

144-A-5

716 Stevens
Ave

College of
Pharmacy

UNE

Revised w/ cutoff



**CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division**

M E M O

TO: Shukria Wiar
FROM: Michael Farmer, Project Engineer
DATE: February 20, 2008
RE: UNE School of Pharmacy Project

The February 19, 2008 e-mail correspondence from Tom Saucier of SYTDesign indicates that UNE has agreed to replace the sidewalk and curb along Stevens Avenue, as previously recommended by DPW. These features of the proposed project should be shown on the project plans.

Upon review of the project plans, submittals, and related correspondence, DPW recommends the following two conditions of approval for the project to address the concern about the discharge of foundation drainage and surface runoff to the City's combined sewer system.

1. The volume of foundation drainage discharged to the City's combined sewer system shall be continuously metered, and recorded and reported on a monthly, or more frequent, basis to the Engineering Division of Public Works. If the Engineering Division determines that the volume of such discharge is significant, then the City shall charge UNE, and UNE shall pay the City, the normal sewer use fee based on the volume discharged. UNE shall be responsible for owning and maintaining the facilities necessary to accurately meter the discharge of foundation drainage to the City's combined sewer system.
2. UNE shall develop a campus stormwater management plan as part of its Campus Master Plan. The stormwater management plan shall address the treatment and discharge of stormwater runoff from the campus with the goal of minimizing impacts on the City's sewer system and natural drainage system.

28398

KNOW ALL MEN BY THESE PRESENTS, That the CITY OF PORTLAND, a body politic and corporate located in the County of Cumberland and State of Maine, in consideration of One Dollar (\$1.00) and other good and valuable considerations, paid by Westbrook College, a corporation organized and existing under the laws of the State of Maine and located at 716 Stevens Avenue in said Portland in said County and State, the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey, unto the said Westbrook College, its successors and assigns forever, certain real estate located in said Portland, lying Westerly of College Street and Southerly of Bishop Street, bounded and described as follows:

Beginning at a point on the Northerly line of the land of Portland Railroad Company where the same intersects with land hereby conveyed and land formerly of George H. Smardon, commonly known as the Smardon Gravel Pit, formerly Read's Gravel Pit; thence from said point North $19^{\circ} 30'$ East 28.68 rods; thence North 60° West Seven and thirty-two hundredths (7.32) rods to a point; thence South $74^{\circ} 45'$ West Thirty-six and sixty-four hundredths (36.64) rods to a point; thence North 5° West Two and fifty-six hundredths (2.56) rods; thence North 30° West Twenty-four and four tenths (24.4) rods; thence South 65° West Forty-seven and twelve hundredths (47.12) rods to center of ditch; thence up the center of said ditch towards what is known as pasture Two Hundred Ninety-eight (298) feet; thence in a straight line to a point in line of Evergreen Cemetery indicated by a spruce stump, said stump being on the intersection between land of said Cemetery and land conveyed by Luther B. Roberts to the said City of Portland; thence from said stump North $80^{\circ} 21'$ East Three Hundred Seventy-one and two tenths (372.2) feet to an angle; thence from said angle North $76^{\circ} 8'$ East, Five Hundred Ninety-six and twenty-two hundredths (596.22) feet to an angle; thence from said last named angle at a right angle South $12^{\circ} 52'$ East Seventy-five (75) feet to land of said Portland Railroad Company; thence about North $76^{\circ} 8'$ East by said Portland Railroad Company's land to the point of beginning.

Also a certain other parcel of land, abutting the above described premises and bounded and described as follows: Beginning at the center of the ditch between the hereinabove described premises and the land hereby conveyed and in line of land now or formerly owned by Adam Wilson and running Southerly by land of said Wilson to the Westerly corner of land of Evergreen Cemetery; thence South Twenty-four (24°) degrees East by land of said Cemetery One hundred and seventy-five (175) feet to a point; thence by land formerly of Dennis F. Gulliver, and being the premises hereinabove described, in a straight line to a point in the center of said ditch; said point being Two Hundred Ninety-eight (298) feet from the point of beginning; thence down the center of said ditch to the point of beginning.

Excepting and reserving from the above described premises that portion thereof conveyed by the Grantor to Central Maine Power Company by deed dated February 26, 1967, recorded in said Registry of Deeds in Book 2989, Page 13.

This conveyance is made subject to the right-of-way or easement granted by the Grantor to Central Maine Power Company by deed dated December 13, 1951, recorded in said Registry of Deeds in Book 2055, Page 463.

Reserving to the Grantor, its successors and assigns, the right perpetually to enter at any and all times upon a strip of land fifty (50) feet in width lying equally on either side of the storm drain and upon a strip of land fifty (50) feet in width lying equally on either side of the brook presently located on the premises herein conveyed and the right perpetually to maintain, repair, rebuild, relocate, or remove said storm drain and brook with all necessary fixtures and appurtenances within said strips of land, granting to the Grantee, its successors and assigns, the use and enjoyment of said strips of land for such purposes only as will in no way interfere with the perpetual use thereof by the Grantor, its successors and assigns, for the purposes above mentioned, except that no buildings or structures may be erected within said strips of land. Also reserving to the Grantor, its successors and assigns, the right perpetually to enter at any and all times upon the premises herein conveyed for the purpose of access and egress by itself, its servants and/or agents to and from said strips of land.

Being the same premises conveyed to the Grantor by deed of James Gulliver, Administrator, d.b.n.c.t.a., of the Estate of Stephen Gulliver by deed dated August 23, 1935, recorded in said Registry of Deeds in Book 1476, Page 441.

Also a certain lot of land lying in the rear of College Street, in the City of Portland, bounded and described as follows, to wit:

Beginning at a point on the Northerly side line of College Street and at the Westerly corner of land belonging to Francis L. Stone; thence North 25° 22' east by land of said Stone eighty-seven and nineteen one hundredths (87.19) feet to land of the Portland Railroad Company; thence North 62° 26' west by land of said Portland Railroad Company four hundred and thirty-one and ninety three one hundredths (431.93) feet to a point; thence North 76° 08' east by land of said Portland Railroad Company five hundred (500) feet to a point; thence north 13° 52' west seventy-five (75) feet to a point; thence south 76° 08' west five hundred and ninety-six and twenty-two one hundredths (596.22) feet to a point; thence south 80° 21' west three hundred and seventy-one and two tenths (371.2) feet to the stump of a large spruce tree in the boundary of Evergreen Cemetery; thence easterly by land of Evergreen Cemetery and land of Pine Grove Cemetery about seven hundred and sixty (760) feet to a point on the end of College Street; thence north 24° 55' east by the end of College Street thirty and thirty-five one hundredths (30.35) feet to a stone

- 3 -

monument at the end of the northerly side line of College Street; thence south 65° 05' east one hundred and twelve and ninety-four one hundredths (112.94) feet by the northerly side line of College Street to the point of beginning. Said premises being a part of the several promises conveyed to Luther B. Roberts by deed of S. K. Hamilton, Admr., dated June 22, 1910, and by deed of Daniel H. Reed to Luther B. Roberts, dated July 26th, 1909, recorded in Cumberland, ss. Registry of Deeds, Book 843, Page 402, to which several deeds, and the references contained, reference is hereby made for further particulars of description.

Excepting and reserving from the above described premises that portion thereof conveyed by the Grantor to Alice M. Knight by deed dated January 17, 1947, recorded in said Registry of Deeds, in Book 1852, Page 109.

Being the same premises conveyed to the Grantor by Luther B. Roberts by deed dated June 24, 1910, recorded in said Registry of Deeds in Book 861, Page 282, and subject to the reservations contained therein.

By acceptance of this deed, Grantee covenants and agrees that it will:

1. Provide a landscape buffer zone at least twenty-five (25) feet in width along the northerly and easterly lines of the premises herein conveyed in a manner satisfactory to the Planning Board of the City of Portland.
2. Secure from said Planning Board prior site plan approval for development of all or any part of the premises herein conveyed as such development shall occur.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said Westbrook College, its successors and assigns forever.

AND the said Grantor Corporation does covenant with the said Westbrook College, its successors and assigns, that it will warrant and forever defend the premises to it the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

IN WITNESS WHEREOF, the said City of Portland has caused this instrument to be sealed with its corporate seal and signed in its corporate name by JOHN G. DE PALMA, its Director of Finance, thereunto duly authorized, this 8th day of November in the year one thousand nine hundred and seventy-three.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF

CITY OF PORTLAND

Patricia S. Meally

By *John G. DePalma*
Director of Finance



STATE OF MAINE
CUMBERLAND, ss.

Nov. 8, 1973.

Personally appeared the above named John G. DePalma, Director of Finance of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,

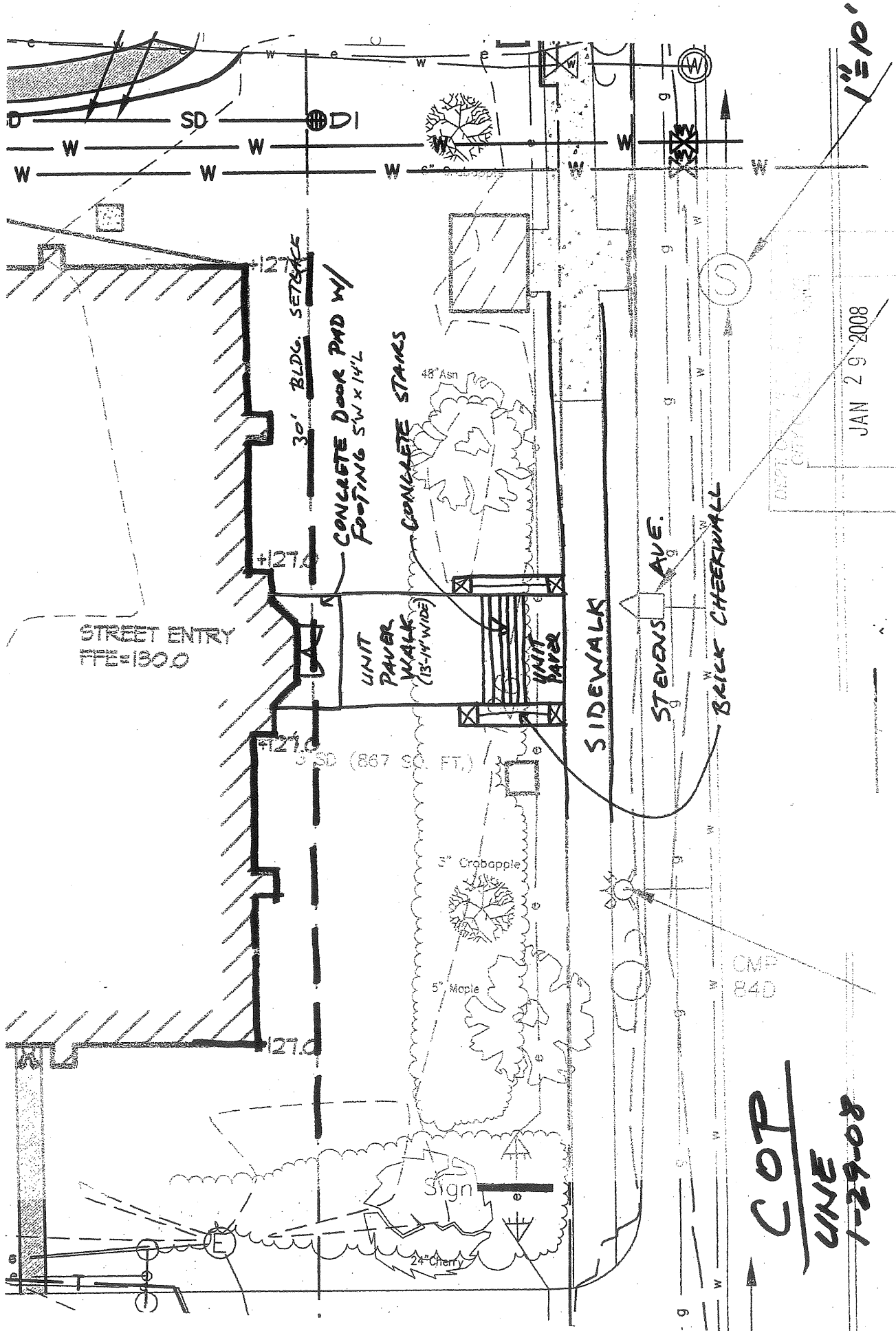
Patricia S. Meally
Justice of the Peace
Notary Public



NOV 8 1973

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE

Received at 2 27 P.M. and recorded in
BOOK 3481 PAGE 255 *W. Keith Kingston* Register



STREET ENTRY
TTE=1800

30' BLDG SETBACK
CONCRETE DOOR PHD W/
FOOTING 5'W x 14'L

CONCRETE STAIRS

UNIT
PAVER
WALK
(13'-14" WIDE)

SIDEWALK

STEVENS AVE.

BACK CHEEKWALL

SD (867 SQ. FT.)

4" Crabapple

5" Maple

Sign

24" Cherry

JAN 29 2008

COP
UNE
1-29-08

1"=10'

Marge,

We met with Andy Hyland earlier today and came up with the following design which we believe meets the zoning criteria discussed in yesterday's meeting. Can you please confirm that what we are showing meets your interpretation of the ordinance? If the attached sketch is plotted at 11x17 it is 1"=10' scale.

Thank you,

Peter

Peter Biegel, ASLA, LEED A.P.
SYTDesign Consultants
P.O. Box 86A, 160 Longwoods Road
Cumberland, ME 04021
Tel. (207) 829-6994 ext.32
Fax (207) 829-2231

JAN 29 2008

From: Marge Schmuckal
To: Peter Biegel
Date: 1/29/2008 4:54:28 PM
Subject: Re: University of New England - COP Front Entrance

Peter,
Thank you for the drawing. I believe this would meet the 30' rear setback requirement for this building.
Thank you
Marge

>>> "Peter Biegel" <PBiegel@mail.sytdesign.com> 1/29/2008 4:31:44 PM >>>
Marge,

We met with Andy Hyland earlier today and came up with the following design which we believe meets the zoning criteria discussed in yesterday's meeting. Can you please confirm that what we are showing meets your interpretation of the ordinance? If the attached sketch is plotted at 11x17 it is 1"=10' scale.

Thank you,

Peter

Peter Biegel, ASLA, LEED A.P.
SYTDesign Consultants
P.O. Box 86A, 160 Longwoods Road
Cumberland, ME 04021
Tel. (207) 829-6994 ext.32
Fax (207) 829-2231

CC: Andy Hyland; evan@portcityarch.com

January 20, 2008

Shukria Wiar
Division of Planning
City of Portland
389 Congress Street
Portland, ME 04101

RE: Site Plan Review – Revised Plans
University of New England College of Pharmacy
716 Stevens Avenue
Application #2007-0158; CBL 0144 A005001

Dear Shukria:

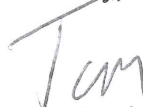
Per your request the following plans have been revised to reflect the peer review comments of the City's consultant, Woodard & Curran. We have enclosed one (1) original and seven (7) copies of full size plans and one (1) copy at the 11x17 reduced (not to scale) plan size.

Title	Drawing No.	Revision
Site Details	C-301	H
Site Details	C-302	H
Site Details	C-303	G

We believe the enclosed revised plans in conjunction with our memo dated January 11, 2008 to Dan Goyette P.E., Woodard & Curran address the review comments outlined in Dan's January 2, 2008 memo.

If you have any questions or require additional information, please contact me.

Sincerely,



Tom Saucier, P.E.
Principal

PBB

cc: Alan Thibeault, UNE

P:\2006-PROJECTS\06-21608 UNE - College of Pharmacy\word\Site Plan Review\Application additional information 011508\Cover Letter 011508.doc

From: "Jerry Hankinson" <JHankinson@llbean.com>
To: <bab@portlandmaine.gov>, <shukriaw@portlandmaine.gov>
Date: 1/17/2008 1:15:31 AM
Subject: UNE College of Pharmacy expansion

Barbara & Shukria:

I attended the neighborhood meeting about the UNE Westbrook College campus College of Pharmacy site plan on January 15, 2008.

The plan looks great and I'm pleased to see UNE bring the new College of Pharmacy to their campus in Portland. However, I am concerned about the loss of approximately 60 parking places on the campus due to construction of the new building. I also understand there are no immediate plans to increase the on-campus parking as part of this project. I am concerned about this loss of on-campus parking and hope any future expansion plans will include additional parking.

I've lived in the abutting neighborhood for 14 years and have noticed a substantial increase in the on-street parking ... especially in the last three or four years. Due to the increase in on-street parking on Stevens Avenue, Elmwood, and Waverly Streets, I believe the city needs to step-up improvements and enforcement in the neighborhood. In particular I would like to see the city improve the curbing and sidewalks on both Elmwood and Waverly Streets. Also, some consideration about one side of the street parking may be warranted as well? For example, with the amount of snow this winter I have observed garbage, FedEx, UPS, and oil delivery trucks being unable to get through on Waverly Street.

I will be unable to attend the Planning Board public hearing on Tuesday, January 22. Please feel free to enter my comments for review at the meeting. Thank you.

Jerry Hankinson
35 Waverly St
Portland ME 04103
tel 797-6331

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



FAX

To: Dan Goyette

Company: Woodard & Curran

Fax #: 774-6635

Date: 12.03.2007

From: Shukria

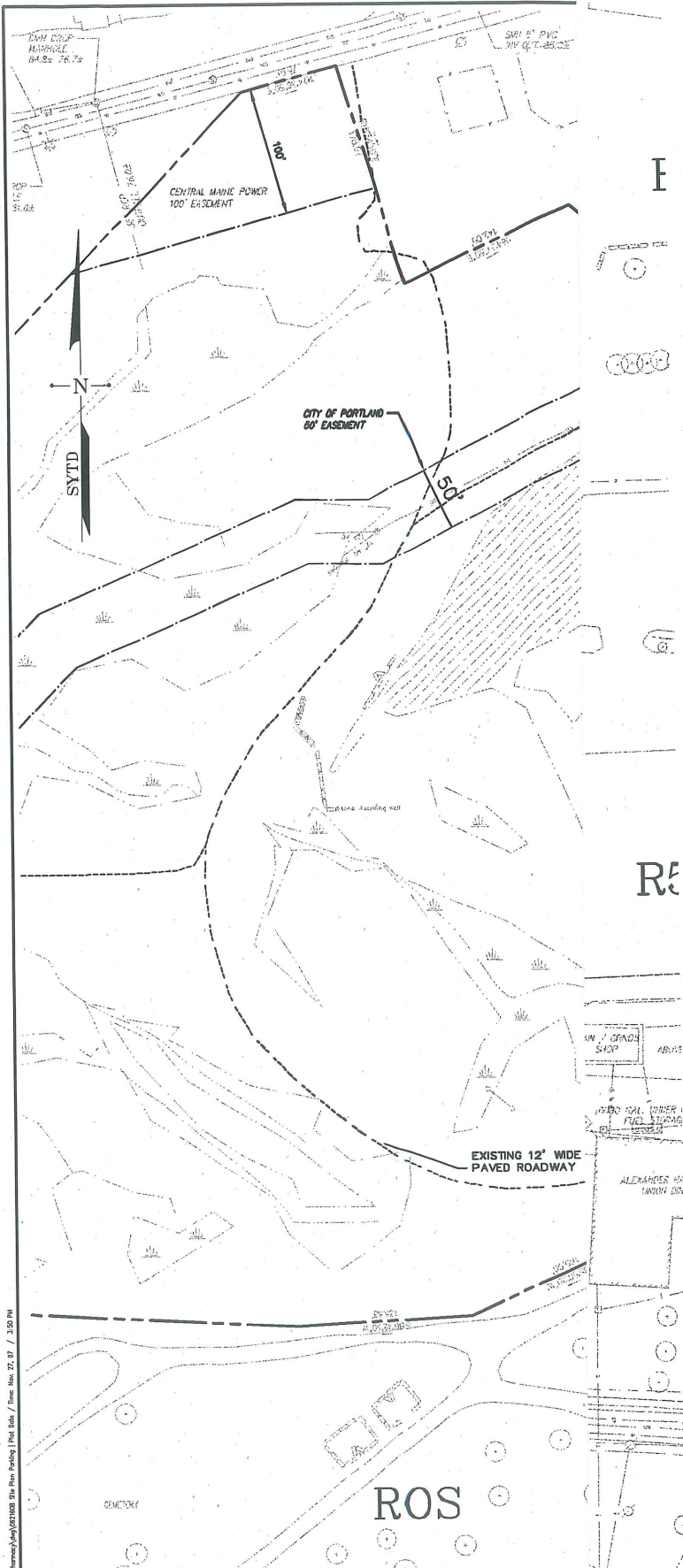
You should receive 29 page(s) including this cover sheet.

Comments:

See attached. Let me know if
you have any questions.

SECTION 12
REQUEST FOR WAIVERS

We are requesting a waiver from the standard boundary survey requirement. The reason for this is that no new parcels are being bought or sold and the proposed parking area and building appear to be located well within the property boundary.



PARKING SUMMARY:

TOTAL EXISTING SPACES	466-475
ADDITIONAL LEASED SPACES	-20
POTENTIAL FUTURE ADDITIONAL SPACES	180-255
TOTAL FUTURE POTENTIAL SPACES	646-840

LEGEND

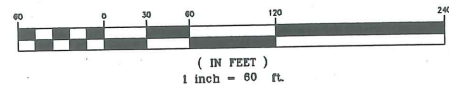
EXISTING		PROPOSED
	BUILDING	
	EDGE OF PAVEMENT	
	BITUMINOUS CURB	
	EDGE OF GRAVEL	
	EDGE OF CONCRETE	
	PROPERTY LINE	
	RIGHT-OF-WAY LINE	
	SIGN	
	INTERMEDIATE CONTOUR	
	INDEX CONTOUR	
	SPOT GRADE	
	FLOW ARROW	
	STORM DRAIN MANHOLE	
	STORM DRAIN CATCH BASIN	
	STORM DRAIN LINE	
	STORM DRAIN CULVERT	
	SANITARY SEWER MANHOLE	
	SANITARY SEWER LINE	
	ELECTRIC LINE	
	ELECTRIC MANHOLE	
	GUARDRAIL	
	TELEPHONE LINE	
	TELEPHONE MANHOLE	
	TREE	
	TREELINE	
	WETLANDS	

POWER AND COMMUNICATION UTILITY NOTES:

- CB** CALL BOX - COORDINATE FINAL LOCATIONS WITH OWNER PRIOR TO INSTALLATION. INSTALL TWO (2) SCHEDULE 40 PVC 1 INCH CONDUITS WITH FULL LINES.
- IT** TELEPHONE MANHOLE - INSTALL TWO (2) SCHEDULE 40 PVC 4 INCH CONDUITS WITH FULL LINES.
- MH** ELECTRIC POWER MANHOLE - INSTALL THREE (3) SCHEDULE 40 PVC 5 INCH CONDUITS FOR ELECTRIC LINES.
- PNL** ELECTRIC PANEL - INSTALL ONE (1) SCHEDULE 40 PVC 2-1/2 INCH CONDUIT FROM THE TRANSFORMER TO THE PNL.
- TP** PAD MOUNTED TRANSFORMER - TRANSFORMER SIZE REMAINS TO BE DETERMINED.
- BL** POLE MOUNTED LIGHT FIXTURES - INSTALL ONE (1) 1-1/4 INCH SCHEDULE 40 PVC CONDUIT WITH FULL LINES FROM POLE TO POLE AND CONNECTION TO ELECTRICAL PANEL.
- FL** FIXTURE TYPE - SEE LIGHTING PLAN

5/1
5/2
5/3

GRAPHIC SCALE



THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SYTDesign Consultants. ANY ALTERATIONS, OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SYTDesign Consultants.

