

268-A-2

2006-0183

191 Riverside St.

Plan Amend. - Maine Mall Motors

Maine Mall Motors

on Spreadsheet

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

2006-0183
Application I. D. Number
9/25/2006
Application Date

Maine Mall Motors
Applicant
255 Maine Mall Road, South Portland, ME 04106
Applicant's Mailing Address

Amendment to Plan - Maine Mall Motor
Project Name/Description

Consultant/Agent
Applicant Ph: (207) 774-1429 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

191 - 191 Riverside St, Portland, Maine
Address of Proposed Site
268 A002001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) Amendment to Plan

Proposed Building square Feet or # of Units _____ Acreage of Site _____ Zoning B4

Check Review Required:

- Site Plan (major/minor) Subdivision # of lots _____ PAD Review 14-403 Streets Review
- Flood Hazard Shoreland Historic Preservation DEP Local Certification
- Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Pla \$250.00 Subdivision _____ Engineer Review _____ Date 9/27/2006

Planning Approval Status:

- Approved Approved w/Conditions See Attached Denied

**CITY OF PORTLAND
APPROVED SITE PLAN
Subject to Dept. Conditions
Date of Approval: APPROVED SEP 29 2006**

Reviewer _____

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

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

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

MITCHELL & ASSOCIATES

LANDSCAPE ARCHITECTS

September 25, 2006

Mr. William Needleman, Senior Planner
Department of Planning & Development
City of Portland
389 Congress Street
Portland, ME 04101

**RE: Maine Mall Motors / Toyota-Lexus
191 Riverside Street**

Dear Bill:

On behalf of Maine Mall Motors / Toyota-Lexus, I am writing to request a Site Plan Amendment for the above mentioned project, located at 191 Riverside Street.

Specifically, the applicant requests the approval to replace a row of existing pine trees located along the southerly property line with a row of 12 Ornamental Pear trees and 38 Lilacs. This proposed deciduous buffer will eliminate the current problem of the evergreen trees dropping its pitch onto new cars parked in the display lot.

Please find enclosed nine (9) copies of the following as well as an application fee for \$250.00:

1. Site Plan Application
2. Copy of Deed
3. Approval Letter from the Abutting Property Owner
4. Portion of Approved Site Plan (8.5 x 11)
5. Replacement Planting Plan (8.5 x 11)
6. Performance Guarantee (forthcoming)

Should you have any questions or need further information, please do not hesitate to call.
Thank you for your consideration to this matter.

Sincerely,
Mitchell & Associates


John D. Mitchell

Enclosure

cc: Chris Ward

THE STAPLES SCHOOL
70 CENTER STREET
PORTLAND, MAINE 04101

Telephone (207) 774-4427
Fax (207) 874-2460
Website www.mitchellassociates.biz



PORTLAND MAINE

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

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

Mr. Andrew Branford
Maine Mall Motors
255 Maine Mall Road
South Portland, ME 04106

September 29, 2006

RE: Amendment to the 191 Riverside Street Site Plan: Tree removal and replacement

CBL: 268 A002001

Dear Mr. Branford:

This letter is to confirm the revision to the approved site plan for the Toyota/Lexus dealership at 191 Riverside Street. The approved amendments include removal of a row of white pines and their replacement with deciduous trees and shrubs as shown on the plan by Mitchell and Associates included in the application packet dated September 25, 2006.

The revised plan has been reviewed and approved by the Planning and Legal Departments with consultation from the City Arborist.

A performance guarantee for the full cost of the replacement plantings will be required prior to removal of any trees.

If you have any questions regarding the revision please contact Bill Needelman, Senior Planner at 874-8722.

Sincerely,

Alexander Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager

O:\PLAN\DEVREV\W\RIVER191\APPROVAL LETTER, AMEND 9-29-06.DOC



City of Portland Site Plan Application

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

Address of Proposed Development: 191 RIVERSIDE STREET		Zone: B4
Existing Building Size: 49,961 sq. ft.	Proposed Building Size: _____ sq. ft.	
Existing Acreage of Site: 336,805 sq. ft.	Proposed Acreage of Site: _____ sq. ft.	
Tax Assessor's Chart, Block & Lot: Chart# 268 Block# A Lot# 2	Property owner's mailing address: DSD REAL ESTATE, INC. 485 MAIN STREET GORHAM, NH 03581	Telephone #: 207-774-1429
Consultant/Agent, mailing address, phone # & contact person: JOHN D. MITCHELL 74-4427 MITCHELL & ASSOC. 70 CENTER STREET PORTLAND, ME 04101	Applicant's name, mailing address, telephone #/Fax#/Pager#: MAINE MALL MOTORS 255 MAINE MALL ROAD SOUTH PORTLAND, ME 04106	Project name: MAINE MALL MOTORS TOYOTA/LEXUS

TEL. 207-774-1429

Fee For Service Deposit (all applications) _____ (\$200.00)

Proposed Development (check all that apply)

New Building
 Building Addition
 Change of Use
 Residential
 Office
 Retail
 Manufacturing
 Warehouse/Distribution
 Parking lot
 Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable
 Site Location of Development (\$3,000.00)
 (except for residential projects which shall be \$200.00 per lot _____)
 Traffic Movement (\$1,000.00)
 Storm water Quality (\$250.00)
 Section 14-403 Review (\$400.00 + \$25.00 per lot)
 Other _____

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

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

Minor Site Plan Review

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

Plan Amendments

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

~ Please see next page ~

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

ANDREW BRADFORD
MAINE MALL MOTORS
255 MAINE MALL ROAD
SOUTH PORTLAND, ME 04106
TEL. 207-774-1429

Submittals shall include (9) separate folded packets of the following:

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11 x 17 plans

Amendment to Plans: Amendment applications should include 9 separate packets of the above (a, b, & c)

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: portlandmaine.gov

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

Signature of applicant:

John D. Mitchell, AGENT

Date: SEPT. 25, 2006

This application is for site review ONLY; a building Permit application and associated fees will be required prior to construction.

QUITCLAIM DEED
With Covenant

Know all Men by these Presents,

That Northeast Lodgings, Inc., a corporation duly organized under the laws of the State of Florida and having a place of business on Riverside Street, City of Portland and State of Maine in consideration of one dollar and other valuable consideration

paid by H.J. Associates, Ltd., a New Jersey limited partnership

whose mailing address is 155 Riverside Street, Portland, Maine 04103

the receipt whereof it does hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quitclaim unto the said

H. J. Associates, Ltd., its successors and assigns forever.

~~and assigns forever.~~

A certain lot or parcel of land situate in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows, to wit:

Beginning at a point on the westerly side line of Riverside Street, so-called, said point being located one hundred fifty-one and three tenths (151.3) feet distant northerly from, measured on a radial line extended through the center line of Ramp "A", so-called, at Station 55+13.00, as shown on a Property Plan entitled "Maine Turnpike Authority, Maine Turnpike, Section 2 - Portland to Augusta," dated July, 1954, on file in the office of the Maine Turnpike Authority, the parcel of land herein described being shown on Portland Supplemental Sheet No. 4 and 4-B of said Plan; thence southerly by the westerly side line of said Riverside Street, as the same does run, a distance of about twenty-nine and six hundredths (29.06) feet to a point; thence N 79° 43' W one hundred fifty-nine and fifty-five hundredths (159.55) feet to a point on the division line between land of the Maine Turnpike Authority and Grantee; thence S 89° 54' E by land of the Grantee one hundred fifty (150) feet to the point of beginning; containing approximately 2,114 square feet.

