

2-11-A-2

Warren Avenue

Jokers Site Plan Revisions

Jokers II, Inc.

add to Spreadsheet

PLANNING REPORT #34-97

**JOKERS FAMILY ENTERTAINMENT CENTER
510 WARREN AVENUE**

SITE PLAN REVISIONS

JOKERS II INC., APPLICANT

Submitted to:

**Portland Planning Board
Portland, Maine**

September 23, 1997

I. INTRODUCTION

Jokers II, Inc. requests approval for certain revisions to their site located in the vicinity of 510 Warren Avenue. The revision includes a miniature golf area and changes in landscaping. 145 notices were sent to area residents.

On November 12, 1996, the Board approved a site plan for a proposed family entertainment center by the Jokers. One of the conditions of approval required that the final location of structures and improvements for the golf area be subject to Planning Board review and approval. See Attachment A. An area was noted on the original plan as a future golf area but no improvements were shown.

Miniature Golf Area

The golf area improvements will be located between the existing Jokers parking lot and Warren Avenue. The golf facility encompasses an area of about 26,800 sq. ft. A layout of the golf holes and typical improvements are shown on Attachment B. A prominent feature of the course are two ponds and interconnecting streams. Some of the larger structures include a lighthouse (15 feet high, 6 feet wide at the bottom) and a boat (30 feet long, 14 feet wide, with a 15 foot high mast.) The facility will be enclosed in by a black vinyl chainlink fence. The course will be handicap accessible.

Comments from Jim Wendel regarding drainage issues will be available for Tuesday's meeting.

The plan indicates that a light fixture and pole (same type as in the parking lot) will be installed in the golf course although the location is not shown on the plan. Additional lighting within the ponds and waterways as well as the ship and lighthouse will be provided.

The original landscaping plan indicated 8 street trees along Warren Avenue. The applicant proposes to plant 4 trees instead with the remaining trees planted within the golf course. These trees will be supplemented by other plantings planned for the golf course.

Landscaping

The applicant is proposing to reduce the amount of landscaping within the landscaped islands of the existing parking lot. The original plan showed 2 trees at the ends of each parking aisle. The applicant proposes that two of the parking aisles (or 4 islands) will have one tree in each island instead of two. See Attachment D. In addition 3 trees will be eliminated from an extended island in the middle of the parking lot. Landscaping at this location helps to break up the large expanse of black top and to control cut through traffic. Several trees along the right hand side of the driveway will also be eliminated.

The Board should be aware that earlier in the summer, the Jokers requested a reduction in the amount of landscaping on the site. Planning staff response to this request (letter dated 7-28-97) is shown on Attachment E and below:

With respect to the landscaping changes, the substitution of understory materials within the islands is acceptable. We are very reluctant to approve the remaining revisions on the plan since the Planning Board will be reviewing the site plan at a later date. Nonetheless, we would feel comfortable reducing the number of street trees along Warren Avenue (westerly side of the driveway) from eight (8) to six (6) trees.

II. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and material submitted by the applicant and on the basis of information contained in Planning Report #34-97 relevant to the standards of Site Plan Review, the Board finds:

- I. That the proposed revisions are in conformance with the Site Plan Ordinance of the Land Use Code.

Potential Condition of Approval:

- i. That the location and specifications of exterior lighting for the mini golf course be submitted for planning staff review and approval.

Attachments:

- A. Planning Board Approval Letter
- B. Site Plan/Golf Course Features
- C. Background Information
- D. Landscape Revisions
- E. Planning Staff Letter Dated 7-28-97

CITY OF PORTLAND, MAINE
PLANNING BOARD

Cyrus Hagge, Chair
John H. Carroll, Vice Chair
Joseph R. DeCoursey
Kenneth M. Cole III
Jaimey Caron
Kevin McQuinn
Deborah Krichels

November 14, 1996

Mr. William Latvis
Sisquisic Trail
Yarmouth, ME 04096

Mr. David Gardner
Everett J. Prescott, Inc.
P.O. Box Central Street
Gardner, ME 04345

RE: Jokers and E.J. Prescott Site Plan, Vicinity of 510 Warren Avenue

Dear Mr. Latvis and Mr. Gardner:

On November 12, 1996, the Portland Planning Board voted 6-0 (Cole absent) to approve the site plan for a proposed family entertainment center by Jokers II, Inc. and proposed site alterations for a warehouse/distribution center by Everett J. Prescott, Inc. The approval was granted for the project with the following condition(s):

- i. That the site plan be subject to review and approval by the Traffic Review Engineer as noted in a letter dated 11-12-96 from Tom Errico.
- ii. That the site plan be subject to review and approval by the Development Review Coordinator as noted in a letter dated 11-12-96 from Stephen Bushey.
- iii. That the site plan be revised reflecting the comments of the City Arborist to increase the width of the landscape buffer for the Prescott parcel by providing a 6 foot buffer along the Prescott - Jokers property line and a 12 foot buffer along Warren Avenue.
- iv. That no tree clearance shall take place within the turnpike adjacent to this site unless approved by the Maine Turnpike Authority and City Arborist.
- v. That the improvements related to miniature golf area, go-cart area and outside play area including the final location of structures and improvements shall be approved by the Planning Board.
- vi. That the lighting plan be revised for review and approval by planning staff.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #61-96, which is attached.

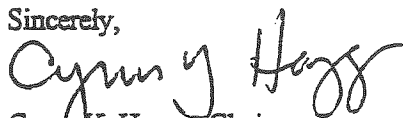
Please note the following provisions and requirements for all site plan approvals:

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. 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.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. 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 the Planning Staff.

Sincerely,



Cyrus Y. Hagge, Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Richard Knowland, Senior Planner
P. Samuel Hoffses, Chief of Building Inspections
Marge Schmuckal, Zoning Administrator



Cyrus Y. Hagge - Chair
Portland Planning Board

Richard Knowland
Senior Planner

RE: JOKER'S SITE PLAN - APPROVED 11/12/96

Dear Mr. Hagge and Mr. Knowland:

On November 12, 1996 the Planning Board approved our site plan for a Family Entertainment Center which included outside activities such as Miniature Golf and Go-Carts. One of the conditions listed was to come back before you with our final improvements for the Miniature Golf area.

Included in this packet is all the information that Rick Knowland requested. We are very excited about this phase of our site plan because we feel this landscaping mecca will be a tremendous asset to Warren Avenue. Currently the vast parking lot, and large building is ominous. This will complete the front of this site and beautify this section of the city.

As you are aware the concept has already been approved so I support your interest in our final design. I'm pleased to say that, at substantial additional cost to us, we have decided to make the entire 18 hole course handicap accessible.

Also we have included the same light package, currently approved and recommended by the Planning Board, to be consistent with the site plan.

The original drainage plan already compensated adequately in this area. However, we have actually enhanced this original approved plan whereby 80% of the run off will be re-circulated within the streams of the golf course.

I have also included a variety of pictures to help you see some of the design of the individual golf holes.

Finally we have greatly enhanced the original landscaping requirements for this area to include several more trees and shrubs. We ask that we be allowed some latitude as to their position based on final layout and field adjustments.

We respectfully request approval tonight for critical reasons. We have learned recently (that's why we are here tonight on an accelerated pace) that the holes for miniature golf should be set in the Fall - so settling occurs during the Winter. Then in the Spring they lay the final greens. Our original plans were to come before you over the Winter and begin construction in the Spring.

Your help will be greatly appreciated.

Jim Grattelo - President, Joker's Inc.


2460 Lafayette Road
Walmart Shopping Center
Route 1
Portsmouth, NH
603-431-7770



LAND USE CONSULTANTS INC

September 9, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS

3019

C-2

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.

Dear Rick:

On behalf of our client Jokers Two, Inc. we are submitting herewith detailed plans and documentation for the Miniature Golf Course which was conceptually approved as part of the Original Site Plan by the Board, last year. The Plans show the layout for the holes and include two small ponds with interconnecting streams, a pirate ship and lighthouse. The landscape plantings are rearranged from the original layout depicted on the Planting Plan dated October 15, 1996. However, the same number and species are included. Additional plantings may be provided to enhance the layout as deemed appropriate by the owners during construction.

Lighting will be from existing pole mounted fixtures with one additional light pole to be centrally located within the course. Additional lighting within the ponds and waterways as well as the ship and lighthouse will supplement the pole mounted lighting. The entire course will be enclosed by a black vinyl coated chain link fence.

A letter is attached herewith that describes the drainage impacts of the course and concludes that no additional runoff control measures are required.

Seven copies of the proposed Miniature Golf Course Layout and Landscaping Plan are attached for your review. I trust this documentation is sufficient for your review and will enable you to schedule us for the Planning Board meeting on September 23, 1997. Please call myself or Bill Latvis with any questions. Thank you for your assistance.

Sincerely,

David A. Kamila, P. E.
Vice President

DAK/pp

Enclosure

cc: Bill Latvis, Jokers Two, Inc.
Jim Gratello, Jokers Two, Inc.



LAND USE CONSULTANTS INC

September 9, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

C-3

Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Bill Latvis
Joker's Two, Inc.
510 Warren Avenue
Portland, ME 04103

Drainage Calculations for Miniature Golf Course, Jokers Two, Portland, Maine

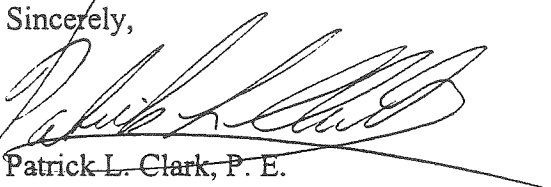
Dear Bill:

As per your request to review the drainage impacts for the proposed miniature golf course for Jokers Two, Land Use Consultants, Inc. has performed preliminary calculations to verify the assumptions made to complete the stormwater management analysis required for your original site permit. As stated in the Stormwater Management Report dated 11/5/96, the runoff curve number for the mini-golf area was based on the assumption that the play area will be a composite of materials which is equivalent to 30 percent impervious and 70 percent materials similar to lawn. Our calculations confirm that this original assumption is valid and reasonable.

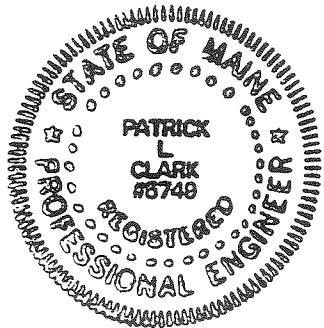
Based on the Golf-Course Layout Plan you provided, the total area of impervious surfaces including the ponds and watercourses for the mini-golf is 8,595-sq. ft. (0.197 acres). The golf play area used in the original calculations was 0.64 acres. This amounts to 30.8% impervious, which is consistent with the assumptions used in the original drainage calculations.

We feel that this comparison is somewhat conservative since the water surface is assumed to exhibit the same behavior as pavement or impervious surfaces. Although similar in the sense that 100% of rainfall impacted on the water surface will run off, there are additional benefits of runoff attenuation through the ponds as well as water quality benefits of settlement and filtering of particles and fines. As a result we feel that the proposed mini-golf area will not produce any additional drainage impacts with regard to the original Stormwater Management Report and will not require any additional measures to control runoff from this area.

Sincerely,


Patrick L. Clark, P. E.

PLC/pp





LAND USE CONSULTANTS INC

September 18, 1997

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.

Dear Rick:

I am following up on Jim Grattelo's 9/16/97 letter responding to your review comments. We have prepared a Revised Landscaping Plan of the mini-golf area which identifies plant materials by species and number. Locations are subject to change to suit the final course layout. Additional plantings may be added for ornamental purposes. (7 copies are attached.)

I have also enclosed a letter from Pat Clark, P. E. which addresses the issue of the surface runoff from the mini-golf area, a sketch showing general drainage patterns is included. (7 copies are enclosed.)

Additional color copies of the rendered plan of the course layout, a perspective sketch of landscaping as well as photos of similar courses are included (7 copies). Along with a copy of a letter from Dale Pierson regarding proposed changes to the overall site landscaping .

I trust this additional documentation addresses your concerns and will allow this project to go to the Board on schedule.

Please call me with any questions or comments.

Sincerely,

David A. Kamila, P. E.
Vice President

DAK/pp

Enclosure

cc: Bill Latvis, Jokers Two, Inc.
Jim Grattelo, Jokers Two, Inc.

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Thomas N. Emery, RLA
John D. Roberts, PLS
3019

C-4



LAND USE CONSULTANTS INC

September 18, 1997

C-5
J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.

Dear Rick:

Pursuant to your letter dated September 12, 1997 to Bill Latvis, of Jokers, regarding staff review comments concerning drainage of the mini-golf, I have included a Conceptual Drainage Sketch illustrating our understanding of how the area will drain.

As shown on the Sketch Plan, the area will generally be at or near existing grade in the vicinity of the lower pond reservoir with the west end of the mini-golf including the upper pond to be built-up in fill approximately 5 feet above existing grade. The site will step down from west to east toward the lower pond. The relative elevations of the individual play areas, walkways and greens have not been provided to Land Use Consultants, Inc. at this time. It is likely that the site will be constructed or sculpted by the mini-golf contractor based on site layout and experience with other similar projects based on a free-lance design to achieve the desired effects.

However, we have been assured by the owners that the site will basically drain internally similar to the Conceptual Grading Sketch, such that the runoff is self contained within the site and re-circulated from the pond reservoir to the upper pond.

Based on our understanding of the proposed drainage concept the addition of the mini-golf area should not increase runoff from the developed site and will not discharge excess runoff to the existing slope along Warren Avenue.

Please refer to the Conceptual Drainage Sketch enclosed for additional information. Please call if you need more information.

Sincerely,

Patrick L. Clark, P. E.

PLC/pp

Enclosure: Conceptual Drainage Sketch

cc: Bill Latvis, Jokers Two, Inc.
Jim Grattelo, Jokers Two, Inc.



Richard Knowland
City of Portland
Planning & Urban Development
389 Congress Street
Portland, ME 04101

Dear Richard:

The following is a response to your comments regarding proposed revisions to the Joker's site plan.

Drainage: Dave Kamila from Land Use Consultants will be sending you a separate letter to address your concerns.

Exterior Lighting: The lighting fixtures will be the same type approved for our site. (Identical) The pole locations will be determined based on a light engineers final recommendations. The height will be the same as existing poles 22 ft. They will not face the street and all lights will have guards to direct light away from adjacent roadways if necessary. The only other lighting proposed is under water lights for color – not visible to roadways, etc.

Landscaping: Dave Kamila will address this issue in his memo to you. Also attached is an example of some of the landscaping we will include over and above the required amount.

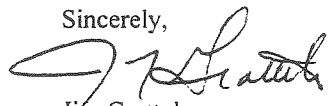
Garage: This is not part of the miniature golf – it's for the future go cart track.

Detention basin: Done!

Structures: The lighthouse will be 6 ft. in dimensions at the bottom and 15 ft. high. The boat will be 30ft. long, 14 ft. wide and you'll see about 4 ft. of it above ground. The mast will be 15 ft. high. A small storage shed for clubs, balls, etc. will be built under our canopy 6 X 8, 9 ft high.

Finally I have included a color picture of the course, the landscaping and examples of the holes. I have 7 additional sets to be passed out on the 23rd unless you would like them sooner.

If you have any questions, please call me.

Sincerely,

Jim Grattelo
President – Joker's, Inc.


2460 Lafayette Road
Walmart Shopping Center
Route 1
Portsmouth, NH
603-431-7770

C-8



24 Buzzell Road
Biddeford, Maine 04005-9327
Tel. 207-499-2994
Fax 207-499-2912

BILL LATVIS,
JOKERS TWO
510 WARREN AVENUE
PORTLAND, MAINE 04103

DEAR BILL,

AS REQUESTED I CONTACTED JEFF TARLING THE PORTLAND ARBORIST REGARDING THE RECOMMENDATIONS THAT I MADE TO YOU IN MY PROPOSAL #009822 DATED 8/15.

THEY ARE AS FOLLOWS:

ACER CAMPESTRE 2" SUBED FOR 1.75"

ACER GINNALA 1.75" SUBED FOR TILLIA CORDATA 2".

SYRINGA RETICULAT 2.5" SUBED FOR 2.5".

2 ACER RURUM 2" SUBED FOR 2.5".

2 ULMUS AMERICAN PRINCETON SUBED FOR ACER RUBRUM 2.5".

ALL OF THE PREVIOUS RECOMMENDATIONS WERE MADE IN ORDER TO MATCH THE SEPTEMBER TIME TABLE, AND CURRENT AVAILABILITY.

ELIMINATE 3 TILIA CORDATA IN LONG ISLAND DUE TO THE PLANTING BED BEING NARROWER THAN THE TREE BALL.

ELIMINATE 4 TREES IN PARKING LOT ISLAND ENDS FOR PROPER SPACING DUE TO LIGHT POLE PLACEMENT.

SLIGHTLY REARRANGED THE LAYOUT OF INDIVIDUAL SPECIES OF TREES WITH IN THE PARKIG LOT TO MAKE THE MOST OF QUANTITIES AVAILABLE.

ADD 20 POTENTILLA TO THE PARKING ISLAND TO SUPLIMENT THE COLOR OF THE PLANTING.

ALL OF THE MENTIONED RECOMMENDATIONS WERE DISCUSSED WITH JEFF HE AGREED WITH THE CHANGES AND THOUGHT THEY WERE ACCEPTABLE IN ORDER TO COMPLETE THIS PHASE OF THE LANDSCAPING IN SEPTEMBER.

SINCERELY

DALE PIERSON

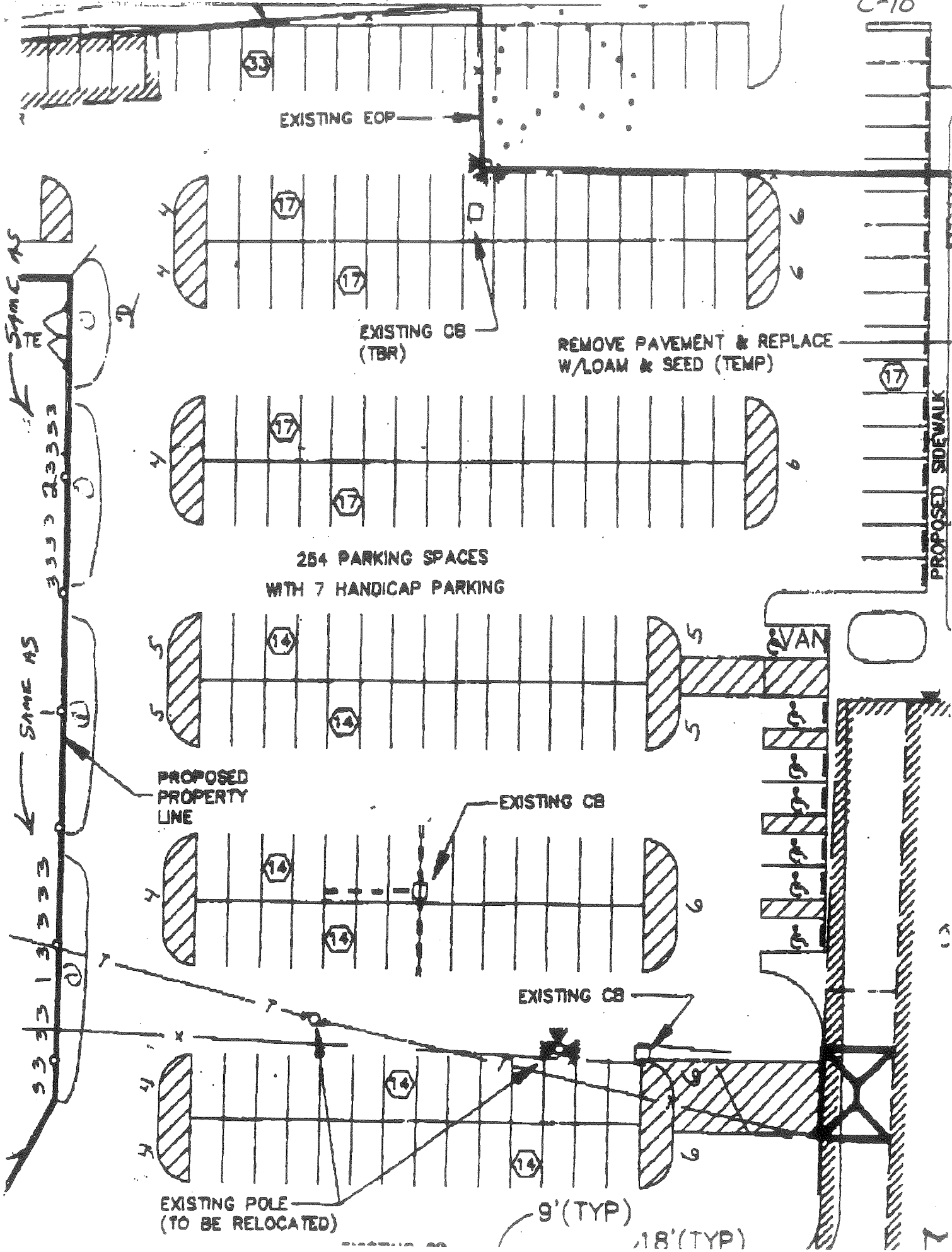
C-9

BILL

HERE IS THE KEY FOR THE MARK UP OF THE PLANTING PLAN

- 1 ACER RUBRUM 2-2.5"
RED MAPLE
- 2 ULMUS AMERICANA PRINCETON 2-2.5"
PRINCETON AMERICAN ELM
- 3 TAXUS DENSIFORMIS 18-24"
SPREADING YEW
- 4 ACER CAMPESTRIS 1.75-2"
HEDGE MAPLE
- 5 ACER GINNALA 1.75-2"
AMUR MAPLE
- 6 SYRINGA RETICULATA 2-2.5"
JAPANESE TREE LILAC
- 7 POTENTILLA CORONATION TRIUMPH 24-30"
CORONATION TRIUMPH POTENTILLA
- 8 ROSA RUGOSA 18-24"
BEACH ROSE

THE LOCATIONS OF THE ISLANDS WHERE EACH TREE TYPE IS PLANTED IS MARKED (OFF SET) ON THE PLAN. WHEN THERE IS ANY VARIATION A NEW SKETCH OR MARKED SAME AS AND DREW AN ARROW TO ORIGINAL REFERENCE. SEE SKETCH PAGE.



254 PARKING SPACES WITH 7 HANDICAP PARKING

PROPOSED PROPERTY LINE

EXISTING CB

EXISTING CB

EXISTING POLE (TO BE RELOCATED)

9'(TYP)

18'(TYP)

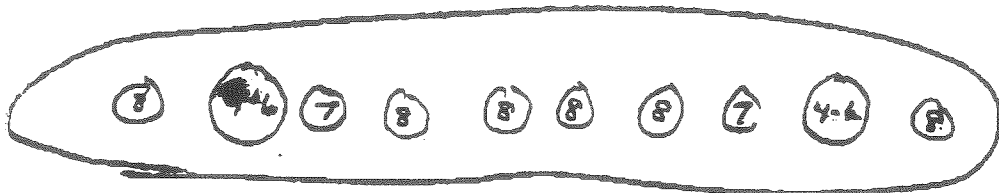
VAN

PROPOSED SIDEWALK

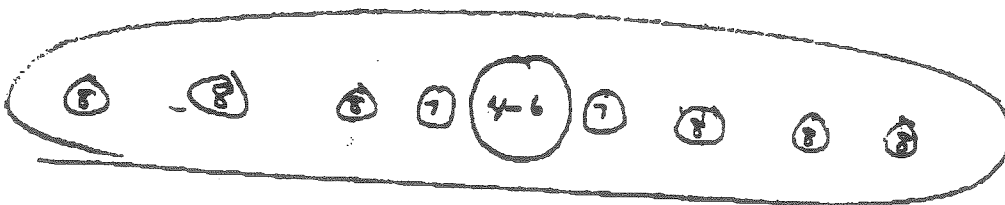
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333 23353

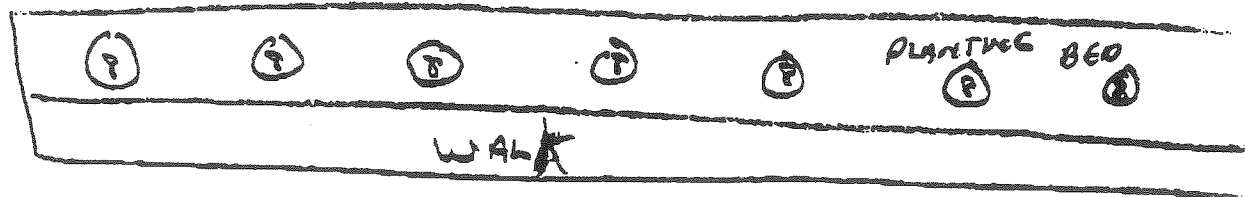


TYPE 1 ISLAND



TYPE 2 ISLAND

CENTER ISLAND



PARKING

CITY OF PORTLAND

July 28, 1997

Tom Milligan
14 Dear Run Drive
Biddeford ME 04005

Dear Tom:

This letter is intended to address several issues we have discussed over the last several weeks.

The landscaping may be delayed during July and August because it is a poor time to plant landscaping. However, all of the landscaping shall be planted by September 16, 1997.

The performance guarantee is in the process of being reduced. It will be reduced down from \$84,180 to \$35,690. We are retaining the amount in remaining site improvements plus 10 percent of the original performance guarantee amount.

With respect to the landscaping changes. The substitution of understory materials within the islands is acceptable. We are very reluctant to approve the remaining revisions on the plan, since the Planning Board will be reviewing the site plan again at a later date.

None the less, we would feel comfortable reducing the number of street trees along Warren Avenue (westerly side of the driveway) from eight (8) trees to six (6) trees.

Should you have any questions concerning this letter, please call me.

Sincerely,



Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Samuel P. Hoffses, Chief of Building Inspections
✓ Richard Knowland, Senior Planner
Jim Wendell, Acting Development Review Coordinator
Jeff Tarling, City Arborist
William Latuis, Sisquisic Trail, Yarmouth ME 04091

O:\PLAN\CORRESP\RICK\LETTERS\MILLGAN.JMD

CITY OF PORTLAND

July 28, 1997

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14 Dear Run Drive
Biddeford ME 04005

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CITY OF PORTLAND

July 28, 1997

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14 Dear Run Drive
Biddeford ME 04005

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Senior Planner

- cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
- Samuel P. Hoffses, Chief of Building Inspections
- ✓ Richard Knowland, Senior Planner
- Jim Wendell, Acting Development Review Coordinator
- Jeff Tarling, City Arborist
- William Latuis, Sisquisic Trail, Yarmouth ME 04091

O:\PLAN\CORRESP\RICK\LETTERS\MILLIGAN.JMD

CITY OF PORTLAND, MAINE

PLANNING BOARD

Cyrus Hagge, Chair
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November 14, 1996

Mr. William Latvis
Sisquisic Trail
Yarmouth, ME 04096

Mr. David Gardner
Everett J. Prescott, Inc.
P.O. Box Central Street
Gardner, ME 04345

RE: Jokers and E.J. Prescott Site Plan, Vicinity of 510 Warren Avenue

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- iv. That no tree clearance shall take place within the turnpike adjacent to this site unless approved by the Maine Turnpike Authority and City Arborist.
- v. That the improvements related to miniature golf area, go-cart area and outside play area including the final location of structures and improvements shall be approved by the Planning Board.
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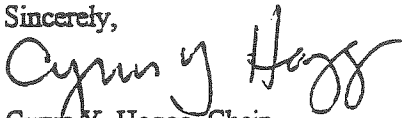
Please note the following provisions and requirements for all site plan approvals:

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. 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.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. 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 the Planning Staff.

Sincerely,



Cyrus Y. Hagge, Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Richard Knowland, Senior Planner
P. Samuel Hoffses, Chief of Building Inspections
Marge Schmuckal, Zoning Administrator



Cyrus Y. Hagge - Chair
Portland Planning Board

Richard Knowland
Senior Planner

RE: JOKER'S SITE PLAN - APPROVED 11/12/96

Dear Mr. Hagge and Mr. Knowland:

On November 12, 1996 the Planning Board approved our site plan for a Family Entertainment Center which included outside activities such as Miniature Golf and Go-Carts. One of the conditions listed was to come back before you with our final improvements for the Miniature Golf area.

Included in this packet is all the information that Rick Knowland requested. We are very excited about this phase of our site plan because we feel this landscaping mecca will be a tremendous asset to Warren Avenue. Currently the vast parking lot, and large building is ominous. This will complete the front of this site and beautify this section of the city.

As you are aware the concept has already been approved so I support your interest in our final design. I'm pleased to say that, at substantial additional cost to us, we have decided to make the entire 18 hole course handicap accessible.

Also we have included the same light package, currently approved and recommended by the Planning Board, to be consistent with the site plan.

The original drainage plan already compensated adequately in this area. However, we have actually enhanced this original approved plan whereby 80% of the run off will be re-circulated within the streams of the golf course.

I have also included a variety of pictures to help you see some of the design of the individual golf holes.

Finally we have greatly enhanced the original landscaping requirements for this area to include several more trees and shrubs. We ask that we be allowed some latitude as to their position based on final layout and field adjustments.

We respectfully request approval tonight for critical reasons. We have learned recently (that's why we are here tonight on an accelerated pace) that the holes for miniature golf should be set in the Fall - so settling occurs during the Winter. Then in the Spring they lay the final greens. Our original plans were to come before you over the Winter and begin construction in the Spring.

Your help will be greatly appreciated.

Jim Grattelo - President, Joker's Inc.


2460 Lafayette Road
Walmart Shopping Center
Route 1
Portsmouth, NH
603-431-7770



LAND USE CONSULTANTS INC

September 9, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.

Dear Rick:

On behalf of our client Jokers Two, Inc. we are submitting herewith detailed plans and documentation for the Miniature Golf Course which was conceptually approved as part of the Original Site Plan by the Board, last year. The Plans show the layout for the holes and include two small ponds with interconnecting streams, a pirate ship and lighthouse. The landscape plantings are rearranged from the original layout depicted on the Planting Plan dated October 15, 1996. However, the same number and species are included. Additional plantings may be provided to enhance the layout as deemed appropriate by the owners during construction.

Lighting will be from existing pole mounted fixtures with one additional light pole to be centrally located within the course. Additional lighting within the ponds and waterways as well as the ship and lighthouse will supplement the pole mounted lighting. The entire course will be enclosed by a black vinyl coated chain link fence.

A letter is attached herewith that describes the drainage impacts of the course and concludes that no additional runoff control measures are required.

Seven copies of the proposed Miniature Golf Course Layout and Landscaping Plan are attached for your review. I trust this documentation is sufficient for your review and will enable you to schedule us for the Planning Board meeting on September 23, 1997. Please call myself or Bill Latvis with any questions. Thank you for your assistance.

Sincerely,

David A. Kamila, P. E.
Vice President

DAK/pp

Enclosure

cc: Bill Latvis, Jokers Two, Inc.
Jim Gratello, Jokers Two, Inc.



LAND USE CONSULTANTS INC

September 9, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS

3019

Bill Latvis
Joker's Two, Inc.
510 Warren Avenue
Portland, ME 04103

Drainage Calculations for Miniature Golf Course, Jokers Two, Portland, Maine

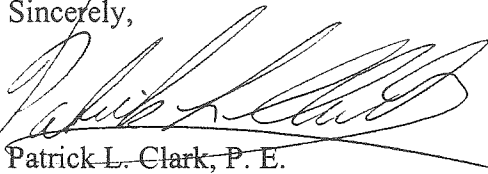
Dear Bill:

As per your request to review the drainage impacts for the proposed miniature golf course for Jokers Two, Land Use Consultants, Inc. has performed preliminary calculations to verify the assumptions made to complete the stormwater management analysis required for your original site permit. As stated in the Stormwater Management Report dated 11/5/96, the runoff curve number for the mini-golf area was based on the assumption that the play area will be a composite of materials which is equivalent to 30 percent impervious and 70 percent materials similar to lawn. Our calculations confirm that this original assumption is valid and reasonable.

Based on the Golf-Course Layout Plan you provided, the total area of impervious surfaces including the ponds and watercourses for the mini-golf is 8,595-sq. ft. (0.197 acres). The golf play area used in the original calculations was 0.64 acres. This amounts to 30.8% impervious, which is consistent with the assumptions used in the original drainage calculations.

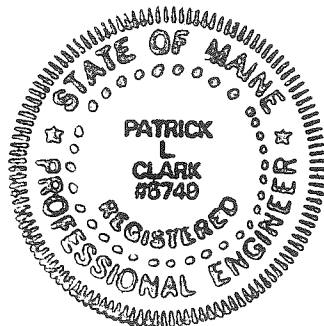
We feel that this comparison is somewhat conservative since the water surface is assumed to exhibit the same behavior as pavement or impervious surfaces. Although similar in the sense that 100% of rainfall impacted on the water surface will run off, there are additional benefits of runoff attenuation through the ponds as well as water quality benefits of settlement and filtering of particles and fines. As a result we feel that the proposed mini-golf area will not produce any additional drainage impacts with regard to the original Stormwater Management Report and will not require any additional measures to control runoff from this area.

Sincerely,



Patrick L. Clark, P. E.

PLC/pp



LAND USE CONSULTANTS INC

November 5, 1996

3019

PREFACE TO STORMWATER MANAGEMENT REPORT

(Revised 11/5/96)

As a result of minor changes and development review comments, the stormwater management report was modified or changed as outlined below. However, the final results and conclusions are not significantly altered. The significant changes are outlined below:

1. Subcatchment Area #1 was split into two drainage areas to separate the portion of the developed site which will drain into the proposed detention basin (Area #1) from the portion which will be uncontrolled (Area #11).
2. Additional pavement was added to the outparcel to increase parking and storage.
3. Several islands and landscaped areas were added which helped to offset the increase in pavement (from Item #2) since the original calculations.
4. Although, the net result of items #2 and #3 is a reduction of impervious surface when compared to the existing site, the result was actually a slight increase in impervious surfaces relative to the original calculations, this produced an increase in curve number for Area #2 from 85 to 86 for the developed site. However, since this still resulted in a net decrease in impervious area and runoff when compared to the existing site, it does not alter the original conclusions.
5. The summary table was revised to reflect the above changes.
6. A revised Post-Development Drainage Plan was included to show the revised drainage areas.
7. The report and calculations were revised as appropriate to reflect the changes outlined above.

STORMWATER MANAGEMENT REPORT
JOKERS TWO, INC.
510 Warren Avenue
Portland, Maine

Land Use Consultants, Inc. is submitting site plans and drainage calculations on behalf of Jokers Two, Inc. for a proposed indoor/outdoor recreational and family leisure entertainment facility. The site is located at 510 Warren Avenue in Portland, Maine, adjacent to the Maine Turnpike. The property is the former Grossman's Lumber yard and Home Center and Contractor Sales Facility. The existing property contains approximately 9 acres which includes the existing development. The existing Grossman's site includes two large buildings, two open lumber sheds, a small garage and paved parking and storage yard totaling about 4.25 acres of impervious surface.

Drainage for the present site is generally depicted by two drainage subcatchments. Subcatchment #1 includes the southern half of the property which drains away from Warren Avenue to a low ponded area near the turnpike at the back corner of the Central Maine Power Co. right-of-way which drains to a culvert under the railroad track. There is a catch basin near the rear of the existing pavement which apparently drains toward the CMP easement area. This catch basin is currently plugged with silt and debris. The proposal recommends removing this basin.

Subcatchment #2 drains towards Warren Avenue and includes most of the parking area and developed site. Runoff is mostly sheet flow across the pavement into existing catch basins which discharge to the Warren Avenue storm drain.

Jokers Two, Inc. is proposing to take advantage of existing buildings and pavement as much as possible. All of the buildings will be reused on site except for the lumber sheds which will be removed. The existing pavement will remain in place, except in those areas where indicated on the plans. These are several small areas of pavement to be removed totaling approximately 0.75 acres. The areas of pavement to remain will be ground and recycled as a base for a new surface course. Minor adjustments to grading will be made only in those areas necessary to create positive drainage. The proposed parking layout will require extending the pavement into the CMP right-of-way which includes an additional 0.3 acres of new pavement. The result is a net reduction of pavement or impervious surfaces for the proposed site. The proposal includes creating an out-parcel lot for sale or lease. Except for additional pavement adjacent to Warren Avenue, no development is proposed for the parcel which will use existing facilities.

The developed condition drainage patterns are essentially the same as the existing site. The most significant difference is related to the addition of a proposed Go-Kart track in the CMP easement and the proposed detention pond and related drainage swales in subcatchment #1. The post-development drainage was divided into three separate subcatchment areas similar to the existing site which provides the basis of comparison for existing and future peak flow rates. Area #2 remains the same as the existing site. However, Area #1 (existing) was further split into 2 subcatchments identified as Area #1 and Area #11. Area #1 (developed) represents the portion

LAND USE CONSULTANTS INC

which will drain to the proposed detention pond. The runoff curve numbers (CN) for the multi-purpose play areas and mini-golf for the developed site is based on the assumption that these areas will be a composite of materials which is equivalent to 30 percent impervious and 70 percent of materials similar to lawn.

Calculations were performed using the SCS method for completing stormwater runoff peak flow rates. This method accounts for soil types, existing land use, topography vegetative cover, and proposed land use for the site. We have evaluated the present and developed conditions of this proposal using data for a typical SCS Type III, 24 hour storm distribution with a design frequency occurrence of 2 years, 10 years and 25 years. All supporting data and calculations are included with this report.

Soils on the site are indicated according to the medium intensity soils maps as published by the Soil Conservation Service (SCS) for Cumberland County.

The results of our calculations are indicated in the Summary Table (revised 11/5/96). Area 1 was divided into two subcatchment areas for the developed site. The combined out flow from Area #1, which includes the proposed detention basin, plus area #11, experienced an increase in peak flow rates of +2.43 cfs, +3.34 cfs and +3.65 cfs for the 2, 10 and 25 year storm events respectively. However, with the addition of the proposed detention basin the rates are decreased to below the existing peak flows. The detention pond reduces the maximum peak flow rates by -0.23 cfs, -3.37 cfs and -5.07 cfs for the three design intervals.

The peak flow rates from Area 2 are decreased by -0.94 cfs, -0.90 cfs and -0.89 cfs for the developed site resulting from a net decrease of impervious areas. The total combined site peak discharges are reduced by approximately -1.14 cfs, -4.27 cfs and -5.96 cfs respectively, for the three storms.

Since most of the site remains essentially unchanged due to the extent of existing development, water quality should not be a significant issue with regard to the development proposal. The portion of the site which drains towards Warren Avenue (Area 2) will experience water quality improvements resulting from a decrease in peak flow rates and a net reduction in paved parking areas.

Similarly, Area 1 will also result in a decrease in runoff rates through the use of the proposed detention basin. Water quality will be most important during the construction phase and will be highly dependent upon good construction and erosion control practices. Short term measures for maintaining water quality include: Silt fencing, stone check dams in ditches and at culvert entrances, rip-rap aprons, erosion control matting on the pond side slopes, and a temporary sediment riser attached to the pond outlet. Permanent or long term water quality will be maintained through the use of long vegetated swales, storm runoff detention, rip-rap aprons and head walls and a stone lined level spreader at the detention pond outlet.

It is our conclusion that the proposed detention pond and proposed site changes will provide adequate control of stormwater runoff from the site without producing any significant adverse impacts to downstream reaches and surrounding areas. We feel that the proposed measures, if

LAND USE CONSULTANTS INC

properly constructed and maintained, will be sufficient to control stormwater runoff and erosion from the proposed site without significant degradation of existing water quality.

Prepared by:

Patrick L. Clark, P.E.



▶ REFERENCE:

JOKERS TWO, PORTLAND, MAINE

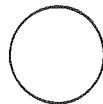
SUMMARY TABLE (Revised 11/5/96)

	2 YEAR (cfs)		10 YEAR (cfs)		25 YEAR (cfs)	
	EXISTING	FUTURE	EXISTING	FUTURE	EXISTING	FUTURE
AREA #1	5.50	* 5.38	12.76	* 11.07	16.42	* 13.85
(w/detention)	—	4.06	—	6.18	—	6.89
** AREA #11	—	2.55	—	5.03	—	6.22
Area #1 + #11	5.50	7.93	12.76	16.10	16.42	20.07
(w/detention)	—	5.27	—	9.39	—	11.35
Area #2	7.05	6.11	12.65	11.75	15.27	14.38
<u>RESULTS</u>						
Area #1 (+ #11) See note	—	+2.43	—	+3.34	—	+3.65
w/detention	—	(-0.23)	—	(-3.37)	—	(-5.07)
Area #2	—	(-0.94)	—	(-0.90)	—	(-0.89)

* Area #1 is reduced in size for the developed site

** Area #11 refers to developed site only

NOTE: Area #1 existing is the same area as Area #1 + #11 developed.



▶ PREPARED FOR:

▶ TITLE:

LAND USE CONSULTANTS, INC.

LAND PLANNERS • ENGINEERS • SURVEYORS

966 RIVERSIDE STREET
PORTLAND, MAINE 04103
(207) 878-3313

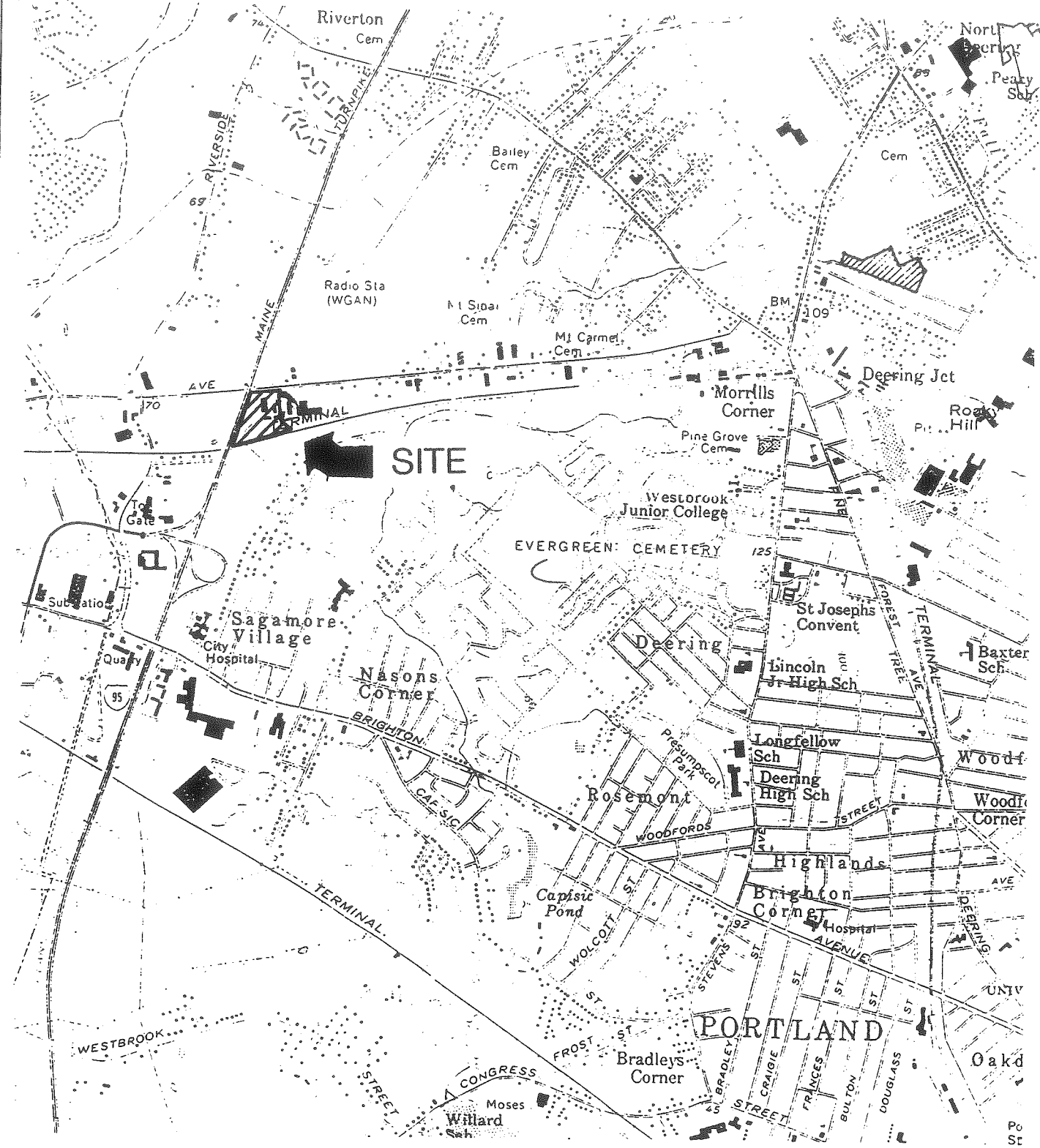
▶ SCALE:

▶ JOB #

▶ FIGURE #

▶ DATE:

▶ REFERENCE: USGS QUAD "PORTLAND WEST, ME"



LAND USE CONSULTANTS, INC.

Land Planners • Engineers • Surveyors
 966 RIVERSIDE STREET
 PORTLAND, MAINE 04103
 207-878-3313

▶ PREPARED FOR:
 JOKERS INC.
 2460A Lafayette Rd.
 Portsmouth, NH

▶ TITLE: LOCATION MAP
 JOKERS TWO, INC.
 510 Warren Avenue
 Portland, ME

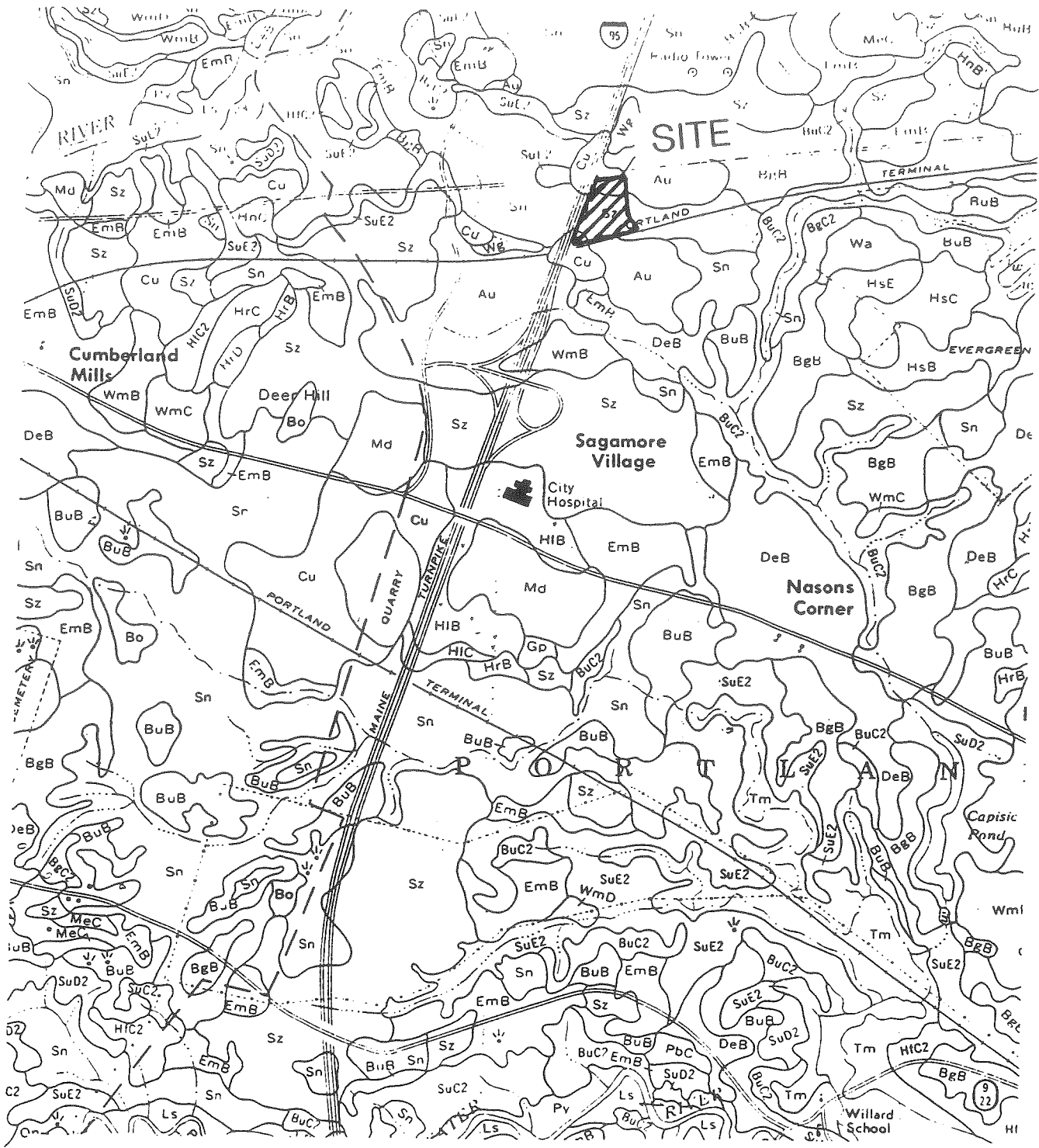
▶ DATE:
 10/15/96

▶ SCALE:
 1:24,000

▶ JOB NO.:
 3019

▶ FIGURE NO.:

▶ **REFERENCE:** MAP 81 Cumberland County Soil Survey By USDA/SCS Dated 1974



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Land Planners * Engineers * Surveyors
 966 RIVERSIDE STREET
 PORTLAND, MAINE 04103
 207-878-3313



▶ **PREPARED FOR:**
 JOKERS INC.
 2460A Lafayette Rd.
 Portsmouth, NH

▶ **TITLE:** Medium-Intensity Soils
 JOKERS TWO, INC.
 510 Warren Avenue
 Portland, ME

▶ **DATE:**
 10/15/96

▶ **SCALE:**
 1:20,000

▶ **JOB NO.:**
 3019

▶ **FIGURE NO.:**

Data for 3019-JOKERS, EXISTING SITE, 2 YEAR
 TYPE III 24-HOUR RAINFALL= 3.0 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

HydroCAD 4.51 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 1

PEAK= 5.50 CFS @ 12.18 HRS, VOLUME= .48 AF

ACRES	CN		SCS TR-20 METHOD
1.87	98	EXISTING PAVEMENT	TYPE III 24-HOUR
1.91	70	EXISTING WOODS, HSG C	RAINFALL= 3.0 IN
2.15	65	EXISTING BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
5.93	77		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	3.4
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	10.5
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 7.05 CFS @ 12.04 HRS, VOLUME= .44 AF

ACRES	CN		SCS TR-20 METHOD
2.35	98	EXISTING PAVEMENT	TYPE III 24-HOUR
.72	61	EXISTING LAWN, HSG B	RAINFALL= 3.0 IN
3.07	89		SPAN= 10-20 HRS, dt=.05 HRS

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	2.3
DIRECT ENTRY	Segment ID:BC	
		2.0
Total Length= 150 ft		Total Tc= 4.3

Data for 3019-JOKERS, EXISTING SITE, 10 YEAR

TYPE III 24-HOUR RAINFALL= 4.7 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

HydroCAD 4.51 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 1

PEAK= 12.76 CFS @ 12.17 HRS, VOLUME= 1.08 AF

ACRES	CN		SCS TR-20 METHOD
1.87	98	EXISTING PAVEMENT	TYPE III 24-HOUR
1.91	70	EXISTING WOODS, HSG C	RAINFALL= 4.7 IN
2.15	65	EXISTING BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
5.93	77		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 12.65 CFS @ 12.04 HRS, VOLUME= .79 AF

ACRES	CN		SCS TR-20 METHOD
2.35	98	EXISTING PAVEMENT	TYPE III 24-HOUR
.72	61	EXISTING LAWN, HSG B	RAINFALL= 4.7 IN
3.07	89		SPAN= 10-20 HRS, dt=.05 HRS

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

Data for 3019-JOKERS, EXISTING SITE, 25 YEAR
 TYPE III 24-HOUR RAINFALL= 5.5 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

HydroCAD 4.51 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 1

PEAK= 16.42 CFS @ 12.17 HRS, VOLUME= 1.38 AF

ACRES	CN		SCS TR-20 METHOD
1.87	98	EXISTING PAVEMENT	TYPE III 24-HOUR
1.91	70	EXISTING WOODS, HSG C	RAINFALL= 5.5 IN
2.15	65	EXISTING BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
5.93	77		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 15.27 CFS @ 12.04 HRS, VOLUME= .95 AF

ACRES	CN		SCS TR-20 METHOD
2.35	98	EXISTING PAVEMENT	TYPE III 24-HOUR
.72	61	EXISTING LAWN, HSG B	RAINFALL= 5.5 IN
3.07	89		SPAN= 10-20 HRS, dt=.05 HRS

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

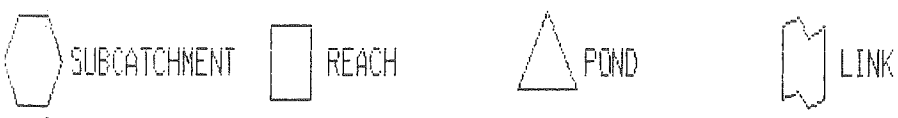
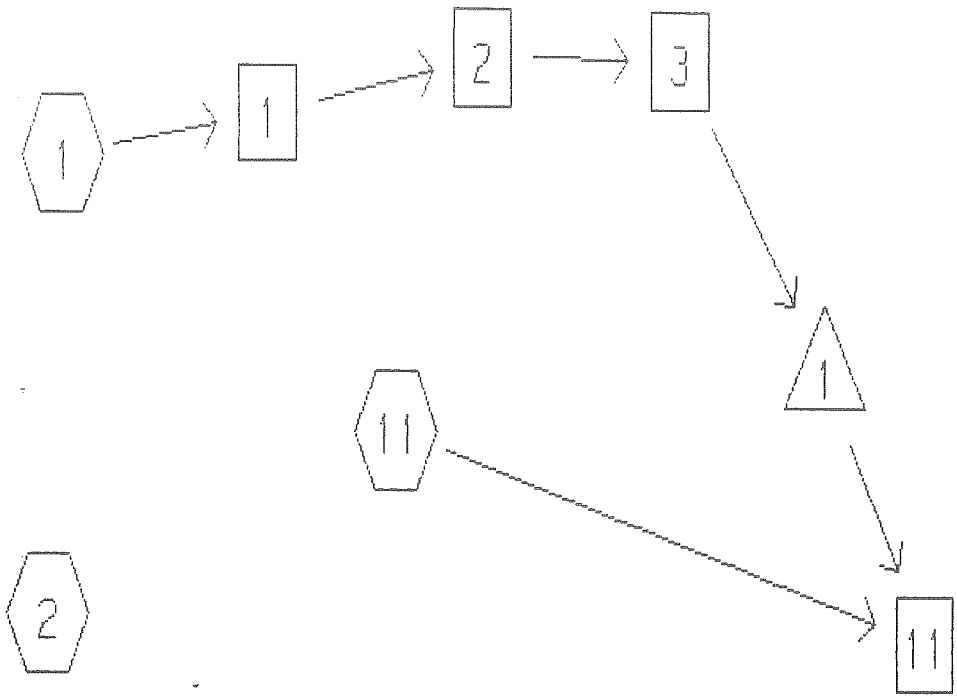
Data for 3019-JOKERS, DEVELOPED SITE, 2 YR
TYPE III 24-HOUR RAINFALL= 3.0 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

WATERSHED ROUTING =====



Data for 3019-JOKERS, DEVELOPED SITE, 2 YR
 TYPE III 24-HOUR RAINFALL= 3.0 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 1

PEAK= 5.38 CFS @ 12.17 HRS, VOLUME= .46 AF

ACRES	CN		SCS TR-20 METHOD
1.84	98	PAVEMENT, IMPERVIOUS	TYPE III 24-HOUR
.34	70	WOODS, HSG C	RAINFALL= 3.0 IN
1.50	65	BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
.65	81	PLAY SURFACE, HSG C	
4.33	82		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 6.11 CFS @ 12.04 HRS, VOLUME= .38 AF

ACRES	CN		SCS TR-20 METHOD
1.82	98	PAVED, IMPERVIOUS	TYPE III 24-HOUR
.64	72	PLAY SURFACE, HSG B	RAINFALL= 3.0 IN
.56	61	LAWN	SPAN= 10-20 HRS, dt=.05 HRS
3.02	86		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:ABBC	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

Data for 3019-JOKERS, DEVELOPED SITE, 2 YR
 TYPE III 24-HOUR RAINFALL= 3.0 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 11

PEAK= 2.55 CFS @ 12.10 HRS, VOLUME= .19 AF

ACRES	CN		SCS TR-20 METHOD
.78	98	PAVEMENT, IMPERVIOUS	TYPE III 24-HOUR
.32	70	WOODS, HSG C	RAINFALL= 3.0 IN
.30	65	BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
.20	81	PLAY SURFACE, HSG C	
1.60	84		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.0
Smooth surfaces n=.011 L=150'	P2=3 in s=.005 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	5.8
Grassed Waterway Kv=15 L=520'	s=.01 '/' V=1.5 fps	
	Total Length= 670 ft	Total Tc= 8.8

REACH 1 GRASS SWALE

Qin = 5.38 CFS @ 12.17 HRS, VOLUME= .46 AF
 Qout= 5.32 CFS @ 12.18 HRS, VOLUME= .46 AF, ATTEN= 1%, LAG= .5 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 50 FT SLOPE= .02 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .46 FT PEAK VELOCITY= 3.3 FPS TRAVEL TIME = .2 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	1.07		
.4	1.3	3.87		
.6	2.3	8.61		
.9	4.0	18.15		
1.2	6.8	37.36		
1.6	11.0	71.41		
2.0	16.1	119.75		

REACH 2 CULVERT UNDER TRACK

Qin = 5.32 CFS @ 12.18 HRS, VOLUME= .46 AF
 Qout= 5.31 CFS @ 12.19 HRS, VOLUME= .46 AF, ATTEN= 0%, LAG= .3 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	15" PIPE X 2 n= .009 LENGTH= 50 FT SLOPE= .01 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .44 FT PEAK VELOCITY= 6.7 FPS TRAVEL TIME = .1 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.1	.1	.39		
.3	.3	1.63		
.4	.6	3.65		
.9	1.8	15.62		
1.0	2.1	18.24		
1.1	2.3	19.89		
1.2	2.4	20.07		
1.2	2.4	19.89		
1.3	2.5	18.66		

REACH 3 SWALE TO POND

Qin = 5.31 CFS @ 12.19 HRS, VOLUME= .46 AF
 Qout= 5.19 CFS @ 12.24 HRS, VOLUME= .46 AF, ATTEN= 2%, LAG= 3.2 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 200 FT SLOPE= .005 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .65 FT PEAK VELOCITY= 2.0 FPS TRAVEL TIME = 1.7 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	.54		
.4	1.3	1.94		
.6	2.3	4.31		
.9	4.0	9.07		
1.2	6.8	18.68		
1.6	11.0	35.71		
2.0	16.1	59.87		

Data for 3019-JOKERS, DEVELOPED SITE, 2 YR
TYPE III 24-HOUR RAINFALL= 3.0 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

REACH 11

DUMMY REACH AT OUTFLOW

Qin = 5.28 CFS @ 12.31 HRS, VOLUME= .64 AF
Qout= 5.27 CFS @ 12.32 HRS, VOLUME= .64 AF, ATTEN= 0%, LAG= .6 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 50 FT SLOPE= .01 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .55 FT PEAK VELOCITY= 2.6 FPS TRAVEL TIME = .3 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	.76		
.4	1.3	2.74		
.6	2.3	6.09		
.9	4.0	12.83		
1.2	6.8	26.42		
1.6	11.0	50.49		
2.0	16.1	84.67		

Data for 3019-JOKERS, DEVELOPED SITE, 2 YR
 TYPE III 24-HOUR RAINFALL= 3.0 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

POND 1 PROPOSED DETENTION POND

Q_{in} = 5.19 CFS @ 12.24 HRS, VOLUME= .46 AF
 Q_{out} = 4.06 CFS @ 12.38 HRS, VOLUME= .46 AF, ATTEN= 22%, LAG= 8.2 MIN

ELEVATION (FT)	AREA (SF)	INC.STOR (CF)	CUM.STOR (CF)	STOR-IND METHOD
61.5	0	0	0	PEAK STORAGE = 1722 CF
62.0	350	88	88	PEAK ELEVATION= 63.1 FT
64.0	2500	2850	2938	FLOOD ELEVATION= 68.0 FT
66.0	6500	9000	11938	START ELEVATION= 61.5 FT
68.0	10000	16500	28438	SPAN= 10-20 HRS, dt=.05 HRS Tdet= 4.1 MIN (.46 AF)

#	ROUTE	INVERT	OUTLET DEVICES
1	P	61.5'	12" CULVERT n=.009 L=80' S=.01'/' Ke=.5 Cc=.9 Cd=.6

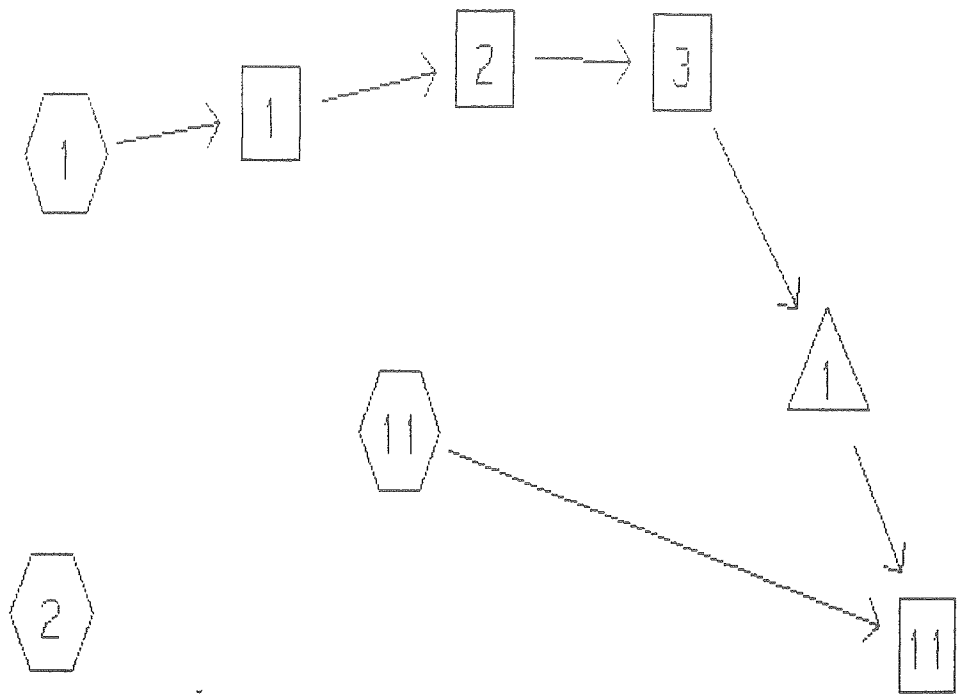
Data for 3019-JOKERS, DEVELOPED SITE, 10 YR
TYPE III 24-HOUR RAINFALL= 4.7 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

WATERSHED ROUTING =====



SUBCATCHMENT 1

PEAK= 11.07 CFS @ 12.17 HRS, VOLUME= .92 AF

ACRES	CN		SCS TR-20 METHOD
1.84	98	PAVEMENT, IMPERVIOUS	TYPE III 24-HOUR
.34	70	WOODS, HSG C	RAINFALL= 4.7 IN
1.50	65	BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
.65	81	PLAY SURFACE, HSG C	
4.33	82		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 11.75 CFS @ 12.04 HRS, VOLUME= .73 AF

ACRES	CN		SCS TR-20 METHOD
1.87	98	PAVED, IMPERVIOUS	TYPE III 24-HOUR
.64	72	PLAY SURFACE, HSG B	RAINFALL= 4.7 IN
.56	61	LAWN	SPAN= 10-20 HRS, dt=.05 HRS
3.07	86		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:ABBC	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

Data for 3019-JOKERS, DEVELOPED SITE, 10 YR
 TYPE III 24-HOUR RAINFALL= 4.7 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 11

PEAK= 5.03 CFS @ 12.10 HRS, VOLUME= .36 AF

ACRES	CN		SCS TR-20 METHOD
.78	98	PAVEMENT, IMPERVIOUS	TYPE III 24-HOUR
.32	70	WOODS, HSG C	RAINFALL= 4.7 IN
.30	65	BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
.20	81	PLAY SURFACE, HSG C	
1.60	84		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.0
Smooth surfaces n=.011 L=150'	P2=3 in s=.005 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	5.8
Grassed Waterway Kv=15 L=520'	s=.01 '/' V=1.5 fps	
	Total Length= 670 ft	Total Tc= 8.8

REACH 1

GRASS SWALE

Q_{in} = 11.07 CFS @ 12.17 HRS, VOLUME= .92 AFQ_{out} = 11.01 CFS @ 12.17 HRS, VOLUME= .92 AF, ATTEN= 0%, LAG= .3 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 50 FT SLOPE= .02 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .66 FT PEAK VELOCITY= 4.1 FPS TRAVEL TIME = .2 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	1.07		
.4	1.3	3.87		
.6	2.3	8.61		
.9	4.0	18.15		
1.2	6.8	37.36		
1.6	11.0	71.41		
2.0	16.1	119.75		

REACH 2

CULVERT UNDER TRACK

Q_{in} = 11.01 CFS @ 12.17 HRS, VOLUME= .92 AFQ_{out} = 10.93 CFS @ 12.18 HRS, VOLUME= .92 AF, ATTEN= 1%, LAG= .2 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	15" PIPE X 2 n= .009 LENGTH= 50 FT SLOPE= .01 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .68 FT PEAK VELOCITY= 8.0 FPS TRAVEL TIME = .1 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.1	.1	.39		
.3	.3	1.63		
.4	.6	3.65		
.9	1.8	15.62		
1.0	2.1	18.24		
1.1	2.3	19.89		
1.2	2.4	20.07		
1.2	2.4	19.89		
1.3	2.5	18.66		

REACH 3

SWALE TO POND

Q_{in} = 10.93 CFS @ 12.18 HRS, VOLUME= .92 AFQ_{out} = 10.74 CFS @ 12.22 HRS, VOLUME= .92 AF, ATTEN= 2%, LAG= 2.7 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 200 FT SLOPE= .005 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .92 FT PEAK VELOCITY= 2.4 FPS TRAVEL TIME = 1.4 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	.54		
.4	1.3	1.94		
.6	2.3	4.31		
.9	4.0	9.07		
1.2	6.8	18.68		
1.6	11.0	35.71		
2.0	16.1	59.87		

Data for 3019-JOKERS, DEVELOPED SITE, 10 YR

TYPE III 24-HOUR RAINFALL= 4.7 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

REACH 11

DUMMY REACH AT OUTFLOW

Qin = 9.40 CFS @ 12.15 HRS, VOLUME= 1.28 AF

Qout= 9.39 CFS @ 12.16 HRS, VOLUME= 1.28 AF, ATTEN= 0%, LAG= .6 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)
0.0	0.0	0.00
.2	.5	.76
.4	1.3	2.74
.6	2.3	6.09
.9	4.0	12.83
1.2	6.8	26.42
1.6	11.0	50.49
2.0	16.1	84.67

2' x 2' CHANNEL
SIDE SLOPE= .33 '/'
n= .03
LENGTH= 50 FT
SLOPE= .01 FT/FT

STOR-IND+TRANS METHOD
PEAK DEPTH= .73 FT
PEAK VELOCITY= 3.0 FPS
TRAVEL TIME = .3 MIN
SPAN= 10-20 HRS, dt=.05 HRS

Data for 3019-JOKERS, DEVELOPED SITE, 10 YR

TYPE III 24-HOUR RAINFALL= 4.7 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

POND 1

PROPOSED DETENTION POND

Qin = 10.74 CFS @ 12.22 HRS, VOLUME= .92 AF
Qout= 6.18 CFS @ 12.46 HRS, VOLUME= .92 AF, ATTEN= 42%, LAG= 14.7 MIN

ELEVATION (FT)	AREA (SF)	INC.STOR (CF)	CUM.STOR (CF)	STOR-IND METHOD
61.5	0	0	0	PEAK STORAGE = 5978 CF
62.0	350	88	88	PEAK ELEVATION= 64.7 FT
64.0	2500	2850	2938	FLOOD ELEVATION= 68.0 FT
66.0	6500	9000	11938	START ELEVATION= 61.5 FT
68.0	10000	16500	28438	SPAN= 10-20 HRS, dt=.05 HRS Tdet= 7.2 MIN (.92 AF)

ROUTE INVERT OUTLET DEVICES

1 P 61.5' 12" CULVERT
n=.009 L=80' S=.01'/' Ke=.5 Cc=.9 Cd=.6

Data for 3019-JOKERS, DEVELOPED SITE, 25 YR

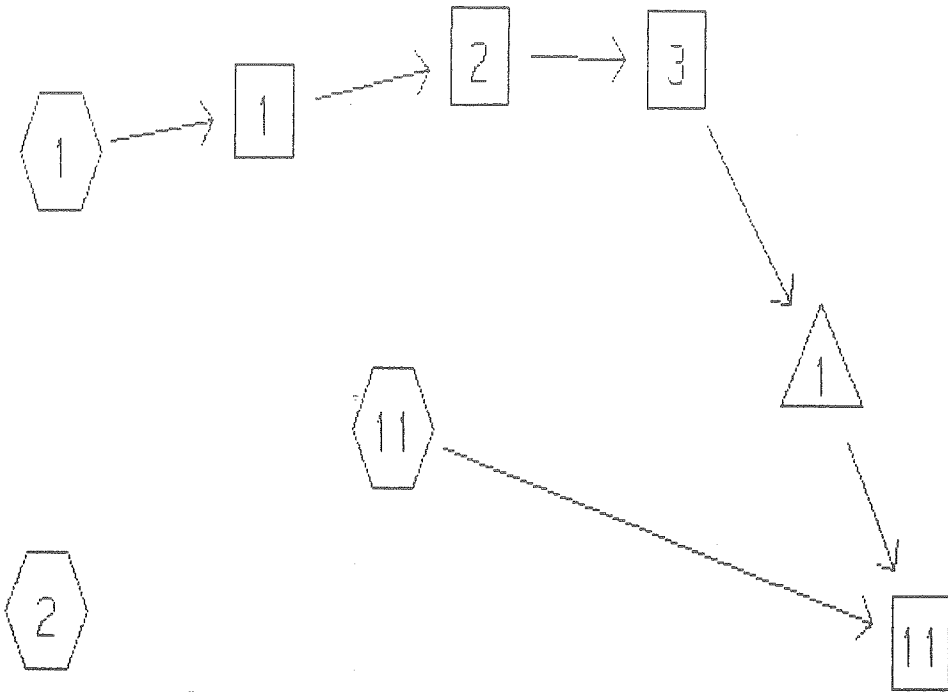
TYPE III 24-HOUR RAINFALL= 5.5 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

WATERSHED ROUTING =====



Data for 3019-JOKERS, DEVELOPED SITE, 25 YR

TYPE III 24-HOUR RAINFALL= 5.5 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

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SUBCATCHMENT 1

PEAK= 13.85 CFS @ 12.17 HRS, VOLUME= 1.15 AF

ACRES	CN		SCS TR-20 METHOD
1.84	98	PAVEMENT, IMPERVIOUS	TYPE III 24-HOUR
.34	70	WOODS, HSG C	RAINFALL= 5.5 IN
1.50	65	BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
.65	81	PLAY SURFACE, HSG C	
4.33	82		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 14.38 CFS @ 12.04 HRS, VOLUME= .90 AF

ACRES	CN		SCS TR-20 METHOD
1.87	98	PAVED, IMPERVIOUS	TYPE III 24-HOUR
.64	72	PLAY SURFACE, HSG B	RAINFALL= 5.5 IN
.56	61	LAWN	SPAN= 10-20 HRS, dt=.05 HRS
3.07	86		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:ABBC	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

Data for 3019-JOKERS, DEVELOPED SITE, 25 YR

TYPE III 24-HOUR RAINFALL= 5.5 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 11

PEAK= 6.22 CFS @ 12.10 HRS, VOLUME= .45 AF

ACRES	CN		SCS TR-20 METHOD
.78	98	PAVEMENT, IMPERVIOUS	TYPE III 24-HOUR
.32	70	WOODS, HSG C	RAINFALL= 5.5 IN
.30	65	BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
.20	81	PLAY SURFACE, HSG C	
1.60	84		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.0
Smooth surfaces n=.011 L=150'	P2=3 in s=.005 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	5.8
Grassed Waterway Kv=15 L=520'	s=.01 '/' V=1.5 fps	
	Total Length= 670 ft	Total Tc= 8.8

Data for 3019-JOKERS, DEVELOPED SITE, 25 YR

TYPE III 24-HOUR RAINFALL= 5.5 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

REACH 1

GRASS SWALE

Q_{in} = 13.85 CFS @ 12.17 HRS, VOLUME= 1.15 AF

Q_{out} = 13.77 CFS @ 12.17 HRS, VOLUME= 1.15 AF, ATTEN= 1%, LAG= .4 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 50 FT SLOPE= .02 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .74 FT PEAK VELOCITY= 4.3 FPS TRAVEL TIME = .2 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	1.07		
.4	1.3	3.87		
.6	2.3	8.61		
.9	4.0	18.15		
1.2	6.8	37.36		
1.6	11.0	71.41		
2.0	16.1	119.75		

REACH 2

CULVERT UNDER TRACK

Q_{in} = 13.77 CFS @ 12.17 HRS, VOLUME= 1.15 AF

Q_{out} = 13.74 CFS @ 12.17 HRS, VOLUME= 1.15 AF, ATTEN= 0%, LAG= .2 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	15" PIPE X 2 n= .009 LENGTH= 50 FT SLOPE= .01 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .79 FT PEAK VELOCITY= 8.3 FPS TRAVEL TIME = .1 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.1	.1	.39		
.3	.3	1.63		
.4	.6	3.65		
.9	1.8	15.62		
1.0	2.1	18.24		
1.1	2.3	19.89		
1.2	2.4	20.07		
1.2	2.4	19.89		
1.3	2.5	18.66		

REACH 3

SWALE TO POND

Q_{in} = 13.74 CFS @ 12.17 HRS, VOLUME= 1.15 AF

Q_{out} = 13.45 CFS @ 12.22 HRS, VOLUME= 1.15 AF, ATTEN= 2%, LAG= 2.5 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 200 FT SLOPE= .005 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= 1.02 FT PEAK VELOCITY= 2.6 FPS TRAVEL TIME = 1.3 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	.54		
.4	1.3	1.94		
.6	2.3	4.31		
.9	4.0	9.07		
1.2	6.8	18.68		
1.6	11.0	35.71		
2.0	16.1	59.87		

Data for 3019-JOKERS, DEVELOPED SITE, 25 YR
TYPE III 24-HOUR RAINFALL= 5.5 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

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REACH 11

DUMMY REACH AT OUTFLOW

Qin = 11.35 CFS @ 12.12 HRS, VOLUME= 1.60 AF

Qout= 11.18 CFS @ 12.13 HRS, VOLUME= 1.60 AF, ATTEN= 2%, LAG= .6 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 50 FT SLOPE= .01 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .80 FT PEAK VELOCITY= 3.1 FPS TRAVEL TIME = .3 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	.76		
.4	1.3	2.74		
.6	2.3	6.09		
.9	4.0	12.83		
1.2	6.8	26.42		
1.6	11.0	50.49		
2.0	16.1	84.67		

Data for 3019-JOKERS, DEVELOPED SITE, 25 YR

TYPE III 24-HOUR RAINFALL= 5.5 IN

Prepared by Land Use Consultants, Inc.

5 Nov 96

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

POND 1

PROPOSED DETENTION POND

Q_{in} = 13.45 CFS @ 12.22 HRS, VOLUME= 1.15 AF

Q_{out} = 6.89 CFS @ 12.50 HRS, VOLUME= 1.15 AF, ATTEN= 49%, LAG= 17.0 MIN

ELEVATION (FT)	AREA (SF)	INC.STOR (CF)	CUM.STOR (CF)	STOR-IND METHOD
61.5	0	0	0	PEAK STORAGE = 8890 CF
62.0	350	88	88	PEAK ELEVATION= 65.3 FT
64.0	2500	2850	2938	FLOOD ELEVATION= 68.0 FT
66.0	6500	9000	11938	START ELEVATION= 61.5 FT
68.0	10000	16500	28438	SPAN= 10-20 HRS, dt=.05 HRS T _{det} = 9.5 MIN (1.14 AF)

#	ROUTE	INVERT	OUTLET DEVICES
1	P	61.5'	12" CULVERT n=.009 L=80' S=.01'/1' Ke=.5 Cc=.9 Cd=.6

CHAMPAGNE TOP

TYPICAL ELEVATION

CONSISTENCY OF METAL MATERIAL - TOO SHINY

METAL MESH SAMPLE - COLOR

WILL ALL BRIDGES HAVE RAILS

ASK Lora
Ding 774-3022

UNUS THING ORCAITOUT

City of Portland, Maine Planning Department

City Hall
389 Congress Street, 4th Floor
Portland, Maine 04101
Fax Number: 756-8258

FAX TRANSMISSION COVER SHEET

TO: JIM WISNOGL

COMPANY: _____

FROM: R. KNOWLAND

FAX #: _____

OF PAGES: 2

DATE: 9-10-97

RE: TOKERS EXCEPT SITE PLAN

AS DISCUSSED ATTACHED IS THE TOKERS SITE PLAN

PLEASE CALL ME ON FRIDAY

THANKS

RR

EXISTING PAVEMENT

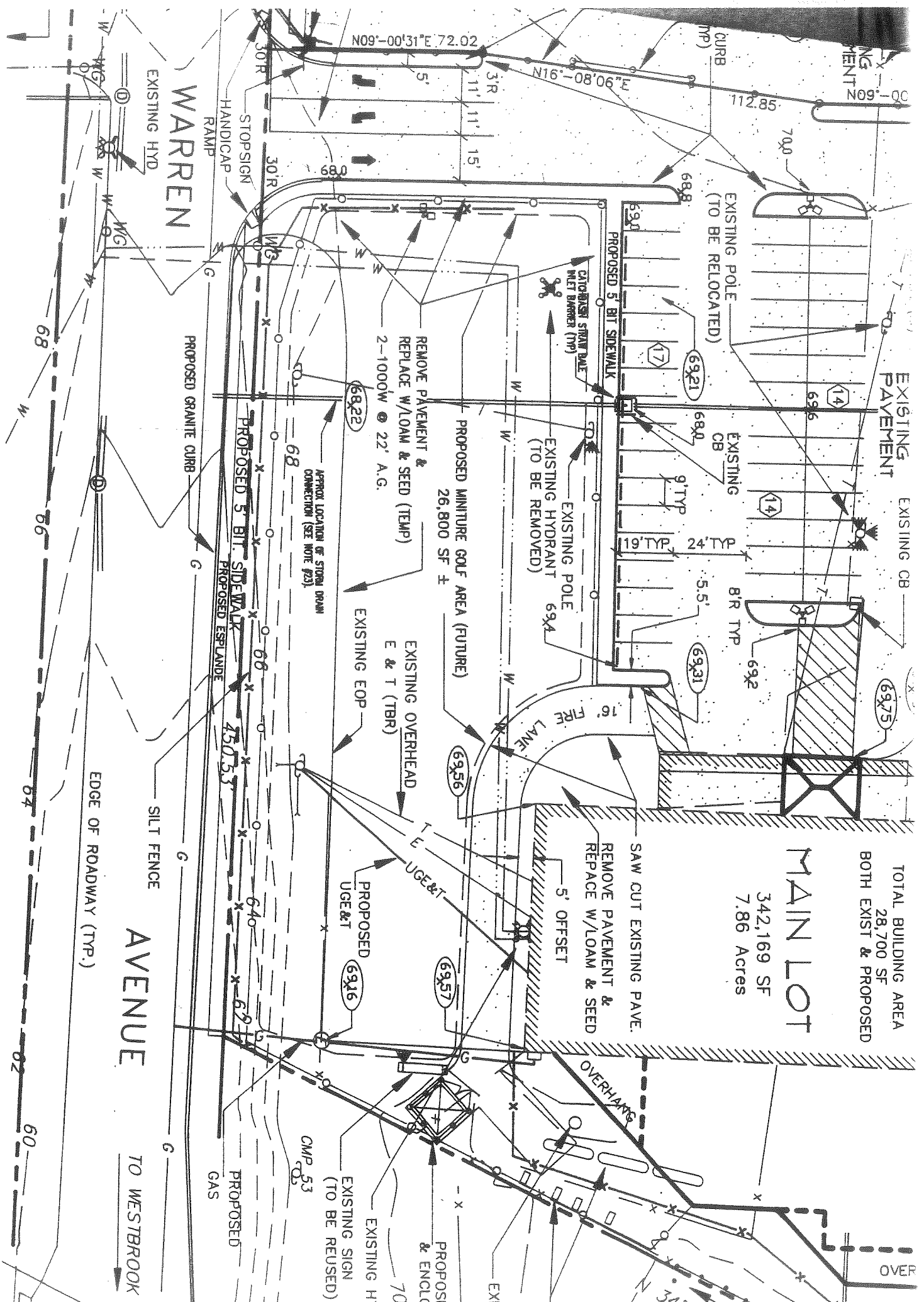
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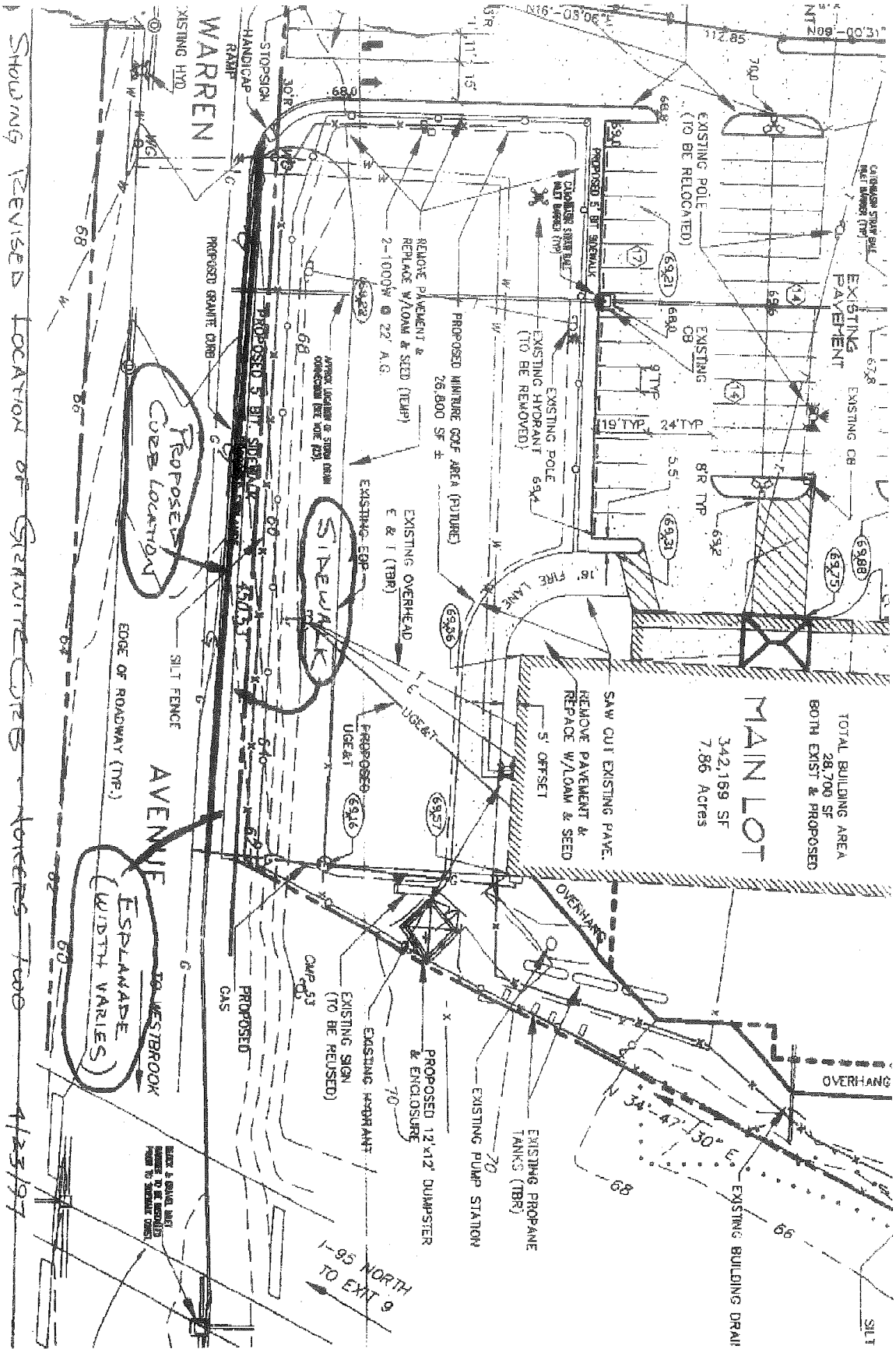
EXISTING CB

EXISTING CB

TOTAL BUILDING AREA
28,700 SF
BOTH EXIST & PROPOSED

MAIN LOT
342,169 SF
7.86 Acres





1 SHOWING REVISED LOCATION OF GRANITE CURB NOTES FROM 4/23/97

MAIN LOT
 342,169 SF
 7.86 Acres

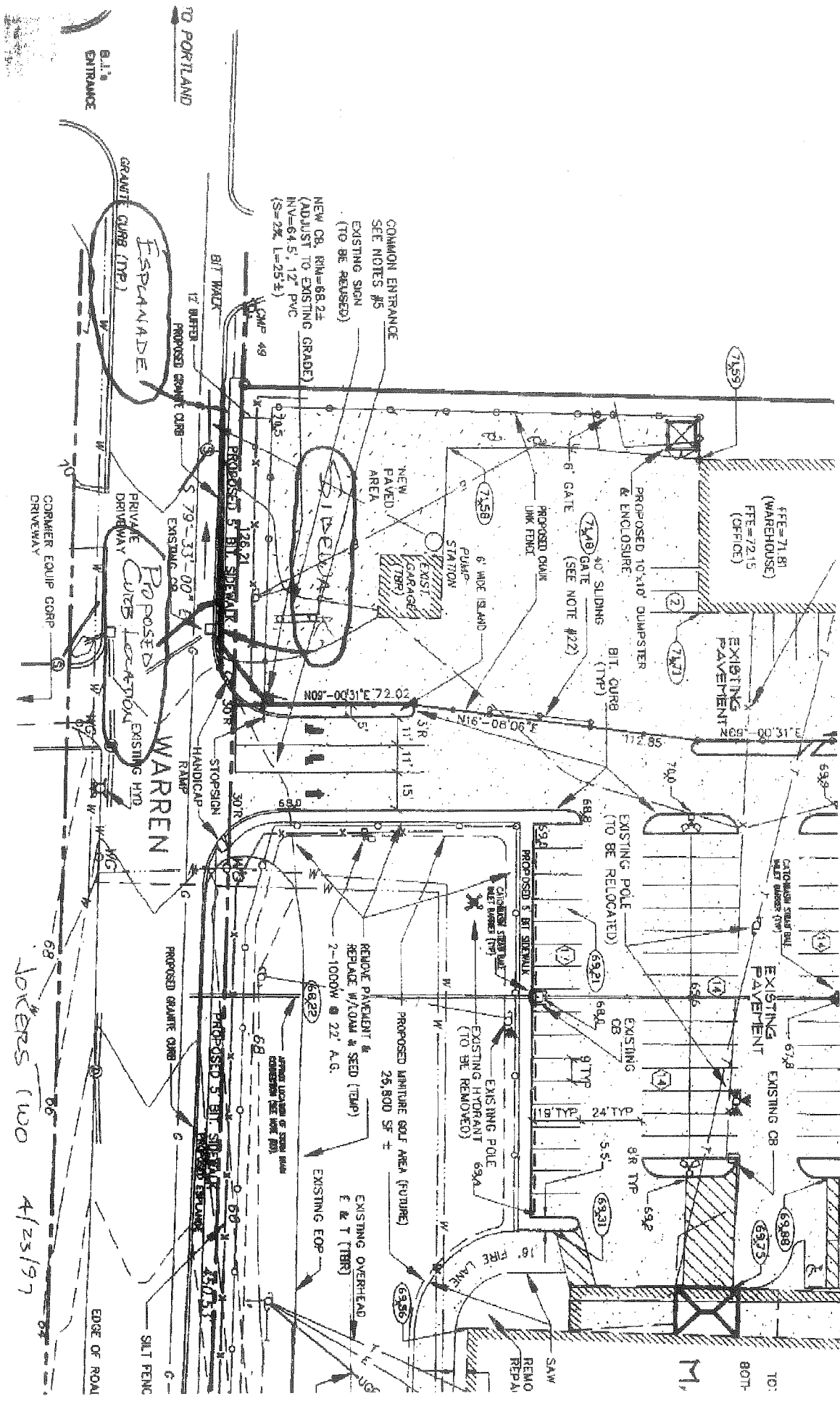
TOTAL BUILDING AREA
 28,700 SF
 BOTH EXIST & PROPOSED

PROPOSED 5 FT. SIDEWALK

ESPLADE (WIDTH VARIES)

SIDEWALK

I-95 NORTH TO EXT 9



FFE=71.81
(WAREHOUSE)
FFE=72.15
(OFFICE)

COMMON ENTRANCE
SEE NOTES #5
EXISTING SIGN
(TO BE REUSED)

NEW OB, RIM=68.24
(ADJUST TO EXISTING GRADE)
NV=64.5, 12" PVC
(S=2%, L=254')

ESPLANADE
GRAUNT CURB (TYP)

PROPOSED BIT SIDEWALK

WARREN

LOKERS 100 4/23/97

TO:

801-

M

1. PROVIDE PARKING AREA ON FRONT $\frac{1}{3}$ OF SITE - PARKING (TEMPORARY) TO BE ON FUTURE GOLF AREA - PAVEMENT IN GOOD / FAIR CONDITION

2. INSTALL JERSEY BARRIERS TO DEFINE ENTRANCE & PARKING

3. ROPE OFF FIRE LANE AREA TO PROHIBIT PARKING

4. PREPARE REMAINDER OF PARKING AREA FOR EARLY JUNE / LATE MAY PAVING & STRIPPING

CITY OF PORTLAND

March 10, 1997

Mr. Thomas Milligan
14 Deer Run Drive
Biddeford, ME 04005

RE: Jokers, Warren Avenue

Dear Mr. Milligan:

This letter is in response to your letter of March 5, 1997 requesting approval to open the Jokers facility on April 15, 1997. Based on the submitted schedule of improvement contained in your letter, we can **not** approve a certificate of occupancy for April 15, 1997.

The submitted schedule indicates that the bulk of the site would be completed in the summer and into September. We can not approve a certificate of occupancy for April when such fundamental improvements as the detention basin, curbing, and parking will be deferred until the summer.

We would suggest that you revise your request shifting your proposed opening date and schedule of improvements accordingly. We could be flexible on the landscaping schedule but the remaining improvements are so fundamental to vehicle and pedestrian circulation and safety that we must insist that these improvements be accomplished prior to occupancy. Drainage improvements would also need to be addressed.

Should you have any questions on this please call.

Sincerely,



Alexander Jaegerman
Chief Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Richard Knowland, Senior Planner
Samuel Hoffses, Chief of Inspection Services
Tony Lombardo, Project Engineer
Tom Errico, Traffic Engineer

City of Portland Planning Department

City Hall
389 Congress Street, 4th Floor
Portland, Maine 04101
FAX NUMBER: 756-8258

FAX TRANSMISSION COVER SHEET

To: TOM MILLIGAN

From: R KNOWLAND

Fax #: 286-9388

of Pages: 2

Date: 3-12-97

RE: SEE ATTACHED LETTER

If you do not receive all of the pages, please call 874-8721.

Thomas Milligan, Jr., PE, PLS, LSE

Professional Engineer
Professional Land Surveyor
Licensed Site/Soil Evaluator

14 Deer Run Drive
Biddeford, Maine 04005
(207) 283-8810

March 13 1997

~~March 5, 1997~~

Rick Knowland
City of Portland
Congress Street
Portland, ME 04101

Re: Joker's Two Inc., Site Improvements

Dear Rick:

The building renovations/construction of the Jokers Two, Inc. facility on Warren Avenue is progressing on schedule. The project received site plan approval in November of 1996. Jokers anticipates that they will be ready to open their facility on April 15, 1997 for the school vacation week. As you may recall, they had originally planned to open the facility in February of this year. It is now critical from a business standpoint that they open for the April vacation since they have already missed the February vacation.

As we discussed over the phone, many of the site related items have not yet been completed due to inability to perform certain construction site improvement operations in the winter and the unavailability of materials.

We have previously submitted a list of the site times that need to be completed as part of the project. A Letter of Credit has been submitted to the City to cover the cost of completing these items.

To date the following items have been completed:

1. Removal of fire hydrant in lot, removal of fence sections, removal of poles in lot.
2. Installation of light pole bases.
3. Installation of underground conduit for light poles.
4. Removal of the shed behind the Jokers building.

The following items will be completed by April 15, 1997.

1. Temporary striping of entrance lanes and parking spaces.
2. Patching of electrical conduit trenches.

As suggested by you, we are providing a time schedule for completing the site improvements depicted on the Final Site Plan as approved by the Planning Board.

<u>Item</u>	<u>Completion Date</u>
1. Install gravel firelane to access right front side of building .	April 15, 1997
2. Installation of Light Poles	May 7, 1997 April 15 1997
3. Demolition of remaining building	June 1, 1997
4. Installation of erosion control structures devices	June 1, 1997
5. Installation of granite curb along Warren Ave.	June 15, 1997 JUNE 1 1997
6. Installation of sidewalk and esplanade along Warren Ave.	June 15, 1997 June 1 1997
7. Construction of detention basin	July 15, 1997 June 15, 1997
8. Installation of drainage piping	July 15, 1997 June 15, 1997
9. Repair/regrading, construction of parking lot and entrance	August 15, 1997 * } See Below
10. Re-paving/patching of parking lot	Sept. 1, 1997 * }
11. Installation of curb in parking lot area	Sept. 7, 1997 * }
12. Striping of pavement area	Sept. 15, 1997 * }
13. Installation of landscaping plants	Sept. 15, 1997 July 15 1997
14. Final landscaping details, loam and seed, bark mulch	Sept. 15, 1997 July 15 1997
15. Final inspection by City	Sept. 22, 1997 July 22 1997

Please review the schedule of improvements presented above. We hope this schedule is acceptable to you.

We respectfully request that Joker's Two facility be allowed to open on or before April 15, 1997 with the condition that the site improvements be made on the above schedule.

If you have any questions, please call.

Very Truly Yours,

Thomas Milligan

Thomas Milligan, PE

cc: Jokers Two, Inc.

* Phase I - JUNE 1 1997
 * Phase II - July 1 1997

Phase I - prepare, pave, curb re 2/3 of parking area

Phase II - prepare, pave front 1/3 of parking

FRONTANCE IN PHASE I WILL

1. PROVIDE PARKING AREA ON
FRONT $\frac{1}{3}$ OF SITE -
PARKING (TEMPORARY) TO BE
ON FUTURE GOLF AREA -
PAVEMENT IN GOOD / FAIR
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2. INSTALL JERSEY BARRIERS
TO DEFINE ENTRANCE &
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3. ROPE OFF FIRE LANE
AREA TO PROHIBIT PARKING

4. PREPARE REMAINDER OF
PARKING AREA FOR EARLY
JUNE / LATE MAY PAVING &
STRIPPING

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Thomas Milligan, PE

cc: Jokers Two, Inc.

* Phase I - June 1 1997
 * Phase II July 1 1997

Phase I - prepare, pave, curb reo
 2/3 of parking area

Phase II - prepare, pave front
 1/3 of parking

ENTRANCE IN PHASE I WILL

Thomas Milligan, Jr., PE, PLS, LSE

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Professional Land Surveyor
Licensed Site/Soil Evaluator

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Biddeford, Maine 04005
(207) 283-8810

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AREA TO PROHIBIT PARKING

4. PREPARE REMAINDER OF
PARKING AREA FOR EARLY
JUNE / LATE MAY PAVING &
STRIPPING



DeLUCA 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

TO: Richard Knowland, Senior Planner

FROM: Jim Wendel, Development Review Coordinator

DATE: January 17, 1997

RE: Request for Certificate of Occupancy
E.J.Prescott
Outparcel to Joker's Two Inc. Site Plan
Warren Avenue

On January 17, 1997 I reviewed the site for conformance with the approved site plan for the outparcel dated December 6, 1996. The following items need to be completed:

1. The new paved area
2. Permanent dumpster installation; currently a large construction roll-off dumpster is on-site.
3. The 6' gate installed in the fence on the side abutting Georgia Pacific Corp.
4. Striping for 12 vehicle parking stalls.

One item that could be considered part of the outparcel requirements for occupancy has not been done; that is the new configured entrance. However the traffic demand from the outparcel on the existing entrance is probably not a safety issue; you may want to contact Bill Bray on this point.

It is my opinion that a temporary certificate of occupancy permit could be issued when a permanent dumpster installation is provided and code enforcement has no outstanding issues.

Should you have any questions, please call.

James T. Wendel, P.E.

PLANNING BOARD REPORT #61-96

**JOKERS FAMILY ENTERTAINMENT CENTER
510 WARREN AVENUE**

SITE PLAN REVIEW

JOKERS II, INC, APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine

November 12, 1996

I. INTRODUCTION

Jokers II, Inc. requests approval for a proposed family entertainment center on the former Grossman's site at 510 Warren Avenue. Everett J. Prescott, Inc. is a co-applicant in this process since they are purchasing a large warehouse on the easterly side of the parcel and will be making certain site changes. The proposed development will be subject to site plan review.

145 notices were sent to area property owners.

II. FINDINGS

Zoning:	I-2 Industrial
Land Area:	9 acres (total)
Building Footprint:	7.89 acres
Building Floor Area:	1.19 acres

Parking Spaces:	
Jokers:	230
Prescott:	12

Building Floor Area:	
Jokers:	26,000 sq. ft.
Prescott:	10,560 sq. ft.

As indicated in previous workshops, both applicants seek site plan approval for modifications shown on the site plan. Site improvements for the miniature golf area, go cart area, and exterior play areas will be subject to further site plan review and approval by the Board. This has been requested by the applicant to allow them time to work on the design details of these areas.

The property is adjacent to the Maine Turnpike. Home Depot is located to the west on the opposite side of the turnpike. Georgia-Pacific is adjacent to the site on the east. Warren Avenue in the vicinity of this site has a variety of commercial and industrial uses including BJ's Wholesale Club, Cormier Equipment Corp. and W.W. Grainger, Inc. The nearest residences are a minimum 200 feet south of the CMP easement on Pinecrest Street.

A 125 foot wide Central Maine Power easement runs along the rear of the property. A letter from Central Maine Power has been submitted referencing the types of uses that would be permitted in the easement subject to a final agreement being executed.

III. PROPOSED DEVELOPMENT

The Jokers proposes to reuse the main Grossmans building (16,000 sq. ft. floor area) and enlarging it with a 10,000 sq. ft. addition. Indoor and outdoor recreation activities are proposed. Indoor facilities include a variety of arcade type games and food services. The submittal indicates that the restaurant section will have 420 seats. Outdoor facilities for miniature golf, go carts, playground activities are shown on the plan including a variety of accessory buildings.

The applicant will extend the existing parking lot easterly near the edge of the CMP easement. This will add about 35 spaces. Two storage buildings will be removed from the site.

E.J. Prescott proposes to use the existing warehouse on the outparcel for warehouse and distribution purposes. Prescott is a water, sewer and drain distributor. The applicant stores approximately two-thirds of its inventory outside. This includes pipes, fire hydrants and heavy cast items such as catchbasins and grates. The applicant intends to install a fence along the entire perimeter of the site. Aside from the driveway and vehicle maneuvering areas, virtually all of the site within the chainlink fence will be used for outside storage. An existing woodframe garage on the Prescott site will be removed.

Since the last workshop, the Prescott site plan has been revised by eliminating an 80 foot deep grass strip along Warren Avenue and replacing it with blacktop to accommodate storage. An 80 foot buffer with landscaping is proposed.

A color elevation of the easterly side of the Jokers building has been previously submitted. The exterior treatment of the building as described in the submissions is shown below:

- 1) The existing building exterior materials will be retained but recoated per the color scheme shown on the east elevation. The top band (red) is an existing corrugated panel (some fiberglass, some aluminum). The middle zone (cream color) is a grooved plywood panel. The base area (blue) is concrete masonry units.
- 2) The band of yellow material with the pediment will be metal panel built onto the leading edge of the existing overhang area facing the parking lot.
- 3) The addition is proposed to be clad in metal panel except where the dining area faces the southeast; this area will be storefront glazing and metal panel.

← Exterior treatment of the remaining building facade is not indicated.

The exterior of the Prescott building will be painted according to the applicant.

IV. STAFF REVIEW

1/2. Traffic

The Jokers and Prescott will share a common driveway. A traffic report has been prepared by John Murphy, a Traffic Engineer, dated 9-13-96 (see section 3 of Jokers 3 ring binder). This has been updated with supplemental information submitted at the last workshop. See Attachment C. Final comments from Tom Errico will be available for Tuesday's meeting. A preliminary memo from him is shown on Attachment D.

Pedestrian circulation needs are accommodated by a sidewalk that runs along the westerly side of the parking lot connecting the Warren Avenue sidewalk to the Jokers building entrance and parking areas to the rear of the site. Painted crosswalks will assist pedestrians cross the parking lot to the westerly sidewalk as shown on the site plan.

Landscaped islands at the end of each parking row helps define vehicle flow and enhances pedestrian safety. An extended landscaping island has been planned in the middle of the parking lot incorporating a sidewalk to control cut through traffic and improve pedestrian circulation.

Since the last workshop, the driveway entrance has been revised. The width of the new common driveway is 37 feet wide (a 15 foot lane for ingress and two 11 foot lanes for a left and right turn egress.) This is acceptable to the Traffic Review Engineer.

The entrance to the Prescott parcel has also been reconfigured. The entrance has moved southerly into the site so that trucks would no longer need to travel in the exit lane (of the common driveway) to enter the site. A 40 foot wide sliding gate would be provided as the driveway into the Prescott site. A note on the plan indicates that the gate will be opened to a maximum width of 24 feet except during times of tractor trailer truck deliveries. The Traffic Review Engineer has approved this concept. see B-5

Granite curbs and a sidewalk will be installed along the entire street frontage of the property.

3. Bulk location or height of proposed structures and proposed uses thereof will not cause health or safety problems as to existing uses in the neighborhood.

The proposed development utilizes existing buildings (except for an addition) which minimizes the physical impact of the buildings to the surrounding area. The applicant is proposing a go cart track that will be subject Planning Board review at the later date when the applicant has completed their plans for the track. Noise impact information on the go carts has been previously submitted by the applicant. The primary concern would be the impact on the residential neighborhood southerly of the site.

4. Bulk location or height of proposed structures and proposed uses minimizes any substantial diminution in the value or utility to neighboring structures.

The proposed development utilizes buildings which have existed on the site (except for the addition) for an extended period of time with presumably no adverse impact. The site is located in an industrial zone adjacent to I-95. The nearest resident is about 200 feet from the property line.

5. Sewers, Sanitary Storm Drains, Water, Solid Waste

The submitted stormwater management report states that the development will result in a net decrease of impervious surface from the 4.25 acres of existing blacktop and buildings on the site. This coupled with a proposed detention basin will result in a net reduction in the rate of stormwater flow from the site according to the submission. See Attachment E.

The site is divided into two watersheds. Stormwater from the front half of the parking lot will flow into catch basins that are connected into an existing storm drain in Warren Avenue. The on-site pipe conveying this water to the storm drain is not shown on the plan nor is the storm drain in the street. This storm drain apparently flows into a large culvert that crosses Warren Avenue near Home Depot. This culvert is part of a stream that makes its way to the Presumpscot River.

The back half of the site sheet flows into a new detention basin by the proposed go cart track. Water from the detention basin flows into an existing wetland which is part of the Capisic Brook watershed.

Comments from Stephen Bushey, Development Review Coordinator, are shown on Attachment H.

6/7. Landscaping

JOKERS

Eight street trees are shown along the Warren Avenue frontage of the site. These plantings are supplemented by understory material (Gold Drop Potentilla, 2 gallon size). Three trees frame the Warren Avenue driveway entrance.

At the end of each row of parking spaces, a curbed island will be installed with two trees (Amur Maple). Nine Rose Rugosa will be planted in each island. The middle row of spaces within the parking lot will have an extended landscaped island with a sidewalk.

It is not clear what the applicant's intentions are for trees within the turnpike right-of-way. The plan indicates that certain clusters of trees will be removed but it doesn't specifically state what areas will be conserved. Presumably permission from the Maine Turnpike Authority is required for any tree clearance in the right-of-way. This vegetation is providing off-site screening which they would normally need to provide on-site. The applicant will be utilizing part of a large former Grossman's sign adjacent to the turnpike which would provide visibility for their business from the turnpike.

The plan indicates that fencing will be used extensively on the site. A six foot high wood fence is shown along the rear property line adjacent to the go cart track. A chainlink fence is shown behind the Warren Avenue landscaping that would enclose the miniature golf area. The height of the fence is not shown.

Existing overhead powerlines will be removed and replaced with underground lines. The plan does not indicate whether the electric lines for the new lighting fixtures will be underground or overhead.

A dumpster will be sited in a six foot high stockade fence enclosure on the Warren Avenue side of the building.

PRESCOTT

This site will be enclosed with an 8 foot high black vinyl coated chainlink fence. Three street trees are shown along Warren Avenue with understory plantings. The fence along the Prescott-Jokers property will have 4 red Maples and 32 spreading yews.

As indicated previously, the applicant intends to pave the front yard of the site for outside storage. An 8 foot landscaped buffer is shown along Warren Avenue. The City Arborist is suggesting that the landscaped buffer along Warren Avenue be increased reflecting a 10 to 12 foot planting strip. The landscaped island along the Jokers-Prescott property line should be increased from 5 feet to a minimum 6 feet.

~~The landscaped island along the Jokers-Prescott property line should be increased from 5 feet to a minimum 6 feet.~~

8. Soil and Drainage

Erosion and sedimentation methods are shown on the site plan.

A variety of temporary measures are shown on the plan including silt fencing, check dams at culvert entrances and drainage ways. Permanent measures include rip-rap of headwalls and aprons of culverts. All disturbed areas on the site not covered by pavement or buildings will be loamed and seeded. A level spreader will be installed below the detention basin to slow down stormwater before it goes into the wetland.

See section #5 for drainage.

9. Lighting

Six new poles will be installed in the parking lot. The proposed lighting fixture is shown on Attachment F. It appears to be a shoe-box type fixture. Three of these fixtures will be mounted on each pole. The total mounting height will be 22 feet high.

A note on the plan indicates that an existing pole and fixture in the parking lot will be relocated although it doesn't indicate where. A second existing light pole is also shown on the plan. These poles apparently will be eliminated.

The photometric plan should be revised to include light levels to the property line. Foot candle values at various locations of the site are very high.

10. Fire

Lt. McDougall of the Fire Department has reviewed the plan and finds it acceptable. A fire lane has been shown on the plan along the Warren Avenue side of the building. An existing fire hydrant is located on Warren Avenue across the street from the site.

11. Infrastructure

The proposed development is designed to be consistent with off-premises infrastructure, existing or planned by the City.

12. Impact on Natural Resources

The proposal is located on a site that has previously been disturbed and developed. The amount of impervious surface will be reduced according to the applicant. The primary site concern would be water quality from stormwater runoff. See section # 5.

14. Financial and Technical Capability

Technical capability information was previously submitted by the applicant. Financial capability information is shown on Attachment G.

V. **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 #61-96, the Board finds:

1. The plan is in conformance with the Site Plan Ordinance of the Land Use Code.

Potential Conditions of Approval:

- i. That the site plan be subject to review and approval by the Traffic Review Engineer. *ref Nov 1992 memo*
- ii. That the site plan be subject to review and approval by the Development Review Coordinator (see Attachment H.) *in Attachment H are addressed*
- iii. That the site plan be revised reflecting the comments of the City Arborist to increase the width of the landscape buffer for the Prescott parcel. *with 6 ft 12 ft buffer*
- iv. That no tree clearance shall take place within the turnpike adjacent to this site unless approved by the Maine Turnpike Authority and the City Arborist.
- v. *see yellow sheet* That the improvements related to the miniature golf area, go-cart area and outside play area be removed from the site plan. These elements will be reviewed by the Planning Board at a later date when more detailed information is provided.
- vi. That the lighting plan be revised for review and approval by planning staff.

Attachments:

- A. Site Plan
- B. Background Information
- C. Traffic Report Information - Jack Murphy
- D. Preliminary Comments of Traffic Review Engineer - Tom Errico
- E. Stormwater Management Report
- F. Lighting
- G. Financial Capability
- H. Development Review Coordinator Memo - Stephen Bushey



November 4, 1996

Mr. Richard Knowland, Senior Planner
Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

P.O. Box 600
191 Central Street
Gardiner, Maine 04345
Telephone # 207-582-1851
Telefax # 207-582-5637

**Subject: Jokers' II, Family Entertainment Center, 510 Warren Avenue
E.J. Prescott, Inc., Water - Sewer - Drain Distributor (Outparcel)**

Dear Mr. Knowland:

Thank you for meeting with Bill Latvis of Jokers and me yesterday to discuss particular requirements for E.J. Prescott's portion of the site application currently before the planning board. Please consider this letter our response to the Portland code requirement for written statements and narrative regarding our proposed development.

The 'outparcel' so called, on Jokers' application has been purchased by E.J. Prescott, Inc. from Jokers. The three owners of E.J. Prescott are:

Peter E. Prescott
RR 1 Box 538J
Manchester, ME 04351

Stanley G. McCurdy
219 Hill Street Box 611
Barre, VT 05641

Steven E. Prescott
125 West Hill Road
Gardiner, ME 04345

We estimate that the cost of development of the outparcel for Prescott's use will be in the neighborhood of \$75,000 to \$100,000. Development costs will consist primarily of fencing, paving, curb and sidewalk construction, minor drainage, landscaping and warehouse/office rehabilitation.

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1. E.J. Prescott, Inc. is a water, sewer and drain distributor. In the conduct of our business we sell water, sewer and drain pipe, fire hydrants, valves, fittings, catch basin grates and frames, manhole frames and covers and other products for use in the underground utility industry. There will not be any residential units associated with our business.
2. Total land area of the outparcel is 1.19 acres (51,693 square feet). Total floor area of the existing warehouse and office building is 10,560 square feet. We do not propose any new buildings or structures at this time.
3. To our knowledge there are no easements or other burdens now existing or proposed for the outparcel.
4. Solid waste generated by E.J. Prescott, Inc. consists primarily of broken wood pallets and metal banding. At our existing location on Frederic street in Portland, we currently have a 3 ft x 5 ft x 3½ ft high dumpster, and we empty that once a week. We anticipate the same quantity of solid waste will be generated at our Warren Avenue facility.
5. Offsite facilities including sewer, water and streets are readily available at the Warren Avenue site.
6. Existing pavement on the outparcel is sloped and drains well. A portion of the parcel nearest Warren Avenue that is currently grass will be paved, and a catch basin is required to control surface water runoff in this area.
7. The plan for construction on the Prescott outparcel will consist of several activities:
 - a) Construction of curbing, sidewalk, landscaping catch basin and piping at Warren Avenue.
 - b) Removal of existing grass and topsoil and placement of gravel base and pavement near Warren Avenue.
 - c) Installation of 6 ft high chain link fencing around the perimeter of the outparcel. Included with the fencing will be a 40 foot slide gate toward the front portion and a 28 foot swing gate at the rear.
 - d) The existing warehouse needs cosmetic repair and painting on the outside and internal renovations to meet our needs.

We anticipate that most of this work can be done this fall and we hope for a completion no later than January 31, 1997.

8. We are unaware of any state and federal regulatory approvals required for development of the Prescott outparcel.
9. E.J. Prescott, Inc. has a revolving line of credit with Key Bank of Maine and is financing both the purchase and the renovations of the outparcel within that credit line.
10. Please find enclosed a copy of the purchase and sale agreement with Jokers as evidence of Prescott's title to the outparcel property.
11. The outparcel does not contain any unusual natural areas, wildlife or fisheries habitats. We are unaware of any archeological sites on or near the project site.

We respectfully request that this narrative letter be submitted in conjunction with the application from Jokers for development of the outparcel portion of this entire project.

Very truly yours,
EVERETT J. PRESCOTT, INC.



David G. Gardner, P.E.
Senior Vice President

Enclosure

November 4, 1996

Mr. Richard Knowland, Senior Planner
Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101



P.O. Box 600
191 Central Street
Gardiner, Maine 04345
Telephone # 207-582-1851
Telefax # 207-582-5637

**Subject: Outside Storage Requirements / E.J. Prescott, Inc.
510 Warren Avenue
Portland, Maine**

Dear Mr. Knowland:

For further clarification concerning the outside storage needs of E.J. Prescott for the joint application of MTS/E.J. Prescott, Inc., we are pleased to submit the following information.

As a water, sewer and drain distributor, Prescott stores approximately two thirds of its inventory out of doors. These products consist primarily of pipe; twenty foot lengths of ductile iron water pipe, PVC sewer pipe, corrugated metal drain pipe and polyethylene drain pipe. In addition we store our fire hydrants and the majority of our underground valves outdoors. Also, all our heavy castings which are catch basin grates and frames and manhole frames and covers are stored outside.

We make every attempt to store as much product inside as possible, but these items by their very nature need to be stored outside. If you have further questions regarding the matter of outside storage, I'd be happy to discuss them with you.

Sincerely,
EVERETT J. PRESCOTT, INC.

David G. Gardner, P.E.
Senior Vice President

DGG/hd

DG2/knowlnd4

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October 31, 1996

Mr. Richard Knowland, Senior Planner
Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101



P.O. Box 600
191 Central Street
Gardiner, Maine 04345
Telephone # 207-582-1851
Telefax # 207-582-5637

**Subject: Revised Entrance Plan
Jokers' II, Family Entertainment Center, 510 Warren Avenue
E.J. Prescott, Inc., Water - Sewer - Drain Distributor (Outparcel)**

Dear Mr. Knowland:

At the October 29th planning board workshop for subject project, there was much concern over the proposed shared entrance off Warren Avenue and the gating into the Prescott outparcel. Chairman Hagge suggested we review this matter to possibly develop an alternative solution.

Accordingly we have done just that and offer the following comments and recommendations:

1. Using the rear gate as an entrance.

We rejected this option, as it is approximately 400 feet from Warren Avenue to the gate. It would be confusing and would require special signing to direct EJP customers in that direction.

While we anticipate little conflict with Jokers traffic, we think it unwise to have our trucks traveling that distance on Jokers' property.

2. Enter through Georgia Pacific property.

This option was rejected for the following reasons. We are opposed to sharing an entrance with Georgia Pacific, as they already have extensive truck traffic, and there would be conflicts between ours and their vehicles.

We have no assurance that Georgia Pacific would grant us an easement for that purpose.

The potential conflict of Georgia Pacific wanting to enter into our property in a 'Quid Pro Quo' situation is unacceptable.

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3. New entrance off Warren Avenue.

Constructing a new curb cut at Warren Avenue between the existing entrance for Jokers and the Georgia Pacific entrance does not make sense. This would create three separate entrances within 200 feet.

Further, a new entrance in lieu of the shared entrance to Jokers defeats our purpose of being able to store inventory in the front of our property.

4. Installation of a second gate at right angles to the proposed gate.

This option, while do-able, is quite expensive and would be a clumsy solution to the problem.

The recommended solution that we have presented offers the following advantages:

1. The shared entrance into Jokers/Prescott has been narrowed as per the recommendation of city traffic engineer Tom Errico.
2. The earlier right angle fencing/gate arrangement has been deleted and replaced with a safer, cleaner solution consisting of a diagonal fence line from the end of the entrance median to the site median dividing the two properties. Within that diagonal fence line we propose a 40 foot slide gate opening. This will permit our delivery vehicles to turn off of Warren Avenue in the proper entrance lane to Jokers and make the left turn into our property safely. This solution is similar to the existing BJ's entrance located on the opposite side of Warren Avenue.

Based upon the options investigated, this appears to be the most workable solution for both Jokers and ourselves while meeting the city's requirements for safety on both ingress and egress. Please contact me if you have any questions regarding this proposed gating solution.

Sincerely,
EVERETT J. PRESCOTT, INC.



David G. Gardner, P.E.
Senior Vice President

DGG/hd

DG2/knowInd3

Thomas Milligan, Jr., PE, PLS, LSE

Professional Engineer
Professional Land Surveyor
Licensed Site/Soil Evaluator

14 Deer Run Drive
Biddeford, Maine 04005
(207) 283-8810

November 5, 1996

Rick Knowland
Senior Planner
City of Portland
Planning Department
City Hall
389 Congress Street, 4th floor
Portland, ME 04101

Re: Jokers Project, 510 Warren Ave.

Dear Rick:

I have received review comments from Steve Bushey of Deluca Hoffman and you, dated September 30, 1996, October 17, 1996, October 24, 1996, and October 31, 1996 regarding the above named project. The following summarizes and discusses our response to those review comments not previously addressed.

1. We have provided additional striped pedestrian crosswalk isles from the landscaped islands to the walkway that runs to the building.
2. The Landscaping Plan has been revised to reflect City Arborist comments:
 - a). We have changed the street trees species to Red Maple and Summit Ash.
 - b). Trees (Bradford Pears) have been provided on both sides of the project entranceway. They will be installed in the left entrance island and along the right side of the entrance.
 - c). Trees (Armstrong Red Maple) have been provided in the island area located between the out parcel site and the Jokers Site.
 - d). The parking end isles have been revised to show two trees rather than the one originally proposed.
 - e). Island Plantings: Based on input from our project nurseryman consultant, we have provided rugosa roses on the traffic islands (except along the proposed fencing separating the out parcel). He feels that in the long run the rugosa roses, as opposed to spreading evergreens, are better plantings for islands, due to their hardiness and resilience. Island plantings, in

general, take a tremendous beating, especially from snow plowing. It is felt that although the roses may not be in leaf for one season, they will "spring back" and grow nicely in the spring through late fall.

- f). Greenspire Linden Trees have been provided in the center island dividing the parking area.

3. Wetland Issue: The project was laid out and designed to minimize wetland impacts. The man-made drainage ditches traversing the rear of the parcel has wetland vegetation in the bottom. No bottom scour was observed nor was water observed flowing at the time of the delineation. Mr. Will Cook of the Maine Department of Environmental Protection has indicated that DEP considers wetland vegetation in man-made ditches to be non-jurisdictional and are therefore not subject to review.

The remainder of wetland area proposed to be filled is less than 4300 sq. ft., and therefore does not require a DEP or ACOE permit. Both sections of wetland to be filled are low valve wetlands and are not part of floodplans, streams, or vernal pools. Mr. Cook has indicated that he does not normally provide letters of non-jurisdiction for such situations. He indicated he will be happy to answer questions regarding this situation, if requested.

4. We have shown the limits of existing vegetation on both the site plan and the landscaping plan. We have also indicated the areas or vegetation along the turnpike that is proposed to be thinned/removed, and have shown the trees to be preserved.

5. We have shown 8' high black vinyl fence along the common line between the out parcel and the Joker's site. The fencing along the rear of the parcel adjacent to the go-cart track will be 6' high wooden stockade fence. The remaining fencing will be 5' high chainlink fence. Gates will be provided for access control and patron safety.

6. The dumpster location has been shifted forward from its former location in order to provide fire truck access to the turnpike side of the building.

7. The standard notes provided by the City have been added to final site plan and/or landscaping Plan as applicable.

8. A Note concerning the common driveway has been added to site plan.

9. Drainage issues have been addressed by Dave Kamila of Land Use Consultants.


10. Lighting Plan has been provided by the Project Architects, Jensen and Stenbak.

11. A note will be added to the final site plan relative to the proposed gate on the out parcel stating "when the gate is open, it shall be open no more than 24 feet wide except on those occasions when tractor trailers are expected".

12. The Site Plan and Landscaping Plan has been revised to show the proposed entrance way configuration that was reviewed by your office and Mr. Tom Errico. The width of the traffic isles are proposed to be the same as B.J.'s Wholesale Club, 15' entrance and 2-11' exit lanes.
13. The owner will provide a letter of financial capability.
14. The owner will execute a drainage maintenance agreement.
15. The driveways across the street from the proposed project has been labeled as to use of those facilities.
16. Dave Kamila has, and will address the drainage and site grading comments.
17. Fueling of go-carts. In general, the go-carts will be refueled on site. Fuel storage will be provided in accordance with all applicable standards. Gasoline supplies will be stored in a double contained storage area. An oil water separator will be provided in the refueling location. Final details will be provided at the time the final go-cart design is submitted for approval.
18. The owners have supplied additional data on go-cart noise.
19. Jack Murphy has provided a letter regarding the driveway layout configuration (see attached).
20. A note has been added which indicates that the proposed mini-golf area will be stripped of pavement and loam and seeded until such time as the golf course is constructed.
21. A note has been added which indicates that the area under the CMP powerline will be planted per CMP guidelines.

If you have any questions or require additional information be submitted, please give me a call.

Very Truly Yours,


Thomas Milligan, PE



LAND USE CONSULTANTS INC

November 4, 1996

B-10
J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Mr. Richard Knowland, Senior Planner
Dept. of Planning and Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.: Final Site Plan

Dear Rick:

I am pleased to submit the attached Final Site Plan for the proposed new Jokers Two, Family Entertainment Center and the E. J. Prescott Co. Warehouse at the former Grossman's site on Warren Avenue. This submission also includes follow-up responses to the stormwater runoff calculations review comments by Steve Bushey, the development review coordinator. I am including 12 sets of plans and documents for your review and distribution. I am also delivering a set directly to Steve Bushey at Deluca, Hoffman and Tony Lombardo at Public Works to expedite our final review prior to the public hearing scheduled for November 12th.

The plans have been amended to address review comments from staff and discussions with the board at the most recent workshop meeting on October 29th as follows:

- The entrance design has been revised by moving the gated entrance to E. J. Prescott further back and angling it to provide a more workable entrance for trucks. The main entrance from Warren Avenue was narrowed to consist of a 15' wide entrance lane and two 11' wide exit lanes. This is identical to B. J.'s entrance on the other side of Warren Avenue.
- The E. J. Prescott Site Plan has been amended to show their proposed parking, dumpster location and some added paving near Warren Avenue
- The landscaping details have been amended by Tom Milligan who will submit a plan under separate cover.
- We have included locations and details of the site lighting. Photometric plans for the parking lot were submitted under separate cover.
- We have added additional crosswalks from the parking lot so each parking aisle has a direct route to the main sidewalk in front of the Jokers building.
- Spot grades were added around the site to guide the contractors with re-paving.
- All financial, legal and traffic related issues will be address under separate cover by the owner and their traffic engineer, Jack Murphy.

LAND USE CONSULTANTS INC

I trust you will find this submission to be complete. If you have any comments or questions please call me. I look forward to meeting with you at the public hearing on the 12th.

Sincerely,

A handwritten signature in black ink that reads "David A. Kamila". The signature is written in a cursive style with a large, looping initial "D".

David A. Kamila, P. E.
Vice President

DAK/pp

cc: Bill Latvis
Tom Milligan

JOHN L. MURPHY, P.E.

Civil Engineer
Traffic Engineer

RR1, BOX 6300
WEST BALDWIN, MAINE 04091-9745
207-625-8222

November 4, 1996

Tom Milligan
14 Deer Run Drive
Biddeford, Maine 04005

Re: Joker's II driveway and access to outparcel.

Dear Tom:

I have reviewed the sketch of the revised driveway design. This conforms with our discussion of 10/29/96 and will satisfy the safety concerns regarding truck access to the outparcel.

The actual driveway will be similar to the BJ's driveway with two 11 foot exit lanes and a 15 foot entrance lane. The 40 foot opening in the fence will accommodate trucks. This combined driveway will only serve roughly a quarter the volume of the existing BJ's driveway which also has an outparcel served by a curb cut. I do not recommend a separate curb cut on Warren Avenue as briefly discussed by the Planning Board.

Conclusion

I recommend the 40 foot gate for outparcel access with a 37 foot driveway as shown on the revised sketch.

Sincerely,



John L. Murphy, P.E.

cc: Bill Latvis

Attached are the results of the study. The maximum number of parking spaces used was 98. The average number of people per car was 2.84. Had this been a rainy day a multiple of 1.5 applied would mean that 147 spaces would have been used. During our higher volume months, a multiple of 1.2 would mean that 176 spaces would be used.

We hope that this data sufficiently puts to rest any concerns regarding traffic or parking.

Summary

Eno C-4

	In (cars)	People	Out			
	<u>28</u>	<u>50</u>				
11:00 - 11:15	4	14	1	1	31	63
11:15 - 11:30	5	18	2	6	34	75
11:30 - 11:45	8	23	5	12	37	86
11:45 - 12:00	12	25	2	5	47	101
12:00 - 12:15	14	29	6	14	55	121
12:15 - 12:30	12	38	9	21	58	138
12:30 - 12:45	6	21	5	12	59	147
12:45 - 1:00	11	34	3	6	67	175
1:00 - 1:15	20	55	6	19	81	211
1:15 - 1:30	17	49	14	38	81	221
1:30 - 1:45	15	46	4	12	92	255
1:45 - 2:00	13	41	8	26	97	270
2:00 - 2:15	10	26	9	29	98	267
2:15 - 2:30	5	13	14	46	89	234
2:30 - 2:45	8	20	6	16	91	248
2:45 - 3:00	8	30	10	29	89	249
3:00 - 3:15	7	19	7	17	89	251
3:15 - 3:30	5	15	7	19	87	247
3:30 - 3:45	5	16	10	29	82	234
3:45 - 4:00	5	13	10	37	77	210
4:00 - 4:15	4	9	12	29	69	190
4:15 - 4:30	5	17	13	48	61	159
4:30 - 4:45	11	40	7	30	65	169
4:45 - 5:00	4	11	5	14	64	166

TOTAL 239 681

11 drop offs

2.84 people / car

DATE 11/2/06	EXP NUMBER 1	EXPERIMENT Parking Survey	Weather = partly cloudy
NAME Peter Latus		LAB PARTNER Yuan Boudreau	LOCKER NUMBER

○ = drop off

Time	Cars	# of People	Cars Out	# of people out
Start	28	50 total		
11 → 11:15	IIII	2, 4, 6, 2	I	1
11:15 → 11:30	IIII	4, 3, 2, 3, 6	II	3, 3
11:30 → 11:45	IIII III	3, 2, 4, 2, 2, 2, 4, 1	IIII	1, 2, 4, 2, 2
11:45 → 12:00	IIII III II	1, 3, 2, 3, 1, 2, 2, 1, 3, 3, 1	II	2, 3
12:00 → 12:15	IIII III III	2, 5, 2, 1, 1, 2, 4, 4, 1, 2, 3, 1	IIII I	3, 3, 1, 1, 2, 2, 2
12:15 → 12:30	IIII III III	3, 4, 2, 2, 3, 3, 3, 3, 1, 3, 5, 2	IIII III	3, 3, 1, 1, 3, 1, 6, 2, 2
12:30 → 12:45		3		
12:30 → 12:45	IIII I	4, 3, 1, 3, 2, 4, 3	IIII	3, 2, 1, 4, 2
12:45 → 1:00	IIII III	3, 3, 3, 3, 3, 4	IIII	2, 2, 2
1:00 → 1:15	IIII III	1, 2, 3, 1, 2, 2, 4	IIII I	1, 4, 3, 4, 3, 4
1:15 → 1:30	IIII III	1, 1, 3, 3, 5, 2, 2, 4, 2	IIII	1, 4, 3, 4, 3, 4
1:30 → 1:45	IIII III	2, 6, 3, 1, 4, 2, 2, 3, 2, 3, 1	IIII	5, 4, 2, 3, 3, 2, 2
1:45 → 2:00	IIII III	1, 2, 3, 3, 6, 7, 4, 5, 6, 2	IIII	3, 1, 2, 3, 5, 2, 1
2:00 → 2:15	IIII III	2, 5, 2	IIII	3, 3, 4, 2
2:15 → 2:30	IIII III	1, 3, 2, 2, 2, 1, 3, 6, 4, 1	IIII	3, 3, 4, 2
2:30 → 2:45	IIII III	2, 8, 3, 3, 3	IIII	3, 3, 4, 2
2:45 → 3:00	IIII III	3, 5, 2, 3, 1, 8	IIII	3, 2, 5, 2, 2, 6, 4, 2
3:00 → 3:15	IIII III	4, 2, 3, 1, 1, 1, 1, 1	IIII	3, 2, 3, 4, 2, 3, 4
3:15 → 3:30	IIII III	2, 2, 1, 2, 2, 5, 2, 1, 3, 6	IIII	4, 3, 1
3:30 → 3:45	IIII III	3, 2, 3, 3, 2	IIII	3, 2, 3, 4, 2, 4
3:45 → 4:00	IIII III		IIII	1, 3, 4, 2, 3, 5
4:00 → 4:15	IIII III		IIII	2, 5

DATE 11/2/96	EXP. NUMBER	EXPERIMENT Parloury survey
NAME Peter Catburg		LAB PARTNER Yves Bourdeau
		LOCKER NUMBER

	In	#	Out	Response
125 230 → 245		2, 6, 5, 6, 4, 3, 2	1	2, 2, 2, 2, 3, 5
135 245 → 3:00		4, 2, 7, 3, 5 3, 1, 5		3, 1, 4, 1, 5 1, 1, 3, 4, 5, 5
145 3 → 3:15		4, 5, 6, 1, 1, 1		3, 1, 6, 1, 1, 4, 1
155 3:15 → 3:30		2, 3, 2, 6, 2 1, 1, 1, 1		2, 2, 2, 3, 2, 5, 5
165 3:30 → 3:45		3, 1, 5, 3, 3		6, 1, 2, 2 4, 3, 4, 1, 2 5
175 3:45 → 4:00		4, 1, 1, 4, 3		3, 3, 2, 2, 6, 5 7, 1, 3, 5
185 4:00 → 4:15	 	4, 2, 2, 1 4, 2, 2, 1	 	2, 5, 2, 3, 2, 3, 2 4, 1, 1, 3
195 4:15 → 4:30	 	5, 3, 5, 3, 1	 	3, 2, 5, 3, 5, 3, 3 2, 6, 6, 2, 3, 5
205 4:30 → 4:45	 1	5, 3, 3, 2 3, 4, 3, 8, 4, 2 3	 	7, 3, 3, 3, 5 2, 4, 3
215 4:45 → 5:00		3, 2, 3, 3		3, 2, 3, 2, 4

JOHN L. MURPHY, P.E.

**Civil Engineer
Traffic Engineer**

RR1, BOX 6300
WEST BALDWIN, MAINE 04091-9745
207-625-8222

To: Richard Knowland, Portland Planning Department.

From: John L. Murphy, P.E.

Re: Tom Errico memo to Bill Bray on traffic impact of Joker's 2 on Warren Avenue.

1. Accident data - Warren Avenue between Riverside Street and Seville Street in Portland - length of 0.79 miles (MDOT records and analysis).

The critical rate factor on this 0.79 mile section of Warren Avenue was 0.72, or less than 1.00, which would be the average on similar roadways with similar volumes in Maine. This section of roadway had 27 accidents in the three year period 1993 through 1995 with 6 in 1993, 13 in 1994 and 8 in 1995.

My detailed review of the three years of accidents in the vicinity of Grossman's showed 2 rear end accidents possibly related to turns into this site. My review also presented a three day period of time from January 19, 1994 through January 21, 1994 when icy road conditions caused 5 accidents in the vicinity of BJ's Wholesale Club on Warren Avenue. Also, of the 27 total accidents reported in the section of Warren Avenue from Riverside Street to Seville Street, 2 were misfiled and actually occurred elsewhere.