DESIGN: JAV/ADJ
DRAWN: JAV
CHKD: ADJ
DATE: NOVEMBER 2007
SCALE: 1" = 60'

COLLEGE OF PHARMACY 716 STEVENS AVENUE, PORTLAND ME 04103		CONCEPTUAL PARKING LOT PLAN
DATE: NOVEMBER 2007	DWG. NO. C-105	REV. D

REV.	DATE	STATUS	BY
A	11/27/07	SUBMITTED FOR PLANNING BOARD WORKSHOP	JAV

Drawing Name: P:\06-216-08\CONCEPTUAL PARKING LOT PLAN.dwg / Date: Nov 27, 07 / 3:30 PM
 Author: JAV / Plotted: JAV / Plot Date: / Time: Nov 27, 07 / 3:30 PM

SYTDDesign

CONSULTANTS

CIVIL ENGINEERING & LANDSCAPE ARCHITECTURE

P.O. Box 86A • 160 Longwoods Road • Cumberland, Maine 04021
 tel 207.829.6994 • fax 207.829.2231 • website www.sytdesign.com

Transmittal Letter

To: Shukria Wiar, City of Portland Planning Department
Date: December 21, 2007
From: Peter Biegel
Project: UNE College of Pharmacy
Job #: 06-216-08
Copy To: Alan Thibeault, UNE
 Lita Semrau, Port City Architecture

- Letter For Submission Mailed
 Application For Review Delivered
 Plans For Your Records
 Other As Requested

Drawing Number	Revision Number	No. of Copies	Description
-	-	8	Supplemental Information & Revised Plans (24x36)
		1	Revised Plans (11x17)
-	-	3	Traffic Movement Permit Application & application fee check for \$1000

NOTICE OF INTENT TO FILE

Please take notice that

University of New England

is intending to file a Traffic Movement Permit application with the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. § 704 - A on or about

December 21, 2007

The application is for the construction of a four story classroom building of approximately 46,000 gsf to accommodate a new College of Pharmacy. An estimated peak hour trip generation of 63 trips has been calculated for this project. The project, if approved, is expected to be complete in 2009.

At the following location:

University of New England
Westbrook College Campus
716 Stevens Avenue
Portland, Maine

A request for a public hearing must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comments on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the municipal offices in Portland, Maine. A copy of the application may also be seen at the Department of Transportation Division office in Scarborough.

Written public comments may be sent to the Department of Transportation, Traffic Engineering Division, 16 State House Station, Augusta, Maine 04333.

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2007-0158

Date: 12/7/2007

I am in receipt of a document from SYTDesign Consultants referring to parking requirements. There is a mixing of street available parking with off-street parking. The Zoning requirements for school parking is based entirely upon whether the class room has fixed seating or no fixed seating. All those required parking spaces are to be off-street parking spaces. I have not been provided a breakdown showing the number of class rooms with fixed seating (and the number of those seats) nor the number of class rooms without fixed seats showing the amount of classroom square footage.

However, it is noted that the entire front part of the UNE campus where the buildings are sited is located within a Historic District. Section 14-332(U) states that properties covered by local or National Historic districts do not have to show any more parking than what has existed on the property as of March 15, 1999. What I gleaned from the SYTDesign report is that the proposed location for the College of Pharmacy will result in the elimination of 63 existing spaces. Under zoning, my interpretation of Section 14-332(U) implies that those 63 spaces need to be replaced. Again under that same Historic exemption section, the zoning ordinance requires no additional spaces even though a new structure is being proposed.

I do understand that there may be some valid additional parking concerns by both the Planning Board and the University that goes beyond the minimum requirements under Division 20 which needs to be worked out.

Marge Schmuckal
Zoning Administrator

MEMORANDUM

To: FILE

From: Capt Greg Cass

Dept: Fire

Subject Application ID: 2007-0158

Date:

Determine hazard classification of laboratories using NFPA 101

Please provide details for Fire and EMS response. Fire lanes are required to be 16' . If apperatiuous is going to operate from these locations the width is 20'

Fire dept. Checklist needs to be completed. Please break down use groups per story.

A standpipe is required for New buildings more than three stories in height. A Fire hydrant is required within 100' of this connection.

From: "Tom Saucier" <TSaucier@mail.sytdesign.com>
To: "Dan Goyette" <DGoyette@woodardcurran.com>
Date: 1/11/2008 1:34:17 PM
Subject: RE: UNE Pharmacy Peer Review

Hi Dan

Thank you for the comments. We would have responded sooner, but Barbara's email of today spurred me to look in my junk email, where I found your comments.

I offer the following in response to your comments:

1) You requested that a handicap ramp be installed at the "intersection of the driveway and Stevens Avenue." Do you mean at the existing Finley Driveway? We are not planning on impacting this area with construction of this project.

2) You say in your memo that "the sidewalk on Stevens Avenue" needs to be replaced. We will show the areas of the sidewalk that we will be trenching through or disturbing as being replaced.

Other than that, we will not be impacting the City owned sidewalk. I am unsure if the intent of your comment is that UNE should be responsible for work in addition to the repair of portions of the sidewalk impacted by their construction? Can you clarify?

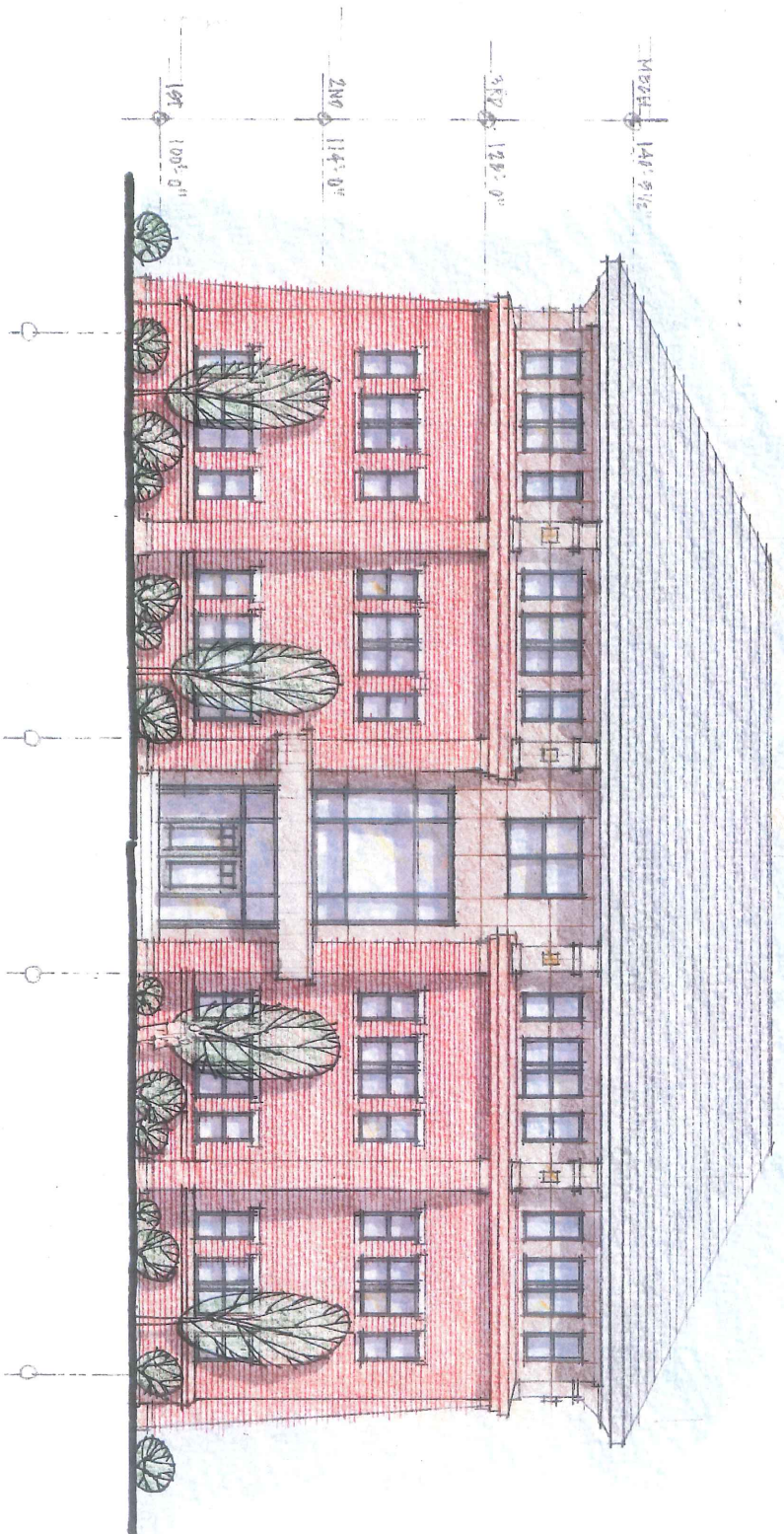
3) As far as the initial backfill over the pipe, the table presented on the detail sheet specifies backfill according to pipe manufacturer's recommendations and standard engineering practice. Can you please clarify the reason for your request that all initial pipe backfill should be crushed stone? That is not typical nor is it required for ductile iron water pipe installation, nor PVC sanitary sewer.

4) We do not object to detailing the Casco Trap, although we believe that it is unnecessary.

A manhole detail will be provided.

The water line taps will be undertaken by or under direct supervision of the Portland Water District. This will include installation of the valves. The project specifications will clearly specify a valve acceptable to the PWD. The utility notes on drawing C-103, particularly Note 4, address this requirement. We do not believe additional detailing is necessary, or provides additional information, and request that this request be reconsidered.

5) Regarding the pavement detail, the City of Portland standard referring to B and C mixes is a reference to an outdated and superseded MDOT specification. We prefer to use the current MDOT specification references in order to ensure quality control for the paving material and placement process. We believe that the typical pavement section shown is suitable from an engineering standpoint. However, we do not object to altering the detail to reflect the 19.0 mm designation for the binder. We prefer the 9.5 mm designation for the surface course. We will adjust the thicknesses as requested.



University of New England
College of Pharmacy



PORT ■ CITY

East Elevation
October 12th, 2007

From: "Tom Saucier" <TSaucier@mail.sytddesign.com>
To: "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>
Date: 1/14/2008 4:01:48 PM
Subject: FW: UNE

Shukria,

As promised, this is the statement from Penny that finalized her finding UNE's right, title, and interest to the parcels of land is acceptable.

Tom

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

From: Penny Littell [mailto:PL@portlandmaine.gov]
Sent: Monday, October 22, 2007 1:40 PM
To: Natalie L. Burns; Alex Jaegerman ; Barbara Barhydt; Marge Schmuckal;
Shukria Wiar
Subject: Fwd: UNE

Natalie: Thanks for your prompt response on this. I now believe we area ll set.

>>> "Natalie L. Burns" <nburns@JBGH.com> 10/22/2007 11:47:41 AM >>>
Penny,

I have reviewed the Assessor's records in response to your concern that the University's parcels of land on opposite sides of College Street are in separate ownership. This issue came up due to the proposed amendment that would create a higher height limit than is normally applicable in this zoning district provided that the education institution has at least 10 acres of land.

According to the Assessor's records, the University's two major parcels are shown on Tax Map 145 as Lots A-3-9-10 (consisting of 9.232 acres) and Lot B-2 (consisting of 2.12 acres). The ownership of both is listed as Westbrook Seminary & Junior College for Women. This is one of the former names of Westbrook College, which later merged with UNE (I believe this occurred in 1996). The merger would not have resulted in deeds to UNE because the surviving corporate entity automatically takes over the ownership of all property under the provisions of 13-B M.R.S.A. Sec. 905(D).

The University also owns some other parcels, with various of the College and University entities listed as the owners, but these two are the largest.

I will give you a call shortly to see whether this is sufficient information to answer the concern that was raised.

Thanks,

Natalie

Natalie L. Burns, Esq.
Jensen Baird Gardner & Henry
Ten Free Street
P.O. Box 4510
Portland, Maine 04112-4510
207-775-7271 or 800-756-1166
Fax: 207-775-7935
nburns@jbgh.com
www.jbgh.com

REQUIRED DISCLOSURE:

United States Treasury Regulations require us to inform you that any tax advice contained in this communication and any attachment or enclosure is not intended or written by us to be used, and cannot be used, by any taxpayer for the purpose of avoiding tax penalties.

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**CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division**

M E M O

TO: Shukria Wiar
FROM: Michael Farmer, Project Engineer
DATE: Jan. 9, 2008
RE: UNE Pharmacy School

The Department of Public Works (DPW) has a concern about the prospective discharge of groundwater associated with the proposed College of Pharmacy building. We received preliminary information by telephone from SYTDesign Consultants that indicated the project would result in the discharge of over 300,000 gallons per day of clean groundwater to the City's sewer system, on a seasonal basis. We subsequently requested additional information from SYTDesign about this potential wastewater source. We have not received any additional information in writing to date.

DPW staff has reservations about the capacity of the sewer system to accept over 300,000 gallons per day of groundwater in addition to the sanitary wastewater from the project. DPW staff also questions the wisdom of discharging that amount of clean groundwater into the sewer system. We recommend discharging this groundwater source into a natural drainage course (or a storm drain system that discharges directly to a natural drainage course). We do not have, at this point, a comfort level or sufficient information that would allow us to issue a sewer capacity letter that would include discharging 300,000+ gallons per day of groundwater to the sewer system.

I telephoned Peter Biegel of SYTDesign today to obtain additional information about this prospective discharge of groundwater. He reported that Haley & Aldridge had been retained as a geotechnical consultant for the project. He reported that the project design team had decided to raise the level of the basement, which would raise the level of the foundation above the groundwater table and eliminate the need to discharge groundwater to the City sewer system. Mr. Biegel said that SYTDesign planned to present these latest findings to the City in writing during the next few days.

Raising the basement floor elevation and eliminating the need to discharge groundwater from the project sound like steps in the right direction, which could address DPW's concerns regarding this project. However, we will reserve judgment until we have an opportunity to consider the information that Mr. Biegel indicated will be delivered to us in the near future.



Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

December 13, 2007

SYTDesign Consultants
Attention: Tom Saucier, PE
160 Longwood Road
PO Box 86A
Cumberland, ME 04021

**RE: Site Plan Review: 716 Stevens Avenue
UNE College of Pharmacy Building
Application # 2007-0158; CBL 0144 A005001**

Dear Mr. Saucier,

The City of Portland has received two applications from the University of New England (UNE) for the proposed College of Pharmacy project at 716 Stevens Avenue. The application is for site plan review of the proposed building and parking lot. The City will also review the proposal under its delegated review for a Traffic Movement Permit and under Site Location of Development Act, if applicable. Portland does not have delegated review under Chapter 500, so a permit from DEP is required for the stormwater management plan.

A workshop on the site plan was held on November 13, 2007 and a public hearing is tentatively scheduled for January 22, 2008. In order to maintain this tight schedule for the review, we would request that you submit a complete site plan application no later than December 21, 2007. The hearing date may be postponed if the application is incomplete or there are significant issues to be resolved. We will notify DEP that an application has been received for review of the Site Location of Development Act and we will forward one complete application to them for their records, should the revised plan be subject to this review.

Based on the site plan submitted and the submittal requirements contained in the City's Site Plan Ordinance, Section 14-525 Final Site Plan, the following material is requested for the site plan review:

1. Applicant to apply for the Traffic Movement Permit
2. Submit a Stormwater Management Plan
3. Planning Staff needs a complete application for the Site Location of Development Act
4. Overview plans of the entire campus, showing all parking lot and spaces.
5. Campus Parking Study needs to be submitted with all the data and calculations

6. Address the additional information requested by the Planning Board. See the following:
 - a. Encourage applicant to explore other options for parking such as leasing of spaces in the surrounding neighborhood.
 - b. The Board encouraged that the proposed College of Pharmacy building be separated from the proposed parking lot; they also asked that the applicant look at the current park demand/requirement and proceed without developing the lower campus area for parking. The Board asked for a better understanding of the number of parking and circulation on campus.
 - c. The applicant has the burden to prove the proposed development, particularly the parking lot, does not have an adverse effect on the wetlands and wildlife habitat on the lower part of the campus.

7. Address technical issues raised in this Planning Board memorandum and the comments received from City staff:

A. Fire Department comments:

- i. Please provide details for Fire and EMS response. Fire lanes are required to be 16'. If apparatus is going to operate from these locations the width is 20'
- ii. Fire dept. Checklist needs to be completed.
- iii. Please break down use groups per story.
- iv. A standpipe is required for new buildings more than three stories in height.
- v. A Fire hydrant is required within 100' of this connection.

B. Dan Goyette, the City Consultant, offers the following comments:

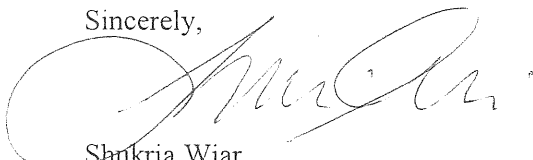
- i. It was noted that the applicant is waiting for a capacity to serve letter for sanitary sewer. The City's CSO [Combined Sewer Overflow] master plan calls for removing stormwater runoff on College Street from the combined sewer system. DPW requests that the proposed parking lot Access Road and its drainage system be built with features that will assist the City in collecting the runoff from College Street. DPW requests that the proposed drainage system in the Access Road be designed to accommodate the runoff from College Street. The proposed storm drain should be extended to the limit of construction in College Street. UNE should convey a drainage easement to the City that will give the City the right to use the storm drain system. City staff can work with the applicant to determine the area of College Street that will be served and appropriate easement language. **[this condition will only apply if the parking lot in the lower campus is to be proposed]**
- ii. A boundary survey is underway for the project, and the applicant is waiting to confirm that the horizontal and vertical datum follows the approved City standards. In addition, the proper monumentation should be added to the end of College Street.
- iii. The "Walkway Build-Up" detail shows the asphalt pavement surface of 9.5 mm HMA. City of Portland standards call for bituminous sidewalk surface to be constructed with grading "C" bituminous pavement, which corresponds to a 12.5 mm HMA gradation.
- iv. No wall heights are provided for the Versalok retaining walls at the proposed parking lot.
- v. Details should be provided for the following items:
 - The installation of decorative pavers at the building entrance
 - A casco trap for the catch basins
 - Utility connections
 - Waterline components

- Light pole bases

- C. Tom Errico, City Traffic Consultant has reviewed the site plans and offers the following comments:
- i. All back up data for the parking survey should be provided.
 - ii. The applicant should provide information on total existing enrollment, class schedule, and information on use of METRO or transit options.
 - iii. A graphic should be provided that illustrates existing UNE parking areas (including restrictions for employees, students, visitors, etc.) to assist in the review of the parking requirements.
 - iv. Parking information for all leased parking areas should be included.
 - v. With College Street becoming the primary access/egress route to the proposed parking lot, the applicant should provide information on roadway width adequacy and whether College Street meets City standards when considering on-street parking and vehicle travel.
 - vi. When approaching the end of College Street, two severe horizontal curves exist. The applicant shall provide information on whether these curves meet City standards, and if not, identify mitigation requirements.
- D. Marge Schmuckal, Zoning Administrator request the following information
- i. The Zoning requirement for school parking is based entirely upon whether the class room has fixed seating or no fixed seating. All those required parking spaces are to be off-street parking spaces.
 - ii. As part of the parking analysis, provide a breakdown showing the number of class rooms with fixed seating (and the number of those seats) and the number of class rooms without fixed seats showing the amount of classroom square footage. In another words, all the class rooms broken down by either fixed seat or no fixed seats. Then on the fixed seat rooms, how many fixed seats are in each of those classrooms. On the no fixed seats rooms, I what is the square footage of each of those rooms.
 - iii. There may be some valid additional parking concerns by both the Planning Board and the University that goes beyond the minimum requirements under Division 20 which needs to be worked out.
- E. The Urban Designer has requested the following:
- i. Building measurements;
 - ii. Specifications and samples of all proposed building materials; and
 - iii. Specifications of components such as windows and doors, and other details.

Please submit the information at your earliest convenience. If you have any questions please do not hesitate to call me on (207) 756-8083 or at shukriaw@portlandmaine.gov.

Sincerely,



Shukria Wiar
Planner

cc Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Manager



PAN AM RAILWAYS, INC.

1700 Iron Horse Park
North Billerica, MA 01862-1681

October 23, 2007

City of Portland, ME
Planning Division
389 Congress Street
Portland, Maine 04101

Dear Sir/Madam:

Enclosed is a copy of the notice I recently received pertaining to proposed land use in the City of Portland, Maine. Please be advised that Pan Am Railways, Inc. manages real estate matters for several corporations. This response is sent on behalf of the following corporations in reply to your notice, which was received on October 18, 2007:

- ° Boston and Maine Corporation;
- ° Maine Central Railroad Company;
- ° Portland Terminal Company;
- ° Springfield Terminal Railway Company;
- ° Hudson River Estates, Inc.;
- ° Delaware River Estates, Inc.; or
- ° DH Estates, Inc. (formerly Delaware and Hudson Railroad).

As you may well be aware, the railroads listed above receive numerous notices on a daily basis. Based upon the limited time frame existing between the date on which the notice is received and the scheduled hearing date, I respectfully request your cooperation regarding this matter.

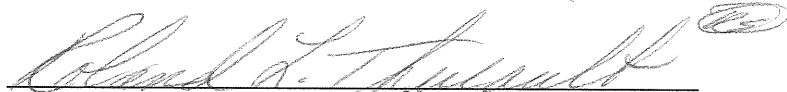
Although the railroads are concerned with each and every notice, there are certain instances, which are of particular concern to the railroads. You may be able to advise me if the petition involves land plans showing a crossing of railroad property. Specifically the railroads' concern exists even in the event that your petitioner indicates that it is the holder of a valid railroad crossing. Also, the railroads must be advised if the petition proposes any development within 25' from the centerline of an existing railroad track, even if such development occurs on non-railroad property. As such, petitions for variances from set back requirements can be particularly troublesome.

City of Portland, ME
October 23, 2007
Page Two

Please be advised that this letter should not be construed as a waiver of any other objections, which the railroads may have to a proponent's plan. However, the railroads respectfully request your assistance in bringing their attention to any such matters.

Thank you for your anticipated cooperation in this regard.

Sincerely,

A handwritten signature in cursive script, reading "Roland L. Theriault", with a circled "e" at the end of the signature.

Roland L. Theriault, Vice President - Real Estate

RLT/rjs
Enclosure

**IMPORTANT NOTICE FROM CITY OF PORTLAND
PLANNING DIVISION**

**TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 716 STEVENS AVENUE**

WHAT The Portland Planning Board will hold a public hearing to consider a Text Amendment by the University of New England to Division 6, R-5 Residential zone, Section 14-118 of the City of Portland Code of Ordinances. The text amendment would allow a building height up to 55 feet for a school, college, university, trade school or a site with 5 acres or more and allow a side setback of 20 feet for buildings with three or more stories.

