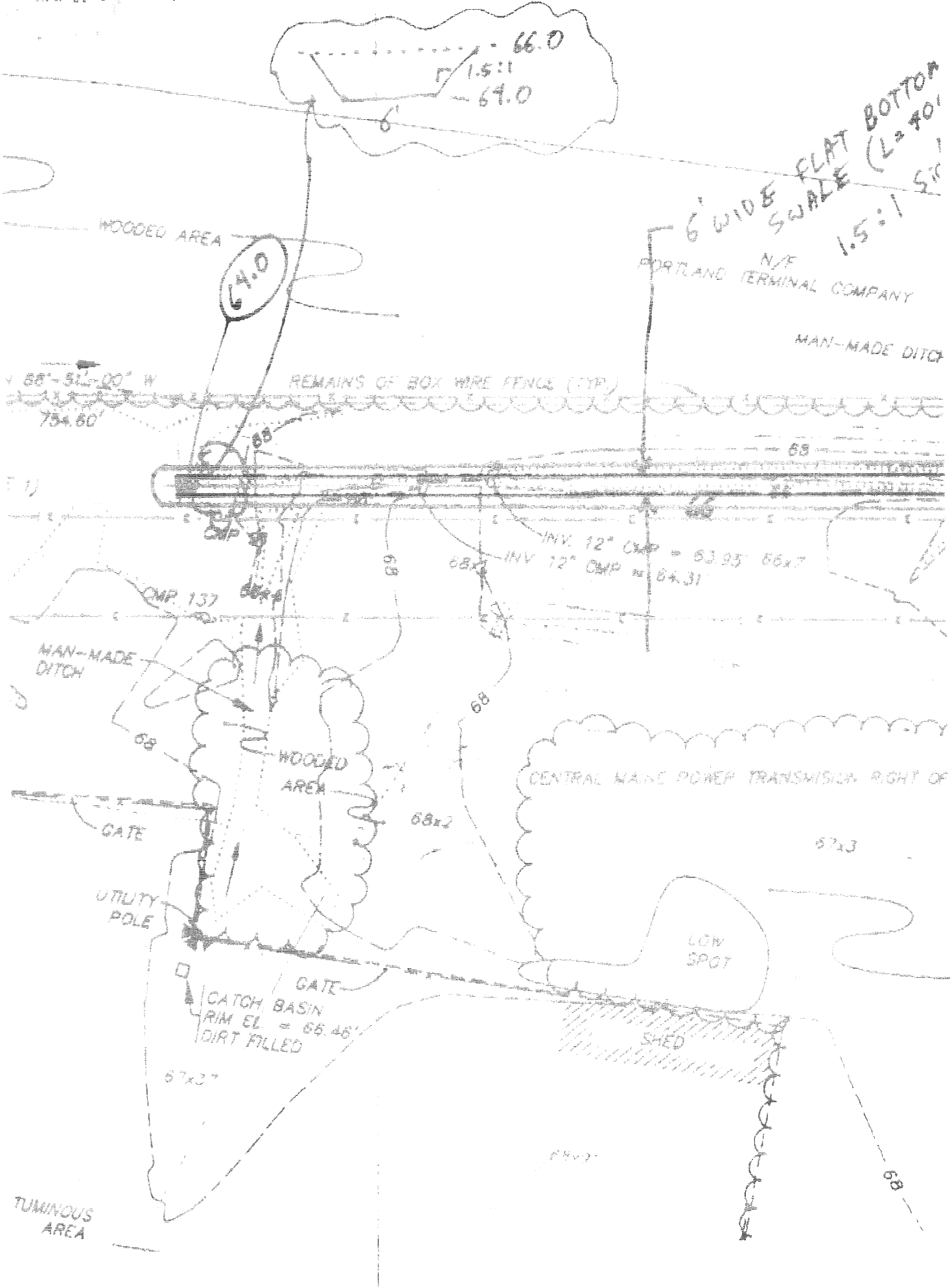


271-A-2

522 Warren Ave.

Bld. Addition

Jokers



TUMINOUS AREA

6' WIDE FLAT BOTTOM SWALE (L=40') 1.5:1

N/F PORTLAND TERMINAL COMPANY

MAN-MADE DITCH

REMAINS OF BOX WIRE FENCE (TYP)

68°-51'-00" W
754.60'

INV. 12" CMP = 63.95 66x7
INV. 12" CMP = 64.31

CMP. 137

MAN-MADE DITCH

WOODED AREA

CENTRAL MAINE POWER TRANSMISSION RIGHT OF

GATE

UTILITY POLE

GATE

CATCH BASIN
RIM EL = 66.46'
DIRT FILLED

LOW SPOT

SHED

68

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

(As submitted)

Q_{in} = 5.19 CFS @ 12.24 HRS, VOLUME = .46 AF
 Q_{out} = 4.06 CFS @ 12.38 HRS, VOLUME = .46 AF, ATTEN = 25%, LAG = 3.7 MIN

ELEVATION (FT)	AREA (SF)	INC. STOR (CF)	CUM. STOR (CF)	STOR-ING METHOD
61.5	0	0	0	PEAK STORAGE = 1722 CF
62.0	350	88	88	PEAK ELEVATION = <u>63.1 FT</u>
64.0	2500	2850	2938	FLOOD ELEVATION = 60.0 FT
66.0	6500	9000	11938	START ELEVATION = 61.5 FT
68.0	10000	16500	28438	SPAN = 10-20 HRS, dt = .05 HRS Tdel = 4.2 MIN (.46 AF)

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

Data for 3019-JOKERS, DEVELOPED SITE, 25 YR

OUT1

Page 2

Prepared by Land Use Consultants, Inc.