My conclusion is that the area of Warren Avenue in front of the proposed project is not an accident problem location unless icy roadways exist without correction. It is not likely that this project will generate much traffic during icy road conditions.

2. Vehicular queue spillback from BJ's Club driveway to proposed driveway.

The storage distance between the BJ's driveway and Joker's 2 driveway is approximately 220 feet. We observed operations on Saturday 10/19/96 between 11:15 AM and 1:45 PM when the BJ's driveway is normally busy. We also counted the BJ's driveway which had a peak one hour of 387 trips between 11:30 AM and 12:30 PM. Warren Avenue had 1087 trips per hour during the same time.

The normal left turn queue was one car waiting less than 10 seconds for the entire count period between 11:15 AM and 1:45 PM. The three longest waits were 25 seconds by 2 cars, 21 seconds by 4 cars and 15 seconds by 3 cars. The 4 cars (roughly 80 to 100 ft.) waiting 21 seconds was the longest queue for the 11:15 AM to 1:45 PM period.

Thus with the proposed driveway location and the observations at BJ's, there will be no queue back up conflicts that will fill the roughly 220 feet of available storage space (driveways 250 ft. centerline to centerline).

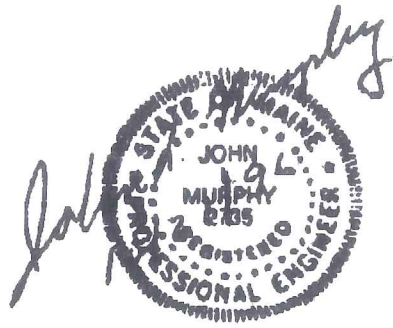
3. Base traffic for expected trip generation.

I have attached a memo, "Additional Validity Data" from Bill Latvis, owner of the project, describing the two Bonker's sites studied and the times of data collection.

Even if I factor the 90 trips per hour expected by 1.2, to 108 trips per hour, it is still fewer than would be expected on Saturday from Grossman's (140 trips per hour).

Conclusions

1. There is no existing accident problem on Warren Avenue near the site other than occasional icy roads.
2. There will not be a conflict with the queue from BJ's driveway.
3. Base traffic estimates indicate less impact than the former Grossman's site.



ADDITIONAL VALIDITY DATA

Traffic studies were done at Bonker's in Weymouth and Bonker's in Peabody:

- 1. **Bonker's in Weymouth is almost an identical facility to that being proposed in Portland. It has four rides (one more than Portland), jungle gym, restaurant with the same seating capacity, same number of games and kitchen.**

The demographic population in Weymouth is three times that of Portland.

- 2. **Bonker's in Peabody is 5,000 square feet smaller than the facility in Portland but similar in concept. It has a very small jungle gym.**

The demographic population in Peabody is 6 times that of Portland.

Seventy to eighty % of weekly business in all these facilities occurs between 3:00pm Friday and 8:00pm Sunday. The peak period on the weekend is between 11:00am and 3:00pm on Saturday and Sunday. That is why the traffic study was done at these times.

The slowest times each year are April, first two weeks of May, September and December. June is an average month. June volume represents 80% to 85% of other higher volume months.

MAINE ACCIDENT RECORD SUMMARY
MODES AND/OR LINKS

ENTER COUNTY: 05 WARREN AVE FROM RIVERSIDE ST TO SEVILLE ST IN PORTLAND

ENTER NODES:

ENTER LINKS: 6310 6311

ENTER STUDY PERIOD: 0193 1295 DEFAULTS TO PRESENT 3 YEARS

INJURY ACCIDENTS: K= 0000 A= 0000 B= 0002 C= 0008 PD= 0017 TOTAL= 0027
TOTAL MODE ACC= 000000

DRIVEWAY ACC: 11 DW ACC LINKS: 11 DW ACC NODES: 00

K INJURY ACC: 037 0 ACCIDENTS BY YEAR

LENGTH: 0.79 FUNCTIONAL CLASS: 4 MINOR A.

ROAD TYPE: S MINOR ARTERIAL U.

REV: HMVN: 60.03834

ACC. RATE: 00234.70 CR: 00324.16 CRF: 00000.72

Year	Accidents
1993	0006
1994	0013
1995	0008

PORTLAND MAINE 1996

Site Code : 00000002
 N-S Veh : BJ's WHOLESALE
 E-W Veh : WARREN AVE
 Counter :

PAGE: 1
 FILE: TEMP-2

Priority Movements: Vehicles

DATE: 10/19/96

Time Begin	From North				From East				From South				From West				Vehicle Total	HVEC Total
	HVEC	RT	THRU	LT	HVEC	RT	THRU	LT	HVEC	RT	THRU	LT	HVEC	RT	THRU	LT		
11:15	0	0	0	0	4	0	102	32	0	25	0	20	3	12	91	0	202	7
11:30	0	0	0	0	3	0	109	25	1	29	0	13	2	21	115	0	306	6
11:45	0	0	0	0	6	0	107	28	0	36	0	19	3	20	115	0	323	9
HR TOTAL	0	0	0	0	13	0	318	95	1	92	0	52	8	53	321	0	911	22
12:00 PM	0	0	0	0	3	0	96	32	0	36	0	18	1	15	98	0	295	4
12:15	0	0	0	0	0	0	81	33	0	37	0	16	1	17	118	0	302	1
12:30	0	0	0	0	3	0	90	25	0	27	0	21	0	17	97	0	277	3
12:45	0	0	0	0	1	0	101	28	1	31	0	16	1	16	87	0	279	3
HR TOTAL	0	0	0	0	7	0	368	118	1	131	0	71	3	55	400	0	1153	11
1:00 PM	0	0	0	0	1	0	79	29	0	34	0	24	0	11	108	0	205	1
1:15	0	0	0	0	2	0	77	39	0	37	0	14	3	26	92	0	201	5
1:30	0	0	0	0	0	0	87	38	0	43	0	12	4	18	87	0	205	4
DAY TOTAL	0	0	0	0	23	3	929	303	2	327	0	173	18	172	1000	0	2915	43

PEAK PERIOD ANALYSIS FOR THE PERIOD: 11:15 AM - 1:45 PM

DIRECTION FROM	START PEAK HOUR	PEAK HR FACTOR	VOLUMES					PERCENTS				
			HVEC	Right	Thru	Left	Total	HVEC	Right	Thru	Left	
North	12:00 AM	0.00	0	0	0	0	0	-	0	0	0	
East	11:15 AM	0.98	16	0	414	117	531	-	0	70	23	
South	12:45 PM	0.91	1	169	0	66	211	-	69	0	31	
West	11:30 AM	0.95	7	73	446	0	519	-	14	86	0	
Entire Intersection												
North	11:30 AM	0.00	0	0	0	0	0	-	0	0	0	
East		0.95	12	0	393	118	511	-	0	77	23	
South		0.91	1	130	0	66	196	-	66	0	34	
West		0.95	7	73	446	0	519	-	14	86	0	

Site Code : 0000002
 N-S Veh : BJ's WHOLESALE
 E-W Veh : WARREN AVE
 Counter :

PORTLAND MAINE 1996

PAGE: 1
 FILE: TEMP-2

Priority Movements: Vehicles

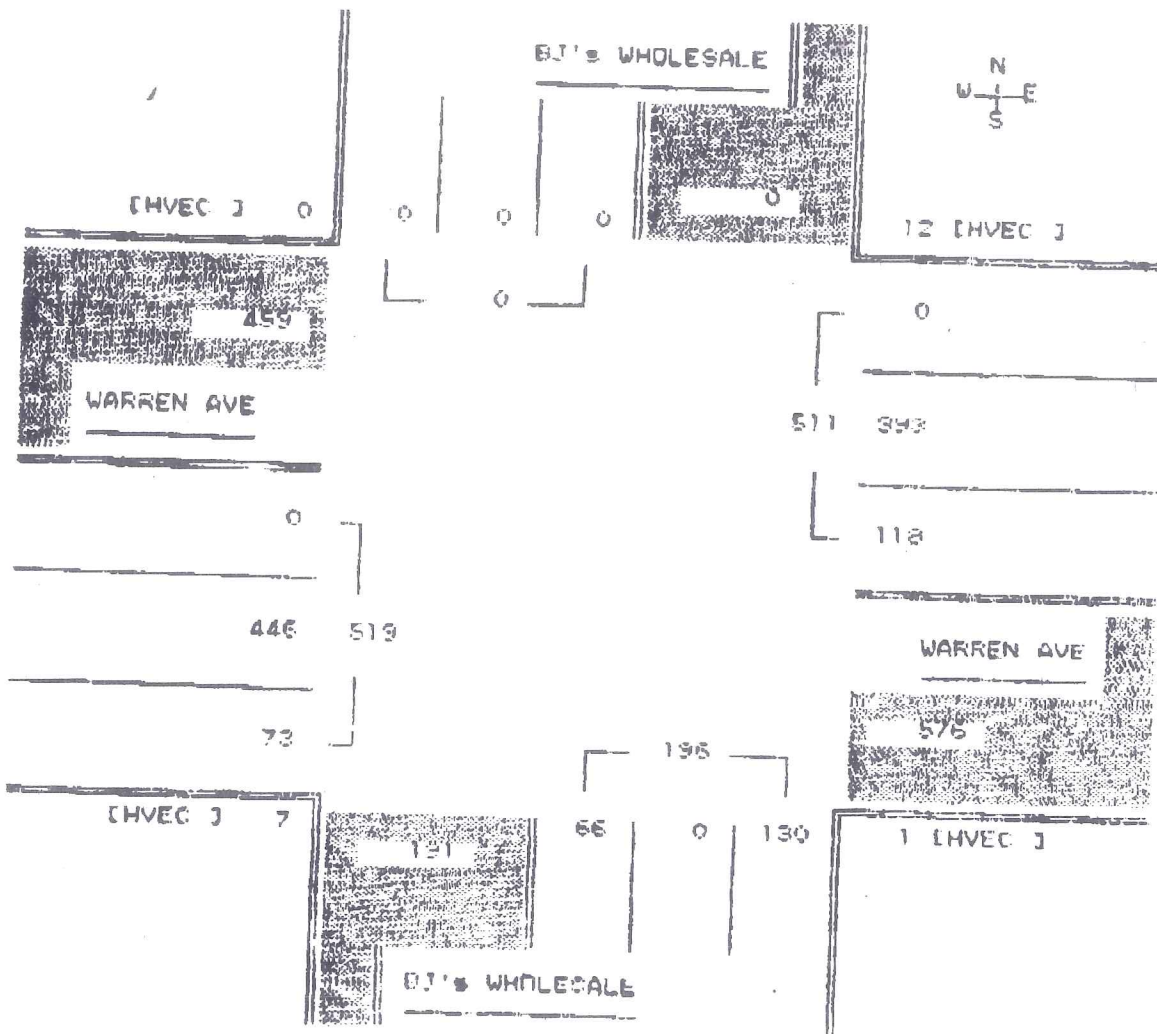
DATE: 10/19/96

PEAK PERIOD ANALYSIS FOR THE PERIOD: 11:15 AM - 1:45 PM

DIRECTION FROM	START PEAK HOUR	PEAK HR FACTOR	VOLUMES				PERCENTS				
			HVEC	Right	Thru	Left	Total	HVEC	Right	Thru	Left
North	11:30 AM	0.00	0	0	0	0	0	0	0	0	0
East	11:15 AM	0.98	16	0	414	117	531	0	78	22	0
South	12:45 PM	0.91	7	145	0	66	211	0	69	0	31
West	11:30 AM	0.95	7	73	446	0	519	0	14	86	0

Entire Intersection

North	11:30 AM	0.00	0	0	0	0	0	0	0	0	0
East		0.96	12	0	393	118	511	0	0	77	23
South		0.91	7	130	0	66	196	0	66	0	34
West		0.95	7	73	446	0	519	0	14	86	0



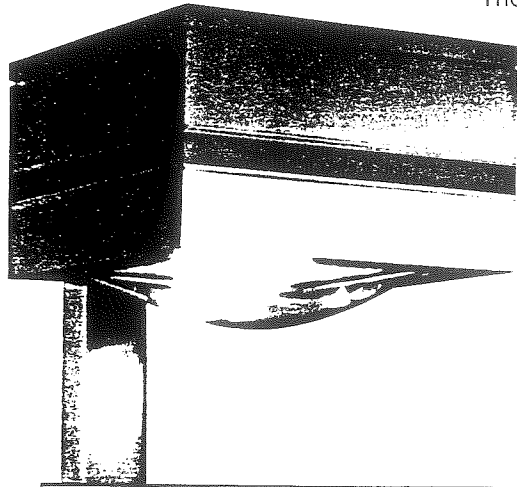
To: Bill Bray
From: Tom Errico
Date: October 30, 1996
Subject: Jokers Two, Inc. - Warren Avenue
Copy: Richard Knowland


PRELIMINARY MEMO. A FINAL MEMO
WILL BE AVAILABLE FOR TUESDAY'S
MEETING

MEMORANDUM

In response to comments contained in my memorandum dated October 2, 1996, John L. Murphy, P.E. has prepared further analyses regarding safety conditions along Warren Avenue, queue spillback from the BJ's Warehouse Driveway, and trip generation. I concur with the conclusions regarding safety and queue spillback. However, in respect to trip generation, additional information should be provided. While in general, June conditions represent 80% to 85% of the higher volume periods, it is still unclear what type of activity occurred at the two surveyed sites during the days of the traffic counts. I would suspect that weather conditions significantly influences business activity, and traffic generation. Accordingly, I suggest that data be provided (customer volume, cash receipts, etc.) documenting specific site conditions during the count dates, and how those days compare to other peak business days.

Greenbriar Series™ VERTICAL BURN LUMINAIRES



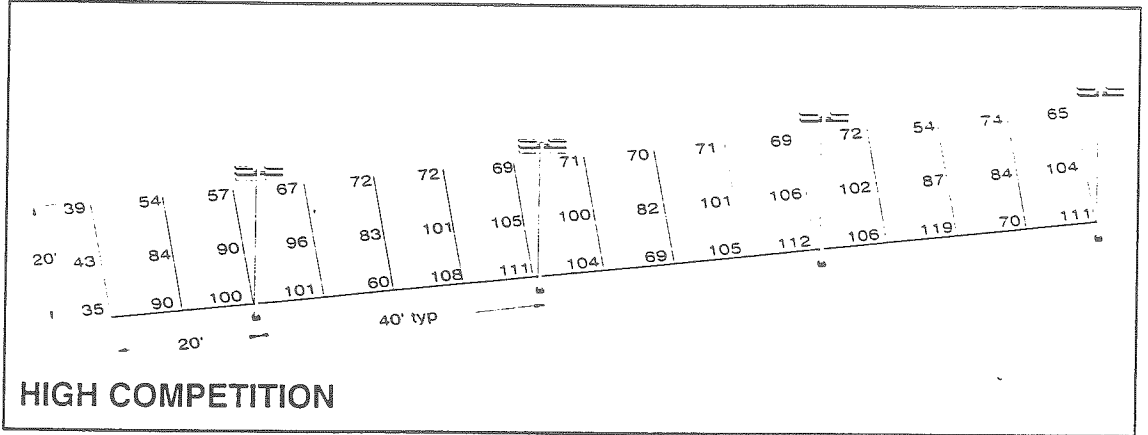
The Greenbriar's vertical burn lamp works in combination with segmented reflectors for a controlled, uniform lighting distribution pattern. The top access cover and accent color options, combined with outstanding performance, make the Greenbriar an economical, aesthetically pleasing fixture. 

FIRST ROW DISPLAY

Assembly A

Front Row Display
 Assembly Spacing 40'0"
 Mounting Height 24'0"

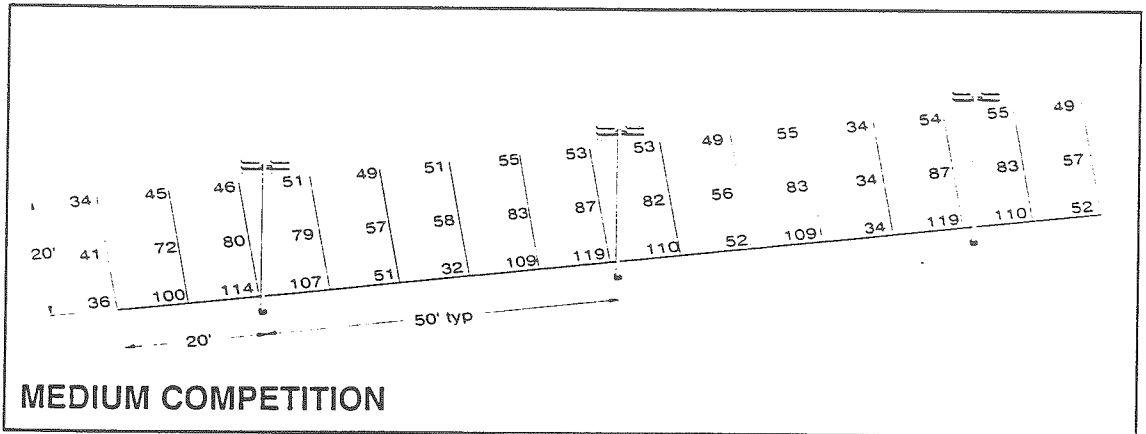
Initial foot-candle values
 at 3'0" above grade
 Average 83.9
 Max/Min 3.18



Assembly A

Front Row Display
 Assembly Spacing 50'0"
 Mounting Height 24'0"

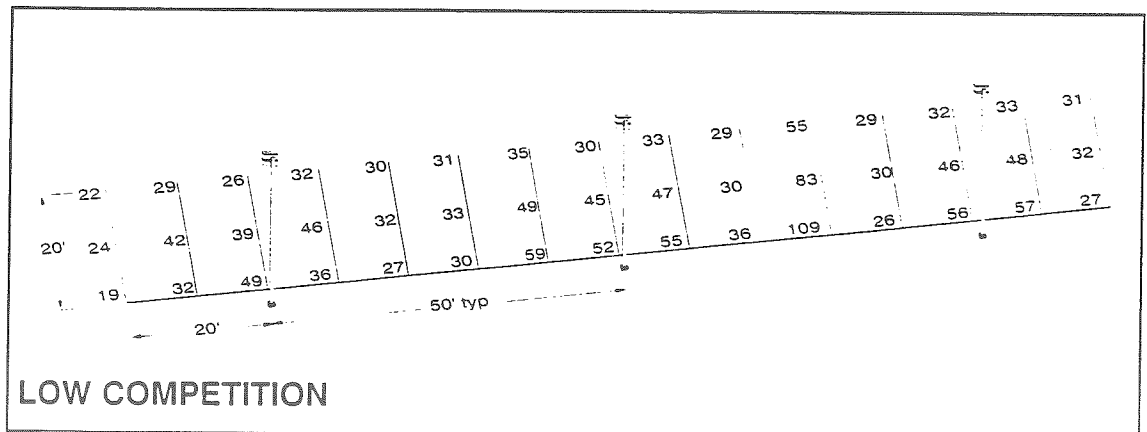
Initial foot-candle values
 at 3'0" above grade
 Average 68.9
 Max/Min 3.47



Assembly C

Front Row Display
 Assembly Spacing 50'0"
 Mounting Height 24'0"

Initial foot-candle values
 at 3'0" above grade
 Average 37.2
 Max/Min 3.13





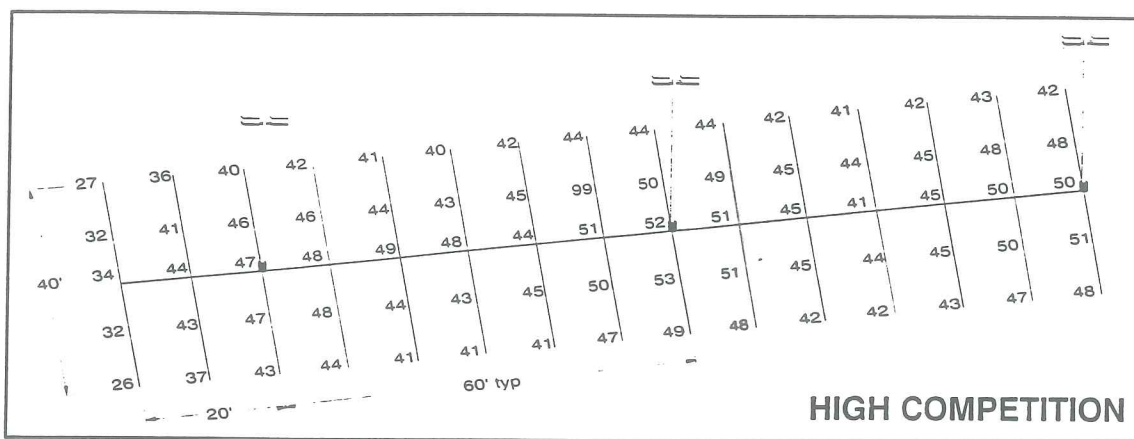
Illumination Levels

The amount of light required for an automotive dealership is dependent on the location of the facility, and can be broken into three levels:

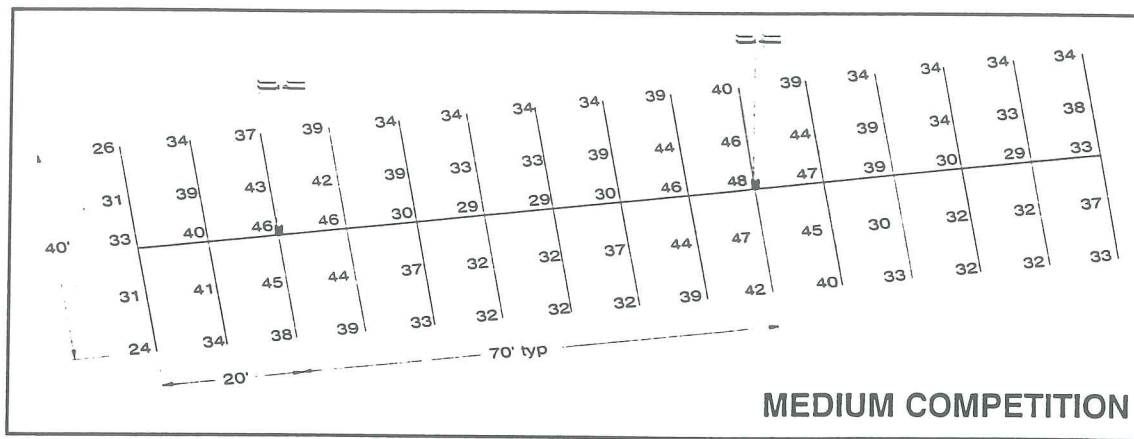
- **High Competitive** – Automalls and dealership rows are areas which require higher levels of illumination to compete with adjacent facilities. Typically located on high visibility thoroughfares.
- **Medium Competitive** – Dealerships located in urban areas with moderate traffic but without neighboring, competing dealerships.
- **Low Competitive** – Facilities located in rural areas or areas with low ambient light levels in the surrounding area. Without competition, even low levels of light will create an attractive environment.

SECONDARY ROW DISPLAY

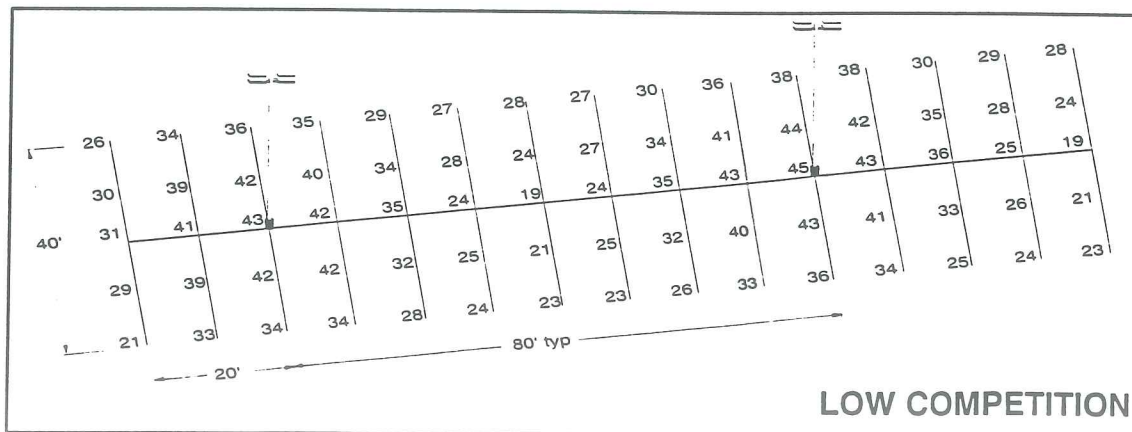
Assembly D
 Secondary Row Display
 Assembly Spacing 60'0"
 Mounting Height 24'0"
 Initial foot-candle values at 3'0" above grade
 Average 44.0
 Max/Min 2.00




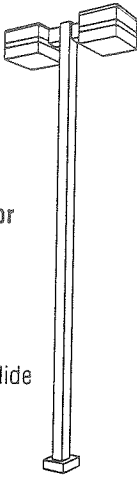
Assembly D
 Secondary Row Display
 Assembly Spacing 70'0"
 Mounting Height 24'0"
 Initial foot-candle values at 3'0" above grade
 Average 36.9
 Max/Min 1.96


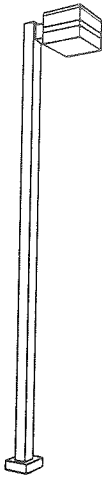



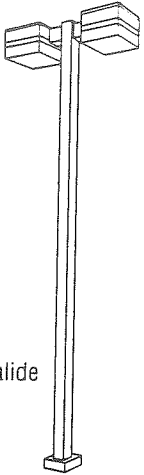
Assembly D
 Secondary Row Display
 Assembly Spacing 80'0"
 Mounting Height 24'0"
 Initial foot-candle values at 3'0" above grade
 Average 31.8
 Max/Min 2.33


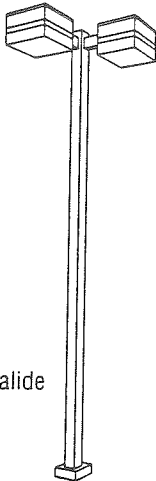



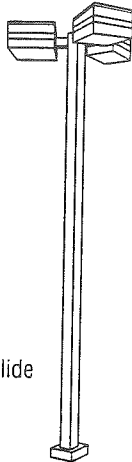
Greenbriar Series™ VERTICAL BURN LUMINAIRES


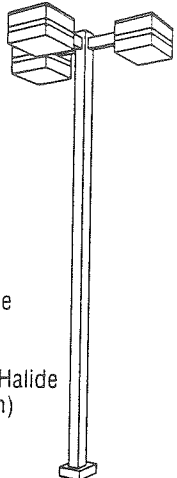
FRONT ROW DISPLAY	ASSEMBLY A
 <p>Twin D180° Field Rotated Reflector</p> <p>Luminaire: Greenbriar Large Distribution: Forward Throw Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: D180° Pole: Square Steel</p>	


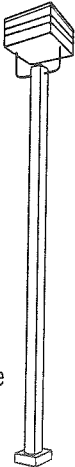
PERIMETER LIGHTING	ASSEMBLY C
 <p>Single</p> <p>Luminaire: Greenbriar Large Distribution: Forward Throw Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: Single Pole: Square Steel</p>	


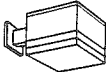
SECONDARY ROW	ASSEMBLY D
 <p>D180°</p> <p>Luminaire: Greenbriar Large Distribution: Type V Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: D180° Pole: Square Steel</p>	


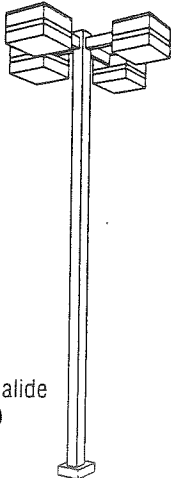
SECONDARY ROW	ASSEMBLY E
 <p>D90°</p> <p>Luminaire: Greenbriar Large Distribution: Forward Throw Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: D90° Pole: Square Steel</p>	

SECONDARY ROW	ASSEMBLY F
 <p>TN120°</p> <p>Luminaire: Greenbriar Large Distribution: Type V Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: TN120° Pole: Square Steel</p>	

SECONDARY ROW	ASSEMBLY G
 <p>T90°</p> <p>Luminaire: Greenbriar Large Distribution: Type V Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: T90° Pole: Square Steel</p>	

SECONDARY ROW	ASSEMBLY H
 <p>Pole Top Mount</p> <p>Luminaire: Greenbriar Large Distribution: Type V Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: Pole Top Pole: Square Steel</p>	

WALL MOUNT	ASSEMBLY I
 <p>Wall</p> <p>Luminaire: Greenbriar Large with Decorative Lens Trim Distribution: Forward Throw Lamp Wattage: 400 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: Wall Mount</p> <p>Luminaire: Greenbriar Large with Decorative Lens Trim Distribution: Forward Throw Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: Wall Mount</p>	

SECONDARY ROW	ASSEMBLY J
 <p>T90°</p> <p>Luminaire: Greenbriar Large Distribution: Type V Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: Q90° Pole: Square Steel</p>	



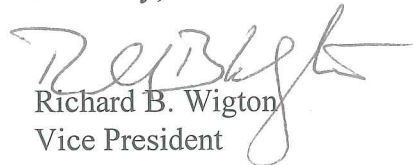
November 4, 1996

Michael Savage
Jokers Two
21 Coveside Road
Cumberland, ME. 04110

Dear Mike:

As Vice President of Private Banking at Fleet Bank of Maine, I am writing in response to the City of Portland's requirement to show that Michael Savage/Jokers Two has the financial capacity to complete your proposed project. Specifically, this project involves a significant upgrade of land and buildings at 510-540 Warren Avenue, Portland. Based on our discussions of the financial cost of the proposed upgrade, I can provide strong assurances that you have the financial capacity to complete the project. I would be happy to provide more detail regarding your financial capacity to the appropriate people as directed by you.

Sincerely,


Richard B. Wigton
Vice President

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Richard Knowland, Senior Planner
FROM: Steve Bushey, Development Review Coordinator
DATE: November 12, 1996
RE: Joker's Two, Inc.

I have reviewed the following materials submitted by Land Use Consultants on behalf of the Joker's Two Inc.

- Final Site Plan SD-1 Revised 11/4/96
- Details SD-2 10/15/96
- Details SD-3 10/15/96
- Details SD-4 10/15/96
- Preface to Stormwater Management Report 11/5/96
and revised Stormwater Management Report

Based on my review the following comments are provided:

1. The applicant has revised the stormwater management report based on my comments contained in an October 24, 1996 memorandum. Specifically the watershed which will drain to a proposed detention basin and a culvert beneath the railroad tracks near the site's southwest corner has been split into two drainage areas since a portion of that area will not drain to the detention basin. Based on my review it appears the applicant has addressed my concerns regarding that watershed. It will be necessary however, that the proposed stormwater management system for the sub catchment area #1 be reviewed for adequacy once a formal layout and design is proposed for the future go-kart area. Specifically, the assumption of 30% impervious area should be confirmed.
2. The applicant has revised the stormwater report and computations based on a land cover change on the proposed out parcel. Specifically, additional pavement has been added in the northern part of the outparcel (near the project driveway). Based on the computations, it appears that the new paved area is to be 0.05 acre in size. I have quickly checked the additional pavement area (planimeter) and found it to be closer to 0.16 acre. Also, I have quickly checked the area of existing pavement within the proposed future miniature golf area and estimate approximately 0.50 acre of existing impervious area will be removed and replaced with approximately 0.15 acre (30%) of impervious and 0.35 acre (7%) of lawn. Based on these approximate measurements it appears the post development curve number computation for subcatchment 2 may be slightly higher than computed. Overall, it still appears the project will result in a net decrease to impervious area however the applicant should confirm the curve number computation.
3. Tony Lombardo of Portland Public Works and I have reviewed the existing off-site storm drain system in Warren Avenue. A series of catch basins and drain manholes extend from the BJ's entrance westerly to a 36" culvert which crosses Warren Avenue opposite the new Home Depot

driveway. Based on record drawings that Tony had it appears that a stormdrain, perhaps a perforated pipe is located in front of the Joker's site and the existing on-site storm drain system ties directly into this pipe. No drain structure was observed. Tony and I agree that a structure would be beneficial at the point in which the on-site system ties into the Warren Avenue drain line. The applicant should review this issue.

4. The site plan indicates a chain link fence with privacy slats will be used on the out parcel. The landscaping plans identifies an 8' high black vinyl chain link fence. Is this to mean a vinyl coated fence or the slatted fence?
5. Overall, it should be conditioned in any approval that the applicant submit additional data and obtain approval for the go-kart and miniature golf areas when they are planned for construction.
6. The site plan should include erosion control measures along the Warren Avenue frontage since earthwork activity will occur in the area of the future miniature golf and for the proposed sidewalk. A sediment barrier should be provided at the catch basin beneath the I-95 overpass.
7. The existing on-site storm drain system including structure should be maintained and existing sediment removed.
8. To increase water quality benefits for storm water entering the proposed detention basin it is recommended that the applicant consider a wetpond in the detention basin. This assumes approval by Central Maine Power Co. Or consider other suitable techniques that would provide stormwater treatment.

If you have any questions regarding these comments please call this office.

Jan. 13 '94 14:16

PROPERTY DEVE.

TEL 1-848-0100-2453

Date of Certificate:
DECEMBER 22, 1993



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

UNDERGROUND STORAGE TANK
FACILITY REGISTRATION FORM

Please display this certificate in a
visible location at the registered facility.

Facility:
GROSSMAN'S INC.
200 UNION ST
PORTLAND
ME 04103

Facility Registration Number: 1622

Date of Registration: DECEMBER 22, 1993

Sensitive Area Status:

NONE

Operator:
GROSSMAN'S INC.
PORTLAND
ME 04103

Facility Use:

OIL STORAGE/COMMERCIAL ESTAB

Owner:
HMG/FIEBER REALTY TRUST
% LAVIN RLTY 1266 FURNACE BR P
QUINCY
MA 02169

Number of Tanks: 1
(See accompanying list
for detailed breakdown)

IF THE INFORMATION ON THIS FORM IS ACCURATE AND
COMPLETE, PLEASE RETAIN FOR YOUR RECORDS.

The Maine Department of Environmental Protection must be
notified of any errors or changes in the information on this form.
To accomplish this, please draw a line through the incorrect or outdated
information, insert the correct information, and return this form to:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF OIL AND HAZARDOUS MATERIALS CONTROL
STATE HOUSE STATION #17
AUGUSTA, MAINE 04333
ATTN: Underground Tanks Program

If you have any questions concerning this
process, please call (207)287-2651 and ask for the
administrator of the Underground Storage Tanks Program.

10000 1000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGISTRATION FORM FOR UNDERGROUND OIL AND HAZARDOUS SUBSTANCES (CHEMICAL)
STORAGE TANKS**
(Pursuant to 38 M.R.S.A. Section 563, 40 CFR Part 260)

Facility Name: Grossman's Owner: ING-Fieber Realty Trust
 Location (Town/City): Portland, ME

REGISTRATION NUMBER
 (Complete ONLY if Registration Number was Assigned.)

10. IF NEW OR REPLACEMENT TANKS ARE INCLUDED WITH THIS REGISTRATION, PROVIDE:

A. Name of Installer: _____ C. Expected Date of Installation: _____
 B. Installer ID Number: _____
 11. INDIVIDUAL TANK DATA (Complete one [L] line for each tank at the facility, including tanks planned for installation or replacement).

A. Tank Number	B. Tank Type	C. Spigot Type	D. Tank Size	E. Form of Additional Protection (New and Replacement Tanks in Sensitive Geographic Areas (Tanks and Piping))	F. Product Stored	G. Gas Installed	H. Status	I. Date removed from active service (if applicable)	J. Amount of Product left in (specify tank if applicable)
1	<input checked="" type="checkbox"/> Bare or Asphalt-coated Steel <input type="checkbox"/> Cathodically Protected Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<input checked="" type="checkbox"/> Galvanized Steel <input type="checkbox"/> Cathodically Protected Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	4,000 Gallons	Confine and Monitor Ground Water Continuous Electronic Monitoring of Ground Water Cathodic Protection Monitoring of Vapors Secondary Containment Ground Water Sampling	Gasoline	Unknown	Planned Active	12 93	N/A
	<input type="checkbox"/> Bare or Asphalt-coated Steel <input type="checkbox"/> Cathodically Protected Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Galvanized Steel <input type="checkbox"/> Cathodically Protected Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____		Confine and Monitor Ground Water Continuous Electronic Monitoring of Ground Water Cathodic Protection Monitoring of Vapors Secondary Containment Ground Water Sampling	Fuel Oil				
	<input type="checkbox"/> Bare or Asphalt-coated Steel <input type="checkbox"/> Cathodically Protected Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Galvanized Steel <input type="checkbox"/> Cathodically Protected Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____		Confine and Monitor Ground Water Continuous Electronic Monitoring of Ground Water Cathodic Protection Monitoring of Vapors Secondary Containment Ground Water Sampling	Fuel Oil				
	<input type="checkbox"/> Bare or Asphalt-coated Steel <input type="checkbox"/> Cathodically Protected Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Galvanized Steel <input type="checkbox"/> Cathodically Protected Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other (Specify) _____		Confine and Monitor Ground Water Continuous Electronic Monitoring of Ground Water Cathodic Protection Monitoring of Vapors Secondary Containment Ground Water Sampling	Fuel Oil				



INDIVIDUAL TANK DATA
FOR
SITE NUMBER:

1622

TANK NUMBER	TANK TYPE	PIPING TYPE	TANK SIZE	ADDITIONAL MONITORING	PRODUCT STORED	DATE INSTALLED	TANK STATUS
1	STEEL/BARE ASPHALT	GALVANIZED STEEL	4,000	NONE	DIESEL	NK/NK	OUT OF SERVICE

00000000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
 REGISTRATION FORM FOR UNDERGROUND OIL
 AND HAZARDOUS SUBSTANCES (CHEMICAL)
 STORAGE TANKS
 (Pursuant to 38 M.R.S.A. Section 583, 40 CFR Part 280)**

STATE USE ONLY DATE OF REGISTRATION: <u> / / </u>
--

1. REGISTRATION NUMBER: _____
 (Complete only if a registration number has been previously assigned.)

2. FACILITY INFORMATION
- A. Name: Groesman's Inc.
- B. Mail Address: 200 Union Street, Braintree, MA 02184
- C. Street Address: 510 Warren Avenue
- D. Town/City: Portland, ME
- E. Zip Code: 04103 F. Telephone: (207) 797-6816
- G. Directions to Site: _____
- H. Is at least one existing or planned tank (including piping and pumps) within 1000 ft. of a public water supply? Yes X No
- I. Is at least one existing or planned tank (including piping and pumps) within 300 ft. of a private water supply? Yes X No
- J. (Complete if the answer to (I) above is YES.) Is at least one water supply located within 300 feet of the tank(s) is owned by someone other than the facility owner or operator? Yes No
- K. Is the facility located on a significant sand and gravel aquifer or recharge area as mapped by the Maine Geological Survey? Yes X No

(If you wish assistance in answering item (K), please call the Department at (207) 289-2651. Sand and gravel aquifer maps can be reviewed at any of the Department's offices or requested from the Maine Geological Survey, State House Station 22, Augusta, Maine 04333, (207) 289-2801.

NOTE: If the answer to item (H), (J) or (K) above is yes, the facility is in a sensitive geologic area. A new or replacement tank used for the marketing and distribution of oil in such an area requires secondary containment or ground water monitoring pursuant to 38 M.R.S.A. Section 546(C).

STATE USE ONLY			
Reviewer:	Date:	Map Number:	Comment:

- L. Facility Use (Check One):
- Wholesale Oil Distribution
 - Retail Oil Distribution
 - X Oil Storage at Commercial Establishment
 - Oil Storage at Industrial Establishment
 - Oil Storage/Single Residence
 - Oil Storage/Multiple Residence
 - Oil Storage/Farm
 - Oil Storage/Public Facility (State or Local)
 - Oil Storage/Federal Facility
 - Chemical Storage

3. PERSON TO CONTACT FOR MORE INFORMATION
- A. Name: William N. Satterlund for Groesman's, Inc.
- B. Mail Address: 200 Union Street
- C. Town/City: Braintree, MA D. State: MA
- E. Zip Code: 02184 F. Telephone: (617) 848-0100 ext 2715

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
 REGISTRATION FORM FOR UNDERGROUND OIL
 AND HAZARDOUS SUBSTANCES (CHEMICAL)
 STORAGE TANKS**
 (Pursuant to 38 M.R.S.A. Section 563, 40 CFR Part 280)

Facility Name: Grossman's
 Location (Town/City): Portland, ME
 Owner: HMG-Fieber Realty Trust

REGISTRATION NUMBER
 (Complete ONLY if Registration Number has
 been previously assigned.)

4. TANK OWNER
 A. Name: HMG/Fieber Realty Trust
 B. Mail Address: c/o Lavin Realty Advisors, Inc., 1266 Furnace Brook Parkwy.
 C. Town/City: Quincy, D. State: MA
 E. Zip Code: 02169 F. Telephone: (617) 471-5480
5. TANK OPERATOR
 A. Name: Grossman's
 B. Mail Address: 510 Warren Avenue
 C. Street Address: "
 D. Town/City: Portland, E. State: ME
 F. Zip Code: 04103 G. Telephone: (207) 797-6816

6. COMPLETE the next two pages of this form and include each tank currently at the facility and each new or replacement tank planned for the facility.

7. ENCLOSE a check for the applicable registration fee with this submittal made payable to "Treasurer — State of Maine" and return to the Department of Environmental Protection. Registration fees are applicable ONLY to active, new, or replacement tanks used for the marketing and distribution of oil. Registration fees are due upon registration and annually thereafter, prior to the first day of January. Fees are as follows:

 Tanks 6,000 gallons or under in size \$25 per tank
 Tanks over 6,000 gallons in size \$50 per tank

8. MAKE TWO COPIES of this form. SUBMIT the original to the DEPARTMENT OF ENVIRONMENTAL PROTECTION (Bureau of Oil & Hazardous Materials Control, State House Station 17, Augusta, Maine 04333). SEND one copy to the LOCAL FIRE DEPARTMENT having jurisdiction. RETAIN the third copy for your records. For new and replacement tanks, registrations are due at least five (5) business days prior to installation. Registrations for existing tanks are due prior to February 1, 1988.

9. CERTIFY THIS FORM BY SIGNING. By signing this form, the tank registrant certifies that all information is accurate and complete, and that they will comply with all applicable federal, state and local laws and regulations concerning the underground storage of petroleum or other hazardous materials. The owner or operator is required by Maine statute to file an amendment to this registration with the Department of Environmental Protection immediately upon any change in the information on this form.

1/13/94 James Lavin, President, Lavin Realty Advisors, Inc. Inc.
 Date Owner or Authorized Employee Title
 (Please PRINT or TYPE) (Please PRINT or TYPE)

James Lavin, Pres.
 SIGNATURE

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
 REGISTRATION FORM FOR UNDERGROUND OIL
 AND HAZARDOUS SUBSTANCES (CHEMICAL)
 STORAGE TANKS
 (Pursuant to 38 M.R.S.A. Section 563, 40 CFR Part 280)**

Facility Name: Grossman's
 Location (Town/City): Portland, ME
 Owner: HMG-Fleber Realty Trust

REGISTRATION NUMBER (Complete ONLY if Registration Number has been previously assigned.)

12. If this registration involves replacing tanks or installing tanks, ATTACH a drawing of the facility showing the location of tanks (and piping) to be installed and any existing tanks. USE the space below for a sketch if no drawing already exists. THE FORM OF ADDITIONAL PROTECTION for tanks used for marketing and distribution of oil in sensitive areas should be detailed on the drawing. MONITORING WELL LOCATIONS should be provided for all tanks greater than 1,100 gallons that are used for on-site consumption of oil.

WAIVER FROM THE REQUIREMENT THAT A NOTICE OF ABANDONMENT BY REMOVAL OF AN UNDERGROUND OIL TANK BE FILED THIRTY DAYS PRIOR TO REMOVAL

Due to Exceptional circumstances the Department of Environmental Protection grants a waiver to the thirty day filing period for abandonment by removal of the listed underground tanks, provided that the owner or operator meets the following conditions:

1. A written notice of removal is filed with the Department and the local fire department within one day of receiving this waiver.
2. The Department is kept advised of removal plans and schedule so that a department representative can observe the removal of the tank(s) and the excavation from which the tank(s) was/were removed.

Tank(s) owned by:

Name HMG/Fieba Realty Trust Phone # 617-471-5480

Mailing Address 70 LAUREL Realty advisors Town QUINCY MA

Located at 1266 FURNACE Brook Parkway

Name GROSSMANS Phone # 797-6816

Address 510 WILLYEN AVE Town Portland

Reason for Waiver: Removal prior to frost.

List tank(s) below

Registration #	Size	Location on Site (Describe or Diagram)
?	4000 gal Diesel	

To be registered prior to removal.

Under GZA Remed.

Planned Date of Removal 12/3/93

This waiver is granted on (date) 11/29/93 by

SG Brozinski SG Brozinski a copy of which is presented to

Jeff Wilson Portland Pump Co
(Name of individual receiving the copy)

White - Enforcement Copy

Canary - Investigator's Copy

Pink - Tank Owner's Copy

DEP SPILL # P-765-99

Date 12/3/93

GENERATOR Grossman's / HMG Fiebery Realty Trust

TRANSPORTER Commercial Paving Co Scarborough

REFERENCE: SHIPMENT OF OIL SPILL DEBRIS

ON 12/3/93 (date) S. Brezinski (DEP representative) OBSERVED THE

clean up of oil spill debris at Grossman's 510 Warren Ave. (location)

Portland
which resulted from discharges associated with motor (description of incident)

fuels UST facility.

This shipment consists of Forty (40) (quantity) yards

and/or drums of solid contaminated with

virgin diesel fuel (contaminant)

Solids consist of (check as appropriate)

- sand, gravel or soil
- speedy-dri
- sorbent
- other

(describe or lists)

Facility is (check One)

- Landfill
- Land Spreading Site
- Asphalt Plant
- Asphalt Pug Mill
- other

Commercial Recycling Soc's, Attn: Doug Gleason
Scarborough ME (describe)

S. Brezinski
Signature - DEP Representative

Signature - Facility Representative

White - DEP Representative
Pink - Generator

Canary - Transporter
Goldenrod - Receiving facility

JAN 10 1994



GENERATOR SPECIAL WASTE PROCESSING INFORMATION

I GENERATOR INFORMATION:

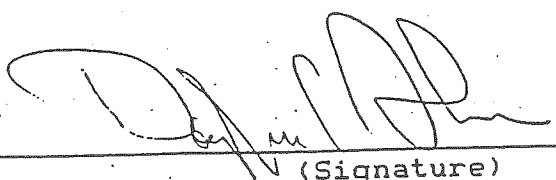
- a) Generator HMG/FIEBER REALTY TRUST Contact _____
Address 266 FURNACE BROOK PRKY., QUINCY, MA 02170 Phone# _____
- b) Process Generating the Waste UNDERGROUND STORAGE TANK REMOVAL
- c) Site of Generation GROSSMANS LUMBER, 512 WARREN AVE., PORTLAND, ME
- d) Contracting Firm PORTLAND PUMP COMPANY Contact _____
Address P O BOX 1180, SCARBOROUGH, ME 04074 Phone# 883-4317
- e) DEP On Site Representative STEVE BREZINSKI Spill# P-765-93

II PROCESSING INFORMATION:

- a) Type of Waste Material Processed V.P.O.C.S. (DIESEL FUEL)
- b) Amount of Waste Received _____ Cu Yds 94.43 Tons
Date Waste Received 12/03/93
- c) Amount of Additional Material Needed _____ Cu Yds 0 Tons
- d) Total Amount of Material Processed _____ Cu Yds 94.43 Tons
- e) Date Processed 12/10/93
- f) Processing Site Commercial Recycling Systems, Scarborough, Maine
- g) Stockpile Site for Processed Material CRS, Scarborough, Maine
Amount of Waste Material Stockpiled _____ Cu Yds 94.43 Tons
Date Waste Material Stockpiled 12/10/93
- h) Final Disposition of Processed Material Stockpiled
Amount of Processed Material _____ Cu Yd 94.43 Tons
Date of Final Disposition 12/10/93
- i) Commercial Recycling Systems Job# 30336

III WASTE CHARACTERIZATION:

Stockpiled material to be used as road base or base paving material.


(Signature)

Gau Mepa
(Title)

Attach a Copy of DEP Oil Spill Debris Manifest

DATE: 1/13/94

CUSTOMER: GZA REMEDIATION
ADDRESS: 320 NEEDHAM ST
ADDRESS: NEWTON UPPER FALLS, MA 02461

Dear Sirs:

Portland Pump Company, through contract # 2-1-1569 with
(Grossman's, Portland, ME)
your firm, disposed of the following tanks:

TANK SIZE	FUEL	PPC TANK #
<u>4,000</u>	<u>DIESEL</u>	<u>P700</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The tanks were cleaned by CLEAN HARBORES on 12/28/93 The
tank(s) were sold to Stiman & Stiman Steel Company who cut, transported and sold
the steel to a steel yard of their choice.

If you have any questions, please do not hesitate to call.

Portland Pump Company

PRODUCT 123 Available from **NEBI** Inc., Groton, Mass. 01471

PHONE TOLL FREE 1-800-225-8350

STRAIGHT BILL OF LADING
ORIGINAL - NOT NEGOTIABLE

Shipper No. ME1308
Carrier No. _____
Date Aug 5 1988

Clean Harbors Env. Services, Inc.
(Name of Carrier)

TO: Clean Harbors Env. Services Inc FROM: GROSSMAN'S Lumber Co.
Consignee
Street Williams Terminal 17 Main St. Street 570 WARREN AVE
Destination So. Portland, Me. Zip Code 04106 Origin Portland, ME

Route	No. Shipping Units	HM*	Kind of Packaging, Description of Articles, Special Marks and Exceptions	Weight (subject to correction)	Rate	CHARGE
	<u>001</u>	<u>NO</u>	<u>Combustible liquid, Virgin #2 oil, No 1270</u>	<u>150 gallons</u>		

REMIT C.O.D. TO: ADDRESS _____

NOTE - Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____

This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation. _____ Signature

Subject to Section 7 of the conditions, if this shipment is to be delivered to the consignee without recourse on the consignee, the consignor shall sign the following statement: The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges. _____ Signature of Consignor

RECEIVED, subject to the classifications and lawfully filed tariffs in effect on the date of the issue of this Bill of Lading, the property packages unknown, marked, consigned, and destined as indicated above which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of all or any of, said property over all or any portion of said route to be performed hereunder shall be subject to all the bill of lading terms and conditions in the governing classification and conditions at the date of shipment. Shipper hereby certifies that he is familiar with all the bill of lading terms and conditions and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

SHIPPER William G. Lathrop for Grossman's Inc. CARRIER _____
PER _____ PER _____
DATE _____

C.O.D. PAID
PREPAID
301A
CHARGE



CITY OF PORTLAND

October 21, 1997

Mr. Jim Grattelo
Jokers Walmart Shopping Center
Route 1
Portsmouth NH

RE: Jokers

Dear Mr. Grattelo:

This letter is in reference to the landscaping plan for the Jokers. Apparently your landscaping contractor (Dale Pierson) has contacted Jeff Tarling about eliminating several trees within the "islands" of the parking lot.

As you will recall, the Planning Board (September 23rd meeting) was clear about requiring the trees originally shown on the plan. The Board's letter of approval to you states:

"That all trees in the parking lot shall remain as detailed on the original site plan excluding to two trees along the driveway which shall be incorporated in the mini-golf area"

The original site plan labeled the central landscaping island (within the parking lot) as 10 feet wide with a 5 foot wide sidewalk - providing an equal amount of space for landscaping and the sidewalk. Unfortunately as constructed, the sidewalk is more than half of that space, limiting the amount of space available for trees.

In discussing this matter further with Jeff Tarling, he has come up with an idea that can accommodate trees within this area. Jeff has marked (in white paint) on the edge of the sidewalk, 3 locations where trees can be planted. This can be accomplished by cutting a 1 ft. by 5 ft. strip within the asphalt sidewalk to create a tree well. The resulting space should be adequate for planting. Jeff Tarling has suggested Bradford Pears as an appropriate species for a location such as this.

During the Board's recent review of the project, the Board indicated that they wanted to see the trees installed. We indicated to the Board that staff could offer suggestions in accomplishing that goal. We have come up with one alternative that works. Certainly if your consultant has another alternative, we can review it.

O:\PLAN\DEVRE\W\WARRN510\LETTERS\10-21GRA.JMD

Should you have any questions concerning this letter, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexander Jaegerman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Alexander Jaegerman
Chief Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Richard Knowland, Senior Planner
Jeff Tarling, City Arborist
William Latvis, Sisquisic Trail, Yarmouth ME 04096

Additional Trip & Traffic Data

11/2/96

In response to Tom Errico's request for additional data regarding trip generation we submit the following:

- O Joker's in Portsmouth is the same size and concept and has the same demographics as the Portland location. Both locations are projected to produce the same annual sales volume and customer traffic. Although Portland will have outdoor amusement activities, Portsmouth is a high traffic summer tourist area and therefore, volumes for the summer will be the same for both locations. Portsmouth has 186 parking spaces and we have never filled the entire parking lot at any one time. The City of Portsmouth has already admitted that they required too many parking spaces.
- O The traffic counts previously submitted were done at Bonker's in Weymouth and Peabody MA where the demographics including population, traffic, trips etc. are significantly higher overall. These are competitors of Joker's with the same concept. As you can understand, they are not willing to share competitive information regarding sales, cash receipts or customer volume as Tom Errico requested.

Instead, more relevant customer volume and sales information for the same time period at our Portsmouth location is provided below:

	Customer Volume	Sales
Rainy Saturday	438 people	\$7400
Sunny Saturday	288 people	\$5100
Rainy Sunday*	311 people	\$4400
Sunny Sunday*	182 people	\$3300

* Open only until 8:00pm

The average # of people per car that arrives is approximately 2.7 in the summer. As you can see, rainy day volumes are 1.5 to 1.7 times sunny days. If June represents 80 to 85 % of higher volume months then it appears that the trip generations, traffic and parking is not a problem.

- O To add validity to the above data, an additional traffic study was done at Portsmouth on Saturday 11/2/96 from 11:00 am to 5:00pm which is the peak day of the week and the peak time period of the day. It was a partially cloudy day November is a slightly higher volume month as compared with June.

Attached are the results of the study. The maximum number of parking spaces used was 98. The average number of people per car was 2.84. Had this been a rainy day a multiple of 1.5 applied would mean that 147 spaces would have been used. During our higher volume months, a multiple of 1.2 would mean that 176 spaces would be used.

We hope that this data sufficiently puts to rest any concerns regarding traffic or parking.

Summary

	In	People	Out	End
	28	50		
11:00 - 11:15	4	14	1	31
11:15 - 11:30	5	18	2	34
11:30 - 11:45	8	23	5	37
11:45 - 12:00	12	25	2	47
12:00 - 12:15	14	29	6	55
12:15 - 12:30	12	38	9	58
12:30 - 12:45	6	21	5	59
12:45 - 1:00	11	34	3	67
1:00 - 1:15	20	55	6	81
1:15 - 1:30	14	44	14	81
1:30 - 1:45	15	46	4	92
1:45 - 2:00	13	41	8	97
2:00 - 2:15	10	26	9	98
2:15 - 2:30	5	13	14	89
2:30 - 2:45	8	30	6	91
2:45 - 3:00	8	30	10	89
3:00 - 3:15	7	19	7	89
3:15 - 3:30	5	15	7	87
3:30 - 3:45	5	16	10	82
3:45 - 4:00	5	13	10	77
4:00 - 4:15	4	9	12	69
4:15 - 4:30	5	17	13	61
4:30 - 4:45	11	40	7	65
4:45 - 5:00	4	11	5	64

TOTAL

239

681

11 draw offs

2.84 people per hour

DATE 11/2/96	EXP. NUMBER ①	EXPERIMENT Parking Survey	Weather = partly cloudy	4
NAME Peter Lafus		LAB PARTNER Yvan Boudreau		LOCKER NUMBER

○ = drop off

Time	Cars	# of People	Cars Out	# of people out
Start	28	50 total		
11 → 11:15	IIII	2, 4, 6, 2	I	1
11:15 → 11:30	IIII	4, 3, 2, 2, 6	II	3, 3
11:30 → 11:45	IIII III	3, 2, 4, 2, 2, 3	IIII	1, 2, 4, 2, 2
11:45 → 12:00	IIII III II	1, 3, 2, 3, 1, 2, 3, 1, 3, 3, 1	II	2, 3
12:00 → 12:15	IIII III III	2, 5, 2, 1, 1, 2, 4, 4, 1, 2, 3	IIII I	3, 3, 1, 1, 2, 2, 2
12:15 → 12:30	IIII III II	3, 4, 2, 2, 3, 3, 3, 1, 3, 5, 2	IIII III	3, 3, 1, 1, 2, 1, 6, 2, 2
12:30 → 12:45				
12:30 → 12:45	IIII I	4, 3, 1, 3, 2, 4, 3	IIII	3, 2, 1, 4, 2
12:45 → 1:00	IIII III IIII I	3, 3, 3, 3, 4 1, 2, 3, 1, 2, 2, 4	IIII	2, 2, 2
1:00 → 1:15	IIII III IIII III	1, 1, 3, 3, 5, 2, 2, 4, 2 2, 6, 3, 1, 4, 2, 2, 3, 3, 1	IIII I	1, 4, 3, 4, 3, 4
1:15 → 1:30	IIII III IIII	1, 2, 3, 3, 6, 7, 4, 5, 6, 2 2, 5, 2	IIII III	5, 4, 2, 3, 3, 2, 2
1:30 → 1:45	IIII III IIII	1, 3, 2, 2, 2, 1, 3, 6, 8, 4, 1 2, 8, 3, 3, 3	IIII	3, 1, 2, 3, 5, 2, 1
1:45 → 2:00	IIII III IIII	3, 5, 2, 3, 1, 8 4, 2, 3, 5	IIII III	3, 3, 4, 2
2:00 → 2:15	IIII III IIII	2, 1, 1, 2, 2, 5, 2, 1, 3, 6 3, 6	IIII III	2, 2, 3, 4, 3, 4
2:15 → 2:30	IIII	3, 2, 3, 3, 2	IIII III	4, 3, 1
			IIII III	3, 2, 3, 4, 2, 4
			IIII	1, 3, 4, 2, 3, 5
			IIII	2, 5

DATE 11/2/95	EXP. NUMBER	EXPERIMENT Parking survey	5
NAME Peter Catburg	LAB PARTNER Yvon Boudreau	LOCKER NUMBER	

	In	#	Out	Results
175 230 → 245		2, 6, 5, 6, 4, 3, 2 2	1	2, 2, 2, 2, 3, 3, 5
193 245 → 3:00		4, 2, 7, 3, 5 3, 1, 5	3, 1, # 4, 1, 5	1, 1, 3, 4, 5
200 3 → 3:15		4, 1, 5, 6, 1, 1, 1		3, 1, 6, 1, 1, 4, 1
205 3:15 → 3:30		2, 3, 2, 6, 2 1, 1, 1, 1, 1		2, 2, 2, 3, 2, 3, 5
210 3:30 → 3:45		3, 1, 5, 3, 3		6, 1, 2, 2 4, 3, 4, 1, 2 5
3:45 4:00		4, 1, 1, 4, 3		3, 3, 2, 2, 6, 5 7, 1, 3, 5
4:00 → 4:15	 	4, 2, 2, 1 4, 2, 2, 1	 	2, 5, 2, 3, 2, 3, 2, 2 4, 1, 1, 3
4:15 → 4:30	 	5, 3, 5, 3, 1	 	3, 2, 5, 3, 5, 3, 3 2, 6, 6, 2, 3, 5
4:30 → 4:45	 1	5, 3, 3, 2 3, 4, 3, 8, 4, 2 3	 	7, 3, 3, 3, 5 2, 4, 3
4:45 → 5:00		3, 2, 3, 3		3, 2, 3, 2, 4

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Richard Knowland, Senior Planner
FROM: Steve Bushey, Development Review Coordinator
DATE: November 12, 1996
RE: Joker's Two, Inc.

I have reviewed the following materials submitted by Land Use Consultants on behalf of the Joker's Two Inc.

- Final Site Plan SD-1 Revised 11/4/96
- Details SD-2 10/15/96
- Details SD-3 10/15/96
- Details SD-4 10/15/96
- Preface to Stormwater Management Report 11/5/96
and revised Stormwater Management Report

Based on my review the following comments are provided:

1. The applicant has revised the stormwater management report based on my comments contained in an October 24, 1996 memorandum. Specifically the watershed which will drain to a proposed detention basin and a culvert beneath the railroad tracks near the site's southwest corner has been split into two drainage areas since a portion of that area will not drain to the detention basin. Based on my review it appears the applicant has addressed my concerns regarding that watershed. It will be necessary however, that the proposed stormwater management system for the sub catchment area #1 be reviewed for adequacy once a formal layout and design is proposed for the future go-kart area. Specifically, the assumption of 30% impervious area should confirmed.
2. The applicant has revised the stormwater report and computations based on a land cover change on the proposed out parcel. Specifically, additional pavement has been added in the northern part of the outparcel (near the project driveway). Based on the computations, it appears that the new paved area is to be 0.05 acre in size. I have quickly checked the additional pavement area (planimeter) and found it to be closer to 0.16 acre. Also, I have quickly checked the area of existing pavement within the proposed future miniature golf area and estimate approximately 0.50 acre of existent impervious area will be removed and replaced with approximately 0.15 acre (30%) of impervious and 0.35 acre (7%) of lawn. Based on these approximate measurements it appears the post development curve number computation for subcatchment 2 may be slightly higher than computed. Overall, it still appears the project will result in a net decrease to impervious area however the applicant should confirm the curve number computation.
3. Tony Lombardo of Portland Public Works and I have reviewed the existing off-site storm drain system in Warren Avenue. A series of catch basins and drain manholes extend from the BJ's entrance westerly to a 36" culvert which crosses Warren Avenue opposite the new Home Depot

driveway. Based on record drawings that Tony had it appears that a stormdrain, perhaps a perforated pipe is located in front of the Joker's site and the existing on-site storm drain system ties directly into this pipe. No drain structure was observed. Tony and I agree that a structure would be beneficial at the point in which the on-site system ties into the Warren Avenue drain line. The applicant should review this issue.

4. The site plan indicates a chain link fence with privacy slats will be used on the out parcel. The landscaping plans identifies an 8' high black vinyl chain link fence. Is this to mean a vinyl coated fence or the slatted fence?
5. Overall, it should be conditioned in any approval that the applicant submit additional data and obtain approval for the go-kart and miniature golf areas when they are planned for construction.
6. The site plan should include erosion control measures along the Warren Avenue frontage since earthwork activity will occur in the area of the future miniature golf and for the proposed sidewalk. A sediment barrier should be provided at the catch basin beneath the I-95 overpass.
7. The existing on-site storm drain system including structure should be maintained and existing sediment removed.
8. To increase water quality benefits for storm water entering the proposed detention basin it is recommended that the applicant consider a wetpond in the detention basin. This assumes approval by Central Maine Power Co. Or consider other suitable techniques that would provide stormwater treatment.

If you have any questions regarding these comments please call this office.

TABLE OF CONTENTS

- #1. Business Description
 - Mission
 - Indoor Amusement Center
 - Pictures of Indoor Center
 - Outdoor Amusement Activities

- #2. Business Profile
 - Industry Profile
 - Design Characteristics
 - Market Factors
 - Suppliers
 - Risk Factors
 - Benefits To The Community
 - Professional Consultants
 - Competition
 - Marketing/ Advertising
 - Demographics
 - Management

- #3. Site Submission List
 - Introductory Letter
 - Project Team
 - Drainage and Eroision Control Narrative
 - Traffic Study
 - Wetland Study
 - Water Company Service Letter
 - Sewer Service Letter
 - Noise Evaluation
 - Landscaping
 - Solid Water
 - Natural Areas
 - Construction Schedule
 - CMP Easement
 - Financial & Technical Capacity
 - Facility & Floor Area
 - Lighting

- #4. Property Information & Aerial Photograph

- #5. Preliminary Physical Inspection

- #6. Phase I. Environmental Assessment

#7. Underground Storage Removal Assessment

#8. Site Plans (Rolled)

Preliminary Site Plan

Aerial Plan

Topography

Boundry Survey

Drainage Plan - To be Submitted Later

Eroision Control Plan - To be Submitted Later

#9.

#10. Miscellaneous



Central Maine Power Company
83 Edison Drive, Augusta, Maine 04326

Real Estate Services

Post-It® Fax Note	7671	Date	10/4/96	# of pages	2
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23-3521

Post-It® Fax Note	7671	Date		# of pages	2
To	BILL/JIM	From	TOM		
Co./Dept.		Co.			
Phone #		Phone #	204 9118		
Fax #	603 431 4984	Fax #			

October 3, 1996

City of Portland
389 Congress Street
Portland, ME 04101-3503

Attention: City Planner

RE: Jokers Two, Inc.

Dear Sirs:

Central Maine Power Company is proposing to allow certain uses of it's transmission line right-of-way designated Section 188 in Portland, pursuant to a request from Jokers Two, Inc.

The proposed uses would include a go-kart track, detention pond and parking area.

The allowance of these uses by CMP are subject to final corporate approval.

Final conditions of the proposed uses have not been completed, however; at this point they will include:

- parking will be limited to the outer 20 feet of the right of way and shall be fenced to prevent snow from being plowed onto the right-of-way;
- future expansion of the parking area will not be permitted within the right-of-way;
- the go-kart track shall be 25 feet from CMP's poles and guys;
- any signs posted within the go-kart track or light poles within the easement, will be no higher than 10 feet;
- construction of a detention pond within CMP's right-of-way will be contingent upon CMP being notified, in writing, prior to any involvement by the Maine State Department of Environmental Protection regarding said detention pond;
- the above uses shall in no way encumber CMP's easement rights to operate and maintain a transmission line within it's right-of-way;
- CMP shall not be liable to Jokers Two, Inc. for any damage to their property on the right-of-way caused by CMP's use for public utility purposes;



Central Maine Power Company is a licensed Maine real estate brokerage agency although it does not broker property for others. All employees whose primary function is the sale or purchase of real estate are licensed Maine brokers. Associate brokers or sales agents representing Central Maine Power Company and its affiliated companies.

- Jokers Two, Inc. shall be responsible for acquiring all necessary permits for said uses and shall comply with all municipal, state, and federal laws and regulations pertaining thereto;
- any agreement enter into with Jokers Two, Inc. for the above uses shall apply only to CMP's current use of the right-of-way and the current laws and regulations affecting such use and will not in any way restrict CMP's right to assert that Jokers Two, Inc.'s use of the right-of-way infringes on CMP's rights in the future;

If you have any questions or concerns regarding the above, please contact me at 207-623-3521, extension 2219.

Sincerely,



Alice Richards
Real Estate Service

cc: Tom Milligan, Jr.

FINANCIAL & TECHNICAL CAPACITY

FINANCIAL: M.T.S., LLC is the current owner of the former Grossman's property. Joker's is leasing the property from M.T.S.,LLC. Michael T. Savage is the owner of the M.T.S.,LLC. In addition, Michael T. Savage is the owner of the Ecology House, a retail business on Exchange St. in Portland. Michael T. Savage is also part owner of Joker's Two, Inc - who will be leasing this property. Michael T. Savage has obtained financing from Fleet Bank of Maine. Inquiries concerning financial status and financing arrangements should be directed to:

Richard Wigton
Vice President
Fleet Bank
207-874-5634

TECHNICAL: Joker's has retained the services of a wide array of professionals. They have the credentials, experience and certifications to handle all aspects of planning, design and building. Attached is a list of the Poject Team

Thomas Milligan, Jr., PE, PLS, LSE

Professional Engineer
Professional Land Surveyor
Licensed Site/Soil Evaluator

14 Deer Run Drive
Biddeford, Maine 04005
(207) 283-8810

PROJECT TEAM

**Joker's Two Project
510 Warren Avenue
Portland Maine**

Project Developers:

Mr. Bill Latvis
Sisquisic Trail
Yarmouth, Maine 04096
207-846-3400

Mr. James Grattelo
3 Winter Street
Biddeford, Maine, 04005
207-282-9332

Property Owner:

M.T.S. LLC.
21 Coveside Road
Cumberland Center, ME

Project Team Coordinator:

Mr. Thomas Milligan Jr., PE, SE, PLS
14 Deer Run Drive
Biddeford, Maine 04005
207-283-8810

Civil Engineer: (Drainage, Site Plan Erosion Control)

Mr. David Kamila, PE
Land Use Consultants, Inc.
966 Riverside Street
Portland, ME 04103
207-878-3313

Boundary Surveyor:

Mr. John Cyr, PLS
Owen Haskell, Inc.
16 Casco Street
Portland, ME 04101
207-774-0424

Thomas Milligan, Jr., PE, PLS, LSE

Professional Engineer
Professional Land Surveyor
Licensed Site/Soil Evaluator

14 Deer Run Drive
Biddeford, Maine 04005
(207) 283-8810

Topographic Surveyor:

Mr. Greg Copeland, PLS
20 Goosefare Drive
Old Orchard Beach, ME 04064
207-934-4955

Traffic Engineer:

Mr. John Murphy, PE
RR1, Box 6300
West Baldwin, ME 04091
207-625-8222

Wetland Delineator:

Mr. Tom Milligan, PE, SE, PLS
14 Deer Run Drive
Biddeford, Maine 04005
207-283-8810

Project Building Architects:

Jensen and Stenbak
4 Auburn Rd.
Londonderry, NH 03053
603-425-5100

Project Amusement Planners:

White Hutchinson
Leisure & Learning Group
4030 Broadway
Suite 215
Kansas City, MO 64111
816-931-1040

FACILITY & FLOOR AREA

Joker's is a Family Entertainment Center(FEC) with a unique concept. Our peak seasons are winter and summer. Over 75% of our customers are between the ages of 2 and 15 and therefore do not have driving licenses. Families and groups come to hold Birthday parties, eat and participate in a variety of recreational and amusement activities including a large jungle gym, an indoor ferris wheel, train and battery operated go carts. We also have 150 video games for all ages and lazer tag. We have a restaurant with 420 seats and serve a 52 item variety menu.

The Joker's location in Portsmouth, N. H. is identical in concept to the Joker's planned in Portland. The site in Portsmouth is 27,400 square feet. Portland is targeted to be 29,300 square feet. Portsmouth and Portland have similar demographics. In Portsmouth, each car arriving contains 3.4 to 3.8 persons. There is also a high drop off rate.

Portsmouth has 182 parking spaces. Even during peak periods, the parking is never filled. Joker's is more interested in having adequate parking than anyone else. If adequate parking is not available, we will turn away business (our most profitable) during our peak period.

The indoor facility is arranged in the following manner:

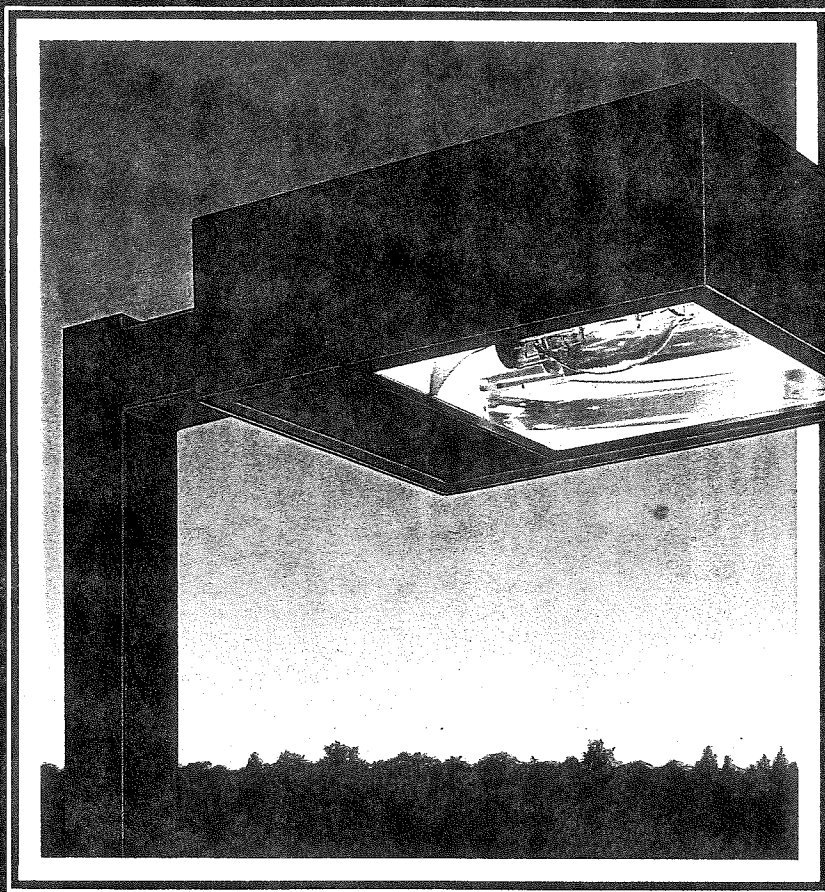
Existing Building:	16,375 sf
Proposed Additions	12,900 sf
Total Building	<u>29,275 sf</u>

Layout:

Food Preparation Areas:	2,562 sf
Dining Area:	6,192 sf
Toilets, Storage, Utilities:	1,656 sf
Games, Rides, Jungle Gym & Amusements	18,865 sf
Total	<u>29,275 sf</u>

We feel that based on our experience with our first location that 200 parking spaces are adequate. To be on the safe side, we are planning on parking for over 235 cars.

The Citation Series



lsi lighting systems™

The Citation Series

lsi lighting systems™



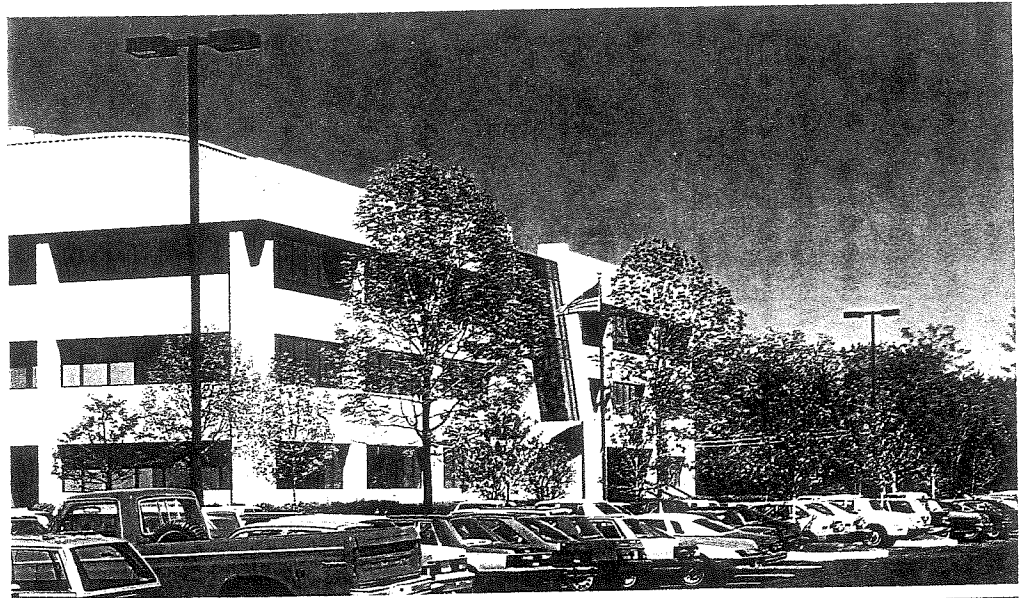
Optical Efficiency with Aesthetic Design

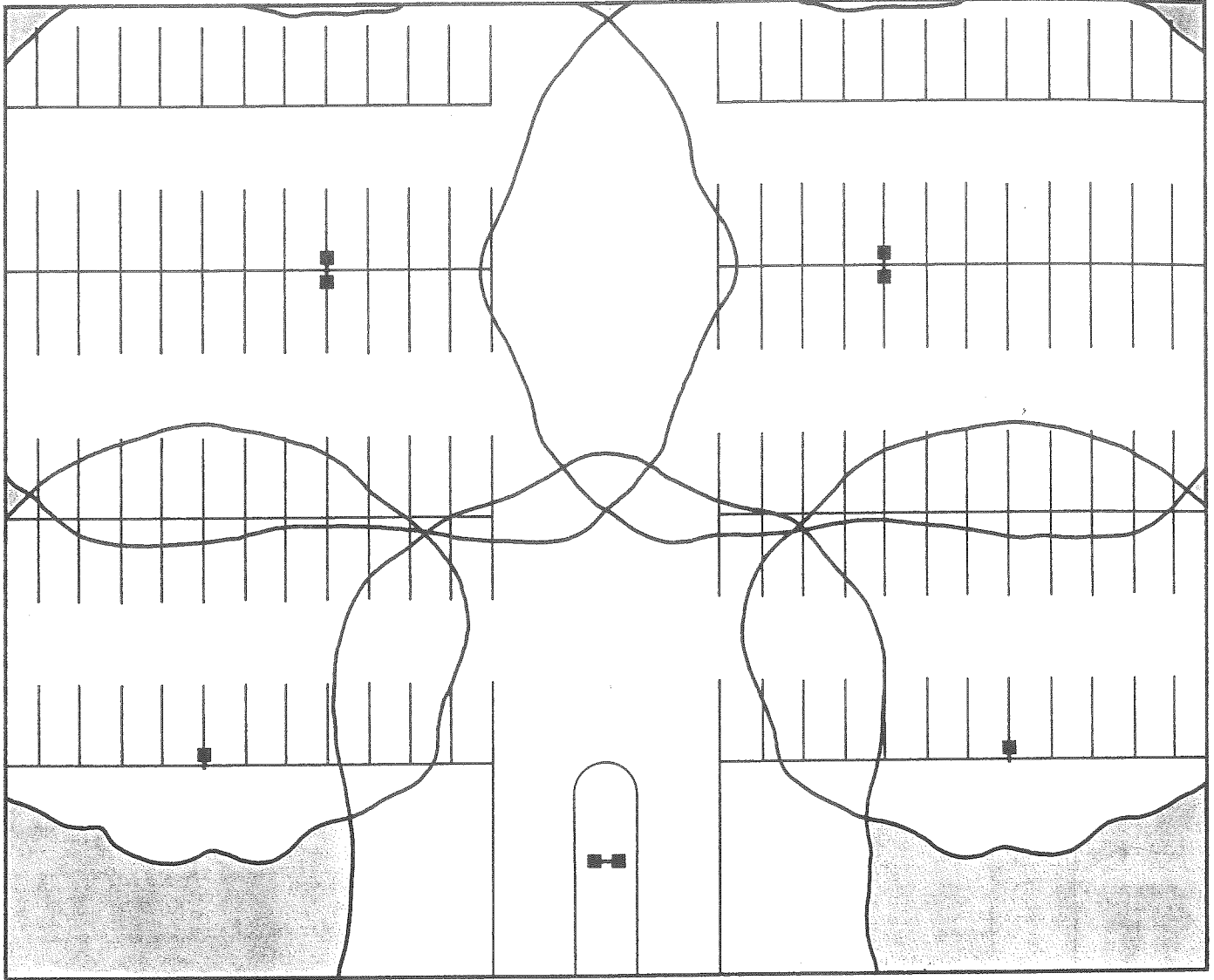
Distinctive styling combined with excellent lighting control . . . that is the Citation.

Featuring three sizes, the clean, strong and refined Citation enables the achievement of architectural continuity. This is done by combining small, medium and large fixtures in one harmonious lighting landscape.

With a segmented optical assembly, the Citation's reflector has precise control and optimum photometric results.

The Citation brings a new dimension to parking areas, roadways, strip centers and shopping centers. It's the fixture with something *extra!*

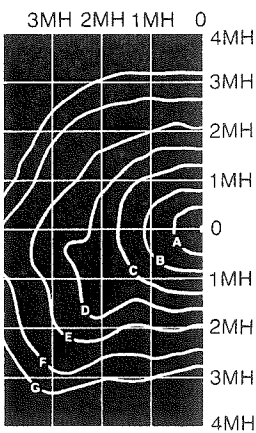




A Type III lighting pattern with a medium distribution is standard for the Citation luminaire. This provides maximum uniformity and increases pole spacing. The optional Forward Throw lighting pattern is available for perimeter lighting. This provides sharp rear cutoff to eliminate stray light to unwanted areas.

PHOTOMETRIC DATA

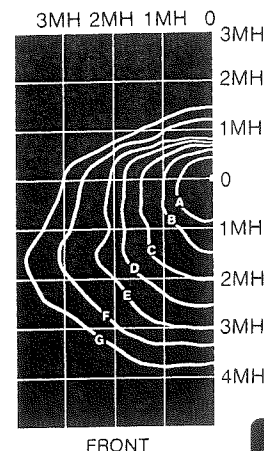
400W Super Metal Halide
(Type III Distribution)



MTG. HT.	A	B	C	D	E	F	G
16'	15.6	7.8	3.1	1.6	.78	.31	.16
18'	12.3	6.2	2.5	1.2	.62	.25	.12
20'	10.0	5.0	2.0	1.0	.50	.20	.10
22'	8.3	4.1	1.7	.80	.41	.17	.08
24'	6.9	3.5	1.4	.70	.35	.14	.07
26'	5.9	3.0	1.2	.60	.30	.12	.06
28'	5.1	2.6	1.0	.50	.26	.10	.05
30'	4.4	2.2	.90	.40	.22	.09	.04

LUMEN RATING 40,000
MH REFERS TO MOUNTING HEIGHT

400W Super Metal Halide
(Type FT — Forward Throw Distribution)



MTG. HT.	A	B	C	D	E	F	G
16'	15.6	7.8	3.1	1.6	.78	.31	.16
18'	12.3	6.2	2.5	1.2	.62	.25	.12
20'	10.0	5.0	2.0	1.0	.50	.20	.10
22'	8.3	4.1	1.7	.80	.41	.17	.08
24'	6.9	3.5	1.4	.70	.35	.14	.07
26'	5.9	3.0	1.2	.60	.30	.12	.06
28'	5.1	2.6	1.0	.50	.26	.10	.05
30'	4.4	2.2	.90	.40	.22	.09	.04

LUMEN RATING 40,000
MH REFERS TO MOUNTING HEIGHT

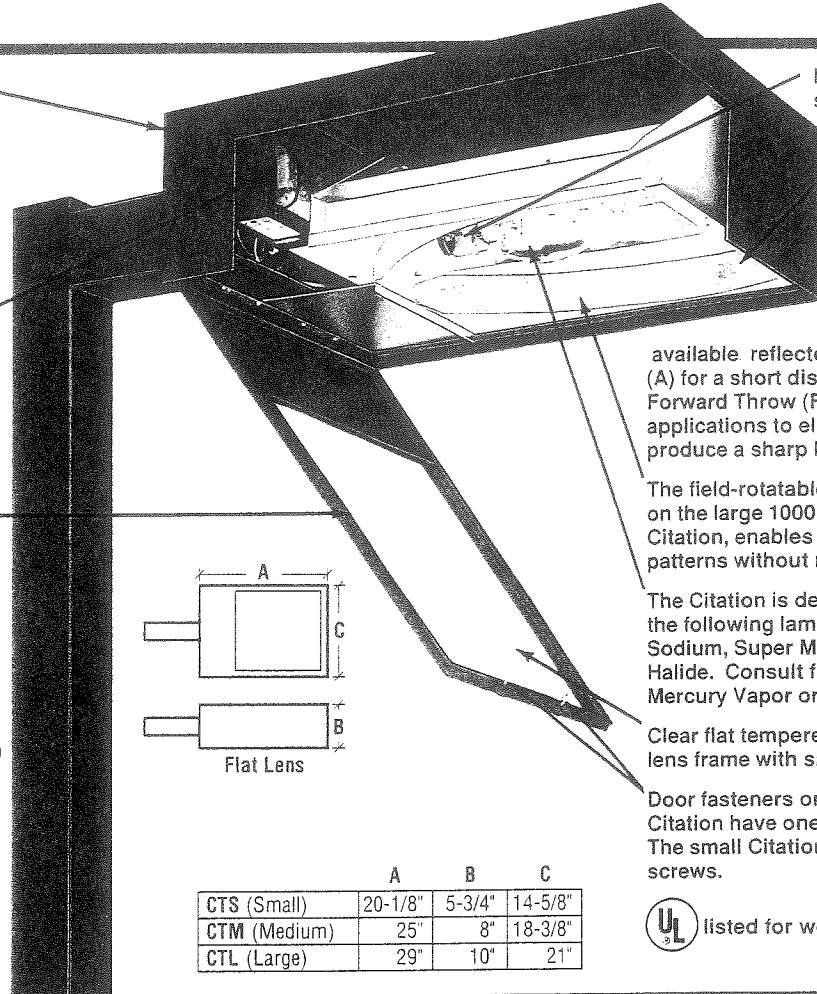
FEATURES

The one-piece aluminum housing is available in three sizes: small, medium and large. Corners are welded and finished to produce a clean, sharp appearance while increasing housing strength and ensuring weather-tight construction. One-piece construction eliminates the worry of moisture entering from poorly sealed top pans and side panels.

High power factor type CWA ballast is designed for minus 20 degrees Fahrenheit operation. The ballast is mounted to housing reinforcing plate which ensures maximum heat-sinking for long life.

Continuous one-piece EPDM gasket for maximum sealing.

Standard finish colors available for the Citation are bronze, black, platinum, cocoa, vanilla, and white. Optional architectural finishes include brick, gray granite, red granite, limestone, desertstone, green marble and green. DuraGrip®, LSI's revolutionary superior baked-on polyester-powder finishing process, gives the fixture an exceptionally attractive appearance. This unique polyester protection lets the fixture withstand extreme weather changes without cracking or peeling. Finish is guaranteed for five full years.



Porcelain sockets feature spring-reinforced contacts for long life.

The Citation offers three reflector systems. Fixture shown here features a Type III (3) with a medium distribution pattern for increased pole spacing. Other

available reflectors include Asymmetrical (A) for a short distribution pattern, and Forward Throw (FT) for perimeter lighting applications to eliminate stray light and produce a sharp backside cutoff.

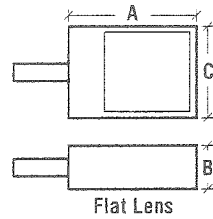
The field-rotatable reflector, available only on the large 1000 Watt Forward Throw (FT) Citation, enables flexibility in distribution patterns without moving the fixture.

The Citation is designed to utilize any of the following lamp types: High Pressure Sodium, Super Metal Halide or Metal Halide. Consult factory for Deluxe Mercury Vapor order requests.

Clear flat tempered glass lens is sealed to lens frame with silicone sealant.

Door fasteners on the medium and large Citation have one-quarter turn releases. The small Citation has two captive door screws.

listed for wet locations.



	A	B	C
CTS (Small)	20-1/8"	5-3/4"	14-5/8"
CTM (Medium)	25"	8"	18-3/8"
CTL (Large)	29"	10"	21"

HOW TO ORDER LUMINAIRES

Select appropriate choice from each column.

Luminaire Prefix	Distribution	Lamp Wattage	Light Source**	Lens	Line Voltage	Luminaire Finish	Options
CTS - Small	A - Asymmetrical 3 - Type III FT - Forward Throw	50	HPS - High Pressure Sodium	F - Clear Flat Two-Piece Tempered Glass	120V 208V 240V 277V 480V MT - Multi Tap	Standard BRZ - Bronze BLK - Black PLT - Platinum COA - Cocoa VAN - Vanilla WHT - White Architectural (Optional) BRD - Brick GYG - Gray Granite RDG - Red Granite LMS - Limestone DTS - Desertstone MGR - Green Marble GRN - Green	PCR - Photoelectric Control and Receptacle LL - Less Lamp CL - Coated Lamp FS - Fusing for 120V & 277V (except for 1000W in 120V) FS1 - Fusing for 120V for 1000W FD - Double Fusing for 208V & 240V FD1 - Double Fusing for 480V HSS - House Side Shield PLS - Polycarbonate Shield NO - No Options
		70	50, 70, 100, 150 Watt				
		100	SMH - Super Metal Halide				
		150	175 Watt				
CTM - Medium	A - Asymmetrical 3 - Type III FT - Forward Throw	150	HPS - High Pressure Sodium				
		200	150, 200, 250, 400 Watt				
		250	SMH - Super Metal Halide				
CTL - Large	A - Asymmetrical 3 - Type III FT - Forward Throw*	1000	HPS - High Pressure Sodium				
		1000 Watt	1000 Watt				

EXAMPLE OF A TYPICAL ORDER

CTM - 3 - 400 - HPS - F - 120V - BRZ - NO

*CTL-FT - Forward Throw reflectors are field rotatable.

**Consult factory for Deluxe Mercury Vapor order requests.

See Bracket Data Sheet for bracket information and Pole Data Sheets for pole ordering information.



JOKENS WKJHP

10-8-96

BILL LATVIN

JIM

B. JAVAK

JOHN GONZALES

REUNGO SITE PLAN SUBMITTED

PARKING LIMITED TO 25 FT WITHIN THE GARDEN

WANT P.H. ON NOV 12TH

CHAINLINK FENCE TO SEPARATE BOTH PROPERTIES

18 HOLE MINIMUM GOLF COURSE

J.C. look at internal circulation of cut parcel

heavy traffic on weekends

C.H. Home Depot peak time on weekends - has this been checked?
street backup of traffic in improvements

in Piedmont 3.6 people per car - parking lot never fills

J.C. islands ^{landscape} junction

Pinetree Cove in 010

safety issue - with kids - islands cut down on cut
through cars

Chainlink fence would be black

whole property will have chainlink fence

C.H. banks are needed such as in Home Depot - pedestrian channel.

C.H. drainage needs to be documented

Beard is uncomfortable with too many conditions

B.11 C drainage will be done within 6 to 10 days

Tom comment
lumber facility traffic amount and B. Bray

OCT 22nd WORKSHOP

J.C. other site should be laid out

* evaluate common driveway

~~Joe~~ + Kevin kept books, Jaimie was
not at the workshop

90-10-96

STAFF COMMENTS

Common descent for driveway

stackade or 4 ft high chain

Tom will check internal circulation
fracture track soft

Steve can drainage easement

fire hydrant distant perhaps relocate stack

break in drainage what about out parcel
drainage easement

lighting photometric on the plan

Narge 191 spaces zoning requirement

MAC GET RID OF DUMPSTON FOR ACCESS

WHAT IS TBR



October 3, 1996

City of Portland
389 Congress Street
Portland, ME 04101-3503

Attention: City Planner

RE: Jokers Two, Inc.

Dear Sirs:

Central Maine Power Company is proposing to allow certain uses of its transmission line right-of-way designated Section 188 in Portland, pursuant to a request from Jokers Two, Inc.

The proposed uses would include a go-kart track, detention pond and parking area.

The allowance of these uses by CMP are subject to final corporate approval.

Final conditions of the proposed uses have not been completed, however; at this point they will include:

- parking will be limited to the outer 20 feet of the right of way and shall be fenced to prevent snow from being plowed onto the right-of-way;
- future expansion of the parking area will not be permitted within the right-of-way;
- the go-kart track shall be 25 feet from CMP's poles and guys;
- any signs posted within the go-kart track or light poles within the easement, will be no higher than 10 feet;
- construction of a detention pond within CMP's right-of-way will be contingent upon CMP being notified, in writing, prior to any involvement by the Maine State Department of Environmental Protection regarding said detention pond;
- the above uses shall in no way encumber CMP's easement rights to operate and maintain a transmission line within its right-of-way;
- CMP shall not be liable to Jokers Two, Inc. for any damage to their property on the right-of-way caused by CMP's use for public utility purposes;

- Jokers Two, Inc. shall be responsible for acquiring all necessary permits for said uses and shall comply with all municipal, state, and federal laws and regulations pertaining thereto;
- any agreement enter into with Jokers Two, Inc. for the above uses shall apply only to CMP's current use of the right-of-way and the current laws and regulations affecting such use and will not in any way restrict CMP's right to assert that Jokers Two, Inc.'s use of the right-of-way infringes on CMP's rights in the future;

If you have any questions or concerns regarding the above, please contact me at 207-623-3521, extension 2219.

Sincerely,

A handwritten signature in cursive script that reads "Alice Richards". The signature is written in black ink and is positioned above the typed name.

Alice Richards
Real Estate Service

cc: Tom Milligan, Jr.

Thomas Milligan, Jr., PE, PLS, LSE

Professional Engineer
Professional Land Surveyor
Licensed Site/Soil Evaluator

14 Deer Run Drive
Biddeford, Maine 04005
(207) 283-8810

November 5, 1996

Rick Knowland
Senior Planner
City of Portland
Planning Department
City Hall
389 Congress Street, 4th floor
Portland, ME 04101

Re: Jokers Project, 510 Warren Ave.

Dear Rick:

I have received review comments from Steve Bushey of Deluca Hoffman and you, dated September 30, 1996, October 17, 1996, October 24, 1996, and October 31, 1996 regarding the above named project. The following summarizes and discusses our response to those review comments not previously addressed.

1. We have provided additional striped pedestrian crosswalk isles from the landscaped islands to the walkway that runs to the building.
2. The Landscaping Plan has been revised to reflect City Arborist comments:
 - a). We have changed the street trees species to Red Maple and Summit Ash.
 - b). Trees (Bradford Pears) have been provided on both sides of the project entranceway. They will be installed in the left entrance island and along the right side of the entrance.
 - c). Trees (Armstrong Red Maple) have been provided in the island area located between the out parcel site and the Jokers Site.
 - d). The parking end isles have been revised to show two trees rather than the one originally proposed.
 - e). Island Plantings: Based on input from our project nurseryman consultant, we have provided rugosa roses on the traffic islands (except along the proposed fencing separating the out parcel). He feels that in the long run the rugosa roses, as opposed to spreading evergreens, are better plantings for islands, due to their hardiness and resilience. Island plantings, in

general, take a tremendous beating, especially from snow plowing. It is felt that although the roses may not be in leaf for one season, they will "spring back" and grow nicely in the spring through late fall.

- f). Greenspire Linden Trees have been provided in the center island dividing the parking area.

3. Wetland Issue: The project was laid out and designed to minimize wetland impacts. The man-made drainage ditches traversing the rear of the parcel has wetland vegetation in the bottom. No bottom scour was observed nor was water observed flowing at the time of the delineation. Mr. Will Cook of the Maine Department of Environmental Protection has indicated that DEP considers wetland vegetation in man-made ditches to be non-jurisdictional and are therefore not subject to review.

The remainder of wetland area proposed to be filled is less than 4300 sq. ft., and therefore does not require a DEP or ACOE permit. Both sections of wetland to be filled are low valve wetlands and are not part of floodplans, streams, or vernal pools. Mr. Cook has indicated that he does not normally provide letters of non-jurisdiction for such situations. He indicated he will be happy to answer questions regarding this situation, if requested.

4. We have shown the limits of existing vegetation on both the site plan and the landscaping plan. We have also indicated the areas of vegetation along the turnpike that is proposed to be thinned/removed, and have shown the trees to be preserved.

5. We have shown 8' high black vinyl fence along the common line between the out parcel and the Joker's site. The fencing along the rear of the parcel adjacent to the go-cart track will be 6' high wooden stockade fence. The remaining fencing will be 5' high chainlink fence. Gates will be provided for access control and patron safety.

6. The dumpster location has been shifted forward from its former location in order to provide fire truck access to the turnpike side of the building.

7. The standard notes provided by the City have been added to final site plan and/or landscaping Plan as applicable.

8. A Note concerning the common driveway has been added to site plan.

9. Drainage issues have been addressed by Dave Kamila of Land Use Consultants.


10. Lighting Plan has been provided by the Project Architects, Jensen and Stenbak.

11. A note will be added to the final site plan relative to the proposed gate on the out parcel stating "when the gate is open, it shall be open no more than 24 feet wide except on those occasions when tractor trailers are expected".

12. The Site Plan and Landscaping Plan has been revised to show the proposed entrance way configuration that was reviewed by your office and Mr. Tom Errico. The width of the traffic isles are proposed to be the same as B.J.'s Wholesale Club, 15' entrance and 2-11' exit lanes.
13. The owner will provide a letter of financial capability.
14. The owner will execute a drainage maintenance agreement.
15. The driveways across the street from the proposed project has been labeled as to use of those facilities.
16. Dave Kamila has, and will address the drainage and site grading comments.
17. Fueling of go-carts. In general, the go-carts will be refueled on site. Fuel storage will be provided in accordance with all applicable standards. Gasoline supplies will be stored in a double contained storage area. An oil water separator will be provided in the refueling location. Final details will be provided at the time the final go-cart design is submitted for approval.
18. The owners have supplied additional data on go-cart noise.
19. Jack Murphy has provided a letter regarding the driveway layout configuration (see attached).
20. A note has been added which indicates that the proposed mini-golf area will be stripped of pavement and loam and seeded until such time as the golf course is constructed.
21. A note has been added which indicates that the area under the CMP powerline will be planted per CMP guidelines.

If you have any questions or require additional information be submitted, please give me a call.

Very Truly Yours,


Thomas Milligan, PE

JOHN L. MURPHY, P.E.

Civil Engineer
Traffic Engineer

RR1, BOX 6300
WEST BALDWIN, MAINE 04091-9745
207-625-8222

November 4, 1996

Tom Milligan
14 Deer Run Drive
Biddeford, Maine 04005

Re: Joker's II driveway and access to outparcel.

Dear Tom:

I have reviewed the sketch of the revised driveway design. This conforms with our discussion of 10/29/96 and will satisfy the safety concerns regarding truck access to the outparcel.

The actual driveway will be similar to the BJ's driveway with two 11 foot exit lanes and a 15 foot entrance lane. The 40 foot opening in the fence will accommodate trucks. This combined driveway will only serve roughly a quarter the volume of the existing BJ's driveway which also has an outparcel served by a curb cut. I do not recommend a separate curb cut on Warren Avenue as briefly discussed by the Planning Board.

Conclusion

I recommend the 40 foot gate for outparcel access with a 37 foot driveway as shown on the revised sketch.

Sincerely,



John L. Murphy, P.E.

cc: Bill Latvis

REAL ESTATE PURCHASE AND SALE AGREEMENT

AGREEMENT is made this 18 day of October, 1996 by and between M.T.S., LLC, a Maine Limited Liability Company, with a mailing address of c/o Michael T. Savage, 21 Coveside, Cumberland Foreside, Maine 04110 ("Seller"), and EVERETT J. PRESCOTT, INC., a Maine corporation, of Gardiner, Maine ("Buyer"), as follows:

1. Purchase and Sale. Seller agreed to sell and Buyer agrees to buy, on the terms and conditions set forth herein, the real and personal property described below together with all easements, rights and appurtenances benefitting such parcel:

A portion of 510-550 Warren Avenue, being 1.16 acres of land containing 50,590 square feet more or less in Portland, County of Cumberland and State of Maine. The source parcel is more particularly described in deed recorded in the Cumberland County Registry of Deeds, Book 12753, Page 131. The portion of the source parcel (the "Subject") is outlined in the attached Exhibit A reduced plan/sketch.

Together with an easement for access (described in Paragraph 10) and subject to an easement to use and maintain a sewer pipe benefitting the source parcel and the subject parcel.

2. Purchase Price. Subject to any adjustments and prorations hereinafter described, Buyer agrees to purchase the premises for the sum of Two Hundred Ninety Thousand Dollars (\$290,000.00), payable as follows:

a. Earnest Money Deposit. The sum of Twenty-Five Thousand Dollars (\$25,000.00) ("the earnest money deposit") has been paid to Seller to be credited against the purchase price. Pending closing, the earnest money deposit shall be held by Trough, Heisler & Piampiano, P.A., in an interest-bearing escrow account, with all interest to be paid to Buyer.

b. Remainder of Purchase Price. The remainder of the purchase price shall be paid as follows:

(i) The sum of Two Hundred Sixty-Five ^{Thousand} Dollars (\$265,000.00) shall be paid in certified check or bank check at closing. MTS

3. Title. Seller shall convey the premises to Buyer at the closing in fee simple with good and marketable title, subject only to utility easements, or like matters of record. In the event that Seller is unable to convey title as aforesaid, Seller shall be given a reasonable period of time, not to exceed thirty (30) days, in which to remedy any title defects. In the event that said defects cannot be corrected or remedied within said time period, or in the event that Seller elects not to remedy the

same, then the entire earnest money deposit shall be returned to Buyer and this agreement will terminate. Buyer may, at Buyer's option, elect to close notwithstanding such defects as may exist.

4. Survey. Seller and Buyer acknowledge and agree that the premises shall be surveyed by a surveyor acceptable to both Seller and Buyer to determine the precise boundaries of the premises to be conveyed and the costs of the survey shall be shared by Buyer and Seller.

5. Closing. The closing of this transaction shall take place on or before Thirty (30) days following acceptance by both parties by signature (the effective date), at the offices of Trough, Heisler & Piampiano, P.A., Portland, Maine, or at other such time and place as may be mutually agreed upon by Buyer and Seller. At the closing, Seller shall execute and deliver to Buyer, against payment as set forth in this agreement, a warranty deed to the premises in the usual form according to Maine practice ("the deed").

6. Adjustments, Prorations, and Closing Costs.

a. Real estate taxes and assessments shall be prorated as of the closing on the basis of the current municipal year and using an assumed value for the subject property of \$290,000.00 and an assumed value for the source parcel of \$1.2 million. The tax proration shall be based upon a fraction represented by the purchase value of the subject parcel over the source parcel value or $290/1,200$ or 24.17%.

b. The Buyer and Seller shall each pay their own share of the Maine real estate transfer tax.

c. The recording fee for the deed shall be paid for by Buyer. The recording fee for any discharges or other instruments necessary to clear title shall be paid for by Seller.

d. All utilities shall be prorated as of the date of closing. Seller shall obtain meter readings of any utilities which are paid for by Seller including, without limitation, water, sewer, electric service. Seller shall remain responsible for all utilities prior to such closing date.

7. Possession. Upon closing, Seller shall deliver possession of the premises to the Buyer.

8. Risk of Loss. All risks of loss to the premises prior to the closing shall be on Seller. At all times prior to closing, Seller shall keep the premises insured against loss by fire and other casualty customarily insured against, in the sum of at least One Hundred Thousand Dollars (\$100,000.00). Should any of the premises be destroyed or damaged by fire or other casualty and not be restored to its present condition prior to closing, the Buyer shall have the option of either accepting

title to the premises and of receiving the benefit of all insurance monies recovered on account of such destruction or damage, or of rescinding this agreement, in which case all monies heretofore paid by Buyer shall be refunded to Buyer by Seller.

9. Other Requirements: The parties mutually acknowledge that the Seller's combined properties are subject to a site plan review process by the City of Portland Planning Board. This agreement is further subject to the following requirements which shall be incorporated into a separate side agreement to be executed in connection with the closing as follows:

a. The Buyer shall be responsible for all licenses and fees, permits and approvals for the development of the subject property and any requirements or conditions of approval imposed by the Planning Board located on the subject property.

b. The shared property line between the subject property and the Seller's abutting real estate shall be delineated by a chain link fence with vinyl slats or an equivalent fence mutually agreed to by the parties which shall be the sole responsibility of the Buyer and the cost of which fence shall be borne by the Buyer.

The cost of any landscape buffer to be located adjacent the fence located on the Seller's property shall be borne by the Seller.

c. The parties acknowledge that a site plan for the development of the subject property and the Seller's remaining property will require a drainage plan for the mutual benefit of the combined parcels. Drainage located on the subject parcel to be acquired by the Buyer shall be installed at the cost of the Buyer. Further, the parties agree to mutually cooperate to establish and locate appropriate drainage in accordance with the plan to be developed and approved by the Planning Board of the City of Portland.

d. The cost of any and all other conditions imposed by the City of Portland Planning Board and mutually benefitting the source parcel and the subject parcel shall be borne by Buyer and Seller pro-rata; 24.17% by Buyer and 75.83% by Seller.

10. Cross-Easements. The subject property shall be accessible from Warren Avenue by way of the entrance located on the abutting parcel to be retained by Seller. Seller shall grant an easement for ingress and egress by motor vehicle and on foot for access to the subject property.

The Buyer shall grant a license for weekend parking for the Seller's employee parking from 5:00 p.m. until 11:00 p.m. on Friday, all day Saturday and all day Sunday to be reduced to

writing to survive the closing and terminable on reasonable notice to the Seller.

11. Default; Remedies. In the event that Seller fails to close hereunder for a reason other than the default of Buyer, Seller shall return the entire earnest money deposit to Buyer. Buyer shall be entitled to specific performance or other civil action remedy provided buyer is not otherwise in default. In the event that Buyer fails to close hereunder for a reason other than the default of Seller, except as specifically provided herein, Seller shall retain the earnest money deposit as full and as complete liquidated damages in lieu of any other legal or equitable remedy. On such return or retention of the earnest money deposit, this agreement will terminate and neither party will be under any further obligation hereunder.

12. Seller's Representations. Seller represents and warrants that all provisions of all applicable zoning or other state or municipal laws, ordinances or regulations have been complied with. Seller agrees to hold Buyer harmless for any such violations which occurred or existed prior to closing. Seller further warrants that all material defects existing in the premises which are known to Seller have been disclosed to Buyer.

Seller further represents that it has no knowledge of the existence of environmental contamination of the property. Further, that the background and history of the uses of the site and environmental conditions known to the Seller are contained in an Environmental Site Assessment prepared by Timson & Peters and dated September 15, 1996, disclosed herewith.

13. No Broker. Seller and Buyer acknowledge and agree that no broker has been retained by either Seller or Buyer in connection with the purchase and sale of the premises.

14. Miscellaneous.

a. Entire Agreement. This agreement constitutes the entire agreement between the Seller and Buyer, and there are no agreements, understandings, warranties, or representations between them.

b. Binding Effect. This agreement will inure to the benefit and bind the respective heirs and assigns of Seller and Buyer.

c. Identical Counterparts. This agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original but all of which together shall constitute one and the same instrument.

d. Construction. As used in this agreement, the singular number shall include the plural, and the use of one

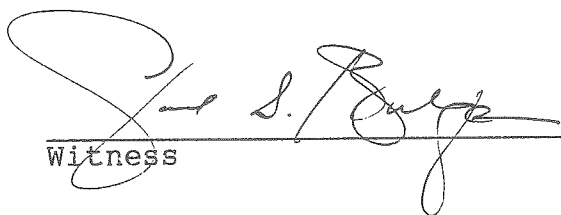
gender shall be deemed applicable to all genders. This agreement shall be governed and construed in accordance with the laws of Maine. If any provision of this agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

e. Effective Date. This agreement shall become effective on the date when any offer or counter-offer is accepted without any change whatsoever.

f. Facsimile Acceptance. This agreement may be accepted by facsimile delivery of executed counterpart agreements.

IN WITNESS WHEREOF, Seller and Buyer have executed this agreement as of the date stated hereinabove.

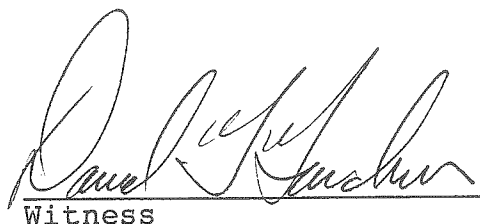
SELLER:
M.T.S., LLC, a Maine
Limited Liability Company



Witness

By: Michael T. Savage
Michael T. Savage
Tax I.D. No. 01-0509771

BUYER:
Everett J. Prescott, Inc.



Witness

By: Peter E. Prescott
Peter E. Prescott
Its President
Tax I.D. No. 01-0247432

CITY OF PORTLAND

September 30, 1996

Mr. Thomas Milligan
14 Deer Run Drive
Biddeford, Maine 04005

RE: Jokers

Dear Mr. Milligan:

Below are preliminary staff comments on the Jokers site plan. As additional comments become available, I will forward them to you accordingly. For a workshop, you may not have all the details worked out on all these issues but you should at least have some concepts on the site plan that would explain how these issues will be addressed.

- Site plan should clearly outline the proposed addition as well as floor area of the main building and addition.
- Comments from Lt. McDougall. Show all existing and proposed fire hydrants. Fire truck access needs to be improved around the building. Access to another side of the building will be needed.
- The site plan shows a number of site improvements within a CMP easement. Provide written documentation that you have permission to use and develop the land within the easement.
- Landscaping plan needs to be submitted. Specifically street trees along Warren Avenue, within islands of the parking lot, screening adjacent to I-95 and screening as necessary along the rear property line.
- What will the renovated building and addition look like? Some type of elevation or illustrated graphic should be submitted.
- A traffic study should be submitted.
- Describe the uses of the facility and floor area (in sq. ft.) devoted to such uses so that the zoning parking requirement can be determined.
- Please clarify when the outdoor amusements improvements will be constructed.

- Plan indicates "future parking area..." This note should be removed from the plan unless you intend to develop the parking as part of this approval. If you are, the layout of the parking should be shown on the plan. Also, the Board generally would like to see a hard surface for a parking lot not gravel.
- You should review the zoning text of the B-4 zone with regard to the second (warehouse) lot and what future impact this could have on the lot, should you convey this parcel after the zoning changes for the site.
- Granite curbs and sidewalks meeting city specifications along the entire street frontage should be shown on the plan.
- How is pedestrian circulation going to work on the site? How are pedestrians going to safely walk from vehicles (within the parking lot) to the facility? Show interior walkways and cross walks.
- A note on the plan should indicate that both lots shall be served by one driveway entrance from Warren Avenue.
- Proposed lighting - type of lighting fixture with catalog cut, mounting height and photometrics shown on the plan.
- Location, size and graphic of proposed exterior signage.
- Indicate ground cover for specific areas such as, blacktop, grass, etc.
- Drainage plan and stormwater calculations are needed. Also how are water quality issues to be addressed?
- Right, title and interest of property...Please indicate in writing relationship between the purchaser of the property and Jokers II, Inc.
- Existing and proposed utilities.
- Method of solid waste disposal. If outside dumpster, location should be indicated. Also it should be screened with a solid wood fence and gate.
- A letter of financial and technical capacity will be required.
- Specify erosion and sedimentation control measures.

Should you have any questions concerning this letter please call me. As mentioned previously, the City of Portland Technical and Design Standards and Guidelines can be helpful in developing the site plan. I have also enclosed a sheet outlining various fees involved in the review process.

Sincerely,

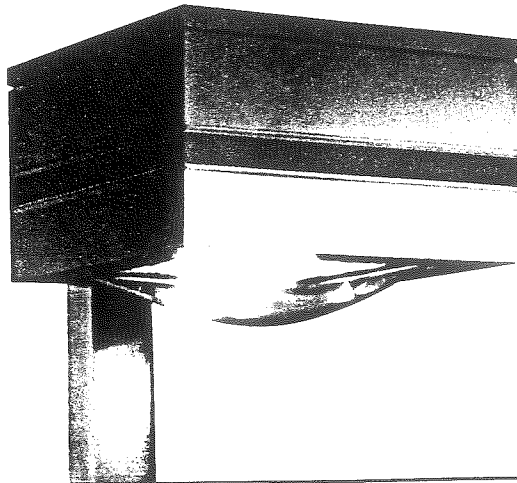



Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Alec Bruce, Economic Development
William Latvis, Sisquisic Trail, Yarmouth, ME 04096
Kavid Kamila, Land Use Consultants, 966 Riverside Street, Portland, ME 04103

Greenbriar Series™ VERTICAL BURN LUMINAIRES

*3000 watt
24' standard
4' to 6'
average
spacing
between
luminaire*



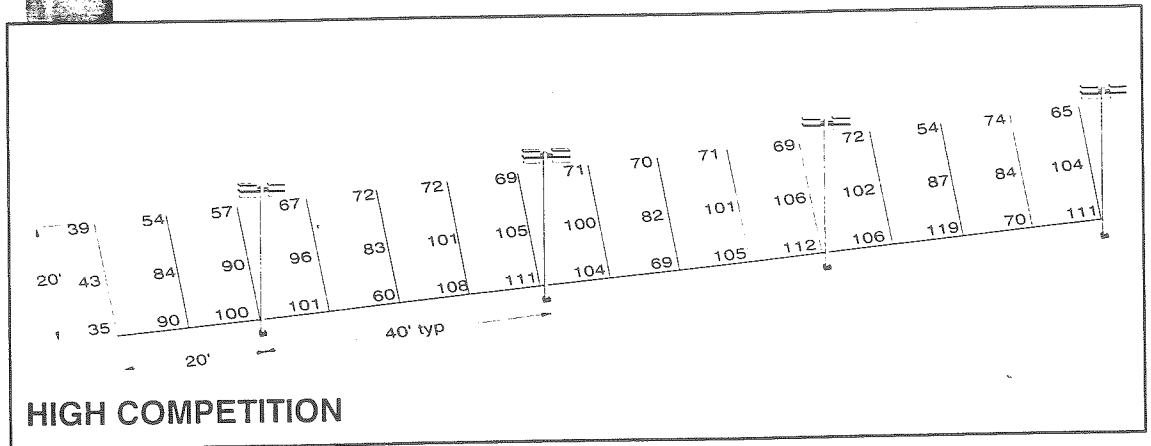
The Greenbriar's vertical burn lamp works in combination with segmented reflectors for a controlled, uniform lighting distribution pattern. The top access cover and accent color options, combined with outstanding performance, make the Greenbriar an economical, aesthetically pleasing fixture. 

FIRST ROW DISPLAY

Assembly A

Front Row Display
Assembly Spacing 40'0"
Mounting Height 24'0"

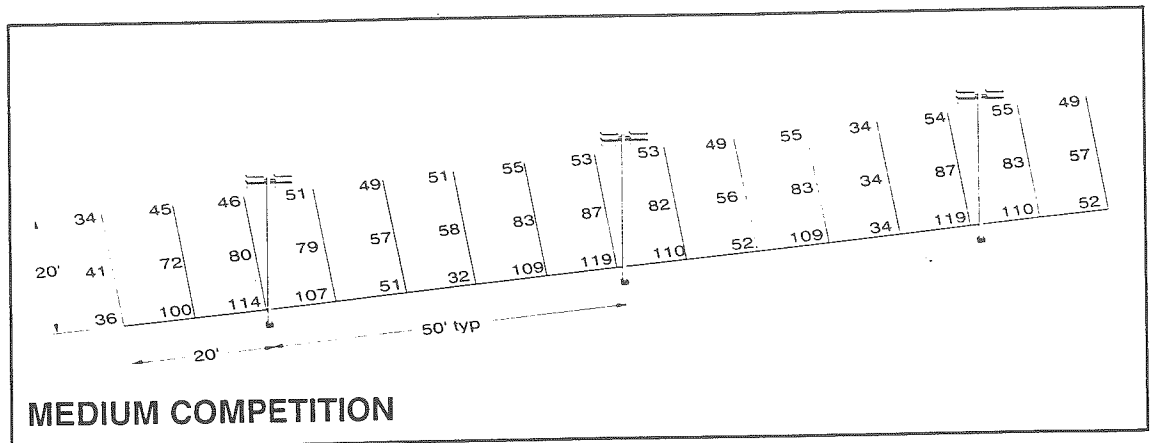
Initial foot-candle values
at 3'0" above grade
Average 83.9
Max/Min 3.18



Assembly A

Front Row Display
Assembly Spacing 50'0"
Mounting Height 24'0"

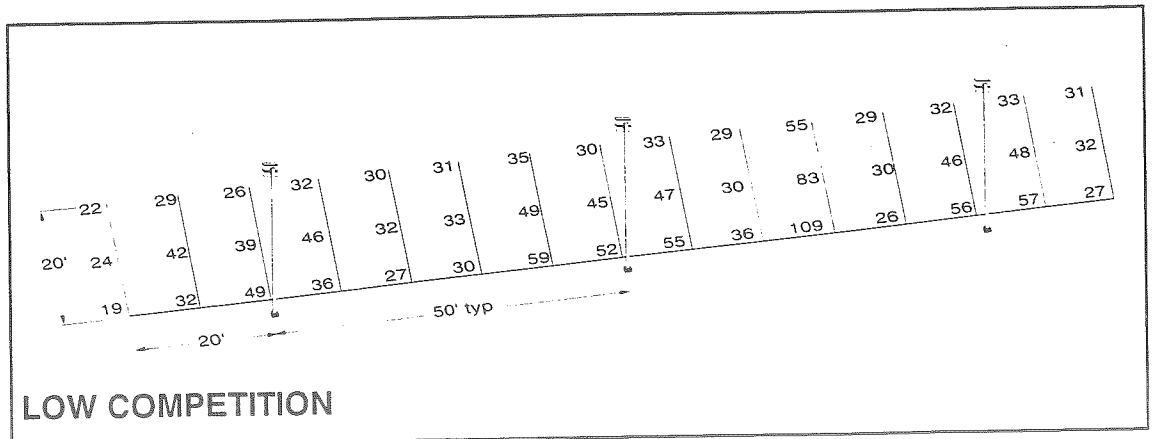
Initial foot-candle values
at 3'0" above grade
Average 68.9
Max/Min 3.47



Assembly C

Front Row Display
Assembly Spacing 50'0"
Mounting Height 24'0"

Initial foot-candle values
at 3'0" above grade
Average 37.2
Max/Min 3.13



Illumination Levels

The amount of light required for an automotive dealership is dependent on the location of the facility, and can be broken into three levels:

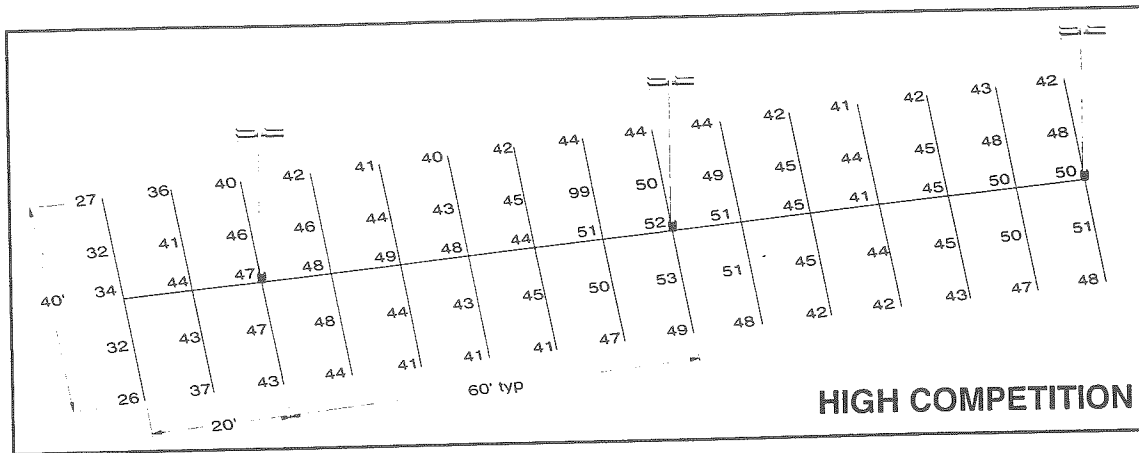
- **High Competitive** – Automalls and dealership rows are areas which require higher levels of illumination to compete with adjacent facilities. Typically located on high visibility thoroughfares.
- **Medium Competitive** – Dealerships located in urban areas with moderate traffic but without neighboring, competing dealerships.
- **Low Competitive** – Facilities located in rural areas or areas with low ambient light levels in the surrounding area. Without competition, even low levels of light will create an attractive environment.

SECONDARY ROW DISPLAY

Assembly D

Secondary Row Display
 Assembly Spacing 60'0"
 Mounting Height 24'0"

Initial foot-candle values
 at 3'0" above grade
 Average 44.0
 Max/Min 2.00

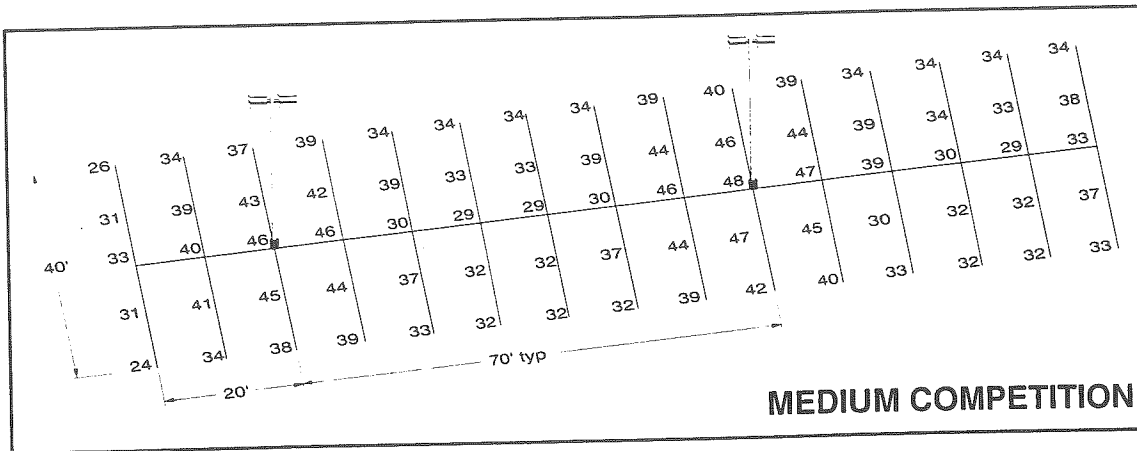


HIGH COMPETITION

Assembly D

Secondary Row Display
 Assembly Spacing 70'0"
 Mounting Height 24'0"

Initial foot-candle values
 at 3'0" above grade
 Average 36.9
 Max/Min 1.96

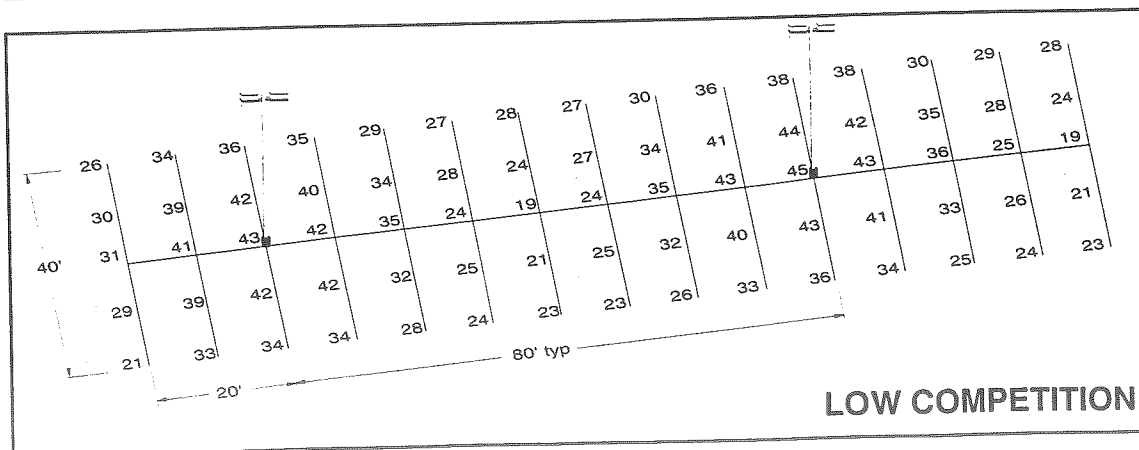


MEDIUM COMPETITION

Assembly D


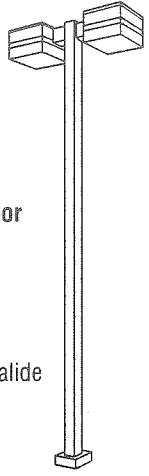

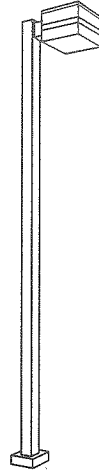

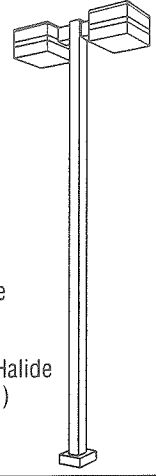

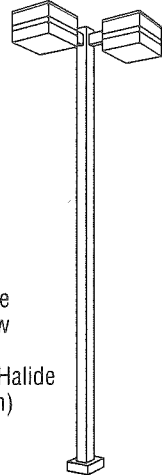

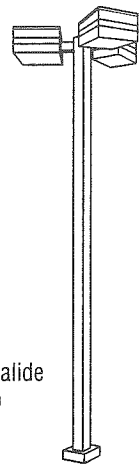
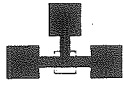
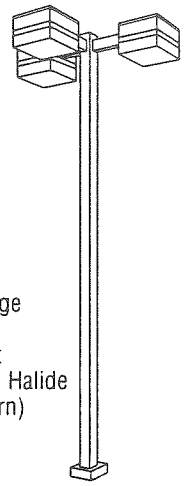



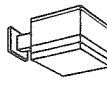

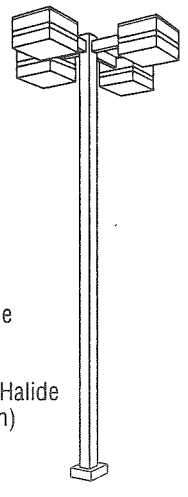
Secondary Row Display
 Assembly Spacing 80'0"
 Mounting Height 24'0"

Initial foot-candle values
 at 3'0" above grade
 Average 31.8
 Max/Min 2.33



LOW COMPETITION

Greenbriar Series™ VERTICAL BURN LUMINAIRES

FRONT ROW DISPLAY	ASSEMBLY A	PERIMETER LIGHTING	ASSEMBLY C	SECONDARY ROW	ASSEMBLY D
 <p>Twin D180° Field Rotated Reflector</p> <p>Luminaire: Greenbriar Large Distribution: Forward Throw Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: D180° Pole: Square Steel</p> 		 <p>Single</p> <p>Luminaire: Greenbriar Large Distribution: Forward Throw Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: Single Pole: Square Steel</p> 		 <p>D180°</p> <p>Luminaire: Greenbriar Large Distribution: Type V Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: D180° Pole: Square Steel</p> 	
SECONDARY ROW	ASSEMBLY E	SECONDARY ROW	ASSEMBLY F	SECONDARY ROW	ASSEMBLY G
 <p>D90°</p> <p>Luminaire: Greenbriar Large Distribution: Forward Throw Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: D90° Pole: Square Steel</p> 		 <p>TN120°</p> <p>Luminaire: Greenbriar Large Distribution: Type V Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: TN120° Pole: Square Steel</p> 		 <p>T90°</p> <p>Luminaire: Greenbriar Large Distribution: Type V Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: T90° Pole: Square Steel</p> 	
SECONDARY ROW	ASSEMBLY H	WALL MOUNT	ASSEMBLY I	SECONDARY ROW	ASSEMBLY J
 <p>Pole Top Mount</p> <p>Luminaire: Greenbriar Large Distribution: Type V Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: Pole Top Pole: Square Steel</p> 		 <p>Wall</p> <p>Luminaire: Greenbriar Large with Decorative Lens Trim Distribution: Forward Throw Lamp Wattage: 400 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: Wall Mount</p>  <p>Luminaire: Greenbriar Large with Decorative Lens Trim Distribution: Forward Throw Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: Wall Mount</p>		 <p>T90°</p> <p>Luminaire: Greenbriar Large Distribution: Type V Lamp Wattage: 1000 Watt Light Source: Super Metal Halide (Vertical Burn) Configuration: Q90° Pole: Square Steel</p> 	

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair Hagge and Member of the Portland Planning Board
FROM: Richard Knowland, Senior Planner
DATE: October 8, 1996
RE: Joker's II, Family Entertainment Center, 510 Warren Avenue

Joker's II, Inc. requests workshop review for a proposed family entertainment center on the former Grossman's site at 510 Warren Avenue. Zoning for the site is I-2 Industrial. Land area is 9 acres. A large three ring binder is attached outlining the proposal. Attachment A includes a site plan.

The applicant proposes to reuse the main Grossmans building (16,000 sq. ft. floor area) and enlarging it with a 10,000 sq. ft. addition. Indoor and outdoor recreation activities are proposed. Indoor facilities include a variety of arcade type games and food services. The submittal indicates that the restaurant section will have 420 seats. Outdoor facilities for miniature golf, go carts, playground activities are shown on the plan including a variety of accessory buildings.

The site plan indicates that 242 spaces are proposed. Most of the spaces are located on existing black top. We have requested a break down of uses within the facility to determine the zoning requirement for parking. A note on the plan references a future gravel parking area of 32 spaces. This note apparently will be removed in an updated plan.

Traffic/Circulation

A traffic analysis has been prepared by Jack Murphy (see Joker's Binder, section 3.) Tom Errico, Traffic Review Engineer, has reviewed the submission. His comments are shown on Attachment B.

Curbs and sidewalks are shown along the street frontage of Warren Avenue.

Internal walkways are limited to certain sections along the perimeter of the parking lot. For pedestrians walking to or from cars parked in the middle of the parking lot, there are no crosswalks or other internal walkways.

One driveway from Warren Avenue is proposed for the site. As the applicant intends to sell the existing warehouse and surrounding land on the easterly side of the property, a note should be added to the plan specifying that both lots will be served by a common driveway. This would avoid multiple driveways in close proximity to one another. There is an existing driveway between the adjacent property (Georgia Pacific) and this site. The driveway should be blocked off unless there is a compelling reason to leave it open.

Lt. McDougall has requested that the site plan be revised so that fire truck access is available on at least two sides of the building. The present site plan has access on only one side.

C.M.P. Easement

There is a 75 ft wide Central Maine Power easement that runs along the rear property line. Staff has requested documentation on what development activities the easement allows. A representative of the applicant indicates that the parking lot will be reconfigured so that all the parking spaces are outside the easement. The go cart track will also need to be reconfigured since it is too close to a utility pole.

Landscaping

A landscaping plan will need to be submitted. Street trees will be required along the Warren Avenue frontage of the property. As the main parking lot is about two acres in size, landscaped islands within the parking lot will be needed. The site is heavily vegetated adjacent to I-95 although most of it is within the turnpike right-of-way.

Drainage

A concept narrative of drainage issues has been submitted by David Kamila of Land Use Consultants (see Joker's binder). The narrative references a detention basin although the site plan has not progressed yet to include it in the plan. Drainage, water quality and related issues will need to be addressed.

Outdoor Amusement Improvements

The applicant has given indications that the rear outdoor amusements facilities may be developed in a future phase. A specific schedule for such improvements should be submitted. The plan is helpful in understanding the long term development of this site, however if the improvements are more than several years away, the Board may want the plan revised to eliminate them until a specific development proposal is submitted.

If the go cart track is part of the development, submission of specific decibels levels from the go cart manufacturer should be submitted.

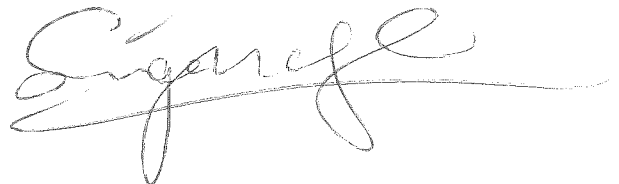
Building Evaluations

We have requested an elevation or illustrated depiction of what the renovated building and addition will look like. A signage plan should also be submitted.

Given the size of this project and the uncertainty of various elements of the site plan, the Board may want to consider a second workshop prior to holding a public hearing.

Attachments:

- A. Site Plan
- B. Memo from Traffic Review Engineer



TYLIN INTERNATIONAL

To: Bill Bray
From: Tom Errico
Date: October 2, 1996
Subject: Jokers Two, Inc. - Warren Avenue
Copy: Richard Knowland

MEMORANDUM

In conjunction with the proposed Jokers Two development on Warren Avenue at the former Grossman's site, I have reviewed the Traffic Study prepared by John L. Murphy, P.E. dated September 13, 1996 and the site plan prepared by Thomas Milligan, Jr., P.E., S.E., P.L.S. dated September 16, 1996. My comments are summarized below.

