

68-D-4

172-174 St. John St.

Warehouse Expansion

Redlon + Johnson

on spreadsheet

Bill, I have reviewed the Stormwater report and corresponding plans dated December 21, 2000 by Alliance construction for the Redlon and Johnson Project and provide the following comments: 1. the applicant has proposed the use of pipe tees and casco hoods as their means of providing water quality treatment and sediment removal from stormwater runoff. In my opinion these measures do not satisfactorily meet the City's standard for stormwater treatment. The past precedent set by the Planning board for similar projects has been to require a manufactured treatment device such as a vortech chamber, a Downstream Defender or other equal structure. My specific concerns on the proposed tees include the installation of a tee on the RCP type pipe and exactly how that connection would be made. Secondly, the structures contain 21" pipe therefore if the existing structures are only 4' dia. the tee will be difficult to fit in the structure. The tee will also hamper long term maintenance and the ability to extract sediment out of the sump. 2. The plans do not contain information as to the existing sump depths of the structures. 3. the plan does not show the pipe connection from the truck well catch basin to the storm drain pipe. This information should be added to the plan. If you have any questions regarding these comments please call. Steve Bushey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Land Quality Control  
State House Station 17  
Augusta, Maine 04333  
Tel: (207) 287-1111

FOR DEP USE

#L- \_\_\_\_\_  
Date Received \_\_\_\_\_

NOTIFICATION OF APPLICATION ACCEPTANCE  
MUNICIPAL REVIEW OF DEVELOPMENT  
(38 M.R.S.A. Section 489-A)

This form is to be used by a registered municipality to notify the Department upon the acceptance of an application for review pursuant to 38 M.R.S.A. Section 489-A. This form must be received by the Department within 14 days of acceptance of an application. The municipality must also submit one copy of the project application and one copy of the record of review and action.

If the application which is the subject of this notice should subsequently be amended during the review process, this form should also be used to submit notice to the Department of the amendment.

Municipality: Portland

Contact Person: William B. Needleman, Planner 874-8722

Address and Phone: Planning Office, City Hall, 383 Congress St. Portland Me 04101

Project Applicant: Reedon & Johnson Co

Address and Phone: 172-174 St. John St. Portland, Me (Agent: Alliance Con. Ron Burt 885-0855)

Title of Project: Reedon & Johnson Building addition

Date Accepted as Complete By Municipality: 12-5-00

I. Type of Project for which permit is sought: (Check One)

Subdivision as described in section 482, subsection 5 of more than 20 acres but less than 100 acres;

Structure as described in section 482, subsection 6, paragraph B, in excess of 3 acres but less than 7 acres;

Excavation on more than 5 acres of land for borrow, topsoil, clay or silt, whether alone or in combination as described in section 482, subsection 2-B.

I. Description of Project. (Include number of units or lots, parcel size, footprint, etc.) *The proposed development will add 10,734 SF to an existing 52,272 SF building. The site is an undivided 3.38 acre parcel with 2.91 acres of existing impervious area. Post development conditions anticipate 3.28 acres of impervious area. This site was undeveloped in 1985*

II. Submit as attachments to this form:

- A. One copy of complete application filed with municipality (include site plans); *To be provided by the applicant's agent; Ron Burt, Alliance Construction, 160 Pleasant Hill Rd, Scarborough, ME 04079*
- B. Identification of any outside review agents or consultants who will be performing reviews of any aspect of the application;
- C. One copy of the legal notices served by the municipality.

NOTE: APPLICANT IS ADVISED TO REVIEW THE NATURAL RESOURCES PROTECTION ACT 38 M.R.S.A. SECTIONS 480-A THROUGH 480-U (N.R.P.A.) TO ENSURE CONSISTENCY WITH THAT LAW. THE MUNICIPALITY'S DELEGATED REVIEW AUTHORITY PURSUANT TO 38 M.R.S.A. SECTION 489-A DOES NOT EXTEND TO THE N.R.P.A. IF AN N.R.P.A. PERMIT IS NECESSARY IT MUST BE OBTAINED FROM THE DEPARTMENT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

Town or City of: \_\_\_\_\_

DATE: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

and Title: \_\_\_\_\_





**ALLIANCE CONSTRUCTION, INC.**

160 Pleasant Hill Road  
Scarborough, Maine 04074

(207)885-0855  
FAX (207)885-0846

To: **City of Portland, Planning Dept.**  
398 Congress Street  
Portland, Maine 04101

**LETTER OF TRANSMITTAL**

DATE:	12/26/00	JOB #:	03-0323
ATTENTION:	Bill Needelman		
REGARDING:	Redlon & Johnson 172-174 St. John Street Portland, Maine		

WE ARE SENDING YOU  Attached  Under Separate Cover Via: Drop-off The Following Items:

Shop Drawings  Prints  Plans  Samples  Specifications

Copy of Letter  Change Order  \_\_\_\_\_

COPIES	DATE	NUMBER	DESCRIPTION
2	12/21/00		Stormwater Quality Report
2	12/26/00	C-1	Site Grading Plan
2	12/26/00	C-2	Site Layout Plan
2	12/26/00	C-3	Site Details

THESE ARE TRANSMITTED as checked below:

- For Approval  Approved As Submitted  Resubmit \_\_\_ Copies For Approval
- For Your Use  Approved As Noted  Submit \_\_\_ Copies For Distribution
- As Requested  Returned For Correction  Return \_\_\_ Corrected Prints
- For Review and Comment  \_\_\_\_\_
- FOR BIDS DUE \_\_\_\_\_  PRINTS RETURNED AFTER LOAN TO US

REMARKS: Dear Bill,

Please find attached a copy of the "Stormwater Quality Report" and drawings addressing the City of Portland's comments for the stormwater quality control. We feel that are solution is the best way to meet everyone's needs and requirements while still maintaining the budget for the owner and thus allowing this project to continue. I will be dropping off a copy of this package directly to Steve Bushey at Deluca Hoffman Associates, Inc.

If you or any member of the planning department staff has any question, please don't hesitate to give a call.

COPY TO: File

Transmitted By: Ron Burt, Design-Build Project Coordinator  
Alliance Construction, Inc.

## **Erosion Control Measures**

### **1. *Introduction***

The proposed project consists of approximately 38,300 square feet of land. The proposed site will consist of existing warehouse and office space with an expanded warehouse addition. Other associated improvements to this site include modifications to the semi-truck maneuvering area and reduction in outside storage area.

Best Management Practices for erosion control and site stabilization during construction will be employed on the site to minimize soil erosion and to protect the adjacent areas from impacts associated with the proposed development during and after construction. The use of erosion and sediment control silt fencing around the perimeter of the proposed work area will ensure on-site containment and control of any sediment from disturbed areas.

Additionally at inlets to the proposed storm drainage system, the use of a combination system will be utilized. This system will consist of placing filter fabric under the inlet grating of catch basins and continuing the fabric up and over the remainder of the inlet area of the basin; then a layer of crushed stone will be placed on top of the filter fabric. This filtration system will filter most sediment laden runoff and also secure the filter fabric in place, during construction.

### **2. *Proposed Stabilization/Treatment***

The proposed project will utilize both temporary and permanent erosion control and treatment measures for control of stormwater runoff. Temporary erosion control measures such as silt fence, hay bales and mulch will be used during the construction of the project to minimize intrusion of soil erosion and remain in place until permanent stabilization is accomplished. Other measures for sedimentation and erosion control as well as water quality protection will include provisions for sumps in all catch basins and storm water detention structures. Also, the catch basin collectors will be installed with Casco traps to reduce floating residue and sediment.

### **3. *Stormwater Runoff Treatment***

The design of the project incorporates the use of catch basin sumps and oil/gas hoods on the outlets of the drainage system. These treatment measures will add to the efficiency of catch basins in the removal of pollutants associated with stormwater flows from the paved areas.

DRAINAGE CALCULATIONS  
REDLON JOHNSON

113.9

FOR: PRL  
 9/12/00

172-174 ST. JOHN STREET - PORTLAND, ME

PRE-DEVELOPMENT AREAS

TO CATCH BASINS (ON SITE):

- BUILDING: 1.20 AC
- PAVING: 1.71 AC
- VEGETATED: 0.47 AC
- TOTAL: 3.38 AC

PRE-DEVELOPMENT

RUNOFF

AREA SQUARE MILES  $A_m = \frac{3.38}{640} = 0.00528$

$T = 12.2$   
 $T_c = 0.1$

	2 YEAR STORM	10	25
$A_m Q$	0.01690	0.02376	0.02746
$I_a$	0.151	0.151	0.151
$I_a/p$	0.0377	0.0285	0.0251
$q_+$	662	662	662
$q = q_+ (A_m \times Q)$	11.2	15.7	18.2

AM 3.10

Worksheet 2: Runoff curve number and runoff

Project REDLON - JOHNSON By PRU Date 9/12/00  
 Location ST. JOHN ST. - PORTLAND Checked \_\_\_\_\_ Date \_\_\_\_\_  
 Circle one: Present Developed \_\_\_\_\_

1. Runoff curve number (CN)

Soil name and hydrologic group (appendix A)	Cover description (cover type, treatment, and hydrologic condition; percent impervious; unconnected/connected impervious area ratio)	CN <sup>1/</sup>			Area <input checked="" type="checkbox"/> acres <input type="checkbox"/> mi <sup>2</sup> <input type="checkbox"/> %	Product of CN x area
		Table 2-2	Fig. 2-3	Fig. 2-4		
(c) FILL	BUILDINGS	98			1.20	117.6
(c) FILL	PAVEMENT	95			1.71	162.5
(c) FILL	VEGETATED	75			0.47	35.3

<sup>1/</sup> Use only one CN source per line. Totals = 3.38 315.4

CN (weighted) =  $\frac{\text{total product}}{\text{total area}} = \frac{315.4}{3.38} = \underline{93.3}$  Use CN = 93

2. Runoff

Frequency ..... yr  
 Rainfall, P (24-hour) ..... in  
 Runoff, Q ..... in  
 (Use P and CN with table 2-1, fig. 2-1, or eqs. 2-3 and 2-4.)

Storm #1	Storm #2	Storm #3
2	10	25
4.0	5.3	6.0
3.2	4.5	5.2

AH 3.11

**SECTION 2.0**  
**PROPOSED RUNOFF**



AH3.13

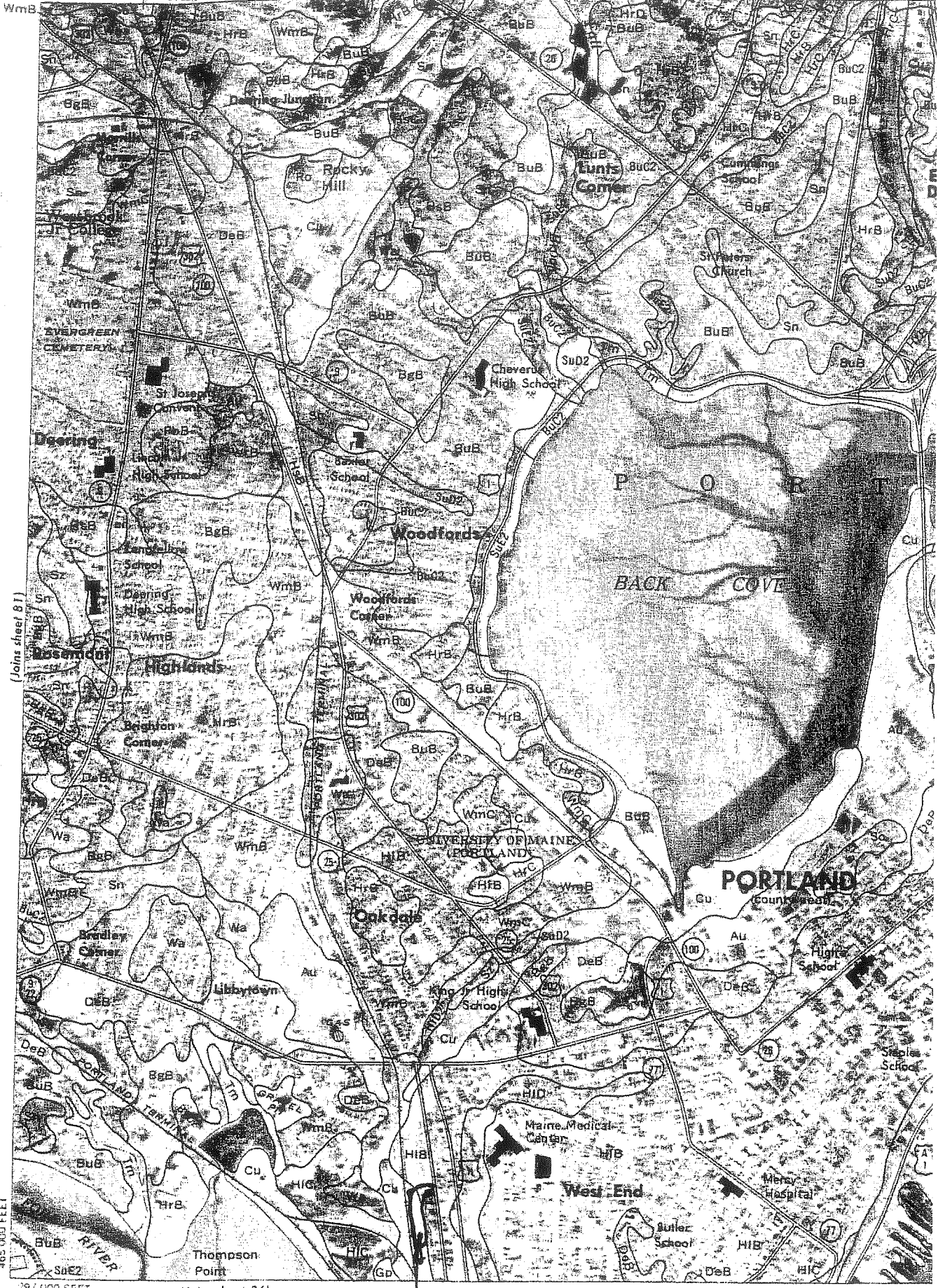
**SECTION 3.0**  
**TABLES AND CHARTS**



Sn A# 3.14

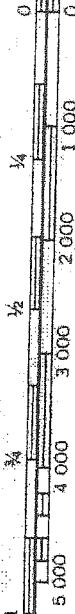


HRB (Joins sheet 76)



1 Mile  
5 000 Feet

Scale 1:20 000  
(Joins sheet 81)



465 000 FEET

297 000 FEET

(Joins sheet 86)

SITE

Att 4

10/13/00 FRI 11:51 FAX 4122558905  
10/13/00 FRI 10:44 FAX 212 536 1295

Gary A. Van Luvan  
C.I.T. GROUP

001  
002

CIT Business Credit  
1211 Avenue of the Americas  
New York, NY 10036

T: 212 536-1200  
F: 212 536-1295



October 13, 2000

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

RE: Building Addition at Redlon & Johnson  
172-174 St. John St., Portland, ME 04102

To Whom It May Concern:

This letter will confirm that Redlon & Johnson, Division of The Gage Company, has the financial capacity to complete the proposed improvements/additions to the property located at 172-174 St. John St., Portland, Maine 04102, estimated to cost \$450,000.00 in the aggregate. Per the company proposed improvements include an enclosed warehouse/storage facility, which will be attached to the existing building in Portland, Maine.

Sincerely,

Robert C. Smith  
Senior Vice President

10/13/00 FRI 11:51 FAX 4122556905  
OCT-12-2000 14:46

Gary A. Van Luven  
KURZMAN-KARELSEN&FRANK

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P. 02/06

**QUITCLAIM DEED WITH COVENANT**  
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that St. John Street Realty, a Maine general partnership organized and existing under the laws of the State of Maine and having a place of business in Portland, County of Cumberland, and State of Maine, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTS to The Gage Company, a Pennsylvania corporation authorized to do business in Maine and having an address of 3000 Liberty Avenue, Pittsburgh, PA 15201, with QUITCLAIM COVENANT, a certain building (the "Building") located on land in Portland, County of Cumberland, and State of Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof (the "Land"), hereby transferring said Building only and not the Land on which the same is located, the purpose of this deed being to effectuate the partition of the Land and the Building by severing the ownership of the Land and Building, said Land being hereby excepted and reserved unto the Grantor, its successors and assigns, and to be conveyed by the Grantor to Joseph F. Boulos by deed of even or near date to be recorded in the Cumberland County Registry of Deeds and to be subsequently conveyed by said Joseph F. Boulos to Westport Realty, LLC by deed of even or near date to be recorded in the Cumberland County Registry of Deeds.

Said Building is conveyed subject to the restrictions applicable thereto and the rights of Westport Realty, LLC in and to the Building, all as set forth in a certain Ground Lease of even or near date between Westport Realty, LLC, as ground lessor of the Land, and Grantee, as ground lessee of the land, a Memorandum of said Ground Lease to be recorded in the Cumberland County Registry of Deeds, and a copy of said Ground Lease being on file with Westport Realty, LLC and Grantee.

Said Building is also conveyed subject to the matters set forth on Exhibit B, attached hereto and made a part hereof.


To the extent applicable, this document shall constitute an agreement pursuant to 33 M.R.S.A. Section 455 that the Building shall be and remain separate personal property severed from the Land and no interest in the Land is being conveyed by this deed.

IN WITNESS WHEREOF, the said St. John Street Realty has caused this instrument to be sealed with its partnership seal and signed in its partnership name by Joseph F. Boulos, its general partner, thereunto duly authorized, this 22-day of December, 1999.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

ST. JOHN STREET REALTY

  
\_\_\_\_\_  
Witness

By:   
\_\_\_\_\_  
Joseph F. Boulos  
Its General Partner

10/13/00 FRI 11:52 FAX 4122556905  
OCT-12-2000 14:46

Gary A. Van Luven

KURZMAN-KARELSEN&FRANK

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P. 04/06

St. John Street Realty to The Gage Company

A certain lot or parcel of land situated on the westerly side of St. John Street, so called, in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

Beginning at an iron rod on the westerly sideline of said St. John Street, said iron marking the southeasterly corner of land now or formerly of A. M. Cesario;

Thence N 79° 28' 50" W 102.30' by and along the southerly sideline of said Cesario to a point to be marked by an iron rod at the southeasterly corner at land now or formerly of Maine Central Railroad;

Thence continuing on a course of N 79° 28' 50" W 215.27' by and along the southerly sideline of said Maine Central Railroad and passing through a railroad rail monument to a point which is 20' easterly of the centerline of the present Maine Central Railroad tracks;

Thence S 7° 5' 39" W 734.45' by and along the easterly sideline of said Central Maine Railroad Company land and being on a line 20' easterly of and parallel to the centerline of the present Maine Central Railroad tracks to a point;

Thence S 79° 2' 4" E 167.56' by and along retained land of the Grantor to a set iron rod at the most northerly corner of land now or formerly of Adale S. Aronson, said iron also marking the most southwesterly corner of land now or formerly of Donald C. Moody;

Thence N 10° 57' 56" E 492.59' by and along the westerly sideline of said land of Moody and the westerly sideline of land now or formerly of David Matlock and the westerly sideline of land now or formerly of Susan T. Goldberg to a point at the northwesterly corner of said Goldberg land and the southwesterly corner of land now or formerly of Robert W. Curlaw;

Thence N 10° 31' 10" E 191.87' by and along the westerly sideline of said Curlaw land and the westerly sideline of land now or formerly of Harvey Associates to a point at the northwesterly corner of said Harvey Associates land;

10/13/00 FRI 11:52 FAX 4122556905  
ULI-12-2000 14:47

Gary A. Van Luven  
KURZMAN-KARELSEN&FRANK

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P. 06/06

EXHIBIT B

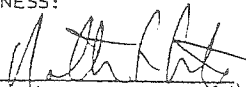
1. Such state of facts as disclosed on a plan entitled "Land Title Survey of Redlon Johnson Building, 172-174 St. John Street, Portland, Maine for Boulos Co., 2 City Center, Portland, Maine 04101, dated December 8, 1993.
2. Easement reserved in deed from RDJ Realty to St. John Street Realty dated December 23, 1985 and recorded in said Registry of Deeds in Book 7016, Page 2.
3. Drainage Maintenance Agreement by and among St. John Street Realty, RDJ Realty and the City of Portland dated February 7, 1986 and recorded in said Registry of Deeds in Book 7112, Page 167.
4. Rights and easements granted by RDJ Realty to St. John Street Realty by instrument dated February 7, 1986 and recorded in said Registry of Deeds in Book 7112, Page 170.
5. Rights and easements granted to Central Maine Power Company and New England Telephone and Telegraph Company by instrument dated July 9, 1986 and recorded in said Registry of Deeds in Book 7369, Page 112.
6. Multiple Services Agreement by and between St. John Street Realty and Portland Water District dated December 19, 1986 and recorded in said Registry of Deeds in Book 7589, Page 100.
7. Easement granted by St. John Street Realty to Portland Water District dated December 19, 1986 and recorded in said Registry of Deeds in Book 7589, Page 101.

SHORT FORM QUITCLAIM DEED WITH COVENANT

RDJ REALTY, a Maine general partnership with a mailing address and a place of business at Two City Center, Portland, Maine 04101, formerly known as St. John Street Realty, FOR CONSIDERATION PAID grants to ST. JOHN STREET REALTY, a new Maine general partnership and not the Grantor, with a mailing address and a place of business at Two City Center, Portland, Maine 04101, with QUITCLAIM COVENANT, the real property located in Portland, Cumberland County, Maine described on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, RDJ REALTY has caused this instrument to be executed by Joseph F. Boulos, its General Partner thereunto duly authorized, this 23rd day of December, 1985.

WITNESS:

  
Name: NATHAN H. SMITH

RDJ REALTY

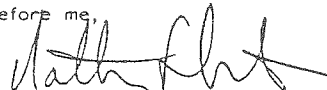
By:   
Joseph F. Boulos,  
Its Partner

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

December 23, 1985

PERSONALLY APPEARED the above-named Joseph F. Boulos, Partner of RDJ REALTY as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said general partnership.

Before me,

  
Name: NATHAN H. SMITH  
Title: Attorney at Law

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EXHIBIT A

BOOK 7016 PAGE 3

ST. JOHN STREET REALTY

A certain lot or parcel of land situated on the westerly side of St. John Street, so called, in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

Beginning at an iron rod on the westerly sideline of said St. John Street, said iron marking the southeasterly corner of land now or formerly of A. M. Cesario;

Thence N 79° 28' 50" W 108.30' by and along the southerly sideline of said Cesario to a point to be marked by an iron rod at the southeasterly corner at land now or formerly of Maine Central Railroad;

Thence continuing on a course of N 79° 28' 50" W 215.27' by and along the southerly sideline of said Maine Central Railroad and passing through a railroad rail monument to a point which is 20' easterly of the centerline of the present Maine Central Railroad tracks;

Thence S 7° 5' 39" W 734.45' by and along the easterly sideline of said Central Maine Railroad Company land and being on a line 20' easterly of and parallel to the centerline of the present Maine Central Railroad tracks to a point;

Thence S 79° 2' 4" E 167.56' by and along retained land of the Grantor to a set iron rod at the most northerly corner of land now or formerly of Adele S. Aronson, said iron also marking the most southwesterly corner of land now or formerly of Donald C. Moody;

Thence N 10° 57' 56" E 492.59' by and along the westerly sideline of said land of Moody and the westerly sideline of land now or formerly of David Matlock and the westerly sideline of land now or formerly of Susan T. Goldberg to a point at the northwesterly corner of said Goldberg land and the southwesterly corner of land now or formerly of Robert W. Curlew;

Thence N 10° 31' 10" E 181.87' by and along the westerly sideline of said Curlew land and the westerly sideline of land now or formerly of Harvey Associates to a point at the northwesterly corner of said Harvey Associates land;



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BOOK 7018 pg 4

Thence S 79° 28' 50" E 108.30' by and along the northerly sideline of said Harvey Associates land to a point on the westerly sideline of said St. John Street;

Thence N 10° 31' 10" E 60.00' by and along the westerly sideline of said St. John Street to the point of beginning.

Meaning and intending to describe a parcel of land containing 147.404 square feet (3.4 acres, more or less) and being a portion of the land conveyed by Portland Terminal Company to St. John Street Realty by deed dated August 15, 1985 and recorded in the Cumberland County Registry of Deeds in Book 6864, Page 210. Reference is also made to a release deed from the City of Portland to St. John Street Realty dated August 7, 1985 and recorded in said Registry of Deeds in Book 6856, Page 264.

Reserving to the Grantor, its successors and assigns for the benefit of adjoining land of Grantor for use in common with Grantee an easement for purposes of pedestrian and vehicular ingress and egress and for purposes of installation, maintenance and repair of underground and/or overhead utilities on, over and under the following described portion of the above-referenced premises:

Beginning at a point on the westerly sideline of St. John Street, said point being the southeasterly corner of land now or formerly of A. M. Cesario;

Thence N 79° 28' 50" W 323.57' by and along the northerly sideline of the above described parcel to a point 20' easterly of the centerline of the present Maine Central Railroad tracks;

Thence S 7° 5' 39" W 734.45' by and along the easterly sideline of said Central Maine Railroad Company land and being on a line 20' easterly of and parallel to the centerline of the present Maine Central Railroad tracks to a point;

Thence S 79° 2' 4" E 30', more or less, to a point being 50' easterly of the center of Maine Central Railroad tracks;

Thence N 7° 5' 39" E 684', more or less, to a point;

Thence S 79° 28' 50" E 293', more or less, to a point;

445.8

BOOK 7016 PAGE 5

Page 3 of 3

Thence N 10° 31' 10" E 50.00' by and along the westerly sideline of said St. John Street to the point of beginning.

The area affected by this easement is shown as "Reserved Access Easement" on plan entitled "Title Survey for St. John Street Realty, St. John Street, Portland, Maine, by Sebago Technics, Inc. dated December 1985."

Bearings herein are referenced to true north taken from Maine State Highway Commission Right of Way map for the Fore River Bridge dated September, 1952 and recorded in Cumberland County Registry of Deeds in Plan Book 43, Pages 52 through 54.