23 Apr 97

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

POND 1

PROPOSED DETENTION POND

(Linear ditch)

Q_{in} = 5.19 CFS @ 12.24 HRS, VOLUME = .46 AF
 Q_{out} = 3.90 CFS @ 12.39 HRS, VOLUME = .46 AF, ATTEN = 25%, LAG = 9.2 MIN

ELEVATION (FT)	CUM. STOR (CF)	STOR-ING METHOD
62.0	0	PEAK STORAGE = 1490 CF
63.0	300	PEAK ELEVATION = <u>63.6 FT</u>
64.0	2400	FLOOD ELEVATION = 66.0 FT
65.0	5400	START ELEVATION = 62.0 FT
66.0	9000	SPAN = 10-20 HRS, dt = .05 HRS Tdel = 4.2 MIN (.45 AF)

ROUTE INVERT OUTLET DEVICES
 1 P 62.0' 12" CULVERT
 n=.009 L=80' S=.01'/1' Ke=.5 Cc=.9 Cd=.6

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 000311 (c) 1986-1996 Applied Microcomputer Systems

POND 1

PROPOSED DETENTION POND

(As submitted)

Q_{in} = 10.74 CFS @ 10.00 HRS. VOLUME = .92 AF
 Q_{out} = 6.18 CFS @ 12.34 HRS. VOLUME = .92 AF ATTEN = 11.1 LAG = 14.8 MIN

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

ROUTE INVERT OUTLET DEVICES
 1 P 61.5' 12" CULVERT
 n=.009 L=80' S=.011% Ke=5 Cd=.9 Cc=.8

POND 1

PROPOSED DETENTION POND

(Linear Ditch)

Q_{in} = 10.74 CFS @ 12.22 HRS. VOLUME = .92 AF
 Q_{out} = 6.15 CFS @ 12.47 HRS. VOLUME = .92 AF ATTEN = 11.1 LAG = 14.8 MIN

ELEVATION (FT)	CUM. STOR (CF)	STOP-IND METHOD
62.0	0	PEAK STORAGE = <u>5933 CF</u>
63.0	300	PEAK ELEVATION = <u>65.1 FT</u>
64.0	2400	FLOOD ELEVATION = 66.0 FT
65.0	5400	START ELEVATION = 62.0 FT
66.0	9000	SPAN = 10-20 HRS. d = .05 HRS Tdet = 7.5 MIN (.92 AF)

ROUTE INVERT OUTLET DEVICES
 1 P 62.0' 12" CULVERT
 n=.009 L=80' S=.011% Ke=5 Cd=.9 Cc=.8

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

Prepared by Land Use Consultants, Inc.

3 Nov 96

HydroCAD 4.50 000111 (c) 1986-1996 Applied Microcomputer Systems

POND 1 PROPOSED DETENTION POND (As Submitted)

Qin = 13.45 CFS @ 12.22 HRS VOLUME = 1115 AF
 Qout = 6.89 CFS @ 12.45 HRS VOLUME = 1115 AF

ELEVATION (FT)	AREA (SF)	INT. STOR (CF)	CUM. STOR (AF)
61.5	0	0	0
62.0	350	89	35
64.0	2500	1850	2985
66.0	5500	4000	11885
68.0	10000	8500	28435

STOR-ING METHOD = PEAK STORAGE
 PEAK ELEVATION = 65.3 FT
 FLOOD ELEVATION = 66.0 FT
 START ELEVATION = 62.0 FT
 SPAN = 10-20 HRS, dt = 0.05 HRS
 TDET = 9.5 MIN (115 AF)

ROWS INVERT OUTLET DEVICES
 1 P 62.0' 12" CULVERT
 NR.009 L*80' SF 017' R#-15 CL-9 10'15"

POND 1 PROPOSED DETENTION POND (Linear Ditch)

Qin = 13.45 CFS @ 12.22 HRS VOLUME = 1115 AF
 Qout = 7.00 CFS @ 12.45 HRS VOLUME = 1115 AF

ELEVATION (FT)	CUM. STOR (AF)
62.0	0
63.0	300
64.0	2400
65.0	5400
66.0	9000

STOR-ING METHOD = PEAK STORAGE
 PEAK STORAGE = 8724 CF
 PEAK ELEVATION = 65.9 FT
 FLOOD ELEVATION = 66.0 FT
 START ELEVATION = 62.0 FT
 SPAN = 10-20 HRS, dt = 0.05 HRS
 TDET = 9.5 MIN (115 AF)

ROWS INVERT OUTLET DEVICES
 1 P 62.0' 12" CULVERT
 NR.009 L*80' SF 017' R#-15 CL-9 10'15"

Pipeline Specialists



Everett J. Prescott, Inc.

Home Office
P.O.Box 600
191 Central Street
Gardiner, Maine 04345

Telephone (207) 582-1851
fax(207) 582-5637

<http://www.EJPrescott.com>
ejp@EJPrescott.com

FAX COVER SHEET

TO: RICHARD KNOWLAND

COMPANY: CITY OF PORTLAND - PLANNING DEPT.

DATE: 10 / 4 / 00 FAX NUMBER: 207-756-8258

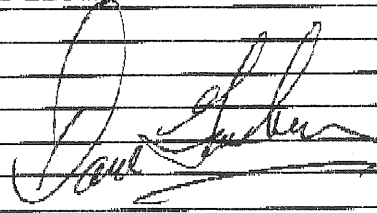
RE: E.J.PRESCOTT, INC. - 530 WARREN AVENUE

NUMBER OF PAGES (including Cover Page): 3

PERSON SENDING: DAVE GARDNER

MESSAGE:

PLEASE SEE ATTACHED LETTER.



*******CONFIDENTIALITY NOTE*******

The documents accompanying this fax transmission contain information from Everett J. Prescott Inc. Which is confidential or privileged. The information is intended for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this telecopied information is **prohibited**. If you have received this fax transmission in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF YOU HAVE ANY PROBLEMS RECEIVING THIS FAX, PLEASE CALL THE PERSON SENDING IT AS SOON AS POSSIBLE. THANK YOU .

SERVING THE NORTHEAST AND MID-WEST



September 28, 2000

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

Home Office
P.O. Box 600
191 Central Street
Gardiner, Maine 04345

Telephone (207) 582-1851
FAX (207) 582-5637

Website: <http://www.EJPrescott.com>
E-mail: ejp@EJPrescott.com

**Subject: Additional Requirements – Parcel “A”
Site Plan – Gravel Storage Area
Rear - 530 Warren Avenue
Portland, ME**

Dear Rick:

In response to additional requirements required by the City for subject parcel, we have enclosed 5 copies of this letter and supporting information.

1) Regarding your August 25, 2000 letter and comments from Steve Bushey we submit the following:

a) Comment: The applicant should confirm that the runoff from their site will go to the Jokers “detention basin”.

Answer: From Item 6, Page 2 of my August 1, 2000 letter, existing surface drainage on Parcel “A” flows northerly along the CMP power line and then into the Capisic Brook watershed. Once the gravel storage area is complete the same drainage pattern will exist. If Jokers Two’s proposed Go-Cart Track is built, surface drainage from Parcel “A” will flow through a new culvert at the southwest corner of the track, then into a new detention basin, and then into the Capisic watershed.

b) Comment: The applicant should provide evidence that CMP is willing to allow outside storage materials in their overhead line right-of-way.

