

163-B-13

2013-030

801 Washington Ave.

Plan Amendment

Cumberland Farms

add to Spreadsheet

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE FOR FEES

Application No: 2013-030	Applicant: V S H REALTY INC / CUMBERL
Project Name: Cumberland Farms	Location: 801 WASHINGTON AVE
CBL: 163 B003001	Development Type: Plan Amendment - Staff Level II
Invoice Date: 01/25/2013	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$250.00		\$250.00		\$0.00	On Receipt

Previous Balance	\$0.00
-------------------------	---------------

Fee Description	Qty	Fee/Deposit Charge
Plan Amendment - Staff Review	1	\$250.00
		\$250.00
	Total Current Fees:	+ \$250.00
	Total Current Payments:	- \$250.00
	Amount Due Now:	\$0.00

Bill to: CUMBERLAND FARMS, INC / V S H REALTY INC 100 CROSSING BLVD #9003 Framingham, MA 01702	CBL 163 B003001 Application No: 2013030 Invoice Date: 01/25/2013 Invoice No: 39873 Total Amt Due: \$0.00 Payment Amount: \$250.00
---	---

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

Shukria Wiar - Cumberland Farms - 3rd party O&M agreement

From: Dawn Johnson <DJohnson@cumberlandgulf.com>
To: 'Shukria Wiar' <SHUKRIAW@portlandmaine.gov>
Date: 6/20/2013 2:48 PM
Subject: Cumberland Farms - 3rd party O&M agreement
Attachments: SWC - Quote Portland ME 061013.pdf

Shukria,

Attached please find our agreement with a third party to handle our Stormwater Management per the order of conditions. I will be sending a copy of this document along with the \$5,000 contribution check and \$97.87 Urban Impaired stream check.

Thank You,
Dawn Johnson

Project Manager
Planning Department
Cumberland Farms, Inc./Gulf Oil
100 Crossing Boulevard
Framingham, MA 01702
Direct Line (508) 270-1431
efax (781) 459-1082

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Due to the alterable nature of electronics, Cumberland Farms Inc. does not make any expressed or implied warranty or completeness of this information. The information, design and content of this file are proprietary and shall not be copied for any purpose without prior written authorization from Cumberland Farms Inc.

Only current, signed and sealed plans shall be utilized for construction purposes.

Viewing the contents of this file shall serve as your acknowledgement of the above terms and conditions. By opening this file or through the use of the information contained herein, the recipient agrees to indemnify and hold Cumberland Farms Inc. harmless from any loss, damage, liability or cost, including reasonable attorney's fees that Cumberland Farms Inc. defending such claims, arising from any use or reuse of this electronic document or information.

PO# 44556

STORMWATER COMPLIANCE, LLC

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8 Blue Moon Drive • North Yarmouth, Maine 04097

PHONE: 207.829.2198 • FAX: 207.829.2178 • www.StormwaterComp.com

June 14, 2013

Ted Ogonowski
Construction Project Manager
Cumberland Gulf Group of Companies
100 Crossing Boulevard - Framingham, MA 01702
Via email to: togonowski@cumberlandgulf.com

**Re: On-going Stormwater Management Services and Permit Recertification:
Cumberland Farms Store #5604 – 801 Washington Ave - Portland ME**

Mr. Ogonowski,

StormWater Compliance, LLC (SWC) is pleased to present you with the following proposal to provide management services including **StormWater Inspection, Maintenance, and Documentation** for the stormwater management system (SMS) at the above referenced location. This proposal was requested by you to satisfy your on-going Stormwater Operation and Maintenance Five-year Recertification requirements with the State of Maine DEP.

The annual cost to provide Stormwater Management Services as described below for the Stormwater Management System at **Cumberland Farms #5604 in Portland, ME is \$750 per year**. This scope of work and cost is subject to the terms and conditions set forth on Exhibit A hereto.

The term for this contract will be five years commencing on the date executed below and renewing automatically for an additional five-year term unless one party provides the other with written notice of termination at least one month before the initial termination date. Either party may terminate this agreement at any time with 30 days' notice.

On-going Inspection and Maintenance:

StormWater Compliance, LLC will develop and implement the site specific Stormwater Management Program based upon current Stormwater Industry Operation and Maintenance Standards. In general, the Stormwater Management Program will consist of an **Annual comprehensive inspection** of all stormwater facilities with annual reporting. This annual comprehensive inspection is intended to supplement regular visual inspections of surface conditions completed during the course of daily activities by the store's personnel. Additional visual site inspections will be performed by SWC as needed after extreme storm events to verify that the SMS has not been damaged or obstructed.



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Inspection:

The overall site will be inspected to ensure that proper stormwater “good housekeeping” practices are in place. We will visually inspect the entire site for any signs of erosion, check parking lots for major cracks or settling and confirm proper sweeping is being employed. We will visually inspect anticipated high trash / pollutant areas (i.e. loading dock, compactor areas, etc.)

Annual inspections will consist of the removal of all grates and covers from all structural stormwater features (i.e. catch basins, water quality devices, trench drains, yard drains, etc.) in order to gage the working condition of the structure as well as to measure any accumulated sediment and floatable debris (i.e. free-floating oil and trash). Conveyance structures (i.e. manholes, clean-outs, etc.) will be inspected as required to confirm they are free of obstructions and to determine the overall condition of the structure. An image of each stormwater structure will be taken to assist in documentation.

Open stormwater features (swales, landscaped areas, outfalls, etc.) will be visually inspected for proper function and condition. All inlets, outlet controls, outfalls, and embankments will be visually inspected for erosion, swamping, stability, undesirable vegetation, and obstruction. Images of all open features components will be taken to assist in documentation.

Maintenance:

Incidental light maintenance will be performed as part of inspections. Incidental light maintenance activities are those activities easily completed with hand tools by our field inspectors. These maintenance activities include skimming floatable debris, removal of light trash and debris from critical areas, obstruction removal where possible, etc.

In an effort to keep reoccurring costs to a minimum, most maintenance has been **excluded** from this proposal as many BMPs will not require maintenance every year. Required maintenance and repairs will be recommended **as-needed** and quoted separately based on inspection observations. We feel this is the most cost effective way to manage BMP maintenance.

We have assumed that vegetation within and around open stormwater features (swales, landscaped areas, etc.) will be maintained by a landscape contractor as part of normal site maintenance activities. SWC will provide guidance on proper maintenance based on inspection observations. SWC can provide regular vegetation maintenance services if requested.



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In the instance of a spill or discharge (accidental or intentional) of pollutants not typical of stormwater StormWater Compliance, LLC will notify appropriate management personnel who will engage a licensed disposal contractor equipped to handle and dispose of spill materials.

Reporting and Documentation:

An Annual Inspection and Maintenance Log report will be prepared and submitted to you electronically via our Customer Web Portal for your records. Hard copies of reports will be provided upon request. As necessary and upon request by Management, StormWater Compliance will submit the annual report to appropriate agencies (i.e. Conservation Commission, City, DES etc.). The report shall include documentation of all Inspection, Maintenance, performed on the site during the previous year. The report shall also include images (and in some cases video) and field documentation of all activities that have taken place. The report will verify that the Stormwater Management System is in good working order and in compliance with Stormwater permits, or will detail recommendations if repairs are required.

Maine DEP Stormwater Recertification:

Also included in this program is preparation and submission of the Five-year recertification package to ME DEP. This process is typically triggered by a form letter issued by DEP approximately 5 years after permit issuance. StormWater Compliance, LLC will complete required Recertification forms (attached), package with inspection and maintenance logs and submit to ME DEP on Cumberland Farms' behalf.

SWC Customer Web Portal:

Access will be provided to the StormWater Compliance Customer Web Portal. This is a unique password protected, centralized location for storage and transfer of all pertinent stormwater documents, including reports, plans, permit documents, aerial photos, maps, etc.. The portal provides one spot for access to all stormwater documents for this project and any others managed by StormWater Compliance, LLC.

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Acceptance:

If this proposal, as presented, is acceptable to you, please execute a copy of this document in the place indicated below and we will begin work.

We are prepared and eager to begin work outlined in this proposal. If you have any questions, concerns, or require any additional information, please do not hesitate to contact me (508) 505-8723. We thank you for this opportunity and look forward to working with you.

Sincerely,



Paul Stonemetz
StormWater Compliance, LLC
pstonemetz@StormWaterComp.com

Agreed and Accepted this 19th day of JUNE, 2013

Company Name: Cumberland Farms INC.

Signature: Ted Ogonowski Name: Ted Ogonowski

Title: Const. Project Manager

By signing above, you acknowledge that you are authorized to enter into this contractual agreement for the entity that is responsible for the work proposed herein.

Post # 44556



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EXHIBIT A: GENERAL PROVISIONS

These general provisions govern the Contract between StormWater Compliance, LLC (the "Contractor") and Cumberland Farms (the "Client") for work to be performed at Store #5604 – 801 Washington Ave, Portland, ME (the "Site").

1. **Scope of Work.** The Scope of work is as set forth in the accompanying proposal and contract (the "Proposal and Contract").
2. **Client Obligations.** The Client will:
 - a) not knowingly permit the release of any hazardous or regulated materials at the Site.
 - b) provide the Contractor with written notice of: (i) the actual, suspected or threatened release of any regulated or hazardous materials at the site as well as (ii) all information known to the Client regarding the storage and use of any hazardous materials at the Site by any person or entity.
 - c) reasonably cooperate with the Contractor in connection with the Contractor's work at the site.
3. **Payment for Services.** Invoices shall be due 30 days after the date of the invoice.
4. **Termination.** This Agreement may be terminated by (i) the Contractor upon a breach of any payment obligation which has not been cured within ten days after written notice from the Contractor to Client and (ii) either party upon a breach of this Agreement by the other party if breach has not been cured after thirty (30) days written notice to the other party (iii) the Client upon the event of a sale of the property. Either party may terminate this agreement at any time with 30 days' written notice to the other party.
5. **Limitations of Liability.** The Client understands and acknowledges that the Contractor's roles are in the areas of inspection and maintenance of the Stormwater Maintenance System ("SMS") at the Site and that, while inspection and maintenance of the SMS at the Site are essential elements of effective stormwater management, the Contractor's activities are limited and periodic and the Contractor's work cannot and does not guaranty that the SMS cannot be rendered ineffective by sudden events beyond Contractor's control between inspections. The Contractor is also not responsible for any deficiencies which are caused by improper or inadequate SMS installations / construction. The foregoing shall not be deemed to limit Contractor's liability under this Agreement for any damages or liabilities incurred by Client arising from the Contractor's failure to perform Contractor's obligations under this Agreement.
6. **Assumptions and Exclusions.** Unless otherwise stated in scope of work, the price schedule set forth in this agreement reflects an assumption that the Site is either new construction (and therefore free of sediment and debris) and/or that all normal routine inspections, maintenance, repairs and rehabilitation work has been completed prior to the date of this agreement. In the event that is not the case, the Contractor will so notify the Client and will provide the Client with an appropriate written change order to reflect the additional maintenance work which may be required in a system which has not been regularly inspected, maintained and/or repaired. This contract is for routine inspection and maintenance services only and does not include system repairs, system replacements or system rehabilitation work. Furthermore, the removal of sediment and debris caused by natural disasters (i.e. hurricanes, floods, etc.) would not be considered routine maintenance services. The Client shall be responsible for costs of (i) removal and disposal of any hazardous or regulated materials discovered including any of the Contractor's additional costs for labor or materials relating to such hazardous materials and (ii) required maintenance deemed by the Contractor to be caused by construction related activities, including but not limited to removal by mechanical means of sediment and debris any stormwater implement including any of the Contractor's additional costs for labor, materials or disposal relating to such maintenance functions. In either case (i or ii) a report of any findings and recommended work shall be furnished to the client and no work shall be performed without the client's authorization.
7. **Indemnification.** The Client agrees, upon demand, to defend, indemnify and hold the Contractor and its officers, directors, shareholders, employees and agents, harmless from any and all claims, liabilities or causes of action or any kind arising from or relating to any negligence or willful misconduct by the Client, its officers, employees, agents, or contractors at the Site. The Contractor agrees, upon demand, to defend, indemnify and hold the Client and its officers, directors, shareholders, employees and agents, harmless from any and all claims, liabilities or causes of action or any kind arising from or relating to (i) a breach of Contractor's obligations under this Agreement by the Contractor, its officers, employees, agents, or contractors or (ii) any negligence or willful misconduct, by the Contractor, its officers, employees, agents, or contractors at the Site.
8. **Choice of Law, Limitation of Liability, Costs and fees.** The rights of the Customer and Client will be interpreted in accordance with the law of the State in which the Site is located, including all matters of construction, validity, performance, and enforcement, without giving effect to any principles of conflict of laws. In no event shall either party be liable to the other party under any theory of liability whatsoever for any consequential or punitive damages. In any litigation arising from or relating to this agreement, the prevailing party will recover all such party's attorney's fees costs.
9. **Amendments/Waivers.** This Agreement may not be amended except in writing signed by all parties.
10. **Entire Agreement.** This Agreement, including the Proposal and Contract contains the entire and complete understanding between the parties concerning its subject matter and all representations, agreements, arrangements, and understandings between or among the parties, whether oral or written, have been fully merged herein and are superseded hereby.



