

Form # P 04

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

Please Read Application And Notes, If Any, Attached

CITY OF PORTLAND  
AUG 31 2009  
PERMIT ISSUED

**CITY OF PORTLAND**

BUILDING DEPARTMENT

**PERMIT**

Permit Number: 090719

AUG 31 2009

This is to certify that Delta Realty Corp /n/a

has permission to Change of Use from New Building (vacant space) to storage sales.

AT 342 Warren Ave

303 H001001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is lath or other work is set-in. 24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. CAPT. R. Jackson

Health Dept. \_\_\_\_\_

Appeal Board \_\_\_\_\_

Other \_\_\_\_\_

Department Name

*Chad M. [Signature]* 8/21/09  
Director - Building & Inspection Services

**PENALTY FOR REMOVING THIS CARD**

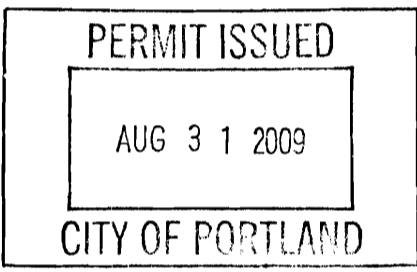
**City of Portland, Maine - Building or Use Permit Application**  
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 09-0719	Issue Date: 8/21/09	CBL: 303 H001001
-----------------------	------------------------	---------------------

Location of Construction: 342 Warren Ave	Owner Name: Delta Realty Corp	Owner Address: 120 Exchange St	Phone:
Business Name:	Contractor Name: n/a	Contractor Address: n/a Portland	Phone:
Lessee/Buyer's Name Kit Doty Designation RV Rental	Phone: 239-6345 PO Box 1658 Portland ME	Permit Type: Change of Use - Commercial	Zone: B-4
Past Use: Commercial / New Building	Proposed Use: Commercial / Change of Use from New Building (vacant space) to RV storage / sales.	Permit Fee: \$105.00	Cost of Work: \$30.00
Proposed Project Description: Change of Use from New Building (vacant space) to RV storage / sales.		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied * See Conditions	INSPECTION: Use Group: S-C Type: JB IBC-2003
		Signature: (KG)	Signature: (CL)
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: Date:	

AUG 31 2009

Permit Taken By: gg	Date Applied For: 07/08/2009	<b>Zoning Approval</b>		
1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..		<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan Amendment Required Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: 8/23/09	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	<b>Historic Preservation</b> <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:



**CERTIFICATION**

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

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

**City of Portland, Maine - Building or Use Permit**  
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

<b>Permit No:</b> 09-0719	<b>Date Applied For:</b> 07/08/2009	<b>CBL:</b> 303 H001001
------------------------------	--	----------------------------

<b>Location of Construction:</b> 342 Warren Ave	<b>Owner Name:</b> Delta Realty Corp	<b>Owner Address:</b> 120 Exchange St	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> n/a	<b>Contractor Address:</b> n/a Portland	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Commercial	

<b>Proposed Use:</b> Commercial / Change of Use from New Building (vacant space) to RV storage / sales.	<b>Proposed Project Description:</b> Change of Use from New Building (vacant space) to RV storage / sales.
--	---

<b>Dept:</b> Zoning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Marge Schmuckal	<b>Approval Date:</b> 07/23/2009
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
1) Planning is requiring a site plan amendment to their approval for a warehouse under 2008-0035. 2) Separate permits shall be required for any new signage. 3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.			
<b>Dept:</b> Building	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Chris Hanson	<b>Approval Date:</b> 08/21/2009
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
1) This is a Change of Use ONLY permit. It does NOT authorize any construction activities. 2) Separate Permits shall be required for any new signage. 3) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.			
<b>Dept:</b> Fire	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Capt Keith Gautreau	<b>Approval Date:</b> 07/23/2009
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
1) Emergency lights and exit signs are required			
<b>Dept:</b> Planning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Jean Fraser	<b>Approval Date:</b> 08/05/2009
<b>Note:</b> 5 conditions to incl. on BP document; pl send a copy to Planning for the Planning file..			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
1) Permit may be issued with the following condition (fifth of five (5)): <ul style="list-style-type: none"> <li>5. That tractor trailer trucks are prohibited from the site.</li> </ul> 2) Permit may be issued with the following condition (fourth of five (5)): <ul style="list-style-type: none"> <li>4. That truck backing maneuvers from Warren Avenue into the access drive to this site are prohibited; and</li> </ul> 3) Permit may be issued with the following condition (third of five (5)): <ul style="list-style-type: none"> <li>3. That no parking shall take place in a manner that blocks or impedes vehicle access, including for emergency vehicles, to the buildings and parking areas located at both 342 front and 342 rear Warren Avenue; and</li> </ul> 4) Permit may be issued with the following condition, second of five (5): <ul style="list-style-type: none"> <li>2. That no parking shall take place in or on the following areas (all as shown on the approved plans for Site Plan application #2008-0035): the grassed area adjacent to the warehouse building at 342 rear Warren Avenue; and the 4 parking spaces allocated for the occupiers of 342 front Warren Avenue; and</li> </ul>			

<b>Location of Construction:</b> 342 Warren Ave	<b>Owner Name:</b> Delta Realty Corp	<b>Owner Address:</b> 120 Exchange St	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> n/a	<b>Contractor Address:</b> n/a Portland	<b>Phone</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Commercial	

5) Permit may be issued with this condition, first of five (5)::

1. That up to a maximum of 10 No. 31 foot RVs, or the equivalent, can be parked within the area comprising the 2,800 sq ft warehouse building ( known as 342 Rear Warren Avenue) and the adjacent paved area within 62 feet of the warehouse building (on the north side, toward Warren Avenue), subject to the vehicles being directly associated with the business occupying the 2,800 sq ft warehouse building and complying with conditions 2 and 3 below; and

**Comments:**

7/15/2009-mes: I brought this to site plan today to get feedback from the originally approved site plan. They need more info and want Tom Errico to look at it. There were concerns about backing in and such before. I called Kit Doty to tell me how the exterior sales area will look. Needs to also explain how the business is run = parking in the existing building etc. I am making copies of the approved site plan and his submitted floor plan for his further use.

7/23/2009-mes: Received a cover letter and site plan on 7/16/09 - brought to site plan review on 7/22/09 - Planning determined that they would require a site plan amendment concerning the difference in uses. - on 7/23/09 I let Kit know that Planning wants a site plan amendment (voice mail). Zoning is ok on the site & I will pass on to fie & building codes review.

8/4/2009-JF: 8/4/09 Planning, Zoning and Tom Errico (Traffic) met with the applicant and their agent to ascertain more clearly what was proposed and how this would impact the site. Given the scale of the enterprise it appeared that no adverse impacts would result, as long as the # of vehicles onthe rear site was limited and any overflow was accommodated elsewhere. Planning condition re this plus those onthe original site plan are included as conditons of approval (total of 5).

**BUILDING PERMIT INSPECTION PROCEDURES**

**Please call 874-8703 or 874-8693 (ONLY )**

**to schedule your inspections as agreed upon**

**Permits expire in 6 months, if the project is not started or ceases for 6 months.**

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

**By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.**

**A Pre-construction Meeting will take place upon receipt of your building permit.**

  X   **Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.**  
**NOTE: There is a \$75.00 fee per inspection at this point.**

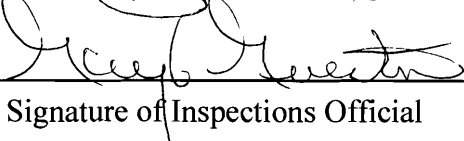
Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

**If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.**

**CERTIFICATE OF OCCUPANCIES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.**

  
\_\_\_\_\_  
Signature of Applicant/Designee

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Inspections Official

  8/31/09    
\_\_\_\_\_  
Date



# #09 0719 General Building Permit 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: <u>342 Warren Ave, Rear. Portland ME</u>		
Total Square Footage of Proposed Structure/Area <u>2,800± SF</u>	Square Footage of Lot <u>2,800± SF</u>	Number of Stories <u>1</u>
Tax Assessor's Chart, Block & Lot Chart# <u>303</u> Block# <u>H</u> Lot# <u>1-5</u>	Applicant * <u>must</u> be owner, Lessee or Buyer* Name <u>Destination RV Rental</u> Address <u>P.O. Box 1658</u> City, State & Zip <u>Portland, ME 04104</u>	Telephone: <u>XXCDD</u> <u>(207) 239-6345</u>
Lessee/DBA (If Applicable) <u>Destination RV Rental</u>	Owner (if different from Applicant) Name <u>Delta Realty Corp</u> Address <u>120 Exchange St.</u> City, State & Zip <u>Portland, ME 04104</u>	Cost Of Work: \$ <u>30.00</u> C of O Fee: \$ <u>75.00</u> Total Fee: \$ <u>105.00</u>
Current legal use (i.e. single family) <u>New Building 1st Tenant</u> Number of Residential Units <u>N/A</u> If vacant, what was the previous use? <u>New Building 1st Tenant</u> Proposed Specific use: <u>RV Storage/Sales</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>Tenant will not be doing any construction</u> <u>Change of Use</u>		
Contractor's name: _____		
Address: <u>N/A</u>		
City, State & Zip: _____		
Who should we contact when the permit is ready: _____		
Mailing address: _____		

**Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.**

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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: [Signature] Date: 7/8/09

This is not a permit; you may not commence ANY work until the permit is issue

**From:** "Lawrence R. Clough" <lrclough@tchl.com>  
**To:** "Marge Schmuckal" <MES@portlandmaine.gov>  
**Date:** 8/14/2009 10:16:05 AM  
**Subject:** RE: R Warren Ave - Kit Doty

Marg:

Thanks.

Art's Girard's construction people will be in on Monday to address the building permit with Chris, since that work is on Art's side of the fence.

Lawrence Clough, Esq.

Tompkins, Clough, Hirshon & Langer, P.A.

Three Canal Plaza, P.O. Box 15060

Portland, ME 04112

Telephone (207) 874-6700 Fax (207) 874-6705

-- This e-mail message is confidential and may also be protected by the attorney client privilege and other applicable privileges. No waiver shall occur as a result of the mistaken delivery to a person who is not the intended addressee. If you are not the intended recipient, you should delete this message without retaining any copies.

-----Original Message-----

From: Marge Schmuckal [mailto:MES@portlandmaine.gov]  
Sent: Friday, August 14, 2009 9:47 AM  
To: Lawrence R. Clough  
Subject: R Warren Ave - Kit Doty

Larry,

As an update on this permit, I spoke to Chris Hanson the Code Reviewer

concerning this project. It appears that the permit is only for a change of use and doesn't include the new changes for bathroom and office walls inside the building. He wants a permit for those changes. It appears also that when the use changes from a warehouse to a use where people are occupying the building on a regular basis, it needs to be insulated.

You can contact Chris Hanson at 874-8696

Thanks you,

Marge

--

ExchangeDefender Message Security: Click below to verify authenticity  
<http://www.exchangedefender.com/verify.asp?id=n7EEF3Vf004797&from=lrclough@tchl.com>

**CC:** <andreaamg@maine.rr.com>, <dgreenstein@boulos.com>



Marg:

Thanks.

Art's Girard's construction people will be in on Monday to address the building permit with Chris, since that work is on Art's side of the fence.

Lawrence Clough, Esq.

Tompkins, Clough, Hirshon & Langer, P.A.

Three Canal Plaza, P.O. Box 15060

Portland, ME 04112

Telephone (207) 874-6700 Fax (207) 874-6705

-- This e-mail message is confidential and may also be protected by the attorney client privilege and other applicable privileges. No waiver shall occur as a result of the mistaken delivery to a person who is not the intended addressee. If you are not the intended recipient, you should delete this message without retaining any copies.

-----Original Message-----

From: Marge Schmuckal [mailto:[MES@portlandmaine.gov](mailto:MES@portlandmaine.gov)]

Sent: Friday, August 14, 2009 9:47 AM

To: Lawrence R. Clough

Subject: R Warren Ave - Kit Doty

Larry,

As an update on this permit, I spoke to Chris Hanson the Code Reviewer concerning this project. It appears that the permit is only for a change of use and doesn't include the new changes for bathroom and office walls inside the building. He wants a permit for those changes. It appears also that when the use changes from a warehouse to a use where people are occupying the building on a regular basis, it needs to be insulated.