Answer: See attached copy of ‘Use Agreement’ with Central Maine Power Company.

Rich Knowland, Senior Planner
September 28, 2000
Page Two

- c) Comment: Prescott never planted the trees they were suppose to in the original site plan approval. This needs to be addressed. Also, additional screening will be required given the amount of material you have stored in the front yard.

Answer: Per my discussion with you on August 29, 2000, we will plant three summit ash street trees along the front of our property facing Warren Avenue. In addition, we will plant 5-6' high techney arborvitaes at 12' centers, also along the Warren Avenue frontage.

2. Please see attached colored property plan and calculations for determining 20% non-impervious green space on our property.

Should you have additional questions, please contact me. We are anxious to complete the site work this fall so I would appreciate your prompt response.

Sincerely,

EVERETT J. PRESCOTT, INC.



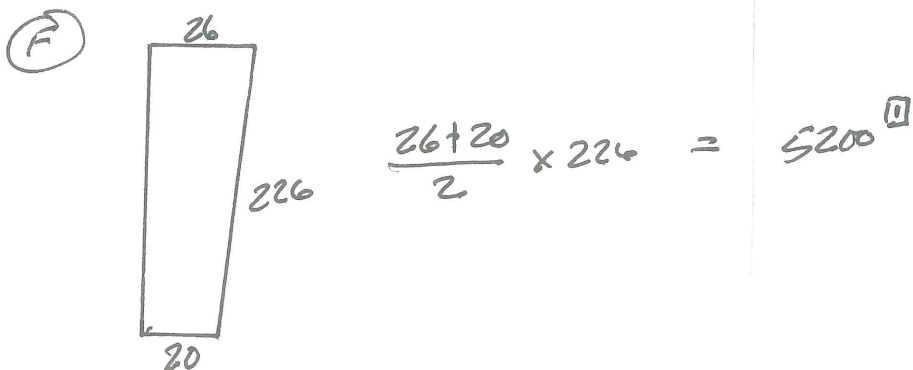
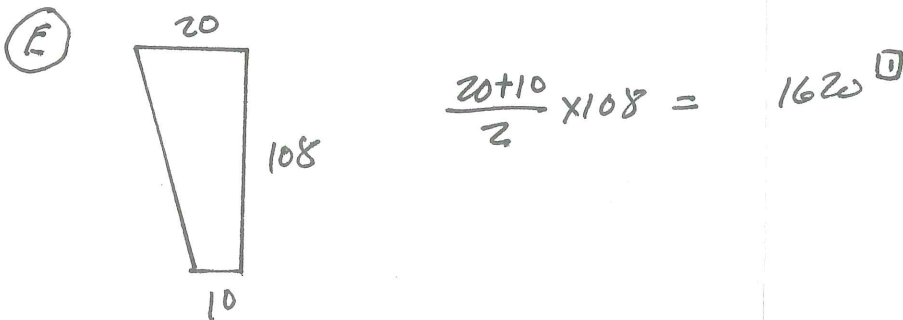
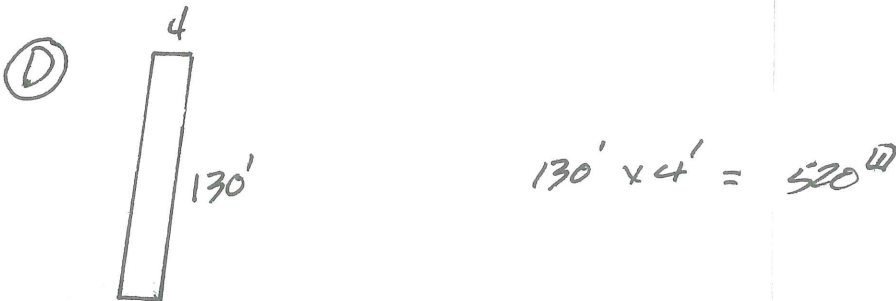
David G. Gardner, P.E.
Senior Vice President

DGG/mls
Enclosures

SITE PLAN - 530 WARREN AVE
GREEN SPACE (NON IMPERVIOUS) CALC.

9/27/60

PAGE 1 of 2



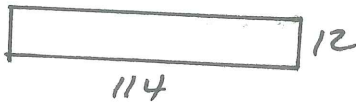
PAGE 2 of 2

⑥



$$180 \times 10 = 1800 \text{ } \square$$

④



$$114 \times 12 = 1370 \text{ } \square$$

$$\underline{\text{TOTAL GREEN SPACE AVAIL} = 16,777 \text{ } \square}$$

$$\text{ORIGINAL PURCHASE} = 53,540 \text{ } \square$$

$$\text{PARCEL "A"} = 30,072 \text{ } \square$$

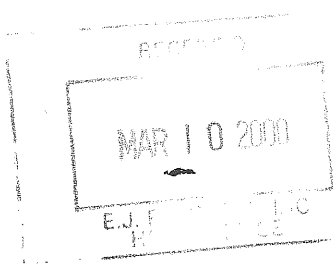
$$\text{TOTAL AREA} = 83,612 \text{ } \square$$

x 20%

$$\underline{\text{TOTAL GREEN SPACE REQD:} = 16,722 \text{ } \square}$$

$$16,777 \text{ } \square > 16,722 \text{ } \square$$

∴ "OK"



COPY

USE AGREEMENT

This Agreement is entered into on this 8th, day of March 2000, by and between **CENTRAL MAINE POWER COMPANY**, a Maine corporation with offices at 83 Edison Drive, Augusta, Maine 04336 ("CMP"), and **EVERETT J. PRESCOTT, INC.**, 191 Central Street, P.O. Box 600, Gardiner, Maine, 04345 ("User").

WHEREAS, CMP has certain easement rights on a 125 foot strip of land designated as Transmission Section 188 in the Town of Portland, conveyed to it by a deed from Ralph M. Snyder dated November 26, 1951 and recorded at the Cumberland County Registry of Deeds in Book 2070, Page 256 ("Parcel"). Said rights include the right to prohibit the construction or placement of structures on the Parcel and other actions which may interfere with CMP's use of the Parcel.

WHEREAS, User desires to use the Parcel under the conditions described in Attachment A hereto and made a part hereof.

