

n And
Any,
ed

BUILDING INSPECTION

PERMIT

Permit Number: 080186

ertify that MARDIGAN STEPHEN / Stephen Mardigan

sion to New 2 story auto sales build

OREST AVE

130 K001001

ed that the person or persons, firm or corporation accepting this permit shall comply with all provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating construction, maintenance and use of buildings and structures, and of the application on file in department.

o Public Works for street line
ide if nature of work requires
formation.

Notification of inspection must be
given and when permission procured
before this building or part thereof is
laid or service closed-in.
FOUR NOTICES REQUIRED.

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

OTHER REQUIRED APPROVALS

ft.

ard

Department Name

Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

DENIED

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 08-0186	Issue Date:	CBL: 130 K001001
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Location of Construction: 745 FOREST AVE	Owner Name: MARDIGAN STEPHEN	Owner Address: 460 BAXTER BLVD	Phone:
Business Name:	Contractor Name: Stephen Mardigan	Contractor Address: 460 Baxter Blvd1 Portland	Phone 2077725555
Lessee/Buyer's Name	Phone:	Permit Type: Commercial	Zone: B-2

Past Use: Vacant Space Connected w/ demo permit # 061726 <i>issued 12/14/2006</i>	Proposed Use: Commercial Auto Sales Building - New 2 story auto sales building	Permit Fee: \$1,645.00	Cost of Work: \$155,000.00	CEO District: 4
Proposed Project Description: New 2 story auto sales building		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: Type:	
		Signature:	Signature:	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: Date:				

Permit Taken By: ldobson	Date Applied For: 02/29/2008	Zoning Approval		
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1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. 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 <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date:	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> 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:
--	---	---	--

DENIED

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



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Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator

March 3, 2008

Stephen Mardigan
460 Baxter Blvd.
Portland, ME 04103

RE: 745-757 Forest Avenue – 130-K-001 – B-2 Zone – Permit #08-0186

Dear Mr. Mardigan,

Your permit application to build a 2 story auto sales building is being denied because it is not meeting the underlying zoning requirements.

This property is located in a B-2 Zone. Automobile dealerships are a conditional use that must first be approved by the Planning Board. It is understood that you previously had an automobile dealership at this location. However, Section 14-474(f) of the Land Use Zoning Ordinance states, "...such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of twelve (12) consecutive months or more." The use was discontinued with the issuance of a requested demolition permit #06-1726 on 12/14/2006. The building was subsequently demolished very soon after the demolition issuance. Over twelve consecutive months have lapsed. You no longer have the automobile dealership use for this property and therefore must reapply under a conditional use to the Planning Board to be granted such a use.

Section #14-185(c)1 states that the minimum front yard setback in the B-2 zone shall not exceed the average depth of the front yards of the closest developed lots on either side of the lot. The given front setback of the building abutting the northerly side of this lot is 18.31 feet. There is no developed lot abutting the southerly side of this lot. Therefore $18.31 + 0 = 18.31$ divided by 2 equals an average depth of 9.16 feet. Your building may not exceed the average depth of 9.16 feet from the front property line. The closest scaled point of your proposed building is 12.5 feet and in violation of the front yard setback.

Section 14-185(c) states that the minimum rear yard setback in the B-2 zone is ten (10) feet. The given rear setback for your proposed new building is 1.52 feet and in violation of the minimum 10 foot rear setback. I will remind you that on August 2, 2007 the Zoning Board of Appeals denied your request for a practical difficulty appeal concerning the required rear setback. Section 14-476 states, "whenever any application, appeal or other request filed pursuant to this article has been finally denied on its merits, a second

Permit Denied
30 DAYS PASSED
- NO APPEAL
RECEIVED

application, appeal or other request seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought within one (1) year of such denial...". At this time you have no rights to appeal the rear setback. The ten (10) foot rear setback remains in force.

It is also noted that a site plan exemption was previously denied on a prior permit on November 26, 2007. Therefore a site plan review application would be required for this proposal. I have seen no indication that a site plan application has been submitted at this time.

In conclusion, your permit has been denied and will not be reviewed any further. If you wish to have a refund of your application fee, please bring in your original receipt to our front desk. As stated on the receipt \$10.00 or 10%, which ever is greater will be withheld from that refund.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,



Marge Schmuckal
Zoning Administrator

Cc: Barbara Barhydt, Planning
Penny Littell, Corporation Counsel
File



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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

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Marge Schmuckal
Zoning Administrator

Cc: Barbara Barhydt, Planning
Penny Littell, Corporation Counsel
File

CHASE EXCAVATING, INC.