You can contact Chris Hanson at 874-8696

Thanks you,

Marge

**Exchange**

Message Security: [Check Authenticity](#)

**Return-path:** <lrclough@tchl.com>  
**Received:** from barracuda.portlandmaine.gov([172.16.0.63]) by smtp.portlandmaine.gov; Fri, 14 Aug 2009 10:15:28 -0400  
**X-ASG-Debug-ID:** 1250259324-193700050000-OIEMmh  
**X-Barracuda-URL:** http://172.16.0.63:8000/cgi-bin/mark.cgi  
**Received:** from outbound2.exchangedefender.com (localhost [127.0.0.1]) by barracuda.portlandmaine.gov (Spam & Virus Firewall) with ESMTTP id 45748247362 for <MES@portlandmaine.gov>; Fri, 14 Aug 2009 10:15:24 -0400 (EDT)  
**Received:** from outbound2.exchangedefender.com (outbound2.exchangedefender.com [65.99.255.232]) by barracuda.portlandmaine.gov with ESMTTP id 5q1O7m8SCFGyXUmg for <MES@portlandmaine.gov>; Fri, 14 Aug 2009 10:15:24 -0400 (EDT)  
**X-Barracuda-Envelope-From:** lrclough@tchl.com  
**MailScanner-NULL-Check:** 1250864104.42597@ERYLlegpUVtE7I25/K/Pw  
**Received:** from mail.tchl.com (rrcs-24-39-184-170.nys.biz.rr.com [24.39.184.170]) by outbound2.exchangedefender.com (8.13.1/8.13.1) with ESMTTP id n7EEF3Vf004797; Fri, 14 Aug 2009 10:15:03 -0400  
**Content-class:** urn:content-classes:message  
**MIME-Version:** 1.0  
**Content-Type:** multipart/alternative; boundary="-----\_NextPart\_001\_01CA1CE9.9DF4824A"  
**X-ASG-Orig-Subj:** RE: R Warren Ave - Kit Doty  
**Subject:** RE: R Warren Ave - Kit Doty  
**Received:** Fri, 14 Aug 2009 10:15:03 -0400  
**X-MimeOLE:** Produced By Microsoft Exchange V6.5  
**Message-ID:** <3BDF573DB360E040A763EBF2596315922ACFB3@tchl-sbs2k3.TCHL.local>  
**In-Reply-To:** <sa8532b7.039@smtp.portlandmaine.gov>  
**Thread-Topic:** R Warren Ave - Kit Doty  
**Thread-Index:** Aco65ev1f1sqfyWvT0iMXPWb9SJCUIAAA3WuA  
**References:** <sa8532b7.039@smtp.portlandmaine.gov>  
**From:** "Lawrence R. Clough" <lrclough@tchl.com>  
**To:** "Marge Schmuckal" <MES@portlandmaine.gov>  
**Cc:** <andreaamg@maine.rr.com>, <dgreenstein@boulos.com>  
**X-ExchangeDefender-Info:** Please contact the ISP for more information  
**X-ExchangeDefender-VirusScan:** Found to be clean  
**X-ExchangeDefender-From:** lrclough@tchl.com  
**X-Barracuda-Connect:** outbound2.exchangedefender.com[65.99.255.232]  
**X-Barracuda-Start-Time:** 1250259325  
**X-Barracuda-Virus-Scanned:** by Barracuda Spam & Virus Firewall at portlandmaine.gov  
**X-Barracuda-Spam-Score:** 0.00  
**X-Barracuda-Spam-Status:** No, SCORE=0.00 using global scores of TAG\_LEVEL=3.5 QUARANTINE\_LEVEL=1000.0 KILL\_LEVEL=8.0 tests=HTML\_MESSAGE  
**X-Barracuda-Spam-Report:** Code version 3.2, rules version 3.2.2.6180Rule breakdown  

belowpts	rule name	description
0.00	HTML_MESSAGE	BODY: HTML included in message

**Content-Type:** text/html; charset="us-ascii"  
**Content-Transfer-Encoding:** quoted-printable

Marg:

Thanks.

Art's Girard's construction people will be in on Monday to address the building permit with Chris, since that work is on Art's side of the fence.

Lawrence Clough, Esq.

Tompkins, Clough, Hirshon & Langer, P.A.

Three Canal Plaza, P.O. Box 15060

Portland, ME 04112

Telephone (207) 874-6700 Fax (207) 874-6705

-- This e-mail message is confidential and may also be protected by the attorney client privilege and other applicable privileges. No waiver shall occur as a result of the mistaken delivery to a person who is not the intended addressee. If you are not the intended recipient, you should delete this message without retaining any copies.

-----Original Message-----

From: Marge Schmuckal [mailto:[MES@portlandmaine.gov](mailto:MES@portlandmaine.gov)]

Sent: Friday, August 14, 2009 9:47 AM

To: Lawrence R. Clough

Subject: R Warren Ave - Kit Doty

Larry,

As an update on this permit, I spoke to Chris Hanson the Code Reviewer concerning this project. It appears that the permit is only for a change of use and doesn't include the new changes for bathroom and office walls inside the building. He wants a permit for those changes. It appears also that when the use changes from a warehouse to a use where people are occupying the building on a regular basis, it needs to be insulated.

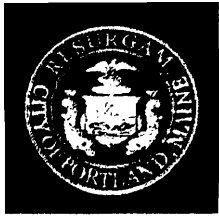
You can contact Chris Hanson at 874-8696

Thanks you,

Marge

**Exchange**

Message Security: [Check Authenticity](#)



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

Penny St. Louis Littell, Director of Planning and Development  
Marge Schmuckal, Zoning Administrator

**Meeting Information**

DATE: 8/4/09 ZONE: B-4 Zone

LOCATION: 342 R Warren Ave

PEOPLE PRESENT: Mike Candente - Kit - Erin Doty  
Barbara B - Jean Fraser - ERICCO - Marge S

DISCUSSION:

- "CRAZY idea" - New concept - 98.9% from internet
- Discussed parking & concept business
- Needs a sign permit for any new signage
- Longest unit is 30'
- Barbara talked about what conditions Planning would put on the permit
- 10 spaces up along Warren Ave now shown
- Marge will check on the submitted permit. 239-6345 (cell)

#09-0719      303-H-001

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at [www.portlandmaine.gov](http://www.portlandmaine.gov).

**From:** Jean Fraser  
**To:** Schmuckal, Marge  
**Date:** 8/5/2009 2:57:47 PM  
**Subject:** Fwd: Re: 342 Rear Warren Ave- RV rental/sales use - draft conditon

Marge,

These are the conditions that I have entered in UI (I have signed off).

Can you also attach the approved site plan as BB suggests??? ( I don't have it in pdf but I think you have an 11X17 copy - I will leave a paper copy (3pp) on my desk to take if you need as I am out of the office as from 3:30pm today).

Jean

>>> Barbara Barhydt 8/4/2009 4:37:51 PM >>>

I think this reflects our consensus. Thanks. Mike suggested including the site plan, which may be a good back up.

Barbara

>>> Jean Fraser Tuesday, August 04, 2009 4:16 PM >>>

Barbara and Tom,

Here is my draft condition; OK?

*PLANNING  
CONDITIONS*

1. That up to a maximum of 10 No. 31 foot RVs, or the equivalent, can be parked within the area comprising the 2,800 sq ft warehouse building ( known as 342 Rear Warren Avenue) and the adjacent paved area within 62 feet of the warehouse building (on the north side, toward Warren Avenue), subject to the vehicles being directly associated with the business occupying the 2,800 sq ft warehouse building and complying with conditions 2 and 3 below; and

2. That no parking shall take place in or on the following areas (all as shown on the approved plans for Site Plan application #2008-0035): the grassed area adjacent to the warehouse building at 342 rear Warren Avenue; and the 4 parking spaces allocated for the occupiers of 342 front Warren Avenue; and

3. That no parking shall take place in a manner that blocks or impedes vehicle access, including for emergency vehicles, to the buildings and parking areas located at both 342 front and 342 rear Warren Avenue; and

4. That truck backing maneuvers from Warren Avenue into the access drive to this site are prohibited; and

5. That tractor trailer trucks are prohibited from the site."

Jean

**Destinations RV Rentals**

Division of Doty Group, LLC

Kit and Erin Doty, Owners

kit@destinationsrentals.com

Phone: 838-7368

Fax: 221-1455

PO Box 1658  
Portland, ME 04104

Portland City Hall  
389 Congress Street  
Portland, ME 04101

July 16, 2009

*7/22/09 - copy given to*

JUL 16 2009

To Whom It May Concern:

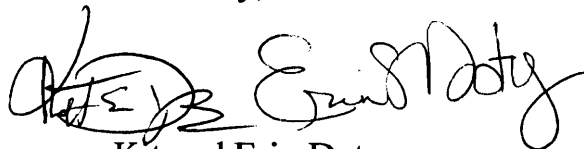
*Stephan Reynolds planning  
wants a site plan amendment - 7/23/09 - let Kit know*

Thank you for considering Destinations RV Rentals for occupancy at 342R Warren Avenue in Portland, Maine. Destinations is a motorhome, travel trailer, and pop-up camper rental dealer. We currently have 5 units in our inventory: one 31' motorhome, one 24' motorhome, one 29' travel trailer, one 26' travel trail, and one 9' pop-up camper. Our busiest season is from May to October, with very little rental activity during the winter months. During our off season, we attend RV/camping shows with the purpose of selling our rental fleet. We are in the process of obtaining our RV dealer license from the state of Maine. As a non-stocking franchised dealer for Gulf Stream Coach in Nappanee, Indiana, we will begin selling new RVs once this license is in place. Our business model for selling new motorhomes and travel trailers is to custom order new RVs and deliver the RV to the customer, directly from Indiana.

Our major mode of marketing is via the internet, on our website: [www.destinationsrentals.com](http://www.destinationsrentals.com), as well as referrals from campgrounds and RV dealers. Our communication with our customers is via telephone and email until the day of their rental. Our travel trailers and pop-ups are delivered to our customers at their desired camping location. The majority of our motorhome customers are picked up by our staff at the airport, and depart with the motorhome from our location.

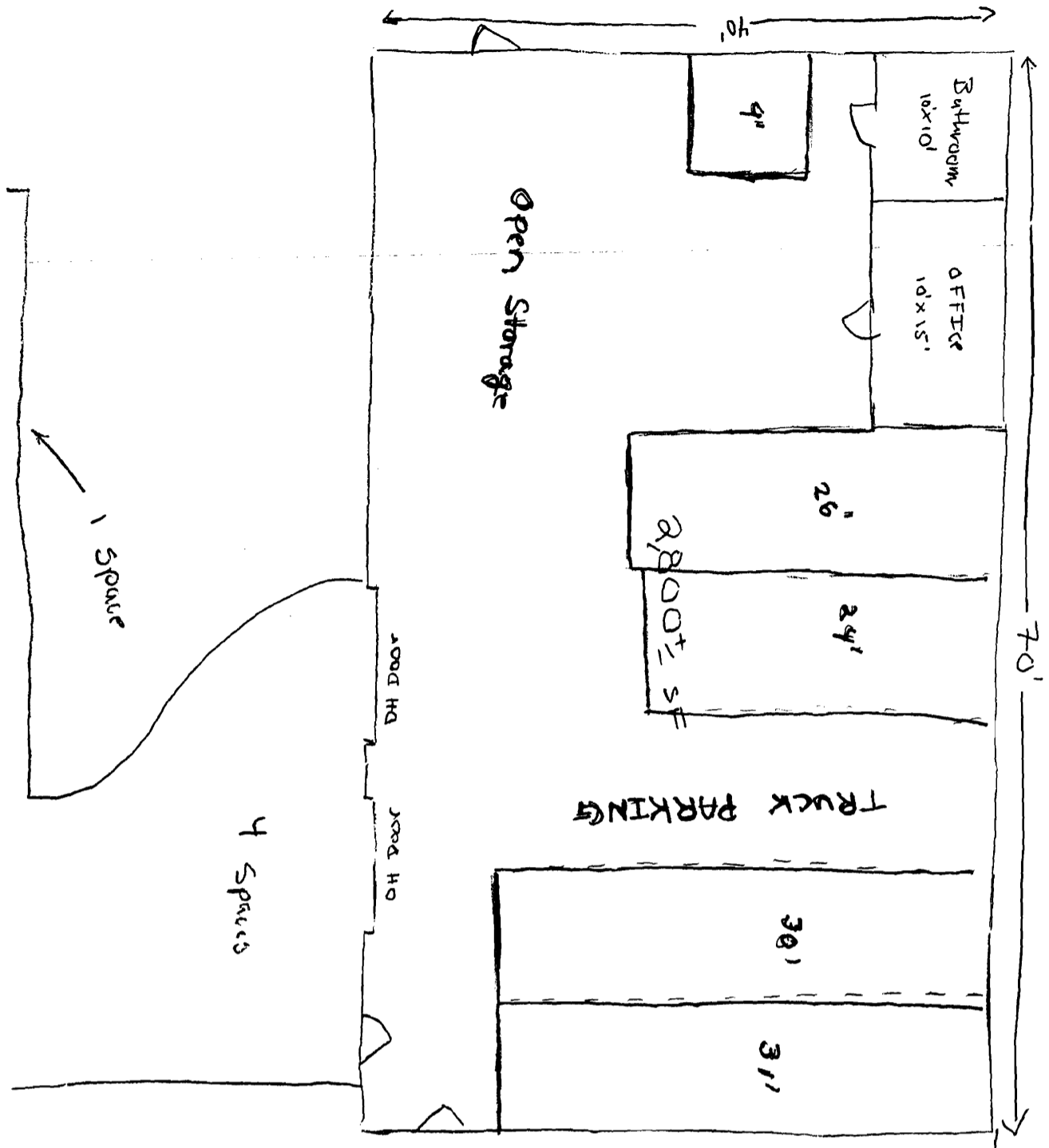
We are currently able to store all of our rental units inside the building at 342R Warren Avenue. The additional parking included in the proposed lease allows for future expansion of our rental fleet at this location. Destinations RV Rentals is a low-impact, minimal traffic business establishment. 342R Warren Avenue is an excellent location for Destinations RV Rentals, as this property offers exactly what we need to operate efficiently and successfully, and it is very important to us to be located in Portland, Maine as an RV rental and sales destination.

