

320 A003001

420-420 Riverside St, Portland, Maine

Amendment to plan - 430 Riverside St.

Maine Turnpike Authority

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

2004-0197

Application I. D. Number

9/16/2004

Application Date

Amendment to Plan - 430 Riverside St.

Project Name/Description

Maine Turnpike Authority

Applicant

430 Riverside St, Portland, ME 04103

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 871-7771 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

420 - 420 Riverside St, Portland, Maine

Address of Proposed Site

320 A003001

Assessor's Reference: Chart-Block-Lot

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

780 s.f. IM

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

Check Review Required:

- | | | | |
|--|--|--|--|
| <input 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 Pla _____ Subdivision _____ Engineer Review _____ Date _____

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

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

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

- | | | | |
|---|----------------------------|--|-----------------------------|
| <input type="checkbox"/> Performance Guarantee Accepted | _____ date _____ | _____ amount _____ | _____ expiration date _____ |
| <input type="checkbox"/> Inspection Fee Paid | _____ date _____ | _____ amount _____ | |
| <input type="checkbox"/> Building Permit 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 _____ | |

Fax

To: Kandi, City of Portland
From: Jonathan Arey, MTA
Date: 10/15/04

RE: Maine Turnpike Authority and 4000 Riverside Street License

Page 1 of 5

Kandi,

Scott LaChance asked me to fax you a copy of this License Agreement and the exhibit. The License is not signed, because we have not received the signed copies back from the landlord. Please let me know if you have any questions on this or need any more information.

Thanks,

Jonathan Arey

Staff Attorney
Maine Turnpike Authority

207-871-7771, x136

License Agreement

Martin Rist and Bonnie Brunet, Trustees of the Rist/Brunet Family Trust ("Rist"), with a mailing address of 400 Riverside St. Suite A7, Portland, Maine 04103, hereby grants a license for the use of certain property described below to the Maine Turnpike Authority ("the Authority"), with a mailing address of 430 Riverside Street, Portland Maine 04103.

1. Scope: The Maine Turnpike Authority will be allowed to use, in common with Rist and others, a certain area of property currently owned by Rist and shown on a plan attached to this Agreement as Exhibit A (the "Rist Property") for the following purposes:

a. Construction and maintenance of a paved driveway linking the Authority's parking lot to an access road owned by Rist, as well as installation and maintenance of all signs and traffic control devices deemed necessary by the Authority, including but not limited to stop signs and informational/directional signs for the use of the Authority's patrons. In particular, the Authority will be allowed to install a sign or signs directing the Authority's patrons to its offices and customer service center at 400 Riverside Street, provided that such improvements and signs shall conform to all applicable laws, ordinances and regulations. All alterations, renovations, improvements and/or additions made by the Authority shall be made in accordance with all applicable zoning, building, environmental, fire, health and other codes, regulations, ordinances and laws, and in a good and first-class, workmanlike manner. All such use, maintenance, and repair of the Rist Property shall be performed at the Authority's sole cost and expense and in such a manner and in such a manner as to minimize any disturbance of Rist's use and enjoyment of the Rist Property. The Authority covenants and agrees to procure any licenses and permits required for any use made by it hereunder or required with respect to any alterations, renovations, improvements and/or additions to the Rist Property made by the Authority.

b. Use of said driveway for vehicular and pedestrian passage by the Authority's staff and patrons.

2. Indemnification: The Authority will defend, and except to the extent caused solely by Rist or by the gross negligence or willful misconduct of Rist, will indemnify Rist and its employees, agents and management company, and save them harmless from any and all injury, loss, claim, damage, liability and expense (including reasonable attorney's fees) in connection with the loss of life, personal injury or damage to property or business, arising from or related to any of the activities outlined in paragraph one above. Both parties to this Agreement agree

that nothing in this section is intended to affect, waive or diminish any of the immunities, defenses or other limitations on liability that either party may have under law, including but not limited to the Maine Tort Claims Act, 14 MRSA 8104, et al., and both parties agree that the Authority's indemnification liability under this Agreement shall be limited to the caps contained in said Act.

