

84-L-7

2001-0043

33 Island Ave, P.I.

Restaurant / B+B

Peaks Isl. Co.

on Spreadsheet

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

2001-0043
Application I. D. Number

03/23/2001
Application Date

5,725 s.f. restaurant/bed & breakfast
Project Name/Description

Peaks Island Company Llc
Applicant
33 Island Ave, Peaks Island, ME 04108
Applicant's Mailing Address
Pinkham & Greer
Consultant/Agent
Applicant Ph: (207) 329-9103 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

33 - 33 Island Ave, Portland, Maine
Address of Proposed Site
084 L007001
Assessor's Reference: Chart-Block-Lot

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

5,725 s.f.
Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

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

Fees Paid: Site Plan \$400.00 Subdivision Engineer Review Date 03/21/2001

DRC Approval Status:

Reviewer Jay Reynolds

- Approved Approved w/Conditions
See Attached Denied

Approval Date 09/10/2001 Approval Expiration 09/10/2002 Extension to Additional Sheets
Attached

Condition Compliance Jay Reynolds 09/10/2001
signature date

Performance Guarantee Required* Not Required

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

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

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

2001-0043

Application I. D. Number

03/23/2001

Application Date

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Applicant or Agent Daytime Telephone, Fax

33 - 33 Island Ave, Portland, Maine

Address of Proposed Site

084 L007001

Assessor's Reference: Chart-Block-Lot

Approval Conditions of Planning

1. That a non-invasive geophysical survey be conducted on the site to establish the presence or absence of underground storage tanks.
2. That the Development Review Coordinator be notified 48 hours prior to any and all excavation on the site to enable monitoring.
3. That the DEP and the Development Review Coordinator be immediately notified if any evidence to the presence of either an underground storage tank or heavily-stained or fuel-saturated soils is found. All soils that do not meet the DEP "intermediate" standard must be removed and disposed of off-site following DEP protocol.
4. The project will undergo weekly inspections at the applicants expense by an unaffiliated third party qualified in the review of building construction. This inspector will verify weekly and at the conclusion of the job that the quality of workmanship meets a standard of durability. Deficiencies shall be noted by the inspector and promptly reported to the City. The City shall provide the developer with written notice of any deficiency and a thirty-day opportunity to cure. In the event that the deficiencies are not corrected, the City shall impose a stop work order on the project and shall bring the matter before the Planning Board at its next meeting. The Planning Board shall consider the matter at that time, affording the developer due process, and shall determine the merits of the matter and proper resolution. A durability guarantee in the amount of 10% of the construction cost will be provided to the City to secure the above provision. The City will hold this guarantee for a period of three years following the completion of the project to ensure that any undetected deficiencies are addressed This guarantee will be supplemental and not in replacement of the performance guarantee required for applicable site work. Any deficiencies arising after the completion of the project will be subject to the same process identified above and shall be brought before the Planning Board to determine proper resolution.
5. The applicant will provide a complete set of stamped drawings representing the project as presented to the planning Board on July 24, 2001

Approval Conditions of DRC

- 1 All damage to sidewalk, curb, street, or public utilities shall be repaired to City of Portland standards prior to issuance of a Certificate of Occupancy.
- 2 Your new street address is now 33 Island Avenue, the number must be displayed on the street frontage of your house prior to issuance of a Certificate of Occupancy.
- 3 The Development Review Coordinator (874-8632) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.
- 4 A street opening permit(s) is required for your site. Please contact Carol Merritt ay 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
- 5 The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions.

Approval Conditions of Fire

- 1 Application requires State Fire Marshal approval.

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

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3/23/01
Application Date

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

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 3/21/01

DRC Approval Status:

Approved Approved w/Conditions See Attached Denied Reviewer _____

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

Condition Compliance signature _____ date _____

Performance Guarantee Required* Not Required

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- Performance Guarantee Accepted _____ date _____ amount _____ expiration date _____
- Inspection Fee Paid _____ date _____ amount _____
- Building Permit Issue _____ date _____
- Performance Guarantee Reduced _____ date _____ remaining balance _____ signature _____
- Temporary Certificate of Occupancy _____ date _____ Conditions (See Attached) _____ expiration date _____
- Final Inspection _____ date _____ signature _____
- Certificate Of Occupancy _____ date _____
- Performance Guarantee Released _____ date _____ signature _____
- Defect Guarantee Submitted _____ submitted date _____ amount _____ expiration date _____
- Defect Guarantee Released _____ date _____ signature _____

Wall lights



9044NI
Brushed Nickel
Kichler Lighting

Straight forward, modern minimalist design features top light louvers and executed in stunning Brushed Nickel.

Height: 8"
Diameter/Width: 11"
Number of Bulbs: 1
Maximum Wattage: 150W
Bulb Base: Medium

Extra Lead Wire: 2.5"
Voltage: 120V
Body Material: ALUMINUM



Walk lights

15005VGT
Textured Verdigris
Landscape Lighting

Landscape fixtures have a variety of accessories and mounting options available. Contact your local distributor to order.

Height: 9.5"
Diameter/Width: 6"
Number of Bulbs: 1
Maximum Wattage: 24.4W
Bulb Base: S8 Wedge

Lamp Included: Y
Shade Material: CLEAR POLYCARBONATE
Extra Lead Wire: 42"
Voltage: 12V
Body Material: ALUMINUM

Kichler® Lighting
7711 East Pleasant Valley Road
P.O. Box 318010
Cleveland, Ohio 44131-8010
U.S.A.

Wall Lights



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Brushed Nickel
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Straight forward, modern minimalist design features top light louvers and executed in stunning Brushed Nickel.

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Voltage: 12V
Body Material: ALUMINUM

Kichler® Lighting
7711 East Pleasant Valley Road
P.O. Box 318010
Cleveland, Ohio 44131-8010
U.S.A.

6" TRIMLITE INCANDESCENT MOUNTING FRAMES

For complete fixture, order mounting frame plus reflector trim.

P11-TG

- Maximum ceiling thickness: 1-1/2".
- Socket cup mounts to trim for consistent lamp positioning.
- Socket cup can be positioned in upper or lower positions for different lighting patterns.
- Spans 24" T-bar spacing.
- Integral nailer and T-bar mounting clamp.
- UL & CUL listed for damp locations and thru-branch wiring
- Rated for 8 #12 90 Degree conductors (4 in/4 out)

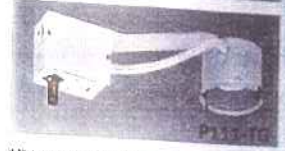
P111-TG

- Works with trims below preceded with ***
- UL & CUL listed for damp locations and through wiring.
- Socket cup mounts to trim for consistent lamp positioning.
- Shipped with trim retention clips.
- Rated for 4 #12 90 degree conductors (2 in/2 out).
- Rated for 60 degree supply wires in end-of-run applications.

6" TRIMLITE INCANDESCENT MOUNTING FRAMES

P11-TG

Ceiling opening: 6-7/8"
Plaster frame: 7-3/8" x 10"
Recessed depth (R.D.): See reflector-trims
Pryouts: 1/2" and 3/4"



***P111-TG Remodel Kit**
Use P111-TG Remodel Kits with trims indicated on this page.
Pryouts: 1/2"

TRIMS FOR P11-TG AND P111-TG

SOCKET	REFLECTOR	ALZAK™	DIFFUSER
*P6625-30 White *P6625-31 Black R.D. 8-1/4", O.D. 7-7/16" Lamp: 75w PAR 30, 150w PAR 38, 120w BR40, 85w BR30	P6714-21 Clear Alzak™ P6714-22 Gold Alzak™ P6627-31 Optional snap-in black baffle R.D. 10-1/4", O.D. 7-3/4" Lamp: 150w A-21, 75w PAR 30, 150w PAR 38, 120w BR40, 85w BR30	*P6692-23 Black Alzak™ *P6692-22 Gold Alzak™ *P6692-21 Clear Alzak™ R.D. 7-1/2" (8-1/4" for R40), O.D. 7-7/16" Lamp: 150w A-21, 75w PAR 30, 150w PAR 38, 120w BR40, 85w BR30	P6715-21 Clear Alzak™ P6715-22 Gold Alzak™ P6627-31 Optional snap-in black baffle R.D. 10-5/8", O.D. 7-3/4" Lamp: 150w A-21, 75w PAR 30, 150w PAR 38, 120w BR40, 85w BR30
P6717-31 Black R.D. 11-1/2", O.D. 7-3/4" Lamp: 75w PAR 30, R30, 85w BR30, 150w PAR 38, 120w BR40	Rotates 358°, tilts 30°.	P6615-30 White P6615-31 Black Socket swivels 30". R.D. 8", O.D. 7-3/4" Lamp: 75w PAR 30, 150w PAR 38, 120w BR40, 85w BR30	P6621-30 White R.D. 8-7/8", C.D. 7-7/16" Lamp: 75w PAR 30, 150w PAR 38, 150w A-21, 120w BR40, 85w BR30
*P6693-30 White No baffle R.D. 8-1/4", O.D. 7-7/16" Lamp: 75w PAR 30, 85w BR30	Rotates 358°, tilts 25°.	P6616-21 Clear Alzak™ P6616-22 Gold Alzak™ R.D. 8", O.D. 7-3/4" Lamp: 75w PAR 30, 150w PAR 38, 120w BR40, 85w BR30	P6735-22 Gold Alzak™ P6735-21 Clear Alzak™ R.D. 9-1/2", O.D. 7-3/8" For top-accessible ceilings only. Lamp: 150w A-21
P6716-31 Black baffle R.D. 8-1/4", O.D. 8-3/4" Alzak™ inner reflector Lamp: 75w PAR 30FL, 85w BR30	*P6690-30 Black baffle *P6696-30 White baffle R.D. 8-1/4", O.D. 7-7/16" Lamp: 75w PAR 30, 85w BR30	*P6691-83 R.D. 8-1/4", O.D. 7-5/8" Lamp: 100w A-19, 75w PAR 30, 85w BR30	*P6622-60 Acrylic R.D. 8-1/4", O.D. 7-1/2" Shatter-resistant, white diffuser with gasket. Lamp: 75w A-19
P6623-30 White R.D. 8-1/4", O.D. 7-7/16" Lamp: 100w A-19			

Recessed lights



PHASE I ENVIRONMENTAL SITE ASSESSMENT
33 ISLAND AVENUE
PEAKS ISLAND, MAINE 04108
FILE #12452

PREPARED FOR
MR. RIC WEINSCHENK, MANAGER
PEAKS ISLAND, LLC
46 TORRINGTON POINT
PEAKS ISLAND, ME 04108

PREPARED BY
ROBERT R. MCGIRR, C.E.P.
SENIOR ENVIRONMENTAL SCIENTIST
MAINELAND CONSULTANTS
30 EXCHANGE STREET
PORTLAND, MAINE 04101

DECEMBER 17, 1999

Maineland

~~C O N S U L T A N T S~~

Real Estate Appraisals
Environmental services
Flood Determinations
Mortgage Inspections

December 17, 1999

Mr. Ric Weinschenk, Manager
Peaks Island, LLC
46 Torrington Point
Peaks Island, ME 04108

Re: Phase I Environmental Site Assessment
33 Island Avenue
Peaks Island, ME 04108
File #12452

Dear Mr. Weinschenk:

In accordance with your request, I have performed a Phase I Environmental Site Assessment (ESA) on the subject property. The objective of the assessment is to identify *recognized environmental conditions* as defined by the American Society for Testing and Materials (ASTM) methodology for a Phase I ESA. The Phase I ESA is intended to address the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA - commonly referred to as "Superfund") and petroleum products. As such, the presence or the likely presence of hazardous substances and/or petroleum products under conditions that indicate an existing release, a past release, or a material threat of a release into structures on the subject property, or into the ground, groundwater, or surface water are evaluated. This ESA did not include assessments for the presence of lead paint, the possibility of lead in the drinking water, asbestos or asbestos containing materials (ACMs), radon, or wetlands issues. Further, no sampling or laboratory analyses were conducted, nor were any chemical analyses of building material, soils, surface water, or groundwater performed.

Record searches, a site inspection, and interviews were performed for the subject property. The site consists of a fairly level $\pm 20,000$ square foot lot on the southwest side of Peaks Island. The site is improved with a 1-story building; the original wood-frame section was constructed in 1929 and the adjoining masonry structure was added in about 1964. Various storage sheds and canopies are attached to the front and rear of the structure. Since 1929 the property has principally housed fuel supply and automobile service companies, operating under various ownerships. In addition, two lumber companies, several restaurants and bakeries, and various other businesses occupied the site for varying intervals. Currently, the property is occupied by a bakery and a fuel oil supply and service company.

A number of underground storage tanks (USTs) for common petroleum products, e.g., gasoline, No. 2 fuel oil, and kerosene, were installed between 1929 and 1986. Up to five (5) USTs, typically 1000- or 2000-gallons each, were on-site at any one time and an estimated 10 to 15 tanks in total were used in total. Documentation of the installation and removal of tanks was incomplete, due to the dates of installation of the earlier tanks and record-keeping practices at those times. In 1986 and 1987 five tanks, supposedly the last ones remaining on-site, were removed by the property owner at that time; subsequently, no additional USTs have reportedly been installed on the property. No obvious indications of the presence of USTs were noted during the site inspection. The DEP underground tank inventory, based solely on information provided by the former property owner, lists the site as having had all tanks removed by 1987 and as currently having no USTs. This representation by the property owner and the site inspection notwithstanding, this ESA could not absolutely establish that additional historical tanks do not remain buried on the property. As such, the possibility of one or more unlicensed, abandoned USTs, which if present would be in violation of State regulations, is judged to constitute a *recognized environmental condition*, in accordance with ASTM guidance.

With the exception of one tank installed in 1986, all of the tanks were constructed of bare steel or asphalt-coated steel - a type of construction susceptible to corrosion and failure and therefore no longer legal for use in Maine. Furthermore, no independent investigators, e.g., Department of Environmental Protection (DEP), Fire Department, environmental engineers, etc. witnessed any of the tank removals to document the conditions of tanks upon their removal or the presence/absence of contamination in the underlying soils or groundwater. As a result, in the absence of any actual soil testing, subsurface environmental conditions in the areas of the former fuel tanks which may have been contaminated by historical leaks, spills, overfills etc., are unknown. Because of the long-term use of a significant number of tanks and because of their construction type, the potential for contamination of deeper soils and groundwater in the areas of the former tanks is also considered to represent a *recognized environmental condition*.

- The storage and dispensing of petroleum products from above-ground tanks and drums, as performed by a current tenant as well as historical ones, may have resulted in contamination of surface soils from leaks, spills, overfilling of tanks, servicing of heating equipment, etc. Such spills may have resulted in contamination at levels of concern, especially in the unpaved storage yard adjacent to the masonry building. In addition, spills have occurred inside the building in the service and storage areas, as observed in the site inspection. The staining of the concrete floor, in itself, is not of particular concern; nevertheless, it substantiates the concerns over possible contamination of soils on the property.

The 50+ year history of automotive servicing on the property would have involved the storage, use, and possible on-site disposal of a number of hazardous materials and petroleum products such as virgin and waste lubricating oil, antifreeze, transmission fluid, axle grease, degreasing solvents (typically containing chlorinated compounds such as TCE or PCE), and others. The use of these materials may have resulted in contamination of the subject property if proper handling and cleanup practices were not strictly followed. Given the 50+ year use of such products, primarily during a period in which environmental regulations were virtually non-existent, it is likely that at least minor releases of such contaminants have occurred. Any routine disposal of significant quantities of hazardous materials and/or petroleum products may have resulted in contamination at levels of concern. The possibility of soil contamination at levels of concern resulting from inappropriate disposal of automotive fluids is considered to represent a *recognized environmental condition*.

The records search of 11 Federal and State environmental databases identified one minor spill event and the registration of former fuel oil USTs for the subject property. In 1995, the DEP investigated the site as a result of a citizen complaint. As a result of a visual inspection only, the DEP investigator reported stained soils on the property as a result of 1 to 2 gallons of spilled fuel oil or hydraulic oil. The investigator completed the hydrocarbon spill decision tree and established that so-called "Intermediate" Clean-up Goals would be applicable to this site ("Intermediate" goals are the second-most stringent of four levels established by DEP for protection of groundwater from petroleum spills). The investigator recommended that spill containment supplies be kept at the facility and that future spills be reported as required by law. However, the investigator also concluded that based on his inspection the site was "clean" to the satisfaction of the DEP and that no cleanup actions were required at that time.

The environmental records search identified a number of State uncontrolled hazardous waste sites, emergency actions, and petroleum spills at other locations on the island. However, a review of this information indicates that the subject property would not have been impacted significantly if at all by contamination at these other locations.

The site inspection of the building and site identified staining of the concrete floors in the garage and storage areas of the masonry building, likely the result of past current automobile servicing and fuel oil storage and dispensing activities. The parking area on the south side of the site currently in use by the fuel supply company contains a total of about 7 fuel oil and propane delivery trucks, dozens of propane cylinders of various sizes, several 55-gallon drums, reportedly containing fuel additives, kerosene, and alcohol, and several 275-gallon tanks, apparently used for storage and dispensing of kerosene. About twenty 5-gallon containers, believed to hold kerosene, were also in storage in the yard. None of the drums or tanks in the yard had any secondary containment; as a result, any spills or leaks would result in soil contamination. Soils such as could be observed among the trucks, tanks, drums, etc. in the storage yard appeared to be lightly stained. This staining is not surprising given the current and past site usage, including the reported historical disposal of waste oil in the yard as a dust suppressant. The observed soil staining is not necessarily considered to represent a *recognized environmental condition*, nevertheless, the potential for more heavily stained soils inaccessible during the inspection is obvious. These stained soils may exceed the "Intermediate" standards established by the DEP as applicable to this site; if so, then legally they would have to be removed and disposed off-site.

Given the findings described above, including the conclusion that several *recognized environmental conditions* may exist on the site, this ESA recommends at an absolute minimum that caution and prudence be used in any future use and development of the site. Of primary importance is that the site continue to use public water and sewer, because these utilities greatly reduce exposure to any potential on-site contamination. On-site wells are not recommended for this property because of the threat of potential contamination. In addition, one or more abandoned USTs may still be present; therefore, any excavations performed should be done with an awareness that tanks may be uncovered. If so, appropriate removal and disposal of such tank(s) and residual product would need to be done in compliance with current DEP regulations. Similarly, the widespread lightly-stained soils on the site are not necessarily recommended for removal at this time. However, should heavily-stained or fuel-saturated soils be discovered, either near the surface or at depth in areas of former underground storage tanks, all soils not meeting the DEP "Intermediate" standards should be removed and disposed off-site. Should any site features such as dry wells or French drains not identified in this ESA but potentially related to the disposal of hazardous

materials be discovered during future activities, then these features should be thoroughly evaluated with the assistance of the DEP or other qualified professional.

A more pro-active response to the ESA findings would be to conduct follow-up or "Phase II" investigations. For example, non-invasive geophysical surveys to establish the presence or absence of underground tanks can be done. Such surveys could be done of all accessible areas of the site and would resolve the current ambiguity regarding potential USTs. A geophysical survey would not resolve the issue of potential subsurface contamination resulting from leaking tanks. A geophysical survey would cost several thousand dollars. Alternatively, areas identified in historical documents as the locations of underground tanks could be excavated. Such excavations permit the visual confirmation that tanks are removed and, if tanks are still present, facilitate the actual tank removal. Furthermore, excavations permit examination of and sampling for laboratory analysis of surrounding soils. If necessary, removal of contaminated soil can be done at the same time. In general, excavations provide the most information on tanks and soil contamination. Costs for invasive activities vary dramatically depending upon conditions encountered.

In short, therefore, although the site has been clearly impacted to some degree by current and former activities, the need to further address those impacts depends on the need, or lack thereof, to fully characterize those impacts at this time.

Please do not hesitate to call if you have any questions on this report or recommendations for future efforts.

Respectfully submitted,

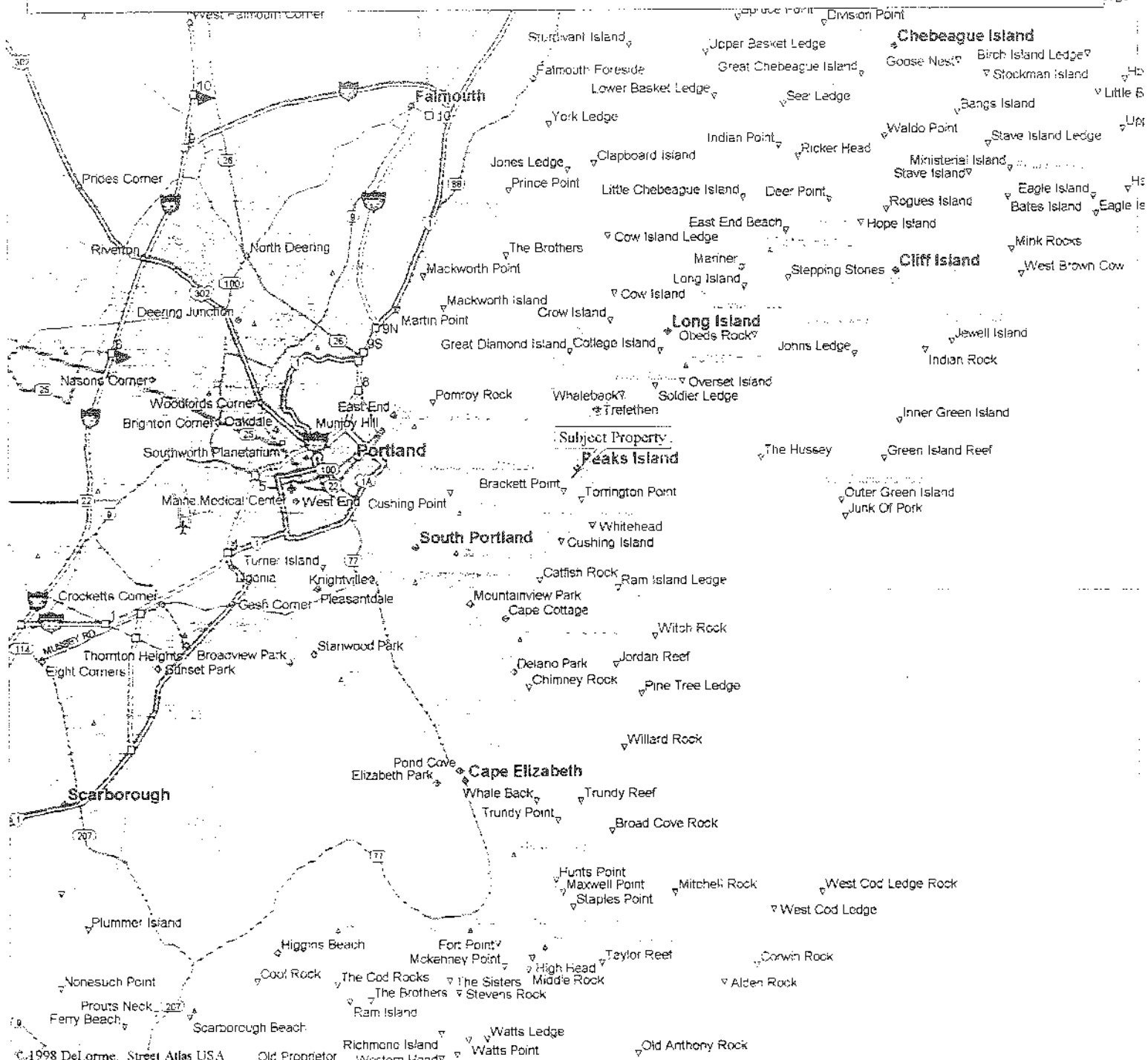


Robert R. McGirr, C.E.P.
Senior Environmental Scientist
MAINELAND CONSULTANTS

1.0 INTRODUCTION

The purpose of this Phase I Environmental Site Assessment (ESA) is to conduct appropriate inquiry into the present and past uses of the subject property in order to evaluate recognized environmental conditions with respect to **hazardous substances or petroleum products**. The major components of Method E-1527 - a Federal and State records review, a site inspection, and personnel interviews were completed as described herein. The fourth major element of the ASTM procedure is the generation and submission of this document. ASTM Method E 1527 is intended to define good commercial and customary practice and to permit the user to satisfy the requirement for appropriate inquiry into previous uses of the property in order to qualify for the innocent landowner defense to CERCLA liability. Appendix A contains the limiting conditions for this ESA.

LOCATION MAP



















Mag 12.00

Tue Dec 07 11:43 1999

Scale 1:125,000 (at center)

2 Miles

2 KM

- | | | | |
|---|---------------------------|---|-------------------|
|  | Local Road |  | Toll Highway |
|  | Major Connector |  | US Highway |
|  | State Route |  | Exit |
|  | Primary State Route |  | Utility/Pipe |
|  | Ferry |  | Railroad |
|  | Walkway/Stairway |  | Point of Interest |
|  | Trail |  | Small Town |
|  | Interstate/Limited Access |  | Large City |

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Old Proprietor

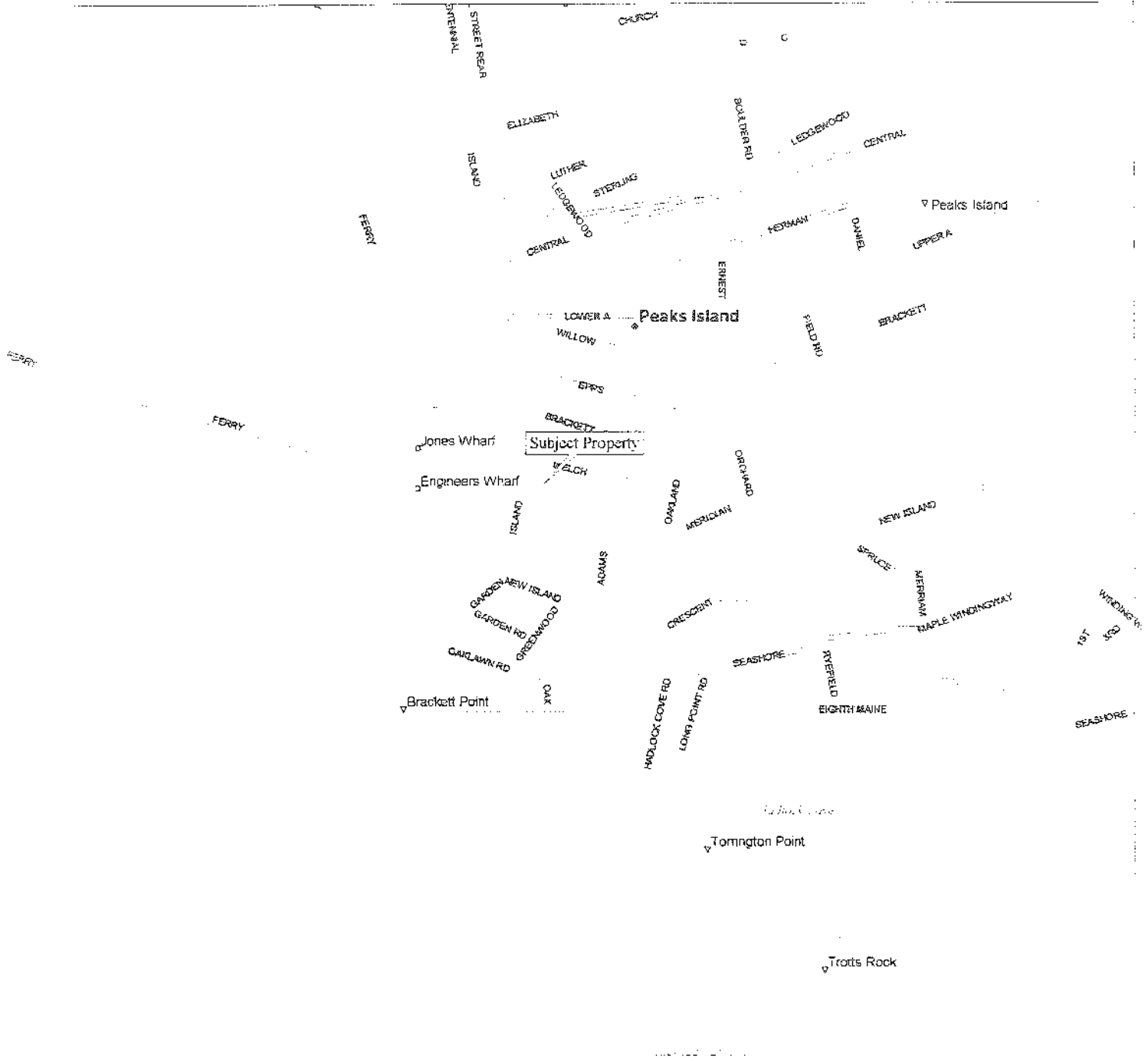
Western Head

Watts Ledge

Watts Point

Old Anthony Rock

VICINITY MAP



© 1998 DeLorme, Street Atlas USA

Mag 16.00

Tue Dec 07 11:39 1999

Scale 1:7,812 (at center)

500 Feet

200 Meters

- | | | | |
|--|--------------------|--|----------|
| | Local Road | | Water |
| | Ferry | | Woodland |
| | Trail | | |
| | Point of Interest | | |
| | Small Town | | |
| | Geographic Feature | | |
| | Cemetery | | |
| | Land | | |





2.0 SITE DESCRIPTION

2.1 Location and Legal Description

The subject property is located at the southeast corner of the intersection of Island Avenue and Welch Street and is currently identified as 33 Island Avenue, Peaks Island, Maine. The City of Portland Tax Assessment Department recognizes the site as Map 84, Block L, Lots 7 to 11 (see maps). The current owner of the lots is identified as Jackson's Service Center, Inc., of Portland. Hereafter in this report the lots shall be referred to as the "subject property" or the "site".

2.2 Site and Vicinity Descriptions

The site totals 20,353 square feet according to City documents and is mostly level at an elevation of about 22 feet above mean sea level (MSL). The site has fairly steep embankments along the rear and along part of the northerly boundary with Welch Street. Reportedly, soils were removed during the construction of the original building on the lot and during World War II for construction of military facilities on the island, creating an essentially level lot. Soils in the general vicinity have been mapped by the Soil Conservation Service as the Hollis very rocky fine sandy loam. These soils are characterized as generally shallow, somewhat excessively drained, gently to steeply sloping. They are formed in glacial till. Depth to bedrock is typically only 12 to 18 inches, and permeability is moderately rapid, however, records for this site indicate that wet clays were encountered during the installation of underground tanks. On the basis of topography and generalized groundwater flow patterns, groundwater flow direction is expected to be westerly, towards the nearest shoreline located only several hundred yards from but significantly lower than the subject property. The depth to groundwater is expected to be quite shallow.

The site is improved with a 1-story building; the northern wooden-frame part was originally built in about 1929. The southern part of the building is of masonry construction and was built in 1964. Several open and closed storage sheds are attached to the rear of the building; a deck and canopy are attached to the front. At the time of inspection, three cargo containers were located on the northeast corner of the lot. South of the building and extending from Island Avenue to the rear of the site is a gravel parking lot. Gravel access and parking areas are also located along the northern part of the lot.

2.3 Site Infrastructure

The site is served by public water, public sewer, and electricity. Propane is used for space heating.

2.4 Current Uses of the Property

At the time of preparation of this ESA, the masonry building was occupied by two companies, Peaks Island Fuel and Bakery on the Bay. Peaks Island Fuel distributes No. 2 fuel oil, kerosene, and propane which are stored primarily in delivery trucks parked on the gravel parking lot on the south side of the lot. Peaks Island Fuel Co. first occupied the southerly portion of the property in 1992. The fuel company ferries delivery trucks back to the mainland for filling, ferries them back, and then distributes fuels on the island. Smaller amounts of fuel are dispensed from drums and 275-gallon tanks on the property. Bakery on the Bay shares the masonry building with the fuel company. The wooden-frame building and associated storage sheds were locked and essentially vacant at the time of inspection.

2.5 Past Uses of the Property

The reconstruction of the site history was complicated by a number of factors, including: the long history of development of the site; the lack of street numbers assigned to the island prior to about 1990; the presence of another fuel depot further north along Island Avenue owned by the same parties who owned the subject property; the frequent lack of distinction between the subject property and the similar property on Island Avenue; and various errors and ambiguities in historical records. Those problems notwithstanding, the site history is understood to be as described below, based on available City records, State documents, historical city directories, and personal accounts.

The earliest document found that provided coverage of the site, the 1909 Sanborn map, shows the lot as vacant (Appendix B). The site apparently remained vacant until an 18' by 20' wooden frame building was constructed in 1929 as a gasoline filling station, according to Portland Building Inspection documents (Appendix C). The occupant's name at that time was listed as Thomas Kenyon. An additional building permit was issued in April 1929 for the installation of two 1000-gallon underground storage tanks (USTs) for the storage of gasoline. The specific locations of these tanks on the site was not identified. Another permit was issued in 1931 for the installation of a 1000-gallon fuel oil UST; this tank was to be installed close to the intersection of Island Avenue and Welch Street. A permit was granted in 1933 for the construction of a 1-story 20' x 20' addition for a two car garage, to be used for automobile storage and servicing. In 1937, a 1000-gallon kerosene UST was permitted to be installed along the northern side of the site about 10 feet from Welch Street. The owner's name at that time was E. R. Temple. The following year, 1938, a permit was issued to remove a 1000-gallon kerosene tank from elsewhere on the island and to install it on the subject property about 9 feet from the embankment at the rear of the site and 12 feet from the kerosene UST previously installed. A site plan of USTs on the property, reportedly drawn on the site by tank installation personnel in 1939, shows the older and newly installed kerosene tanks to be reversed from their locations shown on the building permit. This site plan also notes that the tank was installed only 26 inches below grade, instead of 36 inches as permitted, because of the presence of wet clay. In March 1939 another permit was issued for interior renovations to convert a dwelling at the rear of the structure into a two car garage. A diagram from April 1939 is interpreted as showing the relocation of one of the three 1000-gallon kerosene tanks from along Welch Street to nearer the building.

In about 1946 the subject property was sold to Meldeau and Gladys Whitton, who apparently operated both a service station and a grocery store on the premises. In 1954 a permit was prepared for Whitton for the removal of one 1000-gallon kerosene UST and its replacement with a 2000-gallon tank. (A handwritten note on the permit states that the work had already been done.) In about 1964 the building was more than doubled in size to essentially its current configuration with the addition of a 1-story, 35' x 60' masonry building to the south of the original structure. The addition was built for use as a repair garage and showroom, according to the building permit. A service station, identified in City Directories at different times as Whitton's Service Station and Peaks Island Service Station, operated on Island Avenue from about 1954 until about 1978. Between 1980 and 1988 the automobile garage operated as Jackson's Service Station. The service station operated on the site under several names, such as Feeney's Auto Repair and Last Chance Garage, between 1992 and 1997. Hillside Lumber Co. also operated out of the original wooden-frame building and the north side of the site from approximately 1984 until 1992. Forest City Lumber replaced Hillside Lumber in about 1994 and remained until about 1997. Subsequently, a hardware store, which has since shut down, occupied this space. Several other businesses occupied part

of the site at different times. For example, from 1972 until 1980, Woodbury's Dairy Bar also operated on the premises, most likely during summer months only.

The former presence of underground storage tanks storing gasoline and fuel oil, automobile service stations under various ownerships, and a fuel distribution company on the site all clearly create the potential for contamination of underlying soils and groundwater. Underground storage tanks may have leaked or been overfilled over their period of usage of up to 50+ years prior to the final removals in 1987 (see Section 3.0). Moreover, as an automobile service station the use, handling, and disposal of common automotive fluids, e.g., virgin and waste lubricating oil, antifreeze, transmission fluid, axle grease, degreasing solvents (typically containing chlorinated compounds such as TCE or PCE), and others may have resulted in contamination of the subject property if proper handling and cleanup practices were not strictly followed. Given the 50+ year use of such products, it is likely that at least minor releases of such contaminants have occurred. Any routine disposal of significant quantities of hazardous materials and/or petroleum products may have resulted in contamination at levels of concern.

2.6 Current and Past Uses of Adjoining Properties

Adjoining properties are primarily residences and retail businesses and have been so for decades. The property across Island Avenue is currently a parking lot and the wastewater treatment facility. The 1909 Sanborn map shows a bowling alley, summer theater, electric light station, and various stores, all apparently for summer use only, on this lot.

3.0 RECORDS REVIEW

Various records were reviewed and personnel interviewed in accordance with ASTM Method E 1527 requirements.

3.1 Federal and State Environmental Records Review

An automated records search of 11 separate databases included federal listings of: National Priority Listing (NPL or "Superfund") sites, CERCLIS (Comprehensive Environmental Response Compensation and Liability Information System - potential NPL sites), RCRIS (Resource Conservation and Recovery Act (RCRA) generator, transport, and storage facilities), and ERNS (emergency incident responses); and state listings of known/potential hazardous waste sites, spills, solid waste landfills, and registered underground storage tanks (USTs). The search was performed on the area up to 1 mile in radius from the subject property, in accordance with ASTM recommendations. Because the databases contain a number of events for which specific locations are unknown (for various reasons), searches are performed on all events located within the same Zip Code as the subject property. Tabular and graphical summaries of the "geocoded" events (associated with a specific street location in the database) and non-geocoded events (not associated with a specific street address but still potentially of concern) identified in the Federal and State environmental records search are in Appendix D.

A total of 21 environmental events within the search distances were identified for further examination. One event, a minor petroleum spill, was reported for the subject property. Two other events, identified as Jackson's Service Center, are believed to have occurred at the former fuel depot on the shore, about ¼ mile north along Island Avenue.

3.2 Local Records Review

City files were also reviewed in an attempt to reconstruct the site history, especially in reference to underground storage tanks and use of petroleum products on the site. Building Inspection files document the installation of at least 5 USTs on the site between 1929 and 1939 (See Section 2). However, no City Building Inspection files documenting the later installation of additional tanks or the removal of any tanks could be located. Fire Department records contain the results of inspections made at the subject property and also at the former fuel depot. The subject property was inspected in the early 1970s and found to have had a total of 5 USTs: two 1000-gallon gasoline tanks in the front yard; one 2000-gallon gasoline tank and two 1000-gallon unused tanks in the side yard (Appendix G). Fire Department inspections at the former Jackson's Service Center fuel depot in the 1970s clearly document the former presence of two 5000-gallon USTs as well as five smaller tanks (see Appendix G). On the basis of these inspections, the tanks observed by the DEP in 1985 appear to have originated from the former fuel depot site, and not the subject property. Also of interest was the historical observation that waste oil was typically disposed in the gravel parking area as dust suppression mechanism.

As a result of the search of federal, state, and city records, this ESA concludes that a number of underground storage tanks holding petroleum products such as gasoline, fuel oil, and kerosene were installed on the site between 1929 and 1986. It is inferred that several of the older tanks were subsequently removed and replaced with newer tanks at unknown times. In 1986, two older gasoline tanks of undetermined age were reportedly removed; however, tank and site conditions observed at the time were not recorded. Subsequently, one new tank was installed in 1986, for a total of three USTs registered with the DEP. According to information submitted by the property owner, the 1986 tank and the two remaining older tanks were removed in 1987 and that there were no tanks still on the site. Again, no independent verifications of the tank removals, or of tank and site conditions, were apparently documented.

3.3 Information Sources

- * New England DataMap Technology Corp., Environmental FirstSearch Report (12/7/99)
- Sanborn Fire Insurance Maps; USM Library (12/11/99)
- * Polk City Directory, Greater Portland, 1943 - 1998 (12/11/99)
- * Portland Code Enforcement and Planning Department (12/13/99)
- Portland Fire Department Inspection Records (12/13/99)
- * Portland Tax Assessment Department (12/13/99)
- * U.S. Department of Agriculture, 1980 aerial photographs (12/6/99)
- * U.S. Department of Agriculture, Soil Conservation Service, *Soil Survey, Cumberland County, Maine*, 1974
- * U.S. Geological Survey Portland East 7.5 Minute Topographic Map

No known CERCLA (Superfund) or potential Superfund sites are located near the site; neither are hazardous waste transport, storage, or disposal facilities, or licensed hazardous waste generators on the island. However, a total of six (6) State uncontrolled hazardous waste sites are located within 1 mile of the subject property, including former Fort Levett located on Cushing Island. This site is clearly not of concern to the subject property. Four of the remaining five State hazardous waste sites are associated with former military facilities on the island; three - the Battery Craven, the Battery Steele, and the Military Reserve - are located about $\frac{3}{4}$ mile northeast of the subject property. These sites have been evaluated for contamination by the DEP and, on the basis of those investigations, are no longer under active scrutiny. Furthermore, because of the distances involved and the proximity of these areas to the northeast shore of the island, it is concluded that groundwater contamination at these sites would flow away from the subject property. Therefore, these military sites would not have resulted in contamination of the subject property. The fourth former military site is identified as the wharf area; again, because of its location, any associated contamination would not impact the subject property.

No solid waste landfills have been identified within $\frac{1}{2}$ mile of the site, although the former island landfill is just over $\frac{1}{2}$ mile away. Two emergency events have occurred within $\frac{1}{4}$ mile, both at the Koch Materials Co. and both involving a sighting of a sheen on the water for which absorbent pads were deployed. The majority of the identified environmental events on the island have been spills of hazardous materials or petroleum products. The documented spills would not be expected to have resulted in contamination of the subject property because of small amounts spilled, cleanup actions taken, and the distances and directions from the spill locations to the site.

Jackson's Service Center appears to have registered two existing and one new UST for the subject property in 1986, about when the State regulations for underground tanks were first being formalized (Appendix F). DEP tank registration forms completed in March 1986 appear to indicate that two existing 1000-gallon gasoline USTs at the right front side of the building were to be removed in early April. At the same time, a new 2000-gallon tank for unleaded gasoline was to be installed directly in front of the building. The accompanying diagram shows that two additional USTs, one 1000-gallon and one 2000-gallon, were already present on the north side of the building and were to be left in place at that time. No other documentation regarding the installation of the new tank or removal of the old tanks could be found for this ESA. It is therefore uncertain if the USTs were removed and, if so, the condition of the tanks and whether soil or groundwater contamination was found. In April 1987 Jackson's Service Center submitted a DEP Notice of Underground Storage Tank Removal form (see Appendix F). According to information submitted by the owner, two 2000-gallon tanks, aged one and 12 years old, and one 6-year old 1000-gallon tank were to be removed within 10 days. In 1988 the owner completed a DEP registration form and declared that all underground tanks had been removed from the property. Although apparently notified in advance, neither the DEP nor the Fire Department assigned investigators to witness the tank removals and document environmental conditions found at the time of excavation. *No written documentation of the condition of the removed tanks or of underlying soil conditions were located for this ESA.*

DEP information on off-site underground storage tanks (USTs) concerns three former tanks at Lionel Plante Associates property, abutting the former Jackson fuel depot and about $\frac{1}{4}$ mile to the north of the subject property; and one tank formerly at the telephone company office on Island Avenue. None of these former off-site tanks would have impacted the subject property.

In 1995 a DEP investigator visited the subject property, partially occupied by Peaks Island Fuel Co., as a result of complaints from the Lionel Plante Association (Spill Report P48995 - see Appendix E). The investigator visited both sites on the island, and observed "...minor fuel oil spillage (at both facilities) but no significant problems." Spillage of less than 1-gallon of fuel or hydraulic oil from one of the fuel trucks was observed on the subject property. However, the DEP concluded that no cleanup actions were required and that the site was "...clean to Dept. Satisfaction." Following DEP guidance, the investigator concluded that the DEP's so-called "Intermediate" Clean-up Goals were applicable to the site. As such, in the event of a petroleum spill, cleanup actions require removal of all free product and removal or remediation of contaminated soil containing greater than 10 mg/kg total fuel oil or kerosene, or greater than 5 mg/kg total gasoline. Acceptable field or laboratory tests are required in order to establish contaminant levels relative to these guidelines. However, such tests were not performed during the 1995 investigation. In the absence of such testing, actual levels on the subject property are unknown.

The two earlier DEP spill events associated with Jackson's Service Station are believed not to relate to former operations as a gasoline filling station and automobile service garage on the subject property, but are instead believed to have occurred at the associated Jackson fuel depot formerly located approximately 1/2 mile to the north. A spill of about 30 gallons of No.2 fuel oil was spilled in May, 1980 when a hose failed (Spill P8085 - see Appendix E). This spill clearly happened at the other location, according to the DEP investigation, as oil was lost under the dock. As such, it is not of concern to the subject property.

In 1985, five (5) fuel oil underground storage tanks (USTs) that had serviced the fuel oil supply business were removed. According to a memo from Ralph Jackson, president of Jackson's Service Center, to the Department of Environmental Protection (DEP), two 5000-gallon tanks (no contents described), one 1000-gallon tank (No. 2 fuel oil), one 1000-gallon tank (No. 1 fuel oil), and one 1000-gallon tank (regular gasoline) were removed from the site on about November 18, 1995. An anonymous caller to the DEP on November 22 reported that soil from around the tanks was grossly contaminated and that this soil was being improperly disposed elsewhere on the island. As a result of the call, a DEP investigator visited the site, but did not accurately describe the location where the tanks had been excavated. The investigator stated that "... a slight odor but little or no contamination of the soil or the 5" to 6" of standing water in the excavation could be seen." Furthermore, Mr. Jackson showed the DEP investigator the excavated soils that had been temporarily stockpiled off-site; the investigator observed that "...the soil had some odor but was very dry and only minimally contaminated." These soils were to be replaced into the excavations once all the tanks were removed. The investigator concluded that replacement of the soil in the original location was acceptable and that no additional action was required. The investigator's report (Spill Report P31885) is included in Appendix E. The 5000-gallon tanks described most likely originated from the fuel depot, where such tanks were routinely described in Fire Department inspections from the 1970s (see Section 3.2). Conversely, no 5000-gallon tanks were known to have ever been installed at the subject property, it is most likely that the smaller tanks and contaminated soil removed in 1985 and observed by the DEP also originated from the fuel depot, because the DEP report makes no mention that the tanks had been excavated from two separate locations. It is therefore inferred that the DEP investigation addresses the former fuel depot, and not the subject property. **If so, then no direct DEP observations were apparently made of the USTs upon their excavation and removal from the subject property or of soil conditions in the vicinity at the time of tank removal.**

4.0 SITE INSPECTION AND INTERVIEW

A site inspection of the property was conducted on December 13, 1999. Employees of Peaks Island Fuel Co. and Bakery on the Bay provided access to those areas, except for a locked storage shed at the rear of the building. The vacant hardware store, plus associated storage spaces and three locked cargo boxes in the yard could not be accessed and were therefore not inspected. According to Mr. Weinschenk, the cargo containers are being used to store dry goods and hardware store materials only. The Transaction Screening Questionnaire for on-site observations was completed at that time (Appendix H). The "owner" section of the questionnaire was not completed because Mr. Ralph Jackson, the long-term owner, has subsequently died and no other individual with first hand historical knowledge of the site was identified. Photographs of items of interest are included in Appendix I.

4.1 Hazardous Substances and Petroleum Products

Peaks Island Fuel Co. stores and distributes No. 2 fuel oil, kerosene, and propane. In addition, the company stores glycol and anti-gel agents for heating systems. Small amounts of paints and other chemicals were in at the fuel supply company storage and servicing area.

4.2 Hazardous Substance Containers

Kerosene is stored in 55-gallon drums and 5-gallon plastic containers in the yard. Propane was stored in about fifty 40-lb, 100-lb, and 100-gallon cylinders. One 55-gallon drum in yard was labeled as containing alcohol. Two 5-gallon pails of glycol were in the garage.

4.3 Storage Tanks

Fuel oil is stored in 275-gallon tanks and fuel oil delivery trucks in the storage yard. Several propane delivery trucks were also in use.

4.4 Indications of PCBs

PCBs are generally associated with older electrical equipment, in which PCB-containing liquid was used as an insulating coolant. Typical equipment using PCBs include transformers, capacitors, ballasts, and other electrical components. None observed.

4.5 Solid Waste

Moderate amounts of trash were located throughout the storage yard. Old debris was observed at the base of the embankment at the rear of the site.

4.6 Other Conditions Noted

Odors - Propane odor in yard.

Pools of Liquid - None noted.

Heating/Cooling Systems - Propane furnaces.

Stains or Corrosion - Significant staining of concrete floor in area used by Peaks Island Fuel Co. and in rear storage area used by bakery.

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



FAX

To: Andrea Sturrock

Company: Peaks Isl. Co., LLC

Fax #: 766-5137

Date: 7-1-04

From: Jay Reynolds

You should receive 7 page(s) including this cover sheet.

Comments: Here are the 2 escrow accounts for the 33 Island Ave. / the Inn.

As for releasing your obligation, the new owners would have to set up new escrows under their name, one for \$28,800.00 + one for \$483.60. Then, the city could release your escrows.

Sincerely,
Jay Reynolds
ORC

NOV 2 2001

PERFORMANCE GUARANTEE
With the City of Portland

Developer's Tax Identification Number: 01-0541566

Developer's Name and Mailing Address: Peaks Island Company, LLC

33 Island Avenue

Peaks Island, Portland, ME

City Account Number: 710-0000-233-33-06

Treasurer's Report of Receipts Number: 37301

Project Job Number: 2001-0043
(from Site Plan Application form)

Application of Peaks Island Company, LLC [applicant] for
The Inn at Peaks Island [insert street/project name] at
33 Island Avenue, Peaks Island [address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ 4,836.00
[amount of performance guarantee] on behalf of Peaks Island Company, LLC
[applicant] in a non-interest bearing account established with the City. This account
shall represent the estimated cost of installing: site improvements [insert: subdivision
and/or site improvements (as applicable)] as depicted on the subdivision/site plan,
approved on 7/24/01 [date] as required under Portland Code of
Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended
to satisfy the Applicant's obligation under Portland Code of Ordinances Chapter 14
§§501, 502 and 525, to post a performance guarantee for the above referenced
development.

The City, through its Director of Planning and Urban Development and in his sole
discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete by September 15, 2003
[date: within two years] the work on the improvements contained within the
site plan/improvements
[insert: subdivision and/or site improvements (as applicable)] approval, dated
7/24/01 [insert date]; or

2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
4. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this guarantee, at his option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed ninety (90) days after the expiration of this commitment; provided that the Applicant will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto. Otherwise, drafts may be submitted by the City of Portland not later than ninety (90) days following such notice, whenever given. Provided, however, that the City shall notify the Applicant of its intention to call on the guarantee and to retain the monies posted as guarantee. The City shall provide the Applicant thirty (30) days from the date of such notice in which to complete the noted improvements.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Escrow will automatically expire upon the earlier of:

1. the written notification from Portland's Director of Planning and Urban Development that said work contained within the site improvements [insert: subdivision and/or site improvements as applicable] approval and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications; or
2. the expiration date of: October 1, 2002 [date may not fall between October 30 and April 15] or any automatically extended date as specified herein.

Seen and Agreed to: [Applicant]

By: [Signature]
Its: [Signature]

Reviewed pursuant to Portland Code of Ordinances, Chapter 14 §§501, 525:

By: Alexander Day
Director of Planning and Urban Development

Date: 11/05/01

By: [Signature]
Director of Finance

Date: 11-5-01

By: Penny Little
Corporation Counsel

Date: 11/05/01 10:40am

Attach Letter of Approval and Estimated Cost of Improvements to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, ext. 8665.
3. The Agreement will be executed with one original and one copy.
4. The original and copy, each signed by the Developer, will be delivered to the Finance Office, together with a copy of the Report of Receipts form.
5. The Director of Finance will sign the copies, retain the original for their files and deliver the other signed copy to the Planning Office.
6. The Planning Office will keep one copy for their files and the original signed copy will be mailed to the Developer

NOV 2 2001

PERFORMANCE GUARANTEE
With the City of Portland

Developer's Tax Identification Number: 01-0541566

Developer's Name and Mailing Address: Peaks Island Company, LLC

33 Island Avenue

Peaks Island, Portland, ME

City Account Number: 710-0000 - 233 - 34 - 00

Treasurer's Report of Receipts Number: 37301

Project Job Number: 2001-0043
(from Site Plan Application form)

Application of Peaks Island Company, LLC [applicant] for
The Inn at Peaks Island [insert street/project name] at
33 Island Avenue, Peaks Island [address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ 28,800.00
[amount of performance guarantee] on behalf of Peaks Island Company, LLC
[applicant] in a non-interest bearing account established with the City. This account
shall represent the estimated cost of ensuring the durability of the project as required by
the Planning Board on 7/24/01 [insert: subdivision and/or site improvements (as
applicable)] as depicted on the subdivision/site plan, approved on 7/24/01
[date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and
Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation under
Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance
guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his sole
discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete by _____
[date: within two years] the work on the improvements contained within the
site plan/improvements [insert: subdivision
and/or site improvements (as applicable)] approval, dated 7/24/01
[insert date]; or

2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
4. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this guarantee, at his option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed ninety (90) days after the expiration of this commitment; provided that the Applicant will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto. Otherwise, drafts may be submitted by the City of Portland not later than ninety (90) days following such notice, whenever given. Provided, however, that the City shall notify the Applicant of its intention to call on the guarantee and to retain the monies posted as guarantee. The City shall provide the Applicant thirty (30) days from the date of such notice in which to complete the noted improvements.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Escrow will automatically expire upon the earlier of:

1. the written notification from Portland's Director of Planning and Urban Development that said work contained within the site work [insert: subdivision and/or site improvements as applicable] approval and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications; or
2. the expiration date of: Three years from the date of the issuance of the last Certificate of Occupancy at 33 Island Avenue [date may not fall between October 30 and April 15] or any automatically extended date as specified herein.

This Performance Guarantee shall be replaced with a Durability Guaranty as identified in correspondence from David M. Hirshon to Penny Littell dated September 17, 2000 including the right of Applicant to escrow the \$28,800. in its name at a financial institution.

Seen and Agreed to: [Applicant]

By: [Signature]
Its: MAURER

Reviewed pursuant to Portland Code of Ordinances, Chapter 14 §§501, 525:

By: Alexander Jay
Director of Planning and Urban Development

Date: 11/05/01

By: [Signature]
Director of Finance

Date: 11-5-01

By: Penny Littell
Corporation Counsel

Date: 11/05/01 10:40pm

Attach Letter of Approval and Estimated Cost of Improvements to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, ext. 8665.
3. The Agreement will be executed with one original and one copy.
4. The original and copy, each signed by the Developer, will be delivered to the Finance Office, together with a copy of the Report of Receipts form.
5. The Director of Finance will sign the copies, retain the original for their files and deliver the other signed copy to the Planning Office.
6. The Planning Office will keep one copy for their files and the original signed copy will be mailed to the Developer

TO: Inspections

FROM: Jay Reynolds, Development Review Coordinator *J.R.*

DATE: November 7, 2002

RE: C. of O. for # 33 Island Avenue, The Inn, Peaks Island
Lead CBL (084L007) ID# (2001-0043)

After visiting # 33 Island Avenue, I have the following comments:

- Resubmission approved 2-9-03* ✓
1. Loam and Seed partially incomplete.
 2. Landscaping partially incomplete.
 - N/A* ✓ 3. Interior vertical curbing not installed.
 - ✓ 4. Low voltage walk lights not installed.
 - N/A* 5. Bicycle racks not installed.

Due to the time of year, it is not possible to complete some of these items. I would estimate that these items could be completed by **June 15, 2003**. Once these items are addressed and re-inspected, then a permanent Certificate of Occupancy can be issued.

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

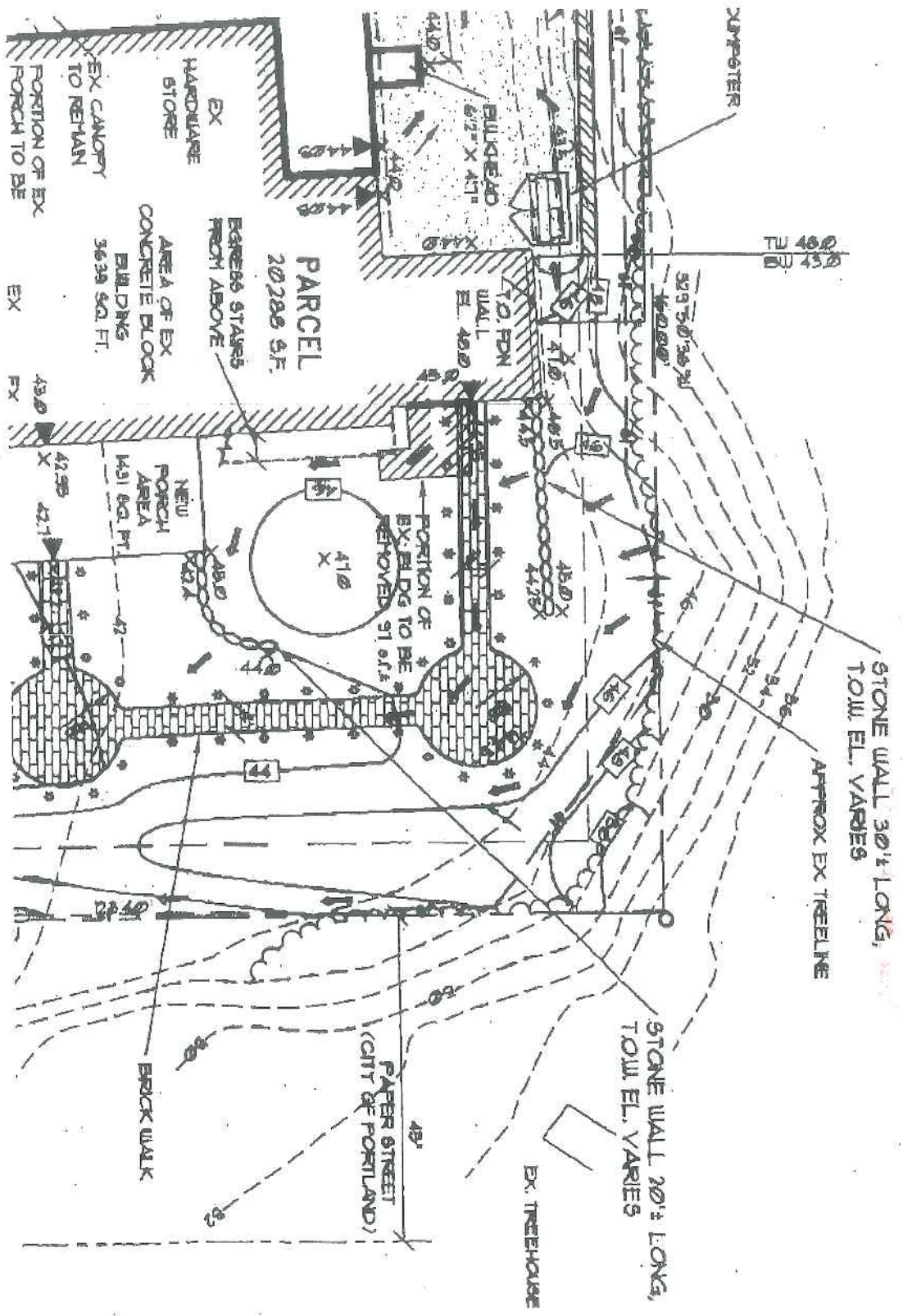
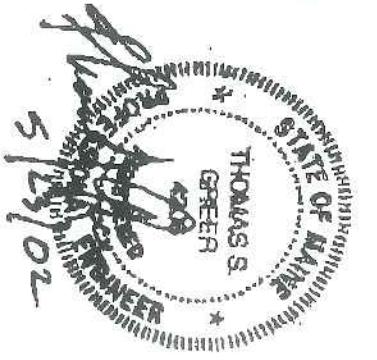
Please contact me if you have any questions or comments.
Thank You.

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

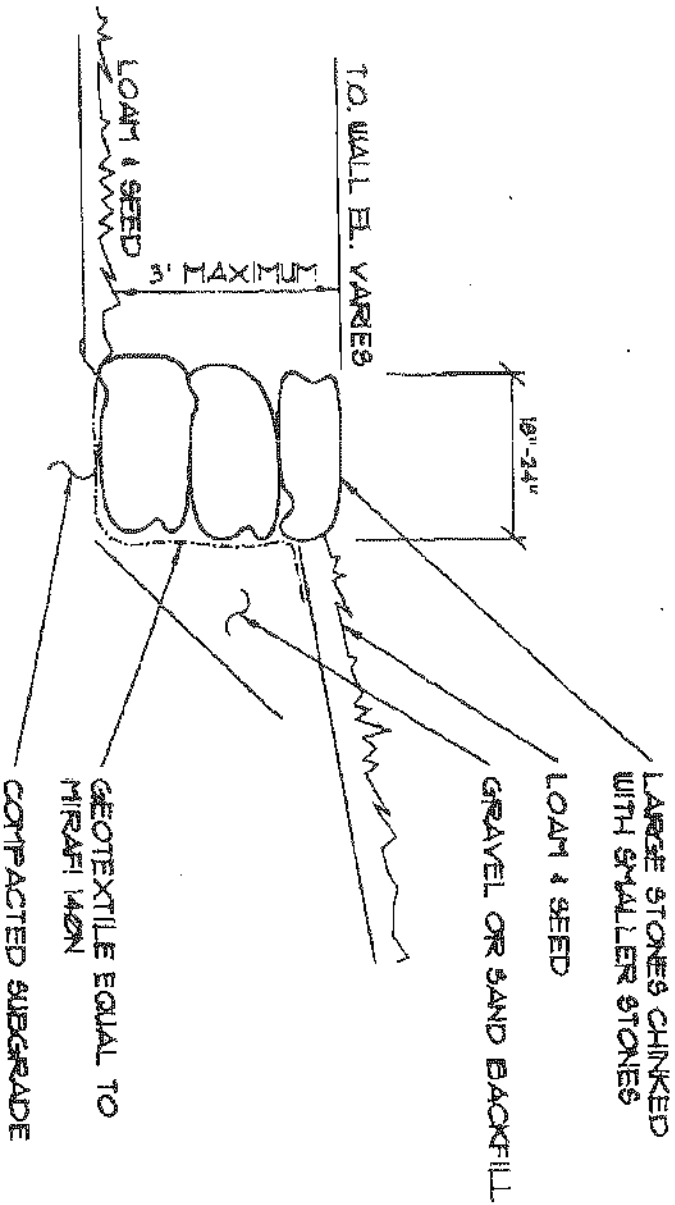
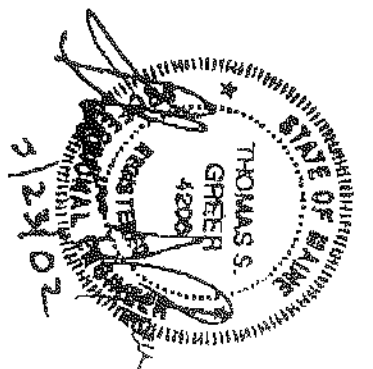
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THE INN
PEAKS ISLAND, PORTLAND
 MAY 23, 2002

CITY OF PORTLAND
APPROVED SITE PLAN
REVISION
 SUBJECT TO DEPARTMENTAL
 CONDITIONS
 DATE OF APPROVAL 5/23/02



THE INN
PEAKS ISLAND, PORTLAND
MAY 23, 2002



STONE WALL SECTION

NOT TO SCALE



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

MARTHA KIRKPATRICK
COMMISSIONER

CERTIFIED MAIL 7000 1670 0004 2810 2460

October 25, 2001

Mr. Ric Weinschenk
Peaks Island Company, LLC
33 Island Ave.
Peaks Island, ME 04108

FAX: 766-2999

Subject: Investigation and remedial measures for petroleum contaminated soil from former Jackson's Service Station (UST Reg. #9768), 33 Island Ave., Peaks Island, Portland.

Dear Mr. Weinschenk,

Thank you for your company's cooperation this past Tuesday during my soil sampling of the 33 Island Ave property. I will copy you on the results when they return from the lab. Onsite I went out to Covey Johnson's property with him and noted that the soil has been removed from the site and returned to 33 Island Ave. I understand that Acadia Environmental visited the site on 10/24/01, and documented further that the contaminated soil is now gone from Mr. Johnson's property.

Following Tuesday's meeting between DEP's John Wathen and the City of Portland, I wish to clarify some items in my letter of October 12, 2001 as well as update you on DEP's requirements for the work at this site.

- 1) Rather than having to submit a final assessment to DEP "within 30 days of completion... and before December 15, 2001", please submit a preliminary report by your environmental consultant covering the items mentioned in my 10/12/01 letter before December 15, 2001. An addendum to this report is to follow within 30 days of completion of the required landscaping. The addendum shall confirm and document that the conditions for capping and covering the soil, stated in my 10/12/01 letter and consistent with DEP soil management practices, were followed.
- 2) The contaminated soil pile shall be kept properly covered up with a poly sheet or tarp, and secured from public exposure until the time it is reworked into the landscaping and covered by the new clean soil. In this case, my intention is for "secured from public exposure" to mean sawhorse barriers or fencing, and Keep Out signs. Maine DEP must be notified in the event of substantial redistribution or movement of the soil in the on-site stockpiles.
- 3) At this time prior DEP approval must be acquired before any soil leaves the 33 Island Ave. site. Any soil leaving the site must be properly disposed of off the island at a licensed special waste facility.
- 4) Field Screening and laboratory results taken by you or your consultants shall be submitted to the Maine DEP as soon as they are tabulated.
- 5) In my 10/12/01, letter to you I requested a copy of your previous assessment of the property (item #5). On 10/19/01, Mike Nugent of the City of Portland was kind enough to give me a copy of Mainland Consultant's assessment so the DEP will no longer be needing a copy of this December 1999, report from you.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7686
RAY BLDG., HOSPITAL ST.

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

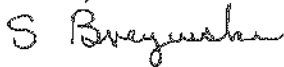
PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

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

- 6) Any water collecting in the excavation must be managed as contaminated. It may not be pumped out to the street, Casco Bay, or storm drains. In this case, water from contaminated sites may only:
- a) be dewatered to a licensed treatment facility such as the Portland Water District sewage treatment plant with prior written permission from the Portland Water District;
 - b) or it may be trucked off the island to a licensed disposal facility such as ECC or Clean Harbors Inc.;
 - c) or it may be properly treated onsite to state standards with a DEP approved aeration & carbon treatment system and laboratory sampling.

Please do not hesitate to call John Wathen, Jon Woodard or myself at our Portland office if you have any concerns or questions regarding this letter and this project.

Sincerely,



Stephen Brezinski, Oil & Hazardous Materials Specialist
Division of Response Services
Maine DEP, BRWM

Cc Jon Woodard, DEP, Division of Response Services
John Wathen, DEP, SMRO
Randy McMullin, DEP, Division of Solid Waste Management
Penny Littell, City of Portland
Allyson Jones, Acadia Environmental
Scott Normandeau, Fleet Env.
File P814-01

Drains and Sumps - None noted.

Pits, Ponds, Lagoons - None associated with waste disposal noted.

Fill Dirt - None observed.

Stained Soils or Pavement - Moderate staining throughout gravel parking area noted.

Stressed Vegetation - None noted, although the time of year prevented meaningful observations.

Waste Water, Wells, Septic System - The property is served by public water and sewer. No wells observed on-site. A protective well cover was observed on the west side of Island Avenue and is believed to house a groundwater monitoring well owned by the Portland Water District. The well is probably an upgradient well for the PWD sewage treatment facility. Because the location of the well appears to be downgradient from the subject property, water quality in the well would be impacted by conditions at the site. Unfortunately, two calls to the PWD were not returned and no specific information on the well or previous sampling results etc. are known.

Asbestos Containing Materials (ACMs) - Asbestos is a non-scope item per ASTM standards. Further, the Environmental Consultant is not licensed to detect asbestos or asbestos-containing materials. Given the age of the building, ACMs might be expected.

Lead Paint - Non-scope item. Lead paint was in widespread use prior to 1979. It presents little risk unless it is flaking. Given the age of the building, lead paint might be expected.

Radon - Non-scope item. Radon is a gaseous radioactive decay product that may present health problems in humans. Radon is typically problematic only when naturally-occurring granitic or metamorphic rocks release radon into basement or sub-grade confined spaces. No radon testing was performed on the subject property.

5.0 FINDINGS AND CONCLUSIONS

Record searches, a site inspection, and interviews were performed for the subject property. The site consists of a fairly level ±20,000 square foot lot on the southwest side of Peaks Island. The site is improved with a 1-story building; the original wood-frame section was constructed in 1929 and the adjoining masonry structure was added in about 1964. Various storage sheds and canopies are attached to the front and rear of the structure. Since 1929 the property has principally housed fuel supply and automobile service companies, operating under various ownerships. In addition, two lumber companies, several restaurants and bakeries, and various other businesses occupied the site for varying intervals. Currently, the property is occupied by a bakery and a fuel oil supply and service company.

A number of underground storage tanks (USTs) for common petroleum products, e.g., gasoline, No.2 fuel oil, and kerosene, were installed between 1929 and 1986. Up to five (5) USTs, typically 1000- or 2000-gallon each, were on-site at any one time and an estimated 10 to 15 tanks in total were used in total.

Documentation of the installation and removal of tanks was incomplete, due to the dates of installation of the earlier tanks and record-keeping practices at those times. In 1986 and 1987 five tanks, supposedly the last ones remaining on-site, were removed by the property owner at that time; subsequently, no additional USTs have reportedly been installed on the property. No obvious indications of the presence of USTs were noted during the site inspection. The DEP underground tank inventory, based solely on information provided by the former property owner, lists the site as having had all tanks removed by 1987 and as currently having no USTs. This representation by the property owner and the site inspection notwithstanding, this ESA could not absolutely establish that additional historical tanks do not remain buried on the property. As such, the possibility of one or more unlicensed, abandoned USTs, which if present would be in violation of State regulations, is judged to constitute a *recognized environmental condition*, in accordance with ASTM guidance.

With the exception of one tank installed in 1986, all of the tanks were constructed of bare steel or asphalt-coated steel - a type of construction susceptible to corrosion and failure and therefore no longer legal for use in Maine. Furthermore, no independent investigators, e.g., Department of Environmental Protection (DEP), Fire Department, environmental engineers, etc. witnessed any of the tank removals to document the conditions of tanks upon their removal or the presence/absence of contamination in the underlying soils or groundwater. As a result, in the absence of any actual soil testing, subsurface environmental conditions in the areas of the former fuel tanks which may have been contaminated by historical leaks, spills, overfills etc., are unknown. Because of the long-term use of a significant number of tanks and because of their construction type, the potential for contamination of deeper soils and groundwater in the areas of the former tanks is also considered to represent a *recognized environmental condition*.

The storage and dispensing of petroleum products from above-ground tanks and drums, as performed by a current tenant as well as historical ones, may have resulted in contamination of surface soils from leaks, spills, overfilling of tanks, servicing of heating equipment, etc. Such spills may have resulted in contamination at levels of concern, especially in the unpaved storage yard adjacent to the masonry building. In addition, spills have occurred inside the building in the service and storage areas, as observed in the site inspection. The staining of the concrete floor, in itself, is not of particular concern; nevertheless, it substantiates the concerns over possible contamination of soils on the property.

The 50+ year history of automotive servicing on the property would have involved the storage, use, and possible on-site disposal of a number of hazardous materials and petroleum products such as virgin and waste lubricating oil, antifreeze, transmission fluid, axle grease, degreasing solvents (typically containing chlorinated compounds such as TCE or PCE), and others. The use of these materials may have resulted in contamination of the subject property if proper handling and cleanup practices were not strictly followed. Given the 50+ year use of such products, primarily during a period in which environmental regulations were virtually non-existent, it is likely that at least minor releases of such contaminants have occurred. Any routine disposal of significant quantities of hazardous materials and/or petroleum products may have resulted in contamination at levels of concern. The possibility of soil contamination at levels of concern resulting from inappropriate disposal of automotive fluids is considered to represent a *recognized environmental condition*.

The records search of 11 Federal and State environmental databases identified one minor spill event and the registration of former fuel oil USTs for the subject property. In 1995, the DEP investigated the site as a result of a citizen complaint. As a result of a visual inspection only, the DEP investigator reported stained soils on the property as a result of 1 to 2 gallons of spilled fuel oil or hydraulic oil. The investigator completed the hydrocarbon spill decision tree and established that so-called "Intermediate" Clean-up Goals would be applicable to this site ("Intermediate" goals are the second-most stringent of four levels established by DEP for protection of groundwater from petroleum spills). The investigator recommended that spill containment supplies be kept at the facility and that future spills be reported as required by law. However, the investigator also concluded that based on his inspection the site was "clean" to the satisfaction of the DEP and that no cleanup actions were required at that time.

The environmental records search identified a number of State uncontrolled hazardous waste sites, emergency actions, and petroleum spills at other locations on the island. However, a review of this information indicates that the subject property would not have been impacted significantly if at all by contamination at these other locations.

The site inspection of the building and site identified staining of the concrete floors in the garage and storage areas of the masonry building, likely the result of past current automobile servicing and fuel oil storage and dispensing activities. The parking area on the south side of the site currently in use by the fuel supply company contains a total of about seven fuel oil and propane delivery trucks, dozens of propane cylinders of various sizes, several 55-gallon drums, reportedly containing fuel additives, kerosene, and alcohol, and several 275-gallon tanks, apparently used for storage and dispensing of kerosene. About twenty 5-gallon containers, believed to hold kerosene, were also in storage in the yard. None of the drums or tanks in the yard had any secondary containment; as a result, any spills or leaks would result in soil contamination. Soils such as could be observed among the trucks, tanks, drums, etc. in the storage yard appeared to be lightly stained. This staining is not surprising given the current and past site usage, including the reported historical disposal of waste oil in the yard as a dust suppressant. The observed soil staining is not necessarily considered to represent a *recognized environmental condition*, nevertheless, the potential for more heavily stained soils inaccessible during the inspection is obvious. These stained soils may exceed the "Intermediate" standards established by the DEP as applicable to this site; if so, then legally they would have to be removed and disposed off-site.

Given the findings described above, including the conclusion that several *recognized environmental conditions* may exist on the site, this ESA recommends at an absolute minimum that caution and prudence be used in any future use and development of the site. Of primary importance is that the site continue to use public water and sewer, because these utilities greatly reduce exposure to any potential on-site contamination. On-site wells are not recommended for this property because of the threat of potential contamination. In addition, one or more abandoned USTs may still be present; therefore, any excavations performed should be done with an awareness that tanks may be uncovered. If so, appropriate removal and disposal of such tank(s) and residual product would need to be done in compliance with current DEP regulations. Similarly, the widespread lightly-stained soils on the site are not necessarily recommended for removal at this time. However, should heavily-stained or fuel-saturated soils be discovered, either near the surface or at depth in areas of former underground storage tanks, all soils not meeting the DEP "intermediate" standards should be removed and disposed off-site. Should any site features such as dry

wells or French drains not identified in this ESA but potentially related to the disposal of hazardous materials be discovered during future activities, then these features should be thoroughly evaluated with the assistance of the DEP or other qualified professional.

A more pro-active response to the ESA findings would be to conduct follow-up or "Phase II" investigations. For example, non-invasive geophysical surveys to establish the presence or absence of underground tanks can be done. Such surveys could be done of all accessible areas of the site and would resolve the current ambiguity regarding potential USTs. A geophysical survey would not resolve the issue of potential subsurface contamination resulting from leaking tanks. A geophysical survey would cost several thousand dollars. Alternatively, areas identified in historical documents as the locations of underground tanks could be excavated. Such excavations permit the visual confirmation that tanks are removed and, if tanks are still present, facilitate the actual tank removal. Furthermore, excavations permit examination of and sampling for laboratory analysis of surrounding soils. If necessary, removal of contaminated soil can be done at the same time. In general, excavations provide the most information on tanks and soil contamination. Costs for invasive activities vary dramatically depending upon conditions encountered.

In short, therefore, although the site has been clearly impacted to some degree by current and former activities, the need to further address those impacts depends on the need, or lack thereof, to fully characterize those impacts at this time.

6.0 PROFESSIONAL QUALIFICATIONS

This Phase I Environmental Site Assessment was conducted in general conformance with ASTM Method E 1527, as updated: "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process". This ESA was performed by Mr. Robert R. McGirr of Mainland Consultants, Inc. Mr. McGirr has a B.S. in Environmental Geology and an M.S. in Geology. He has 20 years' experience in the area of environmental consulting, with more than eight years' in hazardous waste investigations at National Priority List (Superfund) sites. His resume is included in Appendix J.

APPENDIX A
LIMITING CONDITIONS

1. This Preliminary Site Assessment is in conformance with ASTM Method E-1527 for Environmental Site Assessments to the degree practicable.
2. The results of this assessment are based in part upon professional judgement and are not intended or represented as scientific certainties. Neither Mainland Consultants nor its operating divisions can represent that the site contains no hazardous wastes or other latent conditions beyond those observed and identified within the context and scope of this assignment.
3. The observations, findings, and conclusions presented in this report were made solely on the basis of conditions and data described herein and not on scientific tasks or procedures beyond the extent of services previously described.
4. Mainland Consultants renders no opinion as to environmental conditions for those portions of the site that were not accessible or visible during a normal site inspection.
5. No property boundary, site feature, or topographic surveys of the site were performed by Mainland Consultants in conducting this assignment.
6. The scope of this assignment is limited to obvious identification of hazardous materials observed on the date of the site reconnaissance, completion of the transaction screening questionnaire, interviews with abutters and local officials.
7. The client is responsible for alerting and informing the Environmental Consultant of environmental liens on the property, or any specialized knowledge concerning the environmental condition of the property.
8. The Environmental Consultant and Mainland Consultants rely upon data provided by service bureau providers, and interviews with property owners, government officials, and abutting property owners, and assumes that information to be correct. The Environmental Consultant and Mainland Consultants disclaim responsibility for information provided that is incorrect, either inadvertently or purposefully.
9. Unless otherwise stated herein or requested by the client, there are four non-scope environmental issues which are not reported. Those items are: asbestos and asbestos containing materials (ACMs); radon in the air or water; wetlands; and lead paint and lead in the drinking water. These are excluded from ASTM standards because they are covered by other government programs and policies.
10. The purpose of this assessment is to reduce the risk associated with purchasing or financing real property and to partially fulfill the requirements to qualify for the "Innocent Landowner's Defense" as defined by CERCLA.
11. Note that this report is intended to be advisory. Findings and recommendations herein are intended to alert the client to potential actions that reduce the client's risk in acquiring real property. It is the client's decision as to whether to act or not act upon the recommendations.
12. This report has been prepared for the exclusive use of the client. This report shall not, in whole or part, be conveyed to any other party without prior written consent of Mainland Consultants. Mainland Consultants acknowledges and agrees that the client may convey the report for the purposes of proximate sale and financing of the property.

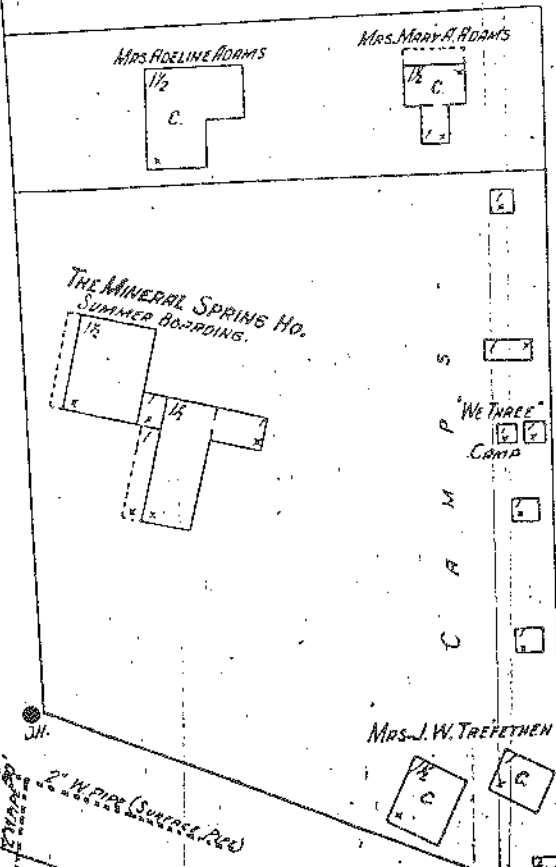
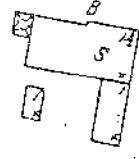
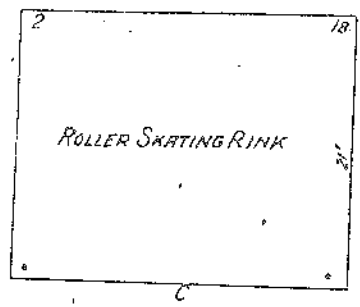
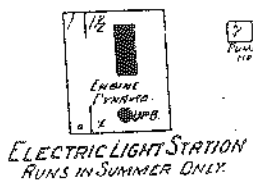
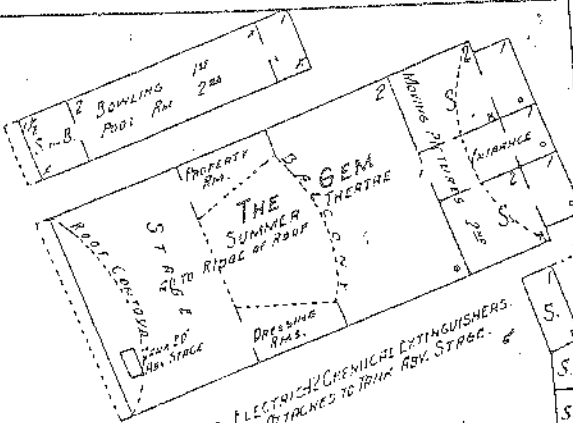
APPENDIX B
HISTORICAL SANBORN FIRE INSURANCE MAPS

45

WELCH

ISLAND AV.

ISLAND AV.



GREENWOOD

GARDEN

Grand Stand

2

43
Slip

45

WELCH

SURVEYORS

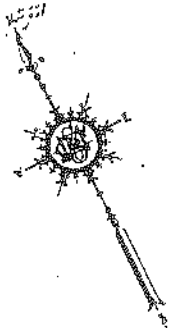
FOREST CITY LANDING

PEAK ISLAND

PLAY
GROUND

ISLAND AV.

Portland Harbor



Boating Alley

ISLAND AV.

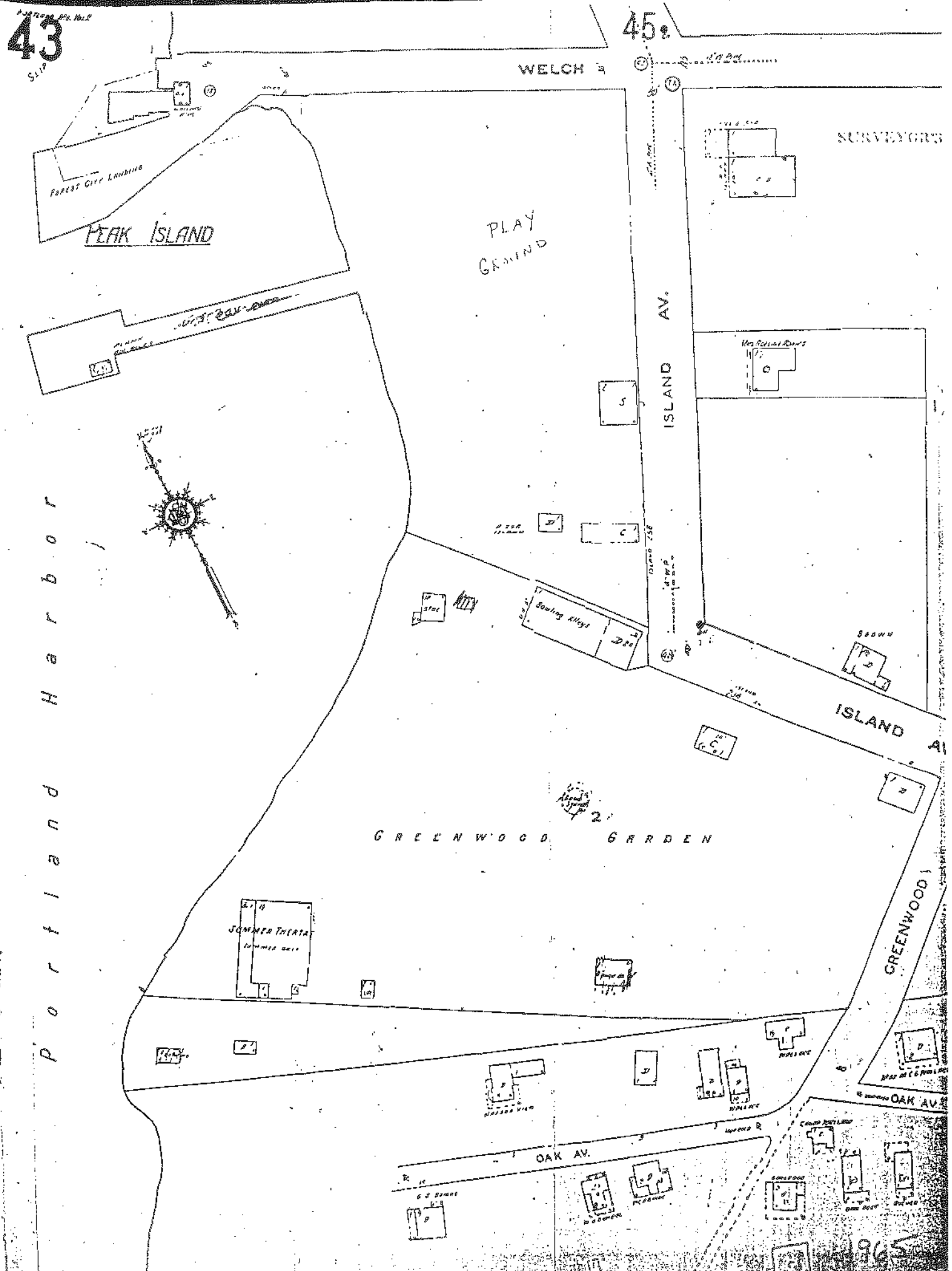
GREENWOOD GARDEN

JANUARY THREE

GREENWOOD

OAK AV.

OAK AV.



45.

WELCH

ISLAND

ISLAND AV.