Sincerely,



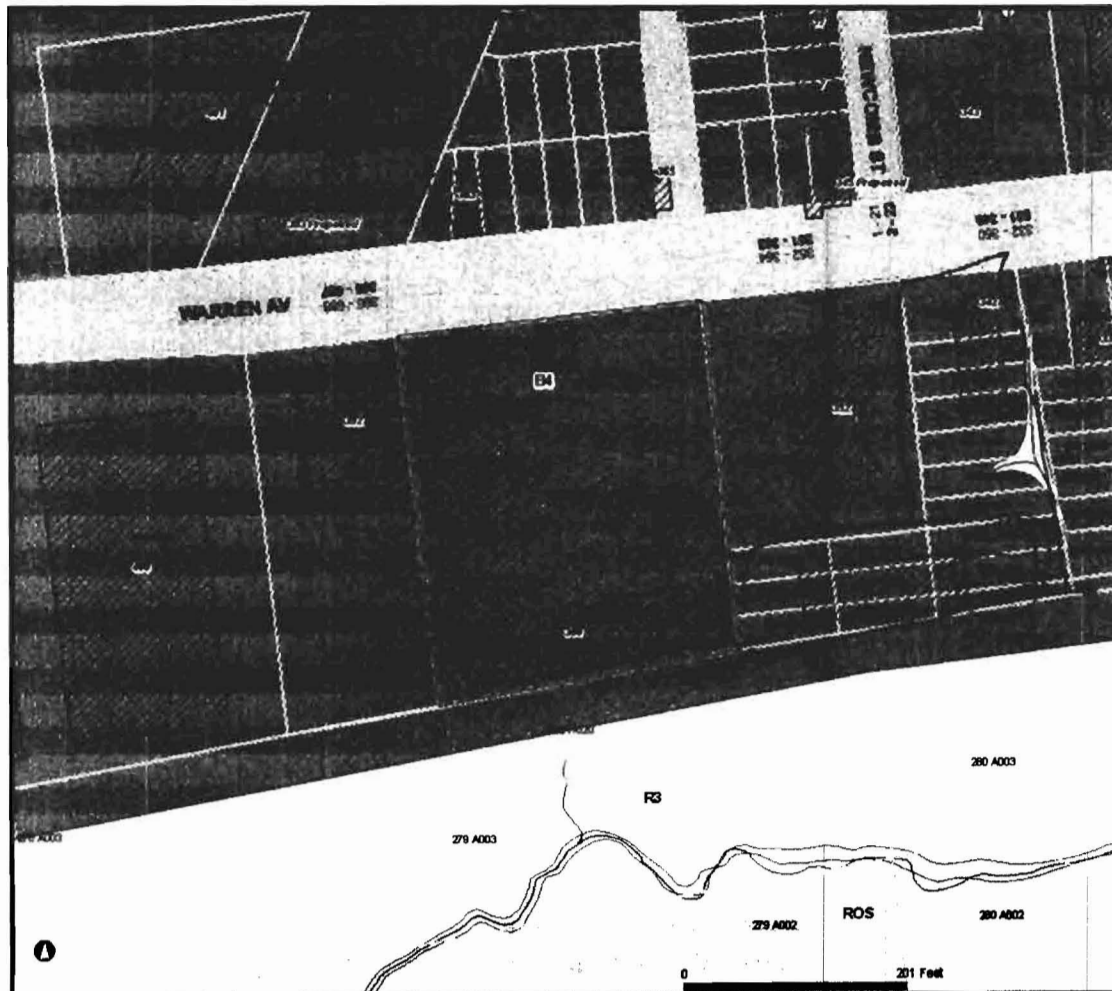
Kit and Erin Doty  
Owners, Destinations RV Rentals






Other Space

7/16/09



City of Portland  
GIS



DISCLAIMER : This is a product of the City of Portland MIS Department. The data depicted here have been developed with cooperation from other federal, state and local agencies. The City of Portland expressly disclaims responsibility for damages or liability that may arise from the use of this map.

Copyright 2007  
City of Portland  
389 Congress St.  
Portland, Maine  
04101

<http://172.16.0.75/servlet/com.esri.esriman.Esriman?ServiceName=arcman&ClientVersion> 7/13/2009

Condition Compliance \_\_\_\_\_  
signature date

Performance Guarantee  Required\*  Not Required

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

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



NORTH

WARREN AVENUE

THE ACCESS IS TWO WAY NEAR WARREN AVE AND ONE WAY WITHIN THE TRADE CENTER SITE AND SIGNAGE WILL BE ADJUSTED AS APPROVED BY THE CITY AS PER SITE PLAN APPROVAL CONDITIONS

INSTALL NEW HYDRANT AND VALVE

90' TO FIRE HYDRANT

745' TO FIRE HYDRANT

SAVILLE STREET VACATED BY THE CITY OF PORTLAND IN 1997

NEWCOMB STREET VACATED BY THE CITY OF PORTLAND IN 1997

TOTAL AREA=3.28 ACRES

NOTE: ALL ONSITE SOILS ARE B<sub>9</sub>B AND B<sub>4</sub>C<sub>2</sub> OR BELGRADE VERY FINE SANDY LOAM. THESE SOILS ARE CONSIDERED HYDROLOGIC GROUP B

PROPOSED WAREHOUSE 2,800 S.F.

SEE DETAIL "A" THIS SHEET

SEE DETAIL "B" THIS SHEET

**OVERALL SITE PLAN**

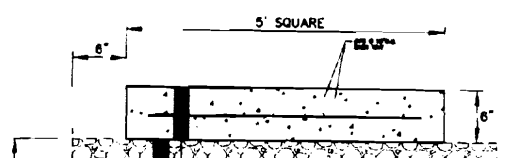
SCALE 1" = 30'

**NOTES: CONDITIONS OF SITE PLAN APPROVAL**

- 1. TRUCK BACKING MANEUVERS FROM WARREN AVENUE INTO THE PROPOSED SITE ARE PROHIBITED.
- 2. TRACTOR TRAILER TRUCKS ARE PROHIBITED FROM THE PROPOSED SITE (WAREHOUSE ADDITION TO REAR).

SCALE

SCALE HORIZONTAL





# PORTLAND MAINE

*Strengthening a Remarkable City. Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

Planning and Urban Development  
Penny St. Louis Littell, Director

Planning Division  
Alexander Jaegerman, Director

August 6, 2008

Stephen J Bradstreet, PE  
Oak Engineers  
400 Commercial Street, Suite 404  
Portland, ME 04101

Delta Realty Co Inc.  
120 Exchange Street, Suite 204  
Portland, ME 04101

RE: Warehouse Addition, Rear of 380 Warren Avenue  
CBL: #303 E001001  
Application ID: #2008-0035

Dear Mr Bradstreet,

On August 6, 2008 the Portland Planning Authority approved a minor site plan for a 2800 sq ft warehouse addition (to be added to the existing 6000 sq ft warehouse that was approved in 2001) at the rear of 380 Warren Avenue, as submitted by Delta Realty Inc and shown on the approved plan prepared by Oak Engineers and dated July 25, 2008, with the following conditions:

- i. Truck backing maneuvers from Warren Avenue into the proposed site are prohibited; and
- ii. Tractor trailer trucks are prohibited from the proposed site (warehouse addition area to rear); and
- iii. The applicant shall be responsible for removing all signage at the Warren Avenue entrance that conflicts or is not appropriate for two-way driveway traffic operations. Removal of the signs shall be coordinated with the Department of Public Services.

The approval is based on the submitted site plan (C-100 Rev D; C-101 Rev D; C-102 Rev D). 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 above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.


389 Congress Street, Portland, Maine 04101-3509 Ph (207)874-8721 or 874-8719 Fx 756-8258 TTY 874-8936

3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service'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.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator 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 make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874- 8728.

Sincerely,

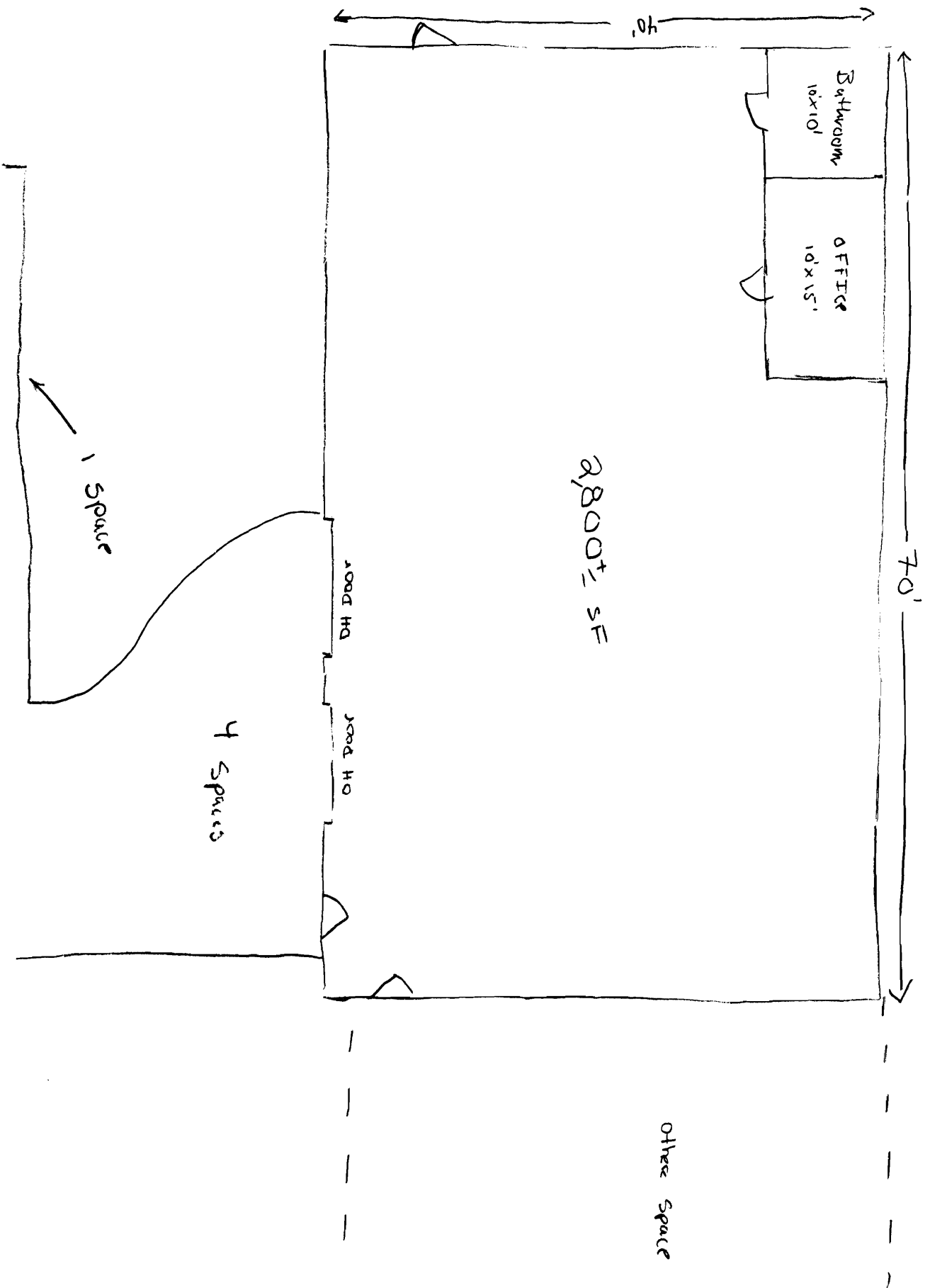
  
Alexander Jaegerman  
Planning Division Director

Attachment: Performance Guarantee Packet

**Electronic Distribution:**

Penny St. Louis Littell, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPietro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jenise Bourke, Inspections Division  
Lisa Danforth, Administrative Assistant  
Michael Bohinsky, Public Services Director  
Kathi Earley, Public Works