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

Beginning at a point on the easterly side line of Riverside Court, said point being the northerly terminus of the easterly side line of Riverside Street as discontinued by the Municipal Officers on November 21, 1955, City of Portland Records, Vol. 72, Page 326; thence northerly along the said easterly side line of Riverside Court, a distance of 468.38 feet to a point; thence westerly, making an angle of 90° 00' with the last described course, a distance of 49.50 feet to a point; thence southerly, making an angle of 90° 00' with the last described course, a distance of 235.51 feet to a point; thence southwesterly making a deflection angle of 59° 01' to the right, a distance of 76.40 feet to a point; thence southerly, making a deflection

angle of $45^{\circ} 00'$ to the left, a distance of 100.00 feet, more or less, to a point; thence easterly, making an angle of $90^{\circ} 00'$ with the last described course, a distance of 92.50 feet to a point; thence southerly, making a deflection angle of $75^{\circ} 59'$ to the right, a distance of 61.70 feet to a point; thence southeasterly, making a deflection angle of $75^{\circ} 59'$ to the left, a distance of 51.02 feet to the point of beginning.

This conveyance is subject to the matters set forth in Exhibit D entitled "Permitted Exceptions", attached hereto and made a part hereof.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said H. J. Associates, Ltd., its successors

holds and assigns forever.

And it does ~~do~~ ^{its successors} ~~return~~ with the said Grantee, ~~and~~ ^{its successors} ~~assigns~~, that it shall and will warrant and defend the premises to the said Grantee ~~its~~ ^{its successors} ~~and~~ ^{its successors} assigns forever, against the lawful claims and demands of all persons claiming by, through, or under ~~it~~ ^{it call}

In Witness Whereof, ~~the~~ ^{the said Northeast Lodgings, Inc.} has caused this instrument to be sealed and executed by Charles R. Cole, its President hereunto duly authorized

~~and~~

~~has caused this instrument to be sealed and executed by Charles R. Cole, its President hereunto duly authorized~~

~~in witness whereof, the said Northeast Lodgings, Inc. has caused this instrument to be sealed and executed by Charles R. Cole, its President hereunto duly authorized~~
this 20th day of the month of November A.D. 19 84, AS OF NOV. 1, 1984.

Signed, Sealed and Delivered

in presence of

[Signature]

Northeast Lodgings, Inc.

BY: *[Signature]*
Charles R. Cole, its
President

State of Maine, County of CUMBERLAND

on November 30, 1984

Then personally appeared the above named Charles R. Cole, President of said Northeast Lodgings, Inc.

and acknowledged the foregoing instrument to be the free act and deed of said corporation and his free act and deed in his said capacity.

Before me,

[Signature]

[Signature]

Notary Public
Attorney at Law

Print Name:

DAVID ALINGTON

RECEIVED

1984 DEC 13 PM 2:18

RECORDED REGISTRY OF DEEDS
CUMBERLAND COUNTY

SEAL

16
Quitclaim Deed

With Covenant

From

To

Dated 19

of State,

ss. Registry of Deeds.

Received....., 19

at H., M., and

recorded in Book Page.....

Attest:
Register.

FROM THE OFFICE OF

D. W. P. M.

Marks Printing House, Portland, Maine
ML 20-1

48313

KNOW ALL MEN BY THESE PRESENTS

THAT, NORTHEAST LODGINGS, INC., a corporation duly organized under the laws of Florida, with a place of business at 155 Riverside Street, Portland, Maine, in consideration of One (\$1.00) Dollar and other valuable considerations, paid by H. J. ASSOCIATES, LTD., a New Jersey limited partnership having a mailing address of 155 Riverside Street, Portland, Maine 04103, the receipt of which is hereby acknowledged, does hereby GIVE, GRANT, BARGAIN, SELL AND CONVEY unto the said H. J. ASSOCIATES, LTD., its successors and assigns forever,

The land with the buildings thereon as shown on Schedule "A," attached hereto and made a part hereof.

This conveyance is subject to the matters set forth in Exhibit D entitled "Permitted Exceptions," attached hereto and made a part hereof.

TO HAVE AND TO HOLD the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said H. J. ASSOCIATES, LTD., its successors and assigns, to it and their use and behoof forever.

AND it does COVENANT with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the premises; that they are free of all encumbrances, except as aforesaid; that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns shall and will WARRANT and DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons, except as aforesaid.

IN WITNESS WHEREOF, NORTHEAST LODGINGS, INC. has caused this instrument to be sealed and executed by CHARLES R. COLE, its President, hereunto duly authorized, this 30th day of November, 1984, AS OF NOV. 1, 1984

Signed, Sealed and Delivered in the presence of:

NORTHEAST LODGINGS, INC.

[Handwritten signature]

By *[Handwritten signature]*
Charles R. Cole
Its President

STATE OF MAINE

CUMBERLAND, SS.

November 30, 1984

Then personally appeared the above-named CHARLES R. COLE, President of the aforesaid corporation and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

[Handwritten signature]
Notary Public

Print name: DAVID ALIAPTON

SEAL

SCHEDULE A
to Deed from Northeast Lodgings, Inc. to H. J. Associates, Ltd.

PARCEL #1:

A certain lot or parcel of land with the buildings thereon, situated on Riverside Street, now Riverside Court, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the easterly sideline of Riverside Court at the brook called Capisic River, which marks the southerly boundary of land conveyed by Charles F. Grant to Ray Billington by deed recorded in Cumberland County Registry of Deeds, in Book 1848, Page 383; thence easterly by said brook five hundred twenty (520) feet, more or less, to the westerly line of land conveyed by Camillo DiBiase to Maine Turnpike Authority by deed dated November 19, 1954 and recorded in said Registry of Deeds, in Book 2206, Page 424; thence southwesterly by said Maine Turnpike Authority land one hundred three and four tenths (103.4) feet, more or less, to the northerly corner of land conveyed by said DiBiase to Maine Turnpike Authority by deed dated December 4, 1954 and recorded in said Registry of Deeds, in Book 2209, Page 315; thence South 38° 16' West by said Turnpike Authority land two hundred eighty-six and nine tenths (286.9) feet, to the northwesterly side of said property conveyed to Maine Turnpike Authority by deed dated November 19, 1954; thence South 54° 12' West by said Turnpike Authority land seventy-three and five tenths (73.5) feet, more or less, to a point; thence South 75° 09' West by said Turnpike Authority land one hundred fifty-five and nine tenths (155.9) feet, more or less, to the easterly side of Riverside Court; thence northerly by Riverside Court three hundred (300) feet, more or less, to the point of beginning.