- Accident data on Warren Avenue in the vicinity of the proposed project should be reviewed and conclusions developed regarding safety conditions.
- An evaluation of traffic operational conditions in the vicinity of the site drive should be performed. Specifically, vehicular queue spillback from the B.J. Warehouse retail store should be quantified, and what impact the queue may have on traffic operations and safety at the Joker's site drive identified.
- The proposed site will be divided into two parcels, one containing an entertainment center and the other a warehouse building. It is recommended that only one shared drive be provided servicing both parcels.
- Trip generation from the proposed site was based upon one sample day at two similar sites in early June. Additional data should be provided documenting the validity of the traffic counts in estimating summertime traffic demand at the proposed site. The data should include an explanation of characteristics at the sites surveyed, and information relative to customer activity as compared to other summer weekend days.
- Sight distance from the proposed site drive was reviewed in the field and determined to be satisfactory for the posted speed limit of 35 mph.
- A painted cross-walk should be provided across the driveway. In addition, pedestrian ramps should be provided and meet ADA requirements.



October 3, 1996

City of Portland
389 Congress Street
Portland, ME 04101-3503

Attention: City Planner

RE: Jokers Two, Inc.

Dear Sirs:

Central Maine Power Company is proposing to allow certain uses of its transmission line right-of-way designated Section 188 in Portland, pursuant to a request from Jokers Two, Inc.

The proposed uses would include a go-kart track, detention pond and parking area.

The allowance of these uses by CMP are subject to final corporate approval.

Final conditions of the proposed uses have not been completed, however; at this point they will include:

- parking will be limited to the outer 20 feet of the right of way and shall be fenced to prevent snow from being plowed onto the right-of-way;
- future expansion of the parking area will not be permitted within the right-of-way;
- the go-kart track shall be 25 feet from CMP's poles and guys;
- any signs posted within the go-kart track or light poles within the easement, will be no higher than 10 feet;
- construction of a detention pond within CMP's right-of-way will be contingent upon CMP being notified, in writing, prior to any involvement by the Maine State Department of Environmental Protection regarding said detention pond;
- the above uses shall in no way encumber CMP's easement rights to operate and maintain a transmission line within its right-of-way;
- CMP shall not be liable to Jokers Two, Inc. for any damage to their property on the right-of-way caused by CMP's use for public utility purposes;

CMP

- Jokers Two, Inc. shall be responsible for acquiring all necessary permits for said uses and shall comply with all municipal, state, and federal laws and regulations pertaining thereto;
- any agreement enter into with Jokers Two, Inc. for the above uses shall apply only to CMP's current use of the right-of-way and the current laws and regulations affecting such use and will not in any way restrict CMP's right to assert that Jokers Two, Inc.'s use of the right-of-way infringes on CMP's rights in the future;

If you have any questions or concerns regarding the above, please contact me at 207-623-3521, extension 2219.

Sincerely,

A handwritten signature in cursive script that reads "Alice Richards".

Alice Richards
Real Estate Service

cc: Tom Milligan, Jr.

J.E.N.S.E.N

STENBAK

architecture
interiors
project
management

LETTER OF TRANSMITTAL

TO City of Portland
389 Congress Street
Portland, ME 04101

DATE	10.17.96	JOB NO.
ATTENTION	Richard Knowland	
RE:	Joker's Addition & Renovations	

WE ARE SENDING YOU

- Fax (# of sheets inc. this one) _____
- Prints Samples Estimates Copy of letter
- Specifications Change order Color copies

COPIES	DATE	NO.	DESCRIPTION
7	10.4.96	1	East elevation color rendering (11x17)

THESE ARE TRANSMITTED as checked below:

- For approval
- For your use
- As requested
- For review and comment
- Approved as submitted
- Returned after loan to us
- FOR BIDS DUE _____ 19__
- Approved as noted
- Returned for corrections
- Resubmit _____ copies for approval
- Submit _____ copies for distribution
- Return _____ corrected prints
- _____

REMARKS SENT VIA UPS NEXT DAY AIR -
TRACKING #: N0457945056

4 auburn road
londonderry
new hampshire
03053
603-425-5100
fax 425-5111

If enclosures are not as noted,
please notify us at once

SIGNED: DAVID



LAND USE CONSULTANTS INC

October 16, 1996

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Mr. Richard Knowland
Senior Planner
Dept. of Planning & Urban Development
City Hall
389 Congress Street
Portland, Me 04101

Jokers Two, Inc.

Dear Rick:

I am submitting for staff review 14 sets of the revised preliminary site plan for the proposed Jokers Two Recreation Facility at the former Grossman's site on Warren Avenue. The submission set includes the site plan and accompanying detail sheets. In addition to the plans we have also prepared a Stormwater Management Report and Erosion and Sediment Control Report. A landscaping plan is being prepared by Tom Milligan and will be submitted separately.

I will also be delivering 11 x 17 reductions of the plans by noon on Friday. The plans should address most of the issues raised at the October 8th workshop.

We look forward to continuing our discussion with your staff and the Board at the next workshop scheduled for October 22.

In the mean time, please call with any questions or comments.

Sincerely,

David A. Kamila, P.E.
Vice President

DAK/pp

cc: Bill Latvis
Tom Milligan



LAND USE CONSULTANTS INC
October 16, 1996

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Thomas N. Emery, RLA
John D. Roberts, PLS
3019.

STORMWATER MANAGEMENT REPORT
JOKERS TWO, INC.
510 Warren Avenue
Portland, Maine

Land Use Consultants, Inc. is submitting site plans and drainage calculations on behalf of Jokers Two, Inc. for a proposed indoor/outdoor recreational and family leisure entertainment facility. The site is located at 510 Warren Avenue in Portland, Maine, adjacent to the Maine Turnpike. The property is the former Grossman's Lumber yard and Home Center and Contractor Sales Facility. The existing property contains approximately 9 acres which includes the existing development. The existing Grossman's site includes two large buildings, two open lumber sheds, a small garage and paved parking and storage yard totaling about 4.25 acres of impervious surface.

Drainage for the present site is generally depicted by two drainage subcatchments. Subcatchment #1 includes the southern half of the property which drains away from Warren Avenue to a low ponded area near the turnpike at the back corner of the Central Maine Power Co. right-of-way which drains to a culvert under the railroad track. There is a catch basin near the rear of the existing pavement which apparently drains toward the CMP easement area. This catch basin is currently plugged with silt and debris. The proposal recommends removing this basin.

Subcatchment #2 drains towards Warren Avenue and includes most of the parking area and developed site. Runoff is mostly sheet flow across the pavement into existing catch basins which discharge to the Warren Avenue storm drain.

Jokers Two, Inc. is proposing to take advantage of existing buildings and pavement as much as possible. All of the buildings will be reused on site except for the lumber sheds which will be removed. The existing pavement will remain in place, except in those areas where indicated on the plans. These are several small areas of pavement to be removed totaling approximately 0.75 acres. The proposed parking layout will require extending the pavement into the CMP right-of-way which includes an additional 0.3 acres of new pavement. The result is a net reduction of 0.45 acres of pavement or impervious surfaces for the proposed site. The proposal includes creating an out-parcel lot for sale or lease. No development is proposed for the parcel which will use existing facilities.

The developed condition drainage patterns are essentially the same as the existing site. The most significant difference is related to the addition of a proposed Go-Kart track in the CMP easement and the proposed detention pond and related drainage swales in subcatchment #1. The post-development drainage was divided into two separate subcatchment areas similar to the existing site which provides the basis of comparison for existing and future peak flow rates. The runoff curve numbers (CN) for the multi-purpose play areas and mini-golf for the developed site is based on the assumption that these areas will be a composite of materials which is equivalent to 30 percent impervious and 70 percent of materials similar to lawn.

LAND USE CONSULTANTS INC

Calculations were performed using the SCS method for completing stormwater runoff peak flow rates. This method accounts for soil types, existing land use, topography vegetative cover, and proposed land use for the site. We have evaluated the present and developed conditions of this proposal using data for a typical SCS Type III, 24 hour storm distribution with a design frequency occurrence of 2 years, 10 years and 25 years. All supporting data and calculations are included with this report.

Soils on the site are indicated according to the medium intensity soils maps as published by the Soil Conservation Service (SCS) for Cumberland County.

The results of our calculations are indicated in the Summary Table. Area 1, which includes the proposed detention basin experienced an increase in peak flow rates of +1.86 cfs, +2.39 cfs and +2.54 cfs for the 2, 10 and 25 year storm events respectively. However, with the addition of the proposed detention basin the rates are decreased to below the existing peak flows. The detention pond reduces the maximum peak flow rates by -0.26 cfs, -1.32 cfs and -8.52 cfs for the three design intervals.

The peak flow rates from Area 2 are decreased by -1.11 cfs, -1.21 cfs and -1.20 cfs for the developed site resulting from a net decrease of impervious areas. The total combined site peak discharges are reduced by -1.37 cfs, -2.53 cfs and -9.72 cfs respectively, for the three storms.

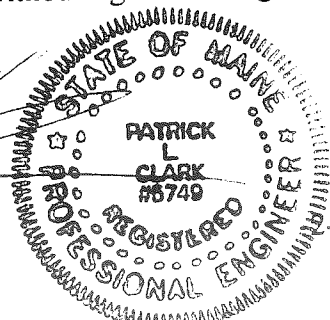
Since most of the site remains essentially unchanged due to the extent of existing development, water quality should not be a significant issue with regard to the development proposal. The portion of the site which drains towards Warren Avenue (Area 2) will experience water quality improvements resulting from a net decrease in peak flow rates and a reduction in paved parking areas.

Similarly, Area 1 will also result in a decrease in runoff rates through the use of the proposed detention basin. Water quality will be most important during the construction phase and will be highly dependent upon good construction and erosion control practices. Short term measures for maintaining water quality include: Silt fencing, stone check dams in ditches and at culvert entrances, rip-rap aprons, erosion control matting on the pond side slopes, and a temporary sediment riser attached to the pond outlet. Permanent or long term water quality will be maintained through the use of long vegetated swales, storm runoff detention, rip-rap aprons and head walls and a stone lined level spreader at the detention pond outlet.

It is our conclusion that the proposed detention pond and proposed site changes will provide adequate control of stormwater runoff from the site without producing any significant adverse impacts to downstream reaches and surrounding areas. We feel that the proposed measures, if properly constructed and maintained, will be sufficient to control stormwater runoff and erosion from the proposed site without significant degradation of existing water quality.

Prepared by:

Patrick L. Clark, P.E.

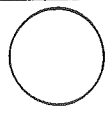
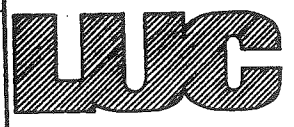


▶ REFERENCE:

JOKERS TWO, PORTLAND, MAINE

SUMMARY TABLE

	2 YEAR STORM		10 YEAR STORM		25 YEAR STORM	
	EXISTING	FUTURE	EXISTING	FUTURE	EXISTING	FUTURE
AREA 1	5.50	7.36	12.76	15.15	16.42	18.96
(w/Detention)	—	5.24	—	7.22	—	7.90
AREA 2	7.05	5.94	12.65	11.44	15.27	14.07
Area #1 Increase		+1.86		+2.39		+2.54
(w/det.)		(-0.26)		(-1.32)		(-8.52)
Area #2		-1.11		-1.21		-1.20



▶ PREPARED FOR:

▶ TITLE:

LAND USE CONSULTANTS, INC.

LAND PLANNERS • ENGINEERS • SURVEYORS

966 RIVERSIDE STREET
 PORTLAND, MAINE 04103
 (207) 878-3313

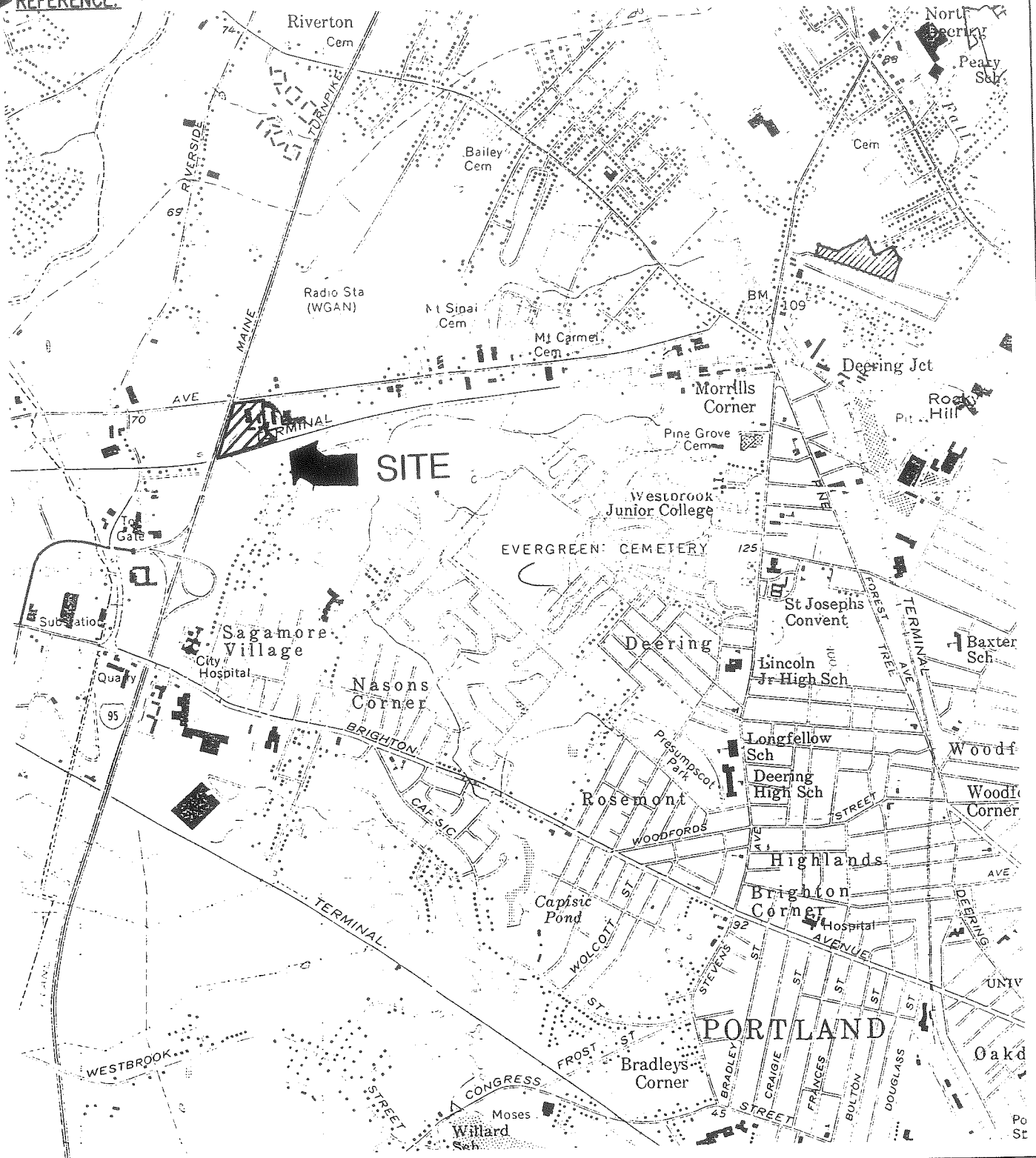
▶ SCALE:

▶ JOB #

▶ FIGURE #

▶ DATE:

▶ REFERENCE: USGS QUAD "PORTLAND WEST, ME"



LAND USE CONSULTANTS, INC.

Land Planners * Engineers * Surveyors
 966 RIVERSIDE STREET
 PORTLAND, MAINE 04103
 207-878-3313



▶ PREPARED FOR:
 JOKERS INC.
 2460A Lafayette Rd.
 Portsmouth, NH

▶ TITLE: LOCATION MAP
 JOKERS TWO, INC.
 510 Warren Avenue
 Portland, ME

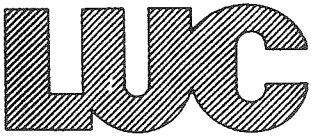
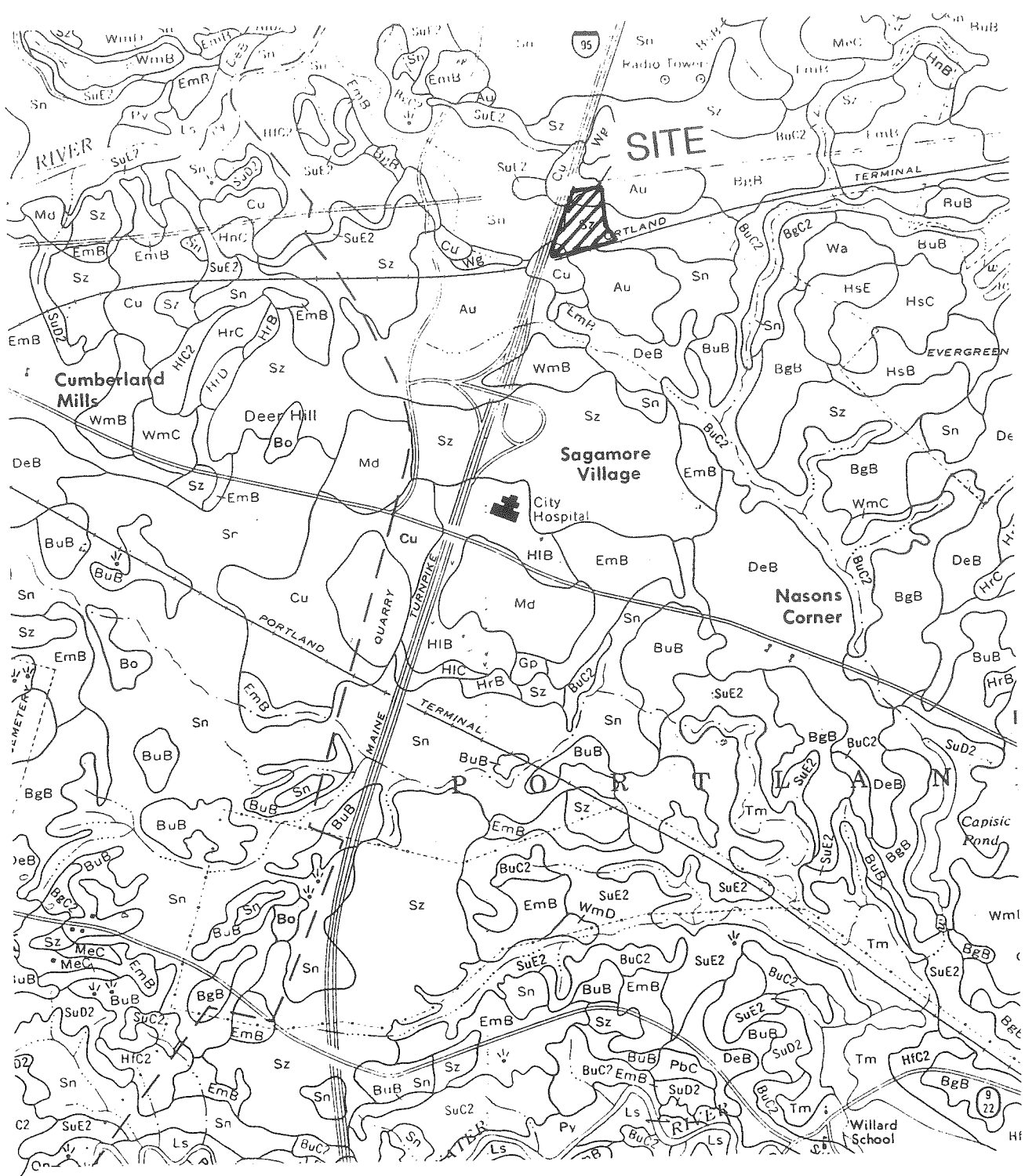
▶ DATE:
 10/15/96

▶ SCALE:
 1:24,000

▶ JOB NO.:
 3019

▶ FIGURE NO.:

► REFERENCE: MAP 81 Cumberland County Soil Survey By USDA/SCS Dated 1974



LAND USE CONSULTANTS, INC.

Land Planners * Engineers * Surveyors
966 RIVERSIDE STREET
PORTLAND, MAINE 04103
207-878-3313



► PREPARED FOR:

JOKERS INC.
2460A Lafayette Rd.
Portsmouth, NH

► DATE:

10/15/96

► SCALE:

1:20,000

► TITLE:

Medium-Intensity Soils

JOKERS TWO, INC.
510 Warren Avenue
Portland, ME

► JOB NO.:

3019

► FIGURE NO.:

Data for 3019-JOKERS, EXISTING SITE, 2 YEAR
 TYPE III 24-HOUR RAINFALL= 3.0 IN

9 Oct 96

Prepared by Land Use Consultants, Inc.
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SUBCATCHMENT 1

PEAK= 5.50 CFS @ 12.18 HRS, VOLUME= .48 AF

ACRES	CN		SCS TR-20 METHOD
1.87	98	EXISTING PAVEMENT	TYPE III 24-HOUR
1.91	70	EXISTING WOODS, HSG C	RAINFALL= 3.0 IN
2.15	65	EXISTING BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
5.93	77		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 7.05 CFS @ 12.04 HRS, VOLUME= .44 AF

ACRES	CN		SCS TR-20 METHOD
2.35	98	EXISTING PAVEMENT	TYPE III 24-HOUR
.72	61	EXISTING LAWN, HSG B	RAINFALL= 3.0 IN
3.07	89		SPAN= 10-20 HRS, dt=.05 HRS

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

Data for 3019-JOKERS, EXISTING SITE, 10 YEAR

TYPE III 24-HOUR RAINFALL= 4.7 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

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SUBCATCHMENT 1

PEAK= 12.76 CFS @ 12.17 HRS, VOLUME= 1.08 AF

ACRES	CN		SCS TR-20 METHOD
1.87	98	EXISTING PAVEMENT	TYPE III 24-HOUR
1.91	70	EXISTING WOODS, HSG C	RAINFALL= 4.7 IN
2.15	65	EXISTING BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
5.93	77		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 12.65 CFS @ 12.04 HRS, VOLUME= .79 AF

ACRES	CN		SCS TR-20 METHOD
2.35	98	EXISTING PAVEMENT	TYPE III 24-HOUR
.72	61	EXISTING LAWN, HSG B	RAINFALL= 4.7 IN
3.07	89		SPAN= 10-20 HRS, dt=.05 HRS

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

Data for 3019-JOKERS, EXISTING SITE, 25 YEAR
 TYPE III 24-HOUR RAINFALL= 5.5 IN

9 Oct 96

Prepared by Land Use Consultants, Inc.
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SUBCATCHMENT 1

PEAK= 16.42 CFS @ 12.17 HRS, VOLUME= 1.38 AF

ACRES	CN		SCS TR-20 METHOD
1.87	98	EXISTING PAVEMENT	TYPE III 24-HOUR
1.91	70	EXISTING WOODS, HSG C	RAINFALL= 5.5 IN
2.15	65	EXISTING BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
5.93	77		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 15.27 CFS @ 12.04 HRS, VOLUME= .95 AF

ACRES	CN		SCS TR-20 METHOD
2.35	98	EXISTING PAVEMENT	TYPE III 24-HOUR
.72	61	EXISTING LAWN, HSG B	RAINFALL= 5.5 IN
3.07	89		SPAN= 10-20 HRS, dt=.05 HRS

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

Data for 3019-JOKERS, DEVELOPED SITE, 2 YR
 TYPE III 24-HOUR RAINFALL= 3.0 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

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SUBCATCHMENT 1

PEAK= 7.36 CFS @ 12.17 HRS, VOLUME= .63 AF

ACRES	CN		SCS TR-20 METHOD
2.62	98	PAVEMENT, IMPERVIOUS	TYPE III 24-HOUR
.66	70	WOODS, HSG C	RAINFALL= 3.0 IN
1.80	65	BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
.85	81	PLAY SURFACE, HSG C	
5.93	82		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 5.94 CFS @ 12.05 HRS, VOLUME= .37 AF

ACRES	CN		SCS TR-20 METHOD
1.82	98	PAVED, IMPERVIOUS	TYPE III 24-HOUR
.64	72	PLAY SURFACE, HSG B	RAINFALL= 3.0 IN
.61	61	LAWN	SPAN= 10-20 HRS, dt=.05 HRS
3.07	85		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:ABBC	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

2

Data for 3019-JOKERS, DEVELOPED SITE, 2 YR

TYPE III 24-HOUR RAINFALL= 3.0 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

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REACH 1

GRASS SWALE

Q_{in} = 7.36 CFS @ 12.17 HRS, VOLUME= .63 AF
Q_{out} = 7.29 CFS @ 12.18 HRS, VOLUME= .63 AF, ATTEN= 1%, LAG= .5 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL	STOR-IND+TRANS METHOD
0.0	0.0	0.00	SIDE SLOPE= .33 '/'	PEAK DEPTH= .54 FT
.2	.5	1.07	n= .03	PEAK VELOCITY= 3.6 FPS
.4	1.3	3.87	LENGTH= 50 FT	TRAVEL TIME = .2 MIN
.6	2.3	8.61	SLOPE= .02 FT/FT	SPAN= 10-20 HRS, dt=.05 HRS
.9	4.0	18.15		
1.2	6.8	37.36		
1.6	11.0	71.41		
2.0	16.1	119.75		

REACH 2

CULVERT UNDER TRACK

Q_{in} = 7.29 CFS @ 12.18 HRS, VOLUME= .63 AF
Q_{out} = 7.28 CFS @ 12.19 HRS, VOLUME= .63 AF, ATTEN= 0%, LAG= .2 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	15" PIPE X 2	STOR-IND+TRANS METHOD
0.0	0.0	0.00		PEAK DEPTH= .53 FT
.1	.1	.39	n= .009	PEAK VELOCITY= 7.4 FPS
.3	.3	1.63	LENGTH= 50 FT	TRAVEL TIME = .1 MIN
.4	.6	3.65	SLOPE= .01 FT/FT	SPAN= 10-20 HRS, dt=.05 HRS
.9	1.8	15.62		
1.0	2.1	18.24		
1.1	2.3	19.89		
1.2	2.4	20.07		
1.2	2.4	19.89		
1.3	2.5	18.66		

REACH 3

SWALE TO POND

Q_{in} = 7.28 CFS @ 12.19 HRS, VOLUME= .63 AF
Q_{out} = 7.11 CFS @ 12.23 HRS, VOLUME= .63 AF, ATTEN= 2%, LAG= 3.0 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL	STOR-IND+TRANS METHOD
0.0	0.0	0.00	SIDE SLOPE= .33 '/'	PEAK DEPTH= .76 FT
.2	.5	.54	n= .03	PEAK VELOCITY= 2.2 FPS
.4	1.3	1.94	LENGTH= 200 FT	TRAVEL TIME = 1.5 MIN
.6	2.3	4.31	SLOPE= .005 FT/FT	SPAN= 10-20 HRS, dt=.05 HRS
.9	4.0	9.07		
1.2	6.8	18.68		
1.6	11.0	35.71		
2.0	16.1	59.87		

Data for 3019-JOKERS, DEVELOPED SITE, 2 YR
 TYPE III 24-HOUR RAINFALL= 3.0 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

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POND 1

PROPOSED DETENTION POND

Qin = 7.11 CFS @ 12.23 HRS, VOLUME= .63 AF
 Qout= 5.24 CFS @ 12.40 HRS, VOLUME= .62 AF, ATTEN= 26%, LAG= 9.6 MIN

ELEVATION (FT)	AREA (SF)	INC.STOR (CF)	CUM.STOR (CF)	STOR-IND METHOD
61.5	0	0	0	PEAK STORAGE = 2823 CF
62.0	350	88	88	PEAK ELEVATION= 63.9 FT
64.0	2500	2850	2938	FLOOD ELEVATION= 68.0 FT
66.0	6500	9000	11938	START ELEVATION= 61.5 FT
68.0	10000	16500	28438	SPAN= 10-20 HRS, dt=.05 HRS Tdet= 4.8 MIN (.62 AF)

#	ROUTE	INVERT	OUTLET DEVICES
1	P	61.5'	12" CULVERT n=.009 L=80' S=.01'/' Ke=.5 Cc=.9 Cd=.6

Data for 3019-JOKERS, DEVELOPED SITE, 10 YR

TYPE III 24-HOUR RAINFALL= 4.7 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

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SUBCATCHMENT 1

PEAK= 15.15 CFS @ 12.17 HRS, VOLUME= 1.27 AF

ACRES	CN		SCS TR-20 METHOD
2.62	98	PAVEMENT, IMPERVIOUS	TYPE III 24-HOUR
.66	70	WOODS, HSG C	RAINFALL= 4.7 IN
1.80	65	BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
.85	81	PLAY SURFACE, HSG C	
5.93	82		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 11.44 CFS @ 12.04 HRS, VOLUME= .71 AF

ACRES	CN		SCS TR-20 METHOD
1.82	98	PAVED, IMPERVIOUS	TYPE III 24-HOUR
.64	72	PLAY SURFACE, HSG B	RAINFALL= 4.7 IN
.61	61	LAWN	SPAN= 10-20 HRS, dt=.05 HRS
3.07	85		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:ABBC	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

Data for 3019-JOKERS, DEVELOPED SITE, 10 YR

TYPE III 24-HOUR RAINFALL= 4.7 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

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REACH 1

GRASS SWALE

Qin = 15.15 CFS @ 12.17 HRS, VOLUME= 1.27 AF
Qout= 15.08 CFS @ 12.17 HRS, VOLUME= 1.27 AF, ATTEN= 0%, LAG= .3 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 50 FT SLOPE= .02 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .77 FT PEAK VELOCITY= 4.4 FPS TRAVEL TIME = .2 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	1.07		
.4	1.3	3.87		
.6	2.3	8.61		
.9	4.0	18.15		
1.2	6.8	37.36		
1.6	11.0	71.41		
2.0	16.1	119.75		

REACH 2

CULVERT UNDER TRACK

Qin = 15.08 CFS @ 12.17 HRS, VOLUME= 1.27 AF
Qout= 14.98 CFS @ 12.18 HRS, VOLUME= 1.27 AF, ATTEN= 1%, LAG= .2 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	15" PIPE X 2 n= .009 LENGTH= 50 FT SLOPE= .01 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .84 FT PEAK VELOCITY= 8.5 FPS TRAVEL TIME = .1 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.1	.1	.39		
.3	.3	1.63		
.4	.6	3.65		
.9	1.8	15.62		
1.0	2.1	18.24		
1.1	2.3	19.89		
1.2	2.4	20.07		
1.2	2.4	19.89		
1.3	2.5	18.66		

REACH 3

SWALE TO POND

Qin = 14.98 CFS @ 12.18 HRS, VOLUME= 1.27 AF
Qout= 14.72 CFS @ 12.22 HRS, VOLUME= 1.26 AF, ATTEN= 2%, LAG= 2.5 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 200 FT SLOPE= .005 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= 1.07 FT PEAK VELOCITY= 2.6 FPS TRAVEL TIME = 1.3 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	.54		
.4	1.3	1.94		
.6	2.3	4.31		
.9	4.0	9.07		
1.2	6.8	18.68		
1.6	11.0	35.71		
2.0	16.1	59.87		

Data for 3019-JOKERS, DEVELOPED SITE, 10 YR
 TYPE III 24-HOUR RAINFALL= 4.7 IN

9 Oct 96

Prepared by Land Use Consultants, Inc.
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POND 1

PROPOSED DETENTION POND

Q_{in} = 14.72 CFS @ 12.22 HRS, VOLUME= 1.26 AF
 Q_{out} = 7.22 CFS @ 12.52 HRS, VOLUME= 1.26 AF, ATTEN= 51%, LAG= 18.1 MIN

ELEVATION (FT)	AREA (SF)	INC.STOR (CF)	CUM.STOR (CF)
61.5	0	0	0
62.0	350	88	88
64.0	2500	2850	2938
66.0	6500	9000	11938
68.0	10000	16500	28438

STOR-IND METHOD
 PEAK STORAGE = 10332 CF
 PEAK ELEVATION= 65.6 FT
 FLOOD ELEVATION= 68.0 FT
 START ELEVATION= 61.5 FT
 SPAN= 10-20 HRS, dt=.05 HRS
 T_{det}= 10.6 MIN (1.26 AF)

#	ROUTE	INVERT	OUTLET DEVICES
1	P	61.5'	12" CULVERT n=.009 L=80' S=.01'/' Ke=.5 Cc=.9 Cd=.6

Data for 3019-JOKERS, DEVELOPED SITE, 25 YR

TYPE III 24-HOUR RAINFALL= 5.5 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

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SUBCATCHMENT 1

PEAK= 18.96 CFS @ 12.17 HRS, VOLUME= 1.58 AF

ACRES	CN		SCS TR-20 METHOD
2.62	98	PAVEMENT, IMPERVIOUS	TYPE III 24-HOUR
.66	70	WOODS, HSG C	RAINFALL= 5.5 IN
1.80	65	BRUSH, HSG C	SPAN= 10-20 HRS, dt=.05 HRS
.85	81	PLAY SURFACE, HSG C	
5.93	82		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:AB	3.4
Smooth surfaces n=.011 L=250'	P2=3 in s=.01 '/'	
SHALLOW CONCENTRATED/UPLAND FLOW	Segment ID:BC	10.5
Grassed Waterway Kv=15 L=600'	s=.004 '/' V=.95 fps	
Total Length= 850 ft		Total Tc= 13.9

SUBCATCHMENT 2

PEAK= 14.07 CFS @ 12.04 HRS, VOLUME= .88 AF

ACRES	CN		SCS TR-20 METHOD
1.82	98	PAVED, IMPERVIOUS	TYPE III 24-HOUR
.64	72	PLAY SURFACE, HSG B	RAINFALL= 5.5 IN
.61	61	LAWN	SPAN= 10-20 HRS, dt=.05 HRS
3.07	85		

Method	Comment	Tc (min)
TR-55 SHEET FLOW	Segment ID:ABBC	2.3
Smooth surfaces n=.011 L=150'	P2=3 in s=.01 '/'	
DIRECT ENTRY	Segment ID:BC	2.0
Total Length= 150 ft		Total Tc= 4.3

Data for 3019-JOKERS, DEVELOPED SITE, 25 YR
 TYPE III 24-HOUR RAINFALL= 5.5 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

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REACH 1 GRASS SWALE

Q_{in} = 18.96 CFS @ 12.17 HRS, VOLUME= 1.58 AF
 Q_{out} = 18.88 CFS @ 12.17 HRS, VOLUME= 1.58 AF, ATTEN= 0%, LAG= .3 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 50 FT SLOPE= .02 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .87 FT PEAK VELOCITY= 4.6 FPS TRAVEL TIME = .2 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	1.07		
.4	1.3	3.87		
.6	2.3	8.61		
.9	4.0	18.15		
1.2	6.8	37.36		
1.6	11.0	71.41		
2.0	16.1	119.75		

REACH 2 CULVERT UNDER TRACK

Q_{in} = 18.88 CFS @ 12.17 HRS, VOLUME= 1.58 AF
 Q_{out} = 18.83 CFS @ 12.17 HRS, VOLUME= 1.58 AF, ATTEN= 0%, LAG= .2 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	15" PIPE X 2 n= .009 LENGTH= 50 FT SLOPE= .01 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= 1.03 FT PEAK VELOCITY= 8.6 FPS TRAVEL TIME = .1 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.1	.1	.39		
.3	.3	1.63		
.4	.6	3.65		
.9	1.8	15.62		
1.0	2.1	18.24		
1.1	2.3	19.89		
1.2	2.4	20.07		
1.2	2.4	19.89		
1.3	2.5	18.66		

REACH 3 SWALE TO POND

Q_{in} = 18.83 CFS @ 12.17 HRS, VOLUME= 1.58 AF
 Q_{out} = 18.42 CFS @ 12.21 HRS, VOLUME= 1.58 AF, ATTEN= 2%, LAG= 2.4 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	2' x 2' CHANNEL SIDE SLOPE= .33 '/' n= .03 LENGTH= 200 FT SLOPE= .005 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= 1.20 FT PEAK VELOCITY= 2.8 FPS TRAVEL TIME = 1.2 MIN SPAN= 10-20 HRS, dt=.05 HRS
0.0	0.0	0.00		
.2	.5	.54		
.4	1.3	1.94		
.6	2.3	4.31		
.9	4.0	9.07		
1.2	6.8	18.68		
1.6	11.0	35.71		
2.0	16.1	59.87		

Data for 3019-JOKERS, DEVELOPED SITE, 25 YR

TYPE III 24-HOUR RAINFALL= 5.5 IN

Prepared by Land Use Consultants, Inc.

9 Oct 96

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POND 1

PROPOSED DETENTION POND

Q_{in} = 18.42 CFS @ 12.21 HRS, VOLUME= 1.58 AF
Q_{out} = 7.90 CFS @ 12.55 HRS, VOLUME= 1.58 AF, ATTEN= 57%, LAG= 20.4 MIN

ELEVATION (FT)	AREA (SF)	INC.STOR (CF)	CUM.STOR (CF)	STOR-IND METHOD
61.5	0	0	0	PEAK STORAGE = 14967 CF
62.0	350	88	88	PEAK ELEVATION= 66.4 FT
64.0	2500	2850	2938	FLOOD ELEVATION= 68.0 FT
66.0	6500	9000	11938	START ELEVATION= 61.5 FT
68.0	10000	16500	28438	SPAN= 10-20 HRS, dt=.05 HRS Tdet= 14 MIN (1.57 AF)

ROUTE INVERT OUTLET DEVICES

1 P 61.5' 12" CULVERT
n=.009 L=80' S=.01'/' Ke=.5 Cc=.9 Cd=.6

**PROPOSED RAINFOREST FAMILY RECREATION CENTER
ENVIRONMENTAL NOISE IMPACT STUDY**

PREPARED FOR:

**Rainforest Golf of Stone Mountain, Inc.
Stone Mountain, Georgia**

PREPARED BY:

**Clifford R. Bragdon & Associates
Environmental Planning
Stone Mountain, Georgia**

December 6, 1990

BACKGROUND

At the request of Rainforest Golf of Stone Mountain, Inc., an environmental noise and land use impact study was performed. A Rainforest Family Recreation Center, which includes a go-cart track, is being proposed in Gwinnett County. Located south of U.S. 78 at the intersection of West Park Place Boulevard and Bermuda Road, the proposed facility is shown on the Site Map (Exhibit 3).

Containing 4.145 acres this property is zoned C-3 (General Commercial District) by Gwinnett County. Adjacent commercial uses include a skating rink and a miniature golf course (Rainforest Golf). Property to the west and south is zoned Light Industry (M-1). To the south there an industrial office park while to the west the property zoned M-1 is undeveloped.

METHODOLOGY

An environmental noise study was conducted to determine the anticipated noise level of the present undeveloped site where the Rainforest Family Recreation Center is proposed. Noise data were also to be obtained at an existing facility which would be similar in nature to this proposed facility. Noise data were acquired at American Adventures: The Great Race, operated by Whitewater, in Cobb County, Georgia. This go-cart facility operates a track similar in design, but with a larger capacity of 30 cars. The cars are manufactured by the same vendor.

Once collected these data were to be analyzed in terms of possible impact and the necessity for noise abatement and control for the surrounding area. All measurements involved the use of acoustical instruments complying with the American National Standards Institute (ANSI) sound level meter standards. Both instantaneous and time integrated noise measurements were made using the A-weighted sound level scale, or dBA. Several time integrated noise metrics were monitored including Level Equivalent (L_{eq}), Maximum Level (L_{max}), Minimum Level (L_{min}), along with Levels Exceeded 1% (L_1), 10% (L_{10}), 50% (L_{50}), 90% (L_{90}) of the time.

FINDINGS

A trip to American Adventures and the Great Race provided noise data representing similar go-cart conditions. At any one time there were between 12 - 30 cars operating. The maximum cars passing as a cluster amounted to nine. All of these cars are built by the Pacer Manufacturing Company, Inc, of Chattanooga, Tennessee. They are powered by a 5 horsepower Honda gasoline operated engine with an oil bath automatic clutch.

1. American Adventures: The Great Race

The noise of the go-carts ranged with distance as well as the number of vehicles in a group. For example at distances of 100 feet the noise measured ranged from 69.9 dBA down to 64.0 dBA (Exhibit 1). The integrated L_{eq} over a 3 to 4 minute period at 100 feet ranged from 63.5 dBA to 68.5 dBA (Exhibit 2), when the cars were performing laps.

2. Proposed Site: Without Facility Operating

Ten different monitoring locations were used (Exhibit 3). At those sites adjacent to the industrial zoned classification (i.e. Sites 4 - 6) the noise equivalent level presently measures from 52.0 to 59 L_{eq} without the facility (go-cart track) constructed (Exhibit 4).

There are a variety of noise sources occurring at this location (Appendix 1) which contribute to the present noise level. They include:

- a. Aircraft noise overflights connected with Stone Mountain Airport and Atlanta Hartsfield International Airport
- b. Roadway noise (i.e. U.S. 78, and West Park Place Blvd.)
- c. General site grading to the east, using bulldozer equipment
- d. Music from the present skating rink.

IMPACT

1. Measured and Predicted

The actual noise level of this go-cart recreational facility will vary depending upon the number of cars operating and the distance from the track. A projected noise level and range has been made for these two sets of conditions, expressed in decibels (dBA). These noise levels correspond to locations indicated on the site map, (Exhibit 3), and where the land is zoned for industrial office park use, (M-1).

In general the present noise levels will mask any noise generated on the proposed track, as measured at the property boundaries. Due to existing roadway and aircraft activity, along with the line of sight projected, noise at the track will be inaudible at Sites 8-10. At Site 7 it will be slightly audible, while at Sites 5 and 6 the track noise will be audible. However, at none of these sites will the noise be either very or extremely audible. At Site 5 where an office industrial park building exists indoors the track noise would be inaudible, with the peak noise measuring 40 dBA. An Indoor noise level of 40 dBA is below the standard for office performance which is typically 45 dBA.

2. Comparative Noise Levels

Although a numerical level of noise expressed in decibels (dBA) is helpful since it is quantifiable, this needs to be compared to actual sources of noise. Noise levels for various sources, measured at selected distances, are reflected in Exhibit 5. At sites 5 - 8 track noise would be equivalent to the sound level of normal conversation and below the level of a dishwasher or lawnmower.

These predicted noise levels were then compared to present noise levels, without the facility constructed, as illustrated below:

Location	Present Noise		Proposed Track Noise		Audibility Index
	Maximum dBA	Range* dBA	Maximum dBA	Range* dBA	
Site 5	80	80-56.2	67	63-67	2**
Site 6	78	78-59.5	66	62-66	2
Site 7	68	68-59.5	62	58-62	1
Site 8	87	87-75.5	60	54-60	0
Site 9	89	89-66	57	53-57	0
Site 10	91	91-74	64	60-64	0

Notes:

* L_{max} to L_{10}
 (percent of noise exceeded
 10% of the time)

**Inside the industrial park
 office building it would
 be "0" or inaudible.

Audibility Index:	
Category	Rating
Inaudible	0
Slightly Audible	1
Audible	2
Very Audible	3
Extremely Audible	4

3. Noise Regulations

Noise regulations are typically adopted by ordinance in over 85% of all U.S. municipalities for the purpose of controlling the maximum allowable noise level. They are usually based on land use or zoning district classifications, measured at property or district boundaries.

There are no noise emission limits established by ordinance in Gwinnett County. Consequently this proposed Rainforest Family Recreational Center is not in violation of any noise ordinance or provision contained herein. Within the State of Georgia there are several jurisdictions that do have noise ordinances including Atlanta, Georgia, DeKalb County, Douglas County and Chatam County.

In these laws the maximum permitted noise level for commercially zoned property ranges from 65 to 70 dBA, and for industrial the limit is 75 dBA. Based on the noise limits which are designed to protect the public health, safety, and welfare this facility as proposed is in compliance. This means that the adjacent land use to the Rainforest Family Recreational Center are compatible with this proposed track, since they zoned M-1, Light Industrial.

CONCLUSION

The Rainforest Family Recreational Facility as planned will generate a certain level of noise. However such noise is compatible with noise ordinance provisions for land zoned commercial, and industrial. Outdoors this noise will be audible at some locations. However in general it is inaudible due to present levels of transportation related noise. These noise sources include aviation activity (i.e. Stone Mountain Airport and Hartsfield International Airport flyovers) and roadway activity (i.e. U.S. 78 and West Park Place Boulevard). This volume of activity is expected to grow in future years, thereby increasing the overall noise level.

This Rainforest Family Recreational Center will not have an adverse noise impact on the adjacent industrially zoned property.

APPENDIX 2:
CLIFFORD R. BRAGDON, PhD
BIOGRAPHICAL SKETCH

PRESENT POSITIONS

- Professor, Department of City Planning, College of Architecture, Georgia Institute of Technology.
- Adjunct Professor, School of Architecture, Auburn University (1981 - Present)
- Clinical Professor, College of Medicine, Emory University (1979 - Present)
- President, C. R. Bragdon & Associates, Environmental and Energy Planning (1972 - Present)

EDUCATION

- Ph.D. University of Pennsylvania (1970)
- M.S. Michigan State University (1965)
- A.B. Westminster College (1962)

HONORS

- *Who's Who in the World* (International Biography), since 1980-81 (Fifth Edition), Marquis Who's Who, Inc.
- *Who's Who in America*, since 1980-81 (Forty-second Edition), Marquis Who's Who, Inc.
- *Who's Who in the South and Southwest*, since 1977-78 (Fifteenth Edition), Marquis Who's Who, Inc.
- *Who's Who in Ecology* (1973)
- Outstanding Young Men in America (1974)
- Contributing Editor, *Sound and Vibration* (1973 - Present)
- Fellow, Acoustical Society of America (1980)
- Lincoln Institute of Land Policy, Harvard University (1985 - Present)
- Member, Editorial Advisory Board, *Business in Georgia*, (1988 - Present)
- Member, DeKalb County Airport Aviation Advisory Board, (1989 - Present)
- Academic Advisory Council, School of Public Health, Emory University (1990 - Present)
- Harvard University Book Award: Sociology (1961)

CLIFFORD R. BRAGDON, PhD
BIOGRAPHICAL SKETCH

PUBLICATIONS

- *The Politics of Neglect: The Environmental Crisis*, (Eds) R. L. Meek and J. A. Strayer, New York: Houghton - Mifflin, 1971
- *Noise Pollution: The Unquiet Crisis*, University of Pennsylvania Press (1972)
- *Noise Pollution: A Guide to Information Sources*, Gale Research Corporation (1979)
- *Environmental Health* (Ed.) Walton Purdom, New York: Academic Press, 1980
- *Municipal Noise Legislation*, New York: Van Nostrand Reinhold Press and Fairmont Press, 1980
- *Conference on General Aviation Airport Noise and Land Planning* (Ed.), Washington, DC: EPA, U.S. Government Printing Office, 1980, 3 volumes
- *Transportation Noise Control Handbook* (Ed) Paul Nelson, London/Boston: Butterworth Press, 1988
- *Installation Compatibility Use Zone Planning Manual*, John Fittipaldi, Clifford Bragdon, Steve Hottman, Inga Kennedy-Tucker, U.S. Corps of Engineers, Champaign, Illinois, 1988
- *Urban Spatial Management* (Manuscript in Progress)
- *Historic Preservation: An Alternative to Franchise Cities* (Manuscript in Progress)
- *Airport Planning* (Manuscript in Progress)
- 40+ Journal Articles

PROFESSIONAL MEMBERSHIPS

- Acoustical Society of America
- American Institute of Certified Planners (Charter Member)
- American Planning Association (Charter Member)
- Association of Energy Engineers (Charter Member)
- Atlanta Historic Preservation Society
- Georgia Conservancy
- National Council of Acoustical Consultants
- National Trust for Historic Preservation
- Omicron Delta Kappa
- Sigma XI

**CLIFFORD R. BRAGDON, PhD
BIOGRAPHICAL SKETCH**

RESEARCH/CONSULTING

INTERNATIONAL

- United Nations
- World Health Organization
- Pan American Health Organization
- NATO

FEDERAL GOVERNMENT

- Argonne National Laboratory
- Federal Aviation Administration
- NASA
- U.S. Army Corps of Engineers
- U.S. Community Services Administration
- U.S. Department of the Air Force
- U.S. Department of the Army
- U.S. Department of Defense
- U.S. Department of Housing and Urban Development
- U.S. Department of Labor
- U.S. Department of the Navy
- U.S. Department of Transportation
- U.S. Environmental Protection Agency

STATE AND LOCAL GOVERNMENT

- Municipalities and state governments (over 100 clients)

PRIVATE INDUSTRY AND CORPORATIONS

- Over 100 clients

EXHIBIT 5: REPRESENTATIVE NOISE LEVEL EXPRESSED
IN DECIBELS (dBA)

SOURCE	NOISE LEVEL (dBA)
Nighttime background	44
Leaves rustling	45
Daytime background	49
Transformer	52
Barking Dog at 100 feet	55
Air Conditioner	60
Conversation	60 - 65
Dishwasher	69
Automobile at 50 feet	70
Sony Walkman	72
Vacuum Cleaner	73
Light truck at 50 feet	73
Lawn Mower	75
Clothes Washer	78
Garbage Disposal	80
Prop Aircraft (flyover)	80
Leaf Blower (Electric)	82
Food Blender	85
Heavy truck at 50 feet	86
Jet Aircraft (flyover)	89
Leaf Blower (Gasoline)	95
Rock Concert at 100 feet	105 - 115
Chain Saw	110

DEPARTMENT OF HEALTH, WELFARE
& BIO-ENVIRONMENTAL SERVICES
Bio-Environmental Services Division
Air and Water Pollution Control



December 17, 1987

Mr. E. K. Magrath, III, President
Pacer Manufacturing Company
5954 Brainerd Road
Chattanooga, Tennessee 37421

Dear Mr. Magrath:

The Bio-Environmental Services Division (BESD) acknowledges your letter of December 10, 1987 confirming the telephone conversation with this office.

Noise measurements were made on December 12, 1987. The noise levels were 57 - 58 dBA at 10:20 p.m. The maximum allowable level is 60 dBA from 7:00 a.m. to 10:00 p.m., and 55 dBA from 10:00 p.m. to 7:00 a.m. The background noise level at 10:20 p.m. was 53 - 54 dBA.

The above data shows a 4 dBA difference between the two sound levels (source and background). Theoretically, the higher level is reduced by 1.8 dBA to give the true level. This results in a true reading of 55.2 - 56.2 dBA, which considering the accuracy of the sound level meter, suggests compliance has been reached at this time.

Based upon the fact that Sir Goony Golf has made an overall reduction of 10 dBA from the initial violation, and that the current noise level is within standards, considering the accuracy of the noise meter, the BESD will close the case.

With the increase of use of the go karts next spring, a violation may exist. The BESD strongly suggests that Sir Goony Golf add the car bodies that are under development.

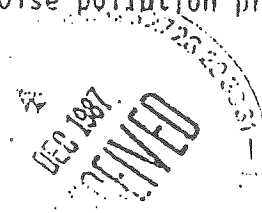
The Bio-Environmental Services Division appreciates the cooperation extended by you and your staff in the timely resolution of this noise pollution problem.

Very truly yours,

James O. Sewell, P.E.
Noise Control Engineer

JOS/skr

Disk: 4/27



THE DECIBEL SCALE

0	THRESHOLD OF HEARING
10	NORMAL BREATHING
20	LEAVES RUSTLING IN A BREEZE
30	EMPTY MOVIE HOUSE
40	RESIDENTIAL NEIGHBORHOOD AT NIGHT
50	QUIET RESTAURANT
60	TWO-PERSON CONVERSATION
70	BUSY TRAFFIC
80	VACUUM CLEANER
90	WATER AT FOOT OF NIAGARA FALLS
100	SUBWAY TRAIN
120	PROPELLER PLANE AT TAKEOFF
130	MACHINE-GUN FIRE, CLOSE RANGE
140	MILITARY JET AT TAKEOFF
160	WIND TUNNEL
175	FUTURE SPACE ROCKET

LEVELS OF SOUND INTENSITY are delineated on this chart, which assigns approximate decibel values to various familiar sounds. Near-absolute silence, represented by zero decibels, can be achieved only in special no-echo chambers. Above 120 decibels (*shaded area*) noise is so intense that it can be felt as a tickling sensation in the ear; beyond 130 decibels, the sensation changes to pain and may damage the unprotected ear.

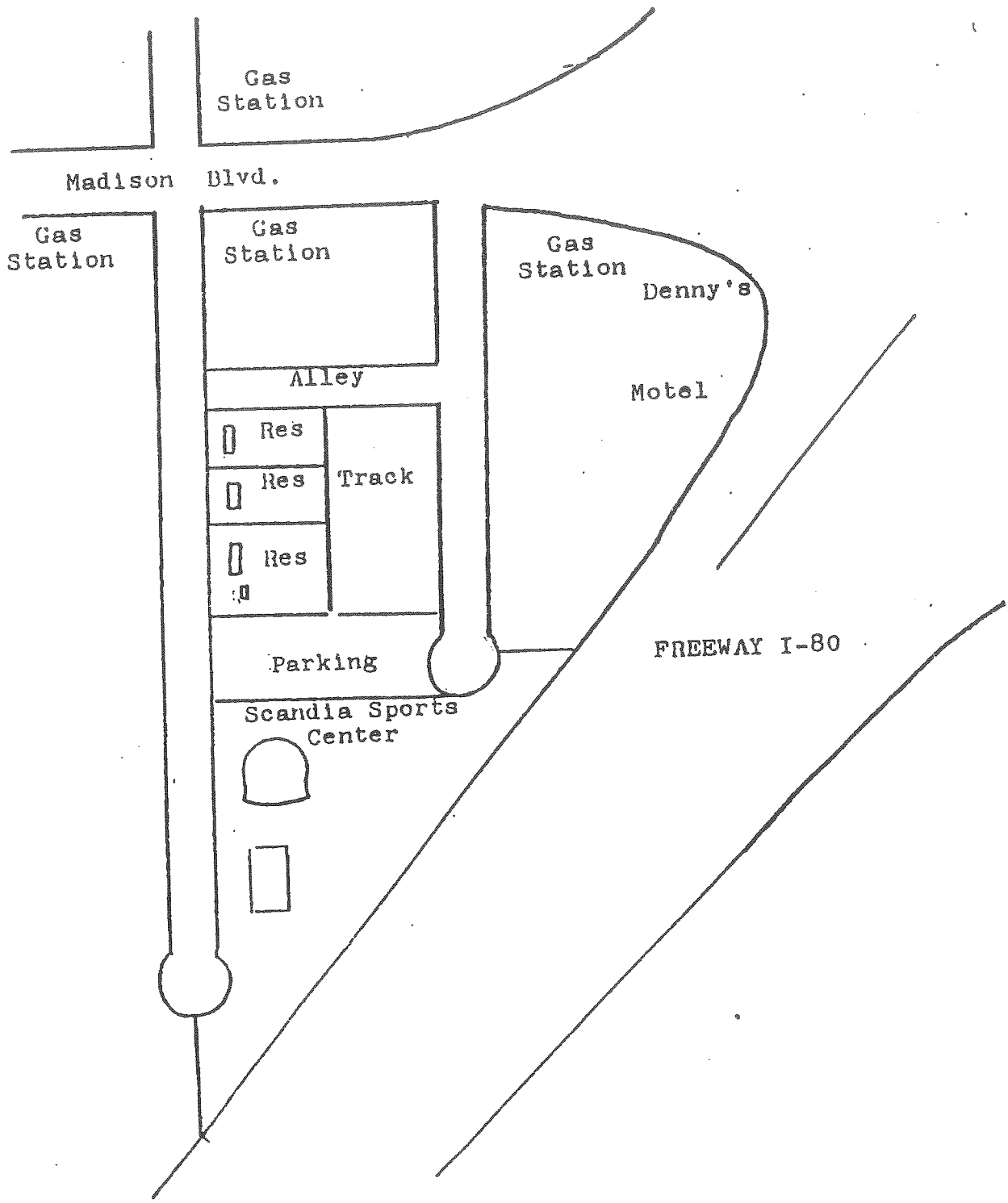
NOTES RELATIVE TO THE DEVELOPMENT
OF A AUTOPIA TRACK AS AN EXPANSION
OF THE SCANDIA SPORTS CENTER AT
5070 HILLSDALE BOULEVARD, SACRAMENTO,
CALIFORNIA

SURROUNDINGS OF THE PROPOSED AUTOPIA TRACK:

The track will be located on 1.3 acres located immediately North of The SCANDIA SPORTS CENTER. It is bordered on the West by Hillsdale Blvd., and three single family residences, all owned by signers of the petition requesting this development.

It is bordered on the North by an alley, a gasoline station, and Madison Blvd.

It is bordered on the East by Interstate Street, a motel, who's management has signed the petition requesting this development, and the Freeway (I-80).



Gas Station

Madison Blvd.

Gas Station

Gas Station

Gas Station
Denny's

Alley

Motel

Res

Res

Track

Res

Parking

FREEWAY I-80

Scandia Sports Center

NOISE ASSOCIATED WITH THE INSTALLATION OF THE AUTOPIA TRACK.

On May 6, 1972 a noise study was undertaken by Donald P. Loye, consulting engineer at the Kartopia Track in Tustin, California. The purpose of this study was to determine if autopia cars would create an excessive amount of noise for a 25-car track to be constructed 60' from an apartment complex.

The study still has direct significance to any noise problems related to the proposed Sacramento track. In brief, the study used five more cars than the 20 that are planned for the Sacramento project. The readings were made using a Precision Sound Level Meter Type 2203 of B&K Instrument Company. The Tustin operation is located 136' from an apartment complex. It had been in operation for three years at the time of the study without any complaints of noise. The results of this test at 136' distance showed a maximum individual levels to be 66 dB-A and a minimum of maximum individual levels at 60 dB-A with an integrated sound energy noise level of an average 62 dB-A. This is within the tolerances and conforms to the requirements of the Model Noise Ordinance - League of California Cities, dated November 20, 1970.

It is noteworthy to mention that the Tustin site is flat and built at sidewalk grade. It is enclosed only with chain link type fencing with no vegetation or wall to contain the passage of sound. Refer to the perspective view drawing of the proposed track. Note that it includes a surrounding wall, varied elevation, shrubbery and other landscaping which will restrict sound.

To establish a maximum noise level in the above test, the autopia cars were purposely bunched together so that they would produce a maximum level of sound. The track length is approximately 1,400 feet and Autopia cars are normally strung out the entire length during peak business with not more than four or five bunched together. The major portion of recreational business is done in evening hours and on weekends. Since the proposed project is bounded by streets, alleys, parking areas, buffer walls, the miniature golf course, and lies in "the shadow of" Madison Blvd. and the Freeway, it is felt that the noise generated by the autopia cars should not be an issue.

The cars are governed at less than half the rated r.p.m., rendering them extremely quiet. At locations similar to the proposed project it is obvious that ambient noise levels on the freeway (or boulevard) drastically surpass that level generated by the proposed track.

The management of the Scandia Sports Center has maintained procedures which prevent excessive noise from individuals using the center. Since opening there has not been a single complaint. These same procedures will be extended to the track addition to prevent any excessive customer noise.

Scandia Sports Center is a park-like Atmosphere. It has no thrill rides or carnival type atmosphere. The autopia track is not a thrill ride. It will be permanent development and will incorporate the same park-like landscaping, ponds, fountains, masonry, rock, and elevation changes evident in the existing center.

It will maintain the same park-like atmosphere. This particular type of atmosphere helps to create a subdued, relaxed feeling while using the facility. The center is constantly patrolled by employees who answer questions, maintain order and control.

AIR POLLUTION ASSOCIATED WITH THE PROJECT

The engine size of the equipment is 5 h.p. usually a Briggs and Stratton type engine. We will compare the pollution associated with the track to that of a passenger car. To arrive at a formula of gas consumption for one passenger car, a standard of 12 miles per gallon at a speed of 48 mph was used. Our proposed quantity of autopia cars for the new Sacramento track is 20.

However, for purposes of analysis, consider that as many as 43 autopia cars are operating. On a blended average these cars, when all are in use, would burn a total of one quart of gas per car for $1\frac{1}{2}$ hours. Therefore, one autopia car would consume one gallon every six hours of operation. Dividing 6 into 43 cars we find that (less than) 8 autopia cars burn one gallon of gas per hour. Since one passenger car burns 4 gallons of gas per hour, based on the formula, 32 autopia cars are equivalent to one passenger car. The actual number of proposed autopia cars (20) equal substantially less than one passenger car.

On an average of weekly operating hours we find that similar equipment at similar tracks run at approximately 30% of capacity. This is primarily attributed to peak hour demands when the bulk of the equipment is needed.

Due to the low cost of replacement engines as compared to the high cost of engine maintenance labor, it is more economical to replace engines every six months than to maintain old engines. This avoids any problem of engine smoke. Also, 60% of engine cost is normally recovered in the sale of the used engines.

We would not want to appear remiss in saying "what is a little more pollution" when you are talking about thousands of cars an hour passing the Sport's Center on two sides. However, the bulk of our business is done in the evenings when atmospheric conditions are most favorable and freeway and Madison Blvd. traffic lightens - rather than contributing to the problems created by rush hour traffic in the mornings and late afternoons - at which time our business is not operating or is operating at its lowest point.

This project is an important addition to the City. It is worthwhile to the residents of Sacramento. It is an expansion of an exceptionally fine family recreational center. Examine Sacramento to see how many forms of recreation are available to families. Perhaps a movie? How many families feel comfortable going as a family to the type movies being produced today? Perhaps bowling? While it seems to have more possibilities, it is difficult for children of all ages to participate and have an enjoyable time. What other forms of public or commercial recreation are available for them?

Scandia Sports Center affords a variety of wholesome participant (vs. spectator) recreational activities for all family members in a park-like setting. The addition of the autopia track further helps meet that great need in good taste.

RELATIVE LOUDNESS LEVELS OF COMMON SOUNDS

SOUND PRESSURE (dynes/cm ²)		dB SPL DECIBELS		POWER AT EAR (watts/cm ²)
50-hp siren (100')		140		Strong rock vocal (1" from microphone)
Threshold of pain		130	10 ⁻³	
Pneumatic chipper (5')				Jet takeoff (200')
	200	120	10 ⁻⁴	
Hammering on steel plate (2')				Loud rock music (on stage)
		110	10 ⁻⁵	Thunder
Boller factory				Subway passing
Can-manufacturing plant				Riveting machine (35')
Heavy truck (90')	20	100	10 ⁻⁶	Very loud music (classical)
				10-hp outboard motor (50')
Heavy street traffic (5')		90	10 ⁻⁷	
Inside bus				Loud music (classical)
	2	80	10 ⁻⁸	Heavy traffic (25-50')
Stenographic room				Speech (1')
Average factory				
Average automobile		70	10 ⁻⁹	
Conversation (3')				Department store
				Noisy office
				Background music
Average office	0.2	60	10 ⁻¹⁰	
Quiet residential street				
		50	10 ⁻¹¹	Minimum street noise
Average residence				Very quiet radio at home
	0.02	40	10 ⁻¹²	
Very soft music				Country house
		30	10 ⁻¹³	Quiet auditorium
Quiet whisper (5')	0.002	20	10 ⁻¹⁴	Quiet sound studio background noise level
				Leaves rustling
Anechoic room		10	10 ⁻¹⁵	
				Threshold of hearing
	0.0002	0	10 ⁻¹⁶	

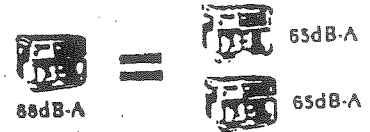
Q7

What actually happens when the noise level of a generator changes by three dB-A?

A7. If the operational noise level of a generator drops by three dB-A, it will seem to be emitting about half as much sound.

Example

The level of noise produced by two generators operating at 65dB-A each equals that produced by one generator operating at 68dB-A. (Note: example involves 2kVA class generators.)



Q8

Can you give me a little basic information on voltage, current and resistance?

A8. Voltage has the same type of characteristics as water in that they both have pressure. The pressure that forces water through a hose is called water pressure, while the pressure that forces electricity through electrical wiring is called voltage (V). The amount of electricity flowing through a conductor (such as electrical wiring) is called current (I[A]). When electricity flows through a conductor, a phenomenon that resists this flow arises; this phenomenon is called resistance (R[Ω]). The relationship between these three items can be expressed by the formula shown at right.

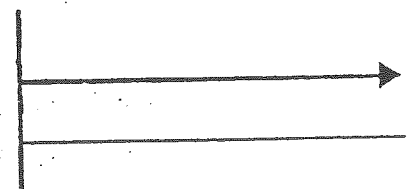
$$I(A) \times R(\Omega) = V$$

Q9

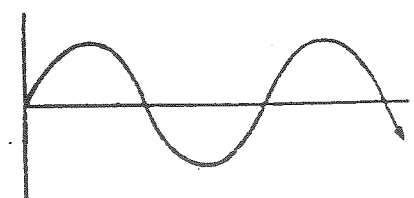
How do direct current (DC) and alternating current (AC) differ?

A9. With direct current, the current always flows in one direction with no relation to change in time, as is the case with a dry cell battery or a car battery. (The DC output of Honda generators is for charging batteries only.) Alternating current, on the other hand, reverses its direction at uniform time intervals. Almost all household electrical appliances are made to run on alternating current.

DC



AC



(7) Noise

1) Sound pressure level

- A change in air pressure resulting from transmission of a sound wave is called "sound pressure".
- The sound pressure level indicates logarithmically how many times stronger the sound is compared to the reference value.

$$P_0 = 0\text{dB} = 2 \times 10^{-4} \text{ bar}$$

$$(\text{sound pressure}) \text{ dB} = 20 \log \frac{P_1}{P_0}$$

For example, 80dB is a sound pressure ten thousand times the reference value of 0dB.

2) Loudness level

- The level of sound audible to human ears is called the "loudness level".
- One "Phon" of sound indicates 1kHz of sound pressure, considered to be equal in loudness to 1kHz of sound.
 - 80 phons is 1kHz of loudness equivalent to 80dB.
 - 0 phon is the minimum sound audible to human ears.
 - Levels over 120 phons will cause ear pain.

3) Typical loudness levels

0 (phon)	_____	Sound scarcely audible
10	_____	
20	_____	Rustle of leaves
30	_____	Ticking of clock (1m)
40	_____	Calm park or residential district
50	_____	Quiet office room
60	_____	Ordinary conversation (1m)
70	_____	Noisy office room
80	_____	Inside of train carriage
90	_____	Inside of subway carriage
100	_____	Under a steel bridge
110	_____	A very noisy factory
120	_____	Commercial jet aircraft

4) Effect of distance on sound level.

The value of engine noise is not always the same because sound pressure injection changes with circumferential conditions and the noise source is not a single point,

- When the distance doubles, loudness decreases by approx. 6dB.
- From 3 meters, the noise decreases by 4.4dB at 5m, by 7.4dB at 7m and by 10.5dB at 10m.

5) Relationship between dB and sound energy

Decreasing the noise by 3dB reduces the sound energy by 50%.
Decreasing the noise by 10dB reduces the sound energy by 90%.

(f) Muffler

(1) All Honda engines are fitted standard with quiet mufflers. The GX110/140 & 240 are also available in types fitted with the even quieter Silent muffler. All Honda engines have cleared the noise level requirements of and have been approved by France's TDF.

Operating noise levels

Model	Muffler type	Noise Level (dB-A)	Load (HP/rpm)
G100K1	STD	75	1.4/3,600
GX110	STD	75	2.7/3,600
	Silent	73	2.7/3,600
GX140	STD	77	3.8/3,600
	Silent	74	3.8/3,600
GX240	STD w/o spark arrester	79	6.0/3,600
	STD with spark arrester*	78	6.0/3,600
	Silent w/o spark arrester*	78	6.0/3,600
	Silent with spark arrester*	78	6.0/3,600
GX340	STD w/o spark arrester	82	8.0/3,600
	STD with spark arrester*	81	8.0/3,600
GXV120	STD	74	2.0/3,000
GXV160	STD	75	2.8/3,000
GXV270	STD	77	5.0/3,000
GXV340	STD	78	6.0/3,000

Note:

Each noise level figure is an average of four separate readings; each reading is taken during an outdoor test at a distance of seven meters.

Noise levels differ with direction. The lowest and highest will be within 1.5dB (A).

Note: GX240/340 * mark shows data for engines produced after October, 1986.

Applies to engines from: GX240 1118879 -
GX340 1065538 -

Correction figures for distances other than 7 meters. Add or subtract these correction figures to the data above.

Distance (m)	1	3	5	7	10
Correction dB (A)	+11	+8	+2	0	-2

(2) Muffler protector

- All models except the G100K1 are fitted standard with a protector covering the hot part of the muffler.
- An exhaust pipe cover is available for the GX240 & 340.
- When using the GXV270 & 340 for lawn mower applications, always fit an under-cover as well to prevent grass contacting the hot muffler or grass buildup under it.

(3) Spark arrester

A muffler fitted with a USDA-approved spark arrester is available for all models.

(4) Muffler deflector

A muffler deflector for changing the exhaust direction is available for all models.

Note: -1. To minimize packing volume, the muffler deflector is shipped loose, not fitted to the engine.

-2. The following muffler deflectors for Honda finished products can be fitted to the GXV120 & 160. However, in the GXV120's case, the muffler protector must also be changed.

Model	Part name Equipment	Muffler deflector	Muffler protector
GXV120	w/o deflector	-	18320-ZE6-0000
	w/deflector	18341-733-0000	18320-ZE6-G000
GXV160	w/o deflector	-	18320-ZE7-0030
	w/deflector	18331-ZE7-7100	18320-ZE7-0030

ACOUSTECH CONSULTANTS

Acoustical Analysis, Test and Design

Noise Assessment Study
Go-Cart Activity at
Proposed Recreation Centers

Report No. 791-A9

Prepared For:



4897 Indian School Road NE · Salem, Oregon 97305
(503) 304-8899 1-800-854-3140

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Prepared By:

Acoustech Consultants
10731 Old Saybrook Drive
San Diego, CA 92129
619-672-2043

July 10, 1991

ACOUSTECH CONSULTANTS

Acoustical Analysis, Test and Design

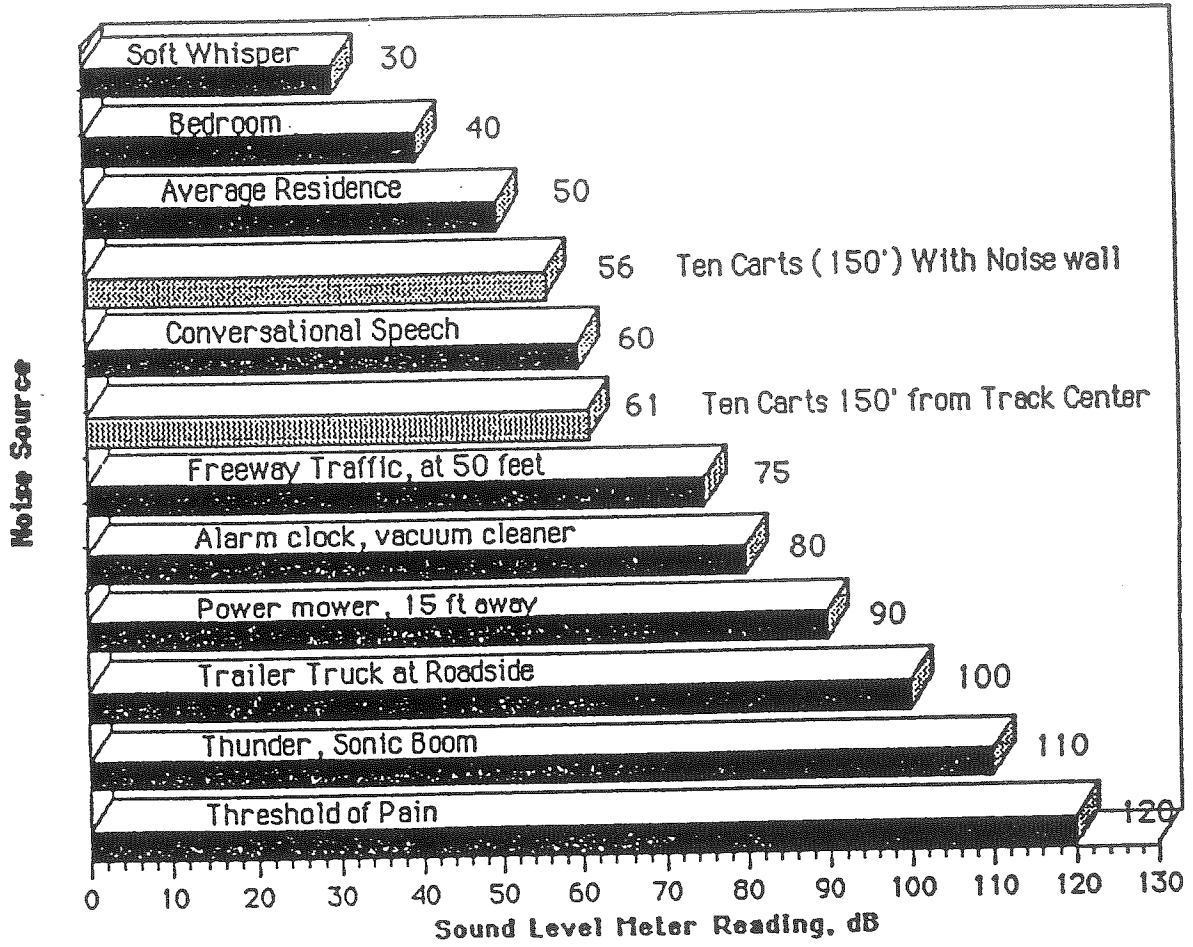
Highlights of Study

Noise measurements were made at the Huish Family Fun Center in San Diego to assess the typical noise levels associated with go kart activity. Carts tested were Can Am go karts (model no. AC0100) using GX160 (5.5 hp) engines at full throttle.

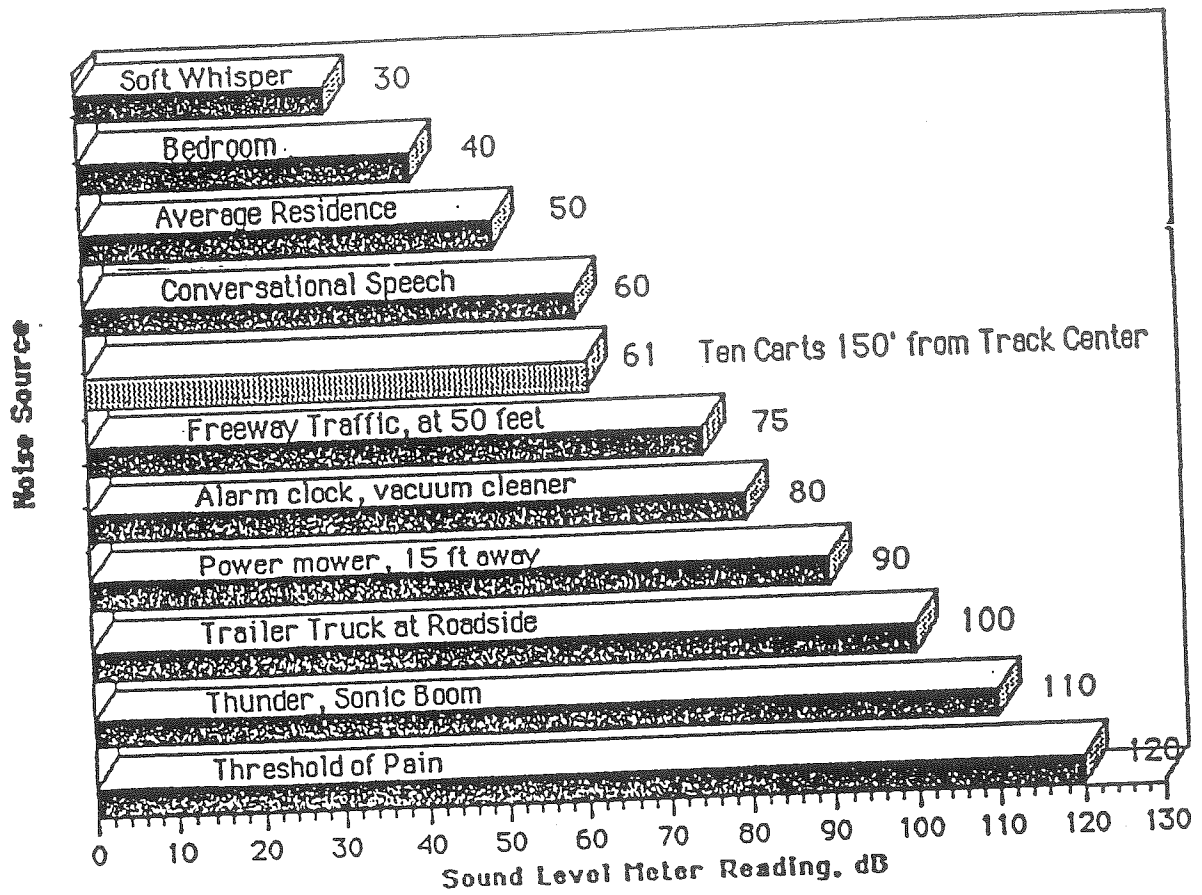
The results of the noise measurements indicate that modern go-karts are relatively quiet when compared to a wide variety of typical urban and suburban noise sources (see Chart 1.0 on page 2).

Noise levels are well below those found for most other vehicles and equipment. (NOTE: This test showed that J&J go-cart emitted less noise at 50 feet than either a passenger car or a light truck -- see table on page 7).

COMMON NOISE SOURCES AND LEVELS



COMMON NOISE SOURCES AND LEVELS



1.0 Purpose

The purpose of this report is to describe the results of noise measurements on modern, muffled go-carts typical of those operated by recreation centers throughout the United States. The report is intended to provide noise impact information useful for city councils, urban planners and noise abatement officials.

2.0 Measurements

Sound level measurements were conducted at the Huish Family Fun Center on Clairmont Mesa Boulevard in San Diego on Sunday, June 23, 1991, a time when traffic noise from nearby Interstate 805 was low.

Peak and average A-weighted sound levels were measured at several distances from the track as illustrated in Figure 2-1. From one to four cars were operated to evaluate the effect of multiple cars on noise levels. Cart noise levels were measured with the carts at full throttle. The results can also be used to accurately predict the noise levels which would be received when more cars are operating.

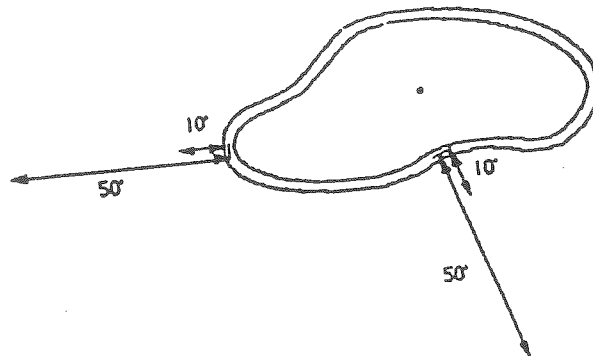


Figure 2-1

Two engine types, a 5 HP GX-140 and a 5-1/2 HP GX-160, were available for measurement. As the GX-160 is newer and is the engine which will be used in all subsequent production by J & J Amusements, the measured noise levels produced by carts utilizing this engine were used to predict noise that would be produced by a fully operational track with varying numbers of carts. Carts are assumed to be evenly distributed about the track.

Sound levels were measured using a B & K #804157, Type 2226 Sound Level Meter set on "fast" averaging.

Winds were negligible and temperatures were in the mid 60's. Measurement positions were selected such that there would be minimal impact from surrounding buildings and facilities.

3.0 Results

The results of the noise measurements indicate go-cart sound levels are relatively low compared to other typical noise sources in urban and suburban environments.

Table 3-1 presents the results of the measurements in terms of the maximum A-weighted sound pressure levels.

**Table 3-1
Results of Cart Noise Measurements**

Number of Carts	Type of Engine	Peak SPL @ 10 ft (1)		Peak SPL @ 50 ft (1)	
		Flat	Uphill	Flat	Uphill
1	GX-160	75	77	61	63
4	GX-160	81	82	67	68.5

(1) measurements at 10 ft and 50 ft from centerline of near track

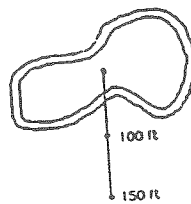
To obtain the average sound levels, the data from uphill and flat measurements were averaged. Then the total noise field due to a fully operating track was computed (carts evenly distributed about the track).

The results of the calculations are summarized below in Table 3-2 and presented graphically in Figure 3-1.

Table 3-2
Estimated Noise Due To Varying Numbers of Carts

Number of Cars	A-Weighted SPL @ 100 ft (1)	A-Weighted SPL @ 150 ft (2)
1	56.1	51.4
4	62.1	57.4
10	66.1	61.4
20	69.1	64.4
30	70.9	66.2

(1, 2) 100 ft and 150 ft from the approximate geometric center of a typical track as shown below with carts distributed evenly about the track.



Estimated A-Weighted Go-Cart Track Sound Level For Continuous Cart Operation

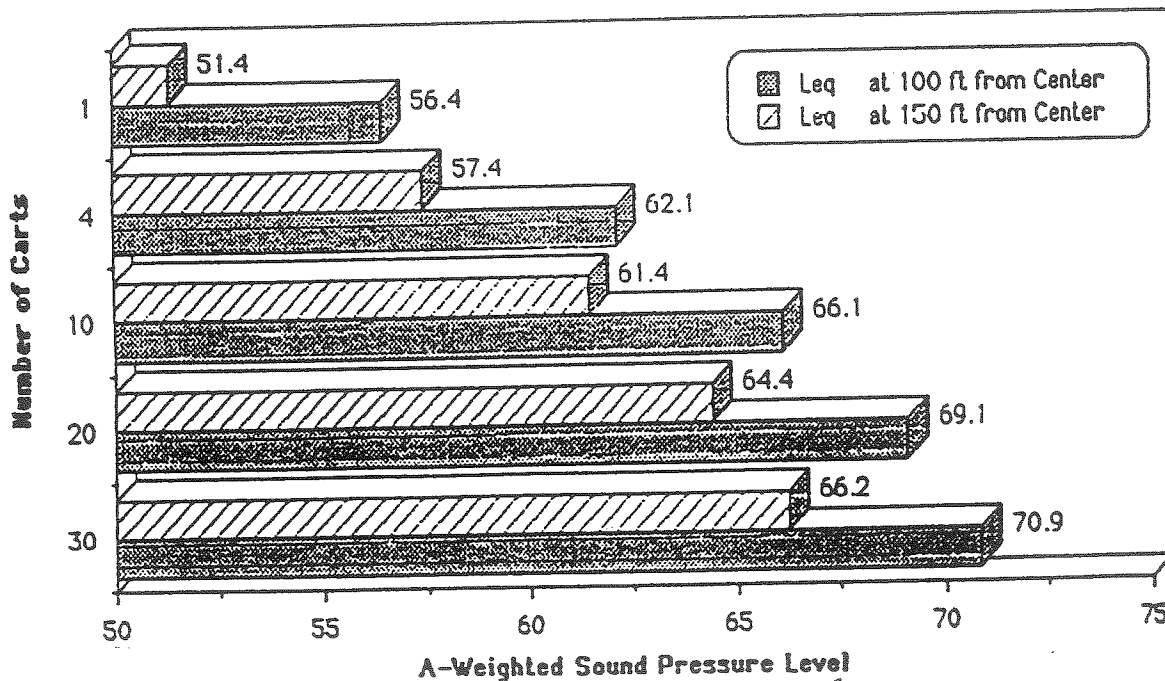


Figure 3-1

4.0 Impact

The noise levels resulting from go-cart operation are not excessive when compared to typical noise sources found in both urban and suburban environments. Table 4-1 provides a comparison of the typical A-weighted noise levels from a variety of motorized vehicles and equipment at a distance of 50 feet. As shown, the noise from a single go-cart is only 62 dBA while 10 go-carts would produce approximately 72 dBA. Noise levels are well below those found for most other vehicles and equipment.

Table 4-1
(Ref. Harris, Handbook of Noise Control)

Transportation Vehicles	Typical A-weighted sound level at 50 ft. dBA
Go-cart (one) full throttle	62
Automobiles (passenger - 35 mph)	69
Go-cart (ten) full throttle ⁽¹⁾	72
Trucks (light, pickup)	72
Buses (city & school)	73
Generator	76
Portable air compressor	81
Motorcycles (highway)	82
Trucks (medium & heavy)	84
Snowmobiles	85
Motorcycles (off-road)	85
Backhoe	85
Dozer	87
Dump truck	88

(1) Evenly distributed about the track

To assess the noise impact for a proposed go-cart recreation facility, the expected noise from an operating track must be compared to the local background noise environment and to the local noise ordinances. The most likely standard for comparison are property line noise limits. For example, the County of San Diego regulates property line noise levels as shown on the left side of the table below.

**Table 4-2
Comparison of San Diego County Noise Ordinance
to Expected Go-Cart Noise**

Zoning	1 Hour Sound Levels		Hourly Leq (dB)			
	Hourly Leq (dB)		Typical Track (10 cart s)			
	Day	Night	unmitigated		5 foot wall ⁽²⁾	
			150'	300'	150'	300'
Residential	55	50	61	55	56	51
Commercial/Residential ⁽¹⁾	57.5	52.5	61	55	56	51
Commercial S-94	60	55	61	55	56	51
Commercial M-50	70	70	61	55	56	51
Industrial S-82	70	70	61	55	56	51

(1) Boundary line between residential and commercial zones

(2) Five foot noise wall at perimeter of property

Since the installation of a go-cart facility would likely be in a commercial zone, the property line noise limit is the average of that for the commercial zone and the adjacent zoning. Thus, if the facility were aligned next to a residential area, the lot line noise limit would be 57.5 dB and 52.5 dB for day and night respectively.

To reduce the impact in such a facility, the typical noise mitigation would involve incorporating a 5 foot solid wall along the recreation facility boundary. This would typically produce approximately a 5 dB noise reduction. This would result in facility noise levels of 56 dBA at 150 ft and 51 dBA at 300 ft which meet the San Diego County noise ordinance for property line noise levels as shown in the comparison above.

Another major consideration in assessing the noise impact of a go-cart facility is the local ambient (background) noise. In many locations the facilities are located along free ways or major arterials where traffic noise levels are relatively high. For example, the Hnish facility located adjacent to I-805 can experience noise levels above 65 dBA during normal traffic periods. Local noise levels due to traffic are often as high or higher than that produced by the go-carts. It was this situation that required that noise measurements for this study be made during a very low traffic period early on Sunday morning.

RELATIVE LOUDNESS LEVELS OF COMMON SOUNDS

SOUND PRESSURE (dynes/cm ²)		dB SPL DECIBELS		POWER AT EAR (watts/cm ²)
50-hp siren (100')		140		Strong rock vocal (1" from microphone)
Threshold of pain		130	10 ⁻³	
Pneumatic chipper (5')				Jet takeoff (200')
	200	120	10 ⁻⁴	
Hammering on steel plate (2')				Loud rock music (on stage)
Boiler factory		110	10 ⁻⁵	Thunder
Can-manufacturing plant				Subway passing
Heavy truck (90')	20	100	10 ⁻⁶	Riveting machine (35')
				Very loud music (classical)
		90	10 ⁻⁷	
Heavy street traffic (5')				10-hp outboard motor (50')
Inside bus				Loud music (classical)
	2	80	10 ⁻⁸	
Stenographic room				Heavy traffic (25-50')
Average factory				Speech (1')
		70	10 ⁻⁹	
Average automobile				Department store
Conversation (3')				Noisy office
				Background music
	0.2	60	10 ⁻¹⁰	
Average office				
Quiet residential street				
		50	10 ⁻¹¹	
Average residence				Minimum street noise
				Very quiet radio at home
	0.02	40	10 ⁻¹²	
Very soft music				
		30	10 ⁻¹³	Country house
				Quiet auditorium
	0.002	20	10 ⁻¹⁴	
Quiet whisper (5')				Quiet sound studio background noise level
				Leaves rustling
		10	10 ⁻¹⁵	
Anechoic room				Threshold of hearing
	0.0002	0	10 ⁻¹⁶	

ENVIRONMENTAL NOISE ANALYSIS

LOCATION	DISTANCE CORRECTION DROP IN SOUND OVER DISTANCE FROM SOURCE	TRACK EFFECT ALLOWANCE FOR SOURCE NOT BEING IN CONSTANT SPOT	GROUND ATTENUATION FACTOR, SOUND ABSORBED BY GRASS, TREES, ETC OVER DISTANCE TO LOCATION	LEQ (dB FOR INDICATED #				
				1	10	15	30	50
A) 300' from noise source	-16Db	-8	No ground attn. Gr. attn. factor - 2	46 44	56 54	58 56	61 59	63 61
B) 750' from noise source	-24Db	-5	No ground attn. Gr. attn. factor - 8	41 33	51 43	53 45	56 48	58 50
C) 1000' from noise source	-26DB	-4	No ground attn. Gr. Attn. factor - 10	40 30	50 40	52 42	55 45	57 47
D) 1250' from noise souce	-28DB	-3	No ground attn. Gr. attn. factor - 12	39 27	49 37	51 39	54 42	57 44
E) 1350' from noise source	-29DB	-2	No ground attn. Gr. attn. factor - 14	39 26	49 36	51 38	54 41	56 43

- A) **LOCATION** Measuring devices were placed the indicated number of feet from edge of track.
- B) **DISTANCE CORRECTION** This is the normal drop in Leq (Db) over these various distances. This is without any effect from surroundings.
- C) **TRACK EFFECT** As the source of sound (karts) are travelling around a track, this is the factor for correcting to the average sound from any single spot on the track.
- D) **GROUND ATTEN.** The amount of sound which is absorbed by grass and small trees (less than 6') while travelling over the various distances.
- E) **LEQ(Db) FOR INDICATED NUMBER OF KARTS** The actual sound level at the various locations with various numbers of karts on the track.

TEST REPORT: GO-KART NOISE LEVELS

Sound is a disturbance in air that travels as a wave having a frequency of between 20 and 20,000 hertz and having an amplitude great enough to be heard. Noise is merely a sound that is, subjectively, unwanted because of intensity, frequency, or location.

Sound is sensed by a microphone which converts the pressure fluctuations of the sound wave to an electrical signal. This signal is conditioned by the circuitry of a sound level meter and the intensity is indicated in unit of decibels (dB). The term decibel is defined to be equal to 10 times the logarithm to the base 10 of the ratio of two power quantities. Power can be in watts horsepower, or in the case of sound, pressure squared. The advantage of a decibel scale is that smaller numbers can be used in calculations.

It was noted that in addition to intensity, sound is further characterized by frequency of the sound wave. Since response of the human ear is not the same for all frequencies, various weighting systems have been devised to correlate the sound level meter readings to human response to sound. The "A" weighted scale is presently accepted as resulting in the closest correlation.

The test site was the kart track of Johnson Park, Milwaukee, Wisconsin. Track layout and microphone positions are shown in figure 1.

Data was obtained on the afternoon of June 15, 1993. Ambient conditions were:

Temperature: 73 F
Barometer: 29.97 inches Hg
Wind: SSW 7 mph
Background Noise Level: 53 dBA

For the microphone positions shown on figure 1, test results were:

Position	A	B	C
High	80.5	72	66
Low	76	70	64
Avg.	78.25	71	65

SECTION IV

PUBLIC SAFETY STANDARDS

Fire Department Standards for Subdivision and Site Plan Review

1. INTENTION

Each site plan review and subdivision will be reviewed by the Fire Department in an effort to provide a reasonable degree of safety for the occupants and their properties of the proposed developments.

In order to review site plans and subdivisions the Fire Department requests, in addition to the required information, the following:

- A. Existing and proposed hydrants.
- B. All streets, cul-de-sacs, hammerheads and emergency access routes.
- C. Any geographical or structural barriers to the site or to proposed structures.

2. FIRE HYDRANT STANDARDS

All structures constructed within the limits of Fire Districts I and II (as shown in figure VI-1) shall have a hydrant within five hundred feet (500').

Structures in all other areas shall have a hydrant within eight hundred feet (800').

All hydrants, private and public, shall comply with City standards. All private hydrants shall be maintained by the property owner and a maintenance agreement or other suitable document acceptable to the Corporation Counsel shall be required.

Fire Districts - Definition. Fire District Number 1 denotes the portion of the City with the highest density requiring increased Fire Department response. Fire District Number 2 denotes concentrations of industrial uses which may have hazardous chemicals on site.

3. ACCESS REQUIREMENTS

Access to subdivision shall comply with the following:

- A. 1-34 units, a single access road.
- B. 35-67 units, two (2) access roads or a single access road and an emergency access lane.
- C. 68 or more units, two (2) access roads.

Where residential units are provided with an approved sprinkler system designed in accordance to NFPA #13D, the following requirements may prevail:

SECTION IV – PUBLIC SAFETY STANDARDS – FIRE DEPARTMENT STANDARDS FOR SUBDIVISION
AND SITE PLAN REVIEW

- A. 1-67 units, one (1) access road.
- B. 68-99 units, one (1) access road and an emergency access lane.
- C. 100 units or more, two (2) access roads.

Building "set-backs" shall allow for access by emergency vehicles and their related activities and shall be evaluated on the following merits, but shall not exceed City zoning requirements:

- A. Building height.
- B. Building occupancy.
- C. Construction type.
- D. Impediments to the structures.
- E. Safety features provided.

Wherever possible, access for Fire Department vehicles to at least two sides of structures shall be provided. Access may be from streets, access roads, emergency access lanes, or parking areas.

5. **EMERGENCY ACCESS LANES**

No turning radius (inside) shall be less than twenty five (25') feet.

New emergency access lanes shall be a minimum of sixteen (16) feet wide and may be required to be up to twenty (20) feet wide when:

- a. the access is likely to be used by Fire Department ladder trucks to set up for buildings adjacent to the lane or;
- b. the access lane is likely to be used by Fire Department Engine companies to set up pumping operations to fight a fire at buildings adjacent to the lane.

Access lanes shall be designed and maintained as to support the weight of emergency vehicles during all weather conditions.

The blockading of any emergency lane shall be done by gates which are locked by chain and padlock. Padlock shall be a "Knox" lock. Emergency lane shall be maintained and made accessible for emergency use at all times. No parking of vehicles or other use that might obstruct the emergency access lane shall be permitted. An access maintenance agreement or other suitable document acceptable to the Corporation Counsel shall be required.

TYLIN INTERNATIONAL

To: Bill Bray
From: Tom Errico
Date: November 12, 1996
Subject: Jokers Two, Inc. - Warren Avenue
Copy: Richard Knowland

MEMORANDUM

In response to issues raised regarding trip generation, access, and restriping Warren Avenue to provide a three lane section with a center two-way left turn lane, I have prepared the following comments.

- Previous comments have requested information relative to business activity during the days in which traffic volumes were surveyed at the two sites in Massachusetts. In response to this request, the applicant submitted (dated 11/2/96) additional trip and traffic data. Included in this data are traffic volumes collected at the Joker's facility in Portsmouth. According to the data collected, 102 vehicles entered and exited the site during the Saturday peak hour (1:00PM-2:00PM). The data also indicated that business activity is significantly greater during rainy days. Based upon factors developed by the applicant, and used by the applicant to estimate parking demand, the project would be expected to generate 196 vehicles during the Saturday peak hour. This volume is significantly greater than previous trip generation estimates (88 vehicles), and would exceed traffic levels at the former Grossman's site by approximately 60 vehicles. Following the review of this information by Bill Bray, inclusion of additional traffic analyses by the applicant will be determined.
- The driveway curb opening has been revised to consist of two 11' exit lanes and one 15' entry lane. This driveway width is reasonable, particularly when considering that it will also serve the abutting commercial parcel. It should also be noted that a separate curb cut on Warren Avenue providing access to the abutting property is not recommended. Access into the abutting property will be provided by a sliding fence open to 24 feet during business hours, except when trucks need to enter or exit, when it will be open to 40 feet. Based upon limited truck traffic and deliveries during periods when Joker's will be closed, no problems are expected.
- A qualitative investigation into the restriping of Warren Avenue to consist of three lanes with a center left-turn lane was performed. Warren Avenue in the vicinity of the project is approximately 40-44 feet. If restriped to provide a center left-turn lane, vehicles turning left into the Joker's site and the BJ's Warehouse site would overlap (220 feet will exist between the driveways, resulting in 110 feet of storage for each site) and queued vehicles may spillover into the through lane during busy periods. Clearly this condition is not

TY·LININTERNATIONAL

desirable. Under current geometric conditions, the full 220 feet of storage can be utilized by both the Joker's and BJ's left-turning traffic. In addition, adequate width exists to allow through traffic to by-pass left-turning queued vehicles.

Pipeline Specialists



Everett J. Prescott, Inc.

P.O. Box 600
191 Central Street
Gardiner, Maine 04345

Telephone # 207-582-1851
Telefax # 207-582-5637

FAX COVER SHEET

DATE: 11/4/96
TO: Rick Knowlton Fax: (207) 756-8258
FROM: Dave Sargent
RE: Prescott / Letters

Number of pages including cover sheet: (12)

Message

Rick: Attached are three letters as we have discussed. Please advise on any comments or questions.

Dave S.

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** IF YOU HAVE ANY DIFFICULTY RECEIVING THIS MESSAGE **

PLEASE CALL: (207) 582-1851



P.O. Box 600
 191 Central Street
 Gardiner, Maine 04345
 Telephone # 207-582-1851
 Telefax # 207-582-5637

November 4, 1996

Mr. Richard Knowland, Senior Planner
 Planning and Urban Development
 City of Portland
 389 Congress Street
 Portland, ME 04101

**Subject: Jokers' II, Family Entertainment Center, 510 Warren Avenue
 E.J. Prescott, Inc., Water - Sewer - Drain Distributor (Outparcel)**

Dear Mr. Knowland:

Thank you for meeting with Bill Latvis of Jokers and me yesterday to discuss particular requirements for E.J. Prescott's portion of the site application currently before the planning board. Please consider this letter our response to the Portland code requirement for written statements and narrative regarding our proposed development.

The 'outparcel' so called, on Jokers' application has been purchased by E.J. Prescott, Inc. from Jokers. The three owners of E.J. Prescott are:

Peter E. Prescott
 RR 1 Box 538J
 Manchester, ME 04351

Stanley G. McCurdy
 219 Hill Street Box 611
 Barre, VT 05641

Steven E. Prescott
 125 West Hill Road
 Gardiner, ME 04345

We estimate that the cost of development of the outparcel for Prescott's use will be in the neighborhood of \$75,000 to \$100,000. Development costs will consist primarily of fencing, paving, curb and sidewalk construction, minor drainage, landscaping and warehouse/office rehabilitation.

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Pipeline Specialists

EJP
Everett J. Prescott, Inc.

1. E.J. Prescott, Inc. is a water, sewer and drain distributor. In the conduct of our business we sell water, sewer and drain pipe, fire hydrants, valves, fittings, catch basin grates and frames, manhole frames and covers and other products for use in the underground utility industry. There will not be any residential units associated with our business.
2. Total land area of the outparcel is 1.19 acres (51,693 square feet). Total floor area of the existing warehouse and office building is 10,560 square feet. We do not propose any new buildings or structures at this time.
3. To our knowledge there are no easements or other burdens now existing or proposed for the outparcel.
4. Solid waste generated by E.J. Prescott, Inc. consists primarily of broken wood pallets and metal banding. At our existing location on Frederic street in Portland, we currently have a 3 ft x 5 ft x 3½ ft high dumpster, and we empty that once a week. We anticipate the same quantity of solid waste will be generated at our Warren Avenue facility.
5. Offsite facilities including sewer, water and streets are readily available at the Warren Avenue site.
6. Existing pavement on the outparcel is sloped and drains well. A portion of the parcel nearest Warren Avenue that is currently grass will be paved, and a catch basin is required to control surface water runoff in this area.
7. The plan for construction on the Prescott outparcel will consist of several activities:
 - a) Construction of curbing, sidewalk, landscaping catch basin and piping at Warren Avenue.
 - b) Removal of existing grass and topsoil and placement of gravel base and pavement near Warren Avenue.
 - c) Installation of 6 ft high chain link fencing around the perimeter of the outparcel. Included with the fencing will be a 40 foot slide gate toward the front portion and a 28 foot swing gate at the rear.
 - d) The existing warehouse needs cosmetic repair and painting on the outside and internal renovations to meet our needs.

We anticipate that most of this work can be done this fall and we hope for a completion no later than January 31, 1997.

Pipeline Specialists



8. We are unaware of any state and federal regulatory approvals required for development of the Prescott outparcel.
9. E.J. Prescott, Inc. has a revolving line of credit with Key Bank of Maine and is financing both the purchase and the renovations of the outparcel within that credit line.
10. Please find enclosed a copy of the purchase and sale agreement with Jokers as evidence of Prescott's title to the outparcel property.
11. The outparcel does not contain any unusual natural areas, wildlife or fisheries habitats. We are unaware of any archeological sites on or near the project site.

We respectfully request that this narrative letter be submitted in conjunction with the application from Jokers for development of the outparcel portion of this entire project.

Very truly yours,

EVERETT J. PRESCOTT, INC.

David G. Gardner, P.E.
Senior Vice President

Enclosure

DGG/hd DG2/knowind2

REAL ESTATE PURCHASE AND SALE AGREEMENT

AGREEMENT is made this 18 day of October, 1996 by and between M.T.S., LLC, a Maine Limited Liability Company, with a mailing address of c/o Michael T. Savage, 21 Coveside, Cumberland Foreside, Maine 04110 ("Seller"), and EVERETT J. PRESCOTT, INC., a Maine corporation, of Gardiner, Maine ("Buyer"), as follows:

1. Purchase and Sale. Seller agreed to sell and Buyer agrees to buy, on the terms and conditions set forth herein, the real and personal property described below together with all easements, rights and appurtenances benefitting such parcel:

A portion of 510-550 Warren Avenue, being 1.16 acres of land containing 50,590 square feet more or less in Portland, County of Cumberland and State of Maine. The source parcel is more particularly described in deed recorded in the Cumberland County Registry of Deeds, Book 12753, Page 131. The portion of the source parcel (the "Subject") is outlined in the attached Exhibit A reduced plan/sketch.

Together with an easement for access (described in Paragraph 10) and subject to an easement to use and maintain a sewer pipe benefitting the source parcel and the subject parcel.

2. Purchase Price. Subject to any adjustments and prorations hereinafter described, Buyer agrees to purchase the premises for the sum of Two Hundred Ninety Thousand Dollars (\$290,000.00), payable as follows:

a. Earnest Money Deposit. The sum of Twenty-Five Thousand Dollars (\$25,000.00) ("the earnest money deposit") has been paid to Seller to be credited against the purchase price. Pending closing, the earnest money deposit shall be held by Troubh, Heisler & Piampiano, P.A., in an interest-bearing escrow account, with all interest to be paid to Buyer.

b. Remainder of Purchase Price. The remainder of the purchase price shall be paid as follows:

(i) The sum of Two Hundred Sixty-Five ^{Thousand} Dollars (\$265,000.00) shall be paid in certified check or bank check at closing. MTS

3. Title. Seller shall convey the premises to Buyer at the closing in fee simple with good and marketable title, subject only to utility easements, or like matters of record. In the event that Seller is unable to convey title as aforesaid, Seller shall be given a reasonable period of time, not to exceed thirty (30) days, in which to remedy any title defects. In the event that said defects cannot be corrected or remedied within said time period, or in the event that Seller elects not to remedy the

-2-

same, then the entire earnest money deposit shall be returned to Buyer and this agreement will terminate. Buyer may, at Buyer's option, elect to close notwithstanding such defects as may exist.

4. Survey. Seller and Buyer acknowledge and agree that the premises shall be surveyed by a surveyor acceptable to both Seller and Buyer to determine the precise boundaries of the premises to be conveyed and the costs of the survey shall be shared by Buyer and Seller.

5. Closing. The closing of this transaction shall take place on or before Thirty (30) days following acceptance by both parties by signature (the effective date), at the offices of Troubh, Heisler & Piampiano, P.A., Portland, Maine, or at other such time and place as may be mutually agreed upon by Buyer and Seller. At the closing, Seller shall execute and deliver to Buyer, against payment as set forth in this agreement, a warranty deed to the premises in the usual form according to Maine practice ("the deed").

6. Adjustments, Prorations, and Closing Costs.

a. Real estate taxes and assessments shall be prorated as of the closing on the basis of the current municipal year and using an assumed value for the subject property of \$290,000.00 and an assumed value for the source parcel of \$1.2 million. The tax proration shall be based upon a fraction represented by the purchase value of the subject parcel over the source parcel value or 290/1,200 or 24.17%.

b. The Buyer and Seller shall each pay their own share of the Maine real estate transfer tax.

c. The recording fee for the deed shall be paid for by Buyer. The recording fee for any discharges or other instruments necessary to clear title shall be paid for by Seller.

d. All utilities shall be prorated as of the date of closing. Seller shall obtain meter readings of any utilities which are paid for by Seller including, without limitation, water, sewer, electric service. Seller shall remain responsible for all utilities prior to such closing date.

7. Possession. Upon closing, Seller shall deliver possession of the premises to the Buyer.

8. Risk of Loss. All risks of loss to the premises prior to the closing shall be on Seller. At all times prior to closing, Seller shall keep the premises insured against loss by fire and other casualty customarily insured against, in the sum of at least One Hundred Thousand Dollars (\$100,000.00). Should any of the premises be destroyed or damaged by fire or other casualty and not be restored to its present condition prior to closing, the Buyer shall have the option of either accepting

-3-

title to the premises and of receiving the benefit of all insurance monies recovered on account of such destruction or damage, or of rescinding this agreement, in which case all monies heretofore paid by Buyer shall be refunded to Buyer by Seller.

9. Other Requirements: The parties mutually acknowledge that the Seller's combined properties are subject to a site plan review process by the City of Portland Planning Board. This agreement is further subject to the following requirements which shall be incorporated into a separate side agreement to be executed in connection with the closing as follows:

a. The Buyer shall be responsible for all licenses and fees, permits and approvals for the development of the subject property and any requirements or conditions of approval imposed by the Planning Board located on the subject property.

b. The shared property line between the subject property and the Seller's abutting real estate shall be delineated by a chain link fence with vinyl slats or an equivalent fence mutually agreed to by the parties which shall be the sole responsibility of the Buyer and the cost of which fence shall be borne by the Buyer.

The cost of any landscape buffer to be located adjacent the fence located on the Seller's property shall be borne by the Seller.

c. The parties acknowledge that a site plan for the development of the subject property and the Seller's remaining property will require a drainage plan for the mutual benefit of the combined parcels. Drainage located on the subject parcel to be acquired by the Buyer shall be installed at the cost of the Buyer. Further, the parties agree to mutually cooperate to establish and locate appropriate drainage in accordance with the plan to be developed and approved by the Planning Board of the City of Portland.

d. The cost of any and all other conditions imposed by the City of Portland Planning Board and mutually benefitting the source parcel and the subject parcel shall be borne by Buyer and Seller pro-rata; 24.17% by Buyer and 75.83% by Seller.

10. Cross-Easements. The subject property shall be accessible from Warren Avenue by way of the entrance located on the abutting parcel to be retained by Seller. Seller shall grant an easement for ingress and egress by motor vehicle and on foot for access to the subject property.

The Buyer shall grant a license for weekend parking for the Seller's employee parking from 5:00 p.m. until 11:00 p.m. on Friday, all day Saturday and all day Sunday to be reduced to

-4-

writing to survive the closing and terminable on reasonable notice to the Seller.

11. Default; Remedies. In the event that Seller fails to close hereunder for a reason other than the default of Buyer, Seller shall return the entire earnest money deposit to Buyer. Buyer shall be entitled to specific performance or other civil action remedy provided buyer is not otherwise in default. In the event that Buyer fails to close hereunder for a reason other than the default of Seller, except as specifically provided herein, Seller shall retain the earnest money deposit as full and as complete liquidated damages in lieu of any other legal or equitable remedy. On such return or retention of the earnest money deposit, this agreement will terminate and neither party will be under any further obligation hereunder.

12. Seller's Representations. Seller represents and warrants that all provisions of all applicable zoning or other state or municipal laws, ordinances or regulations have been complied with. Seller agrees to hold Buyer harmless for any such violations which occurred or existed prior to closing. Seller further warrants that all material defects existing in the premises which are known to Seller have been disclosed to Buyer.

Seller further represents that it has no knowledge of the existence of environmental contamination of the property. Further, that the background and history of the uses of the site and environmental conditions known to the Seller are contained in an Environmental Site Assessment prepared by Timon & Peters and dated September 15, 1996, disclosed herewith.

13. No Broker. Seller and Buyer acknowledge and agree that no broker has been retained by either Seller or Buyer in connection with the purchase and sale of the premises.

14. Miscellaneous.

a. Entire Agreement. This agreement constitutes the entire agreement between the Seller and Buyer, and there are no agreements, understandings, warranties, or representations between them.

b. Binding Effect. This agreement will inure to the benefit and bind the respective heirs and assigns of Seller and Buyer.

c. Identical Counterparts. This agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original but all of which together shall constitute one and the same instrument.

d. Construction. As used in this agreement, the singular number shall include the plural, and the use of one

gender shall be deemed applicable to all genders. This agreement shall be governed and construed in accordance with the laws of Maine. If any provision of this agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

e. Effective Date. This agreement shall become effective on the date when any offer or counter-offer is accepted without any change whatsoever.

f. Facsimile Acceptance. This agreement may be accepted by facsimile delivery of executed counterpart agreements.

IN WITNESS WHEREOF, Seller and Buyer have executed this agreement as of the date stated hereinabove.

SELLER:
M.T.S., LLC, a Maine
Limited Liability Company

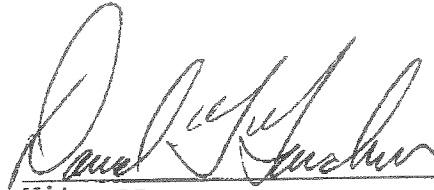


Witness


By: 

Michael T. Savage
Tax I.D. No. 01-0509771

BUYER:
Everett J. Prescott, Inc.



Witness

By: 

Peter E. Prescott
Its President
Tax I.D. No. 01-0247432

Pipeline Specialists



Everett J. Prescott, Inc.

P.O. Box 600
191 Central Street
Gardiner, Maine 04345

Telephone # 207-582-1851
Telefax # 207-582-5637

October 31, 1996

Mr. Richard Knowland, Senior Planner
Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: Revised Entrance Plan
Jokers' II, Family Entertainment Center, 510 Warren Avenue
E.J. Prescott, Inc., Water - Sewer - Drain Distributor (Outparcel)**

Dear Mr. Knowland:

At the October 29th planning board workshop for subject project, there was much concern over the proposed shared entrance off Warren Avenue and the gating into the Prescott outparcel. Chairman Hagge suggested we review this matter to possibly develop an alternative solution.

Accordingly we have done just that and offer the following comments and recommendations:

1. Using the rear gate as an entrance.

We rejected this option, as it is approximately 400 feet from Warren Avenue to the gate. It would be confusing and would require special signing to direct EJP customers in that direction.

While we anticipate little conflict with Jokers traffic, we think it unwise to have our trucks traveling that distance on Jokers' property.

2. Enter through Georgia Pacific property.

This option was rejected for the following reasons. We are opposed to sharing an entrance with Georgia Pacific, as they already have extensive truck traffic, and there would be conflicts between ours and their vehicles.

We have no assurance that Georgia Pacific would grant us an easement for that purpose.

The potential conflict of Georgia Pacific wanting to enter into our property in a 'Quid Pro Quo' situation is unacceptable.

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Pipeline Specialists



3. New entrance off Warren Avenue.

Constructing a new curb cut at Warren Avenue between the existing entrance for Jokers and the Georgia Pacific entrance does not make sense. This would create three separate entrances within 200 feet.

Further, a new entrance in lieu of the shared entrance to Jokers defeats our purpose of being able to store inventory in the front of our property.

4. Installation of a second gate at right angles to the proposed gate.

This option, while do-able, is quite expensive and would be a clumsy solution to the problem.

The recommended solution that we have presented offers the following advantages:

1. The shared entrance into Jokers/Prescott has been narrowed as per the recommendation of city traffic engineer Tom Errico.
2. The earlier right angle fencing/gate arrangement has been deleted and replaced with a safer, cleaner solution consisting of a diagonal fence line from the end of the entrance median to the site median dividing the two properties. Within that diagonal fence line we propose a 40 foot slide gate opening. This will permit our delivery vehicles to turn off of Warren Avenue in the proper entrance lane to Jokers and make the left turn into our property safely. This solution is similar to the existing BJ's entrance located on the opposite side of Warren Avenue.

Based upon the options investigated, this appears to be the most workable solution for both Jokers and ourselves while meeting the city's requirements for safety on both ingress and egress. Please contact me if you have any questions regarding this proposed gating solution.

Sincerely,

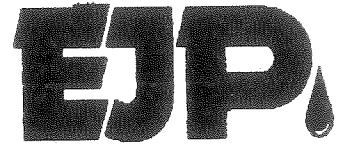
EVERETT J. PRESCOTT, INC.

David G. Gardner, P.E.
Senior Vice President

DGG/hd

DG2/knowInd3

Pipeline Specialists



Everett J. Prescott, Inc.

P.O. Box 600
191 Central Street
Gardiner, Maine 04345

Telephone # 207-582-1851
Telefax # 207-582-5637

November 4, 1996

Mr. Richard Knowland, Senior Planner
Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: Outside Storage Requirements / E.J. Prescott, Inc.
510 Warren Avenue
Portland, Maine**

Dear Mr. Knowland:

For further clarification concerning the outside storage needs of E.J. Prescott for the joint application of MTS/E.J. Prescott, Inc., we are pleased to submit the following information.

As a water, sewer and drain distributor, Prescott stores approximately two thirds of its inventory out of doors. These products consist primarily of pipe; twenty foot lengths of ductile iron water pipe, PVC sewer pipe, corrugated metal drain pipe and polyethylene drain pipe. In addition we store our fire hydrants and the majority of our underground valves outdoors. Also, all our heavy castings which are catch basin grates and frames and manhole frames and covers are stored outside.

We make every attempt to store as much product inside as possible, but these items by their very nature need to be stored outside. If you have further questions regarding the matter of outside storage, I'd be happy to discuss them with you.

Sincerely,

EVERETT J. PRESCOTT, INC.

David G. Gardner, P.E.
Senior Vice President

DGG/hd

DG2/knowlnd4

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LAND USE CONSULTANTS INC
November 4, 1996

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Mr. Richard Knowland, Senior Planner
Dept. of Planning and Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.: Final Site Plan

Dear Rick:

I am pleased to submit the attached Final Site Plan for the proposed new Jokers Two, Family Entertainment Center and the E. J. Prescott Co. Warehouse at the former Grossman's site on Warren Avenue. This submission also includes follow-up responses to the stormwater runoff calculations review comments by Steve Bushey, the development review coordinator. I am including 12 sets of plans and documents for your review and distribution. I am also delivering a set directly to Steve Bushey at Deluca, Hoffman and Tony Lombardo at Public Works to expedite our final review prior to the public hearing scheduled for November 12th.

The plans have been amended to address review comments from staff and discussions with the board at the most recent workshop meeting on October 29th as follows:

- The entrance design has been revised by moving the gated entrance to E. J. Prescott further back and angling it to provide a more workable entrance for trucks. The main entrance from Warren Avenue was narrowed to consist of a 15' wide entrance lane and two 11' wide exit lanes. This is identical to B. J.'s entrance on the other side of Warren Avenue.
- The E. J. Prescott Site Plan has been amended to show their proposed parking, dumpster location and some added paving near Warren Avenue
- The landscaping details have been amended by Tom Milligan who will submit a plan under separate cover.
- We have included locations and details of the site lighting. Photometric plans for the parking lot were submitted under separate cover.
- We have added additional crosswalks from the parking lot so each parking aisle has a direct route to the main sidewalk in front of the Jokers building.
- Spot grades were added around the site to guide the contractors with re-paving.
- All financial, legal and traffic related issues will be address under separate cover by the owner and their traffic engineer, Jack Murphy.

LAND USE CONSULTANTS INC

I trust you will find this submission to be complete. If you have any comments or questions please call me. I look forward to meeting with you at the public hearing on the 12th.

Sincerely,

A handwritten signature in black ink that reads "David A. Kamila". The signature is written in a cursive style with a large, looping initial "D".

David A. Kamila, P. E.
Vice President

DAK/pp

cc: Bill Latvis
Tom Milligan

Sincerely,



Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Tom Errico, T.Y. Lin International
Dave Kamila, Land Use Consultants
Bill Latvis, Sisquisic Trail, Yarmouth, ME 04096
Dave Gardner, E.J. Prescott, P.O. Box 600, Gardiner, ME 04345

TY-LININTERNATIONAL

To: Bill Bray
From: Tom Errico
Date: October 30, 1996
Subject: Jokers Two, Inc. - Warren Avenue
Copy: Richard Knowland

MEMORANDUM

In response to comments contained in my memorandum dated October 2, 1996, John L. Murphy, P.E. has prepared further analyses regarding safety conditions along Warren Avenue, queue spillback from the BJ's Warehouse Driveway, and trip generation. I concur with the conclusions regarding safety and queue spillback. However, in respect to trip generation, additional information should be provided. While in general, June conditions represent 80% to 85% of the higher volume periods, it is still unclear what type of activity occurred at the two surveyed sites during the days of the traffic counts. I would suspect that weather conditions significantly influences business activity, and traffic generation. Accordingly, I suggest that data be provided (customer volume, cash receipts, etc.) documenting specific site conditions during the count dates, and how those days compare to other peak business days.

N/F
PACIFIC CORP.
P. CORP.)

OUTPARCE

51,693 SF
1.19 Acres

EXISTING
WAREHOUSE
BUILDING

8'R TYP
EXISTING PAVEMENT WITH 7 HAND

5' MEDIAN

5' WIDE BIT SIDEWALK

10' WIDE PEDESTRIAN WAY
PROPOSED PROPERTY LINE

REMOVE EXISTING FENCE

EXISTING PAVEMENT

EXISTING PAVEMENT

6' GATE

BIT. CURB (TYP)

EXISTING POLE (TO BE RELOCATED)

EXISTING CB

PROPOSED CHAIN LINK FENCE

PUMP STATION

2.5'R

18' GATE

PROPOSED 5' BIT SIDEWALK

EXIST (TO B)

AVEMENT &
W/LOAM & SEED

COMMON ENTRANCE
SEE NOTES #5

EXISTING SIGN

EXIST. GARAGE (TBR)

24'

15'

15'

REMOVE PAVEMENT &
REPLACE W/LOAM & SEE

CMP 49

BIT WALK

PROPOSED 5' BIT SIDEWALK

HANDICAP RAMP

30'R

PROPOSED

PROPOSED GRANITE CURB

EXISTING CB (TO BE RELOCATED)

WARREN

PROPOSED GRANITE CURB

TE CURB (TYP.)





Bradford A. Hunter
Senior Vice President
Corporate Banking

Mr. John E. Heye
Vice President for Finance
Maine Medical Center
22 Bramhall Street
Portland, Maine 04102-3175

July 1, 1996

RE: Maine Medical Center proposed expansion project

Dear John,

As Senior Vice President of Corporate Banking for Fleet Bank of Maine, I am writing in response to the City of Portland's requirement to show that Maine Medical Center has the financial viability to embark on the proposed project. Specifically, we believe that Maine Medical Center has the financial and technical capacity to undertake and complete the development of this project which consists of the following principal elements:

- A two story addition to the Bean Building of approximately 62,000 square feet to relocate existing beds from the Pavilion Buildings to the new floors of the Bean Building. One floor will be used to house Medical/Surgical patients, including Oncology patients; the second floor will house Pediatric patients in The Barbara Bush Children's Hospital.
- A 6000 square foot addition to the Emergency Department will provide a new waiting space as well as new registration and triage facilities.
- Internal renovations will be made to Pavilions C and D Inpatient Psychiatry, and for Outpatient Clinics in Adult Medicine, Pediatrics, Surgery, and Obstetrics/ Gynecology, and for air conditioning.
- Internal renovations to selected areas of the Richards Building.
- Expansion of the Mechanical space on Level 4 of the Bean Building.

After reviewing the planned development, in our opinion, we would seriously consider financing the project when approved. Our relationship with Maine Medical Center is highly valued, and we look forward to having the opportunity to aid in the financing of this worthy project.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Bradford A. Hunter'.

Fleet Bank of Maine

7/6/88

DRAINAGE MAINTENANCE AGREEMENT

IN CONSIDERATION OF _____ approval granted by the Planning Board of the City of Portland to a plan entitled _____, dated _____, 1988 and filed with the City of Portland, Department of Planning and Urban Development, 389 Congress Street, Portland, Maine, a copy of which is attached hereto as Exhibit 1,* and pursuant to a condition thereof, _____, a _____ with a place of business at _____, _____, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the "OWNER"), as follows:

That it will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the surface water drainage system as shown on said plan, including but not limited to the detention basin or basins and the cutlet or outlets therefrom, for the benefit of the said City of Portland, all persons in lawful possession of said premises and abutters thereto; further, that the said City of Portland, said persons in lawful possession and said abutters, or any of them, may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the OWNER written notice and a reasonable time to perform, the said City of Portland may, by its authorized agents or representatives, enter upon said premises or any portion thereof for the purpose of performing the aforementioned maintenance of said surface water drainage system in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the OWNER upon demand.

This Agreement shall not confer upon the said City of Portland or any other person the right to utilize said surface water drainage system for public use or for the development of any other property, and the OWNER shall bear no financial responsibility by virtue of this Agreement for enlarging the capacity of said surface water drainage system for any reason whatsoever.

This Agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon its successors and assigns as their interests may from time to time appear.

Dated at Portland, Maine this _____ day of _____, 1988.

By _____
Its

STATE OF MAINE
CUMBERLAND, SS.

_____, 1988

Personally appeared the above-named _____,
_____ of _____, and acknowledged
the foregoing instrument to be his free act and deed in his said
capacity, and the free act and deed of said _____.

Before me,

Notary Public/Attorney at Law

Print Name

*Where this Agreement is a condition of subdivision rather than site plan approval, this clause should instead read "and recorded in the Cumberland County Registry of Deeds in Plan Book _____, Page _____, and the drainage plan therefor, filed with the City of Portland, Department of Public Works, 55 Portland Street, Portland, Maine, a copy of which is attached hereto as Exhibit 1.

**CITY OF PORTLAND
MEMORANDUM**

TO: Richard Knowland, Senior Planner

FROM: Steve Bushey, Development Review Coordinator *SB*
(500)

DATE: October 24, 1996

RE: Jokers Two, Inc.; Review Memorandum #1

I have reviewed the following materials submitted by Land Use Consultants, Inc. on behalf of Jokers Two, Inc:

- Storm water management Report Oct. 16, 1996
- Development Plans

SD-1	-	Preliminary Site Plan October 16, 1996
SD-2	-	Detail Sheet October 15, 1996
SD-3	-	Detail Sheet October 15, 1996
SD-4	-	Detail Sheet October 15, 1996

Based on my review, the following comments are provided.

1. The applicant proposes to maintain much of the site's existing conditions including much of the existing paved parking area and existing buildings. The site consists of two watersheds. The front half of the site drains to an existing closed stormdrain system in Warren Avenue and the rear half of the site drains to an existing pond in the sites southwest corner. The applicant proposes some changes to the site's land use characteristics, including some additional impervious area in the rear half and reduced impervious area in the front half. The applicant proposes an on-site detention pond to provide stormwater management for increased runoff from the site. The applicants stormwater report provides computations for the 2, 10, and 25 year storm events during existing and post development conditions.
2. The applicants stormwater report appears to identify all of subcatchment 1 (the site's rear half) draining to the detention pond. Based on the proposed grading shown on SD-1 it is uncertain that runoff from the proposed addition and area along the western boundary line actually will go to the detention pond. The applicant should clarify where all roof drainage will be directed and determine what impacts may result if some of the subcatchment 1 area is not discharged to the detention pond.
3. The grading plan appears to show that runoff from the outparcel will sheet flow to the catch basins within the Jokers parking lot. If the 5' median between the out parcel and the parking lot is raised this will block flow from the outparcel. The applicant should provide drainage breaks in the median and provide sufficient spot grades to insure proper drainage.

4. Does the applicant propose to regrade and repave the parking lot since its present condition is somewhat poor? If so, will the existing asphalt be recycled in-place.
5. The applicant's final plan should provide sufficient spot grades along the building and parking area to insure proper drainage.
6. The grading plan appears incomplete in the extreme southwest corner where the proposed go-kart track crosses the existing drainage ditch. This should be reviewed by the applicant.
7. The proposed 15" pvc culvert at the east end of the go-kart track will have less than 1 foot of cover. Is the applicant concerned about heaving?
8. The proposed detention basin does not appear to have any emergency spillway location. The grading suggests the basin will overflow into the go cart loading and storage building. Is this acceptable to the applicant?
9. What provisions will be made for refueling the go-karts, assuming they are gasoline powered? Will an oil-water separator or similar measures be provided?
10. It is assumed the City's traffic consultant will review the proposed entrance layout and internal circulation.
11. The temporary sediment riser adapter on SD-2 identifies a 12" pipe culvert while the site plan shows a 15" pvc pipe. This should be clarified.
12. The riprap apron schedule on sheet SD-2 should be completed for each pipe size.
13. Is any fire protection recommended for the go-kart storage building?
14. Has the applicant identified wetland impacts and permitting requirements?

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair Hagge and Members of the Portland Planning Board
FROM: Richard Knowland, Senior Planner
DATE: October 22, 1996
RE: Joker's II, Family Entertainment Center, 510 Warren Avenue

The Board reviewed the Jokers site plan at the October 8th workshop. Issues identified by the Board at the meeting are summarized below:

- Interior landscaped islands are needed within the parking lot for traffic/pedestrian safety and to address the large expanse of blacktop. With a large number of kids on the site, islands become very important. Bands are needed to channel vehicles.
- Traffic study data needs to address heavy traffic on weekends and during peak seasons.
- Lighting is an important issue particularly for the go cart track.
- Drainage needs to be documented.
- There should be a common driveway for the Jokers and the out parcel.
- The internal circulation of the out parcel should be documented.
- Documentation on the go cart noise from the manufacturer is needed.

On October 16 and 17th, we received revised site plans from the applicant. With only a day or so to review this material, review comments in this memo are limited.

The revised site plans are shown as Attachment A. Staff has been informed that E. J. Prescott, a water meter supplier, will be occupying the out parcel. They will become co-applicants in the site plan review process with Jokers. Both will be present at Tuesday's workshop.

Preliminary staff comments on the revised site plan are shown below:

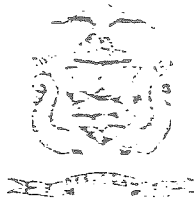
- The revised site plan shows two crosswalks connecting landscaped islands to the walkway that runs along the building. Staff suggests that the remaining three islands have crosswalks connecting to this sidewalk.
- The revised plan shows one landscaped band across the parking lot. Staff recommends two bands. The first band would be in a different location than shown on the revised plan.

- The interior driveway to the Prescott parcel is very awkward. It conflicts with traffic movements using the shared driveway for both parcels. The plan needs to be revised accordingly.
- The exit lane of the common driveway is too wide (24 feet).
- Prior to submission of the revised plan, Jeff Tarling, City Arborist, offered comments on the preliminary plan. There are several differences between the revised site plan and the City Arborist's comments. These comments include adding street trees along the buffer between the Prescott property and the Jokers. (Note fencing and landscaping for this area needs to be discussed at the workshop.) Mr. Tarling suggested adding a second landscaped island or band in the parking lot, and providing a wood fence along the CMP easement for screening and to mitigate noise from the go cart track. Also areas of tree preservation should be shown on the plan including indication of any proposed tree clearance in the turnpike right-of-way.
- For additional comments see Attachment B.

Attachments:

- A. Revised Site Plan
- B. Staff Comments

Planning & Urban Development



ATTACHMENT B-1

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

October 17, 1996

Mr. Tom Milligan
14 Deer Run Drive
Biddeford, ME 04005

RE: Jokers

Dear Tom:

This letter updates comments from my letter of September 30, 1996 and the staff memo of October 12, 1996 to the Planning Board. This memo does not attempt to repeat previous comments. The Board also made specific comments at the workshop.

- Landscaping comments from the City Arborist have been previously distributed.
- Internal pedestrian circulation . . . see attached sketch for staff recommendations.
- The dumpster should be shifted to another location so that fire trucks could drive around the building. I assume the existing propane tanks will be removed.
- The fence and landscaping between the warehouses building and the Jokers parking lot needs to be clarified.
- Building elevation was helpful. Please identify material on the facade, height of the building and size of sign. What will be the facade treatment for the remaining sides?
- We will need a specific letter from a financial institution concerning financial capability. I can provide you with a letter that has been acceptable in the past.
- Lighting A photometric plan of the lighting levels should be shown on the site plan for all the light fixtures. The location and height of the lighting poles should be shown on the plan. What type of fixture will be used for the go cart area? Again, location and mounting height should be indicated.
- The attached site plan notes should be added to the plan

- An engineering review fee of will be required. I will verify the amount shortly. A check in this amount should be forwarded to the planning office prior to the public hearing.
- A note should be on the plan indicating that both parcels shall be served by one common driveway as shown on the plan.
- Documentation on the go cart noise from the manufacturer is needed.

Should you have any questions concerning this letter please call me.

Sincerely,



Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Bill Latuis, Sisquisic Trail, Yarmouth, ME 04096
David Kamila, Land Use Consultants, 966 Riverside Street, Portland, ME 04103

21 October 1996

Mr. William Latvis
Jokers Two
Warren Avenue
Portland, Me.

Re: Planning Department Questions

Dear Bill,

Per our phone conversation of this a.m.:

Building Exterior

1) The existing building exterior materials will be retained but recoated per the color scheme shown on the east elevation. The top band (red) is an existing corrugated panel (some fiberglass, some aluminum). The middle zone (cream color) is a grooved plywood panel. The base area (blue) is concrete masonry units.

2) The band of yellow material with the pediment will be metal panel built onto the leading edge of the existing overhang area facing the parking lot.

3) The addition is proposed to be clad in metal panel except where the dining area faces the southeast; this area will be storefront glazing and metal panel.

