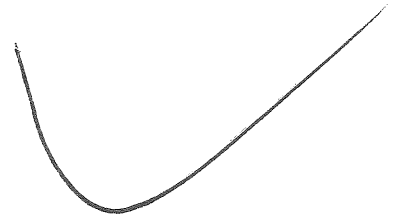


189-A-31

50 Sewall St.

Medical Bld. (Contract Zone)

Olympia Equity





05P040

TO: Ethan Boxer Macomber – Planner
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
**RE: Major Site Plan: 50 Sewall Street, Olympia Equity Investments
Proposed Office and Parking Lot Expansion & Improvements.**
DATE: May 18, 2005

Sebago Technics has reviewed the major site plan application and supporting documentation for the proposed square-foot addition to be located at 50 Sewall Street in the City of Portland. We respectfully offer the following comments in outline format:

1. Stormwater Management

- A. The drainage calculations have been difficult to follow for the actual flow rates to be diverted through the stormwater treatment systems as manufactured by ADS pipe. Although the calculations have specific pipe data, slopes, and invert elevations the plans do not show the necessary data to understand, the potential for flow diversion, adequate cover, and backwater effects. The plans will require more engineering detailed information before we can determine if the proposed system can operate adequately in all size storms. The system must prove that it can adequately process runoff up to a one-year size and then effectively divert higher flows such that these higher flows will not be disturbed or mix the sediment already trapped in the system.
- B. Review of the drainage maps and calculations appear to have the modeling of the site conceptually acceptable. However, the pipe sizing and slope information is not labeled or tabled on the drawings. This information shall be added to the plan to verify easily whether or not pipe slopes are not below recommended slopes and match the modeling.
- C. The project is a **not** a Site Location of Development. However, the City's own ordinances and standards require that the stormwater be contained to pre-development levels. The applicant has explained the evolution of the stormwater management with dates and infrastructure so that we can see that even though post conditions due in fact exceed the undeveloped conditions of the site, that the offsite proximity to the Fore River, and natural basin, in effect create no downstream impacts and is acceptable for the intent of stormwater quantity.
- D. The applicant has stated that they will utilize the ADS treatment tanks for stormwater treatment. The applicant needs to verify that the treatment is sufficient to meet MEDEP BMP standards for stormwater quality. These systems have a low flow rate ability to treat runoff effectively, and given the sites proposed and existing pavement there are concerns

with the flows to WQU1 and 2. All water quality units will require adequate flow control structures to be used, which will require review to assure rates are not exceeded to overburden the systems. We will require details and calculations, either by hand or computer models of the by-pass devices for each.

- E. Each treatment tank shall be specified and detailed with specific elevations and pipe inverts. The details shall be provided and approved by staff prior to issuance of any permits. The necessary data required in the details are design flow rate, maximum storage for sediment and floatables, targeted sediment particle size, and removal efficiency for that particle size.
- F. A few pipe configurations on the Sewall St. Parking lot as proposed appear to separate parking lot surface collection and piped stormwater in a confusing manner. We have spoken with the Project engineer, and believe we can simplify a few of these pipe runs and gain additional treatment for the existing parking lot on the Sewall St side of the Double Tree Hotel. Additionally, we have recommended increasing the grate capacity of CB-2 and eliminate some pipe, and CB 1, and shift grading slightly to again accommodate a simpler stormwater connection and treatment layout.
- G. The eastern edge of the existing parking lot shall be curbed with at a minimal, a bituminous cape cod curb, to divert runoff to a formal location at the southern corner and tie into the existing 18 inch outfall. The runoff currently travels that course. This improvement will discourage erosion at the pavement edge, and provide a minor wheel stop at the parking edge prior to a steep embankment.
- H. The existing catch basin connecting pipe runs from the northern side of the lot, and western side of the lot, has an 18-inch pipe outfall, which is documented on the plans as being 4 inches higher and 6 inches higher than the incoming pipes. This outfall pipe shall be corrected to not have a backwater affect, we advise the design engineer to field verify the elevations and make the necessary pipe/catch basin repairs in the field. A note directing the contractor to the above described is needed on the plans, and shall be reviewed by the project engineer in the field.
- I. There appear to be several pipe sections that are not shown on the drawings, both the City of Portland and State of Maine have pipe outfalls and easements that cross the property, additionally, there are pipe sections that convey runoff from the Dugas (Mobile Station property, and Olympia Equity Investments 1 (Coastal Bank) property. All pipes and sizes along with the proper easements shall be shown on the grading and drainage plan. If this cannot be conducted prior to final approval due to lack of field information, we suggest that the applicant be held accountable to submit a record drawing at or during the construction of the drainage infrastructure installations which accurately locate such requested information. To assure the information is mapped and submitted we recommend that no reductions in bonding be released until the information is submitted and approved.
- J. A maintenance plan for the responsible party to inspect and clean the treatment tanks shall be submitted. Typically each manufacturer prepares suggested maintenance plans, with recommendations for routine inspections and keeping records of cleaning. The plan shall be submitted at or before the submission of final treatment tank details.
- K. Due to anticipated revisions to the drawings and drainage scheme we have spoken with the engineer and agreed that if a drainage feature was substantially modified than will want to review the new computer model for just that item, in all three design storm

events, and we will want a copy of the summary listing for the entire model (The basic simplified summary output)

2. Road Access/Circulation

- A. The curved access from the proposed building access to the existing east side parking is along a steep embankment. A guardrail is warranted along this section due to the lack of shoulder width, slope, and due to the excessive drop in elevation. The area along the edge of the proposed sidewalk to the proposed east parking lot also warrants some kind of barrier or guardrail.
- B. The edge of the existing east parking lot should be considered for guardrail as well. The conditions are not that safe and do not adequately protect the public from potentially rolling over the embankment. What we recommend is utilizing short segments of guardrail that line up with the islands, leaving gaps where the parking aisles line up. This will allow for easy snow removal. The gap could be chained or cabled during non-winter months. Furthermore the guardrail could protect larger landscaping species, such that pods or islands of mature landscaping could be installed, rather than the low landscaping proposed, that will be damaged and likely eliminated following one season of snow removal/plowing.
- C. The Plan shall indicate snow storage locations. We recommend all areas to be noted on the plan or shown. Due to limited areas and high parking demands, a note may be required stating that snow removal will be contracted to be hauled offsite.
- D. The new internal islands to be curbed for protection of turning wheels and parking. Although curbing is shown on the plan we are uncertain what type of curbing is to be installed in all areas where shown. Please add notes and labels clarifying curb types.
- E. Details for crosswalks for pedestrian walkways across driveway or loop accesses shall be shown on the plans along with handicap ramp designs.

3. Utilities

- A. All sizes of appropriate services shall be shown on the plan. Sewer services are a little shallow, but insulation of the pipe will provide better frost protection.
- B. Electrical services are shown with transformer. Will the site require three phase power, and if so will it too be run underground?

4. Grading & Erosion Controls

- A. We would prefer that the erosion and sedimentation plan be part of the plan set as well.
- B. The outlet to the WQU-1 and 36-inch pipe needs to be protected with a riprap apron, given the pipe slope, size, and velocity.
- C. It appears that the grading adjacent to the building along the west and northwest corner is very flat. Spot grades indicate that there is no pitch for drainage to runaway from the building or sidewalk. The finish floor is 31.15; spot grades or 31.09 and 31.15 indicate difficult drainage with grade differences near 1/3-inch drop. Icing will be problematic, as will ponding. The design engineer needs to revise the grading or finish floor to correct this problem.

5. Landscaping

- A. The plans reflect landscaping and we assume that the City Arborist and planner have contacted you on this issue.

6. Other General Items

- A. Poor soil conditions to the site will again be significant and where impacted have been protected. The applicant shall provide evidence that the recommendations of the geotechnical investigation for the soils be upheld for the foundation design. Also a geotechnical report shall address the layers of soil lifts, and how to be constructed where the proposed filling will occur near the City's drainage outfall. Will underdrains be necessary for any of the parking lots or building design? Please show locations if appropriate.
- B. Given the building is located in high water table how will the foundation be drained. Will foundation drains be used to dewater the site? How will groundwater be redirected?
- C. How will solid waste be disposed? Are dumpsters needed for the proposed building? The current dumpster locations do not appear to be accommodating location or well hidden, and of the two locations one is being eliminated. Please show all dumpster locations and try for a more suitable location with more screening.
- D. Some grading and improvements occur on property owned by Dugas, such improvements shall obtain written permission or easements to construct, prior to any issuance of permits.
- E. Actual building setbacks and layout information shall be provided on the site plan for the proposed building to assist both code enforcement and contractor to measure the foundation location accurately.

Overall, the development was challenged by the stormwater treatment and grading issues. Although the MEDEP Site Location of Development permit process is not incorporated, the City standards still requires implementation of methods regarding stormwater qualitative measures. We have spoken verbally with the design engineer and feel as though our suggestions and requirements can be addressed. If the applicant is accepting of these comments and agrees to complete these we feel that we can conditionally approve this site. We do understand that the Public Works Engineer, Traffic Engineer, and Planner may have items above and beyond our review scope of the actual site. We have not reviewed or considered any offsite improvements or been requested to review such items to date. Please contact our office if you have any questions.

JRS/jrs

March 25, 2005

Ethan Boxer-Macomber, Planner
Planning Division
City of Portland
389 Congress Street
Portland, ME 04101



Re: **OEI Sewall St Bldg Site Plan**
Congress Street
Portland, ME 04102

Dear Ethan,

As the planner in charge, we are writing to you to voice our opinion on the current plans (2/3/05 SMRT) for the OEI Office Building and associated site redevelopment. As Friends of the Ball Park, we are dedicated to improving the quality of life in Portland by creating an attractive and safe pedestrian way from the Portland Transportation Center to Hadlock Field where minimal and dangerous pedestrian ways currently exist. This project is an opportunity to address some of these problems while contributing to the revitalization of the Libbytown neighborhood.

Libbytown's cityscape and vitality was torn apart and has continued to decay since the 295 highway bisected the neighborhood. Pedestrian paths to, in and through the site and the linkage to the neighborhood will only strengthen the neighborhood and contribute to its vitality. Addressing the traffic issues and improving the circulation to the site will further add to the quality of life in Portland. We believe that the unclear traffic patterns at the site Massachusetts intersection will become acute when another office building is added to the site and the main access drive to the Doubletree is closed off for even more parking. Other options for access to the site that would be more compatible with easy access to the transportation center and for travelers going to the Ball Field, and other area attractions should be considered. Improvements to the crossings at Congress Street and Thompson's Point Rd intersection need to be addressed. The planners could also consider pedestrian and bicycle access through Sewall Street, although the previous mentioned intersection would also need to be included.

The existing large tracts of greenspace proposed for paved parking lots has no clearly defined pedestrian ways except in the driveways. Currently there is approximately 64% of the Congress Street edge of the site in greenspace that will be cut to 32% with the addition of the two new parking lots on Congress Street.

George McDonough of SMRT showed documents during the neighborhood meeting and stated that there was little hope for a link to the train station offering no design solution for this

issue. However, the PDT drawing showed a strong pedestrian, tree lined 'allee' leading to the proposed office building that was not reflected on SMRT's drawings. In addition, The Metro stop on Congress Street is poorly located and should be relocated . Once again, this development is an opportunity to upgrade this stop. We have noted that the sidewalk has not been plowed once all winter forcing pedestrians to wait on the snow bank or in the street.



Should the Metro stop be relocated it might be incorporated into a small park, with access to the pedestrian ways to the pedestrian ways we are suggesting. Pedestrian access to the hotel and proposed office building would be improved since pedestrian would no longer randomly cross through the Mobile gas station parking lot. Pedestrian access to the bank building could continue along the Congress Street sidewalk and, in meeting our goals, pedestrian access for travelers from the transportation center and visitors to the ballpark will be greatly improved.

We understand that these changes will require additional planning, coordination and engineering. Ultimately, this project has the potential to help revitalize Libbytown and stem the urban decay created by the 295 project decades ago. We urge the planning staff, the Planning Board and the City Council to work with the developer in contributing to the much needed improvements in this area. A representative of Friends of the Ballpark District can meet with you any time to discuss this further. Please feel free to e-mail (kstrondak@paramounthotelgroup.com) us any time to set up a meeting or to attend any discussions.

Thank you for your consideration.

Sincerely,
Friends of the Ball Park

Mark Sengelmann, Architect
Trustee

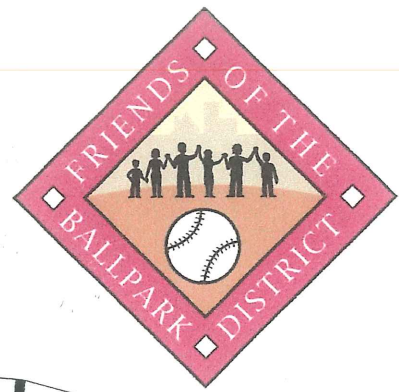
MS/cg

43 Deering Street • Portland, Maine 04101

207-761-9500 / Fax 761-9595  design@portcitydesign.net

April 12, 2005

Re: **Graphic Commentary**
OEI Sewall St Bldg Site Plan
 Congress Street
 Portland, ME 04012120



REV	DATE
7	04/05/05
6	02/22/05
5	02/17/05
4	01/24/05
3	01/20/05
2	12/14/04
1	12/03/04

April 12, 2005

Re: Transit Issues
Photo Commentary
OEI Sewall St Bldg Site Plan
Congress Street
Portland, ME 0401212



Congress Street Bus Stop winter 2005



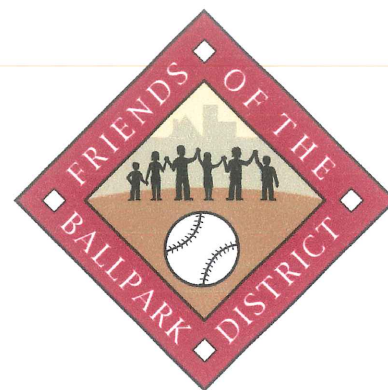
Future Bus Stop Relocation? View to Congress St from Double Tree

43 Deering Street • Portland, Maine 04101

207-761-9500 / Fax 761-9595  design@portcitydesign.net

April 12, 2005

Re: Transit Issues
Photo Commentary
OEI Sewall St Bldg Site Plan
Congress Street
Portland, ME 0401212



Congress Street Bus Stop winter 2005



Future Bus Stop Relocation? View to Congress St from Double Tree

43 Deering Street • Portland, Maine 04101

207-761-9500 / Fax 761-9595  design@portcitydesign.net

FRIENDS OF THE BALLPARK DISTRICT
340 PARK AVE
PORTLAND, MAINE 04012

mailto: FOTBPD@EBTAC.com



April 12, 2005

Ethan Boxer-Macomber, Planner
Planning Division
City of Portland
389 Congress Street
Portland, ME 0410

Re: **OEI Sewall St Bldg Site Plan**
Congress Street
Portland, ME 04102

Dear Ethan:

The Friends of the Ballpark District met Monday morning April 11, to discuss our upcoming work plan and to address the pedestrian access issues raised by the OEI Sewall Street medical building plans. This building and it's surrounding development act as an important "gateway" to the southern end of our city by train, bus, auto, air, bicycle and by foot. As per our mission statement, the FOTBPD goal is to improve pedestrian safety along the Park Avenue / Congress Street corridor between Hadlock Field and the Portland Transportation Center. We believe a strategy of creating a safe pedestrian way featuring an attractive corridor of lighting, landscaping, good sidewalks and street crossings can be achieved by the use of pedestrian-scaled features along this pedestrian thoroughfare.

