

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING DEPARTMENT

Please Read Application And Notes, If Any, Attached

PERMIT

Permit Number: 040331

This is to certify that City of Portland/C.M. Cimino, Inc.
has permission to 42 Senior housing units & Home Center
AT 85 Central Ave Peaks Island 087 P008001

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

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

Notification of inspection must be given and work on permit on procedure before this building or part thereof is closed or enclosed-in. 24 HOUR NOTICE IS REQUIRED.

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

OTHER REQUIRED APPROVALS

Fire Dept. *[Signature]*
Health Dept.
Appeal Board
Other

Department Name

[Signature]
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 04-0331	Issue Date:	CBL: 087 P008001
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Location of Construction: 85 Central Ave <i>PI</i>		Owner Name: City Of Portland		Owner Address: 389 Congress St		Phone:	
Business Name:		Contractor Name: C.M. Cimino Inc.		Contractor Address: 3 Warren Ave Westbrook		Phone: 2078548876	
Lessee/Buyer's Name		Phone:		Permit Type: Multi Family		Zone: <i>IR-2</i>	
Past Use: City parking garage: this project is on CBLs 087-P-007,008,009		Proposed Use: 12 Senior housing units & Health Center		Permit Fee:		Cost of Work: \$0.00	
Proposed Project Description: 12 Senior housing units & Health Center		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: <i>R2</i> Type: <i>5A</i>		CEO District: 1	
		Signature: <i>[Signature]</i>		Signature: <i>[Signature]</i>		Date: <i>5/25/04</i>	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)							
Action. <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied							

Permit Taken By: <i>[Signature]</i>	Date Applied For: 03/31/2004	Zoning Approval		
<ol style="list-style-type: none"> This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. Building permits do not include plumbing, septic or electrical work. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work. 	Special Zone or Reviews <input type="checkbox"/> Shoreland <i>N/A</i> <input type="checkbox"/> Wetland Zone <input checked="" type="checkbox"/> Subdivision <i>Panel 15 Zone C</i> <input checked="" type="checkbox"/> Site Plan <i>in 4/2004-004</i> Major <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM <input type="checkbox"/> Date: <i>4/1/04</i>	Zoning Appeal <input type="checkbox"/> Variance Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:	
	<i>[Signature]</i>			<i>[Signature]</i>

CERTIFICATION

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

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

City of Portland, Maine - Building or Use Permit

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

Permit No: 04-033 1	Date Applied For: 03/31/2004	CBL: 087 P008001
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Location of Construction: 85 Central Ave Peaks Island	Owner Name: City Of Portland	Owner Address: 389 Congress St	Phone:
Business Name:	Contractor Name: C.M. Cimino Inc.	Contractor Address: 3 Warren Ave Westbrook	Phone (207) 854-8876
Lessee/Buyer's Name	Phone:	Permit Type: Multi Family	

Proposed Use:	Proposed Project Description: 12 Senior housing units & Health Center
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 04/01/2004
Note: This is all a contract zone within the IR-2 zone **Ok to Issue:**

1) This project is part of an approved City Contract Zone. ALL conditions of the signed contract zone SHALL be met in their entirety.
2) Separate permits shall be required for any new signage.
3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Mike Nugent **Approval Date:** 05/25/2004
Note: **Ok to Issue:**

1) Site improvements and Building Construction shall not occur until the performance guarantee is reviewed and accepted, inspection fee paid, conditions met, pre-construction meeting held.
2) S.W. Cole must observe the site after excavation prior to forming footings.

All fire separation assemblies must be protected in accordance with Chapter 7 of the 1999 BOCA Code.

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Lt. MacDougal **Approval Date:** 04/06/2004
Note: **Ok to Issue:**

1) the fire alarm system shall be monitored by an approved central station or with the masterbox system of the city
2) the fire alarm system shall be installed to NFPA 72 standards
3)

Comments:
3/31/2004-kwd: two sets of plans submitted for simultaneous review. Payment not made; will be made prior to issuance of permit, see MJN. Kwd
4/6/2004-kwd: main copy sent to MJN for review on 4/6/2004. Kwd
5/26/2004-mjn: HOLD for PLANNING see email from Jay Reynold

City of Portland, Maine - Building or Use Permit

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

Permit No: 04-033 1	Date Applied For: 03/31/2004	CBL: 087 P008001
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CITY OF PORTLAND
BUILDING CODE CERTIFICATE
389 Congress St., Room 315
Portland, Maine 04101

TO: Inspector of Buildings City of Portland, Maine
Department of Planning & Urban Development
Division of Housing & Community Service

FROM Constantine L. Tsomides, AIA

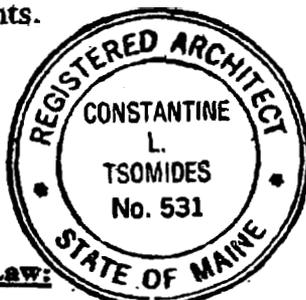
RE: Certificate of Design

DATE: March 30, 2004

These plans and / or specifications covering construction work on:
Peaks Island VOA Senior Housing & Health Center

Have been designed and drawn up by the undersigned, a Maine registered Architect
Engineer according to the BOCA National Building Code / 1999 (Fourteenth Edition)
and local amendments.

(SEAL)



Signature: Constantine L. Tsomides

Title: Architect

Firm: Tsomides Associates Architects

389 Elliot Street
Address: Newton Upper Falls, MA 02464

As per Maine State Law:

\$50,000.00 or more in new construction, repair
expansion, addition, or modification for
Building or Structures, shall be prepared by a
registered design Professional.

From: Marge Schmuckal
To: Sarah Hopkins
Date: Thu, Apr 1, 2004 10:30 AM
Subject: PI - VOA

Sarah,
Is this site plan ready to go? - have they paid their performance guarantees etc? Also I do not have a copy of a signed contract. Is there one I can get? I have an unsigned copy.

Thanks,
Marge

Wait for planning's
for OK on this

City of Portland, Maine - Building or Use Permit**389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716**

Permit No: 04-0331	Date Applied For: 03/31/2004	CBL 087 P008001
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Business Name:	Contractor Name: C.M. Cimino Inc.	Contractor Address: 3 Warren Ave Westbrook	Phone (207) 854-8876
Lessee/Buyer's Name	Phone:	Permit Type: Multi Family	

Proposed Use: 12 Senior housing units & Health Center	Proposed Project Description: 12 Senior housing units & Health Center
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**Dept:** Building**Status:** Pending**Reviewer:** Mike Nugent**Approval Date:****Note:****Ok to Issue:** **Dept:** Fire**Status:** Pending**Reviewer:****Approval Date:****Note:****Ok to Issue:** **Comments:**

313 1104-kwd:two sets of plans submitted for simultaneous review. Payment not made; will be made prior to issuance of permit, see MJN. Kwd



CITY OF PORTLAND
BUILDING CODE CERTIFICATE
389 Congress St., Room 315
Portland, Maine 04101

TO: Inspector of Buildings City of Portland, Maine
Department of planning & Urban Development
Division of Housing & Community Service

FROM DESIGNER: Constantine L. Tsomides, AIA

DATE: March 30, 2004

Job Name: Peaks Island VOA Senior Housing & Health Center

Address of Construction: Central Avenue, Peaks Island, Maine

THE BOCA NATIONAL BUILDING CODE / 1999 (FOURTEENTH EDITION)

Construction project was designed according to the building code criteria listed below:

Building Code and Year BOCA 1999 Use Group Classification(s) Housing: R-2
Type of Construction 5A Health Center-Business: B

Structural Systems

Roof Snow Load
60 PSF Ground Snow Load (Pg)
42 PSF If Pg >10 psf, Flat Roof snow load, Pf
If Pg >10 psf, snow exposure factor, Ce
1.0 If Pg >10 psf, roof thermal factor
1.10 If Pg >10 psf, snow load importance factor, I
42 PSF Sloped Roof Snowload Pr
(4 6/12)

Earthquake Loads
0.10 Peak velocity-related acceleration, Av
0.10 Peak acceleration, Az
I Seismic hazard exposure group
C Seismic performance category
S Soil profile type (Light Framed Walls w/ Shear Panels)
Basic structural system/seismic-resisting system
6 1/2 Response modification factor, R, and deflection
4 amplification factor, Cd.

The documents must account for Drift snow load, unbalanced snow load and Sliding snow loads as required.