50 GRAY ROAD FALMOUTH, MAINE 04105
PH. (207) 797-9093 FAX (207) 797-4655

March 12, 2008

MAR 12 2008

Steve Mardigan
726 Forest Avenue
Portland, ME 04103

Steve,

As you may recall, when we attempted to start demolition on your Forest Avenue Project last March the weather was not very cooperative. Together we had decided to wait until after the spring thaw to finish the work. As far as the exact date you're looking for I am not sure, but I do know that it was after the asphalt plants opened in the end of April.

Sincerely,

Dave Chase
Chase Excavating, Inc.

cc. Marge Schmuckal



Demolition of A Structure Permit Application

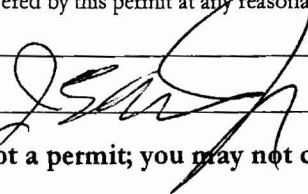
If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>745 FOREST AVE</u>		
Total Square Footage of Proposed Structure <u>NOPE AVAIL. YES</u>		Square Footage of Lot <u>5293 SF</u>
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>130 K 1</u>	Owner: <u>MARDIGAN, Stephen</u>	Telephone: <u>722 5588</u>
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <u>GRANITE CONSTRUCTION INC</u> <u>PO BOX 8790</u> <u>PORTLAND, ME 04104</u>	Cost Of Work: \$ <u>10,000.-</u> Fee: \$ <u>120 / 10</u>
Current Specific use: <u>CAR LOT</u> If vacant, what was the previous use? <u>CAR LOT</u> How long has it been vacant?: <u>1 MONTH</u>		
Project description: <u>DEMO EXISTING BUILDING COMPLETELY (FOUNDATION INCLUDED)</u>		
Contractor's name, address & telephone: <u>JIM MESSER / GRANITE CONST. INC.</u> <u>PO BOX 8790 PORTLAND 04104</u>		
Who should we contact when the permit is ready: <u>JIM MESSER</u> Mailing address: <u>GRANITE CONST.</u> <u>PO BOX 8790</u> <u>PORTLAND, ME 04104</u> Phone: <u>632 1124</u>		

Please submit all of the information outlined in the Demolition call list. Failure to do so will result in the automatic denial of your permit.

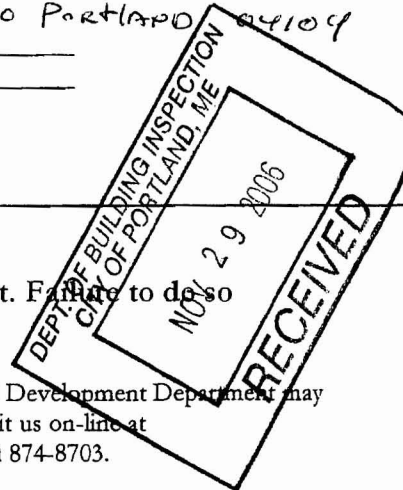
In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

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: 11/25/06

This is not a permit; you may not commence ANY work until the permit is issued.





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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

March 13, 2008

Steve Mardigan
726 Forest Avenue
Portland, ME 04103

RE: 745 Forest Avenue – 130-K-001 – B-2 Business Zone

Dear Mr. Mardigan,

On March 12, 2009 I received a fax from presumably Dave Chase of Chase Excavating, Inc. It is an unsigned fax that states that the building located at 745 Forest Avenue was demolished some time in March 2007 and he had to wait until April, 2007 for finishing that work. I am not sure what this fax is trying to relate.

Please note that I have survey documentation received on February 9, 2007 that certifies that "The auto dealership building depicted heron as "former" was demolished during January of 2007. It was deemed unsafe and unusable as the result of traffic accident and therefore had to be demolished." This survey has a certification state that deems the survey and statements to be accurate. Because I was requested at that time to make a determination concerning setbacks for a future, proposed building, I also personally visited the site. The building was gone when I visited the site soon after February 9, 2007.

Therefore I do not consider the unsigned statement from Dave Chase to be accurate. My letter of March 3, 2008 is still in force.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal".