Public comments will be taken at this meeting.

WHEN Tuesday, October 23, 2007
7:00 p.m.
Room 209, 2nd Floor, City Hall

RECEIVED
OCT 18 2007

BY:

FOR MORE INFORMATION

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you wish to submit written comments, address them to Shukria Wiar, Planner, Planning Division, 4th Floor, 389 Congress Street, Portland, Maine 04101; by phone at (207) 756-8083 or e-mail at shukriaw@portlandmaine.gov

From: Gregory Cass
To: Peter Biegel; Shukria Wiar
Date: 1/9/2008 7:25:12 AM
Subject: RE: University of New England - College of Pharmacy

Shukria

All fire dept. concerns have been addressed. Thank you for your assistance with this project.

>>> "Peter Biegel" <PBiegel@mail.sytdesign.com> 1/8/2008 5:08:48 PM >>>
Captain Cass,

Thank you for your review. I have attached another site plan showing a more specific location, a 3 Ft. wide paved walk, and the proposed tree planting. I am hoping with this information you will be able to confirm (in writing and cc me) with the Planning Staff that the project is acceptable from your perspective. We will be attending a public hearing for the project on January 22nd.

Your help through this process is most appreciated, thank you.

Peter

Peter Biegel, ASLA, LEED A.P.
SYTDesign Consultants
P.O. Box 86A, 160 Longwoods Road
Cumberland, ME 04021
Tel. (207) 829-6994 ext.32
Fax (207) 829-2231

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

From: Gregory Cass [mailto:GEC@portlandmaine.gov]
Sent: Tuesday, January 08, 2008 4:28 PM
To: Peter Biegel
Subject: Re: University of New England - College of Pharmacy

Option 1 is acceptable
Could you narrow down the area to a specific location??
And please be mindful of landscaping.
Thank you for your attention to this matter it has been a pleasure working with you.

Captain Greg Cass
Portland Fire Dept.
Fire Prevention Officer

Captain Greg Cass
Portland Fire Dept.
Fire Prevention Officer

>>> "Peter Biegel" <PBiegel@mail.sytdesign.com> 1/8/2008 3:33:13 PM
>>>
Captain Cass,

I have attached a PDF of the site plan for your review and comment.
We
show 2 locations which are labeled options 1 and 2. Our preferred option is 1 which would be less visible from Stevens Ave. and easier to maintain, however we could live with option 2 if we had to.

Thanks,

Peter

University of New England
College of Pharmacy
October 18, 2007



Gross Building Area	46,380 sf
Lower Level	11,595 sf
Mechanical / Support / Unfinished Space (Future Vivarium)	11,595 sf
First Floor	11,595 sf
Classrooms / Lecture Hall	2,342 sf
Teaching Labs (Not included as classrooms)	1,808 sf
Office / Administration	1,193 sf
Support / Circulation / Grossing	6,252 sf
Second Floor	11,595 sf
Classrooms / Lecture Hall	0 sf
Teaching Labs (Not included as classrooms)	1,444 sf
Library	969 sf
Office / Administration	4,420 sf
Support / Circulation / Grossing	4,762 sf
Third Floor	11,595 sf
Classrooms / Lecture Hall	0 sf
Research Labs (Not included as classrooms)	6,860 sf
Office / Administration	1,902 sf
Support / Circulation / Grossing	2,833 sf

MEMORANDUM



TO: Shukria Wiar

FROM: Dan Goyette, PE, and Lauren Swett, EIT

DATE: October 30, 2007

RE: University of New England College of Pharmacy Educational Building and Associated Parking Area, 716 Stevens Avenue

Woodard and Curran has reviewed the additional information provided for the University of New England College of Pharmacy Educational Building and Associated Parking Area project located at 716 Stevens Avenue in Portland. The project consists of the construction of a 4-story building with a 8,700 square foot footprint that will be connected to the existing Goddard Hall. In addition, a 350-space parking lot will be constructed, for use with the new building and to provide additional parking for projected future use.

Documents Reviewed

- Letter to Shukria Wiar with additional information in response to comments for the University of New England College of Pharmacy Educational Building and Associated Parking Area, prepared by SYTDesign Consultants for the University of New England, dated October 12, 2007.
- Engineering plan sheets C-100 to C-107, C-201, C-300 to C-302, E-100, E-101, Architectural Elevation Plans, and Floor Plans A1.1 to A1.4, prepared by SYTDesign Consultants for the University of New England, dated October 2007.

Comments

- A stormwater management plan has not yet been submitted. The applicant has provided a basic outline of what is planned, and is waiting for a pre-application meeting with the DEP to take place before finalizing the design. Once the design is finalized, the applicant should submit for review a stormwater management report including calculations for the sizing of stormwater management devices as well as a comparison of pre- and post- development flows showing that the proposed project will not result in an increase in stormwater runoff. The area proposed for the new parking lot is in an urban impaired watershed and special considerations should be made.
- It was noted that the applicant is waiting for a capacity to serve letter for sanitary sewer. The City's CSO master plan calls for removing stormwater runoff on College Street from the combined sewer system. *Combine Sewer Overflow* - DPW requests that the proposed parking lot Access Road and its drainage system be built with features that will assist the City in collecting the runoff from College Street. DPW requests that the proposed drainage system in the Access Road be designed to accommodate the runoff from College Street. The proposed storm drain should be extended to the limit of construction in College Street. UNE should convey a drainage easement to the City that will give the City the right to use the storm drain system. City staff can work with the applicant to determine the area of College Street that will be served and appropriate easement language.
- A boundary survey is underway for the project, and the applicant is waiting to confirm that the horizontal and vertical datum follows the approved City standards. In addition, the proper monumentation should be added to the end of College Street.
- The "Walkway Build-Up" detail shows the asphalt pavement surface of 9.5 mm HMA. City of Portland standards call for bituminous sidewalk surface to be constructed with grading "C" bituminous pavement, which corresponds to a 12.5 mm HMA gradation.
- No wall heights are provided for the Versalok retaining walls at the proposed parking lot.



- Details should be provided for the following items:
 - The installation of decorative pavers at the building entrance
 - A casco trap for the catch basins
 - Utility connections
 - Waterline components
 - Light pole bases

Please contact our office if you have any questions.
DRG/LJS
203943

From: "Tom Saucier" <TSaucier@mail.sytdesign.com>
To: "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>
Date: 1/18/2008 9:16:35 AM
Subject: RE: UNE COP

Thanks Shukria

Dan's comments are minor, and we do take exception with or require clarification of some of them.

We request that any condition be worded such that it requires the applicant and the peer review engineer to reach agreement on resolution to the minor technical issues raised in Dan's memo, as we cannot agree to modify the plans to reflect all requests for the reasons outlined below, which include the need for further clarification of some comments, and our desire to maintain quality control on the site through the use of standard and current details and specifications.

1) We are still unclear about what is being requested at the Stevens Avenue driveway. Again, no work is proposed at that intersection. We will need to clarify this with Dan.

2) As we previously indicated, we fully intend to replace any portion of the sidewalk on Stevens Avenue damaged by construction.

3) The detail sheet does not call for an "initial fill", so we are unclear of the continued reference to this. As we previously indicated, the materials specified are consistent with standard engineering practice.

If the request is to include crushed stone as initial backfill over PVC and HDPE pipe, we will modify the detail to reflect this.

If Dan is referring to the pipe bedding, the two pipe materials for which pipe bedding is not specified as crushed stone, are CMP and Ductile Iron. CMP is not a pipe material being utilized as a part of this construction, and the ductile iron pipe bedding specified meets the requirements of the Portland Water District.

Note 2, is confusing, and conflicts with the table, and will be removed from the drawing.

4) As we indicated before, the C mix specification in the city of Portland technical standards is a "private" mix, and is not supported by MDOT specifications. The way we have specified the material is preferable to the outdated city specification, and will ensure that adequate quality control is available. We would be happy to specify the material as a C mix, if the applicable specifications for the design mix and placement can be provided by Dan or the city for our review. Otherwise we prefer to rely on the current MDOT specifications for paving.

5) The manhole detail will be adjusted accordingly.

I have forwarded the lighting comments to Peter Biegel of my office for review.

Thanks
Tom

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

From: Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]
Sent: Thursday, January 17, 2008 4:37 PM
To: Tom Saucier
Subject: RE: UNE COP

Hi once again :)

There are two items that I need to discuss:

1. Attached are Dan Goyette comments, which you do not have to respond to since i will make them as a condition of approval.

2. I was just reviewing the lighting information and the lighting fixture proposed does not meet our standards for cut-off fixture. You mentioned in an earlier email that these are the fixtures used on campus, is this on the Westbrook Campus? How many are there now? If this is the typical fixture used on the Westbrook College Campus, then what you could do is ask for a waiver of the cut-off fixture requirement. I am attaching the lighting standards for your review. The waiver can be requested in a coverletter to the PB. There is a clause in the lighting standards that could be used to request the waiver:

All fixtures, including wall packs, shall be a "cut-off " type where lenses, refractors or lamp sources do not extend below the surface of the fixture housing and no direct light shall be directed at or above the horizontal plane. Sites which are part of an historic district or require specific decorative lighting fixtures as means to achieve compatibility within an existing architectural context may propose non-cutoff fixtures providing that photometrics fall within IESNA guidelines.

Let me know if you have any questions.

Thanks.

Shukria

>>> "Tom Saucier" <TSaucier@mail.sytdesign.com> 01/17 4:00 PM >>>
As always, thanks Shukria.

Tom

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

From: Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]
Sent: Thursday, January 17, 2008 3:58 PM
To: Tom Saucier

Subject: Re: UNE COP

Hello Tom,

Actually it is not a formal letter but a replay to an abutter's comments. I have attached them both.

There was discussion among the reviewers in our development review meeting in regard to parking and utilization of on-street parking to meet the parking demands associated with COP building; John Peverada, Director of Parking Division, believes these are for the public use and not specific to a development.

Thanks.

Shukria

>>> "Tom Saucier" <TSaucier@mail.sytdesign.com> 01/17 2:37 PM >>>

Hi Shukria

I understand that there is a parking related memo from city staff (parking officer?) available.

Could you please forward that to me?

Thanks
Tom

Tom Saucier, Principal
SYTDesign Consultants
P.O. Box 86A
160 Longwoods Road
Cumberland, Maine 04021
ph: 207-829-6994 xt. 30
fax: 207-829-2231
183 Park Row
Brunswick, Maine 04011
ph: 207-725-7248 xt. 30
fax: 207-725-7365

email: tsaucier@sytdesign.com
web: www.sytdesign.com

CC: <AThibeault@une.edu>, "Peter Biegel" <PBiegel@mail.sytdesign.com>

From: "Tom Saucier" <TSaucier@mail.sytdesign.com>
To: "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>
Date: 1/17/2008 10:25:32 AM
Subject: UNE

Hi Shukria

I have reviewed Mr. Farmer's email, and offer the following response.

I am not sure that the nature and amount of the "wastewater" discharge is a significant issue, as Mr. Farmer indicates. If so, we have not been made aware of that. I believe he is referring to the nature and amount of clean groundwater that we previously had anticipated requesting that the city allow us to discharge to the city system.

In response to Mr. Farmer's previous concerns regarding discharge of clean groundwater to the city system, we have revised the building design to raise the basement two feet to eliminate the need for the pumping of clean groundwater to the city system. A letter from our geotechnical consultant, Haley and Aldrich, to this affect was provided to the city on January 10th. The pumping system will be installed, primarily for an emergency involving some unforeseen rise in the groundwater level of 6 feet or more, as previously indicated in the January 10 letter. As noted in the final geotechnical report, it is not expected that the pumping system will function on a regular basis, but is simply an emergency system to accommodate a short term, unforeseen event.

The November 2 "letter" requested by Mr. Farmer is actually a draft of the final geotechnical report which was submitted yesterday. Typically, draft reports are preliminary and are revised before they are issued as a final document for public review. Upon issuance of a final report, draft reports and the conclusions contained therein may no longer be valid or relevant to a project, and issuance of such a report could only serve to increase the potential for confusion. We really have nothing else to offer, and have submitted all pertinent information requested, and are unsure of what information Mr. Farmer is lacking.

The primary difference between the two reports is that the draft report reflects concerns with the previous design with a basement floor slab at elevation 113. The final report reflects a basement floor slab at elevation 115, which eliminates the concerns for the need for pumping of clean groundwater, except under an unanticipated emergency condition.

If the specific informational request from Mr. Farmer could be provided, we would be happy to accommodate his request for additional information. He currently has the complete copy of the final geotechnical report for the building design, sanitary sewer flows, and a letter from a professional engineer, employed by a fully qualified geotechnical consultant, which states that the pumping system is considered to be an emergency system.

Given that the current design eliminates the need for other than emergency pumping of clean groundwater to the city system, we are not clear what, if any, geotechnical issues remain within the city's purview under site plan review.

We do not believe there are any issues which should preclude a planning board public hearing on the 22nd, and look forward to meeting with the planning board.

Please advise us if there are further specific issues.

Thanks
Tom

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

From: Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]
Sent: Thursday, January 17, 2008 9:16 AM
To: Tom Saucier; AThibeault@une.edu
Subject: Fwd: Re: UNE

Hello Tom,

I have forwarded the geotechnical report to Mike Farmer; in the attached email is his comments.

Thanks.

Shukria

CC: "Peter Biegel" <PBiegel@mail.sytdesign.com>, <AThibeault@une.edu>, "Alex Jaegerman" <AQJ@portlandmaine.gov>, "Barbara Barhydt" <BAB@portlandmaine.gov>

From: "Tom Saucier" <TSaucier@mail.sytdesign.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>, "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>
Date: Wednesday, January 16, 2008 3:04:17 PM
Subject: UNE COP

Shukria and Barbara

I just got a phone message from Shukria that there is a possibility we would be removed from the agenda for next Tuesday night for two reasons;

1) Tom Errico and Jim Carmody have not had time to review the supplemental traffic information submitted.

It is my understanding from the scoping meeting, at which Tom, Jim, Bill Eaton and I were present, that the information requested would not affect the overall conclusions of the traffic study, and really was simply necessary to calculate an impact fee for the very minimal increase in traffic through the Morrill's Corner intersection due to the proposed College of Pharmacy. This seems like a very simple thing that could be resolved prior to the meeting, and could be included as a condition of approval, and certainly is no reason to hold up a public hearing and subsequent construction of this project.

2) The final geotechnical report was not submitted to Mike Farmer for his review. We explained to Mike that it had not been finalized. It is my understanding that this report will be finalized today. There were no specific questions or issues raised, other than the groundwater issue, which we have addressed by raising the basement floor elevation.

It is our understanding the only concern of Mike was the flow of large daily volume of clean groundwater to the city sewer system previously estimated based on the original basement slab elevation. As Mike correctly noted in his January 9 memorandum, provided to us on January 11, the building design was revised to raise the floor elevation of the basement two feet to eliminate the need for any pumping of clean groundwater to the City storm drain system. A system is still proposed in the case of a catastrophic storm event, to provide emergency dewatering to prevent water damage within the basement of the proposed building. However, we do not think it is highly likely that an event will occur which would raise the groundwater level 6 feet and activate the emergency pumping system. The attached letter was forwarded to the public works department on January 10th.

Neither of these issues seems to be of a sufficient concern to postpone a public hearing for Site Plan Approval for this relatively straightforward building project. Postponing the public hearing for this project jeopardizes the schedule for a Fall 2009 opening date. It does not appear to us that the above issues are of such a concern that the postponement is necessary.

Since we received staff comments on January 11, we have addressed all comments as requested by Shukria, and met the January 15 deadline.

I left a message in the planning office and would like someone to get back to me asap.

Thanks
Tom

<<2008-0110-ARB-DrainageLtr-f3.pdf>>

Tom Saucier, Principal
SYTDesign Consultants
P.O. Box 86A
160 Longwoods Road
Cumberland, Maine 04021
ph: 207-829-6994 xt. 30
fax: 207-829-2231
183 Park Row
Brunswick, Maine 04011
ph: 207-725-7248 xt. 30
fax: 207-725-7365

email: tsaucier@sytdesign.com
web: www.sytdesign.com

CC: "Errico, Thomas A" <TERRICO@wilbursmith.com>, <AThibeault@une.edu>, "James Carmody" <JPC@portlandmaine.gov>, "Alex Jaegerman" <AQJ@portlandmaine.gov>

From: "Tom Saucier" <TSaucier@mail.sytdesign.com>
To: "Errico, Thomas A" <TERRICO@wilbursmith.com>
Date: 1/16/2008 10:46:36 AM
Subject: RE: UNE COP

Thanks Tom

Good point.

Shukria,

Although neither of the campus exit points has an MDOT identified crash history, during the scoping meeting we agreed to review the sight lines at the campus exit points on to Stevens Avenue, and make a recommendation regarding possible elimination of parking to enhance sight distances. Based upon our review, we believe that two parking spaces on the west side of Stevens Avenue, northerly of the intersection of College and Stevens should be eliminated, i.e. signage and/or striping be installed to prohibit parking within 40 feet of the intersection, and that the area on the westerly side of Stevens Avenue, northerly of the Finley Drive intersection, between the hydrant and the intersection, should also be posted No Parking. There is also a sign advising of raised speed tables ahead at the College Street/Stevens Avenue intersection, which should be relocated.

This will serve to enhance the sight distance for traffic exiting the campus at the intersections.

Tom and Jim, your thoughts?

Thanks

Tom S.

From: Errico, Thomas A [mailto:TERRICO@wilbursmith.com]
Sent: Tuesday, January 15, 2008 3:45 PM

To: Tom Saucier
Cc: James Carmody; Shukria Wiar
Subject: RE: UNE COP

Tom -

You should make a recommendation on parking removal on Steven's Avenue.
I'll respond after your findings. Call me if you have any questions.

Thanks

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

Portland, Maine 04101

w: 207.871.1785 f: 207.871.5825

TErrico@WilburSmith.com

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From: Tom Saucier [mailto:TSaucier@mail.sytdesign.com]
Sent: Monday, January 14, 2008 4:00 PM
To: Errico, Thomas A; Shukria Wiar
Cc: AThibeault@une.edu; Peter Biegel
Subject: FW: UNE COP

Shukria,

1) Attached is the additional information from Bill Eaton, requested by Tom Errico at the scoping meeting. It is also our understanding that Tom's review may include conditions for removal of a couple of parking spaces on Steven's Avenue.

2) We will attempt to get the last page of the deed requested by Penny Littell. It may take some time. It seems if necessary this could be a condition of approval, especially given that it has already been determined that we have provided adequate proof of right, title and interest. I will send you a copy of Penny's October 22 email after this, which confirms her finding of adequate right, title, and interest.

3) We responded to Dan Goyette's comments last Friday, and copied you on that response. Our response indicated that revisions to some plans would be required. We will forward those to you tomorrow afternoon.

In response to Marge's memo, in the interest of time I would like to do it via email as opposed to meeting;

1) The first floor of the Pharmacy building has a lecture hall and teaching lab. The second floor has a library and teaching lab. The third floor is research lab space and offices, not teaching space. The 171 seats include the seating in the lecture hall (121) and the two teaching labs (18 first floor and 32 on the second).

2) Marge is correct in that the total off street parking provided after construction of the COP building will be $476-65=411$. Our oversight.

3) We are implying under existing conditions that there are 222 fixed seats and 560 non-fixed seats.

4) Her final sentence does indicate that she is likely in agreement that there are more spaces available than required by current zoning.

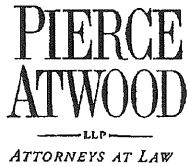
I believe that any of Barbara's comments which require a response have been addressed.

Please let me know if you need anything else.

Thanks

Tom

CC: "James Carmody" <JPC@portlandmaine.gov>, "Shukria Wiar"
<SHUKRIAW@portlandmaine.gov>, <AThibeault@une.edu>, "Peter Biegel"
<PBiegel@mail.sytdesign.com>



One Monument Square
Portland, ME 04101-1110

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September 6, 2006

Maine Health and Higher Educational Facilities Authority
3 University Drive
PO Box 2268
Augusta, ME 04330

RE: University of New England –Title Update Report
Stevens Avenue, Portland, Maine

Ladies and Gentlemen:

We have updated the indexed record title to the campus of the University of New England, formerly known as Westbrook College, in Portland, Maine, being the same premises described in the deeds recorded in the Cumberland County Registry of Deeds and listed in Schedule A attached hereto and made a part hereof (collectively, the "Premises"), from August 28, 2006 at 4:30 p.m., the effective date of our previous update title certification letter issued with respect to the above-referenced Premises through September 6, 2006 at 9:37 a.m. We find no record of any conveyance, lien or other encumbrance within that time period affecting the Premises except as follows:

1. Matters set forth on or referred to in our previous update title certification letter issued with respect to the above-referenced Premises with an effective date of August 28, 2006 at 4:30 p.m.
2. Loan Agreement and Mortgage from University of New England to Maine Health and Higher Educational Facilities Authority dated as of August 1, 2006 and recorded in the Cumberland County Registry of Deeds in Book 24339, Page 1.
3. General Exceptions - There are certain defects in some titles to real property that would be extremely difficult, if not impossible, for the attorney examining title to discover from a search of Registry and Probate Court records. For this reason, the following matters are excepted from this title opinion:
 - i. Any conditions or state of facts a standard boundary survey or examination of the Premises might reveal, including but not limited to, the exact geographic location, amount of acreage,

location of boundaries, encroachments, whether or not the buildings and improvements are located entirely within the description of the Premises, whether or not any roadway serving the premises is accepted as a public way or is private, and availability of public water supply, septic or storm drainage, and other utilities to the Premises;

- ii. Unrecorded liens, including but not limited to mechanics' or materialmen's liens that may be perfected within 120 days from the last date that services are rendered or materials are furnished by contractors or suppliers;
- iii. Recorded liens against persons or parties other than owners or parties-in-interest of record;
- iv. Persons in possession and those claiming under leases for a term of less than two years;
- v. Any bankruptcy proceeding and any and all provisions of any public or private laws, whether federal, state, county, municipal or otherwise, and any codes, ordinances, regulations or rulings promulgated thereunder or in relation thereto, affecting the disposition, use or occupancy of the Premises, including but not limited to zoning and land use;
- vi. Any disability of a grantor in the chain of title, any forgery of an instrument in the chain of title, any fraudulent or mistaken identity of a record title holder due to similar or identical names, Registry errors in the record, the rights, if any, of undisclosed heirs, any exercise of a power of attorney after death or disability of the creator of the power, and any defects in conveyances in the chain due to lack of delivery;
- vii. Eminent domain takings by municipalities for purposes other than for public parks, squares, playgrounds, buildings for municipal purposes or public library buildings when said takings were completed prior to September 12, 1959;
- viii. Whether or not the Premises are located within a flood zone and are subject to any provisions of the federal Flood Disaster Protection Act of 1973, (42 U.S.C. §§ 4001-4128, as amended);

- ix. Liens, whether presently existing or hereafter arising on account of any indebtedness or liability to the State of Maine, pursuant to the provisions of the Maine Hazardous Waste Lien Law (38 M.R.S.A. §§ 1361-1371, as amended);
- x. Liens, whether presently existing or hereafter arising on account of any indebtedness or liability to the United States, pursuant to the provisions of the Federal Comprehensive Environmental Response, Compensation, and Liability Law (42 U.S.C. §§ 9601-9675, as amended), not filed prior to the certification date of this opinion in the County Registry of Deeds; and
- xi. Application of the Maine Registration of Farmland Law (7 M.R.S.A. §§ 51-59, as amended).