Wind Loads
90 MPH Basic Wind Speed
C Wind Exposure Category 25.4
+/-0.25 Internal Pressure Coefficient
Wind Design Pressure 1.10 Wind Importance Factor

389 Congress Street • Portland, Maine 04101 • (207) 874-8703 • FACSIMILE (207) 874-8716 • TTY (207) 874-8936

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389 Congress St. Rm 315
Portland, ME 04101
Phone: (207)874-8700
Fax: (207)874-8716

facsimile transmittal

To: Constantine Tsomides From: Mike Nugent

Fax: 617-969-4793 Date: April 28, 2004

Phone 617-969-4774 Pages: 1

Re: 85 Central Ave. (087 P008)

Urgent For Review Please Comment Please Reply Please Recycle

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I have commenced review the submissions for permit #040331 and have the following questions:

- 1) I need the Geotechnical report referenced in the construction documents.
- 2) Are these separated or non-separated use groups?
- 3) The door schedule does not assign a fire rating to the dwelling unit egress doors.
- 4) There is no specified fire rating to the windows inf the office and the laundry room
- 5) Fire separation assembly penetration protection is not addressed.
- 6) Need info on fire dampers for any ducts that penetrate fir separation assemblies.
- 7) Draft stopping pursuant to Section 721 is not shown.
- 8) Is the fire suppression system in the "B" use group NFPA 13R?
- 9) Please provide a safety glazing schedule.



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FACSIMILE

DATE : April 20, 2004
TO: Michael Cimino ✓

Echo Bridge Office Park
389 Elliot Street
Newton Upper Falls, MA 02464
617/969-4774
617/969-4793 Fax
[http:// www.tsomides.com](http://www.tsomides.com)

COMPANY:

FAX: 207-856-2254
FROM: Danielle Pactovis
RE: Peaks Island VOA

**Tsomides
Associate
Architects
Planners**

Michael Cimino
C. M. Cimino, Inc.

I have added attic access and notes to the roof plan for Peaks Island. Enclosed is a reduced copy of the roof plan. Please let me know if you need any further information.

--
Danielle S. Pactovis
Tsomides Associates Architects Planners
389 Elliot Street
Newton Upper Falls, MA 02464

dpactovis@tsomides.com

t. 617 969-4774
f. 617 969-4793

Pages Including this one: 2

encl.:
cc: File

FACSIMILE MEMORANDUM

DATE: May 25, 2004
TO Mr. Mike Nugent
Building Code Enforcement Officer
COMPANY: City of Portland, Maine
FAX 207-874-8716
FROM: Constantine Tsomides 
RE: Peaks Island VOA Senior Housing Facility & Health Center

Echo Bridge Office Park
389 Elliot Street
Newton Upper Falls, MA 02484
617/969-4774
617/969-4793 Fax
[http:// www.tsomides.com](http://www.tsomides.com)

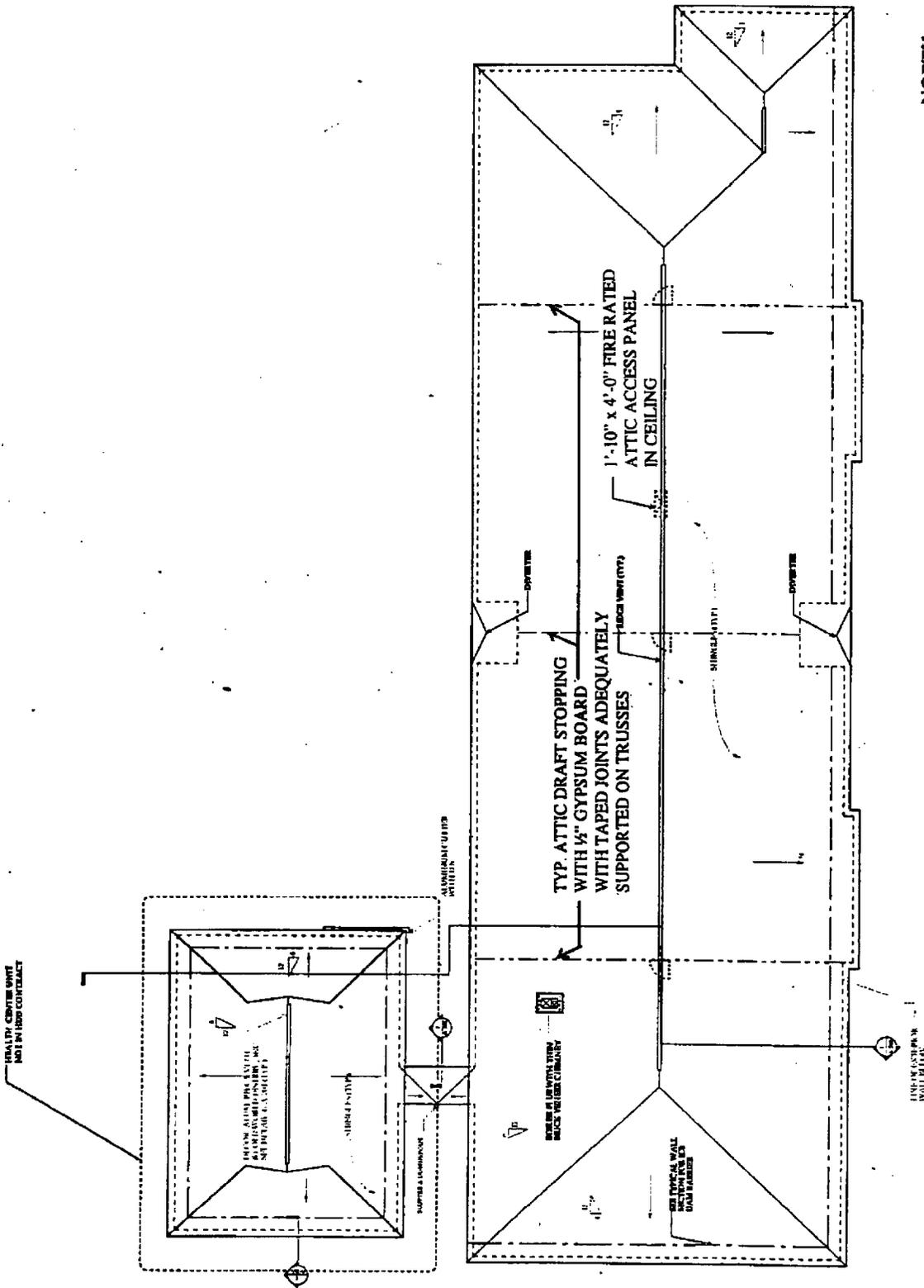
**Tsomides
Associates
Architects
Planners**

Per your request enclosed please find clean legible copy of Roof Plan indicating draft stopping and access to Attic.

Please do not hesitate to call if you have any questions or comments.

encl: 2 pages

cc: M. Cimino



Tsomides
Associates
Architects
Planners

May 25, 2004

PEAKS ISLAND V.O.A.
SENIOR HOUSING FACILITY & HEALTH CENTER
ROOF PLAN

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

- Footing/Building Location Inspection: Prior to pouring concrete
- Re-Bar Schedule Inspection: Prior to pouring concrete
- Foundation Inspection: Prior to placing ANY backfill
- Framing/Rough Plumbing/Electrical: Prior to any insulating or drywalling
- Final/Certificate of Occupancy: Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection

If any of the inspections do not occur, the project cannot go on to the next phase, **REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.**

CERIFICATE OF OCCUPANCIES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED

[Signature]
Signature of Applicant/Designee

8/23/04
Date

[Signature]
Signature of Inspections Official

8/23/04
Date

CBL: 087 P 008 Building Permit #: 040331

04-0331

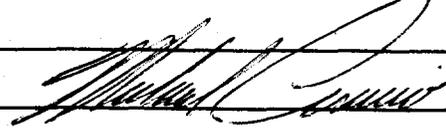
All Purpose Building Permit Application

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

Location/Address of Construction: <u>PEAKS ISLAND CENTRAL AVE.</u>		
<u>12,388 SF</u>		<u>40,268 SF</u>
Tax Assessor's Chart, Block & Lot Chart# <u>087</u> Block# <u>P</u> Lot# <u>007,008,009</u>	Owner: <u>VOLUNTEERS OF AMERICA</u> <u>14 MAINE STREET</u> <u>BRUNSWICK, ME 04011</u>	Telephone: <u>(207) 373-1140</u>
Lessee/Buyer's Name (If Applicable)	Applicant name, address & <u>3 WARREN AVE.</u> <u>PORTLAND ME 04092 854-8876</u>	Cost Of Work: \$ <u>1,910,000.00</u> Fee: \$ <u>17,211.00</u>
If the location is currently vacant, what was prior use: <u>TOWN GARAGE</u>		<u>75.00</u> <u>6/0</u> \$ <u>17,205.00</u>
Approximately how long has it been vacant: <u>1 YEAR</u> <u>12 units</u>		
Proposed use: <u>SENIOR HOUSING FACILITY & HEALTH CENTER</u> Project description:		
Contractor's name, address & telephone: <u>C. M. CIMINO INC</u> <u>3 WARREN AVE WESTBROOK, ME 04092 854-8876</u>		
Who should we contact when the permits ready: <u>MICHAEL CIMINO</u>		
Mailing address: <u>3 WARREN AVE</u> <u>WESTBROOK, ME 04092</u>		
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: <u>854-8876</u>		

