

315-A-1

659 Warren  
Ave.

Warehouse -  
Rug Depot

**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

2005-0237

Kevin Beal, Chair  
Michael Patterson, Vice Chair  
John Anton  
Lee Lowry III  
Shalom Odokara  
David Silk  
Janice E. Tevanian

April 25, 2006

Mr. Randy Akers  
AHJ Marketing, Inc.  
P. O. Box 3271  
Auburn, ME 04212

RE: Rug Depot, 659 Warren Avenue  
ID #2005-0237, CBL #315-A-001

Dear Mr. Akers:

On April 11, 2006, the Portland Planning Board voted unanimously (6-0, Anton absent) to approve the site plan for the 20,000 sq. ft. warehouse/storage expansion located at 659 Warren Avenue. The approval was granted on the basis of the plans and materials submitted by the applicant and on the basis of the information contained in Planning Board Report #24-06 relative to the standards for Site Plan Regulations and other findings as follows:

1. That the proposal is in conformance with the Site Plan Standards of the Land Use Code, with the following conditions of approval:
  - i. The applicant will provide an easement of up to 20 feet in width to the City/MDOT along Warren Avenue and Riverside Street for construction of retaining wall(s), sidewalk(s) curbing and other works and maintenance associated with the proposed intersection improvement scheme. This easement may be widened beyond 20 feet with the mutual agreement of the property owner and the City/MDOT, provided it does not preclude the operation, access and maintenance of the existing Rug Depot facility.
  - ii. That in view of the uncertainties relating to the design and timetable for the proposed Warren Avenue/Riverside Street intersection improvements, that the applicant contribute to the city \$15,500, being the amount (based on recent MDOT contract prices) the applicant would have expended to provide a sidewalk, curbing, and guardrail along Warren Avenue with the intersection remaining unchanged. This contribution will be used towards the costs of the intersection improvement (including sidewalks) or used to construct the sidewalk in the event the intersection improvements do not go forward; in any case they would not be refunded to the applicant.

iii. That the site plan be revised to reflect the to-be-built Warren Avenue sidewalk in the event the MDOT plan does not go through; the revised site plan to be reviewed by the Planning authority.

*no to em plan*

iv. Any future change of warehouse to retail use shall require a separate review, at which time parking requirements for retail use shall be met.

v. The applicant shall adhere to the submitted Detention Basin Management Plan.

*no to em plan*

vi. The applicant shall provide a grading easement for any work outside of the existing drainage easement on the Watson Realty Association property.

vii. The applicant shall arrange for an inspection of the existing culvert under Warren Avenue and provide a detail of the necessary extension works to Staff for review and approval.

viii. The applicant shall submit details for the installation of the wooden guardrail to Staff for their review and approval.

ix. That the applicant shall provide a fire hydrant on the site to the satisfaction of the Fire Department.

2. The Portland Planning Board also voted unanimously (6-0, Anton absent) to waive the requirement for a sidewalk along the frontage to Riverside Street, as the Planning Board found that two criteria apply, namely that there is no reasonable expectation for pedestrian usage coming from, going to and traversing the site, and the reconstruction of the street is specifically identified in the first or second year of the current capital improvement program.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #24-06, which is attached.

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with seven (7) sets of the final plans.
2. 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.
3. 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.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

5. 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.
6. 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.)
7. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning 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 Jean Fraser at 874-8728, or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Kevin Beal, Chair  
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
~~Jean Fraser~~ Planner  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Inspections  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File  
Michael Tadema-Wielandt (Sebago Technics, One Chabot Street, PO Box 1339, Westbrook, ME 04098)

Attachment: Planning Board Report #24-06



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

Planning and Development Department  
Lee D. Urban, Director

Planning Division  
Alexander Jaegerman, Director

February 2, 2007

Michael E. Tadema-Wiclandt, Design Engineer  
Sebago Technics  
One Chabot Street  
PO Box 1339  
Westbrook, ME. 04098-1339

**Conditions of Approval - Carpet and Rug Depot, 659 Warren Avenue  
Application ID#2005-0237, CBL #315-A-001**

Dear Michael,

Thank you for your letter of December 19<sup>th</sup>, 2006 regarding the outstanding conditions of approval for the new warehouse building on this site.

I note an application for a building permit was submitted in July 2006 but a permit can not be issued until all the conditions of the approval are met (or determined by the planning authority to require no further action prior to the issuance of the Building Permit) and the Performance Guarantee is in place.

Please note that the approval expires on April 11, 2007 unless significant construction has been undertaken and building is ongoing or an extension has been agreed in writing prior to that date by the planning authority. Also please note that the existing tents on the site are not approved and I will be writing separately to Mr. Akers regarding their removal.

The current position on the conditions, as of the date of this letter, is:

**Condition i (re easements):** The City has not, to my knowledge, received the draft easement language from the applicants' attorney. Please send copies of the draft wording to Penny Littell (Associate Corporation Counsel at City hall), Michael Farmer (Project Engineer, Public Works) and to me.

**Condition ii (re contribution):** This has not been received by the City.

**Condition iii (re revision of the site plan to show the sidewalk if intersection improvements do not go forward):** The submitted Sheet #2 should be revised to show the sidewalk extended up to the Warren Avenue intersection to allow for a pedestrian crossing. Please also revise note #23 on Sheet #2 and note #2 on Sheet #3 to make it clear

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that the City of Portland is not paying for the construction of these items by adding: "The cost of construction is being borne by the applicant through condition ii of the approval which requires the applicant to contribute to the city \$15,500, being the amount the applicant would have expended to provide a sidewalk, curbing and guardrail along Warren Avenue with the intersection remaining unchanged. This contribution will be used towards the costs of the intersection improvement (including sidewalks) or used to construct the sidewalk in the event the intersection improvements do not go forward; in any case they would not be refunded to the applicant".

**Condition iv (re future change of use):** No further action required as this has been noted on Sheet #2.

**Condition v (re Detention Basin Management Plan):** Please include this as a note on Sheet #2.

**Condition vi (re grading easement):** No further action required.

**Condition vii (re culvert):** The submitted detail is acceptable and this condition has been met.

**Condition viii (re guardrail):** The submitted detail is acceptable and this condition has been met.

**Condition ix (re fire hydrant):** This condition has been met.

Please submit revised Sheets #2 and #3 (7 copies of each) and I will substitute them within the final "approved" Plan Sets. Once Conditions i and ii and the Performance Guarantee are resolved, the Building Permit process may resume.

I enclose the cost estimate form for calculating the amount of the Performance Guarantee along with a sample form letter to be filled out by a financial institution.

Please contact me if you have any questions at 874-8728 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Jean Fraser  
Planner

cc: Mr. Randy Akers, AHJ Marketing Inc.

cc: Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Katherine Early, Public Works Engineering Manager  
Marge Schmuckal, Zoning Administrator  
Mike Farmer, City Project Engineer  
Penny Littell, Associate Corporation Counsel



6. SITE LIGHTING	_____	_____	_____	_____	_____	_____
7. EROSION CONTROL						
Silt Fence	_____	_____	_____	_____	_____	_____
Check Dams	_____	_____	_____	_____	_____	_____
Pipe Inlet/Outlet Protection	_____	_____	_____	_____	_____	_____
Level Lip Spreader	_____	_____	_____	_____	_____	_____
Slope Stabilization	_____	_____	_____	_____	_____	_____
Geotextile	_____	_____	_____	_____	_____	_____
Hay Bale Barriers	_____	_____	_____	_____	_____	_____
Catch Basin Inlet Protection	_____	_____	_____	_____	_____	_____
8. RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	_____
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10. MISCELLANEOUS	_____	_____	_____	_____	_____	_____
TOTAL:	_____	_____	_____	_____	_____	_____
GRAND TOTAL:	_____	_____	_____	_____	_____	_____

**INSPECTION FEE (to be filled out by the City)**

		<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A:	2.0% of totals:	_____	_____	_____
	<u>or</u>			
B:	Alternative Assessment:	_____	_____	_____
	Assessed by:	_____	_____	_____
	(name)	(name)		



SAMPLE FORM SITE PLAN/SUBDIVISION  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT  
[ACCOUNT NUMBER]

[Date]

Lee Urban  
Director of Planning and Development  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: [Insert: Name of the Developer ]  
[Insert: Address of the Project, Portland, Maine]

[Insert: Name of Bank] hereby issues its Irrevocable Letter of Credit for the account of [Insert: Name of Developer], (hereinafter referred to as "Developer"), held for the exclusive benefit of the City of Portland, in the aggregate amount of [Insert: amount of the original performance guarantee]. These funds represent the estimated cost of installing site improvements as depicted on the [Insert: subdivision and/ or site plan], approved on [Insert: Date] and as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65.

This Letter of Credit is required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65 and is intended to satisfy the Developer's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Development and in his sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the Letter of Credit and all amendments thereto, at [Insert: Bank's] offices located at [Insert: Address of the appropriate local office of the bank] up to thirty (30) days before or sixty (60) days after its expiration, stating any one of the following:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the [Insert: subdivision and/ or site plan] approval, dated [Insert date]; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to notify the City for inspections.

In the event of the [**Insert: Bank's**] dishonor of the City of Portland's sight draft, the [**Insert: Bank**] shall inform the City of Portland in writing of the reason or reasons thereof within three (3) working days of the dishonor.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the [**Insert: Bank**], by written certification, to reduce the available amount of this Letter of Credit by a specified amount according to the terms contained within City Code §14-501.

It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current expiration date hereof, or any future expiration date, unless within fifteen (15) days prior to any expiration, the [**Insert: Bank**] notifies the City by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the [**Insert: Bank**] elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by this Letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Development, at [**Bank's**] offices located at [**Insert: address of the appropriate local office of the bank**] stating that:

this drawing results from notification that the [**Bank**] has elected not to renew its Letter of Credit No. \_\_\_\_\_.

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Very truly yours,

**[the Bank]**

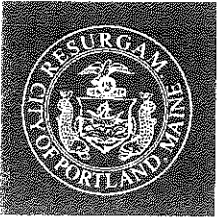
Date: \_\_\_\_\_

By: \_\_\_\_\_

Its Duly Authorized Agent

Seen and Agreed to: **[Applicant]**

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**Planning and Development Department**  
Lee D. Urban, Director

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February 2, 2007

Michael E. Tadema-Wielandt, Design Engineer  
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B:	Alternative Assessment:	_____	_____	_____
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	(name)	(name)		

SAMPLE FORM SITE PLAN/SUBDIVISION  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT  
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Lee Urban  
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Very truly yours,

**[the Bank]**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its Duly Authorized Agent

Seen and Agreed to: **[Applicant]**

By: \_\_\_\_\_

**From:** "Steve Bushey" <srbushey@maine.rr.com>  
**To:** "mike nugent" <MJN@ci.portland.me.us>  
**Date:** Wed, Mar 29, 2000 7:35 AM  
**Subject:** CHOM

Mike/Kandi

I sent you an email re: CHOM. I met Larry Pease out there yesterday and he told me all about the neighborhood issues. Basically, he has \$280,000 into the project and his lender looks timid at wanting to complete the 4 unit structures. In which case many improvements out there will not likely get done. This should be watched closely making sure performance guarantees don't run out. Also, should the site be cleaned up now? including topsoil piles etc. I'm just afraid that these guys will walk and there will be an unfinished site left for somebody to clean up.

steve

**CC:** "alex jaegerman" <aqj@ci.portland.me.us>, "Kandi T..."

**From:** "Steve Bushey" <srbushey@maine.rr.com>  
**To:** "mike nugent" <MJN@ci.portland.me.us>  
**Date:** Wed, Mar 29, 2000 7:31 AM  
**Subject:** CHOM Wall St. duplex C of O

Mike,

We have visited the Wall st. duplex site by CHOM and offer the following comments regarding issuance of a C of O.

1. The driveway access onto Wall st. needs to be built up at least another 6", to provide a smoother transition onto the street. This should be brought back at least 20' from the edge of pavement.
2. The proposed driveway entrance onto Wall St. is not per plan. Apparently it is a temporary location, which I don't have a specific issue with other than discussed in #1 above. This however should be reviewed by planning.
3. The driveway is incomplete in that some additional gravel and paving needs to be completed. This is apparently scheduled when the hottop plants open.
4. Several piles of sand need to be removed from around the duplex and on the driveway. The trash dumpster should also be removed.
5. The telephone cable trench needs to be backfilled and surface restoration completed.
6. All landscaping including topsoiling, seeding and mulching needs to be complete.
7. The proposed drainage system along the west side of the duplex driveway has not been installed. this must be completed once the construction of the 4 unit buildings commences. My concern is that the 4 unit structures may not get built due to the neighborhood rezone petition, in which case the site will need to be completely restored and stabilized. This will need to be closely watched.
8. The fire dept. should review the site to be satisfied that the driveway is adequate to run emergency vehicles on.
9. Silt fence should be placed as shown on the approved plans.
10. The public works dept. should sign off as to their satisfaction regarding the proposed granite curb and sidewalk to be installed along Wall St.

