

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING INSPECTION PERMIT

Permit Number: 091056

Please Read
Application And
Notes, If Any,
Attached

This is to certify that ATH REALTY LLC/Homeworks Builders / Ron Milley

has permission to Change of use from Medical Office Building to Funeral Home

AT 660 BRIGHTON AVE CBI 224A A001001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is lathed or otherwise closed-in. 24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____

Health Dept. _____

Appeal Board _____

Other _____

Department Name

[Handwritten Signature]
4/3/09
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 09-1056	Date Applied For: 09/23/2009	CBL: 224A A001001
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Location of Construction: 666 BRIGHTON AVE	Owner Name: WHITEWATER LLC	Owner Address: 1601 CONGRESS ST	Phone:
Business Name:	Contractor Name: Homeworks Builders / Ron Milley	Contractor Address: 1039 Riverside St Suite 5 Portland	Phone (207) 650-7435
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Proposed Use: Commercial - Funeral Home - Change of use from Medical Office Building to Funeral Home	Proposed Project Description: Change of use from Medical Office Building to Funeral Home
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 10/30/2009
Note: **Ok to Issue:**

- 1) Separate permits shall be required for any new signage.
- 2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 3) It is understood that the HVAC systems will be relocated away from any residential and to the interior of the lot. If future complaints are received and sound readings indicate the noise generated is over the maximum allowed, the owner SHALL take steps to mitigate the noise levels.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Jeanine Bourke **Approval Date:** 11/05/2009
Note: **Ok to Issue:**

- 1) All penetrations through rated assemblies must be protected by an approved firestop system installed in accordance with ASTM 814 or UL 1479, per IBC 2003 Section 712.
- 2) Guards must be 42 inches in height with openings less than 4 inches. Graspable rails must be installed on both sides of the stair guard at 34" to 38".
- 3) Separate permits are required for any electrical, plumbing, sprinkler, fire alarm or HVAC or exhaust systems. Separate plans may need to be submitted for approval as a part of this process.
- 4) Application approval based upon information provided by applicant with plan updates dated 10/13/09 and 10/30/09. Any deviation from approved plans requires separate review and approval prior to work.

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Capt Keith Gautreau **Approval Date:** 10/13/2009
Note: **Ok to Issue:**

- 1) System acceptance and commissioning must be co-ordinated with alarm and suppression system contractors and the Fire Department. Call 874-8703 to schedule.
- 2) Installation of a Fire Alarm system requires a Knox Box to be installed per city ordinance
- 3) All construction shall comply with NFPA 101
- 4) The sprinkler system shall be installed in accordance with NFPA 13.
- 5) Application requires State Fire Marshal approval.
- 6) The fire alarm system shall comply with NFPA 72 and Fire Department Technical Standard. A compliance letter is required.
- 7) The Fire Department will require Knox locking caps on all Fire Department Connections on the exterior of the building.
- 8) Fire extinguishers required. Installation per NFPA 10
- 9) Fire department sprinkler connection type and location shall be approved in writing by fire prevention bureau.
- 10) The Fire alarm and Sprinkler systems shall be reviewed by a licensed contractor[s] for code compliance. Compliance letters are required.

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Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

- 11 Occupancies with an occupant load of 100 persons or more require panic hardware on all doors serving as a means of egress.
- 12 All fire alarm records required by NFPA 72 should be stored in an approved cabinet located at the FACP and keyed alike, labeled "FIRE ALARM RECORDS".
- 13 Fire alarm system requires a Masterbox connection per city ordinance. Masterbox design and installation shall be as approved by City Electrical Division.
- 14 Emergency lights are required to be tested at the electrical panel on the same circuit as the lighting for the area they serve.
- 15 Sprinkler protection shall be maintained. Where the system is to be shut down for maintenance or repair, the system shall be checked at the end of each day to insure the system has been placed back in service.
- 16 Fire Alarm system shall be maintained. If system is to be off line over 4 hours a fire watch shall be in place. Dispatch notification required 874-8576.
- 17 A separate Fire Alarm System Permit is required.
- 18 A separate Sprinkler System Permit is required.
- 19 Emergency lights and exit signs are required. Emergency lights and exit signs are required to be labeled in relation to the panel and circuit.

Comments:

9/25/2009-mes: Passing on for fire and building code review - STILL UNDER SITE PLAN REVIEW PROCESS - DO NOT ISSUE PERMIT RETURN TO MARGE FOR ZONING REVIEW.

10/13/2009-mes: Received approval letter - still waiting for final planning sign off - MES

10/13/2009-gg: Received HVAC stamped plans as of 10/13/09. The HVAC plans are included in the building permit fee. The HVAC application will be applied for later with a minimum fee. (spoke with applicant (Andrew) and Jeanie this morning (10/14/09) and this was the agreed upon decision). Gave back to Keith for review. Gg

10/30/2009-mes: Jean F. Gave an ok to issue the permit. - see e-mail

11/4/2009-jmb: Spoke with Mark H. And Steve M. About fire/smoke dampers through rated partitions or F/C. He will call back in the AM

11/5/2009-jmb: Steve Milley and HVAC contractor came into the office to review plans for smoke dampers. The duct penetrating rated walls are exempt from dampers per Sec. 716.5.2, exception 3. The F/C assembly will not have duct penetrations into the garage below. Ok to issue

- sprinkled building - + Above ceiling

- Corridor Upper Level - 3 dbt door need fire 20 minute

Spec sheet w/ glass ceiling

Cut sheet on dividers.

Cut sheet flame spread curtains -

Self closing Bathroom Doors -

casket show room

Gasket area from light?

1 hole in mechanical room

Self closing on doors / mechanical room.
Any penetrated area

✓ msp room - cut per one ~~no~~ sink Backflow protection.

4-27-10

Above ISSUED checked
are OK

- ① 3 dbt Door w/ coordinator
- ② Fire department connection
- ③ Fire floor 1 - sprinkler room

STATUTORY WARRANTY DEED
(Maine Statutory Short Form)

COPY

KNOW ALL MEN BY THESE PRESENTS, That WHITEWATER, LLC, a limited liability company organized and existing under the laws of the State of Maine, with an office in Gorham, Maine

For Consideration Paid, GRANTS with WARRANTY COVENANTS TO:

ATH REALTY, LLC, a Delaware limited liability company with a mailing address of 16 Equestrian Way, Scarborough, Maine 04074

A certain lot or parcel of land situated on the southwesterly side of Brighton Avenue in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the southwesterly side of Brighton Avenue at the southeasterly corner of land now or formerly of Doris H. Fogg, being the premises conveyed by Moses W. Lucas to Mabel Lucas by deed dated January 19, 1945, recorded in Cumberland County Registry of Deeds, Book 1767, Page 410; thence southwesterly at a right angle to Brighton Avenue and by said land of Fogg S 44° 30' W one hundred ten (110) feet, more or less, to the southwesterly corner thereof; thence northwesterly and at a right angle to the last named course and by said Fogg land N 45° 30' W a distance of one hundred thirty-six (136) feet, more or less, to the southerly boundary line of land conveyed by Moses W. Lucas to the Grantors by deed dated October 15, 1941, recorded in said Registry of Deeds, Book 1654, Page 252; thence southwesterly by said land of the Grantors and at a right angle to the last named course S 44° 30' W a distance of tow hundred one and five tenths (201.5) feet, more or less, to land taken by eminent domain proceedings by the City of Portland, an abstract of which proceedings dated November 17, 1947 is recorded in said Registry of Deeds, Book 1899, Page 18; thence S 30° 03-1/2' E a distance of one hundred forty-six and three tenths (146.3) feet, more or less, to an iron and S 1° 10' E a distance of forty-three and five tenths (43.5) feet, more or less, by said land taken by the City of Portland to the northerly side line of Lot 438 as shown on a Plan of Greater Brighton dated August, 1904, recorded in said Registry of Deeds in Plan Book 11, Page 111; thence N 80° 05-1/2' E a distance of one hundred fifty-nine and nine tenths (159.9) feet, more or less, by said Lot 438 and by the northerly boundary lines of Lots 453 and 456 to the northwesterly corner of Lot 457 all as shown on said Plan; thence S 46° 02-1/2' E by the division line between Lots 456 and 457 a distance of one hundred two and five tenths (102.5) feet, more or less, to Brookline Drive as shown on said Plan; thence N 43° 57-1/2' E by Brookline Drive and the northwesterly end of Eaton Street also shown on said Plan a distance of fifty (50) feet, more or less, to land now or formerly of Philip E. Gorrivan, being the premises conveyed by Moses W. Lucas to Herman G. Hawkes by deed dated November 10, 1933, recorded ins aid Registry of Deeds, Book 1429, Page 306; thence N 46° 02-1/2' W by said Gorrivan land sixty-six (66) feet, more or less, to the northwesterly corner thereof; thence N 43° 57-1/2' E by said land of Gorrivan as described in said deed to Hawkes and at a right angle to the last named course a distance of two hundred and fifty-eight hundredths (200.58) feet, more or less, to Brighton Avenue; thence N 45° 30' W by Brighton Avenue a

distance of one hundred sixty-three and thirty-six hundredths (163.36) feet, more or less, to said land now or formerly of Fogg and the point of beginning.

Also including in this conveyance all right, title and interest and easements of the Grantors, if any, in said Brookline Drive and Eaton Street as well as any other streets also shown on said Plan of Greater Brighton dated August 1904, recorded in said Registry of Deeds in Plan Book 11, Page 111.

The above described premises are conveyed subject to the following:

Such state of facts as shown on Plan of Greater Brighton dated August 1904, and recorded at the Cumberland County Registry of Deeds in Plan Book 11, Page 111.

Rights and easements granted to Central Maine Power Company by instrument dated January 12, 1968 and recorded at said Registry of Deeds in Book 3046, Page 695.

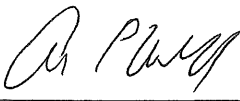
Rights and easements granted to Central Maine Power Company by instrument recorded at said Registry of Deeds in Book 3406, Page 95.


Rights and easements granted to Central Maine Power Company by instrument dated January 4, 1988 and recorded at said Registry of Deeds in Book 8353, Page 33.

Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantor herein by Warranty Deed of Doctor's Park, Inc., dated June 1, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22707, Page 247.

IN WITNESS WHEREOF, the said Whitewater, LLC, has caused this instrument to be signed and sealed by Russell J. Collett, its sole Member thereunto duly authorized this 5th day of November, 2009.

WHITEWATER, LLC




By 
Its Sole Member

THE STATE OF MAINE Cumberland, ss

November 5, 2009

Then personally appeared the above-named Russell J. Collett, of Whitewater, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Company.

Before me, 
Attorney at Law/Notary Public
Alan E. Wolf

From: Jean Fraser
To: Bourke, Jeanie; DiPierro, Philip; Errico, Thomas; Schmuckal, Marge
Date: 10/29/2009 5:15:30 PM
Subject: 660/666 Brighton Ave - Funeral Home

Please find attached a letter that confirms that the applicant has met all of the conditions that needed to be met prior to the issuance of a building permit.

Since the site plan and landscape plan that you may have from the review or BP submission, we have approved very minor revisions re adding traffic direction signs (2), some striping and removal/relocation of light poles. A wall-mounted light has been added on the building (west elevation at front). I await final sets of plans.

I understand that the applicant will be closing on the purchase of the building tomorrow and then will wish to move quickly on the Performance Guarantee and Building Permit etc. Substantial investment is involved, mainly re the refurbishment of the building.

This is logged in the HTE system and I will update re the conditions tomorrow (in case you are able to find them).

CC: Barhydt, Barbara; Clark, William; Earley, Katherine; Gautreau, Keith; Jaegerman, Alex; Margolis-Pineo, David; Tarling, Jeff; Ward, Jane

October 29, 2009

Denis L Lemieux, AIA
198 Main Street
Lewiston, ME 04240

Mark Hutchins
ATH Realty LLC
16 Equestrian Way
Scarborough, ME 04074

RE: **660/666 Brighton Avenue; Hutchins Funeral Home**
CBL: 224A A001001
Application ID: (HTE system) 09-79900008

Dear Mr Lemieux and Mr Hutchins:

On October 8, 2009 the Portland Planning Authority approved the minor site plan for the use and refurbishment of the existing medical office building (known as "Doctors Park") at 660/666 Brighton Avenue subject to conditions.

I am writing to confirm that the following conditions have been met:

- i. That the eastern-most driveway shall be one-way egress only; the applicant shall submit a plan, for review and approval by the Planning Authority prior to the issuance of a building permit, that illustrates the signage and pavement markings to be included in the proposal to convert the eastern-most driveway into a one-way egress only; and*
- ii. That the applicant shall submit a revised lighting proposal, including catalog cuts, pole heights and associated photometric plan, for review and approval by the Planning Authority prior to issuance of a building permit; and*
- iii. That the applicant shall submit a copy of the Wastewater Capacity letter prior to the issuance of a building permit.*

If there are any questions, please contact me at (207) 874-8728.

Sincerely,

Jean Fraser
Planner

Electronic Distribution:

Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Kathi Earley, Public Services
Hard Copy: Project File

Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Jane Ward, Public Services
Jeff Tarling, City Arborist
Tom Errico, Traffic engineering Reviewer



Certificate of Design

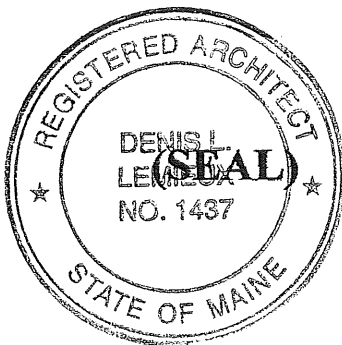
Date: SEPTEMBER 18, 2009

From: DLL ASSOCIATES ARCHITECTS, LLC

These plans and / or specifications covering construction work on:

HITCHINS FUNERAL HOME
6600 BRIGHTON AVE.
PORTLAND ME.

