

2004-08-10

2037-A-4  
1030 Brighton Ave.  
Pine Tree Shopping Ctr.  
Packard Dev.

MAY 25, 2004

Sebago Technics, Inc.

prepared by:

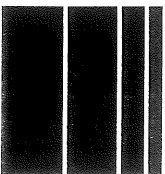
Packard Development  
One Wells Avenue  
Newton, MA 02459

prepared for:

PINE TREE SHOPPING CENTER  
Brighton Avenue  
Portland, Maine

# SITE PLAN APPLICATION

Sebago Technics  
Engineering Expertise You Can Build On



The existing soil conditions are currently being evaluated by R. W. Gillespie and Associates. A report summarizing the results of the geotechnical investigation will be available within the next two weeks. Once finalized, the results and recommendations will be incorporated into the design of the project.

Soils (Item 8)

We have attached a Boundary Survey for the 29-acre parcel signed and sealed by a registered land surveyor. The boundary survey also reflects the existing conditions of the site and immediate surrounding area. The information includes site features (buildings, access drives, pavement, curbs, etc.), utilities, topography, wetlands, vegetation, easements and other items required by the checklist.

Boundary Survey and Existing Conditions Plan (Items 1 through 7)

Existing Conditions

We have attached nine (9) copies of our application as well as a completed Site Plan Checklist. For ease of review, the following project narrative follows the checklist format. In addition, we have provided more information on updates since our last submission and items specifically noted in the Planner's memorandum and at the Planning Board workshop.

On behalf of Packard Development, we are pleased to submit this Site Plan Application for the redevelopment of the Pine Tree Shopping Center. We previously submitted a Preliminary Site Plan for review and received comments from staff and the Planning Board at the May 11, 2004 workshop meeting.

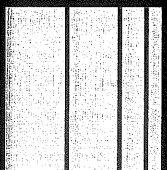
Dear Sarah:

Site Plan Application - Pine Tree Shopping Center, Portland, Maine

Ms. Sarah Hopkins  
Planning and Development Dept.  
City of Portland  
389 Congress Street  
Portland, ME 04101

May 25, 2004  
04005

sebagotechnics.com  
One Chabot Street  
P.O. Box 1339  
Westbrook, Maine  
04098-1339  
Ph. 207-856-0277  
Fax 856-2206



Natural Features (Item 9)

The majority of the site consists of pavement and buildings, with the exception of the rear/south side and southwest corner of the site. The south side of the site, behind the existing grocery and vacant Ames building, is cleared and graded. It appears this area is used for vehicle maneuvering and/or storage. The southwest corner of the site is wooded and includes a wetland area that drains off-site to the south. This wetland area is approximately 13,200 square feet in size and will be impacted by the proposed development.

On-Site Buildings (Item 10)

The existing retail shopping mall on the site was built in the late 1950s. The center currently has a grocery store anchor that will be relocated off site by late summer/early fall. In addition to a vacant Ames store, other retail tenants include A. J. Wright, Mardens, CVS, Jo-Ann Fabrics, and several other small retail tenants.

Based on plans provided by the owner, Heritage Realty Management, Inc., the square footage of the existing shopping center (including Century Tire and Applebee's) is about 255,280 square feet. A summary of tenants in the shopping center, along with building square footage areas, is provided in the parking analysis (Attachment A).

The finished floor elevations vary with each unit, with the higher units located on the northwest side of the site and the lower units located on the southeast side of the site. The finished floor elevations of the existing units range from 97.65' (Key Bank) to 83.60' (Shaws), with Applebee's at elevation 96.82' and Century Tire at 77.66'.

The exterior façade of these buildings is dated and typical for the 1960s timeframe in which the majority of the center was constructed. The stores have window fronts with white, tan or brick exterior finishing, though more recently redeveloped spaces reflect some tenant-typical façade upgrades. Pictures of the existing buildings and pylon signs are provided in Attachment B.

The buildings on the west side of the site (including Daddy's Music and all tenants to the north and west up to Key Bank) are located outside of the applicant's lease area. These buildings and the surrounding roads, service drives, and utility infrastructure will remain as-is. Changes will be made to the parking lot in front of these units so that there is continuity between the new development area and this existing center area.

Adjacent Buildings (Item 11)

The only building in close proximity to the site is the Republicash located off the northwest corner of the shopping center. Ramada Inn is located immediately to the west, Emery-Waterhouse is located to the south, and Forest City is located to the east on the opposite side of Rand Road. Various uses are located to the north across Brighton Avenue. These include residential units of Sagamore Village, a small shopping center, Burger King, and the Barron Center.

On-Site Waste Receptacles (Item 12) and Loading Facilities (Item 19)

The loading facilities, service areas, and dumpsters are located behind the existing shopping center. Applebee's has a service drive and dumpster located adjacent to and east of the building. The dumpster is screened by a brick wall and fence. Century Tire has a dumpster located in the parking area adjacent to and south of the building. No screening or fencing is provided at this location.

Utilities (Items 13, 14 and 15)

The shopping center is serviced by public water (Portland Water District) and sewer (City of Portland). Separate water and sewer services are provided to the existing shopping center, Applebee's and Century Tire. All of these service connections are provided within the Brighton Avenue corridor, with the exception of the sewer service to Shaw's, which is connected to the public system in Rand Road.

The storm drainage discharges to a public system located in Rand Road and Brighton Avenue (City of Portland system). The site is also serviced by private utilities including gas, electric, telephone and cable services.

Easements (Item 16)

There is a 50-foot wide existing easement to the Portland Pipe Line Corporation located along the westerly property line. The proposed development plan will have no impact on this easement. There are also several easements to the City located along the Brighton Avenue frontage. These easements provide the City with the right to access and maintain the driveways to the site. All easements are noted or shown on the Boundary Survey.

Circulation (Item 17)

Vehicular access is provided by two access points from Brighton Avenue and two additional curb cuts from Rand Road, one adjacent to Century Tire and the second, a rear service drive behind Shaw's. Circulation routes are defined primarily by striping only, except the northwest entrance drive, which is defined by curbed islands. Within the east and west parking lots, there is an evident lack of curbed islands throughout the site.

Pedestrian circulation is provided by means of a public sidewalk along the Brighton Avenue and Rand Road frontage and a private on-site sidewalk system. The on-site sidewalks extend from the northwesterly Brighton Avenue entrance, along the access road, to the main sidewalk that is provided along the full frontage of the existing center. Additionally, two islands within the large parking lot in front of Shaw's/Ames are paved to provide a pedestrian walkway north-south across the site.

Parking Areas (Item 18)

The latest parking analysis for the overall site was performed when the Applebee's building was permitted in 1998. Based on this analysis, parking is provided for 1,050 vehicles. Approximately 78% of the parking spaces are provided in the front, while the remaining 22% are provided along the rear service drive behind the existing buildings. A summary of the existing parking requirements is provided in the parking analysis, Attachment A.

Proposed Conditions

Site Design (Items 22 through 37 and 39 through 40)

A detailed description of the redevelopment plan was previously provided in our original Site Plan application dated April 13, 2004. The enclosed plans have not substantially changed, with a few exceptions noted below. The following paragraphs provide more information on plan updates since our last submission and address items specifically noted in the Planner's memorandum and at the Planning Board workshop.

1. Main access drive off Rand Road - The current Site Plan application depicts a modified entrance to the site off of Rand Road. The original design provided for an entrance approximately 725' from Brighton Avenue. This entrance provided truck/vehicle access to the front of the store only. The rear service drive behind the retail anchor tenant ended in a dead-end turnaround area in the southeast corner of the site (just south of the entrance).

It was noted at the Planning Board meeting that full circulation around the large retail building is preferred. In the current design, the entrance has been shifted approximately 150' feet closer to Brighton Avenue. The main access has been designed to enhance and encourage vehicle traffic to the front of the store, while at the same time provide truck access to the rear of the anchor store.

Tom Gorrill, with Gorrill Palmer Consulting Engineers, is the traffic engineering consultant for this project. Gorrill Palmer prepared a traffic assessment and determined that a traffic permit from the Maine DOT is not warranted. Randall Dutton with the Maine DOT concurred with their findings.

To follow-up on the City's comments regarding traffic, Tom Gorrill has scheduled a meeting with the City's traffic engineer, Thomas Errico, to review the site layout and outline the City's requirements for a traffic study. We will forward any additional traffic information to the City once available.

2. Parking Analysis - Based on the reconfigured Site Plan, the parking layout has been slightly adjusted. A revised parking analysis is attached (Attachment A). The total parking count is 1,150 spaces. This is slightly less than the City's Ordinance requirements (approximately 5% less), but more than the retail store's minimum requirements (approximately 7% more).

3. Brighton Avenue Improvements - As relayed in the Planner's memorandum, the City staff has requested that the applicant review the Brighton Avenue/Main Street Corridor Traffic and Streetscape Study. In addition, the City has recommended that the applicant complete the Brighton Avenue streetscape work from where the project was recently completed (northeast entrance to site) up to the bridge over the Maine Turnpike where work is currently being done. The recommended work includes landscaped islands within Brighton Avenue, lighting on the shopping center side of Brighton Avenue, esplanades between the street and the sidewalk, and the widening of Brighton Avenue.

We are in the process of evaluating this request. There are many associated issues, including extent and magnitude of the improvements, associated cost, right-of-way constraints (beyond our control), lease area constraints, and the overall coordination. At this time, the applicant is hesitant to agree to any major off-site improvements without completing this evaluation.

We have reviewed several elements of the request that are within the limits of our control, including landscaping and lighting within the portion of Brighton Avenue that is located within the lease area. This extends from the Rand Road intersection to the northeast entrance to the site (between Applebee's and Retail 3). This stretch of Brighton Avenue was recently improved by the City in accordance with the recommendations of the Beautification Study. Based on our discussions with the City staff, there are several areas in need of further improvement. These include:

- *Sidewalk* - The City has requested that we consider a relocation of the existing sidewalk onto the private parcel. Currently, the sidewalk is located between Brighton Avenue and a small retaining wall. The proposed sidewalk will run along the top of the retaining wall, adjacent to the proposed Retail 1 and 2 buildings, before reconnecting to the public right-of-way at the Brighton Avenue/Rand Road intersection. This change is consistent with the Beautification Plan as it will provide for a new landscaped esplanade between Brighton Avenue and the parking areas of the site.

- *Landscaping in islands* - As part of the City's Brighton Avenue project, a landscape island was constructed in front of the shopping center at this location. The applicant has proposed street tree plantings within the island. The proposed planting plan is attached (Sheet 12) and offered for review and approval by the City arborist.

- *Street lighting* - The applicant has proposed pedestrian scale lighting along the portion of the Brighton Avenue frontage that is located within the development lease area. This lighting will be consistent with the new lighting on Rand Road and on the north side of Brighton Avenue.

- *Gateway at intersection* - The Beautification Study recommended a "gateway" at No. 6) and further suggested that a building be constructed at this location to anchor the corner and shield views of the parking lot.

We have considered several alternative designs for this corner of the site. The original site plan discussed with the City depicted a building located close to this corner and paralleling the Brighton Avenue frontage. We revised the design to the current plan as a result of the site grades. Between the northeast entrance to the site and this intersection, road grades drop approximately 15 feet. A further constraint is the existing Century Tire building, which is set at a floor elevation of 77.6' (approximately 8 feet higher than the adjacent Rand Road grade). The current site layout was developed within these existing grade constraints.

We have prepared a conceptual design that we feel is consistent with the beautification study while maintaining the current site layout. As shown on Sheet 12 of the plan set, we are proposing a new bus stop shelter, 15 feet square, that will be designed consistent with the architecture of the new retail buildings. The shelter will be located close to the corner within a paved plaza. This plaza will be integrated with the sidewalks along Rand Road and Brighton Avenue. The steep slope between the shelter and parking lot will be a backdrop of mixed evergreen and deciduous trees, ornamental shrubs and flowering trees.

4. Rand Road Improvements - The City has also requested that the applicant place in escrow the funds needed to extend the landscaped island in Rand Road further down to the Forest City entrance and the proposed shopping center entrance. We appreciate the City's sensitivity to the additional costs that would be incurred if this work were to be completed at this time, since Rand Road is a moratorium street until 2008. The applicant is agreeable to providing funds for the extension of and planting within this landscaped island. We will evaluate the anticipated costs and work further with the City to establish the magnitude of the proposed work.

5. Site entrances off Brighton Avenue - Several members of the Planning Board noted their concerns with the current entrance locations to the site off of Brighton Avenue. As discussed, a third entrance to the site was recently closed near the Brighton Avenue/Rand Road intersection as part of the City's improvement project. The Board has asked that the applicant evaluate the functionality of the two entrances and the possibility for improving safety and circulation if one of the entrances were closed.

The team's traffic engineer, Tom Gorrill, is currently evaluating this request and gathering additional information on the existing travel configurations and traffic history. We will provide more information to the City once our evaluation has been completed.

Architectural Design

Elevation drawings are currently being prepared for the three new retail buildings. Port City Architecture will provide the architectural design for the two smaller retail buildings and the bus stop shelter. Elevation sketches will be submitted for review prior to the June 8<sup>th</sup> Planning Board meeting.

Landscape and Lighting

The Landscape Plan has been prepared by Chris Di Matteo, a registered landscape architect with Sebago Technics, Inc. The landscape plan has been designed with the intent to reinforce the main access drives with street tree and ornamental tree plantings as well as to provide typical plantings for on-site landscape islands. Since the existing vegetation on-site is limited, the majority of the plan addresses new plantings and construction details.

The landscape plan also addresses screening of dumpsters and service areas for the two retail buildings along Brighton Avenue. Landscape screening is also provided for the relocated dumpster on the Century Tire portion of the site.



Signage

As noted, pedestrian scale lighting will be provided along the portion of the Brighton Avenue frontage that is located within the development lease area. The remaining site lighting will be designed based on the retail tenant and City requirements for parking lot illumination. A photometrics analysis will be prepared based on a minimum 20' by 20' grid. The analysis will be submitted to the City once completed.

The existing Pine Tree Shopping Center currently has a single pylon sign that is located at the intersection of Brighton Avenue and northwesterly access drive (refer to photo in Attachment B). The applicant proposes to amend this sign by removing the Shaw's and Ames panels and replacing them a single sign of equal area for the new retail tenant anchor. An elevation drawing of the modified sign will be submitted once available.

The applicant is also proposing a secondary pylon sign to be located at the new main entrance on Rand Road. This sign will comply with the City Ordinance requirements and will provide a sign panel for the large retail tenant anchor. We believe this sign is important in promoting the desired circulation of the center, since we anticipate the recent Maine Turnpike Exit 7b/47 will be a main point of access for trucks and vehicles to the site.

The Century Tire building has their own pylon sign located in the parking lot adjacent to the building (refer to photo in Attachment B). Based on a discussion with Marge Schmuckal, this sign is counted in the limitation on the number of freestanding signs per frontage. As a result, the proposed secondary pylon sign will require minor site plan approval from the planning staff. Therefore, we will prepare a separate sign application for staff review to be submitted within the next few weeks. The application will provide the size, scale, proportions, design, materials, placement, and source and intensity of illumination for the new sign.

Easements (Item 38)

Public access and maintenance easements are proposed for the portions of the Brighton Avenue sidewalk that will be located on the private parcel.

Drainage Conditions (Item 41)

A detailed analysis of existing and proposed drainage patterns has been prepared and is included as Attachment C, Stormwater Management Analysis. The proposed design will improve the collection of runoff from the site by providing a more comprehensive storm drainage infrastructure. Any increased flows associated with the new development will be mitigated by the use of underground chambers for storage with controlled outlets. Additionally, improvements to the quality of the runoff water will be provided by the use of proprietary water quality treatment systems. The stormwater management system has been designed to comply with both the City and the Maine Department of Environmental Protection (DEP) requirements.

Permitting and Project Scheduling (Items 42 through 46)

In addition to City permit approvals, we will also submit a Site Location of Development Act permit with the Maine DEP. A Natural Resources Protection Act (NRPA) Tier 1 permit will be required for the wetland impacts, which total approximately 13,200 square feet. Finally, a Maine Construction General Permit will be submitted to the Maine DEP prior to construction. The anticipated filing date for these permits is June 2, 2004. Based on the DEP review time on recently submitted projects, we expect the approval in a 3 to 4 month timeframe (approximately October 1, 2004). Demolition and site construction will begin following permit approval, with new building construction expected to start on April 1<sup>st</sup>. Based on this schedule, we anticipate an opening date for Retail 1 and 2 in May 2005 and an opening date for Retail 1 in October or November 2005. There are no pending applications.

Although the City has delegated review for Site Law projects, this project falls under the DEP's jurisdiction since the total new impervious area (including change in use areas) exceeds 7 acres.

Financial and Technical Capability (Item 47)

The applicant, Packard Development, has submitted evidence of financial capability in the form of a letter from their banking institution (refer to Attachment D).

Packard Development also has extensive experience in retail store and shopping center development throughout New England. A brief resume summarizing the firm's experience is provided in Attachment E. We have also attached project data sheets for several of their on-going and completed retail developments in Maine.

I hope that this application package provides adequate information for Site Plan review. We look forward to presenting our project at the June 8, 2004 workshop meeting with the Planning Board. If you have any questions or comments in the meantime, please call me.

Sincerely,

SEBAGO TECHNICS, INC.



Danielle D. Betts, P.E.

Sr. Project Manager

DDB:ddb/jc

Enc.

**PARKING SUMMARY  
PINE TREE SHOPPING CENTER  
PORTLAND, ME**

Sebago Technics, Inc.  
Job No.: 04005  
Revised: 5/25/2004

BUILDING SQ. FT. SUMMARY		TOTAL	
Existing Square Feet	Proposed Square Feet	S.F.	S.F.
		Retail 1	162,758
		Century	4,906
		Retail 2 & 3 (2 bldgs)	19,200
		Applebees	5,000
		Ex. Center (East)	138,159
		Ex. Center (West)	107,217
		<b>TOTAL</b>	<b>255,282</b>
			<b>299,081</b>

PARKING SUMMARY		Existing No. of Spaces		Proposed No. of Spaces	
		Regular	ADA	Regular	ADA
Front (North):					
Retail 1	425	12	18	437	18
Century	73	3	76		76
Retail 2 & 3 (2 bldgs)	40	4	44		44
Applebees	4		4		4
Ex. Center (East)	497	16	513	0	513
Ex. Center (West)	296	10	306	304	306
Rear/Side (West):	81		81	81	81
Rear/Side (South):	147		147	190	147
<b>TOTAL</b>	<b>1021</b>	<b>30</b>	<b>1051</b>	<b>1121</b>	<b>1150</b>

1. Parking spaces per 1000 square feet of building area: 4.12 3.85

2. ADA requirements for over 1000 spaces: 20 ADA spaces plus 1 for each 100 over 1000  
Requirements: Existing 21 Proposed 22

**PARKING ANALYSIS  
PINE TREE SHOPPING CENTER  
PORTLAND, ME**

Sebago Technics, Inc.  
Job No.: 04005  
Revised: 5/25/2004

**EXISTING CONDITIONS**

NO.	EXISTING TENANT	EX. SQ. FT.	Adjusted*		PARKING REQUIRED CALC.	NO. SPACES
			S.F. per Ordinance	1/200 SF		
01	SHAW'S SUPERMARKET	43,208	34,727	1/200 SF	174	
02	BANK	2,951	2,508	1/334 SF	8	
3A	DELI	2,250	1,688	1/150 SF	11	
3B	CITI/FINANCIAL	2,250	0	1/200 SF	0	
04	CARD\$MART	4,500	1,825	1/200 SF	9	
05	AMES	78,000	64,300	1/200 SF	322	
06	RENT-A-CENTER	3,000	550	1/200 SF	3	
07	DOLLAR DAZE	2,000	0	1/200 SF	0	
08	DADDY'S MUSIC	4,000	1,400	1/200 SF	7	
09	RADIO SHACK	3,000	550	1/200 SF	3	
10	PAYLESS SHOES	2,400	40	1/200 SF	0	
11	JO-ANN FABRICS	21,025	15,871	1/200 SF	79	
12	FASHION BUG	6,900	3,865	1/200 SF	19	
13	MARDENS	32,700	25,795	1/200 SF	129	
14	CVS	5,900	3,015	1/200 SF	15	
15/16	A.J. WRIGHT	25,298	19,503	1/200 SF	98	
17	CHINESE RESTAURANT	1,980	1,485	1/150 SF	10	
18	HAIR EXCITEMENT	1,950	0	1/200 SF	0	
19	KEY BANK	2,000	1,700	1/334 SF	5	
20	APPLEBEE'S	5,000	3,750	1/150 SF	25	
21	KIOSK-KEY BANK	64	54	1/334 SF	0	
22	CENTURY TIRE	4,906	2,170	1/200 SF	11	
		255,282			928	

EXISTING PARKING:  
(per Applebee's Overall Site Plan)

FRONT 823  
REAR 228  
PROVIDED: 1051

**PROPOSED CONDITIONS**

PROPOSED TENANT	PROP. SQ. FT.	Adjusted*		PARKING PROPOSED CALC.	NO. SPACES
		S.F. per Ordinance	1/200 SF		
RETAIL 1 RETAIL	146,264	144,264	1/200 SF	721	
RETAIL 1 OFFICE	3,833	3,833	1/334 SF	11	
RETAIL 1 WAREHOUSE	12,661	0	N/A	0	
MULTI-TEN. RETAIL	19,200	14,320	1/200 SF	72	
DADDY'S MUSIC	4,000	1,400	1/200 SF	7	
RADIO SHACK	3,000	550	1/200 SF	3	
PAYLESS SHOES	2,400	40	1/200 SF	0	
JO-ANN FABRICS	21,025	15,871	1/200 SF	79	
FASHION BUG	6,900	3,865	1/200 SF	19	
MARDENS	32,700	25,795	1/200 SF	129	
CVS	5,900	3,015	1/200 SF	15	
A.J. WRIGHT	25,298	19,503	1/200 SF	98	
CHINESE RESTAURANT	1,980	1,485	1/150 SF	10	
HAIR EXCITEMENT	1,950	0	1/200 SF	0	
KEY BANK	2,000	1,700	1/334 SF	5	
APPLEBEE'S	5,000	3,750	1/150 SF	25	
KIOSK-KEY BANK	64	54	1/334 SF	0	
CENTURY TIRE	4,906	2,170	1/200 SF	11	
TOTAL	299,081			1205	

PROPOSED PARKING PER PLAN:

FRONT 879  
REAR/SIDE 271  
PROVIDED: 1150

\*BULK STORAGE ASSUMED TO BE 15% OF FLOOR AREA FOR EACH BUSINESS, FOOD PREPARATION AND BULK STORAGE ASSUMED TO BE 25% OF FLOOR AREA FOR EACH RESTAURANT (based on Applebee's data submitted to City)

PROPOSED REDUCTION PER RETAIL 1 ANCHOR STD. PARKING REQUIREMENTS:  
RETAIL 1 - PORTLAND CODE (Total from above): 732 SPACES  
RETAIL 1 - STANDARD REQUIREMENTS: 603 SPACES  
PROPOSED REDUCTION 129 SPACES

REQUIRED BY CODE: 1205 95.4%  
REQUIRED BY RETAIL 1 STANDARD: 1076 106.9%  
PROVIDED: 1150

CITY OF PORTLAND, MAINE  
SITE PLAN CHECKLIST

Pine Tree Shopping Center, 1030 Brighton Ave.  
Project Name, Address of Project

Application Number

Section 14-525 (b,c)

Submitted () & Date	Item	Required Information
X	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including: Name and address of applicant and name of proposed development
X	(2)	Scale and north points
X	(3)	Boundaries of the site
X	(4)	Total land area of site
X	(5)	Topography - existing and proposed (2 feet intervals or less)
X	(6)	Plans based on the boundary survey including:
X	(7)	Existing soil conditions
X	(8)	Location of water courses, marshes, rock outcroppings and wooded areas
X	(9)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used
X	(11)	Approx location of buildings or other structures on parcels abutting the site
X	(12)	Location of on-site waste receptacles
X	(13)	Public utilities
X	(14)	Water and sewer mains
X	(15)	Culverts, drains, existing and proposed, showing size and directions of flows
X	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed
X	(17)	Location and dimensions of on-site pedestrian and vehicular access ways
X	(18)	Parking areas
X	(19)	Loading facilities
X	(20)	Design of ingress and egress of vehicles to and from the site onto public streets
X	(21)	Curb and sidewalks
X	(22)	Landscape plan showing:
X	(23)	Location of existing proposed vegetation
X	(24)	Type of vegetation
X	(25)	Quantity of plantings
X	(26)	Size of proposed landscaping
X	(27)	Existing areas to be preserved
N/A	(28)	Preservation measures to be employed
X	(29)	Details of planting and preservation specifications
X	(30)	Location and intensity of all fencing and screening
TSD	(31)	Location and intensity of outdoor lighting system
X	(32)	Location of fire hydrants, existing and proposed
X	(33)	Written statement
X	(34)	Description of proposed uses to be located on site
N/A	(35)	Quantity and type of residential, if any
X	(36)	Total land area of the site
X	(37)	Total floor area and ground coverage of each proposed building and structure
X	(38)	General summary of existing and proposed easements or other burdens
X	(39)	Method of handling solid waste disposal
X	(40)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets
X	(41)	Description of any problems of drainage or topography, or a representation that there are none
X	(42)	An estimate of the time period required for completion of the development
X	(43)	A list of all state and federal regulatory approvals to which the development may be subject to
X	(44)	The status of any pending applications
X	(45)	Anticipated timeframe for obtaining such permits

N/A

(46)

A letter of non jurisdiction

h8

Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.

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

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

Other comments:

Refer to letters accompanying the Site Plan application dated 4/13/04, 5/25/04

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**PACKARD**  
DEVELOPMENT

May 24, 2004

Sebago Technics, Inc.  
Attn: Danielle D. Betts, P.E.  
P.O. Box 1339  
Westbrook, Maine 04098

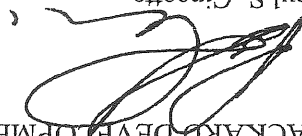
**RE: Agent Authorization for Local, State and Federal Permitting  
Pine Tree Shopping Center, 1030 Brighton Ave., Portland, Maine**

Dear Danielle:

I hereby authorize Sebago Technics, Inc. to act on behalf of Packard Development as an agent in the processing of any required local, State or Federal permit applications and to furnish, upon request, supplemental information in support of these applications.

Sincerely,

PACKARD DEVELOPMENT



Paul S. Cincotta  
Project Manager

# **TABLE OF CONTENTS**

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<u>Attachment</u>	<u>Description</u>
A	Parking Analysis
B	Photographs of Existing Buildings
C	Stormwater Management Analysis
D	Financial Capability
E	Technical Ability



**Parking Analysis**

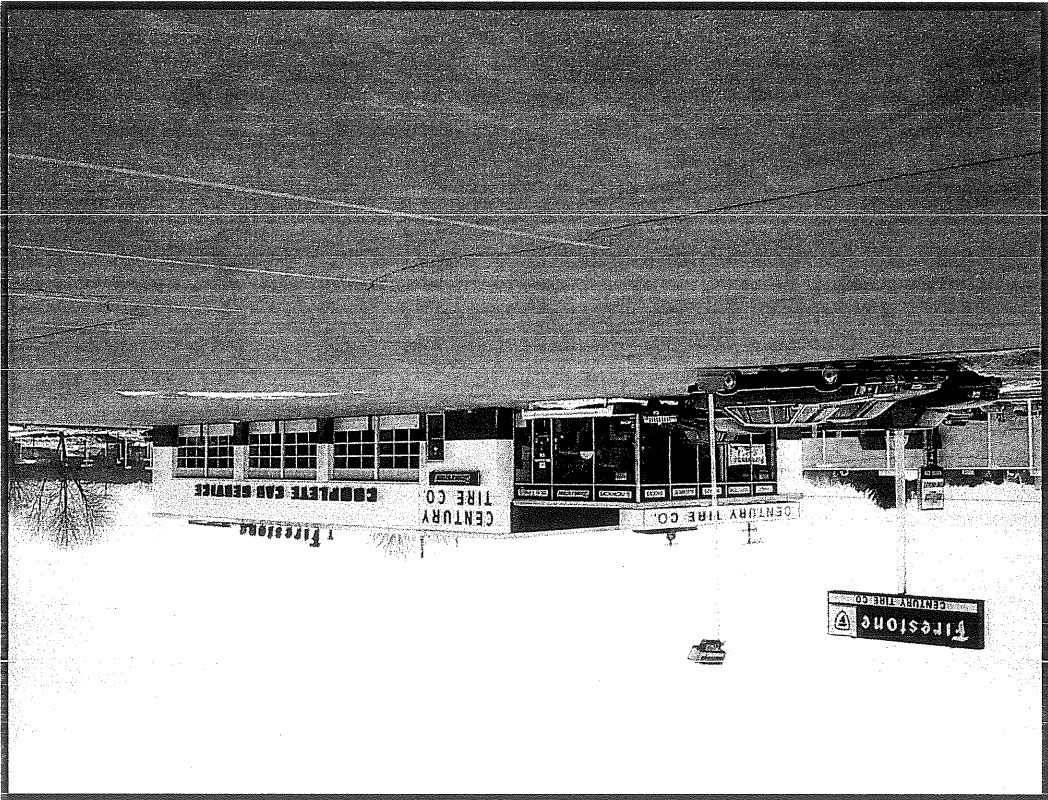
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**Attachment A**

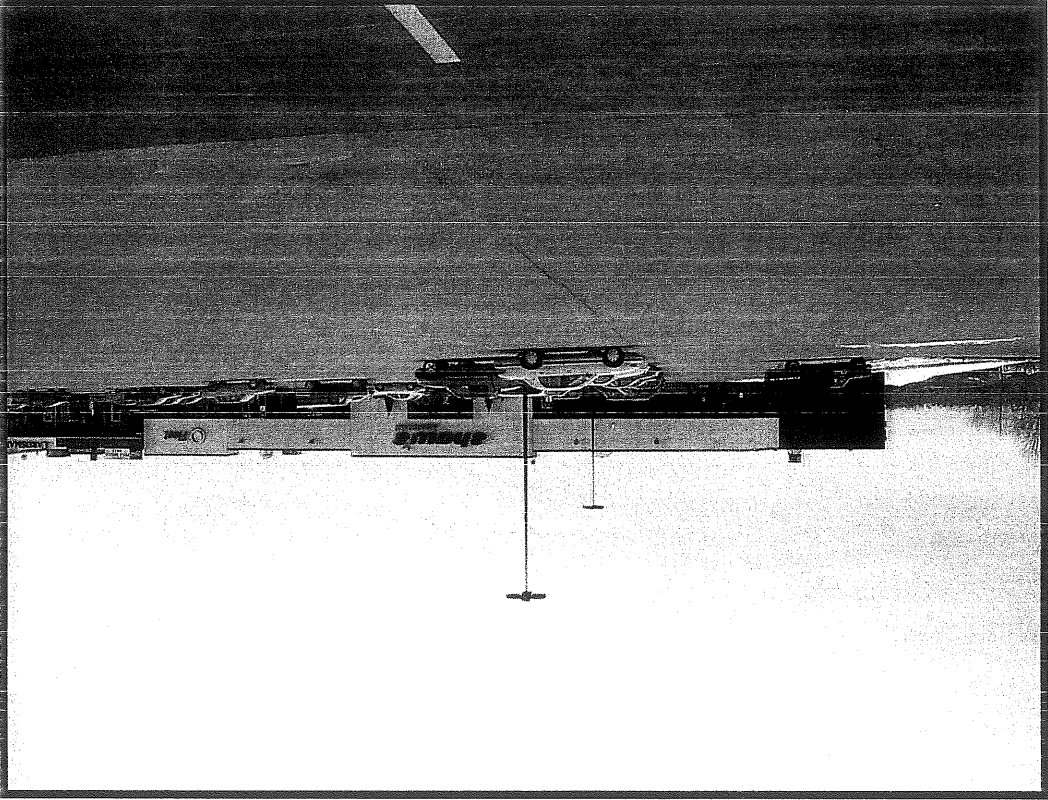
**Attachment B**

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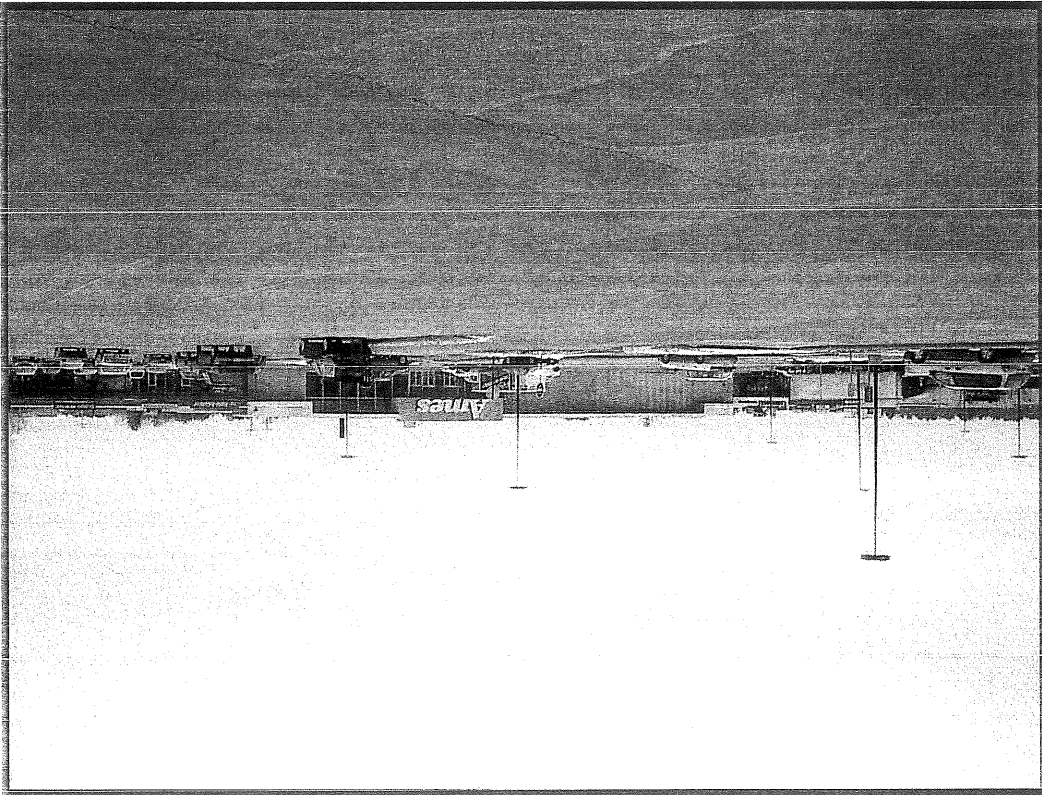
**Photographs of Existing  
Buildings**



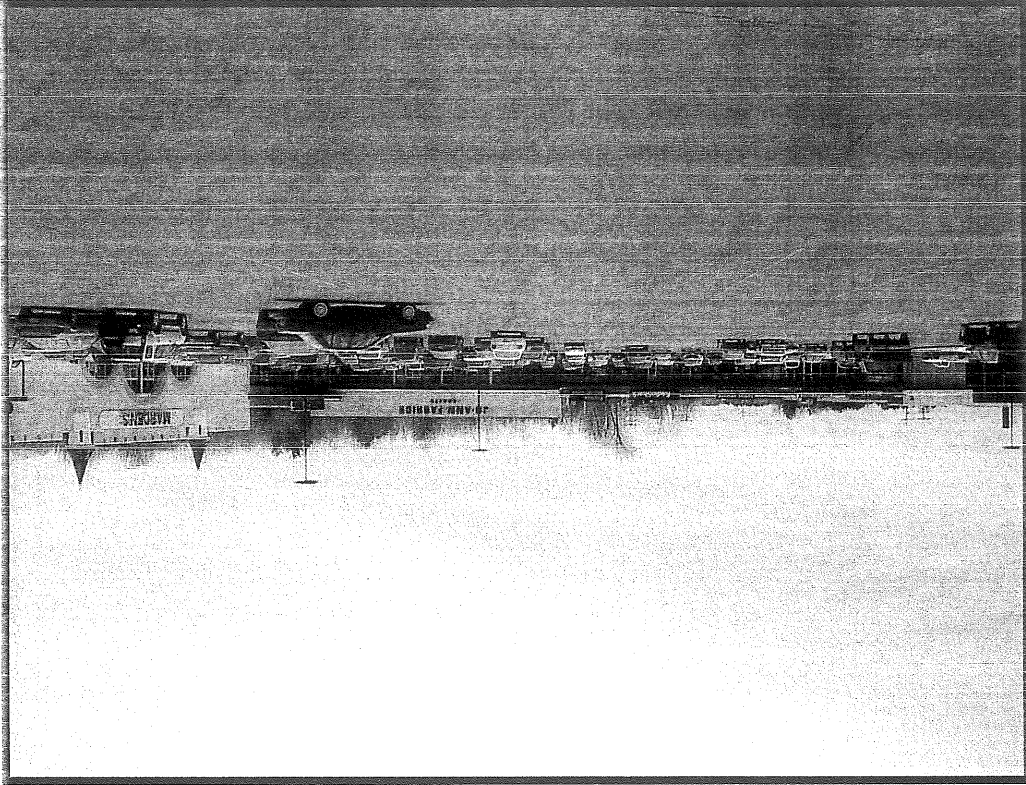
Firestone / Century Tire building and pylon sign (to remain as-is)



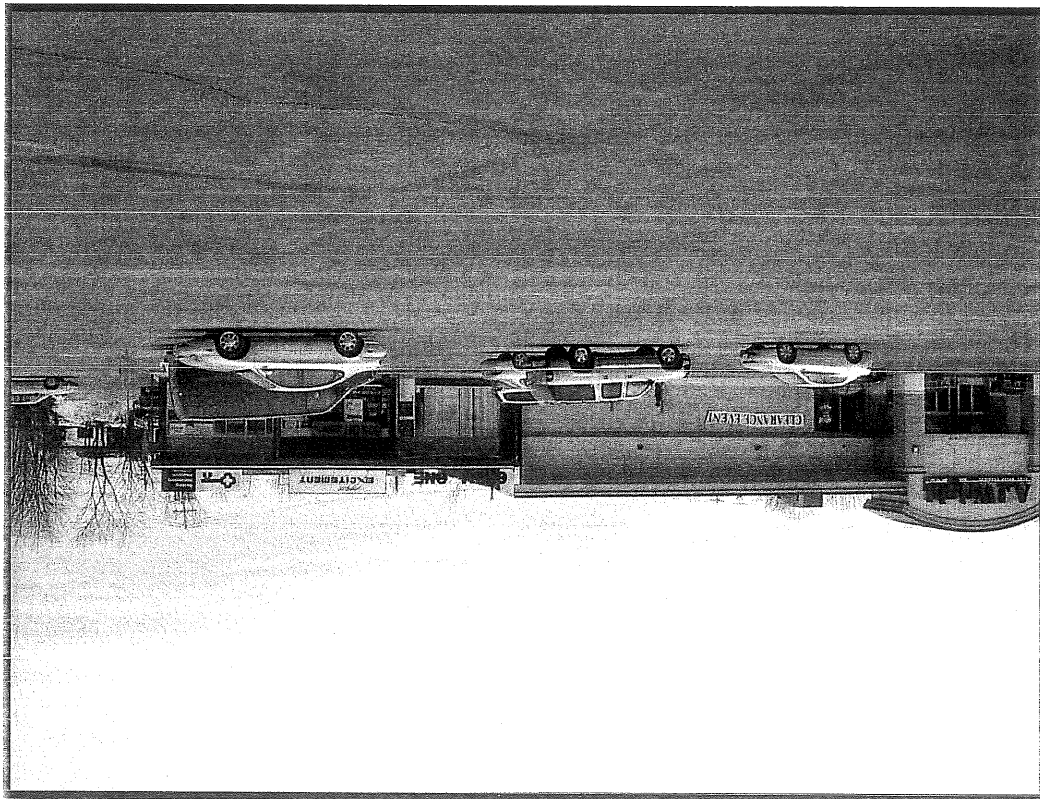
Southeast end of Pine Tree Shopping Center (to be demolished)



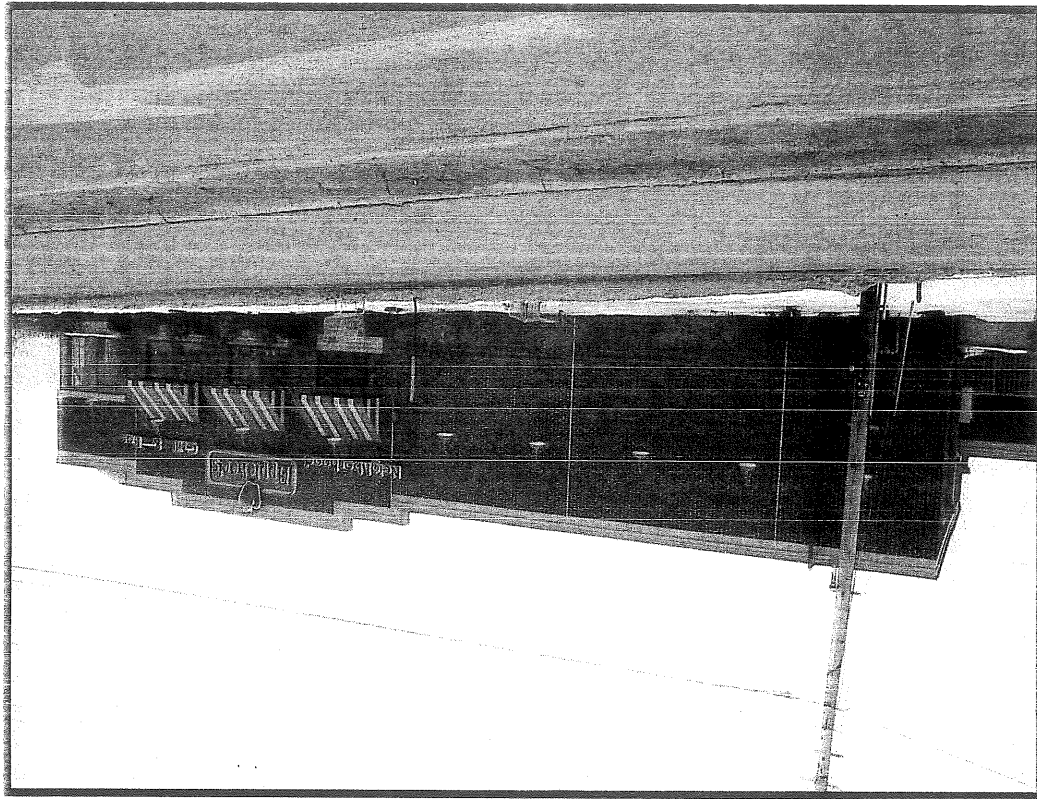
South side of Pine Tree Shopping Center (to be demolished)



South corner of Pine Tree Shopping Center (to remain as-is, with tenants east of Daddy's Music to be demolished)



Northwest end of Pine Tree Shopping Center (to remain as-is)



Applebee's (to remain as-is)



Main pylon sign (to be modified)

**Attachment C**  

---

**Stormwater Management  
Analysis**

**STORMWATER MANAGEMENT PLAN**

**Pine Tree Shopping Center  
1030 Brighton Avenue  
Portland, Maine**

**General**

This Stormwater Management Plan has been prepared to evaluate the pre and post-development conditions associated with the redevelopment of the Pine Tree Shopping Center located at the southwest corner of the intersection of Brighton Avenue and Rand Road in Portland, Maine.

The entire project site is located within the Nason Brook Watershed, which ultimately discharges to the Fore River. The purpose of this report is to fulfill both the City's and the State's stormwater requirements. In accordance with the City of Portland Code of Ordinances and the Maine Department of Environmental Protection (MDEP) Stormwater Law, the project is required to meet the stormwater quantity standard and the stormwater quality basic stabilization standard.

The stormwater quantity standard requires limitation of post-development peak flow rates to pre-development levels. For our quantity analysis, we have evaluated current conditions to establish the pre-development peak flow rates.

In accordance with the MDEP Chapter 502 regulations, the Fore River is not a sensitive or threatened watershed or a waterbody most at risk from development; therefore, the sliding scale standard of the Stormwater Law is applicable for establishing water quality treatment goals. The amount of impervious area on the parcel has been estimated based on the Site Plan for the project. The on-site subwatersheds were divided into existing areas and proposed development areas. The existing impervious areas, including the buildings and parking areas on the west side of the center, are to remain as is and are not part of the proposed development area. These impervious areas were not counted towards the total impervious area in the Sliding Scale treatment table. Based on these calculations and Appendix A of the Chapter 500 regulations, a total treatment of efficiency of 53% TSS removal is required for this redevelopment project.

**Pre-development Site Conditions**

The parcel is located at the southwest corner of the intersection of Brighton Avenue and Rand Road. The existing retail shopping mall on the site was built in the late 1950s. The center currently has a grocery store anchor that will be relocated off-site by late summer/early fall. In addition to a vacant Ames store, other retail tenants include A. J. Wright, Mardens, CVS, Jo-Ann Fabrics, and several other small retail tenants.



The overall site area is approximately 29 acres. The majority of the site consists of pavement and buildings, with the exception of the rear/south side and southwest corner of the site. The south side of the site, behind the existing grocery and vacant Ames building, is cleared and graded. It appears this area is used for vehicle maneuvering and/or storage. The southwest corner of the site is wooded and includes a wetland area that drains off-site to the south. The runoff from this wetland is collected in a storm drain system on the Emery-Waterhouse lot and is then discharged to the public system in Rand Road and then to Nason Brook located east of Motor City.

### Methodology

The stormwater runoff analysis was developed in accordance with methodology outlined in the "HydroCAD" stormwater modeling system. The HydroCAD system evaluates the runoff conditions using TR-55 and TR-20 methodology. The 2-year (3"), 10-year (4.7"), and 25-year (5.5"), 24-hour storm event was used for this analysis. Curve numbers and times of concentration for each subwatershed were established using the existing conditions survey and the grading and utility plan for the proposed development.

### Post-development Site Conditions

The redevelopment plan includes only a portion of the site area which will be leased from the current owner. The proposed lease area is approximately 17 acres and primarily includes the eastern portion of the center beginning at "Daddy's Music". The buildings in this area will be demolished except for Applebee's and the Century Tire building, which will remain. The buildings on the west side of the site are located outside of the lease area and will remain as is. A new building (Retail 1) is proposed for an anchor tenant to be sited on the southeast corner of the site. The total area of retail building for this tenant will be approximately 162,700 square feet. Additionally, two 10,000 square foot multi-tenant retail buildings (Retail 2 and Retail 3) are proposed along the Brighton Avenue frontage, between Applebee's and Century Tire.

The proposed impervious area is 22.7 acres, which is an increase of approximately 4.3 acres above the existing condition. Drainage for the post-development condition includes 12 subcatchments. The ground cover has been changed to reflect the post-development conditions as shown on the Site Plan.

A Grading and Utility Plan has been prepared for the project based on the Site Plan. The grading plan and utility layout provide the basis for developing the post-development subcatchments for the project. The proposed storm drain system will route the on-site flows to various stormwater management features on the site.

2-Year Storm		10-Year Storm		25-Year Storm	
Pre	Post	Pre	Post	Pre	Post
(cfs)	(cfs)	(cfs)	(cfs)	(cfs)	(cfs)
51.47	41.19	10.28	85.75	65.53	20.22
4.02	3.15	0.87	9.49	5.54	3.95
Reach 7	Reach 10	Pond 10			
23.38	3.09				

Table 1

Based on the above routing and stormwater management design, the net BMP efficiency is 53.6% TSS removal. This exceeds the minimum required TSS removal efficiency of 53%. This treatment level is achieved through the use of proprietary treatment systems, HIL-1, HIL-2, and HIL-3, as shown on the plans. The water quality calculations and computer modeling data sheets are provided with this report.

In order to evaluate the anticipated runoff conditions, pre and post-development calculations were performed for the 2, 10 and 25-year storms. Hydrograph plots have been provided for the 10-year storm only. The results of the HydroCAD model of the pre and post-development conditions are summarized below.

**Stormwater Management Calculations**

Watersheds 1, 2 and 3 will collect runoff from Applebee's and the westerly shopping center parking areas in an existing storm drain system. The existing system is conveyed through the development area of the site to a manhole located within the Rand Road right-of-way. Since the Applebee's and westerly shopping center are to remain primarily as is, this system has not been changed and the pipes and structures will be protected throughout the development area to maintain the existing drainage patterns.

Watersheds 3A, 4, 6, 7, 9 and 10 represent the proposed development areas. Watersheds 3A and 4 include the front parking lot area (from the front of Retail 1 to Brighton Avenue and including the Retail 2 and 3 buildings). Runoff from these areas will be collected and routed through HIL-1 and HIL-2 to receive water quality treatment. From there, the runoff will be discharged to UGD-1, an underground chamber system that will detain the runoff prior to discharging to the existing manhole in the Rand Road right-of-way.

Watershed 7 consists of the roof area of Retail 1 and a small road section behind the store. A roof drain and storm drain system will collect runoff and direct it to UGD-2, a second underground detention chamber system. Since the runoff is mainly roof runoff, water quality pre-treatment is not provided.

The southwesterly corner of the site consists of new parking areas (behind the existing center and to the west of Retail 1) as well as the remaining wooded areas of the site. Runoff from Watershed 6 will be collected and routed through HIL-3 to receive water quality treatment. The runoff will then be discharged to UGD-3, a third underground detention system. The stormwater from this chambered system will be discharged to the existing wetland that flows to the south and off-site.

Summary

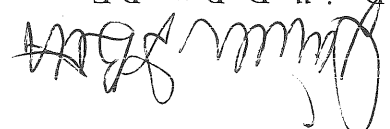
From the above results table, it is apparent that the peak rates of runoff leaving the site in the post-development condition are less than those in the pre-development condition. This can be attributed to the underground storage and controlled runoff release rates. Because there is an overall decrease in the peak rate of runoff leaving the site, it is not expected that any adverse affects will occur to downstream areas because of this development.

Additionally, the quality of the runoff water has been improved by the use of proprietary water quality treatment systems. The treated runoff is from the new impervious areas as well as from portions of the existing impervious areas that will be modified as part of this development proposal. The efficiency of the treatment systems exceeds the required TSS removal efficiency rate of 53%.

Other drainage provisions include a grading plan, utility plan, and erosion and sedimentation control plan. The erosion and sediment control plan will be implemented throughout the construction cycle. Incorporation of the above mentioned drainage provisions and infrastructure for the proposed development will adequately address the stormwater quantity and quality requirements for this project.

Prepared by:


SEBAGO TECHNICS, INC.



Danielle D. Betts, P.E.

Sr. Project Manager

DDB:ddb/jc  
May 25, 2004



Steven A. Groves  
Project Engineer

**Pine Tree Shopping Center  
 1030 Brighton Avenue  
 Portland, Maine  
 for Packard Development**

**Determine Level of Stormwater Treatment**

Site Area .....	28.90 ac
Existing Impervious.....	18.40 ac
Proposed Impervious.....	22.71 ac
New Impervious.....	4.31 ac

Change In Use from Original Layout... 11.6 ac

Used "Sliding Scale" to determine treatment level

11.6 ac/28.9 = 40% which convert to a 53% TSS removal rate.

Treatment area = 11.6 - 3.15 (new roof) = 8.45ac

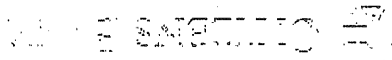
Treatment will be achieved through the use of mechanical treatment tanks (Downstream Defenders by Hydro International) base on a 1 year storm event. Each tank has a 50% removal rate for a 1 year storm event.

Area 1	5.26ac	50%	= 2.63
Area 3	3.8 ac	50%	= 1.90
			<u>4.53/8.45 = 53.6% removal</u>

**Financial Capability**

---

**Attachment D**



Daniel R. Queller  
Senior Vice President

Citizens Bank of Massachusetts

28 State Street

Boston, MA 02109

617 725-5602 FAX 617 725-5695

E-MAIL DANIEL.QUELLER@CITIZENSBANK.COM

May 24, 2004

Maine Department of Environmental Protection  
312 Canco Road  
Portland, ME 04103

RE: Pinetree Shopping Center Redevelopment

To whom it may concern:

Citizens Bank has a strong interest in financing the proposed redevelopment of Pine Tree Shopping Center on Brighton Avenue in Portland, Maine.

Based on Packard Development's track record, Citizens Bank would very much like to be a part of the development team. We have provided financing for several other successful Packard projects, including, most recently, the Raynham Shopping Center with a commitment for in excess of \$7 million.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

**Technical Ability**

---

**Attachment E**

## PACKARD DEVELOPMENT

*Packard Development* was founded in 1990 by Leonard Rudofsky, CEO of Beaver Builders LTD, to pursue real estate development, property management, and leasing opportunities as a result of Beaver Builders' long standing relationships within the New England construction and real estate industries. For the last 50 years, Beaver Builders has provided expertise in all phases of construction management in retail, office, hotel, parking, and residential developments including assisted living facilities.

During the last 12 years, Packard Development has successfully completed over 850,000 square feet of retail store and shopping center development, with an additional 400,000 square feet currently under construction, and has 800,000+ square feet in the permitting phase.

