

315-A-1

659 Warren
Ave.

Warehouse -
Rug Depot

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.

From: Jean Fraser
To: Tadema-Wielandt, Michael
Date: 3/16/2007 2:35:40 PM
Subject: Rug Depot

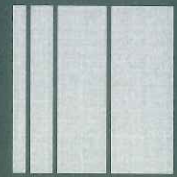
Mike,

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: DiPierro , Philip; Schmuckal, Marge



March 2, 2007
03141

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

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

Dear Jean:

Thank you for your letter, dated February 2, 2007, regarding the outstanding conditions of approval for the Carpet and Rug Depot project. As requested in your letter, attached are seven copies of revised Plan Sheets #2 and #3.

Plan revisions include the extension of the Warren Avenue sidewalk to a future crosswalk location at Riverside Street, the requested revision of Note 23 on Sheet #2 and Note 2 on Sheet #3, and the addition of Note 24 on Sheet #2.

I believe that the plans now completely comply with 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/dlf

Enc.

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

file copy



PORTLAND MAINE

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

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

February 27, 2007

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

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

Dear Mr. Akers:

On April 11, 2006, the Portland Planning Board approved the Site Plan for a 20,000 sq. ft. warehouse/storage building at your premises at 659 Warren Avenue (Application #2005-0237). This was an approval of a Site Plan that was originally approved in 2004 following discussions regarding the unlawful placement of "tents" and other structures on the premises. The tents on the site do not have a building permit nor Site Plan approval.

When considering the most recent Site Plan application it was our understanding that the approval would allow you to move forward with the warehouse building and remove the tents.

Our records show that an application for a Building Permit was made this summer for the warehouse building but could not be issued because you have not complied with a number of the Site Plan Approval conditions nor posted the Performance Guarantee.

This has been a long running situation and the City has requested the removal of the tents on a number of occasions since 2002. The tents remain on site and construction of the new warehouse building does not appear to be progressing; the Site Plan Approval expires in April 2007.

I would be grateful if you would confirm your timetable for the completion of the warehouse and removal of all of the tents on this site. If I have not heard from you by March 20, 2007 then the City will have no option but to consider enforcement action in respect of the tents.

If there are any questions or to arrange a meeting meet with us, please contact Jean Fraser at 874-8728, or at jf@portlandmaine.gov.

Sincerely,



Alexander Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Burke, Inspections
Michael Bobinsky, Public Works Director
Katherine Earley, Public Works Engineering Services Manager
Jim Carmody, City Transportation Engineer
Penny Littell, Associate Corporation Counsel
Captain Greg Cass, Fire Prevention
Mike Farmer PW

cc. M Tadema-Wielandt, Sebago Technics

RECEIVED

APR 27 2008

City of Portland
Planning Division

 **AIA** Document A101™ – 1997

Standard Form of Agreement Between Owner and Contractor
where the basis of payment is a STIPULATED SUM

AGREEMENT made as of the Twenty-First day of July in the year of Two Thousand Six
(In words, indicate day, month and year)

BETWEEN the Owner:
(Name, address and other information)

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

and the Contractor:
(Name, address and other information)

PM Construction Co., Inc.
P.O. Box 728
Saco, ME 04072

The Project is:
(Name and location)

Carpet & Rug Depot
Warren Avenue & Riverside Street
Portland, Maine 04103

The Architect is:
(Name, address and other information)

Grant Hayes Associates
P.O. Box 6179
Falmouth, Maine, 04105
Telephone Number: 207-871-5900
Fax Number: 207-871-9308

The Owner and Contractor agree as follows.

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201-1997, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

This document has been approved and endorsed by The Associated General Contractors of America.

ARTICLE 1 THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than Modifications, appears in Article 8.

ARTICLE 2 THE WORK OF THIS CONTRACT

The Contractor shall fully execute the Work described in the Contract Documents, except to the extent specifically indicated in the Contract Documents to be the responsibility of others.

ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)

The commencement date will be fixed in a notice to proceed. Notice must be issued within 30 days of Contract date

If, prior to the commencement of the Work, the Owner requires time to file mortgages, mechanic's liens and other security interests, the Owner's time requirement shall be as follows:

§ 3.2 The Contract Time shall be measured from the date of commencement.

§ 3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than 105 days from the date of commencement, or as follows:

(Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. Unless stated elsewhere in the Contract Documents, insert any requirements for earlier Substantial Completion of certain portions of the Work.)

Portion of Work

Substantial Completion Date

, subject to adjustments of this Contract Time as provided in the Contract Documents.

(Insert provisions, if any, for liquidated damages relating to failure to complete on time or for bonus payments for early completion of the Work.)

ARTICLE 4 CONTRACT SUM

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be Eight Hundred Ninety Four Thousand One Hundred Eleven Dollars and Zero Cents (\$ 894,111.00) subject to additions and deductions as provided in the Contract Documents.

§ 4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:

(State the numbers or other identification of accepted alternates. If decisions on other alternates are to be made by the Owner subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires)

Permits, Impact Fees, Winter Conditions are excluded from the construction contract.

§ 4.3 Unit prices, if any, are as follows:

Description	Units	Price (\$ 0.00)
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ARTICLE 5 PAYMENTS

§ 5.1 PROGRESS PAYMENTS

§ 5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

§ 5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

§ 5.1.3 Provided that an Application for Payment is received by the Architect not later than the First day of a month, the Owner shall make payment to the Contractor not later than the Fifteenth day of the same month. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than Fifteen (15) days after the Architect receives the Application for Payment.

§ 5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.

§ 5.1.5 Applications for Payment shall indicate the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ 5.1.6 Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

- 1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of Five percent (5.00%). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 7.3.8 of AIA Document A201-1997;
- 2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of Five percent (5.00%);
- 3 Subtract the aggregate of previous payments made by the Owner; and
- 4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Section 9.5 of AIA Document A201-1997.

§ 5.1.7 The progress payment amount determined in accordance with Section 5.1.6 shall be further modified under the following circumstances:

- 1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and

(Section 9.8.5 of AIA Document A201-1997 requires release of applicable retainage upon Substantial Completion of Work with consent of surety, if any.)

- 2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Section 9.10.5 of AIA Document A201-1997.

§ 5.1.8 Reduction or limitation of retainage, if any, shall be as follows:

(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Sections 5.1.6.1 and 5.1.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)

§ 5.1.9 Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

§ 5.2 FINAL PAYMENT

§ 5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when:

- 1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Section 12.2.2 of AIA Document A201-1997, and to satisfy other requirements, if any, which extend beyond final payment; and
- 2 a final Certificate for Payment has been issued by the Architect.

§ 5.2.2 The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

ARTICLE 6 TERMINATION OR SUSPENSION

§ 6.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201-1997.

§ 6.2 The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201-1997.

ARTICLE 7 MISCELLANEOUS PROVISIONS

§ 7.1 Where reference is made in this Agreement to a provision of AIA Document A201-1997 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

§ 7.2 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.

(Insert rate of interest agreed upon, if any.)

Eighteen percent (18.00%) per annum

(Usury laws and requirements under the Federal Truth in Lending Act, similar state and local consumer credit laws and other regulations at the Owner's and Contractor's principal places of business, the location of the Project and elsewhere may affect the validity of this provision. Legal advice should be obtained with respect to deletions or modifications, and also regarding requirements such as written disclosures or waivers.)