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the *2003 International Building Code* and local amendments.



Signature: Denis L. Lemieux, A.I.A.

Title: ARCHITECT

Firm: DLL ASSOCIATES

Address: 198 MAIN STREET
LEWISTON, ME 04240

Phone: 207-341-6611

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



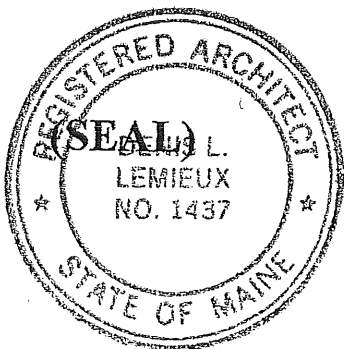
Accessibility Building Code Certificate

Designer: DLL ASSOCIATES/ARCHITECTS, LLC

Address of Project: 660 BRIGHTON AVENUE

Nature of Project: ADAPTIVE RE-USE OF A CURRENT
MEDICAL OFFICE TO A FUNERAL
HOME

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act. Residential Buildings with 4 units or more must conform to the Federal Fair Housing Accessibility Standards. Please provide proof of compliance if applicable.



Signature: Rene L. Lemieux A.I.A.

Title: ARCHITECT

Firm: DLL ASSOCIATES/ARCHITECTS

Address: 198 MAIN STREET
LEWISTON, ME. 04240

Phone: 207-344-6611

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



Certificate of Design Application

Room Designer:

DLL ASSOCIATES, ARCHITECTS, LLC

Date:

SEPTEMBER 18, 2009

Job Name:

HUTCHINS FUNERAL HOME

Address of Construction:

460 BRISTOL AVENUE, PORTLAND, MAINE

2003 International Building Code

Construction project was designed to the building code criteria listed below:

Building Code & Year IBC 2003 Use Group Classification (s) A-3 ASSEMBLY (FUNERAL HOME)

Type of Construction V (000)
B OFFICE AREAS
5-1 GENERAL STORAGE/GARAGE

~~Fire alarm suppression system in accordance with Section 905.3.1 of the 2003 IBC? Supervisor alarm system?~~

Structure mixed use? No If yes, separated or non separated or non separated (section 302.3)

Geotechnical/Soils report required? (See Section 1802.2) N/A (EXIST. STRUCTURE)

Structural Design Calculations

Submitted for all structural members (106.1 - 106.11)

Design Loads on Construction Documents (1603)

Uniformly distributed floor live loads (7603.11, 1807)

Floor Area Use	Loads Shown
<u>OFFICE AREA</u>	<u>50 PSF</u>
<u>CORRIDOR (LOWER)</u>	<u>100 PSF</u>
<u>CORRIDOR (UPPER)</u>	<u>90 PSF</u>
<u>LOBBIES & STAIRS</u>	<u>100 PSF</u>
<u>PARKING</u>	<u>100 PSF</u>

Wind loads (1603.14, 1609)

ASCE 7 Design option utilized (1609.1.1, 1609.6)
90 MPH Basic wind speed (1809.3)
I_w = 1.0 Building category and wind importance Factor, *I_w* (table 1604.5, 1609.5)
B Wind exposure category (1609.4)
+/- 0.18 Internal pressure coefficient (ASCE 7)
14.6 - 15.8 Component and cladding pressures (1609.1.1, 1609.6.2.2)
20 PSF Main force wind pressures (7603.1.1, 1609.6.2.1)

Earth design data (1603.1.5, 1614-1623)

ASCE 7 Design option utilized (1614.1)
2 Seismic use group ("Category")
2.95, 0.149 Spectral response coefficients, S_Ds & S_{D1} (1615.1)
D Site class (1615.1.5)

N/A Live load reduction
40 PSF Roof live loads (1603.1.2, 1607.11)
40 PSF Roof snow loads (1603.7.3, 1608)
50 PSF Ground snow load, P_g (1608.2)
40 PSF If P_g > 10 psf, flat-roof snow load *S_f*
1.0 If P_g > 10 psf, snow exposure factor, *C_e*
1.0 If P_g > 10 psf, snow load importance factor, *I_s*
1.0 Roof thermal factor, *C_t* (1608.4)
1.0 Sloped roof snowload, P_s (1608.4)
C Seismic design category (1616.3)
BEARING WALLS Basic seismic force resisting system (1617.6.2)
0.5 Response modification coefficient, *R_m*, and deflection amplification factor *C_d* (1617.6.2)
EQUIV. LF Analysis procedure (1616.6, 1617.5)
V = 0.042W Design base shear (1617.4, 1617.5.1)
Flood loads (1803.1.6, 1612)
N/A Flood Hazard area (1612.3)
N/A Elevation of structure
Other loads
2000 Concentrated loads (1607.4)
10 PSF Partition loads (1607.5)
N/A Misc. loads (Table 1607.8, 1607.6.1, 1607.7, 1607.12, 1607.13, 1610, 1611, 2404)

0016100

CONTRACT FOR THE SALE OF REAL ESTATE, FIXTURES AND RELATED PERSONAL PROPERTY

RECEIVED OF: ATH, LLC, a Delaware limited liability company, and/or assigns, whose mailing address is 16 Equestrian Way, Scarborough, Maine 04074 (hereinafter called the "Purchaser(s)") the sum of [REDACTED] (\$ [REDACTED]) as earnest money and in part payment of the purchase price of the following described real estate, building, fixtures and related personal property situated in the municipality of Portland, County of Cumberland, State of Maine and located at 660 Brighton Avenue and being (all/part of) the property owned by Whitewater, LLC, a Maine limited liability company, with a mailing address at 1601 Congress Street, Portland, ME 04102 (hereinafter referred to as the "Seller(s)") at the above address, and described at said County's Registry of Deeds Book 22707, Page 275 and further described as: City of Portland, Maine's Tax Assessors Office as Map 224A, Block A, Lot 1 (the "Premises"). The Purchaser and the Seller shall be individually sometimes referred to herein as the "party", and collectively as the "parties."

The total purchase price being [REDACTED] Dollars (\$ [REDACTED]) is to be paid as follows:

Cash: [REDACTED] (\$ [REDACTED]) at closing by certified check or money order; and

Said earnest money is received subject to the following conditions:

1. **EARNEST MONEY/ACCEPTANCE:** Within One (1) business day of the mutual acceptance of this contract C.B. Richard Ellis/The Boulos Company (the "Agent") shall be given the earnest money and hold said earnest money in an interest bearing account and act as escrow agent until closing. This offer shall be valid until November 17, 2008 at 5:00 PM and, in the event of the Seller's non-acceptance, this earnest money, including any interest earned thereon, shall be returned promptly in immediately available funds to the Purchaser(s) by hand at the address set forth above.
2. **TITLE:** That a general warranty deed, bill of sale and other necessary conveyance documents conveying good, valid, and marketable title in accordance with standards adopted by the Maine Bar Associations shall be delivered to the Purchaser(s) and this transaction shall be closed and the Purchaser(s) shall pay the balance due in accordance with the terms hereof and each party shall execute all necessary papers on or before June 1, 2009. If Seller(s) is unable to convey in accordance with the provisions of this paragraph, then the Seller(s) shall have a reasonable time period, not to exceed 30 days, from the time the Seller(s) is notified of the defect, unless otherwise agreed to by both parties, to remedy the title, after which time, if such defect is not corrected so that there is good, valid and marketable title, the Purchaser(s) may, at Purchaser's option, withdraw said earnest money and be relieved from all obligations hereunder and otherwise. The Seller(s) shall use its best efforts to cure any title defect during such period.
3. **DEED:** Seller shall deliver to Purchaser, at the closing, a Warranty Deed conveying good and marketable title, free and clear of all liens, claims and encumbrances, except any easements or zoning restrictions of record which do not materially impair the marketability of title.
4. **POSSESSION/OCCUPANCY:** Possession/occupancy of premises shall be given to Purchaser(s) immediately at closing free and clear of any and all liens, leases, claims, adverse interests and encumbrances. The Seller represents and warrants that there are currently two tenants in the building and both are Tenants at Will with no written agreement. Purchaser agrees to allow the existing Tenants to remain in the building for 60 days from date of closing. If the Seller should lease any of the individual spaces of the building the Seller shall lease the spaces under the same terms and conditions as the existing tenants set forth in the immediately preceding sentence. Seller shall indemnify and shall hold the Purchaser harmless from any and all costs, expenses, losses, claims, demands and suits pertaining to the existing tenants during the time of Purchaser's ownership of the property.
5. **RISK OF LOSS:** Until the closing, the risk of loss or damage to said Premises by fire or otherwise is assumed by the Seller(s) unless otherwise agreed in advance in writing. Said Premises shall than be in the same condition at present, excepting reasonable wear and tear prior to the closing of the transaction contemplated hereby.
6. **PRORATIONS:** The following items shall be prorated as of the date of closing:
 - a. Real Estate Taxes based on the municipality's tax year.

[Signature]

- b. Utilities servicing the common areas of the property and the individual spaces. Metered utilities, such as water and sewer, shall be paid by the Seller(s) through and including the date of closing. Purchaser(s) and Seller(s) shall each pay its transfer tax as required by the State of Maine.
- c. Rents

7. **INSPECTIONS:** The Purchaser(s) is encouraged to seek information from professionals regarding any specific issue of concern. Purchaser(s) acknowledges receipt of the disclosure form attached hereto. The Agent makes no warranties regarding the condition, permitted use or value of the Seller's real or personal property situated at the Premises. This contract is subject to the following inspections, with the results being solely satisfactory to the Purchaser(s):

- a. **General Building Inspection:** Within five (5) business days of the mutual signing of the formal Purchase and Sales Agreement, the Purchaser will be given access to the three (3) currently occupied office spaces and associated Premises to conduct a general building inspection of said office spaces.
- b. **Environmental Scan:** Within ten (10) days of the City Council of Portland, Maine's approval of the Zoning Text Amendment, the Purchaser(s) will be given access to the Premises to perform a proper environmental scan. The Seller shall complete a lending institutions environmental questionnaire, if necessary, within ten (10) days of receipt.

All inspections will be done by inspectors chosen and paid for by the Purchaser(s). If the result of any inspection or other condition specified herein is unsatisfactory to the Purchaser(s) in its sole and absolute discretion, Purchaser(s) may declare the contract null and void by notifying the Seller(s) in writing within the specified number of days, and any earnest money shall be promptly returned to the Purchaser(s) in immediately available funds by hand at the address set forth above. If the Purchaser(s) does not notify the Seller(s) that an inspection is unsatisfactory within thirty (30) days of the time set forth for initiation of the related inspection set forth in either Section 7 (a) or (b) above, as the case may be, this contingency is waived by the Purchaser(s). In the absence of inspection(s) mentioned above, the Purchaser(s) is relying completely upon Purchaser(s) own option as to the condition of the property.

8. **FINANCING:** This contract and the Purchaser(s) obligations hereunder are expressly subject to an approved and guaranteed commercial mortgage with approval by the U.S. Small Business Administration ("SBA") with a commercial appraisal of an amount not less than [REDACTED] which will include Purchasers projected renovations, at an interest rate not to exceed [REDACTED], and amortized over a period of not less than twenty (20) years.

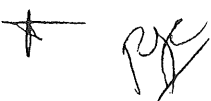
- a. This contract and the Purchaser(s) obligations hereunder are expressly subject to a written statement from a lender selected by the Purchaser within thirty (30) days of the Purchaser receiving Portland Minor Site Review approval from the City of Portland, that the Purchaser(s) has financing approval.
- b. The Purchaser(s) shall use all commercially reasonable efforts to seek and accept financing on the above-described terms. The Purchaser(s) acknowledges that a breach of this obligation to seek and accept financing on the above-described terms will be a breach of this contract.
- c. If this condition is not met within aforesaid time periods, the Seller(s) may declare this contract null and void and the earnest money shall be returned to the Purchaser(s).

9. **AGENCY DISCLOSURE:** The Purchaser(s) and Seller(s) acknowledge that they have been informed that the Selling Agency is acting as a Buyers Agent in this transaction and that the Listing Agency is acting as a Sellers Agent in this transaction. The Purchaser agrees to pay the Selling Agencies brokerage fee for this transaction.

10. **DEFAULT:** Subject to Purchaser(s) right to rescind this contract and/or a return of the earnest money set forth above, if the Purchaser(s) fails to consummate this transaction for a material cause within the Purchaser(s) control, Seller(s) shall retain the earnest money as full and complete liquidated damages. Should Seller(s) elect to retain the earnest money, this Agreement shall terminate and neither party shall be under any further obligation hereunder. In the event of default by either party, the escrow agent will not return the earnest money to the Purchaser(s) or turn over the deposit to the Seller(s) without written releases from both parties.

11. **PRIOR STATEMENTS:** Any prior verbal presentations, statements and agreements are not valid unless contained herein. This contract completely expresses the obligations of the parties. This is a Maine contract and shall be construed according to the laws of Maine.


12. **HEIRS/ASSIGNS:** This contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the respective parties.



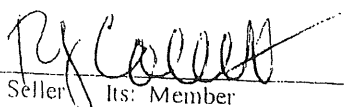
- 13. COUNTERPARTS: This agreement may be signed on any number of identical counterparts, including telefacsimilie copies, with the same binding effect as if the signatures were on one instrument. Original or telefacsimilied signatures are binding.
- 14. EFFECTIVE DATE: This contract is a binding contract when signed by both Seller(s) and Purchaser(s) and when that fact has been communicated to all parties or to their agents. The Effective Date of the contract is noted below. Time is of the essence of this contract.
- 15. ADDENDA: This contract has addenda containing additional items and conditions: YES X NO _____

A COPY OF THIS CONTRACT IS TO BE RECEIVED BY ALL PARTIES AND BY SIGNATURE. RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED. IF NOT FULLY UNDERSTOOD, THE PARTIES SHOULD CONSULT AN ATTORNEY.

