

HIGH STATE APARTMENTS INC
40 PARK STREET, PORTLAND, ME 04101
40 PARK STREET
PARKING LOT.

NOV-15-00 02:12 PM PLANNING DEPARTMENT 7568258
 Department of Planning and Urban Development
 SUBDIVISION/SITE DEVELOPMENT

P.03

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

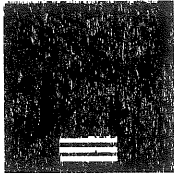
Date NOVEMBER 17, 2000

Name of Project 40 PARK STREET
 Address/Location 40 PARK STREET, PORTLAND, ME 04101
 Developer HIGHSTATE APARTMENTS INC
 Form of Performance Guarantee CASIT

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

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<u>PARKING</u>						
STREET SIDEWALK						
Road	<u>NA</u>			<u>2,600 SF</u>	<u>3.077</u>	<u>\$8,000.00</u>
Granite Curbing	<u>35 LF</u>	<u>40.00</u>	<u>1,400.00</u>			
Sidewalks	<u>35.54/40</u>	<u>60.00</u>	<u>2,100.00</u>			
Esplanades	<u>NA</u>					
Monuments	<u>NA</u>					
Street Lighting	<u>NA</u>					
Other	<u>NA</u>					
SANITARY SEWER						
Manholes	<u>NA</u>					
Piping	<u>NA</u>					
Connections	<u>NA</u>					
Other	<u>NA</u>					
STORM DRAINAGE						
Manholes	<u>NA</u>					
Catchbasins	<u>NA</u>					
Piping	<u>NA</u>					
Detention Basin	<u>NA</u>					
Other	<u>NA</u>					
SITE LIGHTING	<u>NA</u>					
EROSION CONTROL	<u>NA</u>					
RECREATION AND OPEN SPACE AMENITIES	<u>NA</u>			<u>1</u>	<u>1,500.00</u>	<u>1,500.00</u>



DELUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 795 1131
FAX 207 879 6896

■ ROADWAY DESIGN
■ ENVIRONMENTAL ENGINEERING
■ TRAFFIC STUDIES AND MANAGEMENT
■ PERMITTING
■ AIRPORT ENGINEERING
■ SITE PLANNING
■ CONSTRUCTION ADMINISTRATION

MEMORANDUM

TO: Bill Needelman
FROM: Chris Earle, Construction Representative
Reviewed by Steve Bushey, P.E., Acting Development Review Coordinator
DATE: December 14, 2000
RE: Parking Lot.- Corner of Park Street and Stetson Court

On December 14 2000, the site was reviewed for compliance with the conditions of approval. My comments are:

1. The plantings are not completed.
2. The cape cod curb, transition curb, and 6" bituminous curb are not installed.
3. Reconstruction of the brick sidewalk is not complete.
4. Resetting of granite curb and installation of tipdowns are not complete.
5. Relocation of the parking sign is not complete.
6. Final paving and striping are not complete.
7. Miscellaneous grading, shaping, mulching and landscaping are not complete.

It is our opinion because the base paving is placed and the parking area is functional that a **temporary certificate of occupancy** could be issued, assuming neither Code Enforcement nor Public Works has any outstanding issues. The above-mentioned items shall be completed and the site thoroughly reviewed before issuance of the permanent certificate.

We also recommend reduction of the bond. The project is approximately 35% complete.



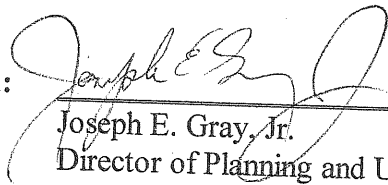
CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Duane Kline, Finance Department
FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development
DATE: December 21, 2000
SUBJECT: Highstate Apartments
40 Park Street @Stetson Court
Release of Performance Guarantee

A request by the applicant has been made for a reduction in the escrow account in the amount of \$3,150.00 for the project located at 40 Park Street @ Stetson Court. If you have any questions, please call Bill Needelman at 8722.

Approved:



Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Alexander Jaegerman, Chief Planner
William Needelman, Planner
Code Enforcement
Steve Bushey, Development Review Coordinator

CONTRACT FOR PAVING

DAVE TROTTIER
OWNER

TROTTIER PAVING INC.

900 Old Post Road • Arundel, Maine 04046
(207) 282-0112 • (207) 773-8400



Date 12-5-00 Contract No. _____

Name Rice Management

Address _____

- Type of work:
- Excavate _____ Square Yard Area
 - Aggregate Base 1 1/2" Thickness 265 Square Yard Area
 - Fine Grade _____ Square Yard Area
 - Pave 2" Binder Course _____ Surface Course 265 Sq. Yd. Area
 - Overlay _____ Thickness to _____ Square Yard Area
 - Bituminous Curbing _____ Lineal Feet
 - Sealcoating 1 Coat 2 Coats _____ Square Yard Area
 - Hot Rubberized Crack Sealing _____ Lineal Feet

Comments: Park St - Pave 6 Car parking lot

Price \$ 3150.00

Terms of Contract: Payment to be made on portion of work completed if delay of completion is due to seasonal closing of operation, otherwise full payment on completion of contract.
Quotation void if not signed and returned to this office within 30 days.
Interest is charged on past due balances at 1 1/2 percent per month.
This contract is not valid until a favorable credit report has been completed.

Customer's Signature _____
Note: (If you wish work scheduled, please sign and return original copy and credit references.)

Date _____ Accepted

Tel. No. _____ By _____
Title _____

Normal paving season is May 1 to Dec. 1, all work should be scheduled between these dates.
This contract constitutes the complete final agreement and no changes verbal or otherwise can be recognized.
Any alterations or additions must be covered by another written contract.
I agree to accept responsibility for bad checks, past due accounts and any collection fees, lawyers fees, plus Court cost or any other fees allowed by law and that interest is charged on balances over 30 days old at 1 1/2 % per month, I also accept sole responsibility for any damage incurred to property as a result of delivery.

Highstate Apartments, Inc.
First Floor
658 Congress Street
Portland, Maine 04101

December 18, 2000

William B. Needelman, Planner
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

re: 40 Park Street @ Stetson Court
Portland, Maine

Dear Bill:

Enclosed is a photocopy of an invoice of Trottier Paving, Inc. of \$3,150.00 for work paving the property. Would you authorize partial return of escrow money of \$3,150.00 to Highstate Apartments, Inc. for payment of this invoice. Please mail it to me at the above address.

Thank you.



Geoffrey I. Rice

40park



CITY OF PORTLAND

December 15, 2000

Geoffrey Rice
High Street Apartments
658 Congress Street
Portland, Maine 04101

re: Corner of Park Street and Stetson Court, High Street Apartments Inc. Parking Lot

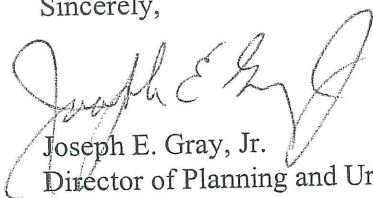
Dear Mr. Rice:

On December 15, 2000, the Portland Planning Authority approved temporary use of the approved six-space parking lot at the corner of Park Street and Stetson Court. The Development Review Coordinator has determined that the parking lot is sufficiently complete for use through the winter, understanding that completion of the final paving, curbing, and landscaping will be undertaken in the spring. Completion of the project, as shown on the approved site plan, must be finished prior to expiration of the approval on November 14, 2001.

The Development Review Coordinator (who is located at DeLuca Hoffman at 775-1121) must be notified five (5) working days prior to date required for final site inspection. 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 the Planning Staff.

Sincerely,



Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Alexander Jaegerman, Chief Planner
✓ William B. Needelman, Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Anthony Lombardo, Public Works Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Nancy Knauber, Associate Engineer

Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspection Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File



CITY OF PORTLAND

December 15, 2000

Geoffrey Rice
High Street Apartments
658 Congress Street
Portland, Maine 04101

re: Corner of Park Street and Stetson Court, High Street Apartments Inc. Parking Lot

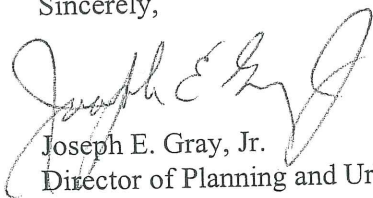
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If there are any questions, please contact the Planning Staff.

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NOV-15-00 02:12 PM PLANNING DEPARTMENT

7568258

P. 04

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)				1	1,500.00	1,500.00
MISCELLANEOUS						
TOTAL:			3,500.00			9,500.00
GRAND TOTAL:			+ 525 (as per DW)			\$ 13,000
			4025.00			

SPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
2% of totals:	70.00	190.00	\$ 260.00
or			
Alternative Assessment:			
Processed by:	(name)	(name)	

CITY OF PORTLAND

Site Plan \ Subdivision Performance Guaranty

CASH ESCROW AGREEMENT¹

✓ Developer's Tax Identification Number: 01-0278579

✓ Developer's Name and Mailing Address: 658 CONGRESS STREET
FIRST FLOOR
PORTLAND, ME 04101

Amount to be Escrowed: _____

City Account Number:² _____

Treasurer's Report of Receipts Number: _____

Project Job Number:
(from Site Plan Application Form) _____

Project Location: 40 PARK STREET

Project Description:
(Attach Approval Letter) _____

This Escrow Agreement was completed by GEORGEY RICE on NOVEMBER 17, 2000.

This Agreement entered into this _____ day of NOVEMBER, 2000, by and between _____ HIGHSTATE APARTMENTS INC

(hereinafter "Developer"), and the City of Portland, a body politic and corporate, having a place of business in the County of Cumberland and the State of Maine (hereinafter "Escrow Agent").

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

NOV-15-00 02:13 PM PLANNING DEPARTMENT

7568258

P.06

follows:

PUBLIC IMPROVEMENTS

1. Pursuant to the project approval letter referred to above, the Developer is obligated to make certain required site improvements, all as more fully described therein.

2. The estimated cost of completing the improvements is: \$ 13,000.00

3. The deadline for completing the improvements is :
OCTOBER 31, 2001

APPOINTMENT OF ESCROW AGENT

4. The Developer hereby appoints the City of Portland to act as its Escrow Agent.

DUTIES OF ESCROW AGENT

5. During the term of this Agreement, the Escrow Agent will hold and disburse the escrowed funds in accordance with the terms and provisions hereof.

LIMITATION OF LIABILITY

6. The Developer agrees that the Escrow Agent assumes no liability in connection with its performance under this Agreement, except for gross negligence or willful misconduct.

INTEREST

7. The Escrow Agent will not pay interest on the escrowed funds.

INSPECTION OF COMPLETED WORK

8. The Developer has the duty to advise either the City of Portland's Planning Department or its Department of Public Works, whichever is appropriate, when the required site improvements either have been completed or are otherwise ready for inspection.

DISBURSEMENT OF ESCROW FUNDS

9. The City of Portland may draw against the escrow account at the direction of the Director of Planning in the event that:

(Rev. Jan. 2000)

NOV-15-00 02:14 PM PLANNING DEPARTMENT

7568258

P. 07

- (a) Developer should fail to complete satisfactorily by [Date: Within two years but in no event between November 15 and April 15 of any given year] the required site improvements described in Paragraph 1;
- (b) The Developer should fail to request the City to conduct inspections of the required site improvements described in Paragraph 1; or
- (c) The Developer should fail to provide a surety bond, letter of credit or escrow account equal in value to ten percent (10%) of the estimated cost of the required site improvements, pursuant to sections 14-501 and 14-525.

REDUCTION OF ESCROW ACCOUNT

10. At the direction of the Director of Planning and Urban Development, the Director of Finance may either reduce or release the amount of the escrow account, pursuant to section §14-501.

COSTS OF ESCROW ACCOUNT

11. All costs associated with establishing, maintaining and disbursing funds from the escrow account will be borne by the Escrow Agent.

PERIOD OF WITHDRAWAL

12. The City of Portland may draw against the escrow account during a period, not to exceed ninety days (90) following the expiration of the deadline for completing improvements (hereinafter "deadline"), provided that the Developer has given the City written notice of the deadline, at least ninety (90) days prior thereto, by certified mail, addressed to the Director of Planning and Urban Development. In the absence of such a notice, the City of Portland may draw against the account for a period, not to exceed ninety (90) days beyond the expiration date, which will commence to run from and after the date the City has received written notice of the pending expiration of the deadline.

NOV-15-00 02:14 PM PLANNING DEPARTMENT

7568258

P. 08

TERMINATION OF ESCROW AGREEMENT

13. This escrow account will terminate either on [a date which is either ninety (90) days after the date for completion of the required site improvements, but which does not fall between September 15th and April 15th] or as extended, pursuant to paragraph 12. The Agreement may also be terminated and the funds released, prior to either of the foregoing dates when either the Director of Planning and Urban Development or the Department of Public Works, which ever is appropriate, has certified in writing to the Developer that the required site improvements have been completed in accordance with the project approval letter.

Developer

APRIL 16, 2003
✓ HIGHSTATE APARTMENTS Inc
by [Signature]
its PORTLAND

City of Portland

by Duane Kline
its Director of Finance

Distribution

1. This Form will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, Chief Accountant, at x8665.
3. The Agreement will be executed in duplicate originals.
4. The duplicate originals, each signed by the Developer, will be delivered to the Finance office, together with a check or the funds representing the escrowed amount.
5. The Director of Finance or his designated agent will sign the escrow agreement in duplicate, acknowledge receipt of funds and deposit them into a City account.
6. The Director of Finance will retain one duplicate original.
7. The Director of Finance will return the other duplicate original to Planning. Planning will retain a copy and mail the other duplicate original to the Developer.

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

20000188
I. D. Number

High State Apartments

Applicant
658 Congress St., Portland, ME 04101
Applicant's Mailing Address
Stee Doe c/o Sebago Technics
Consultant/Agent
856-0277
Applicant or Agent Daytime Telephone, Fax

Application Date
Stetson Ct. 2-6 , Park St. 38-
Project Name/Description

2 - 6 Stetson Ct, Portland, ME
Address of Proposed Site
044 B018
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) Parking for 6 cars
N/A 3,613.5sf R6
Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

- Site Plan (major/minor) Subdivision # of lots _____ PAD Review 14-403 Streets Review
 Flood Hazard Shoreland Historic Preservation DEP Local Certification
 Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan \$400.00 Subdivisio _____ Engineer Review _____ Date 10/3/00

Planning Approval Status:

Reviewer Wm. B. Needelman

- Approved Approved w/Conditions See Attached Denied

Approval Date 11/17/00 Approval Expiration 11/17/01 Extension to _____ Additional Sheets Attached
 OK to Issue Building Permi wbn 11/28/00
signature date

Performance Guarantee Required* Not Required

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

<input checked="" type="checkbox"/> Performance Guarantee Accepted	<u>11/17/00</u> date	<u>\$13,525.00</u> amount	_____ expiration date
<input checked="" type="checkbox"/> Inspection Fee Paid	<u>11/17/00</u> date	<u>\$260.00</u> amount	
<input type="checkbox"/> Building Permit Issue	_____ date		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date	_____ remaining balance	_____ signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____ date	<input type="checkbox"/> Conditions (See Attached)	_____ expiration date
<input type="checkbox"/> Final Inspection	_____ date	_____ signature	
<input type="checkbox"/> Certificate Of Occupancy	_____ date		
<input type="checkbox"/> Performance Guarantee Released	_____ date	_____ signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	_____ amount	_____ expiration date
<input type="checkbox"/> Defect Guarantee Released	_____ date	_____ signature	

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

20000188
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Proposed Building square Feet or # of Units **3,613.5sf** Acreage of Site **R6** Zoning

Check Review Required:

- Site Plan (major/minor) Subdivision # of lots PAD Review 14-403 Streets Review
 Flood Hazard Shoreland Historic Preservation DEP Local Certification
 Zoning Conditional Use (ZBA/PB) Zoning Variance Other

Fees Paid: Site Plan **\$400.00** Subdivision _____ Engineer Review _____ Date: **10/3/00**

Inspections Approval Status:

Reviewer **Marge Schmuckal**

- Approved Approved w/Conditions see attache Denied
Approval Date **10/12/00** Approval Expiration _____ Extension to _____ Additional Sheets Attached
 Condition Compliance _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
D.R.C. Copy**

20000188
I. D. Number

High State Apartments

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- Flood Hazard Shoreland Historic Preservation DEP Local Certification
- Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Revie _____ Date: 10/3/00

DRC Approval Status:

Reviewer Steve Bushy

- Approved Approved w/Conditions see attache Denied
- Approval Date 11/17/00 Approval Expiration 11/17/00 Extension to _____ Additional Sheets Attached
- Condition Compliance wbn for sb 11/28/00
signature date

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

Bill

September 7, 2000

Alex Jaegerman
City Planner's Office
City Hall
309 Congress Street
Portland, Maine 04101

Dear Mr. Jaegerman:

This letter is in reference to the lot at 38-40 Park Street.

Despite neighborhood opposition, the zoning Board of Appeals granted a conditional use, allowing Geoffrey Rice/Highstate Apartments, Inc., owner of the property, to proceed with plans for a parking lot. At the neighbors' request, the Board imposed a 6-car limit.

In addition to the size limit, conditions have been raised in discussions between David Lourie, attorney for Geoffrey Rice, Bill Nemmers, landscape architect for the project and concerned neighborhood residents. The parties involved have verbally agreed to the following:

Design:

- Six car maximum (per zoning committee)
- Snow removal area should be planted with sturdy ground cover or turf. It is not necessary to pave or gravel since no turn around is needed. This would also facilitate enforcement of the six-car limit.
- Verbal agreement with Tacha Vosburgh to participate in lot design and removal of existing plants.

Landscape Maintenance:

The following maintenance items will be completed every 10 days by maintenance staff of Highstate Apartments, Inc.:

- Litter removal
- Grooming: mowing, pruning, weeding
- Watering (Initially, watering will be essential to establish both transplanted and new plants. Maintenance watering will also be necessary. Bill Nemmers, landscape architect for Highstate Apartments, Inc., has suggested an escrow fund to cover watering costs.)

It has been explained to us by Mike Nugent at Code Enforcement that conditions of approval must be on file with his office to enforce compliance.

We understand that the site plan review by the City Planners' Office does not require public notification. We are a group of concerned property owners in the neighborhood. We are asking that these conditions go on record at City Hall and that we be notified of any proposed changes in the design and maintenance of the lot.

Thank you in advance for your assistance in this matter.

Sincerely,

Charles Hall
47 Cloyster Road
S. Portland, ME 04106
799-9279

Ross Y. Furman
P. O. Box Two
Portland, ME 04112
781-4900

Katherine & David Searles
14 Stetson Court
Portland, ME 04101
761-4394

Tacha Vosburgh
34 Park Street
Portland, ME 04101
775-1892

cc David Lourie



CITY OF PORTLAND

November 17, 2000

Steve Doe, R.L.A.
Sebago Technics
One Chabot Street
P.O. Box 1339
Westbrook, Maine 04098-1339

re: Corner of Park Street and Stetson Court, High Street Apartments Inc. Parking Lot

Dear Mr. Doe:

On November 14, 2000, the Portland Planning Authority approved the site plan application for the construction of a six space parking lot at the corner of Park Street and Stetson Court.

The proposed site plan was found to be in conformance with the Site Plan ordinance of the land Use Code. Approval is based on the submitted site plan. Any changes to the approved plan must be submitted to the Planning Authority for review and approval prior to construction.

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

1. 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.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. 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 representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. 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

City of Portland Planning Department

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

FAX TRANSMISSION COVER SHEET

Date: 11-21-00

To: David Lacey

Company: _____

Fax #: 799-7865

From: Bill Needelman

RE: Rice Parking Lot, (Approved letter)

This is going to Steve Doe,
as he has been the main agent
and there was no address for
Jeffrey Rice. Please call w/ any
questions.

