

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

PERMIT ISSUED

Permit No: 02-0783	Issue Date: NOV - 2 2002	CHL: 314 A003001
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Location of Construction: 615 Warren Ave	Owner Name: Wargate Associates	Owner Address: Two Center Ct	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Commercial	Zone: B-4

Past Use: Vacant	Proposed Use: Restaurant	Permit Fee: \$1,913.00	Cost of Work: \$270,000.00	CEO District: 1
Proposed Project Description: Construct seat free standing bld./wood frame w/masonry exterior		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: A3 Type: SB 2/3/02	
		Signature: [Signature]	Signature: [Signature]	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature: _____ Date: _____				

Permit Taken By: jmy	Date Applied For: 07/17/2002	Zoning Approval		
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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..	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan Maj <input checked="" type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: [Signature] 7/22/02	Zoning Appeal <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: _____	Historic Preservation <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: 9
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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

THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BUILDING DEPARTMENT

PERMIT

Permit Number: 020783

PERMIT ISSUED
NOV - 2 1982
CITY OF PORTLAND

This is to certify that Wargate Associates

has permission to Construct seat free standing wood frame w/masonry exterior

AT 615 Warren Ave

314 A00300

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 and resolutions 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 when permission is procured before this building or part thereof is occupied or closed-in. HEAVY 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. 10/4/82
Health Dept. _____
Appeal Board _____
Other _____
Department Name

[Signature]
10/31/82
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

<p>PERMIT ISSUED</p> <p>Permit No: 02-193 Issue Date: OCT 21 2002</p>		<p>CBL: 314 A003001</p>	
<p>Location of Construction: 615 Warren Ave</p>	<p>Owner Name: Wargate Associates</p>	<p>Owner Address: Two Center City</p>	<p>Phone: 207-772-1333</p>
<p>Business Name: Wendy's Restaurant</p>	<p>Contractor Name: Wendys International</p>	<p>Contractor Address: 234 Littleton Road Suite 1F Westford</p>	<p>Phone:</p>
<p>Lessee/Buyer's Name</p>	<p>Phone:</p>	<p>Permit Type: Foundation Only/Commercial</p>	<p>Zone:</p>
<p>Past Use: vacant land</p>	<p>Proposed Use: Construct free standing building, wood frame construction w/masonry exterior FOUDATION ONLY</p>	<p>Permit Fee:</p>	<p>Cost of Work: \$0.00</p>
<p>Proposed Project Description: FOUNDATION ONLY</p>		<p>FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied</p>	<p>INSPECTION: Use Group: <i>A3</i> Type: <i>5B</i> <i>10/21/02</i> <i>[Signature]</i></p>
		<p>Signature:</p>	
<p>PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)</p>			
<p>Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied</p>			
		<p>Signature: Date:</p>	

<p>Permit Taken By: jodinea</p>	<p>Date Applied For: 10/18/2002</p>	<p>Zoning Approval</p>		
<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>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..</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input type="checkbox"/> Site Plan</p> <p>Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/></p> <p>Date:</p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date:</p>	<p>Historic Preservation</p> <p><input type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date:</p>	

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.

<p>SIGNATURE OF APPLICANT</p>	<p>ADDRESS</p>	<p>DATE</p>	<p>PHONE</p>
<p>RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE</p>	<p>DATE</p>	<p>PHONE</p>	

City of Portland Site Plan Application

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

Location/Address of Construction: Warren Avenue		
Total Square Footage of Proposed Structure 3,260 S.F.		Square Footage of Lot 52,172 S.F.
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# 314 <u>3</u> ^A 2 - ³		Property owner, mailing address: Wargate Associates Two City Center Portland, Maine
Telephone: 1-207-772-1333		
Consultant/Agent, mailing address, phone & contact person Matthew J. Peterson Keach Nordstrom Ass. 10 Commerce Park North Suite 3B Bedford, New Hampshire 03110		Applicant name, mailing address & telephone: Wendy's International, Inc. 234 Littleton Road Suite 1F Westford, Massachusetts 01886
Project name: Non-Residential Site Plan Wendy's Restaurant		
Proposed Development (check all that applies) <input checked="" type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input checked="" type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision, amount of lots _____ <input type="checkbox"/> Other: _____		
Major Development _____ \$500.00 Minor Development <input checked="" type="checkbox"/> \$400.00		
Who billing will be sent to: Wendy's International, Inc. Mailing address: 234 Littleton Road State and Zip: Suite 1F Contact person: Phone: Westford, Massachusetts 01886 Dave Sanderson 1-978-392-1200		

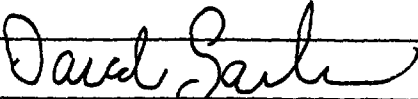
Nine (9) separate packets must include the following:

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

All plans must be folded neatly and in packet form

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

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

Signature of applicant: 	Date: 11 Feb. 2002
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This application is for site review ONLY, a building Permit application and associated fees will be required prior to construct

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

BUILDING DEPARTMENT PERMIT

Permit Number: 021193

This is to certify that Wargate Associates/Wendys International
has permission to FOUNDATION ONLY
AT 615 Warren Ave 314 A003001

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 when permission is procured before this building or part thereof is occupied or enclosed-in. **48 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. _____
Health Dept. _____
Appeal Board _____
Other _____
Department Name

[Signature] 10/21/02
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

2-1193

Building

Approved with Conditions

Mike Nugent

FOUNDATION ONLY

10/18/2002

Mike Nugent

10/18/2002

An Appeal has been filed and the applicant proceeds at his/her own risk pending the outcome of the Appeal

10/18/2002

jodinea

10/18/2002

jodinea

Application ID Number: 2-0783

Department: Zoning

Status: Approved

Reviewer: Marge Schmuckal

Comments: 615 Warren Ave

Approval Date: 07/22/2002

Given On Date: 07/19/2002

OK to Issue Permit Name: Marge Schmuckal Date: 07/22/2002 Date 2:

Conditions Section:
This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
Separate permits shall be required for any new signage.

Create Date: 07/17/2002 By: jmy Update Date: 07/22/2002 By: mes

Applicant: Wendy's
Address: 615 Warren Ave

Date: 7/22/02
C-B-L: 314-A003

CHECK-LIST AGAINST ZONING ORDINANCE

Date - New Bldg permit # 02-0783
Zone Location - B-4

Interior or corner lot -

Proposed Use/Work - construct Fast food restaurant with Drive-Thru
Sewage Disposal - City

Lot Street Frontage - 60' min - 263.92' shown

Front Yard - 20' AVERAGE min - 30' shown

Rear Yard - 20' min - 154' shown

Side Yard - 10' 2 Sides - 10' min - 44' & 156' shown

Projections - rear freezers

Width of Lot - 60' min \rightarrow 15' 33" shown to flat roof ^{been}

Height - 65' MAX - 263.92' shown
single story

Lot Area - 10,000 sq ft min - 52,172 sq ft
ASSESSOR under this
single C-B-L

Lot Coverage/ Impervious Surface - 80% MAX
65% proposed

Area per Family - N/A

Off-street Parking - 1 per each 150 sq ft (no food prep areas included)

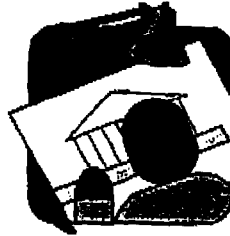
Loading Bays - N/A
 $3260 \div 150 = 21.73$ req - 38 spaces shown

Site Plan - YES

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 6 - Zone X

55 floor area ratio requirement
(R-3 Zone) $\frac{3260}{52172} = .06$



CITY OF PORTLAND MAINE

389 Congress St., Rm 315
Portland, ME 04101
Tel. - 207-874-8704
Fax - 207-874-8716

TO: Inspector of Buildings City of Portland, Maine
Planning & Urban Development
Division of Housing & Community Services

FROM DESIGNER: Design+, Inc.

Ken Brown

DATE: June 19, 2002

Job Name: Wendys Old Fashioned Hamburgers

Address of Construction: Wamen Avenue

THE BOCA NATIONAL BUILDING CODE/1999 Fourteenth EDITION

Construction project was designed according to the building code criteria listed below:

Building Code and Year 1999 BOCA Use Group Classification(s) A3

Type of Construction SB Bldg. Height 12'-4" Bldg. Sq. Footage 3072

Seismic Zone Av/A2 ≤ 0.10 Group Class 1

Roof Snow Load Per Sq. Ft. 15 psf Dead Load Per Sq. Ft. 10 psf

Basic Wind Speed (mph) 80 mph Effective Velocity Pressure Per Sq. Ft. 16.4

Floor Live Load Per Sq. Ft. 100 psf

Structure has full sprinkler system? Yes No Alarm System? Yes No

Sprinkler & Alarm systems must be installed according to BOCA and NFPA Standards with approval from the Portland Fire Department.

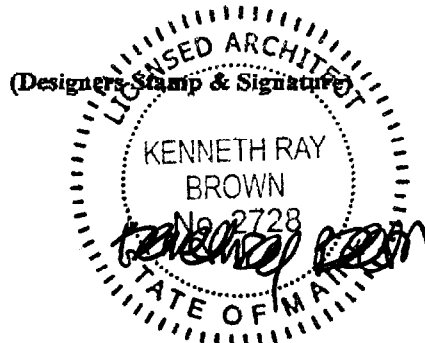
not required per BOCA Table 509

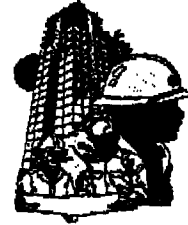
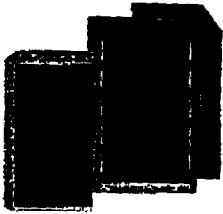
Is structure being considered unlimited area building: Yes No

If mixed use, what subsection of 313 is being considered _____

List Occupant loading for each room or space, designed into this Project.

PSH 6/07/2K





**CITY OF PORTLAND
BUILDING CODE CERTIFICATE
389 Congress St., Rm 315
Portland, ME 04101**

TO: Inspector of Buildings City of Portland, Maine
Department of Planning & Urban Development
Division of Housing & Community Service

FROM: Ken Brown, Design+ Inc.

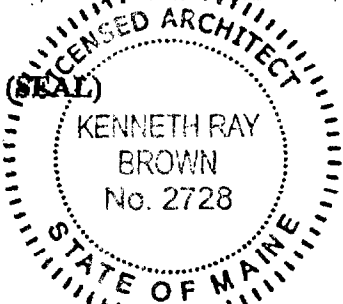
RE: Certificate of Design

DATE: June 19, 2002

These plans and/or specifications covering construction work on:

Wendy's Old Fashioned Hamburgers
Waren Avenue Portland, ME.

