

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

2008-0095
Application I. D. Number

6/25/2008
Application Date

Amend to Prev. Approved- 1600 Congr
Project Name/Description

164 Realty Inc
Applicant
100 Silver St , Portland, ME 04101
Applicant's Mailing Address

Consultant/Agent
Agent Ph: _____ Agent Fax: _____
Applicant or Agent Daytime Telephone, Fax

1600 - 1600 Congress St, Portland, Maine
Address of Proposed Site
220 B010001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify) _____

Proposed Building square Feet or # of Units 319488 Acreage of Site 0 Proposed Total Disturbed Area of the Site 0 Zoning RP

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots _____
- Amendment to Plan - Board Review Zoning Conditional - ZBA Shoreland Historic Preservation DEP Local Certification
- Amendment to Plan - Staff Review Zoning Variance Flood Hazard Site Location
- After the Fact - Major Stormwater Traffic Movement Other _____
- After the Fact - Minor PAD Review 14-403 Streets Review

Fees Paid: Site Plan \$250.00 Subdivision _____ Engineer Review _____ Date 6/25/2008

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

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

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

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

June 24, 2008

Ms. Barbara Barhydt
Development Review Services Manager
City of Portland
389 Congress Street
Portland, Maine 04101

RE: 1600 Congress Street Addition

Dear Barbara:

On behalf of 164 Realty Inc., we present the following application for planning staff review of a proposed building addition at 1600 Congress Street. The 7.33± acre project site is located on Tax Assessor Chart 220, Block B, Lots 10 and 15.

The project site is within the RP – Residential Professional Zone and the RPZ – Resource Protection Zone. Proposed revisions exist solely within the Residential Professional Zone. Site frontage is along Congress Street and the rear of the property abuts the Fore River. Residential properties exist to the south of the site along Brewer Street and are located within the R-5 Residential Zone. Land to the north of the site is owned by the City of Portland, leased to 164 Realty Inc., and is also part of the R-5 Residential Zone. A 20 year lease agreement exists by and between the City of Portland and 164 Realty Inc. which commenced on October 9, 1993, please see attached lease agreement. This area is the location of a parking lot serving the medical office building.

The project site is owned by 164 Realty Inc. and the three tenants include Maine Nephrology Associates, Southern Maine Dialysis Center and Concentra. The addition is proposed for use by Maine Nephrology Associates to accommodate existing staff and better serve patients.

Building Addition

The application is for the expansion of the existing 30,900 SF medical office building. A 4,560 SF building addition is proposed on the northern corner of the building within the existing parking area. This one-story building addition has been designed by Whipple-Callender Architects and is proposed to replicate the materials and design of the existing one-story building. As noted on the attached architectural plan, the brick and split faced CMU material for the wall, prefinished aluminum coping and sill will match the existing building. The building height is 17'-6" above grade and the finish floor elevation will match the existing building. The existing building is sprinkled and the proposed addition will be sprinkled. It is classified as an IBC Type 3B designation. The building addition and proposed improvements comply with all space and bulk requirements of the Residential Professional Zone; please see Site Plan notes for summary.

Circulation

The two curb cuts on Congress Street will be maintained with both entrance and exit service. The building is accessible for fire safety and vehicular access from all four sides through existing parking lots. Sidewalks surrounding the building provide pedestrian access. A ramp and stair have been proposed at the building addition to provide access to this main entrance.

Parking

The parking requirement for medical office use is calculated as office space. The requirement is 1 parking space for 400 SF of building floor area. The building with the proposed addition will be 35,460 SF and will require 89 parking spaces. The existing parking lot is 157 parking spaces including 8 compact spaces and 4 handicap accessible spaces. The proposed parking lot is reduced to 134 parking spaces including 11 compact spaces and 5 handicap accessible spaces. The proposed 134 parking spaces exceeds the required 89 parking spaces.

Stormwater

The proposed building addition is located within the existing parking lot and will not create additional impervious surface, therefore the DEP stormwater permit will not be required. The existing stormwater system will be used which includes a series of catchbasins which outlet at level spreaders along the west of the parking lot. Due to the location of the building, one catchbasin and associated piping will be removed and two additional catchbasins and a drain manhole will be installed to route around the building addition. Please see attached Site Plan. The condition of the existing system has been evaluated and approved by BH2M Engineers, please see attached letter.

Utilities

Water service and sewer service will be maintained from the existing main connections in Congress Street. The 12" water main within Congress Street serves a fire hydrant which is located between the two driveway curb cuts for 1600 Congress Street. This hydrant is located 80 feet from the proposed building addition.

An existing natural gas connection, which will be maintained, is located at the eastern corner of the building with service from Congress Street. An existing above ground propane tank, which will be maintained, exists in the western portion of the site.

Existing electric, telephone and cable service to the building is underground and will be maintained. A transformer exists along the building frontage adjacent to the proposed addition. A generator exists in the northern part of the site and the underground service will be relocated due to the building addition.

Landscaping

The existing landscaping is in good condition and will remain. Areas which will be disturbed, as noted on the Existing Conditions and Demolition Plan, will be revegetated with a combination of ornamental deciduous trees, deciduous and evergreen shrubs and groundcover. Please see attached Site Plan.

Lighting

Site pole mounted lighting exists along the perimeter of the parking lot and will remain in place. Additional site pole mounted lighting is not proposed.

Solid Waste

A dumpster exists on a concrete pad within a fenced enclosure to the west of the parking lot. This will continue to serve the needs of the building.

Easements

Two easements exist on the property which will not be affected. A 100' wide Portland Water District easement exists between the parking lot and the Fore River, recorded in Book 3675, Page 289. Central Maine Power and New England Telephone & Telegraph Company have an easement between Pole #220 and the building, recorded in Book 3199, Page 604.

Submissions

The following information has been provided with the application:

- Cover Letter, dated June 24, 2008
- Development Review Application Form
- Application Fee of \$450.00
- Letter from Lester Berry, P.E. BH2M Engineers dated June 19, 2008
- Letter of Authorization
- Warranty Deed, Book 11022, Page 141
- Lease Agreement
- Seven full-sized plan sets and
- One 11x17 set of plans

Ms. Barbara Barhydt and Planning Staff
Page 4 of 4

- Electronic pdf copies of plans have been submitted

We look forward to receiving staff comments. Should you have any questions, please do not hesitate to contact me.

Sincerely,
Mitchell & Associates

A handwritten signature in cursive script that reads "Betsy Melrose".

Betsy Melrose

Enclosure

cc. Michael Brescia, 164 Realty Inc.
Anne Callender, Whipple-Callender Associates



Development Review Application Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

Address of Proposed Development: 1600 CONGRESS STREET, PORTLAND, MAINE 04102		
Zone: RP – RESIDENTIAL PROFESSIONAL ZONE, R-5 RESIDENTIAL ZONE AND RPZ – RESOURCE PROTECTION ZONE		
Project Name: 1600 CONGRESS STREET		
Existing Building Size: 30,900 sq. ft.	Proposed Building Size: 35,460 sq. ft.	
Existing Acreage of Site: 319,488 sq. ft.	Proposed Acreage of Site: 319,488 sq. ft.	
Proposed Total Disturbed of the Site: 0 sq. ft. * (DISTURBED DURING PREVIOUS CONSTRUCTION)		
* If the proposed disturbance is greater than one acres, than the applicant shall apply for a Maine Construction General Permit (MCGP) or Chapter 500, Stormwater Management Permit with the Maine Department of Environmental Protection (DEP).		
Tax Assessor's Chart, Block & Lot: Chart# 220 Block # B Lot# 10 AND 15	Property Owners Name/ Mailing address: 164 REALTY INC. CONTACT: MICHAEL BRESCIA 100 SILVER STREET PORTLAND, MAINE 04101	Telephone #: (207) 347-4451 Cell Phone #: (207) 415-2283
Consultant/Agent Name, Mailing address, Telephone #, Fax # and Cell Phone # : MITCHELL & ASSOCIATES CONTACT: BETSY MELROSE 70 CENTER STREET PORTLAND, MAINE 04101 TEL: (207) 774-4427 FAX: (207) 874-2460	Applicant's Name/ Mailing Address: 164 REALTY INC. CONTACT: MICHAEL BRESCIA 100 SILVER STREET PORTLAND, MAINE 04101	Telephone #: (207) 347-4451 Cell Phone #: (207) 415-2283
Fee For Service Deposit (all applications) <u> X </u> (\$200.00)		
Proposed Development (check all that apply) <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____		
~ Please see next page ~		

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

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

Minor Site Plan Review

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

Plan Amendments

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

Billing Address: (name, address and contact information)

**164 REALTY INC.
CONTACT: MICHAEL BRESCIA
100 SILVER STREET
PORTLAND, MAINE 04101**

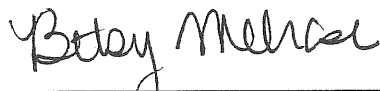
Submittals shall include seven (7) **folded** packets containing of the following materials:

- A. Copy of application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale of not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11x17 must be submitted.

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

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

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

Signature of Applicant: 	Date: JUNE 24, 2008
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BH2M BERRY • HUFF •
McDONALD • MILLIGAN • INC.
ENGINEERS • SURVEYORS • PLANNERS

LESTER S. BERRY
WILLIAM A. THOMPSON

ROBERT C. LIBBY, Jr.
ANDREW S. MORRELL

June 19, 2008

John Mitchell
Mitchell & Associates
70 Center Street
Portland, ME 04101

RE: Amended Site Plan
1600 Congress Street Project
Portland, Maine

Dear John:

As requested, we have reviewed the Stormwater Management Plan for the 1600 Congress Street project. Berry Huff McDonald Milligan, Inc. designed the original stormwater plan in the early 1990's which consisted of some on-site catchbasins/pipes and sheet flow to three level spreaders along the rear of the parking lot. The level spreaders dispersed the flow before discharging over the hill into the Stroudwater River. No detention or treatment was required by the city or the Maine DEP. This project was constructed prior to the DEP State Stormwater Law which went into effect in 1997.

Site Inspection

In May 2008, we inspected the site for compliance with the approved site plan. As would be expected, there were a few maintenance issues to address which have been corrected.

1. The three catchbasins at the rear of the parking lot had pavement settling and breaking up. The catchbasin frames were reset and the pavement cut-out and replaced.
2. The bituminous curbing behind the three catchbasins was broken and needed to be replaced. It was recommended that it be replaced by granite and/or bituminous curb which has since been installed.
3. There were two overflow catchbasins within the level spreaders that needed cleaning.
4. The stone on the level spreaders was uneven and this resulted in some downhill erosion. The stone has been repaired and the erosion stabilized. A 6" underdrain pipe was installed to help disperse the runoff.

All of the above work has been completed and is satisfactory based upon a June 19, 2008 site inspection.

Proposed Project

The project will add a 4,768 s.f. single-story addition to the existing building. This will result in the removal of pavement and a minor layout change in the parking. The building location will require the removal of an existing catchbasin and some stormdrain. It is proposed that the stormdrain be rerouted around the building. This will require two new catchbasins and one new drain manhole.

Stormwater Regulation

The project needs site plan approval under the city's site plan standards. The project will disturb approximately 16,000 s.f. and no new impervious surface. Therefore, there will be no DEP stormwater permitting required.