Bill

YOU SHOULD RECEIVE 3 PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL (207)874-8721 OR (207)874-8719.

11-17-00

Received from

Highstate Apts performance
EST

0913

— \$3630.16

117139945 — 9369.84

————— \$1260.00

For Fee Mary Mc Allen

Peoples
Oxford Bank & Trust
a division of Peoples Heritage Bank

TO THE ORDER OF
City of Portland or Highstate Apartments

DATE: 11/17/2000
IN PAYMENT OF REMITTANCE: Highstate Apartments

PAY EXACTLY: 9369.84

117139945-7

Drawn by: People's Heritage Bank

Issued By: Integrated Payment Systems Inc., Englewood, Colorado
KeyBank National Association, Denver, Colorado

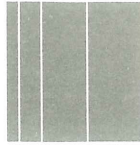
OFFICIAL CHECK

HOLD THE DOCUMENT AT A SMALL ANGLE TO SEE THIS SECURITY FEATURE

THE VARIABLE TONE BACKGROUND AREA OF THIS DOCUMENT CHANGES COLOR GRADUALLY AND SMOOTHLY FROM DARKER TONES AT BOTH TOP AND BOTTOM TO THE LIGHTEST TONE IN THE MIDDLE.

⑆200164⑆ ⑆102003918⑆ 68000117139945⑆

⑆1299E2⑆052 00⑆1809002770⑆ ⑆112000⑆



Sebago Technics

Engineering & Planning for the Future

November 7, 2000
00429

William Needelman, Planner
Planning & Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Corner Lot, High State Apartments, Inc.

Dear Bill:

On behalf of High State Apartments, I am enclosing seven copies of the revised site plan for the six car parking lot on their property at the corner of Park Street and Stetson Court. This revised plan details the layout presented and approved by Larry Ash and yourself. The plan shows an 18' curb cut onto Park Street with cars needing to back out onto Park Street in order to exit the lot. We have had discussions with the abutters regarding buffer plantings and have designed our plantings based on screening appropriate areas requested by them. Other planting areas will utilize a combination of existing plantings, new ground covers, and buffer plantings. The ground cover plantings are tolerant of snow loading.

I hope these plans address the concerns the City had on this project and that an approval is forthcoming. Our client anticipates the work to begin this Fall, with a completion of the work in Spring 2001.

If you have questions, please call me.

Sincerely,

SEBAGO TECHNICS, INC.

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

SGD:jc
Enc.

cc: Geoffrey Rice
David Lourie

From: Anthony Lombardo
To: William Needleman
Date: Tue, Nov 28, 2000 11:02 AM
Subject: Re: Stetson Court Parking lot review fee numbers

Bill,
3 hours @ \$40/hour = \$120

>>> William Needleman 11/28 10:49 AM >>>

Could you provide the fee numbers for engineering review for the 6 space parking lot at the corner of Park Street and Stetson Court. Thanks.

Bill

Deveau/Stetson

November 14, 2000

Steve Doe, R.L.A.
Sebago Technics
One Chabot Street
P.O. Box 1339
Westbrook, Maine 04098-1339

re: Corner of Park Street and Stetson Court, High Street Apartments Inc. Parking Lot

Dear Mr. Doe:

On November 14, 2000, the Portland Planning Authority approved the site plan application for the construction of a six space parking lot at the corner of Park Street and Stetson Court

The proposed site plan was found to be in conformance with the Site Plan ordinance of the land Use Code.

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

1. 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.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. 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 representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. 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 (who is located at DeLuca Hoffman at 775-1121) must be notified five (5) working days prior to date required for final site inspection. 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 the Planning Staff.

Sincerely,

Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Alexander Jaegerman, Chief Planner
William B. Needelman, Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Nancy Knauber, Associate Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspection Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File

City of Portland Planning Department

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

FAX TRANSMISSION COVER SHEET

Date:

11-21-00

To:

Todd Merkle

Company:

Public Works

Fax #:

8852

From:

Bill Needelman

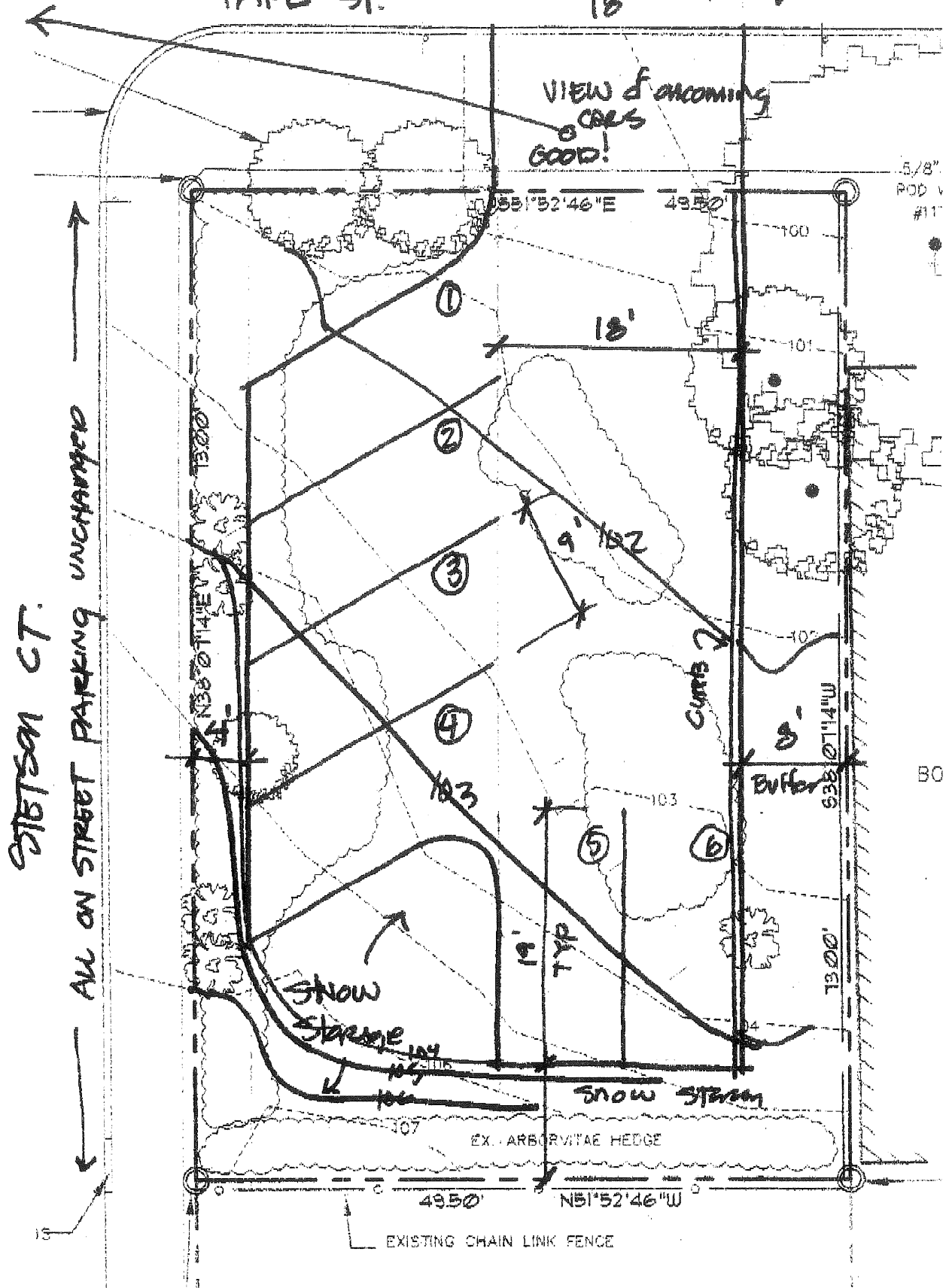
RE:

Review of Public Improvement
estimates for a driveway
curb cut and apron on Park
Street. The parking lot is at the
corner of Stetson Ct and Park St.
with the curb cut onto Park.
Larry Ash has reviewed the design
and may be able to answer questions
regarding this. Thanks much

YOU SHOULD RECEIVE 4 PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL (207)874-8721 OR (207)874-8719.

Bill

8722



NOTE: CARS MUST BACK OUT ONTO PARK ST. TO EXIT LOT.

PLAN C

1" = 10'

NOV-15-00 02:12 PM PLANNING DEPARTMENT 7568258

P.03

Department of Planning and Urban Development
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date NOVEMBER 17, 2000

Name of Project 40 PARK STREET
Address/Location 40 PARK STREET, PORTLAND, ME 04101
Developer HIGHSTATE APARTMENTS INC
Form of Performance Guarantee CASIT

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

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
PARKING						
STREET/SIDEWALK						
Road	NA			2,600 SF	3.077	\$8,000.00
Granite Curbing	35 LF	40.00	1,400.00			
Sidewalks	35 sq/40	60.00	2,100.00			
Esplanades	NA					
Monuments	NA					
Street Lighting	NA					
Other	NA					
SANITARY SEWER						
Manholes	NA					
Piping	NA					
Connections	NA					
Other	NA					
STORM DRAINAGE						
Manholes	NA					
Catchbasins	NA					
Piping	NA					
Detention Basin	NA					
Other	NA					
SITE LIGHTING	NA					
EROSION CONTROL	NA					
RECREATION AND OPEN SPACE AMENITIES	NA			1	1,500.00	1,500.00

NOV-15-00 02:12 PM PLANNING DEPARTMENT

7568258

P.04

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)				1	1,500.00	1,500.00
MISCELLANEOUS						
TOTAL:		3,500.00			9,500.00	
GRAND TOTAL:		9025			\$13,000	

SPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
2% of totals:	70.00	190.00	\$ 260.00
or Alternative Assessment:			
Assessed by:	(name)	(name)	



CITY OF PORTLAND

November 17, 2000

Steve Doe, R.L.A.
Sebago Technics
One Chabot Street
P.O. Box 1339
Westbrook, Maine 04098-1339

re: Corner of Park Street and Stetson Court, High Street Apartments Inc. Parking Lot

Dear Mr. Doe:

On November 14, 2000, the Portland Planning Authority approved the site plan application for the construction of a six space parking lot at the corner of Park Street and Stetson Court.

The proposed site plan was found to be in conformance with the Site Plan ordinance of the land Use Code. Approval is based on the submitted site plan. Any changes to the approved plan must be submitted to the Planning Authority for review and approval prior to construction.

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

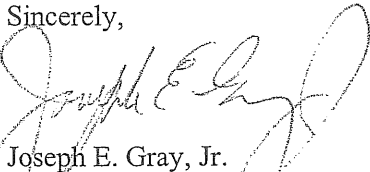
1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. 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 representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. 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 (who is located at DeLuca Hoffman at 775-1121) must be notified five (5) working days prior to date required for final site inspection. 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 the Planning Staff.

Sincerely,

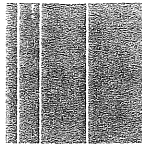


Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Alexander Jaegerman, Chief Planner
✓ William B. Needelman, Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Nancy Knauber, Associate Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspection Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File

From: Larry Ash
To: William Needleman
Date: Thu, Oct 26, 2000 6:21 AM
Subject: Stetson Ct

Bill: of the 3 alternatives I would agree with Steve Doe that option C is preferable which is to provide 4 angle parking spaces and 2 straight in spaces. All these vehicles would have to back out onto Park St but that is acceptable to me. This option has no impact on Stetson Ct.



Sebago Technics

Engineering & Planning for the Future

September 27, 2000
00429

Sarah Hopkins, Senior Planner
Planning & Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Minor Site Plan Review Application:
Corner Lot, Park Street & Stetson Court, High State Apartments, Inc.

Dear Sarah:

On behalf of High State Apartments, Inc., I am pleased to submit seven copies of the attached application and site plan for a proposed six car parking lot on a vacant lot at the corner of 2-6 Stetson Court and 38-40 Park Street. The lot is shown on Tax Map 44, Block B, Lot 18. High State Apartments was recently granted Board of Appeals approval to allow up to six parking spaces on the lot. This lot will serve as off-street parking spaces for tenants of High State Apartments. The proposed plan is similar to a plan by William Nemmers that obtained preliminary review by you and was well received. We feel this new plan is an improvement over the original plan for the following reasons:

1. The Stetson Court parking is placed as far from Park Street as possible in order to maintain as much on-street parking on Stetson Court as possible.
2. The two lots are separated in order to provide a vegetative buffer between the spaces and aid in screening the cars.
3. All non-impervious areas will be revegetated with indigenous and attractive shrubs, trees and ground covers. No lawn areas are proposed which would require mowing and added noise to the neighborhood. Existing trees and shrubs in improvement areas will be transplanted elsewhere on site. A vegetative evergreen buffer is proposed between the parked cars and the abutting residential apartment building to screen cars and headlights from living areas.

4. Snow removal areas are similar to the previous design in that they are paved to lessen the impact of plow damage to plantings. Ground cover plantings beyond the snow pushing area are salt tolerant and resilient to snow piling on them.
5. We propose to remove two poplar trees adjacent to the abutting apartment building which are in poor health and subject to falling limbs.
6. Existing site grades drain toward the abutting residence. The new plan regrades this area to redirect runoff away from the building and toward the new parking area on Park Street.
7. The old brick sidewalk and granite curb on Park Street will be reconstructed to City standards. All salvageable unused materials will be delivered to the City's Hanover Street stockyard.

I hope this plan addresses the City's concerns on this lot. If you have questions as you perform your review of the plan, please feel free to call me.

Sincerely,

SEBAGO TECHNICS, INC.



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

SGD:jc

Enc.

cc: Geoffrey Rice, High State Apartments, Inc.
David Lourie

7-

44-B-18

CITY OF PORTLAND

Quit-Claim Deed

WITHOUT COVENANT (RELEASE)

From

M. CITY OF PORTLAND

To

Highstate Apartments, Inc.

Dated, March 24 19 78

State of Maine.

ss. Registry of Deeds

Received 19 ..,

at H., M., and

recorded in Book .., Page ..

Attest:

REGISTER.

From the Office of the
DIRECTOR OF FINANCE
Treasury and Tax Collection Division
Room 102, City Building, Portland, Maine

Pine Tree Line. 7679
Marks Printing House, Portland, Me.

MAR 29 1978

L: 12

6918

Know all Men by these Presents,

That The City of Portland, a body politic and corporate, and located at Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable

considerations paid by Highstate Apartments, Inc.
 Room 207
 655 Congress Street
 Portland, Maine 04101

of Portland, in the County of Cumberland and State of Maine, the receipt whereof it does hereby acknowledge, does hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said Highstate Apartments, Inc. and its

Successors

~~Heirs~~ and Assigns forever, all its right, title and interest in and to the following described real estate situated in Portland in the County of Cumberland and State of Maine and more

particularly described as, viz: Real Estate, Portland, Maine--Assessor's Plans on file in Assessor's Office, City Hall, Plan 44-B-18, 40 Park St. and Stetson Court, Val. \$2,440.

Meaning and intending to convey the same land and building which the said grantor acquired by tax deed dated February 29, 1972.

The deed above referred to is recorded in the Cumberland County Registry of Deeds in Book 3569 Page 158

This property was assessed to Perley V. Patrick and Alice R. Patrick Jts.

and was sold February 7, 1972 for the non-payment of the 1971 tax. ~~It was sold for the non-payment of the tax~~



At each tax sale the City of Portland was the Purchaser.

Said premises are hereby conveyed subject to taxes thereon for the year 1978 , and said grantee assumes and agrees to pay said taxes as part of the consideration for this conveyance.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging to the said Highstate Apartments, Inc. and its

Successors heirs and Assigns, forever.

In Witness Whereof, the said City of Portland has caused this instrument to be executed and its corporate seal affixed by John G. DePalma Director of Finance, thereunto duly authorized, this Twenty-fourth day of , March A. D. 1978 .

Signed, Sealed and Delivered in presence of

City of Portland

Maureen Upham

By *John G. DePalma*
Director of Finance.

State of Maine,
Cumberland.

} ss.

March 24 1978

Then personally appeared the above named John G. DePalma and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said City of Portland.

Before me,

Joseph D. [Signature]
Justice of the Peace
Notary Public
MY COMMISSION EXPIRES
JULY 13, 1979
MAINE PUBLIC OFFICIAL

MAR 29 1978

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE
received at 2 H 12 MPM, and recorded in
BOOK 4191 PAGE 226 *Edward [Signature]*

Register

From: John Peverada
To: Anthony Lombardo; Larry Ash; William Needleman
Date: Thu, Oct 12, 2000 12:21 PM
Subject: Re: Stetson Ct parking lot

Bill, I don't have a problem as long as the driveway curb cut on Park St is only 20' per the City's Technical Standard. by limiting the curb cut to 20' we will be able to preserve more on street parking which is scarce in that neighborhood. The developer should be able to accommodate this by designing the driveway in a Y configuration.

>>> William Needleman 10/12 12:09 PM >>>

I have discussed the 6 space lot on the corner of Stetson Ct and Park Str with the designer they want to stay with a variation of the project as designed if possible. His contact with the neighborhood indicates strong preference for a "soft" looking lot, and this is best achieved with the two curb cuts. I need some direction from you three as to wether this is a reasonable approach given (1) the tech sup requirements (2) additional curb cuts with backng on to Park St, and (3) loss of on street parking. Please respond with any comments you think are needed. Thanks.

Bill N

CC: Alex Jaegerman ; Sarah Hopkins

City of Portland Planning Department

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

FAX TRANSMISSION COVER SHEET

Date: 11-15-00

To: David Hovey

Company: _____

Fax #: 799-7865

From: Bill Needelman

RE: Escrow Acct info.

Please fill in where "✓" checked
and send us duplicate originals,
(two copies.) We will take a
check for the approved
amount and fill in the rest.
Please call with any questions.

YOU SHOULD RECEIVE 8 PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL (207)874-8721 OR (207)874-8719.



CITY OF PORTLAND

March, 1997

Notice to Developers, Architects, and Engineers

The municipal code requires that all development falling under site plan and/or subdivision review in the City of Portland be subject to a performance guarantee for various required improvements. The code further requires developers to pay a fee for the administrative costs associated with inspecting construction activity to ensure that it conforms with plans and specifications.

The performance guarantee covers major site improvements related to site plan and subdivision review, such as paving, roadway, utility connections, drainage, landscaping, lighting, etc. A detailed itemized cost estimate is required to be submitted, which upon review and approval by the City, determines the amount of the performance guarantee. The performance guarantee will usually be a letter of credit from a financial institution, although ~~escrow~~ or escrow accounts are acceptable. The form, terms, and conditions of the performance guarantee must be approved by the City through this office. The performance guarantee plus a check to the City of Portland in the amount of 2% of the performance guarantee or as assessed by the planning or public works engineer must be submitted prior to the issuance of any building permit for affected development.

Administration of performance guarantee and defect bonds is through this office. Inspections for improvements within existing and proposed public right-of-ways is the responsibility of the Department of Parks and Public Works. Inspections for site improvements is the responsibility of the Development Review Coordinator in the Department of Planning and Urban Development.

Performance Guarantees will not be released by the City until all required improvements are completed and approved by the City and a Defect Bond has been submitted to and approved by the City.