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

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

Signature of applicant: 	Date: <u>4/1/04</u>
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This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall

1703.2.1 Research reports: Supporting data, where necessary to assist in the approval of all materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

1703.3 Evaluation and follow-up inspection services: Prior to the approval of a closed prefabricated assembly, the permit applicant shall submit an evaluation report of each prefabricated assembly. The report shall indicate the complete details of the assembly, including a description of the assembly and the assembly's components, the basis upon which the assembly is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to this code.

1703.3.1 Evaluation service: The code official shall review evaluation reports from approved sources for adequacy and conformance to the code.

1703.3.2 Follow-up inspection: The owner shall provide for special inspections of fabricated items in accordance with Section 1705.2.

1703.3.3 Test and inspection records: Copies of all necessary test and inspection records shall be filed with the code official.

1703.4 Identification: All required product identification shall be legible and shall be applied to the product or product packaging, as applicable, in a manner that will allow product verification at the time of a field inspection conducted by the code official or special inspector, as applicable, prior to the issuance of a certificate of occupancy by the code official.

For products where the required identification is on the product packaging, the part of the packaging containing the product identification shall be kept at the building site where it can be verified at the time of field inspection. For products where the required identification is concealed from view after the product is installed, the code official shall be notified before the product identification is conceded and the product identification shall not be concealed before approval.

SECTION 1704.0 APPROVALS

1704.1 Written approval: Any material, appliance, equipment, system or method of construction meeting the requirements of this code shall be approved in writing within a reasonable time after satisfactory completion of all the required tests and submission of required test reports.

1704.2 Approved record: For any material, appliance, equipment, system or method of construction that has been approved, a record of such approval, including all of the conditions and limitations of the approval, shall be kept on file in the code official's office and shall be open to public inspection at all appropriate times.

1704.3 Labeling: Products and materials required to be labeled shall be labeled in accordance with the procedures set forth in Sections 1704.3.1 through 1704.3.3.

1704.3.1 Testing: An approved agency shall test a representative sample of the product or material being labeled to the relevant standard or standards. The approved agency shall maintain a record of all of the tests performed. The record

shall provide sufficient detail to verify compliance with the test standard.

1704.3.2 Inspection and identification: The approved agency shall periodically perform an inspection, which shall be in-plant if necessary, of the product or material that is to be labeled. The inspection shall verify that the labeled product or material is representative of the product or material tested,

1704.3.2.1 Independent: The agency to be approved shall be objective and competent. The agency shall also disclose all possible conflicts of interest so that objectivity can be confirmed.

1704.3.2.2 Equipment: An approved agency shall have adequate equipment to perform all required tests. The equipment shall be periodically calibrated.

1704.3.2.3 Personnel: An approved agency shall employ experienced personnel educated in conducting, supervising and evaluating tests.

1704.3.3 Label information: The label shall contain the manufacturer's or distributor's identification, model number, serial number, or definitive information describing the product or material's performance characteristics and approved agency's identification.

1704.4 Heretofore-approved materials: The use of any material already fabricated or of any construction already erected, which conformed to requirements or approvals heretofore in effect, shall be permitted to continue, if not detrimental to life, health or safety of the public.

SECTION 1705.0 SPECIAL INSPECTIONS

1705.1 General: The permit applicant shall provide special inspections where application is made for construction as described in this section. The special inspectors shall be provided by the permit applicant and shall be qualified and approved for the inspection of the work described herein.

Exceptions

1. Special inspections are not required for work of a minor nature or where warranted by conditions in the jurisdiction.
2. Special inspections are not required for building components unless the design involves the practice of professional engineering or architecture as defined by applicable state statutes and regulations governing the professional registration and certification of engineers or architects.
3. Special inspections are not required for occupancies in Use Group R-3 and occupancies in Use Group U that are accessory to a residential occupancy including, but not limited to, those listed in Table 312.1.

1705.1.1 Building permit requirement: The permit applicant shall submit a statement of special inspections prepared by the registered design professional in responsible charge in accordance with Section 114.2.1 as a condition for permit issuance. This statement shall include a complete list of materials and work requiring special inspection by this section, the inspections to be performed and a list of the

individuals, *approved agencies* and *firms* intended to be retained for conducting such inspections.

1705.1.2 Report requirement: Special inspectors shall keep records of all *inspections*. The *special* inspector shall furnish *inspection* reports to the code official, and to the *registered design professional* in responsible charge. All discrepancies shall be brought to the immediate attention of the contractor for *correction*. If the discrepancies are not corrected, the discrepancies shall be brought to the attention of the code official and to the *registered design professional* in responsible charge prior to the completion of that phase of the work. A final report of *inspection* documenting completion of all required *special inspections* and correction of any discrepancies noted in the *inspections* shall be submitted prior to the issuance of a certificate of occupancy. Interim reports shall be submitted periodically at a frequency agreed upon by the permit applicant and the code official prior to the start of work.

1705.2 Inspection of fabricators: Where fabrication of structural loadbearing members and assemblies is being performed on the premises of a fabricator's shop, *special inspection* of the *fabricated items* shall be required. The *fabricated items* shall be *inspected* as required by this section and as required elsewhere in this code.

1705.2.1 Fabrication procedures: The special inspector shall verify that the fabricator maintains detailed fabrication and *quality* control procedures which provide a basis for inspection control of the *workmanship* and the fabricator's ability to conform to approved drawings, project specifications and referenced standards. The special inspector shall review the procedures for completeness and adequacy relative to the code requirements for the fabricator's scope of work.

1705.2.2 Procedures implementation: The special inspector shall verify that the fabricator is properly *implementing* the fabrication and *quality* control procedures outlined in Section 1705.2.1.

Exception: *Special inspections* as required by Section 1705.2 shall not be *required* where the fabricator maintains an agreement with an *approved independent inspection or quality control agency* to conduct periodic in-plant *inspections* at the fabricator's plant, at a frequency that *will* assure the fabricator's conformance to the requirements of the *inspection agency's* approved *quality* control program.

1705.3 Steel construction: The *special inspections* for *steel* elements of buildings and structures shall be as required by Sections 1705.3.1 through 1705.3.3.

1705.3.1 Inspection of steel fabricators: The permit applicant shall provide *special inspection* of *steel fabricated items* in accordance with the provisions of Section 1705.2.

Exception: *Special inspection* of the steel fabrication process shall not be required where the fabricator does not perform any *welding*, thermal cutting or heating operation of any kind as *part* of the fabrication process. In such cases, the fabricator shall be required to submit a detailed *procedure* for material control which demonstrates the fabricator's ability to maintain suitable records and procedures such that, at any time during the fabrication process, the

material specification, grade and *mill* test reports for the *main* stress-carrying elements and bolts are capable of being determined.

1705.3.2 Material receiving: All *main* stress-carrying elements, welding material and bolting material shall be *inspected* for conformance to Table 1705.3.2.

1705.3.3 Erection: *Special inspections* are required for bolts, welding and details as specified in Sections 1705.3.3.1 through 1705.3.3.3.

1705.3.3.1 Installation of high-strength bolts: *Inspection* shall be as specified in Section 9 of the RCSC *Specification for Structural Joints Using A325 or A490 Bolts* listed in Chapter 35.

