

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the "f" key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

APL – all documents behind this target sheet pertain to the original application submitted by the Applicant.

PBM1 – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

PBR1 - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

CC1 - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

DRC1 - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

MISC1 - all documents behind this target sheet are those that may not be included in any of the categories above.

APL

CITY OF PORTLAND, MAINE

PLANNING BOARD

David Silk, Chair
Shalom Odokara, Vice Chair
Bill Hall
Joe Lewis
Lee Lowry, III
Janice Tevanian
Michael J. Patterson

April 30, 2009

Westbrook Development Corporation
C/o Guy Gagnon
30 Liza Harmon Drive
Westbrook, ME 04092

RE: St. Patrick's School Condominiums

CBL: 2009-0034
Application ID: 186 A002001

Dear Mr. Gagnon,

On April 28, 2009, the Portland Planning Board considered St. Patrick's School Condominium, to convert the existing building to a fifteen (15) residential units. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review, Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted 4-0 (Silk, Odokara and Lewis absent) to approve the application with the following motion(s), waiver, and condition(s) as presented below.

CONDITIONAL USE

The Planning Board voted 4-0 (Silk, Odokara and Lewis absent) that the proposed plans are in conformance with the Section 14-118, 3 a through f of the Land Use Code.

WAIVERS

The Planning Board voted 4-0 (Silk, Odokara and Lewis absent) to waive the Technical Standard, Section III(2)(A)(a) which requires that any site with driveway access to a street shall have a minimum width of twenty-four (24) feet for two-way ingress and egress and a minimum of twenty (20) foot wide driveway for one-way, to allow the driveways on Frances Street to be reduced to twenty-one point five (21.5') feet and on Whitney Avenue to be reduced to twelve (12) feet for a one-way access way, as shown on the plan (Attachment C-6). This is based on the signage recommendation per Tom Errico, Traffic Engineer and Captain Keith Gautreau's memo dated 04.28.2009

SITE PLAN REVIEW

The Planning Board voted 4-0 (Silk, Odokara and Lewis absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

- a. A "DO NOT ENTER" sign that meets specifications contained in the Manual on Uniform Traffic Control Devices shall be installed at the egress driveway location at Whitney Avenue and shown

on the final site plan before the issuance of a building permit.

- b. The applicant shall be responsible for all costs associated with parking signage changes on Whitney Avenue and Frances Street, including but not limited to Drop-off/Pick-Up Zone, Handicapped Drop-Off and 10 Minute Parking Zone signs. The City Staff shall coordinate with applicant on appropriate future parking regulations in the vicinity of the project. These parking regulations shall be shown on the final site plan before the issuance of a building permit.
- c. As required by the Conditional Rezoning Agreement, the Applicant shall screen with plant material and/or fencing the parking lot and service driveways located on the property to appropriately buffer their visibility from the adjacent residential properties and roadways. The applicant shall coordinate with the City Arborist to address the comments in his memo dated 04.24.2009 before the issuance of a building permit. In addition, the applicant will explore with Jeff Tarling the planting of street trees along Frances Street.
- d. The applicant shall coordinate with Captain Keith Gautreau to address the comments in his memo dated 04.28.2009 before the issuance of a building permit.
- e. The applicant shall permanently close the existing curb cut along Congress Street prior to the issuance of a certificate of occupancy.
- f. The applicant shall remove the existing chain-link fence on the property prior to the issuance of a certificate of occupancy.
- g. The applicant shall remove the two (2) school speed limit signs on Congress Street (including, but not limited to, removing the flashing lights, mast arms, poles, and concrete anchor and/or bolt bases associated with the signs) and shall remove the wooden sign post located on Frances Street and sidewalks shall be repaired as needed prior to the issuance of a certificate of occupancy.

SUBDIVISION REVIEW

The Planning Board voted 4-0 (Silk, Odokara and Lewis absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

- a. The final site plan and recording plat shall include the single family house directly abutting the site on Whitney Avenue, reference the access easement and depict the driveway for the house before the issuance of a building permit.
- b. The applicant shall submit a sewer capacity letter before the issuance of the building permit.
- c. The applicant shall meet all of the affordability controls contained within paragraph 5 of the Conditional Rezoning Agreement and a reference to these controls, as well as the Conditional Rezone Agreement and Declaration of Affordable Covenants (and their recording information) shall be noted on the recording plat.
- d. The applicant shall contribute \$4,800 to the City of Portland's Street Tree Fund to meet paragraph 9 of the Conditional Rezoning Agreement.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report 18-09 which is attached.

Please note the following provisions and requirements for all site plan and subdivision approvals:

1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. The site shall be developed and maintained as depicted in the site plan and 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 the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. Pursuant to 30-A MRSA section 4406, notice of any waiver(s) must be recorded in the Cumberland County Registry of Deeds within 90 days of the granting of said waiver(s).
5. A performance guarantee covering the site improvements as well as an 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 Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
6. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
7. The subdivision approval is valid for three (3) years.
8. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
9. Mylar copies and a digital version (or a CD or DVD in AutoCAD format (*.dwg), released 2005 or greater) of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
10. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
11. Prior to construction, a pre-construction meeting shall be held at the project site 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 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.

12. 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.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 756-8083 or shukriaw@portlandmaine.gov.

Sincerely,



David Silk, Chair
Portland Planning Board

Attachments:

1. Memorandum, Jeff Tarling, 04.24.2009
2. Memorandum, Keith Gautreau, 04.23.2009
3. Planning Board Report
4. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

From: Jeff Tarling
To: Shukria Wiar
Date: 4/24/2009 9:28:07 AM
Subject: St. Patrick's School Condominiums

Hi Shukria -

I have reviewed the proposed St. Patrick's School landscaping and offer the following recommendations:

a) Buffer planting along Congress Street & adjacent residential property - the proposed landscape treatment along Congress Street need to be increased to effectively screen the proposed parking area.

1a) Increase screening along Congress Street, recommendations - Plant - Arborvitae 5-6' H, spacing 7' +/- OC or European Hornbeam 2-2.5" caliper, spacing 10', or combination of trees & shrubs, fencing to increase buffer.

1b) Buffering along residential property lines - due to the closeness of the parking to neighboring property - the available planting space is only about 4', a solid wooden fence should be installed along the property line in addition to the proposed planting of the 'Arctic Fire' Dogwood.

The plant list proposes to use 'Columnar' Norway Maples, recommendation would change this to 'Columnar' Red Maple such as 'Armstrong' Red Maple. (Efforts are being made to reduce the overuse of invasive Norway Maple.)

Overall, the plan does save existing shade trees and adds landscape planting to help transition this former school building to a more 'residential' feel.

I would be glad to discuss these recommendations and / or meet with the project team to review.

Thanks,

Jeff Tarling
City Arborist

MEMORANDUM

To: FILE

From: Keith Gautreau

Dept: Fire

Subject: Application ID: 2009-0034

Date: 4/28/2009

I've looked at the plans with Shukria and there will be adequate access from Frances Street. I would like to see some No Parking Fire Lane markings on the turn from the access from Frances coming into

PLANNING BOARD REPORT #18-09

SAINT PATRICK'S CONDOMINIUMS

**VICINITY OF 1251 CONGRESS STREET
SITE PLAN AND SUBDIVISION**

Westbrook Development Corporation, LLC, APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine
April 28, 2009

Prepared by:

Shukria Wiar, Planner
April 24, 2009

I. INTRODUCTION

The Westbrook Development Corporation has requested a public hearing to present a site plan and subdivision proposal to redevelop the parcel at 1251 Congress Street, the former location of St. Patrick's School. The original parcel was subdivided into two lots by the previous owner, Roman Catholic Bishop of Portland; the parcel with the school building was sold to the applicant and the parcel with the single family was sold to a private citizen. The school building will be converted into fifteen (15) condominiums with twenty one (21) parking spaces. The site consists of 29,526 square feet of land area and is zoned as a conditional Residential R-5 zone. The site was rezoned from R-5 to a conditional R-5 zone in order to increase the allowable density, which was approved by the City Council on April 6, 2009.

The original parcel owned by the Roman Catholic Bishop of Portland was subdivided into two lots, the former school building that has been purchased by the applicant and nunnery building, which has been purchased by a private citizen.

The proposal is to convert the existing school into 15 condominiums units, all of which will be sold initially as affordable units to moderate-income buyers who are at or below one hundred and twenty (120) percent or less of the U.S. Department of Housing and Urban Development area median income. Five (5) of the units will remain affordable in perpetuity. In summary, the project is designed to provide affordable housing as an infill project near the downtown with convenient access to transit. The applicant also applied for review under the Incentives for Affordable Housing section of the Zoning Ordinance.

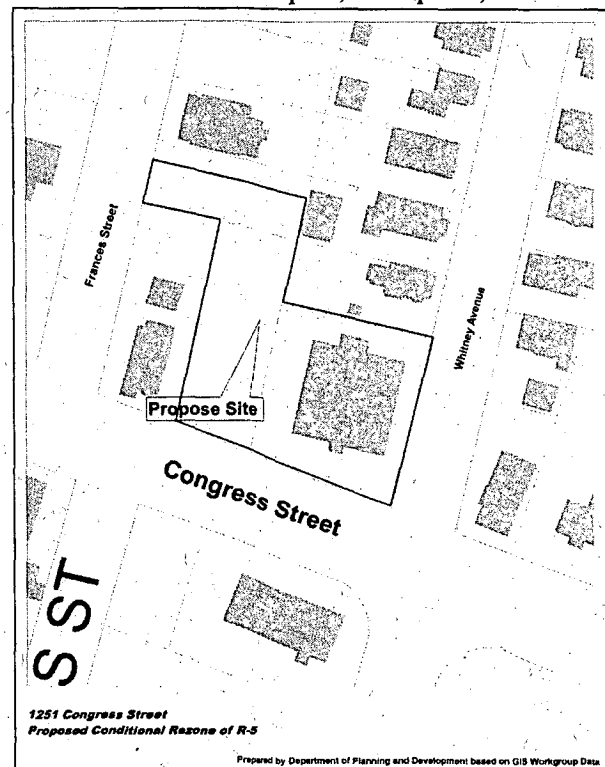
There will be no exterior expansion or alterations of the existing building; all the units will be housed within the structure. The applicant's submission dated 04.22.2009 includes a site plan, floor plans, and proposed elevations (Attachment C).

One hundred and eighty-six (186) notices were sent out to area residents, including property owners within 500 feet and interested citizens. A notice also appeared in the April 20th and 21st editions of the *Portland Press Herald*. A Neighborhood Meeting was held on April 15, 2009 and four (4) people attended this meeting; the details are included in Attachment B-4.

II. PROJECT DATA

The following conditions specific to this project are excerpted below and are proposed as part of the conditional rezoning:

Site:	1251 Congress Street
Tax Maps:	Tax Map 186, Block A, Lot 2; Tax Map 186, Block A, Lot 3; Tax Map 186, Block A, Lot 5
Land Area:	29,526 square feet



Existing Uses: Grammar school with accompanying parking lot
Current Zoning: Conditional R-5 Rezone
Total Units: 15 units (income restricted units) plus a single family home
Building Height: The current building is four (4) stories with height of 31 ft.
Building Setbacks: Rear yard setbacks: 20 ft
Side yard setbacks: 12 ft
Total Parking: A total of 21 parking spaces.
Parking Ratios: Proposed: 0.65 spaces/unit (23 spaces for 15 dwelling units)
Bicycle Spaces: Six (6) spaces are required

III. PROPOSED DEVELOPMENT

A. General Overview

The Westbrook Development Corporation has purchased the school from the Roman Catholic Bishop of Portland, consisting of approximately 29,526 square feet located at 1251 Congress Street, being a parcel shown on City of Portland Tax Map 186, Block A, Lot 2, Tax Map 186, Block A, Lot 3 and Tax Map 186, Block A, Lot 5. The parcel is the former site of St. Patrick's School which currently has a brick building with a surface parking lot over the majority of the parcel.

The original parcel owned by the Roman Catholic Bishop of Portland was subdivided into two lots, the former school building that has been purchased by the applicant and the nunnery building, which has been purchased by a private citizen.

The project includes three stories of housing (15 unit total) with twenty-one (21) parking spaces. The floor plans indicate that the units will range in size from 660 square feet to 680 square feet, and will include fourteen (14) one-bedroom units and one (1) two-bedroom unit. The site improvements include reducing the pavement and creating a defined parking lot with 21 spaces, adding a walkway to the Congress Street entrance, and installing landscaping and fencing on the site.

B. Incentives for Affordable Housing

As required by the Conditional Zoning Agreement and the Declaration of Affordable Covenants, the developer is proposing to initially selling all of the fifteen (15) units as affordable condominiums; these units will be sold to moderate-income buyers who are at or below one hundred and twenty (120) percent or less of the U.S. Department of Housing and Urban Development area median income. Five (5) of these units will remain affordable in perpetuity. The Declaration of Affordable Covenants reflects this and has been reviewed and approved by Danielle West-Chuhta, Associate Corporation Counsel. As specified in Division 30 (Incentives for Affordable Housing, Chap. 14-484), since the developer is providing twenty five percent (25%) or more affordable housing in the project, one parking space per unit is required and expedited review of the proposal encouraged.

IV. CONDITIONAL REZONING AGREEMENT

The City Council granted a conditional rezoning for the project to Conditional R-5 Zone on April 6, 2009

(Attachment 1). The Conditional Zone Agreement includes the following conditions specific to this project:

1. The underlying dimensional requirements of the R-5 zone shall apply and are modified as follows:
 - a. Square Feet of land area per Unit: 1975
 - b. Units per Building: 15
2. The curb cut presently located along Congress Street shall be permanently closed as a condition of this Agreement.
3. The existing chain-link fence located on the Property shall be removed.
4. The Developer shall screen with plant material and/or fencing the parking lot and service driveways located on the Property in order to appropriately buffer their visibility from the adjacent residential properties and roadways.
5. The Developer shall provide two (2) trees per condominium unit on the Property. If the Developer is unable to provide the required two (2) trees per unit, it shall contribute \$200.00 per tree not provided to the City of Portland's Tree Fund. The number and kind of trees, both existing and proposed, shall be approved by Jeff Tarling, the City Arborist. This contribution is independent of any conditions which the Planning Board may lawfully require under site plan or subdivision review. The Planning Board shall not be authorized, however, to waive this requirement. This contribution shall be made prior to the issuance of a building permit.
6. The Developer shall at its own expense remove the two (2) school speed limit signs with flashing lights, the mast arms and poles and both concrete anchor and/or bolt bases on the Property, the wooden sign post located on Francis Street, and repair the sidewalk as needed.
7. As part of its community contribution, the Developer has already contributed \$15,000.00 worth of playground equipment to the City.

Marge Schmuckal, Zoning Administrator reviewed the proposed site plans and has determined that it meets the requirements and conditions as outlined within the written contract, see Attachment 5a for the full review.

V. CONDITIONAL USE

The alteration of an existing structure to residential units is listed as a conditional use in the R-5 zone and would allow the conversion of St. Patrick's School to nine (9) dwelling units. Section 14-118 (3) of the Zoning Ordinance states that:

3. *Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that: City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-118(3)*
 - a. *No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;*
 - b. *No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;*
 - c. *A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;*
 - d. *Three thousand (3,000) square feet of land area per dwelling unit shall be required;*

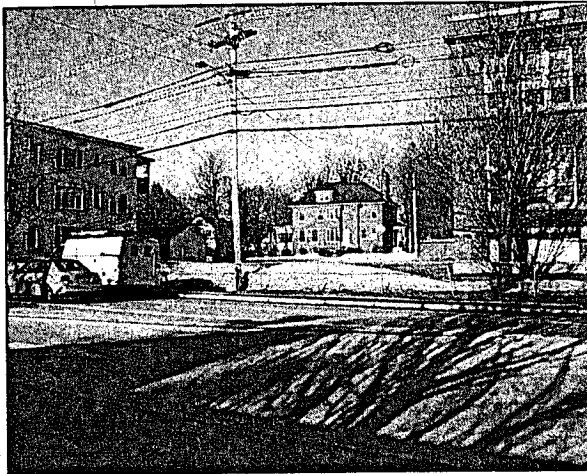
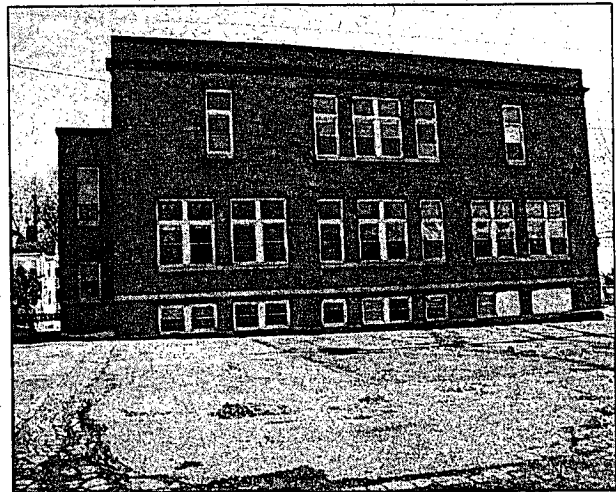
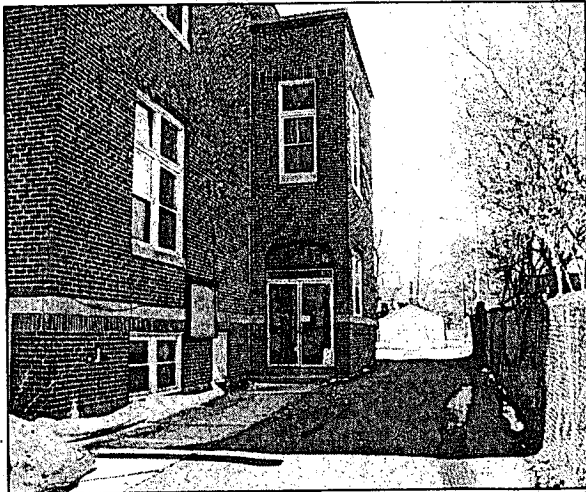
- e. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;*

The floor plans indicate that the units will range in size from 660 square feet to 680 square feet, there will be no exterior expansion or alterations of the existing building and the plans meet the ceiling to height requirements for the ground floor. The applicant is proposing on-site parking that exceeds the requirements of one space per unit under the Incentives for Affordable Housing. As noted, the City Council adopted the conditional rezoning for the site, which allows a residential density up to 15 condominium units. The applicant meets the conditional use standards for the alteration of non-residential structure to dwelling units.

Vicinity of Congress Street – Aerial 2006, City of Portland



PHOTOGRAPHS OF THE SITE



VI. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision and site plan ordinances.

VII. SUBDIVISION REVIEW

1. Water and Air Pollution

The project will not result in undue water or air pollution, as it is not in a flood plain and is for residential use.

2/3. Water

Rico Spugnardi, Business Development Engineer, Portland Water District, submitted a letter dated November 13, 2008, which states that there should be an adequate supply of water to serve the project, from a 6 inch cast iron water main in Whitney Avenue. There is a fire hydrant located across from the site on Whitney Avenue (Attachment A-7). The project will not cause an unreasonable burden on the existing water supply.

4. Traffic and Circulation

Parking

The applicant is proposing a surface parking lot with twenty-one (21) spaces available for the tenants. Under the Incentives for Affordable Housing, only one parking space per unit is required.

Traffic

The ingress and egress to the parking lot is currently located on Frances Street which will be utilized for the future parking lot as well. There will be an exit only onto Whitney Avenue. The City of Portland's Technical and Design Standards and Guidelines specify that multi-family residential developments with three (3) or more units shall have a 20 foot wide driveway for any one-way egress way and 24 feet for two-way driveway. The driveway widths for this project do not meet the City's design standards. The one-way driveways are 12 feet wide on Whitney Avenue and the two-way driveway on Frances Street is 21.5 feet but flares out to the curb to 24 feet. The applicant is requesting a waiver of the driveway width requirement of the Portland Technical Design Standards. Section 14-506 Modifications states:

(a) Except for the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, the planning board if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan and the regulations of this article.

Tom Errico, City's Consulting Traffic Engineer, has reviewed the existing conditions and the proposed site plan, and finds the proposed driveway widths to be adequate for access onto the two streets. Mr. Errico is recommending specific traffic signage for the driveways, which are listed below under the site plan review (refer to Section VIII, 1 and 2 Traffic). Department of Public Services supports a waiver for the

driveways, see Attachment 3.

A condition of the conditional rezone agreement, the existing driveway curb cut directly abutting Congress Street will be permanently closed per the request of Department of Public Services.

Sidewalks

The applicant is proposing to replace the sidewalk on the Frances Street frontage; the existing sidewalk is in brick, which the applicant is providing. As for Whitney Avenue, the City's Sidewalk Materials Policy requires a brick sidewalk along the street frontage. According to the David Margolis-Pineo, Deputy City Engineer for the Department of Public Services, the applicant is required to construct the sidewalk portion along the property line with brick. Mr. Magolis-Pineo's memo is included at Attachment 2.

Bicycle Parking

Per the Zoning Ordinance, for a residential structure, two (2) bicycle parking spaces are needed for every five (5) dwelling units. Therefore, for this particular project, the requirement is six (6) spaces; the applicant is proposing either to have this located within the building or at the entrance of the building. The final location has not been determined.

A potential condition of approval:

The final site plan shall show the location of the required six (6) bicycle parking spaces before the issue of a building permit.

The traffic aspect of the subdivision review is also included in the site plan review (Section VIII, paragraph 1 and 2).

5. Sanitary Sewer/Soils/ Stormwater

Utility lines in Whitney Avenue will serve the development. Since the applicant is removing pavement and thereby reducing the impervious surface area for a parking lot with only 21 parking spaces, a Stormwater Management Report was not required. There will be a new catch basin to the existing 24" RCP line in Congress Street. The applicant has provided a water capacity letter, which is included as Attachment A-7 but has not received a sewer capacity letter.

A potential condition of approval:

The applicant shall submit a sewer capacity letter before the issuance of the building permit.

6. Solid Waste Disposal

Site plans shows an enclosed area for a dumpster at the north end of the parking area. It will be enclosed in a cedar fence.

7. Scenic Beauty

The subdivision is in an urban neighborhood. The project will improve the aesthetic quality of the neighborhood with the proposed landscaping. There will be no exterior expansion of the building being proposed; due to this, the school existing exterior will be preserved and maintained as a landmark building

for the City.

The Conditional Rezoning Agreement contains the following condition:

The Developer shall provide two (2) trees per condominium unit on the Property. If the Developer is unable to provide the required two (2) trees per unit, it shall contribute \$200.00 per tree not provided to the City of Portland's Tree Fund. The number and kind of trees, both and existing and proposed, shall be approved by Jeff Tarling, the City Arborist. This contribution is independent of any conditions which the Planning Board may lawfully require under site plan or subdivision review. The Planning Board shall not be authorized, however, to waive this requirement. This contribution shall be made prior to the issuance of a building permit.

For this proposal of fifteen (15) units, a total of thirty (30) trees would be required. The applicant is proposing four (4) street trees on Congress Street and two (2) on Whitney Street. Since all of these trees cannot be located on the site, the applicant will be required to make a financial contribution of the remaining trees (\$200 per street tree) to the City's Residential Tree Fund to be planted in the vicinity of the proposed project. Therefore the applicant will need to contribute a total of \$ 4,800.

There are no known natural or manmade resources that will be adversely affected by this proposal.

8. Comprehensive Plan

The housing element of Portland's Comprehensive Plan, *Housing: Sustaining Portland's Future*, contains the policies relevant to this proposal. The applicant has cited the following statements in support of this proposal from the City's Comprehensive Plan for new residential development:

- Be pedestrian oriented and accessible
- Support and encourage the creation and preservation of an adequate supply of quality housing for all.
- Incorporate environmental, economic and neighborhood considerations in municipal decision-making.
- Strengthen alternative transportation options to create an accessible city that promotes ease of movement for all citizens, serving neighborhood needs...

In addition to the above statements, the following housing policies and objectives that are relevant to this proposal:

Policy 1- Ensure an adequate and diverse supply of housing for all.

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied. The list of potential housing options under this objective include:
 - i. Housing units for decreasing household sizes, such as young professionals, empty nesters, single parent households and senior citizens.
 - v. Higher density housing, such as row houses, small lots, reuse of non-residential buildings, and mixed use buildings.
 - vii. Housing development that encourages community, such as co-op housing.

- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers and public transportation.

Policy 5-

"Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as school, businesses, institutions, employers, and public transportation."

"Evaluate and update current zoning, as needed, to encourage higher density multi-family developments and mixed use projects that incorporate housing, particularly along major public transportation routes, near services areas, and in redevelopment or infill areas, where appropriate."

"Portland should encourage sustainable development patterns and opportunities within the City by promoting efficient land use, conservation of natural resources and easy access to public transportation, services and public amenities." Relevant objectives under this policy include the following:

- Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity to services and employment, increased public transit usage, expanded economic base, high quality services and an affordable tax rate.
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.
- Design housing using new technologies and materials that reduce costs and increase energy efficiency. [Note: building to be built to meet or exceed Maine State Housing's Green Building Standards].

The proposed project will provide increased density in an area that is near services such as businesses, institutions, employers and public transportation. It will also provide compact in-city living for owners that represent a variety of income levels. It is located near the downtown district and on the Congress Street METRO line that serves the downtown Portland district (see route map insert) and is near the Amtrak and Concord Bus stations.

9. Financial Capability

A letter from Matthew W Early of Gorham Savings Bank dated May 30, 2009 is in the application (Attachment A-4), which states the financial institution consider Westbrook Development Corporation to have the financial capability to successfully finance and complete the proposed project, based on a financial review of the borrower.

10. Groundwater

The proposed project is not situated near any pond, lake, wetland or river. The project will not adversely affect the shoreline of a water body nor will it adversely affect the quality or quantity of groundwater. Public water and sewer will serve the site.

11. Flood Hazard/Shoreland

The site is not located within a Flood Hazard or Shoreland Area.

12. Wetlands

The site is currently a parking area with a packed gravel surface and a small band of grass surrounding the

gravel area. There are no wetlands or other water bodies on the site.

VIII. SITE PLAN REVIEW

1/2. Traffic

Please refer to Paragraph VII, Section 4. In addition to the subdivision review comments, Mr. Errico has recommended as potential conditions of approval that the following traffic signage be installed for the driveways:

A "DO NOT ENTER" sign that meets specifications contained in the Manual on Uniform Traffic Control Devices shall be installed at the egress driveway location at Whitney Avenue.

The applicant shall be responsible for all costs associated with parking signage changes on both Whitney Avenue and Frances Street, including but not limited to Drop-off/Pick-Up Zone, Handicapped Drop-Off and 10 Minute Parking Zone signs. The City Staff shall coordinate with applicant on appropriate future parking regulations in the vicinity of the project.

3. Bulk, Location, Health, Safety Air/Height of Proposed Buildings

The building is an existing structure which will remain with no visible change to the exterior structure other than window and door repairs, trim painting and minor masonry repair. Conceptual floor plans are attached to this document. The interior renovations attempt to maintain the character of the school. The removal of pavement and addition of green space, plantings and landscaping will greatly improve the appeal of the immediate area.

The project proposal and the use will not cause health or safety problems as to existing uses in the neighborhood.

4. Sewers, Stormdrains, Water

Please refer to Paragraph VII, Section 5.

5. Landscaping and Existing Vegetation

Jeff Tarling, City Arborist, has reviewed the proposed landscaping plan and offers the following recommendations (Attachment 4):

- a. Buffer planting along Congress Street & adjacent residential property - the proposed landscape treatment along Congress Street need to be increased to effectively screen the proposed parking area.
- b. Increase screening along Congress Street, recommendations - Plant Arborvitaes 5-6' H, spacing 7' +/- OC or European Hornbeam 2-2.5" caliper, spacing 10', or combination of trees & shrubs, or fencing to increase buffer.

- c. Buffering along residential property lines - due to the closeness of the parking to neighboring property - the available planting space is only about 4'; a solid wooden fence should be installed along the property line in addition to the proposed planting of the 'Arctic Fire' Dogwood.
- d. The plant list proposes to use 'Columnar' Norway Maples; recommendation would change this to 'Columnar' Red Maple such as 'Armstrong' Red Maple. (Efforts are being made to reduce the overuse of invasive Norway Maple).

A potential condition of approval:

The applicant shall coordinate with the City Arborist to address the comments in his memo dated 04.24.2009 before the issuance of a building permit.

The proposed parking area is a reduction in existing paved areas. The surface parking lot is located it away from the single family homes as much as possible. The applicant plans to screen the parking from neighboring residential properties through landscaping. The Conditional Rezoning Agreement also includes the following language in regard to screening of the parking lot: The Developer shall screen with plant material and/or fencing the parking lot and service driveways located on the Property in order to appropriately buffer their visibility from the adjacent residential properties and roadways.

6. Exterior Lighting

The applicant is proposing a total of five (5) lighting poles in the parking lot and two (2) exterior wall mounted light fixtures on the building: two wall sconce lights at the north entrance (back) of the building. The lighting catalogue cut of the lighting fixtures are included as Attachment B-3. The applicant has submitted a photometric plan prepared by Larry Bartlett, Lighting and Electrical Engineering (Attachment C-10). The height, illumination, and location are shown on the photometric plan. The photometric plan as proposed does meet the City Lighting standards.

7. Fire

Captain Keith Gautreau of the Fire Department has reviewed the site plans and the fire department checklist that was submitted by the applicant. The Fire Department checklist appears fine. Capt. Gautreau would like to see some details on the two-way access from Frances Street; he is concerned about getting the apparatus in for access. The building has power lines along side of Congress and Whitney so the only ladder access is coming from Frances Street.

After discussion with Captain Gautreau on April 23, 2009, he felt comfortable with the access off Frances Street; his only concern is within the parking lot. He is concerned that when the fire apparatus enters the site and it will be hard to maneuver if a vehicle is parked along the edge of the lot. Captain Gautreau is considering recommending that a "NO PARKING" area be striped (across of the dumpster location), even though no parking is proposed in this location. His final memo will be submitted at the public hearing.

A potential condition of approval:

The applicant shall coordinate with Captain Keith Gautreau to address the comments in his memo dated 04.23.2009 before the issuance of a building permit.

8. City Infrastructure

The proposed development is designed to be consistent with off-premise infrastructure, existing or planned by the City. In addition, the applicant is at its own expense removing the two (2) school speed limit signs with flashing lights, the mast arms and poles and both concrete anchor and/or bolt bases on the Property, the wooden sign post located on Francis Street, and repairing the sidewalk as needed. The applicant is also contributing to the City's tree fund for the street trees that cannot be planted on site. The applicant has donated the playground equipment to the City of Portland for relocation for an estimated value of \$15,000, according to Tom Civiello, Park and Open Space Manager.

9. Condominium Documents

The applicant has submitted the condominium documents for review, please Attachment A-9. These documents were reviewed and approved by Corporate Counsel during the conditional rezone process.

10. Easements

There is an ingress/ egress easement on the property. This easement is located on the site plan (Attachment C-5) that accesses the house at 13 Frances Street, owned by David Wade. This has been brought to our attention by the Mr. Wade and the site plans need to be updated to show this access to the property, see Attachment 7 and 8 for a copy of the easement language and a minor site plan that was submitted for a change of use for the single house.

A potential condition of approval:

The final site plan shall show the single family house along with the access to the driveway before the issuance of a building permit.

IX. MOTIONS FOR THE BOARD TO CONSIDER

1. Conditional Use

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 18-09 relevant to Portland's R-5 Conditional Use for the *Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units* and the testimony presented at the Planning Board hearing:

The Planning Board finds the proposed conditional use for the conversion of a non-residential building to a residential use (does or does not) meet the standards of Section 14-118, 3 a through f.

2. Waiver of Technical Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 18-09 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning

Board hearing:

The Planning Board [**waives / does not waive**] Technical and Design Standards and Guidelines, Section III(2)(A)(a) which requires that any site with driveway access to a street shall have a minimum twenty-four (24) feet for two-way ingress and egress and minimum of twenty (20) foot wide driveway for one-way, to allow the driveways on Frances Street to be reduced to twenty-one point five (21.5') feet and on Whitney Avenue to be reduced to twelve (12) feet for a one-way access way, as shown on the plan (Attachment C-6).

2. Subdivision Review

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contains in Planning Board Report # 18-09, relevant to the subdivision Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [**is / is not**] in conformance with the subdivision standards of the land use code, subject to the following potential conditions of approval:

- a. The final site plan and recording plat shall include the single family house directly abutting the site on Whitney Avenue, reference the access easement and depict the driveway for the house before the issuance of a building permit.
- b. The applicant shall submit a sewer capacity letter before the issuance of the building permit.
- c. The applicant shall meet all of the affordability controls contained within paragraph 5 of the Conditional Rezoning Agreement and a reference to these controls, as well as the Conditional Rezone Agreement and Declaration of Affordable Covenants (and their recording information) shall be noted on the recording plat.
- d. The applicant shall contribute \$4,800 to the City of Portland's Street Tree Fund to meet paragraph 9 of the Conditional Rezoning Agreement.

3. Site Plan Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contains in Planning Board Report # 18-09, relevant to the site plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [**is / is not**] in conformance with the site plan standards of the land use code, subject to the following potential conditions of approval:

- a. A "DO NOT ENTER" sign that meets specifications contained in the Manual on Uniform Traffic Control Devices shall be installed at the egress driveway location at Whitney Avenue and shown on the final site plan before the issuance of a building permit.
- b. The applicant shall be responsible for all costs associated with parking signage changes on Whitney Avenue and Frances Street, including but not limited to Drop-off/Pick-Up Zone,



Development Review Application Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

Address of Proposed Development: 1251 Congress Street		
Zone:	Conditional Zone-R-5 (see attached) Approval from City Council 4-6-09	
Project Name:	St. Patricks School Condominums	
Existing Building Size: 15,756 sq. ft. Existing Acreage of Site: 29,526 sq. ft.	Proposed Building Size: 15,756 sq. ft. Proposed Acreage of Site: 29,526 sq. ft.	
Proposed Total Disturbed Area of the Site: 8,000 sq. ft. *		
* If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) or Chapter 500, Stormwater Management Permit with the Maine Department of Environmental Protection (DEP).		
Tax Assessor's Chart, Block & Lot: Chart # 186 Block # A Lot # 2; 3; part of 5	Property Owners Name/ Mailing address: Westbrook Development Corporation 30 Liza Harmon Dr. Westbrook, Me. 04092	Telephone #: 207-854-9779 Cell Phone #: 415-2935 John G. Gallagher E-mail: jgallagher@westbrookhousing.org
Consultant/Agent Name, Mailing Address, Telephone #, Fax # and Cell Phone # : Archetype / David Lloyd 48 Union Wharf Portland, Me. 04101 207-772-6022 fax# 772-4056	Applicant's Name/ Mailing Address: Westbrook Development Corporation 30 Liza Harmon Dr. Westbrook, Me. 04092	Telephone #: 207-854-6823 Cell Phone #: 415-2939 Guy M. Gagnon E-mail: ggagnon@westbrookhousing.org
Fee for Service Deposit (all applications) _____ <input checked="" type="checkbox"/> (\$200.00)		
Proposed Development (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input checked="" type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input checked="" type="checkbox"/> Subdivision (\$500.00) + amount of lots <u>15</u> (\$25.00 per lot) \$ <u>375.00</u> + major site plan fee if applicable <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input checked="" type="checkbox"/> Other <u>Engineering Fee \$300.00</u>		
~ Please see next page ~		

Major Development (more than 10,000 sq. ft.)
 Under 50,000 sq. ft. (\$500.00)
 50,000 - 100,000 sq. ft. (\$1,000.00)
 Parking Lots over 100 spaces (\$1,000.00)
 100,000 - 200,000 sq. ft. (\$2,000.00)
 200,000 - 300,000 sq. ft. (\$3,000.00)
 Over 300,000 sq. ft. (\$5,000.00)
 After-the-fact Review (\$1,000.00 + applicable application fee)

Minor Site Plan Review
 Less than 10,000 sq. ft. (\$400.00)
 After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments
 Planning Staff Review (\$250.00) **\$1,875 total minus 25% = \$1,407 total**
 Planning Board Review (\$500.00) *** FEES SCHEDULE ATTACHED WITH 25% DISCOUNT FOR AFFORDABLE HOUSING**

Billing Address: (name, address and contact information)

WDC
Guy M. Gagnon, Development Director
30 Liza Harmon Dr.
Westbrook, Me. 04092

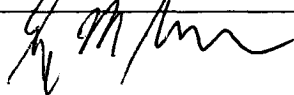
Submittals shall include **seven (7) folded** packets containing the following materials:

- A. Copy of the application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- E. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11 x 17 must be submitted.

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 site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 3/30/09
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Development Review Fee Schedule (effective July 15, 2005)

• Fee for Service Deposit (all applications)	\$200.00
Planning Services	\$30.00/hour
Legal Services	\$40.00/hour
• Major Site Plan Review (more than 10,000 sq. ft.)	
Under 50,000 sq. ft.	\$500.00
50,000 - 100,000 sq. ft.	\$1,000.00
Parking Lots over 100 spaces	\$1,000.00
100,000 - 200,000 sq. ft.	\$2,000.00
200,000 - 300,000 sq. ft.	\$3,000.00
Over 300,000 sq. ft.	\$5,000.00
• After-the-fact Major Site Plan Review	\$1,000.00 + applicable application fee
• Minor Site Plan Review (less than 10,000 sq. ft.)	\$400.00 (or up to 20,000 in an industrial zone)
• After-the-fact Minor Site Plan Review	\$1,000.00 + applicable application fee
• Minor-Minor Site Plan Review (Single Families)	\$300.00
• Amendment to Plans	
Planning Board Review	\$500.00
Planning Staff Review	\$250.00
• Subdivision Fee	\$500.00 + \$25.00 per lot \$375
• Section 14-403 Review	\$400.00 + \$25.00 per lot
• Site Location of Development (except for residential projects which shall be \$200.00 per lot)	\$3,000.00
• Traffic Movement Permit	\$1,000.00
• Storm water Quality Permit	\$250.00
• Street Vacation	\$2,000.00

Engineering Fees

- Engineer Review Fee - This fee is assessed by the Engineer
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with **\$300.00** being the minimum.

Zone Change

• Zoning Map Amendments	\$2,000.00
• Text Amendments	\$2,000.00
• Contract/Conditional Rezoning: Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
• Conditional Use	\$100.00

Historic Preservation

• Administrative Review	\$50.00
• Minor Projects - Committee Review	\$100.00
• Major Projects - Committee Review	\$500.00
• After-the-fact Review	\$750.00
• HP Special Exception Sign Review	\$35.00

Noticing/Advertisements for Historic Preservation and Planning Board Review

- Legal Advertisement: Percent of total bill
(Legal Ads are placed in the newspaper for workshop and public hearing meetings)
- Notices: .75 cents each
(Notices are sent to abutters upon receipt of an application, workshop mtgs. and public hearing mtgs.)



Site Plan Checklist Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

St. Patricks School Condominiums, 1251 Congress St

Project Name, Address of Project

Application Number

The form is to be completed by the Applicant or Designated Representative:

Check Submitted	Site Plan Item	Required Information	Section 14-525 (b,c)
_____	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
_____	(2)	Name and address of applicant and name of proposed development	a
_____	(3)	Scale and north points	b
_____	(4)	Boundaries of the site	c
_____	(5)	Total land area of site	d
_____	(6)	Topography - existing and proposed (2 feet intervals or less)	e
_____	(7)	Plans based on the boundary survey including:	2
_____	(8)	Existing soil conditions	a
_____	(9)	Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
_____	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
_____	(11)	Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 9 of packet)	d
_____	(12)	Location of on-site waste receptacles	e
_____	(13)	Public utilities	e
_____	(14)	Water and sewer mains	e
_____	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
_____	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
_____	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
_____	(18)	Parking areas	g
_____	(19)	Loading facilities	g
_____	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
_____	(21)	Curb and sidewalks	g
_____	(22)	Landscape plan showing:	h
_____	(23)	Location of existing vegetation and proposed vegetation	h
_____	(24)	Type of vegetation	h
_____	(25)	Quantity of plantings	h
_____	(26)	Size of proposed landscaping	h
_____	(27)	Existing areas to be preserved	h
_____	(28)	Preservation measures to be employed	h
_____	(29)	Details of planting and preservation specifications	h
_____	(30)	Location and dimensions of all fencing and screening	i
_____	(31)	Location and intensity of outdoor lighting system	j
_____	(32)	Location of fire hydrants, existing and proposed (refer to Fire Department checklist)	k
_____	(33)	Written statements to include:	c
_____	(34)	Description of proposed uses to be located on site	cl
_____	(35)	Quantity and type of residential, if any	cl
_____	(36)	Total land area of the site	c2
_____	(37)	Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
_____	(38)	General summary of existing and proposed easements or other burdens	c3
_____	(39)	Type, quantity and method of handling solid waste disposal	c4
_____	(40)	Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets	c5
_____	(41)	Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6

- x (42) An estimate of the time period required for completion of the development 7
- (43) A list of all state and federal regulatory approvals to which the development may be subject to. Include the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction. 8
- x (47) Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved. h8
- x (48) Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.
- (49) A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.
- (50) A jpeg or pdf of the proposed site plan, if available.
- (51) Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities
- erosion and sedimentation controls to be used during construction
- a parking and/or traffic study
- emissions
- a wind impact analysis
- an environmental impact study
- a sun shadow study
- a study of particulates and any other noxious
- a noise study

Other comments:

52 x DECLARATION of CONDOMINIUMS

53 x WDC info brochure

Zoning Summary

1. Property is located in the Conditional R-5 Zone (Approved by City Council April 6, 2009)
2. Parcel Acreage: 0.68 AC (29,526 sf)
3. Wetland Fill: 0 sf.

Comparison Chart

1251 Congress St., Portland

of current zone, similar zone and new conditional zone

		CURRENT		SIMILAR	Conditional Zone
DIMENSIONAL REQUIREMENTS:		R-5	Affordable Incentive	R-6	Conditional rezone
Minimum	Lot Size	6000	6000	4500	29600
	Front Yard Setback	20 ft	20 ft	10ft	20 ft
	Rear Yard Setback	20 ft	20 ft	20ft	20 ft
	Side Yard Setback	12 ft	12 ft	10ft	12 ft
	Lot Width	90 ft	90 ft	40 ft	90 ft
	Parking spaces	2 / unit	1 / affordable unit	2 / unit	1.5 / unit
Maximum	Lot Coverage	40%	40%	50%	40%
	Height	35 ft.	10 ft bonus	45 ft	31 ft
	Density	3000sf/unit	2500sf/unit	1000sf/unit	1975sf/unit
	Units per building	12	12	no max	15
AFFORDABILITY		not required	up to 25% of units	not required	100%
	Minimum # of affordable units	0 units	4 units	0 units	5 units perpetual + 10 units to initial buyers
USES PERMITTED		Lodging; private club residential; churches PRUD; day care Municipal; schools special needs; group homes		Offices; day care residential special needs group homes schools private clubs	residential condos Owner occupied



A-4

47

March 30, 2009

City of Portland
Department of Planning & Development
Planning Board
389 Congress Street
Portland, Maine 04101

To Whom It May Concern:

I'm writing to inform you that I have had a banking relationship with Westbrook Development Corporation and the Housing Authority of the City of Westbrook for several years. Westbrook Development Corporation has the financial capability to successfully finance and complete the proposed 15 unit condominium project located at 1251 Congress Street.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew W. Early", written over a horizontal line.

Matthew W. Early
Senior Vice President



00

MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION

TITLE 36, M.R.S.A. SECTIONS 4641-4641N

PLEASE TYPE OR PRINT CLEARLY

0599900

RETTD

1. COUNTY **CUMBERLAND** **DO NOT USE RED INK!**

2. MUNICIPALITY/TOWNSHIP **PORTLAND**

BOOK/PAGE—REGISTRY USE ONLY

3. GRANTEE/ PURCHASER	3a) Name (LAST, FIRST, MI) WESTBROOK DEVELOPMENT CORPORATION	3b) SSN or Federal ID 01-0434709
	3c) Name (LAST, FIRST, MI)	3d) SSN or Federal ID
	3e) Mailing Address 30 Lisa Harmon Drive	
	3f) City Westbrook	3g) State 3h) Zip Code ME 04072

4. GRANTOR/ SELLER	4a) Name (LAST, FIRST, MI) ROMAN CATHOLIC BISHOP OF PORTLAND	4b) SSN or Federal ID 01-0212546
	4c) Name (LAST, FIRST, MI)	4d) SSN or Federal ID
	4e) Mailing Address PO BOX 11559	
	4f) City PORTLAND	4g) State 4h) Zip Code ME 04104

5. PROPERTY	5a) Map Block Lot Sub-Lot 186 - 2&3 -	Check any that apply: <input type="checkbox"/> No tax maps exist <input checked="" type="checkbox"/> Multiple parcels <input checked="" type="checkbox"/> Portion of parcel	5b) Type of property—Enter the code number that best describes the property being sold. (See instructions)
	5c) Physical Location ST. PAT'S SCHOOL & P/O 5,6,7,8		5d) Acreage:

6. TRANSFER TAX	6a) Purchase Price (If the transfer is a gift, enter "0") 6a \$ 580000.00
	6b) Fair Market Value (enter a value only if you entered "0" in 6a) or if 6a) was of nominal value) 6b \$.00
	6c) Exemption claim - <input type="checkbox"/> Check the box if either grantor or grantee is claiming exemption from transfer tax and explain.

7. DATE OF TRANSFER (MM-DD-YYYY)
10-29-2008
MONTH DAY YEAR

8. WARNING TO BUYER—If the property is classified as Farmland, Open Space or Tree Growth, a Substantial financial penalty could be triggered by development, subdivision, partition or change in use. CLASSIFIED

9. SPECIAL CIRCUMSTANCES—Were there any special circumstances in the transfer which suggest that the price paid was either more or less than its fair market value? If yes, check the box and explain:

10. INCOME TAX WITHHELD—Buyer(s) not required to withhold Maine income tax because:
 Seller has qualified as a Maine resident
 A waiver has been received from the State Tax Assessor
 Consideration for the property is less than \$50,000

11. OATH
Aware of penalties as set forth by Title 36 §4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below:
Grantee *[Signature]* Date **10-29-08** Grantor *[Signature]* Date **10-29-08**
Grantee _____ Date _____ Grantor *[Signature]* Date _____

12. PREPARER
Name of Preparer **Thomas R. Kelly** Phone Number **207-772-6565**
Mailing Address **PO Box 568** E-Mail Address **tkelly@rkmlegal.com**
Portland, Maine 04112

48
A-6

KNOW ALL MEN BY THESE PRESENTS,

THAT, the **Roman Catholic Bishop of Portland**, a body politic and corporation sole, created and existing under the laws of the State of Maine, and having its chancery in Portland, County of Cumberland and State of Maine, in consideration of One Dollar (\$1.00) and other valuable considerations paid by **Westbrook Development Corporation**, a Maine non-profit corporation with a place of business at 30 Liza Harnum Dr., Westbrook, ME, the receipt of which consideration it does hereby acknowledge, does hereby remise, release, and convey, and forever quit-claim unto the said **Westbrook Development Corporation**, its successors and assigns, the following described real estate:

See attached Exhibit A.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging to the said Grantee, its successors and assigns forever.