O:\PLAN\CORRESP\SECRETAR\FORMS\PGLTR.SAP8/7/98

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	_____	_____	_____	_____	_____	_____
MISCELLANEOUS	_____	_____	_____	_____	_____	_____
TOTAL:	_____	_____	_____	_____	_____	_____
GRAND TOTAL:	_____	_____	_____	_____	_____	_____

SPECTION FEE (to be filled out by City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
<u>2%</u> 1% of totals:	_____	_____	_____
or			
Alternative Assessment:	_____	_____	_____
Processed by:	_____ (name)	_____ (name)	_____

CITY OF PORTLAND

Site Plan \ Subdivision Performance Guaranty

CASH ESCROW AGREEMENT¹

✓ Developer's Tax Identification Number: _____

✓ Developer's Name and Mailing Address: _____

Amount to be Escrowed: _____

City Account Number:² _____

Treasurer's Report of Receipts Number: _____

Project Job Number:
(from Site Plan Application Form) _____

Project Location: _____

Project Description:
(Attach Approval Letter) _____

This Escrow Agreement was completed by _____ on _____, 2000.

This Agreement entered into this _____ day of _____, 2000, by and
between _____

(hereinafter "Developer"), and the City of Portland, a body politic and corporate, having a place
of business in the County of Cumberland and the State of Maine (hereinafter "Escrow Agent").

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

(Rev. Jan. 2000)

follows:

PUBLIC IMPROVEMENTS

1. Pursuant to the project approval letter referred to above, the Developer is obligated to make certain required site improvements, all as more fully described therein.
2. The estimated cost of completing the improvements is: \$
_____.
3. The deadline for completing the improvements is :
_____.

APPOINTMENT OF ESCROW AGENT

4. The Developer hereby appoints the City of Portland to act as its Escrow Agent.

DUTIES OF ESCROW AGENT

5. During the term of this Agreement, the Escrow Agent will hold and disburse the escrowed funds in accordance with the terms and provisions hereof.

LIMITATION OF LIABILITY

6. The Developer agrees that the Escrow Agent assumes no liability in connection with its performance under this Agreement, except for gross negligence or willful misconduct.

INTEREST

7. The Escrow Agent will not pay interest on the escrowed funds.

INSPECTION OF COMPLETED WORK

8. The Developer has the duty to advise either the City of Portland's Planning Department or its Department of Public Works, whichever is appropriate, when the required site improvements either have been completed or are otherwise ready for inspection.

DISBURSEMENT OF ESCROW FUNDS

9. The City of Portland may draw against the escrow account at the direction of the Director of Planning in the event that:

- (a) Developer should fail to complete satisfactorily by [Date: Within two years but in no event between November 15 and April 15 of any given year] the required site improvements described in Paragraph 1;
- (b) The Developer should fail to request the City to conduct inspections of the required site improvements described in Paragraph 1; or
- (c) The Developer should fail to provide a surety bond, letter of credit or escrow account equal in value to ten percent (10%) of the estimated cost of the required site improvements, pursuant to sections 14-501 and 14-525.

REDUCTION OF ESCROW ACCOUNT

10. At the direction of the Director of Planning and Urban Development, the Director of Finance may either reduce or release the amount of the escrow account, pursuant to section §14-501.

COSTS OF ESCROW ACCOUNT

11. All costs associated with establishing, maintaining and disbursing funds from the escrow account will be borne by the Escrow Agent.


PERIOD OF WITHDRAWAL

12. The City of Portland may draw against the escrow account during a period, not to exceed ninety days (90) following the expiration of the deadline for completing improvements (hereinafter "deadline"), provided that the Developer has given the City written notice of the deadline, at least ninety (90) days prior thereto, by certified mail, addressed to the Director of Planning and Urban Development. In the absence of such a notice, the City of Portland may draw against the account for a period, not to exceed ninety (90) days beyond the expiration date, which will commence to run from and after the date the City has received written notice of the pending expiration of the deadline.

TERMINATION OF ESCROW AGREEMENT

13. This escrow account will terminate either on [a date which is either ninety (90) days after the date for completion of the required site improvements, but which does not fall between September 15th and April 15th] or as extended, pursuant to paragraph 12. The Agreement may also be terminated and the funds released, prior to either of the foregoing dates when either the Director of Planning and Urban Development or the Department of Public Works, which ever is appropriate, has certified in writing to the Developer that the required site improvements have been completed in accordance with the project approval letter.

Developer



by _____
its _____

City of Portland

by Duane Kline
its Director of Finance

Distribution

1. This Form will be completed by Planning Staff.
 2. The account number can be obtained by calling Paul Colpitts, Chief Accountant, at x8665.
 3. The Agreement will be executed in duplicate originals.
 4. The duplicate originals, each signed by the Developer, will be delivered to the Finance office, together with a check or the funds representing the escrowed amount.
 5. The Director of Finance or his designated agent will sign the escrow agreement in duplicate, acknowledge receipt of funds and deposit them into a City account.
 6. The Director of Finance will retain one duplicate original.
 7. The Director of Finance will return the other duplicate original to Planning. Planning will retain a copy and mail the other duplicate original to the Developer.
-

SAMPLE FORM

SITE PLANS/SUBDIVISIONS
PERFORMANCE GUARANTEE:
LETTER OF CREDIT
[Account #]

(Date)

Joseph E. Gray, Jr., Director
Planning and Urban Development
389 Congress Street
City of Portland
Portland, Maine 04101

RE: [Project name and address]

[The Bank] hereby issues its Irrevocable Letter of Credit for the account of [Name of Developer/Company] as developer, hereinafter referred to as the Developer, in the name of the City of Portland in the aggregate amount of [\$ — Amount of performance guarantee].

The City, through its Director of Planning and Urban Development, may draw on this Letter of Credit by presentation of a sight draft and the original Letter of Credit and all amendments thereto, at [the Bank's] offices located at [Address of the appropriate local office of the Bank] [or in the case of an issuing bank which is not located within the City of Portland at (Name of local confirming bank's offices) located at (Address of the appropriate local confirming bank's office)] stating that:

- (1) the Developer has failed to complete by [Date: within 2 years] or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth in a certain Schedule of Costs of Public Improvements dated [insert date]; or
- (2) the Developer has failed to post the ten percent (10%) Defect Bond or Guarantee required by the Portland City Code sections 14-501 and 14-525; or
- (3) the Developer has failed to notify the City for inspections.

In the event of [The Bank's or local confirming bank's] dishonor of the City of Portland's sight

Performance Guarantee Letter of Credit

draft [The Bank or local confirming bank] shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or the City of Portland Director of Finance as provided in section 14-501 of the Portland City Code may authorize [the Bank], by written certification, to reduce the available amount of this letter of credit by a specified amount.

It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current expiration date hereof, or any future expiration date, unless at least sixty (60) days prior to any expiration date, [the Bank] notifies the Director of Planning and Urban Development by registered mail at the above listed address that [the Bank] elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by the original Letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Urban Development reading as follows:

This drawing results from notification that [The Bank] has elected not to renew its Letter of Credit No. _____; or

This drawing results from the Developer's failure to timely complete to the satisfaction of the City the public improvements set forth in a certain Schedule of Costs of Public Improvements dated [insert date]; or

This drawing results from the Developer's failure to post a ten percent (10%) Defect Guarantee or Bond as provided in §14-501 of the Portland City Code; or

This drawing results from the Developer's failure to notify the City for inspections.

This Letter of Credit will automatically expire upon the earlier of:

1. [The Bank's] receipt of a written notification from the City of Portland that said work as outlined in a certain Schedule of Costs of Public Improvements dated [insert date] between the Developer and the City of Portland has been completed in accordance with the City of Portland specifications and [The Bank's] Letter of Credit No. _____ may be canceled; or

2. The expiration date of [insert expiration date but not between the dates of September 15th and April 15th] or any automatically extended date as specified herein.

Partial drawings are permitted.

We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored if presented at our offices at [insert address] on or before [insert date of expiration] or any automatically extended date as specified herein.

Very truly yours,

[The Bank]

By: _____
Its Duly Authorized

The City of Portland has accepted the providing of alternative security for the Developer's obligations to be performed pursuant to Section 14-501 and/or Section 14-525 of the Portland City Code.

Dated: _____

By: _____

Joseph E. Gray, Jr.
Its Duly Authorized Director of Planning and
Urban Development

Seen and Agreed to: Company

By: _____

Date: _____

Reviewed pursuant to Section 14-501 and/or Section 14-525, Portland City Code

By: _____

Performance Guarantee Letter of Credit

Date: _____
Director of Finance

By: _____
Date: _____
Corporation Counsel

SAMPLE FORM

SITE PLANS/SUBDIVISIONS
DEFECT BOND:
IRREVOCABLE LETTER OF CREDIT
[Account #]

(Date)

Joseph E. Gray, Jr., Director
Planning and Urban Development
City of Portland
Portland, Maine 04101

RE: [Name and address of Project]

[Name of Bank] hereby issues its Irrevocable Letter of Credit for the account of [Name and Address of Developer] as developer, hereinafter referred to as "The Developer", in favor of the City of Portland in the aggregate amount of [amount]. The City of Portland may draw on the Letter of Credit by presentation of a sight draft in the event that the Developer, at the Developer's expense, fails to correct defects in the workmanship and durability of all materials used in the construction of the public improvements as set forth in the Schedule of Costs of Public Improvements dated [insert date] for the [Name and Address of Project]

Drafts drawn upon this credit must be for this particular development and to correct any defect(s) as outlined above which was not corrected by the Developer on or before [Insert Expiration Date - 1 Year from Date of Issuance]. Drafts must be accompanied by a written statement that the Developer has failed to correct such defect(s) and shall be accompanied by itemized statements showing cost of work to be completed.

The City of Portland may draw on this Letter of Credit for a period not to exceed ninety (90) days after the expiration of this one year commitment, provided that [Applicant or Bank] will give the City's Director of Planning and Urban Development written notice, by certified mail, of the expiration of this Letter of Credit at least ninety days prior thereto; otherwise drafts drawn on [the Bank] may be submitted by the City of Portland no later than ninety (90) days following written notice whenever given thereafter.

We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored. However, other than the payment of monies as authorized hereunder, [Name of Bank] shall not guarantee the performance of the Developer to the City of Portland.

Very truly yours,

[The Bank]

From: Marge Schmuckal
To: William Needleman
Date: Fri, Oct 27, 2000 11:00 AM
Subject: Park St. / Stetson Ct. Parking Lot

Bill, I reviewed the revised parking lot plan and have discussed it with Charlie. I do not believe that this would need to go back to the ZBA for the following reasons:

- The parking has been limited to the 6 parking spaces as conditioned by the Board
- The approved design had cars driving in and then backing out. It was not a drive thru design. The proposal is also driving in and then backing out.
- The approved design had two separate accesses; one on each street. The proposal has lessened the impact by only maintaining one access.

Therefore I have determined that it should not have to return to the ZBA for another approval.

CC: Bill Neleski, Jr.; Charlie Lane

PARK ST. ON STREET PARKING - UNCHANGED.

STETSON COURT

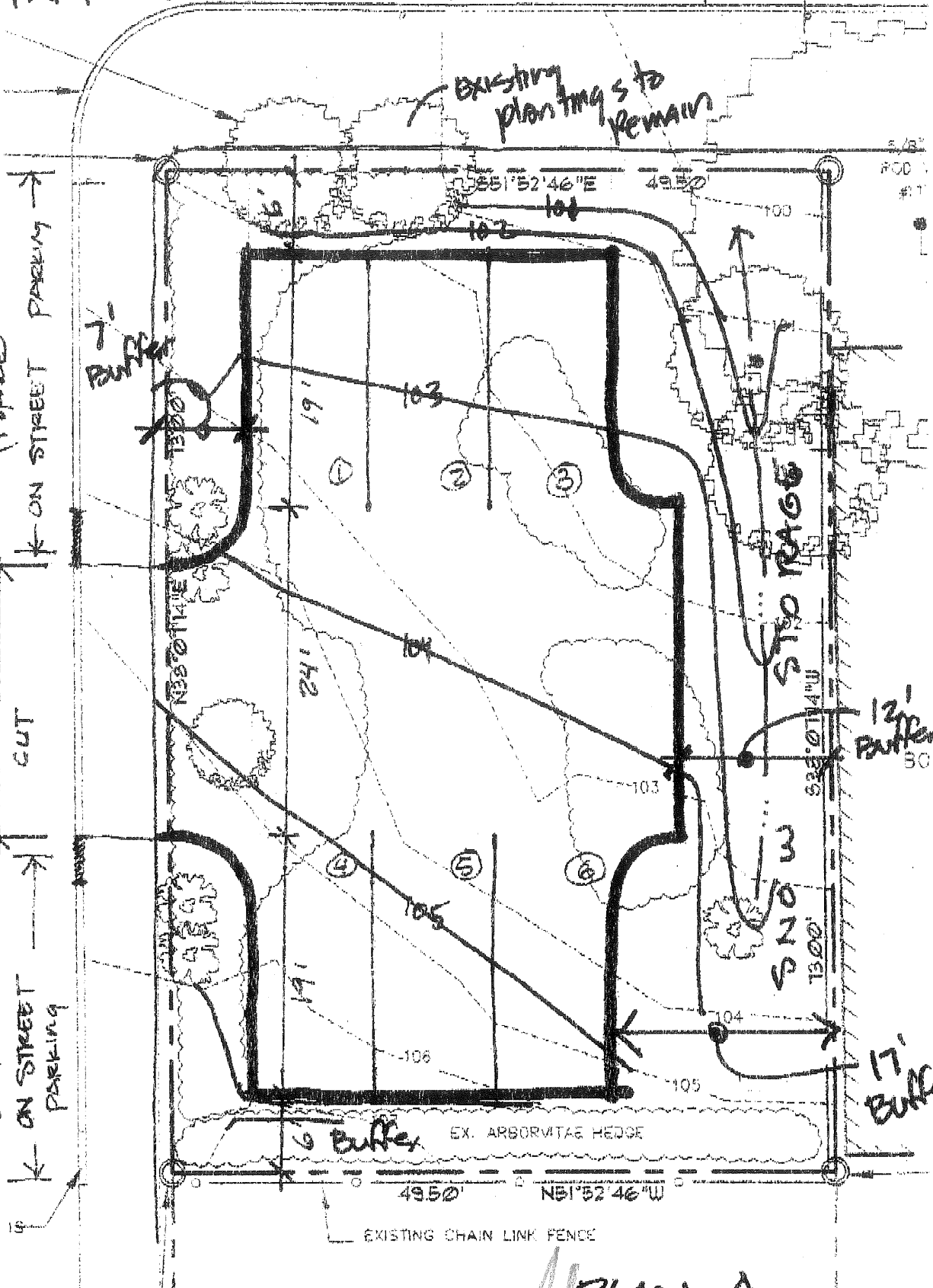
(1 SPACE)

20' CURB

CUT

(1 SPACE)

ON STREET PARKING



EXISTING PLANTINGS TO REMAIN

7' Buffer

STORAGE

12' Buffer

17' Buffer

9' Buffer

EX. ARBORVITAE HEDGE

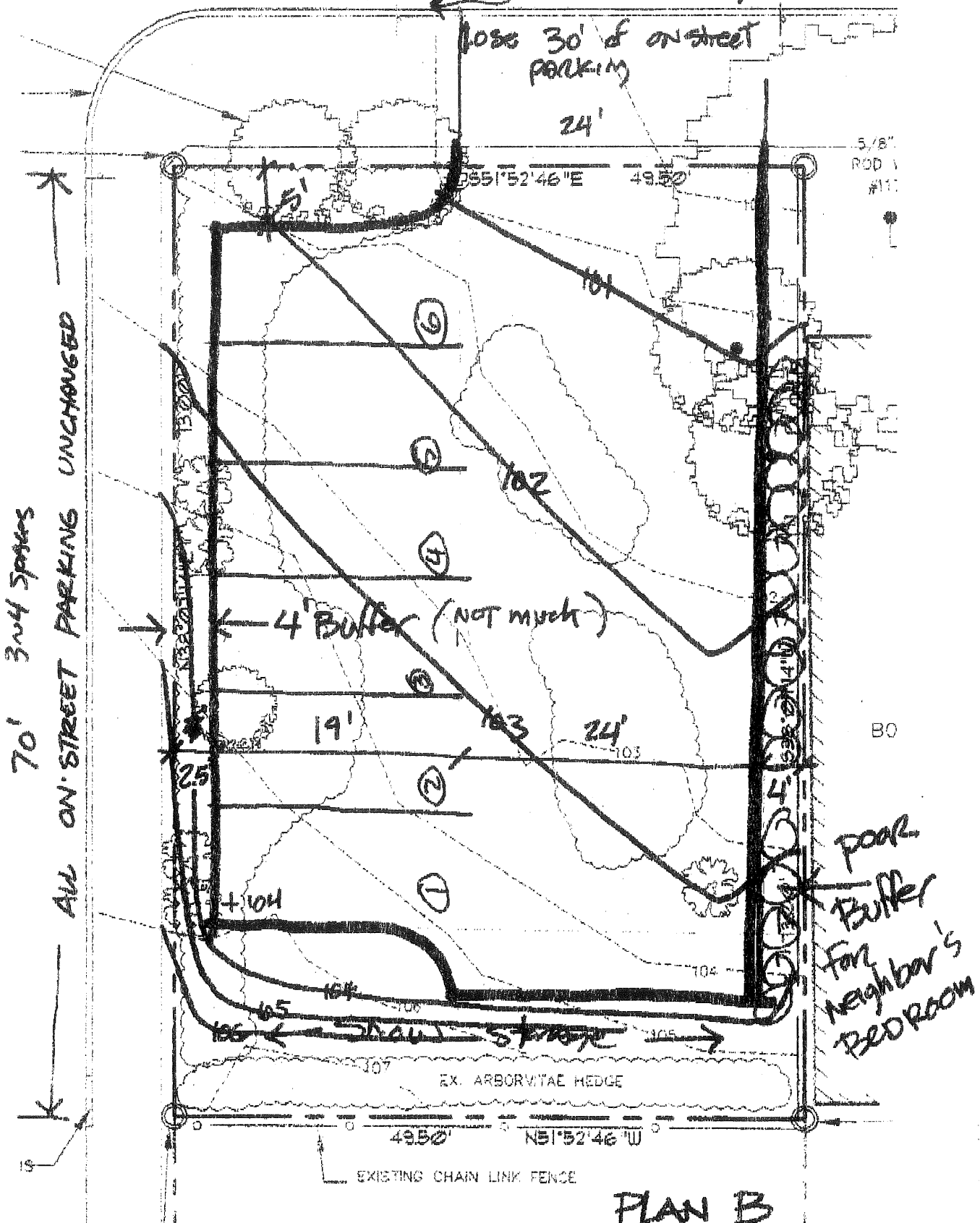
EXISTING CHAIN LINK FENCE

PLAN A

1" = 10'

[Handwritten signature]

PARK ST. →



PLAN B

1"=10'

874-8473



CITY OF PORTLAND

High State Apartments
658 Congress St.
Portland, ME 04101

To Whom It May Concern:

A site inspection was made a few weeks ago at 2-6 Stetson Court, the location of the proposed parking lot. During that inspection, the following deficiency was found in relation to the approved site plan:

1. The Asphalt Pavement was not installed as shown on the plans. It appears that 3 feet of additional pavement was placed along the southeasterly property line. Not only is this a change in the approved plan, it also affects two other items.
 - a. Drainage swale installation along property line.
 - b. Landscaping buffer installation along the property line.

This letter is to inform you of this deficiency, and to allow ample time to perform corrective measures to resolve this issue, prior to final grading, placement of landscaping, and loaming/seeding.

Please contact me at your earliest convenience at (207) 874-8632.

Thank You for Your Time.