Marge Schmuckal
Zoning Administrator

Cc: file



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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

Steve Mardigan
726 Forest Avenue
Portland, ME 04103

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Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal
Zoning Administrator

Cc: file

JEWELL & BOUTIN, P. A.
Attorneys at Law
477 Congress Street
Suite 1104
Portland, ME 04101-3427

www.jewellandboutin.com

E-mail: tjewell@jewellandboutin.com
E-mail: dboutin@jewellandboutin.com

Telephone: 207-774-6665
Fax: 207-774-1626

as F. Jewell
W. Boutin

April 2, 2007

Zoning Board of Appeals
City of Portland, Maine
389 Congress Street
Portland, Maine 04101

**Re: Stephen Mardigan/745 Forest Avenue, Portland
Tax Map 130-K-1**

Dear Sirs:

We are filing an Appeal of the Zoning Administrator's decision dated March 13, 2007 regarding the determination of setbacks for a proposed building to be constructed at the above property.

Mr. Mardigan has owned this property since 1993, a copy of his deed recorded in the Cumberland County Registry of Deeds in Book 10512, Page 236, is attached.

We are also attaching three surveys of the property. The first survey shows the former structure on the property which was torn down recently. The second survey shows the footprint of the proposed new building footprint as the Applicant has requested and has a ten foot setback from the boundary shared with a close abutting building. The third survey shows an expanded building partly constructed on the grandfathered setbacks of the old building and partly in conformance with the setbacks as determined by the Zoning Administrator. The location of the proposed new construction in the last plan is much closer to the adjoining building.

The Applicant plans to construct a slightly larger building than previously at the this location and would like to site the building as close as possible to the railroad property, similar to the old building and leave some space between it and the existing building at 767 Forest Avenue.

I understand that your lot is triangular in shape. A great many lots in the City of Portland are not rectangular in shape. The particular shape of a lot is not a factor in determining the frontage of said lot.

I will point out that your triangular lot is not a corner lot and you may not use any of the corner lot provisions allowed within the ordinance.

You must also be aware that under planning design guidelines within the site plan standards there are requirements that a building's entrance door directly enter from the street. That is not to say that you can not have an entry on any other wall of the structure. But there is a requirement to have direct street access with a door along the street line.

Every lot (whether triangular, rectangular or oddly shaped) always has one front (toward the street), one rear (opposite the front) and two sides. I have determined that similarly, any proposal from you and your client to build on this lot shall meet the B-2 zone requirements regarding front, rear and side, and that the front shall be determined by the orientation of the building toward the street line. Again, it is noted that this office is not in receipt of a specific application concerning this lot at this time.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,



Marge Schmuckal
Zoning Administrator

enclosures

The disagreement involves the determination of which boundary lines are subject to the rear and side yards on this triangular lot. The B-2 Zone has zero required side yard setback and has a ten foot rear setback, Section 14-185(c)(2) and (3). The Applicant contends that both the former building and the proposed building are oriented towards Woodfords Corner and therefore the rear setback should apply to the abutting building on Forest Avenue, and the railroad property should be treated as the side yard. The orientation of the old building is demonstrated in the attached photograph from the Assessors's Office and the new building is proposed to be similarly constructed with the front door facing Woodfords Corner, not Forest Avenue.

The Ordinance does not specifically deal with triangular lots, leaving room for interpretation on the applicable side and rear setback requirements.

The fundamental objective of zoning setbacks is to protect the public health and safety by providing adequate distance between buildings for light and air and to provide a buffer for fire safety, *Anderson, American Law of Zoning Sections 7.05 and 7.10*. The Applicant's proposed interpretation would result in a zero set back to the railroad property and ten foot setback from adjoining building which is located almost on the boundary line. We submit that the Applicant's proposed interpretation of the applicable setbacks makes the most sense from a public safety standpoint.

This lot is unique both in its triangular shape and in the fact that on one side is an abutter, the railroad, who's land is be permanently open and on the other boundary there is an abutter who has a building right on the boundary line.

Since the first review of zoning by the Maine Supreme Court, Maine Courts have consistently held that zoning ordinances must be strictly construed and any ambiguity must be resolved in favor of the landowner:

The restrictions of zoning statutes and zoning ordinances authorized by statute, are in derogation of the common law and should be strictly construed. Where exemptions appear in favor of the property owner, the exemptions should be construed in favor of the owner. Ordinances cannot be enlarged by implication. *Toulouse v. Board of Zoning Adjustment* 147 Me 387 (1952).