ADAMS

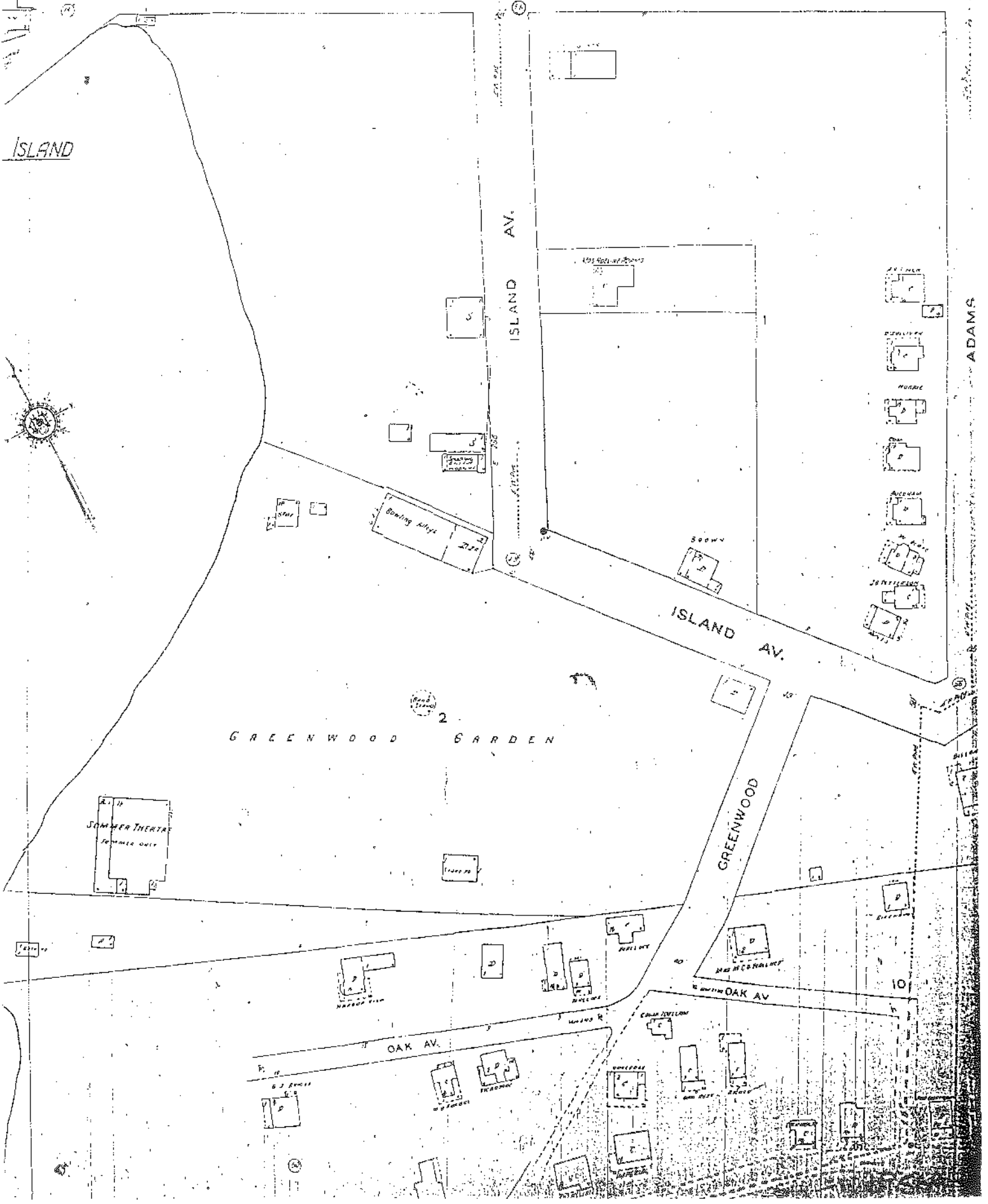
ISLAND AV.

GREENWOOD GARDEN

GREENWOOD

OAK AV.

OAK AV.



04

45

WELCH

ISLAND AV.

4" W. PIPE

Mrs. FIDELINE BORNIS

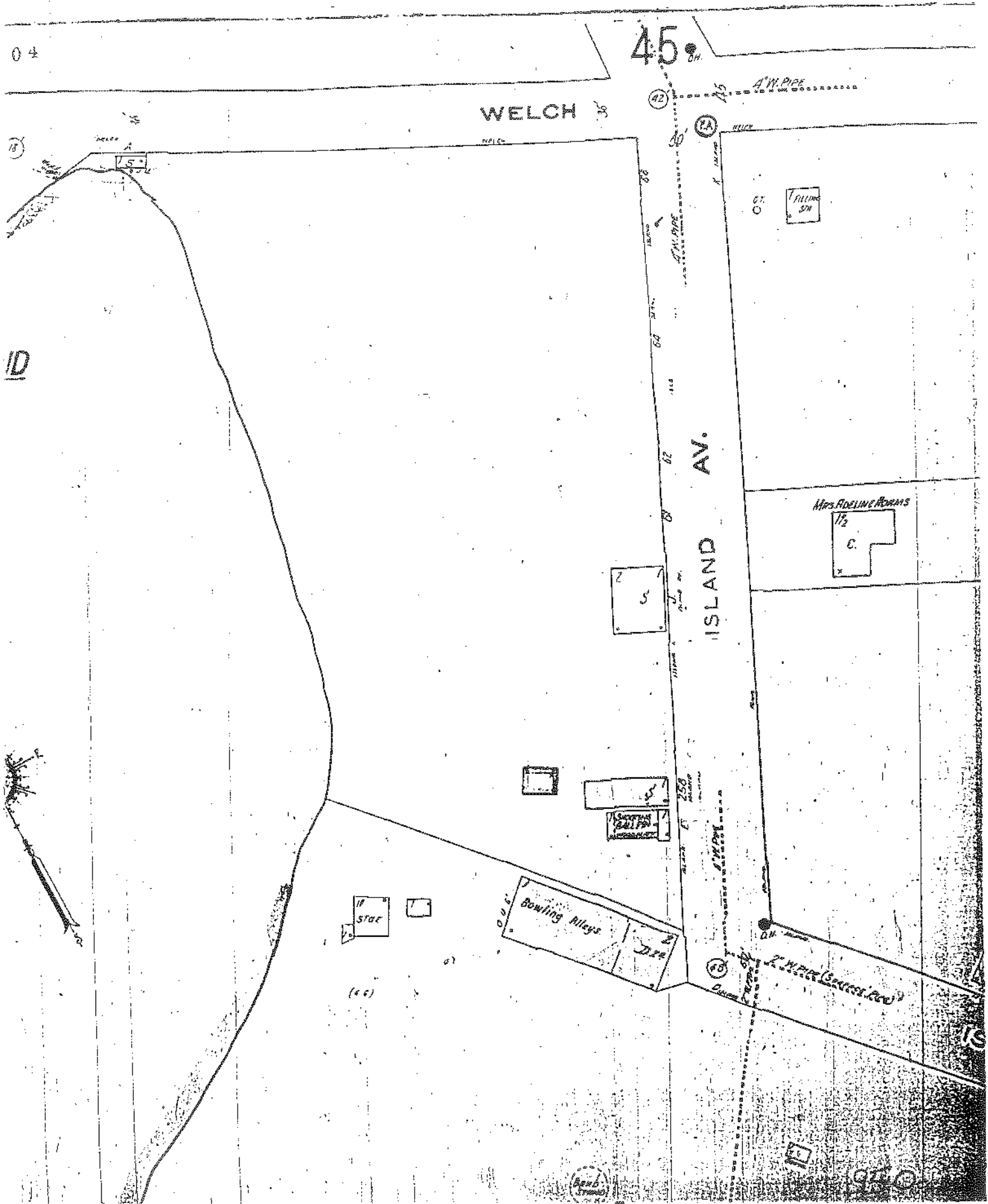
1 1/2
C.

Bowling Alley

18
stac

2" W. PIPE (Concrete Pipe)

ID



1971

GREENWOOD GARDEN

2
Island Stand

1
1971

ISLAND

BROWN

2
Bowling Alley

1

2

ISLAND AV.

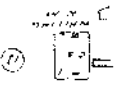
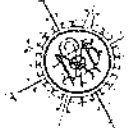
Mrs. H. H. H. H. H.

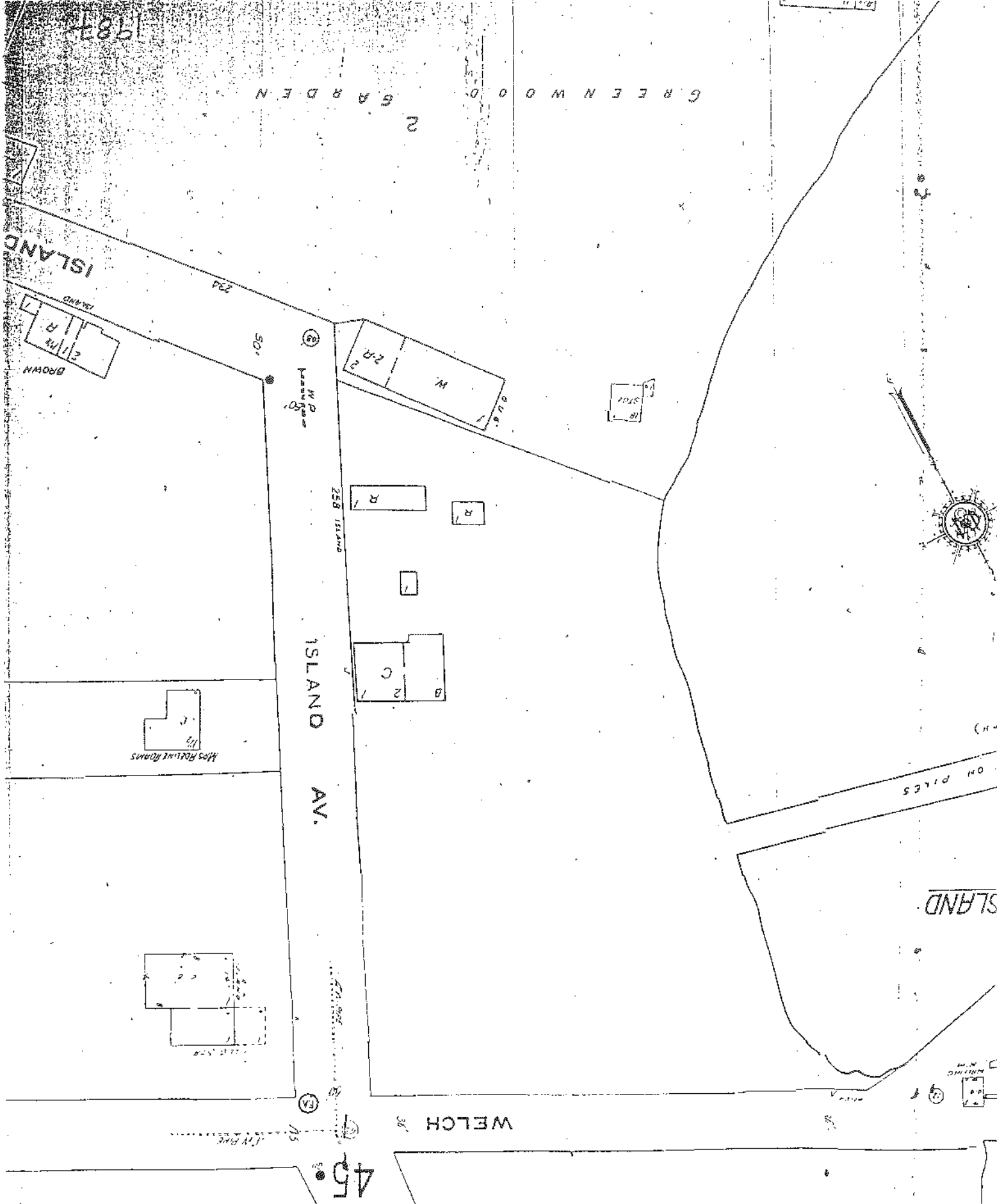
U S GOV PIER

ISLAND

WELCH

45





1937

ISLAND

BROWN
R
R

Mrs. ROBERT HARRIS

1

WELCH 45

45

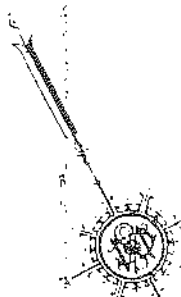
GREENWOOD GARDEN

M.P. 10

ISLAND AV.

258 ISLAND

45



ON PILES

ISLAND

1

APPENDIX C
SELECTED BUILDING INSPECTION FILES



APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class

Portland, Maine, JANUARY 7, 1928

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect ~~alter~~ install the following building ~~structure equipment~~ in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location SW Corner Island Ave. & Welch St. Ward 1 Within Fire Limits? No Dist. No. _____
 Owner's or Lessee's name and address Thomas G. Kenyon, Central Ave. Parks Telephone _____
 Contractor's name and address Gen. E Telephone _____
 Architect's name and address _____
 Proposed use of building Filling Station No. families _____
 Other buildings on same lot _____

Description of Present Building to be Altered

Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
 Last use _____ No. families _____

General Description of New Work

To construct one story frame building, 14' x 18' ^{4/19/28} 18' x 18' ^{3/13/28}
 Vehicular access to the proposed filling station will be from Island Avenue only.

Petition Granted and Permit Ordered by City Council February 18, 1928

Details of New Work

Size, front 18' 1/2" depth 14' No. stories 1 Height average grade to highest point of roof 15'
 To be erected on solid or filled land? solid earth or rock? earth
 Material of foundation concrete piers Thickness, top _____ bottom _____
 Material of underpinning _____ Height _____ Thickness _____
 Kind of roof pitch Roof covering Asphalt Shingles Class C Und. Lab.
 No. of chimneys 2 Material of chimneys _____ of lining _____
 Kind of heat 24 Type of fuel _____ Distance, heater to chimney _____
 If oil burner, name and model _____
 Capacity and location of oil tanks _____
 Is gas fitting involved? _____ Size of service _____
 Corner posts 4x4 Sills 4x4 Girt or ledger board? _____ Size _____
 Material columns under girders _____ Size _____ Max. on centers _____
 Studs (outside walls and carrying partitions) 2x4-10" C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.
 Joists and rafters: 1st floor 2x8 2nd _____ 3rd _____ roof 2x6
 On centers: 1st floor 16" 2nd _____ 3rd _____ roof 24"
 Maximum span: 1st floor 14' 2nd _____ 3rd _____ roof _____
 If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

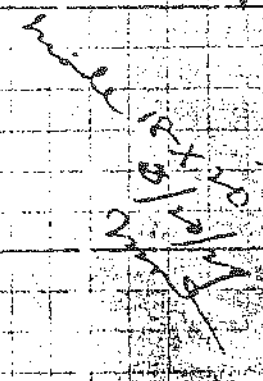
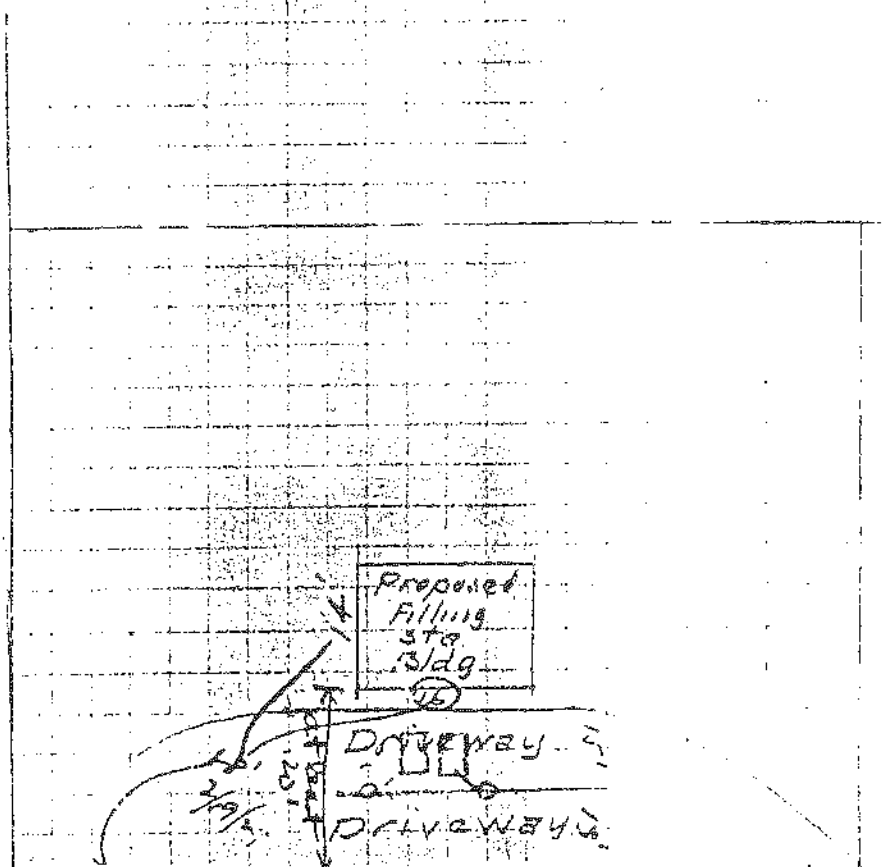
No. cars now accommodated on same lot _____ to be accommodated _____
 Total number commercial cars to be accommodated _____
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

Will above work require removal or disturbing of any shade tree on a public street? no
 Plans filed as part of this application? yes No. sheets _____
 Estimated cost \$ 800. Fee \$.75
 Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? Yes
 Signature of _____ Thomas G. Kenyon

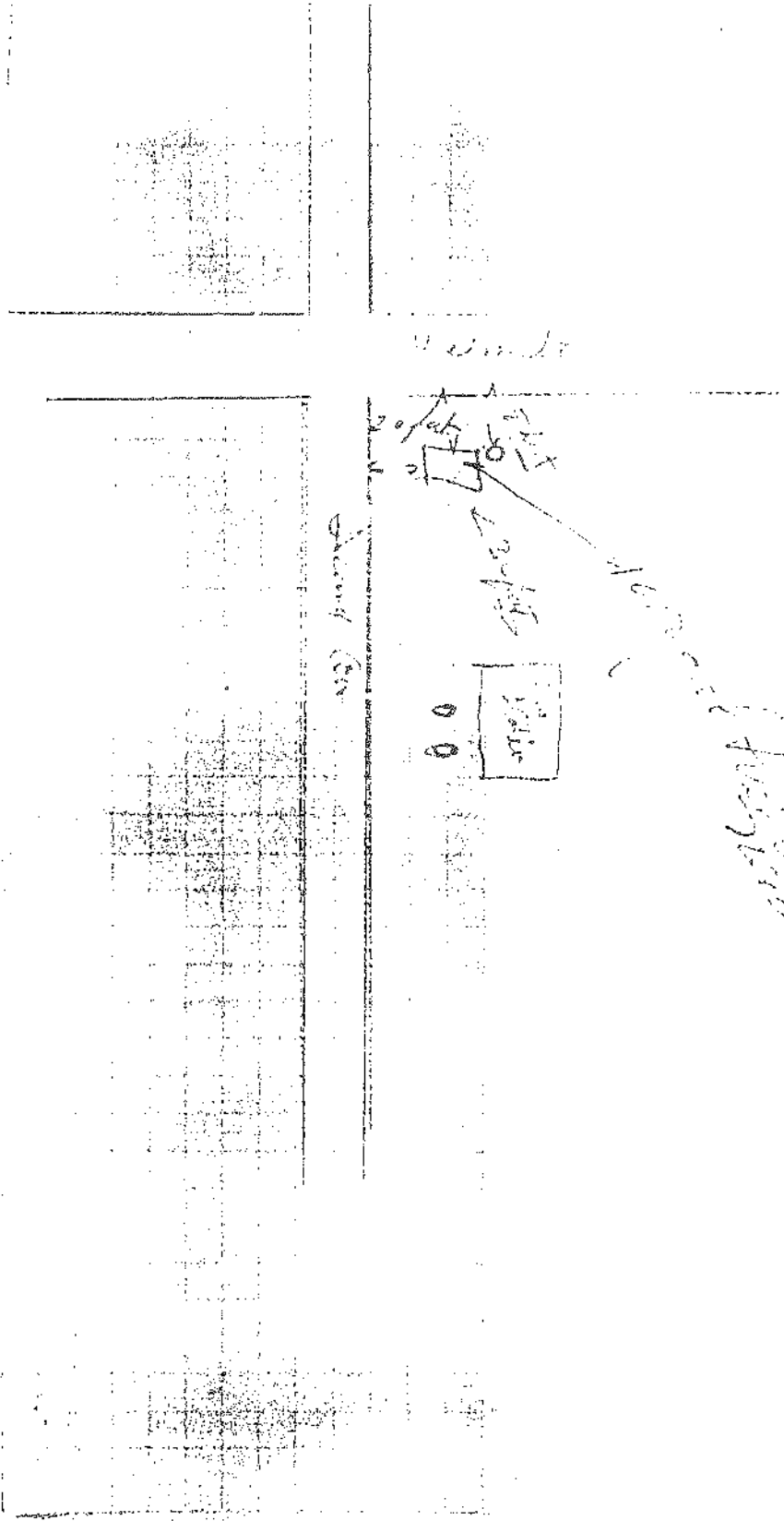
WELCH ST.

To Forest City Ldg.



Island Ave

Proposed Filling Sta
For
Thomas C. Kenyon





Permit No. 2089

APPLICATION FOR PERMIT

Class of Building or Type of Structure Oil Installation

Portland, Maine, October 12, 1921

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect and install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location Cor. Island Ave. & Walsh St. Peaks Island 1 Within Fire Limits? no Dist. No. 8024

Owner's or Lessee's name and address Thomas C. Kargin, Peaks Island Telephone 261-5

Contractor's name and address Ranfall & McAllister, 84 Commercial St. Telephone _____

Architect's name and address _____ No. families _____

Proposed use of building _____

Other buildings on same lot _____

Plans filed as part of this application? yes No. of sheets 1

Estimated cost \$ 100. Fee \$.50

Description of Present Building to be Altered

Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____

Last use _____ No. families _____

General Description of New Work

To install one 1000 gallon tank and one 5 gallon pump for kerosene fuel oil, for installation. Tank to be buried underground. Public Use

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor.

Details of New Work

Size, front _____ depth _____ No. stories _____ Height average grade to top of plate _____
Height average grade to highest point of roof _____

To be erected on solid or filled land? _____ earth or rock? _____

Material of foundation _____ Thickness, top _____ bottom _____

Material of underpinning _____ Height _____ Thickness _____

Kind of Roof _____ Rise per foot _____ Roof covering _____

No. of chimneys _____ Material of chimneys _____ of lining _____

Kind of heat _____ Type of fuel _____ Is gas fitting involved? _____

Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____

Material columns under girders _____ Size _____ Max. on centers _____

Studs (outside walls and carrying partitions) 2x4-16" O. C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sill and corner posts all one piece in cross section.

Joists and rafters: 1st floor _____ 2nd _____ 3rd _____, roof _____

On centers: 1st floor _____ 2nd _____ 3rd _____, roof _____

Maximum span: 1st floor _____ 2nd _____ 3rd _____, roof _____

If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____ to be accommodated _____

Total number commercial cars to be accommodated _____

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

Will this work require removal or disturbing of any shade tree on a public street? no



APPLICATION FOR PERMIT

Class of Building or Type of Structure Gasoline Installation

Portland, Maine, April 16, 1920

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to ~~erect~~ install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location St Cor. Island Ave. & Welsh St. Ward 1 Within Fire Limits? No Dist. No. _____

Owner's or Lessee's name and address Thomas C. Kenyon, Peaks Island Telephone _____

Contractor's name and address Little & Coffin Oil Co., Boyd St. Telephone 7 8817

Architect's name and address _____

Proposed use of building Filling Station No. families _____

Other buildings on same lot _____

Description of Present Building to be Altered

Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____

Last use _____ No. families _____

General Description of New Work

To install two one thousand gallon tanks and two five gallon pumps for gasoline

Tanks to be buried underground. Public Use. New installation

NON-CONFORMING USE ESTABLISHED BY
SPECIAL PERMISSION OF CITY COUNCIL

Storage granted

Details of New Work

Size, front _____ depth _____ No. stories _____ Height average grade to highest point of roof _____

To be erected on solid or filled land? _____ earth or rock? _____

Material of foundation: _____ Thickness, top _____ bottom _____

Material of underpinning _____ Height _____ Thickness _____

Kind of roof _____ Roof covering _____

No. of chimneys _____ Material of chimneys _____ of lining _____

Kind of heat _____ Type of fuel _____ Distance, heater to chimney _____

If oil burner, name and model _____

Capacity and location of oil tanks _____

Is gas fitting involved? _____ Size of service _____

Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____

Material columns under girders _____ Size _____ Max. on centers _____

Studs (outside walls and carrying partitions) 2x4-16" O.C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.

Joists and rafters: 1st floor _____ 2nd _____ 3rd _____, roof _____

On centers: 1st floor _____ 2nd _____ 3rd _____, roof _____

Maximum span: 1st floor _____ 2nd _____ 3rd _____, roof _____

If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____ to be accommodated _____

Total number commercial cars to be accommodated _____

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

Will above work require removal or disturbing of any shade tree on a public street? no

Plans filed as part of this application? _____ No. sheets _____

Estimated cost \$ 200 Fee \$ 75



(A) APARTMENT HOUSE ZONE

APPLICATION FOR PERMIT

PERMIT ISSUED
Permit No. 197

Class of Building or Type of Structure Gasoline Installation SEP 21 1937

Portland, Maine, September 20, 1937

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect alter install the following building structure, equipment in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location Island Ave., Peaks Island Ward 1st Within Fire Limits? NO Dist. No. _____

Owner's name and address E. E. Temple, Peaks Island Telephone _____

Contractor's name and address Valvoline Oil Co., 59 Main St., So. Portland Telephone 8-3318

Architect _____ Plans filed _____ No. of sheets _____

Proposed use of building _____ No. families 1

Other buildings on same lot Gasoline filling station

Estimated cost \$ 85. Fee \$ 50

Description of Present Building to be Altered

Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____

Last use _____ No. families _____

General Description of New Work

To install 1000 gallon tank and one electric hand pump, new installation, public use, tank will be at least 5' below grade, coated with asphaltum, minimum diameter of piping from tank to pump 1 1/2", vent pipe to be at least 1 1/2".

Pumps installed under this permit are subject to the regulations of the State Sealer of Weights and Measures promulgated as of Jan. 1, 1937.

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor.

Details of New Work

CERTIFICATE OF OCCUPANCY
REQUIREMENT IS WAIVED

Size, front _____ depth _____ No. stories _____ Height average grade to top of plate _____
Height average grade to highest point of roof _____

To be erected on solid or filled land? _____ earth or rock? _____

Material of foundation _____ Thickness, top _____ bottom _____

Material of underpinning _____ Height _____ Thickness _____

Roof covering _____

WELCH ST.

6 FT. EMBANKMENT

PROPOSED
TRAIL LOCATION

50'

1000 GAL. TANK
KEROSENE

12'

10'

20'

ISLAND AVENUE

PARKS ISLAND

GAS PUMP

GAS PUMP

GAS
STATION
BLDG.

E.P.
TEMPLE

PARKING
AREA

RECEIVED
SEP 20 1997
DEPT. OF BLDG. INSP.
CITY OF PORTLAND



7) LIMITED BUSINESS ZONE
APPLICATION FOR PERMIT

Permit No. _____

06324

Class of Building or Type of Structure... Kerosene Installation

Portland, Maine, 5/1/26

5517

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect alter install the following building structure equipment in accordance with the laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location: Island Avenue, Peaks Island Ward 1212 Within Fire Limits? no Dist. No. _____
Owner's or Lessee's name and address: Cor. Welch St., E. B. Temple, Welch St., Peaks Telephone _____
Contractor's name and address: Talvoline Oil Co., P. O. Box 1800 Telephone 5-2816
Architect: _____ Plans filed: yes No. of sheets: _____
Proposed use of building: _____ No. families: _____
Other buildings on the lot: _____
Estimated cost \$100. Fee \$ 20

Description of Present Building to be Altered

Material: _____ No. stories: _____ Heat: _____ Style of roof: _____ Roofing: _____
Last use: _____ No. families: _____

General Description of New Work

To remove and 1,000 gallon tank and electric pump for kerosene from present location on Herman Avenue and locate at above address, as shown on plan. Tank will bear Underwriters' Label, coated with asphaltum, will be at least 5' below grade, minimum diameter of piping tank to pump 1 1/2"

5 1/2' below grade with conditions 26" A.R.D. by Chief Engineer

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor.

Details of New Work

Size, front: _____ depth: _____ No. stories: _____ Height average grade to top of plate: _____
To be erected on solid or filled land? _____ earth or rock? _____
Material of foundation: _____ Thickness, top: _____ bottom: _____
Material of underpinning: _____ Height: _____ Thickness: _____
Kind of Roof: _____ Rise per foot: _____ Roof covering: _____
No. of chimneys: _____ Material of chimneys: _____ of lining: _____
Kind of heat: _____ Type of fuel: _____ Is gas fitting involved? _____
Corner posts: _____ Sills: _____ Girt or ledger board? _____ Size: _____
Material columns under girders: _____ Size: _____ Max. on centers: _____
Studs (outside walls and carrying partitions): 2x4-16" O. C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.
Joists and rafters: _____ 1st floor: _____ 2nd: _____ 3rd: _____ roof: _____
On centers: _____ 1st floor: _____ 2nd: _____ 3rd: _____ roof: _____
Maximum span: _____ 1st floor: _____ 2nd: _____ 3rd: _____ roof: _____
If one story building with masonry walls, thickness of walls: _____ height? _____

If a Garage

No. cars now accommodated on same lot: _____ to be accommodated: _____
Total number commercial cars to be accommodated: _____
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

Will any work require removal or disturbing of any shade tree on a public street? no

WELCH ST.

6 FT EMBANKMENT

ALREADY INSTALLED

100 GAL TANK
APPROXIMATE

20 FT

DRIVE WAY

ISLAND AVENUE

GAS

GAS

ER. TEMPLE
BEANS ISLAND
MAY 1938

GASOLINE STATION
BLDG

TO BE

100 GAL TANK
APPROXIMATE

TO BE

PARKING
AREA

RECEIVED
MAY 4 1938
DEPT. OF PUBLIC WORKS
CITY OF PORTLAND

WELCH ST

side WALK

EMBARKMENT

DRUM TANK

TO BE INSTALLED
1000 KEROSENE
TANK

ALREADY INSTALLED
1000 KEROSENE
TANK



ELECTRICAL PANEL
TO BE INSTALLED

26 inches below grade
Do to very wet street

8'-12' -12'-12'

10'

ISLAND AVE

DRIVE WAY

10 GAS
pump

10 GAS
pump

E. R. Temple
Peaks Island

Gasoline STA.
R.D. 5.

PARKING
AREA

11/15/52 made copy by
W. H. L. [unclear]



APPLICATION FOR PERMIT

Class of Building or Type of Structure

Portland, Maine, March 16, 1939

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect alter or repair the following building...

Location: Island Avenue, Peaks Island. Within Fire Limits? no. Dist. No. Peaks

Owner's or lessor's name and address: E. B. Temple, Peaks Island. Telephone: 26

Contractor's name and address: Ormar. Telephone:

Architect: Plans filed: No. of sheets:

Proposed use of building: Filling Station Office and 2 car garage. No. families:

Other buildings on same lot:

Estimated cost \$ 10. Fee \$ 25

Description of Present Building to be Altered

Material: wood. No. stories: 1. Heat: Style of roof: Roofing:

Last use: filling station office and dwelling house. No. families: 1

General Description of New Work

To remove interior partitions in the rear of this building housing a combined filling station office and dwelling house...

There is to be heat in the office part of the building and this stove will be changed out to an approved garage heater...

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor.

Details of New Work

Size, front: depth: No. stories: Height average grade to top of plate: no

To be erected on solid or filled land? earth or rock? no

Material of foundation: Thickness, top: bottom: cellar:

Material of underpinning: Height: Thickness:

Kind of Roof: Rise per foot: Roof covering:

No. of chimneys: Material of chimneys: of lining:

Kind of heat: Type of fuel: Is gas fitting involved?

Framing Lumber-Kind: Dressed or Full Size?

Corner posts: Sills: Girt or ledger board? Size:

Material columns under girders: Size: Max. on centers:

Studs (outside walls and carrying partitions) 2x4-16" O. C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.

Joists and rafters: 1st floor: 2nd: 3rd: roof:

On centers: 1st floor: 2nd: 3rd: roof:

Maximum span: 1st floor: 2nd: 3rd: roof:

If one story building with masonry walls, thickness of walls? height?

If a Garage

No. cars now accommodated on same lot: 2 none to be accommodated: 1 2

Total number commercial cars to be accommodated: 1

TOPIER

WELLS

MEMORANDUM

ISLAND AVENUE

PEARL ISLAND

1000 GAL KERO
PROPOSED LOCATION

1000 GAL KERO
1000 GAL TANK

1000 GAL KERO

DRIVEWAY

O-PUMP

PUMP SIDE BUILDING
TEMPLES FILLING STATION

DOOR

DOOR

O-PUMP

YARD

YARD

RECEIVED
APR 18 1939
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

APPLICATION FOR PERMIT

Class of Building or Type of Structure _____ Installation _____

Portland, Maine, December 31, 1954

INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~erect~~ ~~construct~~ ~~install~~ the following building ~~or~~ ~~equipment~~ in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location Peaks Island, Peaks Island Within Fire Limits? no Dist. No. 2722

Owner's name and address A. Hilton, Peaks Island Telephone 5-2872

Contractor's name and address _____ Telephone _____

Engineer's name and address OWLET Telephone _____

Specifications _____ Plans no No. of sheets _____

Proposed use of building _____ No. families _____

Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____

Other buildings on same lot _____

Estimated cost \$ _____ Fee \$ 1.00

General Description of New Work

To remove existing 1000 gallon ^{kerosene} ~~gasoline~~ tank and
 To install 1-2000 gallon ^{kerosene} ~~gasoline~~ tank -
 Tank to be in same location as existing tank - to be buried at least 3' below grade;
 have manufacturer's label; coated with asphaltum, 1 1/2" piping from tank to pump.

Permit not actually issued because of not installed all materials

1421 to Fire Dept. 12/31/54
 Recd. from Fire Dept. 1/9/55

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. **PERMIT TO BE ISSUED TO owner**

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____
 Is connection to be made to public sewer? _____ If not, what is proposed for sewage? _____
 Has septic tank notice been sent? _____ Form notice sent? _____
 Height average grade to top of plate _____ Height average grade to highest point of roof _____
 Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____
 Material of foundation _____ Thickness, top _____ bottom _____ cellar _____
 Material of underpinning _____ Height _____ Thickness _____
 Kind of roof _____ Rise per foot _____ Roof covering _____
 No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____
 Framing lumber—Kind _____ Dressed or full size? _____
 Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____
 Girders _____ Size _____ Columns under girders _____ Size _____ Max. on centers _____
 Studs (outside walls and carrying partitions) 2-16" O. C. Bridging in every floor and flat roof span over 8 feet.
 Joists and rafters: 1st floor _____, 2nd _____, 3rd _____, roof _____
 On centers: 1st floor _____, 2nd _____, 3rd _____, roof _____
 Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____
 If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____, to be accommodated _____ number commercial cars to be accommodated _____
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

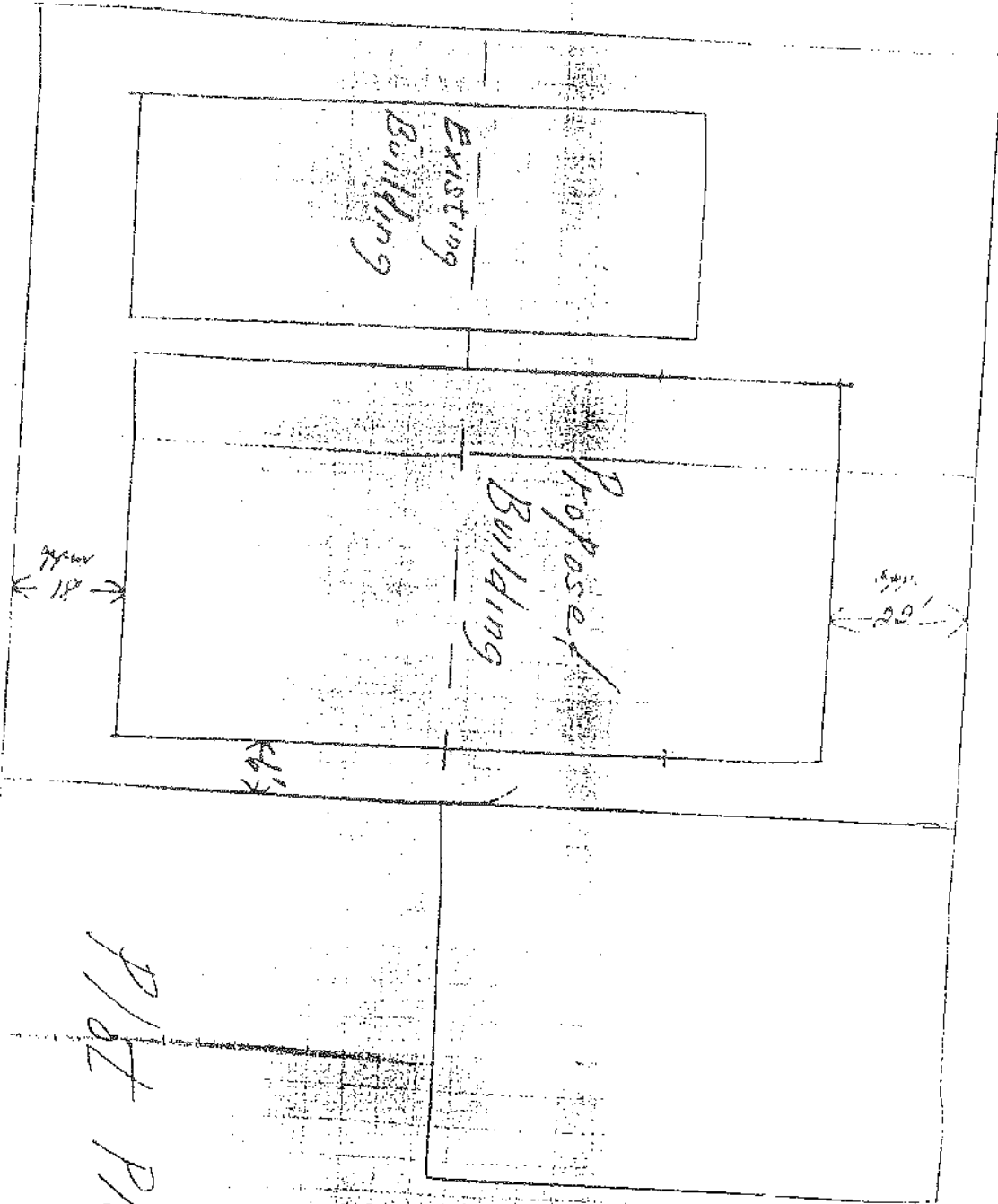
Miscellaneous

Will work require disturbing of any tree on a public street? no
 Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are _____

APPROVED: _____
 APPROVED 1/10/55

Welsh St.

Grand Ave



Plot Plan.

2 in

1964

DataMap Technology Corporation

Environmental FirstSearch™ Report

TARGET PROPERTY:

33 ISLAND AVE

PEAKS ISLAND ME 04108

Job Number: 12452

PREPARED FOR:

Mainland Consultants

30 Exchange Street

Portland, ME 04101

12-07-99

Tel: (781) 320-3720

Fax: (781) 320-3715

APPENDIX D
FEDERAL AND STATE ENVIRONMENTAL RECORDS SEARCH

APPLICANT FILL OUT I - XVIII AND DETAILS OF WORK ON REVERSE

Please insert N/A (not applicable) for any item not pertaining to your request

I. GENERAL INFORMATION

Location/address of construction 84-T-10 Island Avenue, Peaks Island
 Owner or lessee's name Jackson's Service Center Inc. Tel. 766-2722
 Address Natick Street, Peaks Island
 Contractor's name same License # 930 Tel. _____
 Address _____

Subcontractors:

PERMIT ISSUED

APR 28 1987

City Of Portland

II. NEW SUBDIVISION OR EXISTING LOT REFERENCE

Name _____
 Lot _____
 Block _____
 Bk. & pg. Reg./ deeds _____
 Date recorded _____

III. PROPOSED USE: CODE 322 - Service Repair Garage If other, explain _____ Seasonal _____ Condominium _____ Apartment _____

IV. PAST USE: 322 - Service Repair Garage

V. OWNERSHIP: PUBLIC (Federal/State/local government) _____ PRIVATE (Individual/corp/nonprofit) _____

VI. DESCRIPTION OF WORK: To remove three tanks, 1 kerosene, 2 #2 fuel oil - underground.
1,000 gal. 2- 2,000 gals.

ISSUE PERMIT TO OWNER AT ISLAND AVENUE, PEAKS ISLAND

VII. BUILDING DIMENSIONS: length _____ width _____ square footage _____ height _____ #stories _____

VIII. EST. CONSTRUCTION COST: _____ TAX GR. SQ. FT. OF LAND _____ BLDG. _____

X. RESIDENTIAL BUILDINGS ONLY: BEDROOMS _____
 * NEW DWELLING UNITS WITH _____
 * EXISTING DWELLING UNITS WITH _____

XI. RESIDENTIAL UNITS: _____
 * NEW DWELLINGS _____
 * EXISTING DWELLINGS _____
 NET RESIDENTIAL UNITS _____

XII. SIGNATURE OF APPLICANT: _____ DATE: 4/16/87

DO NOT WRITE BELOW THIS LINE

XIII. ZONING: DISTRICT _____ STREET FRONTAGE _____
 SETBACKS: front _____ back _____ side _____ side _____
 ZONING BOARD APPROVAL: no yes (date) _____
 PLANNING BOARD APPROVAL: no yes (date) _____

XIV. OFFICE USE: _____
 TAX MAP # _____ 84
 LOT # _____
 VALUE/STRUCTURE _____
 PERMIT EXPIRATION _____

XV. CONDITIONAL USE: variance _____ site plan _____ subdivision _____ shore and floodplain mgmt _____
 special exception _____ other _____ (explain) _____

XVI. SIGNATURE OF FIELD INSPECTOR (CEO): _____ DATE: _____

XVII. FEES:
 base fee _____
 subdivision fee _____
 site plan review fee _____
 other fees _____
 rate fee _____
 TOTAL 30.00

XVIII. SPACE FOR FIGURING / ADDITIONAL COMMENTS:
James P. Collins, CEO

1. WATER SUPPLY <input type="checkbox"/> public <input type="checkbox"/> private	8. CHIMNEY * flues * linings material	PLOT PLAN/DETAILS OF WORK ON REVERSE White - Municipal Office Yellow - CEO Pink - Tax Assessor Gold - GPCOB
2. SEWER <input type="checkbox"/> public <input type="checkbox"/> private, type	9. FRAMING: floor joists	
3. HEAT type fuel	size max. on centers	
4. FOUNDATION type	ceiling joists	
5. ROOF type thickness footing pitch covering load	rafters	
6. PLUMBING * tubs * showers * lavatories * laundry tubs * flushes * other	studs	
SPRINKLER SYSTEM? <input type="checkbox"/> yes <input type="checkbox"/> no	wall studs	
7. ELECTRICAL service entrance size * smoke detectors	10. If 1-story building w/ masonry walls: wall thickness height	
	11. BEDROOM WINDOWS	

Environmental FirstSearch
Search Summary Report

Target Site: 33 ISLAND AVE
PEAKS ISLAND ME 04108

FirstSearch Summary

Database	Sel	Updated	Radius	Site	1/8	1/4	1/2	1/2 >	ZIP	TOTALS
NPL	Y	10-13-99	1.00	0	0	0	0	0	0	0
CERCLIS	Y	10-13-99	0.50	0	0	0	0	-	0	0
RCRA TSD	Y	10-18-99	0.50	0	0	0	0	-	0	0
RCRA COR	Y	10-18-99	1.00	0	0	0	0	0	0	0
RCRA GEN	Y	10-18-99	0.25	0	0	0	-	-	0	0
RCRA NLR	N	10-18-99	0.25	-	-	-	-	-	-	-
ERNS	Y	09-17-99	0.25	0	0	2	-	-	1	3
NPDES	N	10-18-99	0.25	-	-	-	-	-	-	-
FINDS	N	07-16-98	0.25	-	-	-	-	-	-	-
TRIS	N	10-12-99	0.25	-	-	-	-	-	-	-
STATE SITES	Y	05-30-95	1.00	0	1	0	0	5	0	6
SPILLS-1990	Y	11-01-99	0.50	1	2	1	3	-	1	8
SPILLS-1980	Y	10-30-98	0.50	1	0	0	0	-	1	2
SWL	Y	01-01-98	0.50	0	0	0	0	-	0	0
PERMITS	N	NA	0.25	-	-	-	-	-	-	-
OTHER	N	NA	0.25	-	-	-	-	-	-	-
REG UST/AST	Y	11-02-99	0.25	0	0	1	-	-	1	2
LEAKING UST	N	NA	0.50	-	-	-	-	-	-	-
ACTIVE PWS	N	NA	0.50	-	-	-	-	-	-	-
AQUIFERS	N	NA	0.50	-	-	-	-	-	-	-
ACEC	N	NA	0.50	-	-	-	-	-	-	-
WETLANDS	N	NA	0.50	-	-	-	-	-	-	-
FLOODPLAINS	N	NA	0.50	-	-	-	-	-	-	-
- TOTALS -				2	3	4	3	5	4	21

Notice of Disclaimer

Due to the limitations, constraints, inaccuracies and incompleteness of government information and computer mapping data currently available to DataMap Technology Corp., certain conventions have been utilized in preparing the locations of all federal, state and local agency sites residing in DataMap Technology Corp.'s databases. All EPA NPL and state landfill sites are depicted by a rectangle approximating their location and size. The boundaries of the rectangles represent the eastern and western most longitudes; the northern and southern most latitudes. As such, the mapped areas may exceed the actual areas and do not represent the actual boundaries of these properties. All other sites are depicted by a point representing their approximate address location and make no attempt to represent the actual areas of the associated property. Actual boundaries and locations of individual properties can be found in the files residing at the agency responsible for such information.

Waiver of Liability

Although DataMap Technology Corp. uses its best efforts to research the actual location of each site, DataMap Technology Corp. does not and can not warrant the accuracy of these sites with regard to exact location and size. All authorized users of DataMap Technology Corp.'s services proceeding are signifying an understanding of DataMap Technology Corp.'s searching and mapping conventions, and agree to waive any and all liability claims associated with search and map results showing incomplete and or inaccurate site locations.

*Environmental FirstSearch
Site Information Report*

Request Date: 12-07-99
Requestor Name: BOB
Standard: ASTM

Search Type: COORD
Job Number: 12452
FILTERED REPORT

Target Address: 33 ISLAND AVE
PEAKS ISLAND ME 04108

Demographics

Sites: 21	Receptors: 0	Population: NA
Radon: 0.8 PCIL		

Site Location

	<u>Degrees (Decimal)</u>	<u>Degrees (Min/Sec)</u>	<u>UTMs</u>
Longitude:	-70.198086	-70:11:53	Easting: 403386.238
Latitude:	43.654796	43:39:17	Northing: 4834014.51
			Zone: 19

Comment

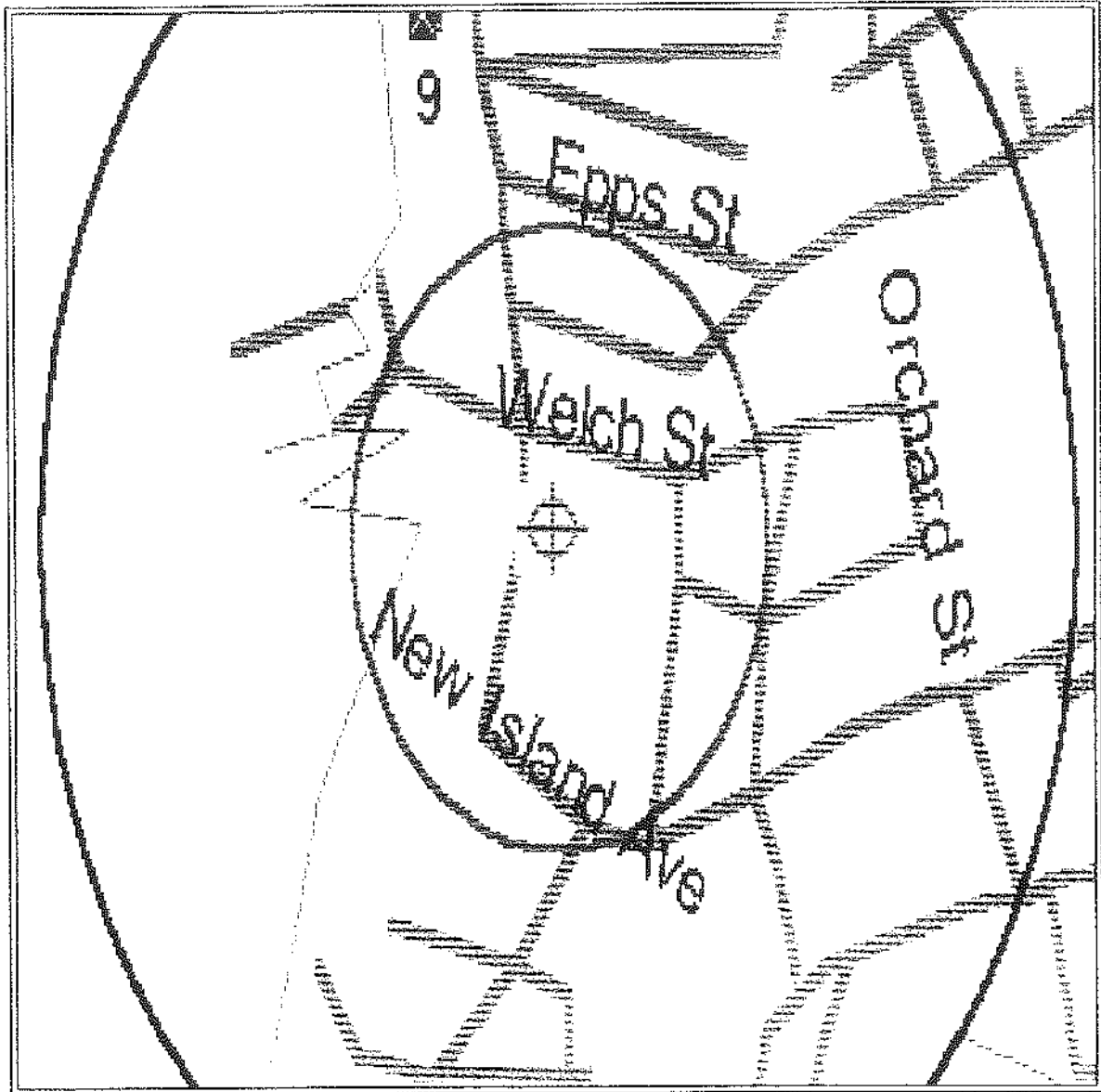
Comment:

Additional Requests









Adjacent ZIP Codes: 0.00 Mile(s)	Topo Map Boundaries: 0.00 Mile(s)																											
<table border="1" style="width: 100%;"><thead><tr><th>ZIP</th><th></th><th></th><th></th><th></th></tr><tr><th>Code</th><th>City Name</th><th>ST</th><th>Dist/Dir</th><th>Sel</th></tr></thead><tbody><tr><td colspan="5" style="height: 150px;"></td></tr></tbody></table>	ZIP					Code	City Name	ST	Dist/Dir	Sel						<table border="1" style="width: 100%;"><thead><tr><th>Quadrant Name</th><th></th><th></th><th></th></tr><tr><th></th><th>Dist/Dir</th><th></th><th>Sel</th></tr></thead><tbody><tr><td colspan="4" style="height: 150px;"></td></tr></tbody></table>	Quadrant Name					Dist/Dir		Sel				
ZIP																												
Code	City Name	ST	Dist/Dir	Sel																								
Quadrant Name																												
	Dist/Dir		Sel																									

Environmental FirstSearch
 .25 Mile Radius
 ASTM Map: RCRAGEN, ERNS, UST

33 ISLAND AVE, PEAKS ISLAND ME 04108

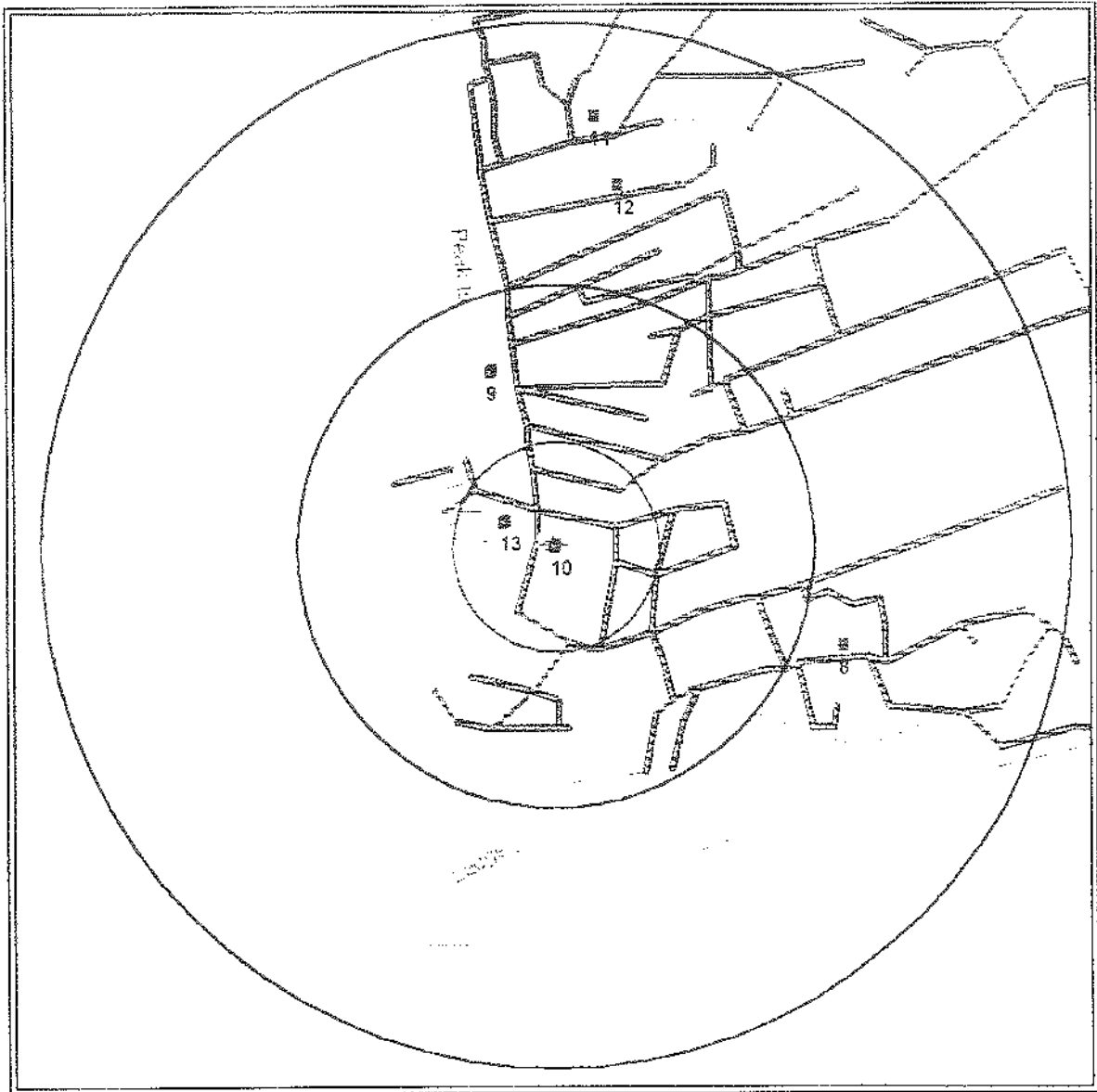


Source: 1994 U.S. Census TIGER Files









- | | | | |
|---|------------------------|---|-----------------------|
|  | Target Site |  | Target ZIP Boundary |
|  | Identified Site |  | Adjacent ZIP Boundary |
|  | Multiple Sites |  | Railroad |
|  | Receptor | | |
|  | NPL, SWL or Haz. Waste | | |
- Black Rings Represent 1/4 Mile Radius
 Red Ring Represents 500 ft. Radius



Environmental FirstSearch
 5 Mile Radius
 ASTM Map: CERCLIS, RCRATSD, SPILLS90, SWL, LUST
 33 ISLAND AVE, PEAKS ISLAND ME 04108



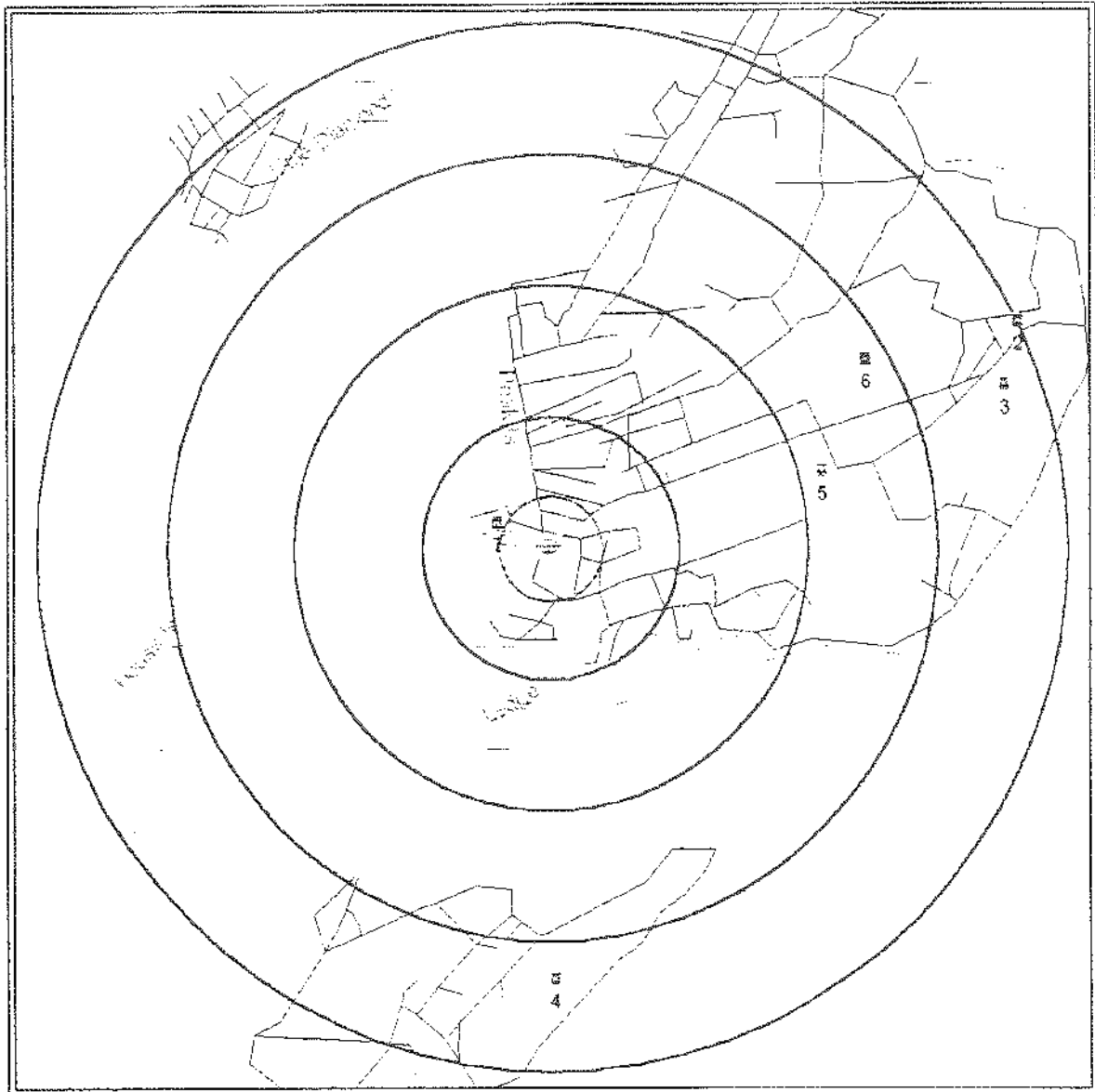
Source: 1994 U.S. Census TIGER Files

- | | | | |
|---|------------------------|---|-----------------------|
|  | Target Site |  | Target ZIP Boundary |
|  | Identified Site |  | Adjacent ZIP Boundary |
|  | Multiple Sites |  | Railroad |
|  | Receptor | | |
|  | NPL, SWL or Haz. Waste | | |
- Black Rings Represent 1/4 Mile Radii
 Red Ring Represents 500 ft. Radius











Environmental FirstSearch
 1 Mile Radius
 ASTM Map: NPL, RCRACOR, STATE Sites

33 ISLAND AVE. PEAKS ISLAND ME 04108



Source: 1994 U.S. Census TIGER Files

- | | | | |
|---|------------------------|---|-----------------------|
|  | Target Site |  | Target ZIP Boundary |
|  | Identified Site |  | Adjacent ZIP Boundary |
|  | Multiple Sites |  | Railroad |
|  | Receptor | Black Rings Represent 1/4 Mile Radii | |
|  | NPL, SWL or Haz. Waste | Red Ring Represents 500 ft. Radius | |



*Environmental FirstSearch
Sites Summary Report*

TARGET SITE: 33 ISLAND AVE
PEAKS ISLAND ME 04108

JOB: 12452

TOTAL: 21 GEOCODED: 17 NON GEOCODED: 4 SELECTED: 2

ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	Map ID
1	ERNS	COCH MATERIALS COMPANY 576021 UNKNOWN	5 CENTRAL AVENUE ROLLING MILLS PORTLAND ME 04106	0.24 NE	1
2	ERNS	KOCH MATERIAL COMPANY 577969 UNKNOWN	5 CENTRAL AVENUE ROLLING MILLS PORTLAND ME 04106	0.24 NE	1
3	STATE	BATTERY CRAVEN D01ME0474 DERP-FUDS	PORTLAND ME 04108	1.00 NE	2
4	STATE	BATTERY STEELE D01ME0475 DERP-FUDS	PORTLAND ME 04108	0.93 NE	3
5	STATE	FORT LEVETT D01ME0119 DERP-FUDS	PORTLAND ME 04109	0.83 SE	4
6	STATE	PEAKS ISLAND LANDFILL ME291 LBL	OFF BRACKETT AVE PORTLAND ME 04108	0.55 NE	5
7	STATE	PEAKS ISLAND MILITARY RESERVE D01ME0489 DERP-FUDS	PORTLAND ME 04108	0.71 NE	6
8	STATE	PEAKS ISLAND WHARF D01ME0144 DERP-FUDS	PORTLAND ME 04108	0.11 NW	7
9	SPILLS	HARMON -- RENTAL PROPERTY P53798	62 SEASHORE AVENUE PORTLAND ME 04108	0.29 SE	8
10	SPILLS	LIONEL PLANTE ASSOC. P48895	98 ISLAND AVENUE PORTLAND ME 04108	0.18 NW	9
11	<i>SPILLS</i>	<i>PEAK ISLAND FUEL P48995</i>	<i>33 ISLAND AVENUE PEAKS ISLAND ME 04108</i>	<i>0.00 --</i>	<i>10</i>
12	SPILLS	PEAKS ISLAND SCHOOL DEPARTMENT P52191	PEAKS ISLAND PORTLAND ME 04108	0.41 NE	11
13	SPILLS	THOMAS, JAN P6997	13 ELIZABETH STREET PORTLAND ME	0.35 NE	12
14	SPILLS	WELCH ST. @ JONES LANDING P52097	PEAKS ISLAND PORTLAND ME 04102	0.05 NW	13
15	SPILLS	P39892	PORTLAND ME 04108	0.05 NW	13
16	<i>SPILLS80</i>	<i>JACKSONS SERVICE & GAS P31885</i>	<i>PORTLAND ME 04108</i>	<i>0.00 --</i>	<i>10</i>
17	UST	LIONEL PLANTE ASSOCIATES 14733	ISLAND AVENUE PORTLAND ME 04107	0.18 NW	9

*Environmental FirstSearch
Sites Summary Report*

TARGET SITE: 33 ISLAND AVE
PEAKS ISLAND ME 04108

JOB: 12452

TOTAL: 21 GEOCODED: 17 NON GEOCODED: 4 SELECTED: 2

ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	Map ID
18	ERNS	515730:UNKNOWN	PEAKS ISLAND BOAT RAMP PEAKS ISLAND ME 04108	NON GC	
19	SPILLS	MYSTERY P13294	PEAKS ISLAND PORTLAND ME 04108	NON GC	
20	SPILLS80	JACKSONS SERVICE CTR. P8580	PEAKS ISLAND PORTLAND ME 04108	NON GC	
21	UST	PEAKS ISLAND CENTRAL OFFICE 08367	ISLAND AVENUE PORTLAND ME 04107	NON GC	

APPENDIX E

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)
SPILL REPORTS:

P48995
P31885
P8580

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 33 ISLAND AVE
PEAKS ISLAND ME 04108

JOB: 12452

STATE SPILLS 80's SITE

SEARCH ID: 16

DIST/DIR: 0.00 --

MAP ID: 10

NAME: JACKSONS SERVICE & GAS

REV: 01 21 99

ADDRESS: PORTLAND ME

ID1: P31885

ID2:

CONTACT:

STATUS:

PHONE:

NOTIFIER: ANONYMOUS

NOTIFIER S ADDRESS:

NOTIFIER PHONE:

DATE OF RELEASE:

CAUSE OF SPILL:

UNKNOWN

METHOD OF SPILL DETECTION:

ANONYMOUS - OTHER

PRODUCT REPORTED SPILLED:

UNKNOWN SUBSTANCE

ACTUAL PRODUCT SPILLED:

UNKNOWN SUBSTANCE

AMOUNT SPILLED:

UNITS:

SPILL SOURCE:

TERMINAL-SERVICE STATION

MEDIUM AFFECTED:

LAND AND GROUNDWATER

TANKS INVOLVED:

UNDERGROUND STORAGE TANKS

NUMBER OF WELLS AT RISK:

0

NUMBER OF WELLS IMPACTED:

0

METHOD OF SPILL RECOVERY:

NONE

AMOUNT OF PRODUCT RECOVERED:

SPILL INVESTIGATED BY:

EUFEMIA, STEVEN

TANK INFORMATION:

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 33 ISLAND AVE
PEAKS ISLAND ME 04108

JOB: 12452

STATE SPILLS SITE

SEARCH ID: 11

DIST/DIR: 0.00 --

MAP ID: 10

NAME: PEAK ISLAND FUEL
ADDRESS: 33 ISLAND AVENUE
PEAK ISLAND ME 04108

REV: 11 01 99
ID1: P48995
ID2:
STATUS:
PHONE:

CONTACT:

NOTIFIER: BEANE, ROBERT
NOTIFIER'S ADDRESS: STATE FIRE MARSHAL,
AUGUSTA ME 04333
NOTIFIER PHONE:

DATE OF RELEASE:
CAUSE OF SPILL: NONE -NO CAUSE
METHOD OF SPILL DETECTION: PUBLIC OFFICIAL - OTHER
PRODUCT REPORTED SPILLED: #2 FUEL OIL
ACTUAL PRODUCT SPILLED: #2 FUEL OIL
AMOUNT SPILLED: 1.99
UNITS: G
SPILL SOURCE: TRANSPORTATION- TANK TRUCK
MEDIUM AFFECTED: LAND
TANKS INVOLVED:
NUMBER OF WELLS AT RISK:
NUMBER OF WELLS IMPACTED:

METHOD OF SPILL RECOVERY: NONE
AMOUNT OF PRODUCT RECOVERED:

SPILL INVESTIGATED BY: BREZINSKI STEPHEN

TANK INFORMATION:

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
OIL & HAZARDOUS MATERIALS REPORT FORM

Spill Number P - 489 - 95

SUBJECT / OWNER OR OPERATOR

Name (Last, First, MI): BRUNS, RICHARD

Address: 105 SARGENT ROAD

Town: PEAK ISLAND

State: ME Zip: 04108

Telephone:

Comments: FUEL OIL DELIVERY ROUTINE INSPECTION. NO AST'S OR UST'S ONSITE.

LOCATION / FACILITY INFORMATION

Spill Location: PEAK ISLAND FUEL

Address: 33 ISLAND AVENUE

Location ID: 21981

Town: PEAK ISLAND

Zip: 04108

Latitude N: 43 / 39 / 18.26

Longitude W: 70 / 11 / 51.72

SPILL / EVENT INFORMATION

Spill Type: A (Table A) Amount Spilled: 1.99 G (Gals, Yds³, Lbs or Bbls)

Product Reported Spilled: 02 (Table B) Product Actually Found: 02 (Table B)

Date Of Spill: Time Of Spill: (Military)

Date Reported: Aug. 17, 1995 Time Reported: (Military)

Cause Of Spill: 00 (Table C) Detection Method: 4 I (Table D)

Incident Code: E - TT - L - (Table E)

DEP response time involved: 8 Wells At Risk: Wells Impacted:

Investigators' names : BREZINSKI, STEPHEN *SGB*

PERSON REPORTING EVENT

Name (Last, First, MI): BEANE, ROBERT

Address: STATE FIRE MARSHALL

Town: AUGUSTA

State: ME Zip Code: 04333

Telephone:



CLEAN-UP INFORMATION

Spill Number P - 489 - 95

Total Product Recovered : (Gals, Yds3, Lbs, Tons or Bbls)

Method of Recovery : K

Non Recyclable : (Gals, Tons or Bbls)

Solids Combustible : (Yds3 or Tons)

Solids Non Combustible : Yds3

Recyclable : (Gals, Yds3, Lbs, Tons or Bbls)

Number Filters Installed : 0

Number Aerators Installed : 0

Disposal Information :None at this time.

OTHER ACTIONS

Expenditure (s) - From Surface Water Fund N (Y or N)
From Ground Water Fund N (Y or N)
From Haz Waste Fund N (Y or N)

Third Party Damage Claim Expected N (Y or N)

Enforcement Referral N (Y or N)

Insurance Fund Claim N (Y or N)

Tech Services Referral N (Y or N)

UNDERGROUND TANKS INFORMATION

UNO/UST Tank Size Of Tank Tank Piping Tank
Site Number Number Tank Material Age Material Status

Please use separate sheets of paper, as needed, for your detailed Recommendations and Spill Narrative. Remember to include/attach directions to find spill site (with a map if possible), all observations made, clean up actions performed and photos (if taken).

Include known chemical names when report is about Hazardous Materials.

Please, document your information carefully. It may be needed for future reference or legal action.

Maine DEP Spill Report P-489-95sgb

Peaks Island Fuel Co., Portland (Peaks Island)

Introduction & Summary

On 8/17/95, I visited this facility with Bob Beane, of the State Fire Marshal's office, at Mr. Beane's request. Apparently there were disagreements and/or complaint between the operators of Peaks Island Fuel and the operators of Lionel Plante Assoc. fuel oil company. Portland Fire Dept. (PFD) asked the Fire Marshal's office and DEP to investigate the two facilities as impartial observers to answer any questions and document our observations. I understand that this fuel company is partially owned or operated by one or more Portland Fire Dept. fire fighters and for this reason the PFD wished not to be involved for potential conflict-of-interest reasons. During our visit we noted minor fuel oil spillage (at both facilities) but no significant problems. I understand that this facility has not had any UST's or AST's but fills the trucks on the mainland in Portland and ferry's them back to the island. See the below text and attachments for further details.

Site Visit(s)

Bob Beane and I visited the site in the early afternoon of Thursday, 8/17/95 and met with the operator, Mr. Richard Bruns. Neither Beane and I had ever been to the facility before.

Location Information

This facility is located at the corner of Welch St. and Island Ave. just up from the ferry terminal. Also located on the property is Forest City Lumber Co., and a repair garage. No UST's nor AST's were observed. The area is a mix of dense residential and commercial with water supplies from a pipeline from the mainland. We noted three fuel oil trucks and two propane trucks parked onsite.

Geology & Contamination Assessment

No mapped aquifers are understood to exist on the island. The spillage noted appeared to be a gallon or less of fuel and/or hydraulic oil from the trucks. The DT works out to be an *Intermediate Clean-Up Goal*.

Remedial Actions

None recommended at this time.

Fund/Damage Claims

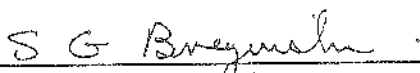
None believed applicable as this facility has no AST's or UST's.

Conclusions & Recommendations

At this time no further Response Div. action is anticipated and the site is understood to be clean to Dept. satisfaction. As this operation is largely a transportation facility there appears to be little DEP or Fire Marshal jurisdiction unless there are prohibited (oil) discharges. I feel it wise that Mr. Bruns have spill response material (sorbent pads, bags) close onhand because of difficulty of spill response to the island.

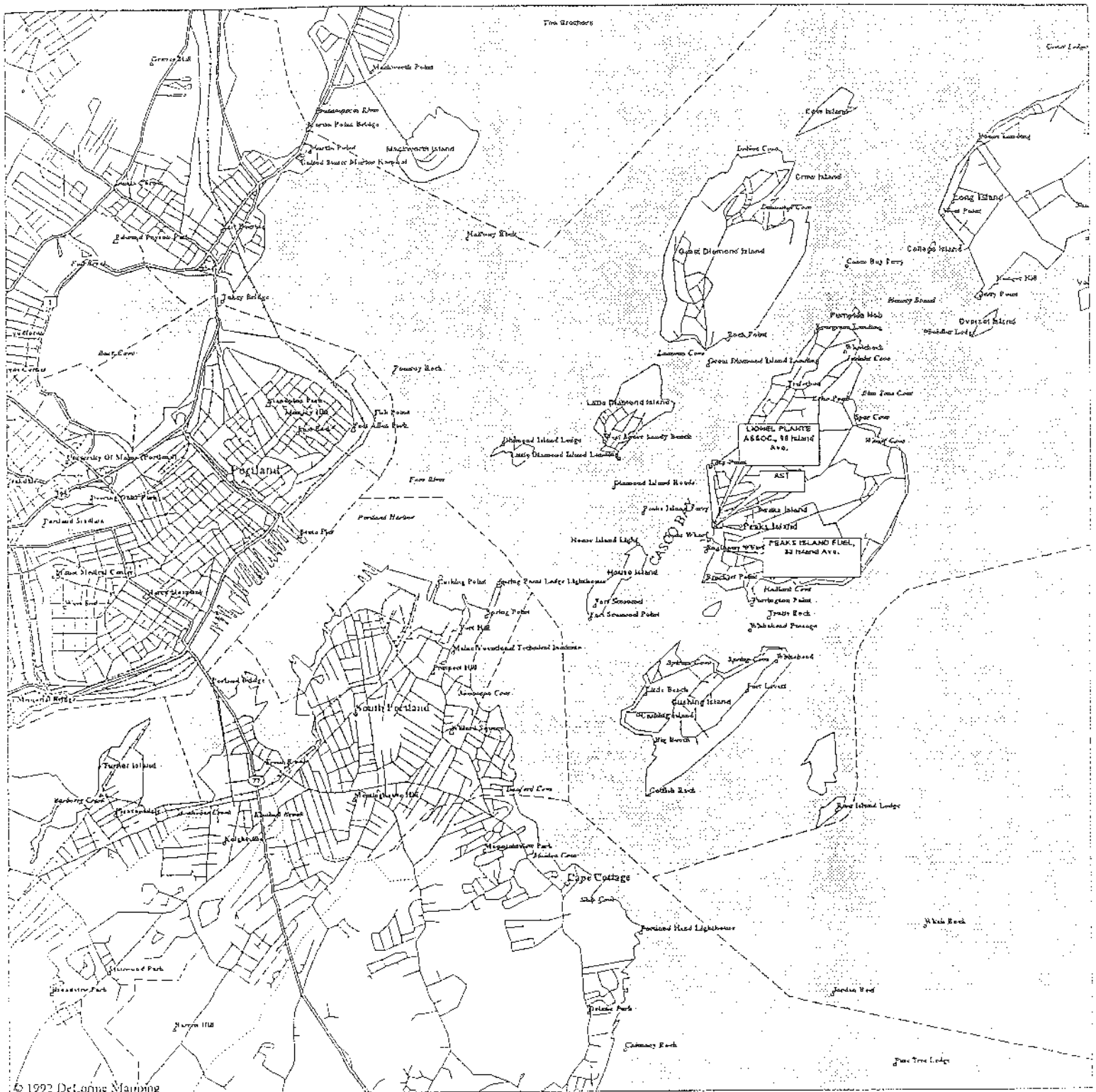
Because of apparent public sensitivity and possible friction on the island I recommend that both oil companies report all spillage as required by regulation and statute (there being no minimum reportable quantity for oil spillage with these facilities) and to ensure that spills are cleaned to Dept. satisfaction. I have found no record at this time that the discharge noted (though minor) had been reported to the DEP.

This report is written as an internal Maine DEP document; is based on knowledge of the site, regulations and statute at the time of the report's writing; and should not be construed to be a site assessment nor to indicate there will be no further DEP action; and do not reflect unknowns and future information. Amounts spilled and recovered are estimates based on present information, observation and/or experience. Decisions regarding clean-up were made in good faith and were based on Maine regulations, statute, and/or DEP Decision Tree.



Stephen G. Brezinski
Oil & Hazardous Materials Specialist,
Division of Response Services, BHMSWC, Maine DEP

file a:p489-95b



LEGEND

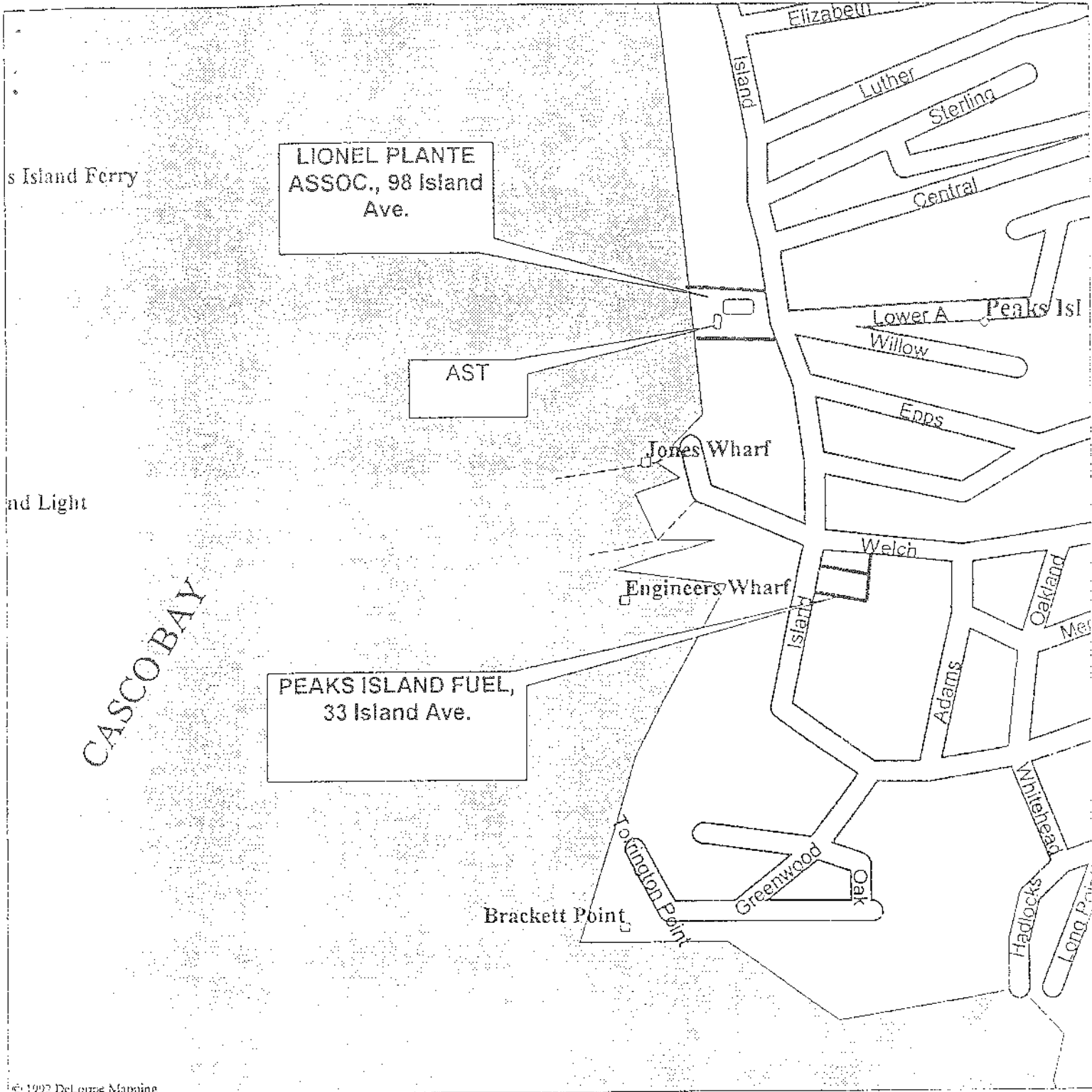
- | | | | |
|--|-------------|--|--------------------|
| | State route | | Park |
| | Marker | | Interstate route |
| | City | | U.S. route |
| | Small town | | Boundary |
| | Medium town | | Road |
| | Large town | | Walkway, alley |
| | Hill | | Interstate highway |
| | Hospital | | State highway |

Scale 1:50,000 (at center)

5000 Feet

1000 Meters

Mag 14.00
Thu Aug 17 14:55:01 1995

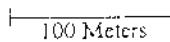
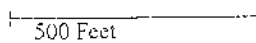


© 1993 DeLorme Mapping

LEGEND

- Marker
- Small town
- Road
- - - Walkway, alley
- Shoreline
- Island
- Open water

Scale 1:4,687 (at center)



P-488-95 & P-489-95sgb

Mag 16.00

Thu Aug 17 14:33:51 1995

ORIGINAL

JUN 1985

OIL & HAZARDOUS MATERIALS REPORT FORM
Spill Number P/318/85

COPY

SUBJECT

Name (Last, First, MI): Jackson Service Center
Address: _____ Town: _____ State: _____
Zip: _____ Telephone Number: () - _____ (Optional)

SPILL INFORMATION

Location (Town): Pearl Island Spill type: 3 (Table A)
Amount spilled: NA (gals, yds³, lbs, or bbls)
Type of spill: 13 (Table B)
Date of spill: 1/1/85 (Yr/Mo/Dy) Time of spill: _____ (Military)
Date reported: 35/11/22 (Yr/Mo/Dy) Time reported: 0830 (Military)
Cause: A14 (Table C) Detection method: S3 (Table D)
Incident code: 6C (Table E) DEP response time involved: 5 (Hours)
No. of wells at risk: _____ No. of wells impacted: _____
Investigators' names: 1. Suzanna, S.H.
2. _____
3. _____

PERSON REPORTING INCIDENT

Name (Last, First, MI): Anonymous
Address: _____ Town: _____ State: _____
Zip: _____ Telephone Number: () - _____ (Optional)

CLEAN-UP INFORMATION

Total product recovered: _____ (gals, yds³, lbs, or bbls)
Method: _____ (Table K) Non-recyclable: _____ (gals, or bbls)
Solids combustible: _____ (yds³, or tons)
Solids non-combustible _____ yds³
Recyclable material: _____ (gals, yds³, lbs, or bbls)
Number of filters installed: _____ Number of aerators installed: _____
Disposal Information: _____

OTHER ACTIONS

Reimbursement: to SF (surface water) N (Y or N)
to GF (ground water) N (Y or N)
to HWF (haz waste) N (Y or N)
Third party damage claim expected: N (Y or N)
Enforcement referral: N (Y or N)

REMARKS/RECOMMENDATIONS/NARRATIVE:

UNDERGROUND TANK
FORMATION

	I	II	III	IV	V	VI
Tank Registration #						
Size of Tank						
Tank Construction (Table H)						
Tank Age (Table I)						
Spilling Construction (Table J)						

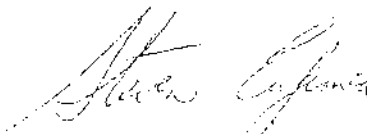
NATURE OF COMPLAINT FOR INVESTIGATION:

REMARKS/RECOMMENDATIONS/NARRATIVE:

On 11/22/85, a caller who wished to remain anonymous called to report that the owner's of Jackson's Service Center on Peaks Island were removing underground storage tanks and the the soil from the excavation was grossly contaminated. The caller also stated that the contaminated soil was being disposed of at another location on Peaks Island and he was concerned over the impact the hydrocarbons might have on the groundwater.

I met with Mr. Jackson on Peaks Island and indicated to him I had received a complaint and what I was interested in seeing. Mr. Jackson showed me the excavation from which a 5000 gallon tank had been removed. A slight odor was evident but little or no contamination of the soil or the 5-6" of standing water in the excavation could be seen. Mr. Jackson then took me to the area where he is depositing the soil. He indicated that he was only leaving the soil at this location until he completed excavating all 5 of the tanks. At that time the soil would be replaced in the excavation. The soil had some odor but was very dry and only minimally contaminated.

No further action is required.