**Leonard Rudofsky**, founder and President of Packard Development, graduated from Boston University and joined the family-owned Beaver Builders in 1963, founded by his father, Saul Rudofsky. Beaver Builders constructed 18 regional malls, and has recorded over 24,000,000 commercial and residential square feet built. Mr. Rudofsky is a former member of the Board of Directors of the Associated Builders and Contractors, and maintains hands-on management of Packard Development.

**Armen Aftandilian**, Packard Development's Vice President of Real Estate Development since 1997, established his career with nationally recognized engineering and development firms. During his 12 year tenure as Chief Operating Officer at U.S. Properties, he was responsible for the development of residential and commercial projects including industrial, office, and medical facilities from conception through completion. Mr. Aftandilian, cum laude graduate of Tufts University, directs all phases of Packard's retail development projects.



## PACKARD DEVELOPMENT

### Completed Retail Development – last 5 years

- Waterford Shopping Center, Waterford, Connecticut
  - 342,000 square feet
  - Best Buy, Dick's, Linens N Things, Borders, Pier 1
- Riverway Plaza, Weymouth, Massachusetts
  - 265,000 square feet
  - Lowe's Home Improvement plus 90,000 sf regional tenants
- Maine Crossing, South Portland, Maine
  - 274,000 square feet
  - Target Store plus 140,000 sf regional tenants
- North Attleborough Shopping Center, North Attleborough, Massachusetts
  - 160,000 square feet
  - HomeLife, TGI Friday's, CompUSA, PetsMart, Michaels, Best Buy
- Best Buy Store, Nashua, New Hampshire
  - 45,000 square feet
- CVS Store, Nashua, New Hampshire
  - 11,000 square feet

### Currently Under Construction

- Raynham, Massachusetts
  - 180,000 square feet
  - Lowe's Home Improvement plus Longhorn Steakhouse

### Permitting Phase

- Greenland, New Hampshire
  - 3507,000 square feet
  - Lowe's Home Improvement, proposed major discount retailer and supermarket
- Leominster, Massachusetts
  - 500,000 square feet
  - Lowe's Home Improvement, WalMart plus 85,000 sf regional and national tenants
- Portland, Maine
  - 130,000 square feet
  - Supermarket plus proposed retail
- Augusta, Maine
  - 440,000 square feet
  - Proposed Lowe's Home Improvement plus proposed retail

## PACKARD DEVELOPMENT

*Permitting Phase (cont'd)*

- Biddeford, Maine
  - 493,000 square feet
  - Proposed Lowe's Home Improvement plus proposed retail
- Bedford, New Hampshire
  - 300,000 square feet
  - Lowe's Home Improvement, proposed major discount retailer

**PACKARD**  
DEVELOPMENT

State of Maine

Project	Anchor Tenants	GLA	Status	Project Value (\$millions)	Jobs
Maine Crossing South Portland	Target Old Navy Babies "R" Us Bed Bath & Beyond A.C. Moore	274,000 SF	Open	35	500
The Shops at Biddeford Crossing Biddeford	Lowe's Target TJ Maxx Linens N Things	460,000 SF	Permitting Opening 4 <sup>th</sup> qtr '05	60	800
Augusta Crossing Augusta	Lowe's Target	450,000 SF	Permitting Opening 2 <sup>nd</sup> qtr '06	55	850
Morrill's Corner Portland	Stop & Shop	150,000 SF	Permitting Opening 4 <sup>th</sup> qtr '05	22	250
Pine-tree Center Re-Development Portland	TBA	175,000 SF	Pre-permitting Opening 4 <sup>th</sup> qtr '05	23	250
Bangor	TBA	180,000 SF		20	300
<b>Totals</b>		<b>1,689,000 SF</b>		<b>\$215M</b>	<b>2950</b>

Estimated annual retail sales \$600M

Estimated annual real estate taxes \$2.7M

CONFIDENTIAL

December 18, 2003



NLB/Its  
Enclosure  
cc: Kandi Talbot

Natalie L. Burns



Sincerely,

Enclosed please find the original signed sidewalk quitclaim deed from Heritage Realty. Please let me know if you have any questions or if you need anything further.

Dear Penny:

Re: *Packard - Pine Tree*

Penny Littlell, Esq.  
Corporation Counsel  
City of Portland  
389 Congress Street  
Portland, Maine 04101

October 14, 2005

MERTON G. HENRY  
WALTER E. WEBBER  
JAMES E. KAPLAN  
OF COUNSEL  
RAYMOND E. JENSEN  
(1908-2002)  
KENNETH BAIRD  
(1914-1987)  
M. DONALD GARDNER  
(1918-2003)  
11 MAIN STREET, SUITE 4  
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(207) 985-4676  
TELECOPIER (207) 985-4932  
OFFICE  
YORK COUNTY

ATTORNEYS AT LAW  
TEN FREE STREET  
P.O. BOX 4510  
PORTLAND, MAINE 04112  
(207) 775-7271  
TELECOPIER (207) 775-7935  
[www.jbgh.com](http://www.jbgh.com)

KENNETH M. COLE III  
NICHOLAS S. NADZO  
FRANK H. FRYE  
DAVID J. JONES  
MICHAEL A. NELSON  
RICHARD H. SPENCER, JR.  
ALAN R. ATKINS  
RONALD A. EPSTEIN  
WILLIAM H. DALE  
JOSEPH H. GROFF III  
F. BRUCE SLEEPER  
DEBORAH M. MANN  
LESLIE E. LOWRY III  
PATRICIA McDONOUGH DUNN  
MICHAEL J. QUINLAN  
R. LEE IVY  
FRANK K. N. CHOWDRY  
NATALIE L. BURNS  
SALLY J. DAGGETT  
BRENDAN P. RIELLY  
SUZANNE R. SCOTT  
MARCIA G. CORRADINI

Jensen Baird  
& Henry  
Gardner

**QUITCLAIM DEED  
(With Covenant)**

KNOW ALL PERSONS BY THESE PRESENTS, that HERITAGE SPE LLC, ("Grantor"), a limited liability company organized and existing under the laws of the State of Delaware with a mailing address of 131 Dartmouth Street, Boston, Massachusetts 02116, in consideration of One Dollar and other valuable consideration paid by the City of Portland ("Grantee"), a municipality organized and existing under the laws of the State of Maine, and having its principal place of business at Portland, in the County of Cumberland and State of Maine, whose mailing address is 389 Congress Street, Portland, Maine 04101, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE, BARGAIN, SELL AND CONVEY and forever QUITCLAIM unto the said City of Portland, its successors and assigns forever, the following described real estate:

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine on the southerly side of Brighton Avenue and being more particularly described in Exhibit A attached hereto and made a part hereof, said property to be used as a sidewalk for the said Brighton Avenue adjacent thereto.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland, its successors and assigns forever, to its use and behoof forever.

AND it does COVENANT with the said Grantee, its successors and assigns forever, that it will WARRANT AND FOREVER DEFEND the premises to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

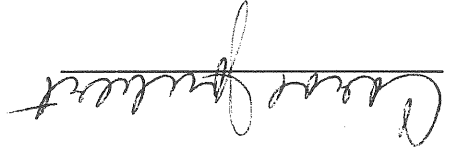
IN WITNESS WHEREOF, the said HERITAGE SPE LLC, has caused this instrument to be signed and sealed in its corporate name this 23rd day of June, 2005.

WITNESS:

HERITAGE SPE LLC

By: Heritage SPE MGR LLC, its Managing Member  
By: Heritage SPE Corp., its Managing Partner

By: Louis C. Zicht Vice President,  
thereunto duly authorized



COMMONWEALTH OF MASSACHUSETTS

Suffolk County, ss. *[Signature]*

June 23, 2005

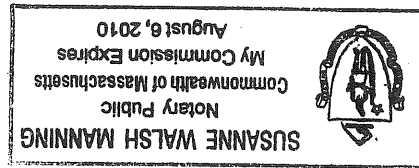
Personally appeared the above named Louis C. Zicht in his/her said capacity,

and acknowledged the foregoing to be his/her free act and deed in his/her said capacity

and the free act and deed of Heritage SPE LLC.

Before me,

*Susanne Walsh Manning*  
Notary Public/Attorney-at-Law



**EXHIBIT A**

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

Beginning at the northeasterly corner of land of the City of Portland as acquired in a deed recorded in the Cumberland County Registry of Deeds in Book 3120, Page 328 and in the southerly sideline of Brighton Avenue;

Thence N 75°-52'-58" W by and along said Brighton Avenue, a distance of 332.07 feet to a point;

Thence N 62°-32'-08" E, by and along said Brighton Avenue, a distance of 5.00 feet to a point;

Thence N 79°-23'-42" W, by and along said Brighton Avenue, a distance of 46.41 feet to a point;

Thence over and through lands of the Grantor on the following courses: S 59°-55'-42" E, 30.83 feet; S 75°-52'-58" E, 344.86 feet to the first mentioned land of the City of Portland;

Thence N 15°-08'-53" E, by and along said City land, a distance of 8.00 feet to the point of beginning.

Meaning and intending to describe a certain parcel of land containing 2,953 square feet, more or less, being depicted on a plan of land titled "Site Plan of Lowe's of Portland" dated through December 31, 2004 by Sebago Technics, Inc.

Courses refer to Grid North NAD 1983 Maine West Zone.



**QUITCLAIM DEED  
(With Covenant)**

KNOW ALL PERSONS BY THESE PRESENTS, that HERITAGE SPE LLC,

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AND it does COVENANT with the said Grantee, its successors and assigns forever, that it will WARRANT AND FOREVER DEFEND the premises to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

IN WITNESS WHEREOF, the said HERITAGE SPE LLC, has caused this instrument to be signed and sealed in its corporate name this 23rd day of June, 2005.

WITNESS:

HERITAGE SPE LLC

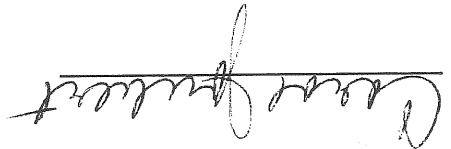
By: Heritage SPE MGR LLC, its Managing Member

By: Heritage SPE Corp, its Managing Partner

By:

Louis C. Zicht Vice President,

thereunto duly authorized



COMMONWEALTH OF MASSACHUSETTS

Suffolk County, ss. *d*

*June 23, 2005*

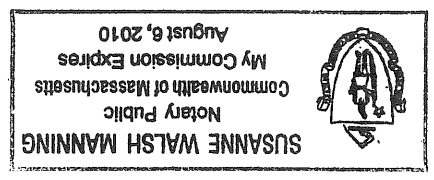
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and acknowledged the foregoing to be his/her free act and deed in his/her said capacity

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Before me,

*Susanne Walsh Manning*  
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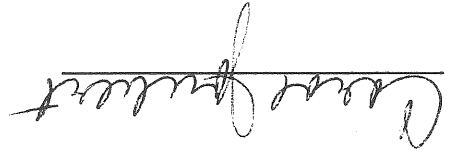
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thereunto duly authorized

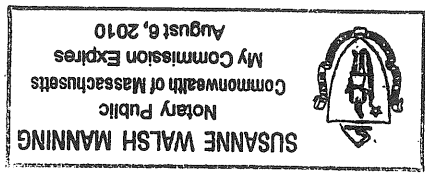


COMMONWEALTH OF MASSACHUSETTS

Suffolk County, ss. [Signature]

June 23, 2005

Personally appeared the above named Louis C. Zicht in his/her said capacity, and acknowledged the foregoing to be his/her free act and deed in his/her said capacity and the free act and deed of Heritage SPE LLC.



Before me,

[Signature]  
Notary Public/Attorney-at-Law

**EXHIBIT A**

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

Beginning at the northeasterly corner of land of the City of Portland as acquired in a deed recorded in the Cumberland County Registry of Deeds in Book 3120, Page 328 and in the southerly sideline of Brighton Avenue;

Thence N 75°-52'-58" W by and along said Brighton Avenue, a distance of 332.07 feet to a point;

Thence N 62°-32'-08" E, by and along said Brighton Avenue, a distance of 5.00 feet to a point;

Thence N 79°-23'-42" W, by and along said Brighton Avenue, a distance of 46.41 feet to a point;

Thence over and through lands of the Grantor on the following courses: S 59°-55'-42" E, 30.83 feet; S 75°-52'-58" E, 344.86 feet to the first mentioned land of the City of Portland;

Thence N 15°-08'-53" E, by and along said City land, a distance of 8.00 feet to the point of beginning;

Meaning and intending to describe a certain parcel of land containing 2,953 square feet, more or less, being depicted on a plan of land titled "Site Plan of Lowe's of Portland" dated through December 31, 2004 by Sebago Technics, Inc.

Courses refer to Grid North NAD 1983 Maine West Zone.

**Division Directors**  
Mark B. Adelson  
Housing & Neighborhood Services  
**Alexander Q. Jaegerman, AICP**  
Planning  
John N. Lurkin  
Economic Development



**CITY OF PORTLAND**



**Department of Planning & Development**  
Lee D. Urban, Director

## Public Works Engineering Memorandum

**Date:** July 14, 2004

**To:** Kandice Talbot, Planning

**From:** Eric J. Labelle, P.E., City Engineer

**Cc:**

**Re:** Pine Tree Shopping Center/Lowes Development

A 1993 Portland Transportation Plan raised concerns relating to arterial-based neighborhoods. As a result of that publication, a Task Force was created in 1998 and charged with examining, and helping plan the future of one of Portland's fast growing, and highly stressed residential and commercial areas, the Brighton Avenue corridor. The corridor refers to Brighton Avenue from Rosemont Corner(Colonial Road) to Main Street in the City of Westbrook.

Findings and recommendations of the Task Force were intended to improve the following priorities:

- Improved Public and Private Streetscape
- Support for Residential Uses on Arterials
- Support for Environmental Values and High Quality Commercial Uses
- Support for compatible Mixes of Urban Uses
- Support for Neighborhood-based Community Living

Subsequent construction projects such as the Rand Road/Brighton Avenue project and the Westbrook Arterial bypass to Rand Road between 2000 and 2003 have been constructed to alleviate traffic pressures on Brighton Avenue, Riverside, and Westbrook's Main Street. This also provided improved access to the site being proposed.

The Rand Road project which abuts the proposed development on two sides was constructed at a cost of \$1.5 million dollars. Beyond traffic improvements, significant aesthetic and pedestrian improvement were constructed around the site.

8. that as part of this development, the developer complete the Brighton Avenue streetscape from where the project was completed up to the Brighton Avenue Bridge. In lieu of completing the Brighton Avenue streetscape, the developer may make a contribution of \$300,000 to the City, prior to issuance of a building permit, for the City to complete the Brighton Avenue streetscape project. The developer will also utilize best efforts to secure, from Heritage Realty, additional Brighton Avenue right of way in fee or easement as required by the City for up to 15 ft. on the southerly side of Brighton Avenue, plus elimination of the property line "bulge", westerly of the entry drive to Pine Tree Shopping Center, or, if not able to secure the right of way prior to issuance of a building permit, the developer shall deposit up to \$100,000 in escrow to be used by the City to defray acquisition costs of such right of way if acquired by the City through an eminent domain proceeding, plus necessary structures to maintain the functionality of the existing development.
9. any revisions that shall occur, such as landscaping or parking changes, based on the securing of additional right of way, shall be reviewed and approved by the Planning Authority.
10. that the applicant shall place in escrow \$12,000 to extend the landscaped island within Rand Road. The funds will be placed in escrow until Rand Road is no longer a moratorium street, which will occur in 2008, at which time the improvements to Rand Road shall be completed.



**CITY OF PORTLAND, MAINE  
PLANNING BOARD**

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

August 2, 2004

Mr. Paul Cincotta  
Packard Development  
One Wells Avenue  
Newton, MA 02459

RE: Pine Tree Shopping Center Redevelopment, Brighton Avenue  
Job ID #2004-0070, CBL # 263A-A-004

Dear Mr. Cincotta:

On July 27, 2004, the Portland Planning Board voted unanimously (4-0, Anton, Patterson absent, Lowry sustained) to approve the site plan for Pine Tree Shopping Center Redevelopment. The approval was granted for the project with the following conditions:

- i. that within the first year after completion of the project, the Rand Road/Pine Tree/Forest City Driveway be monitored to determine whether the intersection meets signal warrants. Documentation shall be submitted to the City's Traffic Engineer. After monitoring, if it is determined that the intersection warrants a traffic signal, the developer shall be responsible for installation of the traffic signal. The developer shall also provide a performance guarantee, prior to issuance of a building permit, in the amount of \$75,000 to be held until that time that it is determined whether a traffic signal is warranted at this driveaway and shall be held for up to 18 months. Monitoring data shall occur during one year after completion and traffic warrant shall be determined within 6 months of the monitoring.
- ii. that the developer revise the plans in accordance with the Traffic Engineer's memo dated July 20, 2004, to be reviewed and approved by the City's Traffic Engineer and that the developer shall reconfigure the Pine Tree Shopping Center Driveaway approach to Brighton Avenue, opposite Taft Avenue, to provide an exclusive right turn lane and a shared left/right turn lane. The plans shall be revised to include additional low dense landscaping and/or berm, within the landscaped island on Brighton Avenue in front of the developer's leased area to deter mid block crossing on Brighton Avenue and the site plan shall be amended to remove reference to the fence. Landscaping and/or berm for the island shall be reviewed and approved by the City Arborist.

iii. that the developer shall provide a pedestrian access easement for the sidewalk along Brighton Avenue, between Rand Road and Applebee's Restaurant, which is located out of the City's right of way. The pedestrian access easement shall be submitted prior to issuance of a building permit, and shall be reviewed and approved by Corporation Counsel.

iv. that revised building elevations shall be submitted for review and approval by Planning staff.

v. that a sewer capacity letter from the Portland Sewer Division is submitted to staff prior to issuance of a building permit.

vi. that the plans be revised in accordance with the Development Review Coordinator's (DRC) memo dated July 19, 2004 and shall be reviewed and approved by the DRC. Any minor revisions during the DRC Site Location review shall be reviewed and approved by the DRC. To the extent that City requirements on any proposed changes are more stringent than DEP requirements, the City standards shall apply.

vii. that the required fire hydrants be added to the site plan for review and approval by the Fire Department.

viii. that as part of this development, the developer shall complete the Brighton avenue streetscape from where the project was completed up to the Brighton Avenue Bridge. In lieu of completing the Brighton Avenue streetscape, the developer shall make a contribution of \$300,000 to the City, prior to issuance of a building permit, for the City to complete the Brighton Avenue streetscape project. The developer will also utilize best efforts to secure, from Heritage Realty, additional Brighton Avenue right of way in fee or easement as required by the City for up to 15 ft. on the southerly side of Brighton Avenue, plus the elimination of the property line "bulge"; westerly of the entry drive to Pine Tree Shopping Center, or, if not able to secure such right of way prior to issuance of a building permit, the developer shall deposit up to \$100,000 in escrow through an eminent domain proceeding, plus necessary structures to maintain the functionality of the existing development.

ix. any revisions that shall occur, such as landscaping or parking changes, based on the securing of additional right of way, shall be reviewed and approved by the Planning Authority.

x. that the applicant shall place in escrow \$12,000 to extend the landscaping island within Rand Road, prior to issuance of a building permit. The funds will be placed in escrow until Rand Road is no longer a moratorium street, which will occur in 2008, at which time the improvements to Rand Road shall be completed.

The Planning Board also voted unanimously (4-0, Anton, Patterson absent, Lowery sustained) that the proposed use does demonstrate a need to exceed the specific site lighting limits for pole height, fixture wattage and maximum illumination levels (shown in Section XV(4) of the City of Portland Technical and Design Standards and Guidelines) for safe and reasonable exercise of the proposed use.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #28-04, which is attached.

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CAD (\*.DWG) files with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

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

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

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

6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

7. 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 Department 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 Kandice Talbot at 874-8901.

Sincerely,



Orlando Delogu, Chair  
Portland Planning Board

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

Alexander Jaegerman, Planning Division Director

Sarah Hopkins, Development Review Services Manager

Kandice Talbot, Planner

Jay Reynolds, Development Review Coordinator

Marge Schmueckal, Zoning Administrator

Inspections Division

Michael Bobinsky, Public Works Director

Traffic Division

Eric Labelle, City Engineer

Jeff Tarling, City Arborist

Penny Littell, Associate Corporation Counsel

Lt. Gaylen McDougall, Fire Prevention

Assessor's Office

Approval Letter File

PINE TREE SHOPPING CENTER REDEVELOPMENT  
VICINITY OF BRIGHTON AVENUE/RAND ROAD  
SITE PLAN REVIEW  
PACARD DEVELOPMENT, APPLICANT

Submitted to:  
Portland Planning Board  
Portland, Maine  
July 27, 2004 Public Hearing

Submitted by:  
Kandice Talbot, Planner  
July 14, 2004

## I. INTRODUCTION

Packard Development is proposing to redevelop the Pine Tree Shopping Center located on Brighton Avenue. The site is located at the southwest corner of the intersection of Brighton Avenue and Rand Road. The shopping center currently has a grocery store that will be relocated off-site by late summer/early fall. In addition to a vacant Ames store, other tenants include A. J. Wright, Mardens, CVS, Jo-Ann Fabrics and several other small tenants. The overall site area is approximately 29 acres. The site is zoned B-2 Community Business.

236 notices were sent to area residents. A notice also appeared in the July 19, 2004 edition of the *Portland Press Herald*. A neighborhood meeting was held on May 20, 2004. The minutes and sign-in sheet from the neighborhood meeting is included as Attachment 4.

## II. SUMMARY OF FINDINGS

Zoning:	B-2 Community Business
Parcel Size:	29 acres
Parking Spaces:	1,150 parking spaces
Building Floor Area:	182,700 sq. ft. – total of 3 buildings
Uses:	Retail

## III. PROPOSED DEVELOPMENT

Packard Development is proposing to redevelop only a portion of the site area, which will be leased from the current owner. The proposed lease area is approximately 17 acres and primarily includes the eastern portion of the center beginning at "Daddy's Music". The buildings in this area will be demolished except for Applebee's and the Century Tire building, which will remain. The existing conditions plan is included as Attachment 16A. The buildings on the west side of the site are located outside of the lease area and will remain as is.

A new building, which will be approximately 162,700 sq. ft., is proposed for an anchor tenant to be sited on the southeast corner of the site. Additionally, two 10,000 sq. ft. multi-tenant retail buildings are proposed along the Brighton Avenue frontage, between Applebee's and Century Tire.

The proposed development will be reviewed for compliance with the site plan ordinance of the City's land use code. Because there will be over 7 acres of impervious surface area on the site, MeDEP will review the project for compliance with the site location of development.

## IV. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision and site plan ordinances. Staff comments are highlighted in this report.

1/2. Traffic

**Vehicle Access**

Access to the site will be by two existing curb cuts on Brighton Avenue and one new curb cut on Rand Road. Currently, there are two access points from Brighton Avenue and two additional curb cuts on Rand Road, one adjacent to Century Tire and the second, a rear service drive behind Shaw's.

The proposal will keep the Brighton Avenue entrances primarily as-is. At a previous workshop, the Planning Board commented that full circulation around the large retail building is preferred. The two existing entrances on Rand Road will be closed, and a new entrance will be provided on Rand Road. This access has been designed to enhance and encourage vehicle traffic to the front of the store's, while at the same time providing truck access to the rear of the anchor store.

The Planning Board had recommended that the applicant look into the possibility of removing the eastern Pine Tree Shopping Center access drive on Brighton Avenue. As stated previously, a traffic study has been submitted (Attachment 2) and the closure of the eastern drive on Brighton Avenue has been analyzed by Gorrill-Palmer Consulting Engineers, the applicant's traffic engineer. The Traffic Report states the following:

- A. The level of services analyses show that the removal of the eastern Pine Tree Shopping Center driveway would result in significant increases in delay at the Brighton Avenue/Taft Road/Western Pine Tree Drive intersection, particularly on the eastbound Brighton Avenue approach where levels of service drop from a "B" to a "D", with a 16 second increase in delay. The level of service on the left-turn existing Pine Tree Shopping Center also drops from a "C" to a "D" with closure of the eastern site driveway. It is also important to note that an offset currently exists between Taft Road and the Western Pine Tree Driveway. In order to maintain safe left-turning conditions from Brighton Avenue onto Taft Road and the Western Pine Tree Driveway, the left-turns will have to operate split phase, which results in increases in delay at this intersection.
- B. The queue analyses show that the available storage length at the driveways is adequate to accommodate the queues generated by the site traffic in the PM and Saturday post development conditions. With the closure of the eastern Pine Tree Shopping Center driveway on Brighton Avenue, the queues at the western driveway will exceed the available storage lengths.

Therefore, Gorrill-Palmer is recommending that both driveways along Brighton Avenue remain open.

The Traffic Study also discusses how the level of service analyses show that all intersections within the study area operate at acceptable levels of service in the predevelopment and post development conditions with the exception of the intersection of Rand Road/Pine Tree/Forest City Driveway. The eastbound left-turn movement at this location operates at a level of service "F" during the PM peak hour in the post development condition. However, installation of a traffic signal is not recommended,

because this location is not forecast to meet signal warrants. Gorrill-Palmer is recommending that monitoring of this location after completion of the project be done to determine whether the intersection meets signal warrants.

The City's Traffic Engineer has reviewed the traffic study and plans and his memos are included as Attachments 5 and 10. The Traffic Engineer concurs with the Gorrill-Palmer traffic study that the current access/egress configuration remain for the easterly entrance (between Applebee's Restaurant and Rand Road). The Traffic Engineer also concurs with the recommendation that the Rand Road intersection with the Pine Tree Shopping Center Driveaway be evaluated for traffic signalization following the opening of the project. The Planning Board may wish to require that the developer provide a separate performance guarantee, in case a traffic signal is warranted after completion of the project. A proposed amount for the traffic signal will be available at the public hearing. A potential condition of approval is:

- that within the first year after completion of the project, the Rand Road/Pine Tree/Forest City Driveaway be monitored to determine whether the intersection meets signal warrants. Documentation shall be submitted to the City's Traffic Engineer. After monitoring, if it is determined that the intersection warrants a traffic signal, the developer shall be responsible for installation of the traffic signal. The developer shall also provide a performance guarantee, prior to issuance of a building permit, in the amount of \_\_\_\_\_ to be held, until such time that it is determined whether a traffic signal is warranted at this driveaway.

Also, the Traffic Engineer is concerned with the queue estimate on the Pine Tree Shopping Center Driveaway approach to Brighton Avenue opposite Taft Avenue. While the queue length would not likely impact the public street system, internal circulation problems are likely. The applicant is proposing that this location be monitored following the opening of the home improvement store to determine if queuing is a problem at this location. If there is a problem, the developer is proposing to reconfigure striping of the exit lanes to an exclusive left turn lane, and a shared left/through/right turn lane. A potential condition of approval is:

- that within the first year after completion of the project, the Pine Tree Shopping Center Driveaway approach to Brighton Avenue, opposite Taft Avenue, shall be monitored to determine if there is a queuing problem at this intersection. Documentation shall be submitted to the City's Traffic Engineer. After monitoring, if it is determined that there is a queuing problem, the developer shall be responsible for the reconfiguration of the driveaway to provide an exclusive left turn lane and a shared left/through/right turn lane. The developer shall also provide a performance guarantee, prior to issuance of a building permit, in the amount of \_\_\_\_\_ to be held, until such time that it is determined whether driveaway reconfiguration is necessary.

The Traffic Engineer is also recommending the following:

- a. At the easterly driveaway, can the entry road width be reduced from two lanes to one lane? It seems excessive to have both right and left turn entry lanes. The developer should also consider changing the traffic control at the first internal intersection, such that entry movements are uncontrolled.



- b. Truck movements to and from the loading dock to Rand Road should be restricted to routings behind the proposed building.
- c. Details on the recommended overhead lane use signage on Brighton Avenue should be provided.
- d. The width of the westerly entry drive seems excessive. Justification on the need of approximately 30 feet for entry movements should be provided.

A potential condition of approval is:

- that the developer revise the plans in accordance with the Traffic Engineer's memo dated July 20, 2004, to be reviewed and approved by the City's Traffic Engineer.

### Pedestrian Access

The developer is proposing to relocate the existing sidewalk in front of the leased area onto the private parcel. Currently, the sidewalk is located between Brighton Avenue and a small retaining wall. The proposed sidewalk will run along the top of the retaining wall, adjacent to the proposed Retail 1 and 2 buildings, before reconnecting to the public right-of-way at the Brighton Avenue/Rand Road intersection. This will provide a new landscaped esplanade between Brighton Avenue and the parking areas of the site. Because the sidewalk will be relocated onto the private parcel, a pedestrian access easement will be required for this section of sidewalk. A potential condition of approval is:

- that the developer shall provide a pedestrian access easement for the sidewalk along Brighton Avenue, between Rand Road and Applebee's Restaurant, which is located out of the City's right of way. The pedestrian access easement shall be submitted prior to issuance of a building permit, and shall be reviewed and approved by Corporation Counsel.

Pedestrian access within the site has been revised, so that the sidewalk alignment from the westerly entrance has been improved to provide a more direct access to the existing shopping center. The new sidewalk system will guide walkers either south along the main access drive or west through a raised sidewalk island, providing two points of access to the existing shopping island.

The developer is also proposing a 12 ft. sidewalk and landscaped island in the Lowe's parking lot. This provides a 6 ft. wide sidewalk next to a 6 ft. wide landscape island to be planted with shade trees.

At the last workshop, the Planning Board raised a concern with mid-block pedestrian crossing on Brighton Avenue. To address that concern, the developer is proposing a fence along the north side of Brighton Avenue. This fence is proposed within the esplanade between the sidewalk and the curb. The intent of this fence is to direct pedestrians either west or east to signalized intersections. This should improve safety, as it will encourage pedestrians to utilize the crosswalks at the intersections.

The developer is also proposing crosswalks across all of the site entrances. The entrance islands will be modified, as necessary, to provide ADA access across each entrance. The City's Traffic Engineer also requested narrowing of vehicle traffic lanes and an upgrade of the signal system such that pedestrian count-down signal heads are provided across the westerly Pine Tree driveway. The developer has included the additional pedestrian safety improvements to their plans.

## Parking

Parking calculations have been completed based on the City's Ordinance requirements. These calculations indicate the total number of parking spaces required is 1,205 spaces. Of these, 732 spaces are required for the large retail anchor alone. Based on the anchor tenant's experience at more than 800 locations, the parking requirement for a store of this size is approximately 600 spaces. This equates to almost 130 less spaces than that required by ordinance. Based on this information and in an effort to meet parking needs while minimizing new impervious areas, the applicant proposed a total parking count of 1,150 spaces. This is slightly less than the City's ordinance requirements (approximately 5% less) but more than the retail store's minimum requirements.

Sec. 14-526(a)(2)b. states "Where construction is proposed of new structures having a total floor area in excess of fifty thousand (50,000) square feet, the planning board shall establish the parking requirement for such structures. The parking requirement shall be determined based upon a parking analysis submitted by the applicant, which shall be reviewed by the city traffic engineer, and upon the recommendation of the city traffic engineer." The applicant has submitted a parking analysis, which is included as Attachment 1.

The City's Traffic Engineer has reviewed the parking analysis and it is the Traffic Engineer's opinion that the reduced parking is appropriate and therefore finds the parking conditions to be acceptable.

The Planning Board should be aware that although the plans show a total parking count of 1,150 parking spaces, the developer is proposing an area of enclosed storage of used pallets and appliances at the southwesterly corner of the rear parking area. This enclosed storage area would eliminate 12 parking spaces, which should be taken off the plan as proposed parking spaces. The developer is also showing hatched areas on the plan in front of the proposed Lowe's building and between Retail 1 and 2, which would be used for outdoor tent sales. During these outdoor sales periods, approximately 120 parking spaces will not be accessible. The developer has stated that the outdoor tent sales will be held during off peak sales periods when the parking demand will be less.

### 3. Bulk, Location, Height of Proposed Buildings

A new building, which will be approximately 162,700 sq. ft., is proposed for an anchor tenant to be sited on the southeast corner of the site. Additionally, two 10,000 sq. ft. multi-tenant retail buildings are proposed along the Brighton Avenue frontage, between Applebee's and Century Tire.

The proposed facade of Retail 1, which is the anchor building and is located to the rear of the site, includes painted concrete masonry units and EIFS. Staff had concerns with the

previous design, because the elevations had large areas of blank wall space with no detail, particularly on the front elevation and the Rand Road elevation.

Retail 2 and 3 facades are proposed with brick along the bottom half, EIFS on the top and metal canopy. The building height will be approximately 22 ft. high. Staff had concerns with the rear elevations of the previous design. The rear elevations will be viewed from Rand Road and the easterly Pine Tree Shopping Center access drive on Brighton Avenue. Staff believes that these elevations could be "dressed" up by possibly adding additional windows. It is staff's understanding that revised elevations will be available at the public hearing. A potential condition of approval is:

- *that revised building elevations shall be submitted for review and approval by Planning staff.*

4. Sewers, Stormdrains, Water

Public water and sewer service the shopping center. A water capacity letter from the Portland Water District is included as Attachment 6c. The developer has discussed sewer capacity with the Portland Sewer Division. A sewer capacity letter shall be submitted prior to issuance of a building permit. A potential condition of approval is:

- *that a sewer capacity letter from the Portland Sewer Division is submitted to staff prior to issuance of a building permit.*

5. Landscaping and Existing Vegetation

The developer has designed the landscape plan with the intent to reinforce the main access drives with street tree and ornamental tree plantings as well as to provide typical plantings for on-site landscape islands. The developer is also proposing landscaping on City owned lot on the corner of Rand Road and Brighton Avenue. The City Arborist has reviewed the plans and is recommending additional landscaping along the northwesterly corner of the site, along Brighton Avenue and would like to work with the developer's landscape architect regarding the type of landscaping within the islands along Brighton Avenue. A potential condition of approval is:

- *that the Developer's landscape architect coordinate with the City Arborist regarding type of landscaping within the islands along Brighton Avenue and provide additional landscaping along the northwesterly corner of the site. A revised landscaping plan shall be submitted and reviewed and approved by the City Arborist.*

6. Soils and Drainage

A stormwater management plan has been submitted and is included as Attachment 3. Because there will be over 7 acres of impervious surface area on the site, MeDEP will review the project for compliance with the site location of development.

The stormwater management plan proposes that runoff from Applebee's and the westerly shopping center parking areas will be collected in an existing storm drain system. The existing system is conveyed through the development area of the site to a manhole located within the Rand Road right-of-way. Since this area is to remain primarily as is,

this stormwater system has not been changed and the pipes and structures will be protected throughout the development area to maintain the existing drainage patterns.

Runoff from the front parking lot area (from the front of Retail 1 to Brighton Avenue and including the Retail 2 and 3 buildings) will be collected and routed through stormwater treatment tanks. From there, the runoff will be discharged to an underground chamber system that will detain the runoff prior to discharging to the existing manhole in the Rand Road right-of-way.

The roof area of Retail 1 and a small road section behind the store will be collected through a roof drain and a storm drain system and be directed to a second underground detention chamber system. Since the runoff is mainly roof runoff, water quality treatment for this area is not being provided.

Runoff from the southwesterly corner of the site, which consists of new parking areas as well as the remaining wooded areas of the site, will be collected and routed through a water quality treatment tank and then discharged to a third underground detention system. The stormwater from this system will be discharged to the existing wetland that flows to the south and off-site.

The developer is not proposing any treatment to the westerly parking area, which is outside of their leased area. The drainage from this parking area will sheet flow to proposed catch basins within the leased area. The City is requesting that, if possible, the applicant treat a portion of this parking area. The developer has stated that they believe they can add treatment for this parking area.

The Development Review Coordinator has reviewed the stormwater plans. The DRC's memo dated July 19, 2004 and July 23, 2004 is included as Attachments 9 and 13. There are a large number of detail issues. However, the DRC and Planning staff met with the developer to discuss the issues and the DRC is comfortable with the developer's responses and proposed plan revisions to address the DRC's comments. Also, because this is currently going through DEF review for Site Location, there is the potential for changes to the design. A potential condition of approval is:

- that the plans be revised in accordance with the DRC's memo dated July 19, 2004 and shall be reviewed and approved by the DRC. Any minor revisions during the DEF Site Location review shall be reviewed and approved by the DRC. To the extent that City requirements on any proposed changes are more stringent than DEF requirements, the City standards shall apply.

## 7. Exterior Lighting

The developer has submitted lighting catalogue cuts and a lighting photometric plan. The applicant is proposing a mounting height of 30 feet for site poles and 20 feet for building mounted fixtures. The design wattage is 400 watts for all fixtures. All fixtures are cut-off type fixtures. Lighting information is included as Attachment 8.

The lighting standards states that fixtures shall be mounted at the lowest height necessary with no fixture height to exceed twenty (20) feet above grade, excepting in sites proposed for large industrial and/or commercial uses, where the fixture height shall not exceed thirty (30) feet above grade. For the purposes of this standard only, a large industrial

and/or commercial use is defined to have greater than fifty thousand (50,000) gross square feet of building space, which the proposed building meets.

The developer is requesting a waiver (see Attachment 14) of the lighting technical standards for the following:

**Illumination levels** – The code specifies the following minimum, maximum, and average illumination levels for areas intended to be lighted, as measured at grade:

Minimum:	0.2 foot candles
Maximum:	5.0 foot candles
Average:	1.25 foot candles

The Lowe's site lighting requirements include a requirement for a minimum lighting level of 2.5 foot candles (maintained) in all parking areas and truck drives. Based on the submitted site lighting plan, the developer is requesting a waiver to allow a minimum of 0, a maximum of 15.5, and an average of 2.6 foot candles (fc). Note that this average appears to be closer to 5 or 6 fc when reviewing all of the paved access areas of the site only (excluding landscape and other areas not proposed for development).

Within the site development boundaries, the only 0 fc areas are located on the north and east sides of Retail 2. The developer will add wall mounted goose-neck style fixtures on the building exterior (similar to the fixtures used on the Brighton Ave. side of Applebee's) to assure these areas around the building are adequately lit. All other pedestrian and vehicle access areas within the development area meet the City's minimum fc standard.

The maximum fc on the site is 15.5 fc. This illumination level is located in the truck well at the southeast corner of the Lowe's building. The lighting fixtures specified in the truckwell, as well as all other wall-mounted fixtures, are Lowe's-specific design standards for safety and operational uses.

Other areas that exceed the maximum 5.0 fc criteria are located throughout the site. The highest light levels, ranging from approximately 5.0 to 10.7, are located along the main access road directly in front of the Lowe's front facade. Again, a higher light level at this location is desired as this is a high pedestrian and vehicular use area. Note that there are no illumination levels higher than the maximum directly along the property line, with the exception of 2 or 3 points along the rear/south property line. This area abuts an industrial use (Emery Waterhouse).

IES recommends that site lighting for a project of this type adhere to specific ratios of lighting levels. Specifically, these are average:minimum and maximum:minimum. IES recommends maximum values for these of 4:1 and 15:1, respectively. When the main entry and truckwell areas are removed from the analysis the resulting light levels fall well within these recommended ratios. We believe the proposed illumination levels provide for safe and reasonable use of the site and will not create an unpleasant condition on abutting parcels.

**Light Trespass** - The City's maximum illumination level at a property line is 0.1, except where abutting industrial or other non-sensitive uses. It is believed that this criteria has been met as the project is not a direct abutter to any sensitive use areas.

**Wattage** - The code requires that no fixture shall exceed 250 watts, except in industrial areas. The Lowe's guidelines call for mostly 1000 watt with some 400-watt fixtures on all area light poles. The applicant has limited the maximum wattage to 400 and request a waiver of the 250-watt maximum. Clearly a lower maximum wattage will require more poles to achieve the desired illumination levels. The applicant's objective is to limit the number of poles located throughout the parking areas. By using 400-watt fixtures, many of the poles can be placed within the landscape islands and fewer poles are located in parking aisles where vehicle conflict is more likely.

8. Fire

During discussions with the Fire Department, the developer has indicated that they will be added 4 additional hydrants, which the Fire Department is agreeable. The location of the fire hydrants have not been determined at this time. A potential condition of approval is:

- that the fire hydrants be added to the site plan for review and approval by the Fire Department.

9. Financial Capability

Financial capability is included as Attachment 1a.

10. Brignton Avenue/Rand Road Improvements

**Brignton Avenue**

The *Brignton Avenue/Main Street Corridor Traffic and Streetscape Study* was completed in December, 1999. This study was collaboration between the City of Portland and the City of Westbrook for the beautification of each City's gateway. The study discusses a recommendation for the streetscape along Brignton Avenue, which includes landscaped islands within Brignton Avenue (which would include a refuge for pedestrians), a four (4) ft. bike lane, lighting, and esplanades between the street and the sidewalks.

In 2003, the City had completed a portion of the streetscape in the front of this development. This work included a new sidewalk along the shopping center frontage, widening of Brignton Avenue and landscaped islands between Rand Road and the entrance east of Applebee's. The City is recommending, that as part of this development, the applicant complete the Brignton Avenue streetscape from where the project was completed up to the Brignton Avenue bridge, where work is currently being done. This would include landscaped islands within Brignton Avenue, lighting on the Shopping Center side of Brignton Avenue, esplanades between the street and the sidewalk and the widening of Brignton Avenue.

Packard Development is in the process of evaluating the City's request to complete off-site improvements. The applicant has stated that there are many associated issues, including extent and magnitude of the improvements, associated cost, right-of-way constraints, lease area constraints, and the overall coordination.

The applicant has looked at the improvements that would be located within the lease area. The applicant is, at this time, agreeing to do the following:

- Sidewalk. Currently, the sidewalk is located between Brighton Avenue and a small retaining wall. The applicant is proposing that the sidewalk will run along the top of the retaining wall, adjacent to Retail 1 and 2 buildings, before reconnecting to the public right-of-way at the Brighton Avenue/Rand Road intersection.
- Landscaped Islands. When the City reconstructed the Rand Road/Brighton Avenue intersection, a landscape island was constructed in front of the shopping center. The applicant is proposing to install street tree plantings within this island.

- Street Lighting. The applicant is proposing pedestrian scale lighting along the portion of the Brighton Avenue frontage that is located within the development lease area. This lighting will be consistent with the new lighting on Rand Road and on the north side of Brighton Avenue.

- Gateway at Rand Road/Brighton Avenue Intersection. The Beautification Study recommends that a building be constructed at the corner of Brighton Avenue/Rand Road to anchor the corner and shield views of the parking lot. The applicant's design is a result of the site grades. The applicant is proposing to construct a new bus stop shelter on this property. The bus stop shelter would be 15 square feet, which will be designed consistent with the architecture of the new retail buildings. The proposal is that the shelter will be located close to the corner within a paved plaza. The steep slope between the shelter and the parking lot will consist of mixed evergreen and deciduous trees, ornamental shrubs and flowering trees.

The City is still recommending, that as part of this development, the applicant complete the Brighton Avenue streetscape from where the project was completed up to the Brighton Avenue Bridge, where work is currently being done. This would include landscaped islands within Brighton Avenue, lighting on the Shopping Center side of Brighton Avenue, esplanades between the street and the sidewalk and the widening of Brighton Avenue.

At the last workshop, the Planning Board had asked for a scope of work for the Brighton Avenue streetscape and an estimated cost of the work. Public Works has submitted a scope and estimate, which is included as Attachment 12. The estimated cost of construction is \$250,000. The developer has mentioned that may wish to make a contribution instead of completing the work. The estimate only includes the cost of the construction, not the engineering, which would be an additional \$300,000. A potential condition of approval is:

- that as part of this development, the developer complete the Brighton Avenue streetscape from where the project was completed up to the Brighton Avenue Bridge. In lieu of completing the Brighton Avenue streetscape, the developer may make a contribution of \$300,000 to the City, prior to issuance of a building permit, for the City to complete the Brighton Avenue streetscape project.

**Rand Road**

As stated previously, the applicant is proposing to close the main entrance on Rand Road and relocate it further to the back of the property and close the existing rear driveway. Rand Road was reconstructed last year and is now a moratorium street. Because the existing main entrance on Rand Road will be relocated, there is the possibility to extend the landscaped island in this area further down to the Forest City Chevrolet entrance. Because Rand Road is a moratorium street, staff is recommending that the applicant place in escrow the funds to extend the landscaped island, until Rand Road is no longer a moratorium street, which will occur in 2008. The improvements could be completed then.

Packard Development is agreeable to providing funds for the extension of and planting within this landscaped island and will be evaluating anticipated costs related with this improvement. A cost will be provided at the public hearing. A potential condition of approval is:

- that the applicant shall place in escrow \$\_\_\_\_\_, to extend the landscaped island within Rand Road. The funds will be placed in escrow until Rand Road is no longer a moratorium street, which will occur in 2008, at which time the improvements to Rand Road shall be completed.

**VI. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report 28-04 relevant to standards for site plan regulations, and other findings as follows:

i. That the proposed use [does/does not] demonstrates a need to exceed the specific site lighting limits for pole height, fixture wattage and maximum illumination levels (shown in Section XV(4) of the City of Portland Technical and Design Standards and Guidelines) for safe and reasonable exercise of the proposed use.

ii. That the plan [is/is not] in conformance with the site plan standards of the land use code.

**Potential Conditions of Approval:**

1. that within the first year after completion of the project, the Rand Road/Pine Tree/Forest City Driveway be monitored to determine whether the intersection meets signal warrants/ Documentation shall be submitted to the City's Traffic Engineer. After monitoring, if it is determined that the intersection warrants a traffic signal, the developer shall be responsible for installation of the traffic signal. The developer shall also provide a performance guarantee, prior to issuance of a building permit, in the amount of \_\_\_\_\_ to be held, until such time that it is determined whether a traffic signal is warranted at this driveway. *\$75,000*



2. that within the first year after completion of the project, the Pine Tree Shopping Center Drive approach to Brighton Avenue, opposite Taft Avenue, shall be monitored to determine if there is a queuing problem at this intersection.

Documentation shall be submitted to the City's Traffic Engineer. After monitoring, if it is determined that there is a queuing problem, the developer shall be responsible for the reconfiguration of the driveway to provide an exclusive left turn lane and a shared left/through/right turn lane. The developer shall also provide a performance guarantee, prior to issuance of a building permit, in the amount of \_\_\_\_\_ to be held, until such time that it is determined whether driveway reconfiguration is necessary.

that the developer revise the plans in accordance with the Traffic Engineer's memo dated July 20, 2004, to be reviewed and approved by the City's Traffic Engineer.

4. that the developer shall provide a pedestrian access easement for the sidewalk along Brighton Avenue, between Rand Road and Applebee's Restaurant, which is located out of the City's right of way. The pedestrian access easement shall be submitted prior to issuance of a building permit, and shall be reviewed and approved by Corporation Counsel.

5. that revised building elevations shall be submitted for review and approval by Planning staff.

6. that a sewer capacity letter from the Portland Sewer Division is submitted to staff prior to issuance of a building permit.

7. that the Developer's landscape architect coordinate with the City Arborist regarding type of landscaping within the islands along Brighton Avenue and provide additional landscaping along the northwesterly corner of the site. A revised landscaping plan shall be submitted and reviewed and approved by the City Arborist.

8. that the plans be revised in accordance with the DRC's memo dated July 19, 2004 and shall be reviewed and approved by the DRC. Any minor revisions during the DRC Site Location review shall be reviewed and approved by the DRC. To the extent that City requirements on any proposed changes are more stringent than DRC requirements, the City standards shall apply.

9. that the fire hydrants be added to the site plan for review and approval by the Fire Department.

10. that as part of this development, the developer complete the Brighton Avenue streetscape from where the project was completed up to the Brighton Avenue Bridge. In lieu of completing the Brighton Avenue streetscape, the developer may make a contribution of \$300,000 to the City, prior to issuance of a building permit, for the City to complete the Brighton Avenue streetscape project.

11. that the applicant shall place in escrow \$ \_\_\_\_\_, to extend the landscaped island within Rand Road. The funds will be placed in escrow until Rand Road is no

and finalize the plans w/ City, Packard & Heritage prior to issuance of bldg permit.

Applebee's

required

ask Tom  
might need  
signal head -  
may include  
in work

this needs to  
be included  
in Brighton Avenue  
improvement plan

10-15 ft.  
revised assessment  
plan - could eliminate  
plan - submit layout  
parties  
plan - meet w/ interest

longer a moratorium street, which will occur in 2008, at which time the improvements to Rand Road shall be completed.

Attachments:

1. Applicant's Submittal dated May 25, 2004
2. Traffic Impact Study
3. Stormwater Management Narrative
4. Neighborhood Meeting Information
5. Traffic Engineer's Memo dated June 11, 2004
6. Applicant's Submittal dated June 21, 2004
7. Applicant's Letter dated June 21, 2004 addressing Traffic Engineer's Comments
8. Lighting Information
9. DRC's Memo dated July 19, 2004
10. Traffic Engineer's Memo dated July 20, 2004
11. Fire Department's Memo dated July 20, 2004
12. Public Works' Memo regarding Brighton Avenue Improvements dated July 22, 2004
13. DRC's Memo dated July 23, 2004
14. Lighting Waiver Request and Explanation
15. Zoning Administrator's Memo dated July 23, 2004
16. Plans
17. Elevations

MAY 25, 2004

Sebago Technics, Inc.

prepared by:

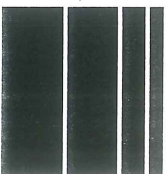
Packard Development  
One Wells Avenue  
Newton, MA 02459

prepared for:

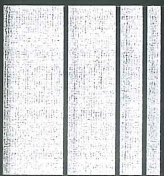
PINE TREE SHOPPING CENTER  
Brighton Avenue  
Portland, Maine

# SITE PLAN APPLICATION

Att. 1



Sebago Technics  
Engineering Expertise You Can Build On



May 25, 2004  
04005

Ms. Sarah Hopkins  
Planning and Development Dept.  
City of Portland  
389 Congress Street  
Portland, ME 04101

Site Plan Application - Pine Tree Shopping Center, Portland, Maine

Dear Sarah:

On behalf of Packard Development, we are pleased to submit this Site Plan Application for the redevelopment of the Pine Tree Shopping Center. We previously submitted a Preliminary Site Plan for review and received comments from staff and the Planning Board at the May 11, 2004 workshop meeting.

We have attached nine (9) copies of our application as well as a completed Site Plan Checklist. For ease of review, the following project narrative follows the checklist format. In addition, we have provided more information on updates since our last submission and items specifically noted in the Planner's memorandum and at the Planning Board workshop.

Existing Conditions

Boundary Survey and Existing Conditions Plan (Items 1 through 7)

We have attached a Boundary Survey for the 29-acre parcel signed and sealed by a registered land surveyor. The boundary survey also reflects the existing conditions of the site and immediate surrounding area. The information includes site features (buildings, access drives, pavement, curbs, etc.), utilities, topography, wetlands, vegetation, easements and other items required by the checklist.

Soils (Item 8)

The existing soil conditions are currently being evaluated by R. W. Gillespie and Associates. A report summarizing the results of the geotechnical investigation will be available within the next two weeks. Once finalized, the results and recommendations will be incorporated into the design of the project.

16

Natural Features (Item 9)

The majority of the site consists of pavement and buildings, with the exception of the rear/south side and southwest corner of the site. The south side of the site, behind the existing grocery and vacant Ames building, is cleared and graded. It appears this area is used for vehicle maneuvering and/or storage. The southwest corner of the site is wooded and includes a wetland area that drains off-site to the south. This wetland area is approximately 13,200 square feet in size and will be impacted by the proposed development.

On-Site Buildings (Item 10)

The existing retail shopping mall on the site was built in the late 1950s. The center currently has a grocery store anchor that will be relocated off site by late summer/early fall. In addition to a vacant Ames store, other retail tenants include A. J. Wright, Mardens, CVS, Jo-Ann Fabrics, and several other small retail tenants.

Based on plans provided by the owner, Heritage Realty Management, Inc., the square footage of the existing shopping center (including Century Tire and Applebee's) is about 255,280 square feet. A summary of tenants in the shopping center, along with building square footage areas, is provided in the parking analysis (Attachment A).

The finished floor elevations vary with each unit, with the higher units located on the northwest side of the site and the lower units located on the southeast side of the site. The finished floor elevations of the existing units range from 97.65' (Key Bank) to 83.60' (Shaws), with Applebee's at elevation 96.82' and Century Tire at 77.66'.

The exterior facade of these buildings is dated and typical for the 1960s timeframe in which the majority of the center was constructed. The stores have window fronts with white, tan or brick exterior finishing, though more recently redeveloped spaces reflect some tenant-typical facade upgrades. Pictures of the existing buildings and pylon signs are provided in Attachment B.

The buildings on the west side of the site (including Daddy's Music and all tenants to the north and west up to Key Bank) are located outside of the applicant's lease area. These buildings and the surrounding roads, service drives, and utility infrastructure will remain as-is. Changes will be made to the parking lot in front of these units so that there is continuity between the new development area and this existing center area.

Adjacent Buildings (Item 11)

The only building in close proximity to the site is the Republicash located off the northwest corner of the shopping center. Ramada Inn is located immediately to the west, Emery-Waterhouse is located to the south, and Forest City is located to the east on the opposite side of Rand Road. Various uses are located to the north across Brighton Avenue. These include residential units of Sagamore Village, a small shopping center, Burger King, and the Barron Center.