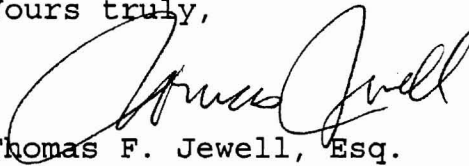
We respectfully submit that the Zoning Administrator's

Board of Appeals
April 2007

Interpretation of the Ordinance regarding this property is in harmony with the fundamental underpinnings of public safety that justify zoning requirements and that the Applicant should be permitted to construct his proposed building with the setbacks as requested.

I will not be available for the April 19 hearing, but we request that the hearing be held in my absence as the Applicant has immediate plans to start construction. Our able surveyor, Robert Greenlaw of Back Bay Boundary, will represent the Applicant at the hearing.

Yours truly,



Thomas F. Jewell, Esq.

TFJ/maj

Enclosures

cc: Stephen Mardigan
Robert Greenlaw



General 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>745-757 Forest Ave, Portland ME</u>		
Total Square Footage of Proposed Structure/Area <u>1097 2192</u>		Square Footage of Lot <u>5293</u>
Tax Assessor's Chart, Block & Lot Chart# <u>130</u> Block# <u>K</u> Lot# <u>1</u>	Applicant * <u>must be owner, Lessee or Buyer</u> * Name <u>Stephen Mardigan</u> Address <u>460 Baxter Blvd</u> City, State & Zip <u>Portland, ME 04103</u>	Telephone: <u>772-5555</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip <u>\$1,570</u> <u>75</u>	Cost Of Work: \$ <u>155,000</u> C of O Fee: \$ <u>75</u> Total Fee: \$ <u>1645</u>
Current legal use (i.e. single family) _____ If vacant, what was the previous use? <u>Auto Sales</u> Proposed Specific use: <u>Auto Sales</u> Is property part of a subdivision? <u>No</u> If yes, please name _____ Project description: <u>2 Story Auto Sales Building</u> FEB 29 2008		
Contractor's name: <u>Stephen Mardigan</u> Address: <u>460 Baxter Blvd</u> City, State & Zip <u>Portland ME 04103</u> Telephone: _____ Who should we contact when the permit is ready: <u>Stephen Mardigan</u> Telephone: _____ Mailing address: _____		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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: [Signature]

Date: 2-28-08

This is not a permit; you may not commence ANY work until the permit is issued



Certificate of Design Application

From Designer:

Macleod Structural Eng. PA

Date:

~~1/13/08~~ 2/27/08 Blum

Job Name:

Auto Mart

Address of Construction:

745 Forest Ave

2003 International Building Code

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

Building Code & Year 2003 IBC Use Group Classification (s) B

Type of Construction V - Combustible

Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the 2003 IRC NO

Is the Structure mixed use? NO If yes, separated or non separated or non separated (section 302.3) _____

Supervisory alarm System? NO Geotechnical/Soils report required? (See Section 1802.2) Yes

Structural Design Calculations

NO Submitted for all structural members (106.1 - 106.11)

Design Loads on Construction Documents (1603)

Uniformly distributed floor live loads (7603.11, 1807)

Floor Area Use OFFICE Loads Shown 50 psf LL

Wind loads (1603.1.4, 1609)

1609.6 Design option utilized (1609.1.1, 1609.6)

100 Basic wind speed (1809.3)

1.00 Building category and wind importance Factor, I_w
table 1604.5, 1609.5)

B Wind exposure category (1609.4)

± 0.18 Internal pressure coefficient (ASCE 7)

- Component and cladding pressures (1609.1.1, 1609.6.2.2)

- Main force wind pressures (7603.1.1, 1609.6.2.1)

Earth design data (1603.1.5, 1614-1623)

Simplified (1616.1) Design option utilized (1614.1)

I Seismic use group ("Category")

SD Spectral response coefficients, S_D & S_1 (1615.1)

D Site class (1615.1.5)

0.328/0.124

NO Live load reduction

70 Roof live loads (1603.1.2, 1607.11)

42 Roof snow loads (1603.7.3, 1608)

60 Ground snow load, P_g (1608.2)

42 If $P_g > 10$ psf, flat-roof snow load S_f

1.0 If $P_g > 10$ psf, snow exposure factor, C_e

1.0 If $P_g > 10$ psf, snow load importance factor, I_s

1.0 Roof thermal factor, C_t (1608.4)

N/A Sloped roof snowload, p_s (1608.4)