Also included herein is all right, title and interest of the grantor, in and to that portion of Riverside Court adjacent to the bounds hereinbefore described.

PARCEL #2:

A certain lot or parcel of land, with any buildings thereon, situated on the southeasterly side of Riverside Street in the City of Portland, bounded and described as follows:

Beginning at a fence corner on the Southeasterly side of Riverside Street, said point being the Northwesterly corner of land now or formerly of Maine Turnpike Authority; thence South 89° 54' East by said Maine Turnpike Authority, three hundred and seventy-five (375) feet, more or less, to an iron post; thence North 00° 06' East ninety-nine (99) feet, more or less, to an iron post; thence North 45° 06' East seventy-eight and four tenths (78.4) feet to an iron in the Westerly sideline of Riverside Court; thence North 13° 55' West three hundred and twenty-six (326) feet, more or less, along said Westerly sideline of Riverside Court to an iron post; thence North 54° 52' West ninety (90) feet, more or less, to an iron post in the Southeasterly sideline of Riverside Street; thence Southwesterly by the Southeasterly sideline of Riverside Street six hundred (600) feet, more or less, to the point of beginning.

This conveyance is intended to include and Grantor herein does hereby convey all real estate and interests in real estate of the Grantor herein located Southwesterly of Riverside Street and Westerly of premises formerly of Theodore A. Tibbetts and Olive C. Tibbetts, now of T & L Associates, Inc.

Also hereby conveying all right, title and interest in and to Riverside Court, including the turnaround of Riverside Court, which Riverside Court and said turnaround adjoins the above described premises.

PARCEL #3:

A certain lot or parcel of land with buildings thereon, if any, situated in said Portland, on the easterly side of Riverside Street, and bounded and described as follows:

Beginning at the northwesterly corner of Lot #5 on an unrecorded plan made by Varney Engineering Company bearing dates 20 April 1946 and 13 May 1946, which point is located as follows: Begin at the northwesterly corner of land of one Austin Burgess at the intersection of Riverside Street and Campbell Road; thence run southwesterly along said Riverside Street one hundred forty-seven and eight tenths (147.8) feet to a street hub; thence southerly along said Riverside Street Four Hundred Two and Two Tenths (402.2) feet to the northwesterly corner of said Lot #5; thence, running easterly and at right angles with said Riverside Street along the line between Lots #4 and #5 on said plan two hundred five and six tenths (205.6) feet to the northeasterly corner of said Lot #5; thence continuing on the same course Two Hundred (200) feet to a point; thence southerly and parallel with said Riverside Street to the thread of a brook which flows on the northerly side of the dwelling house now or formerly of Charles F. Grant; thence westerly along the course of said brook to said Riverside Street; thence northerly along said Riverside Street Thirty (30) feet, more or less, to the southwest corner of said Lot #5; thence northerly along said Riverside Street One Hundred (100) feet to the northwesterly corner of said Lot #5 and the point of beginning.

Also another certain lot or parcel of land situated on the easterly side of said Riverside Street and bounded and described as follows:

Beginning at an iron pipe on said Riverside Street at the Northwesterly corner of said above described lot; thence Easterly along said above described lot two hundred five and six tenths (205.6) feet, more or less, to land devised by Charles F. Grant to Ralph O. Winship; thence Northerly along said Winship line one hundred and one tenth (100.1) feet, more or less, to a right of way leading from Riverside Street to said Winship land; thence Westerly along said right of way two hundred eleven and one tenth (211.1) feet, more or less, to Riverside Street; thence southerly along said Riverside Street one hundred (100) feet, more or less, to the point of beginning.

Also conveyed herein is another certain lot or parcel of land situated in the city of Portland, County of Cumberland and State of Maine, being located on the Easterly side of Riverside Street, bounded and described as follows:

Beginning at a marker set in the ground at the land of Clifford E. and Eleanor S. Jackson and being two hundred five and six tenths (205.6) feet from the street line of Riverside Street; thence in an Easterly direction in a straight line along the land of these Grantees a distance of two hundred (200) feet to a marker at the land of Ralph O. Winship; thence in a Northerly direction in a straight line along the Winship land a distance of one hundred (100) feet to a marker at land of Winship; thence in a Westerly direction in a straight line along the Winship land a distance of two hundred (200) feet to a marker at land of said Jacksons, the Grantees; thence in a southerly direction in a straight line along the Jackson land a distance of one hundred (100) feet to the point of beginning, being a part of the premises willed to Ralph O. Winship by Charles F. Grant, late of Portland.

SCHEDULE A
to Deed from Northeast Lodgings, Inc. to H. J. Associates, Ltd.

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Also included herein is all right, title and interest of the grantor, in and to that portion of Riverside Court adjacent to the bounds hereinbefore described.

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Beginning at a fence corner on the Southeasterly side of Riverside Street, said point being the Northwesterly corner of land now or formerly of Maine Turnpike Authority; thence South 89° 54' East by said Maine Turnpike Authority, three hundred and seventy-five (375) feet, more or less, to an iron post; thence North 00° 06' East ninety-nine (99) feet, more or less, to an iron post; thence North 45° 06' East seventy-eight and four tenths (78.4) feet to an iron in the Westerly sideline of Riverside Court; thence North 13° 55' West three hundred and twenty-six (326) feet, more or less, along said Westerly sideline of Riverside Court to an iron post; thence North 54° 52' West ninety (90) feet, more or less, to an iron post in the Southeasterly sideline of Riverside Street; thence Southwesterly by the Southeasterly sideline of Riverside Street six hundred (600) feet, more or less, to the point of beginning.

This conveyance is intended to include and Grantor herein does hereby convey all real estate and interests in real estate of the Grantor herein located Southeasterly of Riverside Street and Westerly of premises formerly of Theodore A. Tibbetts and Olive C. Tibbetts, now of T & L Associates, Inc.

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PARCEL #3:

A certain lot or parcel of land with buildings thereon, if any, situated in said Portland, on the easterly side of Riverside Street, and bounded and described as follows:

Beginning at the northwesterly corner of Lot #5 on an unrecorded plan made by Varney Engineering Company bearing dates 20 April 1946 and 13 May 1946, which point is located as follows: Begin at the northwesterly corner of land of one Austin Burgess at the intersection of Riverside Street and Campbell Road; thence run southwestwardly along said Riverside Street one hundred forty-seven and eight tenths (147.8) feet to a street hub; thence southerly along said Riverside Street Four Hundred Two and Two Tenths (402.2) feet to the northwesterly corner of said Lot #5; thence, running easterly and at right angles with said Riverside Street along the line between Lots #4 and #5 on said plan two hundred five and six tenths (205.6) feet to the northeasterly corner of said Lot #5; thence continuing on the same course Two Hundred (200) feet to a point; thence southerly and parallel with said Riverside Street to the thread of a brook which flows on the northerly side of the dwelling house now or formerly of Charles F. Grant; thence westerly along the course of said brook to said Riverside Street; thence northerly along said Riverside Street Thirty (30) feet, more or less, to the southwestwardly corner of said Lot #5; thence northerly along said Riverside Street One Hundred (100) feet to the northwesterly corner of said Lot #5 and the point of beginning.