Have been designed and drawn up by the undersigned, a Maine registered architect/engineer according to the BOCA National Building Code/1999 Fourteenth Edition, and local amendments.



Signature Kenneth Ray Brown

Title Architect

Firm Design+ Inc

Address 2311 Badetown Rd.
Louisa, VA 40205

As per Maine State Law:

\$50,000.00 or more in new construction, repair, expansion, addition, or modification for Building or Structures, shall be prepared by a registered design Professional.



City of Portland, Maine

389 Congress St., Rm 315
Portland, ME 04101

ACCESSIBILITY CERTIFICATE

TO: Inspector of Buildings City of Portland, Maine
Department of Planning & Urban Development
Division of Housing & Community Services

FROM: Ken Brown, Design+ Inc.

RE: Certificate of Design, HANDICAP ACCESSIBILITY

DATE: June 19, 2002

These plans and/or specifications covering construction work on:

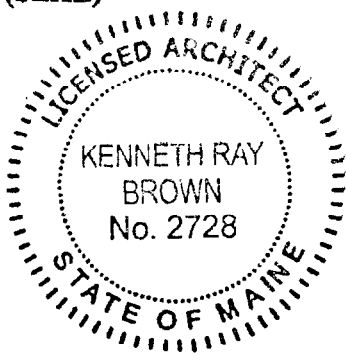
Wendy's Old Fashioned Hamburgers

Wendy Avenue

Portland, ME.

Have been designed and drawn up by the undersigned, a Maine registered engineer/architect according to State Regulations as adopted by the State of Maine on Handicapped Accessibility.

(SEAL)



Signature Kenneth Ray Brown

Title Architect

Firm Design+ Inc.

Address 2811 Broadstone Rd.
Lansville, KY 40205

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

October 1, 2002

Mr. Edward F. Mitchell
Wendy's International, Inc.
234 Littleton Road
Suite 1F
Westford, MA 01886

RE: Wendy's Restaurant, 599 Warren Avenue
ID #2002-0037, CBL #314-A-003

Dear Mr. Mitchell:

This letter is to confirm the revision to the approved plan of the Wendy's project located at 599 Warren Avenue. The approved revision includes the relocation of the easterly access drive. The revised plan has been reviewed and approved by the project review staff including representatives of the Planning, Public Works, Building Inspections, Fire and Parks Departments.

If you have any questions regarding the revision please contact Kandice Talbot at 874-8901.

Sincerely,

Alexander Jaegerman
Planning Division Director

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

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

June 28, 2002

Matt Peterson
Keach-Nordstrom Associates, Inc.
10 Commerce Park North
Suite 3B
Bedford, NH 03110

RE: Wendy's Restaurant, 599 Warren Avenue
ID #2002-0037, CBL #314-A-003

Dear Mr. Peterson:

On June 25, 2002, the Portland Planning Board voted 6-0 (DeLogu absent) to approve the Traffic Movement Permit and the site plan for the Wendy's Restaurant with Drive-through at 599 Warren Avenue. The approval was granted for the project with the following conditions:

- i. That the easterly drive be designed as a "right out" only for review and approval by the Traffic Engineer.
- ii. That the applicant contribute \$3,000 to the City for the installation of a 5 ft. bituminous sidewalk easterly along Warren Avenue.
- iii. That the applicant shall provide a sewer capacity letter from the Portland Water District.
- iv. That the applicant contribute \$3,000 to the City for the improvement of an existing culvert at the Handyman property.
- v. That the plans shall be revised in accordance with comments contained in Jim Seymour's letter dated June 25, 2002 for review and approval by the Development Review Coordinator regarding a cross section of the detention pond and spillway.
- vi. That light fixtures not exceed 250 watts and a revised photometric plan reflecting the relocated light pole shall be submitted for review and approval by staff.

O:\PLANDEVREV\WARRN599\APPRVLTR.DOC

- vii. That executed copies of all necessary easements and an executed copy of the drainage maintenance agreement must be submitted for review and approval by Corporation Counsel and that all easements shall be shown on the approved site plan, prior to issuance of a building permit. Said easements shall include a revised and executed access/egress easement to the benefit of lot 314-A-1 (also known as radio station property) for review and approval by Corporation Counsel.
- viii. That the light fixtures shown on the roof be submitted to City staff for review and approval in conformance with City standards.


The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #45-02, which is attached.

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
6. 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 Department 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 Kandice Talbot at 874-8901.

Sincerely,



Jaimey Caron, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Program Manager
Kandice Talbot, Planner
Jay Reynolds, Development Review Coordinator
✓Marge Schmuckal, Zoning Administrator
Jodine Adams, Inspections
William Bray, Director of Public Works
Larry Ash, Traffic Engineer
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File
Correspondence File



State of Maine
Department of Public Safety
Construction Permit



Reviewed
 for Barrier
 Free

12255

Not Sprinkled

WENDY'S

Located at: WARREN AVE

PORTLAND

Occupancy/Use: ASSEMBLY CLASS C

*CBL
 3/4 AUG 3*

Permission is hereby given to:

WENDY'S INT.

238 LITTLETON ROAD
 WESTFORD, MA 01886

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 27th of August 2002

Dated the 28th day of February A.D. 2002

Commissioner

Copy-3 Code Enforcement Officer

Comments:

Code Enforcement Officer
 PORTLAND, ME



CITY OF PORTLAND

December 7, 2001

Thomas R. Doyle
C/o Pierce Atwood
One Monument Square
Portland, ME 04101-1110

RE: Subdivision Determination Letter at 597-627 Warren Avenue - 314-A-003 - B-4 Zone

Dear Thomas,

I am in receipt of your request for a determination as to the question of subdivision. I have reviewed the accompanying material that was submitted.

Currently, there is a proposed division of land. This division will **not** result into a technical subdivision which is required to be reviewed by the Planning Board. The split will result in only two lots and more than five years have passed since the original subdivision. There has been a passage of fourteen years since the original subdivision was approved.

My conversations with the Planning Division, Sarah Hopkins, concluded with the agreement that this proposed split would not be considered as an alteration to an approved plat thereby necessitating review and approval by either the Planning Authority or Planning Board.

This proposed project would still require the regular site plan review process to be performed as stated in our local ordinance.

I am hoping that all your questions have been addressed with this letter.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: Sarah Hopkins, Planning

November 27, 2001

Ms. Marge Schmuckel
Portland Zoning Administrator
City of Portland
389 Congress St.
Portland, Me. 04101

RE: Request for Determination Letter for Proposed Wendy's at
597-627 Warren Ave.

314-A-3 - B-4 Zone

Dear Marge:

Wendy's International, Inc. (Wendy's) requires a determination letter from your office stating that the split of Lot 1 of the subdivision located at 597-627 Warren Ave. and approved by the Portland Planning Board on November 10, 1987 ("Lot 1") does not require subdivision review and approval by the City. As you know, the improvements for Lot 1 of the approved subdivision were vacated on January 1, 1989. Copies of the Planning Board's approval of the subdivision, the subdivision plat, and the partial vacation order are enclosed for your review as Exhibits A, B and C, respectively. A check for the determination letter fee of \$ 50 is also enclosed.

Wendy's is contemplating the purchase of approximately half (or one acre) of Lot 1 in order to construct a free-standing restaurant with drive-through service. Wendy's will be seeking Site Plan approval from the City for its development, which is a permitted use in the B-4 zone. The development requires a redrawing of the lot lines as depicted in Exhibit D. This proposed redrawing will result in two lots of approximately equal size in place of what is now Lot 1.

Section 14-493 of the City of Portland Code of Ordinances ("Code") defines a subdivision as:

the division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401.

This definition clearly would not encompass the division of Lot 1 into two parcels. The split will result in only two lots and more than five years have passed since the original subdivision (which appears to have been only a 2-lot subdivision, in any event). The proposed split thus cannot be either a new subdivision or a re-subdivision of an existing subdivision. See Code, § 14-492.

One Monument
Square
Portland, Maine
04101-1110

VOICE
207.791.1100

FAX
207.791.1350

E-MAIL
info@PierceAtwood.com

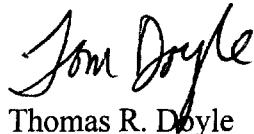
WEB SITE
www.PierceAtwood.com

Ms. Marge Schmuckel
November 27, 2001
Page 2

Instead, the question is whether the splitting of Lot 1 is an alteration to an approved plat thereby necessitating review and approval by either the Planning Authority or the Planning Board. *See Code, § 14-496(a) and (c).* We understand that the Code's requirements regarding review and approval are intended to apply only to modification and/or alteration of approved subdivision *improvements*, and given the 1989 vacation of the improvements for Lot 1, there is no need for subdivision review and approval for the proposed redrawing of the lot lines. The passage of fourteen years since the subdivision was approved lends further support to this conclusion.

We hope that your determination letter will confirm this analysis and look forward to working with you as this project moves forward.

Sincerely,

A handwritten signature in cursive script that reads "Tom Doyle". The signature is written in black ink and is positioned above the printed name.

Thomas R. Doyle

TRD:pmp
Enclosures

Scarks - City Approvals

FILE COPY

CITY OF PORTLAND, MAINE
PLANNING BOARD

Jack D. Humeniuk, Chairman
Barbara A. Vestal, Vice Chairman
John L. Barker
Joseph R. DeCoursey
Michael J. Fenton
Jadine R. O'Brien
Kenneth M. Cole, III

November 16, 1987

Michael Scarks
Neptune Properties
965 Forest Avenue
Portland, Maine 04103

Re: 597-627 Warren Ave. Showroom/Distribution Center

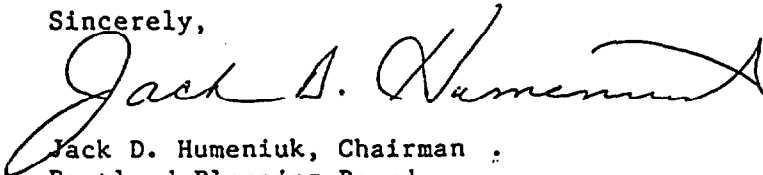
Dear Mr. Scarks:

On November 10, 1987 the Portland Planning Board voted unanimously (6-0) to approve the subdivision and site plan for 597-627 Warren Avenue showroom/distribution facility. The approval was granted for the project with the following condition(s):

1. That an access and utility easement from lot 2 to lot 1 be dedicated and shown on the recording plat; and
2. That a drainage easement from lot 2 to lot 1 be dedicated and shown on the recording plat.