§ 7.3 The Owner's representative is:

(Name, address and other information)

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

§ 7.4 The Contractor's representative is:
(Name, address and other information)

William S. Nason, COO
PM Construction Co., Inc.
P.O. Box 728
Saco, ME 04072

§ 7.5 Neither the Owner's nor the Contractor's representative shall be changed without ten days written notice to the other party.

§ 7.6 Other provisions:

Bathroom is not included in the Lump Sum Price, The cost to Add Bathroom is \$19,800 as per the attached "Change Option-Add Bathroom" estimate dated 7/21/06

ARTICLE 8 ENUMERATION OF CONTRACT DOCUMENTS

§ 8.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated as follows:

§ 8.1.1 The Agreement is this executed 1997 edition of the Standard Form of Agreement Between Owner and Contractor, AIA Document A101-1997.

§ 8.1.2 The General Conditions are the 1997 edition of the General Conditions of the Contract for Construction, AIA Document A201-1997.

§ 8.1.3 The Supplementary and other Conditions of the Contract are those contained in the Project Manual dated , and are as follows

Document	Title	Pages
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§ 8.1.4 The Specifications are those contained in the Project Manual dated as in Section 8.1.3, and are as follows:
(Either list the Specifications here or refer to an exhibit attached to this Agreement.)

Section	Title	Pages
"See List of Drawings" as per Section 8.1.5		

§ 8.1.5 The Drawings are as follows, and are dated May 25, 2006 unless a different date is shown below:
(Either list the Drawings here or refer to an exhibit attached to this Agreement.)

Number	Title	Date
A-0	Cover Sheet-Grant Hayes Associates Drawings	5/25/2006
A-1	Partial Left Floor Plan	5/25/2006
A-2	Partial Right Floor Plan	5/25/2006

A-3	Exterior Elevators	5/25/2006
A-4	Typical Building Section	5/25/2006
A-5	Schedule & Details	5/25/2006
A-6	Accessibility Details and Notes	5/25/2006
S-1	Sebago Technics - Existing Conditions Plan	3/19/2004
S-2	Site Plan	5/16/2006
S-3	Grading and Utility Plan	5/11/2006
S-4	Landscaping and Lighting Plan	5/11/2006
S-5	Detail Sheet	5/11/2006
S-6	Detail Sheet	5/11/2006
S1.1	L&L Structural Engineering Foundation Plans	6/15/2006

§ 8.1.6 The Addenda, if any, are as follows:

Number	Date	Pages
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Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 8.

§ 8.1.7 Other documents, if any, forming part of the Contract Documents are as follows:
(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201-1997 provides that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)

Change Option - "Add Bathroom" Estimated dated 7/21/06 (N.I.C.)

This Agreement is entered into as of the day and year first written above and is executed in at least three original copies, of which one is to be delivered to the Contractor, one to the Architect for use in the administration of the Contract, and the remainder to the Owner.


 OWNER (Signature)

Randy C. Adams OWNER MEROS LLC
 (Printed name and title)


 CONTRACTOR (Signature)

PM Construction Co.
 (Printed name and title)

PM Construction Co., Inc.

Estimate For
Carpet & Rug Depot
07/21/06

Change Option
Add Bathroom

Phase	Item	HR	\$	Labor	Unit	\$	Material	Equip.	Subcont.	Misc.	Total
	Section 1										
		0	45	0	0	0	0	0	0	0	0
		0	50	0	0	0	0	0	0	0	0
		0	35	0	0	0	0	0	0	0	0
	Earthwork	0	35	0	0	0	0	0	7815	0	7815
	Frame	21	35	735	21	10	210	0	0	0	945
	Door	6	35	210	1	750	750	0	0	0	960
	gwb	0	35	0	400	0	0	0	600	0	600
	vct	0	35	0	0	0	0	0	300	0	300
	act	0	35	0	0	0	0	0	200	0	200
	paint	0	35	0	0	0	0	0	300	0	300
	Plumbing	0	35	0	0	0	0	0	4000	2000	6000
	Sprink	0	35	0	0	0	0	0	250	0	250
	Electrical	0	35	0	0	0	0	0	500	0	500
		0	35	0	0	0	0	0	0	0	0
	Misc	0	35	0	0	0	0	0	130	0	130
		0	35	0	0	0	0	0	0	0	0
	OH&P	0	35	0	0	0	0	0	0	1800	1800
		0	35	0	0	0	0	0	0	0	0
		0	35	0	0	0	0	0	0	0	0
	Sub Total	27		945			960	0	14095	3800	19800

Progress re Rug Depot re Extension of Site Plan approval: PROGRESS AS OF April 23, 2007

What required as per City letter of 3.29.2007	Deadline in letter	Submitted	Comment/Action
Submit cost estimate form showing how the \$184,000 Performance Guarantee estimate has been calculated; and	April 6	First draft submitted 4.6.2007; discussion between Contractor and Phil DiPierro during following week; as of 4.13 almost there	FAX sent 4.13 giving them a few more days; Phil to confirm that a final calculation has been agreed
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.	April 6	Unsigned letter from Mr Akers rec'd 4.6.2007 stating "I confirm the building to be constructed will be used exclusively for storage of flooring material and accessories for redistribution to dealers and contractors in Southern Maine and New England for the exclusive purpose of wholesale to the trade only"	JF to get a signed version.
Submit draft Letter of Credit for the Performance Guarantee (examples attached) in the amount agreed with the City if not \$184,000; and	April 13	Draft letter of Credit received by e-mail 4.13.2007	Sent to Penny Littell and Phil DiPierro by JF on 4.17.07 for review
Submit the revised easement for the land mentioned in Condition 1i.	April 13	Not submitted as we have not got PW or MDOT comments back on this (FAX sent to Akers 4.13.07 accepting that meeting this timetable depended on us	Penny- do you have comments back from PW and MDOT yet?
Submit the \$15,500 contribution for the sidewalk construction as required in Condition 1ii	April 20	Check for \$15,500 received 4.20.2007.	Jennifer processing this.
Submit copies of executed contracts with the contractors undertaking the construction of the warehouse building	April 27	✓ rec'd	
Submit the final Letter of Credit for the Performance Guarantee; and	April 27		
Agree and submit signed easement relating to Condition 1i. Remove all tents and other unauthorized structures on the site whether the construction proceeds or not. [... otherwise legal action will be commenced to secure their removal.]	April 27 May 7	✓	Phil Reports tents are down
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. Construction must commence.	May 14 May 21		

*Checked to Shawn
+ changed file name + 4.6.07
+ changed file name + 4.6.07
checked a week ago
w/ Jenny
after cleanup*

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**"), voluntarily and without compensation, 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 and use of retaining walls, sidewalks, curbing and other road work deemed appropriate by the Grantee(s) 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.

Deleted: for consideration paid,
Deleted:

Deleted: :

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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 6 day of June, 2007.

Deleted: 6

Witness:

Linda Agnes

MAINE'S FLOORCOVERING SUPERSTORE, LLC

[Signature]
By Randall C. Akers
Its Sole Member

STATE OF MAINE
CUMBERLAND, SS.