Hadlock Field is one of Portland's greatest attractions having a potential to enhance marketing of the city to visitors from southern Maine, Boston and other points south. The question for the City, for business owners and developers and for all parties interested in these neighborhoods is how do we get pedestrians safely to and from the ball field by foot?

We believe that the OEI building project has the opportunity to influence the look, feel and safety of this "gateway" into the city and set the standard for future builds and renovations in this area.

FRIENDS OF THE BALLPARK DISTRICT
340 PARK AVE
PORTLAND, MAINE 04012

mailto: FOTBPD@EBTAC.com



With these goals in mind, our planning group agreed that the following bullets could serve as guidelines for developments such as the OEI medical building.

- ❖ Good Lighting – Consistent along the entire corridor. Pedestrian scale in keeping with the established character that currently exists in the area surrounding Hadlock Field. Replace aging power pole mounted lights where possible.
- ❖ Safe Crosswalks – Signalized, permanently marked and perhaps intelligently designed to allow for timing of various size groups and/or individuals.
- ❖ Professional Signage – Clear intentions with the design help of interested parties and traffic engineers this requires an expenditure of funds. Design should be on par with signage for the Maine Mall, the Jetport and Maine Med to name a few examples of high contrast signage that simply communicates a succinct message.
- ❖ Improvements to the structure under the two RR trestles on Park Avenue/ Congress Street. A clean well light environment that is non-threatening to women and children especially.
- ❖ And last, but very important is to have good sidewalks along the corridor. This includes ADA curb access, width to allow for large crowds to move efficiently and a minimal number of obstructions.

Our organization, along with the neighbors and neighborhood organizations in Libbytown and Parkside have stepped up to the plate and begun volunteer work to create a clean and visually attractive pedestrian corridor. We believe that the City has a role in the improvements as well as in encouraging businesses and developers in the area to contribute to the betterment of the traveled way.

We look forward to working with you as the OEI development and other improvements to the Hadlock Field district unfold. Please feel free to call any time.

Sincerely,
Friends of the Ball Park District

Anthony J. Donovan
Trustee
Kim Strondak
Co-Founder
Mark Sengelmann
Trustee

LIBBYTOWN NEIGHBORHOOD ASSOCIATION

Libbytown-Neighbors@maine.rr.com

April 12, 2005

Ethan Boxer-Macomber, Planner
Planning Division
City of Portland
389 Congress Street
Portland, ME 0410

Re: Libbytown Neighborhood Association Formation and OEI Building
Site Plan Proposal for Sewall Street

Dear Ethan:

A group of Libbytown residents and representatives from Logan Place met last week to begin forming the Libbytown Neighborhood Association. In addition to discussing basic organizational logistics, the meeting built upon the earlier important work of Frederic Street resident Sharon Herrick by identifying the most pressing needs for Libbytown.

Given the fragmented nature of the neighborhood, which is bisected by Interstate 295 and Congress Street, and the fact that it serves as a major gateway to the Portland peninsula, traffic is our largest concern. Congress Street and Park Avenue are completely dominated by motor vehicles and present major obstacles for pedestrians and bicyclists. To address these concerns, we identified several considerations for future improvements:

- Create safe pedestrian crossings by installing pedestrian-activated crosswalks that are prominently signaled and marked;
- Install traffic calming measures and improve enforcement to slow traffic along Congress Street and Park Avenue;
- Create a more inviting and human-scaled pedestrian environment by improving sidewalks through the installation of lighting (particularly under the railroad bridge on Park Ave), attractive landscaping features and enclosed bus shelters;
- Install prominently marked bicycle lanes along Congress Street and Park Avenue; and
- Make traffic signage more prominent to reduce motorist confusion.

We also discussed potential impacts from and opportunities for future development in Libbytown, particularly in the Thompson's Point area. We believe that OEI's current proposal for their Sewall Street medical office building presents a number challenges, while the \$60,000 that has been set aside from this project for public improvements offers some exciting opportunities. As we understand, some or all of these funds may be used to install an additional sidewalk on Sewall Street. This would be unfortunate (and redundant) since a prominent and very serviceable sidewalk already exists on the west side of Sewall Street in front of the existing medical buildings.

We would suggest instead using the public improvement funds to benefit a wider area of Libbytown. We are largely in agreement with the recommendations offered by the Friends of the Ball Park District (FOBPD). However, rather than focusing on just the corridor between the DoubleTree and the Ball Park, we would suggest including the entire Congress Street arterial from Shaw's to Saint John Street. Traffic volume along this corridor will definitely increase as a result of the OEI project. Therefore, we believe that accommodations (most of which are itemized above) should be made to offset this impact and encourage alternative forms of transportation.

We appreciate the opportunity to offer comments on this important project and look forward to building a collaborative working relationship with the City.

Respectfully,

Libbytown Neighborhood Association



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

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SUITE 8
SOUTH PORTLAND, MAINE 04106
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- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- TRAFFIC STUDIES AND MANAGEMENT

May 13, 2005

Mr. Ethan Boxer-Macomber
City of Portland
389 Congress Street
Portland, ME 04101-3503

**Subject: Site Plan and Traffic Movement Permit Application
Olympia Equity Investors I, II, III, and XIII, Co-Applicants
Application ID#2005-0070
Comment Response Letter & Resubmittal**

Dear Ethan:

Attached please find our submittal of the requisite items for review with the Planning Board at its May 24, 2005 meeting. This includes resubmission of the site development plans with amendments to address the comments raised in your May 11, 2005 letter. Further, we have provided a formal response herein, which summarizes our position on these items and discusses how these items have been addressed as part of the resubmission.

Comment 1 - Traffic:

Six points related to traffic and circulation were raised in the April 26 staff memo to the Planning Board.

1. *Project Entry Alignment*
2. *Pedestrian crossings at Congress / Sewall and Congress / Massachusetts*
3. *Pedestrian Access / Proposed Parking lot to the East of Norway Savings*
4. *Sewall Street Sidewalk*
5. *Opportunity to Relocate / Improve MetroBus Bus Stop*
6. *Improvements to Signals at Congress Street and Exit 5, I-295 Ramps*

Your consulting traffic engineer has studied each of these matters and submitted a May 3, 2005 response letter addressing each one. The City's consulting traffic engineer, Tom Errico, has received this response and is in the process of conducting his review. I expect to have analysis and recommendations from Mr. Errico by the end of the week. I will provide this information to you and your traffic engineer as soon as it is available.

In addition to the six items listed above, the Planning Board specifically requested that Mr. Errico comment on the site's internal circulation plans. This review and analysis will also be included in Mr. Errico's report.

Mr. Ethan Boxer-Macomber
May 13, 2005
Page 2

Response:

This item will be addressed upon receipt of Mr. Errico's analysis as requested by the Board. The proposed development plans have been previously amended to incorporate additional sidewalk adjacent to the Norway Savings Bank building and along the southerly portion of the MDOT parking lot.

Comment 2 – Landscape Plan:

At the April 26, 2005 workshop, OEI submitted a revised landscape plan in response to comments provided earlier by the City Arborist. Staff later reviewed the revised landscape plan and found that not all of the earlier concerns had been addressed. In order to break up and soften the site's largest expanses of pavement and to provide optimal screening of the site from abutting properties and rights of way, staff asks that you consider the following recommended revisions to the current landscape plan:

1. Congress Street

In order to better screen the proposed 77-space surface lot proposed on the former DOT land, Red Maple Street Trees on Congress Street should be increased from four (4) to seven (7) in number and sited in a double row, zig-zag pattern.

2. Area East of the Proposed New 1-Acre "DOT" Parking Lot

Proposed evergreen trees in this area are arranged in close groupings of three. Such groupings have proven to cause a nuisance situation by providing refuge for persons with nefarious motives. While the proposed trees species, count, and sizes are acceptable; the siting of the trees should be loosened across the area. Lower limbs should be pruned.

3. Bulb-Outs at Sides of Proposed Entrance to 1-Acre "DOT" Parking Lot

These curbed islands should be considered for additional trees to soften and screen the site.

4. Drainage Swale on the East Side of the Project

So as to soften and screen the site as viewed from the Interstate and Exit 5 on/off ramp, and as per the City Arborist's earlier request, please provide additional trees such as 5-6 white pines within the drainage swale to the East of the sites. These should be concentrated at the North end of the swale below the proposed 1-Acre parking lot and along the West bank of the swale as it runs South toward the Fore River.

5. Curbed Tree Islands at ends of Parking Aisles

Of the four proposed East-West oriented parking aisles in the Eastern Parking lot of the DoubleTree Hotel site, only one includes a curbed island at its East end. In order to (1) break up the site's largest open expanse of pavement and (2) facilitate the safe, orderly movement and parking of vehicles, staff recommends that all four Eastern ends of these aisles be treated with

Mr. Ethan Boxer-Macomber
May 13, 2005
Page 3

curbed islands and planted with trees, consistent with proposed aisle end treatments elsewhere on the site plan.

6. North Side of the Sewall Street Entrance

Please address Planning Board members' concerns expressed at the April 26 workshop that the proposed screening at this location is sub-optimal. Please consider providing fencing and or additional landscaping. Please consider non-deciduous plantings.

7. South Side of the Sewall Street Entrance

Staff has recommended that the proposed parking lot's interface with Sewall Street at this location should be adequately set back and treated with a high quality, permanent wall of fence. Please provide typicals of the proposed "75' Decorative Aluminum Fence as well as a call out plan of this area with dimensions from the parking lot to City right of way. Street Trees should also be provided along the Sewall Street frontage.

The above seven recommendations for landscape revisions have been previously presented to your project landscape architect and your project engineer. Staff looks forward to receiving your responses to these recommendations.

Response:

DeLuca-Hoffman Associates, Inc. has reviewed the comments with SMRT, Inc, and incorporated all of the changes into the landscape plan as requested. We have include the additional trees requested in item 4 of this comment; however, based on the field visit performed by SMRT, Inc., we are requesting the ability to field locate these trees to ensure proper placement and achievement of effective screening.

The revisions to the Landscaping are depicted on sheets LP 101 and LP 102 included as part of this transmittal. A catalog cut for the proposed 5' high decorative aluminum fence is included as part of this submittal.

Comment 3 – Engineering:

Early in this review process staff recommended to OEI and the Planning Board that the proposed stormwater management plan should be revised so as to bring existing, non-conforming portions of the site into conformance with today's stormwater treatment standards. It was staff's understanding that OEI had agreed to make changes to the drainage / stormwater treatment plan accordingly.

Whereas these changes would have substantive impacts on the site's overall drainage / stormwater treatment engineering plan, the City's consulting civil engineer has refrained from developing more detailed response comments until revised plans are submitted. Staff has repeatedly emphasized the importance of receiving these revised engineering plans in order to keep the project on schedule with the Planning Board.

Mr. Ethan Boxer-Macomber
May 13, 2005
Page 4

Earlier this week staff was informed that OEI may not opt not to amend the stormwater treatment plan owing to various technical difficulties and relative costs associated with addressing those difficulties. Staff has requested that a technical summary of these difficulties be submitted for review by the City's reviewing engineers.

In light of what little time remains prior to the May 24 public hearing, Staff recommends that an engineer's summit be held between OEI's consulting engineer and the City's reviewing engineers. From there, final plans will need to be generated as soon as possible to make the project ready to go forward to a public hearing. Staff will work with OEI to set up such a meeting in the coming days.

Response:

DeLuca-Hoffman Associates, Inc. has discussed this item with staff previously and had continued to attempt to address the City request to provide water quality treatment to the existing grandfathered levels. We initially reviewed utilizing the proposed Downstream Defender Water Quality Units to provide supplemental treatment to the existing impervious surfaces. This task proved difficult, given the constraints of the physical design of the proposed water quality unit which requires a certain degree of elevation differential, approximately 12", to facilitate the proper function of the water quality treatment process.

The elevation constraints required the evaluation of the entire storm drain infrastructure currently in place throughout the site. The existing storm drain was designed in accordance with standard engineering practice and did not provide for any areas of significant elevation differential to accommodate the installation of a water quality unit as part of a retrofit application. Attempts to incorporate additional drainage areas to the proposed Downstream Defender Water Quality units would require substantial replacement of the existing storm drain infrastructure throughout the project site, in addition to the costs associated with the increase in size of the water quality unit.

DeLuca-Hoffman Associates, Inc. relayed this information to staff and deferred making a formal response. We have since consulted with another recently MDEP-approved water quality unit manufacturer – Advanced Drainage Systems, Inc. (ADS) and evaluated the use of a comparable treatment unit which requires less elevation differential and is more feasible in a retrofit application.

DeLuca-Hoffman Associates, Inc. has revised the design to incorporate two additional catch basin structures to intercept existing drainage and direct it to one of the proposed water quality treatment units. This will treat a portion of the parking area west of the Double Tree Hotel, additional parking area in the lot on the southeast corner of the Double Tree Hotel, as well as the areas previously proposed for treatment in the Medical Office Building parking lot. The MDOT lot will continue to be treated by a water quality unit, though it will be one of the ADS units rather than a Downstream Defender.

DeLuca-Hoffman Associates, Inc. has incorporated a third water quality unit to provide treatment to the proposed parking lot reconstruction at the northwest corner of the site, nearest the proposed driveway entrance off of Congress Street proposed for closure. This additional unit will provide

Mr. Ethan Boxer-Macomber
May 13, 2005
Page 5

treatment to the OEI parking lot proposed as part of this project, as well as the offsite drainage from the Mobil Station which is directly connected into the existing storm drain system on the OEI campus.

The proposed campus design will include four water quality units: one existing treats the Norway Savings Bank lot, and three proposed to treat all of the proposed new impervious area as well as the existing areas of the site. The additional drainage structures and water quality unit will provide supplemental treatment for the campus, within the feasible technical limitations of the existing storm drain system. Any further attempts to provide water quality treatment for the site would require more water quality units and alterations to the existing outfall. The only impervious areas not receiving treatment are the buildings and a portion of the parking area to the east of the Double Tree Hotel. The treatment of offsite impervious area should provide additional benefits. DeLuca-Hoffman Associates, Inc. believes this revised plan meets the intent of the goal of providing further treatment to the site.

Comment 4 – Easements:

Corporation Counsel has repeatedly requested that the site plan be revised to include the location and dimensions of all existing and proposed easements in accordance with the requirements of the site plan ordinance. Of particular concern are various drainage and utility pipes and laterals which cross the former MDOT lot and the abutting "Dugas" lot. To date these revisions have not been submitted.

Also requested was a summary of the various traffic and circulation easements between the various OEI entities. On April 25, 2005 OEI submitted an executive summary of these easements. This document has been provided to Corporation Counsel for review. I will see that you are provided with a response in the coming days.

Response:

An updated plan has been prepared by Owen –Haskell, Inc. which is a compilation plan of land for the OEI campus. This plan incorporates the MDOT lot and reflects all drainage, utility and access easements of record for the OEI campus. This plan is included as part of the plan set included with this transmittal.

Comment 5 – Exterior Lighting Plan:

Staff has responded to the proposed lighting plan by requesting a revised photometric study demonstrating acceptable light levels at property lines. This study has been submitted and found acceptable. The proposed lighting plan excludes any wall packs or architectural lighting on the proposed medical office building. Please indicate whether any architectural light fixtures are proposed on or around the proposed medical office building.

