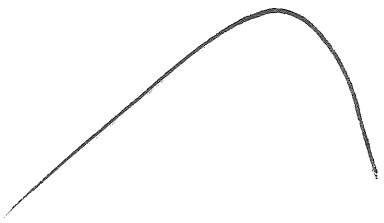


189-A-31

50 Sewall St.

Medical Bld. (Contract Zone)

Olympia Equity



NI



Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail: mail@gorrillpalmer.com

May 3, 2005

Mr. James Brady
Olympia Equity Investors II, LLC
280 Fore Street, Suite 202
Portland, ME 04101

RE: Response to Traffic Comments
50 Sewall Street Medical Office

Dear Jim:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to comments regarding the proposed Sewall Street medical office building. Tom Errico's comments were provided in the planning board staff report dated April 19, 2005 and are summarized below for convenience, followed by our response.

Comment 1. The main entrance to site is awkward and needs to be made linear.

Response: The alignment of the site driveway was developed as part of the Norway Savings Bank project that was completed in 2000. At that time, the driveway was shifted eastward to align with Massachusetts Avenue as part of a comprehensive safety project for Congress Street in this vicinity. While the alignment is not ideal, it has not posed a safety problem, and the site plan includes measures (landscaping, flush curb and signing) to improve the channelization of the driveway. The driveway realignment in 2000, coupled with signalization of the driveway/Massachusetts intersection with Congress Street and construction of a two-way left turn lane on Congress (to which Olympia/the applicant made a significant monetary contribution) resulted in reducing the collision occurrence from 91 in a three year period to 15 in a three year period. Therefore, although the driveway alignment is not ideal, it has not presented a safety problem, was part of a previously approved site plan and was part of offsite safety improvements that dramatically reduced the crash experience on Congress Street.

Comment 2. Intersection at Congress/Mass Ave. needs exclusive pedestrian crossing, new crosswalk striping.

Response: It is the opinion of Gorrill-Palmer Consulting Engineers Inc. that the use of exclusive pedestrian phasing should be limited to the central business district area, school crossings and other unique conditions. Utilization of exclusive pedestrian phases typically has a significant affect on traffic operations. To assess this location, we have completed a capacity analysis with an exclusive pedestrian phase assuming 10 actuations in the peak hour. The table on the next page provides a comparison of the intersection operation with and without the exclusive phase.

N2

Level of Service for Congress Street at Mass. Ave./Double Tree Hotel

Lane Group	AM Peak Hour - Postdevelopment		PM Peak Hour - Postdevelopment		W/o Exclusive Pedestrian Phase		With Exclusive Pedestrian Phase	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Congress Street - EBL	36	D	51	D	46	D	48	D
Congress Street - EBTR	13	B	38	B	12	B	31	C
Congress Street - WBL	51	D	59	E	38	D	41	D
Congress Street - NBTL	8	A	16	B	8	A	24	C
Double Tree - NBTL	32	C	41	D	38	D	34	C
Double Tree - NBR	31	C	39	D	36	D	32	C
Massachusetts Ave - SB	45	D	54	D	37	D	34	C
Overall	15	B	31	C	14	B	28	C

As can be seen the exclusive pedestrian phase doubles the overall intersection delay in the morning and afternoon peak hour periods. At most, the exclusive phasing should be limited to the crossing of Congress, since there is little value to stopping Congress Street traffic to allow a pedestrian crossing of the site driveway or Massachusetts Avenue. We would expect that the crosswalks would be remarked by the City as part of their annual maintenance program. The preliminary opinion of probable construction cost for the retiming is \$500.

Comment 3. Intersection at Congress/Sewall needs new ped heads, installation of a crosswalk across the east leg of Congress and restriping of the existing crosswalks.

Response: We do not anticipate that the proposed project would have a measurable impact on operations at this location, and would not affect pedestrian operations since there is already an exclusive pedestrian phase at the intersection. We would expect that the crosswalks would be remarked by the City as part of their annual maintenance program, at which time they could add the fourth crosswalk. The preliminary opinion of probable construction cost for upgrading the existing signal heads and installing two new heads is \$12,000.

Comment 4. Evaluate sidewalk improvements to Sewall Street.

Response: The east side of Sewall Street has curb and sidewalk for a distance of approximately 240 feet from existing site driveway. The west side has sidewalk in good condition for the length of Sewall Street from Congress to the site driveway, except for one 50 foot section where there is no sidewalk.

Construction of curb and sidewalk along the east side would be a major project to ensure that drainage is not trapped in residential yards and could possibly include the installation of a new catch basin and piping. The preliminary opinion of probable construction cost for installing approximately 390 feet of curb and sidewalk, a catch basin, and 200 feet of pipe along the west side of Sewall Street is \$38,000. This could be more depending on further drainage needs that may be identified by detailed survey and design.

N3

Ethan Boxer-Macomber, City of Portland
Tom Errico, Wilbur Smith
C: George McDonough, SMRT

Vice President of Transportation
Peter A. Hedrich, P.E., PTOE

Peter A. Hedrich

Gorrill-Palmer Consulting Engineers, Inc.



Sincerely,

Please contact us with any questions.

Response: Gorrill-Palmer Consulting Engineers, Inc. suggests installation of a strobe in the red signal indications for eastbound traffic to help visibility in the morning when sun glare is a problem. Additionally, there is a pattern of rear end crashes for traffic turning right at the yield sign from the connector road to head toward downtown. These could be addressed by signaling this approach. The proposed project does not add any traffic to this right turn movement. The preliminary opinion of probable construction cost for the red light strobes is \$700. The preliminary opinion of probable construction cost for signaling the yield controlled right turn is approximately \$20,000.

6) Safety issues at the intersection of Congress Street with the I-295 off ramp/transportation center connector road.

Response: Gorrill-Palmer Consulting Engineers, Inc. met with Metro officials at the site and discussed relocating the bus stop. They indicated that they are comfortable with the current location, but see benefits to moving the stop to the Double Tree driveway that is proposed to be closed. A curbside stop is acceptable, with a pull out being preferred. Either option should provide a wider waiting area for the riders. The pull out would require right-of-way from the site and would also require relocation of the Double Tree pylon sign. The preliminary opinion of probable construction cost for constructing the pull out is \$14,000. The preliminary opinion of probable construction cost for constructing the curbside lane stop, which consists of widening the sidewalk and relocating the bus stop sign, is approximately \$1,500.

5) Examine the safety and functionality of the current Metro bus stop on Congress Street in the vicinity of the site and examine opportunities to relocate and/or improve this facility.

It is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that, since Sewall Street is a dead end street with relatively low traffic volumes, the existing sidewalk on the west side of Sewall Street adequately addresses pedestrian demand. It is our understanding that Olympia is willing to address the 50 foot gap in this sidewalk near Congress Street. The preliminary opinion of probable construction cost for installing 50 feet of bituminous sidewalk is \$2,000.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↘	↘	↘	↘	↘	↘	↘	↘	↘	↘	↘	↘
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	11	11	12	11	11	12	12	12	12	12	12	12
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fit	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fit Protected	0.95	1.00	0.95	1.00	0.95	1.00	0.96	1.00	0.96	1.00	0.97	1.00
Satd. Flow (prot)	1745	3380	1728	3384	1728	3384	1809	1599	1809	1599	1766	1766
Fit Permitted	0.95	1.00	0.95	1.00	0.95	1.00	0.72	1.00	0.72	1.00	0.79	1.00
Satd. Flow (perm)	1745	3380	1728	3384	1728	3384	1361	1599	1361	1599	1433	1433
Volume (vph)	31	1618	33	150	1324	14	37	7	110	102	14	53
Peak Hour Factor, PHF	0.96	0.96	0.96	0.87	0.87	0.87	0.93	0.93	0.93	0.89	0.89	0.89
Adj. Flow (vph)	32	1685	34	172	1522	16	40	8	118	115	16	60
RTOR Reduction (vph)	0	1	0	1	0	0	0	0	96	0	19	0
Lane Group Flow (vph)	32	1718	0	172	1537	0	0	48	22	0	172	0
Heavy Vehicles (%)	0%	3%	0%	1%	3%	0%	0%	1%	0%	0%	0%	0%
Turn Type	Prot	Prot	Prot	Prot	Prot	Prot	Perm	Perm	Perm	Perm	Perm	Perm
Protected Phases	7	4	3	8	2	2	6	6	6	6	6	6
Permitted Phases	3.0	49.5	11.5	58.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
Effective Green, g (s)	3.0	49.5	11.5	58.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
Actuated Green, G (s)	3.0	49.5	11.5	58.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
Actuated g/C Ratio	0.03	0.55	0.13	0.64	0.19	0.19	0.19	0.19	0.19	0.19	0.19	0.19
Clearance Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	58	1859	221	2181	257	302	271	271	271	271	271	271
V/s Ratio Prot	0.02	0.51	0.10	0.45	0.04	0.01	0.12	0.12	0.12	0.12	0.12	0.12
V/s Ratio Perm	0.55	0.92	0.78	0.70	0.19	0.07	0.64	0.64	0.64	0.64	0.64	0.64
W/C Ratio	0.55	0.92	0.78	0.70	0.19	0.07	0.64	0.64	0.64	0.64	0.64	0.64
Uniform Delay, d1	42.8	18.5	38.0	10.4	30.7	30.0	33.6	33.6	33.6	33.6	33.6	33.6
Progression Factor	0.74	0.44	1.17	0.66	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	4.9	4.5	6.9	0.8	1.6	0.5	10.9	10.9	10.9	10.9	10.9	10.9
Delay (s)	36.4	12.8	51.3	7.7	32.3	30.5	44.5	44.5	44.5	44.5	44.5	44.5
Level of Service	D	B	D	A	C	C	D	D	D	D	D	D
Approach Delay (s)	13.2	12.1	12.1	12.1	31.0	31.0	44.5	44.5	44.5	44.5	44.5	44.5
Approach LOS	B	B	D	A	C	C	D	D	D	D	D	D
Intersection Summary												
HCM Average Control Delay	15.0 HCM Level of Service B											
HCM Volume to Capacity Ratio	0.84											
Actuated Cycle Length (s)	90.0											
Intersection Capacity Utilization	80.4%											
ICU Level of Service	D											
Analysis Period (min)	15											
Critical Lane Group												

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓
Ideal Flow (Vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	11	11	11	11	11	11	12	12	12	12	12	12
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fit	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fit Protected	0.95	1.00	0.95	1.00	1.00	0.96	1.00	0.85	1.00	0.96	0.97	0.96
Satd. Flow (prot)	1745	3380	1728	3384	1728	3384	1809	1599	1809	1766	1766	1766
Fit Permitted	0.95	1.00	0.95	1.00	1.00	0.95	1.00	0.71	1.00	0.79	0.79	0.79
Satd. Flow (perm)	1745	3380	1728	3384	1728	3384	1347	1599	1347	1433	1433	1433
Volume (vph)	31	1618	33	150	1324	14	37	7	110	102	14	53
Peak-hour factor, PHF	0.96	0.96	0.96	0.87	0.87	0.87	0.93	0.93	0.93	0.89	0.89	0.89
Adj. Flow (vph)	32	1685	34	172	1522	16	40	8	118	115	16	60
RTOR Reduction (vph)	0	1	0	0	1	0	0	0	94	0	12	0
Lane Group Flow (vph)	32	1718	0	172	1537	0	0	48	24	0	179	0
Heavy Vehicles (%)	0%	3%	0%	1%	3%	0%	1%	0%	1%	0%	0%	0%
Turn Type	Prot	7	4	Prot	3	8	Perm	2	Perm	Perm	Perm	6
Protected Phases												
Permitted Phases												
Actuated Green, G (s)	4.8	60.4	16.4	72.0	16.4	72.0	24.0	24.0	24.0	24.0	24.0	24.0
Effective Green, g (s)	4.8	60.4	16.4	72.0	16.4	72.0	24.0	24.0	24.0	24.0	24.0	24.0
Actuated g/C Ratio	0.04	0.50	0.14	0.60	0.14	0.60	0.20	0.20	0.20	0.20	0.20	0.20
Clearance Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	70	1701	236	2030	236	2030	269	320	269	320	287	287
V/S Ratio Perm	0.02	0.51	0.10	0.45	0.10	0.45	0.04	0.01	0.04	0.01	0.12	0.12
V/C Ratio	0.46	1.01	0.73	0.76	0.73	0.76	0.18	0.07	0.18	0.07	0.62	0.62
Uniform Delay, d1	56.3	29.8	49.7	17.6	49.7	17.6	39.8	39.0	39.8	39.0	43.9	43.9
Progression Factor	0.87	0.70	1.07	0.80	1.07	0.80	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	2.0	16.8	5.4	1.3	5.4	1.3	1.4	0.4	1.4	0.4	9.8	9.8
Delay (s)	51.3	37.8	58.7	15.5	58.7	15.5	41.3	39.4	41.3	39.4	53.7	53.7
Level of Service	D	D	E	B	E	B	D	D	D	D	D	D
Approach Delay (s)	38.0	19.8	19.8	40.0	19.8	40.0	53.7	53.7	53.7	53.7	53.7	53.7
Approach LOS	D	B	B	D	B	D	D	D	D	D	D	D
Intersection Summary												
HCM Average Control Delay	30.7											
HCM Level of Service	C											
HCM Volume to Capacity ratio	0.89											
Actuated Cycle Length (s)	120.0											
Sum of lost time (s)	19.2											
ICU Level of Service	D											
Analysis Period (min)	15											
Critical Lane Group												

NS

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	11	11	11	11	11	11	12	12	12	12	12	12
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fit	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fit Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.96	1.00	1.00	1.00	0.97	0.94
Satd. Flow (prot)	1745	3448	1694	3451	1694	3451	1820	1583	1741	1741	1741	1741
Fit Permitted	0.95	1.00	0.95	1.00	0.95	1.00	0.71	1.00	1.00	1.00	0.81	0.81
Satd. Flow (perm)	1745	3448	1694	3451	1694	3451	1344	1583	1445	1445	1445	1445
Volume (vph)	34	1501	21	106	1727	14	65	9	186	52	2	41
Peak-hour factor, PHF	0.93	0.93	0.93	0.93	0.93	0.93	0.92	0.92	0.92	0.91	0.91	0.91
Adj. Flow (vph)	37	1614	23	114	1857	15	71	10	202	57	2	45
RTOR Reduction (vph)	0	1	0	0	1	0	0	0	136	0	27	0
Lane Group Flow (vph)	37	1636	0	114	1871	0	0	81	66	0	77	0
Heavy Vehicles (%)	0%	1%	0%	3%	1%	0%	0%	0%	2%	0%	0%	0%
Turn Type	Prot	7	4	Prot	3	8	Perm	2	Perm	Perm	Perm	6
Permitted Phases	7	4		3	8		2	2	2	6	6	6
Activated Green, G (s)	3.6	56.4	12.8	65.6	12.8	65.6	18.8	18.8	18.8	18.8	18.8	18.8
Effective Green, g (s)	3.6	56.4	12.8	65.6	12.8	65.6	18.8	18.8	18.8	18.8	18.8	18.8
Activated g/C Ratio	0.04	0.56	0.13	0.66	0.13	0.66	0.19	0.19	0.19	0.19	0.19	0.19
Clearance Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	63	1945	217	2264	217	2264	253	298	272	272	272	272
V/S Ratio Perm	0.02	0.47	60.07	60.54	60.07	60.54	0.06	0.04	0.05	0.05	0.05	0.05
V/C Ratio	0.59	0.84	0.53	0.83	0.53	0.83	0.06	0.04	0.05	0.05	0.05	0.05
Uniform Delay, d1	47.5	18.1	40.8	12.9	40.8	12.9	0.32	0.22	0.28	0.28	0.28	0.28
Progression Factor	0.76	0.45	0.90	0.52	0.90	0.52	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	9.8	3.4	1.0	1.6	1.0	1.6	3.3	1.7	2.6	2.6	2.6	2.6
Delay (s)	45.9	11.6	37.8	8.4	37.8	8.4	38.4	36.1	37.4	37.4	37.4	37.4
Level of Service	D	B	D	A	D	A	D	D	D	D	D	D
Approach Delay (s)	12.3	10.0	10.0	10.0	10.0	10.0	36.7	36.7	37.4	37.4	37.4	37.4
Approach LOS	B	B	B	B	B	B	D	D	D	D	D	D
Intersection Summary	HCM Average Control Delay: 13.6 HCM Level of Service: B HCM Volume to Capacity ratio: 0.69 Actuated Cycle Length (s): 100.0 Sum of lost time (s): 8.0 Intersection Capacity Utilization: 73.7% Critical Lane Group: 15											

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	11	11	11	11	11	11	12	12	12	12	12	12
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	0.95	1.00	0.95	1.00	0.95	1.00	1.00	0.94	1.00
Fit	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.85	1.00	0.94	0.97	1.00
Fit Protected	0.95	1.00	0.95	1.00	0.95	1.00	0.96	1.00	0.96	0.94	0.97	1.00
Satd Flow (prot)	1745	3448	1694	3451	1694	3451	1820	1583	1820	1583	1741	1741
Fit Permitted	0.95	1.00	0.95	1.00	0.95	1.00	0.73	1.00	0.73	1.00	0.81	0.81
Satd Flow (perm)	1745	3448	1694	3451	1694	3451	1388	1583	1388	1583	1457	1457
Volume (vph)	34	1501	21	106	1727	14	65	9	186	52	2	41
Peak-hour factor, PHF	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.92	0.92	0.91	0.91	0.91
Adj. Flow (vph)	37	1614	23	114	1857	15	71	10	202	57	2	45
RTOR Reduction (vph)	0	1	0	0	0	0	0	0	157	0	23	0
Lane Group Flow (vph)	37	1636	0	114	1872	0	81	45	0	81	0	0
Heavy Vehicles (%)	0%	1%	0%	3%	1%	0%	0%	0%	2%	0%	0%	0%
Turn Type	Prot	Prot	Prot	Prot	Prot	Prot	Perm	Perm	Perm	Perm	Perm	Perm
Protected Phases	7	4	3	8	2	2	2	2	6	6	6	6
Permitted Phases	7	4	3	8	2	2	2	2	6	6	6	6
Actuated Green, G (s)	3.6	48.2	10.4	55.0	22.2	22.2	22.2	22.2	22.2	22.2	22.2	22.2
Effective Green, g (s)	3.6	48.2	10.4	55.0	22.2	22.2	22.2	22.2	22.2	22.2	22.2	22.2
Actuated g/c Ratio	0.04	0.48	0.10	0.55	0.22	0.22	0.22	0.22	0.22	0.22	0.22	0.22
Clearance Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	63	1662	176	1898	308	351	308	351	308	351	323	323
v/s Ratio Prot	0.02	0.47	0.07	0.54	0.06	0.03	0.06	0.03	0.06	0.03	0.06	0.06
v/s Ratio Perm	0.59	0.98	0.65	0.99	0.26	0.13	0.26	0.13	0.26	0.13	0.25	0.25
Uniform Delay, d1	47.5	25.5	43.0	22.1	32.1	31.1	32.1	31.1	32.1	31.1	32.1	32.1
Progression Factor	0.79	0.58	0.88	0.59	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	10.1	15.8	3.7	10.9	2.1	0.7	2.1	0.7	2.1	0.7	1.9	1.9
Delay (s)	47.5	30.7	41.4	24.1	34.2	31.9	34.2	31.9	34.2	31.9	33.9	33.9
Level of Service	D	C	D	C	C	C	C	C	C	C	C	C
Approach Delay (s)	31.0	25.1	32.6	33.9	32.6	33.9	32.6	33.9	32.6	33.9	32.6	33.9
Approach LOS	C	C	C	C	C	C	C	C	C	C	C	C
Intersection Summary												
HCM Average Control Delay	28.3											
HCM Volume to Capacity Ratio	0.75											
Actuated Cycle Length (s)	100.0											
Sum of lost time (s)	15.2											
Intersection Capacity Utilization	73.7%											
ICU Level of Service	D											
Analysis Period (min)	15											
Critical Lane Group												

N7



From: Eric Labelle
To: Ethan Boxer-Macomber
Date: 5/17/05 2:36:09 PM
Subject: Re: OEI - Sewall Street Sidewalk

Ethan,
I did get a chance to look at Sewall Street. My recommendation is to have granite curb and concrete sidewalk be placed from the Paint Pot to the developer's site on the east side of Sewall Street. The site will likely add to the current pedestrian traffic and on-street parking.

Sorry for the delay.
Eric

>>> Ethan Boxer-Macomber 5/17/2005 12:29:27 PM >>>

Eric-
I'd like to get all final comments in to OEI today. Would you send me a brief email with you recommendation on the Sewall Street sidewalk?

Thanks.
Ethan

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

Tel: 207.756.8083
Fax: 207.756.8258

From: "Tom Errico" <terrico@willbursmith.com>
To: "Ethan Boxer-Macomber" <EBM@portlandmaine.gov>
Date: 5/13/05 9:35:01 AM
Subject: Sewall Street Office Project

Ethan-

The following summarizes my responses to the May 3, 2005 letter prepared by Gorill-Palmer Consulting Engineers, Inc.

1. Although the driveway configuration on Congress Street is not ideal, it is my opinion that the applicant is proposing reasonable site plan conditions as it relates to landscaping and flush curb modifications and is required, through the Contract Zone Agreement, to coordinate driveway improvements with the abutting Mobil Service Station in the future, if changes on the Mobil site are proposed. Accordingly, I find the proposed driveway to be acceptable.

2. For the record it was never my recommendation to implement an exclusive pedestrian phase at this location. My request was simply for the applicant to review current pedestrian accommodations and develop improvements as necessary. Based upon the applicant's analysis, I concur with the recommendation provided.

3. The applicant should be required to install pedestrian count-down signal heads for the existing three crosswalks and the proposed fourth crosswalk. The City will upgrade the existing crosswalk markings and install a fourth crosswalk on the east leg of Congress Street.

4. Eric Labelle should comment on the engineering aspects of the sidewalk feasibility.

5. Please coordinate the Bus Stop issue directly with Metro.
6. I spoke to MaineDOT directly about the justification of requiring the applicant to implement improvements at the Congress Street/1-295 Off-ramp intersection. MaineDOT indicated that improvements can be required through the Traffic Movement Permit process if the location is within the study area, regardless the amount of new traffic being added to the deficient movement. Accordingly, it is my recommendation that the applicant implement all aspects of improvements noted in their report. I would note that the City received a preliminary cost estimate from A&D Electric for the signalization of the subject right-turn movement. Their estimate to complete the work is \$8,330.00.

Please call me if you have any questions or need additional input.

Thomas A. Errico, P.E.

Senior Transportation Engineer



Wilbur Smith Associates

59 Middle Street

Portland, Maine 04101

(207) 871-1785 Phone

(207) 871-5825 Fax

CC: "Katherine Earley" <KAS@portlandmaine.gov>

(P2)



Voted one of
"The 10 Most Improved
Transit Systems" in
North America
- METRO Magazine,
April 2001

May 16, 2005

Mr. Peter Hedrich, P.E.
Gorill-Palmer Consulting Engineers
Box 1237
15 Shaker Road
Gray, ME 04039

Dear Mr. Hedrich,

It was a pleasure meeting you on May 3, 2005. METRO is committed to trying to work with anyone who is interested in improving the area in which we provide service. We will consider moving our stop to accommodate your project, especially if we can get a better bus stop. We discussed the possibility of a curb cut out and are willing to look at the feasibility of a shelter.

METRO welcomes the opportunity to continue involvement in this project because we know that stops serves Doubletree employees who rider our buses.

Thank you again for the meeting. We look forward to working with you.

Sincerely,

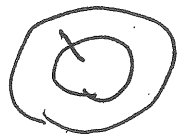
Peter J. Cavanaugh
Director of Operations

PJC/djp

cc: Ethan Boxer Macomber ✓

GREATER PORTLAND TRANSIT DISTRICT

114 Valley Street • Portland, Maine 04102 • TEL (207)774-0351 • FAX (207)774-6241
METRO@gpmetrobus.com



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Response: As indicated in the traffic study, the proposed project will add no traffic to the problematic right turn movement from the connector road onto Congress Street, and would therefore not affect the crash experience for that movement. The project is forecast to add less than 5% to the eastbound through movement on Congress Street in the PM peak hour. Although improvements can be required as part of the Traffic Movement Permit process, it is the opinion of Gorrill-Palmer Consulting Engineers Inc. that the project should have some direct impact on the problem if the improvement is to be required of the applicant. In fact paragraph 4A, General

Comment 2. I spoke to MaineDOT directly about the justification of requiring the applicant to implement improvements at the Congress Street/I-295 Off-ramp intersection. MaineDOT indicated that improvements can be required through the Traffic Movement Permit process if the location is within the study area, regardless the amount of new traffic being added to the deficient movement. Accordingly, it is my recommendation that the applicant implement all aspects of improvements noted in their report. I would note that the City received a preliminary cost estimate from A&D Electric for the signalization of the subject right-turn movement. Their estimate to complete the work is \$8,330.00.

Response: Gorrill-Palmer Consulting Engineers, Inc. has met with Metro in the field to discuss relocation of the bus stop. At that time they indicated that the existing location was a typical City stop and they were comfortable with the location, but would entertain relocating the stop to the current Double Tree driveway location. After careful consideration of relocating the bus stop, Gorrill-Palmer Consulting Engineers, Inc. recommends that it stay at the current location for safety reasons. As has been indicated in past submittals, this stretch of Congress Street was a high crash location with 91 collisions in a three-year period before Olympia participated in the project to improve Congress Street when the Bank building was constructed. That improvement reduced the crash experience to 15 in the three-year period following implementation. Moving the bus stop to a location immediately west of the uncontrolled Mobil driveway could result in an increase in crashes due to sight distance restrictions caused by the bus relative to vehicles attempting to make left turns out of the Mobil driveway. At the current bus stop location, the downstream driveway is signalized so that this situation does not occur. The current location also offers direct access to a signalized crossing of Congress Street and the pedestrian facilities proposed for the Olympia site. Therefore, it is our opinion that the bus stop should remain at its current location.

Comment 1. Please coordinate the bus stop issue directly with Metro.

Gorrill-Palmer Consulting Engineers, Inc. has reviewed the current staff comments from Tom Errico and Eric Labelle dated May 17, 2005. Comments requiring a response are summarized below followed by our response.

Dear Jim:

RE: Response to Traffic Comments
50 Sewall Street Medical Office

Mr. James Brady
Olympia Equity Investors II, LLC
280 Fore Street, Suite 202
Portland, ME 04101

May 18, 2005

207-657-6910
FAX: 207-657-6912
E-Mail: mllibox@gorrillpalmer.com

Traffic and Civil Engineering Services

Gorrill-Palmer Consulting Engineers, Inc.

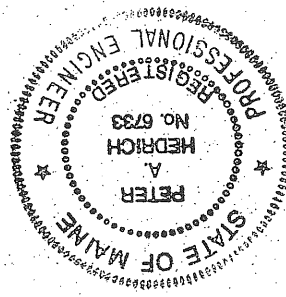


PO Box 1237
15 Shaker Rd.
Gray, ME 04039

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PAH/pah/admm/MN1109/Brady-5-18-05

Ethan Boxer-Macomber, City of Portland
Tom Erico, Wilbur Smith
C. Chris Osterleder, Deluca-Hoffman



Vice President of Transportation
Peter A. Hedrich, P.E., PTOE
Peter A. Hedrich
Gorrill-Palmer Consulting Engineers, Inc.

Sincerely,

Please contact us with any questions.

With regard to parking, the onsite parking is well in excess of parking required by the ordinance and has been determined to be the appropriate number of spaces for a Medical Office Building. It is unlikely anyone using the facilities within the campus would park on Sewall Street, particularly given the distance to the proposed buildings from Sewall Street.

Response: In our opinion, the proposed project accommodates pedestrian traffic through the site from Congress Street, and we expect most if not all pedestrians to enter from Congress Street. Should a pedestrian occasionally choose to use Sewall Street, the existing walk (with the exception of one 50 foot gap) along the west side of Sewall Street would be more than adequate given the low pedestrian and vehicular volumes on this dead end street. This approach seems to be consistent with the City's recently completed reconstruction project along Allen Avenue from Allen's Corner to Summit Street where sidewalk was installed on only one side of this arterial roadway.

Comment 3. My [Eric Labelle] recommendation is to have granite curb and concrete sidewalk be placed from the Paint Pot to the developer's site on the east side of Sewall Street. The site will likely add to the current pedestrian traffic and on-street parking.

mitigation. project has no traffic increase to the problem movement, that the applicant would not be responsible for the attributable to the development at the time the development becomes fully operational". It would seem that if the development will have the ability to safely and efficiently handle the traffic increase (emphasis added) development must be located and designed so that the roads and intersections in the vicinity of the proposed Standards, of Chapter 305, Rules and Regulations Pertaining to Traffic Movement Permits, states: "The

Mr. James Brady
May 18, 2005
Page 2 of 2

(S)

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.

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.

Response to Comment 2 - Landscape Plan:

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.

Response to Comment 1 - Traffic:

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.

Dear Ethan:

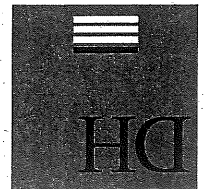
**Subject: Site Plan and Traffic Movement Permit Application
Olympia Equity Investors I, II, III, and XIII, Co-Applicants
Application ID#2005-0070
Comment Response Letter & Resubmittal**

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

May 13, 2005

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- TRAFFIC STUDIES AND MANAGEMENT

DELUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS
778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896



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

Response to Comment 3 - Engineering:

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 MDEF-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 treatment to the OBI 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 OBI 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

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

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.

Response to Comment 4 - Easements:

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.

Response to Comment 5 - Exterior Lighting Plan:

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.