This certification is limited to the addressee herein and is to be relied upon solely for the purposes of the current transaction of the University of New England.

Thank you for the opportunity to be of service.

Sincerely yours,

PIERCE ATWOOD LLP

By: 
Jacquelyn M. Kurz

JMK:fc

Schedule A

Sources of Title

Parcel (1): Quitclaim Deed from Zachariah L.B. Stevens, Oliver Buckley, Levi Hersey, and Stillman S. Hersey to Francis O.J. Smith, Treasurer of the Westbrook Seminary dated January 12, 1832 and recorded in said Registry of Deeds in Book 128, Page 102. (p/o Tax Map 145-A-3)

Parcel (2): Warranty Deed from Oliver Buckley to Francis O.J. Smith, Esq., Treasurer of the Westbrook Seminary, dated January 12, 1832 and recorded in said Registry of Deeds in Book 127, Page 555. (p/o Tax Map 145-A-3)

Parcel (3): Warranty Deed from James Hicks to Francis O.J. Smith, Esq., Treasurer of the Westbrook Seminary, dated January 12, 1832 and recorded in said Registry of Deeds in Book 127, Page 556. (p/o Tax Map 145-A-3)

Parcel (4): Warranty Deed from Zachariah B. Stevens to Francis O.J. Smith, Esq., Treasurer of Westbrook Seminary, dated January 12, 1832 and recorded in said Registry of Deeds in Book 127, Page 557. (p/o Tax Map 145-A-3)

Parcel (6): Warranty Deed from Cordelia S. Pierce to the Trustees of Westbrook Seminary dated October 9, 1866 and recorded in said Registry of Deeds in Book 358, Page 170. (p/o Tax Map 145-A-3)

Parcel (7): Warranty Deed from Cordelia S. Pierce to Westbrook Seminary dated October 2, 1882 and recorded in said Registry of Deeds in Book 492, Page 172. (p/o Tax Map 145-A-3)

Parcel (8): Property devised to Westbrook Seminary under the Will of Cordelia S. Pierce as evidenced by the Abstract of the Will of Cordelia S. Pierce recorded in said Registry of Deeds on September 22, 1904 in Book 757, Page 136. (p/o Tax Map 145-A-3)

Excepting from the above-referenced parcels, the "out" sale from Westbrook Seminary to the City of Portland dated May 28, 1917 and recorded in said Registry of Deeds in Book 1086, Page 449, granted to the City as an easement.

Parcel (9): Warranty Deed from Alice Roberts Goold and George C. Roberts to Westbrook Seminary dated May 28, 1923 and recorded in said Registry of Deeds in Book 1133, Page 454. (Tax Map 145-B-1)

Parcel (13): Quitclaim Deed from All Souls Universalist Church of Portland, Maine to Westbrook Seminary and Junior College dated February 9, 1940 and recorded in said Registry of Deeds in Book 1598, Page 276. (Tax Map 145-A-9 and 10)

Parcel (14): Warranty Deed from Walter G. Whitman to Westbrook Seminary and Junior College dated March 26, 1940 and recorded in said Registry of Deeds in Book 1603, Page 98. (Tax Map 144-A-7 and Tax Map 145-A-6)

Schedule A - continued

Parcel (16): Guardian's Deed from Walter G. Whitman, Guardian of Harrison C. Whitman to Westbrook Seminary and Junior College dated September 22, 1941 and recorded in said Registry of Deeds in Book 1655, Page 20. (Tax Map 144-A-7 and Tax Map 145-A-6)

Parcel (17): Warranty Deed from Charles A. Tracy to Westbrook Seminary and Junior College dated February 23, 1943 and recorded in said Registry of Deeds in Book 1704, Page 369. (Tax Map 145-B-42)

Parcel (18): Warranty Deed from Addie H. Lowd to Westbrook Seminary and Junior College dated July 8, 1944 and recorded in said Registry of Deeds in Book 1752, Page 321. (p/o Tax Map 145-B-2)

Parcel (22): Warranty Deed from Ethel D. Proctor to Westbrook Seminary and Junior College dated June 28, 1947 and recorded in said Registry of Deeds in Book 1876, Page 271. (Tax Map 145-B-10)

Parcel (23): Warranty Deed from Martha Babcock Webber to Westbrook Seminary and Junior College dated August 12, 1947 and recorded in said Registry of Deeds in Book 1879, Page 392. (p/o Tax Map 145-B-2)

Parcel (25): Warranty Deed from Gordon L. Skillin to Westbrook Seminary and Junior College dated September 25, 1959 and recorded in said Registry of Deeds in Book 2507, Page 303. (p/o Tax Map 145-B-2)

Parcel (27): Warranty Deed from Nellie A. Donnelly to Westbrook Seminary and Junior College dated May 19, 1960 and recorded in said Registry of Deeds in Book 2539, Page 425. (p/o Tax Map 145-B-2)

Parcel (28): Quitclaim Deed from Ella Louise Perry to Westbrook Seminary and Junior College dated October 31, 1960 and recorded in said Registry of Deeds in Book 2571, Page 434. (p/o Tax Map 145-A-9)

Parcel (29): (a) Quitclaim Deed with Covenant from Philip C. Roberts to Westbrook Seminary and Junior College dated April 26, 1961 and recorded in said Registry of Deeds in Book 2599, Page 319 (conveying 1/2 interest); and

(b) Warranty Deed from Frank B. Tupper, et al., to Westbrook Seminary and Junior College dated May 15, 1961 and recorded in said Registry of Deeds in Book 2604, Page 11 (conveying 1/2 interest). (p/o Tax Map 145-B-2)

Parcel (30): Warranty Deed from George O. Chase and Ruth D. Chase to Westbrook Seminary and Junior College dated August 5, 1963 and recorded in said Registry of Deeds in Book 2767, Page 397. (Tax Map 145-B-11, 12 and 13)

Schedule A - continued

Parcel (32): Warranty Deed from Ethel N. Berry to Westbrook Seminary and Junior College dated September 3, 1964 and recorded in said Registry of Deeds in Book 2856, Page 75. (Tax Map 144-A-9)

Parcel (33): Warranty Deed from the Universalist Church of Portland to Westbrook Seminary and Junior College dated March 25, 1970 and recorded in said Registry of Deeds in Book 3121, Page 172. (Tax Map 145-A-1)

Parcel (34): Executor's Deed from Daniel C. McDonald and Marjorie E. Lee, Executors of the Estate of Ethel N. Berry to Westbrook College, formerly Westbrook Seminary & Junior College, dated September 8, 1970, and recorded in said Registry of Deeds in Book 3144, Page 593. (Tax Map 144-A-5 and 6)

Parcel (35): Quitclaim Deed from Universalist Church of Portland to Westbrook College dated January 29, 1971 and recorded in said Registry of Deeds in Book 3159, Page 214. (Tax Map 145-A-2, 7 and 8)

Parcel (36): (a) Deed from Dorothy B. Berry to Westbrook College dated November 16, 1971 and recorded in said Registry of Deeds in Book 3200, Page 816, conveying 1/2 interest (Tax Map 144-A-8); and

(b) Executor's Deed of M. Donald Gardner, Executor for the Estate of Clarence A. Berry to Westbrook College dated November 16, 1971 and recorded in said Registry of Deeds in Book 3200, Page 813, conveying 1/2 interest (Tax Map 144-A-8)

Parcel (37): Warranty Deed from Willis W. Johnson to Westbrook College dated August 24, 1973 and recorded in said Registry of Deeds in Book 3450, Page 69. (Tax Map 145-B-9)

Parcel (38): Quitclaim Deed from the City of Portland to Westbrook College dated November 8, 1973 and recorded in said Registry of Deeds in Book 3481, Page 255. (Tax Map 291-A-5 and 7, Tax Map 293-C-5, Tax Map 145-B-14 and 27 and Tax Map 290-A-3)

Excepting the following conveyances:

1. Deed from the City of Portland to Alice M. Knight dated January 17, 1947 and recorded in said Registry of Deeds in Book 1852, Page 109;
2. Deed from the City of Portland to Central Maine Power Company dated December 13, 1951 and recorded in said Registry of Deeds in Book 2073, Page 170.
3. Deed from the City of Portland to Central Maine Power Company dated February 27, 1967 and recorded in said Registry of Deeds in Book 2989, Page 13; and
4. Deed from University of New England to Boyle Building, Inc. dated March 16, 1998 and recorded in said Registry of Deeds in Book 13875, Page 132.

Schedule A - continued

Parcel (40) Deed from Chester C. Knight, et al., Devisees under the Will of Alice M. Knight and all of the children and heirs at law of Mary L. Quint, to Westbrook College, dated January 16, 1978 and recorded in said Registry of Deeds in Book 4162, Page 83. (Tax Map 145-B-29)

Resting Deeds

Parcel (1): Quitclaim Deed from Zachariah L.B. Stevens, Oliver Buckley, Levi Hersey, and Stillman S. Hersey to Francis O.J. Smith, Treasurer of the Westbrook Seminary and his Successors in Office dated January 12, 1832 and recorded in said Registry of Deeds in Book 128, Page 102. (p/o Tax Map 145-A-3)

Parcel (2): Warranty Deed from Oliver Buckley to Francis O.J. Smith, Esq., Treasurer of the Westbrook Seminary and his Successors in Office, dated January 12, 1832 and recorded in said Registry of Deeds in Book 127, Page 555. (p/o Tax Map 145-A-3)

Parcel (3): Warranty Deed from James Hicks to Francis O.J. Smith, Esq., Treasurer of the Westbrook Seminary and his Successors in Office, dated January 12, 1832 and recorded in said Registry of Deeds in Book 127, Page 556. (p/o Tax Map 145-A-3)

Parcel (4): Warranty Deed from Zachariah B. Stevens to Francis O.J. Smith, Esq., Treasurer of Westbrook Seminary and his Successors in Office, dated January 12, 1832 and recorded in said Registry of Deeds in Book 127, Page 557. (p/o Tax Map 145-A-3)

Parcel (6): Warranty Deed from Cordelia S. Pierce to the Trustees of Westbrook Seminary and their Successors forever dated October 9, 1866 and recorded in said Registry of Deeds in Book 358, Page 170. (p/o Tax Map 145-A-3)

Parcel (7): Warranty Deed from Cordelia S. Pierce to Westbrook Seminary dated October 2, 1882 and recorded in said Registry of Deeds in Book 492, Page 172. (p/o Tax Map 145-A-3)

NOTE: The Resting Deed for Parcel 35 (Tax Map 145-A-2, 7 & 8) is one of the above-referenced deeds.

Parcels (8), (13), (28): Estate of Cordelia S. Pierce for which probate proceedings are filed with the Cumberland County Probate Court Docket No. 7506. An abstract of the Will of Cordelia S. Pierce is recorded in said Registry of Deeds in Book 757, Page 136. (p/o Tax Map 145-A-3; Tax Map 145-A-9 & 10)

Parcel (9): Warranty Deed from Alice Roberts Gould and George C. Roberts to Westbrook Seminary dated May 28, 1923 and recorded in said County Registry of Deeds in Book 1133, Page 454. (Tax Map 145-B-1)

Parcels (14), (16): (a) Warranty Deed from Cordelia S. Pierce to Susie F. Whitman dated August 3, 1892 and recorded in said registry of deeds in Book 593, Page 236; and

(b) Warranty Deed from Ella Louise Fernald to Susie Whitman dated May 11, 1908 and recorded in said Registry of Deeds in Book 826, Page 72. (Tax Map 144-A-7 and Tax

Schedule A - continued

Map 145-A-6)

Parcel (17): Warranty Deed from Charles A. Tracy to Westbrook Seminary and Junior College dated February 23, 1943 and recorded in said Registry of Deeds in Book 1704, Page 369. (p/o Tax Map 145-B-42)

Parcel (18): Warranty Deed from Addie H. Lowd to Westbrook Seminary and Junior College dated July 8, 1944 and recorded in said Registry of Deeds in Book 1752, Page 321. (p/o Tax Map 145-B-2)

Parcel (22): Warranty Deed from Ethel D. Proctor to Westbrook Seminary and Junior College dated June 28, 1947 and recorded in said Registry of Deeds in Book 1876, Page 271. (Tax Map 145-B-10)

Parcel (23): Warranty Deed from Martha Babcock Webber to Westbrook Seminary and Junior College dated August 12, 1947 and recorded in said Registry of Deeds in Book 1879, Page 392. (p/o Tax Map 145-B-2)

Parcel (25): Warranty Deed from Gordon L. Skillin to Westbrook Seminary and Junior College dated September 25, 1959 and recorded in said Registry of Deeds in Book 2507, Page 303. (p/o Tax Map 145-B-2)

Parcel (27): Warranty Deed from Nellie A. Donnelly to Westbrook Seminary and Junior College dated May 19, 1960 and recorded in said Registry of Deeds in Book 2539, Page 425. (p/o Tax Map 145-B-2)

Parcel (29): Estate of Percy L. Roberts for which probate proceedings are filed with the Cumberland County Probate Court Docket No. 57176, with a date of death of January 21, 1961. (p/o Tax Map 145-B-2)

Parcel (30): Warranty Deed from Clifford J. Knight and Alice M. Knight to George O. Chase and Ruth D. Chase dated June 12, 1957 and recorded in said Registry of Deeds in Book 2320, Page 415. (Tax Map 145-B-11, 12 and 13)

Parcels (32), (34), and (36): (a) Warranty Deed from Frank B. Shepherd to Charles A. Berry and Ethel N. Berry dated December 20, 1920 and recorded in said Registry of Deeds in Book 1068, Page 226; and

(b) Warranty Deed from Frank B. Shepherd to Charles A. Berry and Ethel N. Berry dated May 4, 1922 and recorded in said Registry of Deeds in Book 1099, Page 451. (Tax Map 144-A-9; Tax Map 144-A-5 & 6; Tax Map 144-A-8)

Parcel (33): Warranty Deed from All Souls Church Parish to Messiah - All Souls Universalist Church dated August 22, 1944 and recorded in said Registry of Deeds in Book 1759, Page 271. (Tax Map 145-A-1)

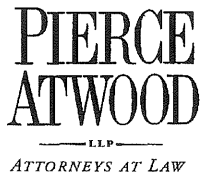
Schedule A - continued

Parcel (37): Warranty Deed from Will W. Johnson, aka William W. Johnson, to Ruth S. Johnson dated October 28, 1915 and recorded in said Registry of Deeds in Book 963, Page 174. (Tax Map 145-B-9)

Parcels (38) and (40): (a) Warranty Deed from Luther B. Roberts to City of Portland dated June 24, 1910 and recorded in said Registry of Deeds in Book 861, Page 282; and

(b) Estate of Stephen Gulliver for which probate proceedings are filed with the Cumberland County Probate Court Docket No. 25536, with a date of death of November 27, 1933. (Tax Map 291-A-5 & 7, Tax Map 293-C-5, Tax Map 145-B-14 and 27; and Tax Map 290-A-3)

Parcel (40): Warranty Deed from George E. Larock to Alice M. Knight dated July 21, 1939 and recorded in said Registry of Deeds in Book 1586, Page 71. (Tax Map 145-B-29)



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Portland, ME 04101-1110

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August 29, 2006

Maine Health and Higher Educational Facilities Authority
3 University Drive
PO Box 2268
Augusta, ME 04330

RE: University of New England –Title Update Report
Stevens Avenue, Portland, Maine

Ladies and Gentlemen:

We have updated the indexed record title to the campus of the University of New England, formerly known as Westbrook College, in Portland, Maine, being the same premises described in the deeds recorded in the Cumberland County Registry of Deeds and listed in Schedule A attached hereto and made a part hereof (collectively, the "Premises"), from July 10, 2006 at 4:30 p.m., the effective date of our previous update title certification letter issued with respect to the above-referenced Premises through August 28, 2006 at 4:30 p.m. We find no record of any conveyance, lien or other encumbrance within that time period affecting the Premises except as follows:

1. Matters set forth on or referred to in our previous update title certification letter issued with respect to the above-referenced Premises with an effective date of July 10, 2006 at 4:30 p.m.
2. General Exceptions - There are certain defects in some titles to real property that would be extremely difficult, if not impossible, for the attorney examining title to discover from a search of Registry and Probate Court records. For this reason, the following matters are excepted from this title opinion:
 - i. Any conditions or state of facts a standard boundary survey or examination of the Premises might reveal, including but not limited to, the exact geographic location, amount of acreage, location of boundaries, encroachments, whether or not the buildings and improvements are located entirely within the description of the Premises, whether or not any roadway serving the premises is accepted as a public way or is private,

- and availability of public water supply, septic or storm drainage, and other utilities to the Premises;
- ii. Unrecorded liens, including but not limited to mechanics' or materialmen's liens that may be perfected within 120 days from the last date that services are rendered or materials are furnished by contractors or suppliers;
 - iii. Recorded liens against persons or parties other than owners or parties-in-interest of record;
 - iv. Persons in possession and those claiming under leases for a term of less than two years;
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 - vi. Any disability of a grantor in the chain of title, any forgery of an instrument in the chain of title, any fraudulent or mistaken identity of a record title holder due to similar or identical names, Registry errors in the record, the rights, if any, of undisclosed heirs, any exercise of a power of attorney after death or disability of the creator of the power, and any defects in conveyances in the chain due to lack of delivery;
 - vii. Eminent domain takings by municipalities for purposes other than for public parks, squares, playgrounds, buildings for municipal purposes or public library buildings when said takings were completed prior to September 12, 1959;
 - viii. Whether or not the Premises are located within a flood zone and are subject to any provisions of the federal Flood Disaster Protection Act of 1973, (42 U.S.C. §§ 4001-4128, as amended);
 - ix. Liens, whether presently existing or hereafter arising on account of any indebtedness or liability to the State of Maine, pursuant to the provisions of the Maine Hazardous Waste Lien Law (38 M.R.S.A. §§ 1361-1371, as amended);

- x. Liens, whether presently existing or hereafter arising on account of any indebtedness or liability to the United States, pursuant to the provisions of the Federal Comprehensive Environmental Response, Compensation, and Liability Law (42 U.S.C. §§ 9601-9675, as amended), not filed prior to the certification date of this opinion in the County Registry of Deeds; and
- xi. Application of the Maine Registration of Farmland Law (7 M.R.S.A. §§ 51-59, as amended).

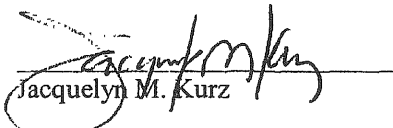
This certification is limited to the addressee herein and is to be relied upon solely for the purposes of the current transaction of the University of New England.

Thank you for the opportunity to be of service.

Sincerely yours,

PIERCE ATWOOD LLP

By:


Jacquelyn M. Kurz

JMK:fc

Schedule A

Sources of Title

Parcel (1): Quitclaim Deed from Zachariah L.B. Stevens, Oliver Buckley, Levi Hersey, and Stillman S. Hersey to Francis O.J. Smith, Treasurer of the Westbrook Seminary dated January 12, 1832 and recorded in said Registry of Deeds in Book 128, Page 102. (p/o Tax Map 145-A-3)

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Schedule A - continued

Parcel (16): Guardian's Deed from Walter G. Whitman, Guardian of Harrison C. Whitman to Westbrook Seminary and Junior College dated September 22, 1941 and recorded in said Registry of Deeds in Book 1655, Page 20. (Tax Map 144-A-7 and Tax Map 145-A-6)

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Parcel (23): Warranty Deed from Martha Babcock Webber to Westbrook Seminary and Junior College dated August 12, 1947 and recorded in said Registry of Deeds in Book 1879, Page 392. (p/o Tax Map 145-B-2)

Parcel (25): Warranty Deed from Gordon L. Skillin to Westbrook Seminary and Junior College dated September 25, 1959 and recorded in said Registry of Deeds in Book 2507, Page 303. (p/o Tax Map 145-B-2)

Parcel (27): Warranty Deed from Nellie A. Donnelly to Westbrook Seminary and Junior College dated May 19, 1960 and recorded in said Registry of Deeds in Book 2539, Page 425. (p/o Tax Map 145-B-2)

Parcel (28): Quitclaim Deed from Ella Louise Perry to Westbrook Seminary and Junior College dated October 31, 1960 and recorded in said Registry of Deeds in Book 2571, Page 434. (p/o Tax Map 145-A-9)

Parcel (29): (a) Quitclaim Deed with Covenant from Philip C. Roberts to Westbrook Seminary and Junior College dated April 26, 1961 and recorded in said Registry of Deeds in Book 2599, Page 319 (conveying 1/2 interest); and

(b) Warranty Deed from Frank B. Tupper, et al., to Westbrook Seminary and Junior College dated May 15, 1961 and recorded in said Registry of Deeds in Book 2604, Page 11 (conveying 1/2 interest). (p/o Tax Map 145-B-2)

Parcel (30): Warranty Deed from George O. Chase and Ruth D. Chase to Westbrook Seminary and Junior College dated August 5, 1963 and recorded in said Registry of Deeds in Book 2767, Page 397. (Tax Map 145-B-11, 12 and 13)

Schedule A - continued

Parcel (32): Warranty Deed from Ethel N. Berry to Westbrook Seminary and Junior College dated September 3, 1964 and recorded in said Registry of Deeds in Book 2856, Page 75. (Tax Map 144-A-9)

Parcel (33): Warranty Deed from the Universalist Church of Portland to Westbrook Seminary and Junior College dated March 25, 1970 and recorded in said Registry of Deeds in Book 3121, Page 172. (Tax Map 145-A-1)

Parcel (34): Executor's Deed from Daniel C. McDonald and Marjorie E. Lee, Executors of the Estate of Ethel N. Berry to Westbrook College, formerly Westbrook Seminary & Junior College, dated September 8, 1970, and recorded in said Registry of Deeds in Book 3144, Page 593. (Tax Map 144-A-5 and 6)

Parcel (35): Quitclaim Deed from Universalist Church of Portland to Westbrook College dated January 29, 1971 and recorded in said Registry of Deeds in Book 3159, Page 214. (Tax Map 145-A-2, 7 and 8)

Parcel (36): (a) Deed from Dorothy B. Berry to Westbrook College dated November 16, 1971 and recorded in said Registry of Deeds in Book 3200, Page 816, conveying 1/2 interest (Tax Map 144-A-8); and

(b) Executor's Deed of M. Donald Gardner, Executor for the Estate of Clarence A. Berry to Westbrook College dated November 16, 1971 and recorded in said Registry of Deeds in Book 3200, Page 813, conveying 1/2 interest (Tax Map 144-A-8)

Parcel (37): Warranty Deed from Willis W. Johnson to Westbrook College dated August 24, 1973 and recorded in said Registry of Deeds in Book 3450, Page 69. (Tax Map 145-B-9)

Parcel (38): Quitclaim Deed from the City of Portland to Westbrook College dated November 8, 1973 and recorded in said Registry of Deeds in Book 3481, Page 255. (Tax Map 291-A-5 and 7, Tax Map 293-C-5, Tax Map 145-B-14 and 27 and Tax Map 290-A-3)

Excepting the following conveyances:

1. Deed from the City of Portland to Alice M. Knight dated January 17, 1947 and recorded in said Registry of Deeds in Book 1852, Page 109;
2. Deed from the City of Portland to Central Maine Power Company dated December 13, 1951 and recorded in said Registry of Deeds in Book 2073, Page 170.
3. Deed from the City of Portland to Central Maine Power Company dated February 27, 1967 and recorded in said Registry of Deeds in Book 2989, Page 13; and
4. Deed from University of New England to Boyle Building, Inc. dated March 16, 1998 and recorded in said Registry of Deeds in Book 13875, Page 132.