10

On-Site Waste Receptacles (Item 12) and Loading Facilities (Item 19)

The loading facilities, service areas, and dumpsters are located behind the existing shopping center. Applebee's has a service drive and dumpster located adjacent to and east of the building. The dumpster is screened by a brick wall and fence. Century Tire has a dumpster located in the parking area adjacent to and south of the building. No screening or fencing is provided at this location.

Utilities (Items 13, 14 and 15)

The shopping center is served by public water (Portland Water District) and sewer (City of Portland). Separate water and sewer services are provided to the existing shopping center, Applebee's and Century Tire. All of these service connections are provided within the Brighton Avenue corridor, with the exception of the sewer service to Shaw's, which is connected to the public system in Rand Road.

The storm drainage discharges to a public system located in Rand Road and Brighton Avenue (City of Portland system). The site is also serviced by private utilities including gas, electric, telephone and cable services.

Easements (Item 16)

There is a 50-foot wide existing easement to the Portland Pipe Line Corporation located along the westerly property line. The proposed development plan will have no impact on this easement. There are also several easements to the City located along the Brighton Avenue frontage. These easements provide the City with the right to access and maintain the driveways to the site. All easements are noted or shown on the Boundary Survey.

Circulation (Item 17)

Vehicular access is provided by two access points from Brighton Avenue and two additional curb cuts from Rand Road, one adjacent to Century Tire and the second, a rear service drive behind Shaw's. Circulation routes are defined primarily by striping only, except the northwest entrance drive, which is defined by curbed islands. Within the east and west parking lots, there is an evident lack of curbed islands throughout the site.

Pedestrian circulation is provided by means of a public sidewalk along the Brighton Avenue and Rand Road frontage and a private on-site sidewalk system. The on-site sidewalks extend from the northwesterly Brighton Avenue entrance, along the access road, to the main sidewalk that is provided along the full frontage of the existing center. Additionally, two islands within the large parking lot in front of Shaw's/Ames are paved to provide a pedestrian walkway north-south across the site.

Parking Areas (Item 18)

The latest parking analysis for the overall site was performed when the Applebee's building was permitted in 1998. Based on this analysis, parking is provided for 1,050 vehicles. Approximately 78% of the parking spaces are provided in the front, while the remaining 22% are provided along the rear service drive behind the existing buildings. A summary of the existing parking requirements is provided in the parking analysis, Attachment A.

Proposed Conditions

Site Design (Items 22 through 37 and 39 through 40)

A detailed description of the redevelopment plan was previously provided in our original Site Plan application dated April 13, 2004. The enclosed plans have not substantially changed, with a few exceptions noted below. The following paragraphs provide more information on plan updates since our last submission and address items specifically noted in the Planner's memorandum and at the Planning Board workshop.

1. Main access drive off Rand Road - The current Site Plan application depicts a modified entrance to the site off of Rand Road. The original design provided for an entrance approximately 725' from Brighton Avenue. This entrance provided truck/vehicle access to the front of the store only. The rear service drive behind the retail anchor tenant ended in a dead-end turnaround area in the southeast corner of the site (just south of the entrance).

It was noted at the Planning Board meeting that full circulation around the large retail building is preferred. In the current design, the entrance has been shifted approximately 150' feet closer to Brighton Avenue. The main access has been designed to enhance and encourage vehicle traffic to the front of the store, while at the same time provide truck access to the rear of the anchor store.

Tom Gorrill, with Gorrill Palmer Consulting Engineers, is the traffic engineering consultant for this project. Gorrill Palmer prepared a traffic assessment and determined that a traffic permit from the Maine DOT is not warranted. Randall Dutton with the Maine DOT concurred with their findings.

To follow-up on the City's comments regarding traffic, Tom Gorrill has scheduled a meeting with the City's traffic engineer, Thomas Errico, to review the site layout and outline the City's requirements for a traffic study. We will forward any additional traffic information to the City once available.

2. Parking Analysis - Based on the reconfigured Site Plan, the parking layout has been slightly adjusted. A revised parking analysis is attached (Attachment A). The total parking count is 1,150 spaces. This is slightly less than the City's Ordinance requirements (approximately 5% less), but more than the retail store's minimum requirements (approximately 7% more).

3. Brighton Avenue Improvements - As relayed in the Planner's memorandum, the City staff has requested that the applicant review the Brighton Avenue/Main Street Corridor Traffic and Streetscape Study. In addition, the City has recommended that the applicant complete the Brighton Avenue streetscape work from where the project was recently completed (northeast entrance to site) up to the bridge over the Maine Turnpike where work is currently being done. The recommended work includes landscaped islands within Brighton Avenue, lighting on the shopping center side of Brighton Avenue, esplanades between the street and the sidewalk, and the widening of Brighton Avenue.

1D

We have considered several alternative designs for this corner of the site. The original site plan discussed with the City depicted a building located close to this corner and paralleling the Brighton Avenue frontage. We revised the design to the current plan as a result of the site grades. Between the northeast entrance to the site and this intersection, road grades drop approximately 15 feet. A further constraint is the existing Century Tire building, which is set at a floor elevation of 77.6' (approximately 8 feet higher than the adjacent Rand Road grade). The current site layout was developed within these existing grade constraints.

- *Gateway at intersection* - The Beautification Study recommended a "gateway" at the Brighton Avenue/Rand Road intersection (refer to sketch on Study Drawing No. 6) and further suggested that a building be constructed at this location to anchor the corner and shield views of the parking lot.

- *Street lighting* - The applicant has proposed pedestrian scale lighting along the portion of the Brighton Avenue frontage that is located within the development lease area. This lighting will be consistent with the new lighting on Rand Road and on the north side of Brighton Avenue.

- *Landscaping in islands* - As part of the City's Brighton Avenue project, a landscape island was constructed in front of the shopping center at this location. The applicant has proposed street tree plantings within the island. The proposed planting plan is attached (Sheet 12) and offered for review and approval by the City arborist.

- *Sidewalk* - The City has requested that we consider a relocation of the existing sidewalk onto the private parcel. Currently, the sidewalk is located between Brighton Avenue and a small retaining wall. The proposed sidewalk will run along the top of the retaining wall, adjacent to the proposed Retail 1 and 2 buildings, before reconnecting to the public right-of-way at the Brighton Avenue/Rand Road intersection. This change is consistent with the Beautification Plan as it will provide for a new landscaped esplanade between Brighton Avenue and the parking areas of the site.

We have reviewed several elements of the request that are within the limits of our control, including landscaping and lighting within the portion of Brighton Avenue that is located within the lease area. This extends from the Rand Road intersection to the northeast entrance to the site (between Applebee's and Retail 3). This stretch of Brighton Avenue was recently improved by the City in accordance with the recommendations of the Beautification Study. Based on our discussions with the City staff, there are several areas in need of further improvement. These include:

We are in the process of evaluating this request. There are many associated issues, including extent and magnitude of the improvements, associated cost, right-of-way constraints (beyond our control), lease area constraints, and the overall coordination. At this time, the applicant is hesitant to agree to any major off-site improvements without completing this evaluation.

le



1f

We have prepared a conceptual design that we feel is consistent with the beautification study while maintaining the current site layout. As shown on Sheet 12 of the plan set, we are proposing a new bus stop shelter, 15 feet square, that will be designed consistent with the architecture of the new retail buildings. The shelter will be located close to the corner within a paved plaza. This plaza will be integrated with the sidewalks along Rand Road and Brighton Avenue. The steep slope between the shelter and parking lot will be a backdrop of mixed evergreen and deciduous trees, ornamental shrubs and flowering trees.

4. Rand Road Improvements - The City has also requested that the applicant place in escrow the funds needed to extend the landscaped island in Rand Road further down to the Forest City entrance and the proposed shopping center entrance. We appreciate the City's sensitivity to the additional costs that would be incurred if this work were to be completed at this time, since Rand Road is a moratorium street until 2008. The applicant is agreeable to providing funds for the extension of and planting within this landscaped island. We will evaluate the anticipated costs and work further with the City to establish the magnitude of the proposed work.

5. Site entrances off Brighton Avenue - Several members of the Planning Board noted their concerns with the current entrance locations to the site off of Brighton Avenue. As discussed, a third entrance to the site was recently closed near the Brighton Avenue/Rand Road intersection as part of the City's improvement project. The Board has asked that the applicant evaluate the functionality of the two entrances and the possibility for improving safety and circulation if one of the entrances were closed.

The team's traffic engineer, Tom Gorrill, is currently evaluating this request and gathering additional information on the existing travel configurations and traffic history. We will provide more information to the City once our evaluation has been completed.

Architural Design

Elevation drawings are currently being prepared for the three new retail buildings. Port City Architecture will provide the architectural design for the two smaller retail buildings and the bus stop shelter. Elevation sketches will be submitted for review prior to the June 8<sup>th</sup> Planning Board meeting.

Landscape and Lighting

The Landscape Plan has been prepared by Chris Di Matteo, a registered landscape architect with Sebago Technics, Inc. The landscape plan has been designed with the intent to reinforce the main access drives with street tree and ornamental tree plantings as well as to provide typical plantings for on-site landscape islands. Since the existing vegetation on-site is limited, the majority of the plan addresses new plantings and construction details.

The landscape plan also addresses screening of dumpsters and service areas for the two retail buildings along Brighton Avenue. Landscape screening is also provided for the relocated dumpster on the Century Tire portion of the site.

19

As noted, pedestrian scale lighting will be provided along the portion of the Brighton Avenue frontage that is located within the development lease area. The remaining site lighting will be designed based on the retail tenant and City requirements for parking lot illumination. A photometrics analysis will be prepared based on a minimum 20' by 20' grid. The analysis will be submitted to the City once completed.

Signage

The existing Pine Tree Shopping Center currently has a single pylon sign that is located at the intersection of Brighton Avenue and northwesterly access drive (refer to photo in Attachment B). The applicant proposes to amend this sign by removing the Shaw's and Ames panels and replacing them a single sign of equal area for the new retail tenant anchor. An elevation drawing of the modified sign will be submitted once available.

The applicant is also proposing a secondary pylon sign to be located at the new main entrance on Rand Road. This sign will comply with the City Ordinance requirements and will provide a sign panel for the large retail tenant anchor. We believe this sign is important in promoting the desired circulation of the center, since we anticipate the recent Maine Turnpike Exit 7b/47 will be a main point of access for trucks and vehicles to the site.

The Century Tire building has their own pylon sign located in the parking lot adjacent to the building (refer to photo in Attachment B). Based on a discussion with Marge Schmuckal, this sign is counted in the limitation on the number of freestanding signs per frontage. As a result, the proposed secondary pylon sign will require minor site plan approval from the planning staff. Therefore, we will prepare a separate sign application for staff review to be submitted within the next few weeks. The application will provide the size, scale, proportions, design, materials, placement, and source and intensity of illumination for the new sign.

Easements (Item 38)

Public access and maintenance easements are proposed for the portions of the Brighton Avenue sidewalk that will be located on the private parcel.

Drainage Conditions (Item 41)

A detailed analysis of existing and proposed drainage patterns has been prepared and is included as Attachment C, Stormwater Management Analysis. The proposed design will improve the collection of runoff from the site by providing a more comprehensive storm drainage infrastructure. Any increased flows associated with the new development will be mitigated by the use of underground chambers for storage with controlled outlets. Additionally, improvements to the quality of the runoff water will be provided by the use of proprietary water quality treatment systems. The stormwater management system has been designed to comply with both the City and the Maine Department of Environmental Protection (DEP) requirements.

14

Permitting and Project Scheduling (Items 42 through 46)

In addition to City permit approvals, we will also submit a Site Location of Development Act permit with the Maine DEP. A Natural Resources Protection Act (NRPA) Tier 1 permit will be required for the wetland impacts, which total approximately 13,200 square feet. Finally, a Maine Construction General Permit will be submitted to the Maine DEP prior to construction. The anticipated filing date for these permits is June 2, 2004. Based on the DEP review time on recently submitted projects, we expect the approval in a 3 to 4 month timeframe (approximately October 1, 2004). Demolition and site construction will begin following permit approval, with new building construction expected to start on April 1<sup>st</sup>. Based on this schedule, we anticipate an opening date for Retail 1 and 2 in May 2005 and an opening date for Retail 1 in October or November 2005. There are no pending applications.

Although the City has delegated review for Site Law projects, this project falls under the DEP's jurisdiction since the total new impervious area (including change in use areas) exceeds 7 acres.

Financial and Technical Capability (Item 47)

The applicant, Packard Development, has submitted evidence of financial capability in the form of a letter from their banking institution (refer to Attachment D).

Packard Development also has extensive experience in retail store and shopping center development throughout New England. A brief resume summarizing the firm's experience is provided in Attachment E. We have also attached project data sheets for several of their on-going and completed retail developments in Maine.

I hope that this application package provides adequate information for Site Plan review. We look forward to presenting our project at the June 8, 2004 workshop meeting with the Planning Board. If you have any questions or comments in the meantime, please call me.

Sincerely,

SEBAGO TECHNICS, INC.

Danielle D. Betts, P.E.

Sr. Project Manager

DDB:ddb/jc

Enc.

CITY OF PORTLAND, MAINE  
SITE PLAN CHECKLIST

Pine Tree Shopping Center, 1030 Brighton Ave  
Project Name, Address of Project

Application Number

Section 14-525 (b,c)

Submitted () & Date	Item	Required Information
X	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:
X	(2)	Name and address of applicant and name of proposed development
X	(3)	Scale and north points
X	(4)	Boundaries of the site
X	(5)	Total land area of site
X	(6)	Topography - existing and proposed (2 feet intervals or less)
X	(7)	Plans based on the boundary survey including:
X	(8)	Existing soil conditions
X	(9)	Location of water courses, marshes, rock outcroppings and wooded areas
X	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used
X	(11)	Approx location of buildings or other structures on parcels abutting the site
X	(12)	Location of on-site waste receptacles
X	(13)	Public utilities
X	(14)	Water and sewer mains
X	(15)	Culverts, drains, existing and proposed, showing size and directions of flows
X	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed
X	(17)	Location and dimensions of on-site pedestrian and vehicular access ways
X	(18)	Parking areas
X	(19)	Loading facilities
X	(20)	Design of ingress and egress of vehicles to and from the site onto public streets
X	(21)	Curb and sidewalks
X	(22)	Landscape plan showing:
X	(23)	Location of existing proposed vegetation
X	(24)	Type of vegetation
X	(25)	Quantity of plantings
X	(26)	Size of proposed landscaping
X	(27)	Existing areas to be preserved
N/A	(28)	Preservation measures to be employed
X	(29)	Details of planting and preservation specifications
X	(30)	Location and dimensions of all fencing and screening
TBD	(31)	Location and intensity of outdoor lighting system
X	(32)	Location of fire hydrants, existing and proposed
X	(33)	Written statement
X	(34)	Description of proposed uses to be located on site
N/A	(35)	Quantity and type of residential, if any
X	(36)	Total land area of the site
X	(37)	Total floor area and ground coverage of each proposed building and structure
X	(38)	General summary of existing and proposed easements or other burdens
X	(39)	Method of handling solid waste disposal
X	(40)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets
X	(41)	Description of any problems of drainage or topography, or a representation that there are none
X	(42)	An estimate of the time period required for completion of the development
X	(43)	A list of all state and federal regulatory approvals to which the development may be subject to
X	(44)	The status of any pending applications
X	(45)	Anticipated timeframe for obtaining such permits

1  
a  
b  
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b  
c  
Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used  
Approx location of buildings or other structures on parcels abutting the site  
Location of on-site waste receptacles  
Public utilities  
Water and sewer mains  
Culverts, drains, existing and proposed, showing size and directions of flows  
Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed  
Location and dimensions of on-site pedestrian and vehicular access ways  
Parking areas  
Loading facilities  
Design of ingress and egress of vehicles to and from the site onto public streets  
Curb and sidewalks  
Landscape plan showing:  
Location of existing proposed vegetation  
Type of vegetation  
Quantity of plantings  
Size of proposed landscaping  
Existing areas to be preserved  
Preservation measures to be employed  
Details of planting and preservation specifications  
Location and dimensions of all fencing and screening  
Location and intensity of outdoor lighting system  
Location of fire hydrants, existing and proposed  
Written statement  
Description of proposed uses to be located on site  
Quantity and type of residential, if any  
Total land area of the site  
Total floor area and ground coverage of each proposed building and structure  
General summary of existing and proposed easements or other burdens  
Method of handling solid waste disposal  
Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets  
Description of any problems of drainage or topography, or a representation that there are none  
An estimate of the time period required for completion of the development  
A list of all state and federal regulatory approvals to which the development may be subject to  
The status of any pending applications  
Anticipated timeframe for obtaining such permits

N/A  
X

(46)

A letter of non jurisdiction

h8

Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.

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

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

Other comments:

Refer to letters accompanying the Site Plan application dated 4/13/04, 5/25/04 &

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15

**PACKARD**  
DEVELOPMENT

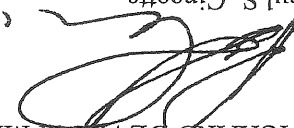
May 24, 2004

Sebago Technics, Inc.  
Attn: Danielle D. Betts, P.E.  
P.O. Box 1339  
Westbrook, Maine 04098

**RE: Agent Authorization for Local, State and Federal Permitting  
Pine Tree Shopping Center, 1030 Brighton Ave., Portland, Maine**

Dear Danielle:

I hereby authorize Sebago Technics, Inc. to act on behalf of Packard Development as an agent in the processing of any required local, State or Federal permit applications and to furnish, upon request, supplemental information in support of these applications.

Sincerely,  
PACKARD DEVELOPMENT  
  
Paul S. Cincotta  
Project Manager

1K

# TABLE OF CONTENTS

<u>Attachment</u>	<u>Description</u>
A	Parking Analysis
B	Photographs of Existing Buildings
C	Stormwater Management Analysis
D	Financial Capability
E	Technical Ability

# **Parking Analysis**

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## **Attachment A**

1/11





**PARKING ANALYSIS**  
**PINE TREE SHOPPING CENTER**  
**PORTLAND, ME**

Sebago Technics, Inc.  
 Job No.: 04005  
 Revised: 5/25/2004

**EXISTING CONDITIONS**

NO.	EXISTING TENANT	EX. SQ. FT.	Adjusted*		PARKING REQUIRED CALC.	NO. SPACES	PROPOSED TENANT
			S.F. per Ordinance	PARKING REQUIRED			
01	SHAW'S SUPERMARKET	43,208	34,727	1/200 SF	174	RETAIL 1 RETAIL	
02	BANK	2,951	2,508	1/334 SF	8	RETAIL 1 OFFICE	
3A	DELI	2,250	1,688	1/150 SF	11	RETAIL 1 WAREHOUSE	
3B	CITI/FINANCIAL	2,250	0	1/200 SF	0		
04	CARD\$MART	4,500	1,825	1/200 SF	9		
05	AMES	78,000	64,300	1/200 SF	322	MULTI-TEN. RETAIL	
06	RENT-A-CENTER	3,000	550	1/200 SF	3		
07	DOLLAR DAZE	2,000	0	1/200 SF	0		
08	DADDY'S MUSIC	4,000	1,400	1/200 SF	7	DADDY'S MUSIC	
09	RADIO SHACK	3,000	550	1/200 SF	3	RADIO SHACK	
10	PAYLESS SHOES	2,400	40	1/200 SF	0	PAYLESS SHOES	
11	JO-ANN FABRICS	21,025	15,871	1/200 SF	79	JO-ANN FABRICS	
12	FASHION BUG	6,900	3,865	1/200 SF	19	FASHION BUG	
13	MARDENS	32,700	25,795	1/200 SF	129	MARDENS	
14	CVS	5,900	3,015	1/200 SF	15	CVS	
15/16	A.J. WRIGHT	25,298	19,503	1/200 SF	98	A.J. WRIGHT	
17	CHINESE RESTAURANT	1,980	1,485	1/150 SF	10	CHINESE RESTAURANT	
18	HAIR EXCITEMENT	1,950	0	1/200 SF	0	HAIR EXCITEMENT	
19	KEY BANK	2,000	1,700	1/334 SF	5	KEY BANK	
20	APPLEBEE'S	5,000	3,750	1/150 SF	25	APPLEBEE'S	
21	KIOSK-KEY BANK	64	54	1/334 SF	0	KIOSK-KEY BANK	
22	CENTURY TIRE	4,906	2,170	1/200 SF	11	CENTURY TIRE	
		255,282			928	TOTAL	

EXISTING PARKING:  
 (per Applebee's Overall Site Plan)

FRONT 823  
 REAR 228  
**PROVIDED: 1051**

**PROPOSED CONDITIONS**

NO.	EXISTING TENANT	EX. SQ. FT.	Adjusted*		PARKING PROPOSED CALC.	NO. SPACES	PROPOSED TENANT
			S.F. per Ordinance	PARKING PROPOSED			
01	SHAW'S SUPERMARKET	43,208	34,727	1/200 SF	174	RETAIL 1 RETAIL	
02	BANK	2,951	2,508	1/334 SF	8	RETAIL 1 OFFICE	
3A	DELI	2,250	1,688	1/150 SF	11	RETAIL 1 WAREHOUSE	
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20	APPLEBEE'S	5,000	3,750	1/150 SF	25	APPLEBEE'S	
21	KIOSK-KEY BANK	64	54	1/334 SF	0	KIOSK-KEY BANK	
22	CENTURY TIRE	4,906	2,170	1/200 SF	11	CENTURY TIRE	
		299,081			1205	TOTAL	

PROPOSED PARKING PER PLAN:

FRONT 879  
 REAR/SIDE 271  
**PROVIDED: 1150**

\*BULK STORAGE ASSUMED TO BE 15% OF FLOOR AREA FOR EACH BUSINESS,  
 FOOD PREPARATION AND BULK STORAGE ASSUMED TO BE 25% OF FLOOR  
 AREA FOR EACH RESTAURANT (based on Applebee's data submitted to City)

PROPOSED REDUCTION PER RETAIL 1 ANCHOR STD. PARKING REQUIREMENTS:  
 RETAIL 1 - PORTLAND CODE (Total from above): 732 SPACES  
 RETAIL 1 - STANDARD REQUIREMENTS: 603 SPACES  
 PROPOSED REDUCTION 129 SPACES

REQUIRED BY CODE: 1205 95.4%  
 REQUIRED BY RETAIL 1 STANDARD: 1076 106.9%  
 PROVIDED: 1150

**Attachment B**

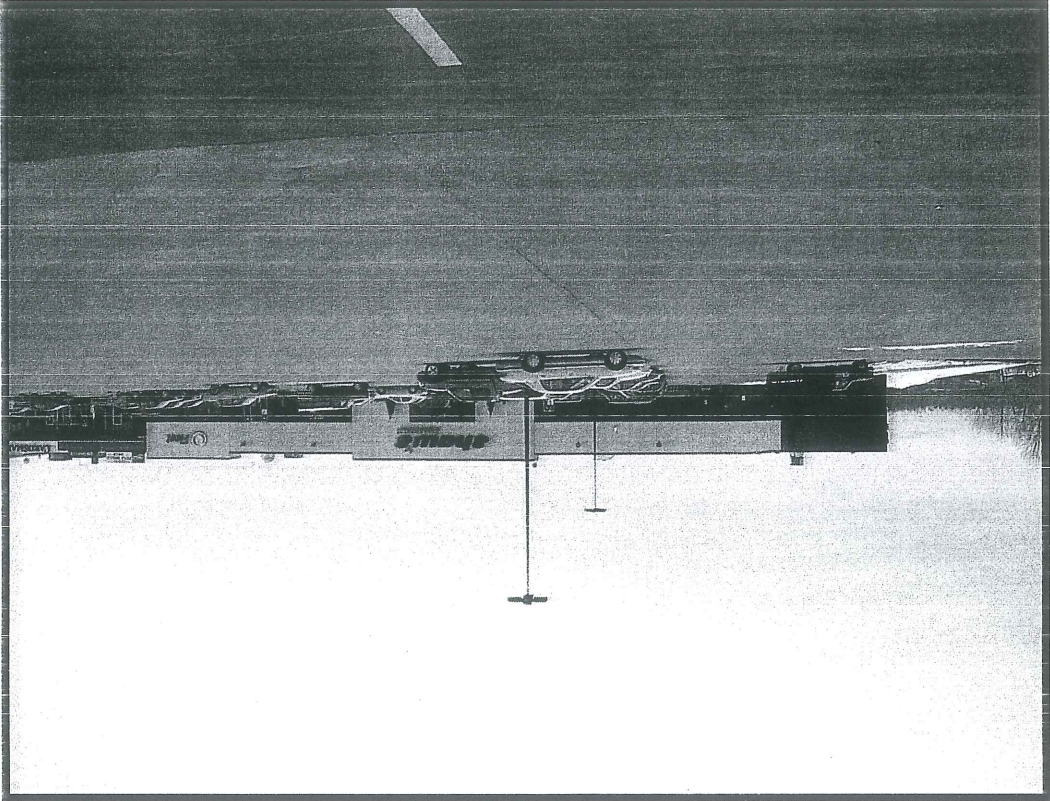
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**Photographs of Existing  
Buildings**

18

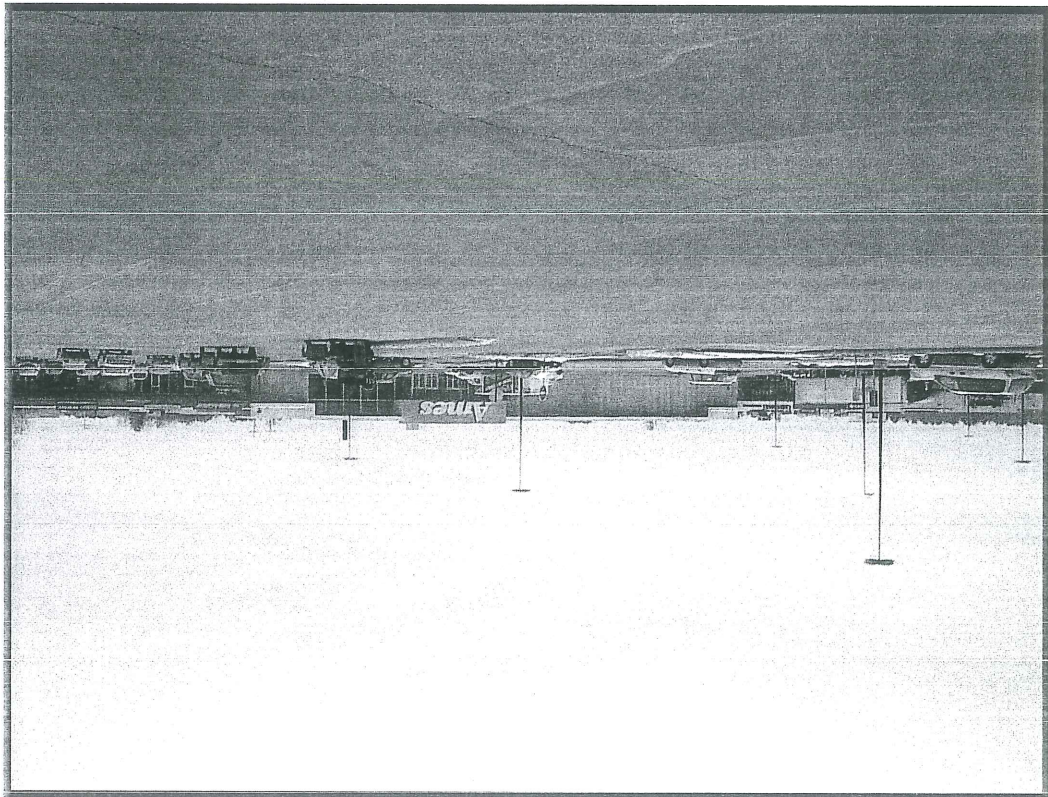


Firestone / Century Tire building and pylon sign (to remain as-is)



Southeast end of Pine Tree Shopping Center (to be demolished)

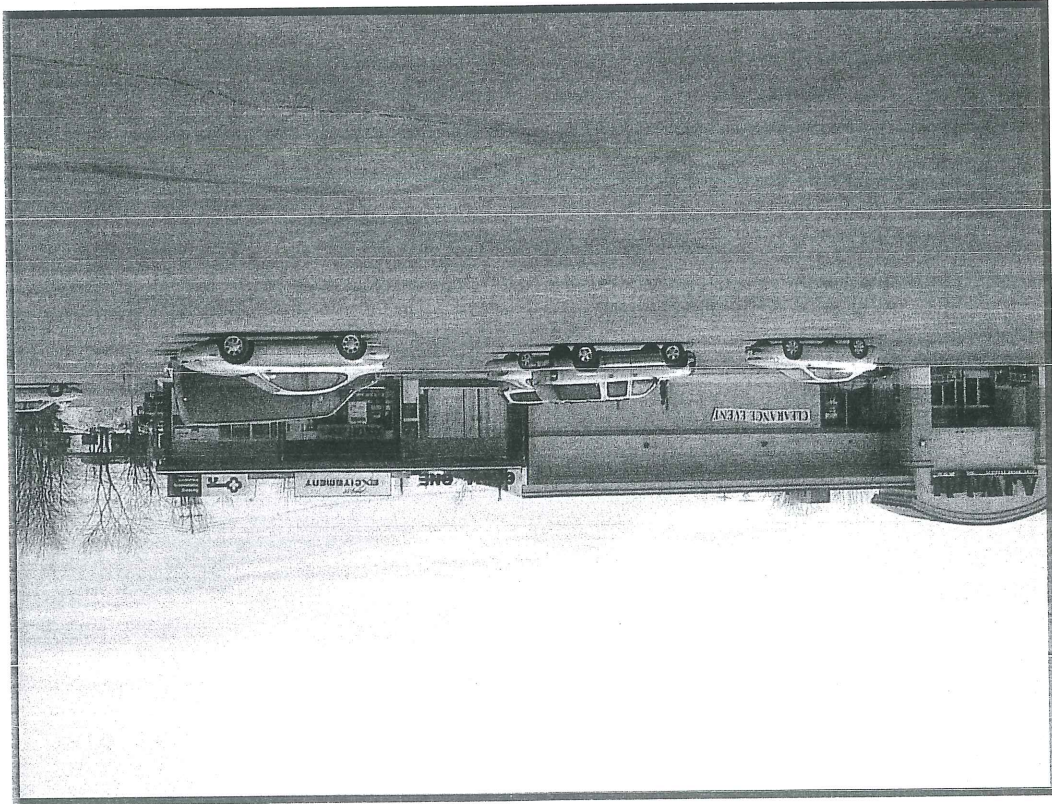
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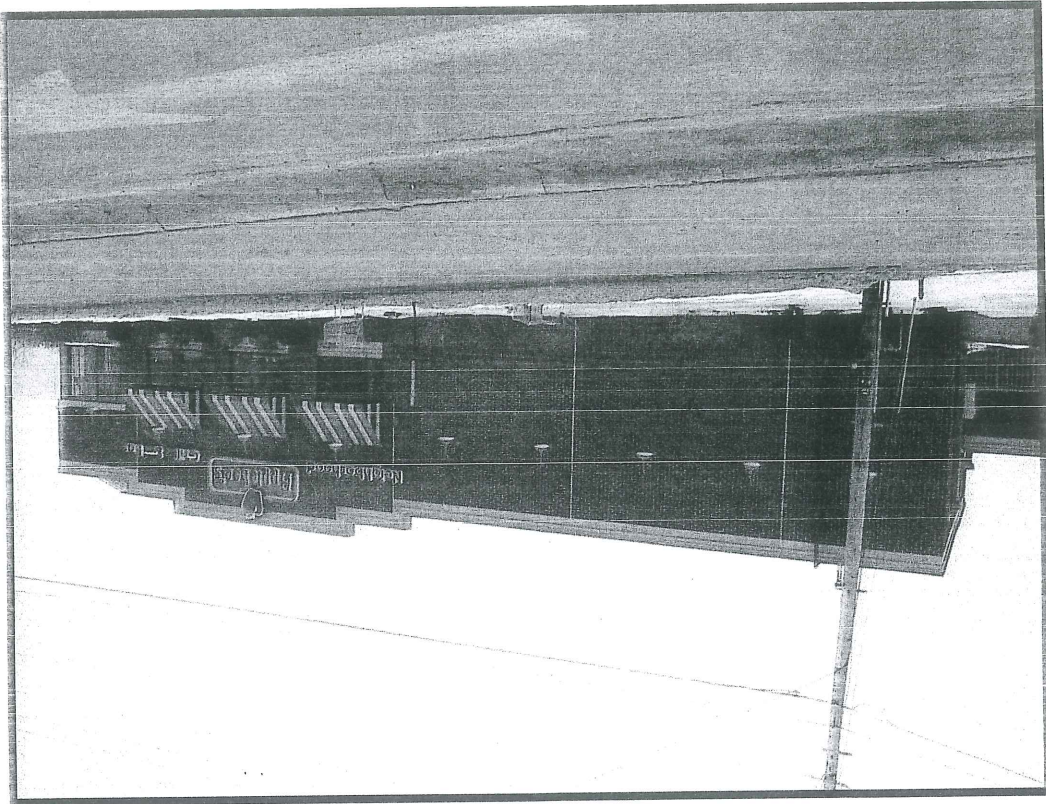
South side of Pine Tree Shopping Center (to be demolished)



South corner of Pine Tree Shopping Center (to remain as-is, with tenants east of Daddy's Music to be demolished)



Northwest end of Pine Tree Shopping Center (to remain as-is)



Applebee's (to remain as-is)

14



Main pylon sign (to be modified)

**Attachment C**  

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**Stormwater Management  
Analysis**

lu



**STORMWATER MANAGEMENT PLAN**

**Pine Tree Shopping Center  
1030 Brighton Avenue  
Portland, Maine**

General

This Stormwater Management Plan has been prepared to evaluate the pre and post-development conditions associated with the redevelopment of the Pine Tree Shopping Center located at the southwest corner of the intersection of Brighton Avenue and Rand Road in Portland, Maine.

The entire project site is located within the Nason Brook Watershed, which ultimately discharges to the Fore River. The purpose of this report is to fulfill both the City's and the State's stormwater requirements. In accordance with the City of Portland Code of Ordinances and the Maine Department of Environmental Protection (MDEP) Stormwater Law, the project is required to meet the stormwater quantity standard and the stormwater quality basic stabilization standard.

The stormwater quantity standard requires limitation of post-development peak flow rates to pre-development levels. For our quantity analysis, we have evaluated current conditions to establish the pre-development peak flow rates.

In accordance with the MDEP Chapter 502 regulations, the Fore River is not a sensitive or threatened watershed or a waterbody most at risk from development; therefore, the sliding scale standard of the Stormwater Law is applicable for establishing water quality treatment goals. The amount of impervious area on the parcel has been estimated based on the Site Plan for the project. The on-site subwatersheds were divided into existing areas and proposed development areas. The existing impervious areas, including the buildings and parking areas on the west side of the center, are to remain as is and are not part of the proposed development area. These impervious areas were not counted towards the total impervious area in the Sliding Scale treatment table. Based on these calculations and Appendix A of the Chapter 500 regulations, a total treatment of efficiency of 53% TSS removal is required for this redevelopment project.

Pre-development Site Conditions

The parcel is located at the southwest corner of the intersection of Brighton Avenue and Rand Road. The existing retail shopping mall on the site was built in the late 1950s. The center currently has a grocery store anchor that will be relocated off-site by late summer/early fall. In addition to a vacant Ames store, other retail tenants include A. J. Wright, Mardens, CVS, Jo-Ann Fabrics, and several other small retail tenants.

N

The overall site area is approximately 29 acres. The majority of the site consists of pavement and buildings, with the exception of the rear/south side and southwest corner of the site. The south side of the site, behind the existing grocery and vacant Ames building, is cleared and graded. It appears this area is used for vehicle maneuvering and/or storage. The southwest corner of the site is wooded and includes a wetland area that drains off-site to the south. The runoff from this wetland is collected in a storm drain system on the Emery-Waterhouse lot and is then discharged to the public system in Rand Road and then to Nason Brook located east of Motor City.

Methodology

The stormwater runoff analysis was developed in accordance with methodology outlined in the "HydroCAD" stormwater modeling system. The HydroCAD system evaluates the runoff conditions using TR-55 and TR-20 methodology. The 2-year (3"), 10-year (4.7"), and 25-year (5.5"), 24-hour storm event was used for this analysis. Curve numbers and times of concentration for each subwatershed were established using the existing conditions survey and the grading and utility plan for the proposed development.

Post-development Site Conditions

The redevelopment plan includes only a portion of the site area which will be leased from the current owner. The proposed lease area is approximately 17 acres and primarily includes the eastern portion of the center beginning at "Daddy's Music". The buildings in this area will be demolished except for Applebee's and the Century Tire building, which will remain. The buildings on the west side of the site are located outside of the lease area and will remain as is. A new building (Retail 1) is proposed for an anchor tenant to be sited on the southeast corner of the site. The total area of retail building for this tenant will be approximately 162,700 square feet. Additionally, two 10,000 square foot multi-tenant retail buildings (Retail 2 and Retail 3) are proposed along the Brighton Avenue frontage, between Applebee's and Century Tire.

The proposed impervious area is 22.7 acres, which is an increase of approximately 4.3 acres above the existing condition. Drainage for the post-development condition includes 12 subcatchments. The ground cover has been changed to reflect the post-development conditions as shown on the Site Plan.

A Grading and Utility Plan has been prepared for the project based on the Site Plan. The grading plan and utility layout provide the basis for developing the post-development subcatchments for the project. The proposed storm drain system will route the on-site flows to various stormwater management features on the site.

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Table 1									
25-Year Storm					10-Year Storm				
Pre		Post		Diff.		Pre		Post	
(cfs)		(cfs)		(cfs)		(cfs)		(cfs)	
Reach 7	51.47	41.19	10.28	85.75	65.53	20.22	100.4	77.02	23.38
Pond 10	4.02	3.15	0.87	9.49	5.54	3.95	12.28	9.19	3.09

Based on the above routing and stormwater management design, the net BMP efficiency is 53.6% TSS removal. This exceeds the minimum required TSS removal efficiency of 53%. This treatment level is achieved through the use of proprietary treatment systems, HIL-1, HIL-2, and HIL-3, as shown on the plans. The water quality calculations and computer modeling data sheets are provided with this report.

In order to evaluate the anticipated runoff conditions, pre and post-development calculations were performed for the 2, 10 and 25-year storms. Hydrograph plots have been provided for the 10-year storm only. The results of the HydroCAD model of the pre and post-development conditions are summarized below.

Stormwater Management Calculations

Watershed 7 consists of the roof area of Retail 1 and a small road section behind the store. A roof drain and storm drain system will collect runoff and direct it to UGD-2, a second underground detention chamber system. Since the runoff is mainly roof runoff, water quality pre-treatment is not provided.

The southwesterly corner of the site consists of new parking areas (behind the existing center and to the west of Retail 1) as well as the remaining wooded areas of the site. Runoff from Watershed 6 will be collected and routed through HIL-3 to receive water quality treatment. The runoff will then be discharged to UGD-3, a third underground detention system. The stormwater from this chambered system will be discharged to the existing wetland that flows to the south and off-site.

Watersheds 3A, 4, 6, 7, 9 and 10 represent the proposed development areas. Watersheds 3A and 4 include the front parking lot area (from the front of Retail 1 to Brighton Avenue and including the Retail 2 and 3 buildings). Runoff from these areas will be collected and routed through HIL-1 and HIL-2 to receive water quality treatment. From there, the runoff will be discharged to UGD-1, an underground chamber system that will detain the runoff prior to discharging to the existing manhole in the Rand Road right-of-way.

Watersheds 1, 2 and 3 will collect runoff from Applebee's and the westerly shopping center development area of the site to a manhole located within the Rand Road right-of-way. Since the Applebee's and westerly shopping center are to remain primarily as is, this system has not been changed and the pipes and structures will be protected throughout the development area to maintain the existing drainage patterns.

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Summary

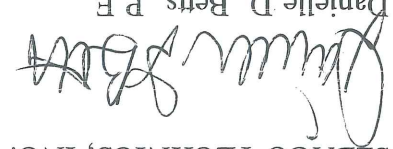
From the above results table, it is apparent that the peak rates of runoff leaving the site in the post-development condition are less than those in the pre-development condition. This can be attributed to the underground storage and controlled runoff release rates. Because there is an overall decrease in the peak rate of runoff leaving the site, it is not expected that any adverse affects will occur to downstream areas because of this development.

Additionally, the quality of the runoff water has been improved by the use of proprietary water quality treatment systems. The treated runoff is from the new impervious areas as well as from portions of the existing impervious areas that will be modified as part of this development proposal. The efficiency of the treatment systems exceeds the required TSS removal efficiency rate of 53%.

Other drainage provisions include a grading plan, utility plan, and erosion and sedimentation control plan. The erosion and sediment control plan will be implemented throughout the construction cycle. Incorporation of the above mentioned drainage provisions and infrastructure for the proposed development will adequately address the stormwater quantity and quality requirements for this project.

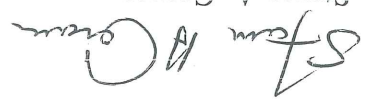
Prepared by:

SEBAGO TECHNICS, INC.



Danielle D. Betts, P.E.  
Sr. Project Manager

DDB:ddb/jc  
May 25, 2004



Steven A. Groves  
Project Engineer

Pine Tree Shopping Center  
1030 Brighton Avenue  
Portland, Maine  
for Packard Development

Determine Level of Stormwater Treatment

Site Area .....	28.90 ac
Existing Impervious.....	18.40 ac
Proposed Impervious.....	22.71 ac
New Impervious.....	4.31 ac

Change In Use from Original Layout... 11.6 ac

Used "Sliding Scale" to determine treatment level

11.6 ac/28.9 = 40% which convert to a 53% TSS removal rate.

Treatment area = 11.6 - 3.15 (new roof) = 8.45ac

Treatment will be achieved through the use of mechanical treatment tanks (Downstream Defenders by Hydro International) base on a 1 year storm event. Each tank has a 50% removal rate for a 1 year storm event.

Area 1	5.26ac	50% = 2.63
Area 3	3.8 ac	50% = 1.90
		4.53/8.45 = 53.6% removal

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# Financial Capability

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## Attachment D

CITIZENS BANK

Daniel R. Ouellette  
Senior Vice President

Citizens Bank of Massachusetts

28 State Street

Boston, MA 02109

617 725-5602 FAX 617 725-5695

E-MAIL DANIEL.OUELETTE@CITIZENSBANK.COM

May 24, 2004

Maine Department of Environmental Protection  
312 Canco Road  
Portland, ME 04103


RE: Pinetree Shopping Center Redevelopment

To whom it may concern:

Citizens Bank has a strong interest in financing the proposed redevelopment of Pine Tree Shopping Center on Brighton Avenue in Portland, Maine.

Based on Packard Development's track record, Citizens Bank would very much like to be a part of the development team. We have provided financing for several other successful Packard projects, including, most recently, the Raynham Shopping Center with a commitment for in excess of \$7 million.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,  


lab

**Technical Ability**

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**Attachment E**

lac



PACKARD DEVELOPMENT

*Packard Development* was founded in 1990 by Leonard Rudofsky, CEO of Beaver Builders LTD, to pursue real estate development, property management, and leasing opportunities as a result of Beaver Builders' long standing relationships within the New England construction and real estate industries. For the last 50 years, Beaver Builders has provided expertise in all phases of construction management in retail, office, hotel, parking, and residential developments including assisted living facilities.

During the last 12 years, Packard Development has successfully completed over 850,000 square feet of retail store and shopping center development, with an additional 400,000 square feet currently under construction, and has 800,000+ square feet in the permitting phase.

*Leonard Rudofsky*, founder and President of Packard Development, graduated from Boston University and joined the family-owned Beaver Builders in 1963, founded by his father, Saul Rudofsky. Beaver Builders constructed 18 regional malls, and has recorded over 24,000,000 commercial and residential square feet built. Mr. Rudofsky is a former member of the Board of Directors of the Associated Builders and Contractors, and maintains hands-on management of Packard Development.

*Armen Aftandilian*, Packard Development's Vice President of Real Estate Development since 1997, established his career with nationally recognized engineering and development firms. During his 12 year tenure as Chief Operating Officer at U.S. Properties, he was responsible for the development of residential and commercial projects including industrial, office, and medical facilities from conception through completion. Mr. Aftandilian, cum laude graduate of Tufts University, directs all phases of Packard's retail development projects.

lad

# PACKARD DEVELOPMENT

5/24/04

lqc

## Completed Retail Development – last 5 years

- Watford Shopping Center, Watford, Connecticut
  - 342,000 square feet
  - Best Buy, Dick's, Linens N Things, Borders, Pier 1
- Riverway Plaza, Weymouth, Massachusetts
  - 265,000 square feet
  - Lowe's Home Improvement plus 90,000 sf regional tenants
- Maine Crossing, South Portland, Maine
  - 274,000 square feet
  - Target Store plus 140,000 sf regional tenants
- North Attleborough Shopping Center, North Attleborough, Massachusetts
  - 160,000 square feet
  - HomeLife, TGI Friday's, CompUSA, PetsMart, Michaels, Best Buy
  - Best Buy Store, Nashua, New Hampshire
    - 45,000 square feet
  - CVS Store, Nashua, New Hampshire
    - 11,000 square feet

## Currently Under Construction

- Raynham, Massachusetts
  - 180,000 square feet
  - Lowe's Home Improvement plus Longhorn Steakhouse

## Permitting Phase

- Greenland, New Hampshire
  - 3507,000 square feet
  - Lowe's Home Improvement, proposed major discount retailer and supermarket
- Leominster, Massachusetts
  - 500,000 square feet
  - Lowe's Home Improvement, WalMart plus 85,000 sf regional and national tenants
- Portland, Maine
  - 130,000 square feet
  - Supermarket plus proposed retail
- Augusta, Maine
  - 440,000 square feet
  - Proposed Lowe's Home Improvement plus proposed retail

# PACKARD DEVELOPMENT

*Permitting Phase (cont'd)*

- Biddeford, Maine
  - 493,000 square feet
  - Proposed Lowe's Home Improvement plus proposed retail
- Bedford, New Hampshire
  - 300,000 square feet
  - Lowe's Home Improvement, proposed major discount retailer

laf

5/24/04

**PACKARD**  
DEVELOPMENT

State of Maine

Project	Anchor Tenants	GLA	Status	Project Value (\$millions)	Jobs
Maine Crossing South Portland	Target Old Navy Babies "R" Us Bed Bath & Beyond A.C. Moore	274,000 SF	Open	35	500
The Shops at Biddeford Crossing	Lowe's Target T J Maxx Linens N Things	460,000 SF	Permitting Opening 4 <sup>th</sup> qtr '05	60	800
Biddeford Augusta Crossing Augusta	Lowe's Target	450,000 SF	Permitting Opening 2 <sup>nd</sup> qtr '06	55	850
Morrill's Corner Portland	Stop & Shop	150,000 SF	Permitting Opening 4 <sup>th</sup> qtr '05	22	250
Pinetree Center Re-Development Portland	TBA	175,000 SF	Pre-permitting Opening 4 <sup>th</sup> qtr '05	23	250
Bangor	TBA	180,000 SF		20	300
<b>Totals</b>		<b>1,689,000 SF</b>		<b>\$215M</b>	<b>2950</b>

Estimated annual retail sales \$600M

Estimated annual real estate taxes \$2.7M

CONFIDENTIAL

December 18, 2003

lag

Traffic Impact Study  
Pine Tree Shopping Center  
Portland, Maine

Prepared for:

Packard Development  
One Wells Ave  
Newton, MA 02459

June 2004

Prepared by:

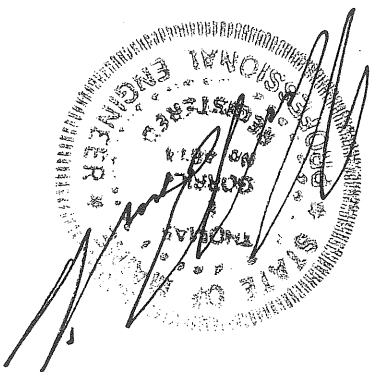


Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

PO Box 1237  
15 Shaker Road  
Gray, ME 04039

(207) 657-6910  
Fax : (207) 657-6912  
E-mail: mail@gorrillpalmer.com



Att. 2

**Traffic Impact Study  
Pine Tree Shopping Center  
Portland, Maine**

*Index*

<i>Page</i>	<i>Description</i>	<i>Section</i>
1-2	Executive Summary	I.
3	Existing and Proposed Site	II.
3-4	Background Traffic Conditions	III.
4-6	Trip Generation	IV.
7	Trip Distribution	V.
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The following Executive Summary is prepared for the reader's convenience, but is not intended to be a substitute for reading the full report.

## Executive Summary

Gorrill-Palmer Consulting Engineers, Inc. was retained by Packard Development to prepare this traffic impact study for the proposed redevelopment of the Pine Tree Shopping Center in Portland, Maine. The site currently consists of 201,000 s.f. of retail, a 5,000 s.f. Applebee's Restaurant, a single-lane ATM, and a 53,000 s.f. Shaw's supermarket. The proposed development is to include the demolition of the 53,000 s.f. Shaw's and the 69,000 s.f. Ames and construction of a 163,000 s.f. home improvement superstore in its place. In addition, another 19,200 s.f. of retail will be constructed at the northern end of the site along Brighton Avenue. The Applebee's restaurant, the ATM, and 141,200 s.f. of retail will remain on the site. Those retail spaces remaining on site include: Daddy's Junky Music, Radio Shack, Payless, JoAnn Fabrics, Fashion Bug, Mardens, CVS, Ad Wright, Hair Essentials, Key Bank and Century Tire. Access to the site will be provided via two existing driveways on Brighton Avenue and a relocated driveway on Rand Road south of the existing driveway. It is the recommendation of Gorrill-Palmer Consulting Engineers, Inc. that this driveway on Rand Road be aligned with the southern Forest City driveway on Rand Road. Based on this study, our office has determined the following:

1. The proposed development is forecast to generate 1,290 trip ends in the weekday PM peak hour and 1,954 trip ends in the Saturday peak hour. The site is currently permitted to generate 1,500 trip ends in the PM peak hour and 1,916 trip ends in the Saturday peak hour based on existing land uses. The net decrease in trip generation over the existing site as permitted is 210 trips in the PM peak hour and the net increase is 38 trips in the Saturday peak hour. (Note: A trip end is either a trip in or out of the site. Thus a round trip would equal two trip ends). At this increase in traffic, this project does not require a traffic permit from the Maine Department of Transportation. It is important to note that some of the existing land uses, such as the Ames, are currently vacant. Therefore, the site currently generates less trips than it is permitted to generate. The net increase in trip generation over the existing site as it operates today is 476 trips in the PM peak hour and 851 trips in the Saturday peak hour.

2. The level of service analyses show that all intersections within the study area operate at acceptable levels of service in the redevelopment and postdevelopment conditions with the exception of the intersection of Rand Road/Pine Tree/Forest City Driveway. The eastbound left-turn movement at this location operates at a level of service "F" during the PM peak hour in the postdevelopment condition. However, as this location is not forecast to meet signal warrants, installation of a traffic signal is not recommended. Monitoring of this location after completion of the project to determine whether the intersection meets signal warrants is recommended. Gorrill-Palmer Consulting Engineers, Inc. recommends separate left and right-turn lanes on the Pine Tree Shopping Center driveway.

3. The level of service analyses show that the removal of the eastern Pine Tree Shopping Center driveway would result in significant increases in delay at the Brighton Avenue/Taft Road/Western Pine Tree Drive intersection, particularly on the eastbound Brighton Avenue approach where levels of service drop from a "B" to a "D", with a 16 second increase in delay. The level of service on the left-turn exiting Pine Tree Shopping Center also drops from a "C" to a "D" with closure of the eastern site driveway. It is also important to note that an offset currently exists between Taft Road and the Western Pine Tree Drive. In order to maintain safe left-turning conditions from Brighton Avenue onto Taft Road and the Western Pine Tree Drive, the left-turns will have to operate split phase, which results in increases in delay at this intersection. Therefore, it is recommended that both driveways along Brighton Avenue remain open.

4. The queue analyses show that the available storage length at the driveways is adequate to accommodate the queues generated by the site traffic in the PM and Saturday postdevelopment conditions. With the closure of the eastern Pine Tree Shopping Center driveway on Brighton Avenue, the queues at the western driveway will exceed the available storage lengths. Therefore, it is recommended that both driveways remain open on Brighton Avenue.

5. Gorrill-Palmer Consulting Engineers, Inc. referenced the Maine DOT collision records to determine if there were any high crash locations in the project vicinity. No high crash locations appear to exist in the vicinity of the project location.

Based on the proposed configuration of the site driveways, it is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the local roadway network can accommodate the additional traffic generated by the site.



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## I. Existing and Proposed Site

The proposed site is located on the south side of Brighton Avenue in the existing Pine Tree Shopping Center. The site currently consists of 201,000 s.f. of retail, a 5,000 s.f. Applebee's Restaurant, a single-lane ATM, and a 53,000 s.f. Shaw's supermarket. A site location map has been included in Appendix A.