Stormwater Management

Since there will be no changes in the stormwater runoff rates, volumes or flow characteristics, there is no need for additional control or treatment since the existing system is working as designed and is in good condition.

Erosion Control

The level spreaders are vulnerable to clogging and silt deposition. It is recommended that the construction site be controlled so no silty water runs across the pavement to the level spreaders. Also, silt sacks should be installed in all catchbasins (existing and proposed) that could be impacted. All drainage structures should be cleaned and inspected at the completion of the project.

Please review and give me a call if you have any questions.

Sincerely,



Lester S. Berry, P.E.

Silver Street Management, LLC

100 Silver Street

Portland, Maine 04101

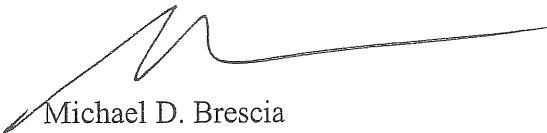
Telephone: 207-774-1885 Fax: 207-774-8397

June 24, 2008

To Whom It May Concern:

This letter authorizes Mr. John Mitchell, president, Mitchell & Associates to act as an agent on behalf of 164 Realty, Inc. for submission of any and all application materials that relate to our proposed development of 1600 Congress Street, Portland, Maine.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Brescia", with a long horizontal line extending to the right.

Michael D. Brescia
Property Manager President
Silver Street Management, LLC

WARRANTY DEED
(Maine Statutory Short Form)

PORTLAND LITHOGRAPH CO., successor-in-interest, by merger, to DEXTER ENTERPRISES, a Maine corporation with a place of business at Portland, Maine, for valuable consideration, grants to 164 REALTY, INC., a Maine corporation with a principal place of business at 100 Silver Street, Portland, Maine 04101, with Warranty Covenants, the following described real property situated at 1600 Congress Street, Portland, Cumberland County, Maine:

See Exhibit A attached hereto.

Also hereby releasing all right, title and interest Grantor may have in the property located southwesterly of the premises described herein between the Cumberland and Oxford Canal, so-called, and the Fore River.

IN WITNESS WHEREOF, Portland Lithograph Co. by its Treasurer duly authorized has set its hand this 11th day of October, 1993.

PORTLAND LITHOGRAPH CO.

Margaret P. Hillborn
Witness

By: Arthur McTigue
Arthur McTigue
Its Treasurer

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF HUMBOLDT)

On October 11, 1993 before me, Jo Anne Frick, Notary Public, personally appeared Arthur McTigue, Treasurer of Portland Lithograph Co., personally known to me to be the person whose name is subscribed to the attached Warranty Deed and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and seal.

Jo Anne Frick
Notary Public

Jo Anne Frick
(printed name)

~~~~~  
M  
R  
S  
1  
JO ANNE FRICK  
Comm. #982619  
NOTARY PUBLIC  
HUMBOLDT COUNTY, CALIFORNIA  
My commission expires Jan. 16, 1997  
~~~~~

MAINE REAL ESTATE TAX PAID

6/10/94

EXHIBIT A

A certain lot or parcel of land, situated at Stroudwater, in the City of Portland, County of Cumberland and State of Maine, on the southerly side of Congress Street, formerly known as the County Road leading from Stroudwater to Portland, and being more particularly bounded and described as follows:

Northeasterly by Congress Street; northwesterly by the Brewer House property; southwesterly by the Cumberland and Oxford Canal, so-called, and southeasterly by land formerly of Charles E. Jose, being in all, 27 rods, more or less, on Congress Street.

Excepting that portion of said premises taken by the State of Maine Department of Transportation as set forth in Notice of Layout and Taking dated February 12, 1992, recorded in Book 9916, Page 162.

Subject to the following:

- a. Easement granted to City of Portland by deed dated January 15, 1959 and recorded in Book 2453, Page 324;
- b. Easement granted to New England Telephone and Telegraph and Central Maine Power Company by deed dated December 8, 1971 and recorded in Book 3199, Page 604; and
- c. Easement granted to Portland Water District by deed dated May 2, 1975 and recorded in Book 3675, Page 289.

For source of title, reference is made to the following deeds into Dexter Enterprises: deed dated January 27, 1971, and recorded in Book 3158, Page 468; deed dated January 18, 1971, and recorded in Book 3158, Page 470; and deed dated June 26, 1972, and recorded in Book 3301, Page 227.

Recorded
Cumberland County
Registry of Deeds
10/15/93 03:43:44PM
John B. O'Brien
Register

LEASE AGREEMENT BY AND BETWEEN

CITY OF PORTLAND

AND

164 REALTY, INC.

This Lease Agreement is made this 9th day of OCTOBER, 1993, by and between the CITY OF PORTLAND, a body corporate and politic, located in the County of Cumberland, State of Maine (hereinafter "CITY") AND 164 REALTY, INC., a Maine corporation, located in the City of Portland, County of Cumberland, State of Maine (hereinafter "164 REALTY").

In consideration of the mutual covenants and agreements contained herein, and intending to be legally bound hereby, CITY and 164 REALTY hereby agree as follows:

Section 1. Granting of Leasehold

CITY does hereby lease and let to 164 REALTY, and 164 REALTY does hereby lease of and from CITY, upon the terms and conditions set forth herein, the following Premises situated, lying and being in the City of Portland, County of Cumberland, State of Maine described in Exhibit A, attached hereto and incorporated by reference herein.

Section 2. Term

The Term of this Lease Agreement shall be twenty (20) years beginning on the date of execution hereof and ending on the same date twenty (20) years thereafter, unless sooner terminated by CITY or 164 REALTY. This Lease Agreement may be extended for one (1) additional twenty (20) year term, under the same conditions set forth herein, upon agreement by both parties.

Section 3. Rent

164 REALTY covenants and agrees to pay CITY for use of the Premises without offset or deduction and without previous demand therefor, the sum of five hundred (500) dollars per year, adjusted annually. The annual adjustment will be based upon the annual percentage increase of the Consumer Price Index (or any comparable

successor index then in effect) for all items for Urban Wage Earners and Clerical Workers for the U.S. City Average ("CPI") for the preceding year. In the event that the Federal Aviation Administration requires an appraisal for the subject premises, the annual rent for said premises shall instead be established at ten (10) percent of one-third (1/3) of the appraised value of the entire parcel of land owned by the CITY, with a minimum rent of five hundred (500) dollars per year and a maximum rent of one thousand (1,000) dollars for the first year, said amount to be adjusted annually. The annual adjustment will be based upon the annual percentage increase of the Consumer Price Index (or any comparable successor index then in effect) for all items for Urban Wage Earners and Clerical Workers for the U.S. City Average ("CPI") for the preceding year. Rents established under this section shall be due and payable on the date of execution of this lease and annually thereafter. The costs of any appraisal required by the FAA shall be shared equally by CITY and 164 REALTY.

Section 4. Net Lease

All Amounts payable hereunder shall be net to CITY and all costs, expenses, and obligations relating to the Premises shall be paid by 164 REALTY.

Section 5. Use of Premises

(a) The Premises shall be used as parking space for tenants of the building located at 1600 Congress Street during normal work hours. ~~At all other daylight hours the premises shall remain available to the general public for parking.~~

(b) ~~164 REALTY shall allow use of the Premises for parking by users of the nature trail and for pedestrian access to the nature trail at times other than normal work hours, including any signage that the CITY determines to be necessary for said nature trail.~~

(c) At the sole expense of 164 REALTY, the Premises shall be properly graded, paved, drained and maintained as a parking area, in accordance with the site plan as approved by the Planning Board. Prior to the commencement of said improvements, 164 REALTY shall obtain, at its own cost and expense, all required approvals and permits.

(d) In the event that CITY decides to place signs on the Premises relating to the nature trail, CITY reserves the right to enter the Premises to install and maintain any such signs.

(e) ~~CITY reserves the right to install and maintain a pedestrian trail in areas outside those to be utilized by 164 REALTY for parking.~~

Section 6. Taxes and Utility Expenses

(a) Throughout the term, in addition to the rent herein provided, 164 REALTY shall pay and discharge punctually as and when the same shall become due and payable on account of the Premises all taxes, special and general assessments; water rents, rates and charges; sewer rents, rates and charges; charges for gas, hot water, electricity, light and power or other services furnished to the Premises; and other governmental charges of every kind and nature.

(b) 164 REALTY shall have the right to contest or review any and all of said taxes and charges by legal proceeding, or in such other manner as it deems suitable. Said contest or review, if instituted, shall be conducted promptly at the cost and expense of 164 REALTY, at no expense to CITY, and if required by law, in the name of and with the cooperation of CITY.

Section 7. Repairs and Maintenance

(a) At its sole expense, 164 REALTY shall keep the Premises in good order and repair during the entire term.

(b) 164 REALTY shall be responsible for snow plowing and snow removal from the Premises.

Section 8. Insurance, Indemnity

(a) 164 REALTY shall obtain and maintain throughout the term of the Lease Agreement at its sole cost and expense, Public Liability Insurance in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) Combined Single Limit, or such other amount as may be set forth as the limit of municipal liability by the Maine Tort Claims Act (14 M.R.S.A. §8101-§8118) as it may be amended from time to time.

(b) To the fullest extent permitted by law, 164 REALTY shall, at its own expense, defend, indemnify and hold harmless CITY, its officers, agents, and employees from and against any and all liability, claims, damages, penalties, losses, expenses or judgments, just or unjust, including reasonable attorney's fees, resulting from the use of the premises due to any act or omission of 164 REALTY, its officers, employees, agents, servants, tenants or persons in privity with 164 REALTY. 164 REALTY shall, at its own cost and expense defend any and all suits or actions, just or unjust which may be brought against the CITY or which the CITY may be impleaded with others upon any such above-mentioned matter, claim or claims, including claims of contractors, employees, laborers, materialmen and suppliers. CITY shall have the right to participate in such suits or actions in its sole discretion and at its own expense and no such suit or action shall be settled without

prior consent of the CITY. The extent of this provision shall not be limited by any requirement of insurance contained herein. This obligation of indemnity and defense shall not be construed to negate or abridge any other right to indemnification or contribution running to the CITY which would otherwise exist.

Section 9. Subletting and Assignment

164 REALTY shall not sublet the Premises or assign this Lease Agreement or the Premises without the prior written approval of the CITY, which approval shall not be unreasonably withheld.

Section 10. Conditions

(a) 164 REALTY shall provide to CITY an executed jetport noise and aircraft easement for the property located at 1600 Congress Street within ten (10) days after the closing on said property.

(b) 164 REALTY shall provide to Portland Trails an easement for a nature trail to be located behind the parking lot and near the Stroudwater River, with the precise location to be determined by 164 REALTY, CITY, and Portland Trails.

(c) All lighting on the Premises shall be shielded so as to prevent either interference with the overflight of aircraft.

(d) No structures, including but not limited to lighting fixtures, shall be placed upon the Premises in such a way as to interfere with the usage of the air space by aircraft.

Section 11. Default by 164 REALTY

(a) If 164 REALTY causes or permits the Premises to be used or operated in violation of this Lease Agreement, this Lease Agreement shall immediately and without notice be null and void and the Premises shall revert to the possession of CITY or its successor in interest.