Table 1705.3.2
INSPECTION FOR STEEL MATERIALS

Material	Inspection required	Reference ^a for criteria
Bolts, nuts, washers	1. Material identification markings. 2. Conformance to ASTM standards specified by the design engineer. Manufacturer's designation (certificate of compliance) is required.	Applicable ASTM material specifications; AISC ASD, Section A3.4; AISC LRFD, Section A3.3
Structural steel	1. Material identification markings. 2. Conformance to ASTM standards specified in the approved plans and specifications.	ASTM A6 or ASTM A588 Provide certified test reports in accordance with ASTM A6 or ASTM A588
Weld filler materials	1. Conformance to AWS specification as specified in the approved plans and specifications. Manufacturer's designation (certificate of compliance) is required.	AISC ASD, Section A3.6; AISC LRFD, Section A35

1705.3.3.2 Welding: *Weld inspection* shall be in compliance with Section 6 of AWS D1.1 listed in Chapter 35. Weld inspectors shall be certified in accordance with AWS D1.1 listed in Chapter 35.

1705.3.3.2.1 Welding of the structural seismic-resisting system: Welding of the structural seismic-resisting system of buildings assigned to Seismic Performance Category C, D or E, in accordance with Section 1610.1.7, shall be inspected in accordance with Sections 1705.3.3.2.2 and 1705.3.3.2.3. Each complete penetration groove weld in *joints* and splices shall be tested for *the full* length of the weld either by ultrasonic testing or by other approved methods, for *special* moment frames and *eccentrically* braced frames.

Exception: The nondestructive testing rate for welds made by an individual welder is permitted to be reduced to 25 percent of the welds, with the approval of the *registered design professional* responsible for the structural design, provided the weld inspection reject rate is 5 percent or less.

1705.3.3.2.2 Column splice welds: Column splice welds, which are partial penetration groove welds, shall

1705.3.3.2.2

be tested by ultrasonic testing or other approved methods at a percentage rate established by the *registered design professional* responsible for the structural design. All partial penetration column splice welds designed for axial or flexural tension from seismic forces shall be tested.

1705.3.3.2.3 Base metal testing: Base metal having a thickness more than 1 1/2 inches (38 mm) and subject to through-thickness weld shrinkage strains shall be ultrasonically tested for discontinuities behind and adjacent to the welds after joint welding. Any material discontinuities shall be evaluated based on the criteria established in the *construction documents* by the *registered design professional* responsible for the structural design.

1705.3.3.3 Details: The special inspector shall perform an *inspection* of the steel frame to verify compliance with the details shown on the approved *construction documents*, such as bracing, stiffening, member locations and proper application of joint details at each connection.

1705.4 Concrete construction: The *special inspections* for concrete elements of buildings and structures and concreting operations shall be as required by Sections 1705.4.1 through 1705.4.7.

Exception: *Special inspections* shall not be required for:

1. Concrete footings of buildings **three** stories or less in height which are fully supported on earth or rock.
2. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (0.11 kg/mm²).
3. Plain concrete foundation walls constructed in accordance with Table 1812.3.2.
4. Concrete patios, driveways and sidewalks, on grade.

1705.4.1 Materials: In the absence of sufficient data or documentation providing evidence of conformance to quality standards for materials in Chapter 3 of ACI 318 listed in Chapter 35, the code official shall require testing of materials in accordance with the appropriate standards and criteria for the material in Chapter 3 of ACI 318 listed in Chapter 35. Weldability of reinforcement, except that which conforms to ASTM A706 listed in Chapter 35, shall be determined in accordance with the requirements of Section 1906.5.2.

1705.4.2 Installation of reinforcing and prestressing steel:

The location and installation details of reinforcing and prestressing steel shall be *inspected* for compliance with the approved *construction documents* and ACI 318 (such as Sections 7.4, 7.5, 7.6 and 7.7) listed in Chapter 35. Welding of reinforcing of the structural seismic-resisting system shall be *inspected* for buildings assigned to Seismic Performance Category C, D or E, in accordance with Section 1610.1.7.

1705.4.3 Formwork: Forms for concrete, if used, shall be *inspected* for compliance with Section 6.1 of ACI 318 listed in Chapter 35, and with any additional design requirements indicated on the approved *construction documents*. *Inspection* of form removal and reshoring shall be conducted to

verify compliance with Section 6.2 of ACI 318 listed in Chapter 35.

1705.4.4 Concreting operations: During placing and curing of concrete, the *special inspections* listed in Table 1705.4.4 shall be performed.

Table 1705.4.4
REQUIRED INSPECTIONS DURING CONCRETING

Required inspection	Reference ^a for criteria
1. Evaluation of concrete strength, except as exempted by Section 1906.3.1(3) of this code.	ACI 318 Section 5.6
2. inspection for use of proper mix proportions and proper mix techniques.	ACI 318 Chapter 4, Sections 5.2, 5.3, 5.4 and 5.8
3. Inspection during concrete placement, for proper application techniques.	ACI 318 Sections 5.9 and 5.10
4. Inspection for maintenance of specified curing temperatures and techniques.	ACI 318 Sections 5.11, 5.12 and 5.13

Note a. ACI 318 listed in Chapter 35.

1705.4.5 Inspection during prestressing: *Inspection* during the application of prestressing forces shall be performed to determine compliance with Section 18.18 of ACI 318 listed in Chapter 35.

1705.4.5.1 Inspection during grouting: In buildings assigned to Seismic Performance Category C, D or E, in accordance with Section 1610.1.7, inspection during the grouting of bonded prestressing tendons in the structural seismic-resisting system shall be performed.

1705.4.6 Manufacture of precast concrete: The manufacture of precast concrete, as required by Section 1705.2, shall be subject to a quality control program administered by an *approved agency*.

1705.4.7 Erection of precast concrete: Erection of precast concrete shall be *inspected* for compliance with the approved plans and erection drawings.

1705.5 Masonry construction: The *special inspections* listed in Table 1705.5 shall be required for masonry construction where masonry is designed in accordance with ACI 530/ASCE 5/TMS 402 listed in Chapter 35.

1705.6 Wood construction: *Special inspections* of the fabrication process of wood structural elements and assemblies shall be in accordance with Section 1705.2. *Special inspection* is required for nailing, bolting, structural gluing or other fastening of the structural seismic-resisting system of buildings assigned to Seismic Performance Category C, D or E, in accordance with Section 1610.1.7.

1705.7 Prepared fill: The *special inspections* for prepared fill shall be as required by Sections 1705.7.1 through 1705.7.3. The approved report, required by Section 1804.1, shall be used to determine compliance.

1705.7.1 Site preparation: Prior to placement of the prepared fill, the special inspector shall determine that the site has been prepared in accordance with the approved report.

Table 1705.5
SPECIAL INSPECTIONS FOR MASONRY CONSTRUCTION

Inspection or test	Referenced ^a criteria	
	ACI 530/ ASCE 5/ TMS 402	ACI 530.1/ ASCE 6/ TMS 602
1. Material 2. Masonry strength		Sec. 2.3 Sec. 1.4
b. Application of mortar and grout; Installation of masonry units		Sec. 3.2 Sec. 3.5
d. Protection of masonry during cold weather (temperature below 40 degrees F.) or hot weather (temperature above 100 degrees F.)		
4. Inspection of welding of reinforcement, grouting, consolidation and reconsolidation for buildings assigned to Seismic Performance Category C, D or E, in accordance with Section 1610.1.7.	Note b	Note b

Note a. The specific standards referenced are those listed in Chapter 35.
Note b. Referenced criteria not applicable.

1705.7.2 During fill placement: During the placement and compaction of the fill material, the special inspector shall determine that the material being used and the maximum lift thicknesses comply with the approved report.

1705.7.3 Evaluation of in-place density: The special inspector shall determine, at the approved frequency, that the in-place dry density of the compacted fill complies with the approved report.

1705.8 Pile foundations: *Special inspections* of pile foundations are required as provided for in Section 1816.13 of this code.

1705.9 Pier foundations: *Special inspection* is required for pier foundations of buildings assigned to Seismic Performance Category C, D or E, in accordance with Section 1610.1.7.

1705.10 Wall panels and veneers: *Special inspection* is required for exterior and interior architectural wall panels and the anchoring of veneers for buildings assigned to Seismic Performance Category E, in accordance with Section 1610.1.7.

1705.11 Mechanical and electrical components: Mechanical and electrical components that are located in buildings assigned to Seismic Performance Category E shall be inspected, tested and certified as required by this section, in accordance with Section 1610.1.7.