Sincerely,



Jay Reynolds

Development Review Coordinator

Cc: Alex Jaegerman, Chief Planner
Sarah Hopkins, Development Review Services Manager
Penny Littell, Corporation Counsel
William Needelman, Planner
Tasha Vosburgh, Homeowner

File: O:\drc\6stetson1.doc

TO: Inspections

FROM: Jay Reynolds, Development Review Coordinator 

DATE: August 2, 2001

RE: C.O. for Mercy Hospital addition, 144 State Street
(CBL 045C006) (2000-0141)

After an inspection of the Mercy addition, I have the following comments:

All work complete.

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

Please contact me if you have any questions or comments.
Thank You.

Cc: Sarah Hopkins, Development Review Services Manager
Mike Nugent, Inspection Services Manager

File: O:\drc\mercyaddition2.doc

**Site Review Pre-Application
Multi-Family/Attached Single Family Dwellings/Two-Family Dwelling
or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the Information below for Site Plan Review

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

<u>Mercy Hospital</u> Applicant <u>144 State Street Portland ME</u> Applicant's Mailing Address <u>S.M.R.T. / Mercy Hospital</u> Consultant/Agent Applicant/Agent Daytime telephone and FAX Proposed Development (Check all that apply) <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Other(Specify) _____ <u>2600</u> ^A Proposed Building Square Footage and /or # of Units	<u>Jan 4, 2001</u> Application Date <u>Special Procedures Addition</u> Project Name/Description <u>144 State Street</u> Address Of Proposed Site Assessor's Reference, Chart#, Block Lot# _____ Acreage of Site _____ Zoning
---	--

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) 9 sets of Site Plan packages containing the information found in the attached sample plans and checklist.

(Section 14-522 of the Zoning Ordinance outlines the process, copies are available for review at the counter, photocopies are \$ 0.25 per page)

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

Signature of applicant: <u>Jeffrey Thomas</u>	Date: <u>Jan 4, 2001</u>
---	--------------------------

Site Review Fee: Major \$500.00 Minor 400.00

This application is for site review ONLY, a Building Permit application and associated fees will be required prior to construction.

Department of Planning and Urban Development
 SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date 1/24/01

Name of Project MERCY HOSPITAL SPECIAL PROCEDURES ADDITION

Address/Location 144 STATE STREET

Developer MERCY HOSPITAL

Form of Performance Guarantee LETTER OF CREDIT

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

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
STREET/SIDEWALK						
Road						
Granite Curbing	<u>82</u>	<u>\$25/FT</u>	<u>\$2050</u>			
Sidewalks	<u>700 SQ FT</u>	<u>\$12/SQ FT</u>	<u>\$8400</u>			
Esplanades						
Monuments						
Street Lighting						
Other	<u>FENCING</u>			<u>400/FT</u>	<u>\$50/FT</u>	<u>\$20,000</u>
	<u>CONCRETE CURB</u>			<u>155/FT</u>	<u>\$15/FT</u>	<u>\$2,325</u>
SANITARY SEWER						
Manholes						
Piping						
Connections						
Other						
STORM DRAINAGE						
Manholes						
Catchbasins				<u>4</u>	<u>\$1836</u>	<u>\$7346</u>
Piping						
Detention Basin						
Other						
SITE LIGHTING						
EROSION CONTROL						
RECREATION AND OPEN SPACE AMENITIES						

	PUBLIC			PRIVATE		
Item	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)				SEE PLAN	\$400/TREE \$100/scrub	\$7400.00
MISCELLANEOUS	PATCH + HOT TOP PARKING RELOCATE OIL LINES			2,200 SOFT		\$4600.00
TOTAL:						\$27,000.00
GRAND TOTAL:			\$10,450.00			\$68,671.00

SPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
2.7% of totals:	\$209.00	\$1573.00	\$1582.00
or			
Alternative Assessment:			
Processed by:	(name)	(name)	



KEYBANK NATIONAL ASSOCIATION
ONE CANAL PLAZA
PORTLAND, MAINE 04101

DATE: JANUARY 24, 2001

IRREVOCABLE STANDBY LETTER OF CREDIT NO. NSL193305

BENEFICIARY
CITY OF PORTLAND
389 CONGRESS STREET
PORTLAND, ME 04101
ATTN: JOSEPH E. GRAY JR.
PLANNING AND URBAN DEVELOPMENT

APPLICANT
MERCY HOSPITAL
144 STATE STREET
PORTLAND, MAINE 04101

LADIES AND GENTLEMEN:

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NO. NSL193305 IN YOUR FAVOR FOR THE ACCOUNT OF MERCY HOSPITAL UP TO AN AGGREGATE AMOUNT NOT TO EXCEED US\$79,121.00 (SEVENTY-NINE THOUSAND ONE HUNDRED TWENTY-ONE AND 00/100 U.S.DOLLARS).

THE CITY, THROUGH ITS DIRECTOR OF PLANNING AND URBAN DEVELOPMENT, MAY DRAW ON THIS LETTER OF CREDIT BY PRESENTATION OF A SIGHT DRAFT MARKED "DRAWN UNDER KEYBANK NATIONAL ASSOCIATION, PORTLAND, MAINE L/C NO. NSL193305 DATED 01/24/01" AND THE ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS THERETO, AT KEYBANK'S OFFICES AT 66 SOUTH PEARL STREET, ALBANY, NEW YORK 12207-1501 ALONG WITH A STATEMENT, PURPORTEDLY SIGNED BY THE DIRECTOR OF PLANNING AND URBAN DEVELOPMENT STATING THAT:

1. THE DEVELOPER HAS FAILED TO COMPLETE BY APRIL 16, 2002 OR BY THE EXPIRATION DATE OF ANY TEMPORARY CERTIFICATE OF OCCUPANCY ISSUED, WHICHEVER DATE COMES FIRST, AT THE DEVELOPER'S EXPENSE, THE WORK ON THE ROADS AND OTHER PUBLIC IMPROVEMENTS AS SET FORTH IN A CERTAIN SCHEDULE OF COSTS OF PUBLIC IMPROVEMENTS DATED JANUARY 24, 2001; OR
2. THE DEVELOPER HAS FAILED TO POST THE TEN PERCENT (10%) DEFECT BOND OR GUARANTEE REQUIRED BY THE PORTLAND CITY CODE SECTIONS 14-501 AND 14-525; OR
3. THE DEVELOPER HAS FAILED TO NOTIFY THE CITY FOR INSPECTIONS.

IN THE EVENT OF KEYBANK NATIONAL ASSOCIATION'S DISHONOR OF THE CITY OF PORTLAND'S SIGHT DRAFT, KEYBANK NATIONAL ASSOCIATION SHALL INFORM THE CITY OF PORTLAND IN WRITING OF THE REASON OR REASONS THEREFOR WITHIN THREE (3) WORKING DAYS OF THE DISHONOR.

AFTER ALL UNDERGROUND WORK IN THE PUBLIC RIGHT OF WAY HAS BEEN COMPLETED AND INSPECTED TO THE SATISFACTION OF THE DEPARTMENT OF PUBLIC WORKS, INCLUDING BUT NOT LIMITED TO SANITARY SEWERS, STORM DRAINS, CATCH BASINS, MANHOLES, ELECTRICAL CONDUITS, AND OTHER REQUIRED IMPROVEMENTS CONSTRUCTED CHIEFLY BELOW GRADE, THE CITY OF PORTLAND DIRECTOR PLANNING AND URBAN DEVELOPMENT OR THE CITY OF PORTLAND DIRECTOR OF FINANCE AS PROVIDED IN SECTION 14-501 OF THE PORTLAND CITY CODE MAY AUTHORIZED KEYBANK NATIONAL ASSOCIATION, BY WRITTEN CERTIFICATION, TO REDUCE THE AVAILABLE AMOUNT OF THIS LETTER OF CREDIT BY A SPECIFIED AMOUNT.



PAGE 2 AND FORMING AN INTEGRAL PART OF IRREVOCABLE STANDBY L/C NO. NSL193305

IT IS A CONDITION OF THIS CREDIT THAT IT SHALL BE DEEMED AUTOMATICALLY EXTENDED WITHOUT AMENDMENT FOR PERIOD(S) OF ONE YEAR EACH FROM THE CURRENT EXPIRATION DATE HEREOF, OR ANY FUTURE EXPIRATION DATE, UNLESS AT LEAST SIXTY (60) DAYS PRIOR TO ANY EXPIRATION DATE, KEYBANK NATIONAL ASSOCIATION NOTIFIES THE DIRECTOR OF PLANNING AND URBAN DEVELOPMENT BY REGISTERED/COURIER/EXPRESS MAIL AT THE ABOVE LISTED ADDRESS THAT KEYBANK NATIONAL ASSOCIATION ELECTS NOT TO CONSIDER THIS LETTER OF CREDIT RENEWED FOR ANY SUCH ADDITIONAL PERIOD.

IN THE EVENT OF SUCH NOTICE, THE CITY MAY DRAW HEREUNDER BY PRESENTATION OF A SIGHT DRAFT DRAWN ON THE BANK, ACCOMPANIED BY THE ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS THERETO, AND A STATEMENT PURPORTEDLY SIGNED BY THE DIRECTOR OF PLANNING AND URBAN DEVELOPMENT READING AS FOLLOWS:

THIS DRAWING RESULTS FROM NOTIFICATION THAT KEYBANK NATIONAL ASSOCIATION HAS ELECTED NOT TO RENEW IS LETTER OF CREDIT NO. NSL193305; OR

THIS DRAWING RESULTS FROM THE DEVELOPER'S FAILURE TO TIMELY COMPLETE TO THE SATISFACTION OF THE CITY THE PUBLIC IMPROVEMENTS SET FORTH IN A CERTAIN SCHEDULE OF COSTS OF PUBLIC IMPROVEMENTS DATED JANUARY 24, 2001; OR

THIS DRAWING RESULTS FROM THE DEVELOPER'S FAILURE POST A TEN PERCENT (10%) DEFECT GUARANTEE OR BOND AS PROVIDED IN SECTION 14-501 OF THE PORTLAND CITY CODE; OR

THIS DRAWING RESULTS FROM THE DEVELOPER'S FAILURE TO NOTIFY THE CITY FOR INSPECTIONS.

THIS LETTER OF CREDIT WILL AUTOMATICALLY EXPIRE UPON THE EARLIER OF:

1. KEYBANK NATIONAL ASSOCIATION'S RECEIPT OF A WRITTEN NOTIFICATION FROM THE CITY OF PORTLAND THAT SAID WORK AS OUTLINED IN A CERTAIN SCHEDULE OF COSTS OF PUBLIC IMPROVEMENTS DATED JANUARY 24, 2001 BETWEEN DEVELOPER AND THE CITY OF PORTLAND HAS BEEN COMPLETED IN ACCORDANCE WITH THE CITY OF PORTLAND SPECIFICATIONS AND KEYBANK NATIONAL ASSOCIATION'S LETTER OF CREDIT NO. NSL193305 MAY BE CANCELLED; OR
2. THE EXPIRATION DATE OF APRIL 16, 2002 OR ANY AUTOMATICALLY EXTENDED DATE AS SPECIFIED HEREIN.

PARTIAL DRAWINGS ARE PERMITTED.

THIS LETTER OF CREDIT SETS FORTH IN FULL THE TERMS OF OUR UNDERTAKING AND SUCH AN UNDERTAKING SHALL NOT IN ANY WAY BE MODIFIED, AMENDED OR AMPLIFIED BY REFERENCE TO ANY DOCUMENTS, INSTRUMENTS OR AGREEMENTS REFERRED TO HEREIN, OR IN WHICH THIS LETTER OF CREDIT IS REFERRED TO OR TO WHICH THIS LETTER OF CREDIT RELATES AND ANY SUCH REFERENCE SHALL NOT BE DEEMED TO INCORPORATE HEREIN BY REFERENCE ANY SUCH DOCUMENTS, INSTRUMENTS OR AGREEMENTS.

EXCEPT SO FAR AS OTHERWISE EXPRESSLY STATED, THIS STANDBY LETTER OF CREDIT IS SUBJECT TO THE "UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS" (1993 REVISION) INTERNATIONAL CHAMBER OF COMMERCE, PUBLICATION NO. 500.

CONTINUED ON PAGE 3....

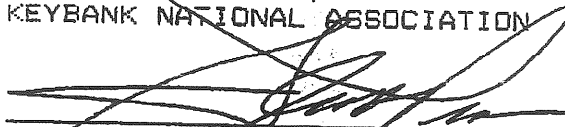


PAGE 3 AND FORMING AN INTEGRAL PART OF IRREVOCABLE STANDBY L/C NO. NSL193305

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS AND DOCUMENTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED BY US ON DELIVERY OF DOCUMENTS, AS SPECIFIED, IF PRESENTED TO: KEYBANK NATIONAL ASSOCIATION, 66 SOUTH PEARL STREET, ALBANY, NEW YORK, 12207-1501 SPECIFICALLY MARKED ATTENTION: INTERNATIONAL DIVISION, LETTER OF CREDIT DEPT. NY-31-66-0416 ON OR BEFORE THE EXPIRATION DATE OF APRIL 16, 2002 OR ANY AUTOMATICALLY EXTENDED DATE AS HEREINBEFORE SET FORTH.

ALL COMMUNICATIONS WITH RESPECT TO THIS LETTER OF CREDIT SHALL BE IN WRITING AND SHALL BE ADDRESSED TO: KEYBANK NATIONAL ASSOCIATION, 66 SOUTH PEARL STREET, ALBANY, NEW YORK 12207-1501 ATTENTION: INTERNATIONAL DIVISION, LETTER OF CREDIT DEPT. NY-31-66-0416 SPECIFICALLY REFERRING TO THE NUMBER OF THIS LETTER OF CREDIT.

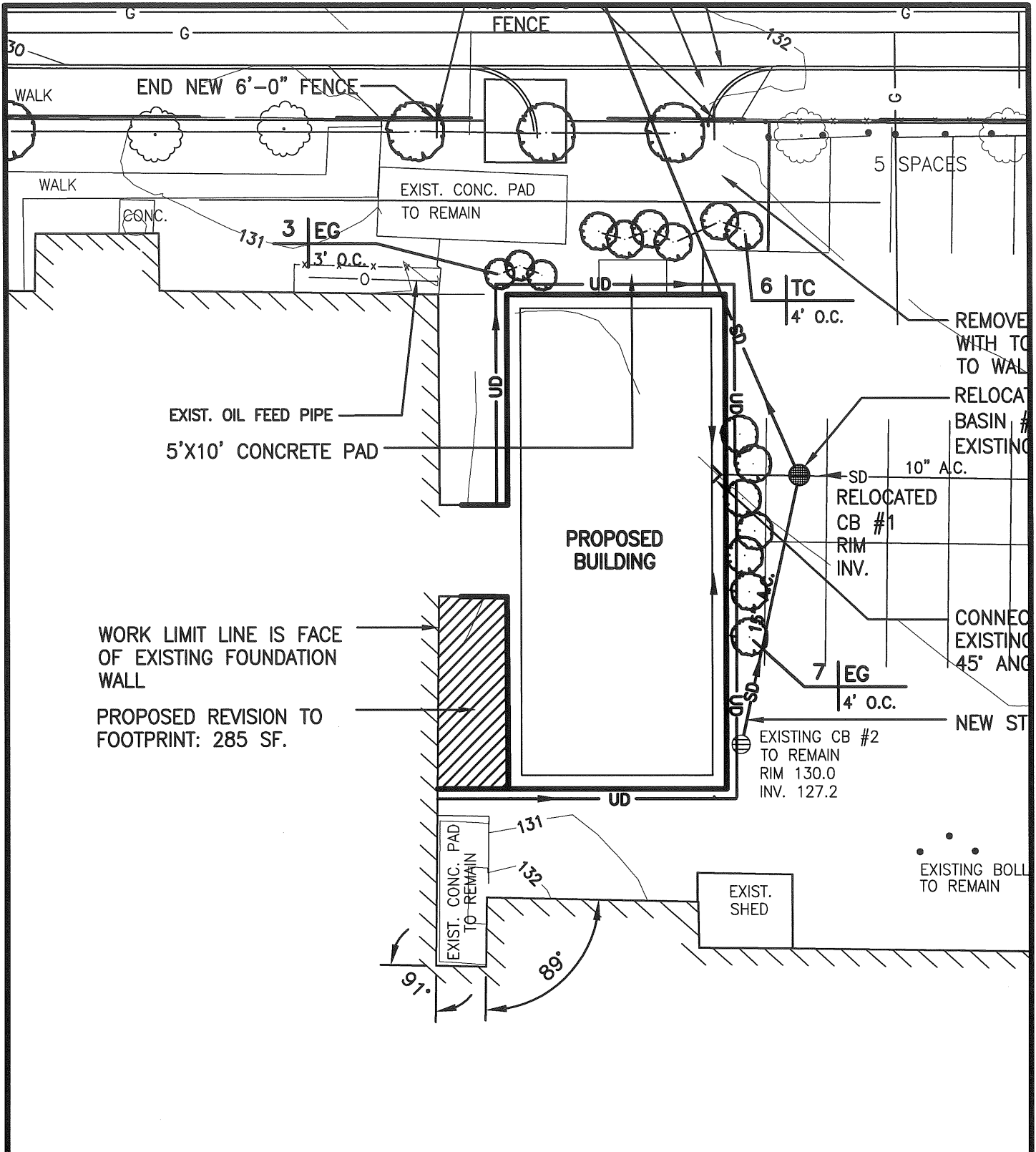
YOURS FAITHFULLY,
KEYBANK NATIONAL ASSOCIATION



AUTHORIZED SIGNATURE



AUTHORIZED SIGNATURE



ARCHITECTURE ENGINEERING PLANNING

SMRT

144 Fore Street/P.O.Box 618 PORTLAND, MAINE 04104
tel. (207) 772-3848 / fax. (207) 772-1070

SCALE: 1" = 20'

SMRT CAD FILE: C-BASE

PROJECT No. 20003

JOB CAP/DRAW: SCK

PROJECT: **MERCY HOSPITAL SPECIAL SERVICES UNIT**

SUBJECT: **20' SCALE SITE PLAN**

PM: PSS

SHEET No.

A/E: -

DATE: 9-19-00

Javah - FYI

CITY OF PORTLAND, MAINE
HISTORIC PRESERVATION COMMITTEE

Edward Hobler, Chair
Rick Romano, Vice Chair
Susan Wroth
Camillo Breggia
Robert Parker
Steve Sewall
Cordelia Pitman

August 8, 2000

Bruce Chuluda
Mercy Hospital
144 State Street
Portland, Maine 04101

Re: Certificate of Appropriateness; Modular Unit facing Winter Street

Dear Mr. Chuluda:


On August 2, 2000, the City of Portland's Historic Preservation Committee voted 7-0 to approve your application for a Certificate of Appropriateness. Approval is for the installation of a modular structure which will adjoin the existing two-story ell behind Mercy Hospital. Note that the Committee approved "Option 2" of the two alternative facade treatments.