In Witness Whereof, the said Roman Catholic Bishop of Portland, a body politic and corporation sole, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Richard Malone, Roman Catholic Bishop of Portland, thereunto duly authorized, according to the discipline and government of the Roman Catholic Church and the laws of the State of Maine, this 27th day of October, in the year of our Lord Two Thousand and Eight.

**SIGNED, SEALED AND DELIVERED
IN PRESENCE OF**

ROMAN CATHOLIC BISHOP OF PORTLAND

Richard Malone, Roman Catholic Bishop of Portland

By: Richard Malone
Richard Malone, Roman Catholic
Bishop of Portland

A-6.2

STATE OF MAINE
Cumberland, ss.

October 27, 2008

Personally appeared the above named Richard Malone, Roman Catholic Bishop of Portland, and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation sole.

Before me,

Carol A. Connolly
Notary Public

CAROL A. CONNOLLY
Notary Public, Maine
My Commission Expires November 1, 2012

Exhibit A

A parcel of land with any improvements, thereon, situated on the northeasterly side of Congress Street, the southeasterly side of Frances Street and the northwesterly side of Whitney Avenue, City of Portland, Cumberland County, State of Maine and is more particularly described as follows:

Beginning at a rebar on the southeasterly right of way line of Frances Street at the northerly corner of lands described in a deed to Bruce Toner and Sharon Toner recorded in book 14620, page 16 (all references in this legal description to book and page numbers are to the respective book and page numbers from the Cumberland County Registry of Deeds), said lands of Toner being Lot 85 as shown on a plan of Congress Park recorded in plan book 10, page 113;

Thence, N26°51'01"E along the right of way line of Frances Street a distance of 38.61 feet to a rebar;

Thence, S63°08'59"E a distance of 101.00 feet to a rebar;

Thence, N26°51'01"E a distance of 89.30 feet to a rebar;

Thence, S63°08'59"E a distance of 4.40 feet to a rebar;

Thence, N26°51'01"E a distance of 57.05 feet to a rebar on the southwesterly line of lands described in a deed to Michael G. Duggan and Anne E. Duggan recorded in book 16001, page 119;

Thence, S63°08'40"E along lands of Duggan a distance of 11.06 feet to a rebar at the southerly corner of Duggan and the northwesterly line of lands described in a deed to Mary M. McDonough recorded in book 9001, page 140, this portion of McDonough land being Lot 78 shown on the plan of Congress Park;

Thence, S26°51'13"W along lands of McDonough, lands described in a deed to Anthony Jacobsky recorded in book 15949, page 141, lands described in a deed to Jeff Davis recorded in book 24194, page 320 and lands now or formerly of Celest Murray and Norman Murray a distance of 234.95 feet to, or very near, a corner of a chain link fence, this line being along a portion of the northwest end of Lot 78 and along the northwest ends of Lots 79, 80, 81 and 82 of Congress Park;

Thence, S63°08'11"E along lands of Murray a distance of 116.45 feet to a rebar on the northwesterly right of way line of Whitney Avenue;

Thence, S26°51'23"W along the right of way line of Whitney Avenue a distance of 114.05 feet to a rebar at a corner of lands described in a State of Maine Condemnation recorded in book 6110, page 287;

Thence, S39°09'59"W along said lands of the State of Maine a distance of 1.91 feet;

Thence, along said lands of the State of Maine on a non-tangent curve to the right having a radius of 33.67 feet, an arc length of 19.65 feet, a delta of 33°26'26", a chord bearing of S82°27'53"W and a chord distance of 19.37 feet;

Thence, N80°48'54"W along said lands of the State of Maine a distance of 5.17 feet to a rebar on the northeasterly right of way line of Congress Street;

Thence, N55°06'37"W along the right of way line of Congress Street a distance of 154.87 feet to a rebar at the southerly corner of Toner;

Thence, N26°51'08"E along lands of Toner a distance of 156.77 feet to a rebar;

Thence, N63°08'29"W along lands of Toner a distance of 58.23 feet to the point of beginning.

Containing 30,089 square feet, more or less.

All rebar are to be set and are 5/8 inch with aluminum cap stamped "Lewis & Wasina, Inc. PLS 2114" except that in areas of pavement a nail may be set instead of a rebar.

The basis of bearing is magnetic north 2006.

The described parcel encompasses the following conveyed to the Roman Catholic Bishop of Portland:

Lands described in book 1091, page 48.

Lands described in book 1091, page 50.

A portion of lands described in book 1096, page 194.

A portion of lands described in book 1133, page 371.

A portion of lands described in book 1133, page 257.

SUBJECT TO grading rights described in State of Maine Condemnation recorded in book 6110, page 287.

NOT CONVEYING any easement in abutting retained land of the Roman Catholic Bishop of Portland, express, implied or otherwise.

The portion of the parcel fronting on Frances Street is subject to restrictions described in the deed recorded in book 1096, page 194.

This description is based on a plan entitled "Boundary Survey – Lot Split" prepared for St. Patrick's Parish by Lewis & Wasina, Inc., project no. 06-35 with revisions through September 22, 2008.

The above-described premises are conveyed SUBJECT to the restrictions that the Grantee, Grantee's successors and assigns, shall not use the premises in any way relating to: 1) counseling regarding or performance of abortions; 2) sale or distribution of pornographic materials; or 3) erotic displays or activities.

PBR1

SAINT PATRICK'S CONDOMINIUMS

**VICINITY OF 1251 CONGRESS STREET
SITE PLAN AND SUBDIVISION**

Westbrook Development Corporation, LLC, APPLICANT

Submitted to:

**Portland Planning Board
Portland, Maine
April 28, 2009**

Prepared by:

**Shukria Wiar, Planner
April 24, 2009**

I. INTRODUCTION

The Westbrook Development Corporation has requested a public hearing to present a site plan and subdivision proposal to redevelop the parcel at 1251 Congress Street, the former location of St. Patrick's School. The original parcel was subdivided into two lots by the previous owner, Roman Catholic Bishop of Portland; the parcel with the school building was sold to the applicant and the parcel with the single family was sold to a private citizen. The school building will be converted into fifteen (15) condominiums with twenty one (21) parking spaces. The site consists of 29,526 square feet of land area and is zoned as a conditional Residential R-5 zone. The site was rezoned from R-5 to a conditional R-5 zone in order to increase the allowable density, which was approved by the City Council on April 6, 2009.

The original parcel owned by the Roman Catholic Bishop of Portland was subdivided into two lots, the former school building that has been purchased by the applicant and nunnery building, which has been purchased by a private citizen.

The proposal is to convert the existing school into 15 condominiums units, all of which will be sold initially as affordable units to moderate-income buyers who are at or below one hundred and twenty (120) percent or less of the U.S. Department of Housing and Urban Development area median income. Five (5) of the units will remain affordable in perpetuity. In summary, the project is designed to provide affordable housing as an infill project near the downtown with convenient access to transit. The applicant also applied for review under the Incentives for Affordable Housing section of the Zoning Ordinance.

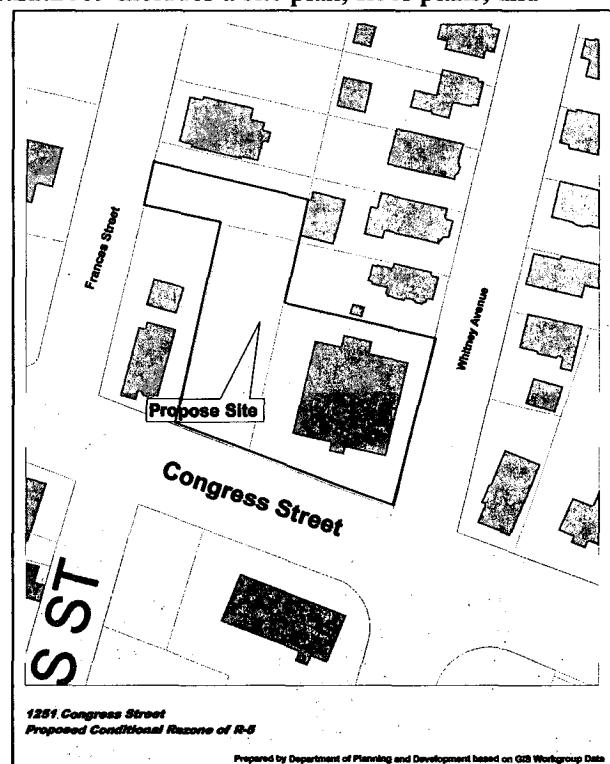
There will be no exterior expansion or alterations of the existing building; all the units will be housed within the structure. The applicant's submission dated 04.22.2009 includes a site plan, floor plans, and proposed elevations (Attachment C).

One hundred and eighty-six (186) notices were sent out to area residents, including property owners within 500 feet and interested citizens. A notice also appeared in the April 20th and 21st editions of the *Portland Press Herald*. A Neighborhood Meeting was held on April 15, 2009 and four (4) people attended this meeting; the details are included in Attachment B-4.

II. PROJECT DATA

The following conditions specific to this project are excerpted below and are proposed as part of the conditional rezoning:

Site: 1251 Congress Street
Tax Maps: Tax Map 186, Block A, Lot 2;
Tax Map 186, Block A, Lot 3;
Tax Map 186, Block A, Lot 5
Land Area: 29,526 square feet



Existing Uses: Grammar school with accompanying parking lot
Current Zoning: Conditional R-5 Rezone
Total Units: 15 units (income restricted units) plus a single family home
Building Height: The current building is four (4) stories with height of 31 ft.
Building Setbacks: Rear yard setbacks: 20 ft
Side yard setbacks: 12 ft
Total Parking: A total of 21 parking spaces.
Parking Ratios: Proposed: 0.65 spaces/unit (23 spaces for 15 dwelling units)
Bicycle Spaces: Six (6) spaces are required

III. PROPOSED DEVELOPMENT

A. General Overview

The Westbrook Development Corporation has purchased the school from the Roman Catholic Bishop of Portland, consisting of approximately 29,526 square feet located at 1251 Congress Street, being a parcel shown on City of Portland Tax Map 186, Block A, Lot 2, Tax Map 186, Block A, Lot 3 and Tax Map 186, Block A, Lot 5. The parcel is the former site of St. Patrick's School which currently has a brick building with a surface parking lot over the majority of the parcel.

The original parcel owned by the Roman Catholic Bishop of Portland was subdivided into two lots, the former school building that has been purchased by the applicant and the nunnery building, which has been purchased by a private citizen.

The project includes three stories of housing (15 unit total) with twenty-one (21) parking spaces. The floor plans indicate that the units will range in size from 660 square feet to 680 square feet, and will include fourteen (14) one-bedroom units and one (1) two-bedroom unit. The site improvements include reducing the pavement and creating a defined parking lot with 21 spaces, adding a walkway to the Congress Street entrance, and installing landscaping and fencing on the site.

B. Incentives for Affordable Housing

As required by the Conditional Zoning Agreement and the Declaration of Affordable Covenants, the developer is proposing to initially selling all of the fifteen (15) units as affordable condominiums; these units will be sold to moderate-income buyers who are at or below one hundred and twenty (120) percent or less of the U.S. Department of Housing and Urban Development area median income. Five (5) of these units will remain affordable in perpetuity. The Declaration of Affordable Covenants reflects this and has been reviewed and approved by Danielle West-Chuhta, Associate Corporation Counsel. As specified in Division 30 (Incentives for Affordable Housing, Chap. 14-484), since the developer is providing twenty five percent (25%) or more affordable housing in the project, one parking space per unit is required and expedited review of the proposal encouraged.

IV. CONDITIONAL REZONING AGREEMENT

The City Council granted a conditional rezoning for the project to Conditional R-5 Zone on April 6, 2009

(Attachment 1). The Conditional Zone Agreement includes the following conditions specific to this project:

1. The underlying dimensional requirements of the R-5 zone shall apply and are modified as follows:
 - a. Square Feet of land area per Unit: 1975
 - b. Units per Building: 15
2. The curb cut presently located along Congress Street shall be permanently closed as a condition of this Agreement.
3. The existing chain-link fence located on the Property shall be removed.
4. The Developer shall screen with plant material and/or fencing the parking lot and service driveways located on the Property in order to appropriately buffer their visibility from the adjacent residential properties and roadways.
5. The Developer shall provide two (2) trees per condominium unit on the Property. If the Developer is unable to provide the required two (2) trees per unit, it shall contribute \$200.00 per tree not provided to the City of Portland's Tree Fund. The number and kind of trees, both existing and proposed, shall be approved by Jeff Tarling, the City Arborist. This contribution is independent of any conditions which the Planning Board may lawfully require under site plan or subdivision review. The Planning Board shall not be authorized, however, to waive this requirement. This contribution shall be made prior to the issuance of a building permit.
6. The Developer shall at its own expense remove the two (2) school speed limit signs with flashing lights, the mast arms and poles and both concrete anchor and/or bolt bases on the Property, the wooden sign post located on Francis Street, and repair the sidewalk as needed.
7. As part of its community contribution, the Developer has already contributed \$15,000.00 worth of playground equipment to the City.

Marge Schmuckal, Zoning Administrator reviewed the proposed site plans and has determined that it meets the requirements and conditions as outlined within the written contract, see Attachment 5a for the full review.

V. CONDITIONAL USE

The alteration of an existing structure to residential units is listed as a conditional use in the R-5 zone and would allow the conversion of St. Patrick's School to nine (9) dwelling units. Section 14-118 (3) of the Zoning Ordinance states that:

3. *Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that: City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-118(3)*
 - a. *No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;*
 - b. *No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;*
 - c. *A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;*
 - d. *Three thousand (3,000) square feet of land area per dwelling unit shall be required;*

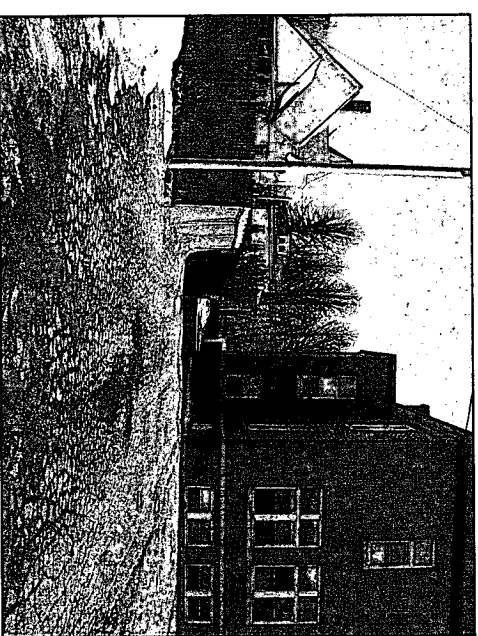
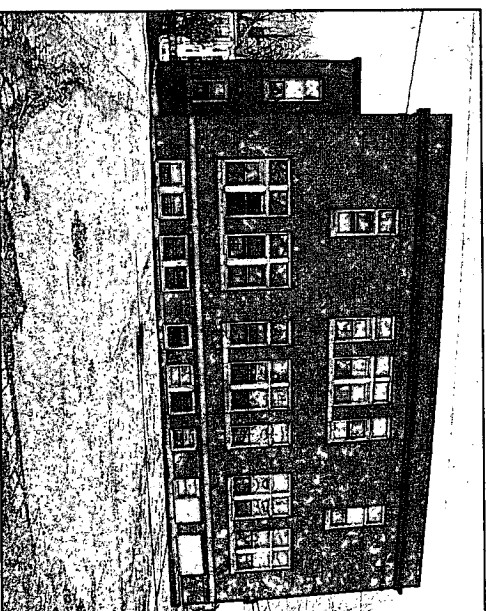
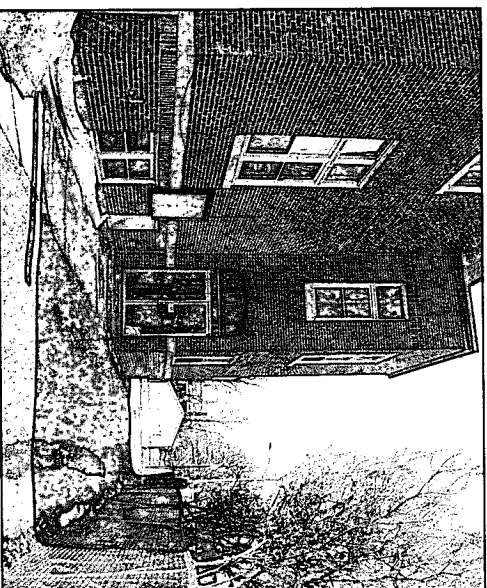
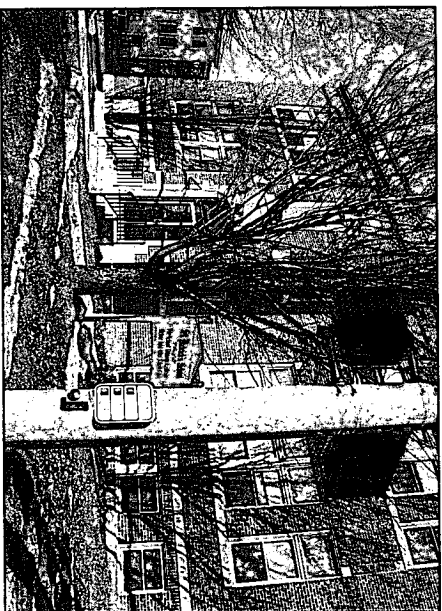
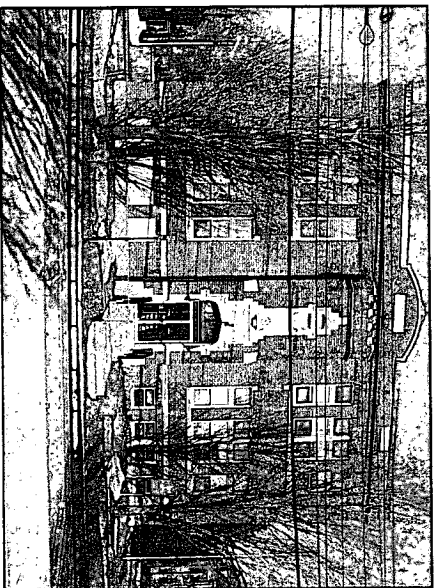
- e. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;*

The floor plans indicate that the units will range in size from 660 square feet to 680 square feet, there will be no exterior expansion or alterations of the existing building and the plans meet the ceiling to height requirements for the ground floor. The applicant is proposing on-site parking that exceeds the requirements of one space per unit under the Incentives for Affordable Housing. As noted, the City Council adopted the conditional rezoning for the site, which allows a residential density up to 15 condominium units. The applicant meets the conditional use standards for the alteration of non-residential structure to dwelling units.

Vicinity of Congress Street – Aerial 2006, City of Portland



PHOTOGRAPHS OF THE SITE



VI. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision and site plan ordinances.

VII. SUBDIVISION REVIEW

1. Water and Air Pollution

The project will not result in undue water or air pollution, as it is not in a flood plain and is for residential use.

2/3. Water

Rico Spugnardi, Business Development Engineer, Portland Water District, submitted a letter dated November 13, 2008, which states that there should be an adequate supply of water to serve the project, from a 6 inch cast iron water main in Whitney Avenue. There is a fire hydrant located across from the site on Whitney Avenue (Attachment A-7). The project will not cause an unreasonable burden on the existing water supply.

4. Traffic and Circulation

Parking

The applicant is proposing a surface parking lot with twenty-one (21) spaces available for the tenants. Under the Incentives for Affordable Housing, only one parking space per unit is required.

Traffic

The ingress and egress to the parking lot is currently located on Frances Street which will be utilized for the future parking lot as well. There will be an exit only onto Whitney Avenue. The City of Portland's Technical and Design Standards and Guidelines specify that multi-family residential developments with three (3) or more units shall have a 20 foot wide driveway for any one-way egress way and 24 feet for two-way driveway. The driveway widths for this project do not meet the City's design standards. The one-way driveways are 12 feet wide on Whitney Avenue and the two-way driveway on Frances Street is 21.5 feet but flares out to the curb to 24 feet. The applicant is requesting a waiver of the driveway width requirement of the Portland Technical Design Standards. Section 14-506 Modifications states:

(a) Except for the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, the planning board if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan and the regulations of this article.

Tom Errico, City's Consulting Traffic Engineer, has reviewed the existing conditions and the proposed site plan, and finds the proposed driveway widths to be adequate for access onto the two streets. Mr. Errico is recommending specific traffic signage for the driveways, which are listed below under the site plan review (refer to Section VIII, 1 and 2 Traffic). Department of Public Services supports a waiver for the

driveways, see Attachment 3.

A condition of the conditional rezone agreement, the existing driveway curb cut directly abutting Congress Street will be permanently closed per the request of Department of Public Services.

Sidewalks

The applicant is proposing to replace the sidewalk on the Frances Street frontage; the existing sidewalk is in brick, which the applicant is providing. As for Whitney Avenue, the City's Sidewalk Materials Policy requires a brick sidewalk along the street frontage. According to the David Margolis-Pineo, Deputy City Engineer for the Department of Public Services, the applicant is required to construct the sidewalk portion along the property line with brick. Mr. Magolis-Pineo's memo is included at Attachment 2.

Bicycle Parking

Per the Zoning Ordinance, for a residential structure, two (2) bicycle parking spaces are needed for every five (5) dwelling units. Therefore, for this particular project, the requirement is six (6) spaces; the applicant is proposing either to have this located within the building or at the entrance of the building. The final location has not been determined.

A potential condition of approval:

The final site plan shall show the location of the required six (6) bicycle parking spaces before the issue of a building permit.

The traffic aspect of the subdivision review is also included in the site plan review (Section VIII, paragraph 1 and 2).

5. Sanitary Sewer/Soils/ Stormwater

Utility lines in Whitney Avenue will serve the development. Since the applicant is removing pavement and thereby reducing the impervious surface area for a parking lot with only 21 parking spaces, a Stormwater Management Report was not required. There will be a new catch basin to the existing 24" RCP line in Congress Street. The applicant has provided a water capacity letter, which is included as Attachment A-7 but has not received a sewer capacity letter.

A potential condition of approval:

The applicant shall submit a sewer capacity letter before the issuance of the building permit.

6. Solid Waste Disposal

Site plans shows an enclosed area for a dumpster at the north end of the parking area. It will be enclosed in a cedar fence.

7. Scenic Beauty

The subdivision is in an urban neighborhood. The project will improve the aesthetic quality of the neighborhood with the proposed landscaping. There will be no exterior expansion of the building being proposed; due to this, the school existing exterior will be preserved and maintained as a landmark building

for the City.

The Conditional Rezoning Agreement contains the following condition:

The Developer shall provide two (2) trees per condominium unit on the Property. If the Developer is unable to provide the required two (2) trees per unit, it shall contribute \$200.00 per tree not provided to the City of Portland's Tree Fund. The number and kind of trees, both and existing and proposed, shall be approved by Jeff Tarling, the City Arborist. This contribution is independent of any conditions which the Planning Board may lawfully require under site plan or subdivision review. The Planning Board shall not be authorized, however, to waive this requirement. This contribution shall be made prior to the issuance of a building permit.

For this proposal of fifteen (15) units, a total of thirty (30) trees would be required. The applicant is proposing four (4) street trees on Congress Street and two (2) on Whitney Street. Since all of these trees cannot be located on the site, the applicant will be required to make a financial contribution of the remaining trees (\$200 per street tree) to the City's Residential Tree Fund to be planted in the vicinity of the proposed project. Therefore the applicant will need to contribute a total of \$ 4,800.

There are no known natural or manmade resources that will be adversely affected by this proposal.

8. Comprehensive Plan

The housing element of Portland's Comprehensive Plan, *Housing: Sustaining Portland's Future*, contains the policies relevant to this proposal. The applicant has cited the following statements in support of this proposal from the City's Comprehensive Plan for new residential development:

- Be pedestrian oriented and accessible
- Support and encourage the creation and preservation of an adequate supply of quality housing for all.
- Incorporate environmental, economic and neighborhood considerations in municipal decision-making.
- Strengthen alternative transportation options to create an accessible city that promotes ease of movement for all citizens, serving neighborhood needs...

In addition to the above statements, the following housing policies and objectives that are relevant to this proposal:

Policy 1- Ensure an adequate and diverse supply of housing for all.

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied. The list of potential housing options under this objective include:
 - i. Housing units for decreasing household sizes, such as young professionals, empty nesters, single parent households and senior citizens.
 - v. Higher density housing, such as row houses, small lots, reuse of non-residential buildings, and mixed use buildings.
 - vii. Housing development that encourages community, such as co-op housing.

- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers and public transportation.

Policy 5-

“Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as school, businesses, institutions, employers, and public transportation.”

“Evaluate and update current zoning, as needed, to encourage higher density multi-family developments and mixed use projects that incorporate housing, particularly along major public transportation routes, near services areas, and in redevelopment or infill areas, where appropriate.”

“Portland should encourage sustainable development patterns and opportunities within the City by promoting efficient land use, conservation of natural resources and easy access to public transportation, services and public amenities.” Relevant objectives under this policy include the following:

- Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity to services and employment, increased public transit usage, expanded economic base, high quality services and an affordable tax rate.
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.
- Design housing using new technologies and materials that reduce costs and increase energy efficiency. [Note: building to be built to meet or exceed Maine State Housing’s Green Building Standards].

The proposed project will provide increased density in an area that is near services such as businesses, institutions, employers and public transportation. It will also provide compact in-city living for owners that represent a variety of income levels. It is located near the downtown district and on the Congress Street METRO line that serves the downtown Portland district (see route map insert) and is near the Amtrak and Concord Bus stations.

9. Financial Capability

A letter from Matthew W Early of Gorham Savings Bank dated May 30, 2009 is in the application (Attachment A-4), which states the financial institution consider Westbrook Development Corporation to have the financial capability to successfully finance and complete the proposed project, based on a financial review of the borrower.

10. Groundwater

The proposed project is not situated near any pond, lake, wetland or river. The project will not adversely affect the shoreline of a water body nor will it adversely affect the quality or quantity of groundwater. Public water and sewer will serve the site.

11. Flood Hazard/Shoreland

The site is not located within a Flood Hazard or Shoreland Area.

12. Wetlands

The site is currently a parking area with a packed gravel surface and a small band of grass surrounding the

gravel area. There are no wetlands or other water bodies on the site.

VIII. SITE PLAN REVIEW

1/2. Traffic

Please refer to Paragraph VII, Section 4. In addition to the subdivision review comments, Mr. Errico has recommended as potential conditions of approval that the following traffic signage be installed for the driveways:

A "DO NOT ENTER" sign that meets specifications contained in the Manual on Uniform Traffic Control Devices shall be installed at the egress driveway location at Whitney Avenue.

The applicant shall be responsible for all costs associated with parking signage changes on both Whitney Avenue and Frances Street, including but not limited to Drop-off/Pick-Up Zone, Handicapped Drop-Off and 10 Minute Parking Zone signs. The City Staff shall coordinate with applicant on appropriate future parking regulations in the vicinity of the project.

3. Bulk, Location, Health, Safety Air/Height of Proposed Buildings

The building is an existing structure which will remain with no visible change to the exterior structure other than window and door repairs, trim painting and minor masonry repair. Conceptual floor plans are attached to this document. The interior renovations attempt to maintain the character of the school. The removal of pavement and addition of green space, plantings and landscaping will greatly improve the appeal of the immediate area.

The project proposal and the use will not cause health or safety problems as to existing uses in the neighborhood.

4. Sewers, Stormdrains, Water

Please refer to Paragraph VII, Section 5.

5. Landscaping and Existing Vegetation

Jeff Tarling, City Arborist, has reviewed the proposed landscaping plan and offers the following recommendations (Attachment 4):

- a. Buffer planting along Congress Street & adjacent residential property - the proposed landscape treatment along Congress Street need to be increased to effectively screen the proposed parking area.
- b. Increase screening along Congress Street, recommendations - Plant Arborvitae 5-6' H, spacing 7' +/- OC or European Hornbeam 2-2.5" caliper, spacing 10', or combination of trees & shrubs, or fencing to increase buffer.

- c. Buffering along residential property lines - due to the closeness of the parking to neighboring property - the available planting space is only about 4'; a solid wooden fence should be installed along the property line in addition to the proposed planting of the 'Arctic Fire' Dogwood.
- d. The plant list proposes to use 'Columnar' Norway Maples; recommendation would change this to 'Columnar' Red Maple such as 'Armstrong' Red Maple. (Efforts are being made to reduce the overuse of invasive Norway Maple).

A potential condition of approval:

The applicant shall coordinate with the City Arborist to address the comments in his memo dated 04.24.2009 before the issuance of a building permit.

The proposed parking area is a reduction in existing paved areas. The surface parking lot is located it away from the single family homes as much as possible. The applicant plans to screen the parking from neighboring residential properties through landscaping. The Conditional Rezoning Agreement also includes the following language in regard to screening of the parking lot: The Developer shall screen with plant material and/or fencing the parking lot and service driveways located on the Property in order to appropriately buffer their visibility from the adjacent residential properties and roadways.

6. Exterior Lighting

The applicant is proposing a total of five (5) lighting poles in the parking lot and two (2) exterior wall mounted light fixtures on the building: two wall sconce lights at the north entrance (back) of the building. The lighting catalogue cut of the lighting fixtures are included as Attachment B-3. The applicant has submitted a photometric plan prepared by Larry Bartlett, Lighting and Electrical Engineering (Attachment C-10). The height, illumination, and location are shown on the photometric plan. The photometric plan as proposed does meet the City Lighting standards.

7. Fire

Captain Keith Gautreau of the Fire Department has reviewed the site plans and the fire department checklist that was submitted by the applicant. The Fire Department checklist appears fine. Capt. Gautreau would like to see some details on the two-way access from Frances Street; he is concerned about getting the apparatus in for access. The building has power lines along side of Congress and Whitney so the only ladder access is coming from Frances Street.

After discussion with Captain Gautreau on April 23, 2009, he felt comfortable with the access off Frances Street; his only concern is within the parking lot. He is concerned that when the fire apparatus enters the site and it will be hard to maneuver if a vehicle is parked along the edge of the lot. Captain Gautreau is considering recommending that a "NO PARKING" area be striped (across of the dumpster location), even though no parking is proposed in this location. His final memo will be submitted at the public hearing.

A potential condition of approval:

The applicant shall coordinate with Captain Keith Gautreau to address the comments in his memo dated 04.23.2009 before the issuance of a building permit.

8. City Infrastructure

The proposed development is designed to be consistent with off-premise infrastructure, existing or planned by the City. In addition, the applicant is at its own expense removing the two (2) school speed limit signs with flashing lights, the mast arms and poles and both concrete anchor and/or bolt bases on the Property, the wooden sign post located on Francis Street, and repairing the sidewalk as needed. The applicant is also contributing to the City's tree fund for the street trees that cannot be planted on site. The applicant has donated the playground equipment to the City of Portland for relocation for an estimated value of \$15,000, according to Tom Civiello, Park and Open Space Manager.

9. Condominium Documents

The applicant has submitted the condominium documents for review, please Attachment A-9. These documents were reviewed and approved by Corporate Counsel during the conditional rezone process.

10. Easements

There is an ingress/ egress easement on the property. This easement is located on the site plan (Attachment C-5) that accesses the house at 13 Frances Street, owned by David Wade. This has been brought to our attention by the Mr. Wade and the site plans need to be updated to show this access to the property, see Attachment 7 and 8 for a copy of the easement language and a minor site plan that was submitted for a change of use for the single house.

A potential condition of approval:

The final site plan shall show the single family house along with the access to the driveway before the issuance of a building permit.

IX. MOTIONS FOR THE BOARD TO CONSIDER

1. Conditional Use

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 18-09 relevant to Portland's R-5 Conditional Use for the *Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units* and the testimony presented at the Planning Board hearing:

The Planning Board finds the proposed conditional use for the conversion of a non-residential building to a residential use (does or does not) meet the standards of Section 14-118, 3 a through f.

2. Waiver of Technical Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 18-09 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning

Board hearing:

The Planning Board [**waives / does not waive**] Technical and Design Standards and Guidelines, Section III(2)(A)(a) which requires that any site with driveway access to a street shall have a minimum twenty-four (24) feet for two-way ingress and egress and minimum of twenty (20) foot wide driveway for one-way, to allow the driveways on Frances Street to be reduced to twenty-one point five (21.5') feet and on Whitney Avenue to be reduced to twelve (12) feet for a one-way access way, as shown on the plan (Attachment C-6).

2. Subdivision Review

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contains in Planning Board Report # 18-09, relevant to the subdivision Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [**is / is not**] in conformance with the subdivision standards of the land use code, subject to the following potential conditions of approval:

- a. The final site plan and recording plat shall include the single family house directly abutting the site on Whitney Avenue, reference the access easement and depict the driveway for the house before the issuance of a building permit.
- b. The applicant shall submit a sewer capacity letter before the issuance of the building permit.
- c. The applicant shall meet all of the affordability controls contained within paragraph 5 of the Conditional Rezoning Agreement and a reference to these controls, as well as the Conditional Rezone Agreement and Declaration of Affordable Covenants (and their recording information) shall be noted on the recording plat.
- d. The applicant shall contribute \$4,800 to the City of Portland's Street Tree Fund to meet paragraph 9 of the Conditional Rezoning Agreement.

3. Site Plan Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contains in Planning Board Report # 18-09, relevant to the site plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [**is / is not**] in conformance with the site plan standards of the land use code, subject to the following potential conditions of approval:

- a. A "DO NOT ENTER" sign that meets specifications contained in the Manual on Uniform Traffic Control Devices shall be installed at the egress driveway location at Whitney Avenue and shown on the final site plan before the issuance of a building permit.
- b. The applicant shall be responsible for all costs associated with parking signage changes on Whitney Avenue and Frances Street, including but not limited to Drop-off/Pick-Up Zone,

- Handicapped Drop-Off and 10 Minute Parking Zone signs. The City Staff shall coordinate with applicant on appropriate future parking regulations in the vicinity of the project. These parking regulations shall be shown on the final site plan before the issuance of a building permit.
- c. As required by the Conditional Rezoning Agreement, the Applicant shall screen with plant material and/or fencing the parking lot and service driveways located on the property to appropriately buffer their visibility from the adjacent residential properties and roadways. The applicant shall coordinate with the City Arborist to address the comments in his memo dated 04.24.2009 before the issuance of a building permit.
 - d. The applicant shall coordinate with Captain Keith Gautreau to address the comments in his memo dated 04.23.2009 before the issuance of a building permit.
 - e. The applicant shall permanently close the existing curb cut along Congress Street prior to the issuance of a certificate of occupancy.
 - f. The applicant shall remove the existing chain-link fence on the property prior to the issuance of a certificate of occupancy.
 - g. The applicant shall remove the two (2) school speed limit signs on Congress Street (including, but not limited to, removing the flashing lights, mast arms, poles, and concrete anchor and/or bolt bases associated with the signs) and shall remove the wooden sign post located on Frances Street and sidewalks shall be repaired as needed prior to the issuance of a certificate of occupancy.

Attachments:

Planning Board Report Attachments

1. Conditional Zone Agreement, passed by City Council, 04.06.2009
2. Memorandum, David Margolis-Pineo, 04.15.2009
3. Memorandum, Tom Errico, 04.15.2009
4. Memorandum, Jeff Tarling, 04.24.2009
5. Memorandum, Marge Schmuckal
 - a. 04.23.2009
 - b. 04.03.2009
6. Memorandum, Keith Gautreau, 04.23.2009
7. Email from David Wade, Abutter, 02.09.2009
8. Easement Language and site plan

Application Submittal

Attachment A Excerpts of Original Application and Written Material: Separate document in packet

- A-1 Cover letter from Applicant, 03.30.2009
- A-2 Site Plan and Subdivision Application
- A-3 Zoning Summery

- A-4 Financial Capacity Letter, 03.30.2009
- A-5 Property Transfer Form
- A-6 Property Deed
- A-7 Water Capacity Letter from Portland Water District, 11.13.2008
- A-8 WDC Information Brochure
- A-9 Declaration of St. Patrick's School Condominiums

Attachment B April Submission

- B-1 Fire Department Checklist, 04.20.2009
- B-2 Water Capacity Letter from Portland Water District, 11.13.2008
- B-3 Lighting Catalogue Cuts
- B-4 Neighborhood Meeting and Minutes

Attachment C Application Plan Set

- C-1 Vicinity Map
- C-2 Existing Conditions
- C-3 Boundary Survey
- C-4 Recording Plat of Vertical and Horizontal Limits
- C-5 Subdivision Recording Plat
- C-6 S-1 Site Plan and Subdivision Plan
- C-7 S-2 Site Details
- C-8 L1-Landscape Plan
- C-9 PH1- Photometric Site Plan
- C-10 A1- Basement Plan
- C-11 A2- First Floor Plan
- C-12 A3- Second Floor Plan
- C-13 A4- Typical Section

Att. 1

Order 186-08/09
Given first reading on 3/16/09
Public hearing and Passage: 4/6/09 8-0 (Anton out)

JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
NICHOLAS M. MAVODONES (A/L)

AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF CONGRESS STREET AND WHITNEY AVENUE

ORDERED, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL ZONE AGREEMENT

WESTBROOK DEVELOPMENT CORPORATION

AGREEMENT made this ____ day of _____, 2009 by Westbrook Development Corporation, a Maine corporation with a place of business in Westbrook, Maine ("Developer"), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer has acquired land and buildings located at 1251 Congress Street in Portland, consisting of parcels shown on City of Portland Tax Map 186, Block A, Lots 2, 3 and 5, and more particularly described in a deed from the Roman Catholic Bishop of Portland dated October 29, 2008 and recorded in the Cumberland County Registry of Deeds in Book _____, Page _____ (the "Property"); and

WHEREAS, the existing building located on the Property used to house a grammar school for St. Patrick's Church; and

WHEREAS, the existing building located on the Property is currently vacant; and

WHEREAS, the Developer intends to convert the existing building located on the Property into fifteen (15) condominium units, all of which shall be sold initially as affordable to buyers with household incomes at one hundred and twenty (120) percent or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine and five (5) of said units will remain affordable so long as the Property remains a residential condominium; and

WHEREAS, the Developer intends to house all of the condominium units in the existing building located on the Property; and

WHEREAS, the Developer intends to maintain the character of the Property and complement the adjacent residential neighborhood; and

WHEREAS, the existing zoning is R-5 which requires 2500 square feet of land area per unit (if affordable housing is included), and which results in a limitation on the number of condominium units in the building upon the Property to eleven (11); and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed redevelopment and reuse of the building from a vacant school to a fifteen (15) unit residential condominium; and

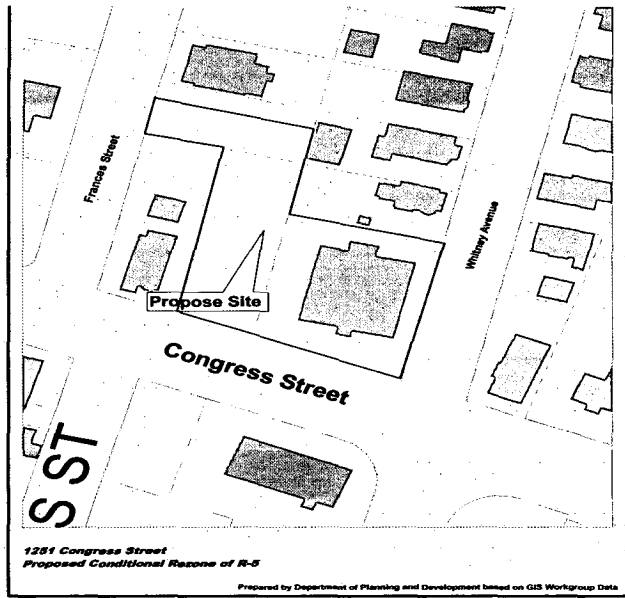
WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

WHEREAS, the Portland City Council has on _____, 2009 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property R-5, subject to the conditions contained below.



If this Agreement is not recorded within sixty (60) days after the date of the approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-5 zone.

2. The use of the Property shall be for a maximum of fifteen (15) residential condominium units. No additional condominium units shall be developed and the fifteen (15) condominium units shall be developed substantially as delineated and depicted on the Site Plan, elevations and floor plans, attached hereto as Attachment 2, submitted by _____ dated _____, 2009.

3. As a condition of this rezoning, the Planning Board shall be substituted for the Zoning Board of Appeals for purposes of evaluating and approving the conditional use of an alteration of an existing non-residential structure to a residential structure in the R-5 zone.

4. The underlying dimensional requirements of the R-5 zone shall apply and are modified as follows:

- a. Square Feet of land area per Unit: 1975
- b. Units per Building: 15

5. The Developer agrees to maintain the following affordability controls on the proposed development on the Property:

- a. Ten (10) of the fifteen (15) condominium units shall be initially developed, marketed and sold to individuals with household incomes at 120% or less of the U.S. Department of Housing and Urban Development moderate-income income figure for metropolitan Cumberland County Maine, as calculated for the year in which the sale takes place (a "Qualified Purchaser"), and shall be priced to be affordable to a Qualified Purchaser. Each of the Qualified Purchasers of these ten (10) condominium units shall occupy the units as their principal residences, except that a Qualified Purchaser may rent a unit

for a period not to exceed twelve (12) months in any thirty-six (36) month period, to enable the Qualified Purchaser to address matters such as divorce, transfer of employment, economic hardship and the like. Transient rentals shall not be permitted. No affordability restrictions or controls shall apply beyond the initial sales of these ten (10) units, except that the Developer may subject these ten (10) units to additional affordability restrictions or controls as the Developer deems appropriate. Any such additional affordability restrictions or controls shall be reviewed and approved by the City of Portland corporation counsel's office. In the event that the purchase price for any one of these ten (10) units is subsidized as a result of public funds made available to make the purchase of such unit more affordable, a junior mortgage shall be placed upon such condominium unit, representing the amount of the subsidy received. Unless the Qualified Purchaser sells the condominium to another Qualified Purchaser upon resale of the condominium unit, the amount of the junior mortgage, being the amount of the subsidy received, shall be paid from the proceeds of sale by the Qualified Purchaser to the holder of the affordability covenants upon the condominium units, as set forth in the Declaration of Affordability Covenants to which the condominium units shall be subject, to be used for the purpose of providing additional affordable housing opportunities in the City of Portland, which may include the continued subsidy of subsequent Qualified Purchasers of any of these ten (10) condominium units. In the event that an initial Qualified Purchaser sells one of these ten (10) condominium units to another Qualified Purchaser, the junior mortgage shall not be repaid, but shall be assumed by the subsequent Qualified Purchaser, who shall own and hold these condominium units subject to a junior mortgage in the same manner as an initial Qualified Purchaser. Notwithstanding the foregoing, in the event that the terms of the subsidy program require a different treatment of the subsidy upon resale, the terms of the subsidy program shall control and shall govern the treatment of the subsidy upon resale.

- b. Five (5) of the fifteen (15) condominium units shall be developed, marketed and sold, and resold, as long as the Property remains a residential condominium, to Qualified Purchasers. Each of the Qualified Purchasers of these five (5) condominium units shall occupy the units as their principal residences, except that a Qualified Purchaser may rent a unit for a period not to exceed twelve (12) months in any thirty-six (36) month period, to enable the Qualified Purchaser to address matters such as divorce, transfer of employment, economic hardship and the like. Transient rentals shall not be permitted. A junior mortgage may be placed upon such condominium unit, to further secure the continued affordability covenants contained in the Declaration of Affordability Covenants.

c. All of these affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions, other deed restriction(s) and/or condition(s) in any deed(s) conveyed out by the Developer, shall be stated in the condominium documents, shall be identified on the approved Site Plan for the Property, and shall be reviewed and approved by the City of Portland corporation counsel's office. The affordability covenants contained in the Declaration of Affordable Housing Covenants and Restrictions shall be enforceable by the City of Portland, or its designee.

6. The curb cut presently located along Congress Street shall be permanently closed as a condition of this Agreement.

7. The existing chain-link fence located on the Property shall be removed.

8. The Developer shall screen with plant material and/or fencing the parking lot and service driveways located on the Property in order to appropriately buffer their visibility from the adjacent residential properties and roadways.

9. The Developer shall provide two (2) trees per condominium unit on the Property. If the Developer is unable to provide the required two (2) trees per unit, it shall contribute \$200.00 per tree not provided to the City of Portland's Tree Fund. The number and kind of trees, both and existing and proposed, shall be approved by Jeff Tarling, the City Arborist. This contribution is independent of any conditions which the Planning Board may lawfully require under site plan or subdivision review. The Planning Board shall not be authorized, however, to waive this requirement. This contribution shall be made prior to the issuance of a building permit.

10. The Developer shall at its own expense remove the two (2) school speed limit signs with flashing lights, the mast arms and poles and both concrete anchor and/or bolt bases on the Property, the wooden sign post located on Frances Street, and repair the sidewalk as needed.

11. As part of its community contribution, the Developer has already contributed \$15,000.00 worth of playground equipment to the City.

12. The Developer shall be responsible for ongoing maintenance of the Property, including snowplowing, salting, sanding, sweeping, lighting, trash pickup (at least weekly), mowing, etc. The dumpster located on the Property shall be enclosed.

13. The provisions of this Agreement are intended to replace and/or supersede the requirements of the underlying R-5 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-5 zone shall otherwise apply to the Property.

14. In the event of a breach by the Developer or its successors or assigns (including, but not limited to, any homeowners association) of the zoning provisions

contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the Property to the R-5 zone requirements in place before the execution of this Agreement. Notwithstanding the foregoing, following the issuance of a certificate of occupancy for the fifteen (15) condominium units, and the recording in the Cumberland County Registry of Deeds of a Declaration of Affordability Covenants acceptable to the City of Portland corporation counsel's office and to which the City is a party, the remedies available to the City for a breach of the zoning conditions contained herein shall not include rescission of this Agreement, but shall otherwise include all remedies available under applicable law (including, but not limited to, 30-A M.R.S.A. § 4452 and the Portland City Code) and under the Declaration of Affordability Covenants. The Declaration of Affordability Covenants shall include a provision providing that it may not be amended without the written consent of the City of Portland.

15. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns (including, but not limited to, any homeowners association), and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

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

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

WITNESS: _____

WESTBROOK DEVELOPMENT CORPORATION

BY: _____

STATE OF MAINE
CUMBERLAND, ss.

_____, 2009

Personally appeared before me the above-named _____, in his/her capacity as _____ of Westbrook Development Corporation, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

April 15, 2009

To: Shukria Wiar
From: David Margolis-Pineo and Staff
Re: 1251 Congress Street- St. Patrick Condos
Public Services Review Comments

1. Sheet S-1: Close the ramp on Whitney Ave. with granite curbing and replace the sidewalk with concrete or pavement.
2. Sheet S-2: Detail-10 should show 10" of gravel in the sidewalk area and 12" gravel in the driveway area. The bricks should be laid flat in the sidewalk and flat in the driveway as well but perpendicular to the sidewalk.
3. Sheet S-2: Detail-13 shows 24" of gravel placed in front of the curb, it should be 12". It also should show a cut back of existing pavement 24" from face of curb.
4. Sheet S-2: Detail-4 to use 7' tipdowns at handicap ramps and install a detectable.
5. Remove wooden pole on Whitney Ave. and two mast arms on Congress which held former school signs and deliver both wooden pole and mast arms to the City storage facility on outer Congress Street.
6. Whitney Ave sidewalk material policy is brick. Applicant is required to construct this portion of sidewalk along the property line with brick.