Schedule A - continued

Parcel (40) Deed from Chester C. Knight, et al., Devisees under the Will of Alice M. Knight and all of the children and heirs at law of Mary L. Quint, to Westbrook College, dated January 16, 1978 and recorded in said Registry of Deeds in Book 4162, Page 83. (Tax Map 145-B-29)

Resting Deeds

Parcel (1): Quitclaim Deed from Zachariah L.B. Stevens, Oliver Buckley, Levi Hersey, and Stillman S. Hersey to Francis O.J. Smith, Treasurer of the Westbrook Seminary and his Successors in Office dated January 12, 1832 and recorded in said Registry of Deeds in Book 128, Page 102. (p/o Tax Map 145-A-3)

Parcel (2): Warranty Deed from Oliver Buckley to Francis O.J. Smith, Esq., Treasurer of the Westbrook Seminary and his Successors in Office, dated January 12, 1832 and recorded in said Registry of Deeds in Book 127, Page 555. (p/o Tax Map 145-A-3)

Parcel (3): Warranty Deed from James Hicks to Francis O.J. Smith, Esq., Treasurer of the Westbrook Seminary and his Successors in Office, dated January 12, 1832 and recorded in said Registry of Deeds in Book 127, Page 556. (p/o Tax Map 145-A-3)

Parcel (4): Warranty Deed from Zachariah B. Stevens to Francis O.J. Smith, Esq., Treasurer of Westbrook Seminary and his Successors in Office, dated January 12, 1832 and recorded in said Registry of Deeds in Book 127, Page 557. (p/o Tax Map 145-A-3)

Parcel (6): Warranty Deed from Cordelia S. Pierce to the Trustees of Westbrook Seminary and their Successors forever dated October 9, 1866 and recorded in said Registry of Deeds in Book 358, Page 170. (p/o Tax Map 145-A-3)

Parcel (7): Warranty Deed from Cordelia S. Pierce to Westbrook Seminary dated October 2, 1882 and recorded in said Registry of Deeds in Book 492, Page 172. (p/o Tax Map 145-A-3)

NOTE: The Resting Deed for Parcel 35 (Tax Map 145-A-2, 7 & 8) is one of the above-referenced deeds.

Parcels (8), (13), (28): Estate of Cordelia S. Pierce for which probate proceedings are filed with the Cumberland County Probate Court Docket No. 7506. An abstract of the Will of Cordelia S. Pierce is recorded in said Registry of Deeds in Book 757, Page 136. (p/o Tax Map 145-A-3; Tax Map 145-A-9 & 10)

Parcel (9): Warranty Deed from Alice Roberts Goold and George C. Roberts to Westbrook Seminary dated May 28, 1923 and recorded in said County Registry of Deeds in Book 1133, Page 454. (Tax Map 145-B-1)

Parcels (14), (16): (a) Warranty Deed from Cordelia S. Pierce to Susie F. Whitman dated August 3, 1892 and recorded in said registry of deeds in Book 593, Page 236; and

(b) Warranty Deed from Ella Louise Fernald to Susie Whitman dated May 11, 1908 and recorded in said Registry of Deeds in Book 826, Page 72. (Tax Map 144-A-7 and Tax

Schedule A - continued

Map 145-A-6)

Parcel (17): Warranty Deed from Charles A. Tracy to Westbrook Seminary and Junior College dated February 23, 1943 and recorded in said Registry of Deeds in Book 1704, Page 369. (p/o Tax Map 145-B-42)

Parcel (18): Warranty Deed from Addie H. Lowd to Westbrook Seminary and Junior College dated July 8, 1944 and recorded in said Registry of Deeds in Book 1752, Page 321. (p/o Tax Map 145-B-2)

Parcel (22): Warranty Deed from Ethel D. Proctor to Westbrook Seminary and Junior College dated June 28, 1947 and recorded in said Registry of Deeds in Book 1876, Page 271. (Tax Map 145-B-10)

Parcel (23): Warranty Deed from Martha Babcock Webber to Westbrook Seminary and Junior College dated August 12, 1947 and recorded in said Registry of Deeds in Book 1879, Page 392. (p/o Tax Map 145-B-2)

Parcel (25): Warranty Deed from Gordon L. Skillin to Westbrook Seminary and Junior College dated September 25, 1959 and recorded in said Registry of Deeds in Book 2507, Page 303. (p/o Tax Map 145-B-2)

Parcel (27): Warranty Deed from Nellie A. Donnelly to Westbrook Seminary and Junior College dated May 19, 1960 and recorded in said Registry of Deeds in Book 2539, Page 425. (p/o Tax Map 145-B-2)

Parcel (29): Estate of Percy L. Roberts for which probate proceedings are filed with the Cumberland County Probate Court Docket No. 57176, with a date of death of January 21, 1961. (p/o Tax Map 145-B-2)

Parcel (30): Warranty Deed from Clifford J. Knight and Alice M. Knight to George O. Chase and Ruth D. Chase dated June 12, 1957 and recorded in said Registry of Deeds in Book 2320, Page 415. (Tax Map 145-B-11, 12 and 13)

Parcels (32), (34), and (36): (a) Warranty Deed from Frank B. Shepherd to Charles A. Berry and Ethel N. Berry dated December 20, 1920 and recorded in said Registry of Deeds in Book 1068, Page 226; and

(b) Warranty Deed from Frank B. Shepherd to Charles A. Berry and Ethel N. Berry dated May 4, 1922 and recorded in said Registry of Deeds in Book 1099, Page 451. (Tax Map 144-A-9; Tax Map 144-A-5 & 6; Tax Map 144-A-8)

Parcel (33): Warranty Deed from All Souls Church Parish to Messiah - All Souls Universalist Church dated August 22, 1944 and recorded in said Registry of Deeds in Book 1759, Page 271. (Tax Map 145-A-1)

Schedule A - continued

Parcel (37): Warranty Deed from Will W. Johnson, aka William W. Johnson, to Ruth S. Johnson dated October 28, 1915 and recorded in said Registry of Deeds in Book 963, Page 174. (Tax Map 145-B-9)

Parcels (38) and (40): (a) Warranty Deed from Luther B. Roberts to City of Portland dated June 24, 1910 and recorded in said Registry of Deeds in Book 861, Page 282; and

(b) Estate of Stephen Gulliver for which probate proceedings are filed with the Cumberland County Probate Court Docket No. 25536, with a date of death of November 27, 1933. (Tax Map 291-A-5 & 7, Tax Map 293-C-5, Tax Map 145-B-14 and 27; and Tax Map 290-A-3)

Parcel (40): Warranty Deed from George E. Larock to Alice M. Knight dated July 21, 1939 and recorded in said Registry of Deeds in Book 1586, Page 71. (Tax Map 145-B-29)



September 6, 2006

Maine Health and Higher Educational Facilities Authority
3 University Drive
PO Box 2268
Augusta, ME 04330

RE: University of New England
31 College Street
Portland, Maine

Ladies and Gentlemen:

We have updated the indexed record title to the above-referenced property, being the same premises described in the deed from Rosemary S. Kimball to University of New England dated February 28, 2006 and recorded in the Cumberland County Registry of Deeds in Book 23717, Page 74 (the "Premises"), from August 28, 2006 at 4:30 p.m., the effective date and time of our prior title certification letter issued with respect to the above referenced premises through September 6, 2006 at 9:37 a.m. We find no record of any conveyance, lien or other encumbrance within that time period affecting the Premises except as follows:

1. Matters set forth on our prior title certification letter issued with respect to the above referenced premises with an effective date of August 28, 2006 at 4:30 p.m.
2. Loan Agreement and Mortgage from University of New England to Maine Health and Higher Educational Facilities Authority dated as of August 1, 2006 and recorded in the Cumberland County Registry of Deeds in Book 24339, Page 1.
3. The Municipal Office of the City of Portland has informed us by telephone that real estate taxes are paid through December 31, 2006 and that the Premises is shown on the municipal records as Tax Map 145, Block B, Lot 6. We have not researched the records ourselves to determine the accuracy of this information.
4. General Exceptions - There are certain defects in some titles to real property that would be extremely difficult, if not impossible, for the attorney examining title to discover from a search of Registry and Probate Court records. For this reason, the following matters are excepted from this title opinion:

- i. Any conditions or state of facts a standard boundary survey or examination of the Premises might reveal, including but not limited to, the exact geographic location, amount of acreage, location of boundaries, encroachments, whether or not the buildings and improvements are located entirely within the description of the Premises, whether or not any roadway serving the premises is accepted as a public way or is private, and availability of public water supply, septic or storm drainage, and other utilities to the Premises;
- ii. Unrecorded liens, including but not limited to mechanics' or materialmen's liens that may be perfected within 120 days from the last date that services are rendered or materials are furnished by contractors or suppliers;
- iii. Recorded liens against persons or parties other than owners or parties-in-interest of record;
- iv. Persons in possession and those claiming under leases for a term of less than two years;
- v. Any bankruptcy proceeding and any and all provisions of any public or private laws, whether federal, state, county, municipal or otherwise, and any codes, ordinances, regulations or rulings promulgated thereunder or in relation thereto, affecting the disposition, use or occupancy of the Premises, including but not limited to zoning and land use;
- vi. Any disability of a grantor in the chain of title, any forgery of an instrument in the chain of title, any fraudulent or mistaken identity of a record title holder due to similar or identical names, Registry errors in the record, the rights, if any, of undisclosed heirs, any exercise of a power of attorney after death or disability of the creator of the power, and any defects in conveyances in the chain due to lack of delivery;
- vii. Eminent domain takings by municipalities for purposes other than for public parks, squares, playgrounds, buildings for municipal purposes or public library buildings when said takings were completed prior to September 12, 1959;
- viii. Whether or not the Premises are located within a flood zone and are subject to any provisions of the federal Flood Disaster

Protection Act of 1973, (42 U.S.C. §§ 4001-4128, as amended);

- ix. Liens, whether presently existing or hereafter arising on account of any indebtedness or liability to the State of Maine, pursuant to the provisions of the Maine Hazardous Waste Lien Law (38 M.R.S.A. §§ 1361-1371, as amended);
- x. Liens, whether presently existing or hereafter arising on account of any indebtedness or liability to the United States, pursuant to the provisions of the Federal Comprehensive Environmental Response, Compensation, and Liability Law (42 U.S.C. §§ 9601-9675, as amended), not filed prior to the certification date of this opinion in the County Registry of Deeds; and
- xi. Application of the Maine Registration of Farmland Law (7 M.R.S.A. §§ 51-59, as amended).

This certification is limited to the addressee herein and is to be relied upon solely for the purposes of the current transaction of the University of New England.

Thank you for the opportunity to be of service.

Sincerely yours,

PIERCE ATWOOD LLP

By:


Jacquelyn M. Kurz

JMK:fc



August 29, 2006

Maine Health and Higher Educational Facilities Authority
3 University Drive
PO Box 2268
Augusta, ME 04330

RE: University of New England
31 College Street
Portland, Maine

Ladies and Gentlemen:

We have updated the indexed record title to the above-referenced property, being the same premises described in the deed from Rosemary S. Kimball to University of New England dated February 28, 2006 and recorded in the Cumberland County Registry of Deeds in Book 23717, Page 74 (the "Premises"), from July 10, 2006 at 4:30 p.m., the effective date and time of our prior title certification letter issued with respect to the above referenced premises through August 28, 2006 at 4:30 p.m. We find no record of any conveyance, lien or other encumbrance within that time period affecting the Premises except as follows:

1. Matters set forth on our prior title certification letter issued with respect to the above referenced premises with an effective date of July 10, 2006 at 4:30 p.m.
2. The Municipal Office of the City of Portland has informed us by telephone that real estate taxes are paid through December 31, 2006 and that the Premises is shown on the municipal records as Tax Map 145, Block B, Lot 6. We have not researched the records ourselves to determine the accuracy of this information.
3. General Exceptions - There are certain defects in some titles to real property that would be extremely difficult, if not impossible, for the attorney examining title to discover from a search of Registry and Probate Court records. For this reason, the following matters are excepted from this title opinion:
 - i. Any conditions or state of facts a standard boundary survey or examination of the Premises might reveal, including but not limited to, the exact geographic location, amount of acreage,

- location of boundaries, encroachments, whether or not the buildings and improvements are located entirely within the description of the Premises, whether or not any roadway serving the premises is accepted as a public way or is private, and availability of public water supply, septic or storm drainage, and other utilities to the Premises;
- ii. Unrecorded liens, including but not limited to mechanics' or materialmen's liens that may be perfected within 120 days from the last date that services are rendered or materials are furnished by contractors or suppliers;
 - iii. Recorded liens against persons or parties other than owners or parties-in-interest of record;
 - iv. Persons in possession and those claiming under leases for a term of less than two years;
 - v. Any bankruptcy proceeding and any and all provisions of any public or private laws, whether federal, state, county, municipal or otherwise, and any codes, ordinances, regulations or rulings promulgated thereunder or in relation thereto, affecting the disposition, use or occupancy of the Premises, including but not limited to zoning and land use;
 - vi. Any disability of a grantor in the chain of title, any forgery of an instrument in the chain of title, any fraudulent or mistaken identity of a record title holder due to similar or identical names, Registry errors in the record, the rights, if any, of undisclosed heirs, any exercise of a power of attorney after death or disability of the creator of the power, and any defects in conveyances in the chain due to lack of delivery;
 - vii. Eminent domain takings by municipalities for purposes other than for public parks, squares, playgrounds, buildings for municipal purposes or public library buildings when said takings were completed prior to September 12, 1959;
 - viii. Whether or not the Premises are located within a flood zone and are subject to any provisions of the federal Flood Disaster Protection Act of 1973, (42 U.S.C. §§ 4001-4128, as amended);

MAINE AUDUBON

Shukria Wiar, Planner
City of Portland
Planning & Urban Development
389 Congress Street
Portland, ME 04101

RE: Proposed development of "Gullivars Field" at University of New England Campus in Portland.

Dear Ms Wiar,

It has come to our attention that the University of New England is proposing construction of a new building and a 354-space parking lot on the "Gullivars Field" at their Portland campus. Maine Audubon would like to express concern for the potential impacts of this development on the wildlife habitat and wetlands adjacent to this site.

Maine Audubon's familiarity with this site goes back at least 35 years, as it is associated with a tract of undeveloped woodland and wetland habitat that is heavily frequented by area birdwatchers every spring. Surrounded by densely built-on urban environment, the open area stretching from Evergreen Cemetery through the UNE campus is a magnet for migrating birds, functioning much the way an oasis does in desert areas. Migrating mostly at night, these birds are initially drawn to the large dark "hole" in a sea of lights. On a typical May morning it is not uncommon to see thousands of birds of fifty or more species—many of them migrants from the tropics—resting and feeding here. This "hotspot" for birds is similarly attractive to birders, who come here individually or with Audubon groups to experience and enjoy this seasonal spectacle. Access to the site is via a network of well known footpaths that wander through the various habitats between the cemetery and the UNE property.

Our concern about the athletic field and its proposed development is that this open area now serves as a buffer to the shrub area and wetland forest that runs along the northwest edge of the field. Disturbance associated with the construction and operation of a building, plus use of a large parking lot will very likely compromise the value of the edge habitat for migratory birds. Because most of these migrants move at night, additional street lights in the parking lot and along the road will further discourage birds from using this area as a migrant stop-over. Further, runoff from the parking lot could have negative impact on the water quality of the wetland below the lot.

If development of the field is permitted, we urge that it be contingent on some remediation efforts. These include: treatment of runoff from the parking lot; protection of the shrub and forested edges, including control of nonnative invasive species that are thriving there now; planting of native fruiting or evergreen shrubs and trees on islands around the parking lot; and shielded street lighting to minimize upward projection.

Because of the importance of this area, Maine Audubon staff would be available to assist in the planning efforts associated with any development there.

William Hancock,
Environmental Centers Director
Maine Audubon
20 Gilsland Farm Road
Falmouth, ME 04105
207-781-2330

Minutes of Meeting

Project: 06-216-08 UNE College of Pharmacy
Subject: Site Walk – Parking Area
Meeting Date: 11/06/07
Attending: Dawn Hallowell, Maine DEP Project Manager
Ken Volock, Maine DEP Review Engineer
Barbara Barhydt, City of Portland Development Review Manager
Shakria Wiar, City of Portland Planner
Dan Goyette, Woodard and Curran (City Review Engineer)
Jeff Tarling, City of Portland Arborist
Eric Hynes, Maine Audubon Staff Naturalist
Tom Saucier, SYTDesign Consultants
Andrew Johnston, SYTDesign Consultants
Issue Date: 11/26/2007
Distribution: Attendees, Alan Thibeault, UNE

The meeting was held to discuss plans for a new parking lot at the location of the existing playing field at the foot of the campus and to confirm the location of regulated stream channels.

Overview and Access Road

1. TS gave an overview of the proposed project and showed the existing roadway that will be paved to provide access to the new parking lot area.
2. AJ pointed out existing culverts under the roadway and the location of wetlands and the ditch on the armory side of the existing entrance road. KV asked if the existing culvert would be replaced, or extended to provide a more effective outlet. AJ replied that the culverts under the road probably would be replaced as part of the improvement scheme, but care would be taken not to adjust grading to the extent that existing drainage patterns are impacted.
3. DH asked if the ditch on the upstream side of the culvert is the area of proposed wetland fill. AJ stated that that is the area and the fill proposed is approximately 1,100 square feet.

Stream Channel and Drain Outlet

4. The outlet to the underdrain system for the field was inspected. This forms a drainageway that connects to a defined stream channel that runs in a southwesterly direction to a man-made impoundment labeled as Open Water Area 1 on the wetland plan. AJ asked if the drainageway from the pipe outlet to the stream channel would be defined as a stream for regulatory purposes. DH responded that the small section of drainageway from the pipe outlet would not be considered a stream. However, the

defined channel that it connects to is evidently a regulated stream channel. This area is not represented clearly on the plan and should be revised to clearly show a main channel running in a southwesterly direction and a tributary drainageway (non-stream) joining from the pipe outlet to the east.

Northeast corner of the field

5. The northeast corner of the field was inspected and AJ pointed out the break in topography and drainage areas. The drainage outlet from the property to the east of the field was also inspected. This forms the inlet channel to the ditch referenced in note #3.
6. DH asked if the adjacent property was wet throughout and if this had been explored as an alternative location for the parking. TS responded that SYTDesign had looked at the property on behalf of UNE and found that the majority of the parcel was wet and likely unusable.

Open Water Pond (Open Water Area 1) and surrounding area

7. JT located the footpath that leads from the northwest corner of the field, around the open water pond and to the paved road that runs through the woods between the campus and Bishop Street (the road does not connect right through to the street). A culvert has been placed in the stream channel to provide a crossing point. EH stated that this path is well used by birdwatchers and that the area beside the pond and stream is a popular spot for birding. JT stated that trails connect from this area all the way through to the Evergreen trail and past a recent wetland creation area adjacent to the stream. EH asked that these trails be preserved in the proposed project to continue to provide public access to these areas.
8. The stone dam and downstream end of the pond were inspected, as were the culverts that convey flow from the pond, and adjacent wetland areas under the paved woods road.
9. EH and JT showed the location of the trail connection through the woods to the Evergreen Trail.

Summary

10. JT, EH and BB stated that the preservation of access along the trails would be an important feature of the project, and anything that could be done to preserve this would be well received.
11. BB expressed concern that the proposed parking lot is distant from the remainder of the campus and that lighting and security considerations will be important. TS stated that the parking lot is no further from the campus than at other similar facilities. The parking lot and walkway will be lit.
12. EH stated that lighting fixtures should be designed to minimize uplighting as this could have a negative impact on the bird life. BB stated that the City has standards in place that require cut-off fixtures. TS stated that cut-off fixtures would be provided to meet the city standards.
13. BB asked if porous pavement is going to be proposed for the project. TS and AJ responded that it was not.
14. BB and TS discussed the schedule for Planning Board Workshop and Public Hearing Meetings.

15. TS stated that UNE may opt to phase construction of the parking lot. BB suggested that the proposed phasing of the parking construction should be highlighted in presentations to Planning Staff and the Planning Board.
16. TS stated that every effort would be made to preserve existing undisturbed buffers around the stream channels and limit disturbance associated with the parking lot construction to the existing developed area, to the extent possible.

Written by: Andrew Johnston, SYTDesign Consultants

Note: Any corrections, additions, or deletions must be noted to the writer within 10 days of the issue date. These meeting notes represent an accurate summary of the meeting and its conclusions.

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2007-0158

Date: 12/7/2007

I am in receipt of a document from SYTDesign Consultants referring to parking requirements. There is a mixing of street available parking with off-street parking. The Zoning requirements for school parking is based entirely upon whether the class room has fixed seating or no fixed seating. All those required parking spaces are to be off-street parking spaces. I have not been provided a breakdown showing the number of class rooms with fixed seating (and the number of those seats) nor the number of class rooms without fixed seats showing the amount of classroom square footage.

However, it is noted that the entire front part of the UNE campus where the buildings are sited is located within a Historic District. Section 14-332(U) states that properties covered by local or National Historic districts do not have to show any more parking than what has existed on the property as of March 15, 1999. What I gleaned from the SYTDesign report is that the proposed location for the College of Pharmacy will result in the elimination of 63 existing spaces. Under zoning, my interpretation of Section 14-332(U) implies that those 63 spaces need to be replaced. Again under that same Historic exemption section, the zoning ordinance requires no additional spaces even though a new structure is being proposed.

I do understand that there may be some valid additional parking concerns by both the Planning Board and the University that goes beyond the minimum requirements under Division 20 which needs to be worked out.

Marge Schmuckal
Zoning Administrator

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

II. Submit as attachments to this form:

- A. One copy of complete application filed with municipality (include site plans);
- B. Identification of any outside review agents or consultants who will be performing reviews of any aspect of the application;
- C. One copy of the legal notices served by the municipality.

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

Town or City of: _____

Date: _____

By: _____

Print Name: _____

and Title: _____



PAN AM RAILWAYS, INC.

1700 Iron Horse Park
North Billerica, MA 01862-1681

November 14, 2007

City of Portland, ME
Planning Division
389 Congress Street
Portland, Maine 04101

Dear Sir/Madam:

Enclosed is a copy of the notices I recently received pertaining to proposed land use in the City of Portland, Maine. Please be advised that Pan Am Railways, Inc. manages real estate matters for several corporations. This response is sent on behalf of the following corporations in reply to your notices, which were received on November 8, 2007:

- Boston and Maine Corporation;
- Maine Central Railroad Company;
- Portland Terminal Company;
- Springfield Terminal Railway Company;
- Hudson River Estates, Inc.;
- Delaware River Estates, Inc.; or
- DH Estates, Inc. (formerly Delaware and Hudson Railroad).