The Committee's approval is subject to the following condition:

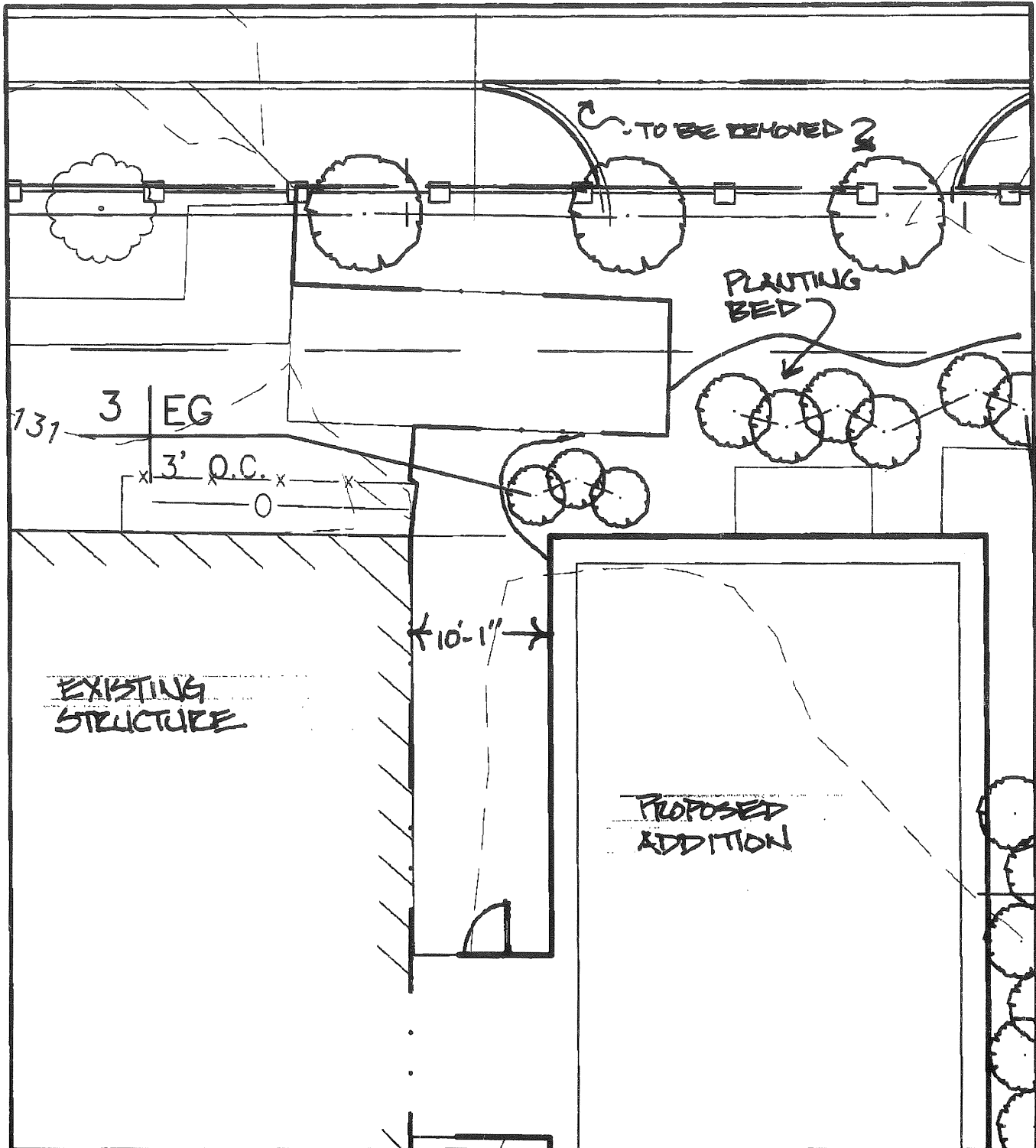
→ * That the proposed ornamental aluminum fence continue in a northerly direction to the existing parking control gate and, beyond the gate, to Mercy Hospital's northern property line. The additional fencing shall measure 3'6" in height.

All improvements shall be carried out as shown on the submitted plans and specifications except as needed to satisfy the condition listed above. Changes to the approved plans and specifications and any additional work which may be undertaken must be reviewed and approved by this office prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

Edward Hobler, Chair
Historic Preservation Committee

cc: Approval Letter File



ARCHITECTURE ENGINEERING PLANNING

SMRT

144 Fore Street/P.O.Box 618 PORTLAND, MAINE 04104
tel. (207) 772-3846 / fax. (207) 772-1070

SCALE: 1"=10'-0"

SMRT CAD FILE:

PROJECT No. 20003

JOB CAP/DRAW: GDM

PROJECT: **MERCY HOSPITAL
SPECIAL SERVICES UNIT**

PM: PSS

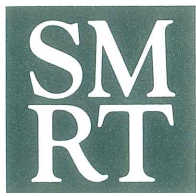
SHEET No.

A/E: PSS

1

SUBJECT:

DATE: 8-17-00



ARCHITECTURE
ENGINEERING
PLANNING

September 18, 2000

Ms. Sarah Hopkins
Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04101-3503

Re: Mercy Hospital Special Procedures Unit

Dear Sarah;

The purpose of this letter is to request two revisions to our original approved site plan. First, we propose to utilize conventional construction methods, rather than modular construction, to build the unit. Several factors have led to this request, including delays in modular fabrication and lack of cost benefits. Conventional construction creates advantages in utility installation, quality control, project schedule, and allows more efficient use of the site.

Our second request is to add approximately 285 square feet to the original footprint. Conventional construction would allow us to "fill in" the rear portion of the 10' separation between the existing and proposed structures. This proposal would not affect any of the originally proposed building elevations, including exposed materials, nor would it affect originally proposed landscaping and layout. Please also see the attached sketch.

Should you have any questions or require additional information, please do not hesitate to contact me at any time.

Sincerely,
SMRT, Inc.

George McDonough

Attachments:

Revised site plan

cc: Bruce Chuluda, Mercy Hospital
Jack McCormack, Mercy Hospital
File 22/PSS

144 Fore Street
PO Box 618
Portland, Maine 04104

☎ 207 772-3846
☎ 207 772-1070

2051 Main Street
Sarasota, Florida 34237

☎ 941 955-9883
☎ 941 955-9893

www.smrtinc.com



CITY OF PORTLAND

September 22, 2000

Bruce Chaluda
Mercy Hospital
144 State Street
Portland, ME 04101

re: **REVISION** to Mercy Hospital Winter Street Special Procedures Unit Addition

Dear Mr. Chaluda:

This letter is to confirm the revision to the approved site plan of the Mercy Hospital Special Procedures Unit project located within the Mercy Hospital campus on Winter Street. The approved revision includes the construction of the addition instead of installing the modular unit as previously approved by the Planning Board. The revised plan has been reviewed and approved by the project review staff including representatives of the Planning, Public Works, Building Inspections, Fire and Parks Departments.

If you have any questions regarding the revision please contact the planning staff at 874-8720.

Sincerely,

Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Alexander Jaegerman, Chief Planner
✓ Sarah Hopkins, Senior Planner
P. Samuel Hoffses, Building Inspector
Jeff Tarling, City Arborist
William Bray, Director of Public Works
Tony Lombardo, Project Engineer
Lt. Gaylen McDougall, Fire Prevention
Penny Littell, Associate Corporation Counsel
Inspection Department
Development Review Coordinator
Lee Urban, Director of Economic Development
Susan Doughty, Assessor's Office
Approval Letter File

O:\PLAN\CORRESP\SECRETAR\FORMS\SPREVIS.WPD

NEW BUSINESS

- ii. Bed and Breakfast R-6 Contract Zone Amendment, with Proposed New Residential Building; Vicinity of Danforth Street and Winter Street; Barbara Hathaway, Applicant.

The Portland Planning Board will consider a proposal by Barbara Hathaway, owner and proprietor of the Danforth Inn, to amend the contract zone for the property. The amendments would allow the owner/manager to reside in a new ancillary structure to be built on the property, as opposed to in the inn itself. The number of guestrooms in the inn would not change.

- iii. Sapporo Restaurant WCZ Building Addition; Conditional Use/Site Plan Review; Vicinity of 230 Commercial Street; Charles Poole, Proprietor of Union Wharf, Applicant.

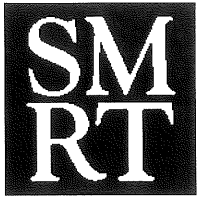
The Portland Planning Board will consider a proposal by Charles Poole, proprietor of Union Wharf, for an additional 1,200 square feet to the existing Sapporo Restaurant at Union Wharf on Commercial Street. The proposal will be reviewed under the site plan ordinance of the City Land Use Code and as a conditional use in the Waterfront Central Zone.

- iv. Stroudwater Estates Phase II IM Industrial Subdivision Revision; Vicinity of Hutchins Drive; George Hutchins, Applicant.

The Portland Planning Board will consider a proposal by George M. Hutchins for a revision to the Stroudwater Estates Subdivision Plan. The amended plan includes an alteration to Harry Harmon Drive by increasing the street right-of-way width by 10 feet.

5. ADJOURNMENT

NOTE: It is possible that the Board will not reach all of the items prior to adjournment. Any items not reached will be rescheduled to appear on the subsequent agenda with items appearing early on the agenda as unfinished business.



ARCHITECTURE
ENGINEERING
PLANNING

Fax Transmission

To: Sarah Hopkins - Planning Dept. **Fax #:** 874-8649
From: George McDonough **Date:** September 18, 2000
Re: Mercy Special Procedures Unit **Job #:** 20003
3 pages, including cover.

REMARKS:

Sarah,
Please find letter and sketch. I will call you on Wednesday to follow-up after your staff meeting.

Regards,
George

cc:
Mercy Hospital: Jack McCormack, Bruce Chuluda
SMRT: PSS/file 22

September 8, 2000

Bruce Chaluda
Mercy Hospital
144 State Street
Portland, ME 04101

re: Mercy Hospital Winter Street Special Procedures Unit Modular Addition

Dear Mr. Chaluda:

On August 22, 2000, the Portland Planning Board voted unanimously (6-0; Malone absent) on the following motions regarding the Mercy Hospital Special Procedures Unit modular addition:

1. That the plan is in conformance with the conditional use standards of the Land Use Code.
2. That the plan is in conformance with the site plan standards of the Land Use Code with the following condition:
 - that the site plan be revised to reflect the requirements of the Public Works Department as outlined in the memo for Tony Lomabardo dated August 16, 2000.
3. That the plan is in conformance with the Standards for Review of Alterations and the Standards for Review of Construction, as recommended by the Historic Preservation Committee.

The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Board # 43-00, which is attached.

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. 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.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. 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 representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. 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 (who is located at DeLuca Hoffman at 775-1121) must be notified five (5) working days prior to date required for final site inspection. 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 the Planning Staff.

Sincerely,

Jaimey Caron, Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Sarah Hopkins, Senior Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Nancy Knauber, Associate Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspection Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Code Enforcement

FROM: Sarah Hopkins, Development Review Services Manager

DATE: January 4, 2001

SUBJECT: Mercy Hospital Special Procedures Unit

This morning, I met with Mercy Hospital representatives to discuss the final steps prior to our sign-off on their building permit. Mercy is currently working toward submitting their performance guarantee and engineering/inspection fees, as well as submitting their final plans.

I understand that they have commenced their site work to prepare for utility connections and hope to proceed next week on their foundation.

The Planning Office has no objection to Mercy continuing with their site preparation work and foundation work, assuming that Code Enforcement has no outstanding issues, with the understanding that they will submit the necessary paperwork and plans early next week.

cc.: Alexander Jaegerman, Chief Planner
Steve Bushey, DRC
Mike Nugent, Inspections Services Manager
Sam Hoffses, Building Inspector
Jeff Thomas, Mercy Hospital

**CITY OF PORTLAND MAINE
MEMORANDUM**

TO: Chair Caron and Members of the Planning Board

FROM: Sarah Hopkins, Senior Planner

DATE: July 25, 2000

SUBJECT: Mercy Hospital Special Procedures Unit Addition

Introduction

Mercy Hospital has requested Site Plan and Conditional Use Review for a proposed 2,300 sq. ft. modular addition within the hospital campus for a Special Procedures Unit. The Mercy Hospital site is 99,597 square feet and zoned R-6 Residential.

Mercy Hospital Master Planning

As the Board may recall, Mercy applied in February of 2000 for a contract zone to permit a major expansion of their campus along Spring and State Streets. The proposal included construction of a large parking garage and medical offices within the block bounded by State, Winter, and Spring Streets, as well as an addition to the hospital building along the frontage of State Street.

Based on a study conducted by their hospital planning consultants, and comments received from neighbors, Mercy has chosen to abandon its plan for such a sizeable expansion on the site. Instead, Mercy will begin looking throughout Greater Portland for a larger campus site with sufficient area for expansion.

This proposed addition will meet Mercy's immediate need to provide a Special Procedures Unit in the location of the existing MRI trailer.

Site Plan/Historic Preservation Review

Access to the modular unit will be provided from within the hospital building.

The applicant proposes to remove the driveway used by the portable MRI unit and replace the sidewalk and curb along Winter Street. An additional driveway at the ambulance drop-off area will be removed and restored to brick sidewalk. A new metal fence will be placed along the frontage of Winter Street along the street line, between the sidewalk and building addition. The fence will be extended down Winter Street to the ambulance drop-off area. Red Maples will be installed along the "in" side of the fence, between the fence and building. Additional landscaping, including yews and euonymous, will be installed between the fence and modular.

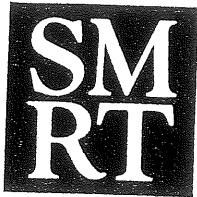
The proposed addition will be a modular unit, clad in brick to match the hospital masonry. The modular will measure 32 x 72 ft. and will be approximately 16 ft high.

Because of Mercy's location within an historic district, the building addition is under review by the Historic Preservation Committee. A recommendation from the Committee will be forwarded to the Planning Board prior to the public hearing.

As an institutional expansion in a R-6 zone, the proposed addition will also be reviewed as a conditional use. The conditional use standards are included as Attachment 2.

Attachments

1. Letter from the Applicant
2. Conditional Use Standards
3. Building Elevations
4. Site Plan



ARCHITECTURE
ENGINEERING
PLANNING

July 11, 2000

Rick Knowland, Senior Planner
Planning and Urban Development
389 Congress Street
Portland, Maine 04101

Re: Site Plan Review for
Minor Addition to Mercy Hospital, Winter Street.

Dear Rick:

On behalf of the applicant, Mercy Hospital, we are submitting nine (9) sets of site plans and related documents for staff review and approval. A check in the amount of \$400.00 has been submitted to Code Enforcement. The following represents a summary of the context and conditions related to the proposed improvements.

The subject parcel is located at 144 State Street, at the rear of Mercy Hospital, adjacent to Winter Street and an existing parking area. It is in the R6 zone, and as such is a conditional permitted use. It abuts residential structures across Winter Street. There are three existing buildings on site—the main Hospital building, the Morrison House, and the Smith House. The uses of these buildings will not change in type or intensity. The gross amount of new construction is 2,300 sf. It consists of a one-story modular structure that will serve as the hospital's special procedures unit, and will connect to the existing structure with a new vestibule, and there will be no outside access. No additional impervious surfaces will be created, and there will be no new signs. Lighting will consist of building-mounted units similar to what currently exists.

Additional parking will not be necessary because there will be no new employees on the site. Although there will be a net loss of seven parking spaces, the remaining parking will be adequate. Mercy Hospital already exceeds the required amount of parking per square foot of building space, providing 689 parking spaces, versus 470 total required spaces based on Division 20 of the Land Use Code.

144 Fore Street
PO Box 618
Portland, Maine 04104

☎ 207 772-3846
☎ 207 772-1070

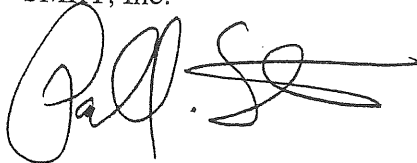
2051 Main Street
Sarasota, Florida 34237

☎ 941 955-9883
☎ 941 955-9893

I trust you will find that there is a sufficient level of information presented here to perform your review and that you will be able to allow us to move forward on that basis. Should you have any questions or require additional information, please feel free to contact us at any time.

Given the favorable response by the Historic Preservation Committee and the small scale and scope of the project, we are requesting a combined workshop and public hearing on July 25th.

Sincerely yours,
SMRT, Inc.

A handwritten signature in black ink, appearing to read "Paul S. Stevens", with a long horizontal flourish extending to the right.

Paul S. Stevens, AIA
President

cc: Tom Gruber, Bruce Chuluda, PSS, GDM, PAF

Written Statements Relating to Mercy Hospital Special Services Unit- Minor Addition and Alterations

1. The scope of work will consist of the construction of a one-story modular structure which will serve as the hospital's special services unit, as well as site work dealing with relocation of an existing catch basin and storm sewer, and minor regrading. Aesthetic improvements including the installation of a new fence and landscaping. The proposed structure will be accessed from within the building through an existing mobile docking area, which will be altered to serve as a vestibule.
2. The gross amount of new construction is 2,300 square feet. The footprint of the existing hospital building is 50,630.56 sf. Total land area of the site is 99,597 sf.
3. There are no known easements associated with the property that have any impact on the proposed structure or use.
4. Since there will be no change of type of use or intensity, this facility will not generate any additional waste beyond its current amount, nor will the type of waste change. Waste from the proposed facility will be handled in the same manner as in the existing facility.
5. Since there is no change in use or intensity of use, there will be no additional demand on services to and from the building.
6. The existing drainage patterns are self-contained within the existing parking area. Although one catch basin and associated piping will be relocated outside of the new construction area, the post development configuration will not alter the drainage pattern, and there will be no increase of impervious area on the site.
7. The project is anticipated to commence on September 15, 2000. The project is anticipated to be complete by November 1, 2000.
8. There are no federal permits required for this project.
9. A letter from the owner regarding financial capacity will be forthcoming.
10. This is an existing facility, with documents on record of ownership.
11. There are no unusual natural areas in the project area.

- c. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.
- (2) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:
- a. Elementary, middle, and secondary school;
 - b.
 - i. Long-term and extended care facilities;
 - ii. Intermediate care facility for thirteen (13) or more persons;
 - c. Intermediate care facility;
 - d. Church or other place of worship;
 - e. Private club or fraternal organization;
 - f. Reserved;
 - g. Hospital;
 - h. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- i. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
 - ii. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
 - iii. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.
- (3) *Other*:
- a. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
 - b. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.
- The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

(1) *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

(2) *Standards.* Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

From: Anthony Lombardo
To: RICK KNOWLAND
Date: Wed, Aug 16, 2000 11:23 AM
Subject: Mercy Hospital Special Services Unit....8/16/00

Rick,

I've reviewed the Mercy Hospital plans and offer the following comments:

1. Sheet CP101 specifies the use of Asbestos Cement pipe on site for storm drain pipe material. Within the Winter St. right of way, the only pipe materials acceptable to the City are ADS, PVC or RCP.
2. For work proposed within the right of way, the applicant must provide construction details, drawn to City specifications, for the following:
 - a. pipe trench detail
 - b. brick sidewalk construction detail
3. The plans should specify the pavement repair to Winter St. according to the City of Portland Street Opening Ordinance.
4. Although a small scale project, the plans need to specify the necessary erosion and sediment control measures proposed for this development.

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

20000141

I. D. Number

Mercy Hospital

Applicant

144 State Street, Portland, ME 04101

Applicant's Mailing Address

SMRT

Consultant/Agent

772-3846 **772-1070**

Applicant or Agent Daytime Telephone, Fax

7/12/00

Application Date

Winter Street

Project Name/Description

144 State St, Portland Maine

Address of Proposed Site

045-C-006

Assessor's Reference: Chart-Block-Lot

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

2,300 sf **99,597 sf** **R6**

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

Check Review Required:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan
(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional
Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan **\$400.00** Subdivision _____ Engineer Review _____ Date: **7/12/00**

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions
See Attached Denied

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

OK to Issue Building Permit _____ _____
signature date

Performance Guarantee Required* Not Required

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

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

I. Introduction

Mercy Hospital has requested Site Plan , Certificate of Appropriateness, and Conditional Use Review for a proposed 2,300 sq. ft. modular addition within the hospital campus for a Special Procedures Unit. The Mercy Hospital site is 99,597 square feet and zoned R-6 Residential.