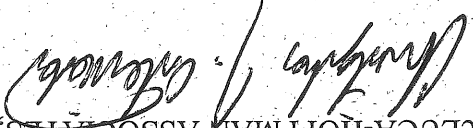
Response to Comment 6 - Architectural Materials Samples:

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. Osterieder, 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

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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 MDEBP 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

D.

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.

C.

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.

B.

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.

A.

1. Stormwater Management

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:

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

05P040



with the flows to WQ1 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 a minimal, a bituminous cape cod curb, to divert runoff to a formal location at the southern corner and 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

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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 WQV-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. Tearing will be problematic, as this problem.

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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 MBDP 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

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Enclosure

Francisco Santilippo
Sincerely,
Francisco Santilippo

I cross Congress Street at Massachusetts Ave. often because it is the only crosswalk for many, many blocks. It is almost always a nightmare, because while I attempt to cross Congress, cars from Mass. Ave are taking left turns towards me, and cars from the Mobil station are turning right towards me. The duration of the cross-walk light is short and is timed when cars are taking rights on red. On more than one occasion cars have nearly hit me. Please put yourself in my shoes and try walking across Congress Street yourself several times during the day. It is not easy, in fact, it is an ill-conceived and poorly engineered deathtrap for pedestrians.

In circulating this petition, everyone I spoke to immediately knew the problematic area and in many cases told me of their own fear and/or almost deadly experiences crossing this part of Congress St. Many expressed hope that the City would help with traffic calming and beautification in the whole area.

While I have no problem with the proposed office building, or with Olympia - I have met with them and they seem intelligent and thoughtful neighbors and I do not wish ill on this project, I do, however, have significant and evidential fears. The increased traffic and many more cars in this area will make it much, much more difficult for pedestrians. There is no plan to make this "death-trap" for pedestrians a safer place. Is the City just going to wait for a pedestrian to die before it solves this problem, or will it seriously consider the impact this proposed project will have on the neighborhood?

In presenting you with this petition, I am trying my best to stop a pedestrian fatality, and I ask you to please examine the effect this proposed project will have on the neighborhood. If there was heavy traffic that jeopardized your safety in your neighborhood what would you do?

Dear Mr. Boxer,

From: Francisco Santilippo
96 Douglas Street
Portland, ME 04102

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

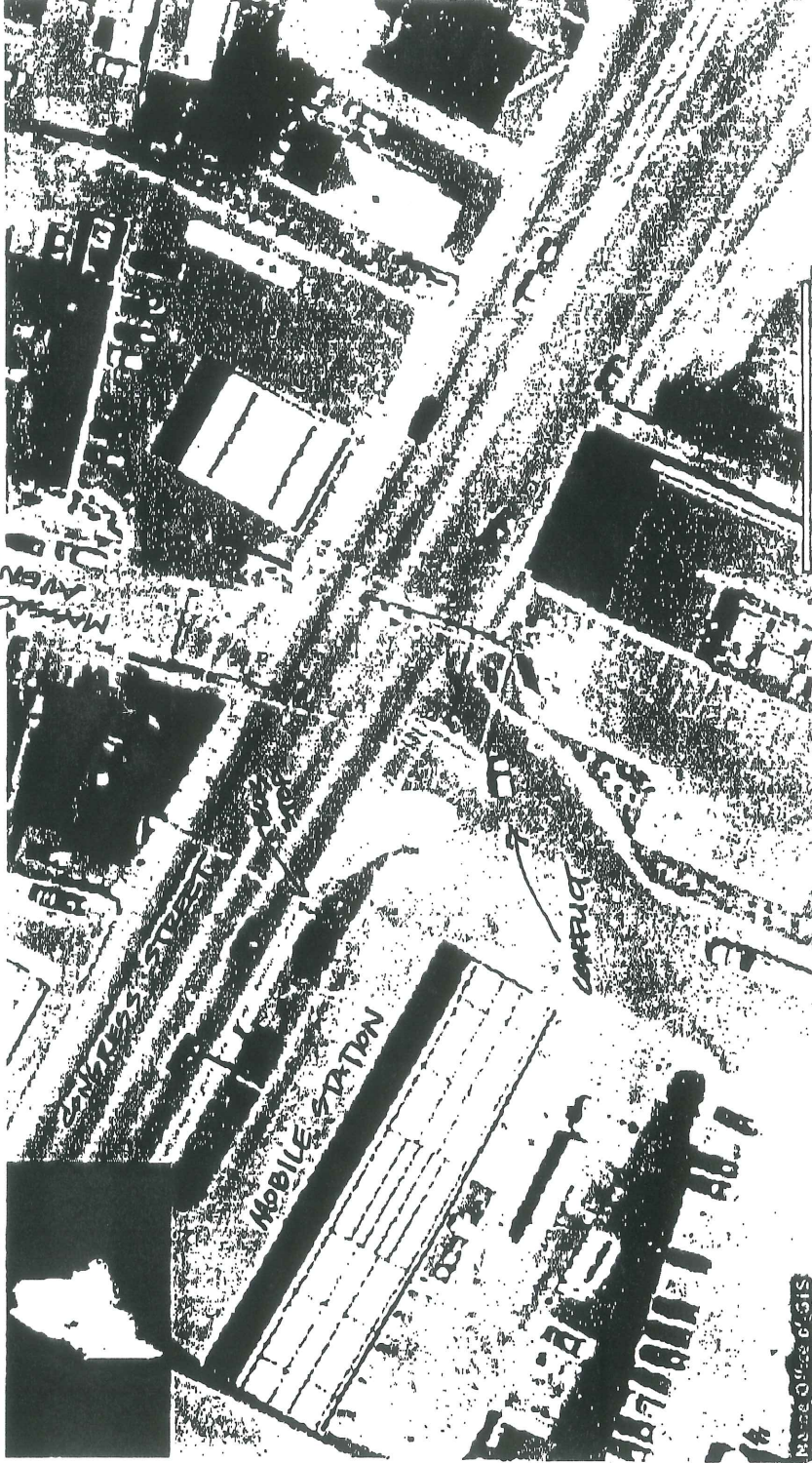
Re: OBI Sewall Street Bldg Site Plan
Congress Street, Portland, ME 04102

Via Fax

May 20, 2005

1/5
21

22



CURRENT PROBLEM THAT WILL GET WORSE

- INADEQUATE VEHICLE STACKING
- RIGHT TURN ON RED
- NO WAITING SPACE FOR BUS IN WINTER
- INADEQUATE OIL TANKER ACCESS / EGRESS
- NO CLEAR PEDESTRIAN ROUTES
- POORLY MARKED CROSS WALKS
- POORLY TIMED PEDESTRIANS @ LIGHTS
- VEHICLE / BICYCLIST CONFLICTS
- TRAFFIC DELAYS

<http://megisims.state.me.us/website/orthomap/MapFrame.htm>

NORWAY SAVINGS
 BANK 3 STORY
 BUILDING BY
 OLYMPIA EQUITY

AERIAL PHOTO @
MASSACHUSETTS AVE.
INTERSECTION

5/13/2005

PETITION TO REDESIGN THE MASSACHUSETTS AVENUE INTERSECTION FOR PUBLIC SAFETY

We the undersigned request that the Portland Planning Board DENY or TABLE the Olympia Equity Property development proposal which includes the Double Tree Hotel, Norway Savings Bank and the proposed 4 story Office Building until the dangerous Massachusetts Avenue intersection has been suitable redesigned to safely accommodate pedestrians, cars, bicyclists, oil tanker trucks and bus riders now and in the future.

Date Name Address Business/Resident signature

1.5/14/05 Mark Songelmann 515 Strudwick Rd Portland Resident Mark Songel

2.5/14/05 Barbara R. Jones 611 Broadway Portland Resident

3. GARY BLACK

4.5/14/05 Francis SawFilippa 96 Douglass St. Portland Resident Francis SawFilippa

5.5/14/05 James Cagney 170 BOSTON ST. Portland Resident Jim Cag

6.5/14/05 Mathew Despins 51 Richards St Portland Resident Math Despins









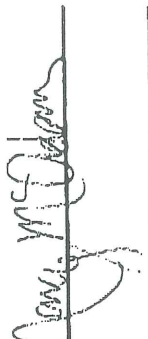
7.5/14/05 Charles O'Rourke 79 Douglass St. Portland Resident Charles O'Rourke

8.5/17/05 Steven R. Bergeron 1236 CONGRESS ST BUSINESS Steve Bergeron

9.5/17/05 Adam Juskevich 50 Milton St Portland Resident Adam Juskevich

24

- | Date | Name | Address | Business/Resident | Signature |
|---------|----------------------|--|-------------------|-------------|
| 5/16/85 | David C. O'Neil | 1196 Congress | Business | [Signature] |
| | Michael L. Wright | 130 RIVER HIGHLAND ST #2 | Resident | [Signature] |
| | Erwin Ziegler | 235 Brackett St. 1942 + bracket St. 2. | | |
| | 5/17/85 | 21 HIGH POINT SCARBOROUGH | | |
| | WORK | 1199 CONGRESS ST. BUSINESS | | |
| | Tom O'Sullivan | 323 Windsor Court Rd | | [Signature] |
| | Will Coledge | 42 Bolton St | William Coledge | |
| | Ernest Lane | 15 Bancroft St. | per Ernest Lane | |
| | Lucy M. Gore | 15 Bancroft St. | Res. Lucy M. Gore | |
| | Juliette Seigelmann | 55 Stoddardwater Rd | Res | [Signature] |
| | Jacqueline Potter | 66 Stoddardwater Rd | Portland | [Signature] |
| | David Burns | 96 Stoddardwater Rd | | |
| | Kelvin Wald - Purans | 56 Stoddardwater Rd | Portland | [Signature] |
| | Bob Fasullo | 99 Stoddardwater Rd | Portland | [Signature] |

Date	Name	Address	Resident / Business	Signature
23. 5/18/05	CONNIE BOXFY	99 STEADPUNTER RD PICKENS	✓	
24. 5/19/05	Peter Sengelmann	55 Stroudwater Rd. V		
25. 5/18/05	Anthony Donovan	27 River View ST	RES.	
26. 5/14/05	KEITH ANNEKSON	240 OSGOOD ST	RES	
27. 5/19/05	ANDREW ANDERSON	240 Osgood ST	RES	
28. 5/19/05	Tom Knight	88 Shepherd Ln		
29. 5/19/05	Nate Dingley	86 Starbird Rd.	✓	
30. 5/19/05	Michael Prieter	87 Garsoe Dr.	Resident	
31. 5-19-05	Nancy McAdams	34 Meadow Ln.		
32.				
33.				
34.				

NEW MEDICAL OFFICE BUILDING, NEW SURFACE PARKING LOT,
AMENDMENTS TO TWO APPROVED SITE PLANS

VICINITY OF SEWALL AND CONGRESS STREETS

SITE PLAN AND TRAFFIC MOVEMENT PERMIT REVIEW

OLYMPIA EQUITY INVESTORS I, II, III, & XIII, CO-APPLICANTS

Submitted to:
Portland Planning Board
Portland, Maine

Submitted by:
Ethan Boxer-Macomber, Planner

May 20, 2005

A May 24, 2005 Public Hearing has been scheduled for the Planning Board to consider the above referenced application.

I. PROJECT SUMMARY

Applicant:	Current Use:	Development Proposal:	Zoning:	Parking Spaces Required:	Parking Spaces Provided:
Olympia Equity I	DoubleTree Hotel	Reconfiguration and Expansion of Parking lot	B2	225	274
Olympia Equity II	Vacant Land	45,000 S.F. Medical Office Building and Associated Site Improvements	C38 Conditional Zone	116	209
Olympia Equity III	Norway Savings / Medical Office Building	Reconfiguration of Parking Lot and Associated Improvements	B2	80	80
Olympia Equity XIII	Vacant Land	Creation of a +/- 70 Space, Surface Parking Lot and Associated Site Improvements	B2		

II. PROJECT BACKGROUND & DESCRIPTION

Olympia Equity Investors (OEI) II and XIII recently completed rezoning processes for their respective properties so as to allow for the development now proposed. On April 4, 2005 the Portland City Council approved the rezoning of the OEI II and XIII sites as recommended by the Planning Board, except paragraph 14 of the conditional rezoning agreement was amended to read, "OEI II shall contribute \$60,000.00 toward public improvements in the area, for the purpose of pedestrian access from the site to the Hadlock Baseball Field".

With the project's rezoning phase now complete, OEI I, II, III & XIII request that the Planning Board consider the subject site plan and traffic movement permit applications.

III. PUBLIC OUTREACH AND RESPONSE

Upon receipt of the subject site plan application, staff noticed property owners within 500 feet of the site and placed an ad in the *Portland Press Herald* newspaper in accordance with the requirements of the site plan ordinance. Prior to the April 12 and 26, 2005 workshops and the May 24, 2005 Public Hearing, the project was again noticed in the same manner.

The applicant held a required neighborhood meeting on April 18, 2005 and has provided required documentation (Attachment C).

New public comment received as of the date of this report is also attached (Attachment Z).

IV. SITE PLAN

1. Traffic, Loading, and Circulation §14-526(a)(1)

Traffic

The subject application is projected to generate in excess of 100 peak hour trips and therefore requires a Traffic Movement Permit. Please see Section V below.

Loading

Loading for the proposed medical office building is accommodated at the building's front entrance with a turn-out area demarcated by contrasting concrete pavers and signed accordingly.

Pedestrian Circulation

The applicant has submitted a pedestrian circulation plan (Attachment W), which identifies continuous threads of sidewalk and crosswalk through and around the subject sites.

Intermodal Transportation

The site is served by a MetroBus bus stop located directly to the West of the project's Congress Street entrance. The applicant's site plan provides for pedestrian circulation to this bus stop via a proposed sidewalk along the project entry.

It has been noted by members of the public that this bus stop is sited on a narrow section of sidewalk resulting in suboptimal safety conditions particularly in winter months when snow banks are present. Responding to this concern, the applicant has worked with its traffic engineers and MetroBus to explore the option of providing a new MetroBus "pull-out" and/or shelter in the vicinity of a Congress Street curb-cut West of the abutting Mobil Station which is proposed to be closed as part of the project.

The applicant's conclusion is that the current bus stop functions adequately and that the curb-cut location could result in reduced safety due to a conflict with left turn movements from the Mobil station. Both the applicant's and the City's consulting traffic engineers will be present at the public hearing if the Board requires further information. A representative of MetroBus has also been asked to attend the public hearing.

2. Parking §14-526(a)(2)

The entire OBI campus is proposed to provide 421 parking spaces. Due to the unique configuration of lots and buildings on the campus and the need to satisfy zoning requirements while accommodating dedicated parking in close proximity to project entries, the proposed on-site parking plan includes various lease agreements between the OBI entities as summarized in the submitted Parking Plan Map (Attachment Y).

On-site parking is provided for existing hotel (274 spaces) and bank / office (80 spaces) uses in conformance with the off-street parking ordinance and the original approvals for those sites.

Under the off-street parking ordinance, the proposed medical office building is required to provide 116 parking spaces. However, due to the high market demand for parking generated by medical office uses, the applicant has provided 209 parking spaces. Based on industry standards, medical office uses are projected to demand approximately 5 spaces per 1,000 S.F. of usable office space. Using this formula, the estimated parking demand for the proposed medical office building can be expected to be close to the 209 spaces provided.

The hotel site provides 49 spaces above and beyond what is required by zoning. When peak medical office parking demand does occur, it is anticipated to correspond with times of lower parking demand on the hotel site when additional on-site parking would be available as a shared parking supply.

3. Health and Safety §14-526(a)(3)

Per this section, the massing and placement of the proposed building should "not cause health or safety problems as to the existing uses in the neighborhood". Staff finds the proposed project to be consistent with this standard.

4. Value / Utility of Neighboring Structures §14-526(a)(4)

The proposed project is not anticipated to have adverse impacts on the value or utility of neighboring structures. The project offers visual screening and light shielding as well as a number of potential off-site improvements which would benefit the existing neighborhood.

The applicant has submitted a letter of wastewater capacity from the Department of Public Works (Attachment H) and request letter for a letter of adequate water capacity from the Portland Water District (Attachment I).

5. Sewers, Stormdrains, Water §14-526(a)(5)

The applicant proposes a comprehensive landscape plan (Attachment Y) which serves to screen and soften the site and its buildings and parking areas. The applicant has implemented numerous revisions to the landscape plan through the public review process in response to concerns expressed by the Planning Board, the public, and City staff. The landscape plan softens and screens the project at its edges. Open expanses of pavement are shaded and visually divided by tree islands.

The proposed landscape plan was prepared in coordination with the City Arborist.

7. Significant Existing Vegetation §14-526(a)(7)

Some existing significant trees are proposed to be removed from the former MDOT lot held by OBI XIII. To mitigate this loss, the applicant proposes dozens of new trees in and around the proposed parking lot as well as a vegetated berm along the Congress Street frontage.

8. Drainage and Erosion Control §14-526(a)(8)

The proposed drainage and erosion control plans have been reviewed by the City's consulting development review engineer and the City Engineer. These plans have been found adequate with some minor exceptions as outlined in a memo for the development review engineer, Jim Seymour, P.E. (Attachment T). Staff therefore recommends a condition of approval.

• That the project plans be revised to address these concerns, subject to final review and approval by the Planning Authority.

9. Exterior Lighting §14-526(a)(9)

The applicant has submitted an exterior lighting plan which staff finds to conform to the City's exterior lighting standards. While no wall mounted or architectural lighting is proposed on the new medical office building, any future addition of such lighting should be in conformance with City standards. Based on the tendency for such lighting to be used, staff therefore recommends a condition of approval:

• That any future exterior lighting not on the plan be subject to review and approval by the Planning Authority.

The subject site currently features a number of non-conforming pole mounted exterior light fixtures. Staff further recommends that:

- Existing non-conforming exterior light fixtures shall be removed prior to issuance of a certificate of occupancy.

10. Fire Prevention §14-526(a)(10)

The Fire Department, Office of Fire Prevention, has reviewed and approved the proposed site plan.

11. Consistency with Off-Premises City Infrastructure §14-526(a)(11)

Sewall Street Sidewalk

The Planning Board has requested that the staff and the applicant report on the status of sidewalks on Sewall Street between the entry to the project and Congress Street. On the opposite side of Sewall Street from the project, there is full curb and concrete sidewalk existing and in good condition with the exception of a +/- 50 foot gap. On the East side of Sewall there is no curb and a narrow intermittent bituminous sidewalk with multiple gaps.

As per the Board's request, planning staff has asked the City's consulting traffic engineer as well as the City Engineer to provide a recommendation on whether the proposed project should provide any improvements to the Sewall Street sidewalks. The City's traffic engineer deferred to the City Engineer for a matter of sidewalk requirements. The City Engineer visited the site and recommended that the applicant install new curb and sidewalk along the East side of Sewall Street from the project entry to Congress Street. The curb would be required to control drainage in Sewall Street.

While the Planning Department generally supports the recommendation of providing sidewalks in this situation on the East side of Sewall Street the necessary installation of curb makes the improvement cost prohibitive. Planning staff therefore recommends that the applicant should not be required to install sidewalk on the East side of the street.

12. Environmental Impact §14-526(a)(20)

Stormwater

Storm water from the majority of the site is designed to pass through water quality units, then outfall into an adjacent drainage swale leading directly to the Fore River. This strategy has been reviewed and approved by the DBP and the City Engineer.

In the pre-existing condition of the DoubleTree and Norway Saving sites several subcatchment areas are not receiving stormwater treatment as required by today's standards. The applicant proposes the redirection of storm water and installation of new water quality units so as to bring the campus into substantial conformance.

Wetlands

The applicant's original wetland delineation study had been conducted in winter months and required field verification in the spring growing season. That verification has been conducted (Attachment F). No wetlands will be disturbed by the proposed project.

Stream Protection

The proposed project calls for a crossing of an existing drainage swale at the entry to the proposed surface parking lot at the site's N.E. corner. The applicant has presented the swale-crossing plan to the Maine DEP. The Maine DEP found the swale to be a drainage course, not a stream, and has exempted the project from requiring a stream-crossing permit (Attachment G).

DEP Site Location Review

The scope and scale of the proposed project brought into question whether it should be required to undergo DEP Site Location review. The applicant has presented a request to the Maine DEP for a letter of non-jurisdiction. That letter has been granted (Attachment E).

13. Signage

§14-526(a)(22-23)

This section presents standards for architectural and freestanding signs. Due to still evolving tenant make-up, the applicant has not yet been able to develop a signage plan for the proposed medical office building. Staff recommends that, as a condition of approval, the applicant submit an architectural signage plan to the Planning Authority for final review and approval.

14. Minor and Major Business Standards

§14-526(a)(24)

Subsection (a) of this standard addresses the affect of commercial signage on visibility at intersections. The applicant has expressed intent to reconfigure signage at the site's primary entrance on Congress Street in conjunction with this project but, due to a still evolving tenant make-up, has not yet developed precise plans for submission. Staff recommends that, as a condition of approval, the applicant submit a Congress Street signage plan to the Planning Authority for final review and approval.

15. B2 Design Standards

§14-526(a)(27)

Details have not been provided of the "decorative aluminum fence" proposed along the Sewall Street frontage. Staff recommends that this detail should be subject to final review and approval by the Planning Authority.

16. Easements

Several utility existing utility easements are omitted from the plans including:

Utility Type	Location	Needs Easement	Easement To:
(1) Gas	DoubleTree Hotel to Congress Street	Dugas (Mobil Station)	OEI I
(2) Sanitary Sewer	DoubleTree Hotel to Congress Street	Dugas (Mobil Station)	OEI I
(3) Storm Water	S.W. corner of Dugas lot to OEI drainage infrastructure	OEI I	Dugas
(4) Storm Water	Congress Street Drainage crossing "MDOT" lot	OEI XIII	The City of Portland
(5) Stormwater	Norway Savings Site into drainage infrastructure at DoubleTree	OEI I	OEI III

These five easements are not shown on the plans and may or may not have been recorded. Staff recommends a condition of approval that these easements be recorded and shown on the plan subject to final review and approval by the Planning Authority and Corporation Counsel.

V. TRAFFIC MOVEMENT PERMIT

Through the review process the applicant and the applicant's traffic engineer have worked with staff, the Maine DOT, the Planning Board, and the public on addressing traffic movement issues. The following areas were identified as potential problem areas through the project scoping process and have since undergone follow-up study and analysis. The City's consulting traffic engineer will be in attendance at the May 24 Public Hearing to answer any questions that Board may have.

Sewall / Congress Intersection

The applicant's traffic engineer has addressed concerns about pedestrian safety at this location stating that the proposed project will not have measurable impacts on this location. The City's consulting traffic engineer recommends that the project will have impacts and that new LED countdown pedestrian signal heads should be installed. Staff supports this recommendation and has included the following condition of approval for the Board to consider:

- The applicant shall install new LED pedestrian signal heads with countdowns at all four crossing points of the Congress / Sewall / Whitney intersection. Although no crosswalk currently exists at the Eastern Congress street crossing, the City will install this crosswalk once the signal head is in place. The applicant shall coordinate with the department of Public Works on this installation.

The applicant's estimated cost for these signal heads is \$12,000.

Massachusetts / Congress Intersection

The applicant has studied this intersection and recommends that it is functioning well and needs only to be restriped. The City's consulting traffic engineer concurs (Attachment P). The City will restripe this location as part of its regular spring striping schedule.

Primary Project Entrance on Congress Street

The City's consulting traffic engineer finds the proposed project entry acceptable as proposed (Attachment P). The issue of this entry is still of concern to neighborhood residents who have submitted a petition to the Planning Board (Attachment Z).

I-295, Exit 5 Crash Sites

The traffic scoping report prepared by the applicant's consulting traffic engineer reports two high crash locations (Attachment K). The City's consulting traffic engineer concurs with the applicant's traffic engineer on recommended solutions to these problem spots including strobes in one location and an additional signal in another.

The City's consulting traffic engineer has consulted with the Maine DOT and recommends that the applicant install the recommended solutions as part of the traffic movement permitting process. Staff supports this recommendation and suggests the following conditions of approval:

- So as to help remedy an identified high crash location in the project's traffic scoping area, the applicant shall install flashing strobes to the signal indicators for Eastbound Congress Street traffic at the intersection of Congress Street and the I-295, Exit 5 ramps.

- So as to help remedy an identified high crash location in the project's traffic scoping area, the applicant shall install a new traffic signal to control right turn movements from the I-295 off-ramp which channels North bound interstate traffic onto East bound Congress Street.

The applicant's estimated cost to make these installations is \$700 and \$12,000 respectively.

VI. CONCLUSION AND RECOMMENDATION

Staff finds that with the proposed conditions of approval, the project will be consistent with B2 and C38 Zoning, the standards of the Site Plan Ordinance, and the standards for issuance of a traffic movement permit. Staff, therefore, recommends that the Planning Board approve the proposed motions.

VII. MOTION FOR THE BOARD TO CONSIDER

On the basis of plans submitted by the applicant and on the basis of information contained in Planning Report #32-05 relevant to standards for site plan and traffic movement regulations, and other findings as follows:

1. That the plan is in conformance with the site plan standards of the land use code.

Potential Conditions of Approval:

i. The project shall conform to all terms contained in Conditional Zoning Agreement C38.

ii. The applicant shall provide evidence that five utility easements, as described in the site plan section of Planning Report 32-05, have been recorded and shall show these easements on the plan, subject to final review and approval by the Planning Authority and Corporation Counsel.

iii. The applicant shall revise the plans to address all concerns expressed in a 5/18/2005 memo from Jim Seymour P.E. subject to final review and approval by the Planning Authority. *including review to the site plan to reflect snow storage removal.*
iv. Any future addition of exterior lighting on or in proximity to the proposed medical office building shall be in conformance with the City's exterior lighting standards and shall be subject to final review and approval by the Planning Authority.

v. All existing, non-conforming exterior lighting fixtures on the subject sites shall be removed prior to issuance of a certificate of occupancy.

vi. The applicant shall provide a detail of the proposed "decorative aluminum fence" along the project's Sewall Street frontage, subject to final review and approval by the Planning Authority.

vii. Any future commercial signage on the Congress Street right of way shall conform to the standards of the site plan ordinance and shall be

subject to final review and approval by the Planning Authority.

viii. Any future architectural or tree-standing signage associated with the proposed medical office building shall conform to the standards of the site plan ordinance and shall be subject to final review and approval by the Planning Authority.

ix. OBI insure a drainage agreement over lot is acceptable to city be decided per subject to final review and approval by the Planning Authority.

2. That the plan is in conformance with the Traffic Movement Permit standards.

Potential Conditions of Approval:
X. landscape pla - reviewed city
if MDOT - R+A BY ARKURIST

So as to help remedy an identified high crash location in the project's traffic scoping area, the applicant shall install flashing strobes to the signal indicators for Eastbound Congress Street traffic at the intersection of Congress Street and the I-295, Exit 5 ramps.

So as to help remedy an identified high crash location in the project's traffic scoping area, the applicant shall install a new traffic signal to control right turn movements from the I-295 off-ramp which channels North bound interstate traffic onto East bound Congress Street.

The applicant shall install new LED pedestrian signal heads with countdowns at all four crossing points of the Congress / Sewall / Whitney intersection. Although no crosswalk currently exists at the Eastern Congress street crossing, the City will install this crosswalk once the signal head is in place. The applicant shall coordinate with the department of Public Works on this installation.

VIII. ATTACHMENTS

- A. Application
- B. Evidence of Right, Title, and Interest
- C. Neighborhood Meeting Documentation
- D. Summary of Parking and Access Easements
- E. DEP Site Location Letter of Non-Jurisdiction
- F. Revised Wetland Delineation
- G. DEP Stream Crossing Permit Exemption
- H. Waste Water Capacity Letter
- I. Water Capacity Request Letter
- J. Conditional Zone Agreement C38 As Recorded
- K. 1/2005 Gorrill-Palmer Traffic Report Executive Summary

6-0 APPROVED



Xii. Applicant
in lieu of east sidewalk
should close 50 ft
strip in curb & sidewalk.
6-0 APPROVE

- L. 2/04/2005 Gorrill-Palmer History of Project Entry at Congress
- M. 4/4/2005 Gorrill-Palmer Responses
- N. 5/3/2005 Gorrill-Palmer Responses
- O. 5/17/2005 Labelle Memo RE: Sewall St. Sidewalks
- P. 5/3/2005 Tom Errico Recommendations
- Q. 5/16/2005 MetroBus Letter RE: Potential Bus Stop / Shelter
- R. 5/18/2005 Gorrill-Palmer Responses
- S. 5/13/2005 DeLuca-Hoffman Responses to Outstanding Issues Letter
- T. 5/18/2005 Seymour Memo – Engineering Issues
- U. Site Aerial Context Photo
- V. Lot Ownership Identification Plan
- W. Site Circulation Plan
- X. Architectural Elevations and Rendering
- Y. Site Development Plans
- Z. Neighborhood Petition Regarding Project Entrance

A1

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	Consultant/Agent, mailing address, phone # & contact person: SMRT, Inc. 144 Fore Street, PO Box 618 Portland, ME 04104 772-3846 George McDonough
Telephone #: 874-9990	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	

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.

City of Portland Site Plan Application

A2

Signature of applicant: [Signature] Date: EX 4.6.05

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

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .50 per page (8.5 x 11) you may also visit the web site: cl.pordand.me.us chapter 14

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c) ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

- a. copy of application
 - b. cover letter stating the nature of the project
 - c. site plan containing the information found in the attached sample plans check list
- Submittals shall include (9) separate folded packets of the following:

Who billing will be sent to: (Company, Contact Person, Address, Phone #)

Olympia Equity Investors
280 Fore Street, Suite 202
Portland, ME 04101
Tim Levine

Proposed Development (check all that apply)

New Building, Building Addition, Change of Use, Residential, Office, Retail

Manufacturing, Warehouse/Distribution, Parking lot

Subdivision (\$500.00) + amount of lots (\$25.00 per lot) \$ _____

Site Location of Development (\$3,000.00)

(except for residential projects which shall be \$200.00 per lot _____)

Traffic Movement (\$1,000.00) Stormwater Quality (\$250.00)

Section 14-403 Review (\$400.00 + \$25.00 per lot)

Other _____

Major Development (more than 10,000 sq. ft.)