Steven J. Eufemia
Oil & Hazardous Materials Specialist III

OIL & HAZARDOUS MATERIALS REPORT FORM

SUBJECT:

NUMBER E / 318 / 1985

Name: (Last, First, MI) Jackson's Service Center

Address: _____ Town: _____

State: _____; Zip-Code: _____; Tel. #: (____) - ____ - ____ (Optional)

SPILL INFORMATION:

Town: Peaks Island; Type: 3 (1, 2, 3, or 4); (Table A)

Amount Spilled: _____ (gals., yds³, lbs, or bbls); Type of Oil _____ (Table B)

Date of Spill: ____/____/____ (yy/mm/dd), Time of Spill _____ (Military)

Date Reported: 85/11/22 (yy/mm/dd), Time Reported 08:30 (Military)

Cause: _____ (Table C); Detection Method: 3 (Table D);

OTHER INFORMATION:

Investigator: (Last, FI, MI) Eufemia, S.J. Incident Code: _____ (Table E)

Coastal Surface Water: N (Y or N); Inland Surface Water: N (Y or N);

Groundwater: N (Y or N); DEP Time Involved: 5 (Hours)

Hands On Training Credits: (Table F) Cat. _____ Hrs. _____; Cat. _____ Hrs. _____; Cat. _____

Hrs. _____; Cat. _____ Hrs. _____; Cat. _____ Hrs. _____; Cat. _____ Hrs. _____; Cat. _____ Hrs. _____;

PERSON REPORTING INCIDENT:

Name: (Last, First, MI) Anonymous

Address: _____ Town: _____;

State: _____; Zip-Code: _____ Tel. #: _____ - _____ - _____

OTHER ACTIONS:

Reimbursement: to SF (Surface Water): N (Y or N) / GF (Groundwater): N (Y or N)

to HWF: N (Y or N) / Third Party Damage Claim Expected: N (Y or N);

Enforcement Referral: _____ (Y or N)

CLEAN-UP INFORMATION

Recovered or Treated: _____ (gals., yds³, lbs, or bbls). Method: _____ (Table G);

Non-Recyclable Material: _____ (gals., yds³, lbs, bbls) Solids Combustible: _____ (yds³)

Solid Non-Combustible: _____ (yds³); Recyclable Material: _____ (gals., yds³, lbs, bbls)

Disposal Information: _____

ENTERED

To: Steve Erekking
5 Portland Office
From: J. Seel

Dept. of Environmental Protection ^{AT} Augusta, Maine

1617CT removal & abandonment of (5) underground tanks DATE 11/8/85

his letter is to notify the D.E.P. that on Nov. 18, 1985, Jackson's
unice Center, Inc. will remove and abandon (5) underground
oil storage tanks; consisting of (2) 5000 gal. tanks (1) 1000 gal. tank used
for #2 Fuel Storage (1) 1000 gal. tank used for #1 fuel and (1) 1000 gal.
tank used for Reg. gasoline storage. Tanks located at Island Ave.,
37-00-30-32 Peaks Island, Maine.

PLEASE REPLY TO SIGNED Ralph E. Jackson, President

08:00 21 NOV 85

ATE SIGNED

disprm 45 469
FAX (503) 575 445

SEND PARTS 1 AND 3 WITH CARBON INTACT.
PART 3 WILL BE RETURNED WITH REPLY.



OIL SPILL REPORT FORM

NOPE *(Signature)*

Spill Case # 85 for P-80

Spillor and Location Jackson's Service Center, Peaks Island

Person Reporting Spill Harbor Supply

Amount and Type of Product 30 gallons #2 Fuel Oil

Date and Time of Spill 5-12-80 1100 Reported 1130 5-12-80

Cause of Spill Leaking dock line P or A P

Total Amount of Oil Recovered 10 gallons Methods absorbent

Oils - Recycleable 0 Liquids - Non-Recycleable 20 gallons

Solids - Combustible 1 roll 3M, 2 bales 3M Solids - Non-Combustible 0

Weather Conditions clear warm 65°F

Water Course Affected Casco Bay

Investigator(s) S. Reichel J. Daye Incident Code C-LT-W
SR

REMARKS - RECOMMENDATIONS

On May 12, 1980 Harbor Supply called our office reporting a leak at the pipeline at the Jackson's Service Center dock.

Jim Daye and myself responded to the spill and arrived at the dock where the Judy Ann was docked discharging #2 fuel oil to Jackson's Service Center. The Harbor Supply crew was deploying absorbent pads at the leak. They immediately stopped discharging product when they saw the fuel oil surfacing below the dock. We brought an absorbent roll with us on the 35' boat, and deployed it around the dock in an effort to contain the fuel oil. Seacoast was also contacted to bring 15" containment boom and additional absorbents.

At 1230 the Harbor Supply vessel left the dock, and the entire dock was surrounded by containment boom with absorbents inside.

No further action necessary.

Jackson's Service Center to be billed for 1 roll of 3-m type 156.

Jackson's Service Center
 Peak's Island, ME 04108

STATE OF MAINE

Inter-Departmental Memorandum Date May 28, 1980

To Gary Webber Dept. Administrative Services
Richard Baker Dept. Department of Environmental Protection
From Division of Oil Conveyance Services Dept. Department of Environmental Protection
Subject Clean-up Costs, P-85-80

Please bill:

Jackson's Service Center
Peak's Island
Maine 04108

1 - roll 3M absorbent \$76.26

copy of spill report attached

Also please send a second letter to the Maine Turnpike Authority requesting reimbursement for spill costs.

Thanks.

RPB/h

Enc.

NOTICE OF UNDERGROUND OIL STORAGE TANK REMOVAL

(File with DEP and local fire department 10 days in advance)

1. REGISTRATION NUMBER: 9768
(Complete only if a registration number has been previously assigned by DEP)
2. FACILITY INFORMATION
 - a. Facility Name: JACKSON'S SERVICE CENTER INC.
 - b. Facility Mailing Address: ISLAND AVE. PEARS ISL. PORTLAND ME
 - c. Telephone Number: 766-2722
3. TANK OWNER INFORMATION
 - a. Name: SAME
 - b. Mailing Address: SAME
 - c. Town/City: PEARS ISL. PORTLAND State: ME Zip: 04108
 - d. Telephone Number: 766-2722
4. CONTRACTOR: RALPH JACKSON
 - a. Name: JACKSON'S SERVICE CENTER INC ID# 203
 - b. Telephone Number: 766-2722
5. EXPECTED REMOVAL DATE: 4/20/87
6. TANK INFORMATION:

Tank No.	Approximate Age (Years)	Tank size (Gallons)	Type Product Most Recently Stored
1	<u>1 yr</u>	<u>2,000</u>	<u>NO 2 FUEL</u>
2.	<u>12 yr</u>	<u>2,000</u>	<u>NO 2 FUEL</u>
3.	<u>6 yr</u>	<u>1,000</u>	<u>K-1 KEOSHAU</u>
4.			
5.			
6.			

APPENDIX F
UNDERGROUND STORAGE TANK REGISTRATIONS
and
TANK REMOVAL FORMS

**MAINE DEP
MASTER UNDERGROUND STORAGE TANKS
SORTED BY TOWN**

REG #	INK #	FACILITY NAME	STREET ADDRESS	TOWN	SENS AREA	STATUS	USE	INSTALLED	VOLUME	PRODUCT	Removed
2516	1	CAPE ELIZABETH PUBLIC WORKS	OCEAN HOUSE ROAD	CAPE ELIZABETH	N	F	M	6/1/62	1000	02	8/1/91
2516	2	CAPE ELIZABETH PUBLIC WORKS	OCEAN HOUSE ROAD	CAPE ELIZABETH	N	F	M	6/1/62	10000	21	
2516	3	CAPE ELIZABETH PUBLIC WORKS	OCEAN HOUSE ROAD	CAPE ELIZABETH	N	B	M	6/1/78	5000	29	
2516	4	CAPE ELIZABETH PUBLIC WORKS	OCEAN HOUSE ROAD	CAPE ELIZABETH	N	B	M	6/1/78	500	81	
2516	5	CAPE ELIZABETH PUBLIC WORKS	OCEAN HOUSE ROAD	CAPE ELIZABETH	N	B	M	6/1/78	3000	23	
2516	6	CAPE ELIZABETH PUBLIC WORKS	OCEAN HOUSE ROAD	CAPE ELIZABETH	N	B	M	7/1/89	10000	23	
2515	1	CAPE ELIZABETH TOWN HALL	320 OCEAN HOUSE ROAD	CAPE ELIZABETH	N	F	H	1/1/76	1000	02	11/14/95
18933	1	CASCO NORTHERN BANK	1234 SHORE ROAD	CAPE ELIZABETH	N	F	C	10/1/69	550	02	
18933	2	CASCO NORTHERN BANK	1234 SHORE ROAD	CAPE ELIZABETH	N	B	C	1/24/95	1000	02	
2102	1	CE METHODIST CHURCH	252 OCEAN HOUSE RD	CAPE ELIZABETH	N	F	E	1/1/68	1000	02	
2102	2	CE METHODIST CHURCH	252 OCEAN HOUSE RD	CAPE ELIZABETH	N	F	E	7/1/85	500	02	7/1/94
11479	1	CHURCH JC LATTER DAY SAINTS	OCEAN HOUSE RD	CAPE ELIZABETH	N	F	H	10/1/69	1000	02	
11479	2	CHURCH JC LATTER DAY SAINTS	OCEAN HOUSE RD	CAPE ELIZABETH	N	B	H	6/1/85	4000	02	
3331	1	COLE, A E	13 DELANO PARK	CAPE ELIZABETH	N	F	E	1/1/61	2000	02	
17718	1	CREI REAL ESTATE	11 FARMS EDGE RD	CAPE ELIZABETH	N	F	E	10/1/69	500	02	4/17/97
920	1	CRESCENT BEACH STATE PARK	TWO LIGHTS STATE PARK	CAPE ELIZABETH	N	F	L	1/1/82	2000	23	
9068	1	CUMBERLAND FARMS INC 1843	287 OCEAN HOUSE RD	CAPE ELIZABETH	N	B	B	8/1/84	8000	28	
9068	2	CUMBERLAND FARMS INC 1843	287 OCEAN HOUSE RD	CAPE ELIZABETH	N	B	B	5/1/84	8000	23	
9068	3	CUMBERLAND FARMS INC 1843	287 OCEAN HOUSE RD	CAPE ELIZABETH	N	B	B	8/1/84	8000	18	
9068	4	CUMBERLAND FARMS INC 1843	287 OCEAN HOUSE RD	CAPE ELIZABETH	N	F	B	10/1/69	550	02	
9068	5	CUMBERLAND FARMS INC 1843	287 OCEAN HOUSE RD	CAPE ELIZABETH	N	F	B	10/1/69	550	81	
18642	1	DAVIS, GORDON B	8 OLD FORT RD	CAPE ELIZABETH	N	F	E	10/1/69	1000	02	6/30/97
18642	2	DAVIS, GORDON B	8 OLD FORT RD	CAPE ELIZABETH	N	F	E	10/1/69	1000	02	6/30/97
18065	1	DOHERTY, MICHAEL	12 ARMS EDGE ROAD	CAPE ELIZABETH	N	F	E	10/1/69	500	02	
17755	1	EHRLICH, GILLIAN E	75 OAKHURST ST	CAPE ELIZABETH	N	F	E	10/1/69	500	02	
19464	1	ENGINE 1 STATION	550 SHORE RD	CAPE ELIZABETH	N	F	H	10/1/69	500	02	11/15/94
4250	1	FAMILY FIELD PUMPING STATION	FAMILY FIELD	CAPE ELIZABETH	N	Z	H	6/1/77	2000	29	1/6/97
4250	2	FAMILY FIELD PUMPING STATION	FAMILY FIELD	CAPE ELIZABETH	N	B	H	1/22/97	2000	29	
2873	1	FISHER, DAVID N JR	246 OCEAN HOUSE RD	CAPE ELIZABETH	N	D	E	1/1/35	1000	02	
14248	1	FOURNIER, ANDREW A	45 OAKHURST RD	CAPE ELIZABETH	N	B	E	10/1/69	275	02	
9752	1	FOWLER, MARJORIE S	468 OLD OCEAN HOUSE RD	CAPE ELIZABETH	N	F	E	10/1/69	1000	02	
18647	1	G W MURRAY & SON INC	317 OCEAN HSE RD	CAPE ELIZABETH	N	F	C	10/1/69	550	23	
9536	1	GENDRON, RICHARD & SANDRA	16 SALTS PRAY LANE	CAPE ELIZABETH	Y	B	E	10/1/69	1000	02	
19087	1	GIFFORD, FREDERICK & SUSAN	13 HUNTS PT RD	CAPE ELIZABETH	N	F	E	10/1/69	275	02	5/30/95
10003	1	HALLOWELL, MILTON L	29 SCOTT DYER RD	CAPE ELIZABETH	N	F	E	10/1/69	500	02	
14181	1	HAWKESWORTH, MILDRED	1113 SHORE ROAD	CAPE ELIZABETH	N	F	E	10/1/69	275	02	
15722	1	HEARNS, JOSEPH F	5 SEA BARN RD	CAPE ELIZABETH	N	F	E	1/1/62	275	02	
19412	1	HINCKLEY-HARRIS	500 OCEAN HOUSE RD	CAPE ELIZABETH	N	F	E	8/1/80	1000	02	4/12/95
9768	1	JACKSONS SERVICE CENTER INC	ISLAND AVE	CAPE ELIZABETH	N	F	E	10/1/69	1000	02	11/27/96
9768	2	JACKSONS SERVICE CENTER INC	ISLAND AVE	CAPE ELIZABETH	N	F	B	10/1/69	2000	21	
9768	3	JACKSONS SERVICE CENTER INC	ISLAND AVE	CAPE ELIZABETH	N	F	B	6/1/82	1000	01	
9768	4	JACKSONS SERVICE CENTER INC	ISLAND AVE	CAPE ELIZABETH	N	F	B	10/1/69	1000	23	
9768	5	JACKSONS SERVICE CENTER INC	ISLAND AVE	CAPE ELIZABETH	N	F	B	10/1/69	1000	23	
9768	5	JACKSONS SERVICE CENTER INC	ISLAND AVE	CAPE ELIZABETH	N	F	B	4/1/86	2000	23	

PEAKS IS

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGISTRATION FORM FOR UNDERGROUND OIL
AND HAZARDOUS SUBSTANCES (CHEMICAL)
STORAGE TANKS**
(Pursuant to 38 M.R.S.A. Section 563, 40 CFR Part 280)

STATE USE ONLY
DATE OF REGISTRATION: <u> </u> / <u> </u> / <u> </u>

1. REGISTRATION NUMBER: _____
(Complete only if a registration number has been previously assigned.)

2. FACILITY INFORMATION
- A. Name: Jackson's Service Center, Inc.
- B. Mail Address: Island Ave., Peaks Island, Maine
- C. Street Address: Island Avenue
- D. Town/City: Peaks Island, Portland, Maine
- E. Zip Code: 04108 F. Telephone: (207) 766-2722
- G. Directions to Site: Top of the hill from Peaks Island Boat
- H. Is at least one existing or planned tank (including piping and pumps) within 1000 ft. of a public water supply? Yes No
- I. Is at least one existing or planned tank (including piping and pumps) within 300 ft. of a private water supply? Yes No
- J. (Complete if the answer to (I) above is YES.) Is at least one water supply located within 300 feet of the tank(s) is owned by someone other than the facility owner or operator? Yes No
- K. Is the facility located on a significant sand and gravel aquifer or recharge area as mapped by the Maine Geological Survey? Yes No

(If you wish assistance in answering item (K), please call the Department at (207) 289-2651. Sand and gravel aquifer maps can be reviewed at any of the Department's offices or requested from the Maine Geological Survey, State House Station 22, Augusta, Maine 04333, (207) 289-2801.

NOTE: If the answer to item (H), (J) or (K) above is yes, the facility is in a sensitive geologic area. A new or replacement tank used for the marketing and distribution of oil in such an area requires secondary containment or ground water monitoring pursuant to 38 M.R.S.A. Section 546(C).

STATE USE ONLY			
Reviewer: _____	Date: _____	Map Number: _____	Comment: _____

- L. Facility Use (Check One):
- Wholesale Oil Distribution
 - Retail Oil Distribution
 - Oil Storage at Commercial Establishment
 - Oil Storage at Industrial Establishment
 - Oil Storage/Single Residence
 - Oil Storage/Multiple Residence
 - Oil Storage/Farm
 - Oil Storage/Public Facility (State or Local)
 - Oil Storage/Federal Facility
 - Chemical Storage

3. PERSON TO CONTACT FOR MORE INFORMATION
- A. Name: Ralph E. Jackson
- B. Mail Address: Natick Street
- C. Town/City: Peaks Island D. State: Maine.
- E. Zip Code: 04108 F. Telephone: (207) 766-2722

✓

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGISTRATION FORM FOR UNDERGROUND OIL
AND HAZARDOUS SUBSTANCES (CHEMICAL)
STORAGE TANKS**
(Pursuant to 38 M.R.S.A. Section 563, 40 CFR Part 280)

Facility Name: Jackson's Service Center,
Location (Town/City): Peaks Island,
Owner: Jackson's Service Center, Inc.

REGISTRATION NUMBER
(Complete ONLY if Registration Number has been previously assigned.)

4. TANK OWNER
A. Name: Jackson's Service Center, Inc.
B. Mail Address: Island Avenue,
C. Town/City: Peaks Island D. State: Maine
E. Zip Code: 04108 F. Telephone: (207) 766-2722

5. TANK OPERATOR
A. Name: Jackson's Service Center, Inc.
B. Mail Address: Island Avenue
C. Street Address: Peaks Island
D. Town/City: _____ E. State: Maine
F. Zip Code: 04108 G. Telephone: (207) 766-2722

6. COMPLETE the next two pages of this form and include each tank currently at the facility and each new or replacement tank planned for the facility.

7. ENCLOSE a check for the applicable registration fee with this submittal made payable to "Treasurer — State of Maine" and return to the Department of Environmental Protection. Registration fees are applicable ONLY to active, new, or replacement tanks used for the marketing and distribution of oil. Registration fees are due upon registration and annually thereafter, prior to the first day of January. Fees are as follows:

_____ 1 _____ Tanks 6,000 gallons or under in size _____ \$25 per tank
_____ Tanks over 6,000 gallons in size _____ \$50 per tank

8. MAKE TWO COPIES of this form. SUBMIT the original to the DEPARTMENT OF ENVIRONMENTAL PROTECTION (Bureau of Oil & Hazardous Materials Control, State House Station 17, Augusta, Maine 04333). SEND one copy to the LOCAL FIRE DEPARTMENT having jurisdiction. RETAIN the third copy for your records. For new and replacement tanks, registrations are due at least five (5) business days prior to installation. Registrations for existing tanks are due prior to February 1, 1986.

9. CERTIFY THIS FORM BY SIGNING. By signing this form, the tank registrant certifies that all information is accurate and complete, and that they will comply with all applicable federal, state and local laws and regulations concerning the underground storage of petroleum or other hazardous materials. The owner or operator is required by Maine statute to file an amendment to this registration with the Department of Environmental Protection immediately upon any change in the information on this form.

5/31/86 Ralph Edward Jackson President
Date Owner or Authorized Employee Title
(Please PRINT or TYPE) (Please PRINT or TYPE)

Ralph E. Jackson
SIGNATURE

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGISTRATION FORM FOR UNDERGROUND OIL AND HAZARDOUS SUBSTANCES (CHEMICAL)
STORAGE TANKS**

(Pursuant to 38 M.R.S.A. Section 563, 40 CFR Part 280)

Facility Name: Jackson's Service Center, Inc.

Location (Town/City): Island Ave Owner: Same

Peaks Island, ME.

REGISTRATION NUMBER

(Complete ONLY if Registration Number was Assigned.)

10. IF NEW OR REPLACEMENT TANKS ARE INCLUDED WITH THIS REGISTRATION, PROVIDE:

A. Name of Installer: Reppl. E. JACKSON

B. Installer ID Number: _____ C. Expected Date of Installation: 4/5/86

11. INDIVIDUAL TANK DATA (Complete one [L] line for each tank at the facility, including tanks planned for installation or replacement).

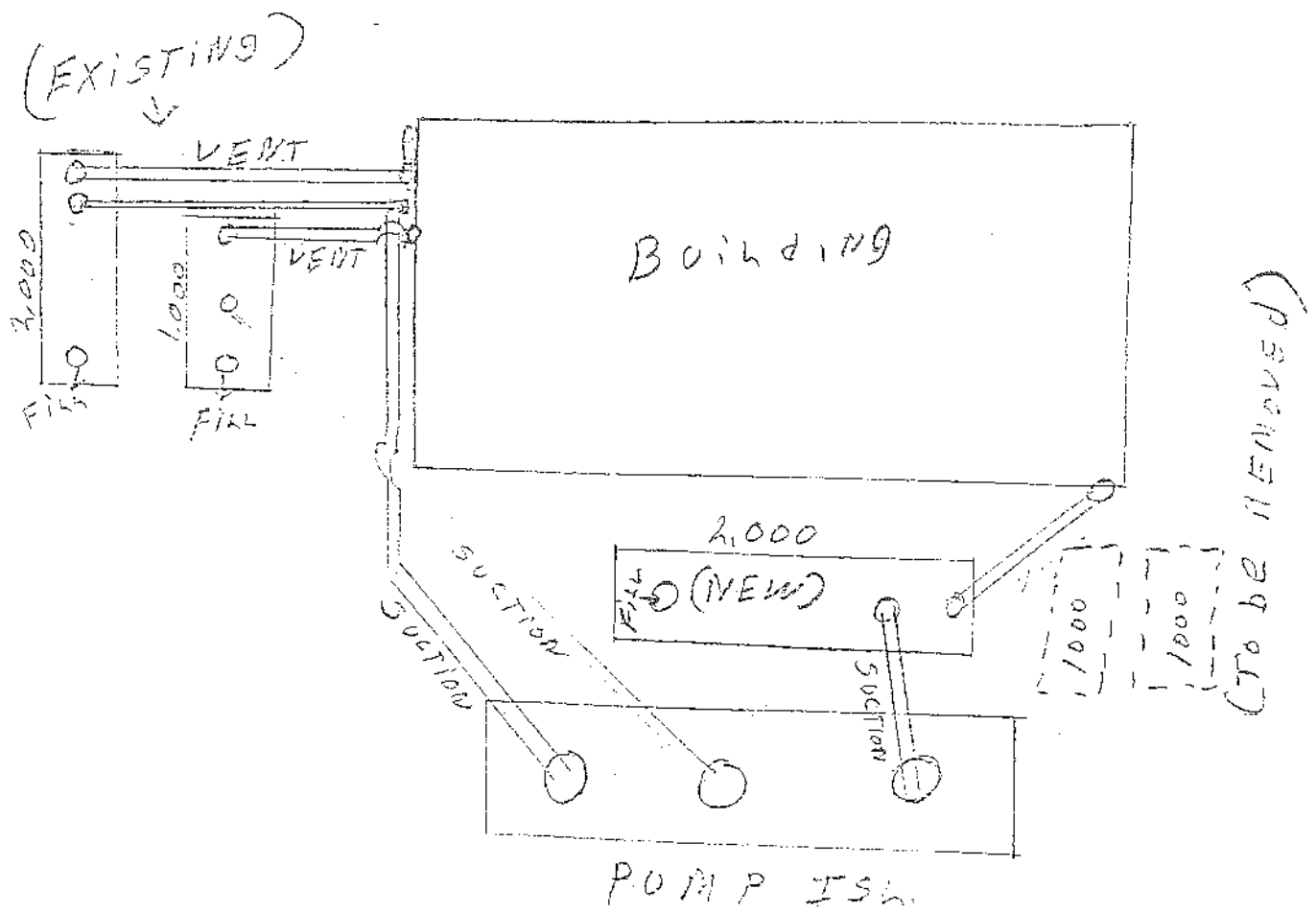
A. Tank Number	B. Tank Type	C. Piping Type	D. Tank Size	E. Form of Additional Protection for New and Replacement Wholesale or Retail Tanks in Sensitive Geologic Areas (Tanks and Piping)	F. Product Stored	G. Date Installed	H. Status	I. Date removed from active service (if applicable)	J. Amount of Product left in inactive tank (if applicable)
	<input type="checkbox"/> Bare or Asphalt-coated <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Cathodically Protected <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Galvanized Steel <input checked="" type="checkbox"/> Cathodically Protected <input type="checkbox"/> Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<u>1000</u> Gallons	<u>Continuous Electronic Monitoring of Ground Water</u> <u>Continuous Electronic Monitoring of Vapors</u> <u>Secondary Containment</u> <u>Ground Water Sampling</u>	GASOLINE <input type="checkbox"/> Regular <input type="checkbox"/> Premium <input checked="" type="checkbox"/> Unleaded <input type="checkbox"/> Premium Unleaded <input type="checkbox"/> Diesel FUEL OIL <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #4 Chemical (Specify) _____ Other (Specify) _____	<u>4/5/86</u> (Mo) (Yr)	<input checked="" type="checkbox"/> Planned Active <input type="checkbox"/> Out-of-Service <input type="checkbox"/> Abandoned <input type="checkbox"/> In place (filled with inert material) <input type="checkbox"/> Planned for removal	<u>1</u> (Mo) (Yr)	_____ Gallons
	<input checked="" type="checkbox"/> Bare or Asphalt-coated <input type="checkbox"/> Steel <input type="checkbox"/> Cathodically Protected <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<input checked="" type="checkbox"/> Galvanized Steel <input type="checkbox"/> Cathodically Protected <input type="checkbox"/> Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<u>1000</u> Gallons	<u>Continuous Electronic Monitoring of Ground Water</u> <u>Continuous Electronic Monitoring of Vapors</u> <u>Secondary Containment</u> <u>Ground Water Sampling</u>	GASOLINE <input type="checkbox"/> Regular <input type="checkbox"/> Premium <input checked="" type="checkbox"/> Unleaded <input type="checkbox"/> Premium Unleaded <input type="checkbox"/> Diesel FUEL OIL <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #4 Chemical (Specify) _____ Other (Specify) _____	<u>4/5/86</u> (Mo) (Yr)	<input type="checkbox"/> Planned Active <input type="checkbox"/> Out-of-Service <input type="checkbox"/> Abandoned <input type="checkbox"/> In place (filled with inert material) <input checked="" type="checkbox"/> Planned for removal	<u>1</u> (Mo) (Yr)	_____ Gallons
	<input checked="" type="checkbox"/> Bare or Asphalt-coated <input type="checkbox"/> Steel <input type="checkbox"/> Cathodically Protected <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<input checked="" type="checkbox"/> Galvanized Steel <input type="checkbox"/> Cathodically Protected <input type="checkbox"/> Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<u>1000</u> Gallons	<u>Continuous Electronic Monitoring of Ground Water</u> <u>Continuous Electronic Monitoring of Vapors</u> <u>Secondary Containment</u> <u>Ground Water Sampling</u>	GASOLINE <input type="checkbox"/> Regular <input type="checkbox"/> Premium <input checked="" type="checkbox"/> Unleaded <input type="checkbox"/> Premium Unleaded <input type="checkbox"/> Diesel FUEL OIL <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #4 Chemical (Specify) _____ Other (Specify) _____	<u>4/5/86</u> (Mo) (Yr)	<input type="checkbox"/> Planned Active <input type="checkbox"/> Out-of-Service <input type="checkbox"/> Abandoned <input type="checkbox"/> In place (filled with inert material) <input checked="" type="checkbox"/> Planned for removal	<u>1</u> (Mo) (Yr)	_____ Gallons
	<input type="checkbox"/> Bare or Asphalt-coated <input type="checkbox"/> Steel <input type="checkbox"/> Cathodically Protected <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Galvanized Steel <input type="checkbox"/> Cathodically Protected <input type="checkbox"/> Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	_____ Gallons	<u>Continuous Electronic Monitoring of Ground Water</u> <u>Continuous Electronic Monitoring of Vapors</u> <u>Secondary Containment</u> <u>Ground Water Sampling</u>	GASOLINE <input type="checkbox"/> Regular <input type="checkbox"/> Premium <input type="checkbox"/> Unleaded <input type="checkbox"/> Premium Unleaded <input type="checkbox"/> Diesel FUEL OIL <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #4 Chemical (Specify) _____ Other (Specify) _____	_____ (Mo) (Yr)	<input type="checkbox"/> Planned Active <input type="checkbox"/> Out-of-Service <input type="checkbox"/> Abandoned <input type="checkbox"/> In place (filled with inert material) <input type="checkbox"/> Planned for removal	_____ (Mo) (Yr)	_____ Gallons

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
 REGISTRATION FORM FOR UNDERGROUND OIL
 AND HAZARDOUS SUBSTANCES (CHEMICAL)
 STORAGE TANKS
 (Pursuant to 38 M.R.S.A. Section 563, 40 CFR Part 280)**

Facility Name: Tank Services Service Co., Inc.
 Location (Town/City): Peaks Island
 Owner: Same

REGISTRATION NUMBER
(Complete ONLY if Registration Number has been previously assigned.)

12. If this registration involves replacing tanks or installing tanks, ATTACH a drawing of the facility showing the location of tanks (and piping) to be installed and any existing tanks. USE the space below for a sketch if no drawing already exists. THE FORM OF ADDITIONAL PROTECTION for tanks used for marketing and distribution of oil in sensitive areas should be detailed on the drawing. MONITORING WELL LOCATIONS should be provided for all tanks greater than 1,100 gallons that are used for on-site consumption of oil.





Date of Certificate:
FEBRUARY 12, 1987

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

UNDERGROUND STORAGE TANK
FACILITY REGISTRATION FORM

Please display this certificate in a
visible location at the registered facility.

Facility:

JACKSON'S SERVICE CENTER INC.
PEAK ISLAND
ME 04108

Facility Registration Number: 9768

Date of Registration: NOVEMBER 18, 1986

Operator:

JACKSON'S SERVICE CENTER INC.
ISLAND AVENUE
PEAK ISLAND
ME 04108

Sensitive Area Status:

NONE

Owner:

JACKSON'S SERVICE CENTER INC.
ISLAND AVENUE
PEAK ISLAND
ME 04108

Facility Use:

RETAIL OIL DISTRIBUTION

Number of Tanks: 5

(See accompanying list
for detailed breakdown)

The Maine Department of Environmental Protection must be notified of any errors or changes in the information on this form. To accomplish this, please draw a line through the incorrect or outdated information, insert the correct information, and return this form to:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF OIL AND HAZARDOUS MATERIALS CONTROL
STATE HOUSE STATION #17
AUGUSTA, MAINE 04333
ATTN: Underground Tanks Program

If you have any questions concerning this process, please call (207)289-2651 and ask for the administrator of the Underground Storage Tanks program.

INDIVIDUAL TANK DATA
FOR
SITE NUMBER:

9768

TANK NUMBER	TANK TYPE	PIPING TYPE	TANK SIZE	ADDITIONAL MONITORING	PRODUCT STORED	DATE INSTALLED	TANK STATUS
1	STEEL/BARE ASPHALT	GALVANIZED STEEL	2,000	NONE	REGULAR	NK/NK	ACTIVE
2	STEEL/BARE ASPHALT	GALVANIZED STEEL	1,000	NONE	KEROSENE #1	6/82	ACTIVE
3	STEEL/BARE ASPHALT	GALVANIZED STEEL	1,000	NONE	NO-LEAD	NK/NK	REMOVED
4	STEEL/BARE ASPHALT	GALVANIZED STEEL	1,000	NONE	NO-LEAD	NK/NK	REMOVED
5	STEEL/CATH PROTECTION	STEEL/CATH PROTECTION	2,000	NONE	NO-LEAD	4/86	ACTIVE



Date of Certificate:

OCTOBER 29, 1987

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

UNDERGROUND STORAGE TANK
FACILITY REGISTRATION FORM

Please display this certificate in a
visible location at the registered facility.

Facility:

JACKSON'S SERVICE CENTER INC.
ISLAND AVENUE
CAPE ELIZABETH
ME 04108

Facility Registration Number: 9768

Date of Registration: NOVEMBER 18, 1986

Operator:

JACKSON'S SERVICE CENTER INC.

PEAK ISLAND
ME 04108

Sensitive Area Status:

NONE

Owner:

JACKSON'S SERVICE CENTER INC.
ISLAND AVENUE
PEAK ISLAND
ME 04108

Facility Use:

RETAIL OIL DISTRIBUTION

Number of Tanks: 5

(See accompanying list
for detailed breakdown)

IF THE INFORMATION ON THIS FORM IS ACCURATE AND
COMPLETE, PLEASE RETAIN FOR YOUR RECORDS.

The Maine Department of Environmental Protection must be
notified of any errors or changes in the information on this form.
To accomplish this, please draw a line through the incorrect or outdated
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DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF OIL AND HAZARDOUS MATERIALS CONTROL
STATE HOUSE STATION #17
AUGUSTA, MAINE 04333
ATTN: Underground Tanks Program

If you have any questions concerning this
process, please call (207)289-2651 and ask for the
administrator of the Underground Storage Tanks program.



INDIVIDUAL TANK DATA
FOR
SITE NUMBER:

9768

TANK NUMBER	TANK TYPE	PIPING TYPE	TANK SIZE	ADDITIONAL MONITORING	PRODUCT STORED	DATE INSTALLED	TANK STATUS
1	STEEL/BARE ASPHALT	GALVANIZED STEEL	2,000	NONE	REGULAR	NK/NK	REMOVAL PLANNED
2	STEEL/BARE ASPHALT	GALVANIZED STEEL	1,000	NONE	KEROSENE #1	6/82	REMOVED
3	STEEL/BARE ASPHALT	GALVANIZED STEEL	1,000	NONE	NO-LEAD	NK/NK	REMOVED
4	STEEL/BARE ASPHALT	GALVANIZED STEEL	1,000	NONE	NO-LEAD	NK/NK	REMOVED
5	STEEL/CATH PROTECTION	STEEL/CATH PROTECTION	2,000	NONE	NO-LEAD	4/86	ACTIVE



Date of Certificate:

MARCH 3, 1988

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

UNDERGROUND STORAGE TANK
FACILITY REGISTRATION FORM

Please display this certificate in a
visible location at the registered facility

Facility:

JACKSON'S SERVICE CENTER INC.
ISLAND AVENUE
CAPE ELIZABETH
ME. 04108

Facility Registration Number: 9768

Date of Registration: NOVEMBER 18, 1985

Operator:

JACKSON'S SERVICE CENTER INC.

PEAK ISLAND
ME 04108

Sensitive Area Status:

NONE

Owner:

JACKSON'S SERVICE CENTER INC.
ISLAND AVENUE
PEAK ISLAND
ME 04108

Facility Use:

RETAIL OIL DISTRIBUTION

Number of Tanks: 5

(See accompanying list
for detailed breakdown)

IF THE INFORMATION ON THIS FORM IS ACCURATE AND
COMPLETE, PLEASE RETAIN FOR YOUR RECORDS.

The Maine Department of Environmental Protection must be
notified of any errors or changes in the information on this form.
To accomplish this, please draw a line through the incorrect or outdated
information, insert the correct information, and return this form to:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF OIL AND HAZARDOUS MATERIALS CONTROL
STATE HOUSE STATION #17
AUGUSTA, MAINE 04333
ATTN: Underground Tanks Program

If you have any questions concerning this
process, please call (207)289-2651 and ask for the
administrator of the Underground Storage Tanks program.



INDIVIDUAL TANK DATA
FOR
SITE NUMBER:

9768

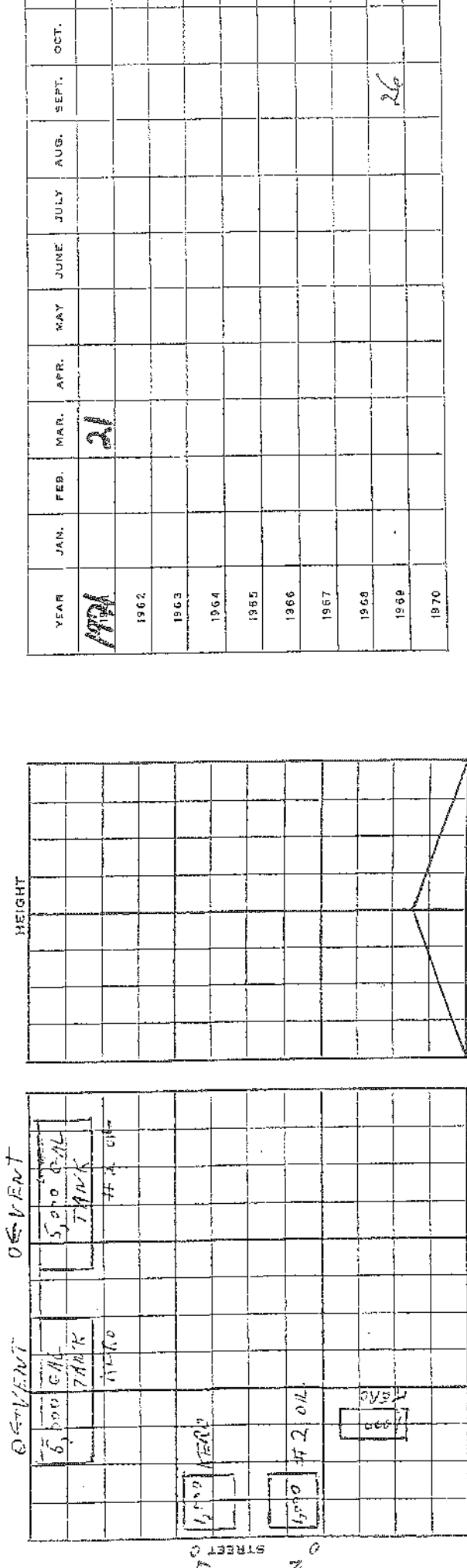
TANK NUMBER	TANK TYPE	PIPING TYPE	TANK SIZE	ADDITIONAL MONITORING	PRODUCT STORED	DATE INSTALLED	TANK STATUS
1	STEEL/BARE ASPHALT	GALVANIZED STEEL	2,000	NONE	REGULAR	NK/NK	REMOVED
2	STEEL/BARE ASPHALT	GALVANIZED STEEL	1,000	NONE	KEROSENE #1	6/82	REMOVED
3	STEEL/BARE ASPHALT	GALVANIZED STEEL	1,000	NONE	NO-LEAD	NK/NK	REMOVED
4	STEEL/BARE ASPHALT	GALVANIZED STEEL	1,000	NONE	NO-LEAD	NK/NK	REMOVED
5	STEEL/CATH PROTECTION	STEEL/CATH PROTECTION	2,000	NONE	NO-LEAD	4/86	REMOVED

APPENDIX G
PORTLAND FIRE DEPARTMENT INSPECTIONS
JACKSON'S SERVICE CENTER

LOCATION Island Ave OWNER Melrose W. Hitting, Belton
 OCCUPIED BY Peaks Island Service Center ADDRESS Island Ave Peaks Is

INSF. NO. PORTLAND, ME. FIRE PREVENTION BUREAU INSPECTION RECORD

DATE OF INSPECTION Sept 26, 1969 BY Broad INSPECTOR



YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.
1961			21							
1962										
1963										
1964										
1965										
1966										
1967										
1968										26
1969										
1970										

OPENINGS	DISCRIBE ENCLOSURES OR T							
	B	B-1	1-2	2-3	3-4	4-5		
STAIRWAYS								
ELEVATORS								
CHUTES								
DUMB WAITERS								
AIR DUCTS								
LIGHT SHAFTS								
COURTS								

INSIDE LADDER TO ROOF None
 INSIDE LADDER TO ATTIC None
 ATTIC BLIND OPEN

1ST FLOOR Storage & showroom
 2ND FLOOR W
 3RD FLOOR W
 4TH FLOOR W
 5TH FLOOR TO W
 KIND OF CONSTRUCTION Concrete & wood
 NO. OF STORIES 1
 PARAPET WALLS No HEIGHT ABOVE ROOF
 KIND OF ROOF Pitched Asphalt
 CAN ROOF OR ANY FLOOR BE REACHED FROM ROOFS OR ADJACENT BUILDING Yes
Room. Blks. next door

10-11-1918

Explosives, Gasoline, Volatile Oils, or Highly Inflammable Materials	Remarks and Recommendations
<p>Explosives, Gasoline, Volatile Oils, or Highly Inflammable Materials</p> <p>Kinds of <u>Gasoline</u>, <u>Gasoline</u>, <u>Gasoline</u>, #2 oil</p> <p>Tanks 7 Location <u>Basement</u> Capacity 15,000</p> <p>Fill <u>OK</u> Vent <u>OK</u></p> <p>Rubbish or Oily Rags <u>✓</u></p> <p>Kind of Receptacles <u>✓</u></p> <p>Where Deposited <u>✓</u></p> <p>Fire Pails and Other Extinguishers <u>None</u></p> <p>How Many <u>✓</u> Condition <u>✓</u></p> <p>When Charged <u>✓</u></p> <p>Automatic Sprinklers Wet or Dry <u>✓</u></p> <p>Pressure Main <u>✓</u> Bldg. <u>✓</u></p> <p>Standpipes and Hose <u>✓</u></p> <p>Condition <u>✓</u></p> <p>Outside Connections <u>✓</u></p> <p>Location of Shut-Off <u>✓</u></p> <p>Lighting <u>✓</u></p> <p>Exposing Surroundings <u>Open</u></p> <p>Where <u>Building</u> <u>exposed</u></p> <p>Gas Appliances <u>✓</u></p> <p>Location of Gas Meters and Main <u>✓</u></p> <p>Shut-Off for Same <u>✓</u></p> <p>Defective Wiring <u>None</u></p> <p>Electric Wires, Do They Obstruct Access to Building <u>No</u></p> <p>Location of Main Switch <u>Outside of building</u></p> <p>Refrigeration <u>✓</u></p> <p>Kind <u>✓</u></p> <p>Location of Shut-Offs <u>✓</u></p>	<p>1 - 5000 gal. Tank at West</p> <p>1 - 5000 " " of #2 oil</p> <p>1 - 1000 gal. Tank at West</p> <p>1 - 1000 " " of #2 oil</p> <p>2 - 5000 " " of gasoline</p> <p>1 - 1000 " " of gasoline</p> <p>All 7 of above tanks are located in basement</p> <p>Vents to fill OK</p>
<p>Where They Obstructed <u>✓</u></p> <p>Do Cards <u>✓</u></p> <p>Open <u>✓</u></p> <p>Inside <u>✓</u> Outside <u>✓</u></p> <p>Drain Location <u>✓</u></p> <p>Do Signs <u>✓</u></p> <p>Do Master <u>✓</u></p> <p>Do Cards <u>✓</u></p> <p>Do Floors <u>✓</u></p> <p>Do Plumbing <u>✓</u></p>	<p>Complaints</p>

ID BY *W. H. ...* ADDRESS *125 ...*
PORTLAND, MAINE **PORTLAND FIRE DEPARTMENT** **INSPECTION RECORD**
FIRE PREVENTION BUREAU BY *W. H. ...* INSPECTOR

TOWN HOUSE

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.
1970			21									
1971					25		11					
1972					19							
77												7

OPENINGS

	B	B-1	1-2	2-3	3-4	4-5	DESCRIBE ENCLOSURES OR TRAPS
STAIRWAYS							
ELEVATORS							
CHUTES							
DUMB WAITERS							
AIR DUCTS							
LIGHT SHAFTS							
COURTS							

INSIDE LADDER OR STAIRS TO ROOF *None*
 INSIDE LADDER OR STAIRS TO ATTIC *None*
 ATTIC BLIND *None* OPEN
 SKYLIGHTS, SIZE *None* LANTERN
 PROTECTION OF SAME *None* FLAT

HEIGHT	FRONT	OCCUPANCY
ALL FLOOR TRAPS		
FIRE BURIED IN		
CAPACITIES		
WANTS AND FILLS		
BY ALL TRAPS		

CONSTRUCTION *Concrete*
 STORIES *One*
 WALLS *Brick* HEIGHT ABOVE ROOF
 ROOF *Asphalt*
 OF OR ANY FLOOR BE REACHED FROM ROOFS OR ADJACENT BUILDING
 UNDER SIDEWALK GRATING *None*

Location	Condition	or Highly Flammable Materials	Complaints
Upper Floors	Wood <i>Plaster</i> Metal	Number of Gasoline Tanks <i>None</i>	
Location		Location <i>Basement</i>	
Condition		Capacity <i>2 Gallons</i>	
Self Closing		Number of Fuel Tanks	
Closed Nights and Holidays		Location <i>Basement</i>	
		Capacity	
Location in Building		Number of Diesel Tanks <i>None</i>	
Location Outside		Location <i>Basement</i>	
Type Container		Capacity	
Other Type Tanks or Drums		Location	
Location		Capacity	
Number of Propane Tanks		Number of Fire Extinguishers <i>None</i>	
Location		Type	
Condition		When Charged	
Chimney Condition	<i>None</i>	Automatic Sprinklers	
Clean Out Condition	<i>None</i>	Wet	
Smoke Pipe Condition	<i>None</i>	Dry	
Segment	Open	Main Pressure <i>None</i>	
Entrance	Inside	Building Pressure	
Location of Drains	Outside	Location of shutoff	
Location of Gas Shutoff	<i>None</i>	Standpipe and Hose	
Condition		Condition	
Location of Power Shutoff	<i>None</i>	Outside connections	
Condition		Fire Alarm System	
Location of Controls		Condition	
Open Plaster		Emergency Lighting	
Open Windows		Fire Exits	
Fire Exit Lighting		Condition	
Inside		Fire Exit Lighting	
Outside		Condition	
Defective Wiring		Electric Wires — Do They Obstruct Access	
No Smoking Signs		Location of	
Dust Hazards		Location of	
Oil Sealed Floors		Location of	
Oily Rags		Location of	
Type of Containers		Location of	
Location of Shutoff		Location of	

LOCATION Island Ave INSP. No. _____
OCCUPANT Service Center
OWNER Meldeau Whittan Jr

LOCATION Island Ave INSP. No. _____
OCCUPANT Fire Bulb Plant
OWNER Meldeau Whittan Jr

PORTLAND MAINE BUREAU OF FIRE PREVENTION INSPECTION REPORT E-12

PORTLAND MAINE BUREAU OF FIRE PREVENTION INSPECTION REPORT E-12

Owner Meldeau Whittan Jr
Agent _____
Con M+W M+W Asph.
Walls Floors Roof

Owner Meldeau Whittan Jr
Agent _____
Con Masonry Masonry Asph.
Walls Floors Roof

1 Storage Sales office
2 Repair Shop Motor Vehicles
3 _____
4 _____

1 Pump station Bldg
2 _____
3 _____
4 _____

To _____

To _____

Obstructions: Doors (1-), Stairways (2-), Halls (3-), Aisles (4-), Windows (5-), Fire Escapes (6-), Areas (7-), Miscellaneous (8-)
Where? (7) Have access around bldg

Obstructions: Doors (1-), Stairways (2-), Halls (3-), Aisles (4-), Windows (5-), Fire Escapes (6-), Areas (7-), Miscellaneous (8-)
Where? None

Dangerous Conditions: Chimneys (10-), Lighting System and Fuses (11-), Heating Appliances (12-), Roof (13-), Miscellaneous (14-)
Where? _____

Dangerous Conditions: Chimneys (10-), Lighting System and Fuses (11-), Heating Appliances (12-), Roof (13-), Miscellaneous (14-)
Where? None

Dangerous Items: Gasoline (20-), Oils (21-), Paints (22-), Acids (23-), Oily Waste (24-), Rubbish (25-), Ashes (26-), Broken Windows (27-), Open Exposures (28-), Miscellaneous (29-)
Where? and How 1 - 2,000 + 2 - 1,000; -
21 - Furnace 27.5 gal
21 + 22 - Solable Items
25 - Container

Dangerous Items: Gasoline (20-), Oils (21-), Paints (22-), Acids (23-), Oily Waste (24-), Rubbish (25-), Ashes (26-), Broken Windows (27-), Open Exposures (28-), Miscellaneous (29-)
Where? and How 5,000 Gals No 1 Fuel
1,000 Gals No 2 Fuel

Fire Appliances: Fire Escapes (30-), Sprinklers (31-), Extinguishers (32-), Stand Pipes (33-), Fire Doors (34-), Fire Shutters (35-), Hose (36-), Miscellaneous (37-), Automatic Fire Alarms (38-)
Where? and Defects 32 - 2 1/2 gal Foamite
Drychem 2 3/4 # G B-C
Drychem .5 # 2 B-C

Fire Appliances: Fire Escapes (30-), Sprinklers (31-), Extinguishers (32-), Stand Pipes (33-), Fire Doors (34-), Fire Shutters (35-), Hose (36-), Miscellaneous (37-), Automatic Fire Alarms (38-)
Where? and Defects 20A-B-C drychem

Date - Last Sprinkler Test _____

Date - Last Sprinkler Test _____

General Conditions: Building Good
Premises Surrounding Building Good

General Conditions: Building Good
Premises Surrounding Building Good

Date 4-10-73 L.A. Frato Inspector

Date 4-10-73 L.A. Frato Inspector

cs 51 Hyd: Island + Welch 100'
Box 25 " " 50'

cs 51 Hyd: Island Ave + Willow St
Box 26 Island Ave + "A" (or) across street

No Smoking Signs (39), Clear Aisle Cards (40), Fuses (41)

Location and Conditions:

2.5 Old Room - Right Wall

Remarks:

Wettable ITems:

LP Gas:

10 - 20 FT

1.5 100 FT

Paints:

Kerosene

Motor oils

2 1/2 gal Foamit A-11 B-L?

Recommendations:

Have access completely around Bldg.

Gave Written Notice To

Reinspected to see if defects were corrected (date)

Defects Corrected?

No Smoking Signs (39), Clear Aisle Cards (40), Fuses (41)

Location and Conditions:

29 - C.P. up St. Bldg

41 Fuse box outside Bldg

Remarks:

Recommendations:

Fuse box be installed inside of Main Bldg which is other than Pump room

Gave Written Notice To

Reinspected to see if defects were corrected (date)

Defects Corrected?

THIRDSIDE CORP

LOCATION 100 Commercial Street, Portland, ME OWNER THIRDSIDE CORP

OCCUPIED BY THIRDSIDE CORP ADDRESS 100 Commercial Street, Portland, ME

DATE OF INSPECTION March 23, 1971 INSPECTOR Richard D. [unclear]

PORTLAND FIRE DEPARTMENT
 PORTLAND, MAINE
 FIRE PREVENTION BUREAU

INSPECTION RECORD

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.
1971			23								
73				10							

HEIGHT	FRONT		REAR	
5th Floor	CAR LIFT	OFFICE	OFFICE	DUCK
4th Floor	DOOR	OFFICE	OFFICE	DUCK
3rd Floor	DOOR	OFFICE	OFFICE	DUCK
2nd Floor	DOOR	OFFICE	OFFICE	DUCK
1st Floor	DOOR	OFFICE	OFFICE	DUCK
Basement	DOOR	OFFICE	OFFICE	DUCK

HEIGHT ABOVE ROOF

NO. OF STORIES 5

KIND OF CONSTRUCTION Frame

KIND OF ROOF Flat

CAN ROOF OR ANY FLOOR BE REACHED FROM ROOFS OR ADJACENT BUILDING, Yes

PARAPET WALLS None

1ST FLOOR Small office building

2ND FLOOR Small office building

3RD FLOOR Small office building

4TH FLOOR Small office building

5TH FLOOR TO Small office building

BASEMENT PUMPS

OPENINGS

	B	B-1	1-2	2-3	3-4	4-5	DESCRIBE ENCLOSURES OR TRAPS
STAIRWAYS							
ELEVATORS							
CHUTES							
DUMB WAITERS							
AIR DUCTS							
LIGHT SHAFTS							
COURTS							

MARK SHAFTWAYS IF NEAR OUTSIDE WALL WITH EXPOSURE

ORIGINAL INSPECTION RECORD

Fire Escape	Type	Number	Explosives or Highly Flammable Materials	Gasoline	Volatile Oils	Remarks and Recommendations
Location						
Condition						
Fire Doors	Wood	Metal	Number of Gasoline Tanks			
Location			Location			2-1000 gallon tanks in underground on 1st floor stairs
Condition			Capacity			
Self Closing			Number of Fuel Tanks			
Closed Nights and Holidays			Location			1-2000 gallon tank in basement
Rubbish			Capacity			
Location in Building			Number of Diesel Tanks			2-1000 gallon tank on 1st floor
Location Outside			Location			
Type Container			Capacity			
Furnaces			Other Type Tanks or Drums			
Type			Location			
Condition			Capacity			
Chimney Condition			Number of Propane Tanks			
Clean Out Condition			Location			
Smoke Pipe Condition			Capacity			
Basement	Open	Partitioned	Number of Fire Extinguishers			
Entrance	Inside	Outside	Type			
Location of Drains			When Charged			
Location of Gas Shutoff			Automatic Sprinklers			
Location of Power Shutoff			Main Pressure			
Broken Plaster			Location of shutoff			
Broken Windows			Standpipe and Hose			
Are Aisles Obstructed?			Condition			
Clear Aisle Cards			Outside connections			
Obstructions	Halls	Stairs	Fire Alarm System			
Air Conditioning	Type		Location of Controls			
			Emergency Lighting			
			Fire Exits			
			Fire Exit Lighting			
			Inside			
			Defective Wiring			
			Electric Wires — Do They Obstruct Access			
			No Smoking Signs			
			Dust Hazards			
			Oil Sealed Floors			

APPENDIX H
TRANSACTION SCREENING QUESTIONNAIRE

SUBJECT PROPERTY ADDRESS: 33 Island Avenue, Peaks Island, Maine. Inspection conducted on December 13, 1999. No owner/occupant responses solicited because Ralph Jackson, owner, has died and no other individual with first-hand knowledge of the site was identified.

<u>OWNER/OCCUPANT</u>	<u>OBSERVED DURING SITE VISIT</u>
1. Is the property or any adjoining property NO used for an industrial use?	
2. To the best of your knowledge, has the property or any adjoining property been used for an industrial use in the past?	NO
3. Is the property or any adjoining property NO used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility?	
4. To the best of your knowledge has the property or any adjoining property been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility?	YES
5. Are there currently, or to the best of your knowledge have there been previously, any damaged or discarded automotive or industrial batteries, or pesticides, paints, or other chemicals in individual containers of greater than 5 gal (19 L) in volume or 50 gal (190 L) in the aggregate, stored on or used at the property or at the facility?	YES
6. Are there currently, or to the best of your knowledge have there been previously, any industrial drums (typically 55 gal (208 L) or sacks of chemicals located on the property or at the facility?	YES
7. Has fill dirt been brought onto the property that originated from a contaminated site or that is of an unknown origin?	NO
8. Are there currently, or to the best of your	NO

knowledge have there been previously, any pits, ponds, or lagoons located on the property in connection with waste treatment or waste disposal?

9. Is there currently, or to the best of your knowledge has there been previously, any stained soil on the property?

YES

10. Are there currently, or to the best of your knowledge have there been previously, any registered or unregistered storage tanks (above or underground) located on the property?

YES

11. Are there currently, or to the best of your knowledge have there been previously, any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground on the property or adjacent to any structure located on the property?

NO

12. Are there currently, or to the best of your knowledge have there been previously, any flooring, drains, or walls located within the facility that are stained by substances other than water or are emitting foul odors?

YES

13. If the property is served by a private well or non-public water system, have contaminants been identified in the well or system that exceed guidelines applicable to the water system or has the well been designated as contaminated by any government environmental/health agency?

N/A

14. Does the owner or occupant of the property have any knowledge of environmental liens or governmental notification relating to past or recurrent violations of environmental laws with respect to the property or any facility located on the property?

15. Has the owner or occupant of the property been informed of the past or current existence of hazardous substances or petroleum products or environmental violations with respect to the property or any facility located on the property?

16. Does the owner or occupant of the property have any knowledge of any environmental site assessment of the property or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of, the property or recommended further assessment of the property?

17. Does the owner or occupant of the property know of any past, threatened, or pending lawsuits or administrative proceedings concerning a release of any hazardous substance or petroleum products involving the property by any owner or occupant of the property?

18. Does the property discharge waste water on or adjacent to the property, other than storm water into a sanitary sewer system?

NO

19. To the best of your knowledge, have any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries or any other waste materials been dumped above grade, buried and/or burned on the property?

NO

20. Is there a transformer, capacitor, or any hydraulic equipment for which there are any records indicating the presence of PCBs?

NO

Explanation of Responses

Question 4. Former tenants included automobile service garage and gasoline/fuel oil filling station.

Question 5. Peaks Island Fuel Co. maintains significant quantity of No. 2 fuel oil, kerosene, and propane on the property.

Question 6. Current tenant has 55-gallon drums of anti-gel compound and glycol for heating systems.

Question 9. Stained soil noted in parking areas around building.

Question 10. Many tanks were installed between 1929 and 1986, according to various records. No indications of buried tanks observed at the time of inspection.

Question 12. Staining of concrete floor in areas currently occupied by fuel company and in rear storage area used by bakery.

The preparer of the transaction screen questionnaire must complete and sign the following statement. (For definition of "preparer" and "user," see 5.3 or 3.325.)

This questionnaire was completed by:

Name Robert R. McGirr
Title Senior Environmental Scientist
Firm Mainland Consultants
Address 30 Exchange St.
Portland, ME 04101
Phone Number 207/774-6226

If the preparer is different than the user, complete the following:

Name of user _____
User's address _____

User's phone number _____
Preparer's relationship to site _____
Preparer's relationship to user (for example, principal, employee, agent, consultant)

Copies of the completed questionnaire have been filed at:

Mainland Consultants' Offices
30 Exchange Street
Portland, Maine 04101

Preparer represents that to the best of the preparer's knowledge the above statements and facts are true and correct and to the best of the preparer's actual knowledge no material facts have been suppressed or misstated.

Robert R. McGirr
Signature

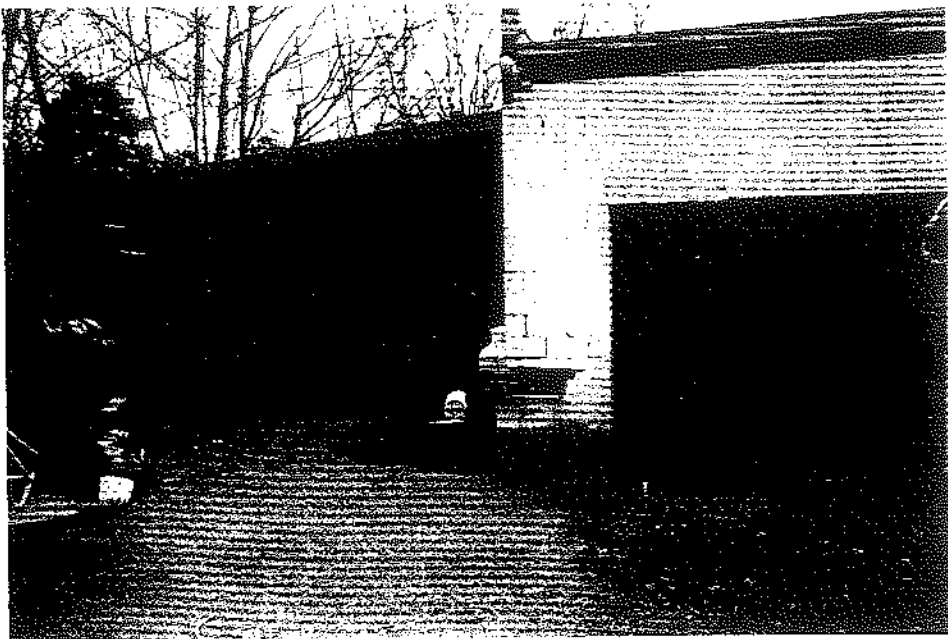
12/13/99
Date

APPENDIX I
PHOTOGRAPHS OF ITEMS OF INTEREST

BUILDING FRONT



BUILDING REAR (NORTH SIDE)



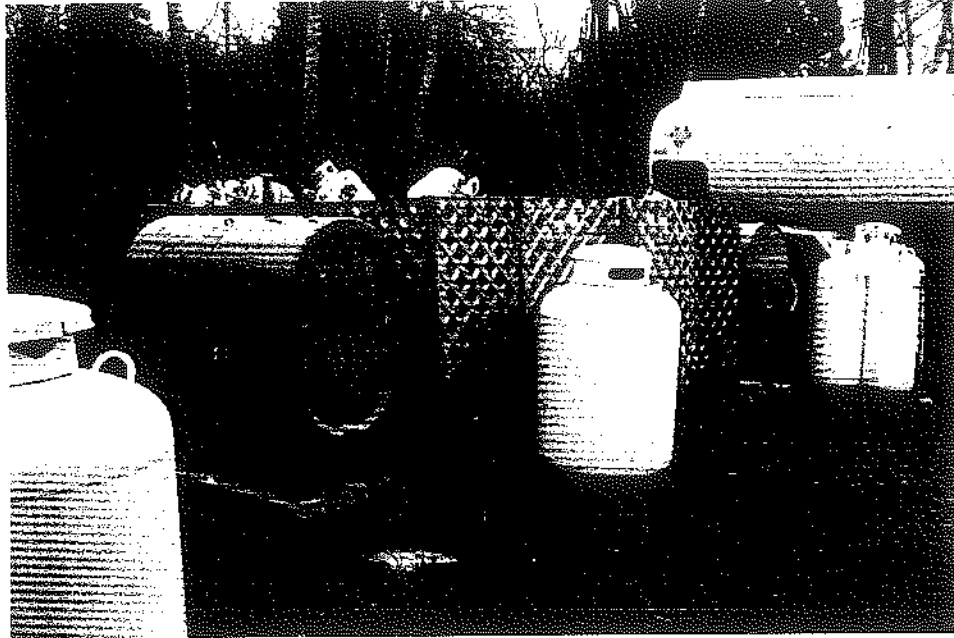
BUILDING (SOUTH SIDE) AND PARKING LOT



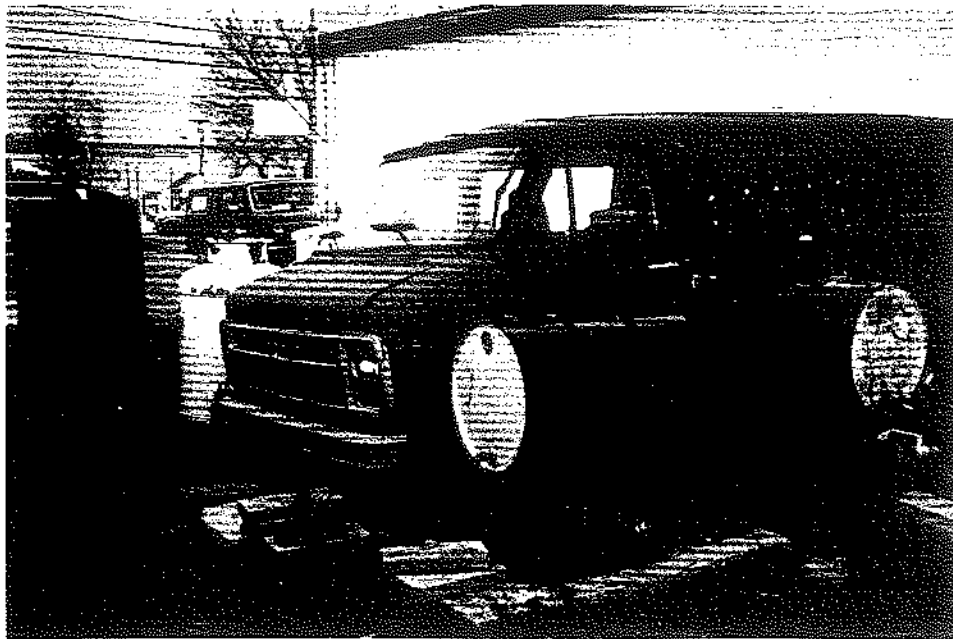
FUEL OIL AND PROPANE DELIVERY TRUCKS



KEROSENE AND PROPANE STORAGE TANKS



STORAGE DRUMS (ONE LABELED "ALCOHOL")



REAR OF PARKING AREA WITH DRUMS AND PROPANE TANKS



REAR OF PARKING AREA LOOKING WEST



APPENDIX J
QUALIFICATIONS

ROBERT R. MCGIRR

MAINELAND CONSULTANTS, INC., Portland, ME 1995-present
Senior Environmental Scientist
Conduct Phase I and II Environmental Site Assessments, facility audits, and environmental inspections.
Coordinate field sampling and laboratory analyses as done by subcontractors.

ABB ENVIRONMENTAL SERVICES, INC., Portland, ME 1988-1995
Principal Scientist, Senior Project Manager, Project Manager
Served in various technical and management capacities for the Department of Defense Installation Restoration Program for hazardous waste site investigations at military facilities, such as Brunswick Naval Air Station, Loring Air Force Base, Massachusetts Military Reservation, Fort Devens, and others. Characterization of sites was consistent with USEPA and DoD guidance, and addressed fuel and chemical (solvent) spill sites, landfills, pesticide disposal sites, ordnance disposal sites, and others. Sites were investigated through extensive field sampling efforts to characterize and quantify the nature of soil and groundwater contamination.

VERSAR, ESM OPERATIONS (Formerly MARTIN MARIETTA ENVIRONMENTAL SYSTEMS)
Columbia, Maryland 1978-1988
Staff Scientist/Project Manager
Performed in a variety of technical and management roles in both the private and public sectors (Fortune 500 companies, NASA, U.S. Air Force, State environmental agencies). Implemented a number of unique air quality and meteorological monitoring programs for a variety of applications. Responsible for the design, development, and implementation of an automated environmental data management system for large NASA manufacturing facility; system accommodated data typically collected in a number of subject areas, e.g. hazardous waste, groundwater, wastewater, and permit tracking. Program Manager responsible for development, customer support, and sales of ECMS, an environmental information management system.

S.A. CAMPBELL AND ASSOCIATES, Hanover, New Hampshire 1977-1979
Performed air quality dispersion modeling and conducted ambient air monitoring in potential locations of a proposed wood-fired power plant.

WOODS HOLE OCEANOGRAPHIC INSTITUTE, Woods Hole, MA 1973-1975
Worked for the Geology and Geophysics Department in the sediment and rock core laboratory. Described, cataloged, and archived sediment cores and rock dredges.

EDUCATION

M.S. Geology, 1977, Dartmouth College
B.S. Environmental Geology, cum laude, 1973, Middlebury College

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: 10-23-01

To: David Hershon

Company: Tompkins, Clough, Hershon + Langer P.A.

Fax #: 874-6705

From: Jonathan Spence

RE: 33 Island Ave

Please see the attached correspondence that I have
mailed to Ric Weirchank

If you have any questions please feel free to call
756-8083

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 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: 9-14-01

To: David Higdon

Company: Clough, Higdon + Langen

Fax #: 874-6705

From: Jonathan Spence

RE: Redlined Durability GAR.

Please see attached.

YOU SHOULD RECEIVE 2 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 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: 8-27-01
To: Ric
Company: Pepper Island L.L.C
Fax #: 207-775-2703
From: Jonathan
RE: Performance Guarantee / Letter of Credit.

Please see the attached for corrections

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.

INFORMATIONAL PACKET

PUBLIC MEETING ON PEAKS ISLAND OCTOBER 29, 2001

THE 33 ISLAND AVE PROJECT AND THE CONTAMINATED SOILS ISSUE

1. APPROVED SITE PLAN
2. PROPOSED AMENDED SITE PLAN
3. APPLICANT'S SUPPORTING DOCUMENTATION FOR PROPOSED
AMENDMENTS TO SITE PLAN
4. ORIGINAL APPROVAL LETTER
5. CORRESPONDENCE FROM THE DEP TO THE APPLICANT, 10-12
6. LETTER OF CLARIFICATION FROM THE DEP TO THE
APPLICANT, 10-25
7. E-MAIL FROM DEP CONCERNING CONTAINMENT METHODS
AND MATERIALS, 10-26
8. LETTER TO THE APPLICANT FROM THE CITY, 10-23
9. FAX FROM THE APPLICANT'S ATTORNEY TO THE CITY, 10-24
10. FAX FROM THE CITY TO THE APPLICANT'S ATTORNEY, 10-24
11. LETTER TO THE APPLICANT FROM THE CITY, 10-26

Quantity by Excavation

$37' \times 60' \times 5.5' = \frac{12,210 \text{ ft}^2}{27} = 452 \text{ yds}^3$ 452 yds

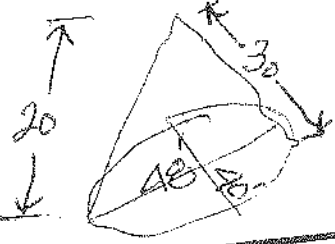
less crawl space area below old hardware building and porch area

$22' \times 65' \times 2' \text{ deep} = \frac{2870 \text{ ft}^2}{27} (106 \text{ yds})$ (106)

Retaining wall $110' \times 5' (\text{AVERAGE}) \times 8' (\text{AVERAGE}) = \frac{4400}{2} = \frac{2200}{27} = 81 \text{ yds}$

total matl excavated 427 yds

Quantity by Measurement



AREA 3

Front yds =

664

RIGHT SIDE & REAR "DOG LEG"

TOTAL LENGTH - 160' $20 \times 160 \times 2 / 27 = 237 \text{ cy}$
 AVERAGE DEPTH 2'
 " WIDTH 2'

Area 2. 42 TO 47 = 5'
 $20 \times 20 \times 4 / 27 = 60$

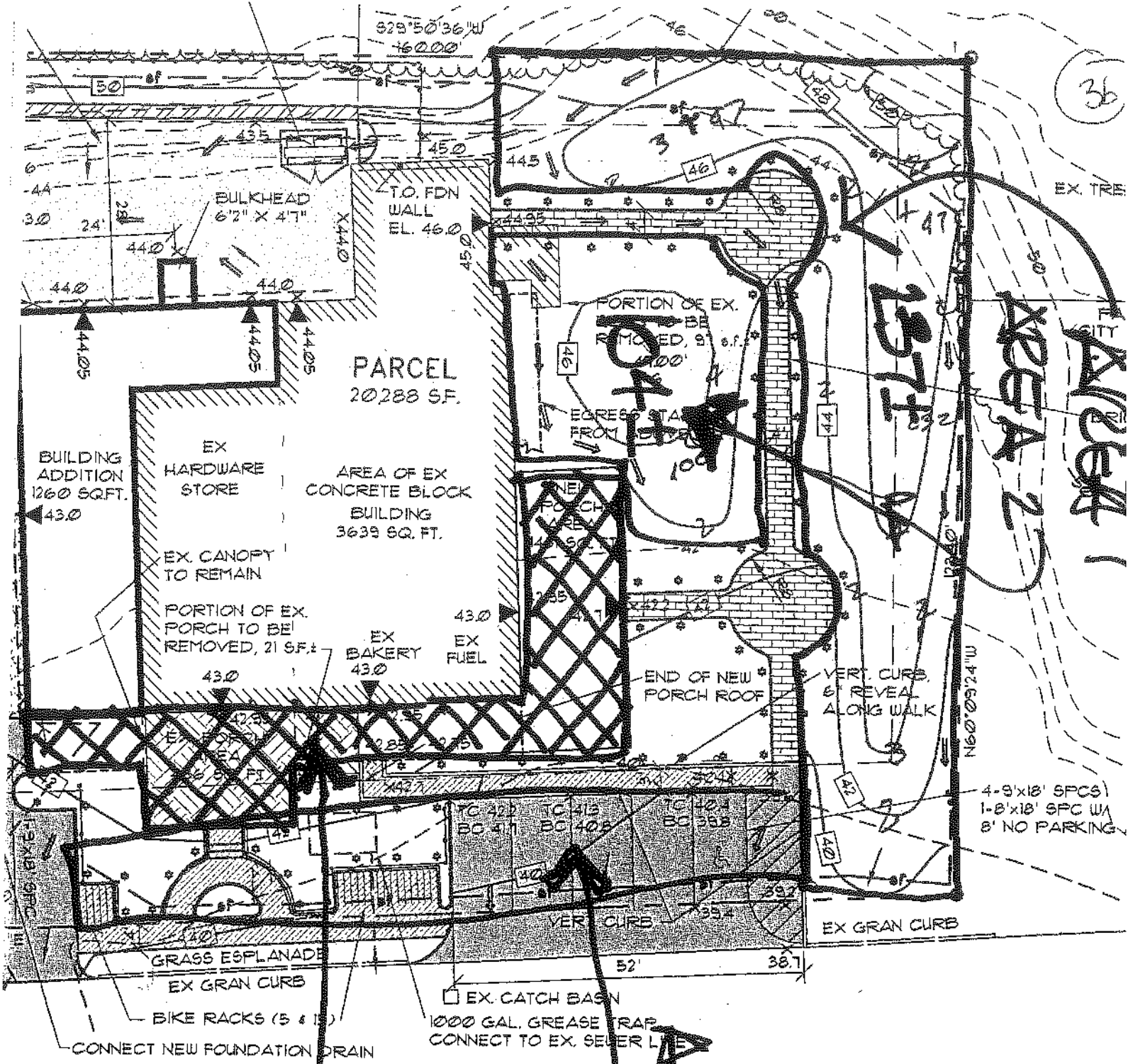
$100 \times 6 \times 2 / 27 = 44$
104 cy

UNDER PORCH & PATIO AREAS -

AREA 4

$70' \times 8' = 560$
 $21' \times 8' = 168$
 $42' \times 16' = 672$
52 yds³ / ft x
 $\times 2 \text{ deep} = 104 \text{ yds}$

36



PARCEL
20288 SF.

EX
HARDWARE
STORE

AREA OF EX
CONCRETE BLOCK
BUILDING
3639 SQ. FT.

BUILDING
ADDITION
1260 SQFT.

EX CANOPY
TO REMAIN

PORTION OF EX.
PORCH TO BE
REMOVED, 21 SF.

EX BAKERY
43.0

EX FUEL

NEW PORCH
42.0

END OF NEW
PORCH ROOF

VERT. CURB
6\"/>

4-9'x18' SPCS
1-8'x18' SPC WA
8' NO PARKING

GRASS ESPLANADE

EX GRAN CURB

BIKE RACKS (5 & 15)

CONNECT NEW FOUNDATION DRAIN

EX. CATCH BASIN
1000 GAL. GREASE TRAP
CONNECT TO EX. SEWER LINE

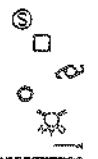
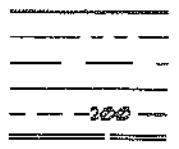
ISLAND AVENUE

AREA 3

AREA 1

OWNER: THE PEAKS ISLAND, LLC.
33 ISLAND AVENUE
PEAKS ISLAND, MAINE 04108

EXISTING



DATE: 10/1/18

CITY OF PORTLAND, MAINE
PLANNING BOARD

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

July 31, 2001

Mr. Ric Weinschenk
Peaks Island Company, LLC.
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island
(CBL 84-L-7)

Dear Mr. Weinschenk:

On July 24, 2001 the Portland Planning Board voted 5-0 (Delogu and Rodriguez absent) that the plan presented is in conformance with the Site Plan Standards of the Land Use Code with the following conditions:

1. *That a non-invasive geophysical survey be conducted on the site to establish the presence or absence of underground storage tanks.*
2. *That the Development Review Coordinator be notified 48 hours prior to any and all excavation on the site to enable monitoring.*
3. *That the DEP and the Development Review Coordinator be immediately notified if any evidence to the presence of either an underground storage tank or heavily-stained or fuel-saturated soils is found. All soils that do not meet the DEP "intermediate" standard must be removed and disposed of off-site following DEP protocol.*
4. *The project will undergo weekly inspections at the applicants expense by an unaffiliated third party qualified in the review of building construction. This inspector will verify weekly and at the conclusion of the job that the quality of workmanship meets a standard of durability. Deficiencies shall be noted by the inspector and promptly reported to the City. The City shall provide the developer with written notice of any deficiency and a thirty-day opportunity to cure. In the event that the deficiencies are not corrected, the City shall impose a stop work order on the project and shall bring the matter before the Planning Board at its next meeting. The Planning Board shall consider the matter at that time, affording the developer due process, and shall determine the merits of the matter and proper resolution. A durability guarantee in the amount of 10% of the construction cost will be provided to the City to secure the above provision. The City will hold this guarantee for a period of three years following the completion of the project to ensure that any undetected deficiencies are addressed This guarantee will be supplemental and not in replacement of the performance guarantee required for applicable site work. Any deficiencies arising after the completion of the project will be subject to the same process identified above and shall be brought before the Planning Board to determine proper*

resolution.

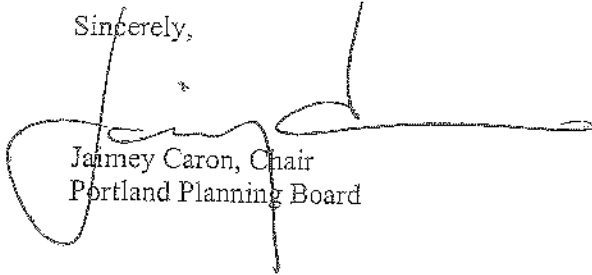
5. *The applicant will provide a complete set of stamped drawings representing the project as presented to the planning Board on July 24, 2001*

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
6. The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

The approval is based on the submitted application, site plan, and stated conditions. If there are any questions, please contact the planning staff.

Sincerely,



Jamey Caron, Chair
Portland Planning Board

- cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jagerman, Chief Planner
✓ Jonathan C. Spence, Planner
P. Samuel Hoffses, Chief Building Inspector
Marge Schmuckal, Zoning Administrator
William Bray, Deputy Director/City Traffic Engineer
Jeff Tarling, City Arborist
Lt. Gaylen McDougall, Fire Prevention
Penny Littell, Associate Corporation Counsel
Mary Gresik, Building Permit Secretary
Development Review Coordinator
Lee Urban, Director of Economic Development
Susan Doughty, Assessor's Office
Approval Letter File

5



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

MARSHA KIRKPATRICK
COMMISSIONER

CERTIFIED MAIL.....

October 12, 2001

Mr. Ric Weinschenk
Peaks Island Company, LLC
33 Island Ave.
Peaks Island, ME 04108

FAX: 766-2999

Subject: Investigation and remedial measures for petroleum contaminated soil from former Jackson's Service Station (UST Reg. #9768), 33 Island Ave., Peaks Island, Portland.

Dear Mr. Weinschenk,

Based on my investigation, the petroleum contamination at your 33 Island Ave. property is remaining from a 1985 UST abandonment and is old gasoline spillage. As I advised you this morning, based on my observations during my visit to the site yesterday, your remediation options for the site are:

1. to remove all oil contaminated soil offsite (Peaks Island) for disposal at a licensed Special Waste handling facility, or....
2. return and reuse oil petroleum contaminated soil onsite at 33 Island Ave. (a.k.a. "the site"). (The rationale for this option is: the mild to moderate nature of the contamination I observed, that contaminated soils will likely remain under the building and road and are inaccessible at present, and previous DEP practice for a site where drinking water wells and buildings are not threatened by the contamination.)

At this time, the Maine Department of Environmental Protection (DEP) understands that you wish to use the second option, to return all contaminated soil onsite. This option is viable under the following conditions:

- I. All soil with measurable petroleum contamination shall be returned to or kept on the 33 Island Ave. site. No contaminated soil or water shall leave the site, even temporarily, during or after construction.
- II. While being stored, an impermeable tarp or plastic sheet to keep water infiltration from washing contamination into the soil below, shall cover contaminated soil.
- III. Following completion of your construction, the contaminated soil shall be covered with at least six inches of soil/loam and vegetation, or paving to prevent its contact with the public.
- IV. A qualified environmental consultant, experienced in assessing petroleum & hazardous materials clean-ups shall
 1. Observe and document the return of any contaminated soil to 33 Island Ave.
 2. Document that the temporary storage areas are clean of contaminated soils.

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

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-6570 FAX: (207) 941-4884

Portland
512 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6500 FAX: (207) 822-6103

Presque Isle
1229 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2034
(207) 766-0477 FAX: (207) 764-1507

33 Island Ave, Peaks Island, Portland, ME 04101

- Document where at the site the contaminated soils were deposited.
3. Measure & document the levels of petroleum contaminated soils using an approved DEP field instrument and the bag-headspace sampling method described in DEP's CRM 691 Appendix P & Q.
 4. One sample from the most severely contaminated area shall be laboratory analyzed to confirm that the contamination is petroleum in nature and contains no unacceptable levels of solvents and other volatile compounds. (At this time I have noted no indication of contamination other than virgin petroleum.)
 5. The consultant shall submit a short report with map(s) to the DEP listing the contamination measurements & locations sampled, assurance that all the contaminated soil had been returned to the site and properly covered, and that the storage areas no longer contain any oil contaminated media from 33 Island Ave. To help with DEP's knowledge of site history, please also submit information from your previous assessment done before you started your project.
 6. This report shall be received by the DEP within 30 days of completion of the landscaping, and before December 15, 2001.

I will be your primary DEP contact for this project and will issue a final report (#P-814-01) following my review of your consultant's report. During this work another DEP representative or I will perform routine visits to check on compliance. While the contaminated soil may remain onsite properly capped, please understand that if it is disturbed at any time in the future it must be properly managed as per Maine statute and regulations. This agreement & the requirements do not circumvent or nullify any other local or state requirements. Please do not hesitate to call me regarding any questions, problems, or concerns.

Sincerely,



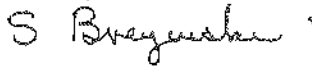
Stephen Brezinski
Oil & Hazardous Materials Specialist
Division of Response Services
Maine DEP, BRWM

Cc David Salt, DEP
Scott Nash, Peaks Island
File P-814-01

- 6) Any water collecting in the excavation must be managed as contaminated. It may not be pumped out to the street, Casto Bay, or storm drains. In this case, water from contaminated sites may only:
- be dewatered to a licensed treatment facility such as the Portland Water District sewage treatment plant with prior written permission from the Portland Water District;
 - or it may be trucked off the island to a licensed disposal facility such as ECC or Clean Harbors Inc.;
 - or it may be properly treated onsite to state standards with a DEP approved aeration & carbon treatment system and laboratory sampling.

Please do not hesitate to call John Wathen, Jon Woodard or myself at our Portland office if you have any concerns or questions regarding this letter and this project.

Sincerely,



Stephen Brezinski, Oil & Hazardous Materials Specialist
Division of Response Services
Maine DEP, BRWM

Cc Jon Woodard, DEP, Division of Response Services
John Wathen, DEP, SMRO
Randy McMullin, DEP, Division of Solid Waste Management
Penny Lirrell, City of Portland
Allyson Jones, Acadia Environmental
Scott Normandeau, Fleet Env.
File P814-01

7

From: "Wathen, John B" <John.B.Wathen@state.me.us>
To: 'Jonathan Spence' <JSpence@ci.portland.me.us>
Date: Fri, Oct 26, 2001 2:20 PM
Subject: RE: Peaks Island Soil

Jon-

Almost any type of clean fill would be appropriate cover. I'd think that a mix of available sand and more clayey material would hold together well. Too much clay might wash and erode over time. Four inches of almost anything could be stabilized with a couple of inches of crushed stone on top.

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

From: Jonathan Spence [mailto:JSpence@ci.portland.me.us]
Sent: Friday, October 26, 2001 1:18 PM
To: Wathen, John B
Subject: Peaks Island Soil

Good Afternoon John,

Ric Weinschenk has provided us with an amended site plan in which he plans to place some of the contaminated soil under the porch. What type cover, cap etc would be appropriate in this case? I understand your requirement of 6" of loam and seed but what about in areas that can't support vegetation?

Thank you for your response.

Jonathan Spence

CC: "Brezinski, Stephen G" <Stephen.G.Brezinski@state....



CITY OF PORTLAND

October 23, 2001

Mr. Ric Weinschenk
Peaks Island Company, LLC
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island

Dear Mr. Weinschenk:

It is the understanding of the City of Portland that you have chosen with the approval of the Maine DEP, to retain at 33 Island Avenue all soils from that site. The retention of these soils and the DEP requirement of the placement 6" of clean soil/loam over contaminated soils appear to result in an alteration of your approved site plan due to changes in topography. I would like to take this opportunity to clearly outline to you remaining items that must be received prior to the issuance of your building permit for the Inn.

1. Seven copies of a revised site plan for review and approval containing:
 - a. A revised grading plan including the new elevation contours.
 - b. Alterations to the building outline as a result of the inclusion of a bulkhead to the rear of the structure.
 - c. Any revisions to the landscape component of the site plan as a result of the changes to the site's topography.
2. An amended cost estimate form reflecting site work changes resulting from the retention of the excavated soils. (If you choose to remove the contaminated soils to an authorized offsite facility, please include this on your revised cost estimate form.)
3. Although we have received checks from you for the inspection fee, performance guarantee and durability guarantee, at this time we have not received the accompanying signed forms including Tax Identification Number and completion date.

Receipt and review the above-mentioned items are necessary prior to the City's issuance of a building permit and the commencement of construction on the site. **No construction of any kind may occur until the building permit has been issued.**

Staff is confident that the conditions of approval 1,2,3 and 5 of the original site plan approval, attached to this correspondence, have been met. Condition of approval number 4 is an ongoing process and staff has been reasonably assured of its compliance through the applicant's retention of Shelly Engineering to conduct the required inspections.

During this pre-construction phase of the project until the completion of the Im, please pay particular attention to the conditions established by the DEP in their letter dated 10-12-2001, concerning the treatment of the contaminated soil on site.

As you know, you continue to be obligated to comply with all applicable local, state and federal regulations and statutes.

Please contact me at 756-8083 if you have any further questions related to this project.

Sincerely,



Jonathan Spence
Planner

cc: Sarah Hopkins, Development Review Services Manager
Penny Littell, Associate Corporation Counsel
Alex Jaegerman, Senior Planner
Tom Fortier, Neighborhood Liaison
Michael Nugent, Building Inspections Manager
John B. Wathen, Maine DEP

Jonathan Spence

⑨

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law

Three Canal Plaza

Post Office Box 15060

Portland, Maine 04112-5060

Eruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel (207) 874-6700
Fax (207) 874-6705

*Also licensed in MA
and DC

October 24, 2001

Via Facsimile

Penny Littell, Esquire
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, ME 04101-3509

Re: The Inn, 33 Island Avenue, Peaks Island

Dear Penny:

Since you have not had an opportunity to return my phone call, I wanted to drop you a brief note concerning Jonathan Spence's letter to Peaks Island Company, LLC dated October 23, 2001, outlining additional items that must be received prior to the issuance of the building permit. Although we believe that the permit should have been issued weeks ago, my client will drop off the requested items within the next two hours. Given the exigent circumstances, we would anticipate that the City will review these materials and make a determination thereon as soon as possible. As I understand the import of the letter, once it is determined that Peaks Island Company has satisfied the new conditions (which were not prescribed by the Planning Board), a building permit will issue immediately.

Please confirm. Thank you.

Sincerely,



Marshall J. Tinkle

MJT/clg

cc: Ric Weinschenk

10

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

October 24, 2001

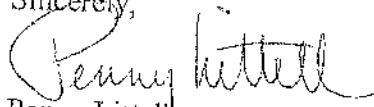
VIA FACSIMILE

Marshall Tinkle, Esquire
Tompkins, Clough, Hirshon & Langer, P.A.
3 Canal Plaza
Portland, ME 04112-5060

Dear Marshall:

Thank you for your FAX of 11:43 am October 24, 2001. I have been in meetings all morning and was unable to return your earlier phone call. Please let me respond to your October 24th correspondence.