June 6, 2007.

Deleted: 6

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,

[Signature]
Notary Public/Maine Attorney at Law

Printed Name James DuDevoir
Notary Public, Maine
My Commission Expires
January 15, 2009

RECEIVED

JUN 8 2007

City of Portland
Planning Division



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

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

May 30, 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:

I am writing to follow up on my letter of March 29, 2007 which extended the Site Plan approval to June 1, 2007 to give you extra time, as you requested, to meet the various conditions of the April 11, 2006 approval and other requirements for the building permit.

I note that progress has continued to be made and that the tents have been removed but several of the deadlines set out in that letter have not been met. The two key items outstanding are the Performance Guarantee and the Executed Easement.

Your letter of March 21, 2007 and the attached letter from William Tracy of Gorham Savings Bank (dated March 20, 2007) indicated an early resolution of the Performance Guarantee. Our letter indicated that the Performance Guarantee was due April 27, 2007. I understand from Mr Tracy that this will not be submitted for another 3-4 weeks as from today's date.

The City had agreed to relax the deadline relating to the easement as we were waiting for the MDOT comments. The revised wording for the easement (incorporating the MDOT revisions) was sent to Linda Agren on May 17, 2007 with a request for the executed easement to be sent to the city for filing. To date this has not been received.

In my capacity as Planning Division Director for the City of Portland, I will further extend your approval to July 15, 2007 if the executed easement is submitted by Friday, June 8, 2007 and the Performance Guarantee is submitted by June 30, 2007.

We also requested 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. This may be submitted and reviewed prior to the building permit being issued.

If there are any questions, please contact Jean Fraser at 874-8728, or at jf@portlandmaine.gov.

Sincerely,



Alexander Jaegerman
Planning Division Director

Copy to: Mr. Randall C. Akers
Maine's Floor Covering Superstore LLC
P.O. Box 3271, Auburn ME 04212

and

Mr. William C. Tracy, Vice President
Gorham Savings Bank
10 Wentworth Drive
Gorham, ME 04038

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

**City of Portland
Department of Planning and Development
Planning Division**

389 Congress Street, 4th 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: May 30, 2007

From: Jean Fraser

You should receive 3 page(s) including this cover sheet.

Mr Akers and Ms Agren,

Please find attached a letter from Mr Jaegerman which amends his letter of March 29th, 2007 in respect of the timetable for the Performance Guarantee and the Executed Easement.

We have copied this letter to Mr Tracy as it appears he will be largely responsible for meeting this timetable.

Call me if any questions etc

**Jean Fraser (Planner)
207 874 8728**

MODE = MEMORY TRANSMISSION

START=MAY-30 16:11

END=MAY-30 16:13

FILE NO.=244

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
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-CITY OF PORTLAND -

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

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Jean Fraser (Planner)
207 874 8728



PORTLAND, MAINE
Strengthening a Remarkable City. Building a Community for Life www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

May 30, 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:

I am writing to follow up on my letter of March 29, 2007 which extended the Site Plan approval to June 1, 2007 to give you extra time, as you requested, to meet the various conditions of the April 11, 2006 approval and other requirements for the building permit.

I note that progress has continued to be made and that the tents have been removed but several of the deadlines set out in that letter have not been met. The two key items outstanding are the Performance Guarantee and the Executed Easement.

Your letter of March 21, 2007 and the attached letter from William Tracy of Gorham Savings Bank (dated March 20, 2007) indicated an early resolution of the Performance Guarantee. Our letter indicated that the Performance Guarantee was due April 27, 2007. I understand from Mr Tracy that this will not be submitted for another 3-4 weeks as from today's date.

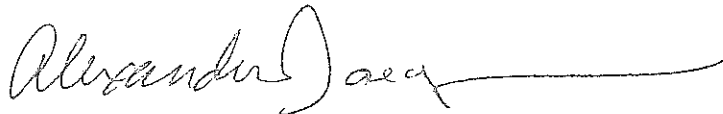
The City had agreed to relax the deadline relating to the easement as we were waiting for the MDOT comments. The revised wording for the easement (incorporating the MDOT revisions) was sent to Linda Agren on May 17, 2007 with a request for the executed easement to be sent to the city for filing. To date this has not been received.

In my capacity as Planning Division Director for the City of Portland, I will further extend your approval to July 15, 2007 if the executed easement is submitted by Friday, June 8, 2007 and the Performance Guarantee is submitted by June 30, 2007.

We also requested 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. This may be submitted and reviewed prior to the building permit being issued.

If there are any questions, please contact Jean Fraser at 874-8728, or at jf@portlandmaine.gov.

Sincerely,



Alexander Jaegerman
Planning Division Director

Copy to: Mr. Randall C. Akers
Maine's Floor Covering Superstore LLC
P.O. Box 3271, Auburn ME 04212

and

Mr. William C. Tracy, Vice President
Gorham Savings Bank
10 Wentworth Drive
Gorham, ME 04038

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
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(207)874-8721 or (207)874-8719
Fax: (207)756-8258



FAX

To:

William Tracy

Company:

Gorham Savings Bank

Fax #:

892 0349

Date:

May 30, 2007

From:

Jean Fraser

You should receive 3 page(s) including this cover sheet.

Comments:

As discussed.
Jean



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

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

May 30, 2007

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

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CBL #315-A-001

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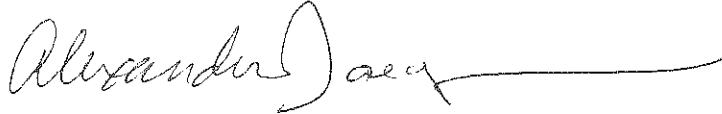
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If there are any questions, please contact Jean Fraser at 874-8728, or at jf@portlandmaine.gov.

Sincerely,



Alexander Jaegerman
Planning Division Director

Copy to: Mr. Randall C. Akers
Maine's Floor Covering Superstore LLC
P.O. Box 3271, Auburn ME 04212

and

Mr. William C. Tracy, Vice President
Gorham Savings Bank
10 Wentworth Drive
Gorham, ME 04038

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
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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

From: Jean Fraser
To: Agren, Linda
Date: 5/30/2007 12:11:34 PM
Subject: RE: Rug Depot Timetable

Linda,

Since I last heard from you I have spoken to Bill Tracey and had a meeting with my colleagues here to consider whether we are willing to extend the deadlines set out in our letter of March 29th, 2007.

We are willing to extend the deadline for the Performance Guarantee and the executed easement to **Friday, June 8th at the latest**. I will fax a signed letter to this effect from Alex Jaegerman later this afternoon. I will also contact Mr. Tracy directly- please note that Mr Akers submitted a letter from Mr Tracy dated **March 20, 2007** stating that the bank had received the necessary info to begin its "due diligence" and would be making a final decision in 7-10 days.

The Site Utilization Plan needs to be submitted and approved before a Building Permit will be issued.

