

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the “f” key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

APL – all documents behind this target sheet pertain to the original application submitted by the Applicant.

REVIEW – all documents behind this target sheet pertain to those documents submitted to and from staff as part of the project review.

PBM1 – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

PBR1 - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

CC1 - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

DRC1 - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

MISC1 - all documents behind this target sheet are those that may not be included in any of the categories above.

APL

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

2002-0020

Application I. D. Number

01/18/2002

Application Date

Holden Agency

Project Name/Description

1085 Brighton Ave Llc

Applicant

1085 Brighton Ave , Portland , ME 04102

Applicant's Mailing Address

Gawron Architects

Consultant/Agent

Agent Ph: (207)883-6307

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

1 - 1 Holm Ave, Portland, Maine

Address of Proposed Site

274 A001001

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) _____

7,440 sq. ft.

Proposed Building square Feet or # of Units

54,323 sq. ft.

Acreage of Site

B2

Zoning

Check Review Required:

☒ Site Plan
(major/minor)

☐ Subdivision
of lots _____

☐ PAD Review

☐ 14-403 Streets Review

☐ Flood Hazard

☐ Shoreland

☐ Historic Preservation

☐ DEP Local Certification

☐ Zoning Conditional
Use (ZBA/PB)

☐ Zoning Variance

☐ Other _____

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review \$1,290.67 Date 04/23/2002

Planning Approval Status:

Reviewer Kandi Talbot

☐ Approved

☒ Approved w/Conditions
See Attached

☐ Denied

Approval Date 04/04/2002

Approval Expiration 04/04/2003

Extension to _____

☒ Additional Sheets
Attached

☒ OK to Issue Building Permit

Kandi Talbot
signature

05/03/2002
date

Performance Guarantee

☒ Required*

☐ Not Required

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

☒ Performance Guarantee Accepted

05/02/2002

date

\$69,440.00

amount

04/30/2003

expiration date

☐ Inspection Fee Paid

date

amount

☐ Building Permit Issue

date

☐ Performance Guarantee Reduced

date

remaining balance

signature

☐ Temporary Certificate of Occupancy

date

☐ Conditions (See Attached)

expiration date

☐ Final Inspection

date

signature

☐ Certificate Of Occupancy

date

☐ Performance Guarantee Released

date

signature

☐ Defect Guarantee Submitted

submitted date

amount

expiration date

☐ Defect Guarantee Released

date

signature

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

2002-0020

Application I. D. Number

01/18/2002

Application Date

Holden Agency

Project Name/Description

1085 Brighton Ave Llc

Applicant

1085 Brighton Ave , Portland , ME 04102

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☐ Manufacturing ☐ Warehouse/Distribution ☒ Parking Lot ☐ Other (specify) _____

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54,323 sq. ft.

B2

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan
(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional
Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other _____ | |

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review \$1,290.67 Date 04/23/2002

DRC Approval Status:

Reviewer Sebago Technic

- ☒ Approved ☐ Approved w/Conditions
See Attached ☐ Denied

Approval Date 04/04/2002 Approval Expiration 04/04/2003 Extension to _____ ☐ Additional Sheets
Attached

☒ Condition Compliance Kandi Talbot 05/03/2002
signature date

Performance Guarantee

☒ Required*

☐ Not Required

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<input checked="" type="checkbox"/> Performance Guarantee Accepted	<u>05/02/2002</u> date	<u>\$69,440.00</u> amount	<u>04/30/2003</u> expiration date
<input type="checkbox"/> Inspection Fee Paid	_____ date	_____ amount	
<input type="checkbox"/> Building Permit Issue	_____ date		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date	_____ remaining balance	_____ signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____ date	<input type="checkbox"/> Conditions (See Attached)	_____ expiration date
<input type="checkbox"/> Final Inspection	_____ date	_____ signature	
<input type="checkbox"/> Certificate Of Occupancy	_____ date		
<input type="checkbox"/> Performance Guarantee Released	_____ date	_____ signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	_____ amount	_____ expiration date
<input type="checkbox"/> Defect Guarantee Released	_____ date	_____ signature	

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

2002-0020

Application I. D. Number

01/18/2002

Application Date

Holden Agency

Project Name/Description

1085 Brighton Ave Llc

Applicant

1085 Brighton Ave , Portland , ME 04102

Applicant's Mailing Address

Gawron Architects

Consultant/Agent

Agent Ph: (207)883-6307

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

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54,323 sq. ft.

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Acreage of Site

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Check Review Required:

☒ Site Plan
(major/minor)

☐ Subdivision
of lots _____

☐ PAD Review

☐ 14-403 Streets Review

☐ Flood Hazard

☐ Shoreland

☐ Historic Preservation

☐ DEP Local Certification

☐ Zoning Conditional
Use (ZBA/PB)

☐ Zoning Variance

☐ Other _____

Fees Paid: Site Plan

\$400.00

Subdivision

Engineer Review

\$1,290.67

Date 04/23/2002

Engineering Comments

PUBLIC WORKS ENGINEERING REVIEW...3/18/02

This review is in response to the submittal dated 3/14/02:

1. The applicant's agent has submitted a letter that, under item #1, makes the determination that the City will be rebuilding Holm Avenue during the fiscal year 2002. In fact, City Council has not approved funding for this project as yet. Further, the requested approval funding amount may be reduced or not even approved. As a result, we believe that it is appropriate for the applicant to escrow an amount of money equal to the City's anticipated cost for installing curb and sidewalk along the frontage of the development site. This money should be held in escrow, for period of no more than five (5) year, or until such time as the City installs sidewalk and curb and then returned in full to the applicant. This same requirement has been made of other applicants.

2. Street opening fees and right of way excavation permits should not be waived. The City does not know when this street will be constructed. It all depends on City Council decision when to approve CIP funding. These fees are a critical revenue source for operational costs.

3. Item #6 in this same letter, refers to an attached memo dated 2/22/02, that addresses the reduction of runoff to Holm Avenue. We have not received this document for review.

PUBLIC WORKS REVIEW...4/10/02

I have reviewed the cost estimate supporting the performance guarantee amount and find it acceptable to Public Works.

Performance Guarantee

☒ Required*

☐ Not Required

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

☒ Performance Guarantee Accepted

05/02/2002

date

\$69,440.00

amount

04/30/2003

expiration date

☐ Inspection Fee Paid

date

amount

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

From: Anthony Lombardo
To: Kandi Talbot
Date: Wed, May 8, 2002 10:45 AM
Subject: 1 Holm Ave.

Kandi,

Both sidewalk and curb can be installed on this property's Holm Ave. frontage without destroying the existing trees. Based on past experience, that is my professional opinion.

Hobbs Insurance
Hahn Ave / Brighton
5-28-02





**GAWRON
ARCHITECTS**

29 Black Point Road, Scarborough, Maine 04074-9358

Master Planning
Architecture
Interior Design
Landscape Architecture

PRINCIPALS
Stan Gawron, Architect
Mary Turgeon, NCIDQ

LETTER OF TRANSMITTAL

Ref: Holden Agency

To: Kandi Talbot

City of Portland

Planning Department

GA #: 011401

We are sending
you:

Change Order

Copy of letter

Estimates

☐ Check
☐ Prints

☐ Photography
☐ Samples

☒ Plans
☐ Shop Drawings

☐ Presentation
☐ Specifications

COPIES DATE OR NO.

DESCRIPTION

4		L-200, L-300 , A401, A402, Boundary Survey
1		11x17 set

☐ Approved & noted
☐ For approval
☐ For your use
☐ Returned after loaned to us

☒ As requested
☐ For bids due
☐ Resubmit copies for
☐ Returned for corrections

☐ Construction approval
☐ For review & comment
☐ Return corrected prints

From: Rachel Sunnell

Date: 5/3/02

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

1085 Brighton Ave Llc

Applicant

1085 Brighton Ave , Portland , ME 04102

Applicant's Mailing Address

Gawron Architects

Consultant/Agent

Agent Ph: (207) 883-6307 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

2002-0020

Application I. D. Number

01/18/2002

Application Date

Holden Agency

Project Name/Description

1 - 1 Holm Ave, Portland, Maine

Address of Proposed Site

274 A001001

Assessor's Reference: Chart-Block-Lot

Approval Conditions of Planning

- 1 The applicant must submit a letter from the Public Works Department regarding sewer availability.
 - 2 The applicant shall submit granite curb and sidewalk details per City of Portland Technical and Design Standards and Guidelines.
-



HARDY POND CONSTRUCTION

45 BRIDGTON ROAD, WESTBROOK, MAINE 04092

TEL: (207) 797-6066

FAX: (207) 797-8986

EMAIL: info@hardypond.com

FAX INFORMATION AND INSTRUCTION SHEET

Name of Individual: KARLA TALBOT

Name of Firm: PLANNING DEPT

Fax Number: 756-8258

Date Transmitted: 2/22/02

From: BOB GUARDIAU

Reference: HOLDEN AGENCY 1085 BRIDGTON AVE

Total Pages (including cover) 2

If you do not receive all pages, please call back as soon as possible

Comments CITY SPECIFICATION FOR

SIDEWALK CONSTRUCTION TO BE
USED ON HOLDEN AGENCY PROJECT.

HOLDER AGENCY INSURANCE SIDEWALK DETAIL FOR PUBLIC AREA

SECTION I - STREET DESIGN STANDARDS

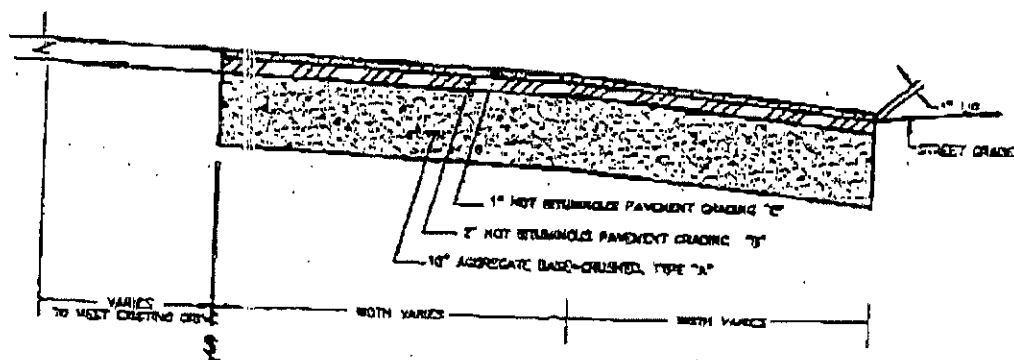
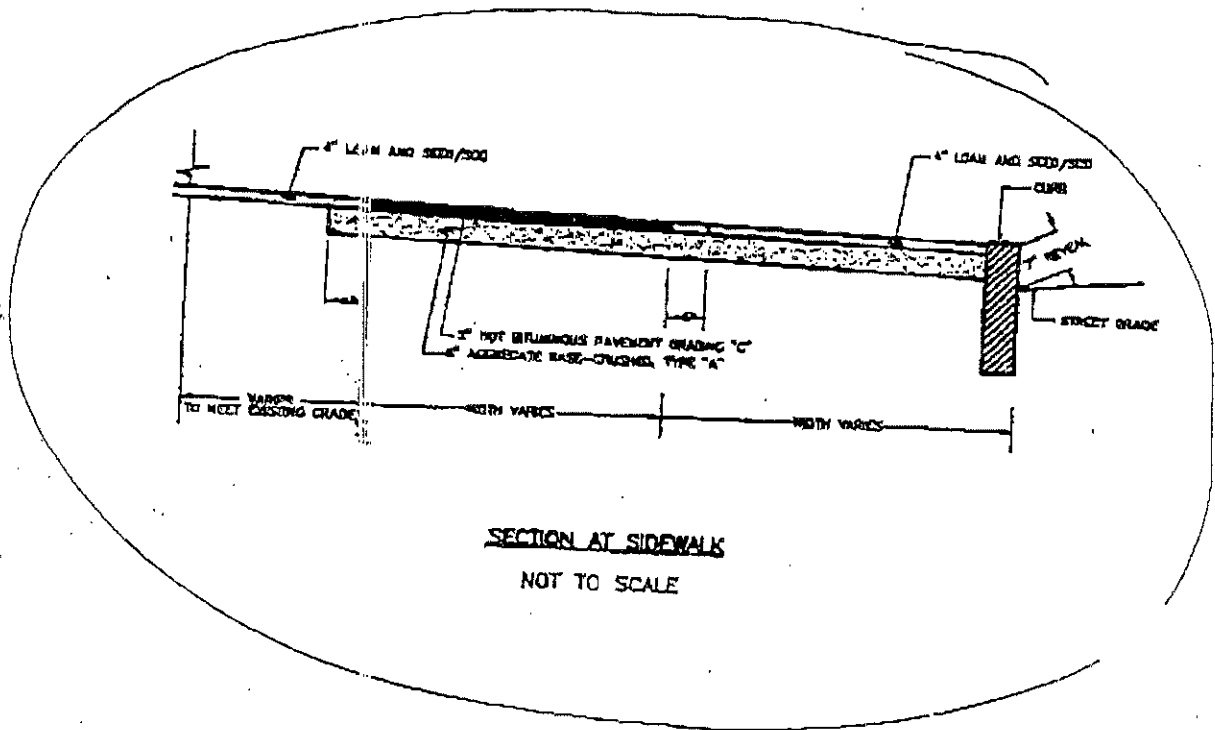


FIGURE I-12
BITUMINOUS SIDEWALK AND DRIVEWAY CONSTRUCTION

Department of Planning and Urban Development
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Name of Project: The Holden Agency - Addition Date: 4/1/03
Address/Location: Brighton Ave., Portland Maine
Developer: _____
Form of Performance Guarantee: _____
Type of Development: Subdivision _____ Site Plan (Major/Minor) ✓

TO BE FILLED OUT BY THE APPLICANT: Holden Ave

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road						
Granite Curbing	<u>293'</u>	<u>32.10</u>	<u>9376</u>	<u>186'</u>	<u>30.10</u>	<u>5580</u>
Sidewalks gravel + xk	<u>214 sy</u>	<u>10.25</u>	<u>2193.50</u>			
Esplanades lawn + seed	<u>144 sy</u>	<u>2.80</u>	<u>417.60</u>	<u>960 sy</u>	<u>4.00</u>	<u>3840 - lawn + seed</u>
Monuments						
Street Lighting						
Street Opening Repairs	<u>100 sy</u>	<u>41.42</u>	<u>4142</u>			
Other				<u>412 sy</u>	<u>26.40</u>	<u>10,876.80 - Gravel</u>
Paving (sidewalk)	<u>214 sy</u>	<u>10.25</u>	<u>2,200</u>	<u>LS</u>	<u>LS</u>	<u>8,900 - Parking</u>
2. EARTH WORK				<u>1250 sy</u>	<u>10.90</u>	<u>13,625 - New</u>
Cut						
Fill						
3. SANITARY SEWER						
Manholes						
Piping						
Connections						
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other						
4. WATER MAINS						
5. STORM DRAINAGE						
Manholes						
Catchbasins						
Piping						
Detention Basin						
Stormwater Quality Units						
Other						

50871.00
18569.00

6. SITE LIGHTING

7. EROSION CONTROL

Silt Fence

Check Dams

Ripe Inlet/Outlet Protection

Level Lip Spreader

Slope Stabilization

Geotextile

Hay Bale Barriers

Catch Basin Inlet Protection

8. RECREATION AND

OPEN SPACE AMENITIES

9. LANDSCAPING

(Attach breakdown of plant materials, quantities, and unit costs)

10. MISCELLANEOUS

Sub TOTAL:

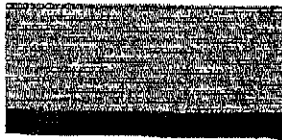
GRAND TOTAL:

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:	371.38	1,017.42	1,388.80
or			
B. Alternative Assessment:			
Assessed by:	J.R.	J.R.	J.R.
	(name)	(name)	

Trees + shrubs 5800
(As shown on plans.)

Ok J.R.
4-11-02



GAWRON
ARCHITECTS

Master Planning
Architecture
Interior Design
Landscape Architecture

29 Black Point Road, Scarborough, Maine 04074-9358

Principal
Stan Gawron, Architect
Mary Furgeon, NCIDQ

FAX COVERSHEET

To: Kandice Talbot
From: Rachel Sunnell
Fax: 756 - 8258
Date: 4.2.02
GA #: 050601

You should receive 3 page(s) including this coversheet

☒ As requested ☐ Please call upon receipt
☒ For your approval ☐

Subject:

Holden Agency Addition
Cost Estimate

cc: Bob Hardy Pond Const. 797-8986
File

SECTION III -- TRAFFIC DESIGN STANDARDS AND GUIDELINES

completely contained within the facility, and vehicles located within one portion of the facility shall have access to all other portions without using the adjacent street system.

- (h) Off-street truck maneuvering: Where the use of a plot includes a truck loading, parking, or service facility, adequate space shall be provided such that all truck maneuvering is performed off the street.

B. Single and Two-Family (up to 4 spaces)

- (a) Minimum/maximum driveway width: Any site shall have a minimum twelve (12) foot driveway; where multi-units are proposed, a maximum twenty (20) foot driveway will be allowed.
- (b) Location of driveway: Driveways shall be located on the lot in a manner to provide a minimum twenty (20) foot spacing between existing or proposed driveways.

NOTE: Refer to "Guidelines for Driveway Design and Location", Institute of Transportation engineers, 1985 or current, for additional design guidelines (on file in Traffic Department).

C. Ingress Lanes (Slip lanes)

- (a) Ingress left-turn lanes requirements: A twelve (12) foot wide left-turn lane with appropriate storage and transition shall be provided at each driveway where the peak hour inbound left-turn volume is thirty (30) vehicles or more.
- (b) Ingress right-turn lanes: For any site, a twelve (12) foot wide right-turn lane with appropriate storage and transition shall be provided at each driveway where the highway average daily traffic exceeds 10,000 vehicles per day, permitted highway speeds exceed 35 miles per hour, and driveway volume exceeds 1,000 vehicles per day with at least forty (40) right-turn movements during peak periods. For any site, a right-turn lane as described in this subparagraph shall be provided at each driveway where right-turn ingress volumes exceed seventy-five (75) vehicles per peak hour.

3. STANDARDS: Parking Lot/Parking Space Design

- A. Parking space: The standard parking space is 9 feet wide by 19 feet long.
- B. Compact spaces: Any parking lot may be designed with a maximum allowance of 35 percent compact spaces over and above the required minimum number of spaces by the zoning ordinance. The space shall have a minimum design of 7-1/2 feet wide by 15 feet long.
- C. Parking lot layout: Lot layout shall conform to Figures III-1 and III-2.
- D. Aisles: Vehicular access shall be provided by one or more aisles, minimum widths of aisles are outlines in Figures III-1 and III-2.

Maine Drilling & Blasting

Blasting Plan

for

The Holden Agency

Site - Open Rock

Portland, ME

Thursday, February 28, 2002

Prepared By : Maine Drilling & Blasting, Inc. Gardiner, ME

Wayne C. Flagg
Name

EASTERN Div. Mgr.
Title

Maine Drilling and Blasting, Inc.
P.O. Box 1140
Brunswick Road
Gardiner, ME 04345
207 582-2338
FAX 207 582-8794

Divisional Offices:
Maine 207 582-2338
Massachusetts 508 689-2983
New Hampshire 603 647-0299
Vermont/New York 802 479-3341

An Equal Opportunity Employer

Divisional Office :

JobID : J#0000020

P.O. Box 1140
Brunswick Road
Gardiner, ME 04345

Divisional Telephone: (207) 582-2338
Divisional FAX: (207) 582-8794

Table Of Contents

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General

Maine Drilling & Blasting considers safety as the priority during all phases of blasting operations. We are knowledgeable of and will follow all local, state and federal regulations related to transportation and use of explosives. The project specifications and conditions have been reviewed. Details of procedures for pre-blast surveys, explosives use, blast security, monitoring and documentation are enclosed.

Pre-Blast Surveys

Pre-blast surveys will be offered to all property owners within a 300 feet radius of the blast site. Appropriate notices will be given and appointments arranged for those owners who desire a survey. Pre-blast surveys will be conducted by Maine Drilling & Blasting, Inc. Results of those surveys will be documented through video or still photographs and appropriate narration or written reports.

Blast Monitoring

All blasts will be monitored by a representative of Maine Drilling & Blasting who has been properly trained in the setup and use of seismic monitoring equipment. At least one seismograph will be in use at all times. Placement of monitoring equipment will be at the nearest structures to the blast site. M D & B monitoring equipment will consist of Instantel type seismographs. Details are enclosed. Results of blast monitoring will typically be available before the next blast, usually immediately following a blast. Results can be reviewed and modifications can be made to the blast design for the next blast if necessary.

Sequence of Blasting

All blasting operations will be strictly coordinated with the project contractor, engineers, the Portland Fire Department, and Hardy Pond Construction and White Brothers. Blasts will be developed so as to create adequate relief which will minimize ground vibrations and offer the greatest protection possible to the surrounding structures.

Blasting Procedures

1. Blasting operations shall commence after 8:00 AM and cease before 5:00 PM, Monday through Friday.
2. Blasting may not be conducted at times different from those announced in the blasting schedule except in emergency situations, such as electrical storms or public safety required unscheduled detonation.
3. Warning and all-clear signals of different character that are audible within a range of one-half mile from the point of the blast shall be given. All persons within the permit area shall be notified of the meaning of the signals through appropriate instructions and signs posted.
4. Access to the blasting area shall be regulated to protect the public from the effects of blasting. Access to the blasting area shall be controlled to prevent unauthorized entry before each blast and until the permittee's authorized representative has determined that no unusual circumstances exist after the blast. Access to and travel in or through the area can then safely resume.
5. Areas in which charged holes are awaiting firing shall be guarded, barricaded and posted, or flagged against unauthorized entry.
6. All blasts shall be made in the direction of the stress relieved face previously marked out or previously blasted.
7. All stemming shall be minimum as specified using clean, dry 3/8" crushed stone.
8. Blasting mats shall be used as necessary to cover blasts.
9. The Blasting Contractor shall insure that extra safety and judgment is exercised by his blaster to prevent the simultaneous blasting of numerous holes.

Blasting Mats

Blasting mats and backfill will be used to control excessive amounts of rock movement when blasting in close proximity to structures. Placement and number of mats are typically determined by the blaster. Mats will be placed so as to protect all people and structures on, or surrounding the blast site and property. Rubber tire type blasting mats will be utilized on this project and will be approximately 12' x 12' in size; Rubber mat @ 12' x 12' 38 lbs./s.f. = 5,472 lbs./ea.

Blast Security and Warning Whistles

Each blast will be preceded by a security check of the affected area and then a series of warning whistles. Communications will be made with job site supervisors and local officials as required to ensure the safest possible operation. All personnel in the vicinity closest to the blast area will be warned. The Warning Whistles will follow the following sequence:

- 3 Whistles - 5 Minutes to Blast
- 2 Whistles - 1 Minute to Blast
- 1 Whistle - All Clear

The blast site will be examined by the blaster prior to the all clear signal to determine that it is safe to resume work. No blast will be fired until the area has been secured and determined safe.

Explosives

All explosives will be delivered to the job site on a daily basis. There will be no overnight storage. Only the amount of explosives required to perform the day's work will be brought to the site. All explosives will be stored in approved magazines when not in use.

Enclosed are Technical Data and MSDS sheets for the explosive products proposed for use on this project. Any one of, or a combination of these products may be in use at any one time on the site.

Blaster Qualifications

All MD&B blasters on this job will be licensed in the State of Maine and have received various amounts of training in the safe use and handling of explosives. Additionally, MD&B blasters are familiar with all OSHA Regulations, State Regulations, and Federal Regulations regarding construction site safety, including transportation, use, and handling of explosive materials. Weekly safety meetings are to be held on site by the MD&B job foreman, with a record of that meeting returned to the MD&B office.

Blasting Personnel

All blasting operations shall be conducted by experienced, trained and competent persons who understand the hazards involved. Persons working with explosive materials shall:

1. Have demonstrated a knowledge of, and a willingness to comply with, safety and security requirements.
2. Be capable of using mature judgment in all situations.
3. Be in good physical condition and not addicted to intoxicants, narcotics, or other similar type of drugs.
4. The person(s) responsible for the explosives shall possess current knowledge of the local, State and Federal laws and regulations applicable to his work.
5. The person(s) responsible for the explosives shall have obtained a Certificate of Competency or a license as required by State law.

Licenses and Permits

M D&B is fully licensed and insured for the transportation, use, and handling of explosives. Evidence of insurance is supplied with the subcontractor. Blasting permits will be applied for as required from the local authorities by the M D&B Blaster/Foreman when blasting is about to begin.

Blast Vibration

Blast vibration will be monitored at the blast site, typically at the structure(s) closest to the blast site. Vibration limits will closely follow those limits described in the project specifications and the Maine Regulations. Blast designs will be modified as required to stay within the guidelines and meet project schedules as well. Blasting operations will be modified accordingly when approaching buildings and utilities. Enclosed are preliminary vibration calculations based on known distances to the structures of concern and anticipated initial blast designs.

Blast Reports

Enclosed is a sample of a M D&B Blast Report. This report will be filled out for each blast and copies supplied as needed.

Typical Blast Design

Enclosed are what would be considered typical blast designs for this project. Hole sizes, depths, spacings and loading information is provided. These designs are to be considered a good starting point. Modifications are usually made, if necessary, following the first blasts to meet control and seismic considerations.

APPENDIX B.—ALTERNATIVE BLASTING LEVEL CRITERIA

Safe blasting vibration criteria were developed for residential structures, having two frequency ranges and a sharp discontinuity at 40 Hz (table 13). There are blasts that represent an intermediate frequency case, being higher than the structure resonances (4 to 12 Hz) and lower than 40 Hz. The criteria of table 13 apply equally to a 35-Hz and a 10-Hz ground vibration, although

the responses and damage potentials are very much different.

Using both the measured structure amplifications (fig. 39) and damage summaries (figs. 52 and 54), a smoother set of criteria was developed. These criteria have more severe measuring requirements, involving both displacement and velocity (fig. B-1).