Att. 3

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: 'Shukria Wiar' <SHUKRIAW@portlandmaine.gov>
Date: 4/15/2009 2:26:43 PM
Subject: 1251 Congress Street - St. Patrick's Condominiums

Shukria -

I have reviewed the submittal dated March 30, 2009 prepared by the Westbrook Development Corporation and offer the following comments.

- * The one-way egress drive to Whitney Avenue is 12 feet wide and does not meet City standards. I support a waiver from the standard.
- * The two-way driveway to Frances Street is 21.5 feet wide and does not meet City standards. I support a waiver from the standard.
- * The curb cut on Frances Street should be aligned such that it is directly centered on the driveway.
- * A "DO NOT ENTER" sign that meets specifications contained in the Manual on Uniform Traffic Control Devices shall be installed at the egress driveway location at Whitney Avenue.
- * The sidewalk ramp near the corner of Whitney Avenue and Congress Street shall be removed and modified according to Department of Public Services requirements.
- * The applicant shall be responsible for all costs associated with parking signage changes on both Whitney Avenue and Frances Street, including but not limited to Drop-off/Pick-Up Zone, Handicapped Drop-Off and 10 Minute Parking Zone signs. I will coordinate with John Peverada on appropriate future parking regulations.

If you have any questions or comments, please contact me.

Best regards,

Thomas A. Errico, P.E.
Senior Transportation Engineer
Wilbur Smith Associates
59 Middle Street
Portland, Maine 04101
w: 207.871.1785 f: 207.871.5825
TErrico@WilburSmith.com<mailto:TErrico@WilburSmith.com>
www.WilburSmith.com<http://www.wilbursmith.com/>

CC: Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@portlandmaine.gov>

From: Jeff Tarling
To: Shukria Wiar
Date: 4/24/2009 9:28:07 AM
Subject: St. Patricks School Condominiums

Hi Shukria -

I have reviewed the proposed St. Patricks School landscaping and offer the following recommendations:

a) Buffer planting along Congress Street & adjacent residential property - the proposed landscape treatment along Congress Street need to be increased to effectively screen the proposed parking area.

1a) Increase screening along Congress Street, recommendations - Plant - Arborvitae 5-6' H, spacing 7' +/- OC or European Hornbeam 2-2.5" caliper, spacing 10', or combination of trees & shrubs, fencing to increase buffer.

1b) Buffering along residential property lines - due to the closeness of the parking to neighboring property - the available planting space is only about 4', a solid wooden fence should be installed along the property line in addition to the proposed planting of the 'Arctic Fire' Dogwood.

The plant list proposes to use 'Columnar' Norway Maples, recommendation would change this to 'Columnar' Red Maple such as 'Armstrong' Red Maple. (Efforts are being made to reduce the overuse of invasive Norway Maple.)

Overall, the plan does save existing shade trees and adds landscape planting to help transition this former school building to a more 'residential' feel.

I would be glad to discuss these recommendation and / or meet with the project team to review.

Thanks,

Jeff Tarling
City Arborist

Att. 5a

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2009-0034

Date: 4/23/2009

After reviewing the revised plans received 4/22/09, the project meets the conditions of the conditional rezoning of the property and the underlying R-5 requirements. At this point there is still one outstanding issue that was raised in the 04/03/09 comment and has not been addressed. This lot is a subdivision which does not show another lot that was part of the original lot. That abutting lot needs to be added as another single family for a total of 16 residential dwelling units. - amachado

Att. 5b

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2009-0034

Date: 4/3/2009

This project is for 15 residential dwelling units with in the old St. Patricks School. There is a conditional/contract zone which is scheduled to be approved by the City Council on 4/6/09 . I have no copies of it. This would be considered a site plan review and a subdivison. I notice that the application did not charge nor does it mention the number of dwelling units. This lot is a subdivision which does not show another lot that was part of the original lot. That abutting lot needs to be added as another single family for a total of 16 residential dwelling units.

I can't do a further review without a copy of the approved conditional/contract zone.

Marge Schmuckal
Zoning Administrator

Att. 6

MEMORANDUM

To: FILE

From: Keith Gautreau

Dept: Fire

Subject: Application ID: 2009-0034

Date:

The Fire Dept. Checklist looks good. I would like to see some details on the two access from Frances Street. I'm concerned about getting the apparatus in for access. The building has power lines along side of Congress and Whitney so the only ladder access is coming from Frances Street.

Att. 7

From: David Wade <dwade1@maine.rr.com>
To: <Shukriaw@portlandmaine.gov>
Date: Mon, Feb 9, 2009 4:57 PM
Subject: WDC and 17 Frances St.

- > Ms Shurkia Wiar
- > Planning Division
- > Portland City Hall
- >
- >
- > Dear Ms. Wiar:
- >
- > There is a planning board meeting on Tuesday, February 10, 2009 at
- > 7PM regarding the Westbrook Development Corporation (WDC) project
- > at St. Patrick's School, Congress Street, Portland.
- >
- > IMy concern is their current parking plan, which WDC presented at
- > the last Planning Board Meeting, indicating the allocation of
- > parking spaces for their future tenants. I have an easement over
- > what is referred to as Lot 87 to access a driveway onto my property.
- >
- > After careful review of this diagram, I am concerned that the two
- > parking spaces (#s 22 & 23) planned for the north east corner of
- > the parking lot (nearest to our house) might compromise my ability
- > to have free passage onto a driveway on our property.

Sincerely yours,

David Wade
17 Frances St.
Portland 04103

Att. 8

Doc# 63248 Sk:26448 Pg: 249

FEB 2 / 2009

EASEMENT DEED

Westbrook Development Corporation, a Maine non-profit corporation with a place of business at 30 Liza Harmon Drive, Westbrook Maine, for consideration paid, release to **David M. Wade and Claire Winston-Wade**, both of Portland, County of Cumberland, and State of Maine, the following described real estate in Portland, County of Cumberland, and State of Maine, bounded and described as follows:

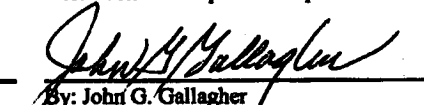
See Exhibit A attached hereto and made a part hereof.

WITNESS my hand and seal this 6 day of November, 2008.

WITNESS

Westbrook Development Corporation



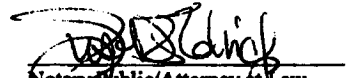

By: John G. Gallagher
Its: President

STATE OF MAINE
Cumberland, ss.

November 6, 2008

Then personally appeared the above-named John G. Gallagher, President of Westbrook Development Corporation, and acknowledged the foregoing instrument to be his/her free act and deed and his/her free act and deed of Westbrook Development Corporation.

Before me,


Notary Public/Attorney at Law
Printed Name: _____

SUSAN D. ELDRIDGE
Notary Public, Maine
My Commission Expires September 23, 2016

8.2

Exhibit A

A non exclusive easement for ingress and egress over the following described land situated on the southeasterly side of Frances Street in the City of Portland, Cumberland County, State of Maine and is more particularly described as follows:

Beginning at a rebar on the southeasterly right of way line of Frances Street at northerly corner of lands described in a deed to Bruce Toner and Sharon Toner recorded in Book 14620, Page 16 (all references in this legal description to book and page numbers are to the respective book and page numbers from the Cumberland County Registry of Deeds), said lands of Toner being Lot 86 as shown on a plan of Congress Park recorded in Plan Book 10, Page 113;

Thence, N 26° 51' 01" E along the right of way line of Frances Street a distance of 38.61 feet to a rebar;

Thence, S 63° 08' 59" E a distance of 101.00 feet to a rebar;

Thence, continuing through land of Westbrook Development Corporation to the northwesterly line of lands described in a deed to Jeff Davis recorded in Book 24194, Page 320;

Thence, S 26° 51' 13" W along lands of said Davis to the southwesterly corner of said Davis land;

Thence N 63° 08' 29" W through land of Westbrook Development Corporation and then along the northerly side of lands of said Toner to the point of beginning.

For title of Grantor reference is hereby made to a deed given by the Roman Catholic Bishop of Portland dated October 27, 2008 and recorded in the Cumberland County Registry of Deeds in Book 26425, Page 213.

This easement is subject to revision per the terms of a Memorandum of Post Closing Obligations Pursuant to Amendment to Contract For the Sale of Commercial Real Estate 1251-1257 Congress Street by and between Westbrook Development Corporation and the Roman Catholic Bishop of Portland, predecessor in title to Grantees, to be recorded in the Cumberland County Registry of Deeds, which agreement remains in full force and effect.

Grantees, by acceptance hereof, and their successors and assigns, agree to enter into a driveway maintenance agreement with Grantor, and its successors and assigns, providing for the sharing of the cost of maintenance and snow removal of the easement area described above, such cost to be apportioned among Grantees and Grantors, based upon the respective number of dwelling units on Grantor's land and Grantees' land, such maintenance agreement to be recorded in the Cumberland County Registry of Deeds.

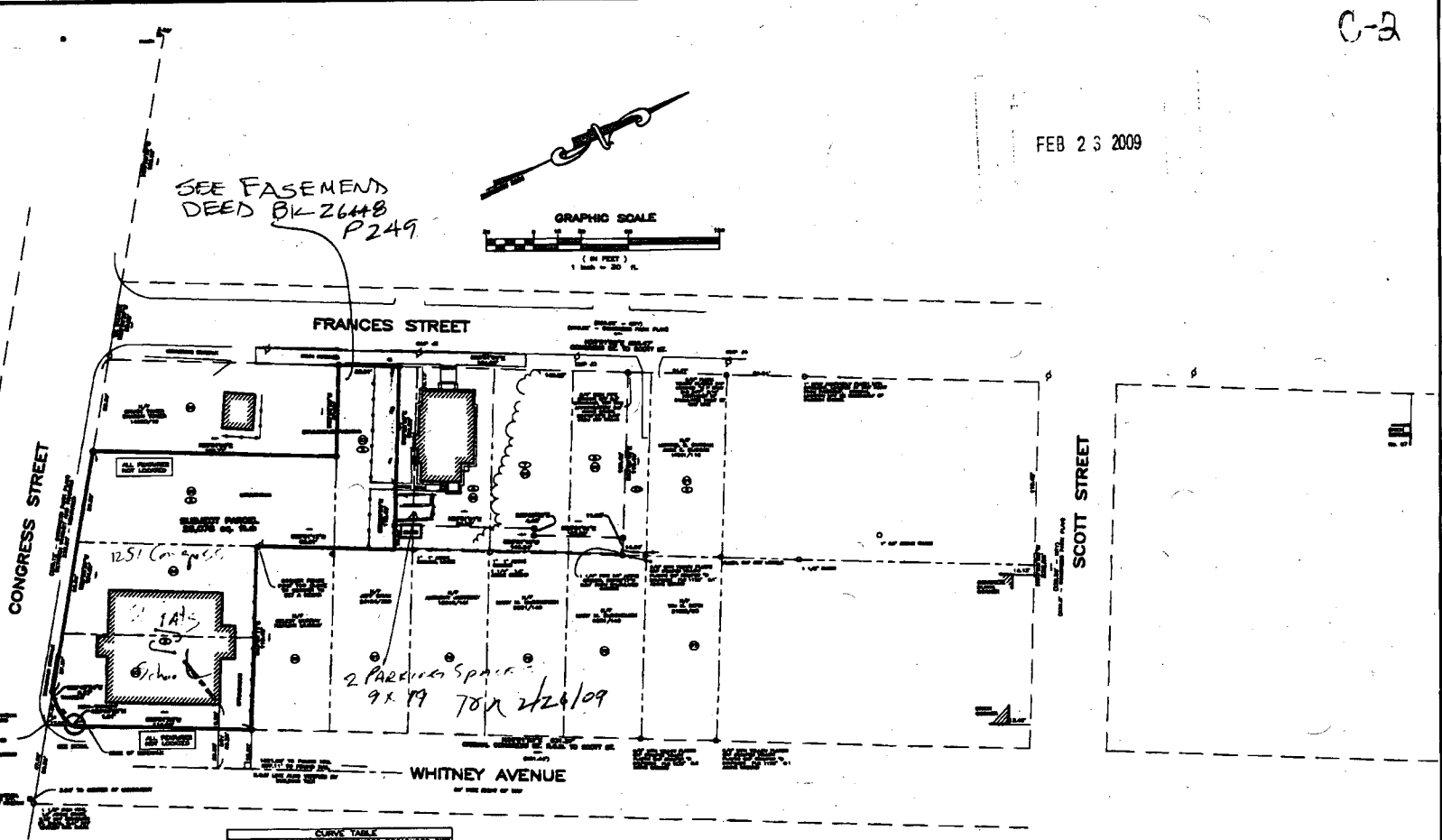
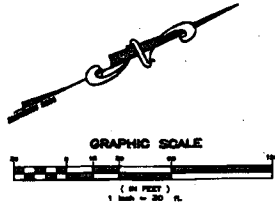
Received
Recorded Register of Deeds
Nov 10, 2008 01:58:01P
Cumberland County
Pamela E. Lovies

8.3

C-2

FEB 23 2009

SEE EASEMENTS
DEED BK 2648
P 249



LEGEND

- WATER MAIN
- SANITARY SEWER
- GAS
- ELECTRICAL
- TELEPHONE
- CABLE TV
- FIBER OPTIC
- OTHER UTILITY

--- EASEMENT

--- PROPERTY LINE

--- CURB

--- SIDEWALK

--- DRIVEWAY

--- WALKWAY

--- CONC. DRIVEWAY

--- CONC. WALKWAY

--- CONC. SIDEWALK

--- CONC. CURB

--- CONC. DRIVEWAY

--- CONC. WALKWAY

--- CONC. SIDEWALK

--- CONC. CURB

--- CONC. DRIVEWAY

--- CONC. WALKWAY

--- CONC. SIDEWALK

--- CONC. CURB

CURVE TABLE

STATIONING	CURVE DATA
1+00.00	100.00'
2+00.00	100.00'
3+00.00	100.00'
4+00.00	100.00'
5+00.00	100.00'
6+00.00	100.00'
7+00.00	100.00'
8+00.00	100.00'
9+00.00	100.00'
10+00.00	100.00'

- NOTES**
- THIS PLAN WAS PREPARED FOR RECORDING PURPOSES.
 - FIELD NOTES AND SURVEY DATA ARE ON FILE AT THE OFFICE OF THE SURVEYOR.
 - THE PROPERTY OWNER HAS BEEN ADVISED OF THE LOCATION OF ALL UTILITIES.

Lewis & Wasina, Inc.		PLAN SHOWING AREA OF ZONING REQUEST
PROFESSIONAL LAND SURVEYORS		
1111 Broadway Ave Portland, ME 04108 Tel: (207) 833-8331	Designer: LWA Checker: LWA Date: 12/22/08 Scale: 1"=20' Plot Date: FEB 23 2009 Project: WESTBROOK HOUSING File Name: WESTBROOK HOUSING Contactor: LWA	PLAN SHOWING AREA OF ZONING REQUEST CONGRESS STREET, WHITNEY AVENUE, FRANCES STREET PORTLAND, CUMBERLAND COUNTY, STATE OF MAINE WESTBROOK HOUSING 2000 1/2 2 ND FLOOR

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Planning Copy**

Att. A-1

2009-0034

Application I. D. Number

4/1/2009

Application Date

St. Patrick's School Condominiums

Project Name/Description

Westbrook Development Corp

Applicant

30 Liza Harmon Drive, Westbrook, ME 04092

Applicant's Mailing Address

1257 - 1257 Congress St, Portland, Maine

Address of Proposed Site

186 A002001

Assessor's Reference: Chart-Block-Lot

Consultant/Agent

Applicant Ph: (207) 854-9779 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

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

Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify) _____

29526

0

R5

Proposed Building square Feet or # of Units

Acreage of Site

Proposed Total Disturbed Area of the Site

Zoning

Check Review Required:

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> Site Plan (major/minor) | <input type="checkbox"/> Zoning Conditional - PB | <input type="checkbox"/> Subdivision # of lots _____ | <input type="checkbox"/> Design Review |
| <input type="checkbox"/> Amendment to Plan - Board Review | <input type="checkbox"/> Zoning Conditional - ZBA | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation |
| <input type="checkbox"/> Amendment to Plan - Staff Review | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Site Location |
| <input type="checkbox"/> After the Fact - Major | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Traffic Movement | <input type="checkbox"/> Housing Replacement |
| <input type="checkbox"/> After the Fact - Minor | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan \$907.00 Subdivision _____ Engineer Review _____ Date 4/1/2009

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

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

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

<input type="checkbox"/> Performance Guarantee Accepted	_____ date _____	_____ amount _____	_____ expiration date _____
<input type="checkbox"/> Inspection Fee Paid	_____ date _____	_____ amount _____	
<input type="checkbox"/> Building Permit Issue	_____ date _____		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date _____	_____ remaining balance _____	_____ signature _____
<input type="checkbox"/> Temporary Certificate of Occupancy	_____ date _____	<input type="checkbox"/> Conditions (See Attached)	_____ expiration date _____
<input type="checkbox"/> Final Inspection	_____ date _____	_____ signature _____	
<input type="checkbox"/> Certificate Of Occupancy	_____ date _____		
<input type="checkbox"/> Performance Guarantee Released	_____ date _____	_____ signature _____	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date _____	_____ amount _____	_____ expiration date _____
<input type="checkbox"/> Defect Guarantee Released	_____ date _____	_____ signature _____	



WESTBROOK
DEVELOPMENT
CORPORATION

To: Portland Planning Board

From: Guy M. Gagnon, WDC Development Director

Date: 3-30-09

Re: St. Patricks School Condominiums

The attached Site Plan Application is being presented to you for consideration. In addition to the application and related attachments, we have provided a brief written summary below.

1. Applicant Information: WDC is an experienced non-profit affordable housing developer. Recent affordable condominium developments completed include the Riverfront Lofts 44 affordable condos in the converted Sebago Moc mill in Westbrook; The conversion of Forest Street School in Westbrook, into 12 condominiums and the newly constructed Homestead Village townhouses, an 18 unit first time home buyer development.

2. Subject Property: The St Patrick's School, at 1251 Congress Street, once an active grammar school but now vacant, provides an excellent physical structure for conversion into housing. This application includes the school building and surrounding land and parking areas.

3. Property Owner: WDC has purchased the school from the Catholic Church of Portland. Ultimately, each condominium unit will be owned individually and the condominium homeowners association will own and maintain the entire development.

4. Right, Title, and Interest: WDC now owns the property. The purchase from the Roman Catholic Bishop of Portland was completed October 29, 2008.

5. Vicinity Map: The property is extremely well situated near the Amtrak station, along the city bus route and a short distance from Interstate 295.

6. Existing Use: The school is currently vacant.

7. Current Zoning Designation: The zoning is currently Residential-5 which permits such uses as group homes, lodging, schools, private clubs, daycare, municipal uses as well as residential uses. At a two previous neighborhood meetings the neighbors were overwhelmingly in favor of a residential use for the school and specifically condominiums since it would bring homeownership to the neighborhood which is consistent with the majority of the adjacent side streets in the area.

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WESTBROOK DEVELOPMENT CORPORATION
30 LIZA HARMON DRIVE, WESTBROOK, MAINE 04092 ~ (P) 207.854.9779 (F) 207.854.0962
WWW.WESTBROOKHOUSING.ORG ~ INFO@WESTBROOKHOUSING.ORG



March 31, 2009

Page 2

8. Proposed Use of Property: The proposal is to convert the school into 15 condominiums, all of which will be affordable to buyers at or below 120% of the median income for Portland. The 120% of median standard is consistent with the City's affordable housing definition, as noted in the zoning ordinance, and is also the same used by Maine State Housing for its first-time home buyer program. Five of the fifteen units will carry a long term deed restriction in perpetuity. Sample deed language has been reviewed by city staff and will likely be approved by the city council at it's April 6th meeting

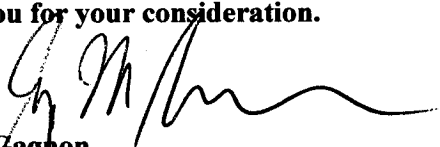
No exterior expansion of the building is expected. All the units will be housed within the existing structure. As a result, the immediate neighbors will not be adversely impacted and the school exterior will be preserved and maintained as a landmark building for Portland. We expect construction to be completed in 7 to 10 months from the date of approval.

9. Site Plan: The attached site plan shows the addition of a significant amount of green space and a re-organization of parking spaces and driveways into the property to provide for an orderly flow of traffic to and from the property and also to provide much needed green space for this section of Congress Street. It should also be noted that we have agreed to maintain the existing green space on the right side of the convent so as to not disturb the neighborhood and provide a buffer to the new occupants of the convent building and the neighborhood beyond.

10. Zoning: On April 6th, the city council will likely approve the conditional zone request for the property, allowing for the development of 15 units within the St. Patricks School. The use of the building as condominiums will also result in a very low impact to the neighborhood and a positive reuse of the property bringing new homeowners to the City in a neighborhood that has struggled to maintain its' residential identity. In fact, the housing section of Portland's Comprehensive Plan makes numerous references encouraging the creation of housing in the neighborhood. Having access to public transportation and being near the Amtrak station are also areas that are mentioned in the plan.

We look forward to presenting the plan to the city and to your board. We are committed to affordable housing and are confident that this property deserves approval.

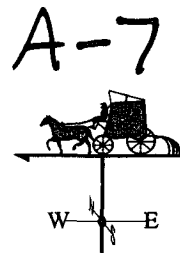
Thank you for your consideration.



**Guy M. Gagnon
WDC - Development Director**



225 DOUGLASS STREET
P.O. BOX 3553
PORTLAND, ME 04104-3553
P: 207.774.5961
F: 207.761.8307
WWW.PWD.ORG



PORTLAND
WATER DISTRICT

November 13, 2008

Archetype
48 Union Wharf
Portland, Maine 04101

Attn: Ms. Susan McEwen
Re: 1251 Congress Street, Portland
Ability to serve with PWD water

Dear Ms. McEwen:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the domestic water needs of the 15-unit condominium building at 1251 Congress Street in Portland. According to District records, the building is currently served by a 2-inch copper service that takes from the 6-inch cast iron water main on the east side of Whitney Avenue, as shown in the attached service card. If this service is not reused as part of this project it will need to be shut and cut at the main. There is also a hydrant located across from the site on Whitney Avenue.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the domestic needs of your proposed project, as stated in your letter, dated November 5, 2008.

Hydrant Location: Whitney Avenue at Congress Street
Hydrant Number: POD-HYD01082
Static Pressure: 84 psi
Flow: 1233 gpm
Last Tested: 7/10/1990

Please notify your mechanical engineer of these results so that they can design your system to best fit the noted conditions. Please contact the Portland Fire Department to determine if the fire service capacity is sufficient for your needs. Also, please note that we will require a calculation of the peak water demand in gallons per minute or a fixture count tabulation at the time of the service application. Additionally, based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes. If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Rico Spugnardi, P.E.
Business Development Engineer
rspugnardi@pwd.org

PO - Adequacy - 1251 Congress Street - Archetype 08



0 10 20 40 60 80 Feet

1 inch equals 40 feet



PORTLAND WATER DISTRICT
225 Douglass Street
Portland, ME 04104

Legend

- Shut Off
- Fire Service
- Air Valve
- Valve
- By Pass
- Hydrant Control
- Date Change
- Yes
- Distribution
- Service
- Material Change
- Hydrants
- End of Main
- Transmission
- ▲ Reducer

1251 Congress Street

Portland



Disclaimer: This map is suitable for preliminary study and analysis pending review of additional information. The data shown are only as accurate as the original data sources from which they were developed.

Drawn By: J. Paschall

Prepared For: Archetype, P.A.

Scale: As Noted

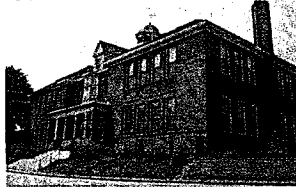
Date: November 12, 2008

A-7.2



Mill Brook Estates. 100 units senior rental

Forest Street School, reuse of an historic school into 12 condos



783 Main Street, complete renovation of historic Main Street property

Building Communities

Homestead Village is an innovative 18-unit townhouse community created to fill the void in the region of affordable workforce housing for young families and first time home buyers.



With the assistance of community lenders and organizations like the USDA and Maine Housing, buyers were able to become homeowners for less than they were paying for rent.

CONTACT:

Guy M. Gagnon, Development Director

Phone: 207-854-6823

Fax: 207-854-0962

E-mail: ggagnon@westbrookhousing.org

Or

Dick Begin, Community Development

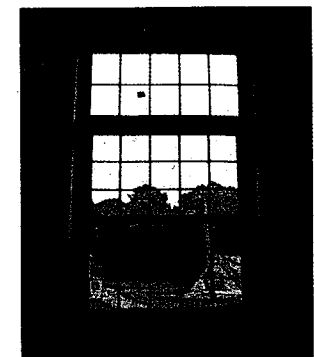
Phone: 207-854-6830

Fax: 207-854-0962

E-mail: dbegin@westbrookhousing.org



Affordable Housing Development



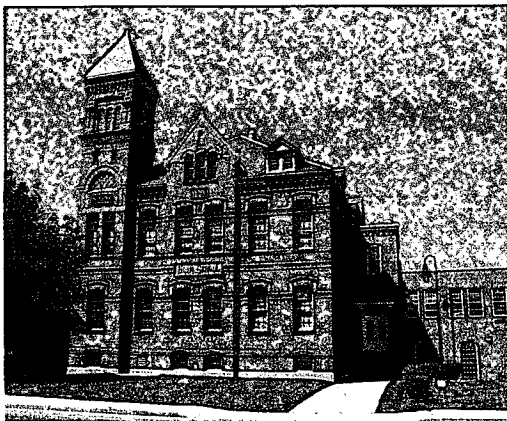
A-8



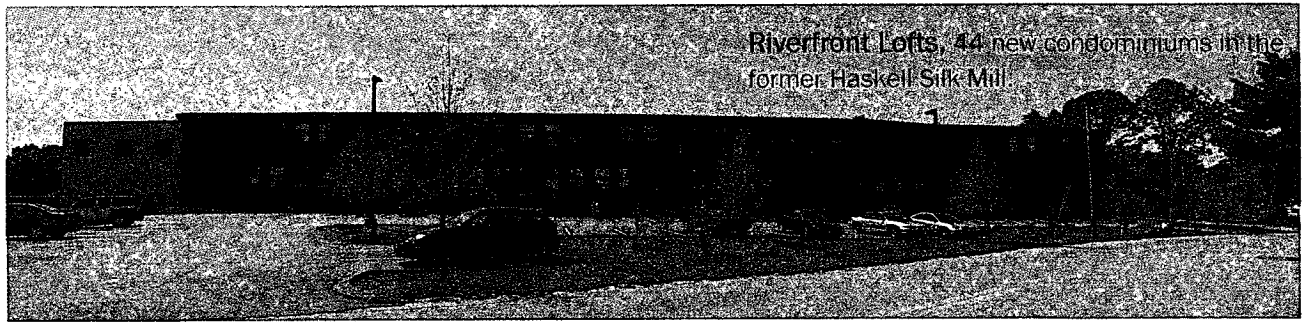
30 Liza Harmon Dr. Westbrook, ME. 04092



WDC is a community housing development corporation formed to create a wide array of affordable housing options. WDC has developed strong working relationships with like-minded organizations and businesses with similar philosophies of working hard and going the extra mile to develop quality housing for its clients.



Presumpscot Commons, the old high school, restored and converted into 29 senior apartments.



Riverfront Lofts, 44 new condominiums in the former Haskell Silk Mill

The **WDC** team can provide a wide range of services including:

Comprehensive master planning

Project management

Project financing utilizing a full range of public and private funding sources

Community planning

Pre-development planning

Construction planning and management

Grant writing

Preliminary market analysis

Turnkey development

Tax credit consulting

Riverfront Lofts, offered a unique opportunity to combine the historical with the contemporary. The 44-unit condominium development along the banks of the Presumpscot River, features post and beam construction, high ceilings, large windows and original polished wood floors. These units sold out in less than one year primarily to first time home buyers. Once again WDC was able to fill the void of affordability in the greater Portland market.

Golder Commons, 26 two and three bedroom apartments, was constructed using the Low Income Housing Tax Credit program. It's focus is on the need for family housing in the downtown area in an affordable, secure, modern and convenient location.



A-8.2



**Declaration of
St. Patrick's School Condominiums**

Maine Condominium Act

DRAFT

Filed:

Cumberland County Registry of Deeds

Book _____ Page _____

St. Patrick's School Condominiums

**DECLARATION PURSUANT TO TITLE 33,
CHAPTER 31, SECTION 1601-101 ET. SEQ.
KNOWN AS THE MAINE CONDOMINIUM ACT**

This Declaration dated _____, 2009, is filed pursuant to Section 1602-67 of the Maine Condominium Act as appears in the Maine Revised Statutes, as amended, Title 33, Chapter 31, Section 1601-101, et. seq. (the "Act") to which reference is specifically made and which Act is incorporated herein by reference and to which all owners of units described herein, and their heirs, successors and assigns, shall be bound.

1. Description of Land. ST PATRICK'S SCHOOL CONDOMINIUMS, LLC, a Maine limited liability company ("Declarant") of Portland, County of Cumberland and State of Maine, has submitted the land hereinafter described in Appendix I attached hereto and incorporated herein with the buildings and improvements thereon ("the Property"), located at 1251 Congress Street, Portland, County of Cumberland and State of Maine, to the provisions of the Act in accordance with this Declaration and established a condominium as defined in Section 1601-103(7) of the Act, known as St. Patrick's School Condominiums. The Property is subject to and shall have the benefit of all easements, rights of way and matters affecting title described or referred to in Appendix I or in the survey to which reference is hereinafter made.

A properly prepared and certified plat of the land and plans of the units were recorded simultaneously with this Declaration in Condominium Plan Book _____, Pages _____ - _____, in the Cumberland County Registry of Deeds (the "Plat" and "Plans"). The St. Patrick's School Condominiums (the "Condominiums") constitutes an approved subdivision and site plan for purposes of the City of Portland's ordinances and state law and no amendments may be made to said Plats and Plans without the approval of the City of Portland Planning Board.

2. Creation of Units. Declarant reserves the right to create 15 units, to be numbered as designated in the Plan. Said units are to be created in a 3-story building containing all 15 units. The first floor

shall contain three (3) units numbered 101, 102 and 103. The second floor shall contain six (6) units numbered 201, 202, 203, 204, 205 and 206. The third floor shall contain seven (6) units numbered 301, 302, 303, 304, 305, and 306. The location and boundaries of all units are shown on the Plat and Plans referred to in Paragraph 1 hereof. Twenty-one (21) regular and two (2) handicap surface parking spaces shall be created, for a total of thirty (23) parking spaces. Each unit shall be allocated one (1) parking space at the time of purchase. The remaining eight (8) parking spaces shall be available for use by unit owners and their guests on a first-come, first-served basis.

3. **Unit Numbers and Boundaries.** "Unit" means a part of the Property designated for separate ownership or occupancy which has a direct exit to Limited Common Elements and/or Common Elements. Reference is made to the recorded Plat and Plans referred to in Paragraph 1 hereof for the identification number of each unit showing the location and dimensions of its boundaries. The boundaries of each unit are the unit facing surfaces of the ceiling joists, or studs, wall joints or studs of demising walls, windows, doors, and the unfinished concrete or wood subfloor of the unit, as the case may be. All interior floor and wall coverings, including but not limited to linoleum, polyurethane, carpeting, paint, wallpaper, are included within the boundaries of a unit. All plaster and sheet rock on any ceilings or demising walls are part of the unit and not part of the common elements. The provisions of Section 1602-102 of the Act are adopted and incorporated herein by reference where appropriate and not in conflict with the Plat and Plans. The provisions of Section 1602-62 of the Act shall govern relocation of boundaries between units. The subdivision of a unit into two or more units is prohibited.

The building is primarily of wood and masonry frame construction, having three stories. Each unit shall be as set forth on the Plans. Each unit shall have one (1) storage area located on the first floor, designated at the time of purchase of the unit. Each unit shall be allocated one (1) parking space at the time of purchase of the unit.

The building exterior is brick on all sides and levels. The building has a concrete and stone foundation.

4. **Common Elements.** Each of the units will be conveyed together with its respective undivided interest in the Common Elements as hereinafter set forth and will have the benefit of the right to use the Common Elements in common with others entitled thereto as provided by St. Patrick's School Condominiums Association (hereinafter referred to as the "Association") and the rules and regulations adopted by the Association. The Common Elements consist of all portions of the Property other than the units, including but not limited to unallocated parking spaces, bike storage racks, mail room, and lobbies located on each floor; mechanical rooms, hallways and stairwells. Gas and electric meters located on the exterior of the building to service each unit are Common Elements. The water and sewer mains within the right of way are intended to be public and may be or may have been conveyed by Declarant to the appropriate municipality or utility company.
5. **Limited Common Elements.** Limited Common Elements are Common Elements that benefit one or more but not all of the Units in the Condominiums. All allocated parking and storage spaces, doorsteps and any other fixture, including but not limited to chutes, flues, ducts, wires and conduits, designed to serve a single unit but located outside the unit's boundaries, are Limited Common Elements allocated exclusively to the unit served. The allocation of Limited Common Elements cannot be altered except in compliance with the Act and with the written consent of the unit owners and the mortgagees of record of the units affected by such reallocation of the Limited Common Elements. The foregoing does not apply to the assignment of parking spaces and storage areas, which shall be made by Declarant in Declarant's sole discretion.
6. **Fraction of Common Element Interests, Voting Rights and Common Expense Liabilities.** The fraction of undivided interest in the Common Elements, voting rights and common expense liabilities appertaining to each unit is set forth in Appendix II attached hereto and incorporated herein by reference; the fraction of undivided interest was determined on the basis of the number of bedrooms of each unit. The Condominium contains 14 one-bedroom units that each have equal assessments and one two-bedroom unit that has an additional 1.00%

interest allocated to it. . No fraction of undivided interest allocated to any unit shall be altered except upon the unanimous vote of all unit owners and their first mortgagees. The formula for votes set forth on Appendix II is that each unit owner shall be entitled to one (1) vote in Association matters.

7. **Special Declarant Rights.** The Declarant reserves the right until the sale of all fifteen (15) units on the land described in Appendix I is completed, or until five (5) years from the date of recordation of this Declaration, whichever occurs first, to:
- A. Locate on the Property, even though not depicted on the Plat and Plans, and grant and reserve easements and rights of way for the installation, maintenance, repair, replacement and inspection of, utility lines, wires, pipes, conduits, and facilities, including, but not limited to, water, electric, telephone and sewer.
 - B. Connect with and make use of utility lines, wires, pipes and conduits located on the Property for construction and sales purposes, provided that the Declarant shall be responsible for the cost of service so used.
 - C. Reserve an easement through and use the Common Elements to complete construction and for ingress and egress and otherwise discharge the Declarant's special Declarant rights for ingress and egress and for the storage of construction materials and equipment used in the completion of the improvements shown on the Plats and Plans.
 - D. Operate a sales office and have prospective purchasers and others visit such offices and use certain portions of the Common Elements including the roadways and parking spaces. The sales office may be located in any unit owned by Declarant or on Common Elements and may be of such size and in such location as the Declarant shall deem convenient and shall not unreasonably interfere with use of the Common Elements by other unit owners. Any sales office not designated a unit shall be the property of the Declarant, which Declarant reserves the right to remove within forty-five (45) days after the Declarant ceases to be a unit owner.
 - E. Install and maintain signs and lighting for sales.

F. From the date of sale of the first unit, Declarant shall be empowered to appoint and remove the officers of the Association and members of the Board of Directors, in accordance with the provisions of the Bylaws. Provided, however, the Declarant shall relinquish all special rights expressed or implied through which he may directly or indirectly control, direct, modify or veto any action of the Association, its Board of Directors or the majority of unit owners, and control of the Association and ownership of any working capital fund controlled by the Declarant shall pass to the owners of units within the Property not later than the earlier of the following: sixty (60) days after the date by which seventy-five percent (75%) of the units which may be created have been conveyed to unit purchasers or five (5) years from the date of conveyance of the first unit to a unit purchaser. Declarant may voluntarily surrender the right to appoint and remove officers and members of the Board of Directors before termination of that period, provided however, that any actions of the Association or Board of Directors which may affect the special Declarant rights set forth in Paragraphs 7A-G above shall be approved by the Declarant before they become effective. In any event, the period of Declarant control shall end no earlier than the later of: (1) conveyance by the Declarant of fifty percent (50%) of the units; (2) termination of any Declarant right to appoint officers or members of the Board of Directors; or (3) termination of any right of Declarant to approve or veto any actions of the association or the Board of Directors. The Declarant shall give written notice to all members and eligible mortgage holders not less than ten (10) days prior to the turnover date and shall call for a special meeting of members on the turnover date to elect a Board of Directors. The requirements of this paragraph shall not affect the Declarant's rights, as a unit owner, to exercise the votes allocated to units owned by the Declarant. This Paragraph 7 shall not be amended without the consent of the Declarant.

G. The Declarant shall have the right to allocate and designate those units to be designated as Affordable Units (as defined in Section 9 below) among all of the units in the Condominium.

8. **Record Easements.** The Condominiums are subject to the following easements recorded in the Cumberland County Registry of Deeds:

An easement for the purpose of vehicular, utility and pedestrian passage in and over a portion of the entrance drive heading from Frances Street into the Condominium Property as described in a Deed recorded in Book _____, Page _____ at the Cumberland County Registry of Deeds.

9. **Affordability Covenants.** The units are subject certain Affordability Covenants, as set forth in a Declaration of Affordable Housing Covenants between the Declarant and the City of Portland, Maine, as holder of the Affordable Housing Covenants. The Declaration shall be recorded herewith in the Cumberland County Registry of Deeds. Under the Declaration of Affordable Housing Covenants, the initial sale of each of the units in the Condominium are subject to certain income limitations and other restrictions upon purchasers. Additionally, five of the units in the Condominium (the "Affordable Units") are subject to continuing restrictions on resale to assure that the units remain affordable to Eligible Purchasers, as defined in the Declaration of Affordable Housing Covenants.

10. **Encroachments.** If any portion of the Common Elements, or any other unit, encroaches at any time upon any unit or upon any portion of the Common Elements, as a result of minor variations or relocation during construction, settling of the building, alteration or repair to the Common Elements made by or with the consent of the Board of Directors, repair or restoration of a unit or building after damage by fire or other casualty, or as a result of condemnation or other eminent domain proceedings, an easement shall exist for the encroachment and for its maintenance so long as the building stands.

11. **Eminent Domain.**

- A. If a unit is acquired by eminent domain, or if a part of a unit is acquired by eminent domain leaving the unit owner with a remnant which may not practically or lawfully be used for any purpose permitted by this Declaration, any award thereof shall be paid to the unit owner as compensation for his unit and its percentage interest, whether or not any percentage of undivided interest is acquired. Upon acquisition, unless the decree otherwise provides, that unit's entire percentage of undivided interest, votes in the Association, and common expense liability shall be re-allocated to the remaining units in proportion to the respective interests, votes and liabilities of those units before the taking, and the Association shall promptly prepare, execute and record an amendment to this Declaration reflecting the allocations. Any remnant of a unit remaining after part of a unit is taken under this subsection shall be thereafter a Common Element.
- B. Except as provided in subsection (A) hereinabove, if part of a unit is acquired by eminent domain, any award thereof shall be paid to the unit owner as compensation for the reduction in value of the unit. That unit's allocation of Common Element interest and common expense liability shall remain unchanged.
- C. If a part of the Common Elements or facilities is acquired by eminent domain, the Association shall represent the unit owners in any condemnation proceedings or in negotiations, settlements and agreements with the condemning authority, and the award shall be paid to the Association for the use and benefit of the unit owners and their mortgagees as their interests may appear. The Association shall divide any portion of the award not used for any restoration or repair of the remaining Common Elements among the unit owners in proportion to their respective percentages of undivided interest before the taking, but the portion of the award attributable to the acquisition of a Limited Common Element must be equally divided among the owners of the units to which that Limited Common Element was allocated at the time of acquisition.
- D. The court decree shall be recorded in the Cumberland County Registry of Deeds.

E. Nothing in this Declaration or the Bylaws, rules or regulations of the Association shall be deemed to give the unit owner or any other party priority over any rights of a first mortgagee of a unit pursuant to its mortgage documents in the case of a distribution to such unit owner of condemnation awards for the taking of units and/or Common Elements.

12. Restrictions on Use and Occupancy. Each unit owner shall comply strictly with the Bylaws and with the administrative rules and regulations adopted by the Board and with the covenants, conditions and restrictions set forth in this Declaration or in the deed to his unit. Failure to so comply shall be grounds for an action to recover damages or for injunctive relief or both maintainable by the Manager or Board of Directors on behalf of the Association of unit owners, or, in a proper case, by an aggrieved unit owner. An aggrieved unit owner shall have a right of action against the Association for failure to comply with or to enforce the Declaration, the Bylaws, any rules and regulations duly adopted or any requirements imposed by the Act.

a. Each unit in the building is intended to serve as a self-contained living unit and shall be subject to the rules and regulations and Bylaws of the Association. No unit shall be used for other than residential purposes except as expressly permitted herein. Rules and regulations consistent with this Declaration may be promulgated by the Board of Directors in order to ensure the peace and security of each resident, and each member shall be notified in writing of the rules and regulations thus promulgated.

b. The Common Elements shall be used only for access, ingress and egress to and from the respective units by the members, their lessees, guests, household help and other authorized visitors and for outdoor recreational use incidental to the residential use of the respective units. The use, maintenance and operation of the Common Elements shall not be obstructed, damaged or unreasonably interfered with by any member. The Board of Directors may adopt rules and regulations that restrict the nature and location of recreational activities upon the Common Elements.

c. The Association and its authorized employees and representatives shall have access to and from the unit and the Limited Common Elements as may be necessary for the repair,

maintenance, replacement, alteration, care or protection of the Common Elements and utilities or any portion thereof. In the case of emergency repairs, such right of access shall be immediate and may be exercised without notice to the unit owner. Otherwise, the unit owner shall be entitled to reasonable notice of the time and purpose of any entry pursuant to this paragraph.

- d. No unit owner shall do any work which may jeopardize the soundness or safety of the property, reduce the value thereof or impair any easement, rights, appurtenances or other hereditament consisting of Common Elements without the unanimous consent of all other unit owners. If said work is to his unit alone, then to the extent it affects the soundness or safety of the abutting unit, the prior written consent of the abutter shall be required. This subsection shall not be construed or interpreted to limit or enjoin the rights of a unit owner to make non-structural alterations within the interior of his unit.
- e. Each member shall maintain his unit in good condition and in good order and repair at his own expense and shall not do or allow anything to be done in his unit which may increase the rate or cause the cancellation of insurance on other units or on the Common Elements. In the event that a member shall fail to so maintain his unit the Association shall have the right to undertake repairs and maintenance necessary to ensure that such unit is in good condition and in good order, and assess the member the costs of such repair and/or maintenance.
- f. Trash, recycling and garbage and other waste shall be kept only in sanitary containers and shall be disposed of in a clean and sanitary manner in accordance with rules and regulations to be promulgated by the Board of Directors.
- g. The Board of Directors may adopt regulations with respect to the number, size and type of allowable common household pets. The Board of Directors may, by due adoption of rules and regulations in accordance with the Bylaws of the Association, modify the foregoing requirement and may adopt additional rules and regulations with respect to pets. Such regulations shall become effective when written notice thereof is delivered or mailed to the

- members and shall operate prospectively as to all pets subsequently brought into the Property. No animals shall be permitted in any Common Element unless accompanied by and under the direct supervision of a unit owner or member of unit owner's household.
- h. The Board of Directors may, in accordance with the Bylaws of the Association, adopt rules and regulations with respect to noise control. Such regulations shall become effective when written notice thereof is delivered or mailed to the members and shall operate prospectively.
- i. No commercial activity shall be permitted on the Property, with the exception that a resident of a Unit may engage in a home occupation conducted entirely within that Unit, so long as such use remains in compliance with the pertinent sections of the City of Portland Zoning Ordinance. The purpose of this provision is to allow the secondary and incidental use of a Unit for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the Condominiums and local neighborhood. Nothing in this Declaration or the Bylaws shall be construed to prohibit the Declarant from exercising any easements and Special Declarant Rights reserved by the Declarant, including without limitation promotional, marketing or display purposes, sales of Units and for customer services purposes, or from leasing Units owned by Declarant as provided in this Declaration. The Board of Directors may adopt rules and regulations with respect to limiting the impact of the conduct of home occupations on the Condominiums. Such regulations shall become effective when written notice thereof is delivered or mailed to the members and shall operate prospectively.
- j. The owner of a Unit shall be responsible for the cleanliness of any Limited Common Element serving such Unit, at the expense of such Unit owner.
- k. The parking spaces are to be used only for the parking of street legal motor vehicles owned for personal use. No mechanical repairs of vehicles shall be performed and no stripped or junk vehicles shall be placed or maintained on any part of the Common Elements or

Limited Common Elements. A unit owner may not sell or transfer a parking space to another current unit owner or to any other person.

l. No smoking is permitted in any of the Common Elements of the Condominiums, including but not limited to the stairwells, hallways, lobby, entrances, mail room, parking lot and storage area. Smoking is allowed within the Units so long as mechanical devices are installed to remove second hand smoke and exhaust it to the outside of the building. The Board of Directors may, by due adoption of rules and regulations in accordance with the Bylaws of the Association, narrow or expand the foregoing prohibition and may adopt additional rules and regulations with respect to smoking. Such regulations shall become effective when written notice thereof is delivered or mailed to the members and shall operate prospectively.

m. The Association shall have the right to grant permits, licenses and easements over the Common Elements for all purposes necessary for the proper operation of the Condominiums.

13. Common Expenses. Each unit owner (excluding Declarant) shall pay to the Association, or its authorized representative, monthly, his proportionate share of the budgeted expenses of maintenance, repair, replacement, administration and operation of the Common Elements; management of the Association; and maintenance of adequate working capital and reserves, which expenses are hereinafter referred to collectively as "common expenses." Such proportionate share shall be in the same ratio as said unit owner's percentage of ownership in the Common Elements. At the time of closing on the purchase of a Unit, the purchaser will be required to pay in advance a fee or prorated fee for the current month's Common Expense Assessment for the Unit purchased, or the prorated share of any Common Expense Assessment for the current month, if pre-paid by the Declarant and two (2) month's Common Expenses as an initial working capital assessment. Payment of Common Expenses thereafter shall be in equal monthly amounts, the first such payment due from the owners of each unit upon the first day of the first month following the date of purchase, and shall be subject to annual review and

adjustment. No unit shall be assessable hereunder until sold or, if incomplete when sold, then upon the issuance of a certificate of occupancy.