Sign / East Elevation

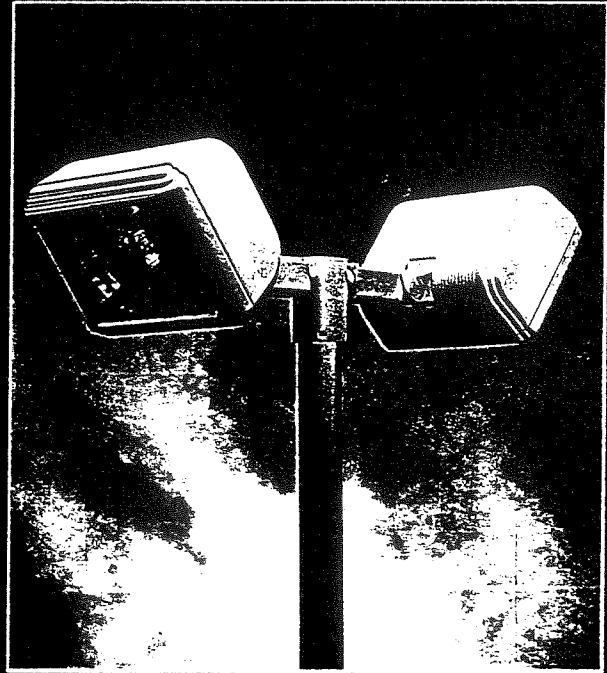
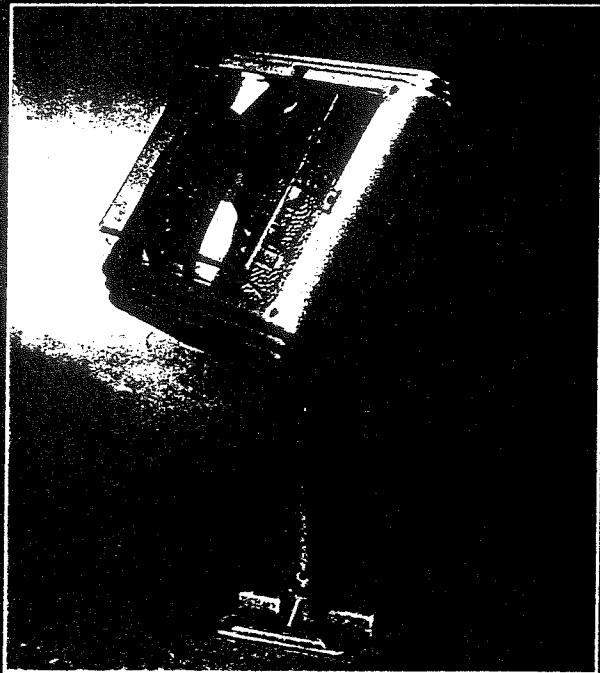
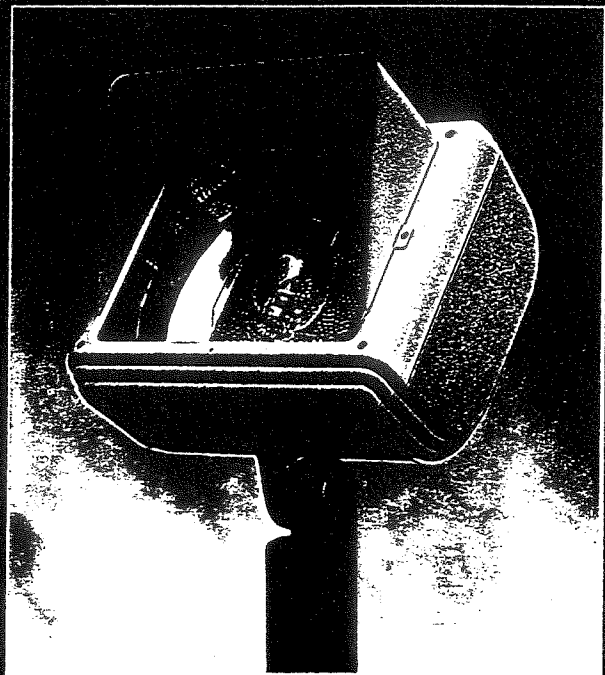
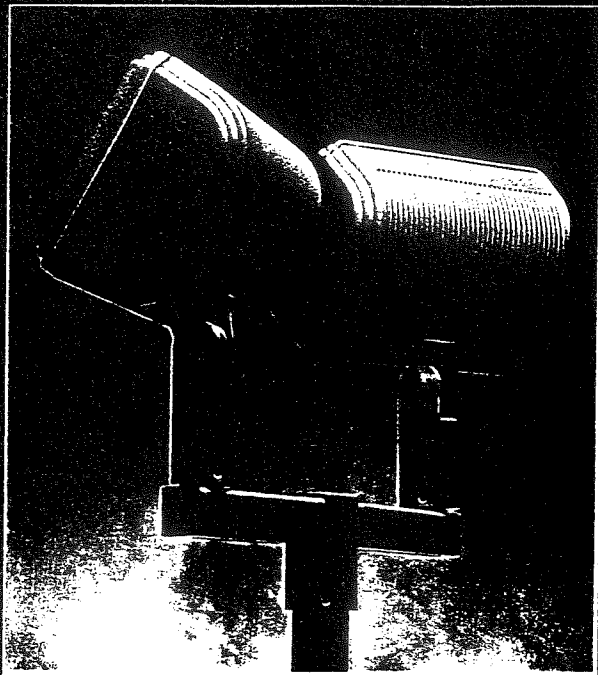
The "J" of Jokers is proposed to be 5'-0" tall yielding an overall sign area of 63.25 sf (approximately).

Site Lighting

The light poles proposed for the site would be twenty foot tall plus a two foot concrete base. The proposed LSI Classics would be four heads at 1000 watts in the parking lot, two heads adjacent to the entry drive. The preliminary review of the footcandle distribution has approximately 1.0 foot candles at the corners of the paved lot.

Sincerely,

Stephen Jensen, Architect



Doral II. A new dimension in versatility for large-scale lighting.

Aim for sculptured effects. Create sweeping horizontal statements or soaring vertical accents. Spotlight for emphasis. Or simply bring out the harmony of architecture and landscaping. It's your choice, with the remarkable array of

reflectors, mounting brackets and accessories in the Doral II large-scale lighting family. Quality, performance and beauty come at you from every angle. With Doral II. Another cornerstone in the Architecture of Light.

●●●●● THE ARCHITECTURE OF LIGHT

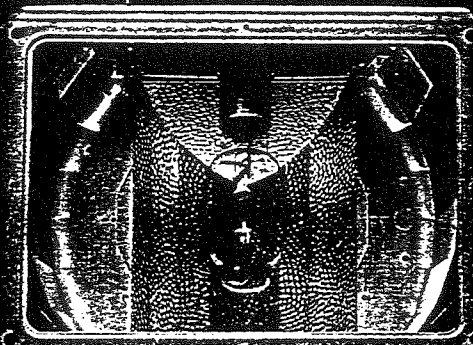


lighting systems

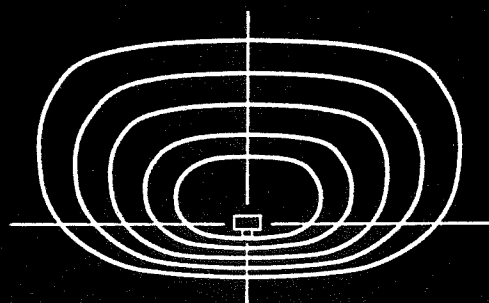
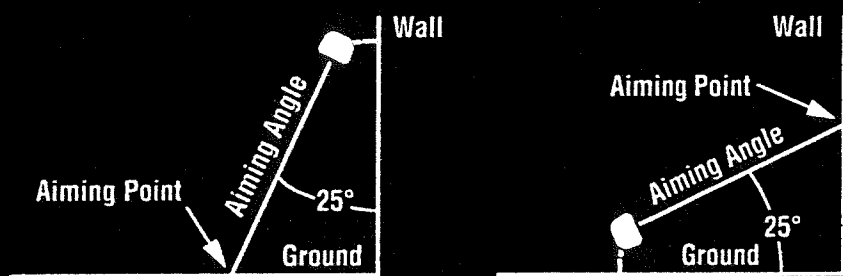
LS LIGHTING SYSTEMS A DIVISION OF LSI INDUSTRIES INC.

10000 ALLIANCE ROAD • P.O. BOX 42728 • CINCINNATI, OHIO 45242 • (513) 793-1200 • FAX (513) 793-0147

HORIZONTAL FLOOD



For broad coverage in up close installations, the Horizontal Flood Reflector System delivers outstanding performance and uniformity. Ideally suited for general purpose facade lighting. Fixture setback distances for facade lighting from 10 feet to 30 feet. Pole or wall mount, for good general purpose floodlighting applications, or parking lots and open spaces. Fixture mounting heights are from 20 feet to 35 feet.



Horizontal Flood — 400W Metal Halide

Horizontal Flood — 400W High Pressure Sodium

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4MH				
3MH				
2MH				
1MH				
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1MH				

FRONT

	A	B	C	D	E	F	G
12'	28.0	14.0	5.6	2.8	1.4	.56	.28
15'	18.0	8.9	3.6	1.8	.89	.36	.18
20'	10.0	5.0	2.0	1.0	.50	.20	.10
25'	6.4	3.2	1.3	.64	.32	.13	.06
30'	4.4	2.2	.88	.44	.22	.09	.04

Lumen Rating 36,000 NEMA Type: 7h x 7v
 Beam Spread: 147.9h x 137.5v I.T.L. Test No. 41081
 Levels shown are in footcandles.
 MH refers to mounting height or fixture setback.

	0	1MH	2MH	3MH
4MH				
3MH				
2MH				
1MH				
0	A			
1MH				

FRONT

	A	B	C	D	E	F	G
12'	28.0	14.0	5.6	2.8	1.4	.56	.28
15'	18.0	8.9	3.6	1.8	.89	.36	.18
20'	10.0	5.0	2.0	1.0	.50	.20	.10
25'	6.4	3.2	1.3	.64	.32	.13	.06
30'	4.4	2.2	.88	.44	.22	.09	.04

Lumen Rating 50,000 NEMA Type: 7h x 7v
 Beam Spread: 148.2h x 137.0v I.T.L. Test No. 41082
 Levels shown are in footcandles.
 MH refers to mounting height or fixture setback.

**JOKERS FAMILY FUN CENTER
PHASE I / SITE WORK**

DESCRIPTION OF THE WORK

JOKERS IS AN INDOOR/OUTDOOR FAMILY AMUSEMENT CENTER WITH AN EXISTING FACILITY IN PORTSMOUTH, NH. THE PROPOSED PORTLAND FACILITY IS SCHEDULED TO BE READY TO OPEN IN LATE WINTER. TO PREPARE FOR THIS, THE OWNER INTENDS TO DO THE ESSENTIAL SITE IMPROVEMENTS THIS FALL WHICH WILL YIELD A SAFE AND WORKABLE PARKING AREA AND A MINIMAL DISRUPTION IN THE SPRINGTIME.

THE PHASE I WORK INCLUDES BUT IS NOT NECESSARILY LIMITED TO:

- 1) REMOVAL OF SITE OBSTRUCTIONS; IE, FENCING, UTILITY POLES.
- 2) REMOVAL OF THE EXISTING STORAGE SHEDS
- 3) SITE GRINDING OF THE EXISTING ASPHALT (INCLUDING THE BUILDING INTERIOR)
- 4) INSTALLATION AND INSPECTIONS OF UNDERGROUND UTILITY CONDUITS, INSTALLATION OF LIGHT POLE BASES.
- 5) PREPARATION OF THE AREAS TO BE PAVED INCLUDING THE PARKING LOT EXTENSION, COMPACTION OF THE SUBGRADE MATERIAL, FINE GRADING, REPAIR OF THE SUBGRADE AT THE EXISTING CATCH BASINS, LAYING OF A 2" BASE COURSE OF ASPHALT, BITUMINOUS WALKWAYS, ASPHALT CURBS TO CREATE LANDSCAPE ISLANDS.
- 6) PROVIDE ALTERNATE PRICE TO FURNISH AND INSTALL WHEEL STOPS AS SHOWN.

THE OWNER INTENDS TO AWARD THE WORK IMMEDIATELY AFTER THE BID PERIOD SO IT CAN BE COMPLETED THIS SEASON. PLEASE FAX YOUR BIDS TO THE ARCHITECTS OFFICE BY 4:00 PM ON 29 OCTOBER 1996. PLEASE CONFIRM THAT YOU CAN COMPLETE THE WORK, INCLUDING PAVING, THIS SEASON.

JOHN L. MURPHY, P.E.

Civil Engineer
Traffic Engineer

RR1, BOX 6300
WEST BALDWIN, MAINE 04091-9745
207-625-8222

To: Richard Knowland, Portland Planning Department.

From: John L. Murphy, P.E.

Re: Tom Errico memo to Bill Bray on traffic impact of Joker's 2
on Warren Avenue.

1. Accident data - Warren Avenue between Riverside Street and Seville Street in Portland - length of 0.79 miles (MDOT records and analysis).

The critical rate factor on this 0.79 mile section of Warren Avenue was 0.72, or less than 1.00, which would be the average on similar roadways with similar volumes in Maine. This section of roadway had 27 accidents in the three year period 1993 through 1995 with 6 in 1993, 13 in 1994 and 8 in 1995.

My detailed review of the three years of accidents in the vicinity of Grossman's showed 2 rear end accidents possibly related to turns into this site. My review also presented a three day period of time from January 19, 1994 through January 21, 1994 when icy road conditions caused 5 accidents in the vicinity of BJ's Wholesale Club on Warren Avenue. Also, of the 27 total accidents reported in the section of Warren Avenue from Riverside Street to Seville Street, 2 were misfiled and actually occurred elsewhere.

My conclusion is that the area of Warren Avenue in front of the proposed project is not an accident problem location unless icy roadways exist without correction. It is not likely that this project will generate much traffic during icy road conditions.

2. Vehicular queue spillback from BJ's Club driveway to proposed driveway.

The storage distance between the BJ's driveway and Joker's 2 driveway is approximately 220 feet. We observed operations on Saturday 10/19/96 between 11:15 AM and 1:45 PM when the BJ's driveway is normally busy. We also counted the BJ's driveway which had a peak one hour of 387 trips between 11:30 AM and 12:30 PM. Warren Avenue had 1087 trips per hour during the same time.

The normal left turn queue was one car waiting less than 10 seconds for the entire count period between 11:15 AM and 1:45 PM. The three longest waits were 25 seconds by 2 cars, 21 seconds by 4 cars and 15 seconds by 3 cars. The 4 cars (roughly 80 to 100 ft.) waiting 21 seconds was the longest queue for the 11:15 AM to 1:45 PM period.

Thus with the proposed driveway location and the observations at BJ's, there will be no queue back up conflicts that will fill the roughly 220 feet of available storage space (driveways 250 ft. centerline to centerline).

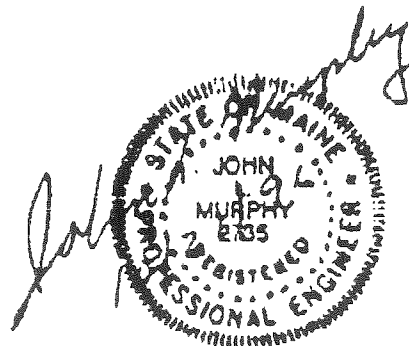
3. Base traffic for expected trip generation.

I have attached a memo, "Additional Validity Data" from Bill Latvis, owner of the project, describing the two Bonker's sites studied and the times of data collection.

Even if I factor the 90 trips per hour expected by 1.2, to 108 trips per hour, it is still fewer than would be expected on Saturday from Grossman's (140 trips per hour).

Conclusions

1. There is no existing accident problem on Warren Avenue near the site other than occasional icy roads.
2. There will not be a conflict with the queue from BJ's driveway.
3. Base traffic estimates indicate less impact than the former Grossman's site.



ADDITIONAL VALIDITY DATA

Traffic studies were done at Bonker's in Weymouth and Bonker's in Peabody:

1. Bonker's in Weymouth is almost an identical facility to that being proposed in Portland. It has four rides (one more than Portland), jungle gym, restaurant with the same seating capacity, same number of games and kitchen.

The demographic population in Weymouth is three times that of Portland.

2. Bonker's in Peabody is 5,000 square feet smaller than the facility in Portland but similar in concept. It has a very small jungle gym.

The demographic population in Peabody is 6 times that of Portland.

Seventy to eighty % of weekly business in all these facilities occurs between 3:00pm Friday and 8:00pm Sunday. The peak period on the weekend is between 11:00am and 3:00pm on Saturday and Sunday. That is why the traffic study was done at these times.

The slowest times each year are April, first two weeks of May, September and December. June is an average month. June volume represents 80% to 85% of other higher volume months.

MAINE ACCIDENT RECORD SUMMARY
MODES AND/OR LINKS

ENTER COUNTY: 05 WAREN AVE FROM RIVERSIDE ST TO SEVILLE ST IN PORTLAND

ENTER NODES:

ENTER LINKS: 6310 6311

ENTER STUDY PERIOD: 0193 1295 DEFAULTS TO PRESENT 3 YEARS

INJURY ACCIDENTS: K=0000 A=0000 B=0002 C=0000 PD=0017 TOTAL=0027

DRIVEWAY ACC: 01 DW ACC LINKS: 11 DW ACC MODES: 00

K INJURY ACC: 017 0

LENGTH: 0.79

FUNCTIONAL CLASS: 4 MINOR A.

ROAD TYPE: S MINOR ARTERIAL

HEV: SHOWN: 00 03834

ACC. RATE: 00234.74 CR: 00324.16 CRF: 00000.72

YEAR	ACCIDENTS BY YEAR
1993	0906
1994	0913
1995	0908

PORTLAND MAINE 1996

Site Code : 00000002
 N-S Veh : BJ's WHOLESALE
 E-W Veh : WARREN AVE
 Counter :

PAGE: 1
 FILE: TEMP-2

Primary Movements: Vehicles

DATE: 10/19/96

Time Begin	From North				From East				From South				From West				Vehicle Total	HVEC Total
	HVEC	RT	THRU	LT	HVEC	RT	THRU	LT	HVEC	RT	THRU	LT	HVEC	RT	THRU	LT		
11:15	0	0	0	0	4	0	102	32	0	25	0	20	3	12	91	0	282	7
11:30	0	0	0	0	3	0	109	25	1	23	0	13	2	21	115	0	308	6
11:45	0	0	0	0	6	0	107	28	0	34	0	19	3	20	115	0	323	9
HR TOTAL	0	0	0	0	13	0	318	85	1	82	0	52	8	53	321	0	911	22
12:00 PM	0	0	0	0	3	0	96	32	0	36	0	18	1	15	98	0	295	4
12:15	0	0	0	0	0	0	91	33	0	37	0	16	1	17	118	0	302	1
12:30	0	0	0	0	3	0	90	25	0	27	0	21	0	17	97	0	277	3
12:45	0	0	0	0	1	0	101	29	1	31	0	16	1	16	97	0	279	3
HR TOTAL	0	0	0	0	7	0	368	118	1	131	0	71	3	65	400	0	1153	11
1:00 PM	0	0	0	0	1	0	79	29	0	34	0	24	0	11	108	0	285	1
1:15	0	0	0	0	2	0	77	33	0	37	0	14	3	25	92	0	281	5
1:30	0	0	0	0	0	0	97	38	0	43	0	12	4	19	97	0	285	4
DAY TOTAL	0	0	0	0	23	0	929	303	2	327	0	173	18	172	1008	0	2915	43

PEAK PERIOD ANALYSIS FOR THE PERIOD: 11:15 AM - 1:45 PM

DIRECTION FROM	START PEAK HOUR	PEAK HR FACTOR	VOLUMES					PERCENTS			
			HVEC	Right	Thru	Left	Total	HVEC	Right	Thru	Left
North	12:00 AM	0.00	0	0	0	0	0	-	0	0	0
East	11:15 AM	0.98	16	0	414	117	531	-	0	79	22
South	12:45 PM	0.91	1	143	0	66	211	-	69	0	31
West	11:30 AM	0.35	7	73	446	0	519	-	14	86	0
Entire Intersection											
North	11:30 AM	0.00	0	0	0	0	0	-	0	0	0
East		0.95	12	0	393	118	511	-	0	77	23
South		0.91	1	130	0	65	196	-	66	0	34
West		0.35	7	73	446	0	519	-	14	86	0

PORTLAND MAINE 1996

Site Code : 00003002
N-S Veh : BJ's WHOLESALE
E-W Veh : WARREN AVE
Counter :

PAGE: 1
FILE: TEMP-2

Primary Movements: Vehicles

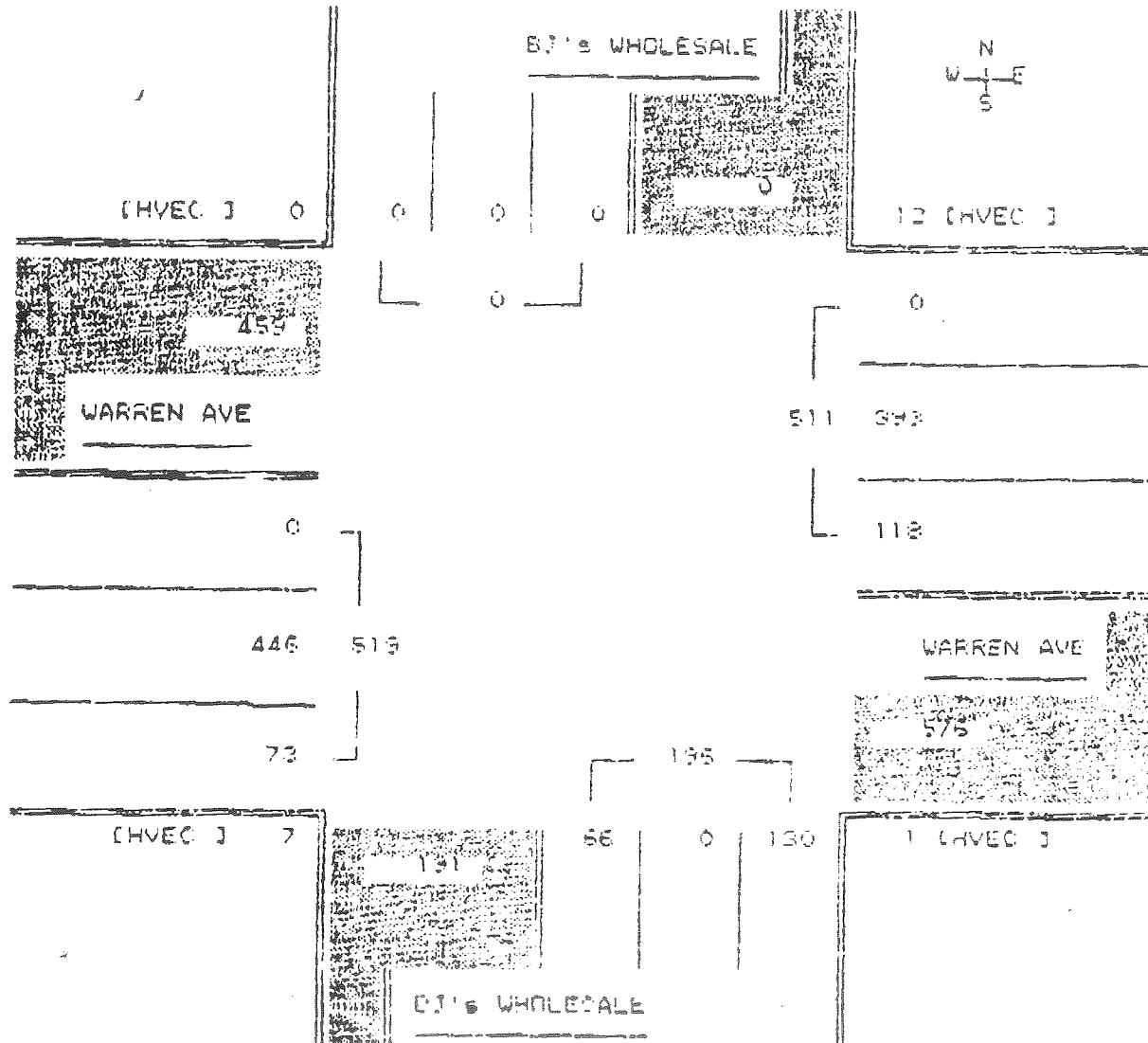
DATE: 10/19/96

PEAK PERIOD ANALYSIS FOR THE PERIOD: 11:15 AM - 1:45 PM

DIRECTION FROM	START PEAK HOUR	PEAK HR FACTOR	VOLUMES				Total	PERCENTS			
			HVEC	Right	Thru	Left		HVEC	Right	Thru	Left
North	11:30 AM	0.00	0	0	0	0	0	-	0	0	0
East	11:15 AM	0.99	16	0	414	117	531	-	0	78	22
South	12:45 PM	0.91	1	145	0	66	211	-	69	0	31
West	11:30 AM	0.95	7	73	446	0	519	-	14	86	0

Entire Intersection

North	11:30 AM	0.00	0	0	0	0	0	-	0	0	0
East		0.96	12	0	393	118	511	-	0	77	23
South		0.91	1	130	0	66	196	-	66	0	34
West		0.95	7	73	446	0	519	-	14	86	0



NOISE LEVELS - GO CARTS

Noise levels from the fifteen go carts to be installed by Joker's at their Portland facility will not disturb either residential or commercial neighbors.

Modern muffler systems on the go carts coupled with the seclusion of the go cart track will reduce noise levels well below other perpetual already existing noise sources such as the turnpike and normal neighborhood noises.

Attached are three studies and noise level data analyses that serve to demonstrate that the decibel level of 15 go carts at full throttle on a track at 250 feet would be approximately 51.5 decibels. The first nearest residence is 650 feet away from any portion of the go cart track. The next residence is over 900 feet away. The decibel level of the above go carts at 650 feet would be below 40 decibels. Noise sources that are above 40 decibels include the following:

- a. Leaves rustling
- b. Two person conversation
- c. Air conditioner
- d. Transformer
- e. Idling car

The decibel level of an average residence on a quiet residential street is higher than 40 decibels.

In addition, over 500 feet of trees and underbrush and a railroad embankment separate these residences from the go cart track. Traffic noises from cars and trucks on the turnpike create significantly more noise for these neighborhoods than would the go carts.

25 ft rear > chair

whs note

take land from lot 5 for lot 6
lot 11 so skinny

see the easement

non-jurisdictional wetland

storage cars for may not be allowed

opinion from Linda L.

have them write a letter to Mary-

traffic

no light

clean up the lot

4-3-01

TO: STEVE BUSHBY

FROM: RICK KNOWLAND

THE TOKER) PEOPLE CAME IN THE OTHER DAY. THEY WOULD LIKE STAFF COMMENTS ON THE REVIEW "HOOPS" AND SITE PLAN ISSUES ASSOCIATED WITH THE FULL DEVELOPMENT OF THE SITE. ANY COMMENTS YOU WOULD HAVE WOULD BE GREAT

THEY WOULD LIKE TO USE AN EXISTING POND/WETLAND ON THE FAR RIGHT HAND SIDE OF THE PROPERTY AS A DETENTION BASIN. SINCE THIS WILL REQUIRE A STORMWATER PERMIT, THEY WERE CURIOUS WHAT YOUR THOUGHTS WERE REGARDING ITS USE AS A DETENTION BASIN (CONTRARY TO DEP POLICY?).

WE WILL BE REVIEWING THIS AT THE MAY 9TH STAFF MTG

THANKS



LAND USE CONSULTANTS INC

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Thomas N. Emery, RLA

December 11, 2000

3019.1

Rick Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Jokers Two Expansion, 510 Warren Avenue, Portland, Maine.

Dear Rick:

This letter is a preliminary summary based on our initial review of the site development implications regarding the possible expansion of the current Jokers Two facility to include a 50,000 to 60,000 sf building addition relative to stormwater management related issues. Preliminary issues are summarized as follows:

1. The site was initially evaluated (October 1996) to include the existing facilities (formerly Grossmans) at Warren Avenue which included the portion now broken out as EJ Prescott, the new Jokers Two building addition (completed), the miniature golf area (completed), the proposed (future) Older Children's Adventure Play Garden, the proposed (future) multi-event area, the proposed (future) picnic area and the proposed (future) go cart track and maintenance facilities. This initial study included the design of a new detention pond as well as the evaluation of the existing wet pond near the turnpike to accommodate the proposed changes and increases in impervious areas.
2. The design and calculations were revised (November 1996) to include an increase in pavement to the EJ Prescott site and several landscaped islands at the Jokers Two site to help offset this pavement increase. This did not alter the design of the detention pond at the back of the site.
3. The applicant did not construct the outdoor facilities in order to focus attention to getting the indoor facility completed and open expeditiously. In April, 1997 the applicant requested that the detention pond (not built) could be relocated to the very back of the site to accommodate possible changes to the layout of the go cart track. This was done as an administrative approval pursuant to the applicant providing an alternative design for the detention pond. The pond was reevaluated and redesigned as a long linear vegetated swale/detention area along the rear property line. This long swale has been constructed subsequent to the review and approval of the City of Portland. The outdoor facilities including the go cart track have not been constructed to date.
4. Jokers Two now proposes to eliminate the outdoor facilities and go cart track entirely, and use the area reserved for these features to construct a 50,000 to 60,000 sf building addition to be offered for lease.

5. This new proposal will result in the deletion of approximately 43,700 sf of proposed future impervious area which was included in the original design assumptions. This area includes the outdoor facilities and the go cart track.
6. The proposed building will create only about 39,500 sf ± of “new” impervious area pursuant to 38 M.R.S.A. § 420-D Storm Water Management Law Applicability Standards and Chapter 500 § 12, since the footprint will occupy an area which includes impervious areas created prior to July 1, 1997.
7. The threshold for such new impervious areas created is one acre or greater before triggering the stormwater quantity applicability of the Storm Water Law.
8. The site is not located in the direct watershed of a waterbody most at risk or in a sensitive or threatened region and does not trigger the stormwater quality applicability of the Stormwater Law.
9. The project is a redevelopment of, and addition to, an existing site within the City of Portland and may be subject to additional standards set forth in the Site Plan requirements and Technical Standards in effect for the City of Portland. In order to provide guidance to the applicant with regards to the need for water quality treatment and stormwater management related issues we would like to request an advisory opinion from the City of Portland to determine what level of treatment or other standards will apply to this project.

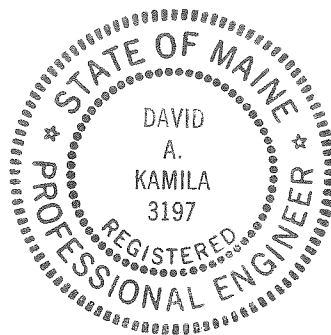
Issues with regards to the proposed additional new use and combined space and bulk requirements will be addressed during the preliminary review process. We look forward to continuing our discussion with your staff and appreciate the opportunity to work out the bugs prior to Site Plan Review.

Please call with any questions, comments or guidance from you or your staff.

Sincerely,



David A. Kamila, PE
Vice President



CITY OF PORTLAND, MAINE
PLANNING BOARD

Cyrus Y. Hagge, Chair
John H. Carroll, Vice Chair
Kenneth M. Cole III
Jaimey Caron
Kevin McQuinn
Deborah Krichels
Erin Rodriguez

September 24, 1997

Jim Grattelo
Jokers
Walmart Shopping Center
Route 1
Portsmouth NH

RE: Jokers Site Plan, Vicinity of 510 Warren Avenue

Dear Mr. Grattelo:

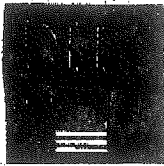
On September 23, 1997, the Portland Planning Board voted 6-0 (McQuinn absent) to approve the site plan for a miniature golf area on the Jokers family entertainment center site in the vicinity of 510 Warren Avenue. The approval was granted for the project with the following conditions:

- i. That the location and specifications of exterior lighting for the mini-golf course be submitted for planning staff review and approval following construction of the course.
- ii. That all the trees in the parking lot shall remain as detailed on the original site plan excluding the two trees along the driveway which shall be incorporated in the mini-golf area.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #61-96, which is attached.

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. 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.



DeLUCA 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

TO: Code Enforcement

FROM: Jim Wendel, Development Review Coordinator

DATE: May 2, 1997

RE: Request for Certificate of Occupancy
Jokers Two, Inc.
510 Warren Avenue

On May 1, 1997 I reviewed the site for compliance with the site plan. My comments are:

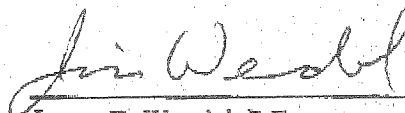
1. The paving contractor was installing curbing.
2. The pavement marking contractor was striping the parking stalls.
3. The site lighting is installed.
4. The gravel and pavement for the sidewalks in and around the parking field were not in place.
5. The hay bales placed in the temporary ditch cut to drain a portion of the parking area were not doing the job; stone check dams must be placed within the ditch.
6. The dumpster pad is in place but the dumpster and fencing enclosing the pad is not in place.

By the time I left at about 4:30 PM, the curbing work was 99% complete, the pavement marking was approximately 50% complete and the site lighting had not been wired. I was informed that the contractors would be back the next day to finish the items 1 through 5 above.

The completion of landscaping and the detention basin and other items are identified in a letter to Rick Knowland dated April 29, 1997.

Please call should you wish to discuss these issues further relative to issuing a temporary certificate of occupancy.

DELUCA HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS



James T. Wendel, P.E.

c: Rick Knowland, Planning Department

JN1350.10jokers2

9-23-97

JOKONO P/B P/A

JIM GRATTEN COMMENTS
CUSTOMERS, after the fact

4 ft high fence around the perimeter

BRIN no tree elm

DOB " " except for 2 front trees

Ken C "summer issue"

John don't put it up on JEFF
2 on the driveway should go in the
golf course

Ken

The City 2 reviewed and set on the
appropriate request

trees in the policy but ^{shall remove} as dealer
excluding the two trees in the driveway

will look at the sur

4-10

McQUINN ABSENT



LAND USE CONSULTANTS INC
November 22, 1996

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Mr. Richard Knowland, Senior Planner
Department of Planning and Urban Development
City Hall
389 Congress Street
Portland, ME 04101

Final Site Plan

Dear Rick:

I am submitting 7 sets of revised Final Site Plans for your final review and approval. The plans are revised to reflect the comments and conditions of final approval by the Board at the November 12, 1996 meeting. The Plans also reflect revisions made to address comments from the City Arborist and Development Review Coordinator.

The salient revisions are as follows:

- Note No. 23 was added to the Site Plan requiring all drainage structures to be cleaned, inspected and repaired and the location of the Warren Avenue storm drain shall be verified during construction.
- Additional erosion control measures consisting of additional silt fence and catch basin inlet barriers were added along Warren Avenue and details were added to the plans.
- The width of the buffer in front of the E. J. Prescott site along Warren Avenue was increased to 12' and the landscaped islands separating E. J. Prescott and Jokers was increased to 6'.
- The total building area of Jokers Two including the proposed addition is noted on the plans as 28,700 s.f.
- The fence detail was revised to show a black vinyl coated chain link fence without privacy slats.

LAND USE CONSULTANTS INC

I trust this submission along with the narrative response to Steve Bushey's comments dated November 14, 1996 (submitted separately) will address all the conditions with respect to the site plans and drainage issues. Please call with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Kamila". The signature is fluid and cursive, with the first name "David" being the most prominent.

David A. Kamila, P. E.
Vice President

DAK/pp

cc: Bill Latvis
Tom Milligan



LAND USE CONSULTANTS INC
November 14, 1996

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, Me 04101

Response to Development Review Comments from Steve Bushey regarding Jokers Two, Inc. dated November 12, 1996

Dear Rick:

The following responses are offered with regard to the final design and review comments from Steve Bushey, Development Review Coordinator. These responses are presented in numerical order corresponding to the comments:

1. The stormwater runoff calculations and report were revised in accordance with Mr. Bushey's preliminary comments dated October 24, 1996. Certain areas, including the go-cart track have been included for potential future development and construction. The information shown on the plans indicates the design intent and general location of these improvements, but does not represent final design. As a result, a few assumptions were made to estimate the potential impacts to the site as required by site plan review. I agree with the condition that these assumptions should be confirmed for final design, prior to construction.
2. Your comment indicating the additional area of pavement for the outparcel is correct. However, in addition to the 7,000 s.f. (0.16 ac) of new pavement, the revised calculations also include 4,700± s.f. (.11 ac) of landscaped islands which replace existing paved areas. The net result is 2,300 s.f. (.05) of additional impervious area.
3. I agree that the configuration and connection of the existing on-site storm drain to Warren Avenue is unclear. However, the City of Portland Public Works Department (P.W.D.) is unable to provide as-built or record plans of the storm drainage system in Warren Avenue at this location. Although it is apparent that the private system connects in Warren Avenue, the actual location and type of connection is not known. I have spoken with Steve Harris and Tony Lombardo of P.W.D. who agree that city records do not clearly indicate this connection. However, Mr. Lombardo has also agreed that a new structure at this existing connection is not warranted. At a minimum P.W.D. will require that the existing structures and storm drains from the site are cleaned and maintained, inspected and repaired, as required, in addition to conducting a dye test or other means to establish the location of the connection and confirm that it operates properly. A note has been added to the plan regarding the storm drain.
4. The applicants have indicated their intent to provide a vinyl coated fence with no privacy slats.

LAND USE CONSULTANTS INC

5. I agree with the condition that the applicant submit additional data and final design information for the go-kart track and miniature golf areas for approval prior to future construction.
6. Additional erosion control measures have been added to the plans.
7. The existing on-site storm drain will be cleaned and maintained. See response item #3 and note on revised plans.
8. The development as designed generally meets or exceeds the appropriate level of stormwater treatment in accordance with the standards and criteria as set forth in the "*Stormwater Management for Maine: Best Management Practices*" manual, (November 1995). The primary Best Management Practices (BMP's) applicable to this site for removal of Total Suspended Solids (TSS) are vegetated swale with check dams and dry pond detention storage. In accordance with the BMP manual, Section 5, this site requires a TSS removal efficiency of approximately 58% as determined from figure 5.1 (attached). The proposed vegetated swale with check dams has a TSS removal rate of 50% and the dry detention basin has a removal rate of 10%. The resultant efficiency utilizing both measures is:

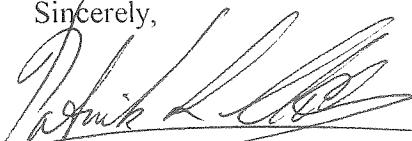
$$100 [1 - (1 - .50) * (1 - .10)] = 55\%$$

In addition to the above BMP's the site is stabilized with rip-rap inlets and outlets, temporary sediment filter riser for the detention pond, a level spreader outlet from the pond which discharges into a small permanent pond, all of which contribute additional water quality treatment for the site. We feel that these measures provide adequate water quality treatment for this site.

Land Use Consultants, Inc. further recommends that a wet pond not be installed. The small contributory watershed and sandy soils will not support a permanent wet pond. Central Maine Power Co. has final authority regarding the easement and will most likely not endorse the wet pond concept. In addition, it is our belief that the wet pond will present a liability and safety issue associated with the go-kart track.

I believe these responses address all of the issues which were presented in the development review comments. Please call if you have any remaining questions or issues.

Sincerely,



Patrick L. Clark, P.E.
Project Engineer

PLC/pp

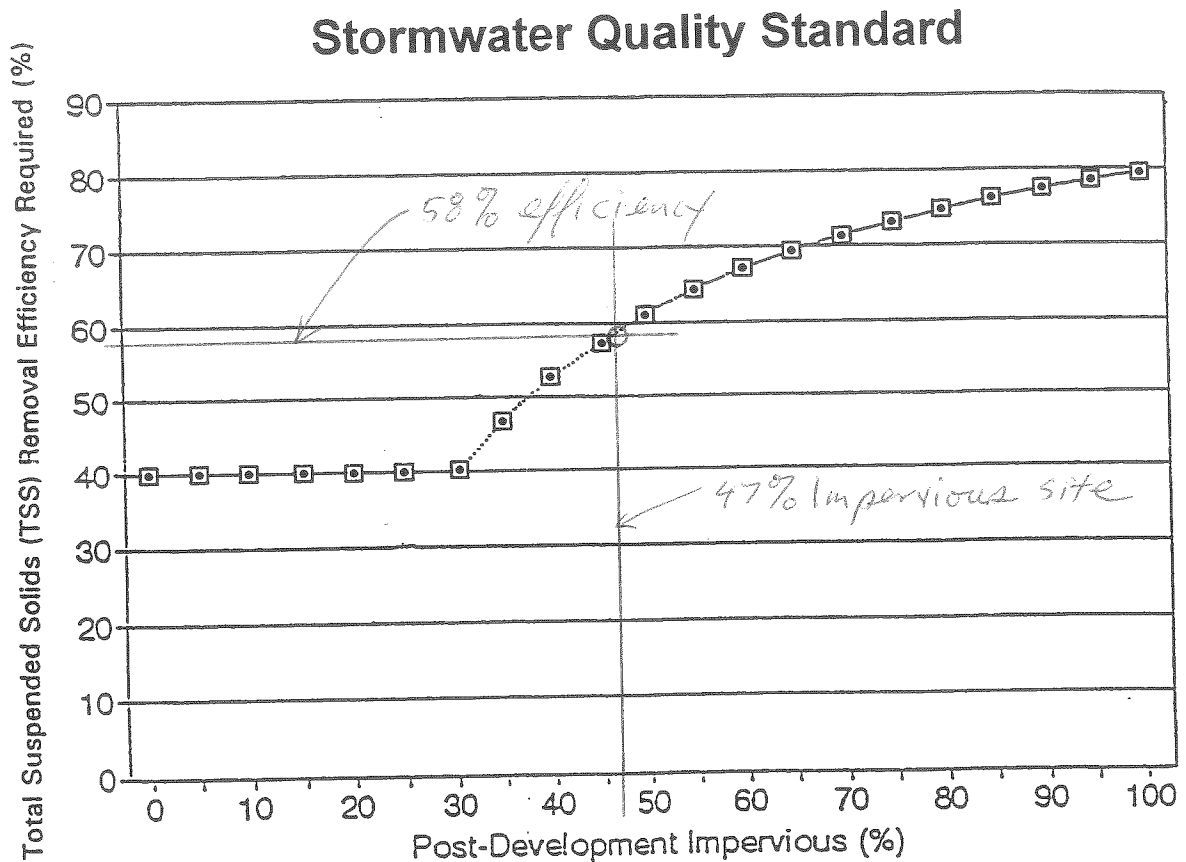


Figure 5.1.

For the purposes of this manual, **impervious surface** is fully defined as a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

This BMP manual is not regulatory. However, the practices described in this manual are designed to ensure that stormwater runoff from a development site not adversely affect the physical, biological, and chemical properties of the receiving water or of associated aquatic habitats. As such, use of this manual may assist compliance with applicable statutes, regulations, and ordinances. Other equivalent techniques of stormwater treatment, of course, will also assist with compliance.

Alternatively, the criterion of reducing post development TSS loadings to predevelopment levels may be applied. This criterion is not intended to be used as an alternative to achieving adequate control where existing high sediment loadings are the result of poor management of "developed" sites such as farmlands where appropriate erosion control components of a USDA conservation management plan are not being used, or sites where land disturbed by previous development (e.g., gravel pits or log yards) was not permanently stabilized (EPA, 1993.)



24 Buzzell Road
Biddeford, Maine 04005-9327
Tel. 207-499-2994
Fax 207-499-2912

BILL LATVIS,
JOKERS TWO
510 WARREN AVENUE
PORTLAND, MAINE 04103

DEAR BILL,

AS REQUESTED I CONTACTED JEFF TARLING THE PORTLAND ARBORIST REGARDING THE RECOMMENDATIONS THAT I MADE TO YOU IN MY PROPOSAL #009622 DATED 8/15.

THEY ARE AS FOLLOWS:

ACER CAMPESTRE 2" SUBED FOR 1.75"
ACER GINNALA 1.75" SUBED FOR TILLIA CORDATA 2".
SYRINGA RETICULAT 2.5" SUBED FOR 2.5".
2 ACER RURUM 2" SUBED FOR 2.5".
2 ULMUS AMERICAN PRINCETON SUBED FOR ACER RUBRUM 2.5".

ALL OF THE PREVIOUS RECOMMENDATIONS WERE MADE IN ORDER TO MATCH THE SEPTEMBER TIME TABLE, AND CURRENT AVAILABILITY.

ELIMINATE 3 TILIA CORDATA IN LONG ISLAND DUE TO THE PLANTING BED BEING NARROWER THAN THE TREE BALL.

ELIMINATE 4 TREES IN PARKING LOT ISLAND ENDS FOR PROPER SPACING DUE TO LIGHT POLE PLACEMENT.

SLIGHTLY REARRANGED THE LAYOUT OF INDIVIDUAL SPECIES OF TREES WITH IN THE PARKING LOT TO MAKE THE MOST OF QUANTITIES AVAILABLE.

ADD 20 POTENTILLA TO THE PARKING ISLAND TO SUPPLEMENT THE COLOR OF THE PLANTING.

ALL OF THE MENTIONED RECOMMENDATIONS WERE DISCUSSED WITH JEFF HE AGREED WITH THE CHANGES AND THOUGHT THEY WERE ACCEPTABLE IN ORDER TO COMPLETE THIS PHASE OF THE LANDSCAPING IN SEPTEMBER.

SINCERELY

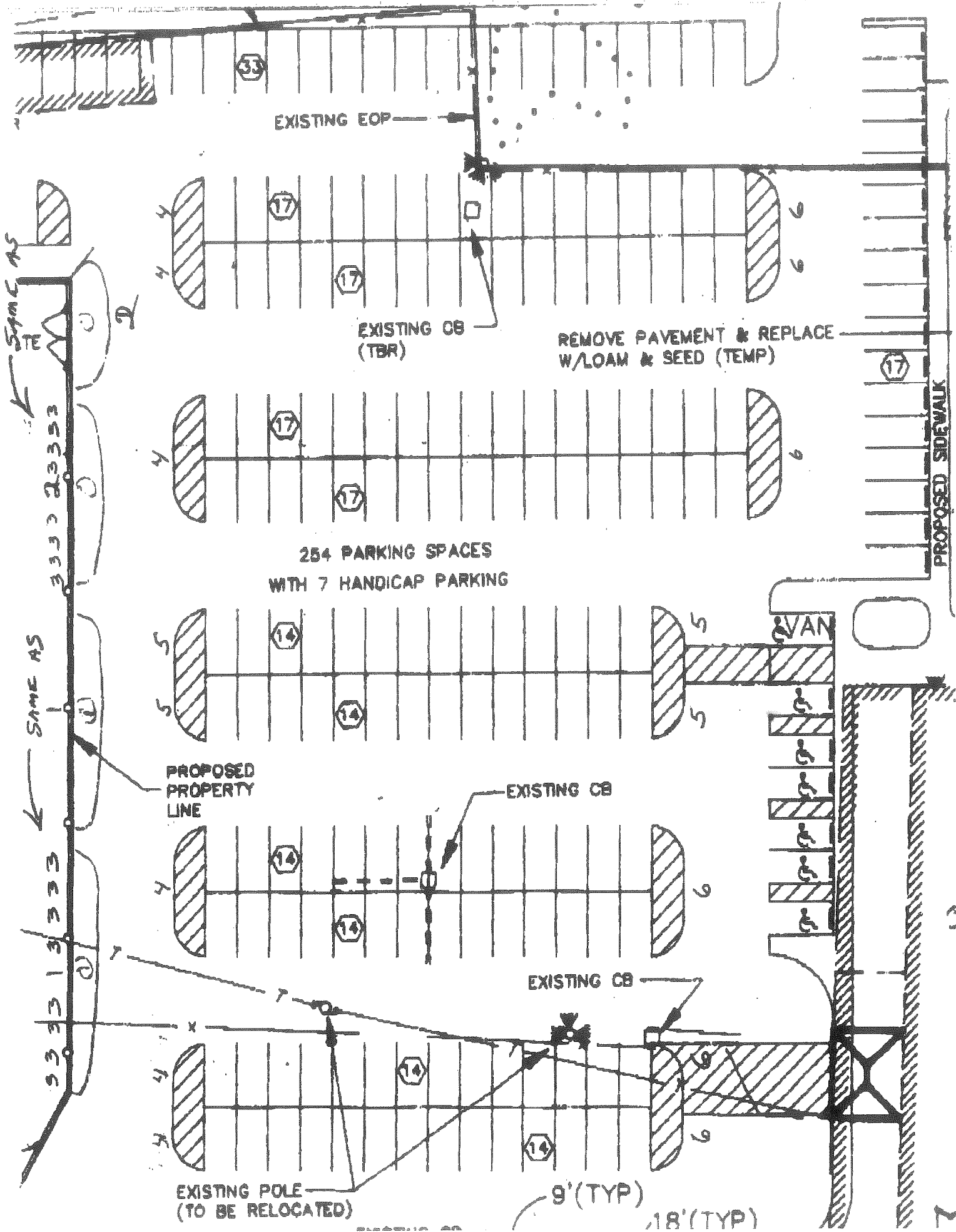
DALE PIERSON

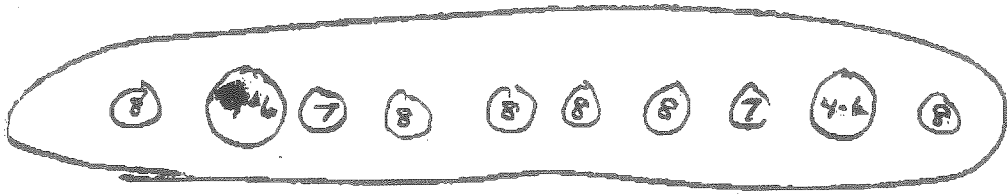
BILL

HERE IS THE KEY FOR THE MARK UP OF THE PLANTING PLAN

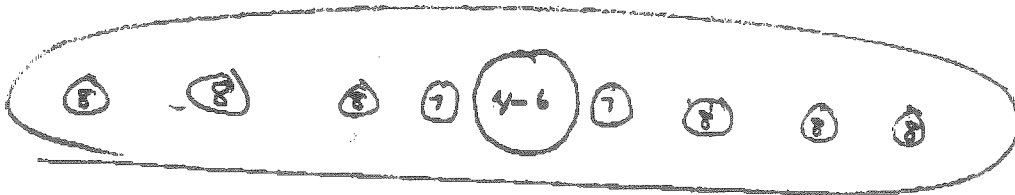
- 1 ACER RUBRUM 2-2.5"
RED MAPLE
- 2 ULMUS AMERICANA PRINCETON 2-2.5"
PRINCETON AMERICAN ELM
- 3 TAXUS DENSIFORMIS 18-24"
SPREADING YEW
- 4 ACER CAMPESTRIS 1.75-2"
HEDGE MAPLE
- 5 ACER GINNALA 1.75-2"
AMUR MAPLE
- 6 SYRINGA RETICULATA 2-2.5"
JAPANESE TREE LILAC
- 7 POTENTILLA CORONATION TRIUMPH 24-30"
CORONATION TRIUMPH POTENTILLA
- 8 ROSA RUGOSA 18-24"
BEACH ROSE

THE LOCATIONS OF THE ISLANDS WHERE EACH TREE TYPE IS PLANTED IS MARKED (OFF SET) ON THE PLAN. WHEN THERE IS ANY VARIATION A NEW SKETCH OR MARKED SAME AS AND DREW AN ARROW TO ORIGINAL REFERENCE. SEE SKETCH PAGE.



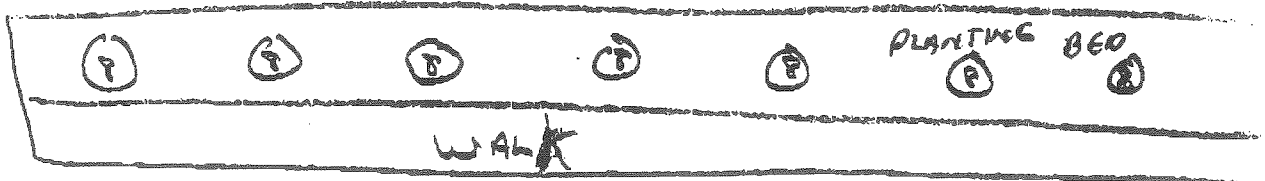


TYPE 1 ISLAND



TYPE 2 ISLAND

CENTER ISLAND



PARKING

- (b) Lots fronting on two (2) or more streets are allowed an additional freestanding sign of one-half the area of the first for each frontage which includes a vehicular entry point, provided signs are not readily concurrently visible. Such signage cannot be accumulated and used on one (1) street in excess of that allowed for lots with only one (1) street frontage.

Building Signs

a. *Joint identification sign (a):*

	<i>B-1, IB</i>	<i>B-2, AB, B-4 (c)</i>
Maximum area	na	250 sq. ft. (c)
Number permitted per lot (b)	not allowed	1 (b)

- (a) Sign identifying name of building or shopping center only. Unused sign area cannot be applied to area allowances for other freestanding or individual tenant signs. Where name of shopping center is the same as or incorporates name of one (1) or more of the businesses located within the center, such business(es) shall elect between a joint identification sign and an individual business sign and shall not be allowed both.
- (b) See (a) above.
- (c) Allowed only on shopping centers featuring four (4) or more tenants and occupying a land area in excess of two and one-half (2.5) acres.

TABLE 2.13, CONTINUED

b. *Individual business signs:*

Alternative 1

	<i>B-1, B-2, AB, B-4, IB Zones</i>	
	<i>Tenant's Frontage < 150 linear ft.</i>	<i>Tenant's Frontage ≥ 150 linear ft.</i>
Maximum area	150 sq. ft.	na
Square feet per linear feet of building front	1.5 sq. ft.	na
Maximum percent of wall area on which sign(s) is(are) to be placed	na	5%
Number permitted per business (a)	1	1

- (a) If individual tenant fronts on more than one (1) street, one (1) additional building sign is permitted for each additional frontage, but at one-half the maximum allowable area of the first.

Alternative 2

Note: Alternative 2 is available as an option to proprietors of multi-tenant lots needing greater flexibility in allocating signs to tenants. This option requires the submission of a signage plan as described in section 14-368(d) as evidence that

Signs placed on individual pumps shall be considered incidental signs and shall not be calculated in total allowable sign area. Incidental signs shall not be limited in number. However, no individual sign shall exceed one (1) square foot.

(Ord. No. 252-94, § 2, 4-4-94)

Sec. 14-369.6. Signs prohibited under this division.

All signs not expressly permitted under this division or exempt from regulation hereunder in accordance with section 14-371 are prohibited.

(Ord. No. 252-94, § 2, 4-4-94)

Sec. 14-370. Portable/temporary signs.

(a) *On private property.* Portable and temporary signs shall meet, in addition to the other requirements of this division, the following requirements:

- (1) *Number of signs.* There shall be no more than one (1) portable or one (1) temporary sign on any lot.
- (2) *Term.* A portable or temporary sign permit shall allow the use of a portable or temporary sign for a specified thirty-day period.
- (3) *Number of permits.* No more than two (2) portable or temporary sign permits shall be issued to each business on the same lot in any calendar year. In no event shall any lot have a portable or temporary sign for more than sixty (60) days in one (1) calendar year.
- (4) *Other conditions.* A portable or a temporary sign shall be allowed only in those districts indicated on Table 1 of section 14-369.5.
- (5) *Permit sticker.* Each portable sign and each temporary sign shall display a permit sticker issued by the building authority. The sticker shall contain the expiration date of the permit.

(b) *Additional requirements for freestanding portable or temporary signs.* In addition to the requirements of subsection (a) of this section, freestanding portable or temporary signs on private property shall meet the following requirements:

- (1) No portable or temporary sign shall interfere with the sight distance of traffic passing the site. The determination of sight distance shall be made by the traffic engineer.
- (2) Portable and temporary signs shall be set back a minimum of five (5) feet from the side line of the city right-of-way and a minimum of five (5) feet from any property line.
- (3) No portable or temporary sign shall exceed four (4) feet by eight (8) feet in size.

(c) *Portable signs in the city right-of-way.* Portable signs to be located in the city right-of-way shall receive a license from the building authority and shall be subject to the regulations promulgated by the building authority.

- (3) Works of art that do not include a commercial message;
 - (4) Holiday lights and decorations with no commercial message;
 - (5) Traffic control signs on private property, such as stop, yield and similar signs, the face of which meets department of transportation standards and which contains no commercial message of any sort;
 - (6) Public signs erected by or on behalf of a governmental body to post legal notices, convey public information, and direct or regulate pedestrian or vehicular traffic, including parking regulatory signs; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes or facilities;
 - (7) Political signs, subject to the provisions of 23 M.R.S.A. § 1913;
 - (8) Signs inside office park developments with a single tenant, where such signs are not visible from any public street or public open space;
 - (9) Landmark signs; and
 - (10) Security signs, except that no commercial message of any kind shall be allowed on a sign if such message is legible from any location off the lot on which the sign is located.
- (Ord. No. 252-94, § 2, 4-4-94)

Sec. 14-372. Nonconforming signs.

(a) All signs lawfully existing on April 4, 1994, that do not conform to the terms of this division may be continued, subject to subsection (b) of this section.

(b) Notwithstanding subsection (a) of this section, lawfully nonconforming signs shall be made to conform or shall be removed if any of the following occurs, unless such improvements are required to achieve compliance with applicable federal, state or local regulations, other than the provisions of this division, and such improvements do not require replacement of the nonconforming sign:

- (1) Major site plan review is sought for any new structures or building additions on the site, except as provided in subsection (5).
- (2) A building permit is sought for a rehabilitation of a building where the value of the rehabilitation exceeds fifty (50) percent of the assessed value of the building, or one hundred thousand dollars (\$100,00.00), whichever is less, provided that where rehabilitation is of a multi-tenant building, only the tenant or tenants whose building or area is being rehabilitated shall be required to come into conformance with this division.
- (3) An application is filed for a new sign permit, except as provided in subsection (5), in accordance with the following:
 - a. When an application is filed for a new building sign, all building signs on the lot shall be required to come into compliance with all requirements of this division for building signs.



Cyrus Y. Hagge - Chair
Portland Planning Board

Richard Knowland
Senior Planner

RE: JOKER'S SITE PLAN - APPROVED 11/12/96

Dear Mr. Hagge and Mr. Knowland:

On November 12, 1996 the Planning Board approved our site plan for a Family Entertainment Center which included outside activities such as Miniature Golf and Go-Carts. One of the conditions listed was to come back before you with our final improvements for the Miniature Golf area.

Included in this packet is all the information that Rick Knowland requested. We are very excited about this phase of our site plan because we feel this landscaping mecca will be a tremendous asset to Warren Avenue. Currently the vast parking lot, and large building is ominous. This will complete the front of this site and beautify this section of the city.

As you are aware the concept has already been approved so I support your interest in our final design. I'm pleased to say that, at substantial additional cost to us, we have decided to make the entire 18 hole course handicap accessible.

Also we have included the same light package, currently approved and recommended by the Planning Board, to be consistent with the site plan.

The original drainage plan already compensated adequately in this area. However, we have actually enhanced this original approved plan whereby 80% of the run off will be re-circulated within the streams of the golf course.

I have also included a variety of pictures to help you see some of the design of the individual golf holes.

Finally we have greatly enhanced the original landscaping requirements for this area to include several more trees and shrubs. We ask that we be allowed some latitude as to their position based on final layout and field adjustments.

We respectfully request approval tonight for critical reasons. We have learned recently (that's why we are here tonight on an accelerated pace) that the holes for miniature golf should be set in the Fall - so settling occurs during the Winter. Then in the Spring they lay the final greens. Our original plans were to come before you over the Winter and begin construction in the Spring.

Your help will be greatly appreciated.

Jim Grattelo - President, Joker's Inc.


2460 Lafayette Road
Walmart Shopping Center
Route 1
Portsmouth, NH
603-431-7770



LAND USE CONSULTANTS INC

September 9, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.

Dear Rick:

On behalf of our client Jokers Two, Inc. we are submitting herewith detailed plans and documentation for the Miniature Golf Course which was conceptually approved as part of the Original Site Plan by the Board, last year. The Plans show the layout for the holes and include two small ponds with interconnecting streams, a pirate ship and lighthouse. The landscape plantings are rearranged from the original layout depicted on the Planting Plan dated October 15, 1996. However, the same number and species are included. Additional plantings may be provided to enhance the layout as deemed appropriate by the owners during construction.

Lighting will be from existing pole mounted fixtures with one additional light pole to be centrally located within the course. Additional lighting within the ponds and waterways as well as the ship and lighthouse will supplement the pole mounted lighting. The entire course will be enclosed by a black vinyl coated chain link fence.

A letter is attached herewith that describes the drainage impacts of the course and concludes that no additional runoff control measures are required.

Seven copies of the proposed Miniature Golf Course Layout and Landscaping Plan are attached for your review. I trust this documentation is sufficient for your review and will enable you to schedule us for the Planning Board meeting on September 23, 1997. Please call myself or Bill Latvis with any questions. Thank you for your assistance.

Sincerely,

David A. Kamila, P. E.
Vice President

DAK/pp

Enclosure

cc: Bill Latvis, Jokers Two, Inc.
Jim Gratello, Jokers Two, Inc.



LAND USE CONSULTANTS INC

September 9, 1997

Bill Latvis
Joker's Two, Inc.
510 Warren Avenue
Portland, ME 04103

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Drainage Calculations for Miniature Golf Course, Jokers Two, Portland, Maine

Dear Bill:

As per your request to review the drainage impacts for the proposed miniature golf course for Jokers Two, Land Use Consultants, Inc. has performed preliminary calculations to verify the assumptions made to complete the stormwater management analysis required for your original site permit. As stated in the Stormwater Management Report dated 11/5/96, the runoff curve number for the mini-golf area was based on the assumption that the play area will be a composite of materials which is equivalent to 30 percent impervious and 70 percent materials similar to lawn. Our calculations confirm that this original assumption is valid and reasonable.

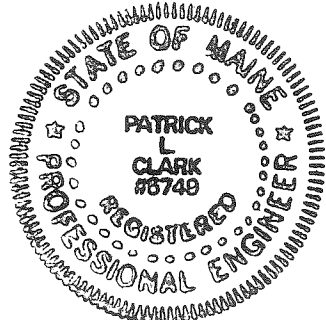
Based on the Golf-Course Layout Plan you provided, the total area of impervious surfaces including the ponds and watercourses for the mini-golf is 8,595-sq. ft. (0.197 acres). The golf play area used in the original calculations was 0.64 acres. This amounts to 30.8% impervious, which is consistent with the assumptions used in the original drainage calculations.

We feel that this comparison is somewhat conservative since the water surface is assumed to exhibit the same behavior as pavement or impervious surfaces. Although similar in the sense that 100% of rainfall impacted on the water surface will run off, there are additional benefits of runoff attenuation through the ponds as well as water quality benefits of settlement and filtering of particles and fines. As a result we feel that the proposed mini-golf area will not produce any additional drainage impacts with regard to the original Stormwater Management Report and will not require any additional measures to control runoff from this area.

Sincerely,

Patrick L. Clark, P. E.

PLC/pp





Cyrus Y. Hagge - Chair
Portland Planning Board

Richard Knowland
Senior Planner

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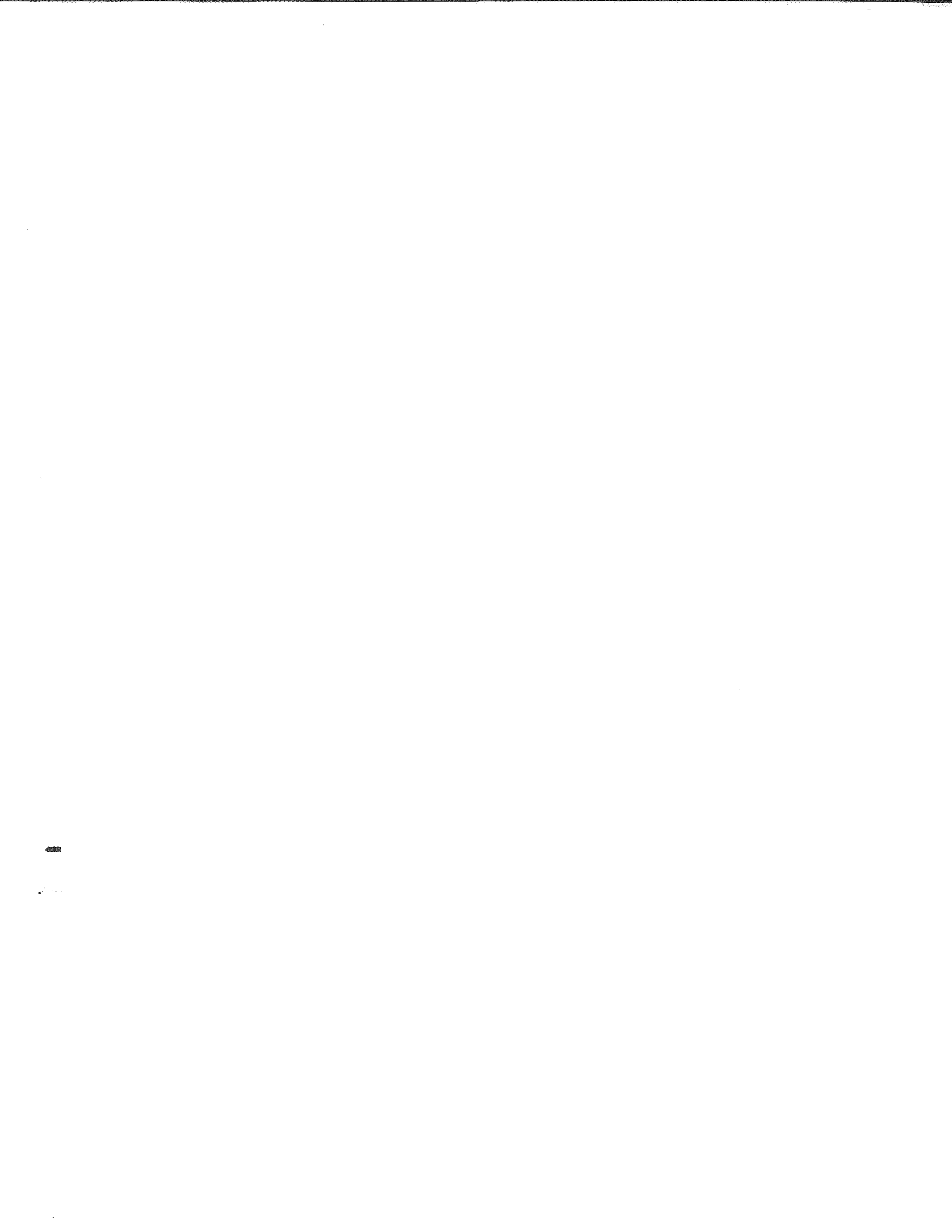
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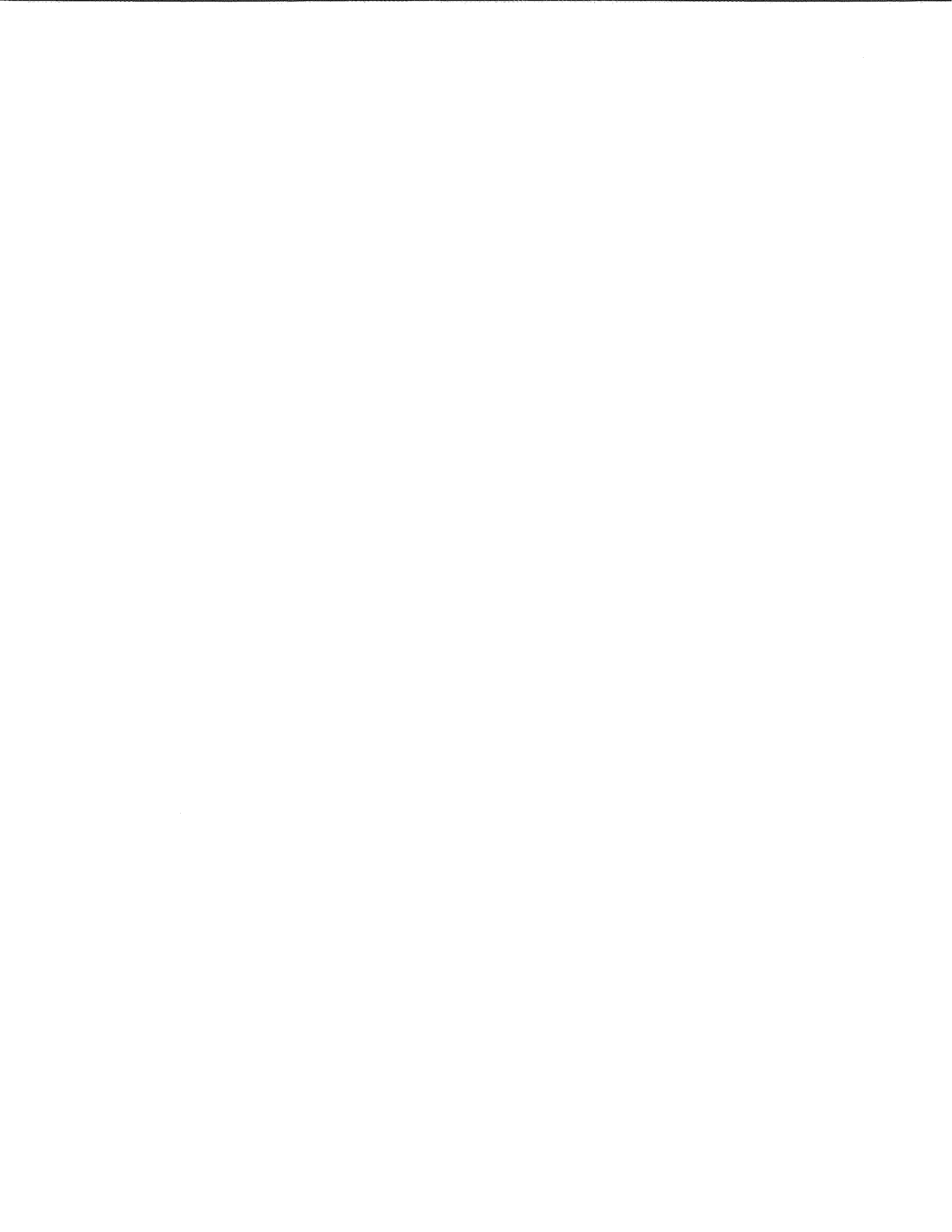
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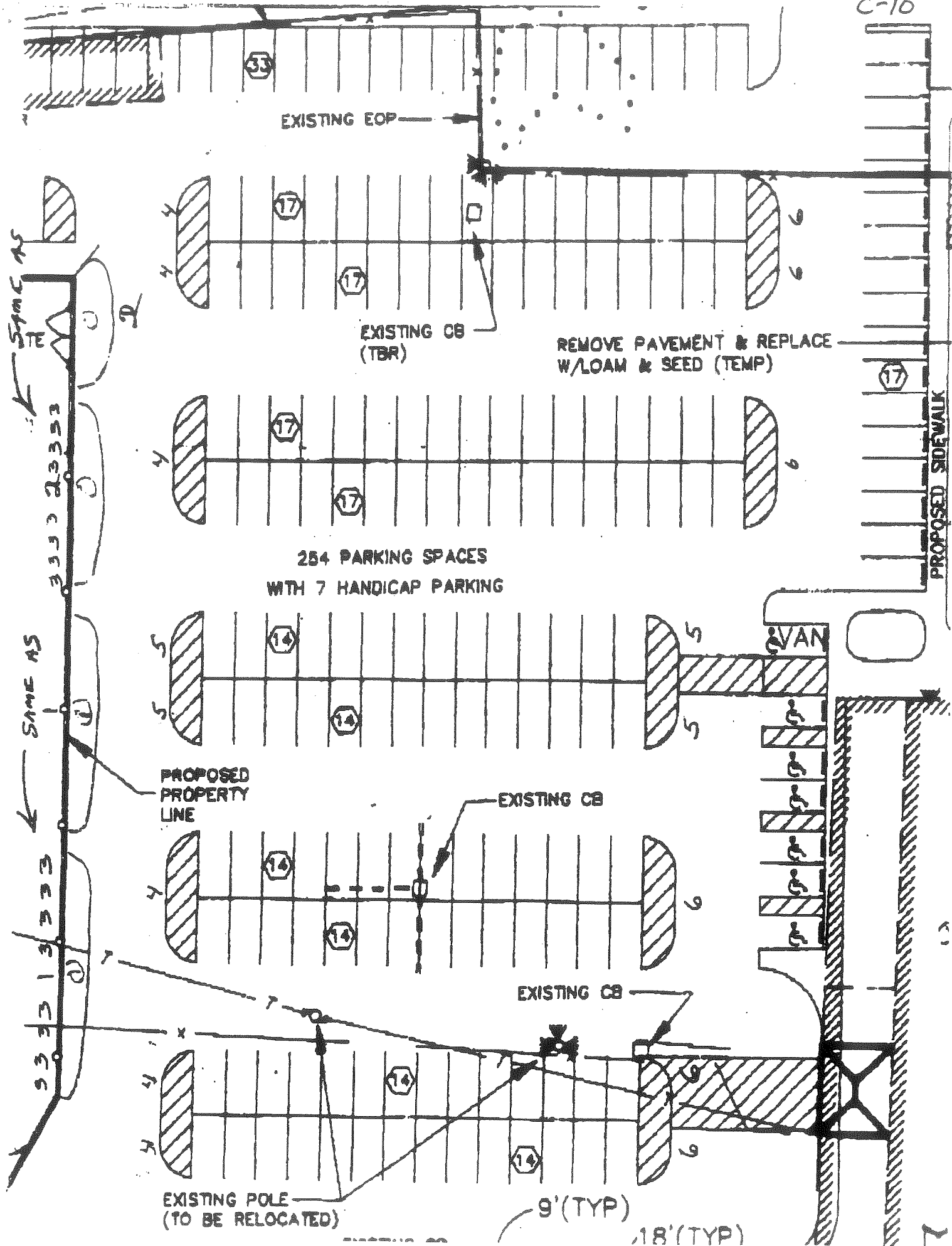














— 28 —

CITY OF PORTLAND, MAINE
PLANNING BOARD

Cyrus Hagge, Chair
John H. Carroll, Vice Chair
Joseph R. DeCoursey
Kenneth M. Cole III
Jaimey Caron
Kevin McQuinn
Deborah Krichels

November 14, 1996

Mr. William Latvis
Sisquisic Trail
Yarmouth, ME 04096

Mr. David Gardner
Everett J. Prescott, Inc.
P.O. Box Central Street
Gardner, ME 04345

RE: Jokers and E.J. Prescott Site Plan, Vicinity of 510 Warren Avenue

Dear Mr. Latvis and Mr. Gardner:

On November 12, 1996, the Portland Planning Board voted 6-0 (Cole absent) to approve the site plan for a proposed family entertainment center by Jokers II, Inc. and proposed site alterations for a warehouse/distribution center by Everett J. Prescott, Inc. The approval was granted for the project with the following condition(s):

- i. That the site plan be subject to review and approval by the Traffic Review Engineer as noted in a letter dated 11-12-96 from Tom Errico.
- ii. That the site plan be subject to review and approval by the Development Review Coordinator as noted in a letter dated 11-12-96 from Stephen Bushey.
- iii. That the site plan be revised reflecting the comments of the City Arborist to increase the width of the landscape buffer for the Prescott parcel by providing a 6 foot buffer along the Prescott - Jokers property line and a 12 foot buffer along Warren Avenue.
- iv. That no tree clearance shall take place within the turnpike adjacent to this site unless approved by the Maine Turnpike Authority and City Arborist.
- v. That the improvements related to miniature golf area, go-cart area and outside play area including the final location of structures and improvements shall be approved by the Planning Board.
- vi. That the lighting plan be revised for review and approval by planning staff.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #61-96, which is attached.

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. 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.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. 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 the Planning Staff.

Sincerely,


Cyrus Y. Hagge, Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Richard Knowland, Senior Planner
P. Samuel Hoffses, Chief of Building Inspections
Marge Schmuckal, Zoning Administrator



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Portland Planning Board

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LAND USE CONSULTANTS INC

September 9, 1997

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Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3019

C-2

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

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Vice President

DAK/pp

Enclosure

cc: Bill Latvis, Jokers Two, Inc.
Jim Gratello, Jokers Two, Inc.



LAND USE CONSULTANTS INC

September 9, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

C-3

Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Bill Latvis
Joker's Two, Inc.
510 Warren Avenue
Portland, ME 04103

Drainage Calculations for Miniature Golf Course, Jokers Two, Portland, Maine

Dear Bill:

As per your request to review the drainage impacts for the proposed miniature golf course for Jokers Two, Land Use Consultants, Inc. has performed preliminary calculations to verify the assumptions made to complete the stormwater management analysis required for your original site permit. As stated in the Stormwater Management Report dated 11/5/96, the runoff curve number for the mini-golf area was based on the assumption that the play area will be a composite of materials which is equivalent to 30 percent impervious and 70 percent materials similar to lawn. Our calculations confirm that this original assumption is valid and reasonable.

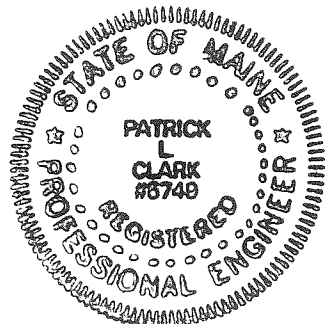
Based on the Golf-Course Layout Plan you provided, the total area of impervious surfaces including the ponds and watercourses for the mini-golf is 8,595-sq. ft. (0.197 acres). The golf play area used in the original calculations was 0.64 acres. This amounts to 30.8% impervious, which is consistent with the assumptions used in the original drainage calculations.

We feel that this comparison is somewhat conservative since the water surface is assumed to exhibit the same behavior as pavement or impervious surfaces. Although similar in the sense that 100% of rainfall impacted on the water surface will run off, there are additional benefits of runoff attenuation through the ponds as well as water quality benefits of settlement and filtering of particles and fines. As a result we feel that the proposed mini-golf area will not produce any additional drainage impacts with regard to the original Stormwater Management Report and will not require any additional measures to control runoff from this area.

Sincerely,


Patrick L. Clark, P. E.

PLC/pp





LAND USE CONSULTANTS INC

September 18, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3019

C-4

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.

Dear Rick:

I am following up on Jim Grattelo's 9/16/97 letter responding to your review comments. We have prepared a Revised Landscaping Plan of the mini-golf area which identifies plant materials by species and number. Locations are subject to change to suit the final course layout. Additional plantings may be added for ornamental purposes. (7 copies are attached.)

I have also enclosed a letter from Pat Clark, P. E. which addresses the issue of the surface runoff from the mini-golf area, a sketch showing general drainage patterns is included. (7 copies are enclosed.)

Additional color copies of the rendered plan of the course layout, a perspective sketch of landscaping as well as photos of similar courses are included (7 copies). Along with a copy of a letter from Dale Pierson regarding proposed changes to the overall site landscaping .

I trust this additional documentation addresses your concerns and will allow this project to go to the Board on schedule.

Please call me with any questions or comments.

Sincerely,

David A. Kamila, P. E.
Vice President

DAK/pp

Enclosure

cc: Bill Latvis, Jokers Two, Inc.
Jim Grattelo, Jokers Two, Inc.



LAND USE CONSULTANTS INC

September 18, 1997

C-5
J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.

Dear Rick:

Pursuant to your letter dated September 12, 1997 to Bill Latvis, of Jokers, regarding staff review comments concerning drainage of the mini-golf, I have included a Conceptual Drainage Sketch illustrating our understanding of how the area will drain.

As shown on the Sketch Plan, the area will generally be at or near existing grade in the vicinity of the lower pond reservoir with the west end of the mini-golf including the upper pond to be built-up in fill approximately 5 feet above existing grade. The site will step down from west to east toward the lower pond. The relative elevations of the individual play areas, walkways and greens have not been provided to Land Use Consultants, Inc. at this time. It is likely that the site will be constructed or sculpted by the mini-golf contractor based on site layout and experience with other similar projects based on a free-lance design to achieve the desired effects.

However, we have been assured by the owners that the site will basically drain internally similar to the Conceptual Grading Sketch, such that the runoff is self contained within the site and re-circulated from the pond reservoir to the upper pond.

Based on our understanding of the proposed drainage concept the addition of the mini-golf area should not increase runoff from the developed site and will not discharge excess runoff to the existing slope along Warren Avenue.

Please refer to the Conceptual Drainage Sketch enclosed for additional information. Please call if you need more information.

Sincerely,

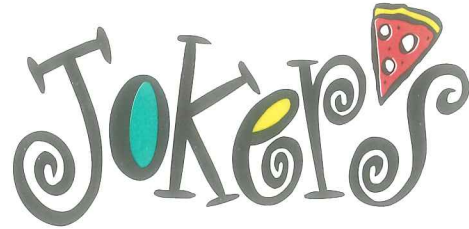


Patrick L. Clark, P. E.

PLC/pp

Enclosure: Conceptual Drainage Sketch

cc: Bill Latvis, Jokers Two, Inc.
Jim Grattelo, Jokers Two, Inc.



Richard Knowland
 City of Portland
 Planning & Urban Development
 389 Congress Street
 Portland, ME 04101

Dear Richard:

The following is a response to your comments regarding proposed revisions to the Joker's site plan.

Drainage: Dave Kamila from Land Use Consultants will be sending you a separate letter to address your concerns.

Exterior Lighting: The lighting fixtures will be the same type approved for our site. (Identical) The pole locations will be determined based on a light engineers final recommendations. The height will be the same as existing poles 22 ft. They will not face the street and all lights will have guards to direct light away from adjacent roadways if necessary. The only other lighting proposed is under water lights for color – not visible to roadways, etc.

Landscaping: Dave Kamila will address this issue in his memo to you. Also attached is an example of some of the landscaping we will include over and above the required amount.

Garage: This is not part of the miniature golf – it's for the future go cart track.

Detention basin: Done!

Structures: The lighthouse will be 6 ft. in dimensions at the bottom and 15 ft. high. The boat will be 30ft. long, 14 ft. wide and you'll see about 4 ft. of it above ground. The mast will be 15 ft. high. A small storage shed for clubs, balls, etc. will be built under our canopy 6 X 8, 9 ft high.

Finally I have included a color picture of the course, the landscaping and examples of the holes. I have 7 additional sets to be passed out on the 23rd unless you would like them sooner.

If you have any questions, please call me.

Sincerely,

Jim Grattelo
 President – Joker's, Inc.

Joker's
 2460 Lafayette Road
 Walmart Shopping Center
 Route 1
 Portsmouth, NH
 603-431-7770



LAND USE CONSULTANTS INC

September 18, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.

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Please call me with any questions or comments.

Sincerely,

David A. Kamila, P. E.
Vice President

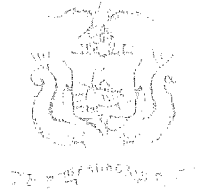
DAK/pp

Enclosure

cc: Bill Latvis, Jokers Two, Inc.
Jim Grattelo, Jokers Two, Inc.

*Rec'd
3/1/99
Gary*

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

March 1, 1999

Mr. Michael Quinn
Trade Services Department
Fleet Bank
1 Fleet Way
Scranton, PA 18507

RE: Letter of Credit PS1051341

Dear Mr. Quinn:

Please consider this a formal withdrawal of the City of Portland's call on the Letter of Credit No. PS1051341 issued by Fleet Bank and originally to expire on March 1, 1999. I understand by a FAX from you dated February 26, 1999 that this Letter of Credit has now been extended to May 31, 2000.

Thank you for your attention to this matter. I look forward to receiving from you the original Letters of Credit documents.

Sincerely,

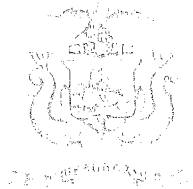
Penny Littell
Associate Corporation Counsel

cc: Joseph Gray, Director, Planning & Urban Development
Richard Knowland, Senior Planner
Jennifer Babcock, Finance

PL:meg
O:\WP\PENNY\LTRS\QUINN.LTR

Corporation Counsel

Gary C. Wood



CITY OF PORTLAND

Associate Counsel

Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

March 1, 1999

Mr. Michael Quinn
Trade Services Department
Fleet Bank
1 Fleet Way
Scranton, PA 18507

RE: Letter of Credit PS1051341

Dear Mr. Quinn:

Please consider this a formal withdrawal of the City of Portland's call on the Letter of Credit No. PS1051341 issued by Fleet Bank and originally to expire on March 1, 1999. I understand by a FAX from you dated February 26, 1999 that this Letter of Credit has now been extended to May 31, 2000.

Thank you for your attention to this matter. I look forward to receiving from you the original Letters of Credit documents.

Sincerely,

A handwritten signature in cursive script that reads "Penny Littell".

Penny Littell
Associate Corporation Counsel

cc: Joseph Gray, Director, Planning & Urban Development
Richard Knowland, Senior Planner
Jennifer Babcock, Finance

PL:meg
O:\WP\PENNY\LTRS\QUINN.LTR

Finance Department



Duane G. Kline
Director

CITY OF PORTLAND

October 18, 1999

Michael Quinn
Trade Services Department
Fleet Bank
1 Fleet Way
Scranton, PA 18507

Re: Letter of Credit PS1051341
Michael Savage, Applicant

Dear Mr. Quinn:

This is to inform you that I am authorizing the release and return of the above-named Letter of Credit. If you require any further information, please let me know.

Sincerely,

Duane G. Kline
Finance Director

pc: Joseph Gray, Director of Planning & Urban Development
Rick Knowland, Senior Planner



CITY OF PORTLAND

March 15, 1999

William Latvis
Jokers
512 Warren Ave.
Portland ME 04103

re: Joker's Site Plan, 510 Warren Ave.

Dear Bill:

This letter is intended to summarize the site inspection of the Joker's site that Lt. Robert Thompson (Fire Department) Jim Wendel (Development Review Coordinator), and I conducted on March 2, 1999.

Although the paved portion of the fire lane (Warren Ave. side of the building) is 16 feet, it was not set back four feet from the building as shown on the approved site plan. As a result, the turning radius for a fire truck is extremely tight. We have considered an alternative of changing the "approach" to the fire lane by eliminating some of the parking spaces, but we do not believe this is an acceptable alternative. Lt. Thompson has verified the size of the fire trucks likely to respond to a fire, and his comments are that these fire trucks would have great difficulty maneuvering into the fire lane (as presently constituted), and simply will not work.

One alternative that would be acceptable is a fire lane along the rear side of the building, where apparently tractor trailer deliveries take place. Lt. Thompson indicates that the fire lane would need to run from the parking lot edge to the back of the original building, a distance of about 100 feet. The fire lane will need to have a sufficient base of material to support a fire truck.

Whether the present soil conditions can support a fire truck is unknown. I looked at an aerial photo showing the original Grossman's building, and it appeared as though the area directly adjacent to the building was paved. But obviously this material has since been removed.

To resolve this issue, you will need to have a soil test conducted by a competent professional, indicating whether the existing soil can support a fire truck. If not, a fire lane needs to be constructed, with a gravel base ranging from 12 to 15 inches with appropriate provision for drainage. If you have any questions concerning the soil test or the gravel requirements, please call Jim Wendel at 775-1121.

From: Robert Thompson
To: AQJ, RWK
Date: Fri, Jan 8, 1999 7:47 AM
Subject: Jokers

Jokers has blocked the right side of the building where the plans show a fire access lane. The left side of the building has a path plowed around to the treeline of the turnpike. If they can show this area will support the load of fire apparatus, year round, this will satisfy our requirements as long as they are aware this is now the access lane and it must be maintained. I do question what the ground in this area will support when it is not frozen. Don't they plan on putting some other type of outdoor arcade on the left side of the building? Any questions, please call X8405

From: Robert Thompson
To: AQJ, RWK
Date: Fri, Jan 8, 1999 7:47 AM
Subject: Jokers

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PLANNING REPORT #34-97

**JOKERS FAMILY ENTERTAINMENT CENTER
510 WARREN AVENUE**

SITE PLAN REVISIONS

JOKERS II INC., APPLICANT

Submitted to:

**Portland Planning Board
Portland, Maine**

September 23, 1997

I. INTRODUCTION

Jokers II, Inc. requests approval for certain revisions to their site located in the vicinity of 510 Warren Avenue. The revision includes a miniature golf area and changes in landscaping. 145 notices were sent to area residents.

On November 12, 1996, the Board approved a site plan for a proposed family entertainment center by the Jokers. One of the conditions of approval required that the final location of structures and improvements for the golf area be subject to Planning Board review and approval. See Attachment A. An area was noted on the original plan as a future golf area but no improvements were shown.

Miniature Golf Area

The golf area improvements will be located between the existing Jokers parking lot and Warren Avenue. The golf facility encompasses an area of about 26,800 sq. ft. A layout of the golf holes and typical improvements are shown on Attachment B. A prominent feature of the course are two ponds and interconnecting streams. Some of the larger structures include a lighthouse (15 feet high, 6 feet wide at the bottom) and a boat (30 feet long, 14 feet wide, with a 15 foot high mast.) The facility will be enclosed in by a black vinyl chainlink fence. The course will be handicap accessible.

Comments from Jim Wendel regarding drainage issues will be available for Tuesday's meeting.

The plan indicates that a light fixture and pole (same type as in the parking lot) will be installed in the golf course although the location is not shown on the plan. Additional lighting within the ponds and waterways as well as the ship and lighthouse will be provided.

The original landscaping plan indicated 8 street trees along Warren Avenue. The applicant proposes to plant 4 trees instead with the remaining trees planted within the golf course. These trees will be supplemented by other plantings planned for the golf course.

Landscaping

The applicant is proposing to reduce the amount of landscaping within the landscaped islands of the existing parking lot. The original plan showed 2 trees at the ends of each parking aisle. The applicant proposes that two of the parking aisles (or 4 islands) will have one tree in each island instead of two. See Attachment D. In addition 3 trees will be eliminated from an extended island in the middle of the parking lot. Landscaping at this location helps to break up the large expanse of black top and to control cut through traffic. Several trees along the right hand side of the driveway will also be eliminated.

LANDSCAPING IS IMPORTANT. BLACK TOP AREA IS
2 ACRES IN SIZE. UNUSUAL HUNG, SHADOC, CLEARLY DELINEATE
ISLANDS TO CONTROL CUT THROUGH TRAFFIC

The Board should be aware that earlier in the summer, the Jokers requested a reduction in the amount of landscaping on the site. Planning staff response to this request (letter dated 7-28-97) is shown on Attachment E and below:

With respect to the landscaping changes, the substitution of understory materials within the islands is acceptable. We are very reluctant to approve the remaining revisions on the plan since the Planning Board will be reviewing the site plan at a later date. Nonetheless, we would feel comfortable reducing the number of street trees along Warren Avenue (westerly side of the driveway) from eight (8) to six (6) trees.

II. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and material submitted by the applicant and on the basis of information contained in Planning Report #34-97 relevant to the standards of Site Plan Review, the Board finds:

1. That the proposed revisions are in conformance with the Site Plan Ordinance of the Land Use Code.

Potential Condition of Approval:

- i. That the location and specifications of exterior lighting for the mini golf course be submitted for planning staff review and approval.

Attachments:

- A. Planning Board Approval Letter
- B. Site Plan/Golf Course Features
- C. Background Information
- D. Landscape Revisions
- E. Planning Staff Letter Dated 7-28-97

7-12-99

TO: FILE

FROM: RICK KNOWLAND

TALKED TO GAYLEN McDUGALL OF THE FIRE DEPT. TODAY. HE CONFIRMED THAT THE FIRE LANE ALONG THE FRONT SIDE OF THE BUILDING WAS OK AND THAT A FIRE TRUCK WAS ABLE TO MANUEVER IN. SINCE THE FIRE TRUCK WAS ABLE TO ACCEN THE FIRE LANE AS SHOWN ON THE ORIGINAL SITE PLAN, HE INDICATED THERE WAS NOT A NEED TO CHANGE THE SITE PLAN.

From: Rick Knowland
To: Gaylen McDougall
Date: Thu, Jul 8, 1999 9:27 AM
Subject: Re: joker's

Gaylen - Thanks for checking out the Jokers site. I'm assuming this e-mail constitutes your approval. My concern is there should be a revised site plan that shows where the new fire lane is located so it is clear for the record what we approved- to avoid future misunderstandings. Let me know about this.

>>> Gaylen McDougall 07/07 4:01 PM >>>

I went to Joker's this afternoon. The fire lane was accessible with a fire truck. We were able to drive in and connect to the sprinkler system. They will be installing a gate to the fire lane. Call me if you have any questions.

Mac

From: Gaylen McDougall
To: Rick Knowland
Date: Wed, Jul 7, 1999 4:01 PM
Subject: joker's

I went to Joker's this afternoon. The fire lane was accessible with a fire truck. We were able to drive in and connect to the sprinkler system. They will be installing a gate to the fire lane. Call me if you have any questions.

Mac



CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME 04101

RE: DRAWING UNDER LETTER OF CREDIT NO. PS1051341
IN THE AMOUNT OF \$5,000.00 DATED FEBRUARY 24, 1999

FEBRUARY 26, 1999

GENTLEMEN:

UPON REVIEW OF DOCUMENTS PRESENTED FOR PAYMENT UNDER OUR LETTER OF CREDIT NUMBER PS1051341, WE HEREBY CITE THE FOLLOWING DISCREPANCIES:

- 1. SIGHT DRAFT PRESENTED IN INCORRECT FORMAT

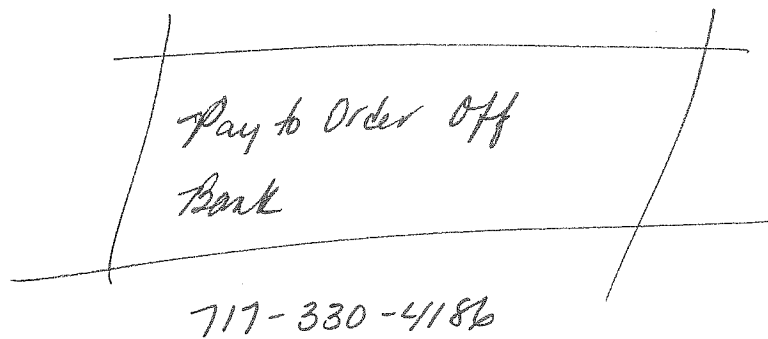
WE HAVE SINCE EXTENDED THE VALIDITY OF THIS LETTER OF CREDIT TO MAY 31, 2000. PLEASE NOTIFY THIS OFFICE OF YOUR ELECTION TO RESCIND SAID DRAWING AS SOON AS POSSIBLE. OTHERWISE, PLEASE CORRECT DOCUMENTS FOR RE-PRESENTATION.

DOCUMENTS ARE BEING HELD AT YOUR DISPOSAL.

IF YOU HAVE CONCERNS REGARDING THIS MATTER, FEEL FREE TO CONTACT MYSELF AT (717) 330-4216.

SINCERELY


MICHAEL J. QUINN
FLEET BANK OF MAINE


Pay to Order Off
Bank
717-330-4186

DATE OF AMENDMENT: FEBRUARY 26, 1999

AMENDMENT TO LETTER OF CREDIT NO.:
PS1051341
DATE OF ISSUE: NOVEMBER 27, 1996

ISSUING BANK:
FLEET BANK OF MAINE
A MEMBER OF FLEET FINANCIAL GROUP
ONE CITY CENTER
PORTLAND ME 04101

APPLICANT:
MICHAEL SAVAGE
21 COVESIDE RD.
CUMBERLAND FORESIDE, ME 04110

BENEFICIARY:
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

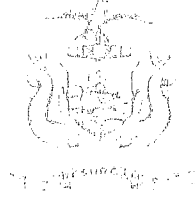
THE DATE OF EXPIRY IS AMENDED TO MAY 31, 2000.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.


AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 1 PAGE(S).

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

February 24, 1999

Michael Evans
C/o Trade Service Operations
Fleet Bank
One Fleet Way
Scranton, Pennsylvania
18507

Re: Call of Standby Letter of Credit No. PS1051341
Date of Issue: 11/27/96

Dear Mr. Evans:

Thank you very much for speaking with me on Thursday and providing information relative to the process Fleet Bank following its receipt of a call on a Letter of Credit. You were very helpful to me.

Enclosed please find several documents submitted by the City of Portland, Maine to facilitate drawing down the above Letter of Credit. As we discussed and you should be aware that Mr. Savage may be contacting you to extend this Letter of Credit.

For your review I attach:

1. A letter from the City's Director of Planning and Urban Development, Joseph E. Gray, Jr. calling the Letter of Credit; and
2. An affidavit from the city's Director of Planning and Urban Development; and
3. The original Letter of Credit and the Amendment thereto.

I trust you have all the information you need. As I indicated I expect to be able to work this matter out with the developer but given the timing, the City was left with no choice but to call the Letter of Credit.

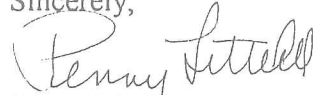
Moreover, at your suggestion I am sending these documents directly to you and will copy the folks at your Charlestown, Massachusetts office.

O:\WPAPENNYALTRS\levans1.doc

10-25-10966283 5-348N

I would appreciate a call from you when you receive this information. My number is noted on my letterhead.

Sincerely,



Penny Littell

Assistant Corporation Counsel

Cc: Joseph Gray ✓

Gary Wood

Richard Knowland

Trade Services Operations. MA ML SFTINT-S, P.O.Box 2197, Boston, Ma.02106-2197

SIGHT DRAFT

Standby Letter of Credit – Fleet Bank

No. PS1051341, d/o/issue 11/27/96

Michael Savage, Applicant
City of Portland, Portland, Maine, Beneficiary

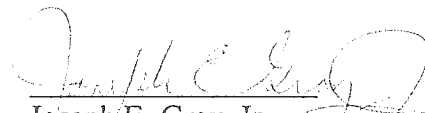
Expiration Date 3/2/99

Please be advised that the City of Portland, Portland, Maine hereby draws upon the full amount of the Standby Letter of Credit, issued to the City of Portland by Fleet Bank of Maine, on behalf of Michael Savage, and in conjunction with the latter's development of Jokers Two, 510 Warren Avenue, Portland, Maine. The remaining amount of the Letter of Credit is five thousand dollars (\$5,000.00).

The City of Portland draws on this Letter of Credit for the following reasons:

1. The applicant has failed to post a ten percent (10%) defect bond or guarantee with the City of Portland in conjunction with his development of Jokers Two; and
2. The applicant has failed to complete by December 2, 1998 and/or March 2, 1999 work on the roads and other public improvements set forth on the site plan for Jokers Two approved by the City of Portland, Portland, Maine.

Dated this 24th day of February, 1999.



Joseph E. Gray, Jr.
Director of Planning and
Urban Development, City of Portland

AFFIDAVIT

Joseph E. Gray, Jr.
Director of Planning and Urban Development

Re:

Standby Letter of Credit – Fleet Bank
No. PS1051341, d/o/issue 11/27/96
Michael Savage, Applicant
City of Portland, Portland, Maine, Beneficiary
Expiration Date 3/2/99

I, Joseph E. Gray, Jr, do under oath depose and say:

I am Joseph E. Gray, Jr. and I am the Director of Planning and Urban Development for the City of Portland, Maine.

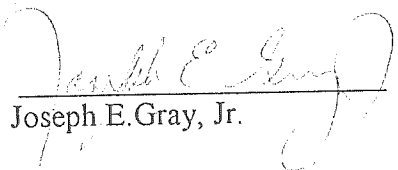
In my capacity as Director of Planning and Urban Development, I am responsible for ensuring all permitted work done in the City is performed according to approved plans and standards and to ensure all performance and defect guarantees are posted with the City in timely fashion.

Based on my personal knowledge, applicant Michael Savage, developer of Jokers Two at 510 Warren Avenue, Portland, Maine has failed to :

- 1 Post a ten percent (10%) defect bond or guarantee for his project at 510 Warren Avenue, Portland, Maine; and
- 2 Complete work on the roads and other public improvements as noted on the Site Plan for 510 Warren Ave (Jokers Two) as approved by the Portland Planning Board.

The above information is based on my knowledge and information and where based on information, I believe the same to be true.

Dated this 24th day of February, 1999.


Joseph E. Gray, Jr.

STATE OF MAINE)
) ss
County of Cumberland)

Dated: 2/24/99

Personally appeared the above-named Joseph E. Gray and gave oath that the foregoing statements made by him are true to the best of his knowledge, information and belief, and where based upon information and belief, he believes the same to be true.

Before me,

Penny Littell, Attorney-at-Law

DATE OF AMENDMENT: JANUARY 6, 1999

AMENDMENT TO LETTER OF CREDIT NO.:
PS1051341
DATE OF ISSUE: NOVEMBER 27, 1996

ISSUING BANK:
FLEET BANK OF MAINE
MEMBER OF FLEET FINANCIAL GROUP
100 CITY CENTER
PORTLAND ME 04101

APPLICANT:
MICHAEL SAVAGE
21 COVESIDE RD.
CUMBERLAND FORESIDE, ME 04110

BENEFICIARY:
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE AMOUNT OF THIS CREDIT HAS BEEN DECREASED BY USD 30,690.00
THE AMOUNT OF THE CREDIT ISSUED NOW TOTALS UP TO USD 5,000.00

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

IN ACCORDANCE WITH ARTICLE 9, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION 500,
WE REQUIRE YOUR IMMEDIATE INDICATION OF APPROVAL OR REJECTION IN WRITING BY
SIGNING AND RETURNING A COPY OF THIS AMENDMENT.



AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 1 PAGE(S).

DATE OF AMENDMENT: AUGUST 22, 1997

AMENDMENT TO LETTER OF CREDIT NO.:
PS1051341
DATE OF ISSUE: NOVEMBER 27, 1996

ISSUING BANK:
LEET BANK OF MAINE
MEMBER OF FLEET FINANCIAL GROUP
ONE CITY CENTER
PORTLAND ME 04101

APPLICANT:
MICHAEL SAVAGE
21 COVESIDE RD.
CUMBERLAND FORESIDE, ME 04110

BENEFICIARY:
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE AMOUNT OF THIS CREDIT HAS BEEN DECREASED BY USD 73,290.00
THE AMOUNT OF THE CREDIT ISSUED NOW TOTALS UP TO USD 35690.00

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

IN ACCORDANCE WITH ARTICLE 9, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION 500,
WE REQUIRE YOUR IMMEDIATE INDICATION OF APPROVAL OR REJECTION IN WRITING BY
SIGNING AND RETURNING A COPY OF THIS AMENDMENT.



AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 1 PAGE(S).

approved pursuant to § 14-525
Natalie L. Burns (s)
assoc. Corp. Counsel

Joseph E. [unclear] 12/6/04
[unclear] [unclear] [unclear]

FOIL TOKENS SITE PLAN
550 WARREN AVE.

James [unclear]



Mailing Address:
Trade Services Operations
MA ML SFTINT
P.O. Box 2197
Boston, MA 02106-2197

STANDBY LETTER OF CREDIT NO. FS1051341
DATE OF ISSUE: NOVEMBER 27, 1996

ISSUING BANK:
FLEET BANK OF MAINE
MEMBER FLEET FINANCIAL GROUP
CITY CENTER
PORTLAND ME 04101

APPLICANT:
MICHAEL SAVAGE
21 COVESIDE RD.
CUMBERLAND FORESIDE, ME 04110

BENEFICIARY:
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME

AMOUNT/CURRENCY:
UP TO USD 108,980.00
UP TO ONE HUNDRED EIGHT THOUSAND NINE
HUNDRED EIGHTY AND 00/100'S US DOLLARS

DATE AND PLACE OF EXPIRY:
MARCH 2, 1999 AT THE ISSUING BANK

REFERENCE TO PROJECT NAME JOKERS TWO LOCATED AT 510 WARREN AVENUE,
PORTLAND, MAINE.

ATTENTION:

FLEET BANK OF MAINE HEREBY ISSUES ITS IRREVOCABLE LETTER OF CREDIT
ON THE ACCOUNT OF MICHAEL SAVAGE AS DEVELOPER, HEREINAFTER REFERRED
TO AS THE DEVELOPER, IN THE NAME OF THE CITY OF PORTLAND IN THE
TOTAL AMOUNT OF \$108,980.00 (ONE HUNDRED EIGHT THOUSAND NINE
HUNDRED EIGHTY AND 00/100 US DOLLARS).

THE CITY MAY DRAW ON THE LETTER OF CREDIT BY PRESENTATION OF A SIGHT
DRAFT AT FLEET BANK OF MAINE, C/O FLEET SERVICES CORPORATION,
100 MAIN STREET, CHARLESTOWN, MA 02129 IN THE EVENT THAT THE DEVELOPER
FAILS TO COMPLETE BY MARCH 2, 1999 OR BY THE EXPIRATION DATE OF ANY
TEMPORARY CERTIFICATE OF OCCUPANCY ISSUED, WHICHEVER DATE COMES FIRST, AT
THE DEVELOPER'S EXPENSE, THE WORK ON THE ROADS AND OTHER PUBLIC IMPROVEMENTS
SET FORTH ON THE APPROVED SITE PLAN/SUBDIVISION PLANS OR IN THE EVENT THE
DEVELOPER FAILS TO POST THE TEN PERCENT (10%) DEFECT BOND OR GUARANTEE
REFERRED BELOW. SAID SIGHT DRAFT SHALL BE ACCOMPANIED BY A WRITTEN STATEMENT
FROM THE CITY'S DIRECTOR OF PARKS AND PUBLIC WORKS OR DIRECTOR OF PLANNING AND
URBAN DEVELOPMENT STATING THAT THE SAID TEN PERCENT (10%) DEFECT BOND
OR GUARANTEE HAS NOT BEEN FILED WITH THE CITY OR STATING THAT THE



Mailing Address:
 Trade Services Operations
 MA ML SFTINT
 P.O. Box 2197
 Boston, MA 02106-2197

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: PS1051341

DEVELOPER HAS FAILED TO COMPLETE SUCH WORK.

IN THE EVENT OF FLEET BANK OF MAINE'S DISHONOR OF THE CITY OF PORTLAND'S
 NIGHT DRAFT AND ACCOMPANYING AFFIDAVIT, FLEET BANK OF MAINE SHALL INFORM THE
 CITY OF PORTLAND IN WRITING OF THE REASON OR REASONS THEREFOR WITHIN
 THREE (3) WORKING DAYS OF THE DISHONOR.

FOR INFORMATION PURPOSES ONLY; THE DEVELOPER WILL NOTIFY THE CITY
 OF PORTLAND FOR INSPECTIONS AFTER ALL UNDERGROUND WORK IN THE PUBLIC
 NIGHT RIGHT OF WAY HAS BEEN COMPLETED AND INSPECTED TO THE SATISFACTION
 OF THE DEPARTMENT OF PUBLIC WORKS, INCLUDING BUT NOT LIMITED TO SANITARY SEWERS,
 STORM DRAINS, CATCH BASINS, MANHOLES AND OTHER REQUIRED IMPROVEMENTS
 AS INSTRUCTED CHIEFLY BELOW GRADE, FLEET BANK OF MAINE SHALL BE
 ELIGIBLE TO RECEIVE A REDUCTION IN ITS OBLIGATIONS HEREUNDER EQUAL TO
 THE ESTIMATED COST OF IMPROVEMENTS, PROVIDED THAT THE TOTAL
 VALUE OF THE IMPROVEMENTS FOR WHICH A REDUCTION
 IS SOUGHT SHALL BE AT LEAST TWO HUNDRED THOUSAND DOLLARS (\$200,000)
 OR FIFTY PERCENT (50%) OF THE TOTAL AMOUNT OF THIS LETTER OF CREDIT,
 WHICHEVER IS LESS. IN NO CASE, HOWEVER, SHALL THE OBLIGATIONS OF
 FLEET BANK OF MAINE HEREUNDER BE REDUCED TO AN AMOUNT WHICH
 IS LESS THAN THE ESTIMATED COST OF COMPLETING ALL PRESCRIBED
 IMPROVEMENTS AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS,
 PLUS TEN PERCENT (10%) OF THE INITIAL AMOUNT OF THIS LETTER OF CREDIT.
 THIS LETTER OF CREDIT WILL AUTOMATICALLY EXPIRE ON MARCH 2, 1999 BUT
 MAY EXPIRE PRIOR TO THIS DATE WHEN THE CITY OF PORTLAND ACKNOWLEDGES
 IN WRITING TO FLEET BANK OF MAINE AND THE DEVELOPER THAT SAID WORK
 DESCRIBED HAS BEEN COMPLETED IN ACCORDANCE WITH CITY OF PORTLAND
 SPECIFICATIONS, WHEN THE DEVELOPER HAS GIVEN THE CITY OF PORTLAND
 ALL REQUIRED WARRANTY DEEDS TO PROPERTY WITHIN STREETS WHICH ARE TO BE
 DEDICATED TO THE CITY OF THE PORTLAND, AND WHEN THE DEVELOPER HAS FILED
 WITH THE CITY OF PORTLAND A TEN PERCENT (10%) DEFECT BOND OR GUARANTEE
 OR OTHER SECURITY ACCEPTABLE TO THE CITY OF PORTLAND) INSURING THE
 WORKMANSHIP AND THE DURABILITY OF ALL MATERIALS USED IN THE CONSTRUCTION
 OF THE PUBLIC IMPROVEMENTS LISTED, FOR A PERIOD OF ONE YEAR FROM THE
 DATE OF THE ACCEPTANCE OR APPROVAL OF SUCH IMPROVEMENTS BY THE
 CITY OF PORTLAND.

WE ENGAGE WITH YOU THAT DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE
 TERMS OF THIS CREDIT WILL BE DULY HONORED. HOWEVER, OTHER THAN THE
 PAYMENT OF MONIES AS AUTHORIZED HEREUNDER, FLEET BANK OF MAINE
 DOES NOT GUARANTEE THE PERFORMANCE OF THE DEVELOPER TO THE CITY
 OF PORTLAND.

ALL COMMUNICATIONS WITH RESPECT TO THIS LETTER OF CREDIT SHALL BE IN WRITING AND
 SHALL BE ADDRESSED TO US,
 EITHER BY REGISTERED MAIL; OR IF BY COURIER;

FLEET SERVICES CORP.	FLEET SERVICES CORP.
MA ML SFTINT-S	MA ML SFTINT-S
P.O. BOX 2197	529 MAIN STREET
BOSTON, MA 02106-2197	CHARLESTOWN, MA 02129



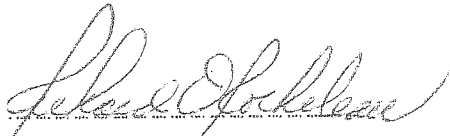
Mailing Address:
Trade Services Operations
MA ML SFTINT
P.O. Box 5197 3
Boston, MA 02106-2197

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: PS1051341

ATTN: TRADE SERVICES ATTN: TRADE SERVICES

SPECIFICALLY REFERRING TO THE NUMBER OF THIS LETTER OF CREDIT.

(EXCEPT AS OTHERWISE EXPRESSLY STATED HEREIN, THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1993 REVISION, INTERNATIONAL CHAMBER OF COMMERCE, PUBLICATION NUMBER 500) AND ENGAGES US IN ACCORDANCE WITH ITS TERMS.


AUTHORIZED SIGNATURE


AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 3 PAGE(S).





Mailing Address:
Trade Services Operations
MA ML SFTINT
P.O. Box 2197
Boston, MA 02106-2197

DATE OF AMENDMENT: DECEMBER 4, 1996

AMENDMENT TO LETTER OF CREDIT NO.:
PS1051341
DATE OF ISSUE: NOVEMBER 27, 1996

ISSUING BANK:
FLEET BANK OF MAINE
MEMBER FLEET FINANCIAL GROUP
400 CITY CENTER
PORTLAND ME 04101

APPLICANT:
MICHAEL SAVAGE
21 COVESIDE RD.
CUMBERLAND FORESIDE, ME 04110

BENEFICIARY:
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE FOLLOWING CONDITION HAS BEEN CHANGED:

THE CITY MAY DRAW ON THE LETTER OF CREDIT BY PRESENTATION OF A SIGHT DRAFT AT FLEET BANK OF MAINE, C/O FLEET SERVICES CORPORATION, 99 MAIN STREET, CHARLESTOWN, MA 02129 IN THE EVENT THAT THE DEVELOPER FAILS TO COMPLETE BY DECEMBER 2, 1998 OR BY THE EXPIRATION DATE OF ANY TEMPORARY CERTIFICATE OF OCCUPANCY ISSUED, WHICHEVER DATE COMES FIRST, AT THE DEVELOPER'S EXPENSE, THE WORK ON THE ROADS AND OTHER PUBLIC IMPROVEMENTS SET FORTH ON THE APPROVED SITE PLAN/SUBDIVISION PLANS OR IN THE EVENT THE DEVELOPER FAILS TO POST THE TEN PERCENT (10%) DEFECT BOND OR GUARANTEE REFERENCED BELOW, SAID SIGHT DRAFT SHALL BE ACCOMPANIED BY A WRITTEN STATEMENT FROM THE CITY'S DIRECTOR OF PARKS AND PUBLIC WORKS OR DIRECTOR OF PLANNING AND URBAN DEVELOPMENT STATING THAT THE SAID TEN PERCENT (10%) DEFECT BOND OR GUARANTEE HAS NOT BEEN FILED WITH THE CITY OR STATING THAT THE DEVELOPER HAS FAILED TO COMPLETE SUCH WORK.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

IN ACCORDANCE WITH ARTICLE 9, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION 500, WE REQUIRE YOUR IMMEDIATE INDICATION OF APPROVAL OR REJECTION IN WRITING BY SIGNING AND RETURNING A COPY OF THIS AMENDMENT.



Mailing Address:
Trade Services Operati
MA ML SFTINT
P.O. Box 2197
Boston, MA 02106-219

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT/ADVICE NUMBER: PS1051341

AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 2 PAGE(S).

City of Portland Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 2-26-99

To: JIM WENDEL

From: RICK KNOWLAND

Fax: 879-0896

Re: ATTACHED ARE THE SITE PLANS FOR THE
JOKER. SEE YOU ON THE SITE ON
TUESDAY, MARCH 2 AT 1:00

RK

YOU SHOULD RECEIVE _____ PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 or 207-874-8719.

CITY OF PORTLAND, MAINE
PLANNING BOARD

Cyrus Y. Hagge, Chair
John H. Carroll, Vice Chair
Kenneth M. Cole III
Jaimey Caron
Kevin McQuinn
Deborah Krichels
Erin Rodriguez

September 24, 1997

Jim Grattelo
Jokers
Walmart Shopping Center
Route 1
Portsmouth NH

RE: Jokers Site Plan, **Vicinity of 510 Warren Avenue**

Dear Mr. Grattelo:

On September 23, 1997, the Portland Planning Board voted 6-0 (McQuinn absent) to approve the site plan for a miniature golf area on the Jokers family entertainment center site in the vicinity of 510 Warren Avenue. The approval was granted for the project with the following conditions:

- i. That the location and specifications of exterior lighting for the mini-golf course be submitted for planning staff review and approval following construction of the course.
- ii. That all the trees in the parking lot shall remain as detailed on the original site plan excluding the two trees along the driveway which shall be incorporated in the mini-golf area.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #61-96, which is attached.

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. 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.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. 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.

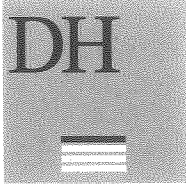
If there are any questions, please contact the Planning Staff.

Sincerely,



Cynus Y. Hagge, Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Richard Knowland, Senior Planner
P. Samuel Hoffses, Chief of Building Inspections
Marge Schmuckal, Zoning Administrator
Kathi Staples PE, City Engineer
Development Review Coordinator
William Bray, Deputy Director of Public Works
Jeff Tarling, City Arborist
Natalie Burns, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Mary Gresik, Building Permit Secretary
Kathleen Brown, Assistant Director of Economic Development
Susan Doughty, Assessor's Office
Approval Letter File
William Latvis, Sisquisic Trail, Yarmouth ME 04096



DeLUCA-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

To: Rick Knowland, Senior Planner
Code Enforcement

From: James T. Wendel, PE, Development Review Coordinator

Date: December 28, 1998

Re: Performance Bond Reduction Request
Joker's
510 Warren Avenue

On December 23, 1998 a site visit was made to review the completion of the project; my comments are:

1. The required landscaping along Warren Avenue has not been completed. The landscaping within the parking field has been completed except for the landscaping abutting the south end of the building. This area appears to be part of the go-kart track infrastructure, which has not been constructed.
2. Because of the construction of the miniature golf course, access to the original dumpster area has been blocked off; consequently the dumpster has been relocated adjacent to the parking field just south of the building. It has no fence enclosure and is in clear view of all patrons.
3. The original paved area to the dumpster was also intended for fire access to the rear of the building; it appears that fire access to the rear of the building is now blocked by a fence for the miniature golf course. Recommend that the fire department review this condition for acceptability.
4. A review of the files appears to indicate that the performance guaranty is currently at \$35,690.00; this amount is noted in a letter from you to Tom Milligan dated July 28, 1997. Confirmation of this amount as the current sum is needed.

Should you have any questions, please call.

1351.03/1350.10disk#9/jokers

Finance Department

Duane G. Kline
Director



CITY OF PORTLAND

December 29, 1998

Ms. Irene Lambert
Fleet Services Corporation
MA ML SFTINT-S
P.O. Box 2197
Boston, MA 02106-2197

RE: Standby Letter of Credit No. PS1051341, dated November 27, 1996
Michael Savage, Applicant - 510 Warren Avenue, Portland, ME Project

Dear Ms. Lambert:

This is to inform you that I am authorizing the reduction of the above-named letter of credit to the amount of \$5,000.00. All other terms of the letter of credit shall remain the same.

If you require any further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Kline", is written over the typed name.

Duane G. Kline
Finance Director

DGK/tbd

pc: Joseph Gray, Director of Planning & Urban Development
Richard Knowland, Senior Planner



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Duane Kline, Finance Department

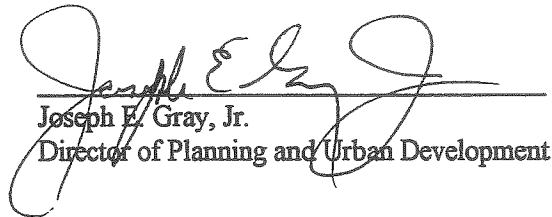
FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

DATE: December 23, 1998

RE: Request for Reduction in Performance Guarantee
Joker's, 510 Warren Avenue

A request by Joker's has been made for a reduction of the performance guarantee amount to \$5,000.

Approved:


Joseph E. Gray, Jr.
Director of Planning and Urban Development

Should you have any questions concerning this memo, please call Rick Knowland.

cc: Alexander Jaegerman, Chief Planner
Richard Knowland, Senior Planner
Jim Wendel, Development Review Coordinator



CITY OF PORTLAND

January 11, 1999

Mr. William Latvis
Joker's
510 Warren Ave.
Portland ME 04103

re: Joker's, 510 Warren Avenue

Dear Mr. Latvis:

It has recently come to our attention that the fire lane along the front side of the Joker's facility has been blocked by a fence. The site plan approved by the Planning Board anticipated an open 16-foot fire lane along the front side of the building. A gate was not shown on the plan.

This situation needs to be addressed immediately. There are several alternatives to address this:

- (1) Remove the gate.
- (2) Install a Knox box key system with a gate.
- (3) Install another fire lane at an acceptable location.

Please contact me ASAP about what solution you will be using to address this issue.

Should you have any questions on this letter, please call me.

Sincerely,

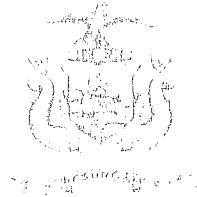
A handwritten signature in cursive script, appearing to read "Richard Knowland".

Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Michael Nugent, Manager of Inspection Services
Lt. Robert Thompson, Fire Department
Jim Wendel, DeLuca-Hoffman

O:\PLAN\CORRESP\RICK\LETTERS\LATVIS.LEC

Corporation Counsel
Gary C. Wood



Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

CITY OF PORTLAND

February 24, 1999

Michael Evans
C/o Trade Service Operations
Fleet Bank
One Fleet Way
Scranton, Pennsylvania
18507

Re: Call of Standby Letter of Credit No. PS1051341
Date of Issue: 11/27/96

Dear Mr. Evans:

Thank you very much for speaking with me on Thursday and providing information relative to the process Fleet Bank following its receipt of a call on a Letter of Credit. You were very helpful to me.

Enclosed please find several documents submitted by the City of Portland, Maine to facilitate drawing down the above Letter of Credit. As we discussed and you should be aware that Mr. Savage may be contacting you to extend this Letter of Credit.

For your review I attach:

1. A letter from the City's Director of Planning and Urban Development, Joseph E. Gray, Jr. calling the Letter of Credit; and
2. An affidavit from the city's Director of Planning and Urban Development; and
3. The original Letter of Credit and the Amendment thereto.

I trust you have all the information you need. As I indicated I expect to be able to work this matter out with the developer but given the timing, the City was left with no choice but to call the Letter of Credit.

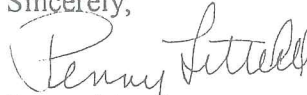
Moreover, at your suggestion I am sending these documents directly to you and will copy the folks at your Charlestown, Massachusetts office.

O:\WP\PENNY\LTRS\evans1.doc

10-25-10966283 5-348N

I would appreciate a call from you when you receive this information. My number is noted on my letterhead.

Sincerely,



Penny Littell

Assistant Corporation Counsel

Cc: Joseph Gray

Gary Wood

Richard Knowland

Trade Services Operations. MA ML SFTINT-S, P.O.Box 2197, Boston, Ma.02106-2197

SIGHT DRAFT

Standby Letter of Credit – Fleet Bank

No. PS1051341, d/o/issue 11/27/96

Michael Savage, Applicant
City of Portland, Portland, Maine, Beneficiary

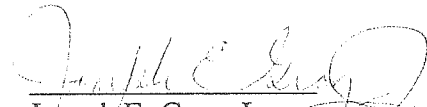
Expiration Date 3/2/99

Please be advised that the City of Portland, Portland, Maine hereby draws upon the full amount of the Standby Letter of Credit, issued to the City of Portland by Fleet Bank of Maine, on behalf of Michael Savage, and in conjunction with the latter's development of Jokers Two, 510 Warren Avenue, Portland, Maine. The remaining amount of the Letter of Credit is five thousand dollars (\$5,000.00).

The City of Portland draws on this Letter of Credit for the following reasons:

1. The applicant has failed to post a ten percent (10%) defect bond or guarantee with the City of Portland in conjunction with his development of Jokers Two; and
2. The applicant has failed to complete by December 2, 1998 and/or March 2, 1999 work on the roads and other public improvements set forth on the site plan for Jokers Two approved by the City of Portland, Portland, Maine.

Dated this 24th day of February, 1999.


Joseph E. Gray, Jr.
Director of Planning and
Urban Development, City of Portland

AFFIDAVIT

Joseph E. Gray, Jr.
Director of Planning and Urban Development

Re:

Standby Letter of Credit – Fleet Bank
No. PS1051341, d/o/issue 11/27/96
Michael Savage, Applicant
City of Portland, Portland, Maine, Beneficiary
Expiration Date 3/2/99

I, Joseph E. Gray, Jr, do under oath depose and say:

I am Joseph E. Gray, Jr. and I am the Director of Planning and Urban Development for the City of Portland, Maine.

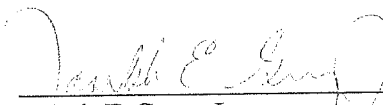
In my capacity as Director of Planning and Urban Development, I am responsible for ensuring all permitted work done in the City is performed according to approved plans and standards and to ensure all performance and defect guarantees are posted with the City in timely fashion.

Based on my personal knowledge, applicant Michael Savage, developer of Jokers Two at 510 Warren Avenue, Portland, Maine has failed to :

- 1 Post a ten percent (10%) defect bond or guarantee for his project at 510 Warren Avenue, Portland, Maine; and
- 2 Complete work on the roads and other public improvements as noted on the Site Plan for 510 Warren Ave (Jokers Two) as approved by the Portland Planning Board.

The above information is based on my knowledge and information and where based on information, I believe the same to be true.

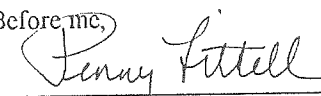
Dated this 24th day of February, 1999.


Joseph E. Gray, Jr.

STATE OF MAINE)
) ss
County of Cumberland)

Dated: 2/24/99

Personally appeared the above-named Joseph E. Gray and gave oath that the foregoing statements made by him are true to the best of his knowledge, information and belief, and where based upon information and belief, he believes the same to be true.

Before me,

Penny Littell, Attorney-at-Law

DATE OF AMENDMENT: JANUARY 6, 1999

AMENDMENT TO LETTER OF CREDIT NO.:
FS1051341
DATE OF ISSUE: NOVEMBER 27, 1996

ISSUING BANK:
FLEET BANK OF MAINE
MEMBER OF FLEET FINANCIAL GROUP
1000 E CITY CENTER
PORTLAND ME 04101

APPLICANT:
MICHAEL SAVAGE
21 COVESIDE RD.
CUMBERLAND FORESIDE, ME 04110


BENEFICIARY:
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE AMOUNT OF THIS CREDIT HAS BEEN DECREASED BY USD 30,690.00
THE AMOUNT OF THE CREDIT ISSUED NOW TOTALS UP TO USD 5,000.00

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

IN ACCORDANCE WITH ARTICLE 9, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION 500,
WE REQUIRE YOUR IMMEDIATE INDICATION OF APPROVAL OR REJECTION IN WRITING BY
SIGNING AND RETURNING A COPY OF THIS AMENDMENT.



AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 1 PAGE(S).

DATE OF AMENDMENT: AUGUST 22, 1997

AMENDMENT TO LETTER OF CREDIT NO.:
PS1051341
DATE OF ISSUE: NOVEMBER 27, 1996

ISSUING BANK:
LEET BANK OF MAINE
MEMBER OF FLEET FINANCIAL GROUP
ONE CITY CENTER
PORTLAND ME 04101

APPLICANT:
MICHAEL SAVAGE
21 COVESIDE RD.
CUMBERLAND FORESIDE, ME 04110

BENEFICIARY:
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE AMOUNT OF THIS CREDIT HAS BEEN DECREASED BY USD 73,290.00
THE AMOUNT OF THE CREDIT ISSUED NOW TOTALS UP TO USD 35690.00

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

IN ACCORDANCE WITH ARTICLE 9, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION 500,
WE REQUIRE YOUR IMMEDIATE INDICATION OF APPROVAL OR REJECTION IN WRITING BY
SIGNING AND RETURNING A COPY OF THIS AMENDMENT.



AUTHORIZED SIGNATURE

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Mailing Address:
 Trade Services Operations
 MA ML SFTINT
 P.O. Box 2197
 Boston, MA 02106-2197

STANDBY LETTER OF CREDIT NO. FS1051341
 DATE OF ISSUE: NOVEMBER 27, 1996

ISSUING BANK:
 FLEET BANK OF MAINE
 MEMBER FLEET FINANCIAL GROUP
 100 CITY CENTER
 PORTLAND ME 04101

APPLICANT:
 MICHAEL SAVAGE
 21 COVESIDE RD.
 CUMBERLAND FORESIDE, ME 04110

BENEFICIARY:
 CITY OF PORTLAND
 369 CONGRESS ST.
 PORTLAND, ME

AMOUNT/CURRENCY:
 UP TO USD 108,980.00
 UP TO ONE HUNDRED EIGHT THOUSAND NINE
 HUNDRED EIGHTY AND 00/100'S US DOLLARS

DATE AND PLACE OF EXPIRY:
 MARCH 2, 1999 AT THE ISSUING BANK

REFERENCE TO PROJECT NAME JOKERS TWO LOCATED AT 510 WARREN AVENUE,
 PORTLAND, MAINE.

ATTENTION:

FLEET BANK OF MAINE HEREBY ISSUES ITS IRREVOCABLE LETTER OF CREDIT
 IN THE ACCOUNT OF MICHAEL SAVAGE AS DEVELOPER, HEREINAFTER REFERRED
 TO AS THE DEVELOPER, IN THE NAME OF THE CITY OF PORTLAND IN THE
 AGGREGATE AMOUNT OF \$108,980.00 (ONE HUNDRED EIGHT THOUSAND NINE
 HUNDRED EIGHTY AND 00/100 US DOLLARS).

THE CITY MAY DRAW ON THE LETTER OF CREDIT BY PRESENTATION OF A SIGHT
 DRAFT AT FLEET BANK OF MAINE, C/O FLEET SERVICES CORPORATION,
 100 MAIN STREET, CHARLESTOWN, MA 02129 IN THE EVENT THAT THE DEVELOPER
 FAILS TO COMPLETE BY MARCH 2, 1999 OR BY THE EXPIRATION DATE OF ANY
 TEMPORARY CERTIFICATE OF OCCUPANCY ISSUED, WHICHEVER DATE COMES FIRST, AT
 THE DEVELOPER'S EXPENSE, THE WORK ON THE ROADS AND OTHER PUBLIC IMPROVEMENTS
 SET FORTH ON THE APPROVED SITE PLAN/SUBDIVISION PLANS OR IN THE EVENT THE
 DEVELOPER FAILS TO POST THE TEN PERCENT (10%) DEFECT BOND OR GUARANTEE
 REFERRED TO BELOW, SAID SIGHT DRAFT SHALL BE ACCOMPANIED BY A WRITTEN STATEMENT
 FROM THE CITY'S DIRECTOR OF PARKS AND PUBLIC WORKS OR DIRECTOR OF PLANNING AND
 ZONING DEVELOPMENT STATING THAT THE SAID TEN PERCENT (10%) DEFECT BOND
 OR GUARANTEE HAS NOT BEEN FILED WITH THE CITY OR STATING THAT THE



Mailing Address:
 Trade Services Operations
 MA ML SFTINT
 P.O. Box 2197
 Boston, MA 02106-2197

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: PS1051341

DEVELOPER HAS FAILED TO COMPLETE SUCH WORK.

IN THE EVENT OF FLEET BANK OF MAINE'S DISHONOR OF THE CITY OF PORTLAND'S
 NIGHT DRAFT AND ACCOMPANYING AFFIDAVIT, FLEET BANK OF MAINE SHALL INFORM THE
 CITY OF PORTLAND IN WRITING OF THE REASON OR REASONS THEREFOR WITHIN
 THREE (3) WORKING DAYS OF THE DISHONOR.

FOR INFORMATION PURPOSES ONLY; THE DEVELOPER WILL NOTIFY THE CITY
 OF PORTLAND FOR INSPECTIONS AFTER ALL UNDERGROUND WORK IN THE PUBLIC
 NIGHT RIGHT OF WAY HAS BEEN COMPLETED AND INSPECTED TO THE SATISFACTION
 OF THE DEPARTMENT OF PUBLIC WORKS, INCLUDING BUT NOT LIMITED TO SANITARY SEWERS,
 STORM DRAINS, CATCH BASINS, MANHOLES AND OTHER REQUIRED IMPROVEMENTS
 UNINSTRUCTED CHIEFLY BELOW GRADE, FLEET BANK OF MAINE SHALL BE
 ELIGIBLE TO RECEIVE A REDUCTION IN ITS OBLIGATIONS HEREUNDER EQUAL TO
 THE ESTIMATED COST OF IMPROVEMENTS, PROVIDED THAT THE TOTAL
 VALUE OF THE IMPROVEMENTS FOR WHICH A REDUCTION
 IS SOUGHT SHALL BE AT LEAST TWO HUNDRED THOUSAND DOLLARS (\$200,000)
 FIFTY PERCENT (50%) OF THE TOTAL AMOUNT OF THIS LETTER OF CREDIT,
 WHICHEVER IS LESS. IN NO CASE, HOWEVER, SHALL THE OBLIGATIONS OF
 FLEET BANK OF MAINE HEREUNDER BE REDUCED TO AN AMOUNT WHICH
 IS LESS THAN THE ESTIMATED COST OF COMPLETING ALL PRESCRIBED
 IMPROVEMENTS AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS,
 PLUS TEN PERCENT (10%) OF THE INITIAL AMOUNT OF THIS LETTER OF CREDIT.
 THIS LETTER OF CREDIT WILL AUTOMATICALLY EXPIRE ON MARCH 2, 1999 BUT
 MAY EXPIRE PRIOR TO THIS DATE WHEN THE CITY OF PORTLAND ACKNOWLEDGES
 IN WRITING TO FLEET BANK OF MAINE AND THE DEVELOPER THAT SAID WORK
 DESCRIBED HAS BEEN COMPLETED IN ACCORDANCE WITH CITY OF PORTLAND
 SPECIFICATIONS, WHEN THE DEVELOPER HAS GIVEN THE CITY OF PORTLAND
 ALL REQUIRED WARRANTY DEEDS TO PROPERTY WITHIN STREETS WHICH ARE TO BE
 DEDICATED TO THE CITY OF THE PORTLAND, AND WHEN THE DEVELOPER HAS FILED
 WITH THE CITY OF PORTLAND A TEN PERCENT (10%) DEFECT BOND OR GUARANTEE
 (OR OTHER SECURITY ACCEPTABLE TO THE CITY OF PORTLAND) INSURING THE
 WORKMANSHIP AND THE DURABILITY OF ALL MATERIALS USED IN THE CONSTRUCTION
 OF THE PUBLIC IMPROVEMENTS LISTED, FOR A PERIOD OF ONE YEAR FROM THE
 DATE OF THE ACCEPTANCE OR APPROVAL OF SUCH IMPROVEMENTS BY THE
 CITY OF PORTLAND.

WE ENGAGE WITH YOU THAT DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE
 TERMS OF THIS CREDIT WILL BE DULY HONORED. HOWEVER, OTHER THAN THE
 PAYMENT OF MONIES AS AUTHORIZED HEREUNDER, FLEET BANK OF MAINE
 DOES NOT GUARANTEE THE PERFORMANCE OF THE DEVELOPER TO THE CITY
 OF PORTLAND.