1705.11.1 Component inspection: *Special inspection* is required for the installation of the following components where the component has a performance criteria factor of 1.0 or 1.5 in accordance with Section 1610.6.4,

1. Equipment using combustible energy sources.
2. Electrical motors, transformers, switchgear unit substations and motor control centers.
3. Reciprocating and rotating-type machinery.
4. Piping distribution systems, 3 inches and larger.
5. Tanks, heat exchangers and pressure vessels.

1705.11.2 Component and attachment testing: The component manufacturer shall test or analyze the component and the component mounting system or anchorage for the design forces in Section 1610.6.4 for those components having a performance criteria factor of 1.0 or 1.5 in accordance with Section 1610.6.4. The manufacturer shall submit a certificate of compliance for review and acceptance by the registered design professional responsible for the design, and for approval by the code official. The basis of certification shall be by test on a shaking table, by three-dimensional shock tests, by an analytical method using dynamic characteristics and forces from Section 1610.6.4 or by more rigorous analysis. The special inspector shall inspect the component and verify that the label, anchorage or mounting conforms to the certificate of compliance.

1705.11.3 Component manufacturer certification: Each manufacturer of equipment to be placed in a building assigned to Seismic Performance Category E, in accordance with Section 1610.1.7, where the equipment has a performance criteria factor of 1.0 or 1.5 in accordance with Section 1610.6.4, shall maintain an approved quality control program. Evidence of the quality control program shall be permanently identified on each piece of equipment by a label.

1705.12 Sprayed cementitious and mineral fiber fire resistive materials: Special inspections for sprayed cementitious and mineral fiber fire resistive materials applied to structure elements shall be performed in accordance with Sections 1705.12.1 through 1705.12.5. Special inspections shall be based upon the fire resistance design as designated in the approved construction documents.

1705.12.1 Structure element surface conditions: The surfaces of all structure elements to be sprayed shall be inspected before the application of the sprayed fire resistive material to determine that such surfaces were prepared in accordance with the approved fire resistance design and the manufacturer's approved written instructions.

1705.12.2 Application: The sprayed fire resistive materials and the surfaces of the structure elements to be sprayed shall have a minimum ambient temperature before and after application until cured as specified in the manufacturer's approved written instructions. The area for spray application shall be ventilated during and after application as required by the manufacturer's approved written instructions to allow the sprayed fire resistive materials to cure.

1705.12.3 Thickness: The average thickness of the cured sprayed fire resistive material applied to structure elements shall not be less than the thicknesses required by the approved fire resistance design. Thickness shall be determined by an approved method using samples of the sprayed fire resistive materials selected in accordance with Sections 1705.12.3.1 and 1705.12.3.2.

1705.12.3.1 Floor, roof and wall assemblies: The thickness of the sprayed fire-resistant material applied to the underside of floor and roof assemblies and to wall assemblies shall be determined by taking the average of four measurements in each 144-square-inch (0.093 m²) sample area, having a minimum width of 6 inches (152 mm), for each 1,000 square feet (93 m²) or part thereof of the sprayed area in each story.

1705.12.3.2 Structural framing members: The thickness of the sprayed fire-resistant material applied to structural framing members shall be determined by taking nine measurements at a single cross section for beams and girders, seven measurements at a single cross section for joists and trusses, and 12 measurements at a single cross section for columns. Thickness measurements shall be performed on 25 percent of each type of structural framing members in each story.

1705.12.4 Density: The density of the cured sprayed fire-resistant material applied to structure elements shall not be less than the density specified in the approved fire-resistance design or 15 pounds per cubic foot (240 kg/m³), whichever is greater. Density of the sprayed fire-resistant material shall be determined by an approved method using the sampling rates specified in Sections 1705.12.3.1 and 1705.12.3.2.

1705.12.5 Bond strength: The cohesive/adhesive bond strength of the cured sprayed fire-resistant material applied to structure elements shall not be less than the cohesive/adhesive bond strength specified in the approved fire-resistance design or 150 pounds per square foot (732 kg/m²), whichever is greater. The cohesive/adhesive bond strength shall be determined by an approved method using the samples of the sprayed fire-resistant material selected in accordance with Sections 1705.12.5.1 and 1705.12.5.2.

1705.12.5.1 Floor, roof and wall assemblies: The samples used for determining the cohesive/adhesive bond strength of the sprayed fire-resistant materials shall be taken from each floor, roof and wall assembly at the rate of one sample for every 10,000 square feet (929 m²) or part thereof of the sprayed area in each story.

1705.12.5.2 Structural framing members: The samples used for determining the cohesive/adhesive bond strength of the sprayed fire-resistant materials shall be taken from beams, girders, joists, trusses, and columns at the rate of one sample for each type of structural framing member for each 10,000 square feet (929 m²) of floor area of part thereof in each story.

705.13 Exterior insulation and finish systems (EIFS): Special inspections shall be based upon the information provided in the manufacturer's installation instructions and the construction documents. The manufacturer's installation instructions shall include criteria for: the conditions of the substrate; foam plastic material and application; mesh application; base coat application including thickness, ambient conditions and cure; sealant requirements; finish coat application; details for joints and flashing at windows, doors, joints in the system, eaves, corners, and penetrations; and any other criteria necessary for the proper installation of the EIFS.

1705.M Special cases: *Special inspections* shall be required for proposed work which is, in the opinion of the code official, unusual in its nature, such as:

1. Construction of materials and systems which are alternatives to materials and systems prescribed by this code.
2. Unusual design applications of materials described in this code.
3. Materials and systems required to be installed in accordance with additional manufacturer's instructions that prescribe requirements not contained in this code or in standards referenced by this code.

SECTION 1706.0 DESIGN STRENGTHS OF MATERIALS

1706.1 Conformance to standards: The design strengths and permissible stresses of any structural material that is identified by a manufacturer's designation as to manufacture and grade by mill tests, or the strength and stress grade is otherwise confirmed to the satisfaction of the code official, shall conform to the specifications and methods of design of accepted engineering practice or the *approved rules* in the absence of applicable standards.

1706.2 New materials: For materials which are not specifically provided for in this code, the design strengths and permissible stresses shall be established by tests as provided for in Sections 1708.0 and 1709.0.

SECTION 1707.0 ALTERNATIVE TEST PROCEDURE

1707.1 General: In the absence of *approved rules* or other approved standards, the code official shall make, or cause to be made, the necessary tests and investigations; or the code official shall accept duly authenticated reports from *approved agencies* in respect to the quality and manner of use of new materials or assemblies as provided for in Section 106.0. The cost of all tests and other investigations required under the provisions of this code shall be borne by the permit applicant.

SECTION 1708.0 TEST SAFE LOAD

1708.1 Where required: Where proposed construction is not capable of being designed by approved engineering analysis, or where proposed construction design method does not comply with the applicable material design standard listed in Chapter 35, the system of construction or the structural unit and the connections shall be subjected to the tests prescribed in Section 1710.0. The code official shall accept *certified* reports of such tests conducted by an *approved testing agency*, provided that such tests meet the requirements of this code and approved procedures.

SECTION 1709.0 IN-SITU LOAD TESTS

1709.1 General: Whenever there is a reasonable doubt as to the stability or loadbearing capacity of a completed building, structure or portion thereof for the expected loads, an engineering assessment shall be required. The engineering assessment shall involve either a structural analysis or an in-situ load test, or both. The structural analysis shall be based upon actual material properties and other as-built conditions which affect stability or loadbearing capacity, and shall be conducted in accordance with the applicable design standard listed in Chapter 35. If the



**CITY OF PORTLAND
BUILDING CODE CERTIFICATE
389 Congress St., Room 315
Portland, Maine 04101**

ACCESSIBILITY CERTIFICATE

Designer: Constantine L. Tsomides, . AIA

Address of Project: Central Avenue; Peaks Island

Nature of Project: Senior Housing Facility & Health Center

The technical submissions covering the proposed construction work *is* described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act.