The approval is based on the submitted subdivision and site plan and the findings related to review standards as contained in Planning Report #87-87, which is attached. If you need to make any modifications to the approved plan, you must submit a revised plan for staff review and approval. The site plan approval will be deemed to have expired unless work on the development has commenced within six (6) months of the approval or within a time period agreed upon in writing by the City and the applicant. The subdivision approval is valid for 3 years. No building permit can be issued until a performance guarantee is posted for the estimated cost of site improvements. If there are any questions, please contact the Planning Staff.

Sincerely,



Jack D. Humeniuk, Chairman
Portland Planning Board

MO/jf

FILE COPY

February 14, 1989

**BOULOS
DEVELOPMENT**

Two City Center
Portland, Maine 04101
(207) 871-1290

Mr. Joseph E. Gray, Jr.
Director of Planning & Urban Development
City of Portland
389 Congress St.
Portland, Me. 04101

Re: 601 Warren Ave. - Neptune Properties Subdivision

Dear Mr. Gray:

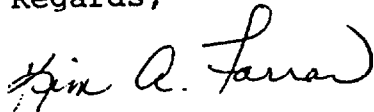
Enclosed please find a copy of a letter from the City Manager's office with all attachments regarding the partial vacation of plat for the above referenced project.

The City Council approved the partial vacation at its 1/30/89 meeting. It is my understanding that this approval will allow the release of the performance guarantee in effect for this property in the amount of \$149,836 dated 4/1/88.

Please initiate the release of the Letter of Credit, or if necessary, notify me of any further steps I must take.

Thank you for your consideration.

Regards,



KIM A. FARRAR

KAF/dsp

cc: Joseph D. Kozlowski
Greg Boulos w/ Enc.

Enc.

PARTIAL VACATION OF APPROVED SUBDIVISION PLAT

In accordance with Portland Municipal Code Section 14-496(4)(b), the undersigned City of Portland, duly authorized by action of the City Council dated January 30, 1988, along with Bridgeside Associates and Francis P. Drake, owners of record of Lot 1 and Lot 2, respectively, being all lots shown on a certain Plan of Property on Warren Avenue, Portland, Maine made for Neptune Properties, Inc. by R. P. Titcomb Associates, Inc. dated March 31, 1986 and revised through April 14, 1988, as approved by the City of Portland Planning Board and recorded in the Cumberland County Registry of Deeds in Plan Book 170, Page 38, (the "Plan"), do hereby declare said Plan to be partially vacated as follows:

1. All references to "Proposed Building #1," "Proposed Building #2," and "Pump Station (Proposed)" as depicted on Lot 1 on said Plan, along with Note 2 on said Plan referencing the right of Lot 2 to install, repair and use the sewer pump station depicted on Lot 1, are hereby deemed vacated with the same effect as if no such proposed buildings or pump station were ever depicted or otherwise referenced on said Plan.

It is the intent of this instrument to vacate and nullify any rights or obligations of any party with respect to such proposed buildings or pump station depicted on Lot 1 or otherwise referenced on said Plan, which rights or obligations might otherwise have arisen upon approval of said Plan as a subdivision by the City of Portland Planning Board or the subsequent recording of said Plan. It is not the intent of this instrument to effect any other change in any notes, lot lines, easements or other matters shown on said Plan.

IN WITNESS WHEREOF, the undersigned, hereunto duly authorized, have executed this instrument as of the dates set forth below.

WITNESS:

Mary Lea Clifford

Rose Mary Sennan

Yvonne M. Daniels

LOT 1 OWNER:

BRIDGESIDE ASSOCIATES

BY: Gregory W. Boulos 12/29/88
Date
Its General Partner

LOT 2 OWNER:

Francis P. Drake 12/23/88
Date

CITY OF PORTLAND

BY: Robert Sanley
Date
Its City Manager 2-9-89

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

Dec. 29, 1988

Personally appeared the above-named Gregory W. Boulos, General Partner of Bridgeside Associates and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of Bridgeside Associates.

Before me,

Mary Lea Clifford
Notary Public/Attorney at Law
Print Name: Mary Lea Clifford
My Commission Expires: 2/16/95

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

, 1988

Personally appeared the above-named Francis P. Drake, and acknowledged the foregoing to be his free act and deed.

Before me,

W. Peter Wallis
Notary Public/Attorney-at-Law
Print Name: W. PETER WALLIS
My Commission Expires: ~~MISSING~~ MISSING

JANUARY 16, 1995

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

, 1988

Personally appeared the above-named ROBERT B. GANLEY, CITY MANAGER of the City of Portland, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

Nadeen M. Daniels
Notary Public/Attorney at Law
Print Name: NADEEN M. DANIELS
My Commission Expires: _____

NADEEN M. DANIELS
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JULY 23, 1990

#312

1/30/89

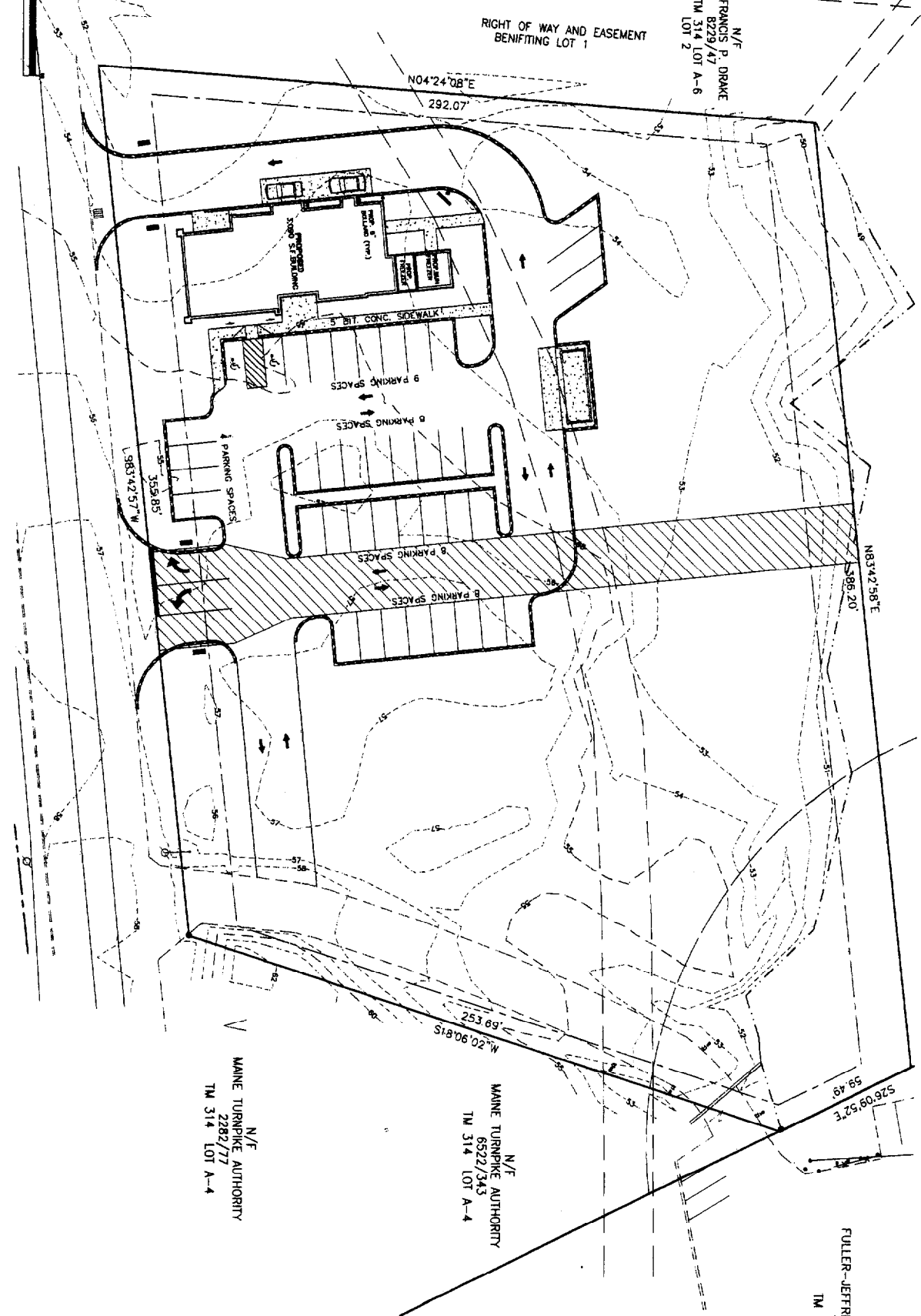
City of Portland, Maine
IN THE CITY COUNCIL

ORDER RE: PARTIAL VACATION OF NEPTUNE INC.
SUBDIVISION PLAT

Ordered,

that the City Manager is authorized to execute the "Partial Vacation of Approved Subdivision Plat", in the form attached, and the Plat be and hereby is vacated as provided therein.

NEP.DAL.ORD.1
1.25.89



N/E
FRANCIS P. DRAKE
8229/47
TM 314 LOT A-6
LOT 2

N/E
MAINE TURNPIKE AUTHORITY
TM 314 LOT A-4

N/E
MAINE TURNPIKE AUTHORITY
6522/343
TM 314 LOT A-4

FULLER-JEFFRE
TM 1

KMA KMA ENGINEERING ASSOCIATES, INC.
2000 Park Plaza, Suite 200, Portland, ME 04106 (603) 877-1000

GRADING & UTILITY PLAN PREPARED FOR:
WENDY'S INTERNATIONAL, L.L.C.
WARREN AVENUE - PORTLAND, MAINE

OWNER:
WENDY'S INTERNATIONAL, L.L.C.
234 UTILTON ROAD, SUITE 1F
WESTON, MA 01880

DATE: NOV. 2001
SCALE: 1" = 20'
SHEET 3 OF 3

PROJECT NO. 01-081-1

ORIGINAL

GENERAL RECEIPT

CITY OF PORTLAND, MAINE

DEPARTMENT Inspections DATE 11/28/01
RECEIVED FROM Pierce Atwood
ADDRESS 397-627 Western Ave

UNIT	ITEM	REVENUE CODE	DOLLAR AMOUNT
	<u>Determination</u>		<u>50.00</u>
	<u>Fee</u>		
	<u>CBR: 314 A 003</u>		
	<u>Check # 15506</u>		
<input type="checkbox"/> CASH	<input checked="" type="checkbox"/> CHECK	<input type="checkbox"/> OTHER	TOTAL <u>50.00</u>

RECEIVED BY [Signature]

