

8/3 Framing Underway Roof not yet framed. RW said independent survey of height to take place next week @

- 3/14/02 close in - 1. need cam specs 2. ~~front steps~~
3. ~~steps questionable~~ ~~steps in center~~ ~~rise~~ ~~7.5~~ ~~and 1/2~~
6. Some ballusters were 9" 7. ~~Main Ext Stairs~~ ~~off~~
8. ~~need front steps~~ 9. Need center ~~rails~~ on main exterior steps
get it

- ① steps from kitchen ~~are 8 inch (bottom step) fixed~~
② a few ballusters on front deck (end) ~~on end are over dimension fixed while here~~
③ need center rail on front main stairs (13 ft 6 inch w/b) ~~grate at 18 inches in a few spots - grate need up)~~
④ Handrails needed on side near gazebo - and stairs to parking area need handrails (one side has guards rails / on other side)
1014.7 1022

712462 Above issues have been corrected

01-0414

009-F-002



Certificate of Occupancy

LOCATION

0 Whaleback Rd

CBL 089 F002001

Issued to

Kamath Enterprises Llc /Cottage Design Co. LLC

Date of Issue

10/08/2002

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 01-0414, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Entire

Single Family, R-3, Type 5b, Boca 1999

Limiting Conditions:

This certificate supersedes certificate issued

Approved:

10/8/02
(Date)

[Signature]
Inspector

[Signature]
Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

TO: Inspections
FROM: Jay Reynolds, Development Review Coordinator
DATE: October 8, 2002
RE: C. of O. for 27 Whaleback Rd./Battery Craven
(089-F-002) (2001-0066)

After visiting 27 Whaleback Rd., I have the following comments:

Site work complete.

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

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

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

File: O:\drc\27whaleback1.doc

October 4, 2002

VIA HAND DELIVERY

Michael Nugent
Manager of Building Inspections
City of Portland
389 Congress Street, Room 315
Portland, ME 04101

RE: Battery Cravens

Dear Mike:

Following up on your July 30, 2002 letter to me in this matter, I enclose a copy of the Certificate of Completion ("COC") issued today by the Maine Department of Environmental Protection. As you will see, the COC concludes that "the soils remaining at the property do not pose a threat to public health or the environment." Based on this conclusion, and because the property now has been fully loamed and seeded, we request that the City issue to the Pereiras a certificate of occupancy ("CO") for the property.

Because Brian Pereira's elderly parents are visiting this weekend from India, and the Pereiras would like their parents to stay at the property with them, we request that the City issue the CO today, if at all possible.

Thank you for your assistance with this matter.

Sincerely,



Matthew D. Manahan

Enclosure

cc: Joseph Gray
Alex Jaegerman
Mark Adelson

Tom Fortier
Penny Littell, Esq.
John B. Wathen
Nicholas J. Hodgkins
Dr. Brian J. G. Pereira

{W0064592.1}



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

BRIAN J.G. PEREIRA, PRESIDENT) COMMISSIONER'S CERTIFICATION
KAMATH ENTERPRISES, LLC) OF COMPLETION OF REMEDIAL
54 ROWENA ROAD) ACTIONS UNDER A VOLUNTARY
NEWTON, MASSACHUSETTS 02549) RESPONSE ACTION PLAN

JURISDICTION

This certification of completion of a Voluntary Response Action Plan ("VRAP") is made pursuant to the authority vested in the Commissioner of the Maine Department of Environmental Protection ("Department") or the Commissioner's delegatee under 38 M.R.S.A. Section 343-E.