Items 1, 4, 5, 8, 9, & 10 need to be completed prior to an issuance of a temporary Certificate of occupancy assuming no other codes issues. The remaining items should be completed by June 30, 2000, at which time a Permanent C of O could be issued assuming satisfactory completion of those items.

**CC:** "Kandi Talbot" <KCOTE@ci.portland.me.us>

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

**20000122**

I. D. Number

**City of Portland School Depart**

Applicant

**389 Congress Street, Portland, ME 04101**

Applicant's Mailing Address

**School Department**

Consultant/Agent

**874-8126**

Applicant or Agent Daytime Telephone, Fax

**6/28/00**

Application Date

**Warwick Street**

Project Name/Description

**Warwick St, Portland Maine 04102**

Address of Proposed Site

**276-A-002**

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):

New Building     Building Addition     Change Of Use     Residential

Office     Retail     Manufacturing     Warehouse/Distribution     Parking Lot     Other (specify) **Hall School modular units**

**1,425**

**870,200**

Proposed Building square Feet or # of Units

Acreeage of Site

Zoning

**Check Review Required:**

Site Plan  
(major/minor)

Subdivision  
# of lots \_\_\_\_\_

PAD Review

14-403 Streets Review

Flood Hazard

Shoreland

Historic Preservation

DEP Local Certification

Zoning Conditional  
Use (ZBA/PB)

Zoning Variance

Other \_\_\_\_\_

Fees Paid: Site Plan \_\_\_\_\_

Subdivision \_\_\_\_\_

Engineer Review \_\_\_\_\_

Date: **6/28/00**

**Planning Approval Status:**

Reviewer \_\_\_\_\_

Approved

Approved w/Conditions  
See Attached

Denied

Approval Date \_\_\_\_\_

Approval Expiration \_\_\_\_\_

Extension to \_\_\_\_\_

Additional Sheets  
Attached

OK to Issue Building Permit

signature

date

**Performance Guarantee**

Required\*

Not Required

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

Performance Guarantee Accepted

date

amount

expiration date

Inspection Fee Paid

date

amount

Building Permit Issued

date

Performance Guarantee Reduced

date

remaining balance

signature

Temporary Certificate of Occupancy

date

Conditions (See Attached)

Final Inspection

date

signature

Certificate Of Occupancy

date

Performance Guarantee Released

date

signature

Defect Guarantee Submitted

submitted date

amount

expiration date

*WITHDRAWN*

**THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED**

**Minor/Minor Site Review, Building or Use Permit Pre-Application  
Detached Single Family Dwelling**

In the interest of processing your application in the quickest possible manner, please complete the Information below for a Building or Use Permit.

**NOTE\*\*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: Hall Elementary School, Warwick St.			
Total Square Footage of Proposed Structure 1,425 s.f.		Square Footage of Lot 870,200± s.f.	
Tax Assessor's Chart, Block & Lot Number 275 C 48 Chart# 276 Block# A Lot# 2		Owner: City of Portland	Telephone#: 874-8126
Lessee/Buyer's Name (If Applicable) NA	Owner's/Purchaser/Lessee Address: 389 Congress St. Portland, ME		Cost Of Work: \$15,000± Fee: \$
Proposed Project Description:(Please be as specific as possible) Place a two classroom modular unit adjacent to the existing Hall School. Construct steps and ramp for access as required.			
Contractor's Name, Address & Telephone by School Department			Rec'd By:

Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.
- HVAC(Heating, Ventilation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan (Sample Attached)

A "minor/minor" site plan review is required prior to permit issuance. The Site plan must be prepared and sealed by a registered land surveyor (2 copies are required). A complete plot plan (Site Plan) includes:

- The shape and dimension of the lot, all existing buildings (if any), the proposed structure and the distance from the actual property lines. Structures include decks porches, a bow windows cantilever sections and roof overhangs, as well as, sheds, pools, garages and any other accessory structures.
- Scale and North arrow; Zoning District & Setbacks
- First Floor sill elevation ( based on mean sea level datum);
- Location and dimensions of parking areas and driveways;
- Location and size of both existing utilities in the street and the proposed utilities serving the building;
- Location of areas on the site that will be used to dispose of surface water.
- Existing and proposed grade contours

**4) Building Plans (Sample Attached)**

A complete set of construction drawings showing all of the following elements of construction:

- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and dampproofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

**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/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: 6/26/00
---	---------------

Site Review Fee: \$300.00/Building Permit Fee: \$30.00 for the 1st \$1000.cost plus \$6.00 per \$1,000.00 construction cost thereafter.

**From:** Jean Fraser  
**To:** Tadema-Wielandt, Michael  
**Date:** 6/20/2006 2:19:09 PM  
**Subject:** Rug Depot

Mike,

Once the conditions are satisfied there are still a few requirements the applicant needs to meet before getting the building permit and these are in the second part of the approval.

I imagine you are familiar with all this, but just in case I attach the forms for the Performance Guarantee which can take time and which you may want to get started.

Jean

**From:** Jean Fraser  
**To:** Tadema-Wielandt, Michael  
**Date:** 6/20/2006 1:55:32 PM  
**Subject:** Rug Depot Conditions

Mike,

I refer to our telephone conversation yesterday and confirm that Eric Labelle (City Engineer) and Dan Goyette (City DRC Reviewer) have both confirmed that the culvert detail is sufficient and no further submission is required in respect of condition vii of the letter of approval dated April 25, 2006.

In respect of the other conditions, I understand that:

- a. Re i, the applicants attorney will send the draft easement direct to Penny Littell and I will be notified that this has been sent;
- b. The applicant will contact me directly re condition ii;
- c. Re condition iii, 9 copies of the revised site plan will be sent to me this week;
- d. Re conditions iv. and v. these will be noted on the site Plan and vi. probably won't be needed but also on plan;
- e. Re Condition viii, plans of the guardrail (7 copies) will be sent to me;
- f. Greg Cass e-mailed OK on April 25, 2006 (I have copy).

Trust that covers all the points we discussed.

Jean



**From:** Eric Labelle  
**To:** Dan Goyette; Jean Fraser  
**Date:** 6/20/2006 9:52:52 AM  
**Subject:** RE: Rug Depot, Warren Ave.

Jean,  
This is fine.  
Thanks  
Eric

>>> "Dan Goyette" <DGoyette@woodardcurran.com> 06/19 3:53 PM >>>  
The detail appears sufficient to me.

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

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]  
Sent: Monday, June 19, 2006 3:51 PM  
To: [EJL@portlandmaine.gov](mailto:EJL@portlandmaine.gov); Dan Goyette  
Subject: Rug Depot, Warren Ave.

Eric and Dan,

One of the conditions of the approval of this project was:

"The applicant shall arrange for an inspection of the existing culvert under Warren Ave. and provide a detail of the necessary extension works to Staff for review and approval"

The following e-mail was sent in early May to Eric Labelle and I would be grateful if you both could confirm that these photos show no further work is needed or otherwise comment on how the applicant can meet the condition.

Thanks  
Jean

---

Eric,

A condition of Site Plan Approval for the Carpet Depot project at the corner of Riverside Street and Warren Avenue is as follows:

The applicant shall arrange for an inspection of the existing culvert under Warren Avenue and provide a detail of the necessary extension works to Staff for review and approval.

The condition refers to the proposed extension of the 36" concrete culvert under Warren Ave, from the Home Depot site.

Attached are two photos of the culvert outlet, which is in good condition. Also attached is a detail of the extension work that will be added to the final plan set.

If you would like, I am available Friday 5/12 or early next week to meet you or someone from your staff on site to inspect the culvert. Please let me know if you are satisfied with the attached photos and detail or would like to schedule an on-site inspection.

Thanks,

Mike

Michael Tadema-Wielandt

Sebago Technics, Inc.

One Chabot Street

Westbrook, ME 04098

p: 207-856-0277

f: 207-856-2206

**From:** "Dan Goyette" <DGoyette@woodardcurran.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>, <EJL@portlandmaine.gov>  
**Date:** 6/19/2006 3:55:48 PM  
**Subject:** RE: Rug Depot, Warren Ave.

The detail appears sufficient to me.

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Monday, June 19, 2006 3:51 PM  
To: EJL@portlandmaine.gov; Dan Goyette  
Subject: Rug Depot, Warren Ave.

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Jean

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Thanks,

Mike

Michael Tadema-Wielandt

Sebago Technics, Inc.

One Chabot Street

Westbrook, ME 04098

p: 207-856-0277

f: 207-856-2206

**From:** "Michael Tadema-Wielandt" <MTW@sebagotechnics.com>  
**To:** <ejl@portlandmaine.gov>  
**Date:** 5/11/2006 12:13:14 PM  
**Subject:** Carpet and Rug Depot / Warren and Riverside

Eric-

A condition of Site Plan Approval for the Carpet Depot project at the corner of Riverside Street and Warren Avenue is as follows:

The applicant shall arrange for an inspection of the existing culvert under Warren Avenue and provide a detail of the necessary extension works to Staff for review and approval.

The condition refers to the proposed extension of the 36" concrete culvert under Warren Ave, from the Home Depot site.

Attached are two photos of the culvert outlet, which is in good condition. Also attached is a detail of the extension work that will be added to the final plan set.

If you would like, I am available Friday 5/12 or early next week to meet you or someone from your staff on site to inspect the culvert. Please let me know if you are satisfied with the attached photos and detail or would like to schedule an on-site inspection.

Thanks,

Mike

*attached + 2 photos*

Michael Tadema-Wielandt

Sebago Technics, Inc.

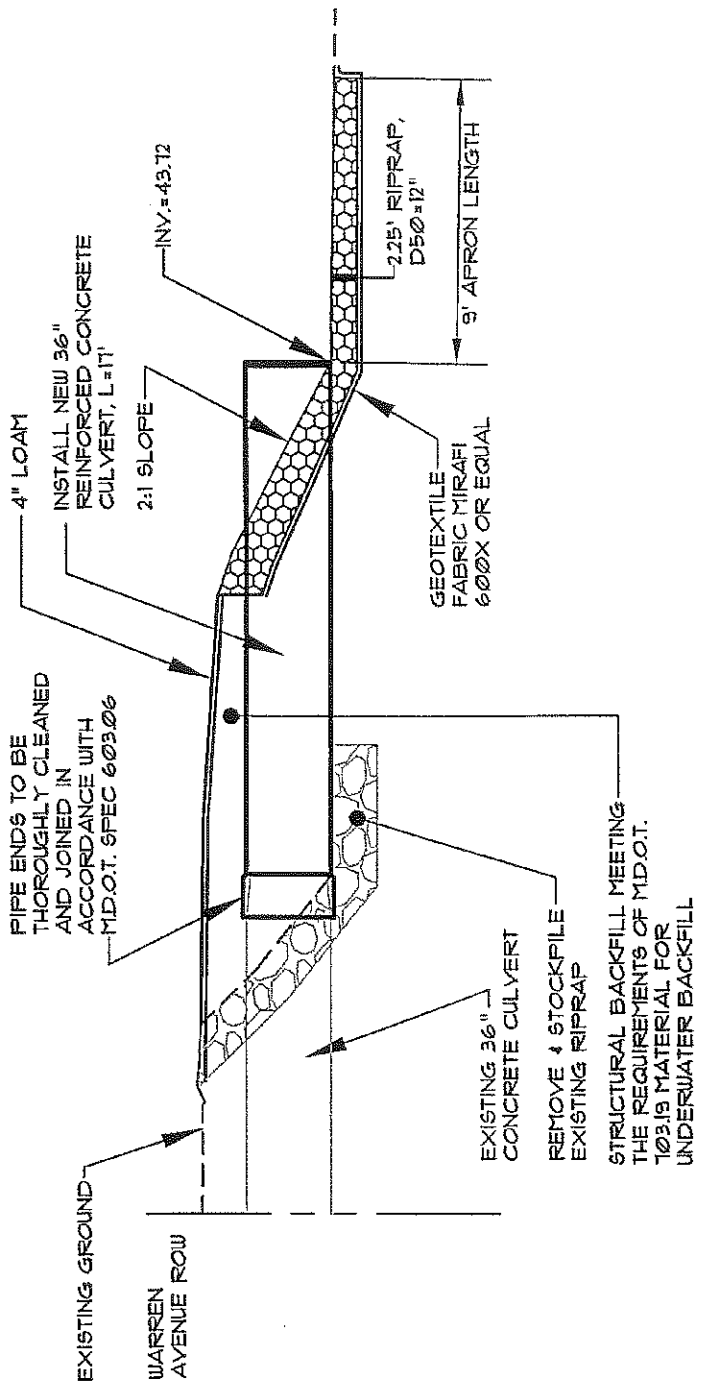
One Chabot Street

Westbrook, ME 04098

p: 207-856-0277

f: 207-856-2206

**CC:** "Jean Fraser" <JF@portlandmaine.gov>, <pmorin@pmconstruction.com>, <03141@sebagotechnics.com>



# CONCRETE CULVERT EXTENSION

NOT TO SCALE

**From:** Gregory Cass  
**To:** Michael Tadema-Wielandt  
**Date:** Tue, Apr 25, 2006 9:14 AM  
**Subject:** RE: Carpet Depot - Warren / Riverside

Thank you  
This will complete the Portland Fire dept. Site review at this location.