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PO# 44556

June 14, 2013

Ted Ogonowski
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Sincerely,



Paul Stonemetz
StormWater Compliance, LLC
pstonemetz@StormWaterComp.com

Agreed and Accepted this 19th day of JUNE, 2013

Company Name: Cumberland Farms Inc.

Signature: [Handwritten Signature] Name: Ted Ogrowski

Title: Const. Project Manager

By signing above, you acknowledge that you are authorized to enter into this contractual agreement for the entity that is responsible for the work proposed herein.

PO# 44556



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7. **Indemnification.** The Client agrees, upon demand, to defend, indemnify and hold the Contractor and its officers, directors, shareholders, employees and agents, harmless from any and all claims, liabilities or causes of action or any kind arising from or relating to any negligence or willful misconduct by the Client, its officers, employees, agents, or contractors at the Site. The Contractor agrees, upon demand, to defend, indemnify and hold the Client and its officers, directors, shareholders, employees and agents, harmless from any and all claims, liabilities or causes of action or any kind arising from or relating to (i) a breach of Contractor's obligations under this Agreement by the Contractor, its officers, employees, agents, or contractors or (ii) any negligence or willful misconduct, by the Contractor, its officers, employees, agents, or contractors at the Site.
8. **Choice of Law, Limitation of Liability, Costs and fees.** The rights of the Customer and Client will be interpreted in accordance with the law of the State in which the Site is located, including all matters of construction, validity, performance, and enforcement, without giving effect to any principles of conflict of laws. In no event shall either party be liable to the other party under any theory of liability whatsoever for any consequential or punitive damages. In any litigation arising from or relating to this agreement, the prevailing party will recover all such party's attorney's fees costs.
9. **Amendments/Waivers.** This Agreement may not be amended except in writing signed by all parties.
10. **Entire Agreement.** This Agreement, including the Proposal and Contract contains the entire and complete understanding between the parties concerning its subject matter and all representations, agreements, arrangements, and understandings between or among the parties, whether oral or written, have been fully merged herein and are superseded hereby.

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

Two Monument Square, Suite 900
Post Office Box 17555
Portland, Maine 04112-8555

JISEL E. LOPEZ
jlopez@pmhlegal.com

February 27, 2013

Via Hand Delivery

Ms. Shukria Wiar, Planner
Planning & Urban Development Dept.
389 Congress Street, 4th Floor
Portland, ME 04101-3509

Re: Cumberland Farms, Inc. — 801 Washington Avenue

Dear Shukria:

As requested, enclosed please find a CD containing the following items in connection with Cumberland Farm's application for Planning Staff Review of its proposed Site Plan Amendment for the above-referenced property:

1. Site Plan Amendment Application dated January 14, 2013, with attached Exhibits A-D.
2. Cover letter dated January 17, 2013;
3. Colonial Picture 1 & 2 which closely depict the new proposed building materials;
4. "Portland Maine Exterior Building Materials" which compares the materials to be used in the approved site plan with those in the proposed Site Amendment.

Full-size copies of the site plan approved by the Planning Board on May 1, 2012 and of the newly-proposed site plan, as well as Cumberland Farm's check in the amount of \$250.00, were previously submitted to your office under cover letter dated January 17, 2013.

As previously indicated, Cumberland Farms is seeking staff review and approval of its proposed amendment. Section 14-532 (b)(1) of the City's Land Use Code provides

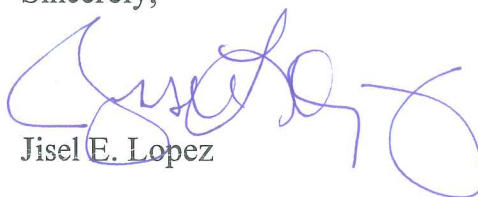
Ms. Shukria Wiar
February 26, 2013
Page 2

that the Planning Authority may approve minor amendments to approved plans "provided that they do not amount to a waiver or substantial alteration of the site plan, and do not affect any condition or requirement of the Planning Board." As the enclosed documents make clear, the proposed changes to the approved site plan are limited to the building design and exterior building elevations. While the proposed colonial design does represent a departure from the approved design, the majority of the components in the approved site plan remain unchanged as do the conditions and requirements imposed by the Planning Board.

Cumberland Farms would additionally request an extension of the standard twelve month time frame for expiration of approved site plans pursuant to section 14-532 (c)(1)(b). We are unaware of any pending changes to any of the applicable ordinances or design manuals which would prohibit the granting of this extension request. Cumberland Farms is prepared to proceed with construction on this project but additional time is required for consideration of the proposed Site Amendment and the procurement of the building permit.

If you have any questions regarding the enclosed or require any additional materials to facilitate the review of the enclosed application, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,



Jisel E. Lopez

JEL/jp
Enclosures
cc: Kathleen Sousa

Proposed



EXISTING





Cumberland
FARMS

10

239

an energy
company

10/10/10

City of Portland
 Development Review Application
 Planning Division Transmittal Form

Application Number: 2013-030 Application Date: 01/25/2013
 CBL: 163 B003001 Application Type: Plan Amendment - Staff Level II

Project Name: Cumberland Farms
 Address: 801 WASHINGTON AVE
 Project Description: Building and Design updates to existing Store Design, enhanced landscaping, fencing.
 Zoning: B1

Other Required Reviews:		
<input type="checkbox"/> Traffic Movement	<input type="checkbox"/> 14-403 Streets	<input type="checkbox"/> Housing Replacement
<input type="checkbox"/> Storm Water	# Units _____	<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Other:
# Lots _____	<input type="checkbox"/> Shoreland	
<input type="checkbox"/> Site Location	<input type="checkbox"/> Design Review	
# Unit _____		

Distribution List:

Planner		Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Danielle West-Chuhta
Civil Engineer	David Sensus	Sanitary Sewer	John Emerson
Fire Department	Chris Pirone	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

Comments needed by ~~2/1/2013~~
 3/20/13

City of Portland
 Development Review Application
 Planning Division Transmittal Form

Application Number: 2013-030 Application Date: 01/25/2013
 CBL: 163 B003001 Application Type: Plan Amendment - Staff Level II

Project Name: Cumberland Farms
 Address: 801 WASHINGTON AVE
 Project Description: Building and Design updates to existing Store Design, enhanced landscaping, fencing.
 Zoning: B1

Other Required Reviews:

- | | | |
|---|---|--|
| <input type="checkbox"/> Traffic Movement | <input type="checkbox"/> 14-403 Streets | <input type="checkbox"/> Housing Replacement |
| <input type="checkbox"/> Storm Water | # Units _____ | <input type="checkbox"/> Historic Preservation |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Flood Plain | <input type="checkbox"/> Other: |
| # Lots _____ | <input type="checkbox"/> Shoreland | |
| <input type="checkbox"/> Site Location | <input type="checkbox"/> Design Review | |
| # Unit _____ | | |

Distribution List:

Planner		Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Danielle West-Chuhta
Civil Engineer	David Sensus	Sanitary Sewer	John Emerson
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		Outside Agency	

Comments needed by ~~2/1/2013~~
 3/20/13

City of Portland
Development Review Application
Planning Division Transmittal Form

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 Project Name: Cumberland Farms
 Address: 801 WASHINGTON AVE
 Project Description: Building and Design updates to existing Store Design, enhanced landscaping, fencing.
 Zoning: B1

Other Required Reviews:

<input type="checkbox"/> Traffic Movement	<input type="checkbox"/> 14-403 Streets	<input type="checkbox"/> Housing Replacement
<input type="checkbox"/> Storm Water	# Units _____	<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Other:
# Lots _____	<input type="checkbox"/> Shoreland	
<input type="checkbox"/> Site Location	<input type="checkbox"/> Design Review	
# Unit _____		

Distribution List:

Planner		Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Danielle West-Chuhta
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		Outside Agency	

Comments needed by ~~2/1/2013~~
 3/20/13

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

Two Monument Square, Suite 900
Post Office Box 17555
Portland, Maine 04112-8555

JISEL E. LOPEZ
jlopez@pmhlegal.com

January 18, 2013

Via Hand Delivery

Ms. Shukria Wiar, Planner
Planning & Urban Development Dept.
389 Congress Street, 4th Floor
Portland, ME 04101-3509

Re: Cumberland Farms, Inc.—801 Washington Avenue

Dear Shukria:

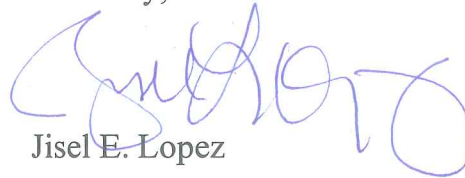
As discussed, enclosed please find Cumberland Farm's application for Planning Staff review of its proposed Site Plan Amendment and its check in the amount of \$250.00 for said review. Also enclosed are full-size copies of the site plan approved by the Planning Board on May 1, 2012 and of the newly-proposed site plan.

As detailed in the narrative accompanying the enclosed application, the proposed changes by Cumberland Farms are limited to the building design and exterior building elevations. While the approved design represents a much needed update of the existing convenience store design, the proposed site plan now reflects a colonial New England design which better complements the surrounding residential and business structures. This new design is carried out through the use of a canopied roof, asphalt roof shingles, vinyl siding, and a cultured stone veneer trim. These building materials are not only compatible with surrounding uses, as required by the City of Portland Design Manual, but also provide greater architectural and visual interest to passersby. The remaining design elements identified in the original site plan application, including the enhanced landscaping, new fencing, and orientation of the proposed windows along Washington and Ocean Avenues, remain unchanged.

Ms. Shukria Wiar, Planner
January 18, 2013
Page 2

If you have any questions regarding the enclosed or require any additional materials to facilitate the review of the enclosed application, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,



Jisel E. Lopez

Enclosures

cc: Kathleen Sousa

PROJECT NAME: Cumberland Farms

PROPOSED DEVELOPMENT ADDRESS: 801 Washington Avenue

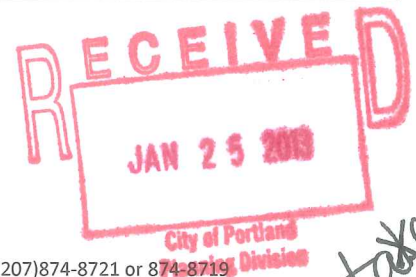
PROJECT DESCRIPTION: See attached

CHART/BLOCK/LOT: Map 163, Block B
Lots 3, 4, 5, 14, 15, 17

PRELIMINARY PLAN _____ (date)
FINAL PLAN _____ (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Cumberland Farms, Inc. Business Name, if applicable: Address: 100 Crossing Boulevard City/State : Framingham, MA Zip Code: 01702	Applicant Contact Information Work # 508-270-1466 Home# Cell # Fax# 781-459-0569 e-mail: ksousa@cumberlandgulf.com
Owner – (if different from Applicant) Name: n/a Address: City/State : Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name Jisel Lopez, Esq, Petrucelli Martin & Haddow LLP Address: 2 Monument Square City/State : Portland, ME Zip Code: 04112-8555	Agent/Representative Contact information Work # 207-775-0200 Cell # Fax# 207-775-2360 e-mail: jhaddow&pmhlegal.com
Billing Information Name: Cumberland Farms, Inc. Address: 100 Crossing Boulevard City/State : Framingham, MA Zip Code: 01702	Billing Information Work # 508-270-1466 Cell # Fax# 781-459-0569 e-mail: ksousa@cumberlandgulf.com



*Takes ok.
Jmey*

Engineer Name: MHF Design Consultants Inc. Address: 44 Stiles Rd., Suite 1 City/State : Salem, NH Zip Code: 03079	Engineer Contact Information Work # 603-893-0720 Cell # Fax# 603-893-0733 e-mail:
Surveyor Name: Maine Survey Consultants Address: P.O. Box 485 City/State : Portland, ME Zip Code:	Surveyor Contact Information Work # 207-583-6159 Cell # Fax# 207-583-2334 e-mail:
Architect Name: Aharonian & Assoc. Address: 310 George Washington Hwy City/State : Smithfield, RI Zip Code:	Architect Contact Information Work # 401-232-5010 Cell # Fax# 401-232-5080 e-mail:
Attorney Name: Jisel Lopez, Esq. Address: 2 Monument Sq. City/State : Portland, ME Zip Code: 04112	Attorney Contact Information Work # 207-775-0200 Cell # Fax# 207-775-2360 e-mail: jhaddow@pmhlegal.com