Seller(s) acknowledges that State of Maine law requires buyer(s) of property owned by non-resident sellers to withhold State income tax from the consideration paid for the property unless a waiver has been obtained by the Seller(s) from the State of Maine Bureau of Taxation or Seller(s) is otherwise exempt from withholding.

ATH, LLC

 Purchaser Its: Managing Member

Signed this 17th day of November, 2008

Whitewater, LLC

 Seller Its: Member

Effective Date of contract is the 19 day of November 2008.

Offer reviewed and refused on the ___ day of November, 2008 _____ Seller

The Listing Agent is CB Richard Ellis/The Boulos Company (Agency)

The Selling Agent is Akers Associates, Inc. (Agency)

The time for the performance of this contract is extended until _____ EXTENSION _____, 2008.

Witness our hands this _____ day of _____, 2008.

 (Purchaser) _____ (Seller)

ADDENDUM #1

Purchase and Sales Agreement
Between
ATH, LLC and/or assigns, Purchaser, and
Whitewater, LLC, Seller,
Dated November 17, 2008

16.) ADDITIONAL PURCHASERS' CONTINGENCIES: The Purchase and Sales Agreement is contingent upon and subject to the Purchaser receiving, reviewing and approval of the following items, to the sole and absolute satisfaction of the Purchaser, within the stated time frames set forth below. If the Purchaser finds any of these items as unsatisfactory, the Purchaser shall notify the Seller, in writing, within five (5) business days after the expiration of the stated time frames set forth below of the Purchaser's intent to terminate the contract and all earnest money or other deposits will be returned to the Purchaser immediately in immediately available funds at the address set forth for the Purchaser hereunder.

16A.) Text Amendment: Within five (5) business days of the mutual signing of the formal Purchase and Sales Agreement, the Purchaser shall submit an application and all associated fees to the City of Portland to receive a Text Amendment to the City of Portland, Maine's zoning ordinance for an RP Zone to enable the Purchaser to be on the City of Portland's Planning Board agenda by January 20, 2009. The Purchaser shall have four months (4) from the time of application to receive the Text Amendment to the RP Zone. If necessary on behalf of the Purchaser, the Purchaser will be given up to seventy five (75) additional days in which to receive the Text Amendment as long as the Purchaser has not delayed the approval for reasons within the Purchaser's sole control.

16 B.) Planning Approval & Change of Use: Within five (5) business days from the time the Text Amendment comes into effect, the Purchaser shall submit plans, application and fees for the approval of City of Portland's Minor Site Plan Review. From the time of submittal the Purchaser shall have two (2) months in which to receive the approval for the redevelopment of the property and the change of use.

16 C.) Documents: Upon mutual signing of the Purchase and Sales Agreement the Seller, if the items are within the Seller's control or possession, the Seller shall promptly provide the Purchaser with a copy of all, but not limited to, surveys, structural plans, engineering reports, environmental reports, traffic studies, architectural renderings, floor plans, equipment lists and construction plans for the Purchaser to use to analyze the property and the Premises and to receive their necessary approvals.

16 D.) Leases & Historic Expenses: Within five (5) business days of the mutual signing of the formal Purchase and Sales Agreement, the Seller shall provide the Purchaser with a copy of all leases associated with the property. Furthermore, the Seller shall provide a copy of historic expenses for the property for the time period that Seller has owned the property. The Purchaser shall have five (5) business days in which to review the leases and historic information.

A

17.) **MONTHLY PAYMENTS:** During the Purchasers' permitting and approval process pertaining to the contract, the Purchaser agrees to submit monthly payments during the term of this contract in the amount of [REDACTED] (\$ [REDACTED]) to the Seller, beginning sixty (60) days after the date of the mutual execution and delivery of the Purchase and Sales Agreement. Such monthly payments will be considered non-refundable; provided, however, that all such payments shall be applied by the Seller as advance payments by the Purchaser toward the total purchase price of the property at closing. The monthly payments will cease immediately at any time that the Purchaser or the Seller notifies the other party, in writing, that such notifying party is terminating the contract.

18.) **EXITING TENANTS:** Thirty (30) days prior to closing, the Purchaser shall notify the Seller, in writing, of its intent to close on the property and the Premises. At the time of closing, the property and the Premises shall be free and clear of all personal property belonging to the Seller.

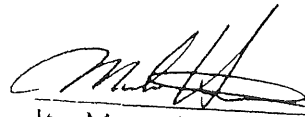
19. **MEDIATION:** Any dispute or claim arising out of or relating to this Contract or the premises addressed in this Contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules. This clause shall survive the closing of this transaction with respect to the leases pertaining to the current tenants of the premises.

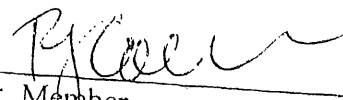
20, Purchaser is responsible for any commission due Akers Associates, Inc. by separate agreement with Akers Associates, Inc.

SEEN AND AGREED TO:

**Purchaser: ATH, LLC
and/or assigns**

Seller: Whitewater, LLC


Its: Managing Member


Its: Member

FIRST AMENDMENT TO
ATH, LLC AND WHITEWATER, LLC
LETTER AGREEMENT

This First Amendment to ATH, LLC and Whitewater, LLC Contract for Sale of Real Estate, Fixtures and Related Personal Property, is by and between ATH, LLC, a Delaware limited liability company, and/or assigns, whose mailing address is 16 Equestrian Way, Scarborough, Maine 04074 (hereinafter called the "Purchaser(s)"); and Whitewater, LLC, a Maine limited liability company, with a mailing address at 1601 Congress Street, Portland, ME 04102 (hereinafter referred to as the "Seller(s)"). Purchaser and Seller may be sometimes individually referred to herein as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the Parties entered into that certain Contract for Sale of Real Estate, Fixtures and Related Personal Property dated on or about November 17, 2008 (the "Agreement"); and

WHEREAS, the Parties desire to amend the Agreement in accordance with this First Amendment to clarify certain provisions of the Agreement and to include certain additional provisions therein.

NOW, THEREFORE, for and consideration of the mutual covenants and agreements of the Parties contained herein, the Parties hereto hereby agree as follows.

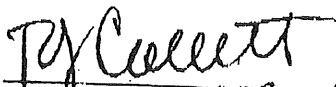
1. **Defined Terms:** Unless otherwise defined herein, all initial capitalized terms in the First Amendment shall have the same meaning ascribed to such terms in the Agreement.
2. **Title:** Section 2 of the Agreement is hereby amended to provide that "each party shall execute all necessary papers on or before August 1, 2009."
3. **Incorporation by Reference:** Unless otherwise amended hereby, all terms and provisions of the Agreement, as amended, are hereby restated, reaffirmed and confirmed in all respects as if copied herein in full.

IN WITNESS WHEREOF, intending to be legally bound hereby, the Parties hereby execute and deliver the First Amendment on the day and year first above written.

ATH, LLC.

WHITEWATER, LLC

By: 
Mark Hutchins
President

By: 
Printed Name: R.J. Collett
Title: Owner, Whitewater LLC

SECOND AMENDMENT TO
ATH, LLC. AND WHITEWATER, LLC
LETTER AGREEMENT
JULY 30, 2009

This Second Amendment to ATH, LLC and Whitewater, LLC Contract for Sale of Real Estate, Fixtures and Related Personal Property, is by and between ATH, LLC, a Delaware limited liability company, and/or assigns, whose mailing address is 16 Equestrian Way, Scarborough, Maine 04074 (hereinafter called the "Purchaser(s)"); and Whitewater, LLC, a Maine limited liability company, with a mailing address at 1601 Congress Street, Portland, ME 04102 (hereinafter referred to as the "Seller(s)"). Purchaser and Seller may be sometimes individually referred to herein as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the Parties entered into that certain Contract for Sale of Real Estate, Fixtures and Related Personal Property dated on or about November 17, 2008 (the "Agreement"); and a First Amendment to the contract dated June 8, 2009

WHEREAS, the Parties desire to amend the Agreement in accordance with this Second Amendment to clarify certain provisions of the Agreement and to include certain additional provisions therein.


NOW, THEREFORE, for and consideration of the mutual covenants and agreements of the Parties contained herein, the Parties hereto hereby agree as follows.


1. **Defined Terms:** Unless otherwise defined herein, all initial capitalized terms in the Second Amendment shall have the same meaning ascribed to such terms in the Agreement.
2. **Title:** Section 2 of the Agreement is hereby amended to provide that "each party shall execute all necessary papers on or before October 1, 2009."
3. **Incorporation by Reference:** Unless otherwise amended hereby, all terms and provisions of the Agreement, as amended, are hereby restated, reaffirmed and confirmed in all respects as if copied herein in full.

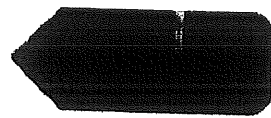
IN WITNESS WHEREOF, intending to be legally bound hereby, the Parties hereby execute and deliver the Second Amendment on the day and year first above written.

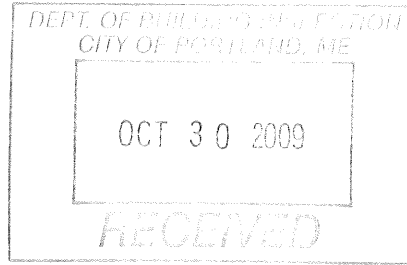
ATH, LLC.

WHITEWATER, LLC

By: 
Mark Hutchins
President

By: 
Printed Name: RJ Collett
Title: Owner





October 29, 2009

Denis L Lemieux, AIA
198 Main Street
Lewiston, ME 04240

Mark Hutchins
ATH Realty LLC
16 Equestrian Way
Scarborough, ME 04074

RE: **660/666 Brighton Avenue; Hutchins Funeral Home**
CBL: 224A A001001
Application ID: (HTE system) 09-79900008

Dear Mr Lemieux and Mr Hutchins:

On October 8, 2009 the Portland Planning Authority approved the minor site plan for the use and refurbishment of the existing medical office building (known as "Doctors Park") at 660/666 Brighton Avenue subject to conditions.

I am writing to confirm that the following conditions have been met:

- i. *That the eastern-most driveway shall be one-way egress only; the applicant shall submit a plan, for review and approval by the Planning Authority prior to the issuance of a building permit, that illustrates the signage and pavement markings to be included in the proposal to convert the eastern-most driveway into a one-way egress only; and*
- ii. *That the applicant shall submit a revised lighting proposal, including catalog cuts, pole heights and associated photometric plan, for review and approval by the Planning Authority prior to issuance of a building permit; and*
- iii. *That the applicant shall submit a copy of the Wastewater Capacity letter prior to the issuance of a building permit.*

If there are any questions, please contact me at (207) 874-8728.

Sincerely,

Jean Fraser
Planner

Electronic Distribution:

Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Kathi Earley, Public Services
Hard Copy: Project File

Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Jane Ward, Public Services
Jeff Tarling, City Arborist
Tom Errico, Traffic engineering Reviewer



Strengthening a Remarkable City. Building a Community for All.

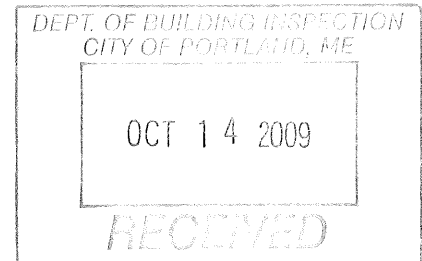
Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

October 8, 2009

Denis L Lemieux, AIA
198 Main Street
Lewiston, ME 04240

Mark Hutchins
ATH Realty LLC
16 Equestrian Way
Scarborough, ME 04074



RE: **660/666 Brighton Avenue; Hutchins Funeral Home**
CBL: 224A A001001
Application ID: (HTE system) 09-79900008

Dear Mr Lemieux and Mr Hutchins:

On October 8, 2009 the Portland Planning Authority approved a minor site plan for the use and refurbishment of the existing medical office building (known as "Doctors Park") at 660/666 Brighton Avenue, for a funeral home as submitted by ATH Realty LLC and shown on the approved plan (Site Plan C-1.2 Rev 2 dated 10.8.2009; Planting Plan L-2 dated 8.25.09; and Elevations A-2.0 dated 9.18.2009 prepared by DLL Associates/Architects) with the following conditions:

- i. That the eastern-most driveway shall be one-way egress only; the applicant shall submit a plan, for review and approval by the Planning Authority prior to the issuance of a building permit, that illustrates the signage and pavement markings to be included in the proposal to convert the eastern-most driveway into a one-way egress only; and
- ii. That the applicant shall submit a revised lighting proposal, including catalog cuts, pole heights and associated photometric plan, for review and approval by the Planning Authority prior to issuance of a building permit; and
- iii. That the applicant shall submit a copy of the Wastewater Capacity letter prior to the issuance of a building permit; and
- iv. That if the City receives any complaints concerning the noise generated by the HVAC condenser units, the owner shall take appropriate measures to mitigate any noise above that allowed by the current ordinance; and
- v. All signage shall be subject to separate sign permits and approvals; and
- vi. Building permits shall be required for all structural additions and changes.

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.

The site abuts the Capisic Brook watershed (an urban impaired watershed) which has both flooding and water quality problems. The applicant has agreed to develop and submit a **management plan** that sets out future intentions for reducing the storm water runoff and pollution to Capisic Brook that results from the use of this site. Such plan could include bio filtration unit(s) along rear of the parking area, reduction where possible of impervious area, planting of additional trees in and around the parking area, and methods of disposal of garden waste so that it is not within the Capisic floodplain. The City is working with landowners and other interested parties to improve the Capisic Brook Watershed and further information and advice is available from Doug Roncarati, Department of Public Services (C/0 874- 8846 or DAR@portlandmaine.gov).