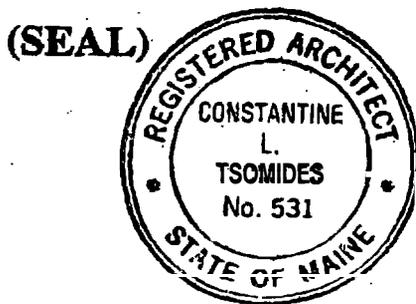
Signature: *Constantine L. Tsomides*

Title: Architect

Firm: Tsomides Associates Architects Planners

Address: 389 Elliot Street
Newton Upper Falls, MA 02464

Phone: 617-969-4774



**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PUNNING DEPARTMENT PROCESSING FORM
Zoning Copy**

2004-0004

Application I. D. Number

1/8/04

Application Date

Amendment to Plan - VOA Senior Housi

Project Name/Description

Volunteers of America

Applicant

14 Maine Street, #205, Brunswick, ME 04011

Applicant's Mailing Address

94 - 94 Herman Ave, Portland, Maine

Address of Proposed Site

087 P007001

Assessor's Reference: Chart-Block-Lot

Consultant/Agent

Applicant Ph: (207) 373-1140 Applicant Fax: (207) 373-1160

Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply) New Building Building Addition Change Of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking Lot

Other (specify) **Amendment to Plan**

12,388 s.f.

Proposed Building square Feet or # of Units

Acreage of Site

IR2

Zoning

Check Review Required:

Site Plan (major/minor) Subdivision # of lots PAD Review 14403 Streets Review

Flood Hazard Shoreland Historic Preservation DEP Local Certification

Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan _____ Subdivision _____ Engineer Review _____ Date: _____

Zoning Approval Status:

Reviewer _____

Approved Approved w/Conditions See Attached Denied

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

Condition Compliance _____ signature _____ date _____

Performance Guarantee

Required*

Not Required

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

Performance Guarantee Accepted _____ date _____ amount _____ expiration date _____

Inspection Fee Paid _____ date _____ amount _____

Building Permit Issued _____ date _____

Performance Guarantee Reduced _____ date _____ remaining balance _____ signature _____

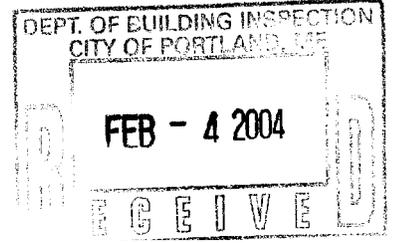
Temporary Certificated Occupancy _____ date _____ Conditions (See Attached) _____ expiration date _____

Final Inspection _____ date _____ signature _____

Certificate Of Occupancy _____ date _____

Performance Guarantee Released _____ date _____ signature _____

Defect Guarantee Submitted _____ submitted date _____ amount _____ expiration date _____



**CONTRACT ZONE AGREEMENT
BETWEEN
CITY OF PORTLAND
AND
VOLUNTEERS OF AMERICA NORTHERN NEW ENGLAND AND PEAKS ISLAND
VOLUNTEERS OF AMERICA
ELDERLY HOUSING, INC.**

This Agreement made this _____ day of _____, 2004 by and between the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County, and State of Maine (hereinafter the “City”) and **PEAKS ISLAND VOLUNTEERS OF AMERICA ELDERLY HOUSING, INC.** (hereinafter referred to as “VOA” or “APPLICANTS”), a Maine not for profit corporation and **VOLUNTEERS OF AMERICA NORTHERN NEW ENGLAND, INC** also a Maine not for profit corporation with an office in Brunswick, Maine (hereinafter sometimes referred to as “VOANNE” or “APPLICANTS”)

WITNESSETH:

WHEREAS, VOA has determined that there is a need for affordable senior housing on Peaks Island; and

WHEREAS, VOANNE has determined the need for a community health center and dental clinic servicing seniors and the community of Peaks Island; and

WHEREAS, APPLICANTS have located an appropriate location on Peaks Island between Central Avenue and Herman Avenue, at Ernest Street, on which to construct a twelve unit supportive housing facility for seniors and community health center and dental clinic (hereinafter “**PROPERTY**”); and

WHEREAS, VOA has obtained a Fund Reservation from the United States Department of Housing and Urban Development (“HUD”) to build and operate a twelve unit supportive housing facility for seniors; and

WHEREAS, APPLICANTS have requested the rezoning of the Property from **IR-2** to that set forth in this Agreement to permit the development and operation of the aforesaid senior housing and community health center and related and appurtenant uses; and

WHEREAS, APPLICANTS will create a condominium form of ownership, with **VOA** owning **UNIT 1** and **VOANNE** owning **UNIT 2**; and

WHEREAS, APPLICANTS have designed a small conference space into its facility and which shall be available for use by the residents of the supportive housing facility, and members of the general public on a limited basis; and

WHEREAS, APPLICANTS have requested a contract rezoning of the Ernest Street parcel from its present zoning designation of **IR-2** to facilitate its proposed development; and

WHEREAS, the Planning Board of the **CITY**, pursuant to 30-A M.R.S.A § 4352(8) and after notice and hearing and due deliberation thereon, recommended the rezoning of the **PROPERTY** as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY** by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the purposes of the IR-2 zone, and its existing and permitted uses; and

WHEREAS, the **CITY** by and through its City Council ~~has~~ determined because of the unusual nature of the development it is necessary or appropriate to impose by agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the **CITY** has determined that the proposed development will be designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal; and

WHEREAS, the **CITY** has determined that because of the unusual nature and unique location of the proposed development, in that there is no area of Peaks Island that is zoned for multifamily housing, and there is a stated need for such housing on Peaks Island, it is necessary and appropriate to impose by agreement the following conditions or restrictions in order to ensure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

.WHEREAS, the **CITY** authorized the execution of this Agreement on 9/18/2002;

NOW THEREFORE, in consideration of the mutual promises made by each party to the other the parties covenant and agree as follows:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, ~~as~~ mended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1 hereof.
2. *Permitted Uses:* The **PROPERTY** shall be a Condominium consisting of two units and subject to the restrictions set forth herein:
 - a. The permitted use of **UNIT 1** (as designated on the Applicant's preliminary site plan) shall be as follows:
 - A twelve unit supportive housing facility, which will contain:
 - i. eleven (11) one bedroom residential units for occupancy by a family unit with head of household being at least sixty-two (**62**) years of age and with a

maximum income limit established periodically by federal HUD guidelines;
and

- ii. one (1) two bedroom staff residential unit to be occupied by a staff person (and his or her family) of the supportive housing facility for seniors.

Said housing facility shall be developed substantially in accord with the preliminary site plan attached hereto as Attachment 2. .

b. **The permitted uses of UNIT 2** (as designated on the Applicant's preliminary site plan) **shall be as follows:**

A community health center consisting of a medical and dental clinic containing three (3) examination rooms, one (1) business office, one (1) laboratory, one (1) waiting room and one (1) counseling room all as shown more specifically on Attachment 3.

Such clinic hours, generally, shall be as follows: Monday through Friday 8 a.m. to 5 p.m.; one evening per week – 5 p.m. through 9 p.m.; Saturday mornings – 9 ~~am~~ through 12 noon; and ~~an~~ emergency basis.

Said clinic shall be open to the general public as well as to the residents of the senior housing complex.

The community health center shall be leased, long term, to Casco Bay Health Center.

- c. Common area on the site shall be comprised of an all purpose room (approximately 22 x 24 square feet) and a laundry room (approximately 8 x 11 square feet). The all purpose room **and** laundry room may be used by the tenants of the owners of Unit 1 and Unit 2, generally. The all purpose room may be used by the community, for such things **as** potluck dinners, coffee gatherings, book clubs etc. and for the use by Peaks Island Seniors as a gathering space, all with the specific approval of the **APPLICANTS**.

3. Vehicular and pedestrian access to the **PROPERTY** shall be via Central Avenue.

4. Separate signage for the community health center will be permitted according to the standards set **forth** in the Portland land Use Code.

5. The **PROPERTY** shall be developed substantially in accordance with the site plan and elevations shown on Attachment 2 hereof.

- a. Minimum lot size shall be 39,000 square feet
- b. The maximum lot coverage shall be thirty five (35) percent

- c. The side yard setback for the development shall be fourteen (14) feet on the easterly property line and Fifteen (15) feet on Ernest Street property line for the residential units.
- d. The front yard setback shall be Thirty two (32) feet
- e. The side yard setback shall be Eighteen (18) feet on the Ernest Street property line for the community health center building

The **PROPERTY** shall be developed substantially in accordance with the preliminary site plan and elevation shown on Attachment 2, provided, however, that the development shall be subject to site plan and subdivision review by the Planning Board. Any site plan review applications shall fully comply with the detained site plan application standards contained in article V(site plan) of the Land Use Code.