Under 50,000 sq. ft. (\$500.00)

50,000 - 100,000 sq. ft. (\$1,000.00)

Parking Lots over 100 spaces (\$1,000.00)

100,000 - 200,000 sq. ft. (\$2,000.00)

200,000 - 300,000 sq. ft. (\$3,000.00)

Over 300,000 sq. ft. (\$5,000.00)

Minor Site Plan Review

Less than 10,000 sq. ft. (\$400.00)

After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments

Planning Staff Review (\$250.00)

Planning Board Review (\$500.00)

- Please see next page -

41161/42002
35691 RE

cc: Dan Flaherty (w/enc)
George F. Eaton, II
Robert E. Sutcliffe
Enclosure
EAR/gu

Edith A. Richardson



Very truly yours,

We enclose Chicago Title Insurance Company Loan Policy No. 72107-1074278 insuring Maine Bank & Trust Company's \$500,000.00 loan relating to the above property.

Dear Mr. Lea:

RE: Lot 4 - Sewall Street, Portland

Portland, ME 04104
P.O. Box 619
Maine Bank & Trust Company
Thomas N. Lea, Vice President

January 27, 2004

Email: erichardson@rudman-winchell.com

www.rudman-winchell.com
Telephone 207 947-4501
Facsimile 207 941-9715
P.O. Box 1401
Bangor, Maine 04402-1401
P.O. Box 1401
Bangor, Maine 04401
84 Harlow Street
Bangor, Maine 04401

THE GRAHAM BUILDING

Counselors at Law

RUDMAN & WINCHELL

- Gerald E. Rudman
- Phillip D. Buckley
- Michael P. Friedman
- Walter A. Stevens
- Robert E. Sutcliffe
- Paul W. Chalton
- David C. King
- John W. McCarthy
- Frank T. McGuire
- Bruce C. Maloney
- Paul H. Sigmund
- William H. Hanson
- George F. Eaton, II
- Edith A. Richardson
- Michael M. McAleer
- Edmond J. Bear
- Curtis E. Kimball
- Brent A. Singer
- Leigh McCarthy
- Anne Marie L. Storey
- Andrew Landry
- Anthony D. Pellegrini
- Virginia Kozak Putnam
- Hays S. Peterson
- Christopher J. Austin
- Timothy A. Pease
- Charles R. Budd, Jr.
- Wendy A. Brown

Abraham M. Rudman
(1898-1970)
Albert H. Winchell, Jr.
(1924-1992)

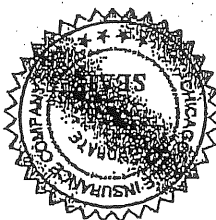
COPY

Secretary

By: *[Signature]*

President

By: *[Signature]*



CHICAGO TITLE INSURANCE COMPANY

Issued By:
Rudman & Winchell, LLC
84 Harlow Street, P.O. Box 1401
Bangor, Maine 04401
(207) 947-4501

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.
In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land;
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Lack of priority of the lien of the insured mortgage over any statutory lien for services, labor or material:
 - (a) arising from an improvement or work related to the land which is contracted for or commenced prior to Date of Policy; or
 - (b) arising from an improvement or work related to the land which is contracted for or commenced subsequent to Date of Policy and which is financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule A, or the failure of the assignment shown in Schedule A to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

CHICAGO TITLE INSURANCE COMPANY

Policy No. 72107-1074278

AMERICAN LAND TITLE ASSOCIATION
LOAN POLICY
(10-17-92)

CHICAGO TITLE INSURANCE COMPANY
LENDER'S TITLE INSURANCE POLICY

SCHEDULE A

TYPE	AGENT FILE NO.	POLICY NUMBER	DATE OF POLICY	INSURANCE AMOUNT
LOAN	42963/42002	72107-1074278	December 5, 2003 at 4:00 p.m.	\$500,000.00
OWNERS				

GW# 35688 RE

1. Name of insured:

Maine Bank & Trust Company, its successors and/or assigns as their interests may appear.

2. The estate or interest referred to herein is at Date of Policy vested in:

Olympia Equity Investors II, LLC

Source of title: Deed from Olympia Equity Investors I, L.P. dated June 21, 1997 and recorded in Book 13212, Page 24 of the Cumberland County Registry of Deeds.

3. The estate or interest in the land described in this Schedule and which is encumbered by the insured Mortgage is:

Fee simple.

4. The mortgage, herein referred to as the insured mortgage, and the assignments thereof, if any, are described as follows:

Mortgage from Olympia Equity Investors II, LLC to Maine Bank & Trust Company dated September 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 18117, Page 1, in the original principal amount of \$503,750.00.

5. The land referred to in this policy is located at: Lot 4, Sewall Street, Portland, Maine

AND IS DESCRIBED IN SCHEDULE A ATTACHED HERETO.

THIS POLICY IS VALID ONLY IF SCHEDULE B IS ATTACHED.

CHICAGO TITLE INSURANCE COMPANY LENDERS TITLE INSURANCE POLICY

Policy Number:

Owner's

72107-1074278

Lender's

SCHEDULE A

A certain lot or parcel of land, together with any buildings and improvements thereon, situated in Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point on the easterly sideline of Sewall Street at the southwest corner of the premises herein described, said point being distant 0.91 feet northwesterly of a state highway monument marking the northerly right of way of State Highway 295 as it is delineated on Maine State Highway Commission Right of Way Map dated May 1967, (S.H.C. File No. 3-185) Sheet Number 40 which is recorded in the Cumberland County Registry of Deeds in Plan Book 112, Page 42;

Thence N 15° 32' 40" E along the easterly sideline of Sewall Street, 140.00 feet to the northwesterly corner of Lot 4 depicted on the "Amended Subdivision Plan in Portland, Maine for CSR Associates" ("the Subdivision Plan") recorded February 12, 1997 in the Cumberland County Registry of Deeds in Plan Book 197, Page 32;

Thence S 70° 10' 10" E by and along the generally northerly line of said Lot 4, 174.94 feet to a point on said northerly line of Lot 4;

Thence continuing along the northerly line of Lot 4, S 72° 39' 30" E 395 feet to the easterly sideline of the premises conveyed by CSR Management, Inc., to Olympia Equity Investors I, L.P. by deed recorded in Book 12942, Page 267, and the northeasterly corner of Lot 4;

Thence S 23° 05' 30" W by and along the Interstate 295 right-of-way and the generally easterly sideline of said Lot 4, 120.00 feet to a point;

Thence S 73° 24' 00" W by and along said I-95 right-of-way 64.60 feet to a point;

Thence northwesterly by and along the southerly line of Lot 4 on a curve to the left, having a radius of 1472.07 feet, a distance of 502.74 feet to the point of beginning.

Being the same premises as Lot 4 depicted on the Subdivision Plan.

Also all rights and easements granted to Olympia Equity Investors II, LLC by Joseph R. Dugas, Trustee of the Merrimack Industrial Trust, Olympia Equity Investors I, L.P. and Olympia Equity Investors III, L.P. in a deed titled "Mutual Easement Deed" dated October 12, 1999 and recorded in Book 15198, Page 95 of the Cumberland County Registry of Deeds.

CHICAGO TITLE INSURANCE COMPANY LENDER'S TITLE INSURANCE POLICY

Policy Number: _____

Owner's

72107-1074278

Lender's

SCHEDULE B

This policy does not insure against loss or damage by reason of the following:

GENERAL EXCEPTIONS:

1. Rights of present tenants, lessees, or parties in possession.

2. Any liability for mechanics' or materialmen's liens.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which an accurate survey and inspection of the premises would disclose.

4. Real estate taxes (including liens not yet due or payable) as follows:

A. Taxes have been paid for the period ending December 31, 2003.

Inclusion of a specific survey exception under Special Exceptions of Schedule B does NOT eliminate General Exception (3) in the Owner's Policy.

General Exceptions numbered 1 and 2 are hereby omitted from the Policy.

Affirmative insurance language under Special Exceptions of Schedule B does not apply to the Owner's Policy unless otherwise specified.

SPECIAL EXCEPTIONS: The mortgage, if any, referred to in Item 4 of Schedule A. (This exception does NOT apply to Loan Policies.)

SEE SCHEDULE B ATTACHED HERETO.

COUNTERSIGNED

NOTE: The following endorsements appearing after Schedule B are an integral part of this Policy.

None

Authorized Signatory



CHICAGO TITLE INSURANCE COMPANY LENDER'S TITLE INSURANCE POLICY

Policy Number:

Owner's

Policy Number:

72107-1074278
Lender's

SCHEDULE B CONTINUED

5. The exact acreage or square footage of the premises is not insured.
6. Title to and rights of the public and others in and to any portions of the insured premises lying within the bounds of adjacent streets, roads, and ways.
7. Title and rights of the public in and to those portions of the insured premises lying within the bounds of adjacent streets, ways, and roads.
8. State of Maine State Highway Commission Notice of Layout and Taking dated December 2, 1970, recorded in Book 3153, Page 761 of the Cumberland County Registry of Deeds.
9. Slope easement reserved by the Trustees of Merrimack-Portland Trust in a deed to William E. Bailey and John E. Pearson as Trustees dated April 10, 1973, recorded in Book 3424, Page 82 of the Cumberland County Registry of Deeds.
10. Rights and easements granted to Portland Water District by CSR Associates by easement dated November 12, 1973, recorded in Book 3486, Page 243 of the Cumberland County Registry of Deeds.
11. Rights and easements granted to Central Maine Power Company and New England Telephone and Telegraph Company by CSR Management, Inc. by instrument dated September 26, 1975, recorded in Book 3770, Page 138 of the Cumberland County Registry of Deeds.
12. All matters shown on a plan entitled "Plan of Land on Congress and Sewall Street, Portland, Maine" dated July 22, 1999, revised August 8, 1999 made for Olympia Equity Investors I, L.P. and recorded in Plan Book 199, Page 486 of the Cumberland County Registry of Deeds.
13. All matters shown on a plan entitled "ALTA/ACSM Land Tide Survey on Congress and Sewall Street, Portland, Maine" made for Olympia Equity Investors I, L.P. by Owen Haskell, Inc. dated January 24, 1997.
14. All matters shown on a subdivision plan entitled Amended Subdivision Plan in Portland, Maine for CSR Associates" recorded February 12, 1997, in Plan Book 197, Page 32 of the Cumberland County Registry of Deeds.
15. Public notice regarding easement rights in the former location of Greeley Street acknowledged June 29, 1991, recorded in Book 9689, Page 97 of the Cumberland County Registry of Deeds.

CHICAGO TITLE INSURANCE COMPANY

LENDER'S TITLE INSURANCE POLICY

Policy Number:

Owners

Policy Number:

Lenders

72107-1074278

SCHEDULE B CONTINUED

16. Rights and easements of Olympia Equity Investors I, L.P. reserved in a deed to Olympia Equity Investors II, LLC dated June 21, 1997 and recorded in Book 13212, Page 24 of the Cumberland County Registry of Deeds.

17. Notice of vacation of unaccepted or proposed ways by Langdon Street Real Estate, dated November 10, 1997, recorded in Book 13459, Page 202 of the Cumberland County Registry of Deeds.

18. Rights and easements conveyed to Joseph Dugas, Trustee of the Merrimack Industrial Trust, Olympia Equity Investors I, L.P. and Olympia Equity Investors III, L.P. by virtue of a Mutual Easement Deed dated October 14, 1999 and recorded in Book 15198 Page 95 of the Cumberland County Registry of Deeds.

NOTE:

Notwithstanding the amount of the obligations owed by Olympia Equity Investors II, LLC to the Insured as listed under the Insured Mortgage, by agreement with the Insured, coverage hereunder (as modified by the terms hereof and any endorsements hereto) is limited to \$500,000.00.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or employment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions of the land, or ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- 2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy or other matters:
- (a) created, suffered, assumed or agreed to by the insured claimant;
- (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
- (c) resulting in no loss or damage to the insured claimant;
- (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material); or
- (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.

- 4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
- 5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
- 6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
- 7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
 - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

CONDITIONS AND STIPULATIONS

- 1. DEFINITION OF TERMS
 - (a) "insured": the insured named in Schedule A. The term "insured" also includes
 - (i) the owner of the indebtedness secured by the insured mortgage and each successor in ownership of the indebtedness except a successor who is an obligor under the provisions of Section 12(c) of these Conditions and Stipulations (assuming, however, all rights and defenses as to any successor that the Company would have had against any predecessor insured, unless the successor acquired the indebtedness as a purchaser for value without knowledge of the asserted defect, lien, encumbrance, adverse claim or other matter insured against by the policy as affecting title to the estate or interest in the land);
 - (ii) any governmental agency or governmental instrumentality which is an insurer or guarantor under an insurance contract or guaranty insuring or guaranteeing the indebtedness secured by the insured mortgage, or any part thereof, whether named as an insured herein or not;
 - (iii) the parties designated in Section 2(a) of these Conditions and Stipulations.
 - (b) "insured claimant": an insured claiming loss or damage.
 - (c) "known", or "known": actual knowledge, not constructive knowledge or notice which may be imputed to an insured by reason of the public records as defined in this policy or any other records which impart constructive notice of matters affecting the land.
 - (d) "land": the land described or referred to in Schedule A, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule A, nor any right, title, interest, easement or appurtenant right in the land, nor any right, title, interest, easement, way or waterway, but nothing herein shall modify or limit the extent to which a right of access to and from the land is insured by this policy.
 - (e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- 2. CONTINUATION OF INSURANCE
 - (a) After Acquisition of Title. The coverage of this policy shall continue in force as of Date of Policy in favor of an insured only so long as the insured retains an estate or interest in the land, or holds an indebtedness secured by a purchase money mortgage given by a purchaser from the insured, or only so long as the insured shall have liability by reason of covenant of warranty made by the insured in any transfer or conveyance of the estate or interest. This policy shall not continue in force in favor of any purchaser from the insured or either (i) an estate or interest in the land, or (ii) an indebtedness secured by a purchase money mortgage given to the insured.
 - (b) After Conveyance of Title. The coverage of this policy shall continue in force as of Date of Policy in favor of an insured only so long as the insured retains an estate or interest in the land, or holds an indebtedness secured by a purchase money mortgage given by a purchaser from the insured, or only so long as the insured shall have liability by reason of covenant of warranty made by the insured in any transfer or conveyance of the estate or interest. This policy shall not continue in force in favor of any purchaser from the insured or either (i) an estate or interest in the land, or (ii) an indebtedness secured by a purchase money mortgage given to the insured.

Policy for the purposes of imparting constructive notice of matters relating to Section 1(a)(v) of the Exclusions From Coverage. "Public records" shall also include environmental protection liens filed in the records of the clerk of the United States district court for the district in which the land is located.

(g) "unmarketability of the title": an alleged or apparent matter affecting the title to the land, not excluded or excepted from coverage, which would entitle a purchaser of the estate or interest described in Schedule A or the insured mortgage to be released from the obligation to purchase by virtue of a contractual condition requiring the delivery of marketable title.

(i) "public records": records established under state statutes at Date of Policy for the purposes of imparting constructive notice of matters relating to Section 1(a)(v) of the Exclusions From Coverage. "Public records" shall also include environmental protection liens filed in the records of the clerk of the United States district court for the district in which the land is located.

(g) "unmarketability of the title": an alleged or apparent matter affecting the title to the land, not excluded or excepted from coverage, which would entitle a purchaser of the estate or interest described in Schedule A or the insured mortgage to be released from the obligation to purchase by virtue of a contractual condition requiring the delivery of marketable title.

(c) Amount of insurance. The amount of insurance after the acquisition or after the conveyance shall in no event exceed the least of:

(i) the amount of the principal of the indebtedness secured by the insured mortgage as of Date of Policy, interest thereon, expenses of foreclosure, amounts advanced pursuant to the insured mortgage to assure compliance with laws or to protect the lien of the insured mortgage prior to the time of acquisition of the estate or interest in the land and secured thereby and reasonable amounts expended to prevent deterioration or improvements, but reduced by the amount of all payments made; or

(ii) the amount paid by any governmental agency or governmental instrumentality, if the agency or instrumentality is the insured claimant, in the acquisition of the estate or interest in satisfaction of its insurance contract or guaranty.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 4(a) below, (ii) in case knowledge shall come to an insured hereunder of any claim or title or interest which is adverse to the title to the estate or interest or the lien of the insured mortgage, as insured, and which might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if title to the estate or interest or the lien of the insured mortgage, as insured, is rejected as unmarketable. If prompt notice shall not be given to the Company, then as to the insured all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any insured under this policy unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

4. DEFENSE AND PROSECUTION OF ACTIONS; DUTY OF INSURED CLAIMANT TO COOPERATE

(a) Upon written request by the insured and subject to the options contained in Section 6 of these Conditions and Stipulations, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an insured in litigation in which any third party asserts a claim adverse to the title or interest as insured, but only as to those stated causes of action alleging a defect, lien or encumbrance or other matter insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the insured to object for reasonable causes) to represent the insured as to those stated causes of action and shall not pay any fees, costs or expenses incurred by the insured in the defense of those causes of action which alleges matters not insured against by this policy.

(b) The Company shall have the right, at its own cost, to institute and prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest or the lien of the insured mortgage, as insured, or to prevent or reduce loss or damage to the insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this policy. If the Company shall exercise its rights under this paragraph, it shall do so diligently.

(c) Whenever the Company shall have brought an action or imposed a defect as required or permitted by the provisions of this policy, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

5. PROOF OF LOSS OR DAMAGE

In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided the Company, a proof of loss or damage signed and sworn to by the insured claimant shall be furnished to the Company within 90 days after the insured claimant shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the defect in, or lien or encumbrance on the title, or other matter insured against by this policy which constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the insured claimant to

provide the required proof of loss or damage, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such proof of loss or damage.

In addition, the insured claimant may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Policy, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the insured claimant shall grant its permission, in writing, for any authorized representative of the Company to examine and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by or for the insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in this paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance or to Purchase the Indebtedness.

(i) to pay or tender payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred by the insured claimant, which were authorized by the Company, up to the time of payment or tender of payment and which the Company is obligated to pay; or

(ii) to purchase the indebtedness secured by the insured mortgage for the amount owing thereon together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of purchase and which the Company is obligated to pay.

7. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the insured claimant who has suffered loss or damage by reason of matters insured against by the policy and only to the extent herein described.

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(b) In the event the insured has acquired the estate or interest in the manner described in Section 2(a) of these Conditions and Substitutions or has conveyed the title, then the liability of the Company shall continue as set forth in Section 7(a) of these Conditions and Substitutions.

The Company will pay only those costs, attorney's fees and expenses and in accordance with Section 4 of these Conditions and Substitutions.

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or the insured mortgage, as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation, including litigation by the Company or with the insured mortgage, as insured, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title or to the lien of the insured mortgage, as insured.

(c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without prior written consent of the Company.

(d) The Company shall not be liable for (i) any indebtedness created subsequent to Date of Policy except for advances made to protect the lien of the insured mortgage and secured thereby for any reasonable amounts expended to prevent deterioration of improvements; or (ii) construction loan advances made subsequent to Date of Policy for the purpose of financing in whole or in part the construction of an improvement to the land which at Date of Policy were secured by the insured mortgage and which the insured was and continued to be obligated to advance at and after Date of Policy.

8. LIMITATION OF LIABILITY

(a) The insured's Rights and Limitations.

Notwithstanding the foregoing, the owner of the indebtedness secured by the insured mortgage, provided the priority of the lien of the insured mortgage or its enforceability is not affected, may release or substitute the personal liability of any debtor or guarantor, or extend or otherwise modify the terms of payment, or release a portion of the estate or interest from the lien of the insured mortgage, or release any collateral security for the indebtedness. When the permitted acts of the insured claimant occur and the insured has knowledge of any claim of title or interest adverse to the title to the estate or interest of the insured mortgage, the insured claimant shall be deemed to have accepted the insured mortgage, as insured, and the Company shall be required to pay only that part of any loss incurred against by this policy which shall exceed the amount, if any, lost to the Company by reason of the impairment by the insured claimant of the Company's right of subrogation.

(c) The Company's Rights Against Non-Insured Obligors.

The Company's right of subrogation against non-insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnify, guarantee, or release any collateral security for the indebtedness. The Company's right of subrogation shall not be avoided by acquisition of the insured mortgage by an obligor (except an obligor described in Section 1(a)(ii) of these Conditions and Substitutions) who acquires the insured mortgage as a result of an indemnity, guarantee, other policy of insurance, or bond condition 1(a)(i) of these Conditions and Substitutions.

9. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

(a) All payments under this policy, except payments made for costs, attorney's fees and expenses, shall reduce the amount of the insurance pro rata. However, any payments made prior to the acquisition of title to the estate or interest as provided in Section 2(a) of these Conditions and Substitutions shall not reduce pro rata the amount of the insurance afforded under this policy to the extent that the payments reduce the amount of the indebtedness secured by the insured mortgage.

(b) Payment in part by any person of the principal of the indebtedness, or any other obligation secured by the insured mortgage, or any voluntary partial satisfaction or release of the insured mortgage, to the extent of the payment, shall reduce the amount of insurance pro rata. The amount of insurance may thereafter be increased by accruing interest and advances made to protect the lien of the insured mortgage and secured thereby, with interest thereon, provided in no event shall the amount of insurance be greater than the amount of insurance stated in Schedule A.

(c) Payment in full by any person or the voluntary satisfaction or release of the insured mortgage shall terminate all liability of the Company except as provided in Section 2(a) of these Conditions and Substitutions.

(d) If the insured acquires title to the estate or interest in satisfaction of the indebtedness secured by the insured mortgage, or any part thereof, it is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a change or lien on the estate or interest described or referred to in Schedule A; and the amount so paid shall be deemed a payment under this policy.

10. LIABILITY NONCUMULATIVE

If the insured acquires title to the estate or interest in satisfaction of the indebtedness secured by the insured mortgage, or any part thereof, it is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a change or lien on the estate or interest described or referred to in Schedule A; and the amount so paid shall be deemed a payment under this policy.

(a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Substitutions, the loss or damage shall be payable within 30 days thereafter.

12. SUBROGATION UPON PAYMENT OR SETTLEMENT

(a) The Company's Right of Subrogation.

Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act or the insured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights or the insured claimant.

11. PAYMENT OF LOSS

(a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Substitutions, the loss or damage shall be payable within 30 days thereafter.

12. SUBROGATION UPON PAYMENT OR SETTLEMENT

(a) The Company's Right of Subrogation.

Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act or the insured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights or the insured claimant.

15. SEVERABILITY

In the event any provision of this policy is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

16. NOTICES, WHERE SENT

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company at the issuing office or to:

Chicago Title Insurance Company
 Claims Department
 171 North Clark Street

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**PIERCE
ATWOOD**
ATTORNEYS AT LAW

Dennis C. Keeler
One Monument Square
Portland, ME 04101
207-791-1331 voice
207-791-1350 fax
dkeeler@piercetwood.com
piercetwood.com

January 12, 2005

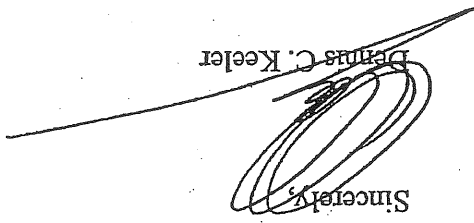
Amy E. Hughes, Legal Administrator
State of Maine
Department of Transportation
16 State House Station
Augusta, ME 04333-0016

RE: Sale of Land in Portland, ME to Olympia Equity Investors, LLC

Dear Amy:

Enclosed is a fully executed Purchase and Sale Agreement, with the sketch attached as Exhibit A, as we discussed. Please note that I have substituted a new page 1 to the agreement to reflect the new address of Olympia Equity Investors, LLC.

Please let me know when the legal description has been finalized. Thanks for your help.

Sincerely,

Dennis C. Keeler

DCK:fc
Enclosure

cc: Timothy Levine, Olympia Equity Investors
Matthew D. Manahan, Esq.

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT is made this _____ day of January, 2005, between the STATE OF MAINE, acting by and through its Department of Transportation (The "Seller") and OLYMPIA EQUITY INVESTORS XIII, LLC, a Maine limited liability company (the "Buyer").

WITNESSETH:

Section 1. Terms.

The following terms shall have the meanings specified whenever used in this Agreement:

(a) Seller:

State of Maine
Department of Transportation
16 State House Station, Augusta, Maine 04333-0016
Attention: Tomi L. Kemmerle, Esq., Legal Division

(b) Buyer:

Olympia Equity Investors II, LLC
280 Fore Street, Suite 202
Portland, ME 04101
Attention: Kevin Mahaney

(c) Premises: A certain lot or parcel of land situated at the intersection of the southerly side of Congress Street and the westerly side of "Connector Road," so-called, as shown on a plan entitled "State of Maine Right of Way Map" Portland, Maine DOT File No. 3-185B, dated June 2004, attached hereto as Exhibit B, in the City of Portland, consisting of approximately 1.02 acres and described in Exhibit A, attached hereto, subject to all easements and other matters of record, attached hereto and made a part hereof (the "Premises").

(d) Closing Date: The closing of title for purchase of the Premises shall take place on or before March 30, 2005.

(e) Exhibits:

Exhibit A: Description of the Premises
Exhibit B: Map of the Premises

Section 2. Purchase and Sale.

In consideration of the mutual covenants and promises contained in this Agreement, and other good and valuable consideration received by each party, the Seller hereby agrees to sell and the Buyer agrees to purchase the Premises, upon the terms and conditions hereinafter set forth.

Section 3. Effective Date:

The effective date of this Agreement shall be January 7, 2005.

Section 4. Purchase Price.

4.1 The purchase price for the Premises is Two Hundred Thousand U.S. Dollars (\$200,000.00), due and payable at Closing.

4.2 All monies payable under this Agreement, unless otherwise specified in this Agreement, shall be paid by checks drawn on any bank, savings bank, trust company, or savings and loan association having a banking office in the State of Maine, payable to the order of Treasurer, State of Maine.

Section 5. Title.

5.1 The Premises shall be conveyed by a Governor's Deed. The Governor's Deed shall contain no warranties or covenants of title whatsoever and shall convey all of the Seller's right, title and interest in the Premises, subject only to the easements reserved therein and other easements and encumbrances as may appear of record in the Cumberland County Registry of Deeds, and the provisions of existing building, land use, subdivision control and zoning laws. Seller covenants that there are no agreements, leases or licenses of which Seller is aware affecting the Premises.

If, in the event Buyer performs a title search and is unsatisfied with the results, or if Buyer is not satisfied with the results of the survey plan prepared as provided in Section 7.1 below, then Buyer shall have the right to terminate this Agreement at any time prior to closing, with no recourse of either party against the other. The foregoing notwithstanding, Seller shall remove or cause to be discharged any mortgage or other lien on the Premises.

5.2 Buyer acknowledges and agrees that the Premises are being sold "as is, where is" and that no representations are made by the Seller or its representatives as to the marketability of title.

B14

7.3 The parties acknowledge that the Premises are currently encumbered by an interceptor underground stormwater sewer owned by the City of Portland and by two drainage pipes out letting stormwater onto the Premises, which pipes are owned by Seller

7.2 Seller agrees to be responsible for the installation of a black, PVC-coated chain link fence, four foot (4') in height, along the new property boundary. Seller and Buyer will work cooperatively to coordinate such fence installation with other work that Buyer will be conducting on the Premises. Upon completion of the fence installation, Buyer shall reimburse Seller for the reasonable costs incurred by Seller in connection with the installation of such fence. The provisions of this Section shall survive the delivery and acceptance of the Deed and payment of the Purchase Price.

7.1 Prior to Closing, Seller has prepared a survey plan of the Premises and a legal description, both of which have been delivered to Buyer. At the Closing, Buyer shall reimburse Seller for the reasonable costs incurred by Seller in connection with the setting of such pins and preparing said survey.

Section 7. Other Conditions.

6.2. The Seller shall be responsible for discharging any mechanic's and materialman's liens of any description against the Premises arising in any way out of, or relating to (i) the Seller's ownership of the Premises prior to the date of conveyance, or (ii) the Seller's activities on the Premises either prior to or after the date of the conveyance. Seller agrees to execute a Seller's Affidavit for Buyer's Title Insurance Company certifying as to no mechanics liens or parties in possession. The Seller reserves the right to contest the validity of any such lien so long as the Seller causes such lien to be released on the record. This obligation shall survive the delivery and acceptance of the Deed and payment of the Purchase Price.

6.1 Buyer acknowledges that Buyer has not been induced to enter into this Agreement, and the transaction contemplated herein, in reliance upon any warranties or representations of any party not set forth herein. Except as otherwise provided in this Agreement, Buyer hereby expressly waives any claims against Seller for any matters of public record or matters which a physical inspection of the Premises would reveal, except as provided in Section 5. This Section shall survive the delivery and acceptance of the Deed and payment of the Purchase Price.

Section 6. No Warranties.