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

1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. 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.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. 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.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. 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.

8. 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 Jean Fraser at 874- 8728.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachment: 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
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Doug Roncarati, Public Services
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File

Hard Copy: Project File

*Comments Submitted
Final Comments
added*

City of Portland
Development Review Application
Planning Division Transmittal form

Application Number: 09-79900008 **Application Date:** 8/24/09

Project Name: HUTCHINS FUNERAL HOME

Address: 666 Brighton Ave **CBL:** 224A- A-001-001

Project Description: Hutchins Funeral Home; 666 Brighton Ave [Aka 660 Brighton]; Ath Realty Llc, Applicant

Zoning: R-P

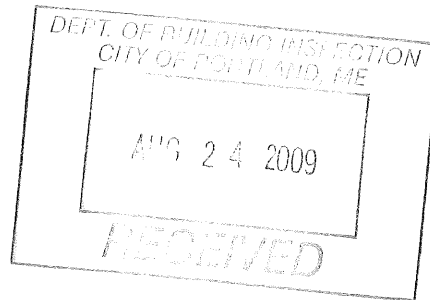
Other Reviews Required:

Review Type: MINOR SITE PLAN

ATH Realty, LLC
16 Equestrian Way

Scarborough Me 04074
Denis L. Lemieux, AIA
198 Main Street

Lewiston Me 04240



Distribution List:

<input checked="" type="checkbox"/> Planner	Barbara Barhydt	<input checked="" type="checkbox"/> City Arborist	Jeff Tarling
<input checked="" type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input checked="" type="checkbox"/> Design Review	Alex Jaegerman
<input checked="" type="checkbox"/> Traffic	Tom Errico	<input checked="" type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input checked="" type="checkbox"/> Inspections	Tammy Munson	<input checked="" type="checkbox"/> Sanitary Sewer	John Emerson
<input checked="" type="checkbox"/> Fire Department	Keith Gautreau	<input checked="" type="checkbox"/> Stormwater	Dan Goyette
<input checked="" type="checkbox"/> Parking	John Peverada	<input checked="" type="checkbox"/> Historic Preservation	Deb Andrews
<input checked="" type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
<input checked="" type="checkbox"/> DRC Coordinator	Phil DiPierro		

Preliminary Comments needed by:

Final Comments needed by:

Rick-tack-

Applicant: Hutchins Funeral Home Date: 8/24/09

Address: 660 Brighton Ave C-B-L: 224A-A-001

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - R-P Existing building

Interior or corner lot -

Proposed Use/Work - change of use from professional offices to funeral homes

Sewage Disposal - City lift the roof & Add AN elevator Egress Deck on side

Lot Street Frontage - 60' min 60'+ shown

Front Yard - 20' min req ~ 20' scale

Rear Yard - 20' min req - 93' to

Side Yard - 12' min - 181' & 49' shown

Projections - two story new elevator & new stairs

Width of Lot - 60' min - 60' shown

Height - 45' max - existing Bldg

Lot Area - 6,000^{sq} min - ~~78,576~~ ~~sq~~ ~~per assessors~~ 84,506.4 (1.94 Acres)

Lot Coverage/Impervious Surface -

Area per Family - NA

Off-street Parking - parking spaces not shown → shown on another plat reducing 1 parking space between bldg & front yard
existing 80 spaces reducing to 79

Loading Bays -

Site Plan - 09-79900008

Shoreland Zoning/Stream Protection - N/A

Flood Plains - Panel 12 - Zone X
→ hours of operation need
Floor area ratios = .70 max

$$\frac{8664 \text{ (Assessors)}}{84506.4} = 10.25\% \text{ of}$$

From: Marge Schmuckal
To: Jean Fraser
Date: 9/25/2009 1:59:59 PM
Subject: 666 Brighton Ave

Jean,

We have received a permit application for this project. I am not yet signing off on zoning, but will pass it on to Fire and Building for their respective reviews.

Marge

Order 166-08/09

Passage: 3/3/09 9-0

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14 LAND USE
ARTICLE III. ZONING
SECTIONS 14-147 AND 14-151

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Sections 14-147 and 14-151 of the Portland City Code are hereby amended to read as follows:*

Sec. 14-147. Permitted uses.

The following uses are permitted in the R-P district:

(b) Business:

1. Professional offices, including the offices and facilities of health care practitioners and related laboratory and pharmacy services and health care administration, but excluding personal services, retail establishments and veterinarians.
2. Business services, as defined in section 14-47, except copy services.
3. Adult day care services.
4. Mortuaries or funeral homes.

Sec. 14-151. External effects.

Every use in a R-P zone shall be subject to the following requirements:

- (g) The hours of operation of funeral homes (including processions) may be restricted and/or traffic management measures may be required, in order to avoid impacts to the public street

system, if so recommended by the City Traffic
Engineer or comparable professional.

Zoning Administrator Marge Schmuckal
09/15/2009

This is a change of use from doctor's offices to a funeral home located within the R-P Zone. The use of mortuaries or funeral homes are a listed, permitted use in the R-P Zone. The apparent floor area is currently 8,664 square feet which requires a minor site plan review. There is an elevator being installed on the parking lot side and an egress deck on the opposite side.

All additions and building changes are meeting the R-P Zone setbacks and floor area ratio requirements. The new use is also meeting the parking requirements. The plans that I reviewed show 80 existing parking spaces with the new proposal showing 79 parking spaces instead of the 83 parking spaces which are listed in the documentation. I am not sure where the discrepancy comes from. Either way, the parking requirements are more than being met for the project.

When the mortuary/funeral home use was recently added to the Land Use Zoning Ordinance, there was also an external effect requirement regarding the hours of operation. I looked through the submittal, but I did not see the actual proposed hours of operation. I did see that funeral processions would not depart from the 660 Brighton Avenue property site after 3:00 pm unless written permission is granted by the Chief of Police. Because there is a requirement in the Ordinance, I will need to know the hours of operation.

I will need to know if there are any changes to the HVAC system(s) so that I can determine whether noise requirements are being met.

Separate permits are required for any new signage. Building permits are required for all structural additions and changes.

10/08/09

The applicant has submitted further information regarding the HVAC systems and their decibel ratings. The information confirms what the decibel readings would be at distance of 20 feet. Only one unit is above the maximum 55 dBA allowed by 14-151. Further, it is my understanding that the HVAC units closest to the property side line will be moved to the rear or other side of the building thereby decreasing any noise violation.

I am giving my final approval with the condition that if there are future complaints received concerning the noise generated by these units that the owner will take appropriate measures to mitigate any noise above what the current ordinance allows.

All other conditions listed previously are still in force.

9/30/09

I have reviewed the submitted information contained in a letter dated September 24, 2009. From a Zoning standpoint the hours of general operation seem reasonable.

I can appreciate that the owner intends on installing units that will produce the least amount of decibels. However, there are specific guidelines within the Zoning Ordinance: the sound of

volume of the noise created shall not be greater than 55 dBAs on an "A" scale at lot boundaries. I would like copies of the catalog cuts with the manufactures specifications so that I can determine whether they will meet the noise guidelines. If attenuation panels are required, this would be the time to know that.



PORTLAND MAINE

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Penny St. Louis Littell, Director of Planning and Development
Marge Schmuckal, Zoning Administrator

Meeting Information

DATE: 3/24/09 ZONE: R-P

LOCATION: 660 Brighton Ave

PEOPLE PRESENT: Andrew Jarvis - Mr. Hutchins -
Jean F - Marge Schmuckal

DISCUSSION:

went over site PLAN requirements lighting
went over parking & the possibility of being able to
use abutting park lots after hours -
talked about cover letters
went over floor plans
Landscaping & topography
Clear information relate to traffic
Discussed The Bldg permit process also

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at www.portlandmaine.gov.

Order 166-08/09
Passage: 3/3/09 9-0
JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

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

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14 LAND USE
ARTICLE III. ZONING
SECTIONS 14-147 AND 14-151**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Sections 14-147 and 14-151 of the Portland City Code are hereby amended to read as follows:*

Sec. 14-147. Permitted uses.

The following uses are permitted in the R-P district:

(b) Business:

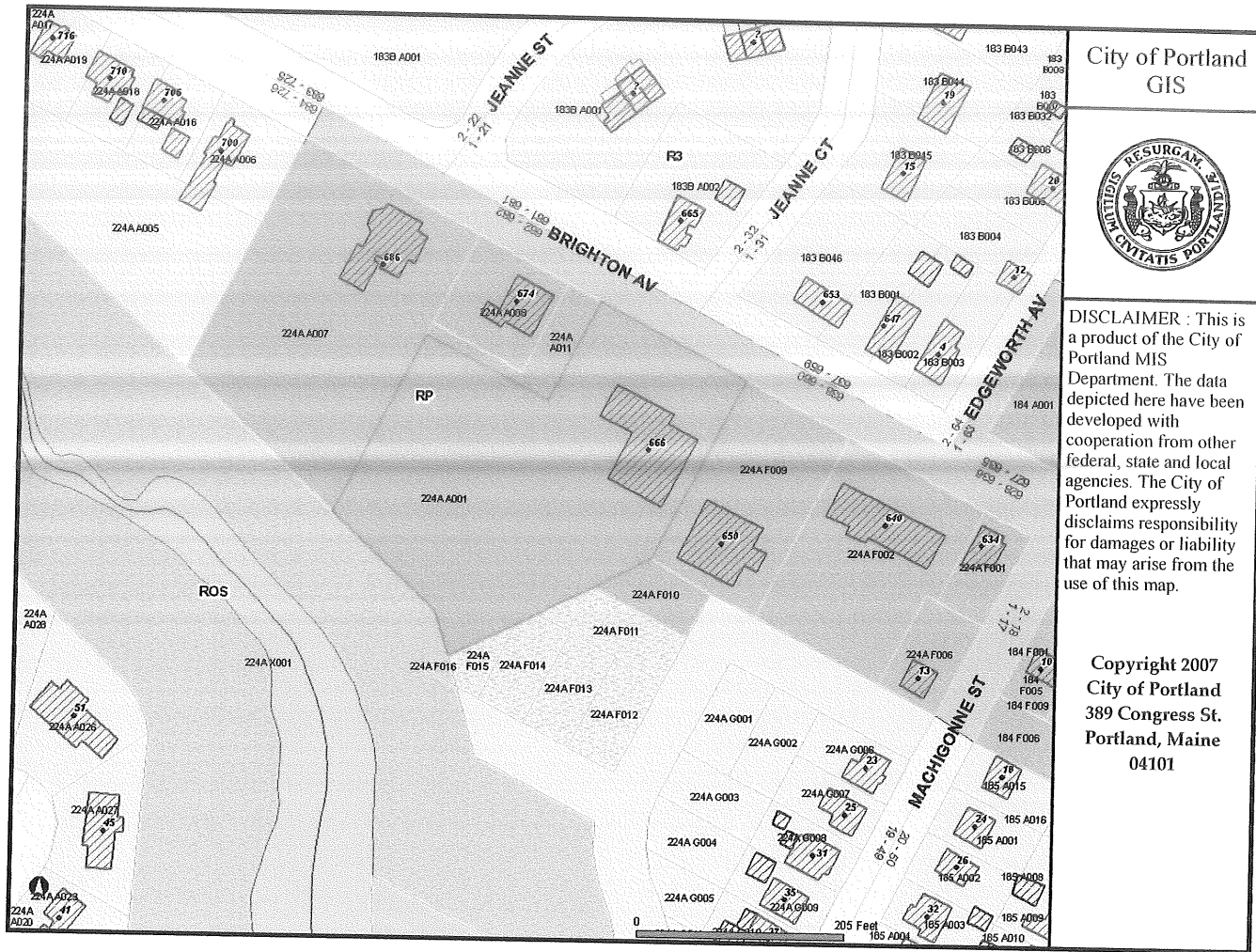
1. Professional offices, including the offices and facilities of health care practitioners and related laboratory and pharmacy services and health care administration, but excluding personal services, retail establishments and veterinarians.
2. Business services, as defined in section 14-47, except copy services.
3. Adult day care services.
4. Mortuaries or funeral homes.

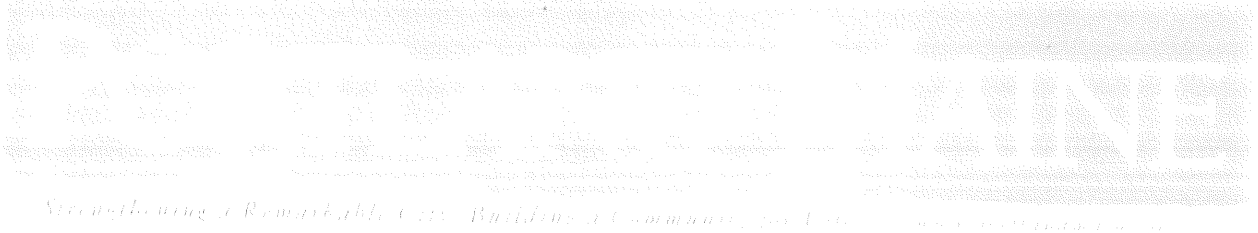
Sec. 14-151. External effects.

Every use in a R-P zone shall be subject to the following requirements:

- (g) The hours of operation of funeral homes (including processions) may be restricted and/or traffic management measures may be required, in order to avoid impacts to the public street

system, if so recommended by the City Traffic
Engineer or comparable professional.





