped phase

note: Plug lot smaller so less traffic actually exiting.

G-P analysis misleading - as assumed all "generated" traffic exiting here but not the case.

so narrative needs to clarify

analysis data + peak hr. not changed to reflect "spread" of exiting vehs so will be worse-case scenario (conservative).

5/17

Meeting on Site w/ MDEP (John McLaine)

Present: Pat Carroll, Steve Blais, Tony Bogatti } behalf of app.

Jean Fraser, Penny Littell } City.

1) Reviewed site conditions. Clarified virtually all filled + clarified discharges into water

2) Treebox near comm St OK - considered part of stormwater system so w/in PBR (reg. waivers.)

3) MDEP seeking more than other end re roof drainage + some pkg — another treebox or det biocell in area owned by Waterfront Maine + care re pipes thru wall of wharf.

4) JM to give a field determination re to PC to send revisions to JM ~~for~~ wed. + will have something in writing from MDEP for workshop.

Separate discussion re servicing Browne's if to liaise with Tom.

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217 Commercial Street
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Minor revisions to address new survey + details of trees, parking aisle/+ analysis + drainage – as going to PB workshop May 25, 2010 (report to PB going out noon on Fri 5/21/10)

top copy

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		☐ DRC Coordinator	Phil DiPierro

If you have further comments that would assist Board in understanding/evaluating the proposal, please get to me by end Thurs May 20, 2010

Thanks Jean.

Note: the Plan orientation has been changed!

Figure ___: View Corridor Protection Map

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Waterfront Maine, LP
14 Maine Street
Brunswick Me 04011

FILE COPY

Agent/Representative:
Carroll Associates
217 Commercial Street
Portland Me 04101

Distribution List:

☒ Planner TMP + BS	Jean Fraser	☐ Parking	John Peverada
☒ ZoningAdministrator BS	Marge Schmuckal	☐ Design Review	Alex Jaegerman
☒ Traffic TMP + BS	Tom Errico	☐ Corporation Counsel	Danielle West-Chuhta
☐ Stormwater	Dan Goyette	☐ Sanitary Sewer	John Emerson
☒ Fire Department TMP + BS	Keith Gautreau	☐ Inspections	Tammy Munson
☒ City Arborist BS only	Jeff Tarling	☐ Historic Preservation	Deb Andrews
☒ Engineering TMP + BS + Kathi Earley TMP only.	David Margolis-Pineo	☐ Outside Agency ☐ ~~DRC Coordinator~~	
		☐ DRC Coordinator	Phil DiPierro

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Brunswick Me 04011

Agent/Representative:
Carroll Associates
217 Commercial Street
Portland Me 04101

as circulated to all reviewers (as of) on May 5, 2010 with discussion of key review issues + timetable

Distribution List:

☒ Planner	Jean Fraser	☐ Parking	John Peverada
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☐ Engineering	David Margolis-Pineo	☐ Outside Agency	
		☐ DRC Coordinator	Phil DiPierro

Preliminary Comments needed by: Wednesday, May 12th, 2010
Final Comments needed by:

Jean Fraser - RE: Cold Storage Facility - Portland

From: Thomas Errico <Thomas.Errico@tylin.com>
To: Randy Dunton <RDunton@gorrillpalmer.com>
Date: 5/14/2010 8:32 AM
Subject: RE: Cold Storage Facility - Portland
CC: Thomas Gorrill <TGorrill@gorrillpalmer.com>, <pcarroll@carroll-assoc.com...

Randy – Thanks for the application. I have reviewed the contents and find the application to be complete. Accordingly, we can schedule a scoping meeting for the project. I am available next Friday (May 21st) in the middle of the day. I would suggest 12:30pm at City Hall in Planning. If this time is not available please let me know as soon as possible.

Thanks and please contact me if you have any questions.

Best regards,

Thomas A. Errico, P.E.
TY LIN INTERNATIONAL

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)
207.781.4753 (Fax)
207.400.0719 (Mobile)

From: Randy Dunton [mailto:RDunton@gorrillpalmer.com]
Sent: Thursday, May 13, 2010 4:33 PM
To: Thomas Errico
Cc: Thomas Gorrill; pcarroll@carroll-assoc.com; JF@portlandmaine.gov
Subject: Cold Storage Facility - Portland

Hi Tom,

Per your request, attached is a scanned version of the Traffic Movement Permit Application for this project. The site and survey plans that were included in the submittal were full scale, but have been reduced to 8.5 x 11 to send to you.

The Notice should be in tomorrow's paper and it has been sent to abutters via certified mail this morning.

Please do not hesitate to contact us if you have any questions or need anything additional.

Thank You.

Randall Dunton, PE, PTOE
Senior Engineer

15 Shaker Road
PO Box 1237
Gray, ME 04039
Phone: 207 657-6910
Fax: 207 657-6912

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

as of 5/14/10 6pm not sent

Jean Fraser - Cumberland Cold Storage Building / 254 Commercial Street

From: Jeff Tarling
To: Jean Fraser
Date: 5/14/2010 3:35 PM
Subject: Cumberland Cold Storage Building / 254 Commercial Street
CC: Barbara Barhydt ; David Margolis-Pineo; Thomas Errico; Troy Moon

Hi Jean -

I have reviewed the proposed Cumberland Cold Storage Site Plan / Landscape plan and offer the following recommendations:

First, the linear site and its location on the wharf adds limitations to 'typical' landscape treatments for usual developments of this scale. However, additional landscape treatment of buffering should be attempted in the following areas without compromising parking and circulation.

a) Commercial Street frontage & Parking Lot - An additional shade or ornamental tree in the location of the proposed 'PROJECT SIGN' in the bump-out corner of the parking lot next to the sidewalk is recommended to improve buffering the parking lot from Commercial Street. This area could also contain low-growing woody landscape plants. The proposed sign could be incorporated into this planting. Perhaps a clump form River Birch along with plantings could coexist with the sign. 'Ideally' a second tree should be planted on the opposite or left side of the entranceway from Commercial Street to screen the large parking area. More typical sites include landscape or tree planting within the parking lot area, this site with its site limitations and the desire to maximize the number of parking spaces is challenged to find additional landscape area. These areas serve as the pedestrian & vehicular gateway into the project from Commercial Street.

b) Parking lot trees & landscape treatment - The Site Plan proposes five 'Winter King' Hawthorns for the Brown Trading Center boarder, sidewalk area near Commercial Street. The roughly 100' + landscape space could benefit from additional woody plants, groundcover or landscape treatment. It was unclear if this area is proposed for much or other planting. Selecting upright branched 'Winter King' or using Crus-galli 'thornless' Hawthorn that are programed for the other side of the parking lot might be a good, less-thorny alternate choice if the branching infringes into the pedestrian walking space. An additional, fifth upright 'Green Pilar' Pin Oak is recommended for the parking lot boarder along the Macomber property.

c) Loam & Seed Area / Southeast corner - The open area proposed for 'Loam & Seed' near the Southeast corner next to the Portland Fish Pier may be considered for some type of landscape treatment & use. Uses may include outdoor employee plaza or a future use. Landscaping with native, seashore plants would complement the area and help define the project land from the adjacent properties.

Overall - the reuse of this prominent waterfront property and the proposed landscape treatment is much improved from the current conditions.

I am available to review these recommendations with the project team.

Thanks,

Jeff Tarling
City Arborist

Jean Fraser - changes for proof reading

From: Jennifer Dorr
To: Jean Fraser
Date: 5/13/2010 2:54 PM
Subject: changes for proof reading
CC: Gayle Guertin; Jennifer Dorr

Hi Jean,
Penny proof read the notice, here is the change.

Planning Board Public Workshop
To residents and property owners in the vicinity of
Re: 254 Commercial Street, Cumberland Cold Storage Building

The Portland Planning Board will hold a public workshop to consider a plan by Waterfront Maine LP for renovation of the existing Cumberland Cold Storage building for a change of use to office use on the upper four floors and marine related use on the ground floor, along with reconfiguration of on-site parking and associated site work. The site is located in the Waterfront Central Zone and will be reviewed for compliance with the conditional use requirements of the Waterfront Central Zone and with the site plan standards of the Land Use Code. Public comments will be taken at this meeting.

Tuesday, May 25th, 2010
3:30 PM
Room 209, Second Floor, City Hall

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you wish to submit written comments, address them to Jean Fraser, Planner, Planning Division, 4th Floor, 389 Congress Street, Portland, Maine 04101; by phone at (207) 874 8728 or e-mail at jf@portlandmaine.gov To access agenda materials on-line, please visit the following web address on or after the Friday preceding the meeting date:
http://www.portlandmaine.gov/planning.htm

Jennifer Dorr, Office Manager
Planning and Urban Development
City of Portland
389 Congress St., 4th Floor
Portland ME 04101
(207)874-8719
jmy@portlandmaine.gov
(207)874-8719 jmy@portlandmaine.gov
(207)756-8258 (fax)

Jean Fraser - Fwd: Cumberland Cold Storage

From: Jean Fraser
To: Carroll, Pat
Date: 5/13/2010 1:09 PM
Subject: Fwd: Cumberland Cold Storage
Attachments: CUMBERLAND COLD STORAGE.doc

Pat,

These are more detailed comments from DPS but please note that the comments regarding tree boxes are subject to further review once the picture is clear re DEP permitting. Therefore these must be considered preliminary in that sense.

I understand there will be a site meeting with MDEP in the next day or two; I will attend that meeting and will arrange for David Margolis-Pineo to attend if at all possible, in view of the info from MDEP today that the location of tree boxes within 25 feet of the bay may be an issue re MDEP permitting.

Jean

Jean Fraser, Planning Division
(207) 874 8728

May 12, 2010

To: Jean Fraser
Barbara Barhydt
From: David Margolis-Pineo
Re: Public Services Review Comments
Cumberland Cold Storage

1. The submitted plans have not been stamped by a Professional Engineer.
2. The plan sheet L-3.0, Details, do not accurately reflect the City's current standards. However Note 5 states: "All work shall meet the requirements of the City of Portland ....." The applicant's contractor shall coordinate all work within the City R-O-W prior to starting work.
3. It is requested that the applicant connect the proposed 6" sewer lateral into the 48" interceptor sewer and not as shown. The conditions of Note 2 above shall apply.
4. The applicant proposes to re-grade the south-west side of the building to carry roof drainage to the proposed catchbasin on the south-east side of the building. This will require a drainage easement from the abutting property owners. The applicant may want to consider an alternative method of collecting and directing roof drainage from this side of the building.
5. It is recommended that the applicant add the proposed eight bicycle parking spaces to "Parking On-Site," Sheet L-1.0.
6. The applicant is proposing to re-direct the drainage from the front portion of the parking lot from the City's sanitary sewer system and treat that water by using a tree box filter and discharging to Portland Harbor. The City is very appreciative of this effort to reduce Combined Sewer Overflow volumes and to treat stormwater from their parking lot. To follow the same line of thinking for the remainder of the parking lot, the City is asking the applicant to consider re-direction the drainage from the harbor side of the parking lot to one or two additional tree box filters located in the lawn area at the south-east end of the building. The discharge could be directed into the proposed catchbasin system.
7. The proposed brick sidewalk and drive apron do not reflect city standard. Again, please refer to note 2 above. Re-setting of the granite curbing may be necessary for a seven inch curb reveal.
8. The Maine Department of Environmental Protection requires permits to "All discharges to the waters of the State of Maine." The applicant has indicated that a Permit by Rule will be applied for.

The Department of Public Services has no further comments on this project.

Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Road
Gray, ME 04039

(207) 657-6910
Fax : (207) 657-6912
E-mail: mailbox@gorrillpalmer.com

LETTER OF TRANSMITTAL

To: Jean Fraser
Planning Division
City of Portland

Rec'd 5/13/10

Via: Hand Deliver
RE: Storage Facility Re-Development
Date: 5-13-10
Project No: 2420

For your use ☒	As requested ☐	For Review and comment ☒

Shop Drawings ☐	Prints ☐	Plans ☐	Specifications ☐	Copy of letter ☐	Other ☐

Copies	Date	Number	Description
6			**TMP Application**

Remarks:

Signed Randy Dunton

Copy To: Patrick Carroll
Tom Errico
Brian Keezer, MaineDOT Reg. 1

Jean Fraser - Cold Storage Facility

From: Randy Dunton <RDunton@gorrillpalmer.com>
To: "JF@portlandmaine.gov" <JF@portlandmaine.gov>
Date: 5/13/2010 1:44 PM
Subject: Cold Storage Facility
CC: Thomas Gorrill <TGorrill@gorrillpalmer.com>, Patrick Carroll <pcarroll@c...
Attachments: Notice of Intent to File traffic.docx

Good Afternoon Jean,

We wanted to give you an update on the Traffic Movement Permit Application for this project. We have submitted the "Notice of Intent to File" (attached) to be published in tomorrow's paper. We sent out the certified mailings to abutters this morning. We plan to be submitting (hand delivered) six copies of the application to your attention this afternoon. Per Tom Errico's request, we will be sending him a copy via email.

Thank You.

Randall Dunton, PE, PTOE
Senior Engineer
15 Shaker Road
PO Box 1237
Gray, ME 04039
Phone: 207 657-6910
Fax: 207 657-6912

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Form C 7/97

NOTICE OF INTENT TO FILE

Please take notice that

Waterfront Maine, LP
14 Main Street
Brunswick, Maine 04011
(212) 695-8090

is intending to file a Traffic Permit application with the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. §704 – A on or about **May 13, 2010**
(anticipated filing date)

This application is for

The application is for the conversion of a 100,000 square foot building in downtown Portland. The existing use is approximately 5,000 sf of marine use and 95,000 sf of cold storage. After redevelopment, the uses are proposed to be approximately 30,000 sf of marine use and 70,000 sf of general office. The project is forecast to generate 155 and 163 trip ends in the AM and PM peak hours, respectively. The project is expected to begin and be completed in 2010.

(Summary of project: specifying trip generation at peak hour for the proposed development and the year the project is proposed to be completed and occupied)

at the following location:

254 Commercial Street; Tax Map 41, Lots 16, 17, 18.

(Project Location)

A request for a public hearing must be received by the Municipality, in writing no later than 20 days after the application is found by the City to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the City of Portland Planning Department in Portland during normal working hours. A copy of the application may also be seen at the Department of Transportation Regional Office in Scarborough, Maine.

Written public comments may be sent to the following address: Attention: City Planner, City of Portland, Planning Department, 389 Congress Street, Portland, ME 04101-3503

May 12, 2010

To: Jean Fraser
Barbara Barhydt
From: David Margolis-Pineo
Re: Public Services Review Comments
Cumberland Cold Storage

1. The submitted plans have not been stamped by a Professional Engineer.
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The Department of Public Services has no further comments on this project.

MARGE SCHMUCKAL – ZONING ADMINISTRATOR

[see zoning assessment]
MAY 18, 2010

On May 14, 2010 I received a copy of the existing conditions survey. I did note that there are currently 101 parking spaces on site. However, two of the spaces directly along the Commercial Street sidewalk are implying that a good portion of a car would be on the side walk. Not a good practice.

I don't have additional comments on the existing site plan. I look forward to receiving the survey/ site plan showing the proposed changes so that I can further review the proposed project.

MAY 20, 2010

On May 19, 2010 I received a revised site plan and response memo from Pat Carroll.

Thank you for the information concerning square footage of the uses within the building.

The revision to the glass bump out is meeting the WCZ Zone requirements. I am still concerned about the deck or the terrace that has been proposed over the lower portion of the building. The written description of what is proposed should not pose a violation under the Land Use Zoning Ordinance. The building height for a flat roof is measured to the top of the structural roof beam by definition. As long as that definition is respected, there is no violation of the Ordinance. The deck/terrace shall not be enclosed or have its own roof structure. However, because at this point there are no specific plans to review for compliance, I am keeping this issue open for review and future approval.

Thank you for the information concerning the first floor finish height. Currently under FEMA regulations, a change of use does not require any other action at this time.

I understand that this is early on to be discussing the particulars of HVAC systems and dBAs. I did want the developers to be aware early on as to the requirements of the Ordinance. I look forward to working with you when the appropriate time arrives to further discuss this issue.

Thank you for your information concerning your proposed stormwater management plan. From what I have heard from public services and our engineers, the proposal will be meeting the requirements of the Ordinance.

I also understand that this may be a bit early to discuss signage. I appreciate that signage will be applied for at a future date. Please note that a free standing sign on Portland's peninsula will require a special review under the site plan standards. When the time is appropriate, we can discuss the signage requirements further.

JUNE 3, 2010

A determination letter concerning the new deck platform on the lower roof was finalized and distributed to the parties involved. There is no violation of the legal height nonconformity as delineated in such letter.

I received an e-mail copy of an approval from John Maclaine of DEP approving the Permit By Rule for the activities on site. The City will be getting the paper copy soon. That along with the approvals from Public Services, closes the approval of the Performance Standard 14-315(e). Of course compliance during the actual on-site work will be further monitored.

Sent to Pat Carroll 5.12.10

MARGE SCHMUCKAL – ZONING ADMINISTRATOR
MAY 11, 2010

I have reviewed the proposal submitted. This property is located in the WCZ (Waterfront Central Zone. The applicant is reusing the existing Cumberland Cold Storage building above the first floor. The first floor will be retained for marine related uses (except for the lobby/elevator space) and the upper floor use will be for professional offices (2nd thru 5th floors). Such a use in the upper floors is allowed under 14-308(b) of the WCZ Zone.

The change of use for office use is approximately 80,207.39 square feet above the first floor. This information is based upon my calculations using the first floor footprint. The applicant should confirm those calculations.

The applicant is proposing to add a glass bump out which is 2' x 10' by the height of the building for the entry way. This bump out meets the WCZ setback requirements. The applicant is also showing an exterior deck on the top of lower roof. There is no tangible information showing this deck. No dimensions – no specifics are given for review. Without more specific information, I cannot further review or approve it. It may be considered an expansion of the legally nonconforming building height and could not be allowed without special approvals.

The proposed parking and circulation must be reviewed and approved under a conditional use appeal to the Planning Board under section 14-309(2)a & b.

I will need the applicant's confirmation of the amount of change of use for the office space before determining the need of off-street loading requirements under section 14-315(i). If the office space is over 100,000 square feet, there is a requirement to show a 14' x 50' loading area.

The applicant has shown that there will be no adverse impact on marine uses as required under the four prong test listed under section 14-306. The applicant is retaining the existing berthing spaces and 6 parking spaces for their use. Also being reserved is a 5

foot marine use area abutting the berthing spaces. 15 parking spaces are also reserved for ground floor marine uses. 50 parking spaces remain for the professional offices. 8 bicycle spaces are also being provided.

The project is located on panel 13 of the FEMA Floodplain maps. The area is in Zone A-2 with an elevation of 10. The plans show grades of 97.34' to 99'. I would like confirmation as to what base the grade datum was used. The FEMA maps are based upon NGVD (National Geodetic Vertical Datum) of 1929. What would be the grades using NGVD? I want to compare to the FEMA maps using the same basis. It is my understanding that the building and the site is located on filled land. It is not over water.

I do not see any information regarding new HVAC systems. It is reminded that the WCZ Zone has maximum noise requirements under the performance standards of 14-315. There generally is a maximum of 75 dBAs requirement measured at lot boundary lines. Prior to final zoning approvals I will need such information.

14-315(e) concerns discharges into harbor areas. "No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of parks and public works in accordance with chapter 24, article III of this code." Section 14-449(m) of the shoreland regulations also address stormwater runoff. That section reads: "All new construction **and development** shall be designed to be in compliance with the City of Portland Technical and Design Standards and Guidelines to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm water. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning." I will be consulting with public services and our engineers to ensure that these sections of the ordinance are appropriately met.

Separate permits are required for any new signage.

The lobby with stairs and elevators shown on the first floor are meeting the WCZ requirements.
The WCZ Zone is exempt from the 75' setback from HWM as stated under section 14-449(a).

Pease submit your stamped survey site plan as soon as possible. It will be needed to confirm specifics.

Jean Fraser - Cumberland Cold Storage

From: Keith Gautreau
To: Jean Fraser
Date: 5/13/2010 2:08 PM
Subject: Cumberland Cold Storage
CC: Fred LaMontagne; Penny Littell

Hi Jean,

In regards to 254 Commercial Street (Cumberland Cold Storage Building project # 10-99900003) the proposed Fire / Emergency access to the structure is acceptable to the Fire Department. It is an existing building with a propose change of use which will change the occupancy from storage to business. The proposed building will meet all applicable building and fire codes (NFPA 101, 1, 13, 72) related to the business occupancy chapters. In addition, the structure will comply with any local ordinances and fire alarm rules.

Any questions please feel free to call me.

Regards,
Keith

Keith Gautreau, Fire Captain
Fire Prevention Bureau
Portland Fire Department
380 Congress Street
Portland, ME 04101
(207)874-8405
kng@portlandmaine.gov

sent Pat Carroll cc Chris Pachis
5-13-10 9:25 am.

From: Jean Fraser
To: Carroll, Pat
Date: 5/13/2010 12:32 PM
Subject: Detailed traffic comments re 254 Commercial Street - Cumberland Cold Storage

This is the promised follow up comments on "Traffic" .

The follow up re drainage will be sent in the next 5 mins.

I will let you know this afternoon whether there are any more comments at this stage.
TRAFFIC:

>>> Thomas Errico <Thomas.Errico@tylin.com> 5/13/2010 9:53 AM >>>

Jean – I have reviewed the May 4, 2010 Major Site Plan Review submittal prepared by Carroll Associates and offer the following comments.

- As noted in my email of last Friday, the project will require a Traffic Movement Permit. As soon as I receive the application, I will review it for completeness and will schedule a scoping meeting as soon as possible.

- Parking stall dimensions do not meet City standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.

- Parking aisle widths do not meet City standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.

- The distance between the proposed site driveway and the existing loading dock driveway for Brown Trading Company does not meet City Standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.

- A portion of the Brown Trading Company loading dock is located on the applicant's site and therefore the plans should note removal of the dock.

- The City has been collecting monetary contributions for improvements to the Commercial Street/High Street intersection. Based upon my initial review the project will have a traffic impact at the Commercial Street/High Street intersection. Accordingly, the applicant may be required to make a contribution. I have not estimated the contribution amount but will do so upon receipt of revised trip generation and assignment data from the applicant.

- The applicant shall conduct an evaluation of vehicle queuing at the Commercial Street/Union Street intersection particularly as it relates to blockage of the project site driveway. Under current conditions it is common for queues to extend past the proposed driveway. While it was briefly noted in the applicants report, further detail is necessary.

- While not required under the City's Ordinance, it is suggested that the applicant consider Transportation Demand Management strategies that will help to reduce single-occupant vehicles. City staff can assist the applicant in developing such a program.

- The applicant should provide a parking analysis for review that identifies the required parking supply for the project and how it will be met.

- The applicant should provide auto-turn graphics that illustrates how delivery trucks will maneuver on and off the site.

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

Best regards,

Thomas A. Errico, P.E.

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)

207.781.4753 (Fax)
207.400.0719 (Mobile)

sent to Pat Carroll
5.13.10 lunchtime

Jean Fraser - Fwd: 254 Commercial Street - Cumberland Cold Storage

From: Jean Fraser
To: Fraser, Jean
Date: 5/13/2010 12:23 PM
Subject: Fwd: 254 Commercial Street - Cumberland Cold Storage
CC: Errico, Thomas

>>> Thomas Errico <Thomas.Errico@tylin.com> 5/13/2010 9:53 AM >>>
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Best regards,

Thomas A. Errico, P.E.
TY·LIN INTERNATIONAL

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)
207.781.4753 (Fax)
207.400.0719 (Mobile)

Debrief re Dev Rev. 5/12/10

Boundary survey - awaited - rights of access ? Fish Pier
? Brownes

flood levels

Traffic - - contribution re Comm/High < $10000.
- TG. needs to do analysis of drive exit onto Comm as potential congestion
- they need to do parking analysis
- need to address servicing Brownes
- need a few waivers - OK
- TMP advertisement - Tom Gorrill

Drainage - DPS req. re CSO results in 2 outfalls instead of one, but the one triggers DEP permit anyway

?PBR Stormwater NRPA

roof drainage show now 60% onto other property - ~~rt~~ should be piped + discharge on own property (catch basin)

Fire - Keith OK w/ access only from their prop. if pushed + will confirm w/ chief + get in writing

Zoning - need info HVAC, deck

1. TIF - public/private partnership
2. June 8th Hearing
no hurdles

Dev Rev

Cumberland Storage: Review on 5/12/10

Review Issue	Info from app	Reviewer comments	Convey to applicant
BOUNDARY SURVEY			
Easements/rights to others eg access to Fish Pier, access/servicing for Brownes	**Survey awaited**	issue of insurance.	Marge - assuming an elev. what is actual NGBD.
Scope for easement alongside west side			
TRAFFIC			
Need for TMP	**100 trips**		**PL advised them to submit TMP**
TMP submission	**Aiming for Friday**		
TMP requirements		TE - under $10,000 - TDM - TE suggests dev. this - not a req. yet	Cont. at comm./High -
TMP timetable		TE procedural OK	**PL guaranteed to them won't hold up timetable**
Access through site to fish pier	is center L-turr what issue for Comm St.	**A ?** allow access to get to signal center - would help users to get out	TDMG anal.
Servicing of Browne Trading	**Don't think is via the site**	**A ?** needs to be addressed.	
Accommodation for trucks currently alongside wharf		**A ?**	
		need waivers space + aisles OK.	
PARKING		driveway spacing	
Recommended requirement	what they think they need -		Do pkg analysis current tenant use
Parking of wharf trucks	parking analysis		
Off site proposals	**Being explored** 70 from FP (TIF)		**Get statements of intent in writing**
Need for railings?			
DRAINAGE			
From roof to west (onto other land)		**Need easement?**	~~Contd~~
From roof to end and then ground		**Need NRPA**	? put another tree box at end.
Parking lot		**PL asked whether DPS triggers more DEP**	1 outfall vs 2 outfall.
DEP Permits		**PL asked whether DPS triggers more DEP**	needed anyway
Snow storage		**A ?**	

Treatment of roof		**PL asked whether DPS triggers more DEP**	
Treatment of parking lot		**PL asked whether DPS triggers more DEP**	
Maintenance agreement			freebay only
OTHER ENGINEERING			
Wharf edge			
Sewer connection			
FIRE DEPARTMENT			
Access for trucks		ideal to have bnt not a req - clar w/ Penny	
Windows being opened up		**Internal sprinkling have head near window????**	
HP			
Confirm no issue			
ZONING			
			no loading dock
			HVAC deck - more info.

COMMITMENT & INTEGRITY
DRIVE RESULTS

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

Not sent but incorporated into 5/12/10 Summary.

MEMORANDUM

TO: Jean Fraser

FROM: Dan Goyette, PE

DATE: May 11, 2010

RE: Cumberland Cold Storage Renovation

Woodard & Curran has reviewed the Major Site Plan application for 254 Commercial Street. The project involves the renovation of an existing cold storage facility into office space on the upper four floors and marine related use on the first floor.

Documents Reviewed

- Major Site Plan Application dated May 4, 2010 prepared by Carroll Associates and Winton Scott Architects for Waterfront Maine.
- Plan Set, sheets L 0.1-0.3, 1.0 – 3.0, C1.0, E0.1 and 0.2, A1-4 dated May 4, 2010 prepared by Associates, Winton Scott Architects, Blais Civil Engineers and Gorrill Palmer Consulting Engineers.

Comments

- The proposed catch basin discharges into the Fore River will require permitting from the Maine DEP.
- A long term maintenance plan for the tree box filter will need to be submitted.

Please contact our office if you have any questions.

5.10.10.

Chris Pattakos –
looking for Hearing June 8th.

PL
TMP – G-P get appl. in on Friday
publish + notice on Fri.
7-10 days scoping mtg.
TG did not think wd delay
TE to contact TG.

PL
Fire Dept – PL confirms if your bldg sprinkled
– no obligation to obtain easement.

[Pat Carroll: says Steve Blais spk Dan Goyette
+ David M-P

expl. proposals at mtg.
tree box 90%
traps + sumps remove oil + grip from parking lot

Steve W – would like the Chief to clarify requirements

Chris – re Harborside – mtg this afternoon
re #'s + can discuss Sep.
Paul Becker prep. design re window openings

Chris – Parking
– If indicated TE seeking employment #'s
– BB – any off-site parking need letters of intent
(leases prior to CO) – PB know that
some (adequate) available

info for them
Signage Reqs (Sign applic Pat)
Tammys contact details
? Need permit for pointing brickwork
neighborhood Mtg.
agreed - can obtain internal demo

Get

HP - DA - note of comfort for PB.

PL - mentioned WCZ
- may help project to ref. to new zoning
ideas / public access ("green lines")

CARROLL ASSOCIATES
217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712
LANDSCAPE ARCHITECTS

Suggested corrections sent 5/11/10 w/ drive

Portland Cold Storage Building

254 Commercial Street
Assessors Map 42, Lots 16,17,18

List of Direct Abutters:

Map	Lot	Owner	Mailing Address
31	L034	CM Waterfront Properties, LLC	PO Box 7467 Portland, ME 04112
31	L035	Proprietors of Union Wharf	34 Union Wharf Portland, ME 04101
38	F006	Casco View Holdings, LLC	PO Box 11409 Portland, ME 04104
38	F009	Harbor Plaza Associates II + Dictar	PO Box 3572 Portland, ME 04101 04104
41	A007 A008 A009 A012 A019	City of Portland	389 Congress Street Portland, ME 04101
41	A010	Doughty Brothers	10 Fish Pier Portland, ME 04101
41	A011	Tamaki Associates, LLC	PO Box 924 Portland, ME 04101

add 41 A015
A ~~[illegible]~~ Browne International Corp.
260 Commercial St
04101

259 241/243 Commer.

Dictar Associates II
PO Box 3572
Portland ME 04104

38 F004 SLM Properties Ltd
241 Commercial St.
Portland 04101

Jean Fraser - RE: Cumberland Storage - info

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
Date: 5/12/2010 9:48 AM
Subject: RE: Cumberland Storage - info

Hi jean,

See my comments in red below:

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

used as basis for 5/12/10 Dev Rev "in depth" review.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, May 11, 2010 3:47 PM
To: Pat Carroll
Subject: Cumberland Storage - info

Pat,

I am hoping to be able to get a comprehensive set of comments from Dev Rev tomorrow but it would help if I have as much info as possible before that meeting at 10am (telephone call would be fine- I get in a 9am latest):

1. We need the updated Boundary Survey by 10am tomorrow please- it needs to show the "existing easement" mentioned in the cover letter (second page) and any other existing easements (one is mentioned in the deeds)- also does Brown Trading have any rights over the property since it appears they gain access from this site for deliveries to the side of their building?;I just spoke with Owen Haskell and they are releasing the survey today but it will not be by 10 am as you requested. I will fire the survey over to you as soon as I receive it.

2. Info re employee numbers for the half of the second floor not used by PA (or total nos for the building excl ground floor) - the TIF states that PA is 175 employees. We have projected the following employees at full

building occupancy:

- First Floor- Marine Use 20 Employees (1/ 1000 sf)
- Second floor Professional Office 35 Employees (3.5/ 1000 SF)
- Second-Fifth Pierce Attwood 175 Employees (2.5/ 1000 sf)

Total 230 Employees

3. Wharf-related parking appears to include trucks; what accommodation would there be for larger vehicles? Also re the wharf, there are existing railings and guardrails- will the proposals include any railings? A dedicated service area at the west end of the building will accommodate necessary service vehicles. A proposed turnaround at the east end of the parking lot should allow for a delivery truck (UPS/ FedEx) to turnaround. Emergency vehicles will be able to access through onto the Fish Authority as there is a gated connection that currently exists and will be maintained. Wrt the wharf, there are guardrails where existing parking abuts a depressed area of the wharf, but no railings occur along the waterfront as the fishermen need access along the wharf to load/ offload equipment and supplies, and a railing would interfere with their use. As it is not a 'public' area we would not be encouraging the public to that edge and not support railings as such. We are providing a granite curb continuous along the wharf edge (5 ft offset) to provide definition of the travel lanes and restrict vehicles from moving close to that edge.

4. Clarity re the proportion of the total parking lot area that would be treated by the treebox. The application states the proposal would result in about 34,000 sq ft impervious area (excluding the building) and also states (Stormwater Report) that the treebox filter will treat 10,000 sq ft of this. So it appears to be about one third (rest only subject to sumps). Also, where will there be snow storage? The tree box filter is designed to treat runoff from the front portion of the site, which is approximately 10,000 sf or 1/3 of the total parking area. Snow storage will be limited to the east end of the property, and anything greater will need to be hauled off by private contractor. There is no place on-site to allow snow storage without impacting on-site parking.

5. The Stormwater Report does not address roof drainage- and based on the description at the meeting yesterday I understand most of it will continue to surface flow to pipes at the end of the building nearest the Bay and then overland to the catch basin- is this correct? Existing roof drainage will continue to be collected in a series of downspouts that discharge on the south and east sides of the building. It is our intent to surface grade around to building to insure that the roof water surface flows around the building and into the catch basin #1 located on the south side of the parking lot.

6. What proportion of the roof drainage will go on the property next door (to west) where it states there is a "potential" 15 ft easement? There is one roof downspout located on the east side, one on the west end of the building that discharge onto the property and three along the south side . We have not calculated the proportion that currently discharges off the property to the south, but it appears to be approximately 60% of the building roof currently discharges off the property.

7. What progress has been made in discussions with DEP over what permits they would require? Our Civil Engineer met with MDEP last week and reviewed the project, at which time they indicated a PBR would be necessary. We are in the process of completing this application and will be submitting to the DEP this week.

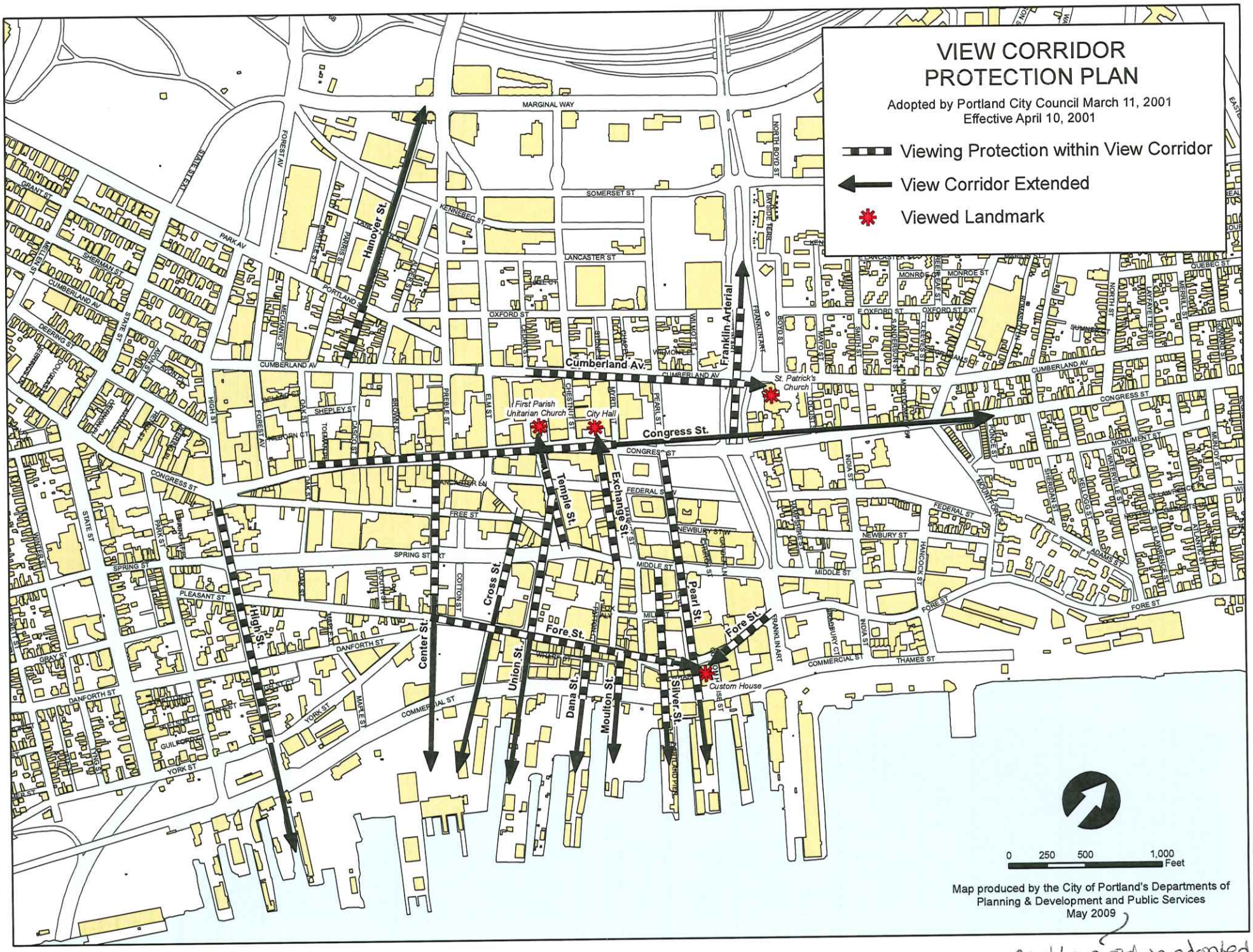
8. Do you have confirmation that Tom Gorrill will submit and publish the TMP application on Friday? Tom is in the process of completing the Application and the intent is to submit to the City tomorrow afternoon.

9. Have you sent the information on the Fire Dept Checklist (page 11 of the application form and in your submission) direct to the Fire Dept? The Fire Department checklist information is described on sheet A-4 of the Application. I am unsure if the Architect has submitted directly to the Fire Chief but will confirm and get a plan to him if not.

I will get back to you following tomorrow's review.

I think it might be helpful for someone (on behalf of the applicant) to let us know if any further or still unresolved questions from your side.

Thanks
Jean



and be based on adopted plan

Jean Fraser - Cumberland Storage

From: Jean Fraser
To: Carroll, Pat
Date: 4/30/2010 3:42 PM
Subject: Cumberland Storage

Pat,

Just to clarify re Barbara's last comment re Historic Districts.

The following is a SITE PLAN standard (#18b):

Development adjacent to designated landmarks, historic districts or historic landscape districts: when any part of a proposed development is within one hundred (100) feet of any designated landmark, historic district or historic landscape district, such development shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development. Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation reports For the purposes of this provision, "compatible" design shall be defined as design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a district product of its own time. To aid the planning board in its deliberations, historic preservation staff shall provide a written analysis of the proposed development's immediate context, identifying the major character-defining elements and any established building patterns that characterize the context.

Since this is a 19c building and Commercial Street may well be over 100 feet wide at this point it may not be an issue- in any case all this involves (if this std applies) is that I get a comment from Deb Andrews to put in the Workshop Memo. So the only aspect to include in the submission is a measurable plan that shows the other side of Commercial Street so we can say whether or not this standard applies.

Also, re the boundary survey, I suggest that you submit the latest survey that you have so at least there is something in the submission.

I have meetings on Monday at 9:15; 11am; and 3pm so if any chance of the Drainage discussion avoiding those that would be great but not the end of the world if I can't make it. (the 11am one is missable)

Do call if any other questions come up as you are finalizing things....

Jean
874 8728

CARROLL ASSOCIATES
217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712
LANDSCAPE ARCHITECTS

PROJECT MEMO: **Cumberland Cold Storage Building**
254 Commercial Street

TO: **Jean Fraser**
FROM: **Pat Carroll**
DATE: **Revised June 3, 2010**

RE: **Parking and Traffic Circulation Plan**

Redevelopment of the Cumberland Cold Storage Building on Merrill's Wharf will require reconfiguration of the existing site to accommodate vehicular and pedestrian circulation to a new building entrance located on the north (water) side of the building. It is the intent of Waterfront Maine that this renovation and change in use of the building will improve the existing site conditions, reduce congestion and insure the continued access and use of Merrill's Wharf and the first floor of the building for marine activities.

The current use of the site accommodates approximately 102 parking spaces, most of which are leased for tenants that live/ work in the Old Port area. The parking is configured to provide the maximum spaces that the site can accommodate. The parking arrangement has two entrances from Commercial Street, merging into a single drive aisle along the face of the Cold Storage Building, restricted in places. No dedicated turnaround for vehicles currently exists.

Marine Use along the pier consists of 5-6 commercial fishermen that berth their boats along the wharf. The area immediately adjacent to the wharf is utilized by the fishermen to stockpile traps, bait and boat supplies. Additional storage space is provided along the floats that the boats tie up to. Parallel parking spaces currently exist along the waterfront, most of which are leased to off-site users, restricting access to the wharf when those spaces are occupied.

The proposed reconfiguration of the site reduces the on-site parking to 71 vehicle spaces plus 14 bicycle spaces and defines a two way driveway aisle into and through the property. This aisle varies from a minimum of 24 feet in width to 32 feet wide at the rear of the property. Parking is double loaded in the western end of the site towards Commercial Street and becomes single loaded along the building. A six foot wide pedestrian sidewalk is planned to extend along the south side of the parking connecting the building with Commercial Street.

The driveway and parking configuration between the building and wharf edge has been designed to provide a separation of use between the building and pier tenants, and works to keep pedestrians and vehicles away from the pier edge to allow tenants of the marine use to continue to function. A dedicated 'marine use' zone varying in width between 5 feet and 7 feet between the driveway and pier edge will ensure adequate space for storage of traps and other necessities of the fishermen. A six-inch mountable curb will provide a physical delineation of this zone, act to divert runoff from their work areas, provide a safety barrier for vehicles traveling along the driveway, yet allow a truck to mount the curb for loading/ unloading if necessary. Six dedicated spaces will be provided for the berthing employees, and it is assumed that they may utilize the north side of the drive aisle for short periods to load/ unload their vehicles if necessary.

The remaining 65 on-site parking spaces will be utilized by the tenants of the building, with up to 15 spaces dedicated to the marine use allowed on the first floor and the remaining 50 spaces leased for office use tenants. Parking required in addition to what can be accommodated on-site will be secured at the Fish Pier, including the 70 spaces being leased by Pierce Atwood as part of their agreement with the City. A letter of Intent from the Fish Pier will be forthcoming under a separate cover.

The overall parking demand has been calculated in several ways including the following:

A. Per Zoning Ordinance (Use based, per Chapter 20, Section 14-332)

Use	Requirement	Area	Parking
Warehouse	1 PS/ 1000 SF	20,473	20
Office Use	1 PS/ 400 SF	80,327	201
Marine Berthing	1 PS/ berthing space	6	6
Total			227

* Per ordinance, the Parking requirement *can* be reduced by up to 50% in the CWZ, or 114 Spaces total.

B. Per ITE Parking Manual, the parking demand for Office Use in an urban condition meeting the 85th percentile yields 2.97 spaces / 1000 sf of office space. Assuming the marine uses are a constant and not impacted the following parking demand is projected:

Use	Requirement	Area	Parking
First Floor Marine	15		15
Marine berthing	6		6
Office- primary Tenant	2.97 PS/ 1000 SF	10,000	30
Office- secondary Tenant	2.97 PS/ 1000 SF	70,327	209
Total Demand			260

C. Per demand based on actual projected employee need, the following is proposed by the Applicant for this project:

Use	# Employees	Parking Proposed
First Floor Marine	15	15
Marine berthing	6	6
Office- primary Tenant	175	145*
Office- secondary Tenant	25	10**
Total Demand	221	176

* Reduced slightly from P/A letter requesting need for 155
** reduced by 50% per Ordinance

The proposed parking demand total of 176 spaces represents a reasonable number of reserved spaces for the proposed use that protects and preserves parking for the marine uses on the property and accommodates the majority of parking needs for the non-marine use proposed for the upper floors of the building. This number is significantly higher than the 114 parking spaces allowed under the 50% reduction that is allowed in the CWZ, and is proposed to be accommodated either on-site or at the Fish Pier lot, which is in very close proximity to the proposed building.

Loading and unloading for the building will be either in the service alley located along the west side of the building or directly in front of the entrance for short term deliveries (UPS, FedEx, etc). Given the small amount of traffic anticipated at this end of the pier and the 24 to 32 foot aisle width, we do not anticipate any blockage of vehicles resulting from short term loading and unloading at the building entrance. A vehicle turnaround is designated that accommodates a standard delivery truck or typical automobile/ truck (see sketch from Blais Civil Engineers, submitted 6/02/10). Existing marine use (fishermen) that occasionally bring trailers onto the site have historically turned around at the end of the building or exited through the driveway connection to the Fish Pier land to the south. Given the wider drive aisle that is proposed at this end of the site (32 ft), the designated turnaround areas within the parking lot (see Turning diagram by BCE, 6/3/10), and the ability to continue to exit through the Fish Pier, the Applicant is confident that the use of the site is actually improved for the fishermen over what currently exists and see no negative impact on their continued fishing operations.

An existing loading dock for the abutting Brown Trading Company is encroaching well within the Waterfront Maine Property and the current site plan provides for continued use of part of this loading area. The Applicant has discussed this issue with Brown Trading and they have agreed to limit the use of this loading dock to smaller pickup truck vehicles. It is noted that a granite curb and steel bollards will restrict vehicular access onto the adjacent sidewalk, minimizing the potential for conflict in this area. (See memo 6/2/10).

In summary, the proposed site plan will ensure that access to and the functioning marine use of the pier, first floor marine use of the building, and the abutting loading facility is maintained and protected. Traffic function will be greatly improved over current conditions, resulting in significant reduction in congestion throughout the site.

3rd Edition

Parking Generation

Author: Ransford S. McCourt, P.E., PTOE
Technical Editor: Kevin G. Hooper, P.E.

Institute of Transportation Engineers

Land Use: 701
Office Building

Land Use Description

ITE defines office uses in several categories. In reviewing the statistics for office parking demand, it was found that five of the basic office land uses had virtually no difference in parking demand characteristics. The following section merges these uses together for analysis purposes. ***Analysts should continue to record the specific ITE land use category for data that they submit.***

710: General Office Building—A general office building houses multiple tenants; it is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services; insurance companies; investment brokers; and tenant services, such as a bank or savings and loan institution, a restaurant or cafeteria and service retail facilities. Corporate headquarters (Land Use 714), single tenant office building (Land Use 715), office park (Land Use 750) and research and development center (Land Use 760) are related uses.

714: Corporate Headquarters Building—A corporate headquarters building is a single tenant office building that houses the corporate headquarters of a company or organization, which generally consists of offices, meeting rooms, space for file storage and data processing, a restaurant or cafeteria and other service functions. General office building (Land Use 710), single tenant office building (Land Use 715), office park (Land Use 750) and research and development center (Land Use 760) are related uses.

715: Single Tenant Office Building—A single tenant office building generally contains offices, meeting rooms and space for file storage and data processing for a single business or company, and possibly other service functions, including a restaurant or cafeteria. General office building (Land Use 710), corporate headquarters building (Land Use 714), office park (Land Use 750) and research and development center (Land Use 760) are related uses.

750: Office Park—Office parks are usually suburban subdivisions or planned unit developments containing general office buildings and support services, such as banks, restaurants and service stations, arranged in a park- or campus-like atmosphere. General office building (Land Use 710), corporate headquarters building (Land Use 714), single tenant office building (Land Use 715) and research and development center (Land Use 760) are related uses.

760: Research and Development Center—Research and development centers are facilities or groups of facilities devoted almost exclusively to research and development activities. The range of specific types of businesses contained in this land use varies significantly. Research and development centers may contain offices and light fabrication areas. General office building (Land Use 710), corporate headquarters building (Land Use 714), single tenant office building (Land Use 715) and office park (Land Use 750) are related uses.

Database Description

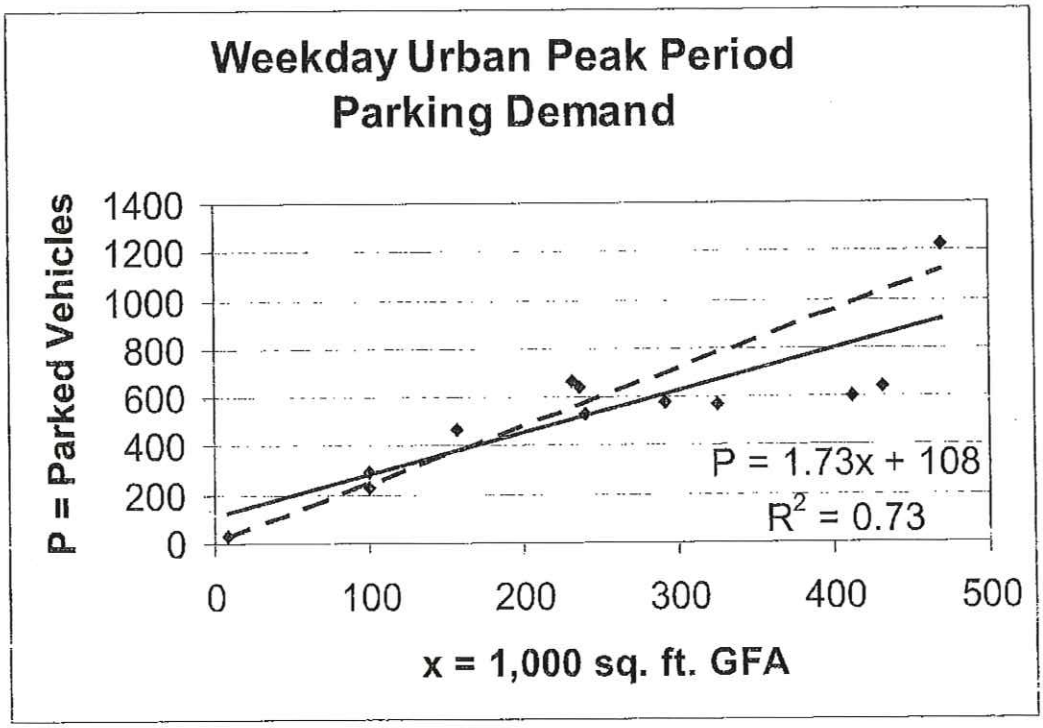
The database consisted of a mix of suburban and urban sites. Parking demand differed between the area types for one independent variable (1,000 sq. ft. GFA) but not for another (employees). Therefore, parking demand was analyzed separately for 1,000 sq. ft. and was combined for employees.

- Average parking supply ratios: 4.0 spaces per 1,000 sq. ft. GFA (84 study sites) and 1.1 spaces per employee (48 study sites).
- Average employee density: 3.3 employees per 1,000 sq. ft. GFA (54 study sites). Employee densities for corporate headquarter buildings and research and development centers tended to be slightly lower than the average.

Land Use: 701
Office Building

Average Peak Period Parking Demand vs: 1,000 sq. ft. GFA
On a: Weekday
Location: Urban

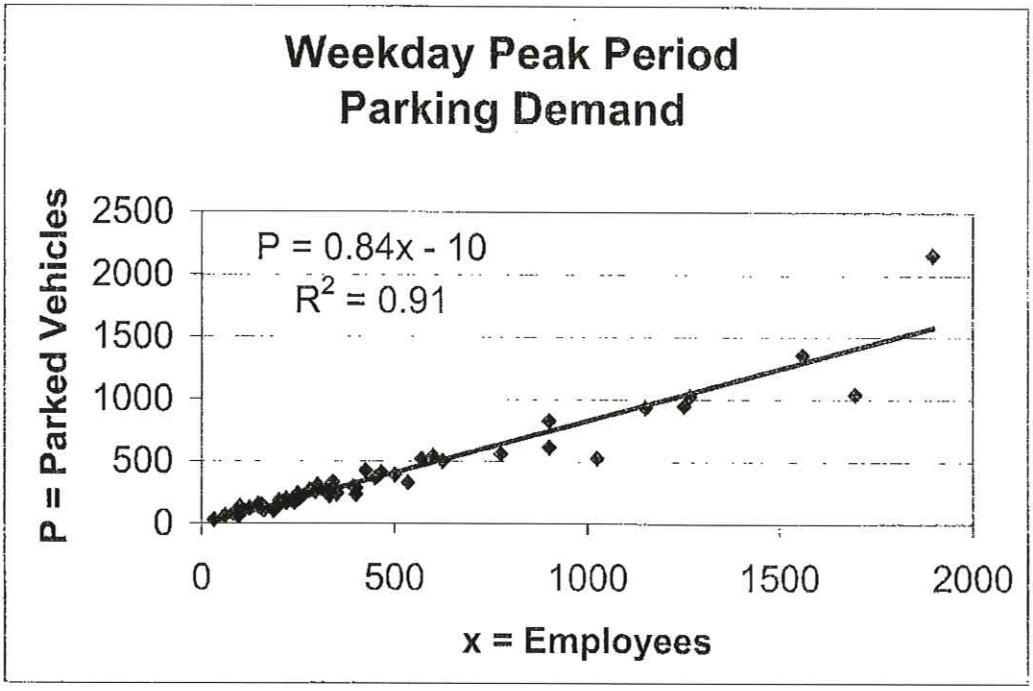
Statistic	Peak Period Demand
Peak Period	9:00 a.m.–4:00 p.m.
Number of Study Sites	12
Average Size of Study Sites	250,000 sq. ft. GFA
Average Peak Period Parking Demand	2.40 vehicles per 1,000 sq. ft. GFA
Standard Deviation	0.63
Coefficient of Variation	26%
Range	1.46–3.43 vehicles per 1,000 sq. ft. GFA
85th Percentile	2.97 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.12 vehicles per 1,000 sq. ft. GFA



Land Use: 701
Office Building

Average Peak Period Parking Demand vs: Employees
On a: Weekday

Statistic	Peak Period Demand
Peak Period	9:00 a.m.–12:00 p.m.; 2:00–4:00 p.m.
Number of Study Sites	58
Average Size of Study Sites	440 employees
Average Peak Period Parking Demand	0.83 vehicles per employee
Standard Deviation	0.16
Coefficient of Variation	19%
95% Confidence Interval	0.79–0.87 vehicles per employee
Range	0.52–1.35 vehicles per employee
85th Percentile	0.98 vehicles per employee
33rd Percentile	0.76 vehicles per employee



CARROLL ASSOCIATES
217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712
LANDSCAPE ARCHITECTS

PROJECT MEMO: **Cumberland Cold Storage Building**
254 Commercial Street

TO: **Jean Fraser**
FROM: **Pat Carroll**
DATE: **May 20, 2010**

RE: **Parking and Traffic Circulation Plan**

Redevelopment of the Cumberland Cold Storage Building on Merrill's Wharf will require reconfiguration of the existing site to accommodate vehicular and pedestrian circulation to a new building entrance located on the north (water) side of the building. It is the intent of Waterfront Maine that this renovation and change in use of the building will improve the existing site conditions, reduce congestion and insure the continued access and use of Merrill's Wharf and the first floor of the building for marine activities.

The current use of the site accommodates approximately 102 parking spaces, most of which are leased for tenants that live/ work in the Old Port area. The parking is configured to provide the maximum spaces that the site can accommodate. The parking arrangement has two entrances from Commercial Street, merging into a single drive aisle along the face of the Cold Storage Building, restricted in places. No dedicated turnaround for vehicles currently exists.

Marine Use along the pier consists of 5-6 commercial fishermen that berth their boats along the wharf. The area immediately adjacent to the wharf is utilized by the fishermen to stockpile traps, bait and boat supplies. Additional storage space is provided along the floats that the boats tie up to.

The proposed reconfiguration of the site reduces the on-site parking to 71 vehicle spaces plus 8 bicycle spaces and defines a single 24 foot driveway aisle into and through the property. Parking is double loaded in the western end of the site towards Commercial Street and becomes single loaded along the building. A 6 foot wide pedestrian sidewalk is planned to extend along the south side of the parking connecting the building with Commercial Street.

The driveway and parking configuration between the building and wharf edge has been designed to provide a separation of use between the building and pier tenants and keeping pedestrians and vehicles away from the pier edge to allow tenants of the marine use to continue to function. A dedicated 'marine use' zone varying in width between 5 feet and 7 feet between the driveway and pier edge will ensure adequate space for storage of traps and other necessities of the fishermen. A 6" vertical curb will provide a physical delineation of this zone, act to divert runoff from their work areas, and provide a safety barrier for vehicles traveling along the driveway. Six dedicated spaces will be provided for the berthing employees, and it is assumed that they may utilize the north side of the drive aisle for short periods to load/ unload their vehicles if necessary.

The remaining 65 parking spaces will be utilized by the tenants of the building, with up to 15 spaces dedicated to the marine use allowed on the first floor and the remaining 50 spaces leased for office use

tenants. Parking required in addition to what can be accommodated on-site will be secured in a number of off-site locations, including up to 70 spaces located on the Fish Pier. The Applicant is currently in the process of securing Letters from the various property owners which will satisfy the parking demands of the project.

A parking demand has been calculated based on actual projected employee need and can be described as noted below:

Use	# Employees	Parking Required
First Floor Marine	15	15
Marine berthing	6	6
Office- primary Tenant	175	155*
Office- secondary Tenant	25	20
Total Demand	221	196

* See attached letter from Pierce Atwood

Loading and unloading for the building will be either in the service alley located along the west side of the building or directly in front of the entrance for short term deliveries (UPS, FedEx, etc). Given the small amount of traffic anticipated at this end of the pier and the 24 foot aisle width, we do not anticipate any blockage of vehicles resulting from short term loading and unloading at the building entrance. A vehicle turnaround will be designated that accommodates a standard delivery truck or typical automobile/ truck. It is noted that the adjacent Fish Pier net mending area will continue to be accessible by the City through their access easement, although we believe the existing gate should be maintained to prevent unnecessary through traffic by others.

An existing loading dock for the abutting Brown Trading Company is encroaching well within the Waterfront Maine Property and the current site plan provides for continued use of part of this loading area. The Applicant is currently in discussions with this abutter to reconcile this encroachment.

In summary, the proposed site plan will ensure that access to and the functioning marine use of the pier, first floor use of the building, and the abutting loading facility is maintained and protected. Traffic function will be greatly improved over current conditions, resulting in significant reduction in congestion throughout the site.

CARROLL ASSOCIATES

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LANDSCAPE ARCHITECTS

May 18, 2010

Ms. Penny Littell, Planning Director
Ms. Jean Fraser, Planner
City of Portland
389 Congress street
Portland, ME 04101

RE: Cumberland Cold Storage Building- Response to Staff Review Comments

Dear Penny,

We have reviewed the Plan Review comments from Zoning, Traffic, Public Services, and Fire, and are submitting response comments to their memorandums as an attachment to this letter. Additionally, We are resubmitting sheets L-1.0 and L-2.0, as modifications to the plans have taken place as a result of ongoing review with the staff, updated survey information, and meetings and discussions with Maine DEP.

On behalf of the Applicant we would also like to formally request a waiver to the City Standards relating to parking lot dimensions, aisle width, and distances between driveways. The proposed site plan reconfigures a very confusing parking lot, reduces the curb cut width along Commercial Street, and provides safe circulation throughout the site. We believe the minor modifications to space depth and lot width do not compromise circulation or safety and are consistent with many other dimensions found in Portland. The driveway separation between this project and the abutter to the south id improved by this plan, and the City's traffic engineer has noted in his comments that he would support such waivers from the standards.

Significant modifications to the plans include the following changes:

1. The site plan has been slightly revised based on the new survey information. It is noted that the overall concept for the site is consistent with the previous submitted plan.
2. The roof runoff has been shown as collected in an 8" pipe inside the basement and discharged out the end of the building into a bio-swale filter area prior to discharge into Casco Bay. This solution is indicated as a way to collect runoff that currently is discharged onto abutter property, and is consistent with conversations with DEP staff regarding treatment of this flow. The Applicant is also discussing the long term use of the land directly behind the Cold Storage Building where the roof runoff discharges with the City and Fish Pier, in an effort to resolve ongoing runoff issues from the abutting properties that flood the Cold Storage Building on occasion. We are hopeful that a solution can be worked out that benefits all parties.
3. The survey indicated a significant encroachment of the Brown Trading Company loading dock onto our property. The site plan has been developed to allow this loading dock to continue to function, but the Applicant realizes that a formal solution to the issue will need to be worked out between the parties involved.

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LANDSCAPE ARCHITECTS

PROJECT MEMO: **Cumberland Cold Storage Building**
254 Commercial Street

TO: **Penny Littell, Jean Fraser**
FROM: **Pat Carroll**
DATE: **May 18, 2010**

RE: Cumberland Cold Storage Building- Response to Staff Review Comments

We have reviewed the Plan Review comments from Zoning, Traffic, Public Services, and Fire, and offer the following responses:

ZONING (Marge Schmuckal, dated 5/11/2010)

Comment: The change of use for office use is approximately 80,207.39 square feet above the first floor. This information is based upon my calculations using the first floor footprint. The applicant should confirm those calculations.

Response: Based on the recently updated survey and field measurements, the following building gross floor area calculations are submitted:

Floor	Existing	Proposed	Existing Use	Proposed Use
Floor 1	20,473 SF	20,473 SF	Marine/ Storage	Marine/ Lobby
Floor 2	20,473 SF	20,507 SF	Storage	Professional Office
Floor 3	20,373 SF	20,507 SF	Storage	Professional Office
Floor 4	20,473 SF	20,507 SF	Storage	Professional Office
Floor 5	18,788 SF	18,882 SF	Storage	Professional Office
Total Floor Area	100,680 SF	100,816 SF		
Total Marine Space	20,473 SF	20,473 SF		
Total Office Space	80,207 SF	80,343 SF		

Comment: The applicant is proposing to add a glass bump out which is 2' x 10' by the height of the building for the entry way. This bump out meets the WCZ setback requirements. The applicant is also showing an exterior deck on the top of lower roof. There is no tangible information showing this deck. No dimensions – no specifics are given for review. Without more specific information, I cannot further review or approve it. It may be considered an expansion of the legally nonconforming building height and could not be allowed without special approvals.

Response: The glass bump out dimensions have been modified to 2'-8" x 12'-10", or approx 34 SF per floor. A portion of the roof deck (+/- 1000 sf) over the west end of the building above the fourth floor is intended to become an outdoor space for the tenants. No increase on building height is proposed for this terrace, and we believe any guardrails necessary for safety purposes would be interpreted as an accessory element to the roof and not fall under the definition of building height. (The existing building height was measured by the Architect on May 17, 2010 and determined the height at the parapet of the fourth floor roof is approximately 55'-6")

Comment: The proposed parking and circulation must be reviewed and approved under a conditional use appeal to the Planning Board under section 14-309(2) a & b.

Response: The Applicant is aware of this requirement and anticipates that this will be part of the overall Site Plan Review and approval.

Comment: Separate permits are required for any new signage.
Response: A separate permit for Building signage will be made by the tenant under a separate application. A freestanding project identification sign is proposed to be located at the entrance from Commercial Street and is indicated on Sheet L-1.0. The actual sign will be applied for under a separate permit from the Applicant at a later date.

Comment: The lobby with stairs and elevators shown on the first floor are meeting the WCZ requirements.
The WCZ Zone is exempt from the 75' setback from HWM as stated under section 14-449(a).
Response: We concur with the above findings.

Comment: Please submit your stamped survey site plan as soon as possible. It will be needed to confirm specifics.
Response: An updated, signed and stamped survey was submitted to the City on May 12, 2010 and is made part of the revised set of drawings being submitted with this memorandum.

TRAFFIC (Tom Errico, dated May 13, 2010)

Comment: As noted in my email of last Friday, the project will require a Traffic Movement Permit. As soon as I receive the application, I will review it for completeness and will schedule a scoping meeting as soon as possible.
Response: A Traffic Movement Permit Application was filed with the City on May 14, 2010. A scoping meeting has been scheduled for May 21, 2010 at 12:30 pm at City Hall. Notices have been sent to abutters and were published in the Press Herald on May 13, 2010.