- 6. Parking: no less than eleven (11) spaces but not more than seventeen (17) spaces total
- 7. The provisions of this agreement are intended to replace the uses and requirements of the underlying ~~IR-2~~ zone.
- 8. **APPLICANTS** shall construct the health center portion of the property at no expense to the Casco Bay Health Center. Said health center's utility services shall be separately metered or submetered.
- 9. The annual lease payment from the Casco Bay Health Center to the owner of the health care facility unit **UNIT 2**) for the community health center portion of the property shall be one (\$100) dollar.
- 10. In the event the Casco Bay Health Center ceases operations for a period in excess of one (1) year for any reason, **the owner of UNIT 2** 1) shall have the right to operate the health center portion of the property as a health center; or 2) may lease the health center portion of the Property to be used as a health center; or 3) may lease or use that portion of the Property for ancillary uses related to and consistent with supportive senior housing services.

The above stated restriction, provisions, and conditions are an essential part of the rezoning, shall run with the **PROPERTY**, shall bind and benefit **APPLICANTS**, any entity affiliated with **VOA** or **VOANNE** that takes title to the **PROPERTY**, their successors and assigns, and any party in possession or occupancy of said **PROPERTY** or any part thereof for so long as the **PROPERTY** shall be used to provide housing to seniors under HUD guidelines for forty (40) years and thereafter under applicable HUD guidelines (or guidelines of the government sponsored Housing and Urban Development Agency then in existence), and shall inure to the benefit of **and** be enforceable by the **CITY**, by and through its duly authorized representatives. **APPLICANTS** shall file a copy of the Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the **PROPERTY**.

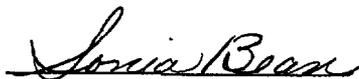
If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **APPLICANTS** or any successor fails to continue to utilize the **PROPERTY** in accordance with the Agreement, or in the event of a breach of any condition(s) set forth in the Agreement the City may, in its sole discretion, take enforcement action for a land use violation through the City's Office of Inspection Services and in court and, following a decision favorable to the City, may request that the City Council, in addition to any other remedies provided by law, amend or revoke this Contract Zone Agreement. In any enforcement action, the City may also request immediate injunctive relief requiring the Applicants or any successor to comply with the terms of this Agreement. In no case shall **HUD**, be subject to any financial penalties, attorney fees, or City costs. The City acknowledges that **HUD** has relied upon the application of the **HUD** guidelines to the **PROPERTY** in granting funding for this project and City agrees that it shall not take any action which requires the cessation of the uses permitted herein without providing **HUD** with at least 120 days prior written notice and giving **HUD** a reasonable opportunity to cure the breach or end the illegal activity that led to an enforcement action by the City.

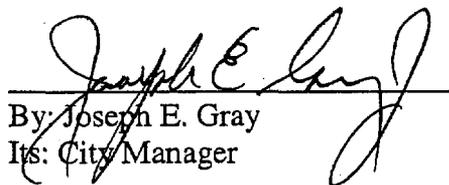
The City also agrees that it shall treat any violation of this Agreement based on activities in units **1** and **2** separately such that a violation in one of the units and the remedy for that violation shall not have an adverse impact or effect on the activities in the other unit or the legal rights applicable to that unit.

WITNESS:



STATE OF MAINE
CUMBERLAND, ss

CITY OF PORTLAND


By: Joseph E. Gray
Its: City Manager

Date: 1-8-04

Personally appeared before me the above-named Joseph E. Gray, in his capacity as City Manager, and acknowledge the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

Notary Public/Attorney at Law
Print Name: _____
My commission expires: _____

WITNESS:

PEAKS ISLAND VOLUNTEERS OF AMERICA ELDERLY HOUSING, INC.

By:
Its:

STATE OF VIRGINIA
CITY OF ALEXANDRIA, SS.

____, 2004

Personally appeared the above-named _____,
of Peaks Island Volunteers of America Elderly Housing, Inc. as
aforesaid, **and** acknowledged the foregoing instrument to be his/her free act and deed in his/her
said capacity and the free act and deed of said Peaks Island Volunteers of America Elderly
Housing, Inc..

Before me,

Notary Public/Attorney-at-Law
Print Name: _____
My commission expires: _____

WITNESS:

**VOLUNTEERS OF AMERICA
NORTHERN NEW ENGLAND, INC.**

By: June Koegel
Its: President/CEO

STATE OF MAINE
COUNTY OF CUMBERLAND, S.S.

____, 2004

Personally appeared the above-named _____,
of Volunteers of America Northern New England, Inc as aforesaid, and
acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity
and the free act and deed of said Corporation.

Before me,

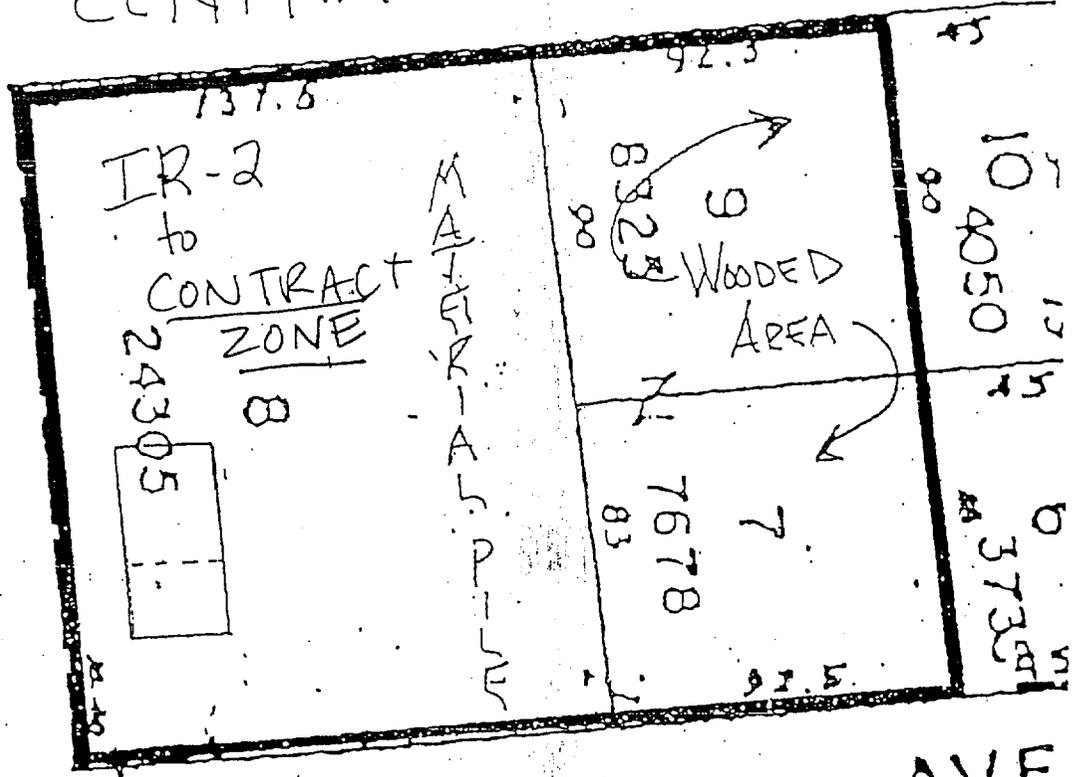
Notary Public/Attorney-at-Law
Print Name: _____
My commission expires: _____