Also another certain lot or parcel of land situated on the easterly side of said Riverside Street and bounded and described as follows:

Beginning at an iron pipe on said Riverside Street at the Northwesterly corner of said above described lot; thence Easterly along said above described lot two hundred five and six tenths (205.6) feet, more or less, to land devised by Charles F. Grant to Ralph O. Winship; thence Northerly along said Winship line one hundred and one tenth (100.1) feet, more or less, to a right of way leading from Riverside Street to said Winship land; thence Westerly along said right of way two hundred eleven and one tenth (211.1) feet, more or less, to Riverside Street; thence southerly along said Riverside Street one hundred (100) feet, more or less, to the point of beginning.

Also conveyed herein is another certain lot or parcel of land situated in the city of Portland, County of Cumberland and State of Maine, being located on the Easterly side of Riverside Street, bounded and described as follows:

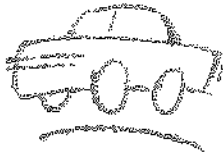
Beginning at a marker set in the ground at the land of Clifford E. and Eleanor S. Jackson and being two hundred five and six tenths (205.6) feet from the street line of Riverside Street; thence in an Easterly direction in a straight line along the land of these Grantees a distance of two hundred (200) feet to a marker at the land of Ralph O. Winship; thence in a Northerly direction in a straight line along the Winship land a distance of one hundred (100) feet to a marker at land of Winship; thence in a Westerly direction in a straight line along the Winship land a distance of two hundred (200) feet to a marker at land of said Jacksons, the Grantees; thence in a southerly direction in a straight line along the Jackson land a distance of one hundred (100) feet to the point of beginning, being a part of the premises willed to Ralph O. Winship by Charles F. Grant, late of Portland.

EXHIBIT D

to Deed from Northeast Lodgings, Inc. to M. J. Associates, Ltd.

1. Mortgage and Security Agreement from T & L Associates, Inc. to Capitol Bank and Trust Company dated February 16, 1978 and recorded in Cumberland County Registry of Deeds (all references hereinafter to Book and Page being to recordings in said Registry of Deeds) in Book 4176, Page 193, as the same is affected by a Subordination and Modification Agreement between Maine Savings Bank, Capitol Bank and Trust Company and T & L Associates, Inc. dated February 16, 1978 and recorded in Book 4176, Page 183; and UCC Financing Statement recorded therewith in Book 4176, Page 207 and also in the Secretary of State's Office, Augusta, Maine, and Collateral Assignment of Leases dated February 16, 1978 recorded in Book 4176, Page 208, and Assumption and Modification Agreement dated March 13, 1980 and recorded in Book 4576, Page 100.
2. Mortgage and Security Agreement from Northeast Lodgings, Inc. to T & L Associates, Inc. dated March 13, 1980 and recorded in said Registry of Deeds at 10:34 a.m. on March 17, 1980 in Book 4576, Page 234.
3. Fifty (50) foot wide sewer right-of-way conveyed to City of Portland by two deeds, one dated August 9, 1963, recorded in Book 2785, Page 425 and the other dated October 18, 1963, recorded in Book 2785, Page 423.
4. Title to so much of the easterly portion of Riverside Court (now discontinued), formerly Riverside Street, as may have been reserved by Charles Jones in deed to Daniel Fowler dated May 6, 1857, recorded in Book 285, Page 320. Provided, however, that the title insurance policy issued to the Purchaser will insure against the assertion of paramount title in the heirs, successors, personal representatives or assigns of said Charles Jones.
5. Release of a portion of fifty (50) foot Sewer Easement by City of Portland to T & L Associates, Inc. dated July 12, 1974, recorded in Book 3600, Page 247 and new easement from T & L Associates, Inc. to City of Portland dated July 12, 1974, recorded in Book 3600, Page 255 and shown on Plan dated April 26, 1974 as revised on July 15, 1974, recorded in Plan Book 102, Page 7.
6. Easement from Theodore A. Tibbetts and Olive C. Tibbetts to City of Portland dated October 18, 1963, recorded in Book 2785, Page 425.
7. Thirty (30) foot Easement reserved by the City of Portland when Riverside Court was discontinued on December 5, 1973.
8. Water pipe easement conveyed to the Portland Water District by T & L Associates, Inc., recorded in Book 3520, Page 245.

9. Easement conveyed to Central Maine Power Company and New England Telephone and Telegraph Company dated November 30, 1973 and recorded in Book 3506, Page 334.
10. Rights assigned by Clifford E. Jackson and Eleanor S. Jackson to the city of Portland in easement recorded in Book 2785, Page 423 and a certain agreement between Clifford E. Jackson and Eleanor S. Jackson and City of Portland dated April 26, 1966 recorded in Book 2954, Page 876.
11. Easement from Guy C. Knowles to City of Portland dated December 4, 1973, recorded in Book 2798, Page 450.
12. Lease from Lawrence V. Losurdo and Valentino Tocci to Howard Johnson Company dated January 22, 1970, recorded in Book 3127, Page 787. Said lease was assigned by Losurdo and Tocci to T & L Associates, Inc. by Assignment and assumption dated October 19, 1970, recorded in Book 3148, Page 75.
13. License Agreement between Howard Johnson's Motor Lodges, Inc. and Lawrence V. Losurdo and Valentino Tocci dated January 22, 1970, recorded in Book 3127, Page 790. Said License Agreement was modified by a supplemental agreement between Howard Johnson Company, successor in interest to Howard Johnson's Motor Lodges, Inc., Lawrence V. Losurdo, Valentino Tocci and T & L Associates, Inc. dated January 22, 1970, recorded in Book 3148, Page 65.
14. Easement conveyed to Central Maine Power Company and New England Telephone and Telegraph Company dated April 20, 1970, recorded in Book 3126, Page 761.
15. Easement conveyed to New England Telephone and Telegraph Company dated August 10, 1970, recorded in Book 3138, Page 428.
16. Easement conveyed to Central Maine Power Company and New England Telephone and Telegraph Company dated November 30, 1973 and recorded in Book 3506, Page 334.
17. Sewer easement referred to in Mortgage from T & L Associates, Inc. to South Portland Bank & Trust Company dated May 12, 1974, recorded in Book 3546, Page 169. Provided that said Mortgage to South Portland Bank & Trust Company has been discharged and is no longer outstanding of record.
18. The following matters shown on a survey plan entitled "Plan of Land Portland, Maine" prepared by T & L Associates, Inc. by Owen Haskell, Inc., C.E. dated April 26, 1974 revised on July 15, 1974, Scale 1" = 40' and accompanying surveyor's report form discloses the following:
 - (a) 50 foot sewer easement running through Parcel 3 as shown on said Plan.