Comment: Parking stall dimensions do not meet City standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.
Response: A letter requesting a waiver from the parking stall and distance between driveways is submitted as an attachment to this memorandum.

Comment: Parking aisle widths do not meet City standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.
Response: The revised site plan maintains a 24 foot aisle width which is consistent with City Standards.

Comment: The distance between the proposed site driveway and the existing loading dock driveway for Brown Trading Company does not meet City Standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.
Response: A letter requesting a waiver from the parking stall, aisle width, and distance between driveways is submitted as an attachment to this memorandum.

Comment: A portion of the Brown Trading Company loading dock is located on the applicant's site and therefore the plans should note removal of the dock.
Response: The Applicant is aware of the encroachment issue and will be contacting Brown Trading to discuss long term options for its use. The current site plan has been designed to allow use of the loading dock by Brown Trading Company.

PUBLIC SERVICES (David Margolis-Pineo May 12, 2010)

Comment: *The submitted plans have not been stamped by a Professional Engineer.*
Response: The revised plans dated May 18, 2010 have been stamped by a professional Engineer and Registered Landscape Architect.

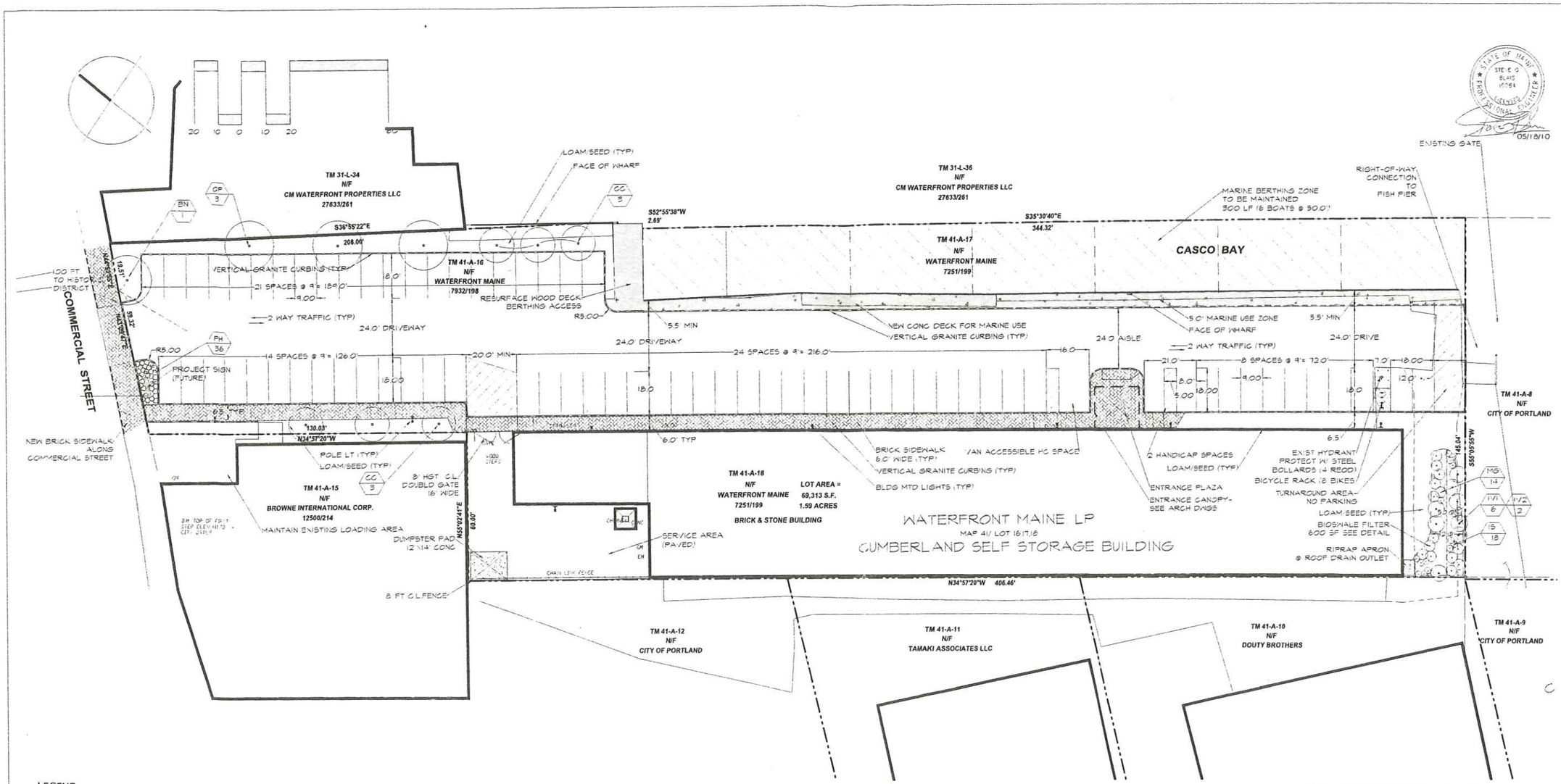
Comment: *The plan sheet L-3.0, Details, do not accurately reflect the City's current standards. However Note 5 states: "All work shall meet the requirements of the City of Portland ....." The applicant's contractor shall coordinate all work within the City R-O-W prior to starting work.*
Response: We Are aware that the City is in the process of updating its standard details and will be revising the plans to reflect the adopted City Design Standards.

Comment: *It is requested that the applicant connect the proposed 6" sewer lateral into the 48" interceptor sewer and not as shown. The conditions of Note 2 above shall apply.*
Response: The existing 6" sewer line is in service and has adequate capacity to serve the proposed building. The Applicant is not proposing to modify this sewer lateral.

Comment: *The applicant proposes to re-grade the south-west side of the building to carry roof drainage to the proposed catch basin on the south-east side of the building. This will require a drainage easement from the abutting property owners. The applicant may want to consider an alternative method of collecting and directing roof drainage from this side of the building.*
Response: The Applicant is discussing options for grading and drainage along the south side of the building with the Fish Pier and City in hope of developing a solution that benefits all parties. As a backup, the Applicant is proposing to collect all roof water currently discharging onto the abutter's property into an internal roof drain system in the basement and discharging into a vegetated bio-swale area on the east side of the building, where it will be piped into a catch basin and ultimately discharged into the Fore River.

Comment: *It is recommended that the applicant add the proposed eight bicycle parking spaces to "Parking On-Site," Sheet L-1.0.*
Response: The On-site Parking count on Sheet L-1.0 has been updated to include the bicycle parking.

Comment: *The applicant is proposing to re-direct the drainage from the front portion of the parking lot from the City's sanitary sewer system and treat that water by using a tree box filter and discharging to Portland Harbor. The City is very appreciative of this effort to reduce Combined Sewer Overflow volumes and to treat stormwater from their parking lot. To follow the same line of thinking for the remainder of the parking lot, the City is asking the applicant to consider re-direction the drainage from the harbor side of the parking lot to one or two additional tree box filters located in the lawn area at the south-east end of the building. The discharge could be directed into the proposed catch-basin system.*
Response: The proposed project falls below the Chapter 500 Rules for Stormwater Management and as such no treatment if stormwater is required. The applicant is willing to provide some level of treatment and has proposed to remove stormwater from the existing combined sewer system and treat it with a tree box filter. This effort will treat approximately 10,000 sf of the paved area. The Applicant has looked at regrading the site to redirect drainage from the harbor side to the lawn area and determined that it is unfeasible due to the grades across the site and the need to provide accessible entry to the building. The Applicant is also intending to treat the roof water (approximately 20,000) sf in a bio-swale filter that will be located on the south side of the driveway, discharging into the proposed catch basin.



PLANTING NOTES

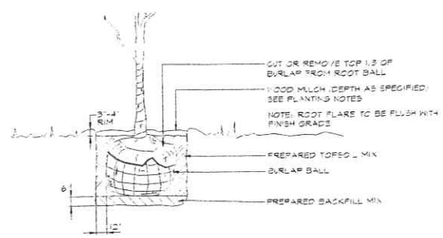
1. CONTRACTOR SHALL SUPPLY PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE THE WORK SHOWN ON THE PLAN. ANY DISCREPANCY BETWEEN THE QUANTITIES SHOWN IN THE PLANT SCHEDULE AND THOSE REQUIRED ON THE PLAN SHALL NOT ENTITLE THE CONTRACTOR TO ADDITIONAL RENUMERATION.
2. ALL PLANT MATERIAL SHALL CONFORM TO THE SPECIFICATIONS OF THE AMERICAN STANDARDS FOR NURSERY STOCK, LATEST EDITION, AS SET FORTH BY THE AMERICAN NURSERYMAN'S ASSOCIATION.
3. ALL TREES SHALL BE LOCATED IN THE FIELD PER PLANS AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. NO PLANT MATERIAL SHALL BE INSTALLED UNTIL ALL EARTH WORK INCLUDING LOAMING AND FINISH GRADING HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
5. PLANTING BEDS SHALL HAVE A MINIMUM OF 10" OF TOPSOIL. SEE PLANTING SPECIFICATIONS FOR SOIL ADMIXTURE.
6. ALL SHRUB BEDS AND TREE WELLS SHALL HAVE A MINIMUM OF 3" OF UNIFORMLY DISTRIBUTED, DARK SHREDDED BARK MULCH. SHRUBS SHALL BE MULCHED AS CONTIGUOUS PLANTING BED.

PLANT SCHEDULE

QTY.	SYM.	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
6	CO	CRATAEGUS CRUSGALLI INERMIS	COCKSPUR THORNLESS HAWTHORN	2-2.5" CAL.	B&B
1	BN	BETULA NIGRA 'HERITAGE'	HERITAGE RIVER BIRCH	12'-14'	CLUMP FORM
5	QP	QUERCUS PALUSTRIS 'GREEN PILLAR'	FASTIGIATE P.N. OAK	3" CAL.	B&B
18	IS	IRIS ENSATA	JAPANESE IRIS	2 GAL	CONT
6	IV	ILEX VERTICILLATA 'WINTER RED'	WINTER RED WINTERBERRY	24-30"	CONT
2	IV2	ILEX VERTICILLATA 'JIM DANDY'	JIM DANDY WINTERBERRY	24-36"	CONT
14	MG	MYRICA GALE	SWEET GALE	1 GAL	CONT
33	PH	PHALARIS ARUNDINACEA VAR. PICTA	RIBBON GRASS	2 GAL	CONT

SOILS INFORMATION

1. SOILS CLASSIFICATION FROM CUMBERLAND COUNTY SOIL SURVEY, USDA, 1974.
2. SOILS ARE CU, CUT AND FILL DESCRIBED AS SANDY, CLAYEY, SILTY, COBBLY, AND GRAVELY SEDIMENT SEPARATELY OR IN VARIOUS COMBINATIONS.



1 TREE PLANTING DETAIL

NOT TO SCALE

SITE PLAN NOTES, CITY OF PORTLAND

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 25 1985 AND 1973, PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1978, AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.
2. TOPOGRAPHY AND UTILITIES FROM A PLAN BY EC JORDAN 1973. AERIAL TOPOGRAPHY SURVEY BY SEWELL CO. (DATUM MSL= 0.00')
3. 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 TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
4. ALL POWER LINES WITHIN THE PROPERTY SHALL BE UNDERGROUND (SEE E-0.1).
5. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIP DOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS, AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
6. 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 BALE, ETC.) AS WELL AS THEIR LOCATION.)
7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
8. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES. (SEE ABOVE.)
9. 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.

WCZ - WATERFRONT CENTRAL ZONE DISTRICT

SPATIAL STANDARDS	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	67,982 sf (1.56 ac)
MINIMUM FRONTAGE	NONE	781.4 FT
FRONT SETBACK	NONE	147.36 FT
SIDE SETBACK	NONE	0.47 FT
REAR SETBACK	NONE	25.0 FT
SETBACK FROM PIER LINE	5 FT	52.0 FT
MAXIMUM LOT COVERAGE	100%	92%
MAXIMUM BUILDING HEIGHT	45 FT	55.0 FT (EXIST)
MINIMUM GROUND FLOOR CLEARANCE	N/A	
TOTAL FLOOR AREA	N/A	
PARKING- ON-SITE		
MARINE BERTHING	6	6 SPACES
1ST FLOOR MARINE USE	21	15 SPACES
UPPER FLOOR OFFICE USE	201	50 SPACES
BICYCLE PARKING	10	8
TOTAL	228	79 SPACES (3 ADA SPACES) ADDTL SPACES LEASED OFFSITE

ISSUED FOR PERMITTING- NOT FOR CONSTRUCTION

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

Owner/ Developer
WATERFRONT MAINE
14 Maine Street Brunswick, ME 04011
212.695.8090 212.695.8090 Fax
cpachios@wrfny.com

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5 Mill Street
Portland, ME 04101
207.774.4811

Landscape Architect:
Carroll Associates
217 Commercial Street
Suite 200
Portland, ME 04101
207.772.1550

Civil Engineer:
Blais Civil Engineers
780 Broadway
South Portland, ME 04101
207.767.7300

Traffic Consultants:
Gorrill Palmer P.E., Inc
17 Shaker Road
Gray, ME 04039
207.657.6910

Drawing Set:

No.	Date	Revision
1	5.4.10	SUBMIT TO P.B.
2	5.18.10	MOD GRADES

Drawing Set:
PERMITTING

Drawn: TO
Checked: PC
Approved:

Drawing Title:
SITE PLAN

Job Number:
File:
Date: 05.07.10 Scale: AS SHOWN

Drawing Number:
L-1.0

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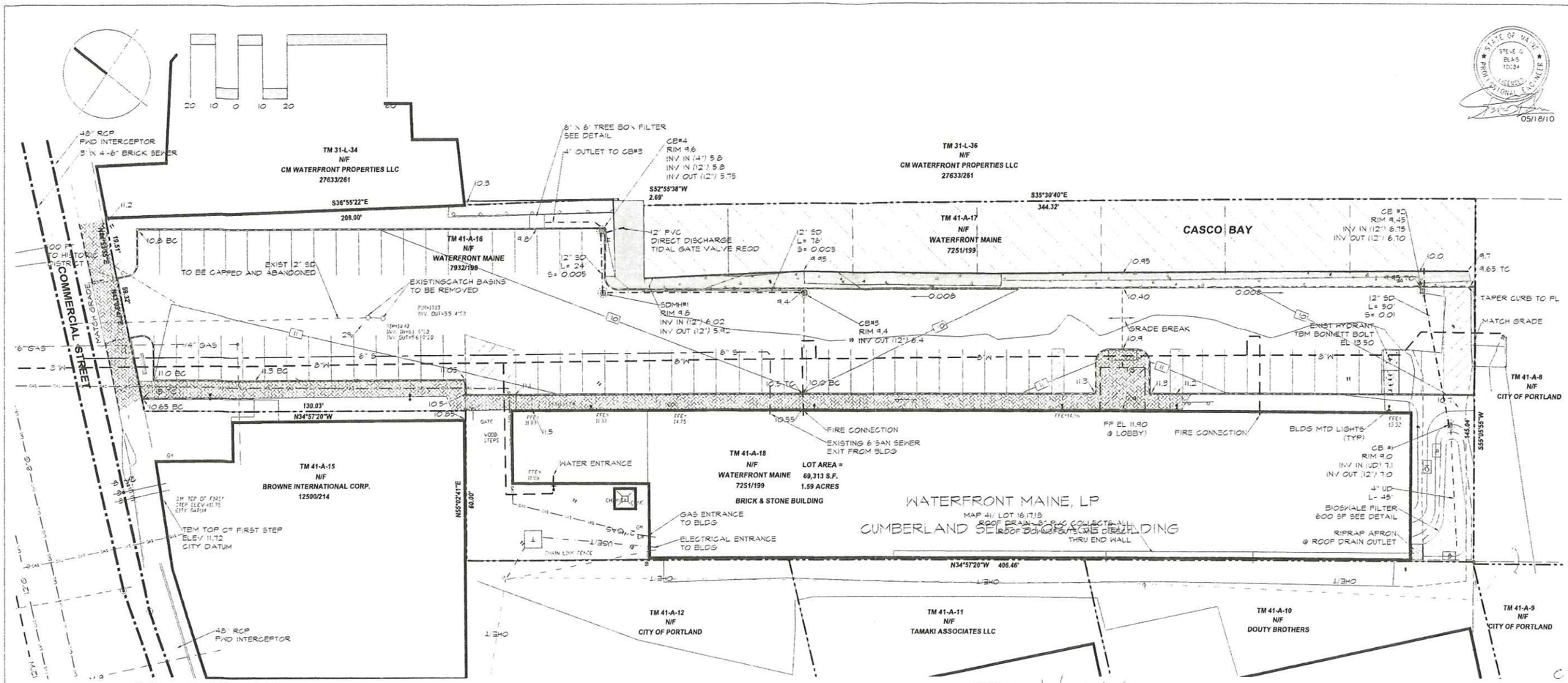
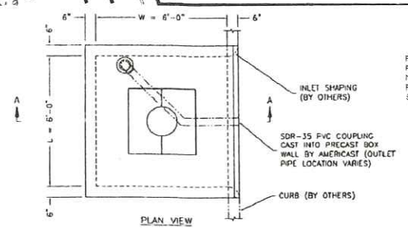
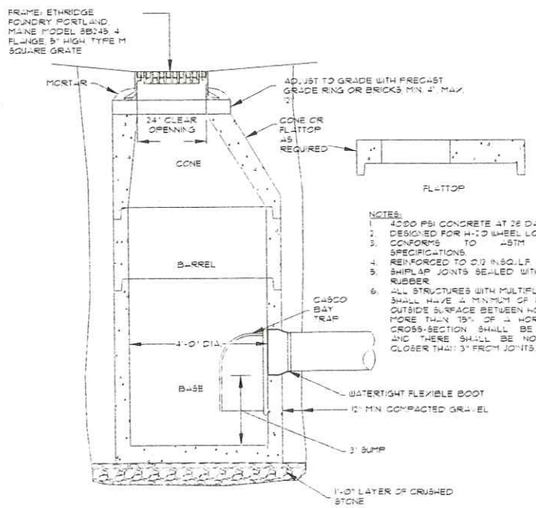




DESIGNATION	L	W	TREE GRATE QTY & SIZE	OUTLET PIPE
6 x 6	6'-0"	6'-0"	(1) 3x3	4" SDR-35 PVC

1 TREE BOX FILTER DETAIL

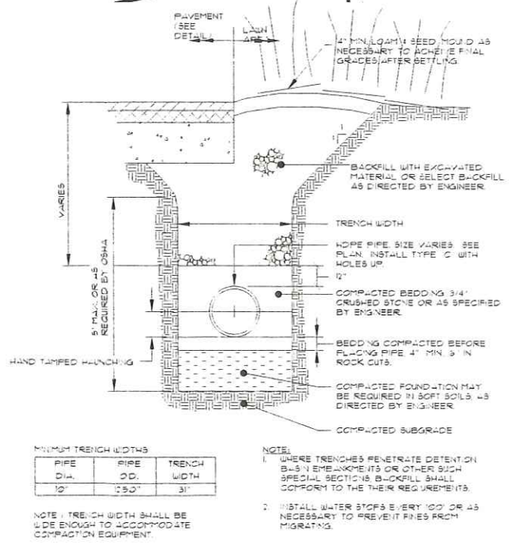
NOT TO SCALE



NOTES:
1. 4000 PSI CONCRETE AT 28 DAYS.
2. DESIGNED FOR H-20 WHEEL LOADING.
3. CONFORMS TO ASTM C-478 SPECIFICATIONS.
4. REINFORCED TO 0.12 IN.SQ./L.F.
5. SHIPLAP JOINTS SEALED WITH BUTYL RUBBER.
6. ALL STRUCTURES WITH MULTIPLE PIPES SHALL HAVE A MINIMUM OF 1'-0" OR OUTSIDE SURFACE BETWEEN HOLES, NO MORE THAN 15% OF A HORIZONTAL CROSS-SECTION SHALL BE HOLES, AND THERE SHALL BE NO HOLES CLOSER THAN 3" FROM JOINTS.

3 CATCH BASIN DETAIL

NOT TO SCALE



PIPE DIA.	PIPE O.D.	TRENCH WIDTH
12"	13.0"	31"

NOTE: TRENCH WIDTH SHALL BE WIDE ENOUGH TO ACCOMMODATE COMPACTION EQUIPMENT.

NOTE:
1. WHERE TRENCHES PENETRATE DETENTION BASIN EMBANKMENTS OR OTHER SUCH SPECIAL SECTIONS, BACKFILL SHALL CONFORM TO THE THEIR REQUIREMENTS.
2. INSTALL WATER STOPS EVERY 100' OR AS NECESSARY TO PREVENT FINES FROM MIGRATING.

3 TYPICAL PIPE TRENCH DETAIL

NOT TO SCALE

ISSUED FOR PERMITTING- NOT FOR CONSTRUCTION

GRADING NOTES:

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY BG JORDAN, JUNE 26, 1986 AND 1998, PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER 1978, AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF CLANCE AND DOUGLAS, AUGUST 1981.
2. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED. CONTRACTOR SHALL PERFORM ON-SITE INSPECTION OF CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCIES WHICH MAY EXIST.
3. AREAS NOT REQUIRING GRADING SHALL BE LEFT UNDISTURBED. CONTRACTOR SHALL AVOID THESE AREAS AND PRESERVE ANY EXISTING VEGETATION AS NOTED.
4. UTILITY LOCATIONS ARE APPROXIMATE AND SHALL BE VERIFIED PRIOR TO CONSTRUCTION. ANY DISCREPANCIES OR CONFLICTS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT.
5. ALL UTILITY INSTALLATION SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTLAND AS WELL AS ANY OTHER LOCAL, STATE, AND FEDERAL REQUIREMENTS.
6. SITE CONTRACTOR SHALL REPAIR ALL DISTURBED AREAS IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS.
7. ALL PROPOSED SLOPES GREATER THAN 3:1 SHALL HAVE AN EROSION MAT INSTALLED OVER FINISH GRADES TO PROTECT SEEDED SLOPES FROM EROSION. AT CONTRACTOR'S OPTION, SLOPES MAY BE SODDED AS AN APPROPRIATE SUBSTITUTION TO SEED AND MAT.
8. ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED IN THE BEST MANAGEMENT PRACTICES, AND MAINTAINED THROUGHOUT CONSTRUCTION OF THIS PROJECT.
9. ALL AREAS DISTURBED BY CONSTRUCTION NOT TO BE PAVED OR OTHERWISE TREATED SHALL BE LOAMED AND SEEDED ACCORDING TO THE PROJECT SPECIFICATIONS. EXISTING LAWN AREAS WHICH ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.
10. SEE CIVIL DRAWINGS FOR UTILITY, DRAINAGE PIPING AND EROSION CONTROL REQUIREMENTS.

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

Owner/ Developer
WATERFRONT MAINE
14 Maine Street Brunswick, ME 04011
212.695.8090 212.695.8090 Fax
cpachios@verizon.com

Consultants:

Architect:
Winton Scott Architects
5 Mill Street
Portland, ME 04101
207.774.4811

Landscape Architect:
Carroll Associates
217 Commercial Street
Suite 200
Portland, ME 04101
207.772.1552

Civil Engineer:
Elvis Civil Engineers
780 Broadway
South Portland, ME 04101
207.767.7300

Traffic Consultants:
Carroll Palmer CE, Inc
17 Shaker Road
Gray, ME 04039
207.657.6910

Drawing Set:

No.	Date	Revision
1	5.4.10	SUBMIT TO P.B.
2	5.18.10	MOD GRADES

Drawing Set:
PERMITTING

Drawn: TC
Checked: PC
Approved:

Drawing Title:
GRADING & UTILITIES PLAN

Job Number:
File:
Date: 03/03/10 Scale: AS SHOWN

Drawing Number:
L-2.0

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CARROLL ASSOCIATES

LANDSCAPE ARCHITECTS

Neighborhood Meeting Invitation

May 19, 2010

Dear Neighbor:

Please join Waterfront Maine and its consultants for a neighborhood meeting to discuss our plans for redevelopment of the Cumberland Cold Storage Building located at 254 Commercial Street.

Meeting Location: **Dimillo's Floating Restaurant**

Meeting Date: **Wednesday, May 26, 2010**
Meeting Time: **6:00 PM**

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Anthony Gatti, Waterfront Maine, 729-7970

Sincerely,

Patrick J. Carroll

Note:
Under Section 14-32(C) of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Department of Planning and Development, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email: to baba,portlandmaine.gov.

NEIGHBORHOOD MEETING 5/26/10 5:30 PM

NAME

ROGER A. HALE

Steven Schorf SCSMedia@aol.com

SCOTT Lindsay

Elizabeth Astor

Peter Gellerson

Tom Bell - tbell@pressherald.com

Dennis Reeler

PETER CULLEY

Edie Black

R Hale

Return papers to me

Jean Fraser - Cumberland Storage building

From: "Maclaine, John" <John.Maclaine@maine.gov>
To: "Pat Carroll" <pcarroll@carroll-assoc.com>
Date: 6/2/2010 2:44 PM
Subject: Cumberland Storage building
CC: "Jean Fraser" <JF@portlandmaine.gov>
Attachments: WaterfrontME FD.pdf

Good afternoon,

Here is a copy of the field determination for the Cumberland storage renovation. I approved the Permit By Rule for the activities today. Let me know if you have any other questions/concerns. The hard copy of the Field Determination will be arriving in the mail shortly.

Thanks,

John

John:
8226351

get approved PBR faxed to us

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND AND WATER QUALITY

6/2/2010

FIELD DETERMINATION FORM

CONTACT ID 8588

CONTACT

PAT CARROLL
75 MARKET STREET

PORTLAND ME 04101
2077721552

PROPERTY OWNER

WATERFRONT MAINE, LP
14 MAINE STREET
BRUNSWICK ME 04011

STAFF MACLAINE, JOHN

RESOURCE CW

DIRECTIONS

Located on Merrill Wharf on Portland Waterfront off Commercial Street

SITE TOWN PORTLAND

MAP	LOT
41	16,17,18

MEMO

On May 17, 2010, I inspected the site of a proposed renovation of the facilities on Merrill Wharf off Commercial Street in Portland. The site currently contains a building located on filled land and portions on pilings over the coastal wetland. The owner proposes to repair and repave the parking areas on site, including providing curbing to eliminate portions of direct stormwater discharge flowing from the parking lot and other impervious areas into the ocean.

Repaving and general maintenance of the parking area is considered to be a repair/maintenance activty and does not require a permit from the Department. In the proposed stormwater system, stormwater from a portion of the site will be rerouted from a connection to the City's CSO and allowed to discharge from the site into the ocean under waiver of the 25 foot vegetated filter strip under Section 7 Permit By Rule provided where possible, storwater discharging to the ocean recieves some level of treatment. The treatment proposed by the applicant as discussed on-site includes a vegetated swale on the outer portion of the wharf where it is practicable before discharge to the ocean, and installation of tree box filters and sumps on other portions of the lot for parking lot stormwater treatment. This Field Determination can be used as the written approval for the waiver from the 25 foot vegetated filter strip on this project provided these treatment recommendations are implemented.

Portions of the lot that will have slight changes to the the topography, include soil disturbance, or building footprint changes will require the applicant to file a Permit By Rule Section 2 (Activities adjacent to protected natural resources) with the Department.

Erosion control devices must be installed and maintained on the project site during any soil disturbance activity.

NAME:

RECEIVED 5/13/2010 **SITE VISIT** 5/17/2010 **COMPLETED** 6/1/2010

CARROLL ASSOCIATES
217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712
LANDSCAPE ARCHITECTS

May 18, 2010

Ms. Penny Littell, Planning Director
Ms. Jean Fraser, Planner
City of Portland
389 Congress street
Portland, ME 04101

RE: Cumberland Cold Storage Building- Response to Staff Review Comments

Dear Penny,

We have reviewed the Plan Review comments from Zoning, Traffic, Public Services, and Fire, and are submitting response comments to their memorandums as an attachment to this letter. Additionally, We are resubmitting sheets L-1.0 and L-2.0, as modifications to the plans have taken place as a result of ongoing review with the staff, updated survey information, and meetings and discussions with Maine DEP.

On behalf of the Applicant we would also like to formally request a waiver to the City Standards relating to parking lot dimensions, aisle width, and distances between driveways. The proposed site plan reconfigures a very confusing parking lot, reduces the curb cut width along Commercial Street, and provides safe circulation throughout the site. We believe the minor modifications to space depth and lot width do not compromise circulation or safety and are consistent with many other dimensions found in Portland. The driveway separation between this project and the abutter to the south id improved by this plan, and the City's traffic engineer has noted in his comments that he would support such waivers from the standards.

Significant modifications to the plans include the following changes:

1. The site plan has been slightly revised based on the new survey information. It is noted that the overall concept for the site is consistent with the previous submitted plan.
2. The roof runoff has been shown as collected in an 8" pipe inside the basement and discharged out the end of the building into a bio-swale filter area prior to discharge into Casco Bay. This solution is indicated as a way to collect runoff that currently is discharged onto abutter property, and is consistent with conversations with DEP staff regarding treatment of this flow. The Applicant is also discussing the long term use of the land directly behind the Cold Storage Building where the roof runoff discharges with the City and Fish Pier, in an effort to resolve ongoing runoff issues from the abutting properties that flood the Cold Storage Building on occasion. We are hopeful that a solution can be worked out that benefits all parties.
3. The survey indicated a significant encroachment of the Brown Trading Company loading dock onto our property. The site plan has been developed to allow this loading dock to continue to function, but the Applicant realizes that a formal solution to the issue will need to be worked out between the parties involved.

The attached memorandum addresses all issues raised to date by the staff review, and we believe the project is substantially improved by their comments and critiques. We look forward to meeting with the Planning Board at its Workshop on May 25, 2010, and subsequent Public Hearing. As evident by the many meetings and communication to date by the Applicant, it is our intent to work closely with the City to insure that all issues are identified and addressed. We see the Workshop as a critical platform for dialog and look forward to discussing the project in detail.

Please do not hesitate to contact me if you have any questions or need additional information.

With Regards,
CARROLL ASSOCIATES

Patrick Carroll, Principal

Att: Response Memo 5/18/10
Site Plan Revisions L-1 and L-2

CC: Christopher Pachios
Donal Carroll
Anthony Gatti
Steve Weatherhead
Steve Blais

CARROLL ASSOCIATES
217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712
LANDSCAPE ARCHITECTS

PROJECT MEMO: **Cumberland Cold Storage Building**
254 Commercial Street

TO: **Penny Littell, Jean Fraser**
FROM: **Pat Carroll**
DATE: **May 18, 2010**

RE: Cumberland Cold Storage Building- Response to Staff Review Comments

We have reviewed the Plan Review comments from Zoning, Traffic, Public Services, and Fire, and offer the following responses:

ZONING (Marge Schmuckal, dated 5/11/2010)

Comment: The change of use for office use is approximately 80,207.39 square feet above the first floor. This information is based upon my calculations using the first floor footprint. The applicant should confirm those calculations.

Response: Based on the recently updated survey and field measurements, the following building gross floor area calculations are submitted:

Floor	Existing	Proposed	Existing Use	Proposed Use
Floor 1	20,473 SF	20,473 SF	Marine/ Storage	Marine/ Lobby
Floor 2	20,473 SF	20,507 SF	Storage	Professional Office
Floor 3	20,373 SF	20,507 SF	Storage	Professional Office
Floor 4	20,473 SF	20,507 SF	Storage	Professional Office
Floor 5	18,788 SF	18,882 SF	Storage	Professional Office
Total Floor Area	100,680 SF	100,816 SF		
Total Marine Space	20,473 SF	20,473 SF		
Total Office Space	80,207 SF	80,343 SF		

Comment: The applicant is proposing to add a glass bump out which is 2' x 10' by the height of the building for the entry way. This bump out meets the WCZ setback requirements. The applicant is also showing an exterior deck on the top of lower roof. There is no tangible information showing this deck. No dimensions – no specifics are given for review. Without more specific information, I cannot further review or approve it. It may be considered an expansion of the legally nonconforming building height and could not be allowed without special approvals.

Response: The glass bump out dimensions have been modified to 2'-8" x 12'-10", or approx 34 SF per floor. A portion of the roof deck (+/- 1000 sf) over the west end of the building above the fourth floor is intended to become an outdoor space for the tenants. No increase on building height is proposed for this terrace, and we believe any guardrails necessary for safety purposes would be interpreted as an accessory element to the roof and not fall under the definition of building height. (The existing building height was measured by the Architect on May 17, 2010 and determined the height at the parapet of the fourth floor roof is approximately 55'-6")

Comment: The proposed parking and circulation must be reviewed and approved under a conditional use appeal to the Planning Board under section 14-309(2) a & b.

Response: The Applicant is aware of this requirement and anticipates that this will be part of the overall Site Plan Review and approval.

Comment: I will need the applicant's confirmation of the amount of change of use for the office space before determining the need of off-street loading requirements under section 14-315(i). If the office space is over 100,000 square feet, there is a requirement to show a 14' x 50' loading area.
Response: As indicated above, the gross area of office space is 80,434 sf, which falls below the threshold of requiring a dedicated loading area.

Comment: The applicant has shown that there will be no adverse impact on marine uses as required under the four prong test listed under section 14-306. The applicant is retaining the existing berthing spaces and 6 parking spaces for their use. Also being reserved is a 5 foot marine use area abutting the berthing spaces. 15 parking spaces are also reserved for ground floor marine uses. 50 parking spaces remain for the professional offices. 8 bicycle spaces are also being provided.
Response: The Applicant agrees with the above comment.

Comment: The project is located on panel 13 of the FEMA Floodplain maps. The area is in Zone A-2 with an elevation of 10. The plans show grades of 97.34' to 99'. I would like confirmation as to what base the grade datum was used. The FEMA maps are based upon NGVD (National Geodetic Vertical Datum) of 1929. What would be the grades using NGVD? I want to compare to the FEMA maps using the same basis. It is my understanding that the building and the site is located on filled land. It is not over water.
Response: The updated stamped survey has based all elevations on the City of Portland datum, which is 0.003 (1/4") lower than the NGVD 1929 datum that the FEMA maps are based on. The site plan grades and elevations have been revised to match this City datum. The finish floor of the lobby is anticipated to be at elevation 11.90.

Comment: I do not see any information regarding new HVAC systems. It is reminded that the WCZ Zone has maximum noise requirements under the performance standards of 14-315. There generally is a maximum of 75 dBAs requirement measured at lot boundary lines. Prior to final zoning approvals I will need such information.
Response: The Applicant is currently developing plans for the mechanical systems for the project, is aware of the noise requirement under the performance standards of 14-315, and is confident that those noise requirements can be met at the property line. Once a system has been determined the appropriate noise information will be forwarded to the City for review and approval.

Comment: 14-315(e) concerns discharges into harbor areas. "No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of parks and public works in accordance with chapter 24, article III of this code." Section 14-449(m) of the shoreland regulations also address stormwater runoff. That section reads: "All new construction ***and development*** *shall be designed to be in compliance with the City of Portland Technical and Design Standards and Guidelines to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm water. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning." I will be consulting with public services and our engineers to ensure that these sections of the ordinance are appropriately met.*
Response: The proposed stormwater management plan attempts to manage the stormwater by removing it from the existing combined sewer system on Commercial Street, treating approximately 10,000 sf of paved parking area in a tree box filter, redirecting roof runoff that currently discharges onto abutting properties into a bio-swale filter, and utilizing deep sumps and oil/grit separators on catch basins prior to discharge into the Fore River. A long term maintenance plan and agreement with the City will be submitted and part of this project review and approval. This approach was reviewed with DEP on May 17, 2010 and found to be acceptable to them as a Permit by Rule activity.

Comment: Separate permits are required for any new signage.
Response: A separate permit for Building signage will be made by the tenant under a separate application. A freestanding project identification sign is proposed to be located at the entrance from Commercial Street and is indicated on Sheet L-1.0. The actual sign will be applied for under a separate permit from the Applicant at a later date.

Comment: The lobby with stairs and elevators shown on the first floor are meeting the WCZ requirements.
The WCZ Zone is exempt from the 75' setback from HWM as stated under section 14-449(a).
Response: We concur with the above findings.

Comment: Please submit your stamped survey site plan as soon as possible. It will be needed to confirm specifics.
Response: An updated, signed and stamped survey was submitted to the City on May 12, 2010 and is made part of the revised set of drawings being submitted with this memorandum.

TRAFFIC (Tom Errico, dated May 13, 2010)

Comment: As noted in my email of last Friday, the project will require a Traffic Movement Permit. As soon as I receive the application, I will review it for completeness and will schedule a scoping meeting as soon as possible.
Response: A Traffic Movement Permit Application was filed with the City on May 14, 2010. A scoping meeting has been scheduled for May 21, 2010 at 12:30 pm at City Hall. Notices have been sent to abutters and were published in the Press Herald on May 13, 2010.

Comment: Parking stall dimensions do not meet City standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.
Response: A letter requesting a waiver from the parking stall and distance between driveways is submitted as an attachment to this memorandum.

Comment: Parking aisle widths do not meet City standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.
Response: The revised site plan maintains a 24 foot aisle width which is consistent with City Standards.

Comment: The distance between the proposed site driveway and the existing loading dock driveway for Brown Trading Company does not meet City Standards. The applicant should formally request a waiver from the Technical Standard. I will support a waiver.
Response: A letter requesting a waiver from the parking stall, aisle width, and distance between driveways is submitted as an attachment to this memorandum.

Comment: A portion of the Brown Trading Company loading dock is located on the applicant's site and therefore the plans should note removal of the dock.
Response: The Applicant is aware of the encroachment issue and will be contacting Brown Trading to discuss long term options for its use. The current site plan has been designed to allow use of the loading dock by Brown Trading Company.

Comment: The City has been collecting monetary contributions for improvements to the Commercial Street/High Street intersection. Based upon my initial review the project will have a traffic impact at the Commercial Street/High Street intersection. Accordingly, the applicant may be required to make a contribution. I have not estimated the contribution amount but will do so upon receipt of revised trip generation and assignment data from the applicant.

Response: We anticipate that this calculation will be determined as part of the scoping meeting and review of the Traffic Movement Permit Application.

Comment: The applicant shall conduct an evaluation of vehicle queuing at the Commercial Street/Union Street intersection particularly as it relates to blockage of the project site driveway. Under current conditions it is common for queues to extend past the proposed driveway. While it was briefly noted in the applicants report, further detail is necessary.

Response: We anticipate that this calculation will be determined as part of the scoping meeting and review of the Traffic Movement Permit Application.

Comment: While not required under the City's Ordinance, it is suggested that the applicant consider Transportation Demand Management strategies that will help to reduce single-occupant vehicles. City staff can assist the applicant in developing such a program.

Response: The Applicant is considering this option with the proposed tenant and will respond in a separate letter to the City.

Comment: The applicant should provide a parking analysis for review that identifies the required parking supply for the project and how it will be met.

Response: A parking analysis identifying the project parking need based on employees and how that need is being met follows:

Use	# Employees	Parking Required
First Floor Marine	15	15
Marine berthing	6	6
Office- primary Tenant	175	175
Office- secondary Tenant	25	25
Total Demand	220	220

Parking will be accommodated in the following ways:

On-site		79 spaces (inc 8 bicycle spaces)
Off-site	Fish Pier Authority	70 spaces
	Additional Sites *	+/- 71 spaces

- The Applicant is in discussions with several property owners in the immediate area and will submit letters of intent once a final parking demand is agreed upon.

Comment: The applicant should provide auto-turn graphics that illustrates how delivery trucks will maneuver on and off the site.

Response: Turning movements for a standard UPS/ FedEx delivery truck are currently being reviewed and will be submitted to the City when completed. Options being considered include turning around in the service area, at the end of the parking area, and acquiring access through the City property at the end of the site. We are evaluating these options for safety, convenience, and traffic management.

PUBLIC SERVICES (David Margolis-Pineo May 12, 2010)

Comment: *The submitted plans have not been stamped by a Professional Engineer.*
Response: The revised plans dated May 18, 2010 have been stamped by a professional Engineer and Registered Landscape Architect.

Comment: *The plan sheet L-3.0, Details, do not accurately reflect the City's current standards. However Note 5 states: "All work shall meet the requirements of the City of Portland ….." The applicant's contractor shall coordinate all work within the City R-O-W prior to starting work.*
Response: We Are aware that the City is in the process of updating its standard details and will be revising the plans to reflect the adopted City Design Standards.

Comment: *It is requested that the applicant connect the proposed 6" sewer lateral into the 48" interceptor sewer and not as shown. The conditions of Note 2 above shall apply.*
Response: The existing 6" sewer line is in service and has adequate capacity to serve the proposed building. The Applicant is not proposing to modify this sewer lateral.

Comment: *The applicant proposes to re-grade the south-west side of the building to carry roof drainage to the proposed catch basin on the south-east side of the building. This will require a drainage easement from the abutting property owners. The applicant may want to consider an alternative method of collecting and directing roof drainage from this side of the building.*
Response: The Applicant is discussing options for grading and drainage along the south side of the building with the Fish Pier and City in hope of developing a solution that benefits all parties. As a backup, the Applicant is proposing to collect all roof water currently discharging onto the abutter's property into an internal roof drain system in the basement and discharging into a vegetated bio-swale area on the east side of the building, where it will be piped into a catch basin and ultimately discharged into the Fore River.

Comment: *It is recommended that the applicant add the proposed eight bicycle parking spaces to "Parking On-Site," Sheet L-1.0.*
Response: The On-site Parking count on Sheet L-1.0 has been updated to include the bicycle parking.

Comment: *The applicant is proposing to re-direct the drainage from the front portion of the parking lot from the City's sanitary sewer system and treat that water by using a tree box filter and discharging to Portland Harbor. The City is very appreciative of this effort to reduce Combined Sewer Overflow volumes and to treat stormwater from their parking lot. To follow the same line of thinking for the remainder of the parking lot, the City is asking the applicant to consider re-direction the drainage from the harbor side of the parking lot to one or two additional tree box filters located in the lawn area at the south-east end of the building. The discharge could be directed into the proposed catch-basin system.*
Response: The proposed project falls below the Chapter 500 Rules for Stormwater Management and as such no treatment if stormwater is required. The applicant is willing to provide some level of treatment and has proposed to remove stormwater from the existing combined sewer system and treat it with a tree box filter. This effort will treat approximately 10,000 sf of the paved area. The Applicant has looked at regrading the site to redirect drainage from the harbor side to the lawn area and determined that it is unfeasible due to the grades across the site and the need to provide accessible entry to the building. The Applicant is also intending to treat the roof water (approximately 20,000) sf in a bio-swale filter that will be located on the south side of the driveway, discharging into the proposed catch basin.

Comment: The proposed brick sidewalk and drive apron do not reflect city standard. Again, please refer to note 2 above. Re-setting of the granite curbing may be necessary for a seven inch curb reveal.
Response: We Are aware that the City is in the process of updating its standard details and will be revising the plans to reflect the adopted City Design Standards.

Comment: The Maine Department of Environmental Protection requires permits to "All discharges to the waters of the State of Maine." The applicant has indicated that a Permit by Rule will be applied for.
Response: The Applicant and City Planning Staff met with Maine DEP on Monday May 17, 2010 and it was determined that with some modifications to the plans the project would meet the standards for a Permit by Rule. A copy of this Notification Form will be submitted to the City upon completion.

FIRE DEPARTMENT (Keith Gautreau 5/13/2010)

Comment: In regards to 254 Commercial Street (Cumberland Cold Storage Building project # 10-99900003) the proposed Fire / Emergency access to the structure is acceptable to the Fire Department. It is an existing building with a propose change of use which will change the occupancy from storage to business. The proposed building will meet all applicable building and fire codes (NFPA 101, 1, 13, 72) related to the business occupancy chapters. In addition, the structure will comply with any local ordinances and fire alarm rules.
Response: The Applicant acknowledges the response by the Fire Department and confirms that the project will meet all applicable building and fire codes. This project will also be reviewed/ approved by the State Fire Marshall prior to construction.

CONSENT OF THE MAINE DEPARTMENT OF TRANSPORTATION

The State of Maine, acting by and through its Department of Transportation, for good and valuable consideration, hereby consents to a certain parking lease from the Portland Fish Pier Authority to Pierce Atwood, LLP, which conveys to Pierce Atwood a leasehold interest in seventy (70) parking spaces for a period of ten (10) years on a parcel that is subject to the Quitclaim Deed conveyance from the State of Maine to the City of Portland dated September 9, 1983, and recorded at the Cumberland County Registry of Deeds at Book 6268 Page 133.

Dated: 05/18/10

MAINE DEPARTMENT OF TRANSPORTATION

By: _____

Robert P. Eldon

Printed Name

Its: Director of the Office of Freight and Business Services

Jean Fraser - Parking

From: Danielle West-Chuhta
To: Fraser, Jean
Date: 5/21/2010 2:02 PM
Subject: Parking

Jean:

I have reviewed the consent from MDOT regarding the leased spaces that Pierce Atwood has secured re: Cumberland Cold Storage. I think that we need the actual agreement from the Fish Pier to show that these spaces have been secured, and also I think that we at least need to show the connection (through a lease or option or something) between Pierce Atwood and Cumberland Cold Storage. My concern is that if the Board relies on the parking that Pierce Atwood has obtained and then they are no longer interested in the building - we still need to be able to who that adequate parking would be available for the space.

I suppose that the Board could possibly accept the applicant's tenants providing evidence of the leased spaces, but I would want such an approval/condition to make clear that if the tenants should change the new tenants/the applicant must obtain/provide the same number of leased spaces that are being provided now.

Thanks,

Daniell

Bangor
Savings Bank

You matter more.

March 29, 2010

Mr. Christopher Pachios
Waterfront Maine
14 Maine Street
Brunswick, ME 04011

RE: Cumberland Cold Storage Project

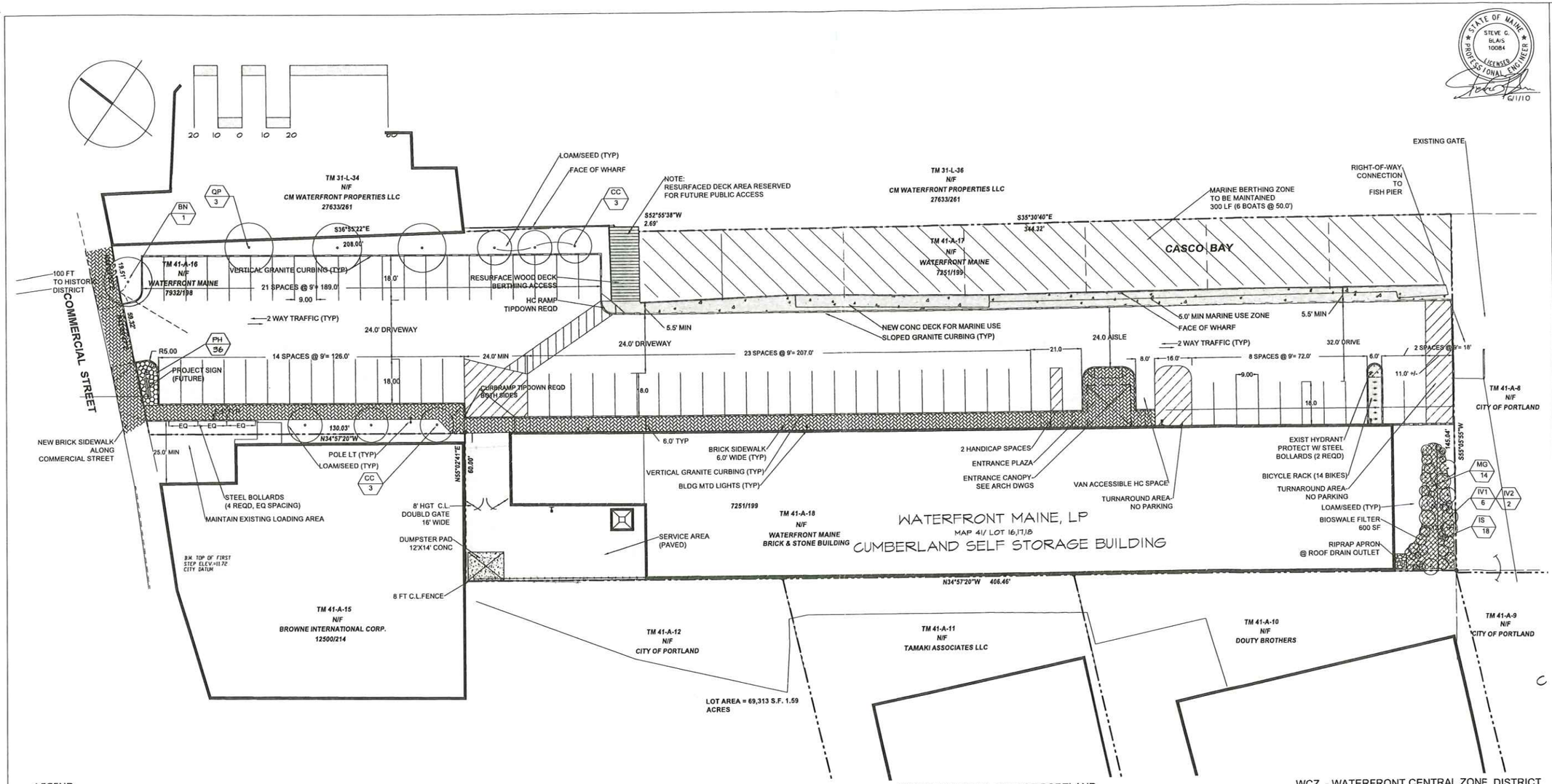
Dear Chris,

This letter will confirm that, based on our preliminary due diligence on project and sponsor background information received to date, Waterfront Maine will have the financial capacity, development experience and operational management expertise to complete the renovation of the Cumberland Cold Storage Building into an office project with the law offices of Pierce Atwood as the main tenant. Also, based upon a review of the projected cash flow of the project, proposed equity into the deal, and subject to our standard underwriting requirements, the Bank would consider financing the project as proposed.

Should you have any further questions, please do not hesitate to call me at 541-2710. We look forward to working with you further on this exciting project.

Very truly yours,

Michael P. O'Reilly
Vice President
Bangor Savings Bank
Commercial Banking
280 Fore Street, Suite 200
Portland, ME 04101



LEGEND

PLANTING NOTES

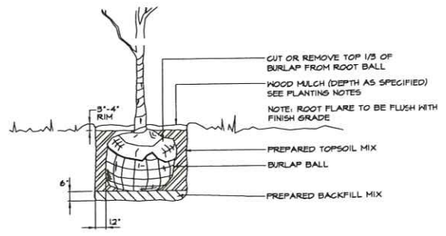
1. CONTRACTOR SHALL SUPPLY PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE THE WORK SHOWN ON THE PLAN. ANY DISCREPANCY BETWEEN THE QUANTITIES SHOWN IN THE PLANT SCHEDULE AND THOSE REQUIRED ON THE PLAN SHALL NOT ENTITLE THE CONTRACTOR TO ADDITIONAL REMUNERATION.
2. ALL PLANT MATERIAL SHALL CONFORM TO THE SPECIFICATIONS OF THE AMERICAN STANDARDS FOR NURSERY STOCK, LATEST EDITION, AS SET FORTH BY THE AMERICAN NURSERYMAN'S ASSOCIATION.
3. ALL TREES SHALL BE LOCATED IN THE FIELD PER PLANS, AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. NO PLANT MATERIAL SHALL BE INSTALLED UNTIL ALL EARTH WORK INCLUDING LOAMING AND FINISH GRADING HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
5. PLANTING BEDS SHALL HAVE A MINIMUM OF 10" OF TOPSOIL. SEE PLANTING SPECIFICATIONS FOR SOIL ADMIXTURE.
6. ALL SHRUB BEDS AND TREE WELLS SHALL HAVE A MINIMUM OF 3" OF UNIFORMLY DISTRIBUTED, DARK, SHREDDED BARK MULCH. SHRUBS SHALL BE MULCHED AS CONTIGUOUS PLANTING BED.

PLANT SCHEDULE

QTY.	SYM.	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
6	CG	CRATAEGUS CRUSGALLI INERMIS	COCKSPUR THORNLESS HAWTHORN	2-2.5" CAL.	B&B
1	BN	BETULA NIGRA 'HERITAGE'	HERITAGE RIVER BIRCH	12-14'	CLUMP FORM
3	QP	QUERCUS PALUSTRIS 'GREEN PILLAR'	FASTIGIATE PIN OAK	3" CAL.	B&B
18	IS	IRIS ENSATA	JAPANESE IRIS	2 GAL	CONT
6	IV1	ILEX VERTICILATTA 'WINTER RED	WINTER RED WINTERBERRY	24-36"	CONT
2	IV2	ILEX VERTICILATTA 'JIM DANDY'	JIM DANDY WINTERBERRY	24-36"	CONT
14	MG	MYRICA GALE	SWEETGALE	1 GAL.	CONT
33	PH	PHILARIS ARUNDINACEA VAR. PICTA	RIBBON GRASS	2 GAL.	CONT

SOILS INFORMATION

1. SOILS CLASSIFICATION FROM CUMBERLAND COUNTY SOIL SURVEY, USDA, 1974.
2. SOILS ARE 'CU', CUT AND FILL, DESCRIBED AS SANDY, CLAYEY, SILTY, COBBLY, AND GRAVELY SEDIMENT SEPARATELY OR IN VARIOUS COMBINATIONS.



1 TREE PLANTING DETAIL

NOT TO SCALE

SITE PLAN NOTES, CITY OF PORTLAND

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1986 AND 1973; PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1974, AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.
2. TOPOGRAPHY AND UTILITIES FROM A PLAN BY EC JORDAN 1973. AERIAL TOPOGRAPHY SURVEY BY SEWELL CO. (DATUM MSL= 0.00')
3. 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 TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
4. ALL POWER LINES WITHIN THE PROPERTY SHALL BE UNDERGROUND (SEE E-0.1).
5. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIP DOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS, AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
6. 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 BALE, ETC.) AS WELL AS THEIR LOCATION.)
7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
8. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE.)
9. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORK'S REPRESENTATIVE, AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE/BUILDING CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.

WCZ - WATERFRONT CENTRAL ZONE DISTRICT

SPATIAL STANDARDS	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	67,982 sf (1.56 ac)
MINIMUM FRONTAGE	NONE	78.14 FT
FRONT SETBACK	NONE	147.36 FT
SIDE SETBACK	NONE'	0.47 FT
REAR SETBACK	NONE	25.0 FT
SETBACK FROM PIER LINE	5 FT	52.0 FT
MAXIMUM LOT COVERAGE	100%	92%
MAXIMUM BUILDING HEIGHT	45 FT	55.0 FT (EXIST)
MINIMUM GROUND FLOOR CLEARANCE	N/A	
TOTAL FLOOR AREA	N/A	
PARKING- ON-SITE		
MARINE BERTHING	6	6 SPACES
1ST FLOOR MARINE USE	21	15 SPACES
UPPER FLOOR OFFICE USE	201	50 SPACES
BICYCLE PARKING	0	8
TOTAL	228	79 SPACES (3 ADA SPACES) ADDTL SPACES LEASED OFFSITE

ISSUED FOR PERMITTING- NOT FOR CONSTRUCTION

STATE OF MAINE * STEVE G. BLAIS 10084 * PROFESSIONAL ENGINEER LICENSED 6/1/10

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

Owner/ Developer
WATERFRONT MAINE
14 Maine Street Brunswick, ME 04011
212.695.8090 212.695.8090 Fax
cpatching@wfmy.com

Consultants:

Architect:
Winton Scott Architects
5 Milk Street
Portland, ME 04101
207.774.4811

Landscape Architect:
Carroll Associates
217 Commercial Street
Suite 200
Portland, ME 04101
207.772.1552

Civil Engineer:
Blais Civil Engineers
780 Broadway
South Portland, ME 04101
207.767.7300

Traffic Consultants:
Gorrill Palmer CE, Inc
17 Shaker Road
Gray, ME 04039
207.657.6910

Drawing Set:

No.	Date	Revision
1	5.4.10	SUBMIT TO P.B.
2	5.18.10	MOD GRADES
3	6.01.10	SUBMIT TO PB

Drawing Set:
PERMITTING

Drawn: TC
Checked: PC
Approved:

LICENSED LANDSCAPE ARCHITECT PATRICK J. CARROLL NO. 127 STATE OF MAINE

Drawing Title:
SITE PLAN

Job Number:
File:
Date: 05.03.10 Scale: AS SHOWN

Drawing Number:
L-1.0

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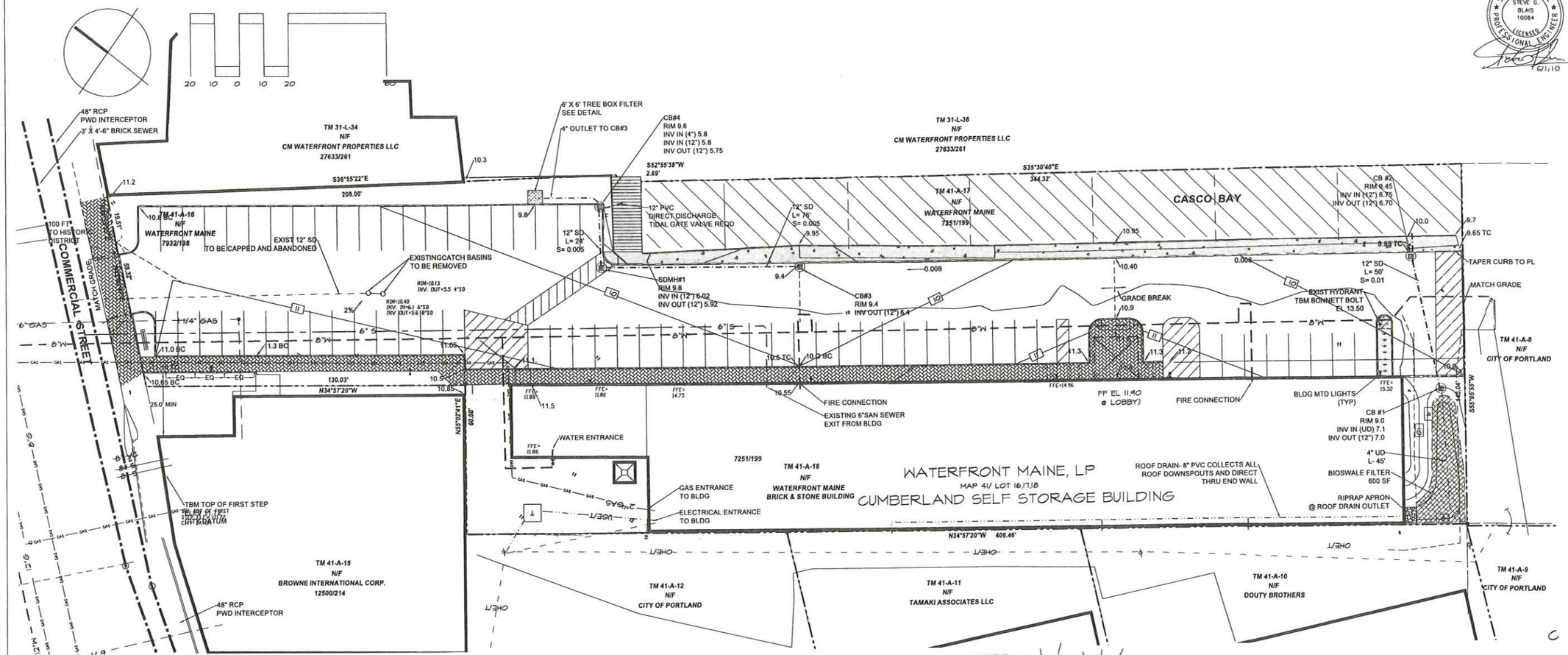
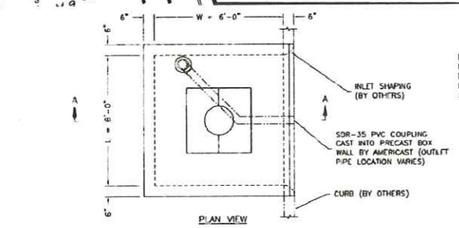
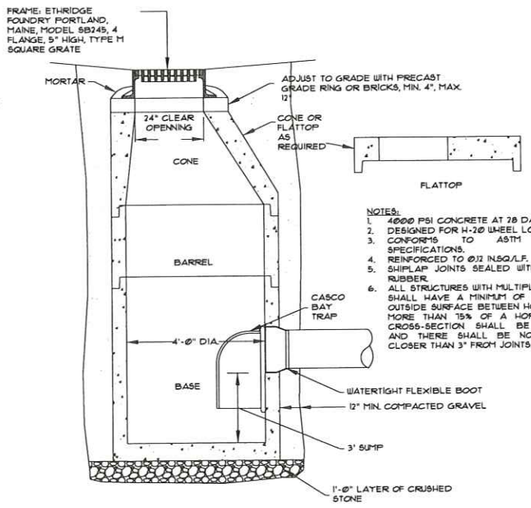




DESIGNATION	L	W	TREE GRATE QTY & SIZE	OUTLET PIPE
6 x 6	6'-0"	6'-0"	(1) 3x3	4" SDR-35 PVC

1 TREE BOX FILTER DETAIL

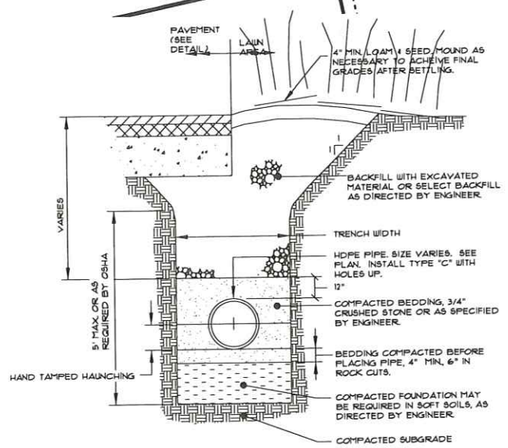
NOT TO SCALE



NOTES:
1. 4000 PSI CONCRETE AT 28 DAYS.
2. DESIGNED FOR H-20 WHEEL LOADING.
3. CONFORMS TO ASTM C-478 SPECIFICATIONS.
4. REINFORCED TO Ø.12 IN.SQ/L.F.
5. SHIPLAP JOINTS SEALED WITH BUTYL RUBBER.
6. ALL STRUCTURES WITH MULTIPLE PIPES SHALL HAVE A MINIMUM OF 1'-0" OR OUTSIDE SURFACE BETWEEN HOLES, NO MORE THAN 75% OF A HORIZONTAL CROSS-SECTION SHALL BE HOLES, AND THERE SHALL BE NO HOLES CLOSER THAN 3" FROM JOINTS.

2 CATCH BASIN DETAIL

NOT TO SCALE



MINIMUM TRENCH WIDTHS		
PIPE DIA.	PIPE O.D.	TRENCH WIDTH
10"	12.50"	31"

NOTE : TRENCH WIDTH SHALL BE WIDE ENOUGH TO ACCOMMODATE COMPACTION EQUIPMENT.

NOTE:
1. WHERE TRENCHES PENETRATE DETENTION BASIN EMBANKMENTS OR OTHER SUCH SPECIAL SECTIONS, BACKFILL SHALL CONFORM TO THE THEIR REQUIREMENTS.
2. INSTALL WATER STOPS EVERY 100' OR AS NECESSARY TO PREVENT FINES FROM MIGRATING.