(b) Events of Default

164 REALTY shall be in default hereunder if any of the following events occur during the term:

1. 164 REALTY fails to pay any amount or installment of rent or other sum specified herein;
2. 164 REALTY fails to observe or perform any covenant, agreement or obligation of this Lease Agreement;
3. There shall occur the dissolution of 164 REALTY or 164

REALTY shall file any petition or institute any proceedings under the United States Bankruptcy Code, as it may be amended from time to time, or any state or federal act dealing with or relating to the subject of bankruptcy or insolvency as it may be amended from time to time; or any involuntary petition in bankruptcy is filed against 164 REALTY and the same is not discharged or stayed within thirty (30) days from such filing or any other petition or proceedings of a similar kind; or a receiver of the assets of 164 REALTY VP shall be appointed by any court except a receiver appointed at the request of CITY; or 164 REALTY shall make any assignment, general or otherwise, for the benefit of 164 REALTY's creditors, except for the extent such assignment is to CITY.

4. 164 REALTY shall substantially abandon or vacate the Premises.

(c) Remedy for Default

1. If 164 REALTY is in default under Section 11(b) of this Lease Agreement, CITY shall give reasonable notice of said default and a reasonable opportunity to cure.
2. In the event 164 REALTY fails or refuses to cure said default within a reasonable time of said notice, CITY may proceed to cure 164 REALTY's default immediately. CITY may thereafter deliver receipts and records reflecting the costs of cure, which costs shall constitute additional rent. 164 REALTY shall pay said additional rent within sixty (60) days of receipt of said bill if said steps and costs of cure are reasonable.
3. In the event 164 REALTY fails or refuses to cure such default within a reasonable time of said notice, CITY may take whatever action at law or in equity may appear necessary or desirable to enforce the performance and observance of any obligation, agreement or covenant of 164 REALTY under this Lease Agreement.

4. General Provision

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be deemed expeditious, and the exercise of any one right or remedy shall not impair the right of CITY to any or all of the remedies.

Section 12. Termination and Expiration of Term

As of termination of 164 REALTY's tenancy for any reason or expiration of 164 REALTY's tenancy, the Premises in its entirety including the improvements thereon shall immediately vest as property of CITY or any lawful successor of CITY.

Section 13. Notices

ch) Every notice, demand, request, approval, consent, or other communication authorized or required by this Lease Agreement shall be in writing and shall be deemed to have been properly given when delivered in hand or sent postage prepaid by United States registered or certified mail, return receipt requested, addressed as follows:

If to CITY, to the attention of the City Manager, City of Portland, 389 Congress Street, Portland, Maine 04101, with a copy to the Director of Economic Development;

If to 164 REALTY, to Richard McGoldrick, 100 Silver Street, Portland, Maine 04101, or to such other persons or addresses as such party may designate by notice given from time to time in accordance with this Section. The rent payable by 164 REALTY hereunder shall be paid to CITY at the same place where a notice to CITY is herein required to be directed.

Section 14. Governing Law

This Lease Agreement and the performance thereof shall be governed, interpreted, construed, and regulated by the laws of the State of Maine.

Section 15. No Merger

The fee title of the Premises and the leasehold estate granted by this Lease Agreement shall not merge, but shall always remain separate and distinct notwithstanding the union of said estates either in 164 REALTY or in a third party by purchase or otherwise.

Section 16. Partial Invalidity

If any term, covenant, condition, or provision of this Lease Agreement or the application thereof to any person or circumstance shall, at any time or to any extent, be invalid or unenforceable, the remainder of this Lease Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant, condition, and provision of this Lease Agreement shall be valid and be enforced to the fullest extent permitted by law.

Section 17. Entire Agreement

This Lease Agreement (including exhibits hereto) expresses the entire understanding and all agreements of CITY and 164 REALTY with each other, and neither CITY nor 164 REALTY has made or shall be bound by any agreement with or any representation to the other which is not expressly set forth in this Lease Agreement (including the exhibits hereto). This Lease Agreement (including the exhibits hereto) may be modified only by an agreement in writing signed by CITY and 164 REALTY.

Section 18. Parties

Except as herein otherwise expressly provided, the covenants, conditions, and agreements contained in this Lease Agreement shall bind and inure to the benefit of CITY and 164 REALTY and their respective successors and assigns.

Section 19. Waivers

Failure of CITY or 164 REALTY to complain of any act or omission on the part of the other party, no matter how long the same may continue, shall not be deemed to be a waiver by said party of its rights hereunder. No waiver by CITY or 164 REALTY at any time, express or implied, of any breach of any provision of this Lease Agreement shall be deemed a waiver or a breach of any other provision of this Lease Agreement or a consent to any subsequent breach of the same or any other provision.

Section 20. Right to Enter, Inspect and Repair

CITY by its authorized officers, employees, agents, contractors, subcontractors and other representatives shall have the right but not the duty to enter upon and in the Premises without charge for the following purposes:

- (a) Inspection. To inspect the Premises to determine whether 164 REALTY has complied and is complying with the terms of this Lease Agreement.
- (b) Maintenance. To perform maintenance and make repairs in any case where 164 REALTY has failed to carry out its obligation to do so. In that event, 164 REALTY shall promptly upon demand reimburse CITY for the reasonable cost of CITY's performing 164 REALTY's maintenance or repair obligation as Additional Rental.

IN WITNESS WHEREOF, the said CITY OF PORTLAND has caused this Lease Agreement to be signed in its corporate name and sealed with

its corporate seal by Robert B. Ganley, its City Manager, thereunto duly authorized, and 164 REALTY has caused this Lease Agreement to be signed by Michael Mastroianni, its PRESIDENT, thereunto duly authorized, as of the day and date first set forth above.

WITNESS:

CITY OF PORTLAND

Sonia T. Bean

Robert B. Ganley
Robert B. Ganley
Its City Manager

STATE OF MAINE
CUMBERLAND, ss.

Dated:

Personally appeared the above-named Robert B. Ganley, City Manager of the City of Portland and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of the City of Portland.

Sonia T. Bean
Notary Public/Attorney-at-Law

SONIA T. BEAN
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JANUARY 10, 1996

WITNESS:

164 REALTY, INC.

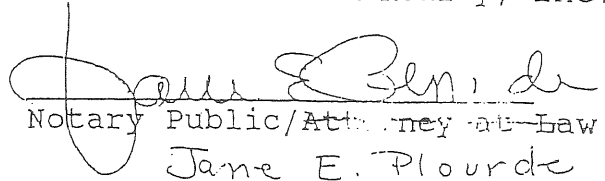
James E. Quinn

By: [Signature]
Michael Mastroianni
Its President

STATE OF MAINE
CUMBERLAND, ss.

Dated: 10/9/93

Personally appeared the above-named Michael Mastronardi in his capacity as President of 164 Realty, Inc., and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of 164 Realty, Inc.


Notary Public/Attorney at Law
Jane E. Plourde
Expires: 8/5/00

220-13-11 art 2

9/20/93

City of Portland, Maine
IN THE CITY COUNCIL

104
SUBSTITUTE

ORDER APPROVING LEASE OF CITY PROPERTY
RE: 1600 CONGRESS STREET

ORDERED, that the City Manager is authorized to enter into a Lease Agreement with 1600 Venture Partners for the lease of approximately 34,000 square feet of City owned property located at 1600 Congress Street, said Lease to be substantially in the form attached;

BE IT FURTHER ORDERED, that said Lease is conditional upon receipt of any necessary approvals, including approvals from the Federal Aviation Administration, the Planning Board and the Zoning Board of Appeals; and

ORDER

APPROVING LEASE OF CITY PROPERTY
RE: 1600 CONGRESS STREET

(The Community Development Committee,
Councilor Thomas H. Allen, Chair)

IN THE CITY COUNCIL

Sept. 20, 1993

Attest: *Madeline M. Daniels*
City Clerk

Yeas Nays

Councilor Allen made a motion to replace with a substitute order. Councilor O'Donnell seconded the motion. Motion to replace with substitute passes; 9 yeas. Councilor O'Donnell made the motion for passage of substitute. Motion seconded by Councilor Harlow. Passage of substitute order #95 passes; 0 yeas.

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ch

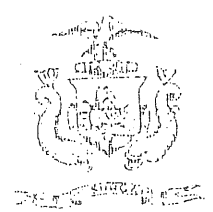
11065/61

220-B-11 un 002

4124694

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

Gary C. Wood
Corporation Counsel



CITY OF PORTLAND

January 24, 1994

cre

fb

Dennis Keeler, Esq.
Pierce, Atwood, Scribner,
Allen, Smith & Lancaster
One Monument Square
Portland, ME 04101-1110

RE: 164 Realty Inc.

Dear Dennis:

Enclosed for your files is a recorded copy of the Avigation
and Hazard Easement for 1600 Congress Street.

Please let me know if I can be of any further assistance.

Very truly yours,

Natalie

Natalie L. Burns
Associate Corporation Counsel

NLB:lab

Enclosure

pc: Michael Mastronardi (w/Enclosure)

AVIGATION AND HAZARD EASEMENT

WHEREAS, 164 Realty, Inc. (hereinafter called "Grantor") is the owner in fee of that certain parcel of land situated in the City of Portland, County of Cumberland, State of Maine, more particularly described in Exhibit A, which is attached hereto and incorporated herein by reference (hereinafter called "Grantor's property");

WHEREAS, 164 Realty, Inc. has entered into negotiations with the City of Portland to acquire a leasehold interest in premises owned by the City and abutting Grantor's property for benefit of such property;

WHEREAS, Grantor's property and the abutting property lie in a clear zone of one of the runways at the City's Jetport, resulting in the flight of aircraft over both properties;

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor, for itself, its heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell, and convey unto the City of Portland (hereinafter called "Grantee"), its successors, and assigns, for the use and benefit of the public, as easement and right of way, appurtenant to Portland International Jetport for the unobstructed passage of all aircraft, which shall for the purposes of this instrument be defined as any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, by whomsoever owned or operated in all air space above the surface of Grantor's property, to an infinite height above said Grantor's property. These rights shall be together with the right to cause in all air space above the surface of Grantor's property such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on said Portland International Jetport; and Grantor does hereby fully waive, remise, and release any right or cause of action which they may now have or which they may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operation at or on said Portland International Jetport.

The easement and right of way hereby granted includes the continuing right in Grantee to prevent the erection or growth upon Grantor's property of any building, structure, tree, or other object extending in the air space above the surface of Grantor's

1878

property and interfering with Grantee's use of the air space for flight purposes. Said easement and right of way further includes the continuing right in Grantee to remove from said air space, or at the sole option of Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantor's property, together with the right of ingress to, egress from, and passage over Grantor's property for the above purposes.

Se

To have and to hold said easement and right of way, and all rights appertaining thereto unto Grantee, its successors, and assigns, until said Portland International Jetport shall be abandoned and shall cease to be used for public airport purposes.

And for the consideration hereinabove set forth, Grantor, for itself, its heirs, administrators, executors, successors, and assigns, do hereby agree that for and during the life of said easement and right of way, it will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon Grantor's property any building, structure, tree or other object extending into the aforesaid prohibited air space and that they shall not hereafter use or permit or suffer the use of Grantor's property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or as to impair visibility in the vicinity of the Jetport or as otherwise to endanger the landing, taking off or maneuvering of aircraft, it being understood and agreed that the aforesaid covenants and agreements shall run with the land.