COMMUNICATIONS WITH RESPECT TO THIS LETTER OF CREDIT SHALL BE IN WRITING AND
 SHALL BE ADDRESSED TO US,
 EITHER BY REGISTERED MAIL; IF BY COURIER;

FLEET SERVICES CORP.	FLEET SERVICES CORP.
MA ML SFTINT-S	MA ML SFTINT-S
P.O. BOX 2197	529 MAIN STREET
BOSTON, MA 02106-2197	CHARLESTOWN, MA 02129



Mailing Address:
Trade Services Operations
MA ML SFTINT
P.O. Box 197
Boston, MA 02106-2197

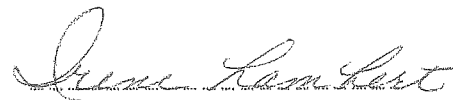
THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: PS1051341

ATTN: TRADE SERVICES ATTN: TRADE SERVICES

SPECIFICALLY REFERRING TO THE NUMBER OF THIS LETTER OF CREDIT.

(EXCEPT AS OTHERWISE EXPRESSLY STATED HEREIN, THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1993 REVISION, INTERNATIONAL CHAMBER OF COMMERCE, PUBLICATION NUMBER 500) AND ENGAGES US IN ACCORDANCE WITH ITS TERMS.


AUTHORIZED SIGNATURE


AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 3 PAGE(S).





Mailing Address:
 Trade Services Operations
 MA ML SFTINT
 P.O. Box 2197
 Boston, MA 02106-2197

DATE OF AMENDMENT: DECEMBER 4, 1996

AMENDMENT TO LETTER OF CREDIT NO.:
 PS1051341
 DATE OF ISSUE: NOVEMBER 27, 1996

ISSUING BANK:
 FLEET BANK OF MAINE
 MEMBER FLEET FINANCIAL GROUP
 ONE CITY CENTER
 PORTLAND ME 04101

APPLICANT:
 MICHAEL SAVAGE
 21 COVESIDE RD.
 CUMBERLAND FORESIDE, ME 04110

BENEFICIARY:
 CITY OF PORTLAND
 389 CONGRESS ST.
 PORTLAND, ME

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE FOLLOWING CONDITION HAS BEEN CHANGED:

THE CITY MAY DRAW ON THE LETTER OF CREDIT BY PRESENTATION OF A SIGHT DRAFT AT FLEET BANK OF MAINE, C/O FLEET SERVICES CORPORATION, 99 MAIN STREET, CHARLESTOWN, MA 02129 IN THE EVENT THAT THE DEVELOPER FAILS TO COMPLETE BY DECEMBER 2, 1998 OR BY THE EXPIRATION DATE OF ANY TEMPORARY CERTIFICATE OF OCCUPANCY ISSUED, WHICHEVER DATE COMES FIRST, AT THE DEVELOPER'S EXPENSE, THE WORK ON THE ROADS AND OTHER PUBLIC IMPROVEMENTS SET FORTH ON THE APPROVED SITE PLAN/SUBDIVISION PLANS OR IN THE EVENT THE DEVELOPER FAILS TO POST THE TEN PERCENT (10%) DEFECT BOND OR GUARANTEE REFERENCED BELOW. SAID SIGHT DRAFT SHALL BE ACCOMPANIED BY A WRITTEN STATEMENT FROM THE CITY'S DIRECTOR OF PARKS AND PUBLIC WORKS OR DIRECTOR OF PLANNING AND ZONING DEVELOPMENT STATING THAT THE SAID TEN PERCENT (10%) DEFECT BOND OR GUARANTEE HAS NOT BEEN FILED WITH THE CITY OR STATING THAT THE DEVELOPER HAS FAILED TO COMPLETE SUCH WORK.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

IN ACCORDANCE WITH ARTICLE 9, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION 500, WE REQUIRE YOUR IMMEDIATE INDICATION OF APPROVAL OR REJECTION IN WRITING BY SIGNING AND RETURNING A COPY OF THIS AMENDMENT.



Mailing Address:
Trade Services Operati
MA ML SFTINT
P.O. Box 2197
Boston, MA 02106-219

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT/ADVICE NUMBER: 991051341

[Handwritten Signature]
AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 2 PAGE(S).



Mailing Address:
Trade Services Operations
MA ML SFTINT
P.O. Box 2197
Boston, MA 02106-2197

STANDBY LETTER OF CREDIT NO. PS1051341
DATE OF ISSUE: NOVEMBER 27, 1996

ISSUING BANK:
FLEET BANK OF MAINE
A MEMBER FLEET FINANCIAL GROUP
ONE CITY CENTER
PORTLAND ME 04101

APPLICANT:
MICHAEL SAVAGE
21 COVESIDE RD.
CUMBERLAND FORESIDE, ME 04110

BENEFICIARY:
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME

AMOUNT/CURRENCY:
UP TO USD 108,980.00
UP TO ONE HUNDRED EIGHT THOUSAND NINE
HUNDRED EIGHTY AND 00/100'S US DOLLARS

DATE AND PLACE OF EXPIRY:
MARCH 2, 1999 AT THE ISSUING BANK

IN REFERENCE TO PROJECT NAME JOKERS TWO LOCATED AT 510 WARREN AVENUE,
PORTLAND, MAINE.

GENTLEMEN:

FLEET BANK OF MAINE HEREBY ISSUES ITS IRREVOCABLE LETTER OF CREDIT
FOR THE ACCOUNT OF MICHAEL SAVAGE AS DEVELOPER, HEREINAFTER REFERRED
TO AS THE DEVELOPER, IN THE NAME OF THE CITY OF PORTLAND IN THE
AGGREGATE AMOUNT OF \$108,980.00 (ONE HUNDRED EIGHT THOUSAND NINE
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THE DEVELOPER'S EXPENSE, THE WORK ON THE ROADS AND OTHER PUBLIC IMPROVEMENTS
AS SET FORTH ON THE APPROVED SITE PLAN/SUBDIVISION PLANS OR IN THE EVENT THE
DEVELOPER FAILS TO POST THE TEN PERCENT (10%) DEFECT BOND OR GUARANTEE
REFERENCE BELOW. SAID SIGHT DRAFT SHALL BE ACCOMPANIED BY A WRITTEN STATEMENT
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OR GUARANTEE HAS NOT BEEN FILED WITH THE CITY OR STATING THAT THE



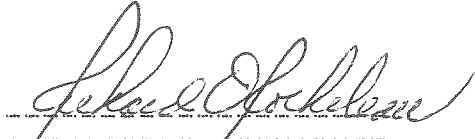
Mailing Address:
Trade Services Operations
MA ML SFTINT
P.O. Box 2197 3
Boston, MA 02106-2197

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: PS1051341


ATTN: TRADE SERVICES ATTN: TRADE SERVICES

SPECIFICALLY REFERRING TO THE NUMBER OF THIS LETTER OF CREDIT.

EXCEPT AS OTHERWISE EXPRESSLY STATED HEREIN, THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1993 REVISION, INTERNATIONAL CHAMBER OF COMMERCE, PUBLICATION NUMBER 500) AND ENGAGES US IN ACCORDANCE WITH ITS TERMS.

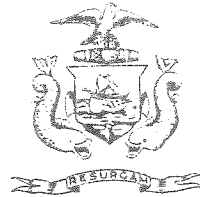


AUTHORIZED SIGNATURE



AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 3 PAGE(S).



CITY OF PORTLAND

December 29, 1998

Post-it® Fax Note		7671	Date	1/4/99	# of pages	1
To	B. LATVIJ		From	R. Knowland		
Co./Dept.			Co.			
Phone #			Phone #			
Fax #	878-0335		Fax #			

Ms. Irene Lambert
Fleet Services Corporation
MA ML SFTINT-S
P.O. Box 2197
Boston, MA 02106-2197

RE: Standby Letter of Credit No. PS1051341, dated November 27, 1996
Michael Savage, Applicant - 510 Warren Avenue, Portland, ME Project

Dear Ms. Lambert:

This is to inform you that I am authorizing the reduction of the above-named letter of credit to the amount of \$5,000.00. All other terms of the letter of credit shall remain the same.

If you require any further information, please let me know.

Sincerely,

Handwritten signature of Duane G. Kline in black ink.

Duane G. Kline
Finance Director

DGK/tbd

pc: Joseph Gray, Director of Planning & Urban Development
Richard Knowland, Senior Planner

C-8



24 Buzzell Road
Biddeford, Maine 04005-9327
Tel. 207-499-2894
Fax 207-499-2812

BILL LATVIS,
JOKERS TWO
510 WARREN AVENUE
PORTLAND, MAINE 04103

DEAR BILL,

AS REQUESTED I CONTACTED JEFF TARLING THE PORTLAND ARBORIST REGARDING THE RECOMMENDATIONS THAT I MADE TO YOU IN MY PROPOSAL #009622 DATED 8/15.

THEY ARE AS FOLLOWS:

ACER CAMPESTRE 2" SUBED FOR 1.75"
ACER GINNALA 1.75" SUBED FOR TILLIA CORDATA 2".
SYRINGA RETICULAT 2.5" SUBED FOR 2.5".
2 ACER RURUM 2" SUBED FOR 2.5".
2 ULMUS AMERICAN PRINCETON SUBED FOR ACER RUBRUM 2.5".

ALL OF THE PREVIOUS RECOMMENDATIONS WERE MADE IN ORDER TO MATCH THE SEPTEMBER TIME TABLE, AND CURRENT AVAILABILITY.

ELIMINATE 3 TILIA CORDATA IN LONG ISLAND DUE TO THE PLANTING BED BEING NARROWER THAN THE TREE BALL.

ELIMINATE 4 TREES IN PARKING LOT ISLAND ENDS FOR PROPER SPACING DUE TO LIGHT POLE PLACEMENT.

SLIGHTLY REARRANGED THE LAYOUT OF INDIVIDUAL SPECIES OF TREES WITH IN THE PARKING LOT TO MAKE THE MOST OF QUANTITIES AVAILABLE.

ADD 20 POTENTILLA TO THE PARKING ISLAND TO SUPPLEMENT THE COLOR OF THE PLANTING.

ALL OF THE MENTIONED RECOMMENDATIONS WERE DISCUSSED WITH JEFF HE AGREED WITH THE CHANGES AND THOUGHT THEY WERE ACCEPTABLE IN ORDER TO COMPLETE THIS PHASE OF THE LANDSCAPING IN SEPTEMBER.

SINCERELY

DALE PIERSON

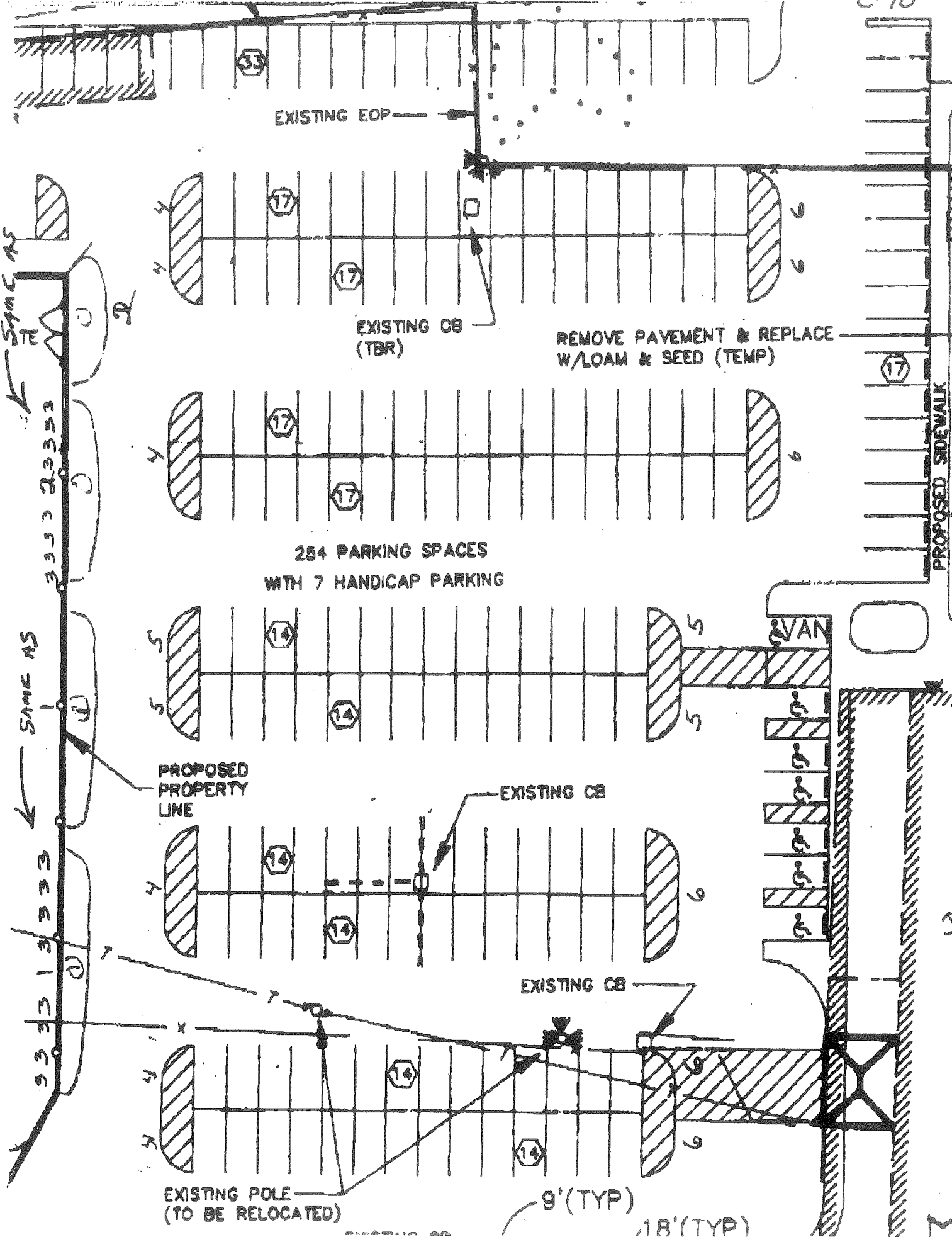
C-9

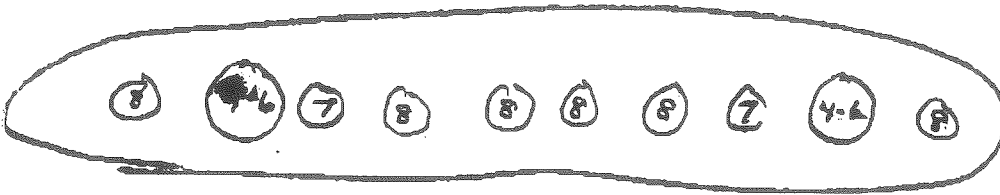
BILL

HERE IS THE KEY FOR THE MARK UP OF THE PLANTING PLAN

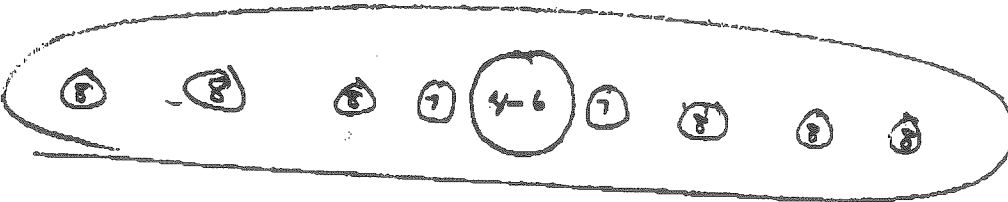
- 1 ACER RUBRUM 2-2.5"
RED MAPLE
- 2 ULMUS AMERICANA PRINCETON 2-2.5"
PRINCETON AMERICAN ELM
- 3 TAXUS DENSIFORMIS 18-24"
SPREADING YEW
- 4 ACER CAMPESTRIS 1.75-2"
HEDGE MAPLE
- 5 ACER GINNALA 1.75-2"
AMUR MAPLE
- 6 SYRINGA RETICULATA 2-2.5"
JAPANESE TREE LILAC
- 7 POTENTILLA CORONATION TRIUMPH 24-30"
CORONATION TRIUMPH POTENTILLA
- 8 ROSA RUGOSA 18-24"
BEACH ROSE

THE LOCATIONS OF THE ISLANDS WHERE EACH TREE TYPE IS PLANTED IS MARKED (OFF SET) ON THE PLAN. WHEN THERE IS ANY VARIATION A NEW SKETCH OR MARKED SAME AS AND DREW AN ARROW TO ORIGINAL REFERENCE. SEE SKETCH PAGE.



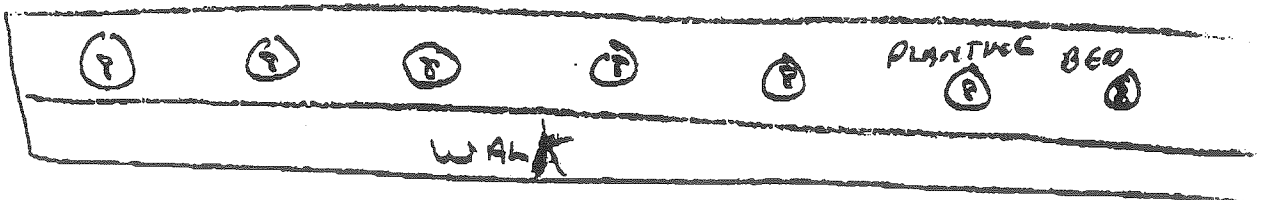


TYPE 1 ISLAND



TYPE 2 ISLAND

CENTER ISLAND



PARKING

Number of building signs permitted per lot 1 per building facade facing an abutting street
+ 1 additional

TABLE 2.10 COMMERCIAL CORRIDOR (B-4) ZONE - SINGLE TENANT LOTS

Freestanding Signs

	<i>Facing Street Frontage < 200'</i>	<i>Facing Street Frontage ≥ 200'</i>
Area	65 sq. ft.	100 sq. ft.
Height	25 ft.	35 ft.
Setback	5 ft.	Same
Number permitted per lot	1 (a)	Same

(a) If lot fronts on more than one (1) street, one (1) freestanding sign is permitted for each additional frontage, provided such signs are not readily concurrently visible.

Building Signs

	<i>Building Face < 150 Linear Feet</i>
Maximum cumulative area of all building signs Square feet per linear feet of building facade on which sign will be placed -or- Maximum percent of wall area on which sign(s) is(are) to be placed	na 2 sq. ft. -or- 6%
Number of building signs permitted per lot	1 per bldg. facade facing an abutting street and 1 additional

TABLE 2.11 OFFICE PARK (O-P) AND INDUSTRIAL PARK (I-P) ZONES

Freestanding Signs

	<i>Joint Identification Sign (a)</i>	<i>Individual Tenant Signs (a)</i>
Maximum permitted area	50 sq. ft.	15 sq. ft.
Height	8 ft.	5 ft.
Setback	5 ft.	5 ft.
Number of freestanding signs per lot	1 per major vehicular entry	1 per tenant

(a) In the case of multi-tenant office parks, individual tenants may be identified on joint identification sign at park entranceway, on directory signs within the office park development, and/or on individual signs located immediately in front of individual business establishment, but shall not be allowed additional freestanding signs at the principal entryway(s) into the development.

Building Signs

	<i>Single Tenant Buildings</i>	<i>Multi-Tenant Buildings</i>
Maximum permitted sign area	na	na
Maximum percent of wall area on which sign(s) is(are) to be placed	6%	8%
Number of building signs permitted per lot	1	1 per tenant

TABLE 2.12 INDUSTRIAL I-1, I-2, I-2b, I-3, I-3b, I-4, AND WATERFRONT PORT DEVELOPMENT ZONES

Freestanding Signs

	<i>Single Tenant Buildings</i>	<i>Multi-Tenant Buildings</i>
Maximum permitted area	35 sq. ft.	70 sq. ft.
Height	10 ft.	15 ft.
Setback	5 ft.	5 ft.
Number of freestanding signs per lot	1 (a)	1 (a)

(a) If lot fronts on more than one (1) street, one (1) freestanding sign of equivalent permitted sign area is allowed for each additional frontage, provided such signs are not readily concurrently visible.

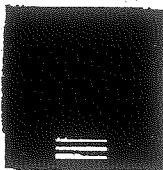
Building Signs

	<i>Single Tenant Buildings</i>	<i>Multi-Tenant Buildings</i>	
Maximum permitted sign area	na	na	
Maximum percent of wall area on which sign(s) is(are) to be placed	6%	Principal facade(s) 8%	All other facade(s) 2%
Number of building signs permitted per lot	2/building face	1/tenant plus 1 additional per building face (a)	

TABLE 2.12 (CONTINUED)
SPECIAL PROVISION FOR I-2 ZONES WITHIN 800 FEET OF I-295

Freestanding Signs

Maximum permitted area	160 sq. ft.
Height	25 ft.
Setback	5 ft.
Number of freestanding signs per lot	1 per 400 ft. street frontage (a)



DeLUCA HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 5
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

TO: Rick Knowland, Senior Planner

FROM: Jim Wendel, Development Review Coordinator

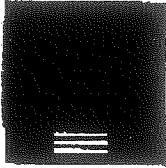
DATE: September 19, 1997

RE: Jokers Two, Inc.
510 Warren Avenue

I have reviewed the Mini-Golf conceptual drainage sketch at a scale of 1"=20' and believe that the noted arrows indicating the direction of runoff does conform to the original stormwater management analysis. Further, the sketch does provide the city with sufficient accuracy to document where and how the runoff will traverse off-site from the facility.

You may wish to ask the applicant how they will maintain the correct water level within the system. It is very unlikely that rainfall will provide all the required volume of water. How will they fill the system when insufficient rainfall has occurred? How and where will they discharge excess water from the system?

JN1350.10jokers4.doc



DeLUCA HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE B
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

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

MEMORANDUM

TO: Rick Knowland, Senior Planner

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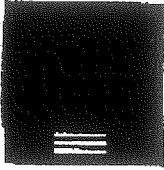
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DeLUCA HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE B
SOUTH PORTLAND, MAINE 04106
TEL 207 775 1121
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- ROADWAY DESIGN
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MEMORANDUM

TO: Rick Knowland, Senior Planner

FROM: Jim Wendel, Development Review Coordinator

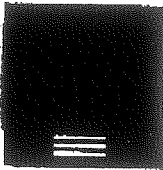
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JN1350.10jokers4.doc



DeLUCA HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
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MEMORANDUM

TO: Rick Knowland, Senior Planner

FROM: Jim Wendel, Development Review Coordinator

DATE: September 19, 1997

RE: Jokers Two, Inc.
510 Warren Avenue

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JN1350.10jokers4.doc

CITY OF PORTLAND, MAINE

PLANNING BOARD

Cyrus Y. Hagge, Chair
John H. Carroll, Vice Chair
Kenneth M. Cole III
Jaimey Caron
Kevin McQuinn
Deborah Krichels
Erin Rodriguez

PUBLIC HEARING AGENDA

Tuesday Evening, September 23, 1997, at 5:30 p.m. Public Hearing, Room 209, 2nd Floor, City Hall, 389 Congress Street, Portland, Maine.

1. ROLL CALL AND DECLARATION OF QUORUM
2. COMMUNICATIONS AND REPORTS
3. ANNOUNCEMENT OF DECISIONS AT THE PREVIOUS MEETING ON SEPTEMBER 9, 1997.

- i. R-5 3-unit Multiplex; Vicinity of Osgood Street; Tim Higgins, Applicant.

The Portland Planning Board voted 6-0 (Rodriguez absent) to approve this item subject to conditions.

- ii. Candlewood Hotel Contract Rezone; Vicinity of Congress and Sewall Streets; Olympia Equity Investors, Applicant.

The Portland Planning Board voted 6-0 (Rodriguez absent) to recommend the proposed B-2 Contract Zone to the City Council.

4. NEW BUSINESS

- i. Minigolf Site Plan Revisions; Vicinity of Warren Avenue; Joker's, Applicant.

The Portland Planning Board will consider a plan by Jokers to provide an 18 hole miniature golf facility along the Warren Avenue side of the property. The applicant is also proposing certain revisions to the landscaping of the site.

- ii. Flood Plain Management Amendments

NOTE: It is possible that the Board will not reach all of the items prior to adjournment. Any items not reached will be rescheduled to appear on the subsequent agenda with items appearing early on the agenda as unfinished business.

PLANNING REPORT #34-97

(EXCERPT)

**JOKERS FAMILY ENTERTAINMENT CENTER
510 WARREN AVENUE**

SITE PLAN REVISIONS

JOKERS II INC., APPLICANT

Submitted to:

**Portland Planning Board
Portland, Maine**

September 23, 1997

I. INTRODUCTION

Jokers II, Inc. requests approval for certain revisions to their site located in the vicinity of 510 Warren Avenue. The revision includes a miniature golf area and changes in landscaping. 145 notices were sent to area residents.

On November 12, 1996, the Board approved a site plan for a proposed family entertainment center by the Jokers. One of the conditions of approval required that the final location of structures and improvements for the golf area be subject to Planning Board review and approval. See Attachment A. An area was noted on the original plan as a future golf area but no improvements were shown.

Miniature Golf Area

The golf area improvements will be located between the existing Jokers parking lot and Warren Avenue. The golf facility encompasses an area of about 26,800 sq. ft. A layout of the golf holes and typical improvements are shown on Attachment B. A prominent feature of the course are two ponds and interconnecting streams. Some of the larger structures include a lighthouse (15 feet high, 6 feet wide at the bottom) and a boat (30 feet long, 14 feet wide, with a 15 foot high mast.) The facility will be enclosed in by a black vinyl chainlink fence. The course will be handicap accessible.

Comments from Jim Wendel regarding drainage issues will be available for Tuesday's meeting.

The plan indicates that a light fixture and pole (same type as in the parking lot) will be installed in the golf course although the location is not shown on the plan. Additional lighting within the ponds and waterways as well as the ship and lighthouse will be provided.

The original landscaping plan indicated 8 street trees along Warren Avenue. The applicant proposes to plant 4 trees instead with the remaining trees planted within the golf course. These trees will be supplemented by other plantings planned for the golf course.

Landscaping

The applicant is proposing to reduce the amount of landscaping within the landscaped islands of the existing parking lot. The original plan showed 2 trees at the ends of each parking aisle. The applicant proposes that two of the parking aisles (or 4 islands) will have one tree in each island instead of two. See Attachment D. In addition 3 trees will be eliminated from an extended island in the middle of the parking lot. Landscaping at this location helps to break up the large expanse of black top and to control cut through traffic. Several trees along the right hand side of the driveway will also be eliminated.

The Board should be aware that earlier in the summer, the Jokers requested a reduction in the amount of landscaping on the site. Planning staff response to this request (letter dated 7-28-97) is shown on Attachment E and below:

With respect to the landscaping changes, the substitution of understory materials within the islands is acceptable. We are very reluctant to approve the remaining revisions on the plan since the Planning Board will be reviewing the site plan at a later date. Nonetheless, we would feel comfortable reducing the number of street trees along Warren Avenue (westerly side of the driveway) from eight (8) to six (6) trees.

II. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and material submitted by the applicant and on the basis of information contained in Planning Report #34-97 relevant to the standards of Site Plan Review, the Board finds:

1. That the proposed revisions are in conformance with the Site Plan Ordinance of the Land Use Code.

Potential Condition of Approval:

- i. That the location and specifications of exterior lighting for the mini golf course be submitted for planning staff review and approval.

Attachments:

- A. Planning Board Approval Letter
- B. Site Plan/Golf Course Features
- C. Background Information
- D. Landscape Revisions
- E. Planning Staff Letter Dated 7-28-97

CITY OF PORTLAND

July 28, 1997

Tom Milligan
14 Dear Run Drive
Biddeford ME 04005

Dear Tom:

This letter is intended to address several issues we have discussed over the last several weeks.

The landscaping may be delayed during July and August because it is a poor time to plant landscaping. However, all of the landscaping shall be planted by September 16, 1997.

The performance guarantee is in the process of being reduced. It will be reduced down from \$84,180 to \$35,690. We are retaining the amount in remaining site improvements plus 10 percent of the original performance guarantee amount.

With respect to the landscaping changes. The substitution of understory materials within the islands is acceptable. We are very reluctant to approve the remaining revisions on the plan, since the Planning Board will be reviewing the site plan again at a later date.

None the less, we would feel comfortable reducing the number of street trees along Warren Avenue (westerly side of the driveway) from eight (8) trees to six (6) trees.

Should you have any questions concerning this letter, please call me.

Sincerely,



Richard Knowland
Senior Planner

- cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
- Samuel P. Hoffses, Chief of Building Inspections
- ✓ Richard Knowland, Senior Planner
- Jim Wendell, Acting Development Review Coordinator
- Jeff Tarling, City Arborist
- William Latuis, Sisquisic Trail, Yarmouth ME 04091

O:\PLAN\CORRESP\RICK\LETTERS\MILLGAN.JMD



LAND USE CONSULTANTS INC

September 18, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Thomas N. Emery, RLA
John D. Roberts, PLS
3019

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Jokers Two, Inc.

Dear Rick:

Pursuant to your letter dated September 12, 1997 to Bill Latvis, of Jokers, regarding staff review comments concerning drainage of the mini-golf, I have included a Conceptual Drainage Sketch illustrating our understanding of how the area will drain.

As shown on the Sketch Plan, the area will generally be at or near existing grade in the vicinity of the lower pond reservoir with the west end of the mini-golf including the upper pond to be built-up in fill approximately 5 feet above existing grade. The site will step down from west to east toward the lower pond. The relative elevations of the individual play areas, walkways and greens have not been provided to Land Use Consultants, Inc. at this time. It is likely that the site will be constructed or sculpted by the mini-golf contractor based on site layout and experience with other similar projects based on a free-lance design to achieve the desired effects.

However, we have been assured by the owners that the site will basically drain internally similar to the Conceptual Grading Sketch, such that the runoff is self contained within the site and re-circulated from the pond reservoir to the upper pond.

Based on our understanding of the proposed drainage concept the addition of the mini-golf area should not increase runoff from the developed site and will not discharge excess runoff to the existing slope along Warren Avenue.

Please refer to the Conceptual Drainage Sketch enclosed for additional information. Please call if you need more information.

Sincerely,



Patrick L. Clark, P. E.

PLC/pp

Enclosure: Conceptual Drainage Sketch

cc: Bill Latvis, Jokers Two, Inc.
Jim Grattelo, Jokers Two, Inc.



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Dear Rick:

I am following up on Jim Grattelo's 9/16/97 letter responding to your review comments. We have prepared a Revised Landscaping Plan of the mini-golf area which identifies plant materials by species and number. Locations are subject to change to suit the final course layout. Additional plantings may be added for ornamental purposes. (7 copies are attached.)

I have also enclosed a letter from Pat Clark, P. E. which addresses the issue of the surface runoff from the mini-golf area, a sketch showing general drainage patterns is included. (7 copies are enclosed.)

Additional color copies of the rendered plan of the course layout, a perspective sketch of landscaping as well as photos of similar courses are included (7 copies). Along with a copy of a letter from Dale Pierson regarding proposed changes to the overall site landscaping .

I trust this additional documentation addresses your concerns and will allow this project to go to the Board on schedule.

Please call me with any questions or comments.

Sincerely,

David A. Kamila, P. E.
Vice President

DAK/pp

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A handwritten signature in dark ink, appearing to read 'David A. Kamila'. The signature is fluid and cursive, with the first name 'David' being the most prominent.

David A. Kamila, P. E.
Vice President

DAK/pp

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LAND USE CONSULTANTS INC

J. David Haynes, RLA
David A. Kamila, PE
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Thomas N. Emery, RLA

April 27, 2001

3019.1

Rick Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Jokers Two Expansion, 510 Warren Avenue, Portland, Maine.

Dear Rick:

This letter is a follow-up to a letter to your office, dated December 11, 2000 regarding the possible expansion of the current Jokers Two facility to include a 50,000 to 60,000 sf building addition and subsequent meetings in which we discussed the proposed changes. At this point, Jokers two has reevaluated their plans to expand the existing facilities. Instead of adding a 50,000 sf building addition, Jokers two is now considering adding a 14,000 sf addition and expanding the pavement by approximately two acres into the CMP easement for an automobile storage lot. The previous letter addressed permitting issues and stormwater management related issues. Preliminary permitting and stormwater management issues for this project are summarized as follows:

1. The site was initially evaluated (October 1996) to include the existing facilities (formerly Grossmans) at Warren Avenue which included the portion now broken out as EJ Prescott, the new Jokers Two building addition (completed), the miniature golf area (completed), the proposed (future) Older Children's Adventure Play Garden, the proposed (future) multi-event area, the proposed (future) picnic area and the proposed (future) go cart track and maintenance facilities. This initial study also included the design of a new detention pond as well as the evaluation of the existing wet pond near the turnpike to accommodate the proposed changes and increases in impervious areas.
2. The design and calculations were revised (November 1996) to include an increase in pavement to the EJ Prescott site and several landscaped islands at the Jokers Two site to help offset this pavement increase. This did not alter the design of the detention pond at the back of the site.
3. The applicant did not construct the outdoor facilities in order to focus attention to getting the indoor facility completed and open expeditiously. In April, 1997 the applicant requested that the detention pond (not built) could be relocated to the very back of the site to accommodate possible changes to the layout of the go cart track. This was done as an administrative approval pursuant to the applicant providing an alternative design for the detention pond. The pond was reevaluated and redesigned as a long linear vegetated swale/detention area along the rear property line. The outdoor facilities including the go cart track have not been constructed to date.

4. Jokers Two now proposes to eliminate the outdoor facilities and go cart track entirely, and use the area reserved for these features to construct a 14,000 sf building addition to be offered for lease and expand the pavement to include a two acre (gravel) automobile storage lot.
5. This new proposal will result in the deletion of approximately 43,700 sf of approved future impervious area which was included in the original design assumptions. This area includes the outdoor facilities and the go cart track.
6. The proposed building and gravel storage lot will create about 53,500 sf ± of “new” impervious area pursuant to 38 M.R.S.A. § 420-D Storm Water Management Law Applicability Standards and Chapter 500 § 12, since a portion of the expansion will occupy an area which includes impervious areas created prior to July 1, 1997.
7. The threshold for such new impervious areas created is one acre (43,560 sf) or greater before triggering the stormwater quantity applicability of the Storm Water Law. Therefore this project will be subject to the requirements for stormwater quantity set forth in the Maine Stormwater Law and Chapter 500 § 3.
8. The site is not located in the direct watershed of a waterbody most at risk or in a sensitive or threatened region and does not trigger the stormwater quality applicability of the Stormwater Law and Chapter 500 § 4. Therefore water quality treatment is not required in accordance with 38 M.R.S.A. § 420-D Storm Water Management Law.
9. The project is a redevelopment of, and addition to, an existing site within the City of Portland and may be subject to additional standards set forth in the Site Plan requirements and Technical Standards in effect for the City of Portland. Section V of the Technical Standards requires that any parking facility for 25 cars, or greater, shall be required to provide on-site treatment to remove contaminants such as oils, greases, sediments and grits from the stormwater runoff. In order to provide guidance to the applicant with regards to the need for water quality treatment and stormwater management related issues we would like to request an advisory opinion from the City of Portland to determine what level of treatment or other standards will apply to this project.

Preliminary issues with regards to the proposed additional new use and combined space and bulk requirements are as follows:

1. The remaining lot, after conveyances to EJ Prescott is approximately 311,500 sf (7.15 ac). The existing building is approximately 28,700 sf (0.66 ac). A total of 206 parking spaces were approved for the current site in accordance with the existing site plan. (NOTE: these values are estimated from the site plan and need to be verified)

2. Using the parking requirements for “retail space” pursuant to § 14-332 (Division 20) the required number of parking spaces for 28,700 sf of building space is 1 space/200 sf (excluding the first 2000 sf) which results in the existing requirement of 134 spaces.
3. Based on the above parking standards and requirements, the existing site includes a surplus of 72 parking spaces for the existing facilities. As a result, the current parking would support the addition of approximately 14,000 sf of additional retail space without the requirement of additional parking to be created.
4. The addition of the 14,000 sf building addition and approximately 2 acre lot expansion would increase the impervious area to approximately 248,850 sf (5.71 ac) including the existing site improvements. This expansion would result in an impervious area/total area ratio of 79.9%. The maximum impervious area permitted in this zone is 80.0%. The car dealership storage area will impound 200 to 300 new vehicles at a time.

Additional permitting issues with regards to the proposed additional new use and combined space and bulk requirements are as follows:

1. Land Use Consultants has evaluated the potential for the proposed expansion to trigger the need for review under the Standards for Local Site Location of Development Review (Section XIV of the Technical Standards). As indicated above the proposed expansion will be just under the 80% impervious threshold and will effectively limit any potential for future increases in impervious areas under current zoning standards. Our preliminary calculations indicate that approximately 2.7 acres of additional impervious area will be created (including existing Jokers Two site) relative to the original site conditions of the former Grossman's. This number is fairly conservative and does not include the removal of existing pavement and replacement with landscaped islands for the existing Jokers Two site. Therefore, this site when fully developed (maximum impervious area), in accordance with current zoning restrictions will not require Local Site Location of Development Review.
2. The proposed improvements will require the construction of a new detention pond on the site. Two potential locations have been considered. One location is directly behind the existing building in the vicinity of the former picnic area and go caret maintenance shed. The second location is at the southwest corner near the rear of the property adjacent to the existing small pond.
3. The expansion of the car parking area will require Tier 1 wetlands permit (DEP) for disturbance of 6,450 sf of wetlands (includes 1,113 sf of existing or previous fill).
4. The gravel surface parking area will require a minimum depth of 6 inches of compacted base gravel in accordance with Section 14-340 of the Portland Ordinance.

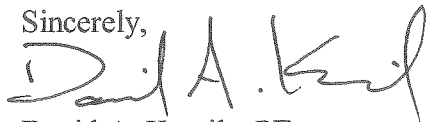
LAND USE CONSULTANTS INC

5. Additional lighting requirements may be required for security and subject to Portland Ordinances and Technical Standards Section XV. All lighting must be adequately screened or shielded from of-site areas.
6. Areas abutting or adjacent to residential use may require a 48 inch high (min) fence.

We look forward to continuing our discussion with your staff and appreciate the opportunity to work out the bugs prior to Site Plan Review.

Please call with any questions, comments or guidance from you or your staff.

Sincerely,

A handwritten signature in black ink that reads "David A. Kamila". The signature is written in a cursive, flowing style.

David A. Kamila, PE
President

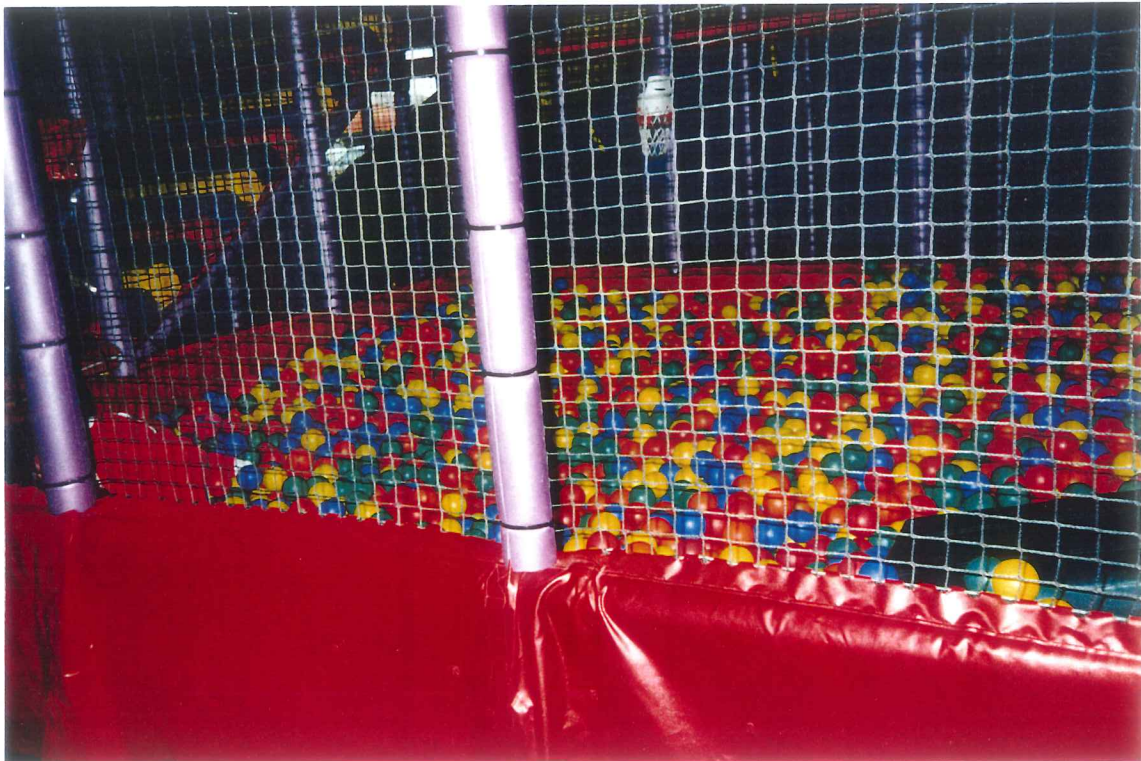
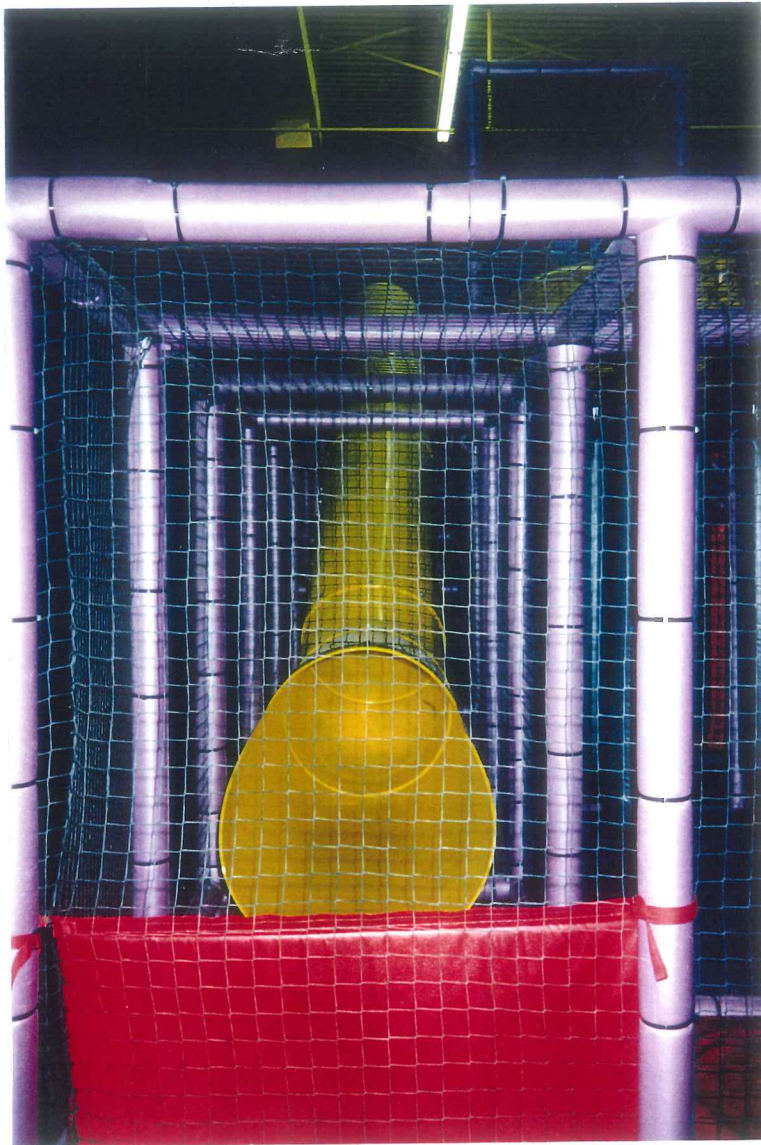




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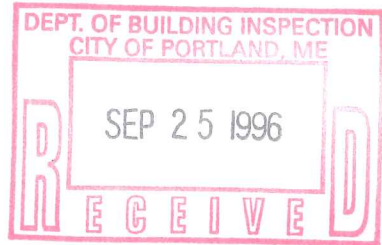
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PREFACE

Joker's is a Maine based, locally owned business that was founded in 1994 after two years of research and conceptual design.

Recognizing that in today's age that there isn't much available for families to do together except for bowling, roller skating and some outdoor recreational activities, Joker's is designed to provide an indoor/outdoor facility that would offer a quality leisure entertainment atmosphere for the whole family at a reasonable price.

With a fervent desire to open the first Joker's in the Greater Portland area, over fifty sites were inspected and analyzed but none met location, size, parking or economic criteria needed to be successful. Therefore, the first site chosen was in Portsmouth, N.H. and has this been open for two years.

Finally, after three years of searching, a Portland site has been found and Joker's intends to build an indoor/outdoor family entertainment center; the likes of which cannot be found anywhere else in the United States.

The success of this family entertainment center is primarily dependent on three variables:

1. Location: The facility must be located in a high traffic area that requires mobile transportation in an area that the demographics will economically support.

Joker's feels that the Grossman's site meets these criteria.

2. Concept: The facility must provide entertainment for the whole family.

Joker's feels that it's current concept successfully meets this criteria and we welcome a visit to our Portsmouth site if you wish to gain a clearer perspective.

3. Controlled Overhead:
Joker's is a new start-up business. It does not have deep pockets like major corporations. Construction and leasehold improvement costs need to be controlled to insure that rent and interest charges don't create ongoing costs that can't be covered by sales.

It is this with this last variable that we ask for assistance and cooperation from the City of Portland. We hope that construction,

drainage, landscaping etc. can meet the City's standards without escalating capital costs and therefore overhead beyond the level that can be supported by sales. It was ultimately excessive overhead that caused the demise of other entertainment centers such as Discovery Zone, Leaps and Bounds, Hot Shots and Bonkers. We also ask your permission to begin demolition and certain construction as early as possible so as to avoid extra costs associated with mid-winter construction and to allow us to open in March, the middle of our peak season.

Joker's looks forward to an exciting development and the opportunity to become an active and contributing member of the business community.

MISSION STATEMENT

Joker's mission is to provide a unique FAMILY ENTERTAINMENT CENTER (FEC) that will offer families quality food and a variety of fun-filled recreational activities and amusements at a very reasonable price.

The passion of our associates will be to create an atmosphere where the whole family can have fun through socialization, interaction, accomplishment, competition, learning or discovery, relaxation and a touch of fantasy - A time to remember and repeat !

JOKER'S FAMILY FUN & GAMES

is a unique Family Entertainment Center (FEC) that offers entire families quality food and a variety of exciting fun-filled recreational activities and amusements at a very reasonable price.

It is our passion to create an atmosphere where the whole family can have fun through socialization, interaction, accomplishment, competition, learning or discovery, relaxation and a touch of fantasy - A time to remember and repeat.

The concept was developed over a period of one and one-half years through research and travel to a myriad of other entertainment centers including Discovery Zone, Leaps and Bounds, Chuck E. Cheese, Bonker's, Dream Machine, Enchanted Castle, Jungle Jim's, Circus Pizza, Funtastic's, and numerous other facilities throughout the country.

In a 27,000 square foot wide open, climate controlled indoor environment, the setting combines the elements of traditional outdoor amusements and playgrounds together with quality food, service and birthday parties. While other independent operators and national chains cater to the same customer groups, each only aims at a segment of our target market with a much more limited offering. Our facilities are colorful and tasteful in decor but have been built with a cost conscious budget so as to prevent duplication by a competitor at the same or lower cost. In essence, our concept includes the best features of the above mentioned entertainment centers, plus better food, service, Lazer Storm, a high quality prize center, and periodic live entertainment.

UNIQUE CONCEPT

RIDES

Carnival-like (scaled down for safe indoor use) rides include a train, mini ferris wheel, battery operated go-carts and a dozen individual kiddie rides.

JUNGLE GYM - "AMAZ-ZING PLAYHOUSE

Fifty-five (55) feet long and three kid's stories tall provides over 35,000 cubic feet of slides, ball pits, rope ladders, foam forests, tubes, climbs, and obstacle courses for both kids and parents.

AMUSEMENT GAMES

Over one hundred and fifty games that require hand-eye coordination such as traditional ticket giving redemption games to the hottest video and sports games as well as just plain fun games. Game areas are separated to allow young children and teenagers and adults to have their own space.

PARTY TIME !!

A four hundred and twenty seat restaurant that caters to over 100 birthday parties a week as well as a 52 item menu that is available to all. We offer a two hour table reservation, pizza, cake, soda, a bracelet to use the jungle gym, tokens for games, tickets for rides or lazer tag thereby providing the best birthday parties in town for a little as \$6.99 per person. Our regular menu offers salads, sandwiches, hamburgers, hot dogs, fried food, calzones, appetizers, and of course our fresh dough pizza. We only use the best fresh ingredients. Our "Carnival Snack Bar" also provides ice cream, cotton candy, popcorn and slush for the *Kid In You*.

PRIZE REDEMPTION CENTER

All redemption game gives out tickets each time. These tickets can be saved or redeemed before you leave. Only quality merchandise from small toys, plush and school supplies to microwaves, televisions, bicycles, computers and VCR's is offered.

LAZER STORM

A two thousand square foot room where all ages can play a state of the art tag-type lazer game with lazer guns, headsets, adjustable vests and special effects such as colored movable barriers, fog, music, lighting, and other decorative elements. Participants strap on blasters which emit a harmless colored light for up to 100 feet. Up to two teams of nine can play against each other for a ten minute game.

LIVE ENTERTAINMENT

Periodically, live shows such as magicians, clowns, jugglers and costume characters provide additional excitement for all ages.

All of the above provides a better offering, in a more spacious facility and at lower prices than any of our competition.

ONE TO NINETY TWO FOR THE KID IN YOU

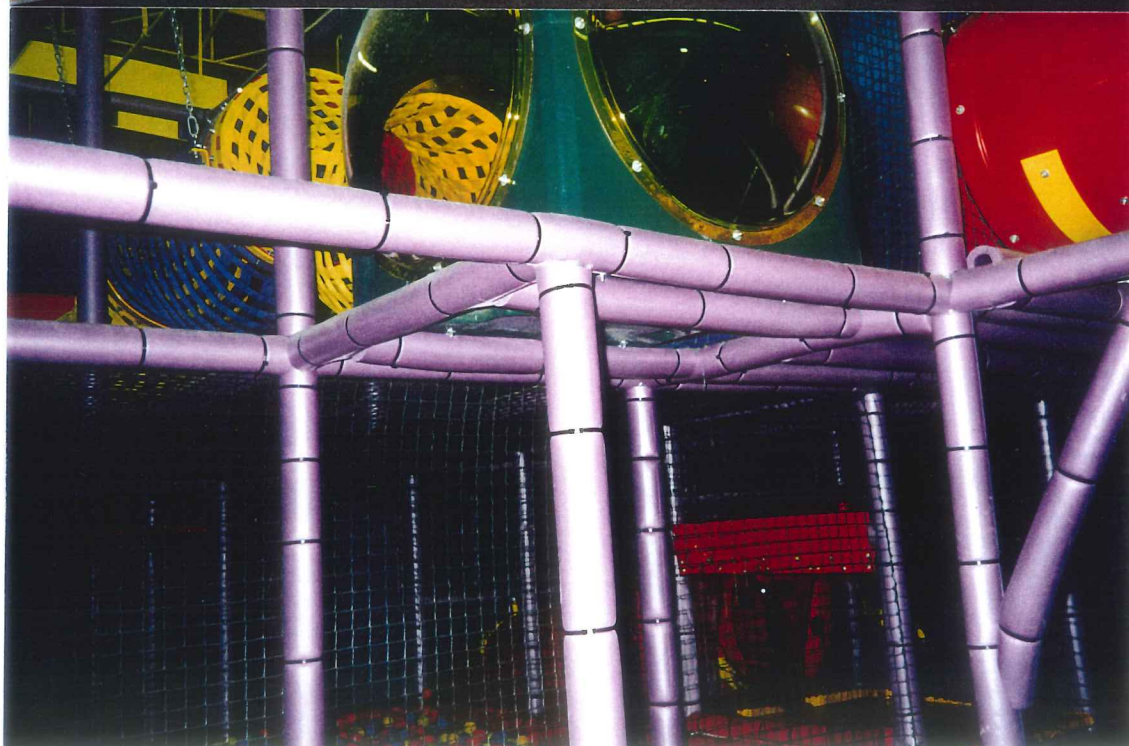
Other entertainment centers either attract the 4 to 12 age group or the teenage or adult market. At Joker's, there is a lot to do for all ages. Joker's thinks it is important in today's society and time to provide a place where the whole family can enjoy themselves and we have proven it works. While young children are playing in the jungle gym(probably with Mom),the teen can be playing lazer tag while Dad is trying a race car driving video game or a sports game. The whole family can also enjoy wholesome, quality food made from fresh ingredients as it is ordered.

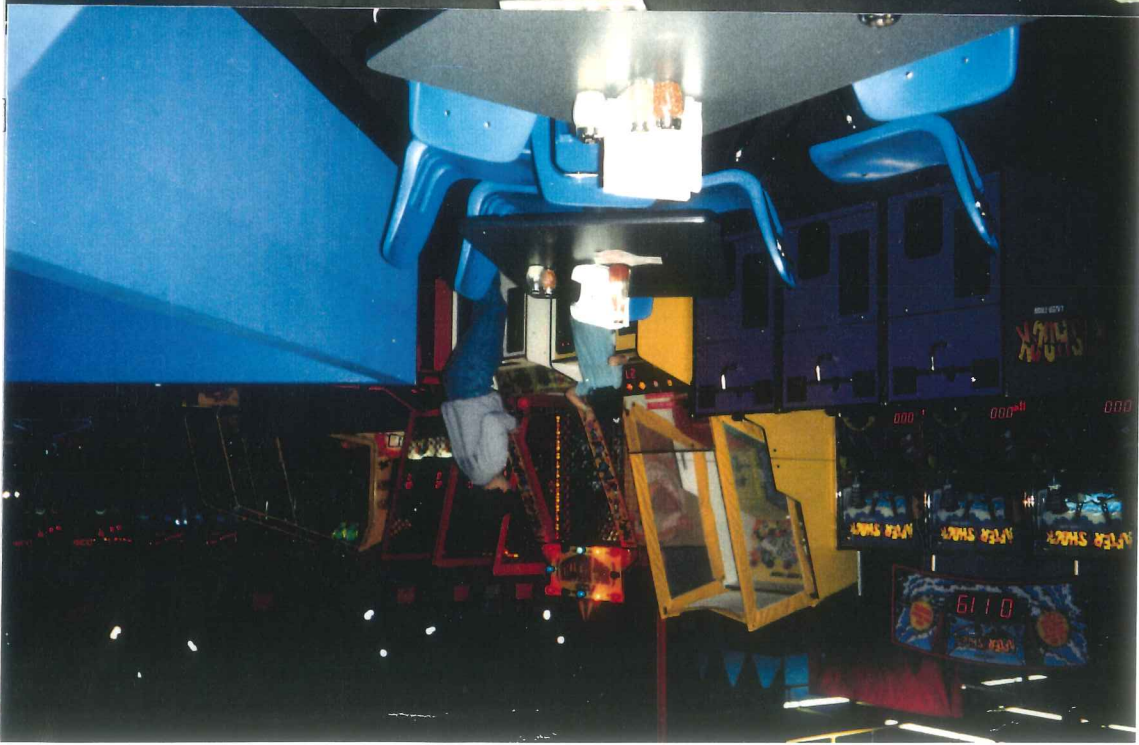
Joker's customer base is large enough to support substantial expansion. The 4-12 year old customer base is projected to increase 10% to 55 million by the end of the decade. Baby Boomers are now adults with teenage or college age sons and daughters. In view of the record number of births in the U.S. in the past several years, this trend can be expected to continue well into the next century. Most demographics provide double digit growth for Joker's target market.

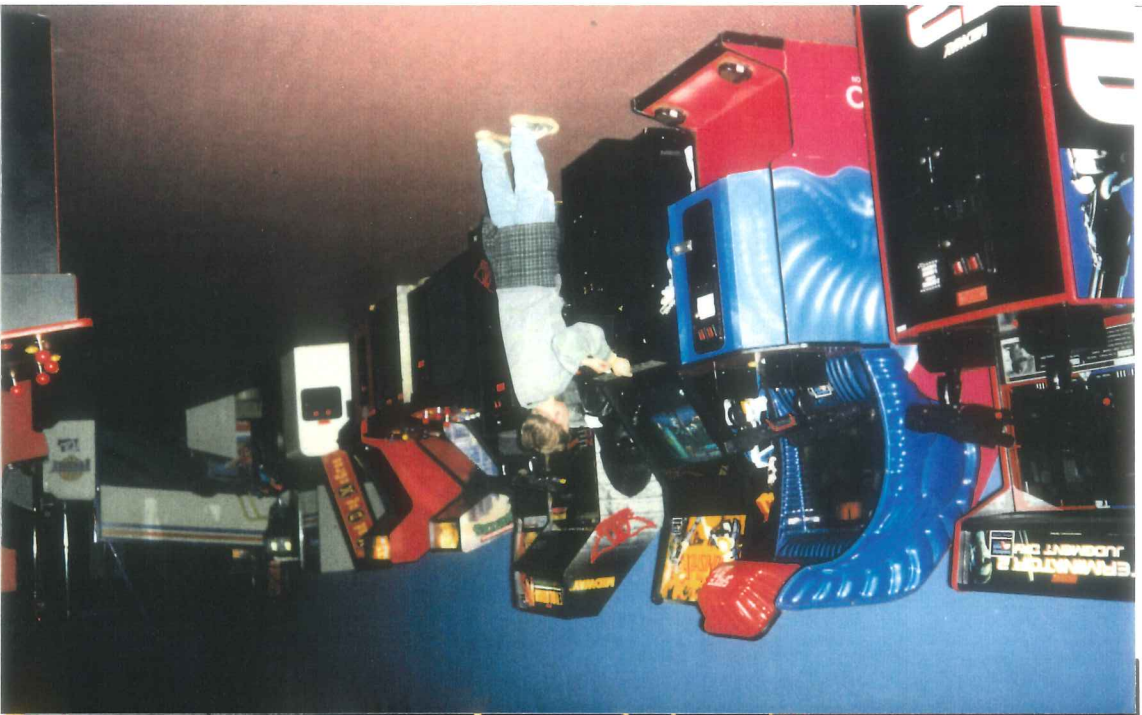
Joker's gives busy families a place to go to do something together. Other than bowling, roller skating or spectator events, there isn't much for a family to do as a unit. The typical family has two working parents, two kids and significant disposable income. Because Joker's is an economical form of entertainment for all, it is somewhat recession proof.

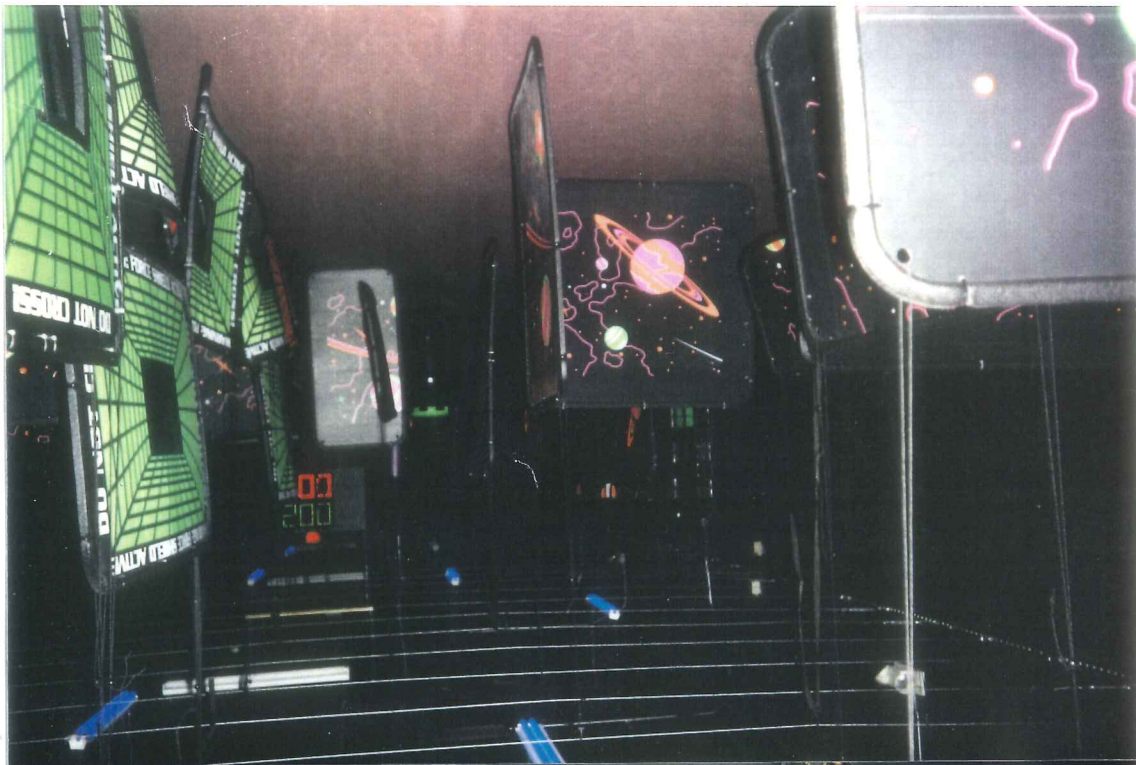
Joker's enjoys an outstanding reputation in the community as a safe and fun-filled place to spend several hours. Many families combine a trip to Joker's with a shopping expedition. Within month's of opening, it was the talk of the town and still is.

PICTURES OF CURRENT FAMILY ENTERTAINMENT
CENTER - PORTSMOUTH, N.H.









OUTDOOR AMUSEMENT ACTIVITIES

Championship Miniature Golf

An 18 hole championship miniature golf course provides a half acre of putting challenges, rippling streams, waterfalls, colorful landscaping, subtle slopes, with competitive sand traps and water hazards.

Go Carts

Indy style one and two seat race cars provide 5.5hp to 8 hp (less than most riding lawn mowers) thrill racing. The cars are a sleek sporty design built for safety and performance. Each car is fully padded seats and head rests and seat belts and can accommodate any size child or adult. The concrete steel railed track provides a smooth fast-paced exciting ride. The competition is fierce but safe.

Adventure Play Land

Natural settings provide secret hiding places, mud play, toddler play areas, creative experiences, play villages, sand play, swings, slides, climbing equipment, and many other adventure playground activities.

PICTURES OF PROPOSED OUTDOOR AMUSEMENT
ACTIVITIES - PORTLAND, ME.

MINIATURE GOLF

GO CARTS

OUTDOOR MAZE

ADVENTURE PLAY GARDEN





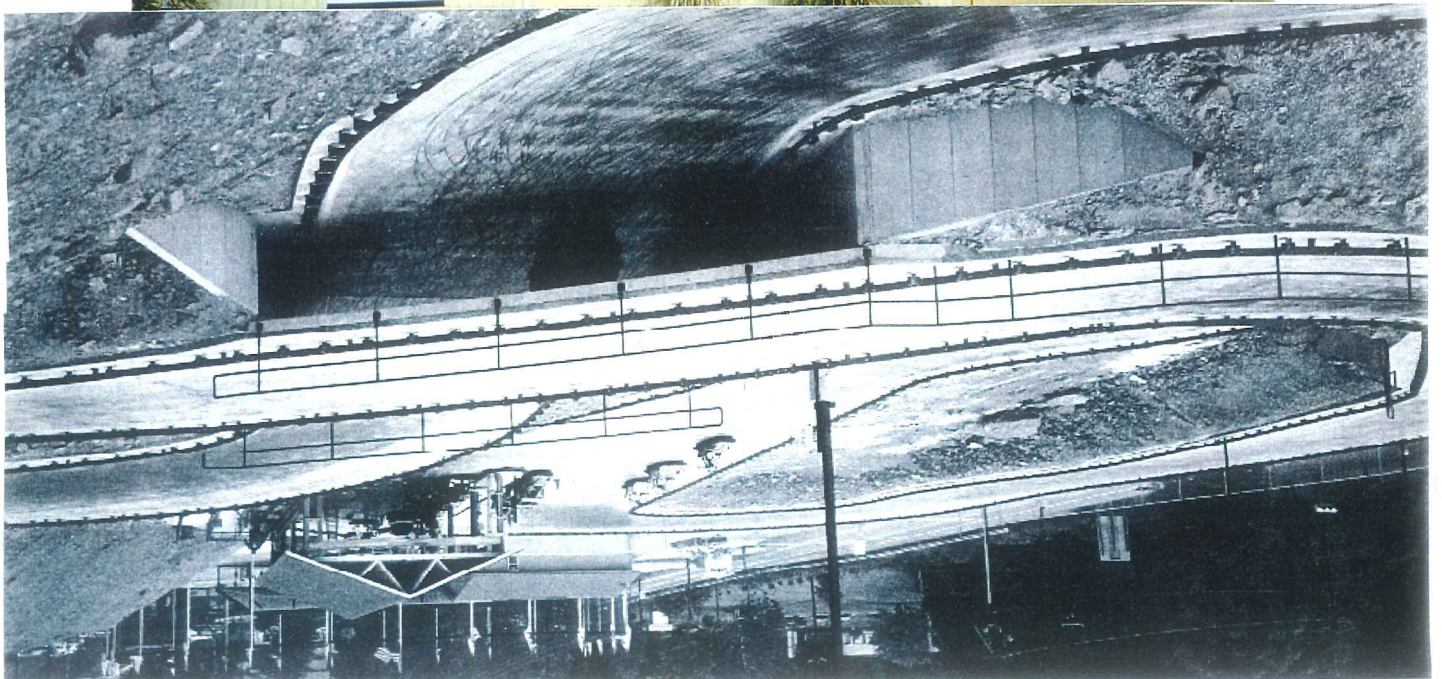
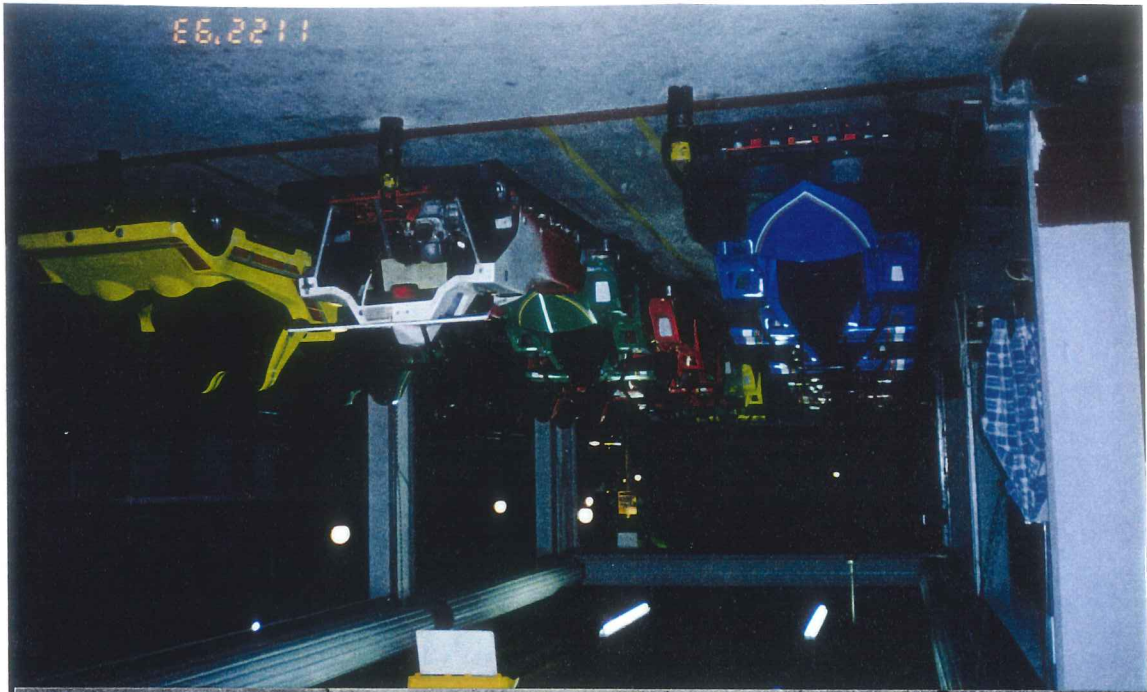
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J. David Haynes, RLA
David A. Kamilla, PE
Frederic J. Licht, Jr., PE
Thomas N. Emery, RLA
John D. Roberts, PLS
3019

LAND USE CONSULTANTS INC

October 29, 1996

Richard Knowland
Senior Planner
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Jokers Two, Inc.; Review Memorandum #1, from Steve Bushey, dated October 24, 1996.

I have received the review comments by Steve Bushey, Development Review Coordinator, dated October 24, 1996 regarding Jokers Two Proposal in Portland. The following information is offered in response to the review comments. These responses are presented numerically in the same order and correspond directly with each of the review comments respectively as follows:

1. Comment is acknowledged. However, some changes have been made to the post-development drainage patterns and calculations as a result of comment number 2 (see item #2).

2. In order to differentiate which areas of the proposed site will drain to the detention basin, an additional sub-catchment was added to delineate the runoff patterns more clearly. The results of the revised calculations did not alter the original conclusions. The detention pond as designed is adequate and still results in a net reduction of the peak runoff rates. Revised calculations will be submitted with final plans.

3. Pavement breaks will be added to final plans for the median islands.

4. It is our understanding that the applicant plans to grind and reuse the existing pavement as a base course and add a new surface course.

5. Spot grades will be added to the final plan.

6. The grading and contours will be revised on the final plan.

7. The inverts of the proposed culverts are somewhat limited due to the existing topography and available slope. The grades shown on the track are recommended minimum elevations and may not reflect actual final design and construction. Since the go-kart track is for future considerations and not a part of the initial construction the developer may choose to raise the grade above the culvert at the time of construction, to reduce heaving. However the elevations and grades shown represent the minimum fill for construction and economic considerations.

8. Although it is unlikely that the basin would overflow the go-kart track, it is possible. The proposed grading will be adjusted on the final plans to avoid flooding the loading and storage building.

9. The provisions for refueling go-karts have not been determined. The go-kart track is included for future considerations. I would recommend that future construction plans and detailed design of such facilities be submitted prior to construction as a condition of approval.

10. Comment is acknowledged.

11. The sediment riser detail will be corrected on final plans.

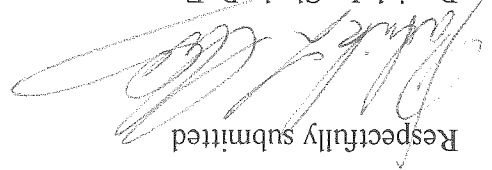
12. The rip-rap apron detail will be corrected on final plans.

13. Land Use Consultants, Inc. is not aware of any Fire Protection recommendations for the go-kart storage building.

14. The wetland impacts and permitting requirements are being handled by Tom Milligan, P. E. Most of the areas identified as wetland are actually man-made channels or ditches and are non-regulator.

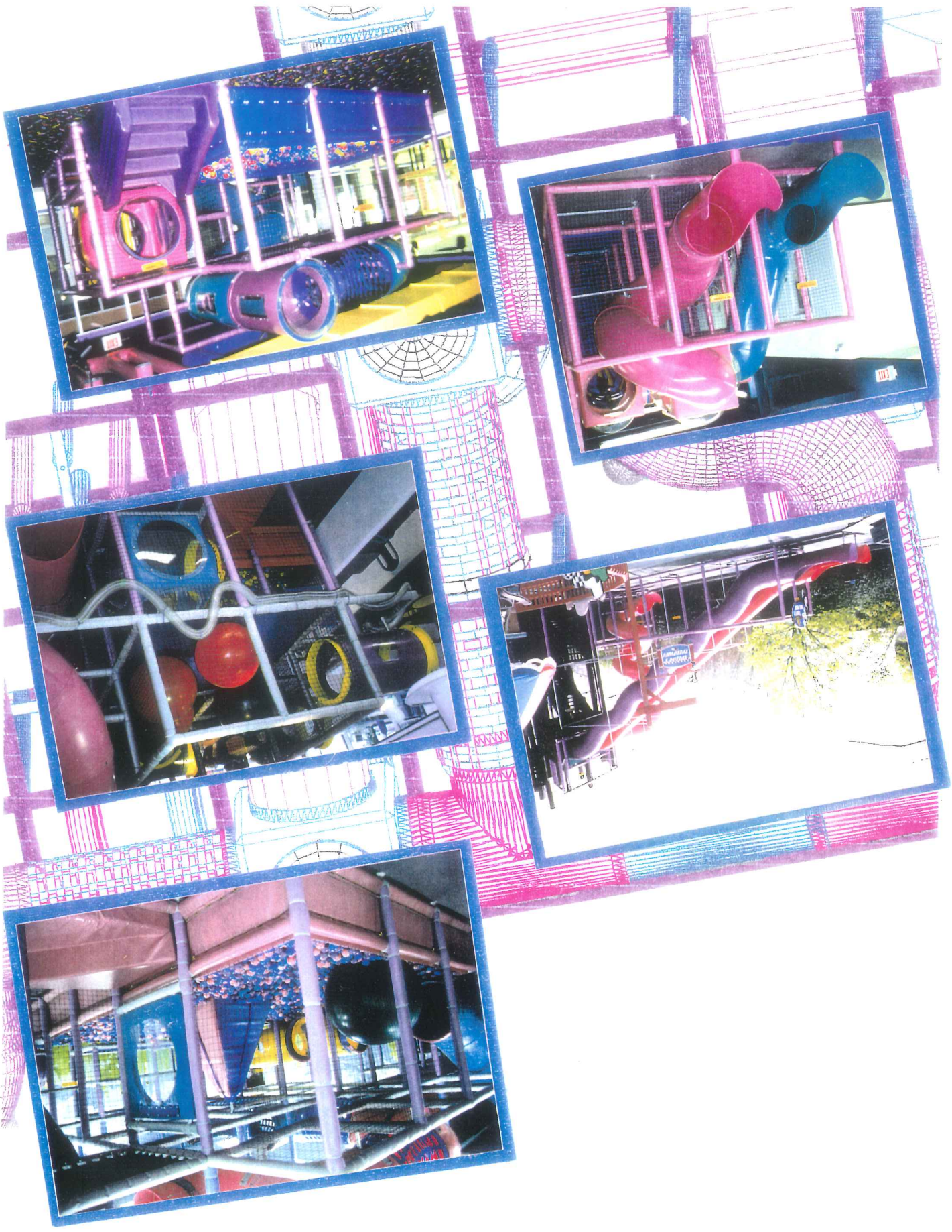
Please review these responses to the development review comments and call if you still have questions.

Respectfully submitted



Patrick L. Clark, P. E.

PLC/pp



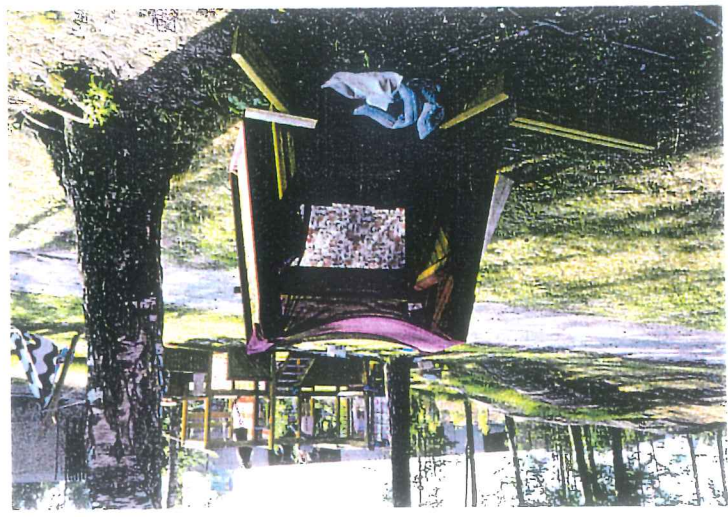
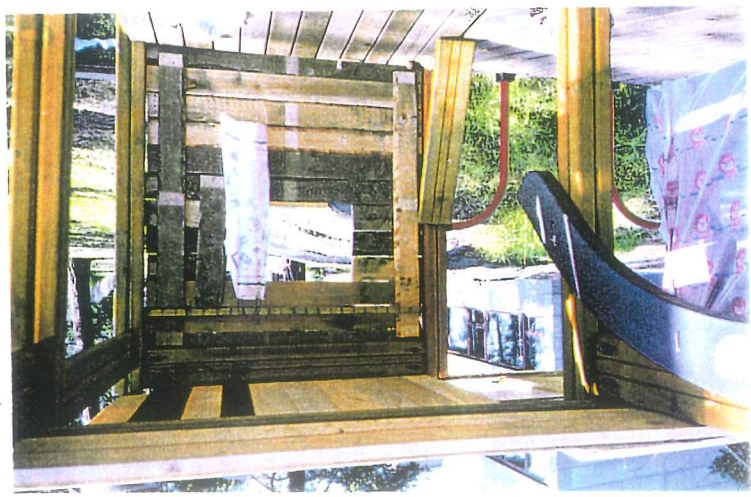
Mud Play



CAMPFIRE



Hut BUILDING





A PLAY VILLAGE



B INTERACTIVE WATER PLAY



C CHILDREN'S GARDEN



D ANIMAL SPRINGS



INDUSTRY PROFILE

Since 1985, service oriented businesses have generated all employment increases in the non farm sector of the economy. In 1989, 70% of all jobs were in the service sector. By 2000, 80% of all jobs will be in the service sector.

The entertainment business in general has experienced a 24% growth in revenues from 1989 to 1992. Amusement centers are cropping up all over the United States. At the end of 1993 there were over 3,000 Family Entertainment Centers in the United States.

The increase in the number of two income families coupled with the increasing desire to use time more effectively provides the right environment to build amusement centers in New England.

DESIGN CHARACTERISTICS

Joker's Family Entertainment Center, in accordance with industry standards, is designed to accommodate one person for every 60 square feet of gross floor space. Joker's design uses this industry design standard concurrent with traffic studies and market demographic and psychographic research. Members of the design team include operators, architects, consultants, customers, engineers, building inspectors, general contractors, trades people, suppliers and financial analysts. All Bocca standards, ITE data, Federal and State regulations, and municipal ordinances and requirements are factored in and adhered to.

Two types of buildings are suitable for Joker's location - a one level 25,000 to 30,000 square foot building allowing for 16 foot ceiling heights or a 20,000 to 23,000 square foot two level building that could be open in the middle and allow for a 5,000 to 7,000 square foot mezzanine. Acreage should allow for parking of 100 to 125 cars to accommodate peak periods. The number of customers is estimated at 300 to 1,500 per day with an average occupancy of 160 and a peak occupancy of 450 for a 30,000 square foot facility.

The location needs to have high visibility and moderate to high traffic with easy access via ramps and traffic lights. The building needs to face the main traffic flow and allow for a sign on the building and a pylon sign. The building must contain sprinklers, HVAC and adequate bathroom facilities and electrical service. Preferably the building should be wide open inside. All other aspects of the building can be constructed to meet applicable building, plumbing and health codes.

MARKET

In defining our target market, the following factors need to be considered:

1. Focus factors : age, gender, socio-economic, geo-demographics, lifestyles, values, needs and wants.

2. Motivators - Why our guests will visit.

3. Time factors - When and how often our guests will visit

4. Market factors: location, labor availability, supplier availability, etc.

Demographic minimum requirements include the following:

1. A permanent population within 15 miles of 50,000 people with 20,000 households, medium income of 25,000, large families with predominately two workers with an average credit history and medium high education.

2. Seasonal locations such as ocean and lake areas whose seasonal demographics will provide a greater seasonal traffic and balance slow summer revenues in permanent locations.

3. High traffic routes such as stretches of route #1 or turnpike exits to capture high % of mobile traffic.

A complete demographic study for our Portsmouth location is provided in Exhibit # 2.

SUPPLIERS

Contracts have been negotiated with various equipment suppliers. Manchester Music, the largest New Hampshire arcade equipment vendor will be providing equipment ordered from New England Coin-Op, the largest distributor in New England.

The Jungle Gym will be provided by Play Safe Inc. of Dallas Texas.*

The Ferris Ride will be provided by Dixieland Rides, Inc of Charlotte N.C.*

The Train and Mini Go Carts will be provided by Kiddie Rides U.S.A. of California.*

General Carriage of Windham Maine will provide the restaurant equipment.

All trade construction companies will be New Hampshire companies, predominately out of Portsmouth and vicinity.

All major product suppliers are in the Portsmouth area.

RISK FACTORS - WHAT COULD GO WRONG?

Adequate Capital?

Is there enough money to handle short and long term needs? All revenue projections are conservative. The major expenses are padded. Capital requirements are simple, easy to estimate and thorough. As the balance sheet would indicate, this business is primarily a cash business with few assets other than leasehold improvements and equipment. With four investors of \$100,000 each, Jokers will still have \$100,000 in reserve for contingencies.

Management Competency?

The owner/managers have not operated a facility of this nature. The owner/manager will be hands-on not absentee managers. They combine 48 years of management experience in businesses where there is a very tight bottom line and little room for error. They are used to creating and adjusting efficiency and controlling costs through labor scheduling, reduced overhead, reduced food shrinkage, and other operating procedures.

The best and most reasonable consultants have been hired to assist with start up and ongoing operations.

Both owners/managers have been thoroughly involved in every aspect of the start up to-date to insure building mutual competencies in all areas of operations. One million dollar life insurance policies will be secured payable to Jokers to offset any risk of losing either of the owner/managers.

Right Location/Market?

Is Maine the right place to start such an amusement center? Are the demographics able to support a successful operation? There isn't an amusement center like this anywhere in Maine, New Hampshire or Vermont. Youngsters, teenagers and adults and especially families as a whole do not have any place like this to go to. Individual arcades and party places that currently exist are very successful.

The population in Peabody, Massachusetts where Bonker's is located is twice as large. This would imply that potential sales in Portland, Maine would be lower. Yet, Bonker's is smaller in size by 32%, very difficult to find, poorly managed, does very little advertising, has fewer arcade machines, offers average quality food and is limited to 15 less hours of operation per week due to municipal regulations.

In Nashua and Laconia, New Hampshire two large amusement centers are doing extremely well. The demographics in these areas both permanent and seasonal are identical to Portland, Maine and seasonal Maine areas.

There isn't one person we have talked to who hasn't thought this could be a very popular and successful business.

BENEFITS TO COMMUNITY / OTHER BUSINESSES

- Place for the entire family to go to have good wholesome fun and food for a reasonable price.
- Will provide opportunities for schools, non-profit and civic groups, little league and pee wee sports groups to hold functions and fund raising events.
- Will employ over 75 people of all ages and pay above minimum wage.
- Will inject over \$1,500,000 into the local economy in the form of wages, rent, supply purchases, insurance, services etc.
- Provide another tourist attraction to help stimulate the Portsmouth economy.
- Will make sizeable contributions to municipal, state and federal taxes.
- Will become a destination shopping anchor and provide additional traffic and sales to numerous surrounding businesses.

PROFESSIONAL CONSULTANTS

ARCHITECTS, ENGINEERS, JENSEN & STENBAK

Stephen Jensen AIA Architect
Roger Stenbak Engineer
4 Auburn Rd
Londonderry, N.H.

Thomas Gorrill Engineer
Deluca-Hoffman Associates, Inc Consultant
778 Main St.
So. Portland, Me.

**OPERATIONS, INDUSTRY
CONSULTANTS:**

White Hutchinson
Entertainment Group
4200 Pennsylvania Ave
Kansas City, Missouri

Alpha Omega
Edison, N. J.
Design, Occupancy
Traffic & Parking,
Operations.

FOOD CONSULTANT:

Albert DiMillo
Former Owner of
Village Restaurant
Kitchen equipment
selection, layout &
kitchen operating
procedures &
standards.

FINANCING:

Fleet Bank Of Maine
Chris Bailey V.P.
Loan for leasehold
improvements,
equipment &
working capital.

LAWYER:

Janet C. McCaa
57 Exchange St.
Portland, Me.
Incorporation,
leases, contracts &
financing.

ACCOUNTANTS CPA:

Runyon, Kersteen, Ouellette
& Lessard
So. Portland, Me.
Business and
personal tax advice

ADVERTISING:

Holt, Hughes and Starnell
Portland, Me.
Logo, decor, &
advertising.

Industry and Market

Since 1985 service oriented businesses have generated all employment increases in the non farm sector of the economy. In 1989 70% of all jobs were in the service sector. By 2000, 80% of all jobs will be in the service sector.

The entertainment business in general has experienced a 24% growth in revenues from 1989 to 1992. Amusement centers are cropping up all over the United States. The increase in the number of two income families coupled with the increasing desire to use leisure time more effectively provides the right environment to build amusement centers in New England.

Competition

Competition of the same size and concept does not currently exist in Maine, New Hampshire or Vermont. "Bonkers" in Peabody Massachusetts is a 22,000 square foot version of Joker's. A "Discovery Zone" is currently being established in the old "Portland News" building near the Maine Mall in Portland. Another Discovery Zone approximately 1-1/2 years old exists in Natick, Massachusetts. Several arcades and billiard rooms exist throughout the state predominantly in seasonal tourist areas such as Old Orchard or in small arcade centers such as "Dream Machine". Chuck E. Cheese does not exist in Maine but one exists in Portsmouth, New Hampshire. The Maine franchise was recently purchased and a facility is expected in Portland in the next six months.

"Bonkers" in Peabody is owned by six investors who are general businessmen with no experience in this type of venture. They opened in November of 1992. Their break even sales volume was \$38,000 a week. Currently their volume exceeds \$72,000 per week. Their average volume is \$66,000/week. They have been successful enough in Peabody to stimulate the owners to begin construction and open three more centers in Massachusetts in the next six months.

No other entrants into the market are known.

Marketing/Advertising

Joker's has retained the firm of Holt, Hughes and Stammell in Portland, Maine to handle all of its marketing and advertising. Work has begun on the decor packages, logos, signage, and an advertising strategy.

Aggressive advertising is planned in the first year with half the budget concentrating on pre-opening and first quarter promotions. An advertising mix includes free advertising (i.e., newsworthy stories), newspaper, radio, radio remotes, direct mail, and brochure distribution to homes, businesses, schools, hotels and other retail businesses. Co-op advertising allowances are being negotiated with vendors and suppliers and reciprocal coupons will be arranged with numerous other retail and noncompeting restaurants.

Sixty percent of the arcade pieces will give out tickets that can be redeemed for prizes. Redemption prizes will be of significantly better quality, the ease of winning prizes will be significantly better than any arcade known.

A number of promotional events such as skeeball tournaments, basketball shootouts, high score tournaments, and fund raising events will be ongoing each week. Hats, t-shirts, sweatshirts, and recognition plaques with Joker's logo on it as well as a large variety of other high quality products will be featured as prizes and give-aways.

Property, Facilities and Demographics

Two types of buildings are suitable for Jaker's locations - a one level "30,000 square foot building allowing for 16' ceilings or a 22,000 square foot building that would be open in the middle and allow for a mezzanine of 8,000 square feet. Three to five acres of land would be needed to build and allow for 150 to 200 parking spaces. The number of customers is estimated at 300 to 1,200 a day. A building needs to face the main traffic for visibility and allow for a sizeable pylon sign and easy access. The building must contain HVAC, adequate bathroom and electrical facilities and be wide open inside.

Boulos Realty and Leighton Realty are currently looking for landlords who will lease or build to suit. Negotiations are currently ongoing to lease either of two properties in Portland and with two other landlords to build to suit in Saco, Maine.

Demographic minimum requirements include the following:

- a. A permanent population within 10 miles of 75,000 people with 30,000 households, medium income of \$35,000 or higher, large families with predominately two workers with an average credit history and medium high education.
- b. Seasonal locations such as ocean and lake area whose seasonal demographics will provide the greater seasonal traffic and balance slow summer revenues in permanent population bases.
- c. High traffic routes such as stretches of route 1 or turnpike exists to capture high volume mobil traffic.

All locations currently under negotiations include these segment demographics.

William Latvis

Mr. Latvis has over twenty years of broad and in-depth business experience:

Operations - Supervised over 50 retail store managers and assistant managers. Provided adherence to high operating standards and procedures. A skillful trainer/leader who has conducted numerous retail training sessions and taught business courses for several colleges part-time for the past nineteen years. Knows retailing thoroughly and how to maximize sales, gross margins and profitability through outstanding customer service and tight labor scheduling.

Finance - Responsible for cash flow for several different multimillion dollar departments. Adept at providing strong accounting internal controls, developing accurate operating proformas, balance sheets and, most importantly, control cash flows. Capable of working proficiently with outside auditors or accountants. Specializes in analyzing financial results and taking corrective action where variances exist. When Wellby Super Drug was sold, was one of the top three management that put together \$30 million in a management buy out attempt. Has for the past 18 years been the Treasurer of the Hannaford Credit Union which currently has assets of \$10 million.

Marketing/Advertising - Familiar with dealing with agencies and designing and implementing effective media campaigns using newspapers, flyers, direct mail, television and numerous other advertising alternatives. Creative and innovative in communication in general. Experienced at collecting and interpreting demographic and psychographic data pertinent to site selection and marketing.

Security - Certified in loss prevention and accomplished at preventing internal and external theft. Experienced at recognizing and dealing tactfully with objectionable and trouble making segments of society, if necessary. An expert in physical security systems. Proficient at recognizing and determining the causes of shrink.

Management Competencies - Familiar with negotiating all types of business insurance needs. A "roll-up-the-sleeves-and-get-involved-type" manager. Capable of negotiating and forming long lasting partnerships with suppliers and vendors. Very familiar with selecting and installing and operating sophisticated, automated business equipment from POS terminals to office computers. Profitably managed two military officer clubs and four NCO clubs while in the Army and managed a summer resort in Bar Harbor, Maine.

Thomas Milligan, Jr., PE, PLS, LSE

Professional Engineer
Professional Land Surveyor
Licensed Site/Soil Evaluator

14 Deer Run Drive
Biddeford, Maine 04005
(207) 283-8810

September 25, 1996

Rick Knowland
Planning Department
City of Portland
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Site Plan
Joker's Two, Inc.
510 Warren Avenue

Dear Rick:

We are forwarding for your review copies of the site plan and other related submission materials for the proposed Joker's Two, Family Entertainment Center to be located at the site of the former Grossman's building on Warren Avenue.

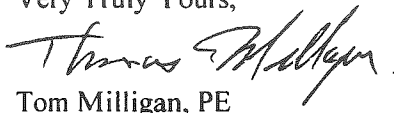
The developers of the Joker's Two Project are proposing to remodel and expand the former Grossman's Lumber Company building to accommodate their business. Joker's Two will be an indoor/outdoor family recreation center. Indoor recreation will include such items as a climbing gym for children, arcade type games, laser tag and food service facilities. Outdoor recreation will include children play areas, go-carts, miniature golf, and other similar facilities.

Attached we have provided a list summarizing the submission materials being provided and a list of the project team members involved in this project.

We look forward to presenting this project to the City staff and Planning Board at the Planning Board's Site Plan Review meeting on October 8, 1996.

If you have any questions, please give either Mr. Bill Latvis or Mr. James Grattelo of Joker's One, Inc. (1-800-717-0879) or me a call (207-284-9118).

Very Truly Yours,


Tom Milligan, PE

:encl

cc: Jokers One, Inc.

Thomas Milligan, Jr., PE, PLS, LSE

Professional Engineer
Professional Land Surveyor
Licensed Site/Soil Evaluator

14 Deer Run Drive
Biddeford, Maine 04005
(207) 283-8810

PROJECT TEAM

**Joker's Two Project
510 Warren Avenue
Portland Maine**

Project Developers:

Mr. Bill Latvis
Sisquisic Trail
Yarmouth, Maine 04096
207-846-3400

Mr. James Grattelo
3 Winter Street
Biddeford, Maine, 04005
207-282-9332

Property Owner:

M.T.S. LLC.
21 Coveside Road
Cumberland Center, ME

Project Team Coordinator:

Mr. Thomas Milligan Jr., PE, SE, PLS
14 Deer Run Drive
Biddeford, Maine 04005
207-283-8810

Civil Engineer: (Drainage, Site Plan Erosion Control)

Mr. David Kamila, PE
Land Use Consultants, Inc.
966 Riverside Street
Portland, ME 04103
207-878-3313

Boundary Surveyor:

Mr. John Cyr, PLS
Owen Haskell, Inc.
16 Casco Street
Portland, ME 04101
207-774-0424

Thomas Milligan, Jr., PE, PLS, LSE

Professional Engineer
Professional Land Surveyor
Licensed Site/Soil Evaluator

14 Deer Run Drive
Biddeford, Maine 04005
(207) 283-8810

Topographic Surveyor:

Mr. Greg Copeland, PLS
20 Goosefare Drive
Old Orchard Beach, ME 04064
207-934-4955

Traffic Engineer:

Mr. John Murphy, PE
RR1, Box 6300
West Baldwin, ME 04091
207-625-8222

Wetland Delineator:

Mr. Tom Milligan, PE, SE, PLS
14 Deer Run Drive
Biddeford, Maine 04005
207-283-8810

Project Building Architects:

Jensen and Stenbak
4 Auburn Rd.
Londonderry, NH 03053
603-425-5100

Project Amusement Planners:

White Hutchinson
Leisure & Learning Group
4030 Broadway
Suite 215
Kansas City, MO 64111
816-931-1040



LAND USE CONSULTANTS INC
September 24, 1996

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE
Bradley H. Hare, RLA
John D. Roberts, PLS

3019

Mr. Thomas Milligan P. E.
14 Deer Run Drive
Biddeford, Me 04005

Jokers Two, Inc. - Preliminary Stormwater and Erosion Control Narrative

Dear Tom:

The purpose of this letter is to present my conceptual plans for controlling stormwater runoff and erosion from the proposed new Jokers Two, Inc. Recreation facility on the site of the former Grossman's at 510 Warren Avenue in Portland, Maine.

Existing Conditions

The total site area is 9 acres of which approximately 5 acres are currently developed as buildings and pavement. The site is bounded by Warren Avenue to the North, the Maine Turnpike to the West, an abandoned Portland Terminal Co. railroad bed and Central Maine Power Co. transmission right-of-way to the South and Georgia Pacific Co. wholesale facility to the East.

The site consists of the main retail building adjacent to the Maine Turnpike, the Contractor Sales Building next to Georgia Pacific Co. and several small outbuildings located around a large paved parking and storage yard. The southwest corner of the site is mostly wooded and the area under the CMP right-of-way is mostly scrub brush.

The site is generally flat and outside the developed areas the existing soils are identified in the Cumberland County Soil survey as Augres and Swanton loamy sands and fine sandy loams characterized by high water tables. Drainage swales are identified along the southerly and westerly boundaries which direct surface runoff to the southwest corner of the site where a small pond is located. The pond drains under the railroad easement through a 24" cast iron culvert which is filled with sediment.

The developed portion of the site is drained by three catch basins down the center of the paved area. Two catch basins apparently connect to the Warren Avenue storm drainage system and one catch basin to the rear of the site apparently drains to an existing swale flowing towards the CMP right-of-way. This basin is filled with sediment and the outlet pipe is not evident.

The stormwater flowing to the south under the abandoned railroad bed eventually enters Capisic Brook after flowing under Holm and Taft Avenues. A discussion with Melodie Estaberg in the city Engineering Department indicated that Capisic Brook watershed is subject to periodic flooding and detention is recommended to the maximum extent practical.

LAND USE CONSULTANTS INC

Proposed Development

Jokers Two, Inc. plans to expand the existing retail building by approximately 10,000 s.f. towards the Turnpike to accomodate its indoor recreation center. A miniature golf course will be constructed over the existing parking lot adjacent to Warren Avenue and a future outdoor recreation area is planned for the currently undeveloped southwest corner. The existing parking lot will be expanded towards the CMP right-of-way to accomodate up to 250 cars at peak usage. The existing paved area will be reused for parking by installing islands and defining parking bays. The existing warehouse building will be leased or transferred to some other use.

The developed portion of the site which drains to Warren Avenue will continue to drain by the two existing catch basins which will be flushed and cleaned of sediment. The existing Casco trap will be inspected and replaced if necessary.

The majority of new development will drain by the existing swales and catch basin to a proposed detention basin at the rear of the property. The existing catch basin will be cleaned and a new discharge pipe installed under the extended parking area. The proposed detention basin will be designed to accomodate runoff from the future outdoor recreation area if and when it is constructed. The peak discharge from the detention basin will be limited to a rate that is less than the current peak flow rate for a 2, 10 and 25 year storm to prevent adverse impacts to the downstream watershed.

Erosion and Sediment Control

The site plan will be developed with an erosion and sediment control plan consisting of standard practices such as silt fence, catch basin inlet barriers, rip-rap inlet and outlet protection, loam, seed and mulch on all disturbed soils and erosion control matting on steep embankments such as detention basin and swale side slopes and ditch inverts. Due to the relatively flat slopes and limited earthwork, erosion and sedimentation are not expected to be a significant problem on this site.

Please call me with comments or questions.

Sincerely,



David A. Kamila, P.E.
Vice President

DAK/pp

cc: Bill Latvis, Jokers Two, Inc.

JOHN L. MURPHY, P.E.

Civil Engineer
Traffic Engineer

RR1, BOX 6300
WEST BALDWIN, MAINE 04091-9745
207-625-8222

To: Bill Bray

From: Jack Murphy

J. Murphy 9/13/96

Re: Proposed "Jokers 2" on former Grossman's site, Warren Ave. -
Traffic.

General

The developer will use the Grossman's site on Warren Avenue for a 430 seat entertainment center. The existing site has 27,200 square feet of main buildings plus 4475 square feet of open sided lumber sheds. The Grossman's facility is currently closed. The proposed project will result in 37,200 square feet of usable building space with 26,400 square feet used for the 430 seat entertainment center and one existing 10,800 square foot building to remain in warehouse use. (Addition of 10,000 square feet is proposed for the other building.) Also, a miniature golf course and a possible "go cart" track may be added outside at some time in the future.

Trip Discussion

The former Grossman's site with 27,200 square feet of closed buildings (the 4475 square feet of sheds are not considered for trip generation purposes) is estimated to have generated 140 Saturday peak hour trips with 71 entering and 69 exiting. This is based upon the Institute of Transportation Engineers' 1995 updated report "Trip Generation".

The developer has supplied traffic counts taken at similar entertainment facilities in Peabody and Weymouth, Massachusetts. These facilities and the related count dates are as follows:

1. Bonkers 22,500 sq. ft., 438 seats, Peabody, MA
Saturday 6/4/94 11:00 - 16:00
2. Bonkers 26,000 sq. ft., 418 seats, Weymouth, MA
Sunday 6/5/94 11:00 - 16:00

The peak hour for the Peabody facility was between 1420 and 1520 with 41 entering vehicles and 34 exiting vehicles for a total of 75 trips per hour. A secondary peak hour of 68 trips occurred between 1220 and 1320. The larger facility (26,000 sq. ft.) in Weymouth had a Sunday peak hour between 1200 and 1300 with 57 entering and 8 exiting vehicles for a total of 65 trips per hour.

The smaller facility of 22,500 square feet located in Peabody had the greater number of weekend trips during a Saturday afternoon. This facility has a greater number of seats than the larger facility in Weymouth (438 versus 418). This is important because customers pay for and occupy seats for two hour periods. Thus available seats are potentially a better variable for trip generation estimates. However, since the proposed "Jokers 2" in Portland will have greater enclosed floor area, a more conservative estimate of trips results based upon a ratio of floor space.

Therefore assuming that the Portland "Jokers 2" will have 26,400 square feet of floor space and the Peabody, Mass. Bonkers facility had 22,500 square feet, the Saturday 6/4/94 peak hour count of 75 trips was factored by 1.17 to result in an estimated 88 Saturday peak hour trips for the Portland project. Of these trips, 48 are estimated to enter and 40 exit. The remaining 10,800 square foot warehouse is expected to generate only 2 additional trips on Saturday, thus total Saturday peak hour impact is an estimated 90 trips.

The available data from these two counts plus summary data from two other weekend counts at the Peabody and Weymouth Bonkers also included vehicle occupancy data for all entering vehicles. The vehicle occupancy resulted in over 3 persons per vehicle in all counts. Therefore, if 3 persons per vehicle arrive in 48 vehicles during an hour, 144 seats are occupied. Since seats are occupied for 2 hours, and only 430 total seats are to be available in Portland, this estimate would represent a reasonable estimate of a peak hour during a school year.

Conclusions

1. Based upon factored available counts of similar facilities and an estimate of trip generation from the former Grossman's, the Grossman's facility could be expected to generate 140 Saturday peak hour trips while the proposed "Jokers 2" total project is estimated to generate 90 Saturday peak hour trips.
2. The Saturday peak hour is the greatest impact for both a retail lumber store and a recreational facility.
3. Thus the existing site has already been permitted for the expected trip impact of the proposed facility, and no future traffic impact analysis should be required for approvals.

J. Murphy
7/13/96

Bentley

TRAFFIC STUDY - # CARS OCCUPANCY WEYMOUTH

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	
TIME	IN	OUT	NET	TOT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	TOTAL	DATE	
1			0																						0	6/5/94	
2			0	0																						0	
3			0	0																						0	
4			0	0																						0	
5	4	0	4	4	1	1	1	1																		4	
6	5	0	5	9	3	1	2	1	1																	8	
7	4	0	4	13	1	1	1	1																		4	
8	12	1	11	24	1	4	7	1	5	3	1	5	8	4	1	3										4	
9	8	3	5	29	4	4	3	1	3	7	3	6														43	
10	9	0	9	38	3	3	3	2	1	1	7	3	5													31	
11	5	0	5	43	4	5	8	3	2																	28	
12	13	2	11	54	4	2	4	1	3	3	2	4	6	3	5	2	8									22	
13	10	4	6	60	5	1	5	2	4	3	2	5	2	3												47	
14	5	4	1	61	3	3	2	3	3																	32	
15	4	1	3	64	4	3	3	1																		14	
16	4	0	4	68	2	9	1	1																		11	
17	1	0	1	69	3																					13	
18	5	1	4	73	3	2	5	5	3																	3	
19	2	4	-2	71	2	3																				18	
20	3	5	-2	69	3	2	3																			5	
21	9	3	6	75	2	2	2	2	2	3	1	1	4													8	
22	5	8	-3	72	1	4	3	1	8																	19	
23	12	4	8	80	1	1	2	5	7	8	7	5	3	4	3	3										17	
24	10	6	4	84	6	1	5	3	3	3	2	4	4	5												49	
25	13	8	5	89	4	3	4	3	2	4	4	2	5	3	6	4	4									36	
26	8	7	1	90	2	2	2	2	4	3	3	3	3													48	
27	5	3	2	92	2	5	3	4	2																	21	
28	5	5	0	92	3	2	3	2	3																	16	
29	3	4	-1	91	2	3	4																			13	
30	1	10	-9	82	3																					9	
31	4	4	0	82	5	5	11	3																		3	
32	TOTAL	169	87	82	82																				24	Average /Car	
																									546	3.23076923	

Banner,
TRAFFIC STUDY - # CARS OCCUPANCY PEABODY

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	
TIME	IN	OUT	NET	TOT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	TOTAL	DATE	
1			0	28	1																				1	5/4/94	
2			-1	27	6	4																			10		
3	2	3	5	32	3	4	3	5	3	2	3														23		
4	7	2	5	33	5	3	3	3	4																20		
5	5	4	1	39	2	1	6	7	4	3	3														26		
6	7	1	6	45	6	1	4	5	3	3	4														25		
7	8	2	6	47	3	1	5	3																	12		
8	4	2	2	48	3	5	3																		11		
9	3	2	1	53	3	3	3	4	2	2	2														19		
10	7	2	5	59	3	4	4	4	3	2	4	1	1	3	1	3									33		
11	12	6	6	62	4	5	4	6	2	3	3	4	7												38		
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13	7	4	3	70	4	1	3	4	4	6	4														26		
14	7	2	5	70	2	3	1																		6		
15	3	3	0	70	5	5	3																		11		
16	3	3	0	72	3	1																			4		
17	2	0	2	72	2																				2		
18	1	1	0	72	4	2																			6		
19	2	2	0	76	2	3	3	3	2																13		
20	5	1	4	77	6	5	3																		14		
21	3	2	1	80	1	5	6	1	5	6	6														30		
22	7	4	3	80	1	5	5	1	3	3															18		
23	6	6	0	83	3	3	6	2	2	3	5														24		
24	7	4	3	88	4	3	3	4	4	3	2	3													26		
25	8	3	5	89	3	6	2	5	3	2	3	7													34		
26	9	8	1	84	2	1	5	5																	13		
27	4	9	-5	84	2	2	3	2																	9		
28	4	4	0	84	5	2	3	4	2	3	3														23		
29	8	0	0	80	2	3	2																		7		
30	3	7	-4	76	4	1	4																		9		
31	3	7	-4	76	4	1	4																		7		
32	TOTAL	156	103	48	76																				515	Average / Car	
																										3.30128205	

Thomas Milligan, Jr., PE, PLS, LSE

Professional Engineer
Professional Land Surveyor
Licensed Site/Soil Evaluator

14 Deer Run Drive
Biddeford, Maine 04005
(207) 283-8810

September 16, 1996

Mr. Bill Latvis
c/o Jokers, Inc.
2460 A Lafayette Rd.
Portsmouth, NH 03801

Re: Wetlands -- Grossmans Facility
510 Warren Avenue, Portland, Maine

Dear Bill:

In response to your request, wetlands at the above referenced site were delineated on September 8, 1996. Wetland boundaries were marked with pink and black striped flags and pink flags attached to vegetation. These flags have been located by survey and transferred onto project plans.

SITE

The subject parcel is the site of the former Grossman's Lumber Company, and is comprised primarily of buildings and pavement areas. A powerline runs across the southerly side of the parcel. A small area of wooded vegetation is located along the westerly side of the parcel adjacent to the turnpike. A small area of woods is also located between the powerline easement and the parking lot area to the rear of the Grossman's building.

The parking areas drain to a storm drain system which leads to Warren Avenue. The wooded and rear portions of the site slope gently towards the southerly and southwesterly corner of the site.

WETLANDS

There were three areas of wetlands identified on site. One area runs parallel to and westerly of the parcels westerly property line. This wetland area drains into a small pond located at the southwesterly corner of the parcel. The outlet of this pond is controlled by a 24" culvert running under an old railroad embankment. This wetland is fed by several culverts from the turnpike.

The second wetland is a narrow wetland located along the southerly boundary of the site and is located within a man made drainage ditch. This wetland also drains into the pond mentioned above.

The third wetland is an irregular shaped area located on the southeasterly side of the property. This wetland is located under the power lines in a low area between the existing site improvements and adjacent areas, and appears to be primarily the result of poor site drainage. A small man-made ditch with wetland vegetation leads out of this wetland into the ditch referenced above.

Wetland Delineation. The boundary of the wetlands were delineated in accordance with the 1987 Corps of Engineers Wetland Delineation Manual which requires for an area to be designated as wetland, evidence indicative of wetland must be present from three parameters: vegetation, soils and hydrology. Flags were attached to vegetation at locations corresponding to a preponderance of hydrophytic (wetland) vegetation, along with soils exhibiting hydrophytic (wetland) vegetation, along with soils exhibiting hydric characteristics, and evidence of wetland hydrology. Evidence used to identify wetland boundaries at the site is described below for each of the parameters.

The National List of Plant Species that occur in Wetlands: Maine, by Reed (1988) was used to determine the indicator status of vegetation at the site. Dominant vegetation characteristic of wetland include: red maple, sensitive fern, royal fern, cinnamon fern, and speckled alder.

Dominant Vegetation found in upland parts of the site consists of: Northern red oak, white pine, lowbush blueberry, wild sarsaparilla, sweet fern and bracken fern.

Soils were observed at several locations throughout the site using a hard auger. Soil color and soil mottling were determined based on visual observations. Wetland soils contained low chroma colors with mottles.

Hydrologic evidence was used to establish the boundary of wetland at the site include drainage patterns characteristic of wetlands, standing water, soil saturation with 7 inches of the surface.

This report provides a summary of the wetland conditions observed on the subject site.

If you have any questions about the information presented, please give me a call.

Very Truly Yours,



Tom Milligan, SE

Mr. Tony Lombardo
Department of Public Works
City of Portland
Wastewater Department
55 Portland Street
Portland, Maine 04101

Re: Wastewater Disposal
Jokers Two, Inc, Project
510 Warren Avenue
Portland

Dear Tony:

We are requesting verification in writing that the proposed Joker's Two facility can be served by the existing sewer system.

Jokers Two, Inc. is a proposed indoor/outdoor family entertainment center. The developers of the project are proposing to remodel and expand the existing Grossman's Lumber Company building on Warren Avenue to house their facility.

The proposed facility will have restrooms and a kitchen area that will prepare and serve food.

The restroom facilities will include a men's room having two water closets, two urinals and two sinks, and a woman's room having four water closets and two sinks. The kitchen will prepare foods such as pizza, hamburgs, hotdogs, sandwiches and fries to serve to their patrons. Drinks will also be available. Minimal frying of foods will occur. Food will be served on disposable paper plates, plasticware will be used, drinks will be served in disposable cups. Dishwashing will be minimal and generally will consist of washing pizza pans, some pots and pans and serving utensils.

The existing Grossman building currently has existing restrooms and is connected to the existing sewer.

Wastewater flow volume to be discharged to the sewer system from the proposed facility is estimated to be 765 gallons per day. These flow figures are based on the existing water use records from the currently operating Jokers' facility in Portsmouth N.H. (see enclosed copy of water/sewer bills).

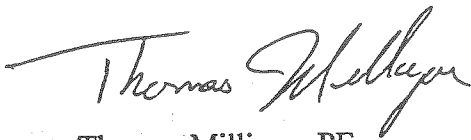
The wastewater to be conveyed to the public sewer will be primarily domestic wastewater from the restrooms; some wastewater will be generated by the kitchen. Grease volumes are expected to be minimal due to the nature of the kitchen operation and foods served.

Please provide us with a letter indicating that proposed facility can continue to be serve by the municipal sewer.

If you have any questions, please call me at 284-9118 or Mr. Jim Grattelo or Bill Latvis at Jokers in Portsmouth (603-431-7770).

We are planning to submit the project for site plan review on September 23, 1996. Your prompt action on this request would be greatly appreciated.

Very Truly Yours,

A handwritten signature in cursive script that reads "Thomas Milligan". The signature is written in dark ink and is positioned above the printed name.

Thomas Milligan, PE

cc: Jokers

**CITY OF PORTSMOUTH
WATER DEPARTMENT
P.O. BOX 628
PORTSMOUTH, N.H. 03802**

FROM:
3/28/95

TO:
7/20/95

DUE DATE:
8/20/95

ACCOUNT NO.:
330501

THE RANDALL PRESS, INC., PORTSMOUTH, N.H. 03801-3631

PLEASE DETACH STUB AND RETURN

METER READINGS		WATER	SEWER	ARREARS WATER AND SEWER		MISC. CHARGES
FROM	TO	CONSUMPTION IN 100 CU. FT.	AMOUNT	AMOUNT	AMOUNT	PENALTY
170	300	130	234.84	305.50	10.06	.30
INQUIRIES:		427-1530				

JOKERS ONE, INC
2460 LAFAYETTE RD
PORTSMOUTH NH 03801

AMOUNT DUE
550.70

PENALTY CHARGES

PAYMENT DUE UPON RECEIPT 1% INTEREST PER MONTH WILL
BE ADDED IF NOT PAID WITHIN 30 DAYS OF BILL DATE

From City of Portland
#3019 9/18/96

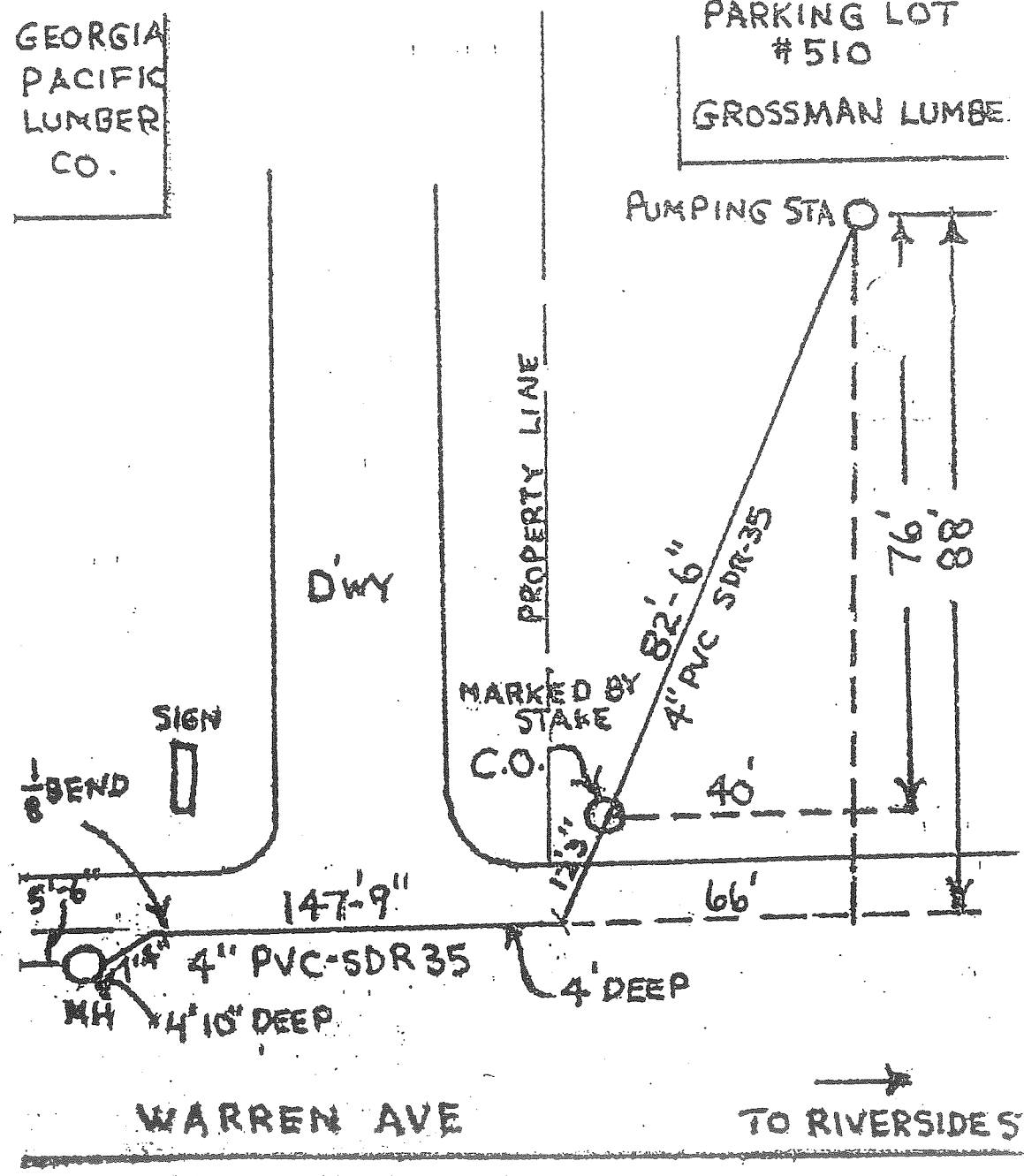
Date of Entrance 5-25-78

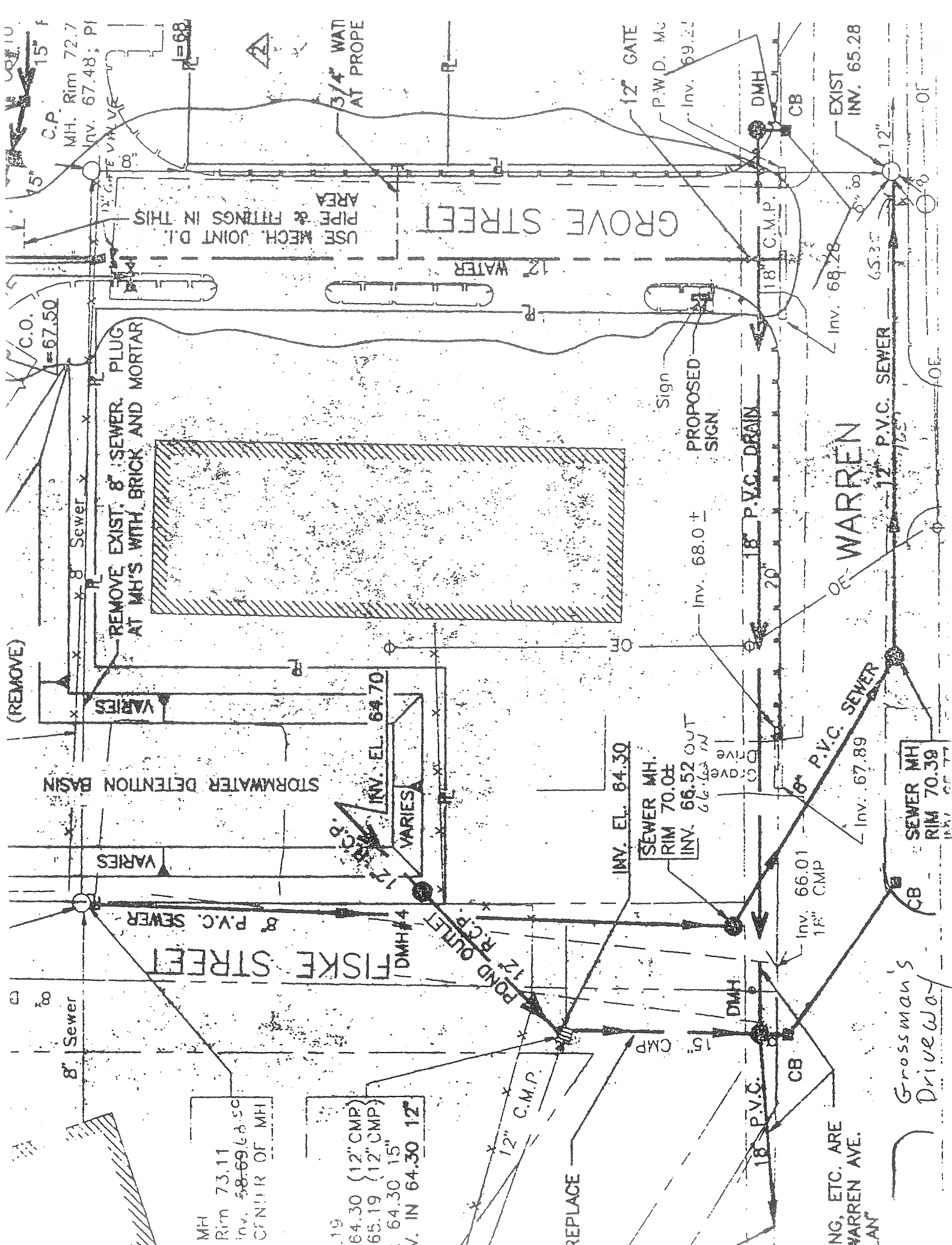
Connected by DANA ASSKOV

Size and kind of pipe 4" PVC SDR-35

Inspected by P. MULLIN

Sewer Connection Book Vol. P





C.P. MH. Rim 72.7
 Inv. 67.48; P.I.
 15" f

USE MECH. JOINT D.I.
 PIPE & FITTINGS IN THIS
 AREA

REMOVE EXIST. 8" SEWER.
 PLUG WITH BRICK AND MORTAR
 AT MH'S WITH BRICK AND MORTAR

(REMOVE)
 VARIES

STORMWATER DETENTION BASIN

8" P.V.C. SEWER
 VARIES

FISCHE STREET
 DMH #4
 INV. EL. 64.70
 VARIES

12" R.C.P.
 POND OUTLET
 12" R.C.P.

REPLACE
 12" C.M.P.

MH 73.11
 Rim 58.69
 Inv. 58.69
 CENTER OF MH

3/4" WATER
 AT PROPE

12" WATER

12" GATE

P.W.D. MC
 Inv. 69.22

DMH
 CB

EXIST
 INV. 65.28

12"

18" P.V.C. SEWER
 Inv. 68.28

12" P.V.C. SEWER
 65.30

Warren
 DE
 OF

INV. EL. 64.30
 SEWER MH.
 RIM 70.08
 INV. 66.52 OUT

INV. 68.0 ±
 PROPOSED
 SIGN

18" P.V.C. DRAIN

INV. 67.89
 18" P.V.C. SEWER

INV. 66.01
 18" CMP

SEWER MH
 RIM 70.39
 INV. 66.77

CB
 Grossman's
 Driveway

INV. 64.30 12"

BING, ETC. ARE
 WARREN AVE.
 PLAN

15"



Portland Water District

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

(207) 774-5961
FAX (207) 761-8307

September 18, 1996

Mr. Pat Clark
LUC
966 Riverside Street
Portland, ME 04103

Re: Jokers Two, Inc.

Dear Pat:

The Portland Water District has a 20" water main in Warren Avenue, Portland, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 74 psi; pito pressure 50 psi; flow of 2373 gpm. With these results in mind, the District feels we have a healthful and sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands.

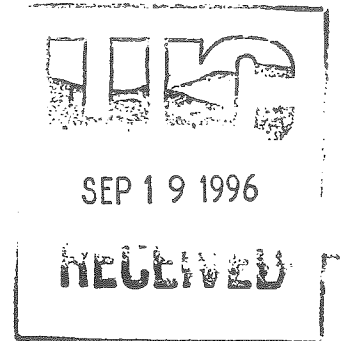
With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT

David W. Coffin, PLS
Engineering Supervisor

DWC/ajr



NOISE

The indoor family entertainment center does not produce any objectionable noise levels.

The only outdoor activity that produces any noticeable noise are the go carts.

The design of go carts today has compensated through adequate mufflers for noise levels. The noise levels of the go cart facility will vary depending upon the number of cars in operation and the distance from the track. According to the manufacturer and the Department of Health and Welfare & Bio Environmental Services, the noise level of the go carts operating at 100 feet ranged from 69.9 decibels to 64.0 decibels.

All adjacent property owners are more than 100 feet away and currently experience noise levels all hours of the day and night that far exceed the decibel output of the go carts due to road noise from cars and trucks from the turnpike I-95.

Attached are examples of decibel levels from a variety of sources.

REPRESENTATIVE NOISE LEVEL EXPRESSED
IN DECIBELS (dBA)

SOURCE	NOISE LEVEL (dBA)
Nighttime background	44
Leaves rustling	45
Daytime background	49
Transformer	52
Barking Dog at 100 feet	55
Air Conditioner	60
Conversation	60 - 65
Dishwasher	69
Automobile at 50 feet	70
Sony Walkman	72
Vacuum Cleaner	73
Light truck at 50 feet	73
Lawn Mower	75
Clothes Washer	78
Garbage Disposal	80
Prop Aircraft (flyover)	80
Leaf Blower (Electric)	82
Food Blender	85
Heavy truck at 50 feet	86
Jet Aircraft (flyover)	89
Leaf Blower (Gasoline)	95
Rock Concert at 100 feet	105 - 115
Chain Saw	110

THE DECIBEL SCALE

0	THRESHOLD OF HEARING
10	NORMAL BREATHING
20	LEAVES RUSTLING IN A BREEZE
30	EMPTY MOVIE HOUSE
40	RESIDENTIAL NEIGHBORHOOD AT NIGHT
50	QUIET RESTAURANT
60	TWO-PERSON CONVERSATION
70	BUSY TRAFFIC
80	VACUUM CLEANER
90	WATER AT FOOT OF NIAGARA FALLS
100	SUBWAY TRAIN
120	PROPELLER PLANE AT TAKEOFF
130	MACHINE-GUN FIRE, CLOSE RANGE
140	MILITARY JET AT TAKEOFF
160	WIND TUNNEL
175	FUTURE SPACE ROCKET

LEVELS OF SOUND INTENSITY are delineated on this chart, which assigns approximate decibel values to various familiar sounds. Near-absolute silence, represented by zero decibels, can be achieved only in special no-echo chambers. Above 120 decibels (*shaded area*) noise is so intense that it can be felt as a tickling sensation in the ear; beyond 130 decibels, the sensation changes to pain and may damage the unprotected ear.

Thomas Milligan, Jr., PE, PLS, LSE

Professional Engineer
Professional Land Surveyor
Licensed Site/Soil Evaluator

14 Deer Run Drive
Biddeford, Maine 04005
(207) 283-8810

LANDSCAPING

The project site will receive extensive landscaping. Street trees will be installed along Warren Avenue. The proposed miniature golf area fronting Warren Avenue will provide additional landscape treatment along the front of the site.

Trees and shrubbery will be installed in the parking lot roadway islands. The building front will be landscaped. Additional landscape treatment will be installed and interspersed throughout the outdoor amusement area.

All landscaping will be of the low maintenance type. Plantings will be installed in bark mulch beds. Landscaping will be conformance with City of Portland Technical Standards.

Typical species to be provided include:

- red maple
- PJM Rhododendron
- Mugho Pine
- Stella d' oro day lillies
- Andorra Juniper
- Japanese Yew

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SOLID WASTES

Solid wastes to be generated by the proposed project will include the following:

1. Site preparation wastes -- trees, stumps and grubblings. This material will be either chipped or burned on site. Stumps will be disposed of off-site at an approved location.
2. Demolition debris -- debris from remodeling of the facility will be disposed of off-site at an approved location.
3. Operational wastes -- wastes to be generated include normal household type trash including disposable plates, cups and plasticware, packaging from food and other shipped in goods and products.

This material will be disposed of off-site by a commercial waste hauler.

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NATURAL AREAS, WILDLIFE, FISHERIES OR ARCHAEOLOGICAL SITES:

There are no known unusual natural areas, wildlife and fisheries habitats or archeological sites located on the project site or nearby adjacent areas.

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CONSTRUCTION PLAN

The following is the proposed (tentative) sequence of construction plan:

- | | | |
|----|---|-------------------------|
| 1. | Install foundation for building addition
(weather conditions permitting) | Fall 1996 |
| 2. | Renovate pavement areas
(weather permitting) | Fall 1996 |
| 3. | Remodel Grossman's facility | Fall 1996 - Winter 1997 |
| 4. | Opening | March 1, 1997 |
| 5. | Install landscaping | Spring 1997 |
| 6. | Complete paving | Summer 1997 |
| 7. | Install outdoor amusements | Summer 1997 - Fall 1999 |

PRELIMINARY INSPECTION

Former Grossman's Lumber Buildings
Warren Avenue
Portland, Maine

Prepared for:

Mr. Mike Savage
21 Coveside Road
Cumberland Foreside, ME 04110

Prepared by:

Criterion—Mooney Engineers
650 Brighton Avenue
Portland, Maine 04102
[207] 775-1969

August 14, 1996

Project No. 96-123
Date of Inspection:
Engineer: H. Alan Mooney, P.E.

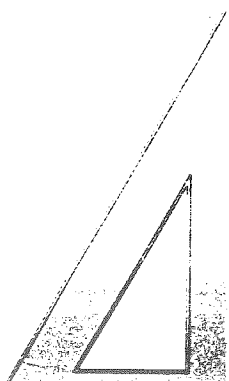


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1.0 INTRODUCTION

At your request, on August 13, 1996, a preliminary inspection of the former Grossman's Lumber Buildings on Warren Avenue in Portland, Maine was conducted. Your client, Mr. Peter Savage, was in attendance at the time of my inspection. In addition, a principle of the proposed tenant, Jokers, was in attendance.

Please understand that this inspection was a preliminary walk-through and not a detailed, thorough examination of these buildings. Thus, the report that follows should not be considered representative of a comprehensive examination of these buildings. Further, this investigation is based on readily available, visible evidence. Our primary purpose is to provide an understanding of the building you are considering. We do, of course, look for problems, particularly those we would consider major deficiencies.

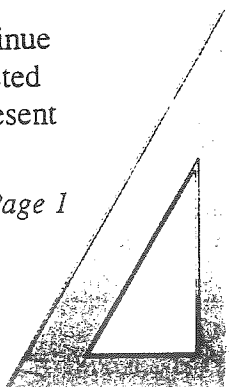
As additional engineering services are needed, Criterium - Mooney Engineers is available to assist.

This inspection and report do not include code compliance, municipal regulatory compliance, subsurface investigation, or records research related to this building.

This inspection report is limited to observations made from visual evidence. No destructive or invasive testing was performed. The report is not to be considered a guarantee of condition and no warranty is implied.

For your reference while reading the report that follows, the following definitions may be helpful:

- Excellent* - Component or system is in "as new" condition requiring no rehabilitation and should perform in accordance with expected performance.
- Good* - Component or system is sound and performing its function, although it may show signs of normal wear and tear. Some minor rehabilitation work may be required.
- Fair* - Component or system falls into one or more of the following categories: a) Evidence of previous repairs not in compliance with commonly accepted practice, b) Workmanship not in compliance with commonly accepted standards, c) Component or system is obsolete, d) Component or system approaching end of expected performance. Repair or replacement is required to prevent further deterioration or to prolong expected life.
- Poor* - Component or system has either failed or cannot be relied upon to continue performing its original function as a result of having exceeded its expected performance, excessive deferred maintenance, or state of disrepair. Present



condition could contribute to or cause the deterioration of other adjoining elements or systems. Repair or replacement is required.

All ratings are determined by comparison to other buildings of similar age and construction type.

This report is based on an examination of the major systems in this building; specifically the heating, plumbing, electrical, and structural systems. This report is an opinion about the condition of this building. It is based on visual evidence available during a diligent inspection of all reasonably accessible areas. No surface materials were removed, no destructive testing undertaken, nor furnishings moved. This report is not an exhaustive technical evaluation. Such an evaluation would cost many times more.

Owning any building involves some risk. Even the most comprehensive inspection cannot be expected to reveal every condition you may consider relevant to your ownership. Further, without disassembling the building, not everything can be known.

As Professional Engineers, it is our responsibility to evaluate available evidence relevant to the major systems in this building. We are not, however, responsible for conditions that could not be seen or were not within the scope of our service at the time of the inspection.

2.0 DESCRIPTION

The buildings in question include two buildings, Building A which is the former retail space for Grossman's Lumber and approximately 15,000 square feet, and Building B, the former warehouse for Grossman's Lumber and approximately 11,000 square feet.

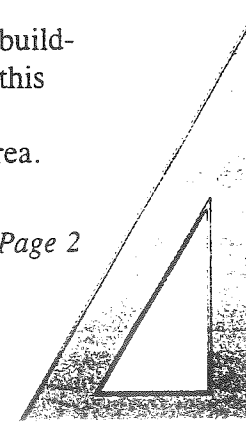
The small, two-car model garage and two sheds on this property were not inspected. Further, only a casual inspection of this site, including paving, fencing and surrounding undeveloped areas, was conducted.

3.0 OBSERVATIONS AND EVALUATION

The following is a brief summary of my observations and evaluation of these two buildings.

3.1 Building A/Retail

This building is a steel framed building of approximately 15,000 square feet. The enclosed building has a ceiling height of approximately 20 feet. Along the front of the building there is an attached canopy approximately 16 feet high, also steel framed. Most of this canopy is open. You should confirm that the 16,000 square foot representation for this building is the enclosed portion of the building only, and does not include the canopy area.



Since I did not take any dimensions of the building, I am unable to make this determination myself. However, the listing information indicates that the enclosed building is only 15,188 square feet despite the narrative statement that it is 16,400 square feet.

The building consists of a steel frame with diagonal bracing at most corners. The roof is a flat metal deck supported on a steel grid.

The walls consist of concrete block for approximately 5 feet of height above which it appears to be a wood framed wall system. The exterior walls are non-bearing, from all evidence available. The interior of the wood framed portion of the walls is a relatively low grade fiberboard material. The exterior portion of the wood framed walls is also fiberboard in most areas with plywood in some areas.

In general, there was no evidence of any significant structural distress in this building although there was some typical step cracking in the concrete block. There is evidence that the concrete block walls are well reinforced and cracking in these block walls is of little consequence since there are not a contributing part of the structure.