C Seismic design category (1616.3)

Lt Framed Shear walls Basic seismic force resisting system (1617.6.2)

7.0 Response modification coefficient, R , and

deflection amplification factor, C_d (1617.6.2)

Equivalent Force Analysis procedure (1616.6, 1617.5)

0.047 Design base shear (1617.4, 1617.5.1)

Flood loads (1803.1.6, 1612)

_____ Flood Hazard area (1612.3)

_____ Elevation of structure

Other loads

_____ Concentrated loads (1607.4)

_____ Partition loads (1607.5)

_____ Misc. loads (Table 1607.8, 1607.6.1, 1607.7, 1607.12, 1607.13, 1610, 1611, 2404)



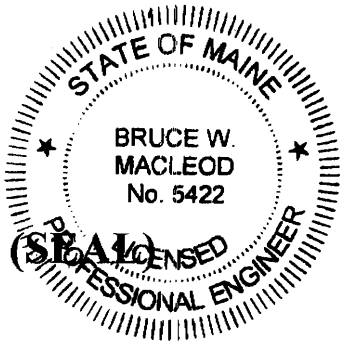
Accessibility Building Code Certificate

Designer: MACLEOD STRUCTURAL ENG.

Address of Project: 745 FOREST AVE

Nature of Project: REPLACING OLD STRUCTURE
WITH NEW BUILDING

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act. Residential Buildings with 4 units or more must conform to the Federal Fair Housing Accessibility Standards. Please provide proof of compliance if applicable.



Signature: Bruce W. MacLeod

Title: Resident

Firm: MACLEOD STRUCTURAL ENG.

Address: 404 MAIN STREET
GORHAM, ME 04038

Phone: 839-0980

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



Certificate of Design

Date:

~~1/13/07~~ 2/27/08 BWM

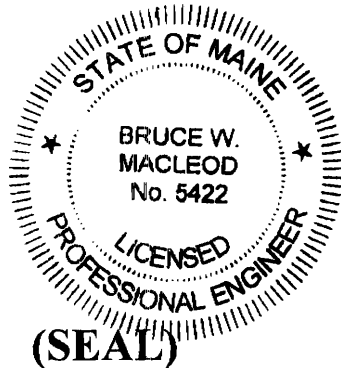
From:

MacLeod Structural Eng.

These plans and / or specifications covering construction work on:

745 FOREST AVE PORTLAND

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the *2003 International Building Code* and local amendments.



Signature:

Bruce W. MacLeod

Title:

President

Firm:

MacLeod Structural Eng.

Address:

404 MAIN STREET
GORHAM ME 04038

Phone:

839-0980

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov

Statement of Special Inspections

Project:

Location:

Owner:

Design Professional in Responsible Charge: Bruce W. Macleod, PE

This *Statement of Special Inspections* is submitted as a condition for permit issuance in accordance with the Special Inspection and Structural Testing requirements of the Building Code. It includes a schedule of Special Inspection services applicable to this project as well as the name of the Special Inspection Coordinator and the identity of other approved agencies to be retained for conducting these inspections and tests. This *Statement of Special Inspections* encompass the following disciplines:

Structural Mechanical/Electrical/Plumbing
 Architectural Other: _____

The Special Inspection Coordinator shall keep records of all inspections and shall furnish inspection reports to the Building Official and the Registered Design Professional in Responsible Charge. Discovered discrepancies shall be brought to the immediate attention of the Contractor for correction. If such discrepancies are not corrected, the discrepancies shall be brought to the attention of the Building Official and the Registered Design Professional in Responsible Charge. The Special Inspection program does not relieve the Contractor of his or her responsibilities.

Interim reports shall be submitted to the Building Official and the Registered Design Professional in Responsible Charge.

A *Final Report of Special Inspections* documenting completion of all required Special Inspections, testing and correction of any discrepancies noted in the inspections shall be submitted prior to issuance of a Certificate of Use and Occupancy.