Mr. Ethan Boxer-Macomber
May 13, 2005
Page 6

Response:

The project architect, PDT Architects of Portland, has indicated that due to the building design and high level of glazing, no architectural lighting is proposed on or around the building other than soffit lighting beneath the canopy.

Comment 6 – Architectural Materials Samples:

Staff has repeatedly requested that OEI provide samples of proposed architectural materials for the proposed medical office building. To date these samples have not been provided.

Response:

Sample architectural materials accompany this transmittal. The materials are representative of those proposed for the building; however, the final color selections are currently being finalized.

We trust that this letter adequately addresses the comments received to date. It is our intention to promptly respond to any forthcoming comments from the traffic engineer or review engineer. We look forward to reviewing the project with the Board at its May 24, 2005 meeting.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.

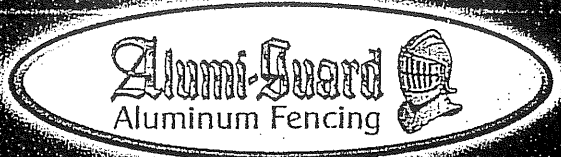


Christopher J. Osterrieder, P.E.
Senior Engineer

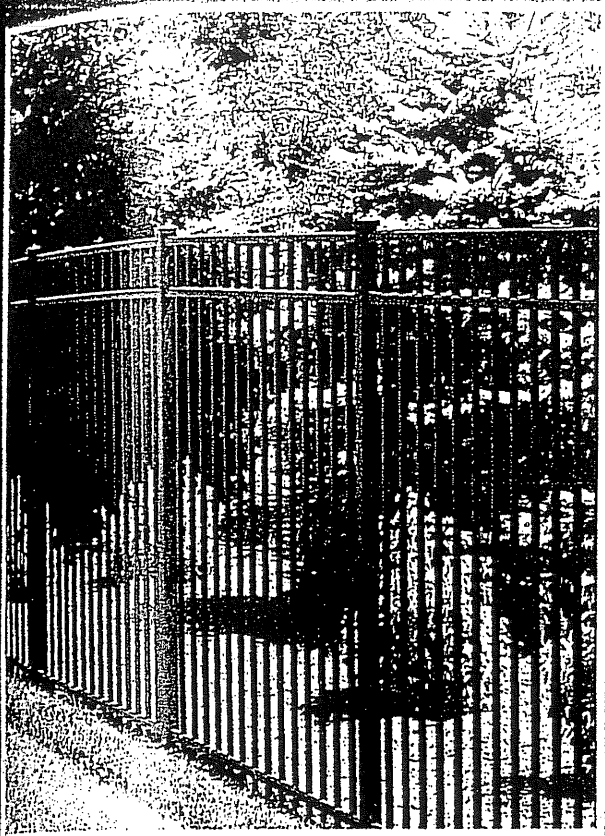
CJO/sq/JN2498/Boxer-Macomber-5-13-05

Attachment: Catalog Cut of Decorative Aluminum Fence

c: Tim Levine, Olympia Equity Investors
Dennis Jud, ASLA – SMRT, Inc.
Jim Brady, Olympia Equity Investors
Peter Hedrich, PE, PTOE – Gorrill-Palmer Consulting Engineers
Matt Manahan, Esq., Pierce Atwood
Alan Kuniholm, PDT Architects



COMMERCIAL GRADE

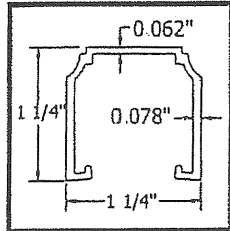
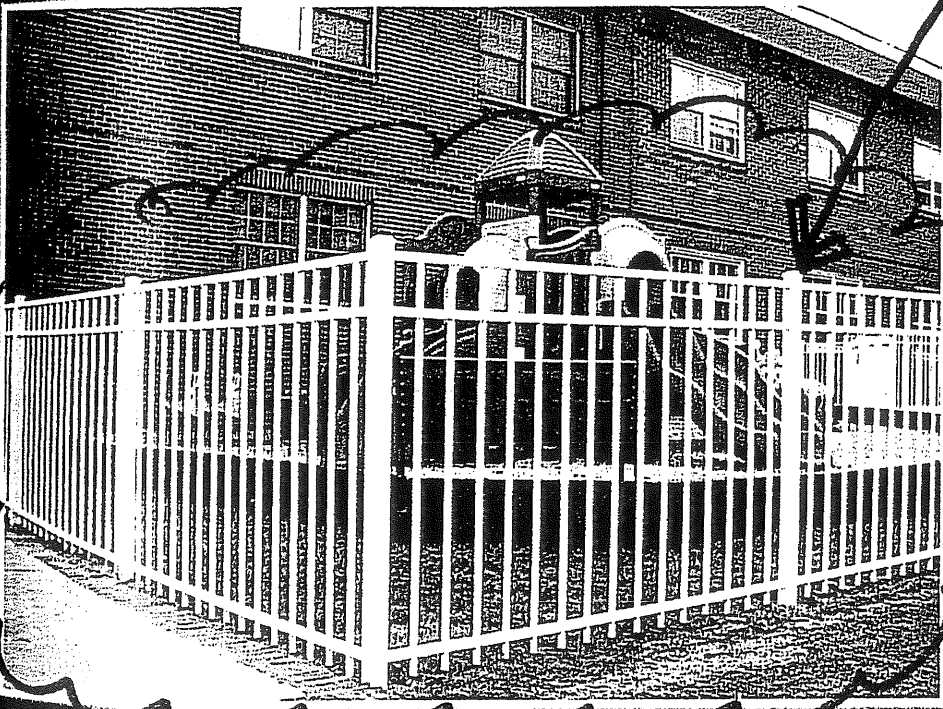


Alumi-Guard's Commercial grade fence panels are pre-assembled in 70" sections and install 72" o/c.

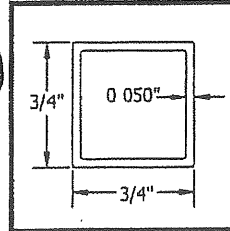
- **Channels** (horizontal)
1 1/4" X 1 1/4", .078" sidewalls, .062" topwall.
- **Pickets** (vertical)
3/4" X 3/4" X .050" wall.
Picket spacing should be specified as 6" o/c or 3 15/16" for swimming pool code.
- **Posts**
2" X 2" X .093" or .125" wall thickness
2 1/2" X 2 1/2" X .075" or .125" wall thickness or
3" X 3" X .125" wall thickness.

Concrete footings should be 24" deep and 6" in diameter.

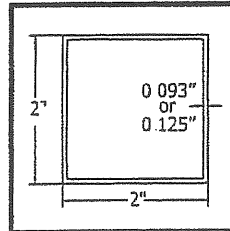
BLACK



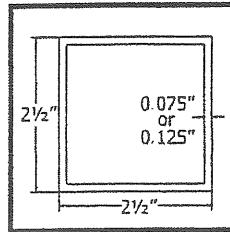
CHANNEL



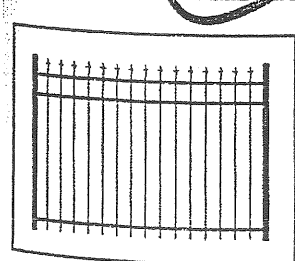
PICKET



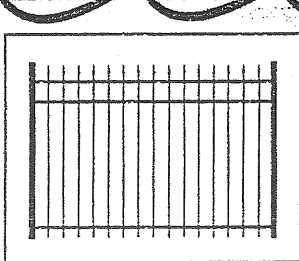
2" POST



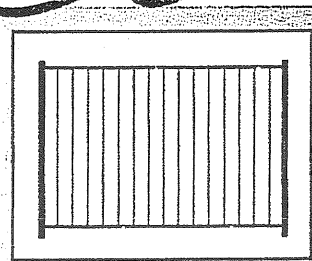
2 1/2" POST



VICTORIA TRI-AD



VICTORIA QUAD



SARATOGA



COMMERCIAL GRADE

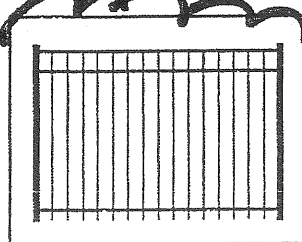
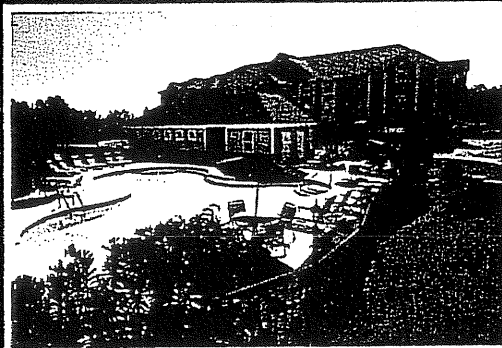
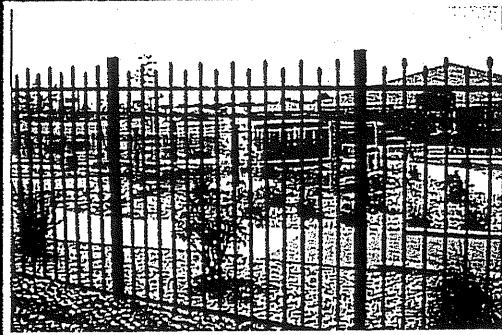
Alumi-Guard's Commercial grade fencing should be specified for high traffic areas and projects requiring medium security. The fencing is strong enough to deter people and secure property, but does not have high-visibility like Industrial grade fencing.

Armor-Guard™ powder coating is applied to all Commercial grade fencing. It is customarily installed as perimeter fencing around commercial properties, or high end residential projects. Commercial grade fencing carries the same warranty as our other fences and is perfect for condominium projects and planned estate communities and will meet B.O.C.A. code, which makes it ideal for commercial swimming pools. A variety of decorative scrolls and rings may be added to create a more ornate look. Please see the adornments section for ideas about customizing Alumi-Guard fencing. Matching pedestrian gates and custom fabricated Estate gates are available to allow egress.

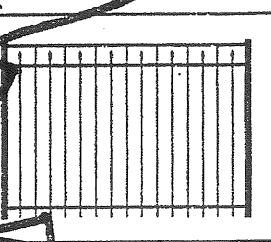
APPLICATIONS:

- ESTATE COMMUNITIES
- COMMERCIAL SWIMMING POOL
- SCHOOL RECREATION AREA
- COMMERCIAL/ RETAIL SHOPPING DISTRICT
- CHURCHES
- MUNICIPAL APPLICATIONS

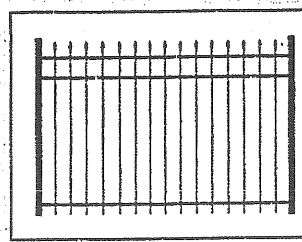
- EXTRUDED ALUMINUM 6063-T
- 18/8 AND 410 STAINLESS STEEL SCREWS
- WELDED FRAME GATES
- ARMOR-GUARD TGIC POLYESTER POWDER COATING IN BLACK, BRONZE, BEIGE, AND HUNTER GREEN
- PICKET SPACING: 3 15/16" OR GREATER
- ZINC DIE CAST FINIALS AND PICKETS



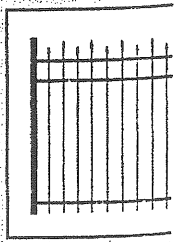
ASCOT



CANTERBURY



BELMONT



HAMILTON

TOLL FREE: 877-258-6448 FAX: 727-862-6769



ARCHITECTURE
ENGINEERING
PLANNING

Meeting Minutes

Date of Meeting: January 31, 2005, 5:30 p.m.

Date of Issuance: February 1, 2005

A/E Project No: 04052

A/E Project Name: OEI II Site Permitting

Meeting Location: Doubletree Hotel, Portland, ME

Attendees: Project team: James Brady, Tim Levine: Olympia Equity Investors, George McDonough: SMRT. See attached for neighborhood guests.

Topic: Neighborhood Meeting, Proposed C-19 Contract Zone Amendment, 50 Sewall Street, and Proposed R-5 to B-2 Rezone in the vicinity of 1100 Congress Street

Program

Introduction of project team

Project overview

History of development on subject lots

Explanation of contract zone amendment, zone change requests

Parking plan

Traffic and Circulation

Landscaping

Environmental Considerations

Architecture

Northeast

Mid-Atlantic

Public Questions and Comments

- 1) Has there been any consideration to allow pedestrian access through the site from the train station to the ballpark?
- 2) Concern about pedestrian crossing at Congress Street/Mass. Ave. intersection.
- 3) What types of materials are proposed for the building façade?
- 4) What plant materials are being used?
- 5) Concern about stormwater runoff.
- 6) Concern about removal of existing vegetation at MDOT lot.
- 7) Concern about visual impact of parked vehicles at MDOT lot.
- 8) Suggestion that a picnic area be added to the site.



Meeting Minutes

Date: January 31, 2005

- 9) Comment that the architectural style was pleasing.
- 10) When will construction begin?
- 11) How many footcandles will the new lighting plan provide?

Adjourn

Respectfully Submitted by:
SMRT, Inc.



George D. McDonough, ASLA

cc:

Code Official: Ethan Boxer-Macomber

Owner: Tim Levine, James Brady: Olympia Equity Investors

Consultant:

SMRT ME: George McDonough

File: 04052/23

K2

January 31, 2005

Neighborhood Meeting Sign-In Sheet

Project: 50 Sewall Street Office Building

Application 1) C-19 Contract Zone Amendment

Application 2) R-5 to B-2 Zone Change, Vicinity of 1100 Congress Street

NAME		ADDRESS
1	Ted Quinn	15 Whitney Ave
2	FRANK & Susanna Sanfilippo	96 Douglas St
3	Mark Sengemann	55 Strandwater Rd
4	Dante Podgorski	BT Hotel
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		

K3

City of Portland Site Plan Application

If you or the property owner owe real estate taxes, personal property taxes or user charges on any property within the City of Portland, payment arrangements must be made before permit applications can be received by the Inspections Division.

Address of Proposed Development: 50 Sewall Street		Zone: C 39
Total Square Footage of Proposed Structure: Footprint = 11,096 SF Bldg SF = 45,000	Square Footage of Lot: 74,052	
Tax Assessor's Chart, Block & Lot: Chart# 189 Block# A Lot# 31	Property owner's mailing address: Olympia Equity Investors 280 Fore Street, Suite 202 Portland, ME 04101	Telephone #: 874-9990
Consultant/Agent, mailing address, phone # & contact person: SMRT, Inc. 144 Fore Street, PO Box 618 Portland, ME 04104 772-3846 George McDonough	Applicant's name, mailing address, telephone #/Fax#/Pager#: Olympia Equity Investors I, LLC Olympia Equity Investors II, LLC Olympia Equity Investors III, LLC Olympia Equity Investors XIII, LLC 280 Fore Street, Suite 202 Portland, ME 04101 Tim Levine 874-9990	Project name: 50 Sewall Street Office Building

(A1)

From: Ethan Boxer-Macomber
To: tlevine@olympiaequity.com
Date: 9/21/2005 4:22:36 PM
Subject: Proposed change to guardrail design

Hello Tim-

I brought the bollard concept to the development review meeting this morning. Our peer review engineer felt strongly that the independent PT bollards, 9 feet on center, did not meet the intent of the original recommendation to have a guardrail at that location. It seems like we can be somewhat flexible on the design so long as a continuous barrier is achieved.

Let me know if you have any further questions on this or if you would like to propose an alternative design.