**CC:** 03141@sebagotechnics.com; Jean Fraser



**From:** Jean Fraser  
**To:** Tadema-Wielandt, Michael  
**Date:** 12/28/2006 3:20:47 PM  
**Subject:** Re: Carpet and Rug Depot- Warren Avenue

Mike,

Just letting you know re progress on the site plan aspects of the conditions (ref your letter of 12.19.2006 and revised plans accompanying it).

Reviewers are getting back to me re the guardrail, but I do have comments on the sidewalk (both the note and the plan).

Since the sidewalk shown in the plan is the "fallback" design if the MDOT scheme does not go forward, it needs to be extended up to the intersection to allow pedestrians access to the crosswalk.

Also the note #23 on Sheet #2 <sup>and on sheet 3</sup> needs to make it clear that the City of Portland is not paying for these works; perhaps add: The cost of the construction is being borne by the applicant through Condition ii of the approval which requires "the applicant to contribute to the city \$15,500, being the amount the applicant would have expended to provide a sidewalk, curbing and guardrail along Warren Avenue with the intersection unchanged. This contribution will be used towards the costs of the intersection improvement (including sidewalks) or used to construct the sidewalk in the event the intersection improvements do not go forward; in any case they would not be returned to the applicant."

I will follow up re the guardrail in a day or two.

Jean (Fraser)  
Planner

>>> "Michael Tadema-Wielandt" <MTW@sebagotechnics.com> 12/21/2006 11:19:51 AM >>>  
Jean-

Per our phone conversation earlier this week, I delivered to you this morning 9 sets of revised plans which reflect the conditions of approval. With this, I believe that all the conditions have been met except for the following:

Condition i. As I mentioned to you in our phone conversation, I believe that the easement was delivered to the City directly by the applicant's attorney. If you need another copy, let me know and I will arrange for one to be delivered.

Condition ii. The applicant will be in touch with the City regarding the contribution for the planned intersection improvements.

In addition to these conditions, I understand that the applicant will also deal directly with the city regarding the performance guarantee.

The project contractor, PM Construction, is assisting the applicant with the building permit application process and any additional requirements of that process.

Please let me know if you have any questions or need anything additional from me. Thanks very much for your time and attention to this project.

Regards,

Mike

Michael Tadema-Wielandt

Sebago Technics, Inc.

One Chabot Street

Westbrook, ME 04098

p: 207-856-0277

f: 207-856-2206

**From:** Jean Fraser  
**To:** Tadema-Wielandt, Michael  
**Date:** 12/21/2006 1:35:33 PM  
**Subject:** Re: Carpet and Rug Depot- Warren Avenue

Thanks- the plans have been received and will be reviewed.

Perhaps you could advise the applicant that the Permit will not be issued until all the other matters are dealt with, including the Performance Guarantee.

In addition, you might remind him that the Approval for the new building expires on April 11, 2006 and the Permit needs to be issued and work started prior to that date.

Thanks- I will get back to you if anything else arises.

Jean (Fraser)  
Planner

>>> "Michael Tadema-Wielandt" <MTW@sebagotechnics.com> 12/21/2006 11:19:51 AM >>>  
Jean-

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Please let me know if you have any questions or need anything additional from me. Thanks very much for your time and attention to this project.

Regards,

Mike

Michael Tadema-Wielandt

Sebago Technics, Inc.

One Chabot Street

Westbrook, ME 04098

p: 207-856-0277

f: 207-856-2206

**From:** "Michael Tadema-Wielandt" <MTW@sebagotechnics.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 12/21/2006 11:20:12 AM  
**Subject:** Carpet and Rug Depot- Warren Avenue

Jean-

Per our phone conversation earlier this week, I delivered to you this morning 9 sets of revised plans which reflect the conditions of approval. With this, I believe that all the conditions have been met except for the following:

Condition i. As I mentioned to you in our phone conversation, I believe that the easement was delivered to the City directly by the applicant's attorney. If you need another copy, let me know and I will arrange for one to be delivered.

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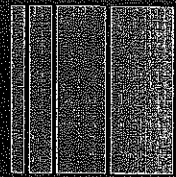
One Chabot Street

Westbrook, ME 04098

p: 207-856-0277

f: 207-856-2206

**CC:** <rakers@downeastmarketing.net>, <pmorin@pmconstruction.com>



December 19, 2006  
03141

Ms. Jean Fraser  
City of Portland Planning Department  
389 Congress Street  
Portland, ME 04101

Conditions of Approval - Carpet and Rug Depot, 70 Middle Street  
ID #2005-0237, CBL #315-A-001

Dear Jean:

On behalf of AHJ Marketing, Inc., I have prepared the enclosed information in order to satisfy the Conditions of Approval outlined in the Planning Board's approval letter dated April 25, 2006 for the Carpet and Rug Depot expansion at 659 Warren Avenue.

The text of each condition is provided in italics for reference, followed by our response. Supporting documentation is attached as indicated.

- i. The applicant will provide an easement of up to 20 feet in width to the City/MDOT along Warren Avenue and Riverside Street for construction of retaining wall(s), sidewalk(s), curbing and other works and maintenance associated with the proposed intersection improvement scheme. This easement may be widened beyond 20 feet with the mutual agreement of the property owner and the City/MDOT, provided it does not preclude the operation, access and maintenance of the existing Rug Depot facility.*

The proposed easement is shown on the attached Site Plan (Sheet 2 of 6). A draft easement will be forwarded to you and Associate Corporation Council, Penny Littell for review and approval under separate cover. Upon approval, the easement will be executed by the applicant.

- ii. That in view of the uncertainties relating to the design and timetable for the proposed Warren Avenue/Riverside Street intersection improvements, that the applicant contribute to the city \$15,500, being the amount (based on recent MDOT contract prices) the applicant would have expended to provide a sidewalk, curbing, and guardrail along Warren Avenue with the intersection remaining unchanged. This contribution will be used towards the costs of the intersection improvement (including sidewalks) or used to construct the sidewalk in the event the intersection improvements do not go forward; in any case they would not be refunded to the applicant.*

This condition will be handled directly by the applicant.

- iii. *That the site plan be revised to reflect the to-be-built Warren Avenue sidewalk in the event the MDOT plan does not go through; the revised site plan to be reviewed by the Planning authority.*

The attached plan set shows the to-be-built Warren Avenue sidewalk, curb, guardrail and associated grading. Note 23 has been added to the Site Plan (Sheet 2 of 6) and Note 2 has been added to the Grading and Utility Plan (Sheet 3 of 6) to indicate that the applicant is not responsible for constructing these items.

- iv. *Any future change of warehouse to retail use shall require a separate review, at which time parking requirements for retail use shall be met.*

Note 13 on the attached Site Plan (Sheet 2 of 6) reflects this condition.

- v. *The applicant shall adhere to the submitted Detention Basin Management Plan.*

Noted.

- vi. *The applicant shall provide a grading easement for any work outside of the existing drainage easement on the Watson Realty Association property.*

No work is proposed outside of the existing drainage easement on the Watson Realty Association property. Should any work outside the drainage easement be necessary, a grading easement shall be provided. Note 14 has been added to the Site Plan (Sheet 2 of 6) to reflect this condition.

- vii. *The applicant shall arrange for an inspection of the existing culvert under Warren Avenue and provide a detail of the necessary extension works to Staff for review and approval.*

Photographs of the culvert and a detail of the culvert extension were forwarded to you and City Engineer, Eric Labelle by email on May 11, 2006 for review and approval. I understand from your June 20<sup>th</sup> email to me that the submitted photographs and detail were sufficient and no inspection is necessary. The detail has been added to Detail Sheet 6 of 6.

- viii. *The applicant shall submit details for the installation of the wooden guardrail to Staff for their review and approval.*

A construction detail of the wooden guardrail has been added to Detail Sheet 6 of 6.

- ix. *That the applicant shall provide a fire hydrant on the site to the satisfaction of the Fire Department.*

A fire hydrant has been added to the attached Grading and Utility Plan (Sheet 3 of 6) at the Riverside Street driveway. The hydrant location was approved by Captain Greg Cass of the Portland Fire Department via email on April 25, 2006.



Ms. Fraser

-3-

December 19, 2006

We believe that this response letter and supporting documentation address all of the conditions of approval. If you have any questions or require additional information, please contact me.

Sincerely,

SEBAGO TECHNICS, INC.



Michael E. Tadema-Wielandt  
Design Engineer

MTW:mtw/jc

Enc.

cc: Randy Akers, AHJ Marketing  
Phil Morin, PM Construction





December 19, 2006  
03141

Ms. Jean Fraser  
City of Portland Planning Department  
389 Congress Street  
Portland, ME 04101

**Conditions of Approval - Carpet and Rug Depot, 70 Middle Street**  
**ID #2005-0237, CBL #315-A-001**

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pw

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?

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- ix. *That the applicant shall provide a fire hydrant on the site to the satisfaction of the Fire Department.*

6c

A fire hydrant has been added to the attached Grading and Utility Plan (Sheet 3 of 6) at the Riverside Street driveway. The hydrant location was approved by Captain Greg Cass of the Portland Fire Department via email on April 25, 2006.

Ms. Fraser

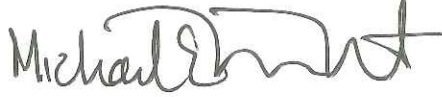
-3-

December 19, 2006

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Sincerely,

SEBAGO TECHNICS, INC.



Michael E. Tadema-Wielandt  
Design Engineer

MTW:mtw/jc  
Enc.

cc: Randy Akers, AHJ Marketing  
Phil Morin, PM Construction



SAMPLE FORM SITE PLAN/SUBDIVISION  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT

April 27, 2007

Lee Urban  
Director of Planning and Development  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Maine's Floor Covering Superstore, LLC  
659 Warren Avenue  
Portland, ME 04103

Gorham Savings Bank hereby issues its Irrevocable Letter of Credit for the account of Maine's Floorcovering Superstore, LLC, (hereinafter referred to as "Developer"), held for the exclusive benefit of the City of Portland, in the aggregate amount of \$221,375. These funds represent the estimated cost of installing site improvements as depicted on the Maine's Floorcovering Superstore, LLC CBL#315-A-001, approved on April 11, 2006 and as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65.

This Letter of Credit is required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 and is intended to satisfy the Developer's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Development and in his sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the Letter of Credit and all amendments thereto, up to thirty (30) days before or sixty (60) days after its expiration, stating any one of the following:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the Maine's Floorcovering Superstore, LLC CBL#315-A-101 approval, April 11, 2006; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to notify the City for inspections.



In the event of the Bank's dishonor of the City of Portland's sight draft, the Bank shall inform the City of Portland in writing of the reason or reasons thereof within three (3) business days of the dishonor.

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

This performance guarantee shall expire on April 16, 2007 ("Expiration Date"). It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current Expiration Date hereof, or any future Expiration Date, unless within thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the Bank elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by this Letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Development, at Bank's offices located at 65 Marginal Way, Ste 200, Portland, Maine 04101 stating that:

this drawing results from notification that the Bank has elected not to renew its Letter of Credit.