IN WITNESS WHEREOF, the said 164 Realty, Inc. has hereunto caused this instrument to be signed by Michael F. Mastronardi, its President, duly authorized thereunto, this 26th day of October, 1993.

164 REALTY, INC.

Leanne A. Benoit
Witness

By: [Signature]
Michael F. Mastronardi
Its President

STATE OF MAINE
CUMBERLAND, ss

OCTOBER 26, 1993

Personally appeared the above-named Michael F. Mastronardi, in his capacity as President of 164 Realty, Inc., and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

1600V JETPORT.EAS
09.10.93

March 18, 2008

Ms. Barbara Barhydt
Development Review Services Manager
City of Portland
389 Congress Street
Portland, Maine 04101

RE: 1600 Congress Street

Dear Barbara:

On behalf of 1600 Congress Street Associates, we would like to request a review of the attached Site Plan at your weekly staff meeting.

Maine Nephrology Associates, who occupy the northeast corner of the building, would like to expand with an addition, totaling approximately 5,400 square feet. The existing building is 30,500 square feet. There are currently 161 parking spaces which are 97 spaces over and above the required amount of 64 spaces. Currently, approximately 62 percent of the existing parking is used on a daily basis. After the expansion there would be 132 spaces.

The existing tenants are the following:

- Maine Nephrology Associates - They have five to six doctors and 26 support staff. Their hours are M-F from 8AM to 5PM.
- Southern Maine Dialysis Center - They have a staff of 35 employees with 20 employees on-site at one time. Their hours are M-W-F from 6AM to 6PM and T-TH-SAT, 6AM-5PM.
- Concentra - They have 3 doctors, a staff of 17 employees. Their hours are M-F from 7:30AM to 5PM.

July 21, 2008

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

RE: 1600 Congress Street Addition

Dear Shukria:

The following correspondence and supporting documentation has been prepared in response to review comments received from Dan Goyette of Woodard & Curran, Tom Errico of Wilbur Smith Associates, and Captain Gregg Cass of the Portland Fire Department. We offer the following responses:

Woodard & Curran Comments

1. **Survey.** The elevations are tied to the vertical datum of NGVD 1929. Refer to Note 5 on Sheet 1. Benchmark is a brass disk H-121 on top of an existing ledge.

The original boundary survey was prepared by Sebago Technics before or around the time when Site Plan approval was granted to 1600 Congress Street Associates in the early 1990's. At that time, city standards did not require the survey be tied to the Maine State Plane Coordinate System (MSPCS). According to Robert Libby of BH2M Engineers, surveyor, tying the boundary to the MSPCS would cause a significant expense to the applicant. In light of the above, the applicant respectively requests a waiver on this requirement.

2. **Stamp & Signature.** The plans have been stamped and signed by a Professional Engineer.
3. **Snow Storage.** Locations for snow storage have been shown on the Site Plan.
4. **Compact Parking Spaces.** Signs indicating “Compact Parking Spaces” shall be located in all areas of compact parking spaces. Refer to the Site Plan.
5. **Stormwater Calculations.** The applicant requests a waiver on this requirement for the following reasons:
 - **From Existing Catchbasin to CB# 1.** This 12 inch stormdrain is being rerouted due to the building addition. There is no change in the amount of impervious surface contributing to the existing catchbasin.
 - **From CB# 1 to CB#2.** This 12 inch stormdrain is being rerouted due to the building addition. The amount of impervious surface contributing to CB# 1 is significantly less than existing conditions due to the proposed building addition.
 - **From CB# 2 to DMH# 1.** This 12 inch stormdrain is being rerouted due to the building addition. The amount of drainage area contributing to CB# 2 is only 2,720 square feet.
6. **Storm Drain Pipe.** The material for proposed storm drain pipe has been noted on Sheet 2.
7. **Spot Grades.** Spot grades have been shown at the corners of parking spaces where the existing pavement will be disturbed.
8. **Erosion Control Plan.** An Erosion Control Plan has been prepared and added to the set of Drawings.
9. **Bituminous Pavement Detail.** The aggregate base has been revised to include MDOT Type A.
10. **Bituminous Sidewalk Detail.** The aggregate base has been revised to include six inches of MDOT Type A.
11. **Precast Concrete Curb Detail.** The reveal height on the precast concrete curb detail has been revised to show seven inches.

Wilbur Smith Associates Comments

1. **No response required.**
2. **Parking Supply.** The existing tenants consist of the following:
 - Maine Nephrology Associates – They have five to six doctors and 26 support staff. Their hours are M-F from 8AM to 5PM.
 - Southern Maine Dialysis Center – They have a staff of 35 employees with 20 employees on-site at one time. Their hours are M-W-F from 6AM to 6PM and T-TH-SAT, 6AM-5PM.
 - Concentra – They have 3 doctors, a staff of 17 employees. Their hours are M-F from 7:30AM to 5PM.

Several on-site visits have been made by this office over the past few months to evaluate the actual parking supply. In all cases, there have been a significant number of vacant spaces spread throughout the four different parking areas.

3. **Prior Traffic Studies.** A review of the files show that there was no formal traffic study prepared during the 1993 site plan approval. Note #12 on Sheet 2 (Grading, Drainage & Utility Plan), with latest revision date of September 27, 1993, states “If traffic safety problems develop at the northwesterly entrance area, the property owner, upon the requests of the city, shall modify the interior circulation as required by the city traffic engineer.”

Portland Fire Department's Comments

1. **Fire Department Checklist.** Refer to Sheet 5.
2. **Fire Protection Features.** The following fire protection features pertain to the 1600 Congress Street building:
 - Building is sprinkled
 - Construction Type: IBC III B; NFPA: III 000
 - Fire Protection required for structure per IBC 2003 Table 601.
 - Wall construction is masonry with steel structural frame

Shukria Wiar, Planner
Page 4

We trust that the responses and accompanying documentation have addressed the comments received. Please contact us if you have any questions or require additional information.

Sincerely,
Mitchell & Associates

A handwritten signature in black ink, appearing to read "John D. Mitchell".

John D. Mitchell, ASLA

Enclosure

cc: Michael Brescia

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2008-0095

Date: 8/7/2008

The area of the existing building and new addition is located in the R-P Zone, which is the primary zone. Other parts of the lot are covered with RPZ (by the Fore River) and R-5 where the existing parking lot is located.

All of the R-P Zone requirements are being met, including setbacks, parking, and impervious surfaces. The project is well outside of the 250' shoreland zone setback.

Separate permits shall be required for any new signage. If there are any new HVAC equipment or new temporary generators, the maximum noise requirements of the R-P Zone.

Marge Schmuckal
Zoning Administrator

MEMORANDUM

To: FILE

From: Capt Greg Cass

Dept: Fire

Subject: Application ID: 2008-0095

Date: 7/1/2008

Please complete the fire dept. Checklist.

Please note any fire protection features of existing structure and the impact the proposed addition may have.

**COMMITMENT & INTEGRITY
DRIVE RESULTS**41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.comT 800.426.4262
T 207.774.2112
F 207.774.6635

MEMORANDUM



TO: Jean Fraser
FROM: Dan Goyette, PE
DATE: July 31, 2008
RE: 1600 Congress Street Addition

Woodard & Curran has reviewed the proposed building addition at 1600 Congress Street. The proposed project involves the construction of a 4,560 square-foot addition to the existing medical building and associated parking lot improvements.

Documents Reviewed

- Response to Comments Letter, prepared by John Mitchell, Mitchell & Associates, dated July 21, 2008.
- Engineering plan set of 1600 Congress Street, Sheets 1-5, prepared by Mitchell & Associates, dated July 21, 2008.

Comment

- All of our previous comments have been adequately addressed.

Please contact our office if you have any questions.

DRG
203943.97

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: Friday, August 01, 2008 2:29:18 PM
Subject: 1600 Congress Street

Barbara -

I have reviewed the July 21, 2008 submission by Mitchell & Associates and find the project to be acceptable from a traffic and parking perspective. I would note that based upon a review of parking generation rates provided by the Institute of Transportation Engineers (ITE), a parking demand of between 125 and 153 spaces can be expected. Based upon my field review of the site, I would expect the site to generate at the lower end of the estimate, thus in my professional opinion an adequate parking supply will be provided. In respect to a prior condition that may require modification of the northwesterly entrance area if problems are identified, the City is not aware of any problems and the proposed site changes improve on-site circulation.

Please contact me if you have any questions.

Best regards,

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

Portland, Maine 04101

w: 207.871.1785 f: 207.871.5825

TErrico@WilburSmith.com

[www.WilburSmith.com](http://www.wilbursmith.com/) <<http://www.wilbursmith.com/>>

CC: "James Carmody" <JPC@portlandmaine.gov>, "Katherine Earley" <KAS@portlandmaine.gov>



Close

Taxes Due

Invoicing

Charges

Print Application

Notices

Property Lookup

Find

2008-0095

Appl. ID:
 #Name?:
 #Name?:

Appl. Date:
 CBL:
 Appl. Status:
 Council District:

Project:
 Lot Nbr:

Site Address: to Congress St

Address 2:
 Subdivision:

Applicant

Name:
 Mailing Address:
 City, State, Zip:
 Phone:
 Fax:
 Pager:

Billing Address Information

Name:
 Address:
 City, State, Zip:

Owner Name:

Mailing Address:

City, State, Zip:

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>
Date: 7/11/2008 11:39:50 AM
Subject: 1600 Congress Street

Shukria -

I have reviewed the June 24, 2008 submittal prepared by Mitchell & Associates and offer the following comments:

1. The proposed expansion is not expected to generate a significant amount of new traffic. According to ITE information, approximately 17 additional PM peak hour trips are possible. Based upon this level of demand, a traffic analysis is not recommended.

2. The parking supply for the site will decline following the construction of the building addition. While the parking supply meets City ordinance requirements, medical office buildings in the City have experienced parking demand activity of approximately 5 to 6 spaces per 1,000 square feet of office space. This type of parking activity would exceed the supply proposed. I would ask that the applicant provide information on current parking activity such that the City can assess parking adequacy.

3. The applicant shall provide information on prior approvals as it relates to traffic studies and conditions of approval as it relates to any required recommendations.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

From: Barbara Barhydt
To: Metcalf, Bob
Date: Wednesday, March 26, 2008 11:52:10 AM
Subject: RE: 1600 Congress Street

Hi Bob:

I showed the plans again. No issues were identified. There is a floor area ratio calculation for the Residence Professional zone, so you should check that ratio for your proposal. Traffic was fine with the layout. The question was raised as to whether a trail connection along the Fore River is a possibility.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

>>> "Bob Metcalf" <rmetcalf@mitchellassociates.biz> Wednesday, March 26, 2008 8:23 AM >>>
Thank you.

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

From: Barbara Barhydt [<mailto:BAR@portlandmaine.gov>]
Sent: Wednesday, March 26, 2008 8:06 AM
To: Bob Metcalf
Subject: Re: 1600 Congress Street

I will bring it up again at our development review meeting today.