EXISTING CONDITIONS PLAN PREPARED FOR:
WENDY'S INTERNATIONAL, INC.
MAP 314; LOT 3-A, PORTLAND, MAINE

DRAWN BY:
WINDVALE ASSOCIATES
THE CITY CENTER
PORTLAND, MAINE

DATE: 30 JUL 2002
SCALE: 1" = 50'
SHEET 1 OF 2

PROJECT NO. 01-0816-1

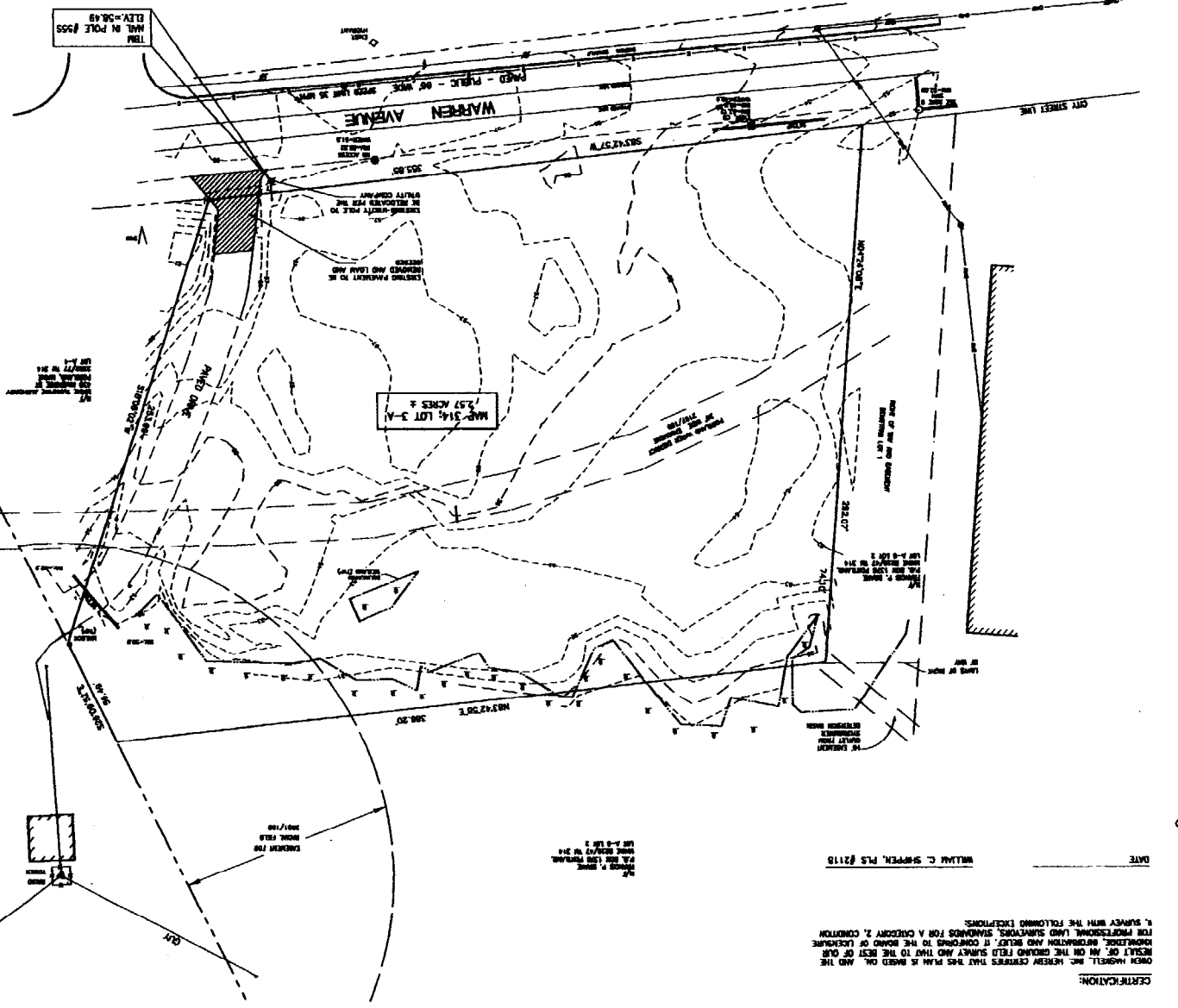
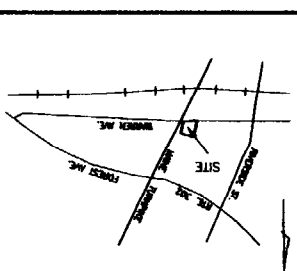


- LEGEND
- CONCRETE
 - IRON ROD FOUND
 - LIGHT POLE
 - MANHOLE
 - CHUCK SHIM
 - BRIER WALK
 - ONE ONE
 - WOOD
 - RESTORING WELL
 - CHAIN LINK FENCE
 - CLUMP
 - OVERGROWN WOOD
 - WATER LINE
 - ONE LINE
 - UTILITY (SEE NOTE 2)



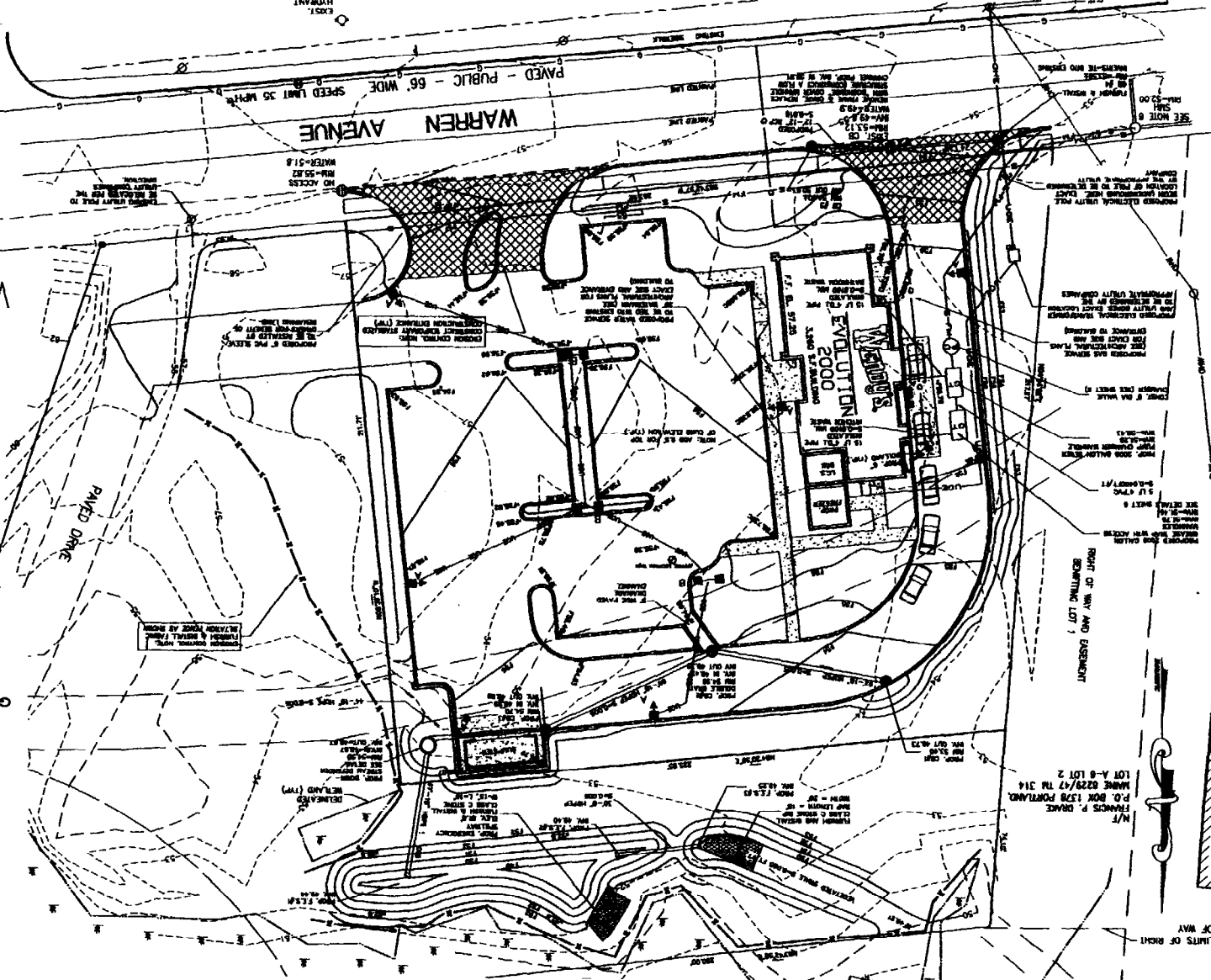
NOTE:
1. AREA OF RECORD, WINDVALE ASSOCIATES
2. PERMIT IS SHOWN IN LOT 3 BLOCK A ON THE CITY OF PORTLAND
3. PLAN IS SHOWN IN LOT 3 BLOCK A ON THE CITY OF PORTLAND
4. PERMIT IS SHOWN IN LOT 3 BLOCK A ON THE CITY OF PORTLAND
5. THE PLAN IS LOCATED WITHIN THE ZONING DISTRICT OF 2 (CITY OF PORTLAND)
6. THE PLAN IS LOCATED WITHIN THE ZONING DISTRICT OF 2 (CITY OF PORTLAND)
7. THE PLAN IS LOCATED WITHIN THE ZONING DISTRICT OF 2 (CITY OF PORTLAND)
8. THE PLAN IS LOCATED WITHIN THE ZONING DISTRICT OF 2 (CITY OF PORTLAND)

- NOTES
- AREA OF RECORD, WINDVALE ASSOCIATES
 - PERMIT IS SHOWN IN LOT 3 BLOCK A ON THE CITY OF PORTLAND
 - PLAN IS SHOWN IN LOT 3 BLOCK A ON THE CITY OF PORTLAND
 - THE PLAN IS LOCATED WITHIN THE ZONING DISTRICT OF 2 (CITY OF PORTLAND)
 - THE PLAN IS LOCATED WITHIN THE ZONING DISTRICT OF 2 (CITY OF PORTLAND)
 - THE PLAN IS LOCATED WITHIN THE ZONING DISTRICT OF 2 (CITY OF PORTLAND)
 - THE PLAN IS LOCATED WITHIN THE ZONING DISTRICT OF 2 (CITY OF PORTLAND)
 - THE PLAN IS LOCATED WITHIN THE ZONING DISTRICT OF 2 (CITY OF PORTLAND)



CERTIFICATION:
OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULTS OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, BELIEF AND OPINION, IT CONFORMS TO THE SCOPE OF OUR PROFESSIONAL LAND SURVEYING STANDARDS FOR A CATEGORY 2, CONDITION 1, SURVEY WITH THE FOLLOWING EXCEPTIONS:
DATE: _____
WILLIAM C. SHIPPEN, P.E.S. #2118
ME
DATE 7/30/02
BY: W.C. SHIPPEN
P.E.S. #2118