5.3 Seller shall deliver possession of the Premises to Buyer on the Closing Date, subject as they are now, reasonable wear and tear excepted. Notwithstanding the foregoing, Seller agrees to use reasonable efforts to eliminate any encroachments known to Seller and existing on Premises prior to closing.

but maintained by the City of Portland; one being a 12" corrugated metal pipe and the other a 36" concrete pipe. It is a condition of the parties' obligations under this Agreement that Buyer and the City of Portland agree upon the form of an easement for the currently existing interceptor underground stormwater sewer that crosses the Property. It is also a condition of this Agreement that Seller, Buyer and the City of Portland agree upon a mutually acceptable drainage plan that will be compatible with the highway drainage system, the City of Portland's current use, and with Buyer's proposed use of the Premises as a parking lot. Buyer agrees to pay all costs for sitework and other work associated with construction of its drainage system. This obligation shall survive the delivery and acceptance of the Deed and payment of the Purchase Price. The approved drainage plan shall include the obligation and right of the City of Portland to maintain its drainage systems, or so much thereof as is not discontinued as provided in the approved drainage plan, subject to mutually acceptable standards for conduct of work and disruption and restoration of the surface. If the parties are unable to agree upon a mutually acceptable drainage system plan and easements as outlined above by the Closing, unless extended or waived by both Seller and Buyer, then either party shall have the right to terminate this Agreement by giving notice of such termination to the other prior to Closing.

7.4 Seller shall include in the Governor's Deed restrictions (to run with the land) prohibiting buildings, structures and/or any commercial/advertising signs on the Premises, but to specifically allow paved parking and incidental structures and improvements ancillary to the use of the Premises as a parking lot, including lighting poles, stanchions and the like. Directional signs to businesses located on Buyer's adjacent property may be permitted in accordance with the City of Portland's zoning ordinances.

7.5 By acceptance of the Governor's Deed, Buyer agrees to plant and maintain a vegetation buffer on the Premises between Congress Street and the parking facility proposed to be constructed in a location approved by the Regional Manager for Maine Department of Transportation Region 1, which approval shall not be unreasonably withheld. It is a condition to Seller's obligations under this Agreement that such approval of the location of said buffer be obtained prior to Closing, unless waived by Seller. This obligation shall survive the delivery and acceptance of the Deed and payment of the Purchase Price.

7.6 Buyer shall have a period of forty-five (45) days beginning upon the Effective Date of this Agreement (the "Due Diligence Period") to obtain environmental assessments and to conduct tests and other due diligence to confirm that the Premises are suitable to satisfy the drainage and other requirements hereunder and for the contemplated use by Buyer. If Buyer, in its sole discretion, is not satisfied with any of the above referenced matters, then Buyer may elect, by giving written notice to Seller on or before the end of the Due Diligence Period, to terminate this Agreement.

B15

In the event that either the Buyer or the Seller is unable to perform their respective obligations under this Agreement prior to Closing, then the obligations of the parties shall cease, this Agreement shall be void and neither party shall have further recourse against the other.

Section 12. Default

If prior to Closing, there shall occur any material damage or destruction to the Premises by fire or other casualty and Seller shall not have substantially repaired or restored such damage or destruction prior to the Closing, Buyer shall have the option to terminate this Agreement. Upon termination pursuant to this section, neither Seller nor Buyer shall have any obligation or liability to or against the other hereunder.

Section 11. Destruction, Damage or Condemnation.

The Governor's Deed shall be delivered and the Purchase Price and all other specified amounts shall be paid as provided herein, unless the parties otherwise agree beforehand in writing. The Closing shall be held at the offices of the Department of Transportation, Augusta, Maine, or such other place as shall be mutually agreed upon by the parties.

Section 10. Closing.

9.2 Buyer agrees to pay all Registry of Deeds recording fees.
9.3 Buyer shall pay its share of the Maine real estate transfer tax imposed by Title 36 M.R.S.A. Section 4641-C (1); Seller is exempt from said transfer tax.

9.1 At Closing, in addition to the Purchase Price and other reimbursements set forth herein, Buyer agrees to pay Seller the amount of Five Thousand U.S. Dollars (\$5,000.00) for HNTB's appraisal of the Property.

Section 9. Fees, Costs and Transfer Taxes.

Until delivery of the Governor's Deed from Seller to Buyer, risk of loss or damage to the Premises shall be on Seller.

Section 8. Risk of Loss.

7.7 If Buyer terminates this Agreement in accordance with the provisions of Sections 5.1, 7.3, 7.6 or 11, then all obligations of the parties hereunder shall cease and neither party shall have any claims against the other by reason of this Agreement, except for any provision that expressly survives the termination of this Agreement.

No provision of this Agreement may be waived, changed, or modified orally, but only by an agreement in writing signed by the party against whom the enforcement of any waiver, change, or modification is sought.

Section 16. Waiver.

(b) Such other documents, instruments or certificates as the Seller or its counsel shall reasonably request in order more fully to effectuate the terms hereof.
(a) The Purchase Price that is due at Closing, together with all other payments specified herein; and

15.2 At the Closing the Buyer shall deliver, or cause to be delivered, to the Seller:

(b) Such other documents, instruments or certificates as the Buyer or its counsel shall reasonably request in order more fully to effectuate the terms thereof.
(a) A quitclaim deed without covenant for the Premises (also referred to herein as a "Governor's Deed"); and

15.1 At the Closing the Seller shall deliver, or cause to be delivered, to the Buyer:

Assurances.

Section 15. Instruments of Transfer, Payment of Purchase Price; Further

Seller shall convey the Premises to Buyer "as is," and makes no representations or warranties with respect to the condition of the Premises.

Section 14. Condition of the Premises.

Each party represents and warrants to the other that there are no claims for brokerage commissions or finder's fees incurred by reason of any action taken by that party with respect to this transaction. Each of the parties hereto will pay or discharge (a) any and all claims or liabilities for brokerage commissions or finder's fees incurred by reason of any action taken by that party with respect to this transaction, and (b) any and all claims and liabilities for brokerage commissions or finder's fees arising from or through persons or entities claiming by or through that party with respect to this transaction.

Section 13. Disclosure of Brokers.

Section 17. Notices.

Any communications, requests, or notices required or appropriate to be given under this Agreement shall be in writing and delivered by hand or sent either (a) by registered or certified mail (return receipt requested with the United States Postal Service); or (b) sent via a recognized commercial carrier, such as but not limited to Federal Express, which requires a return receipt delivered to the sending party at the addresses set forth in Section 1. Either party may change the address at which its notices are to be received by notice given as set forth above.

Section 18. Public Announcements

The parties agree to coordinate the timing and content of any and every public announcement relating to this Purchase and Sale Agreement, which are made prior to or in connection with the Closing.

Section 19. Capacity.

Each party represents to the other that: Such party has full power and authority to perform its obligations hereunder and that any person or entity executing this Agreement by or on behalf of the representing party has the authority to act on behalf of and bind the representing party, that each such party has obtained all necessary consents and approvals to lawfully perform its obligations under this Agreement and that any person or entity executing any closing documents by or on behalf of the representing party has been and will be duly authorized to act on behalf of the representing party, and that the performance of this Agreement will not be in violation of the representing party's charter or any law, ordinance, rule, regulation or order of any governmental body having jurisdiction, or the provisions of any agreements to which the representing party is a party or by the terms of which it is bound and, at the Closing, each party shall furnish to the other party and to Buyer's title insurance company, if any, reasonably satisfactory evidence of such authority and approval.

Section 20. Governing Law.

This Agreement is made pursuant to and shall be governed by and construed in accordance with the laws of the State of Maine.

Section 21. Expenses.

Regardless of whether the transactions contemplated pursuant to this Agreement are consummated, each party hereto, unless this Agreement expressly provides otherwise, shall pay all costs and expenses incurred by it and incident to the preparation and performance of this Agreement, and matters relating thereto, and such costs and expenses shall not be reimbursable by the other party hereto.

B19

BUYER:
 OLYMPIA EQUITY INVESTORS XIII,
 LLC, a Maine limited liability company
 By: Erin Management Group, II,
 Its Manager
 By: _____
 Name: _____
 Its

SELLER:
 STATE OF MAINE
 DEPT. OF TRANSPORTATION
 By: _____
 David A. Cole
 Its Commissioner

WITNESS

and year first above written.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day
 This Agreement may be executed in several counterparts, each of which shall be deemed
 an original, all of which together shall constitute one and the same Agreement.

Section 24. Counterparts.

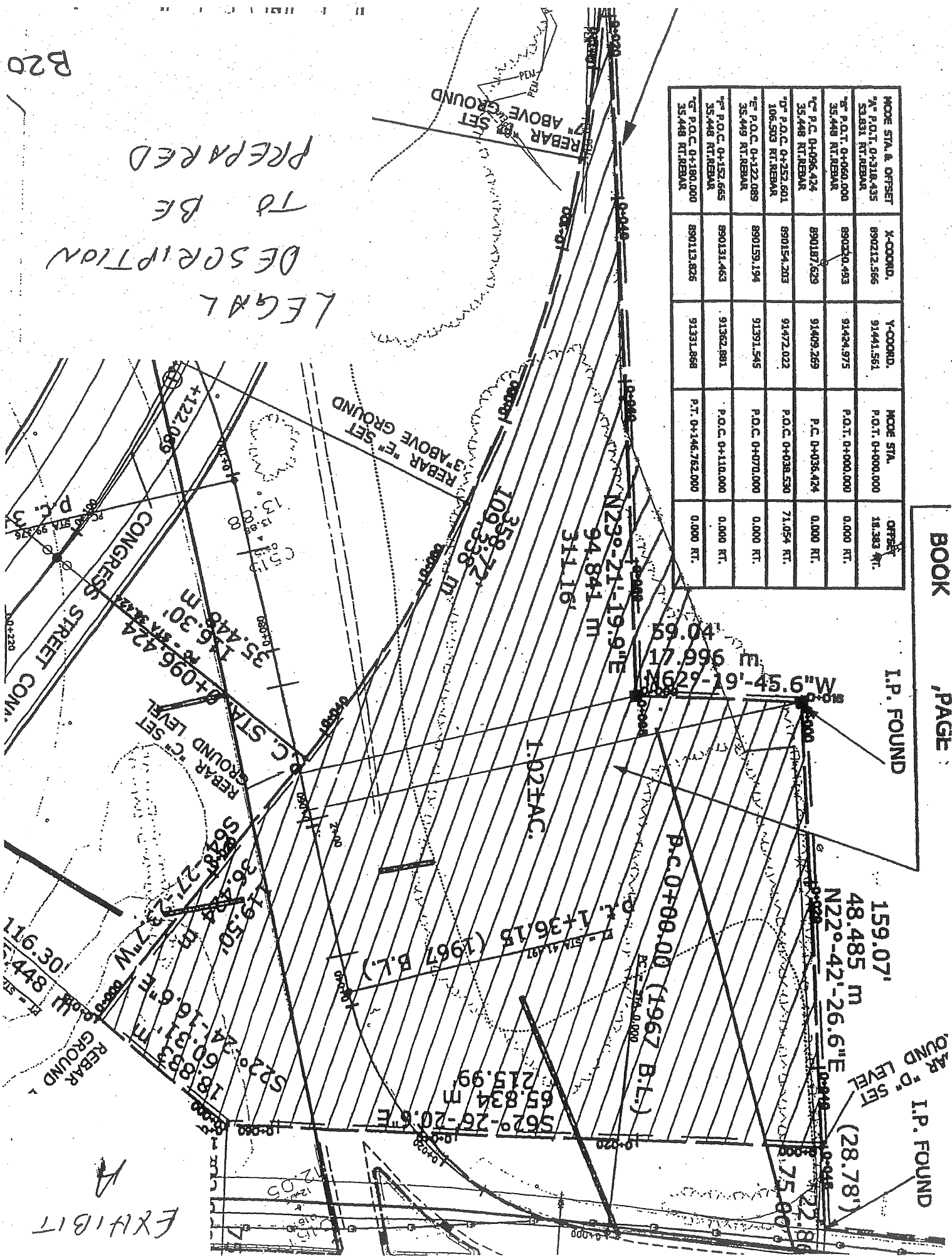
All understandings and agreements heretofore had between the parties hereto are merged
 into this Agreement. The covenants, agreements and representations made by the parties
 and contained in this Agreement shall survive the Closing.

Section 23. Entire Agreement and Survival.

This Agreement shall be binding upon and inure to the benefit of the legal
 representatives, successors and assigns of the parties hereto. Buyer shall have the right to
 assign this Agreement to any party affiliated with Buyer or with Kevin Mahaney.

Section 22. Successors and Assigns.

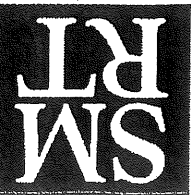
MODE STA. & OFFSET	X-COORD.	Y-COORD.	MODE STA.	OFFSET
"A" P.O.T. 0+318.435 53.831 RT:REBAR	890212.566	91441.561	P.O.T. 0+000.000	18.383 RT.
"B" P.O.T. 0+050.000 35.448 RT:REBAR	890230.493	91424.975	P.O.T. 0+000.000	0.000 RT.
"C" P.C. 0+096.424 35.448 RT:REBAR	890187.629	91409.269	P.C. 0+036.424	0.000 RT.
"D" P.O.C. 0+152.601 106.503 RT:REBAR	890154.203	91472.022	P.O.C. 0+038.530	71.054 RT.
"E" P.O.C. 0+122.089 35.449 RT:REBAR	890159.194	91391.545	P.O.C. 0+070.000	0.000 RT.
"F" P.O.C. 0+152.665 35.448 RT:REBAR	890131.463	91362.891	P.O.C. 0+110.000	0.000 RT.
"G" P.O.C. 0+180.000 35.448 RT:REBAR	890113.826	91331.868	P.T. 0+146.762.000	0.000 RT.



LEGAL
DESCRIPTION
TO BE
PREPARED

EXHIBIT

B20



ARCHITECTURE
ENGINEERING
PLANNING

April 6, 2005

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans to construct a four-story, 44,000 square foot office building at 50 Sewall Street with associated parking, pedestrian amenity, and landscape improvements.

Meeting Location: Doubletree Hotel, Congress Street
Meeting Date: April 18, 2005
Meeting Time: 6:00 PM

If you have any questions please call George McDonough, SMRT, at 207.772.3846.

Sincerely,
SMRT, Inc.

George McDonough, ASLA
Agent for Olympia Equity Investors II, LLC

Note:
Under Section 14-32(c) of the Portland City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.

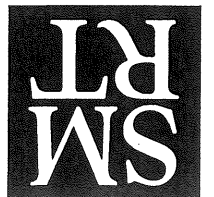
14 Fore Street
3 Box 618
Portland, Maine 04104
P 207 772-3846
F 207 772-1070
www.smrtinc.com

(C1)

(C2)

DIGIT-IN SHEET

NAME	ADDRESS
Frank	96 Douglas St. Portland
Susan Sunkhappa	55 Stroudwater Rd
Mark Engelmann	OLYMPIA
TIM CORNUT	"
KERIN MARRASBY	"



Meeting Minutes

Date of Meeting: April 18, 2005
Date of Issuance: April 19, 2005
A/E Project No: 0416
A/E Project Name: OEI II Site Permitting
Meeting Location: Doubletree Hotel, Portland, ME
Attendees: Project Team: Kevin Mahaney, Tim Levine, George McDonough

Topic: Neighborhood Meeting, Site Plan approval – 50 Sewall Street Office Building and adjacent properties

Program
 Introduction of project team
 Project overview
 Parking plan
 Traffic and Circulation
 Landscaping

Northeast

Mid-Atlantic

Public Questions and Comments

1. A participant asked about a pedestrian link through the site for those wishing to walk from the train station to the ballpark and from the Doubletree Hotel to the Ballpark. A discussion between the applicant and the participants followed.
2. A participant expressed concern about vehicular speed on Congress Street, safety of crosswalks. A discussion about general pedestrian safety in the area followed.
3. A participant expressed concern about pedestrian movement/safety between the new proposed parking lot at the "DOT" property and the Norway Savings Bank building. Several ideas were gathered on how to improve the design in this area.

Adjourn

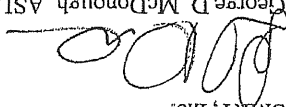


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Page 2 of 2

Meeting Minutes
Date: April 18, 2005

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

OLYMPIA EQUITY INVESTORS II, LLC
EASEMENT SUMMARY

The following is an executive summary of the various easements that will be executed in connection with the development of the Sewall Street Medical Office Building:

- A. Property Owners
- Lot 1 (Double Tree property)
 - Lot 3 (Norway Savings property)
 - Lot 4 (Sewall Medical property)
 - Lot 13 (DOT property)
- B. Easements
- Olympia Equity Investors I, L.P. ("OEI I")
 - Olympia Equity Investors III, L.P. ("OEI III")
 - Olympia Equity Investors II, LLC ("OEI II")
 - Olympia Equity Investors XIII, LLC ("OEI XIII")

From OEI I
To OEI II

- parking easement for the spaces located on Lot 1 that are designated on the parking plan as general parking for Lot 4; said easement is restricted to the hours of 7:00 AM to 6:30 PM from Monday through Friday and from 8:00 AM to 1:00 PM on Saturday

- exclusive parking easement for the 18 spaces located on Lot 1 that are designated on the parking plan as reserved parking for Lot 4

- landscape easement to maintain the landscaped buffer at the entrance to Lot 1 from Congress Street easement,

- to use in common with others, the driveways and walkways from time to time located on Lot 1 for pedestrian and vehicular ingress and egress to and from Lot 4 over Lot 1

To OEI III

- parking easement for the spaces located on Lot 1 that are designated on the parking plan as general parking for Lot 3; said easement is restricted to the hours of 7:00 AM to 6:30 PM from Monday through Friday and from 8:00 AM to 1:00 PM on Saturday

- parking easement, to use in common with others, the spaces located on Lot 1 that are designated on the parking plan as shared parking; said easement is restricted to the hours of 7:00 AM to 6:30 PM from Monday through Friday and from 8:00 AM to 1:00 PM on Saturday

- easement, to use in common with others, the driveways and walkways from time to time located on Lot 1 for pedestrian and vehicular ingress and egress to and from Lot 3 over Lot 1

To OEI XIII

From OEI III
To OEI XIII

From OEI XIII
To OEI I

- easement, to use in common with others, the portion of Lot 3 located within the right of way depicted as "Proposed Entrance Right of Way" on the plan entitled "Plan of Land on Congress Street & Sewall Street, Portland, Maine, made for OEI I" dated 7/22/00, last revised on 8/8/99, by Owen Haskell, Inc.

- easement, to use in common with others, the driveways and walkways from time to time located on Lot 3 for pedestrian and vehicular ingress and egress to and from Lot 13 over Lot 3

- parking easement for the spaces located on Lot 13 that are designated on the parking plan as general parking for Lot 1

D1

D2

{W0347524.1}

- parking easement for the spaces located on Lot 13 that are designated on the parking plan as general parking for Lot 3

TO OBI III

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The Site Law provides that "a person may not construct or cause to be constructed or operate or cause to be operated . . . any development of state or regional significance that may substantially affect the environment without first having obtained approval for this construction, operation, lease or sale from the" Maine Department of Environmental Protection ("DEP"). 38 M.R.S.A. § 483-A(1). A "development of state or regional significance that may substantially affect the environment" (also known simply as a Site Law "development") includes a "structure," which is defined as follows: "Buildings, parking lots, roads, paved areas, wharves or areas to be stripped or graded and not to be revegetated that cause a total project to occupy a ground area in excess of 3 acres. Stripped or graded areas that are not revegetated within a calendar year are included in

Background

The purpose of this letter is to request confirmation from you, so that we can provide confirmation to the City of Portland Planning Board, that the proposed office building development on the Olympia Equity Investors II ("OEI II") property on Sewall Street in Portland will not trigger approval under the state Site Location of Development Law (the "Site Law"). The issue has arisen because of concern that the OEI II property, together with the surrounding properties owned by other Olympia entities (OEI I, III, and XIII), may constitute a "common scheme of development." Although we do not believe these properties are a common scheme of development, we have investigated the extent of the buildings, parking lots, roads, paved areas, and other areas stripped and graded or to be stripped and graded and not to be revegetated (collectively referred to herein as "impervious area") since October 1, 1975 and have concluded that Site Law approval will not be required even if the four properties are considered to be a "common scheme of development."

Dear Linda:

RE: Olympia Equity Investors

Ms. Linda K. Kokemuller
SMRO Licensing Supervisor
Division of Land and Resource Regulation
Bureau of Land and Water Quality
Maine Department of Environmental Protection
312 Canco Road
Portland, ME 04103

April 26, 2005

Matthew D. Manahan
One Monument Square
Portland, ME 04101
207-791-1189 voice
207-791-1350 fax
mmanahan@piercetwood.com
piercetwood.com

PIERCE
ATWOOD
ATTORNEYS AT LAW
LLP

calculating the 3-acre threshold." 38 M.R.S.A. § 482. Because these provisions were first effective on October 1, 1975, only impervious area added after that date are counted in calculating the three-acre threshold.

In calculating the three-acre threshold, the DEP also considers whether the development proposed is part of a "common scheme of development" and, if so, the DEP will require a Site Law permit if the total post-1975 impervious area is over three acres. A "common scheme of development" is defined as "a plan or process of development which (1) takes place on contiguous or non-contiguous parcels or lots in the same immediate vicinity; and (2) exhibits characteristics of a unified approach, method, or effect such as: (a) unified ownership, management, or supervision; (b) sharing of common equipment or labor; or (c) common financing." DEP Reg. 371.1(C).

In municipalities with registered Site Law authority (including Portland), the municipality may issue site plan review permits that substitute for DEP Site Law permits for projects of between three and seven acres. 38 M.R.S.A. § 489-A(1)(H). In that event, though, certain notice and other procedural requirements apply. 38 M.R.S.A. § 489-A(8).

The Olympia "Campus"

Deluca-Hoffman has analyzed whether the post-1975 development, including the proposed development, on the four properties now owned or to be owned by the Olympia entities (OHI I, II, III, and XIII) will result in three or more acres of impervious area. As explained in the enclosed letter from Chris Osterreider, dated April 26, 2005, Deluca-Hoffman has concluded that the proposed new impervious area, together with the existing post-1975 impervious area, will be less than the 3-acre threshold for Site Law permitting.

Thus, even if the site were to be considered a "common scheme of development," Site Law approval will not be required for the work being proposed on the Olympia "campus."

Could you please indicate your agreement with this letter by signing and dating in the space provided below and returning a signed copy to me? To assist you in understanding the site, I enclose copies of (1) the existing conditions plan, and (2) the site plan.

Please call me if you have any questions about this information or need additional information. Thank you for your assistance.

Sincerely,



Matthew D. Manahan

(E2)



Dated:

Linda K. Kokemuller

SEEN AND AGREED TO:

Enclosures
cc: Penny A. Littell, Esq.
Ethan Boxer-Macomber
James H. Brady
Tim Levine
George McDonough
Christopher J. Osterreider

Ms. Linda K. Kokemuller
April 26, 2005
Page 3

Each photograph was magnified by a factor of four to more accurately reflect the conditions at the time. The June 1975 photograph and May 1976 photographs reflect identical existing conditions; therefore, the May 1976 photograph was used to evaluate the impervious surface due to a better resolution and more accurate scale. Our analysis indicates that between 4.50 and 4.70 acres of impervious area existed pre October 1, 1975. In comparison to the proposed total impervious areas (6.48 acres) of all of the lots as determined by our first analysis, between 1.78 and 1.98 acres of new impervious area will have been created since the date of the reference photographs.

44

- June 26, 1975 (1" = 200')
- May 1, 1976 (1" = 100')

Our second analysis evaluated the impervious area that has been or will be created post October 1, 1975, when the impervious area provision of the Site Location of Development Act Law was first applied. Our office obtained two aerial photographs from the Greater Portland Council of Governments. These photographs were taken on the following dates:

Our first analysis evaluated the total impervious area associated with the current development and the project as proposed, i.e., the aggregate of the existing and proposed impervious area. Our analysis concluded that the addition of the project will result in no more than 6.48 acres of impervious surface at the four parcels evaluated. This analysis is conservative in that it does not deduct any of the landscape islands, green space which abuts the Doubletree Hotel, or the common access drive to the signalized Congress Street entrance.

Our office has reviewed the buildings, parking lots, roads, paved areas, and other areas stripped and graded or to be stripped and graded and not to be revegetated (collectively referred to herein as "impervious area") of the Doubletree Hotel (Map 189 Lot A-014, 4.806 acres), the Norway Savings Bank (Map 189, Lot A-013, 0.826 acres), the proposed Office Building (Map 189, Lot A-31, 1.694 acres) and the former MDOT lot adjacent to the I-295 ramps (Map 189, Lot Not Assigned, 1.1 acres), based on the latest site development plans submitted as part of the Site Plan Application dated April 5, 2005. These lots have a total area of approximately 8.426 acres. We have also reviewed the historical impervious area dating back to June 26, 1975.

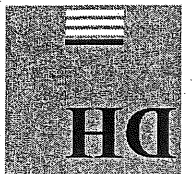
Dear Tim:

**Subject: Proposed Sewall Street Office Building
Site Law Jurisdiction Review**

Mr. Tim Levine
Olympia Equity Investors, LLC
280 Fore Street
Portland, Maine 04101

April 26, 2005

D&LUCIA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS
778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896



- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- TRAFFIC STUDIES AND MANAGEMENT

We understand that the DEP has requested that our analysis consider, in addition, any impervious area that has been subjected to a "change of use", e.g., construction of a building on an existing parking lot. This is the case with the Norway Savings Bank building in that the parking portion of the existing lot was previously occupied by a restaurant, and the current Norway Savings Bank footprint occupies the former restaurant parking lot.

Although we do not agree with the application of this "change of use," addition of these areas does not put the post-1975 impervious area over the 3-acre threshold. Should the Norway Savings Bank building and parking area (0.24 and 0.26 acres) be discounted from the grandfathered area and viewed as "new" impervious area (0.50 acres), the post-1975 total would increase from between 1.79 - 1.98 acres to between 2.29 - 2.48 acres, and therefore still not trigger the 3-acre threshold. The only changes in use identified in review of the historical photographs and the current day conditions are associated with the Norway Savings Bank parcel (Map 189, Lot A-013).

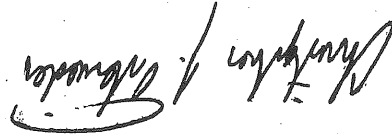
In short, the existing post-1975 and proposed new impervious area is less than the 3-acre threshold for Site Location of Development Act permitting, and the total of 6.48 acres is less than the 7-acre threshold of the City of Portland Municipal Review Authority (L-17695-06-A-N) granted by the Board of Environmental Protection in January of 1993.

Based on our review of these analyses, a Site Location of Development Act Permit would not be required with respect to the impervious area proposed for the project.