In the event of the failure of a unit owner to pay such proportionate share when due, the amount thereof together with interest at the rate established by the Association, costs and reasonable attorney's fees shall constitute a lien attached to the unit, as provided by the Act; provided, however, that such lien shall be the personal liability of the Owner and not pass personally to successor purchasers without their agreement to assume the same, and that such lien shall also be subordinate to the lien of all recorded mortgages on the interest of such unit owner, and the foreclosure of such mortgages, sale or transfer pursuant to foreclosure or transfer to mortgagee in lieu of foreclosure shall extinguish a subordinate lien for common expenses. The entire unpaid share of the common expenses or assessments by the Association of Unit Owners chargeable to such unit, which became due prior to the foreclosure, shall become common expenses collectible from all unit owners, including such acquirer, his heirs, successors and assigns. Such foreclosure shall not release the delinquent unit owner from personal liability to the Association for unpaid common expenses.

Any unit owner in default in the payment of any amount due the Association or in violation of any provisions of the Act, this Declaration, the Bylaws or the rules and regulations of the Association, which violation continues for ten (10) days after notice thereof by the Association to the unit owner, may be prohibited by the Board of Directors from the use and enjoyment of any and all of the Common Elements not essential to access to the unit, in addition to all other remedies available to the Board of Directors.

Any delinquency in excess of sixty (60) days in the payment of assessments for common expenses or charges by an Owner shall be reported in writing to that Owner's mortgagee, insurer or guarantor upon proper request.

14. **Maintenance.** Each unit owner shall furnish and be responsible for, at his own expense, all the maintenance, repairs and replacements to his own unit. The Association shall maintain, repair and replace all Common Elements and Limited Common Elements as a part of the common

expenses. No unit owner may alter or otherwise change the appearance of any of the Common Elements without the prior written approval of the Association acting through the Board of Directors. The maintenance, repair and replacements as may be required for the functioning of or for the bringing of utilities, such as water, gas, electricity and sewer to the unit, shall be furnished by the utility or municipality, if public, or paid for by the individual unit owner, except to the extent they effect the Common Elements, then the Association shall pay and collect therefore as part of the common expenses. Maintenance, repairs and replacements of the refrigerators, stoves and other kitchen appliances and indoor and outdoor lighting fixtures and other electrical or mechanical appliances (including all heating, ventilation, hot water and air-conditioning systems located in the unit) of any unit owner shall be at the expense of such unit owner. If due to the negligent act or omission of a unit owner or of a member of his family or of a guest or other authorized occupant or visitor of such unit owner, damage shall be caused to the Common Elements or to a unit or units owned by others, and maintenance, repairs or replacements shall be required which would otherwise be a common expense, then such unit owner shall pay for such damage and such maintenance, repairs and replacements, as may be determined by the Association. The cost of maintenance of Limited Common Elements benefiting fewer than all Unit Owners shall be allocated among, and charged to, the Unit Owners so benefited.

- 15. Association of Unit Owners.** Prior to the date of this Declaration and the recording thereof, St. Patrick's School Condominiums Association, a non-profit and non-stock corporation was duly organized under the laws of the State of Maine (the "Association"). The Association shall be the governing body for all of the unit owners with respect to the administration, maintenance, repair and replacement of the Property as provided by the Act, this Declaration and the Bylaws.

Each unit owner and/or owners shall be a regular member of the Association. Membership shall be appurtenant to the units, and the transfer of title to a unit shall automatically transfer the regular membership appurtenant to that unit to the transferee or transferees. A transfer in mortgage, however, shall not transfer membership until foreclosure or sale in lieu of foreclosure.

The provisions of this Declaration and the Bylaws and the rights and obligations established thereby shall be deemed to be covenants, running with the land, so long as the Property remains subject to the provisions of the Act and shall inure to the benefit of and be binding upon each and all of the unit owners and their respective heirs, representatives, successors, assigns, purchasers, lessees, grantees, mortgagees, and insurers or guarantors of mortgages. By the recording or the acceptance of a deed conveying a unit of any interest therein, or any ownership interest in the property whatsoever, the person to whom such unit or interest is conveyed shall be deemed to accept and agree to be bound by and subject to all of the provisions of the Act, this Declaration, and the Bylaws.

In any voluntary conveyance of a unit deed (other than a conveyance by a mortgagee), it shall be the duty of the seller to furnish the buyer with a copy of this Declaration, the Association Bylaws and rules and regulations as they may from time to time be amended. The Declarant or the Association shall make available to unit owners, prospective purchasers, lenders and the holders, insurers and guarantors of the first mortgage on any unit, current copies of the Declaration, Bylaws and other rules and regulations governing the Condominiums, and other books, records and financial statements of the Association. This requirement may be satisfied by making the documents available for inspection upon request during normal business hours or under other reasonable circumstances. If copies are requested, the Declarant or Association may, but shall not be obligated to, make them available at a reasonable charge.

1.16 Notice. The Secretary of the Association shall cause notice of all meetings of members and of all proposed actions requiring vote or approval of a specified percentage of unit owners and/or mortgagees to be sent in writing by U. S. Mail, postage prepaid, to all unit owners and all eligible mortgage holders at the address filed with the Secretary by said owners and mortgage holders not less than ten (10) days and not more than thirty (30) days prior to the proposed meeting or action. Such notice may, however, set a later deadline for any proposed action, if such longer period of time is deemed necessary to obtain the required number of written approvals. Notice of meetings shall state the time and place of the meeting and the items on the

agenda, including the general nature of any proposed amendment to the Declaration and Bylaws, any budget changes and any proposal to remove a director or officer.

17. **Separate Taxation and Utilities.** It is understood that real estate taxes are to be separately taxed to each unit owner for his unit and his corresponding percentage of ownership in the Common Elements, as provided in the Act. In the event that for any year such taxes are not separately taxed to each unit owner, but are taxed on the Property as a whole, then each unit owner shall pay his proportionate share thereof in accordance with his respective percentage of ownership interest in the Common Elements.

Each unit owner shall pay for his own telephone, electricity, gas and other utilities which are separately metered or billed to each user by the respective utility company. Utilities which are not separately metered or billed shall be treated as part of the common expenses, provided, however, that the Association shall have the right to install individual submeters or flow meters and to bill each unit owner for its metered share of any utility expenses billed to the Association.

18. **Insurance and Related Matters.**

A. The Board of Directors shall obtain insurance on the units and unit fixtures and the Common Elements against loss or damage by fire and such other hazards as are covered under Standard Extended Coverage Provisions and all other perils customarily covered for similar types of projects, including those covered by the standard "all risk" endorsement for 100% of the current replacement cost of the units, unit fixtures, Common Elements and fixtures, excepting land, foundations, excavations or other items that are usually excluded from insurance coverage. Such policies shall provide such coverage and contain all endorsements required by the guidelines promulgated by the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (FHLMC), as the same may be amended from time to time. Such insurance shall be written by an insurance carrier that meets FNMA rating requirements. The maximum deductible amount shall be the lesser of that permitted under state law or under FNMA and FHLMC guidelines. Such insurance coverage shall be written in the name of, losses under such policies shall be

adjusted by, and proceeds of such insurance shall be payable to, the Association as trustee, or such other insurance trustee as may be appointed by separate agreement, for each of the unit owners in their respective percentages of the ownership interest in the common areas as established in this Declaration. The Association shall be attorney-in-fact for each unit owner for losses due to total or partial condemnation, destruction or liquidation. In such case, the proceeds from insurance or any other payment or award shall be applied by the Association for the reconstruction of the building, or shall be otherwise disposed of in a reasonable and equitable basis in accordance with the provisions of this Declaration and the Act and Fannie Mae guidelines; and the policies shall contain the standard mortgage clause and shall specifically name either the FNMA or its mortgage servicers for all mortgages held by the FNMA on the condominium, providing, however, the rights of the mortgagee of any unit under any standard mortgage clause endorsement to such policies shall be subject to the provisions in the Act with respect to the application of insurance proceeds to the reconstruction of the building. The policies shall require the insurer to notify in writing the Board of Directors and each first mortgage holder named in the mortgage clause at least twenty (20) days before it cancels or substantially changes the Property's coverage.

- B. The Board shall obtain comprehensive public liability insurance in such amounts as it shall deem desirable, insuring each unit owner and the Association, Board of Directors and Managing Agent, if any, from liability in connection with the Common Elements. Such policy shall provide coverage of at least \$1,000,000.00 for bodily injury and property damage for any single occurrence resulting from the operation, maintenance or use of the Common Elements, and coverage for any legal liability resulting from law suits related to employment contracts in which the owners' association is a party. Such policy shall by its terms or by specific endorsement preclude an insurer's denial of a unit owner's claim on the grounds of negligent acts by the Association or other unit owners. Such policy should waive any right of subrogation against individual unit owners and should provide that it shall not be prejudiced by acts or omissions of individual unit owners that are not under the control of

the Association. Such policy shall be primary even if a unit owner has other insurance that covers the loss. Such policy shall provide for at least twenty (20) days written notice to the Board of Directors and to each holder of a first mortgage on any unit before the insurer can cancel or substantially modify it. Also, the Board shall have authority to purchase worker's compensation insurance and insurance to indemnify the Directors and Officers for losses in managing the Association's affairs. The premiums for all the aforementioned insurance coverage shall be common expenses.

- C. Each unit owner, at his own cost, shall be responsible for his own insurance on the contents of his own unit and his additions and improvements thereto and decorations and furnishings, personal property therein and stored elsewhere on the property. Each unit owner shall obtain and maintain general liability insurance in such amounts as required by the Association and shall provide a certificate of insurance to the Board of Directors for each term of coverage at least two weeks prior to the expiration of the current one.
- D. The Board of Directors shall obtain fidelity bond coverage for anyone who either handles or is responsible for funds held or administered by the Association. Such fidelity bonds shall name the Association as an obligee and shall be written in an amount equal to the greater of at least one hundred fifty (150) percent of the estimated annual operating expense for the condominiums, including reserves or the maximum amount of funds that will be in the custody of the Association or its management agent at any time the bond is in force and shall otherwise comply with Fannie Mae guidelines.
- E. The Association shall maintain all insurance and bond coverage required by FNMA and FHLMC for the sale of first mortgages of units on the secondary mortgage market, and this section shall be interpreted and applied so as to accomplish that purpose.
- F. The Association may appoint an insurance trustee to act on behalf of the unit owners.

19. Mortgage, Reserve Fund, Management and Lease Provisions.

- A. The unit owner who mortgages his unit shall notify the Board of Directors of the name and address of his mortgagee and shall, upon request, file a conformed copy of the mortgage with the Board of Directors.
- B. The Board of Directors, whenever so requested in writing by a mortgagee of a unit, shall promptly report to it any then unpaid common charges due from, or any other default by, the owner of the mortgaged unit.
- C. The Board of Directors, when giving notice to a unit owner of a default in paying common expenses or other violation of the provisions of this Declaration, the Bylaws or Rules and Regulations, shall send a copy of such notice within thirty (30) days after the occurrence of such default to each holder of a mortgage covering such unit whose name and address has previously been furnished to the Board of Directors.
- D. Each mortgagee of a unit shall be permitted to examine the books, accounts and records of the Condominiums at reasonable times on business days and to require annual reports and other financial data of the Association. If no audited financial statement is available, any holder of a mortgage on any unit shall be allowed to have an audited statement prepared at its own expense.
- E. Notwithstanding anything to the contrary elsewhere contained in this Declaration or the Bylaws, the following provisions shall govern:
- (1) Any first mortgagee of a unit in the Condominiums will, upon request, be entitled to inspect the books and records of the Condominiums or Association during normal business hours.
 - (2) No provision of this Declaration or of the Bylaws shall be deemed or construed to give a unit owner, or any other party, priority over any rights of first mortgagees of units pursuant to their mortgages in the case of a distribution to condominium unit owners of

insurance proceeds or condemnation awards for losses to or a taking of condominium units and/or Common Elements.

(3) A holder, insurer or guarantor of a mortgage on a unit shall be entitled to prompt written notification from the Board of Directors of (i) any default by the mortgagor of such unit in the performance of such mortgagor's obligations under this Declaration and/or the Bylaws which is not cured within thirty (30) days, (ii) any event of substantial destruction to, or condemnation or governmental taking of, such unit or any portion of the Common Elements appurtenant thereto, (iii) any lapse or modification of insurance or fidelity bond coverage, (iv) any proposed amendment under Paragraph 20 of this Declaration and (v) any proposed action of which any eligible mortgage holder is entitled to notice under §1602-69(b) of the Act.

(4) Any first mortgagee of a unit who obtains title to the unit pursuant to the remedies provided in the mortgage, or through foreclosure of the mortgage, or through deed through foreclosure of the mortgage, or through deed (or assignment) in lieu of foreclosure, shall take the property free of any claims for unpaid assessments or charges against such unit which accrue prior to the acquisition of title to such unit by the mortgagees, but such expenses or assessments shall become common expenses collectible from all of the unit owners including one who obtains title accordingly.

F. An adequate reserve fund for maintenance, repairs and replacement of those Common Elements which must be replaced on a periodic basis shall be established and shall be funded by regular monthly payments rather than by special assessments, and a working capital fund shall be maintained by the Association equal to at least two (2) months' assessments for each existing unit as calculated according to Article VI of the Bylaws for the operation and maintenance of the Common Elements. Payment of the two (2) month's assessment for the working capital fund shall be made at the time of closing on a unit, shall be maintained in a segregated fund and shall not constitute prepayment of regular assessments. Such working capital fund amounts as have been collected from unit

purchasers as a working capital shall be paid over to the Association by the Declarant within sixty (60) days after conveyance of the first unit.

G. Any management contract, employment contract or lease of parking or recreational areas and any contract entered into by Declarant which may become binding on the Association shall provide that such contract or lease may be terminated by either party without cause and without payment of a termination fee on not more than ninety (90) days' written notice, the term of any such contract shall not exceed three (3) years, and the Association may terminate said agreement for cause upon thirty (30) days' written notice without payment of a termination fee.

H. No portion of a Unit (other than the entire unit) may be rented, and no transient tenants may be accommodated therein. The foregoing occupancy restriction shall not be construed to prevent the occupants of any of the units from entertaining guest in their units for a period not to exceed six (6) months. Any lease or rental agreements shall be in writing and a copy thereof shall be provided to the managing agent and if no managing agent, to the Board of Directors. Units may be rented for one (1) year with a minimum of a 12 month lease, to individuals other than the unit owner. After the one-year period the unit owner must reside within the unit for a 24 month period prior to the next rental/lease agreement.

All leases or rental agreements shall require the Tenant to comply with all provisions of this Declaration, the Bylaws and the Rules and Regulations (collectively, the "Condominium Documents"), as the same may be amended and shall provide that a violation of the Condominium Documents by the Tenant or the Tenants guests shall be a breach of the Lease and grounds for termination of the Lease by the Landlord or by the Association. The form of all leases or rental agreements shall be submitted to and approved by the Association. All Rules and Regulations applicable to a unit owner shall also be applicable to any Tenant. Breach by the Tenant of any such rules and regulations or breach of the provisions of this Declaration or the Bylaws of the Association shall be deemed a breach by the unit owner. These leasing restrictions shall not apply to leases of units owned by the

Declarant, which shall be free to enter into leases of unsold units for residential purposes for terms of one year or less, or on a month-to-month basis.

J. No more than four (4) units of the total 15 units may be leased at any given time, except as may be approved by the Board of Directors in cases of hardship.

20. Procedure for Resolving Disputes. Matters of dispute or disagreement between unit owners or with respect to interpretation of application of the provisions of this Declaration or the Bylaws shall be determined by the Board of Directors consistent with the Act, which determination shall be final and binding on all unit owners.

All claims, disputes and other matters in controversy between the Declarant, on the one hand, and the Association or any unit owners, on the other hand, arising out of or relating to this Declaration, the Bylaws or the deed to any unit, or the breach thereof, or the Property and any warranties with respect thereto, except for claims which have been waived by the acceptance of a deed, shall be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then obtaining unless the parties mutually agree otherwise. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law. The award rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

Notice of the demand for arbitration shall be filed in writing with the other parties and with the American Arbitration Association or similar non-judicial dispute resolution process. The demand for arbitration shall be made within a reasonable time after the claim, dispute or other matter in controversy has arisen, and in no event shall it be made after the date when institution of legal or equitable proceedings based upon such claim, dispute or other matter in controversy would be barred by the applicable statute of limitations or other principles of law and equity. The Association shall institute judicial proceedings before any items of construction can be altered or demolished.

21. Method of Amending Declaration. Except to the extent expressly permitted or required by the Act, this Declaration may be amended by a vote or by written approval of the unit owners of units to which sixty-seven percent (67%) of the votes in the Association are allocated and written approval from eligible mortgage holders, their insurers or guarantors, as defined in the Act, representing fifty-one percent (51%) of the votes allocated to units that are subject to mortgages held by eligible holders.

Notwithstanding the foregoing, except to the extent expressly permitted or required by the Act, the unanimous consent of all unit owners and the written approval of eligible mortgage holders or their insurers or guarantors representing sixty-seven percent (67%) of the votes allocated to units that are subject to mortgages held by eligible holders shall be required for any amendment that would:

- A. Seek to terminate the legal status of the Property for reasons other than substantial destruction or condemnation of the property, and any such termination shall be as provided in Section 1602-68 of the Act;
- B. Change the pro rata interest, obligations or voting rights of any unit, change the boundaries of any unit or the uses to which any unit is restricted;
- C. By act or omission seek to abandon, partition, subdivide, encumber, sell or transfer the Common Elements. The granting of easements for public utilities or the transfer of the roadways to the Town for public purposes consistent with the intended use of the Common Elements by the Association shall not be deemed a transfer within the meaning of this clause;
- D. Use hazard insurance proceeds from losses to any condominium property (whether to units or to Common Elements) for other than repair, replacement or reconstruction of such improvements, except as provided by this Declaration or the Act in case of substantial destruction of the Condominiums; or
- E. Create or increase special Declarant rights. The approval of an eligible mortgage holder may be assumed when such holder fails to submit a response to any written proposal for an

amendment within thirty (30) days after receipt of proper notice of the proposal, provided such notice was delivered by certified or registered mail, return receipt requested.

22. Name and Address. The name of the Condominiums is St. Patrick's School Condominiums as shown on the Plat and Plans, located at 1251 Congress Street, Portland, Maine, 04102.

23. Interpretation; Severability. In the event of any conflict or discrepancy between this Declaration, the original Declaration, Bylaws and the Plats and Plans, this Declaration shall govern. If any provision of this Declaration, the Bylaws or the rules and regulations be in conflict with any applicable laws, including the Act, then such laws shall govern and such invalid provision shall be of no force and effect, but the validity of the remainder of this Declaration, the Bylaws and rules and regulations shall not be affected thereby and shall remain in full force and effect as if such invalid provision had not been included.

The captions herein are inserted for convenience and reference and do not limit, alter or define the terms of this Declaration.

24. Remedies; Waiver. Except as provided in Paragraph 18 hereof, all rights, remedies and privileges granted to the Declarant, the Association or a unit owner pursuant to the terms of this Declaration, the Bylaws and the rules and regulations shall be deemed to be cumulative to any other right or remedy under said documents or afforded by law or equity, and may be exercised concurrently, independently or successively. Any forbearance in exercising any right or remedy hereunder or otherwise available by applicable law shall not be a waiver of or preclude the exercise of any such right or remedy.

25. Termination. Any termination of the Condominiums shall be conducted in accordance with Section 1602-118 of the Act.

IN WITNESS WHEREOF, St. Patrick's School, LLC has caused this instrument to be executed

by its Manager, Westbrook Housing Authority, this _____ day of _____, 2009.

WITNESS: _____

St. Patrick's School, LLC

By: _____
Westbrook Housing Authority
Its Member and Manager

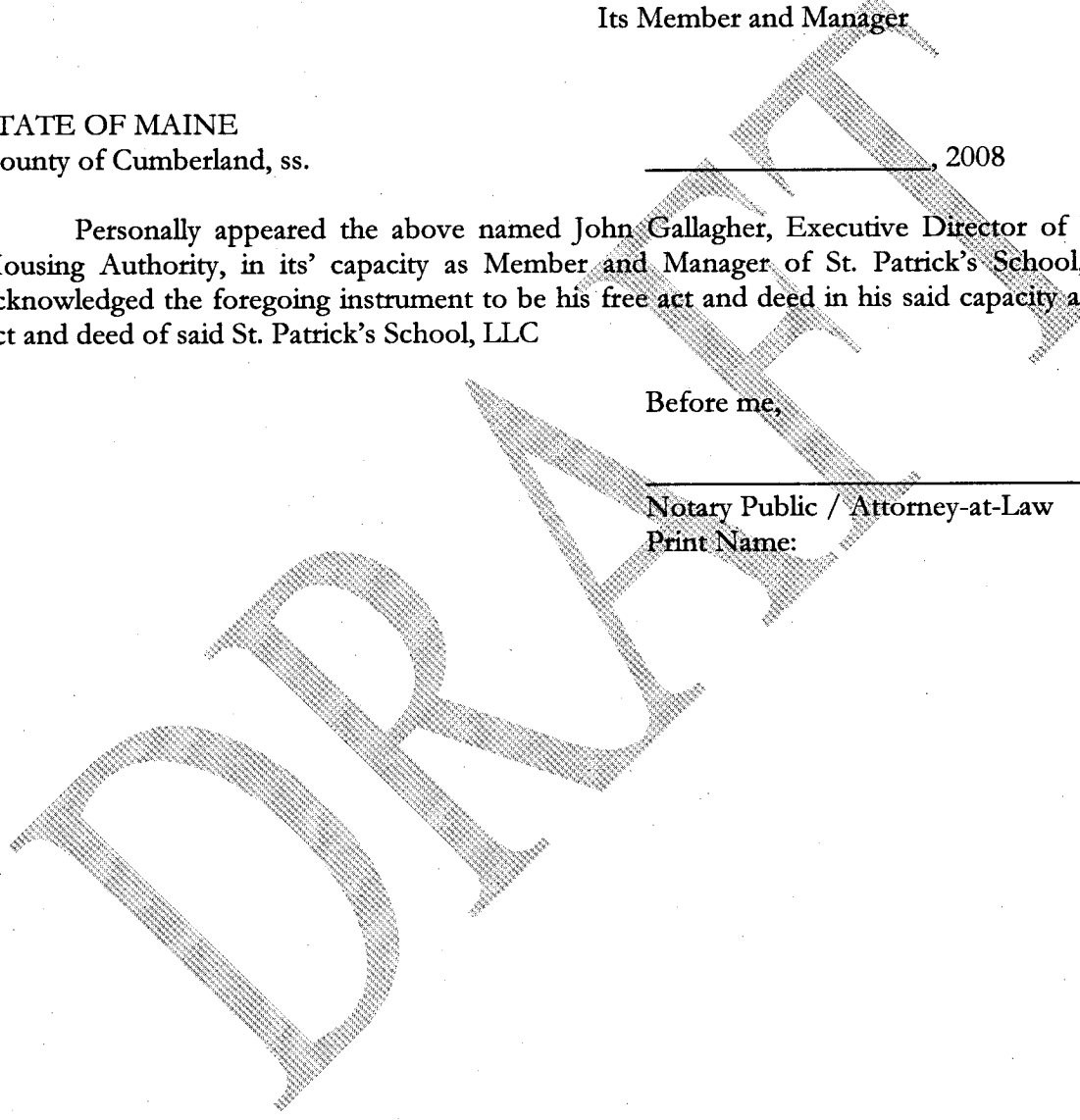
STATE OF MAINE
County of Cumberland, ss.

_____, 2008

Personally appeared the above named John Gallagher, Executive Director of Westbrook Housing Authority, in its' capacity as Member and Manager of St. Patrick's School, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said St. Patrick's School, LLC

Before me,

Notary Public / Attorney-at-Law
Print Name:



APPENDIX I

[Attach legal description.]

DRAFT

APPENDIX II

ST. PATRICKS SCHOOL CONDOMINIUMS

Unit #	Size	Percentage	Votes
101	1 bedrm	6.6000%	1
102	1 bedrm	6.6000%	1
103	2 bedrm	7.6000%	1
201	1 bedrm	6.6000%	1
202	1 bedrm	6.6000%	1
203	1 bedrm	6.6000%	1
204	1 bedrm	6.6000%	1
205	1 bedrm	6.6000%	1
206	1 bedrm	6.6000%	1
301	1 bedrm	6.6000%	1
302	1 bedrm	6.6000%	1
303	1 bedrm	6.6000%	1
304	1 bedrm	6.6000%	1
305	1 bedrm	6.6000%	1
306	1 bedrm	6.6000%	1
Total		100.00%	15

April 20, 2009

**PORTLAND FIRE DEPARTMENT
SITE REVIEW
FIRE DEPARTMENT CHECKLIST**

A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

*1251 Congress Street
Portland, ME*

1. Name, address, telephone number of applicant.
*Westbrook Development Corp.
20 Liza Harmon Drive
Westbrook, ME
(207) 854-6823*
2. Name address, telephone number of architect
*David Lloyd
Archetype, P.A.
49 Union Wharf
Portland, ME 04101
(207) 772-6022*
3. Proposed uses of any structures [NFPA and IBC classification]
Existing building converted to new apartment use.
4. Square footage of all structures [total and per story]
*Total: 16,245 sq. ft.
Basement: 5,415 sq. ft.
1st: 5,415 sq. ft.
2nd: 5,415 sq. ft.*
5. Elevation of all structures
19'-5" grade to 2nd floor.
6. Proposed fire protection of all structures
NFPA 13R
7. Hydrant locations
Across the street on southeast of building, corner of Congress St. & Whitney Ave.
8. Water main[s] size and location
6", see attached
9. Access to any fire department connections
Building fully sprinkled, standpipe not required, Siamese connection not required
10. Access to all structures [min. 2 sides]
Access on Congress St. and Whitney Ave., see attached
11. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.
NFPA 1, sends you to 101, see attached
12. Elevators shall be sized to fit an 81" x 23" stretcher and two personnel.
No elevator

Some structures may require Fire flows using annex H of NFPA 1

Fire Flow. The required fire flow, per Annex H, for a building of construction type V (000), in a fire area 13 to 17 ½ K sq. ft., is 3500 GPM. Using the exception of H.5.2.1 this can be reduced to the minimum 1000 GPM. One hydrant, located in front of the building on Whitney Street can provide 1233 GPM.

RELEVANT CODES

NFPA 101 2006

CODE REFERENCE

GENERAL REQUIREMENTS

BUILDING PROTECTED THROUGHOUT BY AUTOMATIC SPRINKLER (OPTION 4)
 SPRINKLER SYSTEM TO BE IN ACCORDANCE WITH NFPA 13R

T-A.31.1
 PER 30.3.5

USE GROUP : APARTMENT BUILDING

CONSTRUCTION TYPE V (000)

CORRIDOR WALLS - 1/2 HR REQUIRED

T-A.31.1

CORRIDOR DOORS - SMOKE RESISTING

T-A.31.1

EXIT WALLS - 1 HR REQUIRED

T-A.31.1

SMOKE PROOF ENCLOSURES - NOT REQUIRED

T-A.31.1

EXIT DOORS - 1 HR REQUIRED

T-A.31.1

MASTER BOX NOT REQUIRED

PER CITY OF PORTLAND
 (LESS THAN 20 APARTMENTS)

SMOKE ALARMS - REQUIRED

SPRINKLER - REQUIRED (NFPA 13R)

EMERGENCY LIGHTING REQUIRED IN BUILDINGS WITH MORE THAN 12 UNITS

PER 30.2.9

FIRE ALARM SYSTEM NOT REQUIRED

PER 30.3.4.1.3

IN BUILDINGS WITH SPRINKLER SYSTEM ALL VERTICAL OPENINGS
 SHALL BE PROTECTED BY 1 HOUR RATED WALLS AND DOORS

PER 30.3.1.1.4

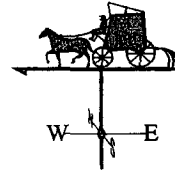
FIRE EXTINGUISHERS NOT REQUIRED

PER 30.3.5.13



225 DOUGLASS STREET
P.O. BOX 3553
PORTLAND, ME 04104-3553
P: 207.774.5961
F: 207.761.8307
WWW.PWD.ORG

B-2



PORTLAND
WATER DISTRICT

November 13, 2008

Archetype
48 Union Wharf
Portland, Maine 04101

Attn: Ms. Susan McEwen
Re: 1251 Congress Street, Portland
Ability to serve with PWD water

Dear Ms. McEwen:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the domestic water needs of the 15-unit condominium building at 1251 Congress Street in Portland. According to District records, the building is currently served by a 2-inch copper service that takes from the 6-inch cast iron water main on the east side of Whitney Avenue, as shown in the attached service card. If this service is not reused as part of this project it will need to be shut and cut at the main. There is also a hydrant located across from the site on Whitney Avenue.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the domestic needs of your proposed project, as stated in your letter, dated November 5, 2008.

Hydrant Location: Whitney Avenue at Congress Street
Hydrant Number: POD-HYD01082
Static Pressure: 84 psi
Flow: 1233 gpm
Last Tested: 7/10/1990

Please notify your mechanical engineer of these results so that they can design your system to best fit the noted conditions. Please contact the Portland Fire Department to determine if the fire service capacity is sufficient for your needs. Also, please note that we will require a calculation of the peak water demand in gallons per minute or a fixture count tabulation at the time of the service application. Additionally, based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes. If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Rico Spugnardi, P.E.
Business Development Engineer
rspugnardi@pwd.org

PO - Adequacy - 1251 Congress Street - Archetype 08

WP9SE

WARP9™ - Small, electronic
revision 10/1/08 • wp9se.pdf



Type: S1
Job: Saint Patrick's Apartments
Catalog number:

Approvals:

Date:
Page: 1 of 5

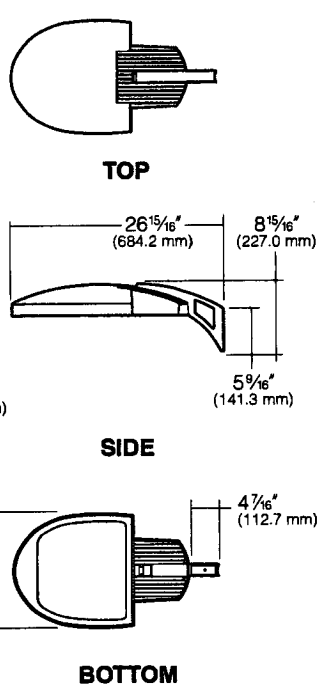
1A / WP9SE3 / 70PMH120 / BL / HS / TL / VSF-1SA

Mtg. Fixture Electrical Module Finish Options
See page 2 See page 3 See pages 4-5

Select pole from Kim Pole Catalog. If pole is provided by others indicate O.D. for arm fitting.

Specifications

WP9SE
Small Electronic Ballast
42 to 150 watt
PMH and PL
Medium Base Lamps
EPA: .52
Maximum weight:
17 lb. electronic



Housing: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling ribs over the electrical compartment. Solid barrier wall separates optical and electrical compartments. A single die-cast aluminum cam-latch provides positive locking and sealing of the optical chamber. A one-piece extruded and vulcanized silicone gasket seals the housing against the lens surface.

Electronic Ballast Module: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling ribs over exposed bottom surface. Integral hinges and slide latch with stainless steel hardware provides no-tool mounting and removal from housing. All electronic components are UL and CSA recognized and mounted directly to the ballast tray for maximum heat dissipation.

Lens: Clear 3/16" thick tempered glass lens retained by a stainless steel piano hinge and a single die-cast aluminum cam-latch. The edges are camouflaged to conceal the outer portion of the housing.

Reflector Module: High specular optical segments are rigidly mounted within carrier plates to maintain form. No fasteners are placed on the reflective surface. The entire assembly is rotatable in 90° increments and fastened to the housing as a one-piece module. The appropriate socket is rigidly attached to the reflector module.

Support Arm: Heavy cast, low copper aluminum alloy with stainless steel mounting bolts. A pole reinforcing plate is provided with wire strain relief. Arm is circular cut for specified round pole.

Finish: Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Stealth Gray™, Platinum Silver, or White. Custom colors are available

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes, Failure to do so may result in serious personal injury.

Listings and Ratings			
UL cUL 1598 ¹	CE	IP66 Rated	25C Ambient

¹Suitable for wet locations.
KIM LIGHTING RESERVES THE RIGHT TO CHANGE SPECIFICATIONS WITHOUT NOTICE.

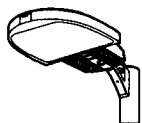


U.S. Patent D568,521





Type: S1
Job: Saint Patrick's Apartments



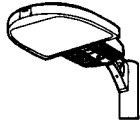
Standard Features

<p>Mounting 3Y configuration is available for round poles only.</p>	<p>Plan View:</p> <p>EPA: 0.52 1.04 0.82 1.3 1.3 1.5 n/a</p> <p>Cat. No.: <input checked="" type="checkbox"/> 1A <input type="checkbox"/> 2B <input type="checkbox"/> 2L <input type="checkbox"/> 3T <input type="checkbox"/> 3Y <input type="checkbox"/> 4C <input type="checkbox"/> 1W</p>
<p>Fixture Cat. No. designates fixture and light distribution. See the Kim Warp9 Catalog for detailed information on reflector design and application.</p>	<p>Horizontal Lamp</p> <p>Light Distribution:</p> <p> Type II Type III Type IV Forward Throw Full Cutoff Full Cutoff Full Cutoff</p> <p>Cat. No.: <input type="checkbox"/> WP9SE2 <input checked="" type="checkbox"/> WP9SE3 <input type="checkbox"/> WP9SE4 <input type="checkbox"/> WP9SE5</p>

Type: S1

Job: Saint Patrick's Apartments

Page: 3 of 5



Optional Features

Electrical Module

PMH = Pulse Start
 Metal Halide
PL = Compact Fluorescent

Lamp Watts	Lamp Type	Line Volts
70	PMH	120

Cat. Nos. for Electrical Modules available:

Pulse Start Metal Halide

<input checked="" type="checkbox"/> 70PMH120	<input type="checkbox"/> 100PMH120	<input type="checkbox"/> 150PMH120	
<input type="checkbox"/> 70PMH208	<input type="checkbox"/> 100PMH208	<input type="checkbox"/> 150PMH208	
<input type="checkbox"/> 70PMH240	<input type="checkbox"/> 100PMH240	<input type="checkbox"/> 150PMH240	
<input type="checkbox"/> 70PMH277	<input type="checkbox"/> 100PMH277	<input type="checkbox"/> 150PMH277	
Lamp	E-17, or T6, Clear	E-17, Clear	E-17, or T6, Clear
Socket	Med or G12 Base	Medium Base	Med or G12 Base
ANSI Ballast	M98, M143, or M139	M90 or M140	M102 or M142

Compact Fluorescent

<input type="checkbox"/> 42PL120	<input type="checkbox"/> 57PL120	<input type="checkbox"/> 60PL120	
<input type="checkbox"/> 42PL208	<input type="checkbox"/> 57PL208	<input type="checkbox"/> 60PL208	
<input type="checkbox"/> 42PL240	<input type="checkbox"/> 57PL240	<input type="checkbox"/> 60PL240	
<input type="checkbox"/> 42PL277	<input type="checkbox"/> 57PL277	<input type="checkbox"/> 60PL277	
Lamp	Coated	Coated	Coated
Socket	GX24q-4 Base	GX24q-5 Base	2GB-1 Base
ANSI Ballast	n/a	n/a	n/a

Finish

Super TGIC powder
 coat paint over a titanated
 zirconium conversion
 coating.

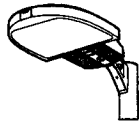
Color: Black Dark Bronze Stealth Gray™ Platinum Silver White Custom Color¹
 Cat. No.: **BL** **DB** **SG** **PS** **WH** **CC**

¹Custom colors subject to additional charges, minimum quantities and extended lead times.
 Consult representative. Custom color description: _____

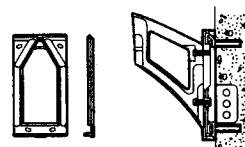

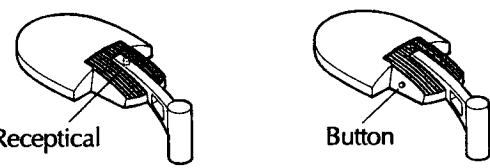
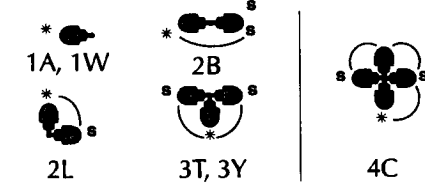
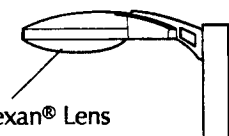
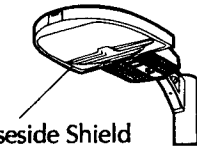
Type: S1

Job: Saint Patrick's Apartments

Page: 4 of 5



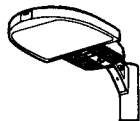
Optional Features

<p>Wall Mounting Cat. No. 1W Select from Mounting on page 2.</p>	<p>A cast aluminum mounting plate is mounted to the wall with four bolts (by others). Fixture and arm are mounted to the cast aluminum cover plate before attaching to the wall mounting plate. The fixture-arm-cover plate assembly is hooked to the wall mounting plate and secured with stainless steel screws provided. Field splices are made at the opening in the cover plate. Cover is finished to match arm and fixture color.</p>	 <p>Wall Mounting</p>
<p>Fusing (Internal only): Cat. No. (see chart at right) <input type="checkbox"/> No Option</p>	<p>High temperature fuse holders factory installed inside the fixture housing. Fuse is included. Line Volts: 120V 208V 240V 277V Cat. No.: <input type="checkbox"/> SF <input type="checkbox"/> DF <input type="checkbox"/> DF <input type="checkbox"/> SF</p>	 <p>Single Fuse</p>
<p>Photocell Controls Cat. Nos. <i>receptacle</i> <input type="checkbox"/> A-25 <i>Button</i> <i>Line Volts</i> <input type="checkbox"/> A-30 - 120V <input type="checkbox"/> A-31 - 208V <input type="checkbox"/> A-32 - 240V <input type="checkbox"/> A-33 - 277V <input type="checkbox"/> No Option</p>	<p>Two types of photocell controls are available. A receptacle for a NEMA base photocell or an internal photocell button sensor on the side of the fixture.</p> <p>Receptical</p> <p>Button</p> <p>Mounting (see page 2)</p> <p>* - Fixture with Photocell Receptacle S - slave unit(s)</p>	 
<p>Lexan® Lens Cat. No. <input type="checkbox"/> SLX <input type="checkbox"/> No Option</p>	<p>One-piece vacuum formed advanced polymer (Lexan®) enclosure covers standard tempered glass lens. CAUTION: Use only when vandalism is anticipated to be high.</p>	 <p>Lexan® Lens</p>
<p>Houseside Shield Cat. No. <input checked="" type="checkbox"/> HS <input type="checkbox"/> No Option</p>	<p>Stamped aluminum louvers that pass streetside light and block houseside light. Recommended for use with clear lamps only. Effectiveness is reduced for coated lamps. Note: For use with Types II, III, or IV distributions only.</p>	 <p>Houseside Shield</p>

Type: S1

Job: Saint Patrick's Apartments

Page: 5 of 5



Optional Features

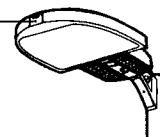
Tamper-Resistant Latch

- Cat. No. TL
- No Option

Standard die-cast latch is provided with a captive 10-32 stainless steel flat socket-head screw to prevent unauthorized opening.

NOTE: Required only for vandal protection in locations where fixtures can be reached by unauthorized persons.

Tamper Resistant Latch

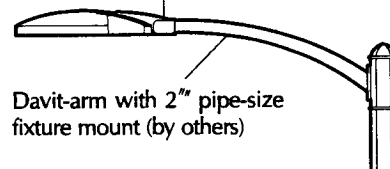


Horizontal Slipfitter Mount

- Cat. No. HSF
- No Option

Replaces standard mounting arm with a cast aluminum fitter to adapt to a horizontal 2" pipe-size mounting end (2 3/8" OD). The casting has a 5° adjustment to accommodate davit arms that are not horizontal. Horizontal pipe must be field drilled at one set screw location to insure against fixture rotation. Finish to match fixture color.

Horizontal Slipfitter



Vertical Slipfitter Mounts

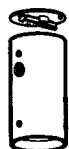
- Cat. No. includes Mounting
- Cat. No. (See right)
- No Option

Allows fixture or fixtures with standard mounting arm to mount to a pole with a 2" pipe-size tenon (2 3/8" OD). Minimum 4' tenon length required.

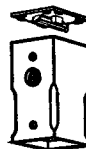
Specify configuration (1A, 2B, 3T, 3Y, 4C) 4" round or square aluminum with flush cap. Finish to match fixture and arm.

NOTE: 3Y only available on round slipfitter.

- Cat. No. VSF-1SA
 - VSF-2SB
 - VSF-2SL
 - VSF-3ST
 - VSF-3SY
 - VSF-4SC
- Round



Stainless steel set screws



Square

- Cat. No. SVSF-1SA
- SVSF-2SB
- SVSF-2SL
- SVSF-3ST
- SVSF-4SC

- Mounting Configuration
- 1SA -single arm mount
 - 2SB -2 at 180°
 - 2SL -2 at 90°
 - 3ST -3 at 90°
 - 3SY -3 at 120°
 - 4SC -4 at 90°

Type: S3
Job: Saint Patrick's Apartments
Catalog number:

Approvals:

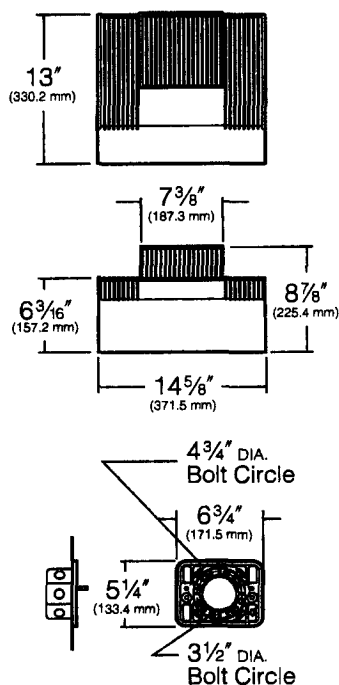
WD14D3 /50PMH120 / BL /

Fixture Electrical Module Finish Options
 See page 2 See pages 3-4

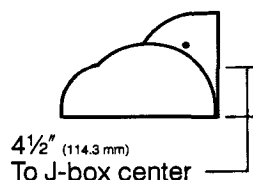
Date:
Page: 1 of 5

Specifications

Maximum Fixture
 Weight (150HPS) = 26 lb



Mounting Plate
 Attaches directly to any
 standard 4" J-box (by others)



Reflector Housing: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling fins. Rotates against ballast housing to provide 10° of adjustment with degree markers cast into the housing. At 0° adjustment, lens is totally concealed from view above horizontal with fixture aimed downward.

Ballast Housing: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling fins. Fastens to mounting plate with keyhole slots freeing both hands for securing and wiring. One stainless steel socket-head screw on each side of housing frees the reflector housing to rotate for aiming. Tightening the screws locks the two housings together with sealing provided by a silicone gasket. For visual aiming, adjustment may be accomplished with the fixture on.

Lens Frame: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral hinges and stainless steel pins. Two stainless steel quarter-turn fasteners secure lens frame to reflector housing with sealing provided by a one-piece extruded and vulcanized silicone gasket. Lens is clear flat 3/16" thick tempered glass sealed to lens frame with a silicone gasket and retainer clips. For UP models, lens is mounted flush with frame for water run off, and is silicone sealed.

Type II, III, and IV Reflector Module: Specular Alzak® optical segments are rigidly mounted within a die-cast aluminum enclosure that attaches to the housing by a no-tool quick-disconnecting hinge and fastener. All sockets are porcelain medium base rated 4KV. All modules are factory prewired with a quick-disconnect plug for mating to the ballast. Available in three light distributions, all interchangeable within the same housing.

Wall Grazer Reflector Module: Specular Alzak® optical segment is rigidly formed into a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black louver vanes run parallel to the lamp arc for controlling the hot spot directly behind the fixture, and spill light into the atmosphere. All sockets are porcelain medium base rated 4KV. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Spot Reflector Module: Specular Alzak® optical spun parabola is rigidly mounted to a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black internal louvers are provided to control the beam and prevent hot spots directly behind the fixture and spill light into the atmosphere. All sockets are porcelain medium base rated 4KV. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Electrical Components: High power factor ballasts are rigidly mounted inside the housing and are factory prewired with a quick-disconnect plug for mating to the socket. Starting temperatures are -40°F for HPS lamp modes and -20°F for PMH lamp modes.

Mounting Plate: Mounting plate attaches directly to any standard 4" junction box. All mounting plates are die-cast aluminum with reinforced ribs. Two studs are provided in each plate with flange nuts to allow fixture mounting by keyhole slots. Sealant must be applied (by others) between mounting plate and mounting surface to insure a dry junction box.

Finish/Color: Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; A.S.T.M. 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Light Gray, Stealth Gray®, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

Listings and Ratings

UL cUL 1598 ¹	CE	25C Ambient
	IP66 Rated	

¹Suitable for wet locations

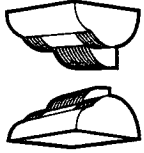
KIM LIGHTING RESERVES THE RIGHT TO CHANGE SPECIFICATIONS WITHOUT NOTICE.









Type: S3

Job: Saint Patrick's Apartments

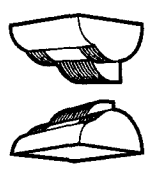
Page: 2 of 5



Standard Features

<p>Fixture Cat. No. designates WD14 fixture, Up (U) or Down (D) configuration, and light distribution (2, 3, 4, G or S).</p>	<div style="display: flex; justify-content: space-around; align-items: center;">       </div> <p>WD Fixture</p> <p>Light Distribution:</p> <p>Cat. No.: (Up 14") <input type="checkbox"/> WD14U2 <input type="checkbox"/> WD14U3 <input type="checkbox"/> WD14U4 <input type="checkbox"/> WD14UG <input type="checkbox"/> WD14US</p> <p>Cat. No.: (Down 14") <input type="checkbox"/> WD14D2 <input checked="" type="checkbox"/> WD14D3 <input type="checkbox"/> WD14D4 <input type="checkbox"/> WD14DG <input type="checkbox"/> WD14DS</p>
<p>Finish Super TGIC powder coat paint over a titanated zirconium conversion coating.</p>	<p>Color: Black Dark Bronze Light Gray Stealth Gray® Platinum Silver White Custom Color¹</p> <p>Cat. No.: <input checked="" type="checkbox"/> BL <input type="checkbox"/> DB <input type="checkbox"/> LG <input type="checkbox"/> SG <input type="checkbox"/> PS <input type="checkbox"/> WH <input type="checkbox"/> CC</p> <p>¹Custom colors subject to additional charges, minimum quantities and extended lead times. Consult representative. Custom color description: _____</p>

Type: S3
 Job: Saint Patrick's Apartments



Standard Features

Electrical Module

- PMH** = Pulse Start Metal Halide
- HPS** = High Pressure Sodium
- PL** = Compact Fluorescent Triple Tube
- IF** = Induction Fluorescent



Lamp	Watts	Type	Volts
150	PMH	277	

Lamp and electrical data supplied for reference purposes only. All initial lumen values shown may vary from one manufacturer to another. Consult lamp manufacturer's data for exact lumen and life data.

NOTE: For lamp/ballast information outside of the U.S.A. and Canada, please consult your local Kim representative.