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level II Development (check applicable reviews) <input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)	Fees Paid (office use) 	Other Reviews (check applicable reviews) <input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Section 14-403 Review (\$400 + \$25/lot) <input type="checkbox"/> # of Lots ___ x \$25/lot = _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Change of Use <input type="checkbox"/> Flood Plain <input type="checkbox"/> Shoreland <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input type="checkbox"/> Historic Preservation	Fees Paid (office use)
<hr/> The City invoices separately for the following: <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.			
Plan Amendments (check applicable reviews) <input checked="" type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)	Fees Paid (office use) 		

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	31,972 sq. ft.
Proposed Total Disturbed Area of the Site	sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)	
IMPERVIOUS SURFACE AREA	
• Proposed Total Paved Area	25,578 sq. ft.
• Existing Total Impervious Area	25,303 sq. ft.
• Proposed Total Impervious Area	25,303 sq. ft.
• Proposed Total Impervious Area	
• Proposed Impervious Net Change	275 sq. ft.
BUILDING AREA	
• Proposed Building Footprint	3,882 sq. ft.
• Proposed Building Footprint Net change	1,482 sq. ft.
• Existing Total Building Floor Area	2,400 sq. ft.
• Proposed Total Building Floor Area	3,882 sq. ft.
• Proposed Building Floor Area Net Change	1,482 sq. ft.
• New Building	(addition) (yes or no)
ZONING	
• Existing	B-2
• Proposed, if applicable	n/a
LAND USE	
• Existing	Retail store with gasoline sales
• Proposed	same
RESIDENTIAL, IF APPLICABLE	
• Proposed Number of Affordable Housing Units	n/a
• Proposed Number of Residential Units to be Demolished	
• Existing Number of Residential Units	
• Proposed Number of Residential Units	
• Subdivision, Proposed Number of Lots	
PARKING SPACES	
• Existing Number of Parking Spaces	22 (including 8 at pumps)
• Proposed Number of Parking Spaces	29 (including 8 at pumps)
• Number of Handicapped Parking Spaces	2
• Proposed Total Parking Spaces	29
BICYCLE PARKING SPACES	
• Existing Number of Bicycle Parking Spaces	0
• Existing Number of Bicycle Parking Spaces	0
• Proposed Number of Bicycle Parking Spaces	10
• Total Bicycle Parking Spaces	10
ESTIMATED COST OF PROJECT	\$1,200,000

APPLICATION SUBMISSION

As of December 1, 2010, all site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Until December 1, 2010, submissions shall include seven (7) packets with folded plans containing the following materials:

1. **Seven (7) full size site plans** that must be **folded**.
2. Seven (7) copies of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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

This application is for a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: Cumberland Farms, Inc. By: <i>Kathleen A. Sousa</i>	Date: January 14, 2013
--	----------------------------------

Kathleen A. Sousa, Land Planning Manager

Application of Cumberland Farms, Inc. for

Plan Amendment

801 Washington Avenue @ Ocean Avenue

Portland, Maine

Cumberland Farms, Inc. ("Cumberland"), is the owner of the above-referenced property used as a retail establishment combined with gasoline sales. In 2010, the subject property, more specifically, lots 3, 4, 15, 17 and a portion of lot 14, was rezoned from Neighborhood Business (B-1) to Community Business (B-2).

By Decision of the Planning Board dated May 1, 2012, Cumberland was granted a Conditional Use Permit and Site Plan Approval to construct a 1,474 s.f. addition to its existing 2400 s.f. convenience store and for other site-related improvements. A copy of the Board's Decision is attached as *Exhibit A*. A copy of the approved Site Plan, approved exterior building elevations, and photo of a similarly designed site are attached as *Exhibit B*.

Subsequent to the Planning Board's approval, a decision was made by Cumberland to revise its exterior building elevations to reflect a more colonial New England design. A summary of those changes is attached as *Exhibit C*. A revised site plan and revised building elevations are attached as *Exhibit D*.

No other changes to the approved plans are proposed and all conditions of approval imposed upon the Conditional Use Permit and Site Plan Approval will be met.

Cumberland respectfully requests an administrative approval of the revised building elevations so that a building permit application may be submitted and construction commenced.

EXHIBIT A

CITY OF PORTLAND, MAINE

PLANNING BOARD

Carol Morrisette, Chair
Stuart O'Brien, Vice Chair
Timothy Dean
Bill Hall
Joe Lewis
David Silk
Patrick Venne

May 1, 2012

Cumberland Farms, Inc.
Attention: Kathleen A. Sousa
100 Crossing Blvd
Framingham, MA 01702

Petrucelli Martin & Haddow, LLP
Attention: Jisel Lopez
50 Monument Square
Portland, ME 04112

Project Name:	Building Addition	Project ID:	2012-418
Address:	801 Washington Avenue	CBL:	163-B-003
Applicant:	Cumberland Farms, Inc.		
Planner:	Shukria Wiar		

Dear Ms. Sousa:

On April 24, 2012, the Planning Board considered a building addition and site improvements to the existing convenience store and the gas station located at 801 Washington Avenue. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review and Site Plan Ordinance. The Planning Board voted 6-0 (Lewis absent) to approve the application with the following waivers and conditions as presented below.

WAIVERS

The Planning Board voted 6-0 (Lewis absent) to waive the Technical and Design Standards and Guidelines:

Section 1.7.2.4. the standard for maximum driveway width (two-way) of twenty-four (24) feet is waived to be forty-six (46) feet, to match the existing, for the main entrance driveway on Ocean Avenue.

Section 1.7.2.8. the standard of no more than two (2) driveways for ingress and egress purposes is waived to allow three driveways to be permitted on site, subject to the driveway on Washington Avenue closest to the intersection shall be ingress only.

Section 1.7.2.7. the standard for location and spacing of driveway that requires access driveways to corner lots shall be located a minimum of thirty-five (35) feet from the intersection is waived to allow driveway closest to the intersection on Washington Avenue to remain as ingress only.

Section 1.14., the standard for parking space design of 9' x 18' is waived to allow two of the parking spaces on site to be 9' x 19'.

CONDITIONAL USE

The Planning Board voted 6-0 (Lewis absent) that the proposed plans are in conformance with the conditional use for auto service stations of the Land Use Code, subject to the following condition:

1. The collection of trash shall occur between the hours of 7 a.m. and 7 p.m.

SITE PLAN REVIEW

The Planning Board voted (6-0 (Lewis absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

1. That prior to the issuance of a building permit, the applicant shall contribute \$5,000 towards the implementation of future traffic signal improvements.
2. That the City shall monitor the future crash patterns at the intersection of Washington and Ocean Avenues and shall identify traffic signal phasing modifications if the crash rates increases.
3. That the applicant shall install detectable warning panels on the sidewalk ramp at the crosswalk crossing on Washington and Ocean Avenues.
4. That the applicant shall address all the comments in David Sensus memorandum dated 04.12.2012 in regard to stormwater on the final site plan prior to the issuance of a building permit.
5. The applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan based on City of Portland standards and state guidelines.
6. That the lighting plan shall be submitted to meet the light trespass of 0.1 foot candle at property line on the northwest corner, prior to the issuance of a building permit.
7. That a five (5) foot esplanade on Washington Avenue shall be installed by the applicant.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application #2012-418 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting. (If applicable)
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at (207) 156-8083 or via shukriaw@portlandmaine.gov

Sincerely,



Carol Morrissette Chair
Portland Planning Board

Attachments:

1. David Senus memorandum dated 04.12.2012
2. Planning Board Report
3. City Code: Chapter 32
4. Performance Guarantee Packet

Electronic Distribution:

cc:

Greg Mitchell, Interim Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPiero, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services

Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Erriso, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

MEMORANDUM



TO: Shukria Wiar, Planner
FROM: David Senus, P.E.
DATE: April 12, 2012
RE: Cumberland Farms, 801 Washington Ave

Woodard & Curran has reviewed the updated plans and response to comments for the Level II Site Plan Application for a Cumberland Farms Expansion at 801 Washington Avenue in Portland, Maine. The project involves a 1,474 square foot building addition and associated site improvements, including the replacement of underground storage tanks and piping.

Documents Reviewed

- Cover Letter dated April 2, 2012 from Jisel E. Lopez to Shukria Wiar, along with referenced attachments.
- Engineering Design Plans, Sheets 1, 3, 4, 4A, 5, 5A dated September 6, 2011 and revised on March 29, 2012, prepared by MHF Design Consultants, Inc. on behalf of Cumberland Farms.

Comments

- The site plans adequately address the Basic Standards with the exception of providing for a stabilized construction exit. A stabilized construction exit should be depicted on the plans and a detail should be provided.
- The City of Portland requires that all Level II site plan applications submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including the General and Flooding Standards (*Technical Manual, Section 5. II. Applicability in Portland. C. a. and City of Portland Code of Ordinances Sec. 14-526. Site plan standards. (b). 3. b.*). The applicability of the General and Flooding standards in the City of Portland applies to all regulated development (except single and two family homes); superseding the applicability requirements outlined in the MaineDEP Chapter 500 standards. The project proposes an additional 3,308 sf of new impervious area. Because the existing site is already fully developed, the applicant is only responsible for ensuring that runoff from an impervious surface area equal to 3,308 sf is managed in accordance with the General and Flooding Standards in order to meet the City's requirements for those Standards. Additional treatment requirements apply under the Urban Impaired Stream Standard, as noted herein.
- The project appears to at least partially fall within the Fall Brook Watershed, which is classified as an Urban Impaired Stream by the MaineDEP. The City of Portland requires that all development subject to City of Portland review, except single and two-family homes, shall be required to comply with the Urban Impaired Stream Standard pursuant to MaineDEP Chapter 500 Stormwater Management Rules if they are located within an Urban Impaired Stream watershed (*Technical Manual, Section 5. II. Applicability in Portland. A.*). Applicability of these standards within the City of Portland supersedes the applicability requirements outlined in the MaineDEP Chapter 500 standards. A project in the watershed of an urban impaired stream must mitigate project impacts by treating, reducing, or eliminating an off-site or on-site impervious stormwater source following the guidance outlined in the MaineDEP Chapter 500 standards. Because the site appears to partially fall within the Fall Brook Watershed, we request that the applicant clarify the locations where their site runoff enters the City's storm drain or combined sewer systems.
- Please clarify the discharge locations for the building and canopy roof leaders.



PLANNING BOARD REPORT PORTLAND, MAINE

Cumberland Farms Addition and Improvements
801 Washington Avenue
Conditional Use with Level II
2012-418
Cumberland Farms, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: April 24, 2012	Prepared by: Shukria Wiar Date: April 20, 2012 Planning Board Report Number: 17-12
--	--

I. INTRODUCTION

Jisel Lopez, Esq. with Petrucci, Martin and Haddow, LLP, on behalf of Cumberland Farms, requests Planning Board review of a proposed Conditional Use for a minor auto service station in the Community Business B-2 zone and a Level II site plan for a proposed building addition and site improvements to the existing convenience store and the gas station located at 801 Washington Avenue.

The site is located at the corner of Washington and Ocean Avenues. The applicant is proposing to construct a 1,474 sq. ft. addition to its existing convenience store for a total retail gross floor area of 3,874 sq. ft. This proposed addition also has prompted additional site improvements to the site. The total area of the parcel is 31,972 sq. ft.

In 2010, this site was rezoned from Neighborhood Business (B-1) and Residential (R-3) to Community Business (B-2). Prior to its rezoning, the use of the property (major/minor auto service establishments) was a grandfathered non-conforming use in the B-1 and R-3 zones. Auto service stations are permitted as a conditional use in the B-2 zone. The proposed development is subject to review under the applicable standards for a Conditional Use in the B-2 zone, the City's Site Plan Ordinance, and the B-2 Design Standards.

Applicant: Cumberland Farms

Consultants: Jisel Lopez, Esq. Petrucci, Martin and Haddow, LLP

This hearing was noticed to one hundred and thirty-five (135) neighbors and interested parties, and advertised in the Portland Press Herald on April 16 and 17, 2012.

II. PROJECT DATA

Existing Zoning:	B-2 Community Business
Existing Use:	Convenience Store and Gas Station
Proposed Use:	Convenience Store and Gas Station
Parcel Size:	31,972 sq. ft.
Impervious Surface Area:	
Existing:	22,056 sq. ft.

Proposed: 25,364 sq. ft.
Net Change: 3,308 sq. ft.

Building Area:

Existing Building Area and Footprint: 2,400 sq. ft.
Proposed Building Area and Footprint: 3,874 sq. ft.
Proposed Building Net Change: 1,474 sq. ft.