3 TYPICAL PIPE TRENCH DETAIL

NOT TO SCALE

ISSUED FOR PERMITTING- NOT FOR CONSTRUCTION

GRADING NOTES:

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1986 AND 1973, PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1974, AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981.
2. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED. CONTRACTOR SHALL PERFORM ON-SITE INSPECTION OF CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCIES WHICH MAY EXIST.
3. AREAS NOT REQUIRING GRADING SHALL BE LEFT UNDISTURBED. CONTRACTOR SHALL AVOID THESE AREAS AND PRESERVE ANY EXISTING VEGETATION AS NOTED.
4. UTILITY LOCATIONS ARE APPROXIMATE AND SHALL BE VERIFIED PRIOR TO CONSTRUCTION. ANY DISCREPANCIES OR CONFLICTS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT.
5. ALL UTILITY INSTALLATION SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTLAND, AS WELL AS ANY OTHER LOCAL, STATE, AND FEDERAL REQUIREMENTS.
6. SITE CONTRACTOR SHALL REPAIR ALL DISTURBED AREAS IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS.
7. ALL PROPOSED SLOPES GREATER THAN 3:1 SHALL HAVE AN EROSION MAT INSTALLED OVER FINISH GRADES TO PROTECT SEEDED SLOPES FROM EROSION. AT CONTRACTOR'S OPTION, SLOPES MAY BE SODDED AS AN APPROPRIATE SUBSTITUTION TO SEED, AND MAT.
8. ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED IN THE BEST MANAGEMENT PRACTICES, AND MAINTAINED THROUGHOUT CONSTRUCTION OF THIS PROJECT.
9. ALL AREAS DISTURBED BY CONSTRUCTION NOT TO BE PAVED OR OTHERWISE TREATED SHALL BE LOAMED AND SEEDED ACCORDING TO THE PROJECT SPECIFICATIONS. EXISTING LAWN AREAS WHICH ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.
10. SEE CIVIL DRAWINGS FOR UTILITY, DRAINAGE PIPING, AND EROSION CONTROL REQUIREMENTS.

STATE OF MAINE
STEVE G. BLAIS
10084
PROFESSIONAL ENGINEER
LICENSED
6/1/10

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

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14 Maine Street Brunswick, ME 04011
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207.657.6910

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Drawn: TC
Checked: PC
Approved:

REGISTERED LANDSCAPE ARCHITECT
PATRICK J. CARROLL
NO. 127
STATE OF MAINE

Drawing Title:
GRADING & UTILITIES PLAN

Job Number:
File:
Date: 05.03.10 Scale: AS SHOWN

Drawing Number:
L-2.0

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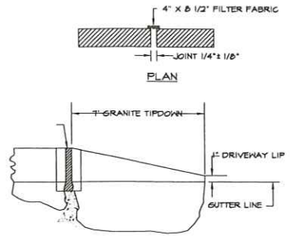
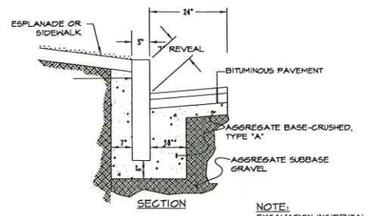
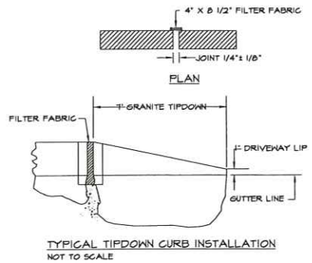


TYPICAL TIPDOWN CURB INSTALLATION
NOT TO SCALE

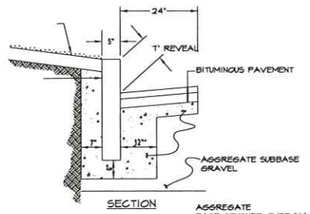


NOTE:
EXCAVATION INCIDENTAL TO COST OF CURB

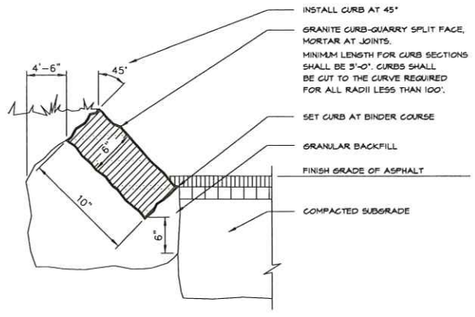
1 RESET EXISTING GRANITE CURB
NOT TO SCALE



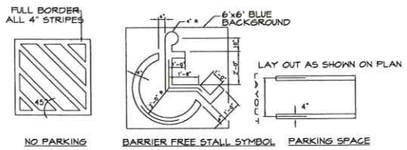
TYPICAL TIPDOWN CURB INSTALLATION
NOT TO SCALE



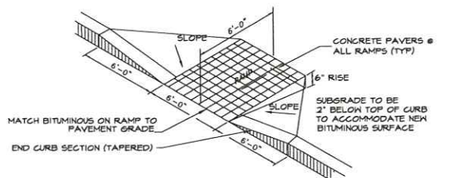
2 NEW GRANITE CURB
NOT TO SCALE



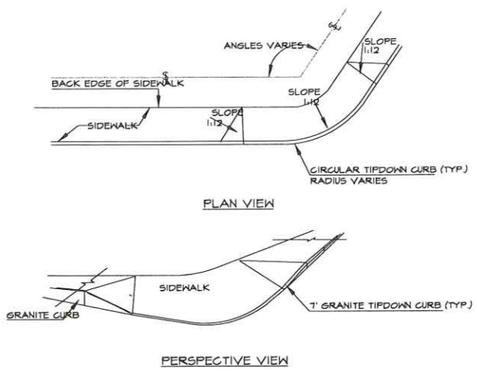
3 SLOPED GRANITE CURB DETAIL
NOT TO SCALE



4 PAVEMENT STRIPING DETAIL
NOT TO SCALE

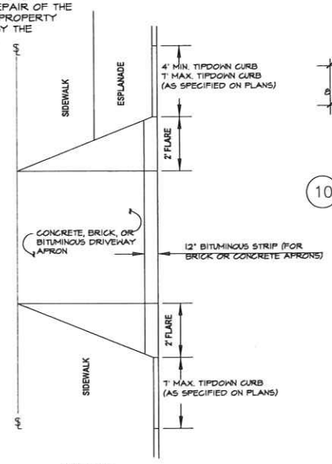


5 ACCESS RAMP DETAIL (A)
NOT TO SCALE

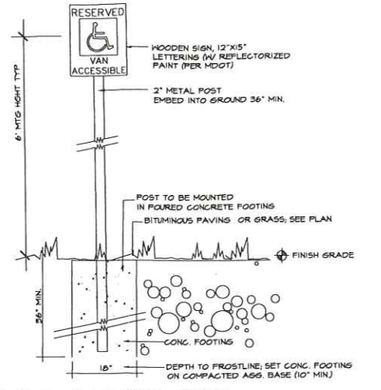


6 PED. RAMP @ STREET CORNER
NOT TO SCALE

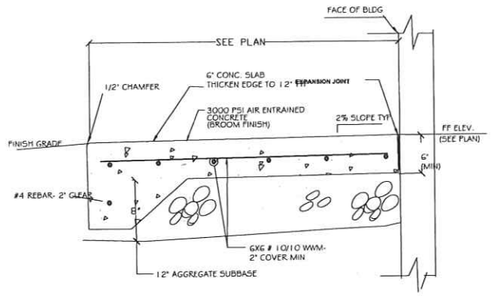
NOTE:
MATCH EXISTING GRADE OF DRIVEWAY AT THE PROPERTY LINE. ADDITIONAL REPAIR OF THE DRIVEWAY BEYOND PROPERTY LINE AS DIRECTED BY THE PROJECT ENGINEER.



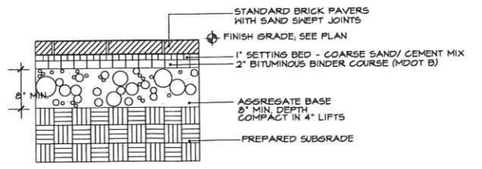
7 TYPICAL DRIVEWAY APRON LAYOUT
NOT TO SCALE



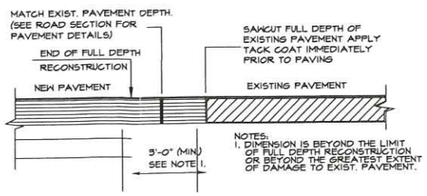
8 A.D.A. PARKING SIGN
NOT TO SCALE



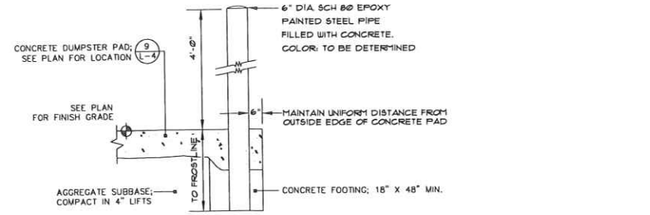
9 CONCRETE DUMPSTER PAD
NOT TO SCALE



10 BRICK PAVERS (PEDESTRIAN)
NOT TO SCALE



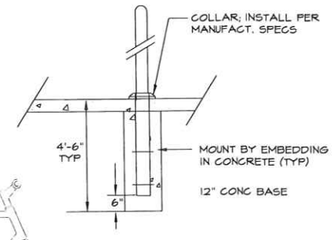
11 PAVEMENT CUTTING/MATCHING DETAIL
NOT TO SCALE

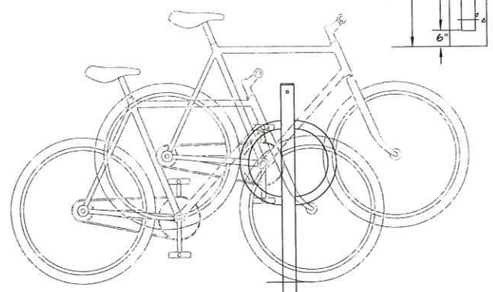


12 STEEL BOLLARD DETAIL
NOT TO SCALE

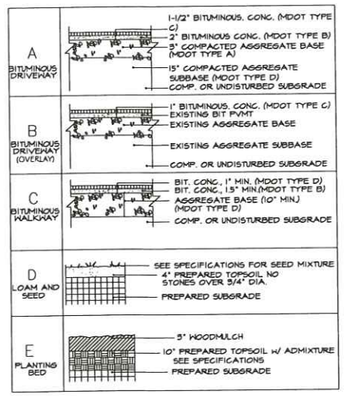
5 BIKE CAPACITY (MODEL NO: XXX (OR EQUAL)
STEEL BIKE HITCH WITH POWDER COATED FINISH
COLOR TO BE DETERMINED

MANUFACTURER: DERO BIKE RACK CO.
2657 32ND AVE. SOUTH
MINNEAPOLIS, MN 55406
TOLL FREE: 1-888-337-6729
PHONE: (612)3594-0684
FAX: (612)331-2751
www.dero.com





13 BICYCLE RACK INSTALLATION DETAIL
NOT TO SCALE



NOTE: ALL COURSE MATERIALS REFLECT THICKNESS AFTER FINAL COMPACTION.

14 SCHEDULE OF SURFACES / DETAIL
NOT TO SCALE

ISSUED FOR PERMITTING-
NOT FOR CONSTRUCTION

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

Owner/ Developer
WATERFRONT MAINE
14 Maine Street Brunswick, ME 04011
212.695.8090 212.695.8090 Fax
cpachios@wfny.com

Consultants:

Architect:
Winton Scott Architects
5 Milk Street
Portland, ME 04101
207.774.4811

Landscape Architect:
Carroll Associates
217 Commercial Street
Suite 200
Portland, ME 04101
207.772.1552

Civil Engineer:
Blais Civil Engineers
780 Broadway
South Portland, ME 04101
207.767.7300

Traffic Consultants:
Gorrill Palmer CE, Inc
17 Shaker Road
Gray, ME 04039
207.657.6910

Drawing Set:

No.	Date	Revision
1	5.4.10	SUBMIT TO P.B.
2	6.1.10	SUBMIT TO P.B.

Drawing Set:
PERMITTING

Drawn: TC
Checked: PC
Approved:

REGISTERED LANDSCAPE ARCHITECT PATRICK J. CARROLL NO. 127 STATE OF MAINE

Drawing Title:
SITE DETAILS

Job Number:
File:
Date: 05.03.10 Scale: AS SHOWN

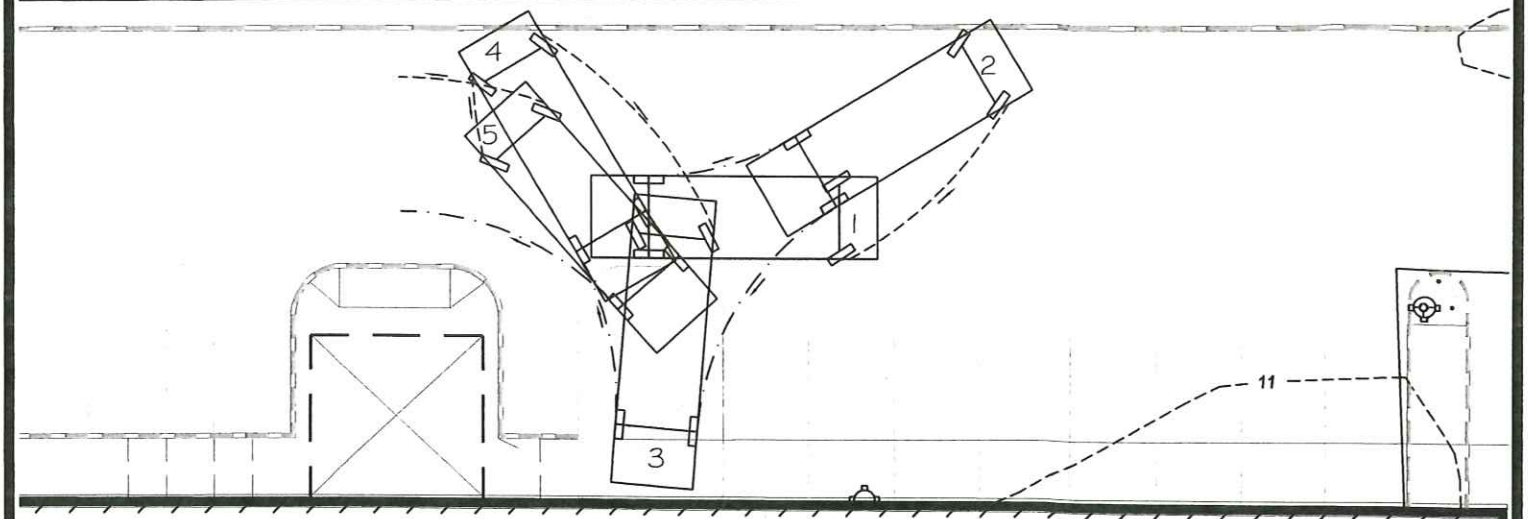
Drawing Number:
L-3.0

© 2010 CARROLL ASSOCIATES

S35°30'40"E

344.32'

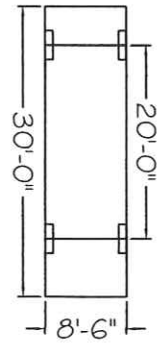
CASCO BAY



STATE OF MAINE
STEVE G.
BLAIS
10084
LICENSED
PROFESSIONAL ENGINEER

6/2/10

SU DESIGN VEHICLE



N

GRAPHIC SCALE

0 10 20 40

(IN FEET)
1 inch = 20 ft.

Blais
civil engineers

780 BROADWAY, SO.
PORTLAND, ME 04106
(207) 767-7300

TURNING ANALYSIS

CUMBERLAND COLD STORAGE BUILDING
254 COMMERCIAL STREET

MERRILL WHARF
PORTLAND, MAINE

SCALE:1"=20' C.I.: N/A DATE:6-1-10

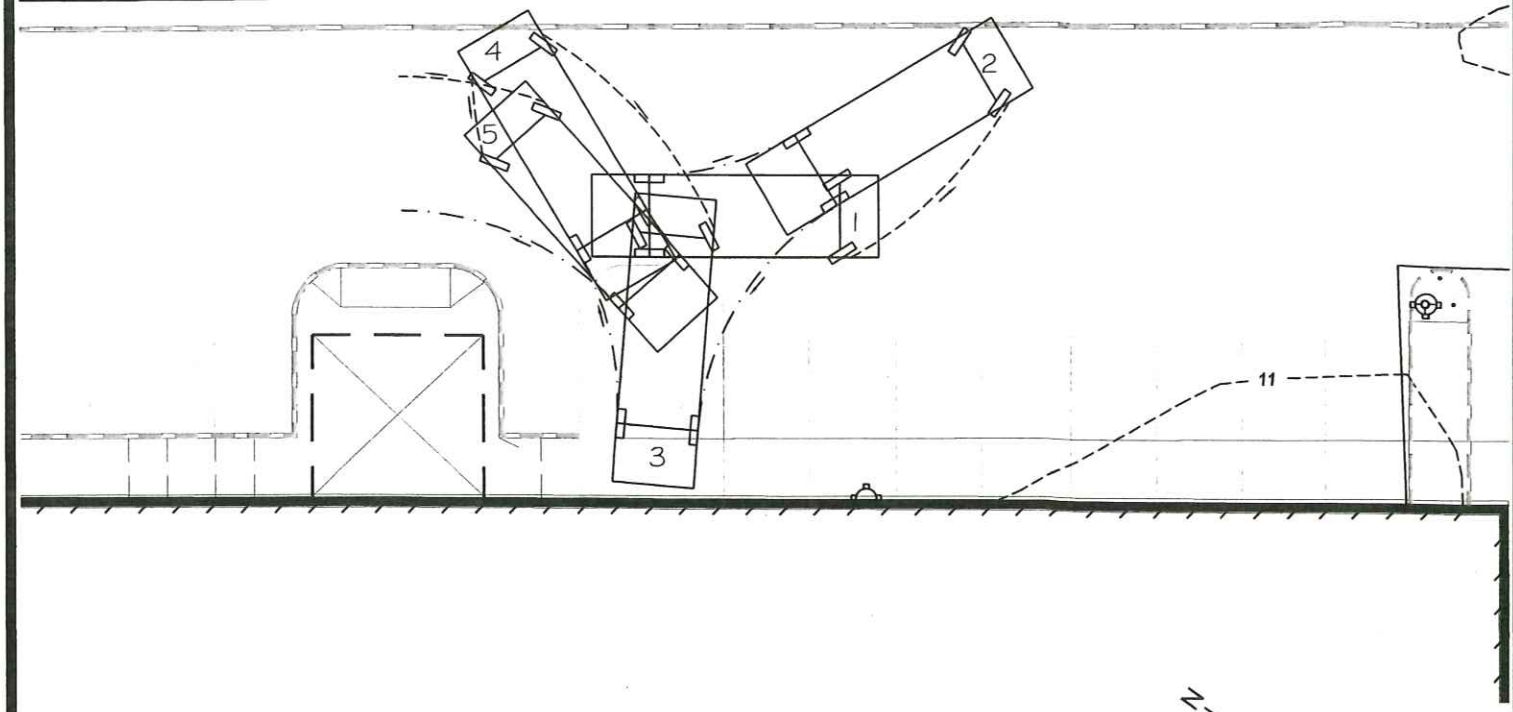
DRAWING
1
OF
1

BCE 10125

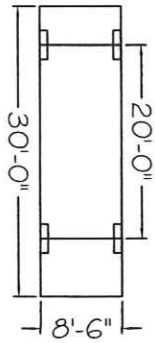
S35°30'40"E

344.32'

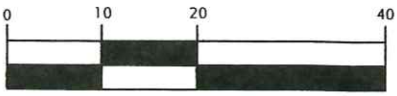
CASCO BAY



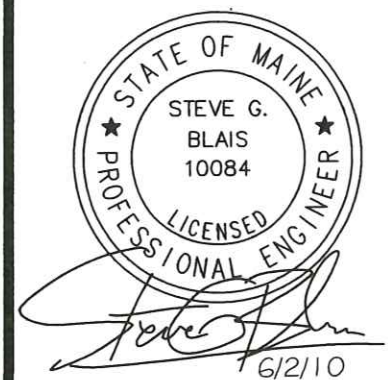
SU DESIGN VEHICLE



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



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(207) 767-7300

TURNING ANALYSIS

CUMBERLAND COLD STORAGE BUILDING
254 COMMERCIAL STREET

MERRILL WHARF
PORTLAND, MAINE

SCALE:1"=20' C.I.: N/A DATE:6-1-10

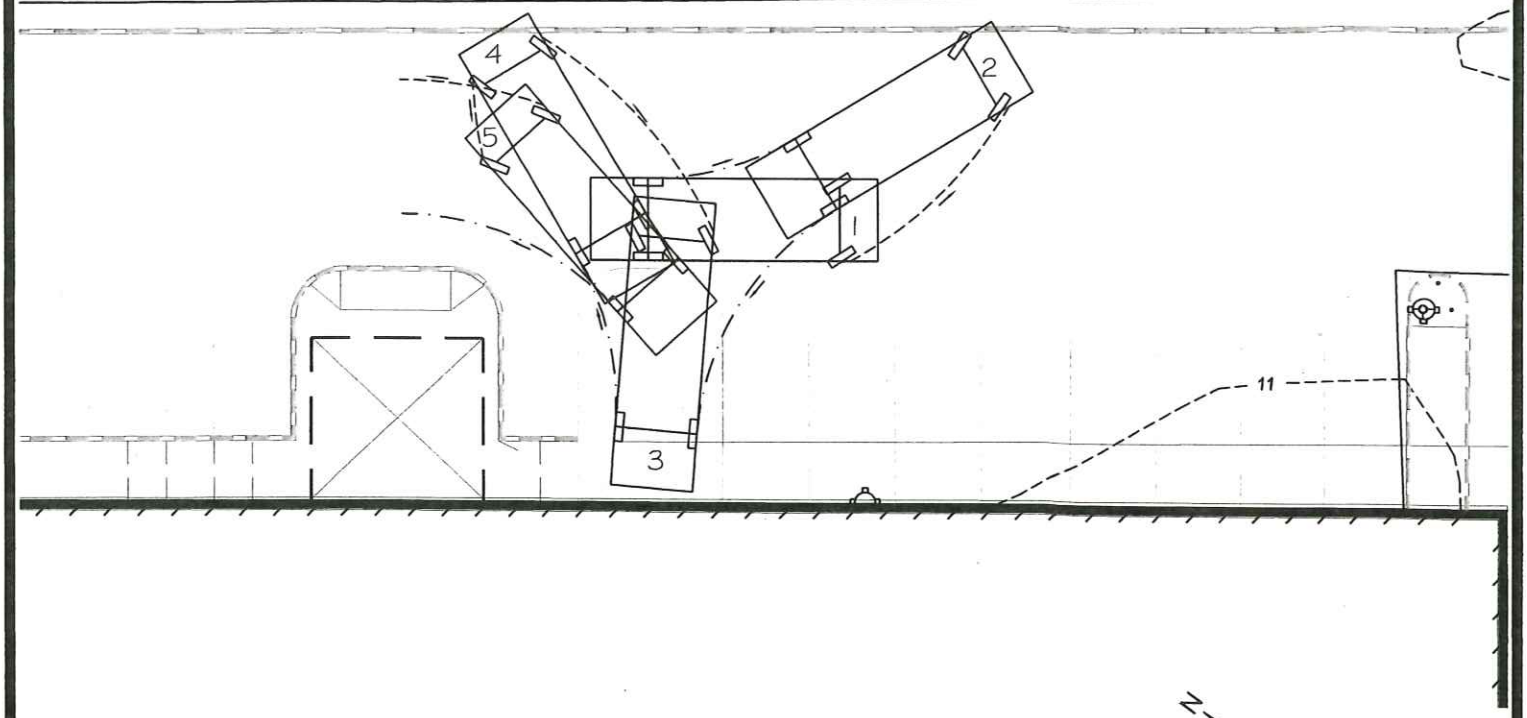
DRAWING 1 OF 1

BCE 10125

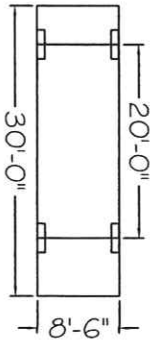
S35°30'40"E

344.32'

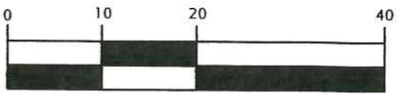
CASCO BAY



SU DESIGN VEHICLE



GRAPHIC SCALE



(IN FEET)
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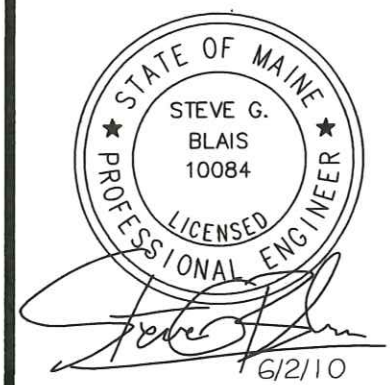


Blais
civil engineers
780 BROADWAY, SO.
PORTLAND, ME 04106
(207) 767-7300

TURNING ANALYSIS

CUMBERLAND COLD STORAGE BUILDING
254 COMMERCIAL STREET

MERRILL WHARF
PORTLAND, MAINE

SCALE:1"=20' C.I.: N/A DATE:6-1-10

DRAWING 1 OF 1

BCE 10125

Jean Fraser - CCSB INTERFACE w/ BROWN TRADING DOCK

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>, "Thomas Errico" <Thomas.Errico@t...
Date: 6/2/2010 3:45 PM
Subject: CCSB INTERFACE w/ BROWN TRADING DOCK
CC: "'C Pachios'" <CPachios@wfny.com>, "'Donal Carroll (E-mail)'" <dcarroll@...
Attachments: SITE 60110 LSK1 LOADING DOCK (1).pdf

Jean/ Tom,

Attached is a pdf that illustrates the existing conditions and proposed improvements at the Brown Trading Company loading Dock. The current condition is that two loading areas exist, one larger dock that has a rolling door and a second open dock that unloads onto a raised concrete deck. It is this open dock that encroaches into the CCSB site by approximately 4.75 ft.

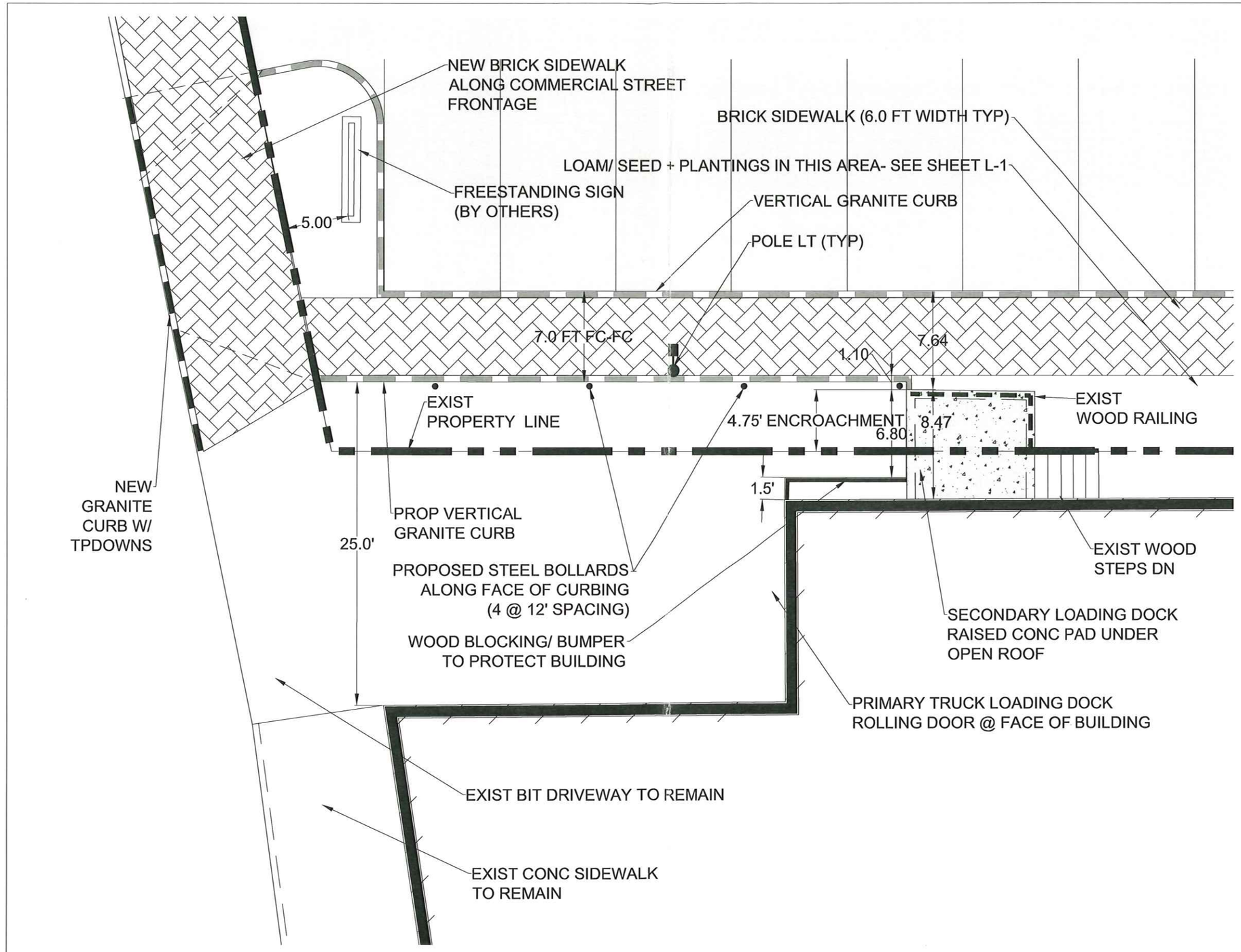
The approach discussed with Brown Trading Company is to allow continue use of this open dock, but restrict its use to smaller pick-up trucks only, thereby ensuring that the vehicles stay within the loading driveway and avoiding potential conflicts with pedestrians. The loading area will be separated from the sidewalk by a vertical granite curb and 4 steel bollards located approximately 12 feet on-center along the edge of the walk. This will allow approximately 7.0 ft clear for vehicles to back in and load/ unload. Please note that the entire loading area is 25.0 feet wide, providing ample area for trucks to park and load. It is also noted that the average pick-up truck is +/- 5 feet wide, so we feel confident that these smaller vehicles can utilize this dock without interfering with the pedestrian movement on the adjacent sidewalk. Brown Trading Company is in agreement to restrict the use of this dock area for pick-up trucks only.

Please review the attached sketch and contact me if you have any additional questions.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.



SHEET NO.

CARROLL ASSOCIATES
Landscape Architects
217 Commercial St Portland, ME
PH: 207.772.1552 FAX: 207.772.0712

DATE: JUNE 2, 2010

SCALE: 1"= 10'-0"

PROJECT: CUMBERLAND
COLD STORAGE BUILDING

DRAWING TITLE: BROWN TRADING COMPANY
LOADING DOCK

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
CC: "'C Pachios'" <CPachios@wfny.com>, "'Donal Carroll (E-mail)'" <dcarroll@...
Date: 6/3/2010 1:02 PM
Subject: FW: CCSB - Truck w/ trailer turning analysis
Attachments: 10125,TURNING-TRAILER Turn Analyis (1).pdf

Hi Jean,

The attached diagram illustrates how a standard pickup truck with a 5 x 8' trailer can maneuver and turnaround within the proposed parking arrangement. Note in my earlier memo that historically they have been exiting through the Fish Pier through the gate, and we anticipate this will also continue to occur. Please contact me with any questions or need for additional information.

Regards, Pat

Patrick J. Carroll

Carroll Associates Landscape Architects

207-772-1552 (w)

207-329-8976 (c)

pcarroll@carroll-assoc.com

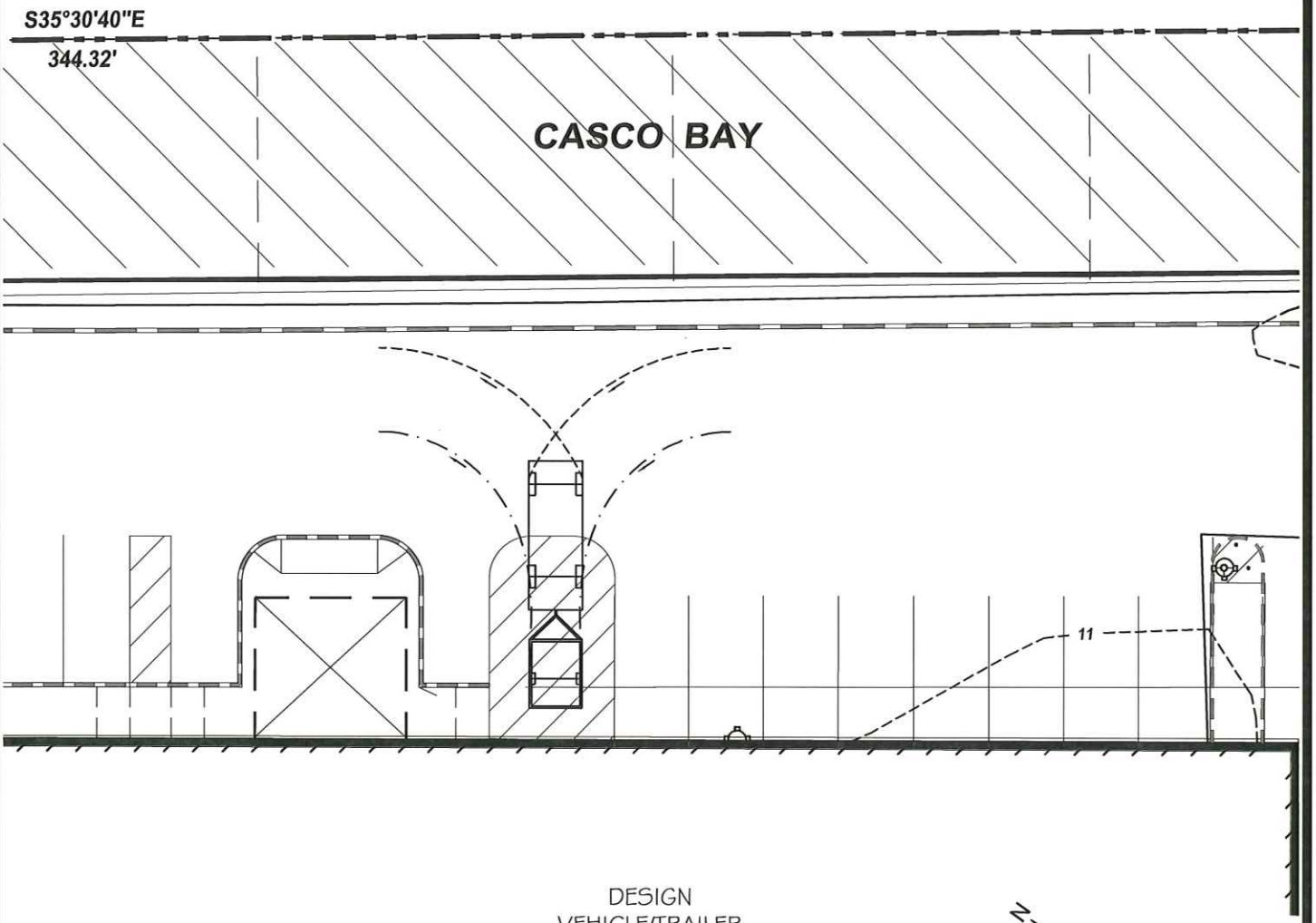
ü Please consider the environment before printing this email.

From: Steve Blais [mailto:sblais@BLAISce.com]
Sent: Thursday, June 03, 2010 12:55 PM
To: 'Patrick Carroll'
Subject: CCSB - Truck w/ trailer turning analysis

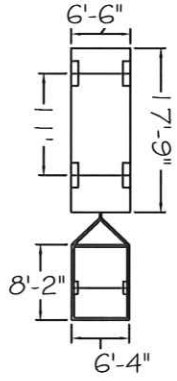
Steve G. Blais, PE, LEED AP

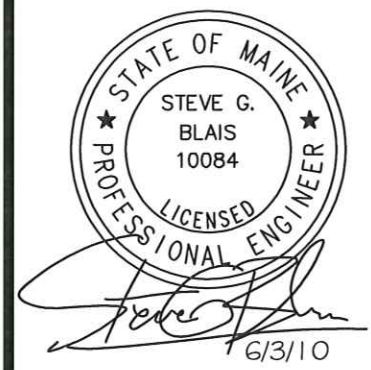
Blais Civil Engineers, PA

207-767-7300

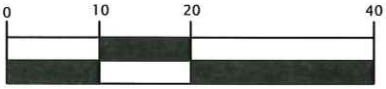


DESIGN VEHICLE/TRAILER





GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

Blais
civil engineers
780 BROADWAY, SO.
PORTLAND, ME 04106
(207) 767-7300

TURNING ANALYSIS - TRUCK WITH TRAILER

CUMBERLAND COLD STORAGE BUILDING
254 COMMERCIAL STREET

MERRILL WHARF
PORTLAND, MAINE

SCALE:1"=20' C.I.: N/A DATE:6-3-10

DRAWING 1 OF 1

BCE 10125

Jean Fraser - Browne trading dock

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
Date: 6/8/2010 2:19 PM
Subject: Browne trading dock
CC: "Steve Blais" <sblais@BLAISce.com>, "'C Pachios'" <CPachios@wfny.com>
Attachments: site 60310 LSK1 LOADING DOCK (rev 60810).pdf; CCSB Revised Trailer turning.pdf; http___www.fordvehicles.pdf

Jean,

We have revised the loading dock at Browne Trading, decreasing the spacing between bollards adjacent to the loading area to 6 feet on center, adding two bollards and further restricting the potential for truck/ pedestrian conflict per Tom Errico's comment. We left the 12 foot spacing towards Commercial Street as a visual/ physical clue that there is an adjacent sidewalk. Note that there is also a proposed granite curb separation between the sidewalk and loading dock.

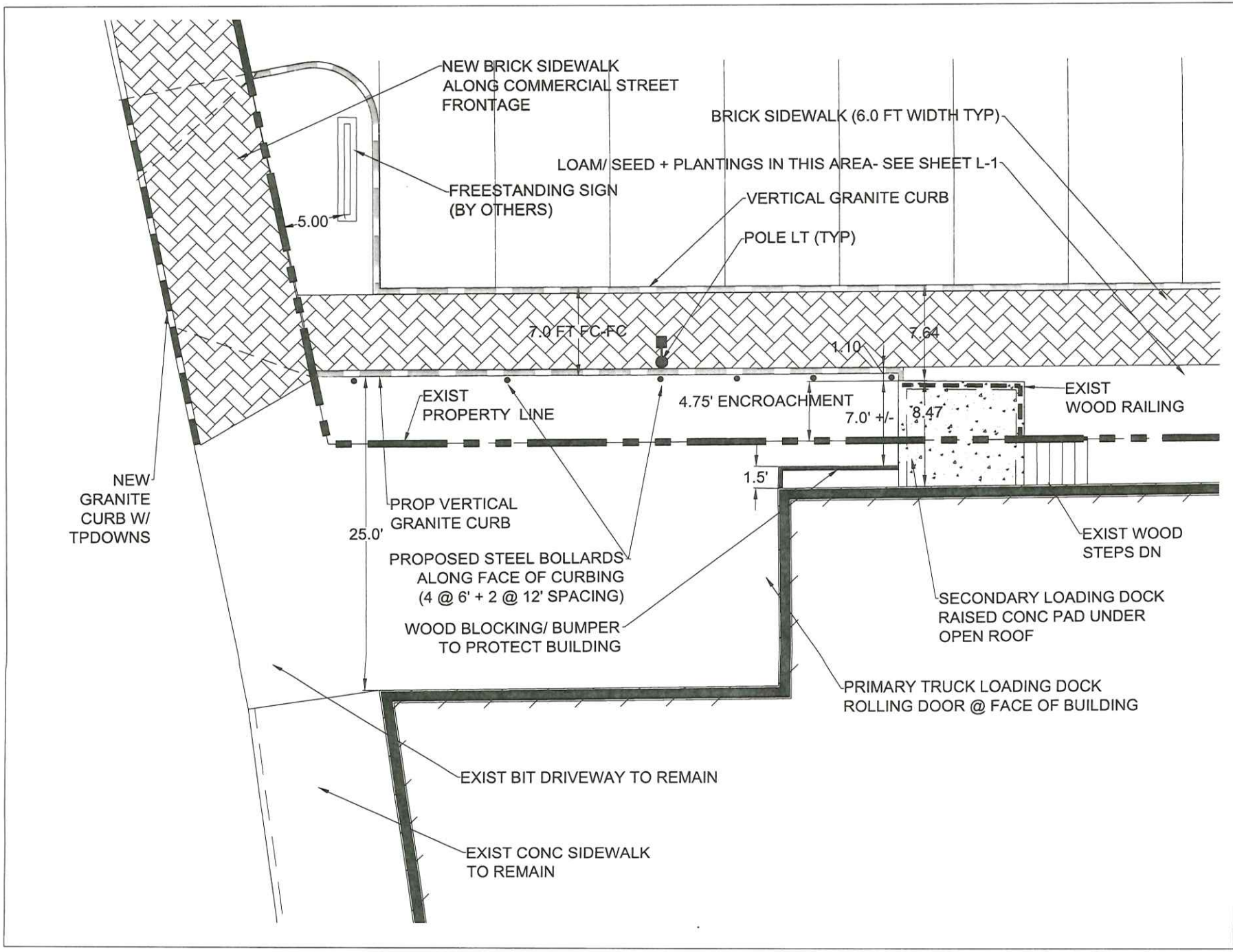
Additionally, I am submitting a revised truck/ trailer turning template that modifies the vehicle per Tom Errico's comment. We have prepared this diagram utilizing a Ford Supercab Pickup with a standard box trailer, which we think represents the upper end in truck size of what would be typically used by the fishermen. Please note there is room in both directions for this movement, which indicates that a larger vehicle and/or trailer should be able to maneuver turning around onsite.

Please contact me if you have any questions.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.



SHEET NO.

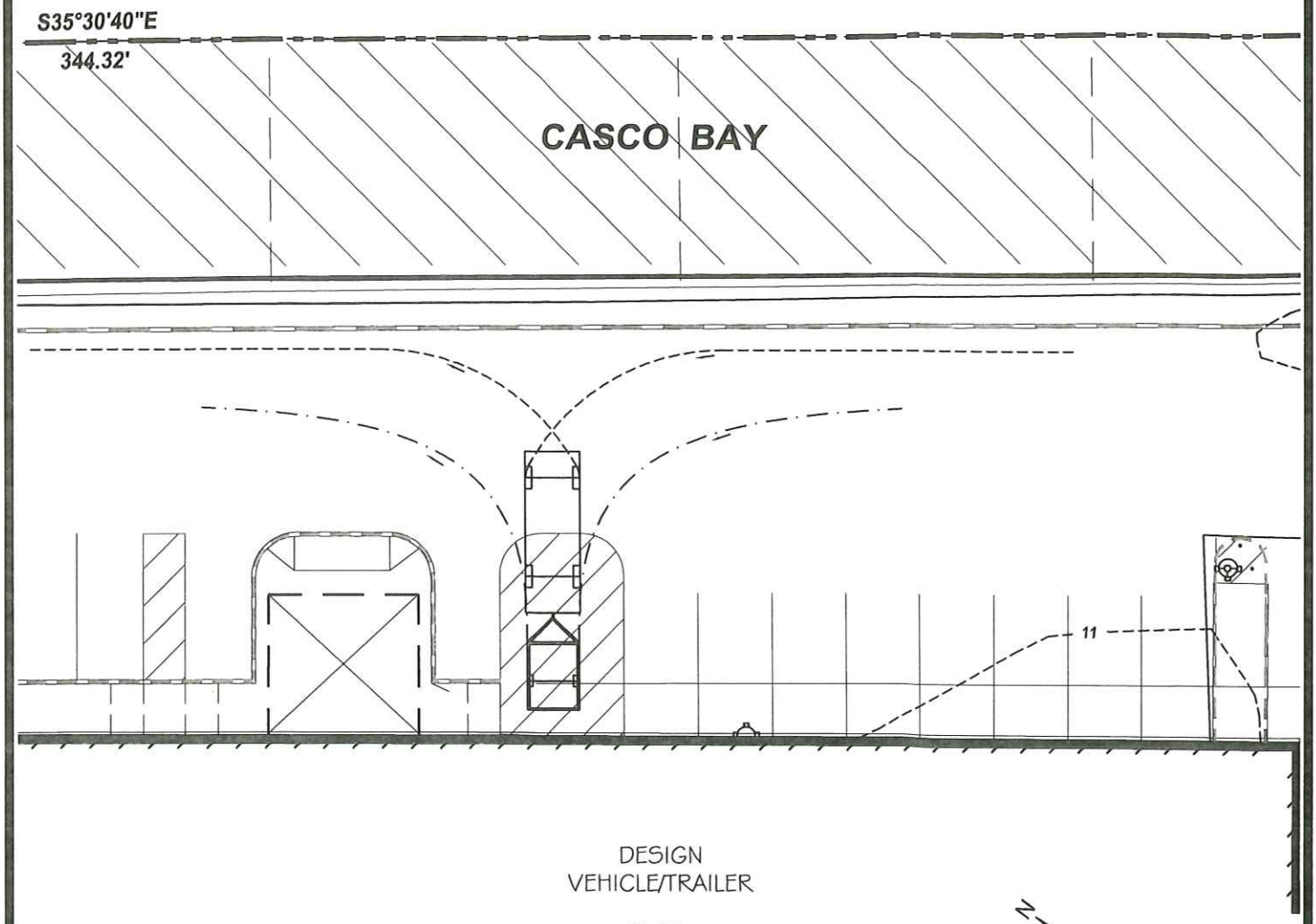
CARROLL ASSOCIATES
Landscape Architects
217 Commercial St Portland, ME
PH: 207.772.1552 FAX: 207.772.0712

DATE: JUNE 8, 2010 (rev)

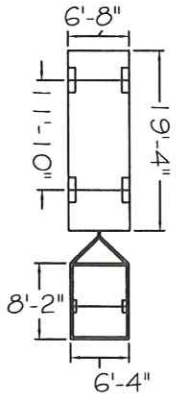
SCALE: 1"= 10'-0"

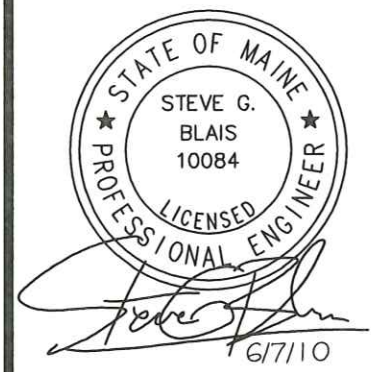
PROJECT: CUMBERLAND
COLD STORAGE BUILDING

DRAWING TITLE: BROWN TRADING COMPANY
LOADING DOCK

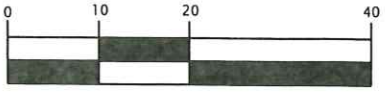


DESIGN
VEHICLE/TRAILER





GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

Blais
civil engineers
780 BROADWAY, SO.
PORTLAND, ME 04106
(207) 767-7300

TURNING ANALYSIS - TRUCK WITH TRAILER

CUMBERLAND COLD STORAGE BUILDING
254 COMMERCIAL STREET

MERRILL WHARF
PORTLAND, MAINE

SCALE: 1"=20' C.I.: N/A DATE: 6-7-10

DRAWING 1 OF 1

BCE 10125

SUPER DUTY Specifications

Download Specifications Share

Next Steps

Build & Price

Incentives & Offers

Search Dealer Inventory

Exterior Interior Capacities Engine Chassis Towing Payload Package Selector View All

Exterior Dimensions

	Regular Cab	Super Cab		Crew Cab	
		SWB	LWB	SWB	LWB
	4x2/4x4	4X2/4X4	4X2/4X4	4X2/4X4	4X2/4X4
Wheelbase	137.0"	141.8"	158.0"	156.2"	172.4"
Length - overall	227.6"	232.4"	248.6"	246.8"	263.0"
Length - front bumper to back of cab	118.9"	139.8"	139.8"	154.2"	154.2"
Height - F-250 SRW (w/o options)	76.6"/79.2"	77.0"/79.5"	76.9"/79.3"	77.4"/79.7"	77.3"/79.8"
Height - F-350 SRW (w/o options)	76.5"/80.0"	76.9"/80.4"	76.7"/80.2"	77.2"/81.8"	77.2"/80.8"
Height - F-350 DRW (w/o options)	76.7"/79.5"	-	76.9"/79.7"	-	77.3"/79.9"
Height - F-450 DRW (w/o options)	-	-	-	-	79.7"
Width - SRW without mirrors	79.9"	79.9"	79.9"	79.9"	79.9"
Width - with standard mirrors	104.9"	104.9"	104.9"	104.9"	104.9"
Track - front - F-250 SRW	68.3"	68.3"	68.3"	68.3"	68.3"
Track - front - F-350 SRW	68.3"	68.3"	68.3"	68.3"	68.3"
Track - front - F-350 DRW	68.3"	-	68.3"	-	68.3"
Track - front - F-450 DRW	-	-	-	-	74.8"
Track - rear - F-250 SRW	67.2"	67.2"	67.2"	67.2"	67.2"
Track - rear - F-350 SRW	67.2"	67.2"	67.2"	67.2"	67.2"
Track - rear - F-350 DRW	74.7	-	74.7	-	74.7
Track - rear - F-450 DRW	-	-	-	-	75.9
Minimum running ground clearance - F-250 SRW	8.5"/8.2"	8.5"/8.2"	8.5"/8.1"	8.5"/8.1"	8.5"/8.1"
Minimum running ground clearance - F-350 SRW	8.5"/8.2"	8.5"/8.2"	8.5"/8.2"	8.5"/8.2"	8.5"/8.2"
Minimum running ground clearance - F-350 DRW	8.1"/8.0"	-	8.1"/8.0"	-	8.0"/8.0"
Minimum running ground clearance - F-450 DRW	-	-	-	-	8.0"
Overhang - front	38.1"	38.1"	38.1"	38.1"	38.1"
Overhang - rear	52.4"	52.4"	52.4"	52.4"	52.4"
Angle of departure - F-250 SRW	17.8°/19.2°	17.4°/18.5°	17.0°/18.3°	16.7°/18.0°	16.7°/17.9°

for Evening HEARING 6-8-10 Item ii Cumberland Cold Storage Bldg.

Executive Department
Joseph E. Gray, Jr., City Manager

Economic Development Division
Gregory A. Mitchell, Director

Revised June 8, 2010

Christopher H. Pachios
Waterfront Maine
224 12th Avenue
New York, NY 10001

Subject: **Pierce Atwood Parking Lease**

Dear Chris:

This letter will inform you that the Fish Pier Authority, at yesterday's meeting, approved a parking lease agreement with Pierce Atwood to provide up to seventy (70) parking spaces in the Fish Pier Authority Commercial Street surface parking lot to support Pierce Atwood's occupancy in the redeveloped Cumberland Cold Storage building. This lease would be ten years from the start date, anticipated at this time to start June 2011.

Let me know if you require any additional documentation regarding the referenced parking lease.

Sincerely,

Gregory A. Mitchell
Economic Development Director

cc: Jean Fraser, Planning Division

for Evening Item ii. Cumberland Cold Storage Bldg.
HEARING

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

Parking Division
John B. Peverada, III Parking Manager

June 8, 2010

Mr. Christopher H. Pachios
Waterfront Maine
224 12th Avenue
New York, NY 10001

Dear Mr. Pachios,

This is to verify that we will lease Waterfront Maine 35 monthly parking spaces in the Spring Street Parking Garage, at market rate, subject to our normal garage registration form/rules issued for every card holder. Upon the commencement of the initial occupancy we will extend this offer for a minimum of five years.

Waterfront Maine will be responsible for paying for the spaces at the earlier of
a. The date on which they indicate to us in writing that they want to begin occupying the spaces, OR
b. The date on which the City of Portland receives an offer(s) from other prospective monthly parkers to lease spaces, such that, were the City to accept such offer(s), the number of remaining available parking spaces in the Spring Street Parking Garage would be reduced to less than the 35 of spaces that Waterfront Maine is requesting.

Please sign and return a copy of this letter to me at your earliest convenience, so we can add Waterfront Maine to the waiting list.

Sincerely,

John Peverada

John Peverada
Parking Manager

Signed and Agreed to _____, Date:_____
Christopher H. Pachios

Greg Mitchell, Director of Economic DEvelopment

Evening for HEARING

Item ii
Cumberland Cold Storage Bldg

PROPRIETORS OF UNION WHARF
ESTABLISHED 1793

June 7, 2010

Mr. Anthony Gatti
Waterfront Maine
254- 258 Merrill's Wharf
Cumberland Cold Storage Building
Portland, Maine 04101

Dear Anthony:

Thanks for your recent call regarding Waterfront Maine's parking needs.

The Proprietors of Union Wharf will have up to 5 parking spaces available for lease on a monthly basis in either our Union or Widgery Wharf lots for the 2011 calendar year.

Please let me know if you have any questions.

Sincerely,

Charles A. Poole

Charles A. Poole
President

36 UNION WHARF - P.O. BOX 7467 - PORTLAND, MAINE 04112
TEL 207-772-8160 FAX 207-772-8471

for Evening HEARING item ii

Cumberland Cold Storage Bldg

Jean Fraser - FW: discussion follow up

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
Date: 6/8/2010 1:09 PM
Subject: FW: discussion follow up
Attachments: ATT00137.txt; photo.jpg

Jean,

Attached below is a portion of an email from Browne Trading Company regarding restricted use of the second loading dock along with. a photo submitted by Cynde Mitchell. Please contact me if you have any questions regarding this issue.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

From: Chris Pachios [mailto:cpachios@gmail.com]
Sent: Tuesday, June 08, 2010 11:48 AM
To: pcarroll@carroll-assoc.com
Subject: Fwd: discussion follow up

---------- Forwarded message ----------
From: **Cynde Mitchell** <cmitchell@brownetrading.com>
Date: Thu, Jun 3, 2010 at 2:39 PM
Subject: discussion follow up
To: cpachios@gmail.com

Dear Chris,

Attached is a photo showing the use of the wooden loading dock at Browne Trading Company. As I explained, this dock is at a slightly lower height, and only used for pick-up deliveries. When a pick-up is in the space it is actually more out of the way than it would ever be if the dock was changed. I understand your plan to put in bollards to prevent traffic beyond the width of the loading docks at Browne Trading and fully agree with the plan…

…Please keep me apprised of your plans and I look forward to developing as much of a cooperative relationship as possible. How about lunch coupons for

Blais
civil engineers

INSPECTION AND MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

CUMBERLAND SELF STORAGE BUILDING
254 COMMERCIAL STREET
PORTLAND, MAINE
June 1, 2010

Inspection and Maintenance of the stormwater management facilities for the Cumberland Self Storage Building will be required during construction of the Site and as part of the post-construction long term operation of the site.

During construction activities, the Site contractor will be required to address maintenance of erosion and sedimentation control at the Site, as detailed in the Erosion Control Plan and Erosion Control Notes & Details provided in the drawing set for the project. Long term operation and maintenance of the storm water facilities will be the responsibility of the owner. Inspection and maintenance of the facilities will be conducted as follows:

CURBS AND PAVED AREAS

Stormwater management facilities include paved surfaces, drain pipes, treatment areas, and rip rapped aprons. Periodic inspection and maintenance of these site features and devices is necessary to prevent erosion, protect roadways and other paved areas, and remove pollutants from stormwater runoff.

Curbs and paved areas are easily inspected during a site walk. Since visual inspection is easy, their condition should be assessed during and/or after a significant rainfall event such as thundershowers and periods of heavy or extended rainfall and during periods of significant snowmelt. Any damage or unusual condition such as sedimentation of erosion, damaged curb or dying vegetation should be recorded, dated and initialed by the inspector when observed. Even if there is no evident damage, the inspector should make record of these inspections a minimum of twice annually.

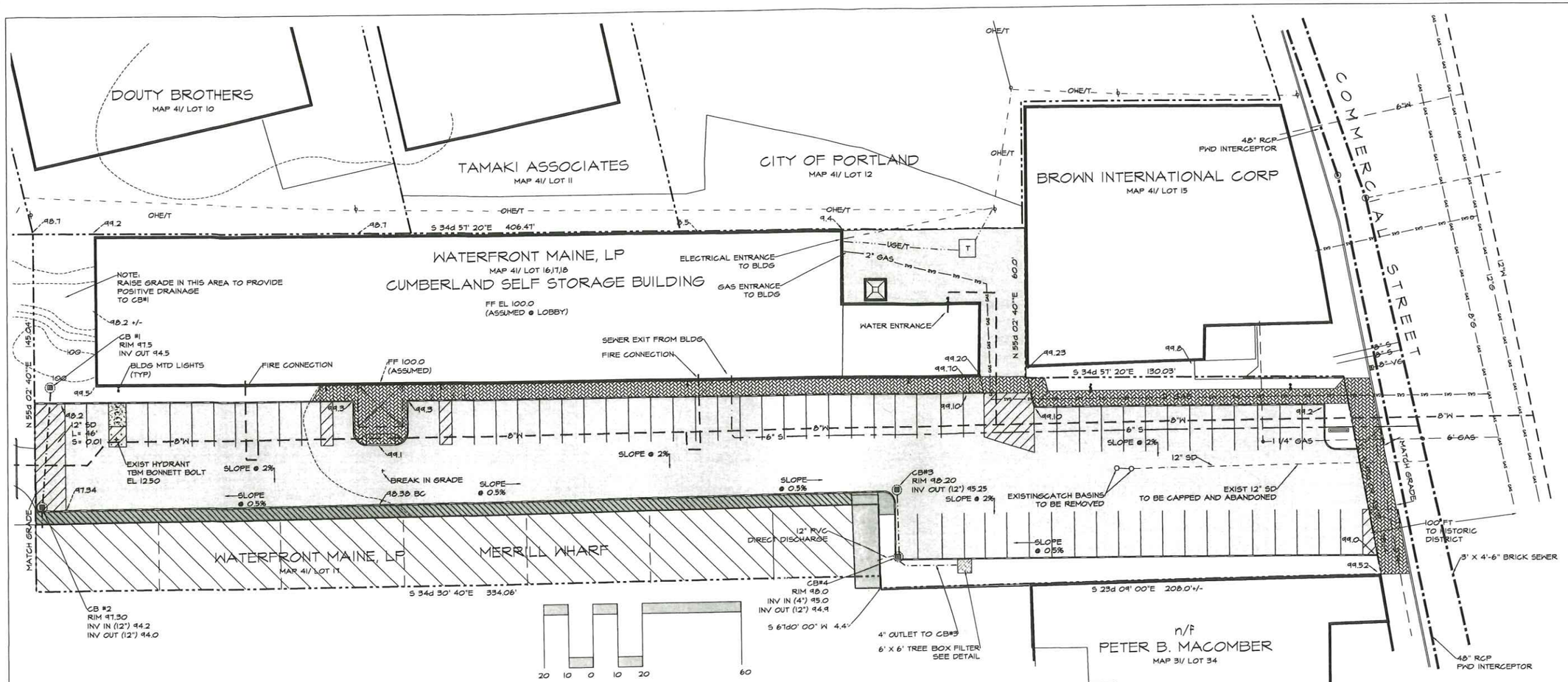
Paved areas should be visually inspected monthly during the winter. The inspector should pay particular attention to the build up of sand around inlets and remove accumulations that block the free flow of surface runoff to the drainage system. The date and initials of the inspector should be recorded on the forms provided as well as notations of any cleanup effort that was made and the approximated volume of sediment that was removed.

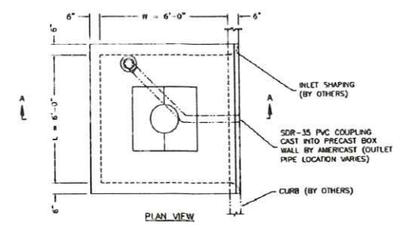
780 Broadway
South Portland, ME · 04106
207-767-7300 · blaisce.com

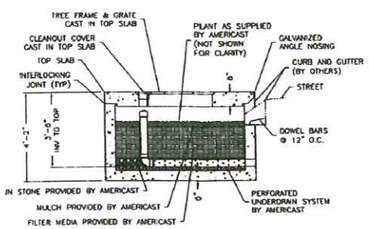
Project Name: Cumberland Self Storage Building
Form Title: Inspection/ Maintenance Log
Area inspected: Catch Basins, Paved Areas, Tree Box Filter and Bio-Cells

Blais civil engineers

Summary				
Date	Initials/ Organization	Inspection Observation	Maintenance Activity Performed	Comments





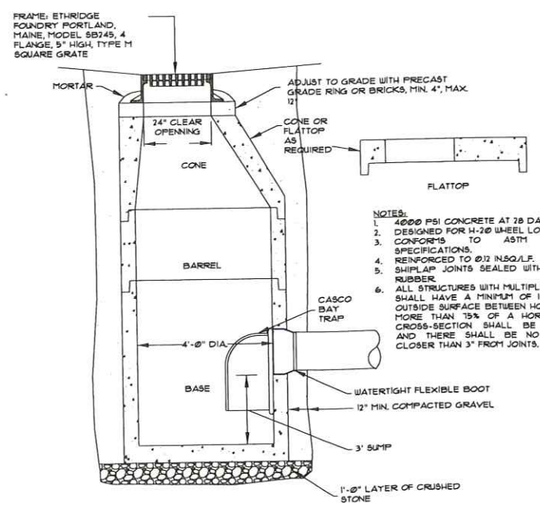


SECTION A-A

DESIGNATION	L	W	TREE GRATE QTY & SIZE	OUTLET PIPE
6 x 6	6'-0"	6'-0"	(1) 3x3	4" SDR-35 PVC

1 TREE BOX FILTER DETAIL

NOT TO SCALE



NOTES:
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2. DESIGNED FOR H-20 WHEEL LOADING.
3. CONFORMS TO ASTM C-478 SPECIFICATIONS.
4. REINFORCED TO Ø12 IN.SQ./F.
5. SHIPLAP JOINTS SEALED WITH BUTYL RUBBER.
6. ALL STRUCTURES WITH MULTIPLE PIPES SHALL HAVE A MINIMUM OF 1'-0" OR OUTSIDE SURFACE BETWEEN HOLES, NO MORE THAN 75% OF A HORIZONTAL CROSS-SECTION SHALL BE HOLES, AND THERE SHALL BE NO HOLES CLOSER THAN 3" FROM JOINTS.

2 CATCH BASIN DETAIL

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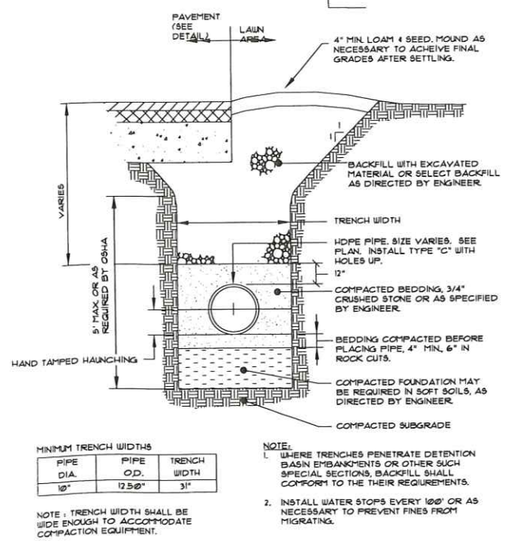

MINIMUM TRENCH WIDTHS

PIPE DIA.	PIPE O.D.	TRENCH WIDTH
18"	23.0"	31"

NOTE : TRENCH WIDTH SHALL BE WIDE ENOUGH TO ACCOMMODATE COMPACTION EQUIPMENT.