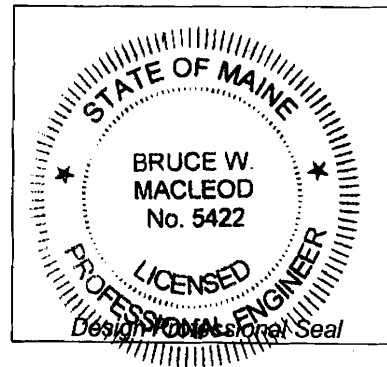
Job site safety and means and methods of construction are solely the responsibility of the Contractor.

Interim Report Frequency: Bi-Monthly or per attached schedule.

Prepared by:

Bruce W. Macleod
(type or print name)

Bruce W. Macleod 11/13/07
Signature Date



Owner's Authorization:

Building Official's Acceptance:

Signature

Date

Signature

Date

Schedule of Inspection and Testing Agencies

This Statement of Special Inspections / Quality Assurance Plan includes the following building systems:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Soils and Foundations | <input type="checkbox"/> Spray Fire Resistant Material |
| <input checked="" type="checkbox"/> Cast-in-Place Concrete | <input checked="" type="checkbox"/> Wood Construction |
| <input type="checkbox"/> Precast Concrete | <input type="checkbox"/> Exterior Insulation and Finish System |
| <input type="checkbox"/> Masonry | <input type="checkbox"/> Mechanical & Electrical Systems |
| <input type="checkbox"/> Structural Steel | <input checked="" type="checkbox"/> Architectural Systems |
| <input type="checkbox"/> Cold-Formed Steel Framing | <input type="checkbox"/> Special Cases |

Special Inspection Agencies	Firm	Address, Telephone, e-mail
1. Special Inspection Coordinator Bruce W MacLeod		
2. Inspector Bruce W MacLeod		
3. Inspector SW Cole	SW Cole	Gray, Me
4. Testing Agency SW Cole	SW Cole	Gray, Me
5. Testing Agency		
6. Other		

Note: The inspectors and testing agencies shall be engaged by the Owner or the Owner's Agent, and not by the Contractor or Subcontractor whose work is to be inspected or tested. Any conflict of interest must be disclosed to the Building Official, prior to commencing work.

Quality Assurance Plan

Quality Assurance for Seismic Resistance

Seismic Design Category C

Quality Assurance Plan Required (Y/N) N

Description of seismic force resisting system and designated seismic systems:

Quality Assurance for Wind Requirements

Basic Wind Speed (3 second gust) 100

Wind Exposure Category B

Quality Assurance Plan Required (Y/N) N

Description of wind force resisting system and designated wind resisting components:

Statement of Responsibility N/A


Each contractor responsible for the construction or fabrication of a system or component designated above must submit a Statement of Responsibility.

Item	Agency # (Qualif.)	Scope
1. Shallow Foundations <i>Bruce W. MacLeod of, S.W. Cole</i>	<i>PE/GE</i>	<i>Inspect soils below footings for adequate bearing capacity and consistency with geotechnical report.</i> <i>Inspect removal of unsuitable material and preparation of subgrade prior to placement of controlled fill</i>
2. Controlled Structural Fill <i>S.W. Cole</i>	<i>PE/GE</i>	<i>Perform sieve tests (ASTM D422 & D1140) and modified Proctor tests (ASTM D1557) of each source of fill material.</i> <i>Inspect placement, lift thickness and compaction of controlled fill.</i> <i>Test density of each lift of fill by nuclear methods (ASTM D2922)</i> <i>Verify extent and slope of fill placement.</i>
3. Deep Foundations <i>N/A</i>	<i>PE/GE</i>	<i>Inspect and log pile driving operations. Record pile driving resistance and verify compliance with driving criteria.</i> <i>Inspect piles for damage from driving and plumbness.</i> <i>Verify pile size, length and accessories.</i> <i>Inspect installation of drilled pier foundations. Verify pier diameter, bell diameter, lengths, embedment into bedrock and suitability of end bearing strata.</i>
4. Load Testing <i>N/A</i>		
4. Other:		