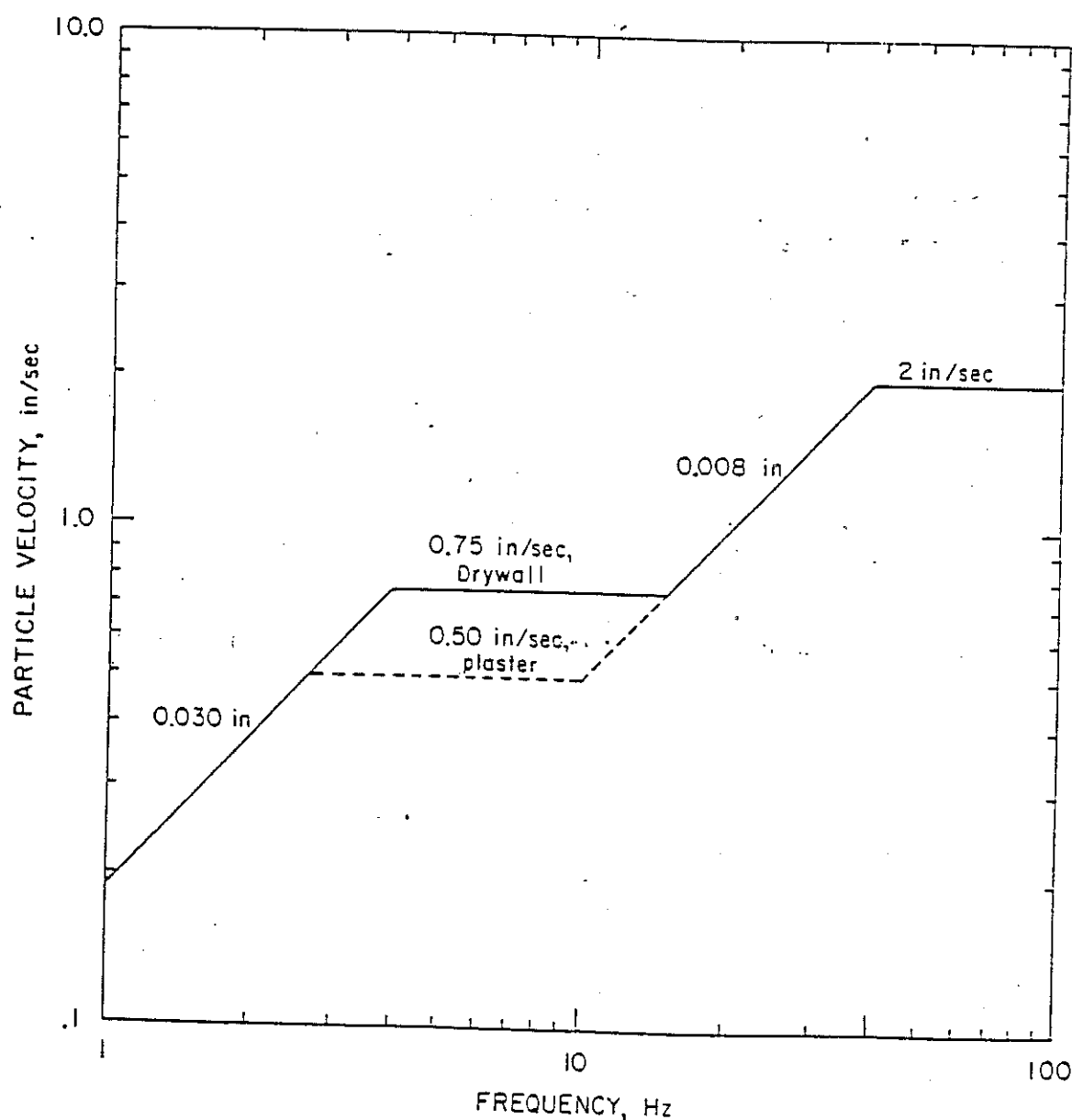


Figure B-1.—Safe levels of blasting vibration for houses using a combination of velocity and displacement.

MAINE DRILLING AND BLASTING, INC.

Blast Design Plan
HOLDEN AGENCY.
Description: OPEN ROCK
Proposed Parking Area.

APENDIX A.

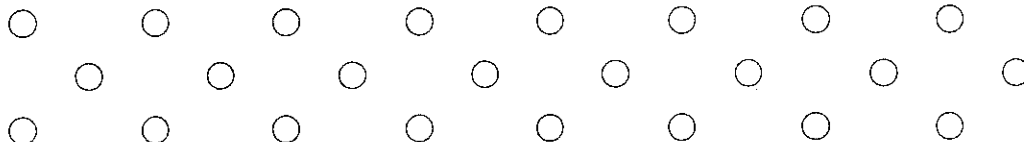
Blast Design Plan			
Est. # of Holes	<u>15</u>		
Depth	<u>6'</u>		
Hole Diameter	<u>3.0"</u>		
Burden	<u>5'</u>		
Spacing	<u>5'</u>		Stemming: 3.5' Stemming Stone
Holes per Delay	<u>1</u>		
Pounds per Delay	<u>6.22 lbs</u>		
Pounds per Hole	<u>6.22 lbs</u>		
Total Est. Pounds	<u>93.37 lbs</u>		
Powder Factor	<u>1.12 lbs/CY</u>		
Decks	<u>0</u>		
			Wet Load: 2.5' EMGEL 250 2.5"

Blast Plan Notes
Seismographs To Be Placed At The Nearest Bldgs..

Vibration Predication (formula based on Dupont Handbook)		
Site Factor (k)	<u>160</u>	Ground Constant based on Site/Rock Conditions
Distance ft (d)	<u>75</u>	Distance to Structure
lbs per Delay (w)	<u>6.22</u>	lbs explosives per 8 milisecond Delay
Scaled Distance (sd)	<u>30.06</u>	($sd = d / \text{square root of } w$)
Esimated PPV	<u>0.69</u>	($ppv = k * sd ^{-1.6}$)

Typical for production work consistent holes 6' deep at 75' from a structure utilizing 3.0" diameter at a 5' by 5' pattern.

Plan View/Timing Design (please see attached timing diagrams)



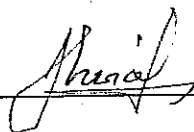
Calibration Certificate

Part Number: 714A0801
Description: BlastMate III
Date: Oct. 26, 2001
Unit S/N: BA6414

<u>TEST REFERENCES*</u>	<u>Model</u>	<u>Serial No.</u>
Stanford Spectrum Analyzer	SR760	41036
Good Will Inst. Frequency Counter	GUC-2010G	5110825
Fluke Multimeter	87III	71990510
VOD Cable Simulation Test Jig	717J0201	n/a
Bruel & Kjaer Accelerometer	4370	1425906
Bruel & Kjaer Charge Amplifier	2635	1423229
Bruel & Kjaer Mic Power Supply	2804	1904864
Bruel & Kjaer Microphone Preamplifier	2669	1936412
Bruel & Kjaer Microphone Element	4193	1863904

INSTANTEL INC. hereby certifies that this unit has been calibrated and that the results are consistent with the specifications published regarding this instrument. The SENSORCHECK™ feature of the unit is sufficiently reliable to indicate proper operation, although it is recommended that this unit be sent to INSTANTEL or an authorized service centre for regular calibration.

AUTHORIZED BY: _____



*References are traceable to NRC, NIST or equivalent

Calibration Certificate

Part Number: 712A0101
Description: DS-477 BlastMate II, Mic Rng 2 Hz - 250 Hz
Date: Oct 9, 2001
Unit S/N: 2684

TEST REFERENCES*	Model	Serial No.
Stanford Spectrum Analyzer	SR760	41036
Good Will Inst. Frequency Counter	GUC-2010G	5110825
Fluke Multimeter	87III	71990510
VOD Cable Simulation Test Jig	717J0201	n/a
Bruel & Kjaer Accelerometer	4370	1425906
Bruel & Kjaer Charge Amplifier	2635	1423229
Bruel & Kjaer Mic Power Supply	2804	1904864
Bruel & Kjaer Microphone Preamplifier	2669	1936412
Bruel & Kjaer Microphone Element	4193	1863904

INSTANTEL INC. hereby certifies that this unit has been calibrated and that the results are consistent with the specifications published regarding this instrument. The SENSORCHECK™ feature of the unit is sufficiently reliable to indicate proper operation, although it is recommended that this unit be sent to INSTANTEL or an authorized service centre for regular calibration.

AUTHORIZED BY: 

*References are traceable to NRC, NIST or equivalent

CALIBRATION CERTIFICATE

**DNR TECHNICAL SERVICES
HEREBY CERTIFIES THAT**

INSTANTEL DS-477 seismograph

Serial number 2649

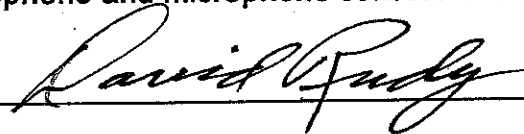
Has been calibrated on : APRIL 10, 2001

The results of this calibration are consistent with industry and regulatory standards and published specifications (*) for this instrument. Calibration test references traceable to NIST {National Institute of Standards and Technology}

* Microphone calibrated to within .2 dB of Bruel & Kjaer reference @ 30 Hz, 127 dB., +1/2 /-2 dB @ 2 Hz. Microphone "A" (no regulatory or blasting industry standards for "A" weight) is not calibrated. Geophone calibrated within 1% of Bruel & Kjaer reference accelerometer @ 15 Hz. frequency, 1 inch per second.

It is recommended that this unit be sent to a qualified service center for calibration once a year. A proper "Sensorcheck" test of the seismograph, for each use, ensures proper connection and operation of the geophone and microphone sensors between calibrations.

SIGNED: _____



David Rudy - Technical Services Manager

"Sensorcheck" is an Instanteel trademark.

Maine Drilling & Blasting

TIMOTHY FRAZEE
RR #7, BOX 4500
NORTHERN AVENUE
FARMINGDALE, MAINE 04344

EMPLOYMENT: Supervisor/Blaster for Maine Drilling & Blasting, Inc. since April, 1985

WORK EXPERIENCE: In charge of various projects throughout Maine, New Hampshire, Vermont and Massachusetts

<u>PROJECT</u>	<u>CONTRACTOR</u>	<u>DOLLAR VALUE</u>
Site Development Randolph, MA	Old Colony Construction	\$1,500,000.00
Exit 7A - Portland Jetport Portland, ME	White Brothers	\$280,000.00
Site Development Waltham, MA	C. Sprito	\$500,000.00
Hydro Electric Penacook, NH	Richars & Associates	\$700,000.00
Worumbo Hydro Lisbon Falls, ME	Cianbro Corp.	\$600,000.00
Site Development So. Portland, ME	Sable Oaks Associates	\$500,000.00
Site Development Jaffrey, NH	Shattuck Inn Associates	\$900,000.00

REFERENCES: Mike White
White Brothers, Westbrook, ME

Mitchell Green
Green Mountain Explosives, Auburn, NH

Maine Drilling and Blasting, Inc.
P.O. Box 1140
Brunswick Road
Gardiner, ME 04345
207 582-2338
FAX 207 582-8794

Divisional Offices:
Maine 207 582-2338
Massachusetts 508 689-2983
New Hampshire 603 647-0299
Vermont/New York 802 479-3341

An Equal Opportunity Employer

Maine Drilling & Blasting

DANA A. LAWRENCE
46 FORRESTER LANE
WEST GARDINER, MAINE 04345

EMPLOYMENT: Blaster with over 14 years experience, has been with Maine Drilling & Blasting for 14 years.

EXPERIENCE:

<u>Contractor</u>	<u>Location</u>	<u>Size of Job</u>
Wenworth by the Sea	Newcastle, NH	\$ 114,500
Fleet Construction	Smithfield, RI	\$ 251,400
R. J. Grondin	Augusta, ME	\$1,100,000

STATES LICENSED IN AND LICENSE NUMBERS:

New Hampshire 1151, Rhode Island 37

Maine Drilling and Blasting, Inc.
P.O. Box 1140
Brunswick Road
Gardiner, ME 04345
207 582-2338
Fax 207 582-8794

Divisional Offices:
Maine 207 582-2338
Massachusetts 508 689-2983
New Hampshire 603 647-0299
Vermont/New York 802 479-3341

Friday, March 17, 2000

An Equal Opportunity Employer

Maine Drilling & Blasting

TIMOTHY HANLEY

BLASTER OR FOREMAN ON THE FOLLOWING PROJECTS:

H. E. Sargent
Stillwater, ME
Job location: Alexander, ME

4,800 c.y.

Dicenzo Construction
Calais, ME
Job location: Eastport, ME (sewer)

3,800 c.y.

Dicenzo Construction
Calais, ME
Job location: Woodland, ME (pipeline)

3 miles lg.

Foss & Sons
Danforth, ME
Job location: Houlton, ME (footing around bldg.)

380 c.y.

Pelletier Construction
Madawaska, ME
Job location: Presque Isle, ME (shopping mall)

2,500 c.y.

Shaw Brothers
Gorham, ME
Job location: Standish, ME (shopping mall)

3,300 c.y.

Seismograph experience
Attended ICI Blasting Seminars in Dec. 1993 and April 1994
Licensed in NH, MA and VT

Maine Drilling and Blasting, Inc.
P.O. Box 1140
Brunswick Road
Gardiner, ME 04345
207 582-2338
FAX 207 582-8794

Divisional Offices:
Maine 207 582-2338
Massachusetts 508 689-2983
New Hampshire 603 647-0299
Vermont/New York 802 479-3341

An Equal Opportunity Employer



MATERIAL SAFETY DATA SHEET

MINING SERVICES INTERNATIONAL

MSI EMGEL 200

SECTION 1 - CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

MANUFACTURER: Mining Services International, Inc.
8805 S. Sandy Parkway
Sandy, Utah 84070-8408

EMERGENCY PHONE NUMBER: (801)233-6000 (MSI) or (800)424-9300 (CHEMTREC)

TRADE NAME: EMGEL 200

CAS NUMBER: N/A

SECTION 2 - COMPOSITION/INFORMATION ON INGREDIENTS

Component	CAS No.	Exposure Limits (mg/m ³ unless noted)		% by Wgt
		ACGIH TLV	OSHA PEL	Typical
Ammonium Nitrate	6484-52-2	N/A	N/A	54 - 56
Calcium Nitrate	10124-37-5	N/A	N/A	28 - 30

SECTION 3 - HAZARDS IDENTIFICATION

US OSHA HAZARD COMMUNICATION STANDARD: Product assessed in accordance with OSHA 29 CFR 1910.1200 and determined to be hazardous.

EFFECTS OF OVEREXPOSURE: Respiratory irritation, dizziness, nausea, vomiting, tachycardia. Prolonged, repeated skin contact may result in skin irritation or more serious skin disorders. Toxic effects are unlikely to occur if good personal hygiene is practiced.

EMERGENCY RESPONSE DATA: Light yellow to rust in color in a white polyethylene casing or a woven polypropylene shot bag.

DOT ERG No. - 112

Approved By: Eric Harmston
Effective Date: 6/01/1997

page 1 of 5
Review Date: 6/01/2000



MINING SERVICES INTERNATIONAL

MATERIAL SAFETY DATA SHEET

MSI ENGEL 200

SECTION 4 - FIRST AID MEASURES

EFFECTS OF OVEREXPOSURE: UNKNOWN

EMERGENCY AND FIRST AID PROCEDURES:

Inhalation - Remove to a well ventilated area. If breathing difficulties persist seek medical help.

Ingestion - Do not induce vomiting. Drink large amounts of water or milk. Give liquid activated charcoal and seek medical attention.

Skin - Wash effected area with soap and rinse with large amounts of water. Launder contaminated clothing before reuse.

Eyes - Flush with copious amounts of clean or buffered water for at least 15 minutes. Seek medical attention immediately.

SECTION 5 - FIRE-FIGHTING MEASURES

FLASH POINT: Not Established

LEL: Not Available

EXTINGUISHING MEDIA: Water - Deluge with water to cause a mass cooling.

UNUSUAL FIRE & EXPLOSION HAZARDS: System contains its own oxygen and fuel. May explode when subject to extreme heat or shock. Will release NO_x.

SPECIAL FIRE FIGHTING PROCEDURES: DO NOT FIGHT AN ESTABLISHED FIRE. Clear area and allow to burn out.

Approved By: Eric Harmston
Effective Date: 6/01/1997

page 2 of 5
Review Date: 6/01/2000



MATERIAL SAFETY DATA SHEET

SECTION 6 - ACCIDENTAL RELEASE MEASURES

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED:

Gather up spilled cartridges and wash any contaminated area with water.

WASTE DISPOSAL METHOD:

Place down a blast hole prior to detonation; to be utilized as part of the blast.
May be burned in a shallow layer on barren ground in accordance with federal, state and local regulations.

SECTION 7 - HANDLING AND STORAGE

DURING HANDLING AND STORAGE:

Comply with regulations and precautions for "Blasting Agent, n.o.s." classification by regulatory agencies. Wear chemical resistant gloves and boots.

OTHER PRECAUTIONS:

May cause shrinkage of leather shoes and gloves, avoid contact; slightly corrosive to ferrous metals.

SECTION 8 - EXPOSURE CONTROL / PERSONAL PROTECTION

RESPIRATORY: Dust/Mist Mask is advisable

VENTILATION: Ambient

GLOVES: Chemical resistant

EYE: Safety Glasses or Goggles

OTHER PROTECTIVE EQUIPMENT: None required.

THRESHOLD LIMIT VALUE: Nitrogen dioxide = 3 ppm
Nitrous oxides = 25 ppm



MATERIAL SAFETY DATA SHEET

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

BOILING RANGE: N/A

MELTING POINT: N/A

VAPOR DENSITY: N/A

DENSITY: 1.15 - 1.25

EVAPORATION RATE: N/A

PERCENT VOLATILE BY VOLUME: N/A

SOLUBILITY IN WATER: NO

APPEARANCE AND ODOR:

Gel ; odor of fuel or mineral oil; Yellow to rust in color, with ammonium nitrate prill throughout mix. Packaged in 1.5 to 3 inch polyethylene cartridges tubes and/or 3.5 to 9 inch woven polypropylene shot bags with polyethylene liner.

SECTION 10 - STABILITY AND REACTIVITY

STABILITY: Stable

CONDITIONS TO AVOID: High heat in a confined area.

HAZARDOUS DECOMPOSITION PRODUCTS: NO₂, NO_x, CO₂, Ammonia

HAZARDOUS POLYMERIZATION: Will not occur.

SECTION 11 - TOXICOLOGICAL DATA

ACUTE TOXICITY: Not Established

SECTION 12 - ECOLOGICAL INFORMATION

ENVIRONMENTAL FATE AND EFFECTS: Not Established



MINING SERVICES INTERNATIONAL

MATERIAL SAFETY DATA SHEET

MSI EMGEL 700

SECTION 13 - DISPOSAL CONSIDERATIONS

WASTE DISPOSAL: The contaminated material is to be placed down a borehole to be utilized as part of the blast. If local regulations allow, it may be burned in a shallow layer on barren ground.

RCRA INFORMATION: Any other form of disposal of this product may be subject to RCRA regulations (40 CFR 261) due to the characteristic(s)/chemical(s) listed in section 2.

SECTION 14 - TRANSPORT INFORMATION

Regulatory classifications are as follows:

DOT: Blasting Agent OSHA: Blasting Agent MSHA: Blasting Agent

USA DOT:

SHIPPING NAME: Explosive, blasting, type E, UN0332

HAZARD CLASS AND DIVISION: 1.5D

ID NUMBER: UN0332

REFERENCE No.: EX-9008113

PACKING GROUP: II

DANGEROUS WHEN WET: NO

POISON: NO

LABEL(s): Blasting Agent

PLACARD(s): Blasting Agent 1.5D

PRODUCT RQ: N/A

ERG NUMBER: 112

SECTION 15 - REGULATORY INFORMATION

Governmental Inventory Status: All components comply with TSCA, and EINECS/ELINCS.

US Superfund Amendments and Reauthorization Act (SARA) Title III: This product is considered an "Extremely Hazardous Substance". This product also contains Ammonium Nitrate which is reportable to SARA(313) toxic release program.

SECTION 16 - OTHER INFORMATION

This product meets UN standards for Blasting Agent as outlined in TDG Manual of Tests and Criteria. Second Revised Edition.

Approved By: Eric Harmston
Effective Date: 6/01/1997

page 5 of 5
Review Date: 6/01/2000



Design - Electrical
COMPANY

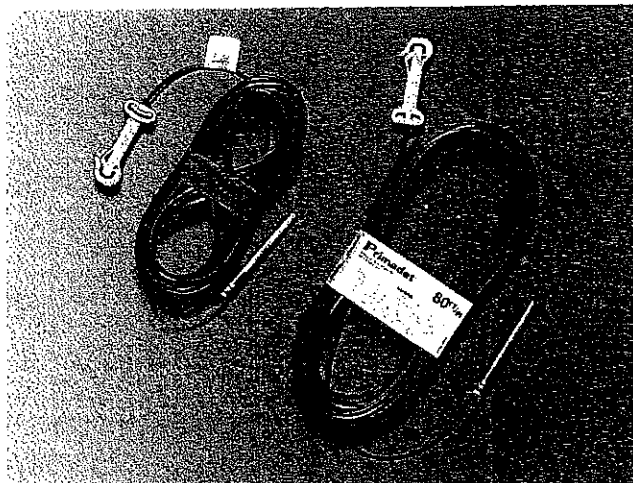
TECHNICAL BULLETIN

Primadet®

Nonelectric delay detonators

EZ Det® NONELECTRIC BLAST INITIATION SYSTEMS

Precise, EZ-to-use, non-electric detonators for construction, surface and underground blasting applications.



The EZ Det® nonelectric blast initiation systems were developed for various types of blasting applications. It eliminates the need for inventorying various in-hole delays, provides a fast, simple hook-up while allowing an unlimited number of holes to be shot with independent hole initiation.

DESCRIPTIONS

EZ Det® nonelectric blast initiation systems are comprised of four major components.

A shock tube to transmit a signal to the delay cap. Shock tube is a small diameter laminated plastic tube with a very thin layer of reactive material; only one pound of material per 100,000 feet of tube. When initiated, shock tube reliably transmits a low energy signal at approximately 6,500 feet per second from one point to another. This shock wave phenomenon, which is similar to a dust explosion, will propagate through most sharp bends, knots and kinks in the tube. The detonation is sustained by such a small quantity of reactive material, the outer surface of the tube remains intact during and after functioning.

A precise nonelectric in-hole detonator. This detonator will initiate all dynamites and cap sensitive explosives.

A precise surface delay housed in a plastic connector. This surface connector will reliably initiate 1 to 6 properly connected shock tube(s) in both directions.

A color-coded delay tag which indicates the nominal firing time of both the surface connector and the in-hole detonator.

ADVANTAGES

Simple-Flexible EZ Det® nonelectric blast initiation systems are factory assembled, no field cutting and assembly of initiation components is required. They can be readily and simply connected to accommodate both basic and complex blast initiation requirements.

Reliable EZ Det® nonelectric blast initiation systems are factory assembled under stringent quality specifications to insure reliable performance in the field, blast after blast.

Nonelectric Shock tube cannot be initiated by high frequency radio transmissions, static or stray electrical energy, flame, friction or impact found in normal mining conditions. However, blasting caps are far more sensitive to these conditions. Requires no knowledge of electric circuitry. No need to instruct blasters on intricacies of electric circuits. No need for elaborate training and retraining of blasters.

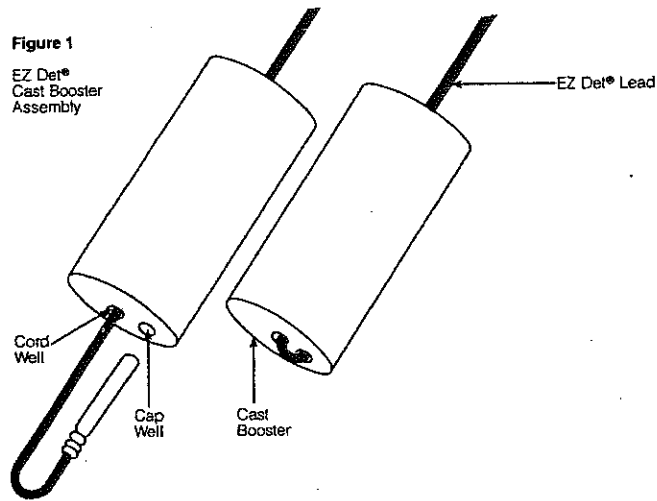
Noiseless EZ Det® nonelectric blast initiation systems are quiet. The signal moving through an initiated tube is so quiet that it can be called Noiseless.

Economical EZ Det® nonelectric blast initiation systems allow for a reduced inventory resulting from the elimination of stocking various lengths of a complete delay series.

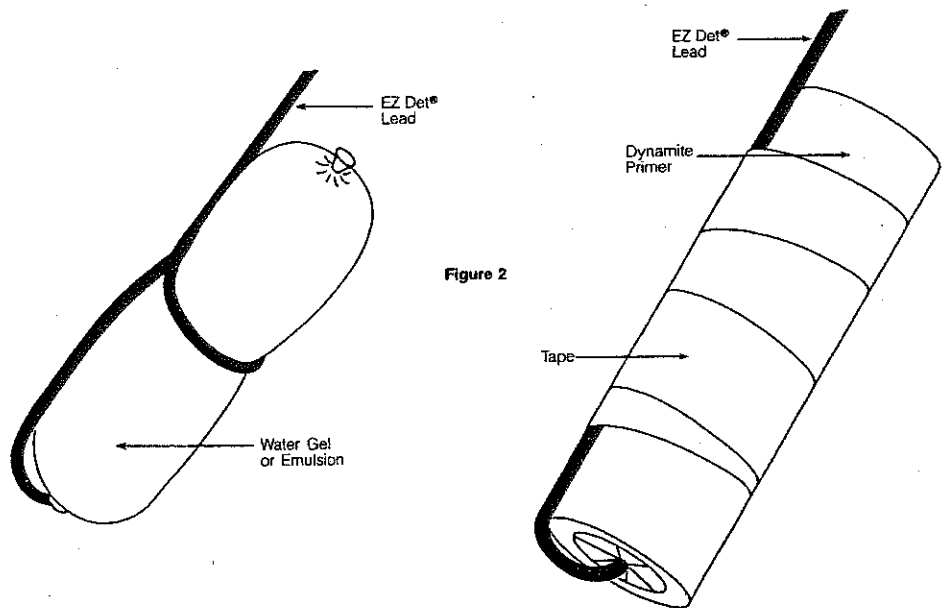
PRIMER ASSEMBLIES

The EZ Det® nonelectric blast initiation system can be used with all cast primers, dynamites and cap sensitive high explosives.