As you may well be aware, the railroads listed above receive numerous notices on a daily basis. Based upon the limited time frame existing between the date on which the notice is received and the scheduled hearing date, I respectfully request your cooperation regarding this matter.

Although the railroads are concerned with each and every notice, there are certain instances, which are of particular concern to the railroads. You may be able to advise me if the petition involves land plans showing a crossing of railroad property. Specifically the railroads' concern exists even in the event that your petitioner indicates that it is the holder of a valid railroad crossing. Also, the railroads must be advised if the petition proposes any development within 25' from the centerline of an existing railroad track, even if such development occurs on non-railroad property. As such, petitions for variances from set back requirements can be particularly troublesome.

City of Portland, ME
November 14, 2007
Page Two

Please be advised that this letter should not be construed as a waiver of any other objections, which the railroads may have to a proponent's plan. However, the railroads respectfully request your assistance in bringing their attention to any such matters.

Thank you for your anticipated cooperation in this regard.

Sincerely,



Roland L. Theriault, Vice President - Real Estate

RLT/rjs
Enclosure

**TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 716 STEVENS AVENUE**

WHAT The PORTLAND CITY COUNCIL will hold a public hearing to consider a Text Amendment to the Conditional Use Standards of the Residential R-5 Zone, Section 14-118 of the Land Use Code. The applicant is the University of New England. The text amendment would allow a building height of up to 55 feet for a college, university or trade school as a conditional use, provided that the site has 10 acres or more, there is 35 feet setback from property boundaries, parking garages over 35 feet shall be 50 feet from lot lines adjoining residential uses, adequate buffers are required and 20 feet between buildings on-site is required.

Public comments will be taken at this meeting.

WHEN Monday, November 19, 2007
7:00 p.m.
Council Chambers, 2nd Floor, City Hall

**IMPORTANT NOTICE FROM CITY OF PORTLAND
PLANNING DIVISION**

**TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 716 STEVENS AVENUE**

WHAT The Portland Planning Board will hold a workshop to consider a proposal by University of New England for the construction of a four-story building and 352 space parking lot. The proposed building will be on the existing parking lot between the Finley Recreation Ctr. and Ludcke Auditorium, whereas the parking lot will be situated on the twenty-five (25) acres on lower campus. The new bld. will house the College of Pharmacy Program. The project will be reviewed for compliance with the Conditional Use Regulations of the R-5 zone, Site Plan Standards, Site Location of Development Act and Traffic Movement Permit. The workshop is an opportunity for the applicant to present a proposal to the Planning Board in an informal session, which is open to the public. Public comments will be taken at this meeting.

WHEN Tuesday, November 13, 2007
3:30 p.m.
Room 209, 2nd Floor, City Hall

FOR MORE INFORMATION

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you wish to submit written comments, address them to Shukria Wiar, Planner, Planning Division, 4th Floor, 389 Congress Street, Portland, Maine 04101; by phone at (207) 756-8083 or e-mail at shukriaw@portlandmaine.gov

- A. The several corporations' parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation;
- B. The separate existence of all corporations' parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease;
- C. The surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this Act;
- D. The surviving or new corporation shall possess all the rights, privileges, immunities and franchises, of a public nature as well as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, and all other choses in action, and all and every other interest, of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed

to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation; and

E. In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and in the case of a consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this Act shall be deemed to be the articles of incorporation of the new corporation.

Service: **Get by LEXSTAT®**

TOC: [Maine Statutes, Constitution, Court Rules & ALS, Combined](#) > /.../ > [CHAPTER 9. MERGERS AND CONSOLIDATION](#) > **§ 905. Effect of merger or consolidation**

Citation: **13-B mrsa 905**

View: Full

Date/Time: Monday, October 22, 2007 - 1:37 PM EDT

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From: "Natalie L. Burns" <nburns@JBGH.com>
To: "Penny Littell " <PL@portlandmaine.gov>
Date: 10/22/2007 11:49:00 AM
Subject: UNE

Penny,

I have reviewed the Assessor's records in response to your concern that the University's parcels of land on opposite sides of College Street are in separate ownership. This issue came up due to the proposed amendment that would create a higher height limit than is normally applicable in this zoning district provided that the educational institution has at least 10 acres of land.

According to the Assessor's records, the University's two major parcels are shown on Tax Map 145 as Lots A-3-9-10 (consisting of 9.232 acres) and Lot B-2 (consisting of 2.12 acres). The ownership of both is listed as Westbrook Seminary & Junior College for Women. This is one of the former names of Westbrook College, which later merged with UNE (I believe this occurred in 1996). The merger would not have resulted in deeds to UNE because the surviving corporate entity automatically takes over the ownership of all property under the provisions of 13-B M.R.S.A. Sec. 905(D).

The University also owns some other parcels, with various of the College and University entities listed as the owners, but these two are the largest.

I will give you a call shortly to see whether this is sufficient information to answer the concern that was raised.

Thanks,

Natalie

Natalie L. Burns, Esq.
Jensen Baird Gardner & Henry
Ten Free Street
P.O. Box 4510
Portland, Maine 04112-4510
207-775-7271 or 800-756-1166
Fax: 207-775-7935

nburns@jbgh.com
www.jbgh.com

REQUIRED DISCLOSURE:

United States Treasury Regulations require us to inform you that any tax advice contained in this communication and any attachment or enclosure is not intended or written by us to be used, and cannot be used, by any taxpayer for the purpose of avoiding tax penalties.

DISCLAIMER:

This e-mail and any file or attachment transmitted with it, is only intended for the use of the person and/or entity to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the recipient of this message is not the intended recipient or otherwise responsible for delivering the message to the intended recipient, be notified that any disclosure, distribution or copying of this information is strictly prohibited. If you received this communication in error, destroy all copies of this message, attachments and/or files in your possession, custody or control and any other copies you may have created, and notify the sender at (207) 775-7271 or at the sender's e-mail address listed above.

CC: "Alan Thibeault" <AThibeault@une.edu>, <lita@portcityarch.com>, "Tom Saucier" <TSaucier@mail.sytdesign.com>, "Andy Hyland" <andy@portcityarch.com>

From: Penny Littell
To: Shukria Wiar
Date: 10/22/2007 1:31:44 PM
Subject: Fwd: UNE

>>> "Natalie L. Burns" <nburns@JBGH.com> 10/22/2007 11:47:41 AM >>>
Penny,

I have reviewed the Assessor's records in response to your concern that the University's parcels of land on opposite sides of College Street are in separate ownership. This issue came up due to the proposed amendment that would create a higher height limit than is normally applicable in this zoning district provided that the educational institution has at least 10 acres of land.

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Natalie

Natalie L. Burns, Esq.
Jensen Baird Gardner & Henry
Ten Free Street
P.O. Box 4510
Portland, Maine 04112-4510
207-775-7271 or 800-756-1166
Fax: 207-775-7935
nburns@jbgh.com
www.jbgh.com

REQUIRED DISCLOSURE:

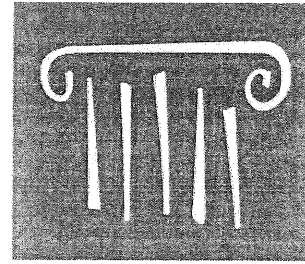
United States Treasury Regulations require us to inform you that any tax advice contained in this communication and any

attachment or enclosure is not intended or written by us to be used, and cannot be used, by any taxpayer for the purpose of avoiding tax penalties.

DISCLAIMER:

This e-mail and any file or attachment transmitted with it, is only intended for the use of the person and/or entity to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the recipient of this message is not the intended recipient or otherwise responsible for delivering the message to the intended recipient, be notified that any disclosure, distribution or copying of this information is strictly prohibited. If you received this communication in error, destroy all copies of this message, attachments and/or files in your possession, custody or control and any other copies you may have created, and notify the sender at (207) 775-7271 or at the sender's e-mail address listed above.

University of New England
College of Pharmacy
October 18, 2007



PORT ■ CITY
ARCHITECTURE

Gross Building Area	46,380 sf
Lower Level	11,595 sf
Mechanical / Support / Unfinished Space (Future Vivarium)	11,595 sf
First Floor	11,595 sf
Classrooms / Lecture Hall	2,342 sf
Teaching Labs (Not included as classrooms)	1,808 sf
Office / Administration	1,193 sf
Support / Circulation / Grossing	6,252 sf
Second Floor	11,595 sf
Classrooms / Lecture Hall	0 sf
Teaching Labs (Not included as classrooms)	1,444 sf
Library	969 sf
Office / Administration	4,420 sf
Support / Circulation / Grossing	4,762 sf
Third Floor	11,595 sf
Classrooms / Lecture Hall	0 sf
Research Labs (Not included as classrooms)	6,860 sf
Office / Administration	1,902 sf
Support / Circulation / Grossing	2,833 sf

Shukria



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life® www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

October 2, 2007

SYTDesign Consultants
Attention: Tom Saucier, PE
160 Longwood Road
PO Box 86A
Cumberland, ME 04021

RE: Site Plan Review: 716 Stevens Avenue
UNE College of Pharmacy Building
Application # 2007-0158; CBL 0144 A005001

Dear Mr. Saucier,

The City of Portland has received two applications from the University Of New England (UNE) for the proposed College of Pharmacy project at 716 Stevens Avenue. The first application is a request for a zoning text amendment and the second is for site plan review of the proposed building and parking lot.

UNE's application for a text amendment to allow for an increased building height in the R-5 zone is scheduled for a second workshop with the Planning Board on October 9, 2007. A public hearing is tentatively scheduled for October 23, 2007, based upon the assumption that the Planning Board will suggest forwarding this item to a public hearing. As you know, UNE must hold a neighborhood meeting at least seven days before the public hearing. At the Planning Board public hearing, the Board will vote on a recommendation to City Council regarding the proposed amendment. Their recommendation is then forwarded to the City Council for consideration. The City Manager sets the City Council agenda; however, the first reading of the text amendment could be on the Council's November 4, 2007 agenda and then the public hearing would be held on November 19th. UNE does not need to attend the first reading, but representatives should be available at the City Council public hearing to answer questions. Michael Patterson, Chair of the Planning Board, and Alexander Jaegerman, Director of the Planning Division, present the Planning Board's recommendation at that meeting.

The site plan application for the proposed College of Pharmacy building is subject to review under the City's Site Plan Ordinance and under the City's delegated review for the Site Location of Development Act and a Traffic Movement Permit. Portland does not have delegated review under Chapter 500, so a permit from DEP is required for the stormwater management plan. The conceptual plan that has been submitted to date may be shown to the Planning Board for context regarding the text amendment, but the Board cannot act upon a site plan which does not comply

with the City's zoning ordinance. A workshop on the site plan is tentatively scheduled for November 13th (prior to the City Council's action) and a public hearing is scheduled for December 11, 2007 (after the City Council public hearing). In order to maintain this tight schedule for the review, we recommend that you submit a complete site plan application no later than October 12th. This allows time for the City staff to review the application and provide you with comments for the application. In addition, we will notify DEP that an application has been received for review and we will forward one complete application to them for their records.

Based on the conceptual plan submitted and the submittal requirements contained in the City's Site Plan Ordinance, Section 14-525 Final Site Plan, the following material is requested for the site plan review:

1. A revised site plan showing the revised building location and proposed parking lot.
2. Lighting Plan showing location and intensity of outdoor lighting (a copy of Portland's technical standards for lighting is attached).
3. Landscaping Plan that shows both existing and proposed landscaping, which includes the type, quantity and size of plantings and any proposed techniques to preserve vegetation.
4. Utilities Plan that shows existing and proposed utilities, including fire hydrants. Please include details for water, sewer and storm drain structures and connections.
5. Architectural Plans and Renderings (Colored).
6. Floor Plans for the proposed building.
7. A delineation of wetlands boundaries prepared by a qualified professional shall be included on the plan. Submit copies of the wetland assessment, potential impacts and proposed mitigation including a narrative describing any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the project site and methods to protect them.
8. Overview plans of the entire campus.
9. Evidence of Financial and Technical Capacity. For other projects, we have received letters from financial institutions or a more detailed accounting of funding sources. We request more detail than what was provided in the initial application.
10. Evidence of right, title and interest.
11. A narrative of the estimated amount and type of recyclable material generated on-site, a description of how solid waste will be handled, and the location and screening of any solid waste disposal receptacles for the site.
12. Please submit water and sewer capacity to serve letter as you receive them.
13. Department of Public Works comments:
 - a. Construction Management Plan

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10. Evidence of right, title and interest.
11. A narrative of the estimated amount and type of recyclable material generated on-site, a description of how solid waste will be handled, and the location and screening of any solid waste disposal receptacles for the site.
12. Please submit water and sewer capacity to serve letter as you receive them.
13. Department of Public Works comments:
 - a. Construction Management Plan

- b. Updated site plans showing the new location of the building
- c. Stormwater Plan including a narrative/ description of any problems of drainage
- d. Proposed Grading Plan
- e. Location of erosion control measures
- f. The applicant has requested a waiver from the standard boundary survey requirements. The applicant should still confirm that the survey used for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure.

14. Zoning Administrator comments:

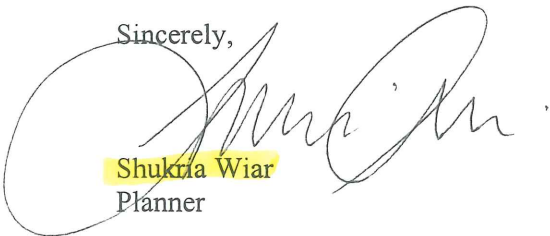
- a. There is a separate application to address a text zoning amendment concerning this proposal. This property is in an R-5 residential zone, which requires a conditional use appeal to the planning board for the college expansion of buildings and parking. Therefore zoning staff can not sign-off on R-5 zoning compliance at this time.
- b. The concept plans indicate that most of the R-5 zone requirements could be met (other than height). For a full review, complete floor plans needs to be submitted do a parking analysis.
- c. According to the Assessors Database, the property is in different names. Planning staff will look into how this affects right, title and interest.

15. Fire Department comments:

- a. Please provide details for Fire and EMS response. Fire lanes are required to be 16'. If apparatus is going to operate from these locations the width is 20'
- b. Fire dept. Checklist needs to be completed.
- c. Please break down use groups per story.
- d. A standpipe is required for new buildings more than three stories in height.
- e. A Fire hydrant is required within 100' of this connection.

Please submit the information at your earliest convenience. If you have any questions please do not hesitate to call me on (207) 756-8083 or at shukriaw@portlandmaine.gov.

Sincerely,



Shukria Wiar
Planner

cc Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Manager

From: "Tom Saucier" <TSaucier@mail.sytdesign.com>
To: "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>
Date: 10/4/2007 4:58:02 PM
Subject: UNE COP

Hi Shukria

When you forward a copy of the draft text amendment, could you also copy athibeault@une.edu? thanks

Also, could you discuss with Barbara and Alex the possibility of permitting the building separately from the parking, with the understanding that any certificate of occupancy for the building would be conditioned upon adequate parking being provided?

With the building sitting on a proposed paved area, no DEP site location permit is required, there are no stormwater issues, and we assume a site plan could be reviewed and approved in a short period of time.

This would allow construction to start on the building in a timely manner.

We would still plan on presenting the parking with the building site plan application, but formal review of the parking would occur as a separate application.

A parking lot can be built in a relatively short period of time, so if stormwater issues did arise during the permitting process, we would have the time to address them as necessary, without delaying the building construction and occupancy.

We would be happy to meet with you to discuss this if you think it is a possibility.

Thanks
Tom

Tom Saucier, Principal
SYTDesign Consultants
183 Park Row
Brunswick, Maine 04011
ph: 207-725-7248
fax: 207-725-7365

P.O. Box 86A
160 Longwoods Road
Cumberland, Maine 04021
ph: 207-829-6994

fax: 207-829-2231

email: tsaucier@sytdesign.com
web: www.sytdesign.com

MEMORANDUM



TO: Barbara Barhydt
FROM: Dan Goyette, PE, and Lauren Swett, EIT
DATE: September 17, 2007
RE: University of New England College of Pharmacy Educational Building and Associated Parking Area, 716 Stevens Avenue

Woodard and Curran has reviewed the Application for Site Plan and Conditional Use Approvals for the University of New England College of Pharmacy Educational Building and Associated Parking Area project located at 716 Stevens Avenue in Portland. The project consists of the construction of a 4-story building with a 8,700 square foot footprint that will be connected to the existing Goddard Hall. In addition, a 350-space parking lot will be constructed, for use with the new building and to provide additional parking for projected future use.

Documents Reviewed

- Application for Site Plan and Conditional Use Approvals for the University of New England College of Pharmacy Educational Building and Associated Parking Area, prepared by SYTDesign Consultants for the University of New England, dated September 5, 2007.
- Engineering plan sheets, C-101, C-102, C-300, C-301, G1.2, and G4.1, prepared by SYTDesign Consultants for the University of New England, dated August 2007,

Comments

- The submitted application is for a conceptual design, and should be resubmitted for engineering review upon final design. The current application does not include the following items:
 - stormwater plan
 - proposed grading plan
 - lighting plan
 - locations of erosion control measures
 - details for water, sewer, and stormdrain structures and connections
- It was noted that the applicant has not yet submitted:
 - Permits required for Traffic Movement, SLOD, and NRPA
 - Sewer and Water capacity letters
 - Historic approval
- The applicant has requested a waiver from the standard boundary survey requirements. The applicant should still confirm that the survey used for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure.

Please contact our office if you have any questions.

DRG/LJS
203943



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Planning and Development Department

Lee D. Urban, Director

Planning Division

Alexander Jaegerman, Director

October 2, 2007

Roland L. Theriault
Vice President, Real Estate
1700 Iron Horse Park
North Billerica, MA 01862-1681

RE: Your letter dated September 25, 2007

Project in the vicinity of: University of New England at 716 Stevens Avenue

Dear Mr. Theriault,

Thank you for your letter regarding Pan Am Railway's potential interest in this project. Please be advised of the following:

- The proposed project **does not** involve a crossing of railroad property.
- The petitioner **does not** claim to be a holder of a valid railroad crossing.
- The project proposal **does not** involve development within 25 feet of the centerline of an existing railroad track.

Please do not hesitate to contact us if you have further questions or if you would like to review materials pertaining to this proposal.

Sincerely,

Shukria Wiar
Planner

cc Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Manager



PAN AM RAILWAYS, INC.

1700 Iron Horse Park
North Billerica, MA 01862-1681

September 25, 2007

City of Portland, Maine
Planning Board - Town Hall
389 Congress Street
Portland, Maine 04101

Dear Sir/Madam:

Enclosed is a copy of the notices I recently received pertaining to proposed land use in the City of Portland, Maine. Please be advised that Pan Am Railways, Inc. manages real estate matters for several corporations. This response is sent on behalf of the following corporations in reply to your notices, which were received on September 17 & 20, 2007;

- ° Boston and Maine Corporation;
- ° Maine Central Railroad Company;
- ° Portland Terminal Company;
- ° Springfield Terminal Railway Company;
- ° Hudson River Estates, Inc.;
- ° Delaware River Estates, Inc.; or
- ° DH Estates, Inc. (formerly Delaware and Hudson Railroad).

As you may well be aware, the railroads listed above receive numerous notices on a daily basis. Based upon the limited time frame existing between the date on which the notice is received and the scheduled hearing date, I respectfully request your cooperation regarding this matter.

Although the railroads are concerned with each and every notice, there are certain instances, which are of particular concern to the railroads. You may be able to advise me if the petition involves land plans showing a crossing of railroad property. Specifically the railroads' concern exists even in the event that your petitioner indicates that it is the holder of a valid railroad crossing. Also, the railroads must be advised if the petition proposes any development within 25' from the centerline of an existing railroad track, even if such development occurs on non-railroad property. As such, petitions for variances from set back requirements can be particularly troublesome.

City of Portland, Maine
September 25, 2007
Page Two

Please be advised that this letter should not be construed as a waiver of any other objections, which the railroads may have to a proponent's plan. However, the railroads respectfully request your assistance in bringing their attention to any such matters.

Thank you for your anticipated cooperation in this regard.

Sincerely,



Roland L. Theriault, Vice President - Real Estate

RLT/rjs
Enclosure

**TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 716 STEVENS AVENUE**

WHAT The Portland Planning Board will hold a workshop to consider a Text Amendment by the University of New England to Division 6, R-5 Residential zone, Section 14-120 (d)(3)(a) and Section 14-120 (g) of the City of Portland Code of Ordinances. The text amendment would allow a building height up to 55 feet for a school, college, university, trade school or a site with 6 acres or more and allow a side setback of 20 feet for buildings with three or more stories.

The workshop is an opportunity for the applicant to present a plan to the The Portland Planning Board in an informal session, which is open to the public. Public comments will be taken at this meeting.

WHEN Tuesday, September 25, 2007
3:30 p.m.
Room 209, 2nd Floor, City Hall

RECEIVED
SEP 20 2007

FOR MORE INFORMATION

BY: _____

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you wish to submit written comments, address them to Shukria Wiar, Planner, Planning Division, 4th Floor, 389 Congress Street, Portland, Maine 04101; by phone at (207) 756-8083 or e-mail at shukriaw@portlandmaine.gov

**IMPORTANT NOTICE FROM CITY OF PORTLAND
PLANNING DIVISION**

**TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 716 STEVENS AVENUE**

WHAT A major site plan application was submitted to the City of Portland Planning Division by the University of New England. The applicant is proposing the construction of a 4 story/35,000 sq. ft. building which will be connected to the south side of Goddard Hall. The new building will house the College of Pharmacy program.

In accordance with the Portland Land Use Ordinance, notices of receipt of a major site plan application must be sent to neighbors.

WHEN You will be notified of future Planning Board meetings by receiving notices from the Planning Division prior to any workshops or public hearings.

FOR MORE INFORMATION

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you have any questions, please call Barbara Barhydt, Development Review Services Manager, at 874-8699.

RECEIVED
SEP 17 2007

**IMPORTANT NOTICE FROM CITY OF PORTLAND
PLANNING DIVISION**

**TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 716 STEVENS AVENUE**

WHAT The Historic Preservation Board will consider a proposal by the University of New England for a Building Addition at 716 Stevens Avenue. The workshop is an opportunity for the applicant to present a plan to the Historic Preservation Board in an informal session, which is open to the public. Public comments will be taken at this meeting.

WHEN Wednesday, September 19, 2007
7:00 p.m.
Room 209, 2nd Floor, City Hall

FOR MORE INFORMATION

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you which to submit written comments, address them to Deborah Andrews, Historic Preservation Program Manager, Planning Division, 4th Floor, 389 Congress Street, Portland, Maine 04101; by phone at 874-8726 or e-mail at dga@portlandmaine.gov

RECEIVED
SEP 17 2007



College of Pharmacy



gpr
GPR Planners Collaborative, Inc



August 16, 2007



PAN AM RAILWAYS, INC.

1700 Iron Horse Park
North Billerica, MA 01862-1681

December 10, 2007

City of Portland, Maine
Planning Board - Town Hall
389 Congress Street
Portland, Maine 04101

Dear Sir/Madam:

Enclosed is a copy of the notice I recently received pertaining to proposed land use in the City of Portland, Maine. Please be advised that Pan Am Railways, Inc. manages real estate matters for several corporations. This response is sent on behalf of the following corporations in reply to your notice, which was received on December 3, 2007;

- Boston and Maine Corporation;
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- Portland Terminal Company;
- Springfield Terminal Railway Company;
- Hudson River Estates, Inc.;
- Delaware River Estates, Inc.; or
- DH Estates, Inc. (formerly Delaware and Hudson Railroad).