On its Expiration Date or on the date the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, this Performance Guarantee Letter of Credit shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Letter of Credit. Written notice of such reduction shall be forwarded by the City to the Bank. The Defect Letter of Credit shall ensure the workmanship and durability of all materials used in the construction of the Maine's Floorcovering Superstore, LLC CBL#315-A-001 approval, dated April 11, 2007 as required by City Code §14-501, 525 and shall automatically expire one (1) year from the date of its creation on April 11, 2008.

The City, through its Director of Planning and Development and in his sole discretion, may draw on the Defect Letter of Credit by presentation of a sight draft and this Letter of Credit and all amendments thereto, at Bank's offices located at 65 Marginal Way, Ste 200, Portland, Maine 04101, prior to the Termination Date, stating any one of the following:

1. the Developer has failed to complete any unfinished improvements; or
2. the Developer has failed to correct any defects in workmanship; or
3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the Maine's Floorcovering Superstore, LLC CBL#315-A-101.

Date: April 27, 2007

By: William C. Tracy, Senior Business Office  
Its Duly Authorized Agent

SAMPLE FORM SITE PLAN/SUBDIVISION  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT

April 27, 2007

Lee Urban  
Director of Planning and Development  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Maine's Floor Covering Superstore, LLC  
659 Warren Avenue  
Portland, ME 04103

Gorham Savings Bank hereby issues its Irrevocable Letter of Credit for the account of Maine's Floorcovering Superstore, LLC, (hereinafter referred to as "Developer"), held for the exclusive benefit of the City of Portland, in the aggregate amount of \$221,375. These funds represent the estimated cost of installing site improvements as depicted on the Maine's Floorcovering Superstore, LLC CBL#315-A-001, approved on April 11, 2006 and as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65.

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3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the Maine's Floorcovering Superstore, LLC CBL#315-A-101.

Date: April 27, 2007

By: William C. Tracy, Senior Business Office  
Its Duly Authorized Agent

# Infrastructure Financial Contribution Form

Obtain an Account Number from Paul Colpitts, Chief Acct., (ext. 8665) prior to the distribution of this form.

Amount \$ 15,500

City Account Number: 710-0000-236-60-00

Project Name: Rug Depot, 659 Warren Ave Portland

Project Job Number: #2005 - 0237  
(from Site Plan Application Form)

Project Location: 659 Warren Ave (c/o Riverside + Warren)

Project Description: Construction of 20,000 sq. ft warehouse/ storage building w/ ramp to access + parking (Expansion of existing business)

Funds intended for: for construction of sidewalk, curb and guardrail along Warren Avenue either as part of MDOT intersection improvements or separately

Applicant's Name: Mr. Randall C Akers, Maine's Floor Covering Superstore LLC

Applicant's Address: 659 Warren Ave, Portland ME 04103

Expiration: \* PO Box 3271 Auburn, ME 04212

If funds are not expended or encumbered for the intended purpose by \_\_\_\_\_, funds, or any balance of remaining funds, shall be returned to contributor within six months of said date.

Funds shall be permanently retained by the City (or transferred to MDOT to help fund intersection imp project)

Other (describe in detail) \_\_\_\_\_

## Form of Contribution:

Escrow Account

Cash Contribution Check for \$15,500 # 385361

Interest Disbursement: Interest on funds to be paid to contributor only if project is not commenced. ← not part of the condition

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from Public Works, which form shall specify use of City Account # shown above.

Date of Form: 4.23.2007

Planner: Jean Fraser

Person Completing Form: Jean Fraser for applicant

- Attach the approval letter, condition of approval or other documentation of the required contribution.
- The original form, copy of the check, copy of report of receipts and all attachments shall be given to Debbie Marquis.
- The original check, copy of this form, and all attachments shall be filed by the Planning Division Office Manager.
- A copy of all of the above documents shall be given to the following people:

Peggy Axelson (Finance), Michael Bobinsky (Public Works), Michael Farmer (Public Works), Kathi Earley (Public Works), Alexander Jaegerman (Planning), Barbara Barhydt (Planning), Planner for project and Applicant.

**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

---

Kevin Beal, Chair  
Michael Patterson, Vice Chair  
John Anton  
Lee Lowry III  
Shalom Odokara  
David Silk  
Janice E. Tevanian

April 25, 2006

Mr. Randy Akers  
AHJ Marketing, Inc.  
P. O. Box 3271  
Auburn, ME 04212

RE: Rug Depot, 659 Warren Avenue  
ID #2005-0237, CBL #315-A-001

Dear Mr. Akers:

On April 11, 2006, the Portland Planning Board voted unanimously (6-0, Anton absent) to approve the site plan for the 20,000 sq. ft. warehouse/storage expansion located at 659 Warren Avenue. The approval was granted on the basis of the plans and materials submitted by the applicant and on the basis of the information contained in Planning Board Report #24-06 relative to the standards for Site Plan Regulations and other findings as follows:

1. That the proposal is in conformance with the Site Plan Standards of the Land Use Code, with the following conditions of approval:
  - i. The applicant will provide an easement of up to 20 feet in width to the City/MDOT along Warren Avenue and Riverside Street for construction of retaining wall(s), sidewalk(s) curbing and other works and maintenance associated with the proposed intersection improvement scheme. This easement may be widened beyond 20 feet with the mutual agreement of the property owner and the City/MDOT, provided it does not preclude the operation, access and maintenance of the existing Rug Depot facility.
  - ii. That in view of the uncertainties relating to the design and timetable for the proposed Warren Avenue/Riverside Street intersection improvements, that the applicant contribute to the city \$15,500, being the amount (based on recent MDOT contract prices) the applicant would have expended to provide a sidewalk, curbing, and guardrail along Warren Avenue with the intersection remaining unchanged. This contribution will be used towards the costs of the intersection improvement (including sidewalks) or used to construct the sidewalk in the event the intersection improvements do not go forward; in any case they would not be refunded to the applicant.

- iii. That the site plan be revised to reflect the to-be-built Warren Avenue sidewalk in the event the MDOT plan does not go through; the revised site plan to be reviewed by the Planning authority.
  - iv. Any future change of warehouse to retail use shall require a separate review, at which time parking requirements for retail use shall be met.
  - v. The applicant shall adhere to the submitted Detention Basin Management Plan.
  - vi. The applicant shall provide a grading easement for any work outside of the existing drainage easement on the Watson Realty Association property.
  - vii. The applicant shall arrange for an inspection of the existing culvert under Warren Avenue and provide a detail of the necessary extension works to Staff for review and approval.
  - viii. The applicant shall submit details for the installation of the wooden guardrail to Staff for their review and approval.
  - ix. That the applicant shall provide a fire hydrant on the site to the satisfaction of the Fire Department.
2. The Portland Planning Board also voted unanimously (6-0, Anton absent) to waive the requirement for a sidewalk along the frontage to Riverside Street, as the Planning Board found that two criteria apply, namely that there is no reasonable expectation for pedestrian usage coming from, going to and traversing the site, and the reconstruction of the street is specifically identified in the first or second year of the current capital improvement program.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #24-06, which is attached.

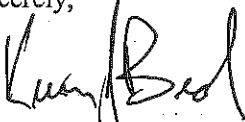
Please note the following provisions and requirements for all site plan approvals:

- 1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with seven (7) sets of the final plans.
- 2. 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.
- 3. 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.
- 4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

5. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Works 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.
6. 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.)
7. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning 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 Jean Fraser at 874-8728, or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Kevin Beal, Chair  
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
~~Jean Fraser~~ Planner  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Inspections  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File  
Michael Tadema-Wielandt (Sebago Technics, One Chabot Street, PO Box 1339, Westbrook, ME 04098)

Attachment: Planning Board Report #24-06



# REPORT OF RECEIPTS

To the Director of Finance, City of Portland, Maine

From the Department of PLANNING Date 7/19/90 71940

Source of Receipts \_\_\_\_\_ For The Period of \_\_\_\_\_

HTE Description - up to 19 characters (-----)

Revenue /Expenditure Code Project #

REVENUE (WALDO BRICK) 71940  
CITY FUND - RECEIPTS

10550000

7190-0000-0000-0000

CITY OF PORTLAND  
PAID  
2001 APR 27 A 10: 28  
MAY 10 1990

- Totals
- Notes/Wire Transfer \$
- Total Credit Card Receipts \$
- Total Direct Deposits \$
- Total Checks \$
- Total Cash \$

Total Amount

The undersigned certifies that this is a true, complete report of all collections made since the date of their last report.

Authorized Agent \_\_\_\_\_ Phone # \_\_\_\_\_

Received This Day

Forward all copies to the Treasury Department where they will be received and returned.



APR 23, 2007

3177185  
1240

\$ 15,500



Security Features  
Details on back

CITY OF PORTLAND  
ORDER OF PAYMENT  
Payable to the order of the Treasurer

Five thousand five hundred Dollars out 7/10

American Express Bank, PSB  
Payable through American Express Centurion Bank  
Salt Lake City, Utah 84184 B/T 1240

FOR  
City of Portland  
C. S. ...

⑆124071889⑆ 80505788820⑈38536⑈



**From:** Jean Fraser  
**To:** Littell , Penny  
**Date:** 4/17/2007 1:58:59 PM  
**Subject:** Re: Rug Depot

There has been regular correspondence with Aker's office via e-mail and fax over the last week to get the Performance Guarantee figure sorted out- hence Alex agreed to the gist of the FAX.

Please see separate e-mail which contains their draft letter of credit- needs the figure which is almost finalized via Phil.

Jean

>>> Penny Littell 4/17/2007 10:20:18 AM >>>  
Have we heard anything from Rug Depot?

**From:** Jean Fraser  
**To:** DiPierro , Philip; Littell , Penny  
**Date:** 4/17/2007 11:28:12 AM  
**Subject:** Fwd: Letter of Credit for Maine's Floorcovering Superstore

This has arrived for our review; I believe Phil is currently obtaining the final PG Computation form.

OK?

>>> "Linda Agren" <lagren@downeastmarketing.net> 4/16/2007 4:33:03 PM >>>  
As requested sample letter of credit for review to be executed on April 27,  
2007

**From:** "Linda Agren" <lagren@downeastmarketing.net>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 4/16/2007 5:19:59 PM  
**Subject:** Letter of Credit for Maine's Floorcovering Superstore

As requested sample letter of credit for review to be executed on April 27, 2007

**From:** "Linda Agren" <lagren@downeastmarketing.net>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 4/16/2007 5:19:59 PM  
**Subject:** Contact for Maine's Floorcovering Superstore LLC

I will be on vacation until May 3, 2006. If there are any questions please contact Sandy Bilodeau at 207-772-9680 or email @ sbilodeau@downeastmarketing.net. Thank You, Linda Agren

MODE = MEMORY TRANSMISSION

START=APR-13 14:00

END=APR-13 14:01

FILE NO. =103

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	*	97956544	001/001	00:00:26

-CITY OF PORTLAND -

\*\*\*\*\* -PLANNING DEPT. - \*\*\*\*\* 2077568258- \*\*\*\*\*

**City of Portland**  
**Department of Planning and Development**  
**Planning Division**  
 389 Congress Street, 4<sup>th</sup> Floor  
 Portland ME 04101  
 (207)874-8721 or (207)874-8719  
 Fax: (207)756-8258



**FAX**

**To:** Randy Akers C/O Linda Agren

**Company:** Maine's Floor Covering Superstore

**Fax #:** 795 6544

**Date:** April 13, 2007

**From:** Jean Fraser

You should receive 1 page(s) including this cover sheet.

**Mr Akers and Ms Agren,**

I am writing to confirm (and this is based on a conversation with Alex Jaegerman) that as long as progress is being made on the Performance Guarantee/draft Letter of Credit we are prepared to give you a few days to get the draft Letter of Credit to us. The Letter of Credit must be from a financial institution and specific to this project; it will be forwarded to others here for urgent review once received.

The revised easement for the land subject to Condition 1 was also expected today, but we appreciate that is not possible as we have not sent you comments on your initial draft. We are unable to send comments until we receive comments from the MDOT (it is being reviewed by them at the moment so comments expected soon).

The April 27 date for the signed versions of these two documents still stands as that is two weeks away and there is time for these items to "catch up".