NOTE:
1. WHERE TRENCHES PENETRATE DETENTION BASIN EMBANKMENTS OR OTHER SUCH SPECIAL SECTIONS, BACKFILL SHALL CONFORM TO THE THEIR REQUIREMENTS.
2. INSTALL WATER STOPS EVERY 100' OR AS NECESSARY TO PREVENT FINES FROM MIGRATING.

3 TYPICAL PIPE TRENCH DETAIL

NOT TO SCALE

GRADING NOTES:

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1986 AND 1975, PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1974, AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF GUADE AND DOUGLAS, AUGUST, 1981.
2. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED. CONTRACTOR SHALL PERFORM ON-SITE INSPECTION OF CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCIES WHICH MAY EXIST.
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5. ALL UTILITY INSTALLATION SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTLAND, AS WELL AS ANY OTHER LOCAL, STATE, AND FEDERAL REQUIREMENTS.
6. SITE CONTRACTOR SHALL REPAIR ALL DISTURBED AREAS IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS.
7. ALL PROPOSED SLOPES GREATER THAN 3:1 SHALL HAVE AN EROSION MAT INSTALLED OVER FINISH GRADES TO PROTECT SEEDED SLOPES FROM EROSION. AT CONTRACTOR'S OPTION, SLOPES MAY BE SODDED AS AN APPROPRIATE SUBSTITUTION TO SEED, AND MAT.
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9. ALL AREAS DISTURBED BY CONSTRUCTION NOT TO BE PAVED OR OTHERWISE TREATED SHALL BE LOAMED AND SEEDED ACCORDING TO THE PROJECT SPECIFICATIONS. EXISTING LAWN AREAS WHICH ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.
10. SEE CIVIL DRAWINGS FOR UTILITY, DRAINAGE PIPING, AND EROSION CONTROL REQUIREMENTS.

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
PORTLAND, ME

Owner/ Developer
WATERFRONT MAINE
14 Maine Street Brunswick, ME 04011
212.695.8090 212.695.8090 Fax
cpachios@wfny.com

Consultants:

Architect:
Winton Scott Architects
5 Milk Street
Portland, ME 04101
207.774.4811

Landscape Architect:
Carroll Associates
217 Commercial Street
Suite 200
Portland, ME 04101
207.772.1552

Civil Engineer:
Blais Civil Engineers
780 Broadway
South Portland, ME 04101
207.767.7300

Traffic Consultants:
Gorrill Palmer CE, Inc
17 Shaker Road
Gray, ME 04039
207.657.6910

Drawing Set:

No.	Date	Revision
1	5.4.10	SUBMIT TO P.B.

Drawing Set:
PERMITTING

Drawn: TC
Checked: PC
Approved:

Drawing Title:
GRADING & UTILITIES PLAN

Job Number:
File:
Date: 05.03.10 Scale: AS SHOWN

Drawing Number:
L-2.0

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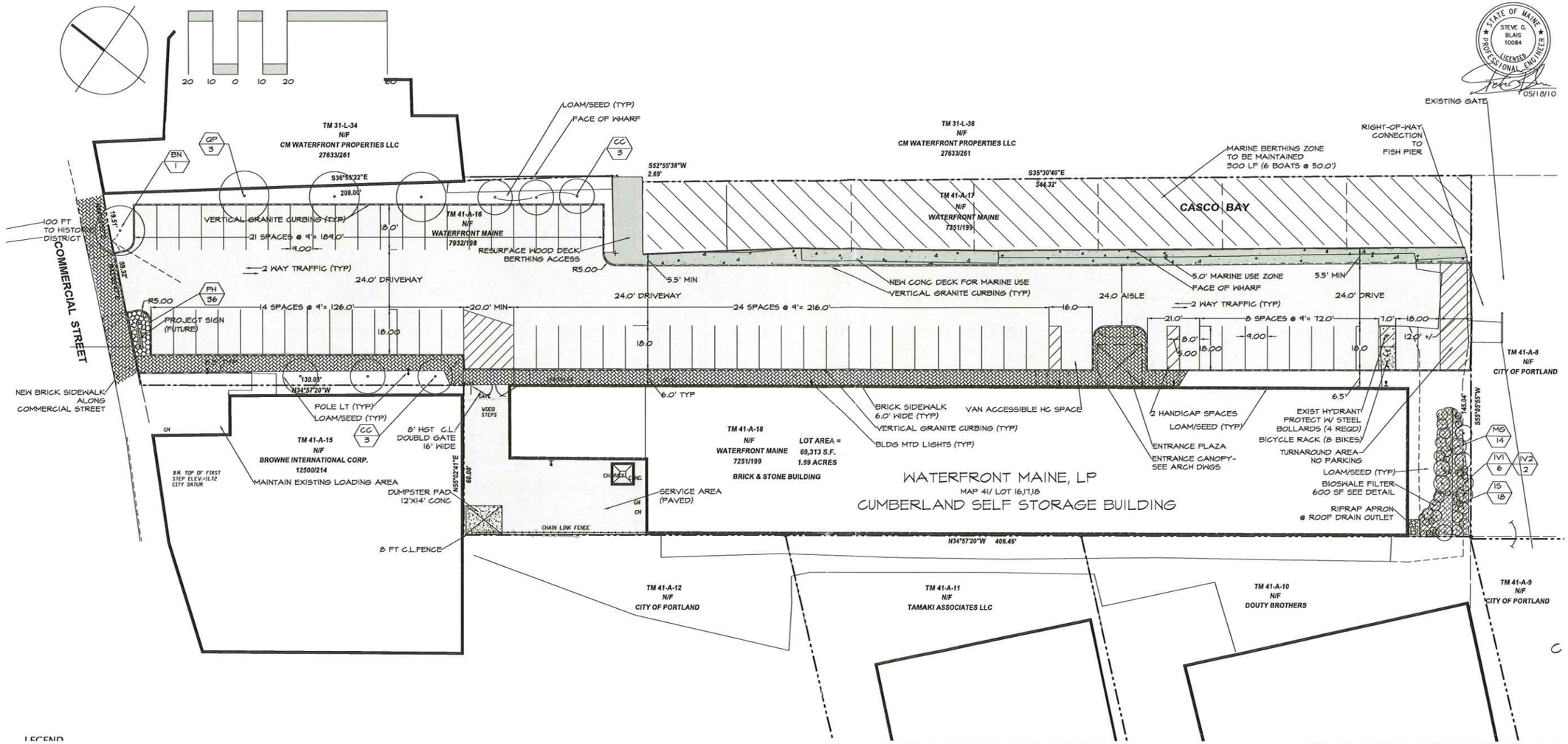

STATE OF MAINE
STEVE G. BLAIS
10084
LICENSED
PROFESSIONAL ENGINEER
05/18/10

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
MERRILL WHARF
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2	5.18.10	MOD GRADES

Drawing Set:
PERMITTING

Drawn: TC
Checked: PC
Approved:

REGISTERED LANDSCAPE ARCHITECT
PATRICK J. CARROLL
No. 127
STATE OF MAINE

Drawing Title:
SITE PLAN

Job Number:
File:
Date: 05.03.10 Scale: AS SHOWN
Drawing Number:
L-1.0

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PLANTING NOTES

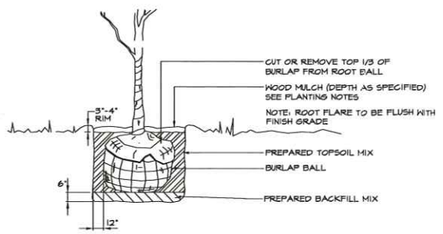
1. CONTRACTOR SHALL SUPPLY PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE THE WORK SHOWN ON THE PLAN. ANY DISCREPANCY BETWEEN THE QUANTITIES SHOWN IN THE PLANT SCHEDULE AND THOSE REQUIRED ON THE PLAN SHALL NOT ENTITLE THE CONTRACTOR TO ADDITIONAL REMUNERATION.
2. ALL PLANT MATERIAL SHALL CONFORM TO THE SPECIFICATIONS OF THE AMERICAN STANDARDS FOR NURSERY STOCK, LATEST EDITION, AS SET FORTH BY THE AMERICAN NURSERYMAN'S ASSOCIATION.
3. ALL TREES SHALL BE LOCATED IN THE FIELD PER PLANS, AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. NO PLANT MATERIAL SHALL BE INSTALLED UNTIL ALL EARTH WORK INCLUDING LOAMING AND FINISH GRADING HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
5. PLANTING BEDS SHALL HAVE A MINIMUM OF 10" OF TOPSOIL. SEE PLANTING SPECIFICATIONS FOR SOIL ADMIXTURE.
6. ALL SHRUB BEDS AND TREE WELLS SHALL HAVE A MINIMUM OF 3" OF UNIFORMLY DISTRIBUTED, DARK, SHREDDED BARK MULCH. SHRUBS SHALL BE MULCHED AS CONTGUOUS PLANTING BED.

PLANT SCHEDULE

QTY.	SYM.	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
6	CC	CRATAEGUS CRUSGALLI INERMIS	COCKSPUR THORNLESS HAWTHORN	2-2.5" CAL.	B&B
1	BN	BETULA NIGRA 'HERITAGE'	HERITAGE RIVER BIRCH	12-14'	CLUMP FORM
3	QP	QUERCUS PALUSTRIS 'GREEN PILLAR'	PASTIGIATE PIN OAK	3" CAL.	B&B
18	I5	RIIS ENSATA	JAPANESE IRIS	2 GAL	CONT
6	IVI	ILEX VERTICILATTA 'WINTER RED	WINTER RED WINTERBERRY	24-36"	CONT
2	IV2	ILEX VERTICILATTA 'JIM DANDY'	JIM DANDY WINTERBERRY	24-36"	CONT
14	MG	MYRICA GALE	SWEETGALE	1 GAL.	CONT
33	PH	PHILARIS ARUNDINACEA VAR. PICTA	RIBBON GRASS	2 GAL.	CONT

SOILS INFORMATION

1. SOILS CLASSIFICATION FROM CUMBERLAND COUNTY SOIL SURVEY, USDA, 1974.
2. SOILS ARE 'CU', CUT AND FILL, DESCRIBED AS SANDY, CLAYEY, SILTY, COBBLY, AND GRAVELY SEDIMENT SEPARATELY OR IN VARIOUS COMBINATIONS.



1 TREE PLANTING DETAIL
NOT TO SCALE

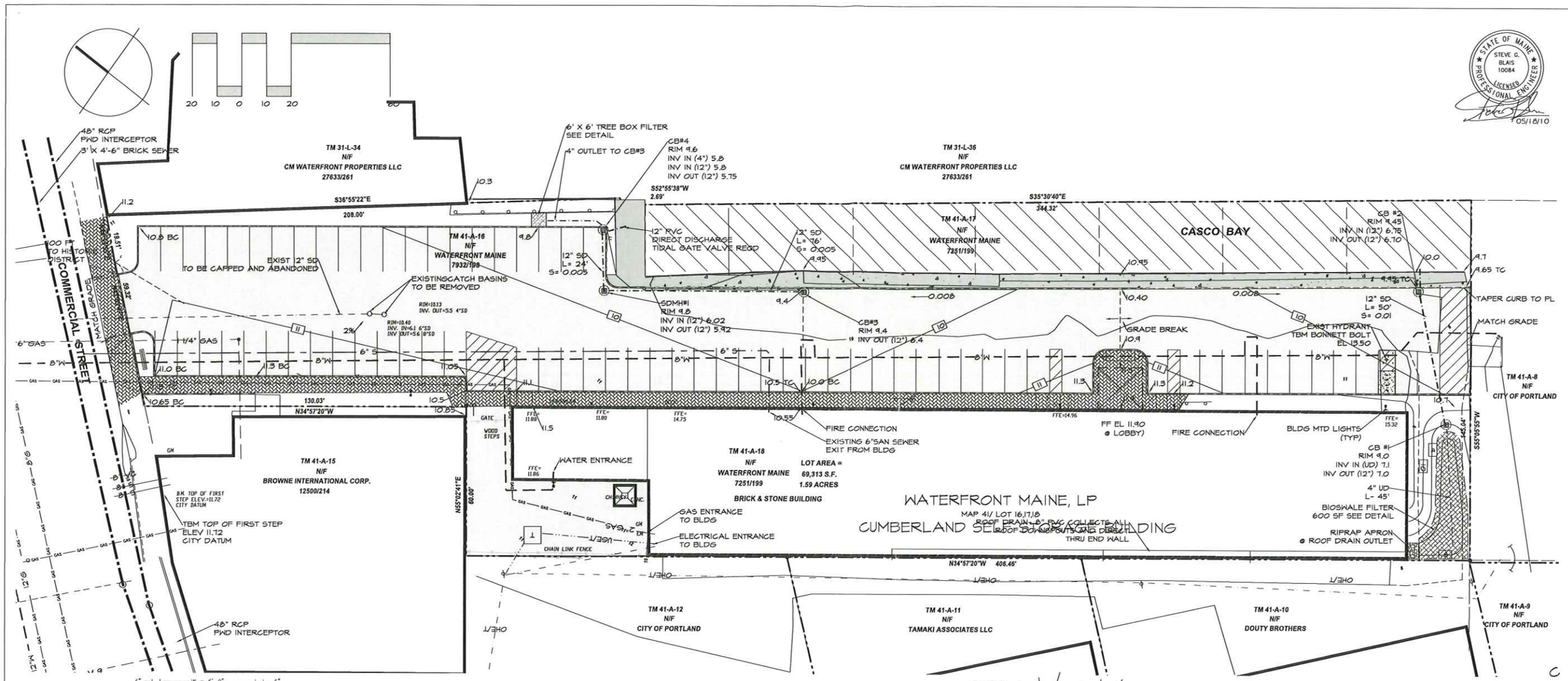
SITE PLAN NOTES, CITY OF PORTLAND

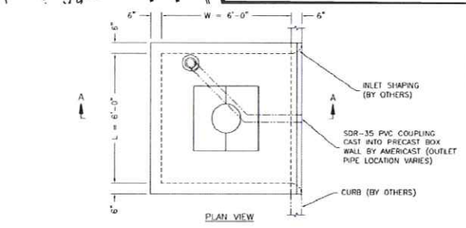
1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1986 AND 1973; PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1979; AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.
2. TOPOGRAPHY AND UTILITIES FROM A PLAN BY EC JORDAN 1973. AERIAL TOPOGRAPHY SURVEY BY SEWELL CO. (DATUM MSL= 0.00'
3. 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 TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
4. ALL POWER LINES WITHIN THE PROPERTY SHALL BE UNDERGROUND (SEE E-0.1).
5. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIP DOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS, AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
6. 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 BALE, ETC.) AS WELL AS THEIR LOCATION.)
7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
8. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE.)
9. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORK'S REPRESENTATIVE, AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE/BUILDING CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.

WCZ - WATERFRONT CENTRAL ZONE DISTRICT

SPATIAL STANDARDS	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	67,982 sf (1.56 ac)
MINIMUM FRONTAGE	NONE	78.14 FT
FRONT SETBACK	NONE	147.36 FT
SIDE SETBACK	NONE'	0.41 FT
REAR SETBACK	NONE	25.0 FT
SETBACK FROM PIER LINE	5 FT	52.0 FT
MAXIMUM LOT COVERAGE	100%	92%
MAXIMUM BUILDING HEIGHT	45 FT	55.0 FT (EXIST)
MINIMUM GROUND FLOOR CLEARANCE	N/A	
TOTAL FLOOR AREA	N/A	
PARKING- ON-SITE		
MARINE BERTHING	6	6 SPACES
1ST FLOOR MARINE USE	21	15 SPACES
UPPER FLOOR OFFICE USE	201	50 SPACES
BICYCLE PARKING	0	8
TOTAL	228	79 SPACES (3 ADA SPACES) ADDTL SPACES LEASED OFFSITE

ISSUED FOR PERMITTING- NOT FOR CONSTRUCTION





DESIGNATION	L	W	TREE GRATE QTY & SIZE	OUTLET PIPE
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1 TREE BOX FILTER DETAIL

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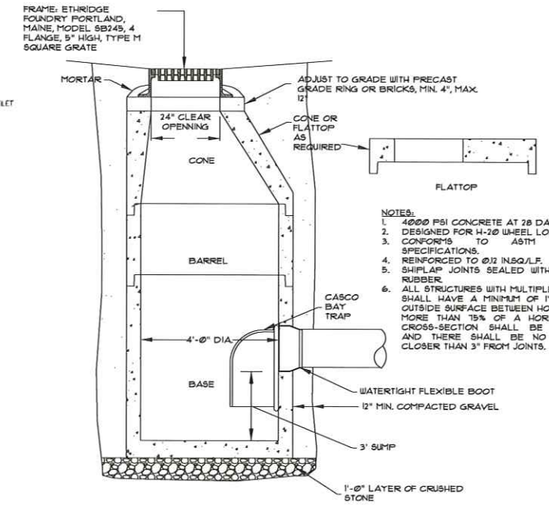

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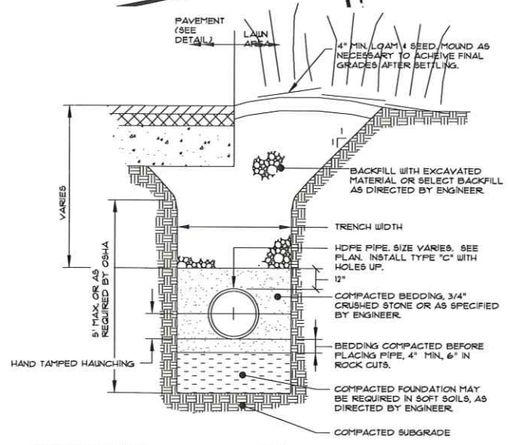

MINIMUM TRENCH WIDTHS		
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10"	12.50"	31"

NOTE : TRENCH WIDTH SHALL BE WIDE ENOUGH TO ACCOMMODATE COMPACTION EQUIPMENT.

NOTE:
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2. INSTALL WATER STOPS EVERY 100' OR AS NECESSARY TO PREVENT FINES FROM MIGRATING.

3 TYPICAL PIPE TRENCH DETAIL

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STATE OF MAINE
STEVE G. BLAIS
10084
LICENSED
PROFESSIONAL ENGINEER
05/18/10

CUMBERLAND COLD STORAGE BUILDING

254 COMMERCIAL ST
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Drawn: TC
Checked: PC
Approved:

REGISTERED LANDSCAPE ARCHITECT
PATRICK J. CARROLL
NO. 127
STATE OF MAINE

Drawing Title:
GRADING & UTILITIES PLAN

Job Number:
File:
Date: 05.03.10 Scale: AS SHOWN

Drawing Number:
L-2.0

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Bangor Savings Bank

You matter more.

March 29, 2010

Mr. Christopher Pachios
Waterfront Maine
14 Maine Street
Brunswick, ME 04011

RE: Cumberland Cold Storage Project

Dear Chris,

This letter will confirm that, based on our preliminary due diligence on project and sponsor background information received to date, Waterfront Maine will have the financial capacity, development experience and operational management expertise to complete the renovation of the Cumberland Cold Storage Building into an office project with the law offices of Pierce Atwood as the main tenant. Also, based upon a review of the projected cash flow of the project, proposed equity into the deal, and subject to our standard underwriting requirements, the Bank would consider financing the project as proposed.

Should you have any further questions, please do not hesitate to call me at 541-2710. We look forward to working with you further on this exciting project.

Very truly yours,

Michael P. O'Reilly
Vice President
Bangor Savings Bank
Commercial Banking
280 Fore Street, Suite 200
Portland, ME 04101

Form C 7/97

NOTICE OF INTENT TO FILE

Please take notice that

Waterfront Maine, LP
14 Main Street
Brunswick, Maine 04011
(212) 695-8090

is intending to file a Traffic Permit application with the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. §704 – A on or about: **May 13, 2010**

This application is for:

The application is for the conversion of a 100,000 square foot building in downtown Portland. The existing use is approximately 5,000 sf of marine use and 95,000 sf of cold storage. After redevelopment, the uses are proposed to be approximately 30,000 sf of marine use and 70,000 sf of general office. The project is forecast to generate 155 and 163 trip ends in the AM and PM peak hours, respectively. The project is expected to begin and be completed in 2010.

at the following location:

254 Commercial Street; Tax Map 41, Lots 16, 17, 18.

A request for a public hearing must be received by the Municipality, in writing no later than 20 days after the application is found by the City to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

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Written public comments may be sent to the following address: Attention: City Planner, City of Portland, Planning Department, 389 Congress Street, Portland, ME 04101-3503

PORTLAND MAINE

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

Public Services Department
Michael J. Bobinsky, Director

12 May 2010

Mr. Steve Blais, P.E.
Principal,
Blais Civil Engineers,
780 Broadway,
South Portland, Maine 04106

RE: The Capacity to Handle Wastewater Flows, from a Proposed Reuse, of the former Cumberland Cold Storage building, at 254 Commercial Street.

Dear Mr. Blais:

The existing three foot by four foot-six inch, diameter, brick, City of Portland, sanitary sewer pipe, located in Commercial Street, has adequate capacity to **transport,** while The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to **treat,** the total anticipated wastewater flows of **4,150 GPD**, from this proposed project.

Anticipated Wastewater Flows from the Proposed Building Reuse:	
Proposed Domestic Wastewater Flow	= 4,300 GPD
Less Previous Domestic Wastewater Flow	= 150 GPD
Total Proposed Increase in Wastewater Flows for this Project	= **4,150 GPD**

If The City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

Frank Brancely

Frank J Brancely, B.A., M.A.
Senior Engineering Technician

FJB

CC: Penny Littell, Director, Department of Planning, and Urban Development, City of Portland
Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
Jean Fraser, Planner, Planning Division, Department of Planning, and Urban Development, City of Portland
David Margolis-Pineo, Deputy City Engineer, City of Portland
Michael Farmer, P.E., Project Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
John Emerson, Wastewater Coordinator, City of Portland
Jane Ward, Administrative Assistant, City of Portland

C:\Frank's\Capacity Letters\Commercial Street 254
O:\Engshare\FJB\Capacity Letters\Commercial Street 254

Form C 7/97

NOTICE OF INTENT TO FILE

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Waterfront Maine, LP
14 Main Street
Brunswick, Maine 04011
(212) 695-8090

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PORTLAND MAINE

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Jane Ward, Administrative Assistant, City of Portland

C:\Frank's\Capacity Letters\Commercial Street 254
O:\Engshare\FJB\Capacity Letters\Commercial Street 254

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Road
Gray, ME 04039

(207) 657-6910
Fax : (207) 657-6912
E-mail: mailbox@gorrillpalmer.com

LETTER OF TRANSMITTAL

To: Jean Fraser
Planning Division
City of Portland

Via: Hand Deliver
RE: Storage Facility Re-Development
Date: 5-13-10
Project No: 2420

For your use ☒		As requested ☐		For Review and comment ☒		
Shop Drawings ☐	Prints ☐	Plans ☐	Specifications ☐	Copy of letter ☐	Other ☐	
Copies	**Date**	**Number**	**Description**			
6			**TMP Application**			

Remarks:

Signed Randy Dunton

Copy To: Patrick Carroll
Tom Errico
Brian Keezer, MaineDOT Reg. 1

Jean Fraser - Cumberland Storage Survey

From: Jean Fraser
To: Margolis-Pineo, David
Date: 5/6/2010 3:46 PM
Subject: Cumberland Storage Survey
CC: Clark, William

David

The applicants agent has just informed me that they have commissioned a new boundary survey and we should have it tomorrow or Monday- I will get you a copy as soon as I get it. So don't waste time commenting on what they submitted.

I have asked the agent to ensure that if consultants for applicant want to meet with reviewers they must arrange these through me.

In any case, I think it would be better to have a Dev Rev discussion with all prelim staff review comments before talking further to anyone.

Thanks
Jean

Jean Fraser - E-plan upload for Fwd: Cumberland Cold Storage

From: Jean Fraser
To: Ouellette, Benjamin
Date: 5/6/2010 4:39 PM
Subject: E-plan upload for Fwd: Cumberland Cold Storage
CC: Barhydt, Barbara

Ben

If poss, could you please upload the plans into e-plan from the pdfs received via this- they go into the HTE ref 10-99900003 254 Commercial Street (I have not received an e-mail notification but Jennifer told me she had processed this).

Thank you
Jean

>>> Patrick Carroll via YouSendIt <delivery@yousendit.com> 5/4/2010 5:34 PM >>>

YOUSENDit

Priority Delivery

Jean,

Attached is the pdf file of the CCS submittal, with the corrected building elevations and including the survey information. Sorry about the mixuo, i did not check the drawings when they were delivered- the guys at Masterpiece have never messed up like that in the past... we will swap things out tomorrow morning.

Pat

Download File

Sent by:	pcarroll@carroll-assoc.com
File to pick up:	PB Submittal pdf.zip
File will remain active for:	14 days

Link to file:
http://rcpt.yousendit.com/865706633/a67bbf31ab7d59d78e906dbce40add90

File too big for email? Try at http://www.yousendit.com

YouSendIt Inc. | Terms of Service | Privacy Policy | DMCA Policy | Opt Out
1919 S. Bascom Avenue, 3rd Floor Campbell, CA 95008

YOUSENDit

Jean Fraser - Re: FW: Bank Letter

From: Jean Fraser
To: Carroll, Patrick
Date: 5/5/2010 3:59 PM
Subject: Re: FW: Bank Letter

Pat,

Is this in addition to the one from Maine Bank and Trust or to replace it?

This morning was not really a review- we just went through the plans, discussed issues and I asked reviewers to urgently identify information that they need in order to complete a review or that they think the Board will need....I don't think we will be able to give you any preliminary views until next week as staff need a few days to do the review!!

At the moment there are some questions but no concerns.....I will get back to you if there is any info we need or if any "new" issue arises.

Could you clarify re the stamped (by surveyor) boundary survey...I believe you told me last week that one was being prepared and I was wondering when that might be submitted?

thanks
Jean

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 5/5/2010 2:43 PM >>>
Hi Jean,

This bank letter should be added to the application re: financial capacity.
I hope the staff review went well today. Please call me with any questions.

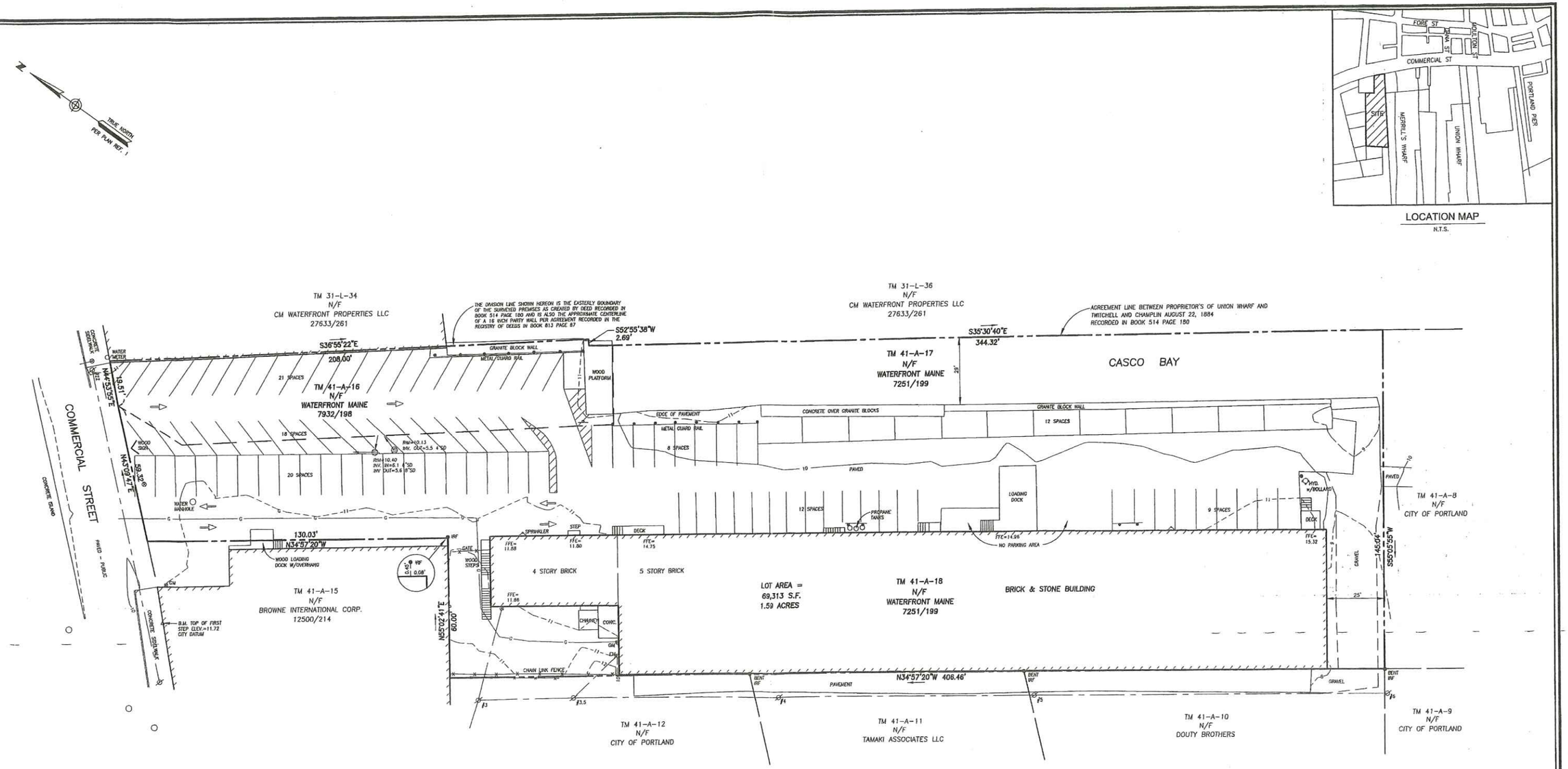
Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

☐ Please consider the environment before printing this email.

-----Original Message-----
From: Chris Pachios [mailto:cpachios@wfny.com]
Sent: Wednesday, May 05, 2010 1:09 PM
To: Patrick Carroll
Subject: Bank Letter

Pat,
This letter should be added to our submission with the City.
Can you forward it along?
Thanks.
Chris



LEGEND

- IRON PIPE OR ROD FOUND
- WATER VALVE
- HYDRANT
- UTILITY POLE
- LIGHT POLE
- MANHOLE
- CATCH BASIN
- SIGN
- FENCE
- CURB
- OVERHEAD WIRES
- SD — STORM DRAIN
- G — GAS LINE
- 10 — 1' CONTOUR

GRAPHIC SCALE

0 10' 20' 40' 80'

PLAN REFERENCES

1. PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR WATERFRONT MAINE, LAND TITLE SURVEY DATED 26 JUNE 1986 BY H.I. & E.C. JORDAN SURVEYORS.
2. AMENDED RECORDING PLAT "PORTLAND FISH PIER COMPLEX" IN PORTLAND, MAINE FOR THE CITY OF PORTLAND DATED FEB. 5, 1990 REV. 8-15-94 BY OWEN HASKELL, INC.
3. TOPOGRAPHIC SURVEY AT PORTLAND FISH PIER COMPLEX, COMMERCIAL STREET, PORTLAND, MAINE MADE FOR CITY OF PORTLAND DATED OCT. 16, 2000 BY OWEN HASKELL, INC.
4. STANDARD BOUNDARY SURVEY AT 250 COMMERCIAL STREET, PORTLAND, MAINE MADE FOR MACOMBER, INC. JAN. 25 2001 REV. 2 02/23/10 BY OWEN HASKELL, INC.

NOTES

1. OWNER OF RECORD: WATERFRONT MAINE, C.C.R.D. BOOK 7251 PAGE 199, BOOK 7932 PAGE 187
2. COMMERCIAL STREET SIDELINE AS SHOWN IS BASED ON HISTORICAL SURVEYS. CURRENT MAINE D.O.T. STREET LINE MAY VARY SLIGHTLY FROM LINE SHOWN.
3. SURVEYED PREMISES SUBJECT TO RIGHT OF WAY FOR ACCESS AND UTILITIES FROM COMMERCIAL STREET TO LANDS OF THE CITY OF PORTLAND. SAID RIGHT OF WAY DESCRIBED IN DEED BOOK 4673 PAGE 162.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

5/12/10
DATE

JOHN W. SWAN, PLS NO. 1027

STATE OF MAINE — JOHN W. SWAN — No. 1027 — REGISTERED PROFESSIONAL LAND SURVEYOR

EXISTING CONDITIONS SURVEY

AT

260 COMMERCIAL STREET
PORTLAND, MAINE

MADE FOR

CARROLL ASSOCIATES

OWEN HASKELL, INC.
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207)774-0424
PROFESSIONAL LAND SURVEYORS

Drwn By	RS	Date	Job No.
Trace By	JLW	MAY 10, 2010	2010-048P
Check By	JWS	Scale	Drwg. No.
Book No.	1092	1" = 20'	1

C:\2010-048 Commercial St\10-048.dwg, 5/12/2010 1:20:43 PM

Bangor Savings Bank

You matter more.

March 29, 2010

Mr. Christopher Pachios
Waterfront Maine
14 Maine Street
Brunswick, ME 04011

RE: Cumberland Cold Storage Project

Dear Chris,

This letter will confirm that, based on our preliminary due diligence on project and sponsor background information received to date, Waterfront Maine will have the financial capacity, development experience and operational management expertise to complete the renovation of the Cumberland Cold Storage Building into an office project with the law offices of Pierce Atwood as the main tenant. Also, based upon a review of the projected cash flow of the project, proposed equity into the deal, and subject to our standard underwriting requirements, the Bank would consider financing the project as proposed.

Should you have any further questions, please do not hesitate to call me at 541-2710. We look forward to working with you further on this exciting project.

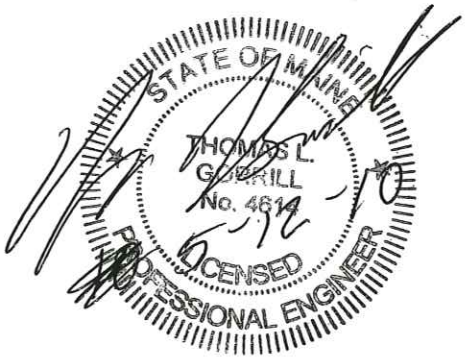
Very truly yours,

Michael P. O'Reilly
Vice President
Bangor Savings Bank
Commercial Banking
280 Fore Street, Suite 200
Portland, ME 04101

Traffic Permit Application
Request for Scoping Meeting
Proposed Re-Use of Cold Storage Facility
Portland, Maine

Prepared for:

Waterfront Maine, LP
14 Main Street
Brunswick, ME 04011



May 2010

Prepared by:

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Road
Gray, ME 04039

(207) 657-6910
Fax: (207) 657-6912
E-mail: mailbox@gorrillpalmer.com

Department of Transportation
Traffic Engineering Division
16 State House Station
Augusta, Maine 04333
Telephone: 207-287-3775

FOR MDOT USE 12/99
ID#_____

Total Fees:_____
Date Received: _____

****

PERMIT APPLICATION – TRAFFIC
TRAFFIC MOVEMENT PERMIT, 23 M.R.S.A. §704-A

Please type or print:

This application is for (check all that apply): Traffic 100-200 PCE's ☒
Traffic 200 + PCE's ☐

Name of Applicant: **Waterfront Maine, LP**

Address: **14 Maine Street, Brunswick, ME 04011** Telephone: **207 729-7970**

Name of local contact or agent: **Thomas Gorrill; Gorrill-Palmer Consulting Engineers, Inc.**

Address: **PO Box 1237 Gray, ME 04039** Telephone: **(207) 657-6910**

Name and type of development: **Proposed reuse of a Cold Storage Facility to Marine Use / General Office**

Location of development including road, street, or nearest route number: **The site is located at 254 Commercial Street in Portland, Maine. Site of an existing Cold Storage Facility**

City/~~Town/Plantation~~: **Portland** County: ~~**Cumberland**~~ Tax Map: **41** Lots: **16,17,18**

Do you want a consolidated review with DEP pursuant to 23 M.R.S.A. § 704-A (7)? **No**

Was this development started prior to obtaining a traffic permit? **No**

Is the project located in an area designated as a growth area (as defined in M.R.S.A. title 30-A, chapter 187)?
Yes X No

Is this project located within a compact area of an urban compact municipality? Yes X No

Is this development or any portion of the site currently subject to state or municipal enforcement action?
No

Existing DEP or MDOT permit number (if applicable): _____

Name(s) DOT staff person(s) contacted concerning this application: None

Name(s) of DOT staff person(s) present at the scoping meeting for 200+ applicants: None

CERTIFICATION

This person responsible for preparing this application and/or attaching pertinent site and traffic information hereto, by signing below, certifies that the applicant for traffic approval is complete and accurate to the best of his/her knowledge.

Signature: _____ Re/Cert/Lic No.: _____

Name (print): Thomas L. Gorrill Engineer: **Maine PE # 4614**

Date: _____ Other: _____

(See Cover Page For Stamp/Signature)

If the signature below is not the applicant's signature, attach letter of agent authorization signed by applicant.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Signature of applicant

5-13-10
Date

Form C 7/97

NOTICE OF INTENT TO FILE

Please take notice that

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14 Main Street
Brunswick, Maine 04011
(212) 695-8090

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May 13, 2010

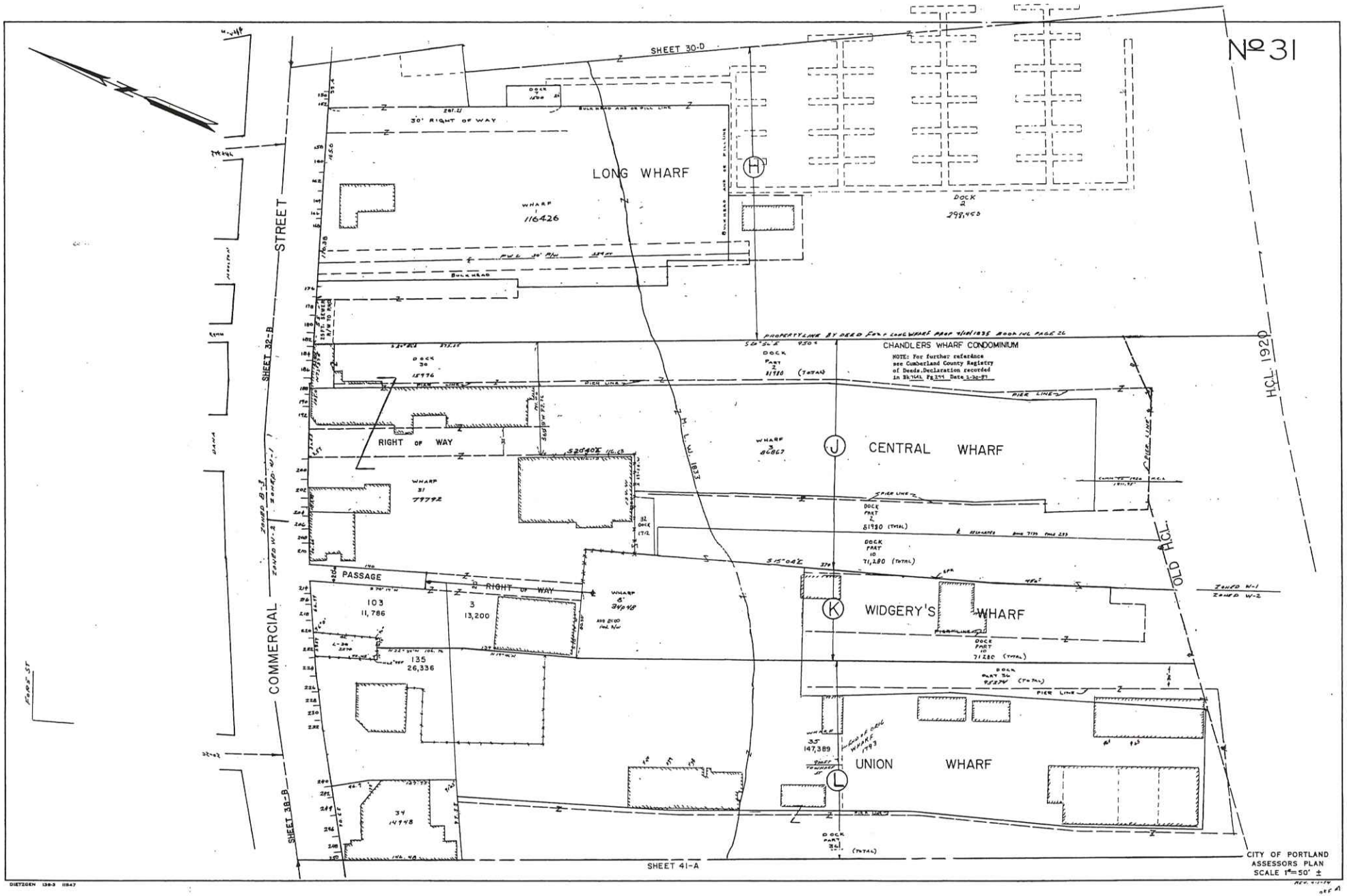
CARROLL ASSOCIATES
[redacted]
LANDSCAPE ARCHITECTS

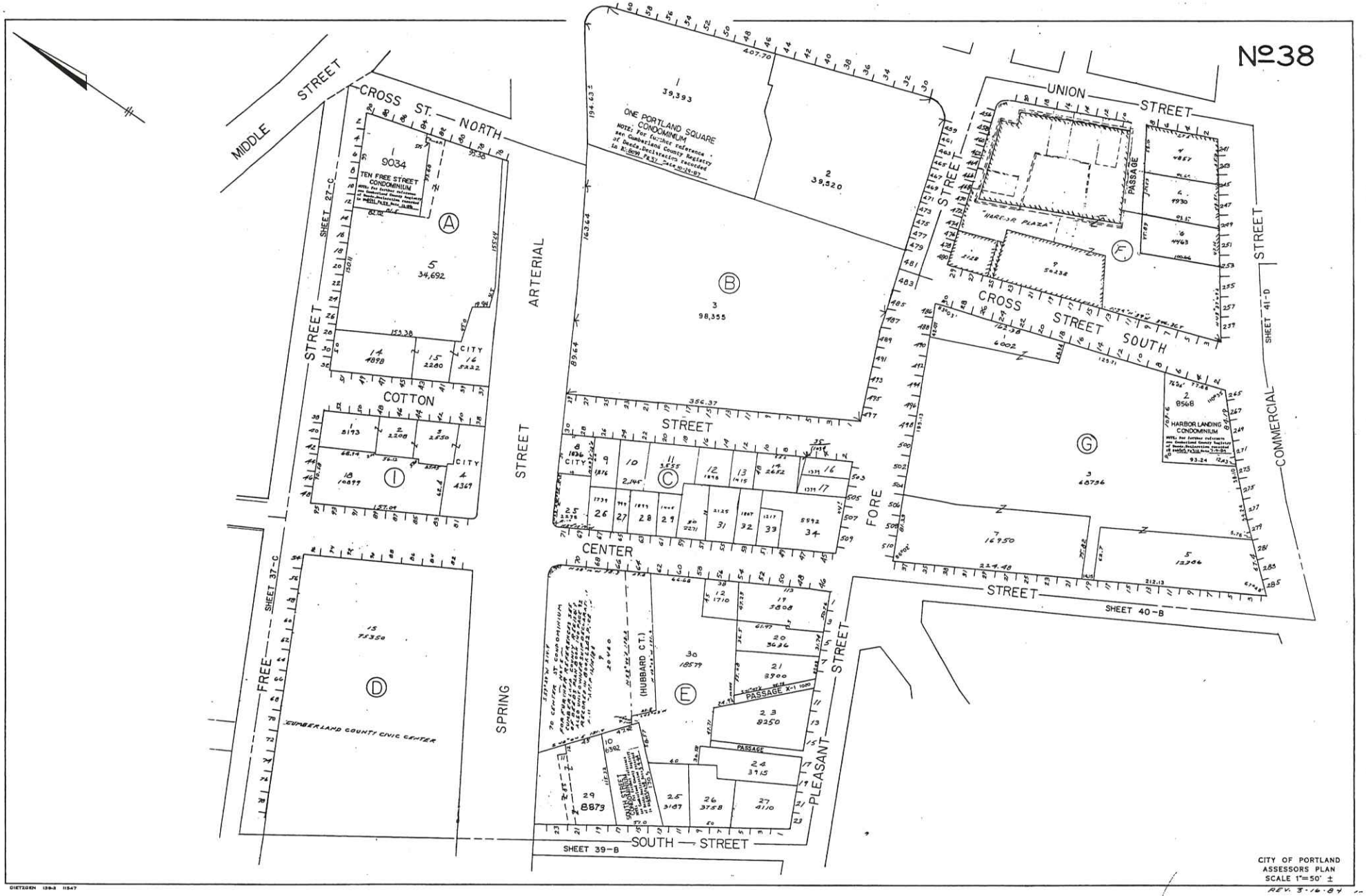
Portland Cold Storage Building

254 Commercial Street
Assessors Map 42, Lots 16,17,18

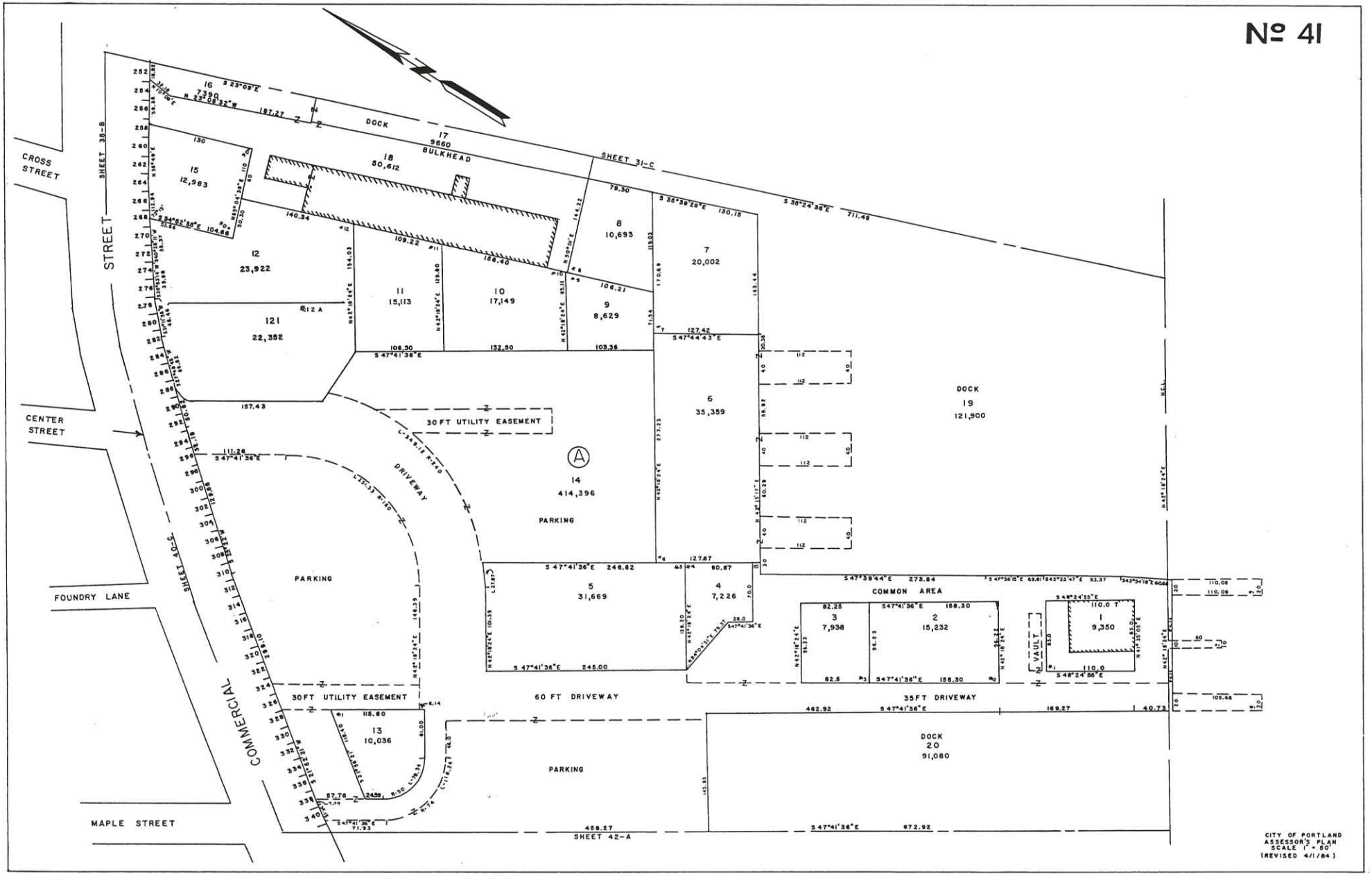
List of Direct Abutters:

Map	Lot	Owner	Mailing Address
31	L034	CM Waterfront Properties, LLC	PO Box 7467 Portland, ME 04112
31	L035	Proprietors of Union Wharf	36 Union Wharf Portland, ME 04101
38	F004	SLM Properties Ltd	241 Commercial Street Portland ME 04101
38	F006	Casco View Holdings, LLC	PO Box 11409 Portland, ME 04104
38	F009	Harbor Plaza Associates II	PO Box 3572 Portland, ME 04104
38	F009	Dictar Associates II	PO Box 3572 Portland ME 04104
41	A007	City of Portland	389 Congress Street Portland, ME 04101
41	A008		
41	A009		
41	A012		
41	A019		
41	A010	Douty Brothers	10 Portland Fish Pier Portland, ME 04101
41	A011	Tamaki Associates, LLC	PO Box 924 Portland, ME 04101
41	A015	Browne International Corp.	260 Commercial Street Portland ME 04101


№31
SHEET 30-D
LONG WHARF
WHARF 1 116426
DOCK 2 398,450
30' RIGHT OF WAY
BULKHEAD AND OR FILL LINE
PROPERTY LINE BY DEED FOR LONG WHARF MAP 9/18/1835 BOOK 141 PAGE 26
CHANDLERS WHARF CONDOMINIUM
NOTE: For further reference see Cumberland County Registry of Deeds Declaration recorded in Bk 7641, Pg 299 Date 3-30-87
DOCK PART 2 11730 (TOTAL)
PIER LINE
RIGHT OF WAY
WHARF 3 86867
CENTRAL WHARF
WHARF 31 77792
DOCK PART 2 51930 (TOTAL)
DOCK PART 10 71,280 (TOTAL)
PASSAGE
RIGHT OF WAY
103 11,786
3 13,200
WHARF 6 34948
WIDGERY'S WHARF
135 26,336
DOCK PART 10 71,280 (TOTAL)
DOCK PART 34 95,374 (TOTAL)
WHARF 35 147,389
UNION WHARF
34 14748
DOCK PART 34 (TOTAL)
COMMERCIAL STREET
SHEET 32-B
SHEET 38-B
SHEET 41-A
OLD H.C.L.
H.C.L. 1920
ZONED W-1
ZONED W-2
H.W.L. 1833
CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1"=50' ±



№38
MIDDLE STREET
CROSS ST. NORTH
UNION STREET
ONE PORTLAND SQUARE CONDOMINIUM
TEN FREE STREET CONDOMINIUM
"HARBOR PLAZA"
PASSAGE
CROSS STREET SOUTH
HARBOR LANDING CONDOMINIUM
COMMERCIAL STREET
SHEET 41-D
SHEET 27-C
COTTON STREET
ARTERIAL STREET
CENTER STREET
FORE STREET
SHEET 40-B
SHEET 37-C
FREE STREET
SPRING STREET
(HUBBARD CT.)
PLEASANT STREET
SOUTH STREET
SHEET 39-B
CUMBERLAND COUNTY CIVIC CENTER
PASSAGE X-1
CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1"=50' ±
REV. 3-16-84


№ 41
CROSS STREET
STREET
SHEET 38-B
CENTER STREET
FOUNDRY LANE
COMMERCIAL
SHEET 40-C
MAPLE STREET
SHEET 42-A
SHEET 31-C
DOCK
BULKHEAD
16
7390
17
9660
18
80,612
15
12,983
12
23,922
12A
121
22,352
11
15,113
10
17,149
9
8,629
8
10,693
7
20,002
6
35,359
DOCK
19
121,900
30 FT UTILITY EASEMENT
A
14
414,396
PARKING
DRIVEWAY
5
31,669
4
7,226
COMMON AREA
3
7,938
2
15,232
VAULT
1
9,350
30FT UTILITY EASEMENT
13
10,036
60 FT DRIVEWAY
35FT DRIVEWAY
PARKING
DOCK
20
91,080
CITY OF PORTLAND
ASSESSOR'S PLAN
SCALE 1" = 50'
(REVISED 4/1/84)

Section 1
Site and Traffic Information

1.A. Site Description and Site Plan

The site is located at the existing cold storage facility, 254 Commercial Street in Portland, Maine. Existing access to the site will remain unchanged, which is a full movement driveway onto Commercial Street. Site and survey plans of the property are provided in Appendix 1A.

1.B. Existing and Proposed Site Uses

The existing building has a footprint of approximately 20,000 square feet and is five stories tall for a total of approximately 100,000 square feet; of which approximately 5,000 square feet is for marine use and approximately 95,000 square feet is for storage.

The proposed use will utilize the existing 100,000 square feet of building but will revise the uses to include approximately 30,000 square feet of marine use and 70,000 square feet of general business space.

1.C. Site and Vicinity Boundaries

The site is bounded to the north by Commercial Street, to the west by businesses, and to the east and south by the ocean.

1.D. Proposed uses in the Vicinity of the Proposed Development

No other proposed development in the area is anticipated to have an impact on this project.

1.E. Trip Generation

Gorrill-Palmer Consulting Engineers utilized the 7th edition of the Institute of Transportation Engineers publication, *Trip Generation*, to estimate the traffic to and from the site both for the existing use and for the proposed re-use of the building. Our forecast utilized the following land use codes (LUC) in completing our forecast:

Existing uses: We utilized land use LUC 110, General Light Industry for the 5,000 s.f. of existing marine uses. The remaining 95,000 s.f. of the building, used for storage, was estimated utilizing LUC 150, Warehousing.

Proposed uses: LUC 110, General Light Industry was utilized for the proposed 30,000 s.f. of marine uses. The remaining 70,000 s.f. of space proposed for the office use was estimated utilizing LUC 710, General Office Building.

A summary of the existing and post re-development trips is summarized in the following table:

Trip Generation Summary for Reuse of Cumberland Cold Storage Facility

Uses	Weekday	Weekday AM Peak Hour	Weekday PM Peak Hour
Existing			
LUC 110- Light Industrial	35	5	5
LUC 150- Warehousing	471	54	58
Total for Existing	**506**	**59**	**63**
Proposed			
LUC 110 Light Industrial	209	30	32
LUC 710 Office Building	893	125	131
Total for Proposed	**1102**	**155**	**163**
Total Increase	**596**	**96**	**100**

Based on the above table, the project will require a traffic movement permit. The City of Portland has delegated review for MaineDOT for projects with a study area within the City. A copy of our trip generation estimates and assignments are included in Appendix 1B.

It should be noted that the actual vehicular trip generation for this facility is anticipated to be less than identified above since it is located within the downtown area and some pedestrian and bicyclist trips are anticipated.

1.F. Trip Distribution

Gorrill-Palmer Consulting Engineers, Inc. has based the ratio of entering and exiting traffic on a review of the Institute of Transportation Engineers publication *Trip Generation, 7th Edition.*

		Light Industrial	General Office
AM peak hour:	Enter	85%	85%
	Exit	15%	15%
PM peak hour:	Enter	15%	15%
	Exit	85%	85%

1.G. Trip Composition and Assignment

All the trips to this facility are anticipated to be primary trips, with the sole purpose of being on the roadway network to visit this site. The trips to/from this site are anticipated to mimic the existing traffic patterns.