RECEIVED  
RECORDED REGISTRY OF DEEDS

1985 DEC 23 PM 3:55

CUMBERLAND COUNTY

*James J. Walsh*

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DRAINAGE MAINTENANCE AGREEMENT  
12059

BOOK 7112 PAGE 167

In consideration of site plan approval granted by the Planning Board of the City of Portland to a Plan entitled, "Westco Corporation, Warehouse Facilities, St. John Street, Portland, Maine" dated January 20, 1986, as revised through January 31, 1986, together with certain plans entitled "Westco Corporation, St. John Street, Portland, Maine, Storm Drain Design" by BH2M, dated January 1986 (sheets 1 and 2), and filed with the City of Portland, Department of Planning and Urban Development, 389 Congress Street, Portland, Maine, and pursuant to a condition thereof, St. John Street Realty, a Maine general partnership, with a place of business at Two City Center, Portland, Maine, 04101, owner of the subject premises and owner of an easement over adjoining premises of RDJ Realty, does hereby agree, for itself, its successors and assigns (the "Owner"), as follows:

That it will, at its own cost and expense at all times in perpetuity maintain in good repair and in proper working order the surface water drainage system as shown on said plans, including but not limited to the detention basin or basins and the outlet or outlets therefrom, for the benefit of said City of Portland, RDJ Realty, all persons in lawful possession of the premises and abutters thereto; further, that said City of Portland, said RDJ Realty, said persons in lawful possession and said abutters, or any of them may enforce this agreement by an action at law and equity in any court of competent jurisdiction; further, that after giving the Owner written notice and a reasonable time to perform, said City of Portland may, by its authorized agents or representatives, enter upon the premises of St. John Street Realty or upon the premises of RDJ Realty, or any portion thereof, for purpose of performing the aforementioned maintenance of said surface water drainage system in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon demand.

Notwithstanding the foregoing, it is agreed that with respect to that part of the surface water drainage system which affects land of RDJ Realty, that RDJ Realty shall have the right to relocate said system and easement in such manner and to such location on RDJ Realty's premises as may be approved by the City, and that said relocation shall not require the approval of any benefitted abutting landowners except to the extent that any such relocation may specifically encroach upon abutting land.

This agreement shall not confer upon the City of Portland or any other person except RDJ Realty the right to utilize said surface water drainage system for public use or for the development of any other property, and the owner shall bear

AW 5.10

no financial responsibility by virtue of this agreement for enlarging the capacity of said surface water drainage system for any reason whatsoever.

RDJ Realty, a Maine General Partnership, and owner of abutting land, as aforesaid, pursuant to deed dated August 13, 1985, from Portland Terminal Company and recorded in the Cumberland County Registry of Deeds in Book 6864, Page 210, joins in this agreement for purposes of granting to the City of Portland an easement for purposes of maintenance of the aforesaid surface water drainage system to the extent said system affects property of RDJ Realty. This easement is intended to cover the same area specifically referred to in Easement Deed of even date herewith and to be recorded herewith from RDJ Realty to St. John Street Realty.

This agreement shall bind the undersigned only so long as it retains any interest in said premises and shall run with the land and be binding upon its successors and assigns as their interest may from time to time appear.

For purposes of locating the surface water drainage system, which is the subject of this agreement, reference is made to a certain plan entitled "Title Survey for St. John Street Realty, St. John Street, Portland, Maine" by Sebago Technics, Inc., dated December 1985, as last revised 2/7/86, and to be recorded in the Cumberland County Registry of Deeds.

Dated at Portland, Maine, this 7th day of February, 1986.

IN WITNESS WHEREOF, St. John Street Realty has caused this instrument to be duly executed by Joseph Boulos, Its General Partner thereunto duly authorized, and RDJ Realty has caused this instrument to be duly executed by Joseph Boulos, Its General Partner thereunto duly authorized.

WITNESS:

J. B. Wyal

J. B. Wyal

ST. JOHN STREET REALTY

BY Joseph F. Boulos  
Joseph F. Boulos, Its General Partner

RDJ REALTY

BY Joseph F. Boulos  
Joseph F. Boulos, Its General Partner

7 A# 6.1

**From:** "Steve Bushey" <srbushey@maine.rr.com>  
**To:** "Sarah Hopkins" <SH@ci.portland.me.us>  
**Date:** Wed, Oct 25, 2000 8:40 AM  
**Subject:** Redlon and Johnson

Sarah,

I have reviewed the application materials dated October 10, 2000 and plans dated 9/21/00 by Alliance Construction for the Redlon and Johnson building expansion and offer the following comments:

1. The applicant should provide evidence of the building history including dates of construction so that it may be determined if the project qualifies under Site Location of Development review. As it is the proposed project will result in the development exceeding the 3 acre threshold of structure area. It is necessary that it be determined if any of the building was constructed prior to Oct. 1975, thereby excluding it from the structure area total.
2. The applicant should provide evidence or discussion as to the existing storm drain system and any easements etc. associated with it.
3. The site layout plan should provide a bit more geometric information including dimensions, baseline layout etc. to assist in construction and construction monitoring.
4. The applicant should provide additional data on the proposed retaining wall.
5. The existing facility appears to have over 60 parking spaces. Past precedent has established that it is necessary to provide water quality treatment for the stormwater runoff. This has typically been in the form of manufactured treatment devices. The current proposal doesn't include sufficient measures to meet these water quality improvement goals therefore it is recommended the applicant submit plans to include improved water quality treatment measures.
6. The engineer should review their runoff computations since there appears to be a conflict between the computations and the plans as to proposed paved and vegetated surfaces, i.e. the comps say .36 ac vegetated while the plans say 0.10 ac vegetated.
7. Is there any landscaping being proposed?

If you have any questions regarding these comments please call.

Steve Bushey Acting Development review Coordinator

AH 6.2

**From:** Anthony Lombardo  
**To:** Sarah Hopkins  
**Date:** Tue, Oct 24, 2000 8:33 AM  
**Subject:** Redlon & Johnson....172-174 St. John St.....10/24/00

Sarah,

I've reviewed the plans and application dated 10/17/00 and offer following comments on behalf of Public Works:

1. On the existing conditions plan, the applicant does not identify the the outfall location of the existing catch basin located in the northeast portion of the property. The size and direction of the outfall pipe should be identified as well as inverts.
2. There are several easements that are discussed in the application packet, but are not clearly identified on any of the plans.
3. No abutting properties are identified on any of the plans.
4. It is not clear on the site plan what is proposed and what is existing based on the line weight used on the drawings.
5. Is any work proposed near the entrance at St. John Street ?

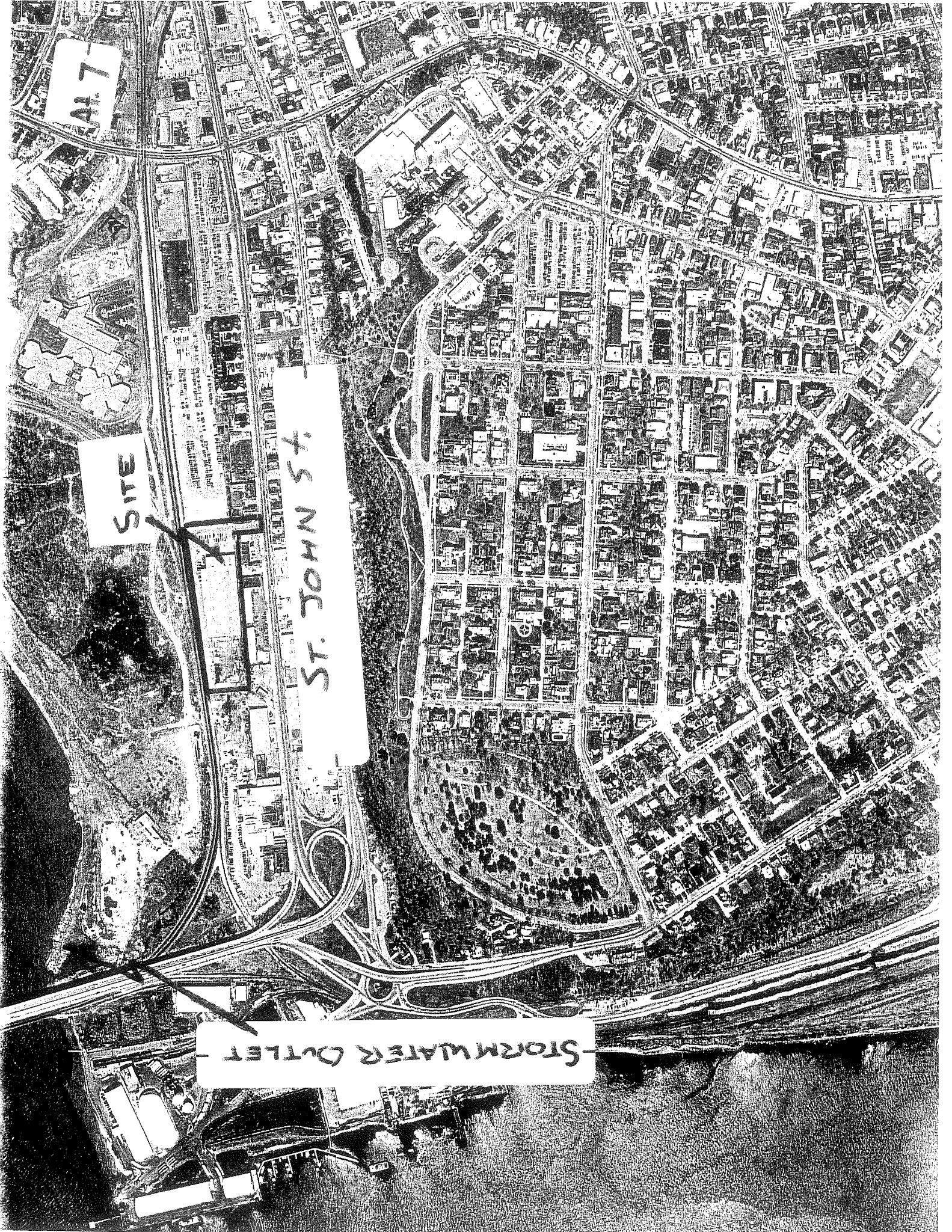


SITE

ST. JOHN ST.

STORMWATER OUTLET

A-7





DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Land Quality Control  
State House Station 17  
Augusta, Maine 34333  
Tel: (207) 287-2111

FOR DEP USE

#L- \_\_\_\_\_  
Date Received \_\_\_\_\_

NOTIFICATION OF APPLICATION ACCEPTANCE  
MUNICIPAL REVIEW OF DEVELOPMENT  
(38 M.R.S.A. Section 489-A)

This form is to be used by a registered municipality to notify the Department upon the acceptance of an application for review pursuant to 38 M.R.S.A. Section 489-A. This form must be received by the Department within 14 days of acceptance of an application. The municipality must also submit one copy of the project application and one copy of the record of review and action.

If the application which is the subject of this notice should subsequently be amended during the review process, this form should also be used to submit notice to the Department of the amendment.

Municipality: Portland

Contact Person: William B. Needelman, Planner  
Address/Phone: Planning Office, City Hall, 389 Congress Street, Portland ME 04101  
(207)874-8722

Project Applicant: Redlon & Johnson Co.  
Address/Phone: 172-174 St. John Street, Portland ME  
(Agent: Alliance Construction, Ron Burt, 885-0855)

Title of Project: Redlon & Johnson Building Addition

Date Accepted as Complete by Municipality: 12-5-00

I. Type of Project for which permit is sought: (Check One)

\_\_\_\_\_ Subdivision as described in section 482, subsection 5 of more than 20 acres but less than 100 acres;

X  Structure as described in section 482, subsection 6, paragraph B, in excess of 3 acres but less than 7 acres;

\_\_\_\_\_ Excavation on more than 5 acres of land for borrow, topsoil, clay or silt, whether alone or in combination as described in section 482, subsection 2-B.

II. Description of Project. (Include number of units or lots, parcel size, footprint, etc.)

The proposed development will add 10,734 sq. ft. to an existing 52,272 sq. ft. building. The site is an undivided 3.38 acre parcel with 2.91 acres of existing impervious area. Post development conditions anticipate 3.28 acres of impervious area. This site was undeveloped in 1985.

III. Submit as attachments to this form:

A. One copy of complete application filed with municipality (include site plans);

To be provided by the applicant's agent: Ron Burt  
Alliance Construction  
160 Pleasant Hill Road  
Scarborough ME 04074

B. Identification of any outside review agents or consultants who will be performing reviews of any aspect of the application;

C. One copy of the legal notices served by the municipality.

NOTE: APPLICANT IS ADVISED TO REVIEW THE NATURAL RESOURCES PROTECTION ACT 38 M.R.S.A. SECTIONS 480-A 480-U (N.R.P.A.) TO ENSURE CONSISTENCY WITH THAT LAW. THE MUNICIPALITY'S DELEGATED REVIEW AUTHORITY PURSUANT TO 38 M.R.S.A. SECTION 489-A DOES NOT EXTEND TO THE N.R.P.A. IF AN N.R.P.A. PERMIT IS NECESSARY IT MUST BE OBTAINED FROM THE DEPARTMENT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

Town or City of: Portland Date: 12-7-00

By: William B. Needelmon

Printed Name: William B. Needelmon

Title: Planner

Att 8.3

TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF  
172-174 ST. JOHN STREET

On Tuesday, December 12, 2000, the Portland Planning Board will consider a plan by Redlon & Johnson Co. to construct a 10,734 square foot building addition to an existing wholesale facility at 172-174 St. John Street. The site contains 3.38 acres and is zoned IMB. The proposal will be reviewed under the City Site Plan Code and for compliance with Maine DEP Site Location of Development standards under municipal delegated authority.

The meeting is a workshop session and is scheduled to begin at 3:30 p.m. in Room 209, City Hall, 389 Congress Street, Portland, Maine. The workshop is an opportunity for the applicant to present a plan to the Planning Board in an informal session, which is open to the public. Public comments are not generally received at the workshop meeting. If you wish to submit written comments on the proposal, please address your comments to Joseph E. Gray, Jr., Director of Planning and Urban Development, City Hall, 389 Congress Street, Portland, Maine 04101.

Alexander Jaegerman  
Chief Planner

AH 9.1

# STORMWATER QUALITY REPORT

For

**Redlon-Johnson  
St. John Street  
Portland, Maine**

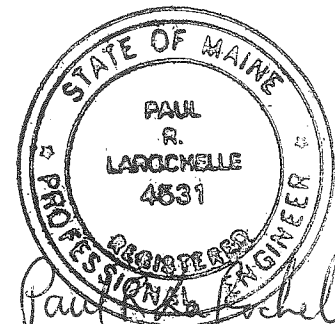
**Prepared For**

**Redlon-Johnson  
Portland, Maine**

**Prepared By**



160 Pleasant Hill Road  
Scarborough, Maine 04074  
Tel. (207) 885-0855 Fax (207) 885-0846



December 21, 2000

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## A. Narrative

### 1. *General Topography*

The site is located in Portland, Maine along St. John Street. The site is located between and parallel to two railroad tracks and St John Street as part of a subdivided property of industrial/warehouse buildings. The east side of the property is steeply graded down behind properties abutting St. John Street. The site itself is fairly flat and does not rise above the railroad tracks. All stormwater is collected by catch basins on the site and piped along the west side of the subdivision parallel to the railroad tracks.

The site is not in the 100-year flood plane as defined by F.E.M.A. The 100-year flood plane is at elevation 10.0 along the banks of the Fore River Bay. This elevation is determined from a reference mark on a disk set in the sidewalk on the west side of St. John Street opposite intersection of A Street. That disk is set at elevation 22.81.

### 2. *Land Alterations*

The existing site is generally fully developed with pavement and buildings. The area of the site to be developed is along the southern boundary between the east and west property boundaries. The eastern boundary is controlled by a steep grade change while the west boundary is controlled by the railroad tracks.

The developed area will paved with bituminous concrete and will contain a 1 story building with a foot print of 9,900 sq.ft. Because of the intense urbanization of the site there are no plans for vegetative landscaping. This limits quality control options to structural measures and site maintenance.

The general slope of the land remains the same after development. The eastern side of the site will be steeply graded as before. Because of the existing building location, the expansion will need a retaining wall along that slope. The parking lot will surface drain into catch basins.

### 3. *Stormwater treatment methods*

The catch basins will each have a water quality outlet attachment in each catch basin in the existing parking lot as shown in the drawings. The new loading dock will also have an existing catch basin fitted with this structure. The closed retention system will outlet at the lower end of the subdivision into an existing storm drainage system. This system currently empties into the Fore River Bay (the Atlantic Ocean).

Since the Chapter 500 standards do not require treatment of stormwater entering the ocean, no calculations are prepared to determine the actual TSS removal provided. In general, the water quality structures will provide floating debris and grit removal as described in the appendix. Also, maintenance of the catch basins will be documented

to keep the structures operating as intended. Catch basins shall be inspected as least three to four times annually, depending on their performance. Sediment should be removed when it accumulates within 6 inches of the bottom of the hood, but not less than twice a year.

It has been suggested that a "Vortechs" or "H.I.L." structure be installed to increase the TSS removal rate. The oil/grit and oil/water separators are **not** accepted by DEP to be any more effective at TSS removal than an inlet hood. "Long-term performance needs to be studied, to determine whether resuspension of accumulated sediment occurs over time."

Although Vortechs has documented data, performed by themselves, that their system removes various percentages of sediment, this data has **not** been accepted by the State of Maine as meeting the standards that they wish to achieve. Until the DEP can put in writing that these **very expensive systems, relative to hoods** on inlets, are achieving their claims, we can not justify the expense to the client.

#### **4. Off-site credits**

There are no off-site credits for TSS removal needed at this time for this development.

#### **5. Compensation fees**

There is no need for compensation fees to off-set phosphorus removal to meet the site's phosphorus allocation needs.

### **B. Post project site plan**

The location of BMP's are found on a plan in the appendix.

### **C. Basic Stabilization**

#### **1. Disturbed areas**

Disturbed areas will be stabilized temporarily as needed as called out on the plans. Permanent stabilization will be installed as soon as possible as called as possible. Erosion control fences will border all downstream boundaries of the site.

#### **Additional BMP Maintenance**

- a. Disturbed areas shall be minimized during construction to the extent practicable. Soils should only be disturbed during climatic conditions



which available erosion control methods can be effectively applied. During construction provide a stabilized drainage system for runoff. Check the downstream watercourse's stability as to whether peak discharges and velocities are compatible with proposed erosion control methods.

**D. Sliding scale TSS removal**

The Fore River Basin is **not** within the watershed of a tidal and freshwater segment of Coastal Wetland Most at Risk from New Development. Accordingly Chapter 500 appendix C does **not** classify this area as a Coastal Wetland Most at Risk from New Development.

**However, if** the project were located in the direct watershed of a coastal wetland most at risk must meet the sliding scale TSS standard.

Total area of parcel = 3.38 acres  
Total area of impervious development= 3.26 acres  
PERCENT OF AREA that is IMPERVIOUS = 96.4%

**If we used the SLIDING SCALE TOTAL SUSPENDED SOLIDS GRAPH  
Total Suspended Solids Removal Efficiency Required= 80%**

The prescribed level of treatment must be applied to all impervious surfaces such that the areally weighted average TSS removal equals or exceeds the prescribed removal level.

**SUMMARY**

The treatment of the existing catch basins will enhance the TSS removal of the stormwater contaminants, because of this action, the runoff leaving the development will be cleaner than before the development. We recognize that stormwater runoff is contaminated by various pollutants during its travels. It is our desire that these pollutants be minimized as much as feasible to keep our environment as safe and clean as practicable.

9.6

**APPENDIX**

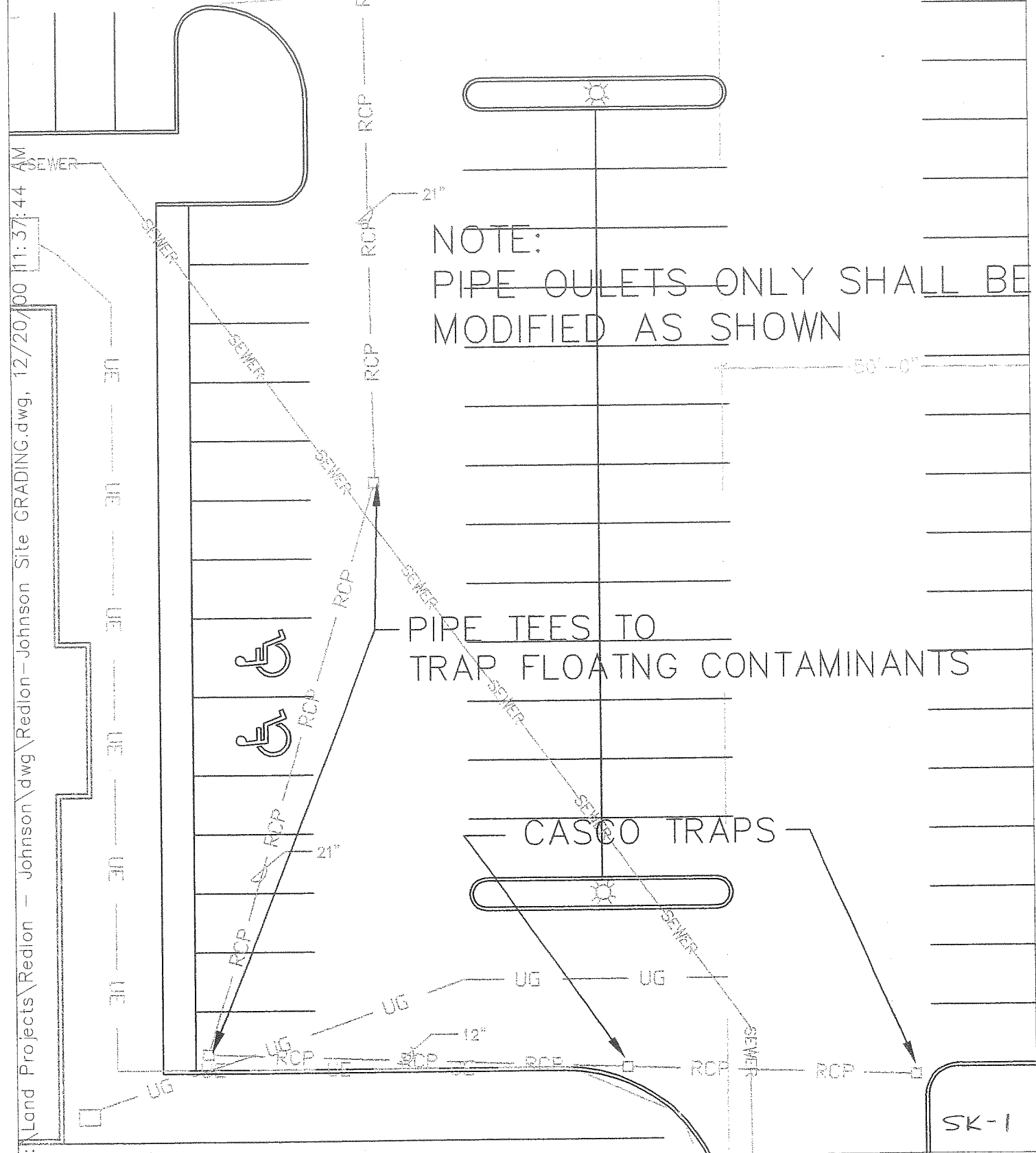
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PIPE TEE TO TRAP  
FLOATING CONTAMINANTS

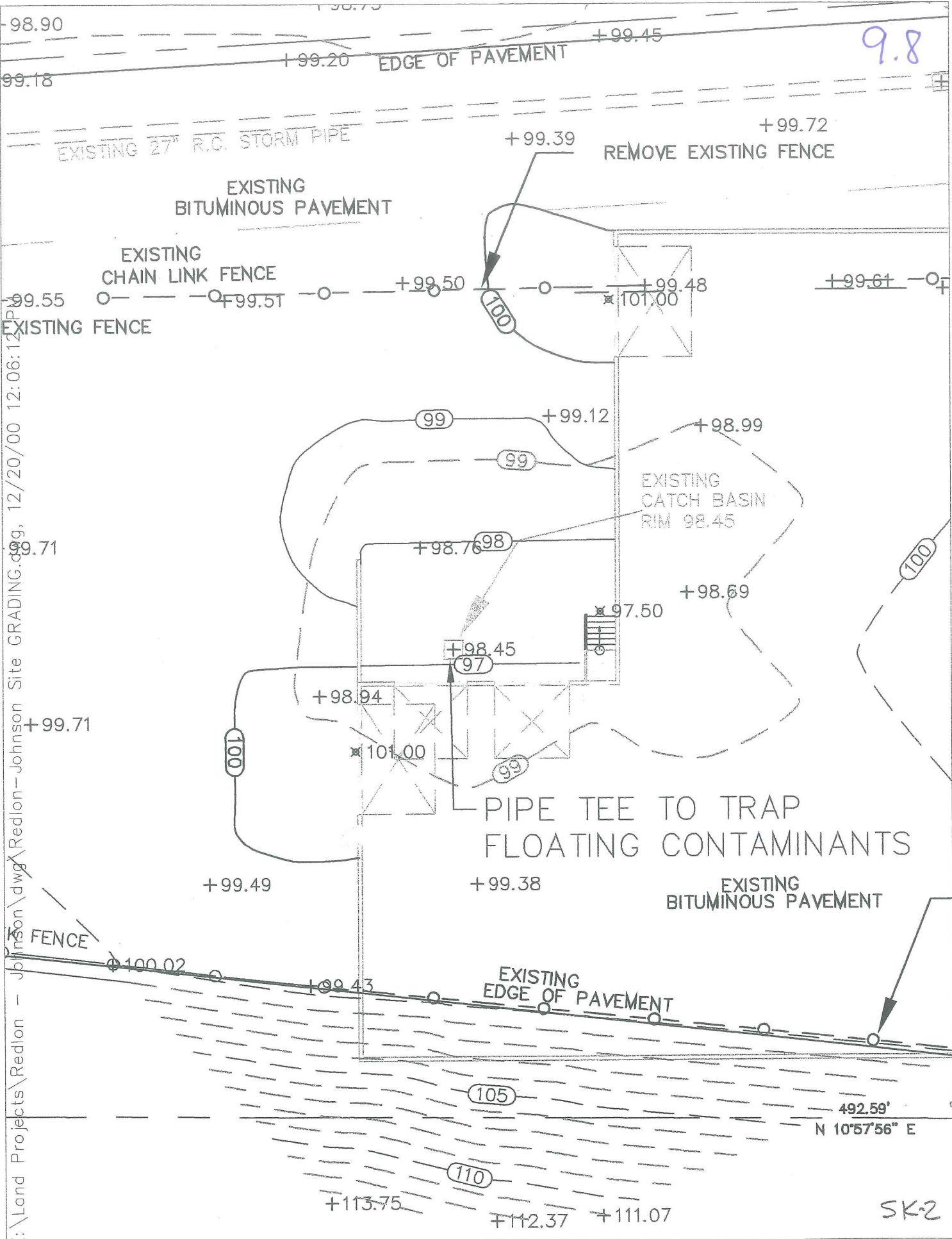
NOTE:  
PIPE OULETS ONLY SHALL BE  
MODIFIED AS SHOWN

PIPE TEES TO  
TRAP FLOATNG CONTAMINANTS

CASCO TRAPS



SCALE: 1" = 20'  
PRL 12/20/00  
ALLIANCE CONSTRUCTION, INC.