I have provided a copy of your FAX to the Planning Department. They will be reviewing the amendments being proposed by your client for the site at 33 Island Avenue and, thereafter, will make a decision on whether an approval may be made administratively or be referred to the Planning Board for decision. The City will be in touch with your client on its determination as soon as it is made.

Sincerely,

Penny Littell
Associate Corporation Counsel

Cc: Joseph E. Gray, Jr., City Manager
Gary Wood, Esq., Corporation Counsel
Sarah Hopkins, Development Review Service Manager
Jonathan Spence, Planner
John Wathen, Regional Manager, DEP

PL:hs
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Planning & Urban Development



CITY OF PORTLAND

October 26, 2001

Mr. Ric Weinschenk, Manager
Peaks Island Company, LLC
33 Island Avenue
Peaks Island, ME 04108


Re: The Inn, 33 Island Avenue, Peaks Island

Dear Mr. Weinschenk:

Thank you for providing, for our review, amended site plans and accompanying calculations for the project located at 33 Island Avenue. Due to the character of the proposed changes, we have scheduled a public hearing on the request for site plan amendment before the Planning Board on Tuesday, November 27, 2001.

Please contact the planning office at 874-8722 if you have any questions.

Sincerely,


Alex Jaegerman
Senior Planner

cc: Sarah Hopkins, Development Review Services Manager
Penny Littell, Associate Corporation Counsel
Jonathan Spence, Planner
Jay Reynolds, Development Review Coordinator
Tom Fortier, Neighborhood Liaison
Michael Nugent, Building Inspections Manager
John B. Wathen, Maine DEP



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

MARTHA KIRKPATRICK
COMMISSIONER

DEP Informational Meeting **Agenda**

Peaks Island
October 29, 2001 6:30-8:30 PM

DEP Staff

John Wathen, C.G., Regional Director
Jon Woodard, SMRO Response Division Supervisor
Steve Brezinski, Oil and Hazardous Materials Specialist

Introduction -Rep. Ben Dudley

Chemical Background -J. Wathen
• Nature of gasoline
• Chemical weathering

DEP Enforcement Process -J. Wathen
• Consent decree
• AG Participation
• Board Approval

Regulatory Framework -J. Woodard
• Chapter 691
• Petroleum Remediation Guidelines
• Decision Tree
• Context of other sites

Assessment of Contamination -S. Brezinski
• Photoionization Detector
• Breathing zone scan
• Bag headspace method
• Gas Chromatography
• Mass Spectrometry

Questions and Discussion

Adjourn

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

Planning Department – site plan

Application received by Building Inspections dated 3/20, 21 and logged	3/23/01
Letter from Planning Department sending plan to PB	4/06/01
1st Workshop at PB Ongoing Issues: Paper Street, PIF, Fin/Tech Capability Wastewater Treatment Plant Issue, Roof type and height, etc	5/22/01
2 nd Workshop at PB	6/26/01
Public Hearing at PB	7/24/01
Signed Approval from PB	7/31/01
Need Performance Guarantee Checks received but not executed, original forms	<u>9/17/01</u>
<u>Building Inspections – building permit</u>	
9/10/01 Jay Reynolds signs off on Cost Estimate Form	9/10/01
Meeting scheduled by City to discuss info still needed prior to b.p. Sarah, Dave Caddell, Mike Nugent, Mark Adelson Dave Hirshon, Ric Weinschenk Items needed: Stamped Plan, Perf Guar, State Fire Marshall's Permit, Structural Engi. Statement, Sprinklers Soil Conditions, Call list for demolition, Signage permit	9/20/01
Demolition permit issued Limited to excavation for retaining wall, removal of Wood structure, No masonry work whatsoever	9/24/01
Contaminated Soil removed offsite	10/--/01
DEP visited site	10/11/01
DEP soil screenings	10/--/01
Weinschenk's home vandalized	10/19/01
Letter from DEP re mitigation	10/12/01
City meeting with DEP/Weinscheck	10/23/01

Stop Work Order issued by City

10/23/01

Weinschenk continues work

10/2/01

Weekly or Daily Insp. By Inspectors:

Unity Village

North Walnut

Waynflete

Barbar Foods

Shaws

Shop in Save

Harbor View Hotel

Fred Rainbow
Park Avenue
Peaks Island ME 04108

May 21, 2001

City of Portland Planning Office
Fax 207-756-8258

RE: Ric Weinschenk

These are the headlines from the Portland paper website done on a search of Ric Weinschenk. I think the headlines give a good idea of what we face. I faxed a letter to you already today stating my opposition to development proposed for 33 Island Avenue on Peaks Island. This quick and hardly exhaustive search further buttresses my arguments.

Once again thanks for your time in reading my letter and for simply scanning these headlines from the Portland newspaper.

Sincerely,

Fred Rainbow

WEINSCHENK DENIES CHARGES MADE BY STATE

Published on November 30, 2000 Page: 1B

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Byline: DAVID CONNERTY-MARIN Staff Writer Ric Weinschenk, a home builder, said the state's charges of poor workmanship and safety problems in his developments are inaccurate and unfair. Weinschenk denied the allegations in papers filed Wednesday in Kennebec County Superior Court in Augusta. He was responding to a state Attorney General's complaint that in two developments -- Summer Place and Cottage Park -- chimneys are poorly constructed, houses failed to meet many building codes, lumber was of poor quality, and some glass fireplace doo

STATE SUES DEVELOPER OVER PORTLAND HOUSING

Published on November 21, 2000 Page: 1A

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Byline: DAVID CONNERTY-MARIN Staff Writer Maine Attorney General Andrew Kettner filed suit against Portland developer Ric Weinschenk on Monday, citing unfair trade practices involving three housing developments in the city. He said homes in two of Weinschenk's developments -- Summer Place and Cottage Park -- are "below

HOMEOWNERS STILL SEEKING A FAIR SHAKE

Published on December 17, 1997 Page: 1B

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Byline: Bill Nemitz is a columnist for The Portland Newspapers. Multiple choice time. The Maine Oil and Solid Fuel Board is fast becoming the most controversial agency in Augusta because its members a) don't know what they're doing, b) are scared to death of fast-talking lawyers (including their own), c) have precious little sympathy for the public they serve, or d) wouldn't know a code violation if it came down their own chimney. The answer? Try all of the above. "We're at the point where these people are trying to ram whatever they want down our throats," R

STATE ATTACKED IN CHIMNEY DISPUTE PORTLAND HOMEOWNERS SAY THE BOARD ACTED IRRESPONSIBLY IN CANCELING INSPECTIONS IT HAD AUTHORIZED.

Published on December 12, 1997 Page: 1B

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Byline: Paul Carrier Staff Writer Portland homeowners who say a contractor installed unsafe chimneys in their houses found another target for their anger Thursday: the state board reviewing their complaints. The homeowners said the Oil and Solid Fuels Board acted irresponsibly when it canceled state inspections of the chimneys. The board authorized the inspections in October but called them off before they could be conducted Dec. 2. James Carey, the chairman of the board, said at a board meeting Thursday the inspections were canceled.

BOARD, IN REVERSAL, LETS BUILDER TEST CHIMNEYS THE RESULTS WILL HELP DECIDE IF RICK WEINSCHENK MUST REPLACE CHIMNEY PIPES IN 29 HOMES.

Published on November 8, 1997 Page: 1B

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Byline: Steven G. Vegh Staff Writer Builder Rick Weinschenk won a state board's permission on Friday to test two types of chimney pipes to try to prove that chimneys in 29 homes he built do not have to be torn out and replaced. The Oil and Solid Fuels Board has held meetings since May to determine whether the chimneys Weinschenk installed in the North Deering homes violate the state's safety code. Weinschenk says the chimneys meet the code; the board has not made an official finding. The board originally voted unanimously on Friday

average and poorly constructed."The suit, filed in Kennebec County Superior Court, alleges that framing in the homes is of poor quality, chimneys are poorly constructed, glass doors in fireplaces are "susceptible to expl

WILLOW DEVELOPER FACES PRESSURE TO MEET NEW DEADLINE

Published on November 7, 2000 Page: 1B

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Byline: DAVID CONNERTY-MARIN Staff Writer City officials are putting pressure on a Portland developer to finish his four-year-old development, the Willow, by Nov. 15. The city had given Ric Weinschenk until Oct. 25 to complete the lighting, patch a sidewalk and remove an office trailer at the development off outer Congress Street, near the Westgate shopping plaza. When the work wasn't done, the city ordered him Oct. 26 to stop work at two houses he is building on Peaks Island. Weinschenk didn't stop. Instead, he took the city to court Fri

CITIES SHOULD HOLD DEVELOPERS FULLY RESPONSIBLE FOR PROJECTS

Published on October 19, 2000 Page: 10A

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Portland city officials have acted appropriately in giving Peaks Island developer Ric Weinschenk only until Oct. 25 to straighten out the many unfinished portions of his "Willow" subdivision off outer Congress Street. They have said they will halt his other projects and strip him of all building permits unless he meets the city's standards there. However, they made a major mistake in releasing him too soon from a \$100,000 performance bond that could have helped pay for any incomplete landscaping.

DEVELOPER FALLS SHORT, SAY ANGRY RESIDENTS

Published on October 17, 2000 Page: 1A

© 2000 Blethen Maine Newspapers, Inc.

Byline: MARK SHANAHAN Staff Writer When Portland developer Ric Weinschenk was pitching his latest upscale subdivision, the Willow, he talked a lot about the "reflecting pond" that would be visible from people's front porches. But four years later, those who purchased the expensive, cottage-style homes have a view mostly of mud and rocks, not the tranquil pool they were promised. "I'm angry," said John Halcy, who lives in the development off outer Congress Street, behind the Westgate shopping center. "After all this time, I don't ha

PEAKS PIQUE

Published on May 22, 2000 Page: 1C

© 2000 Blethen Maine Newspapers, Inc.

Byline: Mark Shanahan Staff Writer The whispering on Peaks Island began almost as soon as the bulldozer arrived Dec. 1 and has only intensified as the building has taken shape. Finally, last week, people's resentment over what surely will be one of the largest, most conspicuously lavish oceanfront homes on the island became too much to bear. "Personally, I believe it's a display of vulgarity, totally uncharacteristic of the style of the island," said Walter Schmeller, who has spent summers on Peaks for 25 years. "But then we live i

CITY SEEKS LEVERAGE OVER FLAWED PROJECTS COUNCILMEN COULD BAR DEVELOPERS FROM NEW BUILDING UNTIL THEIR PREVIOUS WORK IS FIXED.

Published on April 9, 1998 Page: 1B

© 1998 Blethen Maine Newspapers, Inc.

Byline: Steven G. Vegg Staff Writer Contractors and developers who refuse to fix serious flaws in their building projects will be barred from continuing any other projects in Portland, under a measure approved by Portland's City Council. The regulation allows the city to stop ongoing projects and withhold construction permits on new projects until the flaws identified by building inspectors are corrected. Only flaws that endanger occupants' safety or make a home unfit to occupy can trigger the sanctions. The law does not affect comm

Article 16 of 33

BOARD ACCEPTS DEVELOPER'S PLAN TO REPLACE CHIMNEYS BUT SOME AT THE HEARING SOUGHT A FINDING OF WRONGDOING IN THE PORTLAND PROJECTS.

Published on February 7, 1998 Page: 1A

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Byline: Paul Carrier Staff Writer A state agency and developer Ric Weinschenk agreed Friday that Weinschenk will replace chimneys in 31 homes in Portland because homeowners and a state inspector contend the chimneys are faulty. The agreement between Weinschenk and the Maine Oil and Solid Fuels Board mirrors an earlier agreement between the developer and the city of Portland to do the same thing. In both cases, however, Weinschenk admitted no wrongdoing. The latest agreement gives the state's blessing to a process that already is un

DEVELOPER SET TO REPLACE CHIMNEYS RIC WEINSCHENK REACHES AN AGREEMENT WITH PORTLAND ON CHIMNEYS HE BUILT IN COTTAGE PARK AND SUMMER PLACE.

Published on January 17, 1998 Page: 1B

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Byline: Andrew D. Russell Staff Writer A Portland developer accused of installing faulty chimneys in 29 houses will begin replacing the chimneys next week under an agreement that he reached with the city on Friday. But it remained uncertain whether the agreement will end a yearlong dispute between Ric Weinschenk and homeowners who say that the chimneys he built in Cottage Park and Summer Place could leak carbon monoxide. The replacement of all 29 chimneys will take about 12 weeks. Weinschenk's lawyer, David Hirshon, said he hopes that

BUILDER PROLONGS CHIMNEY REPAIRS RIC WEINSCHENK DIDN'T GET THE LOAN HE WANTED FROM THE CITY, SO HE SAYS IT'LL TAKE HIM MUCH LONGER TO REPAIR FAULTY CHIMNEYS.

Published on January 10, 1998 Page: 1B

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Byline: Andrew D. Russell Staff Writer Ric Weinschenk will take six to 18 months to replace faulty chimneys in 29 homes that he built in Portland because the city won't loan him \$100,000 to do the work, his lawyer said Friday. Weinschenk, who is accused of building homes in Cottage Park and Summer Place with chimneys that could leak carbon monoxide, said earlier this week that he would replace the chimneys within 12 weeks. A state inspector said Friday that 18 months is an "excessive" amount of time to take to replace the chimneys -

BUILDER TO REPLACE CHIMNEYS AT CENTER OF LENGTHY DISPUTE A STATE INSPECTOR FINDS HOLES AND CORROSION IN SOME OF THE CHIMNEYS IN THE 29 PORTLAND HOMES.

Published on January 8, 1998 Page: 1A

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Byline: Peter Pochna Staff Writer A Portland developer accused of building 29 houses with faulty chimneys that could leak carbon monoxide said Wednesday he will replace all the chimneys. Ric Weinschenk's announcement shocked homeowners in the Cottage Park and Summer Place subdivisions who have feared for their health and have fought for more than a year to get the chimneys replaced. It also surprised state regulators who have tried to resolve the matter since last spring and are scheduled to continue negotiations with Weinschenk t

INSPECTOR SEES DANGER IN DISPUTED CHIMNEYS SOME HOUSES BUILT BY RIC WEINSCHENK HAVE CHIMNEYS THAT COULD LEAK CARBON MONOXIDE, ROBERT LECLAIR SAYS.

Published on January 7, 1998 Page: 1A

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Byline: Peter Pochna Staff Writer A state inspector, going against a directive from the regulatory board to which he reports, studied the chimneys of several Portland homes this week and said he found evidence of national safety-code violations. Homeowners hope the findings will help persuade the state Oil and Solid Fuels Board to force developer Ric Weinschenk to replace chimneys in 29 homes. Robert LeClair, working on Monday with three other chimney inspectors, stuck a video camera up the chimneys that carry exhaust from oil-bur

STATE BOARD REVISITS CHIMNEY DISPUTE THE BOARD DECIDES ITS SETTLEMENT WITH A HOMEBUILDER IS INVALID.

Published on November 6, 1997 Page: 1B

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Byline: Steven G. Vegh Staff Writer A state regulatory board has revived its examination of alleged chimney code violations in 29 Portland homes after deciding its settlement with the homes' builder was invalid. The Oil and Solid Fuels Board is expected to rule Friday on whether Ric Weinschenk Builders Inc. must replace the chimneys. The houses were built in North Deering between 1994 and 1996, in subdivisions known as Cottage Park and Summer Place. The city assessed the homes at between \$135,000 and \$175,000. David M. Hirshon, Wein

CHIMNEY 'ISSUE': FROM BAD TO WORSE

Published on October 3, 1997 Page: 1B

© 1997 Blethen Maine Newspapers, Inc.

Byline: Bill Nernitz is a columnist for The Portland Newspapers. They go to sleep each night hoping their carbon monoxide monitors won't go off when their heat goes on. When it rains, they look with worry at the dark goop oozing from the metal chimneys attached to their furnaces. They don't know what the stuff is, but they know it's eating through the concrete in some of their basement floors. And with another winter heating season bearing down on them, they find themselves still asking the same questions they raised almost a year ago. "Doesn't anyone get it?"

BUILDER AGREES TO MODIFY CHIMNEYS ON 29 LOCAL HOMES SOME HOMEOWNERS IN THE TWO NORTH DEERING DEVELOPMENTS SAY THE AGREEMENT DOESN'T GO FAR ENOUGH.

Published on September 13, 1997 Page: 5B

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Byline: Steven G. Vegh Staff Writer Under a settlement with a state safety board, builder Ric Weinschenk has agreed to install powered vents or new liners in 29 house chimneys in Portland that were alleged to violate a safety code. The consent agreement, accepted this week by the Oil and Solid Fuels Board, precludes further review and judgment by the board into whether the chimneys actually violated the code or were unsafe. The homes are located in two North Deering subdivisions called Summer Place and Cottage Park built by Weinsch

CHIMNEY CONTROVERSY UNRESOLVED RESIDENTS OF TWO PORTLAND SUBDIVISIONS AWAIT A STATE DECISION ON WHETHER CHIMNEY PIPES IT FOUND FAULTY SHOULD BE REPLACED.

Published on August 4, 1997 Page: 1B

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Byline: Steven G. Vegh Staff Writer Homeowners in two of Portland's newest subdivisions are awaiting a decision by the state Oil and Solid Fuels Board on whether a developer must replace chimney pipes that the board's inspector calls violations of a safety code. The controversy involves at least 30 homes built by Ric Weinschenk in North Deering subdivisions known as Cottage Park and Summer Place. Cottage Park was built in 1994 and 1995 and Summer Place in 1995 and 1996. Homes in the two subdivisions are valued at between \$135,000 a

CHEVERUS GETS CITY'S APPROVAL FOR FOOTBALL GAMES THE PLANNING BOARD TAKES ACTION ON A CONTROVERSIAL REDLON ROAD DEVELOPMENT.

Published on June 11, 1997 Page: 4B

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Byline: Andrew D. Russell Staff Writer The Portland Planning Board on Tuesday approved Cheverus High School's request to hold football games on its Ocean Avenue campus after neighbors agreed to a deal that limits events at the field. The board also delayed action on a proposal by Ric Weinschenk to build homes off Redlon Road when it appeared the project would fail in the face of organized opposition from nearby residents. The board's unanimous vote to allow varsity football games at the Cheverus field ended a two-month-long dispute bet

NEIGHBORS LEERY OF PROPOSED HOMES BUILDER RIC WEINSCHENK WANTS TO PUT HOMES ON A PORTLAND LOT THAT NEIGHBORS SAY IS WET AND ROCKY.

Published on May 8, 1997 Page: 1B

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Byline: Steven G. Vegh Staff Writer It's filled with rock ledge and wetlands, but to Ric Weinschenk, a 4.3-acre woodland in Portland's Rosemont neighborhood is a perfectly suitable place to build seven homes. Dozens of neighbors disagree. They will meet tonight to denounce Weinschenk's plan, saying it will lead to risky blasting, potential flooding and the ruination of land fit only as green space. "Not to build in the first place, that really would be our solution," said Robert J. Campitelli of Redlon Road. City Councilor Thomas V

203 Briarwood Court
New Paltz, N. Y. 12561
May 18, 2001

Mr. Jonathan Spence, Planner
Portland Planning Dept.
City Hall, 4th Floor
389 Congress Street
Portland, Maine 04101

Dear Sir:

Thank you for the postcard in which you include us to make known our comments regarding the "renovation located at 33 Island Avenue to create rental space for a restaurant, hardware and general merchandise store, an office, etc."

This location (as you all will agree) is one of the most congested areas of our Casco Bay Islands--so much auto traffic , bicycle and skate-board road-takeover, besides the passengers commuting to and from boat arrivals, it would seem that the parking areas around this location would have to be enlarged considerably, making it convenient for exit and entrance.

WELCH Street should be #1 PRIORITY for improvement and the widening of the road;-all these considerations demanding sufficient funding from every source.

Respectfully,



Alice O'Sullivan Stolte
& Louise O'Sullivan

(Summer Owners of 24 Adams Street,
Peaks Island, Me.)

From: <SNash@corey.com>
To: Portland.CityHall(JSpence)
Date: Tue, May 22, 2001 1:22 PM

Dear Mr Spence,

We are writing in regard to the proposed development of the property at 33 Island Avenue on Peaks Island. We are strongly opposed to the project and suspicious and wary of the developer, Ric Wienshank. From almost every perspective, the proposed project is, in our opinion "an accident waiting to happen". Here's why:

1. The developer, Ric Wienshank has a track record that is dubious at best. It has been reported in the news that Mr. Wienshank has been cited for building violations and that there have been numerous complaints and lawsuits by homeowners against him.
2. The proposed design for the building is aesthetically, a disney-like version of what the designer thinks Peaks Island should be. The design is insensitive to the character of other buildings on Peaks. It is out of scale with any other buildings on the Island except those built by Wienshank himself. It is a cartoon of a building that says to residents and visitors, "Welcome to Wienshankland" rather than "Welcome to Peaks".
3. The development has not taken serious consideration to the impact of additional traffic to an area of the island that already suffers traffic congestion in the summer months.
4. There is little convincing evidence that the island can sustain another restaurant.

Thank you for your attention in this matter. I hope that you will continue to keep us notified as to the hearing date.

Best Regards,

Scott and Nancy Nash
88 Welch Street
Peaks Island, ME

766 5761

From: Marge Schmuckai
To: Jonathan Spence
Date: Fri, May 18, 2001 4:50 PM
Subject: The Inn - 33 Island Ave - Peaks Island

Jonathan, I have reviewed this project for zoning. It is located in an I-B zone (using sec. 14-51 30' zone expansion allowance).

minimum lot size: 20,000 sq ft - 20,288 sq ft shown

front yard setback: 20' or average - existing shows 12', the new addition shows 24'

side yard setback: 10' required - 21' and 48.5' shown to foundation

rear yard setback: 10' required - 15' shown

lot coverage: 50% allowed or 10,144 sq. ft. max - 6,816 sq. ft shown

height: 35' max. - 22.5 shown on a pitch roof

parking: which is allowing 25% of the required number of spaced by specified uses - 4 pkg spaces required and 6 pkg spaces are shown

This analysis is based upon the plans I received on 5/9/2001. They to meet the zoning requirements.

CC: PENNY LITTELL; Sarah Hopkins

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Jonathan Spence" <JSpence@ci.portland.me.us>
Date: Mon, May 21, 2001 11:36 AM
Subject: Re: Inn at Peaks

Indeed,

I thought about that only after I had given you my comments. Typically the MEDEP must be notified about any underground tank removals. they will observe the tank removal and any contamination resulting from a leak. They will determine a course of action after they see the extent of the contamination. A Phase 1 Environmental Site assessment may have been completed that may provide any additional detail as to possible onsite contamination issues or other hazardous materials. The lending institution involved with the project may have required this. the applicant should be able to provide additional data regarding these issues.

At a minimum I recommend the applicant supply a Phase 1 ESA as part of their application.

If you have any questions please call.

Steve Bushey

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

From: Jonathan Spence <JSpence@ci.portland.me.us>
To: srbushey@maine.rr.com <srbushey@maine.rr.com>
Date: Monday, May 21, 2001 10:18 AM
Subject: Inn at Peaks

Good Morning Steve!

A quick question. It is possible that this may be somewhat of a "brown site". I heard that there may be underground storage tanks in addition to soil contamination. Who addresses these issues?

Any guidance would be greatly appreciated.

Thanks again.

QUESTIONS FOR PORTLAND PLANNING BOARD MEETING

May 22, 2001

Project:

33 Island Avenue
Peaks Island, Maine 04108
(The Peaks Island Company, LLC)

City Contact:

Jonathan Spence, Planner
Portland Planning Department
City Hall, 4th Floor
389 Congress Street
Portland, ME 04108
(207) 756-8083
jspence@ci.portland.me.us

Questions:

- 1) Environmental:
 - a) Hazardous Materials from former use?
 - b) Clean-up/Remediation
 - c) Potential for groundwater contamination.

- 2) Overall Footprint/Coverage:
 - a) 50% lot coverage allowed under IB zoning?
 - b) Are decks counted in overall coverage ratio?
 - i) Is this calculation different than for residential zoning?

- 3) Height:
 - a) 35-foot maximum allowed under IB-zoning?
 - b) Maximum height of proposed building?
 - i) Measured from what point to what point?

- 4) Allowable Uses:
 - a) Under IB zoning, "Inns" are excluded, but "Bed & Breakfasts" are allowed only on Peaks Island?
 - b) What is the definition of an "inn" versus a "bed & breakfast"?
 - i) Are the number of private baths a factor?
 - (1) Could each room in a bed & breakfast have a private bath and a kitchenette, for instance?

- 5) How many rooms at proposed inn?
 - a) Lot size needs to be 5,000 sf for 3 rooms and an additional 5,000 sf for each additional room.
 - i) 20,000 sf lot would seem to allow for 6 rooms.
 - (1) Does this hold true for a mixed-use development when additional ground-floor retail is proposed?

Fred Rainbow
Park Avenue
Peaks Island ME 04108

May 21, 2001

City of Portland Planning Office
Fax 207-756-8258

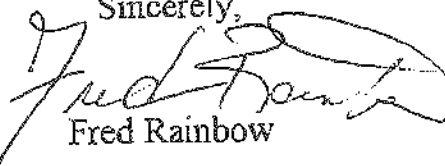
RE: Peaks Island, 33 Island Avenue development

I am in opposition to any development to be done at the 33 Island Avenue location on Peaks Island. This location is in the heart of the village and any building done here would have to be small enough to fit in with the current use of this busy space. This is at the head of the street where the hourly ferryboats arrive and depart and it is quite hectic already.

The developer who is proposing the multi-use plan has by Portland's own experience a checkered past with being able to produce on what has been promised. We don't need any half-done developing (or perhaps any more developing at all). Other communities close to Portland have also had this developer proceed over the wishes of neighbors and create what are considered blights. Peaks Island is too small to absorb this kind of developmental blight. This developer's record on cooperation with the city of Portland is abysmal; something that you of the planning board may have personally experienced.

Our community does not support any year round businesses except for a grocery store. Everyone else operates during spring to early fall. To build and then perhaps go bust and stand empty is an eyesore we who love Peaks do not want to see.

I have been a summer resident since 1949 and I pay my taxes to live in a small, quiet community of which I can be proud. This development would violate my trust and faith in the city planning process. Thank you for your time in reading my letter, I would be please to expand on it if you would like more input.

Sincerely,

Fred Rainbow

Winter residence:
1418 N.W. 16th Terrace
Gainesville FL 32605
(352) 375-7266 home
(352) 272-2075 work

From: Greenshoe <Grnshoe@maine.rr.com>
To: Portland.CityHall(JSpence)
Date: Tue, May 22, 2001 8:48 AM
Subject: Ric Weinschenk

Mr. Spence-

Your office I believe is responsible for ensuring responsible and law abiding construction in our city. Mr. Weinschenk has a long and questionable track record when it comes to following laws and guidelines in almost every jurisdiction in which he has been building in. From his questionable quality when it came to building chimneys in his Portland condo project, to his consistent refusal to complete the pond and pick up construction waste in his housing complex, Ric has repeatedly dodged laws, guidelines and his own commitments to residents and city officials. When will he be held accountable by our city officials for questionable practices and broken promises?

Ric is a nice man: friendly, personable and bright. But those qualities alone do not warrant approval for a project which is environmentally sensitive and one which fronts this small and fragile island community.

Thank you,

Stephen Schuit

From: <ELOEWALD@aol.com>
To: Portland.CityHall(JSpence)
Date: Tue, May 22, 2001 10:14 AM
Subject: Proposal for building at 33 Island Ave., Peaks Island

Dear Mr. Spence, I'm sorry I can't come to the public hearing about Mr. Weinschenk's proposed building at 33 Island Avenue. But I would like to raise my voice in opposition to what he's proposed.

First of all, the 3-story building for a hardware store-restaurant-b&b seems quite excessive for what the island needs. All of the above businesses have been tried before, here --and seem to end up as vacant buildings , soon, because the year-round need isn't enough.

And what about adding to our congestion, and our difficulty in parking already? And what about Peaks Island Fuel Co. -- where will they park? I'm a devoted customer of theirs.

Most important to me is my doubts about Mr. Weinschenk's responsibility and workmanship. This has been all too evident, in many towns. And in Portland! Will he see that gasoline hasn't polluted the ground from the old gas station there? Will he finish the work? Does he only plan to build and rent and leave, no matter the need or its future.?

I would propose a small park there, for our island. Not this building.
Elizabeth Loewald, Pleasant Ave, Peaks Island. Year-round resident.

From: "Dick Norris & Celia Strickler" <peaksile@maine.rr.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 9:54 PM
Subject: 33 Island Avenue Development Poroposal

Dear Mr. Spence,

This is to inform you that we have serious reservations regarding Ric Weinschenk's proposal to build a B and B/hardware store/restaurant on the site of the former Forest City Lumber Company as outlined below:

.A. A look at the developer's drawings indicates that the building will be three stories high - not quite in keeping with surrounding structures.

B. Since the site used to be used as a gas station, should we worry about environmental clean-up problems?

C. It appears that there are only 4 parking spaces in addition to two rental spaces - any overflow will severely tax the already extremely limited parking available on Island Avenue. Additionally, pedestrian traffic flow on Welch Street and Island Avenue in the summer will be more difficult and dangerous with this new building as proposed.

D. As a customer of Peaks Island Fuel Company, I am concerned that there seems to be no provision made for parking of oil and propane trucks. Does the developer have alternate plans for them that he has not made public? Does this mean that the Island will go back to having just one oil/propane dealer?

E. We recently sat through two zoning/building code meetings here on the Island that were the direct result of Ric Weinschenk's dealings with City of Portland Planning Board. After hearing Marge Schmuckel's comments and description of events that occurred here, I feel nervous that the City is even considering dealing with Mr. Weinschenk again.

F. Has the developer submitted a market analysis that Island residents can review in order to test his assumptions as to the projected viability of this project?

We sincerely hope that the City will exercise due diligence in examining this proposal in much greater detail before granting any permits.

Sincerely yours,

Richard K. Norris and Celia E. Strickler

24 Third Street, Peaks Island 766-5066

CC: "Thomas A. Fortier" <TAF@ci.portland.me.us>

From: Karen Friedman <KFrdmn@maine.rr.com>
To: Mr.Spence <JSpence@ci.portland.me.us>
Date: Tue, May 22, 2001 9:03 AM
Subject: No to Peaks Island B&B

Dear Mr. Spence,

I just received an email from Lane Williamson and Don Stein about the proposed B&B building on Peaks. I agree to everything stated in their email about why there are problems with the proposal.

One major problem is the increased number of cars on the island. At this point, even in the winter there is not enough parking near the boat.

Maybe Portland needs to figure out transportation and traffic accommodation before it does any more developing on either end of the boat. This is effecting our quality of life and why we came to live in Maine in the first place.

The Island needs senior housing, a new library, a larger community room, a skateboard park, or teen center, maybe Mr. Weinschenk should consider one of these projects. I guess Portland needs to decide if they are going to treat Peaks like a neighborhood of Portland or a commodity to be exploited.

Regards, Karen Friedman

From: <JGOELL@aol.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 11:48 PM
Subject: Proposed site on Peaks

Mr Spence and the planning board:

If I felt Mr. Weinschenk had some regard for the Peaks Island community, or displayed some taste and sense of proportion in his past real estate projects on Peaks, I might welcome the added services and commerce he offers to our small island. As it is, I strongly urge you to reject another of Mr. Weinschenk's overreaching projects.

Thanks for listening,
Julie Goell

From: lmartinez <lu.kms@rocketmail.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 3:07 PM
Subject: Proposed Weinschenk Development on Peaks

Dear Mr. Spence,

I'm completely opposed to Ric Weinschenk's proposed development at 33 Island Avenue on Peaks. I don't trust this contractor on any level, and I certainly wouldn't be willing to give him the benefit of the doubt on Peaks when his record around the state is so abysmal.

The proposed construction project is unrealistic and unsustainable both in scope and scale. This project will eventually fail, and there the building will sit, a monument to that failure, right at the top of the hill, out of place and in the way. And in the meantime an important island resource, Peaks Island Fuel, will have been forced to find another site or move off island.

The thing that bothers me most about this project, I guess, is that there are things--buildings and spaces--that Peaks Islanders need and want. They include senior housing and meeting space, a youth center, and additional library space. The location at 33 Island Ave. is the most central, accessible space to have come on the market on the island in ages, yet it has been bought by and is about to be developed by someone who has neither the island's nor its residents' best interests at heart--only his own.

Peaks Island neither needs nor wants nor can sustain high-priced glossy retail space. The proposed development is out of character for the island, and I urge you to consider carefully before granting the necessary permits.

Sincerely,

Luisa Martinez
Peaks Island

Do You Yahoo!?
Yahoo! Auctions - buy the things you want at great prices
<http://auctions.yahoo.com/>

CC: Lane Williamson <pondstudio@mindspring.com>

From: Jean Hoffman <jh@newportstrategies.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 2:51 PM
Subject: Ric Weinschenk application for 33 Island Avenue on Peaks Island

Dear Mr. Spence,

I write in opposition to permitting for Ric Weinschenk's planned developments for 33 Island Ave. on Peaks Island.

As an island resident, and one who made the mistake of employing Mr. Weinschenk's firm for foundation work in the past, I have grave reservations about whether he will act in good faith to meet the necessary environmental and building code requirements for his planned development. The location is a sensitive and important one for the Peaks Island community. Mr. Weinschenk's past and current performance do not support granting him additional permits until and unless he finishes other projects to the satisfaction of the City and his clients.

Thank you and your colleagues on the Planning Board for giving your careful consideration to all aspects of the permit application for 33 Island Avenue on Peaks.

Jean Hoffman
120 Island Avenue
Peaks Island

From: John Erdman <jperdman@earthlink.net>
To: Portland.CityHall(JSpence)
Date: Tue, May 22, 2001 11:18 AM
Subject: Rick Weinschenck's plans for Peaks Island

To the Portland Planning Board:

I heard by word of mouth that there was to be some sort of a workshop planning meeting regarding plans for the property on Peaks Island at the corner of Island Ave and Welch St. Unfortunately I have been unable to verify this by either phone or internet.

As a resident of the island, I am impacted by use of that property. What is currently planned is another Weinschenck abomination. Grandiose, tasteless, and totally out of character for the historic neighborhood it is located in. It is not the kind of business structure that we either need or is suitable for the property. C'mon now let's be reasonable.... a B&B, a restaurant, a bakery, and a hardware store all on that small lot. Ridiculous!!

I particularly object to this apparent attempt to get inappropriate development in under the radar of the citizens of the island. Other than a note on a bulletin board to come see the plans there has been inadequate notification of this meeting.... even close neighbors are being surprised by the suddenness of this meeting.

Let's postpone the meeting and hold it later after the local citizens have been adequately notified.

Thank you,
John Erdman
Peaks Island

From: "Lane" <pondstudio@mindspring.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 1:39 PM
Subject: The proposal for 33 Island Ave. Peaks Island

Mr Spence:

We want to let you know that we strongly oppose the development planned by Ric Weinschenk for 33 Island Ave. on Peaks. We urge you to look carefully at the developer himself and at the plan. Specifically:

1.. How can the City of Portland grant this developer permits to do anything when his performance on already existing projects within the City have netted him stop work orders as recently as the last several months? How much more money managing this developer is the City of Portland willing to spend? He is persona non grata in other cities/towns in Me, and cannot pull permits. This same developer has so taken advantage of site loopholes that Peaks Island and the Planning Office recently worked together to pass ordinances around site restrictions - largely in response to this developer.

2.. The proposed building makes some use assumptions: a rental for a hardware store (already been tried and failed out here), rental for a restaurant (can't even keep one open here year 'round), and an inn/b&b. Neither Peaks nor the City of Portland needs a great big empty building sitting at the top of Welch St. . Kitty corner across Welch St. from this proposed development sits another building. This building houses an ice cream shop/sundries store, a coffee shop, a fast food grill and an apartment. Only the apartment can operate year round. The coffee shop is open for morning boats in the winter. This building has been on the market over a year-it is still for sale. We would ask that you check the developer on his market analysis.

3.. The developer's drawings suggest that the proposed additions/changes will make the building 3 stories high. If so, this height is not in keeping with the adjacent buildings.

4.. Let us assume for the moment, that there is need for a hardware store, and a restaurant and a B&B. Can you imagine what kind of traffic and parking problems there are going to be in the summer months on Welch and Island Ave. It is already an iffy situation for pedestrians coming from the ferry to move up Welch street and along Island Ave.. We ask that you assess whether there is sufficient parking for all of the proposed operations.

5.. There was a gas station at that site years ago. What provisions are being made to be certain that this developer, given his history, actually does the necessary environmental clean up?

6.. This is an Island community. It is approximately one square mile. The free enterprise system is extremely important on the Island. Monopolies that one wouldn't have to worry about on the mainland are a fact of every day life on the Island. This development will unseat the current home of Peaks Island Fuel (PIF). PIF began as a cooperative by Islanders in response to monopoly fuel oil, propane and kerosene prices. While PIF is now a privately owned business, it is vital to the Island's economic health that there be competition. While this is clearly not a problem the Planning Board can directly address, it is a point of interest that, while there are only four parking places in the proposed site and a great deal of grass and landscaping and two rental spaces, there has apparently been no way to retain space for PIF's operation. Thank you for considering our concerns.

Lane Williamson and Don Stein

Box 53
Peaks Island, ME 04108
207/766-5138
04108

203 Briarwood Court
New Paltz, N. Y. 12561
May 18, 2001

Mr. Jonathan Spence, Planner
Portland Planning Dept.
City Hall, 4th Floor
389 Congress Street
Portland, Maine 04101

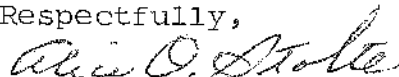
Dear Sir:

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WELCH Street should be #1 PRIORITY for improvement and the widening of the road;-all these considerations demanding sufficient funding from every source.

Respectfully,



Alice O'Sullivan Stolte
& Louise O'Sullivan

(Summer Owners of 24 Adams Street,
Peaks Island, Me.)

From: "Goerings Book Store" <goerings@gnv.fdt.net>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 4:12 PM
Subject: Peaks Island development

City of Portland Planning Office
May 21, 2001

RE: Peaks Island, 33 Island Avenue development

I am in opposition to any development to be done at the 33 Island Avenue location on Peaks Island. This location is in the heart of the village and any building done here would have to be small enough to fit in with the current use of this busy space. This is at the head of the street where the hourly ferryboats arrive and depart and it is quite hectic already.

The developer who is proposing the multi-use plan has by Portland's own experience a checkered past with being able to produce on what has been promised. We don't need any half-done developing (or perhaps any more developing at all). Other communities close to Portland have also had this developer proceed over the wishes of neighbors and create what are considered blights. Peaks Island is too small to absorb this kind of developmental blight. This developer's record on cooperation with the city of Portland is abysmal; something that you of the planning board may have personally experienced.

Our community does not support any year round businesses except for a grocery store. Everyone else operates during spring to early fall. To build and then perhaps go bust and stand empty is an eyesore we who love Peaks do not want to see.

I have been a summer resident since 1949 and I pay my taxes to live in a small, quiet community of which I can be proud. This development would violate my trust and faith in the city planning process. Thank you for your time in reading my letter, I would be please to expand on it if you would like more input.

Sincerely, Fred Rainbow
Park Avenue
Peaks Island ME 04108

Winter residence:
1418 N.W. 16th Terrace
Gainesville FL 32605
(352) 375-7266 home
(352) 372-3975 work

CC: "Lane Williamson" <pondstudio@mindspring.com>

From: <RoseannRwalsh@aol.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 7:47 PM
Subject: 33 Island Avenue Peaks Island

Dear Mr. Spence:

I am writing you regarding the plan for 33 Island Ave on Peaks Island. I live on Epps Street which is within the vicinity of this plan. After a lot of discussion and thought I have come to the conclusion that I am not in favor of such an expansion. I believe the front of the island is already very congested and this would just add to it. Our street is directly across from the one grocery store and we have dealt with the traffic and congestion for years. This goes back to when we'd push our children in strollers (they are now teenagers) and vehicles would be blocking the street so we weren't able to get up the street, to calculating the least busy times of the day to allow my children to walk to the store, which we can actually see from our house.

We have endured this problem for many years. Peaks seems to be becoming more and more popular with daily visitors and vacationers. These people along with islanders all travel up Welch Street to get where they are going and it is already a very busy part of Peaks. I feel that Peaks is losing its character and uniqueness. There is a lot of construction going on here and it might now be the right time to take a closer look at it, digest it and slowly see what is really best for Peaks.

Thank you for your time and please take in to consideration all Peaks Islanders when making your decision. Not only is this my neighborhood it is my home.

Rose Ann Walsh

From: Greenshoe <Grnshoe@maine.rr.com>
To: Portland.CityHall(JSpence)
Date: Tue, May 22, 2001 8:01 AM
Subject: Ric Weinschenk

Dear Mr. Spence,

I am writing to oppose the construction of 33 Island Avenue, Peaks Island, Maine by Ric Weinschenk. I urge you to look carefully at the plans and past work history of this developer. As a Peaks Island resident I am concerned that the construction will not conform to code and will be built with corners cut and work that will not last. Mr. Weinschenk has a reputation, not only in Portland but in surrounding communities of incomplete and insufficient work. The site of this proposed building sits on a former gas station, which may be hazardous to the environment if built on. Mr. Weinschenk's passed performances have caused stop work orders by the city, which again indicates his flagrant disregard for the rules. We are a small island community and although he is a part of this community he has not demonstrated his ability to see the long term affects of his poor workmanship and disregard for the building codes. We do not need a project on Peaks Island that will sit there unfinished or worse a hazard to our environment and community. Before he is allowed to begin construction on this property I urge you and the planning to board to give careful consideration to his past projects and deny him this permit.

Thank You,

Marsha Greenberg
29 Pleasant Ave
Peaks Island

The Greenshoe Group
Consultants to Organizations
Tel: 207-766-2602
Fax: 207-766-2346
Visit us at www.GreenshoeGroup.com

From: stephen bushey <bbushey@maine.rr.com>
To: srbushey@maine.rr.com <srbushey@maine.rr.com>
Date: Wednesday, May 16, 2001 7:31 AM
Subject: The Inn - Peaks Island

Rick,

I have reviewed the Plan dated March 21, 2001 for The Inn on Peaks Island. I offer the following comments for your consideration.

1. How much parking is required for this use? Is parking allowed off Island Avenue?
2. Is the construction of the retaining wall allowed within the City's paper street?
3. A guardrail fence should be provided along the south side retaining wall similar to the fence behind the north side retaining wall.
4. Handicap ramps may need to be provided along the concrete walk in front of the building.
5. Has the applicant provided an ability to serve letter for any increase sewer and water use from the proposed change of use?
6. Is a landscaping plan required?
7. I have not visited the site. However is any signage along Island Avenue necessary for parking, pedestrian activity etc?

If you have any questions please call.

Steve Bushey Technical Reviewer

From: "Suellen Begley Roberts" <sbwatersedge@earthlink.net>
To: "Ric Weinschenk" <cottageho@aol.com>
Date: Mon, May 21, 2001 3:47 PM
Subject: Weinschenk Peaks Island Project

Dear Ric,

I like your proposed project idea for the Island Avenue & Welch street corner . . . an inn, a much needed hardware store, and a space for the Peaks Island Fuel Co.; but I feel your design is too over-stated for Peaks Island. I would like to see a more simplified facade . . . more of a cozy, traditional New England look with a little Weinschenk "flair".

Good luck at the meeting Tuesday night.

Suellen Roberts

Year-round resident

6 Alderbrook Road

Peaks Island 04108

207-766-2161

sbwatersedge@earthlink.net

CC: "Jonathan Spence" <jspence@ci.portland.me.us>, "Co...

From: Kate Castle <kcastle@cisco.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 10:33 AM
Subject: Support for "Inn" project on Peaks Island

Hi Jonathan --

I am writing to express my support for Ric Weinschenk's project for "The Inn" on Peaks Island. From the plans that I have seen, I feel that Peaks would benefit greatly from all of the components of the "The Inn". I have lived on Peaks during the summers for the past 25 years and in the past 5 years, spend many winter weekends there as well. One thing that has been missing from the island during this time is a year-round restarant and bed and breakfast / inn type place. Currently, if you want to have guests come and spend a weekend on the island, there really is no other option than to have them stay with you. The island desperately needs a B&B as well as an eating establishment that serves 3 meals a day. With the closure of the Bakery last summer, options for going someplace to get a sandwich for lunch or poik up breakfast are very limited -- especially in the winter.

If you have any questions, please feel free to contact me. Again, I support the concept for the "Inn" and hope that the city will support it as well.

Best,

Kate Castle
P: 617-566-2486
P: 207-766-2254

From: "Nicky H" <niquedemus@hotmail.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 10:08 AM
Subject: Peaks Island Inn

May 21, 2001

To Whom It May Concern:

As a resident and taxpayer in the City of Portland and a seasonal resident of Peaks Island I am writing to express my strong support of the proposed inn and hardware store on Peaks.

I see the project as a vast improvement over the eyesore that is currently situated on that site. I also support the B&B concept which is much needed on the island. There are very few rooms available for rent on the island.

I urge you and our City planners to approve this project so construction may begin as soon as possible.

Sincerely,

Monique Hamann

Get your FREE download of MSN Explorer at <http://explorer.msn.com>

From: <JRLAUSIER@aol.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 9:51 AM
Subject: THE INN project on Peaks Island

Good morning Jon,

This email is in reference to THE INN project on Peaks Island. My property borders almost the full length of the lumberyard from behind. I've looked at the plans of the proposed project and I wanted to voice my approval of what is being proposed. The major concern that I had was that Peaks Island Fuel would have to move --- therefore have to go out of business because of lack of appropriate space for them on Peaks. It appears that accommodations have been made in the plans to keep Peaks Island Fuel as part of the overall plan...this is a major positive for Peaks. I don't see any negatives to allowing the project to go through as proposed. The plans allows for a hardware store, year round restaurant and inn, and retaining a current fuel business--all of which are greatly needed on Peaks. It appears that the property improvements will only make that corner area look alot better.

Ric Weinschenk stated to me that the planning board was requesting additional trees be planted on the corner property. I was confused as to what he was being asked to do with regards to this. The existing buffer between the lumberyard and my property is more than adequate and quite frankly I would not appreciate having more trees planted to block my bayview any more.

You may contact me if you have any questions.
Thank you Jon!
Jim Lausier

From: <Sealights99@aol.com>
To: Portland.CityHall(JSpence)
Date: Sun, May 20, 2001 9:52 PM
Subject: Peaks Island Company

Dear Mr. Spence,

I am emailing you after viewing the plans for the Peaks Island Company proposed renovation of the old hardware store/ garage/ bakery and oil business building. What is proposed will be a tremendous improvement to the downfront look of Peaks Island, (which is a valuable tax asset of the Portland tax base)....with no cost incurred by the city for this improvement and I would assume an added tax revenue for the city tax base.

Mr. Weinschenk was describing to me the recommendations the city has made concerning plantings around the property. As an avid gardener I am concerned with your requirements for the number of "woody" trees instead of what shows on the plans for perennial gardens and low shrubs...i.e. beach roses. If one looks at old pictures of Peaks Island trees were a rarity. The islands of Casco Bay were primarily open fields used for farming. Large trees are seldom found even today along shore roads as they block the view of our beautiful rocky shore line and everchanging ocean.

I hope that you would reconsider your recommendations to the board and go with the more quaint look for perennial gardens, stone pathways and low bush plantings as you approve this much needed business venture on Peaks Island.

Thank you for reading my request.

Sincerely,

Stephanie Castle
49 Edwards Street
Peaks Island, ME 04108
email---sealights99@aol.com

From: John & Sarah Macleod <johnandsarahmac@mediaone.net>
To: Ric Weinschenk <cottageho@aol.com>
Date: Sun, May 20, 2001 7:41 PM
Subject: The Inn on Peaks Island, Maine

May 20, 2001
Mr. Spence,

We are writing to say that I feel that the proposed changes to the site for the Inn, Hardware Store and Fuel Company with the proposed landscaping changes would be a MAJOR IMPROVEMENT to the site. We would like to see Mr. Weinschenk's proposal go through with no changes to it. The proposal seems to be in a similar style, color, and accessory style to that which the City of Portland utilized when it did the Wastewater Treatment Facility and Main Road down to the Ferryboat landing. Given The Inn's proximity to the ferryboat landing and other shops, restaurants and Post Office, it seems like this change would only add to the "Peaks Island Small Town Main Street aura".

As Peaks Island homeowners, we feel that the Inn would fill a need that is not currently being met. It would allow a place on the island for friends and family to stay when our own home size is not adequate.

Mr. Weinschenk recently finished renovating our home and we could not be more thrilled with his work. His design took into account our neighbors home style as well as their views, in addition to meeting our needs. The finished product was more than we could have believed possible when we started the project. In addition, he has turned our yard, which was a messy mowed field of sorts, and has made it an area that suits both my husband and my as well as our children's needs. There is now a wonderful mix of natural area (bittersweet and berries), mowed lawns, gardens, rock gardens, patio/steps, dirt driveway, gravel walkways and our children's swingset/playspace.

The Inn's site as it now looks could definitely benefit in the same way our home did from Mr. Weinschenk's renovation. We hope that the Peaks Island Community has a chance to enjoy the benefit of this project. We are especially pleased to see the island style of landscaping included in the plans as this will do a lot to improve the appearance of the very visible location's lot, which currently looks like an abandoned old gas station.

Thank you for taking the opportunity to listen to our thoughts and concerns,

John and Sarah MacLeod

From: "Pereira, Brian" <BPereira@Lifespan.org>
To: "JSpence@ci.portland.me.us" <JSpence@ci.portland...>
Date: Sun, May 20, 2001 11:42 AM

Dear Mr. Spence

I am delighted that there is a proposal to build a bed and breakfast on Peaks Island. This is a much needed addition to this jewel in Casco Bay. More importantly, the B&B would replace the less than aesthetic structures that currently exist. This would provide the additional living space for guests of the residents of the Island who would want to show off the island to their friends and relatives, but do not have homes that are big enough.

I would urge you to expedite approval.

Sincerely yours

Brian J. G. Pereira, M.D., M.B.A.
Senior Vice-President
New England Medical Center
Professor of Medicine, Tufts Univ. School of Medicine
750 Washington Street, Box 5224
Boston, MA 02111
Tel: (617) 636-1163 (Executive Assistant)
(617) 636-5224 (direct)
Fax: (617) 636-7119

From: "BERNARD SMITH" <bsmith06@maine.rr.com>
To: Portland.CityHall(JSpence)
Date: Sun, May 20, 2001 8:05 AM
Subject: Fw: THE INN

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

From: BERNARD SMITH
To: jspence@city.portland.us
Sent: Saturday, May 19, 2001 6:01 PM
Subject: Fw: THE INN

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

From: BERNARD SMITH
To: jspence@ci.portland.us
Sent: Saturday, May 19, 2001 4:57 PM
Subject: THE INN

J. SPENCE, I am writing you to advise my support to having the new project to build THE INN.At 33 Island Ave. Peaks Island. The present building is a eyesore and the new plan seems to fit in to the needs of the island which has very little available for overnight facilities for our guests. The new Inn will not only look great and fill a need for guests year round it will also provide a hardware store (much needed) and a restaurant that will be open for 3 meals a day and year round.

Regards, Bernie and Joan Smith

From: "colleen tucker" <ctucker@maine.rr.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 4:05 PM
Subject: Fw: The Inn on Peaks Island

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

From: colleen tucker
To: JSpence@city.portland.me.us
Sent: Monday, May 21, 2001 8:27 AM
Subject: Fw: The Inn on Peaks Island

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

From: colleen tucker
To: JSpence@ci.portland.us
Sent: Monday, May 21, 2001 8:23 AM
Subject: The Inn on Peaks Island

I am a Portland resident with family and friends who live on Peaks Island, so I go there every season. I've seen Ric Weinschenk's design for a building which will house a year-round inn/restaurant, as well as a hardware store and what I understand is one of the island's two fuel companies. I think it is beautiful and would be a wonderful asset to the island. I strongly urge the planning board to approve this design, as planned, and I look forward to one day seeing this beauty at the top of the hill. What a vast improvement over what has been there for years!! Thank you for your time and consideration of this Portland taxpayer's opinion.

Colleen P. Tucker
36 Willow Lane
Portland, ME 04102
(207) 775-3709

From: "Kathleen Beecher" <Kathleen@peaksmerc.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 4:06 PM
Subject: Peaks Island

Dear Mr. Spence,

I am writing this letter to voice my support of the proposed construction and businesses at 33 Island Avenue. I have lived on Peaks since 1976 and I have had my own business here since 1991 (Peaks Island Mercantile). Through my customers and my numerous friends on the island, I am sorely aware of the need for an inn to accommodate visiting family, overnight vacationers, people here on business or family matters. There is definitely a need and not many places or people who want to fill it. Regarding the matter of a decent restaurant which is open all year, this has been a wish of islanders for years...especially one that is not another seasonal bar scene with loud music and bad behavior. And a hardware store...I bought the site of the old one and opened a gift shop and second hand store. I have often longed for a hardware store and my customers are often cruising the shelves looking for hooks and lamp parts and screws and plumbing supplies. We definitely need to have a place to buy the essentials of home repair, like white primer, screws, nails, 2x4's, etc. You simply cannot plan for every item for every job and it causes long delays in jobs and projects as well as costing a great deal extra when a few simple things are missing.

I am sure you get the gist of my reasons for wanting the plan to be approved at 33 Island Avenue. We need a restaurant. We need some lodging. We need a hardware store. Please consider what it is like for us to live without these conveniences which you can access 24 hours a day on the mainland. Life would be so much easier for us!

Thank you,
Kathleen Beecher
Peaks Island Mercantile
115 Island Avenue
Peaks Island, Maine
766-0094

CC: "Ric Weinschenk" <cottageho@aol.com>

From: ken mehler <kimehler@snet.net>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 6:06 PM
Subject: The Inn, Peaks Island

Dear Mr. Spence,

We received a postcard inviting us to attend the Tuesday meeting re: The Inn project being proposed for Peaks Island. As we are summer residents we will be unable to attend the meeting, but both my husband and I would like to voice our support for The Inn, with or without the fuel company trucks at their present location.

We have been property owners and summer residents since 1985 and have seen hardware stores and restaurants come and go. My husband and I feel this will provide island residents a much needed store as well as competition to the current monopoly in dining out. As summer residents we would certainly make use of the Inn for winter visits to Peaks. We also feel The Inn will provide a much needed "face lift" to the current property on 33 Island Ave. The Inn is a win win for Peaks Island and we are in full support.

Marjorie & Ken Mehler
13 Whitehead St. Peaks

71 Knollwood Drive
Glastonbury, CT. 06033

From: <MBEEBE@aol.com>
To: Portland.gwgwia("COTTAGEHO@aol.com")
Date: Sun, May 20, 2001 6:26 PM
Subject: Re: The Inn

Ric, please forward our comments to Jonathan Spence at the Portland Planning Board.

Dear Mr. Spence,

My wife went to the Peaks Island elementary school over 45 years ago and brought me and our children to the Island 25 years ago. We are familiar with Peaks Island and have watched it change over the years and in our opinion the change has been mostly good. We are in favor of The Inn project being proposed by Mr. Weinschenk for several reasons. The Island could use and would support a good year around restaurant facility. The current food offerings on the Island are average or below average depending upon your tastes and pocket book. Additional rental rooms are also needed particularly if they are done in a warm and welcoming fashion as I am sure is the case with this project. The Inn will be replacing an eyesore structure at the entrance to our lovely Island. Based on Mr. Weinschenk's description of The Inn, architecturally and aesthetically it will be a vast improvement over the existing structure.

There are many Peak's Islanders who support this project and hope that it will be started and completed soon.

Sincerely yours,
Michael and Nancy Beebe
582 Island Ave.
Peaks Island, ME 04108

From: <Freemanas@aol.com>
To: Portland.CityHall(JSpence)
Date: Mon, May 21, 2001 8:53 PM
Subject: THE INN

Dear Mr Spence,

I am writing as a homeowner on Peaks Island regarding a project on the island referred to as THE INN, that I understand is coming up for discussion at a planning board meeting tomorrow, May 22nd.

I have heard that this project will take what is now a very sad looking, mostly vacant building located at 33 Island Ave on Peaks Island and expand and substantially upgrade it. I am told that it is to include a restaurant (hopefully year-round which the island lacks), a retail hardware/bldg supply (also sorely lacking on the island) and some B&B accomodations.

I would whole-heartedly support such an undertaking that would clean up what is now an eyesore at the Welch/Island corner and bring needed services to the island. I hope that you will give this project you best consideration and support.

Sincerely yours,

Monica Stevenson - 539 Island Ave, Peaks Island

From: <Gandielof@aol.com>
To: Portland.gwgwia("PEAKSISLANDCO@aol.com")
Date: Tue, May 22, 2001 9:14 AM
Subject: THE INN

Dear Ric, Sounds like a terrific project and a much needed aesthetic improvement. I assume Peaks Island Fuel would have an office only and all delivery vehicle parking, storage, etc. would be off site. Good luck with your meeting today with Mr. Spence-will plans be available to peruse? By the way, we sure could use a good Italian style restaurant with a Tuscan qualified chef. Best Regards, Gunnar Elofson

CC: Portland.CityHall(JSpence)

From: "CBC GROUP INC." <cbcgroup@maine.rr.com>
To: Portland.CityHall(JSpence)
Date: Tue, May 22, 2001 11:26 AM
Subject: PROPOSED INN ON PEAKS ISLAND

ATT: J.SPENCE, As a new resident of Peaks Island and moving my small business and home in to a house being built on Peaks.

I wish to register my support for the construction of the INN. I expect to have clients visit and also know we will have guests visit.

The Island has shortage of year round guest rooms and dining. The present site is a eyesore in its present state, I hope you will strongly consider this proposal and not have any major objections to the INN being built.

Regards, Bernie Smith,President CBC GROUP INC.

From: <RoseannRwalsh@aol.com>
To: Portland.CityHall(JSpence)
Date: Tue, Jun 26, 2001 7:41 AM
Subject: Peaks Island-33 Island Avenue

Dear Mr. Spence:

I am once again writing you concerning the property at 33 Island Avenue on Peaks Island. In May I stated my objection to the project at this site and still feel the same. The impact of more people and vehicles on the "downfront" of Peaks Island cannot handle it. The corner of Welch Street and Island Avenue is already congested.

I received a notice of a gathering at the property of 33 Island Avenue on Saturday, June 23 for the Peaks Island Co. to present their plans for the site. After attending my feelings have not changed.

At the meeting we were asked to sign in to show attendance but the question was brought up as to what would happen to the names on the list with the confusion surrounding this I decided to remove my name.

Also mentioned was the Peaks Island Fuel Co-op, no one wants to see them displaced but the impact that they will have on Peaks is really a different matter all together and should be kept separate.

I felt that many of those in attendance did not live on Peaks 12 months a year and that is very important because the Peaks Island Co. said the one thing people want on Peaks is a year round restaurant. I wonder where people will park for the restaurant, bed and breakfast and store all at the same time. Again can the front of the island handle this?

Although I live in the vicinity of this project it will impact all islanders as we all walk or ride up Welch Street onto Island Avenue to get home from the boat. As stated in my May email I think the city of Portland should take a long look at Peaks Island and take your time in deciding what changes are happening here.

Sincerely,
Rose Ann Walsh
28 Epps Street
Peaks Island ME

From: "Marge" <mpowers2@maine.rr.com>
To: "Jspence@ci.portland.me.us" <Jspence@ci.portland.m...>
Date: Mon, Jun 25, 2001 5:11 AM
Subject: Peaks Island Inn Project

To Those Concerned,

I am the 3rd generation in my family with roots on Peaks Island. I purchased my home here 10 years ago and moved here as a full time resident nearly 4 years ago. My children and their children now come to Peaks on a regular basis with an eye to living here one day.

On 06/23/01 Rick Weinshenck presented in a public forum to the people of Peaks Island a proposed enterprise at the corner of Welsh Street and Island Avenue. The plans depicted an attractive addition to a very public and visible site. The site has always been underdeveloped, at least, and the proposed appears to be a significant step toward dressing up a long neglected corner.

Most particularly, We are delighted that Mr. Weinshenck cared enough to go a step beyond at his own initiative, advertising, and conducting this presentation, to keep the islanders aware of what he and his partners are proposing to build. He took great care to demonstrate the size of the structure, mapping out its footprint at the site, defining its maximum height (32'), providing aids that would help the layman understand what was evolving.

Mr. Weinshenck fielded any and all pertinent questions from the gathering of approximately 50. An open forum of islanders can be a challenge - a challenge, in this case, handled professionally and effectively. This is certainly an excellent and positive beginning to a new business enterprise.

Very truly yours,

Marjorie and David Powers
17 Torrington Point
Peaks Island, ME
04108

CC: "peaksislandco@aol.com" <peaksislandco@aol.com>

From: Jeanne Gulnick <jgulnick@sjcme.edu>
To: "jspence@ci.portland.me.us" <jspence@ci.portland...>
Date: Tue, Jul 24, 2001 7:15 PM
Subject: 33 Island Ave

Dear Mr. Spence,
I am hoping that the Portland Planning Board will make a reasonable decision and not allow the Peaks Island Company--Rick Weinschenk--to build at 33 Island Ave. As a full time Peaks Island resident I look forward to seeing the former Bakery turned into a building that can service the community. However, allowing a developer who has been banned from numerous New England communities because of unsound building practices to build and manage this important piece of property is not a good idea. Why can he still build in the city of Portland when there are numerous complaints about him in other nearby areas? Until he cleans up his act, it would be an unwise decision to allow any building to occur.

Thank you for your consideration.

Sincerely,
Jeanne Gulnick
37 Willow St
Peaks Island

July 23, 2001

MR. J. SPENCE
URBAN DEVELOPMENT, CITY HALL
PORTLAND ME. 04101

DEAR MR. SPENCE,

I HAVE LIVED ON PEAKS ISLAND FOR 21 YEARS AND
WITNESSED THE CHANGES BOTH GOOD AND BAD DURING
THAT TIME. TO ACCEPT THE PLAN FOR AN INN AND
RESTURANT ON WELCH STREET AND ISLAND AVE. IS THE
LAST THING WE NEED.

THE HEAVY CONGESTION ON THAT CORNER HOURLY + D
BETWEEN FERRY TRAFFIC, CARS, BIKES AND THOSE ON
FOOT IS DANGEROUS! AS OF NOW, THERE IS INSUFFICIE
PUBLIC PARKING FOR DAILY COMMUTORS WHO WORK @
THE MAINLAND AND SUMMER RESIDENCE WHO ARE
HERE EVERY YEAR FOR SIX MONTHS FROM MID
APRIL THRU MID OCTOBER. A CONSIDERATION MUST
BE MADE FOR THE DISPLACEMENT OF AN ONGOING
BUSINESS, PORT ISLAND FUEL WHICH SERVIC
MANY PEOPLE ON THE ISLAND. IF YOU APPROVE
INN WITH ONLY A 5 CAR PARKING ALLOTME
FOR THE EXCLUSIVE USE OF THOSE STAYIN

DURABILITY GUARANTEE

IRREVOCABLE LETTER OF CREDIT

(account #)

~~August~~ September, 2001

Director of Planning and Urban Development
City Hall, Room 213
389 Congress Street
Portland, ME 04101

RE: The Inn
33 Island Avenue
Peaks Island, ME 04108

Dear Director:

Merrill Lynch hereby certifies to the City of Portland that Merrill Lynch will hold the sum of Twenty Eight Thousand Eight Hundred Dollars, exactly (\$28,800.00) in an interest bearing account established with Merrill Lynch. This account shall be in the name of The Peaks Island Company L.L.C. - Durability Guarantee and bear interest in its favor only. Said interest may be withdrawn by The Peaks Island Company L.L.C. at any time without further consent by the City of Portland. Merrill Lynch shall hold this Durability Guarantee for a period of three (3) years following the issuance of a certificate of occupancy by the City of Portland. The City of Portland only may draw on this letter of credit according to condition #4 as stated in the Portland Planning Board approval of said project (attached hereto and incorporated herein) by the presentation of a sight draft in the event that the Developer, at the Developer's expense, fails to correct defects in the workmanship durability of the construction of The Inn, 33 Island Avenue, Peaks Island, Maine, 04108.

Drafts drawn upon this credit must be for this particular development and to correct any defects as outlined above which were not corrected by the Developer within three (3) years of the issuance of a certificate of occupancy by the City of Portland. Drafts must be accompanied by a written statement that the developer has failed to correct such defects and shall be accompanied by itemized statements with estimates of the cost of work to be completed and must be submitted to Merrill Lynch, 3890 N. Illinois Street, Suite One, Belleville, Illinois 62226, within thirty (30) days of the expiration of the letter of credit. The City of Portland shall send developer contemporaneously at the above address copies of all documents submitted by the City of Portland to Merrill Lynch in connection with this Irrevocable Letter of Credit

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

Very truly yours,

Steve Heil
Financial Consultant, Merrill Lynch

At all times a balance of no less than \$28,800 shall be maintained in this account, unless otherwise specifically authorized by the City of Portland.

sixty days prior to its expiration

provided, however, that Merrill Lynch or the developer notify the City, by certified mail to Diane Kline, Finance Director, 389 Congress Street, Portland, Maine 04101, that the letter of credit will be expiring; otherwise the City may draw on this letter of credit within thirty (30) days of its receipt of said certified mail.

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law
Three Canal Plaza
Post Office Box 15060
Portland, Maine 04112-5060

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel (207) 874-6700
Fax (207) 874-6705

*Also licensed in MA
and DC

September 17, 2001

HAND DELIVERED

Penny Littell, Esquire
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, ME 04101-3509

Re: Peaks Island Company, LLC

Dear Penny:

Following up our telephone conversation, enclosed are three checks as follows:

1. Check No. 1116 payable to the City of Portland in the amount of \$28,800.00 in connection with the Durability Guaranty;
2. Check No. 1117 payable to the City of Portland in the amount of \$4,836.00 in connection with the Performance Guaranty; and
3. Check No. 1118 payable to the City of Portland in the amount of \$300.00 for the inspection fee.

The final draft of the Durability Guaranty is acceptable. Merrill Lynch is apparently not interested in participating in the process and I will engage the services of another mutually acceptable institution within the next few days. In the interim, it is my understanding the City will hold the money in a non-interest bearing account. Will you please notify the Planning Board of the satisfaction of this condition.

Thank you for your assistance.

Penny Littell, Esquire
September 17, 2001
Page 2

Sincerely,



David M. Hirshon

DMH/sdm
Enclosures

cc: Mr. Jonathan Spence
Mr. Ric Weinschenk

PERFORMANCE GUARANTEE
With the City of Portland

Developer's Tax Identification Number: 01-0531566

Developer's Name and Mailing Address: The Peaks Island Company, L.L.C.
33 Island Ave.
Peaks Island, Maine 04108

City Account Number:

Treasurer's Report of Receipts Number: *OK*

Project Job Number:
(from Site Plan Application form)

Application of The Peaks Island Company, L.L.C. for
The Inn, 33 Island Avenue, Peaks Island, Portland Maine.

The City of Portland (herein after the "City") will hold the sum of \$ 4,836.00 (Four thousand eight hundred thirty-six dollars) on behalf of The Peaks Island Company, L.L.C. in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing certain site improvements as depicted on the site plan, approved on July 24, 2001 as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, more exactly detailed by the "Cost Estimate of Improvements to be Covered by Performance Guarantee" form attached hereto and apart hereof.

The City, through its Director of Planning and Urban Development and in his sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete by August 15, 2003 the work on the improvements contained within the "Cost Estimate and Site Plan approved July 24, 2001; or
2. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
3. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this guarantee, at his option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed ninety (90) days after the expiration of this commitment; provided that the Applicant will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto. Otherwise, drafts may be submitted by the City of Portland no later than ninety (90) days following such notice, whenever given. Provided, however, that the City shall notify the Applicant of its intention to call on the guarantee and to retain the monies posted as guarantee. The City shall provide the Applicant thirty (30) days from the date of such notice in which to complete the noted improvements.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City

*under Portland Code of Ordinances
Chapter 14 § 501, 502 and 525
to post a performance guarantee
for the above referenced development*

of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Escrow will automatically upon the earlier of:

1. the written notification from Portland's Director of Planning and Urban Development that said work contained within the site improvements approval and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications; or
2. the expiration date of August 15, 2003 or any automatically extended date as specified herein.

Seen and Agreed to:

By: _____ Date: _____
Ric Weinschenk
Manager, The Peaks Island Company L.L.C.

Reviewed pursuant to Portland Code of Ordinances, Chapter 14 §§501, 525:

By: _____ Date: _____
Director of Planning and Development

By: _____ Date: _____
Director of Finance

By: _____ Date: _____
Corporation Counsel

PERFORMANCE GUARANTEE
With the City of Portland

Developer's Tax Identification Number: 01-0531566

Developer's Name and Mailing Address: The Peaks Island Company, L.L.C.
33 Island Ave.
Peaks Island, Maine 04108

City Account Number:

Treasurer's Report of Receipts Number:

Project Job Number:
(from Site Plan Application form)

Application of The Peaks Island Company, L.L.C. for
The Inn, 33 Island Avenue, Peaks Island, Portland Maine.

The City of Portland (herein after the "City") will hold the sum of \$ 4,836.00 (Four thousand eight hundred thirty-six dollars) on behalf of The Peaks Island Company, L.L.C. in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing certain site improvements as depicted on the site plan, approved on July 24, 2001 as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, more exactly detailed by the "Cost Estimate of Improvements to be Covered by Performance Guarantee" form attached hereto and apart hereof.

The City, through its Director of Planning and Urban Development and in his sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete by August 15, 2003 the work on the improvements contained within the "Cost Estimate and Site Plan approved July 24, 2001; or
2. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
3. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this guarantee, at his option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed ninety (90) days after the expiration of this commitment; provided that the Applicant will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto. Otherwise, drafts may be submitted by the City of Portland no later than ninety (90) days following such notice, whenever given. Provided, however, that the City shall notify the Applicant of its intention to call on the guarantee and to retain the monies posted as guarantee. The City shall provide the Applicant thirty (30) days from the date of such notice in which to complete the noted improvements.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City

of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Escrow will automatically upon the earlier of:

1. the written notification from Portland's Director of Planning and Urban Development that said work contained within the site improvements approval and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications; or
2. the expiration date of August 15, 2003 or any automatically extended date as specified herein.

Seen and Agreed to:

By: _____

Ric Weinschenk
Manager, The Peaks Island Company L.L.C.

Date: _____

Reviewed pursuant to Portland Code of Ordinances, Chapter 14 §§501, 525:

By: _____

Director of Planning and Development

Date: _____

By: _____

Director of Finance

Date: _____

By: _____

Corporation Counsel

Date: _____

PERFORMANCE GUARANTEE
with the City of Portland

Developer's Tax Identification Number: 01-0531566
Developer's Name and Mailing Address: Peaks Island LLC.
33 Island Ave.
Peaks Island, Portland ME
City Account Number: _____
Treasurer's Report of Receipts Number: _____
Project Job Number: 2001-43
(from Site Plan Application form)

Application of Peaks Island LLC [applicant] for
the INN @ Peaks [insert street/project name] at
33 Island Ave. [address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ 28,800 [amount of performance guarantee] on behalf of Peaks Island LLC [applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing 10% of site work/improvements/cont. [insert: subdivision and/or site improvements (as applicable)] as depicted on the subdivision/site plan, approved on 7-24-01 [date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete by 15 Sept 2003 [date: within two years] the work on the improvements contained within the Site plan/improvements [insert: subdivision and/ or site improvements (as applicable)] approval, dated 7-24-01 [insert date]; or

Irrevocable Letter of Credit
Page 2

The City of Portland hereby accepts said original letter as evidence of satisfaction of the Developer's obligations to be performed.

BY: _____ Date: _____
Director of Planning and Urban
Development

Seen and Agreed to:

BY: _____ Date: _____

City of Portland:

_____ Date: _____
Director of Finance

_____ Date: _____
Associate Corporation Counsel

**PERFORMANCE GUARANTEE
with the City of Portland**

Developer's Tax Identification Number: _____

Developer's Name and Mailing Address: _____

City Account Number: ¹ _____

Treasurer's Report of Receipts Number: ¹ _____

Project Job Number: ¹ _____
(from Site Plan Application form)

Application of _____ [applicant] for
_____ [insert street/project name] at
_____ [address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ _____ [amount of performance guarantee] on behalf of _____ [applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing _____ [insert: subdivision and/ or site improvements (as applicable)] as depicted on the subdivision/site plan, approved on _____ [date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete by _____ [date: within two years] the work on the improvements contained within the _____ [insert: subdivision and/ or site improvements (as applicable)] approval, dated _____ [insert date]; or

2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
4. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this guarantee, at his option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed ninety (90) days after the expiration of this commitment; provided that the Applicant will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto. Otherwise, drafts may be submitted by the City of Portland no later than ninety (90) days following such notice, whenever given. Provided, however, that the City shall notify the Applicant of its intention to call on the guarantee and to retain the monies posted as guarantee. The City shall provide the Applicant thirty (30) days from the date of such notice in which to complete the noted improvements.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Esrow will automatically expire upon the earlier of:

1. the written notification from Portland's Director of Planning and Urban Development that said work contained within the _____ [insert: subdivision and/ or site improvements as applicable] approval and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications; or
2. the expiration date of _____ [date may not fall between October 30 and April 15] or any automatically extended date as specified herein..

Seen and Agreed to: [Applicant]

By: _____

Reviewed pursuant to Portland Code of Ordinances, Chapter 14 §§501, 525:

By: _____
Director of Planning and Urban Development

Date: _____

By: _____
Director of Finance

Date: _____

By: _____
Corporation Counsel

Date: _____

Attach Letter of Approval and Estimated Cost of Improvements to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, ext. 8665.
3. The Agreement will be executed with one original and one copy.
4. The original and copy, each signed by the Developer, will be delivered to the Finance Office, together with a copy of the Report of Receipts form.
5. The Director of Finance will sign the copies, retain the original for their files and deliver the other signed copy to the Planning Office.
6. The Planning Office will keep one copy for their files and the original signed copy will be mailed to the Developer.

DURABILITY GUARANTEE

IRREVOCABLE LETTER OF CREDIT

(account #)

Sept

~~August~~, 2001

Director of Planning and Urban Development
City Hall, Room 213
389 Congress Street
Portland, ME 04101

RE: The Inn
33 Island Avenue
Peaks Island, ME 04108

At all times a balance of no less than \$28,800 shall be maintained in this account, unless otherwise specifically authorized by the City of Portland.

Dear Director:

Merrill Lynch hereby certifies to the City of Portland that Merrill Lynch will hold the sum of Twenty Eight Thousand Eight Hundred Dollars, exactly (\$28,800.00) in an interest bearing account established with Merrill Lynch. This account shall be in the name of The Peaks Island Company L.L.C. - Durability Guarantee and bear interest in its favor only. Said interest may be withdrawn by The Peaks Island Company L.L.C. at any time without further consent by the City of Portland. Merrill Lynch shall hold this Durability Guarantee for a period of three (3) years following the issuance of a certificate of occupancy by the City of Portland. The City of Portland only may draw on this letter of credit according to condition #4 as stated in the Portland Planning Board approval of said project (attached hereto and incorporated herein) by the presentation of a sight draft in the event that the Developer, at the Developer's expense, fails to correct defects in the workmanship durability of the construction of The Inn, 33 Island Avenue, Peaks Island, Maine, 04108.

Drafts drawn upon this credit must be for this particular development and to correct any defects as outlined above which were not corrected by the Developer within three (3) years of the issuance of a certificate of occupancy by the City of Portland. Drafts must be accompanied by a written statement that the developer has failed to correct such defects and shall be accompanied by itemized statements with estimates of the cost of work to be completed and must be submitted to Merrill Lynch, 3890 N. Illinois Street, Suite One, Belleville, Illinois 62226, within thirty (30) days of the expiration of the letter of credit. The City of Portland shall send developer contemporaneously at the above address copies of all documents submitted by the City of Portland to Merrill Lynch in connection with this Irrevocable Letter of Credit

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

Very truly yours,

Steve Heil
Financial Consultant, Merrill Lynch

60 days prior to its expiration

provided, however, that to Merrill Lynch or the developer notify the City, by certified mail to Diane Kline, Finance Director, 389 Congress Street, Portland, Maine 04101 that the letter of credit will be expiring; otherwise the City may draw on this letter of credit within thirty (30) days of its receipt of said certified mail.

DURABILITY GUARANTEE

IRREVOCABLE LETTER GUARANTEE

_____, (account #)

August ____, 2001

Director of Planning and Urban Development
City Hall, Room 213
389 Congress Street
Portland, ME 04101

RE: The Inn
33 Island Avenue
Peaks Island, ME 04108

Dear Director:

Merrill Lynch hereby certifies to the City of Portland that Merrill Lynch will hold the sum of Twenty Eight Thousand Eight Hundred Dollars, exactly (\$28,800.00) in an interest bearing account established with Merrill Lynch. This account shall be in the name of The Peaks Island Company L.L.C. - Durability Guarantee and bear interest in its favor only. Said interest may be withdrawn by The Peaks Island Company L.L.C. at any time without further consent by the City of Portland. Merrill Lynch shall hold this Durability Guarantee for a period of three (3) years following the completion of the above reference project. The City of Portland, only, may draw on this durability guarantee according to condition #4 as stated in the Portland Planning Board approval of said project, (attached hereto) by the presentation of a sight draft in the event that the Developer, at the Developer's expense, fails to correct defects in the workmanship durability of the construction of The Inn, 33 Island Avenue, Peaks Island, Maine, 04108.

Drafts drawn upon this credit must be for this particular development and to correct any defect as outlined above which was not corrected by the Developer on or before August 15, 2004. Drafts must be accompanied by a written statement that the developer has failed to correct such defect and shall be accompanied by itemized statements showing cost of work to be completed and must be submitted to Merrill Lynch, 3890 N. Illinois Street, Suite One, Belleville, Illinois 62226, no later than September 1, 2004.

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

Very Truly yours,

Steve Heil
Financial Consultant, Merrill Lynch

Irrevocable Letter of Credit
Page 2

The City of Portland hereby accepts said original letter as evidence of satisfaction of the Developer's obligations to be performed.

BY: _____ Date: _____
Director of Planning and Urban
Development

Seen and Agreed to:

BY: _____ Date: _____

City of Portland:

Director of Finance Date: _____

Associate Corporation Counsel Date: _____

DURABILITY GUARANTEE

IRREVOCABLE LETTER GUARANTEE

of credit

(account #)

August __, 2001

Director of Planning and Urban Development
City Hall, Room 213
389 Congress Street
Portland, ME 04101

RE: The Inn
33 Island Avenue
Peaks Island, ME 04108

Dear Director:

Merrill Lynch hereby certifies to the City of Portland that Merrill Lynch will hold the sum of Twenty Eight Thousand Eight Hundred Dollars, exactly (\$28,800.00) in an interest bearing account established with Merrill Lynch. This account shall be in the name of The Peaks Island Company L.L.C. - Durability Guarantee and bear interest in its favor only. ~~Said interest may be withdrawn by The Peaks Island Company L.L.C. at any time without further consent by the City of Portland.~~ Merrill Lynch shall hold this Durability Guarantee for a period of three (3) years following the completion of the above reference project. The City of Portland, only, may draw on this durability guarantee according to condition #4 as stated in the Portland Planning Board approval of said project, (attached hereto) by the presentation of a sight draft in the event that the Developer, at the Developer's expense, fails to correct defects in the workmanship durability of the construction of The Inn, 33 Island Avenue, Peaks Island, Maine, 04108.

incorporated herein

Drafts drawn upon this credit must be for this particular development and to correct any defect as outlined above which was not corrected by the Developer ~~on or before August 15, 2004.~~ Drafts must be accompanied by a written statement that the developer has failed to correct such defect and shall be accompanied by itemized statements showing cost of work to be completed and must be submitted to Merrill Lynch, 3890 N. Illinois Street, Suite One, Belleville, Illinois 62226, ~~no later than September 1, 2004.~~ *within 30 day of the expiration of this letter of credit*

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

Very Truly yours,

Steve Heil
Financial Consultant, Merrill Lynch

of the issuance of permanent certificate of occupancy by the City.

letter of

set with estimates of the

within three (3) years of the issuance of a certificate of occupancy by the City of Portland

2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
4. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this guarantee, at his option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed ninety (90) days after the expiration of this commitment; provided that the Applicant will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto. Otherwise, drafts may be submitted by the City of Portland no later than ninety (90) days following such notice, whenever given. Provided, however, that the City shall notify the Applicant of its intention to call on the guarantee and to retain the monies posted as guarantee. The City shall provide the Applicant thirty (30) days from the date of such notice in which to complete the noted improvements.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Escrow will automatically expire upon the earlier of:

1. the written notification from Portland's Director of Planning and Urban Development that said work contained within the site work [insert: subdivision and/ or site improvements as applicable] approval and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications; or
2. the expiration date of _____ [date may not fall between October 30 and April 15] or any automatically extended date as specified herein..

Seen and Agreed to: [Applicant]

By: [Signature]
 Manager - THE PEAKS ISLAND COMPANY LLC.
This Performance Guarantee shall be replaced with a Durability Guaranty as indicated in correspondence from David M. Hutton to Penny Littel dated September 17, 20 including the right of Applicant to escrow the \$28,500 in its name at a financial institution. Said find draft is attached hereto.

Reviewed pursuant to Portland Code of Ordinances, Chapter 14 §§501, 525:

By: _____
Director of Planning and Urban Development

Date: _____

By: _____
Director of Finance

Date: _____

By: _____
Corporation Counsel

Date: _____

Attach Letter of Approval and Estimated Cost of Improvements to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, ext. 8665.
3. The Agreement will be executed with one original and one copy.
4. The original and copy, each signed by the Developer, will be delivered to the Finance Office, together with a copy of the Report of Receipts form.
5. The Director of Finance will sign the copies, retain the original for their files and deliver the other signed copy to the Planning Office.
6. The Planning Office will keep one copy for their files and the original signed copy will be mailed to the Developer.

PERFORMANCE GUARANTEE
with the City of Portland

Developer's Tax Identification Number: 01-0531560
Developer's Name and Mailing Address: Peaks Island LLC
33 Island Ave
Peaks Island, Portland, ME
City Account Number: _____
Treasurer's Report of Receipts Number: _____
Project Job Number: 2001-0043
(from Site Plan Application form)

Application of Peaks Island LLC [applicant] for
tax @ Peaks Island [insert street/project name] at
33 Island Ave. [address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ 4,936 [amount of performance guarantee] on behalf of Peaks Island LLC [applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing site improvements [insert: subdivision and/or site improvements (as applicable)] as depicted on the subdivision/site plan, approved on 7-24-01 [date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete by 15 SEPT 2003 [date: within two years] the work on the improvements contained within the site plan/improvements [insert: subdivision and/ or site improvements (as applicable)] approval, dated 7-24-01 [insert date]; or

2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
4. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

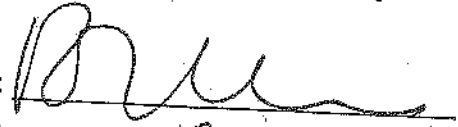
The Director of Planning and Urban Development may draw on this guarantee, at his option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed ninety (90) days after the expiration of this commitment; provided that the Applicant will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto. Otherwise, drafts may be submitted by the City of Portland no later than ninety (90) days following such notice, whenever given. Provided, however, that the City shall notify the Applicant of its intention to call on the guarantee and to retain the monies posted as guarantee. The City shall provide the Applicant thirty (30) days from the date of such notice in which to complete the noted improvements.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Escrow will automatically expire upon the earlier of:

1. the written notification from Portland's Director of Planning and Urban Development that said work contained within the site improvements [insert: subdivision and/ or site improvements as applicable] approval and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications; or
2. the expiration date of Sept 15, 2001 [date may not fall between October 30 and April 15] or any automatically extended date as specified herein..

Seen and Agreed to: [Applicant]

By: 
 MANAGER, PEAKS ISLAND COMPANY, LLC.

Reviewed pursuant to Portland Code of Ordinances, Chapter 14 §§501, 525:

By: _____
Director of Planning and Urban Development

Date: _____

By: _____
Director of Finance

Date: _____

By: _____
Corporation Counsel

Date: _____

Attach Letter of Approval and Estimated Cost of Improvements to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, ext. 8665.
3. The Agreement will be executed with one original and one copy.
4. The original and copy, each signed by the Developer, will be delivered to the Finance Office, together with a copy of the Report of Receipts form.
5. The Director of Finance will sign the copies, retain the original for their files and deliver the other signed copy to the Planning Office.
6. The Planning Office will keep one copy for their files and the original signed copy will be mailed to the Developer.

The Peaks Island Company LLC

33 Island Avenue

Peaks Island, Me 04108

Telephone: 207-766-2900 Fax: 207-766-2999

Jonathan Spence
Planning Board
City of Portland
389 Congress St.
Portland, Me. 04101

October 24, 2001

Dear Mr. Spence,

Pursuant to your letter of 10/23/01 and the request to amend the site work cost estimate we attach the revised cost estimate for reference only. See section Private, Item 2. The work in question is not subject to a Performance Bond.

Sincerely,



Ric Weinschenk
Manager, Peaks Island Company

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date: _____

Name of Project: The INN
 Address/Location: 33 ISLAND AVE PEAKS ISLAND
 Developer: PEAKS ISLAND CO, LLC
 Form of Performance Guarantee: ESCROW
 Type of Development: Subdivision _____ Site Plan (Major/Minor) (Minor)

TO BE FILLED OUT BY THE APPLICANT:

Item	Quantity	Unit Cost	Subtotal	PRIVATE		Subtotal
				Quantity	Unit Cost	
1. STREET SIDEWALK						
Road				N/A		
Granite Curbing						
Sidewalks 3 feet wide	56 LF	100/40 ³	500.			
Esplanades " "	"	120/Ft ²	200.			
Monuments						
Street Lighting						
Street Opening Repairs						
Other						
SUBTOTAL			700.	157 yd ²	13.	2826.
				Parking Areas		
* 2. EARTH WORK						
CU: N/A	WORK NOT SUBJECT TO BOND			450 CY	0	570.-
FILL: N/A				450 CY	0	570.-
3. SANITARY SEWER	N/A	EXISTING CONNECTION		N/A	EXISTING CONNECTION	
Manholes						
Piping						
Connections						
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other						
4. WATER MAINS	N/A	EXISTING CONNECTION		N/A	EXISTING CONNECTION	
5. STORM DRAINAGE	NONE			NONE		
Manholes						
Catchbasins						
Piping						
Detention Basin						
Stormwater Quality Units						
Other						

TOTAL THIS PAGE: 700. 2826.