WARNING: Fixtures must be installed and grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury. For lamp/ballast information outside of the U.S.A. and Canada, please consult your local Kim representative. Lamps by others.

Cat. Nos. for Electrical Modules available:

Pulse Start Metal Halide									
<input checked="" type="checkbox"/>	50PMH120¹	<input type="checkbox"/>	70PMH120¹	<input type="checkbox"/>	100PMH120¹	<input type="checkbox"/>	125PMH120¹	<input type="checkbox"/>	150PMH120¹
<input type="checkbox"/>	50PMH208¹	<input type="checkbox"/>	70PMH208¹	<input type="checkbox"/>	100PMH208¹	<input type="checkbox"/>	125PMH208¹	<input type="checkbox"/>	150PMH208¹
<input type="checkbox"/>	50PMH240¹	<input type="checkbox"/>	70PMH240¹	<input type="checkbox"/>	100PMH240¹	<input type="checkbox"/>	125PMH240¹	<input type="checkbox"/>	150PMH240¹
<input type="checkbox"/>	50PMH277¹	<input type="checkbox"/>	70PMH277¹	<input type="checkbox"/>	100PMH277¹	<input type="checkbox"/>	125PMH277¹	<input type="checkbox"/>	150PMH277¹
<input type="checkbox"/>	50PMH347¹	<input type="checkbox"/>	70PMH347¹	<input type="checkbox"/>	100PMH347¹	<input type="checkbox"/>	125PMH347¹	<input type="checkbox"/>	150PMH347¹
<input type="checkbox"/>	50PMH480^{1,2}	<input type="checkbox"/>	70PMH480^{1,2}	<input type="checkbox"/>	100PMH480^{1,2}	<input type="checkbox"/>	125PMH480^{1,2}	<input type="checkbox"/>	150PMH480^{1,2}
Lamp	ED-17 Clear	T6 Clear, or ED-17 Clear	ED-17 Clear	ED-17 Clear	T6 Clear, or ED-17 Clear				
Socket	Medium Base	G-12 Base, or Medium Base	Medium Base	Medium Base	G-12 Base, or Medium Base				
ANSI Ballast	M148, M110	M143, M98	M140, M90	M150	M142, M102				

High Pressure Sodium			
<input type="checkbox"/>	70HPS120	<input type="checkbox"/>	100HPS120
<input type="checkbox"/>	70HPS208	<input type="checkbox"/>	100HPS208
<input type="checkbox"/>	70HPS240	<input type="checkbox"/>	100HPS240
<input type="checkbox"/>	70HPS277	<input type="checkbox"/>	100HPS277
<input type="checkbox"/>	70HPS347	<input type="checkbox"/>	100HPS347
<input type="checkbox"/>	70HPS480³	<input type="checkbox"/>	100HPS480³
Lamp	ED-17 Clear	ED-17 Clear	ED-17 Clear,
Socket	Medium Base	Medium Base	Medium Base
ANSI Ballast	S-62	S-54	S-55

Compact Fluorescent			Induction Fluorescent
<input type="checkbox"/>	42PL120^{1,2}	<input type="checkbox"/>	57PL120^{1,2}
<input type="checkbox"/>	42PL208¹	<input type="checkbox"/>	57PL208^{1,2}
<input type="checkbox"/>	42PL240¹	<input type="checkbox"/>	57PL240^{1,2}
<input type="checkbox"/>	42PL277¹	<input type="checkbox"/>	57PL277^{1,2}
Lamp	Coated	Coated	Coated
Socket	GX24q-4 Base	GX24q-5 Base	2G8-1 Base
ANSI Ballast	---	---	---

¹ Multiple CFL lamp configurations (ie, two 42W lamps) are possible with certain optical systems. Consult factory for details.

² Remote battery pack and test switch available for 57W, and 60W CFL lamps - consult factory.

³ 480 volt with medium base lamp sockets may require approval by the local building code authority.

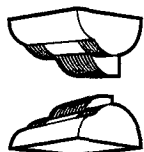
⁴ **CAUTION:** All manufacturers of metal halide lamps recommend turning them off for 15 minutes once per week when under continuous operation. This will reduce the risk of arc tube rupture at end of life. Also, color temperature may differ between manufacturers of metal halide lamps. See lamp manufacturers' specification sheets.

NOTE: Due to the Energy Independence and Security Act (EISA) of 2007, Kim Lighting can no longer supply probe start metal halide ballasts with its luminaires, effective January 1, 2009. Contact Kim Lighting for availability of replacement ballasts for warranty service claims.
 (http://www.aboutlightingcontrols.org/education/papers/2008_energy_law.shtml#metahalide).

Type: S3

Job: Saint Patrick's Apartments

Page: 4 of 5



Optional Features

Base Socket

Cat. No. G12
 No Option

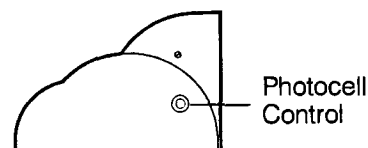
G12 base socket available for 70W and 150W Pulse Start Metal Halide lamps only.

Photocell Control

Cat. No. (see right)
 No Option

Factory installed inside housing with fully gasketed sensor on side wall.

Cat. No.	Line Volts:	Cat. No.	Line Volts:
<input type="checkbox"/> A-30	120V	<input type="checkbox"/> A-33	277V
<input type="checkbox"/> A-31	208V	<input type="checkbox"/> A-34	480V
<input type="checkbox"/> A-32	240V	<input type="checkbox"/> A-35	347V



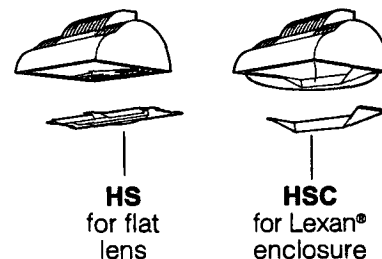
Houseside Shield

Cat. No. HS
 HSC
 No Option

Combination louver shield and black end-panel for reflector. Factory installed to reflector module. Reduces light toward wall by the amounts shown.

CAUTION: Do not use the Houseside Shield option with the Wall Grazer as it will interfere with the light distribution.

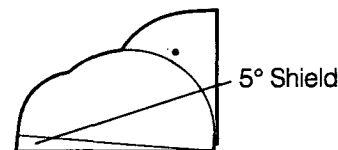
Approximate Light	Type II	Type III	Type IV
Reduction Toward Wall	-43%	-74%	-77%



5° Shield

Cat. No. SDS14
 No Option

Aluminum shield field-attached to lens frame. Maintains a horizontal cutoff fixture edge when the luminaire is tilted 5°. Finished to match the fixture.

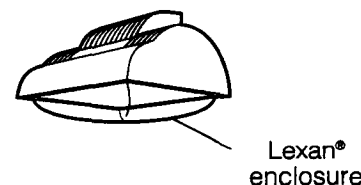


Lexan® Non-yellowing Enclosure:

Cat. No. LS
 No Option

For DOWN fixture models only. Clear convex vacuum formed non-yellowing Lexan® enclosure with gasket replaces standard tempered glass lens.

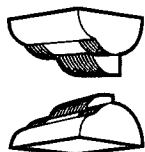
NOTE: Use only when vandalism is anticipated to be high. Useful life is limited by UV discoloration from sunlight and MH lamps. A program of regular inspection and periodic replacement is highly recommended to maintain optimum fixture performance.



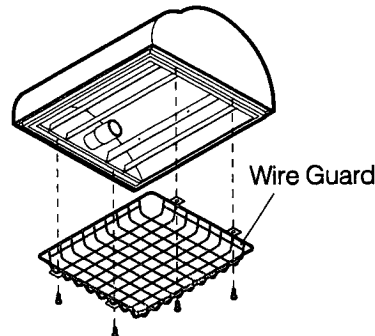
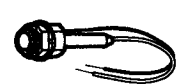

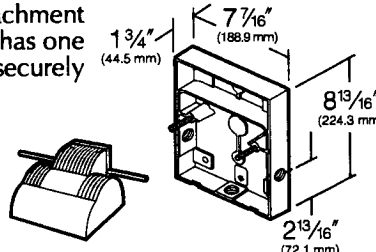

Type: S3

Job: Saint Patrick's Apartments

Page: 5 of 5

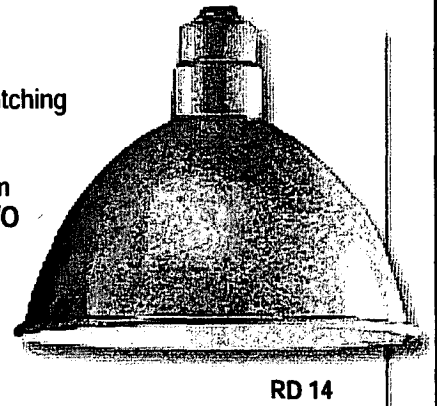
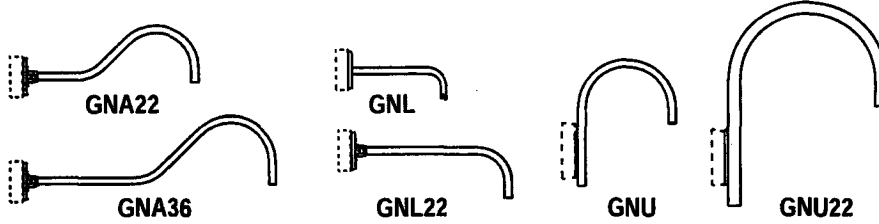


Optional Features

<p>Wire Guard Cat. No. <input type="checkbox"/> WG14 <input type="checkbox"/> No Option</p>	<p>11 ga. (.12" dia.) BB Wire, (.75" sq. welded mesh pattern,) 11³/₈" x 10¹/₄" x 1¹/₂" deep. Finish is super TGIC thermoset polyester powder coat paint, over zinc plated wireform. Finished to mach the fixture.</p> <p>NOTE: Only available with flat lens applications.</p>	 <p>Wire Guard</p>
<p>Fusing Cat. No. (see right) <input type="checkbox"/> No Option</p>	<p>Line Volts: 120V 208V 240V 277V 347V 480V Cat. No.: <input type="checkbox"/> SF <input type="checkbox"/> DF <input type="checkbox"/> DF <input type="checkbox"/> SF <input type="checkbox"/> SF <input type="checkbox"/> DF</p>	
<p>Quartz Standby Cat. No. <input type="checkbox"/> QS <input type="checkbox"/> No Option</p>	<p>Integral electronic device energizes a T-4 mini-can socket during initial lamp start-up or after a power interruption. De-energizes prior to H.I.D. lamp reaching full brightness. T-4 halogen lamp by others; 100 watt maximum.</p>	
<p>Surface Conduit Mount Cat. No. <input type="checkbox"/> SCM14U <input type="checkbox"/> SCM14D <input type="checkbox"/> No Option</p>	<p>Cast aluminum junction box and fixture mount for attachment (by others) to existing walls, beams or columns. SCM14 has one 3/4" NPT conduit tap in each side and bottom. Must be securely mounted to wall surface. Finished to match the fixture.</p> <p>SCM14U for UP fixtures only. SCM14D for DOWN fixtures only.</p> <p>Note: Must be securely mounted to all surface.</p>	
<p>Battery Back-up: Cat. No. <input type="checkbox"/> EM <input type="checkbox"/> No Option</p>	<p>Internal battery pack provides 90 minutes of supplement light at 750 lumens on 26, 32, or 42 watt compact fluorescent lamps. (Remote mounted battery pack also available for 57W, and 60W CFL - consult factory.)</p>	

Provided with choice of aluminum conduit arms with cast canopy.
Standard White (WH) finish provided, with alternate finishes and custom color matching available upon request.

Please ADD desired Diffuser, Mounting, Finish and Light Source codes (from page 12) to model number when ordering. Example: RD 1430 GNU WH-26TE/O



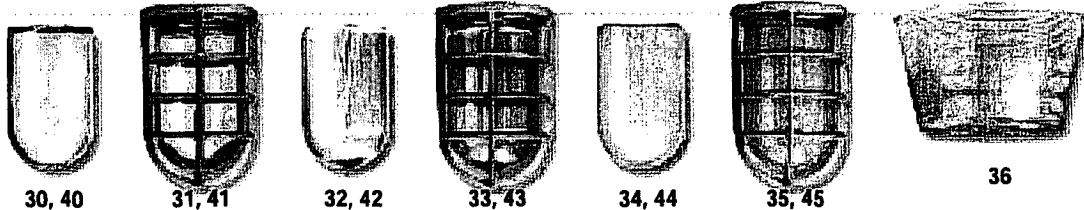
RD 14

Model	Optional Diffusers Available (add suffix to Model Number)	Mounting Code	Max. Watts (Incand.)		Dimensions			Mtg.Ctr.
			Bare lamp	w/ Diffuser	W	H	E	
RD 9	30, 31, 32, 33, 34, 35	GNA22	100 A19	100 A19	9-1/2	17	26-3/4	7
RD 9	30, 31, 32, 33, 34, 35	GNA36	100 A19	100 A19	9-1/2	19-1/4	40-3/4	9
RD 9	30, 31, 32, 33, 34, 35	GNL	100 A19	100 A19	9-1/2	14-1/4	18-1/4	2-3/4
RD 9	30, 31, 32, 33, 34, 35	GNL22	100 A19	100 A19	9-1/2	16	26-1/4	2-3/4
RD 9	30, 31, 32, 33, 34, 35	GNU	100 A19	100 A19	9-1/2	19-1/4	18-1/4	14-1/4
RD 11	30, 31, 32, 33, 34, 35	GNA22	150 A21	100 A19	11-1/2	17	27-3/4	7
RD 11	30, 31, 32, 33, 34, 35	GNA36	150 A21	100 A19	11-1/2	19-1/4	41-3/4	9
RD 11	30, 31, 32, 33, 34, 35	GNL	150 A21	100 A19	11-1/2	14-1/4	19-1/4	2-3/4
RD 11	30, 31, 32, 33, 34, 35	GNL22	150 A21	100 A19	11-1/2	16	27-1/4	2-3/4
RD 11	30, 31, 32, 33, 34, 35	GNU	150 A21	100 A19	11-1/2	19-1/4	19-1/4	14-1/4
RD 14	36, 40, 41, 42, 43, 44, 45	GNA22	200 A23	200 A23	14	18-1/2	29	7
RD 14	36, 40, 41, 42, 43, 44, 45	GNA36	200 A23	200 A23	14	20-3/4	43	9
RD 14	36, 40, 41, 42, 43, 44, 45	GNL	200 A23	200 A23	14	15-3/4	20-1/2	2-3/4
RD 14	36, 40, 41, 42, 43, 44, 45	GNL22	200 A23	200 A23	14	17-1/2	28-1/2	2-3/4
RD 14	36, 40, 41, 42, 43, 44, 45	GNU	200 A23	200 A23	14	20-3/4	20-1/2	14-1/4

Fluorescent and H.I.D. lamping options: See page 12 for lamping options available with your selected diffuser.

Fluorescent ballasts housed in secondary canopy (O), which adds 2" to E dimension.

H.I.D. ballasts remote-mounted (R).



Diffuser Code	Description	Diffuser Code	Description
30, 40	Clear bullet-shaped glass cylinder	34, 44	Satin-etched prismatic bullet-shaped glass cylinder
31, 41	Clear bullet-shaped glass cylinder w/guard	35, 45	Satin-etched prismatic bullet-shaped glass cylinder w/guard
32, 42	Clear prismatic bullet-shaped glass cylinder	36	Acrylic refractor - type V distribution
33, 43	Clear prismatic bullet-shaped glass cylinder w/guard		

REFLECTA LIGHTING MODULES

APPLICATIONS:

The Reflecta series is suitable for hospitality, retail and contract applications, and much more. Pendant, wall and post-mount fixtures are designed for installation on exterior facades and parking areas, as well as in a range of interior

spaces from restaurants and boutiques to commercial or industrial settings. Reflecta will enhance any installation that requires an attractive yet functional pendant, wall or post-mount lighting fixture.

CONSTRUCTION:

Heavy wall aluminum and cast alloys, with spun aluminum reflectors, extruded stems and mounting arms. Stem-hung models supplied with 11/16" outside diameter, 12" long color-coordinated stem and heavy-duty, hang-straight 45° steel swivel canopy.

DIFFUSERS:

Choice of clear or satin-etched prismatic cylindrical bullet-shaped glass, gasketed to seal and protect against dust, moisture and insects; heat quenched and shatter resistant on H.I.D. models.

LAMPING:

Choice of Incandescent, Compact Fluorescent, High Pressure Sodium or Metal Halide. See individual product specs for per-fixture wattage and lamp types.

LAMP HOLDERS:

Incandescent - Medium-base porcelain with nickel-plated screw shell and center contact.

Compact Fluorescent - Heat-resistant thermoplastic with lamp retention clips, providing for secure lamp fit and easy push-pull re-lamping.

H.I.D. (High Pressure Sodium/Metal Halide) - 4KV pulse-rated medium-base porcelain with brass nickel-plated screw shell and center contact reinforced with corrosion-resistant leaf spring.

BALLASTS:

Compact Fluorescent - Electro-magnetic Normal Power Factor, 120 volt (60Hz) indoor/outdoor Type 1, rated for 32° F start or High Power Factor available in 120 or 277 Volts.

Electronic Compact Fluorescent - High Power Factor (>.97), electronic universal voltage (120-277), with smart circuitry that senses lamp wattage and supply voltage (50/60Hz), and protects lamp and ballast at the end of lamp life. Specification-grade features include true 0° start (-18° C.), >.98 Ballast factor, <3% flicker and <10% Total Harmonic Distortion (THD). For dimmable electronic models, please consult factory.

H.I.D. - Electro-magnetic Normal Power Factor, 120 Volt (60Hz) indoor/outdoor Type 1 ballast, rated for -20° F start. See individual product specs for High Power Factor and 277 Volt offerings. Models with remote-mounted ballast supplied with High Power Factor dual-tap (120/277 Volt), high reactance transformer and have a maximum lamp-to-ballast distance of 10 feet on High Pressure Sodium models and 20 feet on Metal Halide models. Weather-tight enclosure (by others) required for installation in wet locations.

MOUNTING:

Pendant, surface and wall-mount fixtures designed for installation over recessed 4" outlet box.

Post-mount fixtures slip 3", 4" or 4-1/2" outside diameter posts, depending on model.

FINISHES:

A full palette of smooth, textured and metallic* finishes is offered. Metal parts are chemically cleaned and pre-treated with chromate or iron phosphate primer prior to application of thermosetting polyester (TGIC) powder coating. Copper finish is comprised of real metal flakes and industrial grade exterior liquid enamel. Non-standard, custom colors and color matching (with submission of color chip) are supplied with industrial-grade exterior enamel liquid coating, subject to surcharge and not returnable. Note: RAL colors may be special-ordered in TGIC powder.

*Optional clear topcoat is recommended to maintain appearance of metallic finishes in exterior applications.

Add suffix "TC" to color selection when ordering.

COMPLIANCES:

All models are UL Listed or NRTL Certified.

Information contained within this brochure subject to change without prior notice.

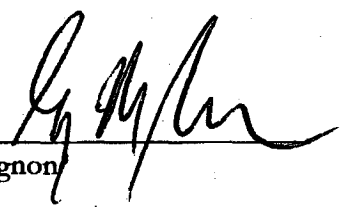


Neighborhood Meeting Certification

I, Guy M. Gagnon, Development Director for WDC, hereby certify that a neighborhood meeting was held on April 15, 2009 at 1251 Congress Street at 5:00pm.

I also certify that on April 3rd, 2009, invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development or within 1000 feet of a proposed development in an industrial zone and the residents on the "interested parties" list.

Signed,



Guy M. Gagnon

4-15-09 (date)

Attached to this certification are:

- 1. Copy of the invitation sent
- 2. Sign-in sheet
- 3. Meeting minutes



**WESTBROOK
DEVELOPMENT
CORPORATION**

St. Patrick's School Condominiums Neighborhood Meeting Minutes

Meeting Date: April 15, 2009 ; 5:00pm to 6:00pm

Location: 1st Floor classroom in St. Patrick's School, 1251 Congress Street, Portland

Attendance: Guy M. Gagnon, WDC Director of Development
Dick Begin, WDC, Community Development
Willie Audet, Broker, Greater Portland Realty
John Cannon, 25 Whitney Ave
Cynthia Reed Workman, 14 Frances St.
Jeff Davis, 18-20 Whitney owner
Carole Mack, 24 Frances St.

The Neighborhood Meeting was held on Wednesday April 15, 2009. This was the third neighborhood meeting held at the site since the planning process began.

No new concerns were brought up at this meeting. All attendees were very supportive of housing coming to the neighborhood. The revised site plan and landscaping plans were also viewed favorably. A walk through of the building was held and those in attendance were given a rough idea of the location and layout of the proposed units. Meeting ended at approximately 6:15 pm.

Submitted By: Guy M. Gagnon, WDC

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WESTBROOK DEVELOPMENT CORPORATION
30 LIZA HARMON DRIVE, WESTBROOK, MAINE 04092 ~ (P) 207.854.9779 (F) 207.854.0962
WWW.WESTBROOKHOUSING.ORG ~ INFO@WESTBROOKHOUSING.ORG



ST. PATRICK'S SCHOOL CONDOMINIUMS
NEIGHBORHOOD MEETING

SIGN UP SHEET

APRIL 15, 2009

NAME

ADDRESS

E-MAIL

JOHN CANNON	25 WHITNEY AVE	J.CANNON1@PROFIREFI GHTER.COM
Teri + Walter Williams	41 WHITNEY AVE.	
Cynthia Reed Workman	14 FRANCES ST	
JEFF DAVIS	18-20 Whitney (owner)	davis@mahe.rr.com
Leslie Mack	24 Frances St.	



Neighborhood Meeting



Date: **Wednesday, April 15, 2009**

Dear Neighbor:

Time: **5:00pm to 6:00pm**

Please join us for another neighborhood meeting to discuss our plans for conversion of the St. Patrick's School, at 1251 Congress Street, into 15 affordable condominiums. While the plans remain essentially the same, we have addressed some of the concerns from previous meetings and would welcome your comments.

Location: **Inside St. Patrick's School
1251 Congress Street**

If you have any questions contact:

Guy M. Gagnon, Development Director

Phone: 207-854-6823

Fax: 207-854-0962

E-mail: ggagnon@westbrookhousing.org

Or

Dick Begin, Community Development

Phone: 207-854-6830

E-mail: dbegin@westbrookhousing.org

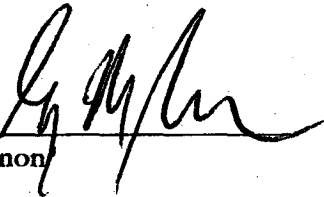
City Code requires that property owners within 500 feet of the proposed development and residents on an interested parties list, be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes will be taken, both of which will be submitted to the Planning Board.

Neighborhood Meeting Certification

I, Guy M. Gagnon, Development Director for WDC, hereby certify that a neighborhood meeting was held on April 15, 2009 at 1251 Congress Street at 5:00pm.

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Signed,



Guy M. Gagnon

____ 4-15-09 _____ (date)

Attached to this certification are:

1. Copy of the invitation sent
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DEVELOPMENT
CORPORATION**

St. Patrick's School Condominiums Neighborhood Meeting Minutes

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Willie Audet, Broker, Greater Portland Realty
John Cannon, 25 Whitney Ave
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Jeff Davis, 18-20 Whitney owner
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Submitted By: Guy M. Gagnon, WDC



ST. PATRICK'S SCHOOL CONDOMINIUMS

NEIGHBORHOOD MEETING

SIGN UP SHEET

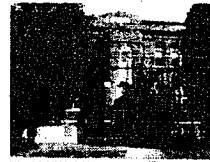
APRIL 15, 2009

<u>NAME</u>	<u>ADDRESS</u>	<u>E-MAIL</u>
JOHN CANNON	25 WHITNEY AVE	JCANNON1@PROFIREFI GHTER.COM
Teri + Walter Williams	41 WHITNEY AVE.	
Cynthia Reed-Workman	14 FRANCES ST	
JEFF DAVIS	18-20 Whitney (owner)	davis@maine.rr.com
Lenore Mack	24 Frances St.	



Neighborhood Meeting

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Time: **5:00pm to 6:00pm**

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Location: Inside St. Patrick's School
1251 Congress Street

If you have any questions contact:

Guy M. Gagnon, Development Director

Phone: 207-854-6823

Fax: 207-854-0962

E-mail: ggagnon@westbrookhousing.org

Or

Dick Begin, Community Development

Phone: 207-854-6830

E-mail: dbegin@westbrookhousing.org



PORTLAND MAINE

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

Dear Neighbor:

Thank you for attending this evening's neighborhood meeting.

Applicants for major developments, zone changes, and subdivisions of more than five units/lots are required to hold a neighborhood meeting prior to the Planning Board's public hearing on the development proposal.

The purpose of these meetings is to improve communication between neighbors and applicants for development. We have found that neighbors raise questions and offer insight that often improves the design or compatibility of a proposed development.

The City code requires that property owners within 500 feet of the proposed development or within 1000 feet of a proposed development in an industrial zone and residents on an "interested parties list" be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

Should you wish to offer additional comments on this proposed development, you may send correspondence to:

Planning Division
Department of Planning and Development
City Hall
389 Congress Street
Portland, ME 04101;

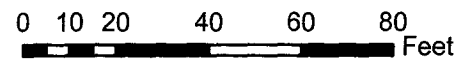
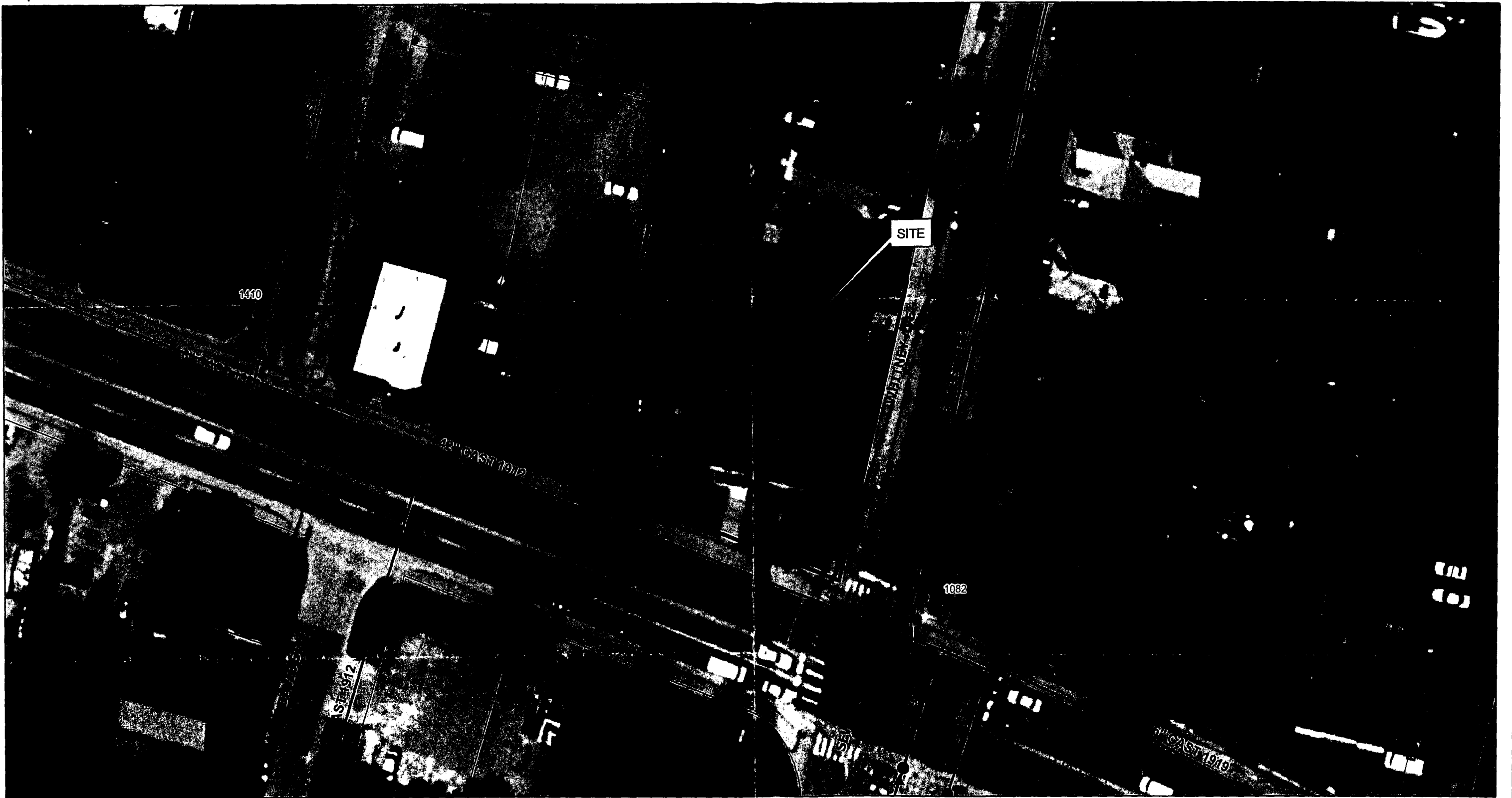
or email:
bab@portlandmaine.gov;

or call 874-8699.

Thank you for taking the time to attend tonight's meeting.

Sincerely,

Barbara Barhydt
Development Review Services Manager



1 inch equals 40 feet



PORTLAND WATER DISTRICT
225 Douglass Street
Portland, ME 04104

Legend

- | | | | |
|----------------|-------------------|-------------------|------------|
| ● Blow Off | ● Fire Service | ● Air Valve | ● Sleeve |
| ● By Pass | ⊗ Hydrant Control | ● Date Change | ● Tee |
| ● Distribution | ● Service | ● Material Change | ● Hydrants |
| ■ End of Main | ● Transmission | ▲ Reducer | |

1251 Congress Street

Portland



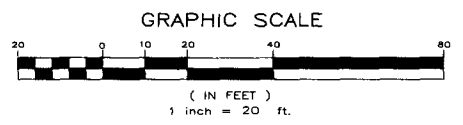
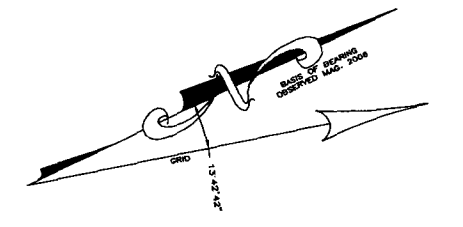
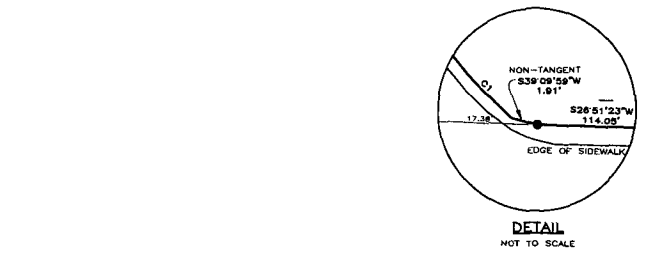
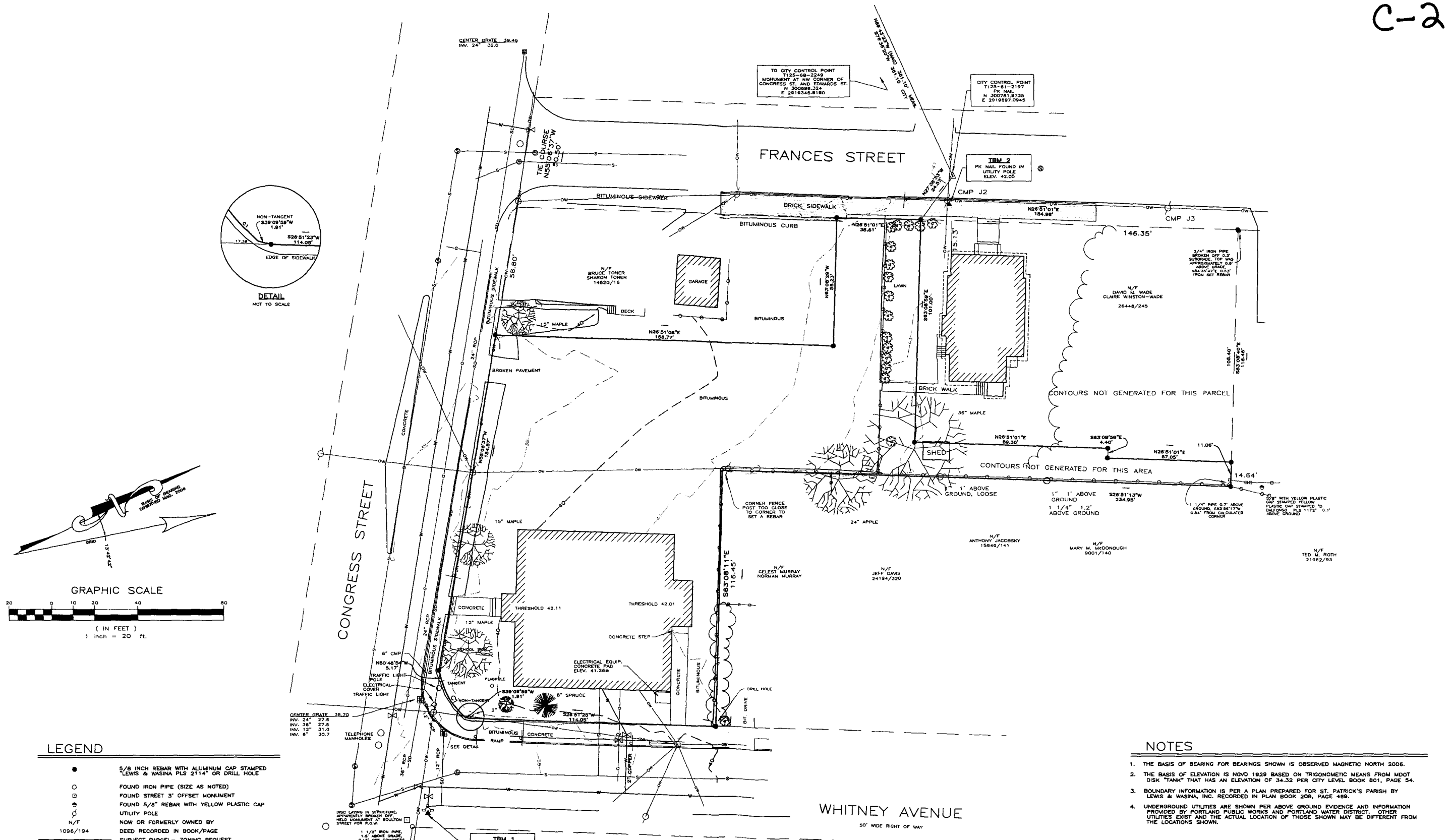
Disclaimer: This map is suitable for preliminary study and analysis pending review of additional information. The data shown are only as accurate as the original data sources from which they were developed.

Drawn By: J. Paschal

Prepared For: Archetype, P.A.

Scale: As Noted

Date: November 12, 2008



LEGEND

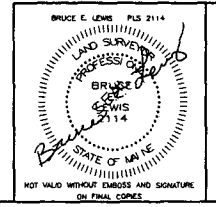
- 5/8 INCH REBAR WITH ALUMINUM CAP STAMPED LEWIS & WASINA PLS 2114" OR DRILL HOLE
- FOUND IRON PIPE (SIZE AS NOTED)
- FOUND STREET 3" OFFSET MONUMENT
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP UTILITY POLE
- N/F NOW OR FORMERLY OWNED BY DEED RECORDED IN BOOK/PAGE
- SUBJECT PARCEL - ZONING REQUEST
- ABUTTER OR RIGHT OF WAY LINE
- OVERHEAD WIRES
- CURB, GRANITE UNLESS OTHERWISE NOTED
- STOCKADE FENCE
- CHAIN LINK FENCE
- BUILDING/STRUCTURE
- SHRUB
- TREES
- CATCH BASIN/CURB INLET
- WATER VALVE
- MANHOLE
- SINGLE POLE SIGN
- SEWER MANHOLE
- TREE LINE

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD DIST
C1	19.65	33.67	33°26'26"	S82°27'53"W	19.37

- NOTES**
1. THE BASIS OF BEARING FOR BEARINGS SHOWN IS OBSERVED MAGNETIC NORTH 2006.
 2. THE BASIS OF ELEVATION IS NOVO 1929 BASED ON TRIGONOMETRIC MEANS FROM MDT DISK "TANK" THAT HAS AN ELEVATION OF 34.32 PER CITY LEVEL BOOK 801, PAGE 54.
 3. BOUNDARY INFORMATION IS PER A PLAN PREPARED FOR ST. PATRICK'S PARISH BY LEWIS & WASINA, INC. RECORDED IN PLAN BOOK 208, PAGE 488.
 4. UNDERGROUND UTILITIES ARE SHOWN PER ABOVE GROUND EVIDENCE AND INFORMATION PROVIDED BY PORTLAND PUBLIC WORKS AND PORTLAND WATER DISTRICT. OTHER UTILITIES EXIST AND THE ACTUAL LOCATION OF THOSE SHOWN MAY BE DIFFERENT FROM THE LOCATIONS SHOWN.

REV.	BY	DATE	STATUS
3	BEL	4/22/2008	SHOW ENTIRE BOUNDARY AREA, TITLE BLOCK, MINOR CHANGES
2	BEL	12/2/2008	ADD UNDERGROUND UTILITIES
1	BEL	11/26/2008	INITIAL COPY



Lewis & Wasina, Inc.
Professional Land Surveyors

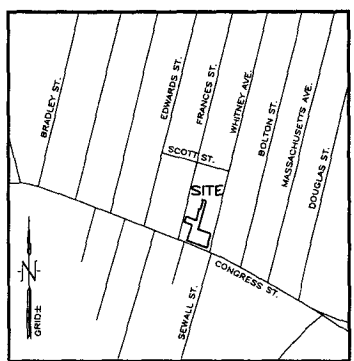
11 Highmeadow Drive
Gorham, ME 04038
Tel (207) 892-0959 Fax (207) 892-0956

PLAN SHOWING AREA OF
EXISTING CONDITIONS
CONGRESS STREET, WHITNEY AVENUE,
FRANCES STREET
PORTLAND, CUMBERLAND COUNTY,
STATE OF MAINE

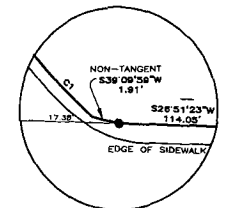
for record owner:
WESTBROOK DEVELOPMENT CORP.
30 Liza Harmon Drive
Westbrook, ME 04092

Designed: N/A
Drawn: BEL
Checked: BEL
Date: 11/23/08
Scale: 1"=20'
Field Book: FILE
Project: 06-35.1
File Name: 0635SBS
Contour Int.: 1 FOOT

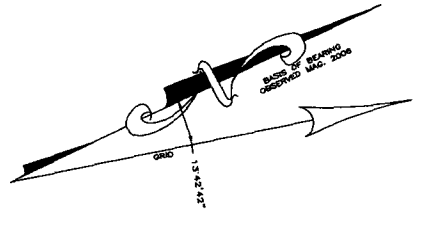
SHEET 1 OF 1



VICINITY MAP
NOT TO SCALE



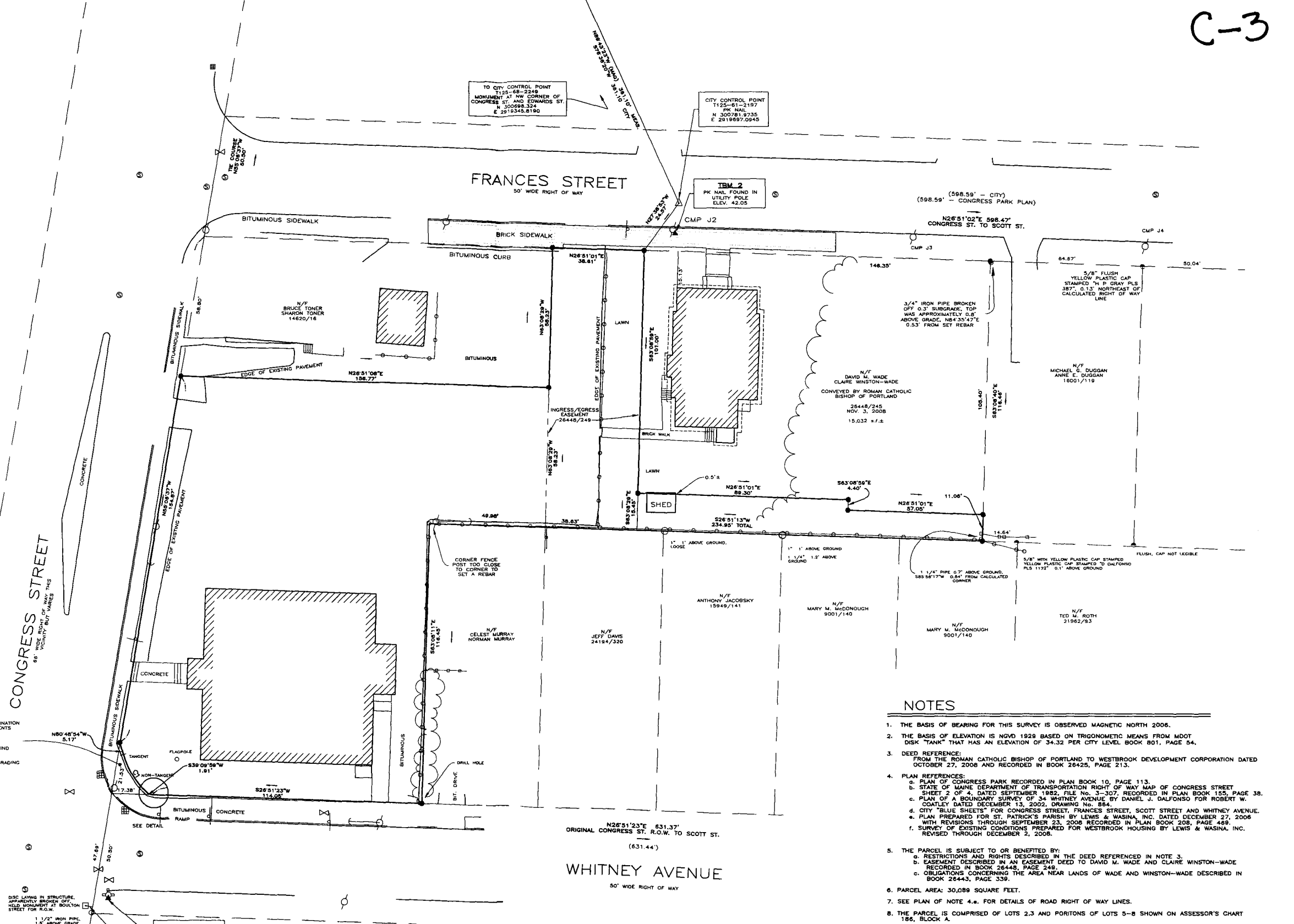
DETAIL
NOT TO SCALE



GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

LEGEND

- 5/8 INCH REBAR WITH ALUMINUM CAP STAMPED 'LEWIS & WASINA PLS 2114' OR DRILL HOLE
- FOUND IRON PIPE (SIZE AS NOTED)
- FOUND STREET 3' OFFSET MONUMENT
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP
- UTILITY POLE
- N/F NOW OR FORMERLY OWNED BY DEED RECORDED IN BOOK/PAGE
- BOUNDARY LINE
- ABUTTER OR RIGHT OF WAY LINE
- OVERHEAD WIRES
- CURB, GRANITE UNLESS OTHERWISE NOTED
- STOCKADE FENCE
- CHAIN LINK FENCE
- BUILDING/STRUCTURE
- CATCH BASIN/CURB INLET
- WATER VALVE
- MANHOLE
- SEWER MANHOLE
- TREE LINE



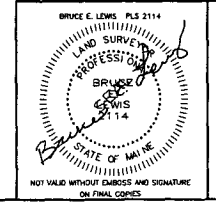
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD DIST
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- DEED REFERENCE: FROM THE ROMAN CATHOLIC BISHOP OF PORTLAND TO WESTBROOK DEVELOPMENT CORPORATION DATED OCTOBER 27, 2008 AND RECORDED IN BOOK 26425, PAGE 213.
- PLAN REFERENCES:
 - PLAN OF CONGRESS PARK RECORDED IN PLAN BOOK 10, PAGE 113.
 - STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF CONGRESS STREET SHEET 2 OF 4, DATED SEPTEMBER 1982, FILE NO. 3-307, RECORDED IN PLAN BOOK 155, PAGE 38.
 - PLAN OF A BOUNDARY SURVEY OF 34 WHITNEY AVENUE BY DANIEL J. DALFONSO FOR ROBERT W. GOATLEY DATED DECEMBER 13, 2002, DRAWING NO. 854.
 - CITY "BLUE SHEETS" FOR CONGRESS STREET, FRANCIS STREET, SCOTT STREET AND WHITNEY AVENUE.
 - PLAN PREPARED FOR ST. PATRICK'S PARISH BY LEWIS & WASINA, INC. DATED DECEMBER 27, 2008 WITH REVISIONS THROUGH SEPTEMBER 23, 2006 RECORDED IN PLAN BOOK 208, PAGE 489.
 - SURVEY OF EXISTING CONDITIONS PREPARED FOR WESTBROOK HOUSING BY LEWIS & WASINA, INC. REVISED THROUGH DECEMBER 2, 2008.
- THE PARCEL IS SUBJECT TO OR BENEFITED BY:
 - RESTRICTIONS AND RIGHTS DESCRIBED IN THE DEED REFERENCED IN NOTE 3.
 - EASEMENT DESCRIBED IN AN EASEMENT DEED TO DAVID M. WADE AND CLAIRE WINSTON-WADE RECORDED IN BOOK 26448, PAGE 249.
 - OBLIGATIONS CONCERNING THE AREA NEAR LANDS OF WADE AND WINSTON-WADE DESCRIBED IN BOOK 26443, PAGE 339.
- PARCEL AREA: 30,089 SQUARE FEET.
- SEE PLAN OF NOTE 4.a. FOR DETAILS OF ROAD RIGHT OF WAY LINES.
- THE PARCEL IS COMPRISED OF LOTS 2,3 AND PORTIONS OF LOTS 5-8 SHOWN ON ASSESSOR'S CHART 186, BLOCK A.