Please review this information and contact our office with any questions.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Christopher J. Osterrieder, P.E.
Senior Engineer

CJO/sq/JN2498/Levine-4-21-05

Enclosure

c: Kevin Mahaney, Olympia Equity Investors, LLC
Jim Brady, Olympia Equity Investors, LLC
George McDonough, SMRT, Inc.
Matt Manahan, Pierce Atwood

ES

76

BUVAO LAIYANI BUNUTU (



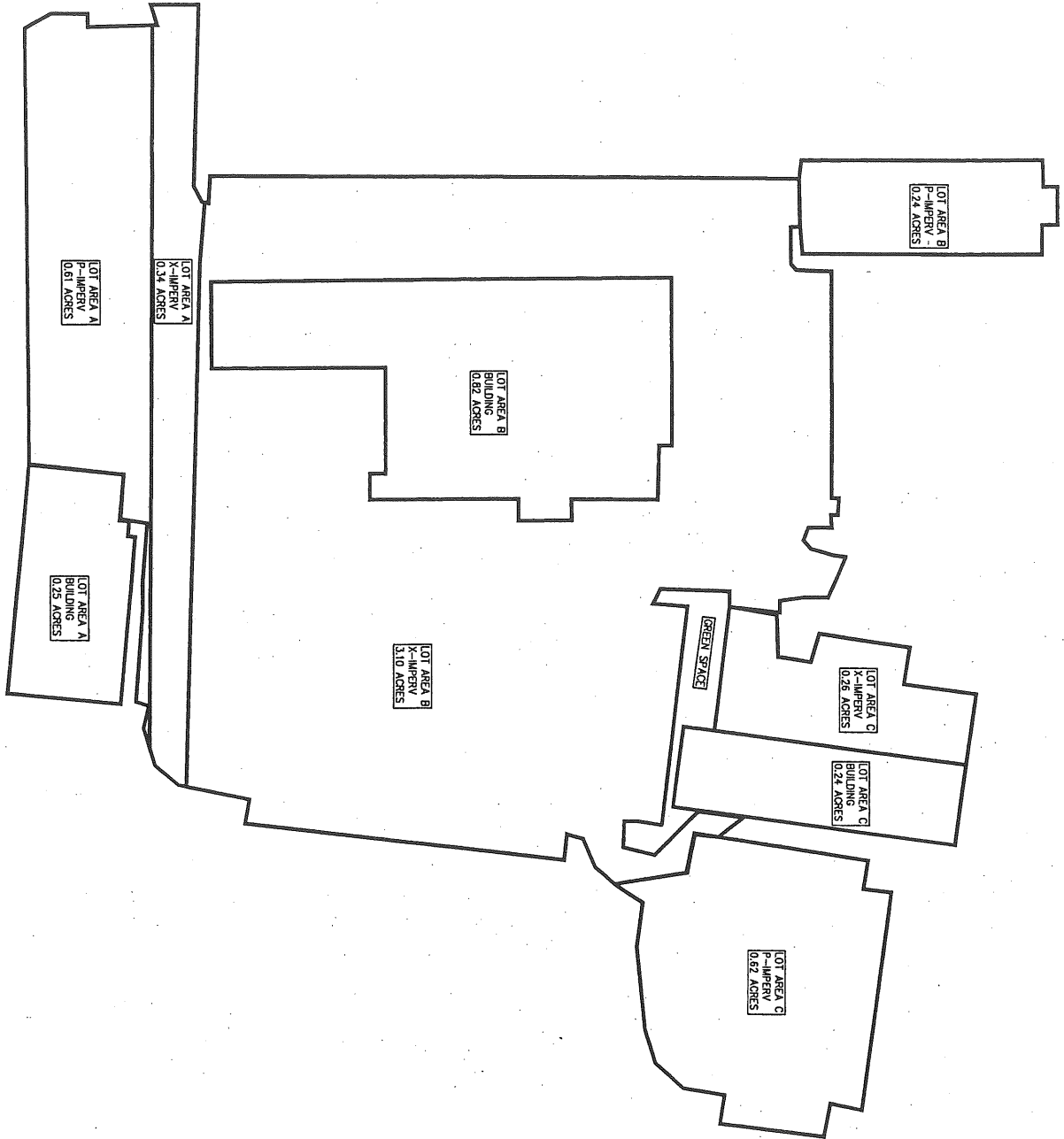
DATE OF PHOTOGRAPHY MAY 1 1976

1966 50'

315 05 1K

7.4

23





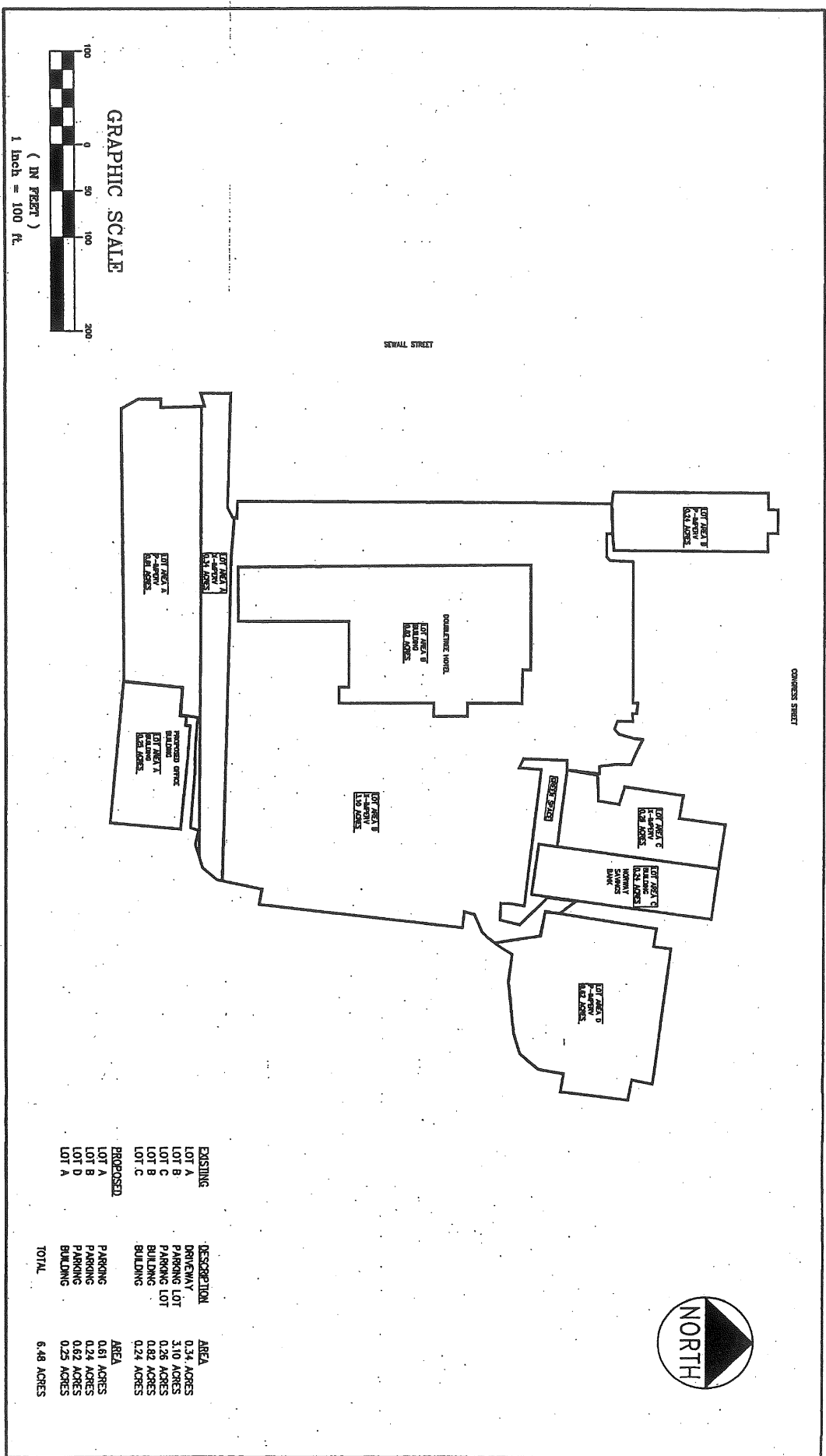
DH
 Deluca-Hoffman Associates, Inc.
 77 MAIN STREET, SUITE B
 SOUTH PORTLAND, ME 04106
 207.775.1121
 WWW.DELUCAHOFFMAN.COM

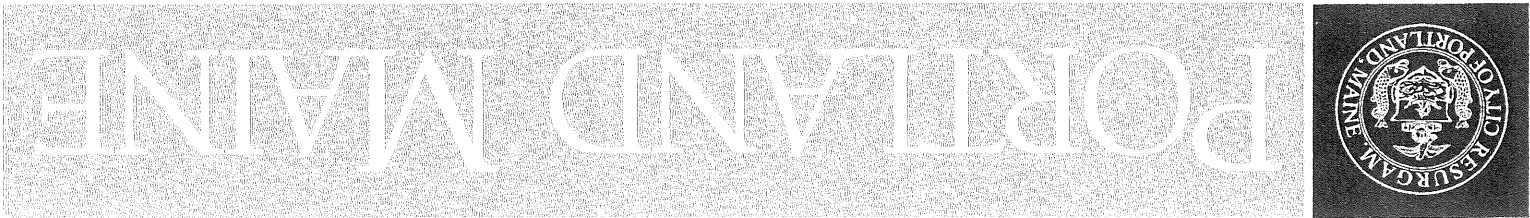
DRAWN:	RJK	DATE:	MARCH 2005
DESIGNED:	RJK	SCALE:	1" = 100'
CHECKED:	CJO	JOB NO.:	2498
FILE NAME:	2498-SP-CALC-DWG.DWG		

SEWALL STREET
 OFFICE BUILDING

IMPERVIOUS SURFACE AREAS

FIGURE
 A





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

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

Mr. Chris Osterlinder
Deluca Hoffman Associates Inc.
778 Main Street
South Portland, ME 04106

Dear Chris:

RE: Medical Office Building, 50 Sewall Street

Upon your request, a site inspection was done on the newly constructed parking lot along Congress Street. A number of items were identified. Some items vary from the approved site plan. Other items were recognized as quality control/best construction practice items. They are as follows:

1. There are 16 spaces installed along the northerly side of the lot (Congress), as opposed to the 18 compact spaces proposed.
2. There are areas of vertical granite curb that only have 3" of reveal (6" is standard).
3. The sidewalk and curb to the right of the access way should be ramped/tipped-down where it terminates.
4. The Sidewalk is bituminous as opposed to concrete. This change was approved previously.
5. The northwesterly curb island has 2 sections that do not line up/match. Also, there are varied gaps in the curb joints.
6. The curbing in the curb island (closest to the water quality unit) is not installed on a straight line. This may create snow-throwing issues and will eventually result in repairs needed sooner than normally expected.
7. A light pole has been set in the middle of the bituminous sidewalk. This is not the most desirable location, however, being that your sidewalks are not ADA compliant, is allowable.
8. The new crosswalk and sidewalks locations/alignment have changed slightly. This is acceptable.
9. Loam, seed, and landscaping, and guard-rail, still to be installed.
10. The 36" storm drain culvert extension does not appear to be extended as far as the site plan shows, however, this is acceptable as long as the side-slopes are not increased as a result.

Please call if you have any questions or comments.

Sincerely,

Jay Reynolds
Jay Reynolds

Development Review Coordinator

cc: Sarah Hopkins, Development Review Services Manager
Ethan Boxer-Macomber, Planner
Tim Levine; Olympia Equity Investors, LLC; 280 Fore Street, STE 202; Portland, ME 04101



Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

July 25, 2005

Mr. Tim Levine
Olympia Equity Investors, LLC
280 Fore Street, STE 202
Portland, ME 04101

RE: Di minimus Amendments to an Approved Site Plan
Olympia Equity Investors I, II, III, and XIII, Co-Applicants
Application ID#2005-0070

Dear Mr. Levine:

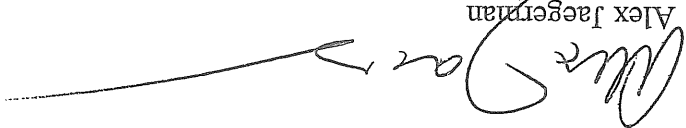
The Planning Division has received and reviewed Olympia Equity Investors' proposed post approval amendments to the above referenced site plan submitted to the City of Portland on July 25, 2005. The proposed amendments include:

1. A redimensioning of parking stall striping on the isolated parking area to the East of the Norway Savings Bank Building resulting in fewer compact parking spaces but no fewer spaces overall.
2. A two-space expansion of the Southeastern most row of parking on the site (directly in front of the new medical office building) by reducing the size of the end islands that frame that row.
3. The addition of 9 additional parking spaces at the Northeastern corner of the project's Sewall Street entrance. Approved landscaping at this location shall be installed as approved but shifted approximately 20 feet North toward an abutting property.

Planning Division staff approves these changes as di minimus alterations to the approved plan.

If you have any questions, please contact Ethan Boxer-Macomber, Planner at 756-8083 or by email at ebm@portlandmaine.gov.

Best regards,



Alex Jaegerman
Planning Division Director

Sarah Hopkins, Development Review Services Manager
Ethan Boxer-Macomber, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Inspections Division
Michael Bobinsky, Public Works Director
Traffic Division
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Approval Letter File

**CITY OF PORTLAND, MAINE
PLANNING BOARD**

Lee Lowry III, Chair
Kevin Beal, Vice Chair
John Anton
Michael Patterson
David Silk
Janice E. Tevastian
Shalom Odokara

June 14, 2005

Mr. Tim Levine
Olympia Equity Investors, LLC
280 Fore Street, STE 202
Portland, ME 04101

RE: Coordinated Site Plan applications, OEI I, II, III, and XIII, Co-Applicants
Traffic Movement Permit Application, OEI II, Applicant

CBLs: 189A031, 189A014, 189A013, 189A010 Former DOT Land not yet mapped by Assessor

Dear Mr. Levine:

On May 24, 2005, the Portland Planning Board voted unanimously to approve the coordinated site plans for the Olympia Equity campus in the vicinity of Congress And Sewall Streets. The approval was granted for the project with the following condition(s):

- i. The project shall conform to all terms contained in Conditional Zoning Agreement C38.
- ii. The applicant shall provide evidence that five utility easements, as described in the site plan section of Planning Report 32-05, have been recorded and shall show these easements on the plan, subject to final review and approval by the Planning Authority and Corporation Counsel.
- iii. The applicant shall revise the plans to address all concerns express in a 5/18/2005 memo from Jim Seymour P.E. subject to final review and approval by the Planning Authority including revisions to the site plan to reflect the snow removal plan.
- iv. Any future addition of exterior lighting on or in proximity to the proposed medical office building or elsewhere on the site shall be in conformance with the City's exterior lighting standards and shall be subject to final review and approval by the Planning Authority.
- v. All existing, non-conforming exterior lighting fixtures on the subject sites shall be removed prior to issuance of a certificate of occupancy.
- vi. The applicant shall provide a detail of the proposed "decorative aluminum fence" along the project's Sewall Street frontage, subject to final review and approval by the Planning Authority.

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

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #32-05, which is attached.

The approval includes an approximately 45,000 square foot medical office building at 50 Sewall Street, an approximately 70 space surface parking lot in the vicinity of 1100 Congress Street, and revisions to approved site plans on the abutting OHI I and OHI III lots, currently the sites of the DoubleTree Hotel and Norway Savings Bank Building respectively. The approval is based on plans prepared by DeLuca-Hoffman Associates, Inc., revision #8, dated 5/13/05.

ii. The applicant shall install new LED pedestrian signal heads with countdowns at all four crossing points of the Congress / Sewall / Whitney intersection. Although no crosswalk currently exists at the Eastern Congress street crossing, the City will install this crosswalk once the signal head is in place. The applicant shall coordinate with the department of Public Works on this installation.

i. So as to help remedy an identified high crash location in the project's traffic scoping area, the applicant shall install a new traffic signal to control right turn movements from the I-295 off-ramp which channels North bound interstate traffic onto East bound Congress Street.

On May 24, 2005, the Portland Planning Board, acting under its delegated authority, also voted unanimously to approve the Traffic Movement Permit for the proposed medical office building at 50 Sewall Street. The approval was granted for the project with the following condition(s):

xii. The applicant, in-lieu of providing a sidewalk on the East side of Sewall Street shall close an existing +/- 50 foot gap in the curb and sidewalk on the West side of Sewall Street.

xi. The applicants shall submit a brief wayfinding plan for final review and approval by the Planning Authority.

x. Should the landscape plan require revision due to the requirements of the Maine Department of Transportation, the applicant shall submit such changes for final review and approval of the City Arborist.

ix. Olympia Equity XIII shall ensure drainage easements over its property acceptable to the City and dedeed prior to Certificate of Occupancy.

viii. Any future architectural or free-standing signage associated with the proposed medical office building shall conform to the standards of the site plan ordinance and shall be subject to final review and approval by the Planning Authority.

vii. Any future commercial signage on the Congress Street right of way shall conform to the standards of the site plan ordinance and shall be subject to final review and approval by the Planning Authority.

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.

2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

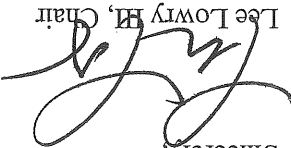
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

6. 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.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Ethan Boxer-Macomber, Planner at 756-8083.

Sincerely,


Lee Lowry III, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director

Sarah Hopkins, Development Review Services Manager
Ethan Boxer-Macomber, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Inspections Division
Michael Bobinsky, Public Works Director
Traffic Division
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Fire Prevention
Assessor's Office
Approval Letter File

A2

Signature of applicant: [Signature] Date: 4.6.05

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

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .50 per page (8.5 x 11) you may also visit the web site: cl.portland.me.us chapter 14

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)
a. copy of application
b. cover letter stating the nature of the project
c. site plan containing the information found in the attached sample plans check list
Submittals shall include (9) separate folded packets of the following:

Proposed Development (check all that apply)
X New Building Building Addition Change of Use Residential X Office Retail
Manufacturing Warehouse/Distribution X Parking lot
Subdivision (\$500.00) + amount of lots (\$25.00 per lot) \$
Site Location of Development (\$3,000.00)
(except for residential projects which shall be \$200.00 per lot)
X Traffic Movement (\$1,000.00) Stormwater Quality (\$250.00)
Section 14-403 Review (\$400.00 + \$25.00 per lot)
Other
Major Development (more than 10,000 sq. ft.)
Under 50,000 sq. ft. (\$500.00)
X 50,000 - 100,000 sq. ft. (\$1,000.00)
Parking Lots over 100 spaces (\$1,000.00)
100,000 - 200,000 sq. ft. (\$2,000.00)
200,000 - 300,000 sq. ft. (\$3,000.00)
Over 300,000 sq. ft. (\$5,000.00)
After-the-fact Review (\$1,000.00 + applicable application fee)
Minor Site Plan Review
Less than 10,000 sq. ft. (\$400.00)
After-the-fact Review (\$1,000.00 + applicable application fee)
Plan Amendments
Planning Staff Review (\$250.00)
Planning Board Review (\$500.00)
Who billing will be sent to: (Company, Contact Person, Address, Phone #)
Olympia Equity Investors
280 Fore Street, Suite 202
Portland, ME 04101
Tim Levine



Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

July 25, 2005

Mr. Tim Levine
Olympia Equity Investors, LLC
280 Fore Street, STE 202
Portland, ME 04101

RE: Di minimumus Amendments to an Approved Site Plan
Olympia Equity Investors I, II, III, and XIII, Co-Applicants
Application ID#2005-0070

Dear Mr. Levine:

The Planning Division has received and reviewed Olympia Equity Investors' proposed post approval amendments to the above referenced site plan submitted to the City of Portland on July 25, 2005. The proposed amendments include:

1. A redimensioning of parking stall striping on the isolated parking area to the East of the Norway Savings Bank Building resulting in fewer compact parking spaces but no fewer spaces overall.

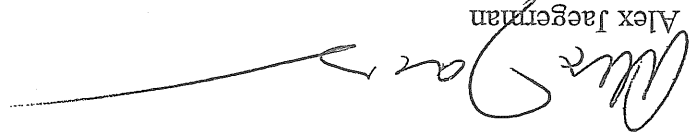
2. A two-space expansion of the Southeastern most row of parking on the site (directly in front of the new medical office building) by reducing the size of the end islands that frame that row.

3. The addition of 9 additional parking spaces at the Northeastern corner of the project's Sewall Street entrance. Approved landscaping at this location shall be installed as approved but shifted approximately 20 feet North toward an abutting property.

Planning Division staff approves these changes as di minimumus alterations to the approved plan.

If you have any questions, please contact Ethan Boxer-Macomber, Planner at 756-8083 or by email at ebm@portlandmaine.gov.

Best regards,



Alex Jaegerman
Planning Division Director

Sarah Hopkins, Development Review Services Manager
Ethan Boxer-Macomber, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Inspections Division
Michael Bobinsky, Public Works Director
Traffic Division
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Approval Letter File

From: Neil Jordan
To: CityHall
Date: 7/25/05 2:48:02 PM
Subject: Stretching

Did you know that there's a group of people that start each workday with ten minutes of stretching while listening to music?

Increasing your flexibility and range of motion can improve your circulation, decrease the risk of low back pain, improve posture, reduce mental stress & muscle tension and improve your sense of well-being. It's not strenuous and you won't sweat or wrinkle your clothes. It will relax you and help you to wake up.

Our City Manager encourages and supports your participation in our Stretching Program.

At City Hall we stretch at 8:15am and again at 8:30am in Council Chambers.

Please join us.

(Questions? Contact Neil Jordan, ext. 8262.)

Neil R. Jordan Jr.
Safety Officer
Human Resources
756-8262
email = neil@portlandmaine.gov

15

1 An invasive plant species is an introduced or non-native plant species that aggressively colonizes or is detrimental to economic crops or native plant communities.

A storm water culvert is located at the head of the swale associated with the project area. At the time of the survey, the culvert contained moderate flows. Flows from this culvert drain into a scoured channel with depths that range from a few inches to over a foot. No vegetated wetland is associated with the first 150 feet of stream channel in the northern portion of the project area. Well-defined banks, a mineral bottom, and the presence of aquatic insects characterize this stream channel. Based on these

Wetland and Stream Descriptions

The project area is located east of the Olympia Equity Investors building and parking lot. Congress Street is located north of the project area and an Interstate-295 off-ramp is located to the east. The portion of the project area adjacent to Congress Street is flat to gently sloping and consists of a partially mowed lawn with patches of Japanese knotweed (*Fallopia japonica*). The southern portion of the project area consists primarily of a steep banked swale that flows south between the I-295 off-ramp and the parking lot that is located to the west. Vegetation on the swale-associated upland banks consists of weedy species including black locust (*Robinia pseudoacacia*), Morrow's honeysuckle (*Lonicera Morrowii*), multiflora rose (*Rosa multiflora*), and Japanese knotweed. Topography associated with the swale banks is relatively steep.

Site Description

As requested, Woodlot Alternatives, Inc. (Woodlot) conducted a wetland delineation at the site of a proposed parking area located off Congress and Sewall Streets in Portland, Maine. The delineation was completed on December 9, 2004. Because this delineation was completed between November 15 and April 15, wetland boundaries should be verified during the growing season. Wetland boundaries were determined using the technical criteria established by the U.S. Army Corps of Engineers (ACOE) and the Maine Department of Environmental Protection (MDEP). Wetland boundaries were marked with pink flags, and the boundaries were sketched onto the survey map of the property. Wetland boundary points were recorded with a Global Positioning System (GPS) Trimble® Pro-XR receiver, and the GPS coordinates were used to produce Figure 1 (attached). Representative site photographs were taken and are available upon request.

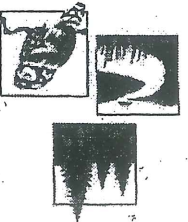
Dear George:

Subject: Wetland Delineation and GPS Survey, Congress Street and Sewall Street Portland, Maine

George McDonough
SMRT
144 Fore Street
P.O. Box 618
Portland, ME 04104

December 20, 2004

WOODLOT ENVIRONMENTAL CONSULTANTS
ALTERNATIVES, INC.



characteristics, the channel meets the definition of a MDEP-defined stream. The water sources for this stream appear limited to runoff from adjacent roads and parking areas and water quality of the stream is very poor (water is grayish black in color with an oily surface film).

A narrow vegetated wetland is associated with the central and southern portion of the swale. The wetland adjacent to the stream is primarily palustrine emergent wetland with a few scattered shrubs. Dominant herbs in this wetland include common cattail (*Typha latifolia*), soft rush (*Juncus effusus*), purple loosestrife (*Lythrum salicaria*), and a burreed (*Spartanium* sp.). Scattered shrubs include speckled alder (*Alnus incana*) and red-osier dogwood (*Cornus canadensis*). Soils in this wetland consist of alluvial sands and silts washed into the wetland from adjacent urban areas.

Agency Contacts

The Maine Department of Conservation Natural Areas Program and the Maine Department of Inland Fisheries and Wildlife have been contacted concerning rare and exemplary botanical features and significant wildlife resources on the property. Their responses will be forwarded upon receipt.

State and Federal Regulations

The MDEP and ACOE regulate impacts to wetlands identified within the project area. Projects resulting in minor wetland impacts are reviewed jointly by both agencies through the Natural Resources Protection Act Tier review process. In general, projects that are not located within a wetland, or projects that alter less than 4,300 square feet of wetland and are not *Wetlands of Special Significance*, are exempt from the Tier permitting requirements. Typically, projects with cumulative impacts to wetlands between 4,300 and 15,000 square feet are eligible for review under the Tier 1 review process. The Tier 2 review process applies to alterations that affect between 15,000 and 43,560 square feet (i.e., 1-acre). Cumulative project impacts that exceed 1-acre and/or impacts to *Wetlands of Special Significance* typically require a Tier 3 review process. Based on Woodlot's field survey, the on-site wetlands within 25 feet of the MDEP-defined stream are classified as *Wetlands of Special Significance*. Full identification of *Wetlands of Special Significance* will involve receiving responses from natural resource agencies to determine if there are any known rare species or features at the site.

Local Regulations

The freshwater wetland located on-site does not meet the City of Portland's definition of a freshwater wetland; therefore, the city does not regulate this resource.

Please contact our office if you have any questions regarding the information presented in this report or if we can be of further assistance.

Sincerely,
Woodlot Alternatives, Inc.

Michael Johnson
Project Manager

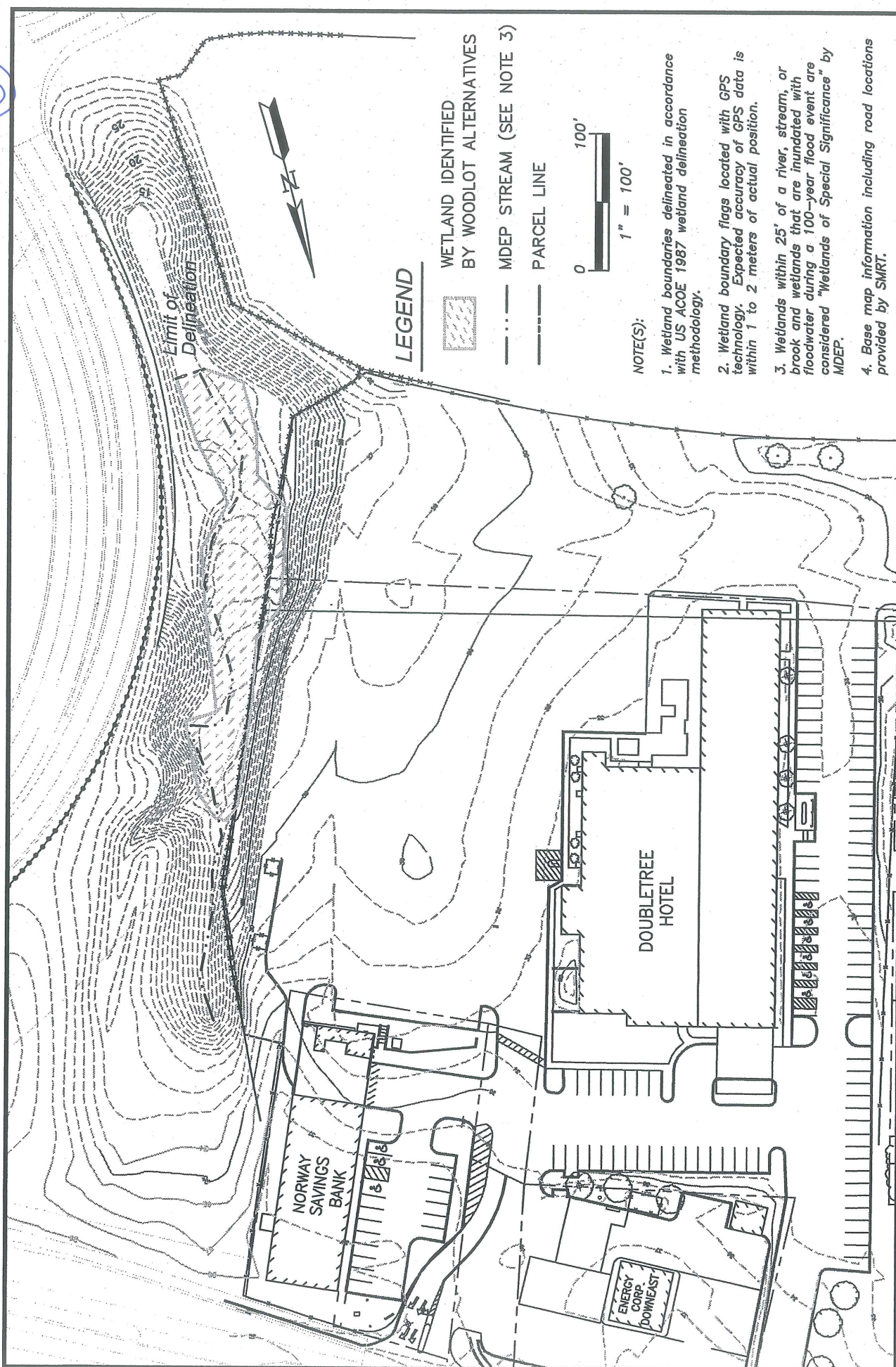
Enclosures: Figure 1: Wetland Delineation Map

File 104205.01




(C2)



3




LEGEND

-  WETLAND IDENTIFIED BY WOODLOT ALTERNATIVES
-  MDEP STREAM (SEE NOTE 3)
-  PARCEL LINE



NOTE(S):

1. Wetland boundaries delineated in accordance with US ACOE 1987 wetland delineation methodology.
2. Wetland boundary flags located with GPS technology. Expected accuracy of GPS data is within 1 to 2 meters of actual position.
3. Wetlands within 25' of a river, stream, or brook and wetlands that are inundated with floodwater during a 100-year flood event are considered "Wetlands of Special Significance" by MDEP.
4. Base map information including road locations provided by SMRT.

PREPARED BY:  WOODLOT ALTERNATIVES, INC. ENVIRONMENTAL CONSULTANTS	DESIGN:	DATE: December 2004	DRAWING NAME:	FIGURE NO.
	DRAFT:	JOB NO: 104205	Wetland Delineation Map	1
	CHECKED:	SCALE: 1" = 100'	PROJECT:	
	FILE NAME: parking_wetmap.dwg			
			Congress St. - Portland, Maine	



April 4, 2005

Mr. Tim Levine
Olympia Equity Investors, LLC
280 Fore Street
Portland, Maine 04101

**Subject: Proposed Sewall Street Office Building
Imperious Area Review**

Dear Tim:

Our office has reviewed the imperious area of the Doubletree Hotel (Map 189 Lot A-014), the Norway Savings Bank (Map 189, Lot A-013), the proposed Office Building (Map 189, Lot A-31) and the former MDOT lot adjacent to the I-295 ramps (Map 189, Lot Not Assigned), based on the latest site development plans submitted as part of the Contract Zone Application dated February 22, 2005. We have also reviewed the historical imperious area dating back to June 26, 1975.

Our first analysis evaluated the total imperious area associated with the project as proposed, i.e., the aggregate of the existing and proposed imperious area. Our analysis concluded that the project will result in no more than 6.48 acres of imperious surface between the four parcels evaluated. This analysis is conservative in that it does not deduct any of the landscape islands, green space which abuts the Doubletree Hotel, or the common access drive to the signalized Congress Street entrance.

Our second analysis evaluated the imperious area that has been or will be created post October 1, 1975 when the imperious provision of the Site Location of Development Act Law was first applied. Our office obtained two aerial photographs from the Greater Portland Council of Governments. These photographs were taken on the following dates:

- June 26, 1975 (1" = 2000')
- May 1, 1976 (1" = 1000')

Each photograph was magnified by a factor of four to more accurately reflect the conditions at the time. The June 1975 photograph and May 1976 photographs reflect identical existing conditions; therefore, the May of 1976 photograph was used to evaluate the imperious surface due to a better resolution and more accurate scale. Our analysis indicates that between 4.50 and 4.70 acres of imperious surface existed pre October 1, 1975. In comparison to the proposed total imperious areas (6.48 acres) of all of the lots as determined by our first analysis, between 1.78 and 1.98 acres of new imperious area will have been created since the date of the reference photographs.