Bill Clark, Public Works  
Michael Farmer, Public Works  
Jim Carmody, City Transportation Engineer  
Jane Ward, Public Works  
Captain Greg Cass, Fire Prevention  
Jeff Tarling, City Arborist  
Tom Errico, Wilbur Smith Consulting Engineers  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File  
Hard Copy, Project File



**City of Portland, Maine - Building or Use Permit**  
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

<b>Permit No:</b> 08-1168	<b>Date Applied For:</b> 09/16/2008	<b>CBL:</b> 303 E001001
------------------------------	--	----------------------------

<b>Location of Construction:</b> 380 WARREN AVE	<b>Owner Name:</b> THREE EIGHTY LLC	<b>Owner Address:</b> 120 EXCHANGE ST # 106	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Biskup Construction, Inc.	<b>Contractor Address:</b> 16 Danielle Drive Windham	<b>Phone:</b> (207) 892-9800
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Additions - Commercial	

<b>Proposed Use:</b> Warehousing - 2,800 S.F. Addition to an existing 6,000 S.F. Warehouse	<b>Proposed Project Description:</b> 2,800 S.F. Addition to an existing 6,000 S.F. Warehouse
---	---

<b>Dept:</b> Zoning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Marge Schmuckal	<b>Approval Date:</b> 09/16/2008
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
2) Separate permits shall be required for any new signage.			
3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.			
<b>Dept:</b> Building	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Tammy Munson	<b>Approval Date:</b> 10/23/2008
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
1) All special inspection reports must be submitted to this office for review within 48 hours of the inspection. A final special inspection report must be submitted prior to issuance of a certificate of occupancy. This report must demonstrate any deficiencies and corrective measures that were taken.			
2) Separate permits are required for any electrical, plumbing, or HVAC systems. Separate plans may need to be submitted for approval as a part of this process.			
<b>Dept:</b> Fire	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Capt Greg Cass	<b>Approval Date:</b> 09/19/2008
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
1) Hydrant on Warren Ave to be installed prior to C of O.			

<b>Dept:</b> Public Services	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Tom Errico	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>
<b>Dept:</b> Zoning	<b>Status:</b>	<b>Reviewer:</b> Marge Schmuckal	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>
<b>Dept:</b> Parks	<b>Status:</b> Approved	<b>Reviewer:</b> Jeff Tarling	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>
<b>Dept:</b> Fire	<b>Status:</b>	<b>Reviewer:</b> Capt Greg Cass	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>
<b>Dept:</b> DRC	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Philip DiPierro	<b>Approval Date:</b> 10/09/2008
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>

<b>Location of Construction:</b> 380 WARREN AVE	<b>Owner Name:</b> THREE EIGHTY LLC	<b>Owner Address:</b> 120 EXCHANGE ST # 106	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Biskup Construction, Inc.	<b>Contractor Address:</b> 16 Danielle Drive Windham	<b>Phone</b> (207) 892-9800
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Additions - Commercial	

**Dept:** Planning      **Status:** Approved with Conditions      **Reviewer:** Jean Fraser      **Approval Date:** 08/06/2008

**Note:** **Ok to Issue:**

1) On August 6, 2008 the Portland Planning Authority approved a minor site plan for a 2800 sq ft warehouse addition (to be added to the existing 6000 sq ft warehouse that was approved in 2001) at the rear of 380 Warren Avenue, as submitted by Delta Realty Inc and shown on the approved plan prepared by Oak Engineers and dated July 25, 2008, with the following conditions:

i.  Truck backing maneuvers from Warren Avenue into the proposed site are prohibited; and

ii.  Tractor trailer trucks are prohibited from the proposed site (warehouse addition area to rear); and

iii.  The applicant shall be responsible for removing all signage at the Warren Avenue entrance that conflicts or is not appropriate for two-way driveway traffic operations. Removal of the signs shall be coordinated with the Department of Public Services.

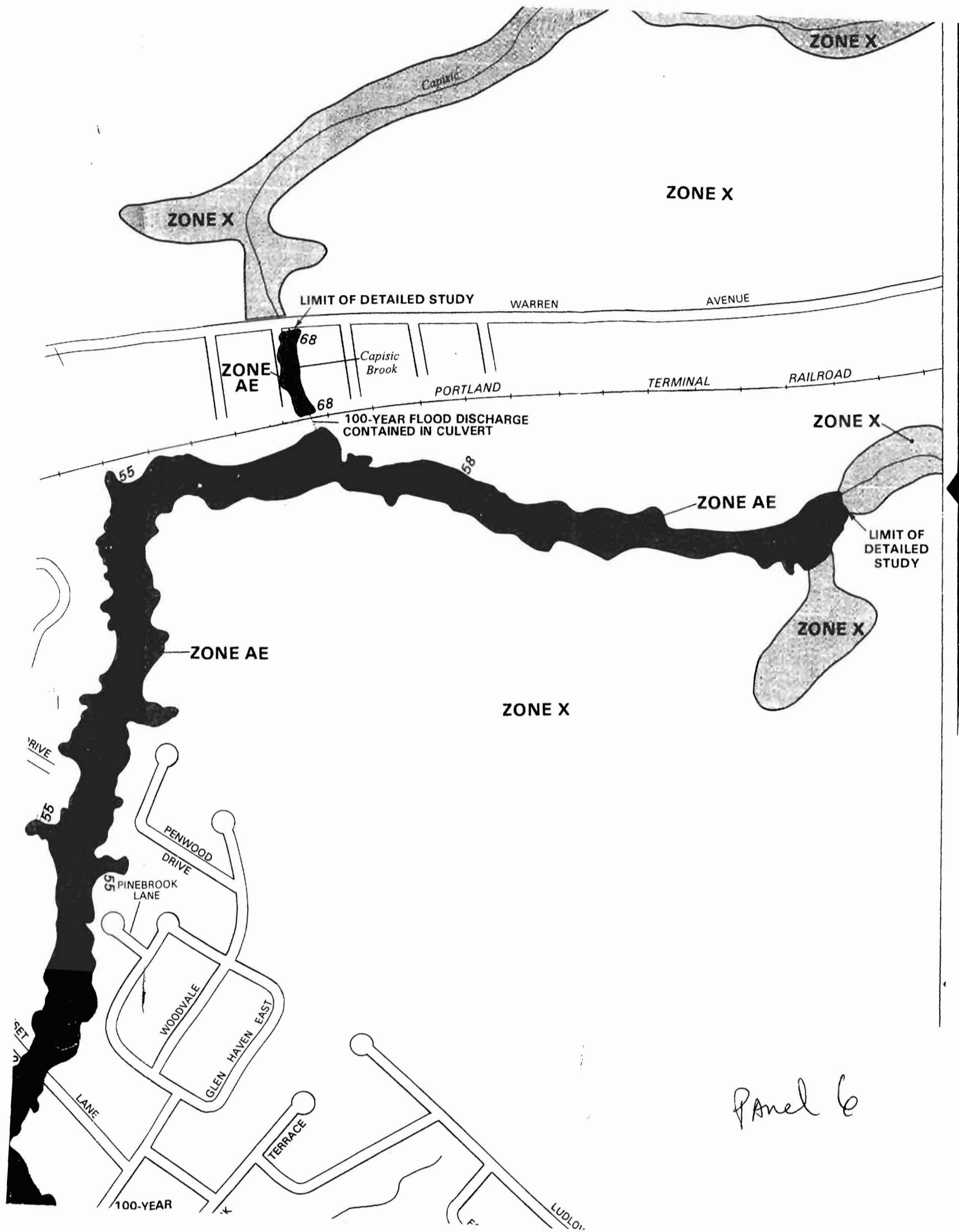
The approval is based on the submitted site plan (C-100 Rev D; C-101 Rev D; C-102 Rev D). If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

**Comments:**

9/16/2008-mes: On Sept 5, 2008 I received a stamped site plan from Jean that has not been dated yet. However, I can use it for my review and pass it on for further reviews.

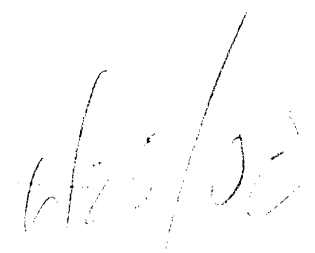
DON'T ISSUE THE PERMIT UNTIL JEAN GIVES THE FINAL OK.





Panel 6

**CITY OF PORTLAND  
RESPONSE TO CITY COMMENTS  
FOR  
WAREHOUSE ADDITION  
380 WARREN AVE.  
PORTLAND, MAINE**



Prepared by:

**Oak Engineers, LLC**  
400 Commercial Street, Suite 401  
Portland, Maine 04101  
(207) 772-2891

Project 073013  
June 20, 2008

---



E N G I N E E R S

Civil Engineers & Land Surveyors

June 20, 2008

Project 073013

Ms. Jean Fraser  
Planner  
City of Portland  
389 Congress Street  
Portland, Maine 04101-3509

RE: Proposed Warehouse Addition, 380 Warren Ave.  
1D #2008-0035, CBL #303 E001001  
Response to Staff Comments

Dear Jean:

Oh behalf of our client, Delta Realty, Oak Engineers, LLC (Oak) is submitting the following response and enclosed documents to staff comments received on April 18, 2008 and April 24, 2008.

**CITY OF PORTLAND COMMENTS DATED APRIL 18, 2008**

1. Enclosed is an updated, stamped survey clarifying all easements and updating existing conditions and ownerships. The plan shows the MDOT drainage easement that has been purchased from the applicant. Temporary construction easements are shown on the attached documents from MDOT. Copies of MDOT/Delta Realty easements are attached. Additionally, we have attached a copy of a letter from Penny Littell on City letterhead clarifying the vacation of Newcomb and Saville streets.
2. The FEMA Flood Zone maps have been investigated. It has been determined that the floor elevation of the warehouse is three feet above Warren Avenue. The Flood Zone maps incorrectly show the flooding area through the Warren Avenue Trade Center Condominium property, rather than through the existing swale between the Delta Realty property and the property to the east. Enclosed is a Google Earth image with a GIS overlay of FEMA Flood Zone data showing the site in relationship to the flood zone.
3. The existing ditch will not be impacted directly by construction activities. All construction activities stop at the top of the slope and do not impact the embankment. The contractor will install silt fence along the top of the embankment to prevent sedimentation of the ditch during construction. Once construction of the building is complete, the lawn area will be loamed, seeded and mulched. Once grass growth is established, the ditch will be permanently protected.

Brown's Wharf • Newburyport, MA 01950  
T: 978.465.9877 • F: 978.465.2986

400 Commercial Street • Suite 404 • Portland, ME 04101  
T: 207.772.2004 • F: 207.772.3248

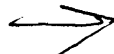
www.oakengineers.com

Ms. Jean Fraser  
City of Portland

The enclosed MDOT easement information also shows improvements proposed by MDOT in association with their Warren Avenue improvements. This requires an extension of the existing stormdrain from Warren Avenue to a point at the back of the existing warehouse. Riprap ditch protection will be provided from the outlet of the stormdrain to the railroad property. MDOT will retain a drainage easement along the easterly property line for maintenance of their facility.

4. Enclosed is a copy of the existing maintenance agreement between the easterly abutter and Delta Realty. This is referenced on the survey and was executed in August 2004 and the city has a signed copy in their files.
5. The locations of the fire hydrants are shown on the plans. The proposed structure has access to the front (north side) from the proposed driveway and to the rear (south side) from access that was provided to the attached warehouse during the design of the existing, attached warehouse in 2001. Fire hydrant flow test reports are attached. All other fire department checklist items have been provided on the previously submitted plans.
6. The applicant (Art Girard-Delta Realty) proposes to store personal belongings in the proposed warehouse. The applicant is moving belongings from another Portland facility that has recently been sold. The personal belongings currently stored in the existing warehouse consist primarily of building supply materials and antique vehicles.
7. At this time there is no additional trip generation anticipated for this warehouse addition. The applicant is storing his personal belongings in the warehouse. The site design will allow for movement of single unit body trucks similar to UPS, FedEx, or large U-Hauls. It is not anticipated that trucks larger than this will need to access the facility.
8. Attached is legal documentation of reciprocal rights for Delta Realty and the Trade Center Condominium owners to use the vacated portion of Newcomb Street as a private way. This documentation is in the form of a letter, dated May 28, 2008, from Lawrence R. Clough, Delta Realty's Legal Councilor. To summarize, this letter states that, although the public rights to Newcomb Street have been vacated, the private rights remain in full force. This letter is referenced on the updated survey and references a 1911 subdivision plan which is in turn referenced by both the deeds for Delta Realty's property and the abutting Trade Center Condominium property.
9. No tractor trailers are anticipated to access the facility. The MDOT's Warren Avenue improvement plans have been received and reviewed. The site's access is proposed to be relocated slightly to the west to align with Newcomb Street across Warren Avenue. It is our understanding, based on the temporary construction easements that MDOT has obtained from the client, that MDOT has gone through the required right of way process and both Delta Realty and the Trade Center Condominium property owners will have the right to use the new shared entrance from Warren Ave.