The proposed development is to include the demolition of the 53,000 s.f. Shaw's and the 69,000 s.f. Ames and construction of a 163,000 s.f. home improvement superstore in its place. In addition, another 19,200 s.f. of retail will be constructed at the northern end of the site along Brighton Avenue. The Applebee's restaurant, the ATM, and 141,200 s.f. of retail will remain on the site. Those retail spaces remaining on site include: Daddy's Junky Music, Radio Shack, Payless, JoAnn Fabrics, Fashion Bug, Mardens, CVS, AJ Wright, Hair Essentials, Key Bank and Century Tire. Access to the site will be provided via two existing driveways on Brighton Avenue and a driveway on Rand Road located south of the existing driveway. A plan of the proposed site is enclosed in Appendix C.

## II. Background Traffic Conditions

Gorrill-Palmer Consulting Engineers, Inc. based the study on the following information:

- > A site plan prepared by Sebago Technics last revised 4/13/04.
- > Crash data for 2001-2003 provided by the Maine Department of Transportation.
- > Turning movement volumes collected in May 2004 from 3:00-6:00 PM on a weekday and from 11:00 AM – 1:00 PM on a Saturday at the following intersections:
  - Brighton Avenue/Rand Road
  - Brighton Avenue/Eastern Pine Tree Shopping Driveway
  - Brighton Avenue/Western Pine Tree Shopping Driveway
  - Rand Road/Pine Tree Shopping/Forest City Driveway
- > Traffic Impact Study for Westbrook Crossing, May 2003.
- > A posted speed of 35 mph on Brighton Avenue and on Rand Road.

## Redevelopment Traffic Volumes

### Seasonal Adjustment

The Maine DOT utilizes highway classifications of I, II, or III for state and local roadways. Type I roadways are defined as urban roadways, or those roads that typically see commuter traffic and experience little fluctuation from week to week throughout the year. Type II roadways, or arterial roadways are those that see a combination of commuter and recreational traffic and therefore experience moderate fluctuations during the year. Type

III roadways, or recreational roadways are typically used for recreational purposes and experience dramatic seasonal fluctuation.

Brighton Avenue and Rand Road are considered Type I roadways by MDOT. Typically, volumes are adjusted to reflect the 30<sup>th</sup> highest hour (typically occurring in July or August) of traffic volumes in accordance with Maine DOT guidelines. The peak hour volumes were adjusted in accordance with this information as shown on Figure 3.

#### *Annual Growth*

The proposed redevelopment of the Pine Tree Shopping Center is anticipated to be fully operational by 2006. The roadway volumes in the study area were increased by 2% per year based on MDOT counts. Copies of the MDOT counts are contained in Appendix C.

#### *Other Development*

Approved projects that are not yet opened as well as projects for which applications have been filed are required to be included in the predevelopment volumes for this project. Gorrill-Palmer Consulting Engineers, Inc. has contacted the City of Portland and reviewed our project files to determine whether there are any other projects that have been approved or are ahead in the approval process whose traffic should be considered as background traffic in the study for this project.

Based on discussions with the City of Portland, the following projects has been included in the analysis as shown on Figure 5.

- Westbrook Crossing – 194,000 s.f. Shopping Center on corner of Main Street and Riverside Street in Portland/Westbrook.

### III.

#### *Trip Generation*

Gorrill-Palmer Consulting Engineers, Inc. used a number of sources for the potential trip generation for the site. They include the following:

- The Institute of Transportation Engineers (ITE) publication *Trip Generation*, 7<sup>th</sup> Edition.
- Traffic counts performed by Gorrill-Palmer Consulting Engineers, Inc. at the existing Pine Tree Shopping Center driveways.

It is important to note that the existing site generates significantly less traffic than it is permitted to generate. For the purposes of analysis of the existing street system, we have determined the net increase of the trip generation for the site as it is today. For the purposes of permitting, we have determined the net increase of the proposed site over a fully-occupied existing site for which it is currently permitted.

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*Trip Generation for the Existing Site Based on Current Use*

Our office completed counts to determine trip generation for the existing site. The counts were completed on May 21 and May 22, 2004 during the PM and Saturday peak periods at all of the Pine Tree Shopping Center driveways. Based on our counts, the site currently generates the following level of trips:

PM Peak Hour: 814 trips  
 Saturday Peak Hour: 1103 trips

*Trip Generation Permitted for Existing Site*

The existing site consists of the following:

- > 201,000 s.f. LUC 820, Shopping Center
- > 5,000 s.f. LUC 932, High-Turnover Sit-Down Restaurant
- > Single Lane ATM, LUC 912
- > 53,000 s.f. LUC 850, Supermarket

The following table illustrates the individual and overall trip generation for the existing site based on full occupation of the existing buildings. Note that a 20% reduction was used for shared trips between the supermarket and the remaining retail.

*Trip Generation for Permitted Pine Tree Shopping Center*

Facility	PM Peak Hour	Saturday Peak Hour
Existing Shopping Center (201,000 s.f.)	992	1,363
Single-Lane ATM	51	67
Existing Supermarket (53,000 s.f.)	571	607
<b>Total with 20% Shared Use applied to supermarket</b>	<b>1,500</b>	<b>1,916</b>

*Trip Generation for Proposed Site*

Based on the proposed site plan, it is our understanding that the site will be redeveloped to include the following:

- > 141,200 s.f. LUC 820, Shopping Center
- > 5,000 s.f. LUC 932, High-Turnover Sit-Down Restaurant
- > Single Lane ATM, LUC 912
- > 163,000 s.f. LUC 862, Home Improvement Superstore

For the purposes of analysis, for the remainder of this report, we have utilized the forecast increase in traffic volumes for the proposed uses over those that actually exist at the site today.

As can be seen from the table above, redevelopment of Pine Tree Shopping Center with a home improvement store is anticipated to generate less than 100 additional trip ends than permitted based on current uses at the site. Therefore, this project will not require a traffic permit from the Maine Department of Transportation. The Maine DOT has provided Gorrill-Palmer Consulting Engineers, Inc. with a letter of concurrence. This letter is included in Appendix D.

Trip Generation Increase for Proposed Pine Tree Shopping Center over Permitted Site	
Scenario	PM Peak Hour
Existing Site, if fully occupied	1,500
Forecast Traffic Volumes	1,290
Net Increase	-210
	Saturday Peak Hour
	1,916
	1,954
	38

The net difference between the existing permitted site, if fully occupied, and the proposed site was determined to compare the increase in traffic to be permitted at the proposed site. This is shown in the following table:

*Net Increase in Trip Generation for Proposed Site over Existing Permitted Site*

Trip Generation Increase for Proposed Pine Tree Shopping Center	
Scenario	PM Peak Hour
Existing Counted Volumes	814
Forecast Traffic Volumes	1,290
Net Increase	476
	Saturday Peak Hour
	1,103
	1,954
	851

The net difference between the actual existing traffic volumes and the forecast volumes for the proposed site uses was determined to compare the actual increase in traffic anticipated at the proposed site. This is shown in the following table:

*Net Increase in Trip Generation for Proposed Site over Existing Site*

Trip Generation for Proposed Pine Tree Shopping Center	
Facility	PM Peak Hour
Proposed Shopping Center (141,200 s.f.)	786
Single-Lane ATM	51
Applebee's (5,000 s.f.)	55
Proposed Home Improvement Store (163,000 s.f.)	497
Total with 20% Shared Use applied to Home Improvement Store	1,290
	Saturday Peak Hour
	1,083
	67
	100
	880
	1,954

The resulting trip generation for the site uses proposed is summarized below:

29

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IV. Trip Distribution

Gorrill-Palmer Consulting Engineers, Inc. has obtained the ratio of entering and exiting traffic from the Institute of Transportation Engineers publication *Trip Generation, 7<sup>th</sup> Edition*. For purposes of this study, for the proposed uses, we have assumed that the distribution for Land Use Code 820, Shopping Center would be appropriate and rounded them to the nearest 5% as follows:

PM peak hour: 50% entering, 50% exiting  
 Saturday peak hour: 50% entering, 50% exiting

V. Trip Composition

Gorrill-Palmer Consulting Engineers, Inc. has estimated the following trip composition based on information obtained from the ITE publication, *Trip Generation Handbook*:

PM Peak Hour: 40% Primary, 35% Pass-by, 25% Diverted  
 Saturday Peak Hour: 40% Primary, 25% Pass-by, 35% Diverted

The trip distribution based on this composition is shown in the following table:

Trip Composition for Proposed Site

PM Peak Hour				Saturday Peak Hour			
Trip Type	Percent	Entering	Exiting	Total	Percent	Entering	Exiting
Primary	40%	95	95	190	40%	170	170
Pass-by	35%	83	83	166	25%	107	107
Diverted	25%	60	60	120	35%	149	148
Total	100%	238	238	476	100%	426	425
							851

VI. Trip Assignment

Trip assignment was based on the gravity model prepared for the retail (non-grocery) component at the Westbrook Crossing site at intersections within the study area. The resulting trip distribution and assignment is shown in Figures 10 and 11 of Appendix A.

VII. 2006 Postdevelopment Traffic

The anticipated year 2006 predevelopment traffic shown in Figure 6 of Appendix A has been combined with the traffic forecast for the development shown in Figure 8 of Appendix A to yield the 2006 postdevelopment traffic shown in Figures 9 & 10 of Appendix A.

VIII. Study Area

The study area includes the following intersections:

- > Brighton Avenue/Rand Road
- > Brighton Avenue/Eastern Pine Tree Drive
- > Brighton Avenue/Western Pine Tree Drive

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➤ Rand Road/Pine Tree/Forest City Driveway

IX.

Capacity Analyses

Gorwill-Palmer Consulting Engineers, Inc. completed capacity analyses for the intersections listed in Section VIII.

The analysis was completed with Synchro signal analysis software. Levels of service rankings are similar to the academic ranking system where an 'A' is very good with little control delay and an 'F' represents very poor conditions. A level of service 'D' and higher is desirable for a signalized intersection. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if a traffic signal is warranted.

The following tables summarize the relationship between control delay and level of service:

Level of Service Criteria for Signalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

Level of Service Criteria for Unsignalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The results of the capacity analyses are summarized as follows. The detailed analyses are included in Appendix B.

*Brighton Avenue/Rand Road*

This signalized intersection was analyzed with existing geometry for the predevelopment and postdevelopment conditions. Traffic signal timing was optimized for the existing phasing for both conditions.

This signalized intersection was analyzed with existing geometry for the redevelopment and postdevelopment conditions. In addition, the intersection was analyzed with the addition of a 200-foot westbound left-turn lane and a 100-foot eastbound right turn lane in the postdevelopment condition to reflect changes required to maintain acceptable levels of service at this intersection if the Eastern Pine Tree Driveway were to be closed. This improvement requires the acquisition of property outside the right of way and result in additional delay. Therefore, closure of the eastern Pine Tree Shopping Center driveway is not recommended.

*Brighton Avenue/Western Pine Tree Driveway*

Based on the above table this intersection is forecast to operate acceptably in the pre and postdevelopment conditions. No mitigation is required at this location.

Approach	2006 PM Peak Hour		2006 Saturday Peak Hour	
	Predevelopment Delay LOS	Postdevelopment Delay LOS	Predevelopment Delay LOS	Postdevelopment Delay LOS
Rand Road NBLT	31 C	32 C	26 C	30 C
Rand Road NBR	6 A	6 A	5 A	6 A
Cabot Street SB	24 C	23 C	21 C	23 C
Brighton Ave EBL	19 B	21 B	15 B	16 B
Brighton Ave EBTR	29 C	34 C	23 C	24 C
Brighton Ave WBL	33 C	34 C	32 C	34 C
Brighton Ave WBTR	12 B	13 B	9 A	9 A
Intersection (Overall)	21 C	22 C	17 C	19 B

Level of Service for Brighton Avenue at Rand Road

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Level of Service for Brighton Avenue at Western Pine Tree Driveway

Approach	2006 PM Peak Hour						2006 Saturday Peak Hour					
	Pre		Post w/ East Drive		Post w/o East Drive		Pre		Post w/ East Drive		Post w/o East Drive	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Pine Tree NBL	23	C	32	C	37	D	22	C	34	C	39	D
Pine Tree NBTR	9	A	8	A	6	A	6	A	8	A	4	A
Taft SB	14	B	15	B	16	C	10	A	8	A	9	A
Brighton Ave EBL	52	D	52	D	53	D	53	D	55	D	53	D
Brighton Ave EBTR*	18	B	20	B	36	D	21	C	29	C	39	D
Brighton Ave EBR	--	--	--	B	14	B	--	--	--	--	30	C
Brighton Ave WBL	--	--	--	D	52	D	--	--	--	--	51	D
Brighton Ave WBTR	36	D	34	C	29	C	30	C	34	C	31	C
Intersection (Overall)	27	C	27	C	30	C	24	C	30	C	32	C

\*Includes only thru movement in the "Post w/o East Drive" condition  
-- Improvements made in Post w/o East Drive conditions only

Based on the previous table this intersection is forecast to operate acceptably in the pre and postdevelopment conditions. As shown in the table, the removal of the eastern Pine Tree Shopping Center driveway will result in significant increases in delay at this intersection, particularly on the eastbound Brighton Avenue approach where levels of service drop from a "B" to a "D", with a 16 second increase in delay. The level of service on the left-turn exiting Pine Tree Shopping Center also drops from a "C" to a "D" with closure of the eastern site driveway. It is also important to note that an offset currently exists between Taft Road and the Western Pine Tree Driveway. In order to maintain safe left-turning conditions from Brighton Avenue onto Taft Road and the Western Pine Tree Driveway, the left-turns will have to operate split phase, which results in increases in delay at this intersection.

In addition to the reasons mentioned above for two driveways on Brighton Avenue into the Pine Tree Shopping Center, it is also important to note the following:

- > Concerns exist about allowing left-turns into the site at the western site driveway due to the large upward grade at this location
- > Typically, removal of left-turns at signalized intersections is desired in order to improve capacity. The driveways currently operate under an ideal condition because the left-turns into the Pine Tree Shopping Center occur before the signalized intersection. Therefore, when vehicles making a left-turn out of the site at the western driveway have a green light, the left-turning vehicles at the eastern driveway can be entering the site without conflicting with the left-turns out of the site.

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X

*Queue Analysis*

completion of the project to determine whether a signal warrant may be met at a later date. No other mitigation is required at this location.

Gorrill-Palmer Consulting Engineers, Inc. has evaluated the queue lengths at the site driveways based on the Synchro analyses. The analyses include the addition of a westbound left-turn lane and an eastbound right-turn lane at the western Pine Tree Shopping Center driveway for the postdevelopment condition with closure of the eastern driveway. The queue analysis is summarized in the tables below.

Queue Analysis for Brighton Avenue at Western Pine Tree Driveway

Approach	Available	PM Peak Hour				Saturday Peak Hour			
		Pre	Post	Post w/o East Dwy	Post w/o East Dwy	Pre	Post	Post w/o East Dwy	Post w/o East Dwy
		Avg	95 <sup>th</sup> %	Avg	95 <sup>th</sup> %	Avg	95 <sup>th</sup> %	Avg	95 <sup>th</sup> %
Pine Tree NBL	500 ft	100	120	200	225	100	200	250	425
Pine Tree NBTR	500 ft	25	50	50	25	25	50	50	25
Taft SB	N/A	50	50	50	50	25	25	50	50
Brighton Ave EBL	100 ft	50	75	50	75	50	100	50	100
Brighton Ave EBTR	N/A	250	350	300	375	275	350	350	500
Brighton Ave EBR	100 ft	--	--	75	150	--	--	--	150
Brighton Ave WBL	200 ft	--	--	125	125	--	--	--	125
Brighton Ave WBTR	N/A	425	600	425	575	275	550	275	350

As shown in the table above, the available storage lengths are anticipated to adequately accommodate the queues created by the additional traffic generated by the proposed redevelopment in the PM and Saturday peak hours. As mentioned above, closure of the eastern site driveway would require the addition of a right-turn lane and a left-turn lane into the site at the western driveway on Brighton Avenue. Therefore, it is recommended that both site driveways on Brighton Avenue remain open, which eliminates the need to add pavement width to Brighton Avenue.

Queue Analysis for Brighton Ave at Eastern Pine Tree Driveway

Approach	Available	PM Peak Hour		Saturday Peak Hour	
		Predevelopment	Postdevelopment	Predevelopment	Postdevelopment
		95 <sup>th</sup> Percentile	95 <sup>th</sup> Percentile	95 <sup>th</sup> Percentile	95 <sup>th</sup> Percentile
Pine Tree NBR	400 ft	25 ft	25 ft	25 ft	25 ft
Brighton WBL	500 ft	25 ft	25 ft	25 ft	50 ft

As shown in the table above, the queues at the Brighton Avenue/Eastern Pine Tree Shopping Center Driveway intersection are not anticipated to exceed the available storage lengths.

ZM

- a. The total stopped time delay experienced by the traffic on one minor-street approach (one direction only) controlled by a STOP sign equal or exceed: 4
1. If all three of the following conditions exist for the same 1 hour (any four consecutive 15-minute periods) of an average day:

Warrant #3: *Peak Hour* – This warrant requires that the criteria in either of the following two categories are met:

Gorrill-Palmer Consulting Engineers, Inc. utilized information from our turning movement counts as well as information compiled in the ITE publication *Trip Generation, 7<sup>th</sup> Edition*, for Shopping Centers to determine the potential for traffic signals. Warrant 3 was examined at the Rand Road/Pine Tree driveway.

Warrant #	Description
1	Eight-Hour Vehicular Volume
2	Four-Hour Vehicular Volume
3	Peak Hour
4	Pedestrian Volume
5	School Crossing
6	Coordinated Signal System
7	Crash Experience
8	Roadway Network

Gorrill-Palmer Consulting Engineers, Inc. completed a signal warrant analysis for the intersection of Rand Road/Pine Tree/Forest City Driveway. In order for a traffic signal to be installed, the location must meet one or more of the traffic signal warrants published in the 2003 Edition of the Manual on Uniform Traffic Control Devices, which are listed below:

**XI. Signal Warrant Analysis**

As shown in the table above, the queues at the Rand Road/Pine Tree Shopping Center Driveway intersection are anticipated to exceed the available storage length for the eastbound left-turn movement. An additional 175 feet of storage exists in the Pine Tree Shopping driveway onto Rand Road beyond a STOP sign located 100 feet west of Rand Road. Therefore, storage is anticipated to be adequate to accommodate queues generated by the increased traffic.

Approach	Available	PM Peak Hour		Saturday Peak Hour	
		Predevelopment	Postdevelopment	Predevelopment	Postdevelopment
Rand Road NBL	300 ft	25 ft	25 ft	25 ft	25 ft
Pine Tree EBL	50 ft	75 ft	200 ft	50 ft	125 ft
Pine Tree EBR	50 ft	25 ft	25 ft	25 ft	25 ft
		95 <sup>th</sup> Percentile	95 <sup>th</sup> Percentile	95 <sup>th</sup> Percentile	95 <sup>th</sup> Percentile

Queue Analysis for Rand Road at Pine Tree Shopping Driveway

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In order to evaluate whether a location has a crash problem, Maine DOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) and:
2. A minimum of 8 crashes over a three-year period.

Our office reviewed the 2001-2003 crash data in this area and found no high crash locations exist within the study area.

## XII. *Crash Data*

The plots of the peak hour volumes did not reach the curves on the tables in the predevelopment or postdevelopment conditions. Therefore, this warrant would not be satisfied. Based on our analysis, we recommend that this location be monitored following development to determine if a traffic signal is warranted.

2. The plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the higher-volume minor-street approach (one direction only) for 1 hour (any consecutive 15-minute periods) of an average day falls above the applicable curve in Figure 4C-3 for the existing combination of approach lanes.
  - c. The total entering volume serviced during the hour equals or exceeds 650 vehicles per hour for intersections with three approaches or 800 vehicles per hour for intersections with four or more approaches.
  - b. The volume on the same minor-street approach (one direction only) equals or exceeds 100 vehicles per hour for one moving lane of traffic or 150 vehicles per hour for two moving lanes, and
  - c. The total entering volume serviced during the hour equals or exceeds 650 vehicles per hour for intersections with three approaches or 800 vehicles per hour for intersections with four or more approaches.
- vehicle-hours for one-lane approach, or 5 vehicle-hours for a two-lane approach, and

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### XIII. Conclusions

Gorrill-Palmer Consulting Engineers, Inc. has examined the impact of the traffic associated with the proposed redevelopment of Pine Tree Shopping Center on Brighton Avenue in Portland, ME and reached the following conclusions:

1. The proposed development is forecast to generate 1,290 trip ends in the weekday PM peak hour and 1,954 trip ends in the Saturday peak hour. The site is currently permitted to generate 1,500 trip ends in the PM peak hour and 1,916 trip ends in the Saturday peak hour based on existing land uses. The net decrease in trip generation over the existing site as permitted is 210 trips in the PM peak hour and the net increase is 38 trips in the Saturday peak hour. (Note: A trip end is either a trip in or out of the site. Thus a round trip would equal two trip ends). At this increase in traffic, this project does not require a traffic permit from the Maine Department of Transportation. It is important to note that some of the existing land uses, such as the Ames, are currently vacant. Therefore, the site currently generates less trips than it is permitted to generate. The net increase in trip generation over the existing site as it operates today is 476 trips in the PM peak hour and 851 trips in the Saturday peak hour.

2. The level of service analyses show that all intersections within the study area operate at acceptable levels of service in the predevelopment and postdevelopment conditions with the exception of the intersection of Rand Road/Pine Tree/Forest City Drive. The eastbound left-turn movement at this location operates at a level of service "F" during the PM peak hour in the postdevelopment condition. However, as this location is not forecast to meet signal warrants, installation of a traffic signal is not recommended. Monitoring of this location after completion of the project to determine whether the intersection meets signal warrants is recommended. Gorrill-Palmer Consulting Engineers, Inc. recommends separate left and right-turn lanes on the Pine Tree Shopping Center driveway.

3. The level of service analyses show that the removal of the eastern Pine Tree Shopping Center driveway would result in significant increases in delay at the Brighton Avenue/Taft Road/Western Pine Tree Drive intersection, particularly on the eastbound Brighton Avenue approach where levels of service drop from a "B" to a "D", with a 16 second increase in delay. The level of service on the left-turn exiting Pine Tree Shopping Center also drops from a "C" to a "D" with closure of the eastern site driveway. It is also important to note that an offset currently exists between Taft Road and the Western Pine Tree Drive. In order to maintain safe left-turning conditions from Brighton Avenue onto Taft Road and the Western Pine Tree Drive, the left-turns will have to operate split phase, which results in increases in delay at this intersection. Therefore, it is recommended that both driveways along Brighton Avenue remain open.

4. The queue analyses show that the available storage length at the driveways is adequate to accommodate the queues generated by the site traffic in the PM and

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Saturday postdevelopment conditions. With the closure of the eastern Pine Tree Shopping Center driveway on Brighton Avenue, the queues at the western driveway will exceed the available storage lengths. Therefore, it is recommended that both driveways remain open on Brighton Avenue.

5. Gorrill-Palmer Consulting Engineers, Inc. referenced the Maine DOT collision records to determine if there were any high crash locations in the project vicinity. No high crash locations appear to exist in the vicinity of the project location.

Based on the proposed configuration of the site driveways, it is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the local roadway network can accommodate the additional traffic generated by the site.

**STORMWATER MANAGEMENT PLAN**

**Pine Tree Shopping Center  
1030 Brighton Avenue  
Portland, Maine**

**General**

This Stormwater Management Plan has been prepared to evaluate the pre and post-development conditions associated with the redevelopment of the Pine Tree Shopping Center located at the southwest corner of the intersection of Brighton Avenue and Rand Road in Portland, Maine.

The entire project site is located within the Nason Brook Watershed, which ultimately discharges to the Fore River. The purpose of this report is to fulfill both the City's and the State's stormwater requirements. In accordance with the City of Portland Code of Ordinances and the Maine Department of Environmental Protection (MDEP) Stormwater Law, the project is required to meet the stormwater quantity standard and the stormwater quality basic stabilization standard.

The stormwater quantity standard requires limitation of post-development peak flow rates to pre-development levels. For our quantity analysis, we have evaluated current conditions to establish the pre-development peak flow rates.

In accordance with the MDEP Chapter 502 regulations, the Fore River is not a sensitive or threatened watershed or a waterbody most at risk from development; therefore, the sliding scale standard of the Stormwater Law is applicable for establishing water quality treatment goals. The amount of impervious area on the parcel has been estimated based on the Site Plan for the project. The on-site subwatersheds were divided into existing areas and proposed development areas. The existing impervious areas, including the buildings and parking areas on the west side of the center, are to remain as is and are not part of the proposed development area. These impervious areas were not counted towards the total impervious area in the Sliding Scale treatment table. Based on these calculations and Appendix A of the Chapter 500 regulations, a total treatment of efficiency of 53% TSS removal is required for this redevelopment project.

**Pre-development Site Conditions**

The parcel is located at the southwest corner of the intersection of Brighton Avenue and Rand Road. The existing retail shopping mall on the site was built in the late 1950s. The center currently has a grocery store anchor that will be relocated off-site by late summer/early fall. In addition to a vacant Ames store, other retail tenants include A. J. Wright, Mardens, CVS, Jo-Ann Fabrics, and several other small retail tenants.

Att. 3

A Grading and Utility Plan has been prepared for the project based on the Site Plan. The grading plan and utility layout provide the basis for developing the post-development subcatchments for the project. The proposed storm drain system will route the on-site flows to various stormwater management features on the site.

The proposed impervious area is 22.7 acres, which is an increase of approximately 4.3 acres above the existing condition. Drainage for the post-development condition includes 12 subcatchments. The ground cover has been changed to reflect the post-development conditions as shown on the Site Plan.

A new building (Retail 1) is proposed for an anchor tenant to be sited on the southeast corner of the site. The total area of retail building for this tenant will be approximately 162,700 square feet. Additionally, two 10,000 square foot multi-tenant retail buildings (Retail 2 and Retail 3) are proposed along the Brighton Avenue frontage, between Applebee's and Century Tire.

The redevelopment plan includes only a portion of the site area which will be leased from the current owner. The proposed lease area is approximately 17 acres and primarily includes the eastern portion of the center beginning at "Daddy's Music". The buildings in this area will be demolished except for Applebee's and the Century Tire building, which will remain. The buildings on the west side of the site are located outside of the lease area and will remain as is.

**Post-development Site Conditions**

The stormwater runoff analysis was developed in accordance with methodology outlined in the "HydroCAD" stormwater modeling system. The HydroCAD system evaluates the runoff conditions using TR-55 and TR-20 methodology. The 2-year (3"), 10-year (4.7"), and 25-year (5.5"), Type III, 24-hour storm event was used for this analysis. Curve numbers and times of concentration for each subwatershed were established using the existing conditions survey and the grading and utility plan for the proposed development.

**Methodology**

The overall site area is approximately 29 acres. The majority of the site consists of pavement and buildings, with the exception of the rear/south side and southwest corner of the site. The south side of the site, behind the existing grocery and vacant Ames building, is cleared and graded. It appears this area is used for vehicle maneuvering and/or storage. The southwest corner of the site is wooded and includes a wetland area that drains off-site to the south. The runoff from this wetland is collected in a storm drain system on the Emery-Waterhouse lot and is then discharged to the public system in Rand Road and then to Nason Brook located east of Motor City.

3a

36

Watersheds 1, 2 and 3 will collect runoff from Applebee's and the westerly shopping center parking areas in an existing storm drain system. The existing system is conveyed through the development area of the site to a manhole located within the Rand Road right-of-way. Since the Applebee's and westerly shopping center are to remain primarily as is, this system has not been changed and the pipes and structures will be protected throughout the development area to maintain the existing drainage patterns.

Watersheds 3A, 4, 6, 7, 9 and 10 represent the proposed development areas. Watersheds 3A and 4 include the front parking lot area (from the front of Retail 1 to Brighton Avenue and including the Retail 2 and 3 buildings). Runoff from these areas will be collected and routed through HIL-1 and HIL-2 to receive water quality treatment. From there, the runoff will be discharged to UGD-1, an underground chamber system that will detain the runoff prior to discharging to the existing manhole in the Rand Road right-of-way.

Watershed 7 consists of the roof area of Retail 1 and a small road section behind the store. A roof drain and storm drain system will collect runoff and direct it to UGD-2, a second underground detention chamber system. Since the runoff is mainly roof runoff, water quality pre-treatment is not provided.

The southwesterly corner of the site consists of new parking areas (behind the existing center and to the west of Retail 1) as well as the remaining wooded areas of the site. Runoff from Watershed 6 will be collected and routed through HIL-3 to receive water quality treatment. The runoff will then be discharged to UGD-3, a third underground detention system. The stormwater from this chambered system will be discharged to the existing wetland that flows to the south and off-site.

**Stormwater Management Calculations**

Based on the above routing and stormwater management design, the net BMP efficiency is 53.6% TSS removal. This exceeds the minimum required TSS removal efficiency of 53%. This treatment level is achieved through the use of proprietary treatment systems, HIL-1, HIL-2, and HIL-3, as shown on the plans. The water quality calculations and computer modeling data sheets are provided with this report.

In order to evaluate the anticipated runoff conditions, pre and post-development calculations were performed for the 2, 10 and 25-year storms. Hydrograph plots have been provided for the 10-year storm only. The results of the HydroCAD model of the pre and post-development conditions are summarized below.

**Table 1**

2-Year Storm		10-Year Storm		25-Year Storm	
Pre	Post	Pre	Post	Pre	Post
(cfs)	(cfs)	(cfs)	(cfs)	(cfs)	(cfs)
41.19	41.19	10.28	10.28	85.75	85.75
Diff.	Diff.	Diff.	Diff.	Diff.	Diff.
3.15	3.15	0.87	0.87	9.49	9.49
4.02	4.02	5.54	5.54	3.95	3.95
51.47	51.47	100.4	100.4	12.28	12.28
51.47	51.47	77.02	77.02	9.19	9.19
23.38	23.38	3.09	3.09		



3c

Summary

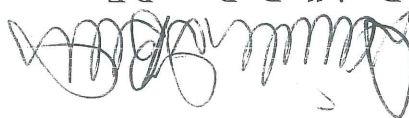
From the above results table, it is apparent that the peak rates of runoff leaving the site in the post-development condition are less than those in the pre-development condition. This can be attributed to the underground storage and controlled runoff release rates. Because there is an overall decrease in the peak rate of runoff leaving the site, it is not expected that any adverse affects will occur to downstream areas because of this development.

Additionally, the quality of the runoff water has been improved by the use of proprietary water quality treatment systems. The treated runoff is from the new impervious areas as well as from portions of the existing impervious areas that will be modified as part of this development proposal. The efficiency of the treatment systems exceeds the required TSS removal efficiency rate of 53%.

Other drainage provisions include a grading plan, utility plan, and erosion and sedimentation control plan. The erosion and sediment control plan will be implemented throughout the construction cycle. Incorporation of the above mentioned drainage provisions and infrastructure for the proposed development will adequately address the stormwater quantity and quality requirements for this project.

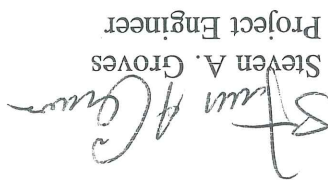
Prepared by:

SEBAGO TECHNICS, INC.



Danielle D. Betts, P.E.  
Sr. Project Manager

DDB:ddb/jc  
May 25, 2004



Steven A. Groves  
Project Engineer

Pine Tree Shopping Center  
 1030 Brighton Avenue  
 Portland, Maine  
 for Packard Development

Determine Level of Stormwater Treatment

Site Area .....	28.90 ac
Existing Impervious.....	18.40 ac
Proposed Impervious.....	22.71 ac
New Impervious.....	4.31 ac

Change In Use from Original Layout.. 11.6 ac

Used "Sliding Scale" to determine treatment level

11.6 ac/28.9 = 40% which convert to a 53% TSS removal rate.

Treatment area = 11.6 - 3.15 (new roof) = 8.45ac

Treatment will be achieved through the use of mechanical treatment tanks (Downstream Defenders by Hydro International) base on a 1 year storm event. Each tank has a 50% removal rate for a 1 year storm event.

Area 1	5.26ac	50% = 2.63
Area 3	3.8 ac	50% = 1.90
		<u>4.53/ 8.45 = 53.6% removal</u>

**PACKARD**  
DEVELOPMENT

Att. 4

May 7, 2004

Dear Pine Tree Neighbors:

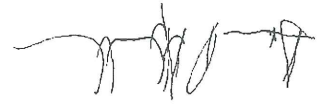
The public process for the Pine Tree Shopping Center is underway. Packard Development has a commitment to work with the neighborhood, City of Portland, the state of Maine and its agencies.

Packard will host a public meeting on Thursday, May 20<sup>th</sup> from 6:00 – 8:00 p.m. We will host this meeting at Verrillo's Convention Center, 155 Riverside St., Portland.

At this meeting, we will discuss the plan to revitalize a portion of the Pine Tree Shopping Center.

It is our intent to keep the Pine Tree neighborhood informed at every stage and we encourage your attendance on May 20<sup>th</sup>. Feel free to call Connie Gemmer in Portland at 774-2458 ext 102 if you have any questions.

Sincerely,



Armen Afandilian  
Vice President



Paul S. Cincotta  
Project Manager

ONE WELLS AVENUE NEWTON, MASSACHUSETTS 02459  
TEL 617-965-1966 FAX 617-965-2519

5.20.04

fa

### Neighborhood Meeting at Verrillo's for Packard Development's Proposed Redevelopment of Pinetree Center

#### Paul Cincotta: Introductions (Danielle Betts, Connie Gemmer)

- Explains we're at early stages of development. Shaws will be vacating, Ames is closed.
- We're bringing new retail store to location of site, demolishing the Ames and few small spaces in between and putting new building further back.
- We first introduced project to the city, first formal step meeting with planning board for workshop.
- In terms of design, we're still early on, we have meetings early to collect input. Discusses picture boards
- 3 new buildings total proposed on site
- 2 entrances off of Brighton Ave. will remain
- 2 entrance on Rand Rd. will be put into one close to the driveway by Shaws
- access will remain centrally as it is today
- the exit off of 95 really provides very good access
- more on the site plan: Parking lot will be restriped/ cleaned up/ landscape islands
- circulation has been unruly, so improvements will be well defined travel islands
- main travel island in middle, Firestone stays as is, Applebees building stays as is
- with project comes landscaping, resurface parking lots, new lighting, better pedestrian accommodations
- we'll be working with city on beautification plan, sidewalk improvements, lighting down Rand Rd., enhancing corner where bus stop is

#### Danielle Betts with Sebago Technics:

- Site location permit with DEP
- Storm drainage
- Collecting everything that's new and treating that water
- Utilities

#### Questions from audience:

- Sarah Hennessey & Elizabeth Trice interested in trail connection and pedestrian access

Paul Cincotta: From day one, we've been made aware of improvements recommended in 2001, the idea is to get these things implemented. Big emphasis on pedestrian safety. At the Pinetree site there is a lot of pedestrian activity that crosses the street.

- People jaywalk in a particular corner
- Danielle: We're trying to keep people on the primary trek route

Paul: The entrance on Rand Rd. is an advantage for trucks. That's something we should

look at.

Page 2

Danielle: The city has asked us to put a sidewalk within the site, we're going to pull it up into the site.

- Elizabeth Trice: You're the only food store that's within walking distance and now it's moving across the highway which is a psychological barrier. We'd like fresh groceries or a coffee shop. The community would be thankful for that.
- Elizabeth: Can you bring water to the surface and create a green space, a neighborhood gathering place.

Paul: We may not be able to do something as dramatic as open up to water. We do see opportunities in small buildings on the end. They are well suited to coffee shops and you can create green spaces. We met with property manager with Sagamore Village and residents are upset that Shaw's is leaving, but they chose to move to new location. That's unfortunate. The small spaces up front are convenience type of tenants.

- Sarah Hennessey: It's a huge difference to have to cross two major streets

Paul: We know that that's a huge convenience that's lost, so from a leasing perspective, we'll bring that message back. As the project moves forward, we can't make any promises at this point because it's not an approved plan.

- Shirley McFarland: Some of the other stores could move over to the other side such as Fleet Bank, Full Belly Deli.

Paul: Full Belly Deli is going to stay in the center. A lot of people wanted to see that.

- Shirley McFarland: Explain—you're going to start with Shaw's how far up are you going?

Paul: We're going up to Daddy's Junky Music. Dollar store, Ames all that's going. Full Belly Deli gets to stay.

- Shirley McFarland: I'm concerned about the bridge. A lot of people can walk. I've asked the city to plow that bridge

Paul: and plow the sidewalks on that bridge?

- Shirley McFarland: People have to walk on the side of the road and we're looking for a way for our people to get there. We have a van.

Paul: Projects like ours are required to build sidewalks, so if you build sidewalks pedestrians will come. Come to the planning board meetings and let them hear that where there are sidewalks that aren't being maintained, it's frustrating when city doesn't hold up there end of the deal. All of the improvements on Brighton Ave. will ultimately relate to

4b

pedestrian safety and bicyclists and general upgrading of corridor.

4c

- Shirley McFarland: They need islands so they can stand there
- Shirley: The lights are on timers, but only one or two cars get through lights
- Ranjit Patel: Is there enough parking down there? Friday & Saturday is going to be an issue

Paul: your concern is that parking will spill over somewhere else?

- Ranjit Patel: That's right. I'm at Ramada Limited right next to Heritage.
- Ranjit: People dump junk at lot

Paul: the number of spaces provided has to meet city requirements. For large developments, over 50k square feet they look at it on a case by case basis. We're adding 10k more square feet of building area to the site and then garden center is 30k square feet. It looks like a lot more building on this site, it's on the order of 10k square feet more of retail. There's almost 4 spaces per 1000 square feet.

Danielle: 185 spaces. So it's a lot.

Paul: In retail they do it in 1000 square feet. Usually 3 1/2 per 5 spaces per 1000square feet. In shared spaces it comes down. The city will tell us whether we have an appropriate amount of space. I know you don't want our customers parking in your lot.

- Ranjit Patel: I'm not worried about that. It's going to be big trucks taking up parking and according to picture, it looks like not enough parking.

Danielle: The city has its own standards, but Lowe's has their own standards as well. They need 635 spaces they figured out. We have that for them. I think we're overparked a little.

Paul: We're 1100 spaces on the site, take away 600 and reserve that for Lowe's. You may have an easier time finding space at the Depot, but there are two reasons. That site is shoe horned in there and there's only one Depot. I bet you there's not 500 spaces. They're underparked. Competition will pull demand off of there.

- Ranjit Patel: Main issue is there going to be coming up behind Ajs?

Danielle: we're not really changing anything back there, but we're widening curve. It should stay the same.  
Paul: is it just clean up? Junk dumped back there?

- Ranjit Patel: People don't want to spend money and that's the spot for them

Paul: maybe some fencing  
We've had experience with centers like this. In a center that doesn't have a lot of activity, it's more prone. But with Lowe's there, people won't be comfortable with the activity.

Ad

Maybe we'll look at making it more difficult to physically get there and dump.

Danielle: It may help to not have easy access, the grade starts really rising and going

uphill. We're leaving steeper terrain.

Paul: it's more behind AJ Wright's? There's an easement on Heritage property.

We're pushing right into hill.

Paul: We're tearing the Ames and Shaw's down completely

Page 3

- Shirley McFarland: All your dust is going to come my way

Paul: We'll talk schedule: We would like to be able to start construction before the end of

the year. Honestly the earliest is Oct/Nov. Demolition. After summer Shaws has to leave.

They say they'll be in in Oct. I think they have a solid 6 months. That's Thanksgiving.

They could move pretty quickly. That plays into our schedule. We see if we can get

permits in Oct. there's a bunch of work to be done. It's a tough time to start digging holes

and putting foundations in, but we're apt to go after the two small buildings up front.

April 1, Lowe's is ready to build their building and then about 7 months to open.

- Shirley McFarland: I like the lights and whatnot, but it would be nice to have a lawn

Paul: as painful as the construction process might be, I think you'd agree that Pinetree

needs a bit of a facelift. It's a tremendous location and the new exit makes it more

valuable.

- Shirley McFarland: The speed limit should be 30 mph, then they'll go through it

30. They might exceed to 35, but right now they go through at 40/45. It has to

slow down. Progress is progress. You're going in there because you want to be

competition to Home Depot.

Paul: we happen to think the Depot needs competition. Home Depot does tremendously

well. From a consumer point of view it's absolute win. Keep in mind, I don't work for

Lowe's but you'll like that they're more customer oriented than Home Depot. They tailor

their whole business to women. Appliances and window treatments. They sell high end

appliances. Depot is changing because they know Lowe's is coming.

- Shirley McFarland: Will there be plants at Lowe's?

Paul: Lowe's has a tremendous emphasis on the garden center. Two areas they focus on

Garden center and appliances.

Shirley McFarland: September tenants council I am third Wednesday of every month

Close of meeting.

Attendants:

TENTATIVE AGENDA  
August 30, 2005

\*\* Zone change requiring special noticing.

September 13 <sup>th</sup>	Workshop	Ronald McDonald Conditional Rezoning; 250 Brackett Street Industrial Building; 238 Riverside Street; Braco Supply Graves Hill Site Plan/Subdivision; Ocean Avenue; Doyle Enterprise Smith Farm 16 unit Subdivision; 1809 Washington Ave	EBM KT KT EBM
	Public Hearing	Chestnut Street 34 Unit Subdivision; 266 Cumberland Ave., Chestnut St. LLC Cedars Site Plan/Subdivision Comprehensive Plan	BB RK BB
September 27 <sup>th</sup>	Workshop	4-lot Subdivision; Demerest Street; Habitat for Humanity Oxford Street Apartments; 44 E. Oxford Street; TFH Architects Multi-Tenant Retail and Residential; 33 Allen Avenue; Packard Valley Street Apartments; 315 Valley Street Office/Warehouse Subdivision Amendment; 1039 Riverside Street	KT KT SH BB KT
	Public Hearing	Unfinished Business Bay Street Subdivision; Bay St. Extension; John Sargent Auto Mart; 1080 Forest Avenue New Business 400 Riverside Street Industrial Building; Rist Brunet 10-Unit Subdivision; 531 Congress Street; JB Brown Roundhouse Industrial Building Expansion; 125 Presumpscot St.; Jerome Ade	EBM KT EBM KT
October 1 <sup>st</sup>	Workshop	B&B; R-7 Amendment; 163 Danforth Street; Winter Danforth Corp. Neal Street Subdivision; 173 Neal Street Becky's Restaurant Village Café Rezoning; 112 Newbury Street	
	Public Hearing	Unfinished Business Rite Aid Site Plan; 365 Allen Avenue; Rite Aid Corporation New Business 4-lot Subdivision; Demerest Street; Habitat for Humanity WCZ Text Amendment; Commercial Street; Becky's Restaurant Ronald McDonald Conditional Rezoning; 250 Brackett Street Multi Use Office Building; 63 Marginal Way; Bayside Holdings (Ted West) USM Campus Overlay Zone; Falmouth & Bedford Sts and Brighton & Forest Ave.'s	EBM KT BN EBM RK EBM



December 13<sup>th</sup>  
Workshop  
Public Hearing

Public Hearing  
Multi-Tenant Retail and Residential; 33 Allen Avenue; Packard  
\*\* R-3 to B-2b Rezoning; 218 Washington Avenue  
SH

November 22<sup>nd</sup>  
Workshop

Public Hearing  
B&B; R-7 Amendment; 163 Danforth Street; Winter Danforth Corp.  
Neal Street Subdivision; 173 Neal Street  
\*\* Village Cafe Rezoning; 112 Newbury Street  
Workshop  
November 8<sup>th</sup>

Public Hearing  
Multi-Tenant Retail and Residential; 33 Allen Avenue; Packard  
R-3 to B-2b Rezoning; 218 Washington Avenue  
Historic Preservation Board Appeal; 450 Baxter Boulevard; John Gendron  
Mercy Hospital Site Plan; Fore River Campus  
Oxford Street Apartments; 44 E. Oxford Street; TFH Architects  
Smith Farm 16 unit Subdivision; 1809 Washington Ave  
Valley Street Apartments; 315 Valley Street  
SH  
DA  
KT  
EBM  
BB  
Workshop  
October 25<sup>th</sup>

A. Revised Plans

- 1. Maine Mall Motors...signal analysis, trees...bn - stop signs missing
- 2. Sheridan Street, elevation revision...kt - OK-approve

B. New Projects

- 1. 10 Mechanic to Oxford and Myrtle...eric/tom/...jfr - Zoning Issues
- 2. Carriage Lane lot 12, pre-app. question...jfr - No Bulkheads or go to PB
- 3. 218 Washington ave., FILL permit...jfr - require engineering by geotech
- 4. 116 Alice Street...jfr - Marge look at
- 5. Lot 19, River's edge drive...jfr - cutting in shoreline, violation of site plan removed
- 6. 315 Valley Street Apartments (Shalom House) site plan and subdivision review...bb
- 7. Ocean Gateway...inspection...who from the City?...bn
- 8. Wickes Lumber...kt - TOM
- 9. Demerest Street subdivision...kt
- 10. 563 Riverside Street, Six G's Coed...kt - PB - check sidewalk + gc - R-O-W
- 11. 1039 Riverside Street, subdivision amendment...kt - Put pkg in back - can be possible? pkq be unadvised

C. Ongoing

- 1. Stroudwater Shoreland Zoning violation ...ms/pj/r - above
- 2. Chestnut Street Lofts...utilities, intersection...bb
- 3. 158 Grant Street ... drainage and retaining wall...bb
- 4. 63 marginal way...zoning and traffic comments if possible.rk.
- 5. cedars...rk
- 6. Cedars, offsite wetlands at Evergreen...bn
- 7. Scarks Hangar...bn
- 8. Willow Knoll...bn
- 9. riverwalk...revised plan for j.seymour conditions of approval.

D. Exemptions

- 1. 165 Grant Street - NO - Minor Site Plan - Neighborhood Concerns
- 2. 152 Tucker Avenue - out side bldg envelope - Need to see parking



TENTATIVE AGENDA  
August 17, 2005

\*\* Zone change requiring special noticing.

September 13 <sup>th</sup>	
Workshop	<p>Ronald McDonald Conditional Rezoning; 250 Brackett Street Industrial Building; 238 Riverside Street; Brado Supply Graves Hill Site Plan/Subdivision; Ocean Avenue; Doyle Enterprise Smith Farm 16 unit Subdivision; 1809 Washington Ave</p>
Public Hearing	<p>Unfinished Business Comprehensive Plan New Business</p>
BB	Chestnut Street 34 Unit Subdivision; 266 Cumberland Ave, Chestnut St. LLC
BB	Cedars Site Plan/Subdivision
September 27 <sup>th</sup>	
Workshop	<p>4-lot Subdivision; Demerest Street; Habitat for Humanity Oxford Street Apartments; 44 E. Oxford Street; TFH Architects Multi-Tenant Retail and Residential; 33 Allen Avenue; Packard Valley Street Apartments; 315 Valley Street</p>
Public Hearing	<p>Unfinished Business Bay Street Subdivision; Bay St. Extension; John Sargent Auto Mart; 1080 Forest Avenue New Business</p>
EBM	400 Riverside Street Industrial Building; Rist Brunet
KT	10-Unit Subdivision; 531 Congress Street; JB Brown
EBM	Roundhouse Industrial Building Expansion; 125 Presumpscot St.; Jerome Ade
October 11 <sup>th</sup>	
Workshop	<p>B&amp;B; R-7 Amendment; 163 Danforth Street; Winter Danforth Corp. Neal Street Subdivision; 173 Neal Street Becky's Restaurant Village Cafe Rezoning; 112 Newbury Street</p>
Public Hearing	<p>Unfinished Business Rite Aid Site Plan; 365 Allen Avenue; Rite Aid Corporation New Business</p>
EBM	4-lot Subdivision; Demerest Street; Habitat for Humanity
KT	WCZ Text Amendment; Commercial Street; Becky's Restaurant
BN	** Ronald McDonald Conditional Rezoning; 250 Brackett Street
EBM	Multi Use Office Building; 63 Marginal Way; Bayside Holdings (Ted West)
RK	USM Campus Overlay Zone; Falmouth & Bedford St.'s and Brighton & Forest Ave.'s
EBM	

Lawrence Pope  
Sarah Hennessey  
Elizabeth Trice  
Shirley McFarland  
Ranjit Patel  
Connie Gemmer  
Linda Fish-Edgar  
Paul Cincotta  
Danielle Betts

CPM Heritage Property Management  
Muskie School/Portland Trails  
Muskie School/Portland Trails  
Sagamore Village Tenant Council  
Ramada Limited  
Barton & Gingold  
Barton & Gingold  
Packard Development  
Sebago Technics

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te

From: "Tom Errico" <terrico@willbursmith.com>  
To: "Kandi Talbot" <kcote@cpl.portland.me.us>  
Date: 06/11/2004 3:58:37 PM  
Subject: Pine Tree Shopping Center  
Kandi--

I have reviewed the Traffic Impact Study prepared by Gorrill-Palmer Consulting Engineers, Inc. (GPCEI) dated June 2004 and the Parking Analysis prepared by Sebago Technics dated May 25, 2004 and offer the following comments.

1. The Traffic Impact Study evaluated the two access/egress options from Brighton Avenue as requested by the City. Option 1 evaluated conditions assuming current conditions. Option 2 eliminates the easterly entrance (between Applebee's Restaurant and Rand Road) and creates one primary entrance opposite Taft Avenue. According to the evaluation conducted by GPCEI, increased delay will result under Option 2. It should be noted that this expansion is not necessary), adding a second left-turn lane and a right-turn lane entering the site from Brighton Avenue. Based upon this information and a field investigation of the area, I concur with the recommendation presented by GPCEI that the current access/egress configuration remain. In my opinion, the current configuration not only works operational, but also is safe as documented by the MaineDOT crash history. Additionally, expansion of the intersection will have both property and aesthetic impacts and the grade of Brighton Avenue may present problems for left-turn movements into the site at the location opposite Taft Avenue.

2. I concur with the recommendation that the Rand Road intersection with the Pine Tree Shopping Center Driveway be evaluated for traffic signalization following the opening of the project. Please make note of this in developing Conditions of Approval for the project.

3. Appendix D of the Traffic Impact Study presents a conceptual improvement plan for Brighton Avenue adjacent to Pine Tree Shopping Center. The applicant should provide information as it relates to the effect of the widening on the width of the left-turn lane onto Cabot Street and whether the existing Brighton Avenue median will be modified. I also assume that the utility pole located in the middle of the existing sidewalk will be eliminated under future conditions.

4. The easterly entrance should be modified to provide an improved configuration and enhanced pedestrian crossing accommodations. In fact this was a recommendation of the Brighton Avenue/Main Street Corridor Traffic and Streetscape Study. In general, I would suggest that the width of the driveway be reduced, with the possible removal of the small channelization island, and a crosswalk be provided. Additionally, the driveway is three lanes wide and confirmation that two entry lanes are required should be documented.

5. The median on Brighton Avenue between the two Pine Tree Shopping Center driveways consist of a partial bituminous/painted island. I would suggest that the entire island be raised (the painted portion can be a maintenance liability for the City, and when the paint is not visible, the width of Brighton Avenue becomes excessive) and be landscaped with appropriate treatment to be determined by others.

6. It is unclear how trucks will be able to exit the truckwell to depart the site. The City prefers not to have delivery trucks egress the site via Brighton Avenue and prefers minimal backing maneuvers.

7. At the primary access/egress driveway opposite Taft Avenue, it is

Att. 5

suggested that the applicant upgrade the signal system such that pedestrian count-down signal heads are provided across the Pine Tree Shopping Center Driveway. A crosswalk should also be provided across the Pine Tree Shopping Center approach. Additionally, the configuration/alignment of the driveway is skewed and improvements are suggested. Related to this is the width of the entry lanes, and whether a reduction in pavement area is possible.

8. I am concerned about the queue estimate on the Pine Tree Shopping Center Driveway approach to Brighton Avenue opposite Taft Avenue. Projections indicate that the 95th percentile queue will be 425 feet for the left-turn movement. While the queue length would not likely impact the public street system, internal circulation problems are likely. Recommendations that address this issue should be developed.

9. Traffic volume data indicates that historically as much as 15 vehicles per hour perform the illegal left-turn movement at the Pine Tree Shopping Center Driveway opposite Taft Avenue. I would suggest that the applicant provide wayfinding signage that assist motorists in legally accessing the site from the east.

10. It is unclear what type of traffic control will be provided at the first internal intersection off Brighton Avenue at Taft Avenue. Specific recommendations should be provided.

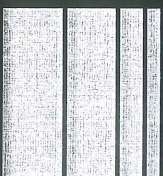
11. I have reviewed the parking analysis that estimates a requirement of 1205 parking spaces for the entire Pine Tree Shopping Center site according to the City of Portland Code of Ordinances. As currently proposed, the project site will provide 1150 parking spaces. The analysis also provides parking requirements assuming a parking reduction of the primary anchor tenant per standard parking requirements resulting in a actual demand for parking of 1076 parking spaces. In my opinion the reduced parking analysis is appropriate and therefore I find the parking conditions to be acceptable. This is based upon two primary factors. The first is current parking generation information. Preliminary parking generation information from the Institute of Transportation Engineers for a soon to be release publication indicate a Home Improvement Super Store generates on average 3.0 to 3.3 parking spaces per 1,000 square feet, with a maximum rate of between 4.3 and 4.6 spaces per 1,000 square feet. The City Code assumes 5.0 spaces per 1,000 square feet. Secondly, it is my opinion that the shared parking phenomenon (one parked vehicle will patronize more than one land use) will account for further reductions. I would conclude by noting that a significant portion of the parking supply is located to the rear and side of the retail buildings. This will likely impact the ability of customers to find parking in front of the stores during heavy demand periods. Accordingly, it is my opinion that requirements be placed that ensures all employees park in the rear and side spaces.