As the Board may recall, Mercy applied earlier this year for a contract zone to permit a major expansion of their campus along Spring and State Streets. The proposal included construction of a parking garage and medical offices within the block bounded by State, Winter, and Spring Streets, as well as an addition to the hospital building along the frontage of State Street.

Based on a study conducted by their hospital planning consultants, and comments received from neighbors, Mercy has chosen to abandon its plan for such a sizeable expansion on the site. Instead, Mercy will begin looking throughout Greater Portland for a larger campus site with sufficient area for expansion.

This proposed addition will meet Mercy's immediate need to provide a Special Procedures Unit in the location of the existing MRI trailer.

As a major site plan development in an historic district, this proposal must be reviewed by both the Planning Board and Historic Preservation Committee.

II. SUMMARY OF FINDINGS

Zoning:	R-6
Parcel Size:	99,597 sq.ft.
Parking Spaces:	
existing	689
proposed	684
required	470
Proposed Building Floor Area:	2,300 sq.ft
Building Height:	14 ft

1167 notices were sent to area residents. A notice also appeared in the *Portland Press Herald*.

III. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards for conditional uses and the Site Plan Ordinance.

Conditional Use Review

As an institutional expansion, the Mercy proposal is considered a conditional use in the R-6 zone. As such, the conditional use standards of Section 14-137(2) and 14-474 must be applied.

Sec. 14-137(2)

- i. In the case of expansion of existing such uses [onto] land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or building, and will not cause significant physical encroachment into established residential areas.

The Special Procedures Unit will be installed alongside the main hospital building, within the Mercy campus.

- ii. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter.

The modular unit will not displace any residential uses.

- iii. In the case of a use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

The applicable minimum lot sizes have been met.

Sec. 14-474

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

There are no known unique or distinctive characteristics associated with the proposed use.

- b. There will be an adverse impact up on health, safety or welfare of the public or surrounding area.

The applicant does not anticipate any impact on health, safety or welfare of the public or surrounding area as a result of the installation of the modular Special Procedures Unit.

- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

The impacts of this site are similar as those normally expected from such a use in this zone.

Certificate of Appropriateness Review

As a building addition in an historic district, Mercy's proposal must meet the standards under the Historic Preservation Ordinance. During a workshop and public hearing, the Committee reviewed the proposal for conformance with the Standards for Review of Alterations and the Standards for Review of Construction. The committee has forwarded a recommendation for approval of the project to the Planning Board.

Site Plan Review

1. Traffic

Traffic along Winter Street should be improved with the removal of the mobile MRI trailer from the site. Each week, the trailer is brought to and removed from the site on a regular basis.

Granite curb, sidewalk, and on-street parking will be replaced with the removal of the MRI trailer driveway.

Five parking spaces will be displaced in order to provide sufficient area for the modular. The hospital has shown that they exceed the off-street parking requirements for its use.

3. Bulk, Location, Health, etc.

The proposed addition will be a modular unit, clad in brick to match the hospital masonry. The modular will measure 32 x 72 ft. and will be approximately 14 ft high.

At the last workshop meeting on this item, the Board questioned the treatment of the connector vestibule and its relation to the patio area.

Due to Fire Safety Code, the modular unit must be separated from the hospital building by at least 10 feet. Also, egress must be provided from the connector vestibule. The applicant proposes to pave the walkway leading from the vestibule to the outdoor employee picnic area. Additional landscaping has also been proposed along the west side of the modular unit.

A detail of this area with an explanation is included as Attachment 4.

4. Sewers, Storm Drains, Water

Underdrains will be installed around the perimeter of the modular building and connected to a catchbasin in the physicians' parking lot. The catchbasin will then be connected to the storm sewer in Winter Street.

All other utilities will be connecting to existing service in the hospital building.

5. Landscaping and Existing Vegetation

A new metal fence will be placed along the frontage of Winter Street along the street line, between the sidewalk and building addition. During the Historic Preservation Committee's review of Mercy's proposal, the applicant agreed to extend the fence to the north, up to the existing parking control gate, and beyond the gate to Mercy's northern property line. The fence will also be extended down Winter Street to the ambulance drop-off area.

Red Maples will be installed along the "in" side of the fence, between the fence and building. Additional landscaping, including yews and euonymous, will be installed between the fence and modular.

6. Soils and Drainage

The development site, on which the modular will be installed, is currently paved. The applicant will relocate a catchbasin in order to maintain the existing drainage patterns on the site.

8. Exterior Lighting

There is no additional lighting proposed as part of the application.

9. Fire

Lt. McDougall of the Fire Department has reviewed and approved the plan for fire related concerns.

10. City Infrastructure

The removal of two driveways along Winter Street and restoration of curb and sidewalk will enhance the streetscape and add four on-street parking spaces.

11. Environmental Resources Wetlands

The development appears to have no adverse impact on significant natural resources.

VII. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #43-00 relevant to standards for conditional use and site plan review, the Planning Board finds:

That the plan [is/is not] in conformance with the conditional use standards of the Land Use Code.

That the plan [is/is not] in conformance with the site plan standards of the Land Use Code.

That the plan [is/is not] in conformance with the Standards for Review of Alterations and the Standards for Review of Construction, as recommended by the Historic Preservation Committee.

*Man 6-0
Malone
absent.*

Uhan.

revise

*for staff review
+ approval to*

Conform w/ comments

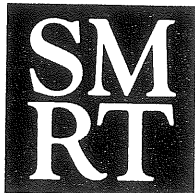
from PW memo dated...

August 16.

Uhan 6-0

Attachments

1. Letter from the Applicant
2. Fence Detail
3. Historic Preservation Standards
4. Historic Preservation Memo
5. Connecting Vestibule Detail with Explanation
6. Building Elevations
7. Site Plan



ARCHITECTURE
ENGINEERING
PLANNING

August 17, 2000

Ms. Sarah Hopkins
Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04101-3503

Re: Mercy Hospital Special Procedures Unit

Dear Sarah;

Please find enclosed a revised site plan for the above-mentioned project. Changes include:

- 1) Extension of the proposed 3'-6" aluminum fence to the western end of Mercy Hospital property on Winter Street.
- 2) Addition of 2 parking spaces in the physicians' lot, resulting in a total loss of 5 spaces.
- 3) Addition of landscaping on the west side of the proposed modular unit.

Parking calculations are as follows:

Required: (Section 14-332): 1 space per 500 sf
Mercy Hospital: 235,000 sf/500 = 470 spaces required
Existing spaces: 689
Proposed spaces: 684

I will bring revised elevations with me to the public hearing on 8/22. Please contact me should you have any questions or require additional information.

Sincerely,
SMRT, Inc.

A handwritten signature in black ink, appearing to read 'George McDonough', written over a horizontal line.

George McDonough

Attachments:

Revised site plan

cc: Bruce Chuluda, Mercy Hospital
Jack McCormack, Mercy Hospital
File 22/PSS

144 Fore Street
PO Box 618
Portland, Maine 04104

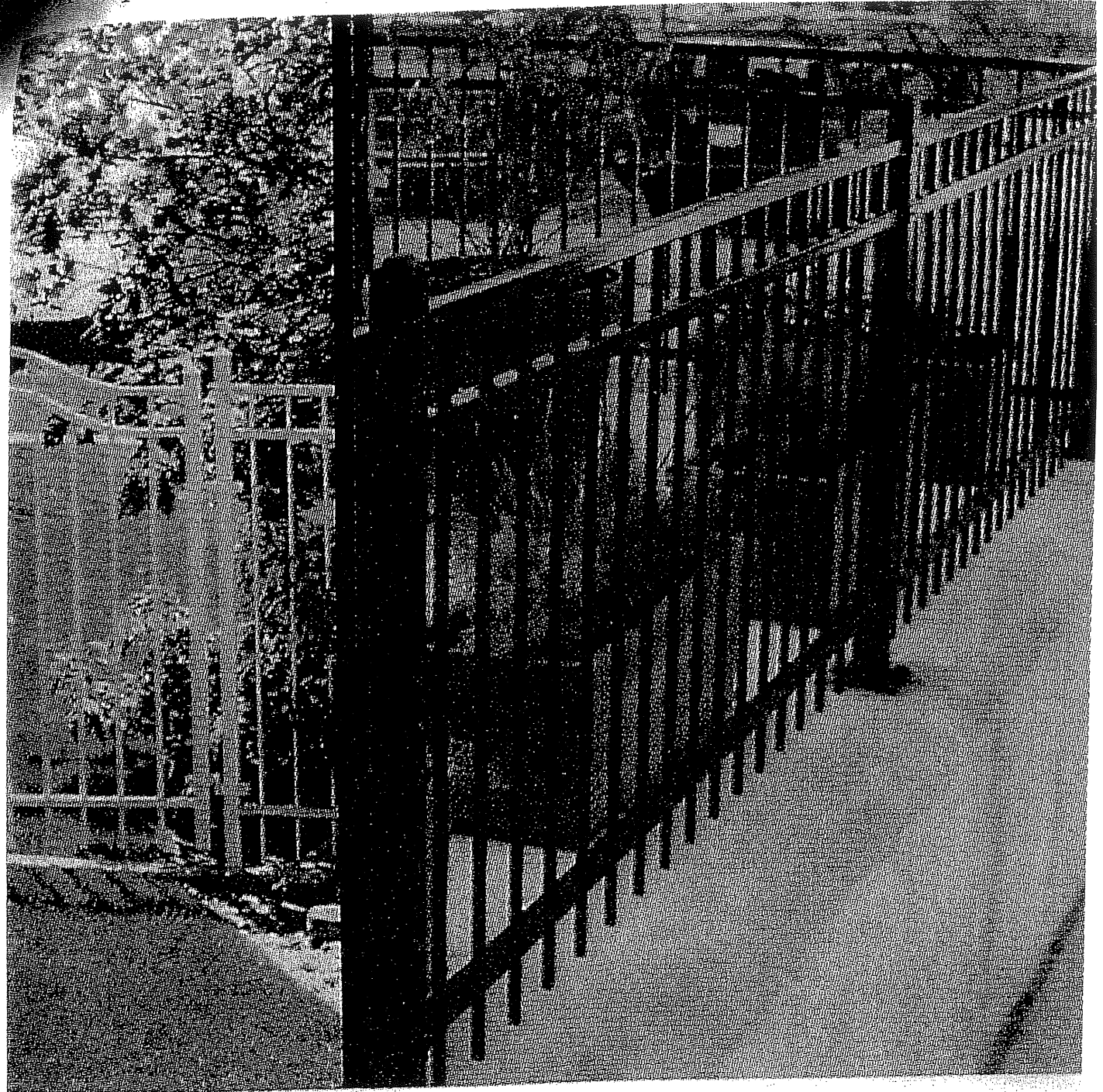
☎ 207 772-3846
☎ 207 772-1070

2051 Main Street
Sarasota, Florida 34237

☎ 941 955-9883
☎ 941 955-9893

www.smrtinc.com

...at
...spe-
...techni-
...ectural sub-
...requirements



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1999 Directory and Buyer's Guide

Sec. 14-651. Standards for review of construction.

In considering an application for a certificate of appropriateness involving construction, the committee and the planning board shall apply the following general standards, as further described in the design manual and any design guidelines in the ordinance designating the landmark or district:

(1) *Scale and form:*

- a. *Height.* In addition to the applicable requirements of articles III, IV and V of this chapter, the proposed height shall be visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.
- b. *Width.* The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.
- c. *Proportion of principal facades.* The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways and open spaces to which it is visually related.
- d. *Roof shapes.* The roof shape of a structure shall be visually compatible with the structures to which it is visually related.
- e. *Scale of a structure.* The size and mass of structures in relation to open spaces, windows, door openings, porches and balconies shall be visually compatible with the structures, public ways and places to which they are visually related.

(2) *Composition of principal facades:*

- a. *Proportion of openings.* The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways and places to which the building is visually related.
- b. *Rhythm of solids to voids in facades.* The relationship of solids to voids in the facade of a structure shall be visually compatible with structures, public ways and places to which it is visually related.
- c. *Rhythm of entrance porch and other projections.* The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways and places to which they are visually related.
- d. *Relationship of materials.* The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.
- e. *Signs.* Any new sign, and any change in the appearance of an existing sign located on a landmark within an historic district or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the design manual.

(3) *Relationship to street:*

- a. *Walls of continuity.* Facades and site structures, such as masonry walls, fences and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related.
- b. *Rhythm of spacing and structures on streets.* The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related.
- c. *Directional expression of principal elevation.* A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.
- d. *Streetscape, pedestrian improvements.* Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to, or on a landmark, within an historic district or within an historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the design manual.

(4) *Other standards:*

- a. *Compatible uses.* Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.
- b. *Distinguishing original character.* The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.
- c. *Archeological resources.* Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.
- d. *Contemporary design.* Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material and character of the property, neighborhood and environment.
- e. *Additions.* Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 13, 5-17-93)

HISTORIC PRESERVATION COMMITTEE
CITY OF PORTLAND, MAINE

PUBLIC HEARING
MERCY HOSPITAL (REAR PORTION OF LOT FACING WINTER ST.)

TO: Chair Hobler and Members of the Historic Preservation Committee
FROM: Deborah Andrews, Historic Preservation Program Manager
DATE: July 12, 2000
RE: July 19, 2000 - New Business - HP Report # 18

Application For: Certificate of Appropriateness - Building Addition - Modular Unit
Address: Winter Street- rear of Mercy Hospital property
Applicant: Mercy Hospital
represented by Paul Stevens, SMRT Architects

Background:

On July 5th, representatives of Mercy Hospital met with the Committee in a workshop session to introduce preliminary plans for a one-story, modular building addition which will face Winter Street. The Committee will recall that, given the uncertainty of the hospital's long term presence in this location, Mercy has elected to pursue a modular, and portable, structure for this building addition, which is to house the special services unit.

Based on input received from the Committee during the workshop, Mercy has revised the plans and is returning for a public hearing and final deliberations.

Project Description:

The proposed one-story addition is a modular structure which will connect, by way of a recessed entry, an existing two-story brick ell. As the enclosed site plan indicates, the Winter Street elevation of the proposed structure will be aligned with the existing building. The structure is 14 feet high and the roof is flat.

The structure will be faced in brick with cast stone trim. The brick will match that of the adjoining structure. Given the intended use of the addition (diagnostic testing), there is no need or desire for windows. Accordingly, the proposed structure features no windows. In preliminary sketches presented at the workshop, cast stone was used to suggest window forms across the two visible facades. Some Committee members expressed the view that perhaps a simple brick facade which eliminated the "window" elements was an acceptable, and perhaps more desirable, design approach for this background addition. At the Committee's request, Mr. Stevens is forwarding two elevation options for the Committee's consideration. The revised elevations also show a more simplified entrance in the recessed link, in response to Committee comments.

In addition to the building addition itself, the project includes the replacement of a portion of an existing chain link fence along the Winter Street frontage. The chain link is to be replaced with industrial-grade aluminum ornamental fencing, similar to that used for two small hospital parking lots on the other side of Winter Street. The fence will measure 3'6" high in front of the new addition, increase to 6' in front of the existing two-story structure, and drop back down to 3'6" for the balance of its length towards the Winter/Spring St. intersection. Beyond (north of) the proposed addition, the existing chain link fence is to remain in place.

Note that Mr. Stevens has indicated that material samples will be available for inspection at Wednesday's public hearing. Staff has also asked that a section drawing of the facade be provided as well.

Applicable Review Standards:

The proposed building addition will be evaluated according to the Standards for Review of Alterations and the Standards for Review of Construction.

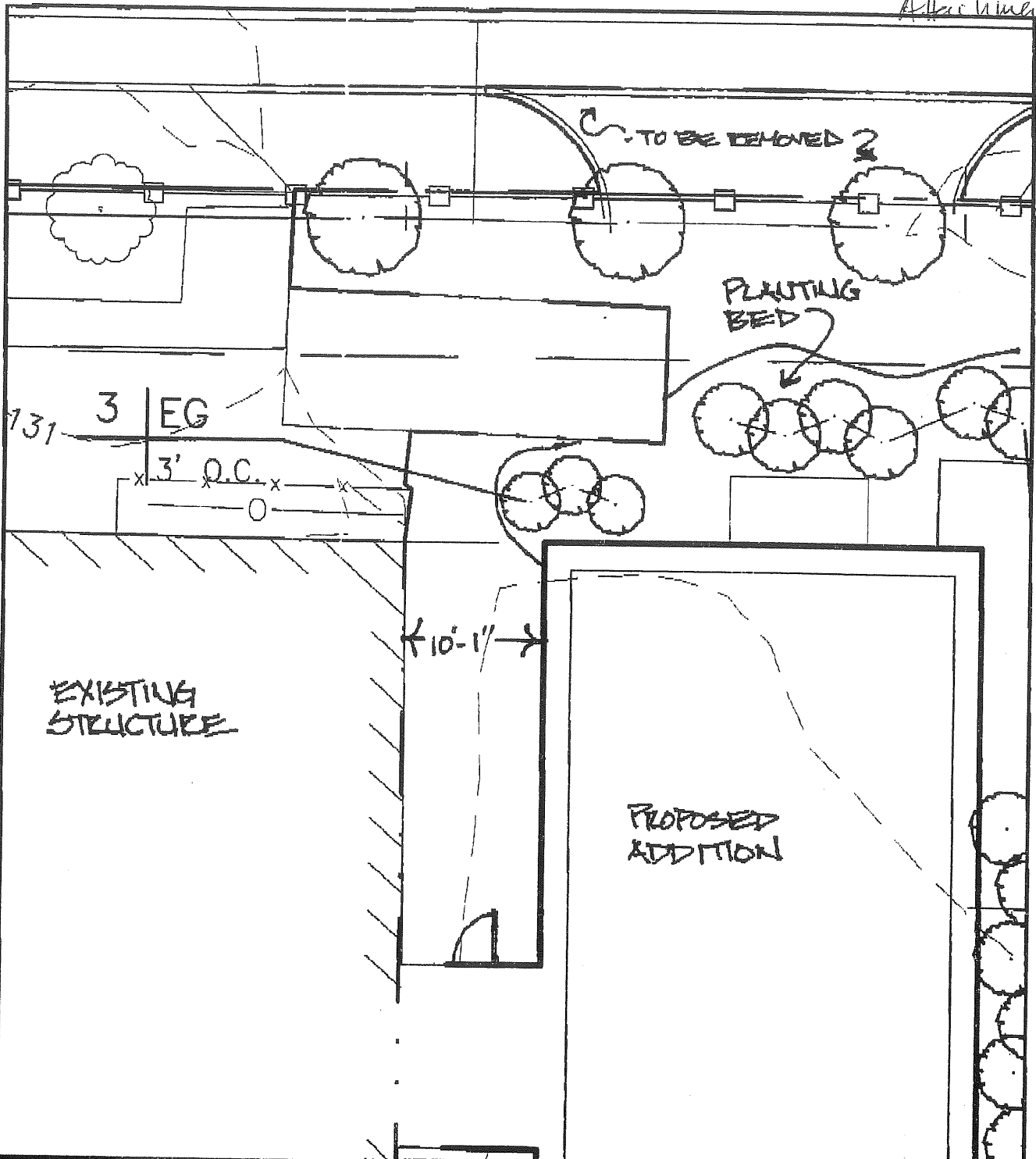
Motion for the Committee to Consider:

On the basis of material submitted by the applicant and information included in Historic Preservation Report # 18-00, the Committee finds:

- * that the proposed addition **meets (fails to meet)** the Standards for Review of Alterations and the Standards for Review of Construction, **(subject to the following conditions of approval:)**

Attachments:

1. Letter from project architect
2. Existing Condition photo
3. Option #1 elevations
4. Option #2 elevations
5. Fence catalogue cut
6. Site plan



ARCHITECTURE ENGINEERING PLANNING

SMRT

144 Fore Street/P.O.Box 618 PORTLAND, MAINE 04104
tel. (207) 772-3846 / fax. (207) 772-1070

SCALE: 1"=10'-0"

SMRT CAD FILE:

PROJECT No. 20003

JOB CAP/DRAW: GDM

PM: PSS

SHEET No.