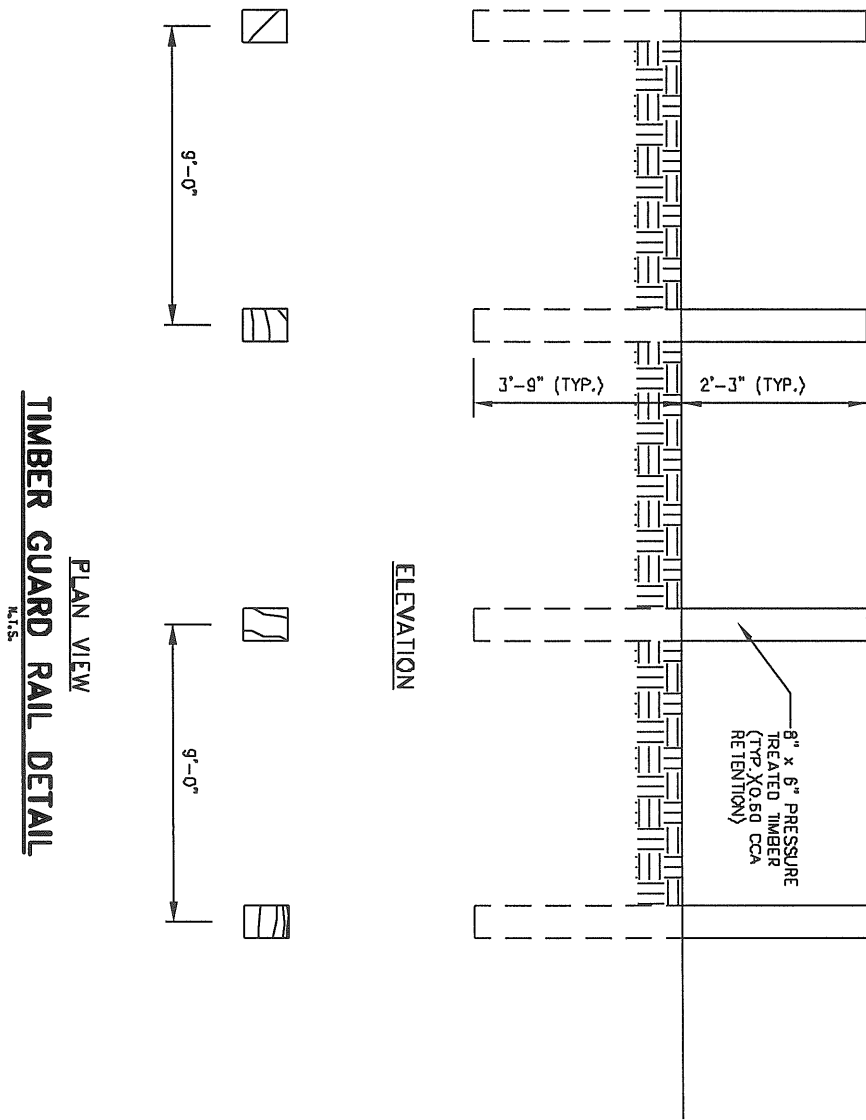
Best,

Ethan Boxer-Macomber, AICP
Planner
City of Portland Planning Division
389 Congress Street
Portland, ME 04101

Tel: 207.756.8083
Fax: 207.756.8258

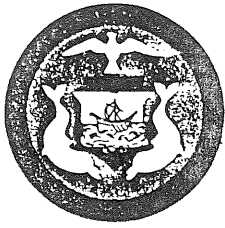
CC: Chris Osterrieder; Sarah Hopkins

G:\2498\dwg\CONSTRUCTION SET\2498-DET.dwg, Model, 9/2/2005 10:00:34 AM, costarrieder









CITY OF PORTLAND

JOSEPH E. GRAY, JR.
DIRECTOR OF PLANNING
AND URBAN DEVELOPMENT

May 8, 1985

Mr. Alfred J. Waxler
Your Home, Inc.
P.O. Box 6681
Portland, Maine

Dear Mr. Waxler:

On April 29, 1985, you submitted a site plan for 423 Warren Avenue in conjunction with your application for a certificate of occupancy. The site plan is incomplete, however, and does not comply with the City's Site Plan Ordinance. A copy of the ordinance is enclosed for your information. In order for the City to begin its review, the site plan must be prepared by a registered surveyor setting forth the following additional information:

1. Name and address of the applicant and name of the development;
2. north point;
3. boundaries of the site;
4. location (show setbacks) and ground floor area of buildings (specifically, referring to office building);
5. location of areas on the site which will be used to dispose of surface water drainage;
6. exterior lighting proposed for the site;
7. landscaping proposed for the site;
8. access to the site and to the parking area;
9. the customer parking spaces are to be delineated; and
10. a written statement must be submitted which includes these items:
 - a. description of the proposed uses; and
 - b. total land area of site and total floor area and ground coverage of proposed building.

will show.

drains to rear, will show slow narrows

5-6 cars for sale.

*3-4 mobile homes
near 6.*

*New proposed
except exists.*

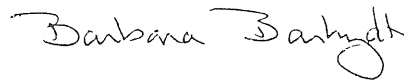
grass berm (might need trees.)

Page 2 Waxler May 8, 1985

There is a requirement for two foot contours; however, Robert Roy, Planning Engineer in Public Works, has waived this requirement based on his determination that such detail is not required in order to evaluate the drainage for the site. One final comment, there are no utilities lines shown on the plan and a water line and a sewer line are required in order to receive a building permit.

Alex and I will review these items with you at our meeting on May 13 at 9:00 A.M., at which time other issues may come to light.

Sincerely,



Barbara Barhydt
Planner

BB/om

cc: Alexander Jaegerman, Chief Planner
Joseph E. Gray, Jr., Director of Planning & Urban Development
Malcolm Ward, Zoning Administrator

Letter Your Home Inc. -Alex Jaegerman

The documents I have already submitted coupled with the reference to the street address are sufficient to establish this. The absence of the N arrow is not sufficient grounds to consider these documents either incomplete or unreliable.

No utilities are needed and therefore it serves no purpose to show where they would be if they were.

Please note that although the State Supreme court ruled that a mobile home is a building it was solely in the context of its use as a "single family dwelling". When not used as a single family dwelling it is a "motor vehicle".

Next please take the time to read the City of Portland's "Trailer Ordinance" which was adopted in 1959 to accommodate my being Portland's only mobile home dealer. At that time the Council granted permission for Mobile Home Dealers to use a mobile home as an office. Also provisions were made to allow temporary use of Mobile Homes as construction offices. There were no time constraints placed on a Mobile Home Dealership as to the use of a temporary office. This application of the ordinance is shown by the use in Woodfords Corner for eight years of a Mobile Home as an office.

Please find enclosed my application submitted for this same purpose in 1970. This is part of the Court record of the permits applied for and ordered granted by the Court. Since the sale of mobile homes is in conjunction with the operation of the mobile home park to be built on part of this same parcel of ground.

(Page 3)

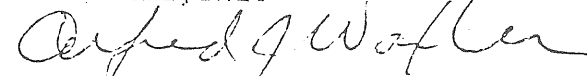
Letter Your Home Inc, -Alex Jaegerman

Also find enclosed two photos of a temporary use of mobile homes as construction offices on Congress Street adjacent to the Sportsman's Grille (911 Congress Street). These units have been there for over one year. Please make available the building inspection file on the permits for this location and the action of the Department to police the temporary use permit. The same setback requirements noted here also would apply to my use. Also George Hutchins used a travel trailer as an office for used car sales for several years.

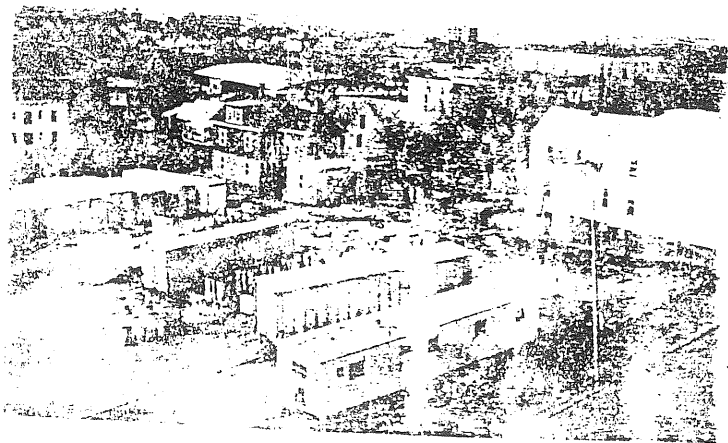
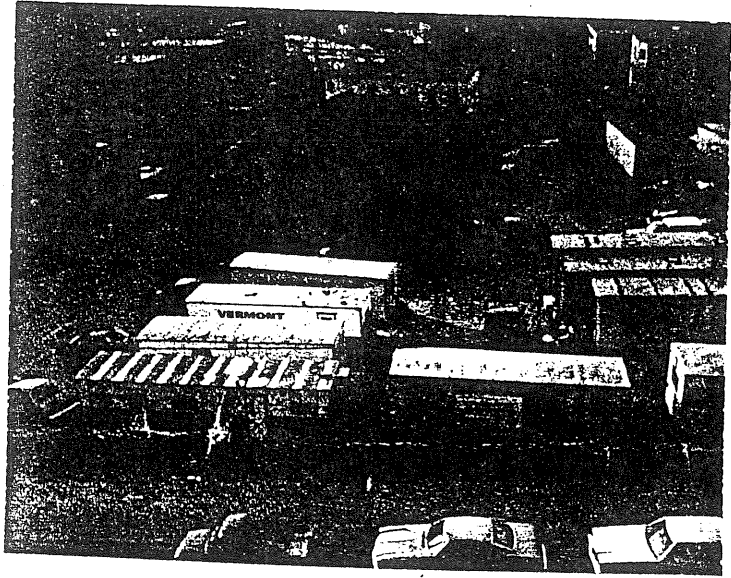
In conclusion it is my intention to fully cooperate with the Planning Department to resolve any important issues, as for example the placement of the entrance. It is my understanding that the Fire Department, Police Department, along with Public Works have approved this material.

I trust that a simple solution can be found to a simple problem without the necessity of adding another count to the long list of errors both myself and this Corporation has experienced in dealing with the City of Portland on the issue of Mobile Homes.

Sincerely yours,
Your Home, Inc.


Alfred J. Waxler
President

AJW/trb
Enclosure: (two)
photos and permit form
cc:
Joseph Gray
David Lourie



APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine July 10, 1970

Location 279-305 Warren Avenue

Zone I-2 Industrial Zone

To the INSPECTOR OF BUILDINGS, Portland, Maine

The undersigned hereby applies for a certificate of occupancy to allow the use of the above named premises for Sale and display of Mobile Homes as set forth on the attached site plan (made by E. C. Jordan m 379 Congress St. and address is Northwest Highway) to show compliance with the Zoning Ordinance according to the intended use and the zone in which the property is located; and in accordance with the following pertinent information:-

Owner (name, address and phone number) Alfred J. Waxler, 726 Forest Ave.

Lessee (name, address and phone number) _____

Is proposed use to be accessory to a building or other use on this lot? no
If so, what is use of building or other use _____

If off-street parking is sought, what is proposed maximum number of vehicles to be parked—passenger cars? _____, commercial vehicles? 30 mobile homes

Have you secured on the site plan the written approval of existing and proposed entrances to and exits from the premises for vehicles over public sidewalks by the Traffic Engineer (Dept. of Public Works)? _____
And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? _____

Have you shown on the site plan the true location of all trees on the public street along the frontage of the premises (both streets if a corner lot)? _____

Do you propose to remove or disturb any tree on a public street? no
If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

\$5.00 fee paid

Signature of Owner [Signature]
By [Signature]
(fully authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

COMMENCING the above proposed use of the premises would be IN VIOLATION of the Zoning Ordinance unless a Certificate of Occupancy is first procured from the Department of Building Inspection.

However, improvement of the premises according to the site plan and the above application may now proceed without further authorization, but subject to the conditions indicated below--notice of readiness for final inspection to be given to this department when the premises have been placed in compliance with the requirements:-

(date) _____

RECEIVED BY INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

483

Applicant Your Home, Inc.

Date April 30, 1985

Mailing Address P. O. Box 6681 - 773-5853

Address of Proposed Site 423 Warren Avenue

Proposed Use of Site mobile home display area

Site Identifier(s) from Assessors Maps _____

Acreage of Site 1 acre plus /

Zoning of Proposed Site I-2

Site Location Review (DEP) Required: () Yes () No

Proposed Number of Floors _____

Board of Appeals Action Required: () Yes () No

Total Floor Area _____

Planning Board Action Required: () Yes () No

Other Comments: _____

Date Dept. Review Due: _____

BUILDING DEPARTMENT SITE PLAN REVIEW
(Does not include review of construction plans)

- Use does NOT comply with Zoning Ordinance
 - Requires Board of Appeals Action
 - Requires Planning Board/City Council Action

Explanation _____

- Use complies with Zoning Ordinance — Staff Review Below

Zoning: **SPACE & BULK,**
as applicable

COMPLIES

COMPLIES
CONDITIONALLY

DOES NOT
COMPLY

DATE	ZONE LOCATION	INTERIOR OR CORNER LOT	40 FT. SETBACK AREA (SEC. 21)	USE	SEWAGE DISPOSAL	REAR YARDS	SIDE YARDS	FRONT YARDS	PROJECTIONS	HEIGHT	LOT AREA	BUILDING AREA	AREA PER FAMILY	WIDTH OF LOT	LOT FRONTAGE	OFF-STREET PARKING	LOADING BAYS

CONDITIONS SPECIFIED BELOW

REASONS SPECIFIED BELOW

REASONS: _____

SIGNATURE OF REVIEWING STAFF/DATE

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Your Home, Inc.

Applicant

P. O. Box 6681 - 773-5853

April 30, 1985

Date

Mailing Address

mobile home display area

423 Warren Avenue

Address of Proposed Site

Proposed Use of Site

LOGS PLUS /

Site Identifier(s) from Assessors Maps

Acreage of Site

741 Ground Floor Coverage

Zoning of Proposed Site

Site Location Review (DEP) Required: () Yes () No

Proposed Number of Floors

Board of Appeals Action Required: () Yes () No

Total Floor Area

Planning Board Action Required: () Yes () No

Other Comments:

Date Dept. Review Due:

FIRE DEPARTMENT REVIEW

(Date Received)

	ACCESS TO SITE	ACCESS TO STRUCTURES	SUFFICIENT VEHICLE TURNING ROOM	SAFETY HAZARDS	HYDRANTS	SIAMESE CONNECTIONS	SUFFICIENCY OF WATER SUPPLY	OTHER	
APPROVED	✓	✓	✓	✓	✓	✓	✓	✓	
APPROVED CONDITIONALLY									CONDITIONS SPECIFIED BELOW
DISAPPROVED									REASONS SPECIFIED BELOW

REASONS: _____

(Attach Separate Sheet if Necessary)

James P. Collins
 SIGNATURE OF REVIEWING STAFF/DATE

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Applicant Your Home, Inc.