Jean (Fraser)
Planner

>>> "Linda Agren" <lagren@downeastmarketing.net> 5/24/2007 2:13:27 PM >>>
The easement has been approved by our attorney and as soon as Mr Akers is back he will sign and notarize the document and send to you immediately.
Thank you, Linda Agren

CC: Alex Jaegerman ; Barhydt, Barbara; Littell , Penny

From: Jean Fraser
To: Alex Jaegerman ; Littell , Penny
Date: 5/25/2007 3:38:30 PM
Subject: Rug Depot progress - Bill Tracy- re PG

I have spoken to Bill Tracy today who confirms that the Rug Depot Warehouse construction project is going forward but that he needs a few weeks to sort out the paperwork re the PG.

There is more to this story which I can share with you next week.

He is happy to 'phone either of you, or you can call him if you want to hear it from him:

Bill Tracy - Gorham Savings Bank - 222 1463

Jean

CC: Barhydt, Barbara

From: Jean Fraser
To: Agren, Linda
Date: 5/24/2007 2:56:27 PM
Subject: RE: Rug Depot Easement

Exactly when will that be?

>>> "Linda Agren" <lagren@downeastmarketing.net> 5/24/2007 2:13:27 PM >>>
The easement has been approved by our attorney and as soon as Mr Akers is back he will sign and notarize the document and send to you immediately.
Thank you, Linda Agren

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

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]
Sent: Thursday, May 24, 2007 9:47 AM
To: lagren@downeastmarketing.net
Subject: RE: Rug Depot Easement

I need to discuss this with Alex Jaegerman and then get back to you...could you please confirm re the position re the easement as that will be relevant to our decision.

thanks
Jean

>>> "Linda Agren" <lagren@downeastmarketing.net> 5/23/2007 1:15:53 PM >>>

Jean, I just spoke with Mr. Akers. He spoke with Bill Tracy at Gorham Savings Bank. The bank has decided to put the entire package through the Finance Authority of Maine. Apparently the entire package must go through the Finance Authority so we are unable to produce the letter of credit until everything is finalized. Due to the fact that Mr. Akers has met all the requirements up to this point would the committee be kind enough to extend our deadline for another 2 weeks which is the amount of time Bill Tracy says it will take to complete the formalities? I will have Bill Tracy call you to confirm this time line. Please advise. Linda Agren

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

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]
Sent: Tuesday, May 22, 2007 3:08 PM
To: lagren@downeastmarketing.net
Subject: RE: Rug Depot Easement

Could you let me know progress as I will be discussing this project with the director at 10am tomorrow.

thanks
Jean

>>> "Linda Agren" <lagren@downeastmarketing.net> 5/17/2007 4:45:59 PM >>>

Jean, I have just received the revised easement. It is 4:45 p.m. I will work on it first thing in the morning.

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

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]

Sent: Thursday, May 17, 2007 1:29 PM
To: lagren@downeastmarketing.net
Subject: Rug Depot Easement

Linda,

I am writing on behalf of Penny Littell, Associate Corporation Counsel.

She has prepared a revised (redlined) version of the easement (attached) and requests that you have this document executed and returned to us for filing in the Registry of Deeds.

As you know this is urgent so please let me know if there is any problem or any need for further discussion.

Also could you please confirm receipt of this draft.

Thank you
Jean (Fraser)
Planner

From: "Linda Agren" <lagren@downeastmarketing.net>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 5/17/2007 4:47:03 PM
Subject: RE: Rug Depot Easement

Jean, I have just received the revised easement. It is 4:45 p.m. I will work on it first thing in the morning.

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, May 17, 2007 1:29 PM
To: lagren@downeastmarketing.net
Subject: Rug Depot Easement

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She has prepared a revised (redlined) version of the easement (attached) and requests that you have this document executed and returned to us for filing in the Registry of Deeds.

As you know this is urgent so please let me know if there is any problem or any need for further discussion.

Also could you please confirm receipt of this draft.

Thank you
Jean (Fraser)
Planner

Jean Fraser - Re: Rug Depot

From: Penny Littell
To: Jean Fraser
Date: 5/17/2007 1:03:42 PM
Subject: Re: Rug Depot

Please send the attached redlined version of the easement. Please have this document executed by Rug Depot and returned to us for filing in the Registry of Deeds.

>>> Jean Fraser 5/17/2007 12:47:06 PM >>>
Penny,

Further to our discussion this morning:

1. Linda Agren said the letter of credit was being dealt with by the bank and should have come to you; the man dealing with it knew you. She was going to chase the bank.
2. Re the easement wording, she has sent the 2 attachments below but wasn't totally sure if they were the same as the hard copy you received (I couldn't check as I gave you all the papers related to the easement). Hopefully they are.

Mr Akers was concerned that he would have to pay bank charges starting as soon as the letter of credit is submitted and wondered when the works could start on site. I suggested that it seemed that things were near to being tied up (and I have also asked Jeanie Bourke to get the permit review completed so that does not hold things up) so start on site could be soon.

Jean

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**"), voluntarily and without compensation, 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 and use of retaining walls, sidewalks, curbing and other road work deemed appropriate by the Grantee(s) 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.

Deleted: for consideration paid.
Deleted:

Deleted:

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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 _____, 2007,

Deleted: 6

Witness:

MAINE'S FLOORCOVERING SUPERSTORE, LLC

By Randall C. Akers
Its Sole Member

STATE OF MAINE
CUMBERLAND, SS.

_____, 2007,

Deleted: 6

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

Jean Fraser - RE: Letter of Credit for Rug Depot

From: Jean Fraser
To: Agren, Linda
Date: 5/9/2007 2:04:20 PM
Subject: RE: Letter of Credit for Rug Depot

Linda,

You need to get the Letter of Credit to us by Friday as that deadline was April 27th. Send it by hand to Penny Littell, Associate Corporation Counsel (second floor of City Hall near the Mayors office).

Also please note that a "Site Utilization Plan" should be submitted on May 14th as described in the letter. I can be reached on Friday if you need some further advice on what that needs to include.

I am out of the office tomorrow so please copy any response to this to all the ccs. listed.

Thank you
Jean (Fraser)

>>> "Linda Agren" <lagren@downeastmarketing.net> 5/8/2007 9:40:14 AM >>>
I have returned from vacation however, MR Akers is out of town on business.
I need to confirm with him and hope to forward the letter of credit as soon as possible. I will be in touch. Thank you, Linda Agren

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

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]
Sent: Monday, May 07, 2007 2:49 PM
To: lagren@downeastmarketing.net
Cc: Philip DiPierro
Subject: Letter of Credit for Rug Depot

Hello Linda,

I believe you are back from vacation and thought I would confirm where things stand on the permit process and the extension to the approval.

We note that the tents are down and that Mr Akers has submitted all the various items...except the letter of credit.

We have a draft of the Letter of Credit and we have the cost estimates which have been agreed, but a final letter of credit (signed, with all the correct figures included) needs to be sent urgently- it can come to me and I will pass it on to our legal office who will process it in conjunction with the finance department.

The Building Permit will not be issued without that Letter of Credit and no work can start on site until there is a building permit. I assume at this point that it is a simple matter of getting it to us....

The other outstanding matter is the easement for the land for the intersection improvements. We sent the draft easement to the MDOT for their comments and still have not heard from them...I will let you know re progress on that as I am chasing MDOT today.