Ms. Jean Fraser  
City of Portland

10. The total floor area of the entire site including the proposed warehouse is 41,050 square feet.
11. The impervious surface calculations are attached and reflect the requirements of the City. 
12. The site plan has minimal landscaping improvements. These improvements have been shown on C101 and adequately shows grass areas, existing tree line; proposed plantings, erosion control, surface material, curbing, and lighting. Any dumpsters will be located within the building.

**WOODARD & CURRAN COMMENTS DATED APRIL 24, 2008**

1. The survey coincides with the City's NGVD 1929 datum and is tied to the Maine State Plane Coordinate System. This is noted on the plan.
2. Paving limits have been shown.
3. Parking stall depths have been revised.
4. The concrete pads have been labeled and detailed.
5. Detail A has been revised. The buildings will be connected.
6. The applicant installed granite curbing, esplanade and sidewalk along the front of the property as part of the approval in 2004. The improvements provided by the applicant are still in the early stages their life cycle and as such, the applicant does not feel they should have to contribute to the new improvements that only relocate the entrance.

**CITY OF PORTLAND EMAIL DATED JUNE 4, 2008**

1. Larry Clough's attached letter which asserts that private rights exist for abutters to use vacated portion of Newcomb Street is referenced by the updated survey. There is no specific reciprocal easement for shared use of the access drive; however, Delta Realty and the Trade Center Condominium Property owners have the right to use the abandoned portion of Newcomb Street as outlined in Mr. Clough's letter.
2. A traffic circulation plan is included on Sheet C-102 and shows the parking layout for both properties and directions of travel. The largest vehicles expected to use this entrance are single unit body trucks similar to UPS, FedEx, or large U-Hauls.

Ms. Jean Fraser  
City of Portland

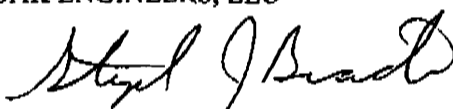
**SUPPORTING DOCUMENTATION AND ATTACHED PLANS**

1. MDOT Easements
  - a. Parcel No. 9: Temporary Construction Rights
  - b. Parcel No. 11: Drainage Easement and Temporary Construction Rights
2. Letter from Penny Littell clarifying the vacation of Newcomb and Saville streets
3. FEMA Flood Zone Map
4. Agreement for Stormwater Ditch Maintenance General Maintenance dated August 2004
5. Portland Water District Hydrant Flow Test Data
6. Letter from Lawrence R. Clough, dated May 28, 2008, documenting reciprocal private rights to use Newcomb Street as a private way.
7. A revised set of plans including:
  - a. C-100 Overall Site Plan and Details
  - b. C-101 Site Landscape Plan and Details
  - c. C-102 Impervious Area Calculations and Traffic Circulation Plan
  - d. An Updated Stamped Survey Plan from Lewis and Wasina, Inc.

I trust that the above discussion and enclosed document and plans adequately address the City's comments. If you have any questions, please feel free to give me a call.

Sincerely,

OAK ENGINEERS, LLC



Stephen J. Bradstreet, P.E.  
Office Manager/Sr. Project Manager

SJB:sg  
Enclosure



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
100 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0001

PIN: 010544.00  
Re: Project: STP-1054(400)X  
Town: Portland  
Parcel No.: 09  
Item No.:

Three Eighty, LLC  
120 Exchange Street, #106  
Portland, ME 04101

Dear Property Owner:

The Department's representative has explained to you the proposed construction and the effect it will have on your property. He/She has attempted to answer any questions you had. He/She has also explained the methods used in preparing our appraisal and the basis for our determination of just compensation for the land and rights to be acquired. He/She has made you an offer in the amount of **\$ 250.00** which represents the just compensation as determined by a qualified appraiser and approved by one of the Department's review appraisers.

The land and/or rights to be acquired from you for this project are as follows:

<b>Land: Fee</b>	<b>None (Land in fee as improved)</b>
<b>Easements:</b>	<b>N/A</b>
<b>Grading/Construction Rights:</b>	<b>Temporary Construction Rights = 2,720+ SF (1)</b>
<b>Buildings &amp; Improvements:</b>	<b>None</b>
<b>Other Interests and/or Rights to be Acquired:</b>	<b>N/A</b>



The following is a statement by the Department of Transportation regarding the parcel or parcels of land above referenced:

- A. The highest and best use of the property at the date of taking.  
**Commercial**
- B. The fair market value of the real property taken as of the date of taking.  
**\$ 250.00**
- C. Offering price.  
**\$ 250.00**

Our representative has explained your recourse if the State's offer is not acceptable. The booklet "A Landowner's Guide to Property Acquisition Process" confirms the procedures available to you. If a copy of this booklet has not previously been given to you, please request one. He/She has also explained that the property owner or designated representative is responsible for informing any potential purchaser of the impending acquisition of land and/or rights as required by Title 23, M.R.S.A. Section 153-3(4).

A great deal of time has been spent in the effort to design an attractive, safe highway; also to design it in the manner that will cause the least damage to adjoining property; and finally to determine by properly made and carefully reviewed appraisals the just compensation due to the owners. We hope that we have accomplished our objective.

**PROPERTY MARKERS:** Action taken by the 115th Maine Legislature has revised Maine's landmark location law (14 M.R.S.A., Sec. 7554-A). The 115th Legislature now allows payment of "reasonable costs." Please be sure to inform our agents if your property markers do not appear on our plans. Please note, the Department does not set property pins. The Department will designate former locations of pins and markers on request.

Requests for payment of reasonable costs should be submitted in writing to the Department's Right of Way Division. Requests should be accompanied by a written estimate from a licensed surveyor, and if reasonable, will be paid based on the estimate. The Department reserves the right to request a second estimate and to require proof that a marker was disrupted if the location or existence of the original marker is in doubt. Any questions may be referred to the Right of Way Division; please ask for the Right of Way Agent assigned to this project.

Very truly yours,

Bernadette Fox  
R/W Agent

By: 

BF:lp

---



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

Three Eighty, LLC  
Owner's Offer-Assent

PIN : 010544.00  
Project No. : STP-1054(400)X  
Town : Portland  
Parcel Item No. : 09

**WHEREAS**, It has been determined that the public exigency requires the construction or reconstruction by altering, widening, changing the grade and changing the drainage or a portion of State Highway Warren Avenue in the Town of Portland, County of Cumberland and State of Maine.

**WHEREAS**, the necessary property has been surveyed, appraised and a plan drawn known as Right of Way Map, State Highway Warren Avenue, Project No. STP-1054(400)X, dated March 2006 on file in the office of the Department of Transportation, Right of Way Division, File No. 3-522.

**WHEREAS**, the undersigned do hereby acknowledge that Bernadette Fox, R/W Agent of the Maine Department of Transportation, met with/wrote to me/us and explained rights required, damages and all construction changes of location, grade, drainage and slopes.

**NOW THEREFORE**, the undersigned do hereby propose to the State of Maine:

1. That it acquire the necessary land and/or rights in land, including buildings, as depicted on the before mentioned Right of Way Map, by Eminent Domain on or about **August 2007**.
2. That it pay the undersigned the sum of \$ **250.00** at the time of acquisition.

Dated: 5/5/07

Witness:

L. M. Fox

Property Owner(s):

CAF Three

## **Nature of the Project**

The project begins at approximately 0.33 miles east of the Maine Turnpike overpass and extends easterly 0.5 miles to include the intersection of Warren Avenue and Hicks Street. The subject of this appraisal report includes 28 properties impacted by the proposed center two way left hand turn lane for Warren Avenue in Portland, Maine. The overall right of way footprint will remain at 66-feet or 4 rods, however, the new center land will use much of the space typically used for a shoulder. Reconstruction proposed generally along the existing horizontal alignment to address geometric, drainage and pavement structure deficiencies. Additionally, the project will implement some aspects of access management reducing the number of and to clearly define commercial entrances. The end product will be a center two way left turning lane, two opposing traffic lanes, a small 3-foot shoulder, a curb, grassy strip, and another curb on both sides of the road.

Other proposed improvements include a new underground drainage system, upgrading a box culvert with a larger one to handle spring run-off. The City of Portland will implement some aspects of access management along this corridor including closing off open frontage into commercial sized entrances and limiting the number of entrances to each business.

## **Neighborhood Information**

The subject properties are located in the City of Portland, one of 14 communities that make up the Greater Portland Area. The city is located in the southeastern part of Maine and bordered by the City of South Portland to the south, Westbrook to the west and Falmouth to the north. The Fore River splits the two Portland's and Casco Bay lies to the easterly. Portland is approximately 100 miles north of Boston and encompasses According to the United States Census Bureau, the city has a total area of 136.2 km<sup>2</sup> (52.6 mi<sup>2</sup>). 54.9 km<sup>2</sup> (21.2 mi<sup>2</sup>) of it is land and 81.2 km<sup>2</sup> (31.4 mi<sup>2</sup>) of it (59.65%) is water. Portland is located on a peninsula beside Casco Bay on the Gulf of Maine and the Atlantic Ocean.

Portland is accessible from I-95 (the Maine Turnpike), I-295, and U.S. Route 1. U.S. Route 302, a major travel route and scenic highway between Maine and Vermont, has its eastern terminus in Portland. Amtrak's Downeaster train service connects the city with Boston via coastal New Hampshire. Commercial air service is provided by Portland International Jetport, which is located west of the city's downtown district. Ferry service is available year-round to many destinations in Casco Bay. Since May 22, 2006, *The Cat* high speed ferry has offered car ferry service to Yarmouth, Nova Scotia, making the trip in five hours. Until 2005, Scotia Prince Cruises had offered service that took eleven hours.

Portland is the largest city in the U.S. state of Maine, with a 2004 population of 63,882. Portland is Maine's cultural, social and economic capital. Tourists are drawn to Portland's historic Old Port district along Portland Harbor, which is at the mouth of the



STATE OF MAINE  
 DEPARTMENT OF TRANSPORTATION  
 15 STATE HOUSE STATION  
 AUGUSTA, MAINE  
 04333-0015

2012-07-11  
 11:00 AM

Re: PIN: 010544.00  
 Project: STP-1054(400)X  
 Town: Portland  
 Parcel No.: 11  
 Item No.:

Delta Realty Corp.  
 120 Exchange Street  
 Portland, ME 04101

Dear Property Owner:

The Department's representative has explained to you the proposed construction and the effect it will have on your property. He/She has attempted to answer any questions you had. He/She has also explained the methods used in preparing our appraisal and the basis for our determination of just compensation for the land and rights to be acquired. He/She has made you an offer in the amount of \$ 18,000.00 which represents the just compensation as determined by a qualified appraiser and approved by one of the Department's review appraisers.

The land and/or rights to be acquired from you for this project are as follows:

<b>Land: Fee</b>	<b>None (Land in fee as improved)</b>
<b>Easements:</b>	<b>Drainage Easement = 8,040+ SF (1)</b>
<b>Grading/Construction Rights:</b>	<b>Temporary Construction Rights = 2,805+ SF (1)</b>
<b>Buildings &amp; Improvements:</b>	<b>None</b>
<b>Other Interests and/or Rights to be Acquired:</b>	<b>N/A</b>



100% RECYCLED PAPER

THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION / EQUAL OPPORTUNITY EMPLOYER

The following is a statement by the Department of Transportation regarding the parcel or parcels of land above referenced:

- A. The highest and best use of the property at the date of taking.  
**Commercial**
- B. The fair market value of the real property taken as of the date of taking.  
**\$ 18,000.00**
- C. Offering price.  
**\$ 18,000.00**

Our representative has explained your recourse if the State's offer is not acceptable. The booklet "A Landowner's Guide to Property Acquisition Process" confirms the procedures available to you. If a copy of this booklet has not previously been given to you, please request one. He/She has also explained that the property owner or designated representative is responsible for informing any potential purchaser of the impending acquisition of land and/or rights as required by Title 23, M.R.S.A. Section 153-3(4).

A great deal of time has been spent in the effort to design an attractive, safe highway; also to design it in the manner that will cause the least damage to adjoining property; and finally to determine by properly made and carefully reviewed appraisals the just compensation due to the owners. We hope that we have accomplished our objective.

**PROPERTY MARKERS:** Action taken by the 115th Maine Legislature has revised Maine's landmark location law (14 M.R.S.A., Sec. 7554-A). The 115th Legislature now allows payment of "reasonable costs." Please be sure to inform our agents if your property markers do not appear on our plans. Please note, the Department does not set property pins. The Department will designate former locations of pins and markers on request.