On the right hand end of the building, there is a mezzanine with some enclosed spaces on two levels. This is a relatively light weight, simple structure in fair condition at this time. It is not a contributing part of the overall structure and could easily be removed.

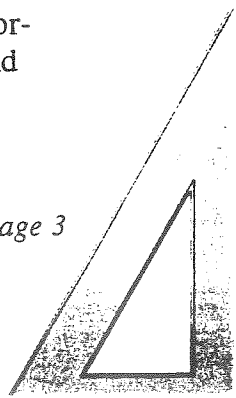
This building is heated by six gas-fired, ceiling-mounted unit heaters. They were not tested at the time of my inspection. While they appear adequate, it is important to understand that they would not provide uniform heat throughout this building. This is typical for this type of system.

There appears to be 400 amp, three phase electrical service in this building with extensive circuitry. Most of this equipment was shut down and not tested at the time of my inspection.

There is a sprinkler system in this building which was not tested but appeared functional. Recent records of its routine annual testing should be available.

Plumbing in this building is minimal, with bathrooms at the right hand end. There is evidence that there is a sewer pump in this building pumping waste water away from the building. This should be further investigated to determine exactly where the pump is, what type, its capacity, and its purpose. Since past demands on this system have been minimal, your client's proposed upgrade may exceed the capacity and/or reliability of this system.

The exterior of this building needs paint. It is likely that some of the fiberboard portions of siding will soon need to be replaced. This material is vulnerable to moisture, and aggressive maintenance will be necessary to prevent rapid deterioration.



The roof was examined by going directly on the roof. The listing information regarding this building indicates a tar and gravel roof. However, the roof has actually been resurfaced with what appears to be a fiberglass based rolled roofing material. This material appears to be less than ten years old. It is also apparent that this material was installed over the original tar and gravel roof since walking on the current roof is somewhat spongy.

The roofing material, however, appears to be in reasonably good condition at this time and another five to ten years service is likely without any major problems. However, given the narrow width of the rolled roofing material used, there are many joints throughout this roof. All of these joints are vulnerable to leakage and some localized leaking may occur from time to time. When you do decide to replace the roof, the existing roofing should be stripped completely. Otherwise, any new roof that is installed will be vulnerable to premature deterioration.

There are four roof drains which appear functional although at least one of them is not at the lowest point related to its surroundings. Toward the left end of the building, there is a large area where ponding regularly occurs. There is some sediment caked in that area and even some grass growing. At a minimum, regular maintenance is needed to prevent further deterioration of the roof covering in this location. This area should be thoroughly cleaned at your earliest opportunity. When any repairs to the roof are done, an attempt should be made to improve the pitch in this area so that water flows to the roof drain, not to the low spot.

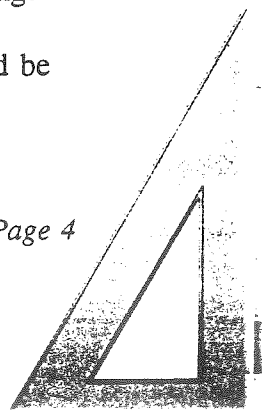
3.2 Building B/Warehouse

This building is essentially a pole building. There is a series of wood posts that appear to be set in concrete bases supporting the perimeter. There are large trusses spanning from side to side. The siding and roof are a metal skin attached by screws to the wood framing. There is no insulation or heat in this building except for a small office area that appears to have a localized heating system.

There is a steel framed shed-like structure attached to the front of this building. However, this steel frame is essentially an independent structure with only nominal attachment to the warehouse. It could easily be removed.

There is no evidence of any significant structural distress in this building. However, if it is to be heated or used in any way that would generate heat within the building, I recommend that the capacity of the roof trusses be analyzed to be sure that they are adequate for any snow or ice accumulation that might be caused by added heat in the building.

There is no evidence of any longitudinal bracing in the truss system for this building. While it would not typically have been required thirty years ago when this building was built, it is now considered an important part of bracing for this type of system. It would be easy to install and is recommended for this building.



There is a separate electrical service in this building which is nominal but adequate for its current use.

There is also nominal plumbing service which again appears to include a sewer pump. The location, type, capacity and purpose of this equipment should be further investigated as with Building A.

Typical maintenance for a building like this would be to check and tighten the fasteners for the exterior skin from time to time. This should be done within the next year or two unless other information is revealed to say that it has been done within the last five years.

In summary, this building appears to be serviceable for its current use.

3.3 Site

As noted, only a cursory examination of the site was conducted. In general, the paving is in fair condition. There is a subsurface drainage system, although it does not appear to serve all of the paved areas since there is clearly evidence of some ponding. Given the type of public use proposed for this site, this ponding may be of some concern since it can be a source of ice buildup and slippery wintertime conditions.

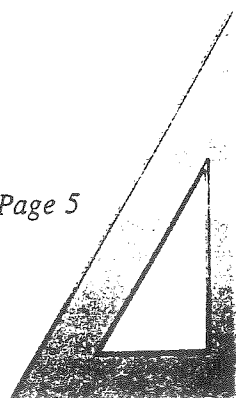
A large portion of the site is enclosed in chainlink fence with barbed wire at the top for security reasons. The barbed wire portions of this fence can become a liability for the type of use proposed and removal should be considered.

3.4 General

The proposed use for this facility may be considered a change of use by the City of Portland and may trigger some additional requirements related to current code compliance. I suggest discussing this possibility with the City Planning Department to determine if any additional requirements may occur. Since these buildings are more than thirty years old, there have been many changes in the building codes that may generate the need for some modification.

Both canopies (on Building A and Building B) could be removed without affecting the structure of either building. In fact, both steel framed canopies appear to be assembled mostly by bolts which should make disassembly relatively straightforward. There may be some reuse or salvage value in these portions of the structures.

The exterior walls on both buildings are essentially non-bearing and could be modified without affecting the primary structure. Bracing should not be disturbed, however.



3.5 Life and Fire Safety

While we often comment on major code violations, as we mentioned, this report should not be construed as a specific code compliance investigation. Further, since this is a commercial building, it is subject to many local and state ordinances and codes which do change from time to time. Therefore, to avoid surprises later on that might affect your use of this building as well as your maintenance and renovation budgets, we suggest that you review this building with the local code enforcement and fire officials prior to taking ownership. The judgment and decisions made by local code and fire officials can vary significantly from one community to the next. Therefore, establishing a relationship with these officials and having them review your building at this stage would be appropriate.

Also, while some references to handicap accessibility may be made, our report is *not* intended to be a complete investigation for conformance to the Americans with Disabilities Act (ADA) or any other state or Federal handicap accessibility standards. Such an investigation is beyond the scope of this inspection.

The requirements for safe gas piping vary from time to time. Since this building is served by free-standing gas tanks, it is subject to different regulations than those applicable to municipal gas systems. We recommend you have the gas piping and gas storage equipment reviewed by the gas supplier and/or the local fire marshal to confirm that everything is in compliance with current regulations and safety standards.

3.6 Environmental Scan

While some references to hazardous materials may be made, our report is **not a complete investigation** for toxic wastes in the building or adjacent soils, hazardous materials, or public records affecting this property. Such an investigation would be much more costly and is beyond the scope of this inspection.

Apparently, a separate environmental scan was underway at the time of my inspection.

4.0 CONCLUSION

Essentially, both buildings appear to be in serviceable condition at this time with no evidence of significant structural distress or major repairs required.

There is some flexibility for the modifications that you're considering for Building A. Building B is a simpler structure and its flexibility is somewhat limited by the type of structural system and the capacity of the roof trusses. Those trusses should be further analyzed before any significant modifications to this building are made, particularly anything that would heat it and possibly increase its vulnerability to snow buildup and ice dam formation on the roof.

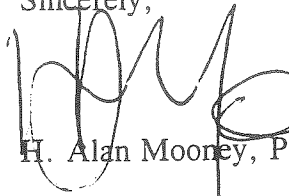


As you have any additional questions, please feel free to call.

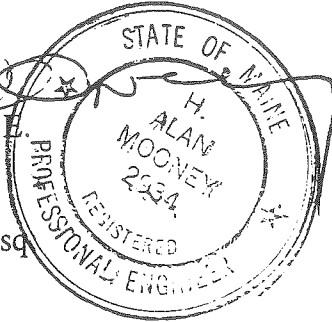
Also, please note that we are a full service consulting engineering firm and could provide other engineering services as may be needed for this building as you proceed with your renovations. For reference, a copy of my resume is attached.

Thank you for the opportunity to have been of assistance to you.

Sincerely,



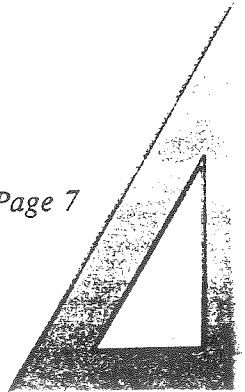
H. Alan Mooney, P.E.



HAM/ja

cc: Paul Bulger, Esq

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PROFESSIONAL QUALIFICATIONS AND EXPERIENCE

H. ALAN MOONEY, P.E.

Area of Expertise

Alan Mooney is a Civil and Structural Engineer with an unusual breadth of experience. During the past 25 years, his experience has ranged from the inspection of individual homes to the management of complex multi-million dollar engineering and construction projects and to serving as an expert forensic engineering witness in District and Superior Courts.

As President of Criterium - Mooney Engineers, he is responsible for the development and management of the firm. He remains actively involved in serving clients in need of building evaluation, investigative engineering, site planning and structural design assistance. As a noted seminar leader, he annually conducts seminars locally and nationally on building construction, hazardous materials, building inspection procedures and new construction techniques.

Qualifications

Before establishing his own firm in 1982, Mr. Mooney was among the senior management staff of Neill & Gunter, Inc., a 160 person engineering firm in Portland, Maine and Eastern Canada. In that capacity, he was responsible for the design and construction of a \$2,500,000 ferry terminal expansion in Bar Harbor, Maine, as well as many other projects. He was also responsible for marketing and public relations and staff training.

Earlier in his career, Mr. Mooney served as a Consulting Engineer with E. C. Jordan Company in Portland, Maine and with Goodkind and O'Dea in New Jersey.

As a consultant, he has inspected more than 9,000 buildings, including private homes, offices and industrial complexes, recommending structural improvements, mechanical modifications and energy conservation improvements.

Mr. Mooney's expertise and dedication to the highest standards have been recognized by numerous professional organizations. He serves as a technical consultant and seminar leader for both the National Association of Home Builders and the National Association of Realtors. He has been Chairman of the Governor's Advisory Council on Energy Standards. His articles have been published in professional journals and newspapers.

Education

Mr. Mooney received his Civil Engineering degree from Rutgers University in 1969. He is a Registered, Professional Engineer in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York and South Carolina. He is also a Licensed Environmental Assessor in California and Founding President of the National Academy of Building Inspection Engineers.

PROPERTY INFORMATION

Address: 510 Warren Avenue
Portland, Maine

Owner: FMG Fieber Realty Trust

Land Area: 9.23± acres

Year Built: Building A/Retail (16,400± sf): 1962
Building B/Warehouse: (10,800± sf): 1968

Lot Size: 9.23± acres

Map/Lot: Map 271, Block A, Lot 2

Assessed Value: Land: \$ 268,920.00
Bldg: \$ 900,450.00
Total: \$1,169,370.00 (1996/1997)

Real Estate Taxes: \$28,719.72 (1996/1997)

Zoning: I-2

Road Frontage: 450± feet of frontage on Warren Avenue
760± feet of frontage on Interstate 95
930± feet of frontage on Railroad property to rear
730± feet of frontage abutting Georgia Pacific property

Railroad: Portland Terminal Company (Guilford)

Topography: Level

Utilities: Municipal water and sewer

Easements: There is a 75' wide easement to the Central Maine Power Company crossing the rear of the property to allow for high tension power transmission lines.

Parking: Ample parking

Site Plan: See attached

Accessibility: Minutes from Exit 8 of the Maine Turnpike

Building Size: Building A/Retail: 16,400± sf
Building B/Warehouse: 10,800± sf
Two (2) storage sheds: 2,849± sf
1,626± sf

Basic Construction Features of Building A/Main Retail Building:

<u>Site Improvements:</u>	Asphalt paving around both buildings in a fenced in self-service area at the rear of the two main buildings. The chain link fence is six feet in height.
<u>Framing:</u>	Structural steel columns & beams
<u>Main Floor:</u>	Concrete slab with composition tile in some areas
<u>Roof structure:</u>	Metal truss with metal deck
<u>Walls:</u>	Concrete block up to 6' level with plywood and steel panels up to roof.
<u>Roof cover:</u>	Tar and gravel
<u>Overhead door:</u>	Two (2), 14' high x 12' wide
<u>Office Space:</u>	Approximately 1,000± sf of mezzanine office
<u>Ceiling Height:</u>	18'
<u>Bathrooms:</u>	One men's and one women's
<u>Heating:</u>	Propane gas fired space heaters
<u>Electricity:</u>	240 volt, three phase, 4 wire, 400 amp
<u>Lighting:</u>	Ceiling mounted strip fluorescent
<u>Sprinkler System:</u>	Dry system

Basic Construction Features of Building B/Warehouse Building:

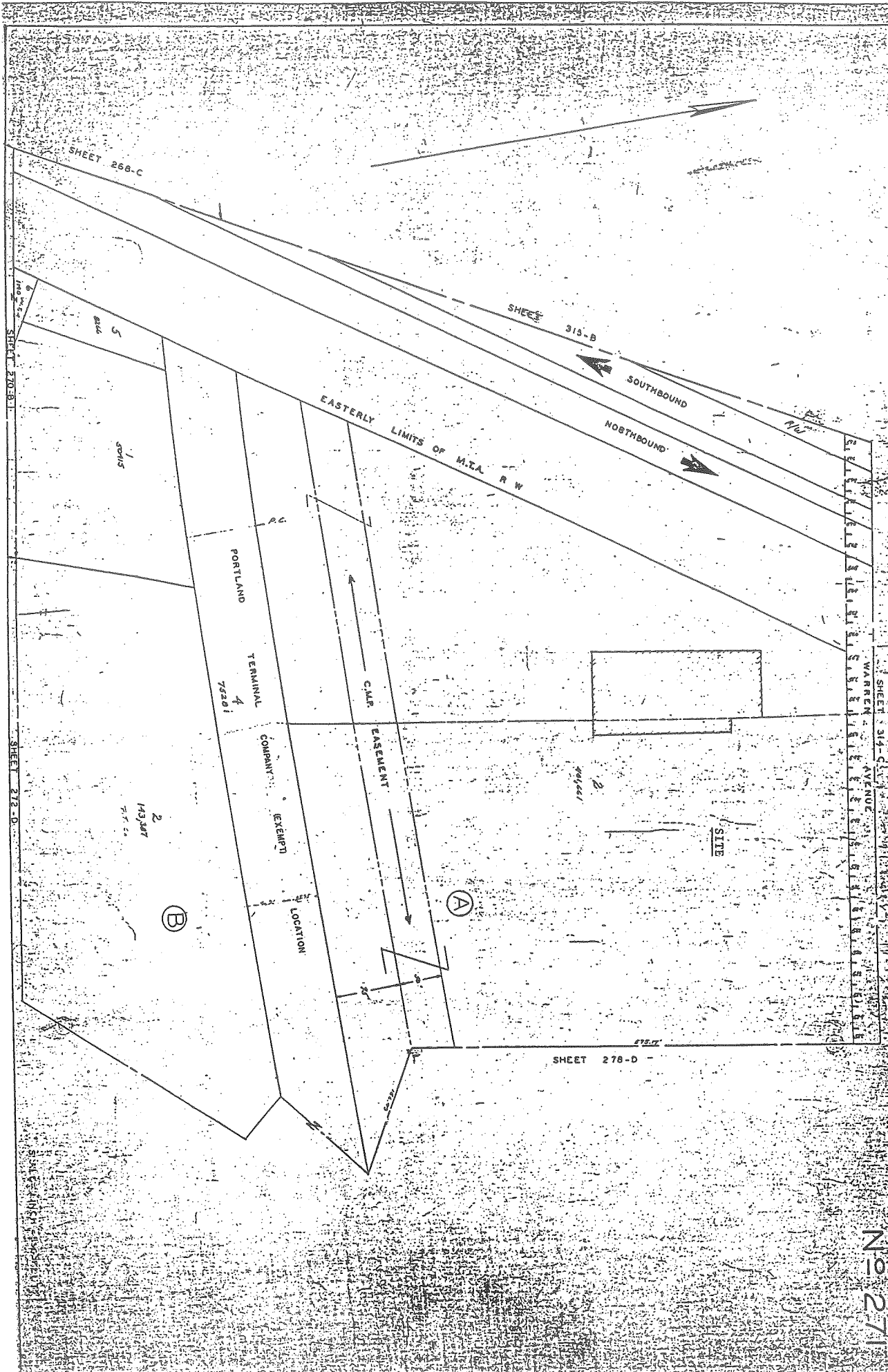
<u>Framing:</u>	Wood frame
<u>Main Floor:</u>	Asphalt
<u>Roof structure:</u>	Wood trusses
<u>Walls:</u>	Uninsulated steel
<u>Roof cover:</u>	Steel
<u>Overhead door:</u>	Two (2) 14' high x 16' wide doors. Motor operated.
<u>Office Space:</u>	Approximately 1000± sf 1st floor office with mezzanine offices above

Mezzanine: Approximately 3000± sf storage mezzanine. Can be removed.
Ceiling Height: 16' to underside of trusses
Bathrooms: Two (2)
Heating: Warehouse area unheated. Office area heated with propane gas.
Electricity: 120v, 4 wire, 3 phase, 200 amp service
Lighting: Strip fluorescent
Sprinkler System: None

BUSINESS TERMS

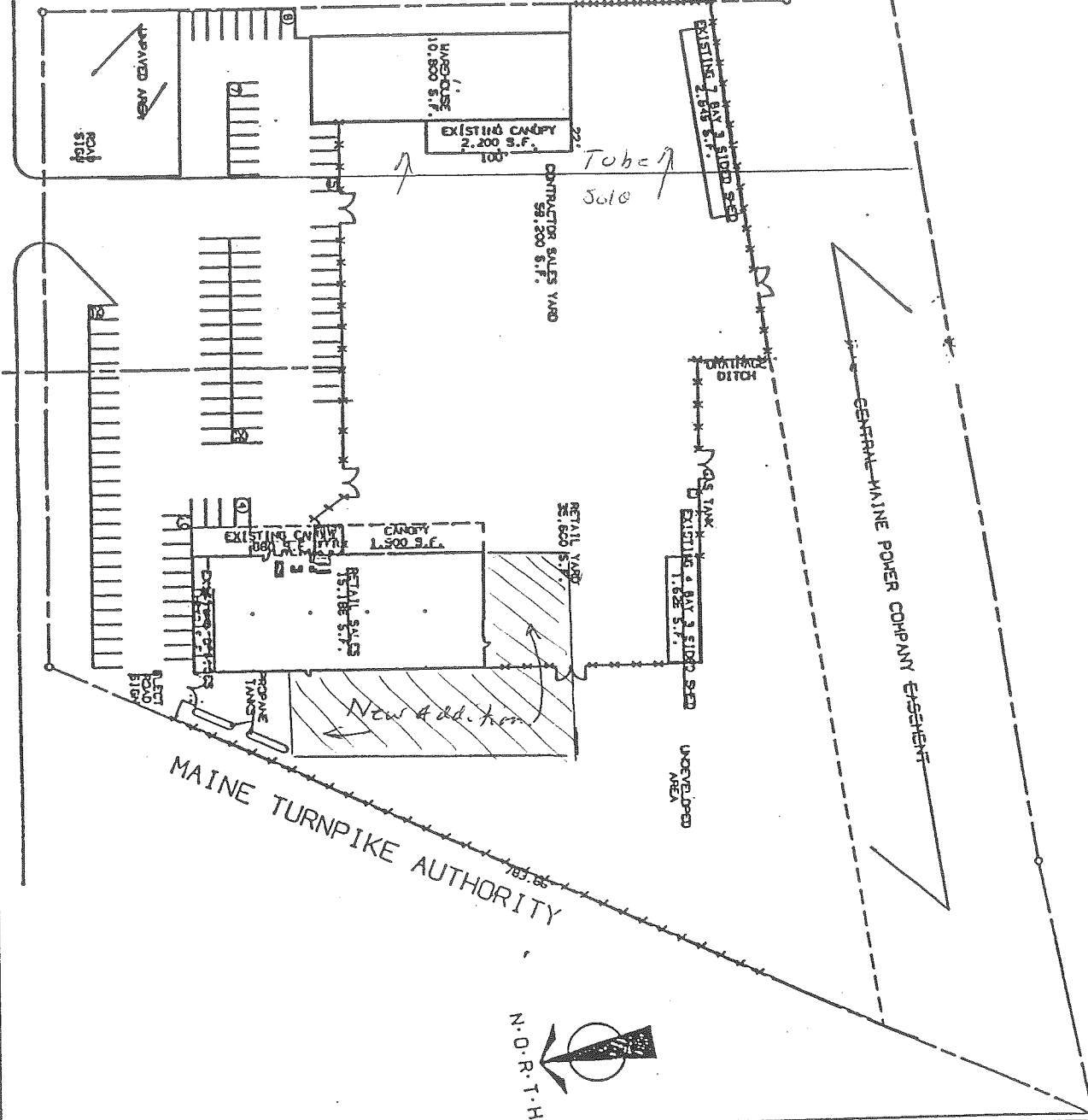
All land and buildings offered for sale at \$1,200,000.

SITE PLAN



BUILDING AREA		
AREA	EXISTING/PROPOSED	TOTAL
SCAFFOLD	15,188 S.F.	15,188 S.F.
SCAFFOLD	812 S.F.	812 S.F.
SCAFFOLD	0 S.F.	0 S.F.
SCAFFOLD	0 S.F.	0 S.F.
SCAFFOLD	0 S.F.	0 S.F.
SCAFFOLD	400 S.F.	400 S.F.
SCAFFOLD	18,400 S.F.	18,400 S.F.
SCAFFOLD	10,800 S.F.	10,800 S.F.
SCAFFOLD	1,900 S.F.	1,900 S.F.
SCAFFOLD	0 S.F.	0 S.F.
SCAFFOLD	1,900 S.F.	1,900 S.F.
SCAFFOLD	35,600 S.F.	35,600 S.F.
SCAFFOLD	59,200 S.F.	59,200 S.F.
SCAFFOLD	94,800 S.F.	94,800 S.F.
SCAFFOLD	0 S.F.	0 S.F.

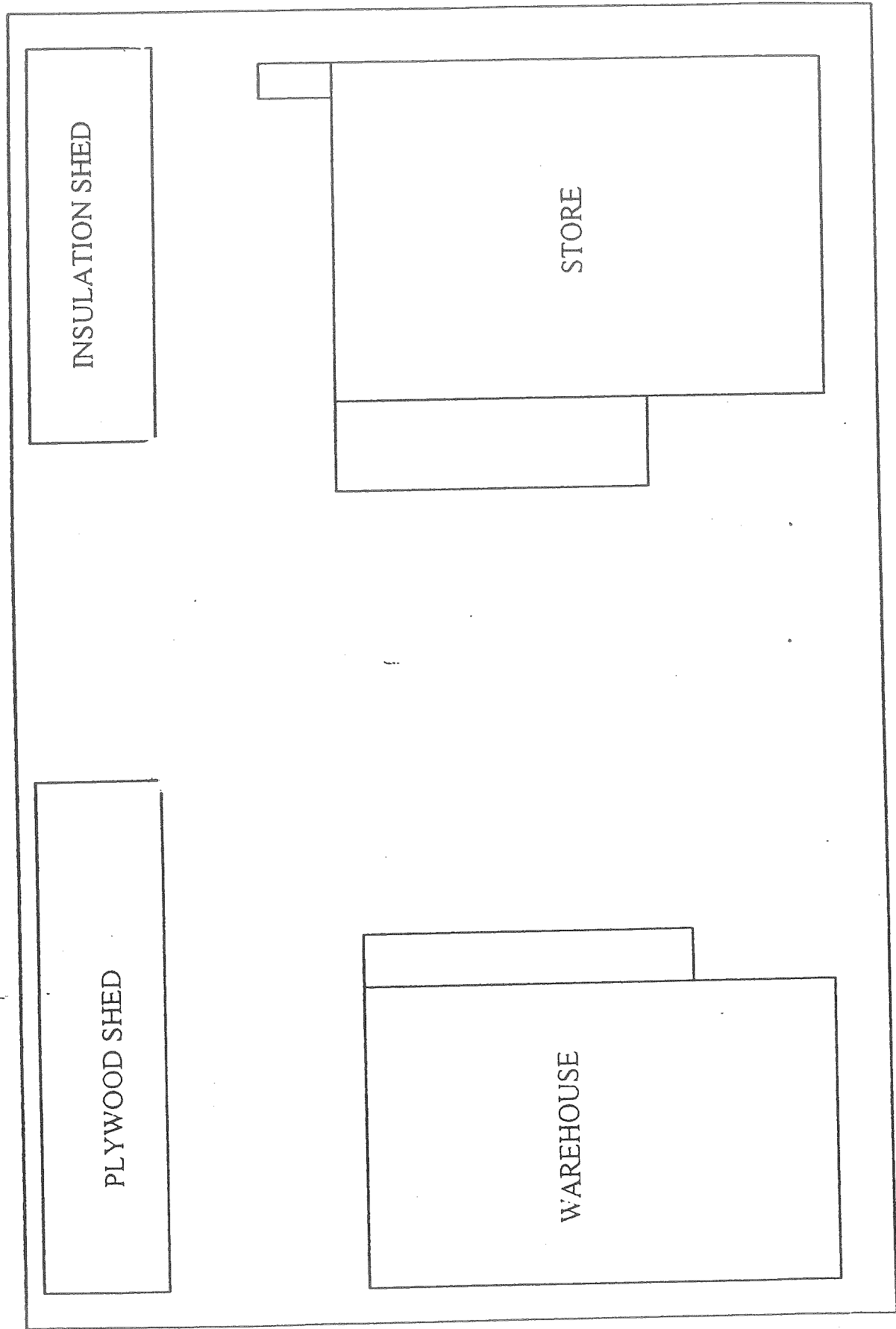
CONDENSED ZONING CODE		
ZONING	CODE	REQUIREMENT/REMARKS
RESIDENTIAL	R-1	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-2	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-3	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-4	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-5	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-6	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-7	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-8	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-9	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-10	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-11	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-12	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-13	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-14	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-15	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-16	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-17	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-18	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-19	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-20	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-21	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-22	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-23	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-24	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-25	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-26	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-27	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-28	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-29	MIN. LOT AREA 10,000 S.F.
RESIDENTIAL	R-30	MIN. LOT AREA 10,000 S.F.



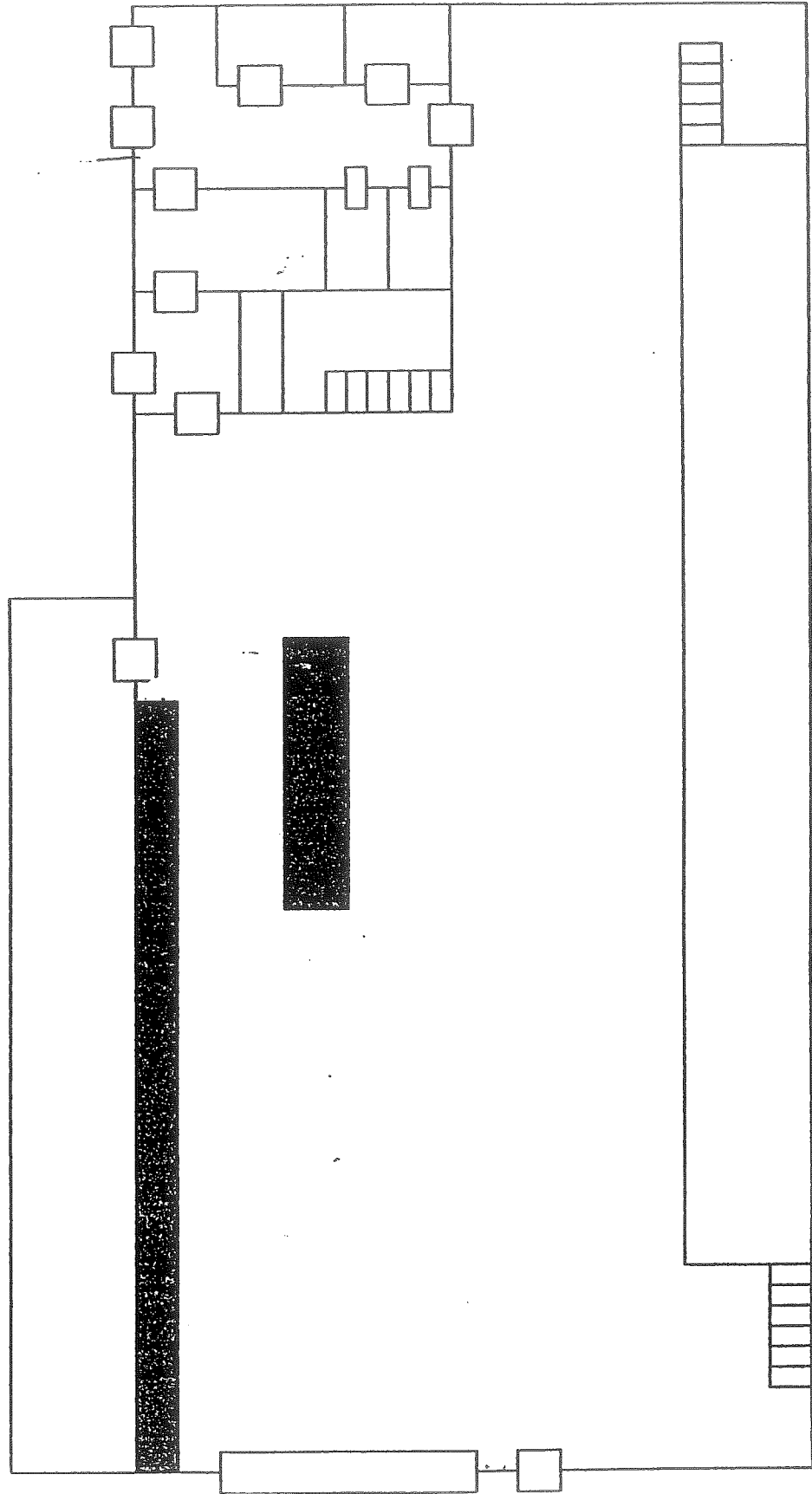
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			SCALE: 1"=80'	DATE OF REV	
			STORE # 413	10000000	

© 1994 GROSSMAN'S
 DISTRIBUTION OFFICE 4500 UNION STREET
 PORTLAND, MAINE 04103

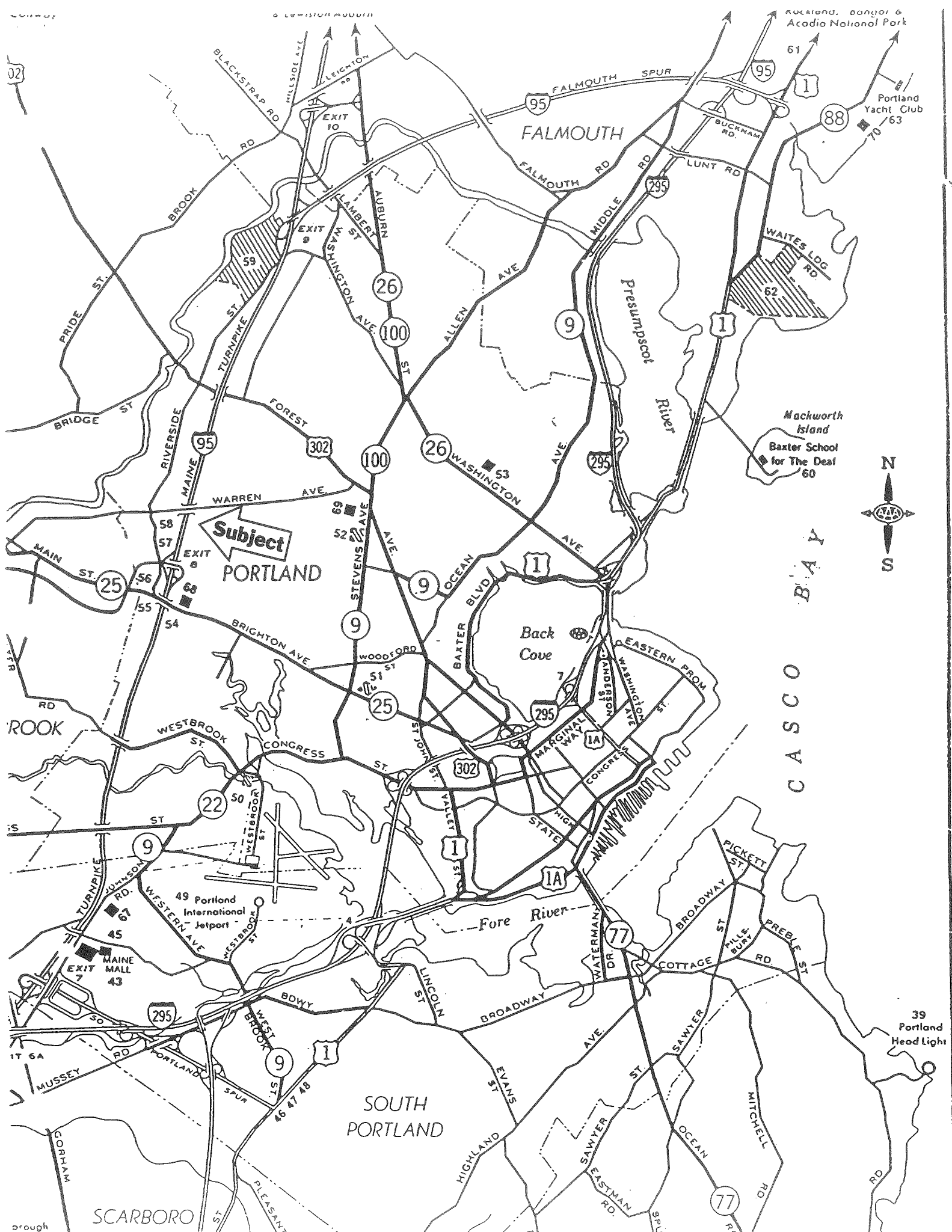
GROSSMAN'S - 443 PHYSICAL PLANT



GROSSMAN'S - 443 WAREHOUSE.



LOCUS MAP



Subject

PORTLAND

SOUTH PORTLAND

FALMOUTH

Mackworth Island
Baxter School
for The Deaf
60



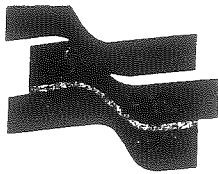
CASCO BAY

39
Portland
Head Light

SCARBORO

rough





Timson & Peters, Inc.

PHASE I
ENVIRONMENTAL SITE ASSESSMENT

Former Grossman's Lumber Site Property
510 Warren Avenue
Portland, Maine

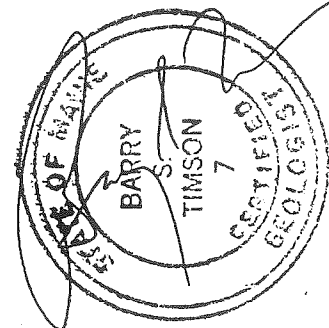
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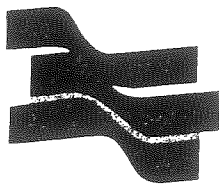
Mr. Jim Latvus
Jokers One Inc.
2460A Lafayette Road
Portsmouth, NH 03801

Prepared by:

Timson & Peters, Inc. Environmental Services
P.O. Box 150
Hallowell, ME 04347
Job # EAJK-JOKERS-1

September 9, 1995





Timson & Peters, Inc. ENVIRONMENTAL SERVICES

Environmental Permitting
Geologic Consulting • Wetland Analyses
Environmental Assessments • Groundwater Investigations

September 9, 1996

Mr. Bill Latvis
Jokers One, Inc.
2460A Lafayette Road
Portsmouth, NH 3801

**RE: Phase I Environmental Site Assessment
Former Grossman's, Inc. Property
510 Warren Avenue
Portland, Maine**

Dear Mr. Latvis:

Timson & Peters, Inc. Environmental Services (T&P) has completed the report documenting the information obtained during our Phase I Environmental Site Assessment of the above-referenced property.

The purpose of performing the Phase I assessment was to identify possible areas of environmental concern, both on and adjacent to the site, and to present an opinion on the environmental condition of the property. The methodology used is in compliance with ASTM E 1527-94 *Standard Practice for Environmental Site Assessments: Phase I Process*. The purpose of this ASTM procedure is to define good commercial and customary practices in the United States of America for conducting an environmental site assessment of a parcel of real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and petroleum products. We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-94. Any exceptions to, or deletions from, this practice are described in Section 3.0 of this report.

The subject property is located on the south side of Warren Avenue in the City of Portland, Cumberland County, Maine. The subject lot is depicted on the City of Portland's Tax Assessor's Map 271, Block A, Lot 2. The current owner of the subject lot is HMG - Fieber Realty Trust, according to the Tax Assessor's records and was recorded in the Cumberland County Registry of Deeds in Book 7286, Page 1 on 6/30/86. The lot is located adjacent and to the east of the Maine Turnpike, approximately 0.8 mile northeast of Exit 8.

The subject lot consists of approximately 9.23 acres of land which contains a 16,400-square feet retail structure, a 10,800-square feet warehouse structure, a 2,849-square feet, storage shed, a 1,626-square feet, storage shed, and a two-car garage. A 75-foot wide Central Maine Power (CMP) Company easement exists for a high tension power transmission line along the southern portion of the subject lot.

There are reportedly no underground storage tanks (USTs) currently located on the site. A 4,000-gallon diesel fuel UST was removed from the site in December, 1993. The UST was registered under DEP registration # 1622. A UST Closure site assessment was performed by GZA GeoEnvironmental, Inc. (GZA) in December, 1993 and a report was issued in January, 1994. The GZA study found petroleum contaminated soil at depths of approximately 3 to 4 feet from the north, east, and west sides of the UST, and beneath the auxiliary fill pipe and fuel pump island. In accordance with DEP direction, soils excavated during the course of UST removal were field screened and, as appropriate, removed from the site. In DEP's view, un-excavated soils with residual petroleum contamination did not warrant remediation.

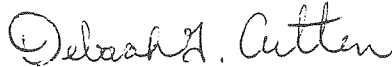
Several Areas of Concern were observed at the site and are presented in Section 6.2 of this report.

This assessment has revealed some evidence of recognized environmental conditions in connection with the property. It is our opinion that the impact of recognized environmental conditions in connection with the property may be insignificant. It is recommended that no further inquiry into recognized environmental conditions or concerns at the property is needed for purposes of appropriate inquiry.

Several recommendations have been presented in Section 8.0 of this report and should be reviewed and implemented.

We appreciate the opportunity to be of service to you on this project. If there are any questions concerning this project, or if we may be of further service to you, please do not hesitate to contact us.

Sincerely,
Timson & Peters, Inc. Environmental Services



Deborah G. Cutten
Project Assistant



Barry S. Timson
President

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Figure 1 - Location Map

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DEP Spill Report

UST Site Closure Assessment Report

UST Registration

PHASE I
ENVIRONMENTAL SITE ASSESSMENT

Former Grossman's Lumber Site Property
510 Warren Avenue
Portland, Maine

1.0 INTRODUCTION

Timson & Peters, Inc. Environmental Services (T&P) was retained by Mr. Jeff Latvis of Jokers One, Inc. in Portsmouth, New Hampshire to conduct an assessment of environmental conditions at the former Grossman's Lumber Site property located at 510 Warren Avenue in Portland, Maine. Jokers One, Inc. is in the process of purchasing the property and wishes to ascertain the environmental condition of the property for this reason.

The purpose of performing the assessment was to identify recognized environmental conditions on the subject property. The methodology used is in compliance with ASTM E 1527-94 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. The purpose of this ASTM procedure is to define good commercial and customary practices in the United States of America for conducting an environmental site assessment on a parcel of real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and petroleum products.

2.0 SCOPE OF SERVICES

The scope of services for this project included:

- * selected interviews with:
 - the subject property owner and/or manager and persons familiar with the property;
 - the major occupant of the property or, if the property does not have any major occupants, at least 10% of the occupants of the property; and
 - any occupant likely to be using, treating, generating, storing or disposing of hazardous substances or petroleum products on or from the property;
- * review of standard historical sources to identify uses of the property from the present back to the early 1940's or the first developed use;

- * review of the following federal government record systems for the subject property and any property within the circumference of the areas noted below:

<u>Federal Record System</u>	<u>Circumference</u>
National Priorities List (NPL)	1.0 mile
CERCLIS List	0.5 mile
RCRA TSD Facilities List	1.0 mile
RCRA Generators List	Subject and adjoining property
ERNS List	Subject property

- * review of the following State government record systems for the subject property or any property within the circumference of the areas noted below:

<u>State Record System</u>	<u>Circumference</u>
Directory of Spill Reports & DEP Project Files - DEP hazardous waste sites identified for investigation or remediation (State equivalent to NPL)	1.0 mile
Potential Hazardous Substance Sites - DEP List of sites identified for investigation or remediation (State equivalent to CERCLIS)	1.0 mile
Solid Waste Application List	0.5 mile
DEP UTE Log (State equivalent to Leaking Underground Storage Tank List (LUST))	0.5 mile
State Registered UST List	Subject and adjoining property

- * a site reconnaissance to observe existing conditions, including surrounding land uses on abutting and nearby lots; and
- * preparation of a narrative report on environmental conditions found at the site.

Georgia Pacific property to the east and has approximately 730-feet of frontage on that property. The subject lot has approximately 450-feet of frontage on Warren Avenue. The subject lot slopes gently from the northeast to the southwest. Southern portions of the lot were observed to contain vegetation indicative of wetlands, however, the determination of existence, classification or location of wetlands was beyond the SCOPE OF WORK of this project.

The subject lot is located in an area zoned as Industrial (I-2), according to municipal records.

4.3 Site Improvements

The subject lot consists of approximately 9.23 acres of land which contains a 16,400-square foot retail structure, a 10,800-square foot warehouse structure, a 2,849-square feet, storage shed, a 1,626-square feet, storage shed, and a two-car garage. A 75-foot wide CMP easement exists for a high tension power transmission line along the southern portion of the subject lot.

Retail Structure: The structure is a one-story concrete block building which was used by Grossman's for their showroom and semi-warehousing area. Approximately 1,000-square feet of mezzanine space was used for offices. The structure is heated by propane gas fired space heaters. The building is constructed on a concrete slab floor.

Warehouse Structure: The structure is a one-story steel warehouse building which was used primarily as unheated warehouse space. Approximately 1,000-square feet of office space is present on the north end of the building with office space present on the mezzanine above as well. Another approximate 3,000-square feet of storage space is present in the mezzanine area of the warehouse on the east side of the structure. The office space is heated by propane gas-fired space heaters. The building is constructed on bituminous asphalt.

Three-sided Storage Sheds: A 4-bay storage shed is present on the southwest portion of the subject lot. The wood-constructed shed is equipped with sliding doors and is constructed on the bituminous asphalt surface of the service area. Another 7-bay storage shed is present on the southeast portion of the subject lot. The wood-constructed shed is also built upon the bituminous asphalt surface of the service area.

Two-car Garage: A model garage is present on the northeast portion of the subject lot. The wood-constructed garage is constructed upon a concrete slab. An approximate 5-foot diameter concrete tile is present east of the garage in a grassy area. The tile cap is approximately 3-feet high. The circular tile is located behind two concrete barriers and an electrical conduit was observed along the south side of the tile.

The northern and central portions of the subject lot are paved with bituminous asphalt. A six-foot high chain-link fence is present between the retail and warehouse structures. The fence encloses the area south of the retail and warehouse structures with the two storage sheds and forms a service area.

Another fenced area is present west of the retail structure and contains three 1,000-gallon, "bullet-style" propane tanks. An approximate 3-foot diameter concrete tile is also present on the ground surface in this area.

4.4 Information Reported by User Regarding Environmental Liens or Specialized Knowledge or Experience

The User will engage a title professional to research reasonably ascertainable recorded land title records for potential environmental liens currently recorded against the property. Mr. Latvis' attorney, Mr. Paul Bolger, will reportedly review the land title records at the Cumberland County Registry of Deeds.

The User is not aware of any specialized knowledge or experience that is relevant to recognized environmental conditions in connection with the property.

The User does not have actual knowledge that the purchase price of the property is significantly less than the purchase price of comparable properties.

4.5 Interviews with the Owner's Representative and with the Former Occupant of the Subject Property

The objective of the interview process is to obtain information indicating recognized environmental conditions in connection with the property. The information in this section is based upon interviews with Mr. Richard Halverson, the Manager of Property Development for Grossman's, Inc. for the past 20 years, and with Mr. James Lavin, of Lavin Realty, the Asset Manager for HMG - Fieber Realty Trust, as well as observations made during the site reconnaissance.

This section follows a question and answer format rather than a paragraph format. The questions are presented below. If a question has a positive response, or needs additional explanation, a paragraph will follow.

1. Do you have actual knowledge of any existing:

a. environmental site assessment reports?

A UST Closure Site Assessment report was completed by GZA GeoEnvironmental, Inc. (GZA) in January, 1994. See Appendix E for a copy of the report.

b. environmental audit reports? No

c. environmental permits such as solid waste disposal permits? No

d. hazardous waste disposal permits? No

e. wastewater permits? No

f. NPDES permits? No

- g. air permits? No
- h. registrations for underground and/or above-ground storage tanks?

Yes, see UST tank registration #1622 in Appendix E.

- i. material safety data sheets? No
- j. community right-to-know plans? No
- k. safety plans? No
- l. preparedness and prevention plans? No
- m. spill prevention, countermeasure and control plans? No
- n. storm water pollution prevention plans? No
- o. reports regarding hydrogeologic conditions on the property or surrounding area? No
- p. notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the property or relating to environmental liens encumbering the property? No
- q. hazardous waste generator notices or reports?
- r. geotechnical studies? No

2.) Do you have actual knowledge of:

- a. any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property? No
- b. any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the property? No
- c. any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products? No

3.) Is the subject property, or any adjoining property, currently being used for an industrial use? No

4.) To the best of your knowledge, has the subject property, or any adjoining property, been used for an industrial use in the past? No

5.) Is the subject property or any adjoining property, used as a gasoline service station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility? No

6.) To the best of your knowledge has the property or any adjoining property been used as a gasoline service station, motor repair facility, commercial printing facility, dry

cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility?

No, however, the diesel UST which was removed from the subject property in 1993 had been used to fuel Grossman's fleet of delivery trucks.

- 7.) Are there currently, or to the best of your knowledge have there been previously, any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of greater than 5 gal (19 L) in volume or 50 gal (190 L) in the aggregate, stored on or used at the subject property or at the facility?

Yes, merchandise included batteries, pesticides, paints and other chemicals. Merchandise was pre-packaged and sold in the same package. Most stock was sold in 5-gallon, or smaller, size containers. No stock remains on the premises.

- 8.) Are there currently, or to the best of your knowledge have there been previously, any industrial drums (typically 55 gal (208 L)), sacks or piles of chemicals located on the subject property or at the facility? No

- 9.) Has fill dirt been brought onto the property that originated from a contaminated site or that is of an unknown origin?

Fill dirt was brought onto the site at the time the UST removal (12/3/93) by Commercial Recycling Systems (CRS) of Scarborough, Maine. CRS was contracted to remove excavated contaminated soils and supply clean soil fill material to backfill the excavations.

- 10.) Are there currently, or to the best of your knowledge has there been previously, any pits, ponds, or lagoons located on the subject property in connection with waste treatment or waste disposal? No

- 11.) Are there currently, or to the best of your knowledge has there been previously, any stained soil on the subject property?

Yes, stained soil was encountered during the excavation and removal of the UST. According to the interviews, there is no stained soil currently on the site. An approximate 1-foot diameter oily stain was observed on the ground surface south of the paved service area.

- 12.) Are there currently, or to the best of your knowledge have there been previously, any registered or unregistered storage tanks (above or underground) located on the subject property?

There are reportedly no underground storage tanks (USTs) currently located on the site. In 1993, a 4,000-gallon diesel fuel UST was removed from the site. The UST was registered under DEP registration # 1622 at the time of the removal.

Three, 1,000-gallon propane AGSTs are currently located west of the retail structure in a fenced area.

Three, partially-filled tanks of liquid petroleum gas are present in the warehouse along the south wall.

Five, empty, liquid petroleum gas cylinders are present on the bituminous asphalt pavement west of the 7-bay storage shed.

- 13.) Are there currently, or to the best of your knowledge have there been previously, any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground on the subject property or adjacent to any structure located on the subject property?

Yes, two fill pipes for the above-mentioned 4,000 gallon UST were located west of the shed. The fill pipes and associated piping were removed in December, 1993.

- 14.) Are there currently, or to the best of your knowledge have there been previously, any flooring, drains, or walls located within the facility that are stained by substances other than water or are emitting foul odors on the subject property? No
- 15.) If the property is served by a private well or non-public water system, have contaminants been identified in the well or water system that exceed guidelines applicable to the water system or has the well been designated as contaminated by any government environmental/health agency?

The site is serviced by a public water system.

- 16.) Does the owner or occupant of the subject property have any knowledge of environmental liens or governmental notification relating to past or recurrent violations of environmental laws with respect to the subject property or any facility located on the subject property? No
- 17.) Has the owner or occupant of the subject property been informed of the past or current existence of hazardous substances or petroleum products or environmental violations with respect to the subject property or any facility located on the subject property? No
- 18.) Does the owner or occupant of the subject property have any knowledge of any environmental site assessment of the subject property or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of, the subject property or recommended further assessment of the subject property?

Yes, as mentioned above, a UST closure site assessment was performed by GZA in December, 1993 and a report was issued in January, 1994. The GZA study found petroleum contaminated soil at depths of approximately 3 to 4 feet from the north, east, and west sides of the UST, and beneath the auxiliary fill pipe and fuel pump island. In accordance with DEP direction, soils excavated during the course of UST removal were field screened and, as appropriate, removed from the site. In DEP's view, unexcavated soils with residual petroleum contamination did not warrant remediation.

- 19.) Does the owner or occupant of the subject property know of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substance or petroleum products involving the subject property by any owner or occupant of the subject property? No
- 20.) Does the subject property discharge wastewater on or adjacent to the subject property other than storm water into a sanitary sewer system? No
- 21.) To the best of your knowledge, have any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries or any other waste materials been dumped above grade, buried and/or burned on the subject property? No
- 22.) Is there a transformer, capacitor, or any hydraulic equipment for which there are any records indicating the presence of PCBs? No

4.6 Interviews with Local Government Officials

The objective of interviews with local government officials is to obtain information indicating recognized environmental conditions in connection with the property.

Lieutenant MacDougal of the Portland Fire Department was interviewed by telephone on September 4, 1996. He was not aware of any petroleum hydrocarbon or hazardous material spills on the subject property. Lt. MacDougal was also not aware of any large fires, emergencies, or environmental non-compliance issues at the subject lot. The Fire Department has record of the 1993 UST closure at the site.

Chief Inspector Hoffses of the Portland Building Inspector's Office was interviewed by telephone on September 4, 1996. He was not aware of any petroleum hydrocarbon or hazardous material spills on the subject property. Inspector Hoffses was also not aware of any large fires, emergencies, environmental non-compliance issues, or UST incidents at the subject lot.

The Portland Water District (PWD) was contacted by telephone on September 4, 1996. PWD personnel indicated that the subject lot was connected to the public water supply on October 5, 1964.

The Portland Public Works Department was contacted by telephone on September 4, 1996. Department personnel indicated that the sanitary sewer system was present on the eastern end of Warren Avenue as early as 1956. In 1966 the sewer line was extended west to service the subject lot.

4.7 Current Use of the Subject Property

The subject property is currently vacant. Until March 30, 1996 the site was used by Grossman's Inc. as a retail lumber and building supply sales facility. The main structure on the subject property was used as retail/office space. Another large structure on the site was used as a warehouse and office space. Two, three-sided, structures were used for lumber storage. The two-car garage at the site was a sales model.

4.8 Past Uses of the Subject Property

The subject property was purchased by Grossman's Industrial Properties, Inc. in 1964 and has been used by Grossman's Inc. as a retail lumber and building supply sales facility since 1966. Prior to 1964 the subject property was undeveloped land.

4.9 Current Uses of the Adjoining Properties

Adjoining property to the west is used by the Maine Turnpike Authority (MTA) as a 4-lane, inter-state highway (I-95). Adjoining property to the south is owned by the Portland Terminal Company and was used as a railroad line. The railroad tracks are no longer used and vegetation has grown over the tracks. Adjoining property to the east is used by Georgia Pacific as a retail building supply sales facility. Adjoining property to the north, across Warren Avenue, is used by Cormier Equipment as an equipment rental facility.

4.10 Past Uses of the Adjoining Properties

Past uses of the adjoining properties were similar to the current uses as explained in Sections 4.9 and 5.4.

5.0 STANDARD ENVIRONMENTAL RECORD SOURCES

The purpose of the records review is to obtain and review records that will help identify recognized environmental conditions in connection with the property.

Certain federal, state and local agencies were contacted and state and federal files and lists were reviewed to assess whether hazardous substances or oil may have been released into the soil or ground water at the study site or surrounding area. Information was developed by telephone contact, direct interviews and visits.

The information made available to T&P during these visits, interviews and file reviews is summarized below.

5.1 Federal Record Sources

T&P personnel reviewed the National Priority List (NPL), CERCLIS List, RCRA TSD Facilities and Generators Lists, and the EPA's ERNS List. References to the subject properties were not included on any of these lists. Pertinent findings (if applicable) for locations within ASTM E 1527-94 recommended approximate minimum search distances of the site are summarized below.

NPL List: T&P reviewed the National Priorities List (NPL) for properties with the highest priority for cleanup pursuant to EPA's Hazard Ranking System. No sites within 1.0 mile of the subject property were included in the list dated 10/4/93.

CERCLIS List: T&P reviewed the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List for the State of Maine provided by DEP. This list, dated 5/21/92, contained those locations being evaluated under the Federal Superfund Program.

One site, Louis Mack, Inc. located at 750 Warren Avenue in Portland, is located within 0.5 mile of the subject property. The source of concern at the Louis Mack site was lead. A preliminary assessment and a detailed site assessment have been performed at the Louis Mack site and the Department of Environmental Protection Division of Site Investigation and Remediation has elected to take no further action.

RCRA TSD List: T&P reviewed the Resource, Conservation and Recovery Act (RCRA) Treatment, Storage and Disposal (TSD) List for facilities which treat, store and/or dispose of hazardous waste as defined and regulated by RCRA. No sites within 1.0 mile of the subject properties were included in the list dated 10/6/93.

RCRA Generators List: T&P reviewed the Resource, Conservation and Recovery Act (RCRA) Generators List for persons or entities that generate hazardous waste as defined and regulated by RCRA. The subject properties and adjoining properties were not included on the list. One property, Steve Reynold's Subaru, was included on the list as a Small Quantity Generator (SQG). This site is approximately 350 feet northwest of the site.

ERNS List: T&P reviewed the EPA's Emergency Response Notification System (ERNS) List of reported CERCLA hazardous waste substance releases or spills in quantities greater than the reportable quantity, as maintained at the National Response Center. The subject property was not on the list dated 11/20/93.

5.2 State Record Sources

On August 19, 1996 T&P contacted bureaus of the State of Maine DEP for information pertaining to the site and surrounding area. Pertinent findings for locations within ASTM E

1527-94 recommended approximate minimum search distances of the site are summarized below.

DEP Directory of Spill Reports: The review of the DEP Directory of Spill Reports indicated that there was one spill report on file for the subject property which is summarized below:

<u>Spill Number</u>	<u>Facility</u>	<u>Location</u>
P-765-93	Grossman's Inc.	510 Warren Avenue, Portland

Incident: During a UST removal approximately 60 yards of diesel fuel contaminated soil was excavated from around the tank, offset fill pipe and the single dispenser. According to DEP personnel the facility is clean to their satisfaction and no further action was required or anticipated. See Appendix E for a copy of the spill report.

There was one spill report on file for an adjoining property which is summarized below:

<u>Spill Number</u>	<u>Facility</u>	<u>Location</u>
P-699-93	Georgia Pacific	508 Warren Avenue, Portland

Incident: During a UST removal approximately 1 cubic yard of diesel fuel contaminated soil was excavated from around the fill pipe. According to DEP personnel the facility is clean to their satisfaction and no further action was required or anticipated. This site adjoins the subject property to the east.

There were at least 61 spill reports on file for locations within 1.0 mile of the subject property. Spills deemed most relevant to the subject property are summarized in chronological order below:

<u>Spill Number</u>	<u>Facility</u>	<u>Location</u>
P-41-95	Applicator Sales	388/400 Warren Avenue, Portland

Incident: On April 23, 1995 a discharge of approximately 200-gallons of #2 diesel fuel occurred as a result of a leaking indoor AGST. A total of 13.88 tons of contaminated soil was disposed of by Commercial Recycling.

P-211-95	Sanel Auto Parts	306 Warren Avenue, Portland
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Incident: On January 24, 1995 during UST removals, contaminated soil was discovered. A total of 36.45 tons of contaminated soil was disposed of by Commercial Recycling.

P-56-94	Exit 8 Mobil	47 Main Street, Westbrook
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Incident: During UST installation contaminated soil was discovered. The site had known discharges over several years that the DEP was aware of. Approximately 250 yards of contaminated soil was excavated and taken to Commercial Recycling. No further action was required by DEP.

P-187-94	White Brothers, Inc.	95 Warren Avenue, Portland
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Incident: During UST removals involving waste oil and gasoline, holes were discovered in the USTs. Free product was evident in the excavation hole. Monitoring wells were installed and free product was periodically

removed from the effected wells. DEP personnel recommended that no further remediation be performed due to the sporadic recovery of free product.

P-568-93 Brown Construction Co. 253 Warren Avenue, Portland

Concern: During a UST closure assessment diesel fuel contaminated soil was discovered. DEP Baseline Clean-up Goal Guidelines required no clean-up though the most severely contaminated soil was excavated and spread thinly on-site.

P-435-93 Lee Dodge 191 Riverside Street, Portland

Incident: During UST removals, involving waste oil and #2 fuel oil, petroleum contaminated soil was discovered. A visual clean-up of petroleum-containing soil was performed for the waste oil tank excavation. Approximately 10 cubic yards of soil was stockpiled and later disposed of by recycling at an asphalt batching facility.

P-280-93 Portland Produce Co. 477 Riverside Street, Portland

Incident: Historic overfills of an above ground diesel fuel storage tank resulted in 15 - 20 cubic yards of contaminated soil. According to DEP personnel the facility is clean to their satisfaction and no further action was required or anticipated.

P-165-92 Dirigo Management Co. 777 Riverside Street, Portland

Incident: An approximate 20-foot diameter waste oil surface stain led to the discovery of a previously unknown UST. The surface stain resulted when an unknown person who had apparently been dumping waste oil into the tank overfilled the tank and then preceded to dump the rest of the waste oil into a nearby ditch. According to the consultant who assessed the UST removal, no contamination was found during excavation. According to the report, some of the waste oil was discharged into a grassy area between the driveway and Riverside Street and some of the oil may have entered the storm drain.

P-077-92 Exit 8 Sunoco 90 Riverside Street, Portland

Incident: A surface discharge of diesel fuel resulted when water (which had free product floating on top of it) which had accumulated in a dike around an above ground diesel tank was drained. Weber Oil personnel reportedly cleaned up the contaminated soil. Three to four additional spill reports were on file for this facility.

P-452-90 Equipco 222 Riverside Street, Portland

Incident: A site assessment revealed waste oil contaminated soil. Sixty yards of soil and three drums of waste oil were removed from the site. According to DEP personnel no further action was required.

P-368-90 Getty Petroleum Corp. 460 Warren Avenue, Portland

Incident: During UST removal, three of the five USTs were discovered to contain holes. Headspace analysis of soil did not exceed DEP notification guidelines. According to DEP personnel no further action was required.

P-027-90 Handy Man Rental 357 Riverside Street, Portland

Incident: Overfills/spillage around a gasoline UST were discovered during the tank removal. Fourteen yards of gasoline contaminated soil were removed.

Based on their distance from the subject property, the topography of the area and the spill information available, these incidents should not have a direct impact on the subject property.

There were approximately 1,250 spill reports on file for locations within the City of Portland which occurred either greater than 1.0 mile, or at an unknown distance from the subject site.

DEP Project Files Master Listing: The DEP maintains a list of site-specific files for on-going or past environmental investigations for businesses or landowners in the City of Portland. Review of the DEP Project Files Master Listing, dated 2/96, indicated there were no project files for the subject property or any adjoining properties. One project file (REI01) existed for Steve Reynold's Subaru which was approximately 350 feet northwest of the subject property. The project file consisted of a Letter of Warning from DEP stating that the Steve Reynold's Subaru must properly file their hazardous waste generator notice.

Potential Hazardous Substance Sites List: The DEP maintains this list in two parts; the Active Sites List and the Inactive Potential Sites List. The Active Sites List includes sites actually being investigated by the State Uncontrolled Sites Program or sites that will be investigated when priorities allow. The Inactive Potential Sites List includes sites under investigation by the Federal CERCLA Program but not by the State Uncontrolled Sites Program. The review indicated no Active sites within 0.5 mile of the subject site. The review indicated one Inactive site within 0.5 mile of the subject property. The site is discussed in Section 5.1, Federal Record Sources, CERCLIS List.

Solid Waste License Application List: T&P reviewed the DEP Solid Waste License Applicants List for persons filing for disposal of certain solid waste materials within 0.5 mile of the subject properties. The subject properties and adjoining properties were not included on the list. Thirty-eight persons/entities in the City of Portland, at unknown distances from the subject property, were included on the list dated 10/5/93.

Underground Tank Enforcement Log (UTE): T&P reviewed the UTE Log for enforcement issues within 0.5 mile of the subject property. The subject property was not listed in the Log. Georgia Pacific, which adjoins the subject property to the east, was included on the Log dated 5/30/96. The site was included on the Log due to the presence of an unregistered UST at the site. The issue was resolved in August, 1991 when the UST was registered under DEP UST registration # 1954. One other site, the Getty gasoline service station, which is within 0.5 mile of the subject property was included on the Log due to failure to report evidence of a leak. A Notice of Violation was issued in March, 1991.

State Registered UST List: T&P reviewed the DEP UST Registration List for persons who have registered USTs. The subject property and one adjoining property were included on the list dated 4/29/96.

One 4,000-gallon diesel fuel UST was registered under DEP tank registration # 1622 to Grossman's Inc. at 510 Warren Avenue, Portland, Maine. The UST is listed as having been removed. There is no installation date given for the UST.

One 10,000-gallon diesel fuel UST, one 500-gallon waste oil UST, and one 10,000 gallon diesel fuel UST were registered under DEP tank registration # 1954 to Georgia Pacific at 508 Warren Avenue, Portland, Maine. The USTs are listed as having been removed. One of the 10,000-gallon USTs was installed on 9/1/76. There is no installation date given for the 500-gallon UST. The second 10,000-gallon diesel UST was installed on 1/1/94.

5.3 Physical Setting Source

U.S. Geological Survey topographic maps depicting the approximate location of the subject properties with respect to the surrounding environments are shown on Figure 1 in Appendix D.

Figure 1 is composed of the 1956 Portland West U.S.G.S. 7.5' quadrangle. The subject site is located near the central portion of the Portland West quadrangle. Based on interpretation of the map, the elevation at the subject property is between 60 and 80 feet above mean sea level and slopes gently to the west towards Riverside Drive.

5.4 Historical Use Information

The objective of consulting historical sources is to develop a history of the previous uses or occupancies of the property and surrounding area in order to identify those uses or occupancies that are likely to have led to recognized environmental conditions in connection with the property.

According to recorded land titles at the Cumberland County Registry of Deeds, the chronology of ownership of the subject lot is presented below:

<u>Date of Ownership</u>	<u>Owner(s)</u>
06/30/86 to Present	HMG - Fieber Realty Trust (formerly Hospital Mortgage Group, Inc.
1980 - 06/30/86	Hospital Mortgage Group, Inc.
06/02/64 - 1980	Grossman's Industrial Properties, Inc.

Grossman's Industrial Properties, Inc. purchased the subject property from Joseph Montefusco, *etal.* and Ralph M. Snyder in 1964. Prior to that time the subject property was comprised of three separate lots with the following ownership:

<u>Seller</u>	<u>Purchaser</u>	<u>Date</u>	<u>Book/Page</u>
MTA	Ralph M. Snyder	01/13/55	2213/431

Ralph M. Snyder	Joseph Montefusco	07/29/52	2112/427
MTA	Ralph M. Snyder	04/02/64	-

A restriction to the deed for the subject property from the MTA and the Portland Terminal Company was recorded in Book 2213, Page 361 on 12/03/54 which relates to the construction of a fence on a portion of the southerly boundary line.

The 75-foot transmission line easement to CMP was recorded in Book 2070, Page 256 on 11/26/51.

Based on interpretation of a 1964 Maine Geological Survey aerial photograph (ENM-2EE-151), the subject site appeared to be undeveloped, vegetated land. The northern portion of the subject lot directly adjacent to Warren Avenue appeared to be vegetated with grass and the tree line began approximately 20-feet south of Warren Avenue. There are no structures, or evidence of previous structures in the photograph. What appears to be a short, soil-based driveway or vehicle turning area is evident adjacent to Warren Avenue near the northeastern property boundary. The Guilford railroad line is present adjacent to the southern property boundary. The CMP utility line corridor is not readily apparent on the subject property in the photograph. Adjacent property to the east is undeveloped land. Adjacent property to the north, across Warren Avenue, appears to be undeveloped land as well. Several structures are present further east on the northern side of Warren Avenue. The structures are relatively small and appear to be residential. Adjacent property to the west, across I-95 is undeveloped land, however, what appears to be a shallow gravel pit or non-vegetated area exists further west on the south side of Warren Avenue. Other surrounding properties appear to be undeveloped, or sparsely developed. No large manufacturing buildings were located on, or adjacent to, the subject site in the photograph.

Based on interpretation of a 1980 Maine Geological Survey aerial photograph (23005 979-91), there appeared to be at least 6 structures on the subject site. Four of the structures appear to be extant structures (the retail structure, the warehouse structure and the two storage sheds). Two additional structures which appear to be storage sheds are also present in the photograph; one in the center of the lot and another smaller one just north of the 7-bay storage shed. The model garage is not present in the photograph. The Guilford railroad line is present adjacent to the southern property boundary. The CMP utility line corridor is not readily apparent in the photograph of the subject property, however, vegetation appears sparser along the southern property boundary than it did in the 1964 photograph. Adjacent property to the east is has been developed and a large structure is present where the Georgia Pacific building is presently located. Structures are not apparent on adjacent property to the north, across Warren Avenue, however a large area of non-vegetated land appears in the photograph. A large structure and several smaller structures are present further east on the northern side of Warren Avenue. Adjacent property to the west, across I-95, is vegetated, undeveloped land. Other surrounding properties appeared to be used in a similar fashion as today's use. No large manufacturing buildings were located on the subject site in the photograph. The occupant of the large structure on adjacent property to the west is not known, however it is believed to be

Georgia Pacific because, according to DEP records, they had a UST installed at the site in 1976.

Based on Tax Assessor's records, the building permit for the model garage was issued on 7/20/93. A building permit for a 20-foot by 20-foot addition to the warehouse was issued on 7/8/92. An earlier addition had been added in 3/90. A building permit to demolish 2 sheds and construct a storage shed and storage canopy was issued on 10/1/91.

Available information did not indicate that the on-site buildings and other improvements have been identified as being used for industrial uses. Information obtained about the subject property does not indicate known petroleum hydrocarbon and/or hazardous chemical contamination of the subject property except for the soil contamination encountered during the 1993 removal of the on-site UST.

Available information did not indicate that the buildings and other improvements on adjoining properties to the north, south, east or west were identified as having been used for an industrial use in the past, nor do present uses of adjacent properties appear to have led to known petroleum hydrocarbon contamination of the subject property except as mentioned in Section 5.2.

6.0 SITE RECONNAISSANCE

6.1 General Information

The objective of the site reconnaissance is to obtain information indicating the likelihood of identifying recognized environmental conditions in connection with the property.

The subject lot and abutting land uses were observed during a site reconnaissance, which was performed on August 30, 1996 by Deborah G. Cutten of T&P. The site visual assessment was performed on the land and structures.

The subject lot consists of approximately 9.23 acres of land which contains a 16,400-square foot retail structure, a 10,800-square foot warehouse structure, two storage sheds, and a two-car garage. A 75-foot wide CMP easement exists along the southern portion of the subject lot.

Retail Structure: The structure is a one-story, concrete block building which was used by Grossman's for their showroom and semi-warehousing area. The structure is currently empty except for a few items. The floor in the main area is primarily concrete with some composite floor tiles. It is not known if the floor tiles contain asbestos. Floor drains were not observed in the main area. A motor is present on the floor in the southwest corner of the structure. Minor oily stains were observed on the floor surface beneath the motor. Several paint mixing machines which still contain paint remain on the main floor. A utility room located beneath the mezzanine area on the main floor contains the sprinkler and electrical systems and miscellaneous maintenance items. Several minor oily stains were observed on the concrete floor in this area. The floor in the utility room is equipped with a drain. Olfactory or visual

evidence of petroleum hydrocarbon or hazardous chemical contamination was not observed in the vicinity of the floor drain. The outlet of the floor drain is not known. Miscellaneous pieces of office equipment and paper debris are present in the mezzanine area. Several household-size containers of cleansers are present in the bathrooms beneath the mezzanine.

Warehouse Structure: Approximately 1,000-square feet of office space is present on the north end of the building. The floor in the office area is composed of composite floor tiles. It is not known if the floor tiles contain asbestos. Several spent printer cartridges and a one-gallon container of an unknown liquid are present in one of the rooms in the office area. Two partially-used, 20-ounce containers of drain cleaner and a partially-used, 1-gallon container of anti-freeze are present in one of the bathrooms in the office area.

The bituminous asphalt floor in the warehouse area is in good condition and floor drains were not observed in the floor surface. Several minor oily stains were observed on the floor surface. Three, partially-filled tanks of liquid petroleum gas are present along the south wall of the warehouse. An open box of D-Con brand rat poison is present in the mezzanine area of the warehouse.

Storage Sheds: A 4-bay storage shed is present on the southwest portion of the subject lot. The wood-constructed shed is equipped with sliding doors and is constructed on the bituminous asphalt surface of the service area. Another 7-bay storage shed is present on the southeast portion of the subject lot. The wood-constructed shed is built upon the bituminous asphalt surface of the service area. Both storage sheds were empty at the time of the site visit. Five empty liquid petroleum gas cylinders are present on the bituminous asphalt pavement west of the 7-bay storage shed.

Two-car Garage: A model garage is present on the northeast portion of the subject lot. The wood-constructed garage is built upon a concrete slab. The garage was empty at the time of the site visit.

Outside Areas: Outside areas were visually surveyed for evidence of containers of unknown substances and other environmental concerns.

An approximate 5-foot diameter concrete tile is present east of the garage in a grassy area. The cap of the tile is approximately 3-feet high. The circular tile is located behind two concrete barriers and an electrical conduit was observed along the south side of the tile. An approximate 4-inch diameter, capped, PVC pipe is also present in this grassy area. According to Portland Public Works Department personnel, the tile is a sanitary sewer pump station which pumps sewage from the subject lot northeastwards towards a manhole in Warren Avenue. The purpose of the PVC pipe is as a sewer main clean-out connection.

A shallow, vegetated drainage ditch containing several inches of water was present along the eastern boundary of the subject lot at the time of the site visit. Visual or olfactory evidence of petroleum hydrocarbon or hazardous chemical contamination was not present in the surface water. Several items of trash are present along the eastern boundary.

The northern and central portions of the subject lot are paved with bituminous asphalt. The paved surface is cut and patched in many areas and evidence of previous fence posts are present. A fire-hydrant is located in the central portion of the paved parking area. A six-foot high chain-link fence is present between the retail and warehouse structures. The fence encloses the area south of the retail and warehouse structures with the two storage sheds and forms a service area. A 2-inch diameter PVC pipe was observed in the bituminous asphalt pavement surface just east of the retail structure. The purpose of the pipe is not.

Another fenced area is present west of the retail structure and contains three large "bullet-style" propane tanks. An approximate 3-foot diameter concrete tile is also present on the ground surface in this area. Portland Public Works Department personnel could not confirm that this structure was also a pump station, however it appeared similar to the confirmed pump station structure located in the northeast corner of the subject lot. Metal shelving, pipe, wood and concrete debris are present on the ground surface in the fenced area. The fenced area is overgrown with vegetation and the ground surface could not be inspected for oily stains or residues, however, areas of stressed vegetation were not observed.

An undeveloped, wooded area of the subject property is located southwest of the retail structure. Several pieces of rigid, foil-faced, foam insulation, wooden and concrete debris, and a few pieces of roofing shingles were observed in this area.

Two roll-on type refuse containers are present south of the retail structure. The refuse containers are filled to capacity and refuse has spilled out onto the bituminous asphalt surface. The refuse consists primarily of paper office trash, however, several empty containers of paint thinner and copier colorant were observed in the refuse pile.

Two gates are present along the rear of the fenced service area which lead to the southern portion of the subject property. Wooden and metal debris and asphalt roofing shingles are present behind the gates, particularly in the area east of the gate nearest the 7-bay storage shed. The ground surface has been disturbed south of the western-most gate towards the CMP utility lines. It appears as though the ground surface was graded back towards the power lines and wood and bituminous asphalt debris were intermixed with the soil. This area is the site of the 1993 UST removal. An approximate 1-foot diameter oily stain was observed on the ground surface in this area.

Several storm water drain grates are present in the bituminous asphalt surface of the service area and parking area. There was no visual or olfactory evidence of petroleum hydrocarbon or hazardous substances in connection with the storm grates.

Two pole-mounted electric transformers are present on the northern portion of the subject lot. Stains were not noted on the base of the transformer poles nor were signs of oily residues or stressed vegetation noted beneath the transformers.

6.2 Areas of Concern Noted During the Site Reconnaissance

In 1993, after removal of a UST, un-excavated soils with residual petroleum contamination were left in place. DEP personnel concluded the soil did not warrant remediation. The lateral and vertical extent of soil contamination is not known. It is not known if petroleum hydrocarbon contamination of soil at the site has impacted ground water beneath the site.

Three, partially-filled tanks of liquid petroleum gas are present inside the warehouse along the south wall. The metal cylinders are free-standing and are located where they could be accidentally knocked over.

It is not known if composite floor tiles in the retail and warehouse structures contain asbestos.

Minor oily stains exist on the floor surface beneath the motor in the southwest corner of the retail structure.

Several paint mixing machines which still contain paint remain on the main floor of the retail structure.

Two roll-on type refuse containers are present south of the retail structure. The refuse containers are filled to capacity and refuse has spilled out onto the bituminous asphalt surface.

Small quantities of household chemicals, office chemicals, rat poison and anti-freeze are present on the subject property.

7.0 FINDINGS AND CONCLUSIONS

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-94 of the former Grossman's Lumber site property, Cumberland County, Portland, Maine. Any exceptions to, or deletions from, this practice are described in Section 3.0 of this report.

Interviews with the Owner's Representative and with the former Occupant of the subject property, and with local government officials did not reveal the presence of petroleum hydrocarbons and hazardous materials on the site. The existence of a UST on the subject property in the past has led to known petroleum hydrocarbon contamination of the property, however, remediation of the contamination was conducted at the time of the UST removal to the satisfaction of the DEP.

The buildings and other improvements on adjoining properties were not identified as having been used for an industrial use in the past, nor do present uses of adjacent properties appear to have lead to known petroleum hydrocarbon contamination of the subject property.

Review of DEP Project Files Master Listing (Section 5.2) indicate there are no project files for the subject property. State and federal environmental record research did not uncover

recognized environmental conditions on the subject property within ASTM - E 1527-94 recommended search distances except as stated in Section 5.2 in the Spill Reports section.

The site reconnaissance did not indicate the presence of large quantities of petroleum hydrocarbons and hazardous materials on the site.

Several Areas of Concern were observed at the site and are presented in Section 6.2 of this report. Section 8.0 should be read for recommendations pertinent to those concerns.

This assessment has revealed some evidence of recognized environmental conditions in connection with the properties. It is our opinion that the impact of recognized environmental conditions in connection with the subject property may be insignificant.

8.0 RECOMMENDATIONS

Based on information obtained from this Phase I report, T&P recommends the following:

1. If the User wishes to quantify the vertical and lateral extent of remaining sub-surface soil contamination, and/or determine if ground water quality was affected by the spill at the former UST site then a Phase II assessment would be warranted.
2. For safety purposes the propane gas cylinders in the warehouse should be properly disposed of, or secured with locks and chains to the wall of the warehouse, to prevent the possibility of an accidental explosion.
3. Composite floor tiles in the retail and warehouse structures should be assessed to determine if they contain asbestos.
4. The motor in the southwest corner of the retail structure should be repaired or disposed of properly.
5. The paint mixing machines, which still contain paint and which main on the main floor of the retail structure, should be disposed of properly.
6. Refuse in, and around, the two roll-on type refuse containers located south of the retail structure should be disposed of properly.
7. Partially used containers of household chemicals, office chemicals, pesticides, paints, etc. should be either used according to the manufacturer's directions or be disposed of properly.
8. Miscellaneous debris scattered throughout the site should be disposed of properly.

It is recommended that no further inquiry into recognized environmental conditions or concerns at the properties is needed for purposes of appropriate inquiry.

APPENDIX A

Definitions of Key Terms

DEFINITIONS OF KEY TERMS

actual knowledge - the knowledge actually possessed by an individual who is a real person, rather than an entity. Actual knowledge is to be distinguished from constructive knowledge that is knowledge imputed to an individual or an entity.

adjoining property - any real property or properties the border of which is contiguous or partially contiguous with that of the property, or that would be contiguous or partially contiguous with that of the property but for a street, road, or other public thoroughfare separating them.

appropriate inquiry - that inquiry constituting "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined in CERCLA, 42 USC Sec.9601(35)(B), that will give a party to a commercial real estate transaction the innocent landowner defense to CERCLA liability (42 USC Sec.9601(A) and (B) and Sec.9607 (b)(3)), assuming compliance with other elements of the defense.

approximate minimum search distance - some records to be reviewed pertain not just to the property but also pertain to properties within an additional approximate minimum search distance in order to help assess the likelihood of problems from migrating hazardous substances or petroleum products. When the term approximate minimum search distance includes areas outside the property, it shall be measured from the nearest property boundary. This term is used in lieu of radius to include irregularly shaped properties.

CERCLIS - Comprehensive Environmental Response, Compensation, and Liability Information System - the list of sites compiled by EPA that EPA has investigated or is currently investigating for potential hazardous substance contamination for possible inclusion on the National Priorities List (NPL).

commercial real estate - any real property except a dwelling or property with no more than four dwelling units exclusively for residential use (except that a dwelling or property with no more than four dwelling units exclusively for residential use is included in this term when it has a commercial function, as in the building of such dwellings for profit). This term includes but is not limited to undeveloped real property and real property used for industrial, retail, office, agricultural, other commercial, medical, or educational purposes; property used for residential purposes that has more than four residential dwelling units; and property with no more than four dwelling units for residential use when it has a commercial function, as in the building of such dwellings for profit.

contaminated public wells - public wells used for drinking water that have been designated by a government entity as contaminated by toxic substances (e.g., chlorinated solvents), or as having water unsafe to drink without treatment.

due diligence - the process of inquiring into environmental characteristics of a parcel of commercial real estate or other conditions, usually in connection with a commercial real estate transaction. The degree and kind of due diligence vary for different properties and differing purposes.

drum - a container (typically, but not necessarily, holding 55 gal (208 L) of liquid) that may be used to store hazardous substances or petroleum products.

environmental site assessment (ESA) - the process by which a person or entity seeks to determine if a particular parcel of real property (including improvements) is subject to recognized environmental conditions. At the option of the user, an environmental site assessment may include more inquiry than that constituting appropriate inquiry or, if the user is not concerned about qualifying for the innocent landowner defense, less inquiry than that constituting appropriate inquiry. An environmental site assessment is both different from and less rigorous than an environmental audit.

environmental lien - a charge, security, or encumbrance upon title to a property to secure the payment of a cost, damage, debt, obligation, or duty arising out of response actions, cleanup, or other remediation of hazardous substances or petroleum products upon a property, including (but not limited to), liens imposed pursuant to CERCLA 42 USC Sec.9607(1) and similar state or local laws.

fill dirt - dirt, soil, sand, or other earth, that is obtained off-site, that is used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property. It does not include material that is used in limited quantities for normal landscaping activities.

fire insurance maps - maps produced for private fire insurance map companies that indicate uses of properties at specified dates and that encompass the property.

hazardous substance - a substance defined as a hazardous substance pursuant to CERCLA 42 USC Sec.9601(14), as interpreted by EPA regulations and the courts: "(A) any substance designated pursuant to section 1321(b)(2)(A) of Title 33, (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 USC Sec.6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 USC Sec.6901 *et seq.*) has been suspended by Act of Congress), (D) any toxic pollutant listed under section 1317(a) of Title 33, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 USC Sec.7412), and (F) any imminently

hazardous chemical substance or mixture with respect to which the Administrator (of EPA) has taken action pursuant to section 2606 of Title 15. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas)."

hazardous waste - any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 USC Sec.6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 USC Sec.6902 *et seq.*) has been suspended by Act of Congress). The Solid Waste Disposal Act of 1980 amended RCRA. RCRA defines a hazardous waste, in 42 USC Sec.6903, as: "a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may - (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed."

hazardous waste/contaminated sites - sites on which a release has occurred, or is suspected to have occurred, of any hazardous substance, hazardous waste, or petroleum products, and that release or suspected release has been reported to a government entity.

industrial use - an activity requiring the application of labor and capital for the production and distribution of a product or article, including, without limitation, manufacturing, processing, extraction, refining, warehousing, transportation, and utilities. The concern for the purpose of this report is whether the land use involves the processing, storage, manufacture, or transportation of hazardous substances or petroleum products.

landfill - a place, location, tract of land, area, or premises used for the disposal of solid wastes as defined by state solid waste regulations. The term is synonymous with the term solid waste disposal site and is also known as a garbage dump, trash dump, or similar term.

major occupants - those tenants, subtenants, or other persons or entities each of which uses at least 40% of the leasable area of the property or any anchor tenant when the property is a shopping center.

manufacturing - a process or operation of producing by hand, machinery, or other means a finished product or article from raw material

NPDES - National Pollutant Discharge Elimination System

NPL - National Priorities List; the list compiled by EPA pursuant to CERCLA 42 USC Sec. 9605(a)(8)(B) of properties with the highest priority for cleanup pursuant to EPA's Hazard Ranking System.

obvious - that which is plain or evident; a condition or fact that could not be ignored or overlooked by a reasonable observer while visually or physically observing the property.

occupants - those tenants, subtenants, or other persons or entities using the property or a portion of the property.

owner - generally the fee owner of record of the property.

petroleum products - those substances included within the meaning of the petroleum exclusion to CERCLA, 42 USC Sec.9601(14), as interpreted by the courts and EPA, that is: petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under Subparagraphs (A) through (F) of 42 USC Sec.9601(14), natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). (The word fraction refers to certain distillates of crude oil, including gasoline, kerosene, diesel oil, jet fuels, and fuel oil, pursuant to *Standard Definitions of Petroleum Statistics*.)

pits, ponds, or lagoons - man-made or natural depressions in a ground surface that are likely to hold liquids or sludge containing hazardous substances or petroleum products. The likelihood of such liquids or sludge being present is determined by evidence of factors associated with the pit, pond, or lagoon, including but not limited to, discolored water, distressed vegetation, or the presence of an obvious wastewater discharge.

property - the real property that is the subject of the environmental site assessment described in this report. Real property includes buildings and other fixtures and improvements located on the property and affixed to the land.

reasonably ascertainable - information that is (1) publicly available, (2) obtainable from its source within reasonable time and cost constraints, and (3) practically reviewable. Environmental liens that are unrecorded or are recorded any place other than recorded land title records are not considered to be in recorded land title records that are reasonably ascertainable. Recorded land title records need not be checked if they otherwise do not meet the definition of the term reasonably ascertainable.

RCRA - Resource, Conservation and Recovery Act.

recognized environmental conditions - the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

solid waste disposal site - a place, location, tract of land, area, or premises used for the disposal of solid wastes as defined by state solid waste regulations. The term is synonymous with the term landfill and is also known as a garbage dump, trash dump, or similar term.

user - the party seeking to use Practice E 1527 to perform an environmental site assessment of the property. A user may include, without limitation, a purchaser of property, a potential tenant of property, an owner of property, a lender, or a property manager.

Underground Storage Tank (UST) - any tank, including underground piping connected to the tank, that is or has been used to contain hazardous substances or petroleum products and the volume of which is 10% or more beneath the surface of the ground.

wastewater - water that (1) is or has been used in an industrial or manufacturing process, (2) conveys or has conveyed sewage, or (3) is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. Wastewater does not include water originating on or passing through or adjacent to a site, such as stormwater flows, that has been used in industrial manufacturing processes, has not been combined with sewage, or is not directly related to manufacturing, processing, or raw materials storage areas at an industrial plant.

APPENDIX B

Credentials

CREENTIALS

Timson & Peters, Inc. (T&P) is a technical consulting company providing environmental assessments (Phase I and Phase II), environmental permitting, Underground Storage Tank assessments, research services, natural resource management, environmental auditing, hydrogeological assessment, geologic consulting, air emission inventories, air emission reduction plans and wetland resource evaluations to governmental agencies, municipalities, businesses, industry, and private individuals. We also have the capability to prepare and/or review toxic chemical use reduction, toxic chemical release and hazardous waste generation plans to comply with Maine's 1990 toxic chemical reduction law and we can prepare storm water pollution prevention plans. We have the technical staff to collect air, soil, ground water, wastewater, storm water and hazardous waste samples.

T&P, Inc. provides Environmental Site Assessment services to banks, towns, manufacturing companies, attorneys, real estate consultants and private individuals. Our firm performs Phase I and Phase II site assessments and has worked in various parts of the State on sites ranging from private residences to bulk storage facilities for oil companies. Our central Maine location provides easy access to most sites throughout the State, and our proximity to the Capital in Augusta allows us to utilize the various State offices/services needed to complete an assessment. To date, our staff has performed over 150 Environmental Site Assessments on undeveloped sites and on properties developed for residential, commercial, industrial, governmental and farmland uses. T & P, Inc. also meets approved guidelines required by the Small Business Administration (SBA) and the Finance Authority of Maine (FAME) to perform Environmental Site Assessments.

Not every property will warrant the same level of assessment. The appropriate level of environmental site assessment will be guided by the type of property subject to assessment, the expertise and risk tolerance of the user, and the information developed in the course of the inquiry.

Transaction Screen property assessments include interviews with the subject property's owner(s) and/or occupant(s), federal and state file reviews, historical use information, a site reconnaissance by an environmental scientist, and a written report of findings.

Phase I property assessments consist of a more diligent inquiry into the environmental condition of a property and are recommended for commercial properties or properties where prior knowledge of environmental concerns may exist. Phase I property assessments include the review of available information pertaining to past site use, a more extensive federal and state file review, historical use information, a site reconnaissance by an environmental scientist, and a written report of findings and recommendations.

Phase II assessments are generally conducted after a Phase I has been completed and have shown a potential for environmental contamination. Phase II assessments are usually undertaken to establish the extents or limits of release of hazardous materials. This Phase generally requires installation of ground water monitoring wells, water quality sampling and/or soil analyses and is concluded with a written report of findings determining whether a Phase III cleanup may be necessary.

Listed below are the qualifications of those persons involved in conducting the Environmental Site Assessment and preparing the report.

Barry S. Timson, M.S.

Barry S. Timson is a principal of the firm and has been a geologic and resource management consultant in the State of Maine and New England for over fifteen years. Mr. Timson was formerly employed by the Maine State Planning Office and the Maine Geological Survey prior to becoming a private sector consultant. He is widely known for his knowledge of the political and regulatory process at the state government level.

Mr. Timson is recognized by the State as a coastal wetland, coastal geology and erosion expert. He is a Maine Certified Geologist and has served in the past as the Chair of the Maine Board of Certification for Geologists and Soil Scientists under two administrations. Mr. Timson reviews all environmental site assessments.

Deborah G. Cutten, B.S.

Deborah Cutten assists Timson & Peters, Inc.'s scientists, associates and principals in undertaking field and office investigations. Deborah has experience working with a geotechnical engineering firm and has participated in wetland investigations for the Maine Department of Environmental Protection Shoreland Zoning Unit prior to coming to work for T & P.

Ms. Cutten conducts Phase I & II environmental site assessments using methodologies in compliance with ASTM Standards E 1527 and E 1528. She supervises test borings, drilling, excavations and monitoring well installations. Deborah assists in data compilation, field verification, map production and report preparation. She also assists with stereoscopic aerial photograph analysis, wetland delineations, and regulatory research.

APPENDIX C

Interview Documentation

Observed During Site visit

Occupants

Owner

Question

Question	Owner	Occupants	Observed During Site visit
3.) Is the property, or any adjoining property used for an industrial use ?	Yes No Unk	Yes No Unk	Yes No Unk(1)
4.) To the best of your knowledge, has the property or any adjoining property been used for an industrial use in the past ?	Yes No Unk	Yes No Unk	Yes No Unk(2)
5.) Is the property or any adjoining property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility ?	Yes No Unk	Yes No Unk	Yes No Unk
6.) To the best of your knowledge has the property or any adjoining property been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility ?	Yes No Unk	Yes No Unk	Yes No Unk
7.) Are there currently, or to the best of your knowledge have there been previously, any damaged or discarded automotive or industrial batteries, or pesticides, paints, or other chemicals in individual containers of greater than 5 gal (19 L) in volume or 50 gal (190 L) in the aggregate, stored on or used at the property or at the facility ?	Yes(3) No Unk	Yes(3) No Unk	Yes No Unk <i>retail stock</i>
8.) Are there currently, or to the best of your knowledge have there been previously, any industrial drums (typically 55 gal (208 L) or sacks of chemicals located on the property or at the facility ?	Yes No Unk	Yes No Unk	Yes No Unk <i>stack 5 gal or less pre-package sold in same packages</i>
9.) Has fill dirt been brought onto the property that originated from a contaminated site or that is of an unknown origin ?	Yes(4) No Unk	Yes(4) No Unk	Yes No Unk(6) <i>unknown</i>
10.) Are there currently, or to the best of your knowledge has there been previously, any pits, ponds, or lagoons located on the property in connection with waste treatment or waste disposal ?	Yes No Unk	Yes No Unk	Yes No Unk
11.) Are there currently, or to the best of your knowledge has there been previously, any stained soil on the property ?	Yes No Unk	Yes No Unk	Yes No Unk

Que. n

Owner

Occupants

Observed During S... Visit

<p>12.) Are there currently, or to the best of your knowledge have there been previously, any registered or unregistered storage tanks (above or underground) located on the property ?</p>	<p>Yes No Unk</p>	<p>several 1000 gal propane tanks used for heating the bldg</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unk⁽⁵⁾</p>
<p>13.) Are there currently, or to the best of your knowledge have there been previously, any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground on the property or adjacent to any structure located on the property ?</p>	<p>Yes No Unk</p>	<p>Yes No Unk</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unk</p>
<p>14.) Are there currently, or to the best of your knowledge have there been previously, any flooring, drains, or walls located within the facility that are stained by substances other than water or are emitting foul odors ?</p>	<p>Yes No Unk</p>	<p>Yes <input checked="" type="radio"/> No <input type="radio"/> Unk</p>	<p>Yes <input checked="" type="radio"/> No <input type="radio"/> Unk⁽⁶⁾</p>
<p>15.) [If the property is served by a private well or non-public water system] Have contaminants been identified in the well or system that exceed guidelines applicable to the water system or has the well been designated as contaminated by any government environmental/health agency ?</p>	<p>Yes No Unk</p>	<p>Yes No Unk Public</p>	<p>Yes No Unk N/A</p>
<p>16.) Does the owner or occupant of the property have any knowledge of environmental liens or governmental notification relating to past or recurrent violations of environmental laws with respect to the property or any facility located on the property ?</p>	<p>Yes No Unk</p>	<p>Yes <input checked="" type="radio"/> No <input type="radio"/> Unk</p>	<p>Yes No Unk</p>
<p>17.) Has the owner or occupant of the property been informed of the past or current existence of hazardous substances or petroleum products or environmental violations with respect to the property or any facility located on the property ?</p>	<p>Yes No Unk</p>	<p>Yes <input checked="" type="radio"/> No <input type="radio"/> Unk UST closure report</p>	<p>Yes No Unk</p>
<p>18.) Does the owner or occupant of the property have any knowledge of any environmental site assessment of the property or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of, the property or recommended further assessment of the property ?</p>	<p>Yes No Unk</p>	<p>Yes <input checked="" type="radio"/> No <input type="radio"/> Unk</p>	<p>Yes No Unk</p>
<p>19.) Does the owner or occupant of the property know of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substance or petroleum products involving the property by any owner or occupant of the property ?</p>	<p>Yes No Unk</p>	<p>Yes <input checked="" type="radio"/> No <input type="radio"/> Unk</p>	<p>Yes No Unk</p>

Observed During Site Visit

Occupants

Owner

Question

20.) Does the property discharge waste water on or adjacent to the property other than storm water into a sanitary sewer system ?

Yes(7) No Unk

Yes(7) No Unk

Yes(7) No Unk

21.) To the best of your knowledge, have any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries or any other waste materials been dumped above grade, buried and/or burned on the property ?

Yes No Unk

Yes No Unk

Yes No Unk

grading has occurred
on southern portion of lot

22.) Is there a transformer, capacitor, or any hydraulic equipment for which there are any records indicating the presence of PCBs ?

Yes(9) No Unk

Yes(9) No Unk

Yes(9) No Unk

no records of PCBs
transformers etc property
belong to Central Maine Power

Government Records/Historical Sources Inquiry

Government record systems list the property or any property within the circumference of the area noted below:

23.) Do any of the following Federal government record systems list the property or any property within the circumference of the area noted below:

National Priorities List - within 1.0 mile ?	Yes	No
CERCLIS List - within 0.5 mile ?	Yes	No
RCRA TSD Facilities - within 1.0 mile ?	Yes	No

see report text

24.) Do any of the following state record systems list the property or any property within the circumference of the area noted below:

List maintained by state environmental agency of hazardous waste sites identified for investigation or remediation that is the state agency equivalent to NPL (DEP Directory of Spill Reports and Project Files) - within approximately 1.0 mile ?	Yes	No
--	-----	----

see report text

List maintained by state environmental agency of sites identified for investigation or remediation that is the state agency equivalent to CERCLIS (DEP Potential Hazardous Substance Sites) - within 0.5 mile ?	Yes	No
Leaking Underground Storage Tank (LUST) List (DEP UTE Log) - within 0.5 mile ?	Yes	No
Solid Waste/Landfill Facilities (DEP Solid Waste License Application List)- within 0.5 mile ?	Yes	No

25.) Based upon a review of fire insurance maps or consultation with the local fire department serving the property, are any buildings or other improvements on the property or on adjoining property identified as having been used for an industrial use or uses likely to lead to contamination of the property ?

Yes No NA(10)

This questionnaire was completed by:

Name Deborah G. Cutler

Title Project Assistant

Firm Timson & Peters, Inc.

Address P.O. Box 150
Hallowell, ME 04347

Phone Number 207-623-0053

Date 8-30-96

Preparer represents that to the best of the preparer's knowledge the above statements and facts are true and correct to the best of the preparer's actual knowledge and no material facts have been suppressed or mis-stated.

Deborah G. Cutler 8/30/96
Signature Date

NOTES:

	Land Use	Owner	Dates
(1) Present Land Usage			
Subject Property	see report text		
Adjoining properties north			
Adjoining properties south			
Adjoining properties east			
Adjoining properties west			

	Land Use
(2) Previous Land Usage	
Subject Property	see report text
Adjoining properties north	
Adjoining properties south	
Adjoining properties east	
Adjoining properties west	

If unfamiliar with the contents of any container located on the site, the question must be answered "yes" until the

- (3) List items and their storage locations. If unfamiliar with the contents of any container located on the site, the question must be answered "yes" until the materials are identified.
- (4) What was the origin of the fill? Was any structure demolished "in place" that may have contained asbestos or hazardous waste?
- (5) Look for any asphalt or concrete patching that would indicate the possibility of previous UST removal.
- (6) What are the discharge points of floor drains?
- (7) Each owner and each occupant should be asked where drain traps lead and the purpose of drainage pipes at the facility. All drain traps and pipes should be examined and their end points should be determined. Any ditches or streams on or adjacent to the site should be visually and physically observed for wastewater flow.
- (8) Does the property evidence any mounds or depressions that suggest a disposal site? Note the location of any mounds that do not appear to be naturally occurring.
- (9) If elevator, capacitor, or other hydraulic equipment exists, check inspection or maintenance records to ensure that there have been no indications of release and that the machinery does not appear to be damaged or leaking. Have there been any instances of insulating oil leakages and, if so, do you suspect the leakages of being PCBs or being PCB contaminated?
- (10) Preparer may eliminate this research and answer "not applicable" to the question if the preparer is unable to find appropriate sources of fire insurance maps or individuals at the local fire department for the property with knowledge of the property's past use, after making a reasonable effort in good faith to locate such information or if the information is otherwise not reasonably ascertainable.

(11) If any of the questions set forth in the questionnaire are answered in the affirmative, the user must document the reason for the affirmative.

INFORMATION REPORTED BY USER REGARDING ENVIRONMENTAL LIENS OR SPECIALIZED KNOWLEDGE OR EXPERIENCE

(For Phase I Environmental Site Assessments Only)

Did you check, or engage a title professional to check, reasonably ascertainable recorded land title records for environmental liens currently recorded against the property ? Yes No *not yet, will by Paul Berger, Attorney*

Are you aware of any specialized knowledge or experience that is relevant to recognized environmental conditions in connection with the property ? Yes No

[If the user is purchasing the property]

Do you have actual knowledge that the purchase price of the property is significantly less than the purchase price of comparable properties ? No Yes

[If affirmative, the user should make a written explanation of the lower price]

APPENDIX D

Figure 1 - Location Map

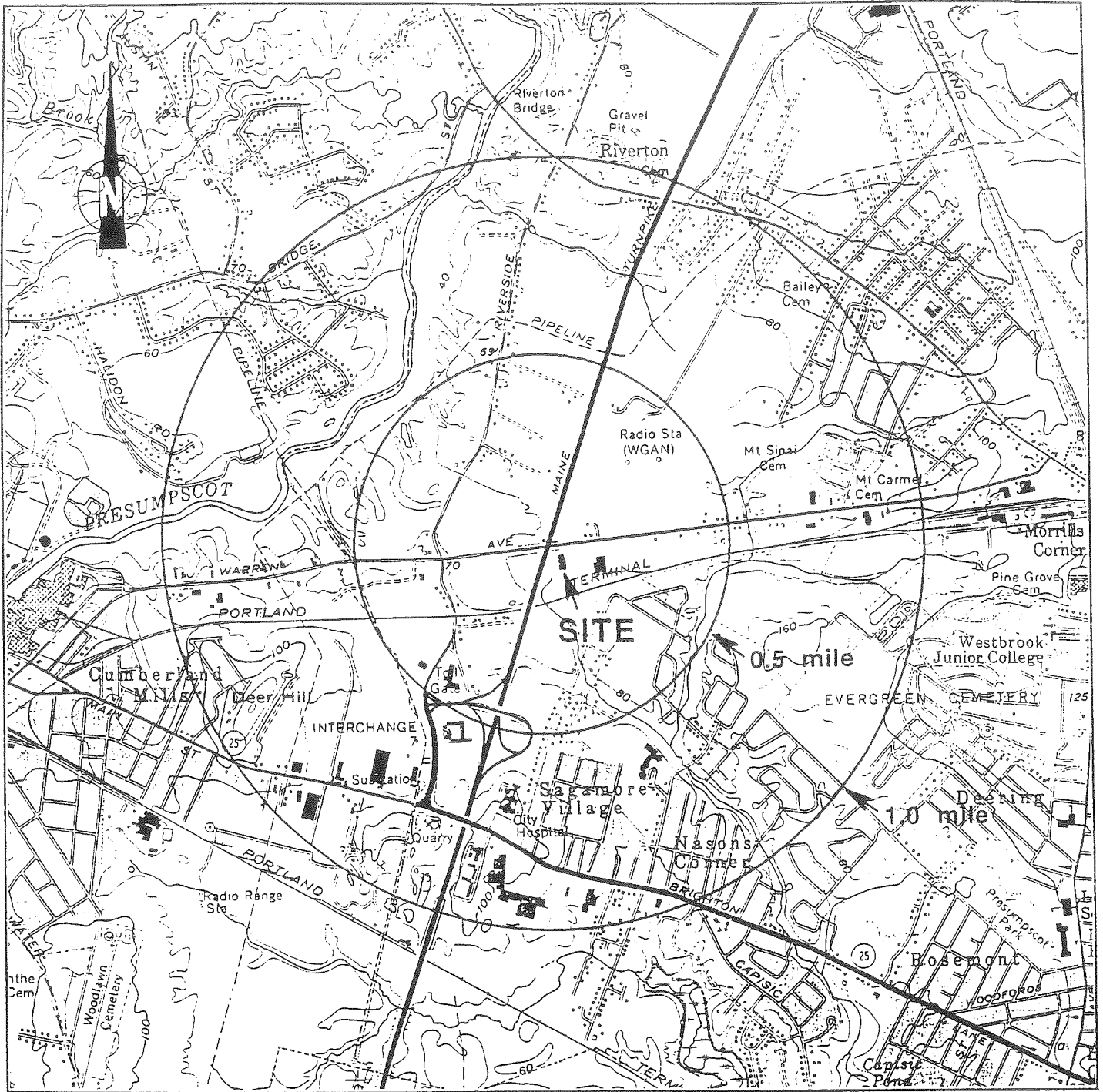


Figure 1: Location Map
 Former Grossman's Lumber Site Property
 510 Warren Avenue
 Portland, Maine

0 2000 Feet

Source: USGS 7.5' Quad. Portland West, ME. 1956



Timson & Peters, Inc.
 ENVIRONMENTAL SERVICES

- Environmental Permitting
- Geologic Consulting
- Wetland Analyses
- Environmental Assessments
- Groundwater Investigations

P.O. Box 150, Hallowell, ME 04347

Job Code:
 EADC-JOKER-1

Drafted by:
 P. McGovern

Checked by:
 D. Cutten

APPENDIX E

DEP Spill Report
UST Site Closure Assessment Report
UST Registration

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
OIL & HAZARDOUS MATERIALS REPORT FORM

Spill Number P - 765 - 93



SUBJECT / OWNER OR OPERATOR

Name (Last, First, MI): GROSSMAN'S INC

Address: 200 UNION ST

Town: BRAINTREE

State: MA Zip: 02184

Telephone: (617) 848-0100

Comments: CONSUMPTIVE USE MOTOR FUEL UST REMOVAL.

LOCATION / FACILITY INFORMATION

Spill Location: GROSSMAN'S INC

Address: 510 WARREN AVE

Location ID: 18040

Town: PORTLAND

Zip:

Latitude N: 43 / 41 / 9.7 Longitude W: 70 / 19 / 31.3

SPILL / EVENT INFORMATION

Spill Type: B (Table A) Amount Spilled: 199.99 G (Gals, Yds³, Lbs or Bbls)

Product Reported Spilled: 29 (Table B) Product Actually Found: 29 (Table B)

Date Of Spill: Time Of Spill: (Military)

Date Reported: Dec. 03, 1993 Time Reported: 0900 (Military)

Cause Of Spill: 09 (Table C) Detection Method: 6 J (Table D)

Incident Code: B - OT - G - U (Table E)

DEP response time involved: 15 Wells At Risk: Wells Impacted:

Investigators' names : BREZINSKI, STEPHEN

PERSON REPORTING EVENT

Name (Last, First, MI): WILSON, JEFF

Address: PORTLAND PUMP CO

Town: SCARBOROUGH

State: ME Zip Code: 04106

Telephone: (207) 883-4318

CLEAN-UP INFORMATION

Spill Number P - 765 - 93

Total Product Recovered : 100.99 G (Gals, Yds3, Lbs or Bbls)

Method of Recovery : K _

Non Recyclable : 60.00 Y (Gals or Bbls)

Solids Combustible (Yds3 or Tons)

Solids Non Combustible : 60.00 Yds3

Recyclable 60.00 y (Gals, Yds3, Lbs or Bbls)

Number Filters Installed : 0

Number Aerators Installed : 0

Disposal Information : contaminated soil to commercial Paving, no gw treated.

OTHER ACTIONS

Expenditure (s) - From Surface Water Fund N (Y or N)
From Ground Water Fund N (Y or N)
From Haz Waste Fund N (Y or N)

Third Party Damage Claim Expected N (Y or N)
Enforcement Referral N (Y or N)
Insurance Fund Claim N (Y or N)
Tech Services Referral N (Y or N)

UNDERGROUND TANKS INFORMATION

Table with 7 columns: UNO/UST Site Number, Tank Number, Size Of Tank, Tank Material, Tank Age, Piping Material, Tank Status. Row 1: 0, 1, 4,000, A, 8, M, AB

Please use separate sheets of paper, as needed, for your detailed Recommendations and Spill Narrative. Remember to include/attach directions to find spill site (with a map if possible), all observations made, clean up actions performed and photos (if taken).

Include known chemical names when report is about Hazardous Materials.

Please, document your information carefully. It may be needed for future reference or legal action.



Maine DEP Spill Report P-765-93SB
Grossman's Inc., Portland, Maine



Introduction

At the request of Jeff Wilson of Portland Pump Co. (PPC) I (S Brezinski) granted a waiver of the 30-day UST removal notification period for this Grossman's consumptive use diesel UST facility. I found no indication the UST was registered so I required that Grossman's have the facility properly registered prior to the removal [See the attached reg. form]. Wilson and I worked with Bill Satterland of Grossman's in Mass. (617-848-0100) who took responsibility for the removal though it is in contention that the property owner, HMG/Fieber Realty, actually owns the facility. See the UST Closure assessment of GZA GeoEnvironmental, Inc., for further site and removal information, parts of which are attached with this spill report.

Facility Removal

On 12/03/93, the agreed removal date, I met onsite with representatives of Grossman's, the property owner, and PPC for the removal. The 4000 gallon asphalt coated steel UST was in very good condition for its estimated age of 20+ years, with no holes, rust or pitting observed. The piping was rusty and had a questionably tight fitting under the suction dispenser. The facility was installed in an area of tan clayey-silt, the water table being at about two feet below grade (bg), which kept the tank submerged. The UST was buried at about four feet bg and was anchored by steel mesh and poured concrete. See the attached field notes for further details as to tank condition and site lithology.

Contamination Assessment & Remedial Actions

The DT recommends a *Baseline Clean-Up Goal* though Grossman's and GZA felt comfortable with removing contaminated soil at or above 50 ppm (bag-headspace field analysis) in the tank and piping areas, though we felt that chasing the contamination was not required and was at the discretion of Grossman's and HMG/Fieber if they wished to reduce chances of future liability problems. No free product was observed though the odor of diesel contamination was obvious in the soil. About sixty (60) yards of contaminated soil was excavated from around the tank, offset fill pipe and the single dispenser, and was sent to Commercial Paving for recycling. See the attached virgin letter for an exact quantity. No groundwater was required to be pumped or treated.

Satterland stated that there were no other UST's at this site. I understand that no replacement UST will be going in. I explained the GW Oil Clean-up Fund to Satterland and later mailed him an application the following Monday, 12/06/93. Heath of GZA, and Satterland of Grossman's, agreed to send a copy of the CMR 691.12 assessment directly to me at the DEP, SMRO, sections of which will be attached to this report. See also my attached field notes and photos.



Conclusion & Recommendations

At this time, based on known site data, this facility is clean to Dept. satisfaction and no further Response Div. action is required or anticipated at this time. Product amounts spilled and cleaned-up are estimates based on observations and the discharges are believed to be the result of over spills and pipe leakage. Diesel contaminated soil and groundwater is understood to remain onsite, and if disturbed in the future, should be properly managed as per Maine statute and solid waste regulations.

This report is written as an internal Dept. document; is based on present information, regulations and statute; and should not be considered a site assessment.

S G Brezinski

Stephen G. Brezinski
Oil & Hazardous Materials Specialist
Div. of Response Services, Maine DEP, BHMSWC

FILE P76593SB.DOC

WHILE YOU WERE OUT MESSAGE	TO	SPB	DATE	12-17-1994									
	FROM	Richard Heath	AREA CODE	NUMBER									
	OF	G7A	879-9120										
	EXTENSION												
② could you leave a copy at ② spill report for desk? ② Grossman's ② fuel report ready?													
SIGNED				<i>J</i>									
URGENT	<input type="checkbox"/>	RETURNED CALL	<input type="checkbox"/>	CALL BACK	<input checked="" type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>	PHONED	<input type="checkbox"/>	WANTS TO SEE YOU	<input type="checkbox"/>	WAS IN	<input type="checkbox"/>

P-765-93

GZA
GeoEnvironmental, Inc.

January 13, 1994
File No. 25177

Mr. Richard A. Halverson
Grossman's, Inc.
200 Union Street
Braintree, MA 02184

Re: UST Closure Site Assessment
Grossman's Inc.
510 Warren Avenue
Portland, Maine

Dear Mr. Halverson:

In accordance with the contract between GZA GeoEnvironmental, Inc. (GZA) and Grossman's Inc. (Grossman's), GZA has completed a closure site assessment in connection with the removal of a diesel fuel underground storage tank (UST) located at the above-referenced facility.

PURPOSE

This report has been prepared in accordance with the Maine Department of Environmental Protection (DEP) Underground Tank Regulations¹ and is subject to the limitations included as Attachment A.

FACILITY AND SITE LOCATION

The Grossman's Lumber Retail and Contractor Yard (site) is located south of Warren Avenue and immediately east of the Maine Turnpike in Portland, Maine, as shown on Figure 1. A site plan showing pertinent site features and abutting properties is provided as Figure 2. Properties bordering the site include:

the Maine Turnpike to the west;

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¹ Maine Department of Environmental Protection, Regulations for Registration, Installation, Operation, and Closure of Underground Oil Storage Facilities, Chapter 691, Section 12 and Appendix P, September 16, 1991.

- the Portland Terminal Company (railroad line) to the south; and
- commercial properties to the east and to the north across Warren Avenue.

A Central Maine Power Company easement extends approximately 120 feet on to the site along the length of the southern site boundary.

The 4,000-gallon diesel UST removed on December 3, 1993 was located in an undeveloped portion of the site south of the lumber yard area, as shown on Figure 2. The tank area was separated from the paved lumber yard by an approximately 8-foot high chain-link fence, and accessed through a locked gate. Fill pipes for the UST included a "primary" fill pipe located above the tank and an "auxiliary" fill pipe located in the paved lumber yard area², as shown in Figure 2. An associated fuel pump was located adjacent to the fence in the lumber yard.

A catch basin is located in the paved lumber yard approximately 40 feet northeast of the UST. The catch basin discharges through a culvert to a drainage ditch approximately 30 feet east of the UST. Standing water was observed in portions of the ditch at the time of the UST removal. The ditch exits the site to the south where it joins an unnamed tributary of the Fore River.

FACILITY AND SITE HISTORY

Portland City tax assessment records indicated the following site ownership history.

1988 - present	Maurice Weiner, Norman Fieber, Lawrence Rothstein, and James A. Weiner (Trustees of HMG - Fieber Realty Trust), 2701 So. Bayshore Dr., Coconut Grove, Florida 33133
1980 - 1988	Hospital Mortgage Group Inc.
1964 - 1980	Grossman Industrial Properties ✓

Based upon information provided by Grossman's, the site has been used by Grossman's and its predecessors as a lumberyard since December 1964. The tank is of unknown age.

² The designation of "primary" and "auxiliary" for fill pipes located above the UST and in the lumber yard, respectively, is provided only to distinguish between the two locations and does not indicate preferential usage of either fill pipe.



P-765-93



Street
J. Maine
9-9190
07-879-0099

GeoEnvironmental
Inc., Inc.

and was used by Grossman's to service its vehicle fleet. Most recently, the tank stored diesel fuel. Prior to the late 1970s, when Grossman's vehicle fleet was converted, it stored gasoline. Grossman's address is 200 Union Street, Braintree, Massachusetts 02184.

The waiver from the requirement for 30 days notice prior to removal was granted by the DEP on November 29, 1993. A UST registration form was subsequently submitted to DEP on behalf of the site owner, HMG - Fieber Realty Trust (copy included in Attachment C).

WORK PERFORMED

On December 3, 1993, GZA observed the excavation and removal of the 4,000-gallon diesel fuel UST and associated piping from the Grossman's site. A chronological log of the work performed and GZA's observations is presented as Attachment B. The following representatives were present during all, or part, of the removal.

Representative	Organization
Mr. Stephen Brezinski	Response Services Division, DEP
Mr. William Satterlund	Tenant, Grossman's Inc.
Mr. Jeffery Richards	Owner, HMG - Fieber Realty Trust
Mr. Phillip Joy	Project Manager, GZAR
Mr. Richard Heath	Maine Certified Geologist, GZA

The tank was removed by Portland Pump Company of Scarborough, Maine, a certified oil storage tank remover, using a Komatsu PC150LC track-mounted excavator. Prior to removal, approximately 150 gallons of liquid was removed from the tank by Clean Harbors, Inc. of South Portland, Maine, using a vacuum truck. The removed liquid was transported under a bill of lading (copy in Attachment C) to Clean Harbors' facility in South Portland, where it is to be reprocessed for sale as a fuel.

GZA observed the tank, piping, and soils during the removal for evidence of leakage or discharge of product. Thirteen soil samples were obtained during the removal of the tank and associated piping prior to backfilling the excavations. The soil samples were screened with a Thermo Environmental Instruments Model 580B photoionization detector (PID) equipped with a 10.6 eV lamp using the standard DEP head space screening technique.

³ Maine DEP Chapter 691, Appendix Q.

The PID was calibrated prior to arrival on-site using a zero gas and a 250 part per million (ppm) isobutylene standard.

FINDINGS

The sequence of soils exposed during the removal of the UST included:

- 0.0' - 2.0' Rust brown, fine SAND, little silt; and
- 2.0' - 9.0' Stratified, gray, fine SAND, little silt, with occasional layers of clayey silt.

Black stained zones of soil were observed on the east side of the excavation between a depth of about 1.0 to 3.0 feet. Groundwater seepage observed entering the northern portion of the excavation at a depth of about 3 feet exhibited an oily sheen. Results of field screening of soils sampled from the UST excavation are reported as a benzene equivalent in parts per million (volumetric basis) based on an isobutylene calibration and using a relative response factor of 0.55. The screening results are summarized in the following table:

SAMPLE	LOCATION / DEPTH	FIELD PID READING (ppm)	BENZENE EQUIVALENT (ppm)
S-1	Above UST, 5 ft east of primary fill pipe / 3 feet	275	151
S-2	Above UST, next to primary fill pipe / 3 feet	230	134
S-3	North end of UST / 3 feet	215	118
S-4	East side of UST / 3 feet	140	77
S-5	West side of UST / 4 feet	105	58
S-6	West side of UST / 7 feet	11	6
S-7	Southeast side of UST / 6 feet	55	30
S-8	South end of UST / 4 - 6 feet	23	13
S-9	Below auxiliary fill pipe / 0 - 1 feet	440	212
S-10	Below pump island / 0 - 1 feet	120	66
S-11	Below pump island / 3 feet	325	179
S-12	Below auxiliary fill pipe / 3.5 feet	74	41
S-13	Below pump island / 3.5 feet	180	99



P-765-93



Soils excavated during the course of tank removal were screened and segregated for off-site disposal in accordance with direction provided by DEP's field representative. The soils were field screened using the PID head space screening technique prescribed by DEP. Laboratory analysis of soil samples was deemed unnecessary by DEP. Consistent with DEP field instructions, in general, excavated soils which exhibited a PID level of 50 ppm or greater (as benzene equivalent) were segregated for off-site disposal.

Upon removal, the surface of the tank appeared in good condition. Minor rust and flaking of the asphalt coating was observed on the surface of the tank. No corrosion holes, puncture holes, or other evidence that would indicate a point of product release were observed on the surface of the tank or piping.

DEP provided GZAR with a form (copy included in Attachment C) documenting DEP permission for the off-site removal of soil contaminated with a virgin petroleum product. Commercial Recycling Systems (CRS) of Scarborough, Maine, was contracted to supply clean soil to backfill the excavations and to remove the contaminated soil for later asphalt batching.

Four dump-truck loads of petroleum contaminated soil were transported from the site to CRS' facility in Scarborough, Maine. Based on weight slips for the four truck loads (see Attachment C), about 94.43 tons of contaminated soil was removed for processing by asphalt batching at CRS' Scarborough facility.

CONCLUSIONS

Petroleum product was encountered in the soil in the vicinity of the diesel fuel UST removed from the Grossman's site on December 3, 1993. Screening of soils sampled at depths of approximately 3 to 4 feet from the north, east, and west sides of the tank, and beneath the auxiliary fill pipe and fuel pump island, indicated PID readings exceeding the DEP notification level for diesel fuel (50 ppm benzene equivalent).

In accordance with DEP direction, soils excavated during the course of UST removal were field screened and, as appropriate, removed from the site. In DEP's view, unexcavated soils with residual petroleum contamination did not warrant remediation. In our opinion, this result is consistent with the cleanup standards established under DEP's policy for remediation of virgin petroleum product releases.

⁴Maine DEP, Decision Tree for Setting Clean-up Standards for Petroleum Contaminated Sites, March 1992.

DEP's cleanup policy imposes a baseline remediation requirement to remove product saturated soils and free nonaqueous phase product. Based on field observations of soils and groundwater exposed during excavation of the UST and associated piping, it is GZA's opinion that product saturated soils or floating product were not observed.

Under the Maine DEP cleanup policy, the baseline remediation requirement serves as the applicable cleanup standard unless the site is located in a sensitive geologic area, the release poses a threat to public or private drinking water supplies, or there is potential for vapor hazards within buildings or other confined spaces. As such considerations are not present in this case, it is our opinion that the DEP Baseline cleanup goal is appropriate and that the work as completed satisfies this goal. Accordingly, it is our conclusion that no further soil removal or other response action is required.


If you have any questions regarding this report, please contact either Richard Heath or Dan Carr at GZA's Portland Maine office (207)-879-9190. We greatly appreciate the opportunity to be of service to you on this project.


Very truly yours,

GZA GEOENVIRONMENTAL, INC.


Richard H. Heath
Maine Certified Geologist (GZA)


Phillip E. Joy
Project Manager (GZAR)


Charles A. Lindberg
Associate Principal


Daniel B. Carr P.E.
Associate Principal/Project Reviewer

RHH:mp

Attachments: Figures 1 and 2
Attachments A, B, and C

cc: Joel D. Kaufman, Grossman's, Inc.
Sanford M. Matathia, Esq., Rackemann, Sawyer & Brewster



ATTACHMENT B

CHRONOLOGICAL FIELD LOG

December 3, 1993

- | Time | Event |
|------|---|
| 0745 | Mr. Richard Heath of GZA (RHH) arrived on-site and met with Mr. William Satterlund, representative of Grossman's Inc. (facility tenant), and Mr. Jeffery Richards, representative of HMG - Fieber Realty Trust (facility owner). |
| 0800 | Mr. Scott Leticier of Portland Pump Company (PPC) of Scarborough, Maine and Mr. Phillip Joy of GZAR arrived on-site. Mr. Leticier measured approximately 3-inches of water and 3.5-inches of product in the tank, then contacted Clean Harbors, Inc. of South Portland, Maine for removal of the liquid. |
| 0815 | Mr. Leticier removed the fuel pump. |
| 0830 | Mr. Paul Rondo of PPC arrived on-site with excavator. Equipment supplied by PPC included: <ul style="list-style-type: none"> • Komatsu PC150LC track-mounted excavator • Mack 10-wheel dump truck with flabed trailer • GMC Sierra 1-ton pickup truck with utility body |
| 0845 | Clean Harbors Inc. driver/operator arrived on-site with a vacuum truck and removed approximately 150-gallons of liquid from the tank. |
| 0910 | Soil was removed in the area of the primary fill pipe exposing the top of the UST about 3 feet below ground surface. RHH screened soil excavated from above the tank approximately 5-feet south (S-1) and next to (S-2) the primary fill pipe using a PID and standard headspace techniques ¹ . PID readings were recorded at 275 parts per million (ppm) and 280 ppm, respectively ² . |
| 0920 | Mr. Steve Brezinski of DEP's Response Services Division arrives on-site. Mr. Brezinski indicates that laboratory analysis of soil samples would not be required as part of the UST removal procedure and that the extent of soil contamination would be assessed by the use of PID field screening techniques only. Mr. Brezinski stated that all contaminated soils excavated during the removal of the UST and associated piping would be required to be removed from the site for proper disposal. |

¹ PID concentrations are reported in parts per million (ppm) based on a calibration with a zero gas standard and a 250 ppm isobutylene gas standard.

² Refer to table in report for information on soils screened with PID and head space technique.

0940 PPC removed the primary fill pipe from the tank. Soil was removed exposing the north end and east and west sides of the UST. A wire mesh covering the top of the UST and anchored in concrete pads on the east and west side of the UST was exposed. The concrete pads were approximately 4-feet below ground surface. Three soil samples were collected from the northern end of the UST (S-3) and to the east (S-4) and west (S-5) side of the UST at depths of about 3 to 4 feet. PID screening of the soil samples indicated readings ranging from 105 ppm to 215 ppm.

1000 The concrete pads and wire mesh were removed from the excavation and soils were excavated exposing the top, and the west side of the UST. Three soil samples were collected from the west (S-6), southeast (S-7), and southern end of the UST (S-8) at depths ranging from 4 to 7 feet. PID screening of the soil samples indicated readings ranging from 11 to 55 ppm.

1030 The UST was removed from the excavation. The surface of the tank appeared in good condition. Minor rust and flaking of the asphalt coating was observed on the surface of the tank. No corrosion or puncture holes, or other evidence that would indicate an avenue for product release, was observed on the surface of the tank.

1035 Dimensions of the UST excavation at ground surface measured about 15' x 30' with the deepest point in the excavation reaching approximately 8.5 to 9 feet below ground surface. The excavated soils consisted of a light brown to gray, fine grained sand with a little silt. Layers of gray clayey silt were observed at depths of about 3 to 9 feet. Soils observed adjacent to the UST were most likely fill materials. Groundwater exhibiting an oily sheen was observed seeping into the excavation between 3 to 4 feet below ground surface.

1040 GZAR contacted Commercial Recycling Systems (CRS) of Scarborough, Maine to remove excavated contaminated soils and supply clean soil fill material to backfill the excavations.

1045 PPC removes the auxiliary fill pipe. No corrosion or puncture holes, or other evidence that would indicate an avenue for product release, was observed on the surface of the piping.

1100 Soil samples were collected from beneath the auxiliary fill pipe (S-9) and fuel pump island (S-10) at a depth of about 0 to 1 feet. Results of field screening indicated 440 ppm and 120 ppm, respectively.

1120 PPC removes the fuel pump piping. No corrosion or puncture holes, or other evidence that would indicate an avenue for product release, was observed on the surface of the piping.



P-765-93



FIELD NOTES

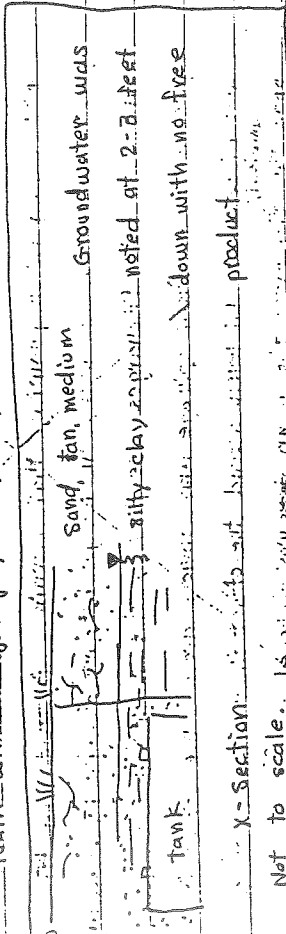
Page 1 of 2

Dates: 12/3 thru 12/3

12/3/93 Arrived onsite about 0915 and met with Bill Satterland of Grossman's, Jeff Richards representing HMG Fieber, and Richard Heath and Philip Joy of GZA, and Scott and Paul of Scott of Portland Pump Co. (PPC).

a) The DST was in the back lot of the property partly under the pavement and partly in a field with a chain link fence, with an offset fill to the parking lot.

b) The native lithology appears to be two feet of tan sand and loam with a light gray silty-slay below. See X-section.



Not to scale.

c) Satterland indicated the DST was likely out of service, with daily inventory. I agreed to send a GW Fund application.

d) Satterland and GZA were comfortable with disposing off-site that soil excavated for the removal and not chasing contamination unless we encountered free product. I promised a virgin disposal letter.

e) I quickly noticed the ambient odor of diesel fuel off the soil. Heath indicated levels around the fill to be about 200 ppm (bag headspace Thermo OVM PID), and lower levels other around the top. Near tank bottom PID levels increased to around 45 to 50 ppm. I advised GZA to try and segregate bad soil (50 ppm and greater) from cleaner soil to minimize disposal quantity. I explained the Virgin letter system.

f) The DST was a 4000 gal bare steel of unknown age (20 yrs?), section operated. Coming out about 1030 hrs, no holes or pitting was noted. Scott stated that there was 3" of water and 3" of product in prior to pumping that morning. A small slick of product was noted on the gw but not enough to indicate saturated soil. Discharges are possibly due to overfills and pipe leaks. Surface spillage was obvious around the offset fill and dispenser. PID levels around the offset fill was at least 40 ppm, the fill under the pump tank was blackened and 42 ppm ambient.

Phillip E. Joy
Project Manager



GZA
Biosciences, Inc.

201 Northham Street
Norfolk, VA 23502
Member of the
Environmental
Intelligence, Inc.
EPA # 33-0000000-0

Richard H. Heath, C.E.



GZA
Environmental
Services

1500 North
Hampton Road
Norfolk, VA 23502
EPA # 33-0000000-0





PORTLAND PUMP COMPANY PETROLEUM SYSTEMS

FAX # (207) 883-1418

FAX COVER LETTER

THIS TRANSMISSION CONSISTS OF 2 PAGE(S), INCLUDING COVER.

TO: STEVE BOEZWICK DATE: 11/24/93
FIRM: DEP FAX#: _____

FROM: JEFF WILSON

NOTES: PLEASE FAX ME A LABEL AS
DISCUSSED FOR 12/3/93. THANKS.

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL
(207) 883-4317. THANK YOU!

Petroleum Tank, Pump and Facility Services (207) 883-4317 1-800-540-7867 FAX (207) 883-1418
Murray Road Extension P.O. Box 1180 Scarborough, Maine 04070-1180



Maine Department of Environmental Protection
Bureau of Oil & Hazardous Materials Control
State House Station #17 Augusta, Maine 04333
Telephone: 207-289-2654
Attn: Tank Removal Notice

NOTICE OF INTENT TO ABANDON (REMOVE) AN UNDERGROUND OIL STORAGE FACILITY

Name of Facility Owner: GARIBOLDI'S Telephone No: 797-6816
Mailing Address: 510 WILMOUTH ROAD State: ME Zip Code: _____
City: PORTLAND
Contact Person (Name, address & telephone no.): _____
Name of Facility: SAFC Registration No.: _____
Facility Location: SAFC

1. Identify the tanks at this location which are to be removed:

Tank Number	Age of Tank (Years)	Tank Size (Gallons)	Type of Product Most Recently Stored	Gas #
A. 1	?	4000	Gas #, Diesel	
B. _____	_____	_____	_____	_____
C. _____	_____	_____	_____	_____
D. _____	_____	_____	_____	_____

2. Directions to Facility (be specific): 302. ONTO WILMOUTH AVE
ONST INDUSTRIALS CORNER ON RT 302. ONTO WILMOUTH AVE
2 MILES SW LEFT BEFORE OVERPASS

3. Is tank(s) used for the storage of Class I liquids (e.g. gasoline, jet fuel)? Yes NO (IF YES, REMOVAL OF THE TANK MUST BE UNDER THE DIRECTION OF A CERTIFIED TANK INSTALLER OR PROFESSIONAL FIREFIGHTER.)

4. Name and telephone number of contractor who will do the tank removal: PORTLAND PUMP CO 883-4317

Certified Tank Installer Certification Number & Name (if applicable): _____
Professional Firefighter Yes NO (Affiliation: _____)
Expected date of removal: 12/3/93

I hereby provide Notice that I intend to properly abandon the underground oil storage facility as described above.

Date: 11/23/93
Signature of Tank Owner or Operator: [Signature]
Printed Name and Title: JEFFREY S. WILSON Account Executive

THIS FORM MUST BE FILED WITH THE DEPARTMENT AND LOCAL FIRE DEPARTMENT 30 DAYS PRIOR TO REMOVAL - RETURN POSTCARD WHEN TANK(S) HAS BEEN REMOVED.

Mail original and yellow copy to DEP, pink copy to fire dept.; retain gold copy

P-765-93

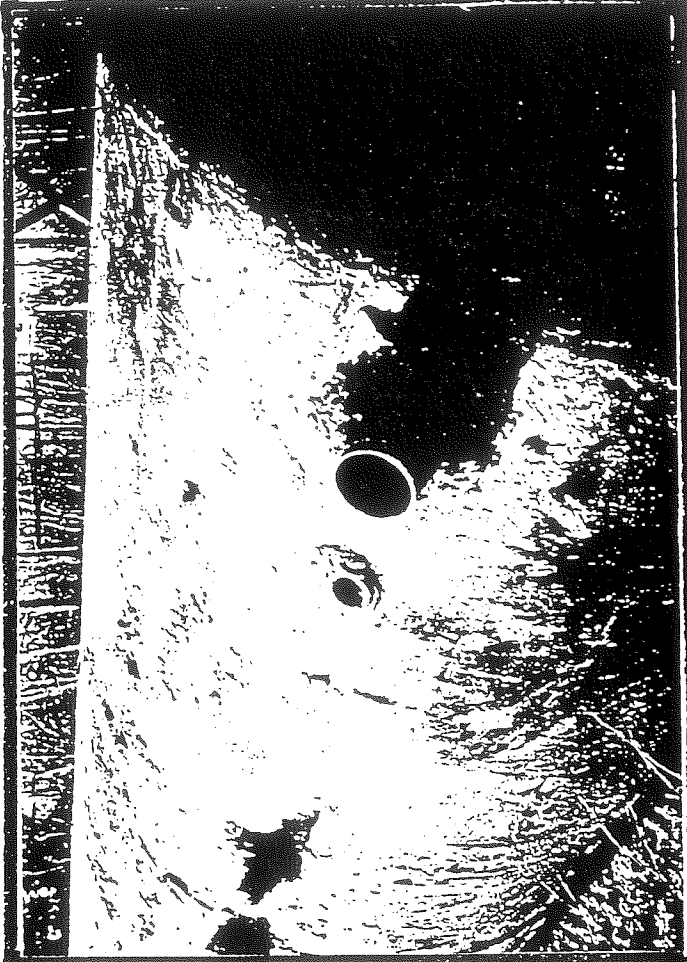
No. 2: Tank being excavated. Note clay debris and rock debris.