TOYOTA OF PORTLAND

An Employee Owned Company

August 4th, 2006

Mr. Paul Reisman
Reisman Property Interest, Inc.
340 West Passaic Street
Rochelle Park, NJ 07662

VIA Certified Mail / Return Receipt Requested

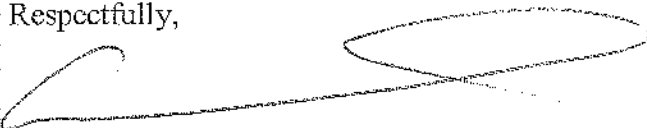
Dear Mr. Reisman,

In January of this year, we sent you a letter requesting your permission to trim the branches on your pine trees that border our property, in hopes that the pitch problem we had been experiencing would be resolved. You were kind enough to allow us to do so. Unfortunately, the removal of those branches overhanging our property did not rectify the problem. At this point we feel that the best resolution would be:

- 1) Completely remove the 12 pine trees.
- 2) Grind away the stumps and exposed roots.
- 3) Repair any damaged lawn area caused by the removal.
- 4) Clear away the undergrowth surrounding the trees.
- 5) Plant new trees to replace the "buffer" that was previously provided by the pine trees and undergrowth.

I have enclosed a copy of the plan for the planting of the new trees. You will notice that the approximate 180 linear feet of area will be re-planted with 50 new trees of 4 different varieties. We feel confident that the plan will meet with the City of Portland Planning Committee's approval. We hope that this proposal meets with your approval as well. The plan would have us cutting the pine trees this year and planting the new trees next spring. The reason the planting would take place next spring is that the pear trees cannot be uprooted at any time other than the spring, according to the nursery. The cost of this project will be the responsibility of Berlin City of Portland, Inc. In order to proceed, we will need your approval, as the City of Portland requires it as a condition to their final approval. Therefore, we ask that you indicate your approval of the proposed plan by signing in the space provided on page two of this letter.

Respectfully,


Christopher G. Ward
Director of Fixed Operations

(1)

A Better Experience!

Toyota • Scion • Lexus
of Portland
91 Riverside St
Portland, ME 04103
366) 698-3477
207) 321-3477

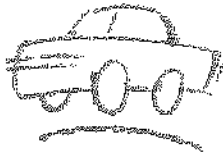
Faine Mall Motors
55 Maine Mall Road
South Portland, ME 04106
(800) 414-1429
(207) 774-1429
fax: 207-774-0361

Berlin City's Chevrolet
Buick Inc.
45 Main Street
Portsmouth, NH 03581
(300) 795-2438
(603) 752-3700
fax: 603-752-4912

Berlin City Ford, Inc.
85 Main Street
Portsmouth, NH 03581
(300) 998-6968
(603) 752-6644
fax: 603-752-6374

Berlin City's Car Center
86 Marshall Ave.
Williston, VT 05495
(300) 648-5779
(802) 864-3905
fax: 802-862-2634

web: www.BerlinCity.com



TOYOTA OF PORTLAND

An Employee Owned Company

So long as the City of Portland Planning Committee approves the Mitchell and Associates "Replacement Planting Plan" designed to replace the 12 pine trees located on the northern border of my property, adjacent to the Toyota/Lexus of Portland property, I also approve of the plan.

Paul Reisman Mark A. Heisler

Reisman Property Interest, Inc.

For H.S. Associates, P/B/A:

General Manager

Howard Johnson Plaza Hotel

155 Riverside St.

Portland, ME 04103

(603) 774-5861

cc: Mark Heisler

Toyota • Scion • Lexus
Portland
91 Riverside St.
Portland, ME 04103
866) 698-3477
207) 321-3477

Maine Mall Motors
55 Maine Mall Road
South Portland, ME 04106
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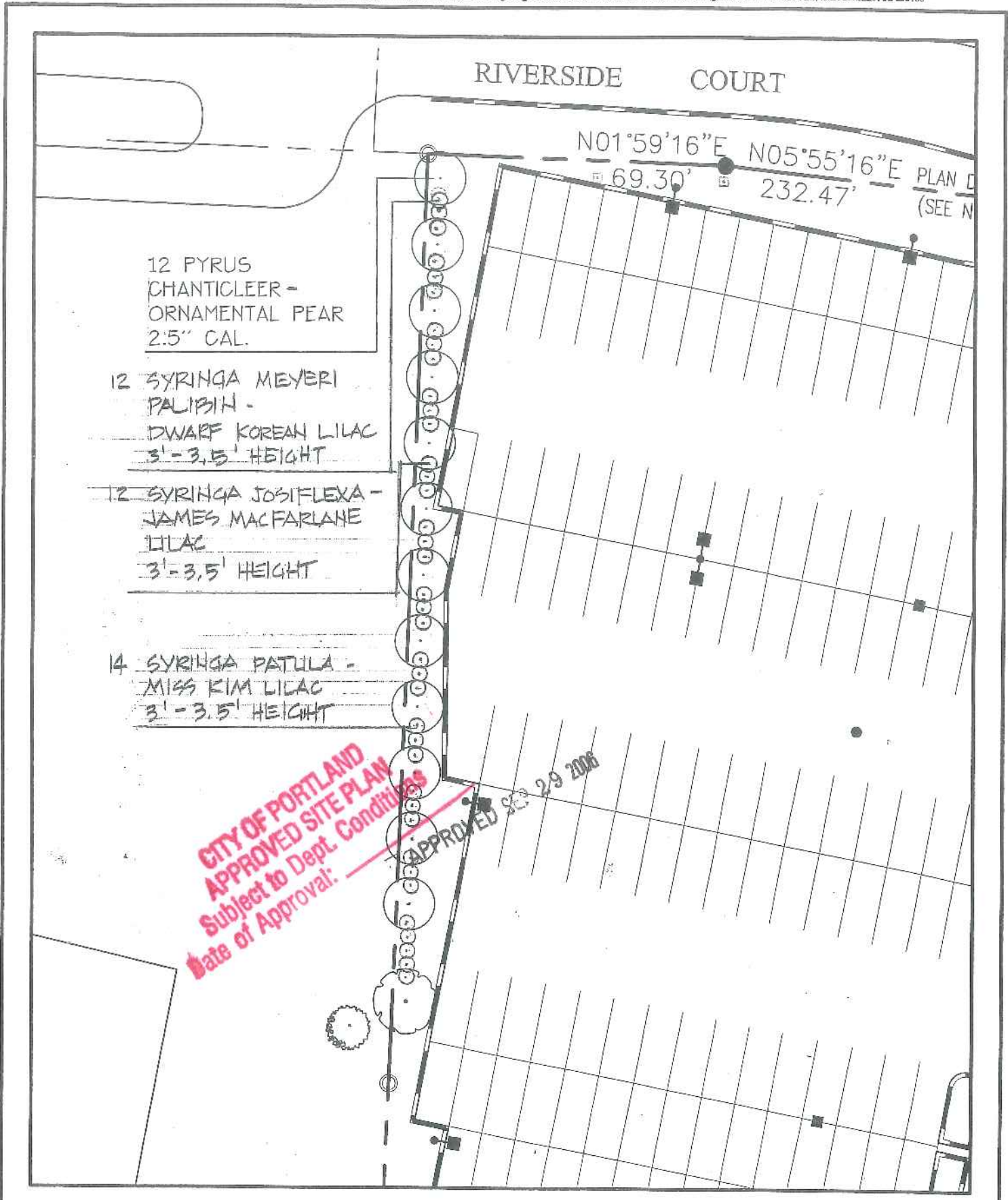
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(2)

A Better Experience!