Parking Spaces:

Existing: 22 (including 8 spaces at the pumps)
Proposed: 32 (including 8 spaces at the pumps)
Number of Handicapped Spaces: 2

Bicycle Parking Spaces:

Existing: 0
Proposed: 10

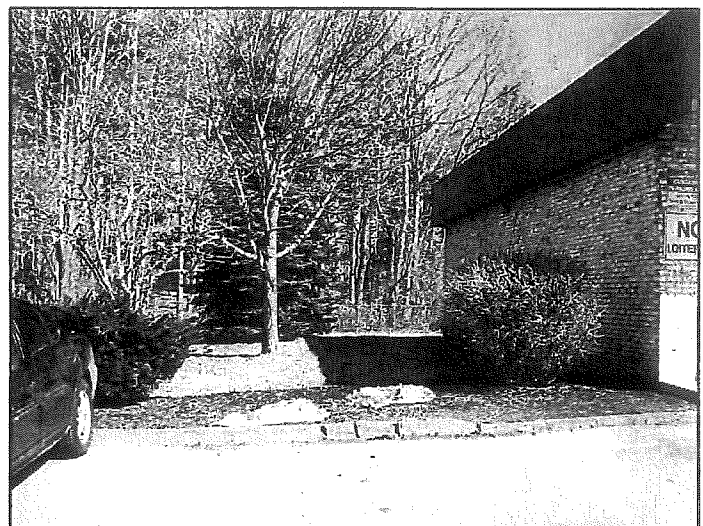
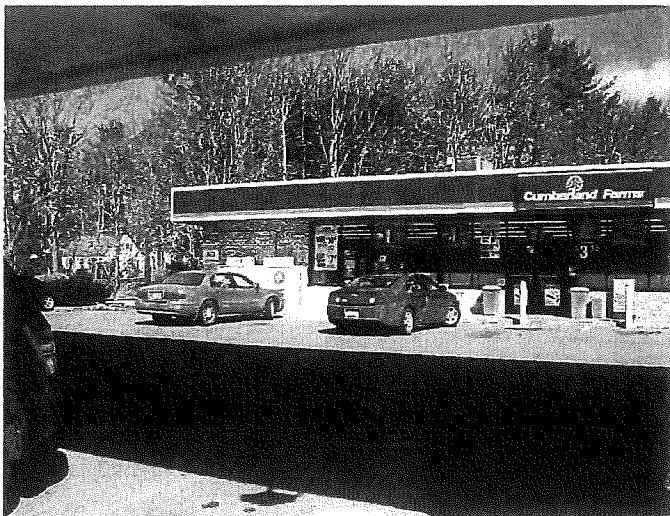
Estimated Total Cost of Project: \$979,250

III. EXISTING CONDITIONS

The site currently includes a convenience store/gas station with a footprint of 2,400 sq. ft., four (4) fuel pumps, and twenty-two (22) parking spaces, including eight (8) parking spaces at the pump. The site has some existing landscaping.

Currently, the site is a legally non-conforming gasoline station with two access points onto Washington Ave. and one access point onto Ocean Ave. An established residential neighborhood is located to the northeast of the site Portland - East Deering Fire Station is located directly behind the site.

Proposed Building Addition Site



IV. PROPOSED DEVELOPMENT

The proposed development is outlined in the applicant's cover letter (Attachment A.3) and shown in the plans (Attachment B.4). Cumberland Farms proposes to construct a 1,474 sq. ft. addition to its existing 2,400 sq. ft. convenience store for a total retail gross floor area of 3,874 sq. ft. The exterior of the building will be updated with new corporate colors and design themes. The applicant proposes to increase the number of parking spaces onsite, and to include other site improvements such as additional landscaping, a new concrete walkway, and bicycle parking.

The four existing gas islands, concrete pad, and fuel dispensers will be replaced in kind. There are three (3) existing 8,000 gallon underground storage tanks on site that will be replaced with two (2) 20,000 gallon underground tanks. This change will reduce the number of fuel deliveries to the site.

The applicant proposes to replace the existing commercial signage on site. There are a number of signage changes that will need to be reviewed under a separate signage permit application through the Inspections Division.

V. PUBLIC COMMENT

Peggy McGehee, Esq. of Perkins and Thompson, on behalf of Nancy Hersey and Dave Powers of 17 Slemon Road phoned and emailed her clients' concerns about the project. They request that the Board require the applicant to install a seven (7) foot stockade fence along the rear property line and along portions of the sidelines of site to increase safety and minimize adverse visual impact. They also request that the Planning Board impose restrictions on opening and closing hours to prevent early morning or late night noise, namely from the opening and slamming of the dumpsters.

Since the abovementioned concerns were expressed, the applicant has added a six foot vinyl fence along the rear property line to the site plans. The applicant has also proposed hour limitations on trash pickup, limiting it to between the hours of 7:00 AM to 7:00 PM.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

a. The owner of the property is Gulf Oil Corporation. The applicant has provided a copy of a Quitclaim Deed, recorded at the Cumberland County Registry of Deeds (Book 6310 Page 145), which demonstrates their right, title and interest in the property.

b. The estimated cost of the development is \$979,250. The applicant has submitted a letter from Cumberland Farms, dated September 15, 2011 as demonstration of their financial and technical capacity to complete the proposed development.

VII. ZONING ASSESSMENT

The site is located in the B-2 Business Community Zone where auto service stations are permitted as a Conditional Use. Marge Schmuckal, Zoning Administer, has submitted comments confirming that the proposal meets the requirements of the B-2. According to the Ms. Schmuckal's review (see Attachment 1), the addition would not meet the maximum building setback requirement from the street right-of-way line, however, in Section 14-185(b)(3)(7) there is an exemption of the maximum building setback requirements for building additions. The proposed building addition, therefore, is exempt from the maximum setback requirement.

The applicant proposes installation of new and replacement of existing commercial signs (they are no longer proposing a rooftop sign on the tower feature), which is subject to separate review under the provisions of the Sign Ordinance (Division 22). Separate permits are also required for any HVAC units that may be installed or upgraded. The B-2 zone

does have a maximum noise limit that will need to be met.

A. CONDITIONAL USE REVIEW (Section 14-183):

The site is located in B-2 Community Business Zone which permits automobile service stations as a conditional use. The site abuts an R-3 Residential Zone and an R-P Residential Professional Office Zone to the north. The zoning definition of a major or minor auto service station, as stated in Section 14-47 states:

Retail establishments combined with gasoline, diesel or propane fuel sales shall be considered a single use for zoning purposed and shall constitute a major or minor auto service establishment.

Even though there are no changes to the fueling stations on (i.e. the number of fuel pumps and locations is staying the same), the addition of the building is triggering the conditional use review.

The proposed development will be reviewed by staff and the Board for conformance with the relevant Conditional Use standards of Portland's Zoning Ordinance Section 14-183 and Section 14-474.

Sec. 14-183. Conditional uses identifies auto service stations in the B-2 zone as a conditional business use if they meet the following requirements, and "*the Planning Board shall be substituted for the Board of Appeals as the reviewing authority over conditional business uses*". The applicant's submission addressing the conditional use criteria is included in the Applicant's packet (Attachment A.2).

Section 14-183 specifies for conditional business uses, including major and minor auto service stations:

In addition to approval by the Planning Board with respect to the requirements of Article V (Site Plan), sections 14-522 and 14-523 notwithstanding, these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

The requirements taken from the Ordinance 14-183 are in italics below, together with a staff comment in respect of the proposals.

- a. Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services of goods available on the premises.*

Staff comment: The applicant is proposing a number of signs (both new or replacement), on both the building and the canopy. These signs require separate sign permits under the Sign Ordinance. The proposed building signs and freestanding sign (which will actually be reduced from the existing signage) will not adversely affect visibility at intersections or access drives.

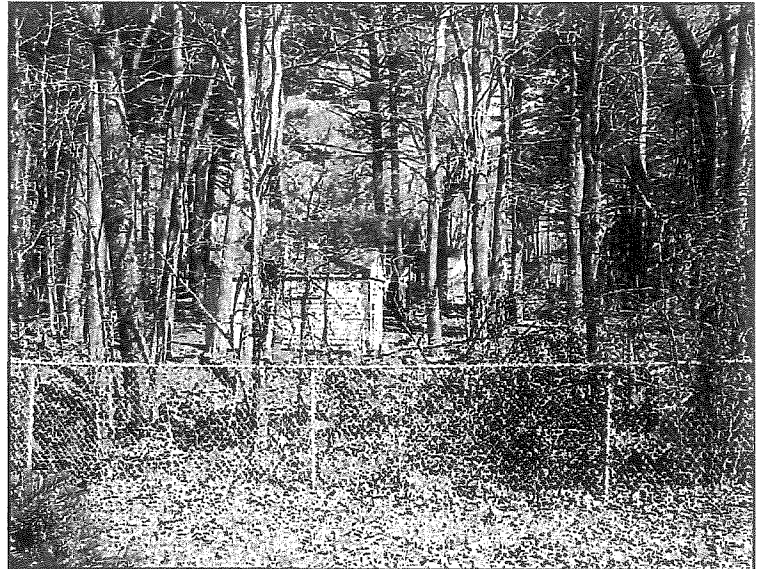
- b. Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.*

Staff comment: The site currently has three driveway cuts from the two streets: two (24 feet and 22 feet) on Washington Avenue and one (approx. 45 feet) on Ocean Avenue. The 22 foot driveway on Washington Ave is located at the intersection. The applicant is proposing to retain all three existing curb cuts. Tom Errico,

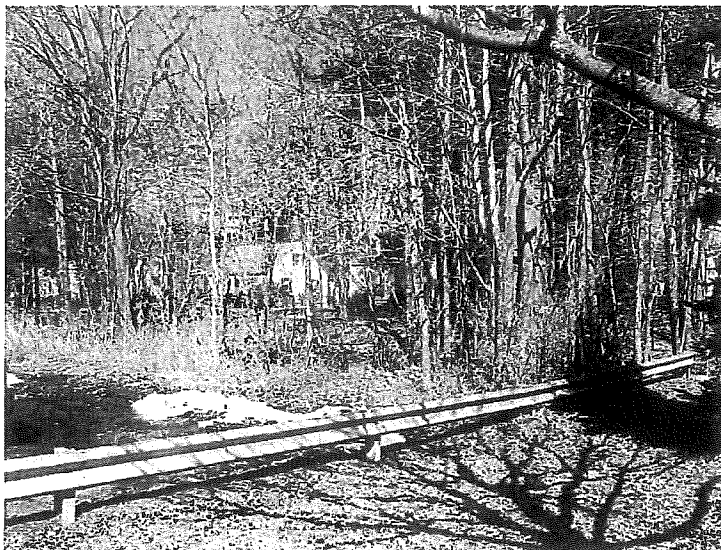
Consulting Engineer has reviewed the site plan and determined that the existing driveways do not meet City standards, specifically driveway widths, driveway separations and corner clearances. A written waiver request has been submitted by the applicant for the Board's review (refer to Site Plan Standards, Transportation below).

g.i. A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland Technical Manual.

Staff comment: The proposal includes a 20 foot wide landscaped buffer at the rear of the property between the customer parking area and the Portland - East Deering Fire Station, incorporating two existing trees and adding new shrubs. The applicant proposes to retain the existing landscaping around the site. The applicant added a six foot solid fence along the rear property line and a portion of the side property line to address neighbors' concerns, as discussed earlier in this report. (see Attachment 3). There are four street trees along the Ocean Avenue frontage and none along the Washington Avenue frontage, which has an existing sidewalk. There is an existing landscaped area along Washington Avenue that is consistent with this standard. If a waiver is not granted and the third curb cut is closed, then the landscaped buffer could be extended in that area.



Property Directly Behind the Building Addition



Property Diagonal from the Building Addition

The following standards apply to all conditional uses:

Section 14-474(c)(2) *Standards: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:*

- a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use.*

Staff comment: There are no known unique or distinctive characteristics associated with the proposed use.

- b. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area:
and*

Staff comment: There are no anticipated adverse impacts upon the health, safety or welfare of the public as a result of this project if the project includes well-landscaped islands on the site and introduce a solid fence between this property and the surrounding abutter's property, as proposed.

- c. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

Staff comment: The gas station and convenience store at this location is an existing use and is located at a major intersection. The proposed expansion of the retail component of this project and the upgrade of the gas pumps is not expected to differ substantially from the current impacts or other similar uses in that zone.

VIII. DEVELOPMENT REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of Section 14-526- Site Plan. Staff comments are highlighted in this report.

SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards

Traffic:

The proposal has been reviewed in terms of its impact on the surrounding street systems, access and circulation, loading and servicing, sidewalk and parking.