Barbara

>>> "Bob Metcalf" <rmetcalf@mitchellassociates.biz> Tuesday, March 25, 2008 6:06 PM >>>
Hi Barbara,

I am following up on initial review comments for the proposed expansion of the medical facility at 1600 Congress Street. Our client has to respond to the tenants as soon as possible regarding the expansion and any issue or concerns that have been identified.

Thank you,

Bob

CITY OF PORTLAND, MAINE

PLANNING BOARD

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

August 15, 2008

164 Realty Inc.
100 Silver Street
Portland, ME 04101

John Mitchell
Mitchell & Associates
The Staples School
70 Center Street
Portland, ME 04101

RE: 1600 Congress Street

CBL: 220 B010001
Application ID: 2008-095

Dear Mr. Mitchell:

On August 13, 2008, the Portland Planning Authority approved a minor site plan amendment to for a 4,560 square foot addition to the Maine Nephrology Associates building at 1600 Congress Street as submitted by 164 Realty Inc and shown on the approved plan prepared by Mitchell and Associates and dated June 24, 2008 and revised July 21, 2008 with the following conditions:

1. The request to waive the requirement that the plans be tied to the Maine Coordinate System is granted.
2. Separate building permits shall be required for any new signage.
3. If there are any new HVAC equipment or new temporary generators, the maximum noise requirements of the R-P Zone
4. The fire sheet checklist must be completed prior to the issuance of a building permit. The plan shall note any fire protection features for the existing structure and the impact the proposed addition may have on the existing features.

The final reviews of Dan Goyette, P.E., Thomas Errico, P.E, Captain Cass and Marge Schmuckal, Zoning Administrator are included as Attachment 1 through 3, respectively.

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

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

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

2. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds or prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised subdivision or site plan application for staff review and approval.
4. 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.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. 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 Barbara Barhydt, Development Review Services Manager at 874- 8699.

Sincerely,

Alexander Jaegerman
Planning Division Director

Attachments:

1. Memorandum from Dan Goyette, P.E.
2. Memorandum from Thomas Errico, P.E.
3. Memorandum from Marge Schmuckal, Zoning Administrator
4. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Works
Bill Clark, Public Works
Michael Farmer, Public Works
Jim Carmody, City Transportation Engineer
Jane Ward, Public Works
Captain Greg Cass, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: Friday, August 01, 2008 2:29:18 PM
Subject: 1600 Congress Street

Barbara -

I have reviewed the July 21, 2008 submission by Mitchell & Associates and find the project to be acceptable from a traffic and parking perspective. I would note that based upon a review of parking generation rates provided by the Institute of Transportation Engineers (ITE), a parking demand of between 125 and 153 spaces can be expected. Based upon my field review of the site, I would expect the site to generate at the lower end of the estimate, thus in my professional opinion an adequate parking supply will be provided. In respect to a prior condition that may require modification of the northwesterly entrance area if problems are identified, the City is not aware of any problems and the proposed site changes improve on-site circulation.

Please contact me if you have any questions.

Best regards,

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

Portland, Maine 04101

w: 207.871.1785 f: 207.871.5825

TErrico@WilburSmith.com

www.WilburSmith.com <<http://www.wilbursmith.com/>>

CC: "James Carmody" <JPC@portlandmaine.gov>, "Katherine Earley" <KAS@portlandmaine.gov>

The area of the existing building and new addition is located in the R-P Zone, which is the primary zone. Other parts of the lot are covered with RPZ (by the Fore River) and R-5 where the existing parking lot is located.

All of the R-P Zone requirements are being met, including setbacks, parking, and impervious surfaces. The project is well outside of the 250' shoreland zone setback.

Separate permits shall be required for any new signage. If there are any new HVAC equipment or new temporary generators, the maximum noise requirements of the R-P Zone.

Marge Schmuckal
Zoning Administrator

CITY OF PORTLAND, MAINE

PLANNING BOARD

Kenneth M. Cole III, Chair
Jadine R. O'Brien, Vice Chair
Joseph R. DeCoursey
Irving Fisher
Cyrus Hagge
John H. Carroll
Donna Williams

September 30, 1993

Mr. Richard McGoldrick
1600 Congress Street Associates
100 Silver Street
Portland, ME 04101

RE: 1600 Congress Street Medical Office

*Change of use plus
in addition*

Dear Mr. McGoldrick:

On September 28 the Portland Planning Board voted 7-0 on the following motions regarding a proposed medical office building at 1600 Congress Street.

1. That the plan was in conformance with the Site Plan Ordinance of the Land Use Code with the following conditions:
 - a. that an executed drainage maintenance agreement with guarantee account in substantially the form of Attachment D (from Planning staff memo dated 09-28-93 be submitted prior to the issuance of a building permit.
 - b. the hours of rubbish removal from the site shall be limited from 7:00 a.m. to 8:00 p.m.
 - c. that note 16 (fourth sentence) on sheet 2 of the site plan shall be revised to read:

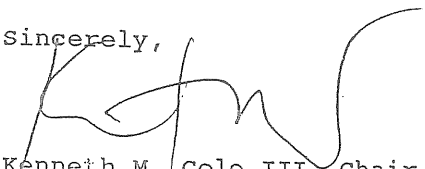
The applicant's design engineer shall inspect all down gradient areas after each significant storm event (storms in excess of the 2 year event), and shall notify in writing the owner and the City of Portland Planning Department of the results of the inspection and of any areas of channelized stormwater runoff or erosion related problems.

2. That the plan is in conformance with the Shoreland Regulations of the Land Use Code.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #32-93, which is attached. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% 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. 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.

If there are any questions, please contact the Planning staff.

Sincerely,



Kenneth M. Cole III, Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Richard Knowland, Senior Planner
P. Samuel Hoffses, Chief of Building Inspections
William Giroux, Zoning Administrator
George Flaherty, Director of Parks and Public Works
John Rague, Principal Engineer
Melodie Esterberg PE, Project Engineer
William Bray, Deputy Director of Parks and Public Works
Jeff Tarling, City Arborist
Paul Niehoff, Materials Engineer
Natalie Burns, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Louise Chase, Building Permit Secretary
Approval Letter File
John Mitchell, Mitchell and Associates, The Staples Building
70 Center Street, Portland, Maine 04101
Mark Gray, BH2M, 28 State Street, Gorham, ME 04038
Michael Nachez, Vice President, Construction Summary
734 Chestnut Street, Manchester, NH 03104

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Applicant _____

Date _____

Mailing Address _____

Address of Proposed Site _____

Proposed Use of Site _____

Site Identifier(s) from Assessors Maps _____

Acreage of Site / Ground Floor Coverage _____

Zoning of Proposed Site _____

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

Proposed Number of Floors _____

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

Total Floor Area _____

Planning Board Action Required: () Yes () No

Other Comments: _____

Date Dept. Review Due: _____

PLANNING DEPARTMENT REVIEW

(Date Received) _____

Major Development — Requires Planning Board Approval: Review Initiated

Minor Development — Staff Review Below

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

REASONS: 1 THAT A PERFORMANCE GUARANTEE BE SUBMITTED TO COVER THE
SITE IMPROVEMENTS FOR STATE REVIEW AND APPROVAL
2 THAT A BUSINESS MAINTENANCE AGREEMENT BE SUBMITTED FOR
STATE REVIEW AND APPROVAL
APPROVED BY PLANNING BOARD 1/28/13

(Attach Separate Sheet if Necessary)

 SIGNATURE OF REVIEWING STAFF/DATE

MINOR SITE PLAN
CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Mitchell and Associates

July 27, 1993

Applicant
70 Center St. Portland, ME 04101
Mailing Address
Professional Medical offices
Proposed Use of Site
6.5 plus / 25,500
Acreage of Site / Ground Floor Coverage

1600 Congress St.
Address of Proposed Site
220-B-10 and 15
Site Identifier(s) from Assessors Maps
B-2
Zoning of Proposed Site

Site Location Review (DEP) Required: () Yes () No
Board of Appeals Action Required: () Yes () No
Planning Board Action Required: () Yes () No

Proposed Number of Floors 1
Total Floor Area 25,500

Other Comments: change/use + addition
Date Dept. Review Due: _____

PUBLIC WORKS DEPARTMENT REVIEW

(Date Received)

	TRAFFIC CIRCULATION	ACCESS	CURB CUTS	ROAD WIDTH	PARKING	SIGNALIZATION	TURNING MOVEMENTS	LIGHTING	CONFLICT WITH CITY CONSTRUCTION PROJECT	DRAINAGE	SOIL TYPES	SEWERS	CURBING	SIDEWALKS	OTHER	
APPROVED	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
APPROVED CONDITIONALLY																CONDITIONS SPECIFIED BELOW
DISAPPROVED																REASONS SPECIFIED BELOW

REASONS: _____

(Attach Separate Sheet if Necessary)

SIGNATURE OF REVIEWING STAFF/DATE

MINOR SITE PLAN
CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Mitchell and Associates

July 27, 1993

Applicant _____

Date _____

70 Center St. Portland, ME 04101

1600 Congress St.
Address of Proposed Site

Mailing Address

220-B-10 and 15
Site Identifier(s) from Assessors Maps

Professional Medical offices
Proposed Use of Site

B-2
Zoning of Proposed Site

6.5 plus / 25,500
Acreage of Site / Ground Floor Coverage

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

Proposed Number of Floors 1

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

Total Floor Area 25,500

Planning Board Action Required: () Yes () No

Other Comments: change/usage + addition

Date Dept. Review Due: _____

PUBLIC WORKS DEPARTMENT REVIEW

(Date Received) _____

APPROVED

APPROVED
CONDITIONALLY

DISAPPROVED

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

CONDITIONS SPECIFIED BELOW

REASONS SPECIFIED BELOW

REASONS: _____

(Attach Separate Sheet if Necessary)