* THIS SECTION AMENDED 10-24-01

18 x 10

	10/2/17	10/2/17	2/1/17	N/A		
Basin Inlet Protection	✓			✓		
Level Turf Spreader						
Slope Stabilization						
Geotextile						
Hay Bale Barriers						
Catch Basin Inlet Protection	✓			✓		
8 RECREATION AND OPEN SPACE AMENITIES	N/A			N/A		
9 LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	N/A			ONE Blue Spruce	240.	
				Three Little Leaf		450
				LINKS @ 160		
10 MISCELLANEOUS	N/A			MISCELLANEOUS ELECTRICAL CONNECTION		350
TOTAL ITEMS PAID			276			1070
GRAND TOTAL			276			3846

INSPECTION FEE (to be filled out by the City)

	DATE	ISSUE	RESOLVED
A) I/O of items			
B) Alternative Assessment			300
Assessed by	(name)	(name)	

Housing & Neighborhood Services Division
Mark B. Adelson
Director



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

CITY OF PORTLAND

December 4, 2001

David M. Hirshon, Esquire
Tompkins, Clough, Hirshon & Langer, PA
3 Canal Plaza
P.O. Box 15060
Portland, ME 04112-5060

Marshall Tinkle
Tompkins, Clough, Hirshon & Langer, PA
3 Canal Plaza
P.O. Box 15060
Portland, ME 04112-5060

RE: The Inn VIA FACSIMILE

Dear David and Marshall:

The City has reviewed the most recent information submitted by The Peaks Island Company, including the amended set of plans dropped off to City Hall by your client on the afternoon of November 30, 2001. Barring any unforeseen circumstances, the City will grant your client a building permit for The Inn once the contaminated soil at 33 Island Avenue is removed to Commercial Paving and Commercial Paving certifies to the City that it has received no less than 330 cubic yards of said material. The building permit will contain conditions relating to paragraph 5 of Michael Nugent's punchlist previously forwarded to your client, standard building permit conditions, and the conditions imposed by the Planning Board on this development.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark B. Adelson".

Mark Adelson
Director of Housing and
Neighborhood Services

c: Michael Nugent
Alex Jaegerman
Sarah Hopkins
Jonathon Spence ✓
Penny Littell

Housing & Neighborhood Services Division
Mark B. Adelson
Director



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

CITY OF PORTLAND

December 6, 2001

David M. Hirshon, Esquire
Tompkins, Clough, Hirshon & Langer, PA
3 Canal Plaza
P.O. Box 15060
Portland, ME 04112-5060

Marshall Tinkle, Esquire
Tompkins, Clough, Hirshon & Langer, PA
3 Canal Plaza
P.O. Box 15060
Portland, ME 04112-5060

RE: The Inn

VIA FACSIMILE

Dear David and Marshall:

The City has reviewed the most recent information submitted by The Peaks Island Company, including the amended set of plans dropped off to City Hall by your client on the afternoon of November 30, 2001.

Assuming that the property is in conformance with all applicable codes and ordinances at the time the contaminated soil has been lawfully removed and disposed of, the City will be prepared to grant your client a building permit. Prior to that time, you will be required to provide certification from Commercial Paving that soil, in a weight comparable with 330 c.y., has been received by that facility.

The building permit will contain conditions relating to paragraph 5 of Michael Nugent's punchlist previously forwarded to your client, standard building permit conditions, and the conditions imposed by the Planning Board on this development.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark B. Adelson".

Mark Adelson
Director of Housing and Neighborhood
Services

c: Michael Nugent
Alex Jaegerman
Sarah Hopkins
Jonathon Spence
Penny Littell

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Tompkins, Clough, Hirshon & Langer, P.A.
Three Canal Plaza
Post Office Box 15060
Portland, Maine 04112-5060

Fax

DATE: November 28, 2001

TO: PENNY LITTELL, ESQ.

FAX NO. 874-8497

From: David M. Hirshon, Esq.

Voice: 207-874-6700

Fax: 207-874-6705

Re: The Inn, Peaks Island

Total Number of Pages, including this Cover Sheet: 3 pages

Message:

Confidentiality Notice. The information in this transmission is privileged and confidential. It is intended for the use of the addressee only. If you are not the intended recipient, you are notified that dissemination of this communication is prohibited. If you have received this in error please notify us immediately by telephone, collect, and return this communication to us via the US Postal Service. We will reimburse you for the postage.

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law
Three Canal Plaza
Post Office Box 15060
Portland, Maine 04112-5060

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel (207) 874-6700
Fax (207) 874-6705

*Also licensed in MA
and DC

November 28, 2001

VIA FACSIMILE AND U.S. MAIL

Penny Littell, Esquire
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, ME 04101-3509

RE: The Inn/Peaks Island Company, LLC


Dear Penny:

Following up yesterday's telephone conversation, one of the concerns of Mike Nugent involved appropriate separation between the wall assembly and windows and the exterior stairway. This concern can be satisfied by enclosing the exterior stairway, adding a door at the bottom of the stairs, and moving the door on the balcony four (4) feet so that it remains on the same plane as the newly-added grid. Enclosed is a copy of a drawing which, hopefully, explains the proposed modification to satisfy condition #3 of Mike Nugent's memorandum dated November 26, 2001. The stairs will also be moved over by approximately three (3) feet to account for the door on the ground floor.

These changes are minor and hopefully, consistent with our conversation, you will concur will not need Planning Board approval. If this is the case, will you please advise and we will then submit a stamped drawing reflecting the minor change. I suspect, Mike and my client will then be in agreement not only with respect to condition #3 but the other conditions so that a building permit may issue.

I thank you in advance for your anticipated cooperation.

Sincerely,

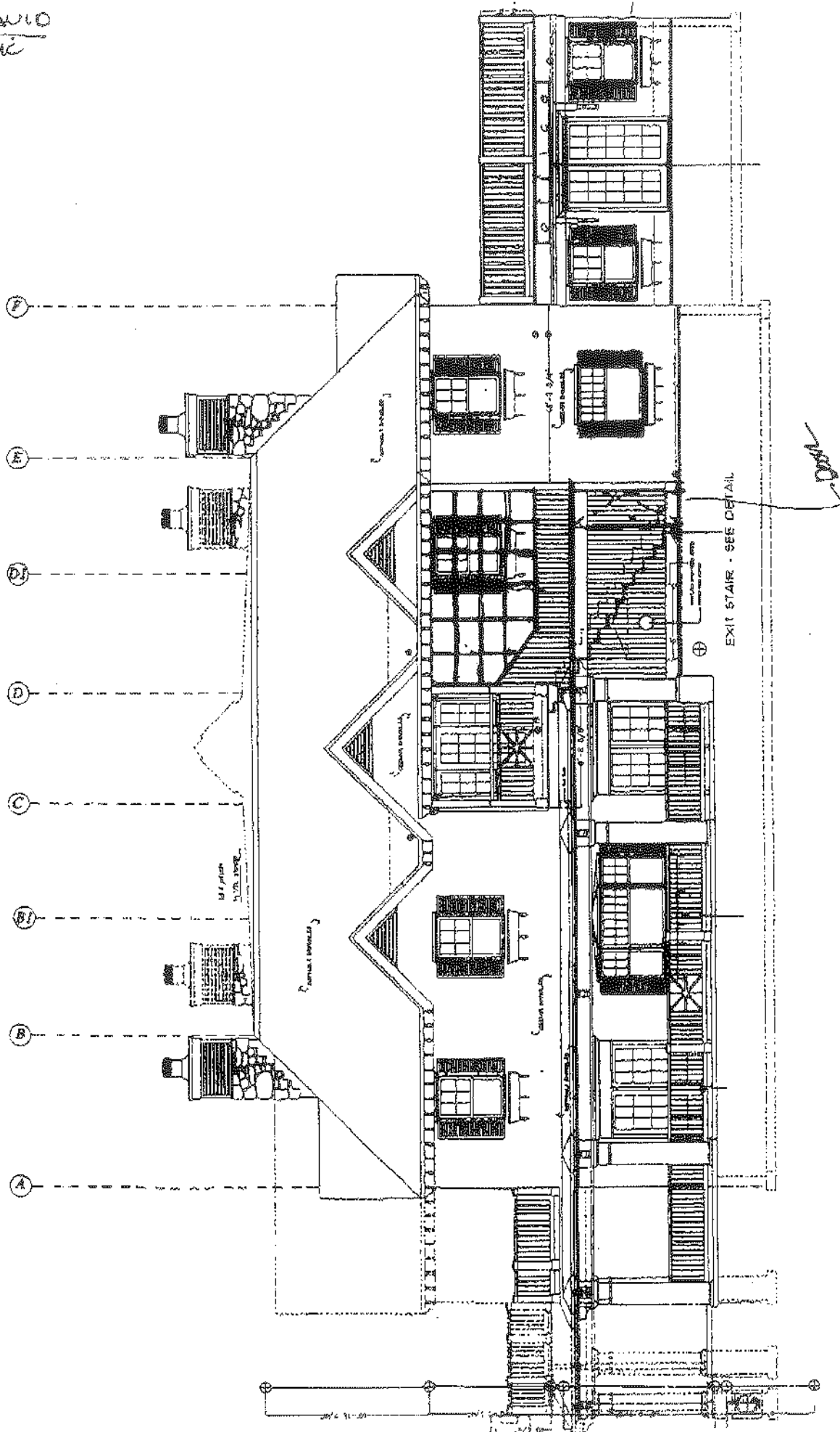


David M. Hirshon

DMH/sdm

cc: Mr. Ric Weinschenk (via fax)

To: DAVID
From: RIC





CITY OF PORTLAND

December 4, 2001

Mr. Ric Weinschenk
Peaks Island Company, LLC.
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island
(CBL 84-L-7)

Dear Mr. Weinschenk:

On December 4, 2001 the Portland Planning Authority granted approval of the revision to the approved site plan for the Inn, located at 33 Island Avenue on Peaks Island. The proposed revision includes the enclosure of the side stairway within a latticework structure. This enclosure was required in order to meet building codes. No other deviations from the original approved site plan, dated July 24, 2001, are permitted or allowed as a result of this approval.

All conditions and requirements of the original approval remain.

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

Sincerely,

Alexander Jaegerman
Planning Director

cc: ✓ Jonathan C. Spence, Planner
Sarah Hopkins, Development Review Services Manger
Marge Schmuckal, Zoning Administrator
William Bray, Deputy Director/City Traffic Engineer
Jeff Tarling, City Arborist
Lt. Gaylen McDougall, Fire Prevention
Penny Littell, Associate Corporation Counsel
Mary Gresik, Building Permit Secretary
Development Review Coordinator
Lee Urban, Director of Economic Development
Susan Doughty, Assessor's Office
Approval Letter File

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Corporation Counsel

Gary C. Wood



CITY OF PORTLAND

Associate Counsel

Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

November 28, 2001

David M. Hirshon, Esquire
Tompkins, Clough, Hirshon & Langer, PA
3 Canal Plaza
P.O. Box 15060
Portland, ME 04112-5060

RE: The Inn

Dear David:

Our Building Inspection Department has reviewed the requisite information provided by your client relative to The Inn on Peaks Island and is satisfied the plans finally meet all City standards. The Planning Department received an amended site plan on Friday, November 30, 2001 showing changes in the placement of a window adjacent to the fire escape and a slight change in elevations as a result of the window movement. These plans will be reviewed administratively on Tuesday, December 4, 2001. At that time the City will follow up with you.

Please feel free to contact me with any questions.

Sincerely,

Penny Littell

PL:hs

c: Joseph Gray
Mark Adelson
Alex Jaegerman
Sarah Hopkins
Jonathon Spence ✓

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

December 3, 2001

David M. Hirshon, Esquire
Tompkins, Clough, Hirshon & Langer, PA
3 Canal Plaza
P.O. Box 15060
Portland, ME 04112-5060

VIA FACSIMILE

RE: The Inn

Dear David:

For purposes of clarification, no building permit will issue from the City until the contaminated soil at 33 Island Avenue is removed to Commercial Paving as planned. Your second FAX to me of December 3, 2001 misrepresents my voice mail message to you in this regard. As I stated in my voice mail to you, once the administrative review of PICOs amended plan is completed, and barring no unforeseen issues arising during that review process, the City will write a letter to your client indicating that it will issue a building permit once it receives certification from Commercial Paving that the contaminated soil from 33 Island Ave has been deposited there.

I will talk to building inspections and planning for further information on any conditions that may be imposed on the building permit. Of course any conditions imposed by the Planning Board during its review will be noted on the permit, as will the standard building inspection conditions. In addition, you have already been put on notice that the items contained in paragraph 5 of Mike Nugent's earlier punchlist (re fire walls, etc) will be conditions of the building permit.

Thank you for your attention.

Sincerely,

Penny Littell

PL:hs

c: Mark Adelson
Michael Nugent
Alex Jaegerman
Sarah Hopkins
Jonathon Spence ✓



CITY OF PORTLAND

November 28, 2001

Mr. Ric Weinschenk
Peaks Island Company, LLC.
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island
(CBL 84-L-7)


Dear Mr. Weinschenk:

On November 27, 2001 the Portland Planning Authority granted approval of the revision to the approved site plan for the Inn, located at 33 Island Avenue on Peaks Island. This revision was for the addition of a 6' 2" by 4' 7" bulkhead located to the rear of the proposed structure. No other deviations from the original approved site plan, dated July 24, 2001, are permitted or allowed as a result of this approval.

All conditions and requirements of the original approval remain.

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

Sincerely,


Alexander Jaegerman
Chief Planner

cc: Jonathan C. Spence, Planner
Sarah Hopkins, Development Review Services Manger
Marge Schmuckal, Zoning Administrator
William Bray, Deputy Director/City Traffic Engineer

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CITY OF PORTLAND

Mr. Ric Weinschenk, Manager
Peaks Island Company, LLC
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island

Dear Mr. Weinschenk:

The Planning Office has received a request through your attorney to allow the spreading of hay over disturbed areas at 33 Island Avenue. The application of hay, in concert with the existing silt fence and hay bales, will help to prevent erosion at the site. We will partially and temporarily lift the Stop Work Order for the spreading of hay at the site.

Sincerely,

A handwritten signature in cursive script that reads "Alexander Jaegerman".

Alexander Jaegerman
Planning Director

cc: Sarah Hopkins, Development Review Services Manager
Penny Littell, Associate Corporation Counsel
✓ Jonathan Spence, Planner
Jay Reynolds, Development Review Coordinator
Tom Fortier, Neighborhood Liaison
Michael Nugent, Building Inspections Manager
John B. Wathen, Maine DEP

copy to Sarah Hopkins
Mike Nugent
J. Spence

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Three Canal Plaza
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Marshall J. Tinkle*

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and DC

November 14, 2001

VIA FACSIMILE AND U.S. MAIL

Penny Littell, Esquire
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, ME 04101-3509

RE: The Inn/Peaks Island Company, LLC

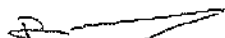
Dear Penny:

It was a pleasure speaking with you today. Ric told me that he has made arrangements to remove the soil next Monday. The soil will be delivered to Commercial Paving and, as I mentioned, neither removed nor transported by Acadia. I believe Acadia is a typographical error in Alex Jaegerman's correspondence of November 13, 2001. Apparently, because of the tides and the availability of the barges, if the soil is not removed next Monday, there will be a significant delay.

Alex Jaegerman's correspondence of November 13, 2001, requires removal of 330 cubic yards. Unfortunately, Commercial Paving only will measure the materials by tonnage rather than cubic yards. Therefore, I intend not only to provide the tonnage from Commercial Paving but also confirmation from Commercial Paving that, for example, 28 trucks with a capacity of 12 cubic yards each, or the equivalent thereof, were used in connection with the delivery of the soil. Additionally, I will have an affidavit based upon personal knowledge from observation on site that each of the trucks or equivalents were filled with the soil.

I believe everything is in order and we await Mr. Nugent's review of the drawings. Hopefully, you will be able to advise me in writing tomorrow that the building permit will issue subject to the removal of the 330 cubic yards.

Sincerely,



David M. Hirshon

DMH/sdm

cc: Mr. Ric Weinschenk (via fax)



CITY OF PORTLAND

November 13, 2001

Mr. Ric Weinschenk, Manager
Peaks Island Company, LLC
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island

Dear Mr. Weinschenk:

We have received the letter dated November 7, 2001 from your attorney requesting a clarification as to your wish to resolve any outstanding issues prior to issuance of a building permit.

Your correspondence of November 5, 2001 states that you have withdrawn the revised site plan application that had indicated the retention of the excavated material on-site.

We understand that you would like to request an amendment to the approved site plan for the inclusion of a bulkhead. Please submit seven sets of the revised plan (full size) to the Planning Office for review.

Our consulting engineer has reviewed the calculations of fill material quantity presented by your civil engineer and is in agreement that in order to grade the site as approved, with the requisite loam placement per the DEP, a quantity of at least 330 cubic yards must be removed.

Prior to our issuance of a building permit, we will allow a partial lifting of the Stop Work Order for the sole purpose of removing the 330 cubic yards of excess material from the site. Furthermore, as stipulated by the DEP, the material will be removed and transported by Acadia and weight slips will be provided indicating that 330 cubic yards of material were received by Commercial Paving.

I understand that it was only on November 8, 2001 that you delivered a revised set of structural plans (including the retrofitting of the masonry wall which the City has been requesting) to the Inspections Department for review.

Once we have received confirmation from the DEP that their requirements for the removal and transport of material have been met, and once the Inspections Division has completed their review of your building permit application, I anticipate that we will be able to issue that building permit, barring any other changes to the plan necessitated by the uniqueness of this site.

Sincerely,

A handwritten signature in cursive script that reads "Alex Jaegerman".

Alexander Jaegerman
Planning Director

Corporation Counsel

Gary C. Wood



CITY OF PORTLAND

Associate Counsel

Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

November 7, 2001

David Hirshon, Esq.
Tompkins, Clough, Hirshon & Langer
3 Canal Plaza
P.O. Box 15060
Portland, ME 04112-5060

Re: Fax of November 7, 2001

Dear David:

Thank you for your FAX of November 7, 2001. Please be advised that your client informed Michael Nugent that the masonry structure needed to be retrofitted in order to construct the building, not simply as an interim measure to stabilize the walls pending a building permit. Mr. Nugent continues to await plans from your client's engineer in this regard or a letter stating the existing walls, as they stand, are capable of supporting the structure to be built.

Thank you for your attention to this matter.

Sincerely,

Penny Littell (SES)
Penny Littell

Associate Corporation Counsel

Cc: Sarah Hopkins, Developmental Review Services Manager
Jonathan Spence, Planner ✓

PL:mep

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Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

November 6, 2001

Marshall Tinkle, Esq.
Tompkins, Clough, Hirshon & Langer, P.A.
3 Canal Plaza
Portland, ME 04112-5060

Dear Marshall:

I have reviewed and accepted the performance and durability guarantee forms that you had hand delivered to this office following the close of business on Friday. Mr. Nugent of the building authority continues to wait for engineered plans for the retrofitting of the masonry structure on site.

Please let the City know when it may anticipate receiving this information.

Sincerely,

Penny Littell
Associate Corporation Counsel

PL:hs

Cc: Gary Wood, Corporation Counsel
Michael Nugent, Inspection Services Manager
Sarah Hopkins, Developmental Review Services Manager
Jonathan Spence, Planner

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TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law

Three Canal Plaza

Post Office Box 15060

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David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel (207) 874-6700
Fax (207) 874-6705

*Also licensed in MA
and DC

November 5, 2001

Via Facsimile

Penny Littell, Esquire
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, ME 04101-3509

RE: The Inn/Peaks Island Company, LLC

Dear Penny:

Just so the record is clear, The Peaks Island Company has withdrawn its revised site plan, except to the extent of the inclusion of the bulkhead; but if the addition of the bulkhead is not to be approved administratively, The Peaks Island Company hereby withdraws that portion of the revised site plan as well.

Sincerely,



Marshall J. Tinkle

MJT/clg

cc: Mr. Ric Weinschenk

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law

Three Canal Plaza

Post Office Box 15060

Portland, Maine 04112-5060

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel (207) 874-6700
Fax (207) 874-6705

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and DC

November 7, 2001

VIA FACSIMILE AND U.S. MAIL

Penny Littell, Esquire
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, ME 04101-3509

RE: The Inn/Peaks Island Company, LLC

Dear Penny:

I have been out of the country for a couple of weeks and it is my understanding the Stop Work Order remains in place and the City refuses to issue a building permit. Hopefully, this letter will resolve any pending uncertainties to allow the project to go forward.

The bracing with respect to the concrete block building was only requested as a temporary measure until the construction process was reinstated. My client intends to immediately remove the soils in compliance with environmental regulations and, as a result of the volume of soils removed, there is absolutely no need to amend the site plan. However, the soil cannot be removed until the City at least modifies that portion of the Stop Work Order to permit such removal. The performance guaranties have been duly executed and delivered. As Marshall stated in his correspondence to you of November 5, 2001, the revised site plan is withdrawn except the inclusion of the bulkhead, but if the inclusion of the bulkhead cannot be approved administratively and without delaying the issuance of the building permit, the applicant withdraws its request to revise the site plan by including a bulkhead.

I assume that every outstanding issue has now been addressed and I respectfully request on behalf of the applicant that the Stop Work Order be discharged immediately and a building permit issue. Will you please call Marshall this morning (I will be out of the office) to confirm the status.

Penny Littell, Esquire
November 7, 2001
Page 2

I thank you in advance for your attention to this matter.

Sincerely,



David M. Hirshon

DMH/sdm

cc: Mr. Ric Weinschenk (via fax)

11/02/2001 15:06
11-02-2001 12:58

TOMPKINS, CLOUGH, HIRSHON & LANGER → 97682999
CITY OF PORTLAND

NO. 373 0002
2076748497 P. 02-02

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsifias
Penny Littell

November 2, 2001

Marshall Tinkle, Esquire
Tompkins, Clough, Hirshon & Langer, P.A.
3 Canal Plaza
Portland, ME 04112-5060

Re: 33 Island Avenue Peaks Island

Dear Marshall:

Thank you for your FAX of 11/01/01. In reviewing your proposal re 33 Island Ave, the City has the following questions:

1. What do you mean by "excess soils"? What volumes of soil are you going to transport to Commercial Paving?
2. Is Commercial Paving a DEP approved facility?
3. When will the transport of the soils be accomplished (start date and finish date?)
4. Do you intend to place six inches of loam on all remaining uncovered surfaces on the site as required by DEP? If so, has this been considered when calculating the soil volumes requested in paragraph 1?
5. The original plan does not contain a bulkhead. Do you intend to file a revised plan with this feature on it?

SOIL WE WILL NOT USE ON SITE 300 yd³ ±

YES

MONDAY START & FINISH

ALL AREAS ON THE SITE TO BE COVERED TO DEP STANDARD

& MEET WITH THE DEP APPROVAL AFTER WORK IS COMPLETED

THE ORIGINAL PLAN DOES NOT CONTAIN A BULKHEAD - WE WILL FILE A REVISED PLAN IF REQUESTED AND CAN BE APPROVED BY THE PLANNING STAFF SEE ATTACHED.

Please let me know the answers to the above questions.

Sincerely,

Penny Littell
Associate Corporation Counsel

PL:hs

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law
Three Canal Plaza
Post Office Box 15060
Portland, Maine 04112-5060

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel (207) 874-6700
Fax (207) 874-6705

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and DC

November 1, 2001

VIA FACSIMILE AND U.S. MAIL

Penny Littell, Esquire
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, ME 04101-3509

RE: The Inn/Peaks Island Company, LLC

Dear Penny:

At your request, I am writing to specify what Peaks Island Company, LLC is offering to do:


1. Peaks Island Company, LLC will dispose of on-site excess soils, transporting them from Peaks Island to Commercial Paving in Scarborough, in conformity with the original site plan and DEP guidelines and regulations.
2. As a result, we will be back to the original site plan, except for the addition of the bulkhead. However, if the City advises that inclusion of the bulkhead requires anything other than administrative approval by the planning authority, then Peaks Island Company, LLC will remove the bulkhead.
3. Peaks Island Company, LLC will provide yet another set of original signed Performance and Durability Guaranties with the changes you demanded.
4. Finally, Peaks Island Company, LLC will provide a stamped detail from an engineer regarding the cement block portion of the building and other miscellaneous details.

Penny Littell, Esquire
November 1, 2001
Page 2

Please confirm in writing that upon completion of the foregoing items, a building permit will be issued immediately to Peaks Island Company, LLC. Please also advise concerning the bulkhead.

Thank you.

Sincerely,



Marshall J. Tinkle

MJT/sdm

cc: Mr. Ric Weinschenk

October 23, 2001

Mr. Ric Weinschenk
Peaks Island Company, LLC
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island

Dear Mr. Weinschenk:

It is the understanding of the City of Portland that you have chosen, ~~under the guidance~~ of the Maine DEP, to retain all ~~excavated contaminated soils~~ on the site at 33 Island Ave. The retention of these soils and the DEP requirement of the placement 6" of clean soil/loam over the contaminated soils will most likely result in an alteration of the approved site plan due to changes in topography. I would like to take this opportunity to clearly outline to you remaining items that must be received prior to the issuance of your building permit for the Inn.

1. Seven copies of a revised site plan for review and approval containing:
 - a. A revised grading plan including the new elevation contours.
 - b. Alterations to the building outline as a result of the inclusion of a bulkhead to the rear of the structure.
 - c. Any revisions to the landscape component of the site plan as a result of the changes to the site's topography.
2. An amended cost estimate form reflecting site work changes resulting from the retention of the excavated soils. (If you choose to remove the contaminated soils to an authorized offsite facility, please include this on your revised cost estimate form.)
3. Although we have received checks from you for the inspection fee, performance guarantee and durability guarantee, at this time we have not received the accompanying signed forms including Tax Identification Number and completion date.

Look forward to receiving the above-mentioned items for ~~brief review and approval~~ so that the building permit can be issued and construction on the site can commence. No

Receipt + review of
is necessary prior to the City's
issuance of a
the
Commencement of

construction of any kind ~~including the pouring of footings~~ may occur until the building permit has been issued.

Staff is confident that the conditions of approval 1,2,3 and 5 of the original site plan approval, attached to this correspondence, have been met. Condition of approval number 4 is an ongoing process and staff has been reasonably assured of its compliance through the applicant's retention of Shelly Engineering to conduct the required inspections.

During this pre-construction phase of the project until the completion of the Inn, please pay particular attention to the conditions established by the DEP in their letter dated 10-12-2001, concerning the treatment of the contaminated soil on site.

Please contact me at 756-8083 if you have any further questions related to this project.

Sincerely,

Jonathan Spence
Planner

cc: Sarah Hopkins, Development Review Services Manager
Penny Littell, Associate Corporation Counsel
Alex Jaegerman, Senior Planner
Tom Fortier, Neighborhood Liaison
Michael Nugent, Building Inspections

John Wathen, DEP

As you know, you continue to be obligated to comply with all other state + federal requirements/statutes.

From: "John Carroll" <snjcarroll@email.msn.com>
To: Portland.CityHall(JEG)
Date: Mon, Oct 22, 2001 11:54 AM
Subject: FW: reply to RW vandalism

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

From: John Carroll [mailto:snjcarroll@email.msn.com]
Sent: Monday, October 22, 2001 9:21 AM
To: 'SNash@bigblue.com'; 'angela faeth'; 'Arthur Fink';
'BanquerJ@aol.com'; 'Brenda Buchanan'; 'bruce st. thomas';
'ceisenberg@rwl.com'; 'cevia & George rosol'; 'cynthia cole'; 'Dorothy
Cady'; 'GBrookman@docucorp.com'; 'info@hoganbraun.com'; 'jean Hoffman';
'JGOELL@aol.com'; 'Joyce Lesley'; 'Karen Friedman'; 'Karen Wagner';
'Kerry Flynn'; 'Liz Loewald'; 'Luisa Martinez'; 'margo lodge'; 'Marjorie
Phyfe'; 'marsha & Steve Greenshoe'; 'mary jane burnette';
'mgreen@sjcme.edu'; 'norm rasulis'; 'Peg Astarita'; 'Perry Sutherland';
'rhonda'
Subject: RE: reply to RW vandalism

Next steps.

Sorry to miss the discussion up to this point, but I didn't check my mail over the week-end. The DEP probably doesn't have any easy recourse to action in a case like this, and it doesn't appear that they'll make the effort to impose any sanctions in a situation that they consider minor and resolved. That said, I think the City has much more latitude and incentive to take action, so perhaps we ought to focus our efforts there.

I believe Code Enforcement can put a stop work order on the project and impose standards to ensure that Ric gets the off-site material back to the work site and capped off properly. I think the Planning Board made project monitoring a condition of approval, but that requirement hasn't kicked in yet because Ric hasn't pulled his building permit. The Code Enforcement Division could probably extend that requirement to the current demolition and site work with a little pushing. People should probably call Peter O'Donnell, Nate Smith, Nick Mavadones, Cheryl Leeman and Joe Gray and ask for that specific requirement. I don't think we should care if Ric pays the Consultant for the oversight, as long as the City approves whomever Ric selects and has oversight of the consultant's work.

John Carroll

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

From: SNash@bigblue.com [mailto:SNash@bigblue.com]
Sent: Saturday, October 20, 2001 11:51 AM
To: angela faeth; Arthur Fink; BanquerJ@aol.com; Brenda Buchanan; bruce
st. thomas; ceisenberg@rwl.com; cevia & George rosol; cynthia cole;
Dorothy Cady; GBrookman@docucorp.com; info@hoganbraun.com; jean Hoffman;
JGOELL@aol.com; John H. Carroll; Joyce Lesley; Karen Friedman; Karen
Wagner; Kerry Flynn; Liz Loewald; Luisa Martinez; margo lodge; Marjorie
Phyfe; marsha & Steve Greenshoe; mary jane burnette; mgreen@sjcme.edu;
norm rasulis; Peg Astarita; Perry Sutherland; rhonda; Scott & Nancy nash

Subject: reply to RW vandalism

Hello all,

Here is the continued update following our email of Thursday morning, October 18. It is long, but bear with us, as we want all to know exact

details in order to avert rumor. We left off where Scott was to accompany the DEP on their second inspection of the contaminated sites.

Scott and Arthur Fink accompanied DEP officials Stephen Brezinski and John Wathen to the Inn site on Thursday afternoon, Oct. 18, where they met with Ric Weinschenk and John an independent environmental consultant from Acadia Consulting. They performed head bag tests (air tests) as well as collected soil samples from various piles on the site.

A large amount of soil had been moved back to the site, covering piles from last week and Scott insisted the officials take soil tests from deeper within the piles rather than just the top. DEP air test readings

were within ranges of 200ppm to 500 ppm. According to John Wathen, readings up to 500 ppm are acceptable in a site such as the Inn as long as they are contained and paved over. The Acadia consultant had some readings up to 800 ppm.

The DEP then went to the Battery Craven site where all piles of soil had been removed by Ric, unmonitored, per permission of the DEP on Tues.

The air test readings were between 1 and 2 ppm, and soil samples were taken. The DEP considered the inspection complete, however Scott reminded them that there was still an additional pile located at the "Dump site" on Covey's property, that had also been tested last week on the DEP's first visit to the island. Both Stephen Brezinski and Ric claimed that particular pile was sand and "clean", as it had tested at 0 ppm the first time. Scott asked that it be checked anyway, and they complied.

Under Covey's protest, they collected a soil sample, but did not perform an air test. Only the DEP was allowed by Covey to enter the property, the Acadia tester was not allowed to collect any soil. The DEP then returned to Portland.

Later that afternoon, Scott called Stephen Brezinski to inquire the results of Covey's pile. The number was not 0, but 213 ppm. John Wathen called Scott minutes later to confirm this number. He confirmed that this

was considered contaminated and Ric would be notified to remove the soil from Covey's and be returned to the Inn. WHEN questioned by Scott as to how the sudden jump from 0 to 213 could occur, John Wathen attributed it to equipment failure on the first visit. HOWEVER, BOTH the DEP and FLEET (the first independent consultant) got the SAME reading of 0 ppm on the first visit. And, supposedly, the equipment was working just fine five minutes previously. When further pressed by Scott, John Wathen said he couldn't account for the discrepancy and would AGREE that NEW SOIL could have been placed on Covey's site after the initial testing.

On Friday morning, the police arrived at Scott and Nancy's house informing them that someone had spray painted the words "GO HOME" on Ric's house or property, and inspected Scott's hands for spray paint. Obviously, Scott nor Nancy had nothing to do with this vandalism and expressed their dismay that this had happened. Scott immediately called Ric to assure him that we had nothing to do with this, and in no way condoned this behavior. Ric proceeded to verbally threaten Scott for approximately 45 minutes. Scott then registered a complaint with the police to place these threats on record.

Friday afternoon, the Press Herald called for an update, and Scott directed them to several other islanders, after informing them of the discrepancies found by the DEP as described above.

Scott had a final conversation with John Wathen Friday afternoon in which he asked what the next procedure would be.

According to John Wathen, Ric will now be asked to remove the pile of soil reading 213 ppm from Covey's dump site back to the Inn, using his own environmental consultant as a monitor.

Scott expressed the concern of the islanders that WE NO LONGER TRUST Ric's ability to monitor himself, and we would like independent verification that this soil is moved properly and THAT THERE ARE NO FURTHER piles of soil in ANY OTHER locations on the island.

John Wathen stated that the DEP is understaffed and can't possibly be on site for every movement of soil.

Scott questioned that given Ric has had two violations of DEP

regulations

already, why is he be given the chance to self monitor? He went over the

two violations: 1. Sheryl Bernard (DEP official) told Ric in the very beginning to leave the contaminated soil alone and cover it. She never gave Ric permission to move it. He moved it anyway to two residential sites. The DEP would never have known this had it not been for islanders

calls. 2. The second violation was that he began to remove the soil from

Battery Craven BACK to the Inn without an independent environmental consultant on site, as instructed to him by the DEP's letter of Fri.

Oct.

12, copied to Scott. Instead of reprimanding him , the DEP gave him permission over the phone to move the soil, presumably after Scott called

Ric to see if he had a monitor on site.

This was a mistake on two counts. One, it doesn't give Islanders verification as to where the soil was moved to. Secondly, from a PR point

of view, the Islanders concerns were marginalized by the DEP's lack of enforcement of their previous stipulations to Ric.

On another note, John Wathen revealed to Scott that the DEP has no authority to "ticket or fine" a violator, their only recourse is to make a

report with recommendations to city and state officials. According to John Wathen, the only body that can ticket a violator is the state police!

As it stands now, Ric will continue to monitor himself, using the independent environmental consultant that he hires. This is exactly the

same situation we had following the initial report of moved soil.

The city states that they will not grant Ric a building permit until this

matter is cleaned up. We are not sure what that means.

We feel there needs to be a petition or letter drafted to the city and the

DEP stating our concerns over the monitoring process, and demanding independent verification that this new pile will be moved properly. We also feel the need to pressure the DEP and or the city to get Ric to sign

a document that guarantees Islanders that there are NO MORE piles of contaminated soil, mild or otherwise, at any other site on the island.

Ric has violated our trust, and so has the city and the DEP by not enforcing the publicly stated regulations they had placed on this project.

It bears repeating that neither the city nor the DEP would have ever known ANYTHING about the movement of contaminated soil in the first

place
had it not been for the calls of islanders.

We appreciate the continued support of concerned islanders on this matter.. Peaks is worth caring for!!

Scott and Nancy

----- Forwarded by Scott Nash/Corey on 10/20/01 11:52 AM -----

"Lane" <pondstudio@mindspring.com>
10/20/01 09:11 AM

To: "angela faeth" <sbushey@together.net>, "Arthur Fink" <arthur@ime.net>, <BanquerJ@aol.com>, "Brenda Buchanan" <brenda@wacubu.com>, "bruce st. thomas" <brucesthomas@cs.com>, <ceisenberg@rwlb.com>, "cevia & George rosol" <ceviar@aol.com>, "cynthia cole" <rpcvcole@hotmail.com>, "Dorothy Cady" <moonpines@mindspring.com>, <GBrookman@docucorp.com>, <info@hoganbraun.com>, "jean Hoffman" <jh@newportstrategies.com>, <JGOELL@aol.com>, "John H. Carroll" <snjcarroll@email.msn.com>, "Joyce Lesley" <Ljoyce1@maine.rr.com>, "Karen Friedman" <kfrdmn@maine.rr.com>, "Karen Wagner" <karen_wagner@consilium.com>, "Kerry Flynn" <kjflynn@att.net>, "Liz Loewald" <eloewald@aol.com>, "Luisa Martinez" <lu.kms@rocketmail.com>, "margo lodge" <peaksgirl@aol.com>, "Marjorie Phylfe" <Mphyfe@aol.com>, "marsha & Steve Greenhoe" <grnshoe@maine.rr.com>, "mary jane burnette" <MJ_burnette@swett.com>, <mgreen@sjcme.edu>, "norm rasulis" <rasulis@maine.edu>, "Peg Astarita" <astarita@concentric.net>, "Perry Sutherland" <psuther1@maine.rr.com>, "rhonda" <brhonda1@maine.rr.com>, "Scott & Nancy nash" <snash@bigblue.com>

cc:

Subject: reply to RW vandalism

Good morning all,

We have taken pieces from several e-mails sent last evening about the vandalism issue and tried to blend them into a real group statement. Hope it worked. If this seems okay we will lay it out so that many signatures can go under. It will be in our yard on a card table for signing between 2-3pm. After that we will make copies (so that there are extras when they begin being pulled off the board) and post it on the board. We will mount it so that anyone seeing the statement/petition has room to add his/her signature.

Okay?

Here is the statement:

Someone sprayed paint on Ric Weinshank's house Thursday night. We are dismayed by this news. Vandalism is outside acceptable behavior and only fosters ill will and a suspicious climate in our community.

Our concerns about appropriate handling of environmentally sensitive matters at his Welch St. building site have been stated openly and directly and will continue to be.

We will continue to try to be polite and respectful to Ric Weinshank even as we let him know that we remain deeply concerned about the handling and movement of contaminated soil to several places on the island during this last week.

While we abhor this vandalism we will continue to clearly and openly assert opinions in this and other matters affecting our community.

If you have problems with this statement/think others might, please advise asap.
Lane & Don

"We must select the illusion which appeals to our temperament, and embrace it with passion."
Cyril Connolly

Lane Williamson
Pondhouse Studio
Box 53
Peaks Island, ME 04108
207/766-5138
04108

CC: Portland.CityHall(AQJ)

The Peaks Island Company, L.L.C.

33 Island Avenue, Peaks Island, Maine 04108
phone 207 828 3900 fax 207 775 7703

FAX

TO: Jay Reynolds

ATTN: _____

FROM: Richard Reynolds

DATE: 8-17-01

OF PAGES: 3
(including cover sheet)

RE: The Firm

Name of Project:

Address/Location:

33 BAYLUND AVE PEAKS ISLAND

Developer:

PEAKS ISLAND CO, LLC

Form of Performance Guarantee:

ESCROW

Type of Development: Subdivision

Site Plan (Major Minor)

TO BE FILLED OUT BY THE APPLICANT:

Item	Quantity	Unit Cost	Subtotal	PUBLIC		PRIVATE	
				Quantity	Unit Cost	Subtotal	Quantity
1. STREET SIDEWALK							
Road							
Granite Curbing							
Sidewalks 3 feet wide	56 LF	100/yr ³	500.				
Esplanades " "	"	120/ft ²	200.				
Monuments							
Street Lighting							
Street Opening Repairs							
Other							
PUBLIC TOTAL			700.				
2. EARTHWORK							
CL: N/A							
FI: N/A							
SANITARY SEWER N/A							
Manholes							
Piping							
Connections							
Main Line Piping							
House Sewer Service Piping							
Pump Stations							
Other							
3. WATER MAINS N/A							
Manholes							
Piping							
Connections							
Main Line Piping							
House Sewer Service Piping							
Pump Stations							
Other							
4. STORM DRAINAGE NONE							
Manholes							
Catchbasin:							
Piping							
Detention Basin							
Stormwater Quality Units							
Other							

N/A
↓
157 yd²
Parking Areas
13
2826.

TOTAL THIS PAGE 700. 2826.

6. SITE LIGHTING	N/A			N/A
7. EROSION CONTROL				
Silt Fence	160 LF	150 LF	240	N/A
Check Dam	N/A			
Pipe Inlet/Guilet Protection				
Level Lip Spreader				
Slope Stabilization				
Geotextile				
Hay Bale Barriers				
Catch Basin Inlet Protection	↓			↓
8. RECREATION AND OPEN SPACE AMENITIES	N/A			N/A
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	N/A			One Blue Spruce 240. Three Little Leaf Linden @ 160 480.
10. MISCELLANEOUS	N/A			Underground Electric Connection 350.
TOTAL THIS PAGE		270		1070
GRAND TOTAL		970		3,390

\rightarrow \$4,836.00 TL J.R.
 \leftarrow

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
1. % of total:			
2.			
3. Alternative Assessment:	58	242	300. <u>J.R.</u>
4. Assessed by:	<u>J.R.</u>	<u>J.R.</u>	
name:			

From: <COTTAGEHO@aol.com>
To: Portland.CityHall(JSpence)
Date: Tue, Aug 7, 2001 11:13 AM
Subject: non-invasive test

Dear Jonathan,

This is an additional follow-up to a previous phone message left on your voice mail (end of last week) about our plan to conduct a non-invasive geophysical survey tomorrow August 8. The geophysicist from Harding ESE is scheduled to arrive on site at 9:30 AM. We plan to have excavation equipment on site to investigate any anomalies produced by the testing. The intention of the voice mail message was to give you and/or the DRC 48 hour notice of possible excavation. We have not had a response.

Ric Weinschenk, Mgr., Peaks Island Co., LLC

From: Jay Reynolds
To: Alex Jaegerman ; code enforcement officers; Penn...
Date: Thu, Aug 9, 2001 9:23 AM
Subject: Peaks Isl. INN

just FYI everyone, Jonathan Spence and myself met with Ric Weinschenk and the geophysicist from Harding ESE Co. yesterday (8/8); to perform the subsurface investigation for possible underground storage tanks at the Peaks Island Inn site, per planning board approval condition.

Findings: some underground pipes (cast iron utilities), and a disposal area(tires, junk, etc.).
No Indications that underground tanks still exist on the site.

Please contact me if you have any questions or comments.
Thank you for your time.
Jay

CC: Jonathan Spence

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law
Three Canal Plaza
Post Office Box 15060
Portland, Maine 04112-5060

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel (207) 874-6700
Fax (207) 874-6705

*Also licensed in MA
and DC

September 18, 2001

Mr. Jonathan Spence
Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

RE: The Peaks Island Company, LLC

Dear Jon:

It is my understanding we have clarified condition of approval No. 4 as follows:
The inspector will verify weekly to you in writing and at the conclusion of the project that the workmanship is consistent with industry standards, and was completed in a good and workmanlike manner. Inspections shall be undertaken only if work subject to the inspections is performed during that week. Inspections shall exclude tenant fit outs, cosmetic ~~by other~~ work performed by or on behalf of tenants and not the responsibility of the Applicant. Inspections shall also exclude work performed by utility companies and/or the City of Portland. The inspector shall identify in his reports any deficiencies.

Sincerely,



David M. Hirshon

DMH/sdm.

Materials of fastening systems of sufficient strength and durability

meets all applicable codes

to remain solid and secure

(for the long term)

over the useful life of the structure

The Peaks Island Company L.L.C.

33 Island Avenue

Peaks Island, Me 04108

Telephone: 207-828-3900

Fax: 207-775-7703

Jonathan Spence
Planning Department
City of Portland
389 Congress St.
Portland, Me. 04101

October 2, 2001

Dear Jonathan,

Please allow this letter to serve as a memorandum to our Pre-construction meeting discussion regarding the paper street that borders our property at 33 Island Ave., Peaks Island. We will be doing minor regrading and replanting between our properties only. Signatures below indicate the agreement of abutters.



Ric Weinschenk, Manager
Peaks Island Company, L.L.C.



Dave Norton
21 Island Ave.

Att. # 2

The Peaks Island Company L.L.C.

33 Island Avenue

Peaks Island, Me 04108

Telephone: 207-828-3900

Fax: 207-775-7703

Planning Board
City of Portland
389 Congress St.
Portland, Me. 04101

June 18, 2001

Dear Jonathan and Planning Board Members,

In response to your request dated June 6 please find the following:

- 1) A copy of the Level 1 Environmental Study
- 2) Cut sheets for the lights we plan to use. NOTE: The light types are as follows:
 - a) walkway/ground lights- 24 watt landscape type at a height of 6"-9" above grade and shining down
 - b) recess down spots over ground floor entrances and recess openings (75 watt)
 - c) wall lights- style revised to meet lighting standards where the bulb is not below the horizontal plane of the shade (75 watt)
- 3) Detailed landscape plan. (After many attempts and left messages I was never able to speak with Jeff Tarling)
- 4) The membership of Peaks Island Company, LLC. includes:

Sandy Sturrock	Amy Weinschenk
420 Seashore Ave.	46 Torrington Ave.
Peaks Island, 04108	Peaks Island, 04108

They are equal members.

An account is being set up in the name of Peaks Island Company, LLC. with a deposit of \$950,000.00. The estimated cost of this project is substantially less. This will hopefully satisfy any doubt as to our financial ability to complete this project. Once the transaction of securities has been completed a statement of that account will be forwarded to the Board from Steve Heil our investment counselor at Merrill Lynch. A copy of the initial order is included herein for your information only. Please do not copy.

- 5) Attached list #5 is completed projects and related professional experience by the manager and members of Peaks Island Company.
- 6) Letters from Central Maine Power and Portland Water District for the adequate capacity of utilities for this site. The sewer letter is delayed because of the multiple agencies involved. The process began with two weeks of unreturned calls from the Portland Water District who controls the pumping station/treatment plant on Peaks Island. Then a blind return call from Portland Public Works requesting a plan and additional information which has been forwarded. The Department of Public Works must then send their ok back to P.W.D. It has been suggested there is surplus capacity at the island plant.
- 7) The Site Plan shows the guardrail fences along Welch Street to where the retaining wall is 3.5 feet or less.
- 8) The site plan has been amended to show a brick walkway where the crushed stone walk was.

The Peaks Island Company L.L.C.

33 Island Avenue

Peaks Island, Me 04108

Telephone: 207-828-3900 Fax: 207-775-7703

9)The Site Plan does not reflect any specific tenants. the elevation drawing show sign types and names which are included to show style not content. A separate permit is required after the tenants are approved and designs for the same are selected. For the record, and as you know, we currently have Peaks Island Fuel, Inc. as a month to month tenant. They are attempting to obtain permission to access the rear of our property via the adjacent paper street. We have told them we would hold the office space available to them until such time as they obtain the needed permits to implement their access. If they are unable to obtain permission we will rent the space to another qualified tenant. A copy of a letter from Peaks Island Fuel is included for your information. Your request to keep the descriptions "as generic as practical" should not short circuit our intentions which are two fold. First to allow Peaks Island Fuel every opportunity to continue in business without dominating the landscape of this important site (see attached photos). Secondly to re-open the hardware store and provide food and lodging year round. The actual tenants names do not matter as much as the services provided to which we agree. The permitted use aspect we feel is also noteworthy.

10)Enclosed is a copy of the notice sent to 200 people/addresses noting the planned neighborhood meeting. Please try to attend.

Respectfully submitted,

Ric Weinschenk
Manager, Peaks Island Company

From: Marge Schmuckal
To: Jonathan Spence
Date: Tue, Jun 26, 2001 10:48 AM
Subject: The Inn at Peaks

It is now my understanding that this proposed structure has a flat roof with a peaked, window skylight area on top, along with three chimneys.

The height of buildings with flat roofs is the vertical measurement from predevelopment grade on the islands, to the highest point of the roof beams. This measurement on the submitted plans is 28.5 feet. The maximum building height within this I-B zone is 35 feet.

Pre-development grade is defined as average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure. (newly emergency passed by Council)

Let me also point out Section 14-430 which states, "Roof structures for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, skylights, steeples, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected **above** the height limitation herein prescribed for buidings."

This structure, as presently proposed, meets the height requirements of the I-B zone.

Marge

CC: Marge Schmuckal

From: Eric Labelle
To: Anthony Lombardo; Bradley Roland; Frank Brancely...
Date: Tue, Jul 24, 2001 12:06 PM
Subject: Re: Peaks Island

I have spoke with the Portland Water District. Technically, the Peaks Island Treatment Facility does not have a CSO and is not required to remove stormwater from the system.

I was informed by Chris Crovo, PWD's Director of Operations, that the plant is running at 50 percent capacity and has the capacity at the plant and in the collection system to receive the additional 6373 gallons per day.

Hence, the removal 5 to 1 should not required on Peaks Island as it is on the mainland per the February 13, 1991 Consent Agreement with the DEP. The request made to Mr. Wortley in the July 19, 2001 for stormwater removal should be withdrawn.

Sarah, please let me know if this clarification is sufficient and whether my attendance is necessary at tonight's Planning Board Meeting.


Thanks
Eric

>>> Sarah Hopkins 07/23 9:57 AM >>>

Thank you everyone for helping us figure out the Peaks Island Inn sewer issue. Our concern is that while there appears to be a capacity issue at the Peaks sewage treatment plant, we have not required 5:1 separation for any projects in at least ten years. I think the Board will need a policy and technical explanation of what we will require and why. Can someone from Public Works come to the Planning Board's meeting on Tuesday at 6:00 to talk about it? We should also have something in writing regarding the policy.

Thank you!
-Sarah

CC: Alex Jaegerman ; Jonathan Spence; Penny Littell ...

DATE: June 5, 2001
TO: Jonathan Spence
FROM: Jay Reynolds 
RE: THE INN, Peaks Island

In review of the site plan, I offer the following comments:

1. The guard rail fence needs to be extended along the Welch Street side (until the retaining wall reaches the point where it is less than four feet high).
2. parking adequacy: Is 6 total spaces enough?
3. Proposed 2:1 slope along rear property line is ok as proposed.
4. I am unsure if the proposed (crushed stone) walkway to the peaks island fuel office needs to meet ADA requirements. If it does, then this walkway should be bituminous pavement.

Please contact me if you have any questions.
Thanks.

O:\plan\drc\theinnengreview.doc

From: James Robbins
To: Jonathan Spence
Date: Mon, Apr 30, 2001 1:54 PM
Subject: Re: Peaks Island (Meridian Street)

Johnathan,

The only information on file is that the subdivision plan is recorded in Plan Book 13, Page 117 in the registry deeds our copy does not have any information on it about the streets other than they are 50 feet wide. We have never done any surveying on the street as for what rights anyone would have in the street I would try, reading some of the abutting deeds to the street.

The Recorded Plan does not show Meridian Street connected between Adams St. and Oakland St.

Sorry but that's all the information that we have.

Jim

>>> Jonathan Spence 04/27 11:29 AM >>>

Good day Jim!

I am working on a project involving a paper street known as Meridian on Peaks Island. This street runs perpendicular to Island Avenue to the south of the property known as 33 Island Avenue. Is there any information that you could provide me on this paper street from the original subdivision plan? Is there any interesting language concerning rights to the use of this unconstructed street?

Any help at all would be greatly appreciated.

Thank you,

Jonathan

From: <PEAKSISLANDCO@aol.com>
To: Portland.CityHall(JSpence)
Date: Tue, May 22, 2001 7:48 AM
Subject: the Inn

Dear Jonathan:

I am sorry not to hear back from you regarding my request for information sent via e-mail 5.17.01. I would like to review planning's file or files on The Inn today. I will call first but expect to see me about 11:30 this morning. If you cannot be there for some reason please call me as soon as you can so that we can agree on how else I will get this information. As I mentioned in my e-mail, I am interested in seeing all communications about this project, to and from the public as well as to and from people and departments within the city. I am interested in the mailing list of notices of today's planning board meeting and the criteria used to establish that list. Everything. Copies may be needed. I would also appreciate an update of when reviewing departments were sent material to review and their status. I would like to know, please, whom in which department would review the photometric plan you requested and under what criteria. I have attached my comments to your planning board memo. Thank you for your continuing professional review of this project.

Sincerely,
Ric Weinschenk
Manager, The Peaks Island Company

Corporation Counsel

Gary C. Wood



CITY OF PORTLAND

Associate Counsel

Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaticas
Penny Littell

May 18, 2001

VIA FACSIMILE

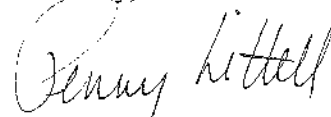
Marshall Tinkle, Esquire
Tompkins, Clough, Hirshon & Langer, P.A.
3 Canal Plaza
Portland, ME 04112-5060

Dear Marshall:

Please be advised that in the event that we are in Court on the case of City v. Weinschenk et. al. on the afternoon of May 22, the Planning Board will adjourn its Workshop session dealing with your client's site plan proposal for a B&B on Peaks Island until after the evening's public hearing. At that time they will reconvene the Workshop session to deal with the proposal.

As a result, I see no need for a continuance of the trial scheduled for May 22.

Sincerely,


Penny Littell

PL:hs

cc: Jonathan Spence

O:\OFFICE\PENNY\LTRS\tinkle051801.doc

From: Jeff Tarling
To: Jonathan Spence
Date: Mon, May 14, 2001 9:08 PM
Subject: Peaks Island - The Inn

Jonathan,

The Inn on Peaks Island should have a more detailed landscape plan. The Page two plan shows only 3 trees and a lawn area, the detail on Page 7 shows only how shrubs would be planted, and there doesn't seem to be any on the plan...

The Inn needs a detailed Landscape Plan that includes:

Street trees along Welch and Island Avenues, the plan does show 3 street-trees on Welch Street. The trees along Island Avenue may be 'setback' into the proposed garden. Shade and / or ornamental trees and shrubs should be included for the South West lawn area.

Foundation or landscape plants, - the use of woody, ornamental, landscape plants needs to be included, these plants are to accent walkways and soften the structure and the screen parking.

Plant list with species, size, quantity and location.

This is a very visible site on Peaks Island, landscape improvements will complement the proposed improvements.

Jeff Tarling

CC: Sarah Hopkins

From: <PEAKSISLANDCO@aol.com>
To: Portland.CityHall(JSpence)
Date: Wed, Apr 25, 2001 5:16 PM
Subject: 33 Island Ave, Peaks Island

Dear Jonathan:

In an effort to be as clear as the written word permits, I hereby request you respond in writing to the following question:

With respect to the paper street between 33 Island Ave. and the Norton Property to the South, what, if anything would be permitted to be built or grade on that street which may allow access to the rear of our property? The intention of this access is to allow the fuel oil tenant to continue to park its trucks on the property.

Our proposal shows a drive access with grading, paving and retaining of excavated banks to the South and east. Please refer specifically to that proposal and any suggested changes that may allow access as shown. Also I respectfully request you include reference(s) to the section(s) of the enacted authority that supports your response.

Thank you for both your time and in advance for your thoughtful response. Response via e-mail is preferred.

Ric Weinschenk

Subj:	Fwd: New Account
Date:	6/18/01 3:54:26 PM Eastern Daylight Time
From:	Sandy Sturrock
To:	COTTAGE HO

Ric:

For your files.

Sandy

Forwarded Message:

Subj:	RE: New Account
Date:	6/18/01 3:52:08 PM Eastern Daylight Time

From: sheil@pclient.ML.com (Heil, Stephen J (BELLEVILLE XIE 68L))
 To: SandySturrock@aol.com ('SandySturrock@aol.com')

Dear Sandy,

Per your instructions, I will forward the necessary paperwork to transfer \$950,000 from the accounts that you have referenced into a new Merrill Lynch WCMA business account in the name of "The Peaks Island Company". If you have any questions, please give me a call.

Sincerely,

Steve Heil

> -----
 > From: SandySturrock@aol.com[SMTP:SandySturrock@aol.com]
 > Sent: Monday, June 18, 2001 10:51 AM
 > To: Steve_Heil@ml.com
 > Subject: New Account
 >
 > Steve:
 >
 > Please transfer all securities from account numbers: 68L12291 and 68L12294
 >
 > totaling \$950,000.00 into a new business account titled: PEAKS ISLAND
 > COMPANY.
 >
 > If you have any questions, please call me.
 >
 > Thank you,
 > Sandy
 >

CAUTION: Electronic mail sent through the Internet is not secure and could be intercepted by a third party. For your protection, avoid sending identifying information, such as account, Social Security or card numbers to us or others. Further, do not send time-sensitive, action-oriented messages, such as transaction orders, fund transfer instructions, or check
 Monday, June 18, 2001 America Online: COTTAGE HO

To: Jonathan Spence
CC: Penny Littell, Ric

From: Alex Jaegerman
To: Jonathan Spence; Penny Littell ; Sarah Hopkins
Date: Fri, Aug 31, 2001 1:50 PM
Subject: Re: The Inn

I am OK with your interpretations, and the person. Essentially we need a continuous monitoring that everything is being built correctly, no corners cut, and codes met. Maybe the 3rd party can give an e-mail report of the progress weekly, saying what construction activity is taking place, e.g. footings, framing, grading, wiring, utility rough-in, etc. etc. and an assessment that the workmanship appears to be up to normal standards. I don't expect anything dramatic, but hopefully the thing will be built to last. The only examples I can think of are flimsy railings because the posts and rails are weak, or conduits for lights not buried deep enough, that code should prevent, but its the details and constant (weekly) oversight to keep the guy from cutting corners.

>>> Jonathan Spence 08/31 12:28 PM >>>

Ric W. and I are hashing out the final details of his conditions and he will be commencing site work shortly.

In regard to his weekly 3rd party inspections: Originally he proposed Pinkham and Greer which I ixnayed because Greer was his consulting engineer on this project. Is a licensed structural who is not involved with this project but was involved with Ric in the past OK? We have found someone that lives on the island who might be available. I think yes as we can't say that it has to be someone that has not worked for him. We have the guys stamp to hold him to professionalism.

Ric asked what this guy is supposed to do. He had run the durability standard by a few engineers and they wanted clarification.

bill and I came up with: Inspections of a standard not greater than BOCA but at a greater level of scrutiny and examination (due to the applicants past performance).

Please let me know your thoughts on this. Ric should have met his conditions by the end of next week.

329-9103

I don't like the
durability standard
Durability = instruction
and building with
with island normal
What is the...

Corporation Counsel

Gary C. Wood



CITY OF PORTLAND

Associate Counsel

Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

November 1, 2001

VIA FACSIMILE 874-6705

Marshall J. Tinkle, Esquire
Tompkins Clough Hirshon & Langer, PA
3 Canal Plaza
Portland, ME 04112-5060

Re: The Peaks Island Company, LLC v. City of Portland

Dear Marshall:

I have now had an opportunity to review the only performance guarantee form your client provided to the City of Portland in connection with its site plan for 33 Island Ave. The forms completed by your client are unacceptable for the following reasons:

The date of expiration reads : September 15, 2001. This date, which was filled in by your client, has already come and gone. The City cannot approve the form.

As far as the durability guarantee is concerned, there are several blanks left in the form which need completion. This is the expiration date that must read "three years from the date of the issuance of the last Certificate of Occupancy at 33 Island Avenue." In addition, paragraph 1 of the form should read "This account shall represent the estimated cost of ensuring the durability of the project as required by the Planning Board on 7/24/01."

I assume your client will be amenable to completing new, accurate forms.

Thanks you for attention to this matter.

Sincerely,

Penny Littell
Associate Corporation Counsel

PL:hs

c: Gary Wood, Esquire
Jonathan Spence
Sarah Hopkins
Alex Jaegerman

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law
Three Canal Plaza
Post Office Box 15060
Portland, Maine 04112-5060

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel (207) 874-6700
Fax (207) 874-6705

*Also licensed in MA
and DC

September 17, 2001

HAND DELIVERED

Penny Littell, Esquire
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, ME 04101-3509

Re: **Peaks Island Company, LLC**

Dear Penny:

Following up our telephone conversation, enclosed are three checks as follows:

1. Check No. 1116 payable to the City of Portland in the amount of \$28,800.00 in connection with the Durability Guaranty;
2. Check No. 1117 payable to the City of Portland in the amount of \$4,836.00 in connection with the Performance Guaranty; and
3. Check No. 1118 payable to the City of Portland in the amount of \$300.00 for the inspection fee.

The final draft of the Durability Guaranty is acceptable. Merrill Lynch is apparently not interested in participating in the process and I will engage the services of another mutually acceptable institution within the next few days. In the interim, it is my understanding the City will hold the money in a non-interest bearing account. Will you please notify the Planning Board of the satisfaction of this condition.

Thank you for your assistance.

Penny Littell, Esquire
September 17, 2001
Page 2

Sincerely,



David M. Hirshon

DMH/sdm

Enclosures

cc: Mr. Jonathan Spence ✓
Mr. Ric Weinschenk


THE PEAKS ISLAND COMPANY, LLC
 33 ISLAND AVE.
 PEAKS ISLAND
 PORTLAND, ME 04108

52-7445/2112
 7999023200

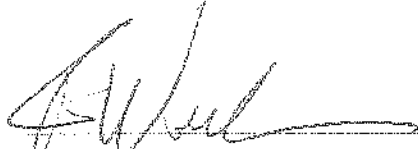
1116

DATE 9.14.01

PAY TO THE ORDER OF City of Portland \$ 28,800.-
Twenty-eight thousand eight hundred and 00/100 DOLLARS



MEMO Durability



⑆ 211274450⑆ 7999023200⑆ 1116


THE PEAKS ISLAND COMPANY, LLC
 33 ISLAND AVE.
 PEAKS ISLAND
 PORTLAND, ME 04108

52-7445/2112
 7999023200

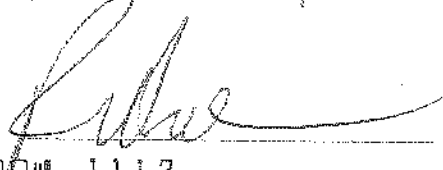
1117

DATE 9.14.01

PAY TO THE ORDER OF City of Portland \$ 4,836.-
Four thousand eight hundred thirty six and 00/100 DOLLARS



MEMO Performance



⑆ 211274450⑆ 7999023200⑆ 1117


THE PEAKS ISLAND COMPANY, LLC
 33 ISLAND AVE.
 PEAKS ISLAND
 PORTLAND, ME 04108

52-7445/2112
 7999023200

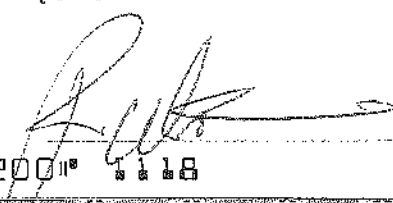
1118

DATE 9.14.01

PAY TO THE ORDER OF City of Portland \$ 300.-
Three hundred and 00/100 DOLLARS



MEMO Inspection



⑆ 211274450⑆ 7999023200⑆ 1118



CITY OF PORTLAND

June 6, 2001

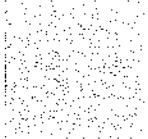
Mr. Ric Weinschenk
Peaks Island Company, LLC.
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island

Dear Mr. Weinschenk:

The Inn has been scheduled for a second workshop session before the Planning Board on Tuesday, June 26th at 3:30. To make this workshop as productive as possible, please address or provide the following items prior to Monday, June 18th at 4:00.

1. A copy of the Level 1 environmental study performed on the property and any information confirming the removal of the underground fuel storage tanks.
2. A detailed lighting plan including catalog cuts for all pole and wall mounted units and a photometric plan showing compliance with the City of Portland's technical and design standards.
3. A landscape plan consistent with the City of Portland's design standards per correspondence with Jeff Tarling, City Arborist. I encourage you to discuss the landscape plan directly with Jeff due to the uniqueness of this site.
4. Detailed information regarding the membership of Peaks Island Company, LLC including financial statements from reputable institutions asserting the financial capability to complete this project.
5. Documentation of similar, previous projects completed by the members of the Peaks Island Company to verify that the technical capacity to undertake and complete the proposed development exists.
6. Letters from appropriate agencies attesting to the adequacy and availability of off-site facilities including water and sewer service.



Sebago Technics
Engineering & Planning Services

November 8, 2001
01P043

Alex Jaegerman, Chief Planner
City of Portland
389 Congress Street
Portland, ME 04101

The Inn - Peaks Island, Excavated Material Volumes

Dear Alex:

At the request of the City of Portland, we performed a topographic survey of the current conditions and grades at the proposed Inn located on Island Avenue on Peaks Island. Using our collected survey data, we were able to calculate the volumes of the two covered piles of excavated soil and determine how much of the material may be reused on site.

Our first calculation was generated from our survey of the two piles located southerly of the existing building. One pile had a blue tarp and another had a clear plastic tarp covering the pile. Using computer CAD software, we calculate that these two piles combined equal 470 cubic yards of soil. Two other piles on site (one by the retaining wall and one by the southeast corner) combine for another 25 cubic yards based on site assessment.

Therefore, our total volumetric calculations combined equal 495 cubic yards of material currently on the site. It also appears that no further excavation would be necessary to bring the site to base grade for parking or lawn areas.

Using the areas presented to us by Pinkham & Greer Consulting Engineers in their letter dated November 5, 2001, we then tried to generate volumes of material that could be used as backfill on the site. We determined that approximately 9" (0.75') could be placed in an area (1,300 square feet) south of the porch and rear corner. That displaces approximately 37 cubic yards. The second area is basically under the porch on the south side (15' x 42' = 572 square feet). Here, approximately 2.4 feet are needed to bring the site up to one foot below finish grade. Therefore, 2.4' x 672 equals 1,612 cubic feet, or approximately 60 cubic yards which can be displaced. A third area where fill can be displaced is in the front porch facing Island Avenue. Here, the area equals approximately 1,100 square feet and will need an average of 9", or 0.75 feet. Under area 3, we displace 825 cubic feet, or 31 cubic yards of soil.

The last area where soil will be used on site is with the actual backfill around the addition's foundation. We calculated that the length of the trench to be backfilled is 120 feet. The average width of the trench is approximately 2.5 feet, and 6' of average fill height is necessary to meet the approved grades to a base level which allows for 6' of clean cover material. The backfill of the foundation will provide 67 yards for fill. Combined, the areas of fill will equal 195 cubic yards (37 + 60 + 31 + 67).

To evaluate the amount of soil to be removed is calculated by subtracting 195 cubic yards from 495 cubic yards which equals 300 yards of soil. To accurately determine the amount to be hauled off site, we should account for air voids created by excavation and multiple handling of the soil. Under normal conditions, we assume that excavated material, such as the soils on site, typically have a volume of 15% to 20% for voids. Since the pile has been handled once already, the volume increase is likely to be only 10% over the stored volume. Therefore, we feel that 330 yards (300×1.10) should be removed to satisfy the constraints of the DEP and to meet the grading plan as approved by the City of Portland dated July 24, 2001. For comparative measures, 330 cubic yards is approximately 28 dump truck loads (12 cy/load) and, if conditions are favorable, that would be approximately 7 to 10 barge trips to Portland from Peaks Island assuming 3 to 4 trucks per barge trip depending on the weight of each truck fully loaded.

Although Pinkham & Green Consulting Engineers used a simpler method to derive their volumes and based them on tape measure lengths, they provided enough of a contingency factor to equal the same number of cubic yards as our survey and hand calculations. The major difference is that we have accounted for expansion of the compacted soil when handling and hauling.

We feel that the removal of 330 cubic yards of soil from the site is an appropriate volume to satisfy the DEP, City, and the applicant. We understand the applicant, Ric Weinschenk, is eager to continue his work on site. If he agrees to all of the terms of the soil removal, we recommend that the City allow Mr. Weinschenk to begin soil removal operations as soon as possible. Island barging is dependent on the daily tides falling correctly during daylight hours. The window of opportunity is optimum right now to maximize the tides for barge hauling.

The City should make sure that the site is cleared of the material to be hauled prior to frost penetrating the material. We believe that a timeframe of 30 days should be ample to remove the trucked material and account for weather and tidal conditions, seeing that the total soil removal operation could be completed in two days with fair conditions.

Please feel free to contact us if you need additional information or if you have further questions.

Sincerely,

SEBAGO TECHNICS, INC.

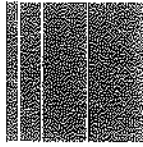


James R. Seymour
Project Engineer



JRS:jc

cc: Tom Greer, Pinkham & Greer



Sebago Technics
Engineering & Planning for the Future

October 30, 2001
OIP

Alexander Jaegerman, Chief Planner
City of Portland
389 Congress Street
Portland, ME 04101

Peaks Island Co., LLC - The Inn

Dear Alex:

Per your request, we have reviewed the volumetric measurements of excavated material and material reused on the site of The Inn at Peaks Island. These volumetric calculations were based on plans dated October 22, 2001 prepared by Pinkham & Greer Consulting Engineers, Inc. for the Peaks Island Co., LLC. Our review suggests that the site cut/fill will be unbalanced and that there will be a net excess of material. In other words, material will need to be disposed of off site. We would note that the plans lack detail making it difficult to determine exact quantities of cut/fill. However, we believe that the site presents an unbalanced condition. More detailed volume calculations could be completed with more definitive details of existing and proposed grading.

Our review and calculations indicate excavation will require that 767 cubic yards be cut from the site (approximately 64 twelve cubic yard dump truck loads). Based on plans submitted, it is our opinion that only 295.3 cubic yards will be reused on site (approximately 25 truck loads). This leaves approximately 471.4 cubic yards to be hauled off site to a suitable disposal location. The calculations as presented by Peaks Island Co., LLC also did not account for 6" (or 0.5') of clean loam to cover the fill areas. This decreases their volumes claimed to be excavated fill. Furthermore, it is difficult to follow or understand how they derived the fill depths.

Additional concerns depicted on the site plans involve the location of the swale or ditch along the City of Portland right-of-way. This ditch collects off-site and on-site drainage and diverts the flow along the property line to Island Avenue. This ditch should be fully contained on the applicant's property since existing flows currently do not travel on or over the City's property. The grades on the site plan also direct surface runoff over the sidewalk of the inn and over the handicap space toward the street. Flows should be directed away from pedestrian access areas and discourage water crossing or icing on these walkways. Drainage infrastructure may be needed to accommodate this concern.

Sebago Technics, Inc. has been selected by the City for engineering services. We have a diversified staff of professional engineers, licensed surveyors, and landscape architects. Mr. Seymour is a civil engineering in training and has eight years of experience with site plan design and four years of experience as a municipal engineer reviewer. His experience includes previously working in Portland and Old Orchard Beach, and current review work in the Town of Windham and City of Portland. Owens McCullough is a professional engineer with several years of site design and review experience and has worked over the past six years with the City of Portland, among other municipal communities, on a diverse range of projects. These projects include street design, landfill closures, municipal review, boat ramps and specialty projects.

Please feel free to contact us if you have any questions or need any additional information.

Sincerely,

SEBAGO TECHNICS, INC.

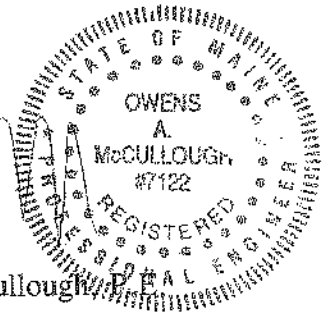


James R. Seymour
Project Engineer

JRS/OAM:jc



Owens A. McCullough
Sr. Project Manager



EXCAVATION CALLS

- EXCAVATION FOR NEW ADDITION

$$V = 1260 \text{ FT}^2 \times \left(\frac{5.5' + 0.5' \text{ FLOOR THICKNESS}}{27} \right) = \frac{7560 \text{ FT}^3}{27} = 280 \text{ YD}^3$$

AREA 1 = 280 yd³

- EXCAVATION FOR FOUNDATION UNDER BY HARDWARE STORE

$$V = 48' \times 22' \times \left(\frac{2.5'}{27} \right) = \frac{2640 \text{ FT}^3}{27} = 97.8 \approx 98 \text{ YD}^3$$

AREA 2 = 98 yd³

- AREA SOUTHEAST OF BUILDING TO REAR RETAINING WALL

$$V_1 = \frac{23+31}{2} \times 54' \times 3' \text{ HEIGHT} = \frac{4779 \text{ FT}^3}{27} = 177 \text{ YD}^3$$

$$V_2 = \frac{18+31}{2} \times 13.5' \times 4' \text{ HEIGHT} = \frac{1323 \text{ FT}^3}{27} = 49 \text{ YD}^3$$

$$\text{Area to provide 6" cover over exist soil} = \left(\frac{23+31}{2} \right) (54) + \left(\frac{18+31}{2} \right) (13.5) = 1927.1 \text{ SF}$$

$$V = 1927.1 \times 0.5' = \frac{963.5 \text{ FT}^3}{27} = 35.7 \text{ YD}^3$$

AREA 3 TOTAL YDS REQUIRING EXCAVATIONS = 261.7 yd³

- AREA NORTHERLY OF PROPOSED ADDITION TO RETAINING WALL TO EDGE OF PROP. PAVING

$$18' \times 60' \times 2.7' \text{ HEIGHT} = \frac{2916 \text{ FT}^3}{27} = 108 \text{ YD}^3$$

TO PROVIDE 6" COVER OF NATIVE / EXIST SOIL

$$18' \times 60' \times 0.5' = \frac{540 \text{ FT}^3}{27} = 20 \text{ YD}^3$$

AREA 4
 TOTAL = $\frac{108}{+20}$
 128 yd³

SEBAGO TECHNICS, INC.
1 Shabot Street
P.O. Box 1339
WESTBROOK, MAINE 04098
(207) 856-0277 FAX (207) 856-2206

JOB THE INN
SHEET NO. 2 OF 5
CALCULATED BY JRS DATE _____
CHECKED BY _____ DATE _____
SCALE _____

EXCAV. CALCS (CONT.)

* TOTAL VOLUME FROM EXCAVATION

VOLUME	{	AREA 1	=	280 yd ³	}	767 CY MAT'L REQ EXCAVATION
		AREA 2	=	98 yd ³		
		AREA 3	=	261 yd ³		
		AREA 4	=	128 yd ³		

SEBAGO TECHNICS, INC.

1 Shabot Street
 P.O. Box 1339
 WESTBROOK, MAINE 04098
 (207) 856-0277 FAX (207) 856-2206

JOB THE INN
 SHEET NO. 3 OF 5
 CALCULATED BY JRS DATE 10/30/01
 CHECKED BY _____ DATE _____
 SCALE _____

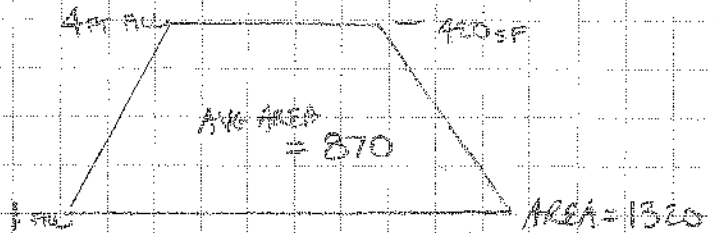
FILL CALLS - CONT)

AREA 2 COURTYARD

AREA = 1320 SF

$$870_{SF} \times (2.5 - 0.5) = 1740 CF$$

$$\frac{1740}{27} = \underline{64.5 CY}$$



AREA 3. APPROX 1500 SF (UNDER PORCH/DECK)

$$1500 SF \left(\frac{AVG DEPTH 1' - 0.5' (COVER)}{27} \right) = \frac{750 SF}{27} = 55 CY.$$

AREA 4. (FRONT YD)

AREA REQ FILL = (1160') (AVG DEPTH 1.5')

$$V = 1160 ft^2 (1.5 - 0.5) = \frac{1160 CF}{27} \approx 43 CY$$

TOTAL AMOUNT OF MATERIAL USED AS FILL

}	AREA 1	=	132.3 CY
	AREA 2	+	64.5 CY
	AREA 3		55 CY
	AREA 4		43 CY
			=

SEBAGO TECHNICS, INC.
 1 Shabot Street
 P.O. Box 1339
 WESTBROOK, MAINE 04098
 (207) 856-0277 FAX (207) 856-2206

JOB HE INN
 SHEET NO. 4 OF 5
 CALCULATED BY JRS DATE 10/30/01
 CHECKED BY J DATE _____
 SCALE _____

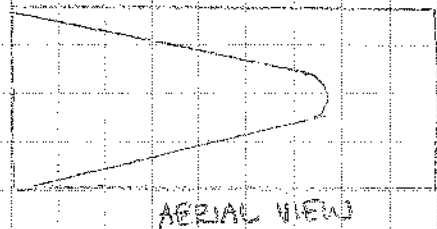
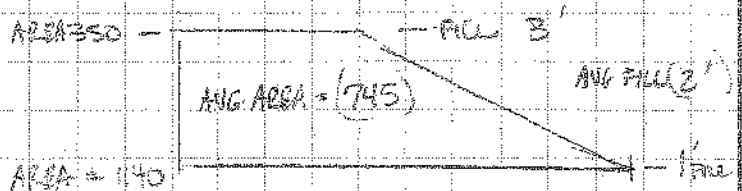
FILL CALCULATIONS

AREA 1A = 1140 SF

AREA 1A_{TOP} = 350 SF

$$745 \text{ SF} \times \left(\frac{2' - 0.5'}{27} \right) = \frac{117.5 \text{ cu yd}}{27}$$

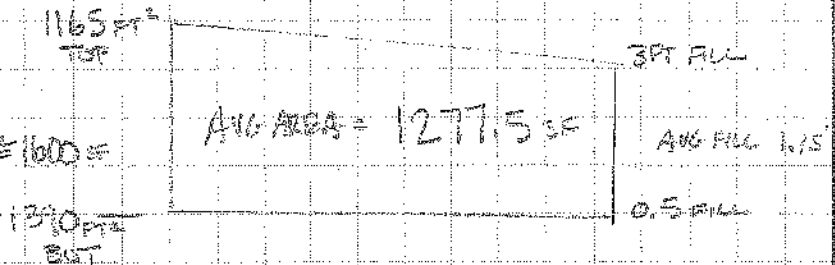
$$= 4.4 \text{ yd}^3$$



AREA 1B

$$(1277.5 \text{ SF}) (175 \text{ SF}) = 1596 \approx 1600 \text{ SF}$$

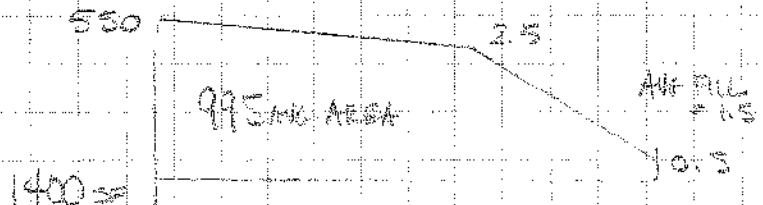
$$\approx 59 \text{ cy}$$



AREA 1C

$$995 \times \left(\frac{1.5 - .5}{27} \right) = \frac{995 \text{ SF}}{27}$$

$$= 36.9 \text{ cy}$$



FILL TOTAL AREA 1

$$= 4.4 + 59 + 36.9$$

$$= 132.8 \text{ cy}$$

SEBAGO TECHNICS, INC.

1 Shabot Street
P.O. Box 1339
WESTBROOK, MAINE 04098
(207) 856-0277 FAX (207) 856-2206

JOB THE INN

SHEET NO. 5 OF 5

CALCULATED BY JRS DATE 10/30/01

CHECKED BY _____ DATE _____

SCALE _____

SUMMARY

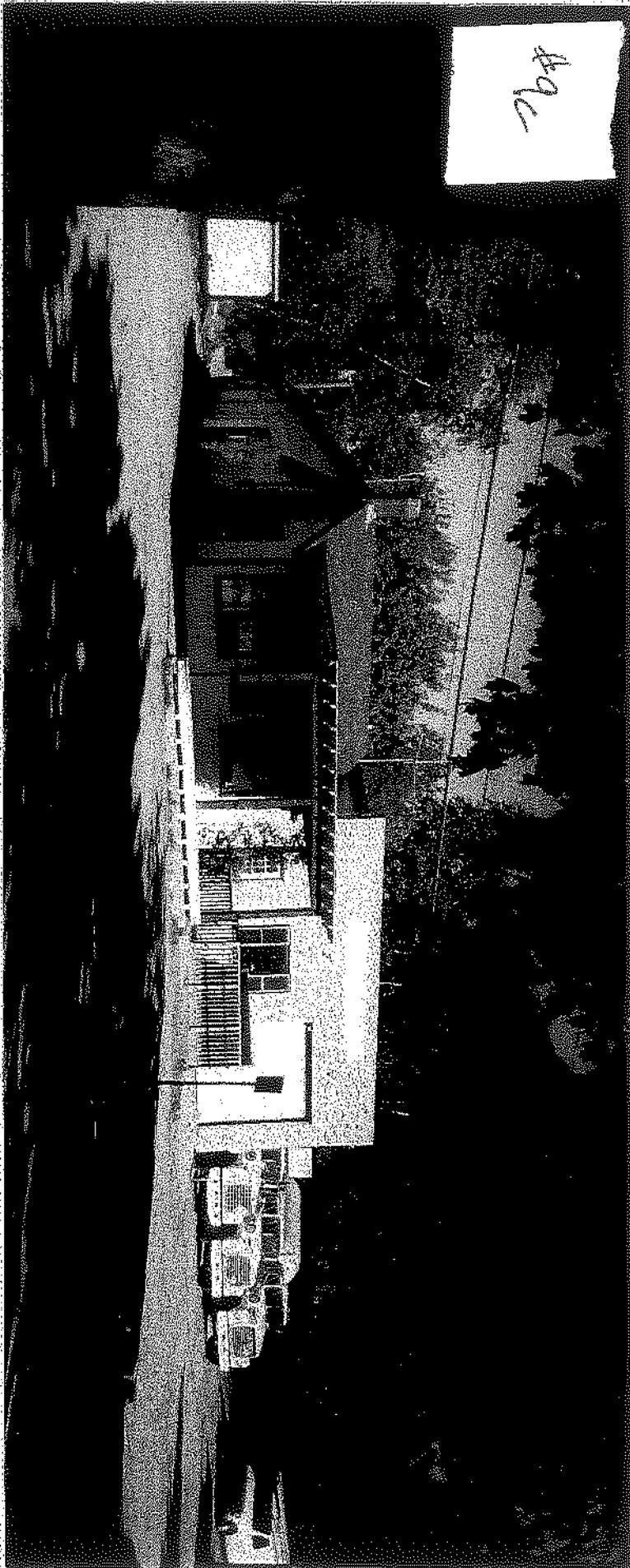
MAT'L EXCAVATED = 767.0 CY

MAT'L USED AS FILL = 295.3 CY = CUBIC YARDS

REMAINING FILL 471.70 CY

$\frac{471.7 \text{ CY}}{12 \text{ CY/truckload}} = 39.3 \frac{3}{4} \approx 40$ TRUCK LOADS
REQUIRED TO BE
RELOCATED ON-SITE
OR
REMOVED

#92





24 Aug 01

Jonah, ,

these are ready to do from our end.
Do they need your/city approval? Also
Can I get a memo from you stating the
non-invasive underground testing met city
approval, for my records, please?

Thanks

R. Wenzel

Manager Parks and Rec Co LLC

Att: Performance Guarantee form
Durability Guarantee form

P.S. Pritchard and Jones of Fairbairn have
been retained to do the weekly inspections

granted to the same applicant by any agency of the city with respect to the same development is appealed to any court by an opponent of the development, the applicant shall be granted further extensions, beyond the expiration of said period, where the applicant has exercised due diligence with respect to defending such appeal, which extensions shall not last beyond one (1) year from entry of final judgment.

(g) *Amendments to approved plans for development.* If at any time before or during development the applicant requests minor amendments to an approved plan for major development, the planning authority may approve such minor amendments under the procedures for minor development, provided that they do not amount to a waiver or substantial alteration of the site plan, do not change the developer, and do not affect any condition or requirement of the planning board. The applicant shall supply a written statement of the proposed amendment(s) and proposed amended plans to the planning authority, whose decision as to whether the amendment is minor shall be final.

* (h) *Referral of plans to planning board.* If at any time before approval or disapproval of a plan for minor development, the planning authority determines that, due to its nature or location, the development should be reviewed by the planning board, the planning authority may refer the plan to the planning board, whose decision shall be substituted for the planning authority's unless it declines jurisdiction. The planning board may decline jurisdiction and refer the matter back to the planning authority at any public meeting, including a workshop.

(i) *Improvements made in accordance with public works standards.* All improvements which would otherwise be subject to the standards of the public works authority if the development were a subdivision within the meaning of article IV of this chapter shall be made or constructed in accordance with the technical and design standards promulgated by the public works authority pursuant to section 14-498(a). In applying said standards, the planning board or authority, as applicable, may vary or modify them as provided in section 14-506.

(j) *Site plan performance guarantee, improvement inspection fee, engineering review fee and administrative costs.* No land use permits or applications of any kind shall be processed, reviewed or

The Peaks Island Company, LLC.

33 ISLAND AVENUE
PEAKS ISLAND, MAINE 04108

Permit Application Cover Letter
for the Rehabilitation of 33 Island Avenue, Peaks Island, Maine.

THE INN

HISTORY

The subject property consists of 20,288 square feet located on the southwest side of Peaks Island. The site is improved with a one story building; a wood frame section constructed in 1929 and an adjoining concrete masonry unit structure built about 1964. Various smaller additions have been added over the years, all appear over twenty years by the materials used. In 1929 the property principally housed a fuel supply and automotive service company, over the years there were different owners. In addition two lumber companies, several restaurants and bakeries and various other business including a hotel is said to have occupied the site. Currently, the property is occupied by a bakery, a fuel supply company as well as a lumber and hardware facility. Records found suggest it closed its doors for business last in 1998.

The site is located at the intersection of Island Avenue and Welsh Street. This intersection has by far the highest vehicle and pedestrian traffic count on the island. In is the intersection of the roads that follow the shore line around the island and the top of the access to the ferry landing.