Date April 11, 1985

Mailing Address P. O. Box 6681 - 773-5853

Address of Proposed Site 423 Warren Avenue

Proposed Use of Site mobile home display area

Site Identifier(s) from Assessors Maps _____

Acres of Site 1 acre plus / Ground Floor Coverage _____

Zoning of Proposed Site _____

Site Location Review (DEP) Required: () Yes () No

Proposed Number of Floors _____

Board of Appeals Action Required: () Yes () No

Total Floor Area _____

Planning Board Action Required: () Yes () No

Other Comments: _____

Date Dept. Review Due: _____

PUBLIC WORKS DEPARTMENT REVIEW

(Date Received) _____

	TRAFFIC CIRCULATION	ACCESS	CURB CUTS	ROAD WIDTH	PARKING	SIGNALIZATION	TURNING MOVEMENTS	LIGHTING	CONFLICT WITH CITY CONSTRUCTION PROJECT	DRAINAGE	SOIL TYPES	SEWERS	CURBING	SIDEWALKS	OTHER
APPROVED			—			—			✓						
APPROVED CONDITIONALLY	✓	✓			✓		✓	✓		✓	✓	✓	R/R		
DISAPPROVED	✓	✓			✓		✓	✓		✓	✓	✓			

CONDITIONS SPECIFIED BELOW

REASONS SPECIFIED BELOW

REASONS: Site plan is incomplete as per sec 14-526-e(1,2) of the City of Portland Municipal Code

(Attach Separate Sheet if Necessary)

Robert J. Roy July 26, 1985
SIGNATURE OF REVIEWING STAFF/DATE

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
 Processing Form

Applicant _____

Date July 24, 1985

Mailing Address _____

Address of Proposed Site _____

Proposed Use of Site _____

Site Identifier(s) from Assessors Maps _____

Acreage of Site / Ground Floor Coverage _____

Zoning of Proposed Site _____

Site Location Review (DEP) Required: () Yes () No

Proposed Number of Floors _____

Board of Appeals Action Required: () Yes () No

Total Floor Area _____

Planning Board Action Required: () Yes () No

Other Comments: _____

Date Dept. Review Due: _____

PLANNING DEPARTMENT REVIEW

5/1/85
 (Date Received)

Major Development — Requires Planning Board Approval: Review Initiated

Minor Development — Staff Review Below

	LOADING AREA	PARKING	CIRCULATION PATTERN	ACCESS	PEDESTRIAN WALKWAYS	SCREENING	LANDSCAPING	SPACE & BULK OF STRUCTURES	LIGHTING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN	
APPROVED													
APPROVED CONDITIONALLY													CONDITIONS SPECIFIED BELOW
DISAPPROVED	RA	✓	✓	✓	✓	✓	✓	✓	✓				REASONS SPECIFIED BELOW

REASONS: rao plan lacks sufficient information in the above areas, thus the plan has been disapproved as an incomplete site plan. Attached is the correspondence regarding this project.

(Attach Separate Sheet if Necessary)

Barbara Barlett 7/25/85
 SIGNATURE OF REVIEWING STAFF/DATE



CITY OF PORTLAND

JOSEPH E. GRAY, JR.
DIRECTOR OF PLANNING
AND URBAN DEVELOPMENT

May 24, 1985

Mr. Alfred J. Waxler, President
Your Home, Inc.
P.O. Box 81
Woodfords Station
Portland, Maine 04101

Dear Mr. Waxler: *al*

I have reviewed your letter of May 10 regarding your interest in relocating the manufactured housing sales office from Woodfords Corner to 423 Warren Avenue. You have our letter of May 8, 1985, from Barbara Barhydt, which lists the necessary specifications for a site plan many of which are lacking on the plan that you submitted.

I assure you, Al, that this is a routine handling of all site plan submissions. We cannot approve an incomplete plan. Although the Department of Parks and Public Works has waived the requirement for two foot contours, the ordinance that Barbara sent you includes the requirement that the plan be prepared by a registered land surveyor. This requirement was added in a 1984 amendment to the ordinance.

Your project does not qualify for a temporary permit since it is not of a limited and short duration. The Building Inspector indicates that utilities must be provided to the office. I suggest further discussion between you, me, and the Building Inspector on that point if you wish clarification of this requirement.

Finally, I do expect to receive a site plan shortly for a project to be located at 425 Warren Avenue, possibly one which will build a driveway over the abutting land over which you might have an access easement. We would encourage you to pursue a joint use of a single opening on Warren Avenue, subject to the Traffic Engineers review.

We will conduct a timely review of your site plan to facilitate relocation of your sales facility upon receipt of a complete plan.

Sincerely,

Alexander Jaegerman
Chief Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Barbara Barhydt, Planner
P. Samuel Hoffses, Chief of Inspection Services

YOUR HOME, INC.

BUILDERS OF FINE HOMES-REAL ESTATE AND PROPERTY MANAGEMENT

26 OCEAN AVENUE

PORTLAND, MAINE

May 10, 1985

MAIL TO:
P. O. BOX 81
WOODFORDS STATION
04101

Alexander Jaegerman, Chief Planner
City of Portland
Department of Planning and Urban Development
389 Congress Street
Portland, Maine 04101

Re: Permit for Certificate of Occupancy 423 Warren Ave.

Dear Alex:

After several days of deep thought I feel this letter is in order since our conversation on Wednesday May 8th and your subsequent letter on the same date.

To review the facts surrounding this application please note:

1. On April 29th after conversations with both the Building Inspector Sam Hoffses and Planning Consultant Warren Turner I was advised that my application was solely for a certificate of occupancy for an unimproved parking area to display Mobile Homes. The permit request was documented by a check and receipt for \$35.00.

- a. No permit is required to fence in a parcel of land for security purposes.

- b. No permit is required to regrade property so long as no water course is diverted or drainage burdens placed upon adjacent land or public property

Letter Your Home Inc.-Alex Jaegerman

2. The following day Sam Hoffses called and I was advised that Alex Jaegerman had determined that this was a minor development and would require site plan review by staff.

3. On April 30th "under protest" I issued a check for \$300.00 which the city has cashed, I was advised that 4 days is the normal time for minor reviews.

a. This time frame was diligently persued by me prompting your letter of May 8, 1985.

It is my understanding that this issue has been discussed with the Corporation Council's office.

As soon as David Lourie becomes involved in an issue involving Your Home, Inc. he is immediately blinded by this publicly stated vow to "prevent the construction of Your Home, Inc.'s Mobile Home Park while he is Corporation Council.

In a careful reading of the site plan ordinance a reasonable person can understand that the city has a definite responsibility to protect the health, welfare, and safety of the General Public, including perservation of property values by preventing unauthorized and erroneous uses. The ordinance is concerned with permanent buildings and their environment. The request for submissions includes a map. I can find no reference that this map must be a plan certified by a registered surveyor. The purpose of the map is to define on the face of the earth exactly where this proposed use will be.



CITY OF PORTLAND

November 17, 1997

Al Waxler
P O Box 6681
Portland ME 04101

RE: Warren Avenue Automobile/Mobile Home Sales

Dear Mr. Waxler:

On November 13, 1997, the Portland Planning Authority granted minor site plan approval for the mobile home and automobile retail facility on Warren Avenue, with the following conditions:

1. That a note be added to the plan stating "that the development site will be paved and granite curbing will be installed along the property's frontage on Warren Avenue (to City of Portland standards) when and if a permanent structure is installed or constructed on site in the future."
2. That two trees be planted in the grass area. Appropriate trees are listed in the *City of Portland Technical Standards*.
3. That a four-foot bituminous sidewalk be installed along the property frontage connecting to the (east) abutter's driveway pavement and located five (5) feet south of the Warren Avenue r.o.w./property line.
4. That a note be added to the plan stating that "no more than twenty (20) cars, trucks, and/or mobile homes may be stored or exhibited on site. Any additional storage or exhibition of vehicles will require an amendment to the approved site plan."

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

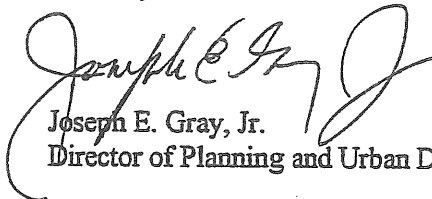
Please note the following provisions and requirements for all site plan approvals:

1. 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. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work'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 preconstruction meeting.
5. 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.)
6. The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This 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 the Planning Staff.

Sincerely,



Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Alexander Jaegerman, Chief Planner
✓ Sarah Hopkins, Senior Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Kathi Staples PE, City Engineer
Development Review Coordinator
William Bray, Deputy Director/City Traffic Engineer
Jeff Tarling, City Arborist
Natalie Burns, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Mary Gresik, Building Permit Secretary
Kathleen Brown, Director of Economic Development
Susan Doughty, Assessor's Office
Approval Letter File




CITY OF PORTLAND

October 14, 1999

Al Waxler
P.O. 6681
Portland, ME 04101

RE: 421 Warren Avenue

Dear Mr. Waxler: 

This letter is to confirm the revision to the approved site plan of the automobile/mobile home sales project located at 421 Warren Avenue.

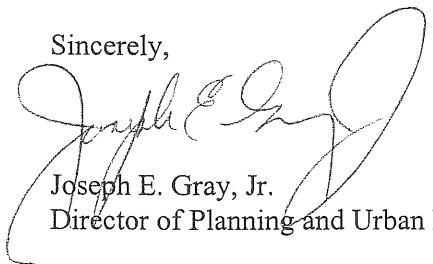
The approved revision includes the relaxation of the limitation on the number of vehicles that can be stored on the site. The original approval allowed "up to 20 cars, trucks, and/or mobile homes to be stored or exhibited on the site . Any additional storage would require an amendment to the approved site plan". This revision will allow up to 24 cars, trucks, and/or mobile homes exhibited or stored on the site.

Our Technical Standards require that "any facility for the equivalent of 25 cars or trucks or greater shall be required to provide for on-site treatment to remove contaminants..." The storage of more vehicles will require the paving and grading of the site and installation of a stormwater treatment structure.

The revised plan has been reviewed and approved by the project review staff including representatives of the Planning, Public Works, Building Inspections, Fire and Parks Departments.

If you have any questions regarding the revision please contact the planning staff at 874-8720.

Sincerely,


Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Alexander Jaegerman, Chief Planner
Sarah Hopkins, Senior Planner
Jeff Tarling, City Arborist
William Bray, Director of Public Works
Tony Lombardo, Project Engineer
Lt. Gaylen McDougall, Fire Prevention
Gary Wood, Corporation Counsel
Penny Littell, Associate Corporation Counsel

O:\PLAN\CORRESP\SECRETAR\FORMS\SPREVIS.WPD

ALFRED J. WAXLER

Mail:
P.O. Box 6681
04101

Phone (207) 773-5853
Fax (207) 772-7554

PORTLAND, MAINE

October 10, 1999

Ms. Sarah Hopkins
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

RE: 20 Vehicle limitation on Site Plan Review at 421 Warren Ave.

Dear Sarah,

On several occasions we discussed the rational for the limitation of 20 vehicles placed in my site plan review letter and included on the last certificate of occupancy issued. Initially when I spoke with you, you attributed this restriction to Gary Wood. Assuming this to be true, I spoke with Gary and at his request asked you to call him and attempt to remove this senseless restriction.

When I spoke with you last Friday, you offered the explanation that the rational for this restriction was based upon the theory that since the lot area was not blacktopped, any fluid run off from the vehicles would eventually find its way into Casco Bay as point source pollution. Therefore, to increase the number of vehicles, would require the installation of blacktop and underground grease traps.

Please accept this letter as a rebuttal to your arguments. I appreciate your present offer to discuss this matter with Alex Jaegerman in an attempt to lift this restriction.

1. The area involved has been approved for the sale of both Automobiles and Manufactured Housing. The wording of the restriction and rational is ambiguous since although manufactured housing when traveling over the road are motor vehicles no noxious fluids are ever emitted. Only the cars can cause this problem. If we are to buy this argument then the limitation of 20 vehicles should

Sarah Hopkins
October 10, 1999
Page 2

be limited to 20 automobiles, not 20 vehicles (cars and mobile homes).

2. Since there is no blacktop involved, environmentally speaking, any runoff from the motor vehicles would go directly into the gravel base and be filtered out. This would biodegrade over a short period of time. Since there are no wells in Portland, groundwater contamination is not an issue.

3. This restriction is not placed upon any of the other auto dealer site plan approvals in Portland. This gives me the right to be treated fairly like all other licensees.

4. This type of a restriction is impossible to police and therefore senseless. The subjects of this discussion are all moveable objects. If I wish to stock 21 motor vehicles, one could be parked on the street during an inspection.

As you know this property has been placed under contract for a large commercial development. These approvals may render this restriction a moot issue, however, since the site plan approval process in Portland can take an extended period of time I intend to operate from this location until the final sale is completed.

As you know the City of Portland holds Al Waxler to a higher standard than they practice themselves. Witness the snow dump, used several years ago, where melting snow was allowed to run directly into Casco Bay. This is a good example of the disregard the City showed for point source pollution. This use was discontinued only after a huge public outcry.

In conclusion, Sarah, please talk with Alex and see to it that this senseless restriction is removed on both my certificate of occupancy and site plan letter.

As a reminder this approval process is still an open issue in Superior Court before Judge Brennan. Therefore, please do your best to resolve this matter now as it has already dragged on several months too long.

Sincerely,



*Write
see me in
this
file*

ALFRED J. WAXLER

Mail:
P.O. Box 6681
04101

Phone (207) 773-5853
Fax (207) 772-7554

PORTLAND, MAINE

December 13, 1997

Mr. Joseph E. Gray, Jr.
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Warren Avenue Automobile/Mobile Home Sales

Jae
Dear Mr. Gray:

In response to your letter dated November 17, 1997 concerning the conditions of the site plan approval at the above-mentioned location I have several concerns that we must resolve.

1. Your first requirement concerns a future use of this property. As you well know, any additional construction will require site plan approval and the conditions that exist at that time will control. I cannot commit to future use now.

2. Portland policy on sidewalk installation is strictly arbitrary and follows no set ordinance. Please consider the following facts and reconsider your sidewalk requirement for this belated project.

- A. This project is a hold over from a 1986 site plan review.
- B. Barbara Barhydt's 1986 letter concerning site plan requirements does not mention sidewalks.
- C. In 1986 the Harbour Auto Body facility was not in place and there were no sidewalks on this side of Warren Ave.
- D. In 1990 the Harbour Auto Body facility was not required to install sidewalks
- E. B.J. Wholesale facility was not required to install sidewalks.
- F. The Maine Turnpike did not install sidewalks on either side of the street when they widened the bridge overpass on Warren Ave.
- G. On outer Forest Ave. the Maine Turnpike widened the bridge overpass. A sidewalk was installed on one side to accommodate the Riverton Park housing Project No sidewalk was installed on

Mr. Joseph E. Gray, Jr.

December 13, 1997

Page 2.

the opposite side. It is my understanding the State of Maine paid for the Riverton sidewalk.

Regarding the sidewalk policy in Portland, it has come to my attention that residential areas are provided sidewalks at taxpayer expense. Businesses, on the other hand, are sometime required to provide sidewalks for people who do not patronize their business. Internal off street parking is normally a site plan requirement. This haphazard policy violates the equal protection clause under the Maine and United States Constitutions. My tax dollars bought a sidewalk in front of my home. My tax dollars should do the same in front of my business.

The two required trees, approved by Sarah Hopkins. are in place.

I am planning to be absent from the state for the next five (5) weeks and when I return I would like to see that the project has been inspected and approved. Please sign and return the enclosed "Building Code and Land Use Regulatory Clearance" form so that I may attempt to reclaim the Dealer license I held in 1985 at Woodfords Corner.

Cooperation on the part of the City at this point will go a long way toward cleaning up the still pending litigation before Justice Brennan.