3. Termination: This license may be terminated by Rist at any time for any reason whatsoever by 30 day written notice by certified mail to the Authority at the mailing address listed above. In the event that Rist terminates this license, the Authority shall remove all personal property and fixtures placed upon the Rist Property and the Authority, at its own cost and expense, shall repair any and all damage to the Rist Property resulting from or caused by such removal. Any such personal property and fixtures which are expressly permitted by Rist to remain upon the Rist Property following the termination of this license and which are not removed by the Authority prior to the expiration of such notice of termination, shall be surrendered by the Authority without disturbance, molestation or injury and shall become the sole and absolute property of Rist.

4. Contact: Any communication regarding this License Agreement or the activities allowed under it will be addressed to the following parties at the mailing addresses listed above.

Rist/Brunet Family Trust

Name: _____

Phone: _____

Maine Turnpike Authority

Name: _____

Phone: _____

In Witness Whereof, Rist and the Authority have caused this instrument to be signed in their corporate names both herby duly authorized this ____ day of _____, 2004.

Maine Turnpike Authority

By: _____
Signature

Title

Witness to MTA

Martin Rist, Trustee of the
Rist/Brunet Family Trust

Bonnie Brunet, Trustee of the
Rist/Brunet Family Trust

Witness to Rist/Brunet

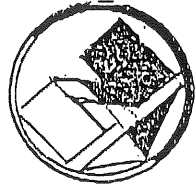
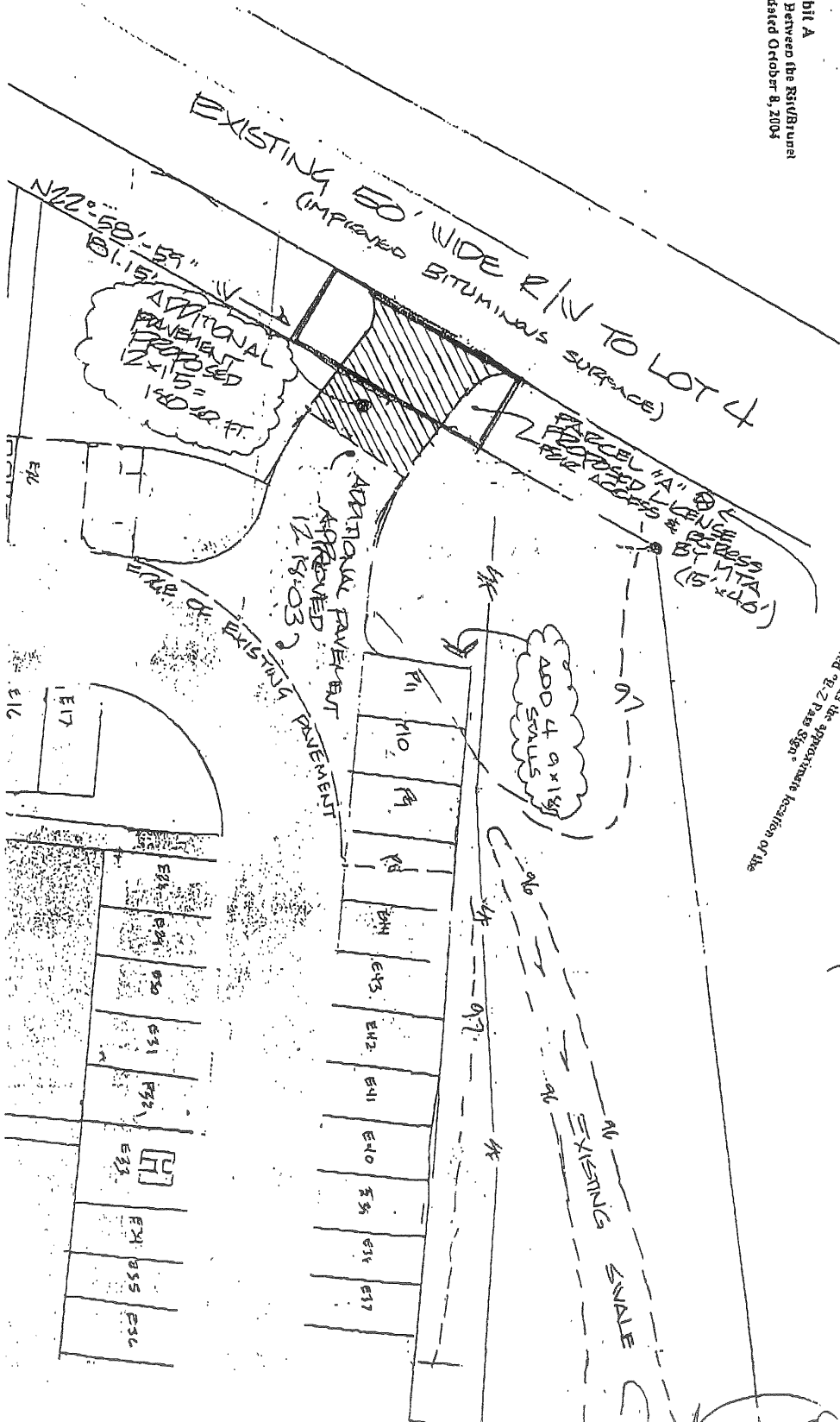