SENSE OF PLACE

This property is very much in need of renovation. The properties adjacent to this are very well kept and/or recently renovated. The fuel oil supply business currently is not much more than a parking lot for its five large tank trucks, wheel to wheel facing the street. The appearance of the fuel trucks at this site is very much incompatible with the area by any standard. They should be located somewhere other than in the middle of the retail area. Literally no other place exists for this business. Public opinion is very strong in favor of this supplier staying to compete with Lionel Pplante Associates, the only other fuel supplier on the island. At a meeting of the Peaks Island Neighborhood Association last year where the plan to rehabilitate this property was announce for the first time, the very first question was if the fuel oil company could stay. It was clearly the members main interest. Moving the trucks to the rear of the property via the paper street, screening and turning them is a paramount portion of this proposal in terms of that business' continued existence at this site. The other business and the physical appearance of the proposed building are in keeping with needs of the island and this location. This property is an eye score. This proposal allows for the investment needed to improve it.

TIMING

The submittal of this application is for construction to begin at this time. Hopefully the end of bad weather and before the summer season begins. The population increases about five times by the beginning of July. We would like to have the ground work and most of the exterior completed by that time.

STATE OF MAINE
CUMBERLAND, ss.

STATE OF MAINE
CUMBERLAND, SS.
CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-00-651

FEB 16 8 02 AM '01

FREDERIC D. WEINSCHENK, et al.,

Plaintiffs

vs.

ORDER OF STAY AND
PRELIMINARY INJUNCTION

CITY OF PORTLAND,

Defendant

On November 3, 2000, the court (Fritzsche, J.) issued a Temporary Order of Stay and Temporary Restraining Order in connection with a complaint filed pursuant to M.R. Civ. P. 80B and 65 dated October 3, 2000. Said order expired on November 15, 2000, but provided a mechanism for further hearing with respect to said complaint. The plaintiffs thereafter requested a further hearing and further injunctive relief.

After hearing, the court grants that motion in part, concluding that a preliminary injunction to the extent specified herein is warranted because plaintiffs have shown a sufficient likelihood of success on the merits with respect to their claim that plaintiffs Weinschenk and Ric Weinschenk Builders cannot be barred from submitting applications or requests for permits without a hearing and that their debarment without a hearing constitutes irreparable harm. Because Cottage Park, Inc. has conceded -- for purposes of the pending motion -- that there are existing violations of the City Code with respect to the Willow development, no injunctive relief is granted with respect to Cottage Park, Inc..

FEB 21 2001

Technical Capacity / Capability

A. What is Mr. W's record / Participation / Prior projects

Affiliation w/ Mr. W's

Corporate veil

Issue of Technical Capacity

Threshold Issue → threshold condition

Board needs to determine the Applicant has technical capacity.

- Site Ordinance

B. - weekly Inspections - Site + Building - 3rd party

Elongated performance guarantee - not affiliated

Durability guarantee

① motion to deny on capacity

② _____

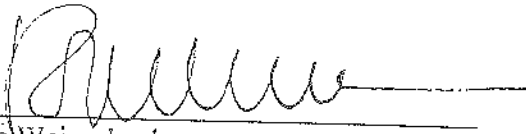
Extension Agreement
Peoples Heritage Savings Bank
Defect Bond #013802001

I, Ric Weinschenk, hereby agree to extend, and authorize Peoples Heritage Savings Bank to extend, the Defect Escrow Account #013802001 which I have secured at Peoples Heritage Savings Bank for the benefit of the City of Portland and in the amount of \$10,147.40

Such extension shall be for a period of at least 60 days from the date of signature below but in no event shall said defect bond expire in the absence of written notice to the City 15 days before the expiration of the defect bond. In the event such notice is not provided, the defect bond shall expire 15 days after such written notice is provided to the City.

This Agreement to Extend the Defect Escrow shall not constitute a waiver of, or otherwise prejudice, Mr. Weinschenk's legal position as to the applicability or interpretation of any provision of the City of Portland Code of Ordinances as it relates to public improvements at Summer Place and/or the letter agreement dated November 13, 1996 in connection with the Defect Escrow Account.

Dated this 22 day of July, 1998



Ric Weinschenk



170 U.S. Route One
Falmouth, Maine 04105
Tel: 207.781.5242
Fax: 207.781.4245

Mr. Jaimey Caron, Chairman
Planning Board, City of Portland
389 Congress Street, 4th Floor
Portland, ME 04101

July 24, 2001

RE: Peaks Island Company, LLC

Dear Mr. Caron:

I am familiar with the technical capability of Mr. Weinschenk, having provided him with structural design services and construction review services on numerous projects over the past 14 years.

These projects ranged from simple, one story residential structures to complicated, three-story ocean-front residential structures. In many cases, the architectural style of the building included curved walls and challenging details.

The project under consideration appears to be quite linear and straight-forward, and does not contain the level of complexity of past projects. In my opinion, the applicant possesses the technical skills and capabilities to construct the building in accordance with the project drawings and the details contained therein.

Thank you for your consideration.

Sincerely,

PINKHAM & GREER

A handwritten signature in black ink, appearing to read "J. Moran, III", written over a horizontal line.

James A. Moran, III, PE

JAM/ih

PEAKS ISLAND INN PROJECT

I, the undersigned, a resident of Peaks Island whole heartily support the Inn project proposed by the Peaks Island Company, L.L.C.

NAME

ADDRESS

1. Richard W. O'Keefe 16 "B" St
2. Phyllis M. Adams 16 B St
3. Jan Smith Whaleback
4. Bernard M. Smith Whaleback
5. Amy Wendt 46 Torrington Ave
6. Erna Sande 46 Torrington Ave
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

PEAKS ISLAND INN PROJECT

I, the undersigned, a resident of Peaks Island whole heartily support the Inn project proposed by the Peaks Island Company, L.L.C.

NAME	ADDRESS
1. Eunice A. Lujan	Sterling St., P.I.
2. Carmelita Jackson	Seaside Ave.
3. Annie O'Leary	W. Roy Mass
4. Jay O'Leary	Pleasant Ave
5. Clare Carry	Seaside Ave
6. Bob Carry	Seaside Ave
7. Jim Flynn	Dead Ave P.I.
8. Mike & Nancy Berbo	Island Ave.
9. Chas & Christina Leavers	690 Seaside
10. Pat Cummins	18 Woods Rd - P.I.
11. Bruce & B. Thomas	21 Elizabeth St P.I.
12. Angelina Landecker	690 Seaside
13. Robert B. Walden	Peaks Island, Me.
14. J.M. Kilmartin	Peaks Island ME
15. J. Carsons	"
16. Howie McVane	Peaks (since Columbus)
17. Sam McLean	36 Luther St.
18. Stephanie Poole	49 Edwards St. P.I.
19. Frances Reiff	23 Pine Ave. P.I.
20.	

PEAKS ISLAND INN PROJECT

I, the undersigned, a resident of Peaks Island whole heartily support the Inn project proposed by the Peaks Island Company, L.L.C.

NAME	ADDRESS
1. Gus Karlin	2 Willow Ct.
2. Jadene R O'Brien	12 Evergreen L.
3. Nora A. Ashima	624 Seashore
4. Joyce Duvall	364 Island Ave.
5. P.K. Babcock	367 Island Ave
6. J. Foster	7 Grand Lane
7. Kaita Hartley	398 Island Ave.
8. Rita Johnson	45 Herman Ave
9. Audrey Van Dyk	125 Linden Ave - Spar Cove
10. REDACTED	
11. Litch, Cliff	60 Oaklawn Rd
12. Jim Wilton	" " "
13. Frank Bell	478 Island Ave.
14. Jim Rook	4 Cottage Rd
15. Quays Sullivan	287 Pleasant Ave Peaks
16. Carol Burke	379 Pleasant Ave P.I.A
17. Barbara Myers	806 Seashore Pk. P.I.
18. Joseph & Bernice Grogan	P.O. Box 115, Peaks Is. Me. 04108
19. Fran West	PO Box 1852; 20118
20.	

Support as shown.

Jim McBrangh
Aug 19th

PEAKS ISLAND INN PROJECT

I, the undersigned, a resident of Peaks Island whole heartily support the Inn project proposed by the Peaks Island Company, L.L.C.

NAME	ADDRESS
1. Mildred Mac Isaac	49 Trehethen Ave
2. Samuel Wael MORTEL	78 Seashore.
3. Lee Casey	34 Spruce St.
4. Anna Kallren	2 Willow Cts.
5. Bryan Roberts	106 Trehethen
6. Mary Fager	38 Ryefield St. Peaks
7. Charles Tyler	15 Dickinson Ave.
8. Michael Barber	54 Sorrento Ave. Peaks
9. Law Lee	47 Oak Hill, P.I.
10. Blaine R. Quinn	Patterson, Me.
11. Rabun Kennedy	3 Currier P.I.
12. Oliver Kennedy	7 EVERGREEN AV P.I.
13. Valley Sague	17 Terrace, Barrington, RE
14. Robert Amirique Silvers	139 Lynden Ave
15. Art Meister	8 River Road Dr. ESSEX, CT.
16. Sandra Meister	78 Seashore Ave Peaks Island
17. Ernst Fitch	" " "
18. J. McVee	47 Meridian P.I. 04108
19. John Fahnestock	124 New Island
20. Katheryn Logan	52 Meridian St

PEAKS ISLAND INN PROJECT

I, the undersigned, support the Inn project proposed by the Peaks Island Company, L.L.C.

NAME	ADDRESS
1. James Collingwood	Rapid City, SD
2. Kaye Sturrock	Houston, Texas
3. John Ziska	New York NY 10003
4. Nancy DeAngelis	Greenwood Lake NY
5. Washu Akwari	BRAZIL
6. Donald B. Kern	BRAZIL
7. Uelia Mendes	Brazil
8. Nancy Lomelius	Cape Elizabeth ME
9. Donald Lomelius	Cape Elizabeth ME
10. Wendy Carpenter	Portland, ME 04103
11. Zantha Lewis	Peaks Isl. ME 04102
12. Ghattis B. R.	Portland ME 04107
13. Ghattis B. R.	Portland ME
14. Jessie Fields	Portland, ME
15. Kathleen Lambiris	Haymarket VA
16.	
17.	
18.	
19.	
20.	

21.

22.
21.

From: "Casey, Paul" <CaseyP@aetna.com>
To: "jspence@ci.portland.me.us" <jspence@ci.portland...>
Date: Sun, Jul 22, 2001 2:44 PM
Subject: 33 Island Ave.

Mr. Spence,

I am writing to register my concerns about the 33 Island Ave. structure that is being proposed for Peaks Island. Please consider the following:

- * Delay the building onset until a referendum similar to the deer hunt referendum is completed whereby the island residents can determine the outcome of moving forward with the proposed building project.
- * What variances need to be changed in order for the project to be approved? Please answer this via return email.
- * What about the parking plan and what is the plan to address the extra traffic that will result in the busiest intersection on the island? Please answer this via return email.
- * The builder has a questionable and well documented history of problems. What is the plan to monitor the building project. This is located in the most visible place on the island and problems will be very obvious. Please answer this via return email.
- * The builder clearly has a plan for development that is rapidly changing the character of Peaks island. This concerns me. The builder now has out of state money backing him and I foresee the very real possibility of rapid growth. Portland has a real conflict of interest because it now must decide based on the wishes of the Islanders vs. the increased property taxes it will gain. Please answer this via return email.
- * With growth comes the potential of increased crime and problems. What is the city's plan to deal with this? Please answer this via return email.
- * What is the city's plan to control growth on Peaks Island? Please answer this via return email.
- * Please be aware that there is growing concern amongst the island residents about the rapid development on Peaks. Has there been any consideration given to appointing a Peaks Island Board of development to determine the island's growth? This could be an important step in avoiding the bubbling talk of succession on the island. Many people believe, me included, that we are losing control off our island and that succession is the way to go, or at least a viable consideration.

Thank you for your consideration. I look forward to hearing from you.

Paul J. Casey
47 New Island Ave.
Peaks Island, Maine
766-5921

From: <DebIsland@aol.com>
To: Portland.CityHall(JSpence)
Date: Mon, Jul 23, 2001 10:11 AM
Subject: Peaks Island Partners-The Inn

To members of the Planning Board:

Thank you for the announcement of the meeting on Tuesday the 24th. I am unable to attend because I will be at work. I just want to express my concerns regarding a petition that was circulated this weekend in support of The Inn. The petition stated that the signatories ..."wholeheartedly support..." this project. Is this the process for getting a plan through the Board? I did not sign and I do not at this time support the project.

The property under construction at Battery Craven, where this developer has ripped out nearly every living plant, is just the latest example of a complete lack of concern for a fragile island environment. What the deer can no longer do has been done to that particular property.

I digress; back to The Inn. My constructive criticism and unemotional comments follow.

Are there any ADA requirements for this kind of project to provide handicapped access to both proposed dining facility as well as the upper story B & B?

The lighting as proposed ("sombbrero" shades) is not effective in reducing glare unless you look down from above in my opinion. Will they be on all night long?

Any thoughts about being creative and using solar energy for hot water for all those bathrooms, laundry and dishwashing?

Deborah Kendall

"It is not the footprint we leave but the footprint we don't leave that counts."

CC: Portland.CityHall(TAF)

From: <RoseannRwalsh@aol.com>
To: Portland.CityHall(JSpence)
Date: Tue, Jul 24, 2001 12:30 PM
Subject: 33 Island Avenue Peaks Island

Dear Mr. Spence,

Once again I am writing to you about the property at 33 Island Avenue. As stated before I am not in favor of the plans for this property. I believe that it is a very congested spot on the island and something has to be done first. This property is right up from the boat where everyone walks and rides. I am in the vicinity of 33 Island Ave and received a notice. One thing that I would like to add is that each time I received the notice it says the existing building that is currently used as a bakery, a hardware store and an office. There may be an office at this building but the hardware hasn't been open for a couple of years and the bakery has also closed (I believe last fall). Does this mean it is currently zoned for that use. With everything closed and the site not being used there is no traffic. I do hope the city looks into the problem of traffic on Peaks. There are so many cars and trucks out here and now alot of golf carts as well.

Again thank you for your time.

Rose Ann Walsh
28 Epps Street
Peaks Island

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law
Three Canal Plaza
Post Office Box 15060
Portland, Maine 04112-5060

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel (207) 874-6700
Fax (207) 874-6705

*Also licensed in MA
and DC

September 18, 2001

Mr. Jonathan Spence
Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

RE: The Peaks Island Company, LLC

Dear Jon:

It is my understanding we have clarified condition of approval No. 4 as follows: The inspector will verify weekly to you in writing and at the conclusion of the project that the workmanship is consistent with industry standards and was completed in a good and workmanlike manner. Inspections shall be undertaken only if work subject to the inspections is performed during that week. Inspections shall exclude tenant fit outs, cosmetic or other work performed by or on behalf of tenants and not the responsibility of the Applicant. Inspections shall also exclude work performed by utility companies and/or the City of Portland. The inspector shall identify in his reports any deficiencies.

Sincerely,



David M. Hirshon

DMH/sdm



Att # 13

June 15, 2001

33 Island Avenue

P. O. Box 104

Peaks Island ME 04108-0104

Peaks Island Company
33 Island Avenue
Peaks Island ME 04108

Gentlemen:

The purpose of this correspondence is to keep you informed of our efforts to solve the parking situation for our vehicles on your property at the above address.

We are currently in the process of obtaining the necessary paper work to present to the Portland Planning Board and hope to have everything ready within the next few days. We will certainly keep your office informed of our progress.

As you are aware, Peaks Island Fuel operates a business very important to the residents of the island and without parking facilities cannot operate. Not only do we have the backing of hundreds of island citizens (not only Peaks but Cushing, Great Diamond and Long) but the neighbors of your property have given us full support.

We are most grateful for your efforts in providing our company with the necessary means to operate and will keep you informed as we progress.

Very truly yours,

PEAKS ISLAND FUEL, INC.


William J. Portwine
President

AH. # 12

June 16, 2001

NOTICE

THERE WILL BE A NEIGHBORHOOD MEETING TO DISCUSS PLANS FOR THE INN, HARDWARE STORE, AND RESTAURANT ON **SATURDAY, JUNE 23, 2001 AT 3:00 P.M.** AT THE PROPOSED SITE; 33 ISLAND AVENUE.

PLEASE JOIN US FOR AN INFORMATIONAL MEETING ON THE PROPOSED REHABILITATION PLANS. WE WOULD LIKE TO TAKE THIS OPPORTUNITY TO EXPLAIN OUR VISION, LISTEN TO YOUR THOUGHTS, AND ADDRESS YOUR CONCERNS.

HOPE TO SEE YOU THERE THIS SATURDAY!

FEEL FREE TO PASS THIS ONTO OTHERS WHO MAY BE INTERESTED IN ATTENDING.

RIC WEINSCHENK
MANAGER, PEAKS ISLAND COMPANY

Wherefore, it is hereby ordered as follows:

1. The Stop Work Orders on building permit nos. 000204 and 991351 are both hereby stayed.

2. The order to cease any other projects in which plaintiffs Ric Weinschenk Builders, Inc. and/or Frederic D. Weinschenk, individually, are involved within the jurisdiction of the City of Portland is hereby stayed unless and until the City conducts a hearing to determine whether plaintiffs Weinschenk and/or Ric Weinschenk Builders, Inc. are responsible for the actions or inaction of the plaintiff Cottage Park, Inc. and determines, after such a hearing, that Weinschenk and/or Ric Weinschenk Builders is subject to the prohibition contained in the first paragraph of § 14-525(j) of the Portland Municipal Code. Such hearing shall satisfy the applicable standards under common law, statutory law and constitutional law.

In the alternative, the City may seek to enforce § 14-525(j) through a judicial action, in which case the stay shall remain in effect until and unless a court of competent jurisdiction determines that the City is entitled to deny permits and plats to and refuse applications from Weinschenk and Weinschenk Builders, Inc. pursuant to § 14-525(j).

3. As long as the stay remains in effect, the defendant City of Portland must timely review and timely respond to any applications and/or requests for permits filed on behalf of plaintiffs Ric Weinschenk Builders, Inc. and Frederic D.

Weinschenk in the ordinary course by not treating such requests in a manner any different from similar requests submitted by similarly situated applicants.


4. The issuance of this order shall not be considered a final adjudication with respect to the issues arising in the pending matter and/or any related actions.

5. Pursuant to Rule 65(d) this order shall be binding on defendant City of Portland, its officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

6. The giving of security is waived because the court concludes that defendant has alternative remedies against plaintiffs in the event that defendant is found to have been wrongfully enjoined.

7. This order shall be incorporated by reference on the civil docket pursuant to Rule 79(a).

Dated: February 15, 2001



Thomas D. Warren
Justice, Superior Court

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

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

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

THE PEAKS ISLAND COMPANY, LLC.
Applicant

21 MARCH 01
Application Date

33 ISLAND AVE, PEAKS ISLAND 04108
Applicant's Mailing Address

THE INN
RENOVATE 33 ISLAND
AVE, Project Name/Description

DINKHAM & GREER
Consultant/Agent

33 ISLAND AVE, PEAKS ISLAND
04108
Address Of Proposed Site

329-9103
Applicant/Agent Daytime telephone and FAX

184-L-007
Assessor's Reference, Chart#, Block, Lot#

Proposed Development (Check all that apply) New Building Building Addition Change of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking Lot Other(Specify) ADDITIONAL USE OF BED & BREAKFAST

TOTAL NEW 5725
NEW FOOTPRINT 1260 sq²
Proposed Building Square Footage and /or # of Units

20,288 sq²
Acreage of Site

IB
Zoning

Major Site Plan _____


Minor Site Plan

You must include the following with you application:

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

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

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

Signature of applicant: 	Date: <u>21 March 01</u>
---	--------------------------

Site Review Fee: Major \$500.00 Minor 400.00

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

14. This Memorandum of Understanding expires on June 30, 2001.

Department of Environmental Protection
Services

Bureau of Remediation & Waste Management

Department of Human

Bureau of Health

Signed _____

David Lemett, Director
Bureau of Remediation & Waste Management

Signed _____

Dora A. Mills, Director
Bureau of Health

Date: _____ **Date:** _____

Non-community, non-transient public water systems are defined as systems that serve at least 25 of the same persons for six months or more per year, such as schools and factories or office buildings having 25 or more employees. Non-community, transient public water systems serve at least 25 persons, but not necessarily the same persons, for at least 60 days of the year, and include restaurants, motels, and campgrounds.

In order that both agencies can fulfill their respective responsibilities expeditiously and share information obtained on treatment equipment performance, the agencies agree as follows:

BRWM agrees to:

1. Notify DWP when any public water supply has been confirmed by BRWM to be contaminated above BRWM-established action levels or is considered at imminent risk of becoming contaminated. Action levels are set at one-half the drinking water Maximum Contaminant Level (MCL), when one exists, or at one-half the Maximum Exposure Guideline (MEG) when no MCL has been established, except for MTBE, where the BRWM action level is 25 ppb.
2. Notify DWP before BRWM installs point-of-entry (POE) treatment equipment on any public water system or makes changes in treatment equipment or techniques previously approved by DWP, and submit schematic diagrams of the treatment train promptly after its installation. Treatment technologies used will be approved by USEPA as best available technology (BAT) or other means available for achieving compliance with the applicable MEG or MCL for contaminants listed in 40 CFR 141.61, and in accordance with good engineering practice for contaminants not listed. Equipment will be sized, designed, and installed such that water available to the public for consumption meets all MCLs, where these have been established, and MEGs when no MCL is in effect. The need for pretreatment equipment to ensure effective, reliable operation of treatment equipment will be evaluated based on the water chemistry of individual sites. BRWM will eliminate bypass plumbing in all existing POE equipment in public water systems, and will ensure that its contractors do not install bypasses in the future.
3. Monitor effectiveness of BRWM-installed treatment equipment as needed. Where a water source is contaminated with an organic compound or a petroleum product, BRWM will analyze the finished water at least quarterly using EPA Method 524.2 for that compound or constituents of the petroleum product for which there is a drinking water standard. BRWM will notify DWP promptly when post-treatment water quality does not meet drinking water standards.
4. Provide DWP with a list of regional contacts and FAX numbers in the BRWM's Division of Response Services for notification of possible indications of contamination in accordance with Paragraph 1 below. DEP will investigate public water supplies where laboratory data provided by DWP indicate possible contamination by petroleum or its components or a hazardous substance. The purposes of such investigations shall be to verify the presence of man-induced contamination, and identify the source(s) of the contamination for possible remediation in accordance with BRWM's statutory and regulatory authority.

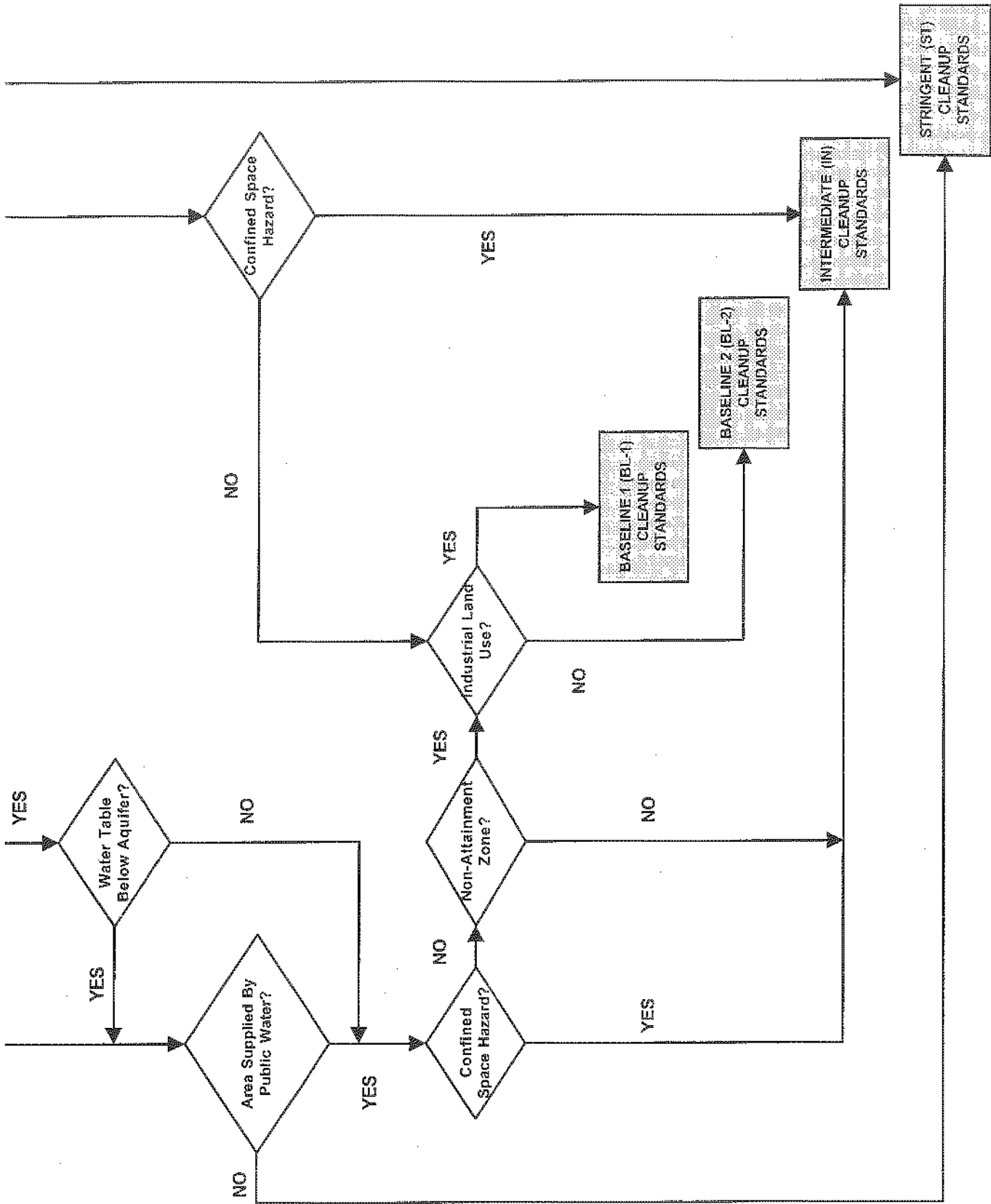
APPENDIX D
MDEP AND MDHS BUREAU OF HEALTH
MEMORANDUM OF UNDERSTANDING
REGARDING TREATMENT FOR OIL
CONTAMINATED NON-COMMUNITY PUBLIC
WATER SYSTEMS

APPENDIX C

SUMMARY TABLE OF OIL REMEDIATION
ACTION LEVELS

APPENDIX B

SUMMARY TABLE OF REMEDIATION
GOALS FOR OIL CONTAMINATED SOIL
AND GROUND WATER



APPENDIX A

FLOWCHART OF DEP OIL REMEDIATION
DECISION - TREE

unique circumstances, or if additional data is needed as part of the overall site monitoring plan.

Concentration levels should also guide decisions concerning the replacement of contaminated private drinking water supplies or provision of long term treatment for these water supplies. Such long term remediation actions should be provided or required where prevailing contaminant concentrations are at or above the action levels, and are likely to remain so.

Remediation of Contaminated Public Drinking Water Supplies:

The action levels also are to be applied in making decisions in the monitoring, treatment and remediation of the contaminated public drinking water supplies. Transient non-community public water supplies (e.g. motels, restaurants, churches, town meeting halls) should be handled in the same manner as private residential drinking water supply wells as described above. Decisions to treat and monitor non-transient, non-community public water supplies (e.g. schools, larger places of employment, food processing facilities, etc) should be governed by the same criteria, however, the Bureau of Health should be notified and monitoring and treatment shall be in accordance with the Department's Memorandum of Agreement with that agency (Appendix D). Decisions on whether to monitor, treat or remediate community public drinking water supplies contaminated or at imminent risk of contamination by oil should be made jointly with staff in the Maine Bureau of Health's Drinking Water Program. Bureau of Health staff shall be contacted when any public drinking water supply (privately or publicly owned) is found to be contaminated or at imminent risk of contamination, including contamination at low levels.

Investigation of Potential Contamination Sources:

When a contaminated private or public water supply well has been documented, the source of the contamination should be investigated (if not known) and preventive measures taken if feasible, as is required under Department regulation and statute and current practice regardless of the concentration of oil (even when below all action levels). The objective of this paragraph is to prevent further contamination of drinking water supply wells by removing the source.

RECOMMENDED USE OF ACTION LEVELS

The purpose of the action levels is two-fold. The first is to guide when, and when not to require or fund the monitoring, treatment and remediation of dissolved phase contaminated groundwater, including contaminated drinking water supplies. The second purpose, or objective, is to provide guidance when contamination sites currently undergoing investigation, monitoring or remediation are to be closed and remediation expenditures to cease. Some level of investigation is necessary for any site where oil contamination is detected in drinking water, even if it appears to be below all action levels, in order to use these Guidelines. Some level of investigation is necessary for any site where oil contamination is detected in drinking water, even if it appears to be below all action levels, in order to use these Guidelines.

This guidance applies to all Bureau of Remediation & Waste Management staff and their decisions concerning when, and to what extent, to require responsible parties or to fund from the Maine Groundwater Oil Cleanup Fund or other Department funding sources the investigation or remediation of oil contaminated groundwater. This guidance covers the investigation, monitoring and remediation of oil contaminated private and public drinking water supply wells, as well as ambient groundwater.

For the purposes of this guidance document, an action level is defined as the prevailing dissolved phase concentration of an oil analyte in groundwater as determined by a Department approved groundwater sampling plan and by a laboratory method approved in accordance with Appendix S of Chapter 691 of the Department's regulations that equals or exceeds one half of the U.S. Environmental Protection Agency maximum contaminant level (MCL); or where no MCL has been established, the State MCL or maximum exposure guideline (MEG), established by the Maine Bureau of Health in the Department of Human Services (DHS). Notwithstanding the above, the action level for benzene is a groundwater concentration equal to or exceeding 2.0 ppb. For diesel range organics the action level is 50 ppb¹. The Department action level for MTBE is 25 ppb or greater. As drinking water health standards change, the respective action level will change accordingly for use in future Department decisions.

The term "contamination" has the same meaning as in Chapter 691 Section 3 subsection g. Under that definition any reportable laboratory result above laboratory detection levels and significantly higher than background levels from other sources, constitutes contamination of groundwater.

Investigation and Remediation of Ambient Groundwater:

This guidance should be used in conjunction with Chapter 691. In accordance with Chapter 691, the decision to require an initial hydrogeological investigation is at the Department's

¹ The Department has found over time that the current Maine Modified Dro Method for Determining Diesel Range Organics, Method 4.1.25, does not currently produce reliable results below 50 ppb, making it not feasible to have an action level below the current State drinking water standard.

option. That decision continues to rest with the project geologist as is current practice. However, this document affects whether to investigate further or to pursue dissolved phase groundwater remediation based on the findings of an initial hydrogeological investigation.

consumption in the immediate future. In this classification the clean-up goal for soil may not be immediately attainable if groundwater contamination is high. The reason for this is that heavily contaminated groundwater may re-contaminate clean soil as new equilibrium concentrations in the two media are established.

14. The purpose of this goal is to remove free product that may be mobile in the environment. If sufficient product is present in soils at a site it could potentially move in response to gradients and contaminate a larger area. The presence of free product also creates severe vapor explosion and exposure hazards. After removal of free product, residual contamination left in the soil may be a source for dissolved contamination in ground water and hydrocarbon vapors. Where this goal is applied it is assumed that the groundwater will not be used for human consumption and will not discharge to the surface until significant natural attenuation of the contamination has occurred. It is also assumed that no vapor conduits or traps which could cause health or safety hazards are present in the contaminated area.

The term "saturated" is used to describe soils which contain mobile product. It does not necessarily mean that the soils are truly saturated. "Saturation" may be identified by placing a handful of soil in a clear container and submerging it in water. The soil should then be stirred to break up any clumps. If product droplets or a product layer forms on the water, the soil should be considered "saturated". The presence of a sheen does not indicate "saturation". It may be easier to see the product if the water is decanted into a narrow container such as a VOA vial (40 ml.). It may also be necessary to let silty or clayey materials settle for a few minutes in order to determine if product is present.

Baseline sites have been subdivided into two categories to reflect current and historical land use, Baseline-1 (BL1) for industrial areas and Baseline-2 (BL2) for other land uses. The BL1 category is for large, current or former known industrial sites, where the contamination and its affects are in all likelihood restricted to the industrial site itself or to other surrounding industrial lands. Common examples would include railroad yards, oil terminals, paper mills, other large manufacturing facilities and former coal gasification sites. BL2 sites include all other non-industrial properties, such as downtown urban areas, commercial strips, and other densely developed residential and commercial areas where the ground water is not currently used nor is it likely to be used in the future. The primary reason for the more stringent BL2 soil standards is the unacceptability of leaving gross soil contamination in residential and commercial areas, ultimately resulting in vapor or other problems in the future, requiring the Department and the responsible party(ies) to return to the site to undertake costly further remediation which could have been easily avoided.

To accommodate the variety of sites that fall into the BL2 category and the Guidelines' reliance on field analytical methods, a range of acceptable soil remediation standards is provided for greater flexibility with which to better match the remediation standard to the conditions that exist at that specific site. Bureau remediation program staff may choose to select an individual numeric standard, or to establish an objective for a

and/or in the intersected fracture systems. This can change or even reverse natural gradients.

8. The water table is the top of the saturated zone. Maine state law defines a "significant groundwater aquifer" as "a porous formation of ice contact and glacial outwash sand and gravel or fractured bedrock that contains significant recoverable quantities of water which is likely to provide drinking water supplies." Obviously, the aquifers of most concern to us are sand and gravel deposits and bedrock. Approximate locations of many sand and gravel aquifers have been mapped by the Maine Geological Survey and published on Significant Aquifer or Sand And Gravel Aquifer maps. Bedrock must be protected because (1) it is typically the major source of drinking water in rural areas, (2) it can be extremely hard to remediate once contaminated, and (3) there is potential for high yield wells (for public or commercial purposes) in bedrock even though there has been very little exploration for them and few have been developed in Maine.

If the water table is always above the top of the sand and gravel deposit or bedrock surface then floating contaminants such as hydrocarbons are less likely to contaminate the aquifer. This is particularly true if the water table surface is horizontal. In Maine the water table does not usually fluctuate more than 10 feet throughout the year so if you can determine that the water table is more than 10 feet above top of an aquifer when you are at a site you can probably conclude that it is always above the top of the aquifer. (In general the water table fluctuation at most sites will be less than 5 feet).

9. This may be determined by questioning people or businesses within the area or by contacting the municipal government or other public water supply organization. Be aware that there are some sites where businesses or individuals may have their own water supply systems even though public water is available. This is a common error in the use of these guidelines.
10. The potential for vapor problems exists wherever there is a source for vapor generation (free product, contaminated soil, contaminated water, etc.); a pathway to transport the vapors (porous soils, utility line backfill, etc.); and, a trap to collect vapors (such as a basement, manhole, etc.). Vapor problems can occur indirectly when heavily contaminated water is pumped into a building or directly when vapors enter through cracks or other openings in foundations. Many developed areas will have potential for vapor problems. Structures with low probability of vapor problems include buildings on slabs, especially if they have continuously operated ventilation systems.
11. A non-attainment zone, for the purpose of these guidelines, only, is an area from which groundwater will not be withdrawn for human use because of environmental and/or institutional factors. Non-attainment zones are defined by the criteria listed in 11A, 11B, or 11C below.
 - 11A. The zone is in an urban or other heavily developed area made up predominantly of dense commercial or industrial land uses, OR dense

		"Yes" Go To	"No" Go To
8.	Does the seasonal low of the water table fall below the top of the underlying aquifer (sand and gravel deposit or bedrock)? If unknown, the answer is yes.	9	10
9.	Is the area within 2000 feet downgradient or 1000 feet upgradient served by a public water supply? (If there are <u>any</u> private wells within this area, answer "No")	10	12
10.	Is there potential for vapor problems within buildings or for a confined space explosion hazard?	13	11
11.	Is the entire area, within a 2000 foot radius of the leak or discharge site, a non-attainment zone?	11A	13
11A	Is the site now or in the past been in a predominantly industrial land use?	14A	14B

CLEAN-UP GUIDELINES

12. Stringent (ST) Clean-Up Action Levels and Goals

Groundwater Clean-up Action Levels:

Dissolved phase ground water contamination action levels are 25 ppb for GRO; 50 ppb DRO; 2ppb for benzene; and 25 ppb for MTBE.

Cleanup Goals:

Remove all free product.

Remove or remediate contaminated soil containing greater than 10 mg/kg diesel range organics, or 5 mg/kg gasoline range organics as determined by a DEP-approved laboratory method.

Remediate groundwater containing greater than 50 ug/l gasoline or diesel range organics, 35 ug/l MTBE or 5 ug/l benzene measured by DEP approved laboratory methods.

13. Intermediate (IN) Clean-Up Goals

INSTRUCTIONS

Proceed thru the decision tree criteria until you have reached a clean-up goal then stop. If there is something you don't understand about a question or criteria please refer to the corresponding number on the attached explanation sheet. Once you have reached 12, 13, or 14A or 14B you have chosen a clean-up action level and goal.

Example: Your answer to question 1 is no; you then go to question 2 and your answer is yes; you then go to question 2A and your answer is no; you then go to 12 which gives you the clean-up action levels for the dissolved phase goal. You then use the clean-up goal to determine how much soil to remove, or otherwise remediate.

Another change in this guidance document is the incorporation of the Department's existing interim ground water action levels for the initiation and termination of dissolved phase remediation. Again this applies only to the most sensitive sites. Generally, these contaminant concentrations are ½ of the drinking water standard, except for MTBE and DRO. For MTBE the action level was set at 25 ppb by the Commissioner at the time of Legislative discussion regarding MTBE. The action level and remediation goal for DRO are set at the same concentration, 50 ppb (the practical quantification limit of the DRO lab method). The action levels and guidance as to their use, are incorporated from the BRWM's October 21, 1997 "Interim Standard Operating Procedure: Oil Contaminated Ground Water Remediation Action Levels".

A summary of the decision tree is presented as a flowchart (Appendix A) at the end of these Guidelines for use as a quick reference. Also provided at the end of this document is a table summarizing the Guidelines' clean-up goals (Appendix B), and action levels (Appendix C).

This document replaces the February 1, 1995, and October, 1998 editions of these remediation guidelines.

INTRODUCTION

This guidance document outlines a decision tree approach using site specific geologic and human exposure related criteria to establish remediation goals for oil contaminated soil and groundwater. Bureau of Remediation and Waste Management staff will utilize this revised edition of the "Decision Tree for Establishing Action Levels and Cleanup Goals for Petroleum Contaminated Sites" in decisions regarding the initiation and termination of remediation at underground storage facilities, other subsurface oil discharges, bulk plants, above ground storage facilities, and transportation spill sites contaminated by gasoline, methyl tertiary butyl ether (MTBE), kerosene, #2 heating oil and diesel fuel, or other comparable petroleum hydrocarbons. Decisions regarding remediation objectives for site contaminated by waste oil and heavy oils are not governed by this procedure and will continue to be made on a case-by case basis by Bureau project staff responsible for remediation oversight. This guidance does not apply to any site or a portion of a site where hazardous substances contamination is documented or likely.¹ These guidelines apply to both Bureau funded remediation projects as well as those undertaken by responsible parties or other persons.

The objectives of these guidelines are threefold. The guidelines' first objective is to ensure greater consistency in the level of clean up required of responsible parties statewide, while providing sufficient flexibility to accommodate greatly varying site conditions. Secondly, the guidelines are intended to ensure that decisions regarding remediation are based on the risk of environmental and public health effects. These guidelines emphasize preventing human exposure to oil and petroleum hydrocarbons from contaminated groundwater and to a limited extent, vapors (see the Bureau's separate guidelines for indoor petroleum vapor action levels). Lastly, these procedures are meant to provide guidance to Bureau remediation staff, responsible parties, professional consultants, and others who undertake oil remediation on the performance standards such efforts will be expected to meet by the Department. The final decision on the level of clean-up at a particular site is that of the Department's project remediation staff.

These guidelines, through the decision tree, establish three levels of remediation goals. The first and most stringent is for areas of current or potential future groundwater use for drinking water. Areas in close proximity to public and private drinking water supplies or sand and gravel aquifers would fall under the "stringent standards". For sites where use of groundwater as drinking water is less likely because of its quality and quantity, "intermediate standards" are established to abate on-going sources of groundwater contamination and to minimize the risk of petroleum vapor problems in buildings and utility conduits. Lastly, "baseline standards" are established for all remaining sites, including those located where groundwater has already been contaminated beyond use. Baseline soil contamination standards were divided into two sub-categories: one for industrial sites, and one for non-industrial urban areas. At a minimum, all sites will be cleaned of oil saturated soil and free petroleum products.

¹Since waste oil is commonly a hazardous waste, clean-up criteria and analyses other than those included in these guidelines often need to be considered. These may include the Department's hazardous waste regulations as well as the Bureau's hazardous substances soil clean-up guidelines.

**PROCEDURAL GUIDELINES FOR ESTABLISHING
ACTION LEVELS AND REMEDIATION GOALS FOR OIL
CONTAMINATED SOIL AND GROUND WATER**

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF REMEDIATION AND WASTE MANAGEMENT**

APPROVED JANUARY 11, 1995

EFFECTIVE FEBRUARY 1, 1995

AMENDED OCTOBER 1, 1998

REVISED MARCH 13, 2000

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

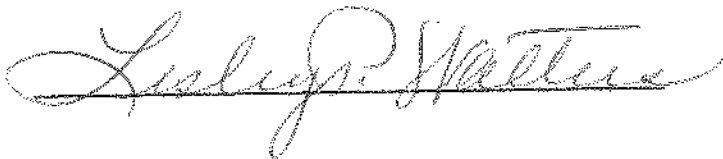
Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. We desperately need it!

If you have any questions, please call me at 766-2303 or email me at _____.

Regards,



(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

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If you have any questions, please call me at 716-0060 or email me at megellynn@aol.com.

Regards,

Megellynn Spence

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June 23, 2001

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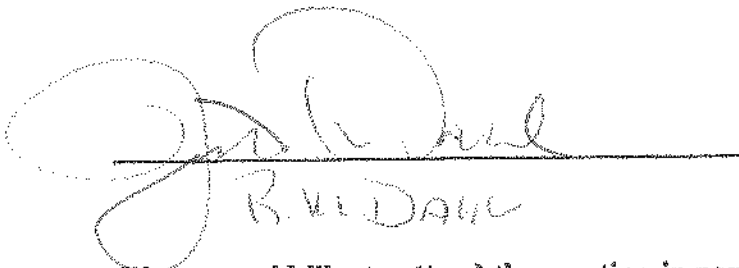
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If you have any questions, please call me at 766-2630 or email me at BWLD@AOL.COM.

Regards,


B. W. DAHL

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

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If you have any questions, please call me at 766-2170 or email me at chris.roy@ci.portland.me.us.

Regards,

Chris Roy

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

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If you have any questions, please call me at 8700-4416 or email me at mbeebe@aol.com.

Regards,

Michael Beebe
(MICHAEL BEEBE)

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If you have any questions, please call me at 766-2188 or 772 - 6603
email me at KARLWTS@MAINE.RR.COM.

Regards,

André Yves Keckler

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City Hall
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If you have any questions, please call me at 766-7630 or
email me at CLAREBAK@HOTMAIL.COM.

Regards,

Clare Dahl

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- c. Hardware Store
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- e. It is a permitted use by the City Code
- f. All of the above!

If you have any questions, please call me at 860-659-0655 or email me at KLMebler@snet.net.

Regards,

Ken + Marge Mebler

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

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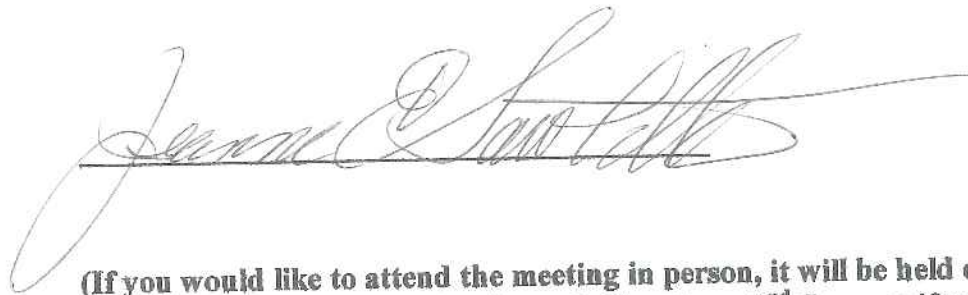
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- f. _____

If you have any questions, please call me at 766-2963 or email me at jeanneeast@aol.com.

Regards,



(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

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City Hall
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If you have any questions, please call me at 766-2963 or email me at _____.

Regards,

Henry K. Edmondson

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June 23, 2001

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- f. _____

If you have any questions, please call me at 7662220 or email me at C.M.PEAKS@MY MAIL STATION.COM

Regards,

Claire M. Fullerton

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

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If you have any questions, please call me at _____ or email me at _____.

Regards,

Monique Levesque

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

Minutes of the Peaks Island Company Meeting

June 23, 2001

3:00 p.m.

Ric Weinschenk called the meeting to order at 3:10 p.m.

There were approximately 50 people in attendance.

Ric welcomed everyone and introduced his partners, Amy Weinschenk and Sandy Sturrock. He asked everyone to sign in on the Sign-In Sheet.

He went over the plans/design for the Inn, Restaurant, Hardware Store, and Peaks Island Fuel. He drew to scale, the footprint of the Inn project for all to visualize. He displayed drawings of all elevations and plans.

Questions were asked of what would be in the hardware store, e.g., will you have lumber, paint, etc.

Question was asked if there were plans to build any additional stories to the building. Ric answered no additional plans at this time.

Numerous questions were asked about Peaks Island Fuel. Will you let them stay? Where will you put them? How will they get onto the property? Ric responded that he has reserved space for Peaks Island Fuel, but they must get permit from the City to use the paper road for access.

They asked how many rooms the Inn would have. Ric responded 6 plus the Inn Keeper's apartment.

Leslie Walters told Ric that his design was beautiful and in keeping with the island architecture.

A neighbor questioned if we had to have trees on the Welch side. He doesn't want them. It will block his view.

Dave Norton said the City was responsible for the permission needed for the Paper Street Access Peaks Island Fuel needs that it was not Ric's responsibility.

Art Fink suggested we should be opposed to Peaks Island Fuel being on our property and the city should re-zone another area for them to park. They should not be on the main street of Peaks.

Margie Mahler told Ric that the design was spectacular and the project is needed.

Others agreed and said it was about time to clean up Peaks.

One person said that she likes the laid back, casual, down to earth people that live on Peaks and did Ric have any concerns that the Inn would change that environment. Ric said it would not. She then asked if Ric had to build something so grand. He said he is building to the design shown.

Ric ask if there were any more questions, none were asked.

He adjourned the meeting at 4:05



170 U.S. Route One
Falmouth, Maine 04105
Tel: 207.781.5242
Fax: 207.781.4245

AH. # 19

June 18, 2001
File: 00125

City of Portland
City Hall
389 Congress Street
Portland, ME 04101

RE: RECOMMENDATION FOR RIC WEINSCHENK

Dear Sirs:

I have been requested to provide a letter of recommendation for Ric Weinschenk as to his technical capabilities to complete the renovations to the Inn, Peaks Island.

I have worked with Ric for 15 or 16 years. Over that time I have found him to be very honest and straightforward. He has excellent technical and design abilities making his projects unusual and a great benefit to his clients.

In my opinion Mr. Weinschenk has the technical capabilities to complete the renovations of the Inn, Peaks Island.

Sincerely,

PINKHAM & GREER

A handwritten signature in blue ink, appearing to read "Thomas S. Greer".

Thomas S. Greer, P.E.

TSG/lh

Clarification of Condition of Approval #4 for the Inn on Peaks Island

This condition of approval is as follows:

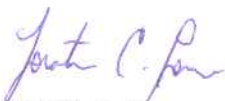
The project will undergo weekly inspections at the applicant's expense by an unaffiliated third party qualified in the review of building construction. This inspector will verify weekly and at the conclusion of the job that the quality of workmanship meets a standard of durability. Deficiencies shall be noted by the inspector and promptly reported to the City. The City shall provide the developer with written notice of any deficiency and a thirty-day opportunity to cure. In the event that the deficiencies are not corrected, the City shall impose a stop work order on the project and shall bring the matter before the Planning Board at its next meeting. The Planning Board shall consider the matter at that time, affording the developer due process, and shall determine the merits of the matter and proper resolution. A durability guarantee in the amount of 10% of the construction cost will be provided to the City to secure the above provision. The City will hold this guarantee for a period of three years following the completion of the project to ensure that any undetected deficiencies are addressed. This guarantee will be supplemental and not in replacement of the performance guarantee required for applicable site work. Any deficiencies arising after the completion of the project will be subject to the same process identified above and shall be brought before the Planning Board to determine proper resolution.

This condition shall be administered in the following manner:

1. The unaffiliated third party inspector may be any certified structural engineer or code compliance officer not involved with the Inn on Peaks Island Project. The inspector may not be a member or employee of any firm serving as the consulting engineer(s) on this project.
2. The chosen inspector will contact the Planning Office to establish protocol prior to the commencement of the project.
3. The inspector will verify that the quality of workmanship meets a standard of durability. The standard of durability is as follows.

The construction has been found to meet all applicable local and state building codes and laws through an inspection conducted at an enhanced level of scrutiny and detail.

4. The inspector will provide the Planning Office with weekly written reports outlining the project status, items inspected and condition found relative to the established durability standard.


Jonathan Spence
Planner

resolution.

5. *The applicant will provide a complete set of stamped drawings representing the project as presented to the planning Board on July 24, 2001*

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
6. The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

The approval is based on the submitted application, site plan, and stated conditions. If there are any questions, please contact the planning staff.

Sincerely,

Jaimey Caron, Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Jonathan C. Spence, Planner
P. Samuel Hoffses, Chief Building Inspector
Marge Schmuckal, Zoning Administrator
William Bray, Deputy Director/City Traffic Engineer
Jeff Tarling, City Arborist
Lt. Gaylen McDougall, Fire Prevention
Penny Littell, Associate Corporation Counsel
Mary Gresik, Building Permit Secretary
Development Review Coordinator
Lee Urban, Director of Economic Development
Susan Doughty, Assessor's Office
Approval Letter File

July 31, 2001

Mr. Ric Weinschenk
Peaks Island Company, LLC.
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island
(CBL 84-L-7)

Dear Mr. Weinschenk:

On July 24, 2001 the Portland Planning Board voted 5-0 (DeLogu and Rodriguez absent) that the plan presented is in conformance with the Site Plan Standards of the Land Use Code with the following conditions:

- 1. That a non-invasive geophysical survey be conducted on the site to establish the presence or absence of underground storage tanks.*
- 2. That the Development Review Coordinator be notified 48 hours prior to any and all excavation on the site to enable monitoring.*
- 3. That the DEP and the Development Review Coordinator be immediately notified if any evidence to the presence of either an underground storage tank or heavily-stained or fuel-saturated soils is found. All soils that do not meet the DEP "intermediate" standard must be removed and disposed of off-site following DEP protocol.*
- 4. The project will undergo weekly inspections at the applicants expense by an unaffiliated third party qualified in the review of building construction. This inspector will verify weekly and at the conclusion of the job that the quality of workmanship meets a standard of durability. Deficiencies shall be noted by the inspector and promptly reported to the City. The City shall provide the developer with written notice of any deficiency and a thirty-day opportunity to cure. In the event that the deficiencies are not corrected, the City shall impose a stop work order on the project and shall bring the matter before the Planning Board at its next meeting. The Planning Board shall consider the matter at that time, affording the developer due process, and shall determine the merits of the matter and proper resolution. A durability guarantee in the amount of 10% of the construction cost will be provided to the City to secure the above provision. The City will hold this guarantee for a period of three years following the completion of the project to ensure that any undetected deficiencies are addressed This guarantee will be supplemental and not in replacement of the performance guarantee required for applicable site work. Any deficiencies arising after the completion of the project will be subject to the same process identified above and shall be brought before the Planning Board to determine proper*

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Chair Caron and Members of the Portland Planning Board

FROM: Jonathan Spence, Planner

DATE: June 26, 2001

SUBJECT: The Inn, 33 Island Avenue, Peaks Island Company LLC, Applicant

Introduction

This is the second workshop before the Planning Board for a proposal by the Peaks Island Company LLC. to renovate and expand the existing building located at 33 Island Avenue. This project will accommodate rental space for a restaurant, a hardware and general merchandise store, an office and a second floor 6-room bed and breakfast. Six parking spaces would also be provided on site.

The existing structure is approximately 4,104 square feet. The total site is approximately 20,288 square feet and is zoned IB, Island Business. The existing structure is or has been used as a gas station, a bakery, a hardware and building supply store, and an office for a local fuel company. Currently, the predominate use of the site is as a parking area for Island Fuel's vehicles. The property is located at the intersection of Island Avenue and Welch Street and is bordered on one side by a "paper street" known as Meridian Street.

The first workshop identified concerns shared by staff and the planning board. The applicant has responded to these concerns with additional submittal documents (see attachments 1,2). A summary of these concerns and the applicant's response follows.

Lighting

Staff had requested that the applicant supply detailed catalog cuts of all proposed lighting fixtures and a photometric plan in compliance with the City's lighting standards. The applicant has provided catalog cuts that are in compliance with standards (see attachment 5). Prior to a public hearing on this proposal, staff requests a photometric plan demonstrating that the lighting scheme is in compliance with City standards.

Building Height

A question was raised at the first workshop in regard to the height of the proposed building and the manner it was being measured. Marge Schmuckal, the zoning administrator, has reexamined this issue and has found that the proposed structure does comply with the height limitations of the zoning ordinance. A memo to this effect will be available at the workshop.

Environmental Conditions

Due to the prior use of the property as a gasoline filling station and fuel oil depot, a request was made of the applicant to provide a Phase I Environmental Site Assessment. The applicant has

provided this report. The reports findings and conclusion were that several *recognized environmental conditions* may exist on the site. These conditions are related to the possible continued existence of underground fuel storage tanks and the possible presence of contaminated soils. Staff recommends to the board three possible provisions to assure that any environmental conditions that do exist on the site are addressed appropriately.

1. That a non-invasive geophysical survey be conducted on the site to establish the presence or absence of underground storage tanks.
2. That the Development Review Coordinator be notified 48 hours prior to any and all excavation on the site to enable monitoring.
3. That the DEP and the Development Review Coordinator be immediately notified if any evidence to the presence of either an underground storage tank or heavily-stained or fuel-saturated soils is found. All soils that do not meet the DEP "intermediate" standard must be removed and disposed of off-site following DEP protocol.

A copy of the summary of the Phase 1 Environmental Site Assessment is included as attachment 6.

Landscaping

Staff has requested that the applicant provide a landscape plan in compliance with the City's design standards. The applicant has provided a revised landscape plan that is currently being reviewed by the City's Arborist for compliance (see attachment 4). A landscape plan in compliance with the City's standards is required prior to a public hearing.

Presence of Off-Site Facilities

Staff has requested that the applicant provide letters from agencies confirming the availability and adequacy of services. The applicant has provided letters from the Portland Water District and Central Maine Power confirming availability of water and power. These letters are included as attachment 7. A letter confirming the availability of sewer has been delayed due to the need for additional information from the applicant. This letter will be required prior to a public hearing on this project.

Site Features

The staff has requested that the applicant make two minor adjustments to the site plan concerning the materials for the proposed walkways and the length of the guardrail along Welch Street. The applicant has complied with this request.

Financial Capability

The applicant has proved staff with a narrative detailing how the project will be financed. Confirmation of this financing arrangement is forthcoming from the financial institution and will be required prior to the public hearing.

Technical Capability

The applicant has provided staff with a list of previous similar projects completed (see attachment 8). These projects are located in Vermont and occurred 20-25 years ago. Attempts to determine if these projects were completed in a timely and satisfactory manner has been unsuccessful to date. Further attempts are in process.

The applicant, doing business as Cottage Park, Inc., has developed four detached PRUDs in Portland, in addition to several single-family homes on Peaks Island and on the mainland. The status of each of the PRUD projects is listed below:

1. Cottage Park - Allen Avenue/Brook Road
-Approved in 1993
Drainage issues required the City to call the performance guarantee in order to install a field inlet/catchbasin system. The City recently spent \$36,000 to repair and reconstruct portions of the roadway system. (See attachment 9)
2. Summer Place- Ocean Avenue.
-Approved in 1995
Drainage, roadway and lighting issues required the posting of a second performance guarantee for repair work.
3. Willow-Mitton Street and Lassell Street
-Approved in 1996
Drainage, roadway and lighting issues. Lack of completion of work forced the City to call the performance guarantee (see attachment 10).
Court cases pending.
4. Redlon Park -Redlon Road
-Approved in 1997
Lack of completion of the landscaping and clean up forced the City to call the performance guarantee (see attachment 11)

Although the applicant does have extensive experience in residential home construction, the technical capacity to complete this project in a timely and complete manner has not been thoroughly demonstrated.

Neighborhood Meeting

The applicant was strongly encouraged to hold a neighborhood meeting as an opportunity to discuss the proposal with the community. That meeting has been scheduled for Saturday, June 23rd at 3:00 at 33 Island Avenue, Peaks Island (see attachment 12). Minutes from this meeting will be available at the workshop.

Attachments:

1. Letter to Applicant 6-05-01
2. Applicant's Response 6-18-01
3. Site Plan
4. Landscape Plan
5. Catalog Cut for Lighting Fixture

6. ESA Summary
7. Utility Letters
8. Project and Experience List for Peaks Island Company LLC
9. Cottage Park Correspondence
10. Willow Subdivision Letter of Credit Activation
11. Redlon Subdivision Letter of Credit Activation
12. Notice of Neighborhood Meeting
13. Letter from Peaks Island Fuel
14. Letter of Recommendation from Thomas Greer P.E.

AH # 1

Planning & Urban Development

Joseph E. Gray Jr.
Director



CITY OF PORTLAND

June 6, 2001

Mr. Ric Weinschenk
Peaks Island Company, LLC.
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island

Dear Mr. Weinschenk:

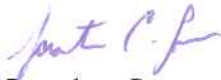
The Inn has been scheduled for a second workshop session before the Planning Board on Tuesday, June 26th at 3:30. To make this workshop as productive as possible, please address or provide the following items prior to Monday, June 18th at 4:00.

1. A copy of the Level 1 environmental study performed on the property and any information confirming the removal of the underground fuel storage tanks.
2. A detailed lighting plan including catalog cuts for all pole and wall mounted units and a photometric plan showing compliance with the City of Portland's technical and design standards.
3. A landscape plan consistent with the City of Portland's design standards per correspondence with Jeff Tarling, City Arborist. I encourage you to discuss the landscape plan directly with Jeff due to the uniqueness of this site.
4. Detailed information regarding the membership of Peaks Island Company, LLC including financial statements from reputable institutions asserting the financial capability to complete this project.
5. Documentation of similar, previous projects completed by the members of the Peaks Island Company to verify that the technical capacity to undertake and complete the proposed development exists.
6. Letters from appropriate agencies attesting to the adequacy and availability of off-site facilities including water and sewer service.

7. The site plan needs to be amended to show the guardrail fence along the Welch Street side of the property extended to the point where the retaining wall is less than 4 feet in height.
8. It is possible that the proposed crushed stone walkway to the rear office may need to meet ADA requirements. If this is the case, a different material may be necessary.
9. As it is unclear on whom the tenants of the building may be in the future, descriptions should be as generic as practical. The site plan should be amended to reflect the uncertainty of the rear office tenant.

I strongly encourage you to hold a neighborhood meeting with Peaks Island residents prior to the next workshop. If you have any questions concerning these items, feel free to contact me.

Sincerely,



Jonathan Spence
Planner

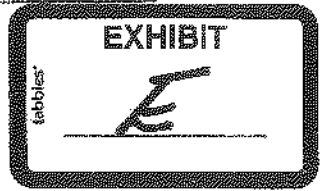
cc: Sarah Hopkins, Development Review Services Manager
Penny Littell, Associate Corporation Counsel
Alex Jaegerman, Senior Planner
Tom Fortier, Neighborhood Liaison

00-6514

STATE OF MAINE
CUMBERLAND, ss.

STATE OF MAINE
CUMBERLAND, SS.
CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
Docket No. _____



FREDERIC D. WEINSCHENK et al. 4 29 PM '00

Plaintiffs)

v.)

CITY OF PORTLAND)

Defendant)

ORDER OF
STAY AND TEMPORARY
RESTRAINING ORDER

Upon consideration of Plaintiffs' Emergency Motion for Stay and/or Temporary Restraining Order, and after hearing, the Court finds that the issuance of a stay and temporary restraining order is needed to preserve the status quo and to avoid irreparable injury to the Plaintiffs, Frederick D. Weinschenk, Cottage Park, Inc., and Ric Weinschenk Builders, Inc.

WHEREFORE, it is hereby ORDERED as follows:

1. The stop work order on Building Permit No. 000204 and the stop work order on Building Permit No. 991351 are both hereby stayed.
2. The order to cease any other projects in which Plaintiffs are involved in the City of Portland is hereby stayed.
3. Defendant City of Portland is hereby restrained from refusing to issue new permits to Plaintiffs on the basis of the alleged failure to comply with Defendant's September 25, 2000 letter, pending a hearing on a motion for a preliminary injunction.
4. Defendant City of Portland is restrained from rejecting applications by any of the Plaintiffs for any proposed subdivisions or site plans on the basis of the alleged failure to

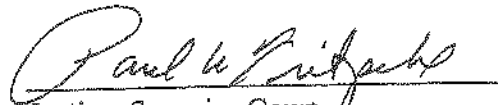
comply with Defendant's September 25, 2000 letter, pending a hearing on a motion for a preliminary injunction.

5. This Order shall be binding on Defendant City of Portland, its agents, servants, employees, attorneys, successors and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise.

6. The giving of security is waived, because the Court is satisfied that to the extent Plaintiffs have enforceable obligations that Defendant is seeking to enforce, these would be covered by the bond in the form of a letter of credit which remains in force.

DATED: November 3, 2000.

TIME: 4:20 P.M.


Justice, Superior Court

F:\Home\DAVID\CURRENT\Weinschenk\City\Portland\OrderofStay 103100.doc

This order of stay and temporary restraining order will expire on November 15, 2000 at noon. Absent a further order of this Court, which may be issued by any justice, the stop work orders and other enforcement actions of the City of Portland will become effective again at noon of November 15, 2000.

This order may be incorporated by reference on the civil docket.

The conduct, ^{that is covered} shall be tested at 10' intervals to ascertain that the depth ₂ with the exception that driveway ₂ to not have be dug up.

STATE OF MAINE
CUMBERLAND, ss.

STATE OF MAINE
CUMBERLAND, SS.
CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-00-651

FEB 16 8 02 AM '01

FREDERIC D. WEINSCHENK, et al.,

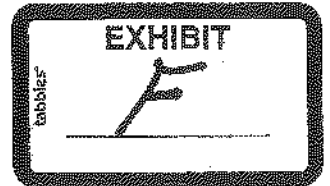
Plaintiffs

vs.

ORDER OF STAY AND
PRELIMINARY INJUNCTION

CITY OF PORTLAND,

Defendant



On November 3, 2000, the court (Fritzsche, J.) issued a Temporary Order of Stay and Temporary Restraining Order in connection with a complaint filed pursuant to M.R. Civ. P. 80B and 65 dated October 3, 2000. Said order expired on November 15, 2000, but provided a mechanism for further hearing with respect to said complaint. The plaintiffs thereafter requested a further hearing and further injunctive relief.

After hearing, the court grants that motion in part, concluding that a preliminary injunction to the extent specified herein is warranted because plaintiffs have shown a sufficient likelihood of success on the merits with respect to their claim that plaintiffs Weinschenk and Ric Weinschenk Builders cannot be barred from submitting applications or requests for permits without a hearing and that their debarment without a hearing constitutes irreparable harm. Because Cottage Park, Inc. has conceded -- for purposes of the pending motion -- that there are existing violations of the City Code with respect to the Willow development, no injunctive relief is granted with respect to Cottage Park, Inc..

FEB 21 2001

Wherefore, it is hereby ordered as follows:

1. The Stop Work Orders on building permit nos. 000204 and 991351 are both hereby stayed.

2. The order to cease any other projects in which plaintiffs Ric Weinschenk Builders, Inc. and/or Frederic D. Weinschenk, individually, are involved within the jurisdiction of the City of Portland is hereby stayed unless and until the City conducts a hearing to determine whether plaintiffs Weinschenk and/or Ric Weinschenk Builders, Inc. are responsible for the actions or inaction of the plaintiff Cottage Park, Inc. and determines, after such a hearing, that Weinschenk and/or Ric Weinschenk Builders is subject to the prohibition contained in the first paragraph of § 14-525(j) of the Portland Municipal Code. Such hearing shall satisfy the applicable standards under common law, statutory law and constitutional law.

In the alternative, the City may seek to enforce § 14-525(j) through a judicial action, in which case the stay shall remain in effect until and unless a court of competent jurisdiction determines that the City is entitled to deny permits and plats to and refuse applications from Weinschenk and Weinschenk Builders, Inc. pursuant to § 14-525(j).

3. As long as the stay remains in effect, the defendant City of Portland must timely review and timely respond to any applications and/or requests for permits filed on behalf of plaintiffs Ric Weinschenk Builders, Inc. and Frederic D.

Weinschenk in the ordinary course by not treating such requests in a manner any different from similar requests submitted by similarly situated applicants.

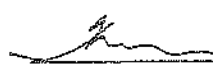
4. The issuance of this order shall not be considered a final adjudication with respect to the issues arising in the pending matter and/or any related actions.

5. Pursuant to Rule 65(d) this order shall be binding on defendant City of Portland, its officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

6. The giving of security is waived because the court concludes that defendant has alternative remedies against plaintiffs in the event that defendant is found to have been wrongfully enjoined.

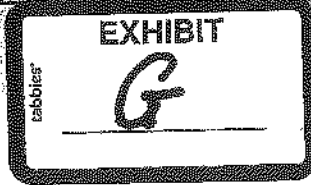
7. This order shall be incorporated by reference on the civil docket pursuant to Rule 79(a).

Dated: February 15, 2001



Thomas D. Warren
Justice, Superior Court

Penny Littell - Redlon Park Punchlist Completion Status



From: "Steve Bushey" <srbushey@maine.net>
To: "Sarah Hopkins" <SH@cl.portland.me.us>
Date: Wed, Nov 15, 2000 3:46 PM
Subject: Redlon Park Punchlist Completion Status

Sarah,

Chris Earle and I have reviewed the status of the defects outlined in the October 30, 2000 letter by Joe Gray to Ric Weinschenk and offer the following observations:

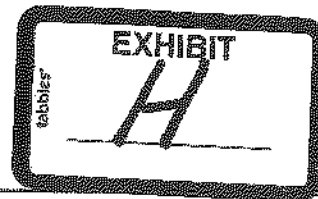
1. The street lighting remains incomplete as the light fixtures have not been installed. Assuming the proper conduit and wiring has already been installed, a reasonable opinion of cost to complete this work would be \$1,000. If the conduit and wiring has not been installed this could be increased to \$2,500.
2. The retaining wall has not been satisfactorily reestablished and made stable. An opinion of cost for this work would be \$500
3. Lot 4 has not been cleaned up and the silt fence taken down. An opinion of cost for this would be \$250.
4. The debris has not been removed. an opinion of cost would be \$750.
5. The retaining wall adjacent house #43 has not been rebuilt. the opinion of cost would be \$500
6. The ditch has not been reconstructed. The opinion of cost would be \$750.
7. The headstone has not been reset. The opinion of cost is \$375.
8. The plywood has been removed.
9. We are unaware if a sewage grinder pump has been provided to the association.

If you have any questions regarding these comments please call.

CC: "penny littell" <pl@cl.portland.me.us>

\$750.00
500.00
750.00
375.00

Sarah - has the grinder pump been provided?



Subj: Fw: Redlon Inspection
Date: 2/2/01 11:05:18 AM Eastern Standard Time
From: mclegg1@maine.rr.com (The Cleggs)
To: cottageho@aol.com
File: Part.001 (2576 bytes) DL Time (49333 bps): < 1 minute

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

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Sarah Hopkins" <SH@ci.portland.me.us>
Cc: "penny littell" <pl@ci.portland.me.us>
Sent: Tuesday, November 21, 2000 5:24 PM
Subject: Redlon Inspection

Sarah,

Chris Earle and I visited the Redlon PRUD at 2:00 pm today and observed the following items related to the october 30, 2000 order.

1. The street light appear to be now in place and the wiring complete however it is recommended that the City's electrical inspector reliev the work for compliance to all relevant codes.
2. The retaining wall adjacent the play area consists of various large size boulders haphazardly placed to form some type of retaining structure. We recommend the stones be machine placed to a more firm condition and smaller chink stones hand or machine placed to secure the stone wall into a long lasting structure.
3. Lot #4 remains to be cleaned up and the debris, wood etc. removed from the lot.
4. This item generally appears complete.
5. This item is complete.
6. This item is complete.
7. The stone has been caulked along the crackline. We will accept it as complete.
8. This item is complete.
9. We are unaware of the status of this item.

If you have any questions please call.

Steve Bushey acting Development Review Coordinator.

----- Headers -----

Return-Path: <mclegg1@maine.rr.com>
Received: from rly-yg01.mx.aol.com (rly-yg01.mail.aol.com [172.18.147.1]) by air-yg02.mail.aol.com
Friday, February 02, 2001 America Online: COTTAGE HO

Original Attachments:

Notification Letter

Sign In Sheet

Question & Answer Sheet

Support Letters

Minutes of the Meeting

AH #
18

June 16, 2001

NOTICE

THERE WILL BE A NEIGHBORHOOD MEETING TO DISCUSS PLANS FOR THE INN, HARDWARE STORE, AND RESTAURANT ON **SATURDAY, JUNE 23, 2001 AT 3:00 P.M.** AT THE PROPOSED SITE; 33 ISLAND AVENUE.

PLEASE JOIN US FOR AN INFORMATIONAL MEETING ON THE PROPOSED REHABILITATION PLANS. WE WOULD LIKE TO TAKE THIS OPPORTUNITY TO EXPLAIN OUR VISION, LISTEN TO YOUR THOUGHTS, AND ADDRESS YOUR CONCERNS.

HOPE TO SEE YOU THERE THIS SATURDAY!

FEEL FREE TO PASS THIS ON TO OTHERS WHO MAY BE INTERESTED IN ATTENDING.

RIC WEINSCHENK
MANAGER, PEAKS ISLAND COMPANY

Peaks Island Company, l.l.c.

* * * * *

Sign in Sheet number ___ of ___

Please print

Name and address Arthur Fink
Phone and e-mail 266 5722 arthur@peaks.com
Comments _____

Name and address Susan Morgan Maple St.
Phone and e-mail 266-4489
Comments Space for bakery

Name and address David Fink
Phone and e-mail 266-9742
Comments _____

Name and address MONIQUE LEVESQUE
Phone and e-mail 266-3420
Comments _____

Name and address CLAIRE FILLIETTAZ
Phone and e-mail 266-2221
Comments Bakery

Name and address Jim & Dan Dome
Phone and e-mail 266-5014
Comments Bakery

Name and address _____
Phone and e-mail _____
Comments _____

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Phone and e-mail _____
Comments _____

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Phone and e-mail _____
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Phone and e-mail _____
Comments _____

Name and address _____
Phone and e-mail _____
Comments _____

Peaks Island Company, I.I.C.

* * * * *

Sign in Sheet number ___ of ___

Name and address Rosemary Walsh - 28 Epps Street P.I.
Phone and e-mail 766-4443
Comments to be cancelled area - already - not a support

Name and address JOAN CONLEY 89 CENTRAL AVE. P.I.
Phone and e-mail 766-2441
Comments will be very annoyed if not a support

Name and address DAVID COHAN 19 BRACKETT AVE.
Phone and e-mail 766-5642 dcohan@maine.rr.com
Comments

Name and address Robert M. Dahl
Phone and e-mail 13 Sunset Rd Peaks Is Rmdahl55@yahoo.com
Comments

Name and address Mike Beebe - 582 Island Ave, Peaks Island ME
Phone and e-mail 766-4410 mbeeb@pcl.com
Comments

Name and address Marga + Ken Mehlert
Phone and e-mail 13 Whitehead Peaks Is kmehlert@smt.net
Comments

Name and address Stella Poon New
Phone and e-mail 781 Island Ave 766-7676
Comments

Name and address Bryan Lopez
Phone and e-mail Peaks Island Ave 766-7678
Comments

Name and address DICK + ELLIE SPRINGER
Phone and e-mail 38 MAPLE ST. 766-3388
Comments P.I. FUEL IS ESSENTIAL.

Name and address _____
Phone and e-mail _____
Comments _____

Name and address _____
Phone and e-mail _____
Comments _____

Name and address _____
Phone and e-mail _____
Comments _____

Peaks Island Company, I.I.C.

~~Petition to Sign in Support of "The Inn"~~
* * * * *
Sign in Sheet number of

Please print

Name and address Diane Price
Phone and e-mail 766-2930 DEP766@AOL.COM
Comments

Name and address Henry Johnson
Phone and e-mail 29 Oak Cove 766-2963
Comments

Name and address Jeanne Savatella Jeanneas@aol.com
Phone and e-mail 29 Oak Cove 766-2963
Comments

~~Name and address [scribble]~~
~~Phone and e-mail [scribble]~~
~~Comments [scribble]~~

~~Name and address [scribble]~~
~~Phone and e-mail [scribble]~~
~~Comments [scribble]~~

Name and address Ann Karlson 2 Willow Ct.
Phone and e-mail 766-2188 - KARLIATS@MAINE.RR.COM
Comments

Name and address CLAIRE & BOB DAHL
Phone and e-mail 766-2630 CLAIREDAHL@HOTMAIL.COM
Comments

Name and address Lesley P. Walters 90 Pleasant Ave, Peaks
Phone and e-mail Lesley7@aol.com
Comments AT LAST!!

~~Name and address [scribble]~~
~~Phone and e-mail [scribble]~~
~~Comments [scribble]~~

~~Name and address [scribble]~~
~~Phone and e-mail [scribble]~~
~~Comments [scribble]~~

~~Name and address [scribble]~~
~~Phone and e-mail [scribble]~~
~~Comments [scribble]~~

Name and address Connie Hurlen
Phone and e-mail 766-2170 P.hurlen1@maine.rr.com
Comments

Peaks Island Company, I.I.C.

* * * * *

Sign in Sheet number _____ of _____

Please print

Name and address Bob Buckley
Phone and e-mail 43-A New Island Ave RBuc2001@aol.com
Comments _____

Name and address Lia Cotton
Phone and e-mail 2 Hadlocks Cove 766-5278
Comments Who's the Bakery?

Name and address George B. Cotton
Phone and e-mail 20 Oak Ave 766-4489
Comments No bakery?

Name and address Marge + Dave Powers
Phone and e-mail 175 TORALINGTON VT
Comments The Bakery?

Name and address Martha Morris-Gibson 100 Welch St
Phone and e-mail 766-0060 megallyn@aol.com
Comments _____

Name and address Dore + Bruce Wright
Phone and e-mail 46 Welch St.
Comments Peaks Island 766-2635

Name and address Lisetta Silvestri
Phone and e-mail 13 Evergreen Lodge Lisetta_silvestri@hotmail.com
Comments Peaks 766-15986

Name and address _____
Phone and e-mail _____
Comments _____

Name and address _____
Phone and e-mail _____
Comments _____

Name and address _____
Phone and e-mail _____
Comments _____

Name and address _____
Phone and e-mail _____
Comments _____

Name and address _____
Phone and e-mail _____
Comments _____

PEAKS ISLAND INN PROJECT QUESTIONS & ANSWERS

- Q:** Will there be space for Peaks Island Fuel?
- A:** We have reserved space for PIF, who must obtain permits from the City to access the allotted area on our property.
- Q:** When will you start construction?
- A:** After the building permits are signed and not before Labor Day
- Q:** How long will the construction take to complete the project?
- A:** Construction should take approximately 6 to 8 months
- Q:** How many rooms will be in the Inn?
- A:** 6 plus the Innkeeper's apartment
- Q:** What will be in the Inn when it opens?
- A:** **Peaks Island Hardware** – good stuff mostly
Will consist of limited hardware, painting, electrical plumbing, and general house ware needs, tool and party rentals, some lumber, and package shipping supplies. We are also going to have an ATM, computer/internet terminals, and a fireproof safe for long and short-term storage. In short, a lot of the things you hate to make a special trip to the mainland for.
- The Big Fish Grill** – simply great food – three times a day
This is the name we have selected for the restaurant. Our floor plan has a counter with fifteen stool plus tables and booths for about fifty more inside. There will also be tables and chairs on the porches, open and covered. The interior design is reminiscent of Norman Rockwell but with a bit more fun and color. We plan on serving three meals a day to the guests of The Inn as well as the general public. Our style will be a blend of grilled and fresh New England and international seashore specialties. Our signature will be homemade and fresh. We will also prepare meals to take home.
- Peaks Island Inn** – island style comfort
This is our name for the Bed and Breakfast business as well as the location in general. Our plan includes 6 suites plus an Innkeepers apartment. Each room is named after different islands in the bay and each has a private outside porch. Some suites have separate bedrooms and high ceilings. All the rooms are spacious and enjoy island style décor including painted wainscoting, built-ins and cottage furniture. Accents include collectibles and artifacts from summers gone-by. Each has a fireplace, a large full bath with soaking tub, closets and other amenities; including room service, telephone, cable TV, and refrigeration. Each suite is designed to feel as unpretentious, relaxed and comfortable as Peaks Island itself.
- Peaks Island Fuel** – the friendly company
It is true, there are some parking issues to resolve, but we are committed to keeping a place for the fuel company that is safe, clean, and much less visible than currently exists.
- Q:** Will the Inn provide adequate parking?
- A:** We are providing 50% more parking than required

If you have additional questions, please email: peaksislandco@aol.com

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- ✓ a. Overnight accommodations
- ✓ b. Year-round restaurant
- ✓ c. Hardware Store
- ✓ d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at 766-3394 or email me at _____.

Regards,

Ronald K. Shaw

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

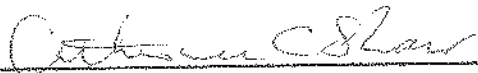
Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- (a.) Overnight accommodations
- b. Year-round restaurant
- (c.) Hardware Store
- d. It would significantly improve the appearance of the property
- (e.) It is a permitted use by the City Code
- (f.) It would continue to provide space for the Peaks Island Fuel business.

If you have any questions, please call me at 766-3394 or email me at _____.

Regards,



(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

PEAKS ISLAND INN PROJECT QUESTIONS & ANSWERS

Q: Will there be space for Peaks Island Fuel?

A: We have reserved space for PIF, who must obtain permits from the City to access the allotted area on our property.

Q: When will you start construction?

A: After the building permits are signed and not before Labor Day

Q: How long will the construction take to complete the project?

A: Construction should take approximately 6 to 8 months

Q: How many rooms will be in the Inn?

A: 6 plus the Innkeeper's apartment

Q: What will be in the Inn when it opens?

A: **Peaks Island Hardware** – good stuff mostly

Will consist of limited hardware, painting, electrical plumbing, and general house ware needs, tool and party rentals, some lumber, and package shipping supplies. We are also going to have an ATM, computer/internet terminals, and a fireproof safe for long and short-term storage. In short, a lot of the things you hate to make a special trip to the mainland for.

The Big Fish Grill – simply great food – three times a day

This is the name we have selected for the restaurant. Our floor plan has a counter with fifteen stool plus tables and booths for about fifty more inside. There will also be tables and chairs on the porches, open and covered. The interior design is reminiscent of Norman Rockwell but with a bit more fun and color. We plan on serving three meals a day to the guests of The Inn as well as the general public. Our style will be a blend of grilled and fresh New England and international seashore specialties. Our signature will be homemade and fresh. We will also prepare meals to take home.

Peaks Island Inn – island style comfort

This is our name for the Bed and Breakfast business as well as the location in general. Our plan includes 6 suites plus an Innkeepers apartment. Each room is named after different islands in the bay and each has a private outside porch. Some suites have separate bedrooms and high ceilings. All the rooms are spacious and enjoy island style décor including painted wainscoting, built-ins and cottage furniture. Accents include collectibles and artifacts from summers gone-by. Each has a fireplace, a large full bath with soaking tub, closets and other amenities; including room service, telephone, cable TV, and refrigeration. Each suite is designed to feel as unpretentious, relaxed and comfortable as Peaks Island itself.

Peaks Island Fuel – the friendly company

It is true, there are some parking issues to resolve, but we are committed to keeping a place for the fuel company that is safe, clean, and much less visible than currently exists.

Q: Will the Inn provide adequate parking?

A: We are providing 50% more parking than required

If you have additional questions, please email: peaksislandco@aol.com

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at 766 2550 or email me at _____.

Regards,

Mildred M. Mac Isaac

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

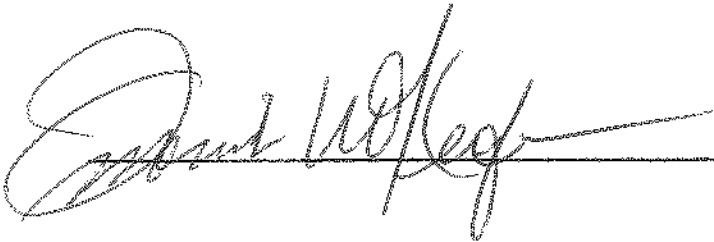
Dear Board Members:

① We are in support of the Peaks Island Inn Project for the following reasons:

- ① a. Overnight accommodations
- ① b. Year-round restaurant
- ① c. Hardware Store
- ① d. It would significantly improve the appearance of the property
- ① e. It is a permitted use by the City Code
- ① f. We could use the inn

If you have any questions, please call me at 766-2300 or email me at ~~FOKEFEC@NDEW.ME.COM~~ FOKEFEC@NDEW.ME.COM.

Regards,



(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

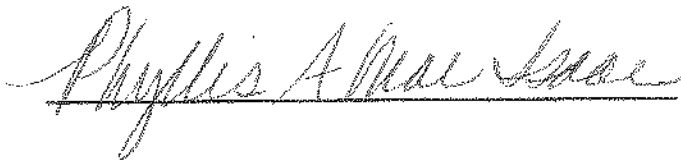
Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at 706 2300 or
email me at phylis@ndegree.com.

Regards,



Phyllis A. MacLellan

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at 766-3343 or email me at Bo Brown 21 @ hot mail . com.

Regards,

Bo B Brown

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

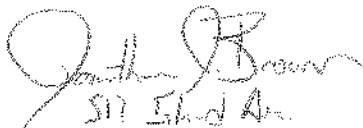
Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at 766-3343 or email me at _____.

Regards,


517 Island Ave.

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at 617-566-2623 or email me at freemanas@aol.com.

Regards,

Maissa L. Stewason

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME, 0410

Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f.

If you have any questions, please call me at 404 767-0621 or email me at ~~PaulM@asthe.com~~ PaulM@asthe.com

Regards,

Paul M. Castle

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at 766-2254 or email me at Sealights99@aol.com.

Regards,

Stephanie Castle

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. All the above + I'm a good line cook.

If you have any questions, please call me at 617 566 2486 or email me at goodwin@cisco.com.

Regards,

Dh Good

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

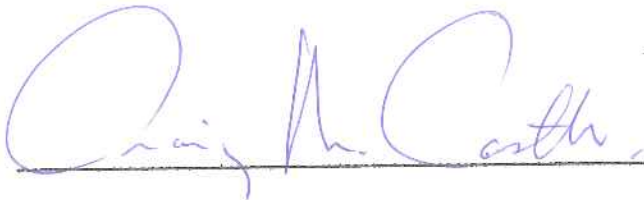
Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at 404-377-5140 or email me at RUNA.MULLIK2000@MSN.COM.

Regards,



(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at cell 7256 7778 or email me at kcastle@cisco.com.

Regards,

Kate Castle

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at 207-766-0099 or email me at johnandsarahmac@mediacore.net.

Regards,



(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)

June 23, 2001

Portland Planning Board
City Hall
Portland, ME. 0410

Dear Board Members:

I/We are in support of the Peaks Island Inn Project for the following reasons:

- a. Overnight accommodations
- b. Year-round restaurant
- c. Hardware Store
- d. It would significantly improve the appearance of the property
- e. It is a permitted use by the City Code
- f. _____

If you have any questions, please call me at 766-5952 or email me at _____.

Regards,

MARGE POWERS
17 TORRINGTON PT
PEAKS ISLE

(If you would like to attend the meeting in person, it will be held on June 26th, 3:30 p.m., at City Hall in the City Council Chambers, 2nd floor, or if you would like to email your comments: Jspence@ci.portland.me.us and please cc: peaksislandco@aol.com)



Peoples Heritage Bank
PORTLAND, MAINE

00678146 ⁵²/₇

DATE: 11-1-95 IN PAYMENT OF / REMITTER: **Ric Weinschenk Builders** PAY EXACTLY: \$14,646.

TO THE ORDER OF FHB 14,646 doll's 00 Cts

City of Portland

Peoples Heritage Bank

Peoples Heritage Bank
PORTLAND MAINE

Mayanne Tracy
AUTHORIZED SIGNATURE

⑈06781464⑈ ⑈211274450⑈ 0272 59739⑈

TREASURER'S CHECK

Att. #
15

Corporation Counsel
Gary C. Wood



Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

CITY OF PORTLAND

October 26, 2000

Jonathan M. Campbell
Commercial Loan Officer
Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, ME 04112

RE: Willow - Letter of Credit No: 63830-762

Dear Mr. Campbell:

Enclosed are the following documents relative to the City's collection against the defect bond posted by Ric Weinschenk with respect to the Willows:

- ◆ Letter from Joseph E. Gray, Director of Planning and Urban Development, dated 10/24/00, calling the bond.
- ◆ The 10/26/00 sight draft.
- ◆ The original letter of credit dated 11/17/99.
- ◆ An itemized statement showing the cost of work to be completed.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any questions.