1.H. Attachments

Attachment 1A – Site and Survey Plans

Attachment 1B—Trip Generation and Assignments

Attachment 1A

Site and Survey Plan

Attachment 1B

Trip Generation and Assignment

JN:2420
Project Description:Redevelopment of Cumberland Cold Storage Building- Trip Generation for Existing Uses
Project Location:Congress Street in Portland
Date:4-30-10

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 5,000

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 7.47(X) - 101.92	-65	18	50%	50%	-33	-33	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-83	29	85%	15%	-71	-12	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-156	26	15%	85%	-23	-133	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-55	27	90%	10%	-50	-6	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-118	27	15%	85%	-18	-100	0.89
Saturday	T = 0.85(X) + 163.06	167	6	50%	50%	84	84	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 6.97(X)	35	18	50%	50%	17	17	N/A
AM Peak of Adjacent	T = 0.92(X)	5	29	85%	15%	4	1	N/A
PM Peak of Adjacent	T = 0.98(X)	5	26	15%	85%	1	4	N/A
AM Peak of Generator	T = 1.01(X)	5	27	90%	10%	5	1	N/A
PM Peak of Generator	T = 1.08(X)	5	27	15%	85%	1	5	N/A
Saturday	T = 1.32(X)	7	6	50%	50%	3	3	N/A
Saturday Peak of Generator	T = 0.14(X)	1	5	50%	50%	0	0	N/A

JN: 2420
Project Description: ɔerland Cold Storage Building
Project Location: Portland, Maine
Date: 4/30/2010

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

Warehousing
Land Use Code (LUC) 150

Gross Floor Area (ft^2): 95,000

Fitted Curve

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split* IN	Directional Split* OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 3.68 (X) + 350.27	700	16	50%	50%	350	350	0.82
AM Peak Adjacent Street	Ln(T) = 0.71 Ln(X) + 1.15	80	19	80%	20%	64	16	0.79
PM Peak Adjacent Street	Ln(T) = 0.79 Ln(X) + 0.54	63	26	25%	75%	16	47	0.75
AM Peak of Generator	T = 0.39(X) + 63.12	100	19	60%	40%	60	40	0.86
PM Peak of Generator	T = 0.46(X) + 53.12	97	18	10%	90%	10	87	0.88
Saturday	---	---	2	50%	50%	---	---	---
Saturday Peak Hour of Gen.	---	---	2	65%	35%	---	---	---

*Percentages rounded to nearest 5%

Average Rate

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split* IN	Directional Split* OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 4.96 (X)	471	16	50%	50%	236	235	---
AM Peak Adjacent Street	T = 0.45 (X)	43	19	80%	20%	34	9	---
PM Peak Adjacent Street	T = 0.47 (X)	45	26	25%	75%	11	34	---
AM Peak of Generator	**T = 0.57 (X)**	**54**	**19**	**60%**	**40%**	**32**	**22**	**---**
PM Peak of Generator	**T = 0.61 (X)**	**58**	**18**	**10%**	**90%**	**6**	**52**	**---**
Saturday	**T = 1.22 (X)**	**116**	**2**	**50%**	**50%**	**58**	**58**	**---**
Saturday Peak Hour of Gen.	**T = 0.12 (X)**	**11**	**2**	**65%**	**35%**	**7**	**4**	**---**

*Percentages rounded to nearest 5%

JN:2420
Project Description:Redevelopment of Cumberland Cold Storage Building- Trip Generation for Existing Uses
Project Location:Congress Street in Portland
Date:4-30-10

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 30,000

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 7.47(X) - 101.92	122	18	50%	50%	61	61	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-54	29	85%	15%	-46	-8	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-121	26	15%	85%	-18	-103	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-25	27	90%	10%	-23	-3	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-83	27	15%	85%	-12	-71	0.89
Saturday	T = 0.85(X) + 163.06	189	6	50%	50%	95	95	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 6.97(X)	209	18	50%	50%	105	105	N/A
AM Peak of Adjacent	T = 0.92(X)	28	29	85%	15%	23	4	N/A
PM Peak of Adjacent	T = 0.98(X)	29	26	15%	85%	4	25	N/A
AM Peak of Generator	T = 1.01(X)	30	27	90%	10%	27	3	N/A
PM Peak of Generator	T = 1.08(X)	32	27	15%	85%	5	28	N/A
Saturday	T = 1.32(X)	40	6	50%	50%	20	20	N/A
Saturday Peak of Generator	T = 0.14(X)	4	5	50%	50%	2	2	N/A

JN: 2420
Project Description: Redevelopment of Cumberland Cold Storage Building
Project Location: Portland
Date: April 30, 2010

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Office Building
Land Use Code (LUC) 710

Gross Floor Area 70,000

Trip Ends Based on Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split * IN	Directional Split * OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	Ln (T) = 0.77 Ln (X) + 3.65	1014	78	50%	50%	507	507	0.80
AM Peak Hour	Ln (T) = 0.80 Ln (X) + 1.55	141	217	90%	10%	127	14	0.83
PM Peak Hour	T = 1.12 (X) + 78.81	157	235	15%	85%	24	133	0.82
Saturday	T = 2.14 (X) + 18.47	168	17	50%	50%	84	84	0.66
Peak Hour of Generator	Ln (T) = 0.81 Ln (X) - 0.12	28	10	55%	45%	15	13	0.59

* Percentages rounded to nearest 5%

Trip Ends Based on Average Rate

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split * IN	Directional Split * OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 11.01 (X)	771	78	50%	50%	386	385	---
AM Peak Hour	T = 1.55 (X)	109	217	90%	10%	98	11	---
PM Peak Hour	T = 1.49 (X)	104	235	15%	85%	16	88	---
Saturday	T = 2.37 (X)	166	17	50%	50%	83	83	---
Saturday Peak Hour of Gen.	T = 0.41 (X)	29	10	50%	50%	15	14	---

* Percentages rounded to nearest 5%

PM Peak Hour:	T = 1.49/1.55 (AM Peak)	136		15%	85%	20	116	0.82

Trip Gen Using Avg. of Equation and Rates

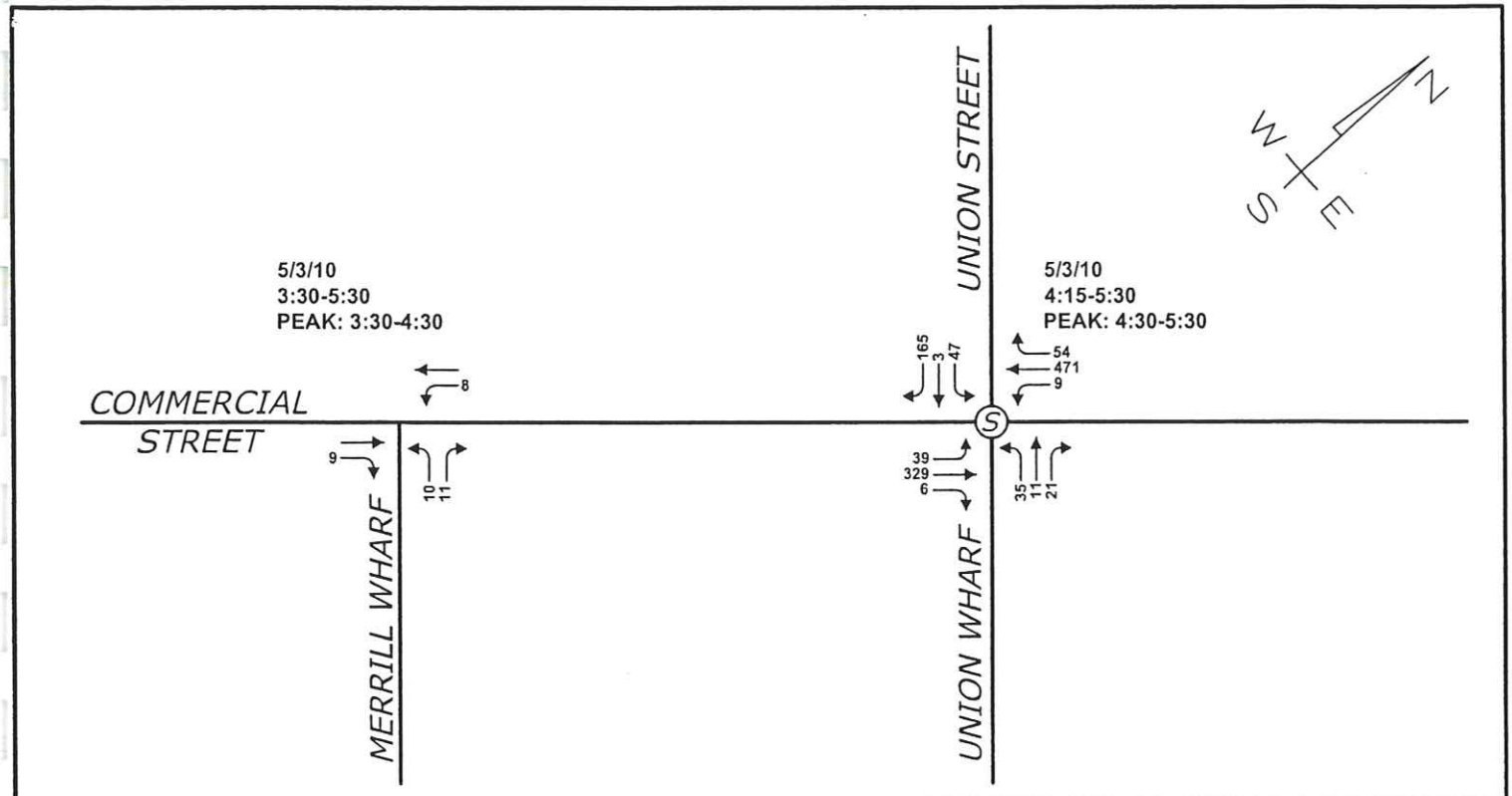
Weekday $\frac{1014+771}{2} = 893$

AM Peak Hour $\frac{141+109}{2} = 125$

PM Peak Hour $\frac{157+104}{2} = 131$

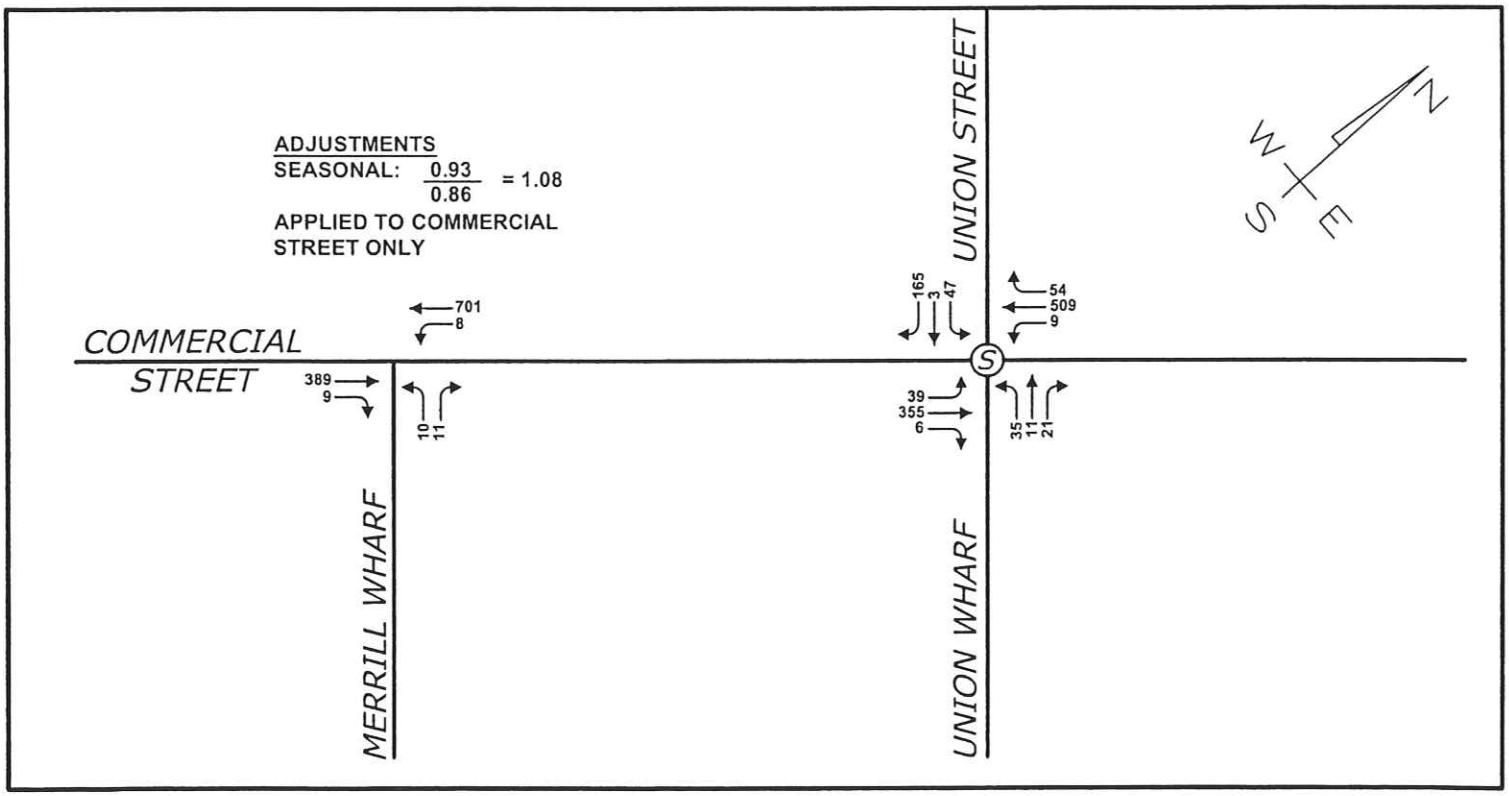
Raw Volumes

Figure No. 1A



2010 Adjusted Volumes

Figure No. 1B



CUMBERLAND COLD STORAGE FACILITY, PORTLAND, MAINE

Design:	JJB	Scale:	NONE
Draft:	DB	Date:	MAY 2010
Checked:	JLW	File Name:	2420_TRAFF.dwg

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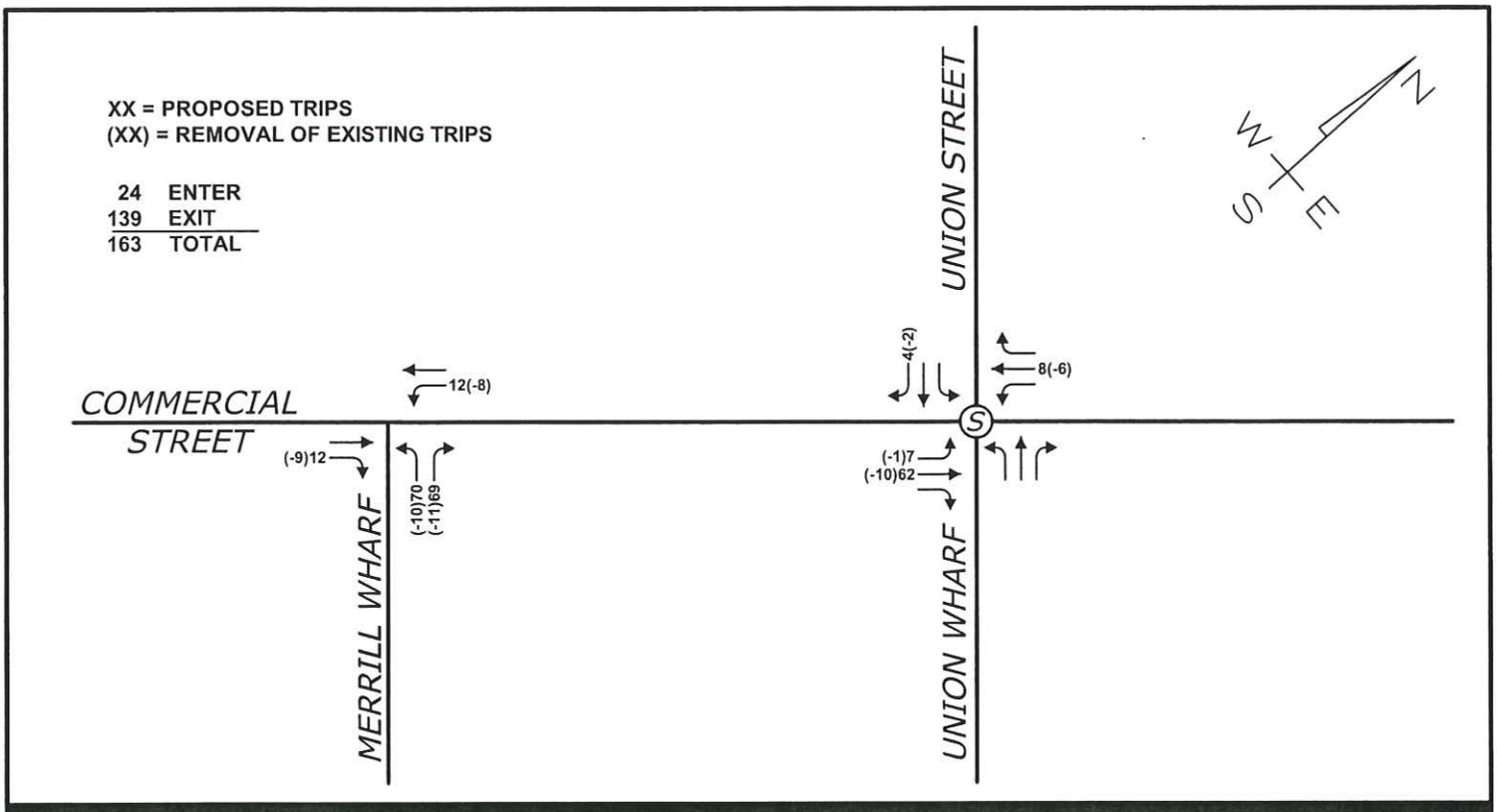
207-657-6910
Fax: 207-657-6912
mailbox@gorrillpalmer.com
www.gorrillpalmer.com

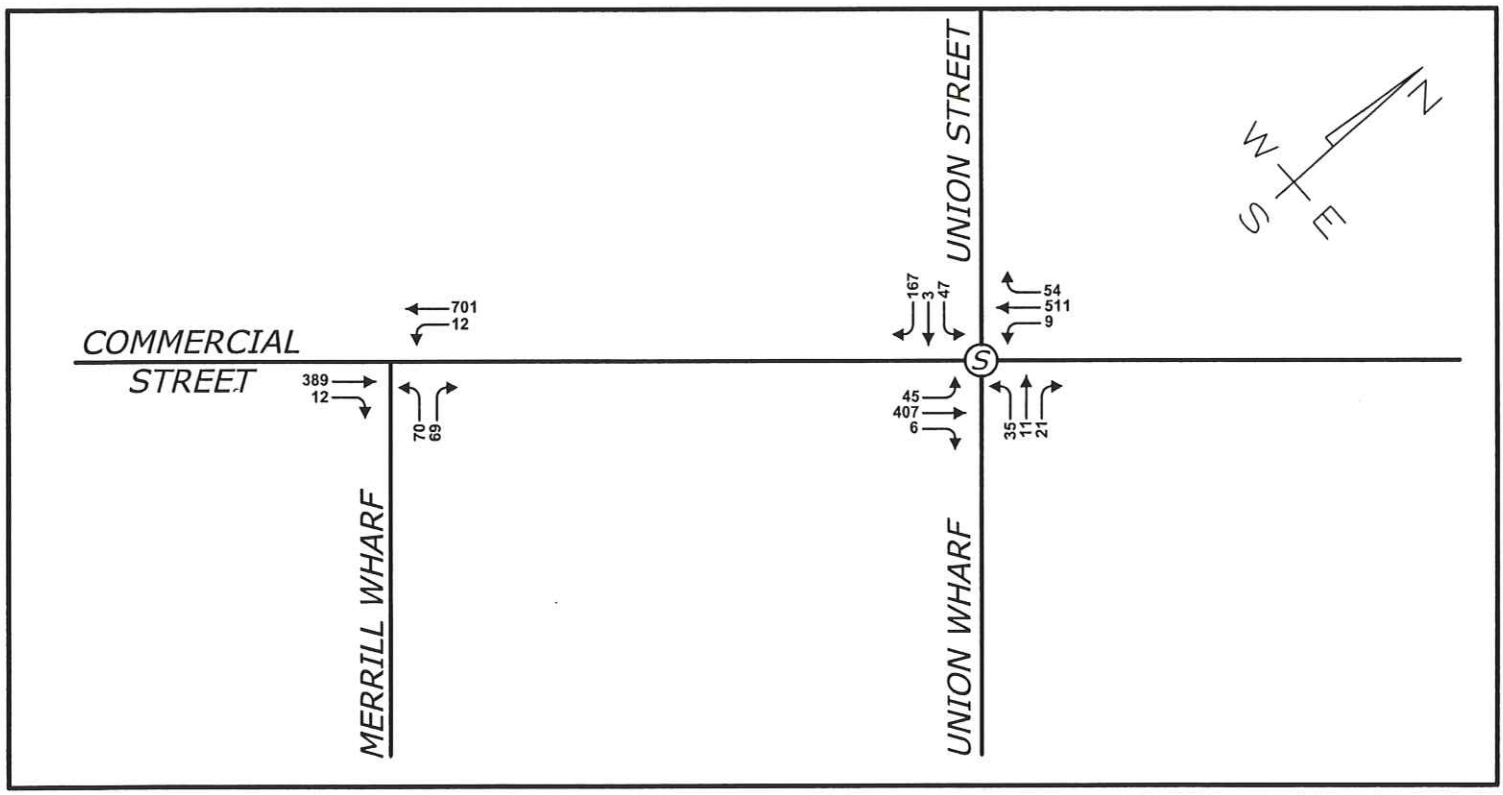
Trip Assignment

Figure No. 2A



2010 Build Volumes

Figure No. 2B



CUMBERLAND COLD STORAGE FACILITY, PORTLAND, MAINE

Design: JJB Scale: NONE
Draft: DB Date: MAY 2010
Checked: JLW File Name: 2420_TRAFF.dwg

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Section 2
Traffic Crashes

2.A. Crash Summary Data

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) **and**:
2. A minimum of eight crashes over the same three-year period.

The following table summarizes the CRF and number of crashes provided by MaineDOT for the 2006-2008 time period for those locations that satisfy one or more of the aforementioned criteria:

MaineDOT Crash Data for 2006-2008: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
16788	Commercial Street at Center Street	12	0.61	No
16790	Commercial Street at Union Street	9	0.53	No

Based on the information provided by MaineDOT, there are no high crash locations in the project study area. The crash information is provided in Attachment 2A.

2.B. Attachments

Attachment 2A – MaineDOT Crash Data

Attachment 2A
MaineDOT Crash Data

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☑ Crash Summary I ☑ Section Detail ☑ Crash Summary II ☐ 1320 Included ☐ 1320 & Driver Report Included

REPORT DESCRIPTION

Commercial St from Center St to Union St in Portland

REPORT PARAMETERS

Year 2006, Start Month 1 through Year 2008 End Month: 12

Route: **0001A**	Start Node: **16788**	Start Offset: **0**	☐ Exclude First Node
	End Node: **16790**	End Offset: **0**	☐ Exclude Last Node

Crash Summary I

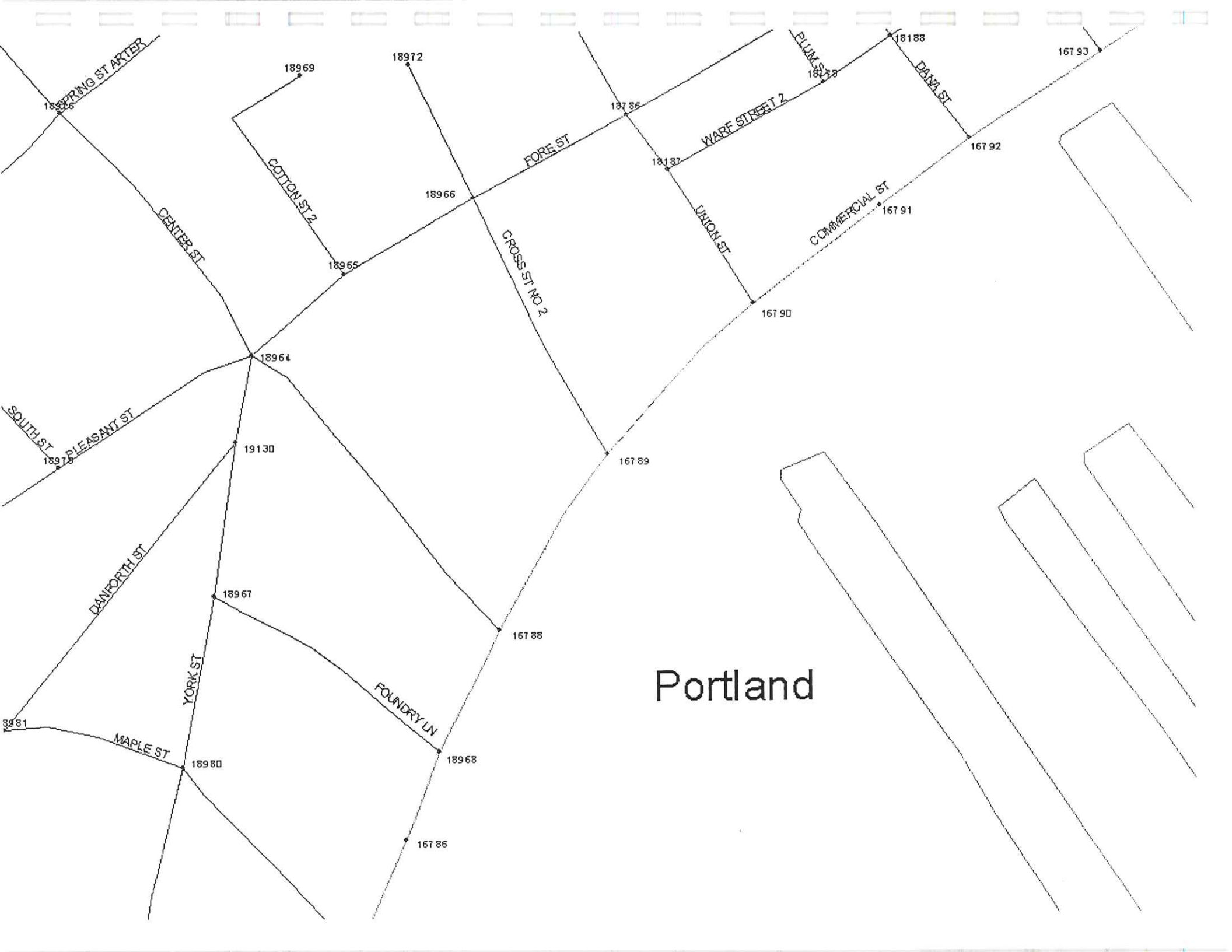
Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF
16788	0001A - 10.92	0507205 POR,COMMERCIAL,CENTER ST.	9	12	0	0	0	2	10	16.7	5.826	0.69	1.13	0.00
										Statewide Crash Rate:		0.66		
16789	0001A - 10.97	0507206 POR,COMMERCIAL,CROSS ST.2	2	5	0	0	0	1	4	20.0	4.984	0.33	0.39	0.00
										Statewide Crash Rate:		0.16		
16790	0001A - 11.03	0507207 POR,COMMERCIAL,UNION ST.	9	9	0	0	2	0	6	25.0	4.844	0.62	1.17	0.00
										Statewide Crash Rate:		0.66		
Study Years:	3.00	**NODE TOTALS:**		26	0	0	2	3	20	19.2	15.654	0.55	0.76	0.73

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section Length	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
16789	16790	192466	0 - 0.06	0001A - 10.91	0.06	2	3	0	0	0	0	3	0.0	0.00281	355.32	498.13	0.00
0507206 POR,COMMERCIAL,CROSS ST.2				US 1A									Statewide Crash Rate:		180.60		
16788	16789	192463	0 - 0.05	0001A - 10.92	0.05	2	0	0	0	0	0	0	0.0	0.00241	0.00	518.63	0.00
0507205 POR,COMMERCIAL,CENTER ST.				US 1A									Statewide Crash Rate:		180.60		
Study Years: 3.00				**Section Totals:**	0.11		3	0	0	0	0	3	0.0	0.00522	191.45	425.24	0.45
				Grand Totals:	0.11		29	0	0	2	3	23	17.2	0.00522	1850.66	637.15	2.90



SPRING ST ARTER
18969
18972
18188
167 93
PLUM ST
DANA ST
18786
WARF STREET 2
FORE ST
18187
167 92
COTTON ST 2
18966
CENTER ST
UNION ST
COMMERCIAL ST
167 91
CROSS ST NO 2
18965
167 90
18964
SOUTH ST
PLEASANT ST
19130
167 89
DANFORTH ST
18967
167 88
YORK ST
FOUNDRY LN
Portland
MAPLE ST
18980
18968
167 86

Section 3
Development Entrances and Exits

3.A. Entrance and Exit Locations

The site is currently accessed via a full movement driveway onto Commercial Street. The project is not proposing any new accesses to the site.

3.B. Plan View

Attachment 1A of Section 1 shows the site location.

- Names of intersecting roads – The site is fronted by Commercial Street to the northwest.
- Posted speed limit – 25 mph (assumed)

Sight Line Review:

As part of this review, Gorrill-Palmer Consulting Engineers reviewed the sight distances of the site driveway. Based on the review, the sight line to the left is impacted by short term (on-street) parking approximately 65 feet from the driver's line of sight, resulting in visibility of approximately 140 feet. The sight line looking to the right is through the signalized intersection with Union Street, or in excess of 200 feet. While MaineDOT typically recommends a sight distance of 200 feet for a street at 25 mph (assumed for Commercial Street), to extend the sight distance would require removal of on-street parking. Furthermore, this is a common condition for driveways along Commercial Street and other locations in the downtown peninsula.

Section 4
Title, Right or Interest

4.A. Evidence of Title, Right or Interest

A copy of the Deed for the site is included in Attachment 4A

4.B. Attachments

Attachment 4A – Deed

Attachment 4A

Deed

KNOW ALL MEN BY THESE PRESENTS, THAT

POULTRY PROCESSING, INC., a Maine corporation having a principal place of business in Portland, County of Cumberland and State of Maine, for consideration paid by WATERFRONT, MAINE, a Maine limited partnership having a principal place of business in Brunswick, County of Cumberland and State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim unto the said WATERFRONT, MAINE, its successors and assigns forever, with QUITCLAIM COVENANTS the following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine and more particularly bounded and described as follows:

See Schedule A attached hereto and incorporated herein.

IN WITNESS WHEREOF, POULTRY PROCESSING, INC., as Grantor, and releasing all its rights in the above-described premises, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by George I. Lewis, its Vice President thereunto duly authorized, this 1st day of July, 1986.

Signed, Sealed and Delivered
in the Presence of:

POULTRY PROCESSING, INC.

By: _____
George I. Lewis
Its Vice President

STATE OF MAINE
CUMBERLAND, SS. July 1, 1986

Personally appeared the above-named George I. Lewis, Vice President of Grantor corporation, as aforesaid, and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,

_____
Notary Public
Attorney at Law

Portland

PARCEL ONE:

The following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

A certain lot or parcel of land, flats, wharf, building, and railroad tracks situated on the southerly side of Commercial Street in said City of Portland now or formerly known as Merrill's Wharf and extending southeasterly from Commercial Street to low water mark. Said premises are bounded westerly in part by a line established between John Q. Twitchell and James P. Champlin and John Bradford by agreement dated April 13, 1883, recorded in the Cumberland County Registry of Deeds, Book 494, Page 433, and easterly by the line established between said John Q. Twitchell, James P. Champlin and the Proprietors of Union Wharf dated November 14, 1884, recorded in Cumberland County Registry of Deeds, Book 514, Page 180, and said premises including the benefit of an agreement with Richard Wharf Co. dated May 9, 1884, recorded in Cumberland County Registry of Deeds, Book 509, Page 185 and party wall agreement with Morris & Company, owners of Union Wharf, dated June 22, 1907, recorded in Cumberland County Registry of Deeds, Book 813, Page 87. Said premises are also subject to an agreement of easement with Cumberland County Power and Light Company dated March 2, 1935, recorded in Cumberland County Registry of Deeds, Book 1465, Page 311. Excepting, however, from the above described premises the portion thereof conveyed to Everett Wilson by Administrator's Deed dated July 10, 1897 recorded in Cumberland County Registry of Deeds, Book 654, Page 191, and Warranty Deed from James P. Champlin dated July 10, 1897, recorded in Cumberland County Registry of Deeds, Book 654, Page 193.

Also conveying, insofar as the Grantor has the power to grant the same, all water and riparian rights appurtenant to the above conveyed premises and rights in the area below the low water mark.

Also excepting and reserving the premises conveyed to Moulton Realty Co. by the Grantor herein by deed dated January 2, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4549, Page 85.

Also excepting and reserving from the above described premises, all of said land, flats, wharf, building, railroad tracks and water and riparian rights lying southerly of a line parallel to and twenty-five (25) feet southerly of the southerly side of the five story cold storage building located on the above described premises, right of way, and "right to locate underground utilities" as reserved in the deed of the premises from Poultry Processing, Inc. to Robert J. Levine, Trustee of Levine Realty Trust dated September 30, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4673, Page 162, which rights were subsequently acquired by the State of Maine by Notice of Taking by eminent domain dated March 24, 1981 recorded in said Registry, Book 4759, Page 119. Being the premises described in the deed from Poultry Processing, Inc. to Poultry Processing, Inc. dated March 19, 1986 and recorded in the Cumberland County Registry of Deeds, Book 7138, Page 317.

KNOW ALL MEN BY THESE PRESENTS, That PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership with a principal place of business in Portland, County of Cumberland, State of Maine,

In consideration of One ($1.00) Dollar and other valuable considerations

Paid by WATERFRONT, MAINE, a Maine Limited Partnership, having an office at Main Street, Brunswick, Maine 04011.

The receipt whereof PROPERTY EXCHANGE PARTNERSHIP does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said WATERFRONT, MAINE, its successors and assigns forever,

A certain lot or parcel of land with the buildings and other improvements now or hereafter situated thereon, situated at and near 252 Commercial Street, Portland, County of Cumberland and State of Maine, more particularly described as follows:

Beginning at a point on the southerly sideline of Commercial Street in the City of Portland, Maine at the property line as agreed to by the Proprietors of Union Wharf and John Q. Twitchell and James P. Champlin as recorded in Book 514, Page 180 of the Cumberland County Registry of Deeds. Said point of beginning also being One Hundred Thirty-Nine and 44/100 (139.44) feet easterly along Commercial Street from the division line established between Twitchell and Champlin and John Bradford by agreement recorded in Book 494, Page 433 of said Registry. Thence by the following courses and distances:

1. S 23° 09' E along a party wall as described in an agreement between Morris & Co. and Twitchell and Champlin Co., recorded in Book 813, Page 87 of said Registry and along the line of agreement recorded in Book 514, Page 180 of said Registry Two Hundred Eight (208) feet to the end of a stone pier or retaining wall.

2. S 67° 00' W along the face of the wall Eighty-Two Hundredths (0.82) feet to a dock and building.

3. S 23° 09' E along the dock and building Nine and 55/100 (9.55) feet to a corner.

4. S 67° 09' W along the dock and building Thirty-Five and 40/100 (35.40) feet to the corner of the building as it now exists.

5. N 23° 08' 32" W along the building line One Hundred Eighty-Seven and 27/100 (187.27) feet to a corner.

6. N 10° 08' E along the building line Thirty-Two and 18/100 (32.18) feet to a corner at Commercial Street.

7. N 56° 49′ E along Commercial Street Eighteen and 82/100 (18.82) feet to a point of beginning.

The description above is from a survey entitled "Plan of Property Merrill's Wharf" dated December 20, 1979 by Robert P. Titcomb, and recorded in the Cumberland County Registry of Deeds.

The bearings are magnetic of 1884.

ALSO the non-exclusive right, insofar as the Grantor has the power to grant the same, to use the lands and waters adjacent to the easterly sideline of the premises herein conveyed.

ALSO a right of way by vehicle and otherwise over the so-called Merrill's Wharf premises formerly of Poultry Processing, Inc. between the premises described herein and Commercial Street, such right of way to be in common with others for the purpose of entry and egress of the above-described premises. The non-exclusive right to locate underground utilities serving the premises described herein in the parcel between the above-described premises and the westerly boundary of said Merrill's Wharf, together with the right to connect to any common sewer pipe constructed or maintained by Poultry Processing, Inc., its successors or assigns, serving part or all of Merrill's Wharf, provided that Grantee shall be required to pay its fair and reasonable portion of the cost of such pipe and connection if Grantee elects to so connect, as well as its proportionate share of all assessments and charges made by the City of Portland or other governmental agency in relation to the use of said sewer.

ALSO the right to erect temporary scaffolding, store materials, park vehicles and conduct like activities incident to the repair, maintenance and alterations of the premises described herein on the Merrill's Wharf premises formerly of Poultry Processing, Inc. within ten (10) feet of the westerly sideline of the above-described premises, so long as such erections, storage, parking or activities do not unreasonably impede the use of said premises as a right of way for other owners, tenants and users of Merrill's Wharf.

Being part of the premises contained in the deed from the Executors of the Last Will and Testament of Benjamin Lewis to Cumberland Trading Co., Inc. dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 423. Said Cumberland Trading Co., Inc. merged into Pine State Beef Company on June 1, 1973. Said Pine State Beef Company merged into Poultry Processing, Inc. on October 28, 1974.

Also being the same premises conveyed to Robert J. Levine, Trustee of the Levine Real Estate Trust, by deed of MOULTON REALTY CO., dated January 2, 1980, and recorded in said Registry of Deeds in Book 4549, Page 113 and the same premises conveyed to Grantor by

Robert J. Levine, Trustee of the Levine Real Estate Trust by deed dated December 13, 1985 and recorded in said Registry of Deeds in Book 7005, Page 104.

Also hereby conveying all of the Grantor's right, title and interest in and to all easements, rights-of-way and other rights appurtenant to the above-described premises and in and to the fee underlying all public or private rights of way contiguous to said premises, and also including all mooring, wharfage and dockage rights and fees associated with said premises (all hereinafter sometimes referred to as the "Premises").

TO HAVE AND TO HOLD the aforegranted and bargained Premises, with all the privileges and appurtenances thereof, to the said Waterfront Maine, its successors and assigns, to its and their use and behoof forever.

And Grantor does covenant with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the Premises, that they are free of all encumbrances, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it will and its successors shall and will WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership, has caused this deed to be executed this 7th day of the month of August, 1987.

Signed, Sealed and Delivered
in Presence of:

PROPERTY EXCHANGE PARTNERSHIP,
a Maine general partnership

By: _____
John R. Gendron,
its General Partner

By: _____
Richard N. Gendron,
its General Partner

By: _____
Roger J. Gendron,
its General Partner

Witness

By: _____
Charles P. Gendron,
its General Partner

STATE OF MAINE
CUMBERLAND, ss.

August 20, 1987

Then personally appeared the above-named John R. Gendron, Richard N. Gendron, Roger J. Gendron and Charles P. Gendron, and acknowledged the foregoing instrument to be their free act and deed in their said capacities, and the free act and deed of said general partnership.

Before me,

Diane R Souza

Notary Public
Attorney-at-Law

DIANE R. SOUZA
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES APRIL 21, 1992

Print Name

Section 5
Public or Private Right-of-Way

5.A. Public or Private Rights-of-Way

No additional rights-of-way are proposed for this project.

Section 6
Schedule

6.A. Schedule

The Applicant proposes to begin and complete the project in 2010.

Section 7
Additional Information

Although not typically required for a 100-200 traffic movement permit, anticipated supplemental review was also performed for this project and is summarized as follows:

Capacity Analyses

Gorrill-Palmer Consulting Engineers, Inc. completed capacity analyses for Commercial Street at Merrill Wharf and at Union Street. The analyses were completed utilizing the HCM outputs of the Synchro software for the Union intersection, and the HCM software for the Merrill driveway. They are based on turning movement counts completed at these locations on May 3, 2010, which are included in Attachment 1B in Section 1.

Levels of service rankings are similar to the academic ranking system where an 'A' has little control delay and an 'F' represents extensive delay. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if an alternative form of traffic control may be advisable.

The following tables summarize the relationship between delay and level of service for signalized and unsignalized intersections:

Level of Service Criteria for Signalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

Level of Service Criteria for Unsignalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The results of the capacity analyses, based on the analysis results, are summarized as follows, with the detailed analysis sheets included in Attachment 7A.

Level of Service for Commercial Street at Union Street (Signalized)

Approach/Movement	2010 PM Peak Hour			
	Pre Build		Post Build	
	Delay (sec)	LOS	Delay (sec)	LOS
Union EB LT/TH/RT	14	B	14	B
Union Wharf WB LT/TH/RT	11	B	11	B
Commercial NB LT	7	A	7	A
Commercial NB TH/RT	8	A	9	A
Commercial SB LT	6	A	6	A
Commercial SB TH	10	B	10	B
Commercial SB RT	6	A	6	A
Overall	**10**	**B**	**10**	**B**

Level of Service for Commercial Street at Merrill Wharf (Unsignalized)

Approach/Movement	2010 PM Peak Hour			
	Pre Build		Post Build	
	Delay (sec)	LOS	Delay (sec)	LOS
Merrill WB LT/RT	13	B	17	C
Commercial NB TH/RT	<1	A	<1	A
Commercial SB LT	8	A	8	A
Commercial SB TH	<1	A	<1	A

Based on the findings of the analyses, all lane groups are anticipated to operate at a level of service 'C' or better. Based on the analyses, the addition of development traffic to the Commercial Street/Union Street intersection does not noticeably impact delay. Queuing from the Union Street and the Center Street signals did block the driveway several times while the counts were being conducted. However, this is not unusual in an urban environment.

Attachments

Attachment 7A - Capacity Analysis

Attachment 7A

Capacity Analysis

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*J. Bartlett*	Intersection	*Commercial at Merrill*
Agency/Co.	*Gorrill-Palmer*	Jurisdiction	*Portland, Maine*
Date Performed	*5/4/2010*	Analysis Year	*2010*
Analysis Time Period	*PM Peak Hour*		

Project Description *2010 Adjusted Volumes: JN 2420*

East/West Street: *Merill Wharf* | North/South Street: *Commercial Street*

Intersection Orientation: *North-South* | Study Period (hrs): *1.00*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		*389*	*9*	*8*		
Peak-Hour Factor, PHF	*1.00*	*0.98*	*0.98*	*0.85*	*0.85*	*1.00*
Hourly Flow Rate, HFR (veh/h)	*0*	*396*	*9*	*9*	*834*	*0*
Percent Heavy Vehicles	*0*	--	--	*10*	--	--
Median Type	*Two Way Left Turn Lane*					
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*1*	*1*	*0*
Configuration			*TR*	*L*	*T*	
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				*10*		*11*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*0.92*	*1.00*	*0.92*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*0*	*10*	*0*	*11*
Percent Heavy Vehicles	*0*	*0*	*0*	*0*	*0*	*10*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*0*	*0*	*0*
Configuration					*LR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		*L*		*LR*				
v (veh/h)		*9*		*21*				
C (m) (veh/h)		*1112*		*472*				
v/c		*0.01*		*0.04*				
95% queue length		*0.02*		*0.14*				
Control Delay (s/veh)		*8.3*		*13.0*				
LOS		*A*		*B*				
Approach Delay (s/veh)	--	--	*13.0*					
Approach LOS	--	--	*B*					

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	47	3	165	35	11	21	39	355	6	9	509	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	12	12	12	12	12	12	12	12	12	11	11
Total Lost time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Lane Util. Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt		0.90			0.96		1.00	1.00		1.00	1.00	0.85
Flt Protected		0.99			0.97		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)		1685			1757		1805	1854		1480	1801	1531
Flt Permitted		0.91			0.80		0.36	1.00		0.47	1.00	1.00
Satd. Flow (perm)		1555			1441		691	1854		724	1801	1531
Peak-hour factor, PHF	0.84	0.84	0.84	0.86	0.86	0.86	0.81	0.85	0.85	0.75	0.96	0.90
Adj. Flow (vph)	56	4	196	41	13	24	48	418	7	12	530	60
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	256	0	0	78	0	48	425	0	12	530	60
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	2%	17%	22%	2%	2%
Turn Type	Perm			Perm			Perm			Perm		Perm
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		6
Actuated Green, G (s)		12.1			12.1		19.1	19.1		19.1	19.1	19.1
Effective Green, g (s)		12.1			12.1		19.1	19.1		19.1	19.1	19.1
Actuated g/C Ratio		0.29			0.29		0.46	0.46		0.46	0.46	0.46
Clearance Time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Vehicle Extension (s)		3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)		457			423		320	860		336	835	710
v/s Ratio Prot								0.23			c0.29	
v/s Ratio Perm		c0.16			0.05		0.07			0.02		0.04
v/c Ratio		0.56			0.18		0.15	0.49		0.04	0.63	0.08
Uniform Delay, d1		12.3			10.9		6.4	7.7		6.0	8.4	6.2
Progression Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2		1.6			0.2		0.2	0.4		0.0	1.6	0.1
Delay (s)		13.9			11.1		6.6	8.1		6.1	10.0	6.2
Level of Service		B			B		A	A		A	A	A
Approach Delay (s)		13.9			11.1			8.0			9.5	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	9.9	HCM Level of Service	A
HCM Volume to Capacity ratio	0.61		
Actuated Cycle Length (s)	41.2	Sum of lost time (s)	10.0
Intersection Capacity Utilization	54.2%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*J. Bartlett*
Agency/Co.	*Gorrill-Palmer*
Date Performed	*5/12/2010*
Analysis Time Period	*PM Peak Hour*

Site Information

Intersection	*Commercial at Merrill*
Jurisdiction	*Portland, Maine*
Analysis Year	*2010*

Project Description *2010 Build Volumes: JN 2420*

East/West Street: *Merrill Wharf* | North/South Street: *Commercial Street*

Intersection Orientation: *North-South* | Study Period (hrs): *1.00*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		*389*	*12*	*12*		
Peak-Hour Factor, PHF	*1.00*	*0.98*	*0.98*	*0.85*	*0.85*	*1.00*
Hourly Flow Rate, HFR (veh/h)	*0*	*396*	*12*	*14*	*834*	*0*
Percent Heavy Vehicles	*0*	--	--	*2*	--	--
Median Type	*Two Way Left Turn Lane*					
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*1*	*1*	*0*
Configuration			*TR*	*L*	*T*	
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				*70*		*69*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*0.92*	*1.00*	*0.92*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*0*	*76*	*0*	*74*
Percent Heavy Vehicles	*0*	*0*	*0*	*2*	*0*	*2*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*0*	*0*	*0*
Configuration					*LR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		*L*		*LR*				
v (veh/h)		*14*		*150*				
C (m) (veh/h)		*1151*		*463*				
v/c		*0.01*		*0.32*				
95% queue length		*0.04*		*1.42*				
Control Delay (s/veh)		*8.2*		*16.5*				
LOS		*A*		*C*				
Approach Delay (s/veh)	--	--	*16.5*					
Approach LOS	--	--	*C*					

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	47	3	167	35	11	21	45	407	6	9	511	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	12	12	12	12	12	12	12	12	12	11	11
Total Lost time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Lane Util. Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt		0.90			0.96		1.00	1.00		1.00	1.00	0.85
Flt Protected		0.99			0.97		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)		1685			1757		1805	1855		1480	1801	1531
Flt Permitted		0.91			0.80		0.36	1.00		0.41	1.00	1.00
Satd. Flow (perm)		1557			1442		687	1855		631	1801	1531
Peak-hour factor, PHF	0.84	0.84	0.84	0.86	0.86	0.86	0.81	0.85	0.85	0.75	0.96	0.90
Adj. Flow (vph)	56	4	199	41	13	24	56	479	7	12	532	60
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	259	0	0	78	0	56	486	0	12	532	60
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	2%	17%	22%	2%	2%
Turn Type	Perm			Perm			Perm			Perm		Perm
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		6
Actuated Green, G (s)		12.2			12.2		19.2	19.2		19.2	19.2	19.2
Effective Green, g (s)		12.2			12.2		19.2	19.2		19.2	19.2	19.2
Actuated g/C Ratio		0.29			0.29		0.46	0.46		0.46	0.46	0.46
Clearance Time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Vehicle Extension (s)		3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)		459			425		319	860		293	835	710
v/s Ratio Prot								0.26			c0.30	
v/s Ratio Perm		c0.17			0.05		0.08			0.02		0.04
v/c Ratio		0.56			0.18		0.18	0.57		0.04	0.64	0.08
Uniform Delay, d1		12.4			10.9		6.5	8.1		6.1	8.4	6.2
Progression Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2		1.6			0.2		0.3	0.9		0.1	1.6	0.1
Delay (s)		13.9			11.1		6.7	8.9		6.1	10.1	6.2
Level of Service		B			B		A	A		A	B	A
Approach Delay (s)		13.9			11.1			8.7			9.6	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	10.1	HCM Level of Service	B
HCM Volume to Capacity ratio	0.61		
Actuated Cycle Length (s)	41.4	Sum of lost time (s)	10.0
Intersection Capacity Utilization	56.3%	ICU Level of Service	B
Analysis Period (min)	15		

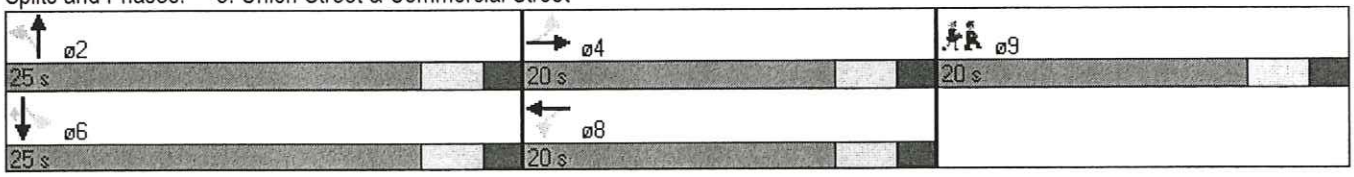
c Critical Lane Group

Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT	SBR	ø9
Lane Configurations										
Volume (vph)	47	3	35	11	45	407	9	511	54	
Turn Type	Perm		Perm		Perm		Perm		Perm	
Protected Phases		4		8		2		6		9
Permitted Phases	4		8		2		6		6	
Detector Phase	4	4	8	8	2	2	6	6	6	
Switch Phase										
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0
Total Split (s)	20.0	20.0	20.0	20.0	25.0	25.0	25.0	25.0	25.0	20.0
Total Split (%)	30.8%	30.8%	30.8%	30.8%	38.5%	38.5%	38.5%	38.5%	38.5%	31%
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	
Lead/Lag										
Lead-Lag Optimize?										
Recall Mode	None	None	None	None	None	None	None	None	None	None

Intersection Summary

Cycle Length: 65
Actuated Cycle Length: 41.5
Natural Cycle: 65
Control Type: Actuated-Uncoordinated

Splits and Phases: 3: Union Street & Commercial Street



Cumberland Cold Storage Building
254 Commercial Street
Portland, Maine

Application For:

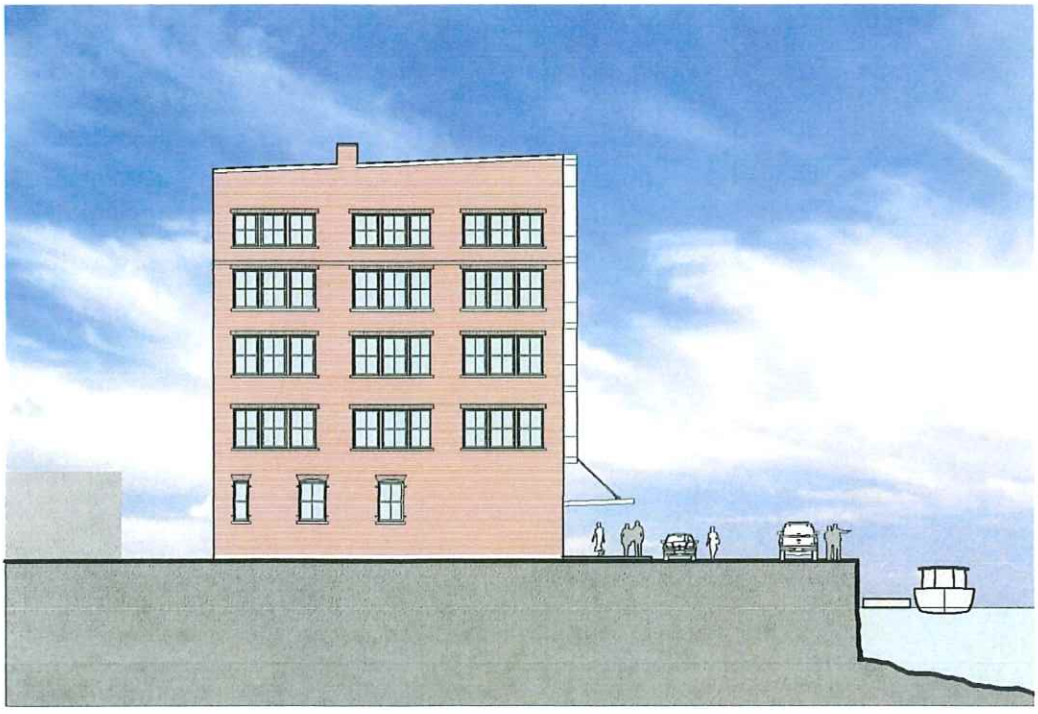
Major Site Plan Review

Submitted By:
Carroll Associates
217 Commercial Street
Portland, Maine 04101

Winton Scott Architects
5 Milk Street
Portland, Maine 04101

For:
Waterfront Maine
14 Maine Street
Brunswick, ME 04011

Date:
May 4, 2010



WATERFRONT MAINE

May 4, 2010

Ms. Penny St. Louis Littell
Director Planning and Urban Development Department
389 Congress Street
Portland, ME 04101-3509

Re: Cumberland Cold Storage Building,
254 Commercial Street.

Dear Ms. Littell:

The proposed project involves a change of use and conversion from warehouse to office use of the second through fifth floors of 254 Commercial Street which is located in the Waterfront Central Zone ("WCZ"). The site has approximately 78 linear feet of frontage on Commercial Street. The total site footprint is 67,982 square feet and the building coverage area is 20,473 square feet. The ground floor will remain marine related use and approximately 664 square feet of the ground floor shall serve as a common area lobby with two new elevators providing access to floors 2 through 5. The ground floor lobby will include entries and connections to the ground floor marine related use.

The proposed tenant for the fifth, fourth, third and part of the second floor is a law firm. The law firm will occupy approximately 70,000 square feet as their headquarters. The balance of the second floor will also be office use. The ground floor shall remain marine related use in compliance with the existing WCZ.

Waterfront Maine
14 Maine Street
Brunswick, Maine 04011

Brunswick, ME: 207-729-7970 *New York, NY: 212-695-8090*

The proposed parking on the site will have 71 spaces including six (6) parking spaces for berthing for fisherman, fifteen (15) parking spaces will be provided for the possible ground floor marine related use, and fifty (50) parking spaces for upper floors of which three (3) spaces will be reserved for handicapped parking. If the ground floor is vacant, the applicant proposes leasing the fifteen (15) parking spaces for the vacant ground floor marine related use to upper floor tenants until such ground floor space is rented to marine related users.

The property has an easement which exists from Commercial Street to the Fish Pier.

The project is an opportunity for further connecting the existing old port office and retail uses to Portland's waterfront alongside marine related uses and the working waterfront.

Thank you for your attention to this exciting project.

Respectfully submitted,

Christopher S. Flagg Anthony J. Gatti Christopher H. Pachios

Cumberland Cold Storage Building
Application for Site Plan Review

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Development Review Application

Portland, Maine

Dept. of Planning and Urban Development, Planning Division and Planning Board

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To All Applicants and Consultants for Development Review
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

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.

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, (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

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.

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 rates: Planning services, $30.00/ hour and Legal services: $40.00/hour.

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.

Public Notices

- Public notices must be sent to property owners within 500 feet for all proposals at the time an application is received. Industrial projects require notices to be sent to property owners within 1,000 feet.
- Prior to any workshop or public hearing meetings, notices will be sent to property owners. The item will also appear on a legal ad that is published in the Portland Press Herald and 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 applicant will be billed for actual or apportioned costs for advertising and sending of meeting notices.
- If an applicant is required to hold a neighborhood meeting under the City's regulations, mailing labels for the meeting invitations must be purchased from the Planning Division. A request for labels requires a minimum of two business days to generate and a charge of $1.00 per sheet will be payable upon receipt of the labels.

Performance Guarantees and Inspection Fee

- 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.
- Upon approval, a performance guarantee packet will be mailed with the approval letter. The packet includes a cost estimate form, sample forms for a letter of credit/escrow account and the provisions for a 10% defect guarantee. An inspection fee of 2% of the performance guarantee is required prior to the issuance of a building permit.

Development Review Fee Schedule (effective July 15, 2005)

Portland, Maine

• Fee for Services (billed monthly)	
- Planning Services	$30.00/hour
- Legal Services	$40.00/hour
• Major Site Plan Review (more than 10,000 sq. ft..)	
- Under 50,000 sq. ft.	$500.00
- 50,000 - 100,000 sq. ft.	$1,000.00
- Parking Lots over 100 spaces	$1,000.00
- 100,000 - 200,000 sq. ft.	$2,000.00
- 200,000 - 300,000 sq. ft.	$3,000.00
- Over 300,000 sq. ft.	$5,000.00
• After-the-fact Major Site Plan Review	$1,000.00 + applicable application fee
• Minor Site Plan Review (less than 10,000 sq. ft.)	$400.00 (or up to 20,000 in an industrial zone)
• After-the-fact Minor Site Plan Review	$1,000.00 + applicable application fee
• Minor-Minor Site Plan Review (Single Families)	$300.00
• Amendment to Plans	
- Planning Board Review	$500.00
- Planning Staff Review	$250.00
• Subdivision Fee	$500.00 + $25.00 per lot
• Section 14-403 Review	$400.00 + $25.00 per lot
• Site Location of Development	$3,000.00 (except for residential projects which shall be $200.00 per lot)
• Traffic Movement Permit	$1,000.00
• Storm water Quality Permit	$250.00
• Street Vacation	$2,000.00

Engineering Fees

- Engineer Review Fee - This fee is assessed by the Engineer
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with $300.00 being the minimum.

Zone Change

• Zoning Map Amendments		$2,000.00
• Text Amendments		$2,000.00
• Contract/Conditional Rezonings:	Under 5,000 sq. ft	$1,000.00
	5,000 sq. ft. and over	$3,000.00
• Conditional Use		$100.00

Historic Preservation

• Administrative Review $50.00	
• Minor Projects - Committee Review	$100.00
• Major Projects - Committee Review	$500.00
• After-the-fact Review	$750.00
• HP Special Exception Sign Review	$35.00

Noticing/Advertisements for Historic Preservation and Planning Board Review

• Legal Advertisement:	Percent of total bill
• Notices:	.75 cents each

(notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings)

Development Review Application
PORTLAND, MAINE
Department of Planning and Urban Development,
Planning Division and Planning Board

PROJECT NAME: Portland Cold Storage Building

PROPOSED DEVELOPMENT ADDRESS:

254 Commercial Street, Portland, ME 04101

PROJECT DESCRIPTION:

Renovation of approx 100,000 sf of space of an existing warehouse building to include professional office use on the upper stories, marine/ warehouse uses on first floor, and associated sitework.

CHART/BLOCK/LOT: 41/16,41/17, 41/18

CONTACT INFORMATION:

APPLICANT

Name: Waterfront Maine, LP
Address: 14 Maine Street
Brunswick, ME
Zip Code: 04011
Work #: 207-729-7970
Cell #:
Fax #: 207-725-9500
Home:
E-mail: agatti@waterfrontme.com

PROPERTY OWNER

Name: Waterfront Maine, LP
Address: c/0 Anthony Gatti
14 Maine Street
Zip Code: Brunswick, ME 04011
Work #:
Cell #:
Fax #:
Home:
E-mail:

BILLING ADDRESS

Name: Same as Property Owner
Address:
Zip:
Work #:
Cell #:
Fax #:
Home:
E-mail:

~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: Carroll Associates
Address: 217 Commercial Street
Portland, ME
Zip Code: 04101
Work #: 207-772-1552
Cell #: 207-329-8976
Fax #: 207-772-0712
Home:
E-mail: pcarroll@carroll-assoc.com

ENGINEER

Name: Blais Civil Engineers
Address: 780 Broadway
South Portland, ME
Zip Code: 04206
Work #: 207-767-7300
Cell #: 207-837-8721
Fax #: 1-866-207-2033
Home:
E-mail: sblais@BLAISce.com

ARCHITECT

Name: Winton Scott Architects
Address: 5 Milk Street
Portland, ME
Zip Code: 04101
Work #: 207-774-4811
Cell #: (207) 329-7117
Fax #:
Home:
E-mail: wscott@wintonscott.com

CONSULTANT

Name: Gorrill-Palmer Consulting Engineers
Address: 15 Shaker Road
Gray, ME
Zip Code: 04039
Work #: 207-657-6910
Cell #:
Fax #:
Home:
E-mail: tgorrill@gorrillpalmer.com

SURVEYOR

Name: Owen Haskell, Inc.
Address: 390 U S Route One, #10
Falmouth, ME
Zip Code: 04105
Work #: 207-774-0424
Cell #:
Fax #:
Home:
E-mail: jswan@owenhaskell,com

ATTORNEY

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

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	67,982	sq. ft.
Proposed Total Disturbed Area of the Site	38,740	sq. ft. (nic Building)

(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	33,975	sq. ft.
Existing Total Impervious Area	58,473	sq. ft. (38,000 ex paved)
Proposed Total Impervious Area	54,448	sq. ft.
Proposed Impervious Net Change	-4,025	sq. ft.

BUILDING AREA

Existing Building Footprint	20,473	sq. ft.
Proposed Building Footprint	20,473	sq. ft.
Proposed Building Footprint Net change	0	sq. ft.
Existing Total Building Floor Area	100,680	sq. ft.
Proposed Total Building Floor Area	100,800	sq. ft.
Proposed Building Floor Area Net Change	120	sq. ft.
New Building	no	(yes or no)

ZONING

Existing	WCZ
Proposed, if applicable	WCZ

LAND USE

Existing	marine/ warehouse
Proposed	marine/ warehouse/ office

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units	n/a
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	102
Proposed Number of Parking Spaces	71
Number of Handicapped Parking Spaces	3
Proposed Total Parking Spaces	71

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces	0
Proposed Number of Bicycle Parking Spaces	8
Total Bicycle Parking Spaces	8

ESTIMATED COST OF PROJECT

Please answer the following with a Yes/No response on all that apply to the proposed development

Institutional	N	Change of Use	Y	
Parking Lot	Y	Design Review	N	
Manufacturing	N	Flood Plain Review	Y	
Office	Y	Historic Preservation	N	
Residential	N	Housing Replacement	N	
Retail/Business	N	14-403 Street Review	N	
Warehouse	Y	Shoreland	Y	
Single Family Dwelling	N	Site Location	N	
2 Family Dwelling	N	Stormwater Quality	N	
Multi-Family Dwelling	N	Traffic Movement	Y	
B-3 Ped Activity Review	N	Zoning Variance	N	(or date)
Change of Use	Y	Historic Dist./Landmark	N	
		Off Site Parking	Y	

APPLICATION FEE:

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

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

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submissions 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 form that is completed and signed.
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.

Signature of Applicant:	**Date:**
Cy J Mattt	5/4/2010

Site Plan Checklist

Portland, Maine

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

Project Name, Address of Project _____ **Application Number** _____

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

Check Submitted: Applicant	Check Submitted: Staff	Required Information	Section 14-525 (b,c)
X		Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
X		Name and address of applicant and name of proposed development	a
X		* Scale and north points	b
X		* Boundaries of the site	c
X		* Total land area of site	d
X		* Topography - existing and proposed (2 feet intervals or less)	e
X		Plans based on the boundary survey including:	2
X		* Existing soil conditions	a
X		* Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
X		* 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
X		* Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 11 of packet)	d
X		* Location of on-site waste receptacles	e
X		* Public utilities	
X		* Water and sewer mains	e
X		* Culverts, drains, existing and proposed, showing size and directions of flows	e
X		* Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
X		* Location and dimensions of on-site pedestrian and vehicular access ways	g
X		* Parking areas	
X		* Loading facilities	g
X		* Design of ingress and egress of vehicles to and from the site onto public streets	g
X		* Curb and sidewalks	g
		Landscape plan showing:	h
X		* Location of existing vegetation and proposed vegetation	h
X		* Type of vegetation	h
X		* Quantity of plantings	h
X		* Size of proposed landscaping	h
X		* Existing areas to be preserved	h
X		* Preservation measures to be employed	h
X		* Details of planting and preservation specifications	h
X		* Location and dimensions of all fencing and screening	i
X		Location and intensity of outdoor lighting system	j
X		Location of fire hydrants, existing and proposed (refer to Fire Department checklist – page 11)	k
		Written statements to include:	c
X		* Description of proposed uses to be located on site	c1
N/A		* Quantity and type of residential, if any	c1
X		* Total land area of the site	c2
X		* Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
X		* General summary of existing and proposed easements or other burdens	c3
X		* Type, quantity and method of handling solid waste disposal	c4
X		* 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
X		* Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6

X	____	* An estimate of the time period required for completion of the development	7
X	____	* 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
X	____	* 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.	
X	____	* Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.	
X	____	* A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.	
X	____	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
- a wind impact analysis
- an environmental impact study
- a sun shadow study
- a study of particulates and any other noxious emissions
- a noise study

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%

Portland Fire Department Checklist

A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews, which shall include:

1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
7. Hydrant locations
8. Water main[s] size and location
9. Access to any fire department connections
10. Access to all structures [min. 2 sides]
11. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.
12. Elevators shall be sized to fit an 81" x 23" stretcher and two personnel.
13. Some structures may require Fire flows using annex H of NFPA 1

Additional Submission for Subdivisions:
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 and shall include 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.

Cumberland Cold Storage Building
Application for Site Plan Review

Project Description/ Schedule

The current site consists of approximately 67,982 sf of land, including berthing space for commercial fishermen along Merrill Wharf. A detailed description of the proposed uses to be located on the site of the project are described in the cover letter.

The site plan envisions a reconfiguring of the existing parking to provide safe egress and parking for vehicles, as well as a pedestrian connection between Commercial Street and the building entrance. The current parking (102spaces) will be reduced to 71 spaces arranged along a central driveway in either a single or double loaded configuration. Adjacent to the berthing area a 5 foot marine use zone will be provided to allow loading/ unloading of equipment and other needs of the commercial fishermen.

Parking required by the Zoning Ordinance formula indicates a total need of 228 spaces, including 6 for the berthing spaces, 21 for the first floor marine use, and 201 for the upper floors. The Applicant is proposing to accommodate 71 spaces on-site, with the remaining to be reserved in off-site lots near the proposed building. At this time the City of Portland has verbally agreed to provide approximately 75 spaces at the Fish Pier parking lot, and the Owner is actively negotiating with two other lots to meet the need for the project. It is noted that the Zoning does allow for a reduction of up to 50% in the parking requirement, and we are currently determining just what the parking demand will be at build-out.

The project is currently served by public utilities. Water, sewer, and gas all feed off of Commercial Street, and power is served from the Fish Pier side of the property. Existing utilities appear adequate to serve the property. A new transformer will be installed in the service area of the property with a feed from the overhead service which currently exists at the property line.

Solid waste generated during construction will be sent to a licensed waste disposal site. Once construction is completed, daily waste will be picked up by contract with a private hauler for disposal. A dumpster is proposed to be located in the rear service area of the property

The project schedule anticipates mobilization onto the site immediately upon securing all necessary approvals, and completion of the project within a ten-month period.

Redevelopment Proposal

254 Commercial Street
Portland, Maine
Waterfront Maine Owner / Developer

Winton Scott Architects

KNOW ALL MEN BY THESE PRESENTS, THAT

POULTRY PROCESSING, INC., a Maine corporation having a principal place of business in Portland, County of Cumberland and State of Maine, for consideration paid by WATERFRONT, MAINE, a Maine limited partnership having a principal place of business in Brunswick, County of Cumberland and State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim unto the said WATERFRONT, MAINE, its successors and assigns forever, with QUITCLAIM COVENANTS the following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine and more particularly bounded and described as follows:

See Schedule A attached hereto and incorporated herein.

IN WITNESS WHEREOF, POULTRY PROCESSING, INC., as Grantor, and releasing all its rights in the above-described premises, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by George I. Lewis, its Vice President thereunto duly authorized, this 1st day of July, 1986.

Signed, Sealed and Delivered
in the Presence of:

POULTRY PROCESSING, INC.

By: _____
George I. Lewis
Its Vice President

STATE OF MAINE
CUMBERLAND, SS. July 1, 1986

Personally appeared the above-named George I. Lewis, Vice President of Grantor corporation, as aforesaid, and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,

_____
Notary Public
Attorney at Law

Portland

PARCEL ONE:

The following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

A certain lot or parcel of land, flats, wharf, building, and railroad tracks situated on the southerly side of Commercial Street in said City of Portland now or formerly known as Merrill's Wharf and extending southeasterly from Commercial Street to low water mark. Said premises are bounded westerly in part by a line established between John Q. Twitchell and James P. Champlin and John Bradford by agreement dated April 13, 1883, recorded in the Cumberland County Registry of Deeds, Book 494, Page 433, and easterly by the line established between said John Q. Twitchell, James P. Champlin and the Proprietors of Union Wharf dated November 14, 1884, recorded in Cumberland County Registry of Deeds, Book 514, Page 180, and said premises including the benefit of an agreement with Richard Wharf Co. dated May 9, 1884, recorded in Cumberland County Registry of Deeds, Book 509, Page 185 and party wall agreement with Morris & Company, owners of Union Wharf, dated June 22, 1907, recorded in Cumberland County Registry of Deeds, Book 813, Page 87. Said premises are also subject to an agreement of easement with Cumberland County Power and Light Company dated March 2, 1935, recorded in Cumberland County Registry of Deeds, Book 1465, Page 311. Excepting, however, from the above described premises the portion thereof conveyed to Everett Wilson by Administrator's Deed dated July 10, 1897 recorded in Cumberland County Registry of Deeds, Book 654, Page 191, and Warranty Deed from James P. Champlin dated July 10, 1897, recorded in Cumberland County Registry of Deeds, Book 654, Page 193.

Also conveying, insofar as the Grantor has the power to grant the same, all water and riparian rights appurtenant to the above conveyed premises and rights in the area below the low water mark.

Also excepting and reserving the premises conveyed to Moulton Realty Co. by the Grantor herein by deed dated January 2, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4549, Page 85.