Exhibit A
To a License Agreement Between the State of
Maine and the MTA, dated October 8, 2004



The 'x' in a circle results from the approximate location of the
MTA's contemplated 'E-2' Pass Sign.

1310
A2

NO OR PAVEMENT
P151 BRUNET
FAMILY TRUST

E-ZPass BUSINESS
ACCOUNT APPLICATION

MAINE
TURNPIKE
**THINKING
AHEAD**

E-ZPASS

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

December 18, 2003

Mr. Stephen R. Tartre, P.E.
Director of Engineering and Building Maintenance
Maine Turnpike Authority
430 Riverside Street
Portland, ME 04103

RE: Parking Lot, 430 Riverside Street
ID #2001-0165, CBL #320-A-003

Dear Mr. Tartre:

On December 18, 2003, the Portland Planning Authority granted minor site plan approval for a parking lot expansion to be located at 430 Riverside Street, as shown on the approved plan. The following are conditions of approval:

1. The applicant shall place a note on the site plan, which states that the collecting drainage swale will be inspected twice annually and maintained for sediment build-up, trash/debris removal, and re-stabilization of the channel or side slopes, if scoured by erosion.
2. The applicant shall adhere to winter stabilization methods as prescribed by Maine DEP. These methods shall include attention to winter mulching and construction activities. Permanent seeding and completion of grading and all work associated with winter construction shall be completed by May 14, 2004.

Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with seven sets of final plans.

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.
4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8822. (Only excavators licensed by the City of Portland are eligible.)
6. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with seven sets of final plans.
7. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please note that no Certificates of Occupancy will be issued until all site improvements have been completed and inspected in the field by the Development Review Coordinator.

If there are any questions, please contact Kandice Talbot at 874-8901.

Sincerely,



Alexander Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Sarah Hopkins, Development Review Program Manager
Kandice Talbot, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Karen Dunfey, Inspections
Traffic Division
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Approval Letter File
Correspondence File

From: James Seymour <jseymour@sebagotechnics.com>
To: "Kandi Talbot (E-mail)" <KCOTE@ci.portland.me.us>
Date: Tue, Aug 5, 2003 10:27 AM
Subject: ME Turnpike Authority

Kandi I have a list of things the Turnpike Parking expansion on Riverside St., they should look at or respond to the following:

1. Disclose level of treatment from swale.State removal % of site for TSS.
2. What happens to new drainage along side Riverside St?
3. How dos drainage flow?
4. Need Engineers stamp report/letter for drainage.
5. Pavement x-section should be on plan.
6. Show erosion control fencing locations on plan.
7. Give brief erosion control plan.
 - a. Need seeding types/dates
 - b. Monitering requirement.
8. Will landscaping be required on Riverside Street since parking area is closer?