While the Washington Avenue/Ocean Avenue intersection operates at an acceptable level of service (LOS) overall, certain turning movements are projected to operate at poor LOS upon completion of the project. It should be noted that the proposed project does not create the deficiency, but worsens an already poor LOS. Tom Errico, Consulting Traffic Engineer, has reviewed the proposed site plan and had requested the applicant should:

Identify strategies for implementation that will eliminate the deficient conditions. The applicant has not identified recommendations that will improve the operating condition of the intersection. Intersection capacity expansion is not an option at this location. The City has been aggressively implementing traffic signal improvements along key corridors of the City as part of a regional traffic management system and Washington

Avenue is a future candidate for the system. Accordingly, the applicant should contribute \$5,000 towards the implementation of future traffic signal improvements.

A potential condition of approval:

That prior to the issuance of a building permit, the applicant shall contribute \$5,000 towards the implementation of future traffic signal improvements.

Most of the car crashes at the intersection of Washington and Ocean Avenues are rear-end type of accidents that are happening on Washington Avenue. These types of crashes are usual for a congested intersection and improvements in signal equipment efficiency can improve the current conditions at the intersection. According to Mr. Errico, Traffic Engineer, no precise action is suggested at this time, other than upgrading the existing traffic signal system. Another pattern was also recognized which is a left-turn movement from eastbound Ocean Avenue colliding with Ocean Avenue westbound through vehicles. There were three crashes of this type that occurred over a three-year period. Mr. Errico suggests that the City monitor future crash patterns and identify traffic signal phasing modifications if rates intensify.

A potential condition of approval:

That the City shall monitor the future crash patterns at the intersection of Washington and Ocean Avenues and shall identify traffic signal phasing modifications if crash rates increase.

Driveways

The parcel has three (3) curb cuts: two (24 feet and 22 feet) on Washington Avenue and one (approx. 45 feet) on Ocean Avenue. The 22 foot driveway on Washington Ave is located at the intersection. The applicant is proposing to retain all three existing curb cuts. Mr. Errico had requested that applicant provide an analysis of the existing driveways. The existing curb cuts do not meet City standards, specifically driveway widths, driveway separations and corner clearances, and number of driveways per site.

The following standards apply and the existing driveways on site do not meet:

Section 1.7.2.4. Maximum driveway width (two-way): The maximum width of a driveway will be based upon site conditions or vehicle characteristics that warrant a wider access (e.g., dedicated turn lanes at exits) and will require approval of the reviewing authority. Maximum widths shall not exceed the following, although confirmation of exact capacity requirements will be necessary:

- Commercial -24 feet

Section 1.7.2.7. Location and spacing of driveways: The location and spacing of driveways shall be determined as follows: Along local streets, access driveways to corner lots shall be located a minimum of thirty-five (35) feet from the intersection of the projection of right-of-way lines to the center line of the driveway, except as provided hereinafter.

Section 1.7.2.8. Number of driveways: No more than two (2) driveways shall be permitted for ingress and egress purposes to any commercial, industrial or residential (with 10 or more parking spaces) site.

Therefore the applicant has submitted a written waiver request for the Board's consideration. The applicant has not submitted any supporting documentations for the waiver. Mr. Errico states that:

The driveway located on Washington Avenue nearest Ocean Avenue does not meet City corner clearance and driveway spacing standards and should be closed. The applicant has not provided documentation that supports the need to maintain this driveway from a site access/egress and on-site circulation perspective. I would also note that the proposed site exceeds the maximum number of driveways allowed per City standards (a maximum of two driveways is permitted).

A potential condition of approval:

That prior to the issuance of a building permit, the applicant shall submit revised plans showing closure the driveway closest to the intersection on Washington Avenue, replacing it with a permanent landscaped island.

Sidewalks:

The Department of Public Services has confirmed that the existing sidewalk and curbing are in good condition (Attachment 5). The sidewalk along Washington Avenue is wide and does not have an esplanade. Mr. Margolis has suggested (not a requirement) that consideration be given to re-installing an esplanade. In his memorandum dated 04.13.2012, he states that:

By removing a 5' by 90' section of bituminous sidewalk and replacing with loam and seed, the applicant could eliminate approximately 450 sq. ft. of impervious area. By closing the curb cut and landscaping, additional pervious surface could be credited to meeting stormwater treatment requirements for the site.

Mr. Pineo also requests that the applicant install a sidewalk ramp with a detectable warning panel at the corner of Washington and Ocean Ave, adjacent to the applicant's property, and to install a sidewalk ramp with a detectable warning panel for the crosswalk crossing Washington Ave.

A potential condition of approval

That the applicant shall install detectable warning panels on the sidewalk ramps at the crosswalk crossing on Washington and Ocean Avenues on the final site plans.

Parking:

The applicant is proposing to increase the parking spaces from 22 parking spaces to 32 parking spaces. The parking space dimension does meet the City standards except for two spaces. The dimension for the two parking spaces is 9 x 19 feet because these spaces are located in the front of the store and in front of a new Red Box video kiosk. The applicant has requested a formal waiver from the City's Technical standards for the two spaces. Mr. Errico is supportive of the waiver.

Bicycle Parking:

Division 20 of the City Code- Off-Street Parking requires three bicycle parking spaces for this proposal, which have been included on the plans and meet the City's Technical Standards.

The proposals identify new bike hitches that provide 10 spaces and a snow storage area at the rear property line (See Site Plan, Attachments B.4).

2. Environmental Quality Standards

Preservation of Significant Natural Features:

There are no significant natural features on this site, which is already developed. There are four to six large trees along the rear boundary line. Some but not all of these will be preserved as part of this proposal.

Water Quality; Stormwater Management; Erosion Control:

The City requires that all Level II site plan applications submit a stormwater management plan per the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including the Basic, General, and Flooding Standards. Since the project proposes an additional 3,308 sq. ft. of new impervious area, the applicant has to submit a stormwater management plan that addresses the general and flooding standards for the increased impervious area. The site plan does not include stormwater best management practices in conformance with the general standards. The project site also falls partially within the Fall Brook Watershed, which is classified as an Urban Impaired Stream by the MaineDEP. David Senus, Consulting Civil Engineer, has reviewed the submitted project and states in his comments that:

The applicability of the General and Flooding standards in the City of Portland applies to all regulated development (except single and two family homes); superseding the applicability requirements outlined in the MaineDEP Chapter 500 standards. The project proposes an additional 3,308 sq. ft. of new impervious area. Because the existing site is already fully developed, the applicant is only responsible for ensuring that runoff from an impervious surface area equal to 3,308 sq. ft. is managed in accordance with the General and Flooding Standards in order to meet the City's requirements for those Standards. Additional treatment requirements apply under the Urban Impaired Stream Standard.

As mention above, by replacing a section of bituminous sidewalk with loam and seed, the applicant could eliminate approximately 450 sq. ft. of impervious area. Additionally, by replacing one of the existing curb cuts with landscaping, additional pervious surface could be credited to meeting stormwater treatment requirements.

Please refer to Attachment 4 for Mr. Senus' full review.

According to the grading plans, the northwest corner of the site drains onto the abutters' property. It is the applicant's responsibility not to increase the drainage onto the abutting property. It is requested that the applicant address this issue of drainage.

A potential conditional of approval:

That the applicant shall address all the comments in David Senus' memorandum dated April 22, 2012 in regard to stormwater on the final site plan prior to the issuance of a building permit.

3. Public Infrastructure and Community Safety Standards

Consistency with Master Plans:

The Department of Public Services has confirmed the proposal is consistent with the sidewalk facilities plans. Please refer to Attachment 5 for David Margolis- Pineo, Deputy City Engineer's full review.

4. Site Design Standards

Historic Resources:

The proposed site alterations do not affect any historic resources.

Exterior Lighting:

The proposal includes new wall mounted lights, canopy lights, and new pole-mounted site lights around the parking /circulation area, as shown on the Lighting Plan in Attachment B.14. The applicant has submitted lighting specifications and photometric information; the illumination at the northwest property line is meeting the City's Technical Standards at the site, a house-side shielding may be necessary on the luminaires to comply with applicable lighting standards. Catalogue cuts have been submitted from the applicant for all proposed lighting on site.

A potential condition of approval:

That a revised lighting plan shall be submitted meeting the requirement that light trespass not exceed 0.1 foot candles at property line on the northwest corner, prior to the issuance of a building permit.

Noise and Vibration:

Two dumpsters are proposed on the property at the rear property line. These dumpsters will be screened by a six-foot chain link fence with green slats. The applicant will also need to submit information the schedule of pick-up times in accordance with the proposed hourly restrictions.

Signage and Wayfinding:

Since the site is already developed, signage and wayfinding for traffic is currently in place.

Zoning Related Design Standards:

Developments in the B-1, B-1b, B-2, and B-2b shall meet the following guidelines in order to meet the Site Plan Standards. The design review of the proposal was conducted by Alexander Jaegerman, Rick Knowland and Shukria Wiar of the Planning Division.

The Site Plan Standard for B-2 design review is as follows:

(iii) B1, B1-b, B2, B2-b Zones: Development in the B1, B1-b, B2 and B2-b business zones shall provide an established street wall with entrances and public portions of the building oriented to and directly accessible from the public sidewalk and shall be designed and scaled to be compatible with surrounding residential and commercial development as demonstrated by compliance with all applicable design standards listed in the Design Manual.

In review of the design standards for any zone, the Design Manual contains the following guidance:

Review and Determination of Compliance:

To be approved, site plans must adhere to the applicable design standards taken as a whole, and present the best design response to the standards achievable for the overall design program. A project shall be rejected as not meeting the applicable design standards if the project, taken as a whole, fails to meet or address applicable design criteria.

The proposal generally meets the B-2 design standards. The task before the Planning Board is to assess the overall standard quoted above from the site plan ordinance, as informed by the detailed assessment of each standard provided

by staff. The Design Manual emphasizes that the review authority must assess the project "as a whole" and determines that it is "the best design response to the standards achievable for the overall design program".

In this case, the convenience store and gas station is an existing on the site and many of these conditions do not apply to the project. Applicable design standards include:

1. Standard 4: Windows. The applicant should consider installing one more window panel in the proposed building addition, on the façade facing Washington Avenue and maintain 50% visibility through the windows.
2. Standard 7: Development Relationship to the Street. Since the building sets back from the street, it is recommended that the applicant include more landscaping in the existing landscaped island. Addition street trees would also add vertical height and improve the streetscape along the two streets.

IV. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed development with conditions.

IX. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 17-12 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

That the Planning Board [waives / does not waive] Section 1.7.2.4., the maximum driveway width (two-way) of twenty-four (24) feet to be forty-six (45) feet for the main entrance driveway on Ocean Avenue.

That the Planning Board [waives / does not waive] Section 1.7.2.8. number of driveways: no more than two (2) driveways shall be permitted for ingress and egress purposes to allow three driveways to be permitted on site.

That the Planning Board [waives / does not waive] Section 1.7.2.7. location and spacing of driveways: the access driveways to corner lots shall be located a minimum of thirty-five (35) feet from the intersection to allow driveway closest to the intersection on Washington Avenue to remain.

That the Planning Board [waives / does not waive] Section 1.14, Parking Space Design: Standard parking of 9' x 18' to allow two of the parking spaces on site to be 9' x 19'.

B. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #17-12 for application #2012-418 relevant to the conditional use application and other regulations, and the testimony presented at the Planning Board public hearing, the Planning Board finds the conditional use for auto service stations [is /is not] in conformance with the conditional use standards of the Land Use Code subject to the following conditions:

- i. The collection of trash shall occur between the hours of 7 a.m. and 7 p.m.

- ii. If Planning Board does not grant a waiver for the number of curb cuts and a curb cut closure is required, then revised plans shall be submitting showing the closure of the curb cut to meet technical standards and a five foot wide landscaped buffer along the street right-of-way line for the closed curb cut.

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #17-12 for application #2012-418 relevant to the Site Plan and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. SITE PLAN REVIEW

The Planning Board votes [insert vote] that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That prior to the issuance of a building permit, the applicant shall contribute \$5,000 towards the implementation of future traffic signal improvements.
- ii. That the City shall monitor the future crash patterns at the intersection of Washington and Ocean Avenues and shall identify traffic signal phasing modifications if the crash rates increases.
- iii. That prior to the issuance of a building permit, the applicant shall submit revised plans showing closure the driveway closest to the intersection on Washington Avenue, replacing it with a permanent landscaped island.
- iv. That the applicant shall install detectable warning panels on the sidewalk ramp at the crosswalk crossing on Washington and Ocean Avenues.
- v. That the applicant shall address all the comments in David Senus memorandum dated 04.12.2012 in regard to stormwater on the final site plan prior to the issuance of a building permit.
- vi. The applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan based on City of Portland standards and state guidelines.
- vii. That the lighting plan shall be submitted to meet the light trespass of 0.1 foot candle at property line on the northwest corner, prior to the issuance of a building permit.
- iii. If Planning Board does not grant a waiver for the number of curb cuts and a curb cut closure is required, then revised plans shall be submitting showing the closure of the curb cut to meet technical standards and a five foot wide landscaped buffer along the street right-of-way line for the closed curb cut.