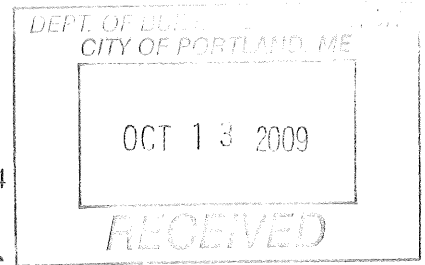
Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

October 8, 2009

Denis L Lemieux, AIA
198 Main Street
Lewiston, ME 04240

Mark Hutchins
ATH Realty LLC
16 Equestrian Way
Scarborough, ME 04074



RE: **660/666 Brighton Avenue; Hutchins Funeral Home**
CBL: 224A A001001
Application ID: (HTE system) 09-79900008

Dear Mr Lemieux and Mr Hutchins:

On October 8, 2009 the Portland Planning Authority approved a minor site plan for the use and refurbishment of the existing medical office building (known as "Doctors Park") at 660/666 Brighton Avenue, for a funeral home as submitted by ATH Realty LLC and shown on the approved plan (Site Plan C-1.2 Rev 2 dated 10.8.2009; Planting Plan L-2 dated 8.25.09; and Elevations A-2.0 dated 9.18.2009 prepared by DLL Associates/Architects) with the following conditions:

- i. That the eastern-most driveway shall be one-way egress only; the applicant shall submit a plan, for review and approval by the Planning Authority prior to the issuance of a building permit, that illustrates the signage and pavement markings to be included in the proposal to convert the eastern-most driveway into a one-way egress only; and
- ii. That the applicant shall submit a revised lighting proposal, including catalog cuts, pole heights and associated photometric plan, for review and approval by the Planning Authority prior to issuance of a building permit; and
- iii. That the applicant shall submit a copy of the Wastewater Capacity letter prior to the issuance of a building permit; and
- iv. That if the City receives any complaints concerning the noise generated by the HVAC condenser units, the owner shall take appropriate measures to mitigate any noise above that allowed by the current ordinance; and
- v. All signage shall be subject to separate sign permits and approvals; and
- vi. Building permits shall be required for all structural additions and changes.

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.

The site abuts the Capisic Brook watershed (an urban impaired watershed) which has both flooding and water quality problems. The applicant has agreed to develop and submit a **management plan** that sets out future intentions for reducing the storm water runoff and pollution to Capisic Brook that results from the use of this site. Such plan could include bio filtration unit(s) along rear of the parking area, reduction where possible of impervious area, planting of additional trees in and around the parking area, and methods of disposal of garden waste so that it is not within the Capisic floodplain. The City is working with landowners and other interested parties to improve the Capisic Brook Watershed and further information and advice is available from Doug Roncarati, Department of Public Services (C/0 874- 8846 or DAR@portlandmaine.gov).

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

1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. 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.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. 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.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. 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.

8. 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 Jean Fraser at 874- 8728.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachment: 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
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Doug Roncarati, Public Services
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File

Hard Copy: Project File

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 09-1056	Date Applied For: 09/23/2009	CBL: 224A A001001
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Location of Construction: 666 BRIGHTON AVE	Owner Name: WHITEWATER LLC	Owner Address: 1601 CONGRESS ST	Phone:
Business Name:	Contractor Name: Homeworks Builders / Ron Milley	Contractor Address: 1039 Riverside St Suite 5 Portland	Phone (207) 650-7435
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Proposed Use: Commercial - Funeral Home - Change of use from Medical Office Building to Funeral Home	Proposed Project Description: Change of use from Medical Office Building to Funeral Home
--	--

Dept: Zoning **Status:** **Reviewer:** Marge Schmuckal **Approval Date:**
Note: **Ok to Issue:**

Dept: Building **Status:** Pending **Reviewer:** **Approval Date:**
Note: **Ok to Issue:**

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Capt Keith Gautreau **Approval Date:** 10/13/2009
Note: **Ok to Issue:**

- 1) The Fire alarm and Sprinkler systems shall be reviewed by a licensed contractor[s] for code compliance. Compliance letters are required.
- 2) All fire alarm records required by NFPA 72 should be stored in an approved cabinet located at the FACP and keyed alike, labeled "FIRE ALARM RECORDS".
- 3) System acceptance and commissioning must be co-ordinated with alarm and suppression system contractors and the Fire Department. Call 874-8703 to schedule.
- 4) The Fire Department will require knock locking caps on all Fire Department Connections on the exterior of the building.
- 5) Fire department sprinkler connection type and location shall be approved in writing by fire prevention bureau.
- 6) Application requires State Fire Marshal approval.
- 7) The sprinkler system shall be installed in accordance with NFPA 13.
- 8) All construction shall comply with NFPA 101
- 9) The fire alarm system shall comply with NFPA 72 and Fire Department Technical Standard. A compliance letter is required.
- 10) A separate Sprinkler System Permit is required.
- 11) Occupancies with an occupant load of 100 persons or more require panic hardware on all doors serving as a means of egress.
- 12) Emergency lights and exit signs are required. Emergency lights and exit signs are required to be labeled in relation to the panel and circuit.
- 13) Fire alarm system requires a Masterbox connection per city ordinance. Masterbox design and installation shall be as approved by City Electrical Division.
- 14) Fire extinguishers required. Installation per NFPA 10
- 15) Emergency lights are required to be tested at the electrical panel on the same circuit as the lighting for the area they serve.
- 16) Sprinkler protection shall be maintained. Where the system is to be shut down for maintenance or repair, the system shall be checked at the end of each day to insure the system has been placed back in service.

Location of Construction: 666 BRIGHTON AVE	Owner Name: WHITEWATER LLC	Owner Address: 1601 CONGRESS ST	Phone:
Business Name:	Contractor Name: Homeworks Builders / Ron Milley	Contractor Address: 1039 Riverside St Suite 5 Portland	Phone (207) 650-7435
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

- 17 Fire Alarm system shall be maintained.
If system is to be off line over 4 hours a fire watch shall be in place.
Dispatch notification required 874-8576.
- 18 A separate Fire Alarm System Permit is required.
- 19 Installation of a Fire Alarm system requires a Knox Box to be installed per city ordinance

Comments:
9/25/2009-mes: Passing on for fire and building coeds review - STILL UNDER SITE PLAN REVIEW PROCESS - DO NOT ISSUE PERMIT RETURN TO MARGE FOR ZONING REVIEW.
10/13/2009-mes: Recieved approval letter - still waiting for final planning sign off - MES
10/13/2009-gg: Received HVAC stamped plans as of 10/13/09. The HVAC plans are included in the building permit fee. The HVAC application will be applied for later with a minimum fee. (spoke with applicant (Andrew) and Jeanie this morning (10/14/09) and this was the agreed upon decision). Gave back to Keith for review. Gg

Keith 10/14/09 GO

OK. FD is all set
w/ HVAC. (RG) 10/15/2009

From: lguidi@bellinogrossoinc.com
To: andrewprudential@aol.com
Cc: jason@bellinogrossoinc.com
Subject: Fwd: FW: Fw: YORK TCGD - SOUND DATA
Date: Thu, Oct 8, 2009 7:28 am

Attached Message

From: Victor Soto BR9 <vis@fwwebb.com>
To: LGUIDI@BELLINOGROSSOINC.COM
Subject: FW: Fw: YORK TCGD - SOUND DATA
Date: Thu, 8 Oct 2009 07:11:12 -0400

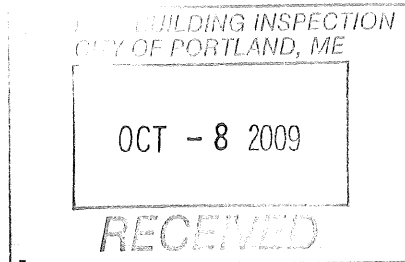
Larry, here is additional information for the funeral home project. I hope this will satisfy your contacts and the city. Should you need any additional information please do not hesitate to contact us. Thanks,

Victor Soto - HVAC Inside Sales; Branch #9



F.W. WEBB COMPANY

150 Postal Service Way, SO. Portland, ME 04106
 PH: 207-780-1492 FX: 207-780-1610
 Visit us: <http://www.fwwebb.com/>
 Email me: vis@fwwebb.com



From: Sean.E.Mullin@jci.com [mailto:Sean.E.Mullin@jci.com]
Sent: Wednesday, October 07, 2009 5:03 PM
To: Victor Soto BR9
Subject: RE: Fw: YORK TCGD - SOUND DATA

Victor,

Below are the **Sound Pressure Level** extrapolations from the latest **SOUND POWER LEVEL** measurements per **AHRI 270-2008** for the (T/G)CGD R-410a single phase 60Hz units for sound ratings in dB at 20 ft from the product. These extrapolations are based on the assumption that you are taking a sound measurements at 20 ft from the unit via a hand held sound pressure level meter, and that the units are **NOT** located in a corner and are located near a wall.

	AHRI 260-2008	extrapolated
(T/G)CGD18S41S1	73 dBA	52 dBA
- (T/G)CGD24S41S1	76 dBA	56 dBA
(T/G)CGD30S41S1	75 dBA	55 dBA
- (T/G)CGD36S41S1	75 dBA	54 dBA
(T/G)CGD42S41S1	75 dBA	54 dBA
(T/G)CGD48S41S1	76 dBA	56 dBA
- (T/G)CGD60S41S1	75 dBA	54 dBA

Sean Mullin
 Test Technician,

14-151 - 55 dBA at lot boundaries

Residential Engineering Sound Lab
UPG Building Efficiency
Johnson Controls Inc.
Wichita, Ks
Tel. 316-832-6426
sean.e.mullin@jci.com

"Victor Soto BR9" <vis@fwwebb.com>

To <Sean.E.Mullin@jci.com>

cc

10/06/2009 10:55 AM

Subject RE: Fw: YORK TCGD - SOUND DATA

Could you print out a result sheet or screen print the program result and email to me? Anything.....if it is ok I can forward your contact info to the engineer or architect.

Victor Soto - HVAC Inside Sales; Branch #9

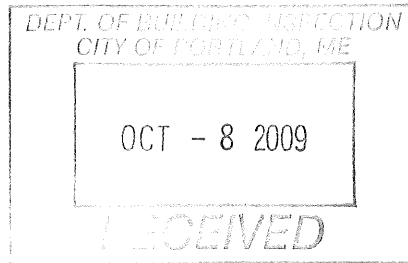


F.W. WEBB COMPANY

150 Postal Service Way, SO. Portland, ME 04106
PH: 207-780-1492 FX: 207-780-1610

Visit us: <http://www.fwwebb.com/>

Email me: vis@fwwebb.com



From: Sean.E.Mullin@jci.com [<mailto:Sean.E.Mullin@jci.com>]

Sent: Tuesday, October 06, 2009 11:47 AM

To: vis@fwwebb.com

Subject: Re: Fw: YORK TCGD - SOUND DATA

Victor,

I am sorry, but I cannot send you my extrapolation program. I am happy to receive communication from you engineers or inspector.

Sean Mullin
Test Technician,
Residential Engineering Sound Lab
UPG Building Efficiency
Johnson Controls Inc.
Wichita, Ks
Tel. 316-832-6426
sean.e.mullin@jci.com

7,565



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>660 Brighton Ave A/H/A 666 Brighton Ave.</u>		
Total Square Footage of Proposed Structure/Area <u>8664 square feet</u>	Square Footage of Lot <u>1.804 Acres</u>	Number of Stories <u>2</u>
Tax Assessor's Chart, Block & Lot Chart# <u>224A</u> Block# <u>A</u> Lot# <u>1</u>	Applicant *must be owner, Lessee or Buyer* Name <u>ATH, LLC</u> Address <u>16 Equestrian Way</u> City, State & Zip <u>Scarborough, ME 04074</u>	Telephone: <u>Mark Hutchins</u> <u>(207) 329-3649</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name <u>Whitewater, LLC</u> Address <u>1601 Congress St.</u> City, State & Zip <u>Portland, ME 04102</u>	Cost Of Work: \$ <u>705,000</u> C of O Fee: \$ _____ Total Fee: \$ _____
Current legal use (i.e. single family) <u>Medical Offices</u> Number of Residential Units <u>0</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>Funeral Home</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>Renovate existing building to suit new use.</u>		
Contractor's name: <u>Homeworks Builders, LLC</u> Address: <u>1039 Riverside St, Suite 5, Portland ME 04103</u> City, State & Zip <u>Portland ME 04103</u> Telephone: <u>207756-3003</u> Who should we contact when the permit is ready: <u>ATH, LLC - Mark Hutchins</u> Telephone: <u>207329-3649</u> Mailing address: <u>16 Equestrian Way Scarborough ME 04074</u>		

RECEIVED
 SEP 23 2009
 DEPT. OF BUILDING INSPECTIONS
 City of Portland Maine
 Steven Miller

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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.

Signature:	Date: <u>9/2/09</u>
------------	---------------------

This is not a permit; you may not commence ANY work until the permit is issued



0599900

RETTD

00

MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION

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

PLEASE TYPE OR PRINT CLEARLY

DO NOT USE RED INK!

1. COUNTY
CUMBERLAND

2. MUNICIPALITY/TOWNSHIP
PORTLAND

3. GRANTEE/
PURCHASER

3a) Name (LAST, FIRST, MI)
ATH REALTY, LLC

3c) Name (LAST, FIRST, MI)

3e) Mailing Address
16 EQUESTRIAN WAY

3f) City
SCARBOROUGH

3g) State
ME

3h) Zip Code
04074

4. GRANTOR/
SELLER

4a) Name (LAST, FIRST, MI)
WHITEWATER, LLC

4c) Name (LAST, FIRST, MI)

4e) Mailing Address
3 LEDGE HILL ROAD

4f) City
GORHAM

4g) State
ME

4h) Zip Code
04038

5. PROPERTY

5a) Map Block Lot Sub-Lot
224A A 1

5c) Physical Location

Check any that apply:

- No tax maps exist
- Multiple parcels
- Portion of parcel

5b) Type of property—Enter the code number that best describes the property being sold. (See instructions) 307

5d) Acreage:
1.80

6. TRANSFER TAX

6a) Purchase Price (If the transfer is a gift, enter "0") 6a \$ 950000.00

6b) Fair Market Value (enter a value only if you entered "0" in 6a) or if 6a) was of nominal value 6b \$.00

6c) Exemption claim - Check the box if either grantor or grantee is claiming exemption from transfer tax and explain.