*Jean Fraser*  
 Jean Fraser (Planner)

cc. Mr Jaegerman  
 Ms Barhydt  
 Ms Littell

*file copy*

**City of Portland**  
**Department of Planning and Development**  
**Planning Division**  
389 Congress Street, 4<sup>th</sup> Floor  
Portland ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258



**FAX**

---

**To:** Randy Akers C/0 Linda Agren

**Company:** Maine's Floor Covering Superstore

**Fax #:** 795 6544

**Date:** April 13, 2007

**From:** Jean Fraser

You should receive 1 page(s) including this cover sheet.

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*Jean Fraser*

**Jean Fraser (Planner)**

cc. Mr Jaegerman  
Ms Barhydt  
Ms Littell

**From:** "Linda Agren" <lagren@downeastmarketing.net>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 4/12/2007 4:12:30 PM  
**Subject:** RE: Updated Information

I have just forwarded this information to Phil Morin at PM Construction. I will await his reply. Thank You, Linda

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Thursday, April 12, 2007 3:27 PM  
To: lagren@downeastmarketing.net  
Subject: Re: Updated Information

Linda,

I am a bit confused as I had a fax from you at 10:30 am today and have circulated it to reviewers.

It is missing an estimate for the paving (\$50,000+ we think) so the Contractor needs to add that in and explain how the figure is arrived at. So before you send me an update could you check to see whether he has added in a figure for the paving? (And if not please don't send until this is included)

Thanks  
Jean (Fraser)  
Tel: 874 8728  
Fax: 756 8258

>>> "Linda Agren" <lagren@downeastmarketing.net> 4/12/2007 12:04:23 PM  
>>>

Please send me your fax number. I have the updated information you need.  
Thank You, Linda

4/13  
Morin  
Phil left message for JF  
Phil DiPiero telephoned  
Phil Morin to  
clarify paving  
J

City of Portland  
Department of Planning and Development  
Planning Division

389 Congress Street, 4<sup>th</sup> Floor  
Portland ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258



FAX

To: Dan Goyette

Company: Woodard + Curran

Fax #: 774 6635

Date: April 12, 2007

From: Jean Fraser

You should receive 4 page(s) including this cover sheet.

Comments:

Rug Depot have sent the attached in response to our comments (email sent yesterday + copied to you).

Could you please review asap - maybe liaise w/ Phil.

Thanks Jean



MODE = MEMORY TRANSMISSION

START=APR-12 13:07

END=APR-12 13:08

FILE NO.=100

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	a	97746635	004/004	00:00:38

-CITY OF PORTLAND -

\*\*\*\*\* -PLANNING DEPT. - \*\*\*\*\* 2077568258-\*\*\*\*\*

City of Portland  
 Department of Planning and Development  
 Planning Division  
 389 Congress Street, 4<sup>th</sup> Floor  
 Portland ME 04101  
 (207)874-8721 or (207)874-8719  
 Fax: (207)756-8258



FAX

To: Dan Goyette

Company: Woodard + Curran

Fax #: 774 6635

Date: April 12, 2007

From: Jean Fraser

You should receive 4 page(s) including this cover sheet.

Comments:  
 Reg Depot have sent the attached in response to our comments (email sent yesterday + copied to you).  
 Could you please review asap - maybe liaise w/ Phil.  
 Thanks Jean

**From:** Jean Fraser  
**To:** lagren@downeastmarketing.net  
**Date:** 4/11/2007 4:26:22 PM  
**Subject:** Rug Depot Performance Guarantee Cost Estimates

Linda,

Further to Mr AKers letter of ? (not dated; please date letters) and faxed to us on 11.9.2007, I confirm that the cost estimate calculations need to be more thorough and in greater detail.

They need to:

**-Provide info for everything with quantities (eg sq ft, length, areas) and costs per quantity/unit (as well as the subtotals).**

**-Include this info with breakdowns for all utilites including water, sanitary and sewer work; landscaping with loam and seed estimates; paving, striping, and curbing; erosion control, slope stabilization, riprap, and stormwater management areas; and retaining wall, guard rail, fire hydrant, etc.**

**-Specify and include costs associated with these such as street openings, traffic management, site security etc.**

If the contractor has any questions on this he can call Philip DiPierro, our Dev. Review Coordinator on 207-874-8632.

By way of info, the Site Plan "Application" pack for developers includes the following notes:

*"A Performance Guarantee will be required following approval of development plans. This guarantee covers all required improvements within the public right-of-way, plus certain site improvements such as landscaping, paving, and drainage improvements. The Planning Division will provide a cost estimate form for figuring the amount of the performance guarantee, as well as sample form letters to be filled out by a financial institution.*

*An Inspection Fee must also be submitted to cover inspections to ensure that sites are developed in accordance with the approved plan. The inspection fee is 2.0% of the performance guarantee amount, or as assessed by the planning or public works engineer. The minimum inspection fee is \$300 for development, unless no site improvements are proposed. Public Works inspects work within the City right-of-way and Planning inspects work within the site including pipe-laying and connections. (The contractor must work with inspectors to coordinate timely inspections, and should provide adequate notice before inspections, especially in the case of final inspection.)*

*Upon completion of a development project, the performance guarantee is released, and a Defect Guarantee in the amount of 10% of the performance guarantee must be provided. The Defect Guarantee will be released after a year."*

Please let me know that this e-mail has arrived in your office- thanks.

Jean (Fraser)  
Planner  
207 874 8728

**CC:** DiPierro , Philip

**From:** Philip DiPierro  
**To:** Barhydt, Barbara; Fraser, Jean  
**Date:** 4/11/2007 1:20:24 PM  
**Subject:** Re: Rug Depot

Jean, the PG cost estimate lacks much information. I would really like to see unit costs and quantities for everything, including breakdowns for all utilites including water, sanitary and sewer work; landscaping with loam and seed estimates; paving, striping, and curbing; erosion control, slope stabilization, riprap, and stormwater management areas; and retaining wall, guard rail, fire hydrant, etc.

Basically they need to be more thorough in providing us the requested information. Let me know if you have any questions. Thanks.

Phil

>>> Jean Fraser 4/11/2007 9:10:00 AM >>>  
Re: Performance Guarantee

Further to the undated letter with no attachment, we have received a fax with the computations for the PG.

It needs to be reviewed urgently as we have asked for the draft letter of credit to be submitted April 13th.

I spoke to Phil and he wasn't sure who was going to review the "public" part of the project and thought it would be Dan Goyette in light of something Mike Farmer had said at Dev Rev.

could you please confirm the protocol onthis?

Thaks  
Jean

( I have a copy of the FAX ready to give to the appropriate person at Dev rev today)

**CC:** Goyette, Dan

**From:** Jean Fraser  
**To:** Barhydt, Barbara  
**Date:** 4/11/2007 9:10:00 AM  
**Subject:** Rug Depot

Re: Performance Guarantee

Further to the undated letter with no attachment, we have received a fax with the computations for the PG.

It needs to be reviewed urgently as we have asked for the draft letter of credit to be submitted April 13th.

I spoke to Phil and he wasn't sure who was going to review the "public" part of the project and thought it would be Dan Goyette in light of something Mike Farmer had said at Dev Rev.

could you please confirm the protocol on this?

Thaks  
Jean

( I have a copy of the FAX ready to give to the appropriate person at Dev rev today)

**CC:** DiPierro , Philip; Goyette, Dan

Dan reviewed - needs quantities +  
cost per quantity  
needs to include traffic  
management / site  
management costs.

Phil: —

Alex confirms we should give written 'OK'  
for some shippage where progress being made

4.11.07.

**From:** Barbara Barhydt  
**To:** Fraser, Jean  
**Date:** 4/11/2007 9:23:48 AM  
**Subject:** Re: Rug Depot

Hi Jean:

At the last development review meeting Mike and I talked about Dan reviewing the public improvements side of the cost estimate form. It is my understanding that Dan will be doing this on behalf of public works.

Barbara

>>> Jean Fraser 04/11 9:10 AM >>>  
Re: Performance Guarantee

Further to the undated letter with no attachment, we have received a fax with the computations for the PG. ....

It needs to be reviewed urgently as we have asked for the draft letter of credit to be submitted April 13th.

I spoke to Phil and he wasn't sure who was going to review the "public" part of the project and thought it would be Dan Goyette in light of something Mike Farmer had said at Dev Rev.

could you please confirm the protocol onthis?

Thaks  
Jean

( I have a copy of the FAX ready to give to the appropriate person at Dev rev today)

**CC:** DiPierro , Philip; Goyette, Dan

# Fax



faxed to DG 4/12/07  
1:30  
gwen Phil

**To:** Jean Fraser Portland Planning Office      **From:** Randy Akers & Maine's Floor Covering Superstore

---

**Acct#**      **Pages:** 3

---

**FAX:** 756-8258      **Date:** 4/12/07

---

**Re:**      **cc:**

- Urgent     For Review     Please Comment     Please Reply     Please Recycle

Any questions please call me @ 207-782-8764. Thank You, Linda Agren Accounting Mgr.

Apr 12 07 09:52a

207-854-3809

P. 2

Planning and Development Department  
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date: 4/6/07

Name of Project:

Carpet & Rug

Address/Location:

Developer:

Form of Performance Guarantee:

Type of Development: Subdivision

Site Plan (Major/Minor)

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road						
Gravel	200 cy	20	4000			0
Granite Curbing	50 L	90	4500			0
Sidewalks	0					0
Esplanades	0					0
Monuments	0					0
Street Lighting	0					0
Street Opening Repairs	1	172.2	172.2			0
Other	0					0
2. EARTH WORK						
Cut	374 cy	6.75	2525	3365 cy	6.75	22,710
Fill	0			1725 cy	12.92	22,286
3. SANITARY SEWER						
Manholes	0					0
Piping	0					0
Connections	0					0
Main Line Piping	0					0
House Sewer Service Piping	0					0
Pump Stations	0			160'	29.72	4755 4" Sewer
Other	0					0
4. WATER MAINS						
Tap	1 Tap	3595	3595	210'	42.96	9022 6" Fire Spr
6"	20'	42.96	860	1	3293	3293 Hydrant
5. STORM DRAINAGE						
Manholes	0					0
Catchbasins	0					0
Piping	36" RCP	18'	163.28	1	2027	2027
Detention Basin	0		2941	526'	45.32	26,105
Stormwater Quality Units	0			60 cy	35	2102
Other	0					0

Apr 12 07 09:52a

207-854-3809

p. 3

6. SITE LIGHTING	0			17 ea	800	13,600	Base
				1300 LF	10.60	13,782	Trunking
7. EROSION CONTROL							
Silt Fence	0						
Check Dams	?			140'	4.45	623	
Pipe Inlet/Outlet Protection	5 SY	45	225	RipRap	42 SY	24.60	1013
Level Lip Spreader	0						
Slope Stabilization	100 SY	1.22	162	Curlex	1700 SY	1.63	2752
Geotextile	0						
Hay Bale Barriers	0						
Catch Basin Inlet Protection	0						
8. RECREATION AND OPEN SPACE AMENITIES	0						0
9. LANDSCAPING							
(Attach breakdown of plant materials, quantities, and unit costs)	loam 15cy	25	375	1	LS	18,320	
	Seed 24mt	50	100				
	Mulch						
10. MISCELLANEOUS							0
TOTAL:							
GRAND TOTAL:			\$ 21,005			\$ 142,390	

INSPECTION FEE (to be filled out by the City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: 2.0% of totals:	_____	_____	_____
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	



*summary*



# Fax

**To:** Jean Fraser Portland Planning Office      **From:** Randy Akers & Maine's Floor Covering Superstore

**Acct#** \_\_\_\_\_      **Pages:** 4

**FAX:** 756-8258      **Date:** 4/6/07

**Re:** \_\_\_\_\_      **cc:** \_\_\_\_\_

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

Any questions please call me @ 207-782-8764. Thank You, Linda Agren Accounting Mgr.

Would you please scc that Mr Jaegerman receives these documents as requested. Thank You.

*Fax 795 6544*  
*all i/c*  
*email: LAGREN@*  
*downeastmarketing.net*

Maine's' Floor Covering Superstore LLC  
P.O. Box 3271  
Auburn, Maine 04212

Mr. Alexander Jaegerman  
Planning Division Director  
389 Congress Street  
Portland, Maine 04101

Dear Mr. Jaegerman,

Thank you for your letter of March 29, 2007. I appreciate your approval of my request for extension of site approval to June 1<sup>st</sup> 2007. I understand your conditions for approval and intend to make every effort to meet these deadlines.