Mitchell & Associates
Landscape Architects
70 Center Street
Portland, Maine 04101
(207) 774-4427

Title: REPLACEMENT PLANTING PLAN

Date: 08/30/2005 Scale: 1" = 30'-0"

Project: MAINE MALL MOTORS

1

MITCHELL & ASSOCIATES

LANDSCAPE ARCHITECTS

August 21, 2006

Mr. William Needleman, Senior Planner
Department of Planning & Development
City of Portland
389 Congress Street
Portland, ME 04101

**RE: Maine Mall Motors / Toyota-Lexus
191 Riverside Street**

Dear Bill:

On behalf of Maine Mall Motors / Toyota-Lexus, I am writing to request a Site Plan Exemption for the above mentioned project, located at 191 Riverside Street.

Specifically, the applicant requests the approval to replace a row of existing pine trees located along the southerly property line with a row of 12 Ornamental Pear trees and 38 Lilacs. This proposed deciduous buffer will eliminate the current problem of the evergreen trees dropping its pitch onto new cars parked in the display lot.

Please find enclosed a portion of the Maine Mall Motors Site Plan, as approved and Replacement Planting Plan showing the proposed plantings. A letter from Mr. Reisman, the abutting property owner, stating his approval of the replacement plantings will be forthcoming.

Should you have any questions or need further information, please do not hesitate to call. Thank you for your consideration to this matter.

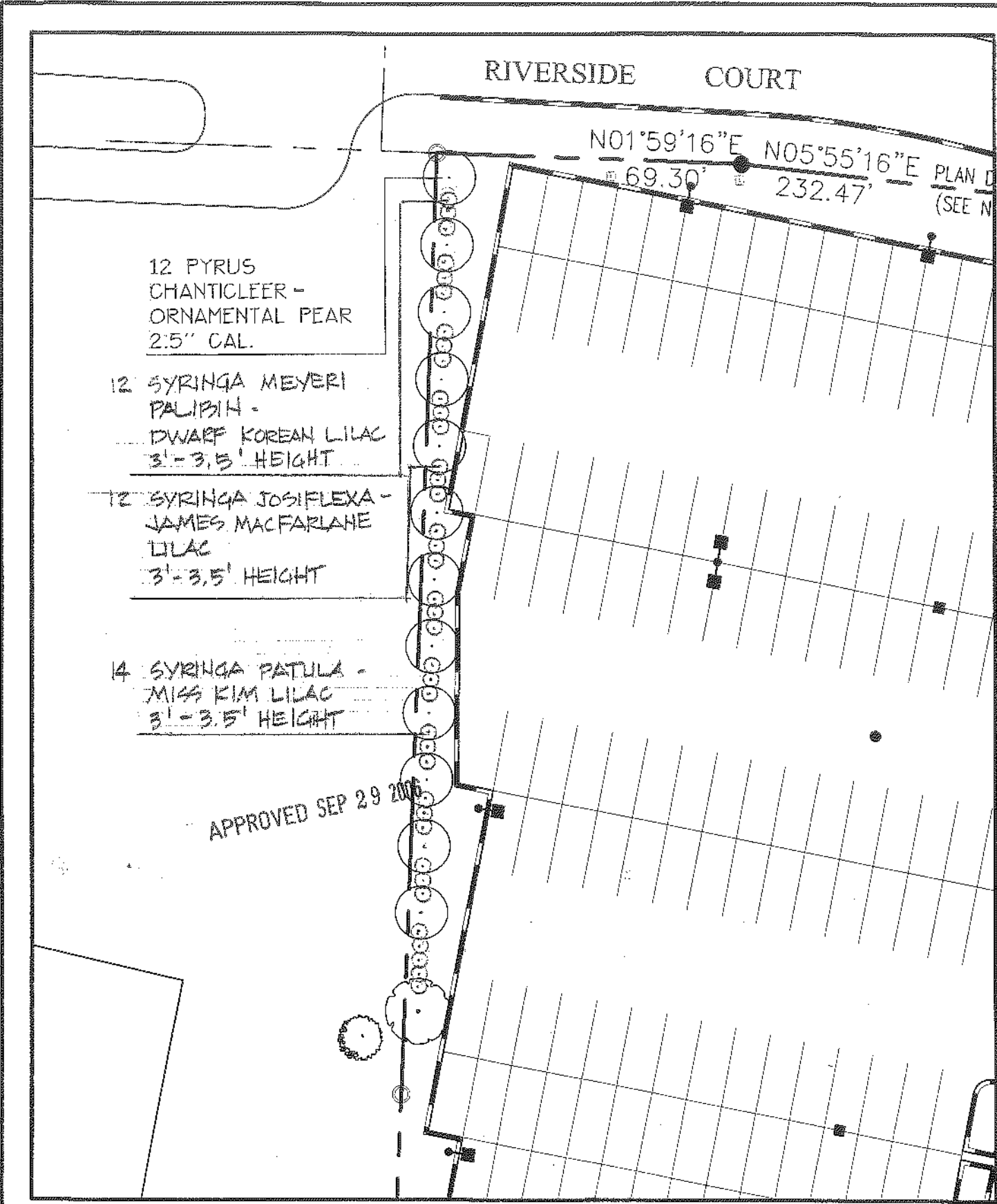
Sincerely,
Mitchell & Associates



John D. Mitchell

Enclosure

cc: Chris Ward



12 PYRUS
CHANTICLEER -
ORNAMENTAL PEAR
2.5" CAL.

12 SYRINGA MEYERI
PALIBIN -
DWARF KOREAN LILAC
3' - 3.5' HEIGHT

12 SYRINGA JOSIFLEXA -
JAMES MACFARLANE
LILAC
3' - 3.5' HEIGHT

4 SYRINGA PATULA -
MISS KIM LILAC
3' - 3.5' HEIGHT

APPROVED SEP 29 2005

Mitchell & Associates
Landscape Architects
70 Center Street
Portland, Maine 04101
(207) 774-4427