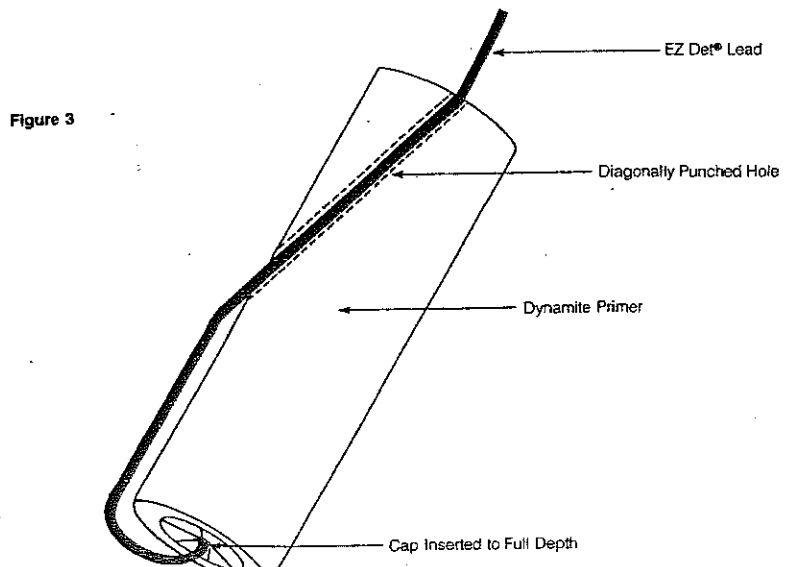
The EZ Det® of appropriate length is threaded through the cord well of the cast primer and inserted to full depth into the cap well (Figure 1).



On a soft package primer a hole of proper depth is punched into the primer using a non-sparking powder punch. The EZ Det® detonator is then fully inserted into the cartridge. The EZ Det® lead can then be half-hitched or taped around the cartridge (Figure 2).



When using paper cartridge primers, such as dynamites, a hole can be punched, using a non-sparking tool, diagonally starting at the top and exiting out of the side. The EZ Det® detonator can then be threaded through this hole and then inserted to full depth into the cartridge (Figure 3).

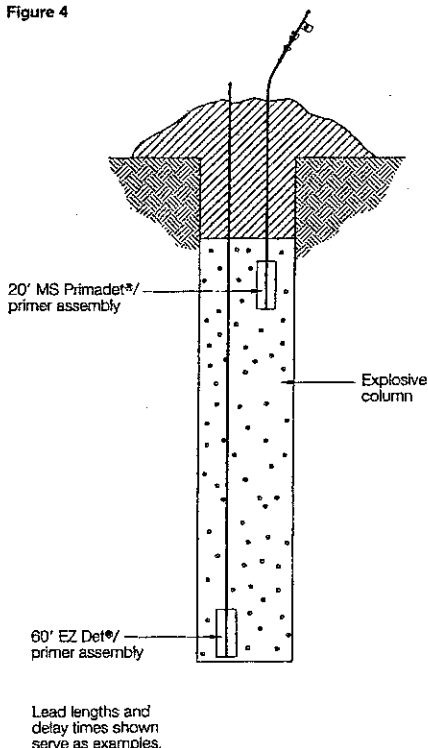


LOADING PROCEDURES

SOLID COLUMN LOADED HOLES

1. An EZ Det®/primer assembly is lowered into the borehole and the surface relay is secured at the borehole collar.
2. Explosive material is loaded into the borehole.
3. A Millisecond (MS) Primadet® nonelectric delay detonator/primer assembly of the appropriate delay is lowered to the top of the explosive column. See Figure 4. (If a double trunkline or twin path hook-up is desired, then a second EZ Det®/primer assembly can be used).

Figure 4



SURFACE HOOK-UP

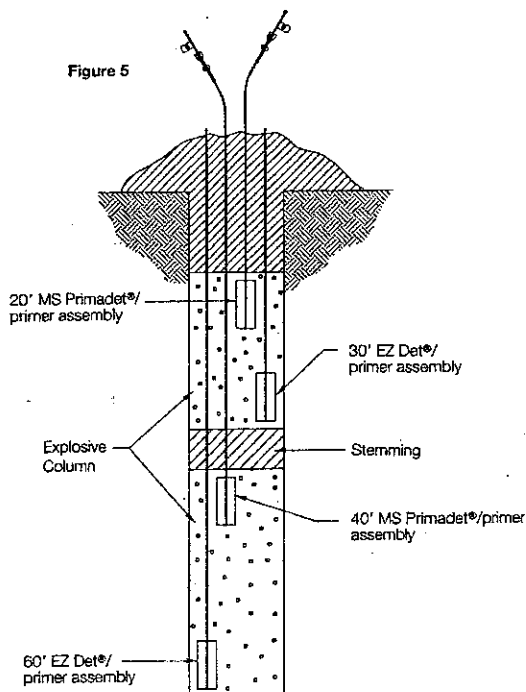
HOOK-UP OF EZ DET® NONELECTRIC BLAST INITIATION SYSTEMS WITH PRIMADET® NONELECTIC DELAY DETONATOR NOISELESS TRUNKLINE DELAYS (NTD) OR EZ™ TRUNKLINE DELAYS (EZTL).

1. Attach the surface connector end of the EZ Det® detonator coming from the hole that is to be fired first in the blast onto the shock tube(s) of the Primadet® and/or EZ Det® detonator from the second hole. It is important that the surface connector be properly attached to the shock tube(s). Be sure that the shock tube(s) is properly inserted into the connector block so that the head of the connector block rises to accept the shock tube and returns to a closed position with an audible click. It is recommended that one shock tube at a time be inserted into the connector block to prevent the possibility of shock tube crossovers in the connector block. (Figure 6). A surface connector can accommodate 1 to 6 shock tube(s).
2. After inserting the shock tube(s) securely into the surface connector, slide the surface connector along the shock tube(s) into the stemming at the collar of the hole.
3. Attach the surface connector end of the EZ Det® detonator coming from the second hole onto the shock tube(s) of the Primadet® and/or EZ Det® detonator coming from the third hole.
4. After inserting the shock tube(s) securely into the surface connector, slide the surface connector along the shock tube(s) into the stemming at the collar of the hole.
5. Repeat this process until all the holes have been connected using the surface connectors (Figure 7).
6. Primadet® nonelectric delay detonator Noiseless Trunkline Delays (NTD) or EZ™ Trunkline Delays (EZTL) may be used in a surface hook-up to provide time between rows of EZ Det® units (Figure 7). This is accomplished by inserting the shock tube(s) of an NTD or EZTL into the surface connector of the EZ Det® (Figure 7, Hole #3).

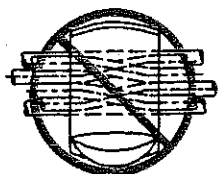
DECK LOADED HOLES

1. An EZ Det®/primer assembly is lowered into the borehole and the surface delay is secured at the borehole collar.
2. Explosive material is loaded into the borehole.
3. An MS Primadet®/primer assembly of the appropriate delay is lowered to the top of the explosive column. (If a double trunkline or twin path hook-up is desired, then a second EZ Det®/primer assembly can be used).
4. Stemming material for decking is loaded.
5. The above procedure is then repeated until the appropriate amount of decks are completed. See Figure 5.

Figure 5



NOT LIKE THIS



LIKE THIS

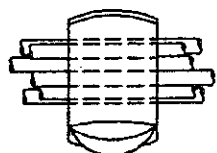
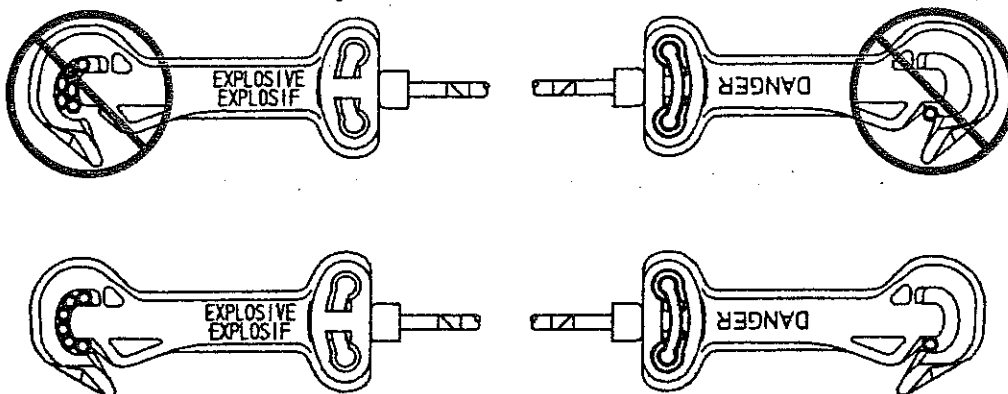


Figure 6



First Hole To Be Initiated In Blast

See Figure 6

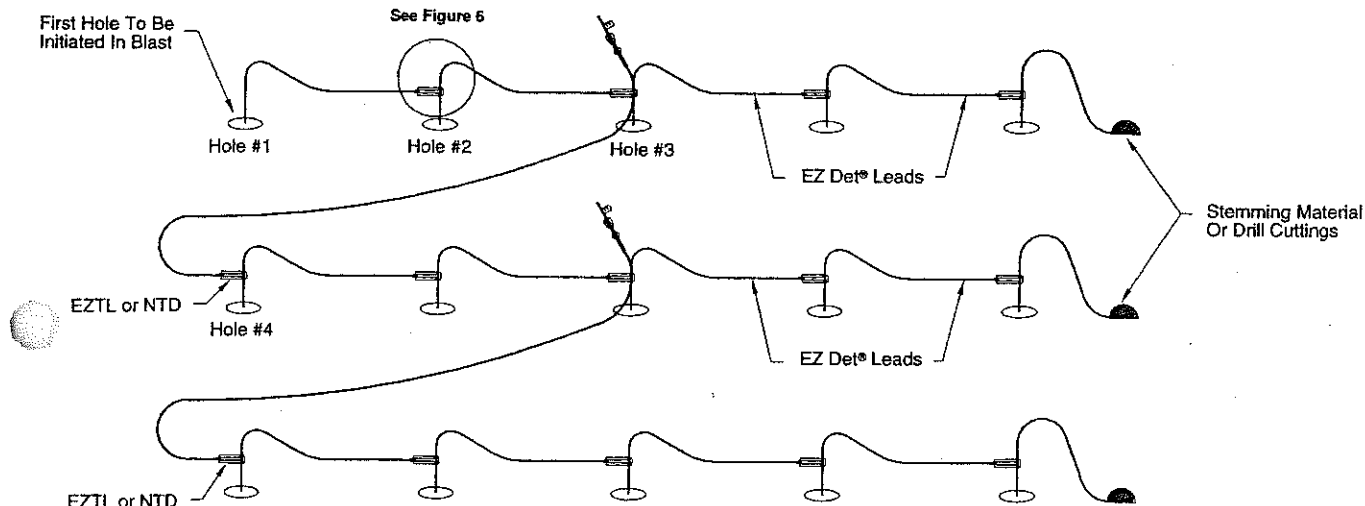


Figure 7

7. Attach the incoming NTD to the EZ Det® shock tube leads at the next row by positioning the NTD so that it will initiate the EZ Det® shock tube leads in both directions (Figure 7, Hole #4). Snap the lid of the Bunch Block closed. If EZTL units are used, be sure they are properly attached to the shock tube(s). See Figure 6.
3. All outgoing shock tube leads should leave the Bunch Block in a straight line for at least 1 foot. Never bend the shock tubes around the front of the Bunch Block, back over the top of the Bunch Block, or allow the outgoing shock tubes to loop back near the Bunch Block or face connector. Any of these conditions may result in a cut-off due to shrapnel from the exploding Bunch Block.

9. Make a thorough inspection of the hook-ups for proper connection after all the blast holes are connected.
10. Turn each Bunch Block connection upside down and cover with drill cuttings, stemming, or other similar material to prevent cut-offs and to control noise.
11. The surface connector end of the EZ Det® detonator from the last hole, of each row in the blast, is an extra connector and should be covered with drill cuttings or stemming material to keep the connections neat and prevent any confusion.

NOTE: If the shot is to be covered with blasting mats and/or backfill material, it is recommended that the surface connectors be covered with at least 6 inches of gravel or drill cuttings. Backfilling and matting of shots should be done carefully to avoid any damage to the surface connector and EZ Det® leads which may result in a misfire or premature detonation.

SPECIAL APPLICATIONS — TRENCH BLASTING

EZ Det® nonelectric blast initiation systems are ideal for various types of trench blasting. EZ Det® units can accommodate both simple and complex trench blasting design patterns. Solid column and deck loaded holes can be designed with simplicity and ease. Figure 8 illustrates the simplicity of design and hook-up for a trench blast which utilizes 25ms/350ms EZ Det® units in both solid column and deck loaded holes. 25ms/350ms EZ Det® units provide an unlimited number of constant, precise 25ms delay intervals between holes and/or decks in trench blasting applications. The 350ms in-hole detonator minimizes the risk of cut-off downlines or trunklines due to ground movement since the actual detonation time of the blast hole is greater than the surface detonation time.

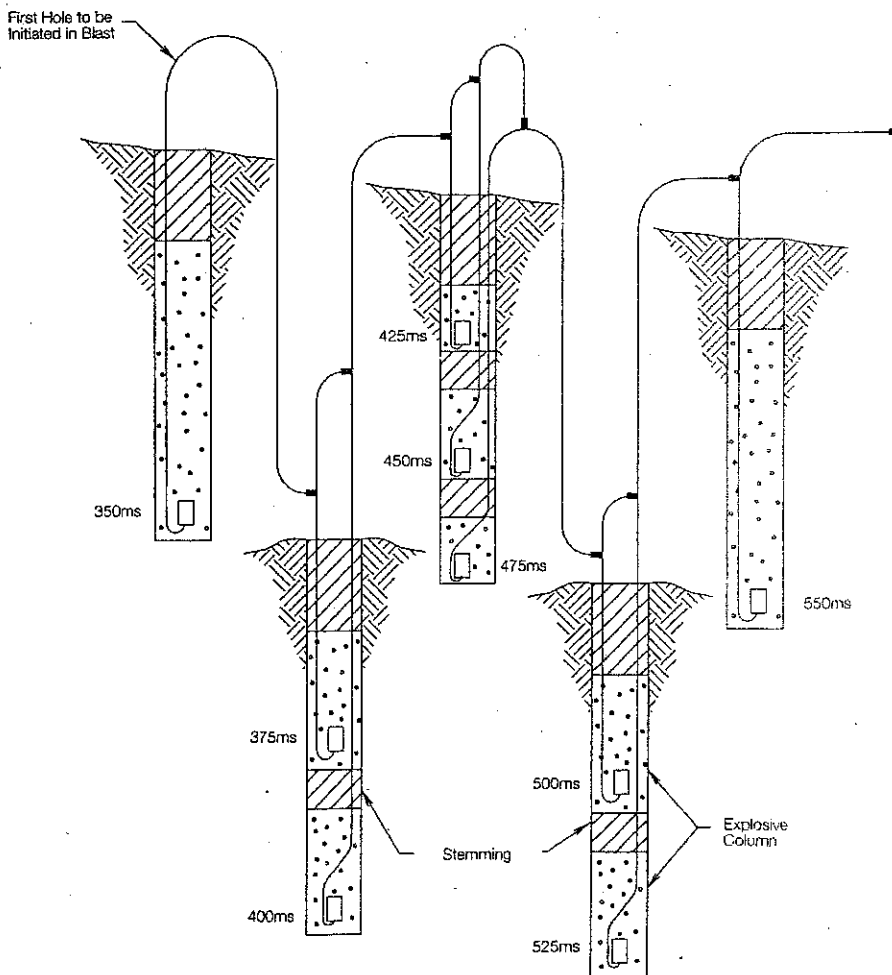


Figure 8

INITIATING THE SHOT

After all the proper connections have been made and the blast area has been cleared, the primary initiating cap can be attached to the opening hole of the shot. The recommended primary initiating devices are (1) Primadet® nonelectric delay detonator Noiseless Lead-In-Line (NLIL), or (2) an electric blasting cap.

When attaching the primary initiator to the EZ Det® lead of the opening hole, it is important to position the initiating cap so that it will initiate the EZ Det® lead in both directions as shown in Figures 9 and 10.

After the primary initiator has been attached, make sure the outgoing leads extend out in a straight line for at least one foot. Never bend the leads around the nose of the Bunch Block or the electric detonator back over the top of the connection, or allow the outgoing leads to loop back near the connection. Any of these may result in a cut-off due to shrapnel from the exploding detonator.

Cover the connection with drill cuttings, stemming, or other similar material to prevent cut-offs and control noise.

Figure 9

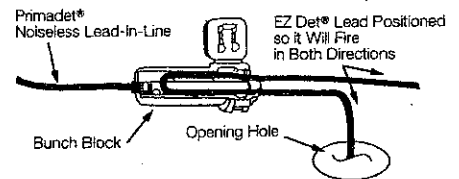
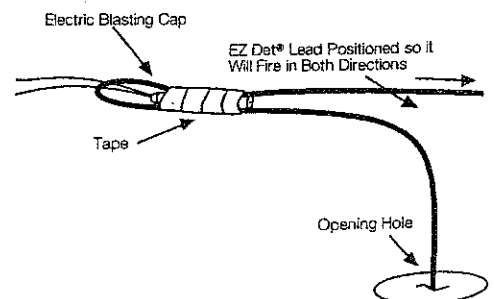


Figure 10



IMPORTANT INSTRUCTIONS

Never attempt to disassemble the delay cap from the plastic connector block, or use the cap by itself without the block.

The surface connectors contain blasting caps and are subject to detonation caused by abuse such as impact, the same as all detonators.

The shock tube should not be cut or damaged; moisture entering the tube will cause misfires.

Never drive vehicles over shock tube, rupturing or damaging the tube may also cause misfires.

Always remember that the surface connector end of this product contains a delay detonator. Holes loaded with this product and awaiting firing should be guarded or barricaded and posted, or flagged against unauthorized entry.

Never attach the primary initiator to the round or shot until after all the connections have been made and the blasting area has been cleared.

Never load Primadet® nonelectric delay detonators or EZ Det® nonelectric blast initiation systems into a hot hole or expose them to temperatures above 150°F.

Not approved for use in flammable, gassy or dusty atmospheres.

NEVER leave loaded blast-holes out of the main blast pattern tie-in. Loaded blast-holes that are not tied into the main pattern (shot break practices) may be initiated from the shock energy of an adjacent blast-hole(s). This practice may cause damage to explosives and initiation systems which may result in misfires. Misfires, unless handled properly, may result in injury or death.

Refer to **Product Information Bulletins** for packaging, lead length and delay time availability.

For additional warnings and instructions see case insert packaged in every case of product.

DISCLAIMERS

ATTENTION

The information and recommendations described in this bulletin cannot possibly cover every application of the product or variation of conditions under which the product is used. The recommendations herein are based on the manufacturer's experiences, research, and testing. They are believed to be accurate, but no warranties are made, express or implied. Also, the specifications contained herein are all nominals which represent our current production. The product described may be subject to change. Please feel free to contact The Ensign-Bickford Company for verifications.

NO WARRANTIES OR LIABILITIES

The product described herein is sold "AS IS" and without any warranty or guarantee, express or implied, arising by law or otherwise, including without limitation any warranty of merchantability or fitness for any purpose. Buyer and user agree further to release and discharge seller from any and all liabilities whatsoever arising out of the purchase or use of any product described herein whether or not such liability is occasioned by seller's negligence or based upon strict products liability or upon principles of indemnity or contribution.

EZ Det® nonelectric blast initiation systems are manufactured under U.S. Patent #4,607,573, U.S. Patent #5,031,538, U.S. Patent #5,129,514, and other patents pending.

TRANSPORTATION AND STORAGE

EZDet® nonelectric blast initiation systems are classified as **Detonator Assemblies, nonelectric; 1.1B** and/or **1.4B Explosives**. They must be transported and stored in accordance with all Federal, State and Local Regulations



The
Ensign-Bickford
company

Simsbury, Connecticut 06070 USA

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MATERIAL SAFETY DATA SHEET

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SECTION I

Manufacturer's Name:

The Ensign-Bickford Company

Emergency Telephone No:

(203) 658-4411

(203) 843-2276

Address:

660 Hopmeadow St., Simsbury, CT 06070

Trade Name and Synonyms: PRIMADET®
NONELECTRIC DETONATORS, EZDET,
EZTL™ DETONATORS, TLBB, MSC,
SLMS/SLHD, LEAD-IN-LINES

Cage Code:

152-B-059/060

92-C-207/409/413

152-C-04;08;17;26;40-43;46

152-C-78;80;90

EBCo Product Code:

NMS, NLP, NEZ, EZTL,
TLBB, MSC, SLMS/SLHD,
L-I-L

SECTION II - HAZARDOUS INGREDIENTS

<u>Ingredient:</u>	<u>C.A.S. No.</u>	<u>OSHA PEL</u>	<u>ACGIH TLV</u>
PENTAERYTHERITOL TETRANITRATE (PETN)	78-11-5	None	None
LEAD AZIDE	13424-46-9	0.05mg(Pb)/m³	.05mg(Pb)/m³
RED LEAD	1314-41-6	.05mg(Pb)/m³	.05mg(Pb)/m³
BARIUM CHROMATE	10294-40-3	1mg/m³	0.01mg/m³ (insoluble Cr VI) compounds
POTASSIUM PERCHLORATE	7778-74-7	None	None
OTTAWA SILICA	61790-53-2	6mg/m³	2mg/m³ (silica, fume)

The Ensign-Bickford company

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LEAD CHROMATE	7758-97-6	1 mg/10m ³ (ceiling)	0.01mg/m ³ (insoluble Cr VI) compounds
SELENIUM	7782-49-2	0.2 mg/m ³	0.2 mg/m ³
MOLYBDENUM	7439-98-7	15 mg/m ³	10 mg/m ³
TUNGSTEN	7440-33-7	None	5 mg/m ³
ALUMENUM	7429-9-5	15mg/m ³ (dust) 5mg/m ³ (resp. frac.)	10mg/m ³
LEAD	7439-92-1	.05 mg/m ³	.05mg/m ³
SILICON	7440-21-3	15 mg/m ³ (total dust) 5mg/m ³ (respirable dust)	10 mg/m ³

SECTION III - PHYSICAL DATA

Boiling Point:

Lead Chromate: Decomposes
Selenium: 690° C
Molybdenum: 4825° C
Tungsten: 5900° C
Aluminum: 2450° C
Lead: 1740° C

Specific Gravity:

PETN @ 1.773
Potassium Perchlorate @ 2.52
Lead Chromate @ 6.3
Selenium @ 4.81-4.26
Molybdenum @ 10.28
Tungsten @ 19.3 @ 20
Aluminum @ 2.70
Lead @ 11.34
Barium Chromate @ 4.50

Vapor Pressure:

Molybdenum: 1mm @ 3102° C
Aluminum: 1mm @ 1284° C
Lead: 1mm @ 973° C

Percent Volatile:

N/A

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SECTION V - ROUTES OF ENTRY/EFFECTS OF OVEREXPOSURE	
<u>Threshold Limit Value:</u>	Product is fully contained and presents low risk of skin contact, ingestion, or inhalation of chemical constituents during normal handling. Personnel could be exposed to by-products during functional detonation of the unit and post clean-up.
<u>Eye Contact:</u>	Dust can irritate, corneal injury may result. Flush immediately with running water for at least 15 minutes. Seek medical attention.
<u>Skin Contact:</u>	Irritation and Eczema may result. If exposure occurs, wash thoroughly with soap and water. If skin irritation occurs seek medical attention.
<u>Inhalation:</u>	Breathing dust can cause nasal and respiratory irritation and lowering of blood pressure. PETN can lower blood pressure. PETN is a vasodilator. Lead exposure at high levels can cause acute or chronic symptoms which can range from eye and skin irritation to permanent brain damage, vomiting, convulsions. ACGIH classifies lead as an "Animal Carcinogen" and insoluble chromium VI compounds as "Confirmed Human Carcinogens". Seek medical attention.
<u>Ingestion:</u>	See Inhalation.
SECTION VI - EMERGENCY FIRST AID PROCEDURES	
<u>Emergency and First Aid Procedures</u>	
<u>Eye Contact:</u>	Flush using running water for 15 minutes. If irritation persists, seek medical attention.
<u>Skin Contact:</u>	Wash thoroughly with soap and water. If skin irritation occurs, seek medical attention.
<u>Inhalation:</u>	Remove victim to fresh air. If not breathing administer artificial respiration. Seek medical attention.
<u>Ingestion:</u>	Seek medical attention.

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SECTION VII - REACTIVITY DATA

<u>Stability:</u>	Stable, but improper handling can result in accidental detonation.
<u>Conditions To Avoid:</u>	Heat, shock, friction, impact, static charge.
<u>Incompatibility:</u>	Incompatible with acids, alkalis.
<u>Hazardous Decomposition Products:</u>	Detonation will produce Nitrogen, Oxides, Carbon Dioxide and Carbon Monoxide. Airborne particulates, including the metals in Section II, may be released.
<u>Hazardous Polymerization:</u>	Will not occur.

SECTION VIII - SPILLS OR LEAK PROCEDURES

<u>Steps To Be Taken In Case Material Is Released Or Spilled:</u>	<p>Review Fire and Explosive Hazards and Safety Precautions before Proceeding with Clean-Up. Use appropriate Personal Protective Equipment during clean-up. Isolate the spill area; removing all sources of ignition from the location. Carefully collect the spilled material and place in a (Velostat) conductive bag. Contamination of this material with sand, grit, or dirt will render material more sensitive to detonation. If safe separate material that is not contaminated from contaminated material. "Loose" powder spills should be wetted down and cleaned using a damp rag or sponge. Store all collected material in a secure area, to await proper disposal.</p> <p>Detonators contain Lead Azide; in the event of any spill of loose powder, such as from a broken cap all spilled material should be treated with Cerrie Ammonium Nitrate killing solution (10%). This will chemically decompose the Lead Azide, but the PETN and pyrotechnic will remain reactive, and all residue materials must be assumed to be explosive - contaminated until proper waste disposal of the reactive material (see below) is complete. Only qualified personnel should perform any clean-up and disposal of material.</p>
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Waste Disposal Method:

Waste detonators are classified as a hazardous waste with the characteristic of reactivity, EPA Hazardous Waste Number of D003; see CFR 40 Section 261. Any such waste should be handled and stored in accordance with local, state and federal regulations. The current preferred method of waste treatment for waste detonators is detonation in a confined chamber. The open (unconfined) detonation of waste detonators may result in the release of lead particulate. Open burning of detonators is likely to result in detonation, and is not recommended. Any treatment of waste detonators must be performed by qualified personnel and at licensed facilities.

SECTION IX - SPECIAL PROTECTION INFORMATION

Respiratory Protection:

See page 4, Inhalation. A dual cartridge negative pressure respirator with high efficiency dust, mist and fume cartridges should be worn if exposure is found to be between 50 and 500 micrograms (Pb) per cubic meter of air ($\mu\text{g}/\text{m}^3$). Powered air purifying respirators or other higher forms of respiratory protection should be worn if exposure levels exceed $500 \mu\text{g}/\text{m}^3$.