This letter has two purposes:

1. It satisfies a time requirement, as it is an answer and request for reconsideration so that the City cannot say I lost my right to a 30-day appeal period. Please reserve any decisions until I return. This matter has been on file for more than ten years and 30 days additional at this point do not matter.
2. A request to make dismissal of the law suits a condition of approval will result in further legal action.

Since it appears the City now has new policy to allert department heads of their involvement in the decision making process, I would appreciate a copy of the memo you send to each departmt head to alert them of the impending changes to the approval letter in file.

Mr. Joseph E. Gray, Jr.

December 13, 1997

Page 3

Merry Christmas and Happy New Year to you and your staff of little elves.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph E. Gray, Jr.", written in black ink.

AJW/bh

Enclosure:

State land use form

SECRETARY OF STATE
BUREAU OF MOTOR VEHICLES
STATE HOUSE STATION 29
AUGUSTA, MAINE 04333

Alfred J. Waxler D/B/A AUTOLAND
421 Warren Avenue
Portland, Maine 04103

APPLICANT'S NAME AND ADDRESS
MOTOR VEHICLE DEALER REGISTRATION

BUILDING CODE, ZONING AND LAND USE REGULATORY ORDINANCE CLEARANCE

Dear Sir:

As required by the Secretary of State, the above named applicant, at the location shown, is in compliance with all local building codes and land use regulatory ordinances as they pertain to a commercial building, a vehicle display area, and sale and service of vehicles and the display of a permanently mounted sign.

A local seller's license:

IS REQUIRED _____

IS NOT REQUIRED _____

(if required),

HAS BEEN ISSUED _____

WILL BE ISSUED _____

Signature: _____
(Duly Authorized City/Town Official)

Title

TO BE NOTARIZED

STATE OF MAINE

County of _____ ss. _____ 19 _____

Then personally appeared the above DULY AUTHORIZED CITY/TOWN OFFICIAL named

_____ and acknowledged the forgoing instrument under oath to be _____

free act and deed.

Before me _____
Notary Public - Justice of Peace



CITY OF PORTLAND

September 22, 1997

Al Waxler
PO Box 6681
Portland ME 04101

RE: Warren Ave. Automobile/Mobile Home Sales Facility

Dear Al:

Thank you for submitting the revised site plan for the mobile home and automobile retail facility on Warren Avenue.

Staff from Planning, Parks and Recreation, and Public Works reviewed the proposal during our weekly development review meeting and required that the following items be added to your plan:

1. That a note be added to the plan stating "that the development site will be paved and granite curbing will be installed along the property's frontage on Warren Avenue (to City of Portland standards) when and if a permanent structure is installed or constructed on site in the future."
2. That two trees be planted in the grass area. Appropriate trees are listed in the City of Portland Technical Standards (see attached.)
3. That a 4 ft. bituminous sidewalk be installed along the property frontage connecting to the (east) abutter's driveway pavement and located 5 ft. south of the Warren Avenue r.o.w./property line.
4. That a note be added to the plan stating that "no more than 20 cars, trucks, and/or mobile homes may be stored or exhibited on site. Any additional storage or exhibition of vehicles will require an amendment to the approved site plan."

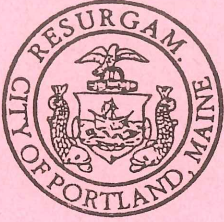
Your proposed plan is in the planning office. If you would like to make the changes directly on the plan, please let me know.

Sincerely,



Sarah Hopkins
Senior Planner

cc: Alexander Jaegerman, Chief Planner
Natalie Burns, Associate Corporation Counsel



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Duane Kline, Finance Department

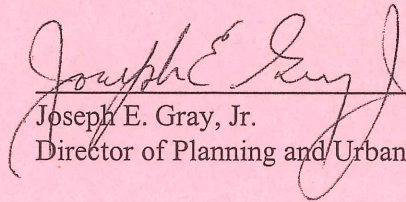
FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

DATE: August 12, 1999

SUBJECT: Release of Letter of Credit
421 Warren Avenue

Please release Letter of Credit Account #61451-656 in the amount of \$1,300.00 for the automobile/mobile home sales lot. Please send this letter to Sherry Torrey at Peoples Bank. Thank you.

Approved:



Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: ✓ Sarah Hopkins, Senior Planner
Code Enforcement
Jim Wendel, Development Review Coordinator

ALFRED J, WAXLER

Mail:
P.O. Box 6681
04101

Phone (207) 773-5358
Fax (207) 772-7554

PORTLAND, MAINE

October 12, 1998

Ms. Penny Littell, Esq.
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Site Plan Letter of Credit 421 Warren Ave.

Dear Ms. Littell:

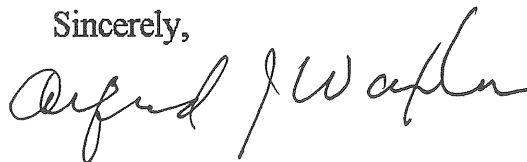
In negotiations with the City I find that there is no substitute for direct dialogue and since we have yet to meet I feel this letter is appropriate.

This site plan now under review extends back to 1986 and is now ready to be resolved. Sarah Hopkins had provided me with the standard letter of credit currently in use. I gave this to Ms Sherry Torrey, of Peoples Bank with further instructions to contact the City and verify that this material is in the correct form.

On October 1, 1998, I completed all of the documents required by the Bank. Also, signed and received the bond form from the Bank. I have it in my possession ready to deliver to the City. Now I find that on October 6, 1998 you are requesting revisions to the completed document. My problem is not with the revisions but with the costs and time delays these revisions' demand. This bond is for \$1300.00. The project will be complete within two weeks after the fees are paid. This project is minuscule and the City of Portland gets a free sidewalk.

Please contact me so that we can personally resolve this matter, as late fall approaches time becomes an important factor.

Sincerely,



AJW/bhw
cc: Sarah Hopkins

Peoples Heritage Bank

One Portland Square
P.O. Box 9540
Portland, ME 04112-9540

1-800-462-3666
Tel: 207-761-8500



SITE PLAN/SUBDIVISION
PERFORMANCE GUARANTEE:
LETTER OF CREDIT

*432
Warren Ave.*

Account # 61451-656

October 01, 1998

Joseph E. Gray, Jr., Director
Planning and Urban Development
City of Portland
Portland, ME 04101

Re: Alfred J. Waxler

Dear Mr. Gray:

Peoples Heritage Bank, hereby issues its Irrevocable Letter of Credit for the account of Alfred J. Waxler as developer, hereinafter referred to as the Developer, in the name of the City of Portland in the aggregate amount of One Thousand Three Hundred and 00/100 Dollars (\$1,300.00).

The City may draw on the Letter of Credit by presentation of a sight draft at the Bank's offices located at One Portland Square, P.O. Box 9540, Portland, Maine 04112, in the event that the Developer fails to complete by October 01, 1999, or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth on the approved subdivision plans or in the event the Developer fails to post the ten percent (10%) Defect Bond or Guarantee reference below. Said sight draft shall be accompanied by a written statement from the City's Director of Parks and Public Works or Director of Planning and Urban Development stating that said ten percent (10%) Defect Bond or Guarantee has not been filed with the City or stating that the Developer has failed to complete such work.

In the event the Bank's dishonor of the City of Portland's sight draft and accompanying affidavit, the Bank shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

The Developer will notify the City of Portland for inspections. After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, including but not limited to sanitary sewers, storm drains, catch


basins, manholes and other required improvements constructed chiefly below grade, the Bank shall be eligible to receive a reduction in its obligations hereunder equal to the estimated cost of improvements, provided that the total of the value of the improvements for which a reduction is sought shall be at least two hundred thousand dollars (\$200,000.00) or fifty percent (50%) of the total amount of this Letter of Credit, whichever is less. In no case, however, shall the obligations of the Bank hereunder be reduced to an amount which is less than the estimated cost of completing all prescribed improvements as determined by the Department of Public Works, plus ten percent (10%) of the initial amount of this Letter of Credit. This Letter of Credit will automatically expire on ~~October 31~~^{December 31}, 1999 but may expire prior to this date when the City of Portland acknowledges in writing to the Bank and the Developer that said work outlined has been completed in accordance with the City of Portland specifications, when the Developer has given the City of Portland any required warranty deeds to property within streets which are to be dedicated to the City of Portland and when the Developer has filed with the City of Portland a ten percent (10%) Defect Bond or Guarantee (or other security acceptable to the City of Portland) insuring the workmanship and the durability of all materials used in the construction of the public improvements listed, for a period of one year from the date of the acceptance of such improvements by the City of Portland.

We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored. However, other than the payment of monies as authorized hereunder. The Bank shall not guarantee the performance of the Developer to the City of Portland.

This Letter of Credit shall be interpreted and construed in accordance with, and shall be governed by, the Uniform Customs and Practice for Documentary Credit (1993 Revision), International Chamber of Commerce Publication No. 500, and to the extent not inconsistent therewith, by the Uniform Commercial Code as in effect from time to time in the State of Maine.

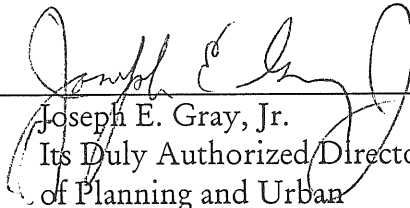
Very truly yours,

Peoples Heritage Bank

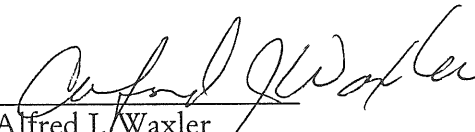

By: Sherry Torrey
Assistant Vice President

The City of Portland has accepted this Letter of Credit as security for the Developer's obligations to be performed pursuant to Section 14-501(a) and/or Section 14-525(j) of the Portland City Code.

Date: 10/20/98

By: 
Joseph E. Gray, Jr.
Its Duly Authorized Director
of Planning and Urban
Development

Seen and Agreed to:

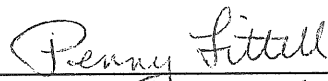
By: 
Alfred J. Waxler

Date: 10/1/98

Reviewed pursuant to Section 14-501(a) and/or Section 14-525(j) Portland City Code.

By: 
Director of Finance

Date: 10-20-98

By: 
Corporation Counsel

Date: 10/20/98



CITY OF PORTLAND

September 22, 1997

Al Waxler
PO Box 6681
Portland ME 04101

RE: Warren Ave. Automobile/Mobile Home Sales Facility

Dear Al:

Thank you for submitting the revised site plan for the mobile home and automobile retail facility on Warren Avenue.

Staff from Planning, Parks and Recreation, and Public Works reviewed the proposal during our weekly development review meeting and required that the following items be added to your plan:

1. That a note be added to the plan stating "that the development site will be paved and granite curbing will be installed along the property's frontage on Warren Avenue (to City of Portland standards) when and if a permanent structure is installed or constructed on site in the future."
2. That two trees be planted in the grass area. Appropriate trees are listed in the City of Portland Technical Standards (see attached.)
3. That a 4 ft. bituminous sidewalk be installed along the property frontage connecting to the (east) abutter's driveway pavement and located 5 ft. south of the Warren Avenue r.o.w./property line.
4. That a note be added to the plan stating that "no more than 20 cars, trucks, and/or mobile homes may be stored or exhibited on site. Any additional storage or exhibition of vehicles will require an amendment to the approved site plan."

Your proposed plan is in the planning office. If you would like to make the changes directly on the plan, please let me know.

Sincerely,



Sarah Hopkins
Senior Planner

cc: Alexander Jaegerman, Chief Planner
Natalie Burns, Associate Corporation Counsel

SECRETARY OF STATE
BUREAU OF MOTOR VEHICLES
STATE HOUSE STATION 29
AUGUSTA, MAINE 04333

Alfred J. Waxler D/B/A AUTOLAND
421 Warren Avenue
Portland, Maine 04103

APPLICANT'S NAME AND ADDRESS
MOTOR VEHICLE DEALER REGISTRATION

BUILDING CODE, ZONING AND LAND USE REGULATORY ORDINANCE CLEARANCE

Dear Sir:

As required by the Secretary of State, the above named applicant, at the location shown, is in compliance with all local building codes and land use regulatory ordinances as they pertain to a commercial building, a vehicle display area, and sale and service of vehicles and the display of a permanently mounted sign.

A local seller's license:

IS REQUIRED _____

IS NOT REQUIRED _____

(if required),

HAS BEEN ISSUED _____

WILL BE ISSUED _____

Signature: _____
(Duly Authorized City/Town Official)

Title

TO BE NOTARIZED

STATE OF MAINE

County of _____ ss. _____ 19 _____

Then personally appeared the above DULY AUTHORIZED CITY/TOWN OFFICIAL named

_____ and acknowledged the forgoing instrument under oath to be _____

free act and deed.

Before me _____
Notary Public - Justice of Peace

Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, ME 04112-9540
1-800-462-3868
Tel: 207-761-8600

*Smart
Am I suppose
to do something
with that?
Joe*

*Rec'd
11-4-98
sent to
Dennis Gordon*



**SITE PLAN/SUBDIVISION
PERFORMANCE GUARANTEE:
LETTER OF CREDIT**

*432
Warren Ave.*

Account # 61451-656

October 01, 1998

Joseph E. Gray, Jr., Director
Planning and Urban Development
City of Portland
Portland, ME 04101

Re: Alfred J. Waxler

Dear Mr. Gray:

Peoples Heritage Bank, hereby issues its Irrevocable Letter of Credit for the account of Alfred J. Waxler as developer, hereinafter referred to as the Developer, in the name of the City of Portland in the aggregate amount of One Thousand Three Hundred and 00/100 Dollars (\$1,300.00).

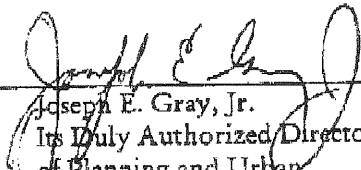
The City may draw on the Letter of Credit by presentation of a sight draft at the Bank's offices located at One Portland Square, P.O. Box 9540, Portland, Maine 04112, in the event that the Developer fails to complete by October 01, 1999, or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth on the approved subdivision plans or in the event the Developer fails to post the ten percent (10%) Defect Bond or Guarantee reference below. Said sight draft shall be accompanied by a written statement from the City's Director of Parks and Public Works or Director of Planning and Urban Development stating that said ten percent (10%) Defect Bond or Guarantee has not been filed with the City or stating that the Developer has failed to complete such work.

In the event the Bank's dishonor of the City of Portland's sight draft and accompanying affidavit, the Bank shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

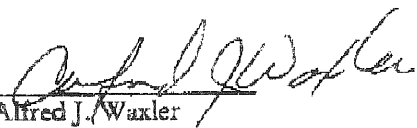
The Developer will notify the City of Portland for inspections. After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, including but not limited to sanitary sewers, storm drains, catch

The City of Portland has accepted this Letter of Credit as security for the Developer's obligations to be performed pursuant to Section 14-501(a) and/or Section 14-525(j) of the Portland City Code.

Date: 10/20/98

By: 
Joseph E. Gray, Jr.
Its Duly Authorized Director
of Planning and Urban
Development

Seen and Agreed to:

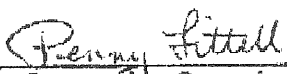
By: 
Alfred J. Waxler

Date: 10/1/98

Reviewed pursuant to Section 14-501(a) and/or Section 14-525(j) Portland City Code.