Attachments:

Planning Board Report Attachments

- I. Marge Schmuckal Memorandum, Dated 03.09.2012

2. Tom Errico Memorandum, Dated 04.18.2012
3. Jeff Tarling Memorandum, Dated 03.08.2012
4. David Senus Memorandum, Dated 04.12.2012
5. David Margolis-Pineo Memorandum, Dated 04.13.2012
6. Captain Chris Pirone Memorandum
7. Design Standards for B-2
8. Abutter Comment

A - Applicant's Submittal, Dated 01.23.2012

- A.1 Application for Conditional Use
- A.2 Application for Site Plan
- A.3 Project Description
- A.4 Evidence of Right, Title and Interest
- A.5 Copies of State and/or Federal Permits
- A.6 Evidence of Financial Capacity
- A.7 Evidence of Utility Capacity
- A.8 Management of Solid Waste Generated On-Site
- A.9 Wastewater Application
- A.10 Traffic Impact and Access Study

B- Applicant's Submittal, Dated 04.02.2012

- B.1 Cover Letter Outlining Changes on Site Plan
- B.2 Response to Traffic Comments
- B.3 Waiver Request for Driveway on Washington Avenue
- B.4 Waiver Request for Parking
- B.5 Response to Stormwater Management Comments
- B.6 Evidence of Utility Capacity
- B.7 Demo Permit from 1988
- B.8 Lighting Catalogue Cuts

C- Site Plan

- C.1 Cover Letter
- C.2 Existing Conditions Plan
- C.3 Demolition Plan
- C.4 Site Plan
- C.5 Grading and Utility Plan
- C.6 Landscaping Plan
- C.7 Details
- C.8 Canopy Elevations
- C.9 Existing/ Proposed sign Drawing
- C.10 Proposed Floors Plans
- C.11 Exterior Elevations
- C.12 Exterior Elevations
- C.13 Proposed Life Safety Plan
- C.14 Lighting Plan/ Photometric Plan

EXHIBIT B

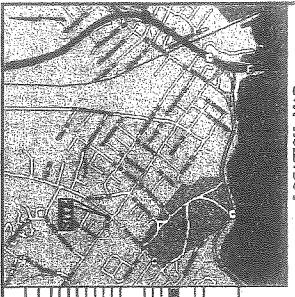


TABLE OF ZONING REGULATIONS - PORTLAND, ME
SEVERE COMMUNITY BUSINESS (SC-2)

DESCRIPTION	REQUIREMENTS	PROVIDED
MINIMUM LOT AREA	50,000 SQ. FT.	31,972 SQ. FT.
MINIMUM LOT DEPTH	150 FT.	150 FT.
MINIMUM FRONT YARD SETBACK	10 FT.	10 FT.
MINIMUM SIDE YARD SETBACK	5 FT.	5 FT.
MINIMUM REAR YARD SETBACK	5 FT.	5 FT.
MINIMUM BUILDING HEIGHT	35 FT.	35 FT.
MINIMUM BUILDING FOOTPRINT	10,000 SQ. FT.	10,000 SQ. FT.
MINIMUM OPEN SPACE	10,000 SQ. FT.	10,000 SQ. FT.
MINIMUM PARKING	10 SPACES	10 SPACES
MINIMUM SIGNAGE	SEE SIGNAGE REGULATIONS	SEE SIGNAGE REGULATIONS
MINIMUM TREE RETENTION	SEE TREE REGULATIONS	SEE TREE REGULATIONS

NOTES:

1. THE MAP 163 BLOCK 8 LOTS 3, 4, 5, 14, 15 & 17
2. ZONING DISTRICT COMMUNITY BUSINESS (SC-2)
3. LOT AREA = 31,972 SQ. FT.
4. DISTRICT MAP 163 BLOCK 8 LOT 15
5. ALL BUILDINGS AND SITE CONSTRUCTION SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE ZONING DISTRICT COMMUNITY BUSINESS (SC-2), EFFECTIVE JULY 23, 2004.
6. THE USE OF ANY SIGNAGE SHALL BE SUBJECT TO THE CITY OF PORTLAND SIGNAGE REGULATIONS.
7. THE USE OF ANY TREE RETENTION SHALL BE SUBJECT TO THE CITY OF PORTLAND TREE REGULATIONS.
8. THE COMMUNITY BUSINESS, LOCAL AND COORDINATE WITH DISTRICT 1-400-344-7333
9. ALL SHADOWS OF THE CITY OF PORTLAND ARE THE PROPERTY OF MAINE.
10. ALL CONSTRUCTION SHALL COMPLY WITH THE CITY OF PORTLAND ZONING DISTRICT COMMUNITY BUSINESS (SC-2) REGULATIONS AND THE CITY OF PORTLAND ZONING DISTRICT COMMUNITY BUSINESS (SC-2) REGULATIONS.
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20. THE CITY OF PORTLAND ZONING DISTRICT COMMUNITY BUSINESS (SC-2) REGULATIONS SHALL BE APPLIED TO THIS PROJECT.

PLAN REFERENCES:

1. MAINE COMMUNITY BUSINESS (SC-2) REGULATIONS
2. CITY OF PORTLAND ZONING DISTRICT COMMUNITY BUSINESS (SC-2) REGULATIONS
3. CITY OF PORTLAND ZONING DISTRICT COMMUNITY BUSINESS (SC-2) REGULATIONS
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19. CITY OF PORTLAND ZONING DISTRICT COMMUNITY BUSINESS (SC-2) REGULATIONS
20. CITY OF PORTLAND ZONING DISTRICT COMMUNITY BUSINESS (SC-2) REGULATIONS

GRAPHIC SCALE



MAINE COMMUNITARIANS, INC.
 28 Washington Ave., 2nd Floor
 Portland, ME 04103
 (207) 833-5770
 www.maine-communitarians.com

PORTLAND, MAINE
 DATE: 11-11-11
 DRAWN BY: [Name]
 CHECKED BY: [Name]

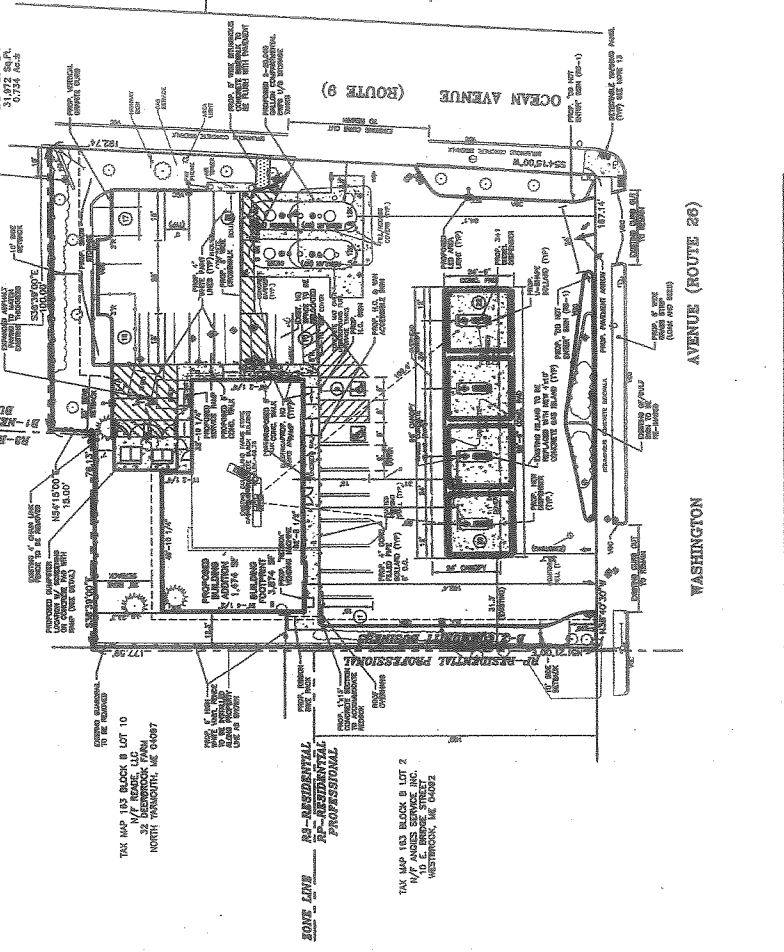
Cumberland Planning Inc.
 115 South Main Street
 Portland, ME 04102
 (207) 833-5770
 www.cumberlandplanning.com

PROJECT NO. 200803 SHEET 4 OF 11

TABLE OF ZONING REGULATIONS - PORTLAND, ME
SEVERE COMMUNITY BUSINESS (SC-2)

DESCRIPTION	REQUIREMENTS	PROVIDED
MINIMUM LOT AREA	50,000 SQ. FT.	31,972 SQ. FT.
MINIMUM LOT DEPTH	150 FT.	150 FT.
MINIMUM FRONT YARD SETBACK	10 FT.	10 FT.
MINIMUM SIDE YARD SETBACK	5 FT.	5 FT.
MINIMUM REAR YARD SETBACK	5 FT.	5 FT.
MINIMUM BUILDING HEIGHT	35 FT.	35 FT.
MINIMUM BUILDING FOOTPRINT	10,000 SQ. FT.	10,000 SQ. FT.
MINIMUM OPEN SPACE	10,000 SQ. FT.	10,000 SQ. FT.
MINIMUM PARKING	10 SPACES	10 SPACES
MINIMUM SIGNAGE	SEE SIGNAGE REGULATIONS	SEE SIGNAGE REGULATIONS
MINIMUM TREE RETENTION	SEE TREE REGULATIONS	SEE TREE REGULATIONS

MAP 163 BLOCK 8 LOTS 3, 4, 5, 14, 15 & 17



TAX MAP 163 BLOCK 8 LOT 10
 1/2 CITY OF PORTLAND
 399 CONGRESS STREET
 PORTLAND, ME 04101

TAX MAP 163 BLOCK 8 LOT 11
 1/2 CITY OF PORTLAND
 399 CONGRESS STREET
 PORTLAND, ME 04101

TAX MAP 163 BLOCK 8 LOT 12
 1/2 CITY OF PORTLAND
 399 CONGRESS STREET
 PORTLAND, ME 04101

TAX MAP 163 BLOCK 8 LOT 13
 1/2 CITY OF PORTLAND
 399 CONGRESS STREET
 PORTLAND, ME 04101

TAX MAP 163 BLOCK 8 LOT 14
 1/2 CITY OF PORTLAND
 399 CONGRESS STREET
 PORTLAND, ME 04101

TAX MAP 163 BLOCK 8 LOT 15
 1/2 CITY OF PORTLAND
 399 CONGRESS STREET
 PORTLAND, ME 04101

TAX MAP 163 BLOCK 8 LOT 16
 1/2 CITY OF PORTLAND
 399 CONGRESS STREET
 PORTLAND, ME 04101



MAINE COMMUNITARIANS, INC.
 28 Washington Ave., 2nd Floor
 Portland, ME 04103
 (207) 833-5770
 www.maine-communitarians.com

Cumberland Planning Inc.
 115 South Main Street
 Portland, ME 04102
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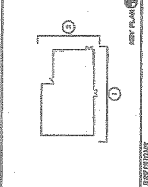
MAINE COMMUNITARIANS, INC.
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 Portland, ME 04103
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 115 South Main Street
 Portland, ME 04102
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 www.cumberlandplanning.com



AHARONIAN & ASSOCIATES ARCHITECTS
 310 George Washington Highway
 Southold, Rhode Island
 02888-1117
 P: 401-833-8888
 WWW.AHARON-INC.COM

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NO.	REVISION	DATE
1	ISSUED	
2		
3		



FOR CONSTRUCTION
 PROJECT TITLE
Cumberland
 100 Drexler Blvd., Pawtucket, Massachusetts
 STORE # 5604
 110739

801 WASHINGTON AVE
 PORTLAND, ME
 Cumberland County

EXTERIOR ELEVATIONS
 SHEET NO. JULY 14, 2012
 DRAWN BY J.A.
 CHECKED BY J.A.
 SCALE 1/4" = 1'-0"

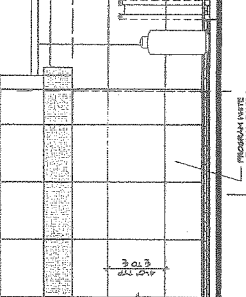
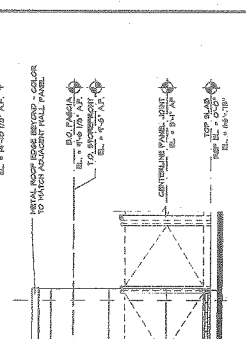
A3.1

MALL SIGNAGE SPECIFICATION:
 SIGNAGE FABRICATED INTERNALLY ILLUMINATED WITH LED'S. INSTALL IN FIELD BY S.C. SIGN PANEL 8'00" WIDE x 10'00" HIGH.