Please let me know if you have received this...
thanks
Jean

Jean Fraser - Rug Depot

From: Jean Fraser
To: Bourke, Jeanie
Date: 5/8/2007 4:43:17 PM
Subject: Rug Depot

Jeanie,

As you are aware from the flurry of e-mails, Rug Depot have so far met most of the deadlines they were set by us (re the extension of their planning approval) and therefore they are in a position (from planning viewpoint) to have a sign off for a permit in the next week or so (we await the Letter of Credit and the signed easement; the easement is held up by MDOT and I am asking Penny how to deal- we might have to give them something less than a full permit until this is sorted).

Marge has been involved with this for years but I don't know who was handling the permit.

They have removed the unauthorized tents which indicates they are intending to build the approved warehouse (although I am not sure if all the unauthorized structures have been removed); we gave them a deadline of **May 21** to start work on site.

I just want to check that the permit process from your side been completed so that when we sign off on the PG and send around the approved plans they can move quickly.

thanks
Jean

CC: Alex Jaegerman ; Barhydt, Barbara; DiPierro , Philip; Littell , Penny; Schmuckal,
Marge

Jean Fraser - RE: Letter of Credit for Rug Depot

From: "Linda Agren" <lagren@downeastmarketing.net>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 5/8/2007 9:40:58 AM
Subject: RE: Letter of Credit for Rug Depot

I have returned from vacation however, MR Akers is out of town on business. I need to confirm with him and hope to forward the letter of credit as soon as possible. I will be in touch. Thank you, Linda Agren

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Please let me know if you have received this...
thanks
Jean

Jean Fraser - Letter of Credit for Rug Depot

From: Jean Fraser
To: lagren@downeastmarketing.net
Date: 5/7/2007 2:49:08 PM
Subject: Letter of Credit for Rug Depot

Hello Linda,

I believe you are back from vacation and thought I would confirm where things stand on the permit process and the extension to the approval.

We note that the tents are down and that Mr Akers has submitted all the various items...except the letter of credit.

We have a draft of the Letter of Credit and we have the cost estimates which have been agreed, but a final letter of credit (signed, with all the correct figures included) needs to be sent urgently- it can come to me and I will pass it on to our legal office who will process it in conjunction with the finance department.

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Please let me know if you have received this...
thanks
Jean

CC: DiPierro , Philip

Jean Fraser - Re: Rug Depot Performance guarantee

From: Jean Fraser
To: DiPierro , Philip
Date: 5/1/2007 9:59:20 AM
Subject: Re: Rug Depot Performance guarantee

Thanks Phil- please let me know.

Jean

>>> Philip DiPierro 5/1/2007 9:45:21 AM >>>
The agreed upon final amount for the PG is \$221,375.00. I have not seen a letter of credit yet. They did, however pay an inspection fee of \$4,427.50. I'll check with Penny to see if she received the LOC.

>>> Jean Fraser 5/1/2007 9:21:57 AM >>>
Today is the deadline for them sending in the final signed Letter of Credit for an agreed amount.

Last week (or the week before) you were in touch with the contractor to get the final amount agreed. Has a final amount been agreed and have you received a final Letter of Credit?

We need to take action on this today please.

Thanks
Jean

Jean Fraser - Rug Depot Permit process

From: Jean Fraser
To: Littell , Penny
Date: 5/1/2007 1:21:02 PM
Subject: Rug Depot Permit process

1. I have received a copy of the executed contract between Maines Floor Covering Superstore and PM Construction Co Inc (dated July 2006) as signed by akers and Morin. It was required to be submitted by April 27th and it was- do you want to see it?
2. PHil syas the PG amount has been agreed- do you have the final Letter of Credit. do I need to chase for it?
3. Re the Easement for the MDOT land- have you had comments back from MDOT and PW? If not, do you want me to chase?

All the tents are supposed to be down by May 7th and construction must commence on May 21 and at this point (re 3. above and maybe 2.) we are holding them up....

Please let me know

Jean

CC: Barhydt, Barbara; DiPierro , Philip

Jean Fraser - Re: Rug Depot Performance guarantee

From: Philip DiPierro
To: Fraser, Jean
Date: 5/1/2007 9:45:21 AM
Subject: Re: Rug Depot Performance guarantee

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>>> Jean Fraser 5/1/2007 9:21:57 AM >>>

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Last week (or the week before) you were in touch with the contractor to get the final amount agreed. Has a final amount been agreed and have you received a final Letter of Credit?

We need to take action on this today please.

Thanks
Jean

June 12, 2007

Note -
this plan
not approved by
the city
Fire Dept ??
Traffic ??

To: Jean Fraser
Planning & Development Department
389 Congress Street
Portland, Me 04101

From: Randy Akers

Re: Information requested

- Hours of retail operation mon-sat 9-6pm sun 11-5pm
- Retail traffic will be closed to Riverside entrance throughout building construction phase.
- Customer entrance will be on Warren Avenue. Traffic entrance only there will be no construction entrance here. Retail customers only.
- Jersey barriers and warning cones will be used as per plan in conjunction with the storage containers as a barrier block to keep public away from construction.
- Construction equipment and materials will be safely stored behind jersey barriers on site.
- 20 parking spaces will be available for employees, contractors and construction personnel. There will be 45+ spaces available for customer parking during construction.
- Upon completion of the building phase we plan to complete the Riverside phase of the parking lot. Once Riverside is complete we plan to close the Warren Avenue to consumer traffic and complete the Warren Avenue parking lot.

Please advise with any question or concerns.

Sincerely,

Randy Akers
In cooperation with PM Construction

JF



To: Reviewers as appropriate: Jim Carmody
Greg Cass
Mike Farmer
cc. Phil Dipierro
Marge Schmuckal

From: Jean Fraser

Date: June 13, 2007

Additional information submitted for the following project:

Application ID #: 2005-0237

Project Name: Rug Depot

Project Address: 659 Warren Ave

Comments needed by: June 27, 2007

An extension to the site plan approval has been given until July 15, 2007 subject to the Performance Guarantee being submitted by the end of June.

The one other outstanding item is the site utilization plan which is needed because the site is so cramped and we need to ensure that construction traffic access, works near and on the highway, public access, emergency access etc are all safe and sensible.

Mr Akers mentioned to me he had a plan for keeping the public from mixing with the construction and that the parking and construction access was workable and has submitted this plan for our review and approval.

Jean

Jean Fraser - Rug Depot Performance Guarantee

From: Jean Fraser
To: lagren@downeastmarketing.net
Date: 6/26/2007 4:54:09 PM
Subject: Rug Depot Performance Guarantee

Linda,

I am writing to follow up on this project.

The deadline for receipt of the Performance Guarantee Letter of Credit is June 30th.

I had a telephone call from Bill Tracy just as I was leaving on vacation on June 14th stating that he would not be able to provide the Performance Guarantee as promised to the City on behalf of Mr. Akers.

I trust Mr Akers is making other arrangements for the Performance Guarantee as if this deadline is missed then the Site Plan Approval will be deemed as expired and no further work can take place re the development until a new site plan application is submitted, reviewed and approved.