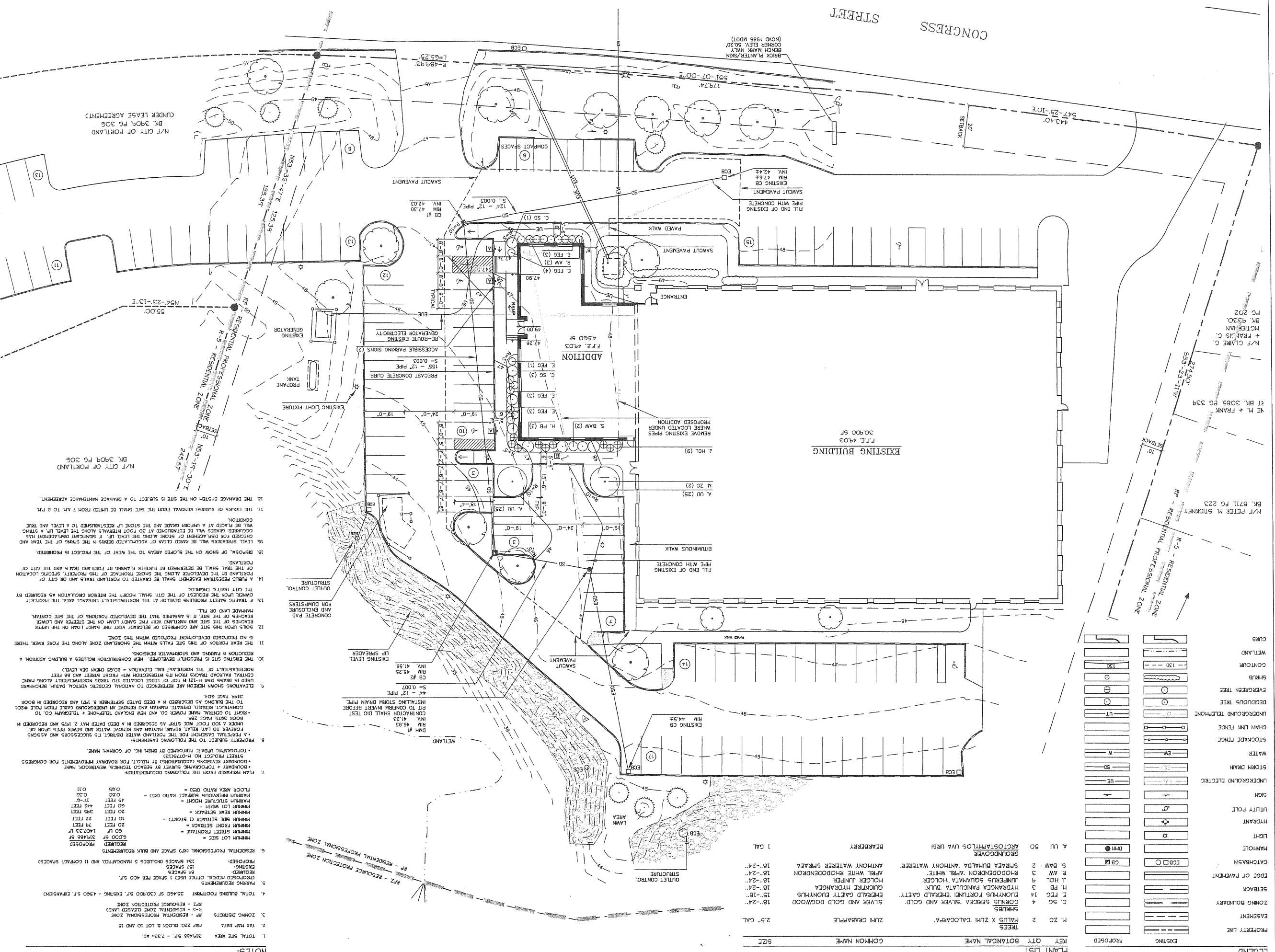
SIGNATURE OF REVIEWING STAFF/DATE

2
Sheet No.
North
Scale: 1"=20'
40 FT

Title: SITE PLAN
Reproduction or reuse of this document without the expressed written consent of Mitchell & Associates is prohibited.
Issued For: AMENDED SITE PLAN REVIEW
Date: JUNE 24, 2008

1600 Congress Street
Portland, Maine

Prepared For: Owner/Applicant: 164 REALTY INC. 100 Silver Street Portland, Maine 04101
Prepared By: MITCHELL & ASSOCIATES 70 Center Street Portland, Maine 04101 TEL: (207) 774-4427

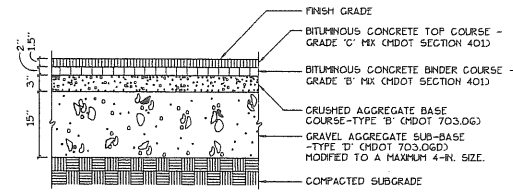


LEGEND

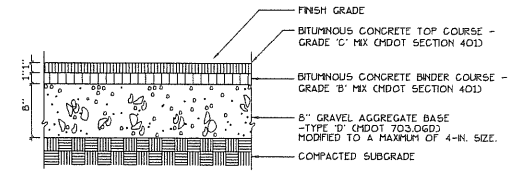
PROPERTY LINE	EXISTING	PROPOSED
WETLAND		
CONTIGUOUS		
SHRUB		
EVERGREEN TREE		
DECIDUOUS TREE		
UNDERGROUND TELEPHONE		
CHAIN LINK FENCE		
STOCKADE FENCE		
WATER		
STORM DRAIN		
UNDERGROUND ELECTRIC		
SIGN		
UTILITY POLE		
HYDRANT		
LIGHT		
MANHOLE		
CATCHBASIN		
EDGE OF PAVEMENT		
SETBACK		
ZONING BOUNDARY		
EASEMENT		
PROFESSIONAL ZONE		

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE
A	LU	ARCTOSTAPHYLOS UVA URSI	BARBERRY	1 GAL
TEES				
M	ZC	MULUS X ZUM CALOCARPA	ZUM CRABAPPLE	2.5" GAL
C	SC	CORNUS SERICEA SILVER AND GOLD	SILVER AND GOLD DOGWOOD	18"-24"
E	FG	EUONYMUS FORTUNEI TERZALTI GATTI	EMERALD GAITTY DURODMYUS	15"-18"
H	FB	HYDRANGEA PANICULATA BLAUE	QUADRIFLORA HYDRANGEA	18"-24"
F	AW	RHODOENDRON APRIL WHITE	APRIL WHITE RHODOENDRON	18"-24"
S	BAW	SPRAEA BUNALDA ANTHONY WATERER	ANTHONY WATERER SPRAEA	18"-24"
A	LU	ARCTOSTAPHYLOS UVA URSI	BARBERRY	1 GAL

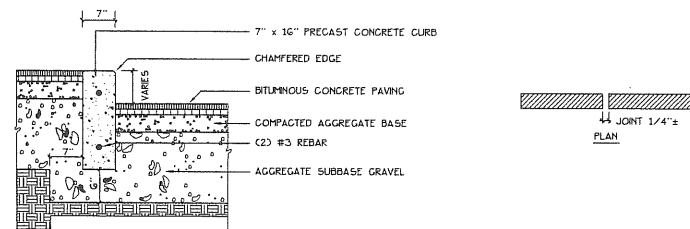
NOTES:
 1. TOTAL SITE AREA 31948 SF ± - 7.33± AC.
 2. TAX MAP DATA MAP 220, BLOCK B LOT 10 AND 15
 3. ZONING DISTRICTS RP - RESIDENTIAL PROFESSIONAL ZONE
 RP - RESIDENTIAL PROFESSIONAL ZONE
 RP - RESOURCE PROTECTION ZONE
 4. TOTAL BUILDING FOOTPRINT 35460 SF (30400 SF EXISTING + 4560 SF EXPANSION)
 5. PARKING REQUIREMENTS PROPOSED 65 SPACES
 6. PROPOSED MEDICAL OFFICE 1532 1 SPACE PER 400 SF.
 7. PLAN PREPARED FROM THE FOLLOWING DOCUMENTATION:
 - BOUNDARY & TOPOGRAPHY SURVEY BY GEORGE THOMAS, WESTBROOK, MAINE STREET PROJECT NO. H-07761233
 - TOPOGRAPHIC UPDATES PERFORMED BY BRIAN MC OF COMPANY NAME
 8. PROPERTY SUBJECT TO THE FOLLOWING EASEMENTS:
 - A PERMANENT EASEMENT FOR THE PORTLAND WATER DEPARTMENT AND ASSOCIATED CONVEY TO LATE RELATY RETIRED MAINTAIN AND REMOVE WATER AND SEWER PIPES LEAK OR UNDER A 100 FOOT WIDE STRIP AS DESCRIBED IN A DEED DATED MAY 2, 1975 AND RECORDED IN BOOK 5995 PAGE 228.
 - RIGHT TO CONTROL NAME POWER CO. AND NEW ENGLAND TELEPHONE + TELEGRAPH CO. TO INSTALL STORM DRAIN PIPE.
 - CONTRACTOR SHALL DIG TEST PIT TO CONTROL INVERT BEFORE INSTALLING STORM DRAIN PIPE.
 - ELEVATION SHOWN REFERRED TO NATIONAL GEODETIC VERTICAL DATUM, BENCHMARK USED IS BASS BAK N-121 N TOP OF LEVEL LOCATED 170 YARDS NORTHWESTERLY ALONG TRAPEZOIDAL ROAD TRACED FROM N INTERSECTION WITH FROST STREET AND 88 FEET NORTHWESTERLY OF THE NORTHWESTERLY CORNER. ELEVATION = 2005 (MEAN SEA LEVEL).
 9. THE EXISTING SITE IS REDESIGNED DEVELOPMENT. NEW CONSTRUCTION INCLUDES A BUILDING ADDITION, A REPLACEMENT IN PARKING AND STORAGE REVISIONS.
 10. THE REAR PORTION OF THIS SITE FALLS WITHIN THE SHORELAND ZONE ALONG THE FORE RIVER. THERE IS NO PROPOSED DEVELOPMENT PROPOSED WITHIN THIS ZONE.
 11. SOILS UPON THIS SITE ARE COMPOSED OF BLENDED VERY FINE SANDY LOAM ON THE UPPER REACHES OF THE SITE AND HEAVY CLAY WITH SANDY LOAM ON THE SLOPE AND LOWER REACHES OF THE SITE. IT IS ASSUMED THAT THE DEVELOPED PORTIONS OF THE SITE CONTAIN FERTILE SOILS AND ARE SUITABLE FOR AGRICULTURE AND OTHER PURPOSES.
 12. IF TRAFFIC SAFETY PROBLEMS DEVELOP AT THE NORTHWESTERLY ENTRANCE AREA, THE PROPERTY OWNER UPON THE REQUEST OF THE CITY, SHALL MODIFY THE INTERIOR CIRCULATION AS REQUIRED BY THE CITY TRAFFIC ENGINEER.
 13. A PUBLIC PERFORMANCE EASEMENT SHALL BE GRANTED TO PORTLAND TRAILS AND THE CITY OF PORTLAND.
 14. A PUBLIC PERFORMANCE EASEMENT SHALL BE GRANTED TO PORTLAND TRAILS AND THE CITY OF PORTLAND.
 15. DISPOSAL OF SNOW ON THE SLOPED AREAS TO THE WEST OF THE PROJECT IS RECOMMENDED.
 16. LEVEL SPREADERS WILL BE KEPT CLEAR OF ACCUMULATED DEBRIS IN THE SPACES OF THE YEAR AND CROWNED FOR DISAPPEARANCE OF STONE UP. IF SIGNIFICANT DISAPPEARANCE HAS OCCURRED, GRADERS WILL BE ESTABLISHED AT 30 FOOT INTERVALS ALONG THE LEVEL UP. A STRONG WILL BE PLACED AT A 10 FOOT INTERVAL AND THE STONE UP REESTABLISHED TO A LEVEL AND THE CONDITION.
 17. THE HOURS OF RUBBER REMOVAL FROM THE SITE SHALL BE LIMITED FROM 7 AM TO 6 PM.
 18. THE DRAINAGE SYSTEM ON THE SITE IS SUBJECT TO A DRAINAGE MAINTENANCE AGREEMENT.