(1)

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- TRAFFIC STUDIES AND MANAGEMENT

Mr. Tim Levine
April 4, 2005
Page 2

This information has previously been transmitted to and verbally discussed with the City's Development Review Coordinator (DRC). At the time the DRC had not seen a formal application, nor did he endorse or refute the assessment without submission of the photograph. The DRC commented that the Maine Department of Environmental Protection has at times discounted grandfathered impervious area if it has been subjected to a "change of use", i.e., construction of a building on an existing parking lot. This is the case with the Norway Savings Bank building in that the parking portion of the existing lot was previously occupied by a restaurant, and the current Norway Savings Bank footprint occupies the former restaurant parking lot.

Our office does not agree with the application of this "change of use"; however, should the Norway Savings Bank building and parking area (0.24 and 0.26 acres) be discounted from the grandfathered area and viewed as "new" impervious area (0.50 acres), the post-1975 total would increase from between 1.79 - 1.98 acres to between 2.29 - 2.48 acres and therefore still not trigger the 3-acre threshold.

The proposed new impervious area is less than the 3-acre threshold for Site Location of Development Act permitting, and the total of 6.48 acres is less than the 7-acre threshold of the City of Portland Municipal Review Authority (L-17695-06-A-N) granted by the Board of Environmental Protection in January of 1993.

Based on our review of these analyses, a Site Location of Development Act Permit would not be required with respect to the impervious area proposed for the project.

Please review this information and contact our office with any questions.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.


Christopher J. Osterrieder, P.E.
Senior Engineer

CJO/sq/JN2498/Levine-4-4-05

Enclosure

c: Kevin Mahaney, Olympia Equity Investors, LLC
Jim Brady, Olympia Equity Investors, LLC
George McDonough, SMRT, Inc.
Matt Manahan, Pierce Atwood

F2

— ΙΜΠΕΚΝΙΟΥΣ — ΗΥΠΚΟΧ ΤΡΟΧΕΚΙΤ ΙΣΟΝΔΗΚΗΤ.

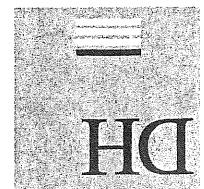


4.50 - 4.70 Acres
(1970'S IMPERVIOR SURFACE)

DATE OF PHOTOGRAPH MAY 1 1976
2000' 1000' 500'

ΤΗΝ 14 ΤΗΝ ΙΣΟΝΙΟΣ Κ.Α.Κ.

F3



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. Erihan 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

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 OFI 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 OFI 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.

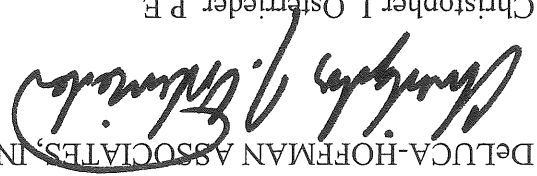
Response:

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.

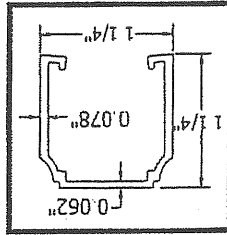
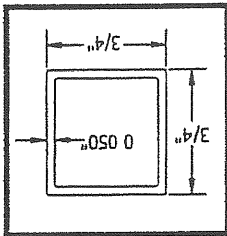
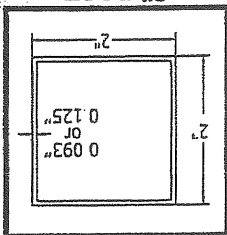
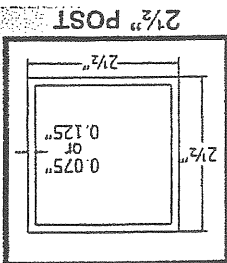
Senior Engineer

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

Attachment: Catalog Cut of Decorative Aluminum Fence

c:

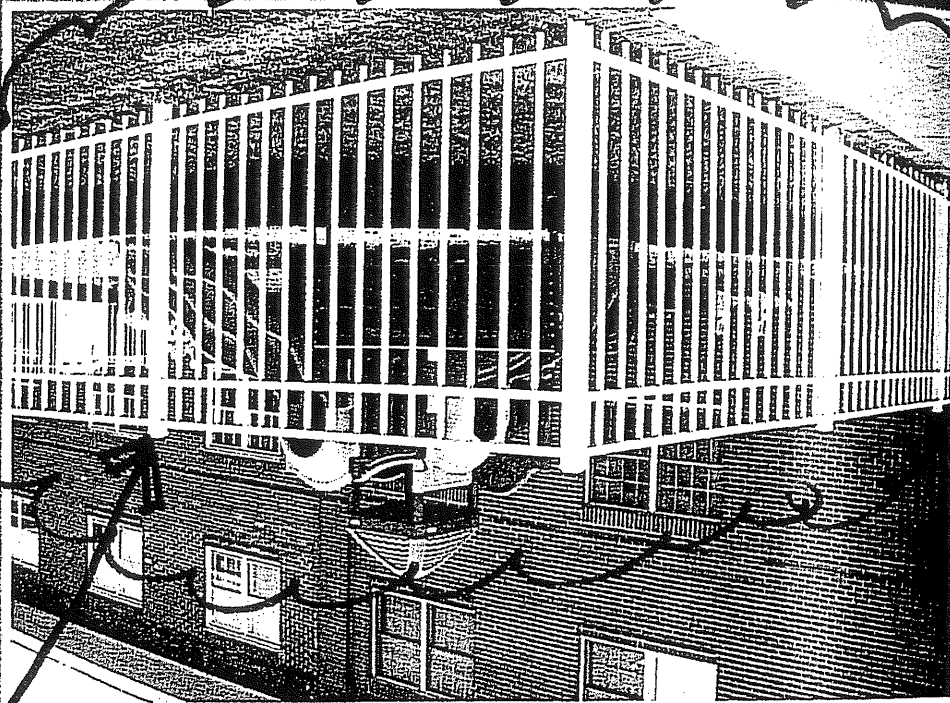
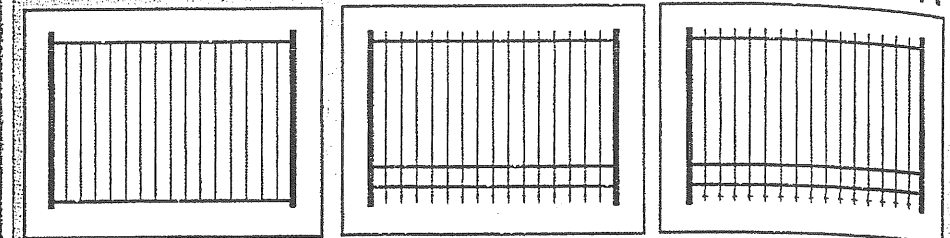
Tim Levine, Olympia Equity Investors
Dennis Jud, ASLA – SMRT, Inc.
Jim Brady, Olympia Equity Investors
Peter Hedrich, PE, PTOE – Gorrill-Palmer Consulting Engineers
Matt Manahan, Esq., Pierce Atwood
Alan Kuniholm, PDT Architects



SARATOGA

VICTORIA QUAD

VICTORIA TRI-AD



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

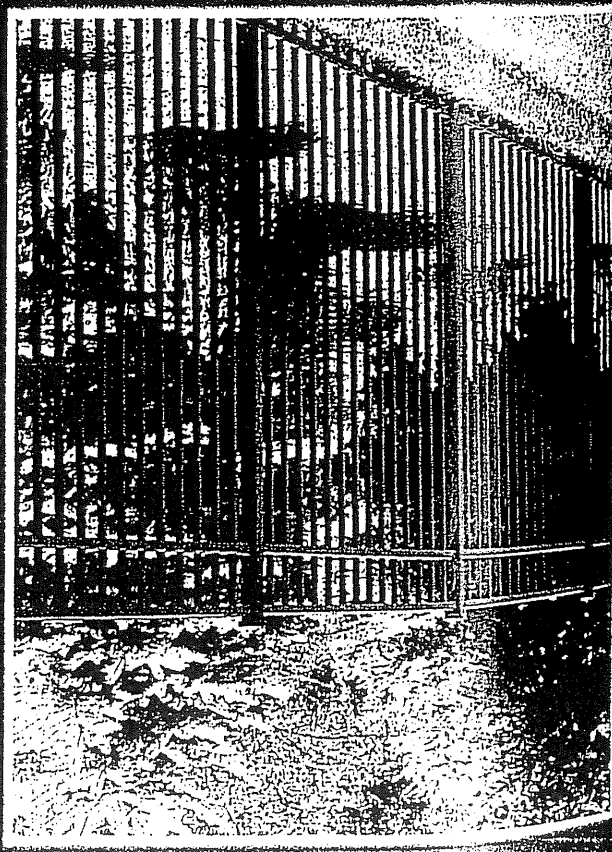
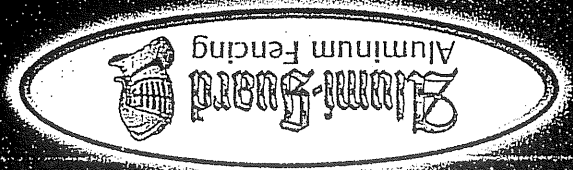
- Channels (horizontal) 1 1/4" X 1 1/4", .078" sidewalls, .062" topwall.
- Pickets (vertical) 3/4" X 3/4" X .050" wall.
- Posts 2" X 2" X .093" or .125" wall thickness or 2 1/2" X 2 1/2" X .075" or .125" wall thickness or 3" X 3" X .125" wall thickness.

Picket spacing should be specified as 6" o/c or 3 15/16" for swimming pool code.

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

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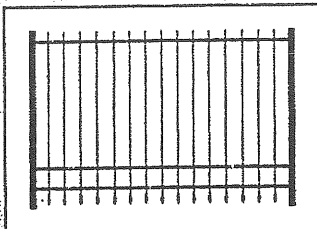
COMMERCIAL GRADE



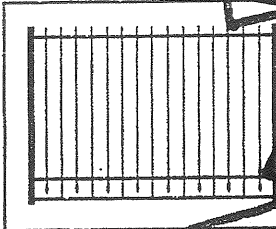
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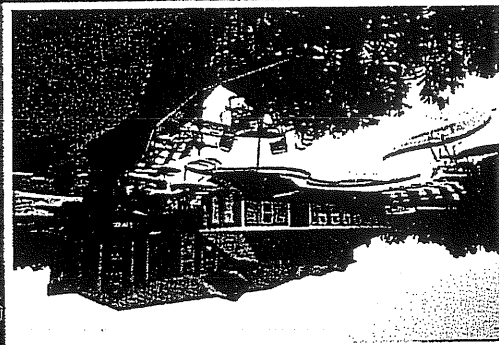
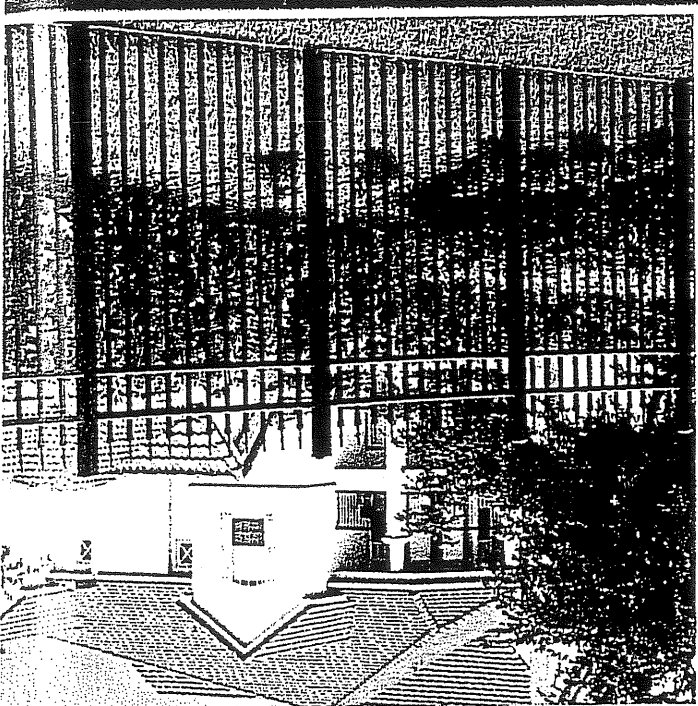
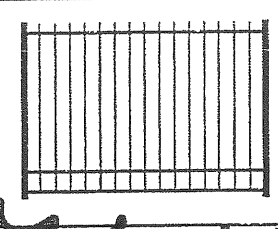
BELMONT



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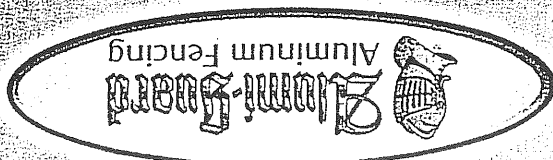
- EXTRUDED ALUMINUM 6063-T
- 18/8 AND 410 STAINLESS STEEL SCREWS
- WELDED FRAME GATES
- ARMOR-GUARD TGIC POLYESTER POWDER COATING IN BLACK, BRONZE, BEIGE, AND HUNTER
- PICKET SPACING: 3 15/16" O.C.
- ZINC DIE CAST FINIALS AND PICKETS

- ESTATE COMMUNITIES
- COMMERCIAL SWIMMING POOLS
- SCHOOL RECREATION AREAS
- COMMERCIAL/RETAIL SHOPPING DISTRICTS
- CHURCHES
- MUNICIPAL APPLICATIONS

APPLICATIONS:

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.

COMMERCIAL GRADE



Executive Summary

The following Executive Summary is prepared for the reader's convenience, but is not intended to be a substitute for reading the full report.

Gorrill-Palmer Consulting Engineers, Inc. was retained by DeLuca Hoffman Associates, Inc. to prepare this traffic impact study for a proposed 44,384 s.f. office building in Portland, Maine. For purposes of this study, the entire building is assumed to be medical office, which is the highest traffic generating office use. The site is located on southeast corner of the intersection of Congress Street and Sewall Street, behind the Double Tree Hotel. Access to the site would be provided via the existing signalized Double Tree Hotel driveway onto Congress Street and the existing driveway onto Sewall Street. The existing unsignalized Double Tree Hotel driveway to Congress Street would be closed as part of this project. Based on this study, our office has determined the following:

1. The proposed office building is forecast to generate 161 trip ends and 198 trip ends for the weekday AM and PM peak hours, respectively, assuming the entire facility is medical office. A Norway Savings Bank and medical office exist on the site currently, and need to be added for purposes of determining the study area. The existing Norway Savings Bank and medical office are estimated to generate 117 and 218 trip ends during the AM and PM peak hours, respectively. Therefore, for the purposes of permitting, the proposed site is anticipated to generate 278 and 416 trip ends during the AM and PM peak hours, respectively. This level of trip generation requires a State traffic permit which will be administered by the City in the Site Plan Review Process. (Note: A trip end is either a trip in or out of the site. Therefore a single customer making a round trip would equal two trip ends).
2. The unsignalized Double Tree Hotel driveway to Congress Street would be closed as part of this project in order to improve access management and minimize delay on Congress Street, reduce driver confusion entering and exiting the site, and improve pedestrian safety by reducing conflicts. This driveway is currently used by 23 vehicles in the AM peak hour and 18 vehicles in the PM peak hour.
3. The level of service analyses show that all of the study area intersections currently operate at acceptable levels of service during the AM and PM peak hours and will continue to operate at similar levels of service upon completion of the proposed medical office building.
4. The queue analyses show that the queues at the study area intersections are not anticipated to exceed the available storage lengths in the AM and PM peak hours.
5. Gorrill-Palmer Consulting Engineers, Inc. referenced the MaineDOT High Crash Listings to determine if there were any high crash locations in the project vicinity. Based on a review of this information, two high crash locations occurred in the vicinity of the project. The collisions occurring along the section of Congress Street from Douglas Street to Massachusetts Avenue do not indicate a particular pattern correctable by engineering measures. At the intersection of Congress Street and the

D1

Exit 5 Ramps, the sun often blocks drivers' vision of the signal heads, causing collisions. Gorrill-Palmer Consulting Engineers, Inc. examined the intersection and found that 4-inch back plates on the signal heads are already in place at this intersection. Therefore, Gorrill-Palmer Consulting Engineers, Inc. recommends installation of flashing strobes on the red signal indications for eastbound traffic.

6. Many of the collisions occurring at the intersection of Congress Street and the I-295 Exit 5B Ramps were rear-end collisions that occurred when a vehicle exiting the I-295 Connector Road stopped to yield to oncoming traffic and was struck by a following vehicle. This type of collision is typical of exit ramps under yield conditions and can be reduced by signaling the right turn movement. Gorrill-Palmer Consulting Engineers, Inc. performed capacity analyses of this intersection assuming signalization of the northbound right turn exiting the I-295 Connector Road. The results indicate that all movements at this intersection are anticipated to operate at acceptable levels of service with signalization of this movement. Therefore, the City should consider making this improvement for this movement that is not affected by the site traffic.

7. The sight lines at the existing driveways exceed Maine DOT requirements. Gorrill-Palmer Consulting Engineers, Inc. recommends that all plantings, which will be located within the right-of-way, not exceed 3 feet in height and be maintained at or below that height. Signage should not interfere with sight lines. In addition, we recommend that during construction, when heavy equipment is entering and exiting the site, that appropriate measures, such as signage and flag persons, be utilized in accordance with the Manual on Uniform Traffic Control Devices.

Based on these findings, it is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the local street system can accommodate the traffic generated by the proposed office building assuming the most intense use of medical office.

E1

There are sidewalks on both sides of Congress Street from Sewall Street to the I-295 interchange. Additionally, a sidewalk will be provided on the site leading out to Congress Street at the site driveway.

Sidewalks

The crash summary data from MaineDOT for the years 2001-2003 indicate that there were 2 crashes involving pedestrians along Congress between Stevens Avenue and the northbound I-295 ramp. One occurred in 2001 at Bradley Street (just east of Stevens Ave.) and the other occurred at Douglas (just east of Massachusetts/Site Drive). Both of the crashes occurred at locations where there was no crosswalk across Congress, but in proximity to signalized pedestrian crossings of Congress. As discussed below, there are two signalized pedestrian crossings of Congress in the immediate vicinity of the proposed Sewall Street medical office building that will provide a safe means of crossing Congress.

Pedestrian Collisions

The City has requested that we provide a review of the existing pedestrian accommodations along Congress Street in the vicinity of the proposed Sewall Street Medical Office Building. Gorrill-Palmer Consulting Engineers, Inc. completed an on-site review on April 2, 2005 and also reviewed the MaineDOT crash data for the last three years. Based on this review, we have determined the following:

Dear Jim:

RE: Pedestrian Facility Review
Sewall Street Medical Office

Mr. James Brady
Olympia Equity Investors
280 Fore Street, Suite 202
Portland, ME 04101

April 4, 2005

207-657-6910
FAX: 207-657-6912
E-Mail: mail@gorrillpalmer.com

Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

Gorrill-Palmer Consulting Engineers, Inc.



E2

C: George McDonough

Peter A. Hedrich, P.E., PTOE
Vice President, Transportation

Gorrill-Palmer Consulting Engineers, Inc.

Sincerely,

Please contact us with any questions.

Based on our review, pedestrians are accommodated well in the vicinity of the site. However, it may be useful to have a pedestrian directional sign at the site driveway to encourage crossing at that location since there is no signalized crossing of Congress between the site and St. John Street. The addition of the onsite sidewalk will provide an effective link to the existing pedestrian system along Congress Street.

- ◆ Southbound I-295 off ramp/Connector Road: Concurrent pedestrian phase that is activated by pushing a button.
 - ◆ Massachusetts/Site Drive: Concurrent (green light for vehicular movement that is parallel to the pedestrian movement) pedestrian phase that comes up automatically with each vehicular phase. It can also be called up by pushing a button.
 - ◆ Sewall Street: Exclusive (all vehicles have a red light) pedestrian phase actuated by pushing the button.
- Each of the crosswalks indicated above is located at a signalized intersection with pedestrian signals and push buttons. Their operations are as follows:

Pedestrian Signals

- ◆ All approaches of Sewall Street at Congress Street
- ◆ The easterly approach of Congress at Massachusetts and across the site driveway and Massachusetts Avenue.
- ◆ Across the southbound I-295 off ramp and the Connector Road. There is no crosswalk across Congress Street at this intersection.

There are crosswalks at the major intersections in the vicinity of the site as follows:

Crosswalks



City of Portland, Maine
Department of Planning and Development
Text Amendment Application

Application ID: 723 Application Date: 01/20/2005 CBL: 189 A001001 Property Location: Corner of I-295 and

Applicant Information:

Name: Olympia Equity Investors II, LLC

Business Name: 280 Fore Street, Suite 202

Address: Portland, ME 04101

City, State and Zip: 207-874-9990

Telephone: 207-874-9993

Fax: Applicant's Right, Title or Interest in Subject Property:

Executed purchase and sale agreement.

Current Zoning Designation: R5

Existing Use of Property:

Vacant lot.

Proposed Use of Property:

To rezone the property at the corner of Congress Street and I-295 ramp from R-5 to B-2.

REVIEW TYPE: Committee Review

Planning Approval

RECOMMENDATION DATE: APPROVAL DATE: ENACTMENT DATE:

Section 14:

Amendment C

Amendment B

Amendment A B2

Telephone: Fax:

City, State and Zip:

Portland, ME 04102

Address:

1236 Congress St

Name:

R & F LLC

Property Owner:

Memorandum
 Department of Planning and Development
 Planning Division



To: Chair Lowry and Members of the Portland Planning Board

From: Ethan Boxer-Macomber, Planner

Date: January 20, 2005

Re: January 25, 2005 Planning Board Workshop
 - Proposed C19 Contract Zone Amendment- 50 Sewall Street and;
 - Proposed R5 to B2 Rezone in the Vicinity of 1100 Congress Street

A January 25, 2005 workshop has been scheduled for the Planning board to review the subject contract zone and rezone applications.

I. Project Summary

Applicant:	Olympia Equity II 50 Monument Square 2 nd Floor Portland, ME 04101	Olympia Equity XIII 50 Monument Square 2 nd Floor Portland, ME 04101
CBL#:	189 A031001	Chart 189 – Lot and Block not yet determined
Development Proposal:	Amendment to an Approved Contract Zone	Rezone
Current Zoning:	B2 Contract Zone C19	R5
Proposed Zoning	Amended B2 Contract Zone C19	B2
Land Area:	75,358 Sq. Ft. (1.73-Acres)	44,431 Sq. Ft. (1.02 Acres)

II. Background

The applicant owns the subject 1.73-acre property (currently vacant), the abutting Doubletree Hotel Site, the Norway Savings Bank site to the N.W. of the Hotel, and has recently acquired a 1.02 acre parcel to the East of the Norway Savings site from the Maine DOT. From a management standpoint, the applicant views these four sites collectively as a commercial campus with opportunities for shared access, parking, and physical planning.

In 1997 the applicant sought and was granted a rezone of the subject 1.73-acre property at 50 Sewall Street from R5 and R-P to a B2 Contract Zone (Attachment E). The 1997 rezoning was intended to allow for the construction of a 70-room hotel facility. A contract zone was sought as opposed to a straight B2 rezone in order to achieve a single deviation from the B2 standards, namely, an exception from section 14-186 (d) which requires that (1) no parking may be sited within the front setback and (2) where buildings are sited farther from the street than the minimum required setback, no more than 10% of required parking may be sited in front of the building. Aside from this one exception, the hotel plan was in full conformance with the standards of the underlying B2 zone.

Failing development of the 70-unit hotel, the approved contract zone has expired. Due to changes in market demand, the applicant decided to abandon the hotel project once envisioned for the subject site in favor of the proposal currently before the board.

III. Project Description

Medical Office Building

The applicant proposes to rezone the 1.73-acre subject site so as to allow for the development of a +/- 45,000 square foot, four story medical office building. As with the previously approved Hotel, the medical office building project, as presented in the submitted site plan, is largely compliant with the standards of the underlying B2 zone with a few exceptions as discussed below.

New 75 Space Parking Lot

The applicant has purchased additional land from the State of Maine just to the East of the Norway Savings Bank Building (Attachment F) in order to develop a parking lot to accommodate up to an additional 75 cars. While these additional spaces may not be necessary to meet minimum zoning requirements, the applicant finds them necessary to meet market demand. This former Maine DOT site is currently zoned R5, in which parking lots are not a permitted use and lot coverage is limited to 40%. This site would, therefore, also require rezoning if the applicant's plans are to be realized. The applicant currently proposes to rezone the property to B2. Factors to be considered in the rezone review include Comprehensive Plan compliance, visual impacts on the Congress Street and 295 corridors, and DEP permitting requirements.

The zoning administrator has reviewed the proposed rezone and has expressed concern that parking is not a permitted principle use in the B2 zone. The zoning administrator

Finds that the proposed parking lot could only be approved at time of site plan review if the subject lot was under common ownership with the abutting Norway Savings lot so that the parking could be considered an accessory use.

General Site Improvements on the Doubletree Parcel
The applicant's site plan shows a reconfiguration of the Doubletree Hotel site's parking lot and one of its Congress Street access drives. These improvements are subject to administrative site plan review.

IV. Public Outreach & Response

Upon receipt of the subject site plan application, staff noticed property owners within 500 feet of the site and placed an ad in the *Portland Press Herald* in accordance with the requirements of the site plan ordinance. Prior to the December 7, 2004 and January 25, 2005 workshops the project was again noticed in the same manner.

As of the date of this memo, no public comment has been submitted regarding the subject application.

V. Process Considerations

While distinct divisions of Olympia Equity Investors, LLC, own the four sites on the larger campus, the sites have been physical planned together and are linked through multiple parking, utility, and access easements and agreements. Staff therefore recommended to the applicant that the entire 4 parcel site should be collectively rezoned as a contract zone so that all factors could be planned comprehensively. Concerned about restrictions to the future severability of the parcels the applicant decided to instead submit separate applications for each parcel's rezone. Staff requests that the Board provide direction on this matter.

VI. Attachments

- 50 Sewall Street
- A. Application
 - B. December 3, 2005 McDonough Letter
 - C. December 3, 2004 Brady Letter
 - D. Site Plan
 - E. 1997 C19 Contract
 - F. Currently Proposed Contract Zone

- 1100 Congress Street
- G. Application
 - H. January 18, 2005 McDonough Letter
 - I. Purchase and Sale Agreement
 - J. Aerial Context Map

From: Ethan Boxer-Macomber
To: tlevine@olympiarequity.com
Date: 2/3/05 4:36:01 PM
Subject: Fwd: OEI Meeting Summary

>>> Ethan Boxer-Macomber 2/3/05 2:50:29 PM >>>

The following is a summary of our meeting this morning regarding the OEI rezoning applications:

DOT Lot

* The +/- 1 acre parcel has frontage on Congress Street and is therefore a conforming lot.

* The Zoning Administrator has signed off on the proposed use of the site.

* As per B2 standards, care will be taken to ensure that the lot is thoroughly screened from the public right of way using berms and landscaping. Cheverus High School's parking lot was cited as a recent parking lot design which was successful. OEI will present a revised site plan for the lot two weeks advance of the public hearing.

Med Office Contract Zone

* Matt will provide Penny with an electronic copy of the proposed contract draft for her to comment on / redline (now sent).

* A new Contract Zone designation will be assigned to the 50 Sewall Street property as opposed to simply amending the current C19 zone.

* Matt will provide Penny and Planning Staff with a copy of the "Mutual Access and Parking Agreement" document which embodies all proposed agreements between all OEI entities. George has provided a site map with the various agreements contained in this document depicted graphically.

* OEI will present evidence that opportunities for shared parking between hotel and office uses have been explored and that the proposed plan maximizes opportunities to reduce required parking by sharing spaces.

* Whereas actual future parking needs can only be estimated at this point in time, OEI will consider placing an area of land proposed for new impervious parking into a "parking reserve area" to be developed post-occupancy only if parking supply proves to fall short of actual demand. OEI will present evidence that this option to reduce impervious surface has been explored.

* OEI will attempt to satisfy concerns expressed by Staff, the City's Traffic Engineer, and the Planning Board with regard to on-site portions of the site's Congress Street entry (a.k.a., the dog leg). OEI will consider redesigning / realigning the entry, perhaps moving wholly or in part from the abutting Dugas (Mobil) property, to provide a more logical, safe, orderly, and attractive entry and gateway.

* The final traffic report will be presented in the coming days so that the City's traffic engineer can review items of concern which were identified at the Traffic Scoping meeting. The City may place additional requirements on the applicant, depending on the outcome of the traffic study.

* In coordination with Staff and the group "Friends of the Ballpark" the applicant will examine opportunities for the site to provide bicycle/pedestrian connectivity between the abutting Transportation facility and the Congress and Sewall Street R.O.W.s

* The applicant should also analyze pedestrian routes to the nearest transit stop on Congress street and

optimize these routes through site design.

* The applicant will provide complete building elevations to which the project will be held in "substantial conformance" by the Contract Zone.

* OEI will present required documentation of Neighborhood Meeting held 1/31/05.