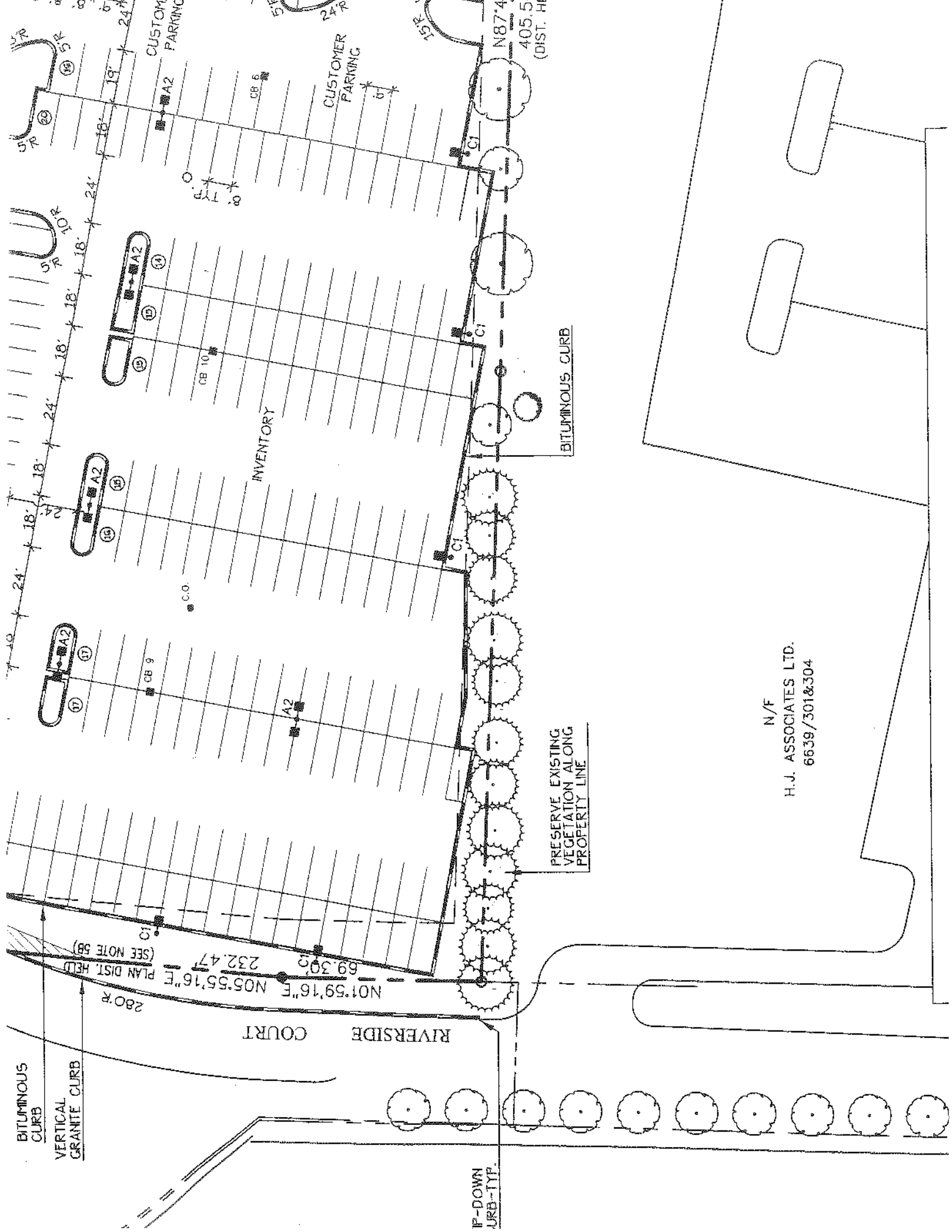
Title: REPLACEMENT PLANTING PLAN

Date: 08/30/2005

Scale: 1" = 30'-0"

Project: MAINE MALL MOTORS

1



N/F
 H.J. ASSOCIATES LTD.
 6639/301&304



TOYOTA OF PORTLAND

An Employee Owned Company

August 4th, 2006

Mr. Paul Reisman
Reisman Property Interest, Inc.
340 West Passaic Street
Rochelle Park, NJ 07662

VIA Certified Mail / Return Receipt Requested

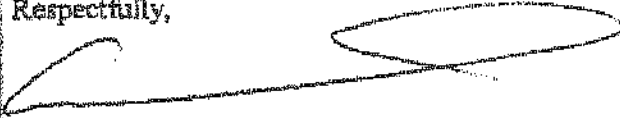
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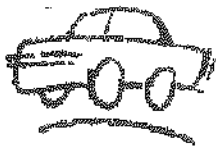
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Respectfully,


Christopher G. Ward
Director of Fixed Operations

(1)

A Better Experience!



TOYOTA OF PORTLAND

An Employee Owned Company

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Paul Reisman Mark A. Heisler
Reisman Property Interest, Inc.

For H.J. Associates, d/b/a:

General Manager
Howard Johnson Plaza Hotel
135 Riverside St.
Portland, ME 04103
(207) 774-5861

cc: Mark Heisler

(2)

A Better Experience!

Buick • Chevrolet • Chrysler • Dodge • Ford • Honda • Isuzu • Jeep • Kia • Lexus • Lincoln • Mark III Vans
Mazda • Mercury • Nissan • Subaru • Toyota • Volvo

MITCHELL & ASSOCIATES
LANDSCAPE ARCHITECTS

August 21, 2006

Mr. William Needleman, Senior Planner
Department of Planning & Development
City of Portland
389 Congress Street
Portland, ME 04101