Requests for payment of reasonable costs should be submitted in writing to the Department's Right of Way Division. Requests should be accompanied by a written estimate from a licensed surveyor, and if reasonable, will be paid based on the estimate. The Department reserves the right to request a second estimate and to require proof that a marker was disrupted if the location or existence of the original marker is in doubt. Any questions may be referred to the Right of Way Division; please ask for the Right of Way Agent assigned to this project.

Very truly yours,

Bernadette Fox  
R/W Agent

By: 

BF:lp

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

Delta Realty Corp.  
Owner's Offer-Assent

PIN : 010544.00  
Project No. : STP-1054(400)X  
Town : Portland  
Parcel/Item No. : 11

**WHEREAS,** It has been determined that the public exigency requires the construction or reconstruction by altering, widening, changing the grade and changing the drainage or a portion of State Highway Warren Avenue in the Town of Portland, County of Cumberland and State of Maine.

**WHEREAS,** the necessary property has been surveyed, appraised and a plan drawn known as Right of Way Map, State Highway Warren Avenue, Project No. STP-1054(400)X, dated March 2006 on file in the office of the Department of Transportation, Right of Way Division, File No. 3-522.

**WHEREAS,** the undersigned do hereby acknowledge that Bernadette Fox, R/W Agent of the Maine Department of Transportation, met with/wrote to me/us and explained rights required, damages and all construction changes of location, grade, drainage and slopes.

**NOW THEREFORE,** the undersigned do hereby propose to the State of Maine:

1. That it acquire the necessary land and/or rights in land, including buildings, as depicted on the before mentioned Right of Way Map, by Eminent Domain on or about **August 2007**.
2. That it pay the undersigned the sum of **\$ 18,000.00** at the time of acquisition.

Dated: 5/2/07

Witness:

[Signature]

Property Owner(s):

[Signature]

## **Nature of the Project**

The project begins at approximately 0.33 miles east of the Maine Turnpike overpass and extends easterly 0.5 miles to include the intersection of Warren Avenue and Hicks Street. The subject of this appraisal report includes 28 properties impacted by the proposed center two way left hand turn lane for Warren Avenue in Portland, Maine. The overall right of way footprint will remain at 66-feet or 4 rods, however, the new center land will use much of the space typically used for a shoulder. Reconstruction proposed generally along the existing horizontal alignment to address geometric, drainage and pavement structure deficiencies. Additionally, the project will implement some aspects of access management reducing the number of and to clearly define commercial entrances. The end product will be a center two way left turning lane, two opposing traffic lanes, a small 3-foot shoulder, a curb, grassy strip, and another curb on both sides of the road.

Other proposed improvements include a new underground drainage system, upgrading a box culvert with a larger one to handle spring run-off. The City of Portland will implement some aspects of access management along this corridor including closing off open frontage into commercial sized entrances and limiting the number of entrances to each business.

## **Neighborhood Information**

The subject properties are located in the City of Portland, one of 14 communities that make up the Greater Portland Area. The city is located in the southeastern part of Maine and bordered by the City of South Portland to the south, Westbrook to the west and Falmouth to the north. The Fore River splits the two Portland's and Casco Bay lies to the easterly. Portland is approximately 100 miles north of Boston and encompasses According to the United States Census Bureau, the city has a total area of 136.2 km<sup>2</sup> (52.6 mi<sup>2</sup>). 54.9 km<sup>2</sup> (21.2 mi<sup>2</sup>) of it is land and 81.2 km<sup>2</sup> (31.4 mi<sup>2</sup>) of it (59.65%) is water. Portland is located on a peninsula beside Casco Bay on the Gulf of Maine and the Atlantic Ocean.

Portland is accessible from I-95 (the Maine Turnpike), I-295, and U.S. Route 1. U.S. Route 302, a major travel route and scenic highway between Maine and Vermont, has its eastern terminus in Portland. Amtrak's Downeaster train service connects the city with Boston via coastal New Hampshire. Commercial air service is provided by Portland International Jetport, which is located west of the city's downtown district. Ferry service is available year-round to many destinations in Casco Bay. Since May 22, 2006, *The Cat* high speed ferry has offered car ferry service to Yarmouth, Nova Scotia, making the trip in five hours. Until 2005, Scotia Prince Cruises had offered service that took eleven hours.

Portland is the largest city in the U.S. state of Maine, with a 2004 population of 63,882. Portland is Maine's cultural, social and economic capital. Tourists are drawn to Portland's historic Old Port district along Portland Harbor, which is at the mouth of the

Corporation Counsel

Gary C. Wood



**CITY OF PORTLAND**

Associate Counsel

Charles A. Lane  
Elizabeth L. Boynton  
Donna M. Katsialikas  
Penny Litell

July 6, 2001

Arthur P. Girard, President  
Delta Realty Company Inc.  
120 Exchange Street  
Suite 204  
Portland, ME 04101

Re: Street Vacation Saville and Newcomb Street

Dear Mr. Girard:

In preparing for a Planning Board presentation relative to your request for the street vacation of portions of the above streets, the City determined the area of the streets of interest to you were "deemed vacated" by the state legislature in 1997. Any paper streets not specifically continued by the City of Portland at that time were deemed vacated. While the City continued the portions of Saville and Newcomb Streets on the opposite side of Warren Ave, it did not reserve any rights to the portions of these streets on your side of Warren Ave.

I enclose a copy of the Council Order on file with the Registry of Deeds. This is the only document the City has to pass on to you showing, through the omission of Saville and Newcomb Streets as laid out in the Meadow Park subdivision, that it no longer has any rights in these streets.

Thank you for your attention to the matter. Please feel free to contact me should you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Penny Litell".

Penny Litell  
Associate Corporation Counsel

PL:hs

Attachments

cc: Jonathan Spence

Jon Giles

Q:\OFFICE\PENNY\LTRS\girard070501.doc

**84**  
**ORDER**

**ORDER EXCEPTING STREETS FROM DEEMED  
VACATION - SPONSORED BY ROBERT B. GANLEY,  
CITY MANAGER.**

**IN THE CITY COUNCIL**

September 3, 19 97

Attest: *Nadeen M. Daniels*  
*Nadeen M. Daniels*

Yeas

Nays

A TRUE COPY. ATTEST  
NADEEN M. DANIELS  
CITY CLERK, PORTLAND, ME

*Nadeen M. Daniels*

2000

Councilor Harlow motioned to suspend the rules seconded by Councilor Mavodones. Passed 9-0

Councilor Harlow motioned to take Order 84 out of order; seconded by Councilor McDonough. Passed 9-0.

Councilor Harlow motioned to Amend Order 84, to change Dudley Street to read continued/vacate continue 340 feet from intersection of Lee Street; vacate remainder to Elmore Street. Fern Street to read Continue, not Vacate. Rosedale



BK13326PG022

*at 5:00 PM*

**City of Portland, Maine**  
IN THE CITY COUNCIL

ORDER EXCEPTING STREETS FROM DEEMED VACATION

ORDERED, pursuant to 22 M.R.S.A. §3000.21, the streets indicated on Attachment A are hereby excepted from the operation of 22 M.R.S.A. §3001.1, for a period of twenty (20) years.