Tentative Timeline

OEI and staff will make every effort to fast-track the process as follows:

- March 8, 2005 Planning Board Public Hearing
- March 21, 2005 City Council First Reading
- April 4, 2005 City Council Public Hearing (With emergency action by a councilor to waive required 30 wait to implementation)
- April 5, 2005 Applicant will immediately apply for site plan review and commence the preapplication process for Building Permits
- April 12, 2005 Planning Board Workshop
- *Neighborhood Meeting carefully planned by OEI to meet timeline requirements
- April 26, 2005 Planning Board Public Hearing on Site Plan

Ethan Boxer-Macomber, Planner
 Planning Division
 City of Portland
 389 Congress Street
 Portland, ME 04101
 Tel: 207.756.8083
 Fax: 207.756.8258

Ethan Boxer-Macomber, Planner
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 Portland, ME 04101
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 Fax: 207.756.8258

From: "Matt Manahan" <mmanahan@PierceAtwood.com>
To: "Penny Little" <PL@portlandmaine.gov>
Date: 2/25/05 11:02:18 AM
Subject: RE: Olympia

Penny -

Thanks for providing this rewrite. Unfortunately, your rewrite is inconsistent in several respects with our numerous discussions to date, and with Olympia's understanding of what it could expect for an amendment to the existing C-19 contract zone to allow this development to proceed. Also, the timing of this wholesale rewrite again raises the serious concerns about timing we have discussed in the past, and most recently when we met on February 3.

Some of the more significant problems are as follows:

1. You have turned this into a conditional zone agreement, rather than a contract zone agreement. As you know, unlike a conditional zone agreement, a contract zone agreement is binding on the City. Olympia needs the certainty provided by a contract zone agreement.
2. You have made the OEI I, OEI III, and OEI XIII properties integral to the agreement, and provided that the site plan applications must be submitted jointly. You have required a Master Site Plan that covers the properties of all four entities, and provided that there shall be no future modification of any single property without review of the Master Site Plan (paragraph #9 on page 4). The effect of this requirement is that all four entities (or their successors) would be required to join in any application for a modification to any single property. As we have discussed, this is not acceptable.

Although we agree that it is appropriate for the Planning Board to consider traffic and parking on the adjacent properties in determining whether the C-19 zone should be amended and whether the OEI XIII property should be rezoned, we do not agree that all four properties should be subsumed into the contract zone so that the four parcels effectively become one for purposes of development on those properties. They are not unified developments, and should not be treated as such. The provision in paragraph #11 on page 5 that this is a "common scheme of development," unless the DEP says otherwise, is inappropriate. One example of something taking place on the adjacent properties that is inappropriate for inclusion in this contract zone agreement is the requirement in paragraph #7 on page 4 that the berms on the DOT lot (OEI XIII) must be in place before a CO will issue for the medical office building property. The berm requirement is more appropriately a condition of the site plan approval for the modified Norway Savings (and DOT lot) site plan. Another example is the landscape requirements in paragraph #13 on page 5.

3. We have discussed the fact that the currently effective underlying zone is the C-19 zone. Your rewrite, however, makes numerous references to the B-2 zone as the underlying zone. This is important because, among other problems, it is not accurate to state, as the rewrite does on page 2, that the underlying zone prohibits parking in the front yard. The C-19 zone allows parking in the front yard.
4. You have provided that the rezoning will be effective 30 days after the date of City Council approval, but we had understood that the rezoning would be approved as an emergency measure so that the Planning Board may act on the site plan application within 30 days of the rezoning. Also, it is not clear how the text and map change discussed in paragraph #2 on page 3 differs from the current C-19 zone shown on the zoning map (other than possibly attaching a new name to it). It would seem to make more sense simply to leave the current C-19 map reference in place.

5. Paragraph #8 on page 4 states that the "potential future parking" may not be built without Planning Board approval. It was our understanding that we would not need to return to the Planning Board in order to build that parking, if it is needed. If we would be required to return to the Planning Board, Olympia will

simply build the parking now instead.

6. Paragraph 10 on page 5 says that if the Dugas property is redeveloped in the future, OEI II must then revise the Congress Street entrance. This requirement leaves an open financial risk to the property owners and is not acceptable for inclusion in this agreement.

7. Paragraph #14 on page 5 includes a new requirement that Olympia must contribute \$30,000 toward public improvements. As you know, Olympia contributed significantly to the public improvements for both the traffic signal and widening of Congress Street for OEI III. It seems inappropriate to seek to add this requirement now for the first time, particularly when it goes above and beyond what is required to satisfy standard traffic and safety issues for the development.

8. Paragraph #15 states that signs may not be located above the cornice of the building. The design of the building, however, includes a large mechanical screen located above the cornice and designed to accommodate signage, so this restriction is not acceptable. Olympia has repeatedly been requested by both the Historic Preservation Commission and the Planning Board to incorporate the future signage into the architectural elements of the building, and they have thoughtfully done so, as reflected in the elevations.

9. Paragraph #16 states that if the property ceases to be used for professional offices the agreement becomes null and void. This is inappropriate and not financially viable because it would void the agreement in the event the tenants move out even for a short period of time.

10. You removed the statement in the carryover paragraph on pages 5-6 that the agreement benefits parties in possession of occupancy of the property. It needs to be clear that OEI II intends to lease out the office building space, and that the tenants are allowed to use the building for professional offices.

Given the scope of these concerns, I have not attempted to mark up your rewrite. Rather, it probably makes more sense for us to meet immediately to attempt to resolve these issues. Does that make sense? We are standing by to assist and work with the City to mutually resolve all the issues and create a great development for Portland. Please call me to discuss these issues after you have reviewed this email.

Thanks,
Matt

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

From: Penny Littlell [mailto:PL@portlandmaine.gov]
Sent: Thursday, February 24, 2005 1:52 PM

To: Matt Manahan

Subject: Re: Olympia

Matt: I understand that your client may have some concerns with the draft language. To expedite matters, and prior to a meeting, I suggest you take a stab at redlining the contract so that we can hopefully address your concerns.

>>> "Matt Manahan" <mmanahan@PierceAtwood.com> 2/24/2005 7:53:27 AM >>>
Penny --

Following up on my voice mail message yesterday and our conversation on Friday, when you do think you will be able to get me comments on the draft contract zone agreement I sent to you on February 3? March 8 is fast approaching!

Thanks,
Matt

Matthew D. Manahan
Pierce Atwood LLP
One Monument Square
Portland, ME 04101-0111
207-791-1189 direct
207-791-1350 fax
207-831-2874 mobile
207-829-5909 home
mailto:manahan@pierceatwood.com
<http://www.pierceatwood.com/bios/manahan.html>

This email was sent from the law firm Pierce Atwood LLP. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it, please delete it and notify us as soon as possible. Thank you.

CC: "Ethan Boxer-Macomber (E-mail)" <ebm@portlandmaine.gov>, "Sarah Greene Hopkins (E-mail)" <sh@portlandmaine.gov>, "Alex Jaegerman (E-mail)" <agj@portlandmaine.gov>, "John N. Lutkin (E-mail)" <jnl@portlandmaine.gov>, "Joseph Gray (E-mail)" <JEG@portlandmaine.gov>, "James H. Brady (E-mail)" <jbrady@olympiaequity.com>, "Tim Levine (E-mail)" <tlevine@olympiaequity.com>, "Kevin Mahaney (E-mail)" <kmahaney@olympiaequity.com>, "George McDonough (E-mail)" <gmcndonough@smrtinc.com>

CITY OF PORTLAND
 Portland, Cumberland County
 REQUEST FOR MUNICIPAL
 REVIEW AUTHORITY
 T-17695-06-A-N (APPROVAL)
)
) MUNICIPAL REGISTRATION
) FINDINGS OR FACT AND ORDER

Intends to utilize the Bureau of Land Quality Control's technical guidelines for the review of all applications subject to review pursuant to 38 M.R.S.A. 489-A.

Currently, Section III, the Traffic Design Standards and Guidelines, of the Technical and Design Standards and Guidelines for the City of Portland establish that a traffic/parking study be encouraged when the site plan proposal is determined to generate additional traffic as outlined in Finding 4 above. Chapter 374 of the Department's regulations set forth traffic study requirements as outlined in Finding 4 above.

6. PROFESSIONAL PLANNING STAFF:

The City of Portland retains a professional staff which advises the municipal reviewing authority on the types of projects which will be reviewed pursuant to this order. This staff includes: a Chief Planner, Senior Planner, Planner, City Engineer, Deputy City Engineer, Project Engineer, Traffic Engineer, and City Arborist.

7. PUBLIC HEARING AND NOTIFICATION PROCEDURES:

Article V, Section 14-525(d) of the Portland Land Use Code directs the Portland Planning Board to schedule a public hearing within 90 days of receipt of a complete site plan application. Article IV, Section 14-495(b) of the Portland Land Use Code states that a public hearing shall be conducted within 30 days following the receipt of a complete subdivision application.

The City of Portland has established procedures for notification to the Department upon receipt of any application submitted pursuant to this order. The City of Portland has also established procedures for notification to the Department upon the rendering of any decisions on applications submitted pursuant to this order.

8. APPEAL PROCEDURES:

Article IV, Section 14-505 of the Portland Land Use Code states that an appeal from any final decision of the Planning Board regarding subdivision approval may be taken by the applicant or his authorized agent to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure. Article V, Section 14-527(b) of the Portland Land Use Code states that when the Planning Board has made a final decision on a site plan, any person aggrieved or the city may appeal the decision to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure, within 30 days of the decision being rendered.

Portland, Cumberland County

REQUEST FOR MUNICIPAL

REVIEW AUTHORITY

L-17695-06-A-N (APPROVAL)

) MUNICIPAL REGISTRATION

) FINDINGS OF FACT AND ORDER

9. REGISTRATION FORM:

The City of Portland has submitted a registration form demonstrating compliance with 38 M.R.S.A. Section 489-A. This registration form was received by the Department on June 11, 1991 and accepted for processing on June 14, 1991.

BASED on the above findings of fact, the Board makes the following conclusions pursuant to 38 M.R.S.A. Section 489-A:

A. A municipal planning board has been established.

B. Although a comprehensive plan consistent with Title 30-A, Chapter 187 has not been adopted the City is not require to have adopted a plan in compliance with all of the requirements of that chapter until the year 2003. The City's current plan has been reviewed by the Department and determined to have standards and objectives at least as stringent as 38 M.R.S.A. Section 481 et seq.

C. Subdivision regulations have been adopted that are consistent with Title 30-A Chapter 187 and determined by the Board to be at least as stringent as criteria set forth in 38 M.R.S.A. Section 484 provided the applicant's traffic standards are revised to be at least as stringent as the requirements set forth in Chapter 374 of the Department regulations as outlined in finding 4, and provided the revision to the applicant's traffic standards are adopted by the Portland Planning Board prior to the review of any subdivision applications subject to review pursuant to this order.

D. Site plan review regulations have been adopted with criteria which are determined by the Board to be at least as stringent as 38 M.R.S.A. Section 484 provided the applicant's traffic standards are revised to be at least as stringent as the requirements set forth in Chapter 374 of the Department regulations as outlined in finding 5, and provided the revision to the applicant's traffic standards are adopted by the Portland Planning Board prior to the review of any site plan applications subject to review pursuant to this order.

E. The municipality has adequate resources to administer and enforce the provisions of its ordinances.

F. Procedures for public hearing and public notification have been established. The Commissioner will be notified by the City of Portland upon receipt of all applications and of the decision rendered on all applications pursuant to this approval.

G. Procedures for appeal by aggrieved parties of local decisions are defined.

BY *James J. Stevens*
OWEN R. STEVENS, CHAIRMAN

BOARD OF ENVIRONMENTAL PROTECTION

DONE AND DATED AT AUGUSTA, MAINE, THIS 27 DAY OF January, 1993.

- order.
- Planning Board prior to review of any proposed development pursuant to this outlined in findings 4 and 5. This revision shall be adopted by the Portland Standards and Guidelines to require the applicant to trace traffic as
1. The City of Portland shall revise its Traffic Design Standards and Guidelines to require the applicant to trace traffic as outlined in findings 4 and 5. This revision shall be adopted by the Portland Planning Board prior to review of any proposed development pursuant to this order.
 2. The City of Portland shall submit to the Commissioner within 14 days of adoption copies of any changes or amendments made to municipal ordinances or guidelines used for the review of projects pursuant to 38 M.R.S.A. Section 489-A. If such changes or amendments should cause the City to no longer comply with 38 M.R.S.A. Section 489-A then this registration shall lapse.
 3. The City of Portland shall submit to the Commissioner within 14 days of adoption copies of any changes or amendments made to municipal ordinances or guidelines used for the review of projects pursuant to 38 M.R.S.A. Section 489-A. If such changes or amendments should cause the City to no longer comply with 38 M.R.S.A. Section 489-A then this registration shall lapse.
 4. The City of Portland shall submit to the Commissioner within 14 days of final action by the municipal reviewing authority, one copy of the project application, one copy of the record of review and action, and one copy of the notification form provided by the Commissioner.
 5. The City of Portland shall submit to the Commissioner upon receipt of all applications for an approval pursuant to 38 M.R.S.A. Section 489-A. This notification shall include a project description, and one copy of the notification form provided by the Commissioner.

1 of this order SUBJECT TO THE FOLLOWING CONDITIONS:
 for permits required by Title 38, Section 481 et seq. as described in finding substitute permits issued pursuant to Title 30-A, Chapter 187, subchapter IV THEREFORE, the Board APPROVES the application of the City of Portland to

H. A registration form, provided by the Commissioner, has been completed and submitted by the municipality, demonstrating compliance with the criteria under this subsection.

CITY OF PORTLAND
 Portland, Cumberland County
 REQUEST FOR MUNICIPAL
 REVIEW AUTHORITY
 L-17695-06-A-N (APPROVAL)
)
) MUNICIPAL REGISTRATION
) FINDINGS OF FACT AND ORDER
 5 SITE LOCATION OF DEVELOPMENT



Letter of Transmittal

*RECEIVED 4:46 PM 2/24

Date: February 24, 2005
 From: Katy Thatcher for George McDonough
 Re: Project: Zone Change Application/
 Contract Zone Application
 Job #: 04162

ATTN: Ethan Boxer-Macomber
 Company: Planning Department
 City of Portland
 City Hall
 389 Congress Street, 4th Floor
 Portland, ME 04101-3503
 (207) 756-8083
 via. Courier

- We are sending you: Attached Under separate cover via _____ the following:
- Shop drawings
 - Copy of letter
 - Prints
 - Plans
 - Samples
 - Specifications
 - Change Order
 - Other: _____

Copies	Date	No	Description
5	2/22/05		Congress Street Parking Lot Zone Change Application
5	2/22/05		50 Sewall Street Office Building Contract Zone Application

These are transmitted as checked below:

- For approval
- For your use
- As requested
- Returned for corrections
- Return _____ corrected prints
- Resubmit _____ copies for approval
- Submit _____ copies for distribution
- Other: _____
- For review and comment
- For BIDS DUE _____, 20_____
- Prints RETURNED AFTER LOAN to us

Remarks:

cc: 04162/22, GDM

Signature: *Katy Thatcher*

From: Donna Katsifias
To: Ethan Boxer-Macomber
Date: 5/19/05 3:40:24 PM
Subject: Olympia Equity

Hi Ethan,

Amy Hughes of MDOT and I discussed the terms of the easement MDOT is granting to the City. The present language says there can be no fences on the easement. Amy indicates that the MDOT agreement with Olympia Equity requires the State erect a chain link fence which will cross the easement. Does the chain link fence show up on the site plan?

From: "Chris Osterrieder" <costerrieder@DelucaHoffman.com>
To: "Ethan Boxer-Macomber" <EBM@portlandmaine.gov>, <tlevine@olympiaequity.com>
Date: 5/19/05 1:04:55 PM
Subject: RE: Engineering Comments

Ethan:

I received the comments from Jim Seymour and have reviewed them. They are consistent with what Jim and I discussed. I have not had a chance to review with Tim in detail and we will be meeting on Friday to discuss. I do not know how amenable OEI will be to conditions of approval, so I cannot give you any response regarding that.

I think the discussion Jim and I had was very productive and I am quite clear on his comments, so responding will not be problematic, though I do not expect these to need to be responded before the Planning Board meeting. I believe any changes we make as a result of these would affect the intent of the project and most of them are housekeeping related issues, so I would agree they would generally be appropriate as conditions of approval.

I will be in touch.

Christopher J. Osterrieder, P.E.
Senior Engineer
Deluca-Hoffman Associates, Inc.
778 Main Street Suite 8
South Portland, Maine 04106
Ph. 207.775.1121
Fx. 207.879.0896
<http://www.delucahoffman.com>

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

From: Ethan Boxer-Macomber [mailto:EBM@portlandmaine.gov]
Sent: Thursday, May 19, 2005 12:11 PM
To: Chris Osterrieder; tlevine@olympiaequity.com
Subject: Engineering Comments

Tim and Chris:

Attached please find a memo containing Jim Seymour's civil engineering comments related to the OEI project at Congress and Sewall Streets. Planning staff's sense is that these items can all be addressed by a single condition of approval referencing the memo and requiring satisfaction of concerns contained therein prior to issuance of a building permit. Please let me know as soon as possible if OEI is amenable to this approach.

Also, we received Peter Hedrich's May 18 traffic comments letter to Jim Brady and will include it in the Planning Board report.

Best regards,

Ethan Boxer-Macomber, AICP
Planner
City of Portland Planning Division
389 Congress Street
Portland, ME 04101
Tel: 207.756.8083
Fax: 207.756.8258

From: John Peverada
To: Ethan Boxer-Macomber
Date: 5/20/05 9:00:15 AM
Subject: Re: OEI

Ethan, I fully agree with your statement that medical offices require 5-6 parking spaces per thousand. I also appreciate the fact that the Double Tree Hotel provides 49 spaces beyond "what is required" which I think is great, due to the fact that in the past I have attend events or conferences at the hotel and parking was tight.

The following is some information I have gathered on other medical buildings on outer Congress St that you can use as a comparison.

I drove out to look at the other office buildings in the vicinity of Congress & Frost at 10:45 AM 2/3/04 and recorded the following info.

1600 Congress St. 25,500 sq.ft. 5.89 Acres 165 spaces = 6.47 peak plenty of parking available (many customers are dropped off via ambulance)

1601 Congress St. @ corner of Frost St. 18,600 sq. ft. 12.14 Acres 80 spaces = 4.3 peak some spaces available, but 3 vehicles parked on the grass

1685 Congress St., Stroudwater Crossing 32,134 sq. ft. 8.9 Acres 146 spaces = 4.5 per a few available spaces, but 12 vehicles are parked in the fire lanes which indicates that the lot must have been at capacity earlier in the day.

Finally, about a year ago the two medical buildings on Sewall St. contacted the State to lease parking in the lot abutting the transportation center, due to the fact that their customers were being forced to park in front of the residences on Sewall St.

Please let me know if you have any additional questions.

>>> Ethan Boxer-Macomber 5/20/2005 8:04:23 AM >>>
John, What is your recommendation on this?
Ethan

The entire OEI campus is proposed to provide 421 parking spaces. Due to the unique configuration of lots and buildings on the campus and the need to satisfy zoning requirements while accommodating dedicated parking in close proximity to project entries, the proposed on-site parking plan includes various lease agreements between the OEI entities as summarized in the submitted Parking Plan Map (Attachment _____).

On-site parking is provided for existing hotel (274 spaces) and bank / office (80 spaces) uses on conformance with the off-street parking ordinance and the original approvals for those sites.

Under the off-street parking ordinance, the proposed medical office building is required to provide 116 parking spaces. However, due to the high market demand for parking generated by medical office uses, the applicant has provided 209 parking spaces. Based on industry standards, medical office uses are projected to demand approximately 5-6 spaces per 1,000 S.F. of usable office space. Using this formula, the estimated parking demand for the proposed medical office building can be expected to meet or exceed the 209 spaces provided.

The hotel site provides 49 spaces above and beyond what is required. If and when excess medical office parking demand does occur, it is anticipated to correspond with times of lower parking demand on the

hotel site when additional on-site parking would be available.

Ethan Boxer-Macomber, AICP
Planner
City of Portland Planning Division
389 Congress Street
Portland, ME 04101
Tel: 207.756.8083
Fax: 207.756.8258

Ethan -

From: "Tom Errico" <terrico@willbursmith.com>
To: "Ethan Boxer-Macomber" <EBM@portlandmaine.gov>
Date: 5/9/05 11:47:31 AM
Subject: Rite Aid -- Allen Avenue

I have reviewed the most recent site plan and supporting traffic information provided by Bill Eaton and offer the following comments:

1. The proposed driveway width on Allen Avenue is 41 feet. This width is excessive and should be reduced. I would suggest that the applicant consider eliminating the 5-foot separation island and use 10-foot exit lanes.

2. Crosswalks should be provided across the entry and exit lanes on the driveway off Washington Avenue.

3. The sidewalk connection from Allen Avenue seems indirect and may not be used. A more direct connection should be made.

4. I continue to be concerned about the location of the driveway on Allen Avenue as it relates to safe and efficient traffic movements.

Specifically:

- a. Analysis indicates that vehicle queues from the Allen's Corner intersection will block the driveway during busy time periods. This condition will make movements into and out of the site difficult.

- b. Crash data indicates that the Allen Avenue segment is a high crash location. While the total number of crashes (8) is relatively low, and the frequency of crashes has decreased, introduction of this driveway will not improve the safety history.

- c. The driveway location is located in close proximity to existing driveways on both the same and opposite sides of Allen Avenue. The driveway location does not meet access management spacing standards and has the potential to increase crash rates on Allen Avenue.

Based upon this, it is my professional opinion that some action be implemented to address the potential for traffic safety problems. It is likely that the most difficult/dangerous maneuver will be the left-turn exit movement from the site. A possible solution may be to prohibit left-turn movements from the site onto Allen Avenue (if the left-turn is prohibited, the driveway will need to be redesigned to physically prevent the left-turn movement from happening). Those prohibited left-turn movements would likely shift to the Washington Avenue driveway. This re-distribution will require some vehicles destined to Allen Avenue toward the west to weave across two lanes of traffic, which is not a safe maneuver. So I have some reservations about making this recommendation. Additionally, I would suggest that the applicant consider increasing the distance between the driveway and Allen's Corner. The applicant should provide a plan that illustrates the location of their driveway and its relationship with other nearby driveways. This driveway plan will help to determine the best possible location for the propose driveway. Lastly, I would suggest that

the applicant seek easements such that they could gain a connection between their site and the Northport Office site driveway.

Please call me if you have any questions.

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

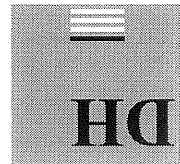
59 Middle Street

Portland, Maine 04101

(207) 871-1785 Phone

(207) 871-5825 Fax

CC: "Katherine Earley" <KAS@portlandmaine.gov>



DELUCA-HOFFMAN ASSOCIATES, INC.
 CONSULTING ENGINEERS
 778 MAIN STREET
 SUITE 3
 SOUTH PORTLAND, MA 04106
 TEL. 207.751.1121
 FAX 207.787.908 96

- SITE PLANNING & DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- TRAFFIC STUDIES AND MANAGEMENT

May 20, 2005

Mr. Ethan Boxer-Macomber
 City of Portland
 389 Congress Street
 Portland, ME 04101-35 03

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

Dear Ethan:

This letter addresses comments raised in the DRCC memo of May 18, 2005.

Comment - Stormwater Management:

A. Summary sheet with supporting backup data will be provided to support the conclusions of the drainage study.

B. Pipe sizes and slope information will be added to the drainage plans.

C. No comment.

D. Information to be supplied under item I, A, above, will address this comment.

E. Information to be supplied under item I, A, above, will address this comment.

F. Plans will be revised in accordance with the DRCC comment.

G. Bituminous curbing and additional drainage structure will be added as requested by the DRCC.

H. Existing survey invert elevations appear to be in error, based on field observation. Elevations will be confirmed in the field. If it proves necessary, pipe will be relaid to provide positive grade.

I. Additional information will be provided as part of as-built drawings.

J. An maintenance plan will be submitted for the water quality unit.

K. Information to be supplied under item I, A, above, will address this comment.

Comment 2 - Road Access/Circulation:

A. Additional guardrail will be added along the curved section as requested. Additional plantings will be added to serve as a barrier along the proposed sidewalk at the former MDOT parcel. No additional guardrail is proposed at this location.

B. Bituminous curb will be provided to act as a barrier. Landscaping along this edge will provide additional visual barrier.

C. A note will be added to the plans indicating snow removal will be contracted to be hauled off site.

D. New internal island will have Type 5 sloped granite curb. Additional notes and labels will be added to the plans to clarify.

E. Details for crosswalks and pedestrian walkways will be added to the plans.

Comment 3 - Utilities:

A. We are confident that sufficient cover has been provided over pipes so that freezing will not be an issue.

B. All electrical service will be underground.

Comment 4 - Grading & Erosion Controls:

A. Sheet C-5A, Erosion & Sedimentation Control Plan, will be part of the plan set.

B. We have reviewed the existing 36-inch pipe outfall and reviewed field conditions, which would not indicate need for any in-stream placement of rip rap. Final field verification will be made upon extension of new culvert outlet. Should channel protection be required, alternate plantings may be used, i.e., live fascine plantings may be considered.

C. The grading in this area is intended to accommodate landscape treatment and ADA accessibility. It is not anticipated that in-grounding will occur due to the natural ground surface.

Comment 5 - Landscaping:

A. Landscape plans have been prepared in accordance with the requests of the City Arborist and Planner.

Comment 6 - Other General Items:

A. A geotechnical evaluation by S.W. Cole was prepared for the building design and submitted as part of the site plan application to the City. The foundation was designed in accordance with the

Mr. Ethan Boxer-Macomber
May 20, 2005
Page 3

geotechnical report. Supplemental information regarding placement of fill in the MDOT lot will be addressed.

B. The building will be of slab-on-grade design. No foundation drainage is therefore anticipated. Any perimeter drains which prove to be required will be connected to the existing storm drain system and ground water will be diverted during construction as depicted on Sheet C-5A.

C. Solid waste generated from the building will be disposed of by cleaning staff. Any medical wastes generated will be contained and disposed of in an appropriate manner by a private contractor through the specific tenant. No new dumpsters are proposed to serve the new building. The existing dumpsters to be relocated will be screened with a wooden fence and are depicted on the site plans.

D. City Corporation Counsel has reviewed the various easements associated with this project and to the best of our knowledge has found them to be in order.

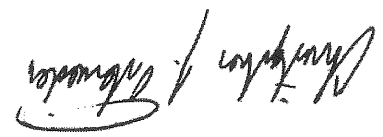
E. Additional layout information will be provided from existing survey control points.

We trust the responses adequately address the comments made by the DRC and expect to provide the necessary supplemental information as requested. It is our understanding that this information will result in minor changes to the project which do not change the conclusions of the Stormwater Management Plan, nor will they materially affect the scope of work proposed as part of this project. The additional items requested on the plans will be part of the final approved plans set.

Please review this information and contact our office with any questions.

Sincerely,

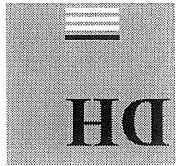
DELUCA-HOFFMAN ASSOCIATES, INC.



Christopher J. Osterrieder, P.E.
Senior Engineer

CJO/sq/JN2498/Boxer-Macomber-5-20-05

cc: Tim Levine, Olympia Equity Investors



D&L/C-A-HOFFMAN ASSOCIATES, INC.
 CONSULTING ENGINEERS
 778 MAIN STREET
 SUITE 8
 SOUTHPORT, AND, MA 01064
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- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- TRAFFIC STUDIES AND MANAGEMENT

May 20, 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
 DRCC Comment Response Letter**

Dear Ethan:

This letter addresses comments raised in the DRCC memo of May 18, 2005.

Comment 1 - Stormwater Management:

A. Summary sheet with supporting backup data will be provided to support the conclusions of the drainage study.

B. Pipe sizes and slope information will be added to the drainage plans.

C. No comment.

D. Information to be supplied under item 1, A, above, will address this comment.

E. Information to be supplied under item 1, A, above, will address this comment.

F. Plans will be revised in accordance with the DRCC comment.

G. Bituminous curb and additional drainage structure will be added as requested by the DRCC.

H. Existing survey invertelevations appear to be in error, based on field observation. Elevations will be confirmed in the field. If it proves necessary, pipe will be relaid to provide positive grade.

I. Additional information will be provided as part of as-built drawings.

J. An airtight manhole will be submitted for the water quality unit.

K. Information to be supplied under item 1, A, above, will address this comment.

Comment 2 - Road Access/Circulation:

A. Additional guardrail will be added along the curved section as requested. Additional plantings will be added to serve as a barrier along the proposed sidewalk at the former MDOT parcel. No additional guardrail is proposed at this location.

B. Bituminous curb will be provided to act as a barrier. Landscaping along this edge will provide additional visual barrier.

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A. We are confident that sufficient cover has been provided over pipes so that freezing will not be an issue.

B. All electrical service will be underground.

Comment 4 - Grading & Erosion Controls:

A. Sheet C-5A, Erosion & Sedimentation Control Plan, will be part of the plan set.

B. We have reviewed the existing 36-inch pipe outfall and reviewed field conditions, which would not indicate need for any in-stream placement of rip rap. Final field verification will be made upon extension of new culvert outlet. Should channel protection be required, alternate plantings may be used, i.e., live fascine plantings may be considered.

C. The grading in this area is intended to accommodate related landscape treatment and ADA accessibility. It is not anticipated that in-grounding will occur due to the nature of the landscape.

Comment 5 - Landscaping:

A. Landscape plans have been prepared in accordance with the requests of the City Arborist and Planner.

Comment 6 - Other General Items:

A. A geotechnical evaluation by S. W. Cole was prepared for the building design and submitted as part of the site plan application to the City. The foundation was designed in accordance with the

Mr. Ethan Boxer-Macomber

May 20, 2005

Page 3

geotechnical report. Supplemental information regarding placement of fill in the MDOT lot will be addressed.