Enclosed please find a copy of the cost estimate form submitted by P.M. Construction to the city of Portland showing how the \$143,292.00 performance guarantee was calculated.

I confirm that the building to be constructed will be used exclusively for storage of flooring materials and accessories for redistribution to dealers and contractors in Southern Maine and New England for the exclusive purpose of wholesale to the trade only.

Again, thank you for your assistance of my project thru the permit process. If I can be of any further help, please keep my cell phone number on record.

Sincerely,

Randall Akers  
Maine's' Floor Covering Superstore LLC  
Cell: 207-415-2925

cc: Jean Fraser  
Planning & Development Department  
389 Congress Street  
Portland, Maine 04101



19 Industrial Park Road  
PO Box 728  
Saco, Maine 04072  
Telephone: 207-282-7697  
Facsimile: 207-283-4549  
www.pnconstruction.com

## FACSIMILE TRANSMITTAL

Date: April 6, 2007  
To: Randy  
Facsimile: 207-795-6544  
Telephone:  
From: Phillip Morin  
Subject: Performance Guarantee Numbers  
Total Pages: 3

**NOTICE OF CONFIDENTIALITY:** This facsimile transmittal is intended solely for the use of the individual(s) or entity to which it is addressed and may contain information which is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient or an employee or agent of the intended recipient, any dissemination, distribution, and/or copying of this transmittal, in whole or in part, is strictly prohibited. If you have received this transmittal in error, please telephone immediately to arrange for return of this transmittal at no cost to you. Thank you.

**Message:**

Randy,

Here is the paperwork you requested, call me if you have any questions.

A handwritten signature in black ink, appearing to be 'P. Morin', is written below the text.

Apr 06 07 08:35a

207-854-3809

P. 2

Planning and Development Department  
 SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

DATE: 4/6/07

Name of Project: Carpet & Rug  
 Address/Location: \_\_\_\_\_  
 Developer: \_\_\_\_\_  
 Form of Performance Guarantee: \_\_\_\_\_  
 Type of Development: Subdivision \_\_\_\_\_ Site Plan (Major/Minor) \_\_\_\_\_

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road	0					0
Granite Curbing	0					0
Sidewalks	0					0
Esplanades	0					0
Monuments	0					0
Street Lighting	0					0
Street Opening Repairs	1		1722			0
Other	0					0
2. EARTH WORK						
Cut			2525			22,710
Fill	0					22,286
3. SANITARY SEWER						
Manholes	0					0
Piping	0					0
Connections	0					0
Main Line Piping	0					0
House Sewer Service Piping	0					0
Pump Stations	0					4755
Other	0					0
4. WATER MAINS	1		3595			13,217
5. STORM DRAINAGE						
Manholes	0					0
Catchbasins	0					0
Piping	18'		2941	1		2027
Detention Basin	0					26,105
Stormwater Quality Units	0			1		2102
Other	0					0

Apr 06 07 08:36a

207-854-3809

p.3

6. SITE LIGHTING	0				27,382
7. EROSION CONTROL					
Silt Fence	0				623
Check Dams	0				0
Pipe Inlet/Outlet Protection	0				1013
Level Lip Spreader	0				0
Slope Stabilization	0				2752
Geotextile	0				0
Hay Bale Barriers	0				0
Catch Basin Inlet Protection	0				0
8. RECREATION AND OPEN SPACE AMENITIES	0				0
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	0				18,320
10. MISCELLANEOUS	0				0
TOTAL:					
GRAND TOTAL:		\$10,783 <sup>00</sup>			143,292

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals.	_____	_____	_____
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

**From:** Jean Fraser  
**To:** Tadema-Wielandt, Michael  
**Date:** 4/6/2007 4:13:35 PM  
**Subject:** Rug Depot URGENT

Mike,

Alex Jaegerman received (on 4.5.2007) an undated letter from Mr. Akers saying that he had enclosed a copy of the cost estimate form submitted by PM construction. This was not included with the top copy nor with my copy nor sent to our DRC so the City has not received that cost estimate.

Mr Akers also indicated he had enclosed his cell phone no. and that was not enclosed.

I have no way to contact him and if this project is going to proceed as it seems is intended we need to be able to communicate with him and documents must be in Alex or my hands by the deadlines.

Could you please advise him of the above and ask him to send the Cost Estimate Form immediately (by fax to me at 756 8258) as today is the deadline for that.

Thanks,  
Jean

**Maine's' Floor Covering Superstore LLC  
P.O. Box 3271  
Auburn, Maine 04212**

Mr. Alexander Jaegerman  
Planning Division Director  
389 Congress Street  
Portland, Maine 04101

Dear Mr. Jaegerman,

Thank you for your letter of March 29, 2007. I appreciate your approval of my request for extension of site approval to June 1<sup>st</sup> 2007. I understand your conditions for approval and intend to make every effort to meet these deadlines.

Enclosed please find a copy of the cost estimate form submitted by P.M. Construction to the city of Portland. showing how the \$184,000.00 performance guarantee was calculated.

I confirm that the building to be constructed will be used exclusively for storage of flooring materials and accessories for redistribution to dealers and contractors in Southern Maine and New England for the exclusive purpose of wholesale to the trade only.

Again, thank you for your assistance of my project thru the permit process. If I can be of any further help, please keep my cell phone number on record.

Sincerely,

Randall Akers  
Maine's' Floor Covering Superstore LLC

cc: Jean Fraser  
Planning & Development Department  
389 Congress Street  
Portland, Maine 04101

**RECEIVED**

**APR - 5 2007**

**City of Portland  
Planning Division**

MODE = MEMORY TRANSMISSION

START=MAR-29 12:40

END=MAR-29 12:43

FILE NO.=059

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	6	98562206	007/007	00:02:22

-CITY OF PORTLAND -

\*\*\*\*\* -PLANNING DEPT. - \*\*\*\*\* 2077568258- \*\*\*\*\*

City of Portland  
 Department of Planning and Development  
 Planning Division  
 389 Congress Street, 4<sup>th</sup> Floor  
 Portland ME 04101  
 (207)874-8721 or (207)874-8719  
 Fax: (207)758-8258



FAX

To: Michael Tadema - Wielandt

Company: Sebago Technics Inc.

Fax #: 856-2206

Date: March 29, 2007

From: Jean Fraser

You should receive 7 (7) page(s) including this cover sheet.

Comments:

Mike,  
 I would be grateful if you could fax this to  
 Mr. Akers as there is no fax number for him  
 on the file and time is of the essence.  
 Please call if any questions.

Jean (Fraser)  
 Planner  
 874-8728



City of Portland  
Department of Planning and Development  
Planning Division

389 Congress Street, 4<sup>th</sup> Floor  
Portland ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258



FAX

To: Michael Tadema - Wielandt

Company: Sebago Technics Inc.

Fax #: 856-2206

Date: March 29, 2007

From: Jean Fraser

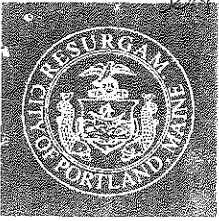
You should receive 7 (7) page(s) including this cover sheet.

Comments:

Mike,  
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Mr. AKERS as there is no fax number for him  
on the file and time is of the essence.

Please call if any questions.

Jean (Fraser)  
Planner  
874-8728



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Planning and Development Department  
Lee D. Urban, Director

Planning Division  
Alexander Jaegerman, Director

March 29, 2007

Mr. Randall C. Akers  
Maine's Floor Covering Superstore LLC  
659 Warren Avenue  
Portland, ME 04103

RE: **Rug Depot, 659 Warren Avenue**  
**CBL #315-A-001**

Dear Mr. Akers:

Thank you for your letter of March 21, 2007 responding to my request for a project timetable for the approved warehouse and site improvements at the above address. I note that progress has been made on meeting the conditions and permit requirements for the approved plan.

In addition, you have requested an extension to your Site Plan Approval (Application #2005-0237) for this warehouse development located at 659 Warren Avenue which is due to expire on April 11, 2007. I understand that your request is based on the fact that you need additional time to accomplish the outstanding items needed to complete the Building Permit process.

In my capacity as Planning Division Director for the City of Portland, I am granting your request to extend your approval to June 1, 2007 if the following deadlines are met precisely. The extension will be null and void if any of these deadlines are not met. A new site plan review application would be required for any development on the site if this extension becomes null and void.

**Deadlines to be met as a condition of this extension:**

By April 6, 2007: Submit cost estimate form showing how the \$184,000 Performance Guarantee estimate has been calculated; and

Submit a letter confirming that the building to be constructed will be used exclusively for storage with no element of retail use or other use.

- By April 13, 2007: Submit draft Letter of Credit for the Performance Guarantee (examples attached) in the amount agreed with the City if not \$184,000; and  
Submit the revised easement for the land mentioned in Condition 1i.
- By April 20, 2007: Submit the \$15,500 contribution for the sidewalk construction as required in Condition 1ii.
- By April 27, 2007: Submit copies of executed contracts with the contractors undertaking the construction of the warehouse building; and  
Submit the final Letter of Credit for the Performance Guarantee; and  
Agree and submit signed easement relating to Condition 1i.
- By May 7, 2007: Remove all tents and other unauthorized structures on the site whether the construction proceeds or not. I am not able to grant leniency in respect of the tents as leniency has already been extended over several years. The tents and any other unauthorized structures must be removed by May 7, 2007, otherwise legal action will be commenced to secure their removal.
- May 14, 2007 : Submit for review and approval by the City a site utilization plan showing how the contractors will manage traffic, parking, and construction activity (including access and storage of equipment) to ensure public safety and minimize impact on the surrounding roads, intersection and wetlands.
- By May 21, 2007: Construction must commence.

I am not in a position to give "priority" to the approvals for both Building Permits. If the timetable above is met I will ensure that the processing of the Building Permit relating to the new Warehouse is progressed in a timely fashion. I do not know the details of the Permit Application for external window renovations but understand that this may also be delayed until the tents/other unauthorized structures are removed.

If there are any questions, please contact Jean Fraser at 874-8728, or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Alexander Jaegerman  
Planning Division Director

Attachment: Sample Form Performance Guarantee Letter of Credit

Copy to Maine's Floor Covering Superstore LLC at P.O. Box 3271, Auburn ME 04212

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Phil DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeanie Burke, Inspections Division  
Michael Bobinsky, Public Works Director  
Katherine Earley, Public Works Engineering Manager  
Jim Carmody, City Transportation Engineer  
Mike Farmer, Public Works Project Engineer  
William Clark, Public Works  
Jessica Hanscom, Public Works  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File

SAMPLE FORM SITE PLAN/SUBDIVISION  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT  
[ACCOUNT NUMBER]

[Date]

Lee Urban  
Director of Planning and Development  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: [Insert: Name of Developer ]  
[Insert: Address of Project, Portland, Maine]

\_\_\_\_\_ (“Bank”) hereby issues its Irrevocable Letter of Credit for the account of [Insert: Name of Developer], (hereinafter referred to as “Developer”), held for the exclusive benefit of the City of Portland, in the aggregate amount of [Insert: amount of original performance guarantee]. These funds represent the estimated cost of installing site improvements as depicted on the [Insert: subdivision and/ or site plan], approved on [Insert: Date] and as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65.

This Letter of Credit is required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 and is intended to satisfy the Developer’s obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Development and in his sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the Letter of Credit and all amendments thereto, up to thirty (30) days before or sixty (60) days after its expiration, stating any one of the following:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the [Insert: subdivision and/ or site plan] approval, dated [Insert date]; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to notify the City for inspections.

In the event of the Bank's dishonor of the City of Portland's sight draft, the Bank shall inform the City of Portland in writing of the reason or reasons thereof within three (3) business days of the dishonor.

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

This performance guarantee shall expire on [Insert date between April 16 and October 30 of the following year] ("Expiration Date"). It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current Expiration Date hereof, or any future Expiration Date, unless within thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the Bank elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by this Letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Development, at Bank's offices located at \_\_\_\_\_ stating that:

this drawing results from notification that the Bank has elected not to renew its Letter of Credit No. \_\_\_\_\_.

On its Expiration Date or on the date the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, this Performance Guarantee Letter of Credit shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Letter of Credit. Written notice of such reduction shall be forwarded by the City to the Bank. The Defect Letter of Credit shall ensure the workmanship and durability of all materials used in the construction of the [Insert: subdivision and/ or site plan] approval, dated [Insert: Date] as required by City Code §14-501, 525 and shall automatically expire one (1) year from the date of its creation ("Termination Date").