Cast-in-Place Concrete

Item	Agency # (Qualif.)	Scope
1. Mix Design NA	ACI-CCI ICC-RCSI	Review concrete batch tickets and verify compliance with approved mix design. Verify that water added at the site does not exceed that allowed by the mix design.
2. Material Certification		
3. Reinforcement Installation	ACI-CCI ICC-RCSI	Inspect size, spacing, cover, positioning and grade of reinforcing steel. Verify that reinforcing bars are free of form oil or other deleterious materials. Inspect bar laps and mechanical splices. Verify that bars are adequately tied and supported on chairs or bolsters
4. Post-Tensioning Operations	ICC-PCSI	Inspect placement, stressing, grouting and protection of post-tensioning tendons. Verify that tendons are correctly positioned, supported, tied and wrapped. Record tendon elongations.
5. Welding of Reinforcing	AWS-CWI	Visually inspect all reinforcing steel welds. Verify weldability of reinforcing steel. Inspect preheating of steel when required.
6. Anchor Rods		Inspect size, positioning and embedment of anchor rods. Inspect concrete placement and consolidation around anchors.
7. Concrete Placement	ACI-CCI ICC-RCSI	Inspect placement of concrete. Verify that concrete conveyance and depositing avoids segregation or contamination. Verify that concrete is properly consolidated.
8. Sampling and Testing of Concrete	ACI-CFTT ACI-STT	Test concrete compressive strength (ASTM C31 & C39), slump (ASTM C143), air-content (ASTM C231 or C173) and temperature (ASTM C1064).
9. Curing and Protection	ACI-CCI ICC-RCSI	Inspect curing, cold weather protection and hot weather protection procedures.
10. Other: A		

Wood Construction

Item	Agency # (Qualif.)	Scope
1. Fabricator Certification/ Quality Control Procedures <input type="checkbox"/> Fabricator Exempt N/A		<i>Inspect shop fabrication and quality control procedures for wood truss plant.</i>
2. Material Grading		
3. Connections		
4. Framing and Details		
5. Diaphragms and Shearwalls		<i>Inspect size, configuration, blocking and fastening of shearwalls and diaphragms. Verify panel grade and thickness.</i>
6. Prefabricated Wood Trusses		<i>Inspect the fabrication of wood trusses.</i>
7. Permanent Truss Bracing		
8. Other: 		

Architectural Systems

Item	Agency # (Qualif.)	Scope
1. Wall Panels & Veneers N/A		
2. Suspended Ceilings		
3. Access Floors		
4. Other: ↓		

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-sec
Peter Thornton
Kate Knox
Jill E. Hunter
David Dore, chair
Gordan Smith

August 3, 2007

Steven Mardigan
C/O Thomas & Jewell
477 Congress Street
Portland, ME 04103

RE: 745 Forest Ave.
CBL: 130 K001
ZONE: B2

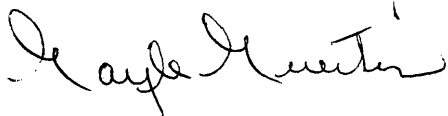
Dear Mr. Mardigan:

As you know, at its August 2, 2007, meeting, the board voted 5-0 and denied the Practical Difficulty Variance Appeal.

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification; also a copy of the board's decision.