STATE OF MAINE
CUMBERLAND COUNTY SS REGISTRY OF DEEDS
RECEIVED _____ 20____
AT _____ M. AND RECORDED IN
PLAN BOOK _____ PAGE _____
PLAN AEST _____ REGISTER



Lewis & Wasina, Inc.
Professional Land Surveyors

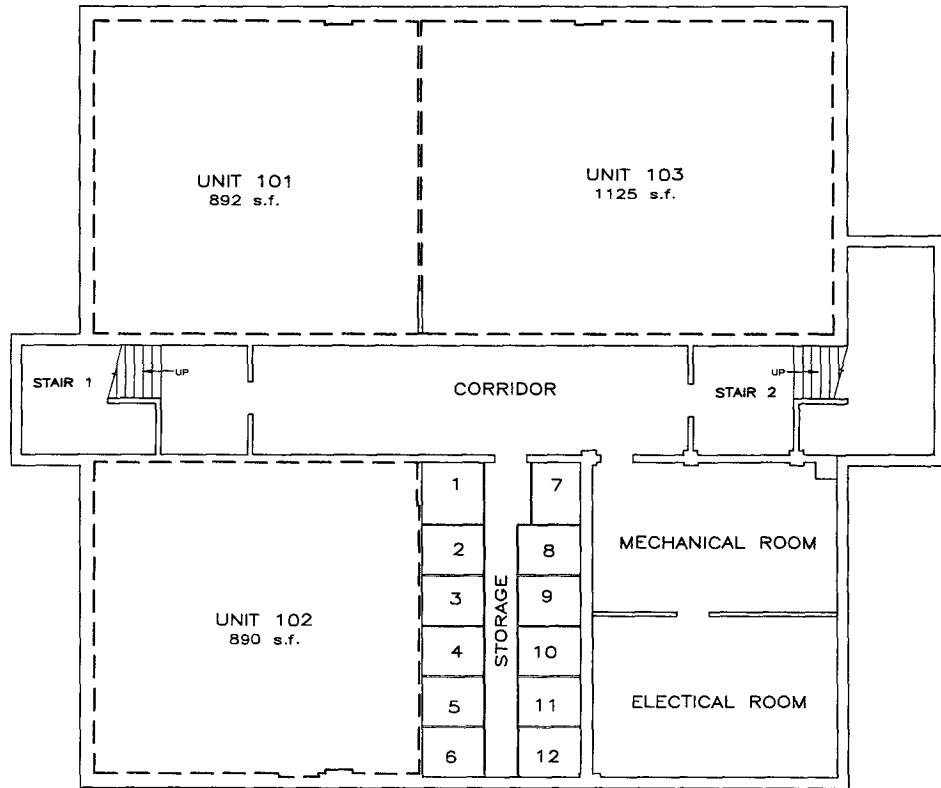
11 Highmeadow Drive
Corry, ME 04038
Tel (207) 892-0959 Fax (207) 892-0956

REV.	BY	DATE	STATUS
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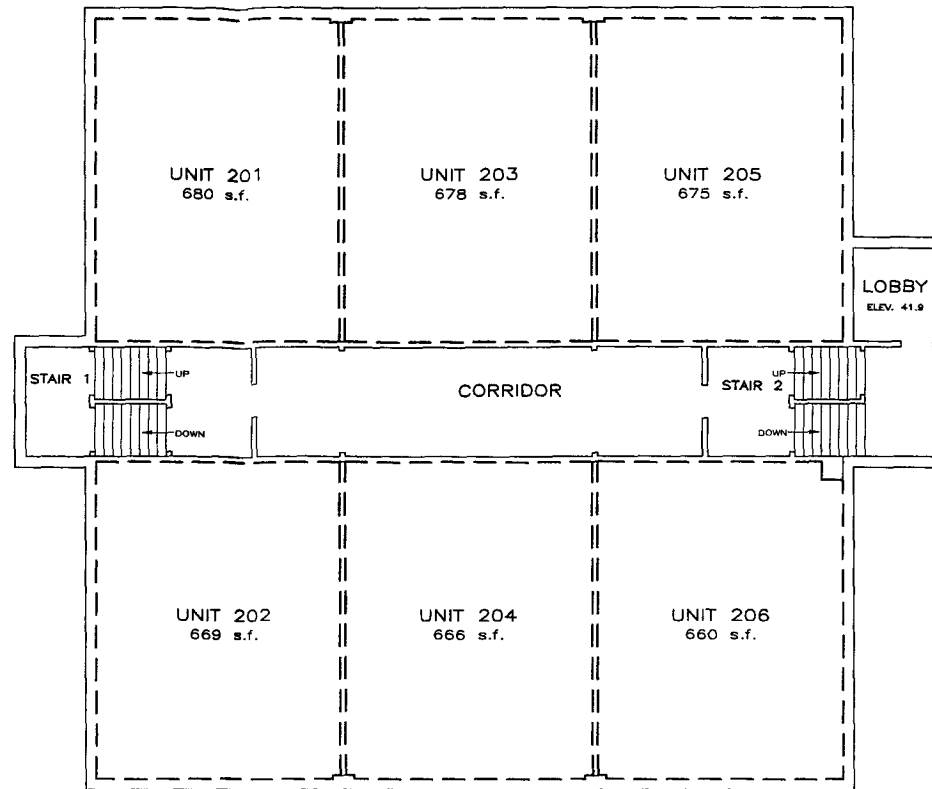
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Checked: BEL
Date: 04/06/09
Scale: 1"=20'
Field Book: FILE
Project: 06-35.1
File Name: 0635-1
Contour Int.: N/A

PLAN OF
BOUNDARY SURVEY
CONGRESS STREET, WHITNEY AVENUE,
FRANCIS STREET
PORTLAND, CUMBERLAND COUNTY,
STATE OF MAINE
for record owner:
WESTBROOK DEVELOPMENT CORPORATION
30 Liza Harmon Drive
Westbrook, ME 04092

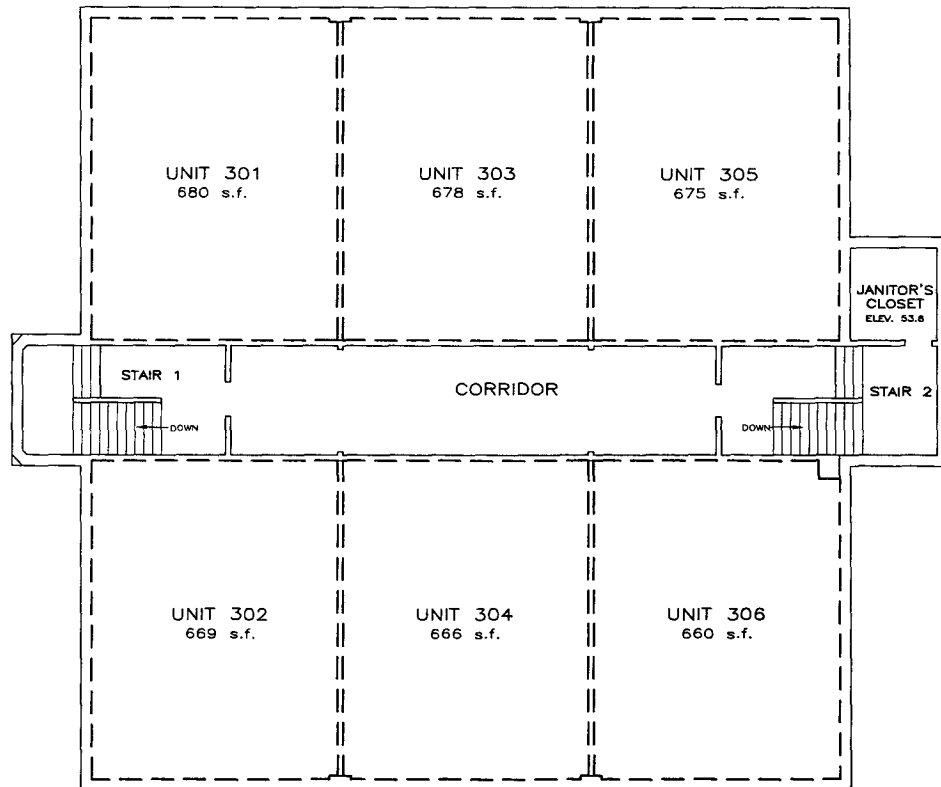
SHEET 1 OF 2



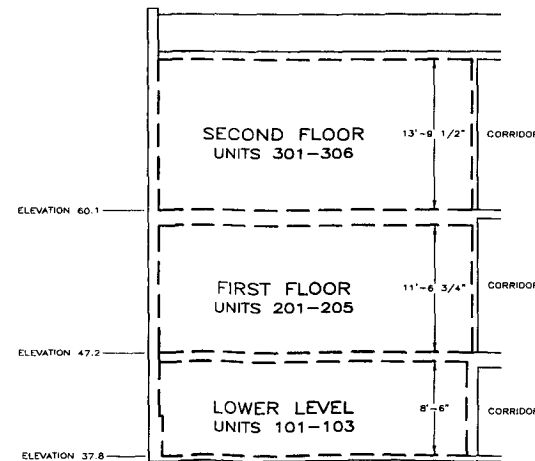
LOWER LEVEL



FIRST FLOOR



SECOND FLOOR



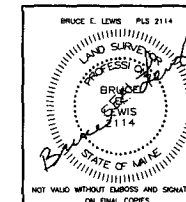
TYPICAL HORIZONTAL UNIT BOUNDARIES

NOTES

- PROJECT DATUM: NGVD 1929 BASED ON TRIGONOMETRIC MEANS FROM MDOT DISK "TANK" THAT HAS AN ELEVATION OF 34.32 PER CITY LEVEL BOOK 801, PAGE 54. SPOT FLOOR ELEVATIONS CAN BE EXPECTED TO VARY SLIGHTLY FROM THOSE SHOWN.
- SEE CONDOMINIUM DECLARATION FOR FURTHER DETAILS OF UNIT BOUNDARIES.
- DIMENSIONS AND AREAS ARE PER ARCHITECT'S MEASUREMENTS.

STATE OF MAINE

CUMBERLAND COUNTY SS REGISTRY OF DEEDS
 RECEIVED _____ 20____
 AT _____ M. AND RECORDED IN
 PLAN BOOK _____ PAGE _____ REGISTER
 PLAN ATTEST _____ REGISTER



Lewis & Wasina, Inc.

Professional Land Surveyors

11 Highmeadow Drive
 Gorham, ME 04038
 Tel (207) 892-0959 Fax (207) 892-0956

REV.	BY	DATE	STATUS
2	BEL	04/22/2008	MUNICIPAL REVIEW
1	BEL	04/15/2008	PROGRESS PRINT

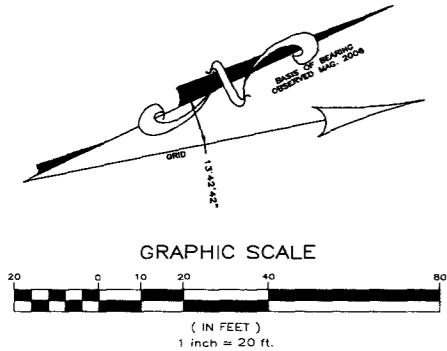
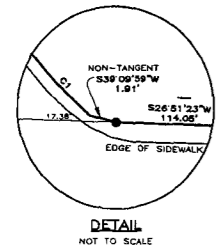
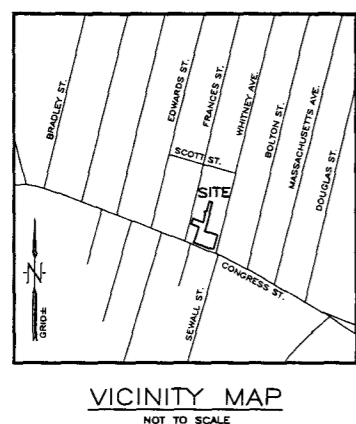
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Drawn:	BEL	VERTICAL AND HORIZONTAL LIMITS
Checked:	BEL	SAINT PATRICK'S CONDOMINIUMS
Date:	04/06/08	CONGRESS STREET, WHITNEY AVENUE,
Scale:	1/8"=1'	FRANCES STREET
Field Book:	FILE	PORTLAND, CUMBERLAND COUNTY,
Project:	06-35.1	STATE OF MAINE
File Name:	0635-1	record owner/developer:
Contour Int.:	N/A	WESTBROOK DEVELOPMENT CORPORATION
		30 Liza Harman Drive
		Westbrook, ME 04092

SHEET 2 OF 2

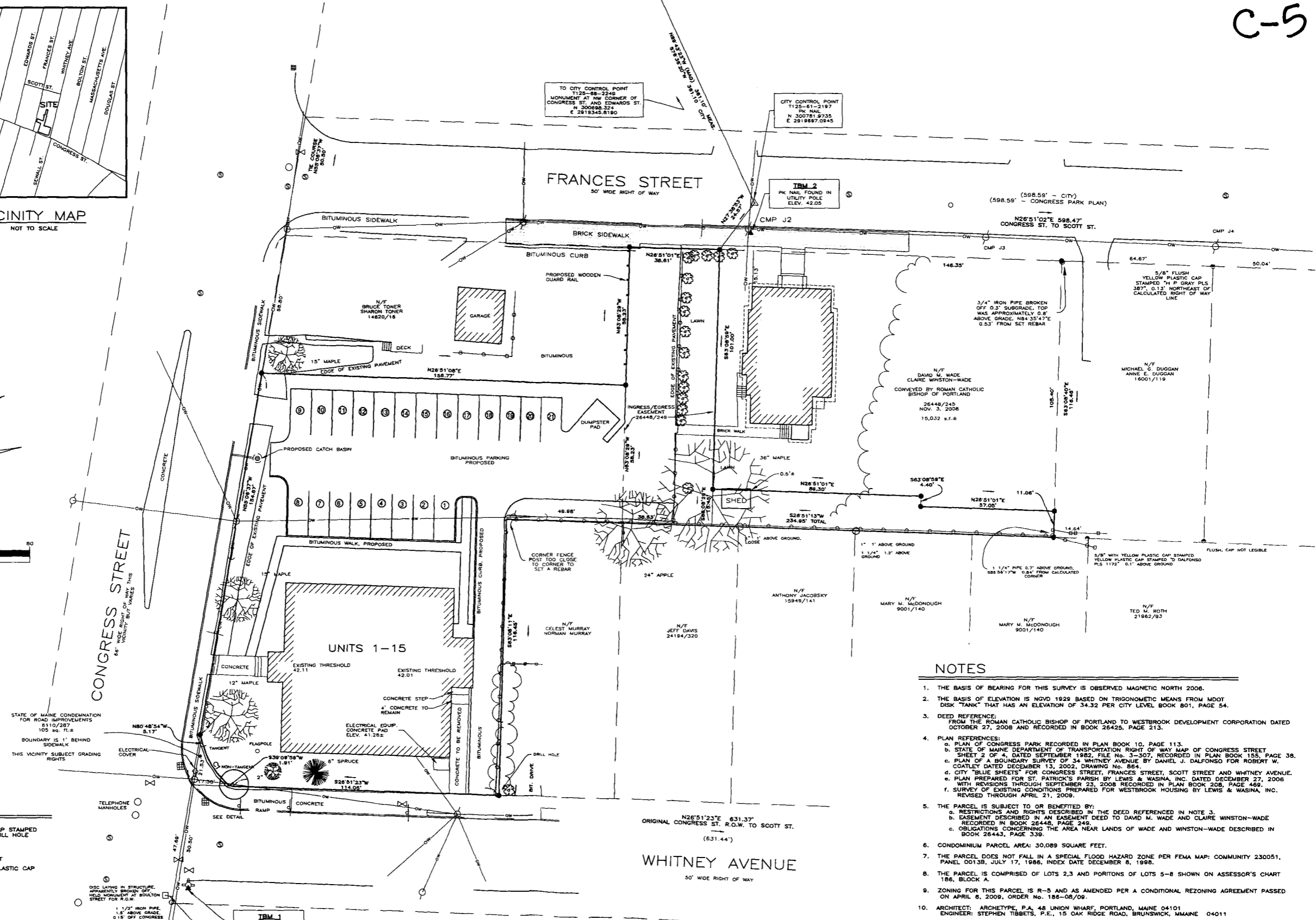
APPROVED BY THE CITY OF PORTLAND PLANNING BOARD

DATE _____

CHAIRPERSON _____



- LEGEND (EXISTING)**
- 5/8" INCH REBAR WITH ALUMINUM CAP STAMPED LEWIS & WASINA PLS 2114 OR DRILL HOLE
 - FOUND IRON PIPE (SIZE AS NOTED)
 - FOUND STREET 3' OFFSET MONUMENT
 - FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP
 - UTILITY POLE
 - N/F NOW OR FORMERLY OWNED BY DEED RECORDED IN BOOK/PAGE
 - BOUNDARY LINE
 - ABUTTER OR RIGHT OF WAY LINE
 - OVERHEAD WIRES
 - CURB, GRANITE UNLESS OTHERWISE NOTED
 - STOCKADE FENCE
 - CHAIN LINK FENCE
 - BUILDING/STRUCTURE
 - SHRUB
 - TREES
 - CATCH BASIN/CURB INLET
 - WATER VALVE
 - MANHOLE
 - SINGLE POLE SIGN
 - SEWER MANHOLE
 - TREE LINE

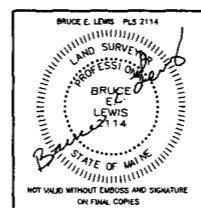


CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD DIST
C1	19.65	33.67	33°26'26"	S82°27'53"W	19.37

- NOTES**
- THE BASIS OF BEARING FOR THIS SURVEY IS OBSERVED MAGNETIC NORTH 2006.
 - THE BASIS OF ELEVATION IS NGVD 1929 BASED ON TRIGONOMETRIC MEANS FROM MDOT DISK "TANK" THAT HAS AN ELEVATION OF 34.32 PER CITY LEVEL BOOK 801, PAGE 54.
 - DEED REFERENCE: FROM THE ROMAN CATHOLIC BISHOP OF PORTLAND TO WESTBROOK DEVELOPMENT CORPORATION DATED OCTOBER 27, 2008 AND RECORDED IN BOOK 26425, PAGE 213.
 - PLAN REFERENCES:
 - PLAN OF CONGRESS PARK RECORDED IN PLAN BOOK 10, PAGE 113.
 - STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF CONGRESS STREET SHEET 2 OF 4, DATED SEPTEMBER 1982, FILE No. 3-307, RECORDED IN PLAN BOOK 155, PAGE 38.
 - PLAN OF A BOUNDARY SURVEY OF 34 WHITNEY AVENUE BY DANIEL J. DALFONSO FOR ROBERT W. COATE DATED DECEMBER 13, 2002, DRAWING No. 864.
 - CITY "BLUE SHEETS" FOR CONGRESS STREET, FRANCES STREET, SCOTT STREET AND WHITNEY AVENUE.
 - PLAN PREPARED FOR ST. PATRICK'S PARISH BY LEWIS & WASINA, INC. DATED DECEMBER 27, 2006 WITH REVISIONS THROUGH SEPTEMBER 23, 2008 RECORDED IN PLAN BOOK 208, PAGE 468.
 - SURVEY OF EXISTING CONDITIONS PREPARED FOR WESTBROOK HOUSING BY LEWIS & WASINA, INC. REVISED THROUGH APRIL 21, 2009.
 - THE PARCEL IS SUBJECT TO OR BENEFITED BY:
 - RESTRICTIONS AND RIGHTS DESCRIBED IN THE DEED REFERENCED IN NOTE 3.
 - EASEMENT DESCRIBED IN AN EASEMENT DEED TO DAVID M. WADE AND CLAIRE WINSTON-WADE RECORDED IN BOOK 26448, PAGE 249.
 - OBLIGATIONS CONCERNING THE AREA NEAR LANDS OF WADE AND WINSTON-WADE DESCRIBED IN BOOK 26443, PAGE 339.
 - CONDOMINIUM PARCEL AREA: 30,089 SQUARE FEET.
 - THE PARCEL DOES NOT FALL IN A SPECIAL FLOOD HAZARD ZONE PER FEMA MAP: COMMUNITY 230051, PANEL 0013B, JULY 17, 1986, INDEX DATE DECEMBER 8, 1998.
 - THE PARCEL IS COMPRISED OF LOTS 2,3 AND PORTIONS OF LOTS 5-8 SHOWN ON ASSESSOR'S CHART 188, BLOCK A.
 - ZONING FOR THIS PARCEL IS R-5 AND AS AMENDED PER A CONDITIONAL REZONING AGREEMENT PASSED ON APRIL 5, 2008, ORDER No. 185-08/09.
 - ARCHITECT: ARCHETYPE, P.A., 48 UNION WHARF, PORTLAND, MAINE 04101
ENGINEER: STEPHEN TIBBETS, P.E., 15 OAK RIDGE ROAD, BRUNSWICK, MAINE 04011

STATE OF MAINE
CUMBERLAND COUNTY SS REGISTRY OF DEEDS
RECEIVED _____ 20____
AT _____ M. AND RECORDED IN
PLAN BOOK _____ PAGE _____
PLAN ATTEST _____ REGISTER



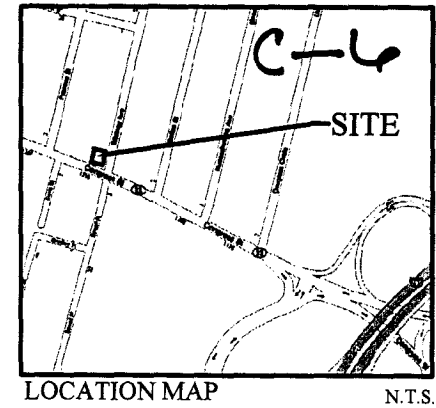
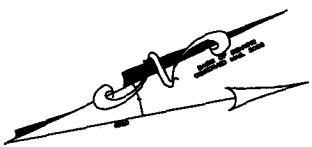
Lewis & Wasina, Inc.
Professional Land Surveyors
11 Highmeadow Drive
Gorham, ME 04038
Tel (207) 892-0959 Fax (207) 892-0956

REV.	BY	DATE	STATUS
2	BEL	04/22/2009	PARKING, GENERAL CHANGES, MUNICIPAL REVIEW
1	BEL	04/14/2009	PROGRESS PRINT

Designed: N/A
Drawn: BEL
Checked: BEL
Date: 04/05/09
Scale: 1"=20'
Field Book: FILE
Project: 06-35-1
File Name: 0635-1
Contour Int.: N/A

SUBDIVISION RECORDING PLAN
SAINT PATRICK'S CONDOMINIUMS
CONGRESS STREET, WHITNEY AVENUE,
FRANCES STREET
PORTLAND, CUMBERLAND COUNTY,
STATE OF MAINE
record owner/developer:
WESTBROOK DEVELOPMENT CORPORATION
30 Liza Harmon Drive
Westbrook, ME 04092

SHEET 1 OF 2



ENGINEERING:
STEPHEN W. TIBBETTS, P.E.
 Consulting Civil Engineer
 15 Oak Ridge Rd., Brunswick, Maine 04011
 (207) 725-3607 Fax (207) 725-3607

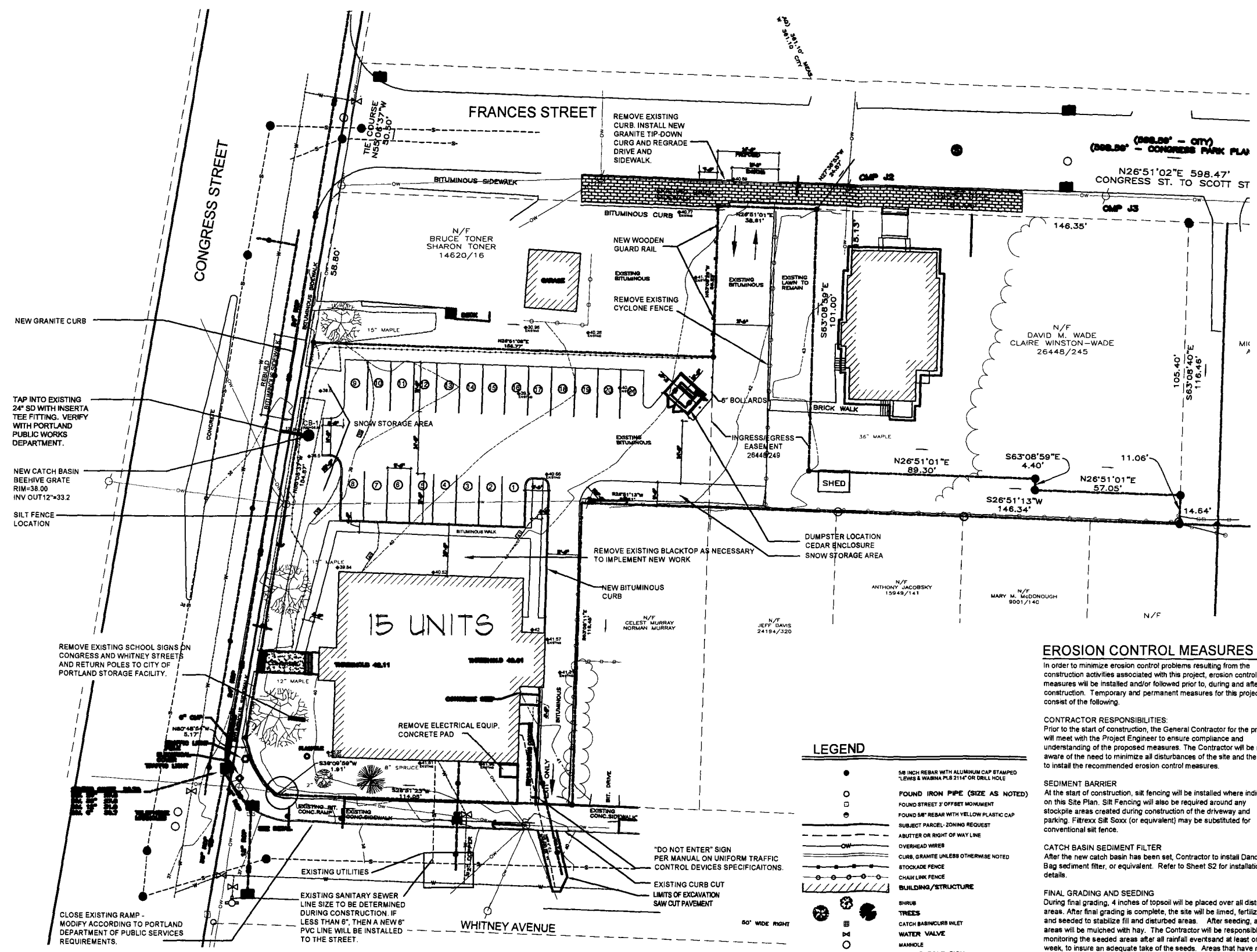
OWNER:
WESTBROOK DEVELOPMENT CORP.
 30 Liza Harmon Drive
 Westbrook, Maine 04092

ARCHITECTS
ARCHETYPE, P.A.
 48 Union Wharf Portland, Maine 04101
 (207) 772-6022 Fax (207) 772-4056

Project:
SAINT PATRICK'S CONDOMINIUMS
 1251 CONGRESS STREET
 PORTLAND, ME

Date: 27 MARCH 2009
 Revisions:
 20 APRIL 2009

SITE PLAN and SUBDIVISION PLAN
S1



GENERAL NOTES:

- OWNER OF RECORD: WESTBROOK DEVELOPMENT CORPORATION
30 Liza Harmon Dr., Westbrook, ME 04092
- BEARINGS ARE BASED ON PLAN REFERENCE 1, AND ARE MAGNETIC IN THE YEAR 2008.
- REMOVE EXISTING BLACKTOP AS NECESSARY TO IMPLEMENT NEW WORK.
- AREA OF SUBJECT PARCEL: 30,089 SQ. FT. (.69 ACRES)
- ZONE: R-5 RESIDENTIAL ZONE
- THE EXISTING SCHOOL BUILDING WILL BE CONVERTED INTO 15 RENTAL UNIT. 21 PARKING SPACES WILL BE PROVIDED.
- ELEVATIONS ARE FROM PLAN REFERENCE 1.
- ALL SITE WORK TO BE IN CONFORMANCE WITH CITY OF PORTLAND OR UTILITY COMPANY SPECIFICATIONS AND DETAILS.
- THE SITE IS CURRENTLY SERVICED BY WATER, GAS, AND SEWER. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO HAVE ALL OF THE UTILITIES LOCATE THEIR SERVICES PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR TO CONTACT DIG SAFE AT LEAST THREE (3) BUT NO MORE THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF EXCAVATION TO VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF 23 MSRA 3360-A.
- PATCH AND REPAIR ALL DAMAGE TO SITE PER CITY OF PORTLAND SPEC
- PROVIDE PEDESTRIAN ACCESS ALONG CONGRESS, WEYMOUTH AND FRANCES ST. AS DIRECTED BY THE CITY OF PORTLAND.
- ALL WORK NOTED ON THIS SHEET NEEDS TO BE CO-ORDINATED WITH PUBLIC WORKS AND NOT IMPEDE COMMUTER TRAFFIC
- LOCATION OF UTILITY STRUCTURES AND INVERTS OF PIPED UTILITIES MAY BE ADJUSTED TO MEET FIELD CONDITIONS ONLY AFTER APPROVAL OF THE OWNER, THE AFFECTED UTILITY COMPANY AND THE CITY OF PORTLAND.
- CONTRACTOR TO INSTALL CATCH BASIN SEDIMENT FILTER IN THE NEW CATCH BASIN AFTER IT HAS BEEN SET. CONTRACTOR WILL MONITOR THE FILTER FOR SEDIMENT BUILD-UP AND REMOVE ANY SEDIMENT. SEE DETAIL 12, SHT C2, FOR DANDY BAG INSTALLATION DETAIL.
- EXISTING PAVEMENT SHALL BE SAW CUT AND BUTTED TO THE NEW PAVEMENT. NO FEATHERING OF PAVEMENT WILL BE PERMITTED.
- ALL MATERIALS AND INSTALLATIONS SHALL MEET MDOT AND/OR CITY OF PORTLAND SPECIFICATIONS.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND GRADES ON THE GROUND. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE PROJECT ENGINEER FOR DIRECTION AND RESOLUTION PRIOR TO ANY FURTHER WORK.
- DO NOT SCALE FROM DRAWINGS. ANY OMISSIONS IN DIMENSIONING SHALL BE REPORTED IMMEDIATELY TO THE PROJECT ENGINEER. ANY DISCREPANCIES BETWEEN DRAWINGS, DETAILS, NOTES AND SPECIFICATIONS SHALL BE REPORTED TO THE PROJECT ENGINEER FOR FURTHER RESOLUTION BEFORE ANY ADDITIONAL WORK IS PERFORMED.
- PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED AND SHALL NOT BE DISTURBED. IF DISTURBED, THEY SHALL BE REPLACED BY A LICENSED SURVEYOR AT THE CONTRACTOR'S EXPENSE.
- ANY GRANITE CURBING REMOVED DURING CONSTRUCTION IS THE PROPERTY OF THE CITY OF PORTLAND.
- ANY DAMAGE TO THE EXISTING CITY CURBING, CONCRETE SIDEWALK, ROADWAY AND SANITARY SEWER WILL BE REPAIRED BY THE OWNER.
- WORK IN CONGRESS, WHITNEY OR FRANCES STREETS WILL REQUIRE A STREET OPENING PERMIT FROM THE CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS. ALL WORK WILL MEET THE DEPARTMENT OF PUBLIC WORK STANDARDS.
- CONTRACTOR TO REFER TO SHEET S2 FOR SITE DETAILS.

EROSION CONTROL MEASURES

In order to minimize erosion control problems resulting from the construction activities associated with this project, erosion control measures will be installed and/or followed prior to, during and after construction. Temporary and permanent measures for this project will consist of the following.

CONTRACTOR RESPONSIBILITIES:
 Prior to the start of construction, the General Contractor for the project will meet with the Project Engineer to ensure compliance and understanding of the proposed measures. The Contractor will be made aware of the need to minimize all disturbances of the site and the need to install the recommended erosion control measures.

SEDIMENT BARRIER
 At the start of construction, silt fencing will be installed where indicated on this Site Plan. Silt Fencing will also be required around any stockpile areas created during construction of the driveway and parking. Filtrix Silt Soxx (or equivalent) may be substituted for conventional silt fence.

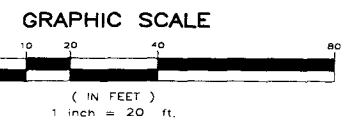
CATCH BASIN SEDIMENT FILTER
 After the new catch basin has been set, Contractor to install Dandy Bag sediment filter, or equivalent. Refer to Sheet S2 for installation details.

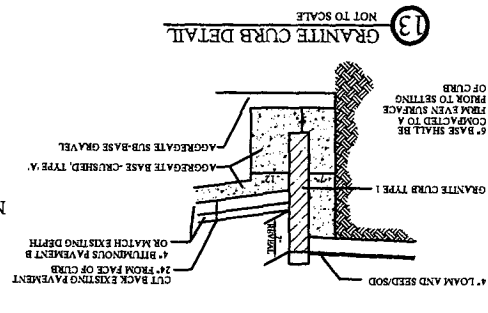
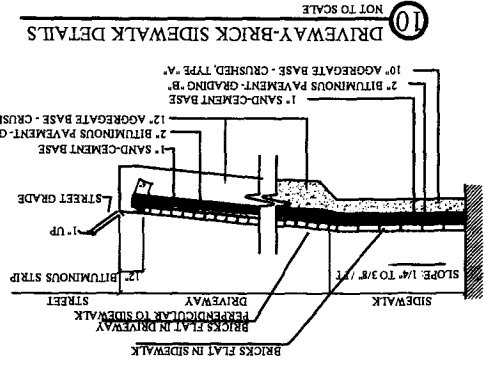
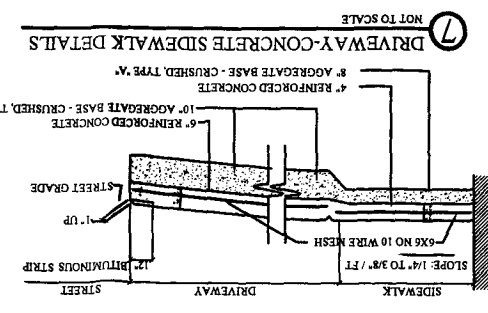
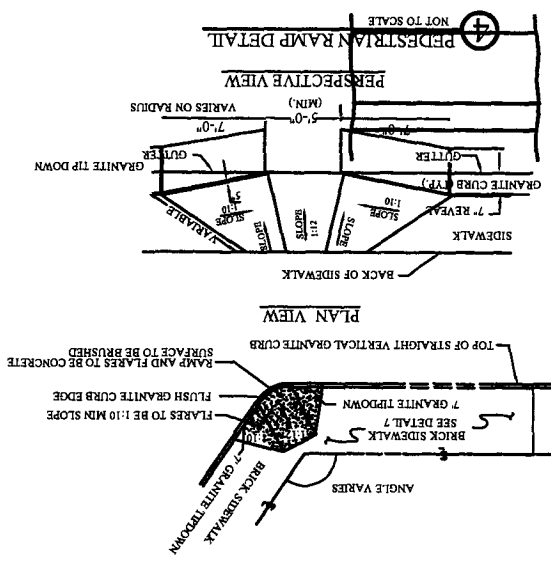
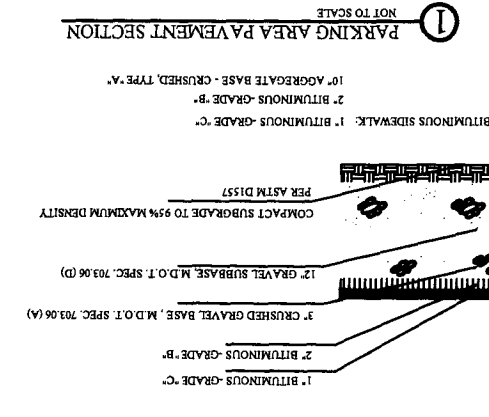
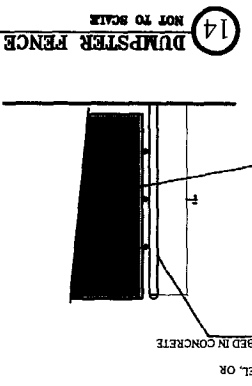
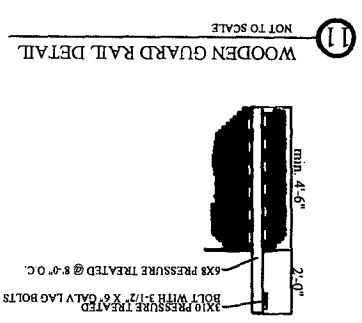
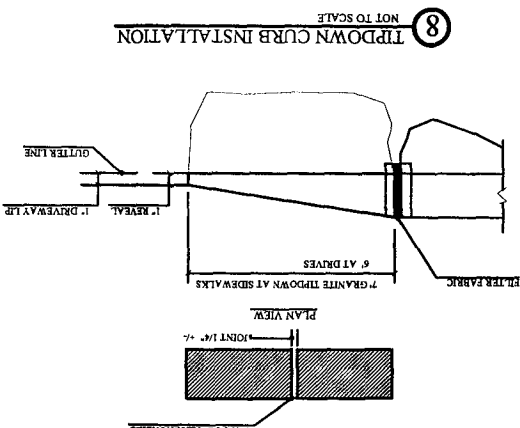
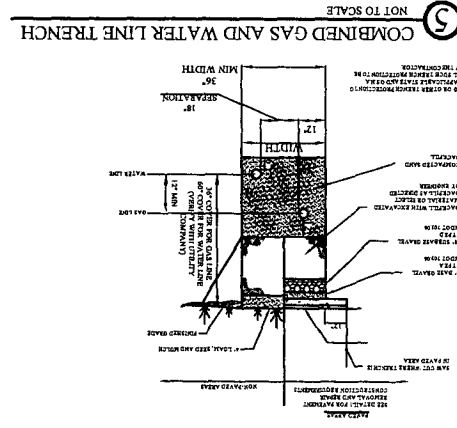
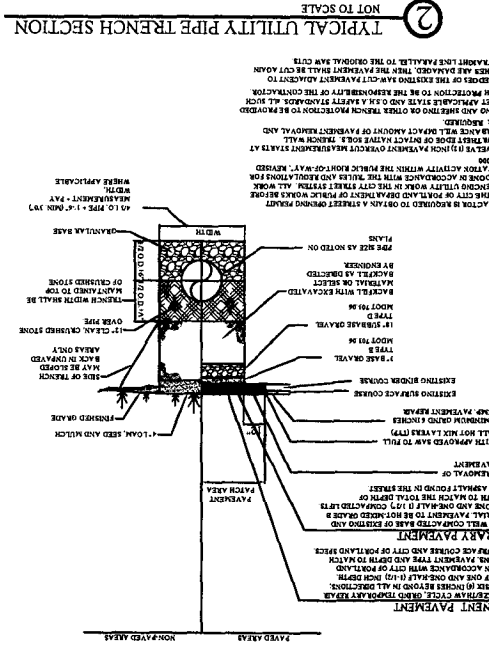
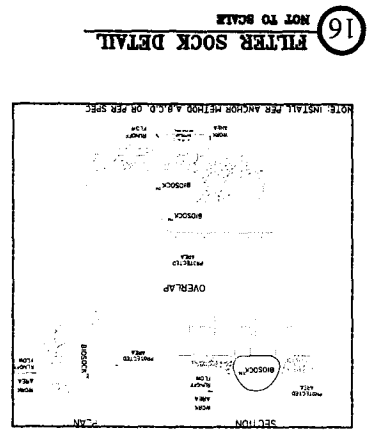
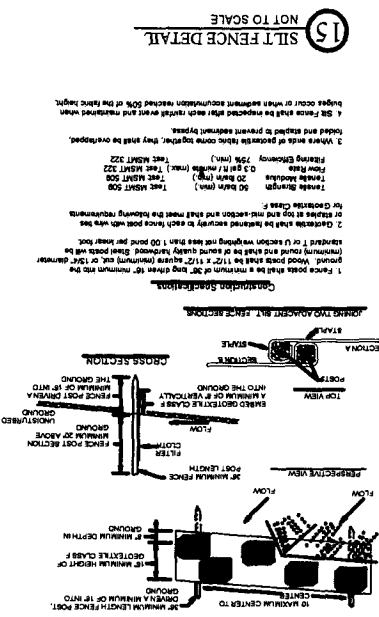
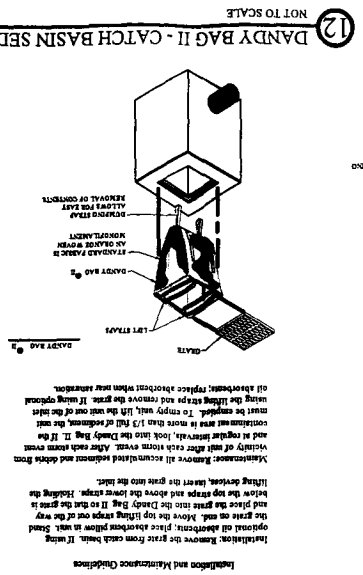
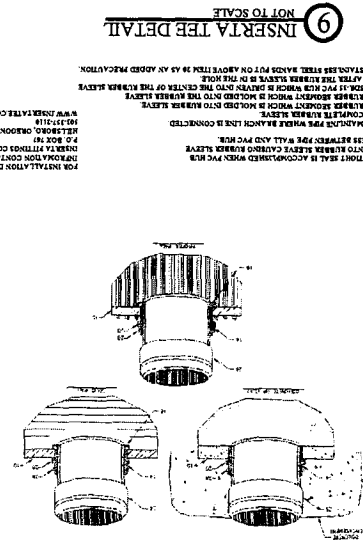
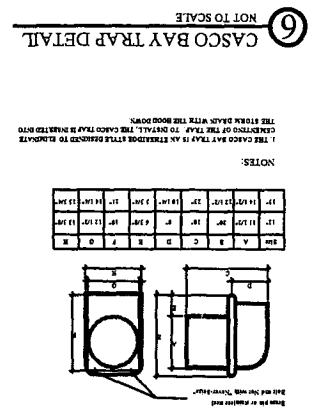
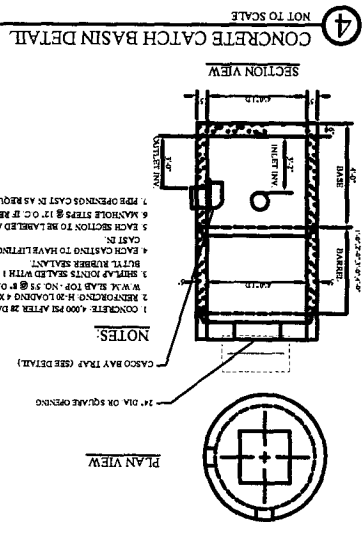
FINAL GRADING AND SEEDING
 During final grading, 4 inches of topsoil will be placed over all disturbed areas. After final grading is complete, the site will be limed, fertilized and seeded to stabilize fill and disturbed areas. After seeding, all areas will be mulched with hay. The Contractor will be responsible for monitoring the seeded areas after all rainfall events and at least once a week, to insure an adequate take of the seeds. Areas that have not started grass will be reseeded and mulched.

SITE MONITORING
 The Developer and Contractor will be responsible for monitoring all erosion control measures. If there is a build up of sediment, it will be removed. Any breaks in the silt fence will be immediately repaired. After the site has become stabilized, measures will be removed along with any built-up sediment.