Wendy's



N/T
 430 PARKSIDE ST
 PORTLAND, MAINE
 2282/77 TH 314
 LOT 3-A

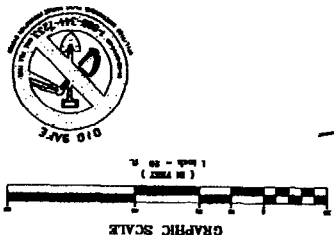
N/T
 FRANCIS P. DRAKE
 P.O. BOX 1378 PORTLAND
 04229/17 TH 314
 LOT 3-B LOT 2

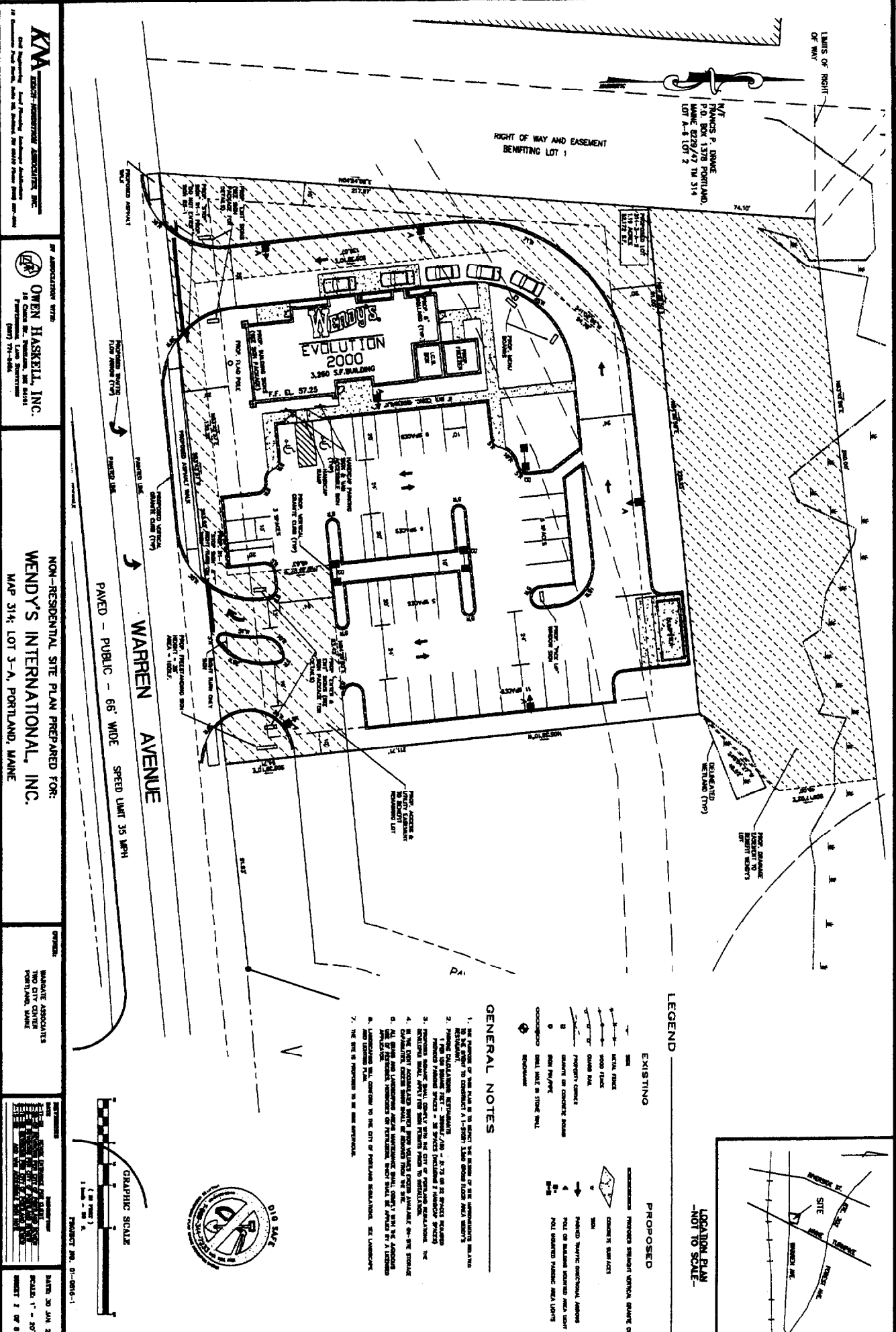
LEGEND

EXISTING	PROPOSED
—○— EXISTING WATER LINE AND SHUT-OFF	—○— WATER LINE AND GATE VALVE
—○— EXISTING SEWER LINE AND MANHOLE	—○— WATER LINE AND TRAP/BLOCK
—○— EXISTING FIRE HYDRANT	—○— FIRE HYDRANT
—○— EXISTING FIRE MANHOLE AND CATCH BASIN	—○— MANHOLE WITH MANHOLE AND CATCH BASIN
—○— EXISTING CURB AND GUTTER	—○— STREET LINE AND MANHOLE
—○— EXISTING DRIVE CHIMNEY	—○— DRIVE CHIMNEY
—○— EXISTING DRIVE CHIMNEY	—○— DRIVE CHIMNEY
—○— EXISTING DRIVE CHIMNEY	—○— DRIVE CHIMNEY
—○— EXISTING DRIVE CHIMNEY	—○— DRIVE CHIMNEY
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—○— EXISTING DRIVE CHIMNEY	—○— DRIVE CHIMNEY

GENERAL NOTES

- VERIFY ALL UTILITY LOCATIONS AND DEPT. RECORDS AND ASSESS WITH NEARBY ADJACENT PROPERTY FOR THE SITE.
- EXISTING POWER AND WATER SERVICE LINES FOR AN EXISTING ADJACENT PROPERTY SHALL BE USED AT THE CONTRACTOR'S RISK. PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE SERVICE AND DEPT. RECORDS. VERIFY THE SERVICE AND DEPT. RECORDS WITH THE PROPERTY OWNER AND DEPT. RECORDS.
- EXISTING SERVICE LINES FOR THE PROPERTY SHALL BE USED AT THE CONTRACTOR'S RISK. PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE SERVICE AND DEPT. RECORDS. VERIFY THE SERVICE AND DEPT. RECORDS WITH THE PROPERTY OWNER AND DEPT. RECORDS.
- EXISTING SERVICE LINES FOR THE PROPERTY SHALL BE USED AT THE CONTRACTOR'S RISK. PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE SERVICE AND DEPT. RECORDS. VERIFY THE SERVICE AND DEPT. RECORDS WITH THE PROPERTY OWNER AND DEPT. RECORDS.
- EXISTING SERVICE LINES FOR THE PROPERTY SHALL BE USED AT THE CONTRACTOR'S RISK. PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE SERVICE AND DEPT. RECORDS. VERIFY THE SERVICE AND DEPT. RECORDS WITH THE PROPERTY OWNER AND DEPT. RECORDS.





N/T
FRANCIS R. DORSE
P.O. BOX 1378 PORTLAND,
ME 04102
LOT 3-4 LOT 2

RIGHT OF WAY AND EASEMENT
BENEFITING LOT 1

KMA
ENGINEERING-ARCHITECTURE ASSOCIATES, INC.
200 Commercial Street, Portland, ME 04101
Tel: 603-876-1100

BY ASSOCIATION WITH
OWEN HASKELL, INC.
18 Canal St., Portland, ME 04101
Tel: 603-876-1100

NON-RESIDENTIAL SITE PLAN PREPARED FOR:
WENDY'S INTERNATIONAL, INC.
MAP 314; LOT 3-A, PORTLAND, MAINE

OWNER:
WENDY'S ASSOCIATES
TWO CITY CENTER
PORTLAND, MAINE

DATE	REVISION
NOV 19 2001	REVISED PER COMMENTS
DEC 11 2001	REVISED PER COMMENTS
JAN 15 2002	REVISED PER COMMENTS
FEB 19 2002	REVISED PER COMMENTS
MAR 19 2002	REVISED PER COMMENTS
APR 19 2002	REVISED PER COMMENTS
MAY 19 2002	REVISED PER COMMENTS
JUN 19 2002	REVISED PER COMMENTS
JUL 19 2002	REVISED PER COMMENTS
AUG 19 2002	REVISED PER COMMENTS
SEP 19 2002	REVISED PER COMMENTS
OCT 19 2002	REVISED PER COMMENTS
NOV 19 2002	REVISED PER COMMENTS
DEC 19 2002	REVISED PER COMMENTS

DATE: 30 JUN 2002
SCALE: 1" = 30'
SHEET 2 OF 8

PAVED - PUBLIC - 66' WIDE
SPEED LIMIT 35 MPH

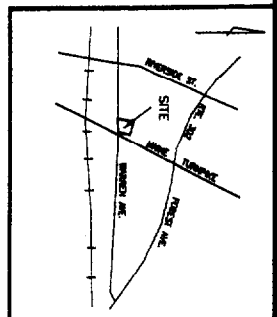
WARREN AVENUE

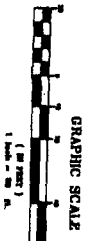
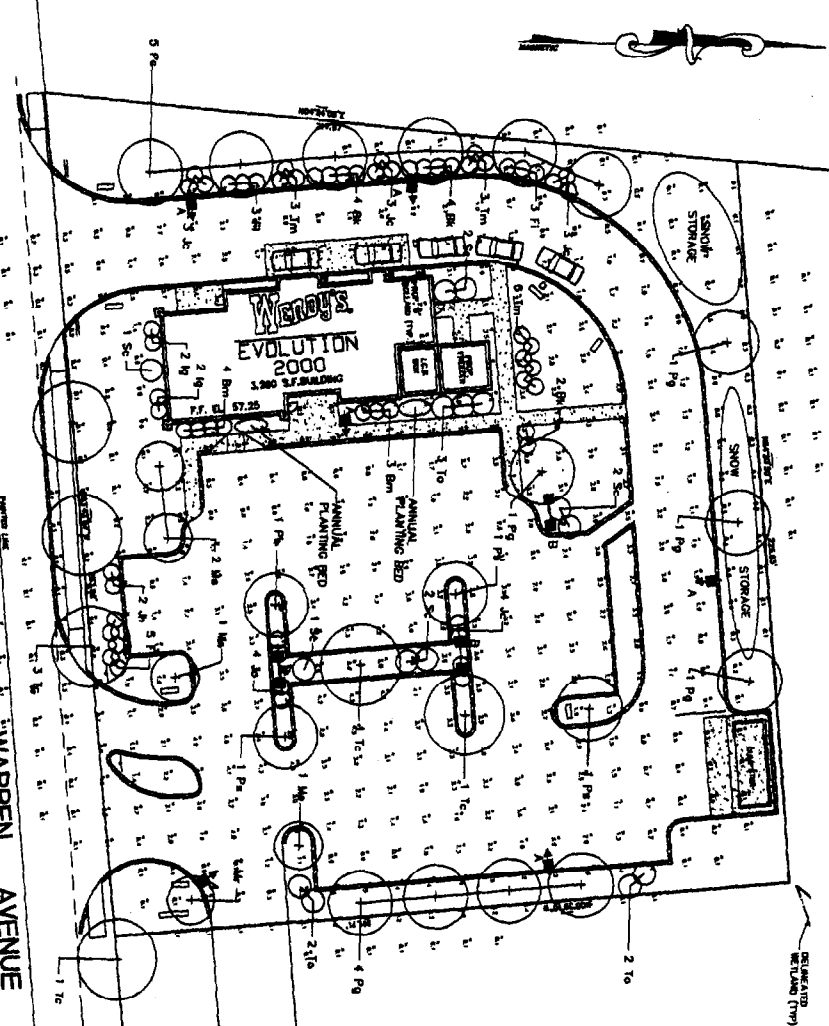
LEGEND