By: 
Director of Finance

Date: 10-20-98

By: 
Patricia Fittell
Corporation Counsel

Date: 10/20/98

*Write
see me on
this
see*

ALFRED J. WAXLER

Mail:
P.O. Box 6681
04101

Phone (207) 773-5853
Fax (207) 772-7554

PORTLAND, MAINE

December 13, 1997

Mr. Joseph E. Gray, Jr.
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Warren Avenue Automobile/Mobile Home Sales

[Signature]
Dear Mr. Gray:

In response to your letter dated November 17, 1997 concerning the conditions of the site plan approval at the above-mentioned location I have several concerns that we must resolve.

1. Your first requirement concerns a future use of this property. As you well know, any additional construction will require site plan approval and the conditions that exist at that time will control. I cannot commit to future use now.
2. Portland policy on sidewalk installation is strictly arbitrary and follows no set ordinance. Please consider the following facts and reconsider your sidewalk requirement for this belated project.
 - A. This project is a hold over from a 1986 site plan review.
 - B. Barbara Barhydt's 1986 letter concerning site plan requirements does not mention sidewalks.
 - C. In 1986 the Harbour Auto Body facility was not in place and there were no sidewalks on this side of Warren Ave.
 - D. In 1990 the Harbour Auto Body facility was not required to install sidewalks
 - E. B.J. Wholesale facility was not required to install sidewalks.
 - F. The Maine Turnpike did not install sidewalks on either side of the street when they widened the bridge overpass on Warren Ave.
 - G. On outer Forest Ave. the Maine Turnpike widened the bridge overpass. A sidewalk was installed on one side to accommodate the Riverton Park housing Project No sidewalk was installed on

Mr. Joseph B. Gray, Jr.

December 13, 1997

Page 2.

the opposite side. It is my understanding the State of Maine paid for the Riverton sidewalk.

Regarding the sidewalk policy in Portland, it has come to my attention that residential areas are provided sidewalks at taxpayer expense. Businesses, on the other hand, are sometime required to provide sidewalks for people who do not patronize their business. Internal off street parking is normally a site plan requirement. This haphazard policy violates the equal protection clause under the Maine and United States Constitutions. My tax dollars bought a sidewalk in front of my home. My tax dollars should do the same in front of my business.

The two required trees, approved by Sarah Hopkins. are in place.

I am planning to be absent from the state for the next five (5) weeks and when I return I would like to see that the project has been inspected and approved. Please sign and return the enclosed "Building Code and Land Use Regulatory Clearance" form so that I may attempt to reclaim the Dealer license I held in 1985 at Woodfords Corner.

Cooperation on the part of the City at this point will go a long way toward cleaning up the still pending litigation before Justice Brennan.

This letter has two purposes:

1. It satisfies a time requirement, as it is an answer and request for reconsideration so that the City cannot say I lost my right to a 30-day appeal period. Please reserve any decisions until I return. This matter has been on file for more than ten years and 30 days additional at this point do not matter.
2. A request to make dismissal of the law suits a condition of approval will result in further legal action.

Since it appears the City now has new policy to alert department heads of their involvement in the decision making process, I would appreciate a copy of the memo you send to each departmt head to alert them of the impending changes to the approval letter in file.

Mr. Joseph E. Gray, Jr.
December 13, 1997
Page 3

Merry Christmas and Happy New Year to you and your staff of little elves.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeffrey J. W. Walker".

AJW/bh

Enclosure:

State land use form

ALFRED J. WAXLER
REAL ESTATE***PROPERTY MANAGEMENT***MARKET ANALYSIS

MAIL
P.O. BOX 6681
0400101

TEL. (207) 7735853
FAX (207) 7727554

PORTLAND, MAINE

9/18/97

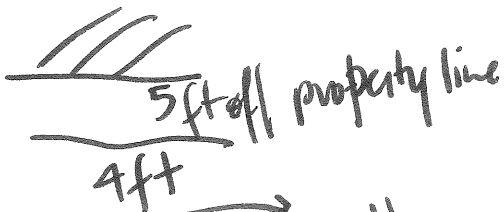
To: Sarah Hopkins

cond^{future} A ^{perfn.} structures, curb will be req'd
pavmt

2 ^{trees} ~~ways~~ C-P ~~A~~ caliper.

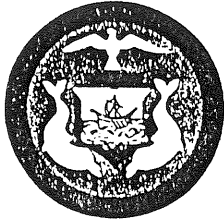
Sidewalk - tech supp-
connect to existing

No more than 20 cars/mot^{old} ^{on site} ~~old~~ ³ granite curb.



Sidewalk
to Holmes
drive way
pavement.

↳ w/o pavement. ^{on site} ~~old~~ ³ granite curb.
Any increase will require another
4' asphalt s/w.



CITY OF PORTLAND

JOSEPH E. GRAY, JR.
DIRECTOR OF PLANNING
AND URBAN DEVELOPMENT

May 8, 1985

Mr. Alfred J. Waxler
Your Home, Inc.
P.O. Box 6681
Portland, Maine

Dear Mr. Waxler:

On April 29, 1985, you submitted a site plan for 423 Warren Avenue in conjunction with your application for a certificate of occupancy. The site plan is incomplete, however, and does not comply with the City's Site Plan Ordinance. A copy of the ordinance is enclosed for your information. In order for the City to begin its review, the site plan must be prepared by a registered surveyor setting forth the following additional information:

1. Name and address of the applicant and name of the development; *Done*
2. north point; *Done*
3. boundaries of the site; *Done*
4. location (show setbacks) and ground floor area of buildings (specifically, referring to office building); *not applicable*
5. location of areas on the site which will be used to dispose of surface water drainage; *not applicable*
6. exterior lighting proposed for the site; *none*
7. landscaping proposed for the site; *none*
8. access to the site and to the parking area; *shown on separate Plan.*
9. the customer parking spaces are to be delineated; and *shown on separate plan - Traffic is very limited*
10. a written statement must be submitted which includes these items:
 - a. description of the proposed uses; and
 - b. total land area of site and total floor area and ground coverage of proposed building. *not applicable*

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Applicant: Your Home, Inc. Date: APR 11 1995

Mailing Address: P.O. Box 6681 - 773-5853 Address of Proposed Site: 423 Warren Avenue

Proposed Use of Site: 1 acre lots / Site Identifier(s) from Assessors Maps: _____

Acreage of Site: 1.4 Ground Floor Coverage: _____ Zoning of Proposed Site: _____

Site Location Review (DEP) Required: () Yes () No

Board of Appeals Action Required: () Yes () No

Planning Board Action Required: () Yes () No

Proposed Number of Floors: _____

Total Floor Area: _____

Other Comments: _____

Date Dept. Review Due: _____

PUBLIC WORKS DEPARTMENT REVIEW

(Date Received)

TRAFFIC CIRCULATION	ACCESS	CURB CUTS	ROAD WIDTH	PARKING	SIGNALIZATION	TURNING MOVEMENTS	LIGHTING	CONFLICT WITH CITY CONSTRUCTION PROJECT	DRAINAGE	SOIL TYPES	SEWERS	CURBING	SIDEWALKS	OTHER
---------------------	--------	-----------	------------	---------	---------------	-------------------	----------	---	----------	------------	--------	---------	-----------	-------

- APPROVED
- APPROVED CONDITIONALLY
- DISAPPROVED

CONDITIONS SPECIFIED BELOW

REASONS SPECIFIED BELOW

REASONS: St

of

(Attach

STILL NEED PERF. GUARANTEE

Sarah Hopkins

11/13/97

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Applicant _____

Date _____

Mailing Address _____

Address of Proposed Site _____

Proposed Use of Site _____

Site Identifier(s) from Assessors Maps _____

Acreage of Site / Ground Floor Coverage _____

Zoning of Proposed Site _____

Site Location Review (DEP) Required: () Yes () No

Proposed Number of Floors _____

Board of Appeals Action Required: () Yes () No

Total Floor Area _____

Planning Board Action Required: () Yes () No

Other Comments: _____

Date Dept. Review Due: _____

PLANNING DEPARTMENT REVIEW

5/1/85
(Date Received)

Major Development — Requires Planning Board Approval: Review Initiated

Minor Development — Staff Review Below

LOADING AREA	PARKING	CIRCULATION PATTERN	ACCESS	PEDESTRIAN WALKWAYS	SCREENING	LANDSCAPING	SPACE & BULK OF STRUCTURES	LIGHTING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN
				✓	✓	✓	✓			✓	

APPROVED

APPROVED CONDITIONALLY

DISAPPROVED

CONDITIONS SPECIFIED BELOW

REASONS SPECIFIED BELOW

REASONS:

1-1
6-7
9
1-2
(Attach

See attached approval letter w/conditions.
STILL NEED PERF. GUARANTEE

In
been
on
y this

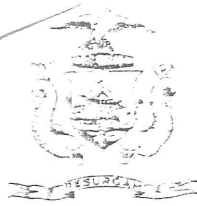
Suzal Hopkins 11/13/97

SIGNATURE OF REVIEWING STAFF/DATE

7/25/85

*ALC
ELT
GWR*
Corporation Counsel
Gary C. Wood

*Sarah
For Waxler File*



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Natalie L. Burns
Donna M. Katsiaficas

September 25, 1997

Residents of Farnham Street

RE: AI Waxler - Placement of Mobile Home on Lot at End of Farnham Street

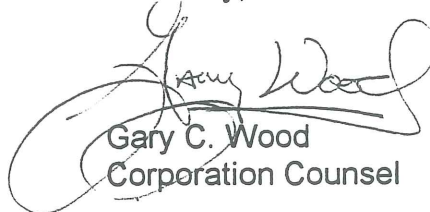
Dear Farnham Street Resident:

The purpose of this letter is to update you on the City's action to-date and our plans to deal with Mr. Waxler and the illegal placement of the mobile home on the lot at the end of Farnham Street. We filed an 80(K) land use enforcement action against Mr. Waxler. He was arraigned on September 5. His trial date is set for November 7. Mr. Waxler has filed an appeal of the Zoning Administrator's decision regarding the existing placement of the mobile home and her decision to deny him an opportunity to place the mobile home at an angle on the lot. The City's electrical inspector had the power cut-off to the mobile home due to an illegal hook-up performed by Mr. Waxler. That cut-off has been upheld by the Public Utilities Commission staff and Mr. Waxler has recently filed a lawsuit in relation to that action.

At Mr. Waxler's arraignment I told him I would send him a letter clearly articulating his right to place mobile homes with the narrow side facing Farnham Street in the approved subdivision only. His ability to do so is the result of the court decision in that matter. A copy of that letter is attached.

We will update you periodically about progress in these matters. In the meantime, if you have any questions please feel free to call me at my office.

Sincerely,


Gary C. Wood
Corporation Counsel

GCW:dlc
Enc.

c: Mayor Campbell and Portland City Council
Robert B. Ganley, City Manager
Joseph E. Gray, Jr., Director of Planning & Urban Development

famhre2.ltr

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Natalie L. Burns
Donna M. Katsiaficas

September 25, 1997

Mr. Alfred J. Waxler
P.O. Box 6681
Portland, ME 04104

**RE: Ability to Place Manufactured Homes/Mobile Homes on Lots
in Farnham Street Subdivision with Narrow Side Facing Street**

Dear Al:

At your arraignment in the City's 80(K) action against you I told you I would send you a letter explaining my understanding of the court's decision regarding the Farnham Street subdivision.

First, let's be very clear that these remarks do not apply to the lot that is the subject of the City's 80(K) prosecution. That lot falls outside the approved subdivision. Within the approved subdivision, you have lots on one side of the street that are 100' in depth and on the other side of the street that are between 110' and 112' in depth.

Under the court's decision in relation to this subdivision, which the City concurred in without pursuing a number of issues that we could have, you can place mobile homes with the narrow end facing the street so long as the setback requirements that existed under the laws were in effect at the time that the subdivision was approved. The setback at that time is the same as it is now. You need a 25' setback from both the front and back lot lines. What that means is that on the side of the subdivision with lots that are 100' in depth you can place manufactured homes that are 50' or less in length with their narrow side to the street. I count 11 such lots on the map approved by the Portland Planning Board (lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, and 21). On the other side of the street you can place mobile homes that are 60' or less in length with the narrow side facing the street. I count 10 such lots on the same plan (lots 2, 4, 6, 8, 10, 12, 14, 16, 18, and 20).

Mr. Alfred J. Waxler
September 25, 1997
Page 2

The placement of mobile homes in this manner or any other manner on these lots depends upon compliance with all other applicable City regulations that existed at the time that your subdivision was approved. In large part, those regulations cover issues such as street construction, granite curbs, and drainage.

The fact that you designed your subdivision for 50-60' manufactured homes and the industry standard is now 70' is not a fact over which the City had any control, nor is it a fact that supports a change in our setbacks. Those setbacks exist for good reasons that are just as applicable to manufactured houses as any other type of housing.

In sum, you have 21 lots available to you for placing 50' or 60' mobile homes with the narrow side facing the street. Despite that fact, you intentionally generated a violation of the City's law requiring single-wide mobile homes to be placed parallel to the street in other locations by placing the mobile home on the lot outside your subdivision with the narrow end facing Farnham Street. What compounds that illegal act on your part, and should defeat any claim for a variance, is the fact that you have an abutting lot in the subdivision that could easily be combined with the lot at the end of Farnham Street in a manner that would allow you to comply with the City's laws.

I think that the ability to place 21 mobile homes out of 22 in the way that you want would be enough for most people. It is clearly not enough for you, which is why we are in court and we will continue to prosecute the action that we filed.

Sincerely,

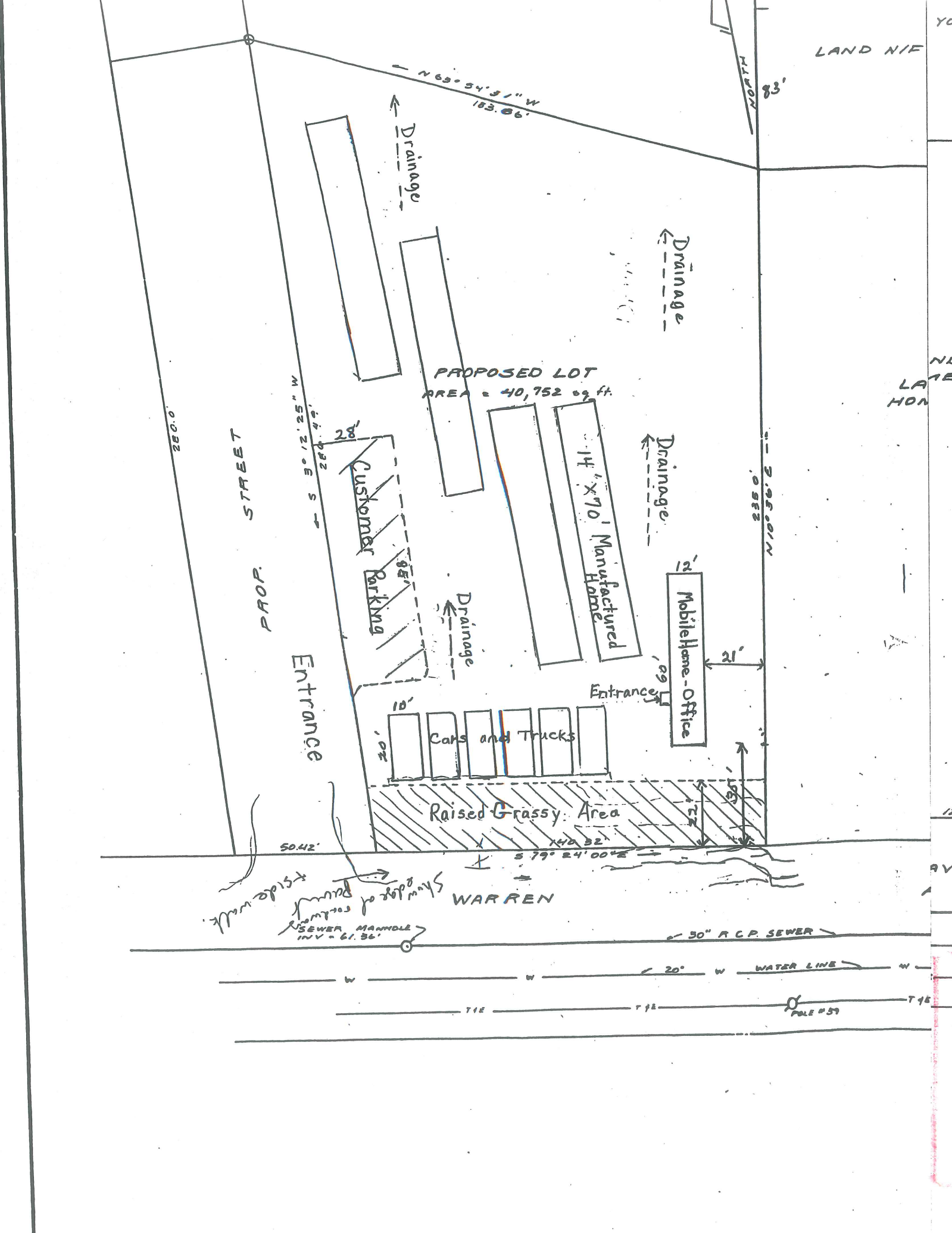


Gary G. Wood
Corporation Counsel

GCW:dlc

c: Mayor Campbell and Portland City Council
Robert B. Ganley, City Manager
Joseph E. Gray, Jr., Director of Planning & Urban Development
Residents of Farnham Street

waxder14.ltr



LAND N/E

YO

N 69° 54' 51" W
183.06'

NORTH
83'

Drainage

Drainage

PROPOSED LOT
AREA = 40,752 sq. ft.