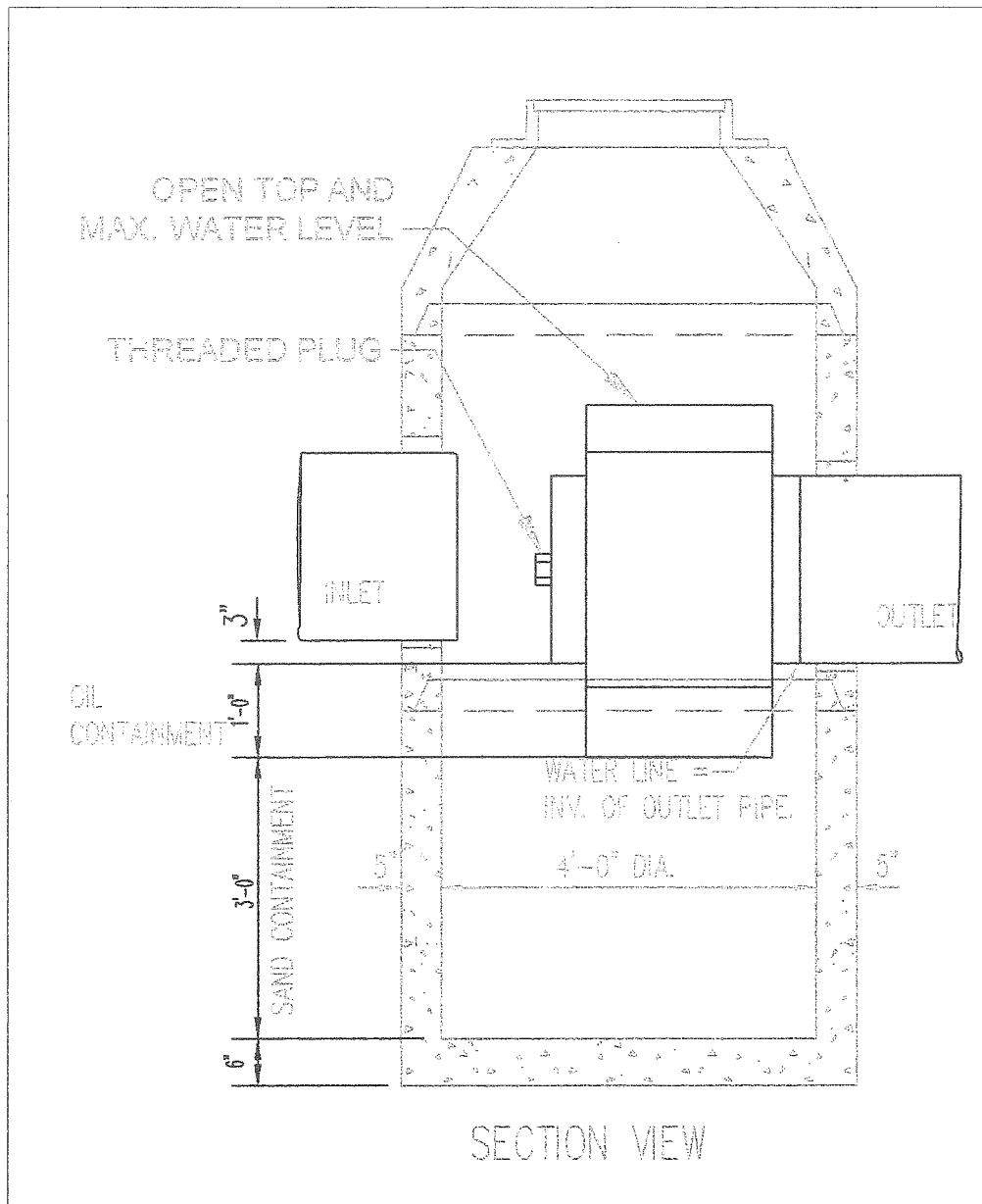


9.8

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# WATER QUALITY INLET

SCALE: 1/2"=1'-0"

PRL 12/20/00 ALLIANCE CONSTRUCTION, INC.

## 6.5.1. WATER QUALITY INLET

### DESCRIPTION AND PURPOSE

The water quality inlet is a conventional stormwater drainage structure (catch basin) provided with a sump and a hood. The sump is intended to trap coarse sediment and non-floating debris. The hood is intended to prevent floating debris and floating hydrocarbons from exiting the catch basin.

While the modified catch basin can be used "in-line" in a storm drain system, it is most effective as the initial structure at the uppermost end of the drainage network. High flow events can result in mixing within the basin and resuspension of accumulated sediment, so the contributing watershed should be kept relatively small. Also, size limits on commercially available hood castings limit the allowable size of outlet pipe from the catch basin.

### TARGET POLLUTANTS

Modified catch basins are intend to intercept coarse sediments, floating debris, and floating oil.

### EFFECTIVENESS

Modified catch basins are of limited effectiveness, because of the small hydraulic capacity of each unit. Properly maintained and regularly cleaned, and located at the uppermost end of a piped drainage network, they can help intercept the coarse sand and grit resulting from winter deicing control, and also floating debris that accumulates on parking areas and streets. They can also serve as a relatively low-cost form of pretreatment for small-site type infiltration systems, where it is determined that fine sediment and organic debris loading is minor.

***A 10% credit for TSS removal is recommended for a water quality inlet when it is utilized as a pretreatment to another BMP. No credit for TSS removal should be allowed when a water quality inlet is utilized by itself.***

### ENVIRONMENTAL CONSIDERATIONS

Catch basins with sumps and hoods will not be effective at intercepting or treating many of the pollutants found in urban stormwater. Except for very small areas with minor loadings of sediment and other potential pollutants, modified catch basins are not a primary control practice. However, they are useful in limiting the volume of debris and coarse sediment that may be conveyed to another stormwater management facility.

### PLANNING CONSIDERATIONS

The modified catch basin should be considered as a component of an overall piped drainage system, as a relatively low cost device for intercepting coarse sediment and debris that would otherwise consume available capacity or clog the pipe network or downstream management facilities.

Existing catch basins may be readily modified, in some instances, to retrofit an existing system to intercept coarse sediment and floating debris.

**DESIGN CRITERIA**

Some local subdivision and site plan review ordinances specify particular requirements for catch basins with sumps and hoods.

A water quality inlet should be provided with a three foot (minimum) sump. Larger sumps should be provided in areas to receive heavy sanding or where a heavy sediment load is anticipated.

Hood dimensions are generally determined by pipe size, and are commercially available through a number of foundries as stock items. Metal hoods, sometimes known as "Casco traps", should be hinged to allow access for cleaning as shown in Fig. 6.27 and Fig. 6.28. An alternative when plastic pipe is used is an elbow or tee with the inlet of the fitting pointed toward the floor of the basin. However, if this type of fitting is used, it must be properly vented to allow the basin to drain. A tee must be either capped and vented, or extended to above the anticipated high water level within the basin, so that floating material does not overflow the fitting and exit the basin. A threaded cap should also be placed in-line with the pipe for cleaning access.

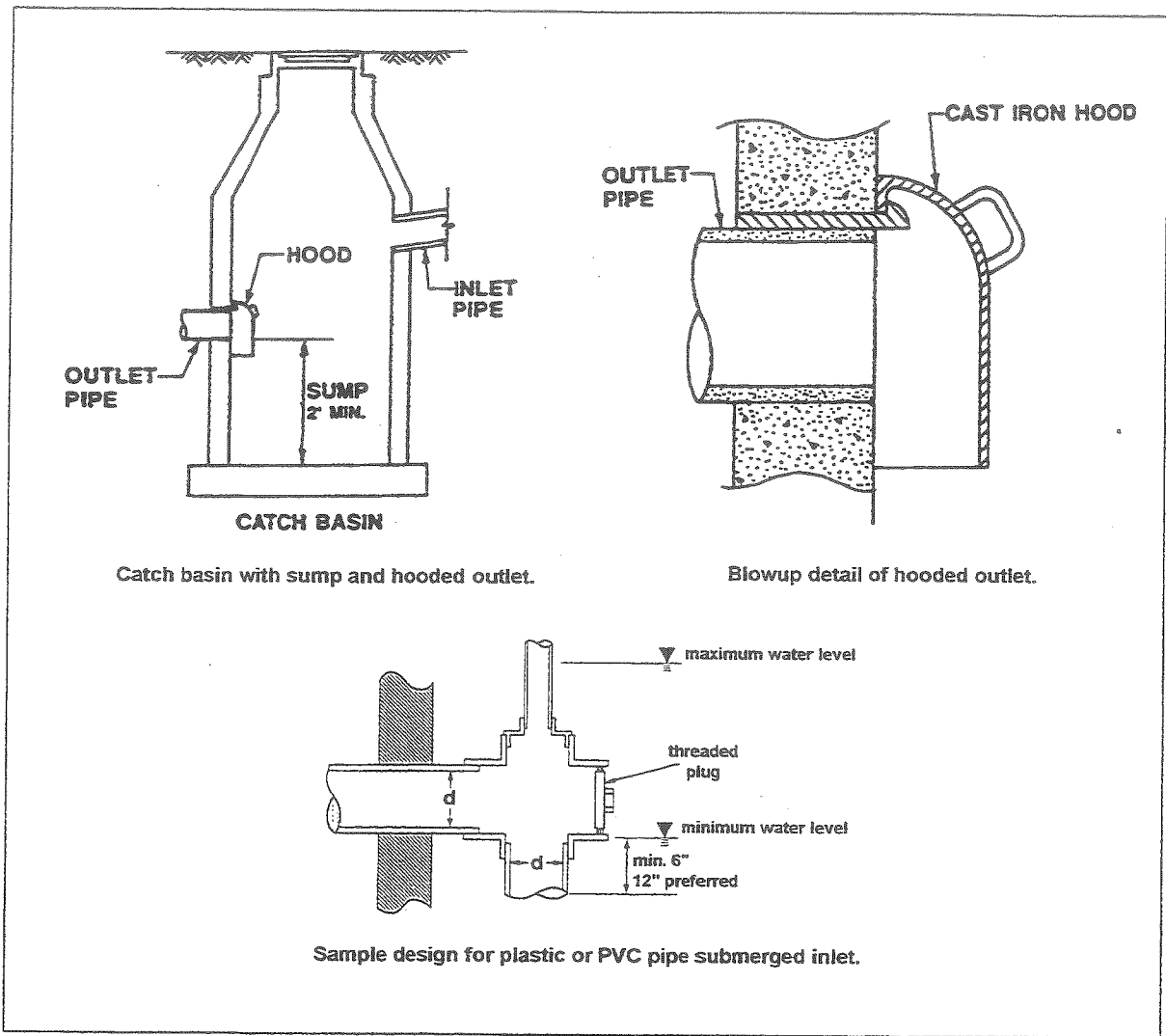
**MAINTENANCE**

Water quality inlets should be inspected three to four times annually, depending on their performance. Sediment should be removed when it accumulates within 6 inches of the bottom of the hood, but not less than twice a year.

**SELECTED REFERENCES**

Schueler, T.R. 1987. *Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs*. Metropolitan Washington Council of Governments, Washington DC.

Schueler, T.R, P.A. Kumble, and M.A. Heraty. 1992b. *A Current Assessment of Urban Best Management Practices: Techniques for Reducing Nonpoint Source Pollution in the Coastal Zone*. Metropolitan Washington Council of Governments, Washington, D.C.



Catch basin with sump and hooded outlet.

Blowup detail of hooded outlet.

Sample design for plastic or PVC pipe submerged inlet.

Figure 6.27. Metal Hood details and details of plastic pipe submerged inlets.



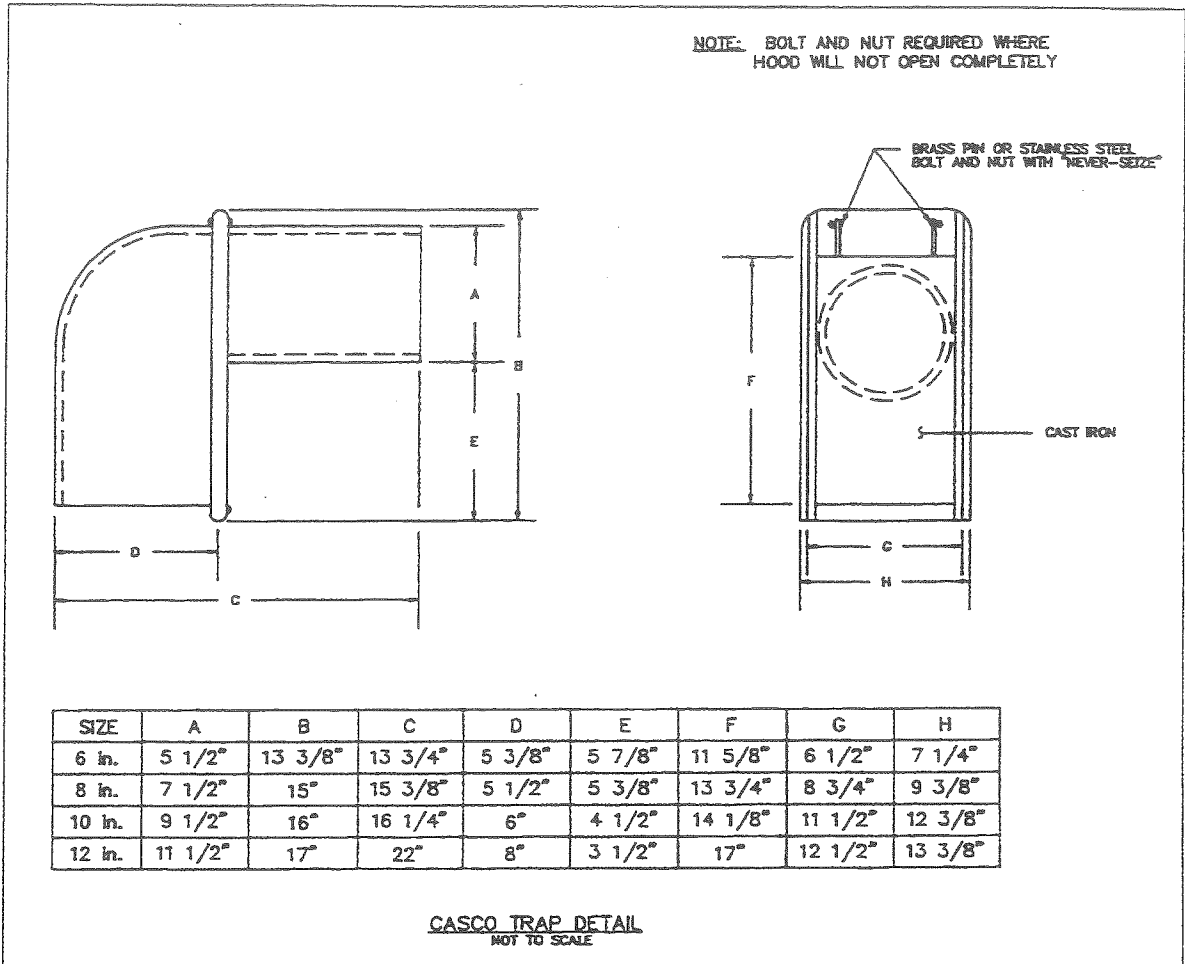


Figure 6.28. Details of Casco Trap type hood.

END OF SECTION 6.5.1.

## 6.5.2. OIL/GRIT AND OIL/WATER SEPARATORS

### DESCRIPTION AND PURPOSE

Oil/grit separators are chambers designed to remove sediment and hydrocarbons from urban runoff. They are normally used close to the source before pollutants are conveyed to storm sewers or as pretreatment for other BMPs such as infiltration trenches. Oil/grit separators are typically used in areas with heavy traffic or high potential for petroleum spills such as parking lots, gas stations, roads, and loading areas.

Several devices are available which fall within this category of BMP. They include:

- Water Quality Inlet, as described by Schueler (1987) and Schueler, et al. (1992).
- Vortechs™ System, a proprietary device available through Vortechtechnics of Portland, Maine (formerly the Grease-and-Grit Trap™).
- Grit King™ and Storm King™ dynamic separators, proprietary devices available through H.I.L. Technology of Scarborough, Maine.
- Coalescing Media Oil/Water Separator, another commercially available type of treatment device.
- The StormCeptor System, a patented prefabricated structure developed by FibreSep of Oakville, Ontario, which features a cylindrical off-line design.
- Hydrasep, an on-line tank that uses vertical laminar flow control plates and inlet flow regulators to separate oil from runoff; available from Newberry Tank Systems.
- Other devices or structures designed to intercept hydrocarbons, coarse sediment, and floating debris.

### TARGET POLLUTANTS

As the name implies, oil/grit separators are intended to remove floating oils and coarse sediment from runoff. They are also effective for removing floating trash from runoff. To some degree, if properly sized, installed, and maintained, oil/grit separators can trap finer-grained sediments, as well, and thereby capture additional nutrients and heavy metals that are bound to these sediments.

Coalescing media separators are also capable of removing dispersed oil droplets from runoff to some degree.

### EFFECTIVENESS

Runoff is only detained briefly in conventional oil/grit separators, so only moderate removal of coarse sediments, oil, and grease can be expected. Even more limited removal is likely for fine-grained sediment and pollutants attached to the sediment, such as trace metals and nutrients although Vortechtechnics claims to have overcome the problem of capturing fine-grained sediments. Soluble pollutants will most likely pass through oil/grit separators.

Limited data is currently available on the efficiency of these structures. Schueler (1987 and 1992) indicates that the water quality inlet appears to trap only coarse-grained sediments and some hydrocarbons, and trash, debris, and other floatables. Resuspension of sediments appears to limit long-term removal efficiency although Vortechics claims that the Vortechs System has been designed to solve the resuspension problem and has claimed to have demonstrated its success.

The use of an oil/grit separator to pre-treat flows of stormwater runoff ahead of structural BMPs, i.e. as a "forebay", can provide economic and environmental benefits to the extent that the oil/grit separator is generally much easier to monitor and maintain than the downstream BMP would be. Wet ponds and sand filters, for example, tend to be very difficult to inspect and expensive to maintain. Removing trapped materials from them, such as with backhoes or front-end loaders, may even cause a significant "slug load" of trapped pollutants to be released into the receiving waters that were originally intended to be protected by the pond or sand filter.

**A 10% credit for TSS removal is recommended for an oil/grit separator when it is utilized as a pretreatment to another BMP. A 5% credit for TSS removal will be allowed when an oil/grit separator is used by itself.**

Data published by Vortechics, based on bench-scale testing, indicate that its Vortechs System can achieve up to about 30% removal of silty sediment and up to 54% removal of the medium-to-coarse sand fraction at their recommended peak loading rates (e.g. 10-year or 25-year storms), and when designed according to recommended sizing criteria. Vortechics also claims that removals on the order of 90% are achieved in 2-month storms which, according to Vortechics, represent a "90th percentile" level of rainfall intensity, which means that 90% of all rainfall falls at an intensity that is less than the so-called 2-month storm. Removal of other pollutants is not documented by their literature at this time. Long-term performance needs to be studied, to determine whether resuspension of accumulated sediments occurs over time, although Vortechics reports that this problem has been overcome by the Vortechs system as evidenced by systems that have been closely monitored for up to three years.

Coalescing media oil/water separators manufactured by Great Lakes Environmental, Inc. are reported by the manufacturer to produce an effluent with less than 10 mg/l of oil droplets larger than 20 microns (slant-rib coalescing separator) or 90 microns (cylindrical gravity displacement separator). These devices are limited to fairly low flows. While devices are available for flow rates up to 9 cfs (4000 gallons per min.) or more, a separator with this capacity is likely to be cost prohibitive for most applications.

**ENVIRONMENTAL CONSIDERATIONS.**

Potential positive environmental effects of oil/grit separators include their ability to intercept floating trash and debris, and their potential reduction of hydrocarbon load from areas with high traffic and parking use (Schueler, 1992).

Potential negative impacts include (Schueler, 1992):

- Toxicity of retained sediment and floating material.
- Possibility of pulse hydrocarbon loadings during large storms, due to turbulence, resuspension of sediment, and mixing of floating material with the water column.

9.16

- Potential difficulty in disposing of retained materials, including the oil/water slurry resulting from floating oil separation and the settled sludge/sediment. These materials may need to be handled and disposed of as hazardous waste.

## PLANNING CONSIDERATIONS

Oil and grit separators can be used in small site development applications, such as parking areas, gas stations, and small commercial developments. They are limited to contributing areas of two acres or less (Schueler, 1992). They are best used for pretreatment of stormwater that will be discharged to other BMPs, and are typically not recommended as the sole method of stormwater treatment, unless no other practicable method is available for controlling coarse sediments, floating trash, and hydrocarbons.

Oil/grit separators have several advantages (MPCA, 1989):

- They are usually located underground so they minimize use of valuable space.
- They are compatible with storm sewer systems.
- They can pretreat runoff before it is delivered to other BMPs.
- They are easily accessed for maintenance.

Disadvantages of the structures are the limited pollutant removal capability, the need for frequent cleanout, and the initial installation costs. The poor performance of oil/grit separators has often been attributed to systems with on-line designs, so the performance can be improved with off-line controls.

The cost of the water quality inlet type of oil/grit separator ranges from \$5,000-15,000 and average about \$7,000-\$8,000 (Galli, 1986). The Vortechs System is anticipated to cost between \$8,000 to \$21,000 for devices with flow capacity ranging from 3 to 18 cfs, plus installation costs (Adams, 1995). Coalescing media oil water separators manufactured by Great Lakes Environmental, Inc. cost from about \$5,000 for a 24 gpm (0.05 cfs) capacity device to \$145,000 for a 4000 gpm (9 cfs) capacity device capable of generating an effluent with less than 10 mg/l oil droplets 20 microns or larger (Brincks; Spalding, 1992).

## DESIGN CRITERIA

A typical design for an oil/grit or oil/water separator (Figure 6.29) uses three chambers for treatment. Runoff enters the first chamber, which contains a permanent pool of water. Coarse sediment is trapped in this chamber by settling. The first chamber can also trap floating trash and debris, such as leaves.

Runoff then passes through an orifice to the second chamber which also contains a permanent pool of water. An inverted pipe elbow which draws water from the lower part of the pool discharges to the third chamber. By drawing water from below the surface, floating oil and grease are trapped. Some hydrocarbons may become adsorbed to sediment particles which settle out.

The third chamber discharges water to a storm sewer or other outlet. If the storm drain invert is above the floor of the structure, a permanent pool of water will be formed which will allow some additional settling. If the storm drain invert is at the floor of the oil/grit separator, the third chamber would have no value in pollutant removal.

In order for the structure to provide even moderate pollutant removal benefits, at least 400 cubic feet of permanent pool storage should be provided per acre of drainage area (MPCA). Also, the pool should be at least 4 feet deep.

6.5.2 OIL/GRIT AND OIL/WATER SEPARATORS

Manhole access should be provided to each chamber to allow for cleaning.

Other simplified designs, which are not recommended when fine grit or oil is a significant problem, are shown in Figures 6.30 and 6.31.

A typical design for a Vortechs System uses four chambers which are a circular grit chamber (also called a swirl chamber), an oil chamber (which includes the grit chamber), a flow control chamber, and an outlet chamber. Refer to the proprietary product literature in Appendix F. The two principal design criteria for the Vortechs System are:

1. **The 2-month Flow Rate:** The 2-month storm operating rate is preferably about 15 gpm per square foot (gpm/s.f.) of grit chamber surface area and never more than 25 gpm/s.f. The 2-month flow rate will cause the water level in a Vortechs System to rise to a level sufficient to submerge the inlet pipe thereby reducing inflow velocity to less than one foot per second and minimizing turbulence.

2. **The Peak Flow Rate:** The peak design storm (typically the 10-year or 25-year storm) operating rate is preferably 100 gpm/s.f.

Of the above two design criteria, the 2-month storm criteria is by far the more critical since studies by Schueler and Schepp have documented that 2-month storms are sufficient to cause re-suspension problems in water quality inlets. However, since 2-month storm rainfall data is not as widely available as data for more severe storms (see Appendix D), the peak design storm may be used for preliminary sizing. This usually causes the 2-month storm operating rate to fall within the desired range. It is recommended that the manufacturer, Vortechs, be contacted for design and engineering services for the Vortechs System.

For selection and design of the proprietary oil/grit separator devices, refer to the product literature for these structures (see Appendix F). The Vortechs System and the Great Lakes Environmental coalescing media oil/water separators are in this Appendix. Other proprietary devices may be currently available or under development, and the designer is encouraged to investigate alternative designs that may be applicable to the treatment (or pre-treatment) of stormwater.

**MAINTENANCE**

In order to have any effectiveness for pollutant removal, oil/grit separators are very dependent on the regular and frequent clean-out of trapped sediments. Oil/grit separators should be cleaned out at least twice a year in order to maintain their pollutant removal capabilities. Failure to clean them out on a regular basis can result in mixing of floating hydrocarbons into the water column and resuspension and loss of previously trapped material.

One problem with maintenance that requires further investigation, and must be considered during the design phase, is the disposal of the oil-contaminated water sediment and slurry that will be removed during cleaning. The designer should consult the Maine DEP Bureau of Hazardous Materials and Solid Waste Control to determine options for disposal of this material prior to the installation of these devices at a site.

The use of service contracts can help to assure the maintenance of any structural BMP. Lack of maintenance is widely acknowledged to be the most prevalent cause of failures by both structural and non-structural BMPs to achieve their objectives. The concept of service contracts for stormwater BMPs is new and not yet commonplace, yet they are becoming available especially with treatment structures and devices.

**SELECTED REFERENCES**

Schueler, T.R. 1987. *Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs*. Metropolitan Washington Council of Governments, Washington DC.

Schueler, T.R, P.A. Kumble, and M.A. Heraty. 1992b. *A Current Assessment of Urban Best Management Practices: Techniques for Reducing Nonpoint Source Pollution in the Coastal Zone*. Metropolitan Washington Council of Governments, Washington, D.C.