EXTERIOR FINISH SPECIFICATIONS:
 METAL ROOF EDGE - COLOR TO MATCH ADJACENT WALL PANEL.
 METAL WALL PANELS - COLOR TO MATCH ADJACENT WALL PANEL.
 METAL WALL PANELS - CONCRETE PROGRAM MOUNTING CRIB.
 PROGRAM MOUNTING CRIB.
 METAL ROOF EDGE - COLOR TO MATCH ADJACENT WALL PANEL.
 METAL WALL PANELS - CONCRETE PROGRAM MOUNTING CRIB.
 PROGRAM MOUNTING CRIB.

INSULATED METAL WALL PANELS:
 INSULATED METAL WALL PANELS.
 INSULATED METAL WALL PANELS.
 INSULATED METAL WALL PANELS.

EXTERIOR ELEVATION NOTES:
 U - SEE A3.1 FOR SCHEDULE & RESPONSIBILITIES



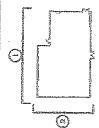
2 EAST (SIDE) ELEVATION
 SCALE 1/4" = 1'-0"

1 SOUTH (FRONT) ELEVATION
 SCALE 1/4" = 1'-0"



AHARONIAN & ASSOCIATES ARCHITECTS
 210 George Washington Highway
 Portland, ME 04103
 Telephone: 603.733.1177
 Fax: 603.733.1188
 www.aharonian.com

NOTES:
 1. INDICATE THE LOCATION OF ALL EXISTING AND PROPOSED STRUCTURES AND UTILITIES ON THE PLANS.
 2. ALL DIMENSIONS ARE IN FEET AND INCHES.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STRUCTURE.
 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STRUCTURE.
 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STRUCTURE.



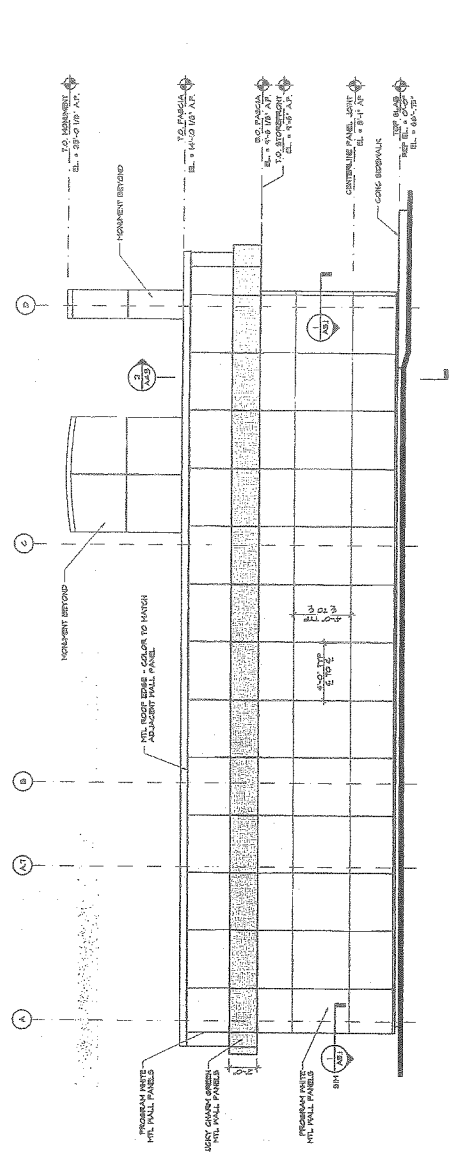
NO.	REVISION	DATE



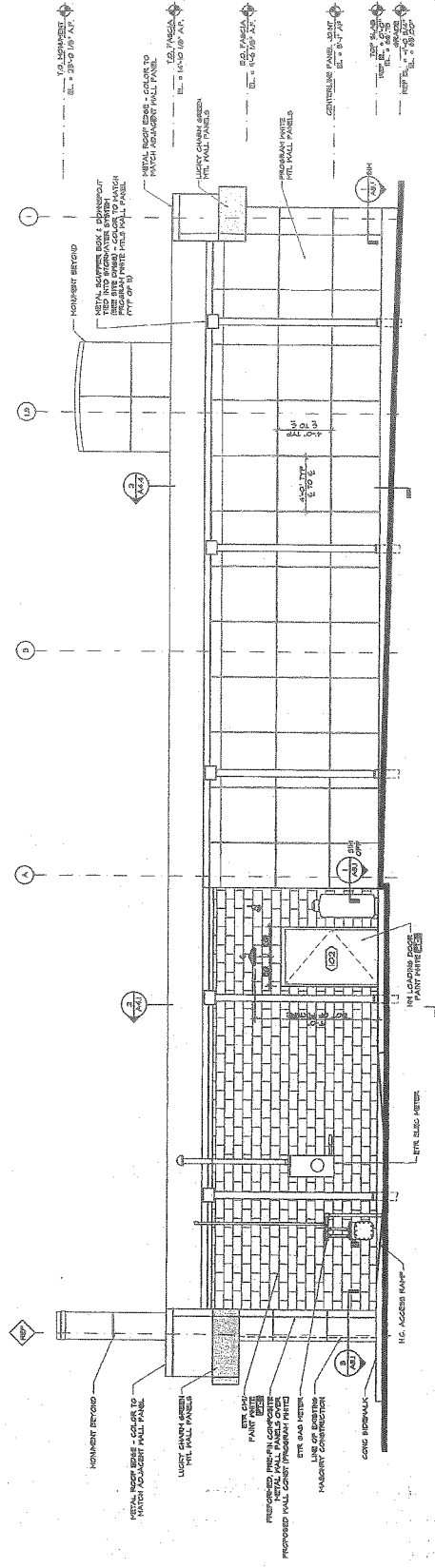
FOR CONSTRUCTION
Cumberland
 110 Downing Rd., Scarborough, Maine 04114
 STORE # 3804
 V1079

801 WASHINGTON AVE
PORTLAND, ME
 Cumberland County

EXTERIOR ELEVATIONS
 DATE: JULY 14, 2012
 DRAWN BY: J.A.
 CHECKED BY: A.E.
 SHEET NUMBER: A3.2



2 WEST (SIDE) ELEVATION
 SCALE: 1/4" = 1'-0"



1 NORTH (REAR) ELEVATION
 SCALE: 1/4" = 1'-0"



Cumberland Farms

10

2.99

As you buy
more, you
save more!

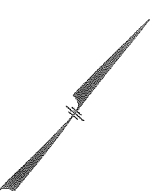
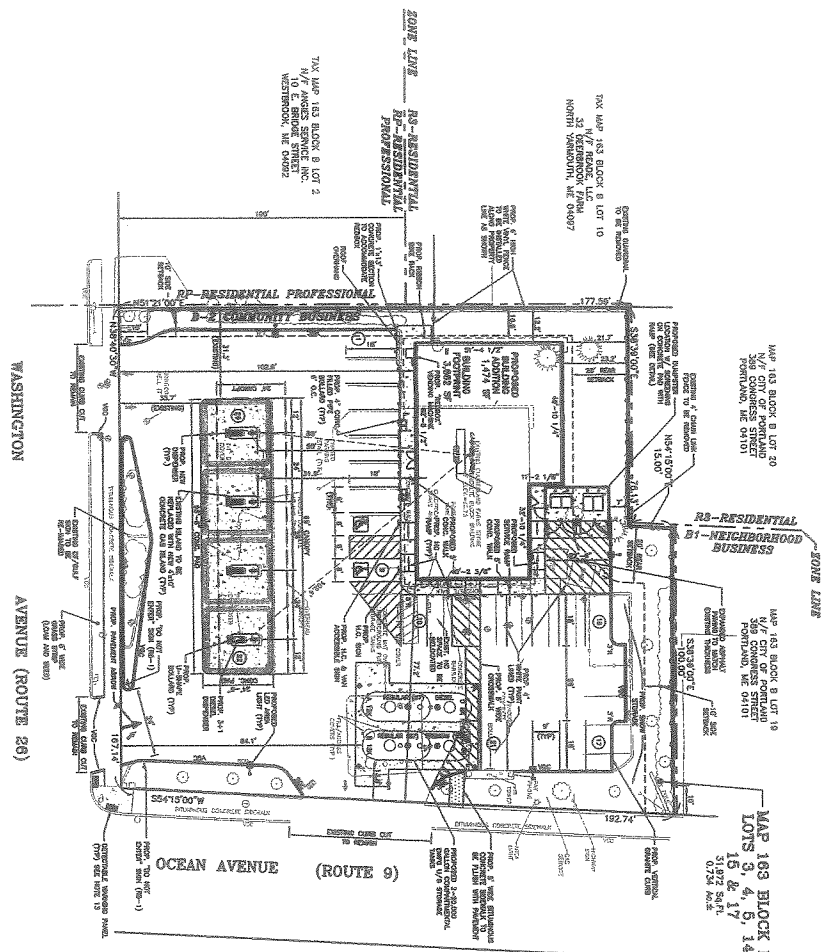
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EXHIBIT C

SUMMARY OF PLAN CHANGES

	<i>Approved Plan</i>	<i>Revised Plan</i>	<i>Change</i>
Total building size	3,874 s.f.	3,882 s.f. (due to wall construction of addition)	+8 s.f.
Side yard bldg setback	12.3' building	12.2' building 10.8' eave	-1"
Rear yard bldg setback	23.3' building	23.2' building 21.7' eave	-1"
Signage:			
Wall sign/building front	70.6 s.f.	27.8 s.f.	-42.8 s.f.
Wall sign/building side	15.6 s.f.	16.75 s.f.	+1.15 s.f.
Total wall signage	86.2 s.f.	44.55 s.f.	-41.65 s.f.

EXHIBIT D



THE MAP 183 BLOCK A LOT 6
H/W ANGUS SERVICE INC.
NO. FENWICK STREET
PORTLAND, ME 04103

NO.	DATE	BY	DESCRIPTION
1	03/20/09	...	...
2	04/14/12	...	...
3	12/03/12	...	...

THE MAP 183 BLOCK A LOT 8
H/W ANGUS SERVICE INC.
NO. FENWICK STREET
PORTLAND, ME 04103

THE MAP 183 BLOCK E LOT 9
H/W ANGUS SERVICE INC.
NO. FENWICK STREET
PORTLAND, ME 04103

THE MAP 183 BLOCK F LOT 1
H/W ANGUS SERVICE INC.
NO. FENWICK STREET
PORTLAND, ME 04103

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	03/20/09	...	...
2	04/14/12	...	...
3	12/03/12	...	...

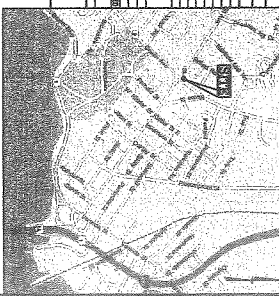
DATE: 12/03/12
SCALE: 1" = 20'
SHEET: 4 OF 11

TABLE OF ZONING REGULATIONS - PORTLAND, ME

DESCRIPTION	ZONE	COMMUNITY BUSINESS (B-2)	PROVIDED
...
...
...

NOTES:

- 1) THE MAP 183 BLOCK A LOT 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20
- 2) ZONING DISTRICTS AND COMMUNITY BUSINESS (B-2)
- 3) LOT 18B - 0.734 ACRES
- 4) LOT 18C - 0.734 ACRES
- 5) LOT 18D - 0.734 ACRES
- 6) LOT 18E - 0.734 ACRES
- 7) LOT 18F - 0.734 ACRES
- 8) LOT 18G - 0.734 ACRES
- 9) LOT 18H - 0.734 ACRES
- 10) LOT 18I - 0.734 ACRES
- 11) LOT 18J - 0.734 ACRES
- 12) LOT 18K - 0.734 ACRES
- 13) LOT 18L - 0.734 ACRES
- 14) LOT 18M - 0.734 ACRES
- 15) LOT 18N - 0.734 ACRES
- 16) LOT 18O - 0.734 ACRES
- 17) LOT 18P - 0.734 ACRES
- 18) LOT 18Q - 0.734 ACRES
- 19) LOT 18R - 0.734 ACRES
- 20) LOT 18S - 0.734 ACRES



DRAFT
12/03/12

PLAN REFERENCES:
1) ...
2) ...
3) ...
4) ...