As you may well be aware, the railroads listed above receive numerous notices on a daily basis. Based upon the limited time frame existing between the date on which the notice is received and the scheduled hearing date, I respectfully request your cooperation regarding this matter.

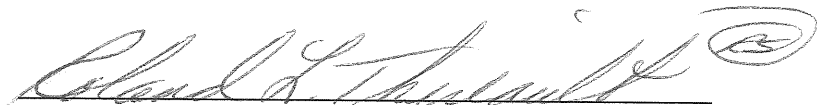
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City of Portland, Maine
December 10, 2007
Page Two

Please be advised that this letter should not be construed as a waiver of any other objections, which the railroads may have to a proponent's plan. However, the railroads respectfully request your assistance in bringing their attention to any such matters.

Thank you for your anticipated cooperation in this regard.

Sincerely,


Roland L. Theriault, Vice President - Real Estate

RLT/rjs
Enclosure

**IMPORTANT NOTICE FROM CITY OF PORTLAND
PLANNING DIVISION**

**TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 716 STEVENS AVENUE**

WHAT The Portland Planning Board will hold a workshop to consider a proposal by University of New England for the construction of a four-story building and 180 space phased parking lot. The proposed building will be on the existing parking lot between the Finley Recreation Ctr. and Ludcke Auditorium, whereas the parking lot will be situated on the twenty-five (25) acres on lower campus. The new bld. will house the College of Pharmacy Program. The project will be reviewed for compliance with the Conditional Use Regulations of the R-5 zone, Site Plan Standards, Site Location of Development Act and Traffic Movement Permit. The workshop is an opportunity for the applicant to present a proposal to the Planning Board in an informal session, which is open to the public. Public comments will be taken at this meeting.

WHEN Tuesday, December 11, 2007
3:30 p.m.
Room 209, 2nd Floor, City Hall

FOR MORE INFORMATION

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you wish to submit written comments, address them to Shukria Wiar, Planner, Planning Division, 4th Floor, 389



144-A-5

716 Stevens

Ave

College of

Pharmacy

UNF

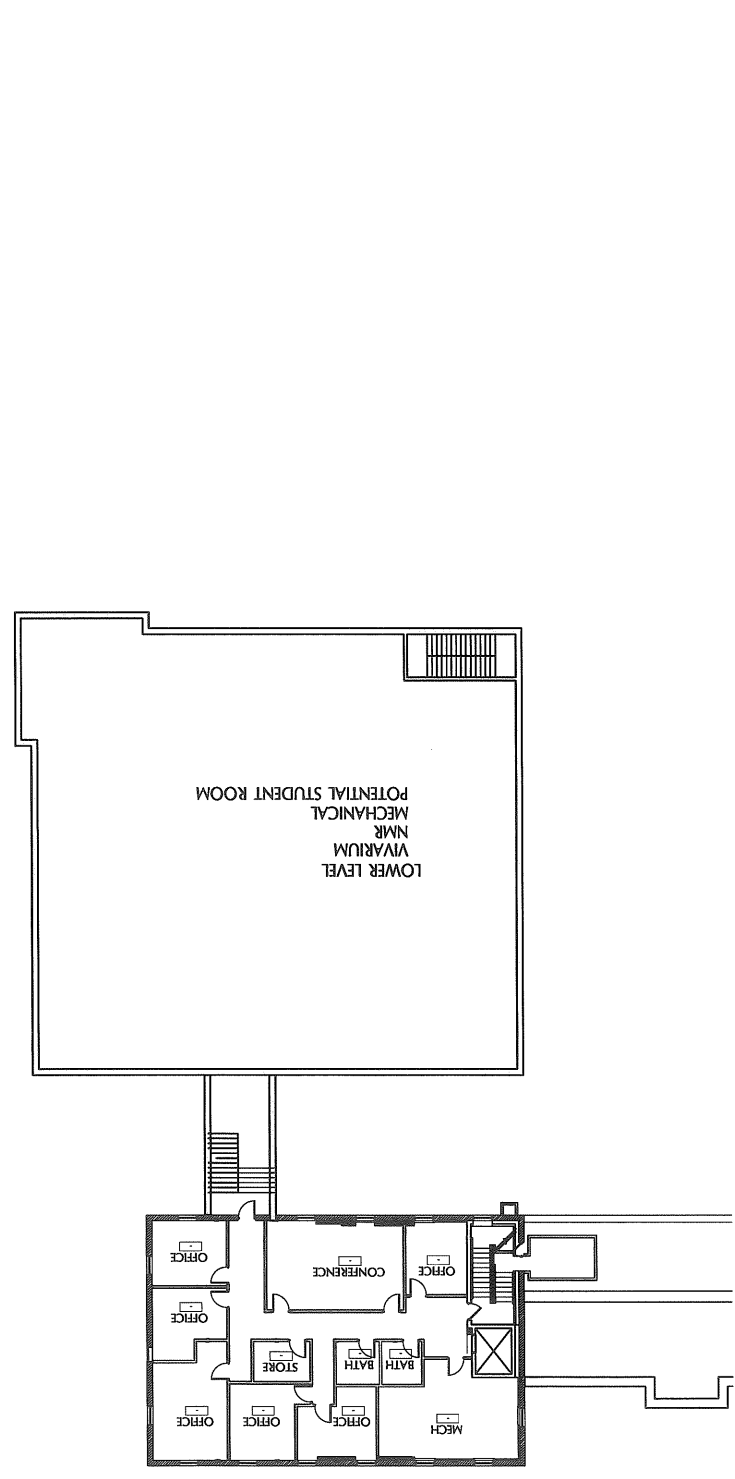
UNIVERSITY OF NEW ENGLAND
COLLEGE OF PHARMACY



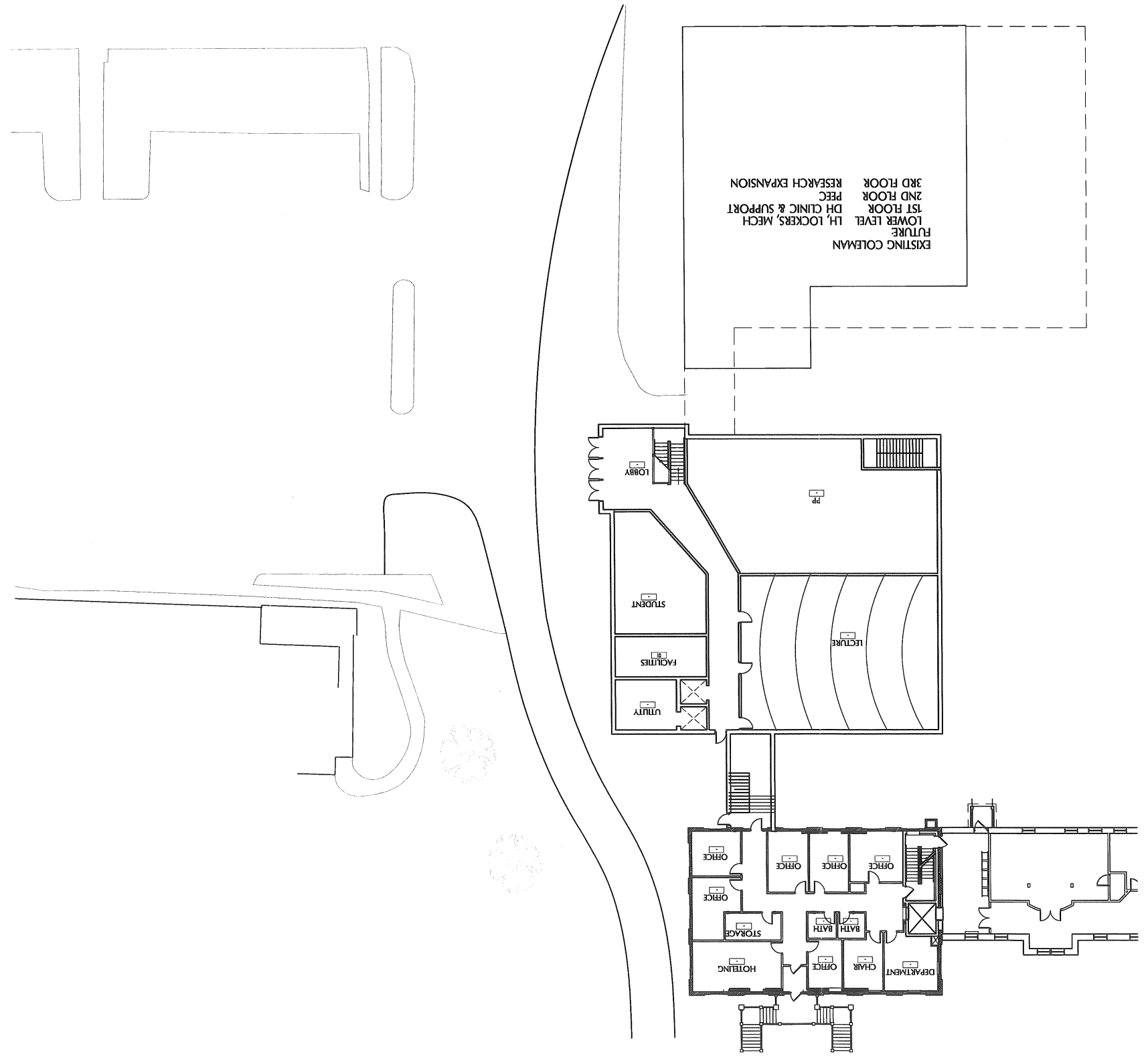
PROPOSED
PERSPECTIVE



1L GODDARD - LOWER LEVEL FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 16'-0"



1 GODDARD - FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 16'-0"



PLANS

DATE	DESCRIPTION

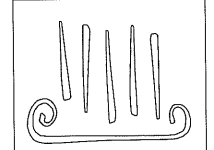
REVISIONS

Date Issued:
 Project Number: 06506
 Drawing Scale: 1/8" = 1'-0"
 SHEET NAME

COLLEGE OF PHARMACY
 GODDARD HALL
 UNIVERSITY of NEW ENGLAND
 Portland, Maine

CONSULTANTS:

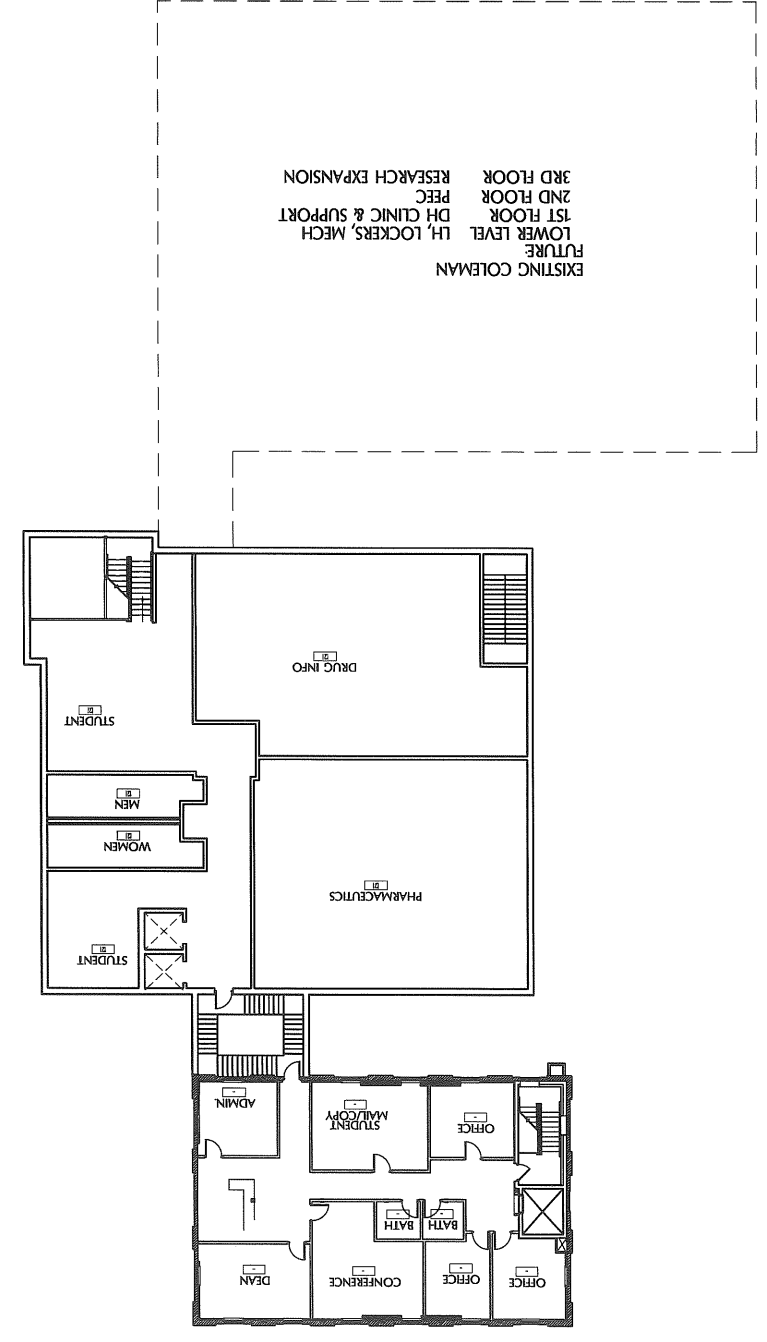
PORT & GLTY ARCHITECTURE
 65 NEWBURY STREET
 PORTLAND, ME 04101
 207.761.9000
 fax: 207.761.2010
 info@portcityarch.com





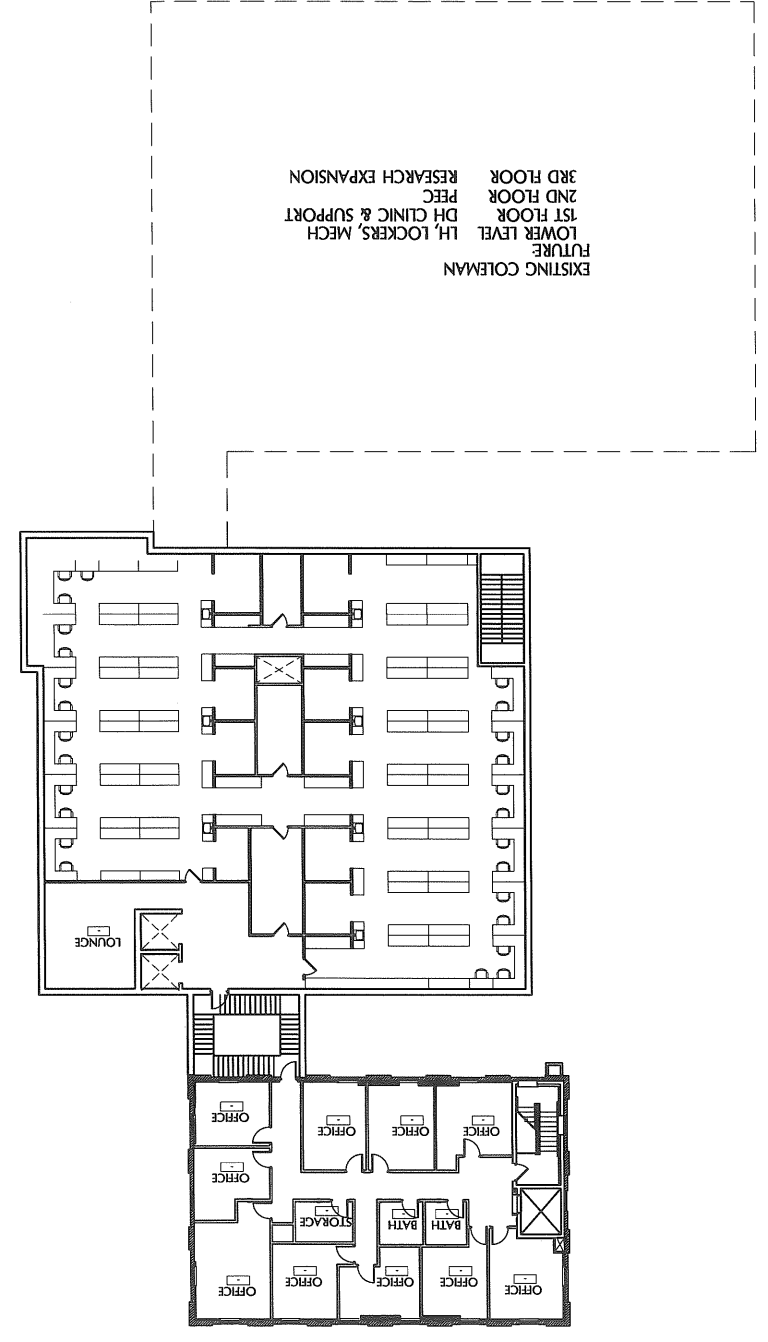
II GODDARD - SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"
16'-0"

EXISTING COLEMAN
FUTURE
LOWER LEVEL LH, LOCKERS, MECH
1ST FLOOR DH CLINIC & SUPPORT
2ND FLOOR PECC
3RD FLOOR RESEARCH EXPANSION



I GODDARD - THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"
16'-0"

EXISTING COLEMAN
FUTURE
LOWER LEVEL LH, LOCKERS, MECH
1ST FLOOR DH CLINIC & SUPPORT
2ND FLOOR PECC
3RD FLOOR RESEARCH EXPANSION



Drawn By: NLG
Checked By: LAS
A-2
PROPOSED FLOOR PLAN

PLANS

SHEET NAME

Drawing Scale: 1/8" = 1'-0"

Project Number: 0506

Date Issued:

REVISIONS

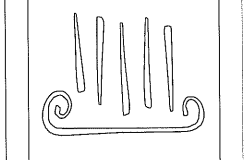
#	DATE	DESCRIPTION

COLLEGE OF PHARMACY
GODDARD HALL
UNIVERSITY of NEW ENGLAND
Portland, Maine

CONSULTANTS:

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PORTLAND, ME 04101
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 SCALE 1/8"=1'

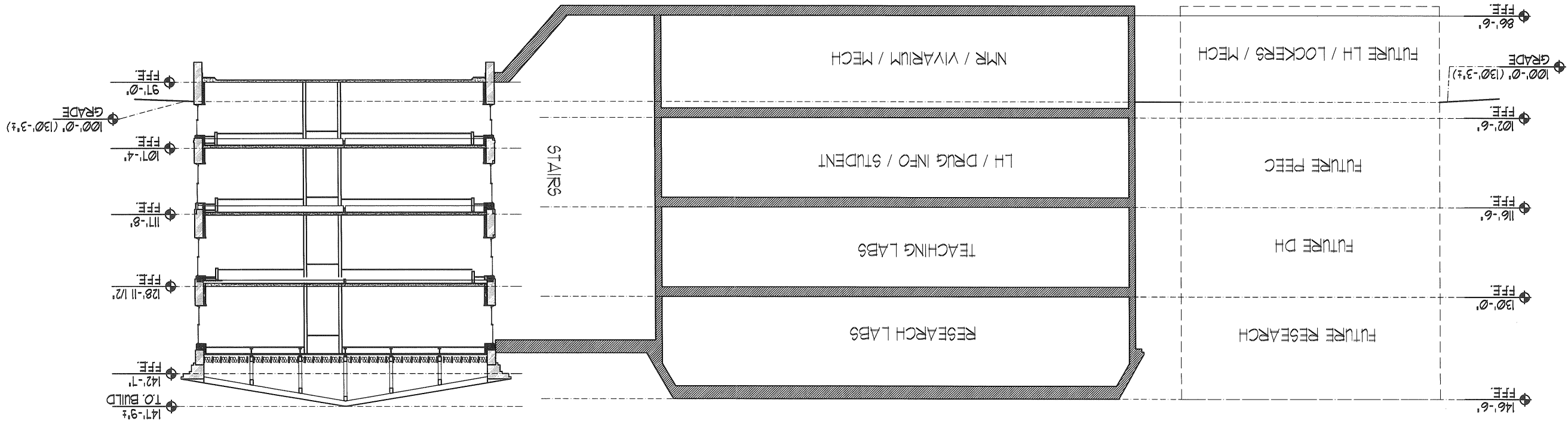
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 SCALE 1/4"=1'

0 2 4 8 12
 SCALE 1/4"=1'

0 1' 2' 3' 6'
 SCALE 1/2"=1'

0 1 2 4
 SCALE 3/4"=1'

0 1 2 3
 SCALE 1"=1'



BUILDING SECTION
 SCALE: 1/8" = 1'-0"

PROPOSED FLOOR PLAN

Drawn By	NLG
Checked By	LAG
Drawn Scale	1/8" = 1'-0"
Project Number	06506
Date Issued	
REVISIONS	
* DATE	DESCRIPTION

LAB

Checked By

LAG = 3

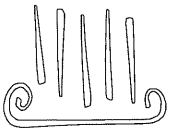
COLLEGE OF PHARMACY
 GODDARD HALL
 UNIVERSITY of NEW ENGLAND
 Portland, Maine

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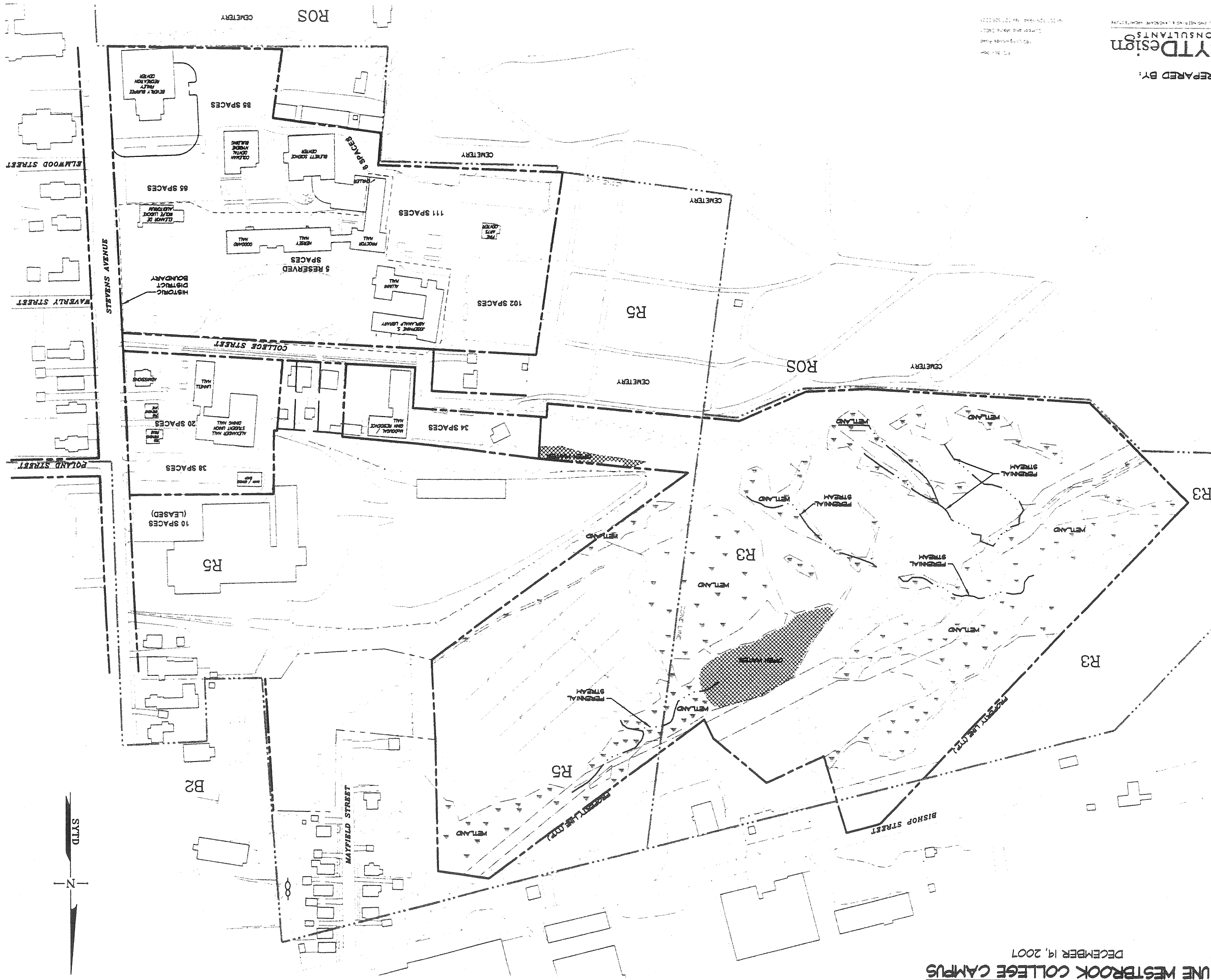