Ventilation:

Product is intended for outside use and in underground mines. Ventilation should be provided if used in underground mines or if any special testing is to be performed indoor.

Protective Gloves:

Not required for normal use. Protective gloves should be worn during post clean-up operations.

Eye Protection:

Safety glasses

SECTION IX - REACTIVITY DATA

Precautions To Be Taken In Handling And Storing:

Transportation and storage must be in accordance with Federal, State and Local Regulations. Store away from sparks or other ignition sources. Avoid heat, shock and impact.

Other Precautions:

Refer to Manufacturer's Instructions and Warnings supplied with product.

SARA 313 Information:

Manufactured unit contains Aluminum, Barium compounds, Chromium compounds, Lead and Selenium which fall under the reporting requirements of SARA Title III; Section 313.

Last Data Sheet Revision: 05/05/94

POWER PRIMER™

Ammonia Gelatin Dynamite



Uses

- construction projects
- underground development and stoping
- shaft sinking
- surface quarries and open pit mines
- high energy bottom charge
- priming blasting agents
- alternate velocity loading charge

Benefits

- resistant to dynamic precompression
- high detonation pressure
- effective with extended burdens and massive, hard breaking formations
- excellent performance under high static pressure
- excellent gap sensitivity
- easy to load, high density cartridges

Properties

POWER PRIMER

Cartridge Density (g/cc)	1.42
Velocity of Detonation (ft/s)* 1 1/4"	17,500
Water Resistance	Excellent
Relative Weight Strength (RWS)**	96
Relative Bulk Strength (RBS)**	161
Detonation Pressure (kilobars)	168
Fume Class*	1

* unconfined at 41°F

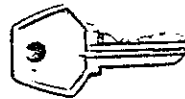
** All ICI Explosives energy values are calculated using IDeX™, the computer code developed by ICI Explosives for the exclusive use of its companies. Other computer codes may give different values.

• POWER PRIMER is Fume Class 1 in diameters less than two inches.

Priming

To initiate, use a high strength detonator or detonating cord.

A L W A Y S



**LOCK UP EXPLOSIVE MATERIALS
AND KEEP THEM FROM CHILDREN.**



Explosives

POWER PRIMER

POWER PRIMER

Ammonia Gelatin Dynamite

Packaging

POWER PRIMER is packed in tamable convolute or spiral-wound paper shells.

Shelf Life

One year from time of manufacture under good storage conditions.

Common Sizes

Cartridge Size (inches)			Average cartridge count per 55 lb. case
convolute shells			
1	x	8	161 - 174
1 1/4	x	8	111 - 120
1 1/2	x	8	76 - 83
1 1/2	x	16	35 - 42
1 3/4	x	16	27 - 31
2	x	8	42 - 46
2 1/2		16	13 - 15
spiral-wound shells			
2	x	16	21 - 23
2 1/2	x	16	13 - 15
3	x	5 lb.	11
4	x	5 lb.	11
spiral-wound shells 50 lb. cases			
5	x	12 1/2 lb.	4
5	x	25 lb.	2

Storage

For best results, store at moderate temperatures and dry conditions in a well ventilated, approved explosives magazine.

Hazardous Materials Shipping Description

Explosive, Blasting, Type A, Class 1.1D, UN0081, II.



Explosives

ICI Explosives USA Inc.
15301 Dallas Parkway, #1200
Dallas, Texas 75248-4629
(214) 387-2400

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The ICI roundel is a trademark of Imperial Chemical Industries PLC.

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Explosives

MATERIAL SAFETY DATA SHEET

**POWER
PRIMER**

ICI Explosives USA Inc.
15301 Dallas Parkway, Suite 1200
Dallas, Texas, USA 75248-4629

ICI Canada Inc.
90 Sheppard Avenue East
North York, Ontario, Canada M2N 6H2

Date Issued: 94 08 01

For emergencies involving chemical spill or release, call Chemtrec 1-800-424-9300 or, in Canada, the ICI Canada Transportation Emergency Response System 1-800-561-3636. For lost, stolen or misplaced explosives, also call: BATF 1-800-424-9555 (USA) or CANUTEC 1-613-996-6666 (Canada).

MATS Index: 14541
MSDS Number: 40014

COMPOSITION/INFORMATION ON INGREDIENTS

Hazardous Ingredients	%(w/w)	TLV-TWA	ACGIH Section 313 CAS NO.	%by (w)
Ammonium Nitrate	30-60	Not Listed	6484-52-2	N/A
Ethylene Glycol Dinitrate/ Nitroglycerin (EGND/NG)	30.5	0.46 mg/m3 (skin)	55-63-0	0-11.0
Sodium Nitrate	10-30	Not Listed	7631-99-4	N/A

Product Use: A detonator-sensitive gelatin explosive used in surface applications.

HAZARDS IDENTIFICATION

Emergency Overview: Risk of explosion by shock, friction, fire or other sources of ignition. May cause fire. Very toxic if swallowed. Irritating to eyes, respiratory system and skin. May cause methemoglobinemia. May cause sensitization by skin contact.

FIRST AID MEASURES

General: If you feel unwell seek medical advice (show the label where possible).

Inhalation: Move victim to fresh air. Give artificial respiration ONLY if breathing has stopped. Give cardiopulmonary resuscitation (CPR) if there is no breathing AND no pulse. Oxygen administration may be beneficial in this situation but should only be administered by personnel trained in its use. Obtain medical attention IMMEDIATELY.

Skin Contact: Wash affected areas with soap and water. If irritation, redness, or burning sensation develops and persists, obtain medical advice.

Eye Contact: Immediately flush eyes with running water for a minimum of 20 minutes. Hold eyelids open during flushing. If irritation persists, repeat flushing and obtain medical attention.

Ingestion: If victim is alert and not convulsing, rinse out mouth and give 200-300 mL (1 cup) of water to dilute material. DO NOT induce vomiting. If spontaneous vomiting occurs, have victim lean forward with head down to avoid breathing in of vomitus, rinse mouth and administer more water. IMMEDIATELY transport victim to an emergency facility.

Note to Physicians: Symptomatic. Administer oxygen if there are signs of cyanosis. If clinical condition deteriorates, administer 10 cc Methylene Blue intravenously. It is unlikely for this to be required with methemoglobin level of less than 40%. Do not give vasopressor drugs (e.g. epinephrine, adrenalin, ephedrine, etc.) as there may be danger of producing cardiac arrhythmia. Medical conditions that may be aggravated by exposure to this product include hypotension and skin disorders.

FIRE-FIGHTING MEASURES

Flash Point (Deg. C): 54.86°F.

Flammable Limits (Lower): Not Applicable

Flammable Limits (Upper): Not Applicable

Auto Ignition Temperature (Deg. C): 338°F.

Decomposition Temperature (Deg. C): 120°F (Nitroglycerin)

Rate of Burning: Will burn at atmospheric pressure.

Explosive Power: 380 kJ/100 G

Sensitivity to Mechanical Impact: Expected to be sensitive to mechanical impact.

Sensitivity to Static Discharge: Not expected to be sensitive to static discharge.

Hazardous Reactions: See "Fire & Explosion Hazards".

Fire and Explosion Hazards: Explodes on overheating and, thus, fires involving large quantities of the material should not be fought. This product is a high explosive with a mass detonation hazard.

Extinguishing Media: If water is used, very large quantities are required. Water may be used on small fires. Do not attempt to fight large fires.

Fire Fighting Procedures: DO NOT FIGHT FIRES INVOLVING EXPLOSIVE MATERIALS. Immediately evacuate all personnel from the area.

Fire Fighting Protective Equipment: Use self-contained breathing apparatus and special protective clothing.

NOTE: Also see "Section 10 - Stability and Reactivity".

ACCIDENTAL RELEASE MEASURES

Spills, Leaks, or Releases: Collect product and contaminated soil for re-use or disposal. Contain storm water runoff by dyking with earth or other barrier, to minimize the spread of contamination. Notify applicable government authority if release is reportable or could adversely affect the environment. Avoid the use of metal tools. Be careful to avoid shock, friction, and contact with grit.

Deactivating Chemicals: Nitroglycerin destroyer solution may be used, which ICI Explosives will supply upon request.

HANDLING AND STORAGE

Handling: This product is an explosive and should only be used under the supervision of an experienced blaster. Take all precautions to avoid personal contact. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling. Wash contaminated clothing thoroughly before re-use. Use only with adequate ventilation and avoid breathing vapors. Locate safety shower and eyewash station close to chemical handling area.

Storage Requirements: Store in a cool, well-ventilated area. Keep away from heat, sparks and flames. Keep containers closed. (104°F).

Storage Temperature: Ideal storage temperature is 10-27 Deg. C (50-80°F). Do not expose sealed containers to temperatures above 40 Deg. C (104°F).

EXPOSURE CONTROLS/PERSONAL PROTECTION

PREVENTATIVE MEASURES

Recommendations listed in this section indicate the type of equipment which will provide protection against overexposure to this product. Conditions of use, adequacy of engineering or other control measures, and actual exposures will dictate the need for specific protective devices at your workplace.

Engineering Controls: General ventilation is recommended.

PERSONAL PROTECTIVE EQUIPMENT

Eye Protection: Use chemical safety goggles when there is potential for eye contact.

Skin Protection: Gloves and protective clothing made from rubber should be impervious under conditions of use. User should verify impermeability under normal conditions of use prior to general use.

Respiratory Protection: A NIOSH/MSHA-approved respirator, if required.

EXPOSURE GUIDELINES

PRODUCT: None established for product.

HAZARDOUS INGREDIENT(S):

Nitroglycerin:	
ACGIH TWA	0.46 mg/m3 (skin)
OSHA Z1A STEL	0.1 mg/m3 (skin)

PHYSICAL AND CHEMICAL PROPERTIES

Alternate Name: Not available.

Chemical Name: Not available.

Chemical Family: Gelatin High Explosive.

Molecular Formula: Not Available.

Appearance: Brownish - Yellow gelatin.

Odour: A characteristic NG smell.

pH: (Neutral)

Vapour Pressure (mm Hg at 20 Deg. C): 0.025 (Nitroglycerin)

Vapour Density (Air=1): Not Applicable.

Boiling Point: 410°F

Melting Point: 55.4 °F (Nitroglycerin) to 2442.2°F.

Solubility (Water): (Completely Soluble).

Solubility (Other): Not Available.

Specific Gravity: 1.37

Evaporation Rate: Not Applicable.

% Volatile by Volume: 0%

% Volatile Organic Compounds: 0%

Additional Properties: Bulk Density (cartridge density): 1.36g/cu.cm. Vapour Pressure: Approx. 0.1 at 30°C.

STABILITY AND REACTIVITY

Hazardous Decomposition Product(s): Thermal decomposition products are toxic and may include hydrocarbons, oxides of carbon and nitrogen.
Chemical Stability: Stable at room temperature.
Conditions to Avoid: Keep away from heat, impact and friction.
Incompatibility with other Substances: Strong oxidizing and reducing agents.
Hazardous Polymerization: Will not occur.

TOXICOLOGICAL INFORMATION

Summary: May cause irritation. May cause skin sensitization or other allergic responses. May cause methemoglobinemia. May cause cardiovascular disorders.

Toxicological Data:

PRODUCT: None established for product.

ALL INGREDIENTS:

Ammonium Nitrate:

Oral LD50 (rat) = 2217 mg/kg
Dermal LD50 (rabbit) = 3000 mg/kg

Sodium Nitrate:

Oral LD50 (rat) = 3236 mg/kg

Nitroglycerin:

Oral LD50 (rat) = 105 mg/kg

POTENTIAL HEALTH EFFECTS:

Inhalation: Inhalation is not a likely route of exposure at normally encountered temperatures and is thus not applicable.

Skin Contact: May cause skin irritation. Can be absorbed through skin. Human evidence has indicated that this product can cause skin sensitization.

Eye Contact: Moderate irritant causing moderate initial pain.

Ingestion: Highly unlikely under normal industrial use. Ingestion may cause irritation to the gastrointestinal tract.

Subchronic Effects: This product may cause methemoglobinemia. Initial manifestation of methemoglobinemia is cyanosis, characterized by navy blue lips, tongue and mucous membranes, with skin colour being slate grey. Further manifestation is characterized by headache, weakness, dyspnea, dizziness, stupor, respiratory distress and death due to anoxia.

If ingested, nitrates may be reduced to nitrites by bacteria in the digestive tract. Signs and symptoms of nitrite poisoning include methemoglobinemia, nausea, dizziness, increased heart rate, hypotension, fainting and, possible, shock.

Sensitization is the process whereby a biological change occurs in the individual because of previous exposure to a substance and, as a result, the individual reacts more strongly when subsequently exposed to the substance. Once sensitized, an individual can react to extremely low airborne levels, even below the TLV, or to skin contact.

Chronic effects: Individuals with prolonged or repeated exposure to Nitroglycerin or Ethylene Glycol Dinitrate may develop a tolerance to organic nitrates from compensation due to chronic dilation of the blood vessels. This tolerance disappears rapidly after a few days away from exposure and withdrawal symptoms consisting of angina and fatal heart attack have been reported in chronically exposed workers. Another type of tolerance loss is the "Monday morning disease", where workers experience headaches, dizziness, postural weakness and other symptoms.

Carcinogenicity: The ingredient(s) of this product is (are) not classified as carcinogenic by ACGIH (American Conference of Governmental Industrial Hygienists) or IARC (International Agency for Research on Cancer), not regulated as carcinogens by OSHA (Occupational Safety and Health Administration), and not listed as carcinogens by NTP (National Toxicology Program).

Mutagenicity: There is no evidence of mutagenic potential.

Reproductive Effects: No information is available and no adverse reproductive effects are anticipated.

Teratogenicity and Fetotoxicity: No information is available and no adverse teratogenic/embryotoxic effects are anticipated.

Synergistic Materials: Consumption of alcohol increases toxic effects.

ECOLOGICAL INFORMATION

Ecotoxicological Information: Harmful to aquatic life at low concentrations.

Environmental Effects: Do not contaminate domestic or irrigation water supplies, lakes, streams, ponds, or rivers.

Persistence and Degradation: Nitroglycerin is water-soluble and remains explosive.

DISPOSAL CONSIDERATIONS

Burn under supervision of an expert at a government-approved explosive burning ground or destroy, by detonation in boreholes, in accordance with applicable local, provincial and federal regulations. Call upon the services of an ICI Explosives U.S.A. Technical Representative.

TRANSPORT INFORMATION

U. N. / U. S. DOT/Canadian TDG Act Shipping Description:

Name: Explosive, Blasting, Type A

Class/Division: 1.1D

PIN Number: UN 0081

Packaging Group: II

Transportation Emergency Telephone Number: 1-800-424-9300

1-800-561-3636 (Canada)

Read the entire MSDS for the complete hazard evaluation of this product.

REGULATORY INFORMATION

CANADIAN CLASSIFICATION

This product has been classified in accordance with the hazard criteria of the CPR (Controlled Products Regulations) and this MSDS (Material Safety Data Sheet) contains all the information required by the CPR.

Controlled Products Regulations (WHMIS) Classification: This product is an explosive and is not regulated by WHMIS.

CEPA/Canadian Domestic Substances List (DSL): This substance(s) in this product is/are on the Canadian Domestic Substances List (CEPA DSL).

IARC Classification: None of the components of this product are listed on IARC.

USA CLASSIFICATION

Other Regulations/Legislation which apply to this product: Massachusetts Right-to-Know, Pennsylvania Right-to-Know, New Jersey Right-to-Know, CERCLA.

OSHA Classification:

Physical: Flammable solid. Explosive. Oxidizer.

Health: Highly toxic. Skin sensitizer. Irritant.

Target Organ: Skin. Respiratory tract. Gastrointestinal tract. Blood/hematopoietic system. Cardiovascular system.

SARA Regulations sections 313 and 40 CFR 372: This product contains the following toxic chemical(s) subject to reporting requirements: 30.5% Nitroglycerin (55-63-0).

This product does not contain nor is it manufactured with ozone depleting substances.

OTHER INFORMATION

Label Text: Danger! Explosive! Strong Oxidizer! May be harmful if ingested. Avoid contact with skin and eyes. This product contains Nitrate esters. Minimize inhalation and skin contact. Overexposure may cause headache, nausea and blood vessel dilation. Ventilate magazine before entering.

REFERENCES:

RTECS-Registry of Toxic Effects of Chemical Substances, On-line search, Canadian Centre for Occupational Health and Safety RTECS database, Vol I-V, 1985-1986 edition, Doris V. Sweet, Ed., National Institute for Occupational Safety and Health, U. S. Dept. of Health and Human Services, Cincinnati, 1992.

Supplier's Material Safety Data Sheets

"CHEMINFO", through "CCINFODisc", Canadian Centre for Occupational Health and Safety, Hamilton, Ontario, Canada. Sax, N. Irving, Dangerous Properties of Industrial Materials 7th ed., Van Nostrand Reinhold Co., New York, 1989.

Prepared by: Safety, Health and Environment
(416) 229-8252.

The information contained herein is offered only as a guide to the handling of this specific material and has been prepared in good faith by technically knowledgeable personnel. It is not intended to be all-inclusive and the manner and conditions of use and handling may involve other and additional considerations. No warranty of any kind is given or implied and ICI Canada Inc. will not be liable for any damages, losses, injuries or consequential damages which may result from the use of or reliance on any information contained herein. This Material Safety Data Sheet is valid for three years.

EMERGENCY PROCEDURES - PERSONAL INJURY/PROPERTY DAMAGE:

All employees are to follow company policies and procedures for handling of emergencies in the event of an accident or incident involving hazardous materials.

PROCEDURES

When handling or working with hazardous materials these procedures are to be followed at all times:

Gas/Arc Welders

- Fire extinguishers will be available on all operations.
 - All cylinders or bottles will be handled in accordance with OSHA and ANSL standards.
 - Cylinders
 - Transported in vertical position
 - Secured or chained to prevent tipping
 - Caps installed when not in use
- O will not be stored with any other gas including inert gases. O requires 20' distance from other gases in storage or noncombustible barrier separating them. (i.e. transit, asbestos board, metal or 5/8" minimum wall board).
- Frames of all Arc welding/cutting machines shall be grounded.
 - All cables shall be completely insulated and flexible - capable of handling maximum current requirements.
 - Flash shields will be used whenever possible.
 - Eye protection will be used by welder/cutter and helper.

Explosives

- Fire Extinguishers will be available on all operations.
- No smoking, matches, flames or spark-producing devices or firearms within 50' of any explosive or flammable material.
- Do not throw or drop explosives.
- Keep types and sizes together.
- Store cases flat, topside up, code date out.
- Stack to avoid possibility of collapse.
- Keep boxes closed.
- Store only explosive materials (no tools, tires, etc.)
- Store detonators separately.
- Remove oldest stock first.

VIOLATIONS

Violation of any of the above could result in disciplinary action per company Noncompliance Policy.

HAZARDOUS MATERIALS POLICY

A Hazardous Materials Policy has been developed to assist the Company in its efforts to eliminate or reduce personal injury and property loss and to demonstrate public responsibilities.

To assure compliance with regulatory and statutory requirements, each office will be provided with a copy of:

- Federal Motor Carrier Safety Regulations Pocketbook.
- NFPA #495 Code for the Manufacturer, Transportation and Use of Explosive Material.
- Copies of State Regulations.
- OSHA Manual
- MSDS Manual

The Company Hazardous Materials Policy includes procedures for:

- Gas Welding
- Arc Welding
- Explosives Handling
- Emergency Procedures

The Hazardous Materials Policy is subject to all Company safety and emergency policies and procedures.

The Hazardous Materials Policy requires that:

- Hazardous materials data lists be available at all job sites and offices. This list is to contain the types of hazardous materials being used, the product manufacturer and an emergency # for the product manufacturer.
- Any accident involving hazardous materials that occurs, must be recorded and reported.
- All employees handling hazardous materials be trained in the proper handling of hazardous materials.
- All hazardous materials be clearly marked and rated according to the National Fire Protection Association and regulatory authorities.
- All job site employee be trained in Company hazardous materials procedures and are to follow Company emergency policies in the event of an accident/incident.

COMPANY RESPONSIBILITIES

The Company will provide for:

- Education and training of all employees in procedures pertinent to hazardous materials.
- Hazardous materials data lists for posting at all job sites.
- All necessary forms for purposes of documentation and compliance with reporting requirements.
- Telephone #'s and locations of manufactures and emergency medical care providers.

EMPLOYEE RESPONSIBILITIES

Division Managers and Safety Engineers are responsible for training employees in hazardous materials procedures.

Safety Engineers, Supervisors and Blaster Foreman are responsible for providing:

- all job site personnel with the job site location of the hazardous materials data list
- all job site personnel with directions to established health care providers and the nearest emergency health care provider

Supervisors and Blaster Foreman are responsible for completing an investigation and submitting a Loss Control Report for any incident/accident involving hazardous materials.

All employees required by statute must:

- participate in hazardous materials training sessions
- stay current on regulatory requirements involving hazardous materials
- request assistance from Safety Engineers if they are unsure of standards, regulations, etc. of hazardous materials.

HAZARDOUS MATERIALS SPILL POLICY

All on and off site work areas are subject to the control of the Federal and State DEP regulations. There are penalties and fines for regulatory noncompliance for employers and employees. Standards, procedures and reporting requirements must be followed.

COMPANY RESPONSIBILITIES

The Company will provide for:

- * Education and training of employees in DEP regulations
And requirements for hazardous material spills.
- * Maintain current information on regulatory requirements.
- * All necessary forms for purposes of documentation and
Compliance with reporting requirements
- * Reporting of all spills and the delivery of a Spill Kit to the
site.
- * Telephone numbers and locations of DEP offices and
Contact persons, if available.

EMPLOYEE RESPONSIBILITIES

- * Division Managers and the Safety Department are
responsible
For training employees in hazardous material spill
procedures
And regulatory changes.
- * Division Managers and the Safety Department are
responsible for
All documentation and follow-up activities and required
Corrective action.
- * Supervisors and Blaster-Foremen are responsible for
completing
An investigation and submitting an Incident Report.
- * All employees are responsible for taking action to contain the
Spill immediately.
- * All employees are to contact the Safety Department as soon
As possible to report the spill.

EMERGENCY PROCEDURES

All employees are to follow company emergency policies and procedures for personal injury/property damage in the event of an accident or incident involving hazardous materials.

SPILL CLEAN-UP PROCEDURES -

- Identify the type of material spilled
- Take immediate action to contain the spill, stop the flow or discharge, etc.
- Contact the Corporate Office and provide information on location, type, amount of spill and all emergency actions taken to contain the spill.
- Corporate Office will contact the DEP immediately upon verification of a petroleum or other hazardous material spill.
- Stay with the spill until it is completely cleaned-up or have been relieved by a company officer/manager.
- Take pictures if possible.
- Record all events occurring before, during and after the spill including DEP contact if required.

DEP CONTACT PROCEDURES -

DEP EMERGENCY #'S

MAINE	AUGUSTA	800-452-1942
VERMONT	MONTPELIER	800-641-5005
MASSACHUSETTS	BOSTON	617-556-1133
		888-304-1133
NEW HAMPSHIRE	CONCORD	603-271-3503
RHODE ISLAND	PROVIDENCE	401-222-3070
CONNECTICUT	HARTFORD	860-424-3338
NEW YORK	ALBANY	518-457-7362

The Blaster/Foreman must contact DEP directly whenever there is a delay in contacting the Corporate Officer. When direct contact with DEP is required:

- Provide information on location, type, and amount of spill.
- Identify the Safety Specialist and provide telephone number for him to the DEP.
- Stay with the spill until it is completely cleaned up or have been relieved by a company officer/manager.
- Cooperate with DEP Personnel and other official responders. Provide appropriate information to help minimize any health or environmental exposures.

VIOLATIONS -

Violations of this policy will be subject to disciplinary action per company Compliance Policies.

BLASTING ON THIS SITE IS UNDER
THE CONTROL OF

**Maine Drilling
& Blasting**

All employees & visitors of this site are to follow the instructions of Maine Drilling & Blasting personnel concerning blast area access and evacuation.

**NOTICE OF BLAST
IS GIVEN BY THE FOLLOWING SIGNALS:**

3 Whistles - 5 minutes to BLAST

2 Whistles - 1 minute to BLAST

1 Whistle - ALL CLEAR

In the event of an emergency contact:

- 1) Local Fire and Rescue Department
- 2) Site Owner/Operator
- 3) Safety Engineer Maine Drilling & Blasting:

BLAST REPORT

ate _____ Address _____

Time _____ Operation _____

TOTALS

Cap Mfg. _____ Length of Wire _____ No. of Series _____ No. Cap Each Series _____

Ohms Each Series _____ Det. Cord Kind _____ ft.

Weather Conditions _____; Temp. _____; Wind Direction _____; Speed _____

Powder Factor: Lbs. of Explosives per Ton _____ Cost Per Ton
Yd. Yd.

Customer's Supt. _____

Blaster _____ License Number _____

Fill out this report completely. Use back for shot diagram.

SIGNATURE _____

AFFIRMATIVE ACTION PLAN

It is the continuing policy of Maine Drilling & Blasting, Inc. to hire and employ qualified, reliable and productive employees without regard to race, creed, religion, color, sex, national origin, age, veteran's status and mental or physical handicap unless a lawful and stated bona fide occupational disqualification exists. In order to implement this policy, the company has adopted an affirmative action program.

Maine Drilling & Blasting, Inc. will:

Advertise for employment opportunities as an EEO Employer. All employment advertisement will encourage women and minority applicants to apply.

Maintain contact with community resources for applicant referral purposes.

Provide OJT training and allow for in-house advancement for employees without regard to race, creed, religion, color, sex, age, national origin, disabled or Vietnam Era veteran status, or physical or mental handicap.

Cooperate with federal, state or local government agencies who have the responsibility to observe our actual compliance with various laws relating to employment.

Furnish such reports, records, etc. as required to document and promote a program of equal opportunity for all persons regardless of race, creed, religion, color, sex, age, national origin, disabled or Vietnam Era veteran status, or physical or mental handicap.

Appoint a Corporate EEO Officer who will be charged with the responsibility of compliance issues of this plan.

Post the identity of the Corporate EEO Officer on company bulletin boards.

Provide EEO training of Officers, Managers and Supervisors who have the overall responsibility of carrying out company Equal Employment Opportunity policies in their respective work areas.

Provide training on an annual basis for employees with regard to EEO and Sexual Harassment Policies.

MAINE DRILLING & BLASTING
EQUAL EMPLOYMENT OPPORTUNITY

The Company recognizes the dignity of the individual employee and the right of all employees to work in an environment where people are treated fairly, allowed to grow and achieve their potential. Federal and State law and Company policy require all employees or potential employees be hired and/or promoted without regard to race, color, religion, handicap or disability, Vietnam Era veteran status, sex, age or national origin. It is the intent of the Company through this policy to provide a working environment that provides for equal employment opportunities to all.