Please call if you wish to discuss in more detail.
Jim Seymour P.E.



01P165

TO: Kandice Talbot - Planner
FROM: James R. Seymour, P.E.
Development Review Coordinator, Sebago Technics, Inc.
RE: Maine Turnpike Authority-430 Riverside Street
Additional Parking Spaces and Lot Improvements
DATE: December 18, 2003

Sebago Technics has reviewed the most recent Site Plan dated November 13, 2003 and supporting documentation for the proposed parking lot modifications for the Maine Turnpike Authority located at 430 Riverside Street. We find the plan acceptable, but recommend the following conditions be placed on their approval. Our conditional approval comments are offered in outline format:

1. Stormwater Management

- A. The stormwater treatment efficiency needs to be minimally 40% TSS removal based on the DEP Sliding Scale Method. However, the applicant has only shown 30% removal, but under the City's Stormwater Management standards, the applicant may use off-site buffers and treatment to further reduce the pollutant loadings prior to reaching the nearest water bodies. Therefore, we feel that the additional 10% of removal efficiency can be obtained to be in compliance with the City requirements, even though it has not been documented.

Our recommendation will be to have the applicant place a note on the drawing or in letter stating that the collecting drainage swale will be inspected twice annually and maintained for sediment build-up, trash/debris removal, and re-stabilization of the channel or side slopes, if scoured by erosion.

2. Erosion & Sedimentation Control

- A. The applicant shall adhere to winter stabilization methods as prescribed by the Maine DEP. These methods shall include attention to winter mulching and construction activities. Permanent seeding and completion of grading and all work associated with winter construction shall be completed by May 14th, 2004.

We recognize that this application is for an amendment to an existing parking lot and, as such, likely to be built under winter conditions, so completion will be not until Spring 2004. The concerns noted above should be addressed prior to the City's release of the performance guarantee. Furthermore, any new signs proposed shall be reviewed and permitted separately under the City's Sign Ordinance and/or approved by the City's Code Enforcement Officer or Zoning Administrator.

Please contact our office with any questions.

JRS:jrs/jc

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CHIEF OPERATIONS OFFICER

Maine Turnpike Authority

430 RIVERSIDE STREET
PORTLAND, MAINE 04103

To: City of Portland Planning Department

From: Stephen R. Tartre, P.E., Director of Engineering & Building Maintenance

Date: 11/13/03

Re: Proposed Parking Lot Expansion at 430 Riverside Street

In response to the questions and comment poised in an email from James Seymour to Kandi Talbot on August 5, 2003, the Maine Turnpike Authority offers the following responses:

- 1 According to "Stormwater Management for Maine BMPS" page 80, we can count on at least 25% removal for the existing vegetated swale. The slope of the swale is less than 1%. Additionally with locations of 10 ft. or more of established "seeded" buffer we can assume another 5% TSS removal from this area.
- 2 Drainage sheets off the pavement and flows over established grass along the property MTA property line to the northwest portion of the site into a large vegetated drainage ditch.
- 3 It flows as described in answer 2.
- 4 We have included as a separate submittal.
- 5 The pavement cross section is shown on the plan.
- 6 We have shown erosion control measures on the plan.
- 7 We will attempt to install at least gravel for new parking lot this fall. The site has well established grass and is generally level. We will install erosion control first. Silt fence, erosion control mix and a temporary stone check dam will be installed before work commences. We will disturb as little vegetation as possible, just enough to gravel for new paved area. After graveling we will seed disturbed areas with a winter rye mix at 112 lb/AC. In addition since this work will be done in November and we are unlikely to get much grass catch we will mulch disturbed areas at a rate of 150 lbs/1000 SF per section A-3 of Over Winter Construction and Stabilization. We do not expect more than a few hundred square feet of disturbed areas after graveling. In the spring we will reseed as needed.
- 8 There are existing trees/landscaping that were not shown on original submittal. We have now located those on the plan.