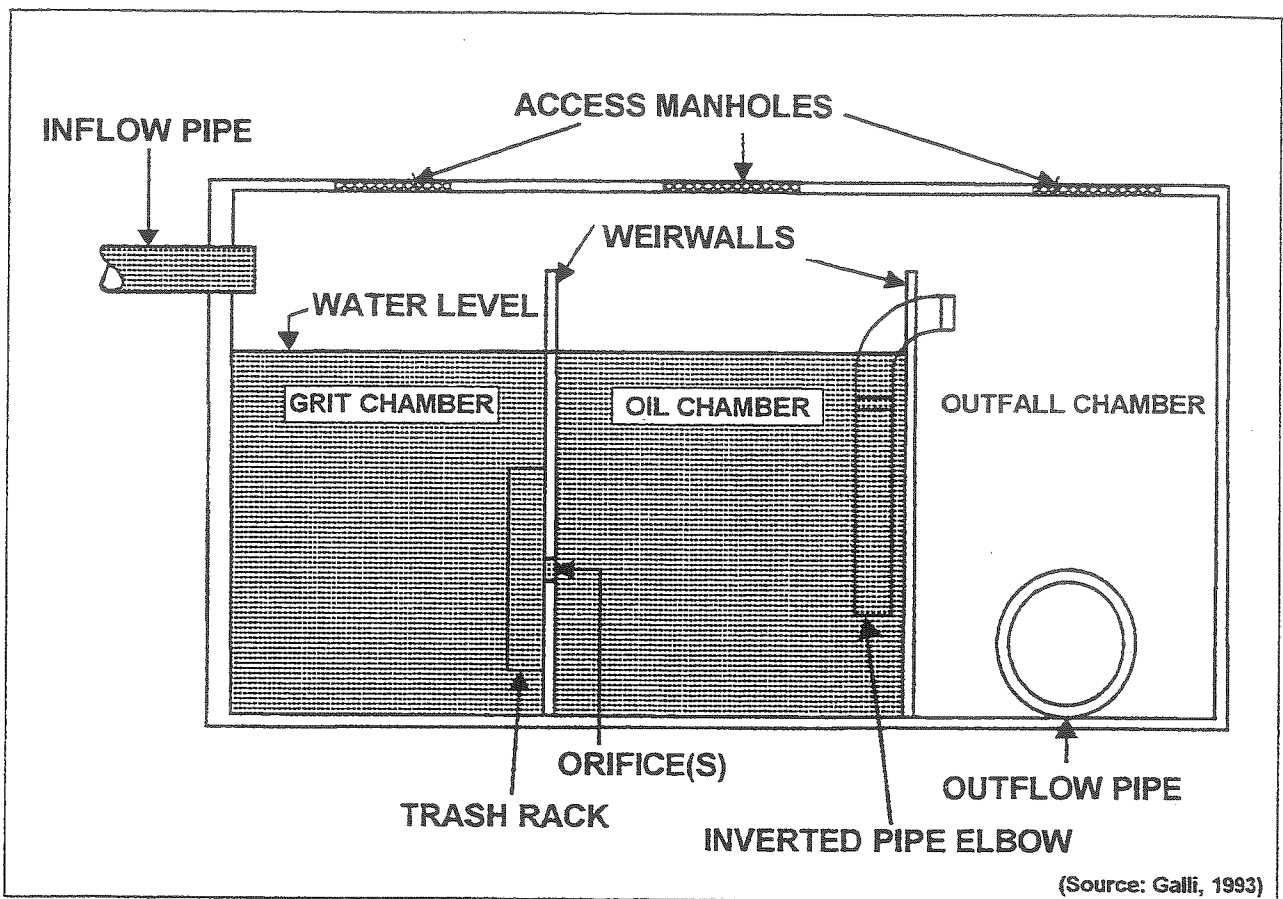


Figure 6.29. Typical Three Chamber Oil / Grit Separator Structure.

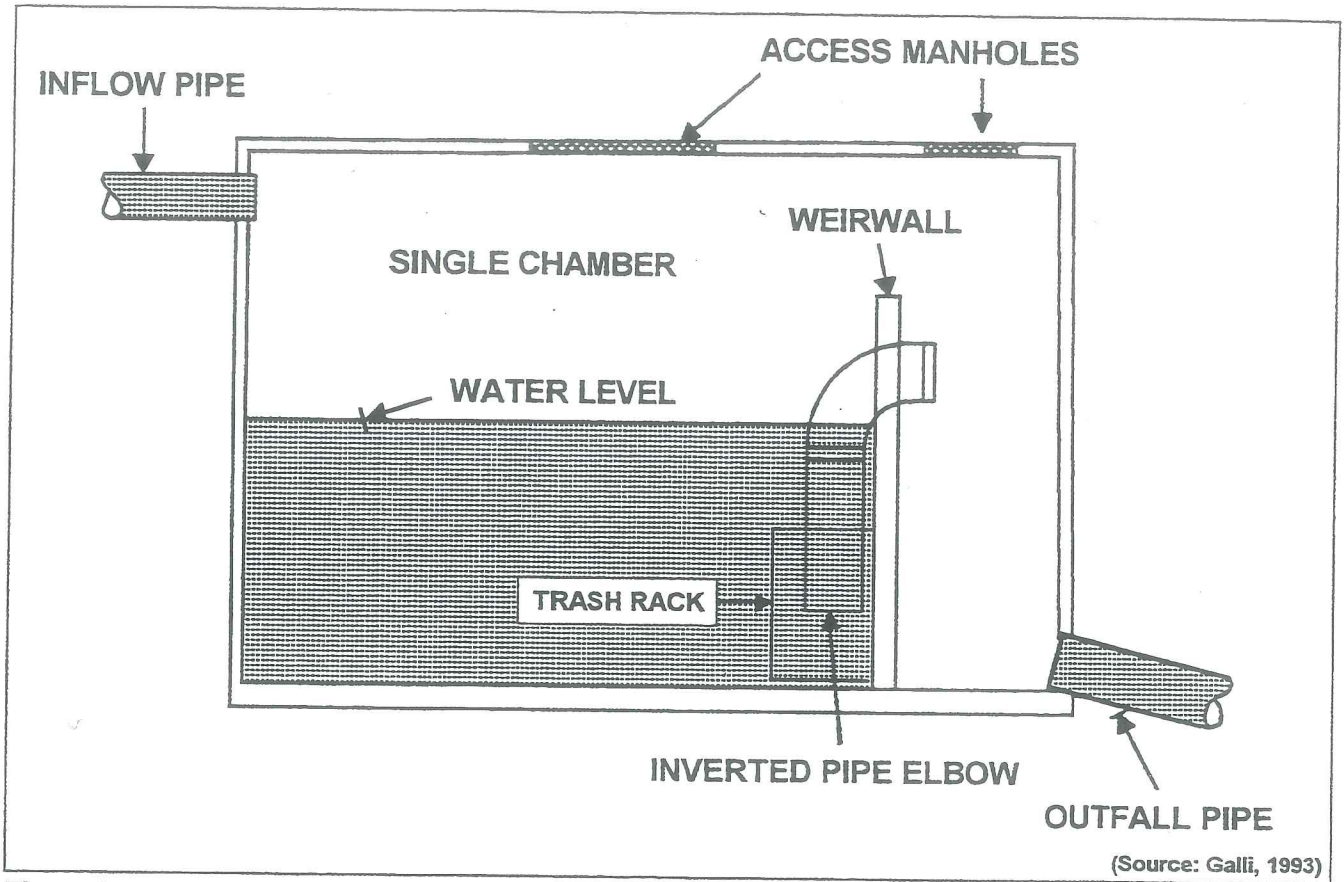


Figure 6.30. Typical Single Chamber Oil / Grit Separator Structure.

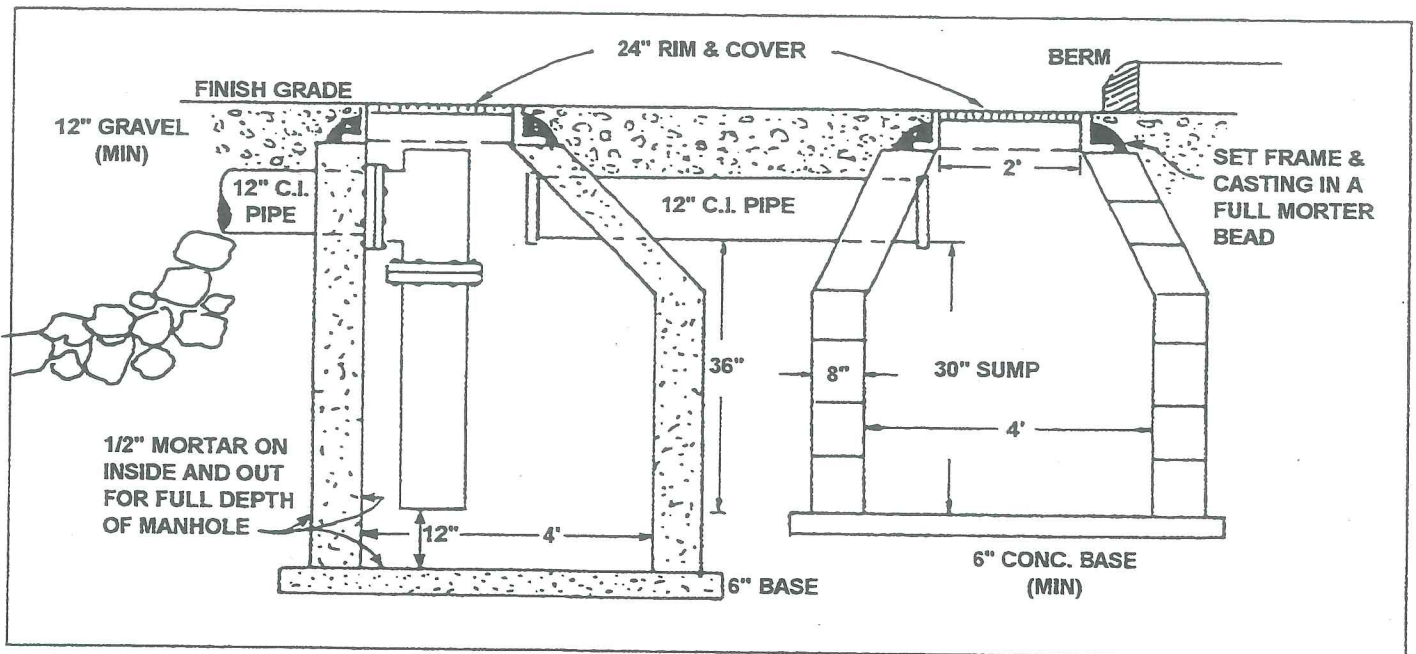


Figure 6.31. Catch basin / oil trap manhole detail.

END OF SECTION 6.5.2.





AH 10.1

**To:** Bill Needelman  
**Company:** City of Portland  
**Fax:** 874-8722

**From:** Ron Burt  
**Company:** Alliance Construction, Inc.  
**Phone:** (207) 885-0855  
**Fax:** (207) 885-0846

**Date:** 2 January 2001

**Pages including this cover page:** 9

**re:** Redlon & Johnson, 172-174 St. John Street, Portland

Dear Bill,

Following up from our previous conversation, please find attached copies of the information Redlon & Johnson has sent me. This documentation shows the intent of Redlon & Johnson to exercise the option in their lease and buy the complete property in question.

After you receive and review the attached information please don't hesitate to give me a call so we can discuss this project further.

Thank you,

Ronald G. Burt, Design-Build Project Coordinator  
 Design-Build Services



Dec. 27, 2000<sup>1</sup> 3:07PM BUJ REDLON & JOHNSON PORTLAND

No. 4030 N.P. 3 FEB 27 2002

10.2

**THE GAGE COMPANY**  
3093 Piney Bluff Road  
Library, PA 15129

Rec'd  
July 10

July 5, 2000

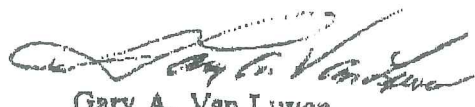
Westport Realty, LLC  
One Canal Plaza, 5th Floor  
Portland, ME 04101

Gentlemen:

Reference is made to the Ground Lease dated December 22, 1999 (the "Lease") between Westport Realty, LLC ("Landlord") and The Gage Company ("Tenant") relating to premises known as 172-174 St. John Street, Portland, ME 04104, more particularly described in the Lease in Exhibit A attached thereto (the "Leased Premises").

Tenant hereby exercises its Option to Purchase the Leased Premises from the Landlord pursuant to the terms of Section 30 of the Lease. Under those terms, the closing of the sale by Landlord to Tenant "shall occur no earlier than six (6) months and no later than seven (7) months" after the date of delivery of this notice. Please contact the undersigned to arrange for a closing date mutually convenient to Landlord and Tenant in compliance with the terms of the Lease.

Very truly yours,



Gary A. Van Luven  
Vice Chairman

cc: Craig N. Denekas, Esq.  
(Perkins, Thompson, Hinckley & Keddy)

0091500

BK15242PG059

10.3

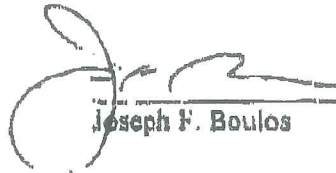
**QUITCLAIM DEED WITH COVENANT**  
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that I, **Joseph F. Boulos**, of Falmouth, County of Cumberland and State of Maine, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANT to **Westport Realty, LLC**, a limited liability company organized and existing under the laws of the State of Maine, the mailing address of which is c/o Boulos Property Management, One Canal Plaza, 5<sup>th</sup> Floor, Portland, ME 04101, with QUITCLAIM COVENANT, certain land, but not the building thereon, located in Portland, County of Cumberland and State of Maine, which is more particularly described in **Exhibit A** attached hereto and made a part hereof, the ownership of said land and the building thereon having been severed by **St. John Street Realty**, and the building located on said land, but not said land, having been previously conveyed by said **St. John Street Realty** to **The Gage Company** by deed of even or near date to be recorded in the Cumberland County Registry of Deeds.

WITNESS my hand and seal this 22 day of December, 1999.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF

  
\_\_\_\_\_  
Witness  
Printed Name:

  
\_\_\_\_\_  
Joseph F. Boulos

STATE OF MAINE  
County of Cumberland, SS.

December 22, 1999

Then personally appeared the above-named **Joseph F. Boulos** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

  
\_\_\_\_\_  
Notary Public/Maine Attorney-at-Law  
Printed Name: Paul D. Peterson

FROM : R&J/HALL&KNIGHT\*DIU  
12/18/00 16:39

FAX NO. : 2077846720

Dec. 25 2000 10:48AM P4

BULLUS LU → 57722901

BK 15242 PG 060

10.4

## Exhibit A

Joseph F. Boulos to Westport Realty, LLC

POOR ORIGINAL

A certain lot or parcel of land situated on the westerly side of St. John Street, so called, in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

Beginning at an iron rod on the westerly sideline of said St. John Street, said iron marking the southeasterly corner of land now or formerly of A. M. Cesario;

Thence N 79° 28' 50" W 108.30' by and along the southerly sideline of said Cesario to a point to be marked by an iron rod at the southeasterly corner at land now or formerly of Maine Central Railroad;

Thence continuing on a course of N 79° 28' 50" W 215.27' by and along the southerly sideline of said Maine Central Railroad and passing through a railroad rail monument to a point which is 20' easterly of the centerline of the present Maine Central Railroad tracks;

Thence S 7° 5' 39" W 734.45' by and along the easterly sideline of said Central Maine Railroad Company land and being on a line 20' easterly of and parallel to the centerline of the present Maine Central Railroad tracks to a point;

Thence S 79° 2' 4" E 167.56' by and along retained land of the Grantor to a set iron rod at the most northerly corner of land now or formerly of Adele S. Aronson, said iron also marking the most southwesterly corner of land now or formerly of Donald C. Moody;

Thence N 10° 57' 56" E 492.59' by and along the westerly sideline of said land of Moody and the westerly sideline of land now or formerly of David Matlock and the westerly sideline of land now or formerly of Susan T. Goldberg to a point at the northwesterly corner of said Goldberg land and the southwesterly corner of land now or formerly of Robert W. Curlew;

Thence N 10° 31' 10" E 181.87' by and along the westerly sideline of said Curlew land and the westerly sideline of land now or formerly of Harvey Associates to a point at the northwesterly corner of said Harvey Associates land;



FROM : R&J/HALL&KNIGHT\*DIU  
12/18/00 18:33

FAX NO. : 2077846720

Dec. 26 2000 10:48AM PS

BK 15242FG061

10.5

Thence S 79° 23' 50" E 103.30' by and along the northerly sideline of said Harvey Associates land to a point on the westerly sideline of said St. John Street;

Thence N 10° 31' 10" E 60.00' by and along the westerly sideline of said St. John Street to the point of beginning.

Meaning and intending to describe a parcel of land containing 147,404 square feet (3.4 acres, more or less) and being the same premises conveyed to Joseph F. Boulos by Deed of St. John Street Realty of even or near date, to be recorded in the Cumberland County Registry of Deeds.

POOR ORIGINAL

RECEIVED  
RECORDED REGISTRY OF DEEDS  
1999 DEC 23 AM 11:08  
CUMBERLAND COUNTY  
*John B. Brewer*

0091499

GK15242PG055

10.6

**QUITCLAIM DEED WITH COVENANT**  
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that **St. John Street Realty**, a Maine general partnership organized and existing under the laws of the State of Maine and having a place of business in Portland, County of Cumberland, and State of Maine, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTS to **Joseph F. Boulos**, of Palmouth, County of Cumberland, and State of Maine, whose mailing address is c/o Boulos Property Management, One Canal Plaza, 5<sup>th</sup> Floor, Portland, ME 04101, with QUITCLAIM COVENANT, certain land, but not the building thereon, located in Portland, County of Cumberland, and State of Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof, the ownership of said land and the building thereon having been partitioned by the Grantor in severing the ownership of said land and said building, and the building located on said land, but not said land, having been previously conveyed by the Grantor to The Gage Company by deed of even or near date to be recorded in the Cumberland County Registry of Deeds.


Said land is hereby conveyed subject to such matters as are set forth on Exhibit B, attached hereto and made a part hereof.


To the extent applicable, this document shall constitute an agreement pursuant to 33 M.R.S.A. Section 455 that said building shall be and remain separate personal property severed from the land on which said building is located and no interest in the personal property is being conveyed by this deed.

IN WITNESS WHEREOF, the said **St. John Street Realty** has caused this instrument to be sealed with its partnership seal and signed in its partnership name by **Joseph F. Boulos**, its general partner, therunto duly authorized, this 22 day of December, 1999.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

ST. JOHN STREET REALTY

  
\_\_\_\_\_  
Witness

By:   
\_\_\_\_\_  
Joseph F. Boulos  
Its General Partner

COUNTY OF CUMBERLAND, SS.

December 22, 1999

Then personally appeared the above-named **Joseph F. Boulos** in his capacity as General Partner of **St. John Street Realty**, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said partnership.

Before me,  
  
\_\_\_\_\_  
Notary Public/Maine Attorney-at-Law  
Printed Name: R. D. RETRADELI

FROM : R&J/HALL&KNIGHT\*DIV  
12/15/00 10:40

FAX NO. : 2077846720  
BULLUS W 7 5772257

Dec. 26 2000 10:50AM PS  
NO.162 P007/008

BK15242PG057

10.7

Thence S 79° 29' 50" E 103.30' by and along the northerly sideline of said Harvey Associates land to a point on the westerly sideline of said St. John Street;

Thence N 10° 31' 10" E 60.00' by and along the westerly sideline of said St. John Street to the point of beginning.

Meaning and intending to describe a parcel of land containing 147,404 square feet (3.4 acres, more or less) and being the same premises conveyed to St. John Street Realty by deed of RDJ Realty dated December 23, 1985 and recorded in the Cumberland County Registry of Deeds in Book 7112, Page 170.

POOR ORIGINAL



BK15242PG056

10.8

Exhibit A

St. John Street Realty to Joseph F. Boulos

POOR ORIGINAL

A certain lot or parcel of land situated on the westerly side of St. John Street, so called, in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

Beginning at an iron rod on the westerly sideline of said St. John Street, said iron marking the southeasterly corner of land now or formerly of A. M. Cesario;

Thence N 79° 28' 50" W 108.30' by and along the southerly sideline of said Cesario to a point to be marked by an iron rod at the southeasterly corner at land now or formerly of Maine Central Railroad;

Thence continuing on a course of N 79° 28' 50" W 215.27' by and along the southerly sideline of said Maine Central Railroad and passing through a railroad rail monument to a point which is 20' easterly of the centerline of the present Maine Central Railroad tracks;

Thence S 7° 5' 39" W 734.45' by and along the easterly sideline of said Central Maine Railroad Company land and being on a line 20' easterly of and parallel to the centerline of the present Maine Central Railroad tracks to a point;

Thence S 79° 2' 4" E 167.56' by and along retained land of the Grantor to a set iron rod at the most northerly corner of land now or formerly of Adele S. Aronson, said iron also marking the most southwesterly corner of land now or formerly of Donald C. Moody;

Thence N 10° 57' 56" E 492.59' by and along the westerly sideline of said land of Moody and the westerly sideline of land now or formerly of David Matlock and the westerly sideline of land now or formerly of Susan T. Goldberg to a point at the northwesterly corner of said Goldberg land and the southwesterly corner of land now or formerly of Robert W. Curlew;

Thence N 10° 31' 10" E 191.87' by and along the westerly sideline of said Curlew land and the westerly sideline of land now or formerly of Harvey Associates to a point at the northwesterly corner of said Harvey Associates land;

BK 15214 2PG 058

10.9

## EXHIBIT B

1. Such state of facts as disclosed on a plan entitled "Land Title Survey of Redlon Johnson Building, 172-174 St. John Street, Portland, Maine for Boulos Co., 2 City Center, Portland, Maine 04101, dated December 8, 1993.
2. Easement reserved in deed from RDJ Realty to St. John Street Realty dated December 23, 1985 and recorded in said Registry of Deeds in Book 7016, Page 2.
3. Drainage Maintenance Agreement by and among St. John Street Realty, RDJ Realty and the City of Portland dated February 7, 1986 and recorded in said Registry of Deeds in Book 7112, Page 167.
4. Rights and easements granted by RDJ Realty to St. John Street Realty by instrument dated February 7, 1986 and recorded in said Registry of Deeds in Book 7112, Page 170.
5. Rights and easements granted to Central Maine Power Company and New England Telephone and Telegraph Company by instrument dated July 9, 1986 and recorded in said Registry of Deeds in Book 7369, Page 112.
6. Multiple Services Agreement by and between St. John Street Realty and Portland Water District dated December 19, 1986 and recorded in said Registry of Deeds in Book 7589, Page 100.
7. Easement granted by St. John Street Realty to Portland Water District dated December 19, 1986 and recorded in said Registry of Deeds in Book 7589, Page 101.
8. Mortgage and Security Agreement granted by St. John Street Realty to City of Portland dated December 23, 1985 and recorded in the Cumberland County Registry of Deeds in Book 7016, Page 6 and related Assignment of Landlord's Interests in Leases dated December 23, 1985 and recorded in said Registry of Deeds in Book 7016, Page 43, and Non-Disturbance, Attornment and Subordination Agreement by and among Maine National Bank, The Westco Corporation, and St. John Street Realty dated December 18, 1985 and recorded in Book 7016, Page 35; as affected by Assignment of Loan Agreement, Note, Mortgage and Lease assignment from the City of Portland to Maine National Bank dated December 23, 1985 and recorded in said Registry of Deeds in Book 7016, Page 56 and by Partial Release of even or near date executed by Fleet Bank of Maine (as successor in interest to Maine National Bank) to be recorded in the Cumberland County Registry of Deeds.

**RECEIVED**  
RECORDED REGISTRY OF DEEDS

1999 DEC 23 AM 11:07

CUMBERLAND COUNTY

John B. C. Brin





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Att 11.1

ANGUS S. KING, JR.  
GOVERNOR

MARTHA KIRKPATRICK  
COMMISSIONER

December 15, 2000

Mr. William B. Needleman, Planner  
Planning Office, City Hall  
389 Congress Street  
Portland, ME 04101

RE: Redlon & Johnson Co., DEP #L-20453-25-A-D

Dear Mr. Needleman:

The Department has received the application of the Redlon & Johnson Co. to expand their existing development on St. Johns Street. During a cursory review of this application, I contacted you with two concerns, which follow below.

My first concern was in regards to stormwater quality treatment. I noted that the applicant proposes to utilize catch basin sumps and oil/gas hoods in order to remove pollutants. Although listed as a best management practice (BMP) in the most recent edition of the State's Stormwater BMP Handbook, the Department does not recognize sumps and oil/gas hoods as capable of removing total suspended solids (TSS), in and of themselves. TSS removal credit is only given when these BMP's are used in conjunction with other practices, such as a manufactured oil/grit separator or detention/retention basins. The Site Location of Development Law (38 MSRA 481 *et seq.*) requires the Department to make a finding of no adverse effect on the natural environment. The Site Rules (Chapter 371 *et seq.*) further defines this standard, and requires the Department make a determination that a proposed project does not have an unreasonable adverse effect on surface water quality. In order to make positive findings in a project like this, the Department would require the applicant to install a more efficient TSS removing BMP. This standard under the Site Law is separate from the Stormwater Law (38 MSRA 420-D) and the Stormwater Rules (Chapter 500). The environmental rationale here is that large projects should have some sort of mitigation for the amount of TSS and associated phosphorus inherent in the large amounts of stormwater runoff.

From our conversation today, I understand that the Planning Office has similar concerns, although they may be tempered by the City's current ordinances that reference Chapter 500 and not the Site Law. However, you may have some recourse with the Planning Board under an umbrella ordinance similar to the Site Law.

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

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

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

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 764-1507

My second concern was in regards to the permanent seeding plan noted on Sheet C-3, entitled "Site Details", drawn by Alliance Construction, Inc., dated September 21, 2000. Those notes call for a permanent seeding mix of Reed Canary Grass and Redtop. Reed Canary Grass is a facultative wetland species that, although indigenous, is quite invasive. Since the seeding application will occur in upland, the likelihood of survival for the Reed Canary Grass is small. The Department normally suggests an alternative plant in permanent seeding for uplands. Some species that we suggest for upland seeding are bluegrass, perennial rye grass, and fescues.

From our conversation today, I understand that the Planning Office will be making recommendations to change the permanent seeding plan to an appropriate upland species mix.

Based on our cursory review of the application, the Department has decided not to exert jurisdiction over this project.

Please call me if you have any questions.

Sincerely,



Alexander Wong, Project Manager  
Division of Land Resource Regulation  
Bureau of Land and Water Quality

CITY OF PORTLAND, MAINE  
PLANNING BOARD

11.3

Jaimey Caron, Chair  
Deborah Krichels, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagge  
Erin Rodriguez  
Mark Malone  
Orlando E. Delogu

PUBLIC HEARING AGENDA

Tuesday Evening, January 9, 2001, at 5:30 p.m. the Planning Board will hold a Public Hearing, Room 209, City Hall, 389 Congress Street, Portland, Maine

1. ROLL CALL AND DECLARATION OF QUORUM
2. COMMUNICATIONS AND REPORTS
3. ANNOUNCEMENT OF DECISIONS AT THE PREVIOUS MEETING ON DECEMBER 12, 2000.
  - i. North Atlantic Seafood site Plan; Vicinity of Commercial Street; City of Portland, Applicant.

The Portland Planning Board voted unanimously 6-0 (Malone absent) to approve the subdivision; voted unanimously 6-0 to approve site plan subject to 4 conditions of approval.
  - ii. Zoning Map Adoption And Zoning Map Amendment From R-05 To R-6 in the Vicinity of 144-156 Washburn Avenue.

The Portland Planning Board voted unanimously 6-0 (Malone absent) to recommend to remove from R-05 to R-06 in the vicinity of 144-156 Washburn Avenue to the Portland City Council.
  - iii. 14 Unit Residential Development R-3 PRUD; Site Plan and Subdivision Review; Vicinity of Stuart Street; North Star Enterprises, Applicant.