CENTRAL AVE

ERNEST ST

HERMAN AVE



Baldwin Engineering, Inc.
3 Laurel Road
Brunswick, Maine

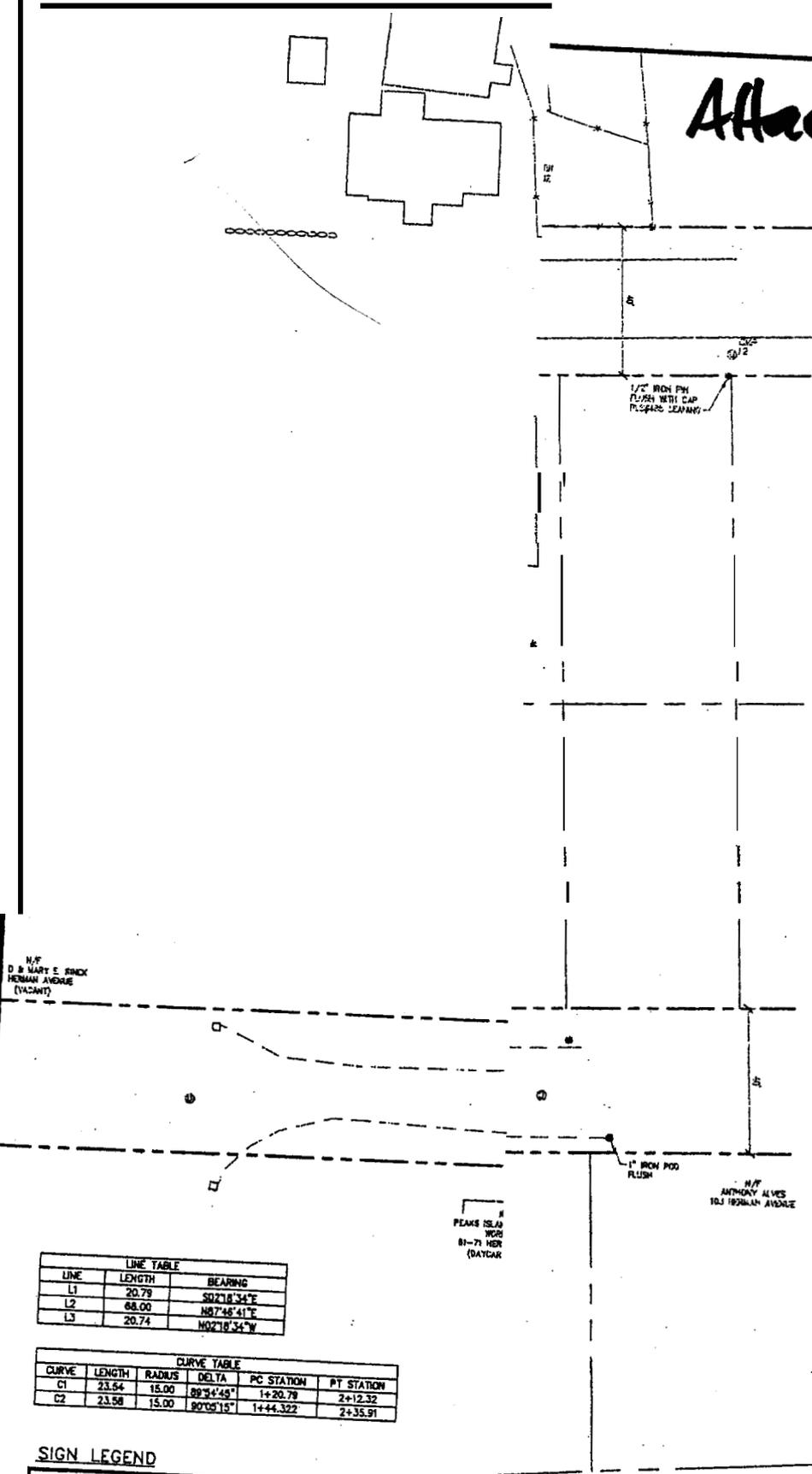
FIGURE 2
SITE PLAN

City Car Barn Property.
Ernest Street
Peaks Island, Maine

SOURCE: City of Portland Tax Maps

SCALE: Not To Scale

Attachment 7



N/P
D & HART E. SINDX
HEMAM AVENUE
(VACANT)

1/2" IRON PIN
FLUSH WITH CAP
PL. SQUARE LEANING

1" IRON PDD
FLUSH

N/P
ANTHONY ALVES
103 HEBBURN AVENUE

N
PEAKS ISLAND
WCR
81-71 HCR
(DAYCAR)

LINE TABLE		
LINE	LENGTH	BEARING
L1	20.79	S02°18'34"E
L2	66.00	N87°46'41"E
L3	20.74	N02°18'34"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	PC STATION	PT STATION
C1	23.54	15.00	89°34'45"	1+20.79	2+12.32
C2	23.58	15.00	90°05'15"	1+44.322	2+35.91

SIGN LEGEND

24"X34" 1	12"X18" 2	12"X18" 3	24"X34" 4	12"X18" 5

EPHEX BUSHEY

PROJECT
SENIOR HOUSING FACILITY & HEALTH CENTER
PORTLAND, MAINE

SHEET TITLE
SITE LAYOUT PLAN

CLIENT
TSONIDES ASSOCIATES

	DeLUCA-HOFFMAN ASSOCIATES, INC. 775 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 (207) 776-1201 WWW.DELUCAHOFFMAN.COM	
	DRAWN: CMW	DATE: NOV. 2002
DESIGNED: JM	SCALE: 1"=20'	
CHECKED: SRB	JOB NO.: 2201	
FILE NAME: 2201-SP2		

September 3, 2002

Delivered by Hand on September 3, 2002

Mr. Jonathan Spence
City of Portland Planning & Development Department
c/o Inspections Division
389 Congress Street, 3rd Floor
Portland, ME 04101

Re: Site Plan Application
Chart 87, Block P, Lot 7, 8, 9 on Central Avenue
Peaks Island

Dear Mr. Spence:

In behalf of Peaks Island VOA Elderly Housing, Inc., I am submitting this site plan application in connection with the construction of a twelve unit senior housing project being funded through the HUD Section 202 Supportive Housing for Elderly Persons Program. The project site, a former municipal public works yard on Central Avenue, Peaks Island, is comprised of three lots referenced above.

The proposed improvements consist of two, single story, wood frame buildings, slab on grade. The main building will hold eleven, one-bedroom apartments for elderly residents, community space for their recreation and a resident manager's two-bedroom unit. A separate, community health center, which will serve the island and project residents, will be created on the site as well. A total of 11 parking spaces are proposed.

At this time, the civil engineering work is being created and will be forwarded to you under separate cover when it becomes available. At your direction, a separate check of \$300 to cover the subdivision process will be sent to you separately. Nine (9) packets of the following are being submitted at this time with the \$500.00 application fee made payable to the City of Portland:

- a. this cover letter
- b. the application form
- c. site plan and elevations

Thank you for your assistance and if you require any additional information, please do not hesitate to contact our office.

Sincerely,


Roland Gagnier

enclosures

cc: Robin Keller
Julia Woodcock
Taki Tsomides

City of Portland Site Plan Application

If you or the property owner owe real estate taxes, personal property taxes or user charges on any property within the City of Portland, payment arrangements must be made before permit applications can be received by the Inspections Dept.

Address of Construction: CENTRAL AVENUE PEAKS ISLAND Zone: CONTRACT IR2	
Total Square footage of Proposed Structure 13,384	Square Footage of Lot 40,268
Tax Assessor's Chart, Block & Lot Chart# 87-P-7, 8, 9 Block# Lot#	Property owner, mailing address: City of Portland 389 Congress Street Portland, ME 04101 Telephone: 207-756-8249
Consultant/Agent, mailing address, phone & contact person ROLAND GAGNIE 155 MAPLE ST #204 SPRINGFIELD, MA 01105	Applicant name, mailing address, telephone #/Fax#/Pager# PEAKS ISLAND VOA ELDERLY HSG 14 MAINE ST #205 BRUNSWICK, ME 04011
Project name: PEAKS ISLAND VOA ELDERLY HOUSING	
Proposed Development (check all that apply) <input checked="" type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> subdivision, amount of lots \$25.00 per lot \$ <input type="checkbox"/> Site Location of Development \$3,000, except for residential lots which are then \$200 per lot <input type="checkbox"/> traffic Movement \$1,000 <input type="checkbox"/> Stormwater Quality \$250.00 Other <input type="checkbox"/> After the fact review - Major project \$1,500.00 <input type="checkbox"/> After the fact review - Minor project \$1,200.00 Major Development \$500.00 Minor Development <input checked="" type="checkbox"/> \$400.00 Plan Amendments: <input type="checkbox"/> Board review \$200.00 <input type="checkbox"/> Staff review \$100.00	
Who billing will be sent to: VOLUNTEERS OF AMERICA NORTHERN NEW ENGLAND Mailing address: 14 MAINE ST. #205 State and Zip: BRUNSWICK, ME 04011 Contact person: JULIA WILCOCK phone: 373-1140	

Submittals shall include (9) separate folded packets of the following!

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans check list

Amendment to Plans; Amendment applications should include 6 separate packets of the above [a, b, and c]

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process. copies are available at the counter at .50 per page (8.5 x 11) you may also visit the web site: ci.portland.me.us chapter 14

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

Signature of applicant: 	Date: 8/27/02
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This application is for site review ONLY, a building Permit application and associated fees Will be required prior to construction.