Also excepting and reserving from the above described premises, all of said land, flats, wharf, building, railroad tracks and water and riparian rights lying southerly of a line parallel to and twenty-five (25) feet southerly of the southerly side of the five story cold storage building located on the above described premises, right of way, and "right to locate underground utilities" as reserved in the deed of the premises from Poultry Processing, Inc. to Robert J. Levine, Trustee of Levine Realty Trust dated September 30, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4673, Page 162, which rights were subsequently acquired by the State of Maine by Notice of Taking by eminent domain dated March 24, 1981 recorded in said Registry, Book 4759, Page 119. Being the premises described in the deed from Poultry Processing, Inc. to Poultry Processing, Inc. dated March 19, 1986 and recorded in the Cumberland County Registry of Deeds, Book 7138, Page 317.

duplicate

KNOW ALL MEN BY THESE PRESENTS, That PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership with a principal place of business in Portland, County of Cumberland, State of Maine,

In consideration of One ($1.00) Dollar and other valuable considerations

Paid by WATERFRONT, MAINE, a Maine Limited Partnership, having an office at Main Street, Brunswick, Maine 04011.

The receipt whereof PROPERTY EXCHANGE PARTNERSHIP does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said WATERFRONT, MAINE, its successors and assigns forever,

A certain lot or parcel of land with the buildings and other improvements now or hereafter situated thereon, situated at and near 252 Commercial Street, Portland, County of Cumberland and State of Maine, more particularly described as follows:

Beginning at a point on the southerly sideline of Commercial Street in the City of Portland, Maine at the property line as agreed to by the Proprietors of Union Wharf and John Q. Twitchell and James P. Champlin as recorded in Book 514, Page 180 of the Cumberland County Registry of Deeds. Said point of beginning also being One Hundred Thirty-Nine and 44/100 (139.44) feet easterly along Commercial Street from the division line established between Twitchell and Champlin and John Bradford by agreement recorded in Book 494, Page 433 of said Registry. Thence by the following courses and distances:

1. S 23° 09′ E along a party wall as described in an agreement between Morris & Co. and Twitchell and Champlin Co., recorded in Book 813, Page 87 of said Registry and along the line of agreement recorded in Book 514, Page 180 of said Registry Two Hundred Eight (208) feet to the end of a stone pier or retaining wall.

2. S 67° 00′ W along the face of the wall Eighty-Two Hundredths (0.82) feet to a dock and building.

3. S 23° 09′ E along the dock and building Nine and 55/100 (9.55) feet to a corner.

4. S 67° 09′ W along the dock and building Thirty-Five and 40/100 (35.40) feet to the corner of the building as it now exists.

5. N 23° 08′ 32" W along the building line One Hundred Eighty-Seven and 27/100 (187.27) feet to a corner.

6. N 10° 08′ E along the building line Thirty-Two and 18/100 (32.18) feet to a corner at Commercial Street.

7. N 56° 49' E along Commercial Street Eighteen and 82/100 (18.82) feet to a point of beginning.

The description above is from a survey entitled "Plan of Property Merrill's Wharf" dated December 20, 1979 by Robert P. Titcomb, and recorded in the Cumberland County Registry of Deeds.

The bearings are magnetic of 1884.

ALSO the non-exclusive right, insofar as the Grantor has the power to grant the same, to use the lands and waters adjacent to the easterly sideline of the premises herein conveyed.

ALSO a right of way by vehicle and otherwise over the so-called Merrill's Wharf premises formerly of Poultry Processing, Inc. between the premises described herein and Commercial Street, such right of way to be in common with others for the purpose of entry and egress of the above-described premises. The non-exclusive right to locate underground utilities serving the premises described herein in the parcel between the above-described premises and the westerly boundary of said Merrill's Wharf, together with the right to connect to any common sewer pipe constructed or maintained by Poultry Processing, Inc., its successors or assigns, serving part or all of Merrill's Wharf, provided that Grantee shall be required to pay its fair and reasonable portion of the cost of such pipe and connection if Grantee elects to so connect, as well as its proportionate share of all assessments and charges made by the City of Portland or other governmental agency in relation to the use of said sewer.

ALSO the right to erect temporary scaffolding, store materials, park vehicles and conduct like activities incident to the repair, maintenance and alterations of the premises described herein on the Merrill's Wharf premises formerly of Poultry Processing, Inc. within ten (10) feet of the westerly sideline of the above-described premises, so long as such erections, storage, parking or activities do not unreasonably impede the use of said premises as a right of way for other owners, tenants and users of Merrill's Wharf.

Being part of the premises contained in the deed from the Executors of the Last Will and Testament of Benjamin Lewis to Cumberland Trading Co., Inc. dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 423. Said Cumberland Trading Co., Inc. merged into Pine State Beef Company on June 1, 1973. Said Pine State Beef Company merged into Poultry Processing, Inc. on October 28, 1974.

Also being the same premises conveyed to Robert J. Levine, Trustee of the Levine Real Estate Trust, by deed of MOULTON REALTY CO., dated January 2, 1980, and recorded in said Registry of Deeds in Book 4549, Page 113 and the same premises conveyed to Grantor by

Robert J. Levine, Trustee of the Levine Real Estate Trust by deed dated December 13, 1985 and recorded in said Registry of Deeds in Book 7005, Page 104.

Also hereby conveying all of the Grantor's right, title and interest in and to all easements, rights-of-way and other rights appurtenant to the above-described premises and in and to the fee underlying all public or private rights of way contiguous to said premises, and also including all mooring, wharfage and dockage rights and fees associated with said premises (all hereinafter sometimes referred to as the "Premises").

TO HAVE AND TO HOLD the aforegranted and bargained Premises, with all the privileges and appurtenances thereof, to the said Waterfront Maine, its successors and assigns, to its and their use and behoof forever.

And Grantor does covenant with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the Premises, that they are free of all encumbrances, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it will and its successors shall and will WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said PROPERTY EXCHANGE PARTNERSHIP, a Maine general partnership, has caused this deed to be executed this 7th day of the month of August, 1987.

Signed, Sealed and Delivered
in Presence of:

PROPERTY EXCHANGE PARTNERSHIP,
a Maine general partnership

By: _____
John R. Gendron,
its General Partner

By: _____
Richard N. Gendron,
its General Partner

By: _____
Roger J. Gendron,
its General Partner

Diane R. Souza

By: Charles P. Gendron
Charles P. Gendron,
its General Partner

STATE OF MAINE
CUMBERLAND, ss.

August 20, 1987

Then personally appeared the above-named John R. Gendron, Richard N. Gendron, Roger J. Gendron and Charles P. Gendron, and acknowledged the foregoing instrument to be their free act and deed in their said capacities, and the free act and deed of said general partnership.

Before me,

Diane R. Souza
Notary Public
Attorney-at-Law

DIANE R. SOUZA
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES APRIL 21, 1992

Print Name

BUREAU OF TAXATION

Property Tax Division
State House Station #24
Augusta, Maine 04333

FILE WITH COUNTY REGISTRY OF DEEDS

STATE OF MAINE

PLACE STAMP ABOVE

REAL ESTATE TRANSFER TAX DECLARATION

TITLE 36, M.R.S.A., SECTIONS 4641 through 4641-

1. MUNICIPALITY OR TOWNSHIP	COUNTY	BOOK	PAGE
Portland	Cumberland		

GRANTEE (BUYER)

2. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(S)

Waterfront, Maine ► 13 339 002

3. NUMBER AND STREET	CITY OR TOWN	STATE AND ZIP CODE
Main Street	Brunswick	ME 04011

GRANTOR (SELLER)

4. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(S)

Property Exchange Partnership ► 010 384 836

5. NUMBER AND STREET	CITY OR TOWN	STATE AND ZIP CODE
4 Moulton St.	Portland	ME

PROPERTY

6. BRIEF DESCRIPTION (Such as: Map and Lot numbers; Located at 17 Elm Street, Augusta; or 10 Acres, farmhouse and barn known as Smith Farm, Mill Road, Houlton). Land and buildings at 252 Commercial Street, Portland, Maine

On date of transfer, this property was classified under Title 36 MRSA Chapter 105 as (check only one):

☐ Tree Growth ☐ Farmland ☐ Open Space ☒ Not Applicable

7. DATE OF TRANSFER (Use numerals) ► MO. 8 DAY 20 YR. 87

CONSIDERATION

8. Consideration meaning total amount or price paid, or required to be paid, for real property valued in money, whether received in money or otherwise and shall include the amount of any mortgage, liens or encumbrances thereon. (Tax will be collected at the registry when the deed is recorded. The tax rate is $2.20 per $500 of consideration, or fractional part thereof. The tax incidence is equally divided between the buyer and seller.)
If exempt, complete line 9

► $300,000 .00

EXEMPTION

9. EXPLAIN BASIS FOR EXEMPTION (Complete only if transfer is claimed to be exempt).

SPECIAL CIRCUMSTANCES

10. Were there special circumstances in the transfer which suggest that the sale price of the property was either more or less than its fair market value (Such as the fact that transfer was a forced sale, interfamily sale, intercorporate sale, gift, exchange, etc.).

► ☐ YES ☒ NO

OATH

11. Aware of penalties as set forth by Title 36, Section 4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete.

GRANTEE(S) or AUTHORIZED AGENT	DATE	GRANTOR(S) or AUTHORIZED AGENT	DATE
Waterfront, Maine	8/20/87	Property Exchange Partnership	8/20
C. P. Burke		[signature]	

PREPARER

12. Name and address of person or firm preparing this form: Verrill & Dana, P. O. ~~Box 586~~, Portland, Maine 04112

PTS520 THIS DOCUMENT IS CONFIDENTIAL WHEN COMPLETED

MAINE BANK & TRUST
the maine bank for maine people

A division of People's United Bank

467 Congress Street
Portland, ME 04101
(207) 828-3011

April 16, 2010

City of Portland
Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101

Re: Proposed Merrill Wharf Project

Dear Sirs:

Maine Bank & Trust has been working with Waterfront Maine, Limited Partnership, who is seeking Planning Board approval to renovate a ±100,000 square foot building located at 258 Commercial Street, Portland, Maine, pursuant to the requirements of potential new tenant(s) that will occupy a significant portion of the building. Our understanding is that the estimated cost of this project is approximately $12 million. We are sufficiently familiar with the principals of Waterfront Maine and the rest of the development team. Based on our knowledge of their financial and development capabilities, Waterfront Maine possesses the qualifications necessary to obtain financing and to successfully carry out a project of this magnitude.

Please be advised the foregoing should not be construed as an agreement or commitment by the Bank to provide financing for this project at this time. However, we are presently considering a request from Waterfront Maine, with any approval of such financing being subject to our underwriting and approval policies and procedures.

If I may be of any further assistance, please contact me at (207) 828-3023. Thank you.

Sincerely,

Timothy J McMachen
Vice President
Commercial Real Estate

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991

Date: May 3, 2010

Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail:fjb@portlandmaine.gov

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 254 Commercial Street, Portland, ME 04101

(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LMK@portlandmaine.gov)

Chart Block Lot Number: 41/18

Proposed Use: Marine/ office/ warehouse

Previous Use: Marine/ Warehouse

Existing Sanitary Flows: 150 GPD

Existing Process Flows: GPD

Description and location of City sewer, at proposed building sewer lateral connection:
Existing 6" sanitary exits bldg on n-side approx 100 ft from west end of bldg. connects to brick sewer in Commercial Street

Site Category

Commercial	X
Industrial *(complete part 4 below)*	
Governmental	
Residential	
Other *(specify)*	

Clearly, indicate the proposed connection, on the submitted plans.

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 4300 GPD

Peaking Factor/ Peak Times: 3/ 12 pm

Specify the source of design guidelines: *(i.e.__"Handbook of Subsurface Wastewater Disposal in Maine," __"Plumbers and Pipe Fitters Calculation Manual," __ Portland Water District Records, __ Other (specify)*

"Handbook of Subsurface Wastewater Disposal in Maine"

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

3. Please, Submit Contact Information.

Owner/Developer Name: Waterfront Maine

Owner/Developer Address: 14 Maine Street Brunswick, ME 04011

Phone: 207-729-7970 Fax: E-mail: agatti@waterfrontme.com

Engineering Consultant Name: Blais Civil Engineers

Engineering Consultant Address: 780 Broadway, South Portland, ME 04106

Phone: 207-767-7300 Fax: E-mail: sblais@BLAISce.com

City Planner's Name: Jean Fraser Phone: 207-874-8728

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: GPD

Do you currently hold Federal or State discharge permits? Yes ____ No ____

Is the process wastewater termed categorical under CFR 40? Yes ____ No ____

OSHA Standard Industrial Code (SIC): *(http://www.osha.gov/oshstats/sicser.html)*

Peaking Factor/Peak Process Times:

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

Notes, Comments, or Calculations:

CARROLL ASSOCIATES
217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712
LANDSCAPE ARCHITECTS

May 3, 2010

Rico Spugnardi, P.E.
Department of New Services
Portland Water District
P.O. Box 3553
Portland, Maine 04104-3553

Re: Cumberland Cold Storage Building
254 Commercial Street
Waterfront Maine, LP
Request for Confirmation of Ability to Serve

Dear Mr. Spugnardi,

On behalf of Maine Waterfront, LP, we are requesting a letter of confirmation of the Portland Water District's ability to serve the redevelopment of the Cumberland Cold Storage Building in Downtown Portland. The project is located on Merrill Wharf along the waterfront, just north of the Portland Fish Exchange on Commercial Street.

Waterfront Maine, LP is proposing to develop the building to accommodate approximately 80,000 sf of professional office use on the upper floors and 20,000 sf of marine related uses on the ground floor. Based on projected use of the building we believe usage of approximately 4300 GPD will be required to meet the needs of the project. The building is currently served by an 8" CI service that tees off of a 12" water main located in Commercial Street. We believe this service line is in good condition and will meet the needs of the project. The building will be fully sprinklered.

The project is scheduled for Workshop Review on the May 25th Planning Board agenda. We hope to receive your feedback prior to the meeting to expedite the review process.

We will be happy to meet with you or other members of the staff at your convenience to review the project in detail, and address any comments you may have regarding this proposal. Please call if you have any questions or require additional information.

Sincerely,

Carroll Associates

Patrick Carroll, Principal

Enc.

Blais
civil engineers

STORMWATER MANAGEMENT REPORT
CUMBERLAND SELF STORAGE BUILDING
254 COMMERCIAL STREET
PORTLAND, MAINE
May 3, 2010

INTRODUCTION

The subject property (Site), Cumberland Self Storage Building, owned by Waterfront Maine, LP is located at 254 Commercial Street in Portland, Maine. The Site is located on the north side of Commercial Street west of Union Wharf.

The owner is proposing to reconfigure the Site's parking, sidewalks, and building entrances. They will also implement stormwater mitigation measures.

This report discusses the Site's hydrological conditions and the stormwater quality treatment measures that will be implemented to mitigate stormwater impacts from this project.

EXISTING SITE CONDITIONS

The Site currently hosts a 20,473 square foot building (footprint) with 38,740 square feet of associated parking and sidewalks. Topography is generally flat with a retaining wall along the northern waterfront. The land cover is mostly impervious.

The western portion of the parking lot slopes inward to a catch basin, which discharges to the City's combined sewer system. The remainder of the Site generally sheet flows to the north into the Fore River. Roof water currently is discharged via downspouts to south at the back of the building.

PROPOSED SITE CONDITIONS

Redevelopment of the Site includes improvements to the existing parking lot, sidewalks, and building entrances. These features will be reconfigured resulting in 4,000 square feet less impervious area.

780 Broadway
South Portland, ME · 04106
207-767-7300 · blaisce.com

A curb and catch basin system will be added along the waterfront. Short pipes will discharge stormwater from these catch basins directly into the Fore River.

Stormwater from approximately 12,000 square feet of the northwestern potion of the parking lot will be redirected to the Fore River resulting in reduced loads to the combined sewer system. This runoff will be treated by a tree box filter before it discharged to the Fore River.

WATER QUALITY

The Site currently has no apparent stormwater mitigation. The proposed tree box filter will provide treatment for approximately 10,000 square feet of impervious area. The catch basins along the water front will have 3-foot deep sumps to capture sediment. These catch basins will also be equipped with hoods to help separate possible oil and debris from the parking lot.

All construction will be in accordance with the most current Maine Erosion and Sedimentation Control Best Management Practices. These measures will include, as necessary, temporary and permanent seeding, temporary sediment barriers, drainage inlet and outlet protection, and a construction entrance.

CONCLUSIONS

This project will use long-term and short-term erosion control measures as well as stormwater quality treatment measures that will mitigate environmental impacts from stormwater. This project will have no significant adverse impacts on downstream properties as a result of stormwater.

BLAIS CIVIL ENGINEERS

Steve G. Blais, PE

GP Gorrill-Palmer Consulting Engineers, Inc.
Transportation and Civil Engineering Services

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail:mailbox@gorrillpalmer.com

May 3, 2010

Mr. Pat Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Subject: Trip Generation Forecast
Re-use of Cumberland Cold Storage Facility
Portland, Maine

Dear Pat,

Per your request, Gorrill-Palmer Consulting Engineers, Inc. has completed a trip generation forecast for the re-use of the Cumberland Cold Storage facility off Commercial Street in Portland.

It is our understanding that the existing building consists of five floors each 20,000 s.f. in area for a total building area of 100,000 s.f. Currently, we understand that the building is used for storage except for approximately 5,000 s.f. used for light manufacturing. The site has approximately 87 parking spaces. The building is proposed to be re-occupied by offices in the upper three and a half floors with the lower story and a half utilized by marine related uses.

Trip Generation Estimate

Gorrill-Palmer Consulting Engineers utilized the 7th edition of the Institute of Transportation Engineers publication, *Trip Generation*, to estimate the traffic to and from the site both for the existing use and for the proposed re-use of the building. Our forecast utilized the following land use codes (LUC) in completing our forecast:

Existing uses: We utilized land use LUC 110, General Light Industry for the 5,000 s.f. of existing marine uses. The remaining 95,000 s.f. of the building, used for storage, was estimated utilizing LUC 150, Warehousing.

Proposed uses: LUC 110, General Light Industry was utilized for the proposed 30,000 s.f. of marine uses. The remaining 70,000 s.f. of space proposed for the office use was estimated utilizing LUC 710, General Office Building.

A summary of the existing and post re-development trips is summarized in the following table:

Trip Generation Summary for Reuse of Cumberland Cold Storage Facility

Uses	Weekday	Weekday AM Peak Hour	Weekday PM Peak Hour
Existing			
LUC 110- Light Industrial	35	5	5
LUC 150- Warehousing	471	54	58
Total for Existing	**506**	**59**	**63**
Proposed			
LUC 110 Light Industrial	209	30	32
LUC 710 Office Building	771	109	104
Total for Proposed	**980**	**139**	**136**
Total Increase	**474**	**80**	**73**

Based on the above table, the project will not require a traffic movement permit from the MaineDOT, as the estimated increase in trip generation is less than 100 trips during either the AM or PM peak hours. A copy of our trip generation estimates and assignments are included with this letter.

Collision Data

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) **and**:
2. A minimum of eight crashes over the same three-year period.

The following tables summarize the CRF and number of crashes provided by MaineDOT for the 2006-2008 time period for those locations that satisfy one or more of the aforementioned criteria:

MaineDOT Crash Data for 2006-2008: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
16788	Commercial Street at Center Street	12	0.61	No
16790	Commercial Street at Union Street	9	0.53	No

Based on the information provided by MaineDOT, there are no high crash locations in the project study area. The crash information is enclosed with this letter.

Sight Line Review

As part of this review, Gorrill-Palmer Consulting Engineers reviewed the sight distances of the site driveway. Based on the review, the sight line to the left is impacted by short term (on-street) parking approximately 65 feet from the driver's line of sight, resulting in visibility of approximately 140 feet. The sight line looking to the right is through the signalized intersection with Union Street, or in excess of 200 feet. While MaineDOT typically recommends a sight distance of 200 feet for a street at 25 mph (assumed for Commercial Street), to extend the distance would require removal of on-street parking. Furthermore, this is a common condition for driveways along Commercial Street and other locations in the downtown peninsula.

Pedestrian Access

For a facility such as this, pedestrian access is an important component. Based on the field review, crosswalks are provided at the nearby intersection of Commercial Street with Union Street, and sidewalks are provided on both sides of Commercial Street.

Capacity Analyses

Gorrill-Palmer Consulting Engineers, Inc. completed capacity analyses for Commercial Street at Merrill Wharf and at Union Street. The analyses were completed utilizing the HCM outputs of the Synchro software for the Union intersection, and the HCM software for the Merrill driveway. They are based on turning movement counts completed at these locations on May 3, 2010, which are included with this letter.

Levels of service rankings are similar to the academic ranking system where an 'A' has little control delay and an 'F' represents extensive delay. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if an alternative form of traffic control may be advisable.

The following tables summarize the relationship between delay and level of service for signalized and unsignalized intersections:

Level of Service Criteria for Signalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

Level of Service Criteria for Unsignalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The results of the capacity analyses, based on the analysis results, are summarized as follows, with the detailed analysis sheets included with this letter.

Level of Service for Commercial Street at Union Street

Approach/Movement	2010 PM Peak Hour			
	Pre Build		Post Build	
	Delay (sec)	LOS	Delay (sec)	LOS
Union EB LT/TH/RT	14	B	14	B
Union Wharf WB LT/TH/RT	11	B	11	B
Commercial NB LT	7	A	7	A
Commercial NB TH/RT	8	A	9	A
Commercial SB LT	6	A	6	A
Commercial SB TH	10	B	10	B
Commercial SB RT	6	A	6	A
Overall	**10**	**B**	**10**	**B**

Level of Service for Commercial Street at Merrill Wharf

Approach/Movement	2010 PM Peak Hour			
	Pre Build		Post Build	
	Delay (sec)	LOS	Delay (sec)	LOS
Merrill WB LT/RT	13	B	16	C
Commercial NB TH/RT	<1	A	<1	A
Commercial SB LT	8	A	8	A
Commercial SB TH	<1	A	<1	A

Based on the findings of the analyses, all lane groups are anticipated to operate at a level of service 'C' or better. Based on the analyses, the addition of development traffic to the Commercial Street/Union Street intersection does not noticeably impact delay. Queuing from the Union Street and the Center Street signals did block the driveway several times while the counts were being conducted. However, this is not unusual in an urban environment.

Recommendations

The potential for coordination of the Union Street and Center Street signals should be explored, as these locations currently operate independently of one another, resulting in issues with vehicular progression.

In addition, the potential for flexible schedules should be utilized to the greatest extent possible in order to reduce the overall peak-hour traffic to and from the site.

If you have any questions please contact our office.

Sincerely,

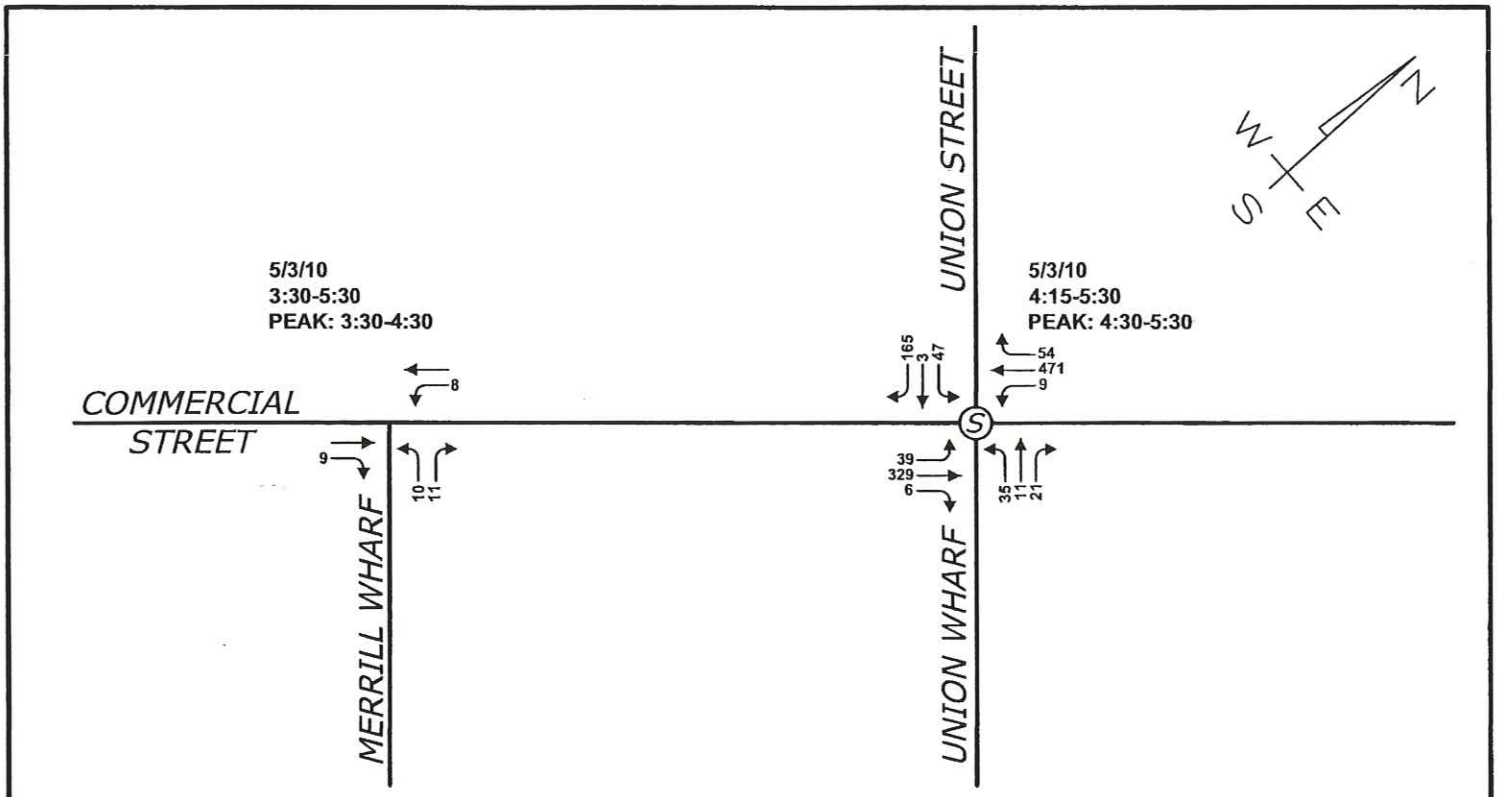
Gorrill-Palmer Consulting Engineers, Inc.

Thomas L. Gorrill, P.E., PTOE
President

TLG/jjb/JN2420/Carroll 5-3-10

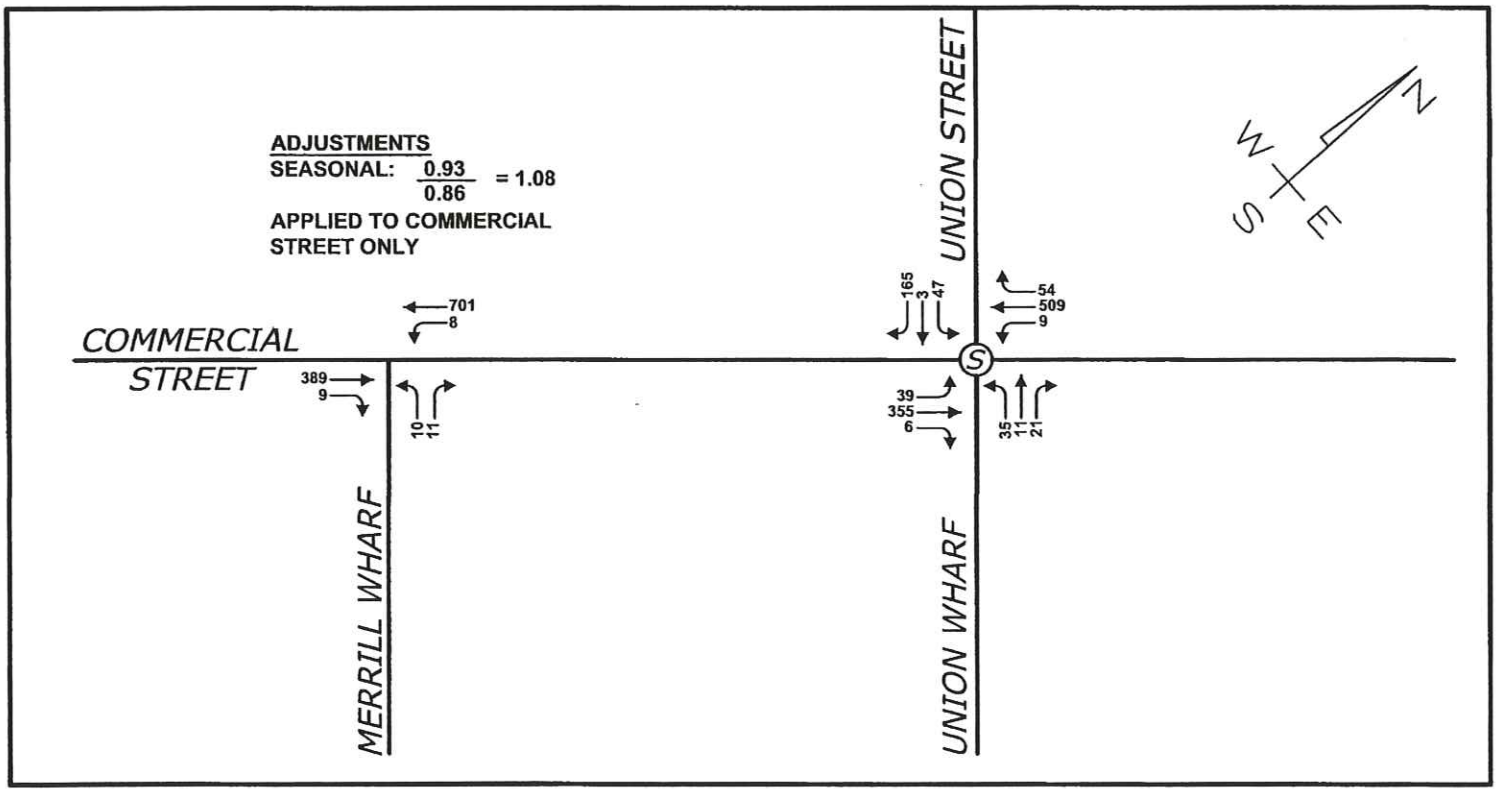
Raw Volumes

Figure No. 1A



2010 Adjusted Volumes

Figure No. 1B



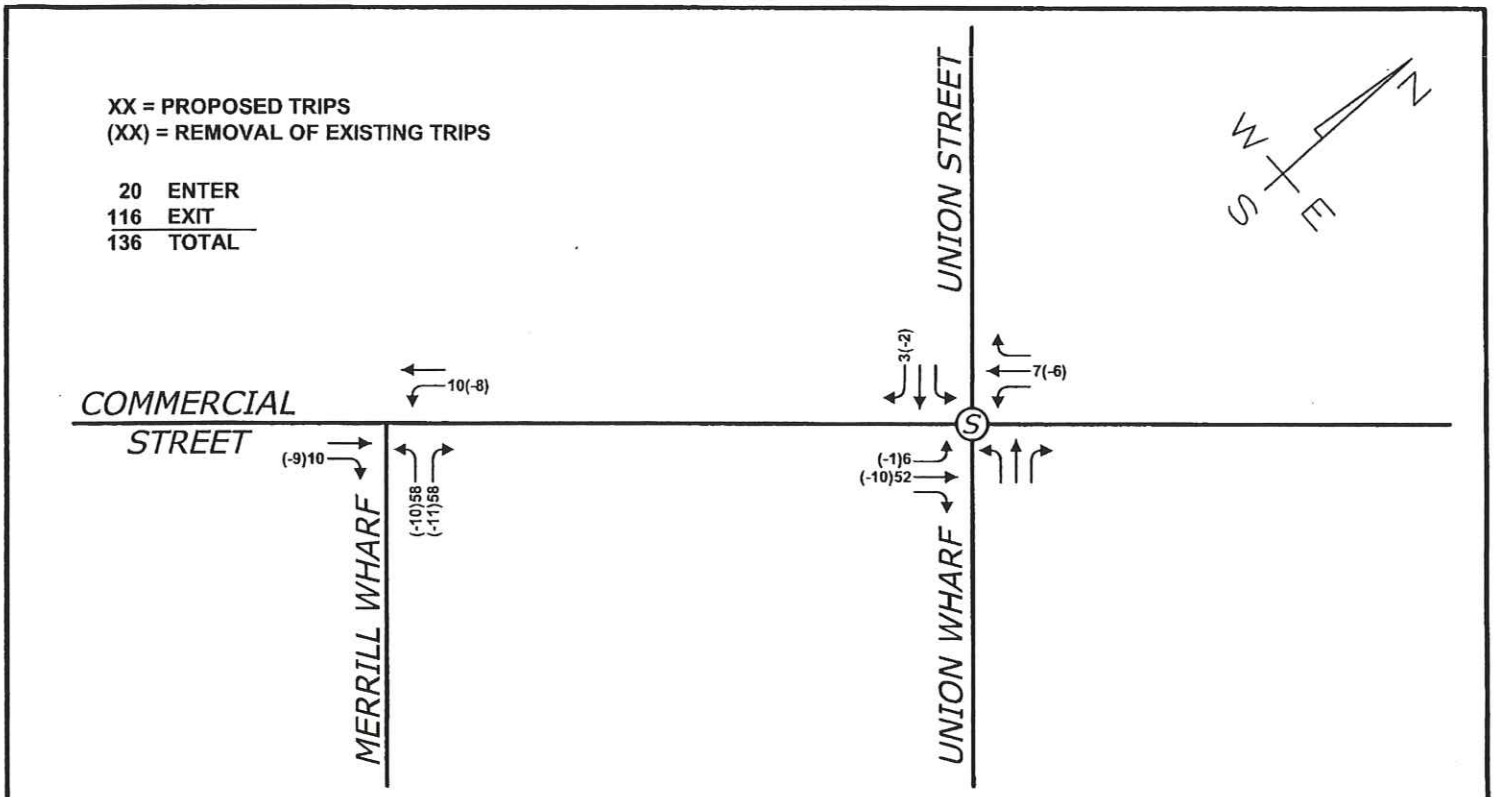
CUMBERLAND COLD STORAGE FACILITY, PORTLAND, MAINE

Design:	JJB	Scale:	NONE
Draft:	DB	Date:	MAY 2010
Checked:	JLW	File Name:	2420_TRAFF.dwg

GP Gorrill–Palmer Consulting Engineers, Inc.
Engineering Excellence Since 1998
PO Box 1237
15 Shaker Road
Gray, ME 04039
207-657-6910
Fax: 207-657-6912
mailbox@gorrillpalmer.com
www.gorrillpalmer.com

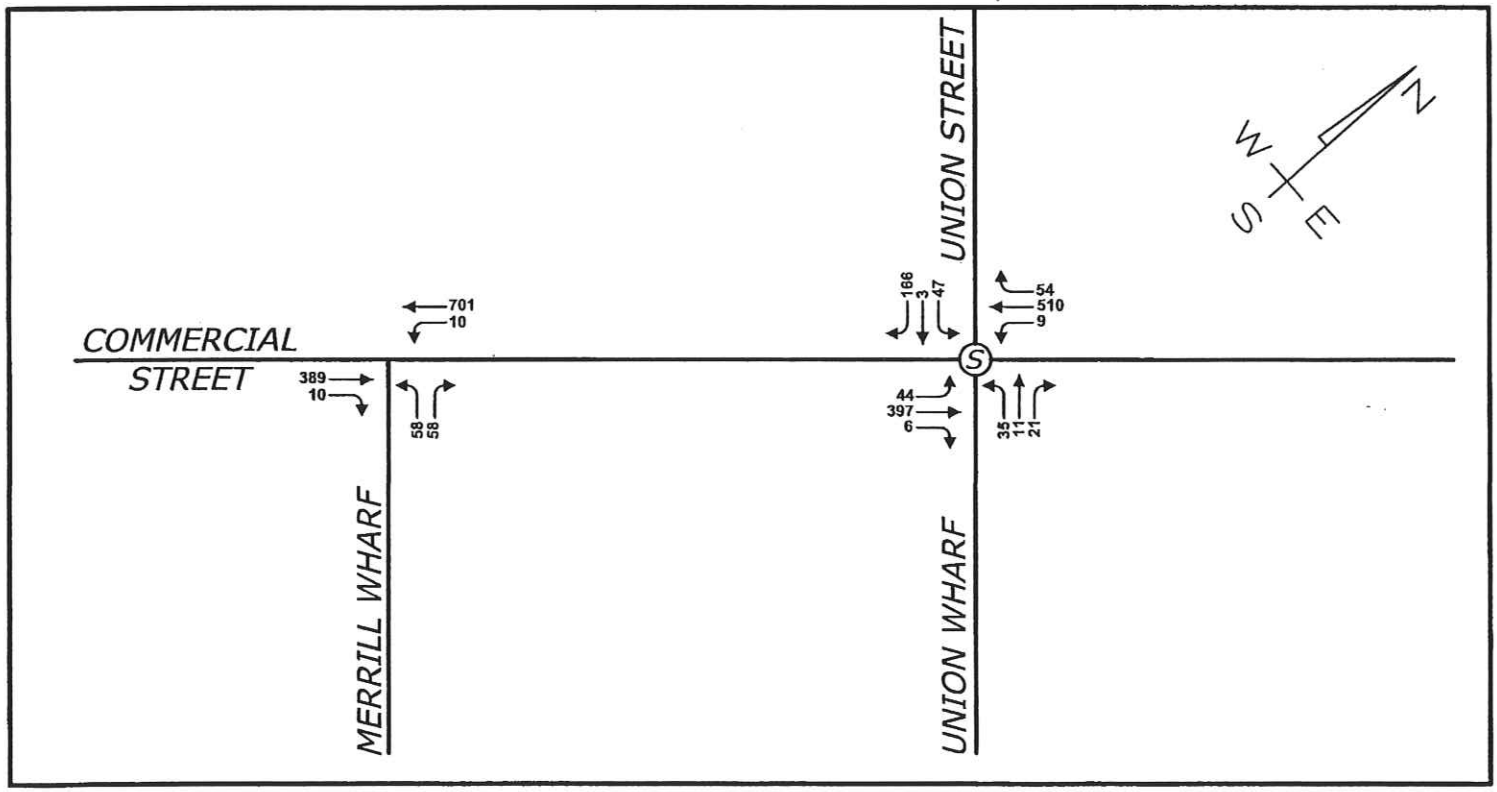
Trip Assignment

Figure No. 2A



2010 Build Volumes

Figure No. 2B



CUMBERLAND COLD STORAGE FACILITY, PORTLAND, MAINE

Design: JJB Scale: NONE
Draft: DB Date: MAY 2010
Checked: JLW File Name: 2420_TRAFF.dwg

Gorrill–Palmer Consulting Engineers, Inc.
Engineering Excellence Since 1998
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Gray, ME 04039
207-657-6910
Fax: 207-657-6912
mailbox@gorrillpalmer.com
www.gorrillpalmer.com

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	J. Bartlett	Intersection	Commercial at Merrill
Agency/Co.	Gorrill-Palmer	Jurisdiction	Portland, Maine
Date Performed	5/4/2010	Analysis Year	2010
Analysis Time Period	PM Peak Hour		

Project Description: 2010 Adjusted Volumes: JN 2420

East/West Street: Merill Wharf | North/South Street: Commercial Street

Intersection Orientation: North-South | Study Period (hrs): 1.00

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		389	9	8		
Peak-Hour Factor, PHF	1.00	0.98	0.98	0.85	0.85	1.00
Hourly Flow Rate, HFR (veh/h)	0	396	9	9	834	0
Percent Heavy Vehicles	0	--	--	10	--	--
Median Type	Two Way Left Turn Lane					
RT Channelized			0			0
Lanes	0	1	0	1	1	0
Configuration			TR	L	T	
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				10		11
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.92	1.00	0.92
Hourly Flow Rate, HFR (veh/h)	0	0	0	10	0	11
Percent Heavy Vehicles	0	0	0	0	0	10
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration					LR	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L		LR				
v (veh/h)		9		21				
C (m) (veh/h)		1112		472				
v/c		0.01		0.04				
95% queue length		0.02		0.14				
Control Delay (s/veh)		8.3		13.0				
LOS		A		B				
Approach Delay (s/veh)	--	--	13.0					
Approach LOS	--	--	B					

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*J. Bartlett*
Agency/Co.	*Gorrill-Palmer*
Date Performed	*5/4/2010*
Analysis Time Period	*PM Peak Hour*

Site Information

Intersection	*Commercial at Merrill*
Jurisdiction	*Portland, Maine*
Analysis Year	*2010*

Project Description *2010 Build Volumes: JN 2420*

East/West Street: *Merrill Wharf*	North/South Street: *Commercial Street*
Intersection Orientation: *North-South*	Study Period (hrs): *1.00*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		*389*	*10*		*709*	
Peak-Hour Factor, PHF	*1.00*	*0.98*	*0.98*	*0.85*	*0.85*	*1.00*
Hourly Flow Rate, HFR (veh/h)	*0*	*396*	*10*	*21*	*834*	*0*
Percent Heavy Vehicles	*0*	--	--	*2*	--	--
Median Type	*Two Way Left Turn Lane*					
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*1*	*1*	*0*
Configuration			*TR*	*L*	*T*	
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				*58*		*58*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*0.92*	*1.00*	*0.92*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*0*	*63*	*0*	*63*
Percent Heavy Vehicles	*0*	*0*	*0*	*2*	*0*	*2*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*0*	*0*	*0*
Configuration					*LR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		*L*		*LR*				
v (veh/h)		*21*		*126*				
C (m) (veh/h)		*1153*		*459*				
v/c		*0.02*		*0.27*				
95% queue length		*0.06*		*1.13*				
Control Delay (s/veh)		*8.2*		*15.8*				
LOS		*A*		*C*				
Approach Delay (s/veh)	--	--	*15.8*					
Approach LOS	--	--	*C*					

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔			↱			↑	
Volume (vph)	47	3	165	35	11	21	39	355	6	9	509	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	12	12	12	12	12	12	12	12	12	11	11
Total Lost time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Lane Util. Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt		0.90			0.96		1.00	1.00		1.00	1.00	0.85
Flt Protected		0.99			0.97		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)		1685			1757		1805	1854		1480	1801	1531
Flt Permitted		0.91			0.80		0.36	1.00		0.47	1.00	1.00
Satd. Flow (perm)		1555			1441		691	1854		724	1801	1531
Peak-hour factor, PHF	0.84	0.84	0.84	0.86	0.86	0.86	0.81	0.85	0.85	0.75	0.96	0.90
Adj. Flow (vph)	56	4	196	41	13	24	48	418	7	12	530	60
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	256	0	0	78	0	48	425	0	12	530	60
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	2%	17%	22%	2%	2%
Turn Type	Perm			Perm			Perm			Perm		Perm
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		6
Actuated Green, G (s)		12.1			12.1		19.1	19.1		19.1	19.1	19.1
Effective Green, g (s)		12.1			12.1		19.1	19.1		19.1	19.1	19.1
Actuated g/C Ratio		0.29			0.29		0.46	0.46		0.46	0.46	0.46
Clearance Time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Vehicle Extension (s)		3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)		457			423		320	860		336	835	710
v/s Ratio Prot								0.23			c0.29	
v/s Ratio Perm		c0.16			0.05		0.07			0.02		0.04
v/c Ratio		0.56			0.18		0.15	0.49		0.04	0.63	0.08
Uniform Delay, d1		12.3			10.9		6.4	7.7		6.0	8.4	6.2
Progression Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2		1.6			0.2		0.2	0.4		0.0	1.6	0.1
Delay (s)		13.9			11.1		6.6	8.1		6.1	10.0	6.2
Level of Service		B			B		A	A		A	A	A
Approach Delay (s)		13.9			11.1			8.0			9.5	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	9.9	HCM Level of Service	A
HCM Volume to Capacity ratio	0.61		
Actuated Cycle Length (s)	41.2	Sum of lost time (s)	10.0
Intersection Capacity Utilization	54.2%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔		↰	↑		↰	↑	↱
Volume (vph)	47	3	166	35	11	21	44	397	6	9	510	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	12	12	12	12	12	12	12	12	12	11	11
Total Lost time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Lane Util. Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt		0.90			0.96		1.00	1.00		1.00	1.00	0.85
Flt Protected		0.99			0.97		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)		1685			1757		1805	1855		1480	1801	1531
Flt Permitted		0.91			0.80		0.36	1.00		0.42	1.00	1.00
Satd. Flow (perm)		1556			1442		689	1855		649	1801	1531
Peak-hour factor, PHF	0.84	0.84	0.84	0.86	0.86	0.86	0.81	0.85	0.85	0.75	0.96	0.90
Adj. Flow (vph)	56	4	198	41	13	24	54	467	7	12	531	60
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	258	0	0	78	0	54	474	0	12	531	60
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	0%	2%	17%	22%	2%	2%
Turn Type	Perm			Perm			Perm			Perm		Perm
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		6
Actuated Green, G (s)		12.2			12.2		19.2	19.2		19.2	19.2	19.2
Effective Green, g (s)		12.2			12.2		19.2	19.2		19.2	19.2	19.2
Actuated g/C Ratio		0.29			0.29		0.46	0.46		0.46	0.46	0.46
Clearance Time (s)		5.0			5.0		5.0	5.0		5.0	5.0	5.0
Vehicle Extension (s)		3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)		459			425		320	860		301	835	710
v/s Ratio Prot								0.26			c0.29	
v/s Ratio Perm		c0.17			0.05		0.08			0.02		0.04
v/c Ratio		0.56			0.18		0.17	0.55		0.04	0.64	0.08
Uniform Delay, d1		12.3			10.9		6.5	8.0		6.1	8.4	6.2
Progression Factor		1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2		1.6			0.2		0.3	0.8		0.1	1.6	0.1
Delay (s)		13.9			11.1		6.7	8.8		6.1	10.0	6.2
Level of Service		B			B		A	A		A	B	A
Approach Delay (s)		13.9			11.1			8.6			9.6	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	10.1	HCM Level of Service	B
HCM Volume to Capacity ratio	0.61		
Actuated Cycle Length (s)	41.4	Sum of lost time (s)	10.0
Intersection Capacity Utilization	56.2%	ICU Level of Service	B
Analysis Period (min)	15		

c Critical Lane Group

JN:2420
Project Description:Redevelopment of Cumberland Cold Storage Building- Trip Generation for Existing Uses
Project Location:Congress Street in Portland
Date:4-30-10

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 5,000

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 7.47(X) - 101.92	-65	18	50%	50%	-33	-33	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-83	29	85%	15%	-71	-12	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-156	26	15%	85%	-23	-133	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-55	27	90%	10%	-50	-6	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-118	27	15%	85%	-18	-100	0.89
Saturday	T = 0.85(X) + 163.06	167	6	50%	50%	84	84	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 6.97(X)	35	18	50%	50%	17	17	N/A
AM Peak of Adjacent	T = 0.92(X)	5	29	85%	15%	4	1	N/A
PM Peak of Adjacent	T = 0.98(X)	5	26	15%	85%	1	4	N/A
AM Peak of Generator	T = 1.01(X)	5	27	90%	10%	5	1	N/A
PM Peak of Generator	T = 1.08(X)	5	27	15%	85%	1	5	N/A
Saturday	T = 1.32(X)	7	6	50%	50%	3	3	N/A
Saturday Peak of Generator	T = 0.14(X)	1	5	50%	50%	0	0	N/A

JN: 2420
Project Description: ɔerland Cold Storage Building
Project Location: Portland, Maine
Date: 4/30/2010

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

Warehousing
Land Use Code (LUC) 150

Gross Floor Area (ft^2): 95,000

Fitted Curve

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split* IN	Directional Split* OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 3.68 (X) + 350.27	700	16	50%	50%	350	350	0.82
AM Peak Adjacent Street	Ln(T) = 0.71 Ln(X) + 1.15	80	19	80%	20%	64	16	0.79
PM Peak Adjacent Street	Ln(T) = 0.79 Ln(X) + 0.54	63	26	25%	75%	16	47	0.75
AM Peak of Generator	T = 0.39(X) + 63.12	100	19	60%	40%	60	40	0.86
PM Peak of Generator	T = 0.46(X) + 53.12	97	18	10%	90%	10	87	0.88
Saturday	---	---	2	50%	50%	---	---	---
Saturday Peak Hour of Gen.	---	---	2	65%	35%	---	---	---

*Percentages rounded to nearest 5%

Average Rate

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split* IN	Directional Split* OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 4.96 (X)	471	16	50%	50%	236	235	---
AM Peak Adjacent Street	T = 0.45 (X)	43	19	80%	20%	34	9	---
PM Peak Adjacent Street	T = 0.47 (X)	45	26	25%	75%	11	34	---
AM Peak of Generator	**T = 0.57 (X)**	**54**	**19**	**60%**	**40%**	**32**	**22**	**---**
PM Peak of Generator	**T = 0.61 (X)**	**58**	**18**	**10%**	**90%**	**6**	**52**	**---**
Saturday	**T = 1.22 (X)**	**116**	**2**	**50%**	**50%**	**58**	**58**	**---**
Saturday Peak Hour of Gen.	**T = 0.12 (X)**	**11**	**2**	**65%**	**35%**	**7**	**4**	**---**

*Percentages rounded to nearest 5%

JN:2420
Project Description:Redevelopment of Cumberland Cold Storage Building- Trip Generation for Existing Uses
Project Location:Congress Street in Portland
Date:4-30-10

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Light Industrial
Land Use Code (LUC) 110

Gross Floor Area (ft^2): 30,000

Fitted Curve Equation:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 7.47(X) - 101.92	122	18	50%	50%	61	61	0.81
AM Peak of Adjacent	T = 1.18(X) - 89.28	-54	29	85%	15%	-46	-8	0.92
PM Peak of Adjacent	T = 1.43(X) - 163.42	-121	26	15%	85%	-18	-103	0.88
AM Peak of Generator	T = 1.18(X) - 60.80	-25	27	90%	10%	-23	-3	0.92
PM Peak of Generator	T = 1.42(X) - 125.20	-83	27	15%	85%	-12	-71	0.89
Saturday	T = 0.85(X) + 163.06	189	6	50%	50%	95	95	0.60
Saturday Peak of Generator	N/A	N/A	5	N/A	N/A	N/A	N/A	N/A

Average Rate:

Time Period	ITE Trip Rate	Trip Ends	# of Studies	Directional Split		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 6.97(X)	209	18	50%	50%	105	105	N/A
AM Peak of Adjacent	T = 0.92(X)	28	29	85%	15%	23	4	N/A
PM Peak of Adjacent	T = 0.98(X)	29	26	15%	85%	4	25	N/A
AM Peak of Generator	T = 1.01(X)	30	27	90%	10%	27	3	N/A
PM Peak of Generator	T = 1.08(X)	32	27	15%	85%	5	28	N/A
Saturday	T = 1.32(X)	40	6	50%	50%	20	20	N/A
Saturday Peak of Generator	T = 0.14(X)	4	5	50%	50%	2	2	N/A

JN: 2420
Project Description: Redevelopment of Cumberland Cold Storage Building
Project Location: Portland
Date: April 30, 2010

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Office Building
Land Use Code (LUC) 710

Gross Floor Area 70,000

Trip Ends Based on Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split *		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	Ln (T) = 0.77 Ln (X) + 3.65	1014	78	50%	50%	507	507	0.80
AM Peak Hour	Ln (T) = 0.80 Ln (X) + 1.55	141	217	90%	10%	127	14	0.83
PM Peak Hour	T = 1.12 (X) + 78.81	157	235	15%	85%	24	133	0.82
Saturday	T = 2.14 (X) + 18.47	168	17	50%	50%	84	84	0.66
Peak Hour of Generator	Ln (T) = 0.81 Ln (X) - 0.12	28	10	55%	45%	15	13	0.59

* Percentages rounded to nearest 5%

Trip Ends Based on Average Rate

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split *		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 11.01 (X)	771	78	50%	50%	386	385	—
AM Peak Hour	T = 1.55 (X)	109	217	90%	10%	98	11	—
PM Peak Hour	T = 1.49 (X)	104	235	15%	85%	16	88	—
Saturday	T = 2.37 (X)	166	17	50%	50%	83	83	—
Saturday Peak Hour of Gen.	T = 0.41 (X)	29	10	50%	50%	15	14	—

* Percentages rounded to nearest 5%

PM Peak Hour:	T = 1.49/1.55 (AM Peak)	136		15%	85%	20	116	0.82

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☑ **Crash Summary I** ☑ **Section Detail** ☑ **Crash Summary II** ☐ **1320 Included** ☐ **1320 & Driver Report Included**

REPORT DESCRIPTION

Commercial St from Center St to Union St in Portland

REPORT PARAMETERS

Year 2006, Start Month 1 through Year 2008 End Month: 12

Route: **0001A**	Start Node: **16788**	Start Offset: **0**	☐ **Exclude First Node**
	End Node: **16790**	End Offset: **0**	☐ **Exclude Last Node**

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

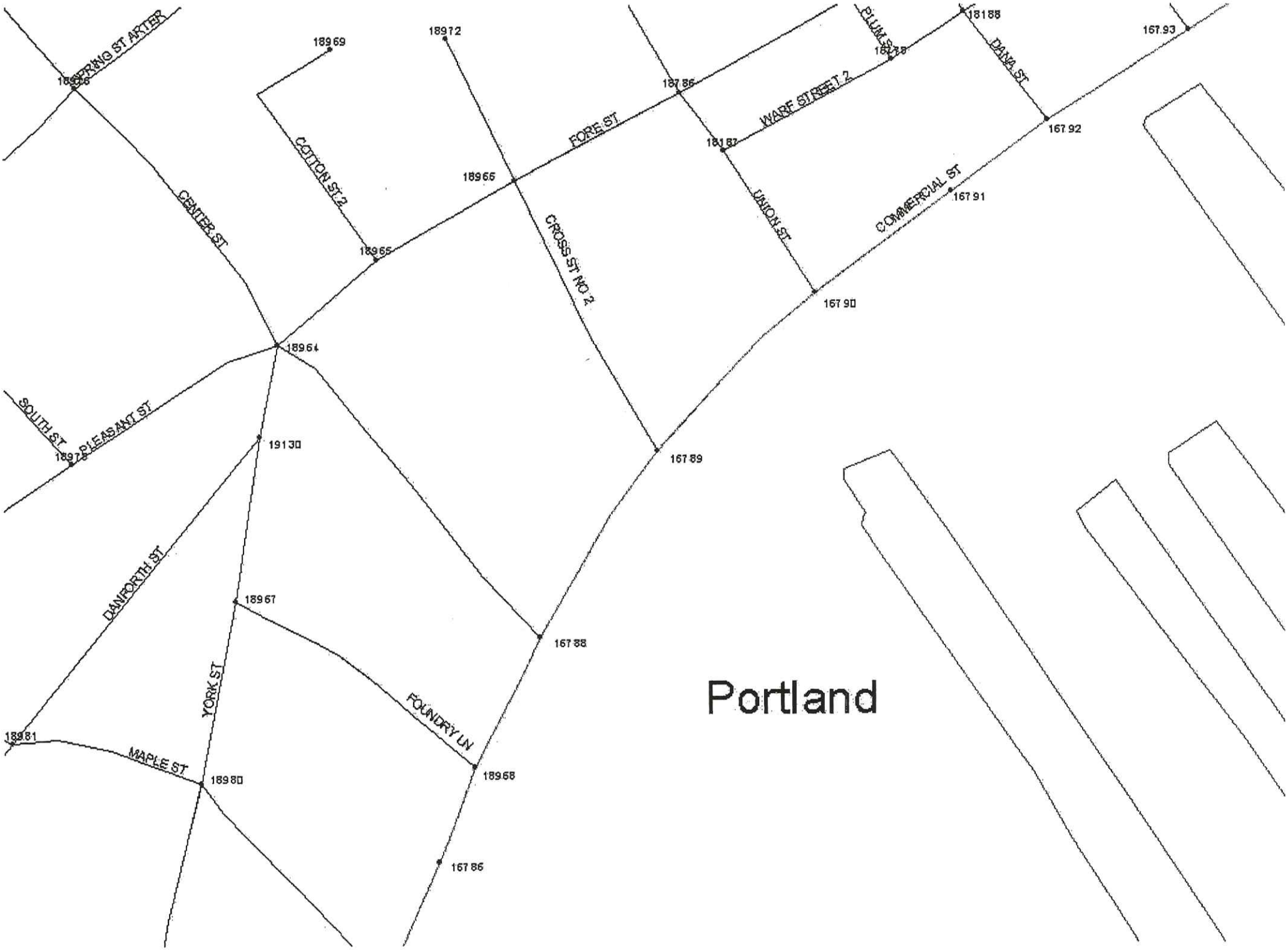
Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF
16788	0001A - 10.92	0507205 POR,COMMERCIAL,CENTER ST.	9	12	0	0	0	2	10	16.7	5,826	0.69	1.13	0.00
											Statewide Crash Rate:	0.66		
16789	0001A - 10.97	0507206 POR,COMMERCIAL,CROSS ST.2	2	5	0	0	0	1	4	20.0	4,984	0.33	0.39	0.00
											Statewide Crash Rate:	0.16		
16790	0001A - 11.03	0507207 POR,COMMERCIAL,UNION ST.	9	9	0	0	2	0	6	25.0	4,844	0.62	1.17	0.00
											Statewide Crash Rate:	0.66		
Study Years:	3.00	**NODE TOTALS:**		26	0	0	2	3	20	19.2	15,654	0.55	0.76	0.73

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section Length	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
16789	16790	192466	0 - 0.06	0001A - 10.91	0.06	2	3	0	0	0	0	3	0.0	0.00281	355.32	498.13	0.00
0507206 POR,COMMERCIAL,CROSS ST.2				US 1A									Statewide Crash Rate:		180.60		
16788	16789	192463	0 - 0.05	0001A - 10.92	0.05	2	0	0	0	0	0	0	0.0	0.00241	0.00	518.63	0.00
0507205 POR,COMMERCIAL,CENTER ST.				US 1A									Statewide Crash Rate:		180.60		
Study Years: 3.00				**Section Totals:**	0.11		3	0	0	0	0	3	0.0	0.00522	191.45	425.24	0.45
				Grand Totals:	0.11		29	0	0	2	3	23	17.2	0.00522	1850.66	637.15	2.90



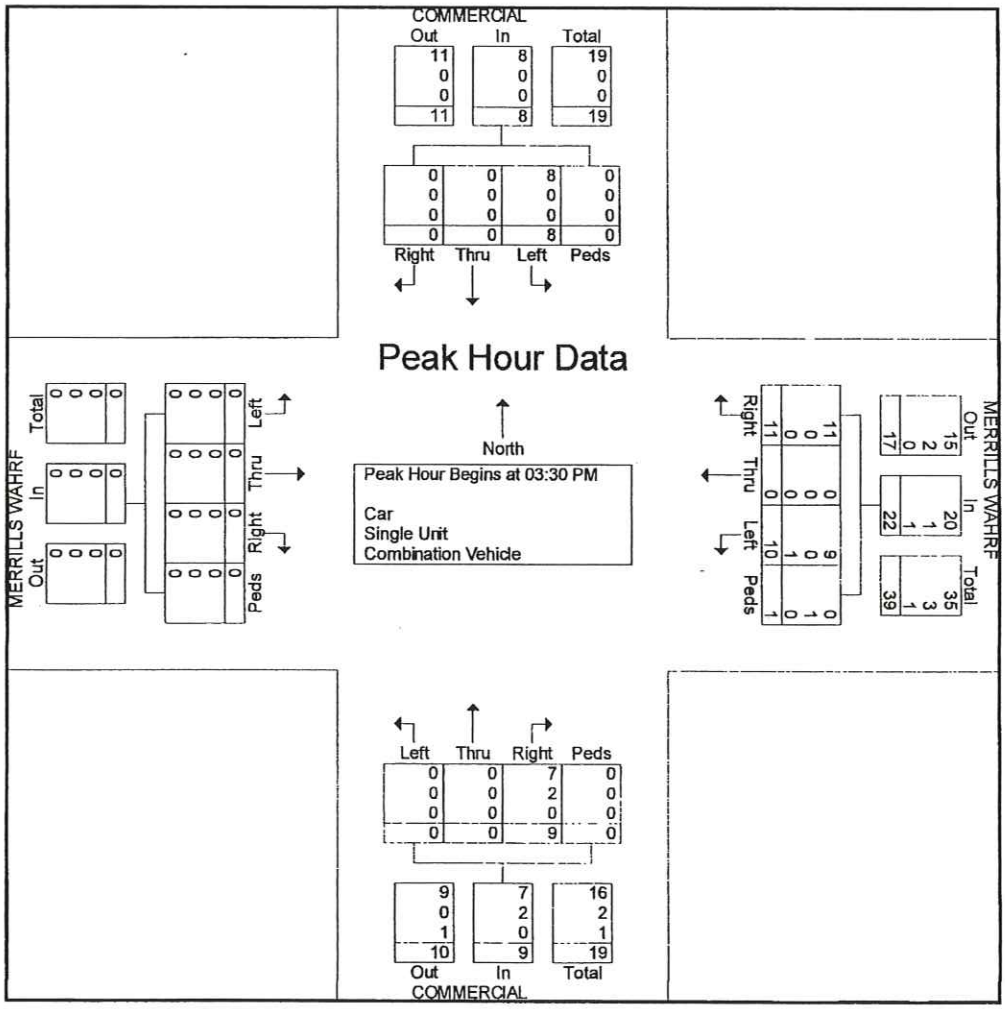
SPRING ST ARTER
CENTER ST
COTTON ST 2
FORE ST
CROSS ST NO 2
WARF STREET 2
PLUM ST
DANA ST
UNION ST
COMMERCIAL ST
SOUTH ST
PLEASANT ST
DANFORTH ST
YORK ST
FOUNDRY LN
MAPLE ST
Portland
18969
18972
18786
18188
167.93
18187
167.92
18965
167.91
18965
167.90
18964
19130
167.89
18967
167.88
18981
18980
18968
167.86

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

File Name : Merrill_Trip_Gen_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 3

	COMMERCIAL From North					MERRILLS WAHRF From East					COMMERCIAL From South					MERRILLS WAHRF From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 03:30 PM to 05:15 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 03:30 PM																					
03:30 PM	2	0	0	0	2	**5**	0	2	0	**7**	0	0	2	0	2	0	0	0	0	0	**11**
03:45 PM	**3**	0	0	0	**3**	2	0	**4**	0	6	0	0	2	0	2	0	0	0	0	0	11
04:00 PM	2	0	0	0	2	1	0	4	0	5	0	0	2	0	2	0	0	0	0	0	9
04:15 PM	1	0	0	0	1	2	0	1	**1**	4	0	0	**3**	0	**3**	0	0	0	0	0	8
Total Volume	8	0	0	0	8	10	0	11	1	22	0	0	9	0	9	0	0	0	0	0	39
% App. Total	100	0	0	0		45.5	0	50	4.5		0	0	100	0		0	0	0	0		
PHF	.667	.000	.000	.000	.667	.500	.000	.688	.250	.786	.000	.000	.750	.000	.750	.000	.000	.000	.000	.000	.886
Car	8	0	0	0	8	9	0	11	0	20	0	0	7	0	7	0	0	0	0	0	35
% Car	100	0	0	0	100	90.0	0	100	0	90.9	0	0	77.8	0	77.8	0	0	0	0	0	89.7
Single Unit	0	0	0	0	0	0	0	0	1	1	0	0	2	0	2	0	0	0	0	0	3
% Single Unit	0	0	0	0	0	0	0	0	100	4.5	0	0	22.2	0	22.2	0	0	0	0	0	7.7
Combination Vehicle	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
% Combination Vehicle	0	0	0	0	0	10.0	0	0	0	4.5	0	0	0	0	0	0	0	0	0	0	2.6



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

Location: Portland, Maine
Counter: TLG
Board: DB-400
Weather: Clear/Windy

File Name : Merrill_Trip_Gen_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 1

Groups Printed- Car - Single Unit - Combination Vehicle

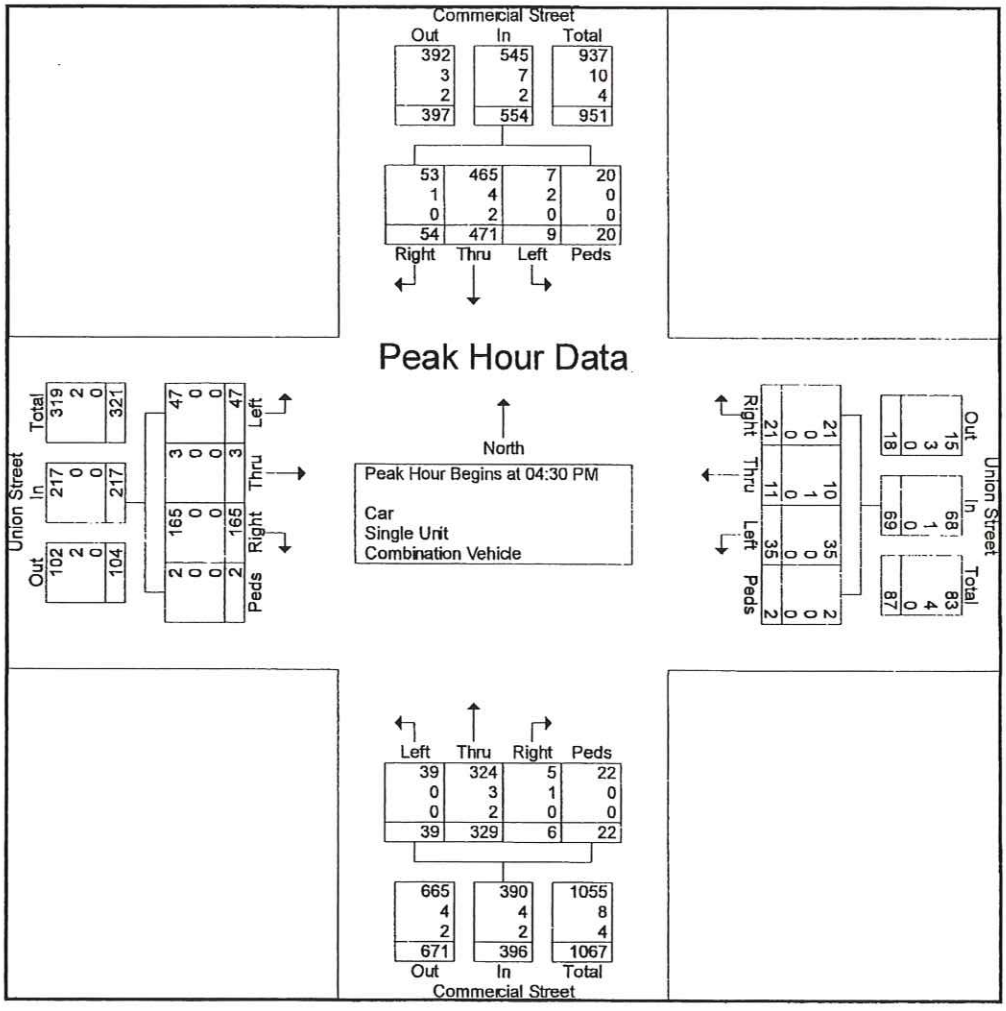
	COMMERCIAL From North					MERRILLS WAHRF From East					COMMERCIAL From South					MERRILLS WAHRF From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
03:30 PM	2	0	0	0	2	5	0	2	0	7	0	0	2	0	2	0	0	0	0	0	11
03:45 PM	3	0	0	0	3	2	0	4	0	6	0	0	2	0	2	0	0	0	0	0	11
Total	5	0	0	0	5	7	0	6	0	13	0	0	4	0	4	0	0	0	0	0	22
04:00 PM	2	0	0	0	2	1	0	4	0	5	0	0	2	0	2	0	0	0	0	0	9
04:15 PM	1	0	0	0	1	2	0	1	1	4	0	0	3	0	3	0	0	0	0	0	8
04:30 PM	1	0	1	0	2	2	0	1	0	3	0	0	1	0	1	0	0	0	0	0	6
04:45 PM	1	0	0	0	1	3	0	1	0	4	0	0	2	0	2	0	0	0	0	0	7
Total	5	0	1	0	6	8	0	7	1	16	0	0	8	0	8	0	0	0	0	0	30
05:00 PM	0	0	0	0	0	6	0	3	0	9	0	0	0	0	0	0	0	0	0	0	9
05:15 PM	0	0	0	0	0	1	0	4	0	5	0	0	0	0	0	0	0	0	0	0	5
Grand Total	10	0	1	0	11	22	0	20	1	43	0	0	12	0	12	0	0	0	0	0	66
Apprch %	90.9	0	9.1	0		51.2	0	46.5	2.3		0	0	100	0		0	0	0	0		
Total %	15.2	0	1.5	0	16.7	33.3	0	30.3	1.5	65.2	0	0	18.2	0	18.2	0	0	0	0	0	
Car	10	0	0	0	10	21	0	20	0	41	0	0	9	0	9	0	0	0	0	0	60
% Car	100	0	0	0	90.9	95.5	0	100	0	95.3	0	0	75	0	75	0	0	0	0	0	90.9
Single Unit	0	0	1	0	1	0	0	0	1	1	0	0	3	0	3	0	0	0	0	0	5
% Single Unit	0	0	100	0	9.1	0	0	0	100	2.3	0	0	25	0	25	0	0	0	0	0	7.6
Combination Vehicle	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
% Combination Vehicle	0	0	0	0	0	4.5	0	0	0	2.3	0	0	0	0	0	0	0	0	0	0	1.5

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

File Name : Commercial@Union_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 2

	Commercial Street From North					Union Street From East					Commercial Street From South					Union Street From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:15 PM to 05:15 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
04:30 PM	2	119	12	3	136	10	2	5	**2**	19	8	77	2	0	87	12	**2**	51	0	**65**	307
04:45 PM	**3**	114	14	5	136	9	1	1	0	11	11	73	1	2	87	**17**	1	24	0	42	276
05:00 PM	3	115	**15**	**9**	**142**	**12**	2	5	0	19	8	82	0	**15**	105	7	0	**52**	**1**	60	326
05:15 PM	1	**123**	13	3	140	4	**6**	**10**	0	**20**	**12**	**97**	**3**	5	**117**	11	0	38	1	50	**327**
Total Volume	9	471	54	20	554	35	11	21	2	69	39	329	6	22	396	47	3	165	2	217	1236
% App. Total	1.6	85	9.7	3.6		50.7	15.9	30.4	2.9		9.8	83.1	1.5	5.6		21.7	1.4	76	0.9		
PHF	.750	.957	.900	.556	.975	.729	.458	.525	.250	.863	.813	.848	.500	.367	.846	.691	.375	.793	.500	.835	.945
Car	7	465	53	20	545	35	10	21	2	68	39	324	5	22	390	47	3	165	2	217	1220
% Car	77.8	98.7	98.1	100	98.4	100	90.9	100	100	98.6	100	98.5	83.3	100	98.5	100	100	100	100	100	98.7
Single Unit	2	4	1	0	7	0	1	0	0	1	0	3	1	0	4	0	0	0	0	0	12
% Single Unit	22.2	0.8	1.9	0	1.3	0	9.1	0	0	1.4	0	0.9	16.7	0	1.0	0	0	0	0	0	1.0
Combination Vehicle	0	2	0	0	2	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	4
% Combination Vehicle	0	0.4	0	0	0.4	0	0	0	0	0	0	0.6	0	0	0.5	0	0	0	0	0	0.3



Gorrill-Palmer Consulting Engineers, Inc.