- | | | | |
|--|------------------------|--|------------------------|
| | EXISTING CURB | | PROPOSED CURB |
| | EXISTING SIDEWALK | | PROPOSED SIDEWALK |
| | EXISTING STREET | | PROPOSED STREET |
| | EXISTING DRIVEWAY | | PROPOSED DRIVEWAY |
| | EXISTING PARKING SPACE | | PROPOSED PARKING SPACE |
| | EXISTING BUILDING | | PROPOSED BUILDING |
| | EXISTING UTILITY | | PROPOSED UTILITY |
| | EXISTING EASEMENT | | PROPOSED EASEMENT |
| | EXISTING RIGHT OF WAY | | PROPOSED RIGHT OF WAY |

GENERAL NOTES

1. THE EXISTING CURB SHALL BE REPAIRED TO THE ORIGINAL FINISH.
2. THE EXISTING SIDEWALK SHALL BE REPAIRED TO THE ORIGINAL FINISH.
3. THE EXISTING DRIVEWAY SHALL BE REPAIRED TO THE ORIGINAL FINISH.
4. THE EXISTING PARKING SPACES SHALL BE REPAIRED TO THE ORIGINAL FINISH.
5. THE EXISTING BUILDING SHALL BE REPAIRED TO THE ORIGINAL FINISH.
6. THE EXISTING UTILITY SHALL BE REPAIRED TO THE ORIGINAL FINISH.
7. THE EXISTING EASEMENT SHALL BE REPAIRED TO THE ORIGINAL FINISH.
8. THE EXISTING RIGHT OF WAY SHALL BE REPAIRED TO THE ORIGINAL FINISH.





NO.	DESCRIPTION	QUANTITY
1
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KM
 KIMBLE-MASTERS ASSOCIATES, INC.
 1000 Commercial Street, Portland, ME 04101
 Phone: (603) 876-1100

Owen Haskell, Inc.
 1000 Commercial Street, Portland, ME 04101
 Phone: (603) 876-1100

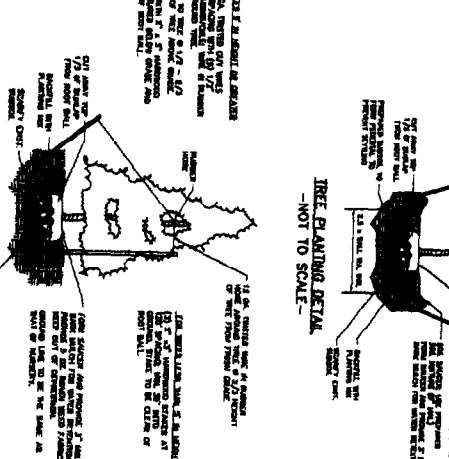
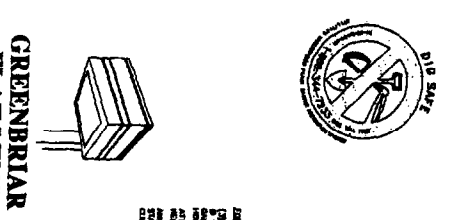
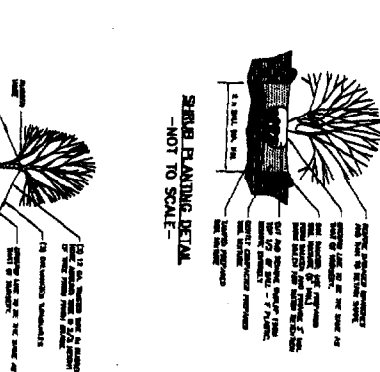
LANDSCAPE PLAN PREPARED FOR:
WENDY'S INTERNATIONAL, INC.
 MAP 314; LOT 3-A, PORTLAND, MAINE

DESIGNED BY:
 WINDMILL ASSOCIATES
 100 CITY CENTER
 PORTLAND, MAINE

DATE: 30 JUN 2002
 SCALE: 1" = 20'
 SHEET: 4 OF 8

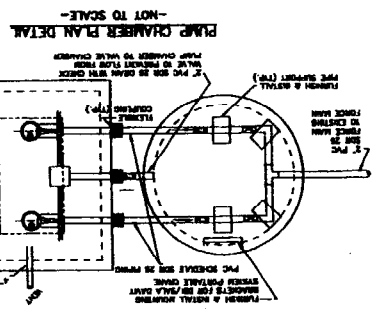
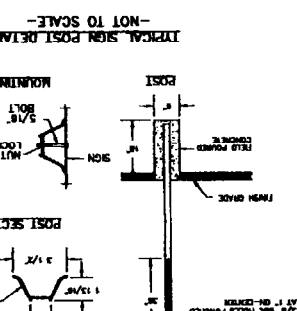
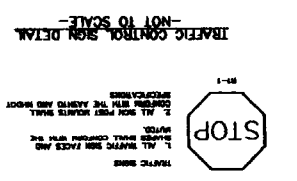
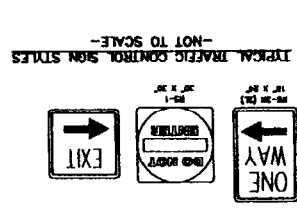
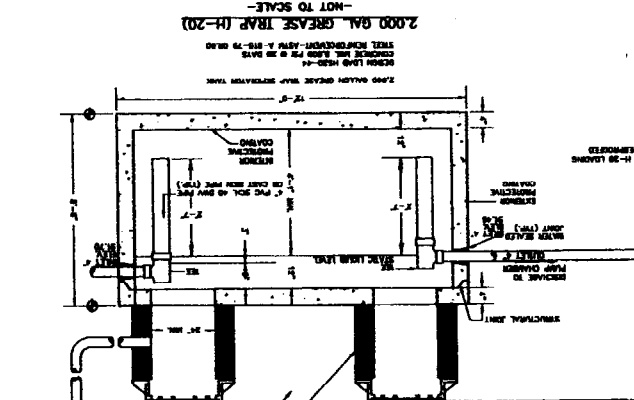
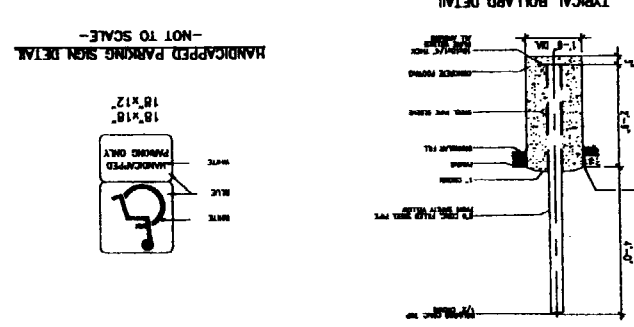
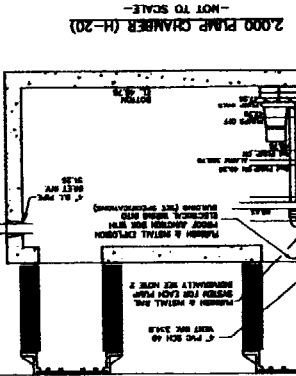
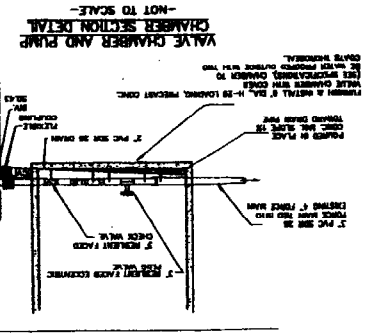
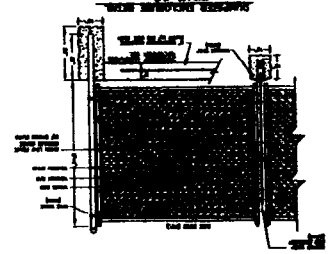
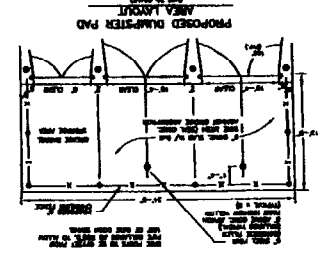
PLANT LIST

NO.	SYMBOL	SYMBOL NAME	COMMON NAME	SIZE
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3	(Symbol)
4	(Symbol)
5	(Symbol)
6	(Symbol)
7	(Symbol)
8	(Symbol)
9	(Symbol)
10	(Symbol)
11	(Symbol)
12	(Symbol)
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16	(Symbol)
17	(Symbol)
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49	(Symbol)
50	(Symbol)



LANDSCAPE NOTES:

1. PROFESSIONAL OPERATIONS SHALL BE A ONE PART PROCESS WITH A FIVE PART MAINTENANCE SCHEDULE. MAINTENANCE SHALL BE PROVIDED ON ALL SITES 3:30 - 1:00 PM WEEKLY.
2. ALL PLANTINGS SHALL BE DONE ACCORDING TO THE SPECIFICATIONS AND SCHEDULE PROVIDED IN THE CONTRACT DOCUMENTS.
3. ALL PLANTINGS SHALL BE DONE ACCORDING TO THE SPECIFICATIONS AND SCHEDULE PROVIDED IN THE CONTRACT DOCUMENTS.
4. ALL PLANTINGS SHALL BE DONE ACCORDING TO THE SPECIFICATIONS AND SCHEDULE PROVIDED IN THE CONTRACT DOCUMENTS.
5. ALL PLANTINGS SHALL BE DONE ACCORDING TO THE SPECIFICATIONS AND SCHEDULE PROVIDED IN THE CONTRACT DOCUMENTS.
6. ALL PLANTINGS SHALL BE DONE ACCORDING TO THE SPECIFICATIONS AND SCHEDULE PROVIDED IN THE CONTRACT DOCUMENTS.
7. ALL PLANTINGS SHALL BE DONE ACCORDING TO THE SPECIFICATIONS AND SCHEDULE PROVIDED IN THE CONTRACT DOCUMENTS.
8. ALL PLANTINGS SHALL BE DONE ACCORDING TO THE SPECIFICATIONS AND SCHEDULE PROVIDED IN THE CONTRACT DOCUMENTS.
9. ALL PLANTINGS SHALL BE DONE ACCORDING TO THE SPECIFICATIONS AND SCHEDULE PROVIDED IN THE CONTRACT DOCUMENTS.
10. ALL PLANTINGS SHALL BE DONE ACCORDING TO THE SPECIFICATIONS AND SCHEDULE PROVIDED IN THE CONTRACT DOCUMENTS.