7. DATE OF TRANSFER (MM-DD-YYYY)

11 05 2009
MONTH DAY YEAR

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

CLASSIFIED

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

10. INCOME TAX WITHHELD— Buyer(s) not required to withhold Maine income tax because:

- Seller has qualified as a Maine resident
- A waiver has been received from the State Tax Assessor
- Consideration for the property is less than \$50,000

11. OATH

Aware of penalties as set forth by Title 36 S4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below:

Grantee [Signature] Date 11/05/09 Grantor [Signature] Date 11/5/09

12. PREPARER

Name of Preparer Alan E. Wolf Phone Number 207-781-7179
Mailing Address P.O. Box 1292 E-Mail Address aew123@aol.com
Portland, Maine 04104

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

- Footing/Building Location Inspection: Prior to pouring concrete or setting precast piers
 - Re-Bar Schedule Inspection: Prior to pouring concrete
 - Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling
 - Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.
- NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.

Signature of Applicant/Designee

Date

Signature of Inspections Official

Date

Hutchins Funeral Budget	
Item	Original Budget
General Conditions	\$51,000.00
Sitework	\$58,000.00
Concrete	\$7,000.00
Masonry	\$18,000.00
Metals	\$3,000.00
Wood and Plastics	\$90,000.00
Thermal / Moisture	\$78,000.00
Doors and Windows	\$12,000.00
Finishes	\$62,000.00
Specialties	\$35,000.00
Elevator	\$53,000.00
Sprinkler	\$30,000.00
Plumbing	\$18,000.00
Heating	\$115,000.00
Electrical	\$50,000.00
Fee	\$55,000.00
Total	\$735,000.00

RECEIVED

OCT 19 2009

Dept. of Building Inspections
City of Portland Maine

660 Brighton Ave



Strengthening a Remarkable City. Building a Community for Life.

Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

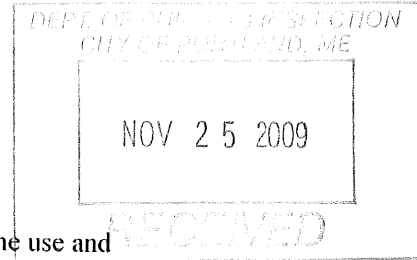
Inspections

October 8, 2009

Denis L Lemieux, AIA
198 Main Street
Lewiston, ME 04240

Mark Hutchins
ATH Realty LLC
16 Equestrian Way
Scarborough, ME 04074

RE: **660/666 Brighton Avenue; Hutchins Funeral Home**
CBL: 224A A001001
Application ID: (HTE system) 09-79900008



Dear Mr Lemieux and Mr Hutchins:

On October 8, 2009 the Portland Planning Authority approved a minor site plan for the use and refurbishment of the existing medical office building (known as "Doctors Park") at 660/666 Brighton Avenue, for a funeral home as submitted by ATH Realty LLC and shown on the approved plan (Site Plan C-1.2 Rev 2 dated 10.8.2009; Planting Plan L-2 dated 8.25.09; and Elevations A-2.0 dated 9.18.2009 prepared by DLL Associates/Architects) with the following conditions:

- i. That the eastern-most driveway shall be one-way egress only; the applicant shall submit a plan, for review and approval by the Planning Authority prior to the issuance of a building permit, that illustrates the signage and pavement markings to be included in the proposal to convert the eastern-most driveway into a one-way egress only; and
- ii. That the applicant shall submit a revised lighting proposal, including catalog cuts, pole heights and associated photometric plan, for review and approval by the Planning Authority prior to issuance of a building permit; and
- iii. That the applicant shall submit a copy of the Wastewater Capacity letter prior to the issuance of a building permit; and
- iv. That if the City receives any complaints concerning the noise generated by the HVAC condenser units, the owner shall take appropriate measures to mitigate any noise above that allowed by the current ordinance; and
- v. All signage shall be subject to separate sign permits and approvals; and
- vi. Building permits shall be required for all structural additions and changes.

11/25/09

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.

The site abuts the Capisic Brook watershed (an urban impaired watershed) which has both flooding and water quality problems. The applicant has agreed to develop and submit a **management plan** that sets out future intentions for reducing the storm water runoff and pollution to Capisic Brook that results from the use of this site. Such plan could include bio filtration unit(s) along rear of the parking area, reduction where possible of impervious area, planting of additional trees in and around the parking area, and methods of disposal of garden waste so that it is not within the Capisic floodplain. The City is working with landowners and other interested parties to improve the Capisic Brook Watershed and further information and advice is available from Doug Roncarati, Department of Public Services (C/O 874- 8846 or DAR@portlandmaine.gov).

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

1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. 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.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. 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.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. 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.

8. 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 Jean Fraser at 874- 8728.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachment: 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
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Doug Roncarati, Public Services
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File

Hard Copy: Project File



PORTLAND MAINE

Planning Division
Jean Fraser, Planner

10-8-09

Marge,

My only copy as photos copied & broken down

Andrew Juris brought these in just now - the 3 highlighted ones are the ones they are using.

Since its "close" at 20' at side next to wall, he's proposing to put them at the rear of the property where they will be 30'+ away - (act 19'?) if he does that can be base a "sign off" on these rules so they don't need to do more rules for the 30' location (or else put in a condition) as they really need the approval letter.

I'll try to reach you later today - approval letter is drafted and ready to get signed other wise.

Thanks Jan



224A-A001

Recycled Content:
25%

PRELUDE® XL® 15/16" Exposed Tee System

Prelude XL 15/16" Exposed Tee Systems combine exceptional durability and system stability with installation ease.

Key Selection Attributes

- **Seismic Rx®** Suspension System saves time and money; ICC-ES approach to installations (ESR-1308)
- **PeakForm®** patented profile increases strength and stability for improved performance during installation
- **SuperLock2™** main beam clip is engineered for a strong, secure connection and fast accurate alignment confirmed with an audible click; easy to remove and relocate
- Hot dipped galvanized coating inhibits red rusting better than electrogalvanized or painted systems
- Rotary-stitched during manufacture by a patented method for additional torsional strength and extra stability during installation
- XL² staked-on stab end detail provides tight, secure locked connection; easy to remove, reuse and relocate
- State-of-the-art expansion relief on Fire Guard™ options; provides greater strength and prohibits distortion of grid face during installation
- 10-year limited warranty; 30-year with **HumiGuard® Plus**

Typical Applications

- Retail
- Education
- Offices
- Hospitality
- Fire Guard applications based on building construction and local fire code requirements

Product Description

Materials

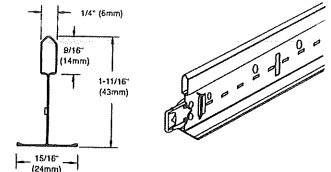
A. General:

ASTM C635 (Intermediate-duty) (Heavy-duty) main beam classification, commercial-quality hot dipped galvanized steel. Exposed surfaces chemically cleansed, galvanized steel or aluminum capping prefinished in baked polyester paint or anodized.

B. Components:

1. Main Beams: Double-web construction, web height 1-11/16" with peaked roof top bulb and 15/16" bottom top flange with prefinished steel or aluminum capping*; one fire expansion relief per fire rated main beam.

- 7300 (144", routs 6" OC, Intermediate-duty)
- 7301 (144", routs 6" OC, Heavy-duty)
- 7302 (120", routs 6" OC, Intermediate-duty)
- 7305 (140", routs 10" OC, Intermediate-duty)
- 734032 (3600mm, routs 150mm OC, Intermediate-duty)



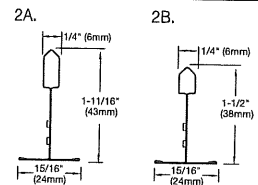
Fire Guard Items

- 8300 (144", routs 6" OC, Intermediate-duty)
- 8301 (144", routs 6" OC, Heavy-duty)
- 834033 (3600mm, routs 150mm OC, Intermediate-duty)
- Other

* NOTE: Fire Guard items available in steel capping only.

- 2A. Cross Tee: Double-web construction, web height 1-11/16", 15/16" bottom flange with prefinished steel or aluminum capping and override at each end. Staked-on end detail allows easy cross tee removal and remounting.

- XL7340 (48", routs 12" OC)
- XL7341 (48", routs 12" OC)
- XL7330 (36")
- XL7380 (96", routs 12" OC)
- XL7357 (60", routs 6" OC)
- XL7358 (60", routs 20" OC)
- XL7390 (72", routs 12" OC)

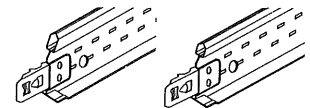


- 2B. Cross Tee: Double-web construction, web height 1-11/16", 15/16" bottom flange with prefinished steel or aluminum capping and override at each end. Staked-on end detail allows easy cross tee removal and remounting.

- XL7342 (48", routs 12" OC)

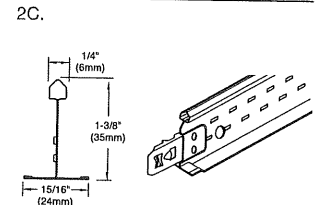
Fire Guard Items

- XL8320 (24")
- XL8340 (48", routs 12" OC)
- XL8341 (48", routs 12" OC)
- 833033 (1200mm, routs 300mm OC)
- Other



- 2C. Cross Tee: Double-web construction, web height 1-3/8", 15/16" bottom flange with prefinished steel or aluminum capping and override at each end. Staked-on end detail allows easy cross tee removal and remounting.

- XL7318 (12")
- XL7368 (20")
- XL7328 (24")
- XL7378 (30")
- XL7348 (48")
- 312451 (300mm, center rout)
- 312051 (600mm)
- 313051 (1200mm, center rout)

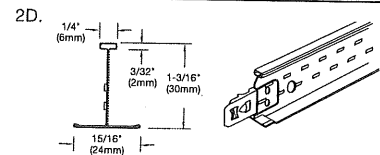


Fire Guard Items

- XL8323 (24")
- 832052 (600mm)
- Other

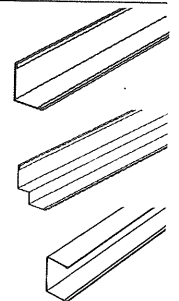
- 2D. Cross Tee: Double-web construction, web height 1-3/16", 15/16" bottom flange with prefinished steel cap and override at each end. Staked-on end detail allows easy cross tee removal and remounting.

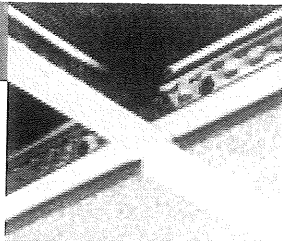
- XL7148 (48", routs 12" OC)
- XL7128 (24")



3. Wall Moldings: Hemmed (angle molding) (shadow molding) with prefinished exposed flanges.

- 7800 (144", angle molding, nominal 7/8" bottom flange)
- HD7801 (120", angle molding, nominal 7/8" bottom flange)
- 7875 (120", shadow molding, nominal 15/16" bottom flange, 1/2" reveal)
- 7807 (120", angle molding, 1" height, bottom flange)
- 7808 (120", angle molding, nominal 2" bottom flange)
- 7835 (120", channel molding, 9/16" top flange, 1-3/4" height, 7/8" bottom flange, 1/2" reveal)





PRELUDE® XL®

15/16" Exposed Tee System



Physical Data

Material

Hot dipped galvanized steel

Surface Finish

Baked polyester paint or anodized

Face Dimension

15/16"

Profile

Exposed tee

Cross Tee/Main Beam Interface

Override

End Detail

Main Beam: Staked-on clip

XL Cross Tee: Staked-on clip

Duty Classification

Intermediate or Heavy-duty

Main Beam Load Test Data

MAIN BEAMS	LENGTH	WEB HEIGHT	ASTM CLASS	HANGER SPACING Lbs./LF. (Simple Span)**	
				4'	5'
7300	144"	1-11/16"	Intermediate-duty	12.8	6.35
7301	144"	1-11/16"	Heavy-duty	16.5	8.73
734032	144"	1-11/16"	Intermediate-duty	12.8	6.35
8300/834033	144"	1-11/16"	Intermediate-duty	12.8	6.35
8301	144"	1-11/16"	Heavy-duty	16.5	8.73
7302	120"	1-11/16"	Intermediate-duty	12.8	6.35
7305	140"	1-11/16"	Intermediate-duty	12.8	6.35

Cross Tee Load Test Data

CROSS TEES	LENGTH	WEB HEIGHT	HANGER SPACING Lbs./LF. (Simple Span)**	
			4'	5'
XL7316/312451	12"	1-3/8"	40.45	
XL7366	20"	1-3/8"	40.45	
XL7128	24"	1-3/16"	33.0	
XL7328/312051	24"	1-3/8"	40.45	
XL8323/832052	24"	1-3/8"	40.45	
XL8320	24"	1-11/16"	61.53	
XL7378	30"	1-3/8"	16.84	
XL7330	36"	1-11/16"	23.11	
XL7148	48"	1-3/16"	6.0	
XL8340/833033/ XL7340	48"	1-11/16"	12.25	
XL7341/XL8341	48"	1-1/2"	16.59	
XL7342	48"	1-1/2"	9.00	
XL7348/313051	48"	1-3/8"	8.31	
XL7357	60"	1-11/16"	7.61	
XL7358	60"	1-11/16"	7.61	
XL7380	96"	1-11/16"	12.12	
XL7390	72"	1-11/16"	12.23	

Seismic Performance

MAIN BEAMS	MINIMUM LBS. TO PULL OUT COMPRESSION/TENSION
7300, 7302, 7305, 734032, 8300	335.0
7301, 8301	330.0

CROSS TEES	MINIMUM LBS. TO PULL OUT COMPRESSION/TENSION
All XL cross tees exceed 300 lbs. in both compression and tension.	