SEAL

A TRUE COPY. ATTEST  
NADEEN M. DANIELS  
CITY CLERK, PORTLAND, ME

*Nadeen M. Daniels*

STREETS/CEPC/CPD/...  
10/19/17



September 3, 1997

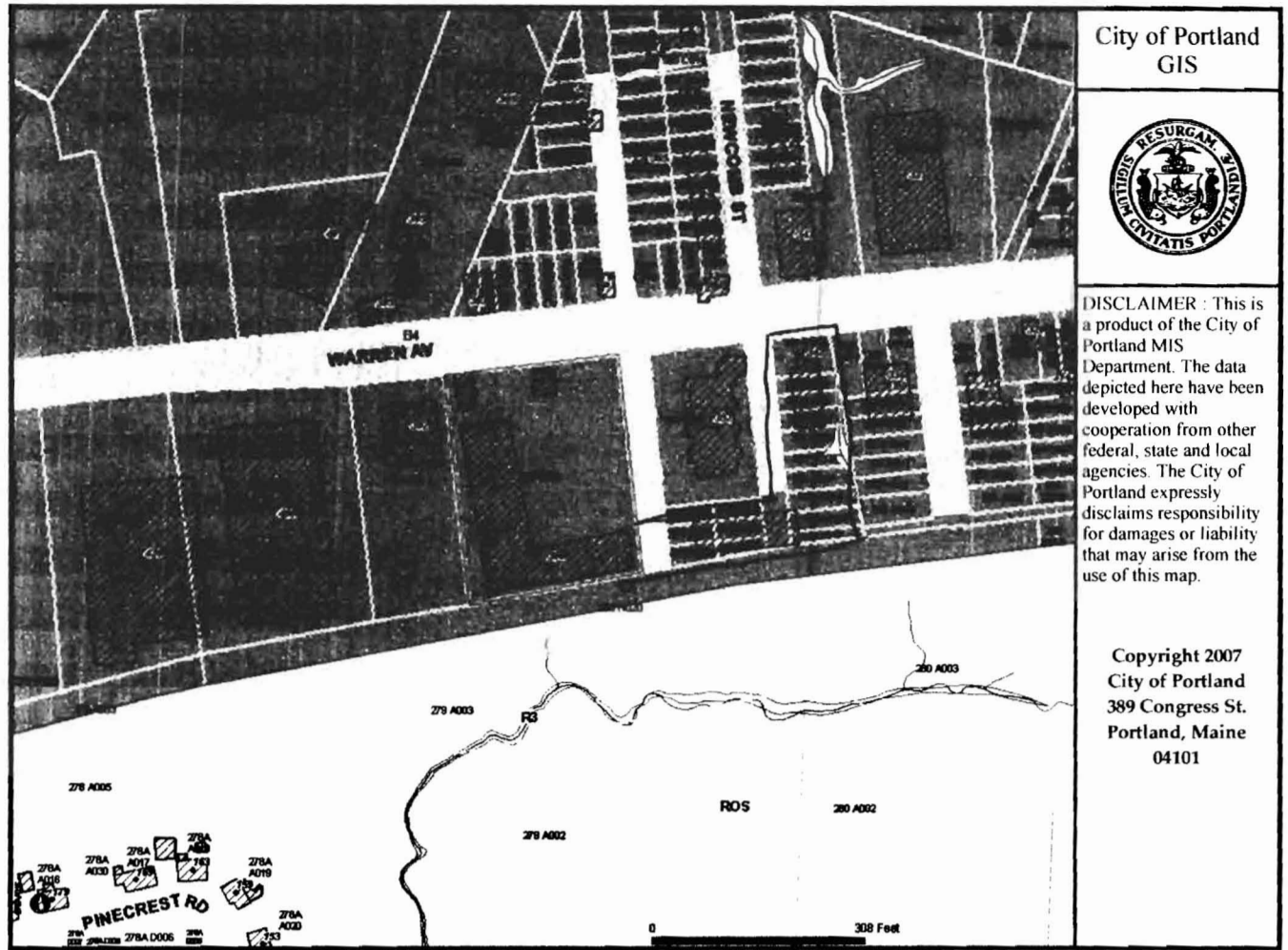
Street Vacation Project

Virginia Street	The Pines-Section C Revised	17	6	Continue	
Tampa Street	The Pines-Section D Revised	17	7	Continue	
Kansas Avenue	The Pines-Section D Revised	17	7	Continue	
Utah Street	The Pines-Section D Revised	17	7	Continue	
Montana Street	The Pines-Section D Revised	17	7	Continue	
Racine Avenue	The Pines-Section D Revised	17	7	Continue	
Nevada Avenue	The Pines-Section D Revised	17	7	Continue	
Illinois Avenue	The Pines-Section D Revised	17	7	Continue	
Wyoming Avenue	The Pines-Section D Revised	17	7	Continue	
Florida Avenue	The Pines, Section A	16	29	Continue	
Dakota Street	The Pines, Section A	16	29	Continue	
Idaho Street	The Pines, Section A	16	29	Continue	
Burnside Avenue	The Pines, Section A	16	29	Continue	
Centennial Street Rear, Peaks Island	Thomas Trott	3	42	Continue	
Alice Street	Valley View Heights	47	6	Continue	
Centennial Street Rear, Peaks Island	Varde Place	90	15	Continue	
Varde Place, Peaks Island	Varde Place	90	15	Vacate	
Prentiss Street	Veranda Park	10	55	Continue	
Ash Street	Wadco Park	12	17	Vacate	
Gertrude Avenue	Wadco Park	12	17	Continue	
Greenville Street	Wadco Park	12	17	Vacate	
Wadco Street	Wadco Park	12	17	Vacate	
Loring Avenue	Wadco Park	12	17	Continue	
Thurlow Street	Wadco Park	12	17	Continue	
Lyon Street	Wadco Park	12	17	Vacate	
Topsham Street	Wadco Park	12	17	Continue	
Rye Road	Wadco Park	12	17	Continue	
Wingate Circle	Wadsworth Heights - Section B	124	65	Continue	
Booth Street	Warren Avenue Terrace	12	2	Vacate	
Saville Street	Warren Avenue Terrace	12	2	Continue	
Newcomb Street	Warren Avenue Terrace	12	2	Continue	
Cranston Street	Washington Avenue Gardens	14	46	Continue	
Pawluicket Street	Washington Avenue Gardens	14	46	Continue	
Providence Street	Washington Avenue Gardens	14	46	Continue	
Oakwood Avenue	Washington Park	10	123	Continue/Vacate	Continue 50' from Chesley Street; vacate remainder
Beachwood Avenue	Washington Park	10	123	Continue	
Joseph Avenue	Washington Terrace	13	72	Continue	
Anthony Avenue	Washington Terrace	13	72	Continue	
Veteran Street, Peaks Island	Welch E. Hilborn Heirs	13	117	Continue	
Upper Meridian Street, Peaks Island	Welch E. Hilborn Heirs	13	117	Continue	
Orchard Street, Peaks Island	Welch E. Hilborn Heirs	13	117	Continue	
Proposed Street, Peaks Island	Welch E. Hilborn Heirs	13	117	Continue	
Adams Street, Peaks Island	Welch E. Hilborn Heirs	13	117	Continue	
Welch Street, Peaks Island	Welch E. Hilborn Heirs	13	117	Continue	
Meridian Street, Peaks Island	Welch E. Hilborn Heirs	13	117	Continue	
Jackson Boulevard, Cushings Island	Whitehead Passage Subdivision	106	9	Continue	
Whitehead Avenue, Cushings Island	Whitehead Passage Subdivision	106	9	Continue	
Spring Cove Avenue, Cushings Island	Whitehead Passage Subdivision	106	9	Continue	
Unnamed 1, Cushings Island	Whitehead Passage Subdivision	106	9	Continue	Road between Whitehead Ave and Jackson Blvd
Beach Street, Peaks Island	William H. Sargent	9	7	Continue	Also known as portion of Sargent Road
Windsor Terrace	Windsor Heights	10	83	Continue	
Chester Street	Windsor Heights	10	83	Continue	
Ocean Street, Peaks Island	Woodbury Farm	8	51	Continue	
Mariner Court, Peaks Island	Woodbury Farm	8	51	Continue	
Unnamed 1, Peaks Island	Woodbury Farm	8	51	Continue	North from Mariner below Ocean Street
Dedham Street	Woodfords Gardens	13	75	Continue	
Saugus Street	Woodfords Gardens	13	75	Continue	
Randolph Street	Woodfords Gardens	13	75	Continue	
Natick Street	Woodfords Gardens	13	75	Continue	
Newell Avenue	Woodfords Gardens	13	75	Continue	

*Handwritten notes:*  
 / 10' from street  
 20' from

EX-133-2-0-10-2-2





City of Portland  
GIS



DISCLAIMER : This is a product of the City of Portland MIS Department. The data depicted here have been developed with cooperation from other federal, state and local agencies. The City of Portland expressly disclaims responsibility for damages or liability that may arise from the use of this map.

Copyright 2007  
City of Portland  
389 Congress St.  
Portland, Maine  
04101

11/17/15 5:40 AM  
66011-D  
COPY

AGREEMENT  
STORMWATER DRAINAGE DITCH MAINTENANCE  
GENERAL MAINTENANCE

**IN CONSIDERATION OF** site plan approval granted by the Planning Board (or Planning Authority, where applicable) of the City of Portland to a plan entitled Delta Realty Warehouse Facility dated December 4, 2003 as amended and filed with the City of Portland, Department of Planning and Development, 389 Congress Street, Portland, Maine and pursuant to a condition thereof, **DELTA REALTY CO., INC.**, a Maine corporation also sometimes referred to as Delta Realty Corp. with an address at 120 Exchange Street in Portland, Maine, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the "Owner"), as follows:

That it will, at its own cost and expense and at all time in perpetuity, maintain in good repair and in proper working order the stormwater drainage ditch, as shown on said plan, including but not limited to the outlet(s) therefrom. Said agreement is for the benefit of the said City of Portland and all persons in lawful possession of said premises and abutters thereto to the extent of natural historic flows into said ditch; further, that the said City of Portland, said persons in lawful possession and said abutters, or any of them, may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice and a reasonable time to perform, the said City of Portland, by its authorized agents or representatives, may, but is not obligated to enter upon said premises to maintain, repair, or replace said stormwater drainage ditch in the event of any failure or neglect thereof, the reasonable cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon demand.

Notwithstanding any other provision of this Agreement, this Agreement shall not confer upon the City of Portland or any other person the right to utilize said stormwater drainage ditch for public use or for the development of any other property, and the Owner shall bear no financial responsibility by virtue of this Agreement for enlarging the capacity of said surface water drainage ditch for any reason whatsoever beyond natural historic levels.

Furthermore, the Owner will, at its own cost and expense and at all time in perpetuity, maintain free from garbage, litter, refuse, junk and discarded miscellaneous items, the ditch portion of its property. Said agreement is for the benefit of the said City of Portland and all persons in lawful possession of said premises and abutters thereto; further, that the said City of Portland, said persons in lawful possession and said abutters, or any of them, may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction subject to any applicable obligation to contribute to such costs by abutters or other parties utilizing said system arising out of flows in excess of natural, historic levels; further, that after giving the Owner written notice and a reasonable time to perform, the said City of Portland, by its authorized agents or representatives, may, but is not obligated to enter upon said premises to remove such garbage, litter, refuse, junk and discarded miscellaneous items thereon in the event of any failure or neglect to perform under this Agreement, the reasonable cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon demand.

This Agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon its successors and assigns as their interests may from time to time appear.

Dated at Portland, Maine this    day of August, 2004.

WITNESS

DELTA REALTY CO. INC.

By Arthur P. Girard  
Arthur P. Girard, its President

STATE OF MAINE  
CUMBERLAND, ss.

Dated: \_\_\_\_\_, 2004

Personally appeared the above-named Arthur Girard in his said capacity, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me.

\_\_\_\_\_  
Attorney at Law



**Portland Water District**  
**Hydrant and the flow test data if existing**

**WATER-PORTLAND/DEERING (Area: 27)**

<u>Pres. Zone</u>	<u>Activity</u>	<u>Insp. #</u>	<u>Insp. Date</u>	<u>Date Completed</u>	<u>Static Psi</u>	<u>Res. Psi</u>	<u>Flow Hyd.</u>	<u>Coef.</u>	<u>Pito 1 Press.</u>	<u>Pito 2 Press.</u>	<u>Flow @ 20</u>	<u>Flow gpm</u>	<u>Inspection Comments</u>
<b>ISF: Total 2</b>													
<b>POD-HYD01319 WARREN AVE 480' W OF HICKS ST @ #238</b>													
267	HYTEST	21598	07/18/1994		80	0	POD-HYD01319	0.90	59.00	0	0.00	1288	
		21599	08/15/1989		67				49.00			1174	
<b>POD-HYD01320 WARREN AVE 1430' E OF GROVE ST @ #392</b>													
267	HYTEST	33766	05/13/2004	05/13/2004	79	0	POD-HYD01320	0.90	65.00	0	0.00	1352	
		21602	06/19/1996		80	75	POD-HYD01619		53.00		4.672.00	1221	
		21601	07/18/1994		82	0	POD-HYD01320		69.00		0.00	1393	
		21600	10/10/1989		72				63.00			1331	

**Total for WATER-PORTLAND/DEERING: 2**

**Grand Total: 2**



TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law  
Three Canal Plaza  
P.O. Box 15060  
Portland, Maine 04112-5060

Lawrence R. Clough  
David M. Hirshon  
Leonard W. Langer  
Marshall J. Tinkle\*

Tel: (207) 874-6700  
Fax: (207) 874-6705  
E-Mail: lrclough@tchl.com  
\* also licensed in MA and DC

May 28, 2008  
Via Email

Timothy Albair, President  
TIMOTHY J. ALBAIR CONSTRUCTION CO., INC.  
10 Alexander Dr.  
Cape Elizabeth, ME 04107

**Re: Status of Newcomb Street as a Private Way  
Delta Realty Co., Inc.**

Dear Tim:

In response to your inquiry on behalf of Art Girard of Delta Realty, Newcomb Street is a private way which is shown on the subdivision plan of Warren Avenue Terrace dated April 1911 as recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 2 (copy enclosed).

Both of the deeds into Delta Realty and the abutting Warren Avenue Trade Center Condominium refer to this plan.

Under the *Callahan v. Ganneston Park Dev. Corp.* decision of the Maine Supreme Court, people who acquire lots by reference to a recorded subdivision plan automatically have the right to use all the roads and ways shown on the Plan. Due to the title difficulties created by un-built paper streets created by *Ganneston Park*, the state adopted legislation that provided for the vacation of public and private rights in paper streets.

The public rights in Newcomb Street were not preserved by the Portland City Council under the provisions of 23 M.R.S.A. § 3032(2) based on a letter dated July 6, 2001 from the City of Portland, and accordingly, any public rights in Newcomb Street would now have expired.

However since it appears that an access drive had been constructed or used by September 29, 1997 and the abutters had not taken the required action, the private rights remain in full force and effect. *Hartwell v. Stanley*, 790 A.2d 607 (2002). *Glidden v. Belden*, 684 A.2d 1306 (Me. 1996). As stated by the Court in *Glidden*:

Section 3033 invites any person claiming to own a way vacated under section 3032 to record in the registry of deeds a notice whose form and content is stipulated in the statute. Notice also must be given to the relevant current record owners and their mortgagees. Those who receive notice and who claim a private right in the vacated way will forever be barred from maintaining an action at law or equity regarding that right unless they file in the registry of deeds where the relevant subdivision plan was recorded a statement under oath 'specifying the nature, basis and extent of [their] claimed interest'

---

Timothy Albair, President  
May 28, 2008  
Page 2

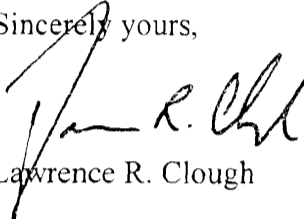
within one year from the date of the recording of the notice. A claimant's asserted right will be lost unless, within 180 days of the recording of their statement, the claimant commences an action in equity to establish it.

There is no evidence that this notice was ever sent and a title search in the Cumberland Registry shows that it was not recorded. Accordingly as stated by the Court in *Glidden*:

[S]ection 3032(1-A) does not operate alone to vacate private rights in proposed, unaccepted ways. Section 3032(1-A) clearly states that "[a] way or portion of a way considered vacated under this subsection is subject to section 3033. The Superior Court correctly concluded that although the public's incipient rights in the range-way may have been extinguished by operation of section 3032, the Hartwells' **private rights had not been extinguished because Stanley did not comply with the statutory procedure for doing so under section 3033** by filing a notice of his claim to own the range-way. [emphasis added].

Accordingly the private rights in Newcomb Street remain in effect notwithstanding the vacation of the public rights under 23 M.R.S.A. § 3032(2).

Sincerely yours,



Lawrence R. Clough

LRC/sdm  
Enclosure  
cc: ✓ Mr. Arthur P. Girard  
✓ John Mahoney, Oak Engineers

---



Corporation Counsel  
Gary C. Wood



**CITY OF PORTLAND**

Associate Counsel  
Charles A. Lane  
Elizabeth I. Boynton  
Donna M. Katsiaficas  
Penny Littell

July 6, 2001

Arthur P. Girard, President  
Delta Realty Company Inc.  
120 Exchange Street  
Suite 204  
Portland, ME 04101

Re: Street Vacation Saville and Newcomb Street

Dear Mr. Girard:

In preparing for a Planning Board presentation relative to your request for the street vacation of portions of the above streets, the City determined the area of the streets of interest to you were "deemed vacated" by the state legislature in 1997. Any paper streets not specifically continued by the City of Portland at that time were deemed vacated. While the City continued the portions of Saville and Newcomb Streets on the opposite side of Warren Ave, it did not reserve any rights to the portions of these streets on your side of Warren Ave.

I enclose a copy of the Council Order on file with the Registry of Deeds. This is the only document the City has to pass on to you showing, through the omission of Saville and Newcomb Streets as laid out in the Meadow Park subdivision, that it no longer has any rights in these streets.

Thank you for your attention to the matter. Please feel free to contact me should you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Penny Littell".