Jean (Fraser)
Planner
874 8728

CC: Barhydt, Barbara

Jean Fraser - Re: Rug Depot

From: Jean Fraser
To: Cass, Gregory
Date: 6/14/2007 11:30:26 AM
Subject: Re: Rug Depot

Greg,

I had a feeling this would require your involvement- I had mentioned to Mr Akers that safety during the construction period was paramount.

I have never called Mr Akers but..

1. The pgphone # on his letterhead is: 782 8764 (Auburn)
2. His cell: 207-415-2925

3. The woman I have been dealing with (who is always in touch with Mr Akers) is Linda Agren (his accounting manager?) and she is on the number above. I also have her e-mail and fax:

- a. E-mail: lagren@downeastmarketing.net
- b. Fax; 795 6544

I am out of the office for a week (back on June 25), so please send any further comments/issues etc to Barbara.

Thanks
Jean

>>> Gregory Cass 6/13/2007 2:54:14 PM >>>

Sorry to be a pain but I can't make out what the Fire dept. will have for access during the construction. At the least I would like a fire lane at the front of the building and the ability to turn the apperations around. There was no contact information for the applicant, if you give me Randy's telephone # I will contact him directly and try to work something out.

Thanks Greg

Jean Fraser - Carpet Depot

From: Michael Farmer
To: Fraser, Jean
Date: 6/14/2007 8:25:35 AM
Subject: Carpet Depot

I have no comments concerning the site utilization plan that you circulated for comments on June 13, 2007.

Michael Farmer, Project Engineer
Dept. of Public Works
55 Portland Street
Portland, ME 04101
phone: 207-874-8845
fax: 207-874-8852



Fax

To: Jean Fraser @ Portland Planning Office **From:** Linda @ AHJ Marketing

Acct# **Pages:** 2

FAX: 756-8258 **Date:** 7/9/06

Re: **cc:**

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



Maine's Floor Covering Superstore
P.O. Box 1050
Auburn, ME 04211
Ph: 207-782-8764 Fax: 207-795-6544

Date: June 28, 2007


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

Re: Maine's Floor Covering Superstore, LLC.
CBL#315-A-001

Regretfully I am writing to notify you of my inability to meet your Performance Guarantee deadline of June 30, 2007. Unforeseen twelfth hour changes to the lending agreement by Gorham Savings Bank has the potential to put my company in a negative equity position to fund for future business growth. It is my sincere belief that Gorham Savings Bank used deadlines to coerce me into a compromising situation. I presently have working relations with Bank of America and T.D. Bank North however, I would need an extension to July 31st to close on a new line of credit. Both Gorham Savings Bank and the Finance Authority of Maine approved my loan. It was solely my decision to forgo the banks' final contract.

I have performed everything asked of me by the City of Portland and would respectfully ask the board for this final extension. In the event I will be forced to reapply with the city for "08" construction and taking into consideration the contributions given the city to date, I would respectfully ask the boards approval of the pending building permit for my existing building at 659 Warren Avenue and permission to pull sign permits for the existing tenants to keep business flowing.

Thank you in advance for your understanding of this matter. Please advise.

Sincerely,

Randall C. Akers
659 Warren Avenue
Portland, ME 04103

CC: Jean Fraser, Planner

Jean Fraser - Linda @ Maine's Floor Covering Superstore

From: "Linda Agren" <lagren@downeastmarketing.net>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 10/3/2007 12:53:53 PM
Subject: Linda @ Maine's Floor Covering Superstore

I have spoken with Mr Akers. His intention is to meet the October 15th deadline for the performance guarantee. Thank you

Jean Fraser - RE: Re: Randy Akers/Linda Agren Maine's Floorcovering Superstore LLC

From: "Linda Agren" <lagren@downeastmarketing.net>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 9/6/2007 3:01:45 PM
Subject: RE: Re: Randy Akers/Linda Agren Maine's Floorcovering Superstore LLC

I understand and will convey the message to Mr Akers.

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, September 06, 2007 2:36 PM
To: lagren@downeastmarketing.net
Subject: RE: Re: Randy Akers/Linda Agren Maine's Floorcovering Superstore LLC

As I mentioned, in addition to the timeline we would like to have a communication from Mr McLaughlin confirming the situation, timetable and the amount.

This is urgent as technically the site plan approval has expired.

Thanks
 Jean

>>> "Linda Agren" <lagren@downeastmarketing.net> 9/6/2007 10:11:45 AM
 >>>

Jean, I'm so sorry I did not respond to your email yesterday but I did not even check it until this morning. Mr Akers is meeting with David McLaughlin on Friday and should have a time line for you by then. I will give you the information as soon as I receive it. Thank you. Linda Agren

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 04, 2007 2:43 PM
To: lagren@downeastmarketing.net
Subject: Fwd: Re: Randy Akers/Linda Agren Maine's Floorcovering Superstore LLC

Could you please confirm receipt of this e-mail and let me know where things stand. Thank you.

>>> Jean Fraser 8/30/2007 11:11:28 AM >>>
 Linda,

Could you please arrange for David McLaughlin at the Bank of America to send me an e-mail (or fax me a letter - fax # is 207-756-8258) confirming what you have stated below and stating the amount of the Performance Guarantee that they are processing.

It would be useful to have that today asap so we can extend the site plan approval (which technically expires tomorrow).

Thanks
 Jean (Fraser)
 Planner
 874 8728

Jean Fraser - RE: Re: Randy Akers/Linda Agren Maine's FloorcoveringSuperstore LLC

From: "Linda Agren" <lagren@downeastmarketing.net>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 9/6/2007 10:12:34 AM
Subject: RE: Re: Randy Akers/Linda Agren Maine's FloorcoveringSuperstore LLC

Jean, I'm so sorry I did not respond to your email yesterday but I did not even check it until this morning. Mr Akers is meeting with David McLaughlin on Friday and should have a time line for you by then. I will give you the information as soon as I receive it. Thank you. Linda Agren

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 04, 2007 2:43 PM
To: lagren@downeastmarketing.net
Subject: Fwd: Re: Randy Akers/Linda Agren Maine's FloorcoveringSuperstore LLC

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It would be useful to have that today asap so we can extend the site plan approval (which technically expires tomorrow).

Thanks
Jean (Fraser)
Planner
874 8728

>>> "Linda Agren" <lagren@downeastmarketing.net> 8/17/2007 1:48:46 PM
>>>

Jean, After conversations with Randy Akers and David McLaughlin at Bank of America we would like to set the date for the letter of credit at October 15th and construction to begin October 31st. Using these dates should eliminate any further extensions. Please let us know if this is acceptable. Once again thank you for your time and patience.

Jean Fraser - Fwd: Re: Randy Akers/Linda Agren Maine's Floorcovering Superstore LLC

From: Jean Fraser
To: lagren@downeastmarketing.net
Date: 9/4/2007 2:43:07 PM
Subject: Fwd: Re: Randy Akers/Linda Agren Maine's Floorcovering Superstore LLC

Could you please confirm receipt of this e-mail and let me know where things stand. Thank you.

>>> Jean Fraser 8/30/2007 11:11:28 AM >>>

Linda,

Could you please arrange for David McClaughlin at the Bank of America to send me an e-mail (or fax me a letter - fax # is 207-756-8258) confirming what you have stated below and stating the amount of the Performance Guarantee that they are processing.