The Portland Planning Board voted unanimously 6-0 (Malone absent) to table this item.
4. UNFINISHED BUSINESS
  - i. 14 Unit Residential Development R-3 PRUD; Site Plan and Subdivision Review; Vicinity of Stuart Street; North Star Enterprises, Applicant.

The Portland Planning Board will consider a plan by North Star Enterprises, Inc. for a 14-dwelling unit development in the vicinity of Stuart Street. The land area of the site totals 3.45 acres. The development is proposed as a planned residential unit development with attached dwelling units.

5. NEW BUSINESS

- i. Office Building/Site Plan; Vicinity of 135 Marginal Way; Five Liver Company, Applicant.

The Portland Planning Board will consider a plan by Five Liver Company to construct an 18,000 sq. ft. building for office and retail use in the vicinity of 135 Marginal Way. 104 parking spaces are proposed. The building is proposed to be one story in height. The land area of the site is 1.44 acres. The property is zoned B-5. The development will be reviewed for conformance with the standards of the site plan ordinance.

- ii. Site Plan/Site Location of Development; Vicinity of 172 St John Street; Redlon Johnson, Applicant.

The Portland Planning Board will consider a plan by Redlon and Johnson Co for a proposed 10,734 sq. ft. addition to their existing plumbing supply facility at 172-179 St. John Street.

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.



AH 12.1

**From:** "Steve Bushey" <srbushey@maine.rr.com>  
**To:** "william needleman" <wn@ci.portland.me.us>  
**Date:** Fri, Jan 5, 2001 12:07 PM  
**Subject:** Redlon and Johnson

Bill,

I have reviewed the Stormwater report and corresponding plans dated December 21, 2000 by Alliance construction for the Redlon and Johnson Project and provide the following comments:

1. the applicant has proposed the use of pipe tees and casco hoods as their means of providing water quality treatment and sediment removal from stormwater runoff. In my opinion these measures do not satisfactorily meet the City's standard for stormwater treatment. The past precedent set by the Planning board for similar projects has been to require a manufactured treatment device such as a vortech chamber, a Downstream Defender or other equal structure. My specific concerns on the proposed tees include the installation of a tee on the RCP type pipe and exactly how that connection would be made. Secondly, the structures contain 21" pipe therefore if the existing structures are only 4' dia. the tee will be difficult to fit in the structure. The tee will also hamper long term maintenance and the ability to extract sediment out of the sump.
2. The plans do not contain information as to the existing sump depths of the structures.
3. the plan does not show the pipe connection from the truck well catch basin to the storm drain pipe. This information should be added to the plan.

If you have any questions regarding these comments please call.

Steve Bushey

SECTION XIV

STANDARDS FOR LOCAL SITE  
LOCATION OF DEVELOPMENT REVIEW

1. INTENTION

These standards are intended to provide a flexible and practical means by which the City of Portland may exercise its police powers to control the location of those developments substantially affecting the local environment in order to ensure that such developments will be located in a manner which will have minimal adverse impact on the natural environment within the development sites and of their surroundings and to otherwise protect the health, safety and general welfare of the people.

2. APPLICABILITY

The Planning Board shall review:

- (a) subdivisions;
- (b) structures;
- (c) developments generating passenger car equivalents of between 100-200 per peak hour for compliance with the following standards; and

For purposes of this section the following definitions shall be applied by the City of Portland Planning Board:

1. **Subdivision.** Land which is divided into 5 or more lots (other than lots for single-family, detached, residential housing, common areas or open space) to be offered for sale or lease to the general public during any 5-year period and the aggregate land area includes more than 20 acres; or the division of a parcel of land into 15 or more lots for single-family, detached, residential housing, common areas or open space, to be offered for sale or lease to the general public within any 5-year period and the aggregate land area includes more than 30 acres. The aggregate land area includes lots to be offered together with the roads, common areas, easement areas and all portions of the parcel of land in which rights or interests, whether express or implied, are to be offered. This definition of "subdivision" is subject to the following exceptions:

- A. Lots of 40 or more acres but not more than 500 acres may not be counted as lots except where:
  - (1) The proposed subdivision is located wholly or partly within the shoreland zone;

- B. Lots of more than 500 acres in size may not be counted as lots;
- C. Five years after a subdivider establishes a single-family residence for that subdivider's own use on a parcel and actually uses all or part of the parcel for that purpose during that period, a lot containing that residence may not be counted as a lot;
- D. Unless intended to circumvent this article, the following transactions may not be considered lots offered for sale or lease to the general public:
- (1) Sale or lease of lots to an abutting owner or to a spouse, child, parent, grandparent or sibling of the developer if those lots are not further divided or transferred to a person not so related to the developer within a 5-year period, except as provided in this subsection;
  - (2) Personal, nonprofit transactions, such as the transfer of lots by gift, if those lots are not further divided or transferred within a 5-year period or the transfer of lots by devise or inheritance; or
  - (3) Grant of a bona fide security interest in the whole lot or subsequent transfer of the whole lot by the original holder of the bona fide security interest or that person's successor in interest;
- E. In those subdivisions that would otherwise not require site location approval, unless intended to circumvent this article, the following transactions may not, except as provided, be considered lots offered for sale or lease to the general public:
- (1) Sale or lease of common lots created with a conservation easement as defined in Title 33, section 476, provided that the Department of Environmental Protection is made a party;
  - (2) The exception described in paragraph E does not apply, and the subdivision requires site location approval, whenever the use of a lot described in paragraph E changes or the lot is offered for sale or lease to the general public without the limitations set forth in paragraph E; and
- F. The transfer of contiguous land by a permit holder to the owner of a lot within a permitted subdivision is exempt from review hereunder, provided that the land was not owned by the permit holder at the time the Department of Environmental Protection, the MDOT or the City approved the subdivision. Further division of the transferred land must be reviewed under these standards.

For the purposes of this subsection, a parcel of land is defined as all contiguous land in the same ownership provided that lands located on opposite sides of a public or private

road are considered each a separate parcel of land unless that road was established by the owner of land on both sides of the road subsequent to January 1, 1970. A lot to be offered for sale or lease to the general public is counted, for purposes of determining jurisdiction, from the time a municipal subdivision plan showing that lot is recorded or the lot is sold or leased, whichever occurs first, until 5 years after that recording, sale or lease.

2. **Structure.** Any building, parking lot, road, paved area, wharf or area to be stripped or graded and not to be revegetated that cause a total project to occupy a ground area in excess of 3 acres. Stripped or graded areas that are not revegetated within a calendar year are included in calculating the 3-acre threshold; and
3. **Passenger car equivalents at peak hour.** "Passenger car equivalents at peak hour" means the number of passenger cars, or, in the case of nonpassenger vehicles, the number of passenger cars that would be displaced by nonpassenger vehicles, that pass through an intersection or on a roadway under prevailing roadway and traffic conditions at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. A one tractor-trailer combination is the equivalent of 2 passenger cars.

### 3. **STANDARDS**

The following standards shall be applied in evaluating developments identified in subsection 2, above, except where Portland elsewhere has adopted more restrictive standards, the more restrictive standards shall control:

1. **Financial and technical capacity.** The developer has the financial capacity and technical ability to develop the project in a manner consistent with state environmental standards and with the provisions of Portland's Code of Ordinances . The Planning Board may issue a permit that conditions any site alterations upon a developer providing the Planning Board with evidence that the developer has been granted a line of credit or a loan by a financial institution authorized to do business in this State or with evidence of any other form of financial assurance the Planning Board determines to be adequate. The Planning Board shall also assess any such application in accordance with the standards set forth in Chapter 373 of the Maine Department of Environmental Protection Site Law Regulations, as may be amended from time to time.
2. **Traffic movement.** For any development that generates 100 or more passenger car equivalents at peak hour, the developer has made adequate provision for traffic movement of all types into and out of the development area. Before issuing a permit, the Planning Board shall determine that any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development. The Department of Transportation or the City of Portland Traffic Engineer shall provide the Planning Board with an analysis of traffic movement



of all types into and out of the development area and with a statement of recommended findings on traffic issues. In making its determination under this subsection, the Planning Board shall consider the analysis and recommendations provided by the City's Traffic Engineer or the Department of Transportation. Traffic movement determinations are subject to the following:

- A. If any project qualifies for site location review solely because it generates 100 or more passenger car equivalents at peak hour then the site location of development review shall be limited only to issues relevant to the traffic movement standards in this section.

In all instances, the appropriate representative of the municipality or municipalities where the project is located, shall discuss with the applicant the scope of the traffic impact from the proposed development to be studied. Where required by state law, the applicant shall provide notice to abutting municipalities.

- B. If a development is located in an area designated as a growth area in a local growth management plan that has been found by the State to be consistent with the growth management program in Title 30-A, chapter 187, the Planning Board shall require improvements to the level of traffic service only if the level of service adjacent to or in the vicinity of the development is or would be level of service E or F, as determined by the City's Traffic Engineer in accordance with the "Highway Capacity Manual" (3rd ed. 1994). In these cases, improvements shall be required so as to bring the traffic service to, at minimum, level of service D.
- C. To the extent not inconsistent with these standards, the Planning Board shall also assess any such application in accordance with the standards set forth in Chapter 374 of the Maine Department of Environmental Protection Site Law Regulations, as may be amended from time to time.

(3) No adverse effect on the natural environment. The developer has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities. In making a determination under this subsection, the Planning Board shall apply the standards set forth in Chapter 375 of the Maine Department of Environmental Protection Site Law Regulations, as may be amended from time to time.

(4) Soil types. The proposed development will be built on soil types that are suitable to the nature of the undertaking. In making a determination under this subsection, the Planning Board shall apply the standards set forth in Chapter 376 of the Maine Department of Environmental Protection Site Law Regulations, as may be amended from time to time.

(5) Ground water. The proposed development will not pose an unreasonable risk that a

discharge to a significant ground water aquifer will occur. In making a determination under this subsection, the Planning Board shall apply the standards set forth in Chapter 500 and 502 of the Maine Department of Environmental Storm Water Management and Direct Watersheds of Waterbodies Most at Risk from New Development Rules, as may be amended from time to time.

- (6) Infrastructure. The developer has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- (7) Flooding. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure. In making a determination under this subsection, the Planning Board shall apply the standards set forth in Chapter 500 and 502 of the Maine Department of Environmental Storm Water Management and Direct Watersheds of Waterbodies Most at Risk from New Development Rules as may be amended from time to time.
- (8) Storm water management and erosion and sedimentation control. The proposed development meets the standards for storm water management in 38 MRSA §420-D, as may be amended from time to time and the standard for erosion and sedimentation control in 38 MRSA §420-C, as amended from time to time. In making a determination under this subsection, the Planning Board shall apply the standards set forth in Chapter 500 and 502 of the Maine Department of Environmental Storm Water Management and Direct Watersheds of Waterbodies Most at Risk from New Development Rules, as may be amended from time to time.

W.B. Needelman

CITY OF PORTLAND, MAINE  
MEMORANDUM

**TO:** Chair Caron and Members of the Portland Planning Board  
**FROM:** William B. Needelman, Planner  
**DATE:** December 12, 2000  
**SUBJECT:** 172-174 St. John Street  
Redlon & Johnson Co., Applicant  
Alliance Construction, Contractor

Background

Redlon and Johnson Co. requests a workshop review for a proposed 10,734 square foot building addition to their existing plumbing supply facility at 172-174 St. John Street. The development will be an extension of their current use, providing better truck circulation and loading with additional interior storage. The applicant also proposes a pavement expansion over an existing exterior storage area adjacent to the building addition. This project is being reviewed for site plan review and Site Location of Development review under local delegated authority.

This project was developed in 1985 with a total of 2.9 acres of new impervious surface. The new addition and new paved exterior parking area will combine to create 3.28 acres of new impervious surface since 1985, thus qualifying the project for Site Location of Development review. As an industrial development of less than 20,000 square feet, this project would ordinarily be reviewed at the staff level, but due to the need for Site Location review, the applicant requests Planning Board review.

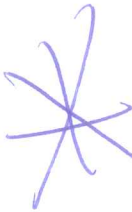
Findings

Lot Size:	3.38 acres+/-
Building Size:	52,272 square feet (existing) 10,734 square feet (proposed)
Zoning:	IMB
Parking:	64 spaces (existing, no additional spaces proposed)
New Impervious:	5,225 square feet (new pavement)
Existing Impervious:	52,272 square feet (building) 74,488 square feet (pavement) 126,760 square feet (total existing)
Post-Devel. Impervious:	131,985 square feet (total)

Title Issues:

The applicant has provided deeds showing evidence of ownership of the subject building only, not the underlying land. Planning staff has informed the applicant that sufficient evidence of development rights will need to be provided prior to Public Hearing.

Site Description



The site contains approximately 3.38 acres of land adjacent to the Maine Central Rail Road right of way west of St. John Street. The subject parcel abuts commercial parking to the north (behind the former rail road office complex,) the railroad right-of-way to the west, the Century Tire complex to the south, and St. John Street commercial uses to the east. The land has 60 feet of frontage on St. John Street providing access to a private drive heading westerly to the existing Redlon and Johnson parking lot.

The site is dominated by the existing building; a 52,272 square foot industrial/storage building with a large wholesale show room. A 65-space customer and employee parking lot occupies the northerly end of the parking lot, which is connected to a partially paved exterior storage area at the southerly end of the site by a paved drive. The existing loading bays are located in the interior of the building and present extreme difficulty to the drivers currently trying to access the loading platforms.

Project Description

The project proposes to construct a one-story metal building addition on the rear (south) end of the existing building. The area of the proposed addition is currently being used for exterior storage and it is proposed that some of the material that is currently being stored outside will, in the future, be stored in the addition. Three new loading bays will be incorporated in the addition, facilitating the loading and unloading of large trucks.

Building elevations have not yet been provided.

*- Has wave provided as of the writing of memo*

Zoning:

The IMB zone requires that paving must be set 10 feet back from property lines. The proposed pavement at the exterior storage area violates this provision, and the applicant indicates that the plans will be changed prior to Public Hearing.



### Site Location of Development Review:

The existing building and paved areas were developed in 1985, resulting in +/-2.9 acres of new impervious surface. The new development, which adds 5,225 square feet of new pavement, pushes the site over 3 acres of impervious surface, thus qualifying the site for Site Location of Development review.

Although, additional parking is not proposed with this development, planning staff is requesting that the applicant be required to install a stormwater treatment structure to treat the stormwater currently exiting the existing parking area. While Site Location regulations do not require a quantified reduction of TSS for facilities which outlet into the Fore River (a coastal wetland, not designated as at-risk,) planning staff bases the request for stormwater treatment on the City's technical standards for stormwater management –treatment for parking areas over 25 spaces- and Site Plan Standard #20 – no adverse environmental impact.

### Utilities

The site will be served from existing utilities on-site.

### Drainage

The site is largely flat and currently drains southerly through an existing underground system which eventually outlets into the Fore River. The system starts as a 12-inch pipe at the easterly edge of the customer parking area. The pipe flows down to the westerly truck access drive with a series of catch basins, turning southerly, eventually exiting the site and continuing to the separated City system which outfalls to the Fore River near the Veteran's Bridge. The pipe increases in size as the system flows southerly, starting as a 12-inch pipe at the parking area, and exiting the site as a 27- inch pipe. The oversized nature of the system provides detention, since, according to the applicant, the outlet orifice reduces to an 18-inch diameter, thus restricting flow. Very little additional stormwater will be generated by the proposed addition and paving, and no existing stormwater problems are apparent.

Currently, no stormwater treatment is provided or proposed. The applicant proposes to add an additional catch basin near the addition which will be outfitted with a gas hood. See the Site Location Review section, above.

### Access

Vehicle access to the site is provided via an existing access drive from Warren Avenue to customer parking in front of the building. Truck access is provided around the rear of the building to the exterior storage areas. Currently, trucks back into interior loading bays located mid-way on the westerly side of the building. Planning staff, while visiting the site, observed trucks having significant difficulty accessing the existing bays.

The new addition will include new loading bays, greatly improving truck circulation.

Pedestrian circulation is provided across the front of the parking area to the customer show room. St. John Street has recently been rebuilt, and sidewalks are in excellent condition.

#### Buffers/Landscaping/Preservation

The applicant's plan shows no additional landscaping.

#### Lighting

The parking area has two large steel light poles with box-type cut-off fixtures and the building has typical non cut-off wall-mounted fixtures. No lighting information has been provided for the area of new construction.

#### Attachments

1. Written Statements
2. Utility capacity letters
3. Storm Water Information
4. Letter of Financial Capacity
5. Deed Information
6. Engineering review
7. Aerial Photo
8. DEP Notice
9. Plans



Headquarters: 160 Pleasant Hill Road • Scarborough, ME 04074 • Tel: (207) 885-0855 • Fax: (207) 885-0846  
220 Forbes Road, Suite 108 • Braintree, MA 02184 • Tel: (781) 849-9380 • Fax: (781) 849-9381  
953 Islington Street • Portsmouth, NH 03801 • Tel: (603) 431-3638 • Fax: (603) 431-3615  
www.allianceconst.com

10 October 2000

Sara Hopkins, Development Resource Services Manager  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Subject: Redlon & Johnson  
172-174 St. John Street  
Portland, Maine

Dear Mrs. Hopkins:

We reference section 14-525 of the Portland Code with the following:

(b,3,c) Written Statements:

The cost of the development is currently estimated to be approximately \$450,000.

Applicant: Redlon & Johnson  
172-174 St. John Street  
Portland, Maine  
(207) 773-4755

- (b,3,c,1) The proposed project will consist of a 10,734 SF building addition. This addition is an extension to, and increase of existing material storage/handling space. This project is not intended to increase employment or office space (with associated facilities).
- (b,3,c,2) The current site, bounded on the east by St. John Street & properties 3978/237, 3361/335, 3496/311, 6145/462, 6374/221; on the south by properties 8192/198; on the west by Maine Central Railroad; on the north by Maine Central Railroad & properties 4595/110 is 147,233 square feet in size. The proposed buildings structure will use 10,734 SF of the available land area.
- (b,3,c,3) There are four easements affecting this property. (1) Easement to Central Maine Power Co. and New England Telephone and Telegraph Co., (2) Drainage Maintenance Agreement, (3) Reserved Access Easement, (4) Storm Water Drainage Easement. None of the above easement will be encroached upon or effected. This proposed project requires no future easements.
- (b,3,c,4) This project is an expansion of storage area and is not expected to increase solid waste volume. Presently this facility uses two 8x6 dumpsters that are moved into the build the day before trash removal. The dumpsters are returned to their final position before trash removal. The dumpsters will be located near the new gate to the storage yard. Since the dumpsters are being constantly moved from

***"Construction you can plan on"***

position to position and are located to the rear of the complex, they are not screened off.

(b,3,c,5) Evidence of off-site utilities is indicated by the letters submitted, under Tab #1 of this binder.

(b,3,c,6) Stormwater is currently being drained by sheet flow to several on-site catch basins. Please refer to proposed site plan for planned stormwater management. A Stormwater Management Report, by Alliance Construction, prepared by Paul R. LaRochelle, P.E., under Tab #2.

(b,3,c,7) Construction is planned for a early-November 2000 start and a March 2001 completion. We anticipate that the foundation will be re-enforced concrete footings & foundation walls with a slab on grade. The building structure will be a pre-engineered metal building with a rigid steel super structure, metal panel siding and a standing seam metal roof. Erosion control devices will be installed prior to any construction work, and will be maintained throughout the construction duration.

(b,3,c,8) We do not anticipate that any state or federal agency approvals would be required for this project. The only approvals that this project should require are at the local level and the state Fire Marshall.

(b,3,c,9) Evidence of financial capacity is attached, under Tab #3.

Construction and design services are being provided by Alliance Construction, Inc., under the direction of Gary R. Guerette, P.E., Vice President of Design-Build Services.

(b,3,c,10) Evidence of the applicant's right, title, or interest to the project is enclosed behind Tab # 4.

(b,3,c,11) There are no known unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the project site.

There is no traffic study required for this project. This proposed project does not increase traffic into or out of the property. This project's only purpose is to increase the amount of enclosed/covered storage capacity.

Sincerely,



Ronald G. Burt, Design-Build Project Coordinator  
Design-Build Services





A# 1.3

Headquarters: 160 Pleasant Hill Road • Scarborough, ME 04074 • Tel: (207) 885-0855 • Fax: (207) 885-0846  
220 Forbes Road, Suite 108 • Braintree, MA 02184 • Tel: (781) 849-9380 • Fax: (781) 849-9381  
953 Islington Street • Portsmouth, NH 03801 • Tel: (603) 431-3638 • Fax: (603) 431-3615  
[www.allianceconst.com](http://www.allianceconst.com)

November 8, 2000

William B. Needelman, Planner  
City of Portland, Planning Department  
389 Congress Street  
Portland, Maine 04101  
(207) 874-8722

**Re.:** Redlon & Johnson  
172-174 St. John Street

**# of pages including this sheet: 7 Plus 3 sets of Site Drawing**

Dear Mr. Needelman:

This letter is to follow up and response to the engineering comments made by Anthony Lombardo. In the correspondence I received from your office there are 5 outstanding questions at this time that prevents further site plan review. It is my hope that this letter and the attached drawings will resolve these questions and allow the review process to continue and be completed in the near future.

The first question asked about the outfall location of the existing catch basin, etc. I have attached drawing "Title Survey" sheet 1 of 1 (dated 2/7/86). This drawing shows the information in questions. The second question asked about the easements. Please see drawing titled "Land Title Survey" (dated 12/3/93) and documentation of listed easements 3b & 3c. The third questions asked about identifying abutting properties, please see the attached drawing "Standard Boundary Survey" (dated 6/12/96) for this information. The fourth questions comments on the new and old building are indistinguishable. We have revised drawing C-2 providing a box around the new construction with the comment "Limit of work". The fifth and final remark is responded with both revised drawing C-2 and the verbiage that no construction will take place at or near the property entrance on St. John Street.

Hopefully all of the attached information is what you need to continue the site review process for this project. Thank you for all your help and effort on our behalf with this project. If you should have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald G. Burt', written over a horizontal line.

**Ronald G. Burt, Design-Build Project Coordinator**  
**Design Build Services**  
[Ron@allianceconst.com](mailto:Ron@allianceconst.com)

cc: file

**"Construction you can plan on"**

Department of Public Works

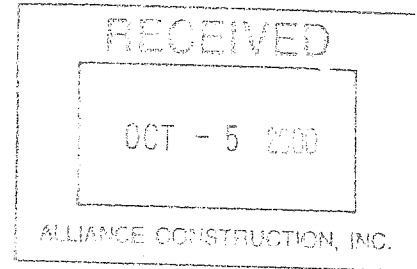


**CITY OF PORTLAND**

3 October 2000

Att 2.1

William J. Bray  
Director



Mr. Ronald G. Burt,  
Design-Build Project Coordinator,  
Alliance Construction, Incorporated,  
160 Pleasant Hill Road,  
Scarborough, Maine 04074

**RE: The Capacity to Handle Wastewater Flows, from the  
Proposed Addition to the Redlon & Johnson Facility,  
172-174 St. John Street.**

Dear Mr. Burt:

The existing ten-inch diameter concrete sanitary sewer pipe located in St. John Street has adequate capacity to transport the anticipated wastewater flows of zero GPD, from your proposed addition to the Redlon & Johnson facility. The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to treat the anticipated wastewater flows of zero GPD, from your proposed expansion of the Redlon & Johnson facility.

<b><u>Anticipated Wastewater Flows from the Proposed Warehouse Expansion</u></b>	
Proposed .28 Acre Warehouse Expansion	= 0 GPD
<b>Total Proposed Increase in Wastewater Flows for this Project</b>	<b>= 0 GPD</b>

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and the Maine D.E.P., requires C.S.O. abatement, as well as stormwater mitigation, in order to offset any increase in sanitary flows, from all projects.

If I can be of further assistance, please call me at 874-8832.

Sincerely,  
**CITY OF PORTLAND**

*Frank J Brancely*  
Frank J Brancely, B.A., and M.A.  
Senior Engineering Technician

FJB

cc: Joseph E. Gray, Director, Department of Planning, and Urban Development, City of Portland  
William Needleman, Planner, Department of Planning, and Urban Development, City of Portland  
Katherine A. Staples, P.E., City Engineer, City of Portland  
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland  
Anthony W. Lombardo, P.E., Project Engineer, City of Portland  
Stephen K. Harris, Assistant Engineer, City of Portland  
Desk file

O:\Engshare\CSO\172 St. John St.Doc

A#22

Troy F. McDonald  
Right-of-Way Specialist



Verizon Maine  
5 Davis Farm Road  
Portland, ME 04103

Phone 207.797.1785  
Fax 207.797.1098  
troy.f.mcdonald@verizon.com

October 10, 2000

Ron Burt  
Alliance Construction Inc.  
160 Pleasant Hill Road  
Scarborough, Maine 04074

RE: Adequate Facilities - Proposed Expansion to Redlon & Johnson, St. John Street,  
Portland, Maine

Dear Mr. Burt:

In accordance with your recent request please be advised that our engineering department has reviewed the facility records for the proposed expansion of the Redlon & Johnson facility located on St. John Street in Portland.

Based upon their findings we have adequate facilities to provide for present and future requirements utilizing the very latest in telecommunications technology.

If you have any questions, do not hesitate to call. You can reach me at (207) 797-1785.

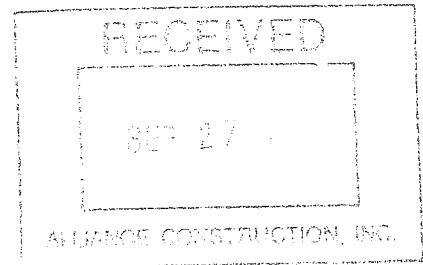
Sincerely,

Troy F. McDonald  
Right-of-Way Specialist

Att 2.3



TIME WARNER  
CABLE



Ron Bert  
Alliance Construction  
160 Pleasant Hill Rd  
Scarborough, ME 04074

Dear Ron,

This letter is to inform you that 172 Saint John St in Portland has existing service with Time Warner Entertainment and will be able to service the addition to the building if requested.

Sincerely,

A handwritten signature in cursive script that reads "Debra Paiement".

Debra Paiement  
Supervisor of Coordination and Design



# Portland Water District

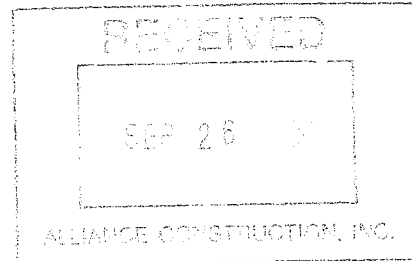
225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

A#2.4

(207) 774-5961  
FAX (207) 761-8307  
www.pwd.org

September 22, 2000

Mr. Ron Burt  
Alliance Construction, Inc.  
160 Pleasant Hill Road  
Scarborough, Maine 04074



Re: 172-174 St. John Street Expansion, Portland

Dear Ron:

The Portland Water District has a 16" water main in St. John Street, Portland, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 86 psi; residual pressure 73 psi; with a flow of 1434 gpm. With these results in mind, the District feels we have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands.