FINDINGS OF FACT

1. The covered property ("property" and/or "site") is located on Whaleback Road, Peaks Island, Portland, Maine, and identified on Portland Tax Map 89 as Block F, Lot 2. The property is residential, and was used in the past as a World War II United States military bunker. A map showing the location of the property is included as "Attachment A-Site Location Map".
2. The property use in the area is residential.
3. The area is served by private and public water supplies.
4. Environmental Engineering & Remediation, Inc. ("EER"), completed a Phase I environmental site assessment ("ESA") on the subject property, dated September 18, 2000. This ESA report incorrectly indicated that the property and surrounding area was serviced by public water, and that no private wells were present near the property. Based on the information in this report, the Department issued to Brian Pereira and Kamath Enterprises, LLC a "No Further Action Assurance Letter", dated January 3, 2001.
5. Later in 2001, the Department responded to a complaint regarding the stockpiling at the Pereira property of petroleum-contaminated soils, which had originated from a site at 33 Island Avenue, Peaks Island. During the investigation of the complaint, the Department confirmed the presence of petroleum contaminated soils at the property and identified private wells in the area. The Department required the contractor to remove the petroleum-contaminated soils placed at the site. The soils were removed by the contractor under the supervision of Acadia Environmental Technology ("Acadia") at the direction of the Department's Division of Response Services.

BRIAN J. G. PEREIRA, PRESIDENT 2 COMMISSIONER'S CERTIFICATION
KAMATH ENTERPRISES, LLC) OF COMPLETION OF REMEDIAL
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NEWTON, MASSACHUSETTS 02549) RESPONSE ACTION PLAN

6. Limited investigations were conducted at the property by the Department and Shevenell-Gallen and Associates during the spring of 2002. Through these investigations, the Department determined that there were elevated diesel range organic ("DRO") results were not the result of a typical diesel or fuel oil product, but some other material consisting primarily of higher molecular weight hydrocarbons typical of lubricating oils or other organic compounds. During the Department's August 2002 investigation at the property, soil borings showed the lateral and vertical extent of contaminated soils at the property and identified polynuclear aromatic hydrocarbons ("PAHs") as primary constituents of much of the DRO contamination.
7. The higher molecular weight hydrocarbons characteristically are not mobile in the environment and do not migrate readily from soils to groundwater, as evidenced by the shallow depths of contamination observed during the investigations, as well as the "non-detects" for petroleum samples collected from private wells in the area. The data collected during the investigations also indicates that the levels of DRO/PAHs that were present at the Pereira property before removal are comparable with the levels of hydrocarbons present on the surrounding properties. Additionally, the highest level of contamination in the area is attributable to a leaking aboveground storage tank located on a property across Whaleback Road from the Pereira property.
8. In a workplan dated September 13, 2002, Acadia, the consultant working for the property owners, outlined the approach to the removal of DRO/PAH contaminated soils. This workplan was approved by the Department.
9. On September 24, 2002, the contaminated soils identified and flagged during the Department's August 2002 investigation were excavated and removed from the site. These soils were identified by the Department as the areas of concern. Using the data from the previous Department investigations, discrete intervals of contaminated soil were removed ("Attachment B-Soil Removal Area"). Stephen Brezinski, an Oil and Hazardous Materials Specialist from the Department's Division of Response Services, was present to observe the removal actions, which were managed by Acadia.
10. The excavated soil was taken to the Commercial Recycling Systems ("CRS") facility in Scarborough, Maine where it was recycled. A total of 46.71 tons of contaminated soils were received and processed by CRS.
11. A report submitted by Acadia and dated September 25, 2002 documents the completion of remedial activities at the property. Based on this report, the Department will require no further investigation or remedial actions at the property, as soils remaining at the property do not pose a threat to public health or the environment.

BRIAN J. G. PEREIRA, PRESIDENT 3 COMMISSIONER'S CERTIFICATION
 KAMATH ENTERPRISES, LLC) OF COMPLETION OF REMEDIAL
 54 ROWENA ROAD) ACTIONS UNDER A VOLUNTARY
 NEWTON, MASSACHUSETTS 02549) RESPONSE ACTION PLAN