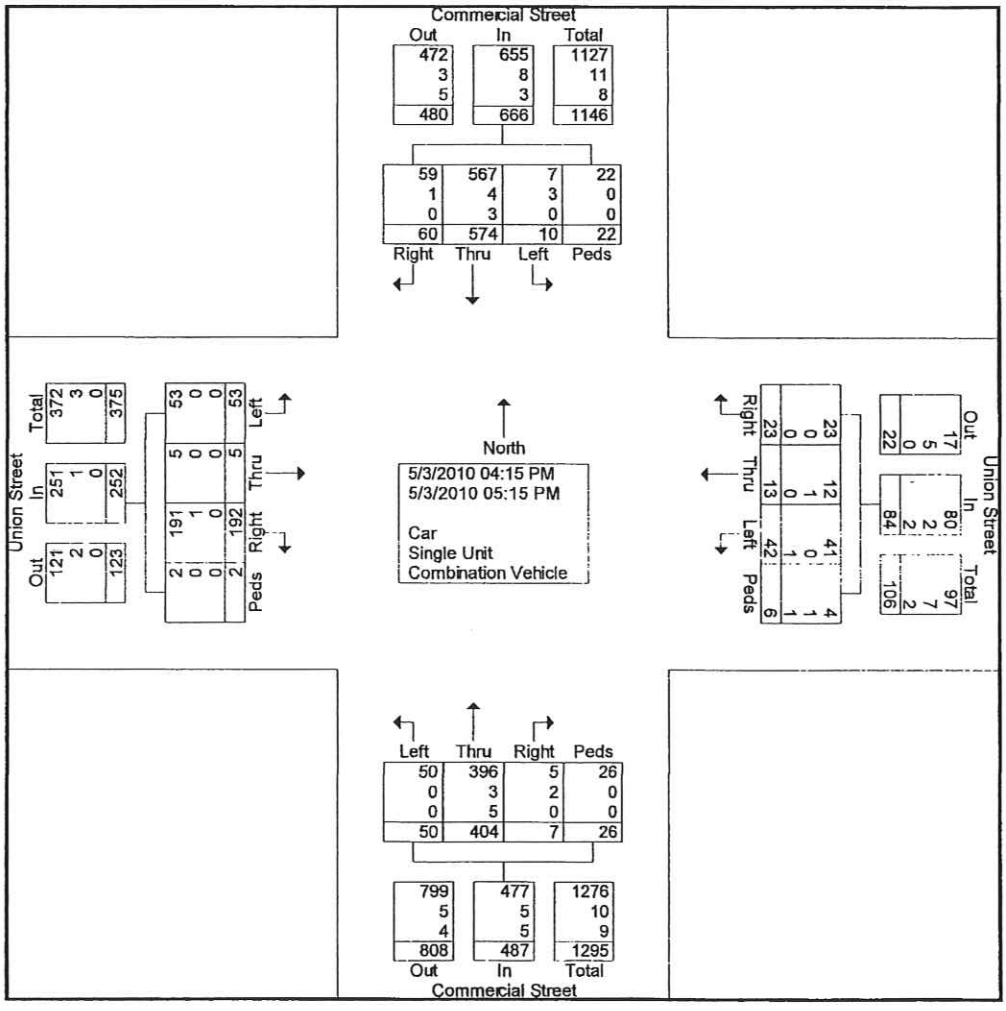
PO Box 1237 - 15 Shaker Road
Gray, ME 04039
(207) 657-6910

Location: Portland, Maine
Counter: TLG
Board: DB-400
Weather: Clear/Windy

File Name : Commercial@Union_PM
Site Code : 2420
Start Date : 5/3/2010
Page No : 1

Groups Printed- Car - Single Unit - Combination Vehicle

	Commercial Street From North					Union Street From East					Commercial Street From South					Union Street From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
04:15 PM	1	103	6	2	112	7	2	2	4	15	11	75	1	4	91	6	2	27	0	35	253
04:30 PM	2	119	12	3	136	10	2	5	2	19	8	77	2	0	87	12	2	51	0	65	307
04:45 PM	3	114	14	5	136	9	1	1	0	11	11	73	1	2	87	17	1	24	0	42	276
Total	6	336	32	10	384	26	5	8	6	45	30	225	4	6	265	35	5	102	0	142	836
05:00 PM	3	115	15	9	142	12	2	5	0	19	8	82	0	15	105	7	0	52	1	60	326
05:15 PM	1	123	13	3	140	4	6	10	0	20	12	97	3	5	117	11	0	38	1	50	327
Grand Total	10	574	60	22	666	42	13	23	6	84	50	404	7	26	487	53	5	192	2	252	1489
Apprch %	1.5	86.2	9	3.3		50	15.5	27.4	7.1		10.3	83	1.4	5.3		21	2	76.2	0.8		
Total %	0.7	38.5	4	1.5	44.7	2.8	0.9	1.5	0.4	5.6	3.4	27.1	0.5	1.7	32.7	3.6	0.3	12.9	0.1	16.9	
Car	7	567	59	22	655	41	12	23	4	80	50	396	5	26	477	53	5	191	2	251	1463
% Car	70	98.8	98.3	100	98.3	97.6	92.3	100	66.7	95.2	100	98	71.4	100	97.9	100	100	99.5	100	99.6	98.3
Single Unit	3	4	1	0	8	0	1	0	1	2	0	3	2	0	5	0	0	1	0	1	16
% Single Unit	30	0.7	1.7	0	1.2	0	7.7	0	16.7	2.4	0	0.7	28.6	0	1	0	0	0.5	0	0.4	1.1
Combination Vehicle	0	3	0	0	3	1	0	0	1	2	0	5	0	0	5	0	0	0	0	0	10
% Combination Vehicle	0	0.5	0	0	0.5	2.4	0	0	16.7	2.4	0	1.2	0	0	1	0	0	0	0	0	0.7



6 Optional Houseside Shield:

HS for flat lens

Cat. No.: **HS**

Combination louver shield and black end-panel for reflector. Factory installed to reflector module. Reduces light toward wall by the following amounts:

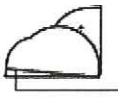
Approximate light reduction toward wall.	Type II	Type III	Type IV
WD14	-43%	-74%	-77%

HSC for Lexan SLX Enclosure

Cat. No.: **HSC**

For fixtures with optional Lexan® SLX Enclosure.

7 Optional 5° Shield:



5° Shield

Cat. No.: **5DS14**

Aluminum shield field-attached to lens frame. Maintains a horizontal cutoff fixture edge when the luminaire is tilted 5°. Finished to match the fixture.

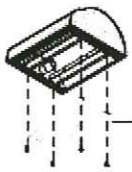
8 Optional Lexan® SLX Non-Yellowing Enclosure:

Lexan® SLX Enclosure

Cat. No.: **SX**

For DOWN fixture models only. Clear convex vacuum formed non-yellowing Lexan® SLX enclosure with gasket replaces standard tempered flat glass lens.

9 Optional Wire Guard:



Wire Guard

Cat. No.: **WG14**

For use with all WD14 fixtures, UP or DOWN. 11 ga. (.12" dia.) BB Wire. (.75" sq. welded mesh pattern.) 11⅜" x 10¼" x 1½" deep. Finish is Super TGIC thermoset polyester powder coat paint, over zinc plated wireform. Finished to match the fixture.

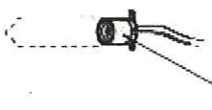
NOTE: Only available with flat lens applications.

10 Optional Fusing:

Single Fuse

Line Volts:	120V	208V	240V	277V	347V	480V
Cat. No.:	**SF**	**DF**	**DF**	**SF**	**SF**	**DF**

11 Optional Quartz Standby:

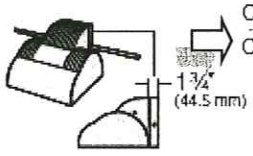


Quartz Standby

Cat. No.: **QS**

Integral electronic device energizes a T-4 mini-can socket during initial lamp start-up or after a power interruption. De-energizes prior to HID lamp reaching full brightness. T-4 halogen lamp by others; 100W maximum.

12 Optional Surface Conduit Mount:



Cat. No.: **SCM14U**

For WD14 fixtures, UP only.

Cat. No.: **SCM14D**

For WD14 fixtures, DOWN only.

For use with all WD14 fixtures. UP or DOWN. Cast aluminum junction box and fixture mount for attachment (by others) to existing walls, beams or columns. SCM14 has one ¾" NPT conduit tap in each side, top and bottom. Finished to match the fixture.

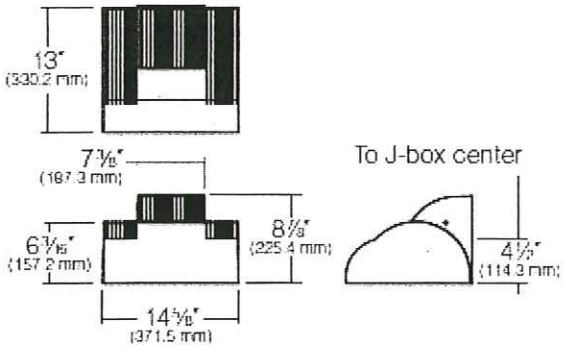
13 Optional Battery Back-up:

Cat. No.: **EM**

Internal battery pack provides 90 minutes of supplemental light at 750 lumens on 26, 32, or 42 watt compact fluorescent lamps. (Remote mounted battery pack also available for 57W, 60W, and 70W CFL - consult factory.)

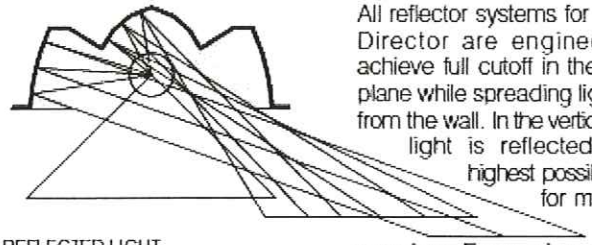
Type S1

KIM LIGHTING



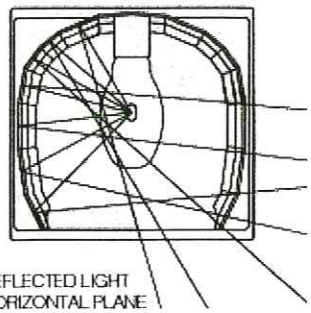
Full Cutoff

The term "full cutoff" as applied to a down facing fixture, means that no portion of the luminaire's optical system is visible above horizontal. In addition to this physical requirement, the fixture also meets IES photometric requirements for classification as a full cutoff luminaire. While some wall luminaires claim to be cutoff, their visible optical systems create brightness that overwhelms the surrounding architecture. The Wall Director® utilizes a horizontal lamp orientation and a standard flat clear glass lens to achieve full cutoff. The distribution of light is handled entirely by a precision reflector system engineered for maximum fixture spacing with outstanding uniformity.



REFLECTED LIGHT
VERTICAL PLANE

All reflector systems for the Wall Director are engineered to achieve full cutoff in the vertical plane while spreading light away from the wall. In the vertical plane, light is reflected at the highest possible angle for maximum fixture spacing. Excessive straight down illumination is avoided by the elimination of downward reflecting surfaces. In the horizontal plane, light is precisely directed away from the wall. All light striking the wall comes only from the lamp. This wall illumination may be aesthetically desirable whether directed up or down, or can be substantially reduced by using the optional houseside shield.



REFLECTED LIGHT
HORIZONTAL PLANE

Reflector Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Rotates against ballast housing to provide 10° of adjustment with degree markers cast into the housing. At 0° adjustment, lens is totally concealed from view above horizontal with fixture aimed downward.

Ballast Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Fastens to mounting plate with keyhole slots freeing both hands for securing and wiring. One stainless steel socket-head screw on each side of housing frees the reflector housing to rotate for aiming. Tightening the screws locks the two housings together with sealing provided by a silicone gasket. For visual aiming, adjustment may be accomplished with the fixture on.

Lens Frame: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral hinges and stainless steel pins. Two stainless steel quarter-turn fasteners secure lens frame to reflector housing with sealing provided by a one-piece extruded and vulcanized silicone gasket. Lens is clear flat ⅛" thick tempered glass sealed to lens frame with a silicone gasket and retainer clips. For UP models, lens is mounted flush with frame for water run off, and is silicone sealed.

Type II, III, and IV Reflector Module: Specular Alzak® optical segments are rigidly mounted within a die-cast aluminum enclosure that attaches to the housing by a no-tool quick-disconnecting hinge and fastener. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast. Available in three light distributions, all interchangeable within the same housing.

Wall Grazer Reflector Module: Specular Alzak® optical segment is rigidly formed into a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black louver vanes run parallel to the lamp arc for controlling the hot spot directly behind the fixture, and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are porcelain mogul base with HPS and PMH rated at 4KV, and MH versions having pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Spot Reflector Module: Specular Alzak® optical spun parabola is rigidly mounted to a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black internal louvers are provided to control the beam and prevent hot spots directly behind the fixture and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Electrical Components: High power factor ballasts are rigidly mounted inside the housing and are factory prewired with a quick-disconnect plug for mating to the socket. Starting temperatures are -40°F for HPS lamp modes and -20°F for MH and PMH lamp modes.

Mounting Plate: For WD14 models, mounting plate attaches directly to any standard 4" junction box. For WD18 models, standard mounting plate is attached to wall (by others) outside the junction box perimeter. All mounting plates are die-cast aluminum with reinforced ribs. Two studs are provided in each plate with flange nuts to allow fixture mounting by keyhole slots. Sealant must be applied (by others) between mounting plate and mounting surface to insure a dry junction box.

Finish/Color: Finish is Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; A.S.T.M. 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Light Gray, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

Type S1

Small Wall Director®

WD14
Medium Base
70 to 175 Watt

Ordering Example:
For Standard Fixture

Fixture	Electrical Module	Finish	Options
WD14D3	**/150PMH277/**	**BL**	**/ A-33**
1	2	3	4-13

See page **15** for complete option specifications information.

1 Fixture:

Cat. No. designates **WD14** fixture, Up (U) or Down (D) configuration, and light distribution (2, 3, 4, G or S).

Fixture:		Light Distribution:	Type II	Type III	Type IV	Wall Grazer	Spot
UP 14"		Cat. No.:	**WD14U2**	**WD14U3**	**WD14U4**	**WD14UG**	**WD14US**
DOWN 14"		Cat. No.:	**WD14D2**	**WD14D3**	**WD14D4**	**WD14DG**	**WD14DS**

2 Electrical Module:

PMH = Pulse Start Metal Halide
HPS = High Pressure Sodium
PL = Compact Fluorescent Triple Tube
IF = Induction Fluorescent

See lamp and electrical data on pages **16 - 17** for ballast types and characteristics.

Lamp Watts	Lamp Type	Line Volts
150	**PMH**	**277**

Pulse Start Metal Halide		High Pressure Sodium	Compact Fluorescent	Induction Fluorescent
50PMH120	**125PMH120**	**70HPS120**	**42PL120**	**55IF120**
50PMH208	**125PMH208**	**70HPS208**	**42PL208**	**55IF208**
50PMH240	**125PMH240**	**70HPS240**	**42PL240**	**55IF240**
50PMH277	**125PMH277**	**70HPS277**	**42PL277**	**55IF277**
50PMH347		**70HPS347**	**57PL120**	
		70HPS480	**57PL208**	
70PMH120	**150PMH120**	**100HPS120**	**57PL240**	
70PMH208	**150PMH208**	**100HPS208**	**57PL277**	
70PMH240	**150PMH240**	**100HPS240**	**60PL120**	
70PMH277	**150PMH277**	**100HPS277**	**60PL208**	
70PMH347	**150PMH347**	**100HPS347**	**60PL240**	
70PMH480	**150PMH480**	**100HPS480**	**60PL277**	
100PMH120		**150HPS120**		
100PMH208		**150HPS208**		
100PMH240		**150HPS240**		
100PMH277		**150HPS277**		
100PMH347		**150HPS347**		
100PMH480		**150HPS480**		

NOTE: Due to the Energy Independence and Security Act (EISA) of 2007, Kim Lighting can no longer supply probe start metal halide ballasts with its luminaires, effective January 1, 2009. Contact Kim Lighting for availability of replacement ballasts for warranty service claims.

(Visit www.aboutlightingcontrols.org or the Library of Congress website for more details).

KN! **KimNOW! Available Configurations:**
KN-WD14D3/70PMH/DB*,
KN-WD14D3/150PMH/DB*
Accessories:
KN-SCM14D/DB, KN-SDS14/DB, KN-WG14/DB
*Multi-tap ballast (120, 208, 240, or 277 volts)

3 Finish:

Super TGIC powder coat paint over titanated zirconium conversion coating.

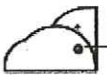
Color:	Black	Dark Bronze	Light Gray	Platinum Silver	White	Custom Colors
Cat. No.:	**BL**	**DB**	**LG**	**PS**	**WH**	**CC** Consult representative for custom colors.

4 Optional Base Socket:

Cat. No.: **G12** Optional G12 base socket available for 70W and 150W Pulse Start Metal Halide lamps only.

5 Optional Photocell:

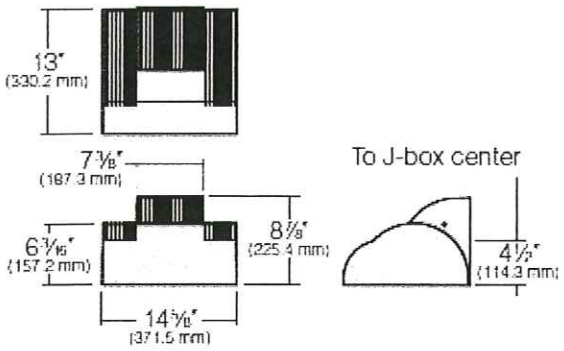
Line Volts:	120V	208V	240V	277V	480V	347V
Cat. No.:	**A-30**	**A-31**	**A-32**	**A-33**	**A-34**	**A-35**



Photocell Sensor

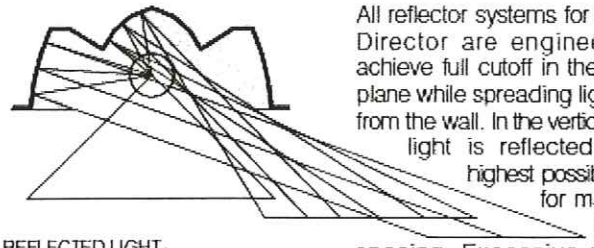
Type S2

KIM LIGHTING



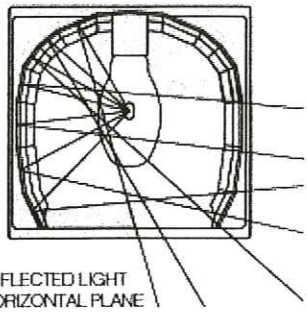
Full Cutoff

The term "full cutoff" as applied to a down facing fixture, means that no portion of the luminaire's optical system is visible above horizontal. In addition to this physical requirement, the fixture also meets IES photometric requirements for classification as a full cutoff luminaire. While some wall luminaires claim to be cutoff, their visible optical systems create brightness that overwhelms the surrounding architecture. The Wall Director® utilizes a horizontal lamp orientation and a standard flat clear glass lens to achieve full cutoff. The distribution of light is handled entirely by a precision reflector system engineered for maximum fixture spacing with outstanding uniformity.



REFLECTED LIGHT
VERTICAL PLANE

All reflector systems for the Wall Director are engineered to achieve full cutoff in the vertical plane while spreading light away from the wall. In the vertical plane, light is reflected at the highest possible angle for maximum fixture spacing. Excessive straight down illumination is avoided by the elimination of downward reflecting surfaces. In the horizontal plane, light is precisely directed away from the wall. All light striking the wall comes only from the lamp. This wall illumination may be aesthetically desirable whether directed up or down, or can be substantially reduced by using the optional houseside shield.



REFLECTED LIGHT
HORIZONTAL PLANE

Reflector Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Rotates against ballast housing to provide 10° of adjustment with degree markers cast into the housing. At 0° adjustment, lens is totally concealed from view above horizontal with fixture aimed downward.

Ballast Housing: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling fins. Fastens to mounting plate with keyhole slots freeing both hands for securing and wiring. One stainless steel socket-head screw on each side of housing frees the reflector housing to rotate for aiming. Tightening the screws locks the two housings together with sealing provided by a silicone gasket. For visual aiming, adjustment may be accomplished with the fixture on.

Lens Frame: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral hinges and stainless steel pins. Two stainless steel quarter-turn fasteners secure lens frame to reflector housing with sealing provided by a one-piece extruded and vulcanized silicone gasket. Lens is clear flat ⅛" thick tempered glass sealed to lens frame with a silicone gasket and retainer clips. For UP models, lens is mounted flush with frame for water run off, and is silicone sealed.

Type II, III, and IV Reflector Module: Specular Alzak® optical segments are rigidly mounted within a die-cast aluminum enclosure that attaches to the housing by a no-tool quick-disconnecting hinge and fastener. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast. Available in three light distributions, all interchangeable within the same housing.

Wall Grazer Reflector Module: Specular Alzak® optical segment is rigidly formed into a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black louver vanes run parallel to the lamp arc for controlling the hot spot directly behind the fixture, and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are porcelain mogul base with HPS and PMH rated at 4KV, and MH versions having pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Spot Reflector Module: Specular Alzak® optical spun parabola is rigidly mounted to a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black internal louvers are provided to control the beam and prevent hot spots directly behind the fixture and spill light into the atmosphere. For WD14 models all sockets are porcelain medium base rated 4KV. For WD18 models all sockets are mogul base with HPS and PMH rated 4KV, and MH versions have pin-oriented sockets with molded silicone lamp stabilizers. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Electrical Components: High power factor ballasts are rigidly mounted inside the housing and are factory prewired with a quick-disconnect plug for mating to the socket. Starting temperatures are -40°F for HPS lamp modes and -20°F for MH and PMH lamp modes.

Mounting Plate: For WD14 models, mounting plate attaches directly to any standard 4" junction box. For WD18 models, standard mounting plate is attached to wall (by others) outside the junction box perimeter. All mounting plates are die-cast aluminum with reinforced ribs. Two studs are provided in each plate with flange nuts to allow fixture mounting by keyhole slots. Sealant must be applied (by others) between mounting plate and mounting surface to insure a dry junction box.

Finish/Color: Finish is Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; A.S.T.M. 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Light Gray, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

Type S2

Small Wall Director®

WD14
Medium Base
70 to 175 Watt

Ordering Example:
For Standard Fixture

Fixture	Electrical Module	Finish	Options
WD14D3	/150PMH277/	BL	/ A-33
1	2	3	4-13

See page 15 for complete option specifications information.

1 Fixture:

Cat. No. designates **WD14** fixture, Up (U) or Down (D) configuration, and light distribution (2, 3, 4, G or S).

Fixture:		Light Distribution:	Type II	Type III	Type IV	Wall Grazer	Spot
UP 14°		Cat. No.:	WD14U2	WD14U3	WD14U4	WD14UG	WD14US
DOWN 14°		Cat. No.:	WD14D2	WD14D3	WD14D4	WD14DG	WD14DS

2 Electrical Module:

PMH = Pulse Start Metal Halide
HPS = High Pressure Sodium
PL = Compact Fluorescent Triple Tube
IF = Induction Fluorescent

See lamp and electrical data on pages **16** - **17** for ballast types and characteristics.

Lamp Watts	Lamp Type	Line Volts
150	PMH	277

Pulse Start Metal Halide		High Pressure Sodium	Compact Fluorescent	Induction Fluorescent
50PMH120	125PMH120	70HPS120	42PL120	55IF120
50PMH208	125PMH208	70HPS208	42PL208	55IF208
50PMH240	125PMH240	70HPS240	42PL240	55IF240
50PMH277	125PMH277	70HPS277	42PL277	55IF277
50PMH347		70HPS347	57PL120	
		70HPS480	57PL208	
70PMH120	150PMH120	100HPS120	57PL240	
70PMH208	150PMH208	100HPS208	57PL277	
70PMH240	150PMH240	100HPS240	60PL120	
70PMH277	150PMH277	100HPS277	60PL208	
70PMH347	150PMH347	100HPS347	60PL240	
70PMH480	150PMH480	100HPS480	60PL277	
100PMH120		150HPS120		
100PMH208		150HPS208		
100PMH240		150HPS240		
100PMH277		150HPS277		
100PMH347		150HPS347		
100PMH480		150HPS480		

NOTE: Due to the Energy Independence and Security Act (EISA) of 2007, Kim Lighting can no longer supply probe start metal halide ballasts with its luminaires, effective January 1, 2009. Contact Kim Lighting for availability of replacement ballasts for warranty service claims.

(Visit www.aboutlightingcontrols.org or the Library of Congress website for more details).

KN! **KimNOW! Available Configurations:**
KN-WD14D3/70PMH/DB*,
KN-WD14D3/150PMH/DB*
Accessories:
KN-SCM14D/DB, KN-SDS14/DB, KN-WG14/DB
*Multi-tap ballast (120, 208, 240, or 277 volts)

3 Finish:

Super TGIC powder coat paint over titanated zirconium conversion coating.

Color:	Black	Dark Bronze	Light Gray	Platinum Silver	White	Custom Colors
Cat. No.:	BL	DB	LG	PS	WH	CC

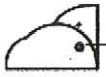
Consult representative for custom colors.

4 Optional Base Socket:

Cat. No.: **G12** Optional G12 base socket available for 70W and 150W Pulse Start Metal Halide lamps only.

5 Optional Photocell:

Line Volts:	120V	208V	240V	277V	480V	347V
Cat. No.:	A-30	A-31	A-32	A-33	A-34	A-35



Photocell Sensor

6 Optional Houseside Shield:

HS for flat lens

Cat. No.: **HS**

Combination louver shield and black end-panel for reflector. Factory installed to reflector module. Reduces light toward wall by the following amounts:

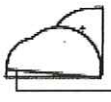
Approximate light reduction toward wall.		Type II	Type III	Type IV
	WD14	-43%	-74%	-77%

HSC for Lexan SLX Enclosure

Cat. No.: **HSC**

For fixtures with optional Lexan® SLX Enclosure.

7 Optional 5° Shield:



5° Shield

Cat. No.: **5DS14**

Aluminum shield field-attached to lens frame. Maintains a horizontal cutoff fixture edge when the luminaire is tilted 5°. Finished to match the fixture.

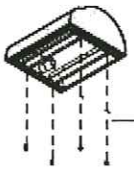
8 Optional Lexan® SLX Non-Yellowing Enclosure:

Lexan® SLX Enclosure

Cat. No.: **SX**

For DOWN fixture models only. Clear convex vacuum formed non-yellowing Lexan® SLX enclosure with gasket replaces standard tempered flat glass lens.

9 Optional Wire Guard:



Wire Guard

Cat. No.: **WG14**

For use with all WD14 fixtures, UP or DOWN. 11 ga. (.12" dia.) BB Wire. (.75" sq. welded mesh pattern.) 11⅜" x 10¼" x 1½" deep. Finish is Super TGIC thermoset polyester powder coat paint, over zinc plated wireform. Finished to match the fixture.

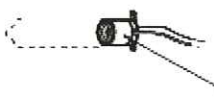
NOTE: Only available with flat lens applications.

10 Optional Fusing:

Single Fuse

Line Volts:	120V	208V	240V	277V	347V	480V
Cat. No.:	**SF**	**DF**	**DF**	**SF**	**SF**	**DF**

11 Optional Quartz Standby:

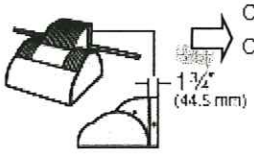


Quartz Standby

Cat. No.: **QS**

Integral electronic device energizes a T-4 mini-can socket during initial lamp start-up or after a power interruption. De-energizes prior to HID lamp reaching full brightness. T-4 halogen lamp by others; 100W maximum.

12 Optional Surface Conduit Mount:



Cat. No.: **SCM14U** For WD14 fixtures, UP only.

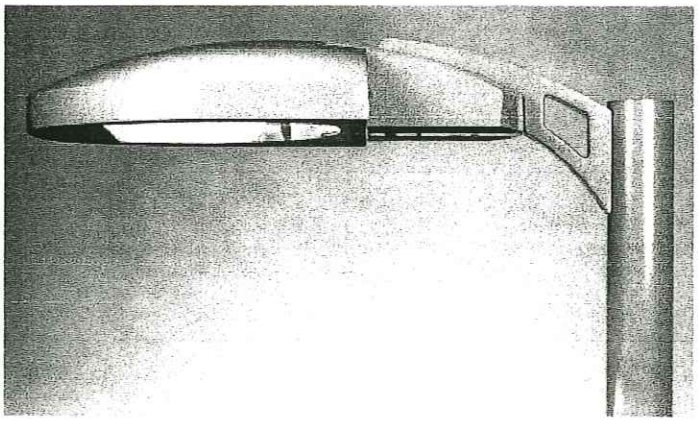
Cat. No.: **SCM14D** For WD14 fixtures, DOWN only.

For use with all WD14 fixtures. UP or DOWN. Cast aluminum junction box and fixture mount for attachment (by others) to existing walls, beams or columns. SCM14 has one ¾" NPT conduit tap in each side, top and bottom. Finished to match the fixture.

13 Optional Battery Back-up:

Cat. No.: **EM**

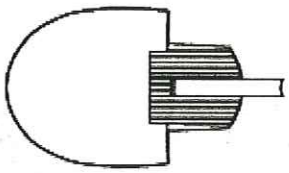
Internal battery pack provides 90 minutes of supplemental light at 750 lumens on 26, 32, or 42 watt compact fluorescent lamps. (Remote mounted battery pack also available for 57W, 60W, and 70W CFL - consult factory.)



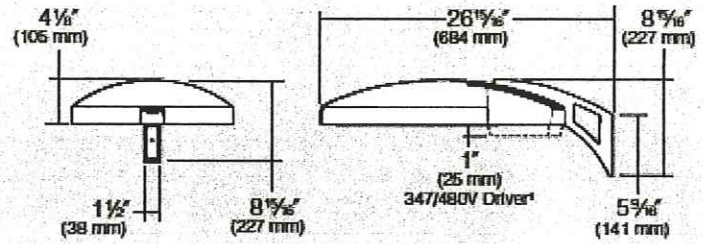
Type S3

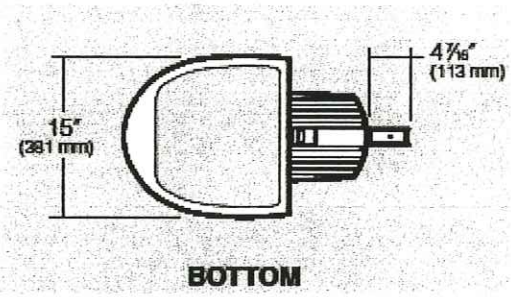
KIM LIGHTING

WP9SE
Small LED
60 LEDs
EPA: .52
Maximum Weight:
17 lbs.
Maximum System
Watts = 75 W



TOP





HOUSING: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling ribs over the electrical compartment. Solid barrier wall separates optical and electrical compartments. A single die-cast aluminum cam-latch provides positive locking and sealing of the optical chamber. A one-piece extruded and vulcanized silicone gasket seals the housing against the lens surface.

ELECTRONIC DRIVER MODULE: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling ribs over exposed bottom surface. Integral hinges and slide latch with stainless steel hardware provides no-tool mounting and removal from housing. All electronic components are UL and CSA recognized and mounted directly to the driver tray for maximum heat dissipation.

LENS: Clear ⅜" thick tempered glass lens retained by a stainless steel piano hinge and a single die-cast aluminum cam-latch. The edges are camouflaged to conceal the outer portion of the housing.

Listings and Ratings			
UL cUL 1598	CE	IP66	25°C Ambient

OPTICAL MODULE: Precision injection molded, high specular reflectors are positioned to achieve directional control toward desired task. Secondary high specular reflector 95% Miro4 panels surround the module to redirect light downward. No fasteners are placed on the reflective surface. The entire assembly fastens to the housing as a one-piece module and features wiring quick-connects for easy upgrading.

SUPPORT ARM: Heavy cast, low copper alloy aluminum with stainless steel mounting bolts. A pole reinforcing plate is provided with wire strain relief. Arm is circular cut for specified round pole.

FINISH: Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating. 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Stealth Gray™, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

WARP9 LED

Ordering Example: ISA / WP9LE3 / L5K240 / SG / A-35 / PRA20-4188SA/SG / VSF-1SA

1 2 3 4 5-12 13 14

1 Mounting

3SY configurtion is available for round poles only.

Plan View:							
							Wall Mount
EPA WP9S:	0.52	1.04	0.82	1.3	1.3	1.5	n/a
EPA WP9L:	0.95	1.9	1.47	2.4	2.4	2.7	n/a
Cat. No.:	1SA	2SB	2SL	3ST	3SY	4SC	1W

2 Fixture

Catalog no. designates fixture and light distribution.

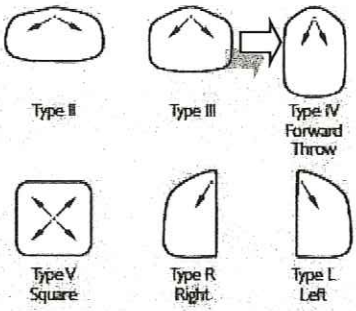
WP9 — **HOUSING** WP9 = WARP9 LED

SIZE
S = Small, 60 LEDs, 75W
L = Large, 120 LEDs, 140W

E — **DRIVER** E=Electronic

DISTRIBUTION
2 = Type II Full Cutoff
3 = Type III Full Cutoff
4 = Type IV Full Cutoff
5 = Type V Square Full Cutoff
R = Type R Right Full Cutoff
L = Type L Left Full Cutoff

Light Distribution



3 Electrical Module

L — **SOURCE** L = LED

COLOR TEMPERATURE
3K = 3500K
5K = 5100K
2K = 1700K Amber

VOLTAGE
120 = 120V
208 = 208V
240 = 240V
277 = 277V
347 = 347V[1]
480 = 480V[1]

[1] Due to current unavailability of 347V and 480V drivers, specification of these voltages shall feature an integral step-down transformer. Driver compartment door extends down 1" on small housing and 1½" on large housing to accommodate. See page 22.

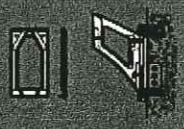
4 Finish

Super TGIC powder coat paint over titanated zirconium conversion coating.

Color:	Stealth Gray	Light Gray	Platinum Silver	White	Black	Dark Bronze	Custom Colors
Cat. No:	SG	LG	PS	WH →	BL	DB	CC

Consult your Kim Lighting representative for custom colors.

5 Wall Mounting



Cat No: 1W

A cast-aluminum mounting plate is mounted to the wall with four bolts (by others). Fixture and arm are mounted to the cast aluminum cover plate before attaching to the wall mounting plate. The fixture-arm-cover plate assembly is hooked to the wall mounting plate and secured with stainless steel screws provided. Field splices are made at the opening in the cover plate. Cover is finished to match arm and fixture color.

6 Optional Fusing

High temperature fuse holders factory installed inside the fixture housing. Fuse is included.

Line Volts:	120V	208V	240V	277V	347V	480V
Cat. No:	SF	DF	DF	SF	SF	DF

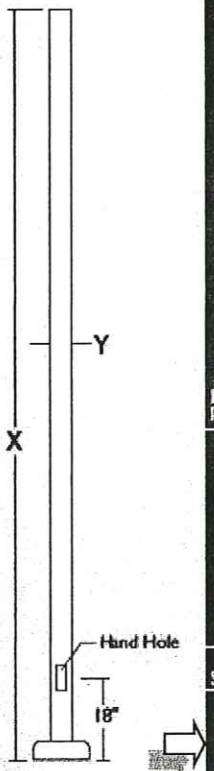
Type S3

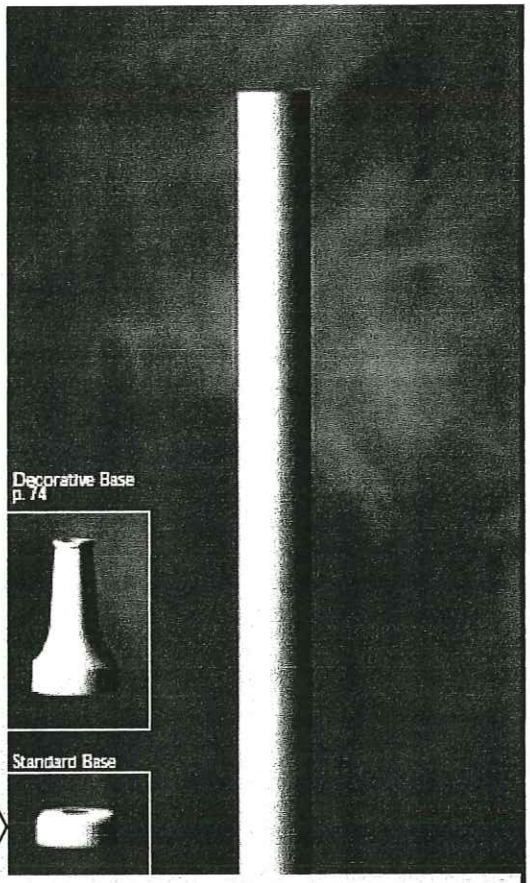
Plan View	*Cat. No.	Mounting Orientations
●	FM:	Luminaire is flush mounted directly to top of pole
⇨ ●–	A/SA:	Pole is drilled to mount a single luminaire directly to the side of pole
●–●	B/SB:	Pole is drilled to mount two luminaires directly to the side of pole, 180 degrees apart
●●	L/SL:	Pole is drilled to mount two luminaires directly to the side of pole, 90 degrees apart
●●●	T/ST:	Pole is drilled to mount three luminaires directly to the side of pole, 90 degrees apart
●●●	Y/SY:	Pole is drilled to mount three luminaires directly to the side of pole, 120 degrees apart
●●●●	C/SC:	Pole is drilled to mount four luminaires directly to the side of pole, 90 degrees apart

Structural Luminaires Only - Examples:

TS: Single Tension for small and large Structural - PRA20-5188SB-TS
TD: Double Tension for small and large Structural - PRA20-5188B-TD
TR: Truss for small and large Structural - PRA20-5188SB-TR
XTS: Single Tension for 1000W Structural - PRA20-5188B-XTS
XTD: Double Tension for 1000W Structural - PRA20-5188B-XTD
XTR: Truss for 1000W Structural - PRA20-5188B-XTR

* See luminaire drilling requirements in luminaire catalog.





Specifications

Pole Construction: Seamless round extruded aluminum tube of alloy 6063-T6, welded to top and bottom of aluminum base casting of alloy 356.

Base Cover: Base has a two piece cast aluminum full cover of 319 alloy, secured by stainless steel screws.

Pole Cap: A flush-sided cast aluminum pole cap is provided for side arm mounted luminaires.

Handhole: 18" up from base, with a gasketed cover and ground lug. Poles with a 3¾" O.D. include a handhole reinforcement casting welded in place.

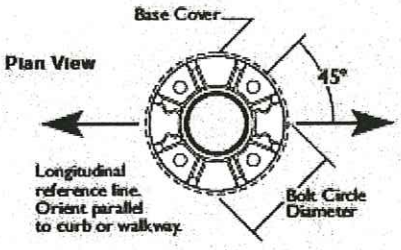
Anchor Bolts: Four galvanized anchor bolts provided, complete with eight nuts, eight flat washers, and a pressboard template.

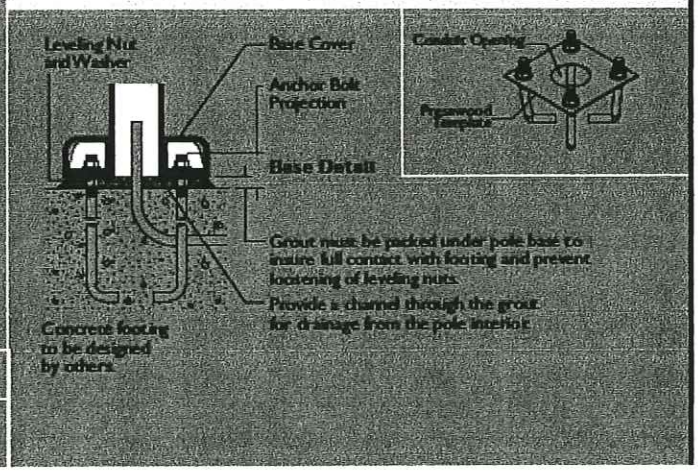
Vibration Dampener: All poles 25' and above include an internally mounted, factory installed pendulum vibration dampener, with flush stainless steel socket head fasteners finished to match pole.

Strength: Poles will withstand wind loads as listed in chart when luminaires are mounted per fixture installation instructions.

Finish: Super TGIC thermoset polyester powder coat paint applied over a chromate conversion coating. Custom colors are available and subject to additional charges, minimum quantities and longer lead times. Consult representative.

PBTS models include adapter liner for OTS Luminaires.





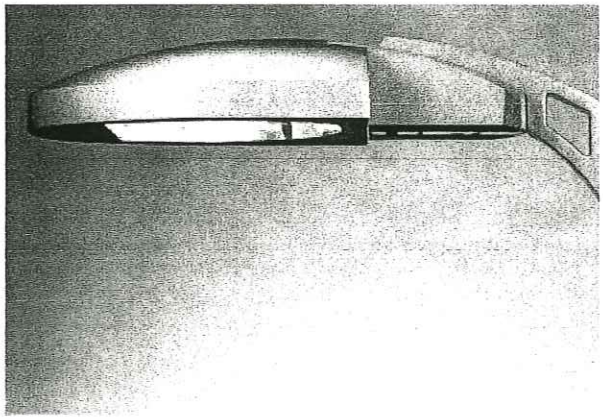
Anchor Base and Bolt Detail (mm)

Pole Diameter	Bolt Circle Diameter	Anchor Bolt Projection	Bolt Cover Size	Conduit Opening
3.375"(85.7)	7"(178)	3.13"(80)	9.5"(241)	2.5"(63)
4"(102)	7-8.5"(178-216)	3.25"(83)	11.88"(302)	3"(76)

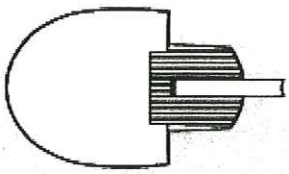
Pole Cat. No.	X	Y	A.B. Size	Allowable Pole EPA - Refer to wind map on p. 75 85 (38m/s)	90 (40m/s)	100 (45m/s)	110 (49m/s)	120 (54m/s)
PRA20-4188	19.5'	4" x .188	¾" x 30 + 4	5.33	4.37	3.74	2.48	1.52

Type S4

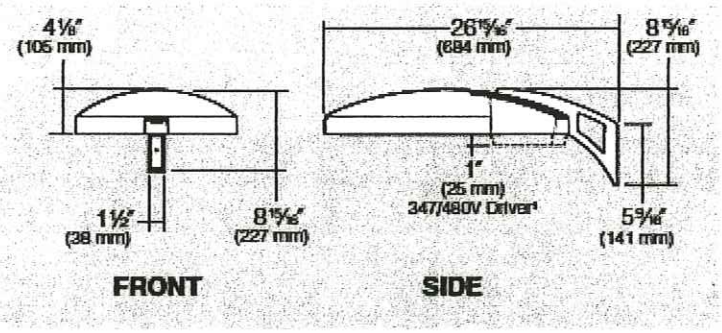
KIM LIGHTING

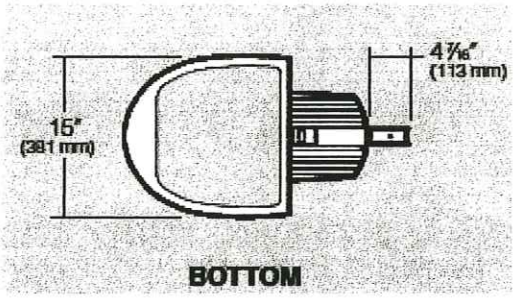


WP9SE
Small LED
60 LEDs
EPA: .52
Maximum Weight:
17 lbs.
Maximum System
Watts = 75 W



TOP





HOUSING: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling ribs over the electrical compartment. Solid barrier wall separates optical and electrical compartments. A single die-cast aluminum cam-latch provides positive locking and sealing of the optical chamber. A one-piece extruded and vulcanized silicone gasket seals the housing against the lens surface.

ELECTRONIC DRIVER MODULE: One-piece die-cast, low copper alloy (<0.6% Cu) aluminum with integral cooling ribs over exposed bottom surface. Integral hinges and slide latch with stainless steel hardware provides no-tool mounting and removal from housing. All electronic components are UL and CSA recognized and mounted directly to the driver tray for maximum heat dissipation.

LENS: Clear ⅜" thick tempered glass lens retained by a stainless steel piano hinge and a single die-cast aluminum cam-latch. The edges are camouflaged to conceal the outer portion of the housing.

OPTICAL MODULE: Precision injection molded, high specular reflectors are positioned to achieve directional control toward desired task. Secondary high specular reflector 95%. Mirror4 panels surround the module to redirect light downward. No fasteners are placed on the reflective surface. The entire assembly fastens to the housing as a one-piece module and features wiring quick-connects for easy upgrading.

SUPPORT ARM: Heavy cast, low copper alloy aluminum with stainless steel mounting bolts. A pole reinforcing plate is provided with wire strain relief. Arm is circular cut for specified round pole.

FINISH: Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating. 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Stealth Gray™, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

Listings and Ratings			
UL cUL 1598	CE	IP66	25°C Ambient

WARP9 LED

Ordering Example: ISA / WP9LE3 / L5K240 / SG / A-35 / PRA20-4188SA/SG / VSF-1SA

1 2 3 4 5-12 13 14

1 Mounting

3SY configurtion is available for round poles only.

Plan View:

EPA WP9S:	0.52	1.04	0.82	1.3	1.3	1.5	n/a
EPA WP9L:	0.95	1.9	1.47	2.4	2.4	2.7	n/a
Cat No.:	**1SA**	**2SB**	**2SL**	**3ST**	**3SY**	**4SC**	**1W**

2 Fixture

Catalog no. designates fixture and light distribution.

WP9

HOUSING
WP9 = WARP9 LED

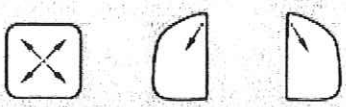
SIZE
S = Small, 60 LEDs, 75W
L = Large, 120 LEDs, 140W

E

DRIVER
E=Electronic

DISTRIBUTION
2 = Type II Full Cutoff
3 = Type III Full Cutoff
4 = Type IV Full Cutoff
5 = Type V Square Full Cutoff
R = Type R Right Full Cutoff
L = Type L Left Full Cutoff

Light Distribution



3 Electrical Module

L

SOURCE
L = LED

COLOR TEMPERATURE
3K = 3500K
5K = 5100K
2K = 1700K Amber

VOLTAGE
120 = 120V
208 = 208V
240 = 240V
277 = 277V
347 = 347V[1]
480 = 480V[1]

[1] Due to current unavailability of 347V and 480V drivers, specification of these voltages shall feature an integral step-down transformer. Driver compartment door extends down 1" on small housing and 1¾" on large housing to accommodate. See page 22.

4 Finish

Super TGIC powder coat paint over titanated zirconium conversion coating.

Color:	Stealth Gray	Light Gray	Platinum Silver	White	Black	Dark Bronze	Custom Colors
Cat No:	**SG**	**LG**	**PS**	**WH**	**BL**	**DB**	**CC**

Consult your Kim Lighting representative for custom colors.

5 Wall Mounting

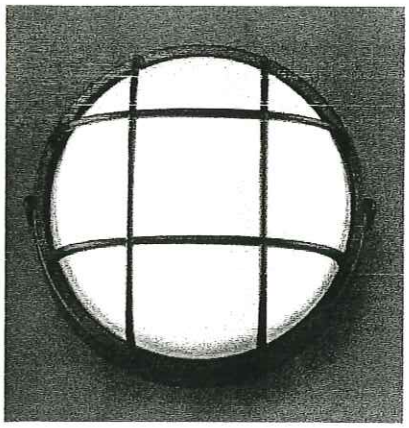
Cat No.: **1W**

A cast aluminum mounting plate is mounted to the wall with four bolts (by others). Fixture and arm are mounted to the cast aluminum cover plate before attaching to the wall mounting plate. The fixture-arm-cover plate assembly is hooked to the wall mounting plate and secured with stainless steel screws provided. Field splices are made at the opening in the cover plate. Cover is finished to match arm and fixture color.

6 Optional Fusing

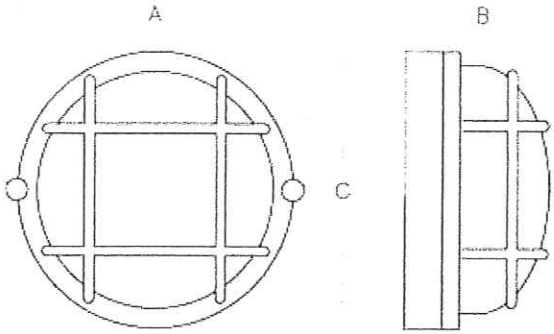
High temperature fuse holders factory installed inside the fixture housing. Fuse is included.

Line Volts:	120V	208V	240V	277V	347V	480V
Cat No:	SF	DF	DF	SF	SF	DF



Type S5

LUMUX
Architectural Lighting



Catalog Reference Table:

CATALOG #	A	B	LAMP(XXX)
L309/XXX/Volt/*	10 1/8	6.0	PL9-PL13-PL18-PL26 PL32-PL42-PL2X26 PL2X32

Description:
Wall or ceiling surface mount luminaire with round trim and guard bars for general purpose applications. Die-cast aluminum body and trim. The unit is painted with high corrosion resistance polyester powder coat. Available in electronic ballast with silicone wires. Stainless steel screws. Tempered prismatic glass diffuser. UL & CUL listed for wet locations.

Jean Fraser - Re: Fwd: Waterfront Maine Permit

From: Tammy Munson
To: Jean Fraser
Date: 10/13/2010 2:21 PM
Subject: Re: Fwd: Waterfront Maine Permit

It includes some roof work and insulation which is part of the building package for LEED standards. I hope that clarifies that. If not, let me know.

>>> Jean Fraser 10/13/2010 2:17 PM >>>
Thanks- is Penny clear that this is only for the masonry and that theres another permit to follow? I ask that because this e-mail refers the "the permit" so there may be a misunderstanding.....

>>> Tammy Munson 10/13/2010 1:54 PM >>>
fyi

>>> Desiree Kelly 10/13/2010 1:50 PM >>>
Hi Steve,

Apparently you spoke with Tammy Munson yesterday regarding the permit. Unfortunately she will be holding that permit due to the LEED Certification approval. If you have any questions please let me know.

Sincerely,

Desiree Kelly

Desiree Kelly
Executive Assistant
Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101
(207) 874-8720 (T)
(207) 756-8258 (F)

Jean Fraser - Compact parking for CCSB

From: Jean Fraser
To: Carroll, Pat
Date: 9/17/2010 10:02 AM
Subject: Compact parking for CCSB

Pat,

As promised, here is the "old" standard and the "new" standard.

I am checking with Barbara and Alex as to whether the addition of a couple of parking spaces under the "Old" standard (ie using the same standard as was in force when the application was reviewed) would require an amendment application (or could be diminimus) and the same question re a similar scale of parking space increase under the "new" standards.

Will get back to you asap.

Jean

"Old" standard in force until August 17, 2010: "Any parking lot may be designed with a maximum allowance of 35 percent compact spaces over and above the required minimum number of spaces by the zoning ordinance. The space shall have a minimum design of 7-1/2 feet wide by 15 feet long."

"New" standard in force as from August 18, 2010: "Parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces." [Compact parking space: 8 feet wide by 15 feet long.]

Cumberland Cold Storage

MARGE SCHMUCKAL – ZONING ADMINISTRATOR

[see zoning assessment]
MAY 18, 2010

On May 14, 2010 I received a copy of the existing conditions survey. I did note that there are currently 101 parking spaces on site. However, two of the spaces directly along the Commercial Street sidewalk are implying that a good portion of a car would be on the side walk. Not a good practice.

I don't have additional comments on the existing site plan. I look forward to receiving the survey/ site plan showing the proposed changes so that I can further review the proposed project.

MAY 20, 2010

On May 19, 2010 I received a revised site plan and response memo from Pat Carroll.

Thank you for the information concerning square footage of the uses within the building.

The revision to the glass bump out is meeting the WCZ Zone requirements. I am still concerned about the deck or the terrace that has been proposed over the lower portion of the building. The written description of what is proposed should not pose a violation under the Land Use Zoning Ordinance. The building height for a flat roof is measured to the top of the structural roof beam by definition. As long as that definition is respected, there is no violation of the Ordinance. The deck/terrace shall not be enclosed or have its own roof structure. However, because at this point there are no specific plans to review for compliance, I am keeping this issue open for review and future approval.

Thank you for the information concerning the first floor finish height. Currently under FEMA regulations, a change of use does not require any other action at this time.

I understand that this is early on to be discussing the particulars of HVAC systems and dBAs. I did want the developers to be aware early on as to the requirements of the Ordinance. I look forward to working with you when the appropriate time arrives to further discuss this issue.

Thank you for your information concerning your proposed stormwater management plan. From what I have heard from public services and our engineers, the proposal will be meeting the requirements of the Ordinance.

I also understand that this may be a bit early to discuss signage. I appreciate that signage will be applied for at a future date. Please note that a free standing sign on Portland's peninsula will require a special review under the site plan standards. When the time is appropriate, we can discuss the signage requirements further.

JUNE 3, 2010

A determination letter concerning the new deck platform on the lower roof was finalized and distributed to the parties involved. There is no violation of the legal height nonconformity as delineated in such letter.

I received an e-mail copy of an approval from John Maclaine of DEP approving the Permit By Rule for the activities on site. The City will be getting the paper copy soon. That along with the approvals from Public Services, closes the approval of the Performance Standard 14-315(e). Of course compliance during the actual on-site work will be further monitored.

→ POST APPROVAL re conditions ←

OCTOBER 8, 2010

I have reviewed the information submitted showing information on the dBAs from the proposed HVAC units. The units show a dBA of 61.0. The WCZ Zone allows a maximum of 75dBAs at the boundary lines. The HVAC units meet the underlying zone requirements.

The plans also show the removal of the proposed glass entry structure that went up the building at the main entry way. There is also a new proposal to add a new entry structure at the back of the building to gain access to the basement boiler and electrical rooms. Both proposals are meeting the WCZ underlying zone.

Jean Fraser - ?? re CCSB condition of approval re TMP

From: Jean Fraser
To: Errico, Thomas; Jaegerman, Alex; St. Louis Littell, Penny
Date: 10/12/2010 12:24 PM
Subject: ?? re CCSB condition of approval re TMP
CC: Barhydt, Barbara; DiPierro, Philip
Attachments: APPR LTR Cumberland Cold Storage Bldg PB Dec 6.8.2010 no atts.pdf

Just to ask if you are all OK with this $$ (re TMP condition see below) being paid prior to CO rather than prior to issuance of Building Permit (not yet confirmed to the applicant):

Waterfront Maine have met all of the applicable conditions of the site plan approval (approval letter attached for info) except the following:

TRAFFIC MOVEMENT PERMIT

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #16-10, the Planning Board voted 4 to 0 (Hall, Lowry, and Morrissette absent) that the site plan proposed is in conformance with 23 M.R.S.A. § 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits with the following condition of approval:

i. That the applicant shall contribute $4,500 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Commercial Street / High Street.

As the condition does not specify when that contribution should be paid, Phil and I are suggesting that it be payable prior to the Certificate of Occupancy (ie at the same time as the confirmed leases for the required off site parking would need to be submitted to address condition iv) and not prior to the issuance of the building permit.

As I understand the final building permit for the main building and site work will be issued this week (subject to receipt of PG/IF), it is urgent to clarify re this.

Thanks
Jean

Jean Fraser - Re: Fwd: Cumberland Cold Storage Update

From: Jean Fraser
To: St. Louis Littell, Penny
Date: 10/8/2010 2:43 PM
Subject: Re: Fwd: Cumberland Cold Storage Update
CC: DiPierro, Philip; Munson, Tammy

Penny

Tammy indicated that she would be intending to issue the Phase 2 Masonry building permit on tues. in advance of the permit that relates to the rest of the project.