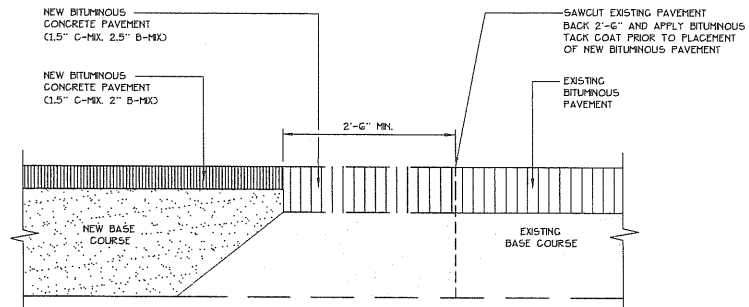
1 BITUMINOUS PAVEMENT - PARKING LOT
NOT TO SCALE



2 BITUMINOUS SIDEWALK
NOT TO SCALE



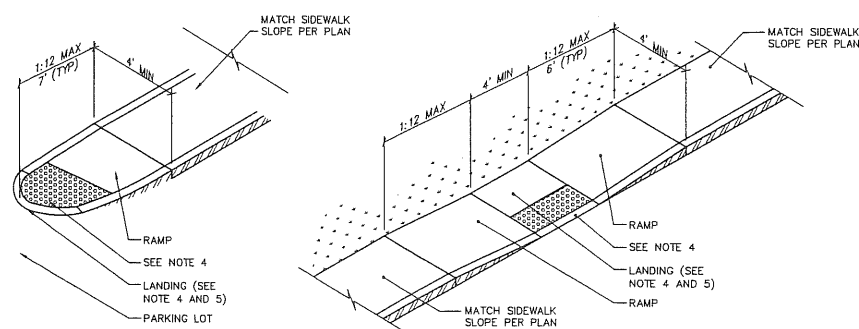
3 PRECAST CONCRETE CURB
NOT TO SCALE



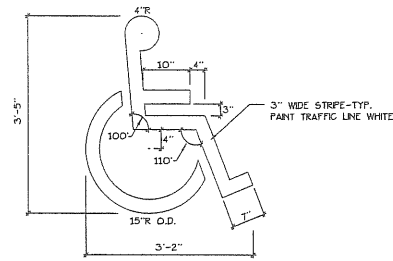
4 PAVEMENT SAWCUT DETAIL
NOT TO SCALE

NOTES:

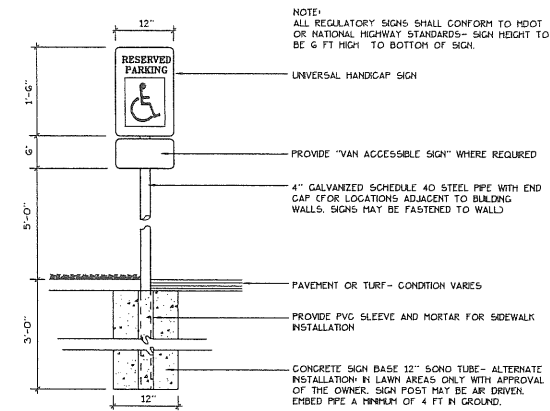
- CURB RAMP LENGTHS ARE BASED ON SIX (6) INCH CURB REVEAL HEIGHT AND NO RUNNING SLOPE. RAMP LENGTHS SHALL BE ADJUSTED AS NECESSARY TO ACCOMMODATE VARYING CURB REVEAL HEIGHTS AND TO MATCH RUNNING SLOPES OF ADJACENT ROADWAY AND SIDEWALK SLOPES TO MAINTAIN A RAMP THAT DOES NOT EXCEED THE MAXIMUM RAMP SLOPE OF 1:12.
- DETECTABLE WARNINGS SHALL CONSIST OF RAISED TRUNCATED DOMES AND SHALL HAVE A BASE DIAMETER OF 0.9 INCHES (23 mm) MINIMUM AND 1.4 INCHES (36 mm) MAXIMUM. A TOP DIAMETER OF 50 PERCENT OF THE BASE DIAMETER MINIMUM TO 65 PERCENT OF THE BASE DIAMETER MAXIMUM AND A HEIGHT OF 0.2 INCHES (5.1 mm). A CENTER-TO-CENTER SPACING OF 1.6 INCHES (41mm) MINIMUM AND 2.4 INCHES (61mm) MAXIMUM AND A BASE-TO-BASE SPACING OF 0.65 INCHES (17mm) MINIMUM MEASURED BETWEEN THE MOST ADJACENT DOMES ON A SQUARE GRID.
- DETECTABLE WARNINGS SHALL CONTRAST VISUALLY WITH ADJOINING SURFACES, EITHER LIGHT-ON-DARK, OR DARK-ON-LIGHT. THE MATERIAL USED TO PROVIDE CONTRAST SHALL BE AN INTEGRAL PART OF THE WALKING SURFACE. DETECTABLE WARNINGS USED ON INTERIOR SURFACES SHALL DIFFER FROM ADJOINING WALKING SURFACES IN RESISTENCY OR SOUND-ON-GRADE CONTACT.
- ALL ACCESSIBLE ROUTE SIDEWALKS INTERSECTING ROADWAYS, DRIVEWAYS, OR OTHER VEHICULAR CROSSINGS REQUIRE DETECTABLE WARNINGS. DETECTABLE WARNING ZONES SHALL BE INSTALLED SIX (6) INCHES FOR THE HORIZONTAL THICKNESS OF THE ADJACENT CURBS FROM THE FLOW LINE OF THE CURB, EXTEND INTO THE SIDEWALK FOR A 24" DEPTH, AND COVER THE COMPLETE WIDTH OF THE SIDEWALK OR RAMP AREA. DETECTABLE WARNING ZONES SHALL CONFORM TO THE SLOPE REQUIREMENTS OF THE RAMP, LANDING, OR ACCESSIBLE ROUTE AS DEFINED IN THE SPECIFIED DETAIL. DETECTABLE WARNINGS SHALL NOT BE INSTALLED IN FLARED SIDES, IF THE RAMP INCLUDES FLARED SIDES.
- ALL LANDING AREAS SHALL BE 4 FEET WIDE BY 4 FEET LONG (MINIMUM DIMENSIONS). THE SLOPE OF THE LANDING AREA SHALL NOT EXCEED A 1/48 IN ANY DIRECTION.
- ALL ACCESSIBLE ROUTE SLOPES ADJOINING THE LANDING AREA, EXCLUDING THE CURB RAMP, SHALL NOT EXCEED A SLOPE OF 1:20 UNLESS OTHERWISE NOTED.



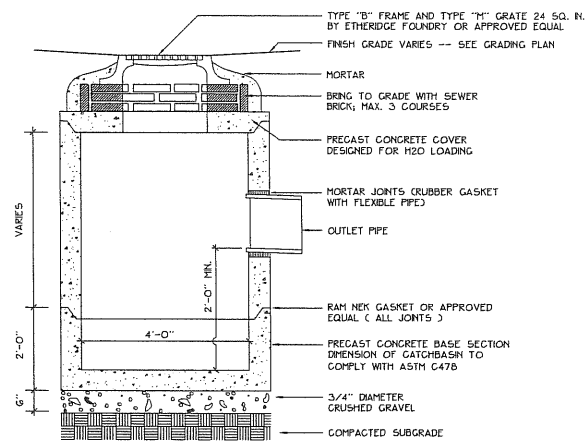
5 BARRIER FREE RAMP
NOT TO SCALE



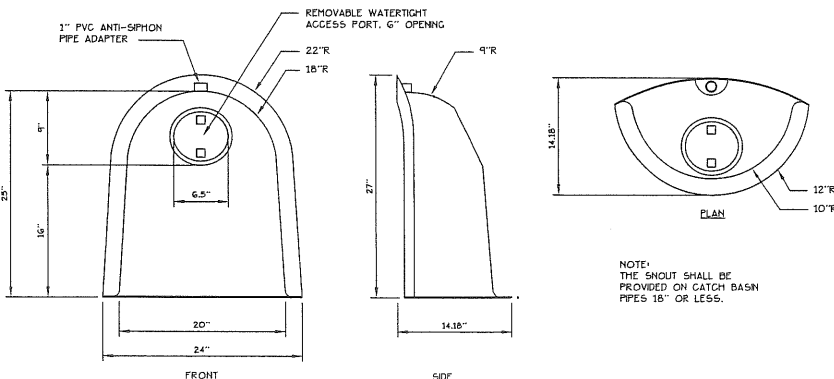
6 ACCESSIBLE SPACE MARKINGS
NOT TO SCALE



7 SIGNAGE
NOT TO SCALE

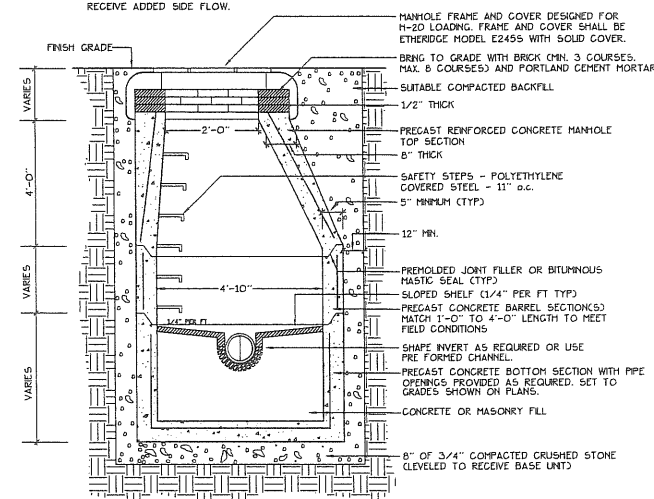


8 PRECAST CONCRETE CATCHBASIN
NOT TO SCALE

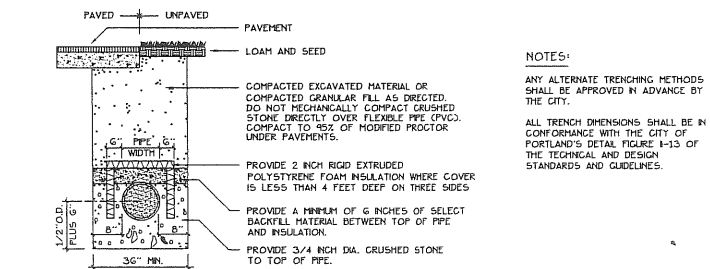


9 THE SNOOT
NOT TO SCALE

- NOTES:
- PLUG ALL LIFTING HOLES, JOINT SECTIONS AND INSIDE MANHOLE BOOT WITH NON-SHRINK GROUT.
 - MANHOLE CHANNELS REQUIRING CHANGE IN ALIGNMENT, TO BE BUILT ON SMOOTH RADIUS. IF SIDE PIPES ENTER CHANNEL TO BE SHAPED TO RECEIVE ADDED SIDE FLOW.
 - PRECAST REINFORCED CONCRETE BARREL SECTION MATCH 1'-0" - 4'-0" LENGTH TO MEET FIELD CONDITIONS.
 - CUT BACK PIPE TO MANHOLE I.D.