The company has an action plan to ensure that minority group individuals, women, handicapped persons and disabled Vietnam Era veterans are given opportunities to know of openings and are encouraged to seek promotions. Equal opportunity and equal consideration will be given to all applicants and employees in personnel actions which include recruiting and hiring, selection for training, promotion, demotion, discipline, rates of pay or other compensation, transfer, termination, recalls and social and recreational programs.

Every manager, supervisor and human resource personnel are required to follow equal opportunity employment practices at all times.

Any violations of these equal opportunity policies by any manager, supervisor or other employee must be reported immediately to:

Lucinda L. Long
Employee Services Manager
Maine Drilling & Blasting, Inc.
PO Box 1140
Gardiner, Maine 04345
207-582-2338

HOW TO REPORT AN EEO COMPLAINT:

1. Report the complaint to the Corporate EEO Officer.
2. If the individual who is the subject of the complaint is the EEO officer, report the complaint directly to the President.

EEO COMPLAINT REPORT REQUIRED ACTION

An investigation of all EEO complaints will be conducted by the Corporate EEO Officer to determine if particular action or incident is either prohibited behavior or is discriminatory under EEO guidelines.

When a complaint is filed, the corporate EEO Officer will:

- Immediately notify the President and any personnel directly involved or named in the complaint. Such notice will provide information on the nature and type of complaint.
- Conduct an investigation of the complaint.
- Determine all available facts and information regarding the matter.
- Provide a written report outlining the results of the investigation including any recommendations for corrective actions or complaint resolution.
- In cases of gross misconduct and/or clear violation of the law, immediate and directive action will be taken.

CORRECTIVE ACTION/COMPLAINT RESOLUTION

The Company will:

- Inform the complainant of the results of the investigation.
- Conduct an arbitration hearing to resolve the complaint through mutual conciliation.
- The complainant shall agree to all actions taken on his/her behalf including the specific actions to be taken by the employer.

Employees are protected at all times from retaliation or punishment when making and EEO complaint.

DISCIPLINARY ACTION

Violation of the EEO Policy is unacceptable conduct and will not be condoned or tolerated by the company. It undermines the integrity of the employment relationship, destroys morale and interferes with performance. Violation of the EEO policy is considered grounds for disciplinary action which may include suspension or termination of employment.

RESPONSIBILITY

Managers, Supervisors and employees at all levels are responsible for:

- Implementing and enforcing this policy.
- Assisting in investigating and processing complaints quickly, professionally and with respect for all parties.
- Assuring the prevention of any discriminatory practices within their areas of responsibility.

Every employee is responsible for reporting any incident of discrimination that he/she learns of or witnesses. Management will maintain the highest degree of confidentiality possible with respect to such complaints and is obligated to investigate all complaints.

LEGAL RIGHTS

This policy governs only the internal enforcement of the principles of Equal Employment Opportunity and is not intended to alter whatever rights an employee has to pursue a complaint under applicable State or Federal regulations.



GAWRON
ARCHITECTS

29 Black Point Road, Scarborough, Maine 04074-9358

Master Planning
Architecture
Interior Design
Landscape Architecture

PRINCIPALS
Stan Gawron, Architect
Mary Turgeon, NCIDQ

March 29, 2002

City of Portland
Planning & Urban Development
389 Congress Street
Portland, Maine 04104

Attn: Kandice Talbot

Re: Revised Sheet L-100
Site Plan Review Comments – ID #2002-0020 CBL#274-A-001
Holden Agency Addition
GA # 050601

Dear Kandice Talbot,

Per our conversation on March 28, I have revised sheet L-100 to show a sidewalk and granite curb along Holm Avenue. It is the intent of the Mr. Holden to submit a separate Performance Bond for the sidewalk and to be heard by the Planning Board to request a waiver of the sidewalk requirement.

Please let me know if a formal application is required or if you will be able to schedule this meeting for the Holden Agency Addition. We would appreciate your assistance in retaining approval as soon as possible. Mr. Holden would like to begin construction the first of April. I can be reached at 883-6307 if you have further questions.

Sincerely,

Rachel Sunnell, RLA

Attachments: 6 Copies
Revised Plan- Sheets L-100,

Cc: Tom Holden, Holden Agency
Bob Gaudreau, Hardy Pond Construction
Stan Gawron, Principle Gawron Architects



**GAWRON
ARCHITECTS**

29 Black Point Road, Scarborough, Maine 04074-9358

Master Planning
Architecture
Interior Design
Landscape Architecture

PRINCIPALS
Stan Gawron, Architect
Mary Turgeon, NCIDQ

March 14, 2002

**City of Portland
Planning & Urban Development
389 Congress Street
Portland, Maine 04104**

**Attn: Kandice Talbot
Re: Site Plan Review Comments – ID #2002-0020 CBL#274-A-001
Holden Agency Addition
GA # 050601**

Dear Kandice Talbot,

Gawron Architects has addressed the City's 12 review comments of the Holden Agency Addition Project. Please find a revised set of plans and requested attachments. Our response to your comments is listed below.

Comments:

- 1. It is the Property Owners understanding that Holm Avenue will be rebuilt by the City of Portland this summer. Therefore a sidewalk will not be applicable for this project.**
- 2. A letter from the Portland Water District regarding available water is attached. Frank Brancely with the Public Works Department will fax you a letter regarding the sewer capacity as soon as time is available.**
- 3. Sheet L-100 has been revised to include plan, detail and notes for erosion control measures.**
- 4. The handicap ramp area has been revised. Additional spot grades and notes have been added to the Entrance and Paving Plan detail 3/L200.**
- 5. A Licensed Contractor with the City of Portland will acquire all necessary permits required for work on Holms Avenue.**
- 6. The grading plan has been revised to reduce the storm water runoff on to Holm Avenue. Storm water runoff area calculation has been addressed on an attached memo dated 2/22/02.**
- 7. No foundation drainage is required because the building is slab on grade with ledge site conditions.**
- 8. The blasting plan is attached.**
- 9. Parking space size typo has been corrected and four existing spaces will be signed for compact vehicles only. Refer to sign detail 11/L-300.**
- 10. No new lighting is proposed.**

11. Right, title and interest of the property is attached.
12. Evidence of financial capability is attached.

If further clarification is required, please call me at 883-6307 at your earliest convenience. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Sunnell". The signature is written in black ink and is positioned below the word "Sincerely,".

Rachel Sunnell, RLA

Attachments: 6 Copies

Revised Plans- Sheets L-100, L-200, L-300, A100
Portland Water District Letter
Blasting Plan
Source Deed and Letter from Atlantic Title Company
Peoples Bank Letter

Cc: Tom Holden, Holden Agency
Bob Gaudreau, Hardy Pond Construction
Stan Gawron, Principle Gawron Architects



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

(207) 774-5961

FAX (207) 761-8329

www.pwd.org

March 4, 2002

Rachel Sunnell, RLA
Gawron Architects
29 Black Poinr Rd.
Scarborough, Me. 04074

RECEIVED MAR 6 2002

Re: 1085 Brighton Ave.- Portland

Rachel:

This letter is to confirm there should be an adequate supply of clean and healthful water to serve the needs of the proposed expansion of Holden Agency office building near the intersection of Holm Ave. Checking District records, I find there is an 8" water main on the short side of the street in Holm Ave. as well as a 6" water main on the odd side of the street in Brighton Ave.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the needs of your proposed project..

Hydrant Location: Brighton Ave.175' NW of Holm Ave.

Hydrant # 1374

Static pressure = 62 PSI

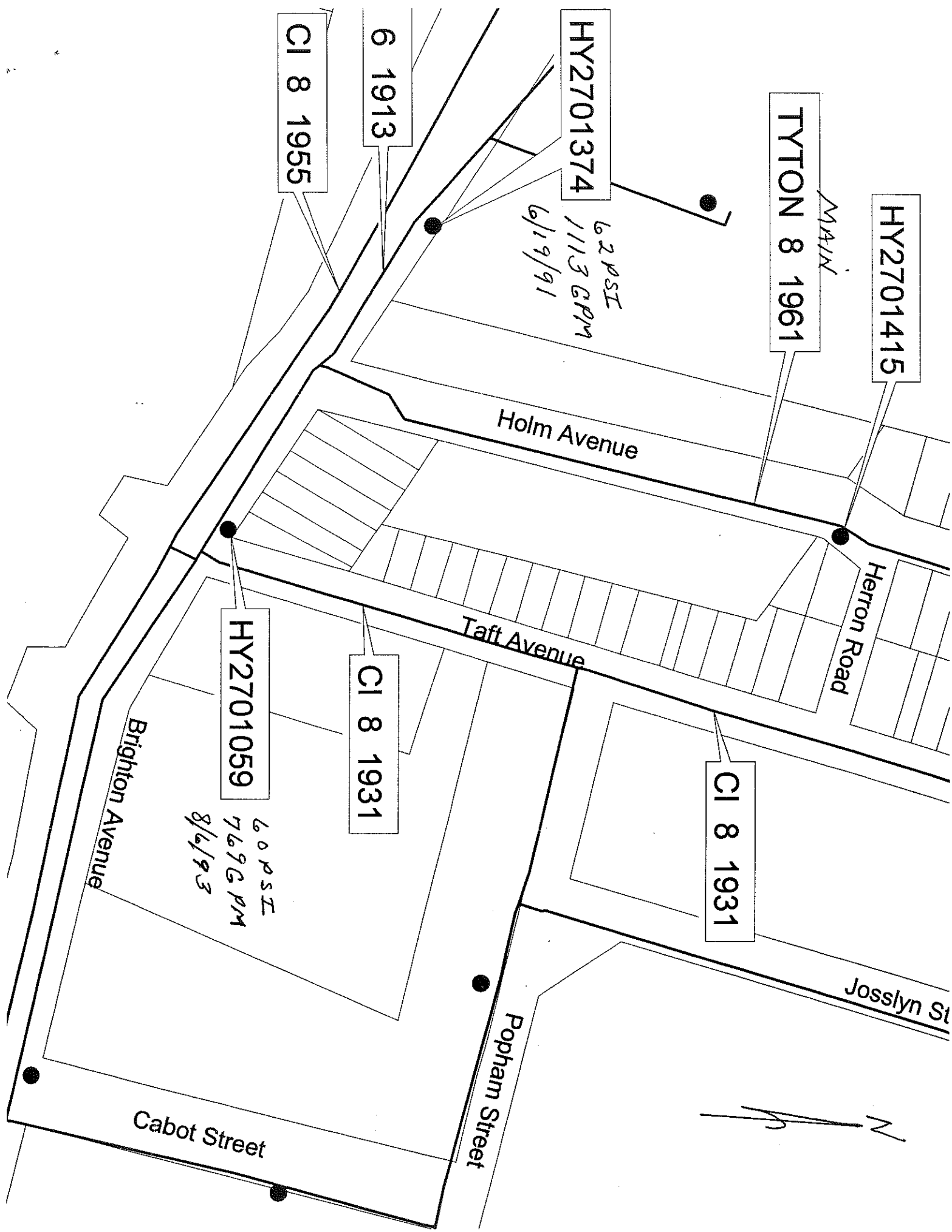
Flow = 1113 GPM

Last Tested = 6/19/91

If the district can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Jim Pandiscio
Means Coordinator



HY2701374

62 PSI
1113 GPM
6/19/91

TYTON 8 1961

HY2701415

6 1913

CI 8 1955

Holm Avenue

Herron Road

Taft Avenue

CI 8 1931

CI 8 1931

HY2701059

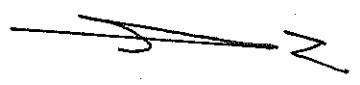
60 PSI
769 GPM
8/6/93

Brighton Avenue

Josslyn St

Popham Street

Cabot Street



ATLANTIC TITLE COMPANY

76 Atlantic Place • South Portland, Maine 04106 • (207) 774-4400
Telefax (207) 774-5935 • 1-800-625-7502

June 14, 2001

David J. Perkins, Esq.
Perkins Olson, P.A.
PO Box 449
Portland, ME 04112-0449

RE: 1085 Brighton Avenue
Portland, Maine

Dear Dave:

Enclosed please find a First American Title Insurance Company commitment to issue owners and lender's title insurance policies on the above-referenced property. You will note in Section 1 of the commitment that there are numerous mortgages on the property which will need to be discharged.

I have also enclosed a copy of the source deed and the non-financing exception item cited in our commitment, along with a Maine Commercial Mechanics' Liens and Persons in Possession Affidavit, Maine Purchaser's Affidavit and a Real Estate Licensee Waiver of Lien Affidavit to be signed at closing and an invoice for our title services and the policy premiums.

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

Sincerely,



Samuel H. Merrill
Staff Counsel

SHM/tb
Enclosure
Office File No. CC-3307

*BOB RATTERSON
sending executed
copies to Sam.*



COMMITMENT FOR TITLE INSURANCE

issued by

FIRST AMERICAN TITLE INSURANCE COMPANY

FIRST AMERICAN TITLE INSURANCE COMPANY, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance as identified in Schedule A, in favor of the proposed insured named in Schedule A, as owner or mortgagee of real estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor, all subject to the provisions of Schedule A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent of the Company.

CONDITIONS AND STIPULATIONS

1. The term "mortgage", when used herein, shall include deed of trust, trust deed or other security instrument.
2. If the proposed insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company, at its option, may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed insured and such parties included under the definition of insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, exclusions from coverage, and the conditions and stipulations of the form of policy or policies committed for in favor of the proposed insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest or the lien of the insured mortgage covered hereby or any action asserting such claim, shall be restricted to the provisions and conditions and stipulations of this Commitment.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date".

FIRST AMERICAN TITLE INSURANCE COMPANY

BY *Parker S. Kennedy*

President

BY *Sam F. Casady*

ASSISTANT SECRETARY

By *Samuel H. Merrill*

Countersigned

Atlantic Title Company

Type Name

Commitment, Schedule A
Form 548 (9/73), Amended (7/84)

**FIRST AMERICAN TITLE INSURANCE COMPANY
A.L.T.A COMMITMENT
SCHEDULE A**

Effective Date
June 4, 2001 @ 4:30pm

CC-3307
I-14151
1085 Brighton Avenue
Portland, Maine

Atlantic Title Company
76 Atlantic Place
South Portland, Maine 04106
(207) 774-4400

1. Policy or Policies to be issued:

OWNER'S:	\$412,250.00
ALTA Owner Policy (10-17-92)	
Proposed Insured:	1085 Brighton Avenue, LLC
LOAN:	\$TBD
ALTA Loan Policy (10-17-92)	
Proposed Insured:	TBD

2. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple, and title thereto is at the effective date hereof vested in:

RBH, Jr., LLC by virtue of a Warranty Deed from Richard B. Holden, Jr., dated March 2, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15357, Page 156.

3. The land referred to in the Commitment is described in Exhibit A.

Schedule B - Section 1

The following are the requirements to be complied with:

1. Instrument(s) creating the estate or interest to be insured must be approved, executed and filed for record, to wit:
 - a) Recordation of properly executed Deed from RBH, Jr., LLC to 1085 Brighton Avenue, LLC conveying the land described in Exhibit A.
 - b) Recordation of properly executed mortgage from 1085 Brighton Avenue, LLC mortgaging the land described in Exhibit A, in favor of Lender TBD on Loan Policy.

NOTE: Copies of said executed documents must be provided to Atlantic Title Company.

2. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
3. Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable; including those shown at No. 5 following.
4. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed; that contractor, subcontractors, labor and materialmen are all paid.
5. Pay the following:
 - a. General taxes for current taxable year and other municipal charges which constitute a lien.
 - b. Assessments for sewer and water usage which are due and payable.
6. Receipt of current Category 2 Land Title Survey and surveyor's report in order to modify or delete Item 5 of Schedule B - Section 2 herein.

Schedule B - Section I - continued

7. Receipt of properly executed Maine Commercial Mechanics' Liens and Persons in Possession Affidavit, Maine Purchaser's Affidavit and Maine Waiver of Lien Affidavit in order to modify or delete Items 3 and 4 of Schedule B - Section 2 herein from the loan policy only.
8. Receipt of satisfactory documentation to enable the Company to delete the mechanics' lien exception in a loan policy when proceeds are not fully disbursed.
9. Receipt of satisfactory evidence of the legal existence of RBH, Jr., LLC and 1085 Brighton Avenue, LLC.
10. Receipt of satisfactory evidence of the authority and incumbency of the individuals executing any instruments on behalf of RBH, Jr., LLC and 1085 Brighton Avenue, LLC.
11. The Company reserves the right to raise any such additional exceptions or requirements as it deems necessary upon its review of the instruments to be insured.
- ✓ 12. Receipt and recordation of discharge of Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$400,000.00, dated November 14, 1988 and recorded in the Cumberland County Registry of Deeds in Book 8558, Page 284.
- ✓ 13. Receipt and recordation of discharge of Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$600,000.00, dated October 16, 1989 and recorded in the Cumberland County Registry of Deeds in Book 8953, Page 314.

Schedule B - Section I - continued

14. Receipt and recordation of discharge of Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$152,000.00, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 120, as affected by an Assumption Agreement by and between Peoples Heritage Savings Bank and RBH, Jr., LLC, dated March 2, 2000 and recorded in said Registry of Deeds in Book 15357, Page 149, as further affected by a First Supplemental Mortgage and Security Agreement dated March 2, 2000 and recorded in said Registry of Deeds in Book 15357, Page 152.
15. Receipt and recordation of discharge of Collateral Assignment of Leases and Rents from Richard B. Holden, Jr. to Peoples Heritage Savings Bank, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 132.
16. Receipt and recordation of discharge of Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$750,000.00, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 139.
17. Receipt and recordation of discharge of Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$750,000.00, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 152.
18. Receipt and recordation of termination of UCC-1 Financing Statement by and between Holden Agency, Debtor, and Peoples Heritage Savings Bank, Secured Party, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 163, as continued by instrument dated August 2, 1995 and recorded in said Registry of Deeds in Book 12042, Page 45, as further affected by a continuation recorded October 20, 2000 in said Registry of Deeds in Book 15797, Page 12 (the continuation statement recorded in Book 15797, Page 12 also serves to amend the name of the Secured Party to Peoples Heritage Bank, N.A.).

Schedule B - Section 1 - continued

- ✓ 19. Receipt and recordation of discharge of Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$992,000.00, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 175.

Schedule B - Section 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed Insured acquires for value of record the estate or interest or mortgage thereon, covered by this Commitment.
2. Taxes assessed as of April 1, 2001 and for subsequent years.
3. Rights of present tenants, lessees or parties in possession.
4. Any liability for mechanics' or materialmen's liens.
5. Any state of facts which a current survey acceptable to the Company and personal inspection of the premises would show.
6. The exact acreage or contents measurements of the premises will not be insured.
7. Title to and rights of the public and others entitled thereto in and to those portions of the insured premises lying within the bounds of adjacent streets, roads and ways.
8. Such state of facts as shown on a Plan entitled "Plan of Portland Gardens," dated July 1, 1912 and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 23.
9. Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$400,000.00, dated November 14, 1988 and recorded in the Cumberland County Registry of Deeds in Book 8558, Page 284.

Schedule B - Section 2 – continued

16. Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$992,000.00, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 175.

Schedule B - Section 2 – continued

10. Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$600,000.00, dated October 16, 1989 and recorded in the Cumberland County Registry of Deeds in Book 8953, Page 314.
11. Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$152,000.00, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 120, as affected by an Assumption Agreement by and between Peoples Heritage Savings Bank and RBH, Jr., LLC, dated March 2, 2000 and recorded in said Registry of Deeds in Book 15357, Page 149, as further affected by a First Supplemental Mortgage and Security Agreement dated March 2, 2000 and recorded in said Registry of Deeds in Book 15357, Page 152.
12. Collateral Assignment of Leases and Rents from Richard B. Holden, Jr. to Peoples Heritage Savings Bank, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 132.
13. Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$750,000.00, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 139.
14. Mortgage from Richard B. Holden, Jr. to Peoples Heritage Savings Bank in the original principal amount of \$750,000.00, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 152.
15. UCC-1 Financing Statement by and between Holden Agency, Debtor, and Peoples Heritage Savings Bank, Secured Party, dated November 28, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 163; as continued by instrument dated August 2, 1995 and recorded in said Registry of Deeds in Book 12042, Page 45, as further affected by a continuation recorded October 20, 2000 in said Registry of Deeds in Book 15797, Page 12 (the continuation statement recorded in Book 15797, Page 12 also serves to amend the name of the Secured Party to Peoples Heritage Bank, N.A.).

Exhibit A

PARCEL ONE:

A certain lot or parcel of land with the buildings thereon, situated on the Southeasterly side of Holm Avenue in the City of Portland, County of Cumberland and State of Maine, being Lots Nos. 25 and 26 as shown on Plan of Portland Gardens, recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 23, to which plan reference is hereby made for a more particular description.

PARCEL TWO:

A certain lot or parcel of land with the buildings thereon situated Northeasterly of Brighton Avenue, in said Portland, bounded and described as follows:

Commencing at a point on Holm Avenue, one hundred fifteen (115) feet Northerly from the intersection made by the Northeasterly side of Brighton Avenue and the Easterly side of said Holm Avenue, and thence running in a Northerly direction on the Easterly side line of Holm Avenue four hundred twenty-five (425) feet to an iron pipe driven in the ground and at the Westerly corner of Lot No. 26, as shown on a Plan of Portland Gardens, made by A. L. Eliot, C.E., and dated July 1, 1912; thence in a Southeasterly direction along the Southwesterly side line of said Lot No. 26 and Lot No. 22, as shown on said plan, one hundred thirty-seven and eighty-seven one hundredths (137.87) feet to an iron pipe; thence in a Southerly direction and in a line parallel with the Easterly side line of said Holm Avenue, four hundred twenty-five (425) feet to an iron pipe in the Northeasterly end line of Lot No. 5, as shown on said plan; thence in a Northwesterly direction by the Northeasterly end lines of Lots Nos. 5, 4, 3, 2 and 1, one hundred thirty-seven and eighty-seven one hundredths (137.87) feet to the point of beginning. Meaning and intending to hereby convey and hereby conveying the large lot of land unnumbered but marked "H. H. Holm" on said plan.

Also another certain lot or parcel of land with the buildings thereon situated in said Portland on the Northeasterly side of Brighton Avenue and bounded and described as follows:

Commencing at an iron pipe driven in the ground at the corner made by the intersection of the Northeasterly side of Brighton Avenue and the Easterly side of Holm Avenue, so-called, and running thence in a Northerly direction one hundred fifteen (115)

Exhibit A - cont.

PARCEL TWO (cont.)

feet to an iron pipe at the Northerly corner of Lot No. 1 and the Southwesterly corner of a large lot unnumbered and marked "H. H. Holm" as shown on a plan of Portland Gardens, made by A. L. Eliot, C.E., and dated July 1, 1912; thence in a Southeasterly direction by the line of land marked "H. H. Holm" on said plan and along the Northeasterly boundary line of Lots Nos. 1, 2 and 3, as shown on said plan one hundred and six tenths (100.6) feet to a point which is the Easterly corner of Lot No. 3, as shown on said plan; thence in a Southwesterly direction by the line dividing Lots Nos. 3 and 4, as shown on said plan, one hundred eight and forty-four hundredths (108.44) feet to the Northeasterly side line of Brighton Avenue; thence in a Northwesterly direction along the Northeasterly line of said Brighton Avenue sixty (60) feet to the iron pipe and point of beginning. Meaning and intending to hereby convey and hereby conveying Lots Nos. 1, 2 and 3, as shown on said plan.

Also another certain lot or parcel of land, situated on Brighton Avenue in said Portland, being lots numbered 4 and 5, as shown on plan of lots at Portland Gardens belonging to J. W. Wilbur, made by A. L. Eliot, surveyor, dated July 1, 1912, and recorded in Cumberland County Registry of Deeds in Plan Book 12, Page 23. Said lots taken together measure sixty (60) feet on Brighton Avenue; one hundred eight and forty-four hundredths (108.44) feet on Lot No. 3 on said plan; sixty (60) feet on land now or formerly of H. H. Holm, and Lot No. 8 on said plan; one hundred eight and forty-four hundredths (108.44) feet on Lot No. 6 on said plan. Containing, according to said plan, six thousand five hundred six (6,506) square feet, more or less.

PARCEL THREE:

A certain lot or parcel of land situated on Taft Avenue, in the City of Portland, County of Cumberland and State of Maine, being lots numbered 8, 9, 10 and 11, on Plan of Portland Gardens recorded in Cumberland County Registry of Deeds in Plan Book 12, Page 23, to which plan reference is hereby made.

0012502

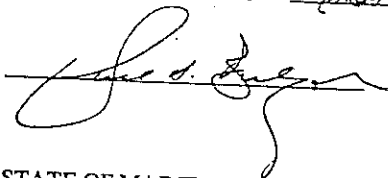
BK15357PG156

WARRANTY DEED

RICHARD B. HOLDEN, JR., with a mailing address of 128 Black Point Road, Scarborough, Maine 04074, for consideration paid, GRANTS to RBH, JR., LLC, a Maine Limited Liability Company with a principal office at 128 Black Point Road, Scarborough, Maine 04074, with WARRANTY COVENANTS, those certain lots or parcels of land with the improvements thereon 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.

Being the same premises described in three deeds to Richard B. Holden, Jr. and recorded in the Cumberland County Registry of Deeds in Book 3274, Page 149, Book 2883, Page 250, and Book 2972, Page 171, respectively.

IN WITNESS WHEREOF, the said RICHARD B. HOLDEN, JR. has signed this instrument on the 2nd day of March, 2000.




RICHARD B. HOLDEN, JR.

STATE OF MAINE
CUMBERLAND, SS.

March 2, 2000

Then personally appeared the above-named RICHARD B. HOLDEN, JR. and acknowledged the foregoing instrument to be his free act and deed.

Before me,

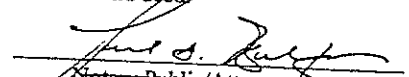

Notary Public/Attorney-at-Law
Printed Name: Philip S. Bunker
Commission Expires: _____

EXHIBIT APARCEL ONE:

A certain lot or parcel of land with the buildings thereon, situated on the Southeasterly side of Holm Avenue in the City of Portland, County of Cumberland and State of Maine, being Lots Nos. 25 and 26 as shown on Plan of Portland Gardens, recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 23, to which plan reference is hereby made for a more particular description.

Being the same premises described in a deed from Alberto L. DiMillo to Richard B. Holden, Jr., dated July 27, 1972, and recorded in the Cumberland County Registry of Deeds in Book 3274, Page 149.