LEGEND

- 5/8 INCH REBAR WITH ALUMINUM CAP STAMPED "LEWIS & WASSINA PLS 2114" OR DRILL HOLE
- FOUND IRON PIPE (SIZE AS NOTED)
- FOUND STREET 3" OFFSET MONUMENT
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP
- SUBJECT PARCEL ZONING REQUEST
- BUTTER OR RIGHT OF WAY LINE
- OVERHEAD WIRE
- CURB, GRANITE UNLESS OTHERWISE NOTED
- STOCKADE FENCE
- CHAIN LINK FENCE
- BUILDING/STRUCTURE
- SHRUB
- TREES
- CATCH BASIN CURB INLET
- WATER VALVE
- MANHOLE
- SINGLE POLE SIGN
- SEWER MANHOLE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- SPOT GRADE
- SILT FENCE LOCATION





S2

SITE DETAILS

Date: 5 JANUARY 2009
Revisions: 19 APRIL 2009
Scale: 1" = 20'-0"

Project: SAINT PATRICK'S CONDOMINIUMS
1251 CONGRESS STREET
PORTLAND, ME

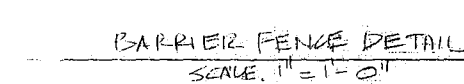
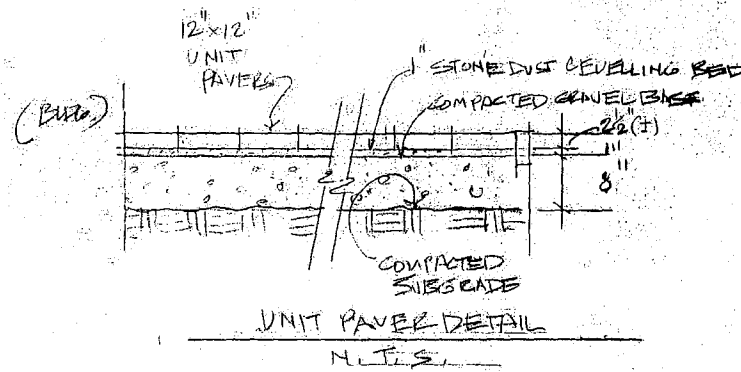
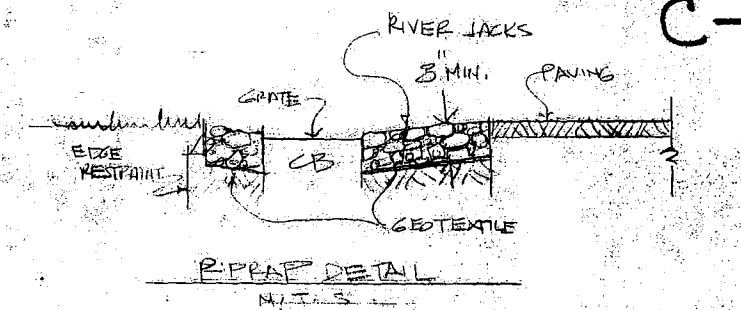
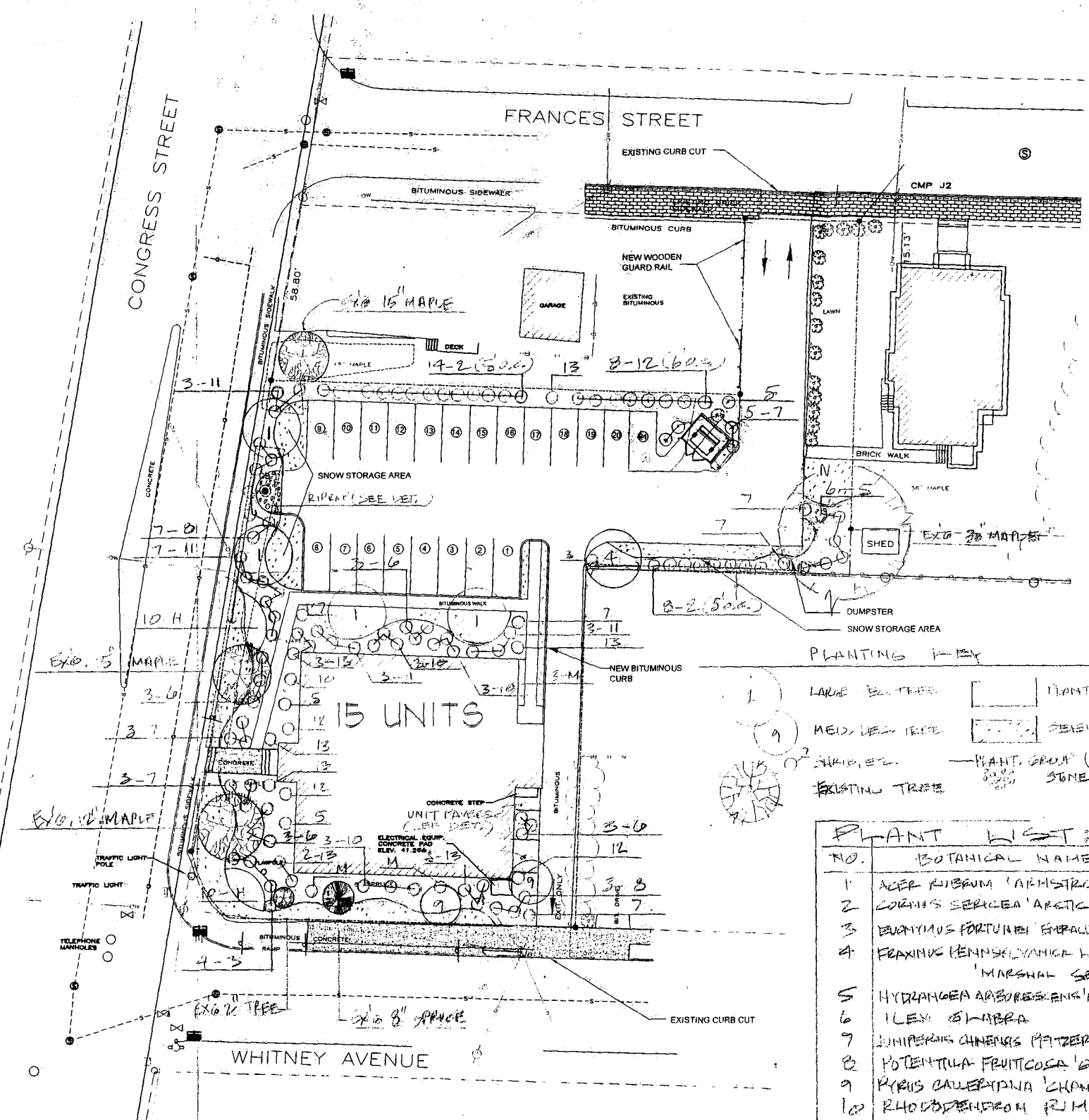
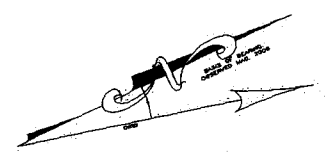
ARCHITECTS: ARCHETYPE, P.A.
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax: (207) 772-4056

OWNER: WESTBROOK DEVELOPMENT CORP.
30 Lisa Harmon Drive
Westbrook, Maine 04092

ENGINEERING: STEPHEN W. TIBBETTS, P.E.
Consulting Civil Engineer
15 Oak Street Westbrook, Maine 04091
(207) 752-5887 Fax: (207) 752-5887



C-7



PLANT LIST:

NO.	BOTANICAL NAME	COMMON NAME	QUANT.	SIZE/REMARKS
1	ACER RUBRUM 'ARMSTRONG'	ARMSTRONG RED MAPLE	5	2 1/2'-3' CAL BEB
2	CORNUS SERICEA 'ARCTIC FIRE'	ARCTIC FIRE DOGWOOD	22	2'-3' HT. CONTAINER
3	EUONYMUS FORTUNEI 'EMERALD N GOLD'	EMERALD N GOLD EUONYMUS	4	15'-18' HT. "
4	FRAXINUS KENNESICUTANA 'MARSHAL SEEDLESS'	MARSHAL GREEN ASH	1	2 1/2'-3' CAL BEB
5	HYDRANGEA ARBORESCENS 'ANNABELLE'	ANNABELLE HYDRANGEA	9	2'-2' HT. CONT.
6	ILEX GLABRA	INKBERRY	12	15'-18' HT. "
7	JUNIPERUS CHINENSIS 'PATZEPANA'	DOYER'S PATZEPAN JUNIPER	16	15'-20' SH. "
8	POTENTILLA FRUTICOSA 'GOLDFINGER'	GOLD FINGER CINQUEFOIL	10	2'-2' HT. "
9	RYRUS CAUCASICA 'CHANTELEER'	CHANTELEER CAULERY PEAR	2	6'-8' HT. BEB
10	RHOODODENDRON RHM	RHM RHODODENDRON	10	2'-2' HT. CONT.
11	SPIRAEA BIMALDA 'ANTHONY WATERER'	ANTH. WATERER SPIREA	16	15'-18' HT. "
12	THALIA OCCIDENTALIS 'TECHNEY'	MISSION ABOBYTAE	11	3'-4' HT. BEB
13	VIBURNUM TOMENTOSUM 'MORRIS'	MORRIS TO. DUMPLE VIBURNUM	11	2'-2' HT. CONT.
H	HEMEROCALLIS VAR.	BAYBLY	20	ROOT STUCKS
M	MISCANTHUS SINENSIS 'AUTUMN LIGHT'	AUTUMN LIGHT MAIDEN GRASS	5	PLANT BEDS

PLANTING PLAN
SCALE 1" = 20'-0"

OWNER: WESTBROOK DEVELOPMENT CORP.
30 Liza Hamon Drive
Westbrook, Maine 04092

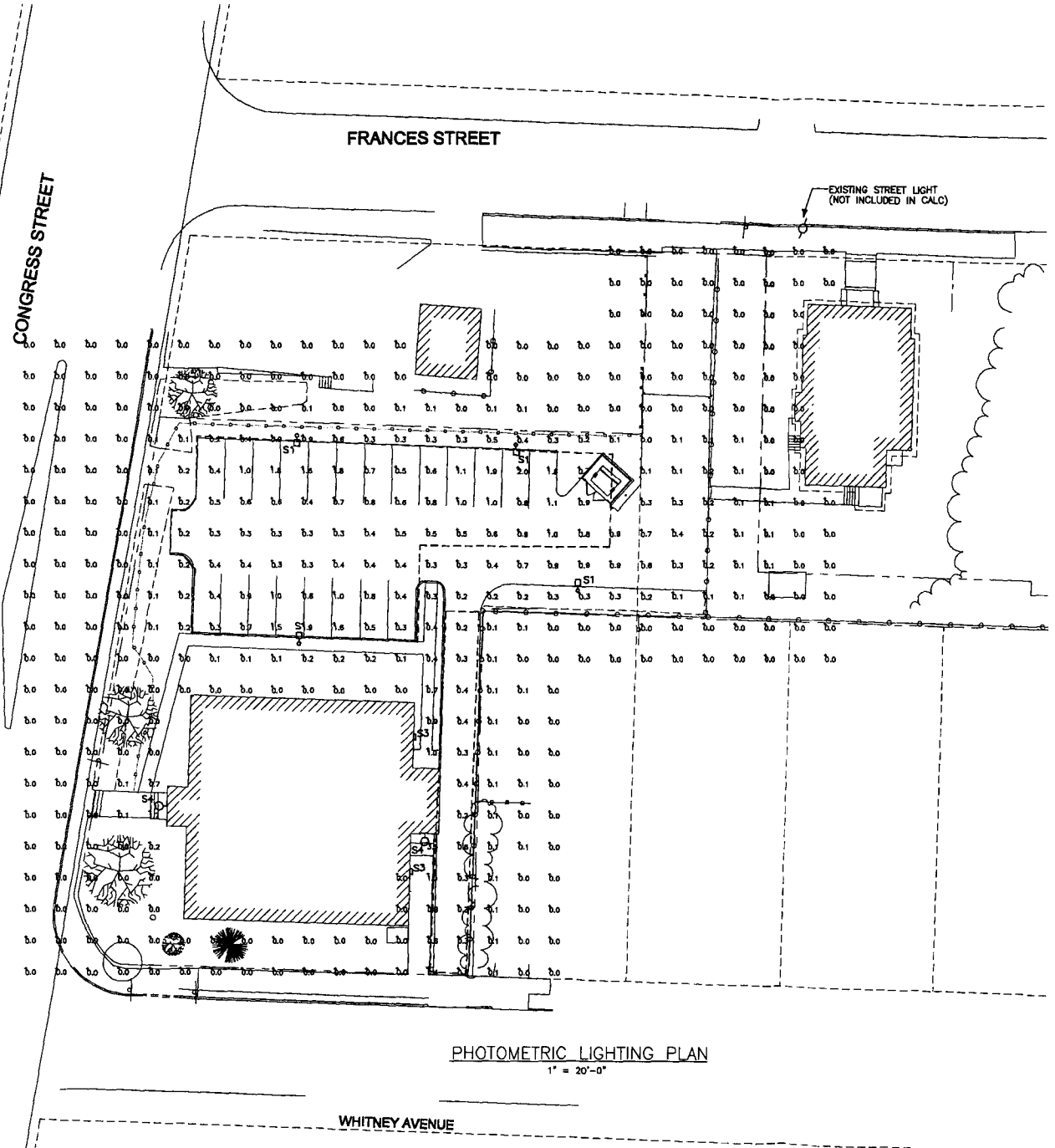
ARCHITECTS: ARCHETYPE, P.A.
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-0556

PROJECT: SAINT PATRICKS CONDOMINIUMS
1251 CONGRESS STREET
PORTLAND, ME

Scale: 1" = 20'-0"
Date: 29 FEBRUARY 2009
Revisions:

LANDSCAPE PLAN

L1



FRANCES STREET

CONGRESS STREET

EXISTING STREET LIGHT
(NOT INCLUDED IN CALC)

PHOTOMETRIC LIGHTING PLAN
1" = 20'-0"

WHITNEY AVENUE

- NOTES**
1. LIGHTING VALUES REPRESENT MAINTAINED FOOTCANDLE LEVELS AT GRADE.
 2. STATISTICAL VALUES FOR INDIVIDUAL AREAS ARE AS FOLLOWS:

PARKING	AVE 0.77	MAX 2.0	MIN 0.2	X/M 10.00:1
LOWER DRIVE	AVE 0.33	MAX 0.6	MIN 0.2	A/M 1.65:1
 3. LIGHTING FIXTURES ARE AS FOLLOWS:
TYPE S1
 MANUFACTURER: KIM LIGHTING
 LAMP: 70W PULSE START METAL HALIDE
 CAT. NO.: 1A/WPSE3/PMH120/BL/HS/TL/VSF-15A
 DESCRIPTION: DECORATIVE POLE MOUNTED AREA LIGHT WITH IESNA TYPE III DISTRIBUTION AND A HOUSE SIDE SHIELD. FIXTURE SHALL BE MOUNTED ON A 14 FOOT ROUND ALUMINUM POLE. FIXTURE AND POLE FINISH SHALL BE BLACK. LUMENS USED: 5900. LIGHT LOSS FACTOR: 0.59.

TYPE S2
 NOT USED

TYPE S3
 MANUFACTURER: KIM LIGHTING
 LAMP: 50W PULSE START METAL HALIDE
 CAT. NO.: WD14D3/PMH120/BL
 DESCRIPTION: DECORATIVE WALL MOUNTED AREA LIGHT WITH IESNA TYPE III DISTRIBUTION AND A HOUSE SIDE SHIELD. FIXTURE SHALL BE MOUNTED ON WALL AT 14 FEET. FIXTURE FINISH SHALL BE BLACK. LUMENS USED: 3450. LIGHT LOSS FACTOR: 0.50.

TYPE S4
 MANUFACTURER: LURALINE
 LAMP: 75W INCANDESCENT
 CAT. NO.: RD9/30/GNL/BLACK
 DESCRIPTION: EXTERIOR WALL MOUNTED LUMINAIRE WITH PAINTED DOME REFLECTOR AND GLASS GLOBE. FIXTURE FINISH SHALL BE BLACK.

REGISTRATION:
 STEPHEN W. THIBRETT, P.E.
 Consulting Civil Engineer
 1525 Main St., Portland, Maine 04101
 (603) 772-8888



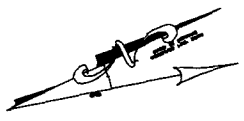
ARCHITECTS
ARCHETYPE, P.A.
 49 Union Street, Portland, Maine 04101
 (603) 772-8888 Fax: (603) 772-8888

SAINT PATRICK'S
APARTMENTS
 CONGRESS STREET
 PORTLAND, ME

Project: SAINT PATRICK'S APARTMENTS
 Scale: 1" = 20'-0"
 Date: 11-20-09
 Designer: J. W. Thibrett
 Reviser: J. W. Thibrett
 Revisions:
 Revised Parking & Lighting Layout 10-24-09
 Revised Lighting Layout 04-21-09

PHOTOMETRIC
SITE PLAN

PH1



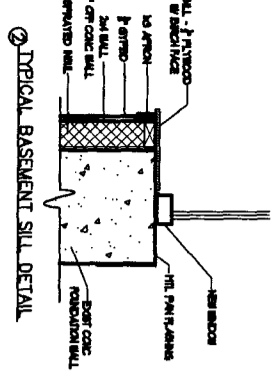
REWORKED ON 2ND FLOOR WALL, 1' FROM EXISTING EXTERIOR WALL.
 1" FROM EXISTING INTERIOR WALL.

WASHER DRYER RELOCATED TO 1ST FLOOR. ALL NEW WASHING MACHINE AND DRYER TO BE INSTALLED ON 1ST FLOOR. RELOCATED TO 1ST FLOOR.

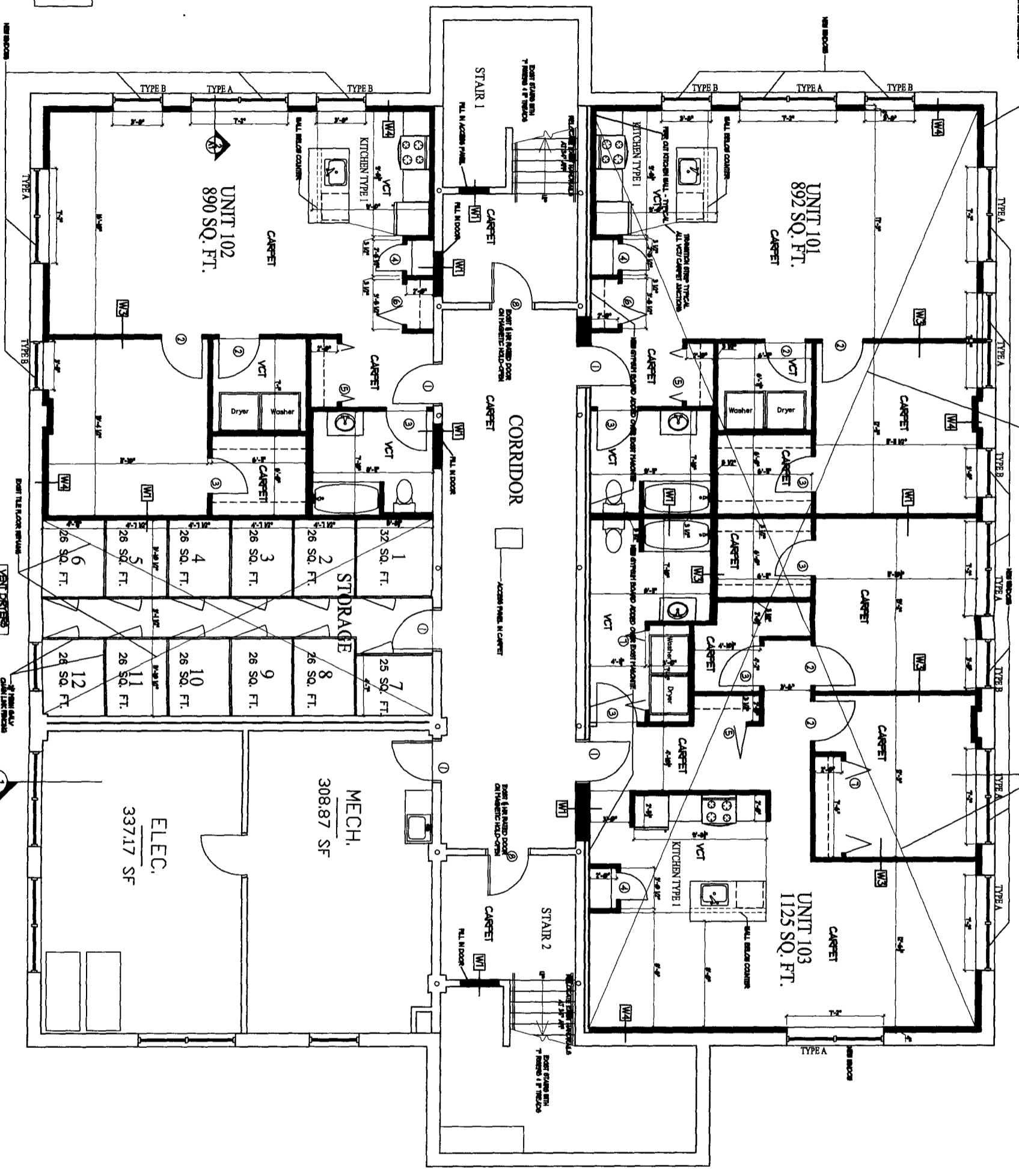
1/4"

- GENERAL NOTES:**
1. CARPET STAIRS ARE REQUIRED TO ACCOMMODATE STRAIGHT RUNS OF WALLS WITH 1" AND 2" LAYERS OF GYP BOARD. FINISH OF FLOOR SHALL BE A CONTIGUOUS FLAME.
 2. ALL DIMENSIONS ARE TO FACE OF ROUGH FINISH COLUMN CENTRALLINES AND FACE OF WALLS.
 3. SEE AS FOR DOOR/FINISH SCHEDULES PROVIDE WOOD BLOCKING AT ALL LOCATIONS OF CONNECTION OF NEW FINISHING TO EXISTING FINISHING.

NOTE:
 R13 SPRINKLERS TO BE INSTALLED THROUGHOUT



1 LOWER LEVEL PLAN



NEW STUD WALL

VENT DUCTS TO EXIT WALL PROVIDE FINE LOCATED ABOVE EXISTING ABOVE EXISTING

NEW STUD WALL

1/4"

Date: JANUARY 10, 2009

Scale: 1/4" = 1'-0"

Revisions:

PROJECT: ST. PATRICKS SCHOOL CONDOMINIUMS
 1251 CONGRESS STREET
 PORTLAND, ME

ARCHETYPE, P.A. ARCHITECTS

48 Union Wharf Portland, Maine 04101
 (207) 772-6022 Fax (207) 772-4056

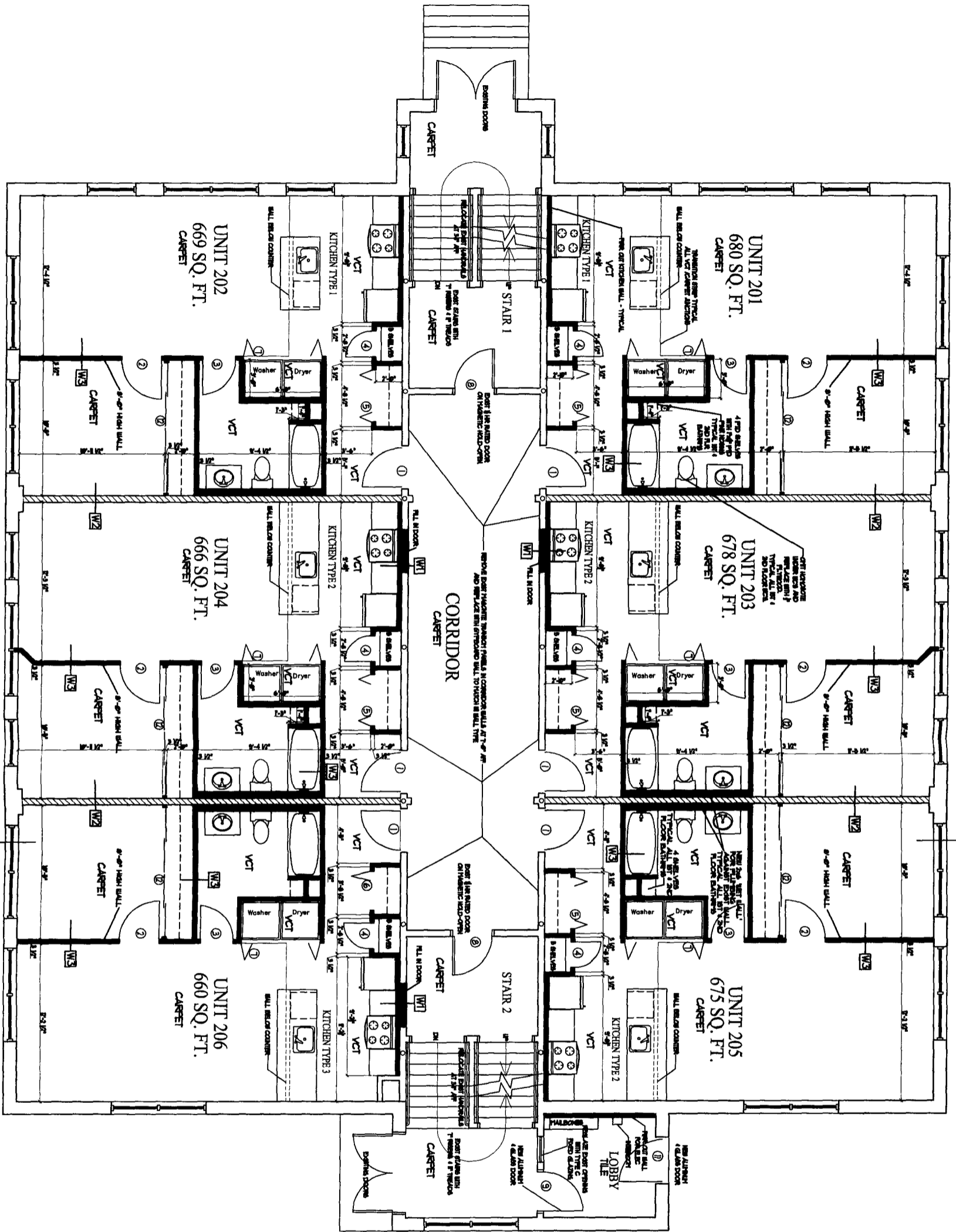
OWNER: WESTBROOK DEVELOPMENT CORP.

30 Liza Harmon Drive, Westbrook, ME 04092
 (207) 854-6823 Fax (207) 854-0962

LOWER LEVEL PLAN

A1

C-10



FIRST FLOOR PLAN

• NEW STUD WALL
 ▨ GYROBOARD & RESILIENT CHANNEL ADDED TO EXIST WALL

VENT DRYERS TO EXIST WALL PROVIDE IN LINE BOOSTER FANS LOCATED ABOVE DECKERS

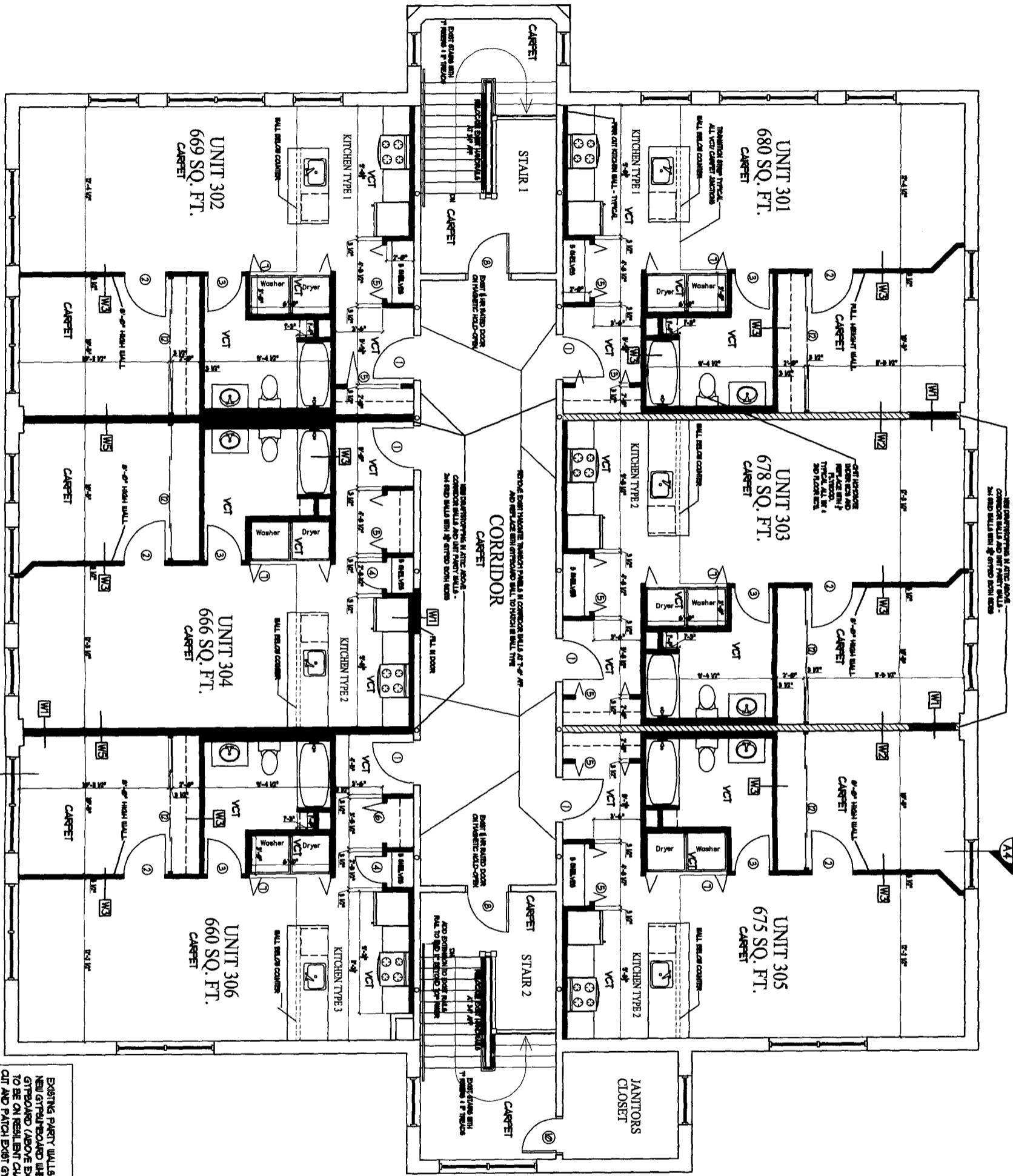


Date: JANUARY 10, 2009	Scale: 1/4" = 1'-0"	Revisions:	PROJECT: ST. PATRICKS SCHOOL CONDOMINIUMS 1251 CONGRESS STREET PORTLAND, ME	ARCHETYPE, P.A. ARCHITECTS 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056	OWNER: WESTBROOK DEVELOPMENT CORP. 30 Liza Harmon Drive, Westbrook, ME 04092 (207) 854-6823 Fax (207) 854-0962
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A2

FIRST FLOOR PLAN

C-11



SECOND FLOOR PLAN

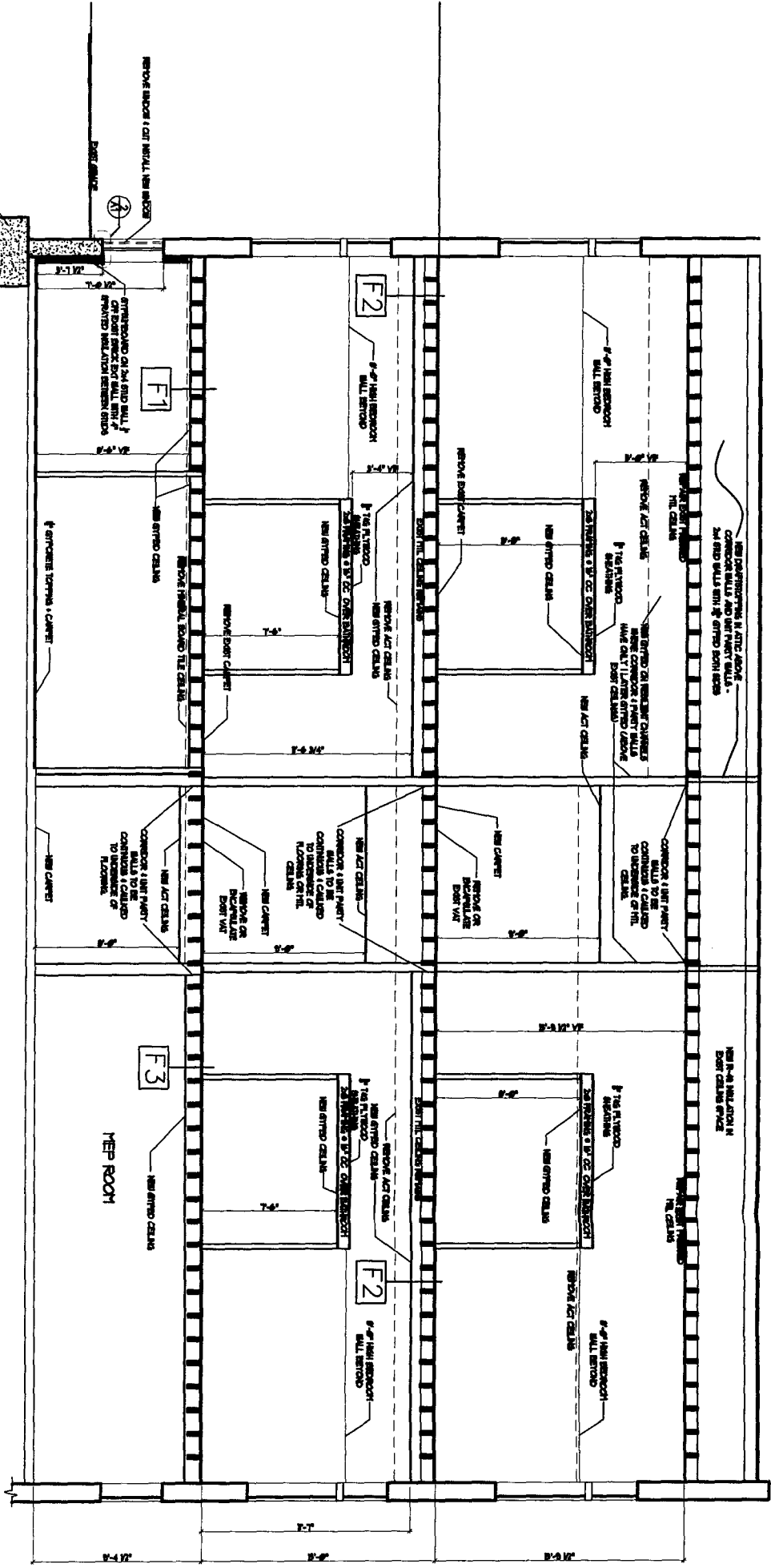
• NEW STUD WALL
 ▨ GYPBOARD & RESILIENT CHANNEL ADDED TO EXIST WALL

VENT DRIVERS THROUGH ROOF PROVIDE FINE BOOSTER FANS LOCATED ABOVE DRIVERS

NOTE:
 EXISTING PARTY WALLS AND CORRIDOR WALLS - ADD NEW GYPBOARD WHERE THERE IS ONE LAYER OF GYPBOARD (ABOVE EXIST CEILING) NEW GYPBOARD TO BE ON RESILIENT CHANNELS TO MATCH IN WALLS, CUT AND PATCH EXIST GYPBOARD TO BE CONTIGUOUS AND TO FIT TIGHT TO UNDERSIDE OF EXIST METAL CEILING CALK AT CEILING WITH 1 HR FIRE RATED CALK
 NEW PARTY WALLS - TO BE WALLTYPE III BUILD TIGHT UP TO EXIST METAL CEILING AND CALK WITH 1 HR FIRE RATED CALK

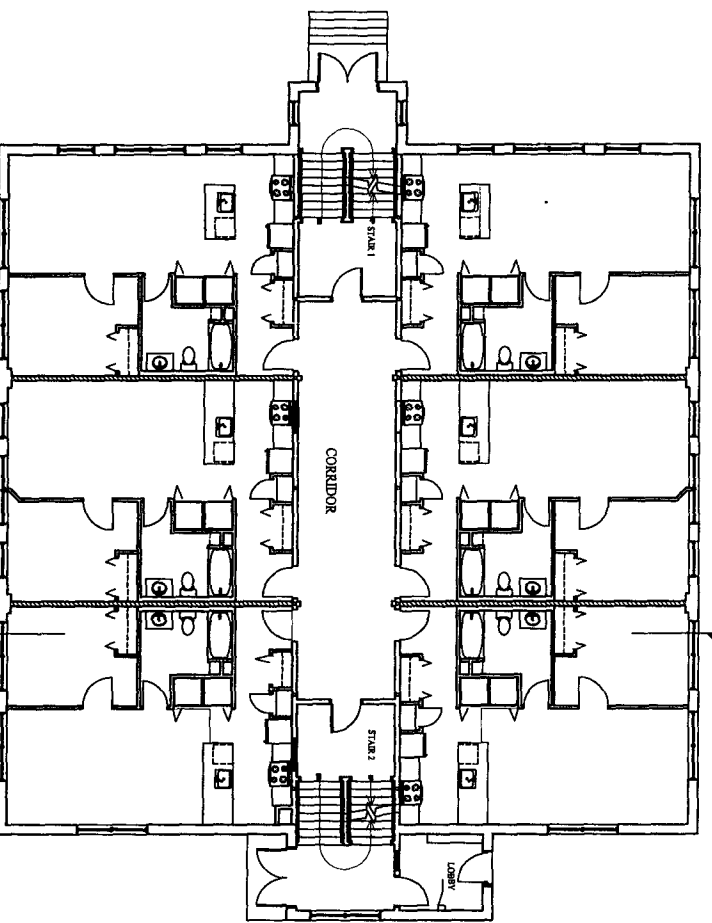


A3	Date: JANUARY 10, 2009	Scale: 1/4" = 1'-0"	Revisions:	PROJECT: ST. PATRICKS SCHOOL CONDOMINIUMS 1251 CONGRESS STREET PORTLAND, ME	ARCHETYPE, P.A. ARCHITECTS 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056	OWNER: WESTBROOK DEVELOPMENT CORP. 30 Liza Harmon Drive, Westbrook, ME 04092 (207) 854-6823 Fax (207) 854-0962	C-12
	SECOND FLOOR PLAN						



1 TYPICAL SECTION

NOTE:
R13 SPRINKLERS TO BE INSTALLED
THROUGHOUT



KEY PLAN

A4	Date: JANUARY 10, 2009	Scale: 1/4" = 1'-0" 1/2" = 1'-0"	Revisions:	PROJECT: ST. PATRICKS SCHOOL CONDOMINIUMS 1251 CONGRESS STREET PORTLAND, ME	ARCHETYPE, P.A. ARCHITECTS 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056	OWNER: WESTBROOK DEVELOPMENT CORP. 30 Liza Harmon Drive, Westbrook, ME 04092 (207) 854-6823 Fax (207) 854-0962
	TYPICAL SECTION					

MISC1

April 20, 2009

**PORTLAND FIRE DEPARTMENT
SITE REVIEW
FIRE DEPARTMENT CHECKLIST**

A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

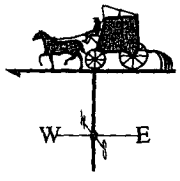
*1251 Congress Street
Portland, ME*

1. Name, address, telephone number of applicant.
*Westbrook Development Corp.
20 Liza Harmon Drive
Westbrook, ME
(207) 854-6823*
2. Name address, telephone number of architect
*David Lloyd
Archetype, P.A.
49 Union Wharf
Portland, ME 04101
(207) 772-6022*
3. Proposed uses of any structures [NFPA and IBC classification]
Existing building converted to new apartment use.
4. Square footage of all structures [total and per story]
*Total: 16,245 sq. ft.
Basement: 5,415 sq. ft.
1st: 5,415 sq. ft.
2nd: 5,415 sq. ft.*
5. Elevation of all structures
19'-5" grade to 2nd floor.
6. Proposed fire protection of all structures
NFPA 13R
7. Hydrant locations
Across the street on southeast of building, corner of Congress St. & Whitney Ave.
8. Water main[s] size and location
6", see attached
9. Access to any fire department connections
Building fully sprinkled, standpipe not required, Siamese connection not required
10. Access to all structures [min. 2 sides]
Access on Congress St. and Whitney Ave., see attached
11. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.
NFPA 1, sends you to 101, see attached
12. Elevators shall be sized to fit an 81" x 23" stretcher and two personnel.
No elevator



225 DOUGLASS STREET
P.O. BOX 3553
PORTLAND, ME 04104-3553
P: 207.774.5961
F: 207.761.8307
WWW.PWD.ORG

PORTLAND
WATER DISTRICT



November 13, 2008

Archetype
48 Union Wharf
Portland, Maine 04101

Attn: Ms. Susan McEwen
Re: 1251 Congress Street, Portland
Ability to serve with PWD water

Dear Ms. McEwen:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the domestic water needs of the 15-unit condominium building at 1251 Congress Street in Portland. According to District records, the building is currently served by a 2-inch copper service that takes from the 6-inch cast iron water main on the east side of Whitney Avenue, as shown in the attached service card. If this service is not reused as part of this project it will need to be shut and cut at the main. There is also a hydrant located across from the site on Whitney Avenue.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the domestic needs of your proposed project, as stated in your letter, dated November 5, 2008.

- Hydrant Location: Whitney Avenue at Congress Street
- Hydrant Number: POD-HYD01082
- Static Pressure: 84 psi
- Flow: 1233 gpm
- Last Tested: 7/10/1990

Please notify your mechanical engineer of these results so that they can design your system to best fit the noted conditions. Please contact the Portland Fire Department to determine if the fire service capacity is sufficient for your needs. Also, please note that we will require a calculation of the peak water demand in gallons per minute or a fixture count tabulation at the time of the service application. Additionally, based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes. If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Rico Spugnardi, P.E.
Business Development Engineer
rspugnardi@pwd.org

RELEVANT CODES

NFPA 101 2006

CODE REFERENCE

GENERAL REQUIREMENTS

BUILDING PROTECTED THROUGHOUT BY AUTOMATIC SPRINKLER (OPTION 4)
SPRINKLER SYSTEM TO BE IN ACCORDANCE WITH NFPA 13R

T-A.31.1
PER 30.3.5

USE GROUP : APARTMENT BUILDING

CONSTRUCTION TYPE V (000)

CORRIDOR WALLS - 1/2 HR REQUIRED

T-A.31.1

CORRIDOR DOORS - SMOKE RESISTING

T-A.31.1

EXIT WALLS - 1 HR REQUIRED

T-A.31.1

SMOKE PROOF ENCLOSURES - NOT REQUIRED

T-A.31.1

EXIT DOORS - 1 HR REQUIRED

T-A.31.1

MASTER BOX NOT REQUIRED

PER CITY OF PORTLAND
(LESS THAN 20 APARTMENTS)

SMOKE ALARMS - REQUIRED

SPRINKLER - REQUIRED (NFPA 13R)

EMERGENCY LIGHTING REQUIRED IN BUILDINGS WITH MORE THAN 12 UNITS

PER 30.2.9

FIRE ALARM SYSTEM NOT REQUIRED

PER 30.3.4.1.3

IN BUILDINGS WITH SPRINKLER SYSTEM ALL VERTICAL OPENINGS

PER 30.3.1.1.4

SHALL BE PROTECTED BY 1 HOUR RATED WALLS AND DOORS

FIRE EXTINGUISHERS NOT REQUIRED

PER 30.3.5.13

Type: S1
Job: Saint Patrick's Apartments
Catalog number:

Approvals:

1A / WP9SE3 / 70PMH120 / BL / HS / TL / VSF-1SA

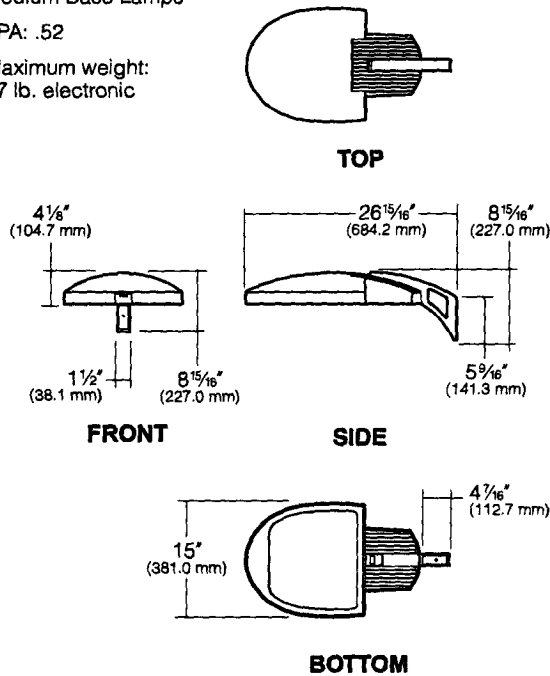
Mtg. Fixture Electrical Module Finish Options
 See page 2 See page 3 See pages 4-5

Date:
Page: 1 of 5

Select pole from Kim Pole Catalog. If pole is provided by others indicate O.D. for arm fitting.

Specifications

WP9SE
 Small Electronic Ballast
 42 to 150 watt
 PMH and PL
 Medium Base Lamps
 EPA: .52
 Maximum weight:
 17 lb. electronic



Housing: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling ribs over the electrical compartment. Solid barrier wall separates optical and electrical compartments. A single die-cast aluminum cam-latch provides positive locking and sealing of the optical chamber. A one-piece extruded and vulcanized silicone gasket seals the housing against the lens surface.

Electronic Ballast Module: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling ribs over exposed bottom surface. Integral hinges and slide latch with stainless steel hardware provides no-tool mounting and removal from housing. All electronic components are UL and CSA recognized and mounted directly to the ballast tray for maximum heat dissipation.

Lens: Clear ³/₁₆" thick tempered glass lens retained by a stainless steel piano hinge and a single die-cast aluminum cam-latch. The edges are camouflaged to conceal the outer portion of the housing.

Reflector Module: High specular optical segments are rigidly mounted within carrier plates to maintain form. No fasteners are placed on the reflective surface. The entire assembly is rotatable in 90° increments and fastened to the housing as a one-piece module. The appropriate socket is rigidly attached to the reflector module.

Support Arm: Heavy cast, low copper aluminum alloy with stainless steel mounting bolts. A pole reinforcing plate is provided with wire strain relief. Arm is circular cut for specified round pole.

Finish: Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Stealth Gray™, Platinum Silver, or White. Custom colors are available

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes, Failure to do so may result in serious personal injury.

Listings and Ratings

UL cUL 1598 ¹	CE	IP66 Rated	25C Ambient
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¹Suitable for wet locations.
 KIM LIGHTING RESERVES THE RIGHT TO CHANGE SPECIFICATIONS WITHOUT NOTICE.



U.S. Patent D568,521

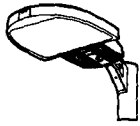




Type: S1

Job: Saint Patrick's Apartments

Page: 2 of 5



Standard Features

Mounting

3Y configuration is available for round poles only.

Plan View:

EPA: 0.52	1.04	0.82	1.3	1.3	1.5	n/a
Cat. No.: <input checked="" type="checkbox"/> 1A	<input type="checkbox"/> 2B	<input type="checkbox"/> 2L	<input type="checkbox"/> 3T	<input type="checkbox"/> 3Y	<input type="checkbox"/> 4C	<input type="checkbox"/> 1W

Fixture

Cat. No. designates fixture and light distribution.

See the Kim Warp9 Catalog for detailed information on reflector design and application.

Horizontal Lamp



Light Distribution: Type II	Type III	Type IV Forward Throw	Type V Square
Full Cutoff	Full Cutoff	Full Cutoff	Full Cutoff
Cat. No.: <input type="checkbox"/> WP9SE2	<input checked="" type="checkbox"/> WP9SE3	<input type="checkbox"/> WP9SE4	<input type="checkbox"/> WP9SE5



Type: S1

Job: Saint Patrick's Apartments

Page: 3 of 5



Optional Features

Electrical Module

PMH = Pulse Start Metal Halide

PL = Compact Fluorescent

Lamp Lamp Line
Watts Type Volts
70 PMH 120

Cat. Nos. for Electrical Modules available:

Pulse Start Metal Halide

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> 70PMH120 | <input type="checkbox"/> 100PMH120 | <input type="checkbox"/> 150PMH120 |
| <input type="checkbox"/> 70PMH208 | <input type="checkbox"/> 100PMH208 | <input type="checkbox"/> 150PMH208 |
| <input type="checkbox"/> 70PMH240 | <input type="checkbox"/> 100PMH240 | <input type="checkbox"/> 150PMH240 |
| <input type="checkbox"/> 70PMH277 | <input type="checkbox"/> 100PMH277 | <input type="checkbox"/> 150PMH277 |

Lamp	E-17, or T6, Clear	E-17, Clear	E-17, or T6, Clear
Socket	Med or G12 Base	Medium Base	Med or G12 Base
ANSI Ballast	M98, M143, or M139	M90 or M140	M102 or M142

Compact Fluorescent

- | | | |
|---|---|---|
| <input type="checkbox"/> 42PL120 | <input type="checkbox"/> 57PL120 | <input type="checkbox"/> 60PL120 |
| <input type="checkbox"/> 42PL208 | <input type="checkbox"/> 57PL208 | <input type="checkbox"/> 60PL208 |
| <input type="checkbox"/> 42PL240 | <input type="checkbox"/> 57PL240 | <input type="checkbox"/> 60PL240 |
| <input type="checkbox"/> 42PL277 | <input type="checkbox"/> 57PL277 | <input type="checkbox"/> 60PL277 |

Lamp	Coated	Coated	Coated
Socket	GX24q-4 Base	GX24q-5 Base	2GB-1 Base
ANSI Ballast	n/a	n/a	n/a

Finish

Super TGIC powder coat paint over a titanated zirconium conversion coating.