Sincerely,

Penny Littell
Associate Corporation Counsel

PL:ses

Enclosures

Cc: Joseph E. Gray, Dir. of Planning and Urban Development
David M. Hirshon, Esquire
Sarah Hopkins, Planner
Gary C. Wood, Corporation Counsel

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Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

October 24, 2000

Jonathan M. Campbell
Commercial Loan Officer
Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, Maine 04112

Re: Willow
Letter of Credit No: 63830-762

Dear Mr. Campbell:

Please be advised that the City of Portland is activating the above-referenced Letter of Credit as a result of the Developer's failure to complete, and his completion in a defective manner, the improvements set forth in a certain Cost Estimate of Improvements, dated September 20, 1996.

Thank you for your attention to this matter. Feel free to contact Penny Littell, Associate Corporation Counsel, should you have any questions.

Sincerely,

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

JEG:dlc
Enc.
C: Penny Littell, Associate Corporation Counsel

O:\OFFICE\PENNY\FORMS\GRAY LOC WILLOW LTR

SIGHT DRAFT

Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, ME 04112-9540

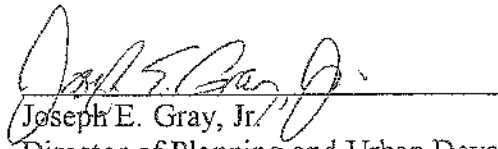
October 26, 2000

Pay to the Order of: The City of Portland

\$10,279.40

The sum of: Ten Thousand Two Hundred Seventy Nine and 40/100 Dollars,

That being the amount necessary to correct defects and uncompleted improvements at the Willow and which were not corrected or completed by the date of various land use Orders issued to the Developer by the Director of Planning and Urban Development, City of Portland. Please see the attached itemized statement showing cost of work to be completed



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

City of Portland
Department of Corporation Counsel
389 Congress Street
Portland, Maine 04101
(207) 874-8480

UPDATED UNIT COSTS

Deluca-Hoffman Associates, Inc. 178 High Street Rt 6A South Portland, Maine 04106		Willow Pond Portland, Maine JN 1350.00		
Quantity	Unit Cost	Unit Cost + 3%	Unit Cost + 10%	Unit Cost + 15%
Summary of Costs				
Opinion of Cost				
Onsite Costs	Commitment			
Earthwork	\$500.00	\$500.00	\$500.00	\$575.00
Grading, Drives and Subdrains	\$500.00	\$500.00	\$500.00	\$575.00
Plant Stocking	\$14,525.00	\$14,525.00	\$14,525.00	\$16,593.75
Misc. Site Improvements	\$11,000.00	\$11,000.00	\$11,000.00	\$12,650.00
Subtotal	\$16,525.00	\$16,525.00	\$16,525.00	\$18,793.75
Total Project Cost	\$16,525.00			
Notes:				
1. The above Engineers Opinion of Cost has been prepared for the sole use of the City of Portland Planning Department				
Engineer's Opinion of Cost				
Onsite Costs				
Earthwork	UNIT	UNIT COST	TOTAL COST	UNIT COST + 15%
Clear, grub, Sta Price and Topsoil Removal (in reducing price)	b.	\$500.00	\$500.00	\$575.00
Subtotal			\$500.00	\$575.00
Grading, Drives and Subdrains	UNIT	UNIT COST	TOTAL COST	UNIT COST + 15%
Repair Concrete Subdrain	b.	\$500.00	\$500.00	\$575.00
Subtotal			\$500.00	\$575.00
Plant Stocking	UNIT	UNIT COST	TOTAL COST	UNIT COST + 15%
Invert and Seed	b.	\$273.00	\$4,125.00	\$4,743.75
repair concrete structure beneath Concrete	b.	\$400.00	\$400.00	\$460.00
repair pond liner and construct retaining pond	b.	\$10,000.00	\$10,000.00	\$11,500.00
Subtotal			\$4,525.00	\$5,183.75
Misc. Site Improvements	UNIT	UNIT COST	TOTAL COST	UNIT COST + 15%
Secondary Electric Conduit	1.00	\$10.00	\$10.00	\$11.50
Subtotal			\$10.00	\$11.50
TOTAL			\$16,525.00	

AH # 16

Corporation Counsel

Gary C. Wood



Associate Counsel

Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

CITY OF PORTLAND

November 16, 2000

Jonathan M. Campbell
Commercial Loan Officer
Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, ME 04112

RE: Redlon Park - Letter of Credit No: 63829-761

Dear Mr. Campbell:

Enclosed are the following documents relative to the City's collection against the letter of credit posted by Ric Weinschenk with respect to the Redlon Park:

- ◆ Letter from Joseph E. Gray, Director of Planning and Urban Development, dated 11/16/00, calling the letter of credit.
- ◆ The 11/16/00 sight draft.
- ◆ The original letter of credit dated 11/17/99.
- ◆ An itemized statement showing the cost of work to be completed.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any questions.

Sincerely,

Penny Littell
Associate Corporation Counsel

PL:ses

Enclosures

Cc: Joseph E. Gray, Dir. of Planning and Urban Development
David M. Hirshon, Esquire
Sarah Hopkins, Planner ✓
Gary C. Wood, Corporation Counsel

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Corporation Counsel
Gary C. Wood



Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

CITY OF PORTLAND

November 16, 2000

Jonathan M. Campbell
Commercial Loan Officer
Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, Maine 04112

Re: **Redlon Park**
Letter of Credit No: 63829-761

Dear Mr. Campbell:

Please be advised that the City of Portland is activating the above-referenced Letter of Credit as a result of the Developer's failure to complete, and his completion in a defective manner, the improvements set forth in a certain Cost Estimate of Improvements relative to Redlon Park. Attached please find the the itemized statement showing to cost of work to be completed.

Thank you for your attention to this matter. Feel free to contact Penny Littell, Associate Corporation Counsel, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph E. Gray, Jr.", written over a circular stamp or seal.

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

Enc.
C: Penny Littell, Associate Corporation Counsel

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Sarah Hopkins" <SH@ci.portland.me.us>
Date: Wed, Nov 15, 2000 3:46 PM
Subject: Redlon Park Punchlist Completion Status

Sarah,

Chris Earle and I have reviewed the status of the defects outlined in the October 30, 2000 letter by Joe Gray to Ric Weinschenk and offer the following observations:

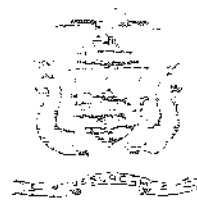
1. The street lighting remains incomplete as the light fixtures have not been installed. Assuming the proper conduit and wiring has already been installed, a reasonable opinion of cost to complete this work would be \$1,000. If the conduit and wiring has not been installed this could be increased to \$2,500.
2. The retaining wall has not been satisfactorily reestablished and made stable. An opinion of cost for this work would be \$500
3. Lot 4 has not been cleaned up and the silt fence taken down. An opinion of cost for this would be \$250.
4. The debris has not been removed. an opinion of cost would be \$750.
5. The retaining wall adjacent house #43 has not been rebuilt. the opinion of cost would be \$500
6. The ditch has not been reconstructed. The opinion of cost would be \$750.
7. The headstone has not been reset. The opinion of cost is \$375.
8. The plywood has been removed.
9. We are unaware if a sewage grinder pump has been provided to the association.

If you have any questions regarding these comments please call.

CC: "penny littell" <pl@ci.portland.me.us>

97-158

Corporation Counsel
Gary C. Wood



FILE

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

CITY OF PORTLAND

October 16, 1998

Via telefax: 874-6705 and U.S. Mail

David M. Hirshon, Esq.
Clough Hirshon & Langer
Three Canal Plaza
Portland, Maine 04101

Post-it® Fax Note	7671	Date		# of pages	2
To	David Hirshon	From	Penny Littell		
Co./Dept.		Co.	J		
Phone #		Phone #			
Fax #	874-6705	Fax #			

Re: Summer Place & Redlon Park

Dear Dave:

I have had an opportunity to discuss with the Planning and Public Works Department your client's proposal for remedying the defects noted to exist at Summer Place. Please be advised that the City agrees to the following:

1. Your client will connect or cause to be connected ten outside streetlights servicing Summer Place. These ten lights will be dispersed throughout the subdivision, with at least one light at each end of the subdivision, the goal being to provide sufficient lighting to illuminate the entire PRUD.
2. The chip seal on the roadways within the PRUD will be repaired consistent with the memorandum dated July 9, 1998.
3. Your client will repair the stormwater management system at the lower end of the northerly cul-de-sac, by restoring the outlet structure to its original size. Rock and earth covering the overflow drainage pipe will be removed. (It is suggested that while the house lot adjacent to the problem area is under construction, additional attention be paid to permanently resolving the flooding issues that have become evident.) All manhole covers between the drainage pipe and the outlet structure to grade will be properly set.
4. The pile of excess pavement behind sidewalk at northerly end of sidewalk will be removed.
5. The trench in Ocean Avenue will be repaired. A road opening permit will be obtained from Public Works Department before this work is done. Todd Merkle may be contacted in this regard.

Following completion of the work noted above, and after a satisfactory inspection, the City will agree to release your performance bond.

Please call me should you have any questions regarding this matter.

David M. Hirshon, Esq.
October 16, 1998
Page 2

Redlon Park

On a second and unrelated issue, the City has noted the performance bond posted for the public improvements at Redlon Park expires in November, 1998. Given that the work does not appear close to completion the City suggests your client agree to extend this bond by a period of at least one year. Otherwise, the City will have to draw on this bond, something we all wish to avoid. Please let me know your thoughts on this.

I look forward to talking with you soon.

Sincerely,



Penny Littell
Associate Corporation Counsel

Cc: Joseph Gray, Director of Planning
Alex Jaegerman, Chief Planner

O:\WPENNY\LTRS\Hirs1014.doc

AH #
17

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law
Three Canal Plaza
Post Office Box 15060
Portland, Maine 04112-5060

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel (207) 874-6700
Fax (207) 874-6705

*Also licensed in MA
and DC

July 17, 2001

HAND DELIVERED

Mr. Jaimey Caron, Chairman
Planning Board, City of Portland
389 Congress Street, 4th Floor
Portland, ME 04101

Re: Peaks Island Company, LLC

Dear Mr. Caron:

Pursuant to your request during the workshop held on June 26, 2001, and my correspondence to you dated June 19, 2001 (**Exhibit A**), this letter will respond to the memorandum of Jonathan Spence dated June 26, 2001, as to the technical capability of the applicant. Initially, as I mentioned during the workshop, the applicant is Peaks Island Company, LLC and not Cottage Park, Inc., as stated by Mr. Spence. Peaks Island Company, LLC is not doing business as Cottage Park, Inc. and has not developed the PRUDs identified by Mr. Spence. The Willow and Redlon Park projects, so called, are the subject of pending litigation between Cottage Park, Inc. and the City of Portland in connection with a bona fide dispute. The issues in the pending litigation involving Willow and Redlon, as well as the purported issues relating to Cottage Park and Summer Place, have absolutely nothing to do with technical capability but rather whether limited repairs at Willow and Redlon are the responsibility of the developer (Cottage Park, Inc.).

COTTAGE PARK

The road was built by the developer pursuant to the plans and specifications approved by the City of Portland. The Association failed to properly maintain the roadway and convinced the City to voluntarily participate in funding repairs to the roadway. The drainage issues involve Lots 1, 2 and 3 and Woodmere Avenue. With respect to Lots 1, 2 and 3, the City wished to remediate a pre-existing condition. The construction of the PRUD did not exacerbate the existing wet conditions and, therefore, any issues relating thereto were not the responsibility of the developer. With respect to Woodmere Avenue, an inspector for the Public Works

Mr. Jaimey Caron, Chairman
July 17, 2001
Page 2

Department ordered the subcontractor to modify the grading based upon incorrect information regarding catch basins. The grading was modified pursuant to the inspector's request, creating ponding, which the City requested the developer remediate by adding catch basins. The developer complied, although not responsible for the condition.

SUMMER PLACE

Cottage Park, Inc. did not "post a second performance guaranty for repair work." In any event, by correspondence dated October 16, 1998, from Attorney Littell (**Exhibit B**) five (5) items were identified as alleged defects. Although the developer disagreed the items were defects (for example, my client was instructed by the Homeowners Association not to complete certain aspects of the lighting and, in fact, the plans as approved did not contain a lighting requirement), the developer completed the items and the City released the bond.

WILLOW

Cottage Park, Inc. voluntarily extended the Defect Bond secured by a Letter of Credit in the amount of \$10,279.40. In early August the City of Portland identified nine (9) alleged deficiencies. By correspondence dated August 17, 2000, the undersigned, on behalf of the developer, responded to each of the alleged deficiencies (**Exhibit C**). On September 5, 2000, the City and the developer met at the site to discuss a resolution. The parties then attempted to negotiate an agreement precisely defining the remaining obligations of the developer, and by correspondence dated October 12, 2000, (**Exhibit D**), the only remaining items essentially involved landscaping. The City of Portland then attempted to prematurely draw upon the Defect Bond. The City refused to issue any permits, accept applications and implemented cease work orders on all projects relating to, among other entities, Cottage Park, Inc. Those actions are currently the subject of two lawsuits, CV-00-651 and CV-00-1160, pending in the Cumberland County Superior Court. Justices Fritzsche and Warren have issued restraining orders (**Exhibits E and F**) against the City of Portland.

REDLON

On November 15, 2000, Steve Bushey sent an e-mail to Sara Hopkins outlining nine (9) items which, in his opinion, needed to be completed (**Exhibit G**). Other than references to street lighting, the remaining items, again, were essentially landscaping issues. On February 2, 2001, (**Exhibit H**), Mr. Bushey wrote Ms. Hopkins and advised that all items were complete other than a purported issue with a retaining wall, which Mr. Bushey opined would cost \$500.00 to stabilize. (See e-mail from Bushey to Hopkins dated November 15, 2000.) The retention by the City of Portland of the monies held by Peoples Heritage Bank to secure the defect guaranty in

Mr. Jaimey Caron, Chairman
July 17, 2001
Page 3

the amount of \$4,125.00 is currently the subject of litigation with the City of Portland, involving similar issues as discussed above in connection with Willow.

I have attempted to address succinctly the issues raised by Mr. Spence at the above-identified projects in connection with technical capability. The pending proposal (other than work relating to a sidewalk) does not involve any public areas and is a relatively simple construction project. The letter of recommendation from Thomas Greer, together with the actual performance with respect to the above-identified PRUDs, clearly establishes technical capability.

Thank you for your consideration.

Sincerely,



David M. Hirshon

DMH/sdm

Enclosures

cc: Mr. Jonathan Spence ✓

F:\Home\DAVID\CURRENT\Weinschenk\The Inn\Planning Board City of Portland 071701.doc

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law
Three Canal Plaza
P.O. Box 15060
Portland, Maine 04112-5060

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel: (207) 874-6700
Fax: (207) 874-6705
E-Mail: mjtinkle@tchl.com

* Also licensed in MA and DC

June 19, 2001

Mr. Jaimey Caron
Planning Board Chairman
City of Portland
4th Floor
389 Congress Street
Portland, ME 04101



RE: Peaks Island Company, LLC

Dear Mr. Caron:

At the Board's last workshop on the application of Peaks Island Company, LLC concerning the Peaks Island project, it was suggested that the City was required to complete prior projects involving Ric Weinschenk. Peaks Island Company strongly disagrees with that allegation. Presumably, the suggestion refers to Cottage Park Inc.'s dispute with the City over whether the work at the Willow and Redlon Park subdivisions had been completed properly. That dispute is now the subject of bona fide litigation and should not be prejudged by the Board. Even if the City were to prevail in that litigation, that would mean only that Cottage Park's interpretation was wrong; it would have nothing to do with whether Cottage Park had the financial and technical ability to complete those projects or, *a fortiori*, whether Peaks Island Company has the financial and technical ability to complete the project under review.

Hence, the Board should not consider what happened with respect to those earlier projects involving Cottage Park in ruling on the pending application. Indeed, the City is under an express Court Order (copy enclosed) *not* to deny any application of Peaks Island Company or any other entity involving Ric Weinschenk on the basis of the Willow/Redlon Park dispute. We trust that the Board will honor both the letter and the spirit of that Order.

Sincerely,

A handwritten signature in black ink, appearing to read "D. M. Hirshon".

David M. Hirshon

DMH/clg
Enclosure

cc: Penny Littell, City of Portland (w/encl.)

STATE OF MAINE
CUMBERLAND, ss.

STATE OF MAINE
CUMBERLAND, SS.
CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-00-651

FEB 16 8 02 AM '01

FREDERIC D. WEINSCHENK, et al.,

Plaintiffs

vs.

ORDER OF STAY AND
PRELIMINARY INJUNCTION

CITY OF PORTLAND,

Defendant

On November 3, 2000, the court (Fritzsche, J.) issued a Temporary Order of Stay and Temporary Restraining Order in connection with a complaint filed pursuant to M.R. Civ. P. 80B and 65 dated October 3, 2000. Said order expired on November 15, 2000, but provided a mechanism for further hearing with respect to said complaint. The plaintiffs thereafter requested a further hearing and further injunctive relief.

After hearing, the court grants that motion in part, concluding that a preliminary injunction to the extent specified herein is warranted because plaintiffs have shown a sufficient likelihood of success on the merits with respect to their claim that plaintiffs Weinschenk and Ric Weinschenk Builders cannot be barred from submitting applications or requests for permits without a hearing and that their debarment without a hearing constitutes irreparable harm. Because Cottage Park, Inc. has conceded -- for purposes of the pending motion -- that there are existing violations of the City Code with respect to the Willow development, no injunctive relief is granted with respect to Cottage Park, Inc.

FEB 21 2001

Wherefore, it is hereby ordered as follows:

1. The Stop Work Orders on building permit nos. 000204 and 991351 are both hereby stayed.

2. The order to cease any other projects in which plaintiffs Ric Weinschenk Builders, Inc. and/or Frederic D. Weinschenk, individually, are involved within the jurisdiction of the City of Portland is hereby stayed unless and until the City conducts a hearing to determine whether plaintiffs Weinschenk and/or Ric Weinschenk Builders, Inc. are responsible for the actions or inaction of the plaintiff Cottage Park, Inc. and determines, after such a hearing, that Weinschenk and/or Ric Weinschenk Builders is subject to the prohibition contained in the first paragraph of § 14-525(j) of the Portland Municipal Code. Such hearing shall satisfy the applicable standards under common law, statutory law and constitutional law.

In the alternative, the City may seek to enforce § 14-525(j) through a judicial action, in which case the stay shall remain in effect until and unless a court of competent jurisdiction determines that the City is entitled to deny permits and plats to and refuse applications from Weinschenk and Weinschenk Builders, Inc. pursuant to § 14-525(j).

3. As long as the stay remains in effect, the defendant City of Portland must timely review and timely respond to any applications and/or requests for permits filed on behalf of plaintiffs Ric Weinschenk Builders, Inc. and Frederic D.

Weinschenk in the ordinary course by not treating such requests in a manner any different from similar requests submitted by similarly situated applicants.

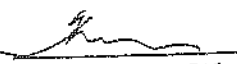
4. The issuance of this order shall not be considered a final adjudication with respect to the issues arising in the pending matter and/or any related actions.

5. Pursuant to Rule 65(d) this order shall be binding on defendant City of Portland, its officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

6. The giving of security is waived because the court concludes that defendant has alternative remedies against plaintiffs in the event that defendant is found to have been wrongfully enjoined.

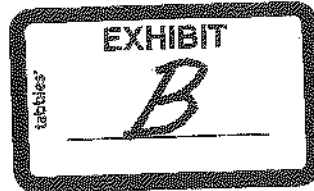
7. This order shall be incorporated by reference on the civil docket pursuant to Rule 79(a).

Dated: February 15, 2001



Thomas D. Warren
Justice, Superior Court

Corporation Counsel
Gary C. Wood



Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaticas
Penny Littell

CITY OF PORTLAND

October 16, 1998

Via telefax: 874-6705 and U.S. Mail

David M. Hirshon, Esq.
Clough Hirshon & Langer
Three Canal Plaza
Portland, Maine 04101

Post-It [®] Fax Note	7871	Date		# of pages	2
To	David Hirshon	From	Penny Littell		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	874-6705	Fax #			

Re: Summer Place & Radlon Park

Dear Dave:

I have had an opportunity to discuss with the Planning and Public Works Department your client's proposal for remedying the defects noted to exist at Summer Place. Please be advised that the City agrees to the following:

1. Your client will connect or cause to be connected ten outside streetlights servicing Summer Place. These ten lights will be dispersed throughout the subdivision, with at least one light at each end of the subdivision, the goal being to provide sufficient lighting to illuminate the entire PRUD.
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Following completion of the work noted above, and after a satisfactory inspection, the City will agree to release your performance bond.

Please call me should you have any questions regarding this matter.

David M. Hirshon, Esq.
October 15, 1998
Page 2

Redlon Park

On a second and unrelated issue, the City has noted the performance bond posted for the public improvements at Redlon Park expires in November, 1998. Given that the work does not appear close to completion the City suggests your client agree to extend this bond by a period of at least one year. Otherwise, the City will have to draw on this bond, something we all wish to avoid. Please let me know your thoughts on this.

I look forward to talking with you soon.

Sincerely,



Penny Littell
Associate Corporation Counsel

Cc: Joseph Gray, Director of Planning
Alex Jaegerman, Chief Planner

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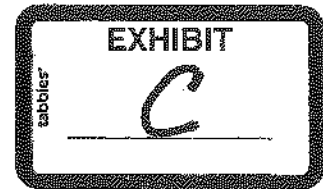
Tompkins, Clough, Hirshon & Langer, P.A.
COUNSELORS AT LAW
Three Canal Plaza
Post Office Box 15060
Portland, Maine 04112-5060

BRUCE M. TOMPKINS
LAWRENCE R. CLOUGH
DAVID M. HIRSHON
LEONARD W. LANGER
MARSHALL J. TINKLE

TELEPHONE: 207-874-6700
FAX: 207-874-6705

August 17, 2000

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



Re: Willow Development

Dear Mr. Gray:

This office represents Cottage Park, Inc. and I am in receipt of your letter addressed to Ric Weinschenk dated August 1, 2000. As you may recall, Cottage Park, Inc. voluntarily extended the defect bond secured by a letter of credit in the amount of \$10,279.40. Under these circumstances, I am rather surprised and disappointed by the tenor of your correspondence, particularly in view of the fact most of the allegations are incorrect. Obviously, this is a matter which should be amicably resolved and I suggest a site meeting be scheduled at a mutually convenient time. In the interim, brief comments, without prejudice, are as follows:

1. The berm is situated on the private lots. There is no berm behind Lot 17 and the homeowners for Lots 15 and 16 did not request or otherwise desire topsoil. It is my understanding the area is covered with mulch (at significant expense) with hemlocks planted.
2. The homeowners have failed to water and fertilize the trees. I do not know the precise height of each of the planted hemlocks but I believe hemlocks in this environment grow rather quickly and with appropriate care will, within a year, meet and/or exceed the required planting height.
3. The lots are owned by Cottage Park, Inc.
4. Any problems with the concrete are directly related to either city snow plows and/or private plows.

Joseph E. Gray, Jr.
August 17, 2000
Page 2 -

5. The lights should be installed.

6. Firstly, any damage to the structure is a direct result of vandalism. Secondly, it is my understanding that as a result of a meeting several months, modifications were agreed upon with respect to the retention pond.


7. To the extent such a problem exists, this problem is of recent vintage and remediation does not mandate an additional inch of pavement.

8. Lot 2 was purchased by the homeowner with mulch.

9. Lot 14 has absolutely nothing to do with the letter of credit.

As always, Cottage Park, Inc. will work with the city to resolve the issues. I look forward to hearing from you with respect to scheduling a meeting.

Sincerely,



David M. Hirshon

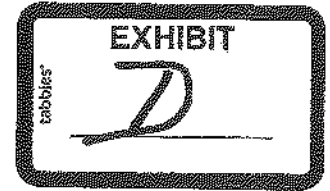
DMH/tja

cc: Cottage Park, Inc.

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CITY OF PORTLAND



October 12, 2000

Ric Weinschenk
Torrington Ave
Peaks Island
Portland, ME 04108

Dear Mr. Weinschenk:

Based on the progress you have made out at the Willow development, I am hereby extending the deadline for the completion of site improvements until October 25, 2000. We understand that this new deadline will correspond with the deadline agreed upon between you and the Homeowner's Association for the completion of the central island feature.

Our inspectors have been out at the site and have noted the following items completed:

- Seven Hemlocks planted on berm;
- Sidewalk patches done, although some smoothing will be necessary (see below);
- Light poles are installed and the City will inspect (see below); and
- Construction debris has been removed from Lots 7, 8, 9 and the areas have been graded, loamed, seeded and mulched.

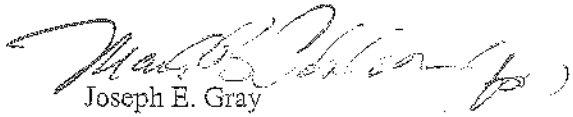
They have also noted that the following items remain:

- Clean up of dirt and debris from tree installation;
- Complete mulching on rear side of berm;
- Grind and smooth sidewalk patches;
- The electrical inspector will conduct an inspection of the light pole installation;
- The Inspections Department will also assess pole integrity;
- Please provide us with a schedule and program for fertilization, weed killing, and grass growth. The City expects a reasonable growth of grass, free of weeds;
- The City has approved the plan for the grassed center island. We will need a description of the work that will occur on the drainage structure below the gazebo structure to assure the area drains properly.

Given that the light installation, landscaping, mulching, and center island improvements are just now being completed, we also require that the defect guarantee for the project be extended for an additional year to cover any defects in workmanship or materials of these more recent improvements. The defect guarantee should refer, by definitive list, to those items completed this Fall.

As stated previously, I am hereby **ORDERING** you to complete the site plan improvements as listed. A failure to complete all items as listed in the previous letter of September 25, 2000 no later than October 25, 2000 shall result in an immediate cessation of all projects in which you are involved within the City of Portland and a calling of your posted defect guarantee.

Sincerely,



Joseph E. Gray
Director of Planning and Urban Development

cc.: Thomas Kane, City Councilor
Thomas Fortier, Island and Neighborhood Coordinator
The Willow Condominium Association
Sarah Hopkins, Senior Planner
Alexander Jaegerman, Chief Planner
Michael Nugent, Building Services Manager
Penny Littell, Associate Corporate Counsel

Wall lights AH.#5



9044NI
Brushed Nickel
Kichler Lighting

Straight forward, modern minimalist design features top light louvers and executed in stunning Brushed Nickel.

Height: 8"
Diameter/Width: 11"
Number of Bulbs: 1
Maximum Wattage: 150W
Bulb Base: Medium

Extra Lead Wire: 2.5"
Voltage: 120V
Body Material: ALUMINUM



Walk lights

15005VGT
Textured Verdigris
Landscape Lighting

Landscape fixtures have a variety of accessories and mounting options available. Contact your local distributor to order.

Height: 9.5"
Diameter/Width: 6"
Number of Bulbs: 1
Maximum Wattage: 24.4W
Bulb Base: S8 Wedge

Lamp Included: Y
Shade Material: CLEAR POLYCARBONATE
Extra Lead Wire: 42"
Voltage: 12V
Body Material: ALUMINUM

Kichler® Lighting
7711 East Pleasant Valley Road
P.O. Box 318010
Cleveland, Ohio 44131-8010
U.S.A.

PINKHAM & GREER

CONSULTING ENGINEERS, INC.

PAGE 8

170 U.S. Route One
Falmouth, Maine 04105
Tel: 207.781.5242
Fax: 207.781.4245

Att. # 7

May 8, 2001
File: 00125

Mr. Ric Weinschenk
Ric Weinschenk Builders
46 Torrington Ave.
Peaks Island, ME 04108

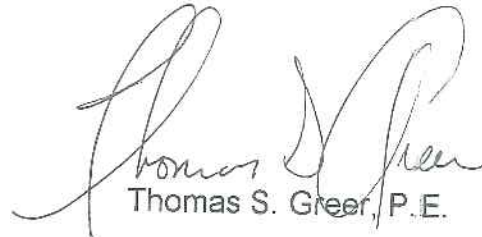
RE: DRAINAGE AT THE INN FORMERLY JACKSON'S SERVICE STATION

Dear Ric:

In preparing the site plan we have taken into account the existing drainage. To the best of my knowledge there are no existing drainage problems. We have designed the site to sheet flow drainage in the same general pattern as the existing flow. This results in draining the site to the existing catch basin in front of the Inn. No significant changes in drainage will occur.

Sincerely,

PINKHAM & GREER



Thomas S. Greer, P.E.

TSG/lh



Portland Water District

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

AH. #
9
(207) 774-5961
FAX (207) 761-8307
www.pwd.org

June 7, 2001

Ric Weinschenk
Peaks Island Co., LLC
33 Island Ave.
Peaks Island, Me. 04108

Re: 33 Island Ave.- Peaks Island

Ric:

This letter is to confirm there should be an adequate supply of clean and healthful water to serve the needs of the proposed restaurant, bed and breakfast and store complex at the intersection of Island Ave. and Welch St. on Peaks Island. Checking District records, I find there is an 8" water main on the short side of the street in Island Ave. as well as a 4" main on the short side of the street in Welch St.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the needs of your proposed project..

Hydrant Location: Island Ave. @Welch St.
Hydrant # 625
Static pressure = 90 PSI
Flow = 1034 GPM
Last Tested = 6/8/95

If the district can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Jim Pandiscio
Means Coordinator



Brackett Avenue

HYD #625

4" Welch Street

8" Island Avenue

Att. # 10



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

(207) 774-5961
FAX (207) 781-8307
www.pwd.org

June 27, 2001

Mr. Frank Brancely
Senior Engineering Technician
City of Portland
55 Portland Street
Portland, Me 04101

Re: Capacity Flows from 33 Island Avenue, Peaks Island
Proposed Hotel, Bed and Breakfast, Restaurant, Retail, and Office Complex.

Dear Mr. Brancely,

I am in receipt of a fax dated June 25, 2001, from you.

The letter indicates the anticipated Wastewater Flows from the Proposed Complex with a total increase in flows at 6373 GPD (Gallons Per Day). The Portland Water District Treatment facility, Peaks Island location, has the adequate capacity to treat your anticipated flows, from your proposed complex.

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 you should need any further assistance please feel free to call me at (207) 761-8320, extension 3601.

Sincerely,

Michael Conley
East End Treatment Facility
Portland Water District
Plant Manager
500 Marginal Way
Portland, ME 04104

Cc: Robert Waterman

Att #

11



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

1-800-750-4000

June 15, 2001

Peaks Island Company, Inc.
33 Island Avenue
Portland, Maine 04108

Subject: Proposed Office Retail Space, Bed & Breakfast, Restaurant Complex
Island Avenue, Peaks Island

Dear Sirs:

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

When plans are available with contours illustrating delivered electrical supply, please forward them to me so that I can coordinate our utilities with your project. I have enclosed a load request form to be completed and return to me along with a copy of Central Maine Power Company's "Contractor's Handbook".

Sincerely,

Paul DuPerre
Technical Service Advisor

PD/rr
Enclosures

AH. #
12

19 July 2001

Mr. Richard Wortley,
The Peaks Island Company, LLC,
33 Island Avenue,
Peaks Island, Maine 04108

RE: Stormwater Calculations; Stormwater Mitigation; Combined Sewer Overflow Abatement.

Dear Mr. Wortley:

On Monday, July 16, 2001, I spoke to you, by telephone, stating that I was in receipt of a letter from Michael Conley, Portland Water District Treatment Facilities Manager. He indicated that the Peaks Island Treatment Facility had capacity to treat your anticipated wastewater flows of 6373 gallons per day. His letter put to rest the wastewater half of the capacity issue. Their concern, and the City's, lies with the storm water half of the capacity issue.

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 storm water mitigation, in order to offset any increase in sanitary flows, from all projects. Using the five to one rule of thumb, please have your engineering consultant show me, in writing, his storm water calculations for removing storm water flows of 31,865 GPD, from the Peaks Island combined sewer system, by means of C.S.O. abatement and storm water mitigation.

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

Sincerely,
CITY OF PORTLAND

Frank J. Brancely, BA, MA
Senior Engineering Technician

FJB

CC: Alexander Q. Jaegerman, Acting Co-Director, Department of Planning, & Urban Development, City of Portland
Jonathan Spence, Planner, Dept. of Planning, & Urban Development, City of Portland
Katherine A. Staples, PE, Engineering Manager, City of Portland
Bradley A. Roland, PE, Environmental Projects Engineer, City of Portland
Anthony W. Lombardo, PE, Project Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Desk File

Department of Public Works



CITY OF PORTLAND

FEB 20 2001

Penney
AH. #

William J. Bray
Director

14

November 8, 1999

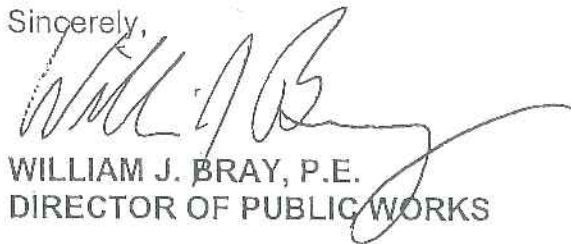
Cottage Park Association
Attn: Mike Hutchins
57 Cottage Park Road
Portland, Maine 04103

Dear Mr. Hutchins:

Attached please find the check for \$36,000 that was to be paid to Cottage Park towards the roadway repairs.

If we can be of further assistance or there are any further questions please feel free to call at 874-8800.

Sincerely,



WILLIAM J. BRAY, P.E.
DIRECTOR OF PUBLIC WORKS

WJB/cmw

pc: Robert B. Ganley – City Manager
Gary Wood – Corporation Counsel
Donna Katsiaficas – Corporation Counsel
Katherine A. Staples, P.E. – City Engineer
Gretel Varney – Project Engineer

AGREEMENT BETWEEN
COTTAGE PARK HOMEOWNERS ASSOCIATION
AND
CITY OF PORTLAND

THIS AGREEMENT entered into this 9 day of December, 1998, by and between the CITY OF PORTLAND, a body politic and corporate (hereinafter the "CITY"), and COTTAGE PARK HOMEOWNERS ASSOCIATION, a Home-Owners Association organized under the laws of the State of Maine, (hereinafter "COTTAGE PARK").

WITNESSETH:

WHEREAS, COTTAGE PARK is the owner of and has maintenance responsibilities for the roadway system in the Planned Residential Unit Development known as Cottage Park; and

WHEREAS, said roadway system is in need of repair; and

WHEREAS, CITY has agreed to contribute Thirty Six Thousand Dollars (\$36,000) toward the cost of said road repair;

NOW, THEREFORE, the parties agree as follows:

1. COTTAGE PARK shall hire a contractor to perform the repairs to the roadway system as outlined in its letter of October 23, 1998 to Department of Public Works; said letter is attached hereto as Exhibit A and incorporated herein by reference. CITY agrees to make recommendations to COTTAGE PARK with respect to the maintenance and repair of the roadway system.
2. CITY shall contribute the sum of Thirty Six Thousand Dollars (\$36,000) toward the roadway repairs. Payment shall be made within thirty days of the submission of an invoice by COTTAGE PARK to CITY. CITY shall issue payment payable jointly to COTTAGE PARK and Contractor.

3. COTTAGE PARK hereby forever releases and agrees to hold harmless the CITY OF PORTLAND, its agents, officers and employees, from any and all liability, actions, damages, and claims of any kind and nature whatsoever (including but not limited to liability, actions, damages and claims caused by or arising from the negligence of the CITY OF PORTLAND, its agents, officers or employees) for injury, harm or damage to any person or property that may arise or occur in connection with the COTTAGE PARK roadway system. In the event the City of Portland, in the future, accepts the roadway system as a City street or maintains the roadway, this release shall be effective for all claims that arise up to the point City assumes responsibility for the roadway system.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed the day and date above written.

WITNESS:

Sonia B...

CITY OF PORTLAND

By: *Robert B. Ganley*
Robert B. Ganley
Its: City Manager

WITNESS:

Ruth S. Wilbur

COTTAGE PARK HOMEOWNERS
ASSOCIATION

By: *Dorothy Mathes*
Print or type name Dorothy Mathes
Its: Board Member

Approved as to form:

D...
Corporation Counsel's Office

O:\WPCONTRACT\COTTAGE2AGR

Department of Public Works



Nadeen M. Daniels
Assistant City Manager
Director

CITY OF PORTLAND

William J. Bray
Deputy Director
City Engineer

November 20, 1995

Jonathan Shaw, President
Shaw Brothers Construction, Inc.
511 Main St.
Gorham, ME. 04038

RE: NOTICE OF AWARD

Dear Mr. Shaw:

Your firm has been awarded the contract for the subject project **Cottage Park and Brook Road Drainage** for your total low bid of **\$40,000** (with deduct exceptions as noted on your bid). This letter will serve as notice of award and that the contract documents are ready for signature.

A pre-construction conference will be scheduled for Wednesday November 22, 1995, in the Engineering Office, 55 Portland Street. Please be prepared to execute the contract by November 27, 1995, as per page 3 of the contract documents. You must have your firm's corporate seal on your person at the time of execution.

Separate performance and payment bonds in the full amount of the bid and the following insurance certificates shall be executed and presented for approval: insurance coverage's for Contractor's Public Liability Insurance shall have \$500,000/1,000,000. limits. The standard Certificate of Insurance forms shall have the cancellation statement edited. The words "endeavor to" and "but failure to mail such notice shall impose no obligation or liability of any kind upon the company" shall be crossed out. Evidence of proper Workers' Compensation Insurance and Blast Damage Insurance, if applicable, must also be presented for approval.

Should you have any questions pertaining to the above, please contact me at 874-8830.

Very truly yours,
CITY OF PORTLAND

Katherine A. Staples, P.E.
City Engineer

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged and a copy returned to the City of Portland.

By Jonathan Shaw Title Pres.

this the 21 day of November, 19 95

KAS/kas

AGREEMENT BETWEEN
COTTAGE PARK HOMEOWNERS ASSOCIATION
AND
CITY OF PORTLAND

THIS AGREEMENT entered into this 9 day of December, 1998, by and between the CITY OF PORTLAND, a body politic and corporate (hereinafter the "CITY"), and COTTAGE PARK HOMEOWNERS ASSOCIATION, a Home-Owners Association organized under the laws of the State of Maine, (hereinafter "COTTAGE PARK").

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WITNESS:

Sonia B...

CITY OF PORTLAND

By: *Robert B. Ganley*
Robert B. Ganley
Its: City Manager

WITNESS:

Robby S. Wilbur

COTTAGE PARK HOMEOWNERS ASSOCIATION

By: *Dorothy Mathes*
Print or type name Dorothy Mathes
Its: Board Member

Approved as to form:

D...
Corporation Counsel's Office

CITY OF PORTLAND, MAINE
DEPARTMENT OF PUBLIC WORKS
OPERATIONS / ENGINEERING SECTION
MEMORANDUM

TO: Robert B. Ganley, City Manager
FROM: Katherine A. Staples, P.E., City Engineer *KAS*
DATE: November 20, 1995
SUBJECT: Emergency Contract for Cottage Park and Brook Road Drainage

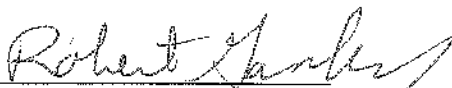
As was discussed in late October, an emergency contract was verbally authorized by you to address drainage issues at the Cottage Park P.R.U.D. built recently by Ric Weinschenk Builders, Inc. Concerns were raised by affected residents this summer, after which the City attempted to negotiate a solution with the developer. For a variety of reasons we were unsuccessful in negotiating a solution at no cost to the City.

As a result of the failed negotiation and weather constraints, we determined the most effective solution to be an emergency contract to perform the necessary drainage improvements this season. We have awarded Shaw Brothers Construction, Inc. the contract to perform this work immediately, and are proceeding with obtaining contract signatures.

To document your authorization to put out an emergency contract, I request that you sign below. This memo shall then be entered into the file to satisfy our legal obligations in the bidding process.

Thank you for your attention to this matter.

Approved By:


Robert B. Ganley, City Manager

KAS/kas

pc: Nadeen M. Daniels, Assistant City Manager / Director of Public Works
William J. Bray, Deputy Director
Bruce A. Bell, Operations Manager
Ellen L. Sanborn, Assistant Finance Director
Elizabeth Boynton, Corporation Counsel

RECEIVED NOV 20 1995

DAVID A. LOURIE

Attorney at Law

189 SPURWINK AVENUE

CAPE ELIZABETH, MAINE 04107

(207) 799-4922 • FAX (207) 767-4268

November 16, 1995

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

Re: Ric Weinschenk Defect Bond:

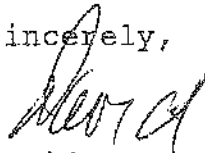
Dear Joe:

This will confirm the understanding reached at our meeting today with Alex, Kathy Staples and Natalie Burns in which you were sometimes present, but did not participate.

Alex will arrange for the prompt restoration of the defect bond on Cottage Park to Peoples Bank in return for Ric's agreement to contribute to the new City drainage project, and to do additional work to alleviate the alleged "defect" consisting of ponding in the vicinity of Woodmere Road. It is our understanding that the defect bond will be extended and released upon the City's determination of completion of the agreed upon regrading and drainage work in the vicinity of Woodmere Road and the Demakis Driveway.

Please advise if the above is not consistent with your understanding.

Sincerely,



David A. Lourie

cc: Alex Jaegerman
Kathy Staples
Natalie Burns
Ric Weinschenk



ONE PORTLAND SQUARE
P.O. BOX 9540
PORTLAND, ME 04112-9540
207-761-8500

November 8, 1995

Joseph E. Gray, Jr.
Director of Planning and Urban Development
City Hall, Room 211
389 Congress Street
Portland, ME 04101

RE: Cottage Park Defect Bond, Ric Weinschenk

Dear Mr. Gray:

Pursuant to your sight draft dated October 26, 1995, enclosed please find check #C0678146 in the amount of \$14,646.00. This check will cover the correction of defects in work on the drainage system in Cottage Park Road and Woodmere Road.

If you should have any questions or concerns, please feel free to contact me at 761-7541. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Cecelia Colpitts".

Cecelia Colpitts
Commercial Loan Administrator
to Cynthia C. Stewart, Vice President

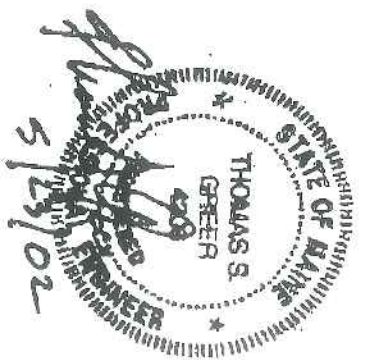
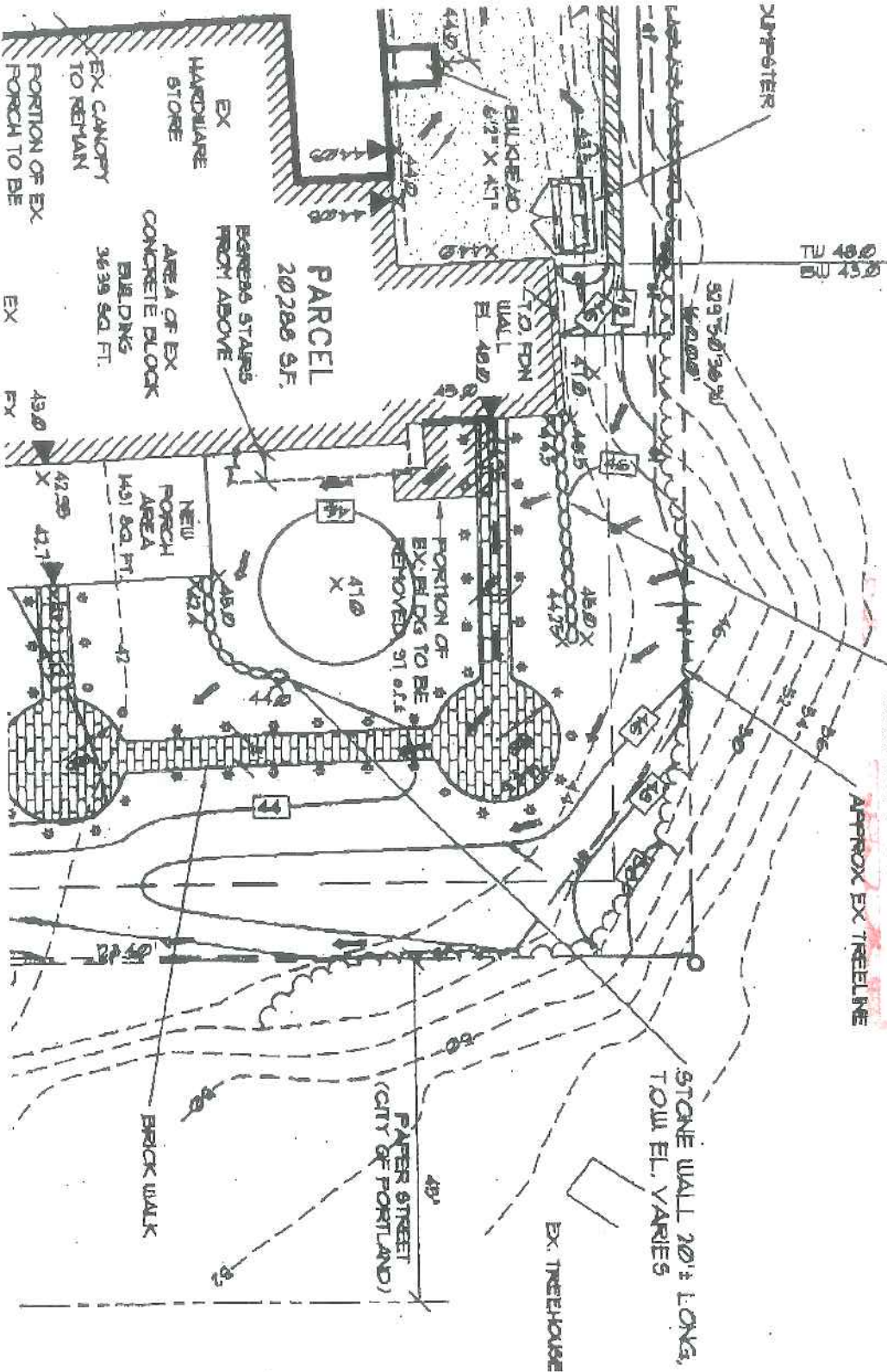
THE INN
PEAKS ISLAND, PORTLAND
MAY 23, 2002

CITY OF PORTLAND
REVISION
APPROVED SITE PLAN

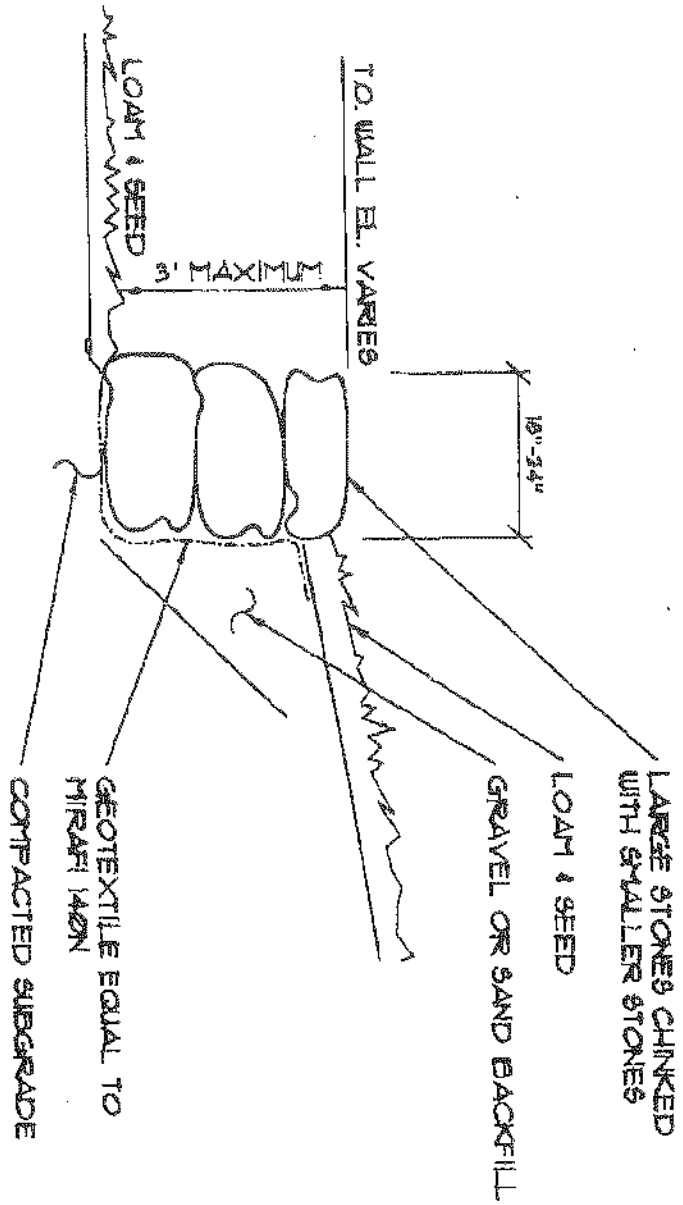
SUBJECT TO DEPARTMENTAL
CONDITIONS

DATE OF APPROVAL 5/23/02
STONE WALL 30'± LONG,
TOW. EL. VARIES

APPROX EX TREELINE

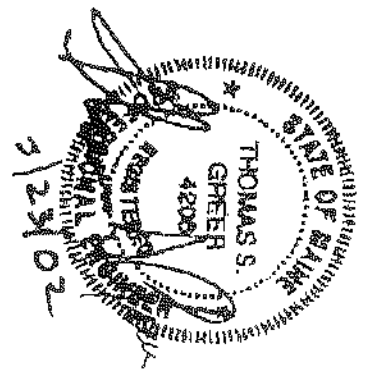


THE INN
PEAKS ISLAND, PORTLAND
MAY 23, 2002



STONE WALL SECTION

NOT TO SCALE



CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair Caron and Members of the Portland Planning Board
FROM: Jonathan Spence, Planner
DATE: June 26, 2001
SUBJECT: The Inn, 33 Island Avenue, Peaks Island Company LLC, Applicant

Introduction

This is the second workshop before the Planning Board for a proposal by the Peaks Island Company LLC. to renovate and expand the existing building located at 33 Island Avenue. This project will accommodate rental space for a restaurant, a hardware and general merchandise store, an office and a second floor 6-room bed and breakfast. Six parking spaces would also be provided on site.

The existing structure is approximately 4,104 square feet. The total site is approximately 20,288 square feet and is zoned IB, Island Business. The existing structure is or has been used as a gas station, a bakery, a hardware and building supply store, and an office for a local fuel company. Currently, the predominate use of the site is as a parking area for Island Fuel's vehicles. The property is located at the intersection of Island Avenue and Welch Street and is bordered on one side by a "paper street" known as Meridian Street.

The first workshop identified concerns shared by staff and the planning board. The applicant has responded to these concerns with additional submittal documents (see attachments 1,2). A summary of these concerns and the applicant's response follows.

Lighting

Staff had requested that the applicant supply detailed catalog cuts of all proposed lighting fixtures and a photometric plan in compliance with the City's lighting standards. The applicant has provided catalog cuts that are in compliance with standards (see attachment 5). Prior to a public hearing on this proposal, staff requests a photometric plan demonstrating that the lighting scheme is in compliance with City standards.

Building Height

A question was raised at the first workshop in regard to the height of the proposed building and the manner it was being measured. Marge Schmuckal, the zoning administrator, has reexamined this issue and has found that the proposed structure does comply with the height limitations of the zoning ordinance. A memo to this effect will be available at the workshop.

Environmental Conditions

Due to the prior use of the property as a gasoline filling station and fuel oil depot, a request was made of the applicant to provide a Phase I Environmental Site Assessment. The applicant has

provided this report. The reports findings and conclusion were that several *recognized environmental conditions* may exist on the site. These conditions are related to the possible continued existence of underground fuel storage tanks and the possible presence of contaminated soils. Staff recommends to the board three possible provisions to assure that any environmental conditions that do exist on the site are addressed appropriately.

1. That a non-invasive geophysical survey be conducted on the site to establish the presence or absence of underground storage tanks.
2. That the Development Review Coordinator be notified 48 hours prior to any and all excavation on the site to enable monitoring.
3. That the DEP and the Development Review Coordinator be immediately notified if any evidence to the presence of either an underground storage tank or heavily-stained or fuel-saturated soils is found. All soils that do not meet the DEP "intermediate" standard must be removed and disposed of off-site following DEP protocol.

A copy of the summary of the Phase 1 Environmental Site Assessment is included as attachment 6.

Landscaping

Staff has requested that the applicant provide a landscape plan in compliance with the City's design standards. The applicant has provided a revised landscape plan that is currently being reviewed by the City's Arborist for compliance (see attachment 4). A landscape plan in compliance with the City's standards is required prior to a public hearing.

Presence of Off-Site Facilities

Staff has requested that the applicant provide letters from agencies confirming the availability and adequacy of services. The applicant has provided letters from the Portland Water District and Central Maine Power confirming availability of water and power. These letters are included as attachment 7. A letter confirming the availability of sewer has been delayed due to the need for additional information from the applicant. This letter will be required prior to a public hearing on this project.

Site Features

The staff has requested that the applicant make two minor adjustments to the site plan concerning the materials for the proposed walkways and the length of the guardrail along Welch Street. The applicant has complied with this request.

Financial Capability

The applicant has proved staff with a narrative detailing how the project will be financed. Confirmation of this financing arrangement is forthcoming from the financial institution and will be required prior to the public hearing.

Technical Capability

The applicant has provided staff with a list of previous similar projects completed (see attachment 8). These projects are located in Vermont and occurred 20-25 years ago. Attempts to determine if these projects were completed in a timely and satisfactory manner has been unsuccessful to date. Further attempts are in process.

The applicant, doing business as Cottage Park, Inc., has developed four detached PRUDs in Portland, in addition to several single-family homes on Peaks Island and on the mainland. The status of each of the PRUD projects is listed below:

1. Cottage Park - Allen Avenue/Brook Road
 - Approved in 1993
 - Drainage issues required the City to call the performance guarantee in order to install a field inlet/catchbasin system. The City recently spent \$36,000 to repair and reconstruct portions of the roadway system. (See attachment 9)
2. Summer Place- Ocean Avenue.
 - Approved in 1995
 - Drainage, roadway and lighting issues required the posting of a second performance guarantee for repair work.
3. Willow-Mitton Street and Lassell Street
 - Approved in 1996
 - Drainage, roadway and lighting issues. Lack of completion of work forced the City to call the performance guarantee (see attachment 10).
Court cases pending.
4. Redlon Park -Redlon Road
 - Approved in 1997
 - Lack of completion of the landscaping and clean up forced the City to call the performance guarantee (see attachment 11)

Although the applicant does have extensive experience in residential home construction, the technical capacity to complete this project in a timely and complete manner has not been thoroughly demonstrated.

Neighborhood Meeting

The applicant was strongly encouraged to hold a neighborhood meeting as an opportunity to discuss the proposal with the community. That meeting has been scheduled for Saturday, June 23rd at 3:00 at 33 Island Avenue, Peaks Island (see attachment 12). Minutes from this meeting will be available at the workshop.

Attachments:

1. Letter to Applicant 6-05-01
2. Applicant's Response 6-18-01
3. Site Plan
4. Landscape Plan
5. Catalog Cut for Lighting Fixture

6. ESA Summary
7. Utility Letters
8. Project and Experience List for Peaks Island Company LLC
9. Cottage Park Correspondence
10. Willow Subdivision Letter of Credit Activation
11. Redlon Subdivision Letter of Credit Activation
12. Notice of Neighborhood Meeting
13. Letter from Peaks Island Fuel
14. Letter of Recommendation from Thomas Greer P.E.



CITY OF PORTLAND

June 6, 2001

Mr. Ric Weinschenk
Peaks Island Company, LLC.
33 Island Avenue
Peaks Island, ME 04108

Re: The Inn, 33 Island Avenue, Peaks Island

Dear Mr. Weinschenk:

The Inn has been scheduled for a second workshop session before the Planning Board on Tuesday, June 26th at 3:30. To make this workshop as productive as possible, please address or provide the following items prior to Monday, June 18th at 4:00.

1. A copy of the Level 1 environmental study performed on the property and any information confirming the removal of the underground fuel storage tanks.
2. A detailed lighting plan including catalog cuts for all pole and wall mounted units and a photometric plan showing compliance with the City of Portland's technical and design standards.
3. A landscape plan consistent with the City of Portland's design standards per correspondence with Jeff Tarling, City Arborist. I encourage you to discuss the landscape plan directly with Jeff due to the uniqueness of this site.
4. Detailed information regarding the membership of Peaks Island Company, LLC including financial statements from reputable institutions asserting the financial capability to complete this project.
5. Documentation of similar, previous projects completed by the members of the Peaks Island Company to verify that the technical capacity to undertake and complete the proposed development exists.
6. Letters from appropriate agencies attesting to the adequacy and availability of off-site facilities including water and sewer service.

7. The site plan needs to be amended to show the guardrail fence along the Welch Street side of the property extended to the point where the retaining wall is less than 4 feet in height.
8. It is possible that the proposed crushed stone walkway to the rear office may need to meet ADA requirements. If this is the case, a different material may be necessary.
9. As it is unclear on whom the tenants of the building may be in the future, descriptions should be as generic as practical. The site plan should be amended to reflect the uncertainty of the rear office tenant.

I strongly encourage you to hold a neighborhood meeting with Peaks Island residents prior to the next workshop. If you have any questions concerning these items, feel free to contact me.

Sincerely,



Jonathan Spence
Planner

cc: Sarah Hopkins, Development Review Services Manager
Penny Littell, Associate Corporation Counsel
Alex Jaegerman, Senior Planner
Tom Fortier, Neighborhood Liaison

The Peaks Island Company LLC.

Att. # 2

33 Island Avenue
Peaks Island, Me 04108
Telephone: 207-828-3900 Fax: 207-775-7703

Planning Board
City of Portland
389 Congress St.
Portland, Me. 04101

June 18, 2001

Dear Jonathan and Planning Board Members,

In response to your request dated June 6 please find the following:

- 1) A copy of the Level 1 Environmental Study
- 2) Cut sheets for the lights we plan to use. NOTE: The light types are as follows:
 - a) walkway/ground lights- 24 watt landscape type at a height of 6"-9" above grade and shining down
 - b) recess down spots over ground floor entrances and recess openings (75 watt)
 - c) wall lights- style revised to meet lighting standards where the bulb is not below the horizontal plane of the shade (75 watt)
- 3) Detailed landscape plan. (After many attempts and left messages I was never able to speak with Jeff Farling)
- 4) The membership of Peaks Island Company, LLC. includes:

Sandy Sturrock	Amy Weinschenk
420 Seashore Ave.	46 Torrington Ave.
Peaks Island, 04108	Peaks Island, 04108

They are equal members.

An account is being set up in the name of Peaks Island Company, LLC. with a deposit of \$950,000.00. The estimated cost of this project is substantially less. This will hopefully satisfy any doubt as to our financial ability to complete this project. Once the transaction of securities has been completed a statement of that account will be forwarded to the Board from Steve Heil our investment counselor at Merrill Lynch. A copy of the initial order is included herein for your information only. Please do not copy.

- 5) Attached list #5 is completed projects and related professional experience by the manager and members of Peaks Island Company.
- 6) Letters from Central Maine Power and Portland Water District for the adequate capacity of utilities for this site. The sewer letter is delayed because of the multiple agencies involved. The process began with two weeks of unreturned calls from the Portland Water District who controls the pumping station/treatment plant on Peaks Island. Then a blind return call from Portland Public Works requesting a plan and additional information which has been forwarded. The Department of Public Works must then send their ok back to P.W.D. It has been suggested there is surplus capacity at the island plant.
- 7) The Site Plan shows the guardrail fences along Welch Street to where the retaining wall is 3.5 feet or less.
- 8) The site plan has been amended to show a brick walkway where the crushed stone walk was.

The Peaks Island Company L.L.C.

33 Island Avenue

Peaks Island, Me 04108

Telephone: 207-828-3900 Fax: 207-775-7703

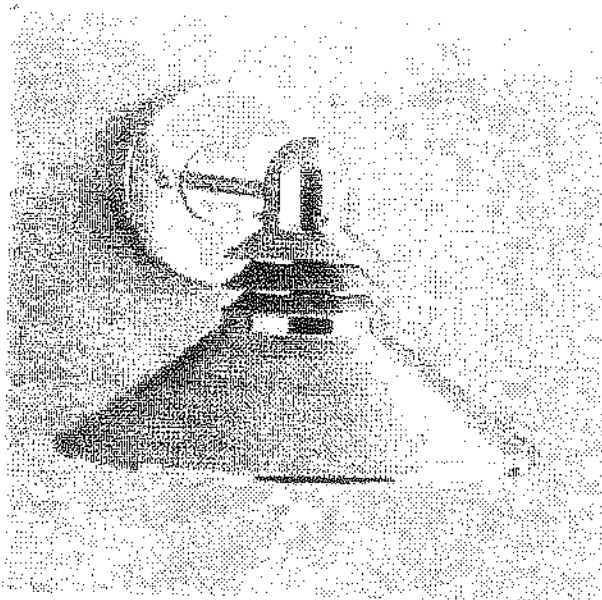
9)The Site Plan does not reflect any specific tenants. the elevation drawing show sign types and names which are included to show style not content. A separate permit is required after the tenants are approved and designs for the same are selected. For the record, and as you know, we currently have Peaks Island Fuel, Inc. as a month to month tenant. They are attempting to obtain permission to access the rear of our property via the adjacent paper street. We have told them we would hold the office space available to them until such time as they obtain the needed permits to implement their access. If they are unable to obtain permission we will rent the space to another qualified tenant. A copy of a letter from Peaks Island Fuel is included for your information. Your request to keep the descriptions "as generic as practical" should not short circuit our intentions which are two fold. First to allow Peaks Island Fuel every opportunity to continue in business without dominating the landscape of this important site (see attached photos). Secondly to re-open the hardware store and provide food and lodging year round. The actual tenants names do not matter as much as the services provided to which we agree. The permitted use aspect we feel is also noteworthy.

10)Enclosed is a copy of the notice sent to 200 people/addresses noting the planned neighborhood meeting. Please try to attend.

Respectfully submitted,

Ric Weinschenk
Manager, Peaks Island Company

Wall lights AH. # 5

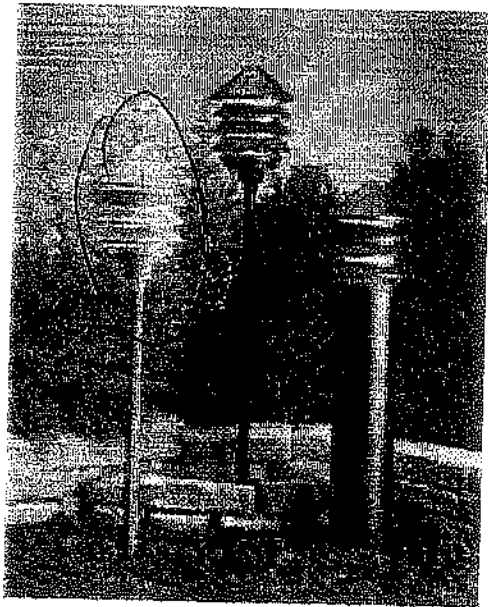


9044NI
Brushed Nickel
Kichler Lighting

Straight forward, modern minimalist design features top light louvers and executed in stunning Brushed Nickel.

Height: 8"
Diameter/Width: 11"
Number of Bulbs: 1
Maximum Wattage: 150W
Bulb Base: Medium

Extra Lead Wire: 2.5"
Voltage: 120V
Body Material: ALUMINUM



Walk lights

15005VGT
Textured Verdigris
Landscape Lighting

Landscape fixtures have a variety of accessories and mounting options available. Contact your local distributor to order.

Height: 9.5"
Diameter/Width: 6"
Number of Bulbs: 1
Maximum Wattage: 24.4W
Bulb Base: S8 Wedge

Lamp Included: Y
Shade Material: CLEAR POLYCARBONATE
Extra Lead Wire: 42"
Voltage: 12V
Body Material: ALUMINUM

Kichler® Lighting
7711 East Pleasant Valley Road
P.O. Box 318010
Cleveland, Ohio 44131-8010
U.S.A.

PHASE I ENVIRONMENTAL SITE ASSESSMENT
33 ISLAND AVENUE
PEAKS ISLAND, MAINE 04108
FILE #12452

PREPARED FOR
MR. RIC WEINSCHENK, MANAGER
PEAKS ISLAND, LLC
46 TORRINGTON POINT
PEAKS ISLAND, ME 04108

PREPARED BY
ROBERT R. MCGIRR, C.E.P.
SENIOR ENVIRONMENTAL SCIENTIST
MAINELAND CONSULTANTS
30 EXCHANGE STREET
PORTLAND, MAINE 04101

DECEMBER 17, 1999

Maineland

CONSTRUCTION

Real Estate Appraisals
Environmental Services
Flood Determinations
Mortgage Inspections

December 17, 1999

Mr. Ric Weinschenk, Manager
Peaks Island, LLC
46 Torrington Point
Peaks Island, ME 04108

Re: Phase I Environmental Site Assessment
33 Island Avenue
Peaks Island, ME 04108
File #12452

Dear Mr. Weinschenk:

In accordance with your request, I have performed a Phase I Environmental Site Assessment (ESA) on the subject property. The objective of the assessment is to identify *recognized environmental conditions* as defined by the American Society for Testing and Materials (ASTM) methodology for a Phase I ESA. The Phase I ESA is intended to address the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA - commonly referred to as "Superfund") and petroleum products. As such, the presence or the likely presence of hazardous substances and/or petroleum products under conditions that indicate an existing release, a past release, or a material threat of a release into structures on the subject property, or into the ground, groundwater, or surface water are evaluated. This ESA did not include assessments for the presence of lead paint, the possibility of lead in the drinking water, asbestos or asbestos containing materials (ACMs), radon, or wetlands issues. Further, no sampling or laboratory analyses were conducted, nor were any chemical analyses of building material, soils, surface water, or groundwater performed.

Record searches, a site inspection, and interviews were performed for the subject property. The site consists of a fairly level $\pm 20,000$ square foot lot on the southwest side of Peaks Island. The site is improved with a 1-story building; the original wood-frame section was constructed in 1929 and the adjoining masonry structure was added in about 1964. Various storage sheds and canopies are attached to the front and rear of the structure. Since 1929 the property has principally housed fuel supply and automobile service companies, operating under various ownerships. In addition, two lumber companies, several restaurants and bakeries, and various other businesses occupied the site for varying intervals. Currently, the property is occupied by a bakery and a fuel oil supply and service company.

A number of underground storage tanks (USTs) for common petroleum products, e.g., gasoline, No. 2 fuel oil, and kerosene, were installed between 1929 and 1986. Up to five (5) USTs, typically 1000- or 2000-gallons each, were on-site at any one time and an estimated 10 to 15 tanks in total were used in total. Documentation of the installation and removal of tanks was incomplete, due to the dates of installation of the earlier tanks and record-keeping practices at those times. In 1986 and 1987 five tanks, supposedly the last ones remaining on-site, were removed by the property owner at that time; subsequently, no additional USTs have reportedly been installed on the property. No obvious indications of the presence of USTs were noted during the site inspection. The DEP underground tank inventory, based solely on information provided by the former property owner, lists the site as having had all tanks removed by 1987 and as currently having no USTs. This representation by the property owner and the site inspection notwithstanding, this ESA could not absolutely establish that additional historical tanks do not remain buried on the property. As such, the possibility of one or more unlicensed, abandoned USTs, which if present would be in violation of State regulations, is judged to constitute a *recognized environmental condition*, in accordance with ASTM guidance.

With the exception of one tank installed in 1986, all of the tanks were constructed of bare steel or asphalt-coated steel - a type of construction susceptible to corrosion and failure and therefore no longer legal for use in Maine. Furthermore, no independent investigators, e.g., Department of Environmental Protection (DEP), Fire Department, environmental engineers, etc. witnessed any of the tank removals to document the conditions of tanks upon their removal or the presence/absence of contamination in the underlying soils or groundwater. As a result, in the absence of any actual soil testing, subsurface environmental conditions in the areas of the former fuel tanks which may have been contaminated by historical leaks, spills, overfills etc., are unknown. Because of the long-term use of a significant number of tanks and because of their construction type, the potential for contamination of deeper soils and groundwater in the areas of the former tanks is also considered to represent a *recognized environmental condition*.

- The storage and dispensing of petroleum products from above-ground tanks and drums, as performed by a current tenant as well as historical ones, may have resulted in contamination of surface soils from leaks, spills, overfilling of tanks, servicing of heating equipment, etc. Such spills may have resulted in contamination at levels of concern, especially in the unpaved storage yard adjacent to the masonry building. In addition, spills have occurred inside the building in the service and storage areas, as observed in the site inspection. The staining of the concrete floor, in itself, is not of particular concern; nevertheless, it substantiates the concerns over possible contamination of soils on the property.

The 50+ year history of automotive servicing on the property would have involved the storage, use, and possible on-site disposal of a number of hazardous materials and petroleum products such as virgin and waste lubricating oil, antifreeze, transmission fluid, axle grease, degreasing solvents (typically containing chlorinated compounds such as TCE or PCE), and others. The use of these materials may have resulted in contamination of the subject property if proper handling and cleanup practices were not strictly followed. Given the 50+ year use of such products, primarily during a period in which environmental regulations were virtually non-existent, it is likely that at least minor releases of such contaminants have occurred. Any routine disposal of significant quantities of hazardous materials and/or petroleum products may have resulted in contamination at levels of concern. The possibility of soil contamination at levels of concern resulting from inappropriate disposal of automotive fluids is considered to represent a *recognized environmental condition*.

The records search of 11 Federal and State environmental databases identified one minor spill event and the registration of former fuel oil USTs for the subject property. In 1995, the DEP investigated the site as a result of a citizen complaint. As a result of a visual inspection only, the DEP investigator reported stained soils on the property as a result of 1 to 2 gallons of spilled fuel oil or hydraulic oil. The investigator completed the hydrocarbon spill decision tree and established that so-called "Intermediate" Clean-up Goals would be applicable to this site ("Intermediate" goals are the second-most stringent of four levels established by DEP for protection of groundwater from petroleum spills). The investigator recommended that spill containment supplies be kept at the facility and that future spills be reported as required by law. However, the investigator also concluded that based on his inspection the site was "clean" to the satisfaction of the DEP and that no cleanup actions were required at that time.

The environmental records search identified a number of State uncontrolled hazardous waste sites, emergency actions, and petroleum spills at other locations on the island. However, a review of this information indicates that the subject property would not have been impacted significantly if at all by contamination at these other locations.

The site inspection of the building and site identified staining of the concrete floors in the garage and storage areas of the masonry building, likely the result of past current automobile servicing and fuel oil storage and dispensing activities. The parking area on the south side of the site currently in use by the fuel supply company contains a total of about 7 fuel oil and propane delivery trucks, dozens of propane cylinders of various sizes, several 55-gallon drums, reportedly containing fuel additives, kerosene, and alcohol, and several 275-gallon tanks, apparently used for storage and dispensing of kerosene. About twenty 5-gallon containers, believed to hold kerosene, were also in storage in the yard. None of the drums or tanks in the yard had any secondary containment; as a result, any spills or leaks would result in soil contamination. Soils such as could be observed among the trucks, tanks, drums, etc. in the storage yard appeared to be lightly stained. This staining is not surprising given the current and past site usage, including the reported historical disposal of waste oil in the yard as a dust suppressant. The observed soil staining is not necessarily considered to represent a *recognized environmental condition*, nevertheless, the potential for more heavily stained soils inaccessible during the inspection is obvious. These stained soils may exceed the "Intermediate" standards established by the DEP as applicable to this site; if so, then legally they would have to be removed and disposed off-site.

Given the findings described above, including the conclusion that several *recognized environmental conditions* may exist on the site, this ESA recommends at an absolute minimum that caution and prudence be used in any future use and development of the site. Of primary importance is that the site continue to use public water and sewer, because these utilities greatly reduce exposure to any potential on-site contamination. On-site wells are not recommended for this property because of the threat of potential contamination. In addition, one or more abandoned USTs may still be present; therefore, any excavations performed should be done with an awareness that tanks may be uncovered. If so, appropriate removal and disposal of such tank(s) and residual product would need to be done in compliance with current DEP regulations. Similarly, the widespread lightly-stained soils on the site are not necessarily recommended for removal at this time. However, should heavily-stained or fuel-saturated soils be discovered, either near the surface or at depth in areas of former underground storage tanks, all soils not meeting the DEP "Intermediate" standards should be removed and disposed off-site. Should any site features such as dry wells or French drains not identified in this ESA but potentially related to the disposal of hazardous

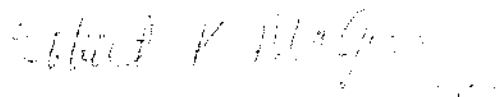
materials be discovered during future activities, then these features should be thoroughly evaluated with the assistance of the DEP or other qualified professional.

A more pro-active response to the ESA findings would be to conduct follow-up or "Phase II" investigations. For example, non-invasive geophysical surveys to establish the presence or absence of underground tanks can be done. Such surveys could be done of all accessible areas of the site and would resolve the current ambiguity regarding potential USTs. A geophysical survey would not resolve the issue of potential subsurface contamination resulting from leaking tanks. A geophysical survey would cost several thousand dollars. Alternatively, areas identified in historical documents as the locations of underground tanks could be excavated. Such excavations permit the visual confirmation that tanks are removed and, if tanks are still present, facilitate the actual tank removal. Furthermore, excavations permit examination of and sampling for laboratory analysis of surrounding soils. If necessary, removal of contaminated soil can be done at the same time. In general, excavations provide the most information on tanks and soil contamination. Costs for invasive activities vary dramatically depending upon conditions encountered.

In short, therefore, although the site has been clearly impacted to some degree by current and former activities, the need to further address those impacts depends on the need, or lack thereof, to fully characterize those impacts at this time.

Please do not hesitate to call if you have any questions on this report or recommendations for future efforts.

Respectfully submitted,



Robert R. McGirr, C.E.P.
Senior Environmental Scientist
MAINELAND CONSULTANTS



Portland Water District

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

AH. # 7.1
(207) 774-5961
FAX (207) 761-8307
www.pwd.org

June 7, 2001

Ric Weinschenk
Peaks Island Co., LLC
33 Island Ave.
Peaks Island, Me. 04108

Re: 33 Island Ave. - Peaks Island

Ric:

This letter is to confirm there should be an adequate supply of clean and healthful water to serve the needs of the proposed restaurant, bed and breakfast and store complex at the intersection of Island Ave. and Welch St. on Peaks Island. Checking District records, I find there is an 8" water main on the short side of the street in Island Ave. as well as a 4" main on the short side of the street in Welch St.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the needs of your proposed project..

Hydrant Location: Island Ave. @ Welch St.
Hydrant # 625
Static pressure = 90 PSI
Flow = 1034 GPM
Last Tested = 6/8/95

If the district can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Jim Pandiscio
Means Coordinator



Brackett Avenue

HYD #625

4" Welch Street

8" Island Avenue

AH # 72



Central Maine Power, Customer Service Center

162 Conoco Road, Portland, Maine 04103

1-800-760-4000

June 15, 2001

Peaks Island Company, Inc.
33 Island Avenue
Portland, Maine 04108

Subject: Proposed Office Retail Space, Bed & Breakfast, Restaurant Complex
Island Avenue, Peaks Island

Dear Sirs:

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

When plans are available with contours illustrating delivered electrical supply, please forward them to me so that I can coordinate our utilities with your project. I have enclosed a load request form to be completed and return to me along with a copy of Central Maine Power Company's "Contractor's Handbook".

Sincerely,

Paul DuPerre
Technical Service Advisor

PD/tr
Enclosures

The Peaks Island Company LLC

A# # 8

33 Island Avenue

Peaks Island, Me 04108

Telephone: 207-828-3900

Fax: 207-775-7703

PROJECT AND EXPERIENCE LIST

Members

Amy L. Weinschenk

Profession: Marketing, Communications Director for Martin's Point Health Care.
Year round resident on Peaks Island

Contribution to Peaks Island Co., L.L.C. Inn Project: Investment and focus on business development, marketing, and public relations targeting for niche populations like Peaks Island. -25 plus years experience in this field

Sandy Sturrock

Profession: Marketing and Promotions Director, Compaq Computer Corp. -World wide-(retired)

Three season resident of Peaks Island

Contribution to Peaks Island Co., L.L.C. Inn Project: Investment and focus in promotions from outside sources. Sandy created the Sports marketing department at Compaq. Promotions included the NBA Rockets and WNBA Comets. Her team produced over 100 major events annually some covering as many as 5000 of their largest customers. Budget responsibilities exceeding \$110 million annually. 25 years experience in this field.

Manager

Ric Weinschenk

Profession: Designer/Builder/Construction Consultant

Year round resident Peaks Island

Starting and finishing projects of real estate and business start-ups in New England. Plan sales and design consulting nationally.

Contribution to Peaks Island Co., L.L.C. Inn Project: Design, construction management, and business development especially in the general store/ hardware store business. Past projects conceived and developed by Ric of similar nature include the following:

Nikki's Restaurant c.1850	Ludlow, Vt	1975-76	Renovation/addition into office, retail & restaurant
Sunshine Marketplace	Ludlow, Vt	1975-76	New 7 store retail mall
Pollard Block c.1890	Proctorsville, Vt	1978	Renovation of 3 story former general store into 6 apartments and restaurant

The Peaks Island Company L.L.C.

33 Island Avenue

Peaks Island, Me 04108

Telephone: 207-828-3900 Fax: 207-775-7703

The Mill
c.1830

Ludlow, Vt 1979-81

Rehabilitation of historic
property into restaurant, 6
commercial and 30 residential
condominiums- 40,000 sq ft

Crafts Inn

Wilmington, Vt. 1981-82

Complete rehab of former inn
into timesharing complex of
20,000 sq ft (Mead, McKim &
White)

Single family homes

various locations 1970-2001

Hundreds of designed and built
custom homes

Commercial renovations

various locations 1970-2001

smaller # of projects

Please see the attached letter from Tom Greer

Department of Public Works



CITY OF PORTLAND

FEB 20 2001 AH #9

William J. Bray
Director

November 8, 1999

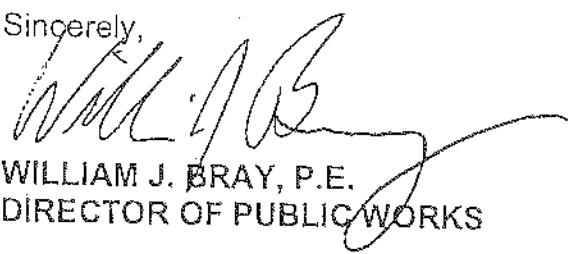
Cottage Park Association
Attn: Mike Hutchins
57 Cottage Park Road
Portland, Maine 04103

Dear Mr. Hutchins:

Attached please find the check for \$36,000 that was to be paid to Cottage Park towards the roadway repairs.

If we can be of further assistance or there are any further questions please feel free to call at 874-8800.

Sincerely,



WILLIAM J. BRAY, P.E.
DIRECTOR OF PUBLIC WORKS

WJB/cmw

pc: Robert B. Ganley – City Manager
Gary Wood – Corporation Counsel
Donna Katsiaficas – Corporation Counsel
Katherine A. Staples, P.E. – City Engineer
Gretel Varney – Project Engineer

AGREEMENT BETWEEN
COTTAGE PARK HOMEOWNERS ASSOCIATION
AND
CITY OF PORTLAND

THIS AGREEMENT entered into this 9 day of December, 1998, by and between the CITY OF PORTLAND, a body politic and corporate (hereinafter the "CITY"), and COTTAGE PARK HOMEOWNERS ASSOCIATION, a Home-Owners Association organized under the laws of the State of Maine, (hereinafter "COTTAGE PARK").

WITNESSETH:

WHEREAS, COTTAGE PARK is the owner of and has maintenance responsibilities for the roadway system in the Planned Residential Unit Development known as Cottage Park; and

WHEREAS, said roadway system is in need of repair; and

WHEREAS, CITY has agreed to contribute Thirty Six Thousand Dollars (\$36,000) toward the cost of said road repair;

NOW, THEREFORE, the parties agree as follows:

1. COTTAGE PARK shall hire a contractor to perform the repairs to the roadway system as outlined in its letter of October 23, 1998 to Department of Public Works; said letter is attached hereto as Exhibit A and incorporated herein by reference. CITY agrees to make recommendations to COTTAGE PARK with respect to the maintenance and repair of the roadway system.
2. CITY shall contribute the sum of Thirty Six Thousand Dollars (\$36,000) toward the roadway repairs. Payment shall be made within thirty days of the submission of an invoice by COTTAGE PARK to CITY. CITY shall issue payment payable jointly to COTTAGE PARK and Contractor.

3. COTTAGE PARK hereby forever releases and agrees to hold harmless the CITY OF PORTLAND, its agents, officers and employees, from any and all liability, actions, damages, and claims of any kind and nature whatsoever (including but not limited to liability, actions, damages and claims caused by or arising from the negligence of the CITY OF PORTLAND, its agents, officers or employees) for injury, harm or damage to any person or property that may arise or occur in connection with the COTTAGE PARK roadway system. In the event the City of Portland, in the future, accepts the roadway system as a City street or maintains the roadway, this release shall be effective for all claims that arise up to the point City assumes responsibility for the roadway system.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed the day and date above written.

WITNESS:

Sonia B...

CITY OF PORTLAND

By: *Robert B. Ganley*
Robert B. Ganley
Its: City Manager

WITNESS:

Ruth S. Wilbur

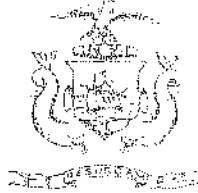
COTTAGE PARK HOMEOWNERS ASSOCIATION

By: *Dorothy Mathis*
Print or type name Dorothy Mathis
Its: Board Member

Approved as to form:

D...
Corporation Counsel's Office

Department of Public Works



Nadeen M. Daniels
Assistant City Manager
Director

CITY OF PORTLAND

November 20, 1995

William J. Bray
Deputy Director
City Engineer

Jonathan Shaw, President
Shaw Brothers Construction, Inc.
511 Main St.
Gorham, ME. 04038

RE: NOTICE OF AWARD

Dear Mr. Shaw:

Your firm has been awarded the contract for the subject project *Cottage Park and Brook Road Drainage* for your total low bid of \$40,000 (with deduct exceptions as noted on your bid). This letter will serve as notice of award and that the contract documents are ready for signature.

A pre-construction conference will be scheduled for Wednesday November 22, 1995, in the Engineering Office, 55 Portland Street. Please be prepared to execute the contract by November 27, 1995, as per page 3 of the contract documents. You must have your firm's corporate seal on your person at the time of execution.

Separate performance and payment bonds in the full amount of the bid and the following insurance certificates shall be executed and presented for approval: insurance coverage's for Contractor's Public Liability Insurance shall have \$500,000/1,000,000. limits. The standard Certificate of Insurance forms shall have the cancellation statement edited. The words "endeavor to" and "but failure to mail such notice shall impose no obligation or liability of any kind upon the company" shall be crossed out. Evidence of proper Workers' Compensation Insurance and Blast Damage Insurance, if applicable, must also be presented for approval.

Should you have any questions pertaining to the above, please contact me at 874-8830.

Very truly yours,
CITY OF PORTLAND

Katherine A. Staples, P.E.
City Engineer

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged and a copy returned to the City of Portland.

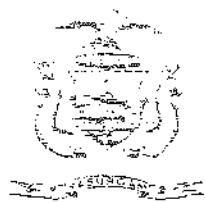
By [Signature] Title Pres.

this the 21 day of November, 19 95.

KAS/kas

97-158

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

FILE

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Linell

October 16, 1998

Via telefax: 874-6705 and U.S. Mail

David M. Hirshon, Esq.
Clough Hirshon & Langer
Three Canal Plaza
Portland, Maine 04101

Post-it® Fax Note	7671	Date	# of pages ▶ 2
To	David Hirshon	From	Penny Kittell
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	874-6705	Fax #	

Re: Summer Place & Redlon Park

Dear Dave:

I have had an opportunity to discuss with the Planning and Public Works Department your client's proposal for remedying the defects noted to exist at Summer Place. Please be advised that the City agrees to the following:

1. Your client will connect or cause to be connected ten outside streetlights servicing Summer Place. These ten lights will be dispersed throughout the subdivision, with at least one light at each end of the subdivision, the goal being to provide sufficient lighting to illuminate the entire PRUD.
2. The chip seal on the roadways within the PRUD will be repaired consistent with the memorandum dated July 9, 1998.
3. Your client will repair the stormwater management system at the lower end of the northerly cul-de-sac, by restoring the outlet structure to its original size. Rock and earth covering the overflow drainage pipe will be removed. (It is suggested that while the house lot adjacent to the problem area is under construction, additional attention be paid to permanently resolving the flooding issues that have become evident.) All manhole covers between the drainage pipe and the outlet structure to grade will be properly set.
4. The pile of excess pavement behind sidewalk at northerly end of sidewalk will be removed.
5. The trench in Ocean Avenue will be repaired. A road opening permit will be obtained from Public Works Department before this work is done. Todd Merkle may be contacted in this regard.

Following completion of the work noted above, and after a satisfactory inspection, the City will agree to release your performance bond.

Please call me should you have any questions regarding this matter.

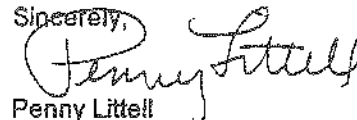
David M. Hirshon, Esq.
October 16, 1998
Page 2

Redlon Park

On a second and unrelated issue, the City has noted the performance bond posted for the public improvements at Redlon Park expires in November, 1998. Given that the work does not appear close to completion the City suggests your client agree to extend this bond by a period of at least one year. Otherwise, the City will have to draw on this bond, something we all wish to avoid. Please let me know your thoughts on this.

I look forward to talking with you soon.