If you have any questions or need additional information, please contact me.

Thomas A. Errico, P.E.  
Senior Transportation Engineer  
Wilbur Smith Associates

59 Middle Street  
Portland, Maine 04101  
(207) 871-1785  
(207) 871-5825 fax

CC: "Katherine Earley" <KAS@ct.portland.me.us>



AH.C

June 21, 2004  
04005

Ms. Kandice Talbot  
Planning and Development Dept.  
City of Portland  
389 Congress Street  
Portland, ME 04101

Request for Public Hearing, Site Plan Application  
Pine Tree Shopping Center, Portland, Maine

Dear Kandi:

On behalf of Packard Development, we have attached additional information in support of our Site Plan Application for the redevelopment of the Pine Tree Shopping Center. We previously submitted site plan data on April 13 and May 25, with comments from staff and the Planning Board discussed at the June 8, 2004 workshop meeting.

We understand the project is currently being reviewed by the DRC and the City Arborist and we are prepared to respond to any design comments or suggestions. We have received comments from the Traffic Engineer and a response letter has been prepared by Gorrill Palmer Consulting Engineers. This letter will be submitted for your review under separate cover. Per your June 4 memorandum, additional information is needed on the following items:

1. Utility Capacity Letters: We have received utility capacity letters from the Portland Water District, Northern Utilities Natural Gas, Central Maine Power, and Time Warner. Copies of the response letters are attached. We have discussed the wastewater design elements of the project with Frank Brancely at the City of Portland, and we are expecting that a letter indicating adequate sanitary sewer capacity is forthcoming.

2. Lighting Catalogue Cuts and Photometric Plan: A site lighting plan is currently being prepared for the project by Engineering Advantage. The lighting layout and photometrics plan, as well as details of the proposed fixtures, poles, mounting heights and other lighting data, will be submitted to the City for review under separate cover. We anticipate this package will be ready for submission later this week.

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3. Off-site Improvements: We have added some off-site improvements to the plan. In particular, the plans have been revised to include modifications to the median island located on Brighton Avenue between the westerly and easterly entrances to the site (in front of Applebee's). Currently, the island is about 12' wide and paved, with a 12' wide striped area in the east lane for traffic control. We propose adding sloped granite curb to provide a 24' wide raised island. The pavement will be removed and the island will be landscaped with street trees. This will improve traffic control as well as add an aesthetic element to this stretch of Brighton Avenue. It is our understanding that the City is preparing a rough scope and estimate of the off-site improvements that were suggested in previous planning memoranda. We are prepared to review this information with staff once available.
  4. Elevations: The design team is currently evaluating the suggestions made by the staff and Planning Board at the last workshop. Port City Architecture is preparing revised elevation sketches for the three new buildings to address these comments. Revised drawings will be submitted to the City directly by the architect.
  5. Lease/Right, Title and Interest: The applicant is leasing a portion of the Pine Tree Shopping Center from the owner, Heritage SPE, LLC. A copy of pertinent sections of the lease agreement is attached. The lease includes exhibits depicting the lease area, as well as details on the operational and maintenance responsibilities.
- In addition to the above elements, we also re-evaluated the plans in light of our discussions at the last workshop meeting. In particular, we investigated the pedestrian circulation to, from and within the site. There are several areas where pedestrian crossings have been improved:
1. Pedestrian Access To/From the Site: As suggested by Tom Gorrill, we have proposed a fence along the north side of Brighton Avenue. This fence is proposed within the esplanade between the sidewalk and the curb. The intent of the fence is to direct Sagamore Village pedestrians either west or east to signalized intersections. We believe this will improve safety as it will encourage pedestrians to utilize the crosswalks at the intersections.
- We have also added crosswalks across all of the site entrances. The entrance islands will be modified, as necessary, to provide ADA access across each entrance. We have also incorporated additional pedestrian safety improvements as suggested by Tom Errico as part of his traffic review. These include narrowing the vehicle traffic lanes and upgrading the signal system at the westerly Brighton Avenue entrance.
- We have investigated a pedestrian sidewalk from the northwest corner of the site (near Republicash) to the existing shopping center. However, the grades in this area are restrictive for pedestrian access as there is a 5'-6' elevation difference between the street and the site at this point. We believe the existing configuration, which includes a handrail adjacent to the sidewalk from Republicash to the westerly site entrance, offers more pedestrian safety.



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2. Pedestrian Access Within the Site: We have also made improvements to the circulation

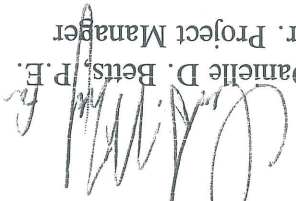
within the site. As suggested by the Planning Board, the sidewalk alignment from the westerly entrance has been improved to provide a more direct access to the existing shopping center. The new sidewalk system will guide walkers either south along the main access drive or west through a raised sidewalk island, providing two points of access to the existing shopping island.

We have also reconfigured the sidewalks and landscape islands in the Lowe's parking lot. The revised layout combines the landscape and sidewalk islands into one 12' wide island. This provides a 6' wide sidewalk next to a 6' wide landscape island to be planted with shade trees. We believe the shaded landscaped corridor will encourage pedestrians to use the sidewalk rather than cut through the parking lot.

We have attached nine (9) copies of our application. We are hoping that you will find this information sufficient for scheduling the project for a public hearing on July 13, 2004. If you have any questions or comments in the meantime, please call me.

Sincerely,

SEBAGO TECHNICS, INC.

  
Danielle D. Betts, P.E.  
Sr. Project Manager

DDB:ddb/jc  
Enc.

cc: Paul Cincotta, Packard Development  
Howard Mintz, Packard Development  
Lawrence Pope, Heritage SPE, LLC  
Todd Morey, Lowe's



Portland  
Water District

225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

(207) 774-5961  
FAX (207) 761-8307  
www.pwd.org

May 24, 2004

Ms. Danielle D. Betts, P.E.

Sebago Technics, Inc.

One Chabot Street

Westbrook, Maine 04098-1339

Re: Brighton Ave @ Rand Rd, Portland

Dear Sir:

The Portland Water District has a 12" water main in Brighton Ave, Portland, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 79 psi; pito pressure 24/26 psi; with a flow of 1677 gpm. With these results in mind, the District feels we have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands. Please notify your plumber of these results so that they can design your system to best fit the available pressure.

With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT

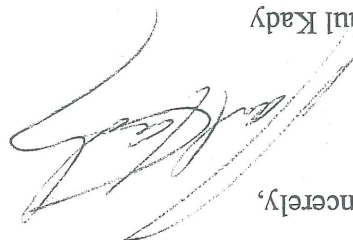
David W. Coffin, PLS

Engineering Supervisor

received  
5-25-04  
SEBAGO TECHNICS

lec

Commercial Sales  
Paul Kady



Sincerely,

This letter does not constitute a commitment or contract to deliver natural gas to the above address. An application and/or contract must be signed before any work can begin. I hope this "letter of natural gas availability" meets your needs. Please contact me at (800) 552-3047 ext. 5317, if further assistance is needed.

This letter assumes all necessary municipal permits will be approved and received in a timely fashion. Northern Utilities confirms the availability of natural gas service for the location indicated above.

Dear Ms. Betts:

RE: New Retail Development - Brighton Av and Rand Rd Portland, Maine

Sebago Technics  
Danielle Betts  
PO Box 1339  
Westbrook, Me 04098-1339

June 8, 2004



6d

received  
6-14-04  
SEBAGO TECHNICS



May 11, 2004

Mr. Dwight V. Snow, EIT  
C/O Sebago Technics, Inc.  
One Chabot Street  
Westbrook, Maine 04098-0277

RE: Brighton Avenue and Rand Road, Portland, Maine

Dear Mr. Snow,

This letter is to advise you that Central Maine Power has sufficient three phase electrical capacity in the area to serve the subject project.

Once the project is accepted by the City of Portland, the owner will need to call our Customer Service Center at 1-800-565-3181 to sign up for a New Account and a Work Request Order so we may start a cost estimate.

To complete the cost estimate I will need the information of what voltage is required, the size of the main disconnect and the kilowatt loads required for the new facility. This information should be provided to me from the electrician or electrical engineering firm.

If you have any questions please feel free to call me at 828-2882.

Sincerely,

Paul DuPerre  
Technical Advisor

received  
5-13-04  
SEBAGO TECHNICS

04005  
6e

04005

P.02 640K

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118 Johnson Rd  
Portland, Maine 04102

**Time Warner Cable of  
Maine**

May 7, 2004

Sebago Technics  
One Chabot Street  
P.O. Box 1339  
Westbrook, Maine 04098-0277

Dear Sir or Madam:

This letter is to inform you that we will have no problems being able to service the new project at Rand Rd and Brighton Ave in Portland.

Sincerely,

Glenn Raymond  
Utility Coordinator

Katz & Fellman, LLP  
ATTORNEYS

54 Jaconnet Street  
Suite 300  
Newton, MA 02451  
(781) 894-4400  
FAX (781) 894-2129  
Direct Dial: (617) 658-1212  
E-Mail: [Rfellman@qdlip.com](mailto:Rfellman@qdlip.com)  
Ronald M. Fellman, Esq.

June 18, 2004

Sarah Hopkins  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Packard Development, LLC/Portland Pinetree, LLC  
Portland Pine Tree Shopping Center Project


Dear Ms. Hopkins:

I write to you in my capacity as real estate counsel to Packard Development, LLC and  
Portland Pinetree, LLC.

Packard Development, LLC caused the formation of Portland Pinetree, LLC in order to  
enter into a ground lease with Heritage SPB LLC for property that is a portion of the Pine  
Tree Shopping Center that is the subject of Packard's pending applications. The members  
and managers of Packard Development, LLC are members and/or managers of Portland  
Pinetree, LLC, and Packard Development, LLC is authorized to represent Portland  
Pinetree, LLC in all proceedings related to the applications.

Please let me know if you require additional information on this matter.

Sincerely,  
Katz & Fellman, LLP,  
a Massachusetts limited liability partnership

By:   
Ronald M. Fellman, Partner

cc: Messrs. Armen Afandilian and Paul Cincotta  
Natalie L. Burns, Esq.

409



Corporate Office: 131 Dartmouth Street, Boston, Massachusetts 02116  
Telephone: (617) 247-2200 • Fax: (617) 266-0885 • Legal Dept. Fax: (617) 267-4557  
www.heritagerealty.com

June 1, 2004

**VIA NEXT DAY MAIL AND FACSIMILE**

Ronald M. Fellman, Esq.  
Kaitz & Fellman, LLP  
54 Jaconet Street  
Newton, MA 02461

Re: Agreement of Lease between Heritage SPE LLC and Portland Pinetree LLC  
dated May 28, 2004; Premises located at Pine Tree Shopping Center,  
Portland, Maine

Dear Ron:

In accordance with our telephone conversation, enclosed are four (4) original signature pages signed by Landlord of the above-referenced Lease. Please hold these pages in escrow until you receive four (4) Tenant signed originals of the signature page. The signature pages are provided to you with the following understanding:

1. Tenant will promptly provide Exhibit L, Tenant's Signage, for Landlord's approval.

2. You will deliver Tenant signed signature pages or return the Landlord's signed signature pages within five (5) business days.

Please contact me in the event you have any questions. Your cooperation is appreciated.

Sincerely,  
*Dem Zicht / psj*  
Louis C. Zicht  
Vice President and General Counsel  
LCZ/cej

Enclosures

cc: Mark Potter (w/enc)  
Bary Rodenstein (w/enc)

[dictated but not read by LCZ]

61  
AGREEMENT OF LEASE (hereinafter the "Lease") dated as of May 28, 2004 by and between Heritage SPE LLC, a Delaware limited liability company, c/o Heritage Realty Management, Inc., 131 Dartmouth Street, Boston, Massachusetts 02116 (hereinafter "Landlord") and Portland PineTree, LLC, a Massachusetts limited liability company in good standing having its principal place of business at c/o One Wells Avenue, Newton, Massachusetts 02459 (hereinafter "Tenant").

**1. PREMISES; SHOPPING CENTER; LANDLORD'S PROPERTY; NATIONAL TENANTS; QUALIFIED NATIONAL TENANTS and QUALIFIED PROTECTED SUBTENANTS; CRITICAL COMMON AREA PROTECTION**

**A. Premises.** Landlord hereby leases to Tenant and Tenant hereby rents from Landlord a parcel of land together with all buildings (including, the National Tenant Building, as defined below, and the other buildings on the Premises as shown on the Exhibit "A" Site Plan (and as may be modified during the Development Period provided that there shall not be more than . . . Additional Buildings, no Additional Building shall be larger than . . . square feet of floor area (not including any basement or mezzanine space that is used for non-selling purposes), and the total floor area of the Additional Buildings shall not exceed . . . square feet of floor area (not including any basement or mezzanine space that is used for non-selling purposes)(other than with Landlord's approval which shall not be unreasonably withheld, delayed or conditioned) (which buildings other than the National Tenant Building are the "Additional Buildings") and other improvements located thereon, and all rights, privileges and easements appurtenant thereto including, without limitation, access over streets, ways, drives and the like, serving such area, as shown (currently) on the site plan ("Site Plan") attached hereto as Exhibit "A" and made a part hereof (the "Premises"). The Premises include Common Areas and Common Facilities, as defined in Section 10, which Tenant acknowledges are subject to the non-exclusive rights as set forth in Section 10.

**B. Shopping Center.** The Premises is part of the shopping center owned by Landlord and known as Pine Tree Shopping Center consisting of the Premises and the Landlord's Property as (hereinafter the "Shopping Center").

**C. Landlord's Property.** Those portions of the Shopping Center other than the Premises are hereinafter referred to as "Landlord's Property";

**D. Recapture Properties.** Those portions of Landlord's Property which are designated as "Recapture Property A" and "Recapture Property B" on Exhibit "A-1" ("Recapture Properties Site Plan") attached hereto and made a part hereof. Tenant has requested and Landlord has agreed that (a) Landlord shall terminate the leases of the applicable tenant in each such Recapture Property, and in connection therewith, Landlord acknowledges that (i) Landlord has the right to relocate the tenant from Recapture Property B or to terminate the lease of such tenant, and Landlord either shall so relocate tenant or terminate such tenant's applicable lease prior to the date on which Landlord is required to deliver possession of such space to Tenant, and (ii) the Recapture Property A lease terminates on May 31, 2004 which is prior to the end of the Development Period.



10. COMMON AREAS

A. Definitions of Terms. (1) "Common Area" shall mean the parking areas, entrances and exits of the Shopping Center, and all other areas that may be provided by Landlord or Tenant for the general use in common of the tenants of the Shopping Center and their officers, agents, employees, customers, and invitees.

(2) "Common Facilities" shall mean the lighting system, utility system and the drainage system servicing the Common Areas, all direction signs, any pylon signs, any landscaped areas within the Shopping Center, and any other services, facilities, or improvements in the Shopping Center provided by Landlord for the general use in common of the tenants of the Shopping Center and their officers, agents, employees, customers, and invitees.

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C. Additional Rights. Tenant shall be permitted to conduct and permit to conduct sales within the portion of the Common Areas of the Premises designated on Exhibit "J" so long as such sales do not unreasonably interfere with vehicular and pedestrian traffic for Landlord's Property and are conducted within the areas designated on the Site Plan. In addition, Tenant shall have the right to display merchandise and conduct sales on the sidewalk adjoining buildings on the Premises, provided pedestrian access is maintained and Tenant or the applicable subtenant cleans after each use and indemnifies, defends and saves Landlord harmless from all claims and damages, including legal fees, arising from said use.

D. Common Usage Rights. Tenant, its employees, agents, invitees and customers shall have the right to use, in common with all other occupants of the Shopping Center and their respective employees, agents, invitees and customers, without charge, all Common Areas and Common Facilities of the Shopping Center. Landlord and tenants on Landlord's Property, their agents, employees, invitees and customers shall have non-exclusive rights to use and enjoy the Common Areas and Common Facilities located within the Premises.

E. Changes in Common Area. Landlord and Tenant each covenants and agrees that (a) neither shall make any modifications to the portion of the Critical Common Area of the main drive of the Center (shown on Exhibit "A" as the westerly main drive of the Shopping Center from Brighton Avenue to the crosswalk shown thereon-being the point at which the Landlord's Property turns at an approximately 45 degree angle to the southwest) without in each case obtaining the prior written consent of Landlord, Tenant and National Tenant; (b) neither shall materially change the other Critical Common Areas, or access, intersections or entrances with public streets or other Common Facilities, such as lighting and drainage, without the express written permission of the other party in advance of such change which consent shall not be unreasonably withheld, delayed or conditioned; and (c) no facility in the Shopping Center will have facilities for vehicular drive-up or drive-through, and in no event shall there be allowed the stopping or standing of motor vehicles in line at a location where drop-off and/or pickup is intended (as, for example, at a restaurant or bank) if and to the extent same would interfere with the Common Areas serving the Shopping Center. In addition (i) Landlord covenants and agrees that Landlord shall not make any alterations or additions to the Common Areas or Common Facilities located on the Premises without the express written consent of Tenant in advance of such change which consent may be granted or withheld in Tenant's sole discretion, and (ii) Tenant covenants and agrees that Tenant's right to make changes to the Common Area drive at the end of the main drive Critical Common Area as shaded on Exhibit "A" shall be subject to Tenant providing a passageway of an equivalent width allowing access to the rear (southerly boundary) of Landlord's Property.

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G. Use. Without limiting the use restrictions and limitations set forth in this Lease, each party's Property in the Shopping Center shall be used for lawful purposes in conformance with all restrictions imposed by all applicable governmental laws, ordinances, codes, and regulations, and no use or operation shall be made, conducted or permitted on or in the Shopping Center which is illegal.

H. Taxes. Each party shall pay all taxes, assessments, or charges of any type levied or made by any governmental body or agency with respect to its property (provided that real estate taxes shall be allocated and paid in accordance with Article 6).

I. Initial Site Development. Landlord and Tenant agree to cooperate in good faith in the initial re-development of the Shopping Center, in accordance with (a) the Site Plan and (b) plans and specifications mutually agreed-upon by Landlord and Tenant for the re-development of the Landlord's Property to bring the Common Area on Landlord's Property to the same level as those improvements to be made in the Common Area as part of Tenant's Work to the Premises Common Areas (meaning, without limitation, the drives, parking surfaces, curbs, walks and lighting, and landscaping).

12. ALTERATIONS AND IMPROVEMENTS

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A. Subject to the compliance with and observance of all of the terms, conditions, covenants and agreements of this Lease, Landlord (with respect only to Landlord's Property) and Tenant (with respect to the Premises) each shall have the right to make alterations, additions and improvements without the other party's consent, provided that (a) the construction of any such alterations, additions and improvements do not unreasonably interfere with the operation of the other party's premises, (b) any buildings are constructed outside of the No-Build Area shown on the Site Plan or, if located within the No Build Area, the other party approves of same which approval shall not be unreasonably withheld, (c) such alterations, additions and improvements are architecturally compatible with the remainder of the Center (provided that each party acknowledges that any alterations, additions or improvements which reflect the standard improvements for a national or regional tenant in a first class shopping center shall be deemed compatible), and (d) the alterations, additions and improvements are in compliance with the parking requirements set forth in this Lease. Notwithstanding the foregoing, Landlord and Tenant each may perform alterations required by law and structural interior alterations.

B. Tenant shall perform any and all duties which may be legally imposed on Landlord as owner of the Premises in connection with such construction on the Premises, and upon completion shall obtain a certificate of occupancy therefor. Landlord shall perform any and all duties which may be legally imposed on Landlord as owner of the Landlord's Property in connection with such construction on the Landlord's Property.

13. MAINTENANCE AND REPAIRS

(1) Except as otherwise provided in this Lease, each party shall take such measures as are necessary to reasonably control litter or debris within the Common Areas on its property.

(2) Except as otherwise provided herein, each party covenants to keep and maintain, at its sole cost and expense, with respect to the building(s) located from time to time on its property (i) the exterior of such buildings in good order, condition and repair, and (ii) the interior in compliance with all applicable laws. In the event of any damage to or destruction of a building on the party's property, applicable party shall, at its sole cost and expense, with due diligence either (a) repair, restore and rebuild such building to its condition prior to such damage or destruction (or with such changes as shall not conflict with this Lease), or (b) tear down and remove all portions of such damaged or destroyed building then remaining, including the debris resulting therefrom, and otherwise clean and restore the area affected by such casualty to a level, graded condition. Nothing contained in this subparagraph (2) shall be deemed to allow either party to avoid a more stringent obligation for repair, restoration and rebuilding contained in a lease or other written agreement between the party and its tenants or other parties.

(3) Except as otherwise provided herein, each party shall at all times during the term hereof construct, operate and maintain or cause to be constructed, operated and maintained, in good order, condition and repair, at its sole expense, any utility or other installations serving the its property.

(4) Every building now or in the future constructed on either property in the Shopping Center shall be of first quality construction, in conformity with sound architectural and engineering standards, and architecturally designed so that its exterior elevations (including, without limitation, building materials, signs and colors) will be architecturally and aesthetically compatible and harmonious with all other then existing buildings on the Premises (provided that, notwithstanding the foregoing, national and regional tenants shall have the right to use their standard building designs).

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17. UTILITIES

A. Tenant shall promptly pay for all sewer, water, gas, electric current, telephone and other utilities used or consumed by Tenant at the Premises (provided that Common Area utilities may be payable by Landlord and included in CAM expenses). Tenant shall have the right to enter into agreements with utility companies and others creating such easements and other rights relating to the Premises in favor of such companies and others as are required in Tenant's sole discretion, and Landlord covenants and agrees to consent thereto and to execute any and all documents, agreements and instruments, and to take all other actions, in order to effectuate the same.

B. Provided such areas are in existing utility easement areas or with respect new easements that Tenant requests Landlord approve (which approval Landlord shall not unreasonably withhold, delay or condition), Landlord hereby grants to Tenant, its successors and assigns, non-exclusive easements appurtenant to the Premises for the purpose of installing, operating, maintaining, repairing, replacing and renewing any and all utility lines and related facilities over, above, along, and under the Premises but not under the Building. For such utilities now installed, Landlord hereby grants to Tenant, its successors and assigns, the right and easement to tie in and use such existing utilities provided such work shall be performed without any interference to the conduct of business in the Shopping Center and Tenant shall indemnify Landlord from all claims and damages arising from Tenant's installation of utility services to the Premises.

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(3) Approvals. Tenant shall use good faith efforts to obtain all necessary governmental permits and approvals (the "Approvals") for the re-development of the Premises in accordance with Tenant's plans (the "Tenant's Plan") approved by Landlord (to the extent Landlord has approval rights), which approval shall not be unreasonably withheld, conditioned or delayed. Approvals shall be deemed to include, without limitation, all permits and approvals for (a) the demolition and/or renovation of existing structures and improvements on the Premises, construction and operation of a retail facility for National Tenant (in accordance with the National Tenant Lease) and the additional buildings as set forth on the Site Plan, together with related parking, signage, utilities, landscaping, grading, site work and drainage facilities of such design and location on the Premises as are set forth on the Site Plan (collectively, "Tenant's Work"), and (b) the use and operation of the Premises for National Tenant's intended initial use which is the operation of a Lowe's home improvement center similar to other Lowe's stores in the New England area, and for the other Permitted Uses, all in accordance with the terms of this Lease.

Tenant shall not be deemed to have obtained the Approvals until same have been issued and all appeal periods have expired without any appeal having been filed or, if an appeal has been filed, then with the appeal having been resolved to the satisfaction of Tenant. In connection with Tenant's efforts to obtain all necessary Approvals, Tenant shall have the right to take any and all actions which Tenant, deems necessary or appropriate to enable Tenant to obtain the Approvals (except Tenant shall comply with its Lease obligations) and to develop the Premises including, without limitation, the right to file, in Tenant's name (and, if required by any governmental agency, the filing may be in Landlord's name and Landlord shall execute all required documents in connection therewith, subject to Landlord's approval thereof which shall not be unreasonably withheld, delayed or conditioned) and for Tenant's sole benefit, zoning code approvals, variances, changes or other appropriate relief, environmental or other related approvals and any variance requests shall require Landlord's consent which shall not be unreasonably withheld, delayed or conditioned. Tenant shall be solely responsible for all costs and expenses incurred in connection with the performance of Tenant's Work and obtaining the Approvals. Landlord shall cooperate with Tenant in all respects in connection with the obtaining of the Approvals. Notwithstanding any provision to the contrary, Tenant shall not have the right to waive the Approval contingency without Landlord's consent in Landlord's sole discretion.

69

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

LANDLORD

Heritage SPE LLC  
By: Heritage SPE MGR LLC, its  
managing agent

Witnesses for Landlord:

*Carole E. Gussner*

By: *[Signature]*  
Louis Ziehl, Vice-President of  
Heritage SPE Corp., its  
managing member

TENANT Portland PineTree, LLC,  
a Massachusetts limited liability  
company

Witnesses for Tenant

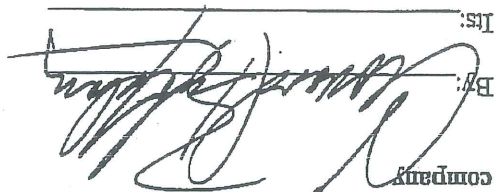
By: *[Signature]*  
Leonard Rudofsky

Its: Manager

\_\_\_\_\_  
\_\_\_\_\_



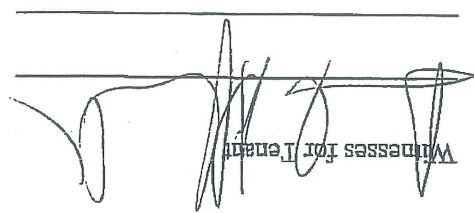
TENANT Portland PineTree, LLC,  
a Massachusetts limited liability  
company

By:   
Its: \_\_\_\_\_

By: Gary Widett, Senior Vice-  
President of Heritage SPE  
Corp., its managing member

LANDLORD  
Heritage SPE LLC  
By: Heritage SPE MGR LLC, its  
managing agent

Witnesses for Landlord:

  
Witnesses for Tenant

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the  
day and year first above written.

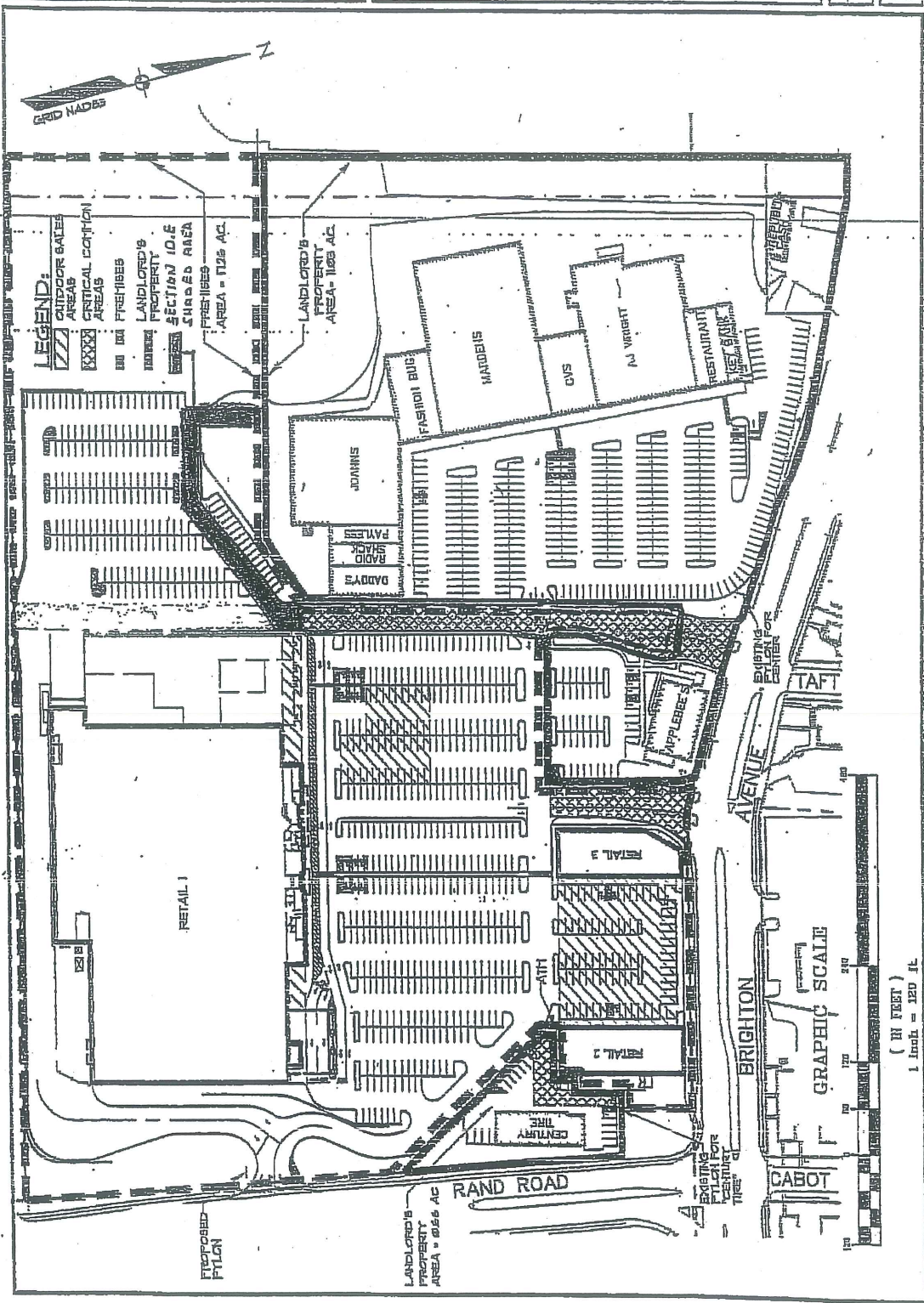
62

04005LEAS  
 DATE: 03-05-04  
 SCALE: 1" = 120'

EXHIBIT 'A'

HERITAGE LEASE AREA PLAN  
 OF:  
 PINE TREE SHOPPING CENTER  
 1030 BRIGHTON AVENUE  
 PORTLAND, MAINE  
 FOR:  
 PACKARD DEVELOPMENT  
 ONE WELLS AVENUE  
 NEWTON, MA 02459

PROJECT NO. FIELD BOOK DESIGN CHKD DRAWN  
 04005 DIGITAL 008 008 JLB  
 Sedago Technics  
 Engineering Services York Conn Field O  
 One Orchard Street  
 Westbrook, Me 04090-1330  
 Tel (207) 888-0277



65

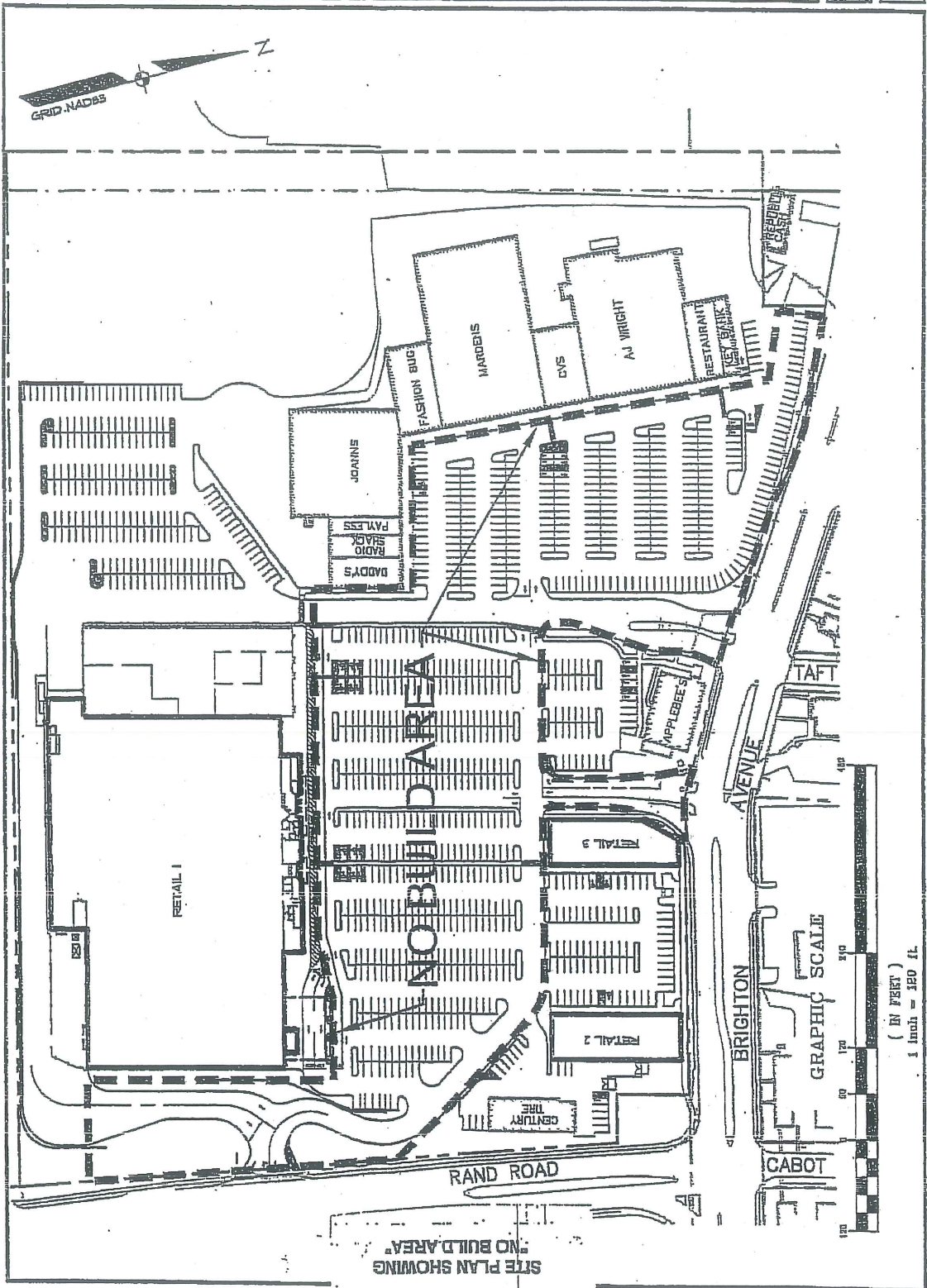
PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
04005	DIGITAL	DDB	DDB	JLB

Sebago Technics  
 Engineering Experts You Can Build On  
 One Church Street  
 Westbrook, ME 04090-1338  
 Tel (207) 839-0277

NO BUILD AREA PLAN  
 OF:  
 PINE TREE SHOPPING CENTER  
 1030 BRIGHTON AVENUE  
 PORTLAND, MAINE  
 FOR:  
 PACKARD DEVELOPMENT  
 ONE WELLS AVENUE  
 NEWTON, MA 02459

DATE: 03-05-04  
 SCALE: 1" = 120'

SHEET 1 OF 1



6+

EXHIBIT A-3  
 SITE PLAN SHOWING  
 NO BUILD AREA

- 3. The premises described in the deed from Gordon F. Bloom to the State of Maine dated December 20, 1969 and recorded in the Cumberland County Registry of Deeds in Book 3116, Page 772.
- 2. The premises described in the deed from Gordon F. Bloom to the City of Portland dated December 20, 1969 and recorded in the Cumberland County Registry of Deeds in Book 3120, Page 328.

1. Beginning at the southwest corner of the above described premises; thence by said land now or formerly of said Gordon F. Bloom, South 55° 30' East 1479.65 feet to said land now or formerly of said Almon F. Hill; thence by said land of said Hill and by land now or formerly of Rose Burns North 26° 32' 1/2' East 511.56 feet; thence by said land now or formerly of said Gordon F. Bloom, North 59° 17' West 1439.18 feet; thence South 30° 43' West 412.57 feet, to the point of beginning.

The following described premises are specifically excluded from the above described parcel:

by Brighton Avenue North 48° 30' West 50.90 feet to the point of beginning.

North 59° 17' West 146.47 feet and North 30° 43' East 113.90 feet to Brighton Avenue; and thence Oil Company; thence by said land leased to Shell Oil Company South 30° 43' West 86.00 feet, 52.05 feet, North 38° 31' West 55.19 feet and North 48° 30' West 157.88 feet to land leased to Shell West 57.84 feet, North 29° 21' East 4.27 feet, North 40° 9' West 157.38 feet, North 30° 10' West Brighton Avenue North 63° 14' West 375.81 feet, North 43° 45' 1/2' West 196.30 feet, North 40° 9' North 60° 00' West 150 feet and North 31° 13' East 119.51 feet to Brighton Avenue; thence by formerly of Esso Standard Oil Company; thence by said Esso land South 31° 13' West 130.00 feet, Brighton Avenue; thence by said Brighton Avenue North 60° 00' West 25.00 feet to land now or North 26° 47' West 41.25 feet, North 29° 13' East 366.30 feet and North 31° 13' East 462.00 feet to Lucien Daigle and land now or formerly of Raymond T. Arvola North 26° 32' 1/2' East 596.18 feet, or formerly of said Hill and by land now or formerly of Rose Burns and land now or formerly of South 55° 30' East 1479.65 feet to land now or formerly of Almon F. Hill; thence by said land now Realty Corp.; thence by said land of Crossroads Realty Corp., South 30° 43' West 1546.33 feet to Beginning at Brighton Avenue at the northeast corner of land now or formerly of Crossroads

**PARCEL ONE**

Certain lots or parcels of land with the buildings thereon, situated on Brighton Avenue in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

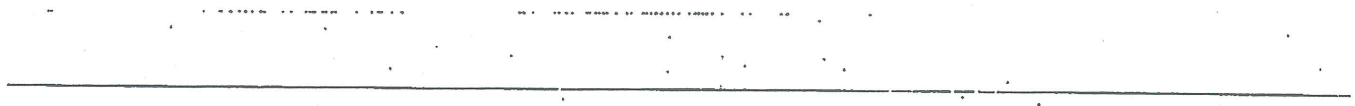
**LEGAL DESCRIPTION OF SHOPPING CENTER**

**EXHIBIT B**

(subject to change upon survey) (2 pages)

64

B-2



Beginning at a point in the southwesterly sideline of Brighton Avenue 50.90 feet southeasterly, measured along said sideline, from said land now or formerly of Crossroads Realty Corp.; thence running South 48° 30' East by Brighton Avenue 149.10 feet to Parcel One hereby conveyed; and thence running by Parcel One South 30° 43' West 86.00 feet, North 59° 17' West 146.47 feet and North 30° 43' East 113.90 feet to the point of beginning.

6v

PARCEL TWO



Memorandum of Lease

Notice is hereby given of the following Lease (the "Lease"):

GW

I. PARTIES:

A. Landlord: HERITAGE SPB LLC a Delaware limited partnership, with a principal place of business c/o Heritage Realty Management, Inc., 131 Dartmouth Street, Boston, Massachusetts 02116.

B. Tenant: PORTLAND PINETREE, LLC having its principal office for the transaction of business at c/o Packard Development, One Wells Avenue, Newton, MA 02459.

II. EXECUTION DATE:

May \_\_\_\_\_, 2004. The Lease is on file at the principal office of Landlord listed above.

III. LEASE DATE: May \_\_\_\_\_, 2004

IV. PREMISES:

A parcel of land together with all buildings and other improvements located thereon, and all rights, privileges and easements appurtenant thereto including, without limitation, access over streets, ways, drives and the like, serving such area, as shown on the site plan ("Site Plan") attached hereto as Exhibit "A" and made a part hereof (the "Premises"). The Premises include Common Areas and Common Facilities, as defined in Section 10 of the Lease, which Tenant acknowledges are subject to the non-exclusive rights as set forth therein.

The Demised Premises are a part of and included within certain parcels of land known as Pine Tree Shopping Center, located at in the City of Portland, Cumberland County, Maine as more particularly described in Exhibit B attached hereto and made a part hereof (the Shopping Center).

V. TERM OF LEASE:

A primary term ("Primary Term") commencing on the Lease Commencement Date and ending twenty (20) years after the National Tenant Rent Commencement Date (such that the end of the primary term of this Lease shall correspond to the end of the initial twenty (20) full lease years of the term of the National Tenant Lease) (hereinafter the "Lease Expiration Date"), with options to extend for ten (10) additional periods of five (5) years each.

VI. USE RESTRICTIONS:

A. Landlord covenants and agrees that, subject to the rights of existing tenants, during the Term of the National Tenant Lease, provided National Tenant is operating a home improvement center and subject to rights under existing leases as set forth on Exhibit "J" of the Lease, no other portion of the Landlord's Property shall be leased or sold for, nor shall Landlord allow directly or indirectly, the use or occupancy of any space in the Shopping Center or any out parcels of the Shopping Center controlled by Landlord (or any tenant of Landlord) adjoining the Premises or the Shopping Center for the following uses:

2. Hardware store (provided that this limitation shall not prohibit the incidental sale of hand held hardware goods in a store which is operated either as (a) principally for the sale of health care and pharmaceutical products such as, without limitation, Walgreens, CVS and Brooks) or (b) as a so-called "dollar type" store such as, without limitation, Dollar Discount Stores of American, Dollar Tree Stores and Family Dollar; (c) a catalogue store, (d) a computer store, (e) an arts and crafts store, (f) a toy store or (g) a department or discount department store);

3. An appliance store (provided the foregoing shall not prohibit the sale of small, countertop appliances such as toasters and toaster ovens, coffee machines, mixers, hair dryers and the like);

4. A lawn and garden store (provided the foregoing shall not prohibit the operation of a florist shop of up to 2,000 square feet);

5. A paint, wall paper, tile, home decor center and/or flooring or carpet store (provided that this limitation shall not prohibit the incidental sale of the foregoing items in a store which is operated principally for the sale of health care and pharmaceutical products such as, without limitation, Walgreens, CVS and Brooks); or

6. A retail and/or warehouse home improvement center, lumber yard, building materials supply center, and other stores or centers similar to those operated by Lowe's, Home Depot, Home Owner's Warehouse, Home Quarters, Hechinger's, Builders Square, 84 Lumber, Wickes, Hughes Lumber, McCoys, Menard's, Orchard Supply, Sears Hardware, Villager Hardware, Sutherlands, Tractor Supply, Eagle and Payless Cashways.

These restrictions or exclusive rights shall also apply to prohibit a larger business having space in its store devoted to selling the merchandise described in subparagraphs (1), (2)

6x

and (4) (subject to the parentheticals therein) above and prohibit the selling of merchandise described in (3) above in excess of the permitted space limitation set forth in (3) above, provided that the foregoing restrictions or exclusive rights are not intended to limit or prohibit the operation of electronic merchandise stores such as those operated by Best Buy, Circuit City, Radio Shack and similar operators, or office supply stores such as those operated by Staples and Office Depot (whether in each case such stores are larger or smaller than the stores of the identified operators).

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**B. Prohibited Uses.** (1) (a) During the term of this Lease, no portion of the Shopping Center may be used for any of the following purposes without the written consent of the Tenant and Landlord, in their respective sole discretion, provided (a) the parties hereby consent to the uses existing in the Shopping Center as of the date of this Lease, and (b) Tenant acknowledges that Landlord may not have the right to prohibit existing tenants from using their respective premises for such uses, and (c) Landlord agrees that in the event an existing tenant requests a change of use that would be in violation of the following and Landlord has the right to consent or deny such request, Landlord shall deny the request:

- (i) A tavern, bar, nightclub, cocktail lounge, discotheque, dance hall, or any other establishment selling alcoholic beverages for on-premises consumption; provided, however, the foregoing shall not prohibit the operation of a restaurant where the sale of alcoholic beverages therein comprises less than (a) with respect to the premises currently occupied by Applebee's and the buildings on Landlord's Property which are perpendicular to Brighton Avenue, forty (40%) percent of the restaurant's gross revenues, and (b) with respect to the Premises and the buildings on Landlord's Property which are parallel to Brighton Avenue, thirty (30%) percent of the restaurant's gross revenues (and in each case the percentage shall be based on annual revenues (all as shown on Exhibit "A" of the Lease).
- (ii) A bowling alley, billiard parlor, bingo parlor, arcade, game room or other amusement center.
- (iii) A theater (motion picture or live performance).
- (iv) A health club, gymnasium or spa.
- (v) A service station, automotive repair shop or truck stop.
- (vi) A flea market or pawn shop.
- (vii) A training or educational facility (including without limitation, a school, college, reading room or other facility catering primarily to students and trainees rather than customers).
- (viii) A car wash, except on an outparcel or pad site, and where the same shall have constructed and shall use sanitary sewer, water and storm water drainage lines entirely separate from those utilized by the Premises.
- (ix) A medical clinic or office.



REMAINDER OF THE PAGE HAS BEEN INTENTIONALLY LEFT BLANK

- (x) A dry cleaning plant, central laundry or laundromat (except the same shall not prohibit a dry cleaner that does not perform on-premises services).
- (xi) An establishment for sale of automobiles, trucks, mobile homes, recreational motor vehicles.
- (xvi) A child day care facility.
- (xvii) A hotel or motel.
- (xviii) A storage or mini-warehouse facility.
- (xix) Governmental offices.
- (i) An adult type bookstore or other establishment selling, renting, displaying or exhibiting pornographic or obscene materials (including without limitation: magazines, books, movies, videos, photographs or so called "sexual toys") or providing adult type entertainment or activities (including, without limitation, any displays or activities of a variety involving, exhibiting or depicting sexual themes, nudity or lewd acts).
- (viii) A massage parlor.
- (ix) A skating rink.
- (x) A mortuary, crematorium or funeral home.
- (xi) A mobile home or trailer court, labor camp, junkyard or stockyard.
- (xii) A land fill, garbage dump or other such facility for the dumping, disposing, incineration or reduction of garbage.
- (xiii) A telephone call center.
- (xi) A gambling establishment or betting parlor (but the same shall not prohibit the sale of lottery tickets and similar activities, such as Keno).
- (xii) Veterinary hospital or animal raising or keeping facilities (but the same shall not prohibit a pet shop)..
- (xiii) Assembling, manufacturing, industrial, distilling, refining or smelting facility.

(2) During the term of this Lease no portion of the Shopping Center may at any time be used for any of the following uses whatsoever:

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IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of \_\_\_\_\_, 2004.

Loaa

LANDLORD:

HERITAGE SPE LLC

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

TENANT:

PORTLAND PINETREE LLC  
A Massachusetts limited liability compan

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Pine Tree

QUITCLAIM DEED WITH COVENANT

606

KNOW ALL MEN BY THESE PRESENTS, That HERITAGE

PROPERTY INVESTMENT LIMITED PARTNERSHIP, a Delaware limited

partnership, f/k/a HERITAGE REALTY LIMITED PARTNERSHIP, a

Delaware limited partnership, doing business in the State of Maine as

Delaware Heritage Realty Limited Partnership, a Delaware limited

partnership, whose mailing address is c/o Heritage Realty Management, Inc.,

535 Boylston Street, Boston, Massachusetts 02116 (hereinafter "Grantor"),

for consideration paid by HERITAGE SPE LLC, a Delaware limited liability

company, whose mailing address is c/o Heritage Realty Management, Inc.,

535 Boylston Street, Boston, Massachusetts 02116 (hereinafter "Grantee"),

the receipt of which it does hereby acknowledge, does hereby grant to the said

Grantee, its successors and assigns forever, with QUITCLAIM COVENANT,

the land, together with the buildings and improvements thereon, situated in

Portland, Cumberland County, Maine, more particularly described in

Exhibit A attached hereto and made a part hereof.

This conveyance is made subject to and with the benefit of all

easements, restrictions, agreements, rights of way and reservations of record

insofar as the same are now in force and applicable.

Meaning and intending to convey the same premises described in a

deed from NET REALTY HOLDING TRUST to Grantor dated July 9, 1999

and recorded in Cumberland County Registry of Deeds in Book 14895, Page

318.

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

Notary Public  
MAN WAI LAU  
Notary Public, State of New York  
No. 24-4781742  
Print Name: \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Qualified in Kings County  
Filed in New York County  
Commission Expires Nov. 30, 2001

Before me, Man Wai Lau

Personally appeared the above-named Gary Widett Senior VP of Heritage Property Investment Trust, Inc., general partner of said HERITAGE PROPERTY INVESTMENT LIMITED PARTNERSHIP as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in said capacity, and the free act and deed of said partnership.

State of New York )  
COUNTY OF New York )  
ss: September 14, 2000 )

By: [Signature]  
Name: Gary Widett  
Title: Senior VP  
Heritage Property Investment Trust, Inc.,  
its general partner

[Signature]  
[Signature]

SIGNED, SEALED AND DELIVERED  
PRESENCE OF:

HERITAGE PROPERTY INVESTMENT LIMITED  
PARTNERSHIP

IN WITNESS WHEREOF the said Grantor has hereto caused this instrument to be executed this 14 day of the month of September, 2000.

lpc

1. Beginning at the southwesterly corner of the above described premises; thence by said land now or formerly of said Gordon F. Bloom, South 55° 30' East 1479.65 feet to said land now or formerly of Almon F. Hill; thence by said land of said Hill and by land now or formerly of Rose Burns North 26° 32½' East 511.56 feet; thence by said land now or formerly of said Gordon F. Bloom, North 59° 17' West, 1439.18 feet; thence South 30° 43' West, 412.57 feet, to the point of beginning.

The following described premises are specifically excluded from the above described parcel:

Beginning at Brighton Avenue at the northeasterly corner of land now or formerly of Crossroads Realty Corp.; thence by said land of Crossroads Realty Corp., South 30° 43' West 1546.33 feet to land now or formerly of Gordon F. Bloom; thence by said land now or formerly of said Bloom South 55° 30' East 1479.65 feet to land now or formerly of Almon F. Hill; thence by said land now or formerly of said Hill and by land now or formerly of Rose Burns and land now or formerly of Lucien Daigle and land now or formerly of Raymond T. Arvisois North 26° 32½' East 596.18 feet, North 26° 47' West 41.25 feet, North 29° 13' East 366.30 feet and North 31° 13' East 462.00 feet to Brighton Avenue; thence by said Brighton Avenue North 60° 00' West 25.00 feet to land now or formerly of Esso Standard Oil Company; thence by said Esso land South 31° 13' West 130.00 feet, North 60° 00' West 150 feet and North 31° 13' East 119.51 feet to Brighton Avenue; thence by Brighton Avenue North 63° 14' West 375.81 feet, North 43° 45½' West 196.30 feet, North 40° 9' West 57.84 feet, North 29° 21' East 4.27 feet, North 40° 9' West 157.38 feet, North 30° 10' West 52.05 feet, North 38° 31' West 55.19 feet and North 48° 30' West 157.88 feet to land leased to Shell Oil Company; thence by said land leased to Shell Oil Company South 30° 43' West 86.00 feet, North 59° 17' West 146.7 feet and North 30° 43' East 113.90 feet to Brighton Avenue; and thence by Brighton Avenue North 48° 30' West 50.90 feet to the point of beginning.

PARCEL ONE

bounded and described as follows:

Two certain parcels of land, with the buildings thereon, situated on Brighton Avenue in the City of Portland, County of Cumberland and State of Maine;

Exhibit A

Go ad

Loop

2. The premises described in the deed from Gordon F. Bloom to the City of Portland dated December 20, 1969 and recorded in the Cumberland County Registry of Deeds in Book 3120, Page 328.

3. The premises described in the deed from Gordon F. Bloom to the State of Maine dated December 30, 1969 and recorded in said Registry of Deeds in Book 3116, Page 772.

PARCEL TWO

Beginning at a point in the southwesterly sideline of Brighton Avenue 50.90 feet southeasterly, measured along said sideline, from said land now or formerly of Crossroads Realty Corp.; thence running South 48° 30' East by Brighton Avenue 149.10 feet to Parcel One hereby conveyed; and thence running by Parcel One South 30° 43' West 86.00 feet, North 59° 17' West 146.47 feet and North 30° 43' East 113.90 feet to the point of beginning.

For title see deed of Trustees of Net Realty Holding Trust to Heritage Realty Limited Partnership dated July 9, 1999 and recorded with Cumberland County Registry of Deeds in Book 14895, Page 318.

Att. 7



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237  
15 Shaker Rd.  
Gray, ME 04039

Traffic and Civil Engineering Services

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

June 21, 2004

Ms. Kandi Talbot  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Pine Tree Shopping Center, Portland, Maine

Dear Kandi:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments made by Tom Errico of Willbur-Smith Associates dated June 11<sup>th</sup> regarding the above-referenced project. For ease of review, each comment has been repeated below followed by our response.