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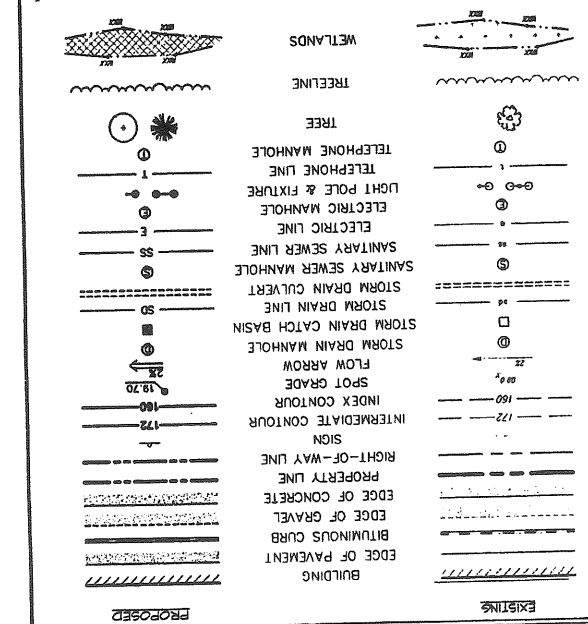
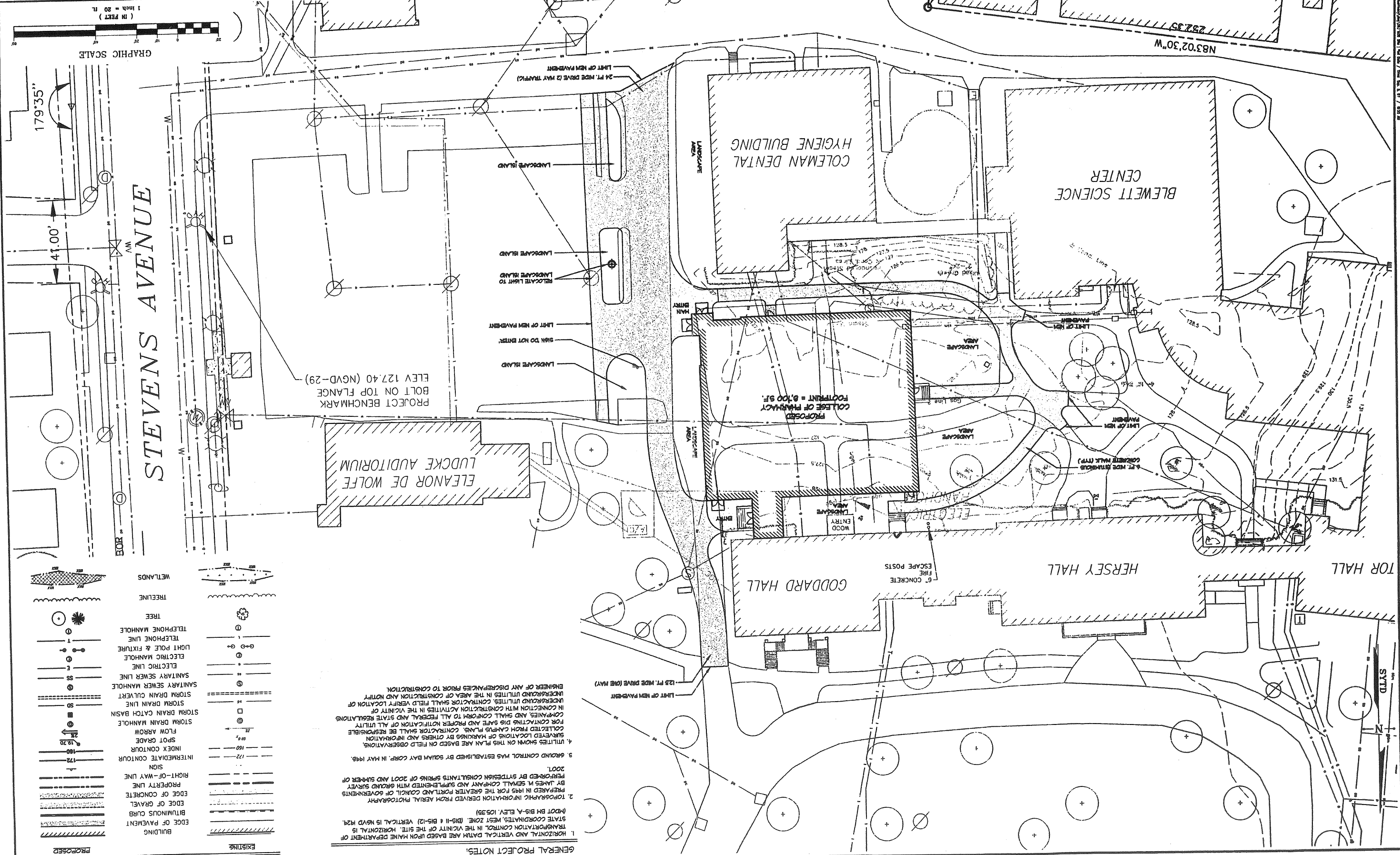
PARKING SUMMARY PLAN
UNE WESTBROOK COLLEGE CAMPUS
DECEMBER 19, 2007



PARKING SUMMARY:
TOTAL EXISTING SPACES 466
ADDITIONAL LEASED SPACES 10

REV	DATE	STATUS	BY	CHKD	APPD
A	08/29/07	SUBMITTED FOR ZONING AMENDMENT APPLICATION			
B	09/04/07	SUBMITTED FOR SITE PLAN REVIEW			
		DAM	PBB	TWS	
		CHKD	APPD		
		REV	DATE	STATUS	

CLIENT:	UNIVERSITY OF NEW ENGLAND 11 HILLS BEACH ROAD, BIDDEFORD, MAINE 04005
PROJECT:	COLLEGE OF PHARMACY CONCEPTUAL SITE PLAN
DATE:	AUGUST 2007
SCALE:	1" = 20'
PROJ. NO.	06-216.08
DWG. NO.	C-101
DESIGN:	PBB
DRAWN:	DAM
CHKD:	TWS



GENERAL PROJECT NOTES:

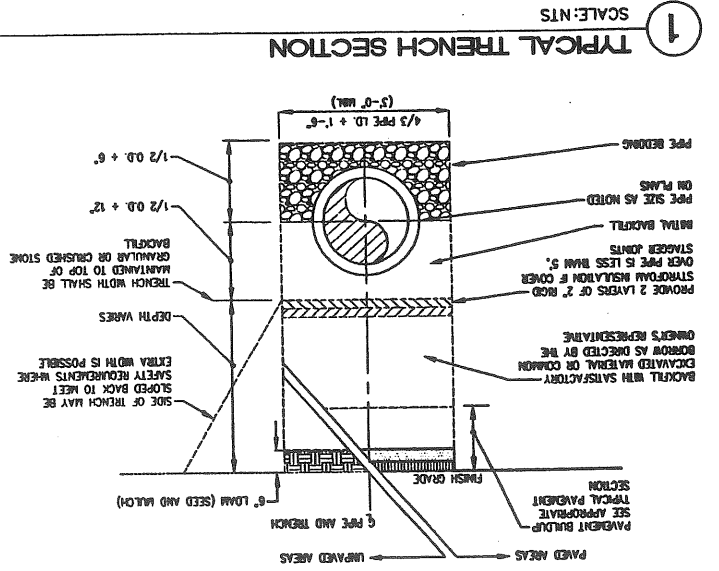
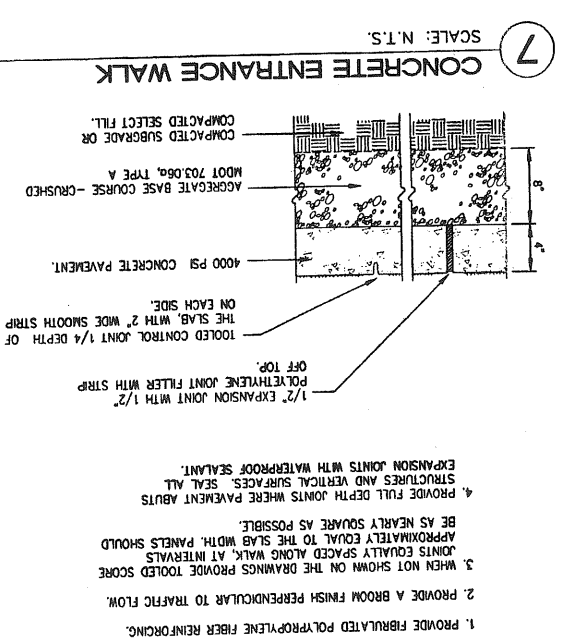
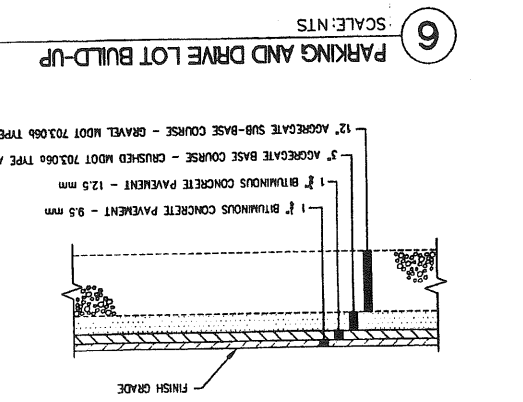
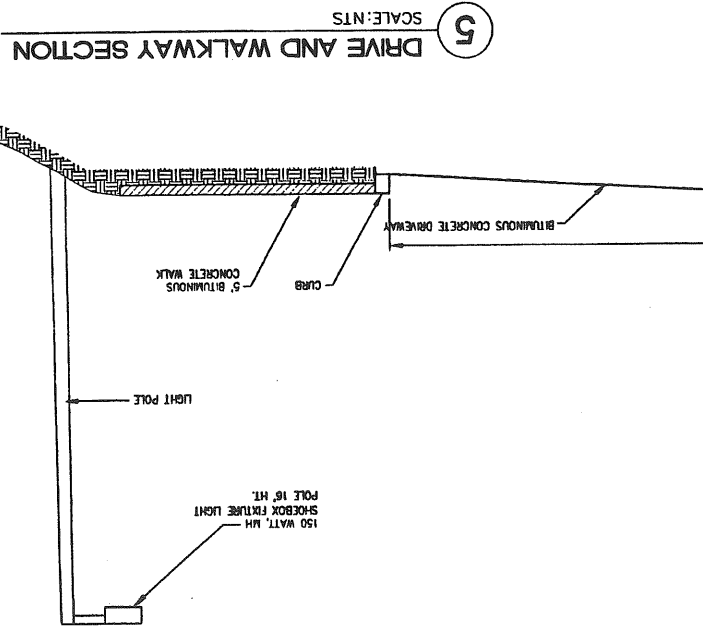
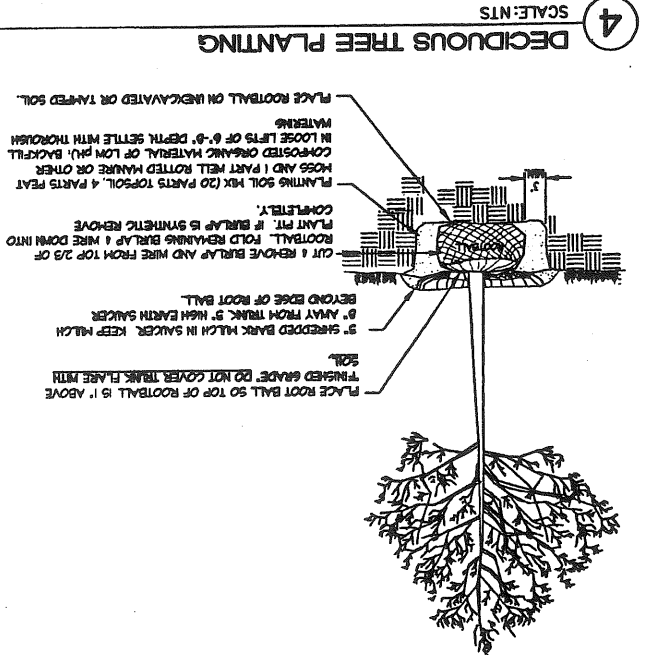
- HORIZONTAL AND VERTICAL DATA ARE BASED UPON MAINE DEPARTMENT OF TRANSPORTATION CONTROL IN THE VICINITY OF THE SITE. HORIZONTAL IS TRANSFORMATION CONTROL. (BIS-11 & BIS-12) VERTICAL IS NSVD 1929 (DOT BM BIS-A ELEV. 105.95)
- TOPOGRAPHIC INFORMATION DERIVED FROM AERIAL PHOTOGRAPHY PREPARED IN 1985 FOR THE GREATER PORTLAND COASTAL AND GROUND SURVEY BY JAMES M. SERRALL COMPANY AND SUPERSEDED WITH GROUND SURVEY PERFORMED BY SYTD DESIGN CONSULTANTS SPRING OF 2007 AND SUMMER OF 2007.
- GROUND CONTROL WAS ESTABLISHED BY SOLAM BAY CORP. IN MAY 1998.
- UTILITIES SHOWN ON THIS PLAN ARE BASED ON FIELD OBSERVATIONS. COLLECTED FROM MARKERS BY OTHERS AND INFORMATION FOR CONTRACTING DIS SAFE AND PROPER NOTIFICATION OF ALL UTILITIES COMPANIES AND SHALL CONFORM TO ALL FEDERAL AND STATE REGULATIONS IN CONNECTION WITH CONSTRUCTION ACTIVITIES IN THE VICINITY OF UNDERGROUND UTILITIES. CONTRACTOR SHALL FIELD VERIFY LOCATION OF UNDERGROUND UTILITIES IN THE AREA OF CONSTRUCTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SYTDesign Consultants, INC. ALL DIMENSIONS, UNLESS OTHERWISE SPECIFIED, SHALL BE IN FEET AND INCHES AND ROUNDED UP TO THE NEXT WHOLE NUMBER.

REV	DATE	STATUS
A	09/04/07	SUBMITTED FOR SITE PLAN REVIEW

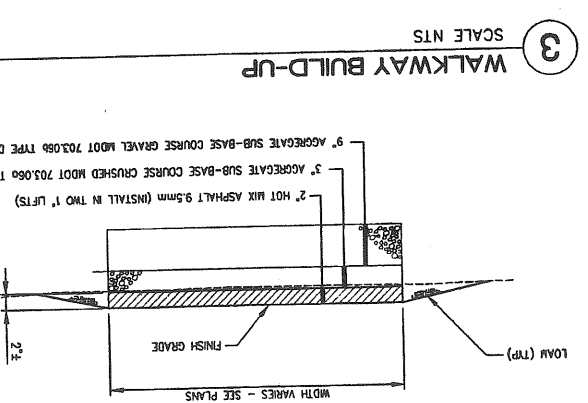
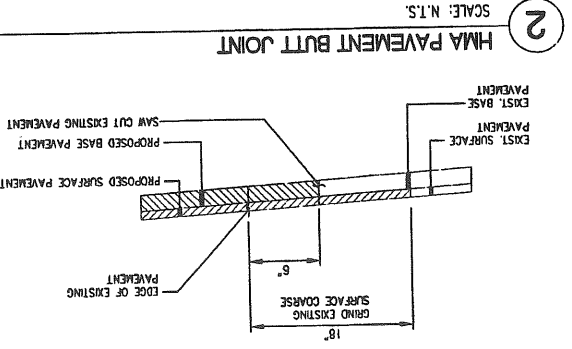
REV	DATE	STATUS	BY	CHKD	APPD

CLIENT:		
UNIVERSITY OF NEW ENGLAND 11 HILLS BEACH ROAD, BIDDEFORD, MAINE 04005		
SCALE: N.T.S.		
NO.	DWG.	REV.
PROJ.	NO.	
DATE: AUGUST 2007		
SCALE: N.T.S.		
DRAWN: DAM		
CHKD: TWS		
DESIGN: TWS		
PROJ. NO. 06-21608		
C-301		
REV. A		



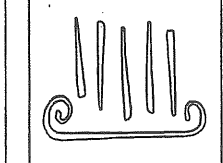
TRENCH BACKFILL SCHEDULE

PIPE BEDDING	PIPE	GRAVEL	GRAVEL	GRAVEL	GRAVEL	GRAVEL	GRAVEL	GRAVEL	GRAVEL
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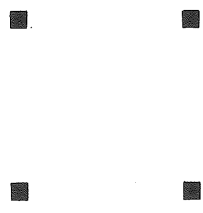
716 STEVENS AVENUE, PORTLAND, MAINE 04005
COLLEGE OF PHARMACY

SYTDesign
CONSULTANTS
CIVIL ENGINEERING & LANDSCAPE ARCHITECTURE
160 Longwood Road
Camden, Maine 04821
Tel: 207.253.8994 Fax: 207.253.2251



PORT & GALT
ARCHITECTURE

65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000
fax: 207.761.2010
info@portgalt.com



UNIVERSITY OF NEW ENGLAND

PHARMACY BUILDING

776 STEVENS AVENUE, PORTLAND, ME

#	DATE	DESCRIPTION

REVISIONS

DATE ISSUED

ISSUE DATE

PROJECT NUMBER

GODDARD

BUILDING

SHEET NAME

FIRST FLOOR PLAN

Drawn By

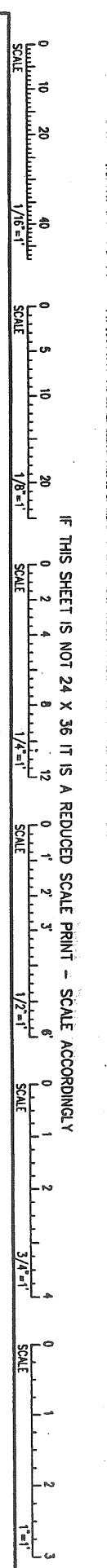
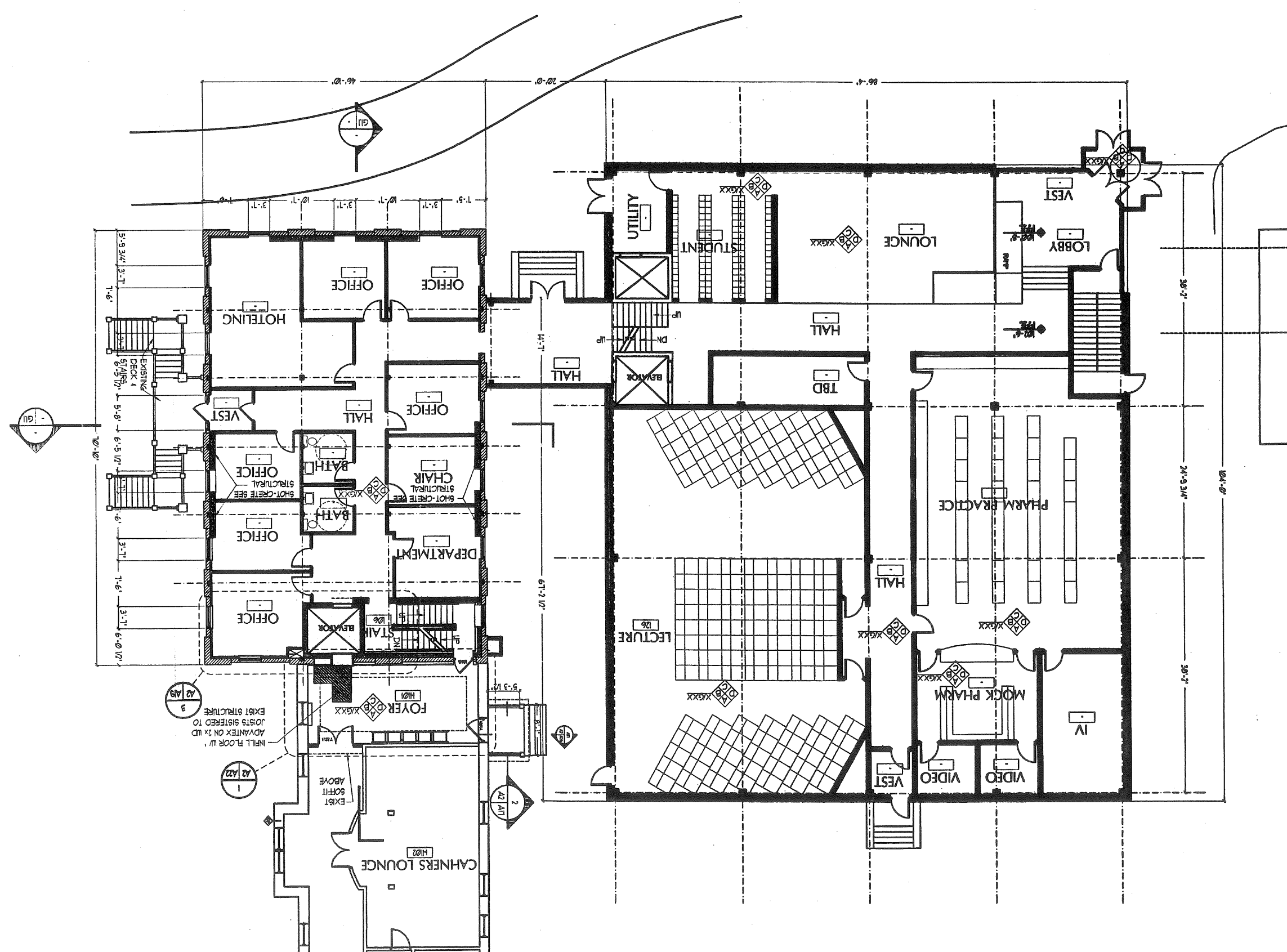
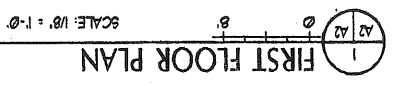
EAC, AMT

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