ICC Reports

For areas under ICC jurisdiction, see ICC evaluation report number 1308 for allowable values and/or conditions of use concerning the suspension system components listed on this page. The report is subject to reexamination, revisions and possible cancellation.

**To derive maximum lbs/SF, divide the on-center spacing of the component into the lbs/LF given in the load test data table.

Color Selection

- | | | |
|--|--|--|
| <input type="checkbox"/> WH - White | <input type="checkbox"/> AR - Brass | <input type="checkbox"/> NA - Natural Aluminum |
| <input type="checkbox"/> CR - Cream | <input type="checkbox"/> AM - Mirror | <input type="checkbox"/> SA - Silver Satin |
| <input type="checkbox"/> HA - Haze | <input type="checkbox"/> BL - Tech Black | <input type="checkbox"/> HDC - Hot Dipped Clear Coat |
| <input type="checkbox"/> VA - Vanilla† | <input type="checkbox"/> SG - Silver Grey | <input type="checkbox"/> PW - Pewter† |
| <input type="checkbox"/> CM - Camel | <input type="checkbox"/> MY - Gun Metal Grey | <input type="checkbox"/> BZ - Bronze† |
| <input type="checkbox"/> YS - Oyster† | <input type="checkbox"/> ST - Slate | <input type="checkbox"/> SL - Silver† |
| <input type="checkbox"/> PL - Platinum | <input type="checkbox"/> WK - Wolf† | |
| <input type="checkbox"/> AD - Adobe† | <input type="checkbox"/> WA - White Aluminum | |

† Only available on 7301, XL7342, XL7328, and 7800

NOTE: Color chips included with samples of Armstrong grid. See your Armstrong representative for sample material. NOTE: Items 7305, 7302, XL7340, XL7380, XL7357, XL7358, XL7128, XL7148, XL7348, XL7330, XL7316, XL7366, XL7378, XL7390, XL8320, XL8341, XL7341 are available in white only. NOTE: 8300, XL8340 and XL8323 are available in white and black only.

Maximum Fixture Weight

LIGHT FIXTURE A. Main Beam to Main Beam

Main Beam ↑
Hanger Wire (•)

	24" x 48"	24" x 48"
1. Fixture*	24" x 48"	24" x 48"
2. Planning Module	48" x 48"	48" x 48"
3. Hanger Spacing	48"	48"
4. Item 7300/8300	69.27 lbs.	49.27 lbs.
7302		
Item 7301/8301	100.0 lbs.	72.32 lbs.

	12" x 48"	12" x 48"
1. Fixture*	12" x 48"	12" x 48"
2. Planning Module	48" x 48"	48" x 48"
3. Hanger Spacing	48" x 48"	48" x 48"
4. Item 7300/8300	54.26 lbs.	47.17 lbs.
7302		
Item 7301/8301	100.0 lbs.	63.32 lbs.

	24" x 48"	20" x 60"
1. Fixture*	24" x 48"	20" x 60"
2. Planning Module	60" x 60"	60" x 60"
3. Hanger Spacing	48" x 48"	48" x 48"
4. Item 7300/8300	56.47 lbs.	43.21 lbs.
7305		
Item 7301/8301	56.47 lbs.	65.46 lbs.

	24" x 48"	20" x 60"
1. Fixture*	24" x 48"	20" x 60"
2. Planning Module	60" x 60"	60" x 60"
3. Hanger Spacing	48" x 48"	48" x 48"
4. Item 7300/8300	56.47 lbs.	43.21 lbs.
7305		
Item 7301/8301	56.47 lbs.	65.46 lbs.

	24" x 48"	20" x 60"
1. Fixture*	24" x 48"	20" x 60"
2. Planning Module	60" x 60"	60" x 60"
3. Hanger Spacing	48" x 48"	48" x 48"
4. Item 7300/8300	56.47 lbs.	43.21 lbs.
7305		
Item 7301/8301	56.47 lbs.	65.46 lbs.

Main Beams tested as follows: 7300 tested at 13.0 lbs./LF to 1/360 of 4' span; 7301 tested at 16.5 lbs./LF to 1/360 of 4' span.

LIGHT FIXTURE B. Cross Tee to Cross Tee

Main beams ↑
Hanger Wire (•)

	24" x 48"	24" x 24"
1. Fixture*	24" x 48"	24" x 24"
2. Planning Module	48" x 48"	48" x 48"
3. Hanger Spacing	48"	48"
4. Item XL8340/XL7340	69.27 lbs.	80.55 lbs.
4. Item XL7342	40.89 lbs.	52.26 lbs.
5. Item XL8341/XL7341	81.67 lbs.	100.0 lbs.

	24" x 48"	12" x 48"
1. Fixture*	24" x 48"	12" x 48"
2. Planning Module	48" x 48"	48" x 48"
3. Hanger Spacing	48"	48"
4. Item XL8340/XL7340	49.27 lbs.	42.17 lbs.
5. Item XL8341/XL7341	72.32 lbs.	63.32 lbs.

	24" x 48"	12" x 48"
1. Fixture*	24" x 48"	12" x 48"
2. Planning Module	48" x 48"	48" x 48"
3. Hanger Spacing	48"	48"
4. Item XL8340/XL7340	49.27 lbs.	42.17 lbs.
5. Item XL8341/XL7341	72.32 lbs.	63.32 lbs.

*Fixtures weighing more than 56 lbs. should be independently supported. Fixture weight is based on single fixture only. For end-to-end fixtures or other configurations not shown, consult your Armstrong representative.

NOTE: The above data is based on 48" hanger wire spacing, board weight of 1 lb./SF, maximum deflection of tees not to exceed 1/360 of the span, and suspension system installed in accordance with ASTM C636.

TechLineSM / 1 877 ARMSTRONG
1 877 276 7876

armstrong.com/suspensionsystems

CS-3344-209

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Printed in the United States of America

FINE FISSURED™

Tegular
medium texture



Items 1732, 1734, 1820, 1821 & 1833



Fine Fissured with Trimlok® 9/16" Screw-Slot grid

Key Selection Attributes

- Excellent sound absorption – Products help comply with ANSI S12.60 Classroom Guidelines: Items 1820, 1821, 1824, 1828, 1829
- 30-Year Limited System Warranty against visible sag, mold/mildew and bacterial growth
- Non-directional visual reduces installation time and scrap

Typical Applications

- Schools
- Healthcare – assists in addressing HIPAA requirements
- Libraries/band rooms
- Conference rooms
- Corridors

Color Selection

Due to printing limitations, shade may vary from actual product.



White (WH)



Cream (CR)



Haze (HA)



Camel (CM)



Platinum (PL)



Adobe (AD)

Item 1732 is available in colors. All other items are available in white only. Colored ceilings are dye-lotted and should be segregated by dye lot. Do not mix.

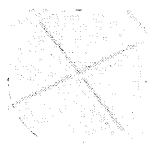
Detail



FINE FISSURED
Beveled Tegular



FINE FISSURED
Angled Tegular



FINE FISSURED Tegular
with SUPRAFINE® 9/16"
Exposed Tee grid



FINE FISSURED™

Tegular
medium texture

Recycled Content: 29-44% Fire Guard: 37-51%

LEED® Credits

Energy	Waste Mgmt	Recycled Content	Local Materials	Renewable Materials	Daylight & Views	Acoustics	Low Emitting or CHPS
✓	✓	✓	✓	✓	✓	✓	✓

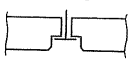

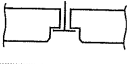
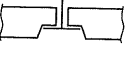
Location Dependent

5/8" items \$\$\$\$\$\$ 3/4" items \$\$\$\$\$\$

Visual Selection

Performance Selection

Dots represent highest level of performance.

Edge Profile	Item No.	Dimensions	UL Classified		Fire Rating	Light Reflect	Sag Resist	Anti-Microbial	VOC Formaldehyde	Durable	Recycle Program
			Acoustics NRC	CAC							
FINE FISSURED Tegular											
9/16" Beveled Tegular 	1734	2' x 2' x 5/8"	0.55	35*	Class A	0.85	HumiGuard+	BioBlock+	Low	S	Yes
	1734M	600 x 600 x 15mm	0.55	35	Fire Guard	0.85			Low	S	
15/16" Angled Tegular 	1835	2' x 2' x 5/8"	0.55	35	Fire Guard	0.85			Low	S	
	1732	2' x 2' x 5/8"	0.55	35	Class A	0.85			Low	S	
	1833	2' x 2' x 5/8"	0.55	35	Fire Guard	0.85			Low	S	
	1733 1733M	2' x 4' x 5/8" 600 x 1200 x 15mm	0.55	35	Class A	0.85			Low	S	
	1834	2' x 4' x 5/8"	0.55	35	Fire Guard	0.85			Low	S	
FINE FISSURED Tegular High Acoustics											
9/16" Beveled Tegular 	1821	2' x 2' x 3/4"	0.70	35	Fire Guard	0.85			No Added	S	
	1829	2' x 2' x 3/4"	0.70	40	Fire Guard	0.85			No Added	S	
15/16" Angled Tegular 	1820	2' x 2' x 3/4"	0.70	35	Fire Guard	0.85			No Added	S	
	1828	2' x 2' x 3/4"	0.70	40	Fire Guard	0.85			No Added	S	
	1824	2' x 4' x 3/4"	0.70	35	Fire Guard	0.85			No Added	S	

S = Standard
* 1734-CAC 33 on 9/16" Interlude, Sonata, Suprafine

Suspension Systems

9/16"	Standard: Interlude®, Silhouette® Bolt-Slot, Sonata™, Suprafine® XL, Trimlok® Screw-Slot	Fire Guard™: Suprafine XL Fire Guard
15/16"	Standard: Prelude® XL	Fire Guard: Prelude XL Fire Guard

Physical Data

Material
Wet-formed mineral fiber

Surface Finish
Factory-applied latex paint

Fire Performance
ASTM E84 and CAN/ULC S102 surface burning characteristics. Flame Spread Index 25 or less. Smoke Developed Index 50 or less. (UL labeled) Fire Guard: A fire resistive ceiling when used in applicable UL assemblies

ASTM E1264 Classification
Type III, Form 2, Pattern C E
Fire Class A

Sag Resistance
HumiGuard® Plus – superior resistance to sagging in high humidity conditions up to, but not including, standing water and outdoor applications.

Anti Mold/Mildew & Bacteria
BioBlock® Plus contains an anti-microbial treatment and provides guaranteed resistance against growth of mold/mildew and Gram-positive and Gram-negative odor/stain-causing bacteria for 30 years.

No-Added/Low Formaldehyde
No-added formaldehyde – free of formaldehyde-based resins. Outperform CHPS Section 01350 requirements. (Independent test reports available upon request.)

Low Formaldehyde – contributing less than 13.5 ppb in typical conditions per ASHRAE Standard 62, "Ventilation for Acceptable Indoor Air Quality," California Code Title 24, and other building types in CHPS Section 01350.

Insulation Value
R Factor – 1.5 (BTU units)
R Factor – 0.26 (Watts units)

Backloading Recommendation
Contact TechLine for specific information

30-Year Performance Guarantee & Warranty Information
See warranty details at armstrong.com/warranty

Weight: Square Feet/Carton
1820, 1821 – 1.31 lbs/SF; 48 SF/ctn
1824 – 1.20 lbs/SF; 64 SF/ctn
1828, 1829 – 1.25 lbs/SF; 48 SF/ctn
1732, 1734 – 0.70 lbs/SF; 64 SF/ctn
1733 – 0.70 lbs/SF; 80 SF/ctn
1833, 1835 – 1.05 lbs/SF; 48 SF/ctn
1834 – 1.05 lbs/SF; 64 SF/ctn

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1 877 276 7876

armstrong.com/ceilings (search: fine fissured)
CS-3026-109

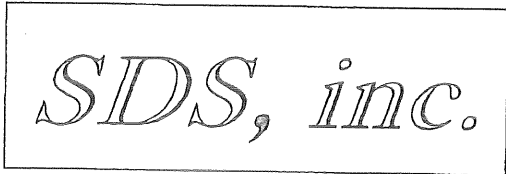
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224 A - A 001

SPACE DESIGN SYSTEMS, INC.
3 TRACKSIDE DRIVE
KENNEBUNK, ME 04043
P: 207-985-3300 (300)244-3309
F: 207-985-9281



Fax

To: **RON MILLEY**

From: **JACK GRAHAM**

Pages: 2 (Including cover page)

Date: 4/26/2010

Re: **Modernfold Designtex Fabric Flame Spread**

Urgent For Review Please Comment Please Reply

• **Message:** Note attached Modernfold Designtex Fire test as requested. Please contact me if you have questions or need additional information.