A/E: PSS

1

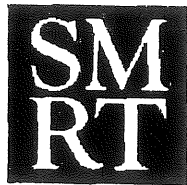
DATE: 8-17-00

© copyright 2000 SMRT Inc.

PROJECT:

MERCY HOSPITAL
SPECIAL SERVICES UNIT

SUBJECT:



ARCHITECTURE
ENGINEERING
PLANNING

Fax Transmission

To: Sarah Hopkins - Planning Dept. Fax #: 874-8649
From: George McDonough Date: August 17, 2000
Re: Mercy Special Services Unit Job #: 20003
2 pages, including cover.

REMARKS:

Sarah,

After reviewing issues surrounding separation of the proposed structure from the existing hospital (fire codes and aesthetics), we are proposing a separation of 10' = 1". This was unclear in the site plan I sent you this afternoon.

Please call should you have any questions.

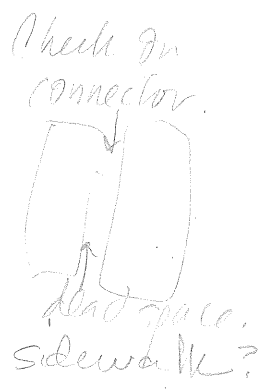
Regards,
George

cc: file 22/PSS

Bruce Chaluda
detail for sidewalk fence design

lead lot - net loss of 7?

**CITY OF PORTLAND MAINE
MEMORANDUM**



TO: Chair Caron and Members of the Planning Board
FROM: Sarah Hopkins, Senior Planner
DATE: July 25, 2000
SUBJECT: Mercy Hospital Special Procedures Unit Addition

Introduction

Mercy Hospital has requested Site Plan and Conditional Use Review for a proposed 2,300 sq. ft. modular addition within the hospital campus for a Special Procedures Unit. The Mercy Hospital site is 99,597 square feet and zoned R-6 Residential.

Mercy Hospital Master Planning

As the Board may recall, Mercy applied in February of 2000 for a contract zone to permit a major expansion of their campus along Spring and State Streets. The proposal included construction of a large parking garage and medical offices within the block bounded by State, Winter, and Spring Streets, as well as an addition to the hospital building along the frontage of State Street.

Based on a study conducted by their hospital planning consultants, and comments received from neighbors, Mercy has chosen to abandon its plan for such a sizeable expansion on the site. Instead, Mercy will begin looking throughout Greater Portland for a larger campus site with sufficient area for expansion.

This proposed addition will meet Mercy's immediate need to provide a Special Procedures Unit in the location of the existing MRI trailer.

Site Plan/Historic Preservation Review

Access to the modular unit will be provided from within the hospital building.

The applicant proposes to remove the driveway used by the portable MRI unit and replace the sidewalk and curb along Winter Street. An additional driveway at the ambulance drop-off area will be removed and restored to brick sidewalk. A new metal fence will be placed along the frontage of Winter Street along the street line, between the sidewalk and building addition. The fence will be extended down Winter Street to the ambulance drop-off area. Red Maples will be installed along the "in" side of the fence, between the fence and building. Additional landscaping, including yews and euonymous, will be installed between the fence and modular.

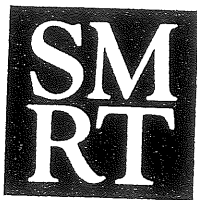
The proposed addition will be a modular unit, clad in brick to match the hospital masonry. The modular will measure 32 x 72 ft. and will be approximately 16 ft high.

Because of Mercy's location within an historic district, the building addition is under review by the Historic Preservation Committee. A recommendation from the Committee will be forwarded to the Planning Board prior to the public hearing.

As an institutional expansion in a R-6 zone, the proposed addition will also be reviewed as a conditional use. The conditional use standards are included as Attachment 2.

Attachments

1. Letter from the Applicant
2. Conditional Use Standards
3. Building Elevations
4. Site Plan



ARCHITECTURE
ENGINEERING
PLANNING

July 11, 2000

Rick Knowland, Senior Planner
Planning and Urban Development
389 Congress Street
Portland, Maine 04101

Re: Site Plan Review for
Minor Addition to Mercy Hospital, Winter Street.

Dear Rick:

On behalf of the applicant, Mercy Hospital, we are submitting nine (9) sets of site plans and related documents for staff review and approval. A check in the amount of \$400.00 has been submitted to Code Enforcement. The following represents a summary of the context and conditions related to the proposed improvements.

The subject parcel is located at 144 State Street, at the rear of Mercy Hospital, adjacent to Winter Street and an existing parking area. It is in the R6 zone, and as such is a conditional permitted use. It abuts residential structures across Winter Street. There are three existing buildings on site—the main Hospital building, the Morrison House, and the Smith House. The uses of these buildings will not change in type or intensity. The gross amount of new construction is 2,300 sf. It consists of a one-story modular structure that will serve as the hospital's special procedures unit, and will connect to the existing structure with a new vestibule, and there will be no outside access. No additional impervious surfaces will be created, and there will be no new signs. Lighting will consist of building-mounted units similar to what currently exists.

Additional parking will not be necessary because there will be no new employees on the site. Although there will be a net loss of seven parking spaces, the remaining parking will be adequate. Mercy Hospital already exceeds the required amount of parking per square foot of building space, providing 689 parking spaces, versus 470 total required spaces based on Division 20 of the Land Use Code.

144 Fore Street
PO Box 618
Portland, Maine 04104

☎ 207 772-3846
☎ 207 772-1070

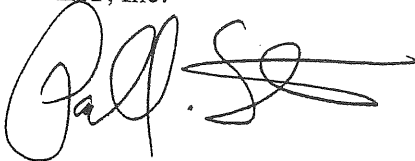
2051 Main Street
Sarasota, Florida 34237

☎ 941 955-9883
☎ 941 955-9893

I trust you will find that there is a sufficient level of information presented here to perform your review and that you will be able to allow us to move forward on that basis. Should you have any questions or require additional information, please feel free to contact us at any time.

Given the favorable response by the Historic Preservation Committee and the small scale and scope of the project, we are requesting a combined workshop and public hearing on July 25th.

Sincerely yours,
SMRT, Inc.

A handwritten signature in black ink, appearing to read "Paul S. Stevens", with a long horizontal flourish extending to the right.

Paul S. Stevens, AIA
President

cc: Tom Gruber, Bruce Chuluda, PSS, GDM, PAF

Written Statements Relating to Mercy Hospital Special Services Unit- Minor Addition and Alterations

1. The scope of work will consist of the construction of a one-story modular structure which will serve as the hospital's special services unit, as well as site work dealing with relocation of an existing catch basin and storm sewer, and minor regrading. Aesthetic improvements including the installation of a new fence and landscaping. The proposed structure will be accessed from within the building through an existing mobile docking area, which will be altered to serve as a vestibule.
2. The gross amount of new construction is 2,300 square feet. The footprint of the existing hospital building is 50,630.56 sf. Total land area of the site is 99,597 sf.
3. There are no known easements associated with the property that have any impact on the proposed structure or use.
4. Since there will be no change of type of use or intensity, this facility will not generate any additional waste beyond its current amount, nor will the type of waste change. Waste from the proposed facility will be handled in the same manner as in the existing facility.
5. Since there is no change in use or intensity of use, there will be no additional demand on services to and from the building.
6. The existing drainage patterns are self-contained within the existing parking area. Although one catch basin and associated piping will be relocated outside of the new construction area, the post development configuration will not alter the drainage pattern, and there will be no increase of impervious area on the site.
7. The project is anticipated to commence on September 15, 2000. The project is anticipated to be complete by November 1, 2000.
8. There are no federal permits required for this project.
9. A letter from the owner regarding financial capacity will be forthcoming.
10. This is an existing facility, with documents on record of ownership.
11. There are no unusual natural areas in the project area.

- c. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.
- (2) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:
- a. Elementary, middle, and secondary school;
 - b.
 - i. Long-term and extended care facilities;
 - ii. Intermediate care facility for thirteen (13) or more persons;
 - c. Intermediate care facility;
 - d. Church or other place of worship;
 - e. Private club or fraternal organization;
 - f. Reserved;
 - g. Hospital;
 - h. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- i. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
 - ii. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
 - iii. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.
- (3) *Other*:
- a. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
 - b. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

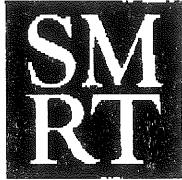
(c) *Conditions for conditional uses:*

(1) *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

(2) *Standards.* Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.



ARCHITECTURE
ENGINEERING
PLANNING

Fax Transmission

To: Sarah Hopkins - Planning Dept.

Fax #: ~~874-8640~~ 756-8258

From: George McDonough

Date: August 17, 2000

Re: Mercy Special Services Unit

Job #: 20003

2 pages, including cover.

REMARKS:

Sarah,

After reviewing issues surrounding separation of the proposed structure from the existing hospital (fire codes and aesthetics), we are proposing a separation of 10' = 1". This was unclear in the site plan I sent you this afternoon.

Please call should you have any questions.

Regards,
George

cc: file 22/PLS



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Code Enforcement

FROM: Sarah Hopkins, Development Review Services Manager

DATE: January 4, 2001

SUBJECT: Mercy Hospital Special Procedures Unit

This morning, I met with Mercy Hospital representatives to discuss the final steps prior to our sign-off on their building permit. Mercy is currently working toward submitting their performance guarantee and engineering/inspection fees, as well as submitting their final plans.

I understand that they have commenced their site work to prepare for utility connections and hope to proceed next week on their foundation.

The Planning Office has no objection to Mercy continuing with their site preparation work and foundation work, assuming that Code Enforcement has no outstanding issues, with the understanding that they will submit the necessary paperwork and plans early next week.

cc.: Alexander Jaegerman, Chief Planner
Steve Bushey, DRC
Mike Nugent, Inspections Services Manager
Sam Hoffses, Building Inspector
Jeff Thomas, Mercy Hospital

VENDOR NUMBER	DESCRIPTION/INVOICE #	VOUCHER #	GROSS AMOUNT	DISCOUNT	NET AMOUNT
	ENGINEERING FEES & APPLICATION FEE				

CHECK NUMBER 0060370

			1857.00		
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Portland, Maine 04101-3795 (207) 879-3000

006

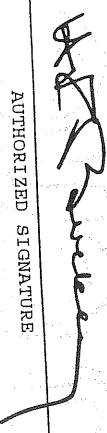
ID# 20000141
 MERCY HOSPITAL
 eng insp fees:
 engineering:
 PWD # 80
 DH # 337
 1440
 inspections:
 Planning # 1000
 PWD # 440

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.

PNC Bank, National Association
 DENNETTE, PA
 60-162
 433

CHECK NUMBER	DATE
0060370	01/23/01
AMOUNT	
*****\$1,857.00	

VOID AFTER 90 DAYS


 AUTHORIZED SIGNATURE



VERIFY THE

From: Anthony Lombardo
To: Sarah Hopkins
Date: Thu, Jan 4, 2001 10:41 AM
Subject: Re: engineering fees

2 hours @ \$40 per hour = \$80.

>>> Sarah Hopkins 01/03 4:12 PM >>>

What were your engineering fees associated with Mercy Hospital's special procedures unit?

-s

1857

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Sarah Hopkins " <SH@ci.portland.me.us>
Date: Thu, Jan 4, 2001 7:58 AM
Subject: Re: engineering fees

we had Approximately \$150 for review

Steve

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

From: Sarah Hopkins <SH@ci.portland.me.us>
To: AWL@ci.portland.me.us <AWL@ci.portland.me.us>; srbushey@maine.rr.com
<srbushey@maine.rr.com>
Date: Wednesday, January 03, 2001 4:17 PM
Subject: engineering fees

What were your engineering fees associated with Mercy Hospital's special procedures unit?

-s

BY ENDORSEMENT THIS CHECK WHEN PAID IS ACCEPTED AS FULL PAYMENT OF THE FOLLOWING ACCOUNT

52-60/112

1077

HIGHSTATE APARTMENTS, INC.
 655 CONGRESS STREET, ROOM 206
 PORTLAND, MAINE 04101-3324
 207-773-1814

PAY *Five hundred twenty-five and 00/100* DOLLARS

DATE	TO THE ORDER OF	GROSS AMOUNT	NET AMOUNT
10/20/00	City of Portland, Me.		525
	<i>added to account</i>		

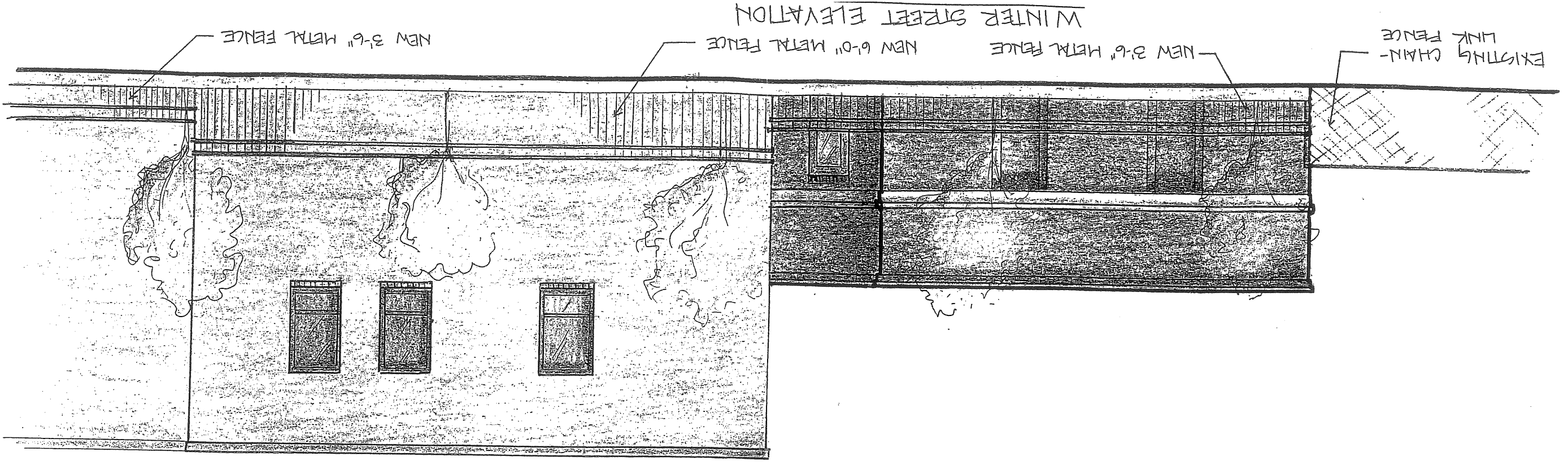
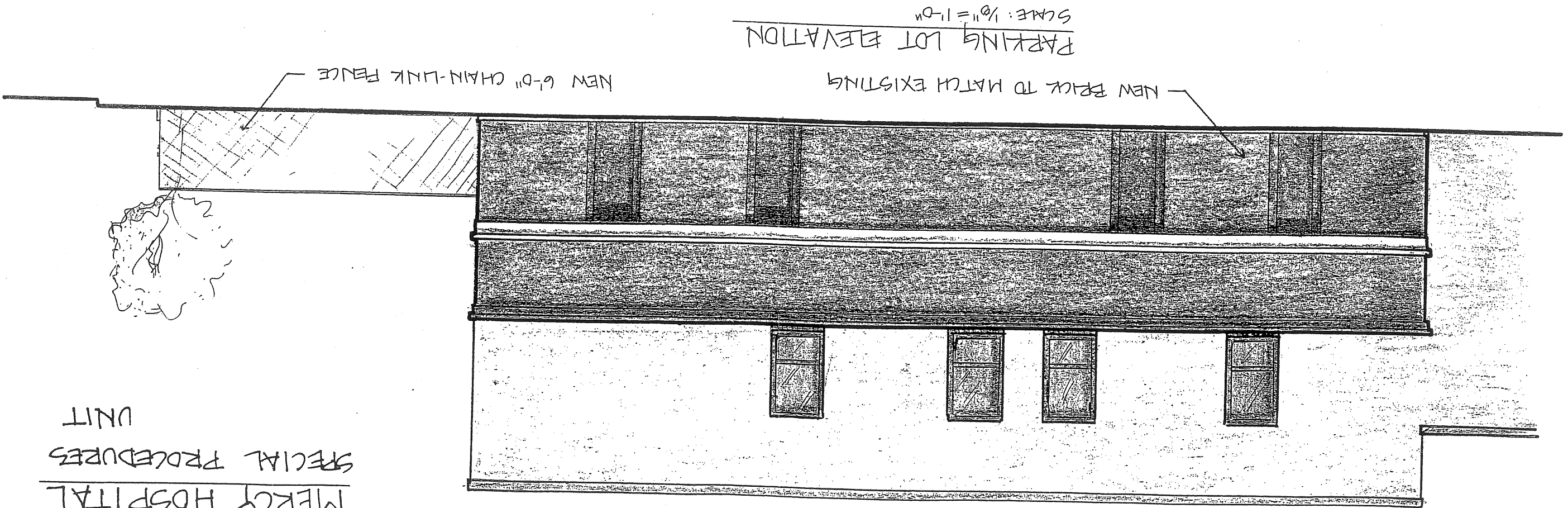


KEY BANK OF MAINE
 PORTLAND, MAINE

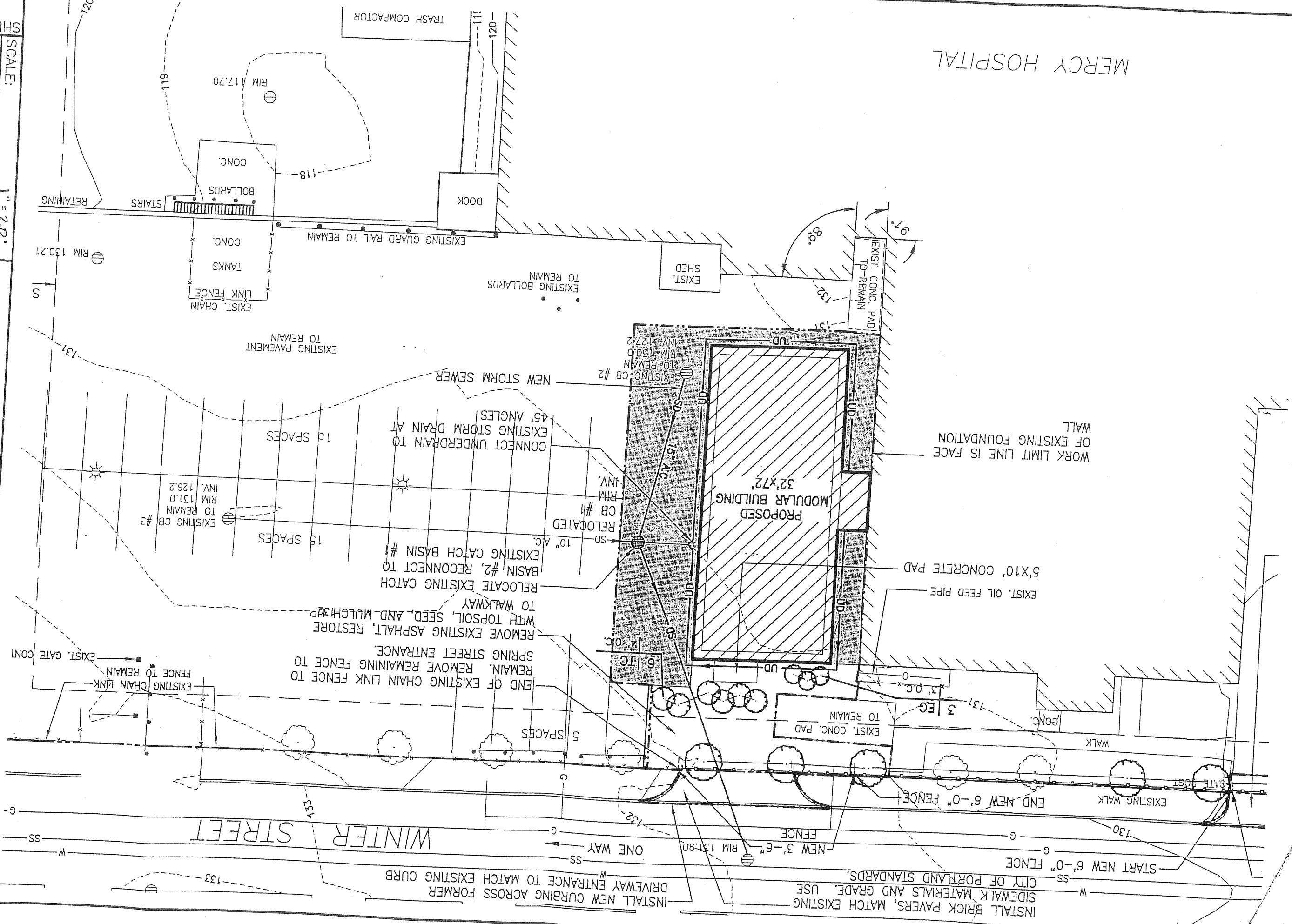
Shirley J. Rice
 AUTHORIZED SIGNATURE

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MERCY HOSPITAL
SPECIAL PROCEDURES
UNIT



MERCY HOSPITAL



SCALE: 1" = 20'

PROJECT MANAGER: P.S.S

JOB CAP/DRAWN: S.C.K

A/E OF RECORD:

SMART CAD FILE: C:\101-20003

PROJECT No. 20003

DATE: 7-11-00

PROJECT: MERCY HOSPITAL
SERIAL SERVICES UNIT

ARCHITECTURE ENGINEERING PLANNING
SMART
144 Fore Street/P.O. Box 618 PORTLAND, MAINE 04104
Tel. (207) 772-3846 / Fax. (207) 772-1070

SHEET

SHEET No.