Sincerely,



Penny Littell
Associate Corporation Counsel

Cc: Joseph Gray, Director of Planning
Alex Jaegerman, Chief Planner

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Corporation Counsel
Gary C. Wood

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

CITY OF PORTLAND

October 26, 2000

Jonathan M. Campbell
Commercial Loan Officer
Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, ME 04112

RE: Willow - Letter of Credit No: 63830-762

Dear Mr. Campbell:

Enclosed are the following documents relative to the City's collection against the defect bond posted by Ric Weinschenk with respect to the Willows:

- ◆ Letter from Joseph E. Gray, Director of Planning and Urban Development, dated 10/24/00, calling the bond.
- ◆ The 10/26/00 sight draft.
- ◆ The original letter of credit dated 11/17/99.
- ◆ An itemized statement showing the cost of work to be completed.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any questions.

Sincerely,

Penny Littell
Associate Corporation Counsel

PL:ses

Enclosures

Cc: Joseph E. Gray, Dir. of Planning and Urban Development
David M. Hirshon, Esquire
Sarah Hopkins, Planner
Gary C. Wood, Corporation Counsel

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Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

October 24, 2000

Jonathan M. Campbell
Commercial Loan Officer
Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, Maine 04112

Re: Willow
Letter of Credit No: 63830-762

Dear Mr. Campbell:

Please be advised that the City of Portland is activating the above-referenced Letter of Credit as a result of the Developer's failure to complete, and his completion in a defective manner, the improvements set forth in a certain Cost Estimate of Improvements, dated September 20, 1996.

Thank you for your attention to this matter. Feel free to contact Penny Littell, Associate Corporation Counsel, should you have any questions.

Sincerely,

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

JEG:dlc
Enc.
C: Penny Littell, Associate Corporation Counsel

O:\OFFICE\PENNY\FORMS\GRAY LOC WILLOW LTR

SIGHT DRAFT

Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, ME 04112-9540

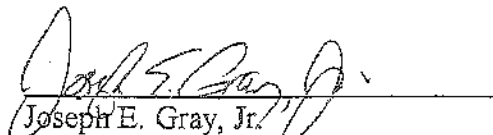
October 26, 2000

Pay to the Order of: The City of Portland

\$10,279.40

The sum of: Ten Thousand Two Hundred Seventy Nine and 40/100 Dollars,

That being the amount necessary to correct defects and uncompleted improvements at the Willow and which were not corrected or completed by the date of various land use Orders issued to the Developer by the Director of Planning and Urban Development, City of Portland. Please see the attached itemized statement showing cost of work to be completed



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

City of Portland
Department of Corporation Counsel
389 Congress Street
Portland, Maine 04101
(207) 874-8480

UPDATED UNIT COSTS

DeLuca-Hoffman Associates, Inc. 278 Main Street Dorset South Portland, Maine 04106		Wilcox PRUD Portland, Maine JM 7350-05	
Summary of Costs			
Opinion of Cost			
Onsite Costs			
Earthwork	Quantity	UNIT COST	UNIT COST + 15%
Excavating, Drains and Sidewalks	3500.00	\$500.00	\$575.00
Asph. Paving	\$14,525.00		
Alum. Sign Improvements	\$1,000.00		
Subtotal	\$16,525.00		
Total Project Cost	\$16,525.00		
Engineer's Opinion of Cost			
Onsite Costs			
Earthwork	Quantity	UNIT COST	UNIT COST + 15%
Excav. (Incl. Site Prep and Erosion Control)	3,500	\$500.00	\$575.00
Asph. Paving			
Alum. Sign Improvements			
Subtotal			
Total			
Offsite Costs			
Professional Fees	Quantity	UNIT COST	UNIT COST + 15%
Design	1.00	\$4,000.00	\$4,600.00
Permitting	1.00	\$10,000.00	\$11,500.00
Subtotal			
Total			

Att. # 11

Corporation Counsel
Gary C. Wood



Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

CITY OF PORTLAND

November 16, 2000

Jonathan M. Campbell
Commercial Loan Officer
Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, ME 04112

RE: Redlon Park - Letter of Credit No: 63829-761

Dear Mr. Campbell:

Enclosed are the following documents relative to the City's collection against the letter of credit posted by Ric Weinschenk with respect to the Redlon Park:

- ◆ Letter from Joseph E. Gray, Director of Planning and Urban Development, dated 11/16/00, calling the letter of credit.
- ◆ The 11/16/00 sight draft.
- ◆ The original letter of credit dated 11/17/99.
- ◆ An itemized statement showing the cost of work to be completed.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any questions.

Sincerely,

Penny Littell
Associate Corporation Counsel

PL:ses

Enclosures

Cc: Joseph E. Gray, Dir. of Planning and Urban Development
David M. Hirshon, Esquire
Sarah Hopkins, Planner ✓
Gary C. Wood, Corporation Counsel

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Corporation Counsel
Gary C. Wood



Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaticas
Penny Littell

CITY OF PORTLAND

November 16, 2000

Jonathan M. Campbell
Commercial Loan Officer
Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, Maine 04112

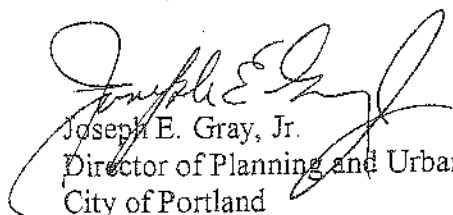
Re: Redlon Park
Letter of Credit No: 63829-761

Dear Mr. Campbell:

Please be advised that the City of Portland is activating the above-referenced Letter of Credit as a result of the Developer's failure to complete, and his completion in a defective manner, the improvements set forth in a certain Cost Estimate of Improvements relative to Redlon Park. Attached please find the the itemized statement showing to cost of work to be completed.

Thank you for your attention to this matter. Feel free to contact Penny Littell, Associate Corporation Counsel, should you have any questions.

Sincerely,


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

Enc.
C: Penny Littell, Associate Corporation Counsel

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Sarah Hopkins" <SH@ci.portland.me.us>
Date: Wed, Nov 15, 2000 3:46 PM
Subject: Redlon Park Punchlist Completion Status

Sarah,

Chris Earle and I have reviewed the status of the defects outlined in the October 30, 2000 letter by Joe Gray to Ric Weinschenk and offer the following observations:

1. The street lighting remains incomplete as the light fixtures have not been installed. Assuming the proper conduit and wiring has already been installed, a reasonable opinion of cost to complete this work would be \$1,000. If the conduit and wiring has not been installed this could be increased to \$2,500.
2. The retaining wall has not been satisfactorily reestablished and made stable. An opinion of cost for this work would be \$500
3. Lot 4 has not been cleaned up and the silt fence taken down. An opinion of cost for this would be \$250.
4. The debris has not been removed. an opinion of cost would be \$750.
5. The retaining wall adjacent house #43 has not been rebuilt. the opinion of cost would be \$500
6. The ditch has not been reconstructed. The opinion of cost would be \$750.
7. The headstone has not been reset. The opinion of cost is \$375.
8. The plywood has been removed.
9. We are unaware if a sewage grinder pump has been provided to the association.

If you have any questions regarding these comments please call.

CC: "penny littell" <pl@ci.portland.me.us>

June 16, 2001

NOTICE

THERE WILL BE A NEIGHBORHOOD MEETING TO DISCUSS PLANS FOR THE INN, HARDWARE STORE, AND RESTAURANT ON **SATURDAY, JUNE 23, 2001 AT 3:00 P.M.** AT THE PROPOSED SITE; 33 ISLAND AVENUE.

PLEASE JOIN US FOR AN INFORMATIONAL MEETING ON THE PROPOSED REHABILITATION PLANS. WE WOULD LIKE TO TAKE THIS OPPORTUNITY TO EXPLAIN OUR VISION, LISTEN TO YOUR THOUGHTS, AND ADDRESS YOUR CONCERNS.

HOPE TO SEE YOU THERE THIS SATURDAY!

FEEL FREE TO PASS THIS ONTO OTHERS WHO MAY BE INTERESTED IN ATTENDING.

RIC WEINSCHENK
MANAGER, PEAKS ISLAND COMPANY



PEAKS ISLAND FUEL, INC.

AH # 13

June 15, 2001

33 Island Avenue

P. O. Box 104

Peaks Island ME 04108-0104

Peaks Island Company
33 Island Avenue
Peaks Island ME 04108

Gentlemen:

The purpose of this correspondence is to keep you informed of our efforts to solve the parking situation for our vehicles on your property at the above address.

We are currently in the process of obtaining the necessary paper work to present to the Portland Planning Board and hope to have everything ready within the next few days. We will certainly keep your office informed of our progress.

As you are aware, Peaks Island Fuel operates a business very important to the residents of the island and without parking facilities cannot operate. Not only do we have the backing of hundreds of island citizens (not only Peaks but Cushing, Great Diamond and Long) but the neighbors of your property have given us full support.

We are most grateful for your efforts in providing our company with the necessary means to operate and will keep you informed as we progress.

Very truly yours,

PEAKS ISLAND FUEL, INC.


William J. Portwine
President



170 U.S. Route One
Falmouth, Maine 04105
Tel: 207.781.5242
Fax: 207.781.4245

AH. # 14

June 18, 2001
File: 00125

City of Portland
City Hall
389 Congress Street
Portland, ME 04101

RE: RECOMMENDATION FOR RIC WEINSCHENK

Dear Sirs:

I have been requested to provide a letter of recommendation for Ric Weinschenk as to his technical capabilities to complete the renovations to the Inn, Peaks Island.

I have worked with Ric for 15 or 16 years. Over that time I have found him to be very honest and straightforward. He has excellent technical and design abilities making his projects unusual and a great benefit to his clients.

In my opinion Mr. Weinschenk has the technical capabilities to complete the renovations of the Inn, Peaks Island.

Sincerely,

PINKHAM & GREER

Thomas S. Greer, P.E.

The signature is a cursive, handwritten name in black ink. Below the signature, the name "Thomas S. Greer, P.E." is printed in a standard font.

TSG/lh

PLANNING BOARD REPORT #31-01

**THE INN
SITE PLAN REVIEW
PEAKS ISLAND COMPANY LLC., APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine
July 24, 2001

I. INTRODUCTION

The Peaks Island Company LLC. is requesting site plan approval to renovate and expand the existing building located at 33 Island Avenue. This project will accommodate rental space for a restaurant, a hardware and general merchandise store, an office and a second floor 6-room bed and breakfast. Six parking spaces would also be provided on site.

The existing structure is approximately 4,104 square feet. The total site is approximately 20,288 square feet and is zoned IB, Island Business. The existing structure is or has been used as a gas station, a bakery, a hardware and building supply store, and an office for a local fuel company. Currently, the predominant use of the site is as a parking area for Island Fuel's vehicles. The property is located at the intersection of Island Avenue and Welch Street and is bordered on one side by a "paper street" known as Meridian Street.

Two workshops have been held before the Planning Board in an effort to resolve various staff and community concerns. Staff is confident that the bulk of these issues have been addressed in a satisfactory fashion.

The applicant held a neighborhood meeting at the site on June 23, 2001. Meeting minutes, attendance sheets and letters of support are included as attachment 16.

A legal ad appeared in the July 16th and 17th issues of the *Portland Press Herald*. 211 notices have been sent to area property owners in the vicinity of the project.

II. STAFF REVIEW

The proposal has been reviewed for compliance with the I-B Island Business Zone and the Site Plan Ordinance. The plan has been reviewed by the Inspections, Traffic, Fire, Public Works, and Planning Department.

III. SITE PLAN REVIEW

1. Traffic/Circulation/Parking

Access to the site will be from Island Avenue to six parking spots located in front of the proposed Inn. In addition, there will be vehicular access near the corner of the property adjacent to the Welch Street/ Island Avenue intersection that will provide access to the rear of the proposed structure. A site plan is included as attachment 1. Zoning Administration and the City of Portland's Traffic Engineer have reviewed the proposal and found it to be adequate. It should be noted that there is no parking requirement in the I-B zone.

2. Bulk, Location, Height of Building and Uses Thereof

The applicant is proposing to construct a two-story structure with stone facing and painted wood columns on the first floor and cedar shingles on the second floor. The roof will consist of asphalt shingles and stone faced chimneys. The height of the building, setbacks and the uses proposed are in compliance with the I-B zone. With a footprint of approximately 33% of the site, the proposed building will not dominate the site but instead integrate with the landscape.

3. Utilities/Easements/Solid Wastes

The applicant has provided letters from the Portland Water District and Central Maine Power confirming availability of water, sewer and electricity capacity to service the project. These are included as attachments 9,10 and 11. Because of an abatement consent agreement with the U.S.E.P.A. and the Maine D.E.P, the City requires all projects with combined stormwater/wastewater systems to offset increased sanitary flows with stormwater abatement and mitigation measures at a ratio of five to one. A memo from Mr. Frank Brancely, Senior Engineering Technician for Portland Public Works, to the applicant discussing this requirement is included as attachment 12. A potential condition of approval is:

- *The applicant will demonstrate to the Department of Public Works the removal of 31,865 GPD of stormwater from the Peaks Island combined sewer system by means of abatement and mitigation as required by the abatement consent agreement.*

4. Landscaping

The landscape plan as revised has been reviewed and approved for compliance with the landscape standards by Jeff Tarling, City Arborist. A memo from Mr. Tarling is included as attachment 6. Although two street trees originally requested are no longer being required due to restricted planting areas and utility lines, the City does have the capability to plant street trees, upon project completion, within the right of way in the future if they are considered needed.

5. Drainage

Onsite drainage flows northerly to Island Avenue to existing catch basins. A letter from Thomas Greer, P.E. attesting to the existence of no drainage problems and the suitability of the proposed drainage plan is included as attachment 7.

6. Lighting

The applicant has provided staff with catalog cuts and a photometric plan for the proposed wall lighting that are in compliance with the lighting standards. These items are included as attachments 4 and 5.

7. Fire Safety

The site plan has been reviewed and approved by the Fire Department.

8. Environmental Conditions and Public Safety

Due to the prior use of the property as a gasoline filling station and fuel oil depot, a request was made of the applicant to provide a Phase I Environmental Site Assessment. The applicant has provided this report. The reports findings and conclusion were that several *recognized environmental conditions* may exist on the site. These conditions are related to the possible continued existence of underground fuel storage tanks and the possible presence of contaminated soils. The summary of the ESA is included as attachment 8. To assure that any environmental

conditions that do exist on the site are addressed appropriately, staff recommends the following potential conditions of approval:

- *That a non-invasive geophysical survey be conducted on the site to establish the presence or absence of underground storage tanks.*
- *That the Development Review Coordinator be notified 48 hours prior to any and all excavation on the site to enable monitoring.*
- *That the DEP and the Development Review Coordinator be immediately notified if any evidence to the presence of either an underground storage tank or heavily-stained or fuel-saturated soils is found. All soils that do not meet the DEP "intermediate" standard must be removed and disposed of off-site following DEP protocol.*

Planning Staff has requested from Public Works a statement of policy regarding the combined sewer overflow 5:1 abatement/mitigation requirement. More information on this policy will be available at the public hearing.

4. Financial Capability

The applicant has provided staff with a narrative detailing how the project will be financed. Staff is confident that adequate funds exist to complete the project as proposed.

5. Technical Capability

The applicant has provided staff with a list of previous similar projects completed (see attachment 13). These projects are located in Vermont and occurred 20-25 years ago. Staff was able to contact staff at the Ludlow, Vermont assessor's office. These staff members were unwilling to go on record to discuss the performance of the applicant's projects. A letter of recommendation from the project's engineer, Tom Greer is included as attachment 19.

The applicant, doing business as Cottage Park, Inc., has developed four detached PRUDs in Portland, in addition to several single-family homes on Peaks Island and on the mainland. The status of each of the PRUD projects is listed below:

1. Cottage Park - Allen Avenue/Brook Road

-Approved in 1993

Drainage issues required the City to call the performance guarantee in order to install a field inlet/catchbasin system. The City recently spent \$36,000 to repair and reconstruct portions of the roadway system. (See attachment 14)

2. Summer Place- Ocean Avenue.

-Approved in 1995

Drainage, roadway and lighting issues required the extension of the defect guarantee for repair work.

3. Willow-Mitton Street and Lassell Street

-Approved in 1996

Drainage, roadway and lighting issues. Lack of completion of work forced the City to

call the performance guarantee (see attachment 15).

Court cases pending.

4. Redlon Park -Redlon Road

-Approved in 1997

Lack of completion of the landscaping and clean up forced the City to call the performance guarantee (see attachment 16)

The applicant for this project involves Mr. Ric Weinshank, regardless of company name or corporate identity. Although the applicant does have extensive experience in residential home construction, the technical capacity to complete this project in a timely and complete manner has not been thoroughly demonstrated. Staff has received a detailed rebuttal of this assertion from Mr. David Hirshon, attorney for the applicant. This correspondence is included as attachment 17.

As technical capacity is a threshold issue, it is necessary for the board to determine that the applicant has adequately demonstrated it. If the board finds that it has, staff offers the following potential condition of approval.

- *The project will undergo weekly inspections at the applicants expense by an unaffiliated third party qualified in the review of building construction. This inspector will verify weekly and at the conclusion of the job that the quality of workmanship meets a standard of durability. Deficiencies shall be noted by the inspector and promptly reported to the City. The City shall provide the developer with written notice of any deficiency and a thirty-day opportunity to cure. In the event that the deficiencies are not corrected, the City shall impose a stop work order on the project and shall bring the matter before the Planning Board at its next meeting. The Planning Board shall consider the matter at that time, affording the developer due process, and shall determine the merits of the matter and proper resolution. A durability guarantee in the amount of 10% of the construction cost will be provided to the City to secure the above provision. The City will hold this guarantee for a period of three years following the completion of the project to ensure that any undetected deficiencies are addressed This guarantee will be supplemental and not in replacement of the performance guarantee required for applicable site work. Any deficiencies arising after the completion of the project will be subject to the same process identified above and shall be brought before the Planning Board to determine proper resolution.*

IV. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #31-01 relevant to standards for site plan review, the Board finds:

- a. That the applicant does/does not meet the threshold standard for evidence of technical capacity to undertake and complete the development.
- b. That the plan is/is not in conformance with the Site Plan Standards of the Land Use Code.

Potential Conditions of Approval:

1. *That a non-invasive geophysical survey be conducted on the site to establish the presence or absence of underground storage tanks.*
2. *That the Development Review Coordinator be notified 48 hours prior to any and all excavation on the site to enable monitoring.*
3. *That the DEP and the Development Review Coordinator be immediately notified if any evidence to the presence of either an underground storage tank or heavily-stained or fuel-saturated soils is found. All soils that do not meet the DEP*
4. *The project will undergo weekly inspections at the applicants expense by an unaffiliated third party qualified in the review of building construction. This inspector will verify weekly and at the conclusion of the job that the quality of workmanship meets a standard of durability. Deficiencies shall be noted by the inspector and promptly reported to the City. The City shall provide the developer with written notice of any deficiency and a thirty-day opportunity to cure. In the event that the deficiencies are not corrected, the City shall impose a stop work order on the project and shall bring the matter before the Planning Board at its next meeting. The Planning Board shall consider the matter at that time, affording the developer due process, and shall determine the merits of the matter and proper resolution. A durability guarantee in the amount of 10% of the construction cost will be provided to the City to secure the above provision. The City will hold this guarantee for a period of three years following the completion of the project to ensure that any undetected deficiencies are addressed This guarantee will be supplemental and not in replacement of the performance guarantee required for applicable site work. Any deficiencies arising after the completion of the project will be subject to the same process identified above and shall be brought before the Planning Board to determine proper resolution.*
5. *The applicant will demonstrate to the Department of Public Works the removal of 31,865 GPD of stormwater from the Peaks Island combined sewer system by means of abatement and mitigation as required by the abatement consent agreement.*

Attachments:

1. Site Plan
2. Landscape Plan
3. Elevations
4. Photometric Plan
5. Catalog Cut for Lighting Fixture
6. Memo from Jeff Tarling-Landscaping
7. Letter from Thomas Greer-Drainage
8. ESA Summary
9. Letter of Water Capacity-Portland Water District
10. Letter of Sanitary Capacity-Portland Water District
11. Letter of Electricity Capacity-Central Maine Power

12. Stormwater Abatement Requirement for the Department of Public Works
13. Project and Experience List for Peaks Island Company LLC
14. Cottage Park Correspondence
15. Willow Subdivision Letter of Credit Activation
16. Redlon Subdivision Letter of Credit Activation
17. Correspondence from Applicant's Attorney Regarding Technical Capacity Issues
18. Neighborhood Meeting Minutes, Attendance Sheets and Letters of Support
19. Letter of Recommendation from Thomas Greer P.E.

Att. # 6

From: Jeff Tarling
To: Jonathan Spence
Date: Tue, Jul 10, 2001 2:28 PM
Subject: The INN

Jonathan,

I inspected the Inn on Peaks Island site today and met with Mr. W concerning the 2 street trees out front on Island Avenue.

Since the 2 trees I requested in my earlier memo would be planted under utility wires and is in a somewhat restricted space I would recommend that the proposed landscape plan would be acceptable. I did inform the applicant that if we did feel that 2 street trees were needed once the building is completed or if anyone from the public or Planning Board felt that the site plan did need two trees, the city has the right to plant two such trees in our Island Avenue street right-of-way.

jeff tarling

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: David Caddell, Michael Nugent
FROM: Jonathan Spence, Planner
DATE: September 24, 2001
SUBJECT: The Inn, Peaks Island

As this project has complied with all conditions of approval with the exception of the establishment of the independent third-party inspector, site work may commence. This site work may include any preparatory measures necessary to ready the site for development but may not include the pouring of any footings or the construction of any new structures or the renovation of any existing structures.

Upon receipt of the completed form from the applicant pertaining to the third-party inspector, planning will be signing off on the building permit for this project.

If you have any additional questions concerning planning component of this project, please call 756-8083.

The Peaks Island Company, LLC.

33 ISLAND AVENUE
PEAKS ISLAND, MAINE 04108

DESIGN TEAM

We have relied on local knowledge for the design of this rehabilitation project. The past 18 months have been spent talking, listening and designing. Our quiet survey resulted the overwhelming support for the following three things in order:

1. Retaining the fuel supply company (Peaks Island Fuel, once Peaks Island Fuel Coop)
2. A year round restaurant
3. A hardware and lumber store with an ATM.

Seemingly simple requests all existed on this site. We have answered this demand and added the bed and breakfast to improve the architecture to two stories and support the income side of the project. We have carefully worked with our consultants on this plan Ric Weinschenk of the Cottage Design Company for architectural design, Bill Koutalidis of Group Designer for structural engineering, Both long residents of Peaks Island, the survey work was done by Dan Dalfonso and the civil engineering by Pinkham and Greer. There was a Phase I Environmental Analysis done by Mainland Consultants. Their report recognizes minor and old oil stains and requires no remedial action.

DETAILS

1. The rehabilitation will consist of the existing concrete block structure being repaired and remodeled within new interior and exterior finishes. The rest of the ground floor will be replaced with 1260 square feet added to the existing footprint. The second floor is completely new with nine balconies and two sets of stairs for egress. Some of the balconies make up the covered veranda on the front of the building. The classic coastal facade consists of the ground floor front will be faced with a stone veneer. The bulk of the remaining siding is Cape Cod Grey stained shingles with cream trim, white columns and forest green shutters. The roofing is Grey-green slate asphalt.
2. As the appearance of the fuel supply business is primarily their trucks with a 400 square foot addition being rebuilt for their office, they have been moved to the rear of the property. This provides three very important improvements over the existing configuration. The first is the trucks access to Island Avenue. Going over the paper street which abutting the site the trucks can easily back in safely away from side walks and pedestrians to the very rear of the property. This also allows the sides of two trucks to face the street blocking the remaining three. The current configuration is five wide, headlights facing the street. The second improvement is this parking arrangement allows access from existing curb cuts and provides for landscaping space across the entire front of the property. Finally the access and parking arrangement over the paper street allows better natural screening of two trucks wide from the neighbor to the south and prevents long term parking (sometimes months) at the curb cut. This would end an otherwise long standing issue with the next door neighbors.
3. There are six new patron parking spaces for cars and 20 for bikes.

The Peaks Island Company, LLC

33 ISLAND AVENUE
PEAKS ISLAND, MAINE 04108

4. There is a large garden area planned to the southern side of the building with crushed stone walks to aid in site drainage. Three trees will be planted in the three wood tree planters noted at the northern end of the property.
5. A modular split face retaining wall by Keystone will be installed where shown on the site plan. this will stabilize the steep banks and add a neat trim to the slopes up to the boundaries.
6. The building, with its exceptions is ADA compliant.

Thank you for you consideration and much anticipated positive response.

Ric Weinschenk, Manager

The Peaks Island Company L.L.C.

33 Island Avenue

Peaks Island, Me 04108

Telephone: 207-828-3900

Fax: 207-775-7703

A#.#
13

PROJECT AND EXPERIENCE LIST

Members

Amy L. Weinschenk

Profession: Marketing, Communications Director for Martin's Point Health Care.

Year round resident on Peaks Island

Contribution to Peaks Island Co., L.L.C. Inn Project: Investment and focus on business development, marketing, and public relations targeting for niche populations like Peaks Island.-25 plus years experience in this field

Sandy Sturrock

Profession: Marketing and Promotions Director, Compaq Computer Corp.-World wide-(retired)

Three season resident of Peaks Island

Contribution to Peaks Island Co., L.L.C. Inn Project: Investment and focus in promotions from outside sources. Sandy created the Sports marketing department at Compaq. Promotions included the NBA Rockets and WNBA Comets. Her team produced over 100 major events annually some covering as many as 5000 of their largest customers. Budget responsibilities exceeding \$110 million annually. 25 years experience in this field.

Manager

Ric Weinschenk

Profession: Designer/Builder/Construction Consultant

Year round resident Peaks Island

Starting and finishing projects of real estate and business start-ups in New England. Plan sales and design consulting nationally.

Contribution to Peaks Island Co., L.L.C. Inn Project: Design, construction management, and business development especially in the general store/ hardware store business. Past projects conceived and developed by Ric of similar nature include the following:

Nikki's Restaurant c.1850	Ludlow, Vt	1975-76	Renovation/addition into office, retail & restaurant
Sunshine Marketplace	Ludlow, Vt	1975-76	New 7 store retail mall
Pollard Block c.1890	Proctorsville, Vt	1978	Renovation of 3 story former general store into 6 apartments and restaurant

The Peaks Island Company L.L.C.

33 Island Avenue

Peaks Island, Me 04108

Telephone: 207-828-3900 Fax: 207-775-7703

The Mill c.1830	Ludlow, Vt	1979-81	Rehabilitation of historic property into restaurant, 6 commercial and 30 residential condominiums- 40,000 sq ft
Crafts Inn	Wilmington, Vt.	1981-82	Complete rehab of former inn into timesharing complex of 20,000 sq ft (Mcad,McKim & White)
Single family homes	various locations	1970-2001	Hundreds of designed and built custom homes
Commercial renovations	various locations	1970-2001	smaller # of projects

Please see the attached letter from Tom Greer

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law
Three Canal Plaza
P.O. Box 15060
Portland, Maine 04112-5060

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

Tel: (207) 874-6700
Fax: (207) 874-6705
E-Mail: mjtinkle@tchl.com

* Also licensed in MA and DC

June 19, 2001

Mr. Jaimey Caron
Planning Board Chairman
City of Portland
4th Floor
389 Congress Street
Portland, ME 04101

RE: Peaks Island Company, LLC

Dear Mr. Caron:

At the Board's last workshop on the application of Peaks Island Company, LLC concerning the Peaks Island project, it was suggested that the City was required to complete prior projects involving Ric Weinschenk. Peaks Island Company strongly disagrees with that allegation. Presumably, the suggestion refers to Cottage Park Inc.'s dispute with the City over whether the work at the Willow and Redlon Park subdivisions had been completed properly. That dispute is now the subject of bona fide litigation and should not be prejudged by the Board. Even if the City were to prevail in that litigation, that would mean only that Cottage Park's interpretation was wrong; it would have nothing to do with whether Cottage Park had the financial and technical ability to complete those projects or, *a fortiori*, whether Peaks Island Company has the financial and technical ability to complete the project under review.

Hence, the Board should not consider what happened with respect to those earlier projects involving Cottage Park in ruling on the pending application. Indeed, the City is under an express Court Order (copy enclosed) *not* to deny any application of Peaks Island Company or any other entity involving Ric Weinschenk on the basis of the Willow/Redlon Park dispute. We trust that the Board will honor both the letter and the spirit of that Order.

Sincerely,



David M. Hirshon

DMH/clg
Enclosure

cc: Penny Littell, City of Portland (w/encl.)

KEYSTONE MODULAR BLOCK
RETAINING WALL

42" TALL GUARD RAIL
FENCE (REQUIRED
WHERE WALL EXCEEDS
4' IN HEIGHT)

ENCLOSED DUMPSTER

TW 48.0
BW 43.0

S29°50'36"W
160.00'

TW 46.0
BW 43.0

M11.71.50.00N
130.00'

PARCEL
20,288 SF.

WELCH STREET

TW 46.6
BW 42.3

AREA OF EX
CONCRETE BLOCK
BUILDING
3639 SQ. FT.

TW 45.9
BW 42.3

BUILDING
ADDITION
1260 SQ.FT.

EX
HARDWARE
STORE

NEW
PORCH
AREA
1431 SQ. FT.

TW 44.4
BW 41.6

EX CANOPY
TO REMAIN

PORTION OF EX.
PORCH TO BE
REMOVED, 21 SF.

EX BAKERY
43.0

EX FUEL

EX RAILROAD TIE
RETAINING WALL
TO BE REMOVED

EX
GRAVEL
DRIVEWAY

EX PORCH
AREA
486 SQ. FT.

3-PRESSURE
TREATED WOOD
TREE PLANTERS

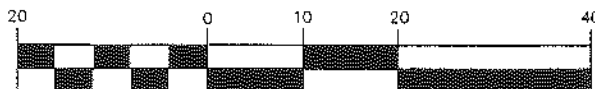
RELOCATE EX.
OVERHEAD SERVICES
UNDERGROUND:
ELECTRIC & CATV.

EX. HYDRANT ON
ISLAND AVE. 69' FROM
PROPERTY CORNER

TBM: PK SPIKE IN
POLE, EL. 42.61'

GRAPHIC SCALE

SEWER MH



(IN FEET)

1 inch = 20 ft.

ISLAND AVENUE

OWNER: THE PEAKS IS
33 ISLAND AVE
PEAKS ISLAND

FILE SCALE: 1"=20'

CAD FILE: 00175

42" TALL GUARD RAIL FENCE (REQUIRED WHERE WALL EXCEEDS 4' IN HEIGHT)

1-BLUE SPRUCE (*Picea pungens* 'Glauca') 6' TALL

TW 48.0
BW 43.0

23-ROSA RUGOSA (*Rugosa Rosa* 'Alba') @ 4' O.C., 2 ROWS STAGGERED, 1 GAL. IN WOODCHIP BED

KEYSTONE MODULAR BLOCK RETAINING WALL

TW 48.0
BW 43.0

3-LITTLE LEAF LINDEN (*Tilia cordata*) 2" CAL.

TW 46.6
BW 42.3

WELCH STREET

TW 45.9
BW 42.3

TW 44.4
BW 41.6

3-PRESSURE TREATED WOOD TREE PLANTERS

EX GRAVEL DRIVEWAY

54-ROSA RUGOSA (*Rugosa Rosa* 'Alba') @ 3' O.C., 1 GAL. IN WOODCHIP BED PERENNIAL GARDEN

PORCH

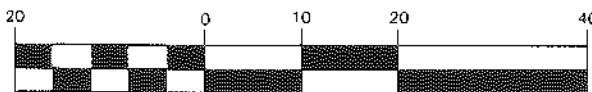
GRASS ESPLANADE

EX GRAN CURB

2' TALL FE
AROUND G

GRAPHIC SCALE

SEWER MH
⑤



(IN FEET)
1 inch = 20 ft.

ISLAND AVENUE

FILE SCALE: 1"=20'

CAD FILE: 00125

KEYSTONE MODULAR BLOCK
RETAINING WALL

42" TALL GUARD RAIL
FENCE (REQUIRED
WHERE WALL EXCEEDS
4' IN HEIGHT)

Handwritten: need to correct
Not Proposed
Truck to Transfer Station

Handwritten: Dumpster needs to go

Handwritten: Part-o-ppty needs to go

WELCH STREET

TW 48.0
BW 43.0

TW 46.6
BW 42.3

TW 45.9
BW 42.3

TW 44.4
BW 41.6

EX RAILROAD TIE
RETAINING WALL
TO BE REMOVED

3-PRESSURE
TREATED WOOD
TREE PLANTERS

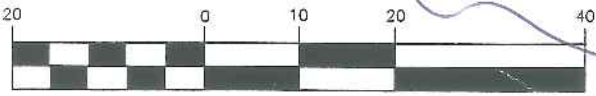
RELOCATE EX.
OVERHEAD SERVICES
UNDERGROUND:
ELECTRIC & CATV.

EX. HYDRANT ON
ISLAND AVE. 69' FROM
PROPERTY CORNER

TBM: FK SPIKE IN
POLE, EL. 42.61'

SEWER MH
⑤

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

TW 48.0
BW 43.0

S29°50'36"W
160.00'

PARCEL
20,288 SF.

AREA OF EX
CONCRETE BLOCK
BUILDING
3639 SQ. FT.

BUILDING
ADDITION
1260 SQ.FT.

EX
HARDWARE
STORE

EX. CANOPY
TO REMAIN

PORTION OF EX.
PORCH TO BE
REMOVED, 21 SF.±

EX BAKERY
43.0

EX FUEL

EX. PORCH
AREA
486 SQ. FT.

EX. 6' X 6' SPC

GRASS ESPLANADE

EX GRAN CURB

BIKE RACKS (5 & 15)

EX. CATCH BASIN
1000 GAL. GREASE
CONNECT TO EX. SEW

ISLAND AVENUE

OWNER: THE PEAKS ISLAND
33 ISLAND AVE
PEAKS ISLAND

FILE SCALE: 1"=20'

CAD FILE: 00125

42" TALL GUARD RAIL FENCE (REQUIRED WHERE WALL EXCEEDS 4' IN HEIGHT)

white Pickett

1-BLUE SPRUCE (Picea pungens 'Glauca') 6' TALL

TW 48.0
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23-ROSA RUGOSA (Rugosa Rosa 'Alba') @ 4' O.C., 2 ROWS STAGGERED, 1 GAL. IN WOODCHIP BED

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EX GRAVEL DRIVEWAY

54-ROSA RUGOSA (Rugosa Rosa 'Alba') @ 3' O.C., 1 GAL. IN WOODCHIP BED PERENNIAL GARDEN

PORCH

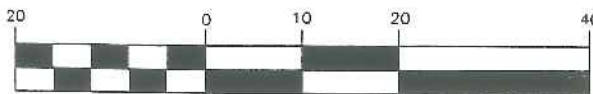
GRASS ESPLANADE

EX GRAN CURB

2' TALL FENCE AROUND GRASS ESPLANADE

GRAPHIC SCALE

SEWER MH
⑤



(IN FEET)
1 inch = 20 ft.

ISLAND AVENUE

CAD FILE: 00125 FILE SCALE: 1"=20'

KEYSTONE MODULAR BLOCK
RETAINING WALL

42" TALL GUARD RAIL
FENCE (REQUIRED
WHERE WALL EXCEEDS
4' IN HEIGHT)

ENCLOSED DUMPSTER

TW 48.0
BW 43.0

529°50'36"W
160.00'

TW 48.0
BW 43.0

N60°09'24"W
130.20'

WELCH STREET

TW 46.6
BW 42.3

TW 45.9
BW 42.3

TW 44.4
BW 41.6

EX RAILROAD TIE
RETAINING WALL
TO BE REMOVED

3-PRESSURE
TREATED WOOD
TREE PLANTERS

RELOCATE EX.
OVERHEAD SERVICES
UNDERGROUND:
ELECTRIC & CATV.

EX. HYDRANT ON
ISLAND AVE. 69' FROM
PROPERTY CORNER

TOY: TX SPIKE IN
POLE, EL. 42.61'

GRAPHIC SCALE

SEWER M.I.



(IN FEET)
1 inch = 20 ft.

PARCEL
20,288 SF.

AREA OF EX
CONCRETE BLOCK
BUILDING
3639 SQ. FT.

BUILDING
ADDITION
1260 SQ.FT.

EX
HARDWARE
STORE

EX. CANOPY
TO REMAIN

PORTION OF EX.
PORCH TO BE
REMOVED, 21 SF.

EX. PORCH
AREA
456 SQ. FT.

EX BAKERY
43.0

EX FUEL

TC 42.2 TC 41.3
BC 41.7 BC 40.0

GRASS ESPLANADE

EX GRAN CURB

BIKE RACKS (5 & 15)

EX. CATCH BASIN
1000 GAL. GREASE
CONNECT TO EX. S

ISLAND AVENUE

OWNER: THE PEAKS I
33 ISLAND AV
PEAKS ISLAND

FILE SCALE: 1"=20'

CAD FILE: 00125

42" TALL GUARD RAIL FENCE (REQUIRED WHERE WALL EXCEEDS 4' IN HEIGHT)

1-BLUE SPRUCE (*Picea pungens* 'Glauca') 6' TALL

23-ROSA RIGOSA (*Rugosa Rosa* 'Alba') @ 4' O.C., 2 ROWS STAGGERED, 1 GAL. IN WOODCHIP BED

TW 48.0
BW 43.0

KEYSTONE MODULAR BLOCK RETAINING WALL

TW 48.0
BW 43.0

3-LITTLE LEAF LINDEN (*Tilia cordata*) 2" CAL.

TW 46.6
BW 42.3

WELCH STREET

TW 45.9
BW 42.3

TW 44.4
BW 41.6

EX. GRAVEL DRIVEWAY

54-ROSA RIGOSA (*Rugosa Rosa* 'Alba') @ 3' O.C., 1 GAL. IN WOODCHIP BED PERENNIAL GARDEN

PORCH

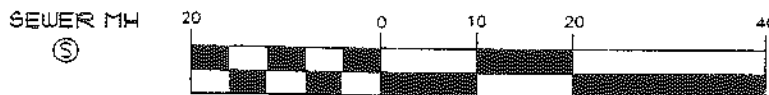
3-PRESSURE TREATED WOOD TREE PLANTERS

GRASS ESPLANADE

EX GRAN CURB

2' TALL F. AROUND

GRAPHIC SCALE



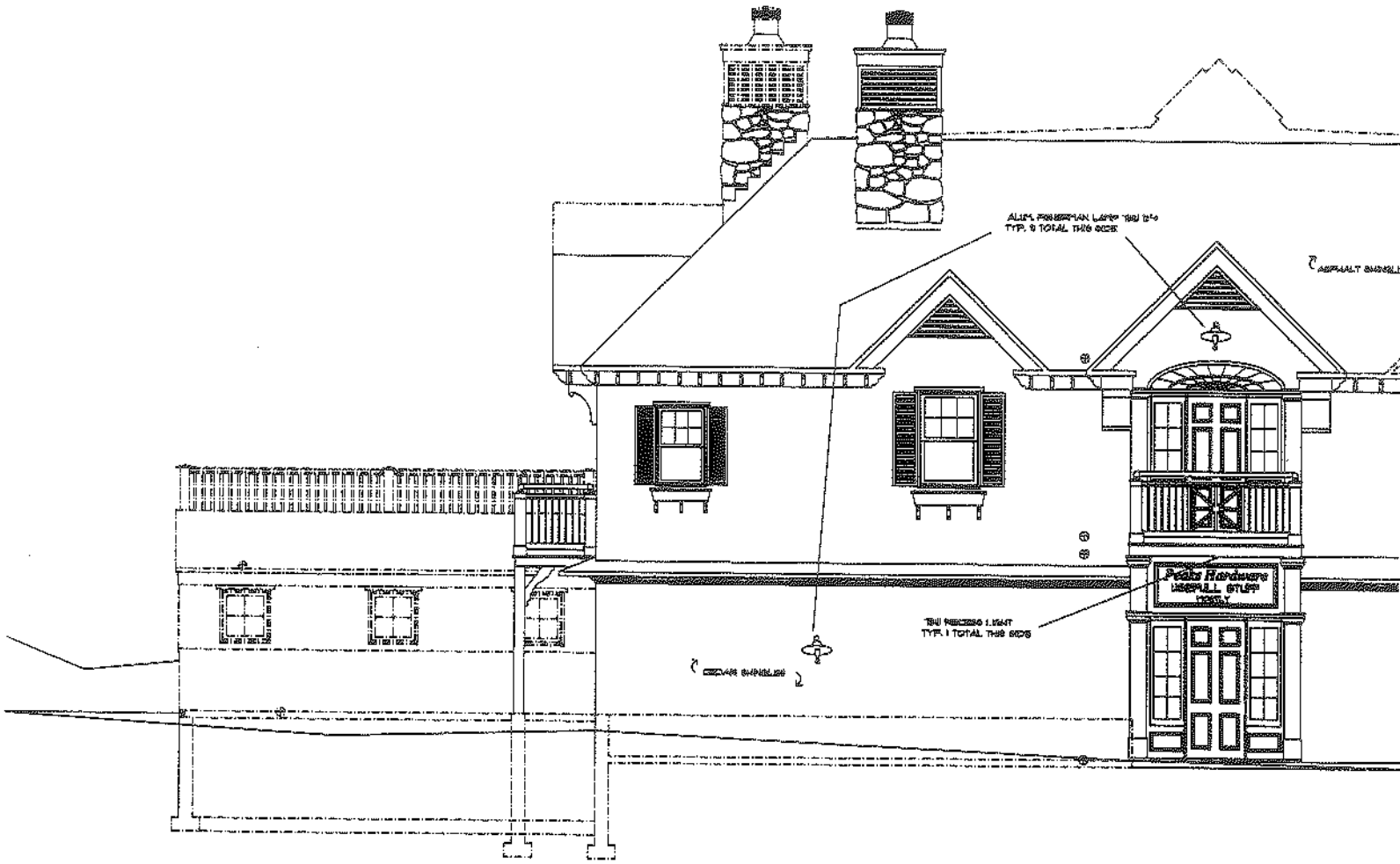
(IN FEET)
1 inch = 20 ft.

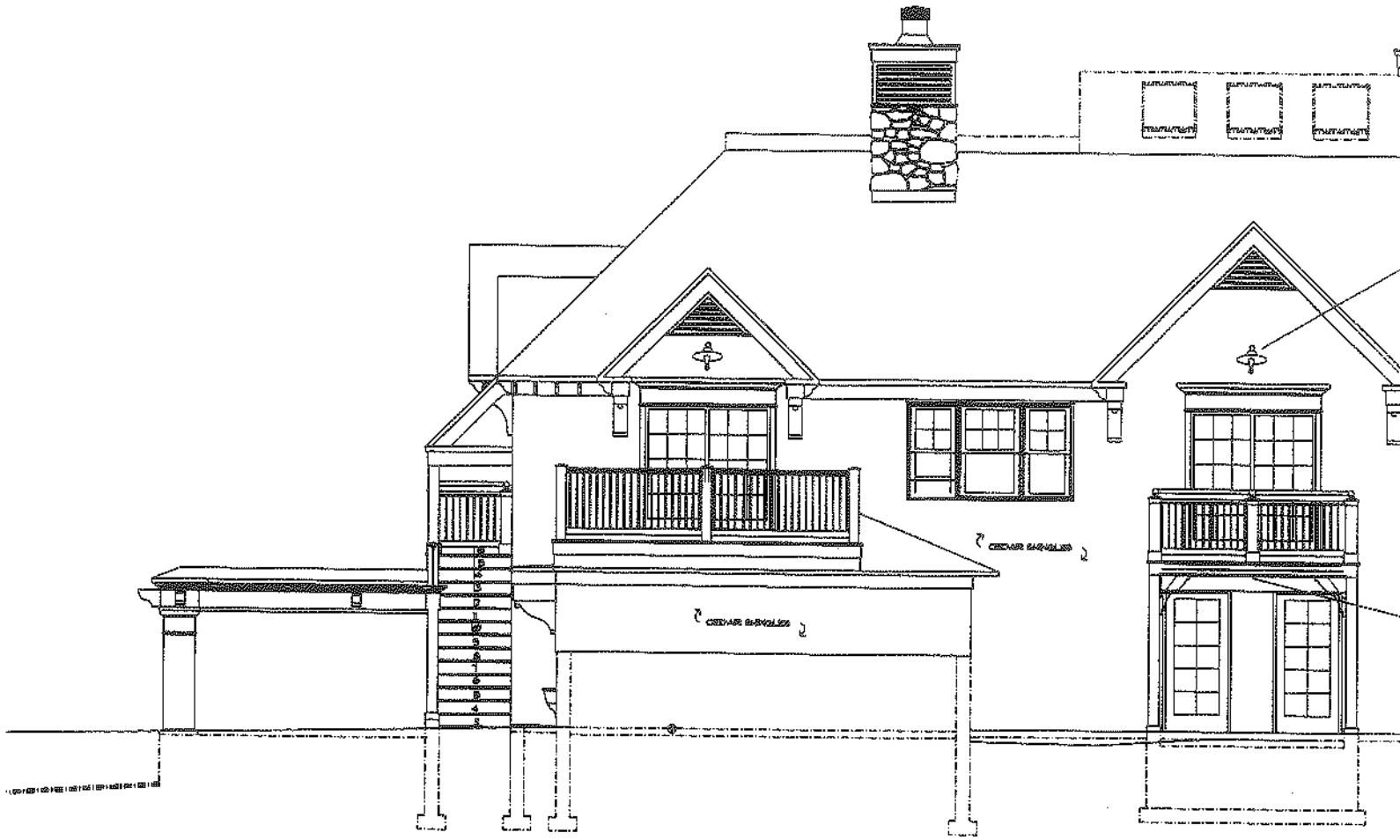
ISLAND AVENUE

FILE SCALE: 1"=20'

CAD FILE: 00125







The Peaks Island Company L.L.C.

33 Island Avenue

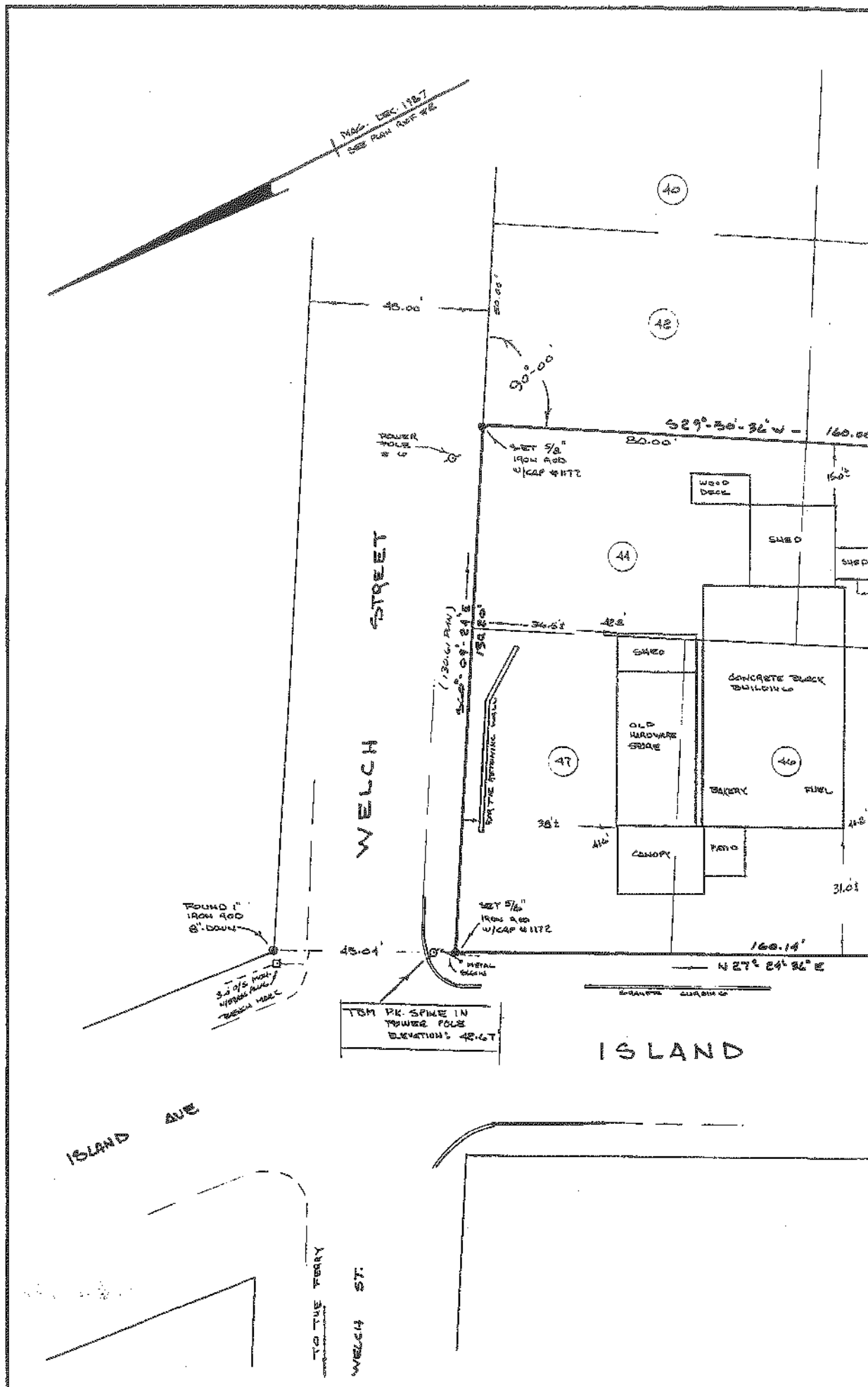
Peaks Island, Me 04108

Telephone: 207-828-3900 Fax: 207-775-7703

This letter shall serve as both our general statement of purpose as well as a guide to the site plan checklist. At 33 Island Avenue on Peaks Island there is an existing commercial building that houses or has housed recently a bakery, a hardware and building supply store and an office for an island fuel oil company. It is a centrally located structure that has served Peaks Island for many years and is badly in need of improvement. Our intent is to both renovate and expand the building as well as improve the site conditions. Our project shall create rental space for a restaurant, a hardware and general merchandise store, an office, and a second floor bed and breakfast. We feel that these seasonal and year round services are important and welcomed by Peaks Islanders and people from away alike.

Please find below either our response to the planning offices' required information and/or which page of our submittal it can be found.

- | | |
|--|---|
| 1) Standard boundary survey | Page 1-Plan by Daniel J. Dalfonso, Land Surveyor |
| 2-5) Survey requirements | Page 1 |
| 6) Topography | Page 2- Plan by Pinkham and Greer, Tom Greer, P.E. and John Bell, Registered land surveyor |
| 7) Plan based on survey | Page 2 |
| 8) Existing soil conditions | Page 2 Note 4 |
| 9) No water courses, marshes, rock outcroppings or wooded areas exist | |
| 10) Location, ground floor area and grade elevations | Page 2 |
| 10) Exterior facades and materials used | Pages 3 through 6 Building Elevations |
| 11) Buildings on abutting parcels | No structures exist on the abutting parcels with the exception of the treehouse noted on Page 2 |
| 12) On-site waste receptacles | Page 2 |
| 13) Public utilities | Water, sewer, electric, telephone, and CATV available and in use: Page 2- plan and notes |
| 14) Water and sewer mains | Existing, in-use and shall remain unchanged. Underground location unknown |
| 15) There are no existing culverts and drains and none needed or proposed. | |
| 16) No easements or rights-of-way exist. | |
| 17) On-site pedestrian and vehicular access | Page 2 |
| 18) Parking areas | Page 2 |

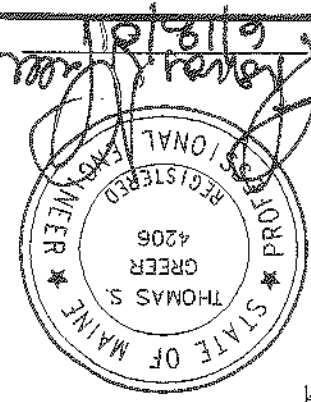


S1

SCALE: 1" = 20'
DATE: MARCH 21, 2001
DESIGN BY: JDB
PROJECT: 00125

CONSULTING ENGINEERS, INC.
FALMOUTH, MAINE
PINKHAM & GREER

THE INN FORMERLY JACKSON SERVICE CENTER

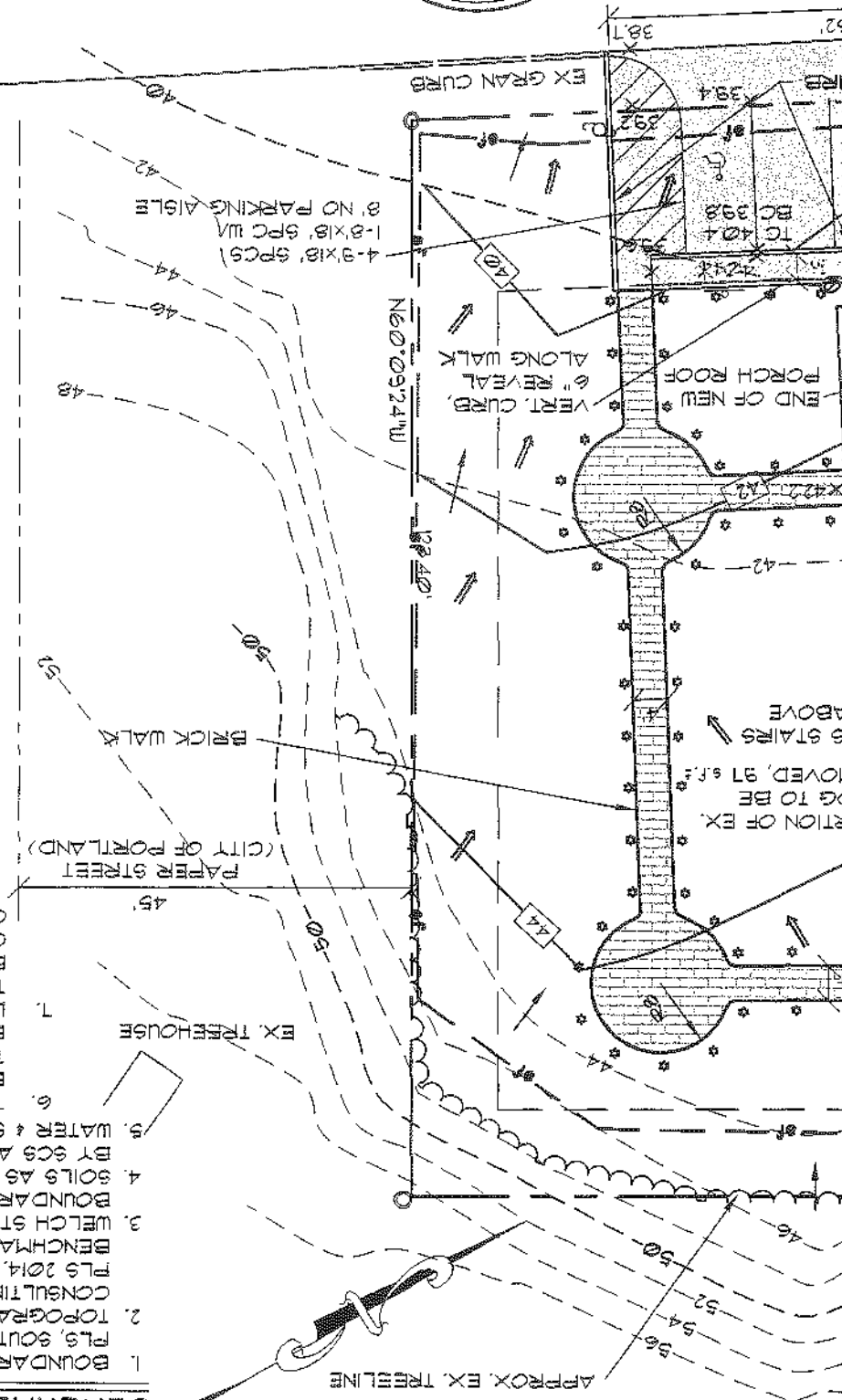


AND CO., LLC.
MAINE 04108

1	5/8/01	REV'D WORK IN PAPER STREET
2	6/18/01	ADDED GREASE TRAP, ADDED HANDSCAPE & LIGHTING PLAN

SITE PLAN

PROPOSED LEGEND	
	PROPERTY LINE
	ABUTTERS PROPERTY
	BUILDING SETBACK
	EDGE OF PAVEMENT
	CONTOURS
	CURB
	SEWER MANHOLE
	CATCH BASIN
	UTILITY POLE
	IRON PIPE FOUND
	HYDRANT
	SURFACE DRAINAGE
	GRAVEL
EXISTING LEGEND	
	PROPERTY LINE
	ABUTTERS PROPERTY
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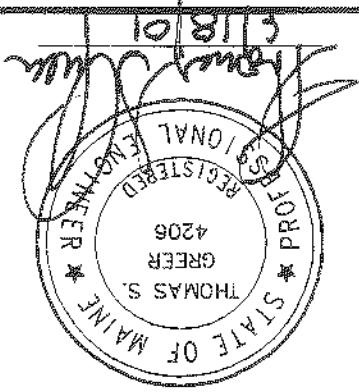


GENERAL NOTES:

- BOUNDARY AND EX. FEATURES BY DANIEL J. DAL PL9, SOUTH PORTLAND.
- TOPOGRAPHIC SURVEY BY PINKHAM & GREER CONSULTING ENGINEERS, INC., FALMOUTH, JOHN D. BELL, PL9 2014, BENCHMARK TAKEN FROM BOUNDARY SURVEY, PL9 2014, BENCHMARK TAKEN FROM BOUNDARY SURVEY, WELCH STREET AND ISLAND AVENUE AS SHOWN ON BOUNDARY PLAN, ASSUMED EL. 42.67', 4 SOILS AS SHOWN IN CUMBERLAND COUNTY SOILS SURVEY BY SC9 ARE "H&C", HOLLIS, 5. WATER & SEWER SERVICES ARE UNCHANGED, 6. TW = TOP OF BLOCK WALL, BU = BOTTOM OF BLOCK WALL, TC = TOP OF GRANITE CURB, BC = BOTTOM OF GRANITE CURB = PYMT, 1. LOT COVERAGE: TOTAL PARCEL: 20,288 SF, BUILDING FOOTPRINT: 4,802 SF, CONCRETE PATIO: 1,431 SF, COVERAGE: 30.12%

APPROX. EX. TREELINE

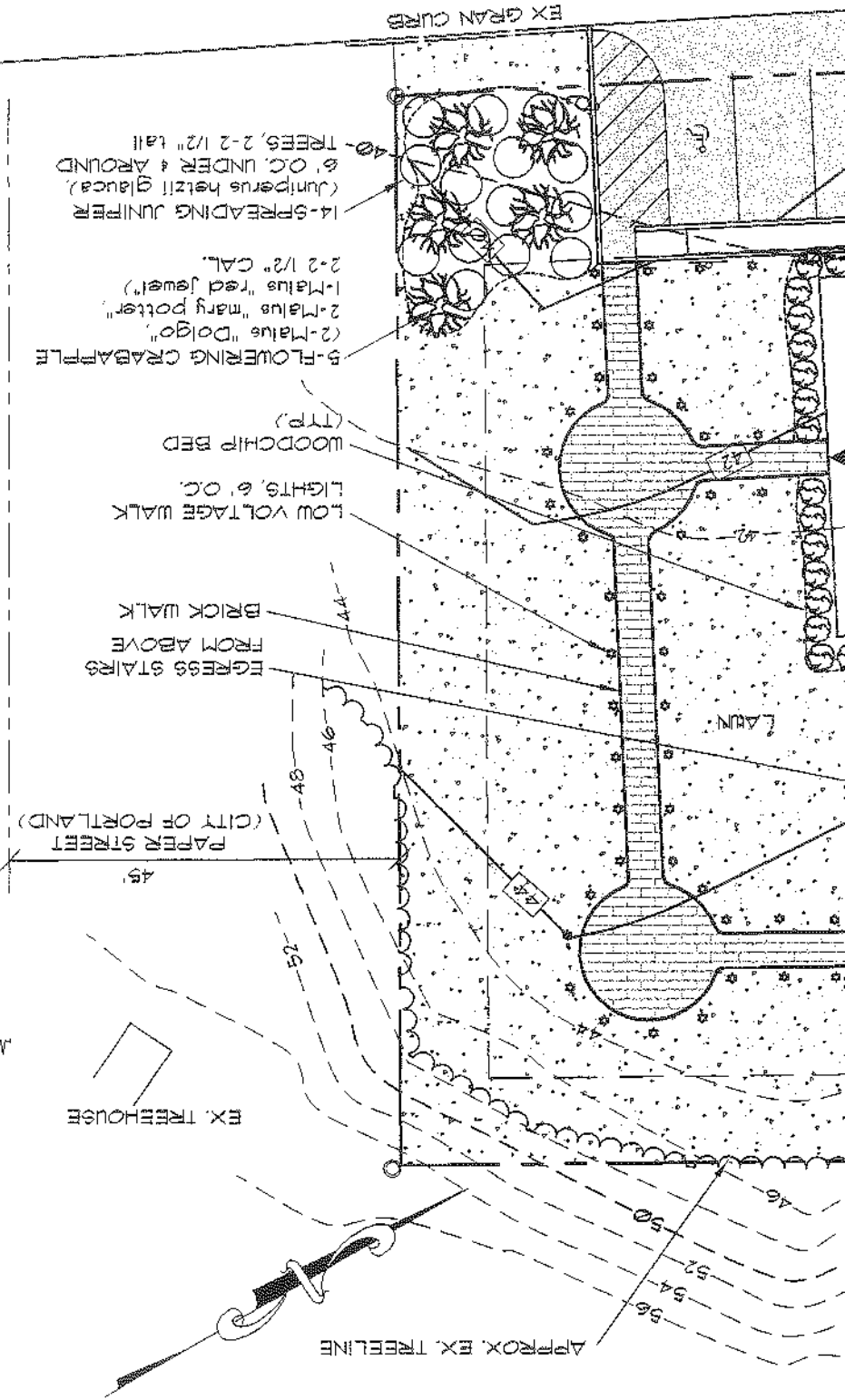
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NCE



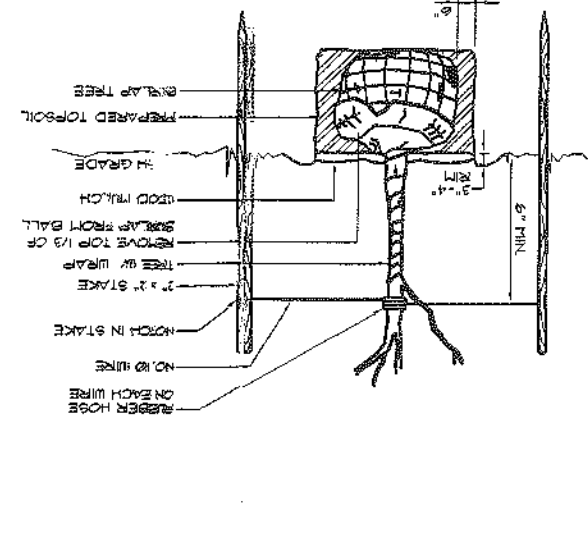
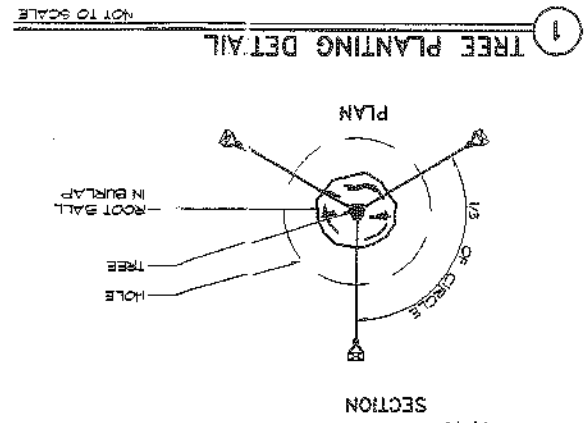
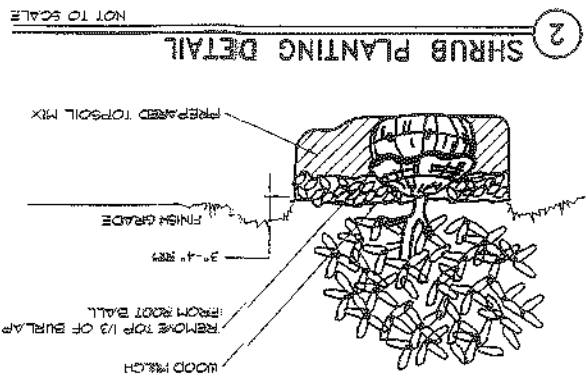
CONSULTING ENGINEERS, INC.
FALMOUTH, MAINE
PINKHAM & GREER

THE INN
FORMERLY JACKSON SERVICE CENTER
SCALE: 1" = 20'
DATE: JUNE 18, 2001
DESIGNED BY: JDB/JDC
PROJECT: 00125
S2

LANDSCAPE & LIGHTING PLAN



- 14-SPREADING JUNIPER (Juniperus horizontalis)
- 6" O.C. UNDER & AROUND TREES, 2-2 1/2" tall
- 2-2 1/2" CAL. 1-Malus "red jewel"
- 2-Malus "Dolgo", 2-Malus "Mary Potter"
- 5-FLOUNDERING CRABAPPLE
- WOODCHIP BED (TTP)
- LOW VOLTAGE WALK LIGHTS, 6" O.C.



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RETAINING WALL

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FENCE (REQUIRED
WHERE WALL EXCEEDS
4' IN HEIGHT)

LANDSCAPE 2:1 SLOPE
ABOVE BLOCK WALL
ENCLOSED DUMPSTER

PLEASE REVIEW
THIS SMALL CHANGE
TO OUR SITE PLAN
Thank you
R.W.

TU 45.0
BW 43.0

529°50'36"W
160.00'

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BW 43.0

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LINDEN, 2" CAL.

WELCH STREET

TU 46.6
BW 42.3

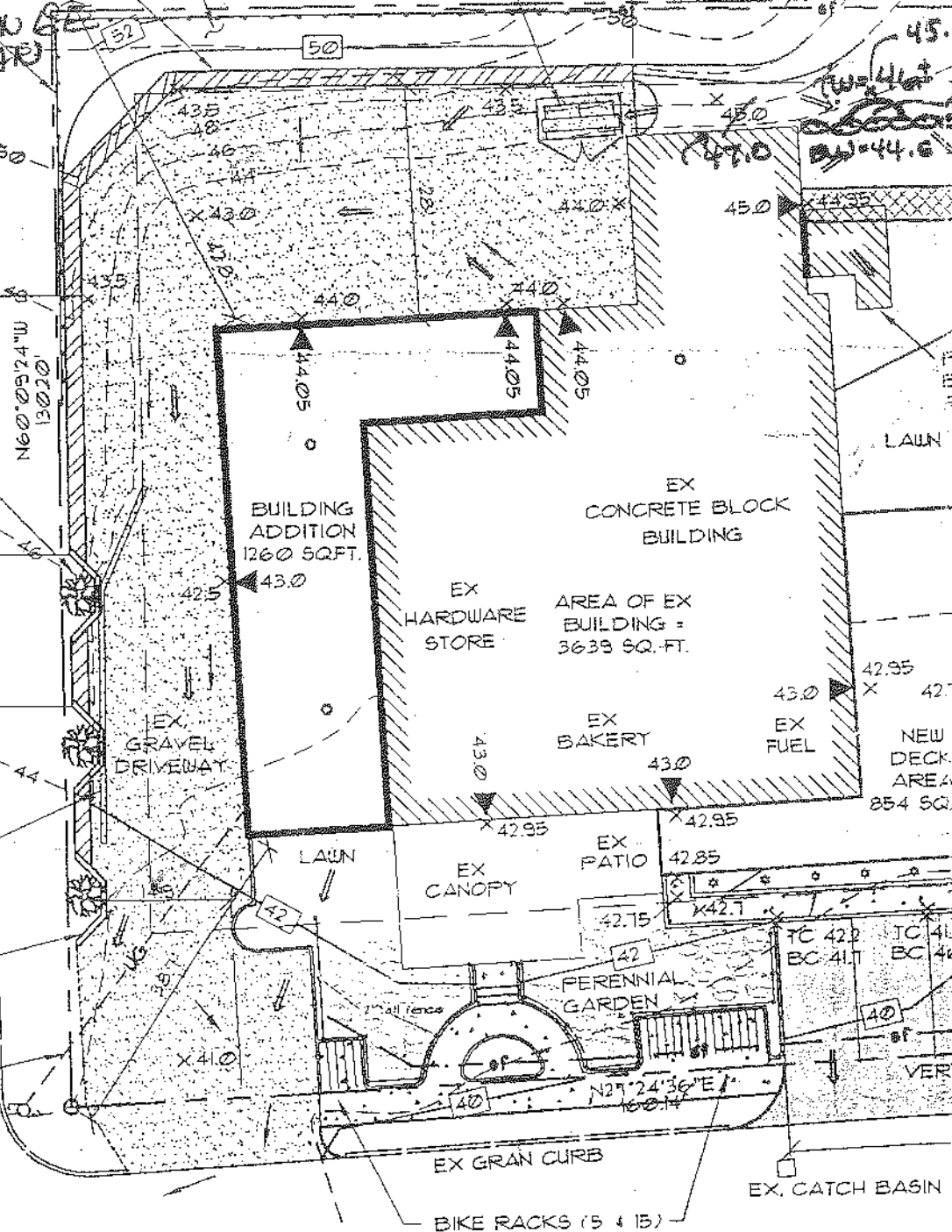
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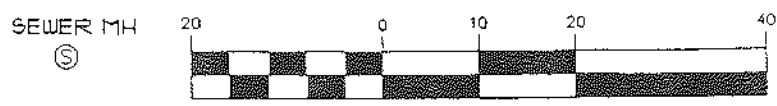
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WOOD TREE
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RELOCATE EX.
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UNDERGROUND:
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GRAPHIC SCALE



(IN FEET)
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ISLAND AVENUE

EX. HYDRANT

FILE SCALE: 1"=20'
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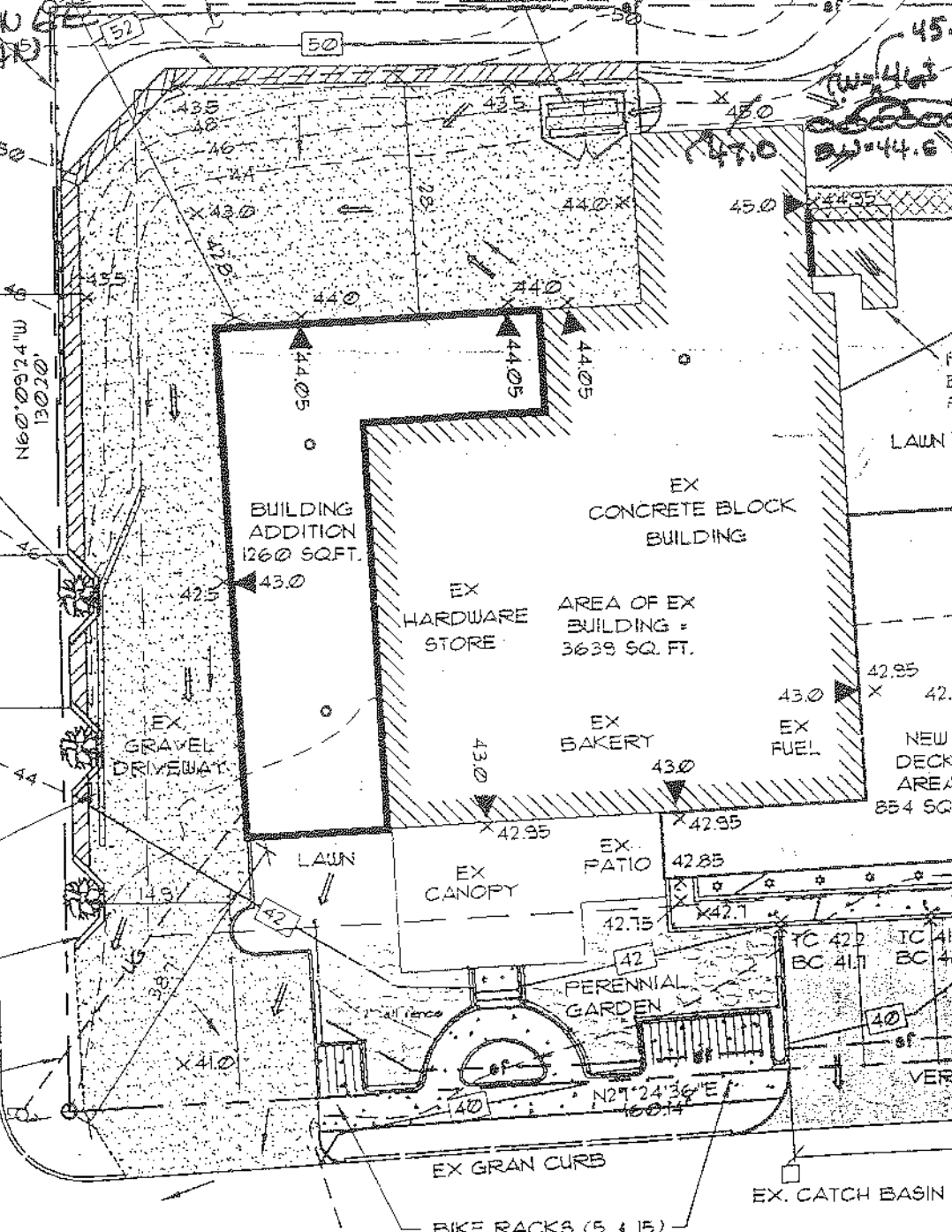
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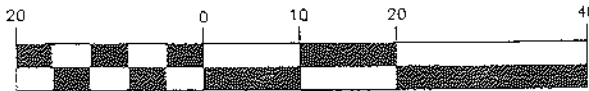
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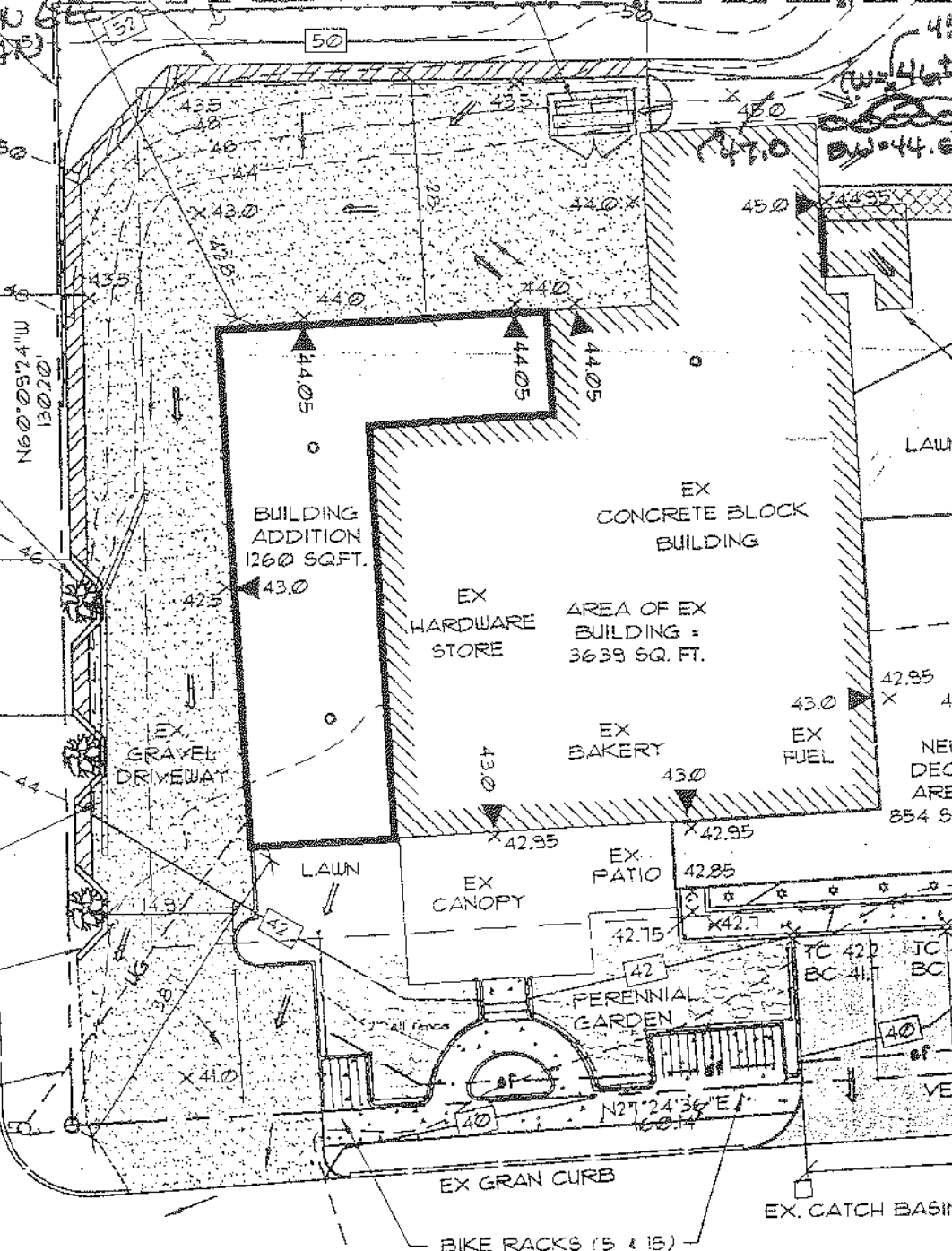
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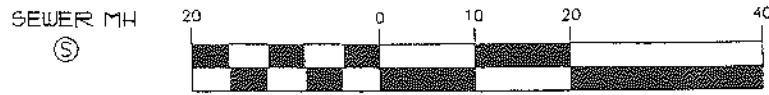
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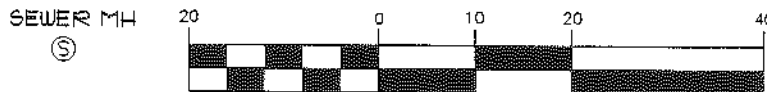
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TBM: PK SPIKE IN
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PARCEL
20,288 SF.

AREA OF EX
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BUILDING
3639 SQ. FT.

BUILDING ADDITION
1260 SQ. FT.

EX
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STORE

EX. CANOPY
TO REMAIN

PORTION OF EX.
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PEAKS ISLAND

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TW 480
BW 430

WELCH STREET

TW 466
BW 423

TW 459
BW 423

TW 444
BW 416

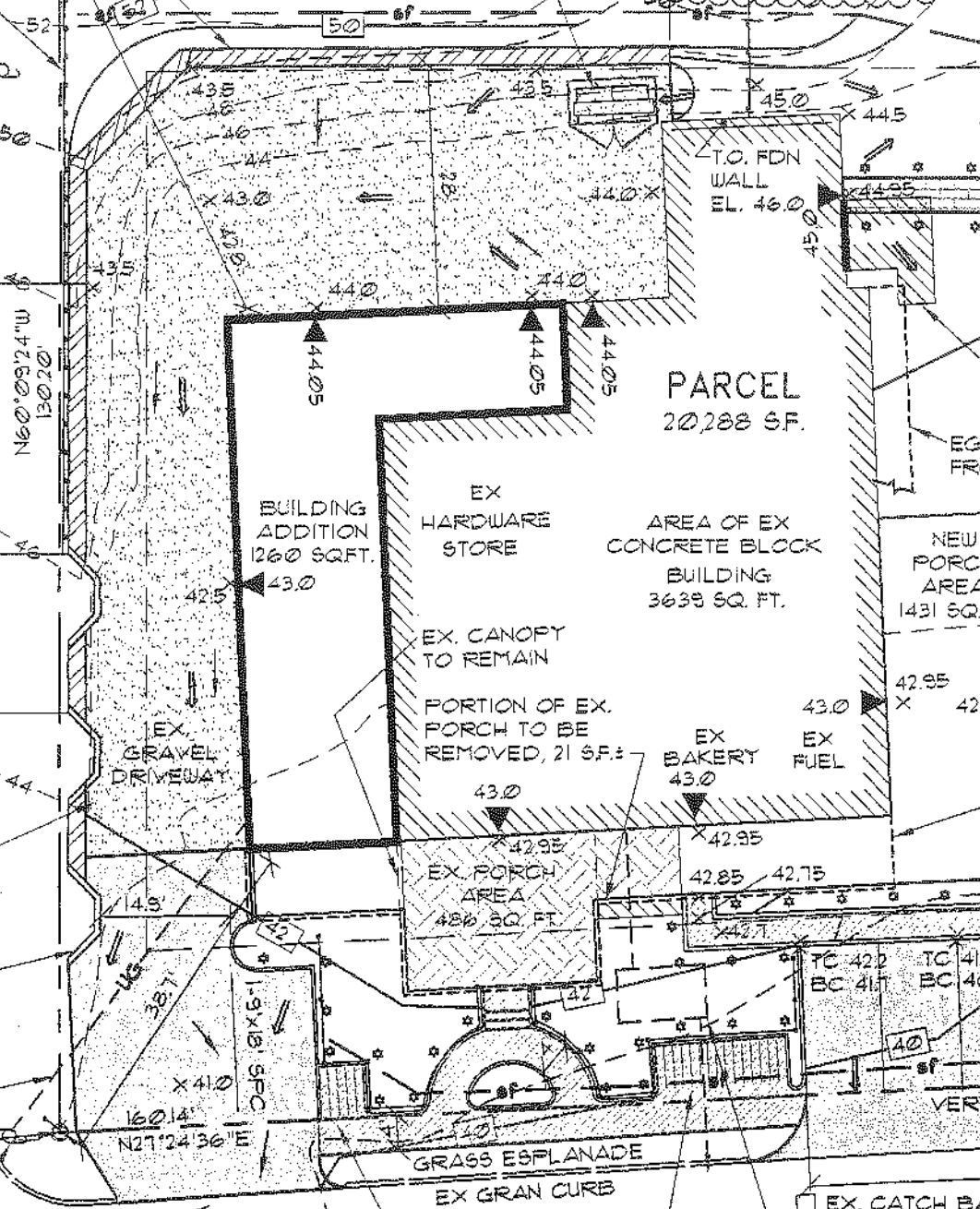
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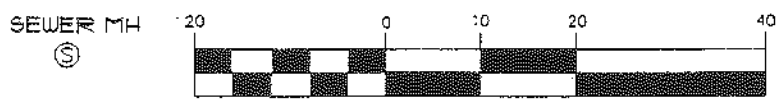
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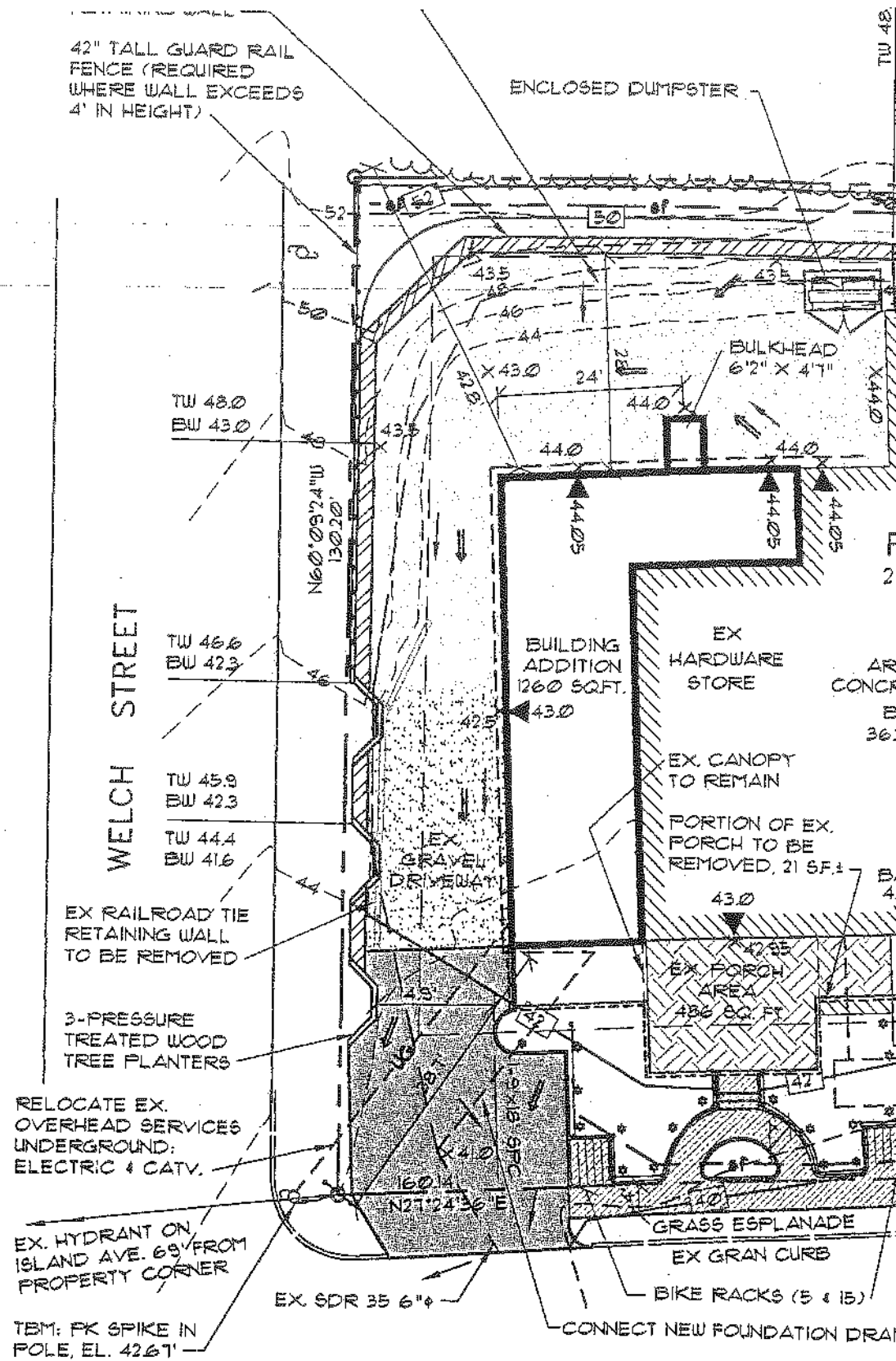
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