**RE: Maine Mall Motors / Toyota-Lexus
191 Riverside Street**

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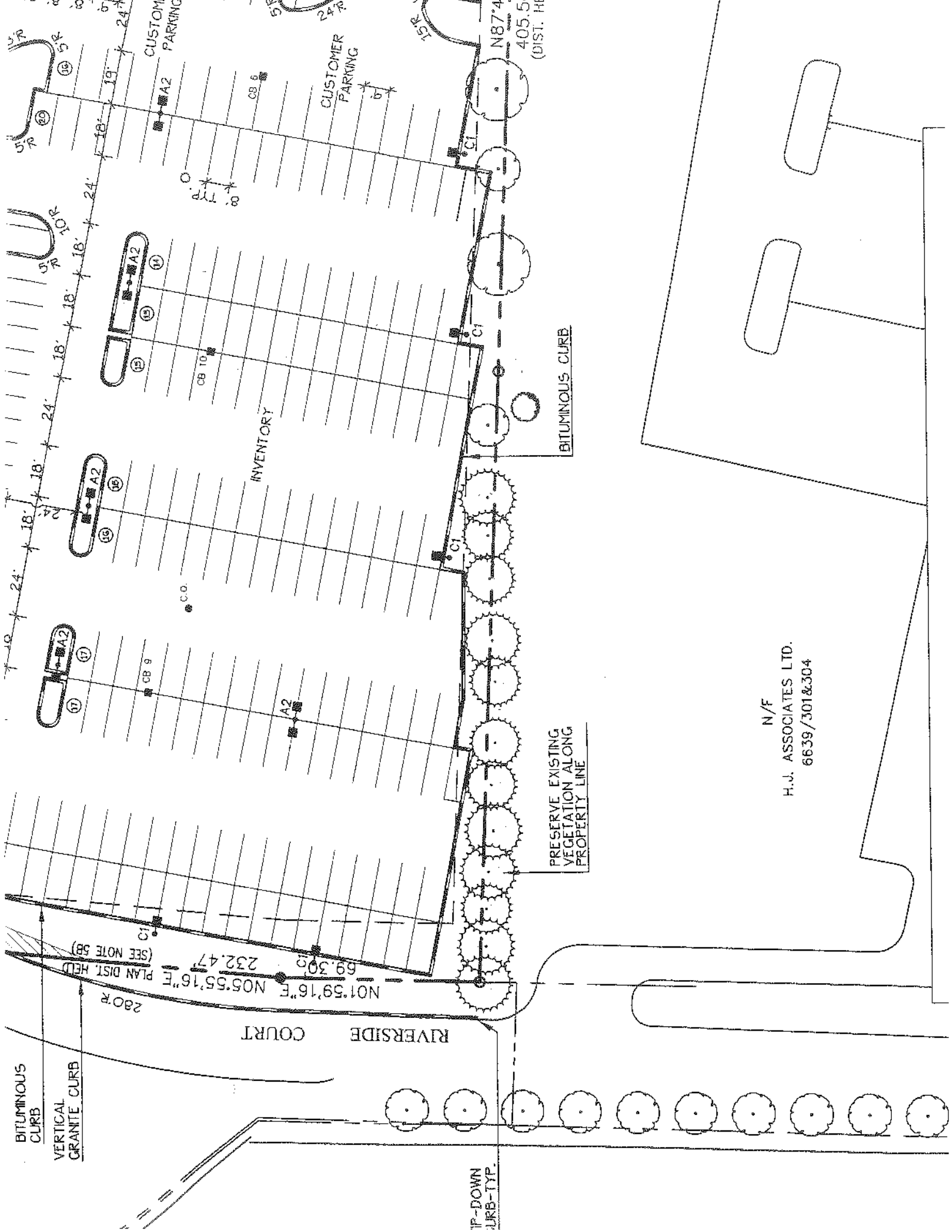
Should you have any questions or need further information, please do not hesitate to call. Thank you for your consideration to this matter.

Sincerely,
Mitchell & Associates


John D. Mitchell

Enclosure

cc: Chris Ward



BITUMINOUS CURB
VERTICAL GRANITE CURB

280'R
N01°59'16"E N05°55'16"E PLAN DIST. HELD
69.305 232.47 (SEE NOTE 5B)

RIVERSIDE COURT

CUSTOMER PARKING
CUSTOMER PARKING

INVENTORY

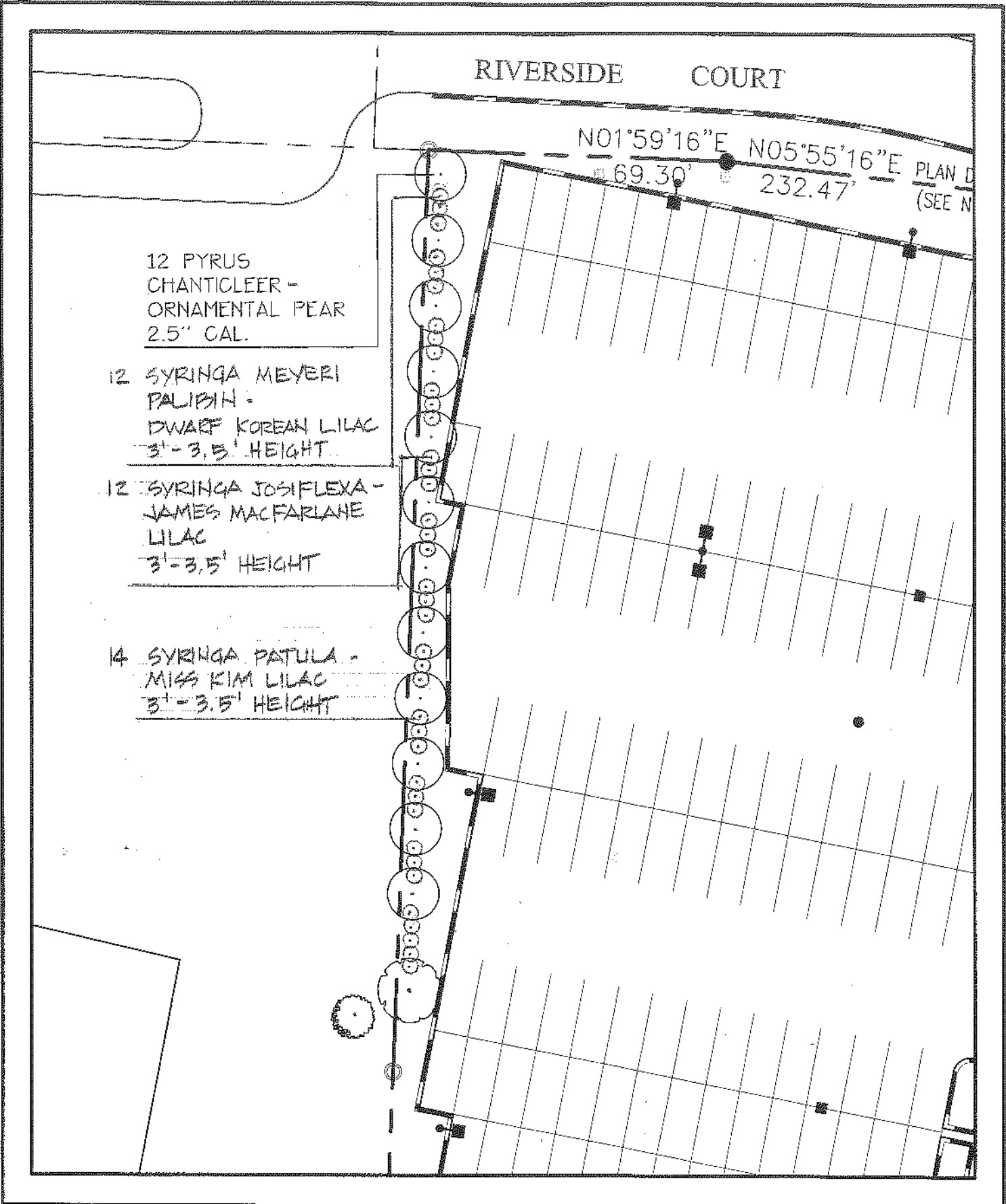
PRESERVE EXISTING VEGETATION ALONG PROPERTY LINE

BITUMINOUS CURB

UP-DOWN CURB-TYP.

N/F
H.J. ASSOCIATES LTD.
6639/301&304

N87°4.
405.50
(DIST. HE



12 PYRUS
CHANTICLEER -
ORNAMENTAL PEAR
2.5" CAL.

12 SYRINGA MEYERI
PALIBIN -
DWARF KOREAN LILAC
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3' - 3.5' HEIGHT

14 SYRINGA PATULA -
MISS KIM LILAC
3' - 3.5' HEIGHT

Mitchell & Associates
Landscape Architects
70 Center Street
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Title: REPLACEMENT PLANTING PLAN
Date: 08/30/2005 Scale: 1" = 30'-0"
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