Penny Littell  
Associate Corporation Counsel

PL.hs  
Attachments  
cc: Jonathan Spence  
Jon Giles  
O:\OFFICE\PENNY\LTRS\girard070501.doc

**OAK****ENGINEERS**

Civil Engineers &amp; Land Surveyors

Brown's Wharf  
Newburyport, MA 01950  
(978) 465-9877400 Commercial St., Suite 404  
Portland, ME 04101  
(207) 772-2004JOB 390 Warren Ave 073013SHEET NO. 1 OF 1CALCULATED BY J/M DATE 6-20-08CHECKED BY J/B DATE 6/20/08

SCALE \_\_\_\_\_

## Impervious Area Calculations

Note: Impervious Area is calculated by subtracting non-impervious area from the total area = 142,872 SF

### Pre-Development

Sum of A1 through A9 on sheet C-102

$$920 + 278 + 1,359 + 998 + 1,051 + 4,200 + 5,330 + 5,899 +$$

$$11,204 = 31,239 \text{ SF}$$

$$\frac{142,872 \text{ SF} - 31,239 \text{ SF}}{142,872 \text{ SF}} = 78.1\%$$

### Post-Development

Sum of A1 through A7 and A10 through A12

$$920 + 278 + 1,359 + 998 + 1,051 + 4,200 + 5,330 + 5,899 +$$

$$7,750 + 1,100 = 28,885 \text{ SF}$$

$$\frac{142,872 \text{ SF} - 28,885 \text{ SF}}{142,872 \text{ SF}} = 79.8\%$$



© 2007 Google

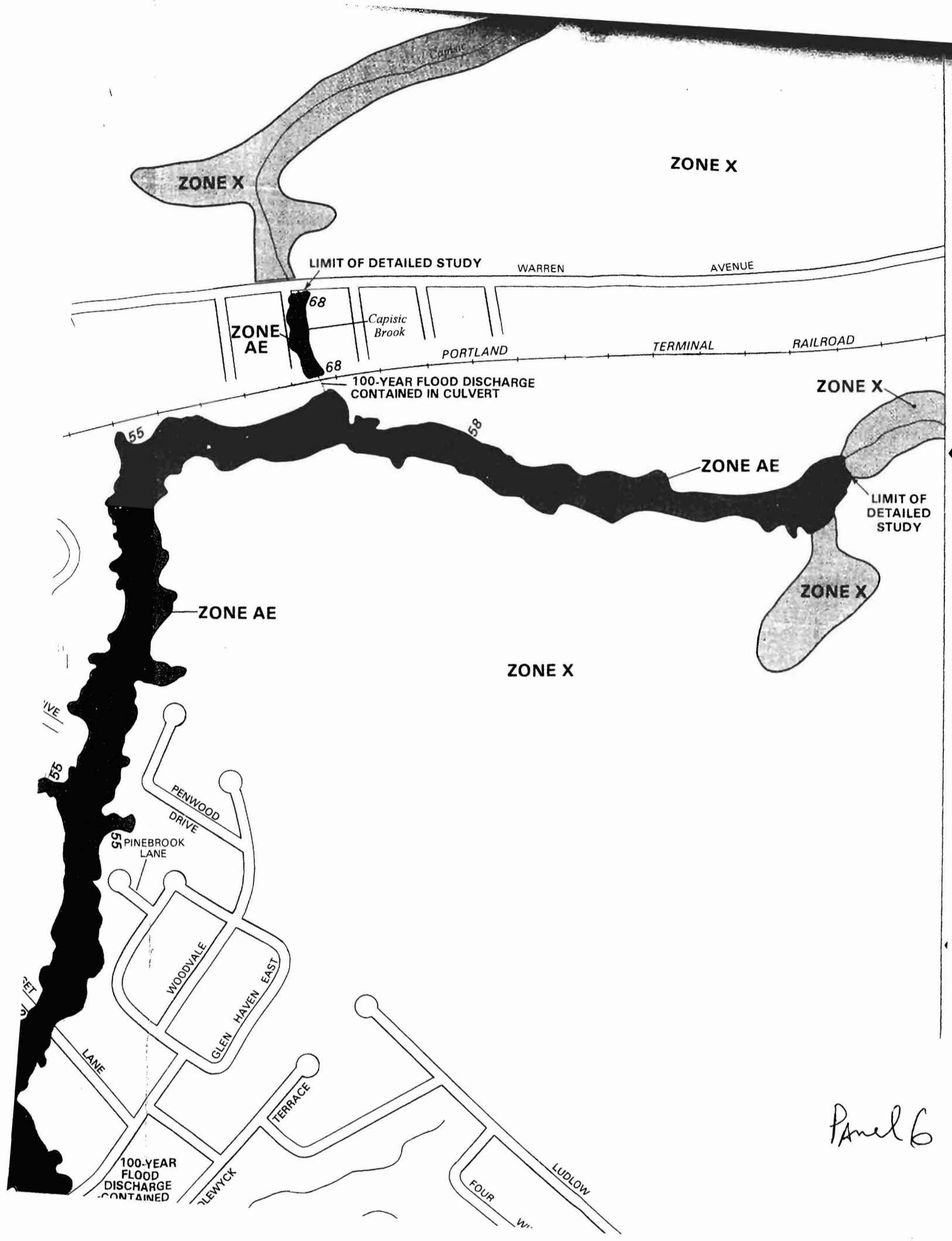
1450 W

1450

Blissom Road

Deer Services Inc / Autolab Ltd

Blissom Road



Panel 6

This  
doe  
drai  
Haz  
upd  
or c  
Coa  
effe  
dev  
Ar  
V,  
Ce  
co  
Be  
br  
w  
F  
v  
F



State of Maine  
Department of Public Safety  
Construction Permit



Reviewed  
for Barrier  
Free

# 17930

Not Sprinkled

DELTA REALTY ADDITION  
Located at: 380 WARREN AVENUE  
PORTLAND  
Occupancy/Use: INDUSTRIAL

Permission is hereby given to:

DELTA REALTY LLC  
SUITE 204  
120 EXCHANGE STREET  
PORTLAND, ME 04101

to construct or alter the afore referenced building according to the plans hitherto filed with the Commissioner and now approved. No departure from application form/plans shall be made without prior approval in writing. This permit is issued under the provision of Title 25, Chapter 317, Section 2448 and the provisions of Title 5, Section 4594 - F.

Nothing herein shall excuse the holder of this permit for failure to comply with local ordinances, zoning laws, or other pertinent legal restrictions. Each permit issued shall be displayed/available at the site of construction.

This permit will expire at midnight on the 24<sup>th</sup> of February 2009.

Dated the 25<sup>th</sup> day of August A.D. 2008

Commissioner

Copy-2 Architect

Comments

JAMES M. STREETER

66 GARSOE STREET  
PORTLAND, ME 04103





# PORTLAND MAINE

*Strengthening a Remarkable City. Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning and Urban Development**  
Penny St. Louis Littell, Director

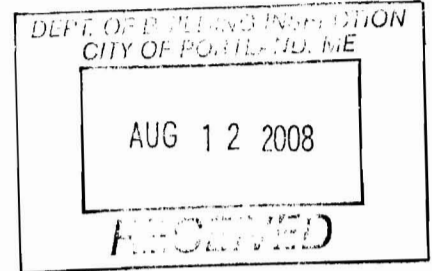
**Planning Division**  
Alexander Jaegerman, Director

August 6, 2008

Stephen J Bradstreet, PE  
Oak Engineers  
400 Commercial Street, Suite 404  
Portland, ME 04101

Delta Realty Co Inc.  
120 Exchange Street, Suite 204  
Portland, ME 04101

RE: Warehouse Addition, Rear of 380 Warren Avenue  
CBL: #303 E001001  
Application ID: #2008-0035



Dear Mr Bradstreet,

On August 6, 2008 the Portland Planning Authority approved a minor site plan for a 2800 sq ft warehouse addition (to be added to the existing 6000 sq ft warehouse that was approved in 2001) at the rear of 380 Warren Avenue, as submitted by Delta Realty Inc and shown on the approved plan prepared by Oak Engineers and dated July 25, 2008, with the following conditions:

- i. Truck backing maneuvers from Warren Avenue into the proposed site are prohibited; and
- ii. Tractor trailer trucks are prohibited from the proposed site (warehouse addition area to rear); and
- iii. The applicant shall be responsible for removing all signage at the Warren Avenue entrance that conflicts or is not appropriate for two-way driveway traffic operations. Removal of the signs shall be coordinated with the Department of Public Services.

The approval is based on the submitted site plan (C-100 Rev D; C-101 Rev D; C-102 Rev D). 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 above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.

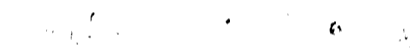
389 Congress Street, Portland, Maine 04101-3509 Ph (207)874-8721 or 874-8719 Fx 756-8258 TTY 874-8936

3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service'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.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator 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 make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874- 8728.

Sincerely,



Alexander Jaegerman  
Planning Division Director

Attachment: Performance Guarantee Packet

**Electronic Distribution:**

Penny St. Louis Littell, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeannie Bourke, Inspections Division  
Lisa Danforth, Administrative Assistant  
Michael Bobinsky, Public Services Director  
Kathi Earley, Public Works

Bill Clark, Public Works  
Michael Farmer, Public Works  
Jim Carmody, City Transportation Engineer  
Jane Ward, Public Works  
Captain Greg Cass, Fire Prevention  
Jeff Tarling, City Arborist  
Tom Errico, Wilbur Smith Consulting Engineers  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File  
**Hard Copy** Project File

Comment Submitted

Applicant: Delta Realty  
Address: 380 Warren Ave

Date: 4/1/08  
C-B-L: 303-E-00 / plus

CHECK-LIST AGAINST ZONING ORDINANCE many smaller lots

Date - Existing Development on site #08-1168

Zone Location - B-4 Public works  
Interior or corner lot - ~~OK~~ <sup>DK</sup> Per I'm not sure The streets have been vacated - The map I have shows differently 40x70' of last

Proposed Use/Work - to construct 2800<sup>#</sup> Addition to an existing Warehouse used to store materials & equipment

Sevage Disposal -

Lot Street Frontage - 60' min

Front Yard - min 20' - 20' + shown ok

Rear Yard - 20' min - 21' scaled

Side Yard - 1 or 2 stories - 10' min - 25' scaled from side entry

Projections - side & front entry

Width of Lot - 60' min - over 100'

Height - 65' MAX - 21'6" at highest - shed roof

Lot Area - min 10,000<sup>#</sup> - 142,500<sup>#</sup> given

Lot Coverage Impervious Surface - 80% MAX or 79.4% given

Area per Family - NA

Off-street Parking - 1 per 1,000<sup>#</sup> - 3 New being shown

→ Loading Bays - 2 shown - 14x50' min only shown 10' wide

Site Plan - #2008-0035

Shoreland Zoning/Stream Protection - NA outside of Area see EN Engineer's depiction of where the AE Zone is

Flood Plains - ~~Zone 6 - AE Zone~~ <sup>Zone 6</sup> given - 1st floor shall be at 7'0" min - is outside  
→ MAXIMUM Floor area Ratio (not SR)  $\frac{41,050}{142,892} = 28.73\%$   
155 or 55% MAX

---

---

**MEMORANDUM**

---

---

**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2008-0035

**Date:** 4/1/2008

---

This new project is located within the B-4 Zone - A Zoning Analysis has not been submitted with this application. The impervious surface ratio has not been provided. The maximum floor area (F.A.R.) has not been submitted .

Two loading bays are being shown on the elevation plans - the required size for loading bays iw 14' x 50'. The plans should be revised to show that the loading bay requirements are being met.

This property has an area of flood plan connected with it as shown on Panel 6. The site plan should delineate the location of the AE flood zone. If the new addition is within the flood zone, the minimum first floor elevation shall be a minimum of 2 feet above the elevation of the flood zone. A certificate of elevation shall be filled out after the floor is poured in order to document the elevation height. ✖

The colored street map that is in my office shows that the Saville & Newcomb Streets were not vacated in 1997. Further verification to confirm that these street have been vacated should be submitted for review.

Marge Schmuckal  
Zoning Administrator



# BISKUP CONSTRUCTION, INC.

16 DANIELLE DRIVE WINDHAM, MAINE 04062

TEL. (207) 892-9800 FAX (207) 892-9895

Portland Fire Department

Project location: 380 Warren Avenue Rear

Owner: Delta Realty Co., Inc.  
120 Exchange St.  
Suite 204  
Portland, ME 04101  
828-4650

Architect: James M. Streeter PE  
66 Garsoe Street  
Portland, ME 04103  
797-3093

2,800 S.F. addition to an existing 6,000 S.F. warehouse  
IBC 2003 classification: S-1  
NFPA 101 classification: Storage

Fire Protection: None

Please see architectural plans for Life Safety Plan

Please see attached Construction Permit from State Fire Marshall's Office.

Sincerely,

James I. Biskup