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Jean (Fraser)
Planner
874 8728

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Jean Fraser - Re: Randy Akers/Linda Agren Maine's Floorcovering Superstore LLC

From: Jean Fraser
To: Agren, Linda
Date: 8/30/2007 11:11:28 AM
Subject: Re: Randy Akers/Linda Agren Maine's Floorcovering Superstore LLC

Linda,

Could you please arrange for David McClaughlin at the Bank of America to send me an e-mail (or fax me a letter - fax # is 207-756-8258) confirming what you have stated below and stating the amount of the Performance Guarantee that they are processing.

It would be useful to have that today asap so we can extend the site plan approval (which technically expires tomorrow).

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Planner
874 8728

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>>> "Linda Agren" <lagren@downeastmarketing.net> 8/17/2007 1:48:46 PM

>>>

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Jean Fraser - Randy Akers/Linda Agren Maine's Floorcovering Superstore LLC

From: "Linda Agren" <lagren@downeastmarketing.net>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 8/17/2007 1:49:37 PM
Subject: Randy Akers/Linda Agren Maine's Floorcovering Superstore LLC

Jean, After conversations with Randy Akers and David McClaughlin at Bank of America we would like to set the date for the letter of credit at October 15th and construction to begin October 31st. Using these dates should eliminate any further extensions. Please let us know if this is acceptable. Once again thank you for your time and patience.

- ask for letter from Bank of America.

Jean Fraser - RE: Linda Agren @ Maine's Floorcovering Superstore LLC

From: "Linda Agren" <lagren@downeastmarketing.net>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 8/14/2007 4:19:50 PM
Subject: RE: Linda Agren @ Maine's Floorcovering Superstore LLC

Mr Akers is meeting with the bankers at the end of this week. The answers to your questions will be more accurate if he could wait until after the meetings to respond. Please let me know if this is agreeable with The Director of Planning. You should receive his responses no later than Tuesday of next week. Mr Akers thanks you for the extension and your patience.

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Monday, August 13, 2007 2:05 PM
To: lagren@downeastmarketing.net
Subject: Re: Linda Agren @ Maine's Floorcovering Superstore LLC

Linda,

Thank you for the e-mail.

The Director of Planning is willing to give Mr Akers another letter of extension but it would be good if this was the last one. In order to confirm the extension dates, could you please give me:

1. A realistic date when the Performance Guarantee (eg signed letter of credit) will be in our hands; and
2. When the work on site is likely to start.

Thanks
Jean (Fraser)
Planner

874 8728

>>> "Linda Agren" <lagren@downeastmarketing.net> 8/10/2007 2:38:06 PM
>>>

Jean Fraser - Re: Linda Agren @ Maine's Floorcovering Superstore LLC

From: Jean Fraser
To: Agren, Linda
Date: 8/13/2007 2:05:19 PM
Subject: Re: Linda Agren @ Maine's Floorcovering Superstore LLC

Linda,

Thank you for the e-mail.

The Director of Planning is willing to give Mr Akers another letter of extension but it would be good if this was the last one. In order to confirm the extension dates, could you please give me:

1. A realistic date when the Performance Guarantee (eg signed letter of credit) will be in our hands; and
2. When the work on site is likely to start.

Thanks
Jean (Fraser)
Planner

874 8728

>>> "Linda Agren" <lagren@downeastmarketing.net> 8/10/2007 2:38:06 PM >>>

Jean Fraser - Re: Fwd: Linda Agren @ Maine's Floorcovering Superstore LLC

From: Alex Jaegerman
To: Barbara Barhydt; Jean Fraser
Date: 8/13/2007 1:58:56 PM
Subject: Re: Fwd: Linda Agren @ Maine's Floorcovering Superstore LLC

I would extend, again. They appear to be making good faith efforts to get the job done.

Alex.

>>> Jean Fraser 8/13/2007 9:46:41 AM >>>
Alex,

This is on behalf of Mr Akers re Rug Depot's Performance guarantee.

Mr Akers wrote to you on June 29 requesting an extension for submission of the Guarantee until July 31st (copy attached).

You wrote to him on July 6th giving him an extension of the Site Plan approval to August 31st **IF** the Performance Guarantee was received by August 10 (last Friday)

This morning I received the e-mail below (it opened for me so I hope it can be forwarded) from Linda Agren, who has been communicating with us on behalf of Mr Akers throughout these protracted discussions.

What do you think?

Jean

>>> "Linda Agren" <lagren@downeastmarketing.net> 8/10/2007 2:38:06 PM >>>

To: Jean Fraser

Subject: Linda Agren @ Maine's Floorcovering Superstore LLC

Jean, Bank of America, who gave us the original letter of good standing on this project, is once again involved with lending the money for this new warehouse. They have however, ordered us to have a new appraisal for the existing property. We have paid Mainland Appraisal Consultants \$4500 to do an updated appraisal of the property. We are still waiting for the results. Frank Montello, the appraiser, is overbooked and is trying to get to us as soon as possible. He knows the time restraints with the city. This being out of our hands, unfortunately, once again we must ask for an extension of one month so that we may work with David McLaughlin at Bank of America on this project. David handles all of our banking for the LLC and is very interested in financing this project. We are sorry to have to ask again for an extension, but we do believe that this is our best course of action on this project. David has worked with our company for quite a few years and is very involved in its growth. We believe our diligence in finding the right lender will greatly benefit this project. We also feel that the timing is perfect to coincide with the Maine Department of Transportation improvements to the retaining wall along Warren Avenue. This being the situation we will await your decision. Thank you again for your time and patience.

Jean Fraser - Re: Linda Agren W/Randy Akers & Maine's Floor Covering Superstore

From: Jean Fraser
To: Agren, Linda
Date: 7/9/2007 10:17:31 AM
Subject: Re: Linda Agren W/Randy Akers & Maine's Floor Covering Superstore

Linda,

I have not received the signed letter however the Director has signed a letter (going out today but dated Friday) that gives Mr Akers an extension of the site plan approval to August 31, provided that the Performance Guarantee (signed letter of credit) is with us on or before August 10th.

Jean (Fraser)
Planner
874 8728

>>> "Linda Agren" <lagren@downeastmarketing.net> 7/9/2007 10:03:49 AM >>>
Jean, Did you receive the signed letter? I'm so sorry but I can not remember if I sent it out. Also I have not heard if the extension is definite. Thank you.



PORTLAND, MAINE

Strengthening a Remarkable City, Building a Community for Life

www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

July 6, 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:

I am writing in response to your letter of June 29, 2007 regarding unexpected issues in relation to the Performance Guarantee.

In my capacity as Planning Division Director for the City of Portland, I will further extend your Site Plan Approval (Application #2005-0237) to August 31, 2007 if the final Performance Guarantee (signed letter of credit) is submitted on or before August 10, 2007.

If there are any questions, please contact Jean Fraser at 874-8728, or at jf@portlandmaine.gov.

Sincerely,


Alexander Jaegerman
Planning Division Director

Copy to: Mr. Randall C. Akers
Maine's Floor Covering Superstore LLC
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

rec'd by e-mail 6.29.07.