GENERAL NOTES:
1. ALL CONCRETE SHALL BE 3000 PSI STRENGTH CONCRETE WITH 4% STEEL FIBERS.
2. ALL CONCRETE SHALL BE CAST IN PLACE.
3. ALL CONCRETE SHALL BE FINISHED TO A SMOOTH, TYPICAL FINISH.
4. ALL CONCRETE SHALL BE CURED FOR A MINIMUM OF 7 DAYS.
5. ALL CONCRETE SHALL BE PROTECTED FROM DAMAGE DURING CONSTRUCTION.
6. ALL CONCRETE SHALL BE PROTECTED FROM DAMAGE DURING MAINTENANCE.
7. ALL CONCRETE SHALL BE PROTECTED FROM DAMAGE DURING REMEDIATION.
8. ALL CONCRETE SHALL BE PROTECTED FROM DAMAGE DURING DEMOLITION.
9. ALL CONCRETE SHALL BE PROTECTED FROM DAMAGE DURING RECONSTRUCTION.
10. ALL CONCRETE SHALL BE PROTECTED FROM DAMAGE DURING REPAIRS.

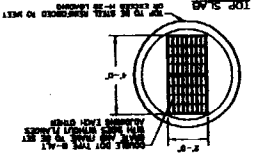
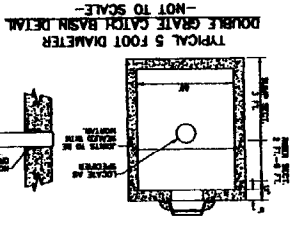
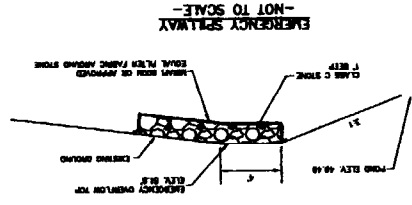
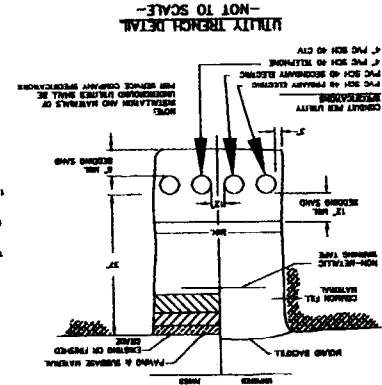
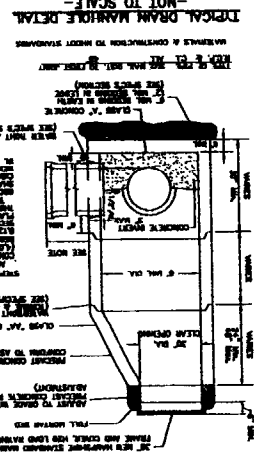
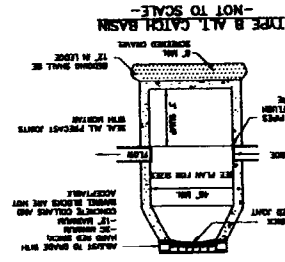
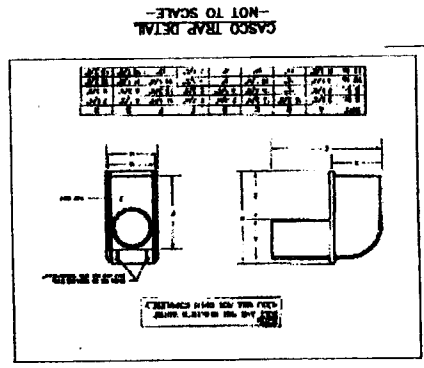
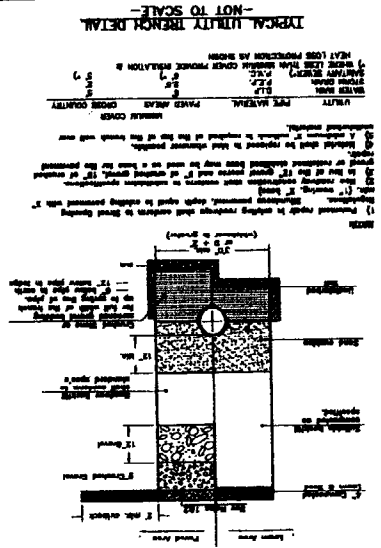
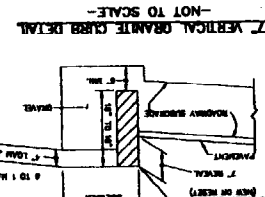
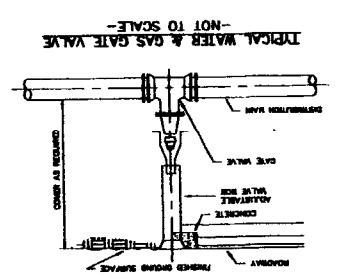
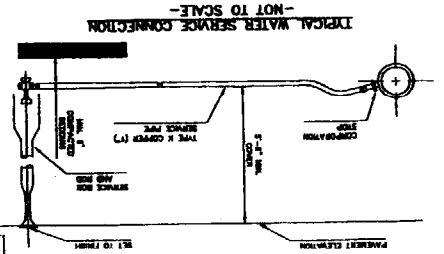
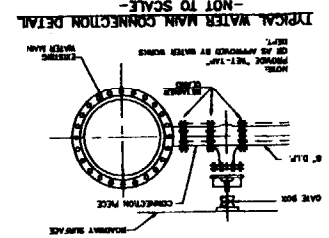
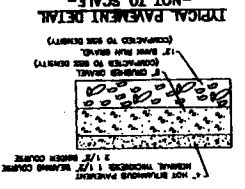
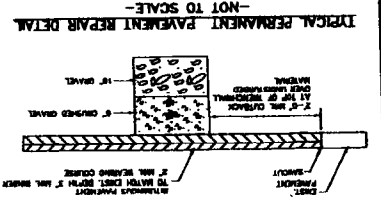
KM
 KENYON-WOODSTOCK ASSOCIATES, INC.
 150 BROADWAY, SUITE 1200, PORTLAND, ME 04102
 (207) 774-0000

OWEN HASKELL, INC.
 150 BROADWAY, SUITE 1200, PORTLAND, ME 04102
 (207) 774-0000

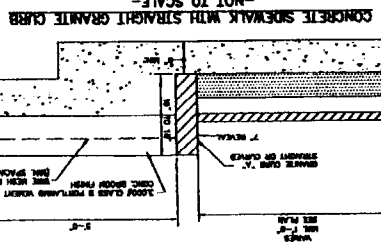
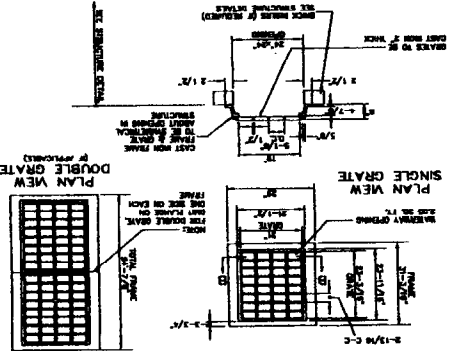
WENDY'S INTERNATIONAL, INC.
 MAP 314; LOT 3-A - PORTLAND, MAINE
 CONSTRUCTION DETAILS PLAN

WENHAY ASSOCIATES
 TWO CITY CENTER
 PORTLAND, MAINE

DATE: 30 JAN. 2002
 SCALE: AS NOTED
 SHEET: 7 OF 8



SECTION B-B - NOT TO SCALE



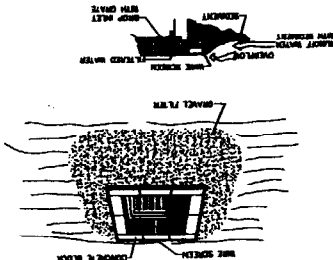
PROJECT NO. 01-0816-1

BLOCK & GRAVEL DROP INLET SEDIMENT FILTER
-NOT TO SCALE-

1. CONCRETE BLOCK SHOULD BE PLACED LIGHTWEIGHT ON PAVED AREA IN A SLOPE FROM THE DRAINAGE SIDE TO THE STREET SIDE TO PREVENT WATER FROM DRIVING IN THE BLOCK.

2. LIGHTWEIGHT CLOTH OR WIRE MESH SHOULD BE PLACED UNDER THE BLOCK TO PREVENT WATER FROM DRIVING IN THE BLOCK.

3. BLOCKS SHOULD BE PLACED WITH THE DRAINAGE SIDE TO THE STREET SIDE TO PREVENT WATER FROM DRIVING IN THE BLOCK.



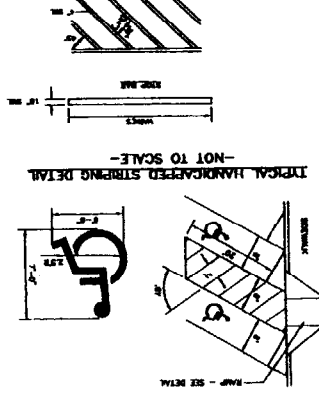
TYPICAL PAVEMENT STRIPPING DETAILS
-NOT TO SCALE-

1. ALL PAVEMENT STRIPPING SHALL BE IN CONFORMANCE WITH THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

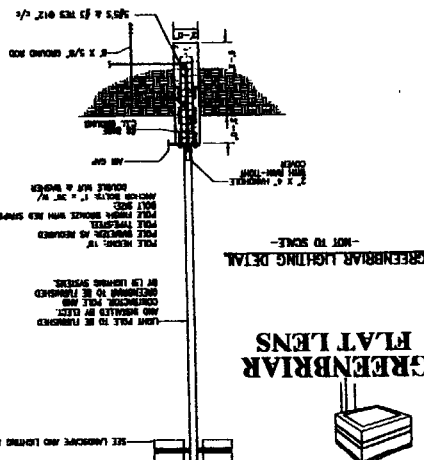
2. PAVEMENT STRIPPING SHALL BE PLACED IN A SLOPE FROM THE DRAINAGE SIDE TO THE STREET SIDE TO PREVENT WATER FROM DRIVING IN THE STRIPPING.