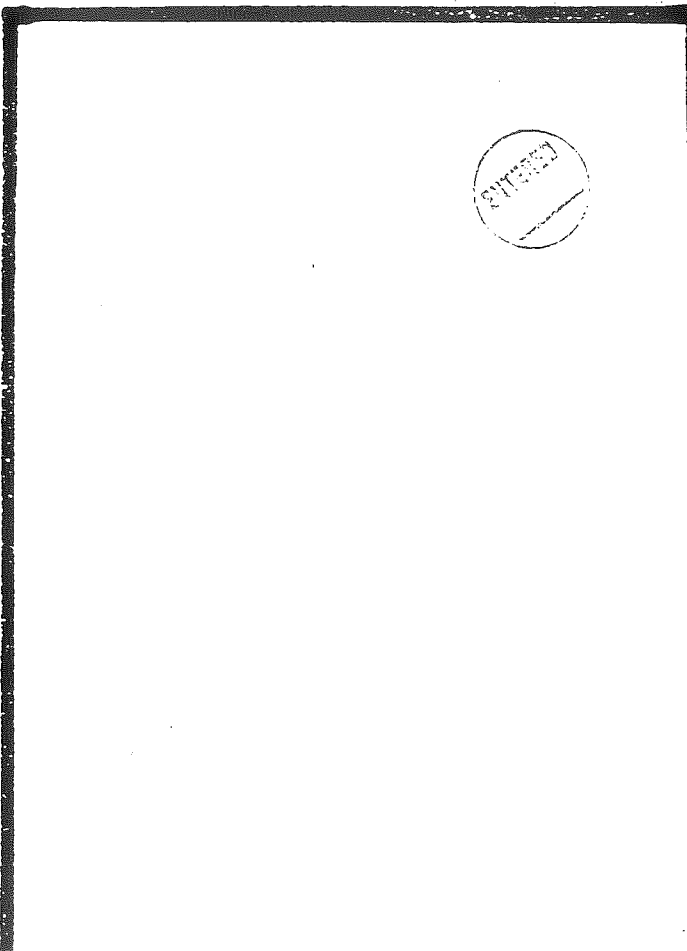
No. 1: View looking south, over offset fill toward 12/3/73



No. 3: Removed tank. Good condition



No. 4:



SB
 Bill Satterlund - 11-29-86
 617-848-0100
 X-2715
 Portland
 - sched to remove tank
 needs info on registration

SB
 Bill Satterlund - 11-30-86
 617-848-0100
 X-2715
 pre-reg stake - he will send us 9.
 form. Prop land to sign? GZA will
 be there.

WHILE YOU WERE OUT

FROM: SB
 TO: Bill Satterlund
 Grossman

DATE: 11-22-86

AMPAK NO. 23-175-400 SETS NO. 33-375-100 SETS

WHILE YOU WERE OUT

MESSAGE

DATE: 11/20/86

TIME: 9:59

RETRD (call) 12/11 AM on for

12/13

WAIVER FROM THE REQUIREMENT THAT A NOTICE OF ABANDONMENT BY REMOVAL OF AN UNDERGROUND OIL TANK BE FILED THIRTY DAYS PRIOR TO REMOVAL

Due to exceptional circumstances the Department of Environmental Protection grants a waiver to the thirty day filing period for abandonment by removal of the listed underground tanks, provided that the owner or operator meets the following conditions:

1. A written notice of removal is filed with the Department and the local fire department within one day of receiving this waiver.
2. The Department is kept advised of removal plans and schedule so that a department representative can observe the removal of the tank(s) and the excavation from which the tank(s) was/were removed.

Tank(s) owned by: GROSSMANS INC. Phone # 797-6816

Mailing Address 510 Warren Ave Town Portland

Located at: _____

Name GROSSMANS Phone # 797-6816

Address 510 Warren Ave Town Portland

Reason for Waiver: Removal prior to frost.

List tank(s) below:

Registration #	Size	Location on Site (Describe or Diagram)
?	4000 gal Diesel	

To be registered prior to removal.

Under GZA Remed.

Planned Date of Removal: 12/9/93

This waiver is granted on (date) 11/29/93 by SG Brezinski, a copy of which is presented to Jeff Wilson Portland Pump Co. (Name of individual receiving the copy)

White - Enforcement Copy
 Canary - Investigator's Copy
 Pink - Tank Owner's Copy





Our Fax # is 617-848-3233
0100 x 2453

TELECOPIER COVER SHEET

DATE: 12/1/93
TOTAL NUMBER OF PAGES 5
(INCLUDING COVER)
TO: Steve Brezinski
DEP - State of ME
Fax 207-822-6309
FROM: Bill Satterlund
TEL # (617) 848-0100 EXT: 2715

MESSAGE:
Registration form

DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGISTRATION FORM FOR UNDERGROUND OIL
AND HAZARDOUS SUBSTANCES (CHEMICAL)
STORAGE TANKS
(Pursuant to 38 M.R.S.A. Section 583, 40 CFR Part 280)

STATE USE ONLY
DATE OF REGISTRATION: / /
1. REGISTRATION NUMBER:
(Complete only if a registration number has been previously assigned.)

2. FACILITY INFORMATION
A. Name: Grossman's Inc.
B. Mail Address: 200 Union Street, Braintree, MA 02184
C. Street Address: 510 Harrier Avenue
D. Town/City: Braintree, MA
E. Zip Code: 04103 F. Telephone: (207) 797-6816
G. Directions to Site:
H. Is at least one existing or planned tank (including piping and pumps) within 1000 ft. of a public water supply? Yes No
I. Is at least one existing or planned tank (including piping and pumps) within 300 ft. of a private water supply? Yes No
J. (Complete if the answer to (H) above is YES.) Is at least one water supply located within 300 feet of the tank(s) is owned by someone other than the facility owner or operator? Yes No
K. Is the facility located on a significant sand and gravel aquifer or recharge area as mapped by the Maine Geological Survey? Yes No
(If you wish assistance in answering item (K), please call the Department at (207) 289-2661. Sand and gravel aquifer maps can be reviewed at any of the Department's offices or requested from the Maine Geological Survey, State House Station 22, Augusta, Maine 04333, (207) 289-2801.
NOTE: If the answer to item (H), (J) or (K) above is yes, the facility is in a sensitive geologic area. A new or replacement tank used for the marketing and distribution of oil in such an area requires secondary containment or ground water monitoring pursuant to 38 M.R.S.A. Section 546(C).

STATE USE ONLY
Reviewer: Date: Map Number: Comment:

L. Facility Use (Check One):
 Wholesale Oil Distribution
 Retail Oil Distribution
 Oil Storage at Commercial Establishment
 Oil Storage at Industrial Establishment
 Oil Storage/Single Residence
 Oil Storage/Multiple Residence
 Oil Storage/Farm
 Oil Storage/Public Facility (State or Local)
 Oil Storage/Federal Facility
 Chemical Storage

3. PERSON TO CONTACT FOR MORE INFORMATION
A. Name: William N. Satterlund for Grossman's, Inc.
B. Mail Address: 200 Union Street
C. Town/City: Braintree, MA D. State: MA
E. Zip Code: 02184 F. Telephone: (617) 848-0100 ext 2715

EXECUTIVE OFFICES • 200 UNION STREET • BRAINTREE, MASSACHUSETTS 02184-4987 • TELEPHONE: 617/848-0100



P-765-93

DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGISTRATION FORM FOR UNDERGROUND OIL
AND HAZARDOUS SUBSTANCES (CHEMICAL)
STORAGE TANKS

(Pursuant to 38 M.R.S.A. Section 563, 40 CFR Part 280)

Facility Name: Grossman's
Location (Town/City): Portland, ME
Owner: HMG-Fleber Realty Trust

REGISTRATION NUMBER
(Complete ONLY if Registration Number has
been previously assigned.)

12. If this registration involves replacing tanks or installing tanks, ATTACH a drawing of the facility showing the location of tanks (and piping) to be installed and any existing tanks. USE the space below for a sketch if no drawing already exists. THE FORM OF ADDITIONAL PROTECTION for tanks used for marketing and distribution of oil in sensitive areas should be detailed on the drawing. MONITORING WELL LOCATIONS should be provided for all tanks greater than 1,100 gallons that are used for on-site consumption of oil.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGISTRATION FORM FOR UNDERGROUND OIL
AND HAZARDOUS SUBSTANCES (CHEMICAL)
STORAGE TANKS

(Pursuant to 38 M.R.S.A. Section 563, 40 CFR Part 280)

Facility Name: Grossman's
Location (Town/City): Portland, ME
Owner: HMG-Fleber Realty Trust

REGISTRATION NUMBER
(Complete ONLY if Registration Number has
been previously assigned.)

4. TANK OWNER
A. Name: HMG-Fleber Realty Trust
B. Mail Address: c/o Lavin Realty Advisors, Inc., 1266 Eumacca Brook Parkway, Quincy, MA
C. Town/City: Quincy, MA
E. Zip Code: 02169 F. Telephone: (617) 471-5480

5. TANK OPERATOR
A. Name: Grossman's
B. Mail Address: 310 Marion Avenue
C. Street Address: "
D. Town/City: Portland, ME E. State: ME
F. Zip Code: 04101 G. Telephone: (207) 797-6816

8. COMPLETE the next two pages of this form and include each tank currently at the facility and each new or replacement tank planned for the facility.

7. ENCLOSE a check for the applicable registration fee with this submittal made payable to "Treasurer - State of Maine" and return to the Department of Environmental Protection. Registration fees are applicable ONLY to active, new, or replacement tanks used for the marketing and distribution of oil. Registration fees are due upon registration and annually thereafter, prior to the first day of January. Fees are as follows:
Tanks 6,000 gallons or under in size _____ \$25 per tank
Tanks over 6,000 gallons in size _____ \$50 per tank

8. MAKE TWO COPIES of this form. SUBMIT the original to the DEPARTMENT OF ENVIRONMENTAL PROTECTION (Bureau of Oil & Hazardous Materials Control, State House Station 17, Augusta, Maine 04333). SEND one copy to the LOCAL FIRE DEPARTMENT having jurisdiction. RETAIN the third copy for your records. For new and replacement tanks, registrations are due at least five (5) business days prior to installation. Registrations for existing tanks are due prior to February 1, 1988.

9. CERTIFY THIS FORM BY SIGNING. By signing this form, the tank registrant certifies that all information is accurate and complete, and that they will comply with all applicable federal, state and local laws and regulations concerning the underground storage of petroleum or other hazardous materials. The owner or operator is required by Maine statute to file an amendment to this registration with the Department of Environmental Protection immediately upon any change in the information on this form.

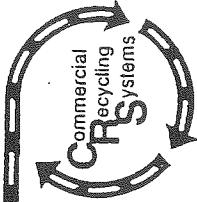
Date _____
Owner or Authorized Employee
(Please PRINT or TYPE)

Signature _____
(Please PRINT or TYPE)



P-76593

GROSSMANS



GENERATOR SPECIAL WASTE PROCESSING INFORMATION

I GENERATOR INFORMATION:

a) Generator HMG/FIEBER REALTY TRUST Contact Steve Brezinski
 Address 265 FURHACE BROOK PKY., QUINCY, MA 02170 Phone# 883-4317
 b) Process Generating the Waste UNDERGROUND STORAGE TANK REMOVAL
 c) Site of Generation GROSSMANS LUMBER, 512 WARREN AVE., PORTLAND, ME
 d) Contracting Firm PORTLAND PUMP COMPANY Contact Steve Brezinski
 Address P.O. BOX 1180, SCARBOROUGH, ME 04074 Phone# 883-4317
 e) DEP On Site Representative STEVE BREZINSKI Spill# P-765-93

II PROCESSING INFORMATION:

a) Type of Waste Material Processed V.P.O.C.S. (DIESEL FUEL)
 b) Amount of Waste Received _____ Cu Yds 94.43 Tons
 Date Waste Received 12/03/93
 c) Amount of Additional Material Needed _____ Cu Yds 0 Tons
 d) Total Amount of Material Processed _____ Cu Yds 94.43 Tons
 e) Date Processed 12/10/93
 f) Processing Site Commercial Recycling Systems, Scarborough, Maine
 g) Stockpile Site for Processed Material CRS, Scarborough, Maine
 Amount of Waste Material Stockpiled _____ Cu Yds 94.43 Tons
 Date Waste Material Stockpiled 12/10/93
 h) Final Disposition of Processed Material Stockpiled
 Amount of Processed Material _____ Cu Yd 94.43 Tons
 Date of Final Disposition 12/10/93
 i) Commercial Recycling Systems Job# 30336

III WASTE CHARACTERIZATION:

Stockpiled material to be used as road base or base paving material.

[Signature] _____
 _____ (Signature) _____
 _____ (Title)

Attach a Copy of DEP Oil Spill Debris Manifest

A Division of Commercial Paving Co., Inc. M.L. Gibson, President Doug Gleason, General Manager
 2 Gibson Road, Scarborough, ME 04074 (207) 883-3325 Fax (207) 223-1112

Date 12/3/93

DEP SPILL # P-765-93

GENERATOR GROSSMANS / HMG Fieber Realty Trust

TRANSPORTER Commercial Paving Co. Scarborough

REFERENCE: SHIPMENT OF OIL SPILL DEBRIS

ON 12/3/93 (date) S. Brezinski (DEP representative) OBSERVED THE

clean up of oil spill debris at GROSSMANS 510 Warren Ave. (location)

Portland

which resulted from discharges associated with motor (description of incident)

fuels UST facility.

This shipment consists of Forty (40) (quantity) _____ yards

and/or _____ drums of solid contaminated with

virgin diesel fuel (contaminant)

Solids consist of (check as appropriate)
 sand, gravel or soil
 speedy-dri
 sorbent
 other _____

(describe or lists)

Facility is (check One)

- Landfill
- Land Spreading Site
- Asphalt Plant
- Asphalt Pug Mill
- other _____

Commercial Recycling Svcs., Attn Doug Gleason (describe) Scarborough ME

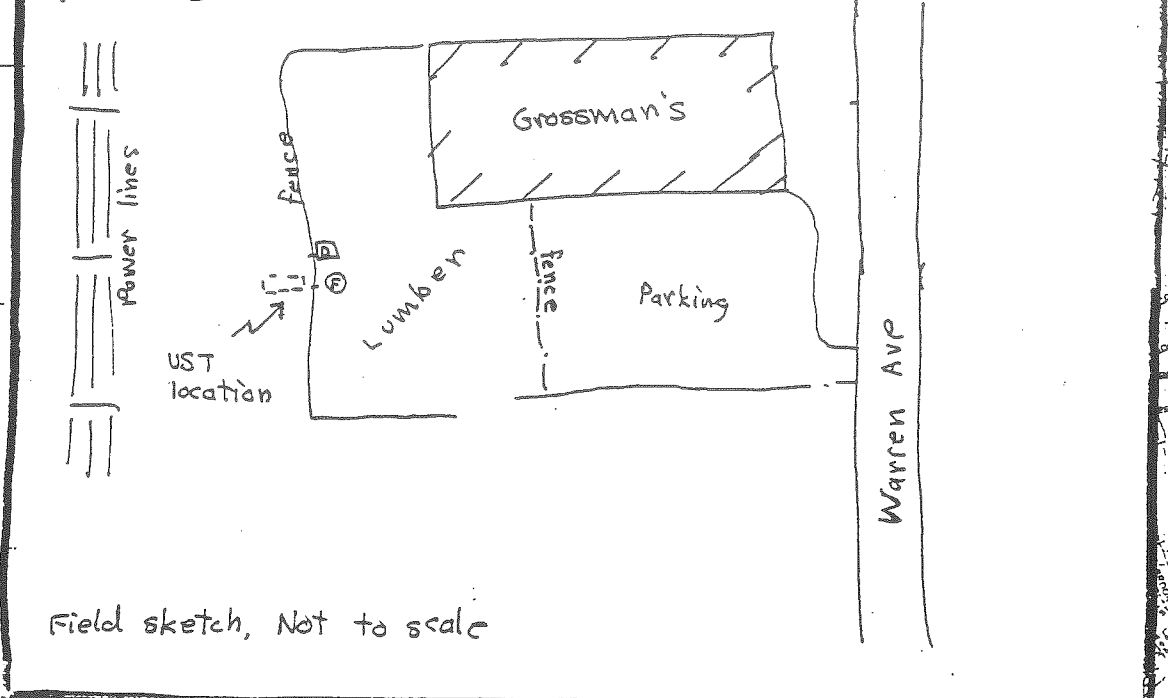
[Signature]
 Signature - DEP Representative
[Signature]
 Signature - Facility Representative

white - DEP Representative
 Pink - Generator
 Canary - Transporter
 Goldenrod - Receiving facility

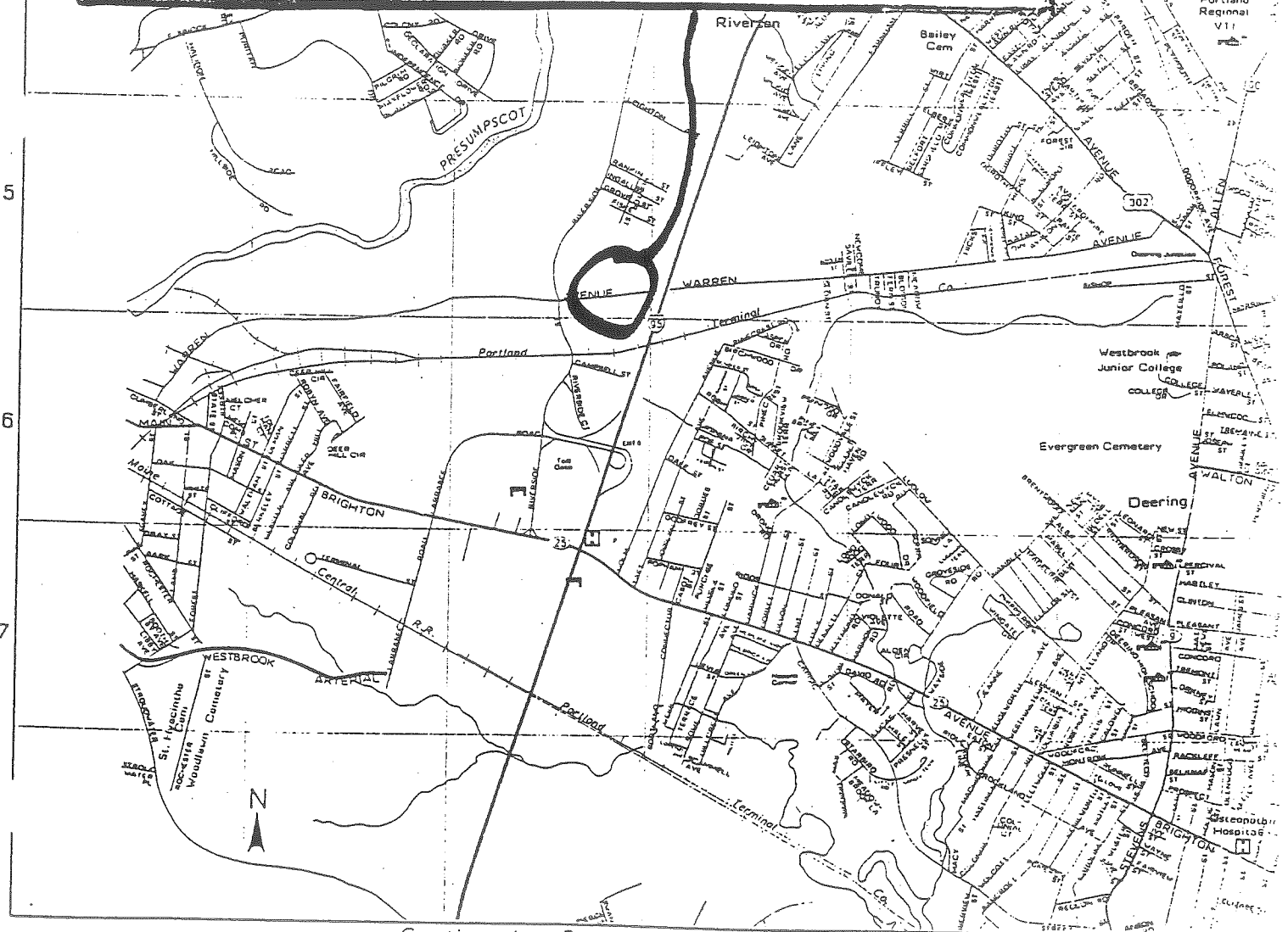


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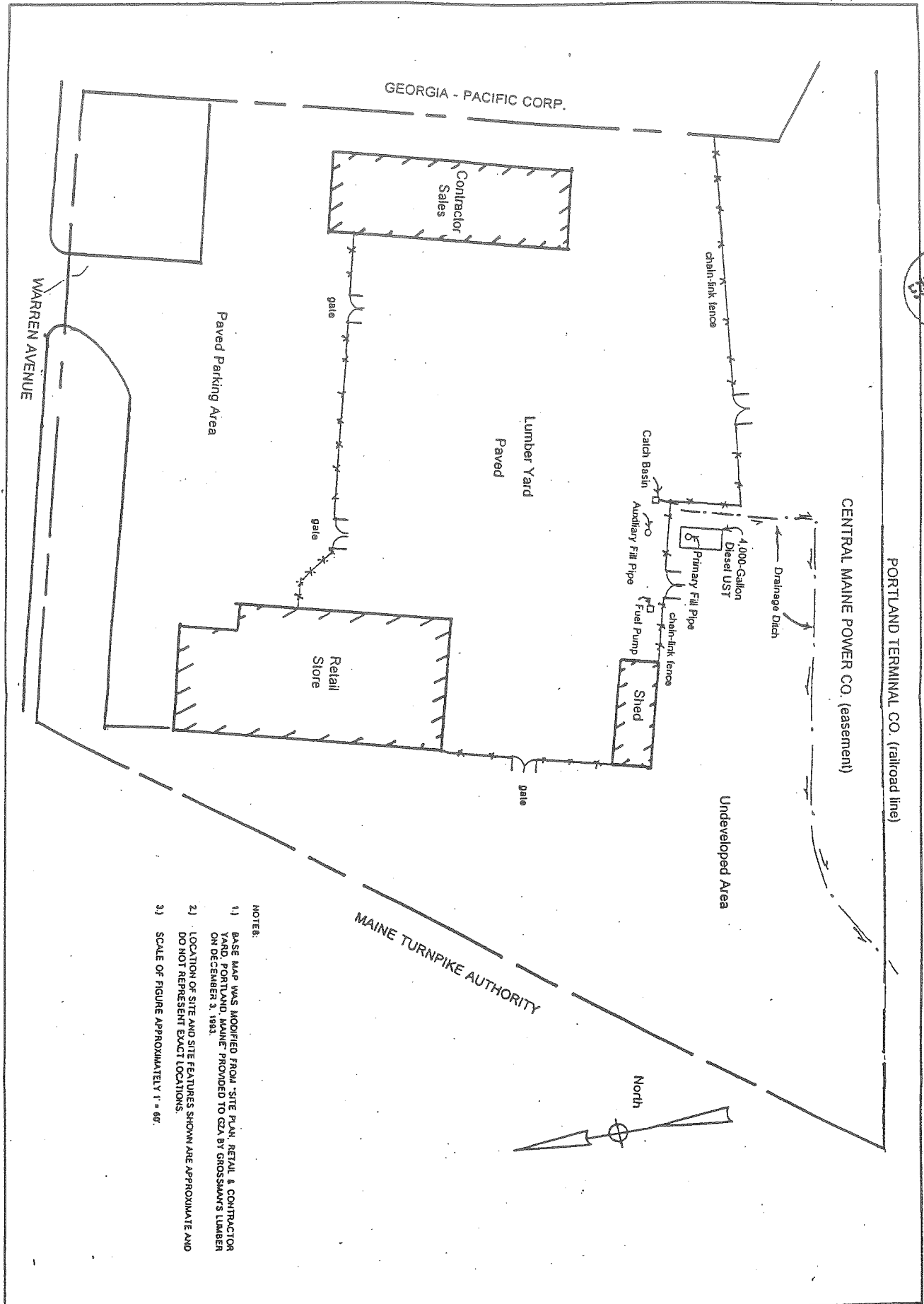


Field sketch, Not to scale



36-59E-P

ENTERED



- NOTES:
- 1) BASE MAP WAS MODIFIED FROM 'SITE PLAN, RETAIL & CONTRACTOR YARD, PORTLAND, MAINE' PROVIDED TO GZA BY GROSSMAN'S LUMBER ON DECEMBER 3, 1983.
 - 2) LOCATION OF SITE AND SITE FEATURES SHOWN ARE APPROXIMATE AND DO NOT REPRESENT EXACT LOCATIONS.
 - 3) SCALE OF FIGURE APPROXIMATELY 1" = 60'.

PROJECT No.: 25177 FIGURE No.: 2	UST SITE ASSESSMENT		DES'D BY : RHM	APPROXIMATE GRAPHIC SCALE 60' 120'
	GROSSMANS LUMBER RETAIL AND CONTRACTOR YARD PORTLAND, MAINE		CHK'D BY : RJG	
SITE PLAN		APP'D BY : RJG	GZA GeoEnvironmental, Inc. Engineers and Scientists 4 FREE STREET PORTLAND, MAINE 04101 (207)878-9190	
		DRAWN BY : RHM		
		SCALE : 1"=60'±		
		DATE : 12/13/93		

GZA GEOTECHNICAL, INC.
ENGINEERS AND SCIENTISTS

4 Free Street
PORTLAND, ME 04101
(207) 879-9190
FAX (207) 879-0099

LETTER OF TRANSMITTAL

DATE	1/13/94	JOB NO.	25177
ATTENTION	George Seel - UST Program		
RE	Site Assessment Report		
UST Closure By Removal			
Grossman's, Inc.			
Warren Avenue, Portland, Maine			

P. 765-93
S. C. Brumby

CLOSURE SITE ASSESSMENT
4,000-GALLON DIESEL FUEL
UNDERGROUND STORAGE TANK REMOVAL
GROSSMAN'S LUMBER YARD
510 WARREN AVENUE
PORTLAND, MAINE

TO Maine Dept. of Environmental Protection
Bur. Hazardous Materials & Solid Waste
Control
State House Station #17
Augusta, Maine 04333

CONTROL

FROM GZA Geotechnical, Inc.

REMARKS: UST Closure By Removal

SUMMARY

OWNER: HMG - Fieber Realty Trust
OPERATOR: Grossman's Inc. (Tenant)
FACILITY NAME: Grossman's Lumber Retail & Contractor Yard
FACILITY ADDRESS: 510 Warren Avenue
Portland, Maine
TAX MAP & LOT NUMBER: Sheet 271-A, Lot No. 2
FACILITY REGISTRATION: 1622
TANK NO: 1
DATE OF ASSESSMENT: December 3, 1993
DISCHARGE: Soil Contamination Encountered
TANK REMOVAL CONTRACTOR: Portland Pump Company, Scarborough, Maine

PREPARED FOR: Grossman's, Inc.
200 Union Street
Braintree, MA 02184
Attn: Mr. Richard A. Halverson

PREPARED BY: GZA Geotechnical, Inc.
4 Free Street
Portland, Maine 04101
(207) 879-9190

January 1994
GZA File No. 25177

Copyright © 1994 GZA Geotechnical, Inc.

WE ARE SENDING YOU Attached Under separate cover via _____ the following

Shop drawings Plans Samples Specifications

Copy of letter Change order

COPIES	DATE	NO.	DESCRIPTION
2	1/13/94		Closure Site Assessment Report, 4,000 gallon Diesel Fuel UST Removal - Grossman's 510 Warren Avenue, Portland, Maine

THESE ARE TRANSMITTED as checked below:

For approval Approved as submitted Resubmit _____ copies for approval

For your use Approved as noted Submit _____ copies for distribution

As requested Returned for corrections Return _____ corrected prints

For review and comment

FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS: Enclosed please find two copies of a site assessment report which we are submitting on behalf of Grossman's, Inc. in accordance with the requirements of Chapter 69J, Section 12 and Appendix P.

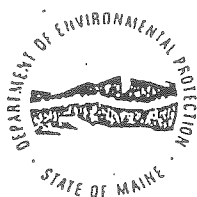
We have also transmitted one copy each to Steve Brazinski at the DEP in Portland and to the City of Portland Chief of Inspection.

If you have any questions, please contact me.

cc: Sam Hoffses, City of Portland Chief of Inspection
Richard A. Halverson, Grossman's

JOEL D. KAUFMAN, GROSSMAN'S
SANTFORD M. MATAHLA, RACKMANN, SAWYER & BREWSTER
COPY TO Daniel D. Carr, Associate Principal





STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

FEB 15 1994

JOHN R. MCKERNAN, JR.
GOVERNOR

DEAN C. MARRIOTT
COMMISSIONER

DEBRAH RICHARD
DEPUTY COMMISSIONER

February 10, 1994

Grossman's, Inc.
200 Union Street
Braintree, MA 02184
Attn: Mr. Richard A. Halverson

RE: UST Closure Site Assessment Report/ December 3, 1993
Facility Registration No.(s) 1622/ Tank No.(s) 1
Grossman's Lumber Retail & Contractor Yard, 510 Warren Avenue., Portland, Maine

Dear Mr. Halverson:

This letter is to acknowledge receipt of a site assessment report conducted at the time of the closure of the above referenced underground oil storage tank(s) (UST). The site assessment and the site assessment report satisfactory meet the requirements of Maine's underground oil storage tank regulations (Chapter 691, Section 11 and Appendix P).

With receipt of a satisfactory site assessment report and abandonment notice, your UST registration records are amended to show the above tank(s) as abandoned. If the site assessment found oil contamination, the required second copy that you submitted has been forwarded to field personnel in the closest Department regional office for possible follow up if clean up is needed or additional remediation measures must be undertaken beyond those taken previously.

Please be sure that if contamination was found that it was properly reported to the Department and that a copy of the site assessment report was provided to the chief municipal official in the town in which the tanks were located.

Questions may be directed to the Bureau of Hazardous Materials & Solid Waste Control at (207) 287-2651.

Sincerely,

George Seel, Director
Technical Services

pc: Registration file

GZA
GeoEnvironmental, Inc.

Integrated Environmental
Services

MEMORANDUM

TO: Stephen Brezinski
Oil and Hazardous Materials Specialist
Division of Response Services

File No. 25177 C
cc. Joel D. Kaufman, Grossmans, Inc.

FROM: Daniel B. Carr, P.E. *DBL*
Associate Principal, GZA

DATE: Thursday February 10, 1994

SUBJECT: Tank Removal, 510 Warren Avenue, Portland, Maine



4 Free Street
Portland, Maine
04101
207-879-9190
FAX 207-879-0099

As promised during our referenced telephone conversation, I am submitting this memorandum summarizing my understanding of certain statements in your spill report¹ which was transmitted to us on January 14, 1994. As you are aware, I contacted you on behalf of our client Grossman's Inc. who requested clarification of your report. A copy of this memo will also be transmitted to Grossman's Inc. Based on our discussion, it is our understanding that:

- It is the DEP's opinion that the removal and disposition of soil conducted by Grossman's as a part of the underground storage tank abandonment, was generally limited to contaminated soils² that were necessarily disturbed to facilitate the physical removal of the tank and piping. No other soil removal was requested or required by the DEP on the basis of any statute or policy.
- Our understanding of the DEP's position is that after the tank excavation and soil removal, the facility is "clean" to the satisfaction of the DEP at this time. Accordingly, at this time, the DEP is aware of no further liability or obligation associated with the UST abandonment by removal.
- Our understanding of the final sentence of the report is that it is merely a restatement of the fact that if any soil contaminated with petroleum product is for any reason excavated from the facility, it must be handled and disposed through an appropriate means

We trust that you will find the above understanding consistent with our discussion, however, should you have any further clarification please contact us. If we do not hear from you, we will assume that the above adequately summarizes the DEP's position regarding the Grossman's Inc. UST removal.

We greatly appreciate your cooperation and attention to this matter.

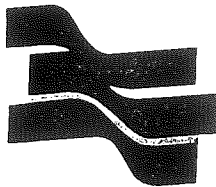
S G Brezinski

¹Maine Department of Environmental Protection, Oil & Hazardous Materials Report Form, Spill Number P-765-93, Grossman's Inc. 510 Warren Avenue, Portland, Maine.

²Excavated soils exhibiting readings greater than 50 parts per million (ppm) when the headspace is screened with a photoionization detector.

**PHASE I
ENVIRONMENTAL SITE ASSESSMENT**

Former Grossman's Lumber Site Property
510 Warren Avenue
Portland, Maine



Timson & Peters, Inc. ENVIRONMENTAL SERVICES

Environmental Permitting
Geologic Consulting • Wetland Analyses
Environmental Assessments • Groundwater Investigations

**CLOSURE SITE ASSESSMENT
4,000-GALLON DIESEL FUEL
UNDERGROUND STORAGE TANK REMOVAL
GROSSMAN'S LUMBER YARD
510 WARREN AVENUE
PORTLAND, MAINE**

SUMMARY

OWNER:	HMG - Fieber Realty Trust
OPERATOR:	Grossman's Inc. (Tenant)
FACILITY NAME:	Grossman's Lumber Retail & Contractor Yard
FACILITY ADDRESS:	510 Warren Avenue Portland, Maine
TAX MAP & LOT NUMBER:	Sheet 271-A, Lot No. 2
FACILITY REGISTRATION:	1622
TANK NO:	1
DATE OF ASSESSMENT:	December 3, 1993
DISCHARGE:	Soil Contamination Encountered
TANK REMOVAL CONTRACTOR:	Portland Pump Company, Scarborough, Maine

PREPARED FOR:
Grossman's, Inc.
200 Union Street
Braintree, MA 02184
Attn: Mr. Richard A. Halverson

PREPARED BY:
GZA GeoEnvironmental, Inc.
4 Free Street
Portland, Maine 04101
(207) 879-9190

January 1994
GZA File No. 25177

January 13, 1994
File No. 25177



Mr. Richard A. Halverson
Grossman's, Inc.
200 Union Street
Braintree, MA 02184

Re: UST Closure Site Assessment
Grossman's Inc.
510 Warren Avenue
Portland, Maine

4 Free Street
Portland, Maine
04101
207-879-9190
FAX 207-879-0099

Dear Mr. Halverson:

In accordance with the contract between GZA GeoEnvironmental, Inc. (GZA) and Grossman's Inc. (Grossman's), GZA has completed a closure site assessment in connection with the removal of a diesel fuel underground storage tank (UST) located at the above-referenced facility.

PURPOSE

This report has been prepared in accordance with the Maine Department of Environmental Protection (DEP) Underground Tank Regulations¹ and is subject to the limitations included as Attachment A.

FACILITY AND SITE LOCATION

The Grossman's Lumber Retail and Contractor Yard (site) is located south of Warren Avenue and immediately east of the Maine Turnpike in Portland, Maine, as shown on Figure 1. A site plan showing pertinent site features and abutting properties is provided as Figure 2. Properties bordering the site include:

- the Maine Turnpike to the west;

A Subsidiary of GZA
GeoEnvironmental
Technologies, Inc.

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¹ Maine Department of Environmental Protection, Regulations for Registration, Installation, Operation, and Closure of Underground Oil Storage Facilities, Chapter 691, Section 12 and Appendix P, September 16, 1991.



- the Portland Terminal Company (railroad line) to the south; and
- commercial properties to the east and to the north across Warren Avenue.

A Central Maine Power Company easement extends approximately 120 feet on to the site along the length of the southern site boundary.

The 4,000-gallon diesel UST removed on December 3, 1993 was located in an undeveloped portion of the site south of the lumber yard area, as shown on Figure 2. The tank area was separated from the paved lumber yard by an approximately 8-foot high chain-link fence, and accessed through a locked gate. Fill pipes for the UST included a "primary" fill pipe located above the tank and an "auxiliary" fill pipe located in the paved lumber yard area², as shown in Figure 2. An associated fuel pump was located adjacent to the fence in the lumber yard.

A catch basin is located in the paved lumber yard approximately 40 feet northeast of the UST. The catch basin discharges through a culvert to a drainage ditch approximately 30 feet east of the UST. Standing water was observed in portions of the ditch at the time of the UST removal. The ditch exits the site to the south where it joins an unnamed tributary of the Fore River.

FACILITY AND SITE HISTORY

Portland City tax assessment records indicated the following site ownership history.

1988 - present	Maurice Weiner, Norman Fieber, Lawrence Rothstein, and James A. Weiner (Trustees of HMG - Fieber Realty Trust), 2701 So. Bayshore Dr., Coconut Grove, Florida 33133
1980 - 1988	Hospital Mortgage Group Inc.
1964 - 1980	Grossman Industrial Properties

Based upon information provided by Grossman's, the site has been used by Grossman's and its predecessors as a lumberyard since December 1964. The tank is of unknown age,

² The designation of "primary" and "auxiliary" for fill pipes located above the UST and in the lumber yard, respectively, is provided only to distinguish between the two locations and does not indicate preferential usage of either fill pipe.



and was used by Grossman's to service its vehicle fleet. Most recently, the tank stored diesel fuel. Prior to the late 1970s, when Grossman's vehicle fleet was converted, it stored gasoline. Grossman's address is 200 Union Street, Braintree, Massachusetts 02184.

The waiver from the requirement for 30 days notice prior to removal was granted by the DEP on November 29, 1993. A UST registration form was subsequently submitted to DEP on behalf of the site owner, HMG - Fieber Realty Trust (copy included in Attachment C).

WORK PERFORMED

On December 3, 1993, GZA observed the excavation and removal of the 4,000-gallon diesel fuel UST and associated piping from the Grossman's site. A chronological log of the work performed and GZA's observations is presented as Attachment B. The following representatives were present during all, or part, of the removal.

Representative	Organization
Mr. Stephen Brezinski	Response Services Division, DEP
Mr. William Satterlund	Tenant, Grossman's Inc.
Mr. Jeffery Richards	Owner, HMG - Fieber Realty Trust
Mr. Phillip Joy	Project Manager, GZAR
Mr. Richard Heath	Maine Certified Geologist, GZA

The tank was removed by Portland Pump Company of Scarborough, Maine, a certified oil storage tank remover, using a Komatsu PC150LC track-mounted excavator. Prior to removal, approximately 150 gallons of liquid was removed from the tank by Clean Harbors, Inc. of South Portland, Maine, using a vacuum truck. The removed liquid was transported under a bill of lading (copy in Attachment C) to Clean Harbors' facility in South Portland, where it is to be reprocessed for sale as a fuel.

GZA observed the tank, piping, and soils during the removal for evidence of leakage or discharge of product. Thirteen soil samples were obtained during the removal of the tank and associated piping prior to backfilling the excavations. The soil samples were screened with a Thermo Environmental Instruments Model 580B photoionization detector (PID) equipped with a 10.6 eV lamp using the standard DEP head space screening technique³.

³ Maine DEP Chapter 691, Appendix Q.

The PID was calibrated prior to arrival on-site using a zero gas and a 250 part per million (ppm) isobutylene standard.



FINDINGS

The sequence of soils exposed during the removal of the UST included:

0.0' - 2.0' Rust brown, fine SAND, little silt; and

2.0' - 9.0' Stratified, gray, fine SAND, little silt, with occasional layers of clayey silt.

Black stained zones of soil were observed on the east side of the excavation between a depth of about 1.0 to 3.0 feet. Groundwater seepage observed entering the northern portion of the excavation at a depth of about 3 feet exhibited an oily sheen. Results of field screening of soils sampled from the UST excavation are reported as a benzene equivalent in parts per million (volumetric basis) based on an isobutylene calibration and using a relative response factor of 0.55. The screening results are summarized in the following table:

SAMPLE	LOCATION / DEPTH	FIELD PID READING (ppm)	BENZENE EQUIVALENT (ppm)
S-1	Above UST, 5 ft east of primary fill pipe / 3 feet	275	151
S-2	Above UST, next to primary fill pipe / 3 feet	280	154
S-3	North end of UST / 3 feet	215	118
S-4	East side of UST / 3 feet	140	77
S-5	West side of UST / 4 feet	105	58
S-6	West side of UST / 7 feet	11	6
S-7	Southeast side of UST / 6 feet	55	30
S-8	South end of UST / 4 - 6 feet	23	13
S-9	Below auxiliary fill pipe / 0 - 1 feet	440	242
S-10	Below pump island / 0 - 1 feet	120	66
S-11	Below pump island / 3 feet	325	179
S-12	Below auxiliary fill pipe / 3.5 feet	74	41
S-13	Below pump island / 3.5 feet	180	99



Soils excavated during the course of tank removal were screened and segregated for off-site disposal in accordance with direction provided by DEP's field representative. The soils were field screened using the PID head space screening technique prescribed by DEP. Laboratory analysis of soil samples was deemed unnecessary by DEP. Consistent with DEP field instructions, in general, excavated soils which exhibited a PID level of 50 ppm or greater (as benzene equivalent) were segregated for off-site disposal.

Upon removal, the surface of the tank appeared in good condition. Minor rust and flaking of the asphalt coating was observed on the surface of the tank. No corrosion holes, puncture holes, or other evidence that would indicate a point of product release were observed on the surface of the tank or piping.

DEP provided GZAR with a form (copy included in Attachment C) documenting DEP permission for the off-site removal of soil contaminated with a virgin petroleum product. Commercial Recycling Systems (CRS) of Scarborough, Maine, was contracted to supply clean soil to backfill the excavations and to remove the contaminated soil for later asphalt batching.

Four dump-truck loads of petroleum contaminated soil were transported from the site to CRS' facility in Scarborough, Maine. Based on weight slips for the four truck loads (see Attachment C), about 94.43 tons of contaminated soil was removed for processing by asphalt batching at CRS' Scarborough facility.

CONCLUSIONS

Petroleum product was encountered in the soil in the vicinity of the diesel fuel UST removed from the Grossman's site on December 3, 1993. Screening of soils sampled at depths of approximately 3 to 4 feet from the north, east, and west sides of the tank, and beneath the auxiliary fill pipe and fuel pump island, indicated PID readings exceeding the DEP notification level for diesel fuel (50 ppm benzene equivalent).

In accordance with DEP direction, soils excavated during the course of UST removal were field screened and, as appropriate, removed from the site. In DEP's view, unexcavated soils with residual petroleum contamination did not warrant remediation. In our opinion, this result is consistent with the cleanup standards established under DEP's policy for remediation of virgin petroleum product releases⁴.

⁴Maine DEP, Decision Tree for Setting Clean-up Standards for Petroleum Contaminated Sites, March 1992.



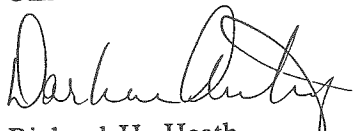
DEP's cleanup policy imposes a baseline remediation requirement to remove product saturated soils and free nonaqueous phase product. Based on field observations of soils and groundwater exposed during excavation of the UST and associated piping, it is GZA's opinion that product saturated soils or floating product were not observed.


Under the Maine DEP cleanup policy, the baseline remediation requirement serves as the applicable cleanup standard unless the site is located in a sensitive geologic area, the release poses a threat to public or private drinking water supplies, or there is potential for vapor hazards within buildings or other confined spaces. As such considerations are not present in this case, it is our opinion that the DEP Baseline cleanup goal is appropriate and that the work as completed satisfies this goal. Accordingly, it is our conclusion that no further soil removal or other response action is required.


If you have any questions regarding this report, please contact either Richard Heath or Dan Carr at GZA's Portland Maine office (207)-879-9190. We greatly appreciate the opportunity to be of service to you on this project.

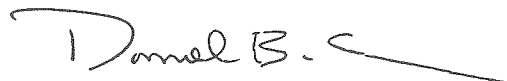
Very truly yours,

GZA GEOENVIRONMENTAL, INC.


for Richard H. Heath
Maine Certified Geologist (GZA)


for Phillip E. Joy
Project Manager (GZAR)


Charles A. Lindberg
Associate Principal

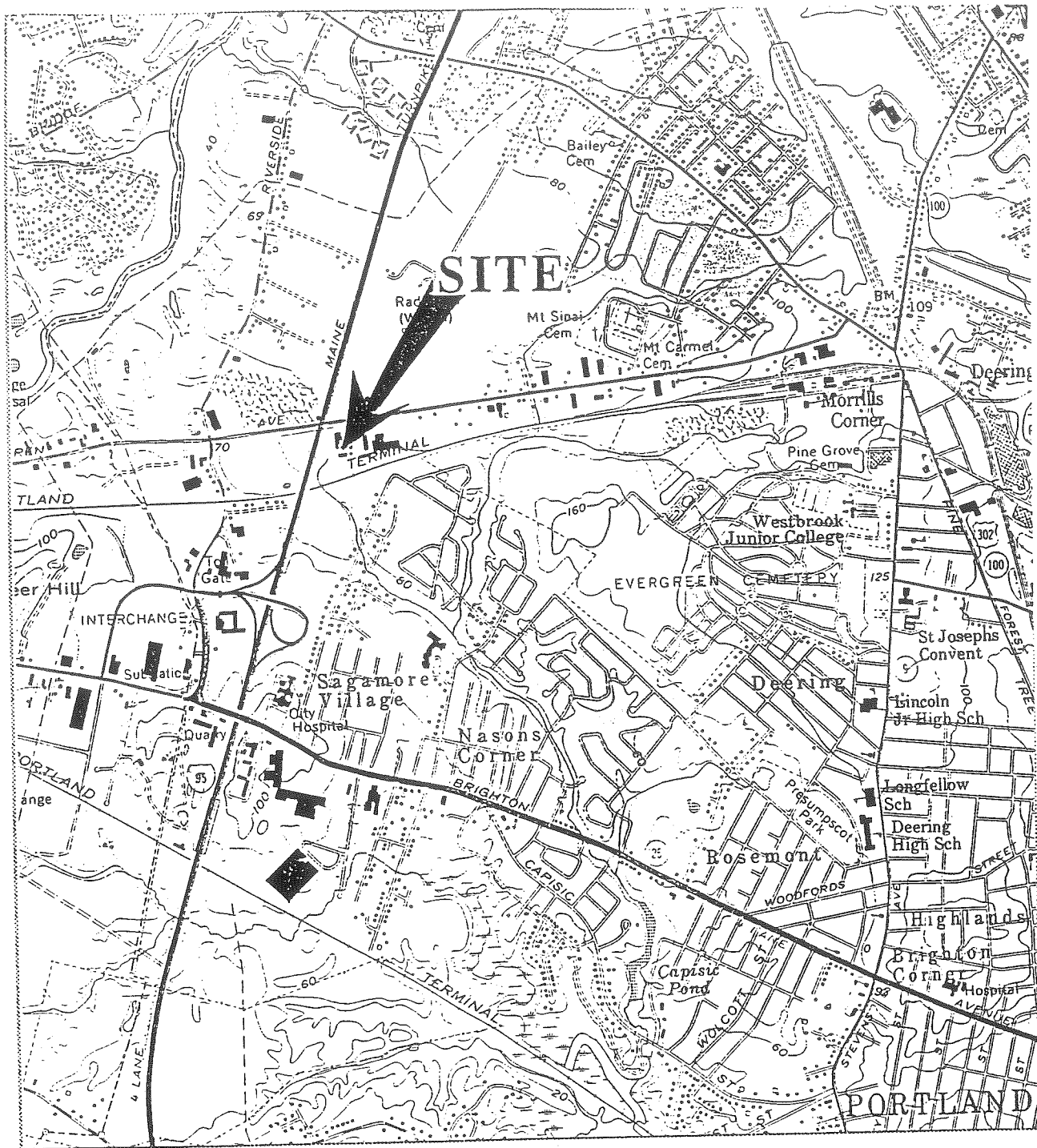

Daniel B. Carr P.E.
Associate Principal/Project Reviewer

RHH:mp

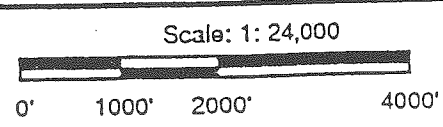
Attachments: Figures 1 and 2
Attachments A, B, and C

cc: Joel D. Kaufman, Grossman's, Inc.
Sanford M. Matathia, Esq., Rackemann, Sawyer & Brewster

FIGURES



Contour Interval: 20 foot
 From USGS Topographic Quadrangle Map: Portland West, Maine (1972) GZA File No.: 25177



UST REMOVAL SITE ASSESSMENT
 PROPERTY: Grossman's Lumber Retail & Contractor Yard
 LOCATION: Portland, Maine

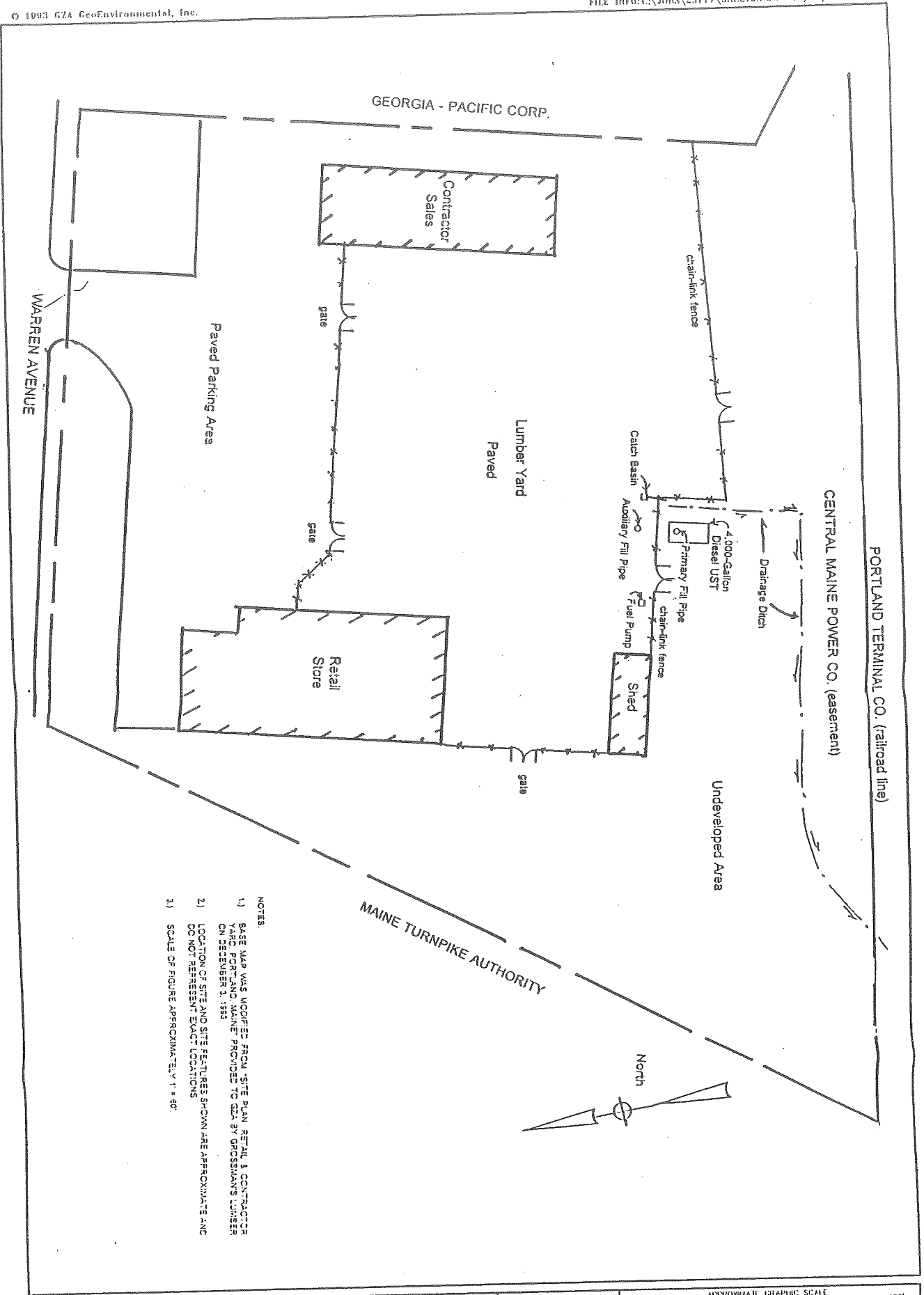
SITE LOCATION PLAN



GZA
 GeoEnvironmental, Inc.
 Engineers And Scientists

DATE: December 1993

FIGURE NO. 1



- NOTES:
- 1) BASE MAP WAS MODIFIED FROM SITE PLAN RETAIL & CONTRACTOR YARD, PORTLAND, MAINE PROVIDED TO GZA BY GROSSMANS LUMBER ON SEPTEMBER 3, 1993
 - 2) LOCATION OF SITE AND SITE FEATURES SHOWN ARE APPROXIMATE AND DO NOT REPRESENT EXACT LOCATIONS
 - 3) SCALE OF FIGURE APPROXIMATELY 1" = 50'

<p>PROJECT NO.: 25177 FIGURE NO.: 2</p>	<p>UOT SITE ASSESSMENT GROSSMANS LUMBER RETAIL AND CONTRACTOR YARD PORTLAND, MAINE</p> <p>SITE PLAN</p>	<p>DES'D BY : RHH CHK'D BY : RJG APP'D BY : RJG DRAWN BY : RHH SCALE : 1" = 60' ± DATE : 12/13/93</p>	<p>APPROXIMATE GRAPHIC SCALE 120'</p> <p>GZA GeoEnvironmental, Inc. Engineers and Scientists 4 TREE STREET PORTLAND, MAINE 04101 (207) 876-9190</p>
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ATTACHMENT A
LIMITATIONS

ATTACHMENT A

LIMITATIONS

1. The observations described in this Report were made under the conditions stated therein. The conclusions presented in the Report were based solely upon the services described therein, and not on scientific tasks or procedures beyond the scope of described services which is consistent with applicable regulatory standards.
2. In preparing this Report, GZA has relied on certain information provided by state and local officials and other parties referenced therein, and on information contained in the files of state and/or local agencies available to GZA at the time of the work. Although there may have been some degree of overlap in the information provided by these various sources, GZA did not attempt to independently verify the accuracy or completeness of all information reviewed or received during the course of this work.
3. Except as noted within the text of the Report, no quantitative laboratory testing was performed as part of the site assessment.
4. The conclusions and recommendations contained in this Report are based in part upon various types of chemical data and are contingent upon their validity. These data have been reviewed and interpretations made in the Report. As indicated within the Report, some of these data are preliminary "screening" level data, and should be confirmed with quantitative analyses if more specific information is necessary.

ATTACHMENT A

LIMITATIONS

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ATTACHMENT B
CHRONOLOGICAL FIELD LOG

ATTACHMENT B

CHRONOLOGICAL FIELD LOG December 3, 1993

Time Event

- 0745 Mr. Richard Heath of GZA (RHH) arrived on-site and met with Mr. William Satterlund, representative of Grossman's Inc. (facility tenant), and Mr. Jeffery Richards, representative of HMG - Fieber Realty Trust (facility owner).
- 0800 Mr. Scott Letellier of Portland Pump Company (PPC) of Scarborough, Maine and Mr. Phillip Joy of GZAR arrived on-site. Mr. Letellier measured approximately 3-inches of water and 3.5-inches of product in the tank; then contacted Clean Harbors, Inc. of South Portland, Maine for removal of the liquid.
- 0815 Mr. Letellier removed the fuel pump.
- 0830 Mr. Paul Rondo of PPC arrived on-site with excavator. Equipment supplied by PPC included:
- Komatsu PC150LC track-mounted excavator
 - Mack 10-wheel dump truck with flatbed trailer
 - GMC Sierra 1-ton pickup truck with utility body
- 0845 Clean Harbors Inc. driver/operator arrived on-site with a vacuum truck and removed approximately 150-gallons of liquid from the tank.
- 0910 Soil was removed in the area of the primary fill pipe exposing the top of the UST about 3 feet below ground surface. RHH screened soil excavated from above the tank approximately 5-feet south (S-1) and next to (S-2) the primary fill pipe using a PID and standard headspace techniques¹. PID readings were recorded at 275 parts per million (ppm) and 280 ppm, respectively².
- 0920 Mr. Steve Brezinski of DEP's Response Services Division arrives on-site. Mr. Brezinski indicates that laboratory analysis of soil samples would not be required as part of the UST removal procedure and that the extent of soil contamination would be assessed by the use of PID field screening techniques only. Mr. Brezinski stated that all contaminated soils excavated during the removal of the UST and associated piping would be required to be removed from the site for proper disposal.

¹ PID concentrations are reported in parts per million (ppm) based on a calibration with a zero gas standard and a 250 ppm isobutylene gas standard.

² Refer to table in report for information on soils screened with PID and head space technique.

- 0940 PPC removed the primary fill pipe from the tank. Soil was removed exposing the north end and east and west sides of the UST. A wire mesh covering the top of the UST and anchored in concrete pads on the east and west side of the UST was exposed. The concrete pads were approximately 4-feet below ground surface. Three soil samples were collected from the northern end of the UST (S-3) and to the east (S-4) and west (S-5) side of the UST at depths of about 3 to 4 feet. PID screening of the soil samples indicated readings ranging from 105 ppm to 215 ppm.
- 1000 The concrete pads and wire mesh were removed from the excavation and soils were excavated exposing the top, and the west side of the UST. Three soil samples were collected from the west (S-6), southeast (S-7), and southern end of the UST (S-8) at depths ranging from 4 to 7 feet. PID screening of the soil samples indicated readings ranging from 11 to 55 ppm.
- 1030 The UST was removed from the excavation. The surface of the tank appeared in good condition. Minor rust and flaking of the asphalt coating was observed on the surface of the tank. No corrosion or puncture holes, or other evidence that would indicate an avenue for product release, was observed on the surface of the tank.
- 1035 Dimensions of the UST excavation at ground surface measured about 15' x 30' with the deepest point in the excavation reaching approximately 8.5 to 9 feet below ground surface. The excavated soils consisted of a light brown to gray, fine grained sand with a little silt. Layers of gray clayey silt were observed at depths of about 3 to 9 feet. Soils observed adjacent to the UST were most likely fill materials. Groundwater exhibiting an oily sheen was observed seeping into the excavation between 3 to 4 feet below ground surface.
- 1040 GZAR contacted Commercial Recycling Systems (CRS) of Scarborough, Maine to remove excavated contaminated soils and supply clean soil fill material to backfill the excavations.
- 1045 PPC removes the auxiliary fill pipe. No corrosion or puncture holes, or other evidence that would indicate an avenue for product release, was observed on the surface of the piping.
- 1100 Soil samples were collected from beneath the auxiliary fill pipe (S-9) and fuel pump island (S-10) at a depth of about 0 to 1 feet. Results of field screening indicated 440 ppm and 120 ppm, respectively.
- 1120 PPC removes the fuel pump piping. No corrosion or puncture holes, or other evidence that would indicate an avenue for product release, was observed on the surface of the piping.

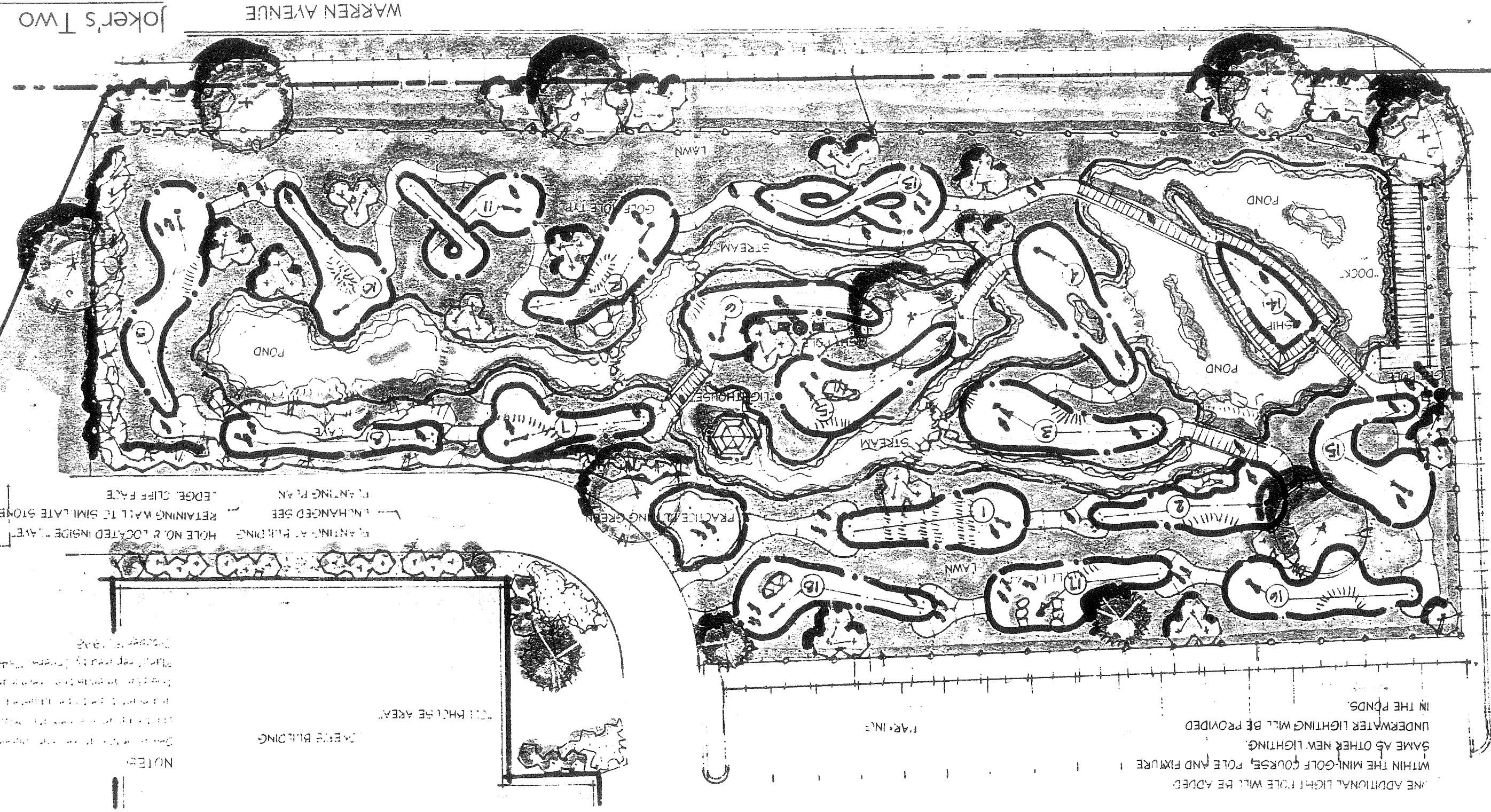
- 1130 Mr. Brezinski provided GZAR with a form permitting the off-site removal of contaminated soil as a virgin petroleum product. Based on field screening results, Mr. Brezinski indicated the need to remove additional soil from beneath the auxiliary fill pipe. He requested to be contacted if screening of soils beneath the auxiliary fill pipe and pump island indicated increasing levels of contamination. Mr. Brezinski leaves the site.
- 1140- CRS supplies approximately 100-tons of clean soil fill material and removes approximately 1400 90-tons of contaminated soil from the site using a Ford 9000 16-wheel dump truck and a Mack Maxidyne 18-wheel dump-body tractor-trailer. The soil excavated during the UST removal is taken from the site for asphalt batching by CRS at its Scarborough, Maine facility.
- 1230 Mr. Phillip Joy and Mr. Jeffery Richards leave the site.
- 1420 Additional soil was excavated from beneath auxiliary fill pipe and pump island. Two soil samples were collected for PID screening from beneath the pump island at depths of about 3.0 feet (S-11) and 3.5 feet (S-13), and one sample was collected beneath the auxiliary fill pipe at a depth of about 3.5 feet (S-12). Results of PID screening for samples S-11 and S-13 were recorded at 325 ppm and 180 ppm, respectively. A reading of 74 ppm was recorded for S-12. The dimensions of the excavations beneath the auxiliary fill pipe and pump island were measured at about 3' wide x 4' long and to a depth of approximately 4'. Soil encountered in each excavation consisted of granular fill material overlying fine grained sand. Layers of black staining were observed on soil surfaces exposed in each excavation. Groundwater exhibiting an oily sheen was observed seeping into the pump island excavation at a depth of about 3.5 feet. Soil excavated from beneath both the auxiliary fill pipe and pump island was removed from the site by CRS for asphalt batching at its Scarborough, Maine facility.
- 1440 RHH contacted Mr. Brezinski and informed him of the field screening results for soils beneath the auxiliary fill pipe and fuel pump. Mr. Brezinski indicated that in the absence of product saturated soils or floating free product he would not require the removal of additional soils.
- 1300 Approximately 15 to 20 cubic yards of soil fill material was used to fill the UST excavation. PPC indicated they would provide additional clean fill and complete filling the excavation on the following Monday morning (December 6, 1993).
- 1310 Mr. Richard Heath and Mr. William Satterlund leave the site.

ATTACHMENT C
SUPPORTING DOCUMENTATION

NOTES

1. ALL LIGHT FIXTURES SHALL BE PROVIDED WITHIN THE MINI-GOLF COURSE, POLE AND FIXTURE SAME AS OTHER NEW LIGHTING.
 2. UNDERWATER LIGHTING WILL BE PROVIDED IN THE PONDS.
 3. ONE ADDITIONAL LIGHT POLE WILL BE ADDED WITHIN THE MINI-GOLF COURSE.
 4. THE CHLORINE AREA.

PLANTING AT BUILDING HOLE NO. 2 LOCATED INSIDE PLANTING PLAN.
 UNCHANGED SEE RETAINING WALL TO SIMILATE STONE EDGE, CLIFF FACE

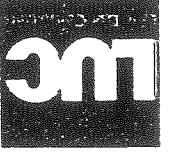


NOTE:
 THIS PLAN DEPICTS THE SAME NUMBER AND SPECIES OF PLANT MATERIALS SHOWN ON THE PLANTING PLAN DATED OCT. 15, 1996. SOME PLANTINGS PREVIOUSLY SHOWN ALONG WARREN AVENUE HAVE BEEN RELOCATED INTO THE MINI-GOLF COURSE.

THE OWNER WILL ARRANGE SHRUBS IN THE FIELD AFTER COMPLETION OF THE MINIATURE GOLF COURSE HOLES WHEN THE FINAL PLANT LOCATIONS AND SPECIES CAN BE BETTER DETERMINED. SOME ADDITIONAL PLANTINGS MAY BE PROVIDED AS REQUIRED FOR ORNAMENTAL PURPOSES.

1. CENTER ENLIGHTENED PLANTING

WARREN AVENUE
 Joker's Two



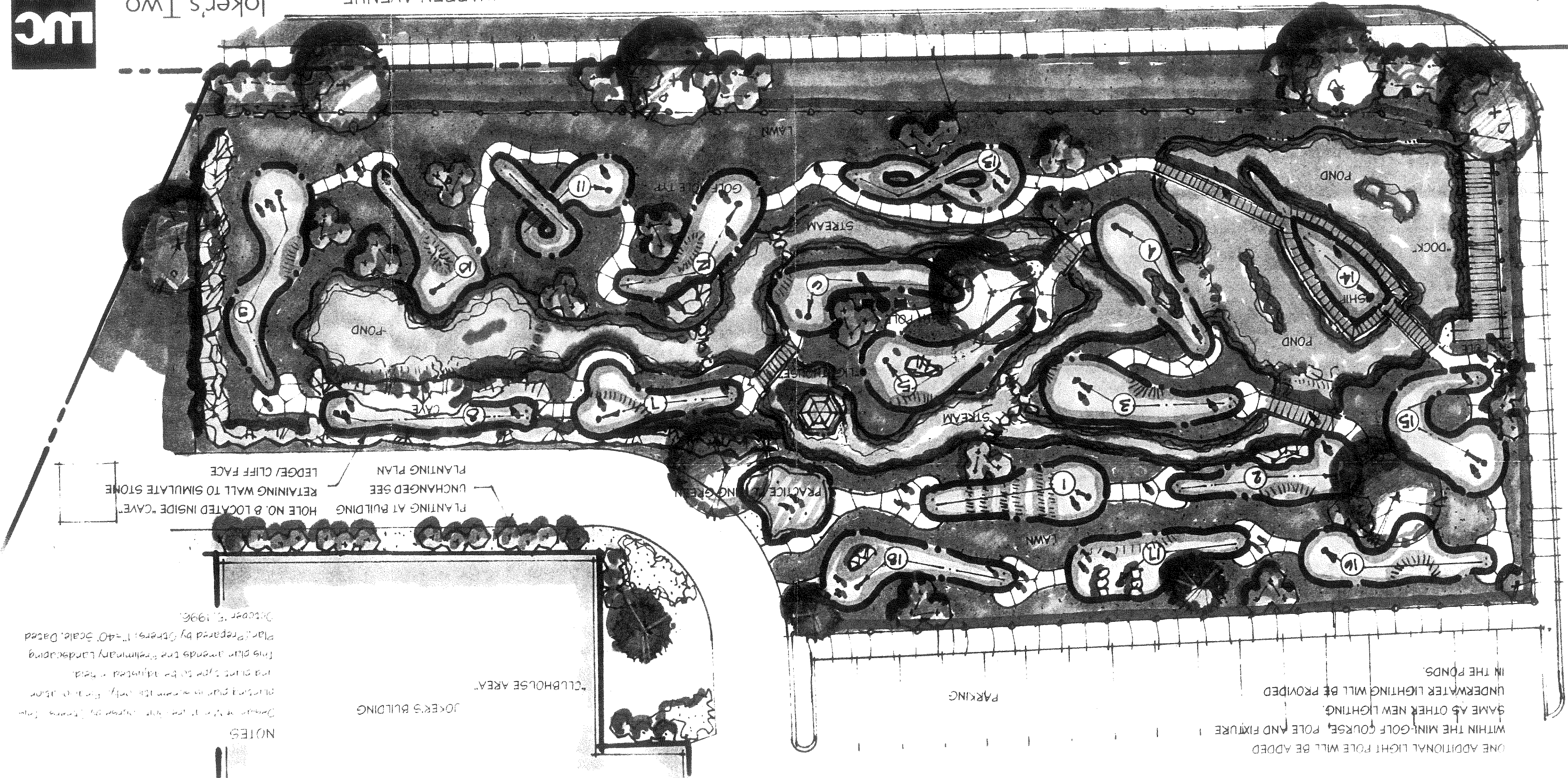
Mini-Golf Planting Schematic
 Joker's Two Family Fun and Games
 510 WARREN AVENUE FORT LAND, NH
 Date: 9 September 1997
 Scale: 1/8" = 1'-0"

Developed by:
 Joker's Two, Inc.
 Planners, Engineers, Landscape Architects
 Land Use Consultants, Inc.
 900 Riverside Street
 Concord, Maine 04302
 Tel: 603/233-7374

ONE ADDITIONAL LIGHT POLE WILL BE ADDED WITHIN THE MINI-GOLF COURSE, POLE AND FIGURE SAME AS OTHER NEW LIGHTING. UNDERWATER LIGHTING WILL BE PROVIDED IN THE PONDS.

JOKER'S BUILDING
CLUBHOUSE AREA

NOTES
 Design of this plan was prepared by Jokers Two Family Fun and Games, Inc. and Jokers Two, Inc. for the preliminary landscaping plan prepared by Jokers Two, Inc. Dated October 15, 1996.



PLANTING AT BUILDING
 UNCHANGED SEE
 RETAINING WALL TO SIMULATE STONE
 LEDE/CLIFF FACE
 PLANTING PLAN
 HOLE NO. 8 LOCATED INSIDE "CAVE"

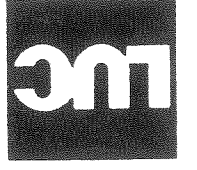
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FENCED ENCLOSURE - BLACK COATED

WARREN AVENUE

Joker's Two



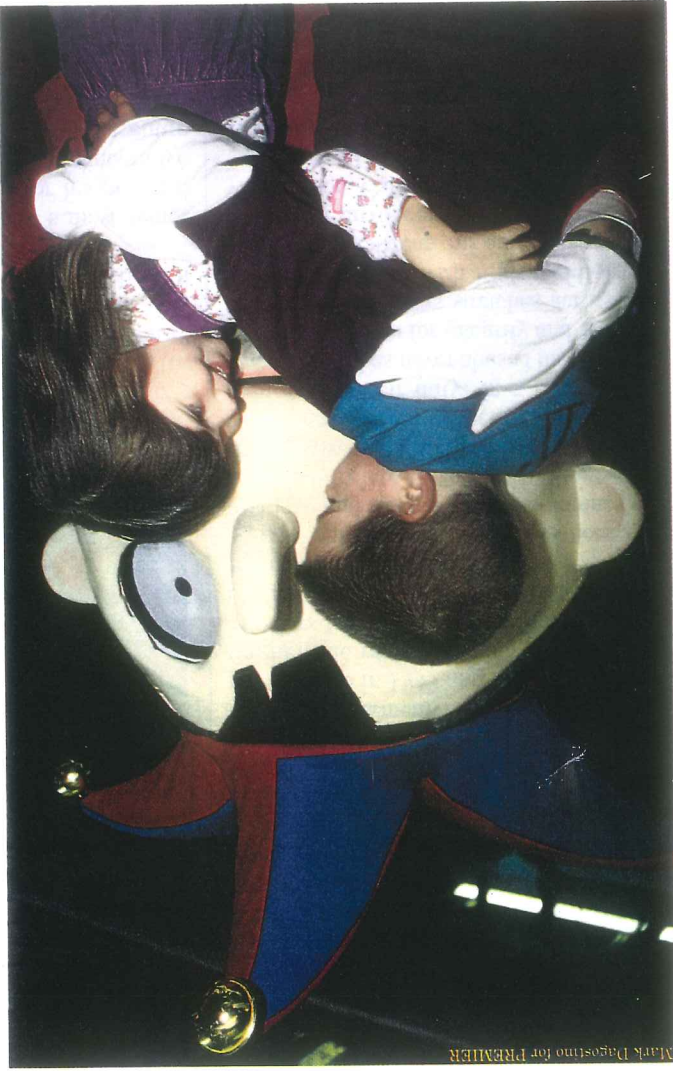
Mini-Golf Planting Schematic
 Jokers Two Family Fun and Games
 510 WARREN AVENUE PORTLAND, ME
 Date: 9 September 1997
 Scale: 1"=20'

Developed by:
 Jokers Two, Inc.

Planners, Engineers, Landscape Architects:
 Land Use Consultants, Inc.

900 Riverside Street
 Portland, Maine 04102
 Tel: 207.878.3113 Fax: 207.878.2200

Joker's Comes to New Hampshire



Mark Pagosino for PREMIER

Latvis and his partner, Jim Grattello, accomplished their goal by producing an innovative design for their 27,000-square-foot gallery.

By mingling dining room seating with game areas while resisting the conventional cave setups of arcades, they have sustained a panoramic view of the entire gallery. Parents, therefore, tucked out from a day of shopping, can take a load off their feet while keeping their little ones in bird's-eye view at all times.

This design feature includes a clear view of Joker's indoor rides, which range from a race-car track to a choo-choo train, the arcade's centerpiece.

A favorite of the under 12 crowd is "The A-Maze-Zing Funhouse," a three-story jungle gym that empties into a sea of pliable, colorful balls. It is big enough to accommodate daring parents, many of whom are ready and willing to step sock-foot-onto a rope ramp, climb through yellow tubes, and reach the top to dodge and play with the oversized, red rubber balls.

Since Joker's opening in September, "the place has been mobbed," says Latvis with a smile. Its success already has them thinking about branching out; and while they won't reveal just where the next Joker's will go, he and Grattello are looking at nine different sites throughout the New England area.

The two former supermarket managers learned quickly that groceries and video games are starkly different. Last year, they

gearing up for their amusement-center endeavor when a building in Saco, Maine, became available. As they moved ahead with plans to open the first Joker's, the building was sold.

Their early setback became a blessing in disguise because the Portsmouth market is more versatile. "Saco was just a summer resort area whereas Portsmouth has a little bit of everything," says Latvis. Being next to Wal-Mart doesn't hurt either.

Variety is surely another draw to Joker's. Its menagerie of brightly lit game panels is a teasing site, posing the vexing question: Which one do I tackle first?

For just a handful of quarters, live out the fantastic thrills of Being next to Wal-Mart doesn't hurt either.

And ride the Ferris wheel all the way to the top for a bird's-eye view of kid heaven.

While you're at it, grab a pizza. Let the kids run around. Jordan couldn't stop.

Bring your family and bring them now. Take a fast ride along Hawaii's endless beaches. Trounce the Boston Celtics to victory with a lay-up shot even Michael Jordan couldn't stop.



Mark Pagosino for PREMIER

When Grattello flips the switch at 11 a.m., *Star Wars* theme music blares from one of the games. Lights flash everywhere. Electronic voices call out like anxious tempters at an old carnival midway. And already there are children waiting at the door.

Unlike Joker's comparable competition over in Newington (you know, that mouse place with the cheesy name), which caters to youngsters and excludes the family teens, Joker's is geared to the whole family. From air hockey to pool tables, "Nobody is left out," Grattello stresses. "Adults have as much fun here as children do."

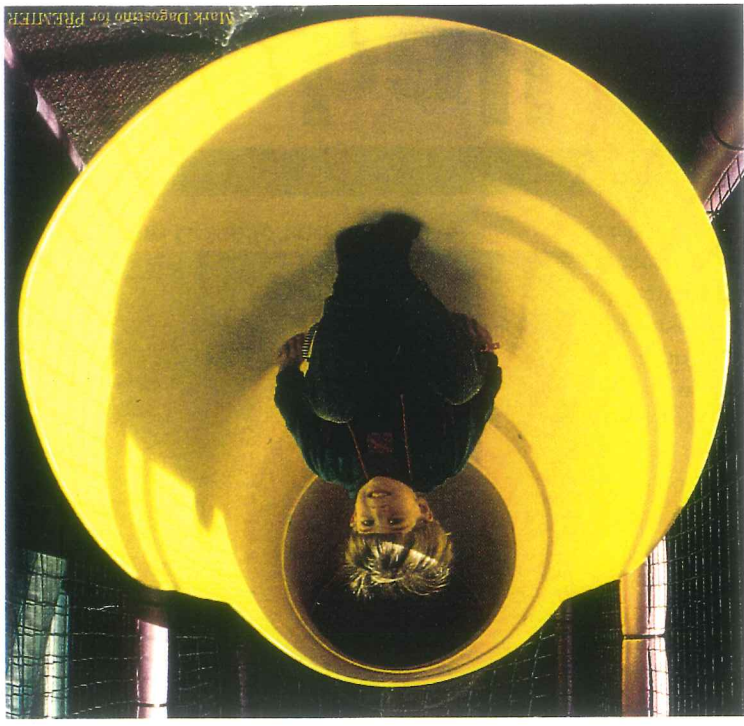
In fact, the place is available for private rentals, and a party of 400 adults from Fleet Bank threw a whopping party at the purple-lined pad last month. A number of companies threw unique Christmas parties at Joker's, and according to Grattello, more than one customer said it was the best Christmas party ever.

"Many of these things weren't available when these people were kids," he adds, "so they enjoy them all the more"—especially the video games.

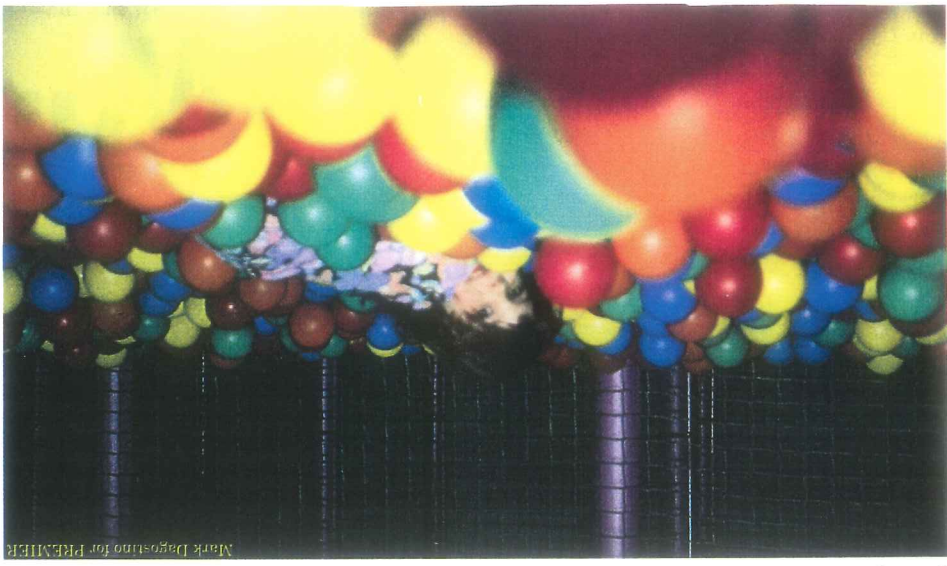
For fans of Midway's Mortal Kombat II, a blockbuster in the video game industry, Joker's offers two of the real-life fighting machines. The gallery also has Mad Dog McCrece, a full-screen interaction gun game and a perfect outlet for any Wyatt Earp impersonator. (Don't you just hate that fingernail-filing, bony-fingered coroner?)

And arcade fanatics looking for a new challenge should try Laser Storm, an interactive war game similar to paint-gun war, only a lot less messy. Warriors stride into their pitch-black battlefield equipped with battery-operated fanny pack, laser gun and headset. With rock and roll playing in the background, the madness begins as neon-red laser bullets rip through the opponent's gun or headset. This Laser Storm is one of only two in New England, and up to 18 people can play simultaneously. Admission: \$4.

Of course, an appetite for fun isn't all that this establishment fulfills. For an arcade, this place has an extensive food menu.



Mark Pagosino for PREMIER



Mark Pagosino for PREMIER

Personality

him as the most important pillar in his administration. "Every governor should be lucky enough to have at least one Dick Flynn" at his side. Flynn's friends say he is truly fascinated by his work. He easily handles the most advanced technological issues while keeping the focus on how his arm of government affects average citizens. He possesses a unique capacity to blend an understanding of a single citizen's interaction with the cop on the beat with the rules and laws which govern that same citizen's life in New Hampshire.

Born in 1928, Flynn attended Dover schools, served in the U.S. Navy, worked for General Electric in Somersworth and then entered the field of law enforcement. He joined the Dover police force in 1949 and worked his way through the ranks, winning appointment 10 years later as chief of police. In 1960 he graduated from the FBI National Academy in Washington, DC.

Law enforcement has always been his first love and fascination. He combines an ability to relate to the politicians who wield power over budget and policy, while insisting on independence for lawmen doing their duty. In a position of authority, he has never abused his power.

His reputation for integrity and straight talk among his peers stretches across the country. At ease with high technology and average citizens, his advice is sought by law enforcement officials in Washington, California and Texas.

Since 1972, no state rule or law affecting law enforcement has passed without his input. Other state law enforcement officials look to Flynn for suggestions in training, policy and help for law enforcement.

He is a past president of Dover Rotary Club, N.H. Police Officers Association, N.H. and New England Chiefs of Police Association. He is a lifetime member of the International Police Chiefs Association and has served on the National Board of Directors for the American Association of Motor Vehicle Administrators.

The state's fire chiefs recently honored him by naming the fire training academy in Concord after him.

A father of one son, Paul, and grandfather of two, he still makes Dover his home with his wife, Jean.

His proudest achievement is being able to serve so many for so long. No other state official can have his job as long as he wants it—and he deserves it. ■



Mark Dagostino for PREMIER

Who was the last governor who had problems with Richard "Dick" Flynn? When that question was raised recently at a political function in Concord, no one had an answer.

Flynn, New Hampshire's most senior official, is as respected for his political and diplomatic skills as his administrative wizardry. His familiarity with the entire fabric of government makes him the most-informed man in government.

Flynn knows the politicians who make policy and gently guides them, without the forceful shove that others in his field so often use.

Appointed State Commissioner of Safety in 1972 by Gov. Walter Peterson, Flynn has earned the enthusiastic reappointment of every governor since. From arch-conservative Meldrim Thomson to liberal Democrat Hugh Galten, all comfortably wanted him in charge of the state's law enforcement arm, as well as its motor vehicle department and related agencies.

Gov. Steve Merrill calls Flynn the "consummate gentleman, who always puts others ahead of himself," and praises

Top Cop

Parents should expect to spend some money here; it's a maze-zing how fast kids can blow through quarters on video games. But overall, the food and amusement prices seem reasonable, and one trip could provide hours of entertainment. Parents may also want to keep in mind that this place is perfect for birthday parties—there's a private room in the back, plus plenty of room at the dining tables to accommodate parties of any size. (There is seating available for 465 if you want to rent the whole joint). Balloons are provided, and the cake gets delivered by a long-nosed Joker character.

Speaking of characters, it has one special, hidden bonus for parents and teens alike: There may be purple paint around, but Joker's is absolutely Barney-free. ■

Alice Giordano and Mark Dagostino/Portsmouth



Owners, Jim Grattello and Bill Latvis

menu, including pub-style appetizers such as mozzarella sticks, chicken tenders and potato skins. When it comes to pizza, despite the surroundings, don't expect cheap fairground fare. Joker's makes its own sauce and hand-tossed dough on the premises.

There are also club sandwiches like the Poor Boy, a ham-and-cheese melt with lettuce and onions on a fresh roll (\$3.79) that is served with potato chips and a pickle. French fries, of course, are on the menu (delicious ones, too) and popcorn to make the merit-

Tourism

Kimball Castle

Looming like the Lakes Region's version of Stonehenge, Kimball Castle awaits restoration

of this historic edifice had become a shameful embarrassment. The main castle building, its accompanying cottages and houses and 300-plus acres of land were entrusted to Gilford by Charlotte Kimball, the last surviving family member, in 1969. For 25 years, the town did little to keep the beautiful castle's architecture and grounds from decaying or prevent vandals from ransacking the antique treasures inside the castle's walls.

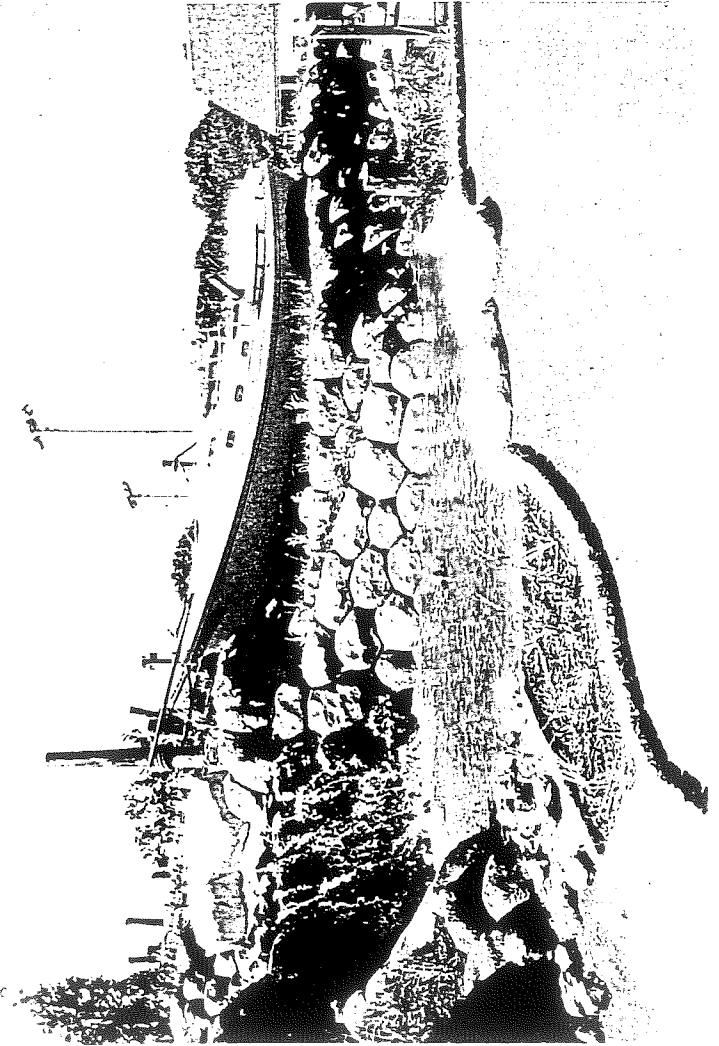
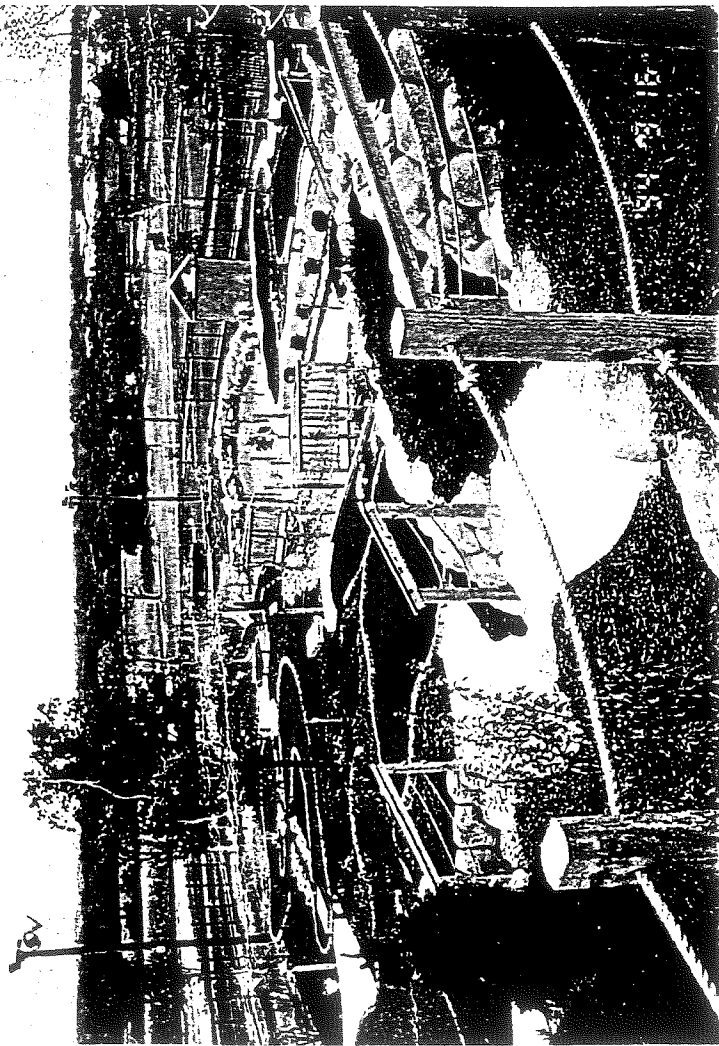
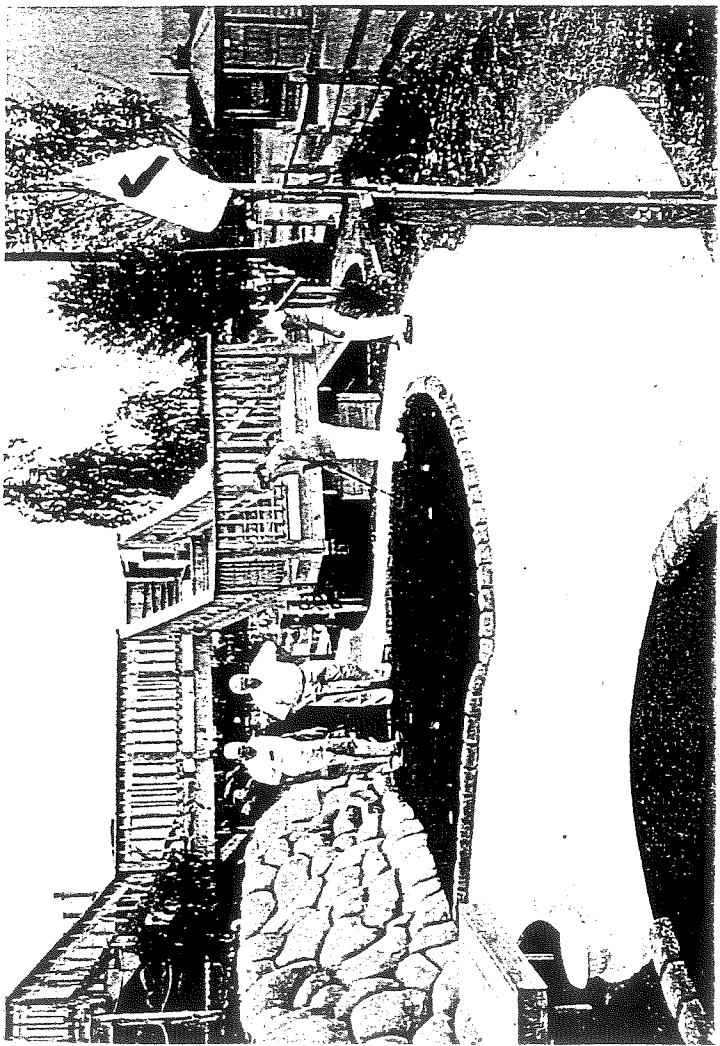
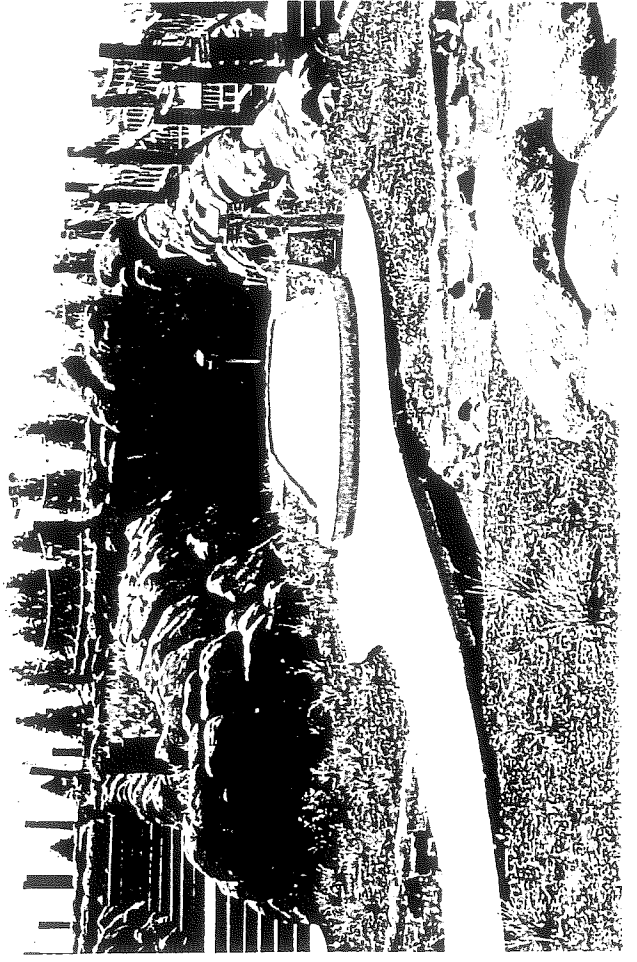
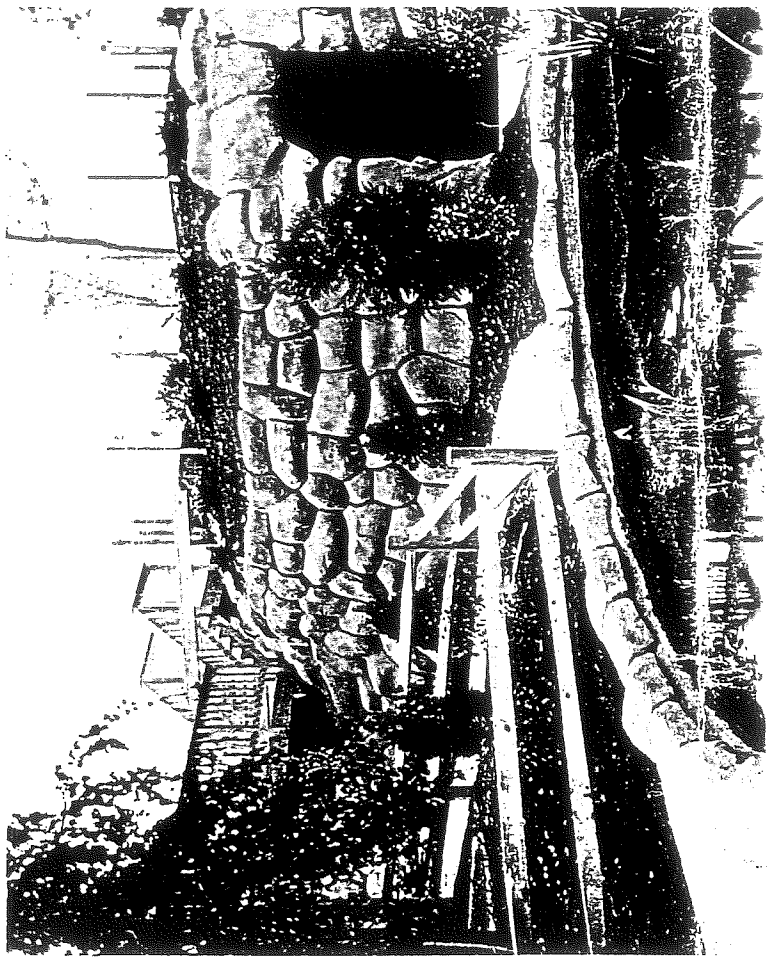
John Bobula, Gilford's director of the Department of Planning and Land Use, relates the town's development over the years. But this plan allows the public to enjoy the castle and grounds, generates tax revenues, and the public will not lose its access to a network of trails that lead up to the castle from Route 11.

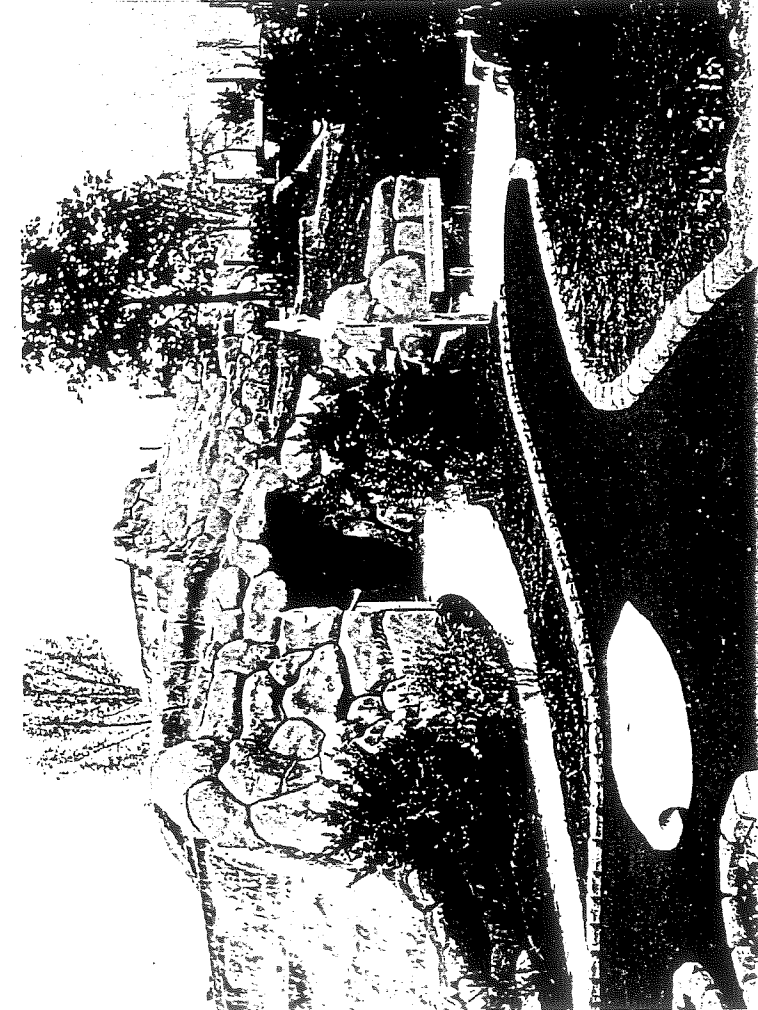
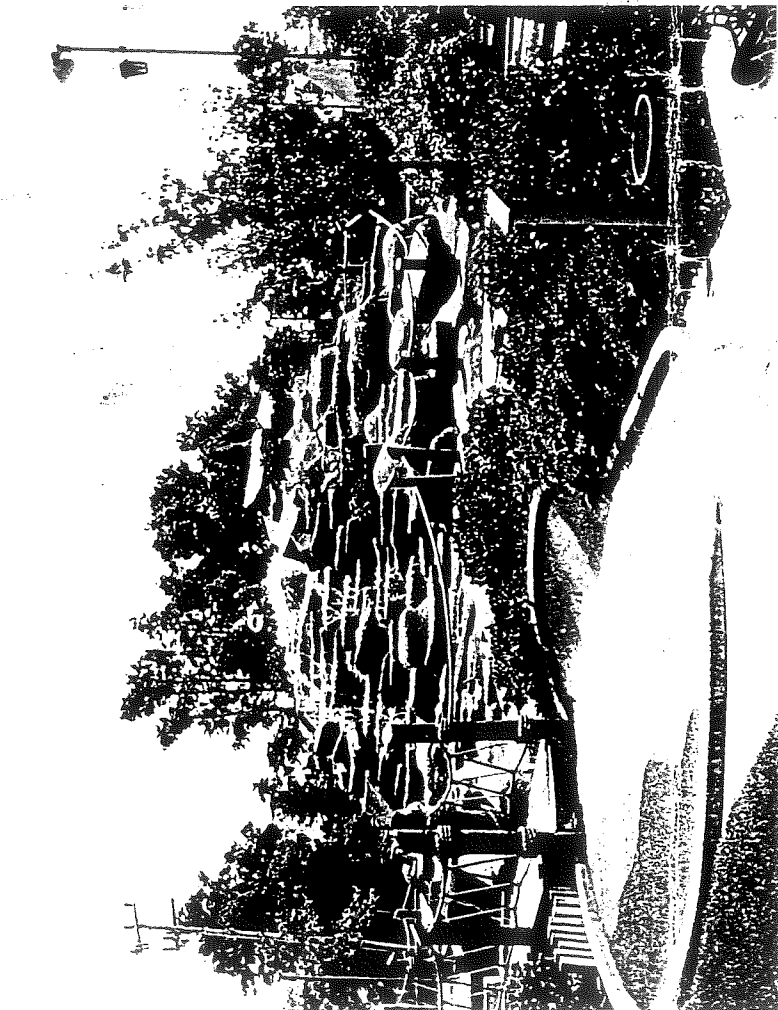
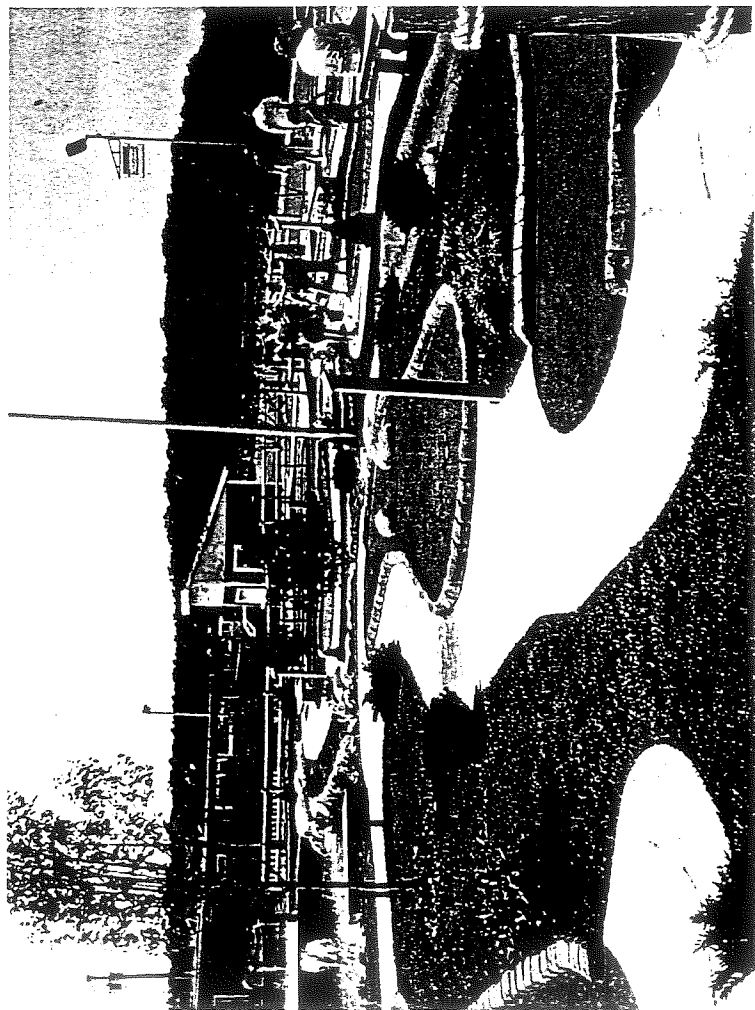
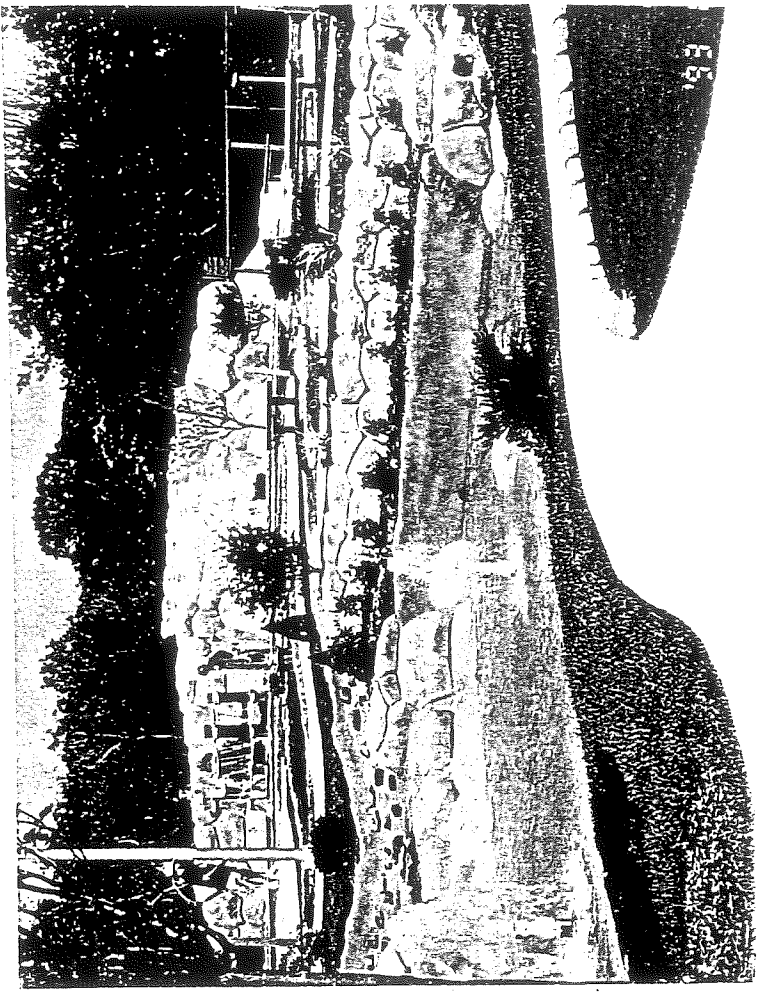
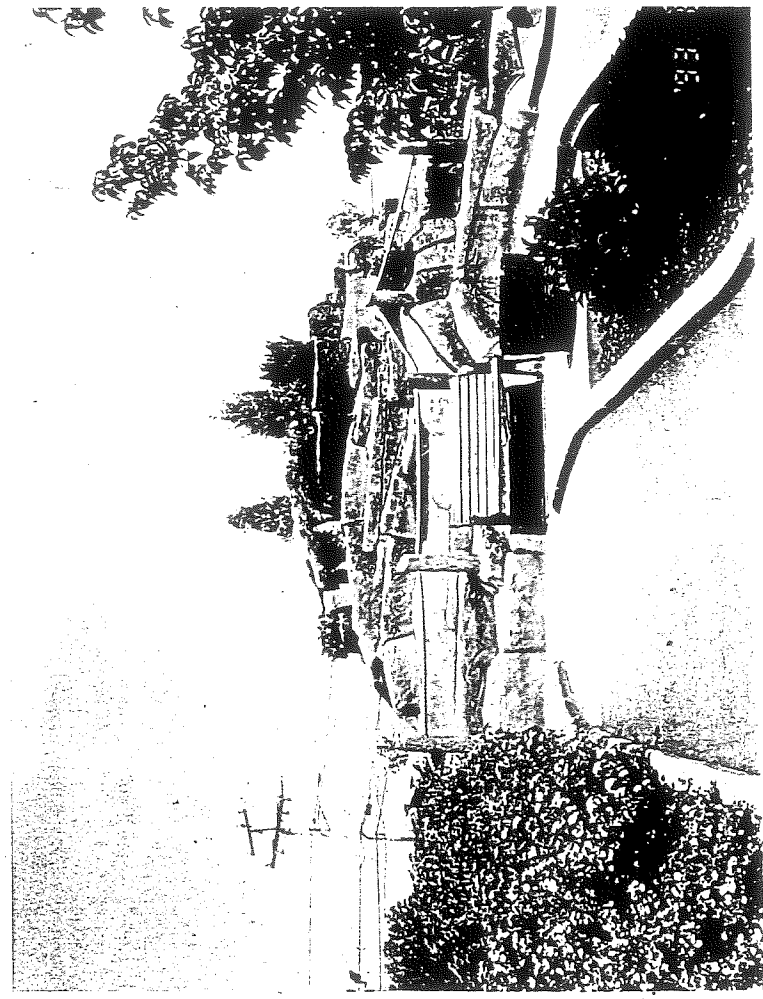
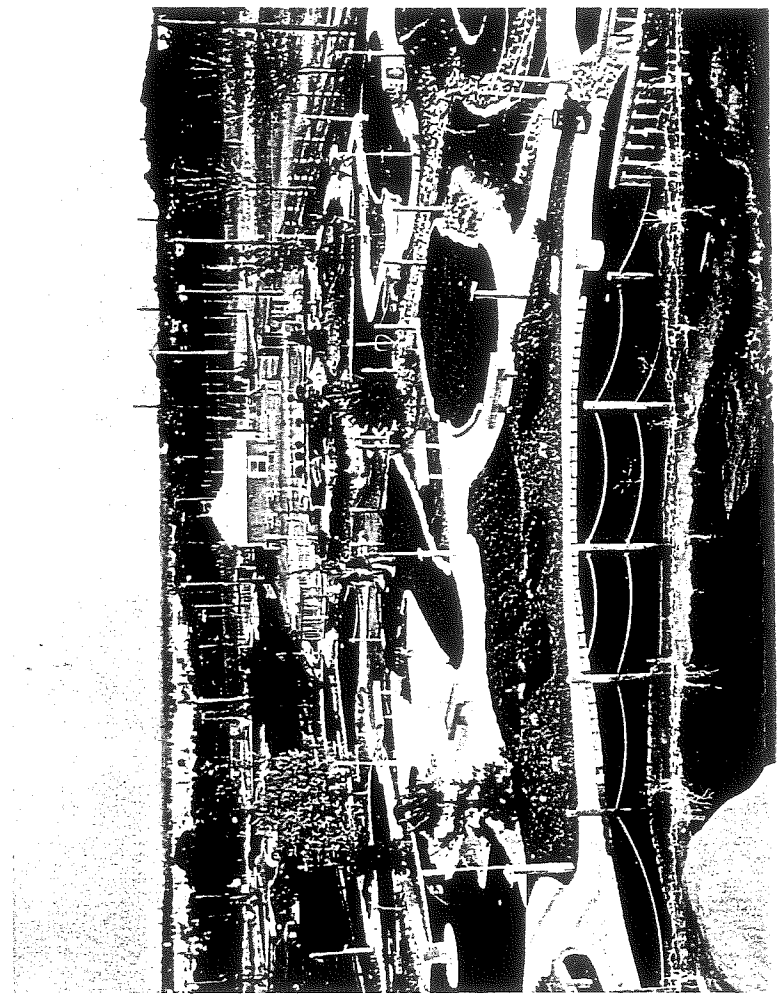
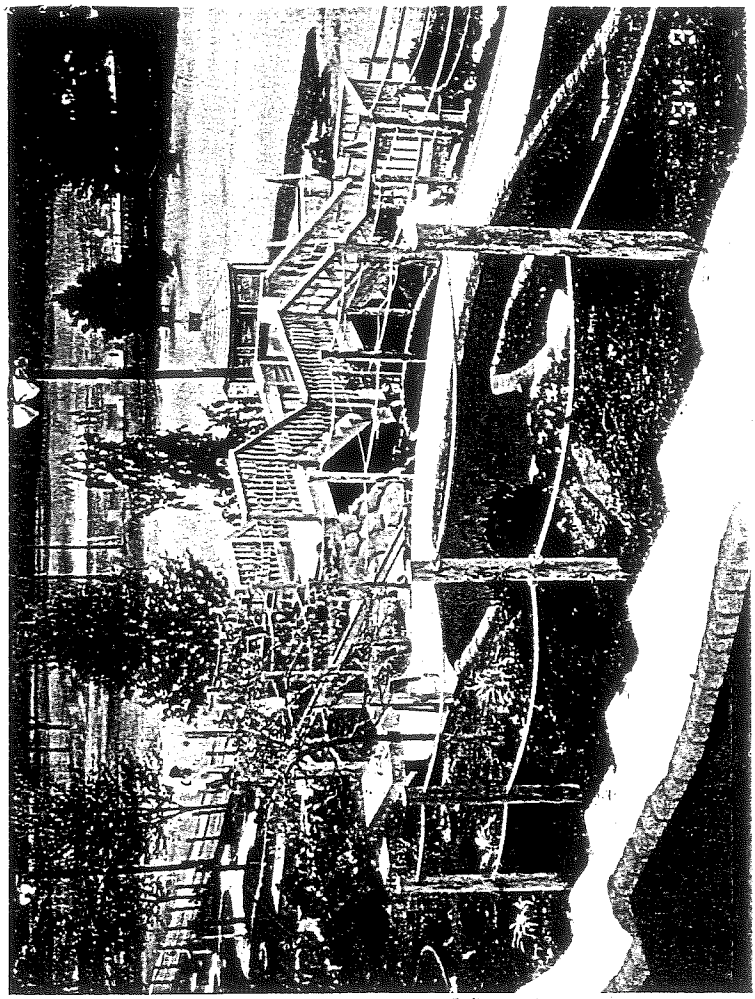


million restoration plan for Kimball Gilford town officials told Don someone finally take responsibility for the castle. The town's shocking neglect will receive \$75,000 over the next 50

“W”

Amusement





CONCEPTUAL DRAINAGE SKETCH

1" = 20'



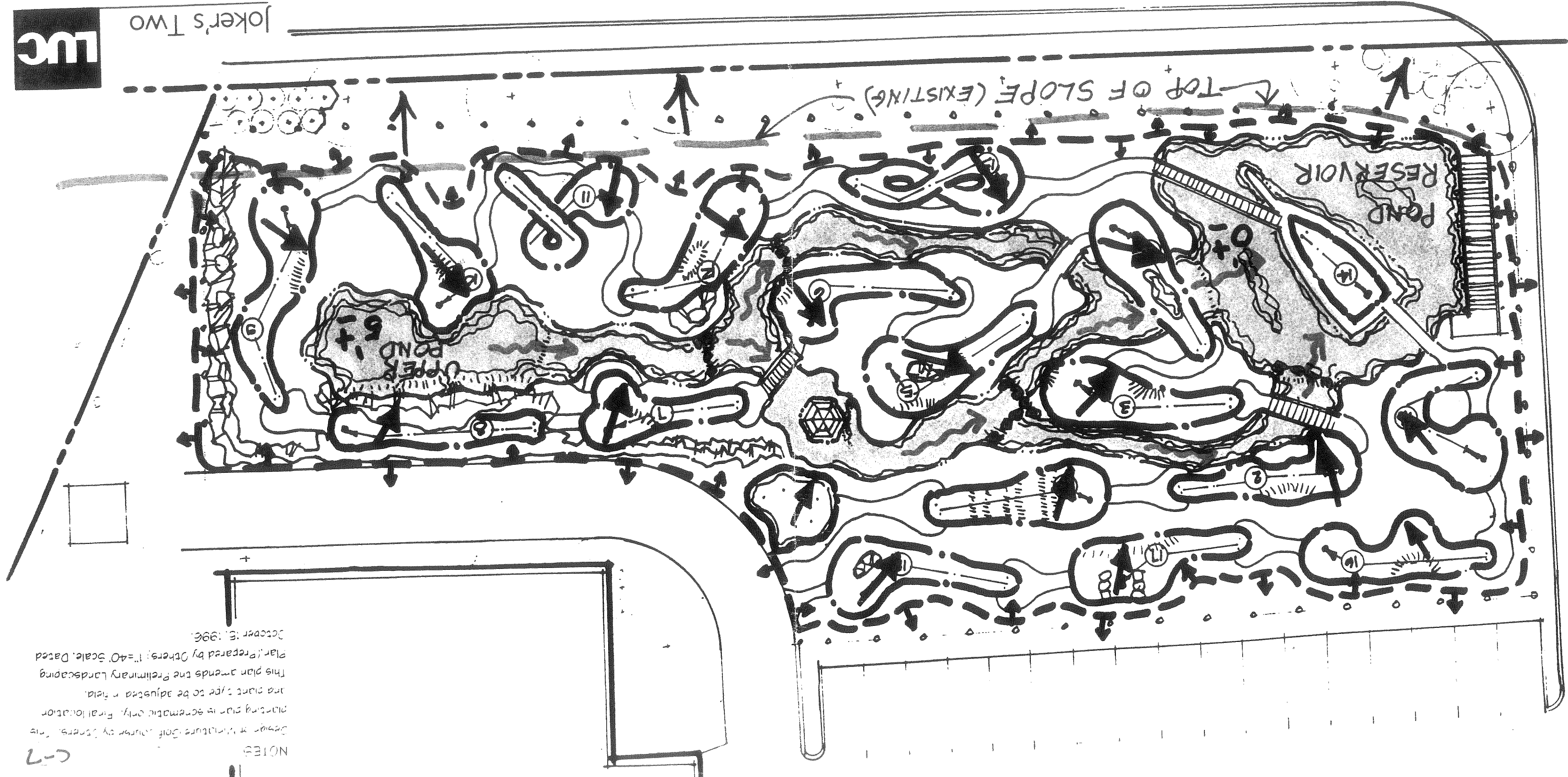
Mini-Golf Planting Schematic
 Jokers Two Family Fun and Games
 510 WARREN AVENUE
 PORTLAND, ME

Date: 9 September 1997
 Scale: 1" = 20'

Developed by:
 Jokers Two, Inc.

Planners, Engineers, Landscape Architects
 Land Use Consultants, Inc.

960 Riverside Street
 Portland, Maine 04103
 Tel: 207 879 3313 Fax: 207 879 0220
 ml_induse@jwinc.net



NOTES
 Design of miniature golf course by Jokers Two. Final location
 and plant type to be adjusted in field.
 This plan amends the Preliminary Landscaping
 Plan, Prepared by Others, 1" = 40' Scale, Dated
 October 15, 1996.

ORIGINAL SITE PLAN APPROVED BY PLANNING BOARD

1. THE WORK SHOWN ON THESE PLANS IS FOR GRADING AND UTILITIES ONLY. FOR FURTHER DETAILS, REFER TO THE PLAN SET.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING BUSINESS DAYS, BUT NOT MORE THAN 30 CALENDAR DAYS PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION, AS IN ACCORDANCE WITH MAINE STATE LAW.
 3. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL MEANS, METHODS AND TECHNIQUES EMPLOYED TO PERFORM FEDERAL SAFETY REGULATIONS.
 4. ALL WORK SHALL COMPLY WITH ALL LOCAL, STATE AND FEDERAL SAFETY REGULATIONS.
 5. ALL WORK SHALL BE IN CONFORMANCE WITH CITY OF PORTLAND AND ALL UTILITY COMPANY STANDARDS.
 6. CONTRACTOR SHALL VERIFY LOCATIONS AND DEPTHS OF ALL UTILITIES WITH THE RESPECTIVE COMPANY PRIOR TO THE START OF CONSTRUCTION. IF ANY DISCREPANCIES OR CONFLICTS ARE FOUND, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND OWNER PRIOR TO PROCEEDING.
 7. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THE WORK SHOWN ON THESE PLANS PRIOR TO CONSTRUCTION.
 8. NO BLASTING WILL BE ALLOWED WITHIN 500 FT. OF ANY UTILITY WITHOUT THE NOTIFICATION AND APPROVAL OF THE APPROPRIATE UTILITY COMPANY. NO LEGGE BLASTING WILL BE PERMITTED WITHIN A UTILITY COMPANY EASEMENT UNLESS APPROVED BY THE UTILITY COMPANY.
 9. ALL PAVEMENT CUTS SHALL BE SAW CUT TO RESULT IN CLEAN EDGES. A TACK COAT SHALL BE APPLIED ALONG THE CUT EDGES AND NEW PAVEMENT BUTTED TO IT. UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE TO RECLAIM OR PROPERLY DISPOSE OF ALL REMOVED BITUMINOUS MATERIALS.
 11. INLETS AND CURBS OF ALL CURVES SHALL BE RIPP-DIRECTED BY THE ENGINEER.
 12. PROPOSED BUILDING DIMENSIONS ARE APPROXIMATE ONLY. ELECTRIC, TELEPHONE AND TV IN ACCORDANCE WITH THE CONDUCTIVE COMPANIES REQUIREMENTS.
 13. CONDUIT SHALL BE USED UNDER ALL PAVED AREAS FOR ELECTRICAL, TELEPHONE AND TV IN ACCORDANCE WITH THE CONDUCTIVE COMPANIES REQUIREMENTS.

GENERAL NOTES:

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NOTES:

1. NORTH ARROW, BEARINGS AND PROPERTY LINES ARE BASED UPON A PLAN ENTITLED, "STANDARD BOUNDARY SURVEY ON WARREN AVENUE, PORTLAND, MAINE, MADE FOR PAUL BURGESS, 465 CONGRESS STREET, PORTLAND, MAINE, DATED: 9-19-96, SCALE: 1" = 40', PREPARED BY OWEN HASKELL, INC. 2. ELEVATIONS ARE BASED UPON A PLAN ENTITLED, "SITE PLAN OF GROSSMAN'S ON WARREN AVENUE, PORTLAND, MAINE FOR GROSSMAN'S, 200 UNION ST. 3. SURVEY MADE FOR GROSSMAN'S, 200 UNION ST. 4. PREPARED BY OWEN HASKELL, INC. DATED: 8-12-92, SCALE: 1" = 40', PREPARED BY OWEN HASKELL, INC.

PLANTING NOTES:

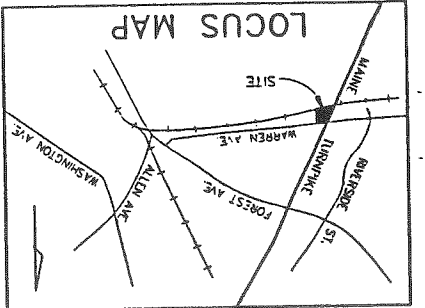
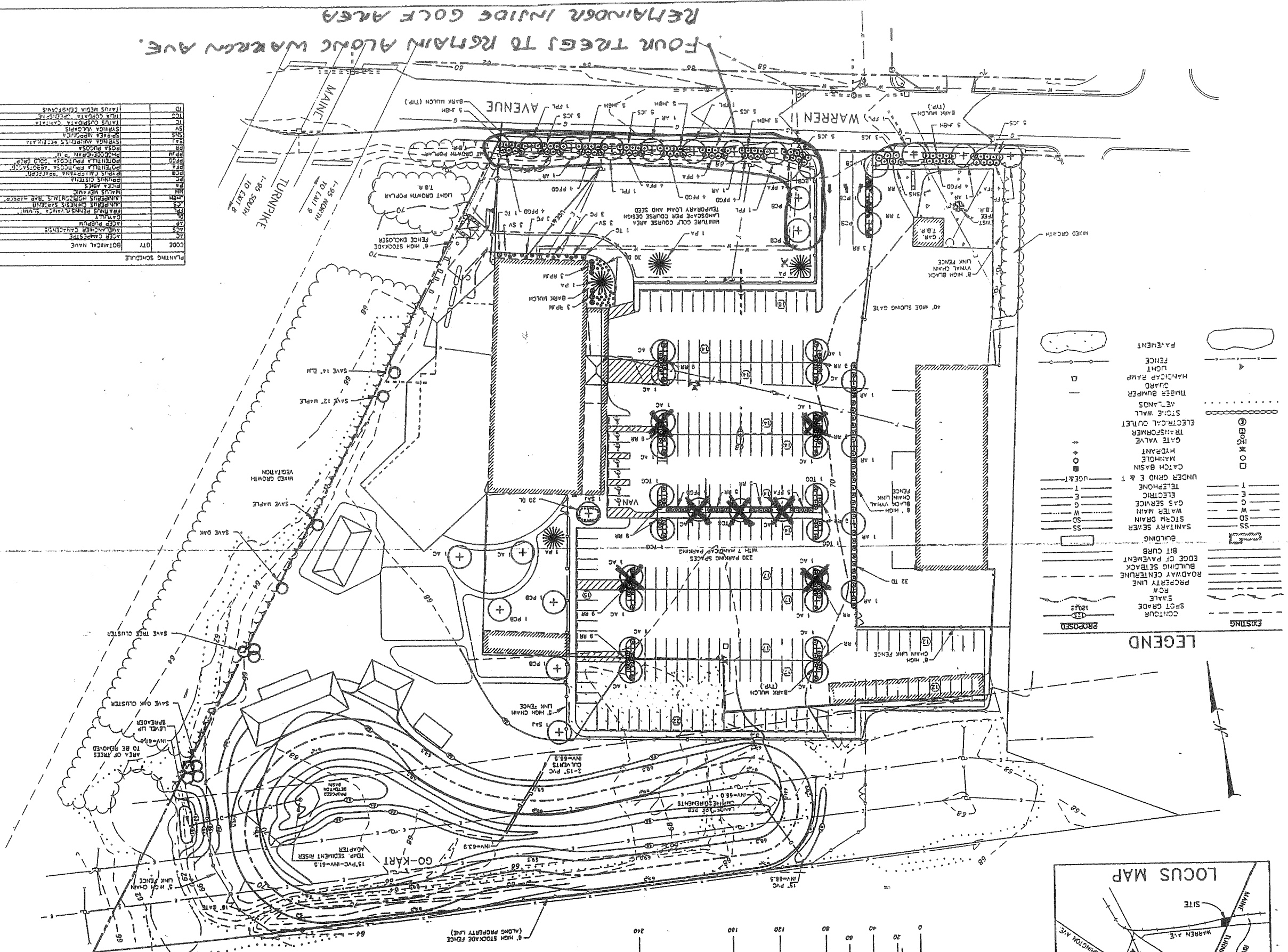
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 2. THIN AREAS OF TREES TO BE SAVED AS REQUIRED FOR HEALTHY GROWTH.
 3. SPECIFIC LOCATION OF STREET TREES TO BE APPROVED BY CITY AGENT.
 4. LANDSCAPING SHALL MEET THE "ARBORETCULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND TECHNICAL GUIDELINES OF THE CITY OF PORTLAND."

PLANTING SCHEDULE:

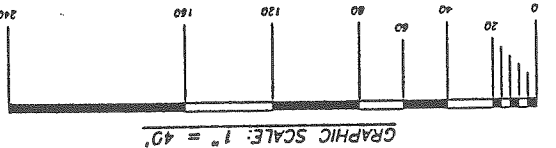
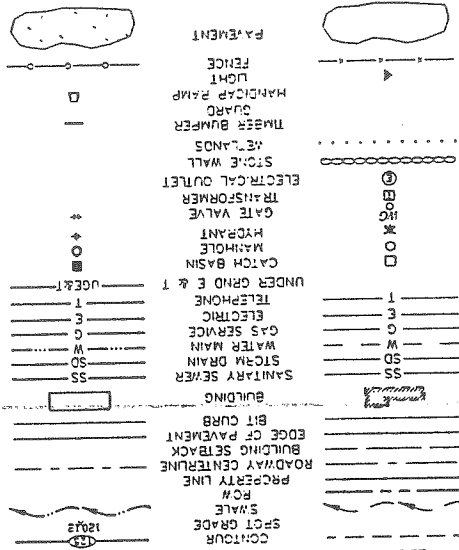
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88	DOGWOOD	10	10" GAL
89	DOGWOOD	10	10" GAL
90	DOGWOOD	10	10" GAL
91	DOGWOOD	10	10" GAL
92	DOGWOOD	10	10" GAL
93	DOGWOOD	10	10" GAL
94	DOGWOOD	10	10" GAL
95	DOGWOOD	10	10" GAL
96	DOGWOOD	10	10" GAL
97	DOGWOOD	10	10" GAL
98	DOGWOOD	10	10" GAL
99	DOGWOOD	10	10" GAL
100	DOGWOOD	10	10" GAL

LANDSCAPING PLAN
 JOCKERS TWO, INC.
 510 WARREN AVENUE
 PORTLAND, MAINE
 SCALE: 1" = 40' NOVEMBER 5, 1996

TREES TO BE ELIMINATED



LEGEND



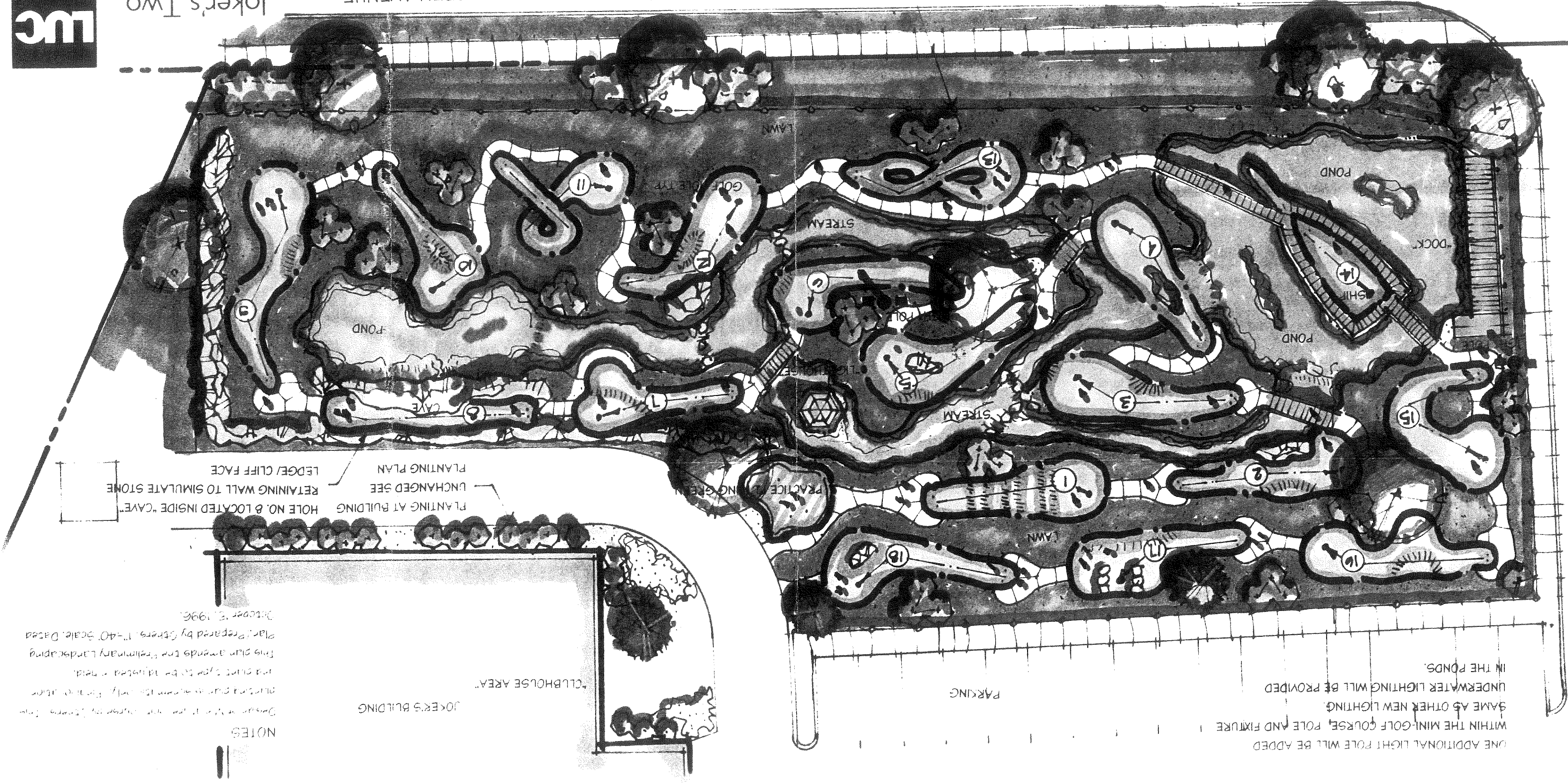
FOUR TREES TO REMAIN ALONG WARREN AVE.
 REMAINERS INSIDE GOLF AREA

ONE ADDITIONAL LIGHT POLE WILL BE ADDED WITHIN THE MINI-GOLF COURSE, POLE AND FIXTURE SAME AS OTHER NEW LIGHTING UNDERWATER LIGHTING WILL BE PROVIDED IN THE PONDS.