B. The building will be of a lab-on-grade design. No foundation drainage is therefore anticipated. Any perimeter drains which prove to be required will be connected to the existing storm drainage system and ground water will be diverted during construction as depicted on Sheet C-5A.

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D. City Corporation Counsel has reviewed the various easements associated with this project and to the best of our knowledge has found them to be in order.

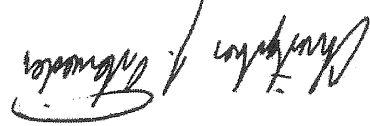
E. Additional layout information will be provided from existing survey control points.

We trust the responses adequately address the comments made by the DRCA and expect to provide the necessary supplemental information as requested. It is our understanding that this information will result in minor changes to the project which do not change the conclusions of the Stormwater Management Plan, nor will they materially affect the scope of work proposed as part of this project. The additional items requested on the plans will be part of the final approved plans set.

Please review this information and contact our office with any questions.

Sincerely,

DELUCA-HOFFMAN ASSOCIATES, INC.



Christopher J. Osterrieder, P.E.
Senior Engineer

CJO/sq/JN2498/Boxer-Macomber-5-20-05

cc: Tim Levine, Olympia Equity Investors

31 March 2005

Mr. Christopher J. Osterrieder, P.E.,
Senior Engineer,
DeLuca-Hoffman Associates,
778 Main Street, Suite 8,
South Portland, Maine 04106-1339

**RE: The Capacity to Handle the Anticipated Wastewater Flows,
from a Proposed Medical Office Building, at 50 Sewall Street.**

Dear Mr. Osterrieder:

The existing thirty-inch diameter asbestos cement sanitary sewer pipe, located in Sewall Street, has adequate capacity to **transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to **treat** the anticipated wastewater flows of **5,283 G.P.D.**, from the proposed medical office building.

Anticipated Wastewater Flows from the Proposed Medical Office Building:	
Proposed 44,384 S.F. Building, @ .117 G.P.D./S.F.	= 5,193 GPD
90 Proposed Parking Spaces, @ 1 G.P.D./Parking Space.	= 90 GPD
Total Proposed Increase in Wastewater Flows for this Project	= 5,283 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and with the Maine D.E.P., requires C.S.O. abatement, as well as storm water mitigation, from all projects, in order to offset any increase in sanitary flows.

If The City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

Frank J Branceley, B.A., and M.A.
Senior Engineering Technician

FJB

cc:

Alexander Q. Jaegerman, Director, Department of Planning, and Urban Development, City of Portland
Ethan Boxer-Macomber, Planner, Department of Planning, and Urban Development, City of Portland
Eric Labelle, P.E., City Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Jane Ward, Administrative Assistant, City of Portland
Desk file

From: Camille Alden
To: Donna Katsifacas; Eric Labelle
Date: 4/19/05 9:12:28 AM
Subject: Olympia Equity Investors (OEI) / Doubletree/Libbytown Update

I just spoke with Amy Hughes of MDOT this morning via phone. Below is a summary of our conversation and an update on the project:

1. MDOT forwarded everything to the OEI a while ago. (a month or more?)

2. OEI's lawyers reviewed the submittal and just responded to MDOT Thursday or Friday of last week.

3. Amy will be reviewing their comments in more detail this week (?).

3. OEI's lawyers have a few questions and concerns that they would like addressed regarding the language and wording of the deed. (one concern is the width of our easement [40']). I tried to explain the necessity of the width to Amy.)

4. MDOT will try to address most of their concerns. They will be contacting you, **Donna**, to deal with any legal issues/wording that concern the City's easement.

I believe the City has done everything it needs to do at this point. We are now waiting to be contacted by either MDOT or OEI. It is in their hands for the moment.

CC: William Clark; William Scott

From: "Jim Brady" <jbrady@olympiaequity.com>
To: "Ethan Boxer-Macomber" <EBM@portlandmaine.gov>, <aqj@ci.portland.me.us>, <pcavanagh@gpmetrobus.com>, <tlevine@olympiaequity.com>, <SH@portlandmaine.gov>, <terrico@wilbursmith.com>
Date: 6/2/05 5:41:33 PM
Subject: RE: OEI - MetroBus on Congress St

Ethan,

Thank you for your email confirmation of the proposed 9AM meeting to be held on Monday June 6th.

In my somewhat bias view, many of the problems we have had with this project stem from what I would refer to as strongly suggested language pertaining to each item you deem to be appropriate without regard to others input or factual data. For example in your email below confirming this above meeting, you refer to ONE specific solution to an existing problem, however, we all know there are a number of possible solutions at most any problem/issue.

I would for example had suggested language like this:

"This email is to confirm the meeting... to review the current bus stop located at Congress Street at the Mobil station, and to review possible alternatives to the existing condition and determine if there may be a preferred alternate to the current condition, review safety and feasibility of such bus stop modifications."

This is not the first time you have "led" the entire team into a solution which you may believe it the best solution, without the input from the various professionals.

In addition, I must also suggest that we have felt that the presentation to the planning board has not been strong to suggest that certain items being suggested as conditions or additional off site improvements have little or no effect from the proposed development. (example being the off ramp from I-295 headed West which was debated at the last meeting, and Sewall St sidewalk). There has also been no discussion with the PB with regard to the number of specific benefits this development brings to the overall area, specifically related to both on and off site. (an example of this is the improvements to parking areas of the Doubletree parking lots not effected by this development, the "tying" of this project to any future site plan modifications to the Mobil - at Olympia cost, the closing of a curb cut on one of the busiest streets in Portland - and the list goes on).

Thank you for understanding my continued concern over the method that this project has been received throughout this planning process. I look forward to working with you and the other consultants to review this situation and ultimately to re-establishing the Site Plan Approval to allow this significant and valued development for the City of Portland to move forward.

Sincerely,
Jim Brady

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X
100
7M
100,000

Olympia Development
280 Fore Street, Suite 202
Portland, ME 04101
207-874-9990 t
207-653-9990 cell
207-874-9993 f
jbrady@olympiacompanies.com
www.theolympiacompanies.com

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

From: Ethan Boxer-Macomber [mailto:EBM@portlandmaine.gov]
Sent: Thursday, June 02, 2005 3:12 PM
To: aqj@ci.portland.me.us; pcavanagh@gpmetrobus.com;
jbrady@olympiacompanies.com; levine@olympiacompanies.com; SH@portlandmaine.gov;
terrill@willbur-smith.com
Subject: OEI - MetroBus Turnout and Shelter

This email is to confirm that there will be a meeting at 9AM Monday, June 6th to discuss the potential for a Bus turnout and shelter to the West of the Mobil Gas Station in the vicinity of the OEI project at Congress and Sewall Streets. The meeting will be held in the Planning Division office, 4th floor, City Hall. Peter Cavanaugh of MetroBus has agreed to attend.

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: "Kevin Mahaney" <kmahaney@olympiacompanies.com>, "Matt Manahan"
<mmanahan@PierceAtwood.com>, "Tom Gorill" <Tgorill@gorillpalmer.com>, "Chris Osterrieder"
<costerrieder@delucacahoffman.com>

Comment/Response from 1/25/04 Workshop

Traffic

Comment:

There is general concern about additional vehicular traffic entering and exiting the site, as well as stacking lane capacities.

Response:

A traffic study has been completed. The study finds that the local street system can accommodate the traffic generated by the proposed development. The results of the study show that the level of service at all of the study area intersections will continue to operate at acceptable levels of service, and that no vehicular queues within the study area are anticipated to exceed available storage lengths during peak hours. Please refer to the enclosed study for additional information.

Congress Street Entrance

Comment: The entry drive alignment at Congress Street and the lack of a defined

drive between the entry area and the Mobil Station is a concern.

Response: In 1999, as a condition of the site plan approval for the construction of a building on Lot A-013, Map 189 (the Coastal Savings Bank building), the entrance to the site from Congress Street was moved approximately 60' to the east in order to align with Massachusetts Avenue. This work also included a widening of Congress Street, \$200,000 of which was paid for by the applicant (Olympia Equity Investors III, LLC). In addition, as part of its approval of the site plan for the project the Planning Board required the following to further address traffic concerns, including traffic concerns relating to the access drive shared by Mobil, the Doubletree Hotel, and the bank property: (1) the applicant was required to acquire land for the widening of Congress Street in this location, and to contribute the land to the City at no cost to the City; (2) the final engineering plans for the widening project had to be approved by the City's traffic engineer and MDOT; and (3) the applicant was required to install a traffic signal at the corner of Massachusetts Avenue and Congress Street.

Thus, Olympia understood that the work performed in 1999 would satisfy the traffic concerns previously presented by the access to the site. In an effort to improve the aesthetics of the entrance, we propose the following:

- 1) Addition of raised granite curb on the east side of the drive.
- 2) Addition of flush granite curb on the west side of the drive.
- 3) Addition of curb/expansion of planting bed on southeast side of drive.
- 4) A new orientation sign in planting bed mentioned above. This sign will be easily read from Congress Street and will direct drivers and pedestrians to buildings/parking.
- 5) New street trees on east side of the drive and in expanded planting bed to further define drive.

Building Height

Comment: Why is the applicant seeking a building height greater than the 45 feet allowed on a 1.7-acre lot in the B-2 zone?

Response: The application has been revised to request a maximum height of 60 feet, rather than the 65 feet originally requested. The proposed structure is four stories. Several factors were involved in the establishment of the height of the proposed building. The relationship to the height of adjacent buildings is important, as the Doubletree Hotel is in excess of 60 feet, and the Norway Savings Bank building is about 53' high. The proposed four-story structure also allows a small building footprint, which maximizes green space. Visibility from I-295 is also a factor. The proposed height will allow the building to be one of the first structures viewed by northbound vehicles on the Interstate. Strong architecture will aid in making the proposed building a part of the gateway to Portland.

C-19/B-2 Zone Delineation

Comment: Why is the B-2 Zone line offset from the lot line on the proposed office building property?

Response: It appears that when the City of Portland originally drew the zone line between the B-2 and R-5 districts (prior to the establishment of the C-19 zone), the line was not drawn along the lot lines in this area, resulting in an approximately 18' wide by 560' long portion of the OBI I Lot (Doubletree Hotel) that fell within the R-5 (now C-19) zone.

There is no need to correct this discrepancy, because Chapter 14, Section 14-51 of the City Code allows the extension of the less restricted portion of the lot (B-2) into the more restricted portion (C-19) by up to 30 feet.

Conforming Lot Issue

Comment: Is the proposed OBI XIII lot a legal lot? Does it have sufficient street frontage?

Response: In order to be a legal lot in the B-2 zone, the OBI XIII lot needs to meet the requirements in Section 14-185. It meets all of those requirements. With regard to street frontage, although there will be no access from that lot onto Congress Street, all that is required is that the lot must have at least 50 feet of street frontage. This lot

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has over 200 feet of frontage on Congress Street. (See also Section 14-403(a), relating to street access, which applies only to frontage on narrow streets.)

63



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 OFI 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 OFI 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 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 granddathered 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 MDEF-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 OBI 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 OBI 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 OBI entities. On April 25, 2005 OBI 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 OBI campus. This plan incorporates the MDOT lot and reflects all drainage, utility and access easements of record for the OBI 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.

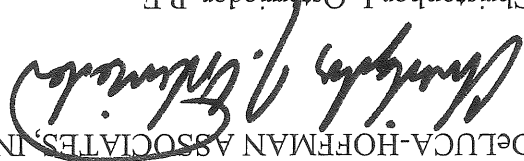
Response:

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

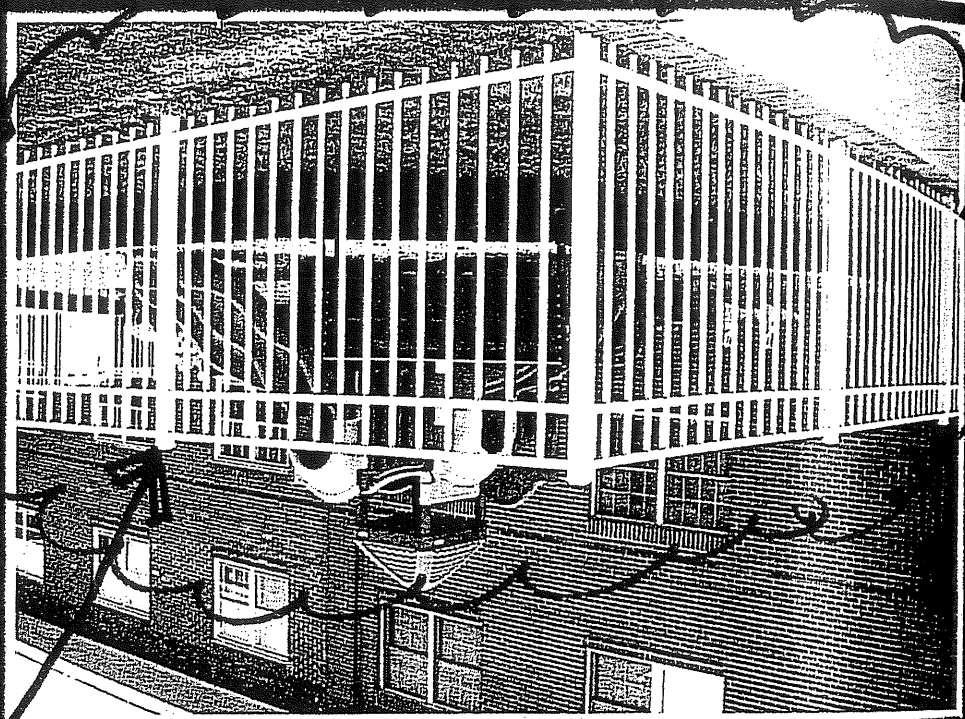
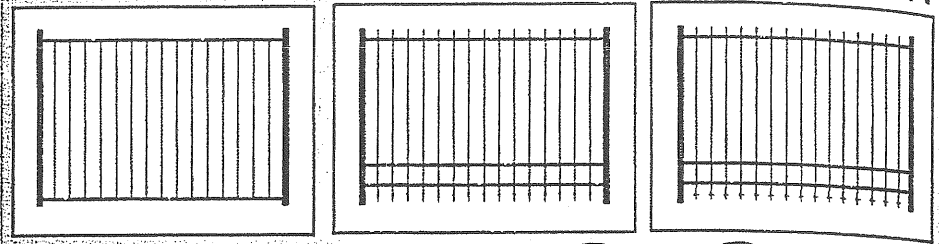
c:

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

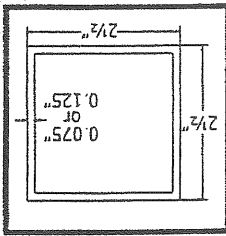
SARATOGA

VICTORIA QUAD

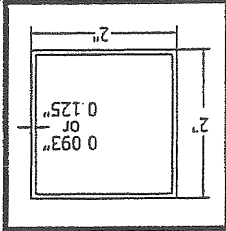
VICTORIA TRI-AD



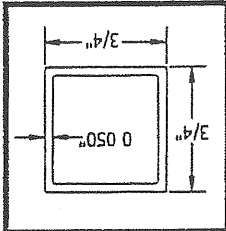
2 1/2" POST



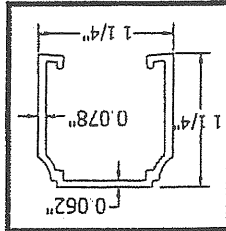
2" POST



PICKET



CHANNEL

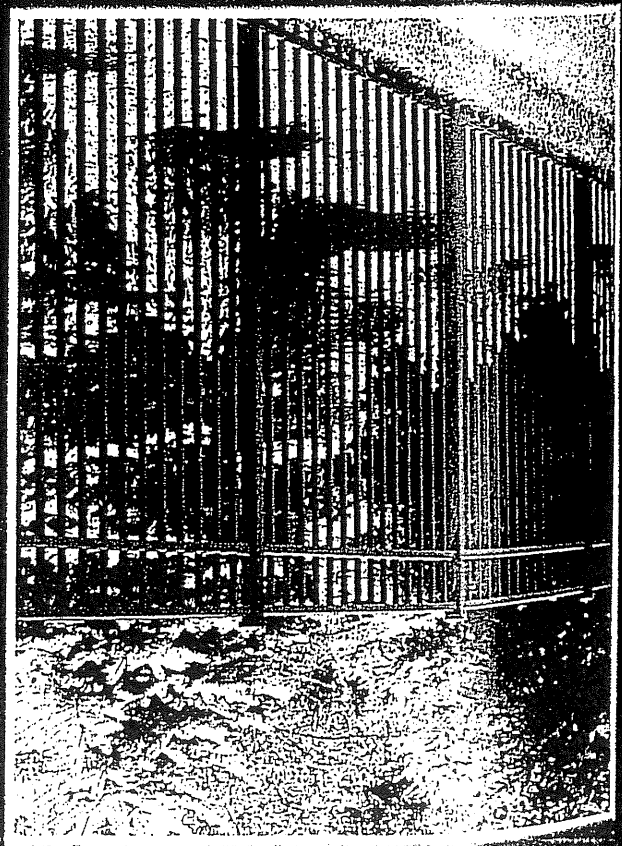
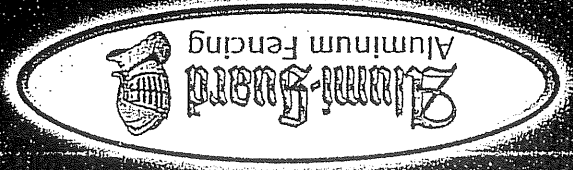


Concrete footings should be 24" deep and 6" in diameter.

- 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.
- 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.
- Channels (horizontal)
1 1/4" X 1 1/4", .078" sidewalls, .062" topwall.

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

COMMERCIAL GRADE



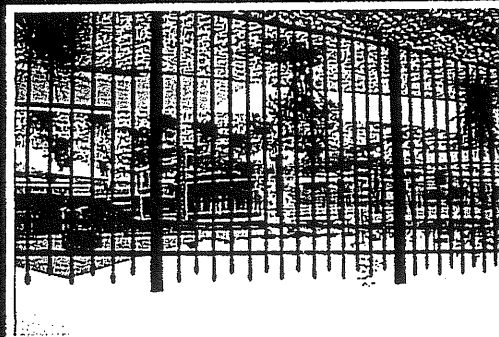
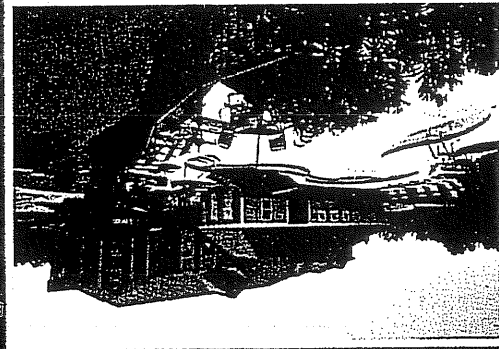
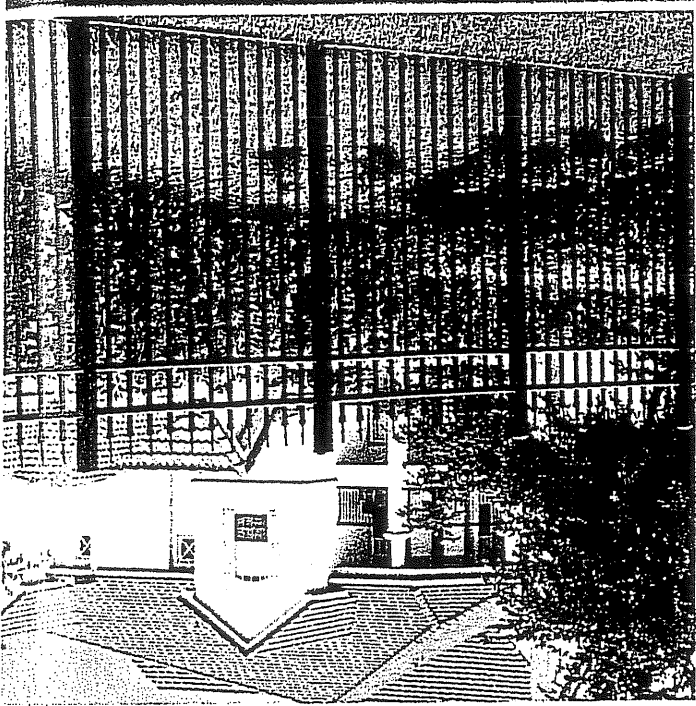
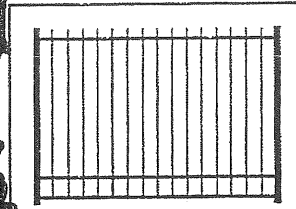
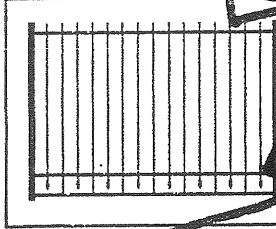
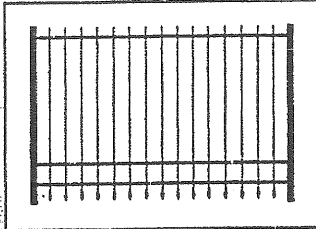
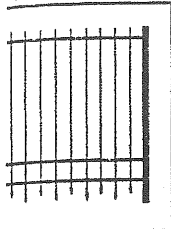
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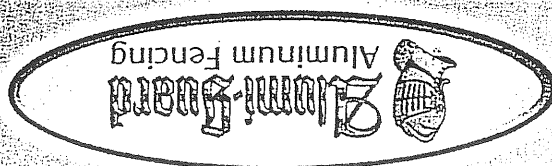
ASCOT



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

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.

COMMERCIAL GRADE



APPLICATIONS:

- ESTATE COMMUNITIES
- COMMERCIAL SWIMMING POOLS
- SCHOOL RECREATION AREAS
- COMMERCIAL/RETAIL SHOPPING DISTRICTS
- CHURCHES
- MUNICIPAL APPLICATIONS



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

Traffic and Civil Engineering Services

207-657-6910
FAX: 207-657-6912

E-Mail: mailbox@gorrillpalmer.com

June 8, 2005

Mr. James Brady
Olympia Equity Investors II, LLC
280 Fore Street, Suite 202
Portland, ME 04101

RE: Assessment of Congress Street Bus Stop in the Vicinity of
50 Sewall Street Medical Office

Dear Jim:

Per your request, Gorrill-Palmer Consulting Engineers, Inc. has reviewed the potential for relocation of the existing Metro bus stop in front of the Mobil Station on Congress Street. Our findings are presented below:

Meeting with the City and Metro

Members of your firm, Deluca Hoffman, and myself met with City staff and Peter Cavanaugh of Metro on June 6th, 2005. Peter stated at the meeting that he is satisfied with how the bus stop works now, except that it is not well plowed. Peter said that the stops are brief since they typically do not have handicap people accessing the bus at this location. Peter was asked by City staff about the need for a pullout and said his biggest concern with a pullout at this location is getting back out into traffic. Given that the speed limit is 35 miles per hour on Congress Street, pulling into traffic can be difficult.

Sketch of a Pullout

As we discussed at the planning board meeting, there is not room for a bus pullout at the current bus stop location. Gorrill-Palmer Consulting Engineers Inc. prepared a sketch of a bus pullout south of the Mobil lot and it appears that the pull off could be constructed within the right of way but would require the sidewalk to be on private property. Excluding the right of way required, the estimated opinion of probable construction cost is \$26,000.

Operational Assessment

After careful consideration of relocating the bus stop, Gorrill-Palmer Consulting Engineers, Inc. recommends that it stay at the current location for safety reasons. As has been indicated in past submittals, this stretch of Congress Street was a high crash location with 91 collisions in a three-year period before Olympia participated in the project to improve Congress Street when the Bank building was constructed. That improvement reduced the crash experience to 15 in the three-year period following implementation. As discussed at the planning board meeting, it is our opinion that moving the bus stop to a location immediately west of the uncontrolled Mobil driveway could result in an increase in crashes due to sight distance restrictions caused by the bus relative to vehicles attempting to make left turns out of the Mobil driveway. While this would be corrected with a pullout, busses would have to re-enter traffic exposing them to the potential of sideswipe collisions. While bus pullouts are common in urban areas, the speeds are lower allowing busses to force their way out in traffic which is expected by drivers. Speeds at this location on Congress Street are higher with a posted speed of 35 miles per hour and forcing their way into traffic is not a safe option. The proximity to both the Paint Pot and Mobil

Mr. James Brady
June 8, 2005
Page 2 of 2

Driveways is an additional concern with a bus pullout at this location. There is the potential for the bus driver looking in his mirror for oncoming traffic not to notice a driver pulling out in front of him from Mobil. Similarly, given the proximity to Sewall Street and the Paint Pot driveway, cars could pull onto Congress unnoticed by the driver, further increasing the potential for sideswipe collisions. Therefore, it is our opinion that the bus stop should remain at its current location, which is a signalized intersection.

Please contact us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Thomas L. Gorrill, P.E., PTOE

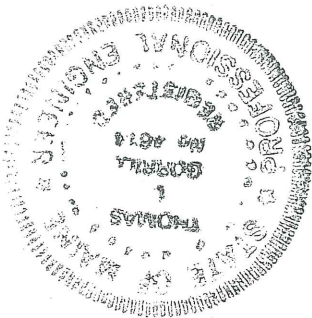
President

C: Chris Osterrieder, Deluca-Hoffman

Tom Errico, Wilbur Smith

Ethan Boxer-Macomber, City of Portland

TLG/tlg/admin/JN1109/Brady 6-8-05



May 18, 2005

Mr. James Brady
Olympia Equity Investors II, LLC
280 Fore Street, Suite 202
Portland, ME 04101

RE: Response to Traffic Comments
50 Sewall Street Medical Office

Dear Jim:

Gorrill-Palmer Consulting Engineers, Inc. has reviewed the current staff comments from Tom Errico and Eric Labelle dated May 17, 2005. Comments requiring a response are summarized below followed by our response.

Comment 1. Please coordinate the bus stop issue directly with Metro.

Response: Gorrill-Palmer Consulting Engineers, Inc. has met with Metro in the field to discuss relocation of the bus stop. At that time they indicated that the existing location was a typical City stop and they were comfortable with the location, but would entertain relocating the stop to the current Double Tree driveway location. After careful consideration of relocating the bus stop, Gorrill-Palmer Consulting Engineers, Inc. recommends that it stay at the current location for safety reasons. As has been indicated in past submittals, this stretch of Congress Street was a high crash location with 91 collisions in a three-year period before Olympia participated in the project to improve Congress Street when the Bank building was constructed. That improvement reduced the crash experience to 15 in the three-year period following implementation. Moving the bus stop to a location immediately west of the uncontrolled Mobil driveway could result in an increase in crashes due to sight distance restrictions caused by the bus relative to vehicles attempting to make left turns out of the Mobil driveway. At the current bus stop location, the downstream driveway is signalized so that this situation does not occur. The current location also offers direct access to a signalized crossing of Congress Street and the pedestrian facilities proposed for the Olympia site. Therefore, it is our opinion that the bus stop should remain at its current location.

Comment 2. I spoke to MaineDOT directly about the justification of requiring the applicant to implement improvements at the Congress Street/I-295 Off-ramp intersection. MaineDOT indicated that improvements can be required through the Traffic Movement Permit process if the location is within the study area, regardless the amount of new traffic being added to the deficient movement. Accordingly, it is my recommendation that the applicant implement all aspects of improvements noted in their report. I would note that the City received a preliminary cost estimate from A&D Electric for the signalization of the subject right-turn movement. Their estimate to complete the work is \$8,330.00.

Response: As indicated in the traffic study, the proposed project will add no traffic to the problematic right turn movement from the connector road onto Congress Street, and would therefore not affect the crash experience for that movement. The project is forecast to add less than 5% to the eastbound through movement on Congress Street in the PM peak hour. Although improvements can be required as part of the Traffic Movement Permit process, it is the opinion of Gorrill-Palmer Consulting Engineers Inc. that the project should have some direct impact on the problem if the improvement is to be required of the applicant. In fact paragraph 4A, General

Standards, of Chapter 305, *Rules and Regulations Pertaining to Traffic Movement Permits*, states: "The development must be located and designed so that the roads and intersections in the vicinity of the proposed development will have the ability to safely and efficiently handle the traffic *increase* (emphasis added) attributable to the development at the time the development becomes fully operational". It would seem that if the project has no traffic increase to the problem movement, that the applicant would not be responsible for the mitigation.

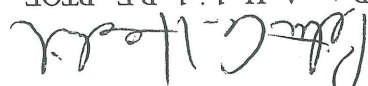
Comment 3. My [Eric Labelle] recommendation is to have granite curb and concrete sidewalk be placed from the Paint Pot to the developer's site on the east side of Sewall Street. The site will likely add to the current pedestrian traffic and on-street parking.

Response: In our opinion, the proposed project accommodates pedestrian traffic through the site from Congress Street, and we expect most if not all pedestrians to enter from Congress Street. Should a pedestrian occasionally choose to use Sewall Street, the existing walk (with the exception of one 50 foot gap) along the west side of Sewall Street would be more than adequate given the low pedestrian and vehicular volumes on this dead end street. This approach seems to be consistent with the City's recently completed reconstruction project along Allen Avenue from Allen's Corner to Summit Street where sidewalk was installed on only one side of this arterial roadway.

With regard to parking, the onsite parking is well in excess of parking required by the ordinance and has been determined to be the appropriate number of spaces for a Medical Office Building. It is unlikely anyone using the facilities within the campus would park on Sewall Street, particularly given the distance to the proposed buildings from Sewall Street.

Please contact us with any questions.

Sincerely,

Gorill-Palmer Consulting Engineers, Inc.

Peter A. Hedrich, P.E., PTOE
Vice President of Transportation

C: Chris Osterrieder, Deluca-Hoffman
Tom Errico, Wilbur Smith
Ethian Boxer-Macomber, City of Portland