NOW THEREFORE, CMP agrees that it will not object to the use described in Attachment A hereto provided the following terms and conditions are complied with:

1. User uses the Parcel only in accordance with the purposes, locations and conditions listed in Attachment A hereto;
2. Since CMP only has an easement interest in the Parcel, User is responsible for obtaining permission for the stated use from the fee owner of the Parcel, if necessary;
3. User shall notify CMP prior to commencement of construction on the Parcel;
4. This Agreement shall in no way encumber CMP's easement rights to operate and maintain a transmission line within the Parcel;
5. CMP shall not be liable to User for any damage to User's property on the Parcel caused by CMP's use of the Parcel for public utility purposes;
6. User shall be responsible for acquiring all necessary permits for said construction and shall comply with all municipal, state, and federal laws and regulations;
7. User shall notify the Dig Safe Call Center prior to commencement of any excavation on the Parcel at 1-888-DIG-SAFE and comply with the provisions of both the Maine Dig Safe Statute Title 23, M.R.S.A. Section 3360-A and the Overhead High-Voltage Line Safety Act Section 751 et seq. Title 35A, Chapter 7-A.
8. This Agreement applies only to CMP's current use of the Parcel and the current laws and regulations affecting such use. This Agreement does not in any way restrict CMP's right to assert that User's use of the Parcel infringes on CMP's rights in the future;
9. User for itself, its employees, agents, contractors, subcontractors, successors and assigns, releases CMP and its parents and affiliates and their directors, officers, employees, contractors, agents, successors and assigns from all claims of any type or nature, it may now have or may have in the future, including but not limited to personal

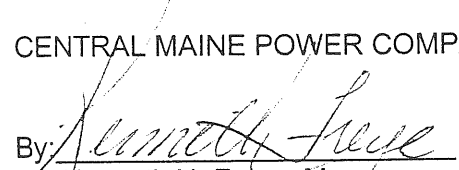
injury, death, damage to property or loss of business, sustained by User or any person or entity using the Parcel pursuant or related to this Agreement, except claims resulting from damage caused solely by the negligent acts of CMP;

10. User agrees to defend, at CMP's option, indemnify and hold harmless CMP and it's parents and affiliates and their directors, officers, employees, contractors, successors and assigns from and against any and all losses of any type or nature, including but not limited to claims, liabilities, penalties, expenses and judgments arising out of or related to the use of the property by User or its employees, contractors, subcontractors, agents, successors or assigns, excepting losses caused solely by the negligent acts of CMP;
11. In the event that CMP should rebuild, replace, re-space or relocate its transmission line within the Parcel, CMP shall not be responsible for any damage to User's improvements on the Parcel and CMP may require User to relocate User's improvements to avoid interference with CMP's use of the Parcel authorized by its said easement.

The parties hereto agree to the terms of this Agreement as indicated below by their signatures or the signatures of their duly authorized representatives.

CENTRAL MAINE POWER COMPANY


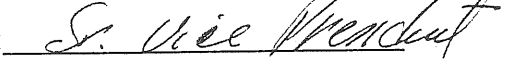
By:


Kenneth H. Freye, Manager
Property Management

EVERETT J. PRESCOTT, INC.

By:

Its:



03/03/00

ATTACHMENT A

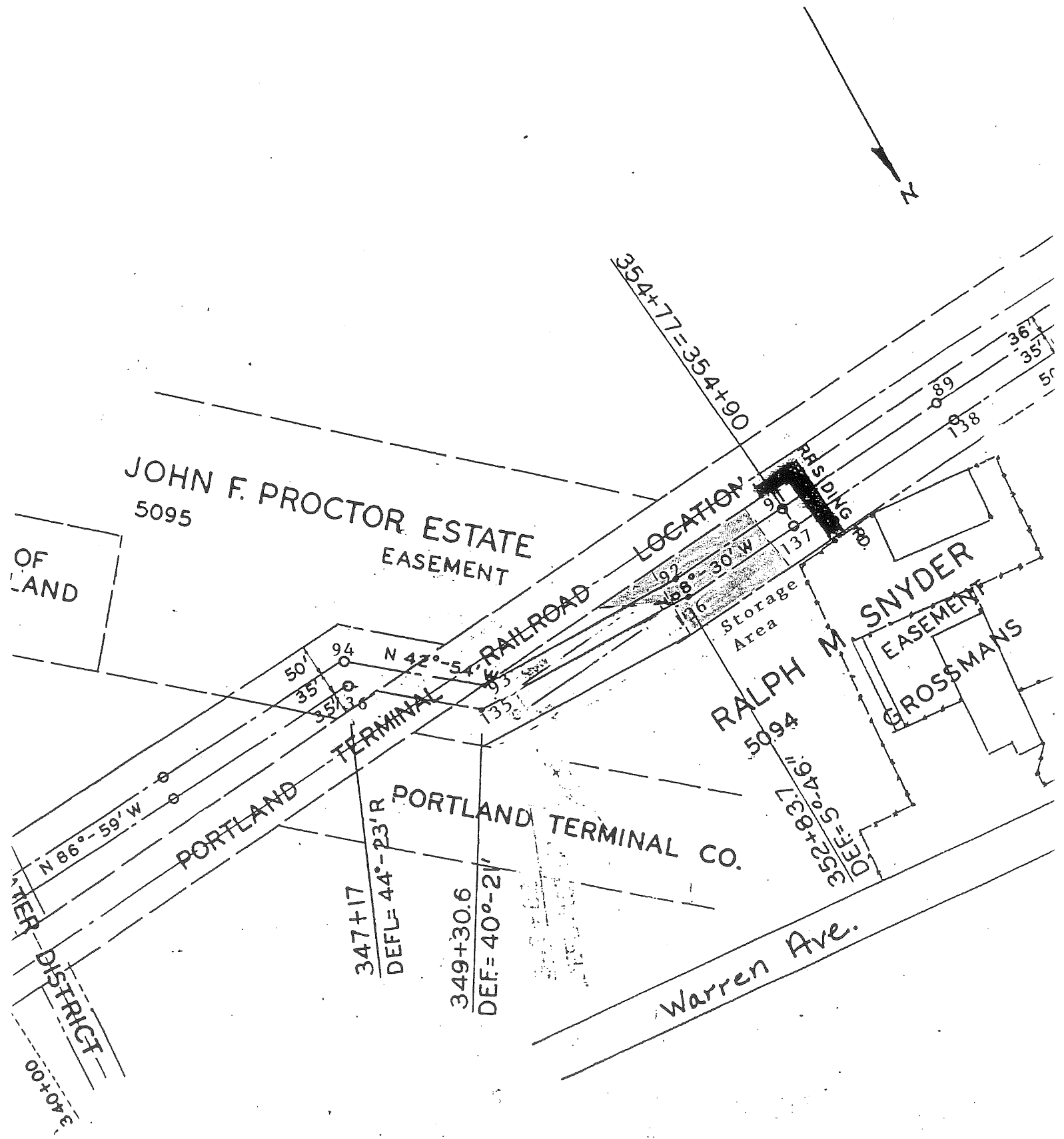
PURPOSE

User intends to construct and maintain a storage area on a portion of CMP's Transmission Line Corridor designated Section 188. The storage area will be used to store ductile iron and PVC/Plastic Pipe in sizes between 6" and 36" with lengths up to 20'. User also intends to erect and maintain a six (6) foot chain link fence around the said storage area. For further reference see the attached map.

CONDITIONS

1. User is responsible for providing a copy of this Agreement to its employees, contractors, subcontractors and/or agents. User may be asked to provide to CMP an acknowledgment of receipt of this Agreement by said employees, contractors, subcontractors and/or agents.
2. Said pipes will be stored on 4 x 4 skids for loading and unloading onto flatbed tractor-trailers. The height of the stored pipes will not exceed 12 ft. The height of the vehicles will not exceed 14 feet.
3. No storage shall be allowed within 10 feet of CMP's poles and or guy wires on the Parcel.
4. The User shall not allow any vehicle, equipment or machinery to come within an area in which any part of it, including but not limited to any arm, bucket, blade or knuckle, has the capability, even if improbable, of extending to within fifteen (15) feet of CMP's wires on the Parcel.
5. User shall contact CMP prior to the use of "boomed" equipment on the Parcel and if deemed necessary by CMP, User shall not engage said use of "boomed" equipment until a CMP inspector is on-site. The CMP inspector shall have the right, but not the duty, to halt the User, or its contractor's operation if the inspector believes the operation creates a danger to persons or property or are inconsistent with this Agreement. Failure of CMP to provide an inspector or halt the operation shall not be considered a negligent act or omission or otherwise relieve the User of its obligation to release and indemnify CMP. The User shall reimburse CMP for the cost of this inspector.
6. All construction, installations and maintenance will be made in a safe and workmanlike manner so as not to interfere with the construction, operation or maintenance of the electric transmission or distribution lines of CMP and shall be at the sole risk and expense of the User.

PORTLAND





August 1, 2000

Rick Knowland, Sr. Planner
Planning Dept.
City of Portland
City Hall
389 Congress Street
Portland, ME 04101

Home Office
P.O. Box 600
191 Central Street
Gardiner, Maine 04345

Telephone (207) 582-1851
FAX (207) 582-5637

Website: <http://www.EJPrescott.com>
E-mail: ejp@EJPrescott.com

**Subject: Site Plan – Gravel Storage Area
Rear 530 Warren Avenue
Portland, ME**

Dear Rick:

Thank you for reviewing with me the City's requirements for minor site development approval. The enclosed site plan package (one original and six copies) shows both existing and finish contours, existing and proposed drainage patterns, erosion control measures (silt fence) during construction, proposed fencing and limits of gravel storage area.

E.J. Prescott, Inc. purchased Parcel "A" from MJC, LLP, to expand its outside product storage capability. Our plan is to clear, grub, and place compacted gravel fill on Parcel "A": as shown on the enclosed property/site Plan.

Per Section 14-525, ¶ (C) of the Portland Planning Board Regulations the following written statements, accompany our application. Owner of Parcel "A" (and the original out-parcel) is Everett J. Prescott, Inc., P.O. Box 600, Gardiner, ME 04345 a Maine registered corporation. Owners of E. J. Prescott are Peter E. Prescott, Stan McCurdy and Steven E. Prescott.

Estimated construction cost of the gravel storage area is \$70,000.

1. Proposed use of the site is for outside storage of water, sewer, drain and gas products. There are no residential units proposed.
2. Total land area is 0.7 Acres. There are no proposed buildings or structures on this site.

*Rick Knowland, Sr. Planner
August 1, 2000
Page Two*

- 3. Central Maine Power Co. has a power line easement with right of access onto the site for power line maintenance purposes.*
- 4. This development will not create any solid waste.*
- 5. This development does not require any water, sewer or street facilities.*
- 6. Existing surface drainage on Parcel "A" flows northerly along the CMP power-line and then into the Capisic Brook watershed. Once the gravel storage area is complete, the same drainage pattern will exist. If Jokers Two's proposed Go-Cart Track is built, surface drainage from Parcel "A" will flow through a new culvert at the southwest corner of the track and then into a new detention basin, then into the Capisic Brook watershed.*
- 7. Proposed construction sequence consists of the following items:*
 - a) Clear small growth on site.*
 - b) Grub and remove all organic material on site.*
 - c) Replace with clean gravel, compacted in place to finish grades shown on the site plan. Maximum gravel fill will be approximately 3 feet.*
 - d) During construction, silt fence will be placed around the perimeter of the work site.*
 - e) After the gravel surface is complete, 8' chain link fencing will be installed around the perimeter, including 2, 14' wide swing gates for CMP access for power line maintenance. No pollution abatement measures are required. Approximate date for commencement and completion of construction are August 2000 and October 2000.*
- 8. This project is not subject to State or Federal regulatory approval.*

*Rick Knowland, Sr. Planner
August 1, 2000
Page Three*

- 9. Payment for construction services, permits and approvals will be made from current resources @ E.J. Prescott.*
- 10. A Quitclaim Deed for Parcel "A" is attached as evidence that E.J. Prescott has title to Parcel "A".*
- 11. There are no unusual natural areas, wildlife or fisheries habitat or archeological sites located on or near the project site.*
- 12. EJP does not have any available electronic CADD. DXF files.*
- 13. There will be no recyclable material generated on-site.*

Rick, after extensive review of the information in your files on the Jokers project plus additional time spent in Marge Schmuckle's office I was unable to find any information concerning decisions regarding parking requirements for Jokers.

I then contacted Bill Latvis at Jokers and he provided me the attached additional Trip And Traffic Data Memo from November, 1996 which gives pretty solid information on parking requirements for their facility on Warren Avenue.