Thank You,

Jack Graham

DESIGN TEX

357 County Avenue
Secaucus, NJ 07094
201.866.9002 ext. 8339 Office
201.866.4264 Facsimile

July 10, 2007

To Whom it May Concern:

This is to verify that the test report from Vartest Laboratories,
Report Number: VALDES A051305B, is a valid cross reference for
the wall covering materials listed below.

wall covering material tests you requested:

Playa- 5099, Mojave- 5100, Denali- 5102

Cross Reference fabric provided:

Gobi- 5101

Test Name:

ASTM E 84 adhered

Al Tarini,
DesignTex Technical Specialist

VARTEST LABORATORIES INC

Specializing in Fiber, Yarn, Fabric & Apparel Testing

Textile Testing Services Division

19 West 36th Street
New York, N.Y. 10018
Phone: (212) 947-8391
(212) 947-8392
Fax: (212) 947-8719

REPORT OF TEST

Standard Test Method For SURFACE BURNING CHARACTERISTICS OF BUILDING MATERIALS ASTM E 84-03b

CLIENT: The Designtex Group
200 Varick Street
New York, NY 10014

REPORT #: VALDES.A051305B

PRODUCT: Fabric Pattern #: 5101-102 GOBI-Shell
Color Ivory/Grey
Width: 56", Weight: 0.834 lbs per linear yd
Content: 62% Olefin, 38% High Luster Olefin
Finishes/Backing: HA-9/Teflon

Wallcovering Use
ONLY

This Report Is Issued Subject To Terms On Reverse

Received Time Apr.26. 2:39PM

VARTEST LABORATORIES INC

Specializing in Fiber, Yarn, Fabric & Apparel Testing

Textile Testing Services Division

19 West 36th Street
New York, N.Y. 10018
Phone: (212) 947-8391
(212) 947-8392
Fax: (212) 947-8719

REPORT OF TEST

INTRODUCTION

This report is a presentation of results of a surface flammability test on a material submitted for testing by Valdesco Weavers 1000 Perkins Road SE - Valdesco, NC 28690

The test was conducted in accordance with the ASTM International fire test response standard E 84-03b, *Surface Burning Characteristic Of Building Materials*, sometimes referred to as the Steiner tunnel test. This test is applicable to exposed surfaces such as walls and ceilings. The test is conducted with the specimen in the ceiling position with the surface to be evaluated exposed face down to the ignition source. The method, which is similar to NFPA No. 255 and UL No. 723, is an American National (ANSI) Standard and has been approved for use by agencies of the Department of Defense for listing in the *DoD Index of Specifications and Standards*.

This standard is used to measure and describe the response of materials, products, or assemblies to heat and flame under controlled conditions, but does not by itself incorporate all factors required for fire-hazard or fire-risk assessment of materials, products, or assemblies under actual fire conditions.

II. PURPOSE

The purpose of the test is to provide only the comparative measurements of surface flame spread and smoke development of materials with that of select grade red oak and reinforced cement board under specific fire exposure conditions. The test exposes a nominal 24-foot long by 20-inch wide test specimen to a controlled air flow and flaming fire adjusted to spread the flame along the entire length of a red oak specimen in 5.50 minutes. During the 10-minute test duration, flamespread over the specimen surface and density of the resulting smoke are measured and recorded. Test results are calculated relative to red oak, which has an arbitrary rating of 100, and reinforced cement board, which has a rating of 0.

The test results are expressed as Flame Spread Index and Smoke Developed Index. The Flame Spread Index is defined in ASTM E 176 as "a number or classification indicating a comparative measure derived from observations made during the progress of the boundary of a zone of flame under defined test conditions." The Smoke Developed Index, a term specific to ASTM E 84, is defined as a "a number or classification indicating a comparative measure derived from smoke obscuration data collected during the test for surface burning characteristics." There is not necessarily a relationship between the two measurements.

The method does not provide for measurement of heat transmission through the surface tested, the effect of aggravated flame spread behavior of an assembly resulting from the proximity of combustible walls and ceilings, or classifying a material as noncombustible solely by means of a Flame Spread Index.

The zero reference and other parameters critical to furnace operation are verified on the day of the test by conducting a 10-minute test using 1/4-inch reinforced cement board. Periodic tests using NOFMA certified 23/32-inch select grade red oak flooring provide data for the 100 reference.

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III. TEST SAMPLE

The test sample, selected by the client, was identified as Pattern #: F-0145192-01100003, a fabric with a total weight of 8.0 ounces per square yard. Three test panels, each measuring two feet wide by eight feet in length, were prepared by adhering the material to 5/8-inch thick Type X gypsum wallboard using Gardner-Gibson Dynamite 111 Heavy Duty Wallcovering Adhesive. The Adhesive was applied to the smooth side of the wallboard using a 3/32 x 3/32 x 3/32-inch V-notched trowel held at an 80 - 90° angle. The fabric was then placed into the wet adhesive, smoothed and rolled with a roller. After dead-stacking overnight, the prepared panels were transferred to storage racks and conditioned to equilibrium in an atmosphere with the temperature maintained at $71 \pm 2^\circ\text{F}$ and the relative humidity at 50 ± 5 percent. For testing, the panels were placed end-to-end on the ledges of the tunnel furnace to make up the necessary 24-foot sample and the test conducted with no auxiliary support mechanism. This method of sample preparation is described in Appendix X1 of the E 84 standard, Guide to Mounting Methods. Section X1.94.

IV. TEST RESULTS:

The test results, calculated on the basis of observed flame propagation and the integrated area under the recorded smoke density curve, are presented below. The Flame Spread Index obtained in E 84 is rounded to the nearest number divisible by five. Smoke Development Indices are rounded to the nearest number divisible by five unless the Index is greater than 200. In that case, the Smoke Developed Index is rounded to the nearest 50 points. The flame spread and smoke development data are presented graphically.

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REPORT OF TEST

TABLE I - DESCRIPTION OF MATERIAL TESTED

Date of Test	- June 13, 2005
Identification #:	- Pattern: F-145192-01100003
Fiber Content	- 62% Olefin, 38% High Luster Olefin
Color:	- Ivory/Grey

TABLE II - TEST RESULTS

Test specimen	Flame Spread Index	Smoke Density Developed
Reinforced Cement Board	0	0
Red Oak Flooring	100	100
Pattern: 5101-102 GOBI-Shell	25	40

OBSERVATIONS

Specimen ignition over the burners occurred at 0.20 minutes. Surface flame spread was observed to a maximum distance of 4.96 feet beyond the zero point at 2.02 minutes. The maximum temperature recorded during the test was 616°F.

CLASSIFICATION

This Flame Spread Index and Smoke Development Index values obtained by the ASTM E 84 test are frequently used by code officials and regulatory agencies in the acceptance of interior finish materials for various applications. The most widely accepted classification system is described in the National Fire Protection Association publication NFPA 101 *Life Safety Code*, where:

Class A	0-25 Flame Spread Index	0-450 Smoke Developed Index
Class B	26-75 Flame Spread Index	0-450 Smoke Developed Index
Class C	76-200 Flame Spread Index	0-450 Smoke Developed Index

Class A, B, and C correspond to Type I, II, and III respectively in other codes such as SBCCI, BOCA, and ICBO. They do not preclude a material being otherwise classified by the authority of jurisdiction.

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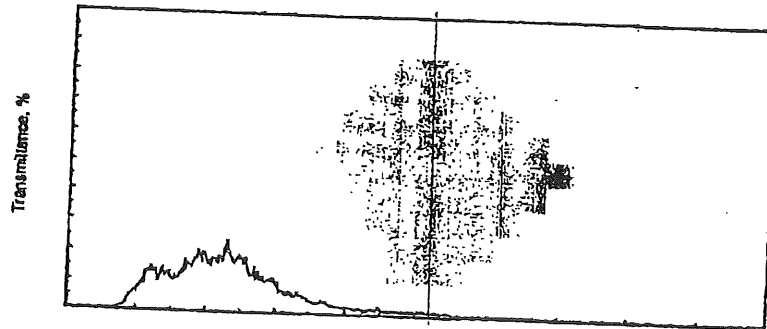
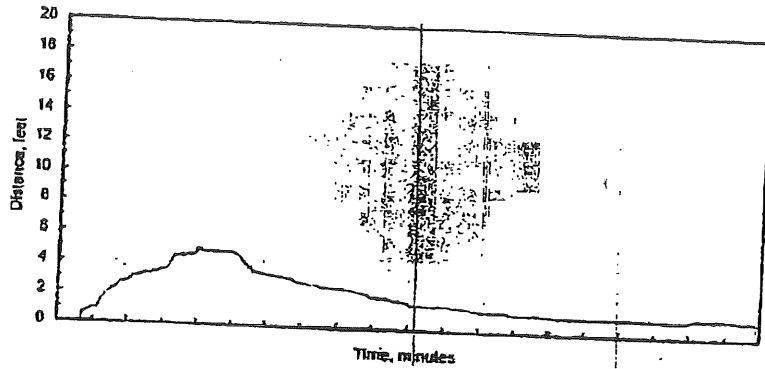
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Time to Ignition = 00.20 minutes
Maximum Flamespread Distance = 04.86 feet
Time to Maximum Spread = 02.02 minutes

Flame Spread Index = 25
Smoke Developed Index = 40



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REPORT OF TEST

Standard Test Method For
SURFACE BURNING CHARACTERISTICS
OF BUILDING MATERIALS

ASTM E 84-03b

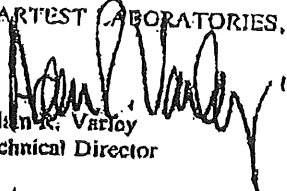
MATERIAL IDENTIFIED AS: Pattern: 5101-102 GOBI-Shell

REPORT #: A051305B

PREPARED FOR: The Designtex Group
200 Varick Street
New York, NY 10014

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VARTEST LABORATORIES, INC


Adrian R. Varley
Technical Director

EA/06

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224 A A 001

CERTIFICATE OF FLAME RESISTANCE

FABRIC PATTERN: SHANGHAI

FABRIC COLOR: DIAMOND

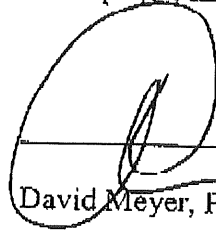
The above product has been tested by an approved laboratory and has been shown to meet the requirements for flame resistance as specified by National Fire Protection Association (NFPA) National Fire Code, Standard Methods for Fire Tests for Flame Resistant Textiles and Films; NFPA No. 701 ASTM, large and small scale.

The above described flame resistance will continue for the life of the fabric under proper care and maintenance, without requiring further treatment.

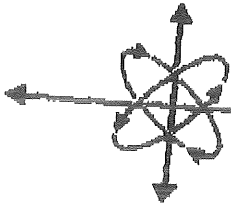
Date: APRIL 14, 2010

Purchased by: ACCENT ON WINDOWS

Meyer Drapery Services, Inc.
330 North Neil St.
Champaign, IL 61820



David Meyer, President



DIVERSIFIED

TESTING LABORATORIES, INC.

336 WEST FRONT STREET
P.O. BOX 4004
BURLINGTON, NORTH CAROLINA 27215
PHONE (336) 227-7710 • FAX (336) 227-1178
www.diversifiedtestinglabs.com

"We Test Per Your Request"

Voile
F.R.

Reference: Laboratory Test Report
Lab Identification No. 3104
Invoice No. 5905 (Attached)

Dear

One (1) fabric sample, identified as **STYLE: 5103 VOILE**, **WIDTH: 118"**; **CONTENTS: 100% POLYESTER**, was received and tested in accordance with the National Fire Prevention Association No. 701, "Standard Methods of Fire Tests for Flame Propagation of Textiles and Films, 1999 Edition, (Test 1, Small scale)". The results are as follows:

<u>Specimen Number</u>	<u>Residual Flame (seconds)</u>	<u>Weight Loss (percent)</u>
1	0.0	
2	0.0	32.89
3	0.0	27.70
4	0.0	48.48
5	0.0	34.32
6	0.0	31.56
7	0.0	32.79
8	0.0	34.54
9	0.0	33.55
10	0.0	25.71
AVG.	0.0	34.58
		33.61

The fabric sample submitted meets the minimum requirements of the above standard. The average percent weight loss cannot exceed 40% and the weight loss of individual specimens cannot exceed mean value plus three standard deviations. The average residual flame cannot exceed 2.0 seconds.

If there are any questions or when we can be of further assistance, please let us know.

Sincerely,

Karon S. Matkins

Karon S. Matkins

KSM/mr
Attachment

OUR LETTERS AND REPORTS ARE FOR THE EXCLUSIVE USE OF THE CLIENT TO WHOM THEY ARE ADDRESSED. ANY COMMUNICATION TO OTHERS OR THE USE OF OUR COMPANY NAME MUST RECEIVE PRIOR APPROVAL. OUR TEST RESULTS APPLY ONLY TO THE SAMPLE TESTED AND ARE NOT NECESSARILY INDICATIVE OF THE QUALITIES OF APPARENTLY IDENTICAL OR SIMILAR PRODUCTS. SAMPLES NOT DESTROYED IN TESTING ARE RETAINED A MAXIMUM OF THIRTY DAYS. THE LETTERS, REPORTS OR NAME OF DIVERSIFIED TESTING LABORATORIES, INC. ANY NOT BE USED IN ADVERTISING TO THE GENERAL PUBLIC.

SEABROOK

Metro Mills

4127679965

ANGELS DISTRIBUTING

04/15/2010 09:06 9013203526

04/14/2010 14:17 FAX 8739424109

Apr 14 2010 1:02PM

Certificate of Flame Resistance

NFPA - 701

This is to certify that the material described herein has been tested according to the Fire Protection Association Standard Methods of Fire Tests of Flame Resistance, NFPA 2004, Chapter 10, and meets the requirements stated therein for fabric or other material used in draperies, curtains, or other window treatments. This includes, but is not limited to, window curtains, shades, or roller blinds, vertical fabric window shades, roller blinds, fabric horizontal shades, window blinds, display room partitions, and textile wall covering. The flame resistant treatment is durable to washing.

"BUDGET BLACKOUT FLAME RESISTANT WHITE"

Rockland Lot Number: 1082982

Customer Lot Number:

Date Treated: JUNE 16, 2009

Customer Invoice Number: 90489823

[Signature]
Name of Production Superintendent

[Signature]
Name of Testing Laboratory Supervisor

ROCKLAND INDUSTRIES, INC. 253 CALHOUN STREET BAMBERG, SC 29003