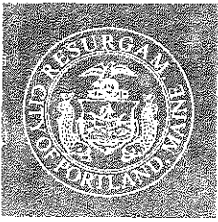
The City, through its Director of Planning and Development and in his sole discretion, may draw on the Defect Letter of Credit by presentation of a sight draft and this Letter of Credit and all amendments thereto, at Bank's offices located at \_\_\_\_\_, prior to the Termination Date, stating any one of the following:

1. the Developer has failed to complete any unfinished improvements; or
2. the Developer has failed to correct any defects in workmanship; or
3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the [Insert: subdivision and/ or site improvements ].

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its Duly Authorized Agent



JF/planning file

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Planning and Development Department  
Lee D. Urban, Director

Planning Division  
Alexander Jaegerman, Director

March 29, 2007

Mr. Randall C. Akers  
Maine's Floor Covering Superstore LLC  
659 Warren Avenue  
Portland, ME 04103

RE: **Rug Depot, 659 Warren Avenue**  
**CBL #315-A-001**

Dear Mr. Akers:

Thank you for your letter of March 21, 2007 responding to my request for a project timetable for the approved warehouse and site improvements at the above address. I note that progress has been made on meeting the conditions and permit requirements for the approved plan.

In addition, you have requested an extension to your Site Plan Approval (Application #2005-0237) for this warehouse development located at 659 Warren Avenue which is due to expire on April 11, 2007. I understand that your request is based on the fact that you need additional time to accomplish the outstanding items needed to complete the Building Permit process.

In my capacity as Planning Division Director for the City of Portland, I am granting your request to extend your approval to June 1, 2007 if the following deadlines are met precisely. The extension will be null and void if any of these deadlines are not met. A new site plan review application would be required for any development on the site if this extension becomes null and void.

**Deadlines to be met as a condition of this extension:**

By April 6, 2007: Submit cost estimate form showing how the \$184,000 Performance Guarantee estimate has been calculated; and

Submit a letter confirming that the building to be constructed will be used exclusively for storage with no element of retail use or other use.



- By April 13, 2007: Submit draft Letter of Credit for the Performance Guarantee (examples attached) in the amount agreed with the City if not \$184,000; and  
Submit the revised easement for the land mentioned in Condition Ii.
- By April 20, 2007: Submit the \$15,500 contribution for the sidewalk construction as required in Condition Iii.
- By April 27, 2007: Submit copies of executed contracts with the contractors undertaking the construction of the warehouse building; and  
Submit the final Letter of Credit for the Performance Guarantee; and  
Agree and submit signed easement relating to Condition Ii.
- By May 7, 2007: Remove all tents and other unauthorized structures on the site whether the construction proceeds or not. I am not able to grant leniency in respect of the tents as leniency has already been extended over several years. The tents and any other unauthorized structures must be removed by May 7, 2007, otherwise legal action will be commenced to secure their removal.
- May 14, 2007 : Submit for review and approval by the City a site utilization plan showing how the contractors will manage traffic, parking, and construction activity (including access and storage of equipment) to ensure public safety and minimize impact on the surrounding roads, intersection and wetlands.
- By May 21, 2007: Construction must commence.

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If there are any questions, please contact Jean Fraser at 874-8728, or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Alexander Jaegerman  
Planning Division Director

Attachment: Sample Form Performance Guarantee Letter of Credit

SAMPLE FORM SITE PLAN/SUBDIVISION  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT  
[ACCOUNT NUMBER]

[Date]

Lee Urban  
Director of Planning and Development  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: [Insert: Name of Developer ]  
[Insert: Address of Project, Portland, Maine]

\_\_\_\_\_ (“Bank”) hereby issues its Irrevocable Letter of Credit for the account of [Insert: Name of Developer], (hereinafter referred to as “Developer”), held for the exclusive benefit of the City of Portland, in the aggregate amount of [Insert: amount of original performance guarantee]. These funds represent the estimated cost of installing site improvements as depicted on the [Insert: subdivision and/ or site plan], approved on [Insert: Date] and as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65.

This Letter of Credit is required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 and is intended to satisfy the Developer’s obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Development and in his sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the Letter of Credit and all amendments thereto, up to thirty (30) days before or sixty (60) days after its expiration, stating any one of the following:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the [Insert: subdivision and/ or site plan] approval, dated [Insert date]; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to notify the City for inspections.

Copy to Maine's Floor Covering Superstore LLC at P.O. Box 3271, Auburn ME 04212

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Phil DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeanie Burke, Inspections Division  
Michael Bobinsky, Public Works Director  
Katherine Earley, Public Works Engineering Manager  
Jim Carmody, City Transportation Engineer  
Mike Farmer, Public Works Project Engineer  
William Clark, Public Works  
Jessica Hanscom, Public Works  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File

In the event of the Bank's dishonor of the City of Portland's sight draft, the Bank shall inform the City of Portland in writing of the reason or reasons thereof within three (3) business days of the dishonor.

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

This performance guarantee shall expire on [Insert date between April 16 and October 30 of the following year] ("Expiration Date"). It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current Expiration Date hereof, or any future Expiration Date, unless within thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the Bank elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by this Letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Development, at Bank's offices located at \_\_\_\_\_ stating that:

this drawing results from notification that the Bank has elected not to renew its Letter of Credit No. \_\_\_\_\_.

On its Expiration Date or on the date the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, this Performance Guarantee Letter of Credit shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Letter of Credit. Written notice of such reduction shall be forwarded by the City to the Bank. The Defect Letter of Credit shall ensure the workmanship and durability of all materials used in the construction of the [Insert: subdivision and/ or site plan] approval, dated [Insert: Date] as required by City Code §14-501, 525 and shall automatically expire one (1) year from the date of its creation ("Termination Date").

The City, through its Director of Planning and Development and in his sole discretion, may draw on the Defect Letter of Credit by presentation of a sight draft and this Letter of Credit and all amendments thereto, at Bank's offices located at \_\_\_\_\_, prior to the Termination Date, stating any one of the following:

1. the Developer has failed to complete any unfinished improvements; or
2. the Developer has failed to correct any defects in workmanship; or
3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the [Insert: subdivision and/ or site improvements ].

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its Duly Authorized Agent

**From:** "Michael Tadema-Wielandt" <MTW@sebagotechnics.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 3/27/2007 3:33:11 PM  
**Subject:** RE: Rug Depot

Thanks for the update, Jean. I do not know what Sebago Technics letter Mr. Akers is referring to. He may have intended to reference a March 19th letter from PM Construction, in which Phil Morin mentions the cost savings associated with spring construction (when compared to winter construction). I hope that you received that letter attached to Mr. Akers March 21st letter.

I was not involved with the Performance Guarantee calculation. I believe that PM Construction came up with this number but do not know for sure.

I will be out of the office all day tomorrow, but let me know how it goes.

Thanks,  
Mike

Michael Tadema-Wielandt  
Sebago Technics, Inc.  
One Chabot Street  
Westbrook, ME 04098  
p: 207-856-0277  
f: 207-856-2206

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

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Tuesday, March 27, 2007 3:16 PM  
**To:** Michael Tadema-Wielandt  
**Subject:** RE: Rug Depot

Mike

We are meeting tomorrow to consider Mr Akers request.

His letter refers (last para ) to one from you but it was not attached...does it matter?

It also refers to a Performance Guarantee of \$184,000. These guarantees need to be agreed with the City through our DRC and this has not happened; I am not sure how that figure was derived but they should know that it is not agreed. Do you have any info- did you contribute to that calculation?

If not don't worry as its probably not crucial for our discussion.

Thanks  
Jean

>>> "Michael Tadema-Wielandt" <MTW@sebagotechnics.com> 3/21/2007  
5:14:29 PM >>>  
Jean-

I spoke to Mr. Akers after our phone conversation, and I learned that he replied directly to Alex's Feb.27th letter. In his reply, he outlines where the project stands and the proposed timetable and formally requests an extension of the site plan approval. I believe that this eliminates the need for me to send an extension request.

I don't believe that you were cc'd (neither was I), so you may want to ask Alex for a copy.

Regards,  
mike

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Sebago Technics, Inc.  
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From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Wednesday, March 21, 2007 3:14 PM  
To: Michael Tadema-Wielandt  
Subject: RE: Rug Depot

Mike,

Just a head sup....there have been some internal discussions here and although no final view has been taken I would say there is a good chance that any request for renewal of the April 2006 Site Plan Approval will be not be approved. We have lost patience with the tents.

Jean

>>> "Michael Tadema-Wielandt" <MTW@sebagotechnics.com> 3/19/2007 9:14:47 AM >>>  
Jean,

Thanks for the update. I spoke to Mr. Akers last week and reminded him of the \$15,500 contribution, performance guarantee, and easement that were all conditions of approval. I believe that he is currently working on all of them.

Let me know if you require more plans or anything else.

Regards,  
Mike

Michael Tadema-Wielandt  
Sebago Technics, Inc.  
One Chabot Street  
Westbrook, ME 04098

p: 207-856-0277  
f: 207-856-2206

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Friday, March 16, 2007 1:36 PM  
To: Michael Tadema-Wielandt  
Cc: Marge Schmuckal; Philip DiPierro  
Subject: Rug Depot

Mike,

Just to confirm I received the revised plans (re sidewalk extension) and have circulated them one more time to get the final "OK"- which I anticipate in the next few days. Once I get that I may need a few more copies of the plan and then will wait for Mr. Akers to get the financial side sorted out before circulating the approved plans (stamped "approved").

Maybe you could remind him that before the Building Permit will be issued there is a \$15, 500 contribution he needs to make, as well as the Performance Guarantee (which I understand a contractor is working on at the moment and the contact here is Phil Dipierro, our new DRC).

thanks  
Jean (Fraser)

**CC:** <03141@sebagotechnics.com>



**From:** Jean Fraser  
**To:** Tadema-Wielandt, Michael  
**Date:** 3/27/2007 3:16:22 PM  
**Subject:** RE: Rug Depot

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thanks  
Jean (Fraser)

**Maine's Floor Covering Superstore, LLC**  
**P.O. Box 3271, Auburn, ME 04212**  
**207-782-8764**

Date: March 21, 2007

To: Alexander Jaegerman  
Portland Planning Division Director  
389 Congress Street  
Portland, ME 04101

From: Randall C. Akers  
Maine's Floor Covering Superstore, LLC  
659 Warren Avenue  
Portland, ME 04103

RE: Request for project time table for warehouse and site improvements for Carpet & Rug Depot, 659 Warren Avenue. Application # 2005-0237 CBL #315-A-001

Dear Mr Jaegerman:

In response to your letter dated February 27, 2007 I would like to provide you with a project update and provide you with a construction time table on the proposed Warren Avenue and Riverside intersection.

1. A \$285,000 Wedgcore prefabricated steel building has been purchased and delivered to a Westbrook holding site.
2. 2 of the original 6 tents have been removed from the construction site as discussed at our city hall meeting with Mike Hill and Penny Littell. The remaining 4 tents have been recently repositioned to allow room to accommodate proposed warehouse construction.
3. A copy of the proposed easement prepared by Mike Hill P.A. for Monaghan, Leahy, LLP was sent for review to Penny Littell on July 18, 2006. Mike has had no response to date. I am hand delivering copies of the proposed Easement to Penny Littell, Jean Fraser and Michel Farmer at public works. I would request this document be given priority of review and a copy returned to Mike Hill at 95 Exchange Street, P.O. Box 7046, Portland, ME 04112-7046 for final execution.
4. P.M. Construction has completed all plans and forms for the building permit submitted in July of 2006.
5. On February 2, 2007, Jean Fraser contacted Michael E. Tadema-Wielandt, Sebago Technics design engineer, with the outstanding conditions of approval to be addressed by Michael. They are as follows:

Condition iii – Revision of site plan to show sidewalk if intersection improvements do not go forward with revised notes stating a non refundable contribution to the city of \$15,500 for the cost of the proposed sidewalk, curbing and guard rail along Warren Avenue.

Response: Condition iii completed March 2<sup>nd</sup> with copy to Jean Fraser.

Condition iV – No further action required.

Response – Noted on sheet #2 copy to Jean Fraser March 2<sup>nd</sup>.

Condition V – Detention Basin Management plan.