NE
LATE
HON

280.0

PROPOSED STREET

W 52° 21' 05" S
106.832

Customer Parking

Drainage

Drainage

14' x 70' Manufactured Home

3.9600 IN
0.953

MobileHome-Office

21'

Entrance

Entrance

10' Cars and Trucks

Raised Grassy Area

35'

50.42'

142.32'
S 79° 24' 00" E

WARREN

Show slope of ramp
to slide walk
SEWER MANHOLE
INV. = 61.36'

30" R.C.P. SEWER

20" WATER LINE

T 1 E

T 1 E

POLE # 57

T 1 E

TELEPHONE 207-772-9434

YOUR HOME, INC.

BUILDERS OF FINE HOMES—REAL ESTATE AND PROPERTY MANAGEMENT

26 OCEAN AVENUE

PORTLAND, MAINE

November 25, 1985

11/25/85

MAIL TO:
P. O. BOX 81
WOODFORDS STATION
04101

P.S. Hoffses
Chief Building Inspector
City Hall
Portland, Maine

Re: Certificate of Occupancy 425 Warren Ave. Filed
April 29, 1985

Dear Sam:

This letter will acknowledge receipt of your "STOP WORK" order dated November 20, 1985.

Please find enclosed a copy of the letter sent to Alex. It was an oversight on my part that a copy was not delivered to you at that time. Since in my humble opinion this should be your decision alone.

Please be advised that:

(1). The planning department has in thier possession sufficient information to make a determination in this case. To resolve these matters there is a meeting scheduled with Alex Jaegerman at 11:30 today (Monday the 25th).

(2). Today at 9:30 there will be a load of gravel dumped at 425 Warren Ave. to fill any slight depressions so as to prevent the accumulation of standing water on the property.

Should you feel that there has been a violation here please advise me and also state your reason why you are unable to issue the Certificate of Occupancy that has been requested.

It is my hope that you will attend the meeting at 11:30 so that these issues may be settled today.

Sincerely Yours,

YOUR HOME, Inc.



Alfred J. Waxler

President

AJW/jew

Enclosures

letter 5/10/1985

YOUR HOME, INC.

BUILDERS OF FINE HOMES-REAL ESTATE AND PROPERTY MANAGEMENT

26 OCEAN AVENUE

PORTLAND, MAINE

MAIL TO:
P. O. BOX 81
WOODFORDS STATION
04101

May 10, 1985

Alexander Jaegerman, Chief Planner
City of Portland
Department of Planning and Urban Development
389 Congress Street
Portland, Maine 04101

Re: Permit for Certificate of Occupancy 423 Warren Ave.

Dear Alex:

After several days of deep thought I feel this letter is in order since our conversation on Wednesday May 8th and your subsequent letter on the same date.

To review the facts surrounding this application please note:

1. On April 29th after conversations with both the Building Inspector Sam Hoffses and Planning Consultant Warren Turner I was advised that my application was solely for a certificate of occupancy for an unimproved parking area to display Mobile Homes. The permit request was documented by a check and receipt for \$35.00.

a. No permit is required to fence in a parcel of land for security purposes.

b. No permit is required to regrade property so long as no water course is diverted or drainage burdens placed upon adjacent land or public property

Letter Your Home Inc.-Alex Jaegerman

2. The following day Sam Hoffses called and I was advised that Alex Jaegerman had determined that this was a minor development and would require site plan review by staff.

3. On April 30th "under protest" I issued a check for \$300.00 which the city has cashed, I was advised that 4 days is the normal time for minor reviews.

a. This time frame was diligently persued by me prompting your letter of May 8, 1985.

It is my understanding that this issue has been discussed with the Corporation Council's office.

As soon as David Lourie becomes involved in an issue involving Your Home, Inc. he is immediately blinded by this publicly stated vow to "prevent the construction of Your Home, Inc.'s Mobile Home Park while he is Corporation Council.

In a careful reading of the site plan ordinance a reasonable person can understand that the city has a definite responsibility to protect the health, welfare, and safety of the General Public, including perservation of property values by preventing unauthorized and erroneous uses. The ordinance is concerned with permanent buildings and their environment. The request for submissions includes a map. I can find no reference that this map must be a plan certified by a registered surveyor. The purpose of the map is to define on the face of the earth exactly where this proposed use will be.

Letter Your Home Inc. -Alex Jaegerman

The documents I have already submitted coupled with the reference to the street address are sufficient to establish this. The absence of the N arrow is not sufficient grounds to consider these documents either incomplete or unreliable.

No utilities are needed and therefore it serves no purpose to show where they would be if they were.

Please note that although the State Supreme court ruled that a mobile home is a building it was solely in the context of its use as a "single family dwelling". When not used as a single family dwelling it is a "motor vehicle".

Next please take the time to read the City of Portland's "Trailer Ordinance" which was adopted in 1959 to accommodate my being Portland's only mobile home dealer. At that time the Council granted permission for Mobile Home Dealers to use a mobile home as an office. Also provisions were made to allow temporary use of Mobile Homes as construction offices. There were no time constraints placed on a Mobile Home Dealership as to the use of a temporary office. This application of the ordinance is shown by the use in Woodfords Corner for eight years of a Mobile Home as an office.

Please find enclosed my application submitted for this same purpose in 1970. This is part of the Court record of the permits applied for and ordered granted by the Court. Since the sale of mobile homes is in conjunction with the operation of the mobile home park to be built on part of this same parcel of ground.

(Page 3)


Letter Your Home Inc, -Alex Jaegerman

Also find enclosed two photos of a temporary use of mobile homes as construction offices on Congress Street adjacent to the Sportsman's Grille (911 Congress Street). These units have been there for over one year. Please make available the building inspection file on the permits for this location and the action of the Department to police the temporary use permit. The same setback requirements noted here also would apply to my use. Also George Hutchins used a travel trailer as an office for used car sales for several years.

In conclusion it is my intention to fully cooperate with the Planning Department to resolve any important issues, as for example the placement of the entrance. It is my understanding that the Fire Department, Police Department, along with Public Works have approved this material.

I trust that a simple solution can be found to a simple problem without the necessity of adding another count to the long list of errors both myself and this Corporation has experienced in dealing with the City of Portland on the issue of Mobile Homes.

Sincerely yours,
Your Home, Inc.


Alfred J. Waxler
President

AJW/trb
Enclosure: (two)
photos and permit form
cc:
Joseph Gray
David Lourie

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
 Processing Form

Applicant _____

Date July 24, 1985

Mailing Address _____

Address of Proposed Site _____

Proposed Use of Site _____

Site Identifier(s) from Assessors Maps _____

Acreage of Site / Ground Floor Coverage _____

Zoning of Proposed Site _____

Site Location Review (DEP) Required: () Yes () No

Proposed Number of Floors _____

Board of Appeals Action Required: () Yes () No

Total Floor Area _____

Planning Board Action Required: () Yes () No

Other Comments: _____

Date Dept. Review Due: _____

PLANNING DEPARTMENT REVIEW

5/1/85
 (Date Received)

Major Development — Requires Planning Board Approval: Review Initiated

Minor Development — Staff Review Below

	LOADING AREA	PARKING	CIRCULATION PATTERN	ACCESS	PEDESTRIAN WALKWAYS	SCREENING	LANDSCAPING	SPACE & BULK OF STRUCTURES	LIGHTING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN	
APPROVED													
APPROVED CONDITIONALLY													CONDITIONS SPECIFIED BELOW
DISAPPROVED	NA	✓	✓	✓	✓	✓	✓	✓	✓				REASONS SPECIFIED BELOW

REASONS: The plan lacks sufficient information in the above areas, thus the plan has been disapproved as an incomplete site plan. Attached is the correspondence regarding this project.

(Attach Separate Sheet if Necessary)

Barbara Garkitt 7/25/85
 SIGNATURE OF REVIEWING STAFF/DATE

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Applicant Your Home, Inc.

Date April 1, 1985

Mailing Address P. O. Box 6681 - 773-5853

Address of Proposed Site 423 Warren Avenue

Proposed Use of Site Mobile home display area

Site Identifier(s) from Assessors Maps _____

Acres of Site 1 acre plus / Area Ground Floor Coverage _____

Zoning of Proposed Site _____

Site Location Review (DEP) Required: () Yes () No

Proposed Number of Floors _____

Board of Appeals Action Required: () Yes () No

Total Floor Area _____

Planning Board Action Required: () Yes () No

Other Comments: _____

Date Dept. Review Due: _____

PUBLIC WORKS DEPARTMENT REVIEW

(Date Received) _____

	TRAFFIC CIRCULATION	ACCESS	CURB CUTS	ROAD WIDTH	PARKING	SIGNALIZATION	TURNING MOVEMENTS	LIGHTING	CONFLICT WITH CITY CONSTRUCTION PROJECT	DRAINAGE	SOIL TYPES	SEWERS	CURBING	SIDEWALKS	OTHER
APPROVED			—			—			✓					—	
APPROVED CONDITIONALLY	✓	✓			✓		✓	✓		✓	✓	✓	✓	✓	
DISAPPROVED	✓	✓			✓		✓	✓		✓	✓	✓			

CONDITIONS SPECIFIED BELOW

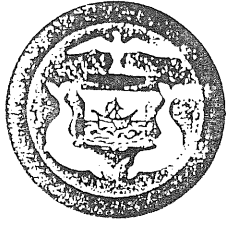
REASONS SPECIFIED BELOW

REASONS: Site plan is incomplete as per sec 14-526-C(1,2)
of the City of Portland Municipal Code

(Attach Separate Sheet if Necessary)

Robert J. Roy July 26, 1985

SIGNATURE OF REVIEWING STAFF/DATE



CITY OF PORTLAND

JOSEPH E. GRAY, JR.
DIRECTOR OF PLANNING
AND URBAN DEVELOPMENT

December 11, 1985

Mr. Alfred J. Waxler, President
Your Home, Inc.
P.O. Box 81
Woodfords Station
Portland, Maine 04101

Dear Al:

This letter is a follow-up to our conversations and to earlier letters dated May 8 (re: site plan submission requirements) and May 24, 1985 (temporary permits). On April 30, 1985, you submitted a plan for a manufactured housing sales facility as you described it. On November 25 we met to discuss a new plan showing the lot conveyed to Sunrise Home Improvement Co. and another area labelled "proposed lot" of 40,752 square feet and an area labelled "Prop Street" leading to the residue of your property.

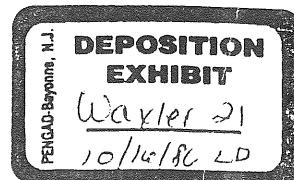
This latest plan of land, dated 11-12-1985 would appear to constitute a subdivision, which would require Planning Board review. If you wish to pursue this subdivision, please refer to the attached copy of Portland's Subdivision Ordinance for submission requirements and review standards. A survey of your entire contiguous land area will be required. If you have any further questions about processing the subdivision, please contact Mr. Richard Knowland.

As you know, a development of less than 2 acres and less than 10,000 square feet of floor area is typically a minor site plan review (there are some exceptions). The standards for review, however, are the same as those for a major development undergoing Planning Board review. You have a copy of the Site Plan Ordinance.

Sincerely,

Alexander Jaegerman
Chief Planner

Joseph E. Gray Jr., Director of Planning & Urban Development
Richard Knowland, Senior Planner



ALFRED J. WAXLER

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04101

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PORTLAND, MAINE

September 11, 1997

VIA HAND DELIVERED

Ms. Natalie L. Burns
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Alfred J. Waxler vs. City of Portland, et al.
Docket No. CV-87-105

Dear Ms. Burns:

I was very disappointed when you left the Court House today, faster than the shuttle Columbia going into orbit. I had signaled you that we should talk a moment to be assured that we were both on the same wave length concerning the spirit of Judge Brennan's order. I intend to pursue the site plan review process.

As I mention in Court, you submitted Ms. Barbara Barhydt's letter of May 8, 1985 to the Court. This letter coupled with Alex Jaegerman's letter of May 24, 1985 should be the benchmark of this review process. In the record please find my check number 3313 for \$300.00 dated April 30, 1985. Please note on this check I had written "Under Protest." I have never had any "value received" with this payment. At a hearing before Mr. Ganley, I raised this question to Mr. Gray. His reply was "in any subsequent review we will honor the money already paid."

This is not a new review but a continuation of the process when it was arbitrarily decided by Corporation Counsel, David Lourie, that this was an illegal subdivision.

Please note in the record that on or about the week of December 12, 1985 a plot plan, signed by a registered land surveyor, was placed on file with the Building Inspection Department. This is in the Court records as my Exhibit #nine.

Ms. Natalie L. Burns
Associate Corporation Counsel
September 11, 1997

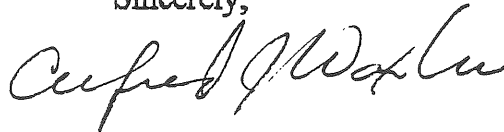
I was told minor site plan review was only a matter of a four-day process in 1985.

I strongly suggest you and I sit down with Mr. Jeagerman and decide exactly what, if anything, is now lacking to prevent the issuance of the Certificate of Occupancy.

I am sending Judge Brennan a copy of this letter with a cover letter asking him not to sign your proposed order until we can, mutually, determine the course of this so called "minor site plan review".

This letter represents in my mind the "spirit" of Justice Brennan's Order.

Sincerely,



AJW/bw
Enclosure:
Letter of September 11, 1997
To Justice Brennan
CC:
Judge Brennan