Simply said, the current Jokers parking lot contains 213 spaces including 24 spaces behind E.J. Prescott. This total does not include the original 58 spaces now occupied by miniature golf. Referring to the 11/2/96 memo, the Trip And Traffic Data was gathered from their Portsmouth facility which is the same size and concept as the Portland facility. Using the rainy Saturday customer volume of 438 people and the associated traffic data the maximum number of parking spaces that would have been used totals 176. Deleting the 24 spaces at the rear of our property still leaves 189 available parking spaces or 13 over the maximum number projected. Also, experience at Portsmouth indicates that the maximum number of spaces ever used on any one day was 98.

Rick Knowland, Sr. Planner
August 1, 2000
Page Four

It appears that deleting the 24 spaces at the rear of our property will not impact the parking requirements for Jokers II.

Please review this material and I will be available to answer any questions you may have.

Sincerely,
EVERETT J. PRESCOTT, INC.



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

DGG/mls
Enclosures

From: Rick Knowland
To: "srbushey@maine.rr.com"@Portland.gwgwia; Alan Hol...
Date: Wed, Sep 20, 2000 8:45 AM
Subject: Re: Wednesday development review meeting

>>> Kandi Talbot 09/20 7:55 AM >>>

>>> Rick Knowland 09/19 3:25 PM >>>

>>> William Needleman 09/19 2:57 PM >>>

>>> Penny Littell 09/19 2:24 PM >>>

>>> Sarah Hopkins 09/19 1:01 PM >>>

>>> William Needleman 09/19 12:56 PM >>>

>>> Sarah Hopkins 09/15 3:37 PM >>>

>>> Barbara Barhydt 09/15 2:43 PM >>>

>>> Sarah Hopkins 09/15 2:27 PM >>>

Development Review Interdepartmental Agenda for Wed. 09/20/2000, 10:00 to 11:30, @ Planning Office

Add to the agenda by replying to all recipients (including yourself). Add projects to the end of the list below, your name, and any "heads up" issues for attention. If you wish to be removed from this routing, e-mail Alex Jaegerman. **If you are on the "To:" list and cannot attend, please e-mail me before the meeting.**

1. to be last item. overlay zones on zoning map. bb. Need AJ, PL, MS to discuss.
2. Exemptions....-sh
3. North and Walnut St Apts. Review comments needed on updated plans and reports. bn
4. Whip and Spoon. Public Hearing on the 26th. bn
5. Snow Dump. Workshop on the 26th. this is a rush job, need comments quickly. bn
6. 68-72 Commercial Str. Flat breads and Rira. bn
7. Sewall St Train Station Changes sh
8. DeRice land transfer sh
9. Concrete mixing plant sh
10. Mercy changes sh
11. Washington Crsooing
12. Willows
13. Fill permit amdmts
14. BIW walk up ATM
15. THE WOLF REPORT...rk

16. roger berle-cliff island...rk
17. 135 marginal way...rk
18. copley woods...rk
19. utah street vacation. kt
20. 799 warren avenue (tony i need comments from you) kt
21. prescott...warren ave...rk
22. jokers...warren ave...rk

CC: "parkside@maine.rr.com"@Portland.gwgwia; Ben Snow...

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: 8-28-00
To: DAVE GARONON
Company: E.J. PRESCOTT
Fax #: 207-582-5637
From: RICK KNOWLAND
RE: DAVE - PER OUR TELEPHONE CONVERSATION

ATTACHED IS A LETTER ON THE BRADEN AV. SITE PLAN

RK

YOU SHOULD RECEIVE 4 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

August 25, 2000

Mr. David Gardner
Everett J. Prescott
P. O. Box 600
Gardiner, ME 04345

RE: E. J. Prescott, 530 Warren Avenue

Dear Mr. Gardner,

We have reviewed the proposal to amend the Prescott and Jokers site plan by adding land to the Prescott parcel.

We have done more research on the zoning parking requirements for Jokers. Based on information provided by the Jokers at the time of their original approval, the Zoning Administrator determined that the parking requirement for that facility was 190.61 spaces. A breakdown of this calculation is shown below.

Spaces for dining area (6,192 sq. ft. of floor area div. by 150 sq. ft.)	= 41.28 spaces
Spaces for games, rides, jungle gym and amusement	= 149.33 spaces
Total zoning parking requirement	= 190.61 spaces

The Jokers site plan indicates they have 237 parking spaces. Subtracting out the 24 spaces from your land purchase from the Jokers, leaves a net of 213 spaces, resulting in a 22 space zoning surplus above the 191 zoning requirement. So far so good. However, in reviewing the Zoning Administrator notes, she also factored in 30 spaces for exterior games for the go-cart area (that did not receive site plan approval.) I have asked Marge Schmuckal, the Zoning Administrator, to review this further since the zoning ordinance is not entirely clear on what the zoning requirement is for a go-cart use. Obviously if there is a zoning requirement for the go-cart facility, the Jokers could easily exhaust their zoning surplus should they add this use. But it is my understanding that you already own the 24 space property so this is a Jokers issue should they expand in the future.

With regard to other issues, Prescott never planted the trees they were supposed to in the original site plan approval. This needs to be addressed. Also additional screening will likely be required given the amount of material you have stored in the front yard. See attached memo from Steve Bushey regarding engineering issues.

Sincerely,



✓ Richard Knowland, Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning & Urban Development
Alexander Jaegerman, Chief Planner
Marge Schmuckal, Zoning Administrator

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Rick Knowland" <RWK@ci.portland.me.us>
Date: Fri, Aug 25, 2000 2:55 PM
Subject: E. J Prescott

Rick,

I have reviewed the E.J. Prescott plan and find that it is generally acceptable. My comments are as follows:

1. The applicant should confirm that the runoff from their site will go to the Joker's detention basin.
2. The applicant should provide evidence that CMP is willing to allow outside storage of materials in their overhead line right of way.