*Comment 1 - The Traffic Impact Study evaluated the two access/egress options from Brighton Avenue as requested by the City. Option 1 evaluated conditions assuming current conditions. Option 2 eliminates the easterly entrance (between Applebee's Restaurant and Rand Road) and creates one primary entrance opposite Taft Avenue. According to the evaluation conducted by GPCEI, increased delay will result under Option 2. It should be noted that this increased delay accounts for roadway expansion (unlike Option 1 where capacity expansion is not necessary), adding a second left-turn lane and a right-turn lane entering the site from Brighton Avenue. Based upon this information and a field investigation of the area, I concur with the recommendation presented by GPCEI that the current access/egress configuration remain. In my opinion, the current configuration not only works operationally, but also is safe as documented by the MaineDOT crash history. Additionally, expansion of the intersection will have both property and aesthetic impacts and the grade of Brighton Avenue may present problems for left-turn movements into the site at the location opposite Taft Avenue.*

Response - Our office concurs with this comment.

*Comment 2 - I concur with the recommendation that the Rand Road intersection with the Pine Tree Shopping Center Driveaway be evaluated for traffic signalization following the opening of the project. Please make note of this in developing Conditions of Approval for the project.*

Response - Our office concurs with this comment.

*Comment 3 - Appendix D of the Traffic Impact Study presents a conceptual improvement plan for Brighton Avenue adjacent to Pine Tree Shopping Center. The applicant should provide*

information as it relates to the effect of the widening on the width of the left-turn lane onto Cabot Street and whether the existing Brighton Avenue median will be modified. I also assume that the utility pole located in the middle of the existing sidewalk will be eliminated under future conditions.

**Response** – It is our understanding that the current width of the left-turn lane to Cabot Street is sufficient, as this work was recently completed as part of the Rand Road intersection reconstruction project. In addition, we do not anticipate that alteration of the existing median location or dimensions will be required. The utility pole will be relocated as part of this project.

**Comment 4** – The easterly entrance should be modified to provide an improved configuration and enhanced pedestrian crossing accommodations. In fact this was a recommendation of the Brighton Avenue/Main Street Corridor Traffic and Streetscape Study. In general, I would suggest that the width of the driveway be reduced, with the possible removal of the small channelization island, and a crosswalk be provided. Additionally, the driveway is three lanes wide and confirmation that two entry lanes are required should be documented.

**Response** – Our office concurs with this comment. A revised concept of the easterly entrance is shown on the updated site plan by Sebago Technics. In addition, our office has reviewed the issue of pedestrians crossing to and from Sagamore Village and recommends a fence be installed in back of the curb line on the northerly side of Brighton Avenue to channelize pedestrians to either of the adjacent intersections.

**Comment 5** – The median on Brighton Avenue between the two Pine Tree Shopping Center driveways consist of a partial bituminous/painted island. I would suggest that the entire island be raised (the painted portion can be a maintenance liability for the City, and when the paint is not visible, the width of Brighton Avenue becomes excessive) and be landscaped with appropriate treatment to be determined by others.

**Response** – Our office concurs with this comment. The revised island is shown on the updated concept plan.

**Comment 6** – It is unclear how trucks will be able to exit the truckwell to depart the site. The City prefers not to have delivery trucks egress the site via Brighton Avenue and prefers minimal backing maneuvers.

**Response** – The site has been designed to allow trucks to exit the truckwell and exit onto Rand Road directly or travel through the shopping center to the Rand Road exit without using Brighton Avenue.



**Comment 7** – At the primary access/egress driveway opposite Taft Avenue, it is suggested that the applicant upgrade the signal system such that pedestrian count-down signal heads are provided across the Pine Tree Shopping Center Driveway. A crosswalk should also be provided across the Pine Tree Shopping Center approach. Additionally, the configuration/alignment of the driveway is skewed and improvements are suggested. Related to this is the width of the entry lanes, and whether a reduction in pavement area is possible.

**Response** – Our office concurs with the request of upgrading the signal at this location to provide pedestrian count-down heads. The updated site plan by Sebago Technics shows the provision of the crosswalk at this driveway. In addition, the entry area at this location has been reduced to a single lane in width, as shown on the updated concept plan.

**Comment 8** – I am concerned about the queue estimate on the Pine Tree Shopping Center Driveway approach to Brighton Avenue opposite Taft Avenue. Projections indicate that the 95th percentile queue will be 425 feet for the left-turn movement. While the queue length would not likely impact the public street system, internal circulation problems are likely. Recommendations that address this issue should be developed.

**Response** – Our office proposes that as the part of the Conditions of Approval that this location be monitored following the opening of the home improvement store to determine if queuing is a problem at this location. If this is found to be the case, we propose to reconfigure striping of the exit lanes to an exclusive left turn lane, and a shared left/through/right turn lane. This location would then operate exclusively as a split-phase system. Revised analysis has been provided of this intersection based on dual lefts and split-phase operation, and shows that internal 95th percentile queues drop from 425 feet to 275 feet. As trucks have been required to utilize the Rand Road driveway, tracking for the dual left movement will be sufficient based on the existing layout of this intersection.

**Comment 9** – Traffic volume data indicates that historically as much as 15 vehicles per hour perform the illegal left-turn movement at the Pine Tree Shopping Center Driveway opposite Taft Avenue. I would suggest that the applicant provide wayfinding signage that assists motorists is legally accessing the site from the east.

**Response** – Our office concurs with this comment. The provision of overhead lane use prohibition signage would help to reduce the frequency of this movement.

**Comment 10** – It is unclear what type of traffic control will be provided at the first internal intersection off Brighton Avenue at Taft Avenue. Specific recommendations should be provided.

**Response** – The east-west aisle would have the right-of-way at this location, while the north-south aisle would be STOP-controlled. The throat length, at 200 feet from Brighton Avenue to

7c

this roadway, is sufficient to accommodate vehicular queuing without resulting in spillback to the signalized intersection.

*Comment 11 - I have reviewed the parking analysis that estimates a requirement of 1205 parking spaces for the entire Pine Tree Shopping Center site according to the City of Portland Code of Ordinances. As currently proposed, the project site will provide 1150 parking spaces. The analysis also provides parking requirements assuming a parking reduction of the primary anchor tenant per standard parking requirements resulting in a actual demand for parking of 1076 parking spaces. In my opinion the reduced parking analysis is appropriate and therefore I find the parking conditions to be acceptable. This is based upon two primary factors. The first is current parking generation information. Preliminary parking generation information from the Institute of Transportation Engineers for a soon to be release publication indicate a Home Improvement Super Store generates on average 3.0 to 3.3 parking spaces per 1,000 square feet, with a maximum rate of between 4.3 and 4.6 spaces per 1,000 square feet. The City Code assumes 5.0 spaces per 1,000 square feet. Secondly, it is my opinion that the shared parking phenomenon (one parked vehicle will patronize more than one land use) will account for further reductions. I would conclude by noting that a significant portion of the parking supply is located to the rear and side of the retail buildings. This will likely impact the ability of customers to find parking in front of the stores during heavy demand periods. Accordingly, it is my opinion that requirements be placed that ensures all employees park in the rear and side spaces.*

**Response** - We concur with these comments.

Gorrill-Palmer Consulting Engineers, Inc. appreciates the opportunity to respond to these comments and looks forward to your review of our responses. Should you have any questions or require any additional information, please feel free to contact me.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Thomas L. Gorrill, P.E., P.T.O.E.  
President

Enclosure

Cc: Katherine Barley, City of Portland  
Tom Errico, Wilbur-Smith Associates

Att-8

July 12, 2004  
04005

Ms. Kandice Talbot  
 Planning and Development Dept.  
 City of Portland  
 389 Congress Street  
 Portland, ME 04101

**Lighting Plan, Pine Tree Shopping Center, Portland, Maine**

Dear Kandi:

On behalf of Packard Development, we have attached a Lighting Plan in support of our Site Plan Application for the redevelopment of the Pine Tree Shopping Center. We previously submitted site plan data on April 13, May 25, and June 21, 2004.

The site lighting plan was prepared by Engineering Advantage, with photometrics prepared on a 20' by 20' grid by Hubbell Lighting. The lighting layout and photometrics plan includes the entire redevelopment area. Additionally, the lighting in the front parking lot of the existing shopping center has been analyzed since the pole locations will change as a result of the retrofitting plan. The rear service area of the existing shopping center has not been analyzed. We have also attached manufacturer cut sheets of the proposed fixtures and poles.

The site lighting design was prepared in conformance with the recommendations put forth in Lighting for Exterior Environments RP-33-99 published by the Illuminating Engineering Society of North America (IESNA). The design is based on a mounting height of 30 feet for site poles and 20 feet for building mounted fixtures. The pedestrian lighting along Brighton Avenue between the new retail buildings and the bus shelter is consistent with the City's existing lighting on Rand Road and the north side of Brighton Avenue. These fixtures have a 12' mounting height. The design wattage is 400 watts for all fixtures. All fixtures are "cut-off" type where lenses, refractors and lamp sources do not extend below the surface of the fixture housing and no direct light is directed at or above the horizontal plane. Along property lines, fixtures are placed on the "site side" only to minimize light spillover onto adjacent parcels.

Ms. Talbot

-2-

July 12, 2004

We have attached nine (9) copies of our lighting design. We look forward to meeting with staff and the Planning Board at the July 27, 2004 public hearing for this project. If you have any questions or comments in the meantime, please call me.

Sincerely,

SEBAGO TECHNICS, INC.



Danielle D. Betts, P.E.

Sr. Project Manager

DDB:ddb/

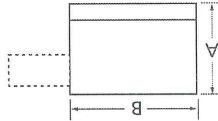
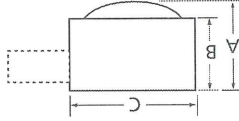
Enc.

cc: Paul Cincotta, Packard Development  
Howard Mintz, Packard Development  
Lawrence Pope, Heritage SPB, LLC  
Todd Morey, Lowe's



Note: Weights and EPA for fixture only.

MSV - Convex	MSV - Flat
373 mm	378 mm
14 11/16"	14 7/8"
12 3/16"	21" sq
21" sq	533 mm
2.4 ft <sup>2</sup>	2.8 ft <sup>2</sup>
63 lbs.	68 lbs.
0.3 m <sup>2</sup>	0.2 m <sup>2</sup>
28.5 kg	30.8 kg



Dimensions

Note: Consult accessory pages for EPA and weight information.

- MSV-4X Four inch rigid arm (replace X with color).
- MSV-10-X Ten inch rigid arm (replace X with color)(required for 90° configurations).
- MSV-FGG-2 Extreme glare shield for flat glass units only (mounts to housing). Restricts lighting to any one side of fixture. Black finish is standard.
- MSV-GS Glare shield for sag glass units only (mounts to door). Restricts lighting to any one side of fixture. Black finish is standard.

Accessories - Order Separately

Options	Optical System	Mount	Lamp/Watts	Series	Options
A4	Four inch rigid arm (shipped in fixture carton).	A1	Ten inch rigid arm (shipped in fixture carton).	R4	Nominal 4" round pole adapter (shipped in fixture carton).
R5	Nominal 5" round pole adapter (shipped in fixture carton).	F1	Fusing - 120V	F1	(shipped in fixture carton).
F1	Fusing - 120V	F2	Fusing - 208V	F2	Fusing - 208V
F2	Fusing - 208V	F3	Fusing - 240V	F3	Fusing - 240V
F3	Fusing - 240V	F4	Fusing - 277V	F4	Fusing - 277V
F4	Fusing - 277V	F5	Fusing - 480V	F5	Fusing - 480V
F5	Fusing - 480V	F6	Fusing - 347V	F6	Fusing - 347V
PCR1	Photo Cell Receptacle - 120V	PCR1	Photo Cell Receptacle - 120V	PCR1	Photo Cell Receptacle - 120V
PCR2	Photo Cell Receptacle - 208V	PCR2	Photo Cell Receptacle - 208V	PCR2	Photo Cell Receptacle - 208V
PCR3	Photo Cell Receptacle - 240V	PCR3	Photo Cell Receptacle - 240V	PCR3	Photo Cell Receptacle - 240V
PCR4	Photo Cell Receptacle - 277V	PCR4	Photo Cell Receptacle - 277V	PCR4	Photo Cell Receptacle - 277V
PCR5	Photo Cell Receptacle - 480V	PCR5	Photo Cell Receptacle - 480V	PCR5	Photo Cell Receptacle - 480V
PCR6	Photo Cell Receptacle - 347V	PCR6	Photo Cell Receptacle - 347V	PCR6	Photo Cell Receptacle - 347V
1	Lamp Included	1	Lamp Included	1	Lamp Included
2	High Performance Optics specified.	2	High Performance Optics specified.	2	High Performance Optics specified.
3	Factory wired for highest voltage unless specified.	3	Factory wired for highest voltage unless specified.	3	Factory wired for highest voltage unless specified.
4	Lamp not included	4	Lamp not included	4	Lamp not included

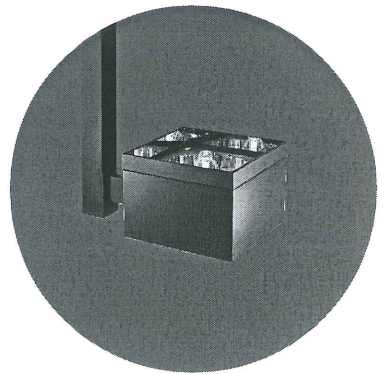
Note For Photocell Equipment, see Hubbell Outdoor offering.

- Series MSV Magnussquare
- Mounting A Arm Mount (arm not included, order separately)
- Lamp Type/Wattage Metal Halide 400W (ED-37)
- 1000H 1000W (BT-37)
- 1000F 1000W (BT-37)
- Pulse Start Metal Halide 750P 750W (BT-37)
- High Pressure Sodium 400S 400W (ED-18)
- Voltage 8 Quad Tap@ (120, 208, 240, 277V)?
- 5 480V
- 6 Tri-Tap@ (120, 277, 347V)?
- E 220/240V 50 Hz
- 0 No Ballast
- Color 1 Dark Bronze
- 2 Black
- 4 White
- 3 Gray
- P Platinum Silver
- R Red (Premium Color)
- 7 Forest Green (Premium Color)

Ordering Information

Example: MSV - A - 1000H - FP - 5 - 2 - R4

- Vertically lamped with high wattage capabilities makes the MSV perfect for large area lighting projects of our most demanding customers. Both convex and flat lens configurations are available.
- Square, one piece formed aluminum housing is completely sealed to keep contaminants and moisture out.
- Flat glass models feature an extruded aluminum frame with silicone gasketing and Hubbell Gard fasteners. Convex glass models use formed doors secured with Hubbell Gard hardware.
- Both flat and convex glass models feature multi-faceted segmented panels. Flat glass unit offers Type I, III, IV, and V square distributions while the convex unit offers two levels of performance. The standard optic is available in Type I, III, IV, and V square distributions and an available "Super" optical system for the Type III, and V distributions. Rotatable in 90° increments.
- Extruded aluminum arm for pole mounting available in both 4" and 10" sizes.
- Mogul porcelain socket, pulse rated, with spring loaded, nickel plated center contact and reinforced lamp grip screw shell.
- CWA type ballast, 60 Hz HPF, starting rated at -20°F (-40°F HPF). 50 Hz available, consult factory. Lamp included.

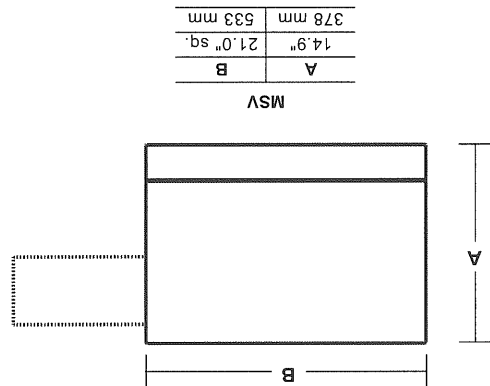


FLAT AND CONVEX

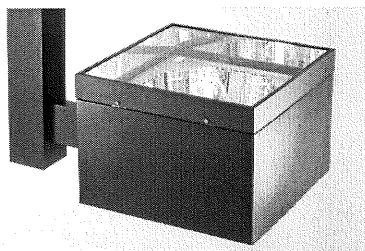
MAGNUSSQUARE® II - MSV

Features

Dimensions



Specifications



NRTL/C

**Housing**  
 Rugged, one piece aluminum, formed and welded, allows no access to weather.

**Lens / Door Frame**  
 Extruded aluminum door with sealed tempered flat glass lens. Door is hinged and has gasketed seal to housing when secured with two

**Ballast**  
 Hubbell Gard® Fasteners.

Mounted to a galvanized steel end support, which ties into arm for secure support.

**Optical**  
 Full cutoff performance with maximum uniformity. Segmented reflector system produces excellent pole spacing capability.

**Additional Features**  
 Lektrocote® powder coat finish provides protection to aluminum construction and lasting appearance. All units supplied with lamp

for installation convenience. UL and CSA NRTL/C certified for wet locations. Multiple optical capabilities and mounting accessories are available.

Ordering Information

options	finish	voltage	distribution	source	wattage	mounting	series	MSV	A	MSV	Catalog Number
---------	--------	---------	--------------	--------	---------	----------	--------	-----	---	-----	----------------

Catalog Number

SERIES

MSV	Magnusquare® II Series
	Vertical Lamp - Flat Glass

MOUNTING

A	Arm mount
---	-----------

WATTAGE / SOURCE

5	480V
6	347V
8	QuadTap@ (120, 208, 240, 277V)
E	50 Hz 220/240V

DISTRIBUTION

FI	Type I
FP	Type III
FT	Forward Throw
FW	Type V sq.

OPTIONS

A1	10" arm shipped in fixture carton
A4	4" arm shipped in fixture carton
	Twist-Lock photocontrol receptacle (specify voltage) (photocontrol ordered separately)
F(X) <sup>1</sup>	Fusing (specify voltage)
R4 <sup>2</sup>	4" round pole adapter shipped in fixed carton
R5 <sup>2</sup>	5" round pole adapter shipped in fixed carton

Note: E.P.A. - 2.8 Sq. Ft. (Fixture only)

1. Substitute voltage for "X" (1-120V;2-208V;3-240V;4-277V;5-480V;6-347V)

2. Must select option A1 or A4

Accessories must be ordered separately. See Accessories.

Comments

See back for Photometrics



Submitted by:

Architectural Cutoff  
 OTD 2-5/01  
 MSV/Flat  
 Hubbell Lighting, Inc., 2000 Electric Way, Christiansburg, Virginia 24073, (540) 382-6111 • Fax (540) 382-1526

MSV  
80

Vertical Lamp  
Flat Glass

MAGNUSQUARE® II SERIES

Ordering Information

ACCESSORY - Must be ordered separately

Weight	EPA	Description	Weight	kg	ft <sup>2</sup>	m <sup>2</sup>
--------	-----	-------------	--------	----	-----------------	----------------

FLUSH MOUNT HARDWARE	ARMES
MAL-FM	Flush mount hardware - must order when no arm or adapter is desired on a pole

ARMS	
MSV-4-X	4" rigid arm
MSV-10-X	10" rigid arm
MAL-KF-X	Adjustable arm for flat surfaces. (10" Length)

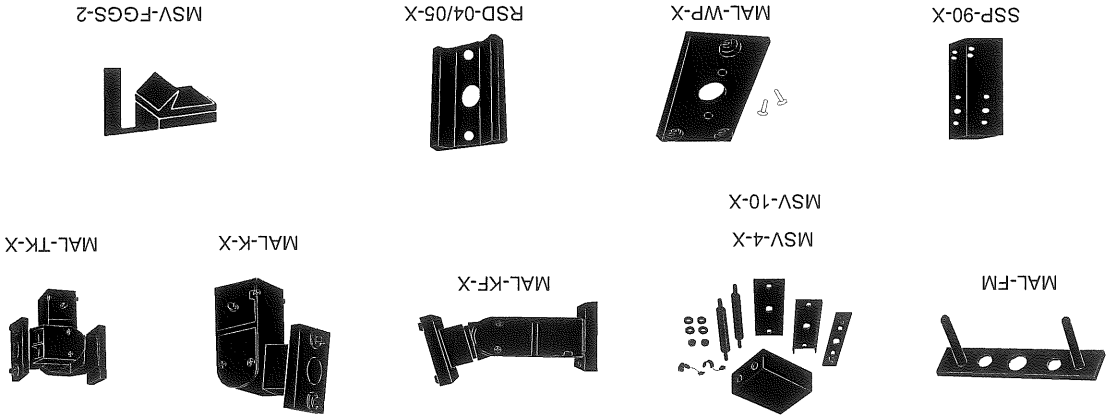
KNUCKLE	
MAL-K-X	2 3/8" OD tenon splitter for one fixture
MAL-TK-X	2 3/8" OD tenon splitter for two fixtures 180°

TENON ADAPTERS	
SSP-90-X	Square - splitter for 2 3/8" or 2 7/8" OD tenons - drilled for four fixtures (10" arm required for 90° configurations)
RSD-3120-X	2 3/8" - 2 7/8" OD splitter for max. three fixture (120°) (10" Arms Required).
RSD-90-X	For 10" arms only - four fixtures max. 90° - 4" OD (must order RSD-04 for each luminaire) 2 3/8" or 2 7/8" OD tenons

WALL PLATE	
MAL-WP-X	Cast wall plate with fixture hardware, mounts over recessed 4" outlet boxes - lag hardware by others.
RSD-04-X	Nominal 4" OD pole adapter provides a flat surface for arm of fixture mounting.
RSD-05-X	Nominal 5" OD pole adapter provides a flat surface for arm of fixture mounting.

GLARE SHIELD	
MSV-FGS-2	Extreme glare shield for flat glass units only. Mounts to housing. Restricts lighting to any one side of fixture. Black finish is standard.

Note: Specify Finish - Replace X = 1 - Bronze, 2 - Black, 3 - Black, 3 - Gray and 4 - White





DATE: 2-21-2001

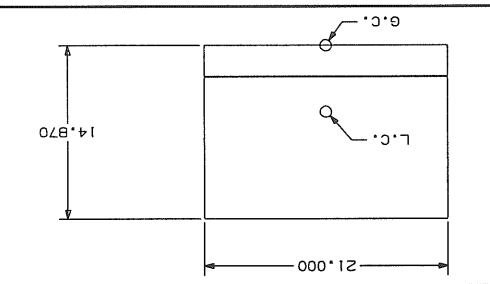
TEST NO.: HP-08635  
CAT. NO.: MSVA1000H-FW-X

**CLASSIFICATION**

DISTRIBUTION: SHORT  
TYPE: V-50  
CONTROL: FULLCUTOFF  
GENERAL  
TEST DISTANCE: 36 FEET  
To approximate performance for similar lamps with different lumens, multiply lumens, lux and footcandles by this ratio:

RATIO =  $\frac{\text{SELECTED LAMP LUMENS}}{110000}$

**LUMINAIRE**  
SOCKET POS.: FIXED  
REFLECTOR: ALUMINUM  
SPECULAR  
ENCLOSURE: CLEAR, FLAT GLASS



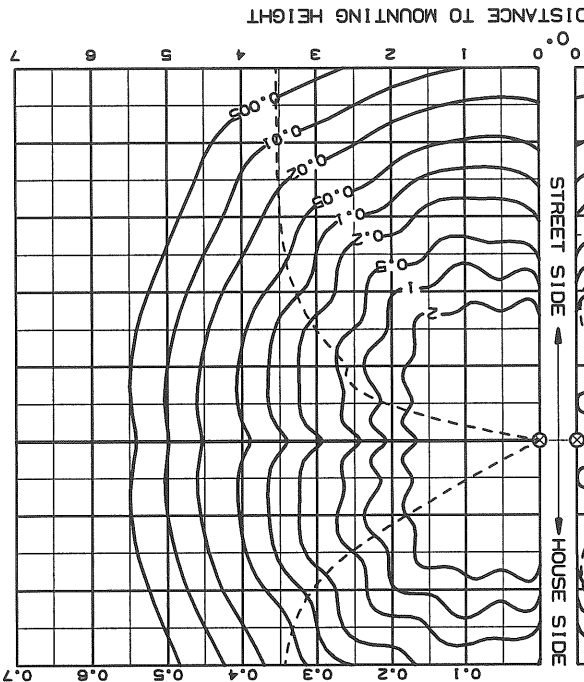
**LIGHT FLUX VALUES**

PERCENT OF LAMP LUMENS	DOWNWARD STREETSIDE	UPWARD STREETSIDE	DOWNWARD HOUSESIDE	UPWARD HOUSESIDE	TOTAL
35.4	38981	38981	35.4	0.0	77963
0.0	0	0	0.0	0.0	70.9

**LAMP**  
TYPE: 1000W MET. HAL.  
ANSI: M1000/V/B137 1.D.: 05-11  
L.C.L.: 7.0 INCHES  
ENVELOPE: BT 37  
1 LAMP(S) of LUMENS/LAMP: 110000

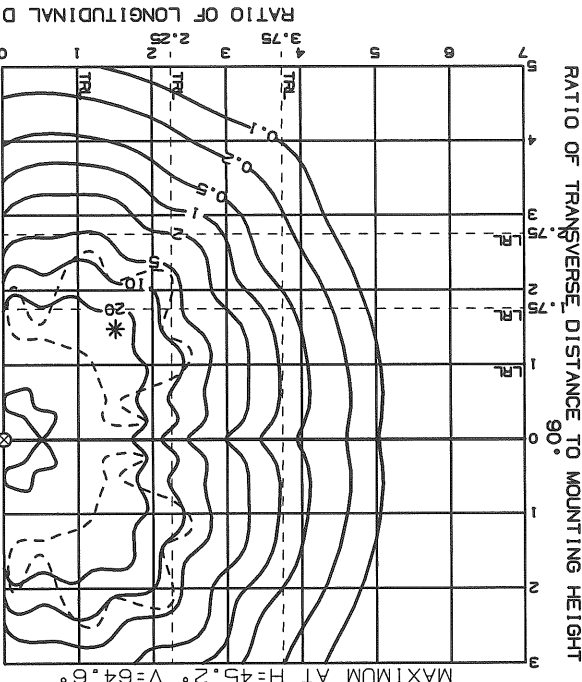
**ISOFOOTCANDLE DIAGRAM**

MOUNTING HEIGHT: 35 FEET  
-----Coefficient of Utilization Curves



**ISOLUX DIAGRAM**

MOUNTING HEIGHT: 10.67 METERS  
-----Half Maximum Candlepwer Trace  
\* Maximum Candlepwer



**MOUNTING HEIGHT CORRECTION FACTORS**

Mounting Height - Feet	20	25	30	35	40	45	50
Factor	3.06	1.96	1.36	1.00	0.77	0.60	0.49

TESTED TO CURRENT IES AND NEMA STANDARDS UNDER STABILIZED LABORATORY CONDITIONS. VARIOUS OPERATING FACTORS CAN CAUSE DIFFERENCES BETWEEN LAB DATA AND ACTUAL FIELD MEASUREMENTS.



MSV

Vertical Lamp  
 Flat Glass

MAGNUSQUARE® II SERIES

Photometrics

DATE: 2-22-2001

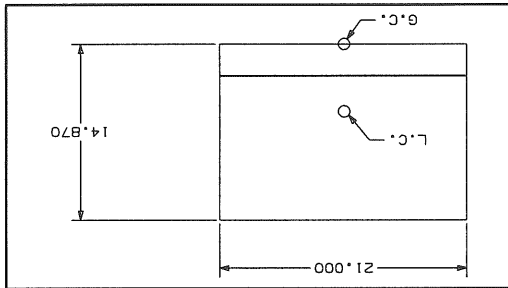
**CLASSIFICATION**

DISTRIBUTION: SHORT  
 TYPE: III  
 CONTROL: FULLCUTOFF  
**GENERAL**  
 TEST DISTANCE: 36 FEET  
 To approximate performance for similar lamps with different lumens, multiply lumens, Lux and footcandles by this ratio:

$RATIO = \frac{SELECTED\ LAMP\ LUMENS}{110000}$

TYPE: 1000W MET. HAL.  
 ANSI: M1000/U/BT37 I.D.: 05-11  
 ENVELOPE: BT 37 L.C.L.: 7.0 INCHES  
 1 LAMP(S) at LUMENS/LAMP: 110000

**LUMINAIRE**

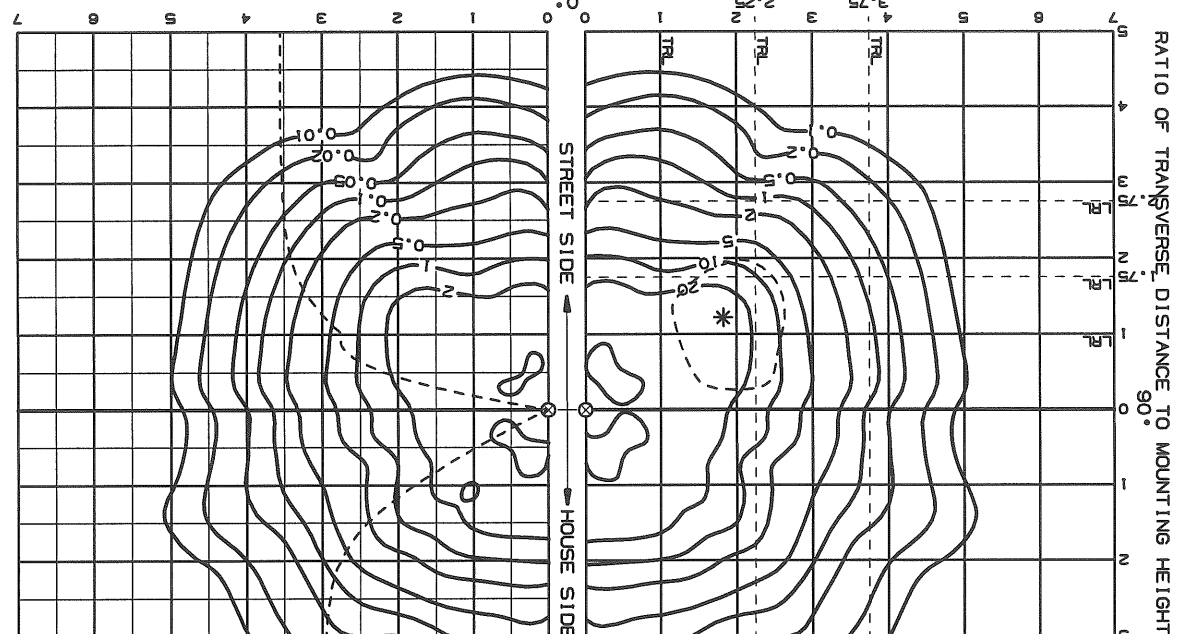


TEST NO.: HP-08637  
 CAT. NO.: MSVA1000H-FPx-X

LIGHT FLUX VALUES	
LUMENS OF LAMP	PERCENT
39091	35.5
DOWNWARD STREETSIDE	
33052	30.0
UPWARD HOUSESIDE	
0	0.0
DOWNWARD STREETSIDE	
0	0.0
UPWARD HOUSESIDE	
72143	65.6
TOTAL	

**ISOLUX DIAGRAM**

MOUNTING HEIGHT: 10.67 METERS  
 \* Half Maximum Candilpower Trace  
 \* Maximum Candilpower  
 MAXIMUM AT H=56.2° V=65.5°  
 180°



MOUNTING HEIGHT CORRECTION FACTORS

Mounting Height - Feet	Mounting Height - Meters	Factor
20	6.10	3.06
25	7.62	1.96
30	9.14	1.36
35	10.67	1.00
40	12.19	0.77
45	13.72	0.60
50	15.24	0.49

TESTED TO CURRENT IES AND NEMA STANDARDS UNDER STABILIZED LABORATORY CONDITIONS. VARIOUS OPERATING FACTORS CAN CAUSE DIFFERENCES BETWEEN LAB DATA AND ACTUAL FIELD MEASUREMENTS.



Hubbell Lighting, Inc., 2000 Electric Way, Christiansburg, Virginia 24073, (540) 382-6111 • Fax (540) 382-1526 • http://www.hubbell-lig.com/  
 Hubbell Canada, Inc., 870 Brock Road South, Pickering, Ontario L1W1Z8, (905) 839-1138 • Fax (905) 839-9108 • http://www.hubbell-canada.com/



# SQUARE STRAIGHT ALUMINUM

## Features

- Square Straight Aluminum Shafts
- One-piece extruded construction
- Side, Tenon, or Pad mounting available
- Ground lug standard
- Galvanized anchor bolts and template included
- Nut covers standard
- Gasketed hand hole cover standard
- Lektrocote finish or natural aluminum standard

## Ordering Information Example: S - S - A - 10 - 40 - A - A1 - DB

⊗ Pole Logic is for reference only. Use table below to determine available poles.

Cross Section	Style	Material	Nominal Shaft Dimension	Finish
5 Square	5 Straight	Aluminum	40	Dark Bronze
5 Square	5 Straight	Aluminum	50	Black
5 Square	5 Straight	Aluminum	60	White
A Aluminum	A Aluminum	Aluminum - Standard (.125)	PS	Gray
B Aluminum	B Aluminum	Aluminum - Heavy (.188)	RD	Platinum Silver
C Aluminum	C Aluminum	Aluminum - Extra Heavy (.250)	FG	Red (Premium Color)
			RD	Forest Green (Premium Color)
			CC	Custom Color (Consult Factory)
			NA	Natural Aluminum
			AX	Side - Single Luminaire Mounting Type
			BX	Side - Double at 90°
			CX	Side - Double at 180°
			DX	Side - Triple at 90°
			FX	Side - Quad at 90°
			P1	Pad Mount - Spider Type
			P2	Pad Mount - Yoke Type
			P3	Pad Mount - Yoke Type
			TA	Tenon (2 3/8" OD)
			CD	Concord Luminaire

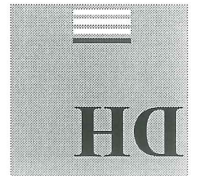
- DRILL PATTERNS: Replace X with the following: 1 = Spaulding luminaires with a straight pole (4-bolt), 4 = Hubbell DS and MSS luminaires, 5 = Spaulding Detroit III 4-bolt design, 6 = Hubbell MSV, RCS, RCL & DM luminaires.
- Specify option location using logic found in pole introduction pages.

Catalog Number	Pole Height		Wind Load Rating <sup>1</sup>					Pole Wt (lbs)
	ft	m	70	80	90	100	MPH	

SSA-08-40-A-XX-XX	8	2.44	23.5	18	14	11	1.25	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	32
SSA-10-40-A-XX-XX	10	3.05	17.6	13.4	10.3	8	1.25	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	37
SSA-12-40-A-XX-XX	12	3.66	12.4	9.2	7	5.2	1.25	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	42
SSA-14-40-A-XX-XX	14	4.27	9.5	7	5	3.4	1.25	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	47
SSA-15-40-A-XX-XX	15	4.57	8.5	6	4.3	2.9	1.25	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	49
SSA-16-40-A-XX-XX	16	4.88	7.4	5.1	3.5	2.2	1.25	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	52
SSA-16-40-B-XX-XX	16	4.88	12	8.8	6.5	4.7	1.88	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	74
SSA-16-60-C-PX-XX	16	4.88	38	29	23	18	2.50	12"	8.48"	11.96 x 2.75"	1 x 36 x 4"	4"	121
SSA-18-40-A-XX-XX	18	5.49	5.6	3.8	2.2	1.1	1.25	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	57
SSA-18-40-B-XX-XX	18	5.49	9.5	6.9	4.9	3.3	1.88	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	80
SSA-18-50-B-XX-XX	18	5.49	17.5	12.9	9.4	6.9	1.88	10.5"	7.42"	10.44 x 2.5"	3/4 x 30 x 3"	3 3/4"	91
SSA-18-60-C-PX-XX	18	5.49	33	25	19	14	2.50	12"	8.48"	11.96 x 2.75"	1 x 36 x 4"	4"	144
SSA-20-40-A-XX-XX	20	6.10	4.2	2.4	1.2	NR	1.25	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	62
SSA-20-40-B-XX-XX	20	6.10	7.6	5.3	3.4	2.1	1.88	8.5"	6"	8.94 x 2"	3/4 x 30 x 3"	3 3/4"	85
SSA-20-50-B-XX-XX	20	6.10	14.5	10.3	7.4	5	1.88	10.5"	7.42"	10.44 x 2.5"	3/4 x 30 x 3"	3 3/4"	107
SSA-20-60-C-XX-XX	20	6.10	23.5	17	12.5	9	2.50	12"	8.48"	11.96 x 2.75"	1 x 36 x 4"	4"	155
SSA-25-50-B-XX-XX	25	7.62	8.1	5	2.9	1.2	1.88	10.5"	7.42"	10.44 x 2.5"	3/4 x 30 x 3"	3 3/4"	130
SSA-25-60-B-XX-XX	25	7.62	14.2	9.6	6.2	3.7	1.88	12"	8.48"	11.96 x 2.75"	1 x 36 x 4"	4"	180
SSA-25-60-C-XX-XX	25	7.62	20.4	14.5	9.7	6.9	2.50	12"	8.48"	11.96 x 2.75"	1 x 36 x 4"	4"	224
SSA-30-60-C-XX-XX	30	9.14	13.2	8.6	5.1	2.4	2.50	12"	8.48"	11.96 x 2.75"	1 x 36 x 4"	4"	258

1 Allowable EPA with 1.3 gust factor. To determine maximum pole loading weight, multiply allowable EPA by 30 lbs. Example: SSA-14-40-A pole in 70 MPH zone = 285 lbs (9.5 x 30). Factory supplied template must be used when setting anchor bolts. Hubbell Lighting will deny any claim for incorrect anchorage placement resulting from failure to use factory supplied template and anchor bolts.





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

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

**MEMORANDUM**

**DATE:** July 19, 2004

**TO:** Kandi Talbot, Portland Planning Dept.

**FROM:** Stephen R. Bushey, P.E.

**SUBJECT:** Pine Tree Shopping Center  
 Site Plan review

Deluca-Hoffman Associates, Inc has reviewed the submission materials dated 6/21/04 prepared by Sebago Technics for the proposed Pine Tree Shopping center redevelopment. The materials include letters dated April 13, 2004 and June 21, 2004. We offer the following comments:

**Existing Conditions/Demolition Plan**

1. What happens to the sewer and drain lines coming out the back of the Shaw's space?
2. Will the natural gas line at the rear be abandoned or reused?
3. Will the CB behind Century Tire be removed?

**Site Plan**

1. The parking lot configuration includes a single row parking and drive aisle directly opposite the easterly Brighton Avenue Entrance. This is not the most desirable layout, however I will defer to Tom Errico as to the impacts to circulation this layout may have. We do recommend however the installation of a wider end cap island opposite the easterly Brighton Avenue entrance so that entering vehicles must turn left or right before entering the parking field. This is typically referred to as a "canoe" island.
2. Given the number of uses within the center it may be beneficial to have a stronger directional signage package for the parking field. These signs will provide greater ease of understanding the access routes and parking for visitors to the center.
3. We recommend additional stop signage/stop bars at the intertace of all the parking fields with the main access drives.
4. The Fire Dept. should advise as to the use of a loading zone at the front of the store versus "No Parking - Fire Lane" signage.
5. Tom Errico should advise regarding the need for a stop bar/sign at the Rand Road Driveway for vehicles exiting the parking lot intersecting with the rear access drive aisle.
6. The applicant should provide backgroud on the intended outside materials storage areas including types of materials, frequency etc. It appears that the area to the west of the

9a

- 1. Lowes will be principally outside materials storage given the amount of concrete pavement proposed.
- 2. It appears the connection to the Republicash store will remain. The Traffic Engineer should comment on this condition.
- 3. The plan shows an outdoor sales area in front of the Retail 2 building. What is intended for this sales area and how much parking will be lost when it is used?
- 4. Is a stop sign/bar required at the westerly Brighton Avenue Drive at the first access drive intersection? A cross walk is shown however it does not appear that a Stop is proposed.
- 5. The Traffic Engineer should comment on the need to complete any revisions to the two-way center left turn lane in Rand Road currently serving the site. Since the existing driveway will be eliminated might the center island in Rand Road be extended further south towards the new driveway location?
- 6. Details for all the retaining walls should be provided.

### Grading and Utility Plan

- 1. The plans call for new water mains extending into the Lowes building. No new hydrants are proposed on the project. The Fire Dept. should comment as to the need for the placement of new hydrants both at the front and rear of the buildings including the existing retail to remain. There doesn't appear to be any hydrants onsite according to the plan.
- 2. The project includes the use of underground storage chambers for the control of stormwater runoff from the developed areas. Three separate control areas are identified on the drawing. The stormwater computations are based on the theoretical storage volumes provide by the proposed manufactured systems. The use of these systems appears reasonable and satisfactory generally, however the following additional data is warranted before a final sign off of the system design can be provided:
  - a. The hydraulics of the systems should be reviewed to confirm that adequate conveyance capacity could be achieved, primarily through the proposed HLL. Water quality treatment units. The HLL treatment units contain inverters that will be substantially submerged during the higher storm events. Will this result in backwater effects surcharging and perhaps resuspending TSS within these structures?
  - b. The hydraulics of the storm drain run upstream of UGD #3 should be evaluated since the 25 yr. Stage appears to come near the CB-25 rim elevation. Might this result in surcharging and overtopping of this structure during higher rainfall events?
- 3. The proposed drainage along the easterly side of the driveway adjacent Retail 2 should be better defined with spot grades. It appears that additional CBS may be necessary to capture runoff from this area.
- 4. No treatment of the runoff from the existing paved areas and existing drain system to remain is proposed. It would be beneficial to have at least a portion of these existing parking fields run through some form of water quality treatment mechanism. The engineer should review to determine if the installation of a treatment device is possible.
- 5. The utility crossings of sanitary sewer and storm drainage should be reviewed for conflicts such as at SD-14/SD-20 and San -7.
- 6. Additional spots grades should be identified along the western side of the Lowes. There appears to be a 2 ft. drop within 30' of the side of the garden center.

7. The grading plan contains limited information on the proposed erosion control program for the project. We recommend a separate plan be created outlining all proposed erosion control measures including but not limited to the following:

- a. Silt Fence/barrier locations
- b. Construction entrances
- c. Stockpiles locations
- d. Construction phasing limits
- e. Installation of temporary sediment barriers at all existing and proposed structures.
- f. Temporary sediment capture methods during construction. Are the HLL units intended to act as sediment basins during construction? If so a maintenance schedule specifically addressing construction related activities is warranted. Otherwise, any surface sediment basins measures should be identified on the drawings.

8. The engineer should review the utility profile of San-1, as it will be installed crossing the 48" storm drain along Rand Road. Will there be any conflict? In addition is there sufficient space to install SMH-1 adjacent the 48" SD?
9. Drain Manhole 2529 already has a 48" inlet and outlet. Is this structure large enough to add a third 48" pipe inlet? The slope of SD-1 entering this structure is also very steep (0.36 ft/ft) therefore the flow velocity and construction detail of this junction should be reviewed. Will a flow dissipater be necessary?
10. It appears the grading around the Handicap parking areas is satisfactory and meets ADA compliance however the engineer should confirm this.

#### Notes and Legend

1. Note B2 under the Erosion and Sediment Control Notes contained several text errors.
2. The Development Review Coordinator should be included in Note C6 of the Erosion Control Notes.

#### Details

1. All references to bituminous asphalt should be updated to refer to the latest MDOT requirements for 9.5 mm or 19.0 mm pavement.
2. The heavy Duty and Standard Duty pavement sections labels appear to be reversed. The Heavy-duty pavement should have a thicker asphalt section and gravel section.
3. The applicant should confirm that all handicap ramps have ADA compliant surfaces.
4. The Hydro International detail depicts a 24" difference between the outlet and inlet inverts. The structure schedule indicates an 18" difference. This should be clarified.

#### Redevelopment Watershed Plan/Computations

1. How does Subcatchment 1 connect to Reach 1? It appears there are catch basins in the rear of the building that drain towards the Turnpike.
2. Where do the roof drains for the existing building tie into?
3. The engineer should explain how and where the 48" SD along Rand Road ties into Nason's Brook. Does this system tie into the large diameter pipe system originating at the Pine Tree Industrial Park?
4. Why is the Subcatchment 25 To direct input at 10 minutes when the remaining areas are all 5 minutes?
5. Subcatchment 55 is within an area of HSG A soils. Evidence of these soils conditions should be provided.

1. Due to the placement of a longitudinal island it appears that a portion of Subcatchment 3 should actually be made part of watershed 3A
2. It appears that a portion of Subcatchment 9 should be routed through Pond 2 since several catch basins at the rear of the building connect to the storage area 2.
3. The outlet devices for the Outlet control structures should be modified so that the second sharp crested weir is 2'-4" in length rather than 6' since the lower weir already accounts for 4' of the conveyance capacity.
4. The structure schedule for OCS-2 calls for the orifice invert at 72.5'. The Computations call for an elevation of 72.57'
5. The OCS schedule calls for the OCS 3 orifice to be 10" but the computations are based on a 12" orifice size.
6. Again, the hydraulics should be reviewed as the stage elevations within the subsurface storage areas suggest surcharged conditions back up through the upstream collection/conveyance system. Pipe sizing and locations of the water quality treatment units may need to be adjusted accordingly.

We trust these comments are helpful and we look forward to continued review of the plans and supporting application materials.

If you have any questions please call.

Steve Bushey, PE  
Senior Engineer

Att-10

**From:** "Tom Errico" <terrico@wilbursmith.com>  
**To:** "Kandi Talbot" <kcote@ci.portland.me.us>  
**Date:** 07/20/2004 3:49:15 PM  
**Subject:** Pine Tree Shopping Center

Kandi--

The following represents my final comments for the above project. It is based upon the most recent site plan dated June 21, 2004.

- a. At the easterly driveway can the entry road width be reduced from two lanes to one lane? It seems excessive to have both right and left turn entry lanes. I would also consider changing the traffic control at the first internal intersection, such that entry movements are uncontrolled.
- b. Truck movements to and from the loading dock to Rand Road should be restricted to routings behind the proposed building.
- c. Details on the recommended overhead lane use signage on Brighton Avenue should be provided.
- d. The width of the westerly entry drive seems excessive. Justification on the need of approximately 30 feet for entry movements should be provided.

Please call if you have any questions.

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

Portland, Maine 04101

(207) 871-1785

(207) 871-5825 fax

**CC:** "Katherine Earley" <KAS@ci.portland.me.us>, "Tom Gorrill" <tgorrill@gorrillpalmer.com>

Att. 11

**From:** Gaylen McDougall  
**To:** Kandi Talbot  
**Date:** 07/20/2004 10:19:25 AM  
**Subject:** Re: Fwd: Pine Tree Comments

Lowes will adding 4 additional hydts. the loading area up front is okay as long a people are with the vechicles.

Mac

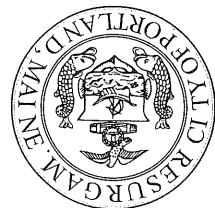
>>> Kandi Talbot 7/20/2004 8:52:07 AM >>>  
Mac and Tom,

Attached are Steve Bushey's review comments for the Pine Tree Shopping Center. He had some concerns regarding traffic and fire and I had wanted you to take a look at his comments to see if you are in agreement with him. Thanks.

Kandi



Att. 12



## Public Works Engineering Memorandum

**Date:** July 22, 2004

**To:** Kandice Talbot, Planning

**From:** Eric J. Labelle, P.E., City Engineer

**Cc:** Sarah Hopkins, Senior Planner

**Re:** Pine Tree Shopping Center/Lowes Development

A 1993 Portland Transportation Plan raised concerns relating to arterial-based neighborhoods. As a result of that publication, a Task Force was created in 1998 and charged with examining, and helping plan the future of one of Portland's fast growing, and highly stressed residential and commercial areas, the Brighton Avenue corridor. The corridor refers to Brighton Avenue from Rosemont Corner(Colonial Road) to Main Street in the City of Westbrook.

Findings and recommendations of the Task Force were intended to improve the following priorities:

- Improved Public and Private Streetscape
- Support for Residential Uses on Arterials
- Support for Environmental Values and High Quality Commercial Uses
- Support for compatible Mixes of Urban Uses
- Support for Neighborhood-based Community Living

Subsequent construction projects such as the Rand Road/Brighton Avenue project and the Westbrook Arterial bypass to Rand Road between 2000 and 2003 have been constructed to alleviate traffic pressures on Brighton Avenue, Riverside, and Westbrook's Main Street. This also provided improved access to the site being proposed.

The Rand Road project which abuts the proposed development on two sides was constructed at a cost of \$1.5 million dollars. Beyond traffic improvements, significant aesthetic and pedestrian improvements were constructed around the site.

Other scheduled improvements associated with the Maine Turnpike Authority bridge currently being reconstructed, will be trees, pedestrian lights, and sidewalks from Riverside Street to the Barron Center as well as a widened 4' shoulders to match the Rand/Brighton Avenue reconstruction.

These recent improvements have improved safety, traffic and pedestrian access in the area and has gone far to meet the goals of the 1998 Brighton Avenue Streetscape Study. In light of the fact that Lowe's is a clear beneficiary of these improvements and there remains a small portion of Brighton Avenue which remains incomplete, I would ask for the following improvements between Applebee's restaurant and the Barron Center entrance:

1. Evaluate and widen as necessary to maintain the current traffic pattern, yet allowing 4 feet wide shoulders along the curbs. This would complete the widening for ease of cycling traffic from Riverside Street to Rand Road.
2. Construct a pedestrian refuge crossing Brighton Avenue at the Barron Center entrance to allow for safer crossing.

3. Extend pedestrian lighting on the north side of Brighton Avenue completing for connectivity between the MTA Bridge project and Rand Road.

4. Raise the sidewalk to street level on the south side of Brighton Avenue allowing for better winter pedestrian conditions and ease of maintenance.

5. Place new catch basin on the east side of the Applebees restaurant on Brighton Avenue into the recent installed storm drain and terminate it from the sanitary system.

6. Provide landscaping, if practical in roadway islands for aesthetic in the streetscape features.

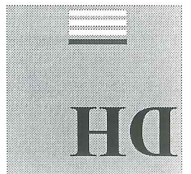
7. Remove the existing brick bus stop blocking the sidewalk on Brighton Avenue, allocate space, and construct a new bus stop at the west end of the site. This would shorten the distance between stops and may allow for the elimination of the stop adjacent the entrance of the site at Applebees.

The cost of the described improvements has been estimated to be approximately \$250,000.

Upon the completion of the improvements, the City intends to utilize PACTs funding to repave the complete areas between the Barron Center and the termination of the Brighton/Rand Road project in front of Applebees. The cost of the City's paving and other streetscape improvements will be approximately \$200,000.

In summary, I am recommending the applicant construct approximately \$250,000 of improvement between Applebee and the Barron Center. The City of Portland has already expended \$1.5 million City, State and Federal dollars surrounding the store's location and intends to expend an addition \$200,000. These improvements will provide safer vehicular, pedestrian, and transit traffic, as well as complete the Brighton Avenue Task Force recommended enhancements in the vicinity of the Pine Tree Shopping Center.

12b



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

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

Att. 13

**MEMORANDUM**

**DATE:** July 23, 2004  
**TO:** Kandi Talbot, Portland Planning Dept.  
**FROM:** Stephen R. Bushey, P.E.  
**SUBJECT:** Pine Tree Shopping Center  
 Site Plan review

Based on the meeting between representatives of Sebago Technics, you and I held yesterday, July 22, 2004, I am comfortable with their responses and proposed plan revisions to address my plan comments dated July 19, 2004. There are several issues pertaining to site circulation, access and traffic that we agreed would defer to Tom Errico and Tom Gorrill for their review and agreement. I am in favor of a possible approval condition that requires the applicant to work with this office with regard to the finalization of design for the stormwater management systems, due to the ongoing DHP review and potential for changes to the design. In this regard it is our opinion that the project can reasonably move forward with the Public Hearing process.

If you have any questions please call.

Steve Bushey, PE  
 Senior Engineer

Att. 14

**From:** Danielle Betts <dbetts@sebagotechnics.com>  
**To:** "KCOTE@portlandmaine.gov" <KCOTE@portlandmaine.gov>  
**Date:** 07/23/2004 11:06:23 AM  
**Subject:** FW: Lowe's Portland

I'm working on remote email so maybe that's why. Here's the text:

July 23, 2004  
04005

Ms. Kandice Talbot  
 Planning and Development Dept.  
 City of Portland  
 389 Congress Street  
 Portland, ME 04101

Additional Information for Lighting Plan, Pine Tree Shopping Center,  
 Portland, Maine

Dear Kandi:

On behalf of Packard Development, we are providing additional information in support of the Lighting Plan prepared for the Pine Tree Shopping Center. We previously submitted the site lighting plan for your review on July 12, 2004.

Lowe's has developed specific guidelines for all aspects of site development. The purpose of these guidelines is to assure that each Lowe's site is designed and constructed to the same high quality standards. The standards were developed as minimum guidelines for meeting safety and operational needs of all Lowe's stores and are typically based on their past experience at numerous other sites throughout the country. Note however that these guidelines are preferred but consideration is also given to local standards. As a result, the lighting consultant has developed a plan that achieves a balance between the City's standards and the Lowe's design guidelines.