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TELEPHONE (207) 871-7771

TURNPIKE TRAVEL CONDITIONS 1-800-675-7453
www.maineturnpike.com

FACSIMILE (207) 871-7739



THE GOLD STAR
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Maine Turnpike Authority

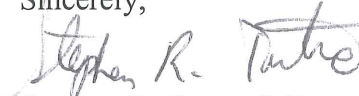
430 RIVERSIDE STREET
PORTLAND, MAINE 04103

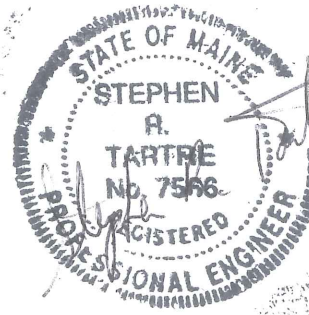
November 13, 2003

City of Portland Planning Department:

Following Best Management Practices as outlined in the Maine Erosion and Sedimentation Control Handbook, the Maine Turnpike Authority proposes to use a vegetated swale and grassed buffer to remove at least 30% TSS and other pollutants from the parking lot runoff. The shallow sheet flow will run over at least ten (10) feet of a grassed buffer until it gets to an annually mowed, heavily vegetated swale (see photos). We believe that this will provide excellent treatment before the water continues to the natural drainage course.

Sincerely,


Stephen R. Tartre, P.E.



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CHIEF OPERATIONS OFFICER

Maine Turnpike Authority

430 RIVERSIDE STREET
PORTLAND, MAINE 04103

September 16, 2004

Planning Department;

This application is submitted as an amendment to our application regarding additional parking at the Turnpike's headquarters on Riverside Street in Portland.

The attached plan shows the connection of our parking lot and the driveway to 400 Riverside Street. The additional area would consist of about 780 square feet of bituminous material.

We do not anticipate this as a main access but only a connection for our employees to travel between our main office and our satellite offices located at 400 Riverside Street.

We are in the process of developing a license agreement with the property owner of 400 Riverside Street. The License will be forthcoming.

Please contact me with any questions or concerns.

Sincerely,



Scott Lachance
Right of Way Agent



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City of Portland Site Plan Application

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

Address of Proposed Development: 430 RIVERSIDE ST		Zone:
Total Square Footage of Proposed Structure: 780 sq ft		Square Footage of Lot:
Tax Assessor's Chart, Block & Lot: Chart# 320 Block# A Lot# 3		Property owner's mailing address: 430 RIVERSIDE ST PORTLAND, ME 04103
		Telephone #: 871-7771
Consultant/Agent, mailing address, phone # & contact person: STEVE TARTRE, PE 871-7771 x 144		Applicant's name, mailing address, telephone #/Fax#/Pager#: SCOTT LALHANCE 871-7771 x 370 759-1061 - PAGER
		Project name:
<p>Proposed Development (check all that apply)</p> <p> <input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Stormwater Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____ </p> <p>Major Development (more than 10,000 sq. ft.)</p> <p> <input type="checkbox"/> Under 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee) </p> <p>Minor Site Plan Review</p> <p> <input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee) </p> <p>Plan Amendments</p> <p> <input checked="" type="checkbox"/> Planning Staff Review (\$250.00) <input type="checkbox"/> Planning Board Review (\$500.00) </p>		
- Please see next page -		

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

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

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

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)
ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .50 per page (8.5 x11)
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:



Date:

9/16/04

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