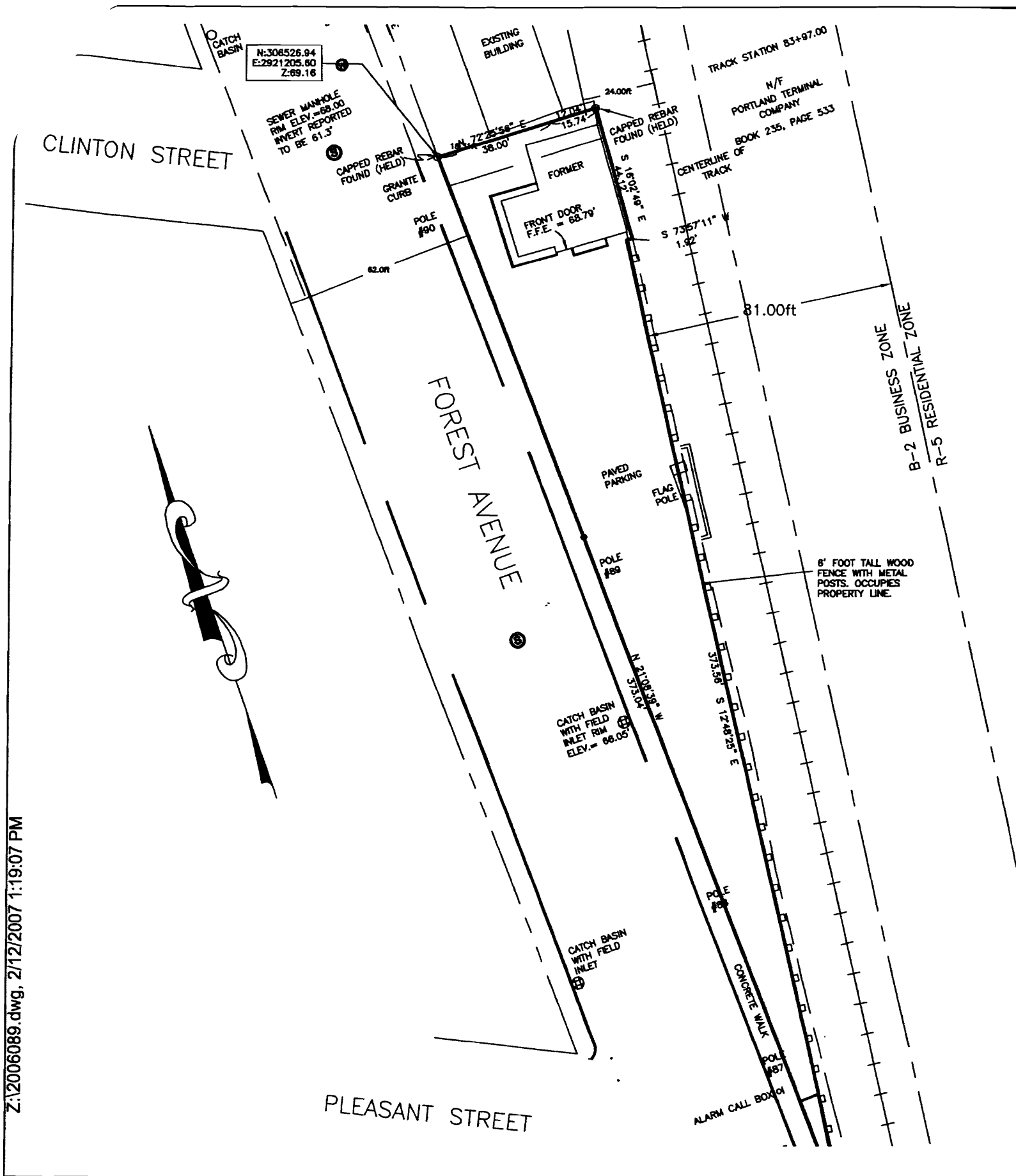
Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

COPY



GENERAL NOTES:

1. RECORD OWNER OF PARCE COUNTY REGISTRY OF DEEDS.
- 2.(a) BEARINGS ARE BASED U 1983. SAID BEARINGS DERIVE DEPARTMENT. TWO MONUMENT CORNER OF FOREST AVENUE FOUND AT THE SOUTHWEST C 2919911.82 US SURVEY FEET
- (b) ELEVATIONS ARE BASED U ELEVATION OF THE BOLT FOUR ANGLE SOUTHERLY OF HOLLY
- (c) EQUIPMENT UTILIZED: LIET
3. AREA OF SUBJECT PARCEL
4. REFERENCE IS MADE TO TI
 - a.) CITY OF PORTLAND STREE
 - b.) CITY OF PORTLAND TAX A
 - c.) RIGHT OF WAY AND TRAC
5. THERE WERE NO APPARENT THE TIME OF OF THIS SURVEY
6. ZONING: B-2, BUSINESS Z
7. CURRENT IMPERVIOUS RATH
8. BEFORE CONTEMPLATING O MARK ALL KNOWN UNDERGRO HAS BEEN MADE BY BACK BA THE ACCURACY OF THEIR UN
9. THE AUTO DEALERSHIP BUI IT WAS DEEMED UNSAFE AND DEMOLISHED.

LEGEND

- Capped S
- Iron Pipe
- ◁ Survey In
- Abutter L
- Property
- Street Li
- (50.00') Distance
- N/F Now Or
- u — Overhead
- σ Utility Pc
- Edge of
- Set Back



GRAPHI

SURVEYORS STATEM

I HEREBY CERTIFY THAT FOR PROFESSIONAL LAND 2001 WITH THE FOLLOWING

- a) NO WRITTEN REPORT
- b) NO NEW DESCRIPTION

ROBERT T. GREENLAW P.L
PRESIDENT BACK BAY BO