The masonry issue is not really related to the site plan approval, so Barbara suggested that I ask you (through Alex on Tuesday) to approve that Tammy can issue that masonry permit without the performance guarantee being finalized so Waterfront Maine can get started on that while Tammy is finishing the larger review and Phil is completing the paperwork on the PG.

Jean

>>> Penny St. Louis Littell 10/8/2010 2:31 PM >>>
I spoke with Chris Pachios last night. This plan is pending. Zoning and fire have signed off and we will initiate building review next week.

>>> Tammy Munson 10/8/2010 1:05 PM >>>
Jean, I plan on reviewing and issuing the Phase 2 Masonry Restoration on Tuesday and will hopefully get to the larger review later in the week. I have already met with them and did a pre-review of the plans so I'm not expecting any major issues.

>>> Jean Fraser 10/8/2010 12:57 PM >>>
Tammy,

I left a voice mail today and would appreciate it if you could let me and Phil know where things stand.

Chris Pachios is pressing Pat who is pressing us....

Also, you should have the final site plan set of plans (given Marge on Sept 24th); there has been a very minor (approved) site revision to that set (the area next to the handicap space is widened so its does not overlap with the turning area plus the sidewalk along the south part of the building has been removed) - I have the final plans to substitute in your set (I can't do the stamp until the Perf Guarantee is paid)

Thanks
Jean

>>> Jean Fraser 10/8/2010 12:37 PM >>>
Pat,

I understand from you that Waterfront Maine is ready to start on site and have advised my colleagues of this fact.

Just to confirm that the Cost Estimate is under review in the context of the final plan set and you should hear

back from Phil DiPierro (874 8632) today; I believe you have the standard letter of credit that needs to be used for the Performance Guarantee. The Inspection Fee is usually paid by check separate from the Performance Guarantee and Phil would deal with both of those.

Tammy is out of the office so I do not know where the Building Permit review stands. I suggest you contact Tammy direct (Tammy Munson 874 8706 TMM@portlandmaine.gov) if you want to clarify whether there are any issues etc.

Tammy and Phil will liaise regarding the issuance of the building permit so there is no delay.

Thanks
Jean

Jean Fraser - RE: CCSB Eastern Parking

From: Jean Fraser
To: Carroll, Patrick
Date: 10/6/2010 12:06 PM
Subject: RE: CCSB Eastern Parking

Pat,

I have just returned from a final review meeting (including Alex Jaegerman and Tom Errico) regarding the "final" plans and revised "final" plans recently submitted. The Oct 4th revision re the southern end to provide adequate turning areas (compact spaces and no sidewalk between new entrance and S end of the building) is acceptable.

I am currently waiting for written confirmation of the verbal signoffs, including from Marge Schmuckal re the HVAC and the revised footprint. I hope to have them today but I don't expect anything other than "OK".

Please revise the 5 plans in the plan set that show the sidewalk etc along the south part of the building so that they match the revised site plan (as submitted oct 4) and submit 7 copies of each of these (rolled together is fine); I will substitute the 5 new plans into the sets I have already. We stamp every plan in the plan set as "approved', so all details on each plan need to be as approved for this first final set (which goes to Assessors, the vault and all inspectors). Revisions after the project is on site might be documented by small amendment drawings but not the "base" approved set where its a sizeable amendment and relates to so many plans.

Could you provide one additional set of the site plans only (not the building plans) that I can stamp and give to the contractor (via Phil at the Precon meeting) so that everyone is on the same page (we have been finding that contractors don't have the "approved" plan sets and this causes confusion down the line)?

Thank you
Jean

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 10/5/2010 1:51 PM >>>
Thanks Jean. I will await your response.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, October 05, 2010 12:25 PM
To: Patrick Carroll
Subject: Re: CCSB Eastern Parking

Thanks Pat- discussions will take place this afternoon and I will get back to you asap. Jean

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 10/5/2010 11:37 AM >>>
Hi Jean,

After reviewing options with Steve Blais we are returning to the original layout with no sidewalk connecting the bicycle rack area, with the exception that we are proposing 7 compact spaces along this end of the parking lot. This will allow a larger dedicated turnaround area so trucks can make the movement without encroaching on the Van loading space. See attached layout and turning movement diagrams. I think this works better and provides a bit safer turnaround for any truck that might need it.

If this is acceptable please advise and we can either reprint the plans with this revision or issue the drawing as an 8.5 x 11 SK-l drawing to be attached to the plan set- your call.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

Jean Fraser - Cumberland Cold Storage - Revised Plans

From: Thomas Errico <Thomas.Errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 10/6/2010 1:05 PM
Subject: Cumberland Cold Storage - Revised Plans
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...

Jean – I have reviewed the revised plans prepared by Carroll Associates Landscape Architects, as emailed to me yesterday, and find the changes to the parking lot (marking compact parking spaces and increasing the turnaround area size) to be acceptable.

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

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TY LIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

Jean Fraser - Re: CCSB Eastern Parking

From: Jean Fraser
To: Carroll, Patrick
Date: 10/5/2010 12:25 PM
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Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

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OCT - 5 2010
City of Portland
Planning Division

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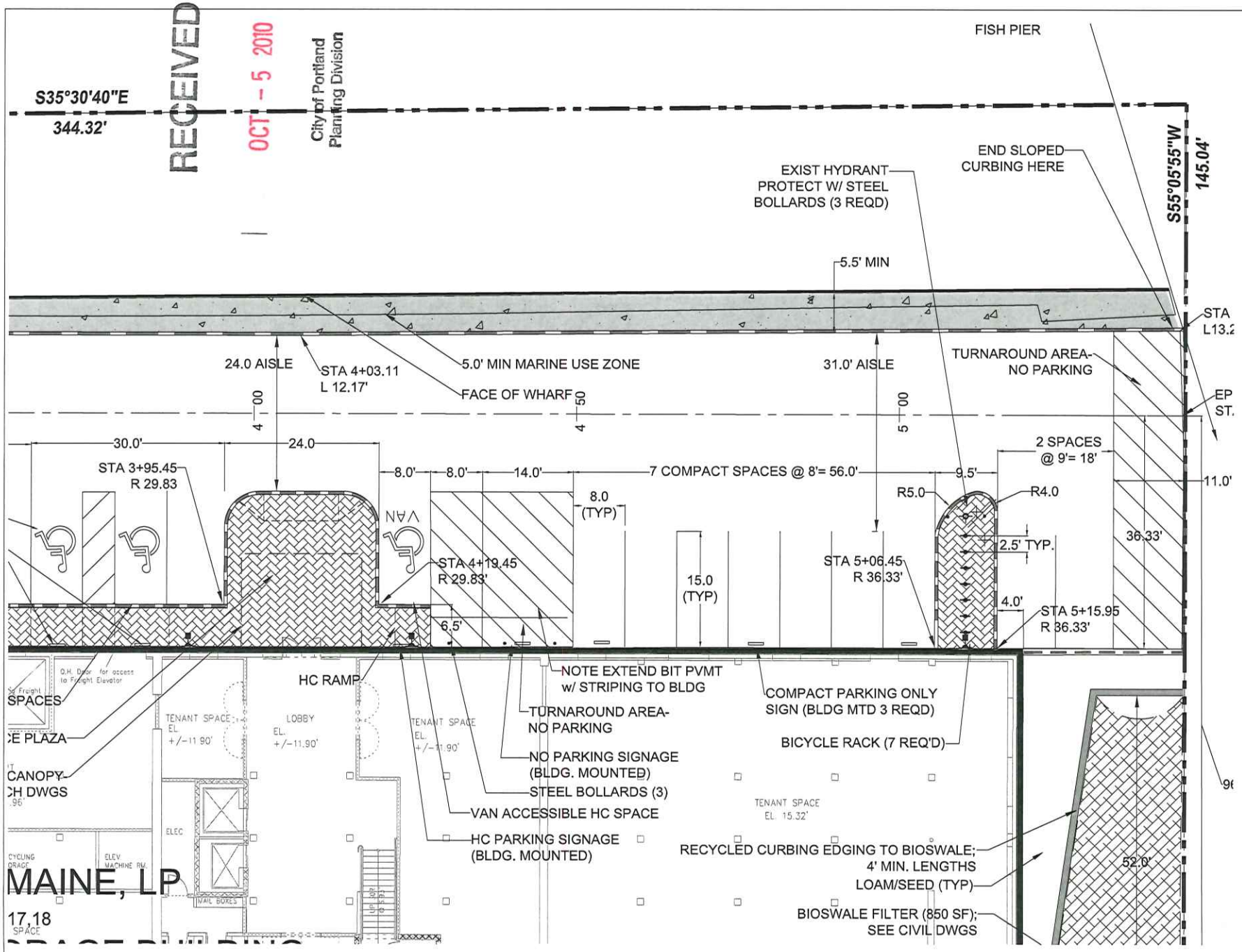
City of Portland
Planning Division



SHEET NO.	
CARROLL ASSOCIATES Landscape Architects	217 Commercial St Portland, ME PH: 207.772.1552 FAX: 207.772.0712
DATE: OCT 4, 2010	SCALE: 1"= 20'-0"
PROJECT:	CUMBERLAND COLD STORAGE BUILDING
DRAWING TITLE:	EAST SIDE PARKING MODIFICATION

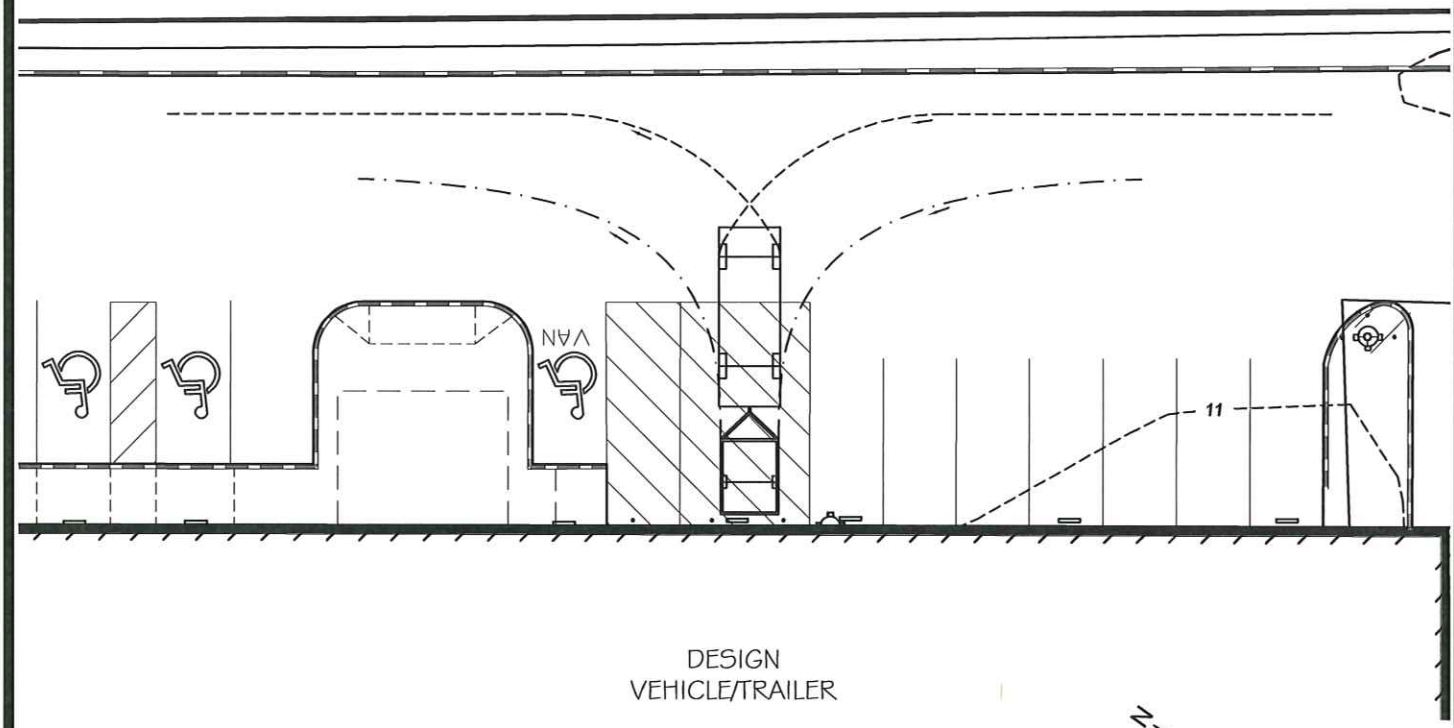
CASCO BAY

RECEIVED

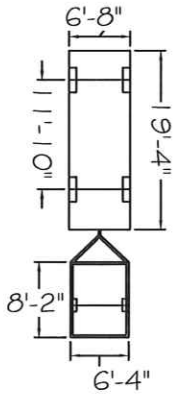
OCT - 5 2010

City of Portland
Planning Division

S35°30'40"E
344.32'



DESIGN
VEHICLE/TRAILER



GRAPHIC SCALE

0 10 20 40

(IN FEET)
1 inch = 20 ft.

STATE OF MAINE
STEVE G. BLAIS
10084
LICENSED
PROFESSIONAL ENGINEER

10/04/10

Blais
civil engineers
780 BROADWAY, SO.
PORTLAND, ME 04106
(207) 767-7300

TURNING ANALYSIS - TRUCK WITH TRAILER

CUMBERLAND COLD STORAGE BUILDING
254 COMMERCIAL STREET

MERRILL WHARF
PORTLAND, MAINE

SCALE:1"=20' C.I.: N/A DATE:10-4-10

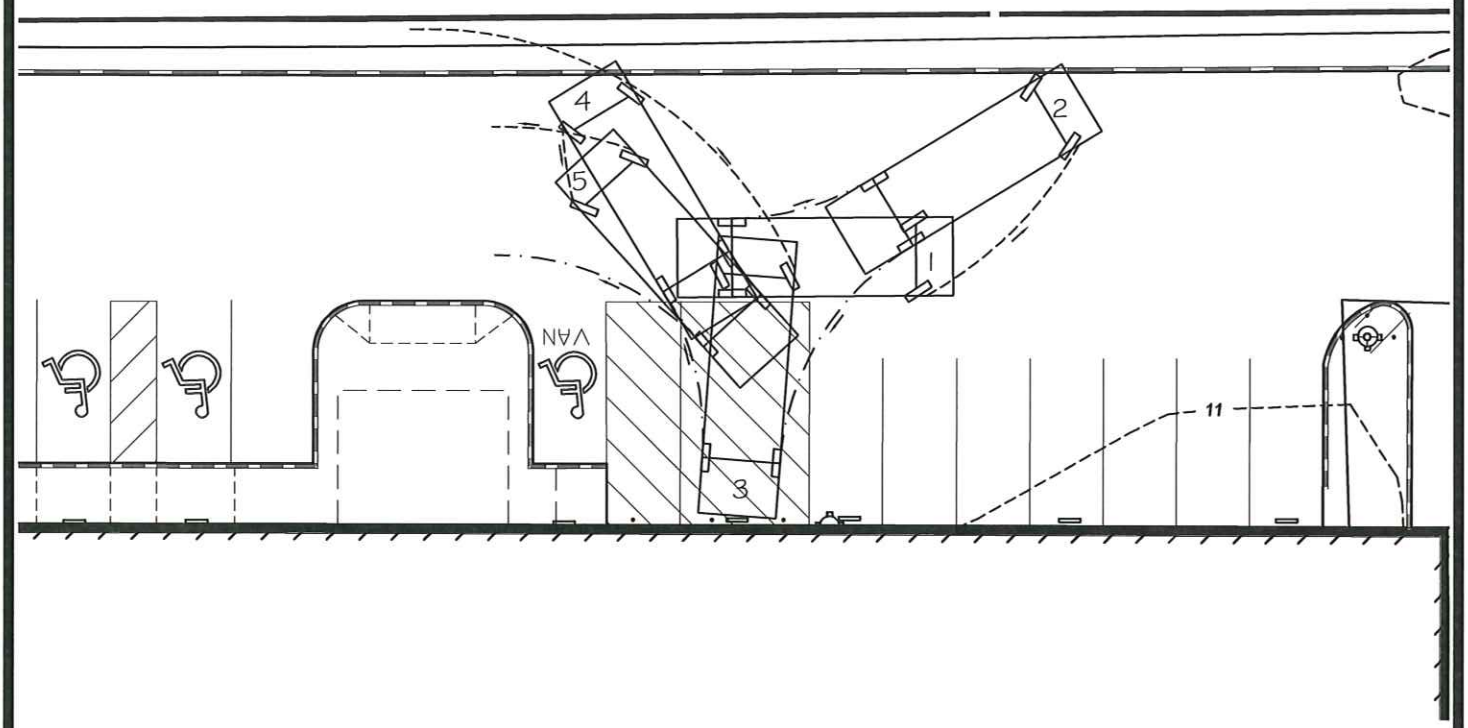
DRAWING
1
OF
1

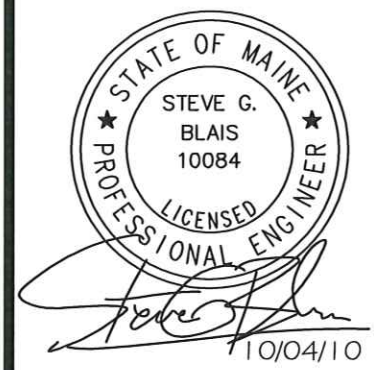
BCE 10125

CASCO BAY

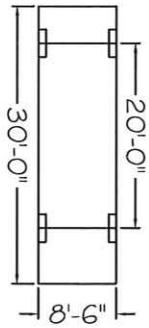
RECEIVED
OCT - 5 2010
City of Portland
Planning Division

S35°30'40"E
344.32'

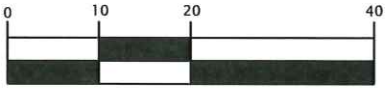




SU DESIGN VEHICLE



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

Blais
civil engineers
780 BROADWAY, SO.
PORTLAND, ME 04106
(207) 767-7300

TURNING ANALYSIS

CUMBERLAND COLD STORAGE BUILDING
254 COMMERCIAL STREET

MERRILL WHARF
PORTLAND, MAINE

SCALE:1"=20' C.I.: N/A DATE:6-1-10

DRAWING 1 OF 1

BCE 10125

Jean Fraser - Re: Update RE: revised plans CCSB

From: Patrick Carroll <pcarroll@carroll-assoc.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 9/30/2010 5:44 PM
Subject: Re: Update RE: revised plans CCSB
CC: Barbara Barhydt <BAB@portlandmaine.gov>, Marge Schmuckal <MES@portlandma...

I concur with your memo. I revised the parking and sidewalk plan based on our conversation yesterday (compact spaces allowing a wider turnaround space and drive aisle) and sent them to Steve Blais to run the turning templates on today. I am hopeful to submit something to you tomorrow.

Thanks for the quick review and turnaround. We all look forward to getting this project underway.

Pat Carroll

Sent from my iPhone

On Sep 30, 2010, at 5:06 PM, "Jean Fraser" <JF@portlandmaine.gov> wrote:

> Pat,
>
> Just so we are all on the same page, I am sending this update around:
>
> On 9.24.2010 we received the sets of plans that show the site plan and building revisions since the plans that were approved by the Planning Board - and these were discussed by staff reviewers yesterday. I can confirm that the changes would be considered diminimus but there are 2 aspects (of your list below) not finally resolved as of yet:
>
> - The Zoning Administrator received the info only early yesterday (my error) so has not given final comments regarding areas of her purview (footprint and HVAC sound info);
> - As discussed, we request information as to how the extended sidewalk (along the front of the building to the south of the new entrance) works in relation to the required turning space for trucks/trailers associated with the marine dependent uses.
>
> Otherwise the revisions are acceptable.
>
> The scaled plans have been circulated to both Inspections and Phil DiPierro (Planning Division) so that the building permit and cost estimate reviews can progress (as any changes would be very minor). Phil diPierro will be handling the Cost Estimate/Performance Guarantee/Inspections fee part of this.
>
> Please call me if any questions.
>
> Jean

>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 9/24/2010 1:22 PM >>>

Jean,

Drawings are being printed as we speak. I am attaching information regarding the condenser units sound levels that indicate they will be within the B-7 Zoning limits (75 dB).

I am also including pdf drawings that indicate where modifications to the plans have occurred from the June Planning Board Approval. These modifications include:

A. Building:

1. Entrance vestibule has been eliminated due to poor soils beneath it and the inability to cost effectively support it.

2. The vertical window shaft at the entry location has been eliminated due to the Historical Tax Credit Review and determination by the NPS that it is not in keeping with a historical structure.

3. A small 1 story addition to the building (140 sf) is indicated in the service area to allow covered access to the basement for mechanical/ electrical access.

B. Site:

1. The brick sidewalk has been extended easterly along the building to connect the bike parking area and allow pedestrian access from those adjacent parking spaces.

2. The sidewalk along Commercial Street has been extended across the driveway to Brown Trading Co as requested by the Planning Board.

3. Existing building entrances that are remaining have been indicated and access provided as indicated.

The 7 full size/ 1 reduced copies of plans are being printed and will be delivered once they are complete.

I hope this helps you in understanding the minor changes that have occurred. We have worked hard to maintain the level of improvement that was committed to at the Planning Board and believe the changes are minor in nature and still in keeping with the high quality of the project and that we have met all relative conditions of approval. Please contact me if you have any questions or need additional information.

Regards, Pat

Patrick J. Carroll

Jean Fraser - Update RE: revised plans CCSB

From: Jean Fraser
To: Carroll, Patrick
Date: 9/30/2010 5:06 PM
Subject: Update RE: revised plans CCSB
CC: Barhydt, Barbara; Carroll', 'D; DiPierro, Philip; Pachios', 'C; Schm...

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>>> "Patrick Carroll" <pcarroll@carroll-assoc.com> 9/24/2010 1:22 PM >>>

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Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, September 24, 2010 11:44 AM
To: Pat Carroll
Subject: revised plans CCSB

get to Marge

* Monday 11 am 9.27.10 - discuss BB

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
CC: "'C Pachios'" <CPachios@wfny.com>, "'D Carroll'" <DCarroll@wfny.com>, "'...
Date: 9/24/2010 1:23 PM
Subject: RE: revised plans CCSB
Attachments: DB LEVELS_PURY-P_TJMU_ou_sect.pdf; pury-p144yshmu-a_460v_submittal 1.pdf; Bldg revisions.pdf; L-2.1 Site Layout Plan-w-revisions.pdf

Jean,

full set in rolls on floor;

Drawings are being printed as we speak. I am attaching information regarding the condenser units sound levels that indicate they will be within the B-7 Zoning limits (75 dB).

attached are what has changed

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→ reduces drive aisle from 32' → 24' big issue Board + Tom Errico.

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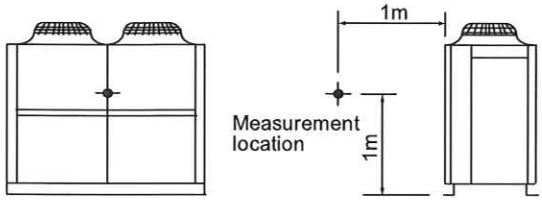
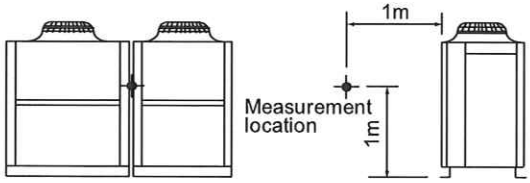
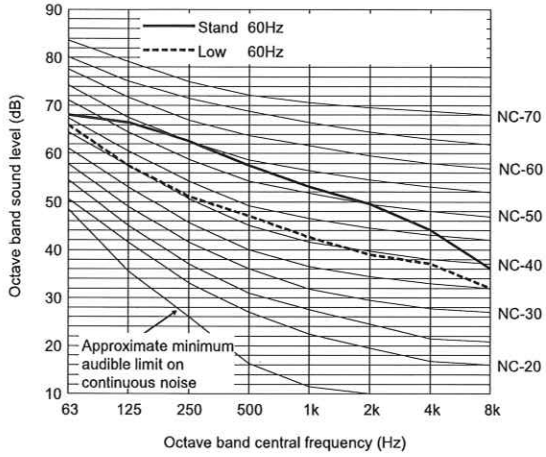
Measurement condition
PURY-P120,144TJMU/YJMU



Measurement condition
PURY-P168TSJMU/YSJMU



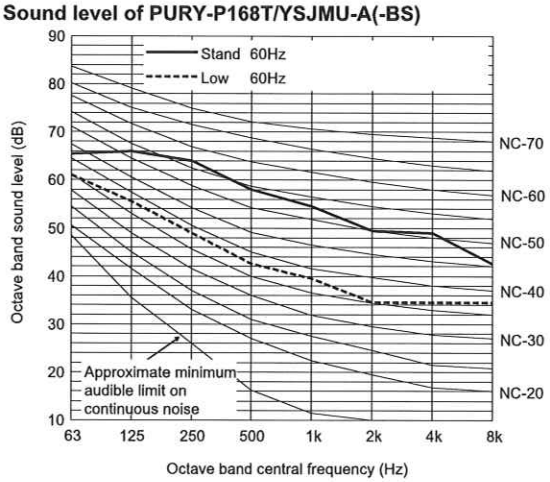
Sound level of PURY-P120T/YJMU-A(-BS)



		63	125	250	500	1k	2k	4k	8k	dB(A)
Standard	60Hz	68.0	66.5	62.5	57.5	53.0	49.5	44.0	36.0	60.0
Low noise mode	60Hz	66.0	57.5	51.0	47.0	42.5	39.0	37.0	32.0	50.0

When Low noise mode is set,the A/C system's capacity is limited. The system could return to normal operation from Low noise mode automatically in the case that the operation condition is severe.

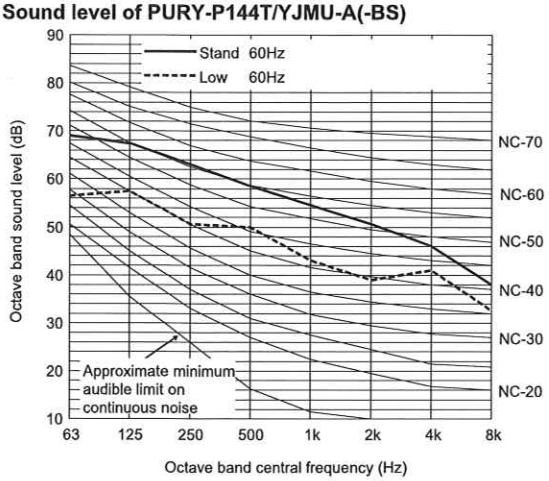
Sound level of PURY-P168T/YSJMU-A(-BS)



		63	125	250	500	1k	2k	4k	8k	dB(A)
Standard	60Hz	65.5	66.0	64.0	58.0	54.5	49.5	49.0	42.5	61.0
Low noise mode	60Hz	61.0	55.5	49.0	42.5	39.5	34.5	34.5	34.5	47.0

When Low noise mode is set,the A/C system's capacity is limited. The system could return to normal operation from Low noise mode automatically in the case that the operation condition is severe.

Sound level of PURY-P144T/YJMU-A(-BS)



		63	125	250	500	1k	2k	4k	8k	dB(A)
Standard	60Hz	69.0	67.5	63.0	58.5	54.5	50.5	46.0	38.0	61.0
Low noise mode	60Hz	56.5	57.5	50.5	50.0	43.0	39.0	41.0	32.5	51.0

When Low noise mode is set,the A/C system's capacity is limited. The system could return to normal operation from Low noise mode automatically in the case that the operation condition is severe.

CITY MULTI® Outdoor Unit: 12-TON PURY-P144YSHMU-A

MITSUBISHI ELECTRIC

(Consists of Two PURY-P72YHMU-A and One CMY-R100VBK Twinning Kit)

Job Name: Location:

Drawing Reference: Schedule No.

System No.: Date:

OUTDOOR VRFZ HEAT RECOVERY SYSTEM FEATURES

- 3-phase, 460V systems
- Modular variable refrigerant flow zoning (VRFZ) systems; smaller capacity units can be piped together to form a single, large-capacity two-pipe system
- Compact size for each outdoor module; can be transported through standard-sized doorways for installation
- Required Twinning Kit allows for easy field piping connection
- Selectable fan static, 0.12 or 0.24"WG external static pressure; factory set to 0"WG
- Max. Total Refrigerant Piping Length: 1,804' (P72,96); 1,969' (P120,144,168); 2,461' (P192); 2,625' (P216,240); Max. Refrigerant Line Length: 541'; Max. Control Wiring Length: 1,650'
- Connects to CITY MULTI indoor units; controlled via CITY MULTI Controls Network (CMCN)
- External finish: Pre-coated Galvanized-steel Sheets
- Operating Temperature Range
  Cooling (Outdoor): 23° ~ 109°F (-5° ~ +43°C) DB
  Heating (Outdoor): -4° ~ +60°F (-20° ~ +16°C) WB

PURY-P72YHMU-A PURY-P72YHMU-A

INVERTER

R410A

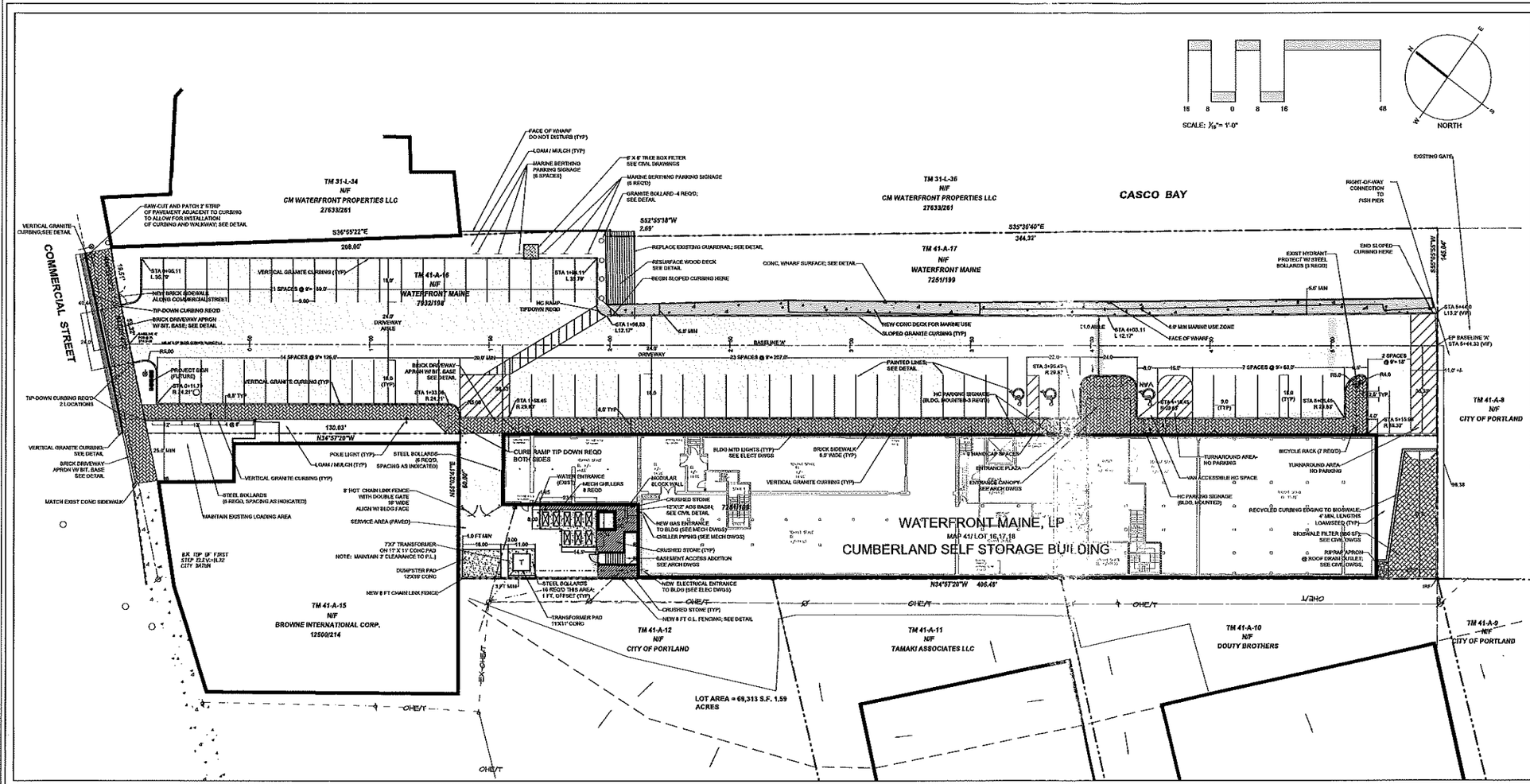
OPTIONAL PARTS

- ☐ Twinning Kit*.....CMY-R100VBK
- ☐ Branch Joint (T-Branch: ≤ 72,000 Btu/h).....CMY-Y102S-G2
- ☐ Branch Joint (T-Branch: 73,000-144,000 Btu/h).....CMY-Y102L-G2
- ☐ Joint Adapter (Port Connector>54,000 Btu/h).....CMY-R160J
- ☐ Main BC Controller.....CMB-P108/1010/1013/1016NU-GA
- ☐ Sub BC Controller.....CMB-P104/108NU-GB/-1016NU-HB

* Twinning Kit is necessary to combine the refrigerant flows of the modules and is included in the outdoor unit set.

Specifications		System	Module 1	Module 2
Unit Type		PURY-P144YSHMU-A	PURY-P72YHMU-A	PURY-P72YHMU-A
Nominal Cooling Capacity	Btu/h	144,000	72,000	72,000
Nominal Heating Capacity	Btu/h	160,000	80,000	80,000
External Dimensions (H x W x D)	In. / mm	Refer to Module Data	65 x 36-1/4 x 29-15/16 / 1,650 x 920 x 760	65 x 36-1/4 x 29-15/16 / 1,650 x 920 x 760
Net Weight	Lbs. / kg	1,104 / 500	552 / 250	552 / 250
Electrical Power Requirements	Voltage, Phase, Hertz	Refer to Module Data**	460V, 3-phase, 60Hz	
Cooling Power Input	kW	11.32	Refer to System Data	
Heating Power Input	kW	12.44		
Cooling Current (460V)	A	15.7	Refer to System Data	
Heating Current (460V)	A	17.3		
Minimum Circuit Ampacity (MCA)**	A	Refer to Module Data**	11**	11**
Maximum Overcurrent Protection (MOCP)**	A	Refer to Module Data**	15**	15**
Piping Diameter			Refer to System Data	
From Twinning Kit to Indoor Units (Brazed) (In. / mm)	Liquid (High Pressure)	7/8 / 22.2		
	Gas (Low Pressure)	1-1/8 / 28.58		
From Modules to Twinning Kit (Brazed) (In. / mm)	Liquid (High Pressure)	Refer to Module Data	5/8 / 15.88	5/8 / 15.88
	Gas (Low Pressure)		3/4 / 19.05	3/4 / 19.05
Indoor Unit	Total Capacity	50 to 150% of ODUs	Refer to System Data	
	Model / Quantity	P06 ~ P96 / 1 to 36		
Sound Pressure Levels	dB(A)	61.0	58.0	58.0
Fan		Refer to Module Data		
Type x Quantity			Propeller Fan x 1	Propeller Fan x 1
Airflow Rate	CFM		6,550	6,550
Direct-drive Inverter Motor Output	kW		0.92	0.92
Compressor Operating Range		10% to 100%	Refer to System Data	
Compressor Type x Quantity		Refer to Module Data	Inverter-driven Scroll Hermetic x 1	Inverter-driven Scroll Hermetic x 1
Compressor Motor Output	kW		4.4	4.4
Compressor Crankcase Heater	kW		0.051	0.051
Refrigerant		Refer to Module Data	R410A	
Lubricant			MEL32	
High-pressure Protection Device		Refer to Module Data	601 psi / 4.15 MPa	601 psi / 4.15 MPa
Compressor / Fan Protection Device			Overheat Protection / Thermal Switch	Overheat Protection / Thermal Switch
Inverter Protection Device			Overheat / Overcurrent Protection	Overheat / Overcurrent Protection
Blue Fin Anti-corrosion Protection: Cellulose- and polyurethane-resin coating treatment applied to condenser coil that protects it from air contaminants; ≥1µm thick; Salt Spray Test Method - no unusual rust development to 480 hours.				

** Each individual module requires a separate electrical connection. Reference electrical data for each individual module.



WC2 - WATERFRONT CENTRAL ZONE DISTRICT

SPATIAL STANDARDS	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	67,982 sf (1.56 ac)
MINIMUM FRONTAGE	NONE	76.14 FT
FRONT SETBACK	NONE	147.36 FT
SIDE SETBACK	NONE	0.47 FT
REAR SETBACK	NONE	25.0 FT
SETBACK FROM PIER LINE	5 FT	52.0 FT
MAXIMUM LOT COVERAGE	100%	92%
MAXIMUM BUILDING HEIGHT	45 FT	56.0 FT (EXIST)
MINIMUM GROUND FLOOR CLEARANCE	N/A	
TOTAL FLOOR AREA	N/A	
PARKING- ON-SITE		
MARINE BERTHING	6	6 SPACES
1ST FLOOR MARINE USE	21	15 SPACES
UPPER FLOOR OFFICE USE	201	39 SPACES
BICYCLE PARKING	14	14
TOTAL	228	71 SPACES (3 ADA SPACES) ADDTL SPACES LEASED OFFSITE

SITE PLAN NOTES, CITY OF PORTLAND

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 26, 1966 AND 1973; PLAN OF MERRILL WHARF BY ROBERT TITCOMB, DIG DECEMBER, 1978; AND PLAN OF PORTLAND PIER BY PARSONS BRINKERHOFF QUADE AND DOUGLAS, AUGUST, 1961. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.
2. TOPOGRAPHY AND UTILITIES FROM A PLAN BY EC JORDAN 1973. AERIAL TOPOGRAPHY SURVEY BY SEWELL CO. (DATUM MSL= 0.00'
3. 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 TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
4. ALL POWER LINES WITHIN THE PROPERTY SHALL BE UNDERGROUND (SEE E-4.1).
5. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIP DOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS, AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
6. 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 BALE, ETC.) AS WELL AS THEIR LOCATION.)
7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
8. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE.)
9. 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 CONTRACTORS RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.

PERMIT SET
NOT FOR CONSTRUCTION

Blais Civil Engineers, PA
780 Broadway
South Portland, ME 04106
T.207.767.7300
sblais@blaisece.com

Bartlett Design
942 Washington Street,
T. 207.443.6447 F. 207.443.5560
bartdes@blazenetme.net

Mechanical Systems Engineers
Royal River Center, Unit #10
10 Forest Falls Drive, Yarmouth, ME 04096
T. 207.846.1441 F. 207.846.1443

Carroll Associates Landscape Architects
217 Commercial Street, Suite 200
Portland, ME 04101
T. 207.772.1552 F. 207.0712

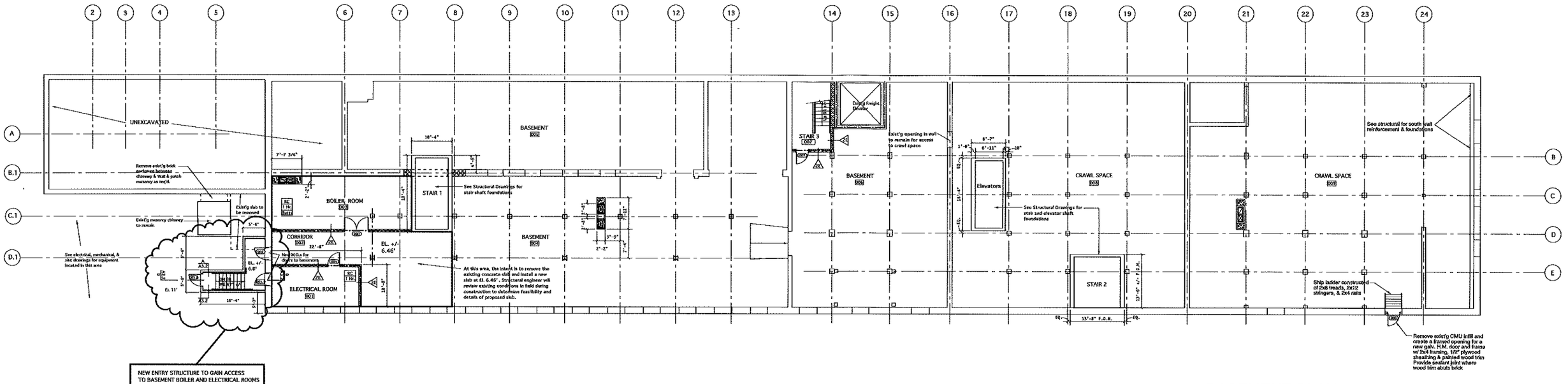
Becker Structural Engineers, Inc.
75 York Street, Portland, ME 04101
T. 207.879.1838 F. 207.879.1822
www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

REV #	DATE	DESCRIPTION

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

SITE LAYOUT PLAN
L-2.1
9.23.2019



BASEMENT PLAN

1/8" = 1'-0"

LEGEND

RC 1 Hr. — Room to have 1 hr. rated ceiling: 5/8" Type 'X' GWB over resilient channels attached to underside of existing structure

RC 1 Hr. Batts — Room to have 1 hr. rated ceiling: 2 layers of 5/8" Type 'X' GWB over resilient channels attached to underside of existing structure w/ mineral wool batts between joists.

Rated partition - See partition types on Sht. A6.1 for Rating

GENERAL NOTES

1. All interior brick walls scheduled to remain exposed and all structural framing members including joists, beams, columns, and decking shall be sandblasted and coated with a clear sealer. Typical at all floors except for the 5th floor where sand blasting of all framing elements except columns is not required. No sandblasting work is required at the basement. Samples of blasting and finish will be required for owner review and approval prior to proceeding with work.

Bartlett Design
942 Washington Street
Bath, ME 04530
T. 207.443.6447 F. 207.443.5560
bartdes@blazenetme.net

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10 Forest Falls Drive, Yarmouth, ME 04096
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www.beckerstructural.com

Winton Scott Architects, PA
5 Milk Street, Portland, ME 04101
207.774.4811 www.wintonscott.com

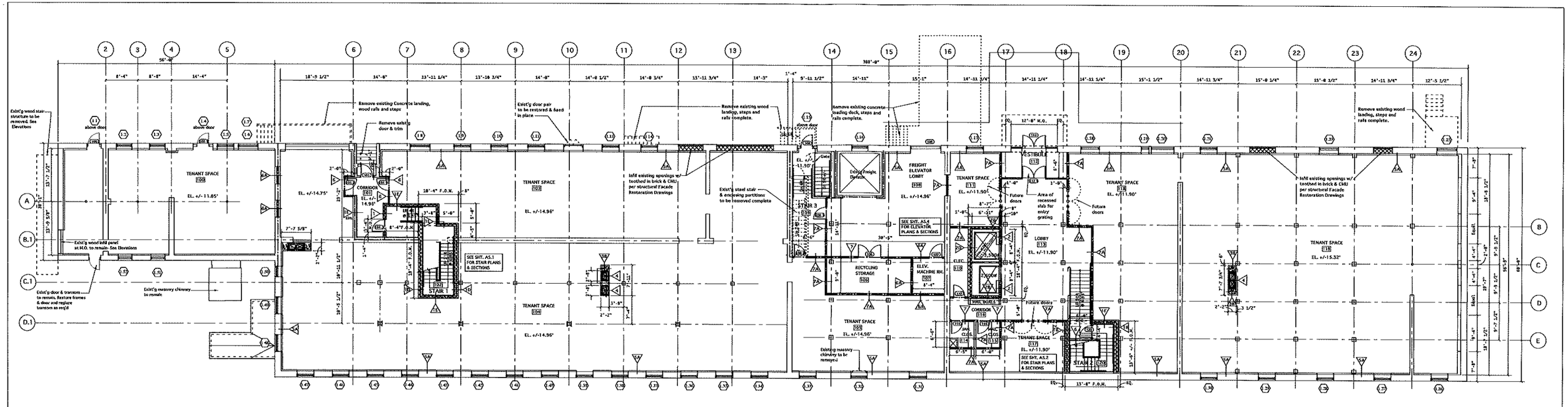
REV #	DATE	DESCRIPTION

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

BASEMENT PLAN

A1.0

8. 25. 2010



FIRST FLOOR PLAN

1/8" = 1'-0"

LEGEND

- RC 1 hr. — Room to have 1 hr. rated ceiling: 5/8" Type 'X' GWB over resilient channels attached to underside of existing structure
- RC 1 hr. 6 mil — Room to have 1 hr. rated ceiling: 2 layers of 5/8" Type 'X' GWB over resilient channels attached to underside of existing structure w/ mineral wool batts between joists.
- Rated partition - See partition types on Sht. A6.1 for Rating

GENERAL NOTES

1. All interior brick walls scheduled to remain exposed and all structural framing members including joists, beams, columns, and decking shall be sandblasted and coated with a clear sealer. Typical at all floors except for the 5th floor where sand blasting of all framing elements except columns is not required. No sandblasting work is required at the basement. Samples of blasting and finish will be required for owner review and approval prior to proceeding with work.

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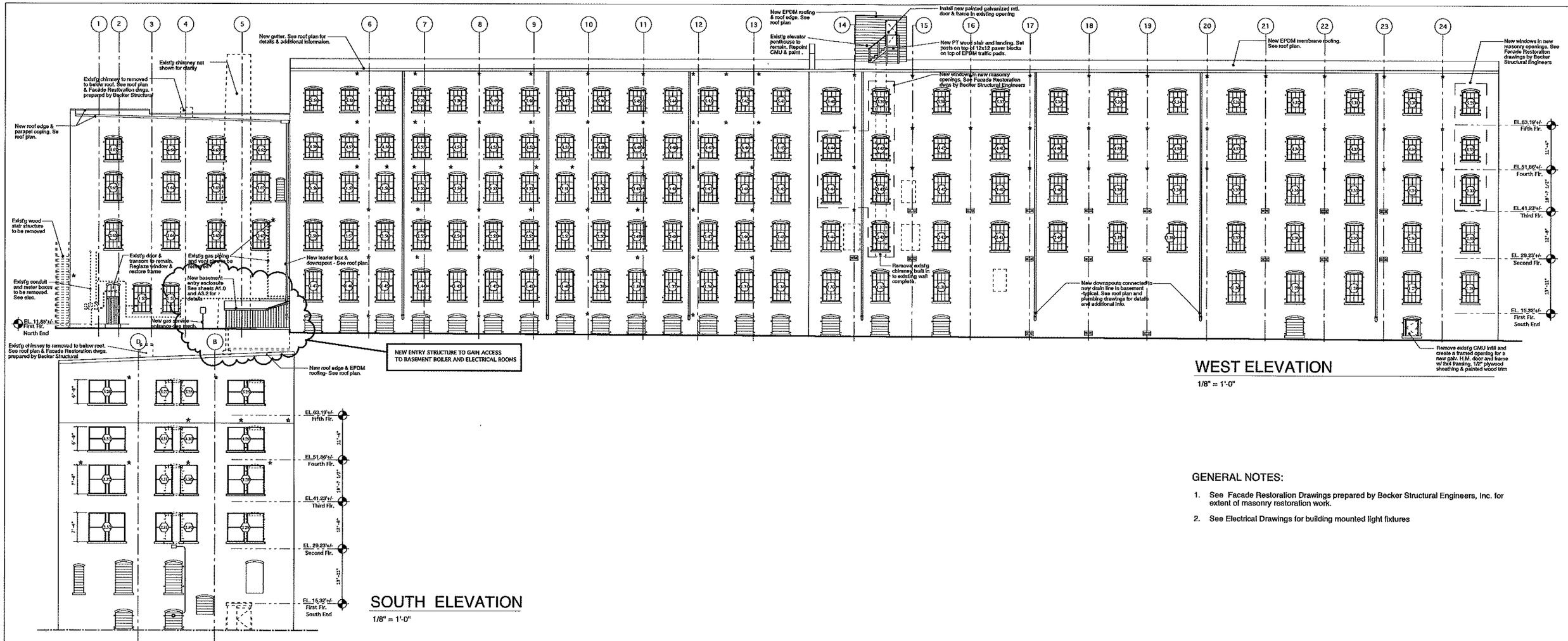
REV #	DATE	DESCRIPTION

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

FIRST FLOOR PLAN
A1.1
8.25.2010



WEST ELEVATION

1/8" = 1'-0"

SOUTH ELEVATION

1/8" = 1'-0"

GENERAL NOTES:

1. See Facade Restoration Drawings prepared by Becker Structural Engineers, Inc. for extent of masonry restoration work.
2. See Electrical Drawings for building mounted light fixtures

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REV #	DATE	DESCRIPTION

Renovations To:

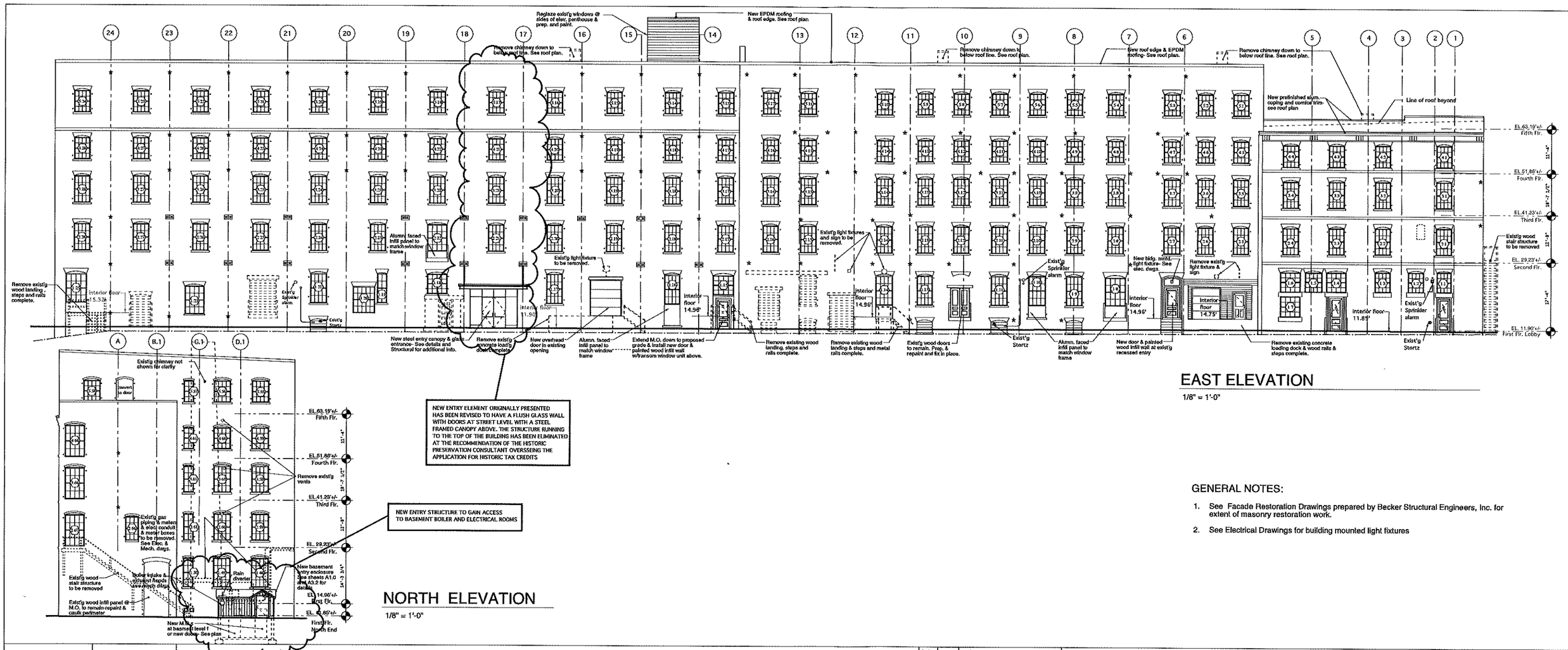
CUMBERLAND COLD STORAGE BUILDING

Merrill's Wharf, Portland, Maine

BUILDING ELEVATIONS

A2.1

8. 25. 2010



EAST ELEVATION

1/8" = 1'-0"

NORTH ELEVATION

1/8" = 1'-0"

GENERAL NOTES:

1. See Facade Restoration Drawings prepared by Becker Structural Engineers, Inc. for extent of masonry restoration work.
2. See Electrical Drawings for building mounted light fixtures

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REV #	DATE	DESCRIPTION

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

BUILDING ELEVATIONS

A2.2

8.25.2010

Jean Fraser - Cumberland Cold Storage Building

From: Jean Fraser
To: Barhydt, Barbara; Jaegerman, Alex; Littell, Penny
Date: 8/13/2010 11:23 AM
Subject: Cumberland Cold Storage Building
CC: Schmuckal, Marge

Just to keep you in the loop... in case this becomes an issue.... "exploratory"

Pat Carroll and Steve Weatherhead (Winton Scott Architects) are fine tuning the details of the proposal ....and they are considering (no decision yet taken) removing the glass bump (that was approved, located over the entrance on upper 4 floors) but still keeping the vertical glass feature but in the same plane- and adding a small lobby area that is outside the existing building under the entrance canopy.

The reduction of floorspace from losing the bump out approx would equal the increase resulting from the external lobby (so within the approved total floorspace), though the latter would alter the footprint and also might be considered an "expansion".

Based on discussions with Barbara and Marge I have told them that this concept did not raise any alarm bells but to:

- discuss in detail with Marge Schmuckal once they have a firm plans that they want to progress;
- send Planning Division plans/details so that the process for approval to the amendment can be determined, tho' from sound of this probably would not go back to Planning Board.

Pat called me Wed 8-11-10
and I responded to him lunchtime 8-12-10

I also indicated that old regs. re lobby size may not be quite as discussed early on in SP review meeting with Marge + suggested he ck on this.

Pat Carroll 772 1552

2-4-11

CCSB.

CP
PC
J.

Drainage from roof.

approved for internal piping
But won't work due to levels

Use of existing easement (drainage + emergency access)

Proposal: split roof drainage
1/2 40% to swale via downspouts (as app).
1/2 60% to front stormwater system (no treatment? DEP)
relocate raingarden off-site w/ catchbasin + I/P

Various issues
dumpster access for 1st lot.
2 doors near ex. dumpsters
may add dumpster

Many needs to see existing easement

could add bio swale at end near service bay.

location of existing bioswale would be grassed.

essentially 2 easements
along bldg - drainage + emergency (open metal steps)
across leased lot - access to dumpster
? fire access.

JF - will take soundings Alex cc Penny
- relocation of raingarden
- change in front roof drainage
- access along rear etc.

Many envisages another mtg w/ all parties.

Ck Bull - get subdivision plans.

Jean Fraser - Re: Cumberland Cold Storage Building

From: Jean Fraser
To: Barhydt, Barbara; DiPierro, Philip
Date: 4/13/2011 3:16 PM
Subject: Re: Cumberland Cold Storage Building
Attachments: WaterfrontME FD.pdf

Barbara and Phil

Pat Carroll will be submitting an amendment application at the end of the month (he is away next week) and before he goes away he will send a pdf of the latest revised proposals and the easements (latter to be approved by the City Council on 4.25.2011) for information.

So at the Precon its just important that the contractor understands that the stamped plan is all that is approved at the moment.

Phil- I attach a copy of the MDEP permit and just be aware that this site falls within NRPA and Shoreland Zoning; also see the last line of the MDEP doc where it confirms that they need to file a PBR section 2.

thanks
Jean

>>> Barbara Barhydt 4/13/2011 1:14 PM >>>
Yes, the amended plans need to come from the applicant. Phil may not get this e-mail before he leaves, so you can call Pat with this information.

Thank you.

Barbara

>>> Jean Fraser Wednesday, April 13, 2011 12:35 PM >>>
Barbara

Mary called me back late yesterday and confirmed that her call to you was about the process of getting the Fish Pier Plat updated.

Re the Site Plan, now that the Fish Pier have "OK'd" the easements she feels it would be OK to get the site plan amendment review process going- although she could not see any way that the site plan review would require changes to the easements.

Pat Carroll will be attending today's 1;30pm Precon and has confirmed that the contractor does not have instructions to undertake the amended work and would just be starting on what was approved (especially since the easements won't be greed by the city until April 25th).

Pat Carroll has confirmed that the proposals are the same as were shown to me, although these were not

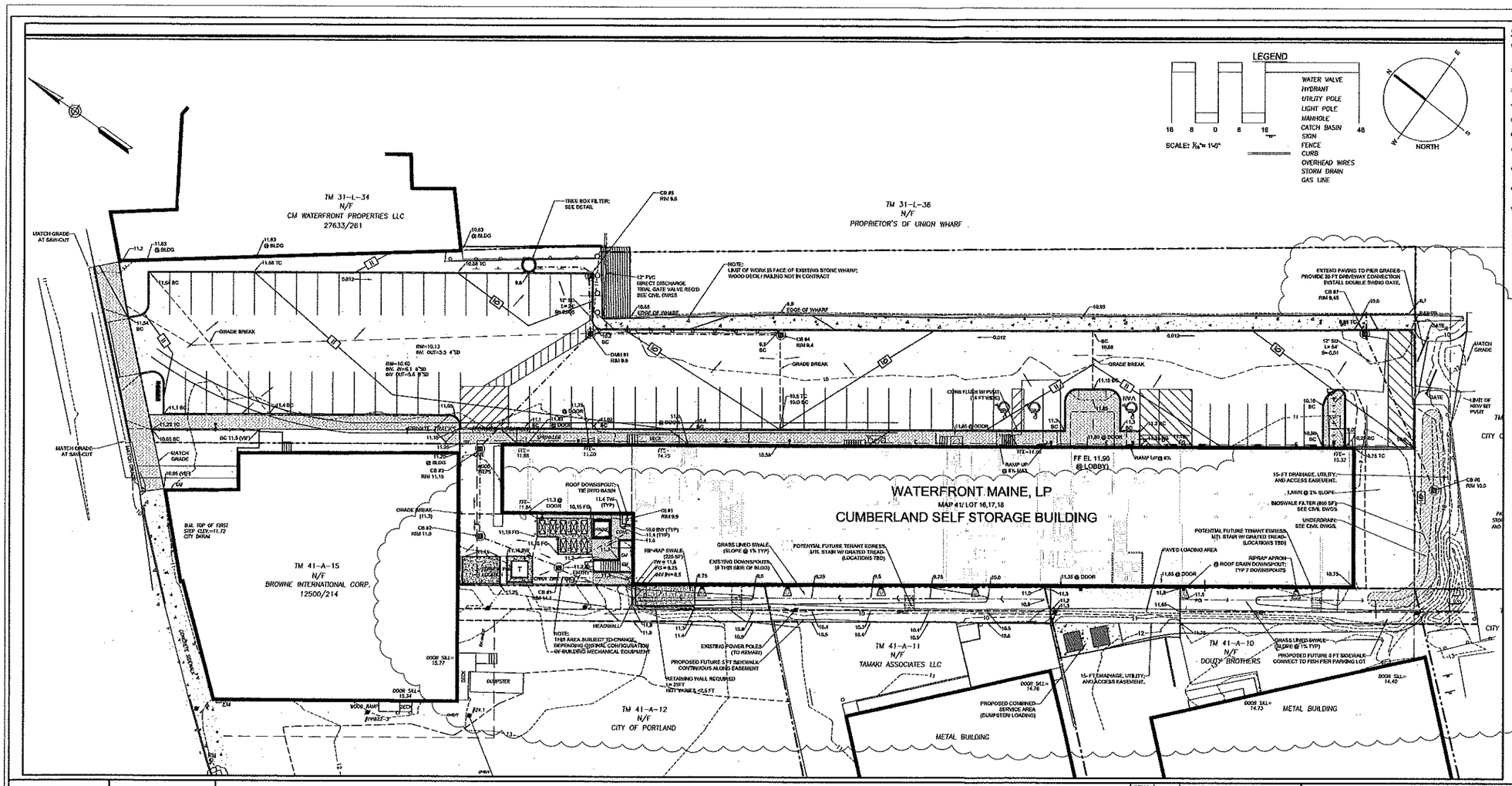
detailed and did not have the new biofilter that was "promised" at the rear north end to provide treatment to the redirected drainage (I have the plan). Since the drainage easement is now only 10 feet that biofilter may not be possible. The pedestrian easement 15 ft. and there is a vehicular easement perpendicular to the rear elevation too.

Mary has said we can get copies of the easements and plans of easements from Pat or her (if he is submitting an amendment app then these should be included anyway).

Pat is away on Friday and all of the next week.

How do you want to handle this? Do you want him to make an amendment application since the proposals are now definite? [If so, Phil could tell him that today]

thanks
Jean



GRADING NOTES:

1. EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY CC JORDAN, JUNE 25, 1998 AND 1972 PLAN OF MERRILL WHARF BY ROBERT TITCOMB, NO DECEMBER, 1870 AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINCKERHOFF QUADE AND DOUGLAS, AUGUST, 1961.
2. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED. CONTRACTOR SHALL PERFORM ON-SITE INSPECTION OF CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCIES WHICH MAY EXIST.
3. AREAS NOT PROPOSED GRADING SHALL BE LEFT UNDISTURBED. CONTRACTOR SHALL AVOID THESE AREAS AND PRESERVE ANY EXISTING VEGETATION AS NOTED.
4. UTILITY LOCATIONS ARE APPROXIMATE AND SHALL BE VERIFIED PRIOR TO CONSTRUCTION. ANY DISCREPANCIES OR CONFLICTS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT.
5. ALL UTILITY INSTALLATION SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTLAND, AS WELL AS ANY OTHER LOCAL, STATE, AND FEDERAL REQUIREMENTS.
6. SITE CONTRACTOR SHALL REPAIR ALL DISTURBED AREAS IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS.
7. ALL PROPOSED SLOPES GREATER THAN 3:1 SHALL HAVE AN EROSION MAT INSTALLED OVER FINISH GRADES TO PROTECT SEEDED SLOPES FROM EROSION. AT CONTRACTORS OPTION, SLOPES MAY BE SODDED AS APPROPRIATE IN SUBSTITUTION TO SEED AND MAT.
8. ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE CUMBERLAND ESTATE ZONED BMP'S THE BEST MANAGEMENT PRACTICES, AND MAINTAINED THROUGHOUT CONSTRUCTION OF THIS PROJECT.
9. ALL AREAS DISTURBED BY CONSTRUCTION NOT TO BE PAVED OR OTHERWISE TREATED SHALL BE LOAMED AND SEEDED ACCORDING TO THE PROJECT SPECIFICATIONS. ADJOINING LAWN AREAS WHICH ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.
10. SEE CIVIL DRAWINGS FOR UTILITY, DRAINAGE PIPING, AND EROSION CONTROL REQUIREMENTS.

ISSUED FOR OWNER AND CITY REVIEW
NOT FOR CONSTRUCTION

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REV #	DATE	DESCRIPTION
1	10.08.10	SUBMIT TO CITY
2	10.22.10	ISSUE FOR CONSTRUCTION
3	01.13.11	ISSUE FOR CONCEPT REVIEW
4	01.19.11	REVISE REAR WALKWAY

Renovations To:
CUMBERLAND COLD STORAGE BUILDING
Merrill's Wharf, Portland, Maine

REAR SERVICE/ DRAINAGE/ ACCESS PLAN

L-3.2

10, 22, 2010

as tabled for discussion with City staff 2-4-11 — subject to legal + site plan reviews.