Maine's Floor Covering Superstore
P.O. Box 1050
Auburn, ME 04211
Ph: 207-782-8764 Fax: 207-795-6544

Date: June 29, 2007

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

Re: Maine's Floor Covering Superstore, LLC.
CBL#315-A-001

Regretfully I am writing to notify you of my inability to meet your Performance Guarantee deadline of June 30, 2007. Unforeseen twelfth hour changes to the lending agreement by Gorham Savings Bank has the potential to put my company in a negative equity position to fund for future business growth. It is my sincere belief that Gorham Savings Bank used deadlines to coerce me into a compromising situation. I presently have working relations with Bank of America and T.D. Bank North however, I would need an extension to July 31st to close on a new line of credit. Both Gorham Savings Bank and the Finance Authority of Maine approved my loan. It was solely my decision to forgo the banks' final contract.

I have performed everything asked of me by the City of Portland and would respectfully ask the board for this final extension. In the event I will be forced to reapply with the city for "08" construction and taking into consideration the contributions given the city to date, I would respectfully ask the boards approval of the pending building permit for my existing building at 659 Warren Avenue and permission to pull sign permits for the existing tenants to keep business flowing.

Thank you in advance for your understanding of this matter. Please advise.

Sincerely,

Randall C. Akers
659 Warren Avenue
Portland, ME 04103

CC: Jean Fraser, Planner

Maine's Floorcovering Super Store, LLC
1887 Hotel Road, Auburn, ME 04210
Ph: 207-780-8764 Fax: 207-795-6544

Date: November 10, 2007

To: Penny Littell
Associate Corporate Council
City of Portland, ME

Re: Maine's Floorcovering Super Store
659 Warren Avenue CBL#315-A-001

NOV 10 2007

Dear Ms Littell:

I am in receipt of your letter dated November 2, 2007 and I wanted to make you aware of all events to date relating to the 659 Warren Avenue warehouse expansion. At the bank closing in late June of 2007, Gorham Savings Bank, the lender of record, made an eleventh hour change to our real estate loan in which they tried to attach assets of a second business entity that was never part of the original approved loan. I was left with no alternative but to walk away from the closing. As quickly as I could I restarted the process with my primary banker, Bank of America, however, the appraisal needed to be done and year to date audited financials had to be submitted. During this process the planning board was more than understanding and worked with me granting me several extensions. Unfortunately, I was not able to meet the final deadline. Please be advised of the following:

1. The city relieved from my company a check in the amount of \$15,500 for the Conditions of Approval pertaining to the sidewalk, curbing and intersection along Warren Avenue.
2. The city received an extended easement of my property to widen the intersection.
3. My architectural firm re-drew plans showing detail of work to be done at the intersection of Warren and Riverside at the request of the City of Portland.
4. I have paid permit fees twice now to the city and am about to pay a third time.
5. I removed all Quonset tents as requested by the city.
6. On November 1st I contacted Mike Tadema-Wielandt at Sebago Technics and gave him my approval to resubmit our project to the City of Portland Planning Board CBL#315-A-001 for winter Approval and Spring 2008 construction.
7. In order to store building materials ordered for the project and merchandise from the removed tents I contracted with Maine Storage on a month to month basis to rent 4-48' storage units on the Warren Avenue side and 10-18' units on Riverside. The storage containers were part of a public safety Plan and job site traffic flow submitted to the city in August. I would like to pull a temporary permit for 6 months to give me time to complete the proposed warehouse project.
8. I am sending a representative from my company to the permit department to provide the necessary paperwork for filing on the temporary storage containers showing their size and placement on a site plan.
9. I am sending a representative from my firm to the Permit Department with a building plan showing the road frontage and all existing signs with the intention of pulling permits on any non compliant signs.
10. It is my intention to proceed with the project as soon as the spring building season starts and hope the city will see the value in the project and make the effort to help me achieve its completion.

Sincerely,

Existing Sign Detail

285' Road Frontage

26,000 s.f. Building

Sign Detail as follows from Site Plans:

- 1 ea. - 4'x8' Entryway Road Letter Reader Board, Riverside entrance **A**
- 5 ea - 2'x10' Feather Banners Riverside (Removable) **B**
- 1 ea - 35'x3' Backlit Awning (Burr Signs) (Carpet & Rug Depot) **C**
- 1 ea - 10'x2' Carpet & Rug Depot (Burr Signs) Backlit Box **D**
- 1 ea - 4'x20' Floorscapes (Sign Pro) Backlit Box **E**
- 1 ea - 6'x5' Floorscapes (Sign Pro) Backlit Box **F**
- 1 ea - 10'x3' Furniture Wholesalers (ME Turnpike Authority) Backlit Box **G**
- 1 ea - 1'x8' Why Pay Retail, Metal Letters **H**
- 1 ea - 2'x9' Downeast Rug Co (A.H. Harris) **I**
- 1 ea - 2'x19' Downeast Rug Co (A.H. Harris) **J**
- 1 ea - 15'x8' Entryway Road Pylon Sign (Bailey Signs) **K**

Existing Sign Detail

285' Road Frontage

26,000 s.f. Building

Sign Detail as follows from Site Plans:

- 1 ea. - 4'x8' Entryway Road Letter Reader Board, Riverside entrance (A)
- 5 ea - 2'x10' Feather Banners Riverside (Removable) (B)
- 1 ea - 35'x3' Backlit Awning (Burr Signs) (Carpet & Rug Depot) (C)
- 1 ea - 10'x2' Carpet & Rug Depot (Burr Signs) Backlit Box (D)
- 1 ea - 4'x20' Floorscapes (Sign Pro) Backlit Box (E)
- 1 ea - 6'x5' Floorscapes (Sign Pro) Backlit Box (F)
- 1 ea - 10'x3' Furniture Wholesalers (ME Turnpike Authority) Backlit Box (G)
- 1 ea - 1'x8' Why Pay Retail, Metal Letters (H)
- 1 ea - 2'x9' Downeast Rug Co (A.H. Harris) (I)
- 1 ea - 2'x19' Downeast Rug Co (A.H. Harris) (J)
- 1 ea - 15'x8' Entryway Road Pilon Sign (Bailey Signs) (K)

Jean Fraser - Re: Randy Akers - 659 Warren Avenue

From: Jean Fraser
To: Tadema-Wielandt, Michael
Date: 11/9/2007 9:10:50 AM
Subject: Re: Randy Akers - 659 Warren Avenue

*Discuss
Dev Rev.
11/15/07*

Hello Mike,

I will need to get back to you on this as a number of things have changed since his last application- particularly the construction of Hammond Lumber on the opposite corner and many more discussions regarding the proposed improvements of the intersection.

I would like to run this by our Dev Rev internal meeting (next Wed) where all the reviewers are together and then I can be more confident of my response on this.

Jean

>>> "Michael Tadema-Wielandt" <MTW@sebagotechnics.com> 11/8/2007 5:28:08 PM >>>
Hi Jean-

Randy Akers dropped by my office today to talk about the previously approved (twice now) warehouse expansion project at 659 Warren Avenue. He brought me up to speed on the current situation, and asked that we begin the site plan permitting process again. I understand that there are some outstanding issues with storage containers on the site. Mr. Akers will