3. PAVEMENT STRIPPING SHALL BE PLACED WITH THE DRAINAGE SIDE TO THE STREET SIDE TO PREVENT WATER FROM DRIVING IN THE STRIPPING.

TYPICAL HANDPAVED STRIPPING DETAIL
-NOT TO SCALE-



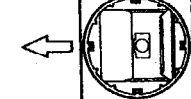
GREENBRIAR LIGHTING DETAIL
-NOT TO SCALE-



GREENBRIAR FLAT LENS

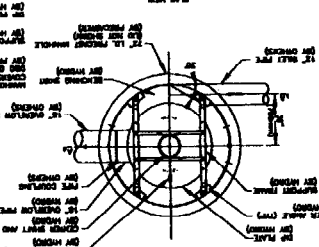


ROTATED REFLECTOR

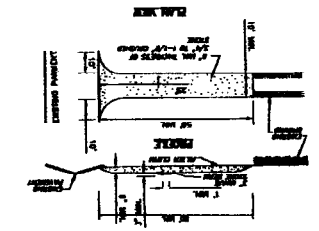


CONSTRUCTION DETAIL
-NOT TO SCALE-

NO.	DESCRIPTION	QTY	UNIT
1	CONCRETE	1.00	CU YD
2	GRAVEL	1.00	CU YD
3	STEEL	1.00	LB
4	WOOD	1.00	CU YD
5	PAVEMENT	1.00	SQ YD
6	CONCRETE	1.00	CU YD



STABILIZED CONSTRUCTION ENTRANCE DETAIL
-NOT TO SCALE-



1. THE ENTRANCE SHALL BE STABILIZED WITH A MIXTURE OF PORTLAND CEMENT AND SAND.

2. THE ENTRANCE SHALL BE STABILIZED WITH A MIXTURE OF PORTLAND CEMENT AND SAND.

3. THE ENTRANCE SHALL BE STABILIZED WITH A MIXTURE OF PORTLAND CEMENT AND SAND.

CONSTRUCTION SPECIFICATIONS

1. THE ENTRANCE SHALL BE STABILIZED WITH A MIXTURE OF PORTLAND CEMENT AND SAND.

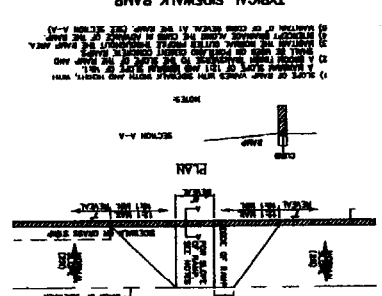
2. THE ENTRANCE SHALL BE STABILIZED WITH A MIXTURE OF PORTLAND CEMENT AND SAND.

3. THE ENTRANCE SHALL BE STABILIZED WITH A MIXTURE OF PORTLAND CEMENT AND SAND.

MAINTENANCE

SEE MAINTENANCE AND LIGHTING FOR FURTHER SPECIFICATIONS.

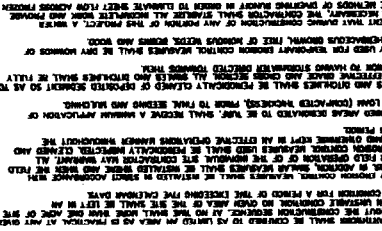
TYPICAL SIDEWALK RAMP
-NOT TO SCALE-



1. THE SIDEWALK RAMP SHALL BE PLACED WITH THE DRAINAGE SIDE TO THE STREET SIDE TO PREVENT WATER FROM DRIVING IN THE RAMP.

2. THE SIDEWALK RAMP SHALL BE PLACED WITH THE DRAINAGE SIDE TO THE STREET SIDE TO PREVENT WATER FROM DRIVING IN THE RAMP.

STABILIZED CONSTRUCTION ENTRANCE DETAIL
-NOT TO SCALE-



1. THE ENTRANCE SHALL BE STABILIZED WITH A MIXTURE OF PORTLAND CEMENT AND SAND.

2. THE ENTRANCE SHALL BE STABILIZED WITH A MIXTURE OF PORTLAND CEMENT AND SAND.

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CONSTRUCTION SPECIFICATIONS

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3. THE ENTRANCE SHALL BE STABILIZED WITH A MIXTURE OF PORTLAND CEMENT AND SAND.

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

June 28, 2002

Matt Peterson
Keach-Nordstrom Associates, Inc.
10 Commerce Park North
Suite 3B
Bedford, NH 03110

RE: Wendy's Restaurant, 599 Warren Avenue
ID #2002-0037, CBL #314-A-003

Dear Mr. Peterson:

On June 25, 2002, the Portland Planning Board voted 6-0 (Delogu absent) to approve the Traffic Movement Permit and the site plan for the Wendy's Restaurant with Drive-through at 599 Warren Avenue. The approval was granted for the project with the following conditions:

- i. That the easterly drive be designed as a "right out" only for review and approval by the Traffic Engineer.
- ii. That the applicant contribute \$3,000 to the City for the installation of a 5 ft. bituminous sidewalk easterly along Warren Avenue.
- iii. That the applicant shall provide a sewer capacity letter from the Portland Water District.
- iv. That the applicant contribute \$3,000 to the City for the improvement of an existing culvert at the Handyman property.
- v. That the plans shall be revised in accordance with comments contained in Jim Seymour's letter dated June 25, 2002 for review and approval by the Development Review Coordinator regarding a cross section of the detention pond and spillway.
- vi. That light fixtures not exceed 250 watts and a revised photometric plan reflecting the relocated light pole shall be submitted for review and approval by staff.

O:\PLAN\DEVREVW\WARRN599\APPRVLTR.DOC

- vii. That executed copies of all necessary easements and an executed copy of the drainage maintenance agreement must be submitted for review and approval by Corporation Counsel and that all easements shall be shown on the approved site plan, prior to issuance of a building permit. Said easements shall include a revised and executed access/egress easement to the benefit of lot 314-A-1 (also known as radio station property) for review and approval by Corporation Counsel.
- viii. That the light fixtures shown on the roof be submitted to City staff for review and approval in conformance with City standards.

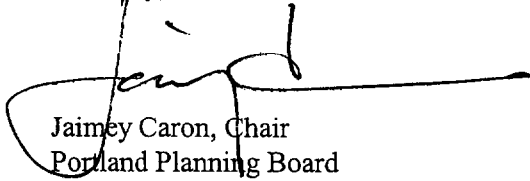
The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #45-02, which is attached.

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
6. 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 Department 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 Kandice Talbot at 874-8901.

Sincerely,



Jaimey Caron, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Program Manager
Kandice Talbot, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
✓ Jodine Adams, Inspections
William Bray, Director of Public Works
Larry Ash, Traffic Engineer
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File
Correspondence File



11 February 2002

City of Portland
Planning and Zoning Department
389 Congress Street
Portland, Maine 04101

**Re: Non-Residential Site Plan for Wendy's International
Warren Avenue – Lot 341-3-A-2
Portland, Maine**

Marge Schmuckal:

The above referenced project is being submitted for a Non-Residential Site Plan Review. The proposed development is for the construction of a 3,260 S.F. Wendy's Restaurant to be located on Warren Avenue across from the Home Depot building. The development will consist of construction of the proposed building, parking area, which will include parking for 40 vehicles, and supporting infrastructure. The site will be serviced by underground electrical, natural gas, City water, and City sewer. The proposed pump station will tie into an existing force main on Warren Avenue. The included plan set shows the lot layout and site design. The following is a breakdown of the required statements:

Section 14-525-C-1; As stated above the project is for the construction of a 3,260 S.F. Wendy's Restaurant.

Section 14-525-C-2; The proposed site is 52,172 S.F. and the site development will cover approximately 34,700 S.F. or 66 percent of the Lot.

Section 14-525-C-3; There is an existing Portland Water District Easement that runs across the property. Keach-Nordstrom Associates, Inc. has forwarded a set of plans and spoken to Dave Coffin at the Portland Water District. The second easement is a radial field easement for the radio tower on the adjoining property. There is one proposed access easement, which would allow for the development of the remaining land to access through the proposed Wendy's entrance.

Section 14-525-C-4; The anticipated sanitary sewer flow is 2,330 gallons per day.

Section 14-525-C-5; The existing conditions outlines the availability of water, sewer, electrical, gas, and street access.

Section 14-525-C-6; A narrative of the existing and proposed drainage conditions is included in the drainage report.

Section 14-525-C-7; The proposed project would like to begin by late spring and would take approximately 90 to 120 days to complete.

Section 14-525-C-8; This project will require review by the Maine Department of Transportation, this process usually takes between 4 to 8 months.

Civil Engineering

Land Planning

Landscape Architecture

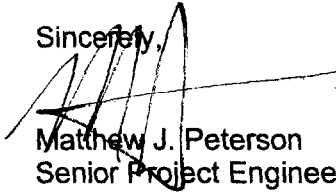
10 Commerce Park North, Suite 3B Bedford, NH 03110 Phone (603) 627-2881 Fax (603) 627-2915

Enclosed is the following material for your review and approval:

1. One Application – (9 copies)
2. One Application fee of \$400.00
3. Nine sets of plans
4. Nine copies of the Drainage Report
5. Nine Sets of 8 x 11's
6. Nine copies of the Sewer Pump Station Design

If you have any questions or comments please contact me at (603) 627-2881.

Sincerely,



Matthew J. Peterson
Senior Project Engineer
Keach-Nordstrom Associates, Inc.

From: Marge Schmuckal
To: Kandi Talbot
Subject: Wendy's on Warren Avenue

Kandi,

There has been some question as to whether "drive-thrus" are allowed within the B-4 zone. I do not believe that drive-thrus are a use in themselves. Drive-thrus are a transportation access means for the primary use of a restaurant. A restaurant is an allowable use in the B-4 zone. There are no restrictions on drive-thrus in the B-4 zone as outlined in the B-1 and B-2 zones. It is my understanding that the B-1 and B-2 zones are usually adjacent to residential zones which are greatly impacted by drive-thru characteristics. The B-4 zone is geared to serve commercial, "highway-oriented" trade. A drive-thru access is a classic highway-oriented feature. I have surmised that there are lesser drive-thru standards within the B-4 zone since there are lesser impacts to residential neighborhoods which are usually located at a substantial distance from these drive-thrus.

The bottom line is that restaurants with a drive-thru are an allowable use within the B-4 zone.

Marge Schmuckal, Zoning Administrator
3/11/02

CC: MARK ADELSON; Sarah Hopkins