if you have any questions please call

Steve Bushey acting Development review coordinator

- (8) *Retail stores*: One (1) parking space for each two hundred (200) square feet of first floor area in excess of two thousand (2,000) square feet not used for bulk storage and one (1) parking space for each seven hundred (700) square feet, or major fraction thereof, for each floor above the first floor not used for bulk storage.
- * (9) *Restaurants or establishments constructed and intended for the dispensing of food and drink as the principal activity*: One (1) parking space for each one hundred fifty (150) square feet, or major fraction thereof, of floor area not used for bulk storage or food preparation.
- (10) *Offices; professional and public buildings*: One (1) parking space for each four hundred (400) square feet, or major fraction thereof, of floor area exclusive of cellar not used for bulk storage.
- (11) *Church and accessory uses located on same or contiguous lots*: One (1) parking space for each five (5) fixed seats; or if no fixed seats, one (1) parking space for each twenty-five (25) square feet, or major fraction thereof, of area in sanctuary or principal place of assemblage for worship in the church.
- (12) *For that part of every business, manufacturing, and industrial building not catering to retail trade and with floor area over three thousand (3,000) square feet*: One (1) parking space for each one thousand (1,000) square feet of floor area, or major fraction thereof.
- (13) *Beds*: One (1) parking space for each eight (8) beds, or major fraction thereof.
- (14) *Longterm, extended care and intermediate care facilities*: One (1) parking space for each five (5) beds, or major fraction thereof, plus one (1) parking space per each employee normally present during one (1) weekday morning shift.
- (15) *Lodging houses*: One (1) parking space for each five (5) rooming units, except in the R-5 zone; in the R-5 zone, one (1) parking space for every two (2) rooming units.
- (16) *Sheltered care group homes and emergency shelters*: One (1) parking space for every two (2) employees.
- (17) *Congregate care facilities*: One (1) parking space for every three (3) living units.
- (18) *Special needs independent living units*: One (1) parking space per every four (4) living units, plus one (1) parking space for each staff member, if any, normally present at any one time.
- (19) *Bed and breakfast*:
- a. *Except in the I-B zone*: One (1) parking space for each two (2) guest rooms or fraction thereof for the first four (4) guest rooms; one (1) parking space for each additional guest room in excess of four (4).
 - b. *In the I-B zone*: No off-street parking required.
- (20) *[Exception:]* Notwithstanding the preceding provisions of this section, the parking requirement for any new structure in excess of fifty thousand (50,000) square feet shall be as established by the planning board pursuant to section 14-526(a)(2).

(Code 1968, § 602.14.B; Ord. No. 268-77, 5-16-77; Ord. No. 431-82, § 2, 2-22-82; Ord. No. 575-86, §§ 1, 2, 5-19-86; Ord. No. 65-87, 11-2-87; Ord. No. 230-90, § 2, 3-5-90; Ord. No. 33-91, § 14, 1-23-91; Ord. No. 243-91, § 1, 3-11-91; Ord. No. 33A-91, § 8, 4-17-91; Ord. No. 125-97, § 10, 3-3-97)

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

20000164

I. D. Number

Everett J. Prescott

Applicant

P.O. Box 600, Gardiner, ME 04345

Applicant's Mailing Address

None

Consultant/Agent

207)582-1851 **207) 582-5637**

Applicant or Agent Daytime Telephone, Fax

8/8/00

Application Date

Gravel outside Storage Area

Project Name/Description

530 Warren Ave, Portland, ME 04103

Address of Proposed Site

271-A-008

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) **Gravel area for outside storag**

None/No Building **7/10acres** **B2**

Proposed Building square Feet or # of Units **7/10acres** Acreage of Site **B2** Zoning

Check Review Required:

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

Fees Paid: Site Plan **\$300.00** Subdivision _____ Engineer Review **\$100.00** Date: **8/8/00**

Planning Approval Status:

Reviewer _____

- Approved
- Approved w/Conditions See Attached
- Denied

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

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

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

EXHIBIT A

(M.T.S., LLC to Everett J. Prescott, Inc.)

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

Beginning at a rod marking the southeasterly corner of land conveyed to said Grantee by deed recorded in the Cumberland County Registry of Deeds in Book 12,825 Page 252, said rod being located on a course of S 10° 27' 00" W a distance of 407.02' from a rod on the southerly side of said Warren Avenue which also marks the northwesterly corner of land now or formerly of Georgia Pacific Corp. recorded in Book 2942 Page 580;

Thence continuing by said Georgia Pacific Corp. on the following courses:

S 10° 27' 00" W a distance of 108.15' to a rod;
S 60° 37' 30" E a distance of 156.49' to a rod on the northerly line of land now or formerly of Portland Terminal Company;

Thence by the northerly line of said Portland Terminal Company N 88° 51' 00" W a distance of 276.75' to remaining land of the Grantor;

Thence by said Grantor land N 08° 57' 35" E, a distance of 200.53' to the southwesterly corner of said Grantee land;

Thence by said Grantee land S 80° 56' 30" E a distance of 130.33' to the point of beginning, comprising 30,072 square feet.

Above courses are magnetic 1926.

Being a portion of the premises described in deed to M.T.S. LLC recorded in said registry in Book 12,753 Page 131.

Said parcel being subject to an easement conveyed to Central Maine Power Co. recorded in Book 2070 Page 256.

File: 96278-02-JPC.LWP

RECEIVED
RECORDED REGISTRY OF DEEDS
1999 DEC 29 PM 1:02
CUMBERLAND COUNTY
John B O'Brien

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.

**Site Review Pre-Application
Multi-Family/Attached Single Family Dwellings/Two-Family Dwelling
or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the Information below for Site Plan Review

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

Everett J. Prescott, Inc. 7/27/2000

Applicant
P.O. Box 600

Application Date
Gravel Outside Storage Area

Applicant's Mailing Address
Gardiner, ME 04345

Project Name/Description
(Rear) 530 Warren Ave., Portland

~~Construction Agreement~~
None

Address Of Proposed Site
Tax Map #271, Block A, Lot 8

Applicant/Agent Daytime telephone and FAX
Phone: (207) 582-1851
Fas: (207) 582-5637

Assessor's Reference, Chart#, Block, Lot#

Proposed Development (Check all that apply) New Building Building Addition Change of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Other(Specify) Constr. of gravel area for outside storage of water, sewer, drain and gas materials.

No building proposed 7/10 acres Business 2

Proposed Building Square Footage and /or # of Units Acreage of Site Zoning

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) 7 sets of Site Plan packages containing the information found in the attached sample plans and checklist.