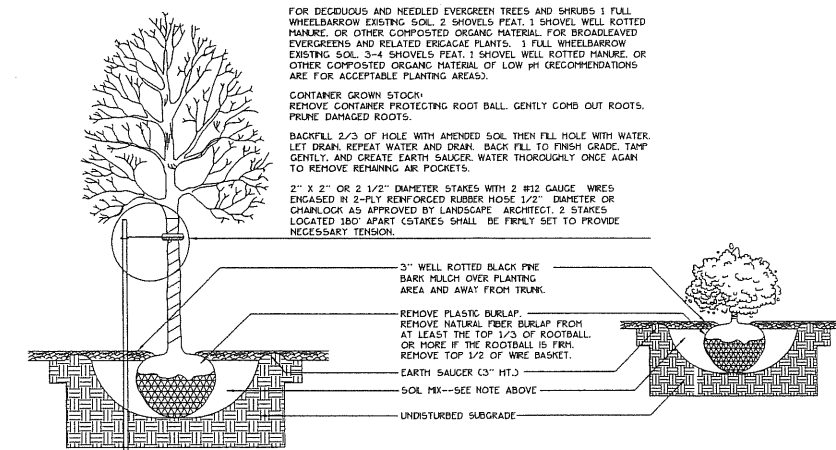
10 PRECAST CONCRETE MANHOLE
NOT TO SCALE



11 PIPE TRENCH DETAIL
NOT TO SCALE

NOTES:

- DIG HOLE AT LEAST 2 TIMES THE WIDTH OF ROOT BALL AND AS DEEP AS THE ROOT BALL AND DEEPER. SET ROOT BALL CENTERED, WITH TOP AT GROUND LEVEL OR SLIGHTLY HIGHER. CORRECT HOLE DEPTH AS NEEDED.
- FOR DECIDUOUS AND NEEDLED EVERGREEN TREES AND SHRUBS: 1 FULL WHEELBARROW EXISTING SOIL, 2 SHOVELS PEAT, 1 SHOVEL WELL ROTTED MANURE, OR OTHER COMPOSTED ORGANIC MATERIAL FOR BROADLEAVED EVERGREENS AND RELATED ERICACEAE PLANTS, 1 FULL WHEELBARROW EXISTING SOIL, 3-4 SHOVELS PEAT, 1 SHOVEL WELL ROTTED MANURE, OR OTHER COMPOSTED ORGANIC MATERIAL OF LOW pH (RECOMMENDATIONS ARE FOR ACCEPTABLE PLANTING AREAS).
- CONTAINER GROWN STOCK: REMOVE CONTAINER PROTECTING ROOT BALL GENTLY COMB OUT ROOTS. PRUNE DAMAGED ROOTS.
- BACKFILL 2/3 OF HOLE WITH AMENDED SOIL THEN FILL HOLE WITH WATER. LET DRAIN, REPEAT WATER AND DRAIN, BACK FILL TO FINISH GRADE, TAMP GENTLY, AND CREATE EARTH SAUCER. WATER THOROUGHLY ONCE AGAIN TO REMOVE REMAINING AIR POCKETS.
- 2" X 2" OR 2 1/2" DIAMETER STAKES WITH 2 #12 GAUGE WRES ENCASED IN 2-PLY REINFORCED RUBBER HOSE 1/2" DIAMETER OR CHAINLOCK AS APPROVED BY LANDSCAPE ARCHITECT. 2 STAKES LOCATED 180° APART (STAKES SHALL BE FIRMLY SET TO PROVIDE NECESSARY TENSION).



12 TREE AND SHRUB PLANTING DETAIL
NOT TO SCALE

Prepared For:
Owner/Applicant:
164 REALTY INC.
100 Silver Street
Portland, Maine 04101

Prepared By:
MITCHELL & ASSOCIATES
Landscape Architects
The Staples School
70 Center Street
Portland, Maine 04101
Tel: (207) 774-4427

1600 Congress Street
Portland, Maine
1600 Congress Street

Date:
JUNE 24, 2008

Issued For:
AMENDED SITE PLAN REVIEW

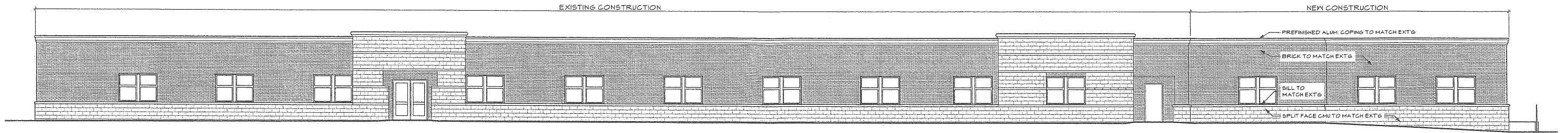
Revisions:

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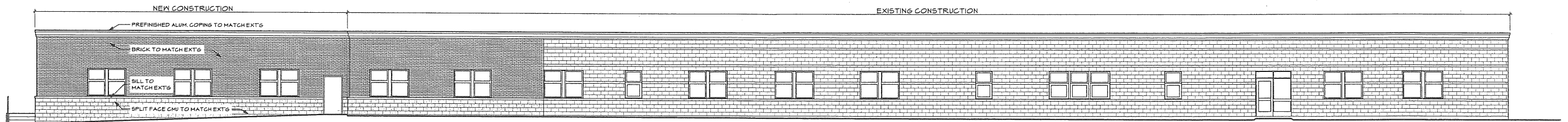
Title:
SITE DETAILS

Scale:
NOT TO SCALE

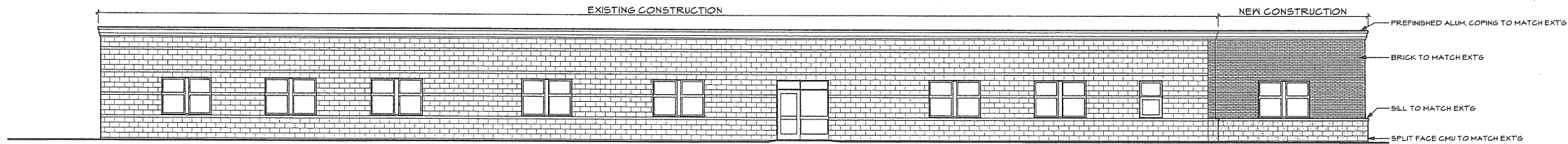
North:
Sheet No.:
3



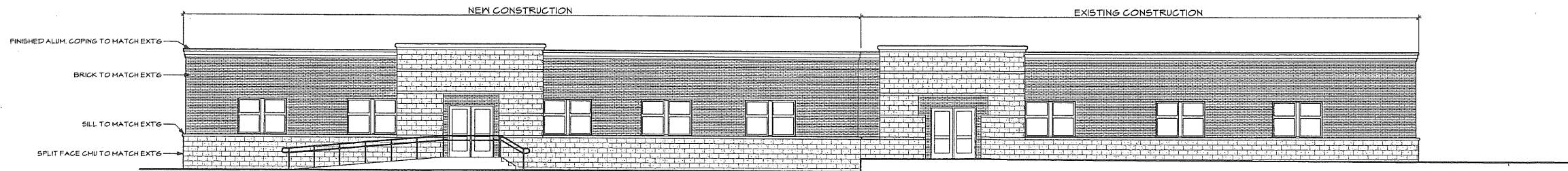
1 SOUTH ELEVATION - CONGRESS STREET
SCALE: 1/8" = 1'-0"



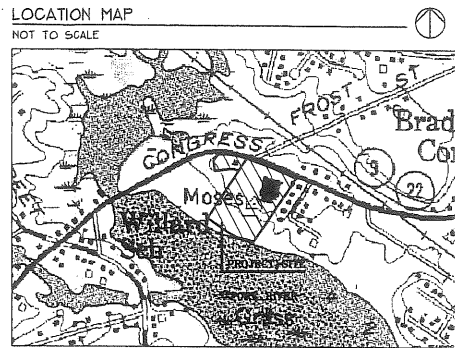
2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3 EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 WEST ELEVATION
SCALE: 1/8" = 1'-0"



- NOTES**
- TOTAL SITE AREA 319,488 S.F. - 7.33+ AC.
 - TAX MAP DATA MAP 220, BLOCK B, LOT 10 AND 15
 - ZONING DISTRICTS RP - RESIDENTIAL PROFESSIONAL ZONE
R-5 - RESIDENTIAL ZONE (LEASED LAND)
RPZ - RESOURCE PROTECTION ZONE
 - PLAN PREPARED FROM THE FOLLOWING DOCUMENTATION:
 - BOUNDARY + TOPOGRAPHIC SURVEY BY SEBAGO TECHNICS, WESTBROOK, MAINE.
 - BOUNDARY REVISIONS (ACQUISITIONS) BY M.D.O.T. FOR ROADWAY IMPROVEMENTS FOR CONGRESS STREET PROJECT NO. M-0775(13)
 - TOPOGRAPHIC UPDATE PERFORMED BY BH2M, INC. OF GORHAM, MAINE.
 - PROPERTY SUBJECT TO THE FOLLOWING EASEMENTS:
 - A PERPETUAL EASEMENT FOR THE PORTLAND WATER DISTRICT, ITS SUCCESSORS AND ASSIGNS FOREVER, TO LAY, RELAY, REPAIR, MAINTAIN AND REMOVE WATER AND SEWER PIPES UPON OR UNDER A 100 FOOT WIDE STRIP AS DESCRIBED IN A DEED DATED MAY 2, 1975 AND RECORDED IN BOOK 3675, PAGE 289.
 - RIGHT TO CENTRAL MAINE POWER CO. AND NEW ENGLAND TELEPHONE + TELEGRAPH CO. TO CONSTRUCT, REBUILD, OPERATE, MAINTAIN AND REMOVE AN UNDERGROUND CABLE FROM POLE #201 TO THE BUILDING AS DESCRIBED IN A DEED DATED SEPTEMBER 8, 1971 AND RECORDED IN BOOK 3199, PAGE 604.
 - ELEVATIONS SHOWN HEREON ARE REFERENCED TO NATIONAL GEODETIC VERTICAL DATUM. BENCHMARK USED IS BRASS DISK H-121 IN TOP OF LEDGE LOCATED 170 YARDS NORTHWESTERLY ALONG MAINE CENTRAL RAILROAD TRACKS FROM ITS INTERSECTION WITH FROST STREET AND 88 FEET NORTHEASTERLY OF THE NORTHEAST RAIL. ELEVATION = 20.65 (MEAN SEA LEVEL)

LEGEND

	EXISTING
PROPERTY LINE	---
EASEMENT	---
ZONING BOUNDARY	---
EDGE OF PAVEMENT	---
CATCHBASIN	ECB
MANHOLE	○
LIGHT	⊕
HYDRANT	⊕
UTILITY POLE	⊕
SIGN	⊕
UNDERGROUND ELECTRIC	EUE
STORM DRAIN	ESD
WATER	EW
STOCKADE FENCE	---
CHAIN LINK FENCE	---
UNDERGROUND TELEPHONE	EUT
DECIDUOUS TREE	○
EVERGREEN TREE	○
SHRUB	○
CONTOUR	--- 130 ---
WETLAND	---
CURB	---

Prepared For:
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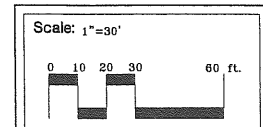
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 AMENDED SITE PLAN REVIEW

Revisions:

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Title:
EXISTING CONDITIONS AND DEMOLITION PLAN



North:

Sheet No.: **1**