JOKER'S BUILDING
CLUBHOUSE AREA

NOTES
 Design of this plan was prepared by Gaters, Inc. and subject to be adjusted as needed. This plan amends the preliminary landscaping plan prepared by Gaters, Inc. 11/40 Scale. Dated October 13, 1996.

PLANTING AT BUILDING UNCHANGED SEE PLANTING PLAN
 HOLE NO. 8 LOCATED INSIDE "CAVE" RETAINING WALL TO SIMULATE STONE LEDGE/CLIFF FACE

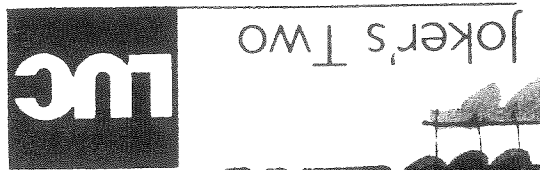


FENCED ENCLOSURE - BLACK COATED

NOTE:
 THIS PLAN DEPICTS THE SAME NUMBER AND SPECIES OF PLANT MATERIALS SHOWN ON THE PLANTING PLAN DATED OCT. 15, 1996. SOME PLANTINGS PREVIOUSLY SHOWN ALONG WARREN AVENUE HAVE BEEN RELOCATED INTO THE MINI-GOLF COURSE.

THE OWNER WILL ARRANGE SHRUBS IN THE FIELD AFTER COMPLETION OF THE MINIATURE GOLF COURSE HOLES WHEN THE FINAL PLANT LOCATIONS AND SPECIES CAN BE BETTER DETERMINED. SOME ADDITIONAL PLANTINGS MAY BE PROVIDED AS REQUIRED FOR ORNAMENTAL PURPOSES.

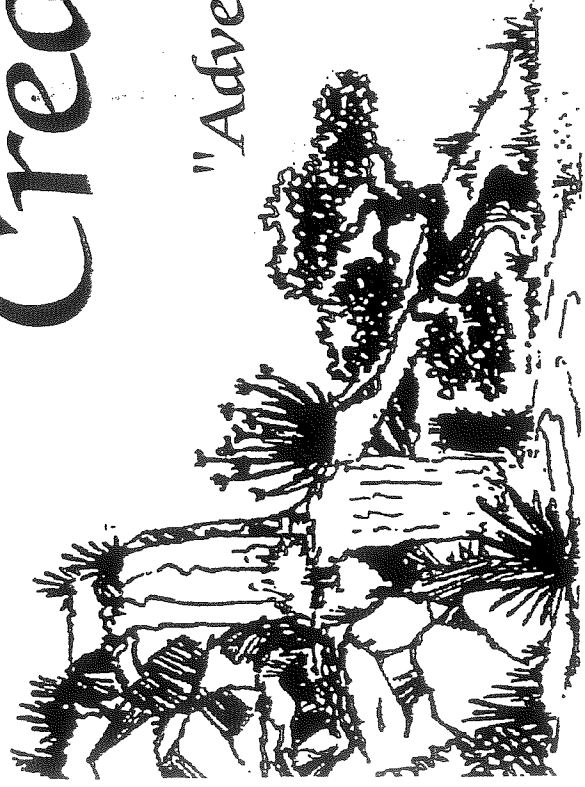
Mini-Golf Planting Schematic
 Joker's Two Family Fun and Games
 510 WARREN AVENUE PORTLAND, ME
 Date: 9 September 1997 Scale: 1"=20'
 Developed by:
 Jokers Two, Inc.
 Planners, Engineers, Landscape Architects:
 Land Use Consultants, Inc.
 900 Riverside Street
 Portland, Maine 04103
 Tel: 734-979-3113 Fax: 734-979-3120



Creative Concepts

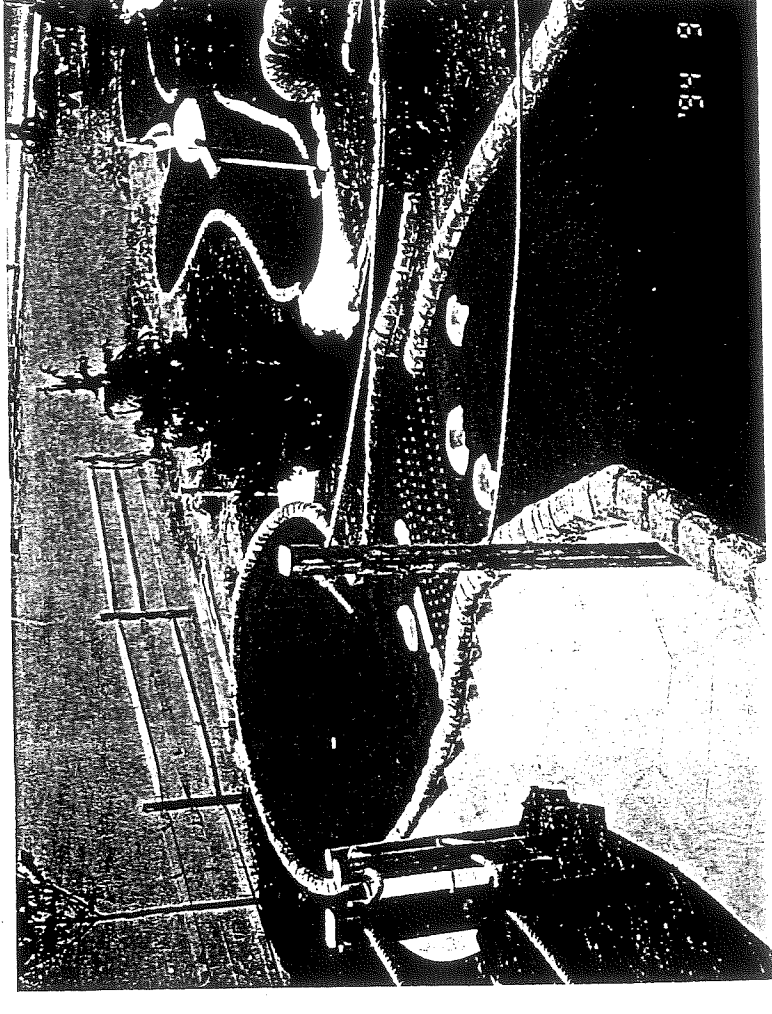
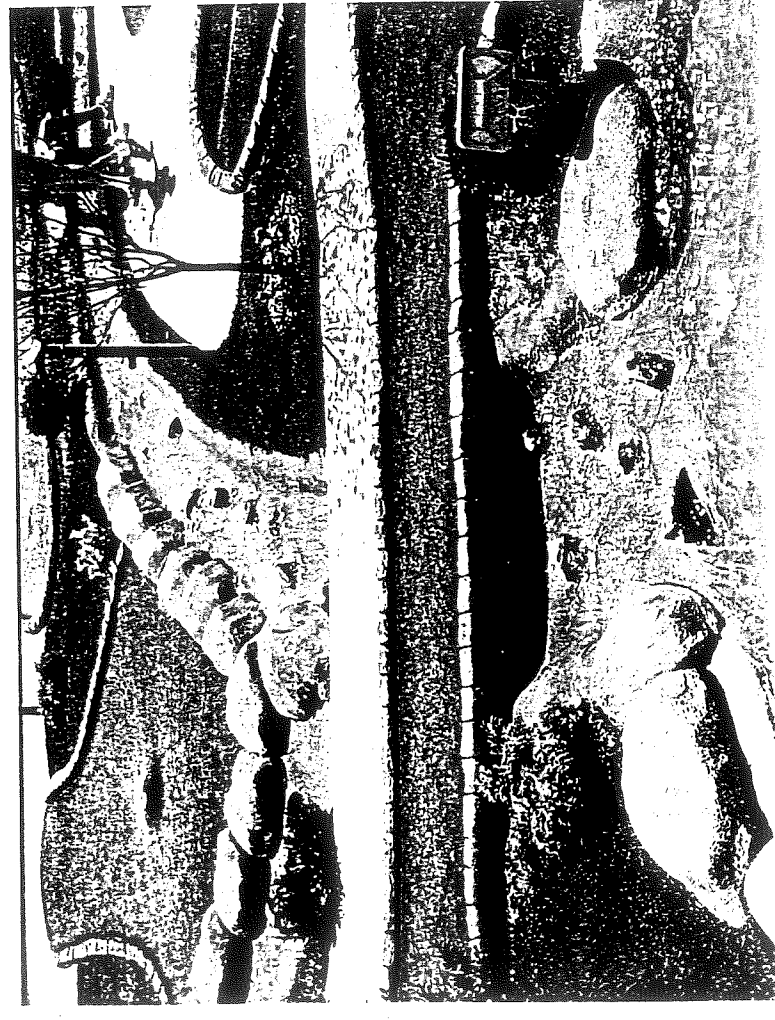
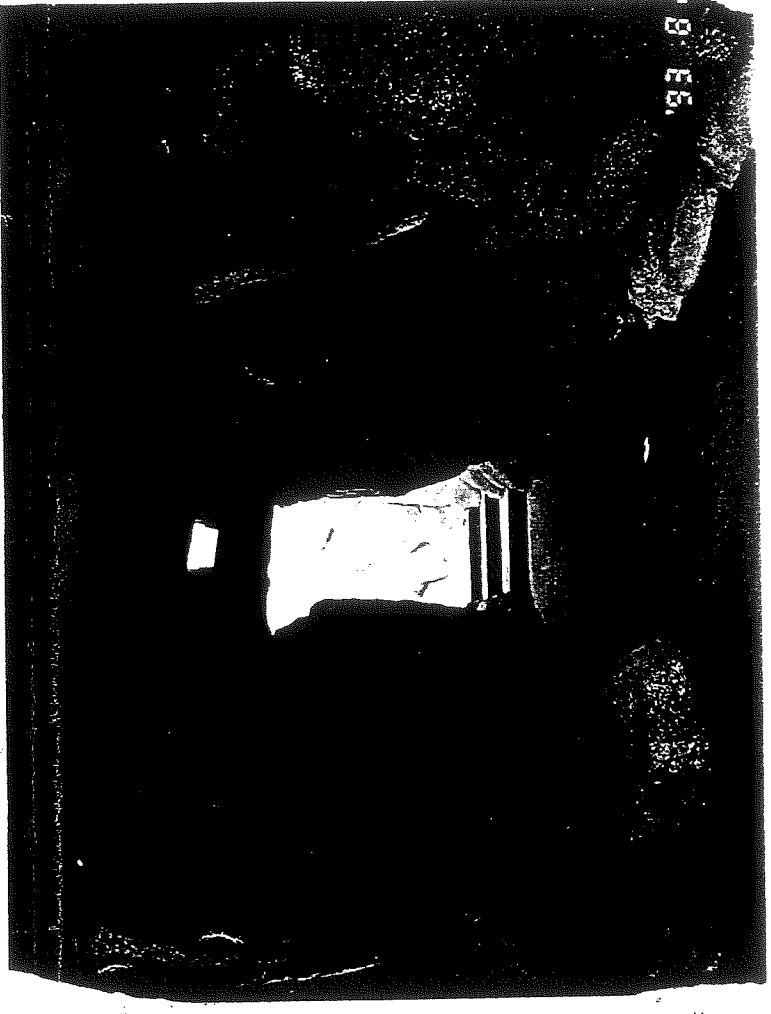
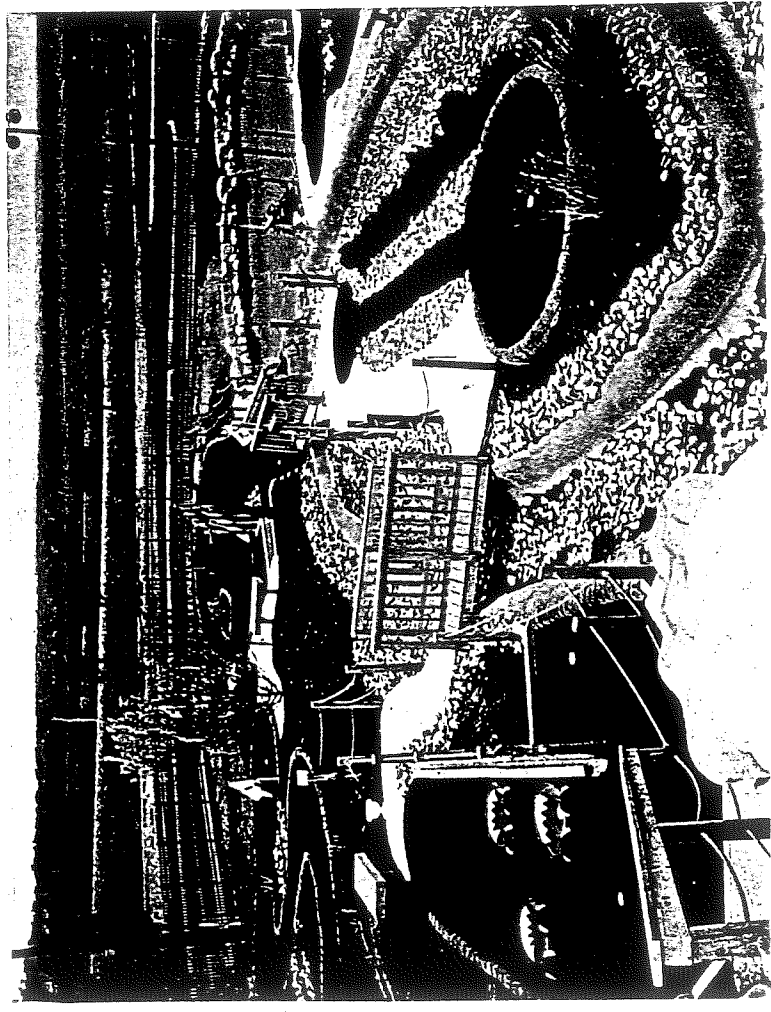
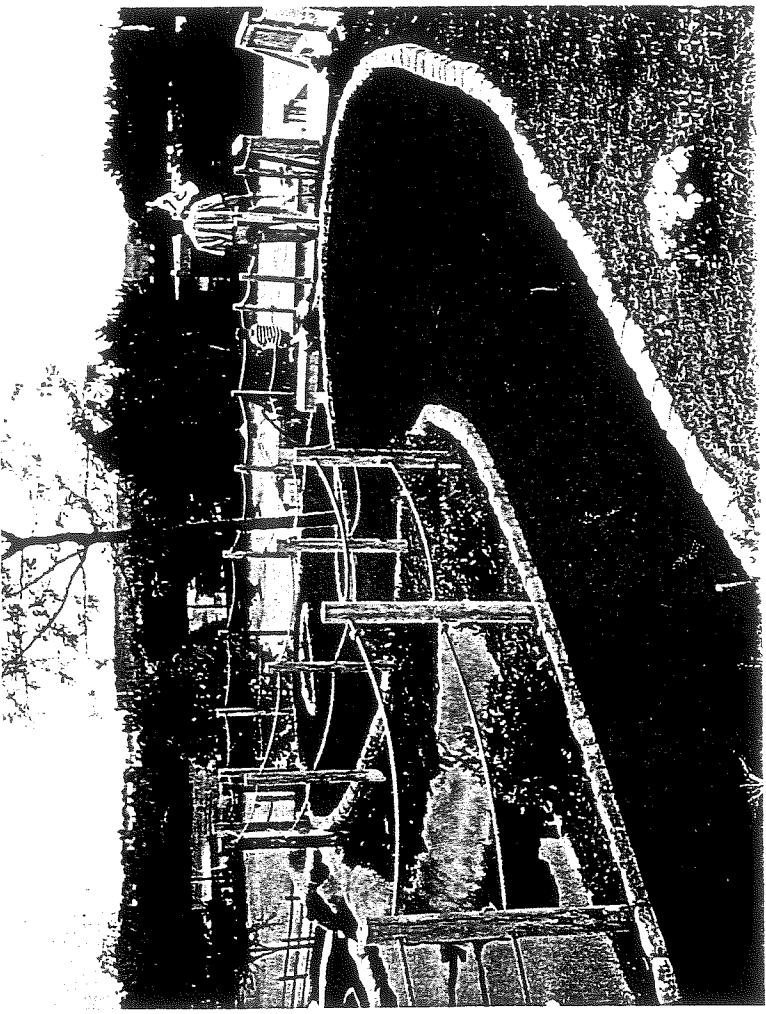
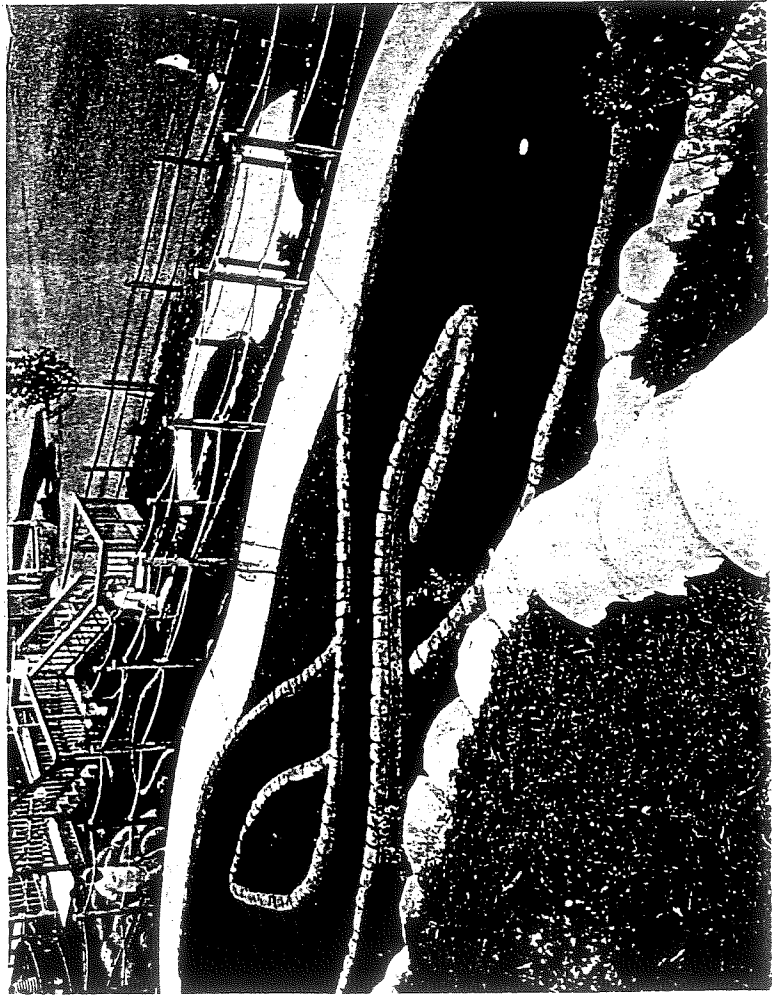
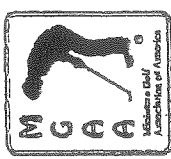
Designing and Building

"Adventure Golf the Creative Way"



P O Box 1082
Centerville, MA 02632
508-790-1146

Member



NOTES

Design of Mini-Golf Course, based on General Site Plan and site plan, prepared by General Site Plan, dated October 15, 1996.

This plan amends the "Final Landscaping Plan" prepared by General Site Plan, dated October 15, 1996.

and client to be adjusted as field conditions permit and approved by General Site Plan.

Design of Mini-Golf Course, based on General Site Plan and site plan, prepared by General Site Plan, dated October 15, 1996.

JOKER'S BUILDING

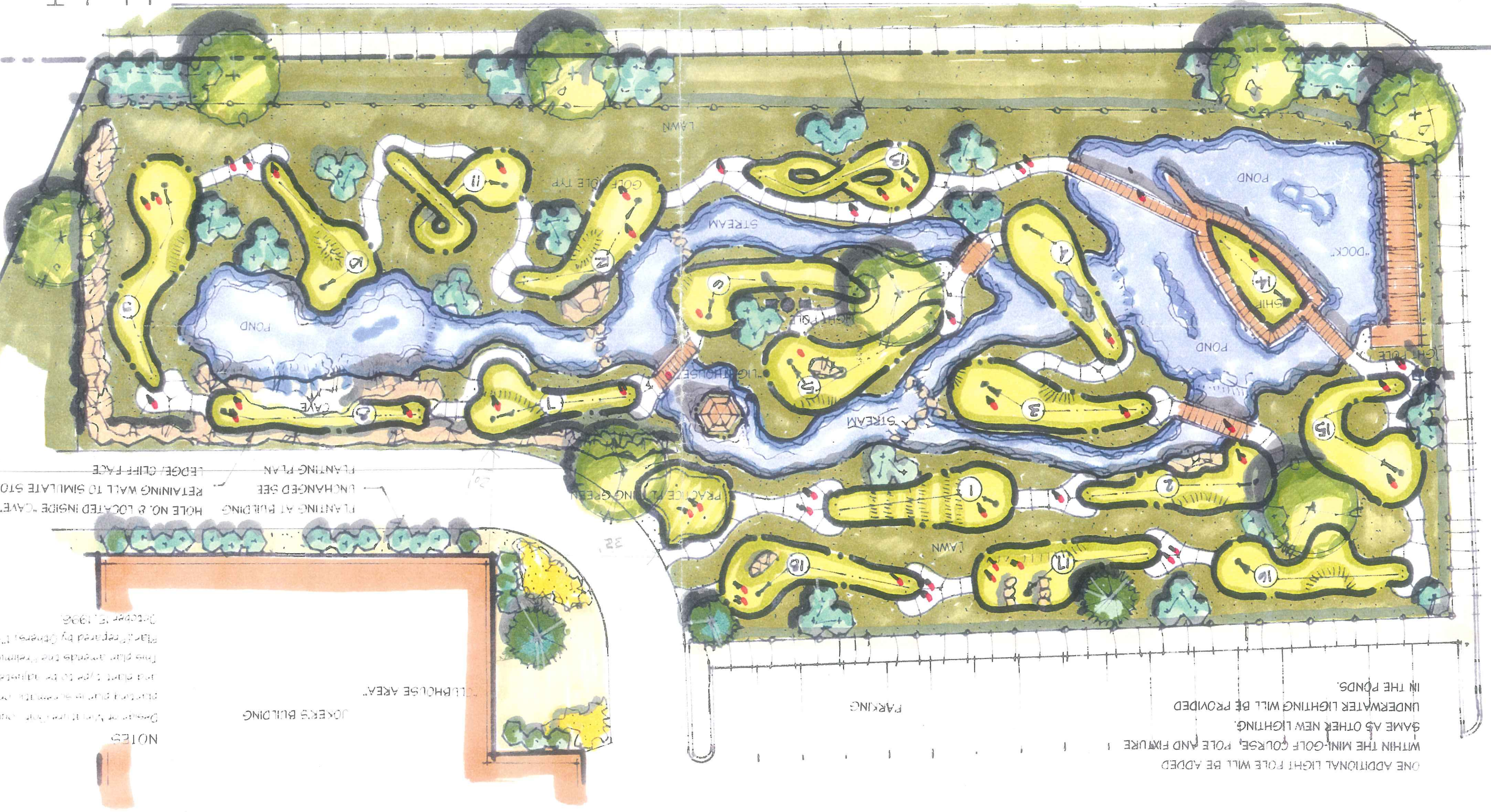
CLUBHOUSE AREA

HOLE NO. 8 LOCATED INSIDE "CAVE"
RETAINING WALL TO SIMULATE STONE
LEDGE/CLIFF FACE

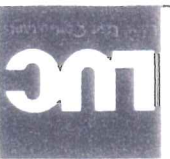
PLANTING AT BUILDING
ENCHANGED SEE
PLANTING PLAN

ONE ADDITIONAL LIGHT POLE WILL BE ADDED
WITHIN THE MINI-GOLF COURSE. POLE AND FIXTURE
SAME AS OTHER NEW LIGHTING.
UNDERWATER LIGHTING WILL BE PROVIDED
IN THE PONDS.

PARKING



Joker's Two
WARREN AVENUE



Mini-Golf Planting Schematic

Joker's Two Family Fun and Games
510 WARREN AVENUE PORTLAND, ME
Date: 9 September 1997 Scale: 1"=20'

Developed by:
Jokers Two, Inc.

Planners, Engineers, Landscape Architects:
Land Use Consultants, Inc.

900 Riverside Street
Portland, Maine 04103
Tel: 207 878 1113 Fax: 207 878 0110

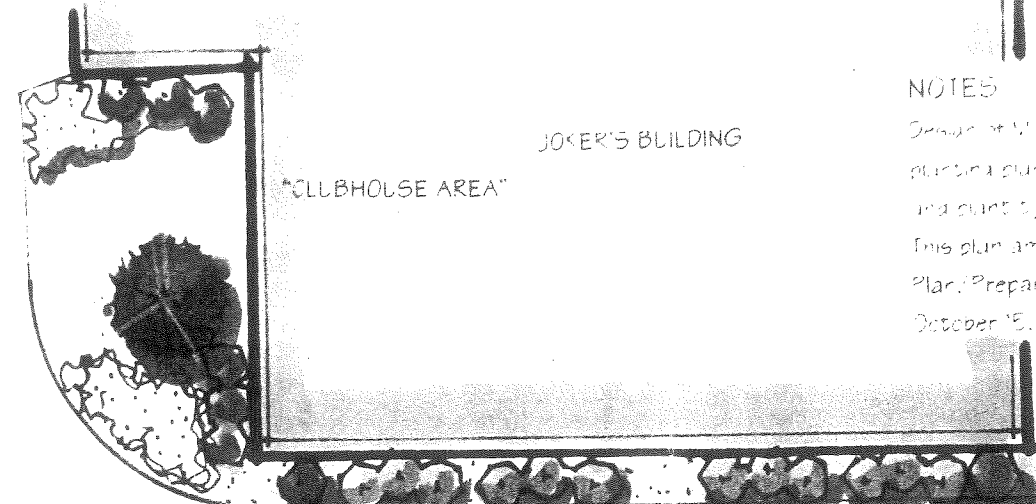
NOTE:
THIS PLAN DEPICTS THE SAME NUMBER AND
SPECIES OF PLANT MATERIALS SHOWN ON
THE PLANTING PLAN DATED OCT. 15, 1996.
SOME PLANTINGS PREVIOUSLY SHOWN ALONG
WARREN AVENUE HAVE BEEN RELOCATED
INTO THE MINI-GOLF COURSE.

THE OWNER WILL ARRANGE SHRUBS IN
THE FIELD AFTER COMPLETION OF THE
MINIATURE GOLF COURSE HOLES WHEN THE
FINAL PLANT LOCATIONS AND SPECIES CAN BE BETTER
DETERMINED. SOME ADDITIONAL PLANTINGS MAY
BE PROVIDED AS REQUIRED FOR ORNAMENTAL
PURPOSES.

FENCED ENCLOSURE
BLACK ENCLOSEURE COATED

ONE ADDITIONAL LIGHT POLE WILL BE ADDED WITHIN THE MINI-GOLF COURSE, POLE AND FIXTURE SAME AS OTHER NEW LIGHTING. UNDERWATER LIGHTING WILL BE PROVIDED IN THE PONDS.

PARKING

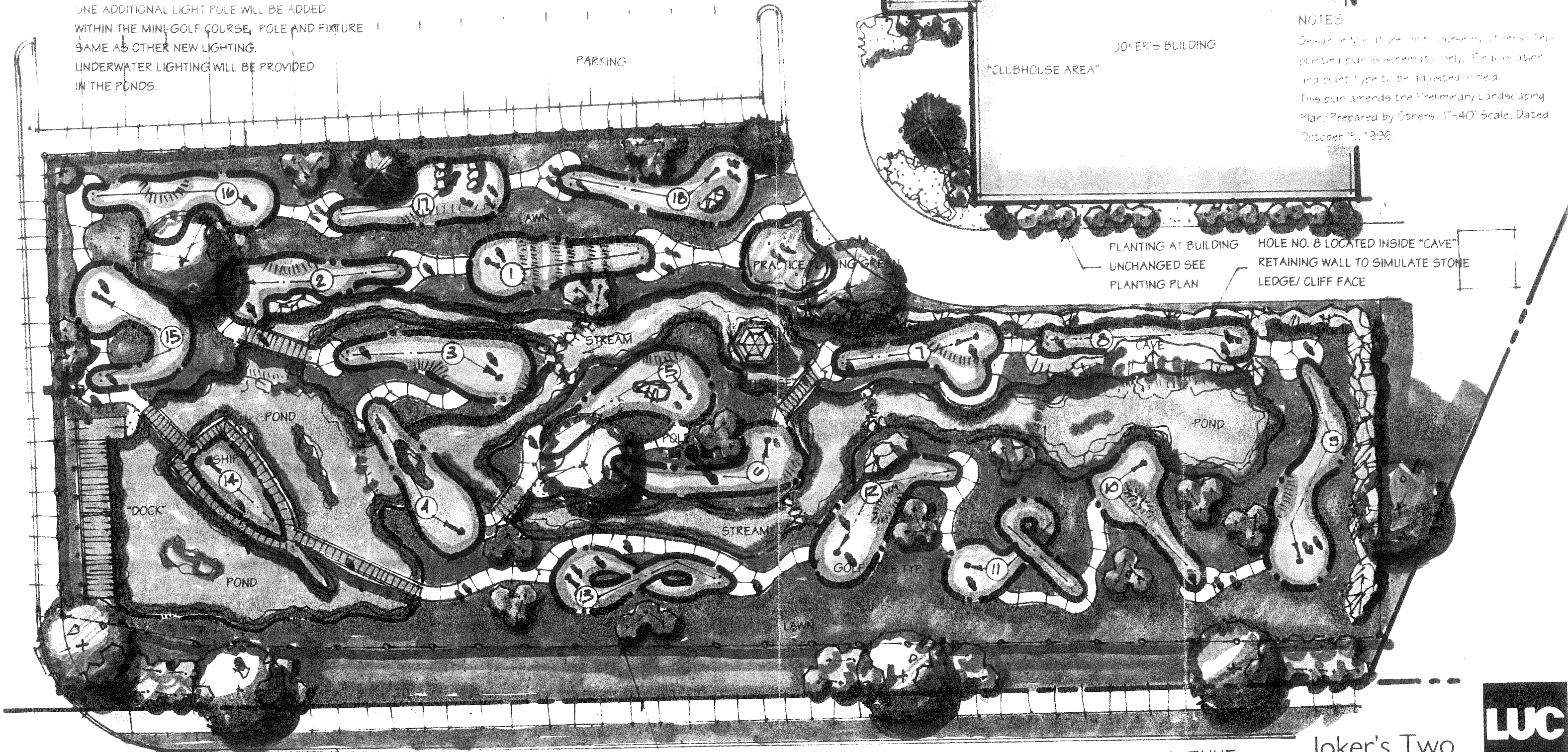


NOTES

Design of Mini-Golf Course, including all areas. This planting plan is schematic only. Final location and plant type to be adjusted in field. This plan amends the Preliminary Landscaping Plan, Prepared by Others, 1"=40' Scale, Dated October 15, 1996.

PLANTING AT BUILDING UNCHANGED SEE PLANTING PLAN

HOLE NO. 8 LOCATED INSIDE "CAVE" RETAINING WALL TO SIMULATE STONE LEDGE/CLIFF FACE



FENCED ENCLOSURE - BLACK COATED

WARREN AVENUE

Joker's Two



NOTE:

THIS PLAN DEPICTS THE SAME NUMBER AND SPECIES OF PLANT MATERIALS SHOWN ON THE PLANTING PLAN DATED OCT. 15, 1996. SOME PLANTINGS PREVIOUSLY SHOWN ALONG WARREN AVENUE HAVE BEEN RELOCATED INTO THE MINI-GOLF COURSE.

THE OWNER WILL ARRANGE SHRUBS IN THE FIELD AFTER COMPLETION OF THE MINIATURE GOLF COURSE HOLES WHEN THE FINAL PLANT LOCATIONS AND SPECIES CAN BE BETTER DETERMINED. SOME ADDITIONAL PLANTINGS MAY BE PROVIDED AS REQUIRED FOR ORNAMENTAL PURPOSES.

Mini-Golf Planting Schematic

Joker's Two Family Fun and Games
510 WARREN AVENUE PORTLAND, ME
Date 9 September 1997 Scale: 1"=20'

Developed by:
Jokers Two, Inc.

Planners, Engineers, Landscape Architects:
Land Use Consultants, Inc.

966 Riverside Street
Portland, Maine 04103
Tel: 207-479-3313 Fax: 207-873-0200

ADDITIONAL LIGHT POLE WILL BE ADDED WITHIN THE MINI-GOLF COURSE. POLE AND FIXTURE SAME AS OTHER NEW LIGHTING. UNDERWATER LIGHTING WILL BE PROVIDED IN THE PONDS.

PHOTO AREA

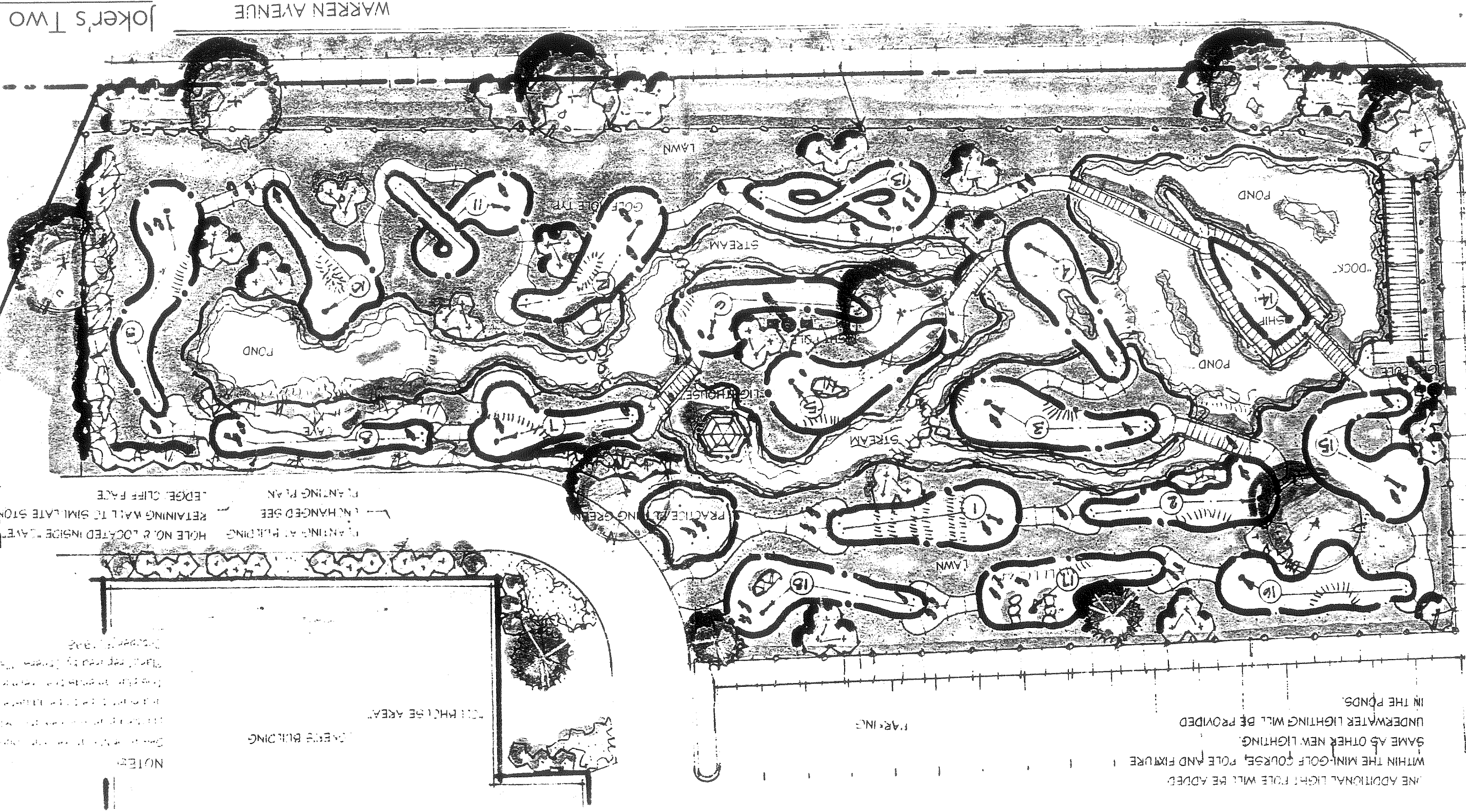
SERVER BUILDING

NOTE:

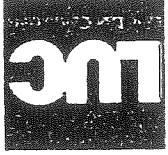
Planting materials shown on this plan depict the same number and species of plant materials shown on the planting plan dated Oct. 15, 1996. Some plantings previously shown along Warren Avenue have been relocated into the mini-golf course. The owner will arrange shrubs in the field after completion of the miniature golf course holes when the final plant locations and species can be better determined. Some additional plantings may be provided as required for ornamental purposes.

PLANTING AT BUILDING HOLE NO. 2 LOCATED INSIDE "CAVE" RETAINING WALL TO SIMULATE STORE EDGE CLIFF FACE

PLANTING PLAN UNCHANGED SEE PRACTICE GREEN



Joker's Two



Mini-Golf Planting Schematic

Joker's Two Family Fun and Games
510 WARREN AVENUE ASPH STAND, MI
Date: September 1997 Scale: 1/8" = 1'-0"

Developed by:
Jokers Two, Inc.

Planners, Engineers, Landscape Architects:
Land Use Consultants, Inc.

500 Riverside Street
Ann Arbor, MI 48107
Tel: 734.769.1100

NOTE:
THIS PLAN DEPICTS THE SAME NUMBER AND SPECIES OF PLANT MATERIALS SHOWN ON THE PLANTING PLAN DATED OCT. 15, 1996. SOME PLANTINGS PREVIOUSLY SHOWN ALONG WARREN AVENUE HAVE BEEN RELOCATED INTO THE MINI-GOLF COURSE.

THE OWNER WILL ARRANGE SHRUBS IN THE FIELD AFTER COMPLETION OF THE MINIATURE GOLF COURSE HOLES WHEN THE FINAL PLANT LOCATIONS AND SPECIES CAN BE BETTER DETERMINED. SOME ADDITIONAL PLANTINGS MAY BE PROVIDED AS REQUIRED FOR ORNAMENTAL PURPOSES.

CONCEPTUAL DRAINAGE SKETCH

1" = 20'



Joker's Two
LUC

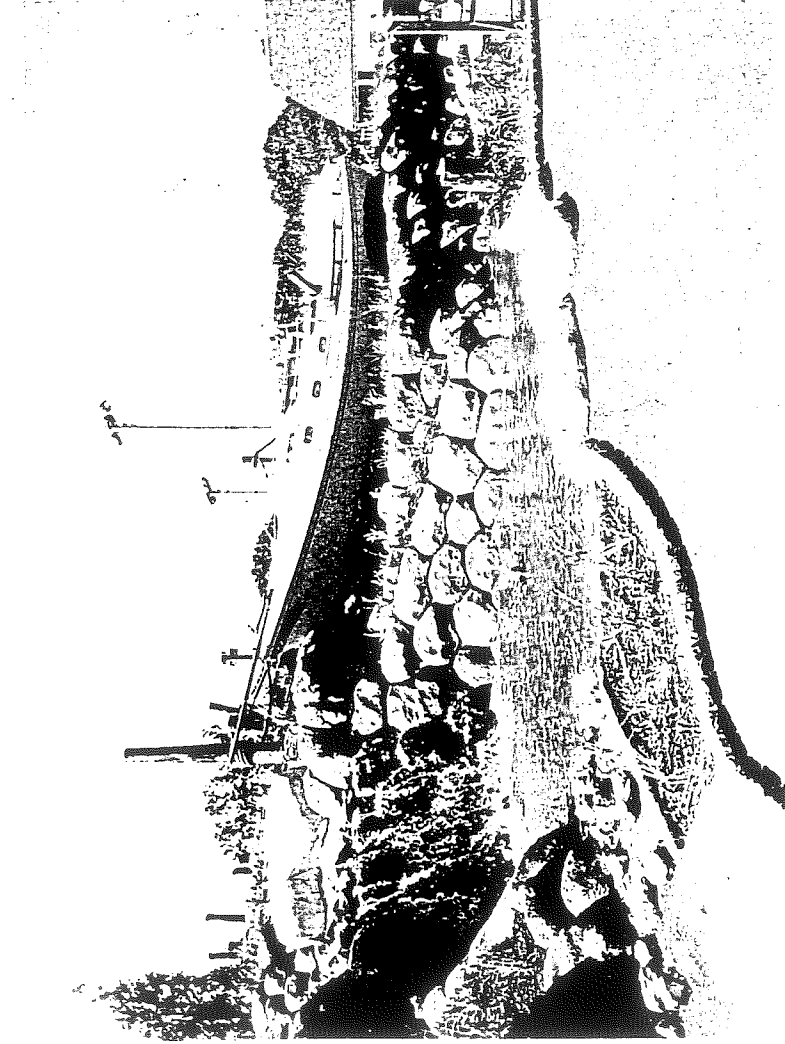
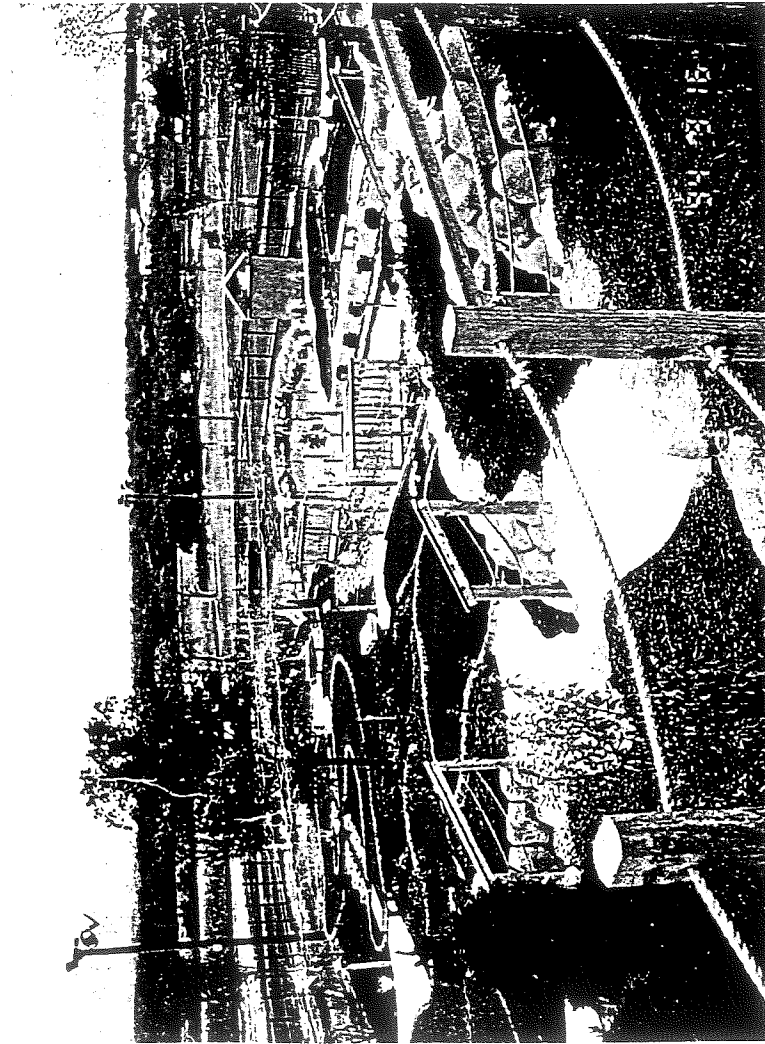
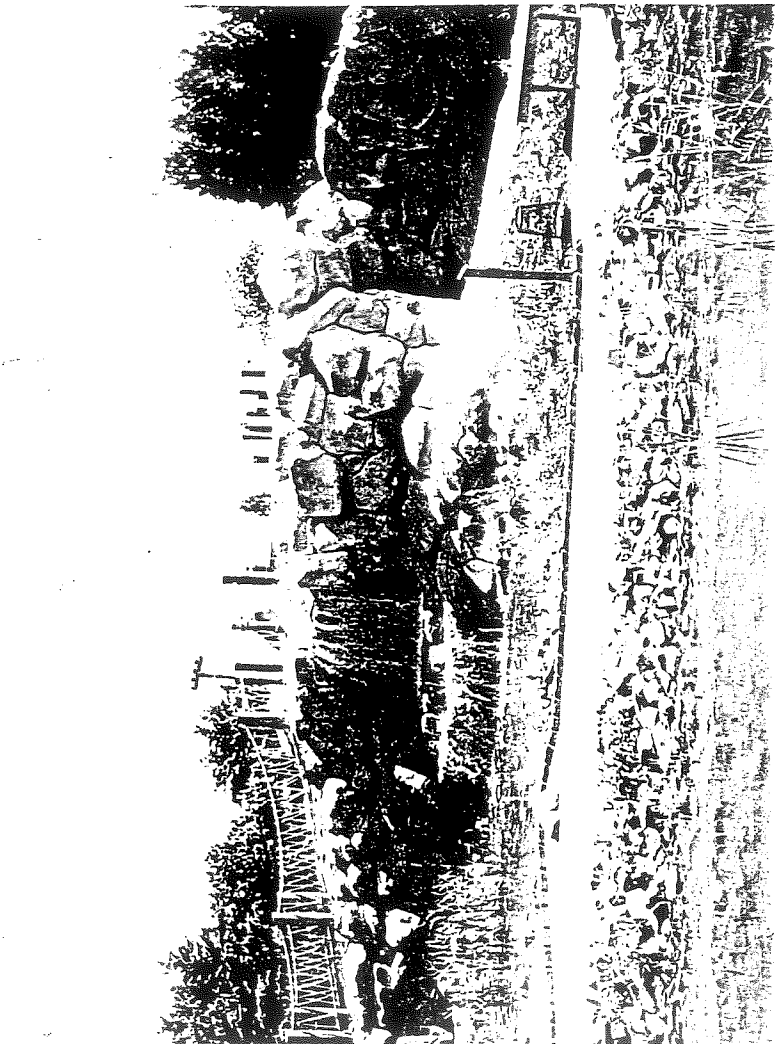
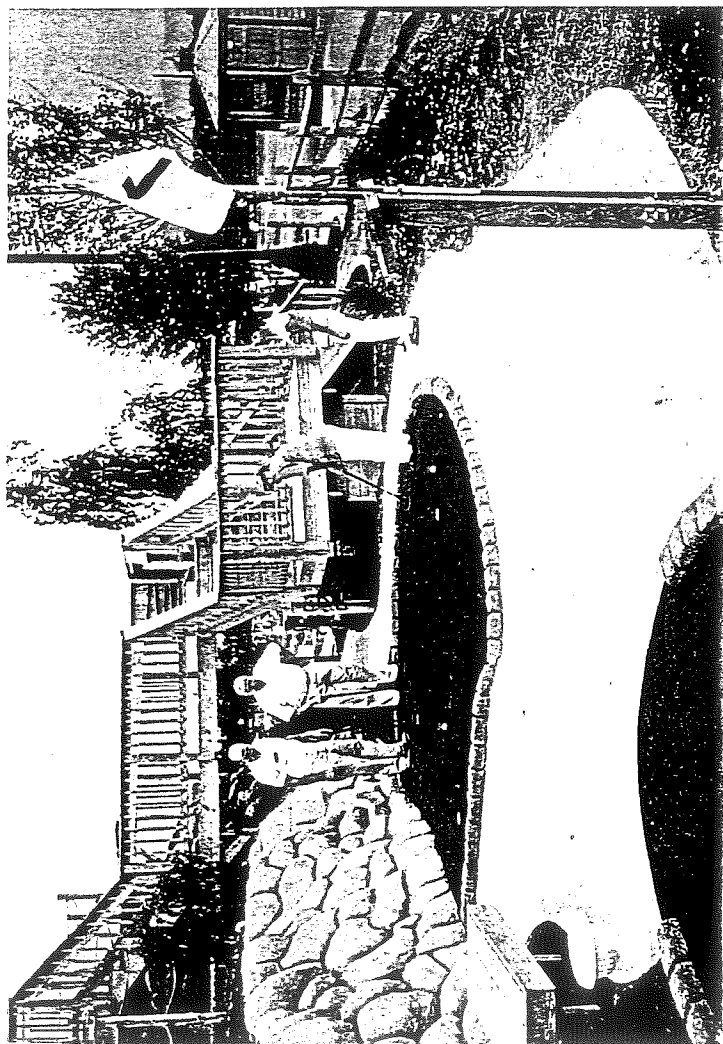
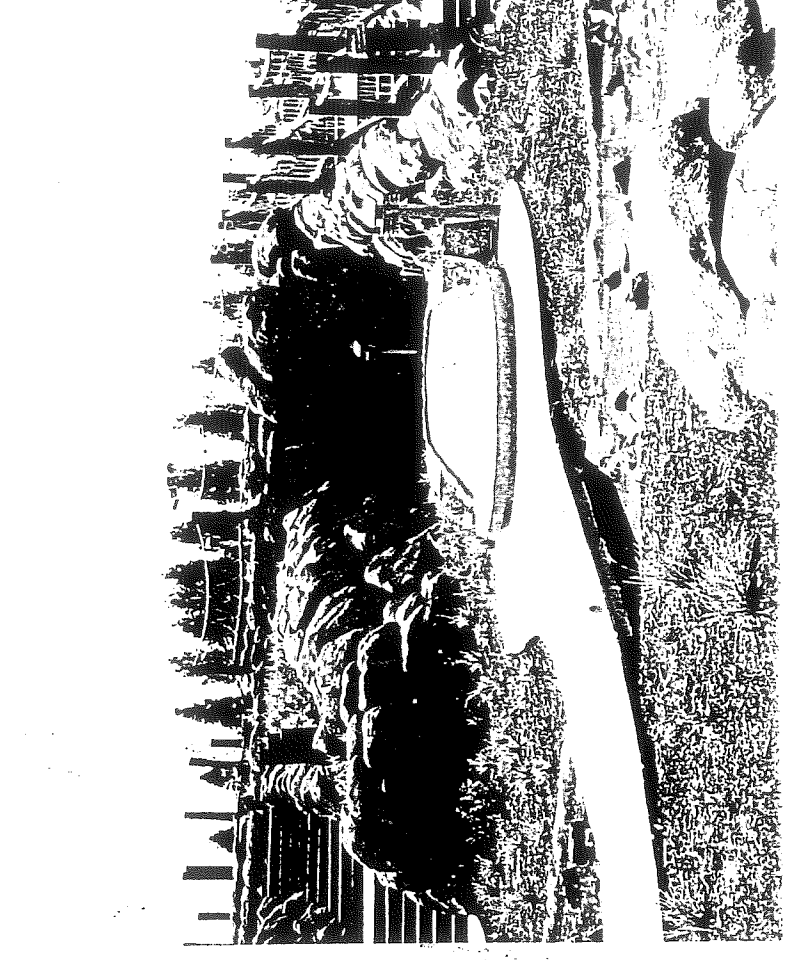
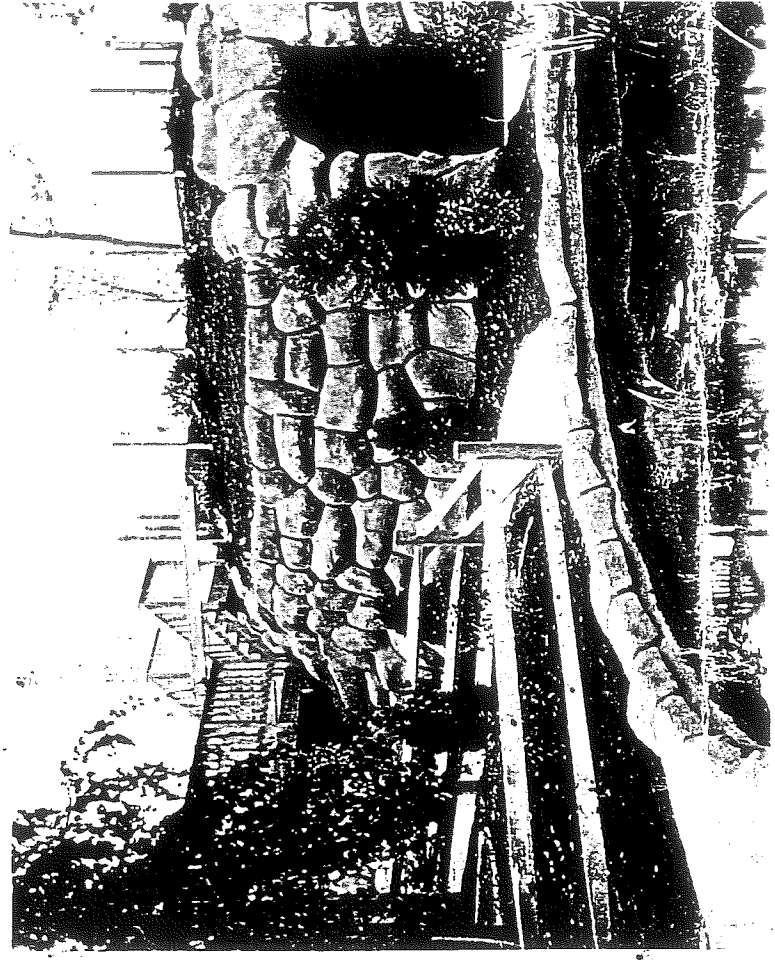
Mini-Golf Planting Schematic

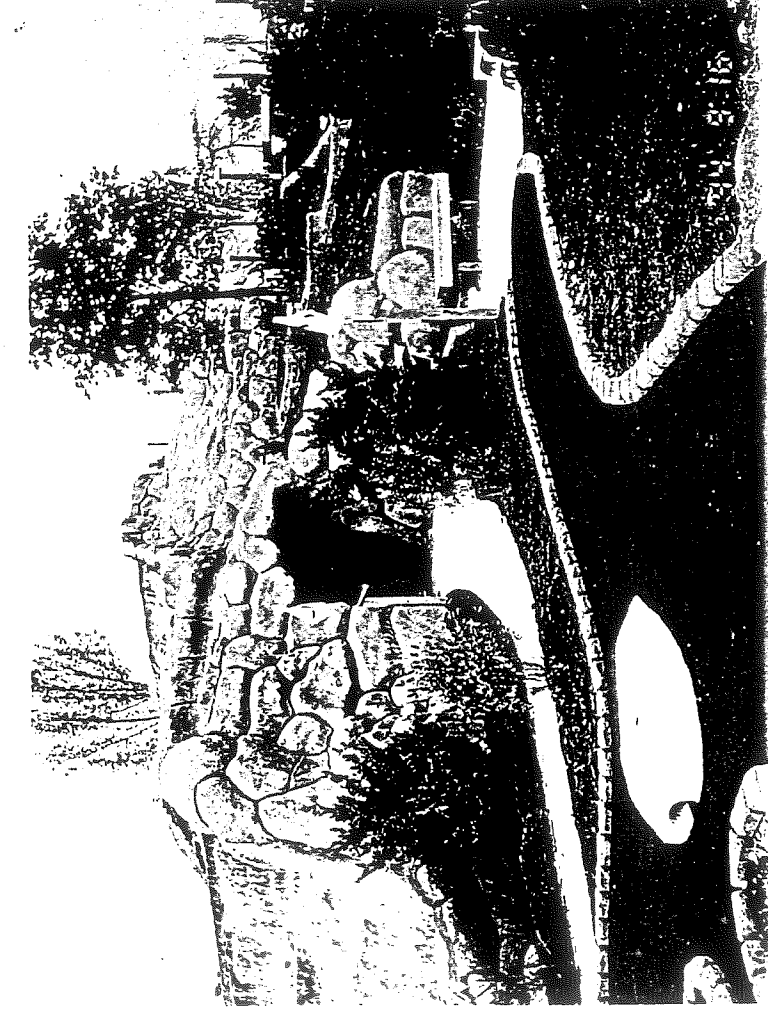
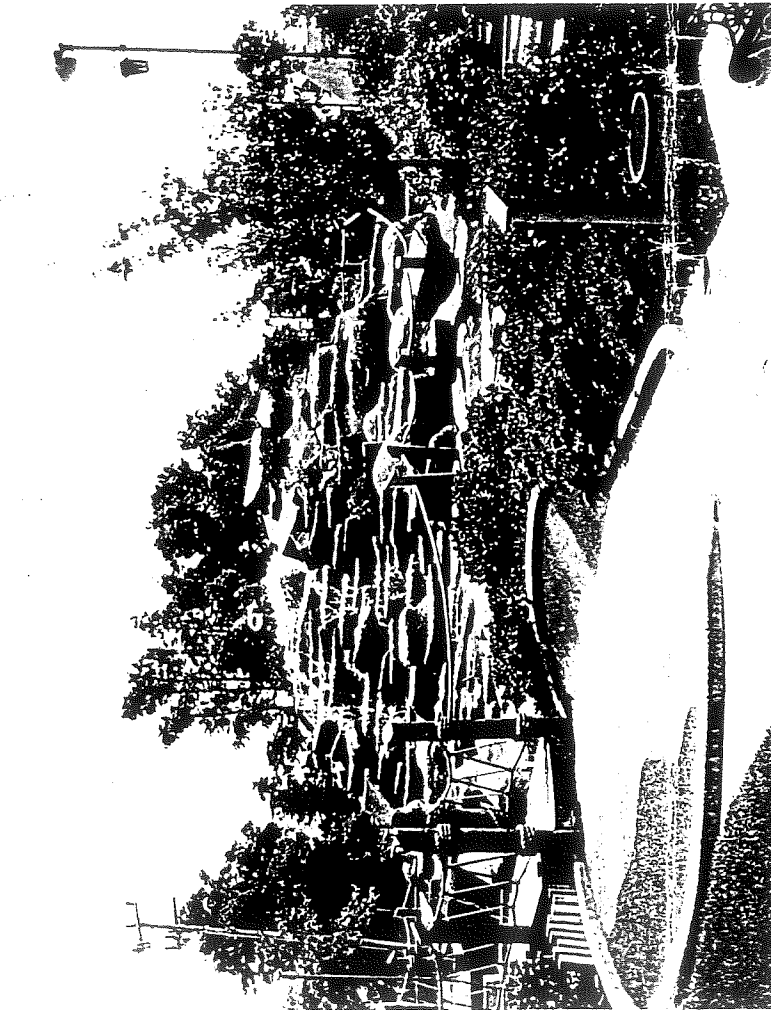
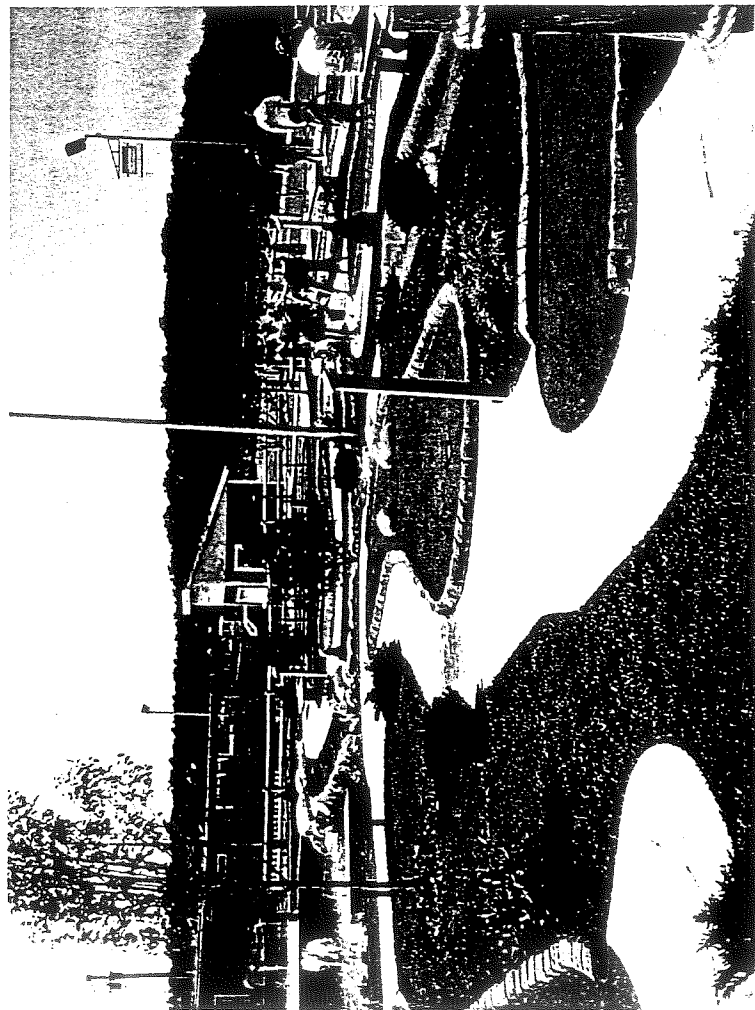
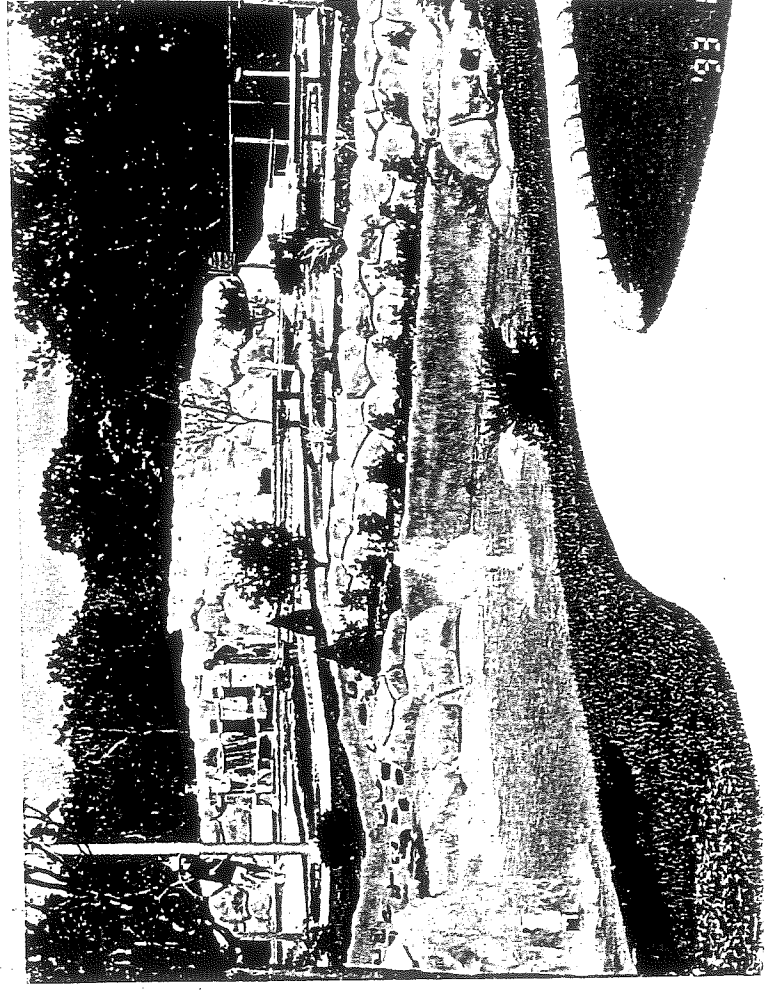
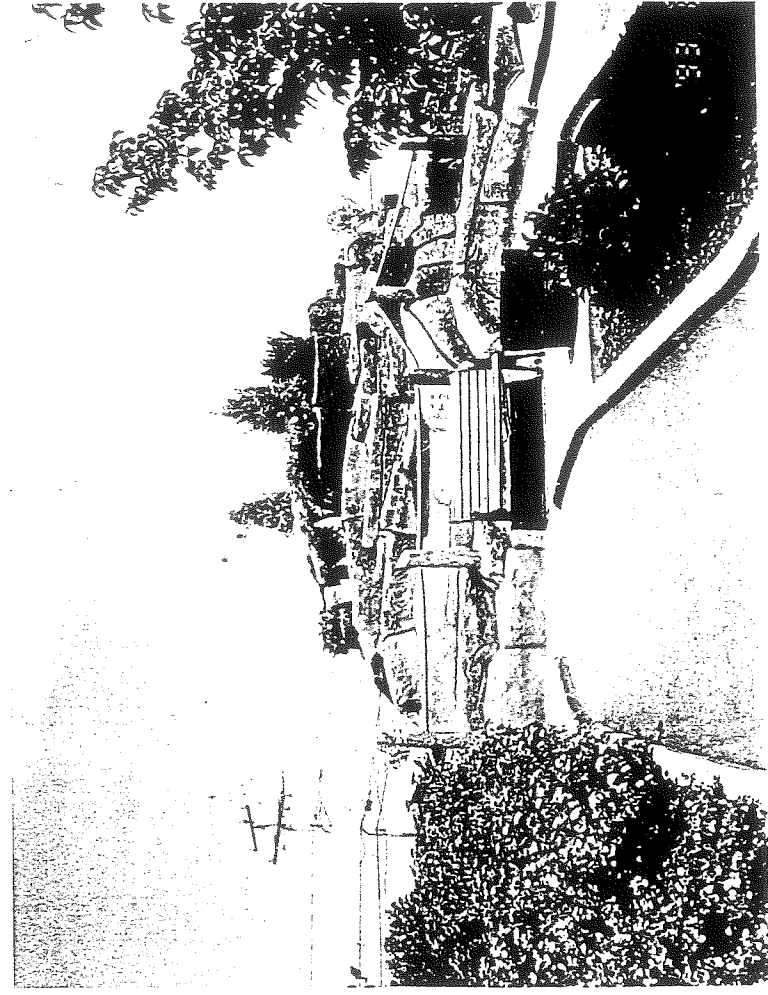
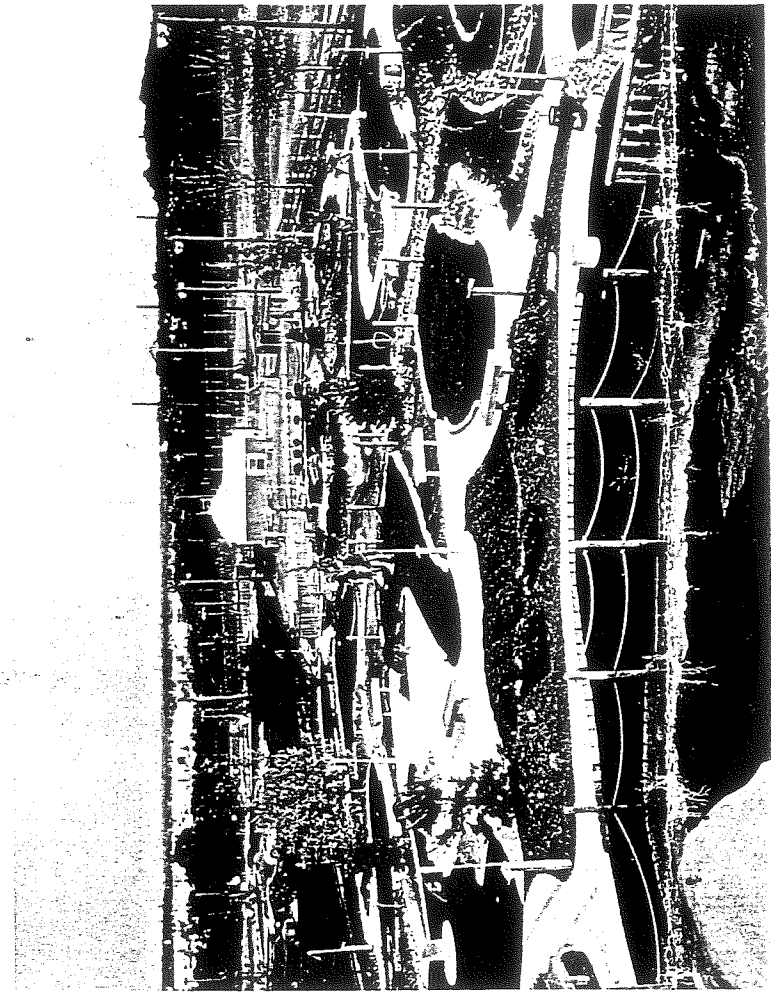
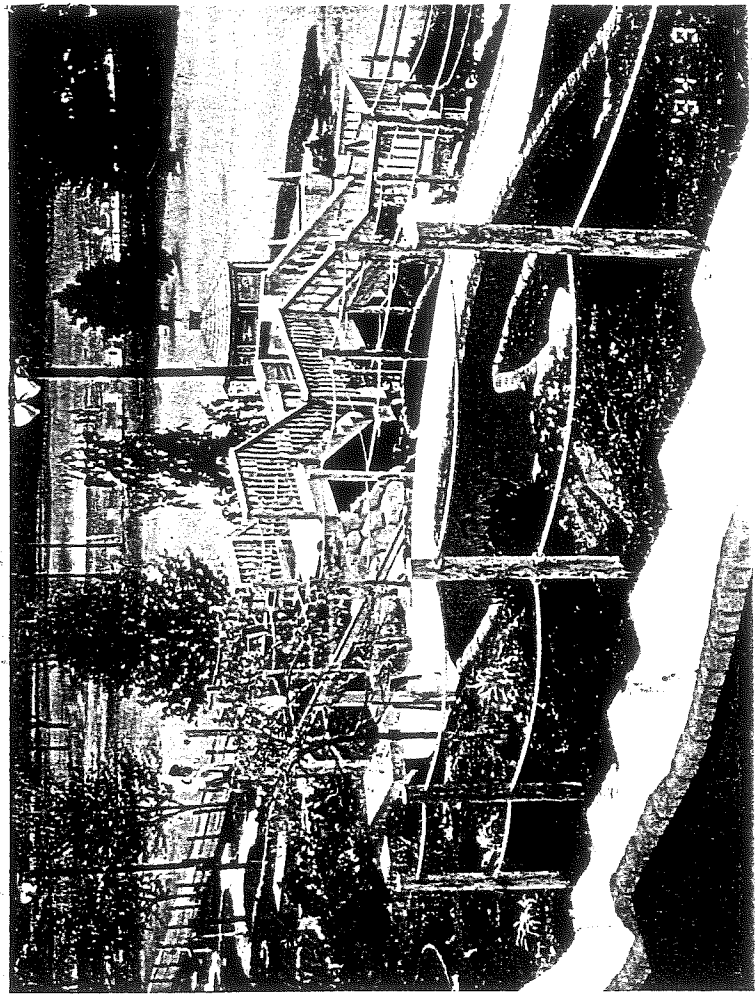
Joker's Two Family Fun and Games
 510 WARREN AVENUE
 PORTLAND, ME

Developed by:
 Jokers Two, Inc.
 Date: 9 September 1997
 Scale: 1"=20'

Planners, Engineers, Landscape Architects:
 Land Use Consultants, Inc.
 960 Riverside Street
 Portland, Maine 04103
 Tel: 207 878 3313 Fax: 207 878 0220
 mlu_indus@swinet.net

NOTES
 C-7
 Design of miniature Golf course by Jensen. The
 planting plan is schematic only. Final location
 and plant type to be adjusted in field.
 This plan amends the Preliminary Landscaping
 Plan, Prepared by Jensen, 1"=40' Scale. Dated
 October 5, 1996.





Creative Concepts

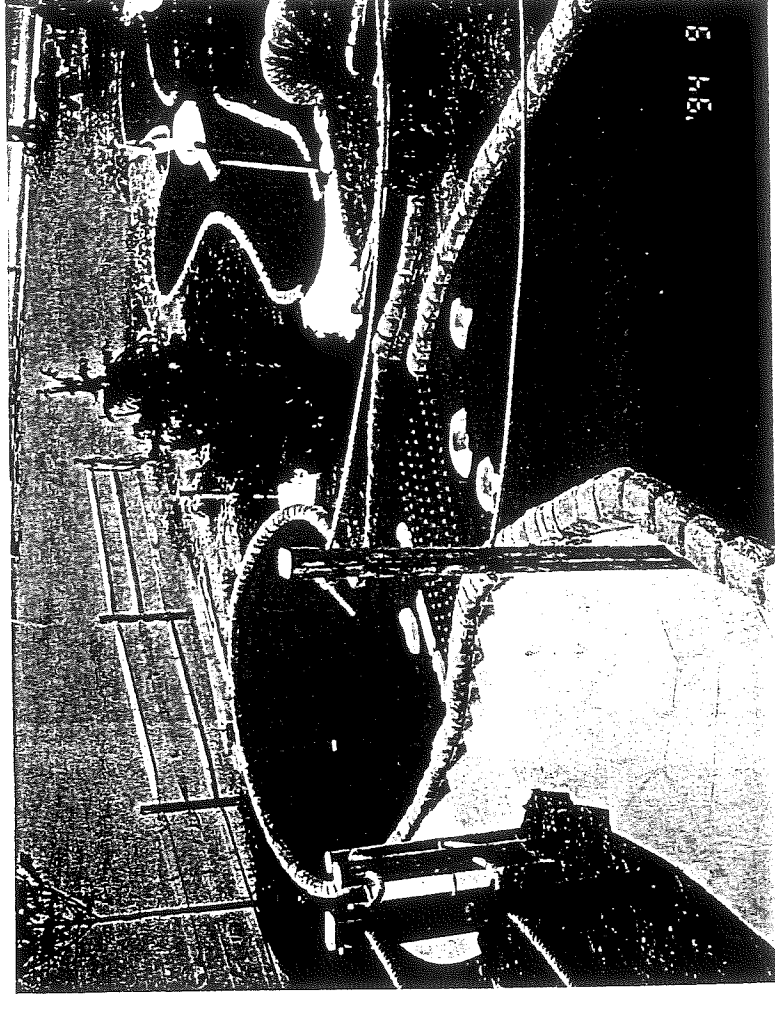
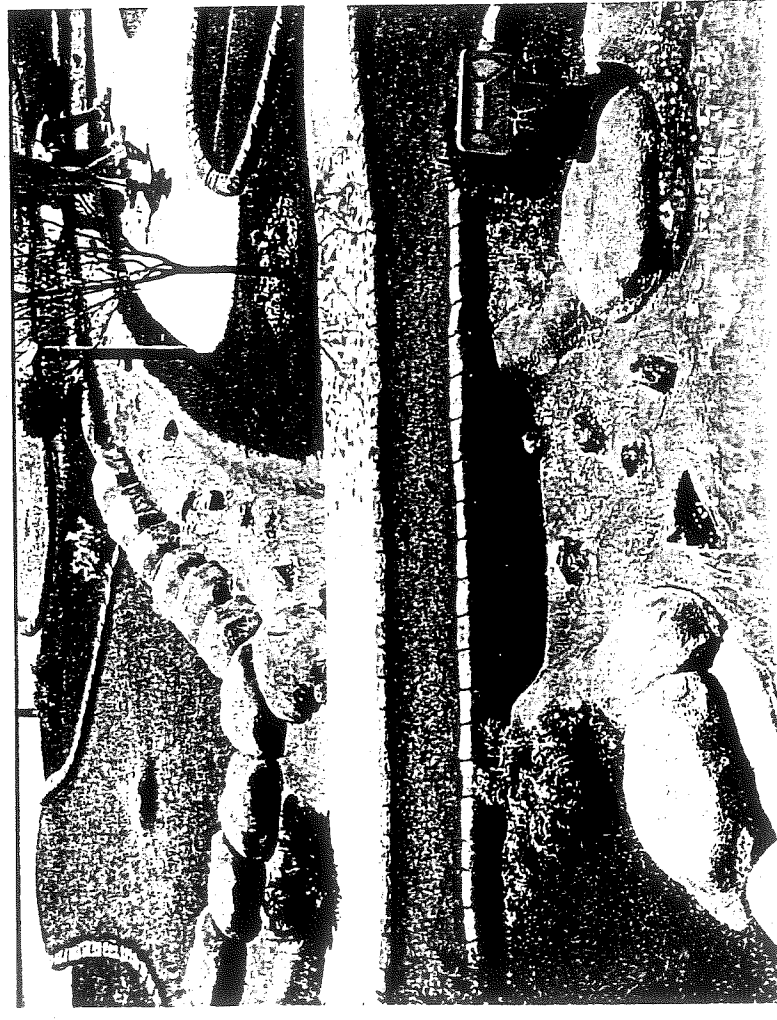
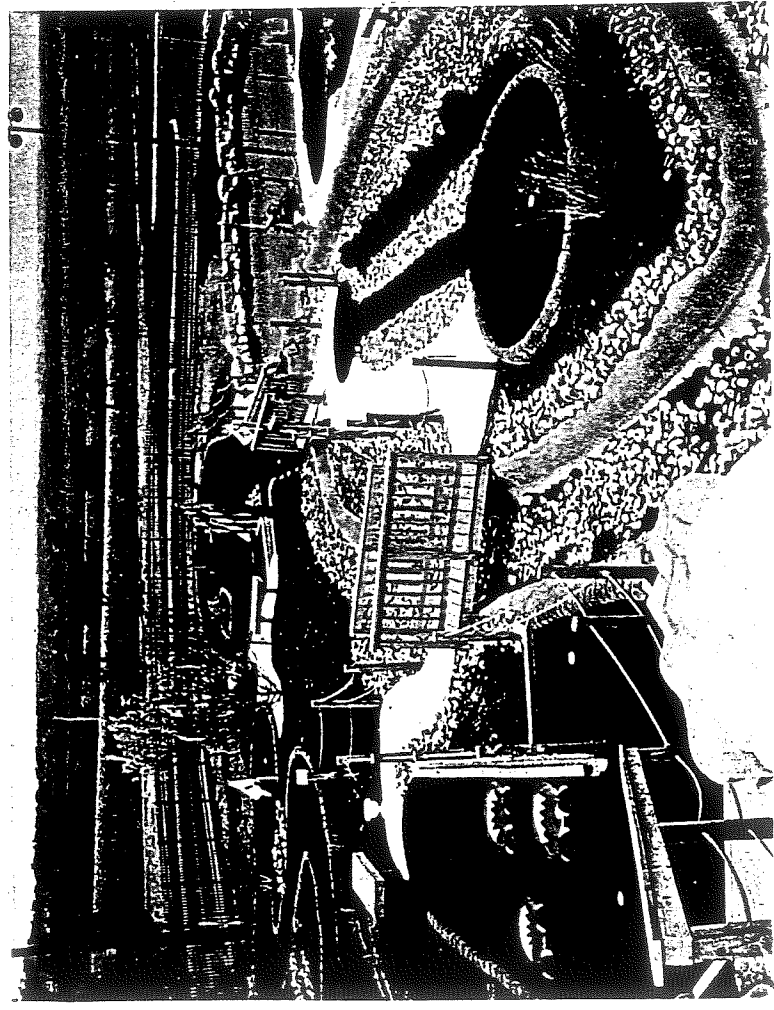
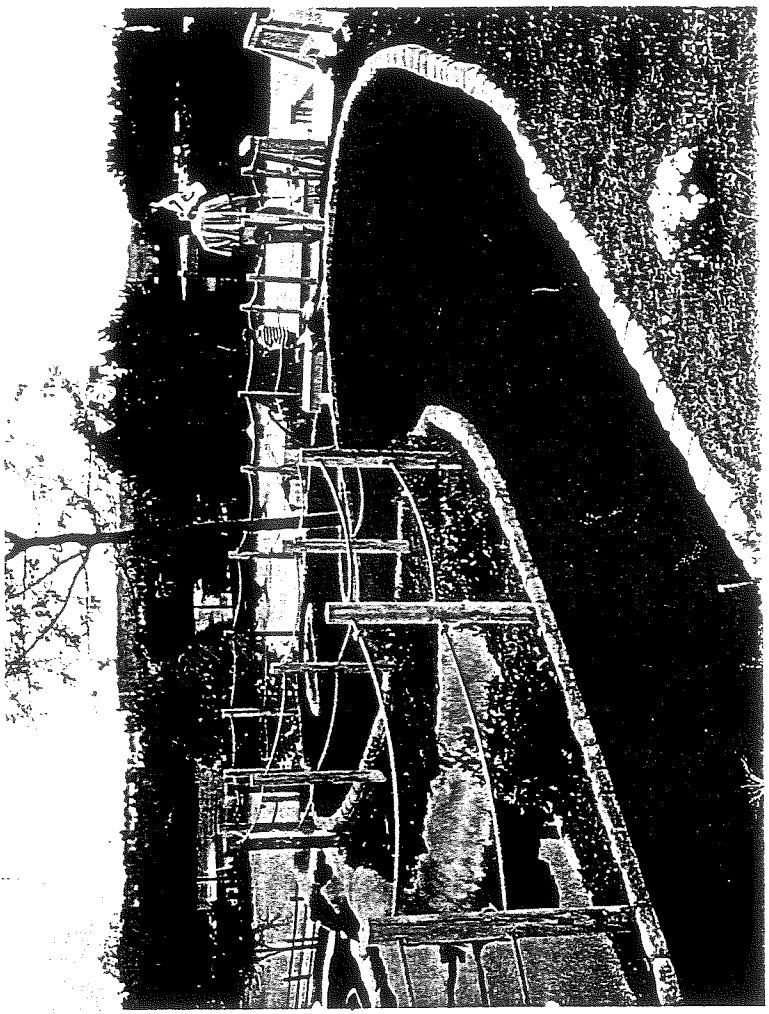
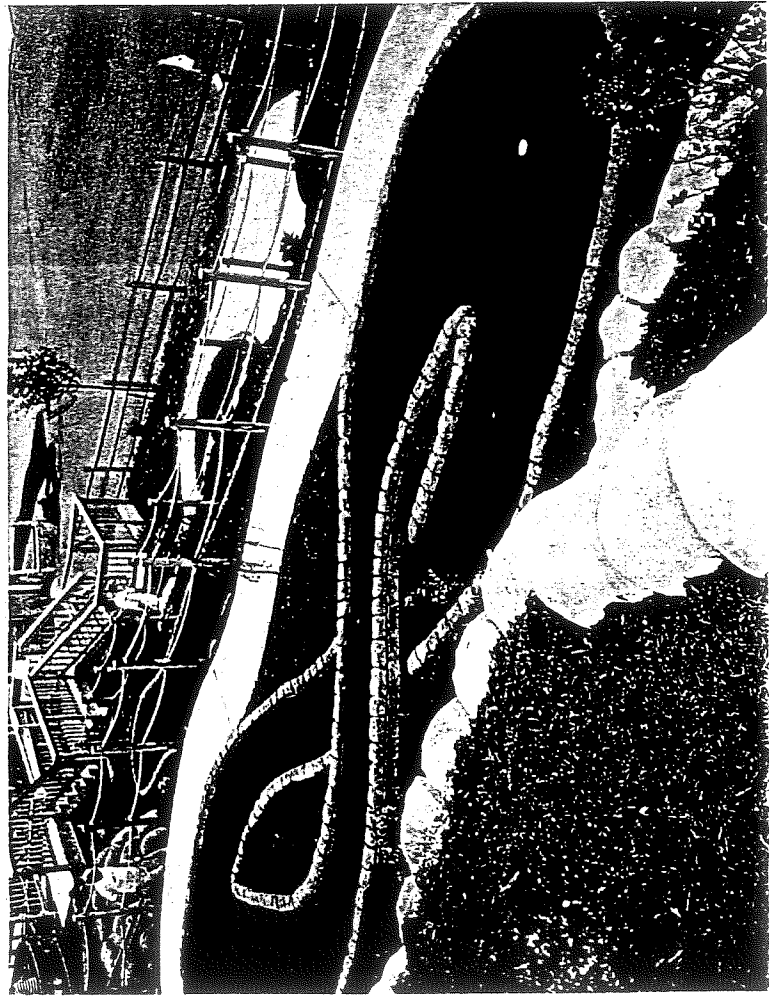
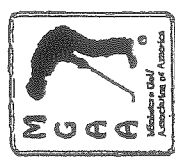
Designing and Building

"Adventure Golf the Creative Way"



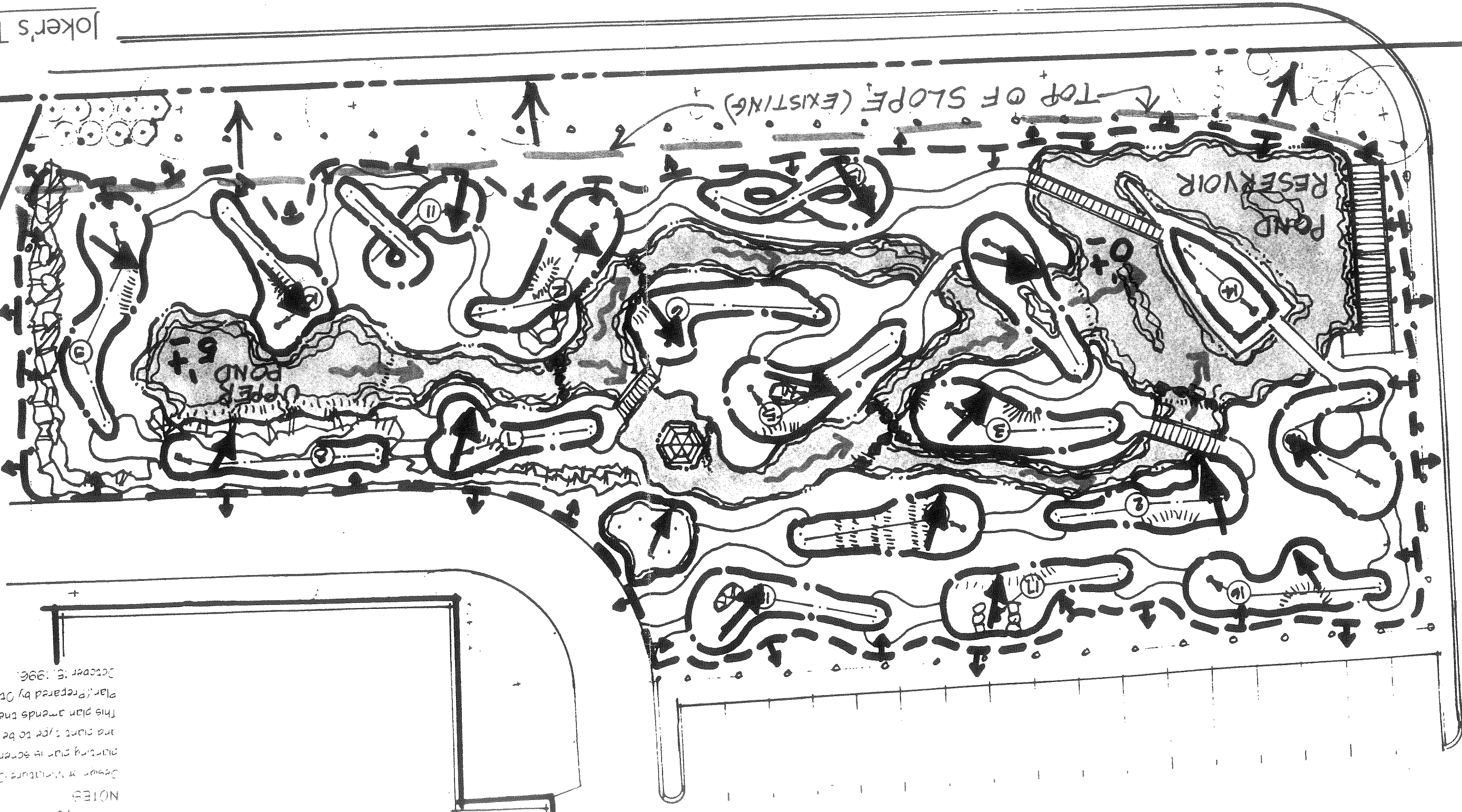
P O Box 1082
Centerville, MA 02632
508-790-1146

Member



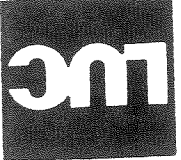
CONCEPTUAL DRAINAGE SKETCH

1" = 20'



NOTES
 Drawn in miniature Golf course by Jokers. This
 planting plan is schematic only. Final location
 and plant type to be adjusted in field.
 This plan amends the Preliminary Landscaping
 Plan (Prepared by Others), 1"=40' Scale, Dated
 October 15, 1996.

Jokers's Two

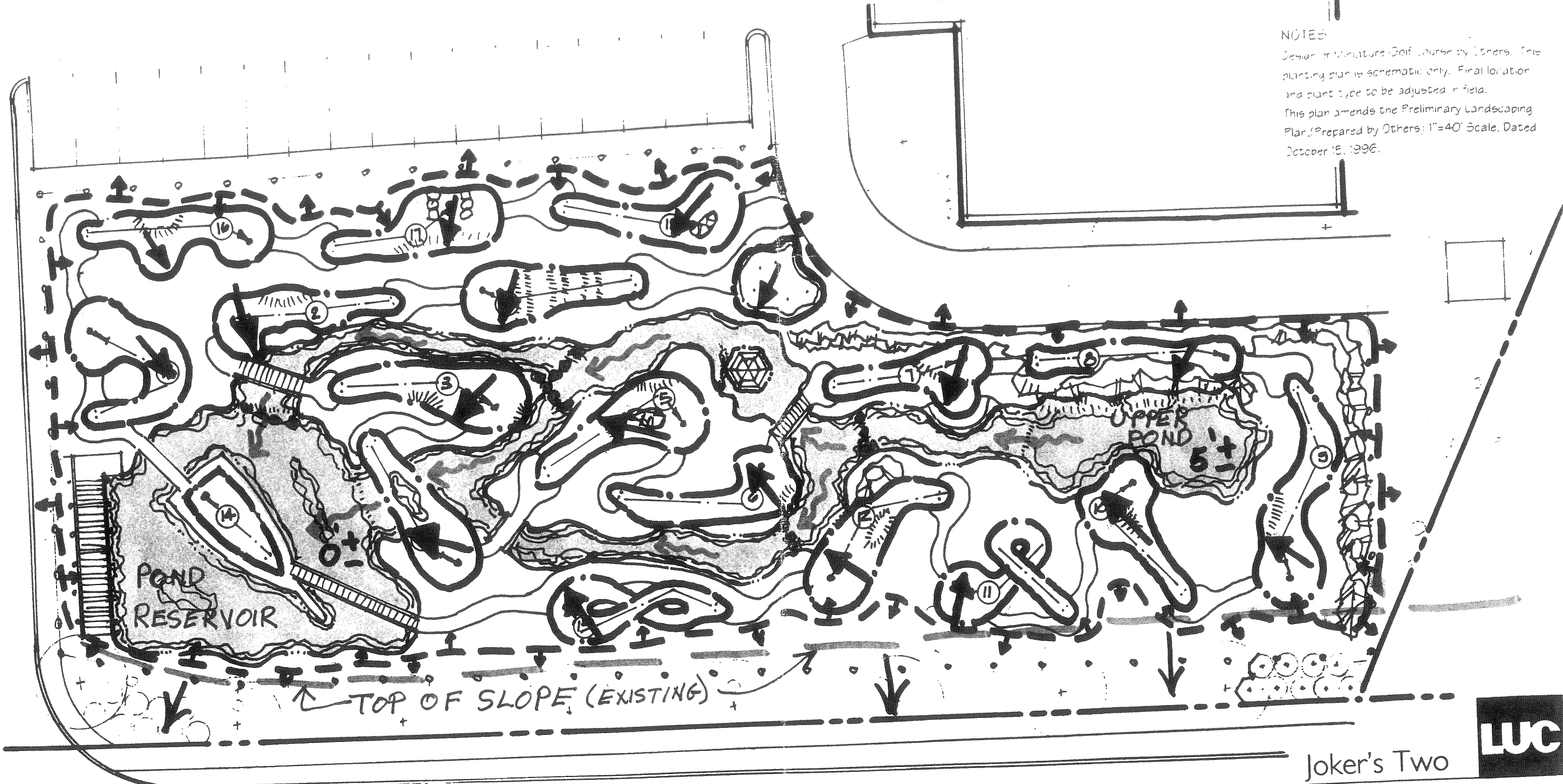


Mini-Golf Planting Schematic
 Jokers's Two Family Fun and Games
 510 WARREN AVENUE PORTLAND, ME
 Developed by:
 Jokers Two, Inc.
 Planners, Engineers, Landscape Architects:
 Land Use Consultants, Inc.
 960 Riverside Street
 Portland, Maine 04103
 Tel: 207 879 3313 Fax: 207 879 0200
 ma_landuse@jwinet.net

Date: 9 September 1997
 Scale: 1"=20'

NOTES

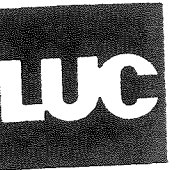
Design of Miniature Golf Course by Others. This planting plan is schematic only. Final location and plant type to be adjusted in field. This plan amends the Preliminary Landscaping Plan (Prepared by Others) 1"=40' Scale, Dated October 15, 1996.



CONCEPTUAL DRAINAGE SKETCH

1" = 20'

Joker's Two

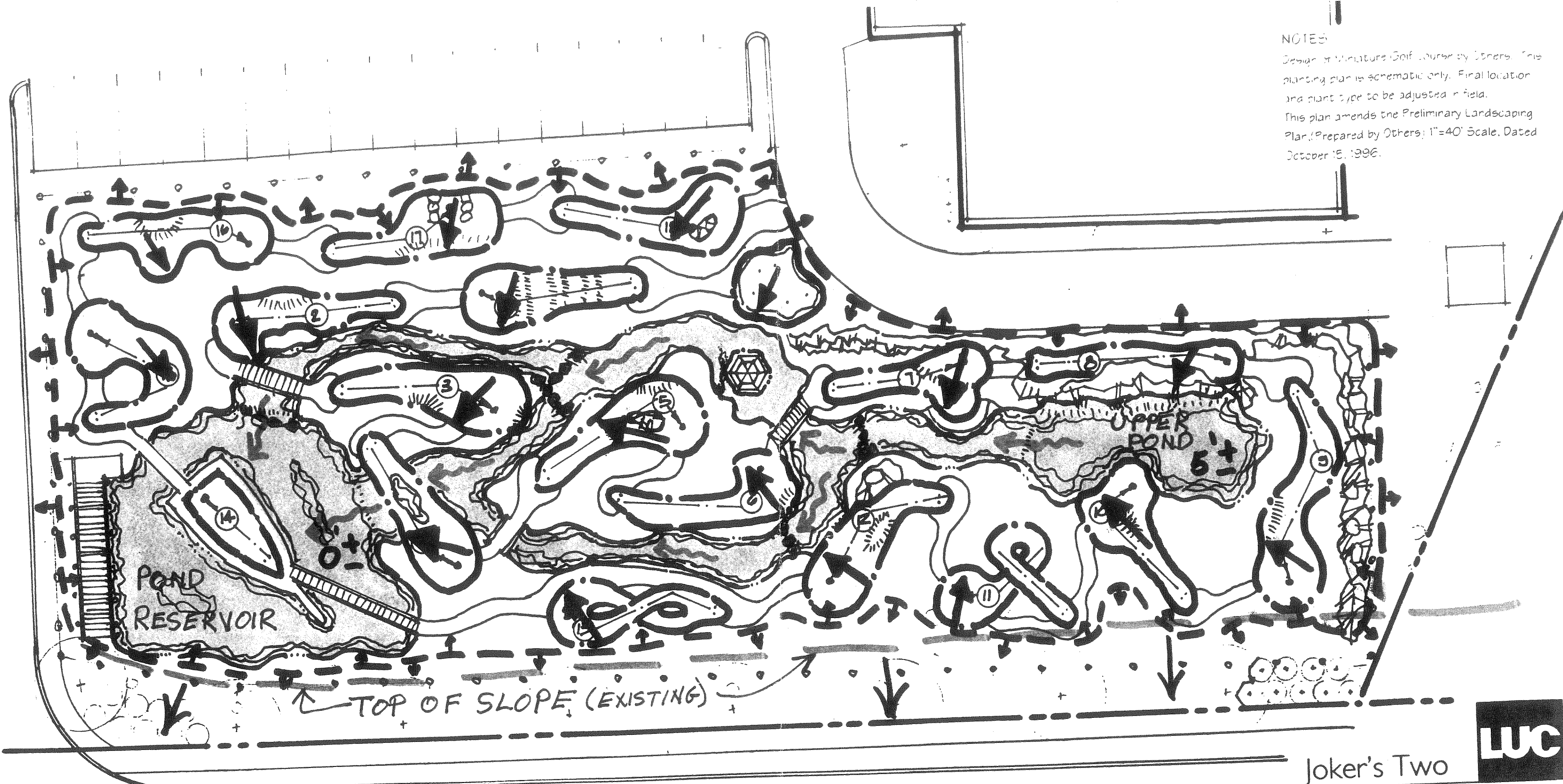


Mini-Golf Planting Schematic
Joker's Two Family Fun and Games
510 WARREN AVENUE PORTLAND, ME
Date: 9 September 1997 Scale: 1"=20'

Developed by:
Jokers Two, Inc.
Planners, Engineers, Landscape Architects:
Land Use Consultants, Inc.
960 Riverside Street
Portland, Maine 04103
Tel: 207 878 3313 Fax: 207 878 0200
mail: landuse@jsw.net

NOTES

Design of Miniature Golf Course by Others. This planting plan is schematic only. Final location and plant type to be adjusted in field. This plan amends the Preliminary Landscaping Plan, (Prepared by Others) 1"=40' Scale, Dated October 18, 1996.



CONCEPTUAL DRAINAGE SKETCH

1" = 20'

Joker's Two

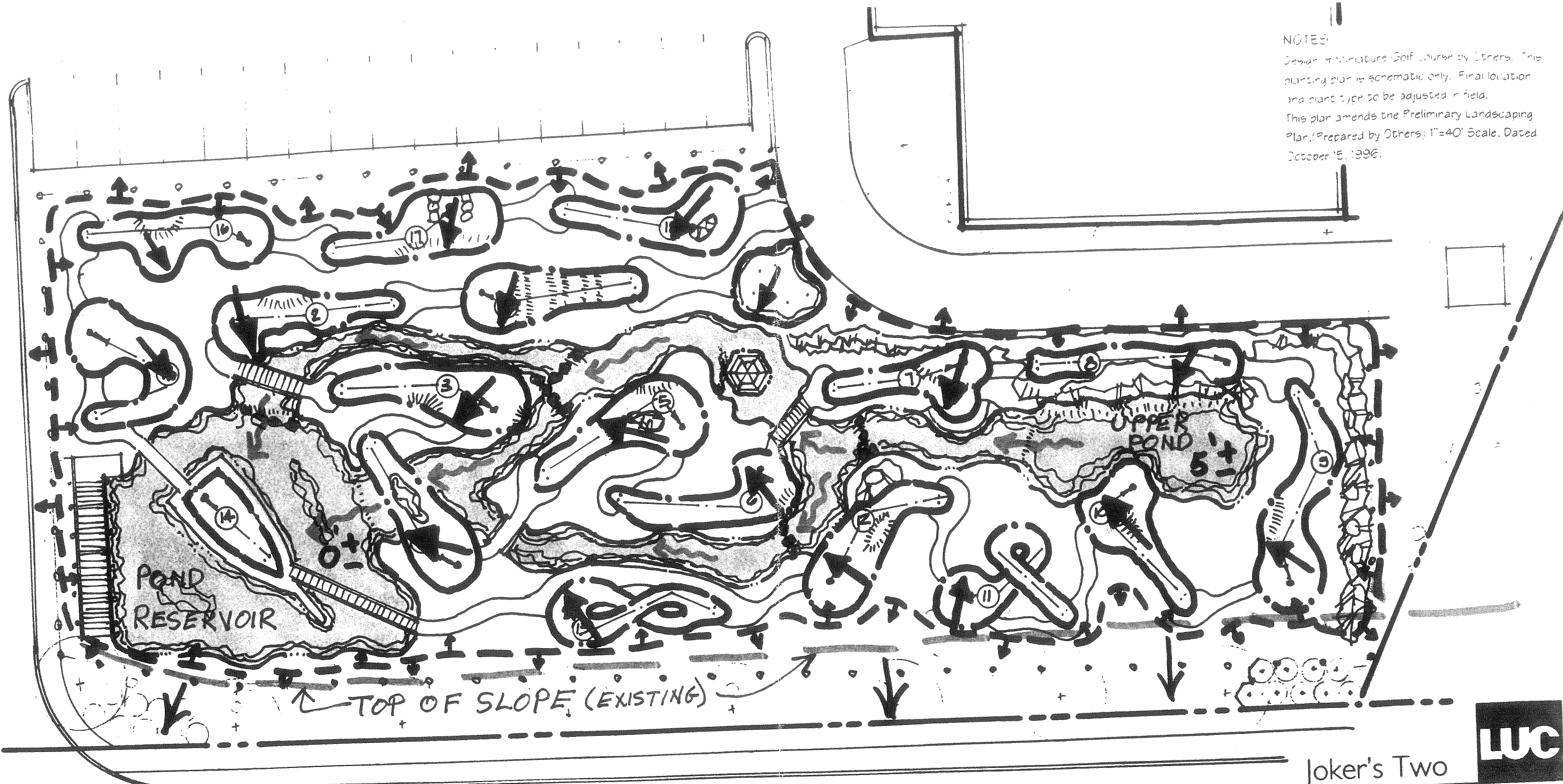


Mini-Golf Planting Schematic
Joker's Two Family Fun and Games
510 WARREN AVENUE PORTLAND, ME
Date: 9 September 1997 Scale: 1"=20'

Developed by:
Jokers Two, Inc.
Planners, Engineers, Landscape Architects:
Land Use Consultants, Inc.
960 Riverside Street
Portland, Maine 04103
Tel: 207 878 3313 Fax: 207 878 020
mail: landuse@jtw.net

NOTES

Design of Miniature Golf Course by Others. This planting plan is schematic only. Final location and plant type to be adjusted in field. This plan amends the Preliminary Landscaping Plan, (Prepared by Others) 1"=40' Scale, Dated October 15, 1996.



CONCEPTUAL DRAINAGE SKETCH

1" = 20'

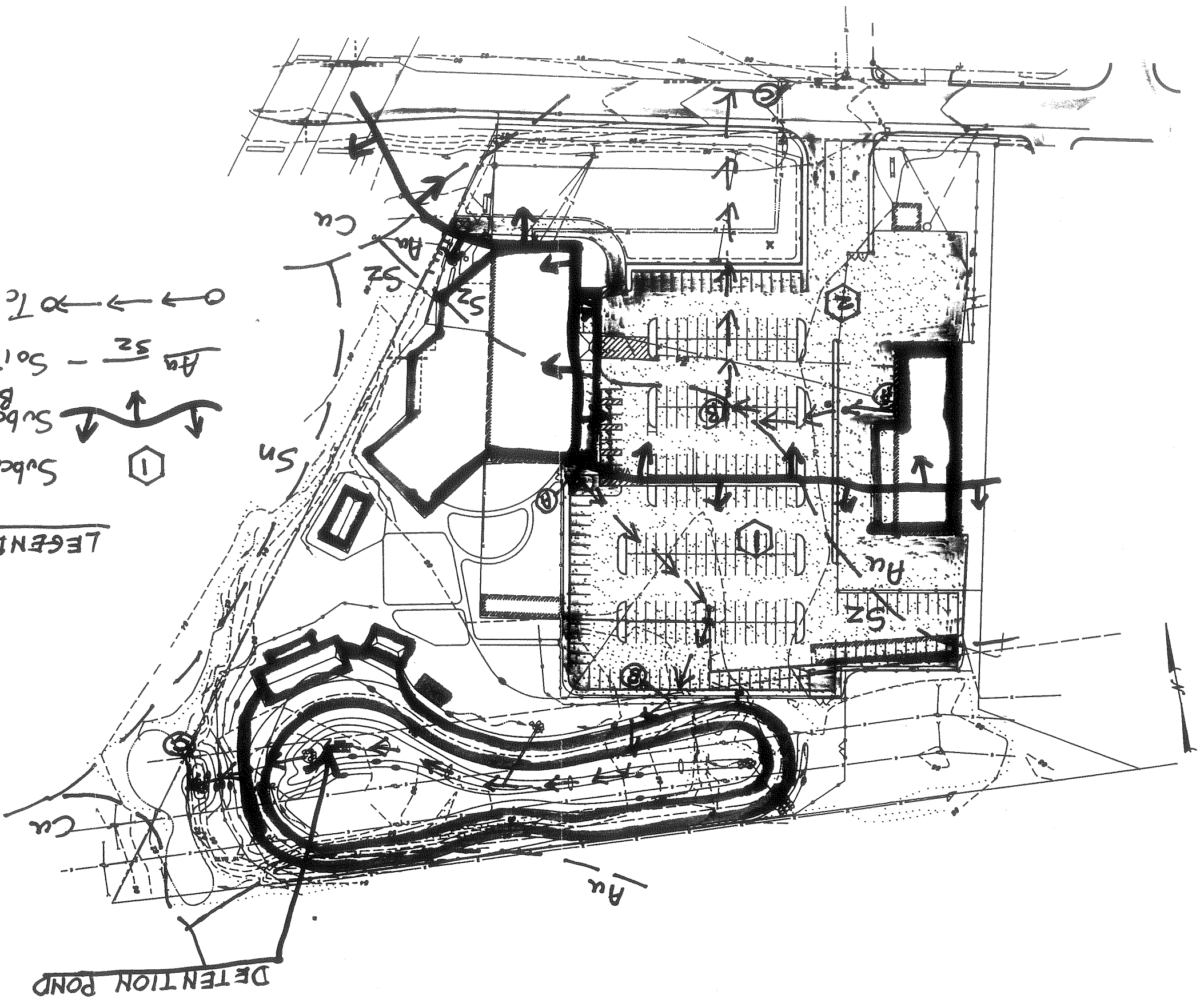
Joker's Two






Mini-Golf Planting Schematic
Joker's Two Family Fun and Games
510 WARREN AVENUE PORTLAND, ME
Date: 9 September 1997 Scale: 1"=20'

Developed by:
Jokers Two, Inc.
Planners, Engineers, Landscape Architects:
Land Use Consultants, Inc.

960 Riverside Street
Portland, Maine 04103
Tel: 207 878 3313 Fax: 207 878 0200
mail: landuse@swinet



LEGEND

 Subcatchment Boundary
 Subcatchment
 To Te Flowpath

TITLE: POST DEVELOPMENT DRAINAGE PLAN

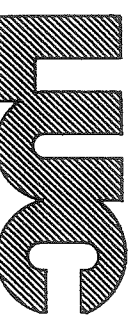
SCALE: 1" = 100'

DATE: 10-01-96

PREPARED FOR:

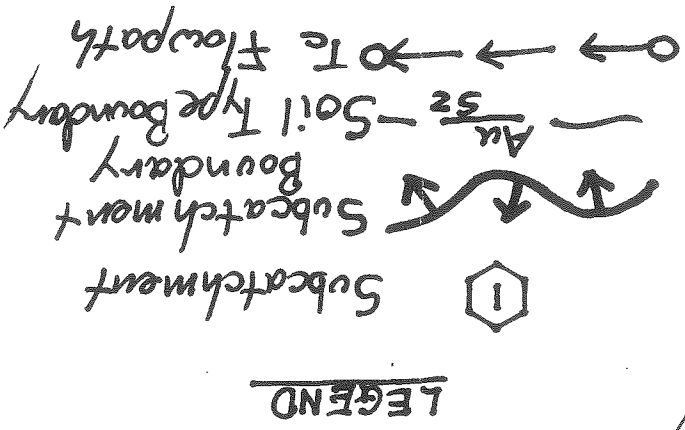
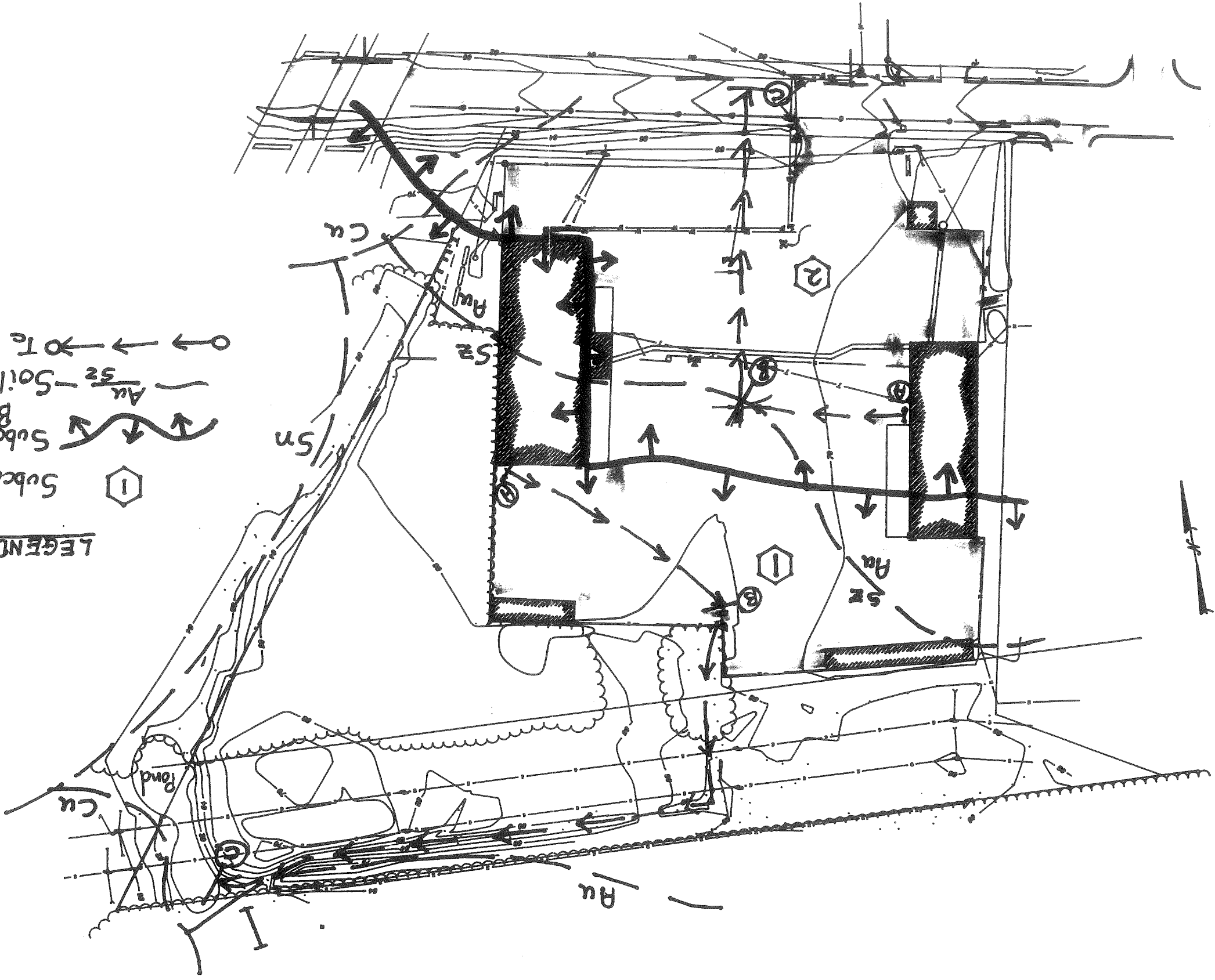
JOKERS TWO, INC.
510 WARREN AVENUE
PORTLAND, MAINE

2460A LAFAYETTE RD, PORTSMOUTH, NH 03801



LAND USE CONSULTANTS, INC.
Land Planners * Engineers * Surveyors
966 Riverside Street Portland, Maine 04103
207-878-3313

REFERENCE: 



LEGEND

TITLE: PRE DEVELOPMENT
DRAINAGE PLAN

PREPARED FOR:
JOKERS TWO, INC.
510 WARREN AVENUE
PORTLAND, MAINE

LUC
LAND USE CONSULTANTS, INC.
Land Planners * Engineers * Surveyors
966 Riverside Street Portland, Maine 04103
207-878-3313

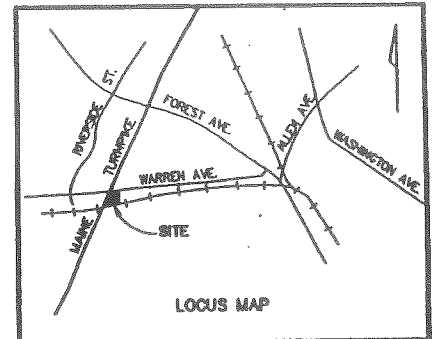
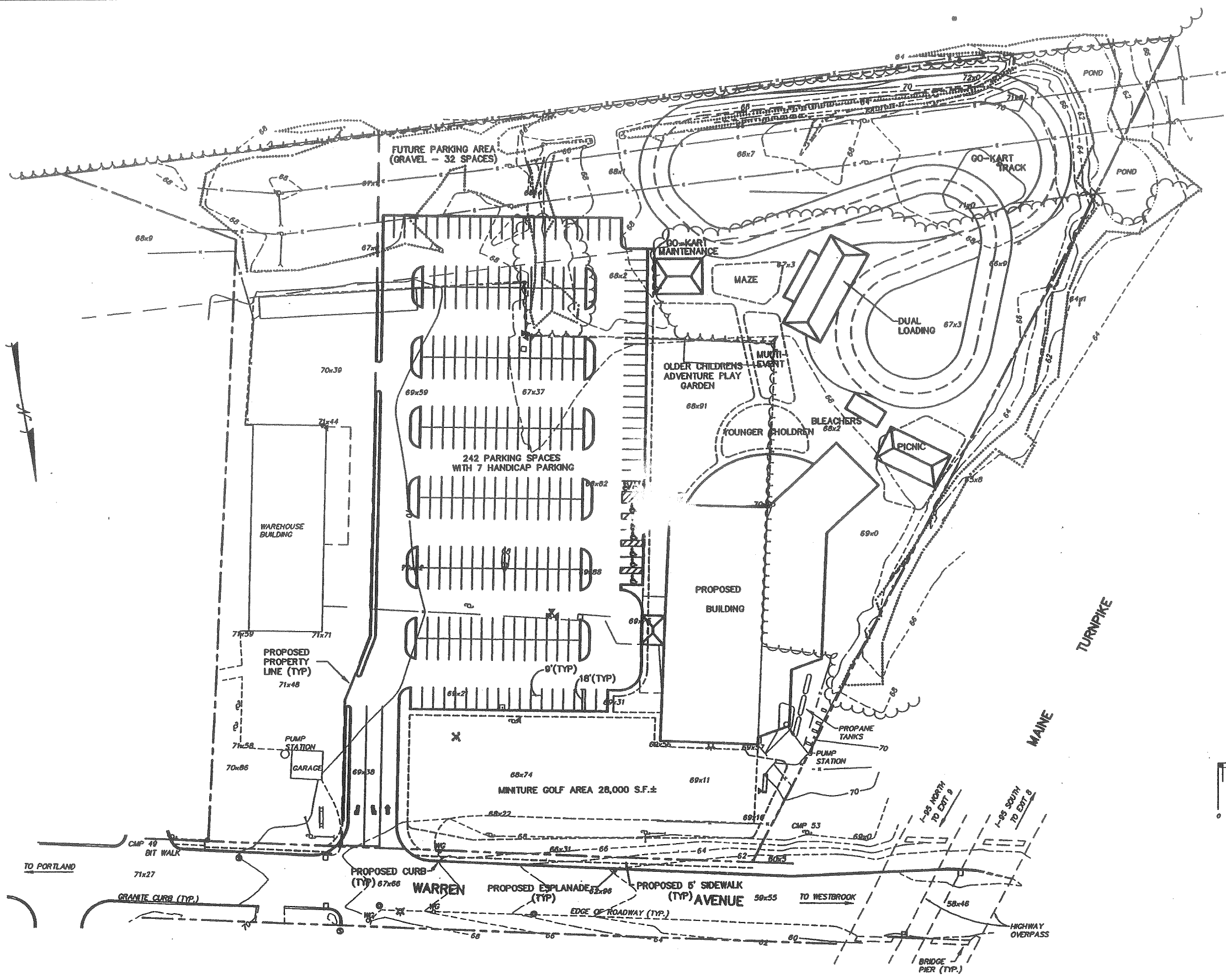
SCALE: 1" = 100'

DATE: 10-01-96

24604 LAFAYETTE RD, PORTSMOUTH, NH 03801

EXHIBIT #

JOB # 3019

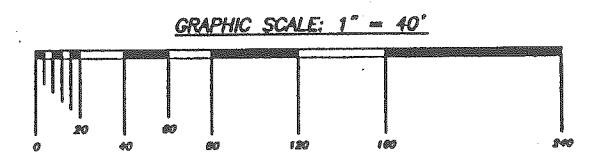


NOTES:

1. WETLANDS AS SHOWN FLAGGED ON SEPT. 9, 1998 BY THOMAS MULLIGAN, JR., SE, PE, PLS.
2. NORTH ARROW, BEARINGS AND PROPERTY LINES ARE BASED UPON A PLAN ENTITLED, "STANDARD BOUNDARY SURVEY ON WARREN AVENUE, PORTLAND, MAINE, MADE FOR PAUL BURGER, 485 CONGRESS PORTLAND, MAINE"; DATED: 9-19-98; SCALE: 1" = 40'; PREPARED BY: OWEN HASKELL, INC.
3. ELEVATIONS ARE BASED UPON A PLAN ENTITLED, "SITE PLAN OF GROSSMAN'S ON WARREN AVE., PORTLAND, MAINE FOR GROSSMAN'S, 200 UNION ST. BRANTREE, MA 02184"; DATED: 8-12-92; SCALE: 1" = 40'; PREPARED BY: OWEN HASKELL, INC.
4. WATER SERVICES, WATER MAIN AND GAS MAIN

LEGEND:

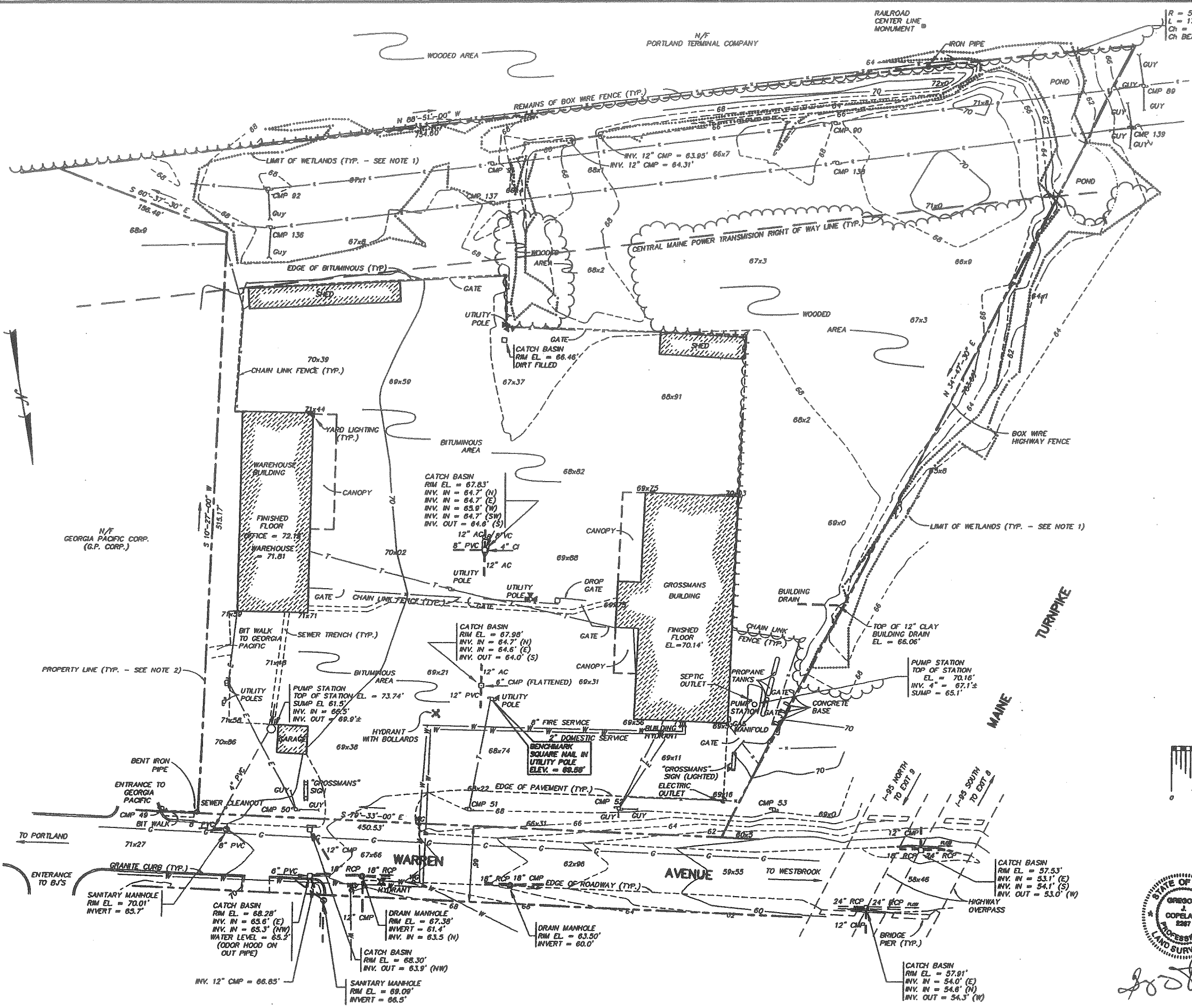
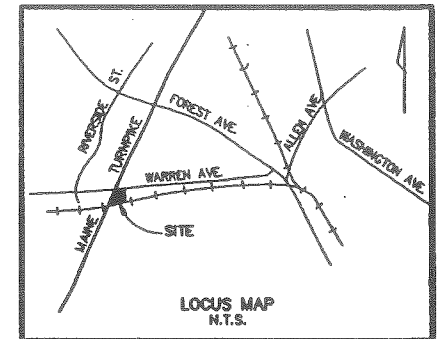
- CATCH BASIN
- SANITARY MANHOLE
- DRAIN MANHOLE
- HYDRANT
- UTILITY POLE
- WATER GATE
- YARD LIGHTING
- RIGHT OF WAY LINE
- PROPERTY LINE
- CMP RIGHT OF WAY LINE
- FENCE LINE
- EDGE OF PAVEMENT
- CURB LINE
- WETLAND BOUNDARY
- TREELINE
- EDGE OF POND
- CONTOUR LINE
- HIGHLIGHT CONTOUR LINE
- SPOT GRADE



**PROPOSED CONDITIONS
JOKERS TWO, INC.
510 WARREN AVENUE
PORTLAND, MAINE
SCALE: 1" = 40' SEPTEMBER 16, 1998**

PREPARED BY
THOMAS MULLIGAN, JR., PE, SE, PLS
14 DEER RUN DRIVE
BIDDEFORD, MAINE 04003
207-283-8810

R = 5693.83
 L = 178.70
 Ch = 178.79
 Ch BEARING = N 87°-57'-01" W



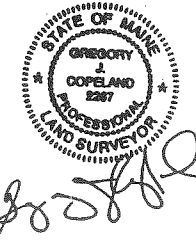
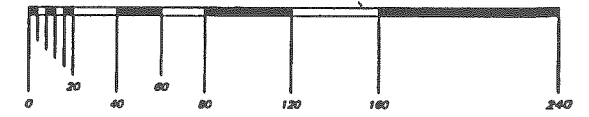
NOTES:

1. WETLANDS AS SHOWN FLAGGED ON SEPT. 9, 1996 BY THOMAS MULLIGAN, JR., SE, PE, PLS.
2. NORTH ARROW, BEARINGS AND PROPERTY LINES ARE BASED UPON A PLAN ENTITLED, "STANDARD BOUNDARY SURVEY ON WARREN AVENUE, PORTLAND, MAINE, MADE FOR PAUL BURGER, 485 CONGRESS PORTLAND, MAINE"; DATED: 9-10-98; SCALE: 1" = 40'; PREPARED BY: OWEN HASKELL, INC.
3. ELEVATIONS ARE BASED UPON A PLAN ENTITLED, "SITE PLAN OF GROSSMAN'S ON WARREN AVE., PORTLAND, MAINE FOR GROSSMAN'S, 200 UNION ST., BRANTREE, MA 02184"; DATED: 8-12-92; SCALE: 1" = 40'; PREPARED BY: OWEN HASKELL, INC.
4. WATER SERVICES, WATER MAIN AND GAS MAIN INFORMATION SHOWN ON PLAN PROVIDED BY PATRICK L. CLARK, P.E., LAND USE CONSULTANTS, INC. ON SEPTEMBER 20, 1996.

LEGEND:

CATCH BASIN	—○—
SANITARY MANHOLE	—○—
DRAIN MANHOLE	—○—
HYDRANT	—○—
UTILITY POLE	—○—
WATER GATE	—○—
YARD LIGHTING	—○—
RIGHT OF WAY LINE	—○—
PROPERTY LINE	—○—
CMP RIGHT OF WAY LINE	—○—
FENCE LINE	—○—
EDGE OF PAVEMENT	—○—
CURB LINE	—○—
OVERHEAD ELECTRIC LINES	—○—
WATER SERVICE AND MAIN	—○—
GAS MAIN	—○—
WETLAND BOUNDARY	—○—
TREELINE	—○—
EDGE OF POND	—○—
CONTOUR LINE	—○—
HIGHLIGHT CONTOUR LINE	—○—
SPOT GRADE	—○—

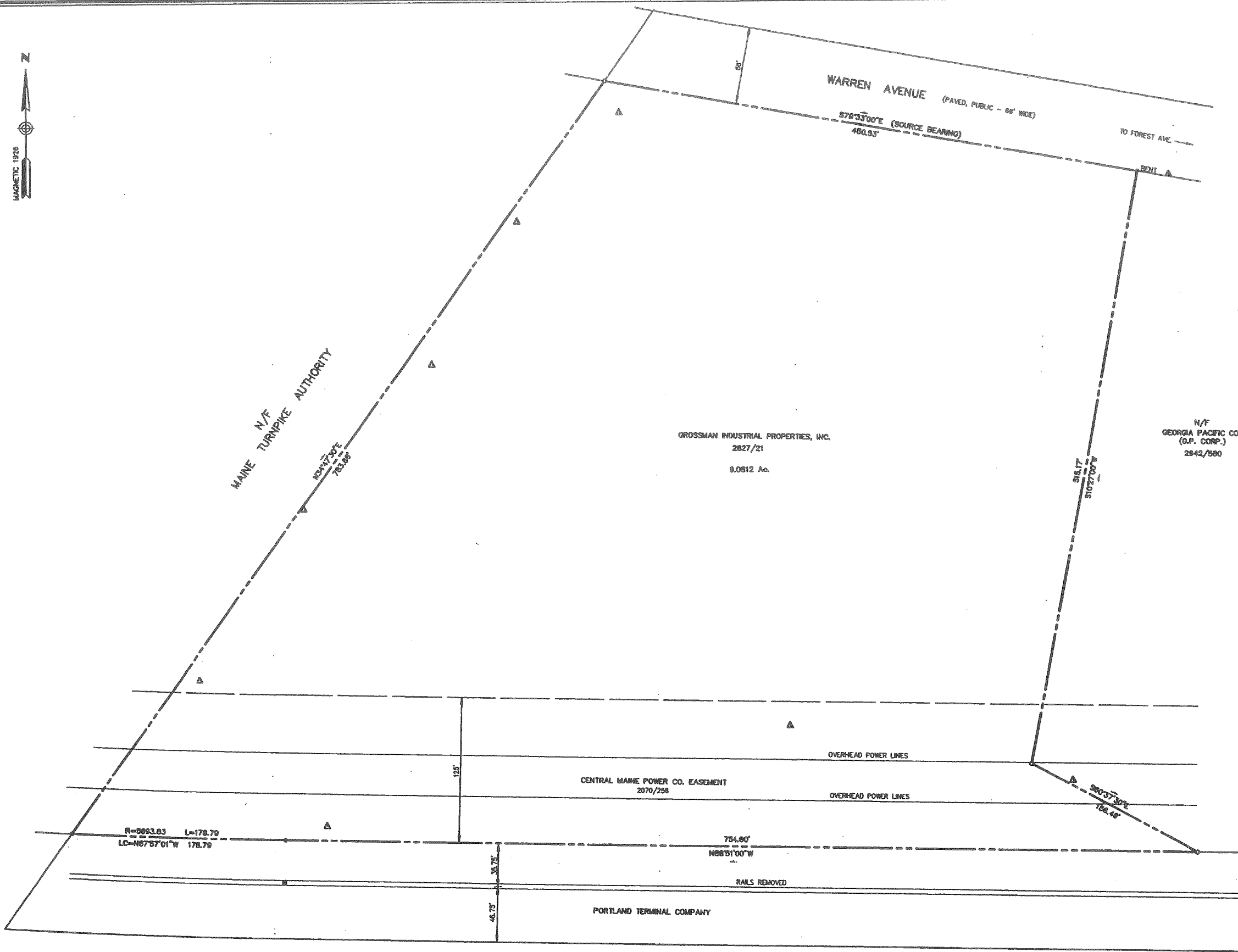
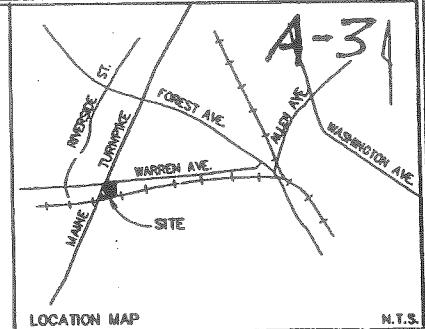
GRAPHIC SCALE: 1" = 40'



**EXISTING CONDITIONS
 JOKERS TWO, INC.**
 510 WARREN AVENUE
 PORTLAND, MAINE
 SCALE: 1" = 40' SEPTEMBER 16, 1996
 PREPARED BY
 GREGORY J. COPELAND, PLS
 20 GOOSEBARE DRIVE
 OLD ORCHARD BEACH, MAINE 04064
 207-834-4955

Handwritten signature of Gregory J. Copeland

A-31



CERTIFICATION:

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS FOR A CATEGORY I, CONDITION II SURVEY WITH THE FOLLOWING EXCEPTIONS:

- 1) NO NEW DEED DESCRIPTION
- 2) NO REPORT

John P.R. Cyr
 JOHN P.R. CYR, PLS NO. 509
 DATE: 9-19-96

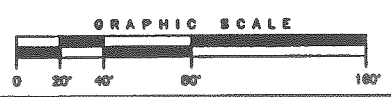


LEGEND:

- IRON PIPE FOUND
- 5/8" IRON ROD TO BE SET
- MONUMENT FOUND
- △ TRAVERSE POINT FOUND (BY OTHERS)

PLAN REFERENCES:

PLAN OF PROPERTY IN PORTLAND, MAINE, MADE FOR GROSSMAN INDUSTRIAL PROPERTIES, INC. DATED DEC. 2, 1985, REV. FEB. 7, 1990 BY H.J. & E.C. JORDAN CO.
 MUNICIPAL TAX MAP #271 BLOCK A PARCEL 2.



STANDARD BOUNDARY SURVEY
 ON
 WARREN AVENUE, PORTLAND, MAINE
 MADE FOR
PAUL BULGER
 485 CONGRESS STREET, PORTLAND, MAINE

OWEN HASKELL, INC.
 16 CANOE ST., PORTLAND, ME 04101 (207) 774-0484
 PROFESSIONAL LAND SURVEYORS

Drawn By	EC	Date	SEPT. 18, 1996	Job No.	88209 P
Trace By	JLW	Scale	1" = 40'	Drawn No.	1
Check By	JPRC	Book No.			
Book No.					