Based on this plan, we are requesting a waiver of the following Site Lighting Standards from Section XV of the code (note that we have also noted areas where we deviate from the Lowe's standards to comply with the City's standards):

Section 4.B - Illumination Levels: The code specifies the following minimum, maximum, and average illumination levels for areas intended to be lighted, as measured at grade:

Minimum: 0.2 foot candles  
 Maximum: 5.0 foot candles  
 Average: 1.25 foot candles

1/4a

The Lowe's site lighting requirements include a requirement for a minimum lighting level of 2.5 foot candles (maintained) in all parking areas and truck drives. Based on the submitted site lighting plan, we are requesting a waiver to allow a minimum of 0, a maximum of 15.5, and an average of 2.6 foot candles (fc). Note that this average appears to be closer to 5 or 6 fc when reviewing all of the paved access areas of the site only (excluding landscape and other areas not proposed for development).

Within the site development boundaries, the only 0 fc areas are located on the north and east sides of Retail 2. We will add wall mounted gooseneck style fixtures on the building exterior (similar to the fixtures used on the Brighton Ave. side of Applebee's) to assure these areas around the building are adequately lit. All other pedestrian and vehicle access areas within the development area meet the City's minimum fc standard.

The maximum fc on the site is 15.5 fc. This illumination level is located in the truck well at the southeast corner of the Lowe's building. The lighting fixtures specified in the truckwell, as well as all other wall-mounted fixtures, are Lowe's-specific design standards for safety and operational uses.

Other areas that exceed the maximum 5.0 fc criteria are located throughout the site. The highest light levels, ranging from approximately 5.0 to 10.7, are located along the main access road directly in front of the Lowe's front facade. Again, a higher light level at this location is desired as this is a high pedestrian and vehicular use area. Note that there are no illumination levels higher than the maximum directly along the property line, with the exception of 2 or 3 points along the rear/south property line. This area abuts an industrial use (Emery Waterhouse).

IES recommends that site lighting for a project of this type adhere to specific ratios of lighting levels. Specifically, these are average:minimum and maximum:minimum. IES recommends maximum values for these of 4:1 and 15:1, respectively. When the main entry and truckwell areas are removed from the analysis the resulting light levels fall within these recommended ratios. We believe the proposed illumination levels provide for safe and reasonable use of the site and will not create an unpleasant condition on abutting parcels.

Section 4.C - Fixture Height: The Lowe's criteria for fixture height is 35 feet; however, we have maintained the City's standard of 30 feet which is allowed for large commercial uses.

Section 4.D - Light Trespass: The City's maximum illumination level at a property line is 0.1, except where abutting industrial or other non-sensitive uses. Note that we believe this criteria has been met as we are not a direct abutter to any sensitive use areas.

Section 4.E - Wattage: The code requires that no fixture shall exceed 250 watts, except in industrial areas. The Lowe's guidelines call for mostly 1000 watt with some 400 watt fixtures on all area light poles. We have limited the maximum wattage to 400 and request a waiver of the 250 watt maximum. Clearly a lower maximum wattage will require more poles to achieve

14b

the desired illumination levels. Our objective is to limit the number of poles located throughout the parking areas. By using 400 watt fixtures, many of the poles can be placed within the landscape islands and fewer poles are located in parking aisles where vehicle conflict is more likely.

Section 4.F - Light Quality: The City prohibits the use of low pressure sodium bulbs and we have met this requirement.

We hope this meets your needs but please call me if you have any additional questions or comments on the lighting plan. Thank you.

Sincerely,

SEBAGO TECHNOLOGIES, INC.

Danielle D. Betts, P.E.  
Sr. Project Manager

DDB:ddb  
Enc.

cc: Paul Cincotta, Packard Development  
Howard Mintz, Packard Development  
Lawrence Pope, Heritage SPE, LLC  
Todd Morey, Lowe's

Att. B

**From:** Marge Schmuckal  
**To:** Kandi Talbot  
**Date:** 07/23/2004 2:27:40 PM  
**Subject:** Lowes - Pine Tree Shopping Center

Kandi,  
I have reviewed the latest site plan for this project received on 6/25/04.

This project is located in a B-2 business Zone. All required setbacks are being met. Parking will be determined by the Planning Board because the project is over 50,000 square feet.

I am uncertain of the proposed height. I find no elevations in my packet. Because this property is over 5 acres, the maximum height allowed is 65 feet. I understand the actual height to be well under the maximum.

I also do not have copies of the impervious/pervious surface calculations. However, I did a very rough estimate scaling out open areas on the site plan. My calcs did show they were meeting the maximum impervious requirements. But it would be prudent to have their official submittal for review.

I understand that the Planning Board has some question as to what is reviewed on a property when only a portion of it is being redeveloped.

From a zoning standpoint (and what I have seen from a planning review standpoint) I review the entire property involved and not a just a portion of it. Pine Tree is a good example itself. When Applebee's came in several years ago, we reviewed the entire site, including parking, signage, impervious surface and traffic. The Zoning Ordinance does not direct me to figure out percentages for multiple uses on one lot. Section 14-423 reinforces this premise by stating, "when two (2) or more uses occupy the same building or premises, the off-street parking and loading requirements and the area per dwelling unit requirements of both uses shall be met in full."

Although 14-423 only mentions parking, loading and area per dwelling unit requirements, I can understand the basic intent of the ordinance to consider the entire lot with regards to any new proposal. Each proposal and property must meet all the requirements of the Zoning Ordinance.

Marge Schmuckal  
Zoning Administrator

7/23/04

**CC:** Sarah Hopkins



Pedestrian - sidewalk on Developer's property  
need pedestrian easement

Traffic - Study completed  
recommended monitoring of driveway at  
Rand Road for traffic signal warrant  
Intersection at Brighton/Haft done by  
~~the~~ developer

Parking - providing 1,150 spaces  
over 50,000 Board determines pkg.  
spaces - Traffic Engineer has reviewed  
and finds it acceptable  
Sales areas <sup>(12 spaces)</sup> storage area (12 spaces)

Total site area is 28.88 acres - Impervious  
surface total is 22.71 acres, which is  
78.7% - B-2 allows maximum of 80%  
Impervious surface based on entire lot

Over 7 acres impervious surface, review  
by DEP for site location of development

B-2 Site Plan Review

3: 10,000 sq. ft.

2: 10,000 sq. ft.

1: 162,700 sq. ft.

Bldgs.

Mid Block Crossings on Brighton Ave -  
fence but existing curb cut.  
So applicant will provide dense  
low plantings w/ island

Bldg Design - <sup>Staff</sup> submit elevations to

~~See~~ Utilities = ~~public~~ sewer  
capacity letter needed

Landscaping - City Arborist approved plan  
concern w/ Mardens pky area

Stormwater <sup>most</sup> runoff will be directed to  
underground detention systems. Also  
water quality treatment is provided

Mardens (westerly pky, existing) treated.  
DKC's memo.

Lighting  
30 ft high poles 20 ft high wall mounted  
~~40~~ 40 wts. <sup>40 wts</sup>  
maximum fc of 15.5  
municipal Spillover  
on Emery Waterhouse

Fire 4 additional hydrants - shown on plans  
must be on

Streetscape Study

- Streetscape Improvements
- Landscaping Islands, lighting, sidewalk, bike lane
- complete from Brighton Avenue Bridge
- right of way acquisition

Rand Road Improvements  
extend island escrow until 2008  
street moratorium.  
\$12,000

**REVISED MOTIONS FOR THE BOARD TO CONSIDER – JULY 27, 2004  
PINE TREE SHOPPING CENTER REDEVELOPMENT**

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report 28-04 relevant to standards for site plan regulations, and other findings as follows:

- i. That the proposed use [does/does not] demonstrates a need to exceed the specific site lighting limits for pole height, fixture wattage and maximum illumination levels (shown in Section XV(4) of the City of Portland Technical and Design Standards and Guidelines) for safe and reasonable exercise of the proposed use.
- ii. That the plan [is/is not] in conformance with the site plan standards of the land use code.

Potential Conditions of Approval:

1. that within the first year after completion of the project, the Rand Road/Pine Tree/Forest City Driveway be monitored to determine whether the intersection meets signal warrants. Documentation shall be submitted to the City's Traffic Engineer. After monitoring, if it is determined that the intersection warrants a traffic signal, the developer shall be responsible for installation of the traffic signal. The developer shall also provide a performance guarantee, prior to issuance of a building permit, in the amount of \$75,000 to be held, until such time that it is determined whether a traffic signal is warranted at this driveway.

2. that the developer revise the plans in accordance with the Traffic Engineer's memo dated July 20, 2004, to be reviewed and approved by the City's Traffic Engineer and that the developer shall reconfigure the Pine Tree Shopping Center Driveway approach to Brighton Avenue, opposite Taft Avenue, to provide an exclusive left turn lane and a shared left/right turn lane. The plans shall be revised to include additional low dense landscaping within the landscaped island on Brighton Avenue in front of the developer's leased area to deter mid block crossings on Brighton Avenue. Landscaping for the island shall be reviewed and approved by the City Arborist.

3. that the developer shall provide a pedestrian access easement for the sidewalk along Brighton Avenue, between Rand Road and Applebee's Restaurant, which is located out of the City's right of way. The pedestrian access easement shall be submitted prior to issuance of a building permit, and shall be reviewed and approved by Corporation Counsel.

4. that revised building elevations shall be submitted for review and approval by Planning staff.

5. that a sewer capacity letter from the Portland Sewer Division is submitted to staff prior to issuance of a building permit.

6. that the plans be revised in accordance with the DRC's memo dated July 19, 2004 and shall be reviewed and approved by the DRC. Any minor revisions during the DEP Site Location review shall be reviewed and approved by the DRC. To the extent that City requirements on any proposed changes are more stringent than DEP requirements, the City standards shall apply.

7. that the required fire hydrants be added to the site plan for review and approval by the Fire Department.

8. that as part of this development, the developer complete the Brighton Avenue streetscape from where the project was completed up to the Brighton Avenue Bridge. In lieu of completing the Brighton Avenue streetscape, the developer may make a contribution of \$300,000 to the City, prior to issuance of a building permit, for the City to complete the Brighton Avenue streetscape project. The developer will also utilize best efforts to secure, from Heritage Realty, additional Brighton Avenue right of way in fee or easement as required by the City for up to 15 ft. on the southerly side of Brighton Avenue, plus elimination of the property line "bulge", westerly of the entry drive to Pine Tree Shopping Center, or, if not able to secure the right of way prior to issuance of a building permit, the developer shall deposit up to \$100,000 in escrow to be used by the City to defray acquisition costs of such right of way if acquired by the City through an eminent domain proceeding, plus necessary structures to maintain the functionality of the existing development.
9. any revisions that shall occur, such as landscaping or parking changes, based on the securing of additional right of way, shall be reviewed and approved by the Planning Authority.
10. that the applicant shall place in escrow \$12,000 to extend the landscaped island within Rand Road. The funds will be placed in escrow until Rand Road is no longer a moratorium street, which will occur in 2008, at which time the improvements to Rand Road shall be completed.



## Public Works Engineering Memorandum

**Date:** July 22, 2004

**To:** Kandice Talbot, Planning

**From:** Eric J. Labelle, P.E., City Engineer

**Cc:** Sarah Hopkins, Senior Planner

**Re:** Pine Tree Shopping Center/Lowes Development

A 1993 Portland Transportation Plan raised concerns relating to arterial-based neighborhoods. As a result of that publication, a Task Force was created in 1998 and charged with examining, and helping plan the future of one of Portland's fast growing, and highly stressed residential and commercial areas, the Brighton Avenue corridor. The corridor refers to Brighton Avenue from Rosemont Corner(Colonial Road) to Main Street in the City of Westbrook.

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1. Evaluate and widen as necessary to maintain the current traffic pattern, yet allowing 4 feet wide shoulders along the curbs. This would complete the widening for ease of cycling traffic from Riverside Street to Rand Road.
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5. Place new catch basin on the east side of the Applebees restaurant on Brighton Avenue into the recent installed storm drain and terminate it from the sanitary system.
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7. Remove the existing brick bus stop blocking the sidewalk on Brighton Avenue, allocate space, and construct a new bus stop at the west end of the site. This would shorten the distance between stops and may allow for the elimination of the stop adjacent the entrance of the site at Applebees.

The cost of the described improvements has been estimated to be approximately \$250,000.

Upon the completion of the improvements, the City intends to utilize PACTs funding to repave the complete areas between the Barron Center and the termination of the Brighton/Rand Road project in front of Applebees. The cost of the City's paving and other streetscape improvements will be approximately \$200,000.

In summary, I am recommending the applicant construct approximately \$250,000 of improvement between Applebee and the Barron Center. The City of Portland has already expended \$1.5 million City, State and Federal dollars surrounding the store's location and intends to expend an additional \$200,000. These improvements will provide safer vehicular, pedestrian, and transit traffic, as well as complete the Brighton Avenue Task Force recommended enhancements in the vicinity of the Pine Tree Shopping Center.



**From:** Eric Labelle  
**To:** Alex Jaegerman ; Kandi Talbot  
**Date:** 07/23/2004 8:21:11 AM  
**Subject:** Re: Lowe's/Pine Tree Shopping Center

We could construct the project. My only preference to Lowe's doing the work is our current work load and the fact that engineering costs were not included in the estimate. Engineering would easily be an additional \$50,000.

As far, as the bus stop goes, Metro currently has 10 on order. The other bus stop is on curb line blocking the sidewalk. There will likely be a need reset the curb there and setting it back. As I understand the bus stop also gets filled with snow in the winter time due to plowing.(Not a functional location) If the space could made available on Pine Tree land the foundation set, the cost should be less than \$5,000. Having spoke to Peter Heffler, I believe Metro would provide the bus shelter.

I'm free Monday morning and after 3:00 pm.  
Eric

>>> Alex Jaegerman 7/22/2004 5:27:23 PM >>>  
Thanks, Eric.

Would you be satisfied if Packard contributed the money to the City instead of constructing the improvements? That is what they want to do, although they did not know the amount when we discussed this. Is it fair to ask them to build another bus shelter, considering that they are already building one at the corner of Rand and Brighton?

Kandi, Packard (Paul Cincotta and Tom Gorrell) want to meet to go over this issue before Tuesday. My only availability is Monday, any time except 12 to 2. Probably Eric and Sarah and you would be the most important participants. If it is Monday, I can stand in for Sarah. Can you follow up w/ Tom Gorrell and Paul Cincotta to tell them the amount, and whether the City is OK with a contribution versus them contracting for the construction.

Alex.

>>> Eric Labelle 07/22/2004 3:41:13 PM >>>  
Kandi,

Here is my memo for Lowe's.  
Please give a cursory review for consistency with other recommendation.

Thanks  
Eric

Eric J. Labelle, P.E.  
City Engineer  
55 Portland Street  
Portland, ME 04101  
(207)874-8850 Office  
(207)874-8852 Fax

CC: Sarah Hopkins

**From:** Eric Labelle  
**To:** Kandi! Talbot  
**Date:** 07/27/2004 11:35:01 AM  
**Subject:** Re: Pine Tree

Based on the last cost of taking, this figure would be closer to \$80,000. Since the retaining structure was not resolved, I would increase the overall figure to \$100,000. Hence, the language should also include "...of such right of way and necessary structures to maintain the functionality of the existing development if acquisition...."

Eric

>>> Kandi! Talbot 7/27/2004 9:33:12 AM >>>

Eric,

Alex talked with Paul Cincotta regarding the right of way issue along Brighton Avenue and they came up with the following condition:

Utilize best efforts to secure, from Heritage Realty, additional Brighton Avenue right of way in fee or easement as required by the City for up to 15 ft. on the southerly side of Brighton Avenue, plus the "bulge", westerly of the entry drive to Pine Tree Shopping Center, or, if not able to secure the right of way prior to issuance of a building permit, the developer will deposit \$50,000 in escrow to be used by the City to defray acquisition costs of such right of way if acquired by the City through an eminent domain proceeding.

Just wanted to know how you felt about this solution to the right of way issue. Thanks.

Kandi!

**CC:** Alex Jaegerman ; Sarah Hopkins

**Infrastructure Financial Contribution Form**

Obtain an Account Number from Paul Colpitts, Chief Acct., (ext. 8665) prior to the distribution of this form.

Amount \$ 300,000.00

City Account Number: 710-0000-236-010-00

Project Name: Pine Tree Shipping Center / Lane's

Project Job Number: 2004-0070

Project Location: 1030 Brighton Ave.

Project Description: Re-development of shipping center

Applicant's Name: Richard Development

Applicant's Address: 1 Weller Ave. Boston, MA 02459

Expiration:

If funds are not expended or encumbered for the intended purpose by \_\_\_\_\_ months of said date, funds, or any balance of remaining funds, shall be returned to contributor within six

Funds shall be permanently retained by the City.

Other (describe in detail)

Form of Contribution:

Escrow Account

Cash Contribution

Interest Disbursement: Interest on funds to be paid to contributor only if project is not commenced.

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from Public Works, which form shall specify use of City Account # shown above.

Date of Form: 2-4-05  
 Planner: Jennifer Todd

Person Completing Form: Jay Ruppold

- The original form, copy of the check and any attachments shall be given to Debbie Marquis.
- The original check, copy of the form and any attachments shall be given to Jennifer Dorr.
- A copy of this form, the check and any attachments shall also be given to the following people:

Paul Colpitts (Finance), Jennifer Babcock (Finance), Alexander Jaegerman (Planning), Planner for project, Michael Bobinsky (Public Works), Eric Labelle (Public Works), Penny Littell (Corporation Counsel), Applicant

**PACKARD**  
DEVELOPMENT

February 3, 2005

Pine Tree Shopping Center

Jay Reynolds

Development Review Coordinator

Portland, City of

389 Congress Street

Portland, ME 04101

Dear Jay Reynolds,

Enclosed please find a check made out to the City of Portland in the amount of Three Hundred Thousand Dollars (\$300,000.00). This payment is made to comply with requirement viii of the city approval dated August 2, 2004 which requires payment in lieu of completing the Brighton Avenue streetscape.

Should you have any questions or concerns please do not hesitate to call me.

Once again thank you for your help as we completed this part of the project requirements.

Sincerely,



Thomas Bowen

Property Manager

Packard Development

Enclosure (1)

cc: File-Pine Tree

# REPORT OF RECEIPTS

To the Director of Finance, City of Portland, Maine

From the Department of \_\_\_\_\_

Date 2-7-05

59853



Source of Receipts \_\_\_\_\_ For The Period of \_\_\_\_\_

HTE Description - up to 19 characters ( _____ )	Amount	Revenue /Expenditure Code Project #
Waterbury DDO - ck. 1142 # 1007 (memo)	179.60	US
Parkard - ck. 3385 # 524 (memo)	5992.00	IT
Portland Pine Tree - ck. 1020 # 2004-0070 (receipt # 56)	200,000.00	710-0000-226-26-00
Totals		
Notes/Wire Transfer \$		
Total Credit Card Receipts \$		
Total Direct Deposits \$		
Total Checks \$		
Total Cash \$		
Total Amount	200,000.60	

The undersigned certifies that this is a true, complete report of all collections made since the date of their last report.

Authorized Agent \_\_\_\_\_

Phone # \_\_\_\_\_

Received This Day

Forward all copies to the Treasury Department where they will be receipted and returned.

THANK YOU  
2005 FEB 7 PM 1:51  
CITY OF PORTLAND, MAINE

Security enhanced document. See back for details.

PORTLAND PINE TREE LLC

1 WELLS AVE  
NEWTON CENTER, MA 02459

1020

DATE

2/3/05

5-7017/2110  
749

PAY TO THE ORDER OF

City of Portland

Three hundred thousand & 00/100 DOLLARS

\$300,000.00

DOLLARS

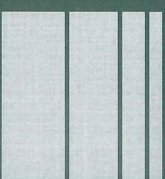
CITIZENS BANK  
Massachusetts

Paul Shutter

FOR

⑆001020⑆ ⑆21070175⑆ 1303229428⑆

MP



June 21, 2004  
04005

Ms. Kandice Talbot  
Planning and Development Dept.  
City of Portland  
389 Congress Street  
Portland, ME 04101

Request for Public Hearing, Site Plan Application  
Pine Tree Shopping Center, Portland, Maine

Dear Kandii:

On behalf of Packard Development, we have attached additional information in support of our Site Plan Application for the redevelopment of the Pine Tree Shopping Center. We previously submitted site plan data on April 13 and May 25, with comments from staff and the Planning Board discussed at the June 8, 2004 workshop meeting.

We understand the project is currently being reviewed by the DRC and the City Arborist and we are prepared to respond to any design comments or suggestions. We have received comments from the Traffic Engineer and a response letter has been prepared by Gorrill Palmer Consulting Engineers. This letter will be submitted for your review under separate cover. Per your June 4 memorandum, additional information is needed on the following items:

1. Utility Capacity Letters: We have received utility capacity letters from the Portland Water District, Northern Utilities Natural Gas, Central Maine Power, and Time Warner. Copies of the response letters are attached. We have discussed the wastewater design elements of the project with Frank Brancey at the City of Portland, and we are expecting that a letter indicating adequate sanitary sewer capacity is forthcoming.

2. Lighting Catalogue Cuts and Photometric Plan: A site lighting plan is currently being prepared for the project by Engineering Advantage. The lighting layout and photometrics plan, as well as details of the proposed fixtures, poles, mounting heights and other lighting data, will be submitted to the City for review under separate cover. We anticipate this package will be ready for submission later this week.

3. Off-site Improvements: We have added some off-site improvements to the plan. In particular, the plans have been revised to include modifications to the median island located on Brighton Avenue between the westerly and easterly entrances to the site (in front of Applebee's). Currently, the island is about 12' wide and paved, with a 12' wide striped area in the east lane for traffic control. We propose adding sloped granite curb to provide a 24' wide raised island. The pavement will be removed and the island will be landscaped with street trees. This will improve traffic control as well as add an aesthetic element to this stretch of Brighton Avenue.

It is our understanding that the City is preparing a rough scope and estimate of the off-site improvements that were suggested in previous planning memoranda. We are prepared to review this information with staff once available.

4. Elevations: The design team is currently evaluating the suggestions made by the staff and Planning Board at the last workshop. Port City Architecture is preparing revised elevation sketches for the three new buildings to address these comments. Revised drawings will be submitted to the City directly by the architect.

5. Lease/Right, Title and Interest: The applicant is leasing a portion of the Pine Tree Shopping Center from the owner, Heritage SPE, LLC. A copy of pertinent sections of the lease agreement is attached. The lease includes exhibits depicting the lease area, as well as details on the operational and maintenance responsibilities.

In addition to the above elements, we also re-evaluated the plans in light of our discussions at the last workshop meeting. In particular, we investigated the pedestrian circulation to, from and within the site. There are several areas where pedestrian crossings have been improved:

1. Pedestrian Access To/From the Site: As suggested by Tom Gorrill, we have proposed a fence along the north side of Brighton Avenue. This fence is proposed within the esplanade between the sidewalk and the curb. The intent of the fence is to direct Sagamore Village pedestrians either west or east to signalized intersections. We believe this will improve safety as it will encourage pedestrians to utilize the crosswalks at the intersections.

We have also added crosswalks across all of the site entrances. The entrance islands will be modified, as necessary, to provide ADA access across each entrance. We have also incorporated additional pedestrian safety improvements as suggested by Tom Errico as part of his traffic review. These include narrowing the vehicle traffic lanes and upgrading the signal system at the westerly Brighton Avenue entrance.

We have investigated a pedestrian sidewalk from the northwest corner of the site (near Republicash) to the existing shopping center. However, the grades in this area are restrictive for pedestrian access as there is a 5'-6' elevation difference between the street and the site at this point. We believe the existing configuration, which includes a handrail adjacent to the sidewalk from Republicash to the westerly site entrance, offers more pedestrian safety.



2.

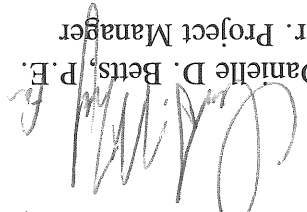
Pedestrian Access Within the Site: We have also made improvements to the circulation within the site. As suggested by the Planning Board, the sidewalk alignment from the westerly entrance has been improved to provide a more direct access to the existing shopping center. The new sidewalk system will guide walkers either south along the main access drive or west through a raised sidewalk island, providing two points of access to the existing shopping island.

We have also reconfigured the sidewalks and landscape islands in the Lowe's parking lot. The revised layout combines the landscape and sidewalk islands into one 12' wide island. This provides a 6' wide sidewalk next to a 6' wide landscape island to be planted with shade trees. We believe the shaded landscaped corridor will encourage pedestrians to use the sidewalk rather than cut through the parking lot.

We have attached nine (9) copies of our application. We are hoping that you will find this information sufficient for scheduling the project for a public hearing on July 13, 2004. If you have any questions or comments in the meantime, please call me.

Sincerely,

SEBAGO TECHNICS, INC.

  
Danielle D. Betts, P.E.  
Sr. Project Manager

DDB:ddb/jc  
Enc.

cc: Paul Cincotta, Packard Development  
Howard Mintz, Packard Development  
Lawrence Pope, Heritage SPE, LLC  
Todd Morey, Lowe's



225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

(207) 774-5961  
FAX (207) 761-8307  
www.pwd.org

RECEIVED  
5.25-04  
SEBAGO TECHNICS

May 24, 2004

Ms. Danielle D. Betts, P.E.  
Sebago Technics, Inc.  
One Chabot Street  
Westbrook, Maine 04098-1339

Re: Brighton Ave @ Rand Rd, Portland

Dear Sir:

The Portland Water District has a 12" water main in Brighton Ave, Portland, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 79 psi; pito pressure 24/26 psi; with a flow of 1677 gpm. With these results in mind, the District feels we have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands. Please notify your plumber of these results so that they can design your system to best fit the available pressure.

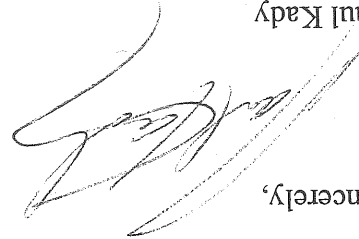
With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT

*David W. Coffin*  
David W. Coffin, PLS  
Engineering Supervisor

Commercial Sales  
Paul Kady



Sincerely,

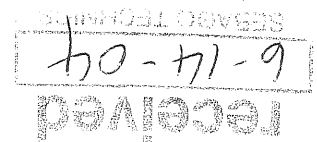
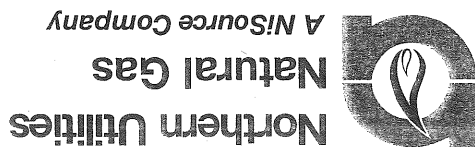
Northern Utilities confirms the availability of natural gas service for the location indicated above. This letter assumes all necessary municipal permits will be approved and received in a timely fashion. This letter does not constitute a commitment or contract to deliver natural gas to the above address. An application and/or contract must be signed before any work can begin. I hope this "letter of natural gas availability" meets your needs. Please contact me at (800) 552-3047 ext. 5317, if further assistance is needed.

Dear Ms. Betts:

RE: New Retail Development - Brighton Av and Rand Rd Portland, Maine

Sebago Technics  
Danielle Betts  
PO Box 1339  
Westbrook, Me 04098-1339

June 8, 2004



Central Maine Power



May 11, 2004

Mr. Dwight V. Snow, EIT  
C/O Sebago Technics, Inc.  
One Chabot Street  
Westbrook, Maine 04098-0277

RE: Brighton Avenue and Rand Road, Portland, Maine

Dear Mr. Snow,

This letter is to advise you that Central Maine Power has sufficient three phase electrical capacity in the area to serve the subject project.

Once the project is accepted by the City of Portland, the owner will need to call our Customer Service Center at 1-800-565-3181 to sign up for a New Account and a Work Request Order so we may start a cost estimate.

To complete the cost estimate I will need the information of what voltage is required, the size of the main disconnect and the kilowatt loads required for the new facility. This information should be provided to me from the electrician or electrical engineering firm.

If you have any questions please feel free to call me at 828-2882.

Sincerely,

Paul DuPerre  
Technical Advisor

An equal opportunity employer

162 Canco Road | Portland, ME 04103  
tel (800) 750-4000

www.cmpco.com

received  
5-13-04  
SEBAGO TECHNICS

04005

04005

**Time Warner Cable of Maine**  
118 Johnson Rd  
Portland, Maine 04102

May 7, 2004

Sebago Technics  
One Chabot Street  
P.O. Box 1339  
Westbrook, Maine 04098-0277

Dear Sir or Madam:

This letter is to inform you that we will have no problems being able to service the new project at Rand Rd and Brighton Ave in Portland.

Sincerely,

Glenn Raymond  
Utility Coordinator

Kaitz & Fellman, LLP  
ATTORNEYS

54 Jaconnet Street  
Suite 300  
Newton, MA 02461  
(781) 894-4400  
FAX (781) 894-2129

Direct Dial: (617) 658-1212  
E-Mail: [Rfellman@kflp.com](mailto:Rfellman@kflp.com)

Ronald M. Fellman, Esq.

June 18, 2004

Sarah Hopkins  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Packard Development, LLC/Portland Pinetree, LLC  
Portland Pine Tree Shopping Center Project

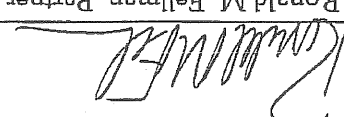
Dear Ms. Hopkins:

I write to you in my capacity as real estate counsel to Packard Development, LLC and  
Portland Pinetree, LLC.

Packard Development, LLC caused the formation of Portland Pinetree, LLC in order to  
enter into a ground lease with Heritage SPB LLC for property that is a portion of the Pine  
Tree Shopping Center that is the subject of Packard's pending applications. The members  
and managers of Packard Development, LLC are members and/or managers of Portland  
Pinetree, LLC, and Packard Development, LLC is authorized to represent Portland  
Pinetree, LLC in all proceedings related to the applications.

Please let me know if you require additional information on this matter.

Sincerely,  
Kaitz & Fellman, LLP,  
a Massachusetts limited liability partnership

By:   
Ronald M. Fellman, Partner

cc: Messrs. Armen Afandilian and Paul Cincotta  
Natalie L. Burns, Esq.



Corporate Office: 131 Dartmouth Street, Boston, Massachusetts 02116  
Telephone: (617) 247-2200 • Fax: (617) 266-0885 • Legal Dept. Fax: (617) 267-4587  
www.heritagerealty.com

June 1, 2004

**VIA NEXT DAY MAIL AND FACSIMILE**

Ronald M. Fellman, Esq.  
Kaltz & Fellman, LLP  
54 Jaconnet Street  
Newton, MA 02461

Re: Agreement of Lease between Heritage SPE LLC and Portland Pinetree LLC  
dated May 28, 2004; Premises located at Pine Tree Shopping Center,  
Portland, Maine

Dear Ron:

In accordance with our telephone conversation, enclosed are four (4) original signature pages signed by Landlord of the above-referenced Lease. Please hold these pages in escrow until you receive four (4) Tenant signed originals of the signature page. The signature pages are provided to you with the following understanding:

1. Tenant will promptly provide Exhibit L, Tenant's Signage, for Landlord's approval.
2. You will deliver Tenant signed signature pages or return the Landlord's signed signature pages within five (5) business days.

Please contact me in the event you have any questions. Your cooperation is appreciated.

Sincerely,

*Dear Ron / RB*

Louis C. Zicht  
Vice President and General Counsel  
LCZ/cej

Enclosures

cc: Mark Potter (w/enc)  
Barry Rodenstein (w/enc)

[dictated but not read by LCZ]

**AGREEMENT OF LEASE** (hereinafter the "Lease") dated as of May 28, 2004 by and between **Heritage SPE LLC**, a Delaware limited liability company, c/o Heritage Realty Management, Inc., 131 Dartmouth Street, Boston, Massachusetts 02116 (hereinafter "Landlord") and **Portland Pinetree, LLC**, a Massachusetts limited liability company in good standing having its principal place of business at c/o One Wells Avenue, Newton, Massachusetts 02459 (hereinafter "Tenant").

**1. PREMISES; SHOPPING CENTER; LANDLORD'S PROPERTY; NATIONAL TENANTS; QUALIFIED NATIONAL TENANTS and QUALIFIED PROTECTED SUBTENANTS; CRITICAL COMMON AREA PROTECTION**

**A. Premises.** Landlord hereby leases to Tenant and Tenant hereby rents from Landlord a parcel of land together with all buildings (including, the National Tenant Building, as defined below, and the other buildings on the Premises as shown on the Exhibit "A" Site Plan (and as may be modified during the Development Period provided that there shall not be more than Additional Buildings, no Additional Building shall be larger than square feet of floor area (not including any basement or mezzanine space that is used for non-selling purposes), and the total floor area of the Additional Buildings shall not exceed square feet of floor area (not including any basement or mezzanine space that is used for non-selling purposes)(other than with Landlord's approval which shall not be unreasonably withheld, delayed or conditioned) (which buildings other than the National Tenant Building are the "Additional Buildings") and other improvements located thereon, and all rights, privileges and easements appurtenant thereto including, without limitation, access over streets, ways, drives and the like, serving such area, as shown (currently) on the site plan ("Site Plan") attached hereto as Exhibit "A" and made a part hereof (the "Premises"). The Premises include Common Areas and Common Facilities, as defined in Section 10, which Tenant acknowledges are subject to the non-exclusive rights as set forth in Section 10.

**B. Shopping Center.** The Premises is part of the shopping center owned by Landlord and known as Pine Tree Shopping Center consisting of the Premises and the Landlord's Property as (hereinafter the "Shopping Center").

**C. Landlord's Property.** Those portions of the Shopping Center other than the Premises are hereafter referred to as "Landlord's Property":

**D. Recapture Properties.** Those portions of Landlord's Property which are designated as "Recapture Property A" and "Recapture Property B" on Exhibit "A-1" ("Recapture Properties Site Plan") attached hereto and made a part hereof. Tenant has requested and Landlord has agreed that (a) Landlord shall terminate the leases of the applicable tenant in each such Recapture Property, and in connection therewith, Landlord acknowledges that (i) Landlord has the right to relocate the tenant from Recapture Property B or to terminate the lease of such tenant, and Landlord either shall so relocate tenant or terminate such tenant's applicable lease prior to the date on which Landlord is required to deliver possession of such space to Tenant, and (ii) the Recapture Property A lease terminates on May 31, 2004 which is prior to the end of the Development Period.



10. COMMON AREAS

A. Definitions of Terms. (1) "Common Area" shall mean the parking areas, sidewalks, service drives, access roads (if any), retaining walls, retention ponds, and entrances and exits of the Shopping Center, and all other areas that may be provided by Landlord or Tenant for the general use in common of the tenants of the Shopping Center and their officers, agents, employees, customers, and invitees.

(2) "Common Facilities" shall mean the lighting system, utility system and the drainage system servicing the Common Areas, all direction signs, any pylon signs, any landscaped areas within the Shopping Center, and any other services, facilities, or improvements in the Shopping Center provided by Landlord for the general use in common of the tenants of the Shopping Center and their officers, agents, employees, customers, and invitees.

**C. Additional Rights.** Tenant shall be permitted to conduct and permit to conduct sales within the portion of the Common Areas of the Premises designated on Exhibit "J" so long as such sales do not unreasonably interfere with vehicular and pedestrian traffic for Landlord's Property and are conducted within the areas designated on the Site Plan. In addition, Tenant shall have the right to display merchandise and conduct sales on the sidewalk adjoining buildings on the Premises, provided pedestrian access is maintained and Tenant or the applicable subtenant cleans after each use and indemnifies, defends and saves Landlord harmless from all claims and damages, including legal fees, arising from said use.

**D. Common Usage Rights.** Tenant, its employees, agents, invitees and customers shall have the right to use, in common with all other occupants of the Shopping Center and their respective employees, agents, invitees and customers, without charge, all Common Areas and Common Facilities of the Shopping Center. Landlord and tenants on Landlord's Property, their agents, employees, invitees and customers shall have non-exclusive rights to use and enjoy the Common Areas and Common Facilities located within the Premises.

**E. Changes in Common Area.** Landlord and Tenant each covenants and agrees that (a) neither shall make any modifications to the portion of the Critical Common Area of the main drive of the Center (shown on Exhibit "A" as the westerly main drive of the Shopping Center from Brighton Avenue to the crosswalk shown thereon-being the point at which the Landlord's Property turns at an approximately 45 degree angle to the southwest) without in each case obtaining the prior written consent of Landlord, Tenant and National Tenant; (b) neither shall materially change the other Critical Common Areas, or access, intersections or entrances with public streets or other Common Facilities, such as lighting and drainage, without the express written permission of the other party in advance of such change which consent shall not be unreasonably withheld, delayed or conditioned; and (c) no facility in the Shopping Center will have facilities for vehicular drive-up or drive-through, and in no event shall there be allowed the stopping or standing of motor vehicles in line at a location where drop-off and/or pickup is intended (as, for example, at a restaurant or bank) if and to the extent same would interfere with the Common Areas serving the Shopping Center. In addition (i) Landlord covenants and agrees that Landlord shall not make any alterations or additions to the Common Areas or Common Facilities located on the Premises without the express written consent of Tenant in advance of such change which consent may be granted or withheld in Tenant's sole discretion, and (ii) Tenant covenants and agrees that Tenant's right to make changes to the Common Area drive at the end of the main drive Critical Common Area as shaded on Exhibit "A" shall be subject to Tenant providing of passageway of an equivalent width allowing access to the rear (southerly boundary) of Landlord's Property.

**G. Use.** Without limiting the use restrictions and limitations set forth in this Lease, each party's Property in the Shopping Center shall be used for lawful purposes in conformance with all restrictions imposed by all applicable governmental laws, ordinances, codes, and regulations, and no use or operation shall be made, conducted or permitted on or in the Shopping Center which is illegal.

**H. Taxes.** Each party shall pay all taxes, assessments, or charges of any type levied or made by any governmental body or agency with respect to its property (provided that real estate taxes shall be allocated and paid in accordance with Article 6).

**I. Initial Site Development.** Landlord and Tenant agree to cooperate in good faith in the initial re-development of the Shopping Center, in accordance with (a) the Site Plan and (b) plans and specifications mutually agreed-upon by Landlord and Tenant for the re-development of the Landlord's Property to bring the Common Area on Landlord's Property to the same level as those improvements to be made in the Common Area as part of Tenant's Work to the Premises Common Areas (meaning, without limitation, the drives, parking surfaces, curbs, walks and lighting, and landscaping).

## 12. ALTERATIONS AND IMPROVEMENTS

A. Subject to the compliance with and observance of all of the terms, conditions, covenants and agreements of this Lease, Landlord (with respect only to Landlord's Property) and Tenant (with respect to the Premises) each shall have the right to make alterations, additions and improvements without the other party's consent, provided that (a) the construction of any such alterations, additions and improvements do not unreasonably interfere with the operation of the other party's premises, (b) any buildings are constructed outside of the No-Build Area shown on the Site Plan or, if located within the No Build Area, the other party approves of same which approval shall not be unreasonably withheld, (c) such alterations, additions and improvements are architecturally compatible with the remainder of the Center (provided that each party acknowledges that any alterations, additions or improvements which reflect the standard improvements for a national or regional tenant in a first class shopping center shall be deemed compatible), and (d) the alterations, additions and improvements are in compliance with the parking requirements set forth in this Lease. Notwithstanding the foregoing, Landlord and Tenant each may perform alterations required by law and structural interior alterations.

B. Tenant shall perform any and all duties which may be legally imposed on Landlord as owner of the Premises in connection with such construction on the Premises, and upon completion shall obtain a certificate of occupancy therefor. Landlord shall perform any and all duties which may be legally imposed on Landlord as owner of the Landlord's Property in connection with such construction on the Landlord's Property.

### 13. MAINTENANCE AND REPAIRS

(1) Except as otherwise provided in this Lease, each party shall take such measures as are necessary to reasonably control litter or debris within the Common Areas on its property.

(2) Except as otherwise provided herein, each party covenants to keep and maintain, at its sole cost and expense, with respect to the building(s) located from time to time on its property (i) the exterior of such buildings in good order, condition and repair, and (ii) the interior in compliance with all applicable laws. In the event of any damage to or destruction of a building on the party's property, applicable party shall, at its sole cost and expense, with due diligence either (a) repair, restore and rebuild such building to its condition prior to such damage or destruction (or with such changes as shall not conflict with this Lease), or (b) tear down and remove all portions of such damaged or destroyed building then remaining, including the debris resulting therefrom, and otherwise clean and restore the area affected by such casualty to a level, graded condition. Nothing contained in this subparagraph (2) shall be deemed to allow either party to avoid a more stringent obligation for repair, restoration and rebuilding contained in a lease or other written agreement between the party and its tenants or other parties.

(3) Except as otherwise provided herein, each party shall at all times during the term hereof construct, operate and maintain or cause to be constructed, operated and maintained, in good order, condition and repair, at its sole expense, any utility or other installations serving the its property.

(4) Every building now or in the future constructed on either property in the Shopping Center shall be of first quality construction, in conformity with sound architectural and engineering standards, and architecturally designed so that its exterior elevations (including, without limitation, building materials, signs and colors) will be architecturally and aesthetically compatible and harmonious with all other then existing buildings on the Premises (provided that, notwithstanding the foregoing, national and regional tenants shall have the right to use their standard building designs).

## 17. UTILITIES

A. Tenant shall promptly pay for all sewer, water, gas, electric current, telephone and other utilities used or consumed by Tenant at the Premises (provided that Common Area utilities may be payable by Landlord and included in CAM expenses). Tenant shall have the right to enter into agreements with utility companies and others creating such easements and other rights relating to the Premises in favor of such companies and others as are required in Tenant's sole discretion, and Landlord covenants and agrees to consent thereto and to execute any and all documents, agreements and instruments, and to take all other actions, in order to effectuate the same.

B. Provided such areas are in existing utility easement areas or with respect new easements that Tenant requests Landlord approve (which approval Landlord shall not unreasonably withhold, delay or condition), Landlord hereby grants to Tenant, its successors and assigns, non-exclusive easements appurtenant to the Premises for the purpose of installing, operating, maintaining, repairing, replacing and renewing any and all utility lines and related facilities over, above, along, and under the Premises but not under the Building. For such utilities now installed, Landlord hereby grants to Tenant, its successors and assigns, the right and easement to tie in and use such existing utilities provided such work shall be performed without any interference to the conduct of business in the Shopping Center and Tenant shall indemnify Landlord from all claims and damages arising from Tenant's installation of utility services to the Premises.

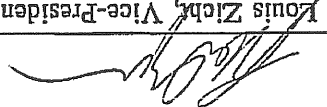
(3) **Approvals.** Tenant shall use good faith efforts to obtain all necessary governmental permits and approvals (the "Approvals") for the re-development of the Premises in accordance with Tenant's plans (the "Tenant's Plan") approved by Landlord (to the extent Landlord has approval rights), which approval shall not be unreasonably withheld, conditioned or delayed. Approvals shall be deemed to include, without limitation, all permits and approvals for (a) the demolition and/or renovation of existing structures and improvements on the Premises, construction and operation of a retail facility for National Tenant (in accordance with the National Tenant Lease) and the additional buildings as set forth on the Site Plan, together with related parking, signage, utilities, landscaping, grading, site work and drainage facilities of such design and location on the Premises as are set forth on the Site Plan (collectively, "Tenant's Work"), and (b) the use and operation of the Premises for National Tenant's intended initial use which is the operation of a Lowe's home improvement center similar to other Lowe's stores in the New England area, and for the other Permitted Uses, all in accordance with the terms of this Lease.

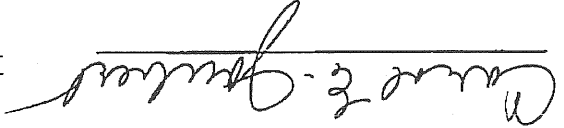
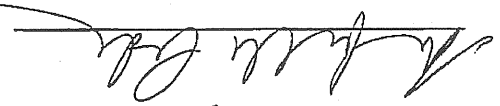
Tenant shall not be deemed to have obtained the Approvals until same have been issued and all appeal periods have expired without any appeal having been filed or, if an appeal has been filed, then with the appeal having been resolved to the satisfaction of Tenant. In connection with Tenant's efforts to obtain all necessary Approvals, Tenant shall have the right to take any and all actions which Tenant deems necessary or appropriate to enable Tenant to obtain the Approvals (except Tenant shall comply with its Lease obligations) and to develop the Premises including, without limitation, the right to file, in Tenant's name (and, if required by any governmental agency, the filing may be in Landlord's name and Landlord shall execute all required documents in connection therewith, subject to Landlord's approval thereof which shall not be unreasonably withheld, delayed or conditioned) and for Tenant's sole benefit, zoning code approvals, variances, changes or other appropriate relief, environmental or other related approvals and any variance requests shall require Landlord's consent which shall not be unreasonably withheld, delayed or conditioned. Tenant shall be solely responsible for all costs and expenses incurred in connection with the performance of Tenant's Work and obtaining the Approvals. Landlord shall cooperate with Tenant in all respects in connection with the obtaining of the Approvals. Notwithstanding any provision to the contrary, Tenant shall not have the right to waive the Approval contingency without Landlord's consent in Landlord's sole discretion.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

LANDLORD  
Heritage SPE LLC  
By: Heritage SPE MGR LLC, its  
managing agent

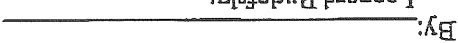
Witnesses for Landlord:

By:  Louis Zickl, Vice-President of  
Heritage SPB Corp., its  
managing member

TENANT Portland PineTree, LLC,  
a Massachusetts limited liability  
company

Witnesses for Tenant

By:  Leonard Rudofsky  
Its: Manager

\_\_\_\_\_  
\_\_\_\_\_



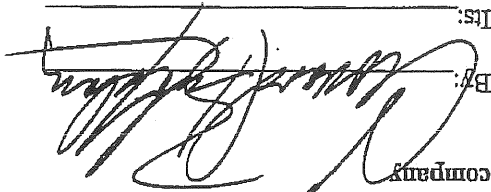
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

**LANDLORD**  
Heritage SPE LLC  
By: Heritage SPE MGR LLC, its  
managing agent

Witnesses for Landlord:

By: \_\_\_\_\_  
Gary Widett, Senior Vice-  
President of Heritage SPE  
Corp., its managing member

TENANT Portland Puhree, LLC,  
a Massachusetts limited liability  
company

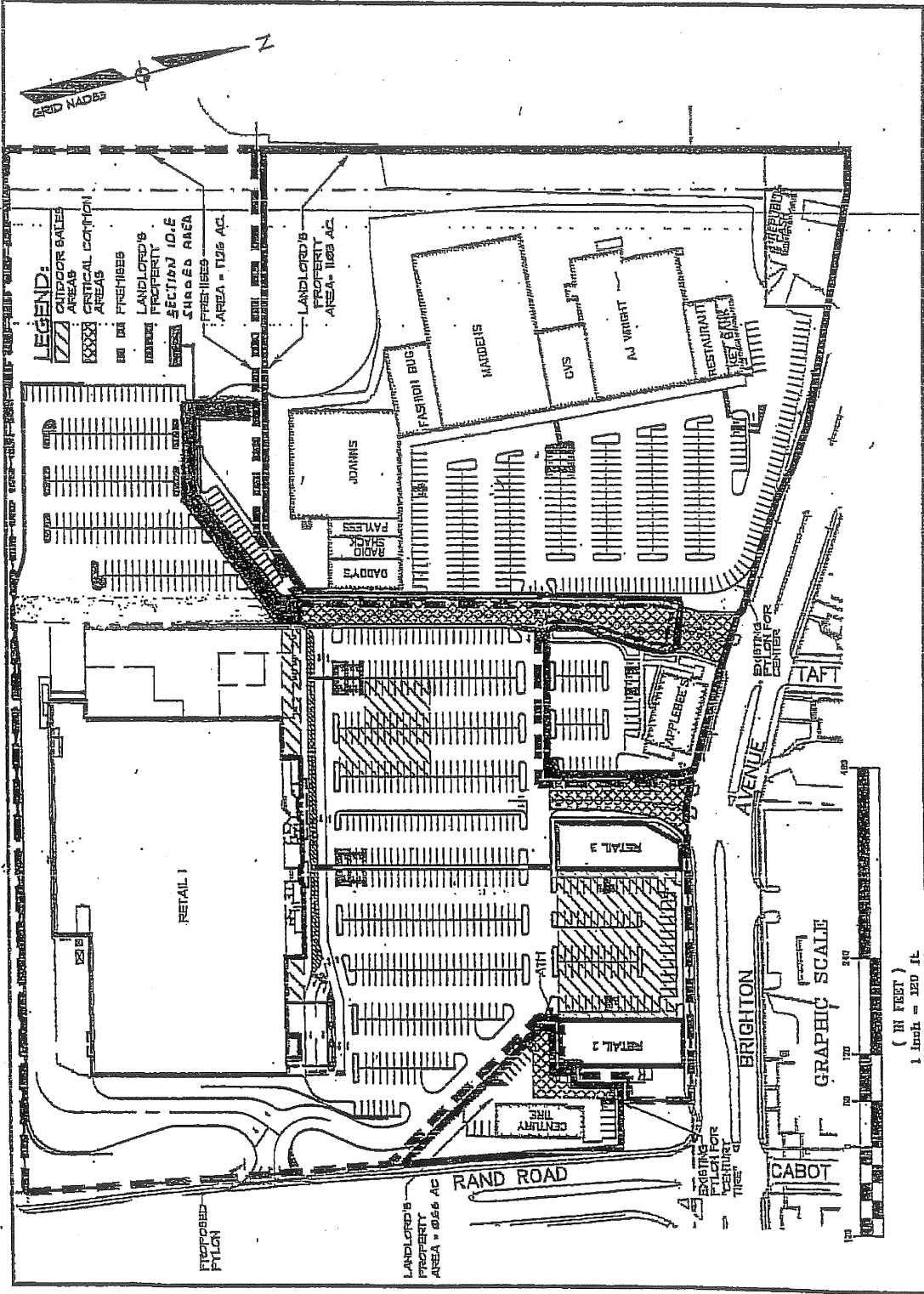
By: \_\_\_\_\_  
Its: \_\_\_\_\_  


Witnesses for Tenant  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

04009LEAF5  
 DATE: 10-30-50  
 SCALE: 1" = 120'  
 EXHIBIT 'A'

HERITAGE LEASE AREA PLAN  
 PINE TREE SHOPPING CENTER  
 1030 BRIGHTON AVENUE  
 PORTLAND, MAINE  
 FOR: PACKARD DEVELOPMENT  
 ONE WELLS AVENUE  
 NEWTON, MA 02459

PROJECT NO. FIELD BOOK DESIGN CHKD DRAWN  
 04005 DIGITAL 008 008 008 JLB  
 Sebago Technics  
 Engineering Services For Civil En  
 One Cabot Street  
 Portland, ME 04103-1219  
 Tel (207) 888-0777



LEGEND:  
 ZZZ OUTDOOR SALES AREAS  
 XXXX CRITICAL CORNER AREAS  
 --- FRANCHISES  
 LANDLORD'S PROPERTY SECTION 10.6  
 SHaded AREA  
 FRESH LINES - AREA = 112.6 AC.  
 LANDLORD'S PROPERTY AREA = 108.8 AC.  
 PROPOSED FILION

GRAPHIC SCALE  
 ( IN FEET )  
 1 Inch = 120 Ft

PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
04005	DIGITAL	DOB	DOB	JLB

Sebago Technics  
 Engineering Experts You Can Build On  
 One Chapel Street  
 Westbrook, ME 04090-1338  
 Tel (207) 858-0277

**NO BUILD AREA PLAN**  
 OR:  
**PINE TREE SHOPPING CENTER**  
 1030 BRIGHTON AVENUE  
 PORTLAND, MAINE  
 FOR:  
**PACKARD DEVELOPMENT**  
 ONE WELLS AVENUE  
 NEWTON, MA 02459

DATE: 03-05-04  
 SCALE: 1" = 120'

**SHEET 1 OF 1**

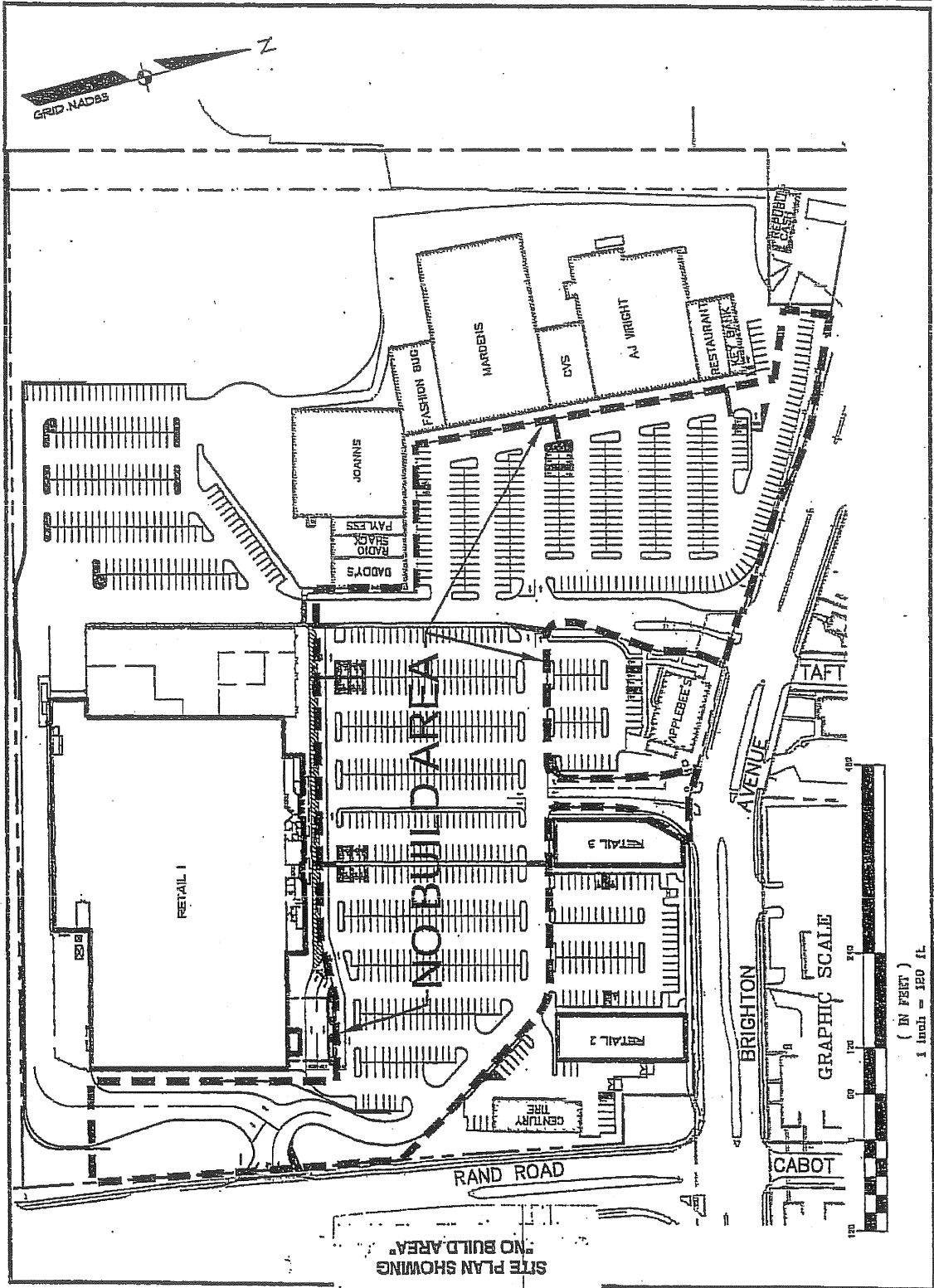


EXHIBIT A-3  
 SITE PLAN SHOWING  
 "NO BUILD AREA"

LEGAL DESCRIPTION OF SHOPPING CENTER

EXHIBIT B

(subject to change upon survey) (2 pages)

Certain lots or parcels of land with the buildings thereon, situated on Brighton Avenue in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

PARCEL ONE

Beginning at Brighton Avenue at the northeasterly corner of land now or formerly of Crossroads Realty Corp.; thence by said land of Crossroads Realty Corp., South 30° 43' West 1546.33 feet to land now or formerly of Gordon F. Bloom; thence by said land now or formerly of Almon F. Hill; thence by said land now or formerly of Rose Dagle and land now or formerly of Raymond T. Arvols North 26° 32 1/2' East 596.18 feet to North 26° 47' West 41.25 feet, North 29° 13' East 366.30 feet and North 31° 13' East 462.00 feet to Brighton Avenue; thence by said Brighton Avenue North 60° 00' West 25.00 feet to land now or formerly of Esso Standard Oil Company; thence by said Esso land South 31° 13' West 130.00 feet, North 60° 00' West 150 feet and North 31° 13' East 119.51 feet to Brighton Avenue; thence by Brighton Avenue North 63° 14' West 375.81 feet, North 43° 45 1/2' West 196.30 feet, North 40° 9' West 57.84 feet, North 29° 21' East 4.27 feet, North 40° 9' West 157.38 feet, North 30° 10' West 52.05 feet, North 38° 31' West 55.19 feet and North 48° 30' West 157.88 feet to land leased to Shell Oil Company; thence by said land leased to Shell Oil Company South 30° 43' West 86.00 feet, North 59° 17' West 146.47 feet and North 30° 43' East 113.90 feet to Brighton Avenue; and thence by Brighton Avenue North 48° 30' West 50.90 feet to the point of beginning.