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EXTERIOR FINISH SPECIFICATIONS

FINISHES TO BE USED:

1. BRICK: 2-1/2" x 3-1/2" x 8" COMMON BRICK, FACE BRICK, TYPE S, 1/2" MORTAR JOINTS, 1/2" SAND

2. STONE: 4" x 6" x 12" COMMON STONE, FACE STONE, TYPE S, 1/2" MORTAR JOINTS, 1/2" SAND

3. ASPHALT SIDING: 1/2" ASPHALT SIDING, 1/2" SAND

4. ALUMINUM SIDING: 1/2" ALUMINUM SIDING, 1/2" SAND

5. VINYL SIDING: 1/2" VINYL SIDING, 1/2" SAND

6. GUTTER: 6" ALUMINUM GUTTER, 1/2" SAND

7. DOWNSPOUT: 4" ALUMINUM DOWNSPOUT, 1/2" SAND

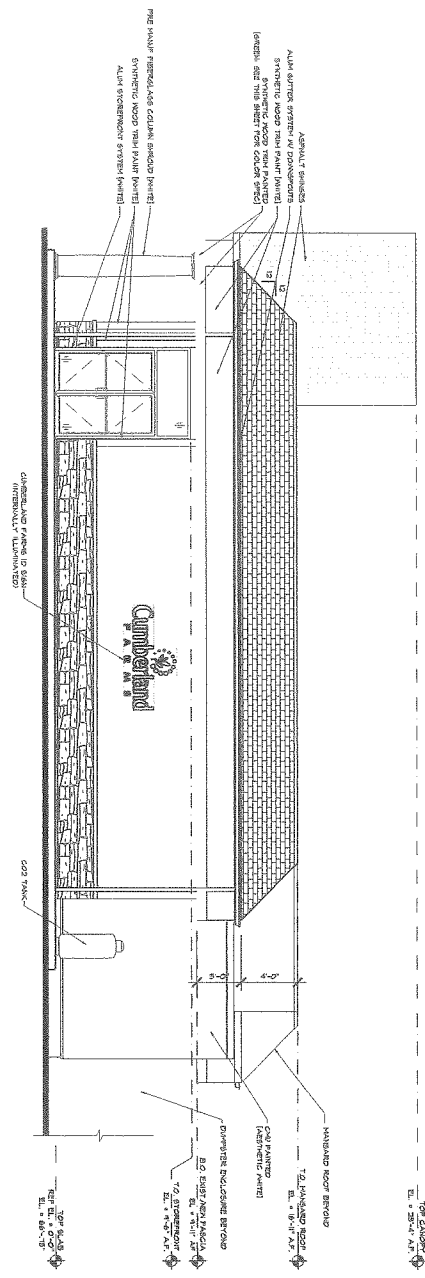
8. ROOF: 1/2" ASPHALT/FLY ASH SHingles, 1/2" SAND

9. CEILING: 1/2" DRYWALL, 1/2" SAND

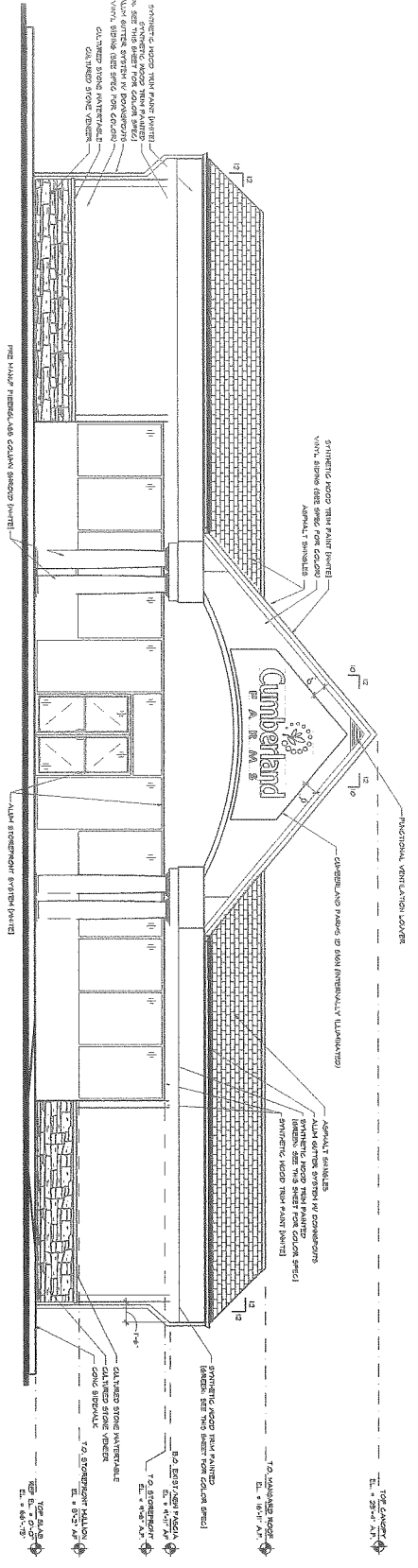
10. FLOOR: 1/2" CONCRETE, 1/2" SAND

11. PAINT: 1/2" PPR-1000, 1/2" SAND

12. TRIM: 1/2" PPR-1000, 1/2" SAND



2 EAST (SIDE) ELEVATION
SCALE: 1/4" = 1'-0"



1 SOUTH (FRONT) ELEVATION
SCALE: 1/4" = 1'-0"

AHARONIAN & ASSOCIATES ARCHITECTS
210 Grogan Boulevard, Portland, ME 04106
Tel: 207-751-1212
Fax: 207-751-1213
www.aaarchitects.com

NOTES:
1. REFER TO ALL DRAWINGS FOR MATERIALS AND FINISHES.
2. REFER TO ALL DRAWINGS FOR DIMENSIONS AND TOLERANCES.
3. REFER TO ALL DRAWINGS FOR NOTES AND SPECIFICATIONS.
4. REFER TO ALL DRAWINGS FOR SCHEDULES AND DETAILS.
5. REFER TO ALL DRAWINGS FOR ELEVATIONS AND SECTIONS.
6. REFER TO ALL DRAWINGS FOR FOUNDATIONS AND STRUCTURES.
7. REFER TO ALL DRAWINGS FOR MECHANICAL AND ELECTRICAL SYSTEMS.
8. REFER TO ALL DRAWINGS FOR PLUMBING AND SANITARY SYSTEMS.
9. REFER TO ALL DRAWINGS FOR INTERIORS AND EXTERIORS.
10. REFER TO ALL DRAWINGS FOR LANDSCAPE ARCHITECTURE.

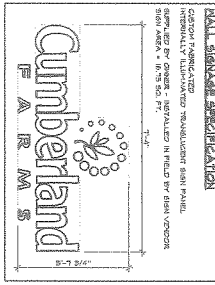
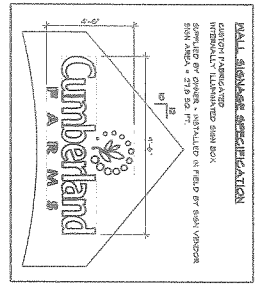
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NOV 14, 2012	JJ	3
NOV 14, 2012	JJ	4
NOV 14, 2012	JJ	5
NOV 14, 2012	JJ	6
NOV 14, 2012	JJ	7
NOV 14, 2012	JJ	8
NOV 14, 2012	JJ	9
NOV 14, 2012	JJ	10

FOR REVIEW

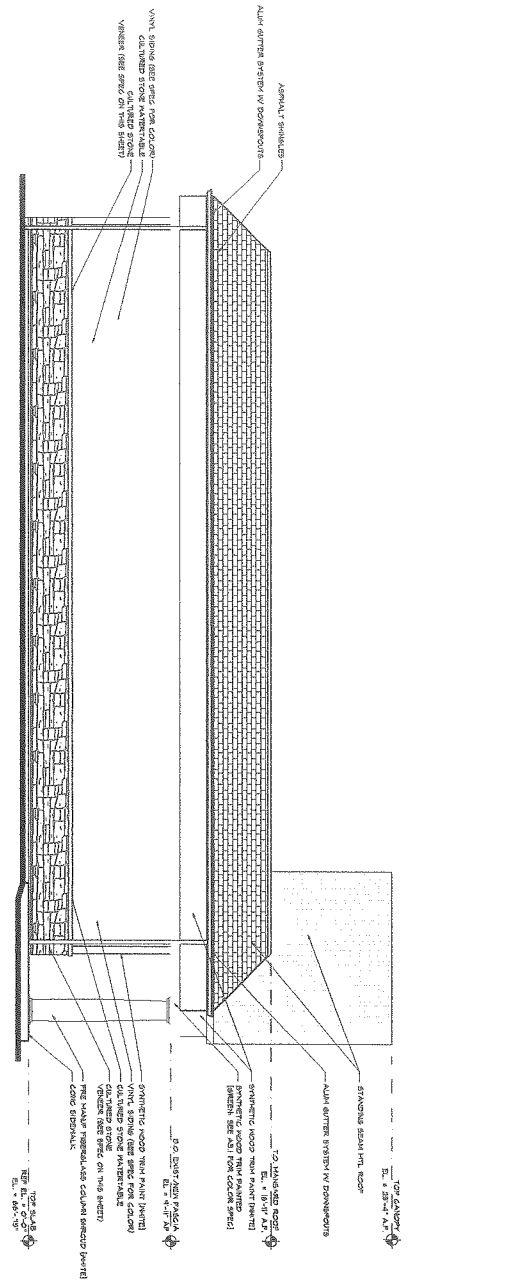
Cumberland
100 Exchange Blvd., Scarborough, Maine 04175
STORE # 5804
V1079

801 WASHINGTON AVE
PORTLAND, ME
Cumberland County

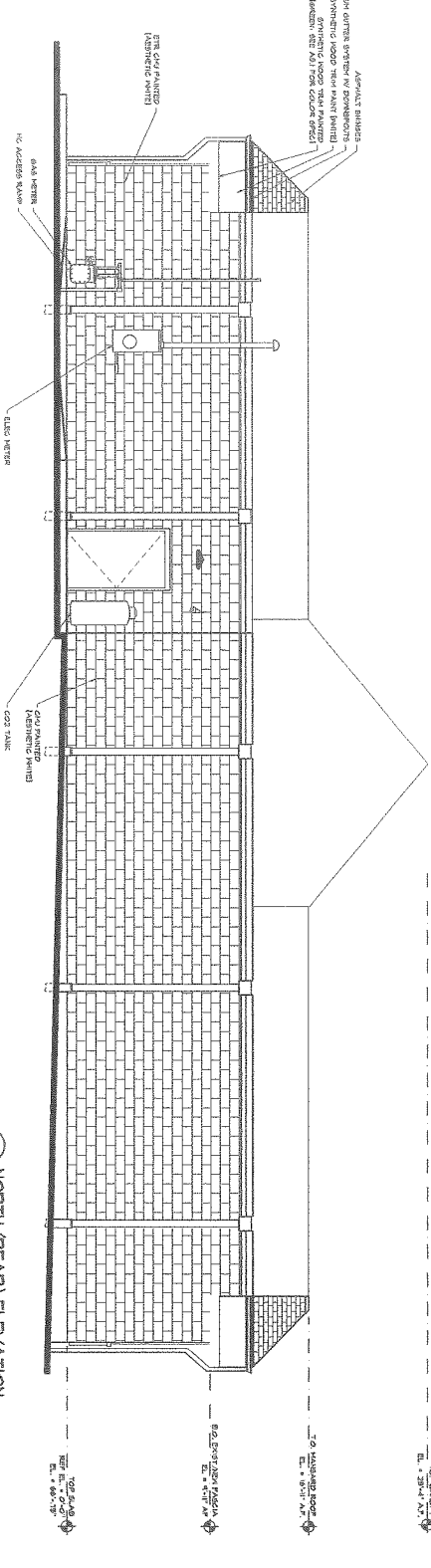
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TIME: 11:12
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PROJECT NUMBER: A3.1



3 SIGNAGE SPEC NO SCALE



2 WEST (SIDE) ELEVATION SCALE: 1/4\"/>



1 NORTH (REAR) ELEVATION SCALE: 1/4\"/>

AHARONIAN & ASSOCIATES ARCHITECTS

310 North Washington Street
 Portland, ME 04101
 7101-232-2818
 FAX: 7101-232-2828
 www.aahar.com

FOR REVIEW

Cumberland
 INC. A.R.M.S.
 10 Oyster Hill, Bangor, Maine 04401
 STORE # 5804
 V1079

801 WASHINGTON AVE
 PORTLAND, ME
 Cumberland County

EXTERIOR ELEVATIONS

DATE	NOV 14 2012	BY	JL
SCALE	1/4"	CHECKED BY	AZ

A3.2