(Section 14-522 of the Zoning Ordinance outlines the process, copies are available for review at the counter, photocopies are \$ 0.25 per page)

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

Signature of applicant:  David G. Gardner	Date: July 27, 2000
---	---------------------

Site Review Fee: Major \$500.00 Minor 400.00

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

QUITCLAIM DEED

M.T.S., LLC, a Maine limited liability company with a mailing address of 21 Covese Road, Cumberland Foreside, Maine 04110, for consideration paid, GRANTS to EVERETT J. PRESCOTT, INC., a Maine corporation with a mailing address of 191 Central Street, Gardiner, Maine 04345, with QUITCLAIM COVENANTS, that certain lot or parcel of land situated in the City of PORTLAND, County of CUMBERLAND and State of MAINE, and more particularly described on EXHIBIT A attached hereto and made a part hereof.

MAINE REAL ESTATE TAX PAID

IN WITNESS WHEREOF, the said M.T.S., LLC has caused this instrument to be signed on its behalf by Michael T. Savage, its duly authorized Member, on this 29 day of December, 1999.

[Signature]
Witness

M.T.S., LLC
By: Michael T. Savage
Michael T. Savage, its Member, Duly Authorized

STATE OF MAINE
COUNTY OF CUMBERLAND

December 29, 1999

Then personally appeared the above-named Michael T. Savage in his capacity as Member of M.T.S., LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said M.T.S., LLC.

Before me, [Signature]
Notary Public/Attorney-at-Law
Printed Name: Paul S. Bussard
Commission Expires: _____

TROUBH, HEISLER & PIAMPIANO, P. A.

Attorneys at Law
511 Congress Street
P.O. Box 9711
Portland, Maine 04104-5011
Telephone: 207-780-6789
Fax: 207-774-2339
E-mail: info@thplaw.com

Lewiston Office:
HARK • ANDRUCKI
179 Lisbon Street
P.O. Box 7120
Centreville Plaza
Lewiston, Maine 04243-7120
Telephone: 207-777-4600

PAUL S. BULGER, ESQ.

Sender's Direct E-Mail:
pbulger@thplaw.com

In reply refer to: 15591.5752

February 15, 2000

David Gardner
Everett J. Prescott, Inc.
191 Central Street
Gardiner, ME 04345

RE: M.T.S., LLC / Everett J. Prescott, Inc. / Additional Warren Avenue Real Estate

Dear Dave:

Enclosed please find for your safekeeping the original Quitclaim Deed from M.T.S., LLC to Everett J. Prescott, Inc., now recorded at the Cumberland County Registry of Deeds in Book 15251, Page 274. I have retained a copy for our file.

If you have any questions, feel free to give me a call.

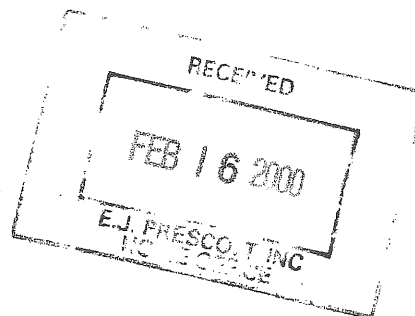
Very truly yours,


Paul S. Bulger

PSB/ts/157571

Enclosure

cc: Michael Savage (w/ encl.)



DIVISION 20. OFF-STREET PARKING

Sec. 14-331. Defined.

Off-street parking, either by means of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical and Design Standards and Guidelines, as hereafter amended, in addition to being a permitted use in certain zones, shall be considered as an accessory use when required or provided to serve conforming uses in any zone. (Code 1968, § 602.14A; Ord. No. 272-77, 5-16-77; Ord. No. 389-89, § 1, 4-3-89)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 14-332. Uses requiring off-street parking.

In all zones where off-street parking is required, the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

(1) Residential structures:

- a. For new construction, two, (2) parking spaces for each dwelling unit, plus one (1) additional parking space for every six (6) units or fraction thereof.
- b. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, one and one-half (1½) additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.

- (2) Motel: One (1) parking space for each sleeping room.
- (3) Hotels: One (1) parking space for each four (4) guest rooms.
- (4) Schools providing instruction for students up to and including those fifteen (15) years of age: One (1) parking space for each room used for purposes of instruction.
- (5) Schools providing instruction for students sixteen (16) years of age and over: One (1) parking space for each ten (10) seats or major fraction thereof, used for purposes of instruction; if no fixed seats, one (1) parking space for each one hundred (100) square feet or major fraction thereof used for purposes of instruction.
- (6) Hospitals: One (1) parking space for each five hundred (500) square feet or major fraction thereof, of floor area, exclusive of cellar.

- (7) Auditoriums, theaters, assembly halls, funeral homes: One (1) parking space for each five (5) seats or for each one hundred (100) square feet, or major fraction thereof, of assemblage space if no fixed seats.

Applicant: Roger Stanbak

Date: 12/17/96

Address: 522-558 Warren Ave

C-B-L: 271-A-002

CHECK-LIST AGAINST ZONING ORDINANCE

Date - Existing - Old Grossman's Bldg

Zone Location - I-2

Interior or corner lot -

Proposed Use/Work - changed use to Family Entertainment Center. interior renovations and new addition 13,000 sq ft

Sewage Disposal - City

Lot Street Frontage - 60' req - ~ 450' shown

Front Yard - N/A existing

Rear Yard - 1' for each 1' of height - 25' + shown

Side Yard - 1' for each 1' of height - 23' shown

Projections - N/A

Width of Lot - N/A

Height - 45' max allowed - 22' at highest mechanical area

Lot Area - 9.23 Acres

Lot Coverage/ Impervious Surface - N/A

Area per Family - N/A

Off-street Parking - 230 + 7 handicap shown

Loading Bays - N/A

Site Plan - MAJOR

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - N/A

237

41 ²⁸ spaces for Dining Area
149.33 spaces for indoor Amusement (ess arcade games) Area
190.61 spaces for bldg
+ 30 spaces for exterior games
<hr/> 220.61 req (221 spcs)

Jokers

FACILITY & FLOOR AREA

Winton Ave

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	$\div 150\# = 41,28$
Toilets, Storage, Utilities.	1,656 sf	
Games, Rides, Jungle Gym & Amusements	18,865 sf	$\div 100\# = 188.65$
Total	<u>29,275 sf</u>	<u>229.93</u>

At the very strictest - this doesn't account for the actual arcade games - delete 2

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.

10/9/90

To: MARGE - Fax 874-8716

From: Tom Mulsaw - 284-9118

Re: Jokers Two Project - 510 Women Ave

I am forwarding a copy of the material submitted to the planning department regarding floor areas for the proposed Jokers project.

On the floor plan I slipped off yesterday, the item we were unsure of is the front ticket desk, redemption (prize) area.

If you have questions, please call .

Tom