With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT

David W. Coffin, PLS  
Engineering Supervisor

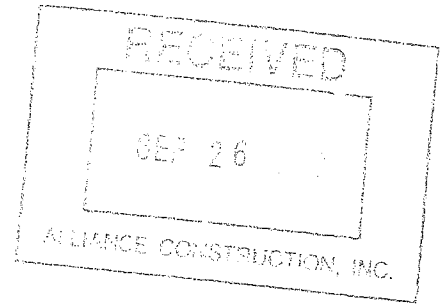


Central Maine Power, Customer Service Center  
162 Canco Road, Portland, Maine 04103

AH2.5

1-800-750-4000

September 22, 2000



Alliance Construction Inc.  
160 Pleasant Hill Road  
Scarborough, Maine 04074  
Attn: Ron Burt

Subject: 172-174 St. John Street, Portland  
Ridlon & Johnson Building

Dear Ron:

This letter is to advise that Central Maine Power Company has sufficient three phase electrical capacity in the area to serve the subject project.

When plans are available, please forward them to me so that I can coordinate our utilities with your project.

If you should have any questions, please feel free to call me at 791-8025.

Sincerely,

Gary Crabtree  
Energy Services Advisor

GC/rr



A#2.6



Northern Utilities, Inc.

September 22, 2000

Mr. Ron Burt  
Alliance Construction  
Via fax 207-885-0846

RE: Ability to Serve Proposed Addition to Redlon & Johnson, 172-174 St.  
John St., Portland, ME

Dear Ron:

Northern Utilities Natural Gas has adequate capacity to serve the gas load requirements for the above referenced project.

Please have the total new connected gas load sent to my attention when the information becomes available.

Thank you for inquiring about gas service. If you have any questions please feel free to call me directly at 797-8002 or 1-800-924-8002.

Sincerely,

NORTHERN UTILITIES

A handwritten signature in cursive script that reads "Bill Howard". The signature is written in dark ink and is positioned above the printed name.

Bill Howard  
Sales Representative

# STORM WATER MANAGEMENT REPORT

For

**Redlon-Johnson  
172-174 St. John Street  
Portland, Maine**

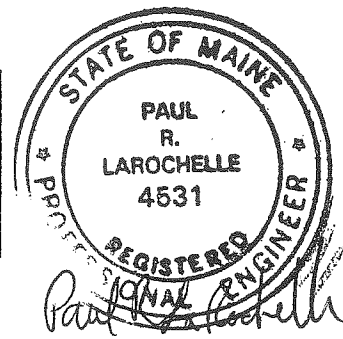
Prepared For

**Redlon-Johnson  
172-174 St. John Street  
Portland, Maine**

Prepared By



**160 Pleasant Hill Road  
Scarborough, Maine 04074  
Tel. (207) 885-0855 Fax (207) 885-0846**



September 12, 2000

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## **A. Narrative**

### **1. Objective**

The objective of this report is to evaluate the impact of the proposed building expansion with respect to on-site and off-site stormwater runoff. A comparison of the pre-development stormwater runoff, to the post-development stormwater runoff is made. This report includes:

- supporting calculations;
- tables and charts utilized for the predevelopment and post-development stormwater runoff analysis;
- the proposed stormwater management system design; and
- calculations which support the design of the stormwater drainage system proposed for this development.

### **2. Project Description**

The proposed development is located at 172-174 St. John Street. The site consists of approximately 3.38 acres of land. The proposed Site Plan includes expanded warehousing facilities totaling 0.28 of an acre of building footprint. Other associated improvements include a retaining wall for the back wall of the warehouse expansion.

### **3. Existing Drainage Conditions**

The existing drainage runoff (3.38 acres) flows into the on-site existing catch basins and existing storm water piping. The runoff is collected by the existing storm system on site. There is a drainage system existing on the site. Refer to the Pre-development (Existing Conditions Plan).

The peak drainage runoff rated for this site, for the pre-development conditions, is based on:

- Runoff rates for the existing soil type is irrelevant since the entire area is impervious;
- Drainage runoff contributory areas;
- Type and condition of ground coverage is impervious pre-and post-development;
- Intensity-frequency-duration curves for Portland, Maine;

- Time of concentration for each drainage sub-area (it is assumed that the minimum time of concentration is five minutes for all points within the watershed to make it's way to the point of collection) and;
- Size of each drainage sub-catchment area within the watershed.

The pre-development peak flow is analyzed for the site under existing conditions, so these peaks can be compared with the calculated peak rates for the post-development conditions. All analysis is performed using the United States Department of Agriculture – Soil Conservation Service (USDA SCS), Type III, 24-hour storm distribution, for the design year storms 2, 10 and 25.

#### **4. Proposed Drainage Conditions**

The stormwater runoff from the proposed development will be collected in a closed drainage system. The system will have catch basins with Casco traps outflowing to the stormwater pipe system.

#### **5. Stormwater Runoff**

##### **Methodology**

This analysis evaluates the impact of the proposed development with respect to the predevelopment and post-development stormwater runoff. Comparison of the predevelopment stormwater runoff, to the post-development stormwater runoff is made and a proposed stormwater management system is designed to reduce the effects of increased stormwater runoff from the proposed development. The predevelopment and post-development stormwater runoff rates for the project site are determined for the 24-hour USDA-SCS, Type III rainfall distribution for the 2, 10 and 25-Year Storms.

Stormwater runoff analysis is based on the USDA-SCS methods as described in "Urban Hydrology for Small Watersheds" 2<sup>nd</sup> Edition, Technical Release-55 (TR-55). Interior storm drainage design is based on the Rational Method.

Peak discharge hydrographs for the overall project site were calculated for the predevelopment and post-development conditions. Runoff curve numbers were determined for the land use. This was done for the pre- and post-development conditions. The time of concentration for the pre- and post-development conditions were determined based on current land use and topography. A five minute minimum time of concentration was assumed for design purposes. This represents a minimum "worst case" situation. Since the runoff would be directed to storm inlets and concentrated in a closed drainage system with a short hydraulic length and since each catchment area is relatively small in extent this assumption is reasonable.

The coefficient of runoff for each area used is based on land use. The project site is one storm drainage system catchment area. The storm collection system piping is to remain

the same size but relocated to accommodate the new addition. The new catch basin is then routed to the existing drainage pipe. The hydrograph at the point of discharge is then compared with the pre-development peak runoff.

**6. Summary**

The results of the detailed analysis and comparison of the pre-development and post-development runoff for the site drainage is as follows:

**Table 1: Site Analysis: Pre & Post-Development Peak Rates of Runoff**

Design Storm Frequency	2-Year	10-Year	25-Year
Pre-development Conditions:			
On-Site Drainage (3.38 acres)	11.2 cfs	15.7 cfs	18.2 cfs
Post-development Conditions:			
On-Site Drainage (3.38 acres)	11.5 cfs	16.1 cfs	18.5 cfs
Post-development <u>Change</u> On-Site Drainage	+0.3 cfs	+0.4 cfs	+0.3 cfs

## B. Hydrologic Site Analysis – Drainage & Detention System Design

### 1. *Drainage Analysis Basis*

The stormwater runoff analysis is based on the United States Department of Agriculture – Soil Conservation Service (USDA-SCS) methodology, as described in "Urban Hydrology for Small Watersheds" 2<sup>nd</sup> Edition, Technical Release-55 (TR-55). Detailed discharge hydrographs for the 2, 10, & 25 Year Storm Frequency are provided.

### 2. *Watershed/Drainage Area Data (Project Site)*

Total Site Drainage Area:	3.38 acres.
Storm Distribution	SCS 24-hour, Type III.
Return Period / Precipitation:	2-Year (4.0")
	10-Year (5.3")
	25-Year (6.0")

### 3. *Stormwater Management*

The stormwater management plan goal is to maintain the post-development runoff to pre-development flow rated and to improve drainage runoff water quality. Drainage runoff has been slightly increased by the proposed design. Drainage quality will be improved due to a more stable surface material.

- Drainage runoff directed on-site has been increased. The increased runoff will be collected by on-site catch basins. In the pre-development state approximately 3.38 acres drained towards the closed drainage system located within the property. In the post-development state this area has been maintained 3.38 acres. The proposed run-off area drains into existing catch basins as before.
- Drainage runoff from the improved site is directed overland to the existing catch basins. The new roof drain is tied directly into the closed system. This system of storm water management improves the quality of the water leaving the site by directing it from the roof directly into the system. This reduces the area of street generated contaminants.



## **Erosion Control Measures**

### **1. *Introduction***

The proposed project consists of approximately 38,300 square feet of land. The proposed site will consist of existing warehouse and office space with an expanded warehouse addition. Other associated improvements to this site include modifications to the semi-truck maneuvering area and reduction in outside storage area.

Best Management Practices for erosion control and site stabilization during construction will be employed on the site to minimize soil erosion and to protect the adjacent areas from impacts associated with the proposed development during and after construction. The use of erosion and sediment control silt fencing around the perimeter of the proposed work area will ensure on-site containment and control of any sediment from disturbed areas.

Additionally at inlets to the proposed storm drainage system, the use of a combination system will be utilized. This system will consist of placing filter fabric under the inlet grating of catch basins and continuing the fabric up and over the remainder of the inlet area of the basin; then a layer of crushed stone will be placed on top of the filter fabric. This filtration system will filter most sediment laden runoff and also secure the filter fabric in place, during construction.

### **2. *Proposed Stabilization/Treatment***

The proposed project will utilize both temporary and permanent erosion control and treatment measures for control of stormwater runoff. Temporary erosion control measures such as silt fence, hay bales and mulch will be used during the construction of the project to minimize intrusion of soil erosion and remain in place until permanent stabilization is accomplished. Other measures for sedimentation and erosion control as well as water quality protection will include provisions for sumps in all catch basins and storm water detention structures. Also, the catch basin collectors will be installed with Casco traps to reduce floating residue and sediment.

### **3. *Stormwater Runoff Treatment***

The design of the project incorporates the use of catch basin sumps and oil/gas hoods on the outlets of the drainage system. These treatment measures will add to the efficiency of catch basins in the removal of pollutants associated with stormwater flows from the paved areas.

A1.3.8

**SECTION 1.0**  
**EXISTING RUNOFF**

DRAINAGE CALCULATIONS  
REDLON JOHNSON

113.9

FOR: PRL  
 9/12/00

172-174 ST. JOHN STREET - PORTLAND, ME

PRE-DEVELOPMENT AREAS

TO CATCH BASINS (ON SITE):

BUILDING: 1.20 AC

PAVING: 1.71 AC

VEGETATED: 0.47 AC

TOTAL: 3.38 AC

PRE-DEVELOPMENT

RUNOFF

AREA SQUARE MILES  $A_m = \frac{3.38}{640} = 0.00528$

$T = 12.2$

$T_c = 0.1$

	2 YEAR STORM	10	25
$A_m Q$	0.01690	0.02376	0.02746
$I_a$	0.151	0.151	0.151
$I_a/p$	0.0377	0.0285	0.0251
$q_+$	662	662	662
$q = q_+ (A_m)(Q)$	11.2	15.7	18.2

AM 3.10

Worksheet 2: Runoff curve number and runoff

Project REDLON - JOHNSON By PA Date 9/12/00

Location ST. JOHN ST. - PORTLAND Checked \_\_\_\_\_ Date \_\_\_\_\_

Circle one: Present Developed \_\_\_\_\_

1. Runoff curve number (CN)

Soil name and hydrologic group (appendix A)	Cover description (cover type, treatment, and hydrologic condition; percent impervious; unconnected/connected impervious area ratio)	CN 1/			Area <input checked="" type="checkbox"/> acres <input type="checkbox"/> mi <sup>2</sup> <input type="checkbox"/> %	Product of CN x area
		Table 2-2	Fig. 2-3	Fig. 2-4		
(C) FILL	BUILDINGS	98			1.20	117.6
(C) FILL	PAVEMENT	95			1.71	162.5
(C) FILL	VEGETATED	75			0.47	35.3
Totals =					3.38	315.4

1/ Use only one CN source per line.

CN (weighted) =  $\frac{\text{total product}}{\text{total area}} = \frac{315.4}{3.38} = 93.3$ , Use CN = 93

2. Runoff

Frequency ..... yr  
 Rainfall, P (24-hour) ..... in  
 Runoff, Q ..... in  
 (Use P and CN with table 2-1, fig. 2-1, or eqs. 2-3 and 2-4.)

Storm #1	Storm #2	Storm #3
2	10	25
4.0	5.3	6.0
3.2	4.5	5.2

AH 3.11

**SECTION 2.0**  
**PROPOSED RUNOFF**

A#3.12

Worksheet 2: Runoff curve number and runoff

Project REDLON JOHNSON By PRL Date 9/12/00  
 Location ST JOHN ST - PORTLAND Checked \_\_\_\_\_ Date \_\_\_\_\_  
 Circle one: Present Developed

1. Runoff curve number (CN)

Soil name and hydrologic group (appendix A)	Cover description (cover type, treatment, and hydrologic condition; percent impervious; unconnected/connected impervious area ratio)	CN <sup>1/</sup>			Area <input checked="" type="checkbox"/> acres <input type="checkbox"/> mi <sup>2</sup> <input type="checkbox"/> %	Product of CN x area
		Table 2-2	Fig. 2-3	Fig. 2-4		
(C) FILL	BUILDINGS	90			1.48	145
(C) FILL	PAVEMENT	95			1.54	146
(C) FILL	VEGETATED	75			0.36	27
Totals =					3.38	318

<sup>1/</sup> Use only one CN source per line.

$$\text{CN (weighted)} = \frac{\text{total product}}{\text{total area}} = \frac{318}{3.38} = 94$$
 Use CN = 94

2. Runoff

	Storm #1	Storm #2	Storm #3
Frequency ..... yr	2	10	25
Rainfall, P (24-hour) ..... in	4.0	5.3	6.0
Runoff, Q ..... in (Use P and CN with table 2-1, fig. 2-1, or eqs. 2-3 and 2-4.)	3.3	4.6	5.3

AH 3.13

**SECTION 3.0**  
**TABLES AND CHARTS**





Att 4

10/13/00 FRI 11:51 FAX 4122556905  
10/13/00 FRI 10:44 FAX 212 536 1295

Gary A. Van Luyen  
C.I.T. GROUP

001  
002

CIT Business Credit  
1211 Avenue of the Americas  
New York, NY 10036

T: 212 536-1200  
F: 212 536-1295



October 13, 2000

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

RE: Building Addition at Redlon & Johnson  
172-174 St. John St., Portland, ME 04102

To Whom It May Concern:

This letter will confirm that Redlon & Johnson, Division of The Gage Company, has the financial capacity to complete the proposed improvements/additions to the property located at 172-174 St. John St., Portland, Maine 04102, estimated to cost \$450,000.00 in the aggregate. Per the company proposed improvements include an enclosed warehouse/storage facility, which will be attached to the existing building in Portland, Maine.

Sincerely,

Robert C. Smith  
Senior Vice President

10/13/00 FRI 11:51 FAX 4122556905  
OCT-12-2000 14:46

Gary A. Van Luven  
KURZMAN-KARELSEN & FRANK

AH5.1

002

P. 02/06

**QUITCLAIM DEED WITH COVENANT**  
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that St. John Street Realty, a Maine general partnership organized and existing under the laws of the State of Maine and having a place of business in Portland, County of Cumberland, and State of Maine, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTS to The Gage Company, a Pennsylvania corporation authorized to do business in Maine and having an address of 3000 Liberty Avenue, Pittsburgh, PA 15201, with QUITCLAIM COVENANT, a certain building (the "Building") located on land in Portland, County of Cumberland, and State of Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof (the "Land"), hereby transferring said Building only and not the Land on which the same is located, the purpose of this deed being to effectuate the partition of the Land and the Building by severing the ownership of the Land and Building, said Land being hereby excepted and reserved unto the Grantor, its successors and assigns, and to be conveyed by the Grantor to Joseph F. Boulos by deed of even or near date to be recorded in the Cumberland County Registry of Deeds and to be subsequently conveyed by said Joseph F. Boulos to Westport Realty, LLC by deed of even or near date to be recorded in the Cumberland County Registry of Deeds.

Said Building is conveyed subject to the restrictions applicable thereto and the rights of Westport Realty, LLC in and to the Building, all as set forth in a certain Ground Lease of even or near date between Westport Realty, LLC, as ground lessor of the Land, and Grantee, as ground lessee of the land, a Memorandum of said Ground Lease to be recorded in the Cumberland County Registry of Deeds, and a copy of said Ground Lease being on file with Westport Realty, LLC and Grantee.


Said Building is also conveyed subject to the matters set forth on Exhibit B, attached hereto and made a part hereof.


To the extent applicable, this document shall constitute an agreement pursuant to 33 M.R.S.A. Section 455 that the Building shall be and remain separate personal property severed from the Land and no interest in the Land is being conveyed by this deed.

IN WITNESS WHEREOF, the said St. John Street Realty has caused this instrument to be sealed with its partnership seal and signed in its partnership name by Joseph F. Boulos, its general partner, thereunto duly authorized, this 22-day of December, 1999.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

ST. JOHN STREET REALTY

  
\_\_\_\_\_  
Witness

By:   
\_\_\_\_\_  
Joseph F. Boulos  
Its General Partner

10/13/00 FRI 11:52 FAX 4122556905  
OCT-12-2000 14:46

Gary A. Van Luvan

KIJRZMAN-KARLESEN&FRANK

A45.3

004

P. 04/06

St. John Street Realty to The Gage Company

A certain lot or parcel of land situated on the westerly side of St. John Street, so called, in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

Beginning at an iron rod on the westerly sideline of said St. John Street, said iron marking the southeasterly corner of land now or formerly of A. M. Cesario;

Thence N 79° 28' 50" W 102.30' by and along the southerly sideline of said Cesario to a point to be marked by an iron rod at the southeasterly corner at land now or formerly of Maine Central Railroad;

Thence continuing on a course of N 79° 28' 50" W 213.27' by and along the southerly sideline of said Maine Central Railroad and passing through a railroad rail monument to a point which is 20' easterly of the centerline of the present Maine Central Railroad tracks;

Thence S 7° 5' 39" W 734.45' by and along the easterly sideline of said Central Maine Railroad Company land and being on a line 20' easterly of and parallel to the centerline of the present Maine Central Railroad tracks to a point;

Thence S 79° 2' 4" E 167.56' by and along retained land of the Grantor to a set iron rod at the most northerly corner of land now or formerly of Adela S. Aronson, said iron also marking the most southwesterly corner of land now or formerly of Donald C. Moody;

Thence N 10° 57' 55" E 492.59' by and along the westerly sideline of said land of Moody and the westerly sideline of land now or formerly of David Matlock and the westerly sideline of land now or formerly of Susan T. Goldberg to a point at the northwesterly corner of said Goldberg land and the southwesterly corner of land now or formerly of Robert W. Curlew;

Thence N 10° 31' 10" E 191.87' by and along the westerly sideline of said Curlew land and the westerly sideline of land now or formerly of Harvey Associates to a point at the northwesterly corner of said Harvey Associates land;

10/13/00 FRI 11:52 FAX 4122556805  
OCT-12-2000 14:47

Gary A. Van Luven  
KURZMAN-KARELSEN&FRANK

445.5

006

P. 05/06

EXHIBIT B

1. Such state of facts as disclosed on a plan entitled "Land Title Survey of Redlon Johnson Building, 172-174 St. John Street, Portland, Maine for Boulos Co., 2 City Center, Portland, Maine 04101, dated December 8, 1993.
2. Easement reserved in deed from RDJ Realty to St. John Street Realty dated December 23, 1985 and recorded in said Registry of Deeds in Book 7016, Page 2.
3. Drainage Maintenance Agreement by and among St. John Street Realty, RDJ Realty and the City of Portland dated February 7, 1986 and recorded in said Registry of Deeds in Book 7112, Page 167.
4. Rights and easements granted by RDJ Realty to St. John Street Realty by instrument dated February 7, 1986 and recorded in said Registry of Deeds in Book 7112, Page 170.
5. Rights and easements granted to Central Maine Power Company and New England Telephone and Telegraph Company by instrument dated July 9, 1986 and recorded in said Registry of Deeds in Book 7369, Page 112.
6. Multiple Services Agreement by and between St. John Street Realty and Portland Water District dated December 19, 1986 and recorded in said Registry of Deeds in Book 7589, Page 100.
7. Easement granted by St. John Street Realty to Portland Water District dated December 19, 1986 and recorded in said Registry of Deeds in Book 7589, Page 101.

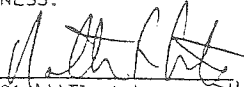
SHORT FORM QUITCLAIM DEED WITH COVENANT


RDJ REALTY, a Maine general partnership with a mailing address and a place of business at Two City Center, Portland, Maine 04101, formerly known as St. John Street Realty, FOR CONSIDERATION PAID grants to ST. JOHN STREET REALTY, a new Maine general partnership and not the Grantor, with a mailing address and a place of business at Two City Center, Portland, Maine 04101, with QUITCLAIM COVENANT, the real property located in Portland, Cumberland County, Maine described on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, RDJ REALTY has caused this instrument to be executed by Joseph F. Boulos, its General Partner thereunto duly authorized, this 23rd day of December, 1985.

WITNESS:

RDJ REALTY

  
Name: NATHAN H. SMITH

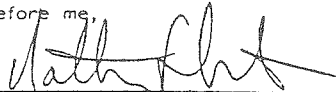
By:   
Joseph F. Boulos,  
Its Partner

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

December 23, 1985

PERSONALLY APPEARED the above-named Joseph F. Boulos, Partner of RDJ REALTY as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said general partnership.

Before me,

  
Name: NATHAN H. SMITH  
Title: Attorney at Law

AA5.7

EXHIBIT A

BOOK 7016 PAGE 3

ST. JOHN STREET REALTY

A certain lot or parcel of land situated on the westerly side of St. John Street, so called, in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

Beginning at an iron rod on the westerly sideline of said St. John Street, said iron marking the southeasterly corner of land now or formerly of A. M. Cesario;

Thence N 79° 28' 50" W 108.30' by and along the southerly sideline of said Cesario to a point to be marked by an iron rod at the southeasterly corner at land now or formerly of Maine Central Railroad;

Thence continuing on a course of N 79° 28' 50" W 215.27' by and along the southerly sideline of said Maine Central Railroad and passing through a railroad rail monument to a point which is 20' easterly of the centerline of the present Maine Central Railroad tracks;

Thence S 7° 5' 39" W 734.45' by and along the easterly sideline of said Central Maine Railroad Company land and being on a line 20' easterly of and parallel to the centerline of the present Maine Central Railroad tracks to a point;

Thence S 79° 2' 4" E 167.56' by and along retained land of the Grantor to a set iron rod at the most northerly corner of land now or formerly of Adele S. Aronson, said iron also marking the most southwesterly corner of land now or formerly of Donald C. Moody;

Thence N 10° 57' 56" E 492.59' by and along the westerly sideline of said land of Moody and the westerly sideline of land now or formerly of David Matlock and the westerly sideline of land now or formerly of Susan T. Goldberg to a point at the northwesterly corner of said Goldberg land and the southwesterly corner of land now or formerly of Robert W. Curlew;

Thence N 10° 31' 10" E 181.87' by and along the westerly sideline of said Curlew land and the westerly sideline of land now or formerly of Harvey Associates to a point at the northwesterly corner of said Harvey Associates land;



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BOOK 7018 PAGE 4

Thence S 79° 28' 50" E 108.30' by and along the northerly sideline of said Harvey Associates land to a point on the westerly sideline of said St. John Street;

Thence N 10° 31' 10" E 60.00' by and along the westerly sideline of said St. John Street to the point of beginning.

Meaning and intending to describe a parcel of land containing 147,404 square feet (3.4 acres, more or less) and being a portion of the land conveyed by Portland Terminal Company to St. John Street Realty by deed dated August 15, 1985 and recorded in the Cumberland County Registry of Deeds in Book 6864, Page 210. Reference is also made to a release deed from the City of Portland to St. John Street Realty dated August 7, 1985 and recorded in said Registry of Deeds in Book 6856, Page 264.

Reserving to the Grantor, its successors and assigns for the benefit of adjoining land of Grantor for use in common with Grantee an easement for purposes of pedestrian and vehicular ingress and egress and for purposes of installation, maintenance and repair of underground and/or overhead utilities on, over and under the following described portion of the above-referenced premises:

Beginning at a point on the westerly sideline of St. John Street, said point being the southeasterly corner of land now or formerly of A. M. Cesario;

Thence N 79° 28' 50" W 323.57' by and along the northerly sideline of the above described parcel to a point 20' easterly of the centerline of the present Maine Central Railroad tracks;

Thence S 7° 5' 39" W 734.45' by and along the easterly sideline of said Central Maine Railroad Company land and being on a line 20' easterly of and parallel to the centerline of the present Maine Central Railroad tracks to a point;

Thence S 79° 2' 4" E 30', more or less, to a point being 50' easterly of the center of Maine Central Railroad tracks;

Thence N 7° 5' 39" E 684', more or less, to a point;

Thence S 79° 28' 50" E 293', more or less, to a point;

A# 5.8

BOOK 7016 PAGE 5

Page 3 of 3

Thence N 10° 31' 10" E 50.00' by and along the westerly sideline of said St. John Street to the point of beginning.

The area affected by this easement is shown as "Reserved Access Easement" on plan entitled "Title Survey for St. John Street Realty, St. John Street, Portland, Maine, by Sebago Technics, Inc. dated December 1985."

Bearings herein are referenced to true north taken from Maine State Highway Commission Right of Way map for the Fore River Bridge dated September, 1952 and recorded in Cumberland County Registry of Deeds in Plan Book 43, Pages 52 through 54.