PROJECT:

SUBJECT:

SITE PLAN

SMART

RT

SM

RT

SM

RT

SM

RT

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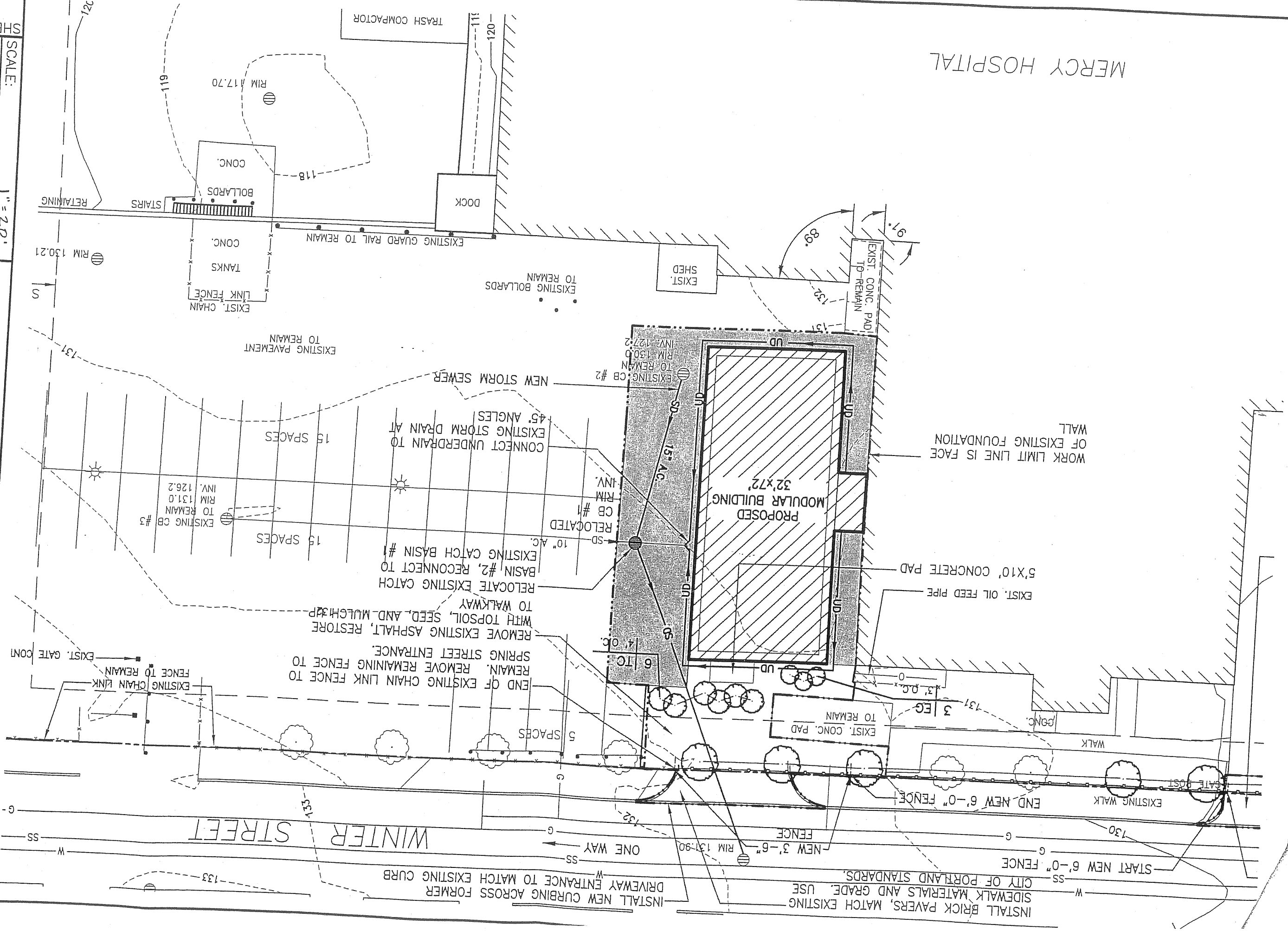
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MERCY HOSPITAL



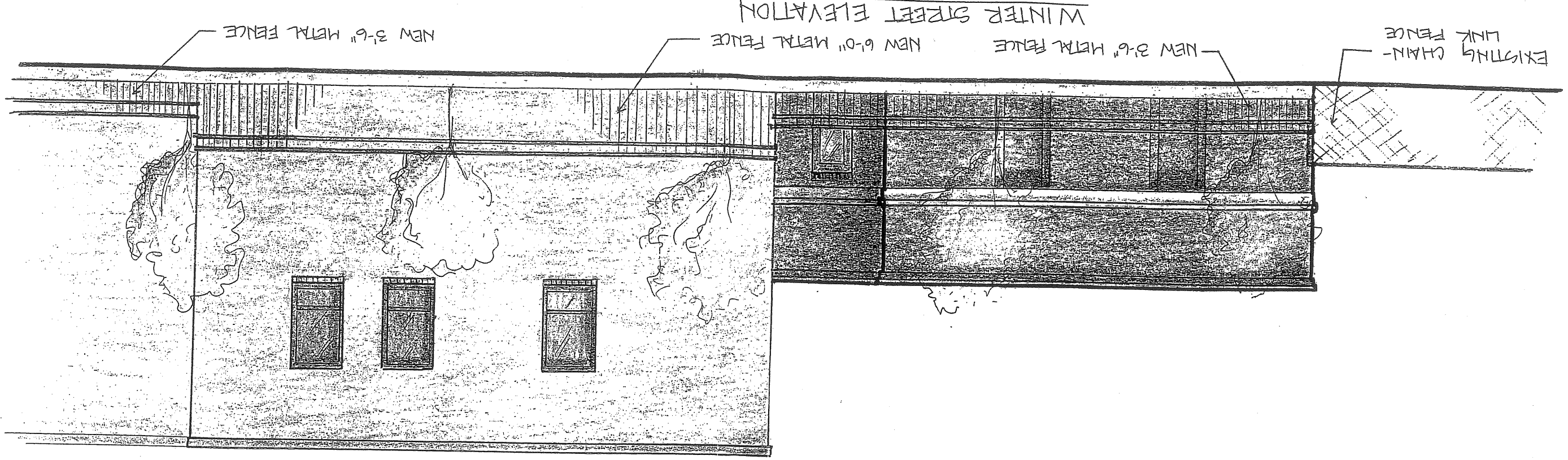
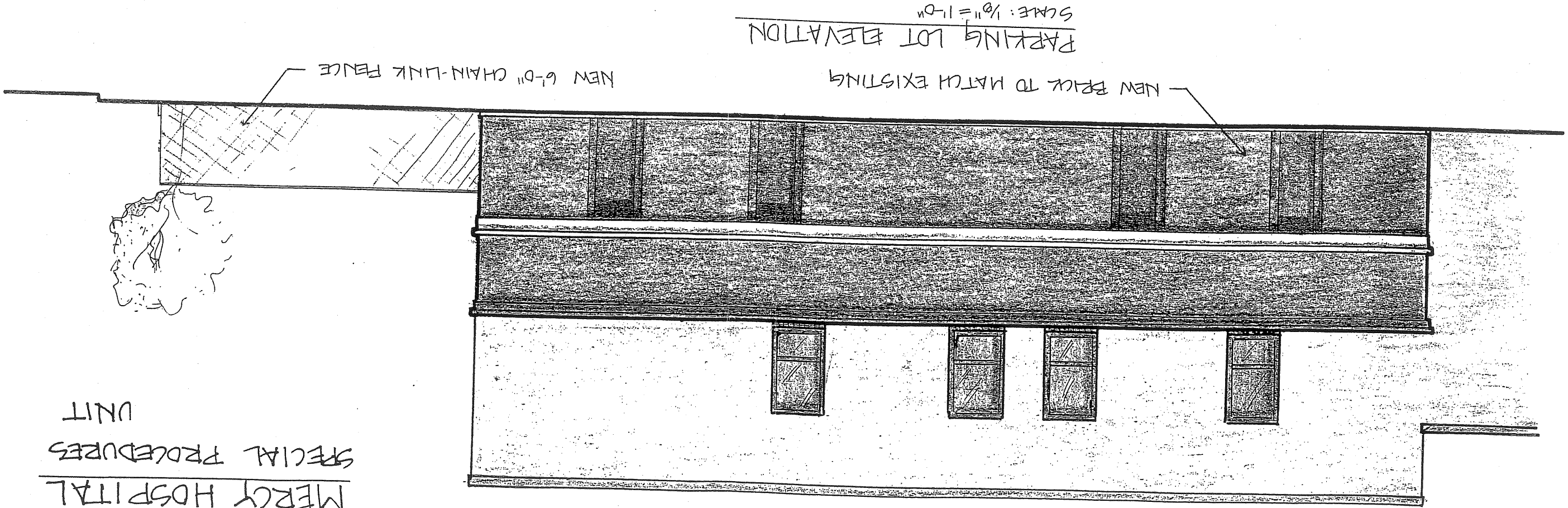
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 JOB CAP/DRAWN: SKC
 A/E OF RECORD:
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 PROJECT No. 20003
 DATE: 7-11-00

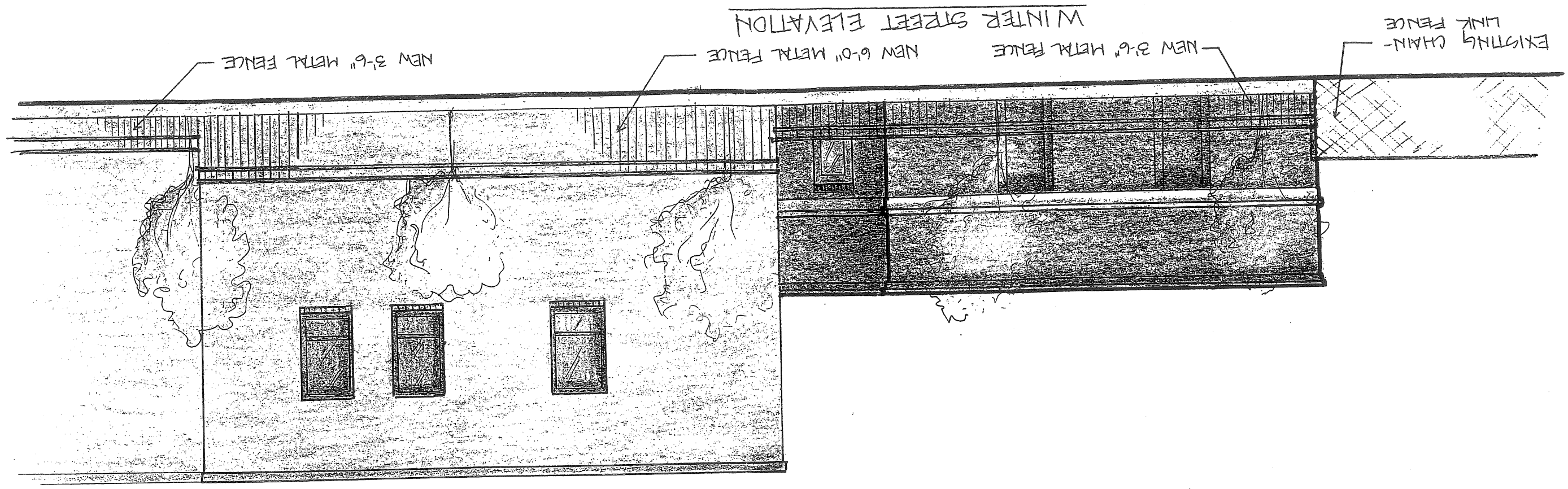
SHEET No.
 SHEET

ARCHITECTURE ENGINEERING PLANNING
 SMART
 144 Fore Street/P.O. Box 618 PORTLAND, MAINE 04104
 tel. (207) 772-3846 / fax. (207) 772-1070
 PROJECT: MERCY HOSPITAL
 SERIAL SERVICES UNIT
 SUBJECT: SITE PLAN



MERCY HOSPITAL
SPECIAL PROCEDURES
UNIT





WINTER STREET ELEVATION

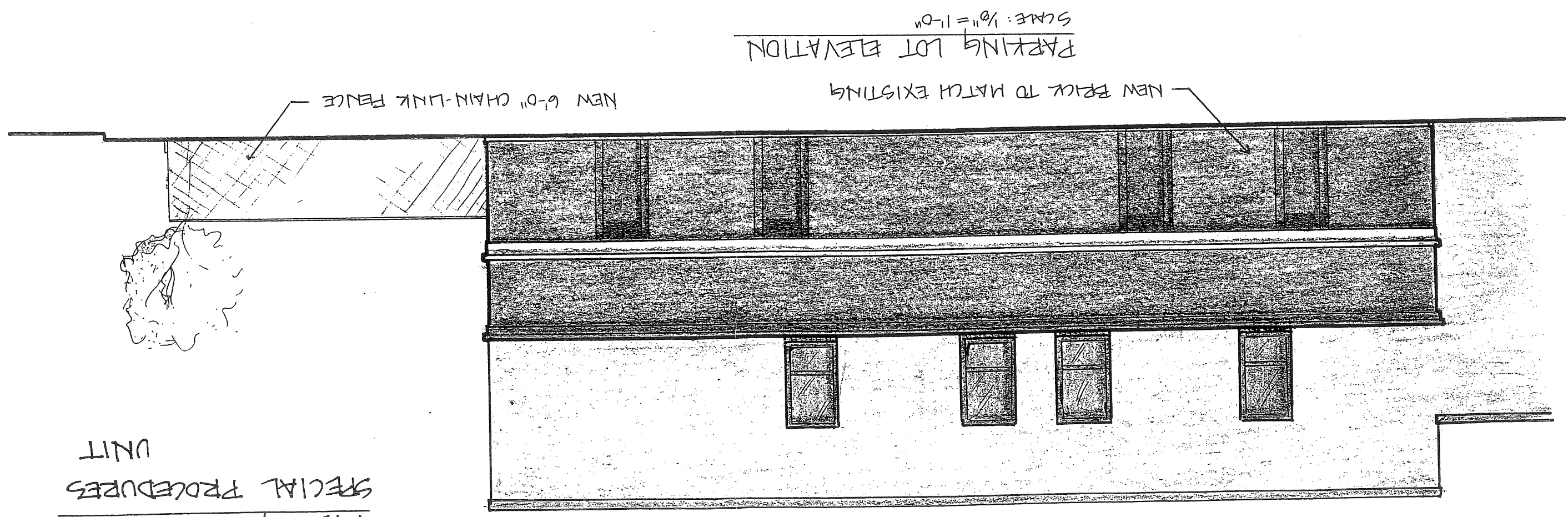
NEW 3'-6" METAL FENCE

NEW 6'-0" METAL FENCE

NEW 3'-6" METAL FENCE

EXISTING CHAIN-LINK FENCE

MERCY HOSPITAL
SPECIAL PROCEDURES
UNIT



PARKING LOT ELEVATION
SCALE: 1/8" = 1'-0"

NEW 6'-0" CHAIN-LINK FENCE

NEW BRICK TO MATCH EXISTING

11-17-00

Received from
High State Apts Performance
Est
0213 - \$3630.16
117139945 - 9369.84

0211 - \$1260.00

To Fees
Mary F Mc Allan

Peoples
Oxford Bank & Trust
a division of Peoples Heritage Bank

OFFICIAL CHECK

TO THE ORDER OF
PHB 355011's Bldg
City of Portland or Highstate Apartments**

DATE 11/17/2000
IN PAYMENT OF REMITTER
Highstate Apartments #9369.84*

PAY EXACTLY
117139945-7

Drawn: Peoples Heritage Bank
AUTHORIZED SIGNATURE

Issued By Integrated Payment Systems Inc., Englewood, Colorado
KeyBank National Association, Denver, Colorado

⑈51996677700089⑈181600207⑈⑈191002⑈

MEMO PERMITTEE WORK ON 40 PARK ST. PORTLAND, ME

⑈000211⑈⑈011200E0B1:00 250⑈2364 7⑈⑈

MP

Security features included. Details on back.

DOLLARS \$ **260.00

11/17/2000

KEYBANK NATIONAL ASSOCIATION
PORTLAND, MAINE
52-60/112

HIGHSTATE APARTMENTS, INC.
655 CONGRESS STREET, ROOM 206
PORTLAND, MAINE 04101-3324
207-773-1814

CITY OF PORTLAND

Two Hundred Sixty and 00/100*****

ORDER OF CITY OF PORTLAND

PAY TO THE ORDER OF

MP

Security features included. Details on back.

DOLLARS \$ **3,630.16

11/17/2000

KEYBANK NATIONAL ASSOCIATION
PORTLAND, MAINE
52-60/112

HIGHSTATE APARTMENTS, INC.
655 CONGRESS STREET, ROOM 206
PORTLAND, MAINE 04101-3324
207-773-1814

CITY OF PORTLAND

Three Thousand Six Hundred Thirty and 16/100*****

ORDER OF CITY OF PORTLAND

PAY TO THE ORDER OF

MEMO BALANCE OF ESCROW TOTALING \$13,999.00 ON 40 PAR

⑈000211⑈⑈011200E0B1:00 250⑈2364 7⑈⑈