Response – Note included on sheet #2. Copy to Jean Fraser March 2<sup>nd</sup>.

Condition Vi – Regarding Easement

Response – No further action required.

Condition Vii – Regarding Culvert

Response – Submitted detail is acceptable and this condition has been met.

Condition Viii – Regarding Guard Rail

Response – Submitted detail is acceptable. Condition has been met.

Condition iX – Fire Hydrant

Response – Submitted detail is acceptable. Condition has been met.

Resubmitted 7 copies of sheets #2 and #3 for the final approved plan sets for the building permit process.

Condition i - Easement – Sent to Penny Littell on July 18, 2006. Copies now hand delivered.

Maine Floorcovering Superstore LLC  
Application Case #050-653

Paid and applied for permit for \$23,600 for external window renovations to existing building at 659 Warren Avenue. At Mike Nugents request, the following was submitted by M&M Contractors:

- Stamped architectural drawings by SRG Engineering of Gray, Maine
- 3D perspective of completed exterior window wall
- Store layout with traffic flow
- Alpha 1 and ADA inspections reports
- Sprinkler system testing and certificate
- Fire Marshall inspection
- Permit denied pending site renovations for new warehouse
- Special owner paid meeting with council. Forced to resubmit for site approval.

### Proposed Time Table for Completion of Projects

1. **ASAP.** Upon City council review return date of easement to Mike Hill for execution and delivery.
2. On or before April 11<sup>th</sup> a check to the City of Portland for \$15,500 as a Non-Refundable construction to the Riverside and Warren Avenue corner project.
3. \$184,000 Performance Bond in favor of the City of Portland. (See attached letter from Gorham Savings Bank)
4. Issue of Building Permit
5. Begin construction. (See attached construction schedule from P.M. Construction)

*this \$  
not agreed  
w/ Phil*

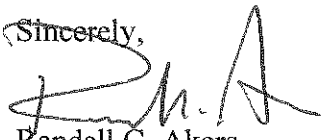
I am a Maine Business that has spent hundreds of thousands of dollars on this project to-date. Recent economic down turns in the residential building market have negatively impacted the company's cash flow and I cannot attend to the development personally. It is my sincere intention to start and complete this project in "07". This project is at a critical decision stage and I would respectfully request the following:

1. Extension of Site Plan Approval to allow for permit process and avoid winter Construction allowances to building contractors. (Please see attached Sebago Technics letter)
2. Priority approval of both building permits submitted to the city upon receipt of \$15,500 contribution and the \$184,000 performance bond.
3. Leniency on the tent issue thru the completion of the building process.

*not  
enclosed.*

Your understanding, time and help on these issues are greatly appreciated.

Sincerely,



Randall C. Akers

Maine's Floorcovering Superstore, LLC

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, THAT **Maine's Floorcovering Superstore, LLC**, a Maine limited liability company with a place of business and mailing address of 659 Warren Avenue, Portland, Maine, 04103 (hereinafter referred to as "**Grantor**"), for consideration paid, releases to **The City of Portland**, a municipal corporation and body politic, duly incorporated under the laws of the State of Maine with a place of business in Portland, Maine and with a mailing address of 389 Congress Street, Portland, Maine, 04101 and **The State of Maine**, by and through **The Maine Department of Transportation**, a municipal corporation and body politic, duly incorporated under the laws of the State of Maine with a place of business in Augusta, Maine and with a mailing address of 16 State House Station, Augusta, Maine, 04333 (hereinafter collectively referred to as "**Grantee**"), a nonexclusive, perpetual easement for the purpose of construction of retaining walls, sidewalks, curbing and other works and maintenance associated with improvements at the intersection of Warren Avenue and Riverside Street in the City of Portland, County of Cumberland and State of Maine over the premises described in Schedule A attached hereto and incorporated herein by reference.

The easement area described on Schedule A may be widened beyond the 20-foot width described therein with the mutual agreement of the Grantor and Grantee, provided that the widening does not preclude the operation, access and maintenance of Grantor's existing building located at 659 Warren Avenue, Portland, Maine.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2006.

Witness:

MAINE'S FLOORCOVERING SUPERSTORE, LLC

\_\_\_\_\_

By Randall C. Akers  
Its Sole Member

STATE OF MAINE  
CUMBERLAND, SS.

\_\_\_\_\_, 2006

Personally appeared the above named Randall C. Akers, Sole Member of Maine's Floorcovering Superstore, LLC, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of Maine's Floorcovering Superstore, LLC.

Before me,

\_\_\_\_\_  
Notary Public/Maine Attorney at Law

\_\_\_\_\_  
Printed Name

SCHEDULE A  
Proposed Construction Easement

A certain easement situated northerly of Warren Avenue and easterly of Riverside Street in the City of Portland, County of Cumberland and State of Maine as shown on a Site Plan of Riverside & Warren Avenue Parcel for Maines Floorcovering Superstore LLC by Sebago Technics, Inc. dated September 19, 2003, and last revised April 6, 2006, with reference to Project Number 03141, being further bounded and described as follows:

Commencing at a 5/8-inch capped rebar to be set on the northerly side of Warren Avenue at the southwesterly corner of land now or formerly of Watson Realty Association as described in a deed recorded at Cumberland County Registry of Deeds in Book 11105, Page 122;

Thence N 80°-22'-58" W, by and along Warren Avenue, a distance of 15.21 feet to the Point of Beginning;

Thence continuing N 80°-22'-58" W, by and along Warren Avenue, a distance of 337.93 feet to a 5/8-inch capped rebar to be set at a point of curvature;

Thence by and along a curve to the right with a radius of 37.50 feet, a length of 46.90 feet, having a chord of N 44°-33'-21" W, 43.90 feet to a 5/8-inch capped rebar to be set at the easterly side of Riverside Street;

Thence N 08°-43'-44" W, by and along Riverside Street, a distance of 144.33 feet to a 5/8-inch capped rebar to be set at a point of curvature;

Thence by Riverside Street and along a curve to the right with a radius of 268.44 feet, a length of 239.49 feet, having a chord of N 16°-49'-46" E, a distance of 231.63 feet to a 5/8-inch capped rebar to be set at a point of tangency;

Thence N 42°-23'-16" E, by and along Riverside Street, a distance of 158.20 feet;

Thence S 47°-24'-44" E, over and through land of said Grantor, a distance of 20.00 feet;

Thence S 42°-23'-16" W, over and through land of said Grantor, a distance of 158.13 feet to a point of curvature;

Thence by and along a curve to the left with a radius of 248.44 feet, a length of 221.65 feet, having a chord of S 16°-49'-46" W, 214.37 feet to a point of tangency;

Thence S 08°-43'-44" E, over and through land of said Grantor, a distance of 144.33 feet to a point of curvature at the northeasterly intersection of Warren Avenue and Riverside Street;

Thence by and along a curve to the left with a radius of 17.50 feet, a length of 21.89 feet, having a chord of S 44°-33'-21" E, 20.49 feet to a point of tangency;

Thence S 80°-22'-58" E, over and through land of said Grantor, a distance of 334.60 feet;

Thence S 00°- 09'- 02" W, over and through land of said Grantor, a distance of 20.28 feet to the Point of Beginning.

Meaning and intending to describe approximately 18,074 square feet as shown on said plan.

Bearings are based on Magnetic North 1995.

03/19/2007 MON 16:37 FAX PM CONSTRUCTION



Corporate Office:  
19 Industrial Park Road  
P.O. Box 728  
Seco, ME 04072  
Phone (207) 282-7697  
Fax (207) 283-4548  
www.pmiconstruction.com

March 19, 2007

Mr. Randy Acres  
Maine's Floorcovering Superstore, LLC  
P.O. Box 3271  
Auburn, ME 04212

*RE: Project Start Up on Warren Avenue, Portland, Maine*

Dear Randy,

I wanted to take a moment, at your request to explain our details with the start up of your project on Warren Avenue in Portland, Maine.

We want to get underway as soon as April 15, 2007 because of the possible price increases with materials and the subcontractor availability with spring construction. With the spring start we would no longer have to be concerned with the added cost of winter construction fees and the scheduling of this will stay within the original construction schedule of 15 weeks as we proposed last summer. Furthermore we would be able to do the street work and complete it all at once rather than having to stop due to the paving plants closing as they do in the early winter. This will ensure a better product turned over to the city's public works.

We are prepared to start construction on April 15<sup>th</sup> provided we are able to secure a building permit by then. The city of Portland requires at least 30 days to process a permit and that is after you have provided them with the "performance bond" and completed any other legal paperwork associated with your approvals. So as you can see, we are coming to a critical time and we need to be working together to meet your goals of completing the work as soon as possible.

We appreciate the opportunity to work with you on this project and look forward to meeting and discussing the details to start construction.

Respectfully,

A handwritten signature in black ink, appearing to read 'Phillip Morin', written over a horizontal line.

Phillip Morin  
President/CEO  
PM Construction Co., Inc.





March 20, 2007

Lee Urban, Director of Planning and Development  
City of Portland  
389 Congress Street  
Portland, ME 04101

**RE: Maine's Flooring Covering Superstore, LLC  
Property Improvement Project Located at 659 Warren Avenue**

Dear Mr. Urban:

Please be advised that Gorham Savings Bank is in receipt of a loan application pertaining to the above referenced company and project. The application includes two differing types of requests, a Letter of Credit in favor of the City of Portland and construction financing.

The principal of the company, Mr. Randall Akers, has provided the Bank with the necessary information to begin its due diligence. We anticipate making a final decision within the next 7 to 10 days.

Please let me know if you have any questions regarding this letter or the Bank's process for reviewing the loan requests. I can be reached directly at (207) 222-1463.

Sincerely,



William C. Tracy  
Vice President

Cc: Mr. Randall Akers

**Maine's Floor Covering Superstore, LLC**  
**P.O. Box 3271, Auburn, ME 04212**  
**207-782-8764**

Date: March 21, 2007

To: Jean Fraser  
Portland Planning Division Director  
389 Congress Street  
Portland, ME 04101

From: Randall C. Akers  
Maine's Floor Covering Superstore, LLC  
659 Warren Avenue  
Portland, ME 04103

RE: As requested by Alexander Jaegerman and Jean Fraser for Maine's Floorcovering Superstore at 659 Warren Avenue. Application # 2005-0237 CBL #315-A-001

Enclosed for you a review of the draft easement language to meet the conditions of approval for Maine's Floorcovering Superstore's warehouse project. . Please return final copies to Mike Hill at Monaghan Leahy, 95 Exchange Street, P.O. Box 7046, Portland, ME 04112-7046 at your earliest convenience. We have an April 11<sup>th</sup> deadline.

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, THAT **Maine's Floorcovering Superstore, LLC**, a Maine limited liability company with a place of business and mailing address of 659 Warren Avenue, Portland, Maine, 04103 (hereinafter referred to as "**Grantor**"), for consideration paid, releases to **The City of Portland**, a municipal corporation and body politic, duly incorporated under the laws of the State of Maine with a place of business in Portland, Maine and with a mailing address of 389 Congress Street, Portland, Maine, 04101 and **The State of Maine**, by and through **The Maine Department of Transportation**, a municipal corporation and body politic, duly incorporated under the laws of the State of Maine with a place of business in Augusta, Maine and with a mailing address of 16 State House Station, Augusta, Maine, 04333 (hereinafter collectively referred to as "**Grantee**"), a nonexclusive, perpetual easement for the purpose of construction of retaining walls, sidewalks, curbing and other works and maintenance associated with improvements at the intersection of Warren Avenue and Riverside Street in the City of Portland, County of Cumberland and State of Maine over the premises described in Schedule A attached hereto and incorporated herein by reference.

The easement area described on Schedule A may be widened beyond the 20-foot width described therein with the mutual agreement of the Grantor and Grantee, provided that the widening does not preclude the operation, access and maintenance of Grantor's existing building located at 659 Warren Avenue, Portland, Maine.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2006.

Witness:

MAINE'S FLOORCOVERING SUPERSTORE, LLC

\_\_\_\_\_

\_\_\_\_\_

By Randall C. Akers  
Its Sole Member

STATE OF MAINE  
CUMBERLAND, SS.

\_\_\_\_\_, 2006

Personally appeared the above named Randall C. Akers, Sole Member of Maine's Floorcovering Superstore, LLC, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of Maine's Floorcovering Superstore, LLC.

Before me,

\_\_\_\_\_  
Notary Public/Maine Attorney at Law

\_\_\_\_\_  
Printed Name