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RECEIVED  
RECORDED REGISTRY OF DEEDS

1985 DEC 23 PM 3:55

CUMBERLAND COUNTY  
*James J. Walsh*

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DRAINAGE MAINTENANCE AGREEMENT  
12059

BOOK 7112 PAGE 167

In consideration of site plan approval granted by the Planning Board of the City of Portland to a Plan entitled, "Westco Corporation, Warehouse Facilities, St. John Street, Portland, Maine" dated January 20, 1986, as revised through January 31, 1986, together with certain plans entitled "Westco Corporation, St. John Street, Portland, Maine, Storm Drain Design" by BH2M, dated January 1986 (sheets 1 and 2), and filed with the City of Portland, Department of Planning and Urban Development, 389 Congress Street, Portland, Maine, and pursuant to a condition thereof, St. John Street Realty, a Maine general partnership, with a place of business at Two City Center, Portland, Maine, 04101, owner of the subject premises and owner of an easement over adjoining premises of RDJ Realty, does hereby agree, for itself, its successors and assigns (the "Owner"), as follows:

That it will, at its own cost and expense at all times in perpetuity maintain in good repair and in proper working order the surface water drainage system as shown on said plans, including but not limited to the detention basin or basins and the outlet or outlets therefrom, for the benefit of said City of Portland, RDJ Realty, all persons in lawful possession of the premises and abutters thereto; further, that said City of Portland, said RDJ Realty, said persons in lawful possession and said abutters, or any of them may enforce this agreement by an action at law and equity in any court of competent jurisdiction; further, that after giving the Owner written notice and a reasonable time to perform, said City of Portland may, by its authorized agents or representatives, enter upon the premises of St. John Street Realty or upon the premises of RDJ Realty, or any portion thereof, for purpose of performing the aforementioned maintenance of said surface water drainage system in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon demand.

Notwithstanding the foregoing, it is agreed that with respect to that part of the surface water drainage system which affects land of RDJ Realty, that RDJ Realty shall have the right to relocate said system and easement in such manner and to such location on RDJ Realty's premises as may be approved by the City, and that said relocation shall not require the approval of any benefitted abutting landowners except to the extent that any such relocation may specifically encroach upon abutting land.

This agreement shall not confer upon the City of Portland or any other person except RDJ Realty the right to utilize said surface water drainage system for public use or for the development of any other property, and the owner shall bear

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no financial responsibility by virtue of this agreement for enlarging the capacity of said surface water drainage system for any reason whatsoever.

RDJ Realty, a Maine General Partnership, and owner of abutting land, as aforesaid, pursuant to deed dated August 15, 1985, from Portland Terminal Company and recorded in the Cumberland County Registry of Deeds in Book 6864, Page 210, joins in this agreement for purposes of granting to the City of Portland an easement for purposes of maintenance of the aforesaid surface water drainage system to the extent said system affects property of RDJ Realty. This easement is intended to cover the same area specifically referred to in Easement Deed of even date herewith and to be recorded herewith from RDJ Realty to St. John Street Realty.

This agreement shall bind the undersigned only so long as it retains any interest in said premises and shall run with the land and be binding upon its successors and assigns as their interest may from time to time appear.

For purposes of locating the surface water drainage system, which is the subject of this agreement, reference is made to a certain plan entitled "Title Survey for St. John Street Realty, St. John Street, Portland, Maine" by Sebago Technics, Inc., dated December 1985, as last revised 2/7/86, and to be recorded in the Cumberland County Registry of Deeds.

Dated at Portland, Maine, this 7th day of February, 1986.

IN WITNESS WHEREOF, St. John Street Realty has caused this instrument to be duly executed by Joseph Boulos, Its General Partner thereunto duly authorized, and RDJ Realty has caused this instrument to be duly executed by Joseph Boulos, Its General Partner thereunto duly authorized.

WITNESS:

J. B. Wyal

J. B. Wyal

ST. JOHN STREET REALTY

BY Joseph F. Boulos  
Joseph F. Boulos, Its General Partner

RDJ REALTY

BY Joseph F. Boulos  
Joseph F. Boulos, Its General Partner

§ 146.1

**From:** "Steve Bushey" <srbushey@maine.rr.com>  
**To:** "Sarah Hopkins" <SH@ci.portland.me.us>  
**Date:** Wed, Oct 25, 2000 8:40 AM  
**Subject:** Redlon and Johnson

Sarah,

I have reviewed the application materials dated October 10, 2000 and plans dated 9/21/00 by Alliance Construction for the Redlon and Johnson building expansion and offer the following comments:

1. The applicant should provide evidence of the building history including dates of construction so that it may be determined if the project qualifies under Site Location of Development review. As it is the proposed project will result in the development exceeding the 3 acre threshold of structure area. It is necessary that it be determined if any of the building was constructed prior to Oct. 1975, thereby excluding it from the structure area total.
2. The applicant should provide evidence or discussion as to the existing storm drain system and any easements etc. associated with it.
3. The site layout plan should provide a bit more geometric information including dimensions, baseline layout etc. to assist in construction and construction monitoring.
4. The applicant should provide additional data on the proposed retaining wall.
5. The existing facility appears to have over 60 parking spaces. Past precedent has established that it is necessary to provide water quality treatment for the stormwater runoff. This has typically been in the form of manufactured treatment devices. The current proposal doesn't include sufficient measures to meet these water quality improvement goals therefore it is recommended the applicant submit plans to include improved water quality treatment measures.
6. The engineer should review their runoff computations since there appears to be a conflict between the computations and the plans as to proposed paved and vegetated surfaces, i.e. the comps say .36 ac vegetated while the plans say 0.10 ac vegetated.
7. Is there any landscaping being proposed?

If you have any questions regarding these comments please call.

Steve Bushey Acting Development review Coordinator

AH 6.2

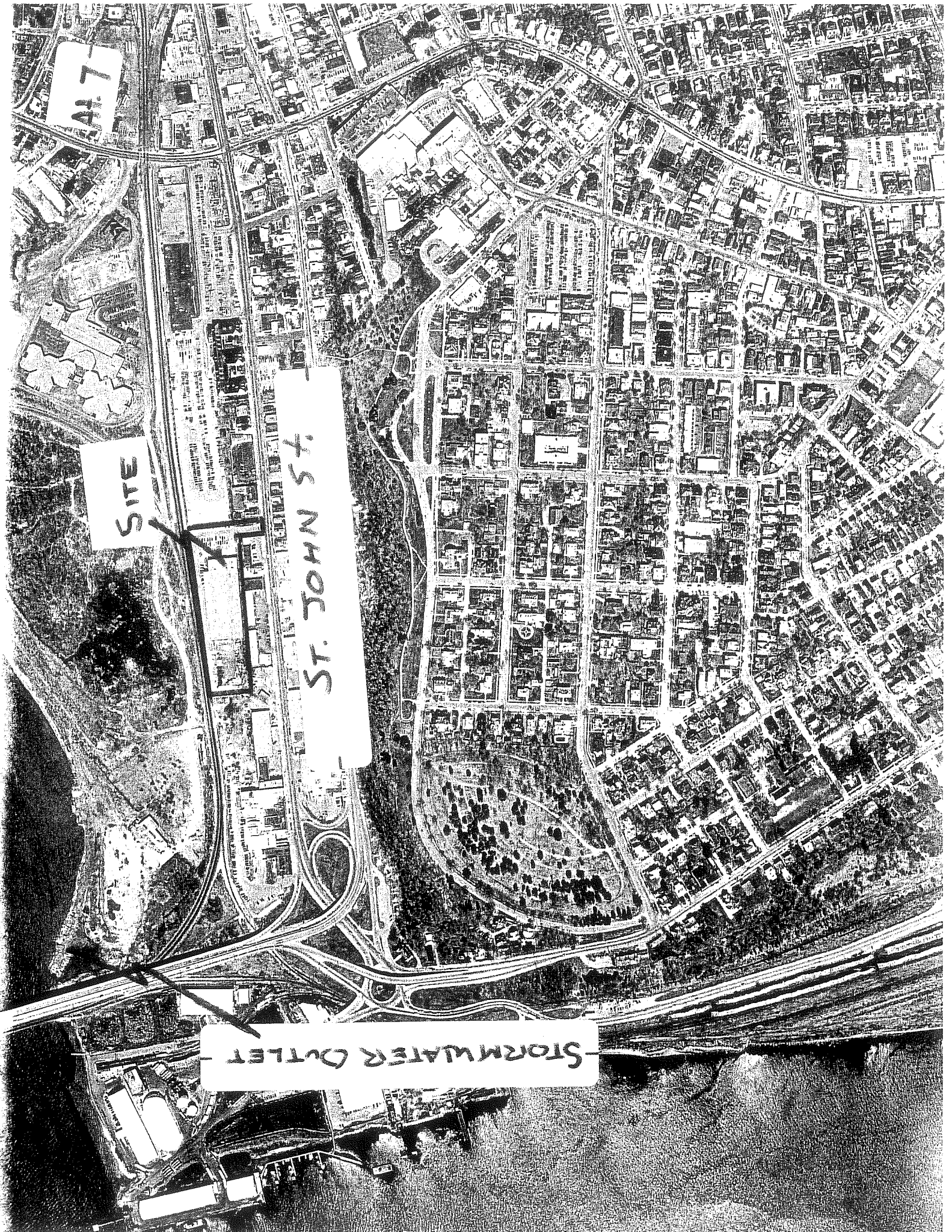
**From:** Anthony Lombardo  
**To:** Sarah Hopkins  
**Date:** Tue, Oct 24, 2000 8:33 AM  
**Subject:** Redlon & Johnson....172-174 St. John St.....10/24/00

Sarah,

I've reviewed the plans and application dated 10/17/00 and offer following comments on behalf of Public Works:

1. On the existing conditions plan, the applicant does not identify the the outfall location of the existing catch basin located in the northeast portion of the property. The size and direction of the outfall pipe should be identified as well as inverts.
2. There are several easements that are discussed in the application packet, but are not clearly identified on any of the plans.
3. No abutting properties are identified on any of the plans.
4. It is not clear on the site plan what is proposed and what is existing based on the line weight used on the drawings.
5. Is any work proposed near the entrance at St. John Street ?





A-7

SITE

ST. JOHN ST.

STORMWATER OUTLET



AH 8.1

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Land Quality Control  
State House Station 17  
Augusta, Maine 34333  
Tel: (207) 287-2111

FOR DEP USE

#L- \_\_\_\_\_  
Date Received \_\_\_\_\_

NOTIFICATION OF APPLICATION ACCEPTANCE  
MUNICIPAL REVIEW OF DEVELOPMENT  
(38 M.R.S.A. Section 489-A)

This form is to be used by a registered municipality to notify the Department upon the acceptance of an application for review pursuant to 38 M.R.S.A. Section 489-A. This form must be received by the Department within 14 days of acceptance of an application. The municipality must also submit one copy of the project application and one copy of the record of review and action.

If the application which is the subject of this notice should subsequently be amended during the review process, this form should also be used to submit notice to the Department of the amendment.

Municipality: Portland

Contact Person: William B. Needelman, Planner  
Address/Phone: Planning Office, City Hall, 389 Congress Street, Portland ME 04101  
(207)874-8722

Project Applicant: Redlon & Johnson Co.  
Address/Phone: 172-174 St. John Street, Portland ME  
(Agent: Alliance Construction, Ron Burt, 885-0855)

Title of Project: Redlon & Johnson Building Addition

Date Accepted as Complete by Municipality: 12-5-00

I. Type of Project for which permit is sought: (Check One)

\_\_\_\_\_ Subdivision as described in section 482, subsection 5 of more than 20 acres but less than 100 acres;

X  Structure as described in section 482, subsection 6, paragraph B, in excess of 3 acres but less than 7 acres;

\_\_\_\_\_ Excavation on more than 5 acres of land for borrow, topsoil, clay or silt, whether alone or in combination as described in section 482, subsection 2-B.

II. Description of Project. (Include number of units or lots, parcel size, footprint, etc.)

The proposed development will add 10,734 sq. ft. to an existing 52,272 sq. ft. building. The site is an undivided 3.38 acre parcel with 2.91 acres of existing impervious area. Post development conditions anticipate 3.28 acres of impervious area. This site was undeveloped in 1985.

III. Submit as attachments to this form:

A. One copy of complete application filed with municipality (include site plans);

To be provided by the applicant's agent: Ron Burt  
Alliance Construction  
160 Pleasant Hill Road  
Scarborough ME 04074

B. Identification of any outside review agents or consultants who will be performing reviews of any aspect of the application;

C. One copy of the legal notices served by the municipality.

NOTE: APPLICANT IS ADVISED TO REVIEW THE NATURAL RESOURCES PROTECTION ACT 38 M.R.S.A. SECTIONS 480-A 480-U (N.R.P.A.) TO ENSURE CONSISTENCY WITH THAT LAW. THE MUNICIPALITY'S DELEGATED REVIEW AUTHORITY PURSUANT TO 38 M.R.S.A. SECTION 489-A DOES NOT EXTEND TO THE N.R.P.A. IF AN N.R.P.A. PERMIT IS NECESSARY IT MUST BE OBTAINED FROM THE DEPARTMENT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

Town or City of: Portland Date: 12-7-00

By: William B. Needelmon

Printed Name: William B. Needelmon

Title: Planner

TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF  
172-174 ST. JOHN STREET

On Tuesday, December 12, 2000, the Portland Planning Board will consider a plan by Redlon & Johnson Co. to construct a 10,734 square foot building addition to an existing wholesale facility at 172-174 St. John Street. The site contains 3.38 acres and is zoned IMB. The proposal will be reviewed under the City Site Plan Code and for compliance with Maine DEP Site Location of Development standards under municipal delegated authority.

The meeting is a workshop session and is scheduled to begin at 3:30 p.m. in Room 209, City Hall, 389 Congress Street, Portland, Maine. The workshop is an opportunity for the applicant to present a plan to the Planning Board in an informal session, which is open to the public. Public comments are not generally received at the workshop meeting. If you wish to submit written comments on the proposal, please address your comments to Joseph E. Gray, Jr., Director of Planning and Urban Development, City Hall, 389 Congress Street, Portland, Maine 04101.

Alexander Jaegerman  
Chief Planner

# 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: 1-8-00  
To: Ron Burt  
Company: Alliance  
Fax #: 885-0896  
From: Bill Needleman  
RE: Planning Board Agenda - Redlon Johnson

Mtg starts @ 5:30. RJ is 3rd on

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.

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Jaimy Caron, Chair  
Deborah Krichels, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagge  
Erin Rodriguez  
Mark Malone  
Orlando E. Delogu

### PUBLIC HEARING AGENDA

Tuesday Evening, January 9, 2001, at 5:30 p.m. the Planning Board will hold a Public Hearing, Room 209, City Hall, 389 Congress Street, Portland, Maine

1. ROLL CALL AND DECLARATION OF QUORUM
2. COMMUNICATIONS AND REPORTS
3. ANNOUNCEMENT OF DECISIONS AT THE PREVIOUS MEETING ON DECEMBER 12, 2000.
  - i. North Atlantic Seafood site Plan; Vicinity of Commercial Street; City of Portland, Applicant.

The Portland Planning Board voted unanimously 6-0 (Malone absent) to approve the subdivision; voted unanimously 6-0 to approve site plan subject to 4 conditions of approval.
  - ii. Zoning Map Adoption And Zoning Map Amendment From R-05 To R-6 in the Vicinity of 144-156 Washburn Avenue.

The Portland Planning Board voted unanimously 6-0 (Malone absent) to recommend to remove from R-05 to R-06 in the vicinity of 144-156 Washburn Avenue to the Portland City Council.
  - iii. 14 Unit Residential Development R-3 PRUD; Site Plan and Subdivision Review; Vicinity of Stuart Street; North Star Enterprises, Applicant.

The Portland Planning Board voted unanimously 6-0 (Malone absent) to table this item.
4. UNFINISHED BUSINESS
  - i. 14 Unit Residential Development R-3 PRUD; Site Plan and Subdivision Review; Vicinity of Stuart Street; North Star Enterprises, Applicant.

The Portland Planning Board will consider a plan by North Star Enterprises, Inc. for a 14-dwelling unit development in the vicinity of Stuart Street. The land area of the site totals 3.45 acres. The development is proposed as a planned residential unit development with attached dwelling units.

5. NEW BUSINESS

- i. Office Building/Site Plan; Vicinity of 135 Marginal Way; Five Liver Company, Applicant.

The Portland Planning Board will consider a plan by Five Liver Company to construct an 18,000 sq. ft. building for office and retail use in the vicinity of 135 Marginal Way. 104 parking spaces are proposed. The building is proposed to be one story in height. The land area of the site is 1.44 acres. The property is zoned B-5. The development will be reviewed for conformance with the standards of the site plan ordinance.

- ii. Site Plan/Site Location of Development; Vicinity of 172 St John Street; Redlon Johnson, Applicant.

The Portland Planning Board will consider a plan by Redlon and Johnson Co for a proposed 10,734 sq. ft. addition to their existing plumbing supply facility at 172-179 St. John Street.

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.



**To:** Bill Needelman  
**Company:** City of Portland  
**Fax:** 756-8258

**From:** Ron Burt  
**Company:** Alliance Construction, Inc.  
**Phone:** (207) 885-0855  
**Fax:** (207) 885-0846

**Date:** 9 January 2001  
**Pages including this cover page:** 3

Bill,

Please find attached a copy of the light fixture cut sheets you requested. Our electrical contractor has told me that this project will be using 250watt fixture so to cut the lighting levels on photometric tables in half. Hopefully this so the board what they needed to see (max 250watt fixture w/ cutoffs).

If you have any questions, please don't hesitate to give me a call.

Thank you,

Ronald G. Burt, Design-Build Project Coordinator  
Design-Build Services





**McGraw-Edison®**

TYPE:

CATALOG #:

**DESCRIPTION**

The McGraw-Edison Mon-4 has a unique optical assembly combining easily adjusted optics with excellent beam control without light trespass or glare. U.L. listed for wet locations. CSA certified.

**APPLICATION**

The Mon-4 is designed to provide total design freedom in lighting parking areas, courtyards, office buildings, apartment complexes, hospitals and any other exterior space located adjacent to buildings.

**SPECIFICATION FEATURES**

**A--Housing**

One-piece, heavy-duty, die-cast aluminum housing has pleasing soft-corner design and is finished in dark bronze polyester powder coat.

**B--Reflector**

Anodized aluminum reflector is designed for optimum light control and sharp cutoff (adjustable from 70° to 86°).

**C--Socket**

Mogul-base porcelain enclosed screw-shell socket.

**D--Gasketing**

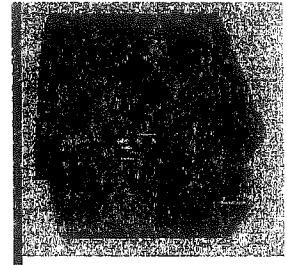
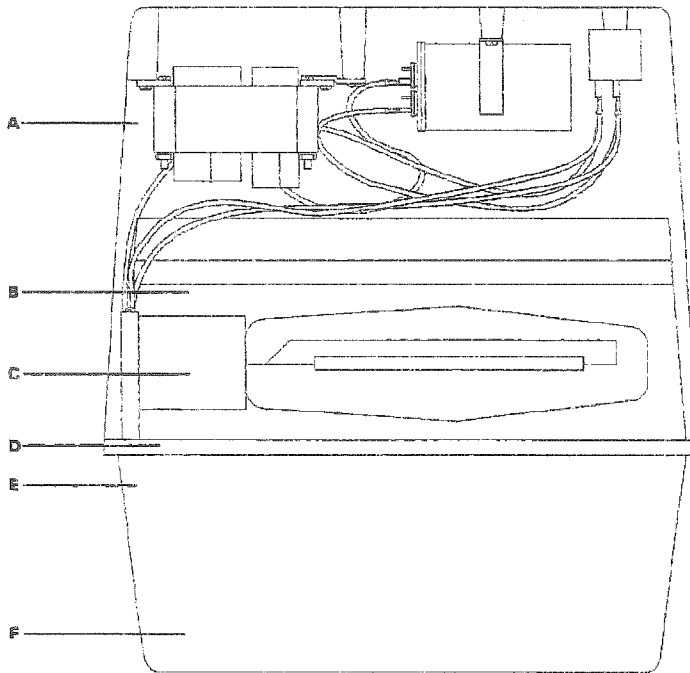
Closed-cell gas-filled high-temperature silicone gasketing seals out external contaminants.

**E--Lens Retaining System**

Lens lowers on spring-loaded retaining wires for quick access to internal components during relamping and maintenance.

**F--Lens**

Lens is of clear, impact-resistant polycarbonate or heat-resistant borosilicate glass.



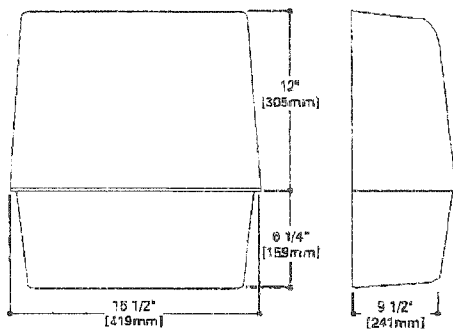
**WLMON-4**

**70 - 400 W**

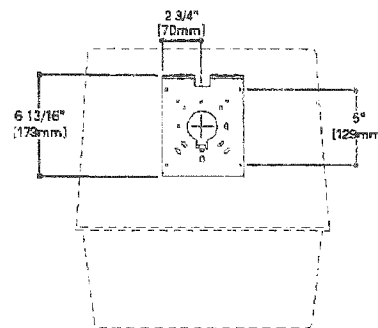
High Pressure Sodium  
Metal Halide

WALL-MOUNTED  
ARCHITECTURAL  
LUMINAIRE

**DIMENSIONS**



**MOUNTING PLATE**



COOPER LIGHTING

**ENERGY DATA**

High Reactance Ballast Input Watts

- 70W HPS HPF (88 Watts)
- 70W MH HPF (84 Watts)
- 100W HPS HPF (130 Watts)
- 100W MH HPF (129 Watts)
- 150W HPS HPF (190 Watts)

CWI Ballast Input Watts

- 100W HPS HPF (134 Watts)
- 150W HPS HPF (182 Watts)
- 175W MH HPF (223 Watts)
- 250W HPS HPF (300 Watts)
- 250W MH HPF (300 Watts)
- 400W HPS HPF (465 Watts)
- 400W MH HPF (475 Watts)

CWA Ballast Input Watts

- 175W MH HPF (210 Watts)
- 250W MH HPF (295 Watts)
- 400W MH HPF (465 Watts)
- 400W HPS HPF (465 Watts)

ADH970870

Bill, I have reviewed the Redlon and Johnson project and the Barber Foods project as they relate to the proposed water quality treatment devices. Specifically it is my understanding that Alliance construction and Redlon and Johnson are requesting Planning Board reconsideration for the need to provide a water quality treatment device on the R&J project. Their request is based on the idea that the proposed water quality treatment unit for Barber Foods is sized large enough to treat the runoff entering the storm drain that both sites share. The Barber foods device as shown on the approved drawings is a Model 7000 Vortech Units in an offline installation layout. I contacted a Vortech Engineer who stated that the unit was sized based on a drainage area of approximately 4.2 acres. I have reviewed in house maps that I had and generally agree with that drainage area. The size area does include the R & J lot area draining to the shared storm drain. Therefore the Model 7000 appears adequately sized to treat the runoff coming from the R & J Lot. I recommend that the applicant submit a formal request (if they already haven't) with their review of the computations and water quality devices. I presume there will need to be an agreement between the owners as to the cost etc. for the sharing of water quality treatment. If you have any questions please call.

Steve Bushey Technical reviewer

**From:** "Steve Bushey" <srbushey@maine.rr.com>  
**To:** "william needleman" <wbn@ci.portland.me.us>  
**Date:** Fri, May 4, 2001 10:13 AM  
**Subject:** Redlon and Johnson

Bill,

I have reviewed the Redlon and Johnson project and the Barber Foods project as they relate to the proposed water quality treatment devices. Specifically it is my understanding that Alliance construction and Redlon and Johnson are requesting Planning Board reconsideration for the need to provide a water quality treatment device on the R&J project. Their request is based on the idea that the proposed water quality treatment unit for Barber Foods is sized large enough to treat the runoff entering the storm drain that both sites share.

The Barber foods device as shown on the approved drawings is a Model 7000 Vortechincs Units in an offline installation layout. I contacted a Vortechincs Engineer who stated that the unit was sized based on a drainage area of approximately 4.2 acres. I have reviewed in house maps that I had and generally agree with that drainage area. The size area does include the R & J ot area draining to the shared storm drain. Therefore the Model 7000 appears adequately sized to treat the runoff coming from the R & J Lot.

I recommend that the applicant submit a formal request (if they already haven't) with their review of the computations and water quality devices. I presume there will need to be an agreement between the owners as to the cost etc. for the sharing of water quality treatment.

If you have any questions please call.

Steve Bushey Technical reviewer

**CC:** "Sarah Hopkins" <SH@ci.portland.me.us>

**From:** <zareh\_derhagopian@barberfoods.com>  
**To:** Portland.CityHall(SH)  
**Date:** Mon, May 7, 2001 7:27 AM  
**Subject:** Re: redlon/barber

Good Moring Sarah,

No, I have not heard anything directly from anyone at Redlon/Johnshon re; the vortechincs issue. I have discussed the issues with our Engineering firm (John Severin) and he was planning to contact Redlon/Johnson and discuss the issue. Our plan is to ask them to share the installation cost.

I will keep you posted



## CITY OF PORTLAND

May 2, 2001

Mr. Ron Burt, Project Manager  
Alliance Construction  
160 Pleasant Hill Road  
Scarborough, ME 04074

Re: Redlon Johnson storm water amendments

Dear Mr. Burt:

The Planning office is in receipt of your request, on behalf of Redlon Johnson Co., to amend the storm water management system for the approved site plan at 172-174 St. John Street. It is our understanding that Redlon Johnson wishes to share a downstream storm water treatment structure with Barber foods as means to satisfy the Site Plan and Site Location of Development requirements for storm water quality. As you have been informed, this amendment to the storm water management system would require Planning Board approval.

The Planning Office requires the following additional information in order to proceed with the review and approval of this proposal:

1. **A shared storm water maintenance agreement, structured to the approval of City Corporation Counsel, between Redlon Johnson, Barber Foods, and the City of Portland.** This agreement will clarify the responsibility and ability of both Redlon Johnson and Barber Foods for the continued maintenance of the shared storm water quality structure.
2. **Storm water management supporting information.** The applicant must affirmatively show, to the satisfaction of the City's consulting engineer, that the proposed amendment will achieve the intended storm water quality results. While the City technical staff has indicated comfort with the direction of this amendment, the applicant must provide the supporting technical information for review and approval.
3. **Expanded drainage easement.** The applicant must provide evidence of rights to enter the Barber Foods property to exercise their responsibility to maintain the shared system.

Draft

On letter head

172-174  
St. John

File RB 5-2 WBI

May 2, 2001

Mr. Ron Burt, Project Manager  
Alliance Construction  
160 Pleasant Hill Road  
Scarborough, ME 04074

Re: Redlon Johnson storm water amendments

Dear Mr. Burt:

The Planning office is in receipt of your request, on behalf of Redlon Johnson Co., to amend the storm water management system for the approved site plan at 172-174 St. John Street. It is our understanding that Redlon Johnson wishes to share a downstream storm water treatment structure with Barber foods as means to satisfy the Site Plan and Site Location of Development requirements for storm water quality. As you have been informed, this amendment to the storm water management system would require Planning Board approval.