PARCEL TWO:

A certain lot or parcel of land with the buildings thereon situated Northeasterly of Brighton Avenue, in said Portland, bounded and described as follows:

Commencing at a point on Holm Avenue, one hundred fifteen (115) feet Northerly from the intersection made by the Northeasterly side of Brighton Avenue and the Easterly side of said Holm Avenue, and thence running in a Northerly direction on the Easterly side line of Holm Avenue four hundred twenty-five (425) feet to an iron pipe driven in the ground and at the Westerly corner of Lot No. 26, as shown on a Plan of Portland Gardens, made by A. L. Eliot, C.E., and dated July 1, 1912; thence in a Southeasterly direction along the Southwesterly side line of said Lot No. 26 and Lot No. 22, as shown on said plan, one hundred thirty-seven and eighty-seven one hundredths (137.87) feet to an iron pipe; thence in a Southerly direction and in a line parallel with the Easterly side line of said Holm Avenue, four hundred twenty-five (425) feet to an iron pipe in the Northeasterly end line of Lot No. 5, as shown on said plan; thence in a Northwesterly direction by the Northeasterly end lines of Lots Nos. 5, 4, 3, 2 and 1, one hundred thirty-seven and eighty-seven one hundredths (137.87) feet to the point of beginning. Meaning and intending to hereby convey and hereby conveying the large lot of land unnumbered but marked "H. H. Holm" on said plan.

Also another certain lot or parcel of land with the buildings thereon situated in said Portland on the Northeasterly side of Brighton Avenue and bounded and described as follows:

Commencing at an iron pipe driven in the ground at the corner made by the intersection of the Northeasterly side of Brighton Avenue and the Easterly side of Holm Avenue, so-called, and running thence in a Northerly direction one hundred fifteen (115)

feet to an iron pipe at the Northerly corner of Lot No. 1 and the Southwesterly corner of a large lot unnumbered and marked "H. H. Holm" as shown on a plan of Portland Gardens, made by A. L. Eliot, C.E., and dated July 1, 1912; thence in a Southeasterly direction by the line of land marked "H. H. Holm" on said plan and along the Northeasterly boundary line of Lots Nos. 1, 2 and 3, as shown on said plan one hundred and six tenths (100.6) feet to a point which is the Easterly corner of Lot No. 3, as shown on said plan; thence in a Southwesterly direction by the line dividing Lots Nos. 3 and 4, as shown on said plan, one hundred eight and forty-four hundredths (108.44) feet to the Northeasterly side line of Brighton Avenue; thence in a Northwesterly direction along the Northeasterly line of said Brighton Avenue sixty (60) feet to the iron pipe and point of beginning. Meaning and intending to hereby convey and hereby conveying Lots Nos. 1, 2 and 3, as shown on said plan.

Also another certain lot or parcel of land, situated on Brighton Avenue in said Portland, being lots numbered 4 and 5, as shown on plan of lots at Portland Gardens belonging to J. W. Wilbur, made by A. L. Eliot, surveyor, dated July 1, 1912, and recorded in Cumberland County Registry of Deeds in Plan Book 12, Page 23. Said lots taken together measure sixty (60) feet on Brighton Avenue; one hundred eight and forty-four hundredths (108.44) feet on Lot No. 3 on said plan; sixty (60) feet on land now or formerly of H. H. Holm, and Lot No. 8 on said plan; one hundred eight and forty-four hundredths (108.44) feet on Lot No. 6 on said plan. Containing, according to said plan, six thousand five hundred six (6,506) square feet, more or less.

Being the same premises described in a deed from Vivian May Riley to Richard B. Holden, Jr., dated March 8, 1965, and recorded in the Cumberland County Registry of Deeds in Book 2883, Page 250.

PARCEL THREE:

A certain lot or parcel of land situated on Taft Avenue, in the City of Portland, County of Cumberland and State of Maine, being lots numbered 8, 9, 10 and 11, on Plan of Portland Gardens recorded in Cumberland County Registry of Deeds in Plan Book 12, Page 23, to which plan reference is hereby made.

Being the same premises described in a deed from Ferris P. Ferris to Richard B. Holden, Jr., dated September 8, 1966, and recorded in said Registry of Deeds in Book 2972, Page 171.

RECEIVED
RECORDED REGISTRY OF DEEDS

2000 MAR -8 AM 11:31

CUMBERLAND COUNTY

John B. O'Brien

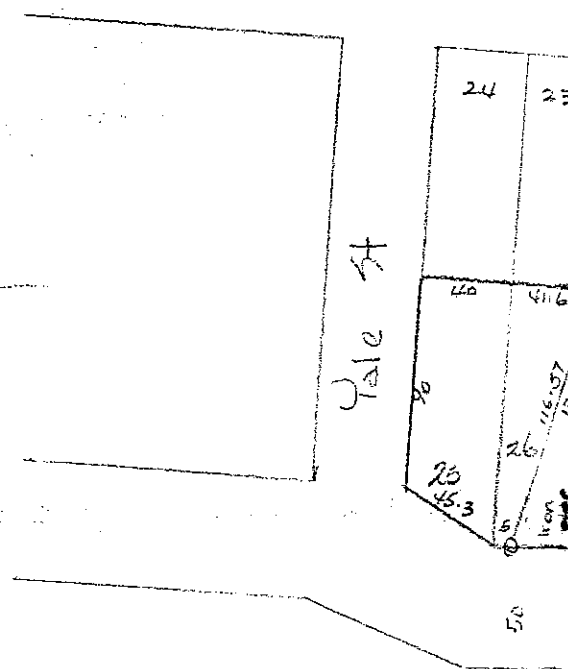
Partial Tracing

Portland Gardens
in City of Portland, Maine
Owned by W.W. Wilbur
July 1, 1912

Purchased from H. H. Holm
Scale $\frac{1}{1000}$ A. L. Eliot C.E.
Boston Mass



[12-23]



**FIRST AMERICAN TITLE INSURANCE COMPANY
MAINE COMMERCIAL MECHANICS'
LIENS AND PERSONS IN POSSESSION AFFIDAVIT**

Property Address: 1085 Brighton Avenue
Portland, Maine

First American Title Insurance Company (hereinafter the Company) has been asked to issue a Loan Policy of Title Insurance which will not take exception to: (a) unrecorded matters which could be ascertained by an inspection of said property or by making inquiry of persons in possession thereof; and (b) mechanics' liens. In consideration of such insurance, and in order to induce the Company to provide such insurance, the undersigned (hereinafter the Indemnitor) agrees to and undertakes the following obligations:

1. Indemnitor agrees to indemnify the Company for any loss, cost or damage, including attorneys' fees, resulting from any mechanics' liens encumbering the property, or from any rights of tenants or parties in possession.
2. Indemnitor represents that he/she/it has no knowledge of any real estate licensee who may assert a lien against the property based on non-payment of professional services rendered by the licensee to facilitate the sale of the property.
3. In the event any lien, claim or action arises as indemnified against herein, is filed, recorded, made or commenced with respect to the property, Indemnitor shall upon written demand cause such lien, claim or action to be removed, terminated, satisfied, released or otherwise disposed of in a form and manner satisfactory to the Company.
4. If within ten (10) days after written demand Indemnitor has unreasonably failed to cause any lien, claim or action to be removed, terminated, satisfied, released or discharged, Indemnitor agrees to reimburse and repay in full any reasonable costs and expenses incurred by the Company as a result of any reasonable action taken by the Company to extinguish such lien, claim or action.
5. Indemnitor further represents that there are:
☐ no tenants or persons in possession
☐ tenants or persons in possession as listed on attached Schedule A – Tenants List.

Dated: _____

RBH, Jr., LLC

Witness

By:
Its:

State of _____:
County _____, ss:

PERSONALLY appeared the above-named _____ and subscribed and made oath to the statements contained herein on this _____ day of _____, _____.

Name:
Notary Public/Attorney at Law

**SCHEDULE A
TENANTS LIST**

1.

2.

3.

4.

5.

6.

7.

FIRST AMERICAN TITLE INSURANCE COMPANY
MAINE PURCHASER'S AFFIDAVIT
(Real Estate Licensee's Mechanic's Lien)

Name of Purchaser(s): 1085 Brighton Avenue, LLC

Property Address: 1085 Brighton Avenue
 Portland, Maine

The above-named Purchaser(s) understands that First American Title Insurance Company (the Company) has been asked to issue a Loan Policy of Title Insurance, for the property referenced above, without exception for mechanics' liens.

In order to allow the Company to provide such coverage, the Purchaser(s) hereby certifies (with indemnification to the Company) that he/she (they) has (have) not received notice of any lien or potential lien filed or to be filed by a real estate licensee who provided professional services to facilitate the sale of the property described above.

Dated: _____

1085 Brighton Avenue, LLC

Witness

By:

Its:

State of _____:

County _____, ss:

PERSONALLY appeared the above-named _____ and
subscribed and made oath to the statements contained herein on this ____ day of
_____, _____.

Name:

Notary Public/Attorney at Law

FIRST AMERICAN TITLE INSURANCE COMPANY
MAINE WAIVER OF LIEN
(Real Estate Licensee)

Name of Licensee: _____

Name of Purchaser(s): 1085 Brighton Avenue, LLC

Property Address: 1085 Brighton Avenue
Portland, Maine

The above-named Licensee understands that First American Title Insurance Company (the Company) has been asked to issue a Loan Policy of Title Insurance, for the property referenced above, without exception for mechanics' liens.

In order to allow the Company to provide such coverage, the Licensee hereby certifies that he/she has been fully paid for all professional services rendered by him/her to facilitate the sale of the property described above, and therefore agrees to waive any right to assert a mechanics' lien against said property, pursuant to the provisions of 10 MRSA Section 3251, et seq., as amended.

In addition, the Licensee certifies that he/she does not have knowledge of any other Real Estate Licensee (or assignee of same) who may be owed payment for professional services rendered to facilitate the sale of the property described above.

The Licensee further certifies that he/she has complete authority to execute this Waiver on behalf of his/her employer or principal, if any.

Dated: _____

Witness

Licensee
Printed Name:

State of _____:
County _____, ss:

PERSONALLY appeared the above-named _____ and
subscribed and made oath to the statements contained herein on this _____ day of
_____, _____.

Name:
Notary Public/Attorney at Law

COMMERCIAL DEPARTMENT
ATLANTIC TITLE COMPANY
76 ATLANTIC PLACE
SOUTH PORTLAND, ME 04106
(207) 774-4400
FAX (207) 774-5935

INVOICE

1085 Brighton Avenue, LLC
c/o David J. Perkins, Esq.
Perkins Olson, P.A.
PO Box 449
Portland, ME 04112-0449

Office File No. CC-3307
June 14, 2001

RE: 1085 Brighton Avenue
Portland, Maine

Abstractor's Examination of Indexed Record Title	\$ 350.00
Title Insurance Premium (First American Title Insurance Company)	
\$412,250.00 Owners Policy	\$1032.50
\$TBD Loan Policy (simultaneous issue)	\$ 50.00
Disbursements	
<input type="checkbox"/> Registry Photocopies	<u>\$ 47.00</u>
Total Amount Due	\$1479.50*

*If no lenders title policy is to be issued, you may deduct \$50.00 from this total.

Please include a copy of this invoice with your payment. Thank you.

COMMERCIAL DEPARTMENT
ATLANTIC TITLE COMPANY
76 ATLANTIC PLACE
SOUTH PORTLAND, ME 04106
(207) 774-4400
FAX (207) 774-5935

INVOICE

1085 Brighton Avenue, LLC
c/o David J. Perkins, Esq.
Perkins Olson, P.A.
PO Box 449
Portland, ME 04112-0449

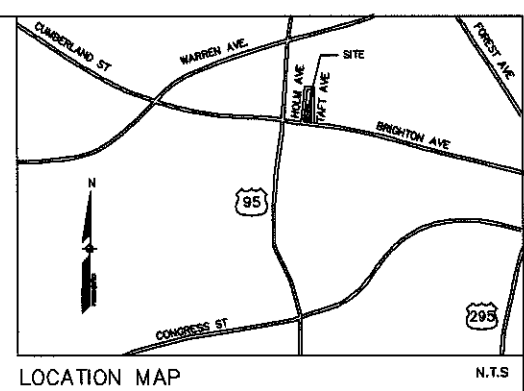
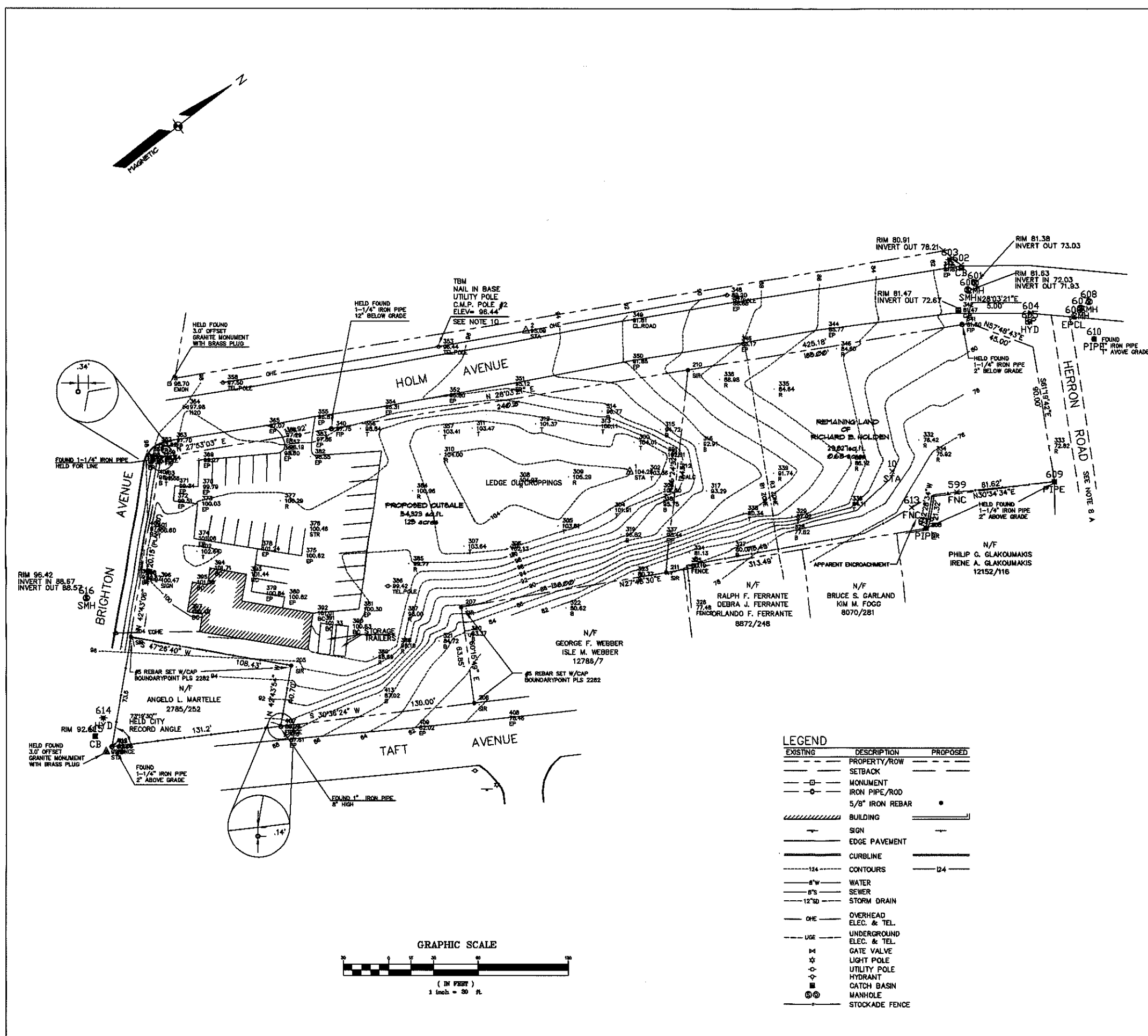
Office File No. CC-3307
June 14, 2001

RE: 1085 Brighton Avenue
Portland, Maine

Abstractor's Examination of Indexed Record Title	\$ 350.00
Title Insurance Premium (First American Title Insurance Company)	
\$412,250.00 Owners Policy	\$1032.50
\$TBD Loan Policy (simultaneous issue)	\$ 50.00
Disbursements	
<input type="checkbox"/> Registry Photocopies	\$ <u>47.00</u>
Total Amount Due	\$1479.50*

*If no lenders title policy is to be issued, you may deduct \$50.00 from this total.

Please include a copy of this invoice with your payment. Thank you.



GENERAL NOTES

- SOURCE OF BEARINGS FOR THIS SURVEY IS FROM PLAN ENTITLED "PLAN OF PROPERTY BRIGHTON AVENUE, PORTLAND, MAINE MADE FOR KENNETH C.W. NG" DATED MARCH 19, 1985 BY R.P. TITCOMB ASSOCIATES, INC.
- RECORD OWNER OF THE PROPERTY SURVEYED IS RICHARD B. HOLDEN, JR. FROM FERRIS P. FERRIS BY DEED DATED SEPTEMBER 8, 1986 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 2972, PAGE 171. AND FROM VIVIAN WAY RILEY BY DEED RECORDED IN SAN REGISTRY BOOK 2883, PAGE 250. ALSO FROM ALBERTO L. DIMILLO BY DEED DATED JULY 27, 1972 AND RECORDED IN BOOK 3274, PAGE 149.
- THE PROPERTY IS DEPICTED ON THE CITY OF PORTLAND ASSESSOR MAP 274, BLOCK A, LOTS 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14.
- THE MAJORITY OF THE PROPERTY IS LOCATED WITHIN THE B1 ZONE, THE CURRENT SPACE AND BULK REQUIREMENTS FOR THIS ZONE ARE AS FOLLOWS:
MINIMUM STREET FRONTAGE 50 FEET
MINIMUM LOT SIZE 20,000 SQUARE FEET
MAXIMUM BUILDING HEIGHT IS 35 FEET
BUILDING SETBACKS:
FRONT-EVEN WITH OTHER EXISTING STRUCTURES
SIDE-NONE, EXCEPT IF ADJOIN A RESIDENTIAL ZONE, THEN 10 FEET
REAR-NONE, EXCEPT IF ADJOIN A RESIDENTIAL ZONE, THEN 20 FEET
- THE PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD HAZARD ZONE ACCORDING TO THE F.E.M.A. COMMUNITY PANEL 230051-68 DATED JULY 17, 1986.
- SEBAGO TECHINCS, INC. PERFORMED THIS STANDARD BOUNDARY SURVEY SUBSTANTIALLY IN CONFORMANCE WITH STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE CATEGORY 1, CONDITION 1. EXCEPTING FROM THESE STANDARDS THE FOLLOWING: SURVEY REPORT, DEED DESCRIPTION, MONUMENTATION TO BE SET ONLY UPON CLIENT AUTHORIZATION AND NO UPDATED RESEARCH HAS BEEN PERFORMED SINCE JULY OF 1988
- THE TOTAL AREA OF THE PARCEL IS A SHOWN.
- PLAN REFERENCES:
A. "PORTLAND GARDENS IN CITY OF PORTLAND, MAINE OWNED BY J.W. WILBUR" DATED JULY 1, 1912 RECORDED IN SAID REGISTRY PLAN BOOK 12, PAGE 23.
B. "PLAN OF PROPERTY BRIGHTON AVENUE, PORTLAND, MAINE MADE FOR KENNETH C.W. NG" DATED MARCH 19, 1985 BY R.P. TITCOMB ASSOCIATES, INC.
- THE BOUNDARIES FOR THIS SURVEY WERE RETRACED USING CALLED FOR MONUMENTS IN PLAN REFERENCE BA ABOVE, AND BRIGHTON AVENUE RIGHT-OF-WAY MONUMENTS SET BY THE CITY OF PORTLAND AND REFERENCED IN THE CITY OF PORTLAND ENGINEERING DEPARTMENT BLUE SHEETS FOR BRIGHTON AVENUE.
- TOPOGRAPHIC SURVEY PERFORMED BY SEBAGO TECHINCS, INC. VERTICAL DATUM BASED UPON AN ELEVATION OF 72.346 FEET FROM THE RIM OF A SEWER MANHOLE IN BRIGHTON AVENUE, 200 FEET NORTHWESTERLY FROM CABOT AVENUE, AND IS SHOWN ON A PLAN ENTITLED "PORTLAND SEWER SYSTEM, INFILTRATION-INFLOW ANALYSIS, SYSTEM BASE MAPPING" DATED 1981 AND LAST REVISED 8-1-88 BY HUNTER-BALLEW ASSOCIATES IN FALMOUTH, MAINE

B	DB	4-28-1999	SPLIT LOT INTO 2 LOTS
A	DB	7-27-98	ADDED LOTS 25, 26 OF PLAN BOOK 23, PAGE 12
REV:	BY:	DATE:	STATUS:
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHINCS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHINCS, INC.			
STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY OF RICHARD B. HOLDEN, JR. PROPERTY BRIGHTON AVENUE, PORTLAND, ME. 04101			
		DESIGN BY: DB DRAWN BY: DB CHECKED BY: DED DATE: 7-10-98 SCALE: 1" = 30' FIELD BK: FILE PROJ. NO: 98123 DRAWING: 98123BD SHEET OF	
Sebago Technics Engineering & Planning for the Future 12 WESTBROOK COMMON WESTBROOK, ME 04098-1339 TEL (207) 836-0277			

REVIEW



CITY OF PORTLAND

14 May 2002

Ms. Rachel Sunnell, R.L.A.,
Gawron Architects,
29 Black Point Road,
Scarborough, Maine 04074-9358

**RE: The Capacity to Handle Wastewater Flows, from The Proposed Addition to
The Holden Agency, at 1085 Brighton Avenue.**

Dear Ms. Sunnell:

The existing twelve-inch diameter vitrified clay sanitary sewer pipe located in Brighton Avenue has adequate capacity to **transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to **treat**, the total anticipated wastewater flows of 45 GPD, from the proposed project.

Anticipated Wastewater Flows from the Proposed Addition

Proposed Three Employees @ 15 GPD/ Employee	= 45 GPD
Total Proposed Increase in Wastewater Flows for this Project	= 45 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and the Maine D.E.P., requires C.S.O. abatement, as well as Stormwater mitigation, from all projects, in order to offset any increase in sanitary flows. If I can be of further help, please call me at 874-8832.

Sincerely,

CITY OF PORTLAND

Frank J. Brancely, B.A., and M.A.
Senior Engineering Technician

FJB

cc: Alexander Q. Jaegerman, Acting Co-Director, Department of Planning, and Urban Development, City of Portland
Kandice Talbot, Planner, Department of Planning, and Urban Development, City of Portland
Eric Labelle, P.E., City Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Anthony W. Lombardo, P.E., Project Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Todd Merkle, Field Inspections Coordinator, City of Portland
Desk file

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Chair Caron and Members of the Portland Planning Board

FROM: Kandice Talbot, Planner

DATE: May 14, 2002

SUBJECT: Sidewalk Waiver, 1 Holm Avenue

Holden Agency has withdrawn their request for waiver of granite curb and sidewalk. Holden Agency is now proposing to install granite curb and sidewalk along the frontage of Holm Avenue.

From: Anthony Lombardo
To: William Bray
Date: Wed, May 8, 2002 10:44 AM
Subject: Fwd: Sidewalk Waiver Requests

Bill,

Attached are two (2) private development sidewalk waiver requests that require a response, at your earliest convenience.

Holden Agency...1 Holm Ave.

This request can be addressed in an alternative fashion rather than just denying it. The City's CIP will rebuild this street, install curb and sidewalk during 2003 (if funding is approved). I would recommend seeking a financial contribution from the applicant. The future burden to the CIP for installing curb and sidewalk is estimated at \$9,300. I would ask the applicant to contribute that amount or a percentage of that amount towards the Holm Ave. CIP, in lieu of building sidewalk and installing curb.

116 Providence St...Duplex

This situation is requiring one home to be burdened with installing sidewalk and curb where no curb or sidewalk even exists. In fact, there is no near future plan by the City to even address curb or sidewalk. The financial burden to the applicant would be \$2,800.

Both waiver request will be discussed at the May 14th Planning Board Meeting.

Thanks.

CC: ALEX JAEGERMAN; Kandi Talbot; Sarah Hopkins



CITY OF PORTLAND

February 13, 2002

Rachel Sunnell
Gawron Architects
29 Black Point Road
Scarborough, ME 04074

RE: 1 Holm Street, Holden Agency Addition
ID #2002-0020, CBL #274-A-001

Dear Ms. Sunnell:

We are in receipt of your plans and submittal regarding the proposed addition located at 1 Holm Avenue. The following comments have been generated:

1. Granite curb and sidewalk along Brighton Avenue, but do not exist along Holm Avenue. City ordinance requires that granite curb and sidewalk be provided along all frontages of a proposed development site. Sidewalk and granite curb is required along the entire frontage on Holm Avenue.
2. Applicant must submit letters from Portland Water District regarding water availability and Public Works Department regarding sewer availability.
3. The site layout plan is lacking erosion control measures. Silt fence should be placed around the work zone. Provisions for keeping Holm Avenue clean of mud and debris must be noted on the plans. Temporary stockpile locations should be identified and the proper erosion control measures for the site work noted on the plans. I suggest a short written description of erosion control requirements be placed on the plans.
4. The handicap ramp area grading is confusing. Staff cannot tell if there is a ramp or not in front of the cross-hatched area. Additional spot grades along the entire length of the curb line would be beneficial.
5. There appears to be some work required in Holm Avenue for the driveway widening. The Applicant should be aware that street opening permits would be necessary for the driveway expansion. Contact Carol Merritt at Public Works for specific costs associated with this work.