The following described premises are specifically excluded from the above described parcel:

1. Beginning at the southwest corner of the above described premises; thence by said land now or formerly of said Gordon F. Bloom, South 55° 30' East 1479.65 feet to said land now or formerly of said Almon F. Hill; thence by said land and by land now or formerly of Rose Burns North 26° 32 1/2' East 511.56 feet; thence by said land now or formerly of said Gordon F. Bloom, North 59° 17' West 1439.18 feet; thence South 30° 43' West 412.57 feet, to the point of beginning.

2. The premises described in the deed from Gordon F. Bloom to the City of Portland dated December 20, 1969 and recorded in the Cumberland County Registry of Deeds in Book 3120, Page 328.

3. The premises described in the deed from Gordon F. Bloom to the State of Maine dated December 20, 1969 and recorded in the Cumberland County Registry of Deeds in Book 3116, Page 772.

Beginning at a point in the southwesterly sideline of Brighton Avenue 50.90 feet southeasterly, thence running South 48° 30' East by Brighton Avenue 149.10 feet to Parcel One hereby conveyed; and thence running by Parcel One South 30° 43' West 86.00 feet, North 59° 17' West 146.47 feet and North 30° 43' East 113.90 feet to the point of beginning.

PARCEL TWO

Memorandum of Lease

Notice is hereby given of the following Lease (the "Lease"):

I. PARTIES:

A. Landlord: HERITAGE SPE LLC a Delaware limited partnership, with a principal place of business c/o Heritage Realty Management, Inc., 131 Dartmouth Street, Boston, Massachusetts 02116.

B. Tenant: PORTLAND PINETREE, LLC having its principal office for the transaction of business at c/o Packard Development, One Wells Avenue, Newton, MA 02459.

II. EXECUTION DATE:

May \_\_\_\_\_, 2004. The Lease is on file at the principal office of Landlord listed above.

III. LEASE DATE: May \_\_\_\_\_, 2004

IV. PREMISES:

A parcel of land together with all buildings and other improvements located thereon, and all rights, privileges and easements appurtenant thereto including, without limitation, access over streets, ways, drives and the like, serving such area, as shown on the site plan ("Site Plan") attached hereto as Exhibit "A" and made a part hereof (the "Premises"). The Premises include Common Areas and Common Facilities, as defined in Section 10 of the Lease, which Tenant acknowledges are subject to the non-exclusive rights as set forth therein.

The Demised Premises are a part of and included within certain parcels of land known as Pine Tree Shopping Center, located at in the City of Portland, Cumberland County, Maine as more particularly described in Exhibit B attached hereto and made a part hereof (the Shopping Center).

V. TERM OF LEASE:

A primary term ("Primary Term") commencing on the Lease Commencement Date and ending twenty (20) years after the National Tenant Rent Commencement Date (such that the end of the primary term of this Lease shall correspond to the end of the initial twenty (20) full lease years of the term of the National Tenant Lease) (hereinafter the "Lease Expiration Date"), with options to extend for ten (10) additional periods of five (5) years each.

VI. USE RESTRICTIONS:

A. Landlord covenants and agrees that, subject to the rights of existing tenants, during the Term of the National Tenant Lease, provided National Tenant is operating a home improvement center and subject to rights under existing leases as set forth on Exhibit "J" of the Lease, no other portion of the Landlord's Property shall be leased or sold for, nor shall Landlord allow directly or indirectly, the use or occupancy of any space in the Shopping Center or any out parcels of the Shopping Center controlled by Landlord (or any tenant of Landlord) adjoining the Premises or the Shopping Center for the following uses:

2. Hardware store (provided that this limitation shall not prohibit the incidental sale of hand held hardware goods in a store which is operated either as (a) principally for the sale of health care and pharmaceutical products such as, without limitation, Walgreens, CVS and Brooks) or (b) as a so-called "dollar type" store such as, without limitation, Dollar Discount Stores of American, Dollar Tree Stores and Family Dollar, (c) a catalogue store, (d) a computer store, (e) an arts and crafts store, (f) a toy store or (g) a department or discount department store);
  3. An appliance store (provided the foregoing shall not prohibit the sale of small, countertop appliances such as toasters and toaster ovens, coffee machines, mixers, hair dryers and the like);
  4. A lawn and garden store (provided the foregoing shall not prohibit the operation of a florist shop of up to 2,000 square feet);
  5. A paint, wall paper, tile, home decor center and/or flooring or carpet store (provided that this limitation shall not prohibit the incidental sale of the foregoing items in a store which is operated principally for the sale of health care and pharmaceutical products such as, without limitation, Walgreens, CVS and Brooks); or
  6. A retail and/or warehouse home improvement center, lumber yard, building materials supply center, and other stores or centers similar to those operated by Lowe's, Home Depot, Home Owner's Warehouse, Home Quarters, Hechinger's, Builders Square, 84 Lumber, Wickes, Hughes Lumber, McCoys, Menard's, Orchard Supply, Sears Hardware, Villager Hardware, Sutherlands, Tractor Supply, Eagle and Payless Cashways.
- These restrictions or exclusive rights shall also apply to prohibit a larger business having space in its store devoted to selling the merchandise described in subparagraphs (1), (2)

and (4) (subject to the parentheticals therein) above and prohibit the selling of merchandise described in (3) above in excess of the permitted space limitation set forth in (3) above, provided that the foregoing restrictions or exclusive rights are not intended to limit or prohibit the operation of electronic merchandise stores such as those operated by Best Buy, Circuit City, Radio Shack and similar operators, or office supply stores such as those operated by Staples and Office Depot (whether in each case such stores are larger or smaller than the stores of the identified operators).

**B. Prohibited Uses.** (1) (a) During the term of this Lease, no portion of the Shopping Center may be used for any of the following purposes without the written consent of the Tenant and Landlord, in their respective sole discretion, provided (a) the parties hereby consent to the uses existing in the Shopping Center as of the date of this Lease, and (b) Tenant acknowledges that Landlord may not have the right to prohibit existing tenants from using their respective premises for such uses, and (c) Landlord agrees that in the event an existing tenant requests a change of use that would be in violation of the following and Landlord has the right to consent or deny such request, Landlord shall deny the request.

- (i) A tavern, bar, nightclub, cocktail lounge, discotheque, dance hall, or any other establishment selling alcoholic beverages for on-premises consumption; provided, however, the foregoing shall not prohibit the operation of a restaurant where the sale of alcoholic beverages therein comprises less than (a) with respect to the premises currently occupied by Applebee's and the buildings on Landlord's Property which are perpendicular to Brighton Avenue, forty (40%) percent of the restaurant's gross revenues, and (b) with respect to the Premises and the buildings on Landlord's Property which are parallel to Brighton Avenue, thirty (30%) percent of the restaurant's gross revenues (and in each case the percentage shall be based on annual revenues (all as shown on Exhibit "A" of the Lease).

- (ii) A bowling alley, billiard parlor, bingo parlor, arcade, game room or other amusement center.
- (iii) A theater (motion picture or live performance).
- (iv) A health club, gymnasium or spa.
- (v) A service station, automotive repair shop or truck stop.
- (vi) A flea market or pawn shop.
- (vii) A training or educational facility (including without limitation, a school, college, reading room or other facility catering primarily to students and trainees rather than customers).
- (viii) A car wash, except on an outparcel or pad site, and where the same shall have constructed and shall use sanitary sewer, water and storm water drainage lines entirely separate from those utilized by the Premises.
- (ix) A medical clinic or office.



REMAINDER OF THE PAGE HAS BEEN INTENTIONALLY LEFT BLANK

- (x) A dry cleaning plant, central laundry or laundromat (except the same shall not prohibit a dry cleaner that does not perform on-premises services).
- (xi) An establishment for sale of automobiles, trucks, mobile homes, recreational motor vehicles.
- (xvi) A child day care facility.
- (xvii) A hotel or motel.
- (xviii) A storage or mini-warehouse facility.
- (xix) Governmental offices.
- (2) During the term of this Lease no portion of the Shopping Center may at any time be used for any of the following uses whatsoever:
  - (i) An adult type bookstore or other establishment selling, renting, displaying or exhibiting pornographic or obscene materials (including without limitation: magazines, books, movies, videos, photographs or so called "sexual toys") or providing adult type entertainment or activities (including, without limitation, any displays or activities of a variety involving, exhibiting or depicting sexual themes, nudity or lewd acts).
  - (viii) A massage parlor.
  - (ix) A skating rink.
  - (x) A mortuary, crematorium or funeral home.
  - (xi) A mobile home or trailer court, labor camp, junkyard or stockyard.
  - (xii) A land fill, garbage dump or other such facility for the dumping, disposing, incineration or reduction of garbage.
  - (xiii) A telephone call center.
  - (xi) A gambling establishment or betting parlor (but the same shall not prohibit the sale of lottery tickets and similar activities, such as Keno).
  - (xii) Veterinary hospital or animal raising or keeping facilities (but the same shall not prohibit a pet shop)..
  - (xiii) Assembling, manufacturing, industrial, distilling, refining or smelting facility.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of \_\_\_\_\_, 2004.

LANDLORD:

**HERITAGE SPE LLC**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

TENANT:

**PORTLAND PINETREE LLC**  
A Massachusetts limited liability compan

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

QUITCLAIM DEED WITH COVENANT

KNOW ALL MEN BY THESE PRESENTS, That HERITAGE

PROPERTY INVESTMENT LIMITED PARTNERSHIP, a Delaware limited partnership, /k/a HERITAGE REALTY LIMITED PARTNERSHIP, a Delaware limited partnership, doing business in the State of Maine as

Delaware Heritage Realty Limited Partnership, a Delaware limited partnership, whose mailing address is c/o Heritage Realty Management, Inc., 535 Boylston Street, Boston, Massachusetts 02116 ("Grantor"),

for consideration paid by HERITAGE SPE LLC, a Delaware limited liability company, whose mailing address is c/o Heritage Realty Management, Inc., 535 Boylston Street, Boston, Massachusetts 02116 (hereinafter "Grantee"),

the receipt of which it does hereby acknowledge, does hereby grant to the said Grantee, its successors and assigns forever, with QUITCLAIM COVENANT,

the land, together with the buildings and improvements thereon, situated in Portland, Cumberland County, Maine, more particularly described in

Exhibit A attached hereto and made a part hereof.

This conveyance is made subject to and with the benefit of all easements, restrictions, agreements, rights of way and reservations of record insofar as the same are now in force and applicable.

Meaning and intending to convey the same premises described in a deed from NET REALTY HOLDING TRUST to Grantor dated July 9, 1999 and recorded in Cumberland County Registry of Deeds in Book 14895, Page 318.

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

Pinche

Notary Public  
MAN WAI LAU  
Notary Public, State of New York  
No. 24-4781742  
Qualified in Kings County  
My Commission Expires Nov. 30, 2001  
Commission Expires Nov. 30, 2001

Before me, Man Wai Lau

Personally appeared the above-named Senior VP Gary Widett of Heritage Property Investment Trust, Inc., general partner of said HERITAGE PROPERTY INVESTMENT LIMITED PARTNERSHIP as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in said capacity, and the free act and deed of said partnership.

State of New York COUNTY OF New York  
)  
) ss: September 14, 2000  
)

By: [Signature]  
Name: Gary Widett  
Title: Senior VP  
Heritage Property Investment Trust, Inc.,  
its general partner

[Signature]

HERITAGE PROPERTY INVESTMENT LIMITED PARTNERSHIP PRESENCE OF:  
SIGNED, SEALED AND DELIVERED

IN WITNESS WHEREOF, the said Grantor has hereto caused this instrument to be executed this 14 day of the month of September, 2000.

Exhibit A

Two certain parcels of land, with the buildings thereon, situated on Brighton

Avenue in the City of Portland, County of Cumberland and State of Maine,

bounded and described as follows:

PARCEL ONE

Beginning at Brighton Avenue at the northeasterly corner of land now or formerly of Crossroads Realty Corp.; thence by said land of Crossroads Realty Corp., South 30° 43' West 1546.33 feet to land now or formerly of Gordon F. Bloom; thence by said land now or formerly of Almon F. Hill; thence by said land now or formerly of Lucien Daigle and land now or formerly of Rose Burns and land now or formerly of Raymond T. Arvisois North 26° 32½' East 596.18 feet, North 26° 47' West 41.25 feet, North 29° 13' East 366.30 feet and North 31° 13' East 462.00 feet to Brighton Avenue; thence by said Brighton Avenue North 60° 00' West 25.00 feet to land now or formerly of Esso Standard Oil Company; thence by said Esso land South 31° 13' West 130.00 feet, North 60° 00' West 150 feet and North 31° 13' East 119.51 feet to Brighton Avenue; thence by Brighton Avenue North 63° 14' West 375.81 feet, North 43° 45½' West 196.30 feet, North 40° 9' West 57.84 feet, North 29° 21' East 4.27 feet, North 40° 9' West 157.38 feet, North 30° 10' West 52.05 feet, North 38° 31' West 55.19 feet and North 48° 30' West 157.88 feet to land leased to Shell Oil Company; thence by said land leased to Shell Oil Company South 30° 43' West 86.00 feet, North 59° 17' West 146.7 feet and North 30° 43' East 113.90 feet to Brighton Avenue; and thence by Brighton Avenue North 48° 30' West 50.90 feet to the point of beginning.

The following described premises are specifically excluded from the above described parcel:

1. Beginning at the southwesterly corner of the above described premises; thence by said land now or formerly of Gordon F. Bloom, South 55° 30' East 1479.65 feet to said land now or formerly of Almon F. Hill; thence by said land of said Hill and by land now or formerly of Rose Burns North 26° 32½' East 511.56 feet; thence by said land now or formerly of said Gordon F. Bloom, North 59° 17' West, 1439.18 feet; thence South 30° 43' West, 412.57 feet, to the point of beginning.

2. The premises described in the deed from Gordon F. Bloom to the City of Portland dated December 20, 1969 and recorded in the Cumberland County Registry of Deeds in Book 3120, Page 328.

3. The premises described in the deed from Gordon F. Bloom to the State of Maine dated December 30, 1969 and recorded in said Registry of Deeds in Book 3116, Page 772.

PARCEL TWO

Beginning at a point in the southwesterly sideline of Brighton Avenue 50.90 feet southeasterly, measured along said sideline, from said land now or formerly of Crossroads Realty Corp.; thence running South 48° 30' East by Brighton Avenue 149.10 feet to Parcel One hereby conveyed; and thence running by Parcel One South 30° 43' West 86.00 feet, North 59° 17' West 146.47 feet and North 30° 43' East 113.90 feet to the point of beginning.

For title see deed of Trustees of Net Realty Holding Trust to Heritage Realty Limited Partnership dated July 9, 1999 and recorded with Cumberland County Registry of Deeds in Book 14895, Page 318.

REVISED MOTIONS FOR THE BOARD TO CONSIDER - JULY 27, 2004  
 PINE TREE SHOPPING CENTER REDEVELOPMENT

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report 28-04 relevant to standards for site plan regulations, and other findings as follows:

- i. That the proposed use [does not] demonstrate a need to exceed the specific site lighting limits for pole height, fixture wattage and maximum illumination levels (shown in Section XV(4) of the City of Portland Technical and Design Standards and Guidelines) for safe and reasonable exercise of the proposed use.
- ii. That the plan [is/is not] in conformance with the site plan standards of the land use code.

Potential Conditions of Approval:

1. that within the first year after completion of the project, the Rand Road/Pine Tree/Forest City Driveaway be monitored to determine whether the intersection meets signal warrants. Documentation shall be submitted to the City's Traffic Engineer. After monitoring, if it is determined that the intersection warrants a traffic signal, the developer shall be responsible for installation of the traffic signal. The developer shall also provide a performance guarantee, prior to issuance of a building permit, in the amount of \$75,000 to be held, until such time that it is determined whether a traffic signal is warranted at this driveway. *Monitoring data shall occur during one year after completion and traffic warrants shall be determined within 6 months.*
2. that the developer revise the plans in accordance with the Traffic Engineer's memo dated July 20, 2004, to provide an exclusive left turn lane and a shared left through/right turn lane. The plans shall be revised to include additional low dense landscaping within the landscaped island on Brighton Avenue in front of the developer's leased area to deter mid block crossings on Brighton Avenue. Landscaping for the island shall be reviewed and approved by the City Arborist. *and/or berm*
3. that the developer shall provide a pedestrian access easement for the sidewalk along Brighton Avenue, between Rand Road and Applebee's Restaurant, which is located out of the City's right of way. The pedestrian access easement shall be submitted prior to issuance of a building permit, and shall be reviewed and approved by Corporation Counsel. *Site plan be amended to remove reference to fence.*
4. that revised building elevations shall be submitted for review and approval by Planning staff.
5. that a sewer capacity letter from the Portland Sewer Division is submitted to staff prior to issuance of a building permit.
6. that the plans be revised in accordance with the DRC's memo dated July 19, 2004 and shall be reviewed and approved by the DRC. Any minor revisions during the DEP Site Location review shall be reviewed and approved by the DRC. To the extent that City requirements on any proposed changes are more stringent than DEP requirements, the City standards shall apply.
7. that the required fire hydrants be added to the site plan for review and approval by the Fire Department.

*Rose Cinetta  
 Parkard Development  
 One Woods Avenue  
 Newton, MA 02459*

*HOOD-A-001  
 HOOD-0170*

8. that as part of this development, the developer complete the Brighton Avenue streetscape from where the project was completed up to the Brighton Avenue Bridge. In lieu of completing the Brighton Avenue streetscape, the developer may make a contribution of \$300,000 to the City, prior to issuance of a building permit, for the City to complete the Brighton Avenue streetscape project. The developer will also utilize best efforts to secure, from Heritage Realty, additional Brighton Avenue right of way in fee or easement as required by the City for up to 15 ft. on the southerly side of Brighton Avenue, plus elimination of the property line "bulge", westerly of the entry drive to Pine Tree Shopping Center, or, if not able to secure the right of way prior to issuance of a building permit, the developer shall deposit up to \$100,000 in escrow to be used by the City to defray acquisition costs of such right of way if acquired by the City through an eminent domain proceeding, plus necessary structures to maintain the functionality of the existing development.

shall

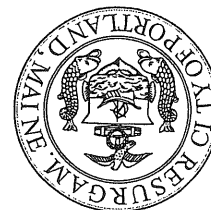
Such

9. any revisions that shall occur, such as landscaping or parking changes, based on the securing of additional right of way, shall be reviewed and approved by the Planning Authority.

Prior to issuance of bldg permit.

10. that the applicant shall place in escrow \$12,000 to extend the landscaped island within Rand Road. The funds will be placed in escrow until Rand Road is no longer a moratorium street, which will occur in 2008, at which time the improvements to Rand Road shall be completed.





## Public Works Engineering Memorandum

**Date:** July 22, 2004

**To:** Kandice Talbot, Planning

**From:** Eric J. Labelle, P.E., City Engineer

**Cc:** Sarah Hopkins, Senior Planner

**Re:** Pine Tree Shopping Center/Lowes Development

A 1993 Portland Transportation Plan raised concerns relating to arterial-based neighborhoods. As a result of that publication, a Task Force was created in 1998 and charged with examining, and helping plan the future of one of Portland's fast growing, and highly stressed residential and commercial areas, the Brighton Avenue corridor. The corridor refers to Brighton Avenue from Rosemont Corner(Colonial Road) to Main Street in the City of Westbrook.

Findings and recommendations of the Task Force were intended to improve the following priorities:

- Improved Public and Private Streetscape
- Support for Residential Uses on Arterials
- Support for Environmental Values and High Quality Commercial Uses
- Support for compatible Mixes of Urban Uses
- Support for Neighborhood-based Community Living

Subsequent construction projects such as the Rand Road/Brighton Avenue project and the Westbrook Arterial bypass to Rand Road between 2000 and 2003 have been constructed to alleviate traffic pressures on Brighton Avenue, Riverside, and Westbrook's Main Street. This also provided improved access to the site being proposed.

The Rand Road project which abuts the proposed development on two sides was constructed at a cost of \$1.5 million dollars. Beyond traffic improvements, significant aesthetic and pedestrian improvements were constructed around the site.

Other scheduled improvements associated with the Maine Turnpike Authority bridge Riverside Street to the Barron Center as well as a widened 4' shoulders to match the Rand/Brighton Avenue reconstruction.

These recent improvements have improved safety, traffic and pedestrian access in the area and has gone far to meet the goals of the 1998 Brighton Avenue Streetscape Study. In light of the fact that Lowe's is a clear beneficiary of these improvements and there remains a small portion of Brighton Avenue which remains incomplete, I would ask for the following improvements between Applebee's restaurant and the Barron Center entrance:

1. Evaluate and widen as necessary to maintain the current traffic pattern, yet allowing 4 feet wide shoulders along the curbs. This would complete the widening for ease of cycling traffic from Riverside Street to Rand Road.
2. Construct a pedestrian refuge crossing Brighton Avenue at the Barron Center entrance to allow for safer crossing.
3. Extend pedestrian lighting on the north side of Brighton Avenue completing for connectivity between the MTA Bridge project and Rand Road.
4. Raise the sidewalk to street level on the south side of Brighton Avenue allowing for better winter pedestrian conditions and ease of maintenance.
5. Place new catch basin on the east side of the Applebees restaurant on Brighton Avenue into the recent installed storm drain and terminate it from the sanitary system.
6. Provide landscaping, if practical in roadway islands for aesthetic in the streetscape features.
7. Remove the existing brick bus stop blocking the sidewalk on Brighton Avenue, allocate space, and construct a new bus stop at the west end of the site. This would shorten the distance between stops and may allow for the elimination of the stop adjacent the entrance of the site at Applebees.

The cost of the described improvements has been estimated to be approximately \$250,000.

Upon the completion of the improvements, the City intends to utilize PACTs funding to repave the complete areas between the Barron Center and the termination of the Brighton/Rand Road project in front of Applebees. The cost of the City's paving and other streetscape improvements will be approximately \$200,000.

In summary, I am recommending the applicant construct approximately \$250,000 of improvement between Applebee and the Barron Center. The City of Portland has already expended \$1.5 million City, State and Federal dollars surrounding the store's location and intends to expend an addition \$200,000. These improvements will provide safer vehicular, pedestrian, and transit traffic, as well as complete the Brighton Avenue Task Force recommended enhancements in the vicinity of the Pine Tree Shopping Center.

**From:** Eric Labelle  
**To:** Alex Jaegerman ; Kandi Talbot  
**Date:** 07/23/2004 8:21:11 AM  
**Subject:** Re: Lowe's/Pine Tree Shopping Center

We could construct the project. My only preference to Lowe's doing the work is our current work load and the fact that engineering costs were not included in the estimate. Engineering would easily be an additional \$50,000.

As far, as the bus stop goes, Metro currently has 10 on order. The other bus stop is on curb line blocking the sidewalk. There will likely be a need reset the curb there and setting it back. As I understand the bus stop also gets filled with snow in the winter time due to plowing.(Not a functional location) If the space could made available on Pine Tree land the foundation set, the cost should be less than \$5,000. Having spoke to Peter Heffler, I believe Metro would provide the bus shelter.

I'm free Monday morning and after 3:00 pm.  
 Eric

>>> Alex Jaegerman 7/22/2004 5:27:23 PM >>>  
 Thanks, Eric.

Would you be satisfied if Packard contributed the money to the City instead of constructing the improvements? That is what they want to do, although they did not know the amount when we discussed this. Is it fair to ask them to build another bus shelter, considering that they are already building one at the corner of Rand and Brighton?

Kandi, Packard (Paul Cincotta and Tom Gorrell) want to meet to go over this issue before Tuesday. My only availability is Monday, any time except 12 to 2. Probably Eric and Sarah and you would be the most important participants. If it is Monday, I can stand in for Sarah. Can you follow up w/ Tom Gorrell and Paul Cincotta to tell them the amount, and whether the City is OK with a contribution versus them contracting for the construction.

Alex.

>>> Eric Labelle 07/22/2004 3:41:13 PM >>>  
 Kandi,

Here is my memo for Lowe's.  
 Please give a cursory review for consistency with other recommendation.

Thanks  
 Eric

Eric J. Labelle, P.E.  
 City Engineer  
 55 Portland Street  
 Portland, ME 04101  
 (207)874-8850 Office  
 (207)874-8852 Fax

CC: Sarah Hopkins

**From:** Eric Labelle  
**To:** Kandi Talbot  
**Date:** 07/27/2004 11:35:01 AM  
**Subject:** Re: Pine Tree

Based on the last cost of taking, this figure would be closer to \$80,000. Since the retaining structure was not resolved, I would increase the overall figure to \$100,000. Hence, the language should also include "...of such right of way and necessary structures to maintain the functionality of the existing development if acquisition...."

Eric

>>> Kandi Talbot 7/27/2004 9:33:12 AM >>>

Eric,

Alex talked with Paul Cincotta regarding the right of way issue along Brighton Avenue and they came up with the following condition:

Utilize best efforts to secure, from Heritage Realty, additional Brighton Avenue right of way in fee or easement as required by the City for up to 15 ft. on the southerly side of Brighton Avenue, plus the "bulge", wsterly of the entry drive to Pine Tree Shopping Center, or, if not able to secure the right of way prior to issuance of a building permit, the developer will deposit \$50,000 in escrow to be used by the City to defray acquisition costs of such right of way if acquired by the City through an eminent domain proceeding.

Just wanted to know how you felt about this solution to the right of way issue. Thanks.

Kandi

**CC:** Alex Jaegerman ; Sarah Hopkins

sebagotech.com  
One Chabot Street  
P.O. Box 1339  
Westbrook, Maine  
04098-1339  
Ph. 207-856-0277  
Fax 856-2206

**Sebago Technics**  
Engineering Expertise You Can Build On

July 12, 2004  
04005

Ms. Kandice Talbot  
Planning and Development Dept.  
City of Portland  
389 Congress Street  
Portland, ME 04101

Lighting Plan, Pine Tree Shopping Center, Portland, Maine

Dear Kandice:

On behalf of Packard Development, we have attached a Lighting Plan in support of our Site Plan Application for the redevelopment of the Pine Tree Shopping Center. We previously submitted site plan data on April 13, May 25, and June 21, 2004.

The site lighting plan was prepared by Engineering Advantage, with photometrics prepared on a 20' by 20' grid by Hubbell Lighting. The lighting layout and photometrics plan includes the entire redevelopment area. Additionally, the lighting in the front parking lot of the existing shopping center has been analyzed since the pole locations will change as a result of the retrofitting plan. The rear service area of the existing shopping center has not been analyzed. We have also attached manufacturer cut sheets of the proposed fixtures and poles.

The site lighting design was prepared in conformance with the recommendations put forth in Lighting for Exterior Environments RP-33-99 published by the Illuminating Engineering Society of North America (IESNA). The design is based on a mounting height of 30 feet for site poles and 20 feet for building mounted fixtures. The pedestrian lighting along Brighton Avenue between the new retail buildings and the bus shelter is consistent with the City's existing lighting on Kand Road and the north side of Brighton Avenue. These fixtures have a 12' mounting height. The design wattage is 400 watts for all fixtures. All fixtures are "cut-off" type where lenses, retractors and lamp sources do not extend below the surface of the fixture housing and no direct light is directed at or above the horizontal plane. Along property lines, fixtures are placed on the "site side" only to minimize light spillover onto adjacent parcels.

We have attached nine (9) copies of our lighting design. We look forward to meeting with staff and the Planning Board at the July 27, 2004 public hearing for this project. If you have any questions or comments in the meantime, please call me.

Sincerely,

SEBAGO TECHNICS, INC.



Danielle D. Betts, P.E.

Sr. Project Manager

DDB:ddb/

Enc.

cc: Paul Cincotta, Packard Development  
Howard Mintz, Packard Development  
Lawrence Pope, Heritage SPE, LLC  
Todd Morey, Lowe's

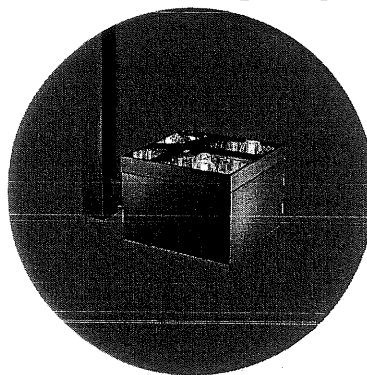


# MAGNUSQUARE® II - MSV

FLAT AND CONVEX

## Features

- Vertically lamped with high wattage capabilities makes the MSV perfect for large area lighting projects of our most demanding customers. Both convex and flat lens configurations are available.
- Square, one piece formed aluminum housing is completely sealed to keep contaminants and moisture out.
- Flat glass models feature an extruded aluminum frame with silicone gasketing and Hubbell Gard fasteners. Convex glass models use formed doors secured with Hubbell Gard® hardware.
- Both flat and convex glass models feature multi-faceted segmented panels. Flat glass unit offers Type I, III, IV, and V square distributions while the convex unit offers two levels of performance. The standard optic is available in Type I, III, IV, and V square distributions and an available "Super" optical system for the Type III, and V distributions. Rotatable in 90° increments.
- Extruded aluminum arm for pole mounting available in both 4" and 10" sizes.
- Mogul porcelain socket, pulse rated, with spring loaded, nickel plated center contact and reinforced lamp grip screw shell.
- CWA type ballast, 60 Hz HPF, starting rated at -20°F (-40°F HPS). 50 Hz available, consult factory. Lamp included.



## Ordering Information

Example: MSV - A - 1000H - FP - 5 - 2 - R4

Options A4 Four inch rigid arm (shipped in fixture carton).  
 A1 Ten inch rigid arm (shipped in fixture carton).  
 R4 Nominal 4" round pole adapter (shipped in fixture carton).  
 R5 Nominal 5" round pole adapter (shipped in fixture carton).  
 F1 Fusing - 120V  
 F2 Fusing - 208V  
 F3 Fusing - 240V  
 F4 Fusing - 277V  
 F5 Fusing - 480V  
 F6 Fusing - 347V  
 PCR1 Photo Cell Receptacle - 120V  
 PCR2 Photo Cell Receptacle - 208V  
 PCR3 Photo Cell Receptacle - 240V  
 PCR4 Photo Cell Receptacle - 277V  
 PCR5 Photo Cell Receptacle - 480V  
 PCR6 Photo Cell Receptacle - 347V  
 1 Lamp Included  
 2 High Performance Optics  
 3 Factory wired for highest voltage unless specified.  
 4 Lamp not included  
 Note For Photocontrol Equipment, see Hubbell Outdoor offering.

Series	Mount	Lamp/Watts	Optics	Volts	Color	Options
MSV	A	1000H	FP	5	2	R4

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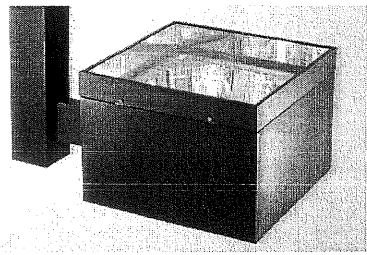
Series	Mount	Lamp/Watts	Optics	Volts	Color	Options
MSV	A	1000H	FP	5	2	R4

Series	Mount	Lamp/Watts	Optics	Volts	Color	Options
MSV	A					



**Specifications**



**Housing**  
Rugged, one piece aluminum, formed and welded, allows no access to weather.  
Extruded aluminum door with sealed tempered flat glass lens. Door is hinged and has gasketed seal to housing when secured with two Hubbell Gard® Fasteners.

**Ballast**  
Mounted to a galvanized steel end support, which ties into arm for secure support.

**Optical**  
Full cutoff performance with maximum uniformity. Segmented reflector system produces excellent pole spacing capability.

**Additional Features**  
Lektrocote® powder coat finish provides protection to aluminum construction and lasting appearance. All units supplied with lamp for installation convenience. UL and CSA NRTL/C certified for wet locations. Multiple optical capabilities and mounting accessories are available.

**Ordering Information**

MSV	A								
series	mounting	voltage	source	distribution	voltage	finish	options		

<b>SERIES</b>		MSV	Magnusquare® II Series
<b>MOUNTING</b>		A	Arm mount
<b>VOLTAGE / SOURCE</b>		5	480V
		6	347V
		8	QuadTap® (120, 208, 240, 277V)
		E	50 Hz 220/240V
<b>DISTRIBUTION</b>		FI	Type I
		FP	Type III
		FT	Forward Throw
		FW	Type V sq.
<b>LEKTROCOTE FINISH</b>		1	Bronze
		2	Black
		3	Gray
		4	White
<b>OPTIONS</b>		A1	10" arm shipped in fixture carton
		A4	4" arm shipped in fixture carton
		PCR(X) <sup>1</sup>	Twist-Lock photocontrol receptacle (specify voltage) (photocontrol ordered separately)
		F(X) <sup>1</sup>	Fusing (specify voltage)
		R4 <sup>2</sup>	4" round pole adapter shipped in fixed carton
		R5 <sup>2</sup>	5" round pole adapter shipped in fixed carton

**Comments**

1. Substitute voltage for "X" (1-120V; 2-208V; 3-240V; 4-277V; 5-480V; 6-347V)

2. Must select option A1 or A4

Accessories must be ordered separately. See Accessories.

Note: E.P.A. - 2.8 Sq. Ft. (Fixture only)

Ordering Information

ACCESSORY - Must be ordered separately

Weight	EPA	Description	Weight	ft <sup>2</sup>	m <sup>2</sup>
--------	-----	-------------	--------	-----------------	----------------

		Flush mount hardware - must order when no arm or adapter is desired on a pole.	.25	.1	-
--	--	--	-----	----	---

ARMS

MSV-4-X	4" rigid arm		2	.9	.2
MSV-10-X	10" rigid arm		5	2.3	.5
MAL-KF-X	Adjustable arm for flat surfaces. (10" Length)		5.7	2.6	.5

KNUCKLE

MAL-K-X	2 3/8" OD tenon splitter for one fixture		5	2.3	-
MAL-TK-X	2 3/8" OD tenon splitter for two fixtures 180°		7	3.2	-

TENON ADAPTERS

SSP-90-X	Square - splitter for 2 3/8" or 2 7/8" OD tenons - drilled for four fixtures (10" arm required for 90° configurations)	20	9.0	.4	.04
RSD-3120-X	2 3/8" - 2 7/8" OD splitter for max. three fixture (120°) (10" Arms Required).	20	9.0		
RSD-90-X	For 10" arms only - four fixtures max. 90° - 4" OD (must order RSD-04 for each luminaire)	20	9.0		

WALL PLATE

MAL-WP-X	Cast wall plate with fixture hardware, mounts over recessed 4" outlet boxes - tag hardware by others.	5.7	2.6	-	-
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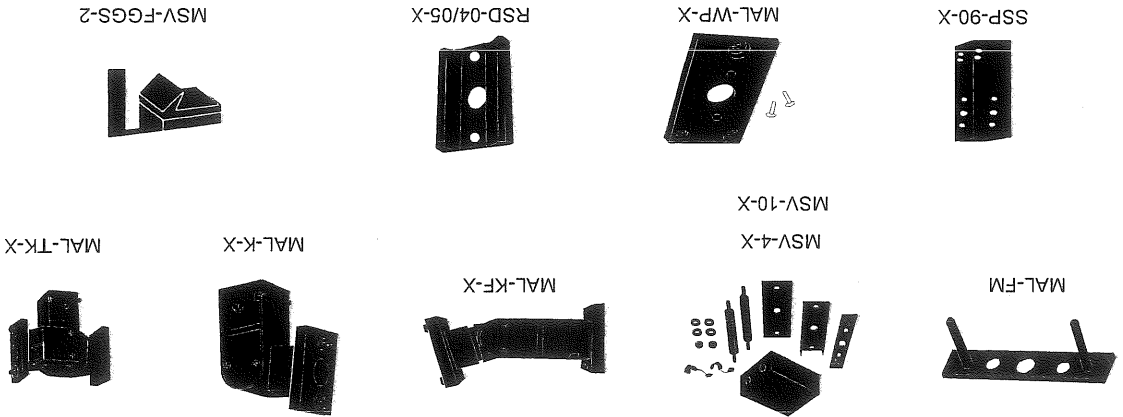
POLE ADAPTER

RSD-04-X	Nominal 4" OD pole adapter provides a flat surface for arm of fixture mounting.	1.5	.7		
RSD-05-X	Nominal 5" OD pole adapter provides a flat surface for arm of fixture mounting.	1.7	.8	1.1	.11

GLARE SHIELD

MSV-FGS-2	Extreme glare shield for flat glass units only. Mounts to housing. Restricts lighting to any one side of fixture. Black finish is standard.	1.8	.8	1.1	.11
-----------	---	-----	----	-----	-----

Note: Specify Finish - Replace X = 1 - Bronze, 2 - Black, 3 - Black, 3 - Gray and 4 - White



DATE: 2-21-2001

**CLASSIFICATION**

DISTRIBUTION: SHORT  
CONTROL: FULLCUTOFF  
TYPE: V-50  
GENERAL  
TEST DISTANCE: 36 FEET  
To approximate performance for similar lamps with different lumens, multiply lumens, lux and footcandles by this ratio:

$$\text{RATIO} = \frac{\text{SELECTED LAMP LUMENS}}{110000}$$

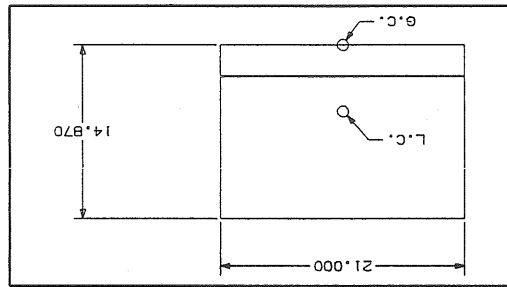
TEST NO. : HP-08635  
CAT. NO. : MSVA1000H-FW-X-X

**LUMINAIRE**

SOCKET POS.: FIXED  
REFLECTOR: ALUMINUM SPECULAR  
ENCLOSURE: CLEAR, FLAT GLASS

**LAMP**

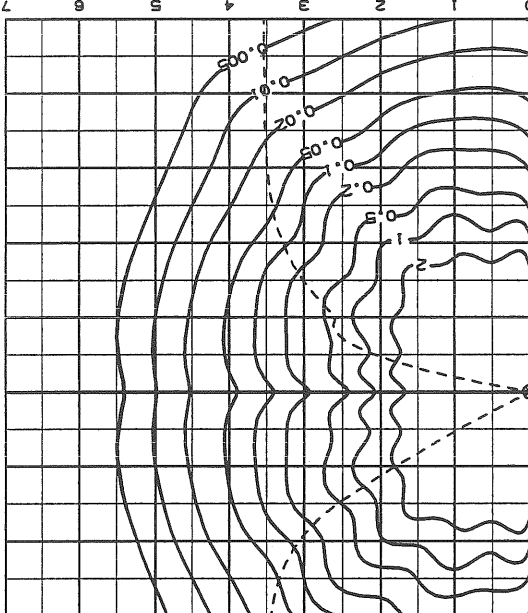
TYPE: 1000W MET. HAL.  
ANSI: M1000/U/B/T37 1.D.: 05-11  
ENVELOPE: BT 37 L.C.L.: 7.0 INCHES  
1 LAMP(S) at LUMENS/LAMP: 110000



LIGHT FLUX VALUES		LUMENS OF LAMP	
DOWNWARD	STREETSIDE	38981	35.4
DOWNWARD	HOUSESIDE	38981	35.4
UPWARD	STREETSIDE	0	0.0
UPWARD	HOUSESIDE	0	0.0
TOTAL		77963	70.9

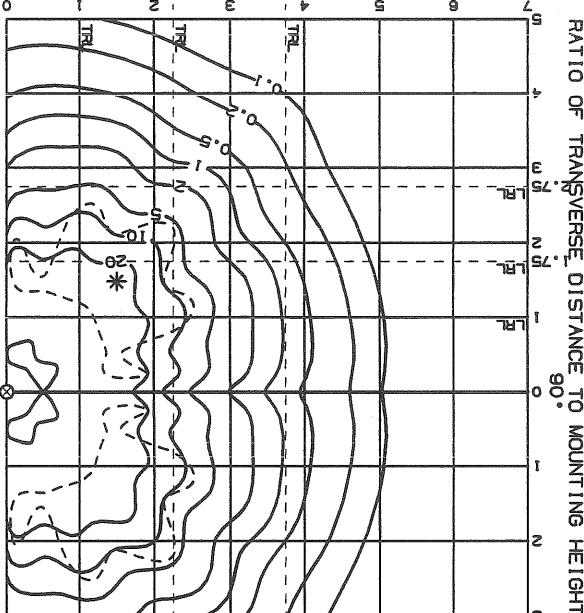
**ISOFOOTCANDLE DIAGRAM**

MOUNTING HEIGHT: 35 FEET  
-----Coefficient of Utilization Curves



**ISOLUX DIAGRAM**

MOUNTING HEIGHT: 10.67 METERS  
-----Half Maximum Candlepower Trace  
\* Maximum Candlepower  
MAXIMUM AT H=45.2° V=64.6°



MOUNTING HEIGHT CORRECTION FACTORS

Mounting Height - Feet	Mounting Height - Meters	Factor
50	15.24	3.06
45	13.72	1.96
40	12.19	1.36
35	10.67	1.00
30	9.14	0.77
25	7.62	0.60
20	6.10	0.49

TESTED TO CURRENT IES AND NEMA STANDARDS UNDER STABILIZED LABORATORY CONDITIONS. VARIOUS OPERATING FACTORS CAN CAUSE DIFFERENCES BETWEEN LAB DATA AND ACTUAL FIELD MEASUREMENTS.



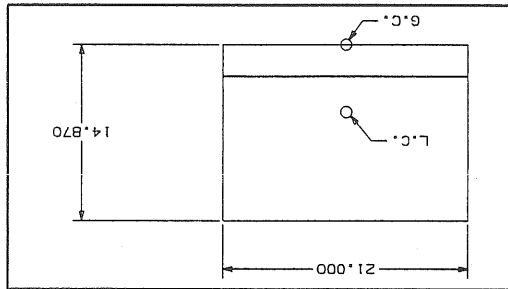
TEST NO. : HP-08637

CAT. NO. : MSVA1000H-FPX-X

LUMINAIRE

LAMP

SOCKET POS.: FIXED  
REFLECTOR: ALUMINUM  
SPECULAR  
ENCLOSURE: CLEAR, FLAT GLASS  
TYPE: 100W MET. HAL.  
ANSI: M1000/U/BT37 I.D.: 05-11  
ENVELOPE: BT 37  
L.C.L.: 7.0 INCHES  
1 LAMP(S) at LUMENS/LAMP: 110000



CLASSIFICATION

DISTRIBUTION: SHORT  
TYPE: III  
CONTROL: FULLCUTOFF  
GENERAL  
TEST DISTANCE: 36 FEET  
To approximate performance for similar lamps with different lumens, multiplying lumens, lux and footcandles by this ratio:

$$\text{RATIO} = \frac{\text{SELECTED LAMP LUMENS}}{110000}$$

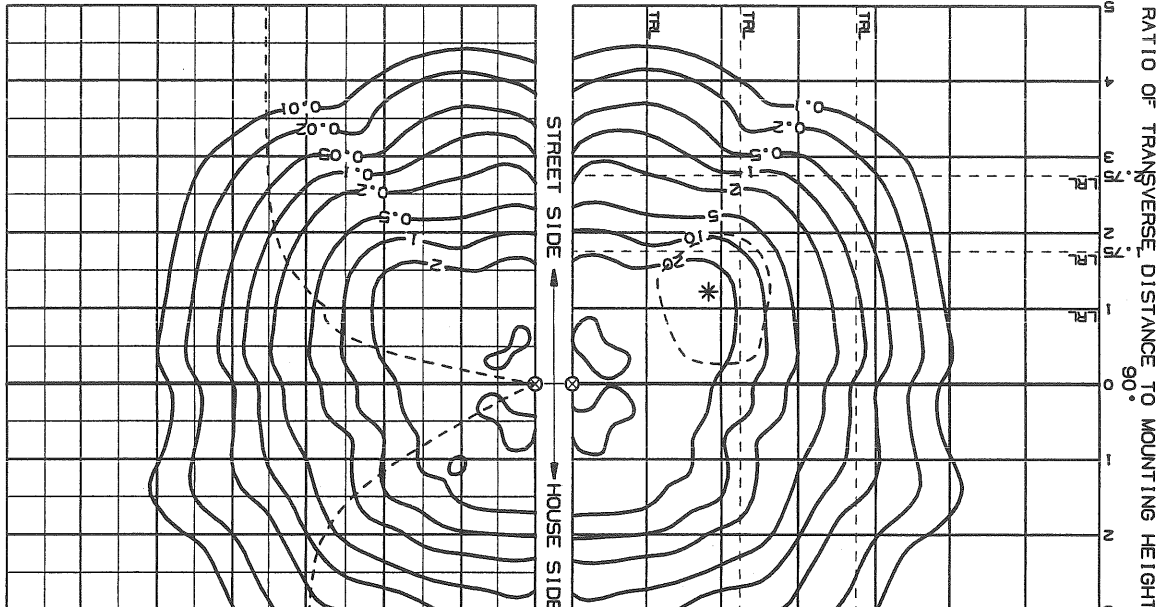
LIGHT FLUX VALUES	
PERCENT OF LAMP LUMENS	
DOWNWARD STREETSIDE	39091
DOWNWARD HOUSESIDE	3052
UPWARD STREETSIDE	0
UPWARD HOUSESIDE	0
TOTAL	72143
	65.6

ISOLUX DIAGRAM

MOUNTING HEIGHT: 10.67 METERS  
\* Half Maximum Candlepower Trace  
\* Maximum Candlepower  
MAXIMUM AT H=56.2° V=65.5°

180°  
-----Coefficient of Utilization Curves  
MOUNTING HEIGHT: 35 FEET

ISFOOTCANDLE DIAGRAM



MOUNTING HEIGHT CORRECTION FACTORS

Mounting Height - Feet	20	25	30	35	40	45	50
Mounting Height - Meters	6.10	7.62	9.14	10.67	12.19	13.72	15.24
Factor	3.06	1.96	1.36	1.00	0.77	0.60	0.49

TESTED TO CURRENT IES AND NEMA STANDARDS UNDER STABILIZED LABORATORY CONDITIONS. VARIOUS OPERATING FACTORS CAN CAUSE DIFFERENCES BETWEEN LAB DATA AND ACTUAL FIELD MEASUREMENTS.

Lighting, Inc.







## Public Works Engineering Memorandum

**Date:** July 14, 2004

**To:** Kandice Talbot, Planning

**From:** Eric J. Labelle, P.E., City Engineer

**Cc:**

**Re:** Pine Tree Shopping Center/Lowes Development

A 1993 Portland Transportation Plan raised concerns relating to arterial-based neighborhoods. As a result of that publication, a Task Force was created in 1998 and charged with examining, and helping plan the future of Portland's fast growing, and highly stressed residential and commercial areas, the Brighton Avenue corridor. The corridor refers to Brighton Avenue from Rosemont Corner(Colonial Road) to Main Street in the City of Westbrook.

Findings and recommendations of the Task Force were intended to improve the following priorities:

- Improved Public and Private Streetscape
- Support for Residential Uses on Arterials
- Support for Environmental Values and High Quality Commercial Uses
- Support for compatible Mixes of Urban Uses
- Support for Neighborhood-based Community Living

Subsequent construction projects such as the Rand Road/Brighton Avenue project and the Westbrook Arterial bypass to Rand Road between 2000 and 2003 have been constructed to alleviate traffic pressures on Brighton Avenue, Riverside, and Westbrook's Main Street. This also provided improved access to the site being proposed.

The Rand Road project which abuts the proposed development on two sides was constructed at a cost of \$1.5 million dollars. Beyond traffic improvements, significant aesthetic and pedestrian improvement were constructed around the site.

- Other scheduled improvements associated with the Maine Turnpike Authority bridge currently being reconstructed, will be trees, pedestrian lights, and sidewalks from Riverside Street to the Barron Center as well as a widened 4' shoulders to match the Rand/Brighton Avenue reconstruction.
- These recent improvements have improved safety, traffic and pedestrian in the area and has gone far to meet the goals of the 1998 Brighton Avenue Streetscape Study. In light of the fact that Lowe's is a clear beneficiary of these and there remain as small portion of Brighton Avenue which remains incomplete, I would ask for the following improvements from Applebee's restaurant to the Barron Center entrance:
1. Evaluate and widen as necessary to maintaining the current traffic pattern, yet allowing 4 feet wide shoulders along the curbs. This would complete the widening for ease of cycling traffic from Riverside Street to Rand Road.
  2. Construct a pedestrian refuge crossing Brighton Avenue at the Barron Center entrance to allow for safer crossing.
  3. Extend pedestrian on the north side of Brighton Avenue completing for connectivity between the MTA Bridge project and Rand Road.
  4. Raise the sidewalk to street level on the south side of Brighton Avenue allowing for better winter pedestrian conditions and ease of maintenance.
  5. Provide landscaping, if practical in roadway islands for aesthetic in the streetscape features.
  6. Evaluate the bus stop locations on Brighton Avenue and make necessary modifications and improvements for ease of use and traffic flow.

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