The Planning Office requires the following additional information in order to proceed with the review and approval of this proposal:

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3. **Expanded drainage easement.** The applicant must provide evidence of rights to enter the Barber Foods property to exercise their responsibility to maintain the shared system.



Please contact the Planning Staff if you have any questions regarding these requirements.  
Thank you.

Sincerely:

Who Signs???????

Alex

cc, WBZ (me)  
Suzanne  
Penny  
L. Urban

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Chair Caron and Members of the Portland Planning Board

**FROM:** William B. Needelman, Senior Planner

**DATE:** May 22, 2001

**RE:** Request to Table Agenda Item

**SUBJECT:** 172-174 St. John Street  
Redlon & Johnson Co., Applicant  
Alliance Construction, Contractor

Background

Redlon and Johnson Co. and Planning Staff again request that the Planning Board table this Public Hearing agenda item to a date certain.

The applicant is asking that the Planning Board approve a revised storm water treatment system and is presently working to formalize the details. The alteration to the approved plan requires entering into a cooperative storm water drainage agreement with Barber Foods in order to share a storm water treatment unit. Planning Staff supports the direction of this alteration, but is requiring that the applicant prove additional engineering and title information prior to Board review.

The applicant has received verbal agreement from Barber Foods that a shared system is in the best interest of both parties, but written information has not yet been provided. Additionally, Technical Review Engineer, Steve Bushey, has indicated his opinion that the storm water quality unit designed for the Barber Foods facility should be sufficient to serve both sites; however, prior to formally recommending the shared system, Mr. Bushey and Planning Staff request an updated storm water management narrative and supporting letter from the Vortech unit manufacturer.

Attachments

1. Planning Office letter listing required information, dated 5-2-01

**PLANNING REPORT #2-01a**

**WAREHOUSE AND STORAGE EXPANSION  
STORMWATER MANAGEMENT AMEMDMENTS TO  
A PREVIOUSLY APPROVED  
SITE PLAN AND SITE LOCATION OF DEVELOPMENT REVIEW  
REDLON JOHNSON, APPLICANTS**

Submitted to:

Portland Planning Board  
Portland, Maine

June 12, 2001

## I. INTRODUCTION

Redlon and Johnson Co. requests a Public Hearing to review stormwater management amendments to a previously approved site plan at 172-174 St. John Street. This project, a 10,734 square foot building addition to their existing plumbing supply facility, was approved for site plan review and Site Location of Development review under local delegated authority. See the Jan. 9, 2001 Planning Board Report #2-01, Attachment 5, for a complete description of the subject project.

The applicant proposes to satisfy the requirement for stormwater treatment by sharing a downstream treatment device with Barber Foods at 54 St. John Street. Since the Barber Foods property and the Redlon Johnson property share a localized watershed and since the Barber Foods Vortechs stormwater treatment device was sized to accommodate the Redlon Johnson property, this cooperative relationship is logical, practical and should result in a cost savings to both applicants. The Applicant has provided two sets of plans: Attachment #3A, showing the proposed site plan without the stormwater treatment device; and Attachment #3B, showing the approved site plan with an on-site treatment device. The applicant requests approval to construct Attachment #3A, utilizing the Vortechs 7000 tank shown on the Barber Foods site plan, Attachment #4.

Steve Bushy, Consulting Review Engineer, has reviewed the proposal and agrees that the proposed shared system is consistent with sound practice and he does not see any technical disadvantages given proper system maintenance. Both Barber Foods and Redlon Johnson have provided letters supporting the efficacy of the device to provide 80% removal of TSS

The planning staff has requested that Redlon Johnson receive an easement to maintain the system and that both Redlon Johnson and Barber Foods enter into a joint stormwater maintenance agreement with the City. The end result would be a system that both parties have the responsibility and ability to maintain.

Barber foods has provided a letter stating their agreement to the relationship, but an easement has not yet been executed. See Barber Foods letter, Attachment 1, and City correspondence, Attachment 1A.

## II. SUMMARY OF FINDINGS

Applicant:	Redlon Johnson Company, Alliance Construction, Agent
Lot Size:	3.38 acres+/-
Building Size:	52,272 square feet (existing) 10,734 square feet (proposed)
Zoning:	IMB
Parking:	64 spaces (existing, no additional spaces proposed)
New Impervious:	5,225 square feet (new pavement)
Existing Impervious:	52,272 square feet (building) <u>74,488 square feet (pavement)</u> 126,760 square feet (total existing)
Post-Devel. Impervious:	131,985 square feet (total)

## V. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and information submitted by the applicant and on the basis of information contained in Planning Report #2-01a and #2-01, the Planning Board finds:

- That the amendment to site plan is in conformance with the Site Plan Ordinance of the Land Use Code; subject to the following conditions of approval:
  1. That the applicant receive an easement to maintain the stormwater treatment device on the Barber Foods property; and,
  2. That the applicant and Barber Foods enter into a joint stormwater system maintenance agreement with the City.

That the plan is in conformance with the Standards for Local Site Location of Development Review.

Attachments:

1. Letters Between Barber Foods and Redlon Johnson
- 1A. City Correspondence
2. Engineering Support Letters
- 3A. Proposed Redlon Johnson Plan
- 3B. Approved Redlon Johnson Plan
4. Barber Foods Approved Plan
5. Planning Board Report #2-01 (without attachments)



Att. 1.1

Branches:

Portland - Bath - Augusta - Rockland  
Bangor - Lewiston - Presque Isle, ME  
Portsmouth - Laconia - Manchester, NH  
Winchester, VA - Hagerstown, MD  
Carlisle - Hanover, PA

To: Bill Needelman

From: Bill Hutchinson

Date: June 6, 2001

Subject: Vortechs System

Attached is a letter from Barber Foods regarding access to the Vortechs unit. I hope this will help.

If you have any questions or concerns, please don't hesitate to call me.

Thanks

A handwritten signature in black ink, appearing to read 'Bill Hutchinson', is written over the typed name.

Bill Hutchinson





BARBER FOODS  
POST OFFICE BOX 4821  
PORTLAND, MAINE 04112-4821  
(207) 856-1430  
800-341-0451  
FAX (207) 856-1449  
www.barberfoods.com

A.H. I.Z

June 6, 2001

Mrs. Sarah Hopkins  
City of Portland  
380 Congress Street  
Portland, ME 04101

Subject: Barber Foods  
Drainage Right of Way  
Portland, ME

Dear Sarah:

We have been contacted by Redlon and Johnson who are our neighbors to the north regarding access to the Vortechs unit being installed on our property. As I understand it, the City is requiring that Redlon and Johnson have the right to maintain our Vortech unit in the event that we are unable or unwilling to do so. As I understand it, the option to our granting this additional access is that Redlon and Johnson would have to install their own unit on their property.

I cannot imagine a scenario occurring where we would not or could not maintain our Vortech unit. However, in order to assist them to acquire their building permit, please be advised that we are willing in principal to enter into an agreement to add our Vortechs unit to the existing mutual drainage right-of-way through our property. In return, of course, we would expect them to share in the ongoing maintenance cost of our unit.

Please let me know if this would be helpful to them.

Sincerely,

  
Vicki Mann  
Vice President, Finance & Administration

"Real home-style goodness."

AH. 1A.1

**From:** Sarah Hopkins  
**To:** internet:zareh\_derhagopian@barberfoods.com  
**Date:** Fri, May 4, 2001 11:25 AM  
**Subject:** redlon/barber

Zareh,

Has anyone from Alliance (Ron Burt) contacted you about this vortechincs issue?

Redlon/Johnson was approved by the Planning Board (prior to your approval) for an addition to their building on St. John Street. As part of their approval, they were required to install a vortechincs unit, similar to yours. Now, Redlon Johnson does not want to install a vortechincs unit, since yours is big enough to handle all the volumes in the pipe.

Technically, they are probably correct that your unit will treat their stormwater, but they legally need permission from you, either in the form of a maintenance agreement or easement to get to the unit.

Attached is a letter that we sent to Mr. Burt regarding our requirements. There is a copy in the mail to you.

It's an odd request and I'm not sure if they have even contacted you...

We had their request scheduled for a May 8 Planning Board public hearing, but due to all the outstanding issues, we've suggested tabling the item until May 22

Hope all is well.

-Sarah

**CC:** Needleman, William



AH.1  
AH.1A.2

Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

May 2, 2001

Mr. Ron Burt, Project Manager  
Alliance Construction  
160 Pleasant Hill Road  
Scarborough, ME 04074

Re: Redlon Johnson storm water amendments

Dear Mr. Burt:

The Planning office is in receipt of your request, on behalf of Redlon Johnson Co., to amend the storm water management system for the approved site plan at 172-174 St. John Street. It is our understanding that Redlon Johnson wishes to share a downstream storm water treatment structure with Barber foods as means to satisfy the Site Plan and Site Location of Development requirements for storm water quality. As you have been informed, this amendment to the storm water management system would require Planning Board approval.

The Planning Office requires the following additional information in order to proceed with the review and approval of this proposal:

1. **A shared storm water maintenance agreement, structured to the approval of City Corporation Counsel, between Redlon Johnson, Barber Foods, and the City of Portland.** This agreement will clarify the responsibility and ability of both Redlon Johnson and Barber Foods for the continued maintenance of the shared storm water quality structure.
2. **Storm water management supporting information.** The applicant must affirmatively show, to the satisfaction of the City's consulting engineer, that the proposed amendment will achieve the intended storm water quality results. While the City technical staff has indicated comfort with the direction of this amendment, the applicant must provide the supporting technical information for review and approval.
3. **Expanded drainage easement.** The applicant must provide evidence of rights to enter the Barber Foods property to exercise their responsibility to maintain the shared system.

Att. 1.2

Please contact the Planning Staff if you have any questions regarding these requirements.  
Thank you.

Sincerely,

Att 1A.3



Alexander Jaegerman  
Chief Planner

CC: ✓ William Needelman, Senior Planner  
Sarah Hopkins, Developmental Review Services Manager  
Penny Littell, Associate Corporation Counsel  
Lee Urban, Director of Economic Development



Att 2.1

**To:** Bill Needelman  
**Company:** City of Portland

**Fax:** 756-8258

**From:** Ron Burt  
**Company:** Alliance Construction, Inc.  
**Phone:** (207) 885-0855  
**Fax:** (207) 885-0846

**Date:** 21 May 2001  
**Pages including this cover page:** 2

Bill,

Please find attached a copy of the from our site engineering that we talked about last Thursday afternoon. This signed and sealed letter states that we have reviewed the design criteria for the Vortechics Model 7000 storm water treatment unit included as part of the Barber Food project will performed to city standards while including Redlon & Johnson's storm water run-off. Per our meeting this letter should satisfy your requirements of review responsibility.

The last outstanding items to be presented to, the maintenance agreement & easement should be completed next week. If you have any questions, please don't hesitate to give me a call.

Thank you,

Ronald G. Burt, Design-Build Project Coordinator  
Design-Build Services



AH. 2.2



Headquarters: 160 Pleasant Hill Road • Scarborough, ME 04074 • Tel: (207) 885-0855 • Fax: (207) 885-0846  
220 Forbes Road, Suite 108 • Braintree, MA 02104 • Tel: (81) 849-9380 • Fax: (781) 849-9381  
953 Islington Street • Portsmouth, NH 03801 • Tel: (603) 431-3638 • Fax: (603) 431-3615  
www.allianceconst.com

May 17, 2001

RE: Redlon-Johnson - Stormwater treatment

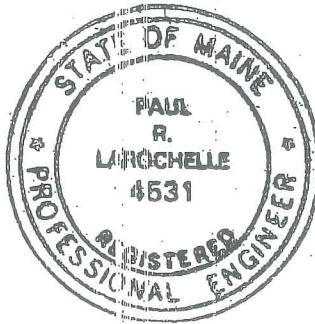
Bill Needleman  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Dear Bill Needleman:

Per your request we have reviewed the criteria used to design the Vortech's Stormwater Treatment System designed for Barber Foods. In our opinion the unit will perform as designed to meet the City of Portland standards for TSS removal of 80%, while including the Redlon-Johnson stormwater runoff. Proper maintenance will be needed to keep the unit running efficiently.

Sincerely yours,

Paul R. LaRoche, P.E.  
Project Engineer  
Alliance Construction, Inc



prl



Attached 3  
**Att. 2.3**  
**Engineered Products**

FOR STORMWATER TREATMENT

February 16, 2001

John Spear  
Spear & Associates  
130 Bank St  
Landisville, PA 17538

Re: Barber Foods, Portland, ME

Dear John:

I am writing to confirm that I have reviewed the Vortechs™ Stormwater Treatment System design for this project, and found that it is in accordance with our sizing criteria for 80% net annual Total Suspended Solids (TSS) removal efficiency.

The removal efficiency calculations for the Vortechs Systems on this site follow the methodology described in Technical Bulletin No. 4. Please consult this publication for a more thorough explanation of how 80% removal efficiency is attained.

The Vortechs System will continue to operate at this removal efficiency as long as it is maintained properly.

Thank you very much for specifying our products. We look forward to working closely with you on this installation in the coming weeks. Please do not hesitate to call anytime you have any questions regarding this matter.

Sincerely,

Andrea Perley  
Engineer  
Vortech Inc.



AH. 5

PLANNING REPORT #2-01

**WAREHOUSE AND STORAGE EXPANSION  
SITE PLAN AND SITE LOCATION OF DEVELOPMENT REVIEW  
REDLON JOHNSON, APPLICANTS**

Submitted to:

Portland Planning Board  
Portland, Maine

January 9, 2001

## I. INTRODUCTION

Redlon and Johnson Co. requests a workshop review for a proposed 10,734 square foot building addition to their existing plumbing supply facility at 172-174 St. John Street. The development will be an extension of their current use, providing better truck circulation and loading with additional interior storage. The applicant also proposes a pavement expansion over an existing exterior storage area adjacent to the building addition. This project is being reviewed for site plan review and Site Location of Development review under local delegated authority.

This project was developed in 1985 with a total of 2.9 acres of new impervious surface. The new addition and new paved exterior parking area will combine to create 3.28 acres of new impervious surface since 1985, thus qualifying the project for Site Location of Development review. As an industrial development of less than 20,000 square feet, this project would ordinarily be reviewed at the staff level, but due to the need for Site Location review, the applicant requests Planning Board review.

### Title Issues:

The applicant has provided deeds showing evidence of ownership of the subject building, and a letter exercising an option to purchase the land. The option is referenced to a Ground Lease between the owner, Westport Realty, and the tenant, The Gage Co., but the lease document has not been provided. Planning staff has informed the applicant that sufficient evidence of development rights should be provided prior to Public Hearing. Planning Staff and Corporation Counsel recommend a condition of approval that the applicant provide a copy of the lease prior to issuance of the building permit.

### Site Description

The site contains approximately 3.38 acres of land adjacent to the Maine Central Rail Road right of way west of St. John Street. The subject parcel abuts commercial parking to the north (behind the former rail road office complex,) the railroad right-of-way to the west, the Century Tire complex to the south, and St. John Street commercial uses to the east. The land has 60 feet of frontage on St. John Street providing access to a private drive heading westerly to the existing Redlon and Johnson parking lot.

The site is dominated by the existing building; a 52,272 square foot industrial/storage building with a large wholesale show room. A 65-space customer and employee parking lot occupies the northerly end of the parking lot, which is connected to a partially paved exterior storage area at the southerly end of the site by a paved drive. The existing loading bays are located in the interior

of the building and present extreme difficulty to the drivers currently trying to access the loading platforms.

#### Project Description

The project proposes to construct a one-story metal building addition on the rear (south) end of the existing building. The area of the proposed addition is currently being used for exterior storage and it is proposed that some of the material that is currently being stored outside will, in the future, be stored in the addition. Three new loading bays will be incorporated in the addition, facilitating the loading and unloading of large trucks.

Building elevations are attached.

#### Zoning:

The IMB zone requires that paving must be set 10 feet back from property lines. The proposed pavement at the exterior storage had previously violated this provision, but the applicant has changed the plans to include a 10-foot buffer of crushed stone at the boundary. The crushed stone area will be used for exterior storage, and will continue to be considered as impervious surface.

## **II. SUMMARY OF FINDINGS**

Lot Size:	3.38 acres+/-
Building Size:	52,272 square feet (existing) 10,734 square feet (proposed)
Zoning:	IMB
Parking:	64 spaces (existing, no additional spaces proposed)
New Impervious:	5,225 square feet (new pavement)
Existing Impervious:	52,272 square feet (building) 74,488 square feet (pavement) 126,760 square feet (total existing)
Post-Devel. Impervious:	131,985 square feet (total)

## **III. SITE PLAN REVIEW**

Representatives from the Planning, Public Works, and Fire Departments have reviewed the plans. Comments from these departments are incorporated into the Planning Board Report.

1. Traffic/Circulation

Vehicle access to the site is provided via an existing access drive from Warren Avenue to customer parking in front of the building. Truck access is provided around the rear of the building to the exterior storage areas. Currently, trucks back into interior loading bays located mid-way on the westerly side of the building. Planning staff, while visiting the site, observed trucks having significant difficulty accessing the existing bays.

The new addition will include new loading bays, greatly improving truck circulation.

Pedestrian circulation is provided across the front of the parking area to the customer show room. St. John Street has recently been rebuilt, and sidewalks are in excellent condition.

The traffic engineer has reviewed the plans and finds that the access and circulation is satisfactory.

2. Bulk, Location, Height of Buildings

The addition will follow the roofline of the existing structure and is approximately 20 ft. high. Like the main structure, the addition is a metal-sided industrial building that is not anticipated to have negative impacts on neighboring properties.

3. Utilities, Easements, Solid Waste

The site will be served from existing utilities on-site.

The site is subject to a surface drainage easement for the benefit of St. John Realty Co. that runs along the westerly boundary of the site. The easement will not be impacted by the proposed development.

Solid waste is handled with existing dumpsters which, according to the applicant, are to be stored in side.

4. Landscaping

The applicant's plan shows no additional landscaping.

5. Stormwater/Wetlands

The site is largely flat and currently drains southerly through an existing underground system which eventually outlets off-site into the Fore River. The system starts as a 12-inch pipe at the easterly edge of the customer parking area. The pipe flows down to the westerly truck access drive with a series of catch basins, turning southerly, eventually exiting the site and continuing to the separated City system which outfalls to the Fore River near the Veteran's Bridge. The pipe increases in size as the system flows southerly, starting as a 12-inch pipe at the parking area, and exiting the site as a 27- inch pipe. The oversized nature of the system provides detention, since, according to the applicant, the outlet orifice reduces to an 18-inch diameter, thus restricting flow. Very little additional stormwater will be generated by the proposed addition and paving, and no existing stormwater problems are apparent. Currently, no stormwater treatment is provided.

The applicant proposes to add a new catch basin near the addition, and will be outfitted with a gas hood. Additionally, in response to Planning Staff concerns for increased storm water treatment, the applicant has added "tee" outlets to the existing catch basins in the customer parking area to catch floatables and provide some TSS removal. See up-dated Stormwater Quality Report, Attachment #9. Planning Staff and DRC, Steve Bushy have concerns that more storm water treatment should be provided. See DRC memo dated January 5, 2001, Attachment #12.

The applicant bases their use of the modified catch basin approach for storm water treatment on (1) the fact that no quantified TSS removal rate is specified under the ordinance; and (2) the fact that the DEP no longer gives the Vortech-type structures a quantified rate of removal. Planning Staff recommends a higher level of stormwater treatment based on (1) the fact that both local and state standards require "no adverse impact" as part of larger scale development- regardless of Chapter 500 guidelines; and (2) the fact that, according to the DRC, the Vortech-type structures will provide greater treatment levels over the modified catch basin design.

The Board will need to determine if the modified catch basin treatment method satisfies the Site Plan Standards and the Site location of Development Standards. See the Site Location Review section below.

#### 6. Lighting

The parking area has two large steel light poles with box-type cut-off fixtures and the building has typical non cut-off wall-mounted fixtures. No lighting information has been provided for the area of new construction. Staff suggests a condition of approval that a lighting plan for the addition area be provided.

7. Fire Safety

Fire Safety has reviewed the development proposal and finds the design acceptable.

8. Industrial Development

The proposed low impact industrial development will not create any adverse environmental consequences, including any substantial diminution to the value or utility of neighboring structures.

9. Environmental Impact

Since the last workshop on this project, the applicant has submitted supporting information regarding stormwater treatment. See the Storm Water Section Above and the Site Location of Development Section below.

#### **IV. SITE LOCATION OF DEVELOPMENT REVIEW**

The existing building and paved areas were developed in 1985, resulting in +/-2.9 acres of new impervious surface. The new development, which adds 5,225 square feet of new pavement and crushed gravel, pushes the site over 3 acres of impervious surface, thus qualifying the site for Site Location of Development review. DEP project manager, Alex Wong has provided a letter, which approves delegated authority for this project; but additionally, suggests that the applicant provide greater TSS removal. See Attachment #11.

Although, additional parking is not proposed with this development, planning staff is requesting that the applicant be required to install a stormwater treatment structure to treat the stormwater currently exiting the existing parking area. While Site Location regulations do not require a quantified reduction of TSS for facilities which outlet into the Fore River (a coastal wetland, not designated as at-risk,) planning staff bases the request for stormwater treatment on the City's technical standards for stormwater management –treatment for parking areas over 25 spaces- and Site Plan Standard #20 – no adverse environmental impact. Additionally, local Site Location of Development Standards includes a no adverse environmental impact clause- comparable to Site Plan Standard #20.

DRC, Steve Bushy, has reviewed the latest storm water submittal and suggests that the Board require a Vortech-type structure. See DRC memo and suggested condition of approval.

**V. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and information submitted by the applicant and on the basis of information contained in Planning Report #2-01, the Planning Board finds:

- That the site plan is in conformance with the Site Plan Ordinance of the Land Use Code; subject to the following conditions of approval:

That the applicant submit a current land lease or other proof of right, title, or interest for Corporation Counsel's review and approval; and

That the applicant submit a lighting plan for the proposed addition area for Planning Staff Review and approval; and,

- That the plan is in conformance with the Standards for Local Site Location of Development Review; subject to the following conditions of approval:

That the applicant provides a revised stormwater management plan for the DRC's review and approval. The revised plan shall show a Vortech-type treatment structure and address concerns outlined in the attached DRC memo dated January 5, 2001.

Attachments:

1. Written Statements
2. Utility capacity letters
3. Storm Water Information
4. Letter of Financial Capacity
5. Deed Information
6. Engineering review
7. Aerial Photo
8. DEP Notice
9. Revised stormwater quality report
10. Updated title information
11. DEP letter
12. DRC Memo, dated January 5, 2001
13. Standards for Local Site Location of Development Review
14. Plans

Tenant agrees to cooperate with the Landlord to qualify the transaction contemplated by the option to purchase contained in this paragraph as part of a series of transactions intended to qualify as a like-kind exchange of property described in Section 1031 of the Internal Revenue Code of 1986, as amended, and Tenant further agrees to consent to the Landlord's assignment of this option agreement to a "Qualified Intermediary" and to take such other actions necessary for said like-kind exchange.

Section 31. Subordination

Landlord shall have the right to sell or transfer the Leased Premises and assign its interest under this Lease, including the right to mortgage the Leased Premises and assign this Lease, whether absolutely, or conditionally as collateral security for any indebtedness of Landlord, on such terms as Landlord shall select, provided that notwithstanding the foregoing, the transferee or assignee shall explicitly recognize Tenant's right to purchase the Leased Premises in accordance with Section 30 of this Lease. Tenant agrees that it will, if requested by any purchaser, mortgagee or assignee, attorn to and recognize the purchaser, mortgagee or assignee as Landlord under this Lease. This Lease, at Landlord's option, shall be subordinate to any mortgage now or hereafter placed upon the Leased Premises and to any and all advances made on the security thereof and to all renewals, modifications, consolidations, replacements and extensions thereof, provided that notwithstanding such subordination, the holder of such mortgage shall recognize Tenant's rights under this Lease so long as Tenant shall pay the rent and other sums payable by Tenant hereunder and observe and perform all of the provisions of this Lease and shall recognize Tenant's right to purchase the Leased Premises in accordance with Section 30 of this Lease. If such holder shall elect to have this Lease made prior to the lien of its mortgage and shall give written notice thereof to Tenant, this Lease shall be deemed prior to such mortgage, regardless of whether this Lease is dated prior to or subsequent to the date of said mortgage. Tenant agrees to execute any documents required to effectuate an attornment and/or a subordination or to make this Lease prior to the lien of any mortgage, as the case may be, within ten (10) days after written request. Tenant's failure to execute such documents within ten (10) days after written request shall, at the option of Landlord, constitute an Event of Default by Tenant.

Section 32. Estoppel Certificate

Tenant shall, at any time, execute, acknowledge, and deliver to Landlord or a party designated by Landlord, within ten (10) days of receipt, an estoppel certificate which shall contain (i) a certification that this Lease is unmodified and in full force and effect or, if modified, a statement of the nature of any such modification and a certification that this Lease, as so modified, is in full force and effect; (ii) the date to which the rent is paid in advance, if any; and (iii) an acknowledgment that there are not, to Tenant's knowledge, any uncured breaches of this Lease on the part of Landlord, or a specification of such breaches if any are claimed by Tenant. Tenant's failure to deliver such certificate within the time frame set forth above shall, at Landlord's option, be conclusive proof that this Lease is in full force and effect without modification except as may be represented by Landlord, that there are no uncured breaches of Landlord's obligations under this Lease, and that not more than one month's rent has been paid in advance.



Section 33. Waiver of Jury Trial

Landlord and Tenant waive the right to a trial by jury in any action or proceeding based upon, or related to, the subject matter of this Lease. This waiver is knowingly, intentionally, and voluntarily made by the parties.

Section 34. Limited Recourse


Except with respect to Tenant's obligations under Section 8, Section 28 and Section 29, Landlord shall, notwithstanding anything to the contrary in this Lease, look solely to the interest of Tenant in the Building, this Lease, the Leased Premises, and any insurance coverage any of the foregoing, for the satisfaction of any remedy it may have hereunder or in connection herewith and shall not look to any other assets of Tenant or of any other person, firm or corporation. Except as aforesaid with respect to Section 8, Section 28 and Section 29, no personal liability shall attach to any of Tenant's present or future shareholders, officers, or directors, or any of their successors or assigns, for any obligation hereunder or in connection herewith.

IN WITNESS WHEREOF, the Landlord has caused this instrument to be signed by Joseph F. Bouslog, its Sub Manager, thereunto duly authorized, and the Tenant has caused this instrument to be signed by Glenn R. Henderson, its Vice Chairman, thereunto duly authorized, as of the date first written above.

WITNESS:




LANDLORD  
WESTPORT REALTY, LLC

By:   
Printed Name: Joseph F. Bouslog  
Its: Sub Manager

TENANT  
THE GAGE COMPANY



By:   
Printed Name: Glenn R. Henderson  
Its: Vice Chairman