From: "Steve Bushey" <SBushey@DelucaHoffman.com>
To: "Kandi Talbot (E-mail)" <KCOTE@ci.portland.me.us>
Date: Thu, Feb 14, 2002 7:39 AM
Subject: 1085 Brighton Avenue LLC

Kandi,

I have reviewed the plan set dated 1-16-02 prepared by Gawron Architects on behalf of the Holden Agency and offer the following comments:

- ✓ 1. No data is provided regarding any increased water and sewer use. Since additional parking is provided I assume there will be more employees and hence more utility demand. It will probably be insignificant, but nevertheless, ability to serve letters should be received from the water and sewer folks.
2. I did not see any lighting measures either in the parking lot or on the building.
- ✓ 3. The site layout plan is lacking erosion control measures. Silt fence should be placed around the work zone. Provisions for keeping Holm Avenue clean of mud and debris should be noted on the plans. Temporary stockpile locations should be identified and the proper erosion control measures for the site work noted on the plans. I suggest a short written description of erosion control requirements be placed on the plans.
4. The Fire Dept. should review the layout for emergency vehicle accessibility.
- ✓ 5. The handicap ramp area grading is confusing. I cannot tell if there is a ramp or not in front of the cross hatched area. Additional spot grades along the entire length of the curb line would be beneficial.
- ✓ 6. There appears to be some work required in Holm Avenue for the driveway widening. The applicant will need to obtain a street opening permit from the Public Works Department.
- ✓ 7. It appears that the stormwater runoff from the proposed parking area will sheet flow across the new pavement towards the driveway out onto Holm Avenue. No new measures for runoff control or water quality treatment have been proposed or discussed. The project will have greater than 25 parking spaces therefore some measure of stormwater quantity control and water quality treatment may be warranted. The applicant should provide additional support for the design and any additional measures necessary to be in compliance with the City's stormwater quantity and quality requirements.
8. Is the SY landscape designation intended to be the "Syringa Vulgris"? The schedule uses SV for its symbol.
- ✓ 9. Are there any measures for foundation drainage and where will it be discharged to?

- ✓ 10. The parking lot construction appears to require rock removal. A blasting plan should be supplied that includes, but is not limited to, a pre-blast survey of surrounding properties.
- ✓ 11. The parking spaces at the south end are quite tight and will be difficult to access. The total width across the two end spaces and the drive aisle is only 52', therefore I suggest these spaces be eliminated or signed for compact vehicles only.

If you have any questions regarding these comments please call.

Steve Bushey
Technical Reviewer
DeLuca-Hoffman Associates, Inc.

From: Anthony Lombardo
To: Kandi Talbot
Date: Thu, Jan 31, 2002 10:51 AM
Subject: 1 Holm Ave.....Richard Holden Ins. 1/31/02

Kandi,

I've reviewed the application and offer the following comments on behalf of Public Works:

✓ Typical with any development proposal, Public Works is requesting the applicant install granite curb and a paved sidewalk along the frontage of the development site.

✓ Applicant should be made aware of the street opening permits necessary to expand the existing entrance. Contact Carol Merritt at Public Works for specific costs associated with this work.

**CITY OF PORTLAND, MAINE
SITE PLAN CHECKLIST**

Holden Agency 1 Holm Avenue
Project Name, Address of Project

I.d. Number

Submitted () & Date	Item	Required Information	Section 14-525 (b,c)
✓	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
✓	(2)	Name and address of applicant and name of proposed development	a
✓	(3)	Scale and north points	b
✓	(4)	Boundaries of the site	c
✓	(5)	Total land area of site	d
✓	(6)	Topography - existing and proposed (2 feet intervals or less)	e
✓	(7)	Plans based on the boundary survey including:	2
✓	(8)	Existing soil conditions	a
✓	(9)	Location of water courses, marshes, rock outcroppings and wooded areas	b
✓	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
↓ trailers	(11)	Approximate location of buildings or other structures on parcels abutting the site	d
✓	(12)	Location of on-site waste receptacles	e
✓ capacity letters	(13)	Public utilities	e
✓	(14)	Water and sewer mains	e
✓	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
✓	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
Sidewalks + parking spaces	(17)	Location and dimensions of on-site pedestrian and vehicular accessways	g
parking spaces	(18)	Parking areas	g
	(19)	Loading facilities	g
	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
Sidewalks	(21)	Curb and sidewalks	g
✓	(22)	Landscape plan showing:	h
✓	(23)	Location of existing proposed vegetation	h
✓	(24)	Type of vegetation	h
✓	(25)	Quantity of plantings	h
✓	(26)	Size of proposed landscaping	h
✓	(27)	Existing areas to be preserved	h
✓	(28)	Preservation measures to be employed	h
✓	(29)	Details of planting and preservation specifications	h
✓	(30)	Location and dimensions of all fencing and screening	i
✓	(31)	Location and intensity of outdoor lighting system	j
lights	(32)	Location of fire hydrants, existing and proposed	k
	(33)	Written statement	c
	(34)	Description of proposed uses to be located on site	1
	(35)	Quantity and type of residential, if any	1
	(36)	Total land area of the site	b2
	(37)	Total floor area and ground coverage of each proposed building and structure	b2
	(38)	General summary of existing and proposed easements or other burdens	c3
	(39)	Method of handling solid waste disposal	4
capacity letters	(40)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets	5
	(41)	Description of any problems of drainage or topography, or a representation that there	6

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

2002-0020

Application I. D. Number

1/18/02

Application Date

Holden Agency

Project Name/Description

1085 Brighton Ave Llc

Applicant

1085 Brighton Ave , Portland , ME 04102

Applicant's Mailing Address

Gawron Architects

Consultant/Agent

Agent Ph: (207)883-6307

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

1 - 1 Holm Ave, Portland, Maine

Address of Proposed Site

274 A001001

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) _____

7,440 sq. ft.

54,323 sq. ft.

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

☒ Site Plan
(major/minor)

☐ Subdivision
of lots _____

☐ PAD Review

☐ 14-403 Streets Review

☐ Flood Hazard

☐ Shoreland

☐ Historic Preservation

☐ DEP Local Certification

☐ Zoning Conditional
Use (ZBA/PB)

☐ Zoning Variance

☐ Other _____

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 1/18/02

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

☐ Performance Guarantee Accepted

date

amount

expiration date

☐ Inspection Fee Paid

date

amount

☐ Building Permit Issue

date

☐ Performance Guarantee Reduced

date

remaining balance

signature

☐ Temporary Certificate of Occupancy

date

☐ Conditions (See Attached)

expiration date

☐ Final Inspection

date

signature

☐ Certificate Of Occupancy

date

☐ Performance Guarantee Released

date

signature

☐ Defect Guarantee Submitted

submitted date

amount

expiration date

☐ Defect Guarantee Released

date

signature



29 Black Point Road, Scarborough, Maine 04074-9358

Master Planning
Architecture
Interior Design
Landscape Architecture

PRINCIPALS
Stan Gawron, Architect
Mary Turgeon, NCIDQ

January 18, 2002

City of Portland
Planning & Urban Development
389 Congress Street
Portland, Maine 04101

Re: City of Portland Site Plan Application
Minor Development - Holden Agency

Dear Sarah Hopkins,

On behalf of Mr. Thomas Holden, Gawron Architects request a Minor Development site plan review involving an addition to an existing office building and parking facility located near the intersection of Brighton and Holm Avenues.

The existing office building is a two story, 4477 sq. ft. wood structure situated on lot 1 - 1.25 acres and has 24 existing parking spaces. The proposed structure will total 7,440 sq. ft. allowing 3,720 sq. ft. per floor. The parking area will expand to accommodate 34 parking spaces.

The site has exposed ledge outcroppings in the vicinity of the building and parking area expansion. The Cumberland County soil survey has mapped this area as Hinckley gravelly sand loam with 3-8 percent slopes.

Please refer to sheets L-100 for the location of the addition and square footage calculations. Construction is expected to begin the end of January or as soon as all required permits are acquired. Duration of construction is estimated to take 4 to 5 months. The approximate budget for this project is \$550,000.

Support material includes:

- 1) Nine copies of this letter and attachment soil survey
- 2) Nine copies of the plot or site surveys, site plans, details, structure elevations
- 3) Nine copies of the application
- 4) A check for \$400.00

If the information we have presented needs further clarification, please call me at 883-6307. Thank you for your time in reviewing this application.

Sincerely,

Rachel Sunnell, RLA
Gawron Architects

City of Portland Site Plan Application

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

Location/Address of Construction:		
Total Square Footage of Proposed Structure 7,440 sq.ft.	Square Footage of Lot 54,323 sq.ft.	
Tax Assessor's Chart, Block & Lot Chart# 274 Block# A Lot# 1	Property owner, mailing address: Thomas Holden 1085 Brighton Avenue Portland, ME 04101	Telephone: 775-3793
Consultant/Agent, mailing address, phone & contact person Gawron Architects 29 Black Point Road Scarborough, ME 04074 207-883-6307 Rachel Sunnell	Applicant name, mailing address & telephone: Same as consultant	Project name: Holden Agency
Proposed Development (check all that applies) <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input checked="" type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision, amount of lots _____ <input type="checkbox"/> Other: _____		
Major Development _____ \$500.00 Minor Development <input checked="" type="checkbox"/> \$400.00		
Who billing will be sent to: Gawron Architects Mailing address: 29 Black Point Road, Scarborough State and Zip: Maine 04074 Contact person: Stan Gawron phone: 207-883-6307		

Nine (9) separate packets must include the following:

- copy of application
- cover letter stating the nature of the project
- site plan containing the information found in the attached sample plans check list

All plans must be folded neatly and in packet form

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .25 per page, you may also visit the web site: ci.portland.me.us chapter 14

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

Signature of applicant: Rachel Sunnell	Date: 1.18.02
---	----------------------

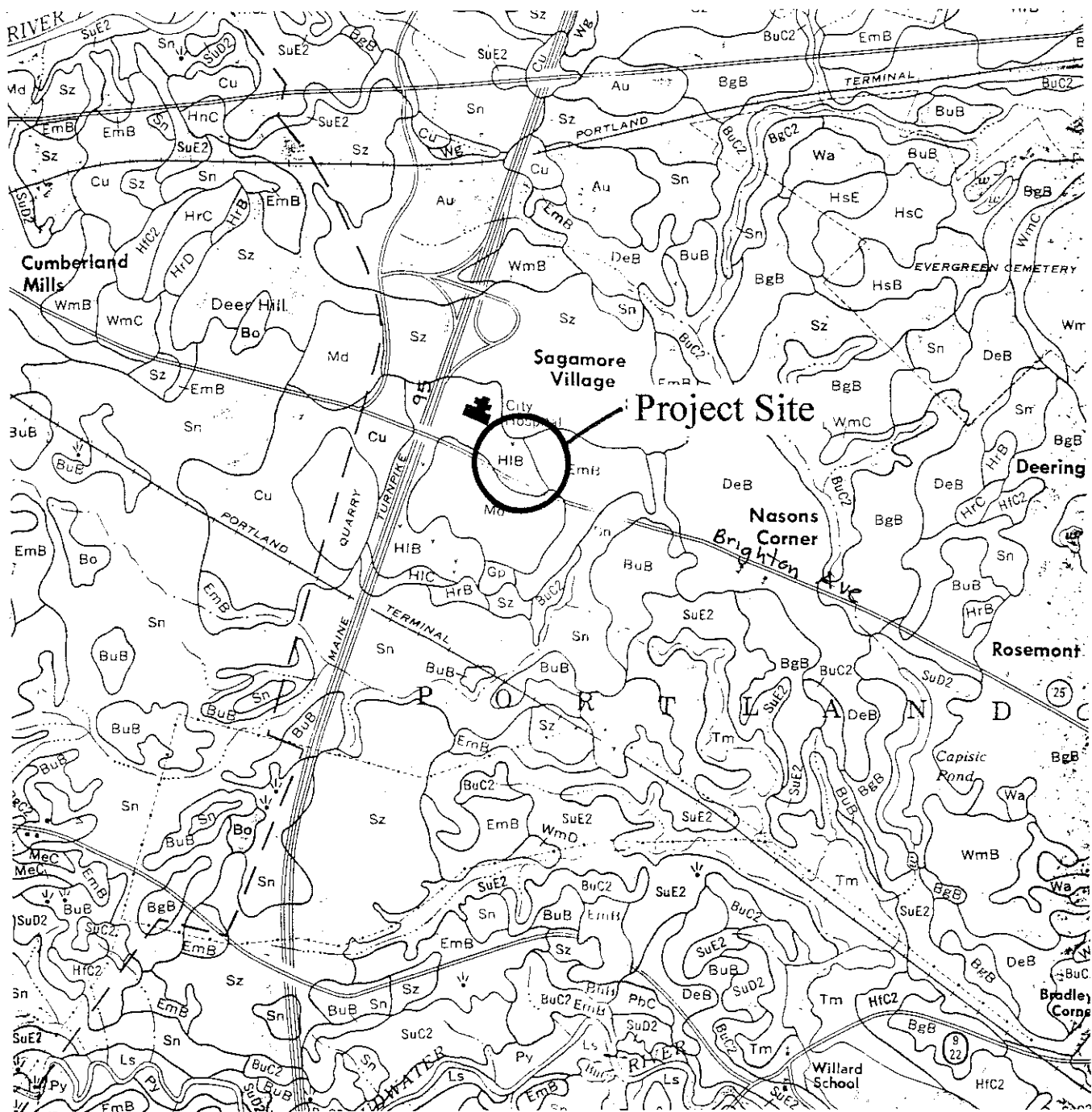
This application is for site review ONLY, a building Permit application and associated fees will be required prior to construct

Master Planning
Architecture
Interior Design
Landscape Architecture

PRINCIPALS

Stan Gawron, Architect
Mary Turgeon, NCIDQ

Project: Holden Agency,
Subject: Soil Survey U.S. Department of Agriculture Soil Conservation Service
Legend: HIB = Hinckley gravelly sandy loam, 3 to 8 percent



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

1085 Brighton Ave Llc

Applicant

1085 Brighton Ave , Portland , ME 04102

Applicant's Mailing Address

Gawron Architects

Consultant/Agent

Agent Ph: (207) 883-6307

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

2002-0020

Application I. D. Number

01/18/2002

Application Date

Holden Agency

Project Name/Description

1 - 1 Holm Ave, Portland, Maine

Address of Proposed Site

274 A001001

Assessor's Reference: Chart-Block-Lot

Engineering Comments

PUBLIC WORKS ENGINEERING REVIEW...3/18/02

This review is in response to the submittal dated 3/14/02:

1. The applicant's agent has submitted a letter that, under item #1, makes the determination that the City will be rebuilding Holm Avenue during the fiscal year 2002. In fact, City Council has not approved funding for this project as yet. Further, the requested approval funding amount may be reduced or not even approved. As a result, we believe that it is appropriate for the applicant to escrow an amount of money equal to the City's anticipated cost for installing curb and sidewalk along the frontage of the development site. This money should be held in escrow, for period of no more than five (5) year, or until such time as the City installs sidewalk and curb and then returned in full to the applicant. This same requirement has been made of other applicants.
2. Street opening fees and right of way excavation permits should not be waived. The City does not know when this street will be constructed. It all depends on City Council decision when to approve CIP funding. These fees are a critical revenue source for operational costs.
3. Item #6 in this same letter, refers to an attached memo dated 2/22/02, that addresses the reduction of runoff to Holm Avenue. We have not received this document for review.

memo

Date: 2/22/02

To: File

Cc:

From: Gawron Architects, Rachel Sunnell

RE: Project # Holden 050601- Site Plan Review Comments

Subject: Site Plan Revisions to address storm water run off, Item 6 of the City of Portland Review comments.

Steep slopes and ledge prevent on site detention ponds, therefore a revised grading plan will restrict the sheet flow toward Holm Avenue.

The revised grading plan has improved the storm water runoff area that sheet flows from the parking area towards the driveway out onto Holm Avenue. Existing pavement area is estimated at 10,284 sq. ft. With the revised grading plan, 8,161 sq ft is estimated to sheet flow towards the driveway out onto Holms Avenue; a decrease of 2,123 sq ft. An estimated 6,878 sq ft will flow away from Holms Ave toward on site vegetation.

If these calculations where translated to parking spaces, only 20 proposed spaces would sheet flow toward Holm Ave. and the remaining 14 spaces will flow toward on site vegetation.

PBM1

11/11/2020

11/11/2020

11/11/2020



CITY OF PORTLAND

April 9, 2002

Mr. Tom Holden
Holden Agency
1085 Brighton Avenue
Portland, ME 04102

RE: 1 Holm Avenue, Holden Agency Addition
ID #2002-0020, CBL #274-A-001

Dear Mr. Holden:

On April 4, 2002, the Portland Planning Authority granted minor site plan approval for the proposed addition located at 1 Holm Avenue with the following conditions:

- i. The applicant must submit a letter from the Public Works Department regarding sewer availability.
- ii. The applicant shall submit granite curb and sidewalk details per City of Portland Technical and Design Standards and Guidelines.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

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

1. 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. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

PBR1

PLANNING BOARD REPORT #34-02

**SIDEWALK AND GRANITE CURB WAIVER REQUEST IN THE VICINITY OF
1 HOLM AVENUE
HOLDEN AGENCY, APPLICANT**

Submitted to:
Portland Planning Board
Portland, Maine

May 14, 2002

Submitted by:
Kandice Talbot, Planner

I. INTRODUCTION

Holden Agency is requesting a waiver of sidewalk and granite curb from Chapter 25 of the Municipal code for their property located at the corner of Brighton Avenue and Holm Avenue. While granite curb and sidewalk does exist along the frontage of Brighton Avenue, there is no sidewalk or granite curb along the Holm Avenue frontage.

Holden Agency is proposing a 7,440 square foot addition to the existing office building at the corner of Brighton and Holm. Sidewalk and granite curb has been required as part of the administrative review of this site plan. The request for waiver is included as Attachment 1. The applicant's approved site plan shows granite curb and sidewalk along the Holm Avenue frontage. The site plan is included as Attachment 6.

61 notices were sent to area property owners.

II. PROPOSED WAIVER REQUEST

The property has approximately 540 feet of street frontage. As mentioned above, granite curb and sidewalk does exist along Brighton Avenue. The applicant feels that installing granite curb and sidewalk would be an unreasonable burden, due to cost and that sidewalks do not currently exist along Holm Avenue. The applicant is proposing granite curb along the radius of the driveway.

A copy of Chapter 25 and the waiver criteria of sec. 14-506 are shown as Attachments 2 and 3.

The property totals 54,323 sq. ft. and is zoned B-2. The uses along Holm Avenue are predominantly residential. The uses along Brighton Avenue are predominantly business uses with the Barron Center located on the westerly side of Holm Avenue and the Pinetree Shopping Center located on the southerly side of Brighton Avenue. Attachment 5 is a vicinity map.

Sidewalk and granite curb currently exist on Holm Avenue, but not until you reach Robin Street. Granite curb is installed on both sides of the street and sidewalk is installed on the easterly side of Holm Avenue. Although there is no sidewalk and curb existing within this area of Holm Avenue, there is a large residential neighborhood that would benefit from a sidewalk along Holm Avenue. There are a number of retail stores within walking distance of the neighborhood.

Existing policy is to not grant such waivers except in unique conditions with significant hardship factors. Public Works has estimated that the cost to construct the granite curb and sidewalk along the Holm Avenue frontage would be approximately \$8,20000. There are some existing mature trees along Holm Avenue, within the right-of-way and the applicant's property. There was some concern that that buffer would be removed. In discussions with Public Works it was determined that sidewalk and curb could be installed along the Holm Avenue frontage without destroying the existing trees.

III. STAFF RECOMMENDATION

The Planning Office does not recommend waiver of granite curb or sidewalk. Existing policy is to not grant such waivers except in unique conditions with significant hardship factors. There is a large residential neighborhood, which would greatly benefit from a sidewalk along Holm Avenue. The Transportation Plan policy recommends connections from neighborhoods to other neighborhoods and retail areas. There are a number of retail businesses within walking distance of the neighborhood.

Public Works is not recommending a waiver of granite curb or sidewalk. As part of the City's Capital Improvement Program, Public Works is requesting funding for the reconstruction of Holm Avenue. However, the City Council has not approved funding for this project and the requested funding approval amount may be reduced or not even approved. Therefore, Public Works is recommending that the applicant escrow an amount of money equal to the City's anticipated cost for installing curb and sidewalk along the frontage of the development site instead of constructing the curb and sidewalk at this time. A memo from Public Works is included as Attachment 4.

IV. 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 #34-02, the Planning Board finds that:

- a. Extraordinary conditions do/do not exist (if yes, please specify those conditions); or
- b. Undue hardship will/will not result (if yes, please specify the hardship).

The Board further finds that the granting of the waiver will/will not create potentially hazardous vehicle and pedestrian conflict or that it will/will not nullify the intent and purpose of the land development plan and the City ordinances.

As a result, the Board does/does not grant the request for a waiver of the curb and sidewalk requirements.

Attachments:

- 1. Letter from Applicant
- 2. Chapter 25
- 3. Waiver Criteria for Section 14-506
- 4. Public Work's Memo
- 5. Vicinity Map
- 6. Site Plan



GAWRON
ARCHITECTS

Attachment 1

29 Black Point Road, Scarborough, Maine 04074-9358

Master Planning
Architecture
Interior Design
Landscape Architecture

PRINCIPALS
Stan Gawron, Architect
Mary Turgeon, NCIDQ

March 29, 2002

City of Portland
Planning & Urban Development
389 Congress Street
Portland, Maine 04104

Attn: Kandice Talbot

Re: Revised Sheet L-100
Site Plan Review Comments – ID #2002-0020 CBL#274-A-001
Holden Agency Addition
GA # 050601

Dear Kandice Talbot,

Per our conversation on March 28, I have revised sheet L-100 to show a sidewalk and granite curb along Holm Avenue. It is the intent of the Mr. Holden to submit a separate Performance Bond for the sidewalk and to be heard by the Planning Board to request a waiver of the sidewalk requirement.

Please let me know if a formal application is required or if you will be able to schedule this meeting for the Holden Agency Addition. We would appreciate your assistance in retaining approval as soon as possible. Mr. Holden would like to begin construction the first of April. I can be reached at 883-6307 if you have further questions.

Sincerely,

Rachel Sunnell, RLA

Attachments: 6 Copies
Revised Plan- Sheets L-100,

Cc: Tom Holden, Holden Agency
Bob Gaudreau, Hardy Pond Construction
Stan Gawron, Principle Gawron Architects

Sec. 25-83. Numbers to be affixed; renumbered.

Unless exempted by order of the city council, each owner, occupant or tenant of any building, or portion thereof, fronting on any such street or way, shall affix or inscribe on such building, or portion thereof, the number assigned thereto in accordance with the plan, and the city council may, whenever it deems it necessary, cause any such street or way to be renumbered. The city manager or his or her designated representative is authorized to enforce the requirements of this article. (Code 1968, § 709.3; Ord. No. 605-82, 5-19-82)

Secs. 25-84—25-95. Reserved.

**ARTICLE VI. SIDEWALK AND CURBING CONSTRUCTION
AND MAINTENANCE****Sec. 25-96. Required for nonresidential development; exceptions.**

Where a nonresidential development requiring site plan approval abuts any accepted street and a sidewalk with granite curbing satisfactory to the public works authority has not already been provided, a sidewalk constructed of bituminous concrete, portland cement concrete, brick or other paving material and granite curbing shall be provided along the entire street frontage of the lot. If either a sidewalk or curbing, but not both, shall exist at such location which is satisfactory to the public works authority, only a sidewalk or curbing, as the case may be, shall be provided. In either case, such sidewalk and curbing shall be constructed in accordance with the specifications and to the satisfaction of the public works authority at no cost to the city. In conjunction with site plan review, the planning board may waive or modify the requirements contained herein upon a like finding and on the same terms and conditions as set forth in section 14-506(b) of this Code. (Code 1968, § 705.1; Ord. No. 42-84, § 1, 6-18-84)

Sec. 25-97. May be required generally; apportionment of cost.

(a) Notwithstanding the provisions of section 25-96, the city council may at any time direct the construction of a sidewalk of bituminous concrete, Portland cement concrete, brick or other paving material or granite curbing, or both, along any accepted street in the city. Such sidewalk or curbing shall be constructed by the city and the cost thereof shall be borne by the city.

(b) Such improvements may be ordered by the council upon petition of an abutting landowner, and one-half of the cost thereof shall be assessed to such abutting landowner and shall be collected by the city in the manner provided in sections 25-102 and 25-103. (Code 1968, § 705.2; Ord. No. 30-75, § 1, 1-6-75)

Sec. 25-98. Reconstruction; apportionment of cost.

(a) The city council may at any time direct the reconstruction of any sidewalk or curbing which has been constructed along any accepted street by other than the city and which has not

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

§ 25-103

been accepted as the responsibility of the city. Such sidewalk or curbing shall be reconstructed by the city and the cost thereof shall be borne by the city.

(b) Such improvements may be ordered by the council upon the petition of an abutting landowner, and one-half of the cost thereof shall be assessed to such abutting landowner and shall be collected by the city in the manner provided in sections 25-102 and 25-103. (Code 1968, § 705.3; Ord. No. 30-75, § 2, 1-6-75)

Sec. 25-99. Waiver or amendment of requirements.

Except as otherwise provided in section 25-96 or 14-506, the city council may, upon application to it in writing, waive or amend by order the requirements of sidewalks or curbing when it finds that the circumstances in a specific case warrant such waiver or amendment; however, no such order shall be construed as waiving the requirement of cost apportionment, assessment and collection unless expressly stated therein. (Code 1968, § 705.4; Ord. No. 54-76, § 1, 1-19-76; Ord. No. 42-84, § 2, 6-18-84)

Sec. 25-100. Substitution of materials.

The public works authority may permit the substitution of other types of materials for sidewalks or curbing when, in his or her sole and exclusive judgment, he or she finds such substituted materials to be equal to or better than the materials required herein. (Code 1968, § 705.5)

Sec. 25-101. Service ways and curb cuts; sidewalks and curbing not to be removed; exceptions.

The design and location of service ways and curb cuts in sidewalks or curbing shall be as approved by the traffic engineer and the public works authority. No additional service ways or curb cuts and no alterations in existing service ways or curb cuts shall be made without the prior consent of the traffic engineer and public works authority, and no such sidewalk or curbing shall be removed except by the city through its duly authorized agents or as authorized by a permit issued by the public works authority. (Code 1968, § 705.6)

Sec. 25-102. Public works authority authorized to perform work; lien.

The public works authority is authorized in accordance with the provisions of sections 25-96, 25-97 and 25-98, to construct or reconstruct sidewalks or curbing along any accepted street in the city, and the city shall have a lien on that abutting property to which one-half of the expense thereof is properly assessable pursuant to the provisions of sections 25-96, 25-97(b) and 25-98(b). (Code 1968, § 705.7; Ord. No. 30-75, § 3, 1-6-75)

Sec. 25-103. Lien procedure.

The public works authority shall keep an accurate account of the expense of work under this article and shall, as soon as practicable after the completion thereof, make a return showing the location of each such sidewalk or curbing, its length and width, material of which

(b) The term permanent marker is limited to the following: A granite monument for street monumentation and an iron pin or drill hole in ledge for property delineation, or as otherwise approved by the public works authority. No subdivision plan shall be recorded by the registry of deeds which has not been approved as required by this article. Approval for the purpose of recording shall appear in writing on the recording plat. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision which has not received planning board approval.

(c) Any person who sells, leases, develops or builds upon or conveys for consideration any land in a subdivision which has not been approved as required by this article shall be punished by a fine of not more than five hundred dollars (\$500.00) for each such occurrence. The city may institute proceedings to enjoin any violation of this section.