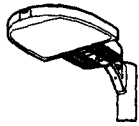
Color: Black Dark Bronze Stealth Gray™ Platinum Silver White Custom Color¹
Cat. No.: **BL** **DB** **SG** **PS** **WH** **CC**

¹Custom colors subject to additional charges, minimum quantities and extended lead times. Consult representative. Custom color description: _____

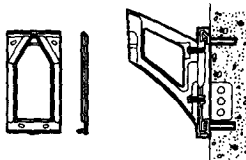
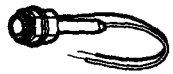
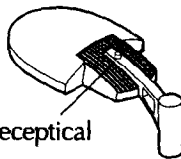
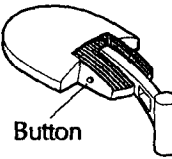





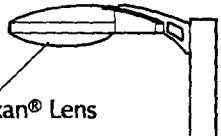
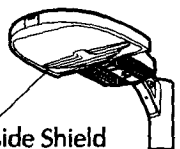
Type: S1

Job: Saint Patrick's Apartments

Page: 4 of 5



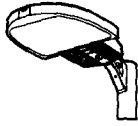
Optional Features

<p>Wall Mounting Cat. No. 1W Select from Mounting on page 2.</p>	<p>A cast aluminum mounting plate is mounted to the wall with four bolts (by others). Fixture and arm are mounted to the cast aluminum cover plate before attaching to the wall mounting plate. The fixture-arm-cover plate assembly is hooked to the wall mounting plate and secured with stainless steel screws provided. Field splices are made at the opening in the cover plate. Cover is finished to match arm and fixture color.</p>	 <p>Wall Mounting</p>
<p>Fusing (internal only): Cat. No. (see chart at right) <input type="checkbox"/> No Option</p>	<p>High temperature fuse holders factory installed inside the fixture housing. Fuse is included. Line Volts: 120V 208V 240V 277V Cat. No.: <input type="checkbox"/> SF <input type="checkbox"/> DF <input type="checkbox"/> DF <input type="checkbox"/> SF</p>	 <p>Single Fuse</p>
<p>Photocell Controls Cat. Nos. <i>receptacle</i> <input type="checkbox"/> A-25 <i>Button</i> <i>Volts</i> <input type="checkbox"/> A-30 - 120V <input type="checkbox"/> A-31 - 208V <input type="checkbox"/> A-32 - 240V <input type="checkbox"/> A-33 - 277V <input type="checkbox"/> No Option</p>	<p>Two types of photocell controls are available. A receptacle for a NEMA base photocell or an internal photocell button sensor on the side of the fixture.</p> <div style="display: flex; justify-content: space-around;"> <div data-bbox="966 976 1177 1134">  <p>Receptacle</p> </div> <div data-bbox="1282 976 1469 1134">  <p>Button</p> </div> </div> <p>Mounting (see page 2)</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div data-bbox="1063 1165 1161 1344"> <p>* 1A, 1W  * 2L </p> </div> <div data-bbox="1193 1165 1307 1344"> <p>* 2B  * 3T, 3Y </p> </div> <div data-bbox="1372 1197 1469 1344"> <p>4C </p> </div> </div> <p>* - Fixture with Photocell Receptacle S - slave unit(s)</p>	
<p>Lexan® Lens Cat. No. <input type="checkbox"/> SLX <input type="checkbox"/> No Option</p>	<p>One-piece vacuum formed advanced polymer (Lexan®) enclosure covers standard tempered glass lens. CAUTION: Use only when vandalism is anticipated to be high.</p>	 <p>Lexan® Lens</p>
<p>Houseside Shield Cat. No. <input checked="" type="checkbox"/> HS <input type="checkbox"/> No Option</p>	<p>Stamped aluminum louvers that pass streetside light and block houseside light. Recommended for use with clear lamps only. Effectiveness is reduced for coated lamps. Note: For use with Types II, III, or IV distributions only.</p>	 <p>Houseside Shield</p>

Type: S1

Job: Saint Patrick's Apartments

Page: 5 of 5



Optional Features

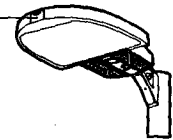
Tamper-Resistant Latch

- Cat. No. TL
 No Option

Standard die-cast latch is provided with a captive 10-32 stainless steel flat socket-head screw to prevent unauthorized opening.

NOTE: Required only for vandal protection in locations where fixtures can be reached by unauthorized persons.

Tamper Resistant Latch

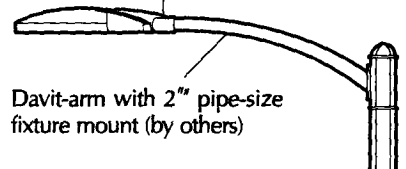


Horizontal Slipfitter Mount

- Cat. No. HSF
 No Option

Replaces standard mounting arm with a cast aluminum fitter to adapt to a horizontal 2" pipe-size mounting end (2 3/8" OD). The casting has a 5° adjustment to accommodate davit arms that are not horizontal. Horizontal pipe must be field drilled at one set screw location to insure against fixture rotation. Finish to match fixture color.

Horizontal Slipfitter



Vertical Slipfitter Mounts

- Cat. No. includes Mounting
 Cat. No. (See right)
 No Option

Allows fixture or fixtures with standard mounting arm to mount to a pole with a 2" pipe-size tenon (2 3/8" OD). Minimum 4" tenon length required.

Specify configuration (1A, 2B, 3T, 3Y, 4C) 4" round or square aluminum with flush cap. Finish to match fixture and arm.

NOTE: 3Y only available on round slipfitter.

- Cat. No.
 VSF-1SA
 VSF-2SB
 VSF-2SL
 VSF-3ST
 VSF-3SY
 VSF-4SC



Stainless steel set screws



Square

- Cat. No.
 SVSF-1SA
 SVSF-2SB
 SVSF-2SL
 SVSF-3ST
 SVSF-4SC

- Mounting Configuration
 1SA -single arm mount
 2SB -2 at 180°
 2SL -2 at 90°
 3ST -3 at 90°
 3SY -3 at 120°
 4SC -4 at 90°



KIM LIGHTING

WD14

14" Wall Director®

revision 9/05/08 • wd14.pdf

Type: S3

Job: Saint Patrick's Apartments

Catalog number:

WD14D3 / 50PMH120 / BL /

Fixture Electrical Module Finish Options
See page 2 See pages 3-4

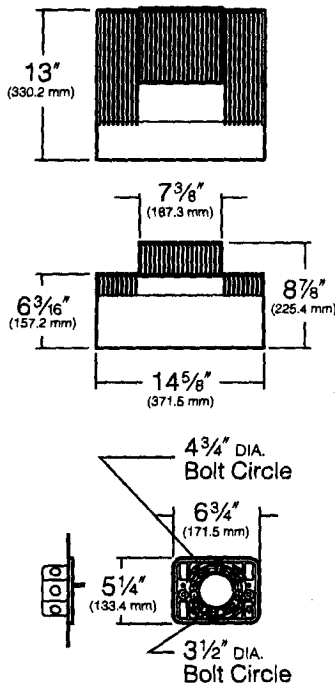
Approvals:

Date:

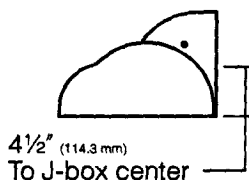
Page: 1 of 5

Specifications

Maximum Fixture Weight (150HPS) = 26 lb



Mounting Plate
Attaches directly to any standard 4" J-box (by others)



Reflector Housing: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling fins. Rotates against ballast housing to provide 10° of adjustment with degree markers cast into the housing. At 0° adjustment, lens is totally concealed from view above horizontal with fixture aimed downward.

Ballast Housing: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling fins. Fastens to mounting plate with keyhole slots freeing both hands for securing and wiring. One stainless steel socket-head screw on each side of housing frees the reflector housing to rotate for aiming. Tightening the screws locks the two housings together with sealing provided by a silicone gasket. For visual aiming, adjustment may be accomplished with the fixture on.

Lens Frame: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral hinges and stainless steel pins. Two stainless steel quarter-turn fasteners secure lens frame to reflector housing with sealing provided by a one-piece extruded and vulcanized silicone gasket. Lens is clear flat 3/16" thick tempered glass sealed to lens frame with a silicone gasket and retainer clips. For UP models, lens is mounted flush with frame for water run off, and is silicone sealed.

Type II, III, and IV Reflector Module: Specular Alzak® optical segments are rigidly mounted within a die-cast aluminum enclosure that attaches to the housing by a no-tool quick-disconnecting hinge and fastener. All sockets are porcelain medium base rated 4KV. All modules are factory prewired with a quick-disconnect plug for mating to the ballast. Available in three light distributions, all interchangeable within the same housing.

Wall Grazer Reflector Module: Specular Alzak® optical segment is rigidly formed into a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black louver vanes run parallel to the lamp arc for controlling the hot spot directly behind the fixture, and spill light into the atmosphere. All sockets are porcelain medium base rated 4KV. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Spot Reflector Module: Specular Alzak® optical spun parabola is rigidly mounted to a self-contained module which attaches to the housing by a no-tool quick-disconnecting hinge and fastener. Black internal louvers are provided to control the beam and prevent hot spots directly behind the fixture and spill light into the atmosphere. All sockets are porcelain medium base rated 4KV. All modules are factory prewired with a quick-disconnect plug for mating to the ballast.

Electrical Components: High power factor ballasts are rigidly mounted inside the housing and are factory prewired with a quick-disconnect plug for mating to the socket. Starting temperatures are -40°F for HPS lamp modes and -20°F for PMH lamp modes.

Mounting Plate: Mounting plate attaches directly to any standard 4" junction box. All mounting plates are die-cast aluminum with reinforced ribs. Two studs are provided in each plate with flange nuts to allow fixture mounting by keyhole slots. Sealant must be applied (by others) between mounting plate and mounting surface to insure a dry junction box.

Finish/Color: Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; A.S.T.M. 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Light Gray, Stealth Gray®, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

Listings and Ratings

UL cUL 1598 ¹	CE	25C Ambient
	IP66 Rated	

¹Suitable for wet locations

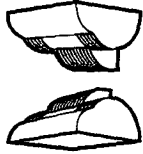
KIM LIGHTING RESERVES THE RIGHT TO CHANGE SPECIFICATIONS WITHOUT NOTICE.



Type: S3

Job: Saint Patrick's Apartments

Page: 2 of 5



Standard Features

Fixture

Cat. No. designates **WD14** fixture, Up (U) or Down (D) configuration, and light distribution (2, 3, 4, G or S).



WD Fixture



Type II



Type III



Type IV



Wall Grazer



Spot

Light Distribution:

Cat. No.: (Up 14')

WD14U2

WD14U3

WD14U4

WD14UG

WD14US

Cat. No.: (Down 14')

WD14D2

WD14D3

WD14D4

WD14DG

WD14DS

Finish

Super TGIC powder coat paint over a titanated zirconium conversion coating.

Color: Black Dark Bronze Light Gray Stealth Gray® Platinum Silver White Custom Color¹

Cat. No.: **BL**

DB

LG

SG

PS

WH

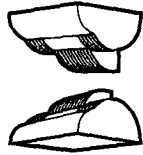
CC

¹Custom colors subject to additional charges, minimum quantities and extended lead times. Consult representative. Custom color description: _____

Type: S3

Job: Saint Patrick's Apartments

Page: 3 of 5



Standard Features

Electrical Module

PMH = Pulse Start Metal Halide
HPS = High Pressure Sodium
PL = Compact Fluorescent Triple Tube
IF = Induction Fluorescent



Lamp Lamp Line
 Watts Type Volts
 150 PMH 277

Lamp and electrical data supplied for reference purposes only. All initial lumen values shown may vary from one manufacturer to another. Consult lamp manufacturer's data for exact lumen and life data.

NOTE: For lamp/ballast information outside of the U.S.A. and Canada, please consult your local Kim representative.

WARNING: Fixtures must be installed and grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury. For lamp/ballast information outside of the U.S.A. and Canada, please consult your local Kim representative. Lamps by others.

Cat. Nos. for Electrical Modules available:

	Pulse Start Metal Halide				
	<input checked="" type="checkbox"/> 50PMH120 ¹	<input type="checkbox"/> 70PMH120 ¹	<input type="checkbox"/> 100PMH120 ¹	<input type="checkbox"/> 125PMH120 ¹	<input type="checkbox"/> 150PMH120 ¹
	<input type="checkbox"/> 50PMH208 ¹	<input type="checkbox"/> 70PMH208 ¹	<input type="checkbox"/> 100PMH208 ¹	<input type="checkbox"/> 125PMH208 ¹	<input type="checkbox"/> 150PMH208 ¹
	<input type="checkbox"/> 50PMH240 ¹	<input type="checkbox"/> 70PMH240 ¹	<input type="checkbox"/> 100PMH240 ¹	<input type="checkbox"/> 125PMH240 ¹	<input type="checkbox"/> 150PMH240 ¹
	<input type="checkbox"/> 50PMH277 ¹	<input type="checkbox"/> 70PMH277 ¹	<input type="checkbox"/> 100PMH277 ¹	<input type="checkbox"/> 125PMH277 ¹	<input type="checkbox"/> 150PMH277 ¹
	<input type="checkbox"/> 50PMH347 ¹	<input type="checkbox"/> 70PMH347 ¹	<input type="checkbox"/> 100PMH347 ¹		<input type="checkbox"/> 150PMH347 ¹
		<input type="checkbox"/> 70PMH480 ^{3,4}	<input type="checkbox"/> 100PMH480 ^{3,4}		<input type="checkbox"/> 150PMH480 ^{3,4}
Lamp	ED-17 Clear	T6 Clear, or ED-17 Clear	ED-17 Clear	ED-17 Clear	T6 Clear, or ED-17 Clear
Socket	Medium Base	G-12 Base, or Medium Base	Medium Base	Medium Base	G-12 Base, or Medium Base
ANSI Ballast	M148, M110	M143, M98	M140, M90	M150	M142, M102

	High Pressure Sodium		
	<input type="checkbox"/> 70HPS120	<input type="checkbox"/> 100HPS120	<input type="checkbox"/> 150HPS120
	<input type="checkbox"/> 70HPS208	<input type="checkbox"/> 100HPS208	<input type="checkbox"/> 150HPS208
	<input type="checkbox"/> 70HPS240	<input type="checkbox"/> 100HPS240	<input type="checkbox"/> 150HPS240
	<input type="checkbox"/> 70HPS277	<input type="checkbox"/> 100HPS277	<input type="checkbox"/> 150HPS277
	<input type="checkbox"/> 70HPS347	<input type="checkbox"/> 100HPS347	<input type="checkbox"/> 150HPS347
	<input type="checkbox"/> 70HPS480 ³	<input type="checkbox"/> 100HPS480 ³	<input type="checkbox"/> 150HPS480 ³
Lamp	ED-17 Clear	ED-17 Clear	ED-17 Clear,
Socket	Medium Base	Medium Base	Medium Base
ANSI Ballast	S-62	S-54	S-55

	Compact Fluorescent			Induction Fluorescent
	<input type="checkbox"/> 42PL120 ¹	<input type="checkbox"/> 57PL120 ^{1,2}	<input type="checkbox"/> 60PL120 ^{1,2}	<input type="checkbox"/> 55IF120
	<input type="checkbox"/> 42PL208 ¹	<input type="checkbox"/> 57PL208 ^{1,2}	<input type="checkbox"/> 60PL208 ^{1,2}	<input type="checkbox"/> 55IF208
	<input type="checkbox"/> 42PL240 ¹	<input type="checkbox"/> 57PL240 ^{1,2}	<input type="checkbox"/> 60PL240 ^{1,2}	<input type="checkbox"/> 55IF240
	<input type="checkbox"/> 42PL277 ¹	<input type="checkbox"/> 57PL277 ^{1,2}	<input type="checkbox"/> 60PL277 ^{1,2}	<input type="checkbox"/> 55IF277
Lamp	Coated	Coated	Coated	Induction
Socket	GX24q-4 Base	GX24q-5 Base	2G8-1 Base	---
ANSI Ballast	---	---	---	---

¹ Multiple CFL lamp configurations (ie, two 42W lamps) are possible with certain optical systems. Consult factory for details.

² Remote battery pack and test switch available for 57W, and 60W CFL lamps - consult factory.

³ 480 volt with medium base lamp sockets may require approval by the local building code authority.

***CAUTION:** All manufacturers of metal halide lamps recommend turning them off for 15 minutes once per week when under continuous operation. This will reduce the risk of arc tube rupture at end of life. Also, color temperature may differ between manufacturers of metal halide lamps. See lamp manufacturers' specification sheets.

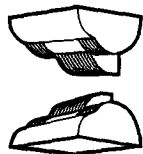
NOTE: Due to the Energy Independence and Security Act (EISA) of 2007, Kim Lighting can no longer supply probe start metal halide ballasts with its luminaires, effective January 1, 2009. Contact Kim Lighting for availability of replacement ballasts for warranty service claims.

(http://www.aboutlightingcontrols.org/education/papers/2008_energy_law.shtml#metahalide).

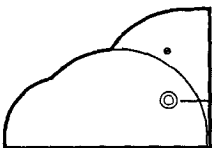


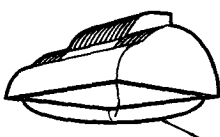
Type: S3

Job: Saint Patrick's Apartments

Page: 4 of 5



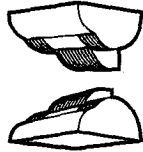
Optional Features

<p>Base Socket Cat. No. <input type="checkbox"/> G12 <input type="checkbox"/> No Option</p>	<p>G12 base socket available for 70W and 150W Pulse Start Metal Halide lamps only.</p>																	
<p>Photocell Control Cat. No. (see right) <input type="checkbox"/> No Option</p>	<p>Factory installed inside housing with fully gasketed sensor on side wall.</p> <table border="0"> <tr> <td>Cat. No.</td> <td>Line Volts:</td> <td>Cat. No.</td> <td>Line Volts:</td> </tr> <tr> <td><input type="checkbox"/> A-30</td> <td>120V</td> <td><input type="checkbox"/> A-33</td> <td>277V</td> </tr> <tr> <td><input type="checkbox"/> A-31</td> <td>208V</td> <td><input type="checkbox"/> A-34</td> <td>480V</td> </tr> <tr> <td><input type="checkbox"/> A-32</td> <td>240V</td> <td><input type="checkbox"/> A-35</td> <td>347V</td> </tr> </table>	Cat. No.	Line Volts:	Cat. No.	Line Volts:	<input type="checkbox"/> A-30	120V	<input type="checkbox"/> A-33	277V	<input type="checkbox"/> A-31	208V	<input type="checkbox"/> A-34	480V	<input type="checkbox"/> A-32	240V	<input type="checkbox"/> A-35	347V	 <p>Photocell Control</p>
Cat. No.	Line Volts:	Cat. No.	Line Volts:															
<input type="checkbox"/> A-30	120V	<input type="checkbox"/> A-33	277V															
<input type="checkbox"/> A-31	208V	<input type="checkbox"/> A-34	480V															
<input type="checkbox"/> A-32	240V	<input type="checkbox"/> A-35	347V															
<p>Houseside Shield Cat. No. <input type="checkbox"/> HS <input type="checkbox"/> HSC <input type="checkbox"/> No Option</p>	<p>Combination louver shield and black end-panel for reflector. Factory installed to reflector module. Reduces light toward wall by the amounts shown.</p> <p>CAUTION: Do not use the Houseside Shield option with the Wall Grazer as it will interfere with the light distribution.</p> <table border="0"> <tr> <td>Approximate Light Reduction Toward Wall</td> <td>Type II</td> <td>Type III</td> <td>Type IV</td> </tr> <tr> <td></td> <td>-43%</td> <td>-74%</td> <td>-77%</td> </tr> </table>		Approximate Light Reduction Toward Wall	Type II	Type III	Type IV		-43%	-74%	-77%	 <p>HS for flat lens</p> <p>HSC for Lexan® enclosure</p>							
Approximate Light Reduction Toward Wall	Type II	Type III	Type IV															
	-43%	-74%	-77%															
<p>5° Shield Cat. No. <input type="checkbox"/> 5DS14 <input type="checkbox"/> No Option</p>	<p>Aluminum shield field-attached to lens frame. Maintains a horizontal cutoff fixture edge when the luminaire is tilted 5°. Finished to match the fixture.</p>		 <p>5° Shield</p>															
<p>Lexan® Non-yellowing Enclosure: Cat. No. <input type="checkbox"/> LS <input type="checkbox"/> No Option</p>	<p>For DOWN fixture models only. Clear convex vacuum formed non-yellowing Lexan® enclosure with gasket replaces standard tempered glass lens.</p> <p>NOTE: Use only when vandalism is anticipated to be high. Useful life is limited by UV discoloration from sunlight and MH lamps. A program of regular inspection and periodic replacement is highly recommended to maintain optimum fixture performance.</p>		 <p>Lexan® enclosure</p>															

Type: S3

Job: Saint Patrick's Apartments

Page: 5 of 5



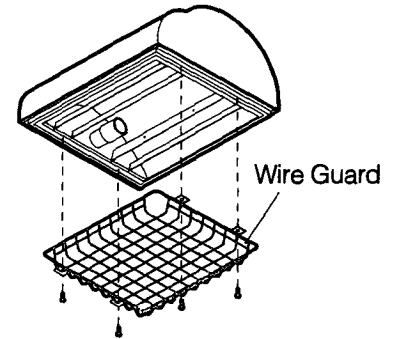
Optional Features

Wire Guard

Cat. No. **WG14**
 No Option

11 ga. (.12" dia.) BB Wire, (.75" sq. welded mesh pattern,) 11³/₈" x 10¹/₄" x 1¹/₂" deep. Finish is super TGIC thermoset polyester powder coat paint, over zinc plated wireform. Finished to match the fixture.

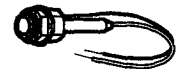
NOTE: Only available with flat lens applications.



Fusing

Cat. No. (see right)
 No Option

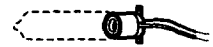
Line Volts: 120V 208V 240V 277V 347V 480V
 Cat. No.: **SF** **DF** **DF** **SF** **SF** **DF**



Quartz Standby

Cat. No. **QS**
 No Option

Integral electronic device energizes a T-4 mini-can socket during initial lamp start-up or after a power interruption. De-energizes prior to H.I.D. lamp reaching full brightness. T-4 halogen lamp by others; 100 watt maximum.



Surface Conduit Mount

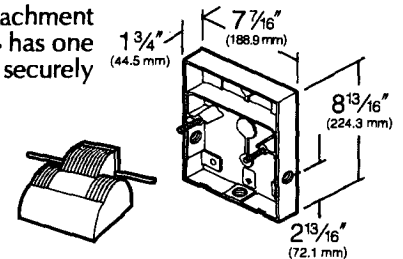
Cat. No. **SCM14U**
 SCM14D
 No Option

Cast aluminum junction box and fixture mount for attachment (by others) to existing walls, beams or columns. **SCM14** has one 3/4" NPT conduit tap in each side and bottom. Must be securely mounted to wall surface. Finished to match the fixture.

SCM14U for UP fixtures only.

SCM14D for DOWN fixtures only.

Note: Must be securely mounted to all surface.



Battery Back-up:

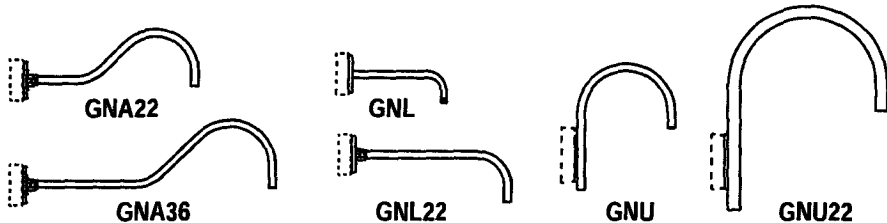
Cat. No. **EM**
 No Option

Internal battery pack provides 90 minutes of supplement light at 750 lumens on 26, 32, or 42 watt compact fluorescent lamps. (Remote mounted battery pack also available for 57W, and 60W CFL - consult factory.)



Provided with choice of aluminum conduit arms with cast canopy.
 Standard White (WH) finish provided, with alternate finishes and custom color matching available upon request.

Please ADD desired Diffuser, Mounting, Finish and Light Source codes (from page 12) to model number when ordering. Example: RD 1430 GNU WH-26TE/O



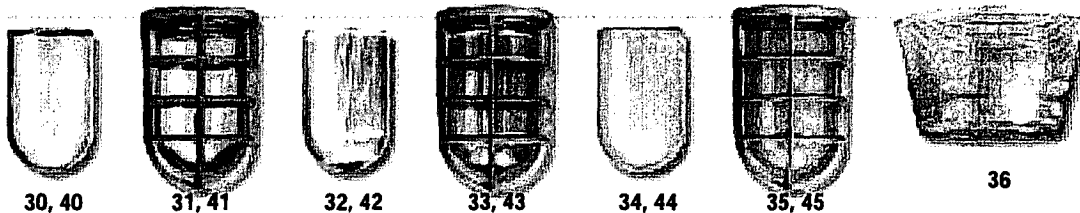
RD 14

Model	Optional Diffusers Available (add suffix to Model Number)	Mounting Code	Max. Watts (Incand.)		Dimensions			
			Bare lamp	w/ Diffuser	W	H	E	Mtg.Ctr.
RD 9	30, 31, 32, 33, 34, 35	GNA22	100 A19	100 A19	9-1/2	17	26-3/4	7
RD 9	30, 31, 32, 33, 34, 35	GNA36	100 A19	100 A19	9-1/2	19-1/4	40-3/4	9
RD 9	30, 31, 32, 33, 34, 35	GNL	100 A19	100 A19	9-1/2	14-1/4	18-1/4	2-3/4
RD 9	30, 31, 32, 33, 34, 35	GNL22	100 A19	100 A19	9-1/2	16	26-1/4	2-3/4
RD 9	30, 31, 32, 33, 34, 35	GNU	100 A19	100 A19	9-1/2	19-1/4	18-1/4	14-1/4
RD 11	30, 31, 32, 33, 34, 35	GNA22	150 A21	100 A19	11-1/2	17	27-3/4	7
RD 11	30, 31, 32, 33, 34, 35	GNA36	150 A21	100 A19	11-1/2	19-1/4	41-3/4	9
RD 11	30, 31, 32, 33, 34, 35	GNL	150 A21	100 A19	11-1/2	14-1/4	19-1/4	2-3/4
RD 11	30, 31, 32, 33, 34, 35	GNL22	150 A21	100 A19	11-1/2	16	27-1/4	2-3/4
RD 11	30, 31, 32, 33, 34, 35	GNU	150 A21	100 A19	11-1/2	19-1/4	19-1/4	14-1/4
RD 14	36, 40, 41, 42, 43, 44, 45	GNA22	200 A23	200 A23	14	18-1/2	29	7
RD 14	36, 40, 41, 42, 43, 44, 45	GNA36	200 A23	200 A23	14	20-3/4	43	9
RD 14	36, 40, 41, 42, 43, 44, 45	GNL	200 A23	200 A23	14	15-3/4	20-1/2	2-3/4
RD 14	36, 40, 41, 42, 43, 44, 45	GNL22	200 A23	200 A23	14	17-1/2	28-1/2	2-3/4
RD 14	36, 40, 41, 42, 43, 44, 45	GNU	200 A23	200 A23	14	20-3/4	20-1/2	14-1/4

Fluorescent and H.I.D. lamping options: See page 12 for lamping options available with your selected diffuser.

Fluorescent ballasts housed in secondary canopy (O), which adds 2" to E dimension.

H.I.D. ballasts remote-mounted (R).



Diffuser

Code	Description
30, 40	Clear bullet-shaped glass cylinder
31, 41	Clear bullet-shaped glass cylinder w/guard
32, 42	Clear prismatic bullet-shaped glass cylinder
33, 43	Clear prismatic bullet-shaped glass cylinder w/guard

Diffuser

Code	Description
34, 44	Satin-etched prismatic bullet-shaped glass cylinder
35, 45	Satin-etched prismatic bullet-shaped glass cylinder w/guard
36	Acrylic refractor - type V distribution

REFLECTA LIGHTING MODULES

APPLICATIONS:

The Reflecta series is suitable for hospitality, retail and contract applications, and much more. Pendant, wall and post-mount fixtures are designed for installation on exterior facades and parking areas, as well as in a range of interior spaces from restaurants and boutiques to commercial or industrial settings. Reflecta will enhance any installation that requires an attractive yet functional pendant, wall or post-mount lighting fixture.

CONSTRUCTION:

Heavy wall aluminum and cast alloys, with spun aluminum reflectors, extruded stems and mounting arms. Stem-hung models supplied with 11/16" outside diameter, 12" long color-coordinated stem and heavy-duty, hang-straight 45° steel swivel canopy.

DIFFUSERS:

Choice of clear or satin-etched prismatic cylindrical bullet-shaped glass, gasketed to seal and protect against dust, moisture and insects; heat quenched and shatter resistant on H.I.D. models.

LAMPING:

Choice of Incandescent, Compact Fluorescent, High Pressure Sodium or Metal Halide. See individual product specs for per-fixture wattage and lamp types.

LAMP HOLDERS:

Incandescent - Medium-base porcelain with nickel-plated screw shell and center contact.

Compact Fluorescent - Heat-resistant thermoplastic with lamp retention clips, providing for secure lamp fit and easy push-pull re-lamping.

H.I.D. (High Pressure Sodium/Metal Halide) - 4KV pulse-rated medium-base porcelain with brass nickel-plated screw shell and center contact reinforced with corrosion-resistant leaf spring.

BALLASTS:

Compact Fluorescent - Electro-magnetic Normal Power Factor, 120 volt (60Hz) indoor/outdoor Type 1, rated for 32° F start or High Power Factor available in 120 or 277 Volts.

Electronic Compact Fluorescent - High Power Factor (>.97), electronic universal voltage (120-277), with smart circuitry that senses lamp wattage and supply voltage (50/60Hz), and protects lamp and ballast at the end of lamp life. Specification-grade features include true 0° start (-18°C.), >.98 Ballast factor, <3% flicker and <10% Total Harmonic Distortion (THD). For dimmable electronic models, please consult factory.

H.I.D. - Electro-magnetic Normal Power Factor, 120 Volt (60Hz) indoor/outdoor Type 1 ballast, rated for -20° F start. See individual product specs for High Power Factor and 277 Volt offerings. Models with remote-mounted ballast supplied with High Power Factor dual-tap (120/277 Volt), high reactance transformer and have a maximum lamp-to-ballast distance of 10 feet on High Pressure Sodium models and 20 feet on Metal Halide models. Weather-tight enclosure (by others) required for installation in wet locations.

MOUNTING:

Pendant, surface and wall-mount fixtures designed for installation over recessed 4" outlet box. Post-mount fixtures slip 3", 4" or 4-1/2" outside diameter posts, depending on model.

FINISHES:

A full palette of smooth, textured and metallic* finishes is offered. Metal parts are chemically cleaned and pre-treated with chromate or iron phosphate primer prior to application of thermosetting polyester (TGIC) powder coating. Copper finish is comprised of real metal flakes and industrial grade exterior liquid enamel. Non-standard, custom colors and color matching (with submission of color chip) are supplied with industrial-grade exterior enamel liquid coating, subject to surcharge and not returnable. Note: RAL colors may be special-ordered in TGIC powder.

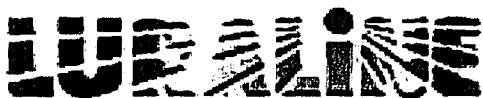
*Optional clear topcoat is recommended to maintain appearance of metallic finishes in exterior applications.

Add suffix "TC" to color selection when ordering.

COMPLIANCES:

All models are UL Listed or NRTL Certified.

Information contained within this brochure subject to change without prior notice.



Shukria

Official Receipt for Recording in:

Cumberland County Registry Of Deeds
142 Federal Street
PORTLAND, MAINE 04101

Issued To:

WESTBROOK DEVELOPMENT CORP
30 LIZA HARMON DR
WESTBROOK ME 04092

Recording Fees

Filing Type	Number	Volm	Page	Time	Recording Amount
PLANS	192	00209	00192	01:30:57p	18.00
DR-SUBDIVISION RECORDING PLAT OF SAINT PATR IN-WESTBROOK DEVELOPMENT CORP					

18.00

Collected Amounts

Payment Type	Amount
CASH	20.00
	20.00

Total Received : 20.00
Less Total Recordings: 18.00

Change Due : 2.00

Thank You
PAMELA E. LOVLEY - Register of Deeds

By - Kathy Calvo

Receipt# Date Time
0534570 06/26/2009 01:34p

00209/192

6/26
2009 09
00192

Order 186-08/09

Given first reading on 3/16/09

Public hearing and Passage: 4/6/09 8-0 (Anton out)

JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
NICHOLAS M. MAVODONES (A/L)

AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF CONGRESS STREET AND WHITNEY AVENUE

ORDERED, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL ZONE AGREEMENT

WESTBROOK DEVELOPMENT CORPORATION

AGREEMENT made this ____ day of _____, 2009 by Westbrook Development Corporation, a Maine corporation with a place of business in Westbrook, Maine ("Developer"), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer has acquired land and buildings located at 1251 Congress Street in Portland, consisting of parcels shown on City of Portland Tax Map 186, Block A, Lots 2, 3 and 5, and more particularly described in a deed from the Roman Catholic Bishop of Portland dated October 29, 2008 and recorded in the Cumberland County Registry of Deeds in Book _____, Page _____ (the "Property"); and

WHEREAS, the existing building located on the Property used to house a grammar school for St. Patrick's Church; and

WHEREAS, the existing building located on the Property is currently vacant; and

WHEREAS, the Developer intends to convert the existing building located on the Property into fifteen (15) condominium units, all of which shall be sold initially as affordable to buyers with household incomes at one hundred and twenty (120) percent or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine and five (5) of said units will remain affordable so long as the Property remains a residential condominium; and

MEMORANDUM

To: FILE

From: Keith Gautreau

Dept: Fire

Subject: Application ID: 2009-0034

Date: 4/28/2009

I've looked at the plans with Shukria and there will be adequate access from Frances Street. I would like to see some No Parking Fire Lane markings on the turn from the access from Frances coming into the parking area.

Alex Jagerman
Department of Planning
Portland City Hall
389 Congress St.
Portland, Me. 04101

May 21, 2009

Re: St. Patrick's School

Mr. Jagerman:

As you know, we are currently gathering the documentation needed to complete the building permit process for the redevelopment of St. Patrick's School into 15 condominiums. In order for us to begin work on the interior we need to do some minor interior demolition such as removal of carpets, suspended ceilings, old furniture, non-bearing partitions, etc...

Since the demolition work we are contemplating is not significant, we are requesting a waiver of the full documentation requirements as it pertains to the demolition permit application. This waiver would greatly benefit the schedule for construction, particularly since we would like to complete the project before the end of the year so that first time home buyers are able to take advantage of tax credits currently in place as part of the American Recovery Act.

Your consideration is greatly appreciated. Feel free to contact me if you have any questions.

Thank You

Guy M. Gagnon

Development Director,
Westbrook Development Corp.
ggagnon@westbrookhousing.org
207-854-6823 cell 415-2939 fax 854-0962



From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: 'Shukria Wiar' <SHUKRIAW@portlandmaine.gov>
Date: 4/15/2009 2:26:43 PM
Subject: 1251 Congress Street - St. Patrick's Condominiums

Shukria -

I have reviewed the submittal dated March 30, 2009 prepared by the Westbrook Development Corporation and offer the following comments.

- ✓ * The one-way egress drive to Whitney Avenue is 12 feet wide and does not meet City standards. I support a waiver from the standard.
- ✓ * The two-way driveway to Frances Street is 21.5 feet wide and does not meet City standards. I support a waiver from the standard. *flares out to 20'*
- * The curb cut on Frances Street should be aligned such that it is directly centered on the driveway.
- Condition of approval* * A "DO NOT ENTER" sign that meets specifications contained in the Manual on Uniform Traffic Control Devices shall be installed at the egress driveway location at Whitney Avenue.

✓ * The sidewalk ramp near the corner of Whitney Avenue and Congress Street shall be removed and modified according to Department of Public Services requirements.

Condition of approval * The applicant shall be responsible for all costs associated with parking signage changes on both Whitney Avenue and Frances Street, including but not limited to Drop-off/Pick-Up Zone, Handicapped Drop-Off and 10 Minute Parking Zone signs. I will coordinate with John Peverada on appropriate future parking regulations.

If you have any questions or comments, please contact me.

Best regards,

Thomas A. Errico, P.E.
 Senior Transportation Engineer
 Wilbur Smith Associates
 59 Middle Street
 Portland, Maine 04101
 w: 207.871.1785 f: 207.871.5825
 TErrico@WilburSmith.com<mailto:TErrico@WilburSmith.com>
 www.WilburSmith.com<http://www.wilbursmith.com/>

CC: Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@portlandmaine.gov>

April 15, 2009

To: Shukria Wiar
From: David Margolis-Pineo and Staff
Re: 1251 Congress Street- St. Patrick Condos
Public Services Review Comments

- ✓ 1. Sheet S-1: Close the ramp on Whitney Ave. with granite curbing and replace the sidewalk with concrete or pavement.
- ✓ 2. Sheet S-2: Detail-10 should show 10" of gravel in the sidewalk area and 12" gravel in the driveway area. The bricks should be laid flat in the sidewalk and flat in the driveway as well but perpendicular to the sidewalk.
3. Sheet S-2: Detail-13 shows 24" of gravel placed in front of the curb, it should be 12". It also should show a cut back of existing pavement 24" from face of curb.
- ✓ 4. Sheet S-2: Detail-4 to use 7' tipdowns at handicap ramps and install a detectable.
5. Remove wooden pole on Whitney Ave. and two mast arms on Congress which held former school signs and deliver both wooden pole and mast arms to the City storage facility on outer Congress Street.
6. Whitney Ave sidewalk material policy is brick. Applicant is required to construct this portion of sidewalk along the property line with brick.

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

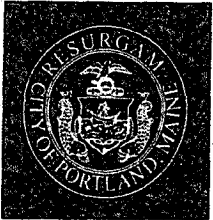
Subject: Application ID: 2009-0034

Date: 4/3/2009

This project is for 15 residential dwelling units with in the old St. Patricks School. There is a conditional/contract zone which is scheduled to be approved by the City Council on 4/6/09 . I have no copies of it. This would be considered a site plan review and a subdivison. I notice that the application did not charge nor does it mention the number of dwelling units. This lot is a subdivision which does not show another lot that was part of the original lot. That abutting lot needs to be added as another single family for a total of 16 residential dwelling units.

I can't do a further review without a copy of the approved conditional/contract zone.

Marge Schmuckal
Zoning Administrator



PORTLAND MAINE

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

Public Services Department
Michael J. Bobinsky, Director

29 May 2009

Ms. Susan M^cEwen,
Office Manager,
Archetype, P. A.,
48 Union Wharf,
Portland, Maine 04101

RE: The Capacities to Handle the Anticipated Wastewater Flows, and Storm Water Flows, from the Proposed Reuse of the former St. Patrick's Grammar School, at 1251 Congress Street, Portland, Maine.

Dear Ms. M^cEwen:

The existing eight-inch diameter vitrified clay sanitary sewer pipe, located in Whitney Avenue, has adequate capacity to transport, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to treat the anticipated net increase in wastewater flows of 1,030 G.P.D.

Anticipated Wastewater Flows, from the Proposed Building Reuse:

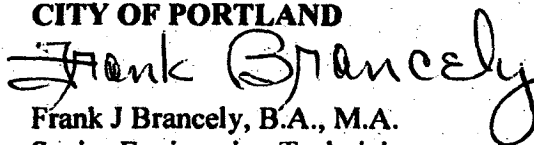
13 Proposed One Bedroom Units @ 90 G.P.D. /Unit	=	1,170 GPD
2 Proposed Two Bedroom Units @ 180 G.P.D. /Unit	=	360 GPD
Less Wastewater Flows, from Previous Tenants	=	<u>500 GPD</u>
Total Proposed Net Increase in Wastewater Flows for this Project	=	1,030 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and with the Maine D.E.P., requires C.S.O. abatement, as well as storm water mitigation, from all projects, in order to offset any increase in sanitary flows. Storm water mitigation, for this project, will include redirecting the existing roof drainage piping, away from the combined sewer, in Whitney Avenue, to the twenty-four inch diameter, Type "C," underdrain, in Congress Street, via a proposed catch basin, adjacent to the Congress Street side, of the proposed snow storage area, to the proposed parking lot.

Or: England/F/B/Capacity Letter/Congress Street 1251
C:\Frank's\Capacity Letter\Congress Street 1251

If The City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND



Frank J Brancely, B.A., M.A.
Senior Engineering Technician

FJB

CC: Penny Littell, Director, Department of Planning, and Urban Development, City of Portland.
Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland.
Shukria Wiar, Planner, Department of Planning, and Urban Development, City of Portland.
Michael Bobinsky, Director, Department of Public Services, City of Portland.
David Margolis-Pineo, P.E., Deputy City Engineer, City of Portland.
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland.
Michael Farmer, P.E., Project Engineer, City of Portland.
Stephen K. Harris, Assistant Engineer, City of Portland.
Harold L. Downs, Senior Wastewater Technician, City of Portland.
John Emerson, Wastewater Coordinator, City of Portland.
Jane Ward, Administrative Assistant, City of Portland.

From: "Gary D. Vogel" <GVogel@dwmlaw.com>
To: 'Danielle West -Chuhta' <DWCHUHTA@portlandmaine.gov>, 'Shukria Wiar' <SHUKRIAW@portlandmaine.gov>
Date: 6/24/2009 3:26:27 PM
Subject: FW: Westbrook Development Corp

Danielle and Shukria: The email I am forwarding contains the recording information on the Declaration of Affordable Housing Covenants for the St. Patrick's School Condominiums.

Gary

Gary D. Vogel
DrummondWoodsum
84 Marginal Way, Suite 600
Portland, Maine 04101-2480
(207) 772-1941
(207) 772-3627 (fax)
gvoegel@dwmlaw.com<mailto:gvoegel@dwmlaw.com>

From: Kimberly W. Crockett
Sent: Wednesday, June 24, 2009 2:48 PM
To: 'Guy Gagnon'; 'jgallagher@westbrookhousing.org'
Cc: Gary D. Vogel; Amy J. Visentin
Subject: Westbrook Development Corp

Guy and John:

I have recorded the documents in Cumberland County. I called Jeanie Bourke at the Code Enforcement Office, however she was unavailable so I left a message for her to return my call. Here is the recording information:

City Ordinance Approval recorded in Book 27025, Page 152

Declaration of Affordable Housing Covenants of St. Patrick's Condominiums recorded in Book 27025, Page 168

Recorded as of 6/24/2009 @ 2:25 p.m.

Kim Crockett
Paralegal

DrummondWoodsum
kwc@dwmlaw.com<mailto:kwc@dwmlaw.com>
84 Marginal Way, Suite 600
Portland, ME 04101-2480
Phone (207) 253-0551, direct line
Fax (207) 772-3627

CC: "jgallagher@westbrookhousing.org" <jgallagher@westbrookhousing.org>, 'GuyGagnon' <ggagnon@westbrookhousing.org>

Barry Yudaken

From: David Lloyd [lloyd@archetypepa.com]
Sent: Thursday, April 02, 2009 3:15 PM
To: 'Stephen Tibbetts'; 'Barry Yudaken'
Subject: FW: St. Patricks School

Steve , can you please do ASAP

David Lloyd
Archetype, P.A.
48 Union Wharf
Portland, ME 04101
Phone: (207) 772-6022
Fax: (207) 772-4056
lloyd@archetypepa.com
<http://www.archetype-architects.com>

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

From: Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]
Sent: Thursday, April 02, 2009 2:37 PM
To: lloyd@archetypepa.com
Subject: St. Patricks School

Hello:

Dan Goyette, the Engineer Consultant, had a couple of comments pertaining to the above project; the site plan is missing contour lines and more information is needed as to how the stormwater on the property is draining. He understands the concept of the drainage flow but need to be shown on the plans. Please update site plans.

Please let me know if you have any questions.

Thank you.

Shukria

Archetype, P.A.
48 Union Wharf
Portland, ME 04101
(207) 772-6022
(207) 772-4056 (Fax)

TRANSMITTAL

DATE: May 26, 2009
FROM: Barry Yudaken
TO: Shukria Wiar
City of Portland
389 Congress St.
Portland, ME
RE: St. Pats Condominiums

ATTACHED:

Site Plan Re-Submission, 7 Sets

Condo Plat Plans (2 Sheets on Mylar), to be signed by Planning Board.

Note: You will need to fill in the Book & Page on Notes, items 8 and 11, we have not heard back from the lawyer.

As Requested

awaiting this
info.
-will not
release Mylar
until this
info is submitted

Order 186-08/09

Given first reading on 3/16/09

Public hearing and Passage: 4/6/09 8-0 (Anton out)

JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
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JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
NICHOLAS M. MAVODONES (A/L)

AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF CONGRESS STREET AND WHITNEY AVENUE

ORDERED, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL ZONE AGREEMENT

WESTBROOK DEVELOPMENT CORPORATION

AGREEMENT made this ____ day of _____, 2009 by Westbrook Development Corporation, a Maine corporation with a place of business in Westbrook, Maine ("Developer"), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer has acquired land and buildings located at 1251 Congress Street in Portland, consisting of parcels shown on City of Portland Tax Map 186, Block A, Lots 2, 3 and 5, and more particularly described in a deed from the Roman Catholic Bishop of Portland dated October 29, 2008 and recorded in the Cumberland County Registry of Deeds in Book _____, Page _____ (the "Property"); and

WHEREAS, the existing building located on the Property used to house a grammar school for St. Patrick's Church; and

WHEREAS, the existing building located on the Property is currently vacant; and

WHEREAS, the Developer intends to convert the existing building located on the Property into fifteen (15) condominium units, all of which shall be sold initially as affordable to buyers with household incomes at one hundred and twenty (120) percent or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine and five (5) of said units will remain affordable so long as the Property remains a residential condominium; and

- c. All of these affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions, other deed restriction(s) and/or condition(s) in any deed(s) conveyed out by the Developer, shall be stated in the condominium documents, shall be identified on the approved Site Plan for the Property, and shall be reviewed and approved by the City of Portland corporation counsel's office. The affordability covenants contained in the Declaration of Affordable Housing Covenants and Restrictions shall be enforceable by the City of Portland, or its designee.
6. The curb cut presently located along Congress Street shall be permanently closed as a condition of this Agreement.
7. The existing chain-link fence located on the Property shall be removed.
8. The Developer shall screen with plant material and/or fencing the parking lot and service driveways located on the Property in order to appropriately buffer their visibility from the adjacent residential properties and roadways.
9. The Developer shall provide two (2) trees per condominium unit on the Property. If the Developer is unable to provide the required two (2) trees per unit, it shall contribute \$200.00 per tree not provided to the City of Portland's Tree Fund. The number and kind of trees, both and existing and proposed, shall be approved by Jeff Tarling, the City Arborist. This contribution is independent of any conditions which the Planning Board may lawfully require under site plan or subdivision review. The Planning Board shall not be authorized, however, to waive this requirement. This contribution shall be made prior to the issuance of a building permit.
10. The Developer shall at its own expense remove the two (2) school speed limit signs with flashing lights, the mast arms and poles and both concrete anchor and/or bolt bases on the Property, the wooden sign post located on Frances Street, and repair the sidewalk as needed.
11. As part of its community contribution, the Developer has already contributed \$15,000.00 worth of playground equipment to the City.
12. The Developer shall be responsible for ongoing maintenance of the Property, including snowplowing, salting, sanding, sweeping, lighting, trash pickup (at least weekly), mowing, etc. The dumpster located on the Property shall be enclosed.
13. The provisions of this Agreement are intended to replace and/or supersede the requirements of the underlying R-5 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-5 zone shall otherwise apply to the Property.
14. In the event of a breach by the Developer or its successors or assigns (including, but not limited to, any homeowners association) of the zoning provisions

contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the Property to the R-5 zone requirements in place before the execution of this Agreement. Notwithstanding the foregoing, following the issuance of a certificate of occupancy for the fifteen (15) condominium units, and the recording in the Cumberland County Registry of Deeds of a Declaration of Affordability Covenants acceptable to the City of Portland corporation counsel's office and to which the City is a party, the remedies available to the City for a breach of the zoning conditions contained herein shall not include rescission of this Agreement, but shall otherwise include all remedies available under applicable law (including, but not limited to, 30-A M.R.S.A. § 4452 and the Portland City Code) and under the Declaration of Affordability Covenants. The Declaration of Affordability Covenants shall include a provision providing that it may not be amended without the written consent of the City of Portland.

15. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns (including, but not limited to, any homeowners association), and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

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

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

WITNESS: _____

WESTBROOK DEVELOPMENT CORPORATION

BY:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2009

Personally appeared before me the above-named _____, in his/her capacity as _____ of Westbrook Development Corporation, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law