CONCLUSIONS

1. Brian J. G. Pereira, President of Kamath Enterprises, LLC, and Sunita Pereira have submitted a Voluntary Response Action Plan application to the Commissioner pursuant to 38 M.R.S.A. § 343-E for the property located on Whaleback Road, Peak's Island, Portland, Maine, and identified on Portland Tax Map 89 as Block F, Lot 2.
2. Site assessments conducted at the site included investigation reports that adequately identify the nature and extent of contamination at the site.
3. Remedial actions addressing contaminated soils on the property have been completed and it has been demonstrated to the satisfaction of the Commissioner that the necessary remedial actions are complete.
4. Provided that Brian J. G. Pereira, President of Kamath Enterprises, LLC and Sunita Pereira, and their successors and/or assigns comply with the conditions of this certification, the response actions that have been completed and the activities associated with the continued use of the site will not cause, contribute, or exacerbate discharges, releases, or threatened releases, if they exist at the site, that are not required to be removed or remediated under the VRAP.
5. All response actions have been completed in a manner that protects public health and the environment, and the soils remaining at the property do not pose a threat to public health or the environment.

THEREFORE, pursuant to 38 M.R.S.A. § 343-E(5), Martha Kirkpatrick, Commissioner of the Maine Department of Environmental Protection certifies, subject to the conditions set forth below, that remedial actions have been completed at the property located on Whaleback Road, Peak's Island, Portland, Maine, and identified on Portland Tax Map 89 as Block F, Lot 2. Upon issuance of this CERTIFICATE, Brian J. G. Pereira, in his individual capacity and as President of Kamath Enterprises, LLC, and Sunita Pereira and the persons qualified for protection under 38 M.R.S.A. § 343-E (6) are entitled to the protection from liability to the extent provided by 38 M.R.S.A. §343-E(1). This protection from liability is limited to the matters addressed by and identified by the environmental reports and is subject to the qualifications and conditions set forth below and in 38 M.R.S.A. § 343-E (1).

BRIAN J. G. PEREIRA, PRESIDENT 4 COMMISSIONER'S CERTIFICATION
 KAMATH ENTERPRISES, LLC) OF COMPLETION OF REMEDIAL
 54 ROWENA ROAD) ACTIONS UNDER A VOLUNTARY
 NEWTON, MASSACHUSETTS 02549) RESPONSE ACTION PLAN

CONDITIONS

- I. A copy of this certificate for the site located on Whaleback Road, Peak's Island, Portland, Maine, and identified on Portland Tax Map 89 as Block F, Lot 2, shall be recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

DONE AND DATED AT AUGUSTA, MAINE, THIS 4th DAY
 OF October, 2002.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: *Martha Kirkpatrick*
 Martha Kirkpatrick, Commissioner
 Maine Department of Environmental Protection

STATE OF MAINE
 KENNEBEC, ss.,

October 4, 2002

Then personally appeared the above-named Martha Kirkpatrick, Commissioner of the Maine Department of Environmental Protection, and acknowledged the foregoing instrument to be her free act and deed, and the free act and deed of the Department of Environmental Protection.

Before me,

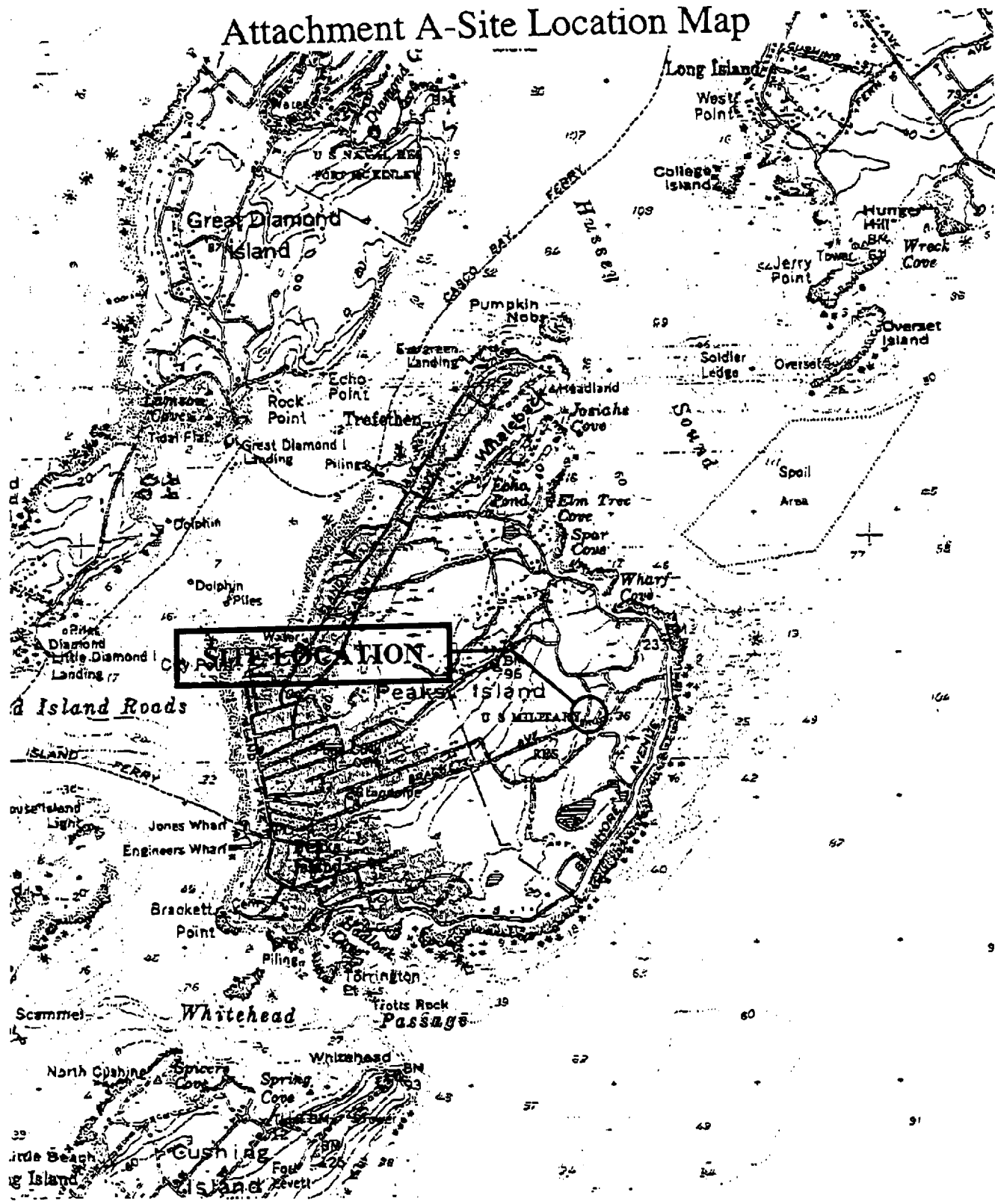
Laura L. Gay
 Notary Public 9/24/08

Laura L. Gay
 (Print Name)



This Order was prepared by Nicholas J. Hodgkins, Bureau of Remediation & Waste Management.

Attachment A-Site Location Map



SITE LOCATION

FIGURE 1
SITE LOCATION MAP
 Battery Cravens, Peaks Island
 Portland, Maine

EER Environmental
 Engineering &
 Research, Inc.
 222 St. John Street, Suite 714 Portland, Maine 04102


PARTIAL COPY
 Portland East
 1979
 SCALE: 1" = 2,000

Acadia Environmental Technology
 Figure 1: Soil Removal Area
 Battery Cravens

concrete slab

1-1	2-1	3-1	4-1	5-1	6-1 16 in.	7-1 12 in.	8-1 6 in.	9-1	10-1
1-2	2-2	3-2	4-2	5-2	6-2 6 in. 50 c.f.	7-2 12 in. 100 c.f.	8-2 24 in. 200 c.f.	9-2	10-2
1-3 24 in. 200 c.f.	2-3	3-3	4-3	5-3	6-3 6 in. 50 c.f.	7-3 3 in. 25 c.f.	8-3	9-3	10-3
1-4 24 in. 200 c.f.	2-4	3-4	4-4	5-4	6-4 8 in. 70 c.f.	7-4	8-4	9-4	10-4
1-5 12 in. 100 c.f.	2-5	3-5	4-5	5-5	6-5 3 in. 25 c.f.	7-5	8-5	9-5	10-5


 1-5 ← grid no.
 12 in. ← grid point
 100 c.f. ← fill thickness
 ← approximate volume of soil removed from 10x10 area surround grid point in cubic feet


 soil removed on Sept. 24, 2002
 10 FEET

ELECTRICAL PERMIT

City of Portland, Me.



S/P

To the Chief Electrical Inspector, Portland Maine:
 The undersigned hereby applies for a permit to make electrical installations
 in accordance with the laws of Maine, the City of Portland Electrical Ordinance,
 National Electrical Code and the following specifications:

Date 12/14/01
 Permit # 2001-5225
 CBL# 89-F-002-001

LOCATION: WHALEBARK RD 1st FLOOR METER MAKE & # _____
 CMP ACCOUNT # _____ OWNER BRAUN PEREIRA
 TENANT _____ PHONE # _____

							TOTAL EACH FEE				
OUTLETS	<u>120</u>	Receptacles	<u>93</u>	Switches	<u>14</u>	Smoke Detector		<u>227</u>	<u>20</u>	<u>4540</u>	
FIXTURES	<u>122</u>	Incandescent		Fluorescent	<u>2</u>	Strips		<u>124</u>	<u>20</u>	<u>2480</u>	
SERVICES		Overhead	<u>X</u>	Underground		TTL AMPS	<800		<u>15.00</u>	<u>15.00</u>	
		Overhead		Underground			>800		<u>25.00</u>		
Temporary Service		Overhead		Underground		TTL AMPS			<u>25.00</u>		
									<u>25.00</u>		
METERS	<u>1</u>	(number of)						<u>1</u>	<u>1.00</u>	<u>1.00</u>	
MOTORS		(number of)							<u>2.00</u>		
RESID/COM		Electric units							<u>1.00</u>		
HEATING		oil/gas units		Interior		Exterior			<u>5.00</u>		
APPLIANCES		Ranges		Cook Tops		Wall Ovens			<u>2.00</u>		
		Insta-Hot		Water heaters	<u>4</u>	Fans		<u>4</u>	<u>2.00</u>	<u>8.00</u>	
		Dryers		Disposals	<u>1</u>	Dishwasher		<u>2</u>	<u>2.00</u>	<u>2.00</u>	
		Compactors		Spa	<u>1</u>	Washing Machine		<u>1</u>	<u>2.00</u>	<u>2.00</u>	
		Others (denote)							<u>2.00</u>		
MISC. (number of)		Air Cond/win							<u>3.00</u>		
		Air Cond/cent				Pools			<u>10.00</u>		
		HVAC		EMS		Thermostat			<u>5.00</u>		
		Signs							<u>10.00</u>		
		Alarms/res							<u>5.00</u>		
		Alarms/com							<u>15.00</u>		
		Heavy Duty(CRKT)							<u>2.00</u>		
		Circus/Carnv							<u>25.00</u>		
		Alterations							<u>5.00</u>		
		Fire Repairs							<u>15.00</u>		
	E Lights							<u>1.00</u>			
	E Generators							<u>20.00</u>			
PANELS		Service	<u>2</u>	Remote		Main		<u>2</u>	<u>4.00</u>	<u>8.00</u>	
TRANSFORMER		0-25 Kva							<u>5.00</u>		
		25-200 Kva							<u>8.00</u>		
		Over 200 Kva							<u>10.00</u>		
							TOTAL AMOUNT DUE			<u>108.20</u>	
							MINIMUM FEE/COMMERCIAL	<u>45.00</u>	MINIMUM FEE	<u>35.00</u>	

INSPECTION: Will be ready _____ or will call X

CONTRACTORS NAME William Flynn MASTER LIC. # 4548
 ADDRESS 24 LeTennant St Portland, ME LIMITED LIC. # _____
 TELEPHONE 766 2780 756 4588

SIGNATURE OF CONTRACTOR [Signature]