(Code 1968, § 603.15; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-505. Appeals.

An appeal from any final decision of the planning board regarding subdivision approval may be taken by the applicant or his authorized agent to superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

(Code 1968, § 603.16; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-506. Modifications.

(a) Except for the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, the planning board if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan and the regulations of this article.

(b) Where the planning board finds that extraordinary conditions exist or that undue hardship may result from strict compliance with the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of creating potentially hazardous vehicle and pedestrian conflict or nullifying the intent and purpose of the land development plan and the regulations of this article. For purposes of this subsection, the planning board may, but need not, consider such circumstances as where a street is a dead-end street, or where an alternative walking route is reasonably available, or where a street is scheduled for major reconstruction, or where the development of abutting land is substantially restricted.

(c) The standards and requirements of this article may be modified by the planning board in the case of a plan and program for a planned unit development which in the judgment of the planning board provides adequate public spaces and improvements for the circulation,

MEMORANDUM

TO: Chair and Members of the Portland Planning Board

FROM: William Bray, Director of Public Works

DATE: May 1, 2002

SUBJECT: Holden Agency Addition, 1 Holm Avenue
ID #2002-0020, CBL #274-A-001

The Holden Agency has requested the following waivers of the City of Portland Ordinance:

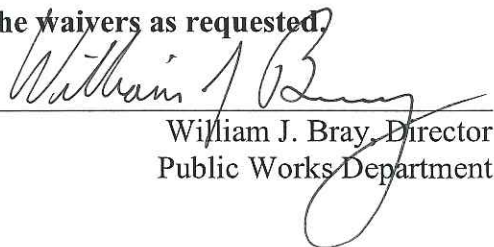
1. Chapter 25: Sidewalk and Granite Curb

In our review of the proposal, the Public Works Department has found the undue hardship will/will not result from the construction of such improvements, namely:

We don't perceive the installation of curb and sidewalk to be a hardship on this development proposal. However, the City's CIP for 2003 will fund a portion of the reconstruction between Dale Street and Brighton Avenue. Due to recent cuts and future limitations on CIP funding, we feel it is appropriate for private development applicants to support some of the anticipated CIP funding deficit. Therefore, we are recommending that, in lieu of installing granite curb and sidewalk along the Holm Avenue property frontage, the applicant instead make a financial contribution in the amount of \$8,200. We have estimated this monetary reflects construction costs for the referenced improvements.

I therefore recommend approval/denial of the waivers as requested.

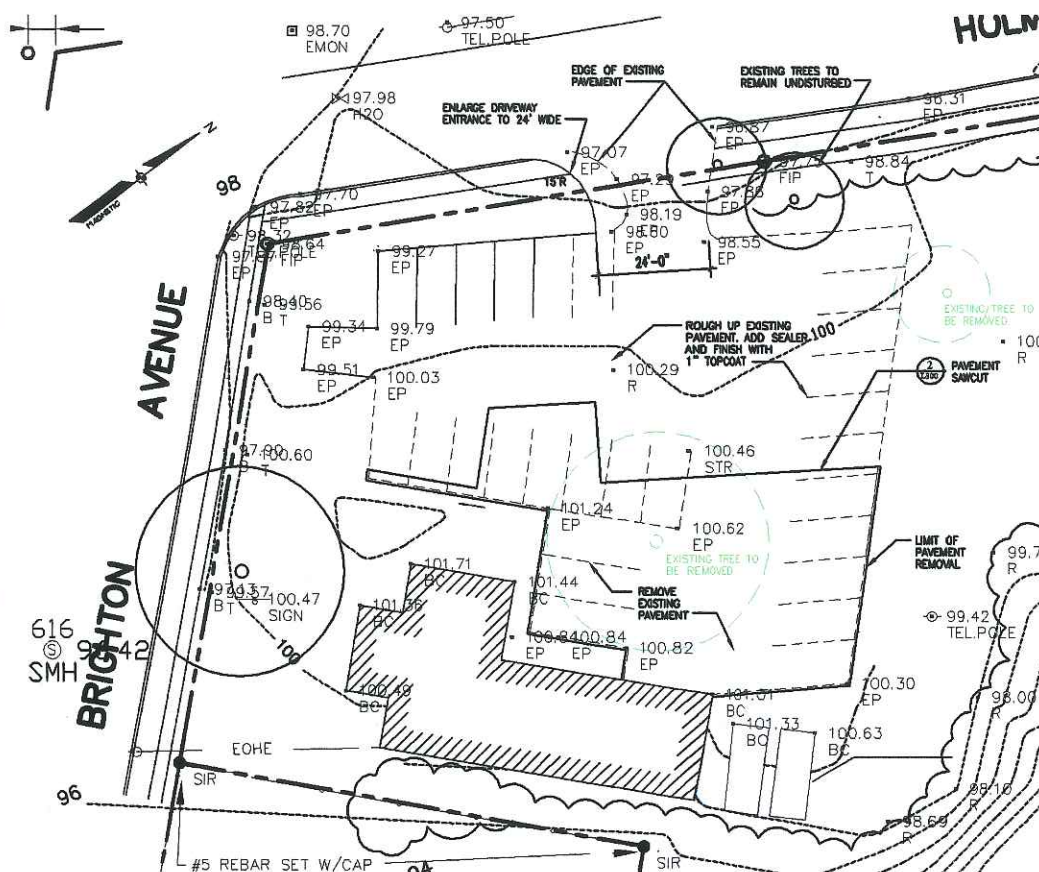
We are, therefore, recommending the denial of the waivers as requested.


William J. Bray, Director
Public Works Department

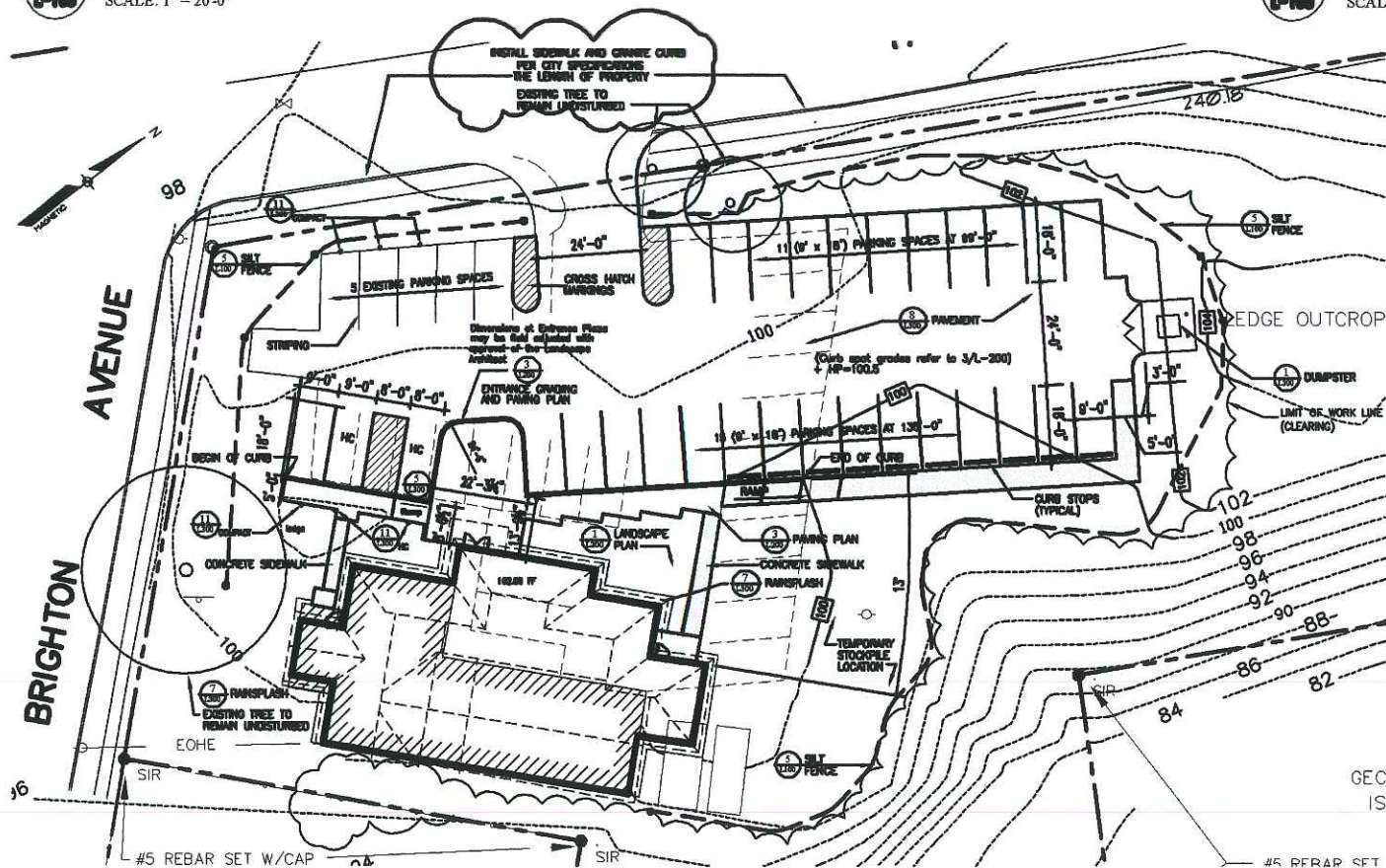
Attachment 5

ESTBROOK

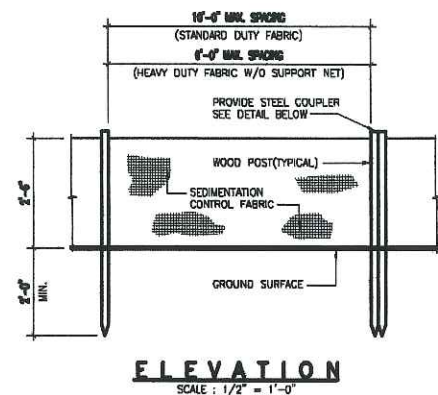
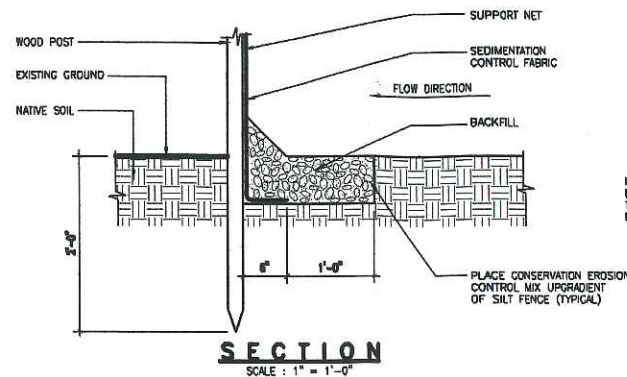




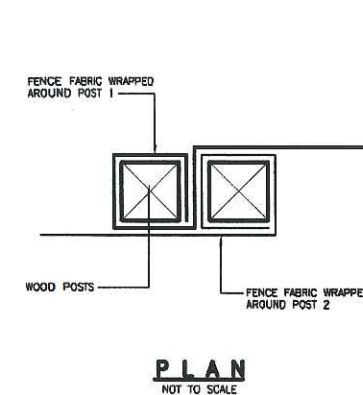
1 SITE DEMOLITION PLAN
SCALE: 1" = 20'-0"



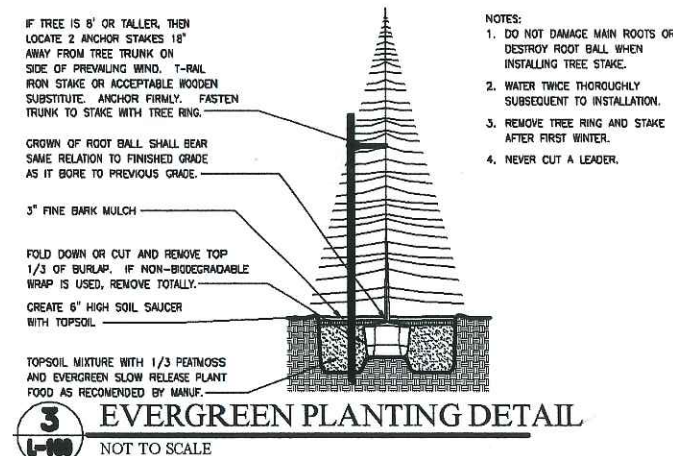
2 SITE LAYOUT AND GRADING PLAN
SCALE: 1" = 20'-0"



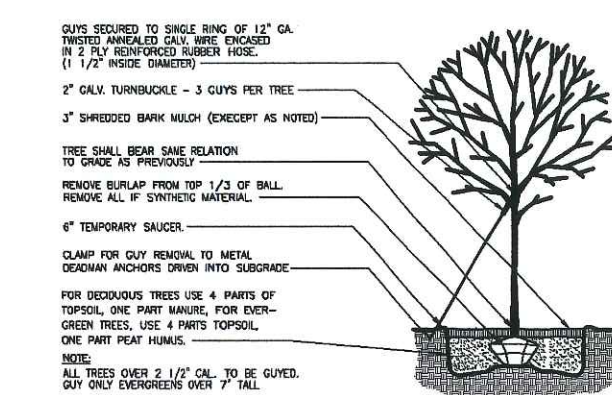
5 SILTATION FENCE DETAILS
SCALE: AS NOTED



PLAN
NOT TO SCALE



3 EVERGREEN PLANTING DETAIL
NOT TO SCALE



4 TREE PLANTING DETAIL
NOT TO SCALE

SITE LAYOUT NOTES :

- ALL HANDICAP PARKING SPACES ARE TO RECEIVE HANDICAP SIGNS AS ILLUSTRATED ON THE DETAIL SHEETS.
- ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB OR THE FACE OF THE BUILDING.
- ALL PARKING STALL MARKINGS TO BE 4" WIDTH SINGLE WHITE LINE.
- ALL CROSSHATCH MARKING AREAS TO BE 4" WIDTH SINGLE SOLID WHITE LINES.

SUMMARY :

TOTAL BUILDING FLOOR AREA :
EXISTING = 4,477 SQUARE FEET
NEW = 2,862 SQUARE FEET
TOTAL = 7,339 SQUARE FEET

PARKING REQUIREMENTS :
PARKING REQUIREMENTS BASED UPON CHAPTER 14 LANDUSE OF THE ZONING ORDINANCE.

PARKING RATIOS :
OFFICE SPACE - 1 SPACE PER 400 SQUARE FEET

PARKING REQUIRED :
OFFICE SPACE - 19 SPACES

PARKING PROVIDED :
STANDARD PARKING STALL = 32
BARRIER FREE = 2
TOTAL PARKING PROVIDED = 34 SPACES

LANDSCAPE NOTES :

- LIMITS OF TREE AND SHRUB CLEARING TO BE FLAGGED BY CONTRACTOR. THE LANDSCAPE ARCHITECT AND/OR OWNER'S REPRESENTATIVE SHALL APPROVE ALL CLEARING LIMITS AND SHALL FLAG AND RECORD ALL EXISTING TREES TO REMAIN PRIOR TO ANY TREE OR SHRUB CUTTING.
- ALL PLANT MATERIALS SHALL MEET THE STANDARDS AS SET FORTH BY THE AMERICAN ASSOCIATION OF NURSERMEN.
- ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 6" OF TOPSOIL PRIOR TO PERMANENT SEEDING.
- SUBSTITUTIONS TO THE PLANTING PLAN MUST BE APPROVED BY THE LANDSCAPE ARCHITECT OR OWNER PRIOR TO INSTALLATION.
- CONTRACTOR SHALL PROVIDE ONE YEAR REPLACEMENT GUARANTEE FOR ALL NEW PLANT MATERIAL AND SHALL MAINTAIN AND WATER ALL PLANTS UNTIL ACCEPTANCE.
- SEEDING SHALL BE PERFORMED IN ACCORDANCE WITH MOIST SPECIFICATION SECTION 618.09 METHOD ONE OR TWO.
LIME : 3 TONS/ACRE, FERTILIZER : 10-10-10, 30 LBS/1,000 SQ. FT.
- COMPOSTED BARK MULCH SHALL BE SPREAD ON ALL SHRUB BEDS 3" DEEP.
- ALL PLANTING BEDS SHALL RECEIVE 12" OF TOPSOIL.
- INSTALLATION OF PLANT MATERIAL AND LAMIN SHALL BE IN ACCORDANCE WITH PARTS 1, 2, 3 AND 4 OF MAINE NURSERMEN'S ASSOCIATION CONTRACT SPECIFICATIONS, DEC. 1989. THE PLANTING DETAILS AS PUBLISHED SHALL BE USED. ALL PLANTING HOLES SHALL BE 3X THE SIZE OF THE ROOTBALL.
- THE LANDSCAPE ARCHITECT SHALL APPROVE PLANT SPACING AND LAYOUT PRIOR TO PLANTING.
- EDGING: PERMALOG OR EQUAL PRODUCT 800-356-8660 OR 800-787-3562
LANDSCAPE: ALUMINUM 3/16"x4"
PAVING RESTRAINT: ALUMINUM 3/16" x 15/16"
INSTALL PER MANUFACTURERS RECOMMENDATION

EROSION CONTROL NOTES :

- PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR SHALL PLACE THE SILT FENCE. THE CONTRACTOR SHALL INSPECT THE BARRIER AFTER EACH STORM EVENT AND REMOVE ANY ACCUMULATED SILT AND/OR MAKE REPAIRS AS NECESSARY.
- ALL TOPSOIL SHALL BE SAVED TO LOAM LANDSCAPED AREAS TO A DEPTH OF 6". LOAM SHALL BE STOCKPILED ON SITE IN A LOCATION CONVENIENT TO THE CONTRACTOR. THE STOCKPILE WILL BE TEMPORARILY SEEDING WITH RYE GRASS AT THE RATE OF 3 LBS/1,000 SF.
- ALL NON-PAVED AREAS DISTURBED BY CONSTRUCTION SHALL BE PERMANENTLY SEEDING. REFER TO LANDSCAPE NOTES.
- ALL AREAS TO BE SEEDING SHALL BE MULCHED. MULCH SHALL BE LONG FIBERED STRAW AND SPREAD UNIFORMLY.
- ALL SEDIMENT CONTROL FENCING AND HAY BALE BARRIERS WILL REMAIN IN PLACE UNTIL SEEDINGS HAVE BEEN ESTABLISHED.
- ALL SITE GRADING WILL BE CONSTRUCTED AND COMPLETED IN SUCH A MANNER SO THAT THE EXPOSED AREA OF ANY DISTURBED LAND WILL BE LIMITED TO THE SHORTEST PERIOD OF TIME POSSIBLE.
- SEDIMENT CAUSED BY ACCELERATED SOIL EROSION WILL BE REMOVED FROM RUNOFF WATER BEFORE IT LEAVES THE DEVELOPMENT SITE.
- ALL TEMPORARY FACILITIES CONSTRUCTED FOR THE CONVEYANCE OF WATER AROUND, THROUGH OR FROM THE DEVELOPMENT SITE WILL CONSTRUCTED TO LIMIT THE WATER FLOW TO A NON-EROSIVE VELOCITY.
- PERMANENT SOIL EROSION CONTROL MEASURES FOR ALL SLOPES, CHANNELS, DITCHES OR ANY DISTURBED LAND AREA WILL BE COMPLETED WITHIN 15 DAYS AFTER FINAL GRADING HAS BEEN COMPLETED.

REVISIONS

#	DATE	DESCRIPTION
1	2-26-02	Revision Control Grading Plan HC Parking Classification
2	3-23-02	Edwards and Grading Club Along Brighton Ave.

DATE:	3-18-02
PROJECT #	030601
DRAWN BY:	RHS
CHECKED BY:	CHECKED
DRAWING SCALE	DWG-SCALE

SHEET TITLE

GENERAL NOTES
DEMOLITION
LAYOUT & GRADING

L-100

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GAWRON ARCHITECTS
29 Black Point Road
Scarborough, ME 04074
www.gawron.com
Tel. 207.883.6307
Fax. 207.883.0361

HOLDEN AGENCY
1085 Brighton Avenue

DRC1

Finance Department



CITY OF PORTLAND

Duane G. Kline
Director

December 9, 2002

Benjamin C. Geci, Vice President
Peoples Heritage Bank
P.O. Box 9540
Portland, ME 04112-9540

Re: 1085 Brighton Ave., LLC, Escrow Acct. #720218595 dated May 1, 2002
Addition at 1 Holm Avenue

Dear Mr. Geci:

This is to inform you that I am authorizing the release and return of the above-named escrow account. If you require any further information, please let me know.

Sincerely,

Duane G. Kline
Finance Director

DGK.jlb

pc: Jay Reynolds, Development Review Coordinator

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

TO: Duane Kline, Finance Department

FROM: Alexander Jaegerman, Planning Division Director

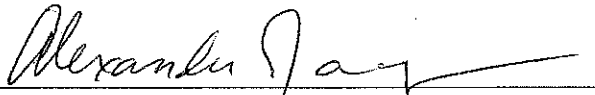
DATE: December 6, 2002

SUBJECT: Request for Release of Performance Guarantee
Holden Agency ; 1085 Brighton Avenue
ID# 2001-0148 Lead CBL#293-A-018
(1085 Brighton Ave., LLC)

Please release the Escrow Account #720218595 for the Holden Agency Addition at 1085 Brighton Avenue.

Current Balance \$ 69,440.00


Approved:


Alexander Jaegerman
Planning Division Director

cc: Sarah Hopkins, Development Review Services Manager
✓ Jay Reynolds, Development Review Coordinator
Todd Merkle, Public Works
Code Enforcement

O:\PLAN\CORRESP\DRC\PERFORM\HOLDENAGENCY1.DOC

TO: Inspections

FROM: Jay Reynolds, Development Review Coordinator 

DATE: October 18, 2002

RE: C. of O. for 1 Holm Avenue / Holden Insurance Agency
(274A001) (2002-0020)

After visiting 1 Holm Avenue, I have the following comments:

1. Site work complete.


At this time, **I recommend issuing a permanent Certificate of Occupancy.**

Please contact me if you have any questions or comments.
Thank You.

Cc: Sarah Hopkins, Development Review Services Manager
Michael Nugent, Inspection Services Manager

File: O:\drc\holdeninsurance3.doc

TO: Inspections

FROM: Jay Reynolds, Development Review Coordinator 

DATE: August 27, 2002

RE: C. of O. for 1 Holm Avenue / Holden Insurance Agency
(274A001) (2002-0020)

After visiting 1 Holm Avenue, I have the following comments:

1. Site work incomplete.

I would estimate that this item can be completed by **October 30, 2002**. Once the sitework is completed and re-inspected, then a permanent Certificate of Occupancy can be issued.

At this time, **I recommend issuing a temporary Certificate of Occupancy.**

Please contact me if you have any questions or comments.
Thank You.

Cc: Sarah Hopkins, Development Review Services Manager
Michael Nugent, Inspection Services Manager

File: O:\drc\holdeninsurance2.doc

761-8660



A division of Banknorth, N.A.

April 26, 2002

City of Portland
Planning Department, Kandi Talbot
389 Congress Street
Portland, Maine 04101

**RE: 1085 Brighton Ave., LLC – 1Holm Avenue Portland, ME
ID #2002-0020, CBL #274-A-001**

Dear Kandi:

This shall serve as notification that an Escrow Account in the amount of \$69,440.00 has been opened at Peoples, in lieu of a Letter of Credit, for the above-mentioned Borrower. The Escrow Account Number is 0720218595.

Should you have any questions or if I may be of further assistance, please feel free to call me at (207) 761-8761.

Sincerely,

A handwritten signature in blue ink that reads "Dawn Hardy".

Dawn Hardy
Commercial Loan Administrator
For Benjamin C. Geci, Vice President

cc: Thomas Holden, 1085 Brighton Ave., LLC

SITE PLAN/SUBDIVISION
PERFORMANCE GUARANTEE
ESCROW ACCOUNT
#720218595.

May 1, 2002

Lee D. Urban
Planning and Development Department Director
Planning Division
City of Portland, 4th Floor
389 Congress Street
Portland, Maine 04101

Re: Application of 1085 Brighton Ave., LLC for addition at 1Holm Avenue, Portland, Maine

Banknorth, N.A hereby certifies to the City of Portland that Banknorth, N.A will hold the sum of Sixty Nine Thousand Four Hundred Forty and 00/100 Dollars (\$69,440.00) in an interest bearing account established with the Bank. This account shall be in the name of the City of Portland and shall represent the estimated cost of installing site improvements as depicted on the Site Plan approved on April 4, 2002 as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Developer's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

Banknorth, N.A will hold these funds as escrow agent for the benefit of the City subject to the following:

The City, through its Director of Planning and Development and in his sole discretion, may draw against this Escrow Account by presentation of a draft in the event that:

1. the Developer has failed to satisfactorily complete by April 30, 2003 the work on the improvements contained within the Site Plan approval, dated April 4, 2002 ;
or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or

4. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

It is a condition of this Escrow Account that it is deemed to be automatically extended without amendment for period(s) of one year each from the current expiration date hereof, or any future expiration date, unless within sixty (60) days prior to any expiration, the **Banknorth, N.A** notifies the City by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the **Banknorth, N.A** elects not to consider this Escrow Account renewed for any such additional period.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the **Banknorth, N.A** by written certification, to reduce the available amount of the escrowed money by a specified amount.

All costs associated with establishing, maintaining and disbursing funds from the Escrow Account shall be borne by **1085 Brighton Ave., LLC**.


This Escrow Account expires on:

1. **April 30, 2003** or ninety days following the **Banknorth, N.A** written notice of its expiration as detailed above; or
2. the **Banknorth, N.A** receipt of written notification from the City of Portland that said work contained within the **Site Plan** approval and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications and the **Banknorth, N.A** Letter of Credit No. N/A may be cancelled and the Escrow may be released.

Very truly yours,

Banknorth, N.A


Date: May 2, 2002

By: 
Benjamin C. Geci,
Its Duly Authorized Agent

Seen and Agreed to: **1085 Brighton Ave., LLC**

By: 
Thomas Holden, Member


Penny Kittle
Asst. Corp Counsel


Alexander Jaeger
Planning Division Director



March 1, 2002

Portland Planning Board
Portland, ME

Re: 1085 Brighton Avenue

To Whom It May Concern:

Peoples Heritage Bank considers 1085 Brighton Ave., LLC to have the financial capability to successfully finance and complete the proposed addition to said property. This conclusion is based on a review of the plans and budget for the project and the borrower's financial status.

If I can be of further assistance please do not hesitate to call me at (207) 761-8577.

Sincerely,

Benjamin C Geci
Vice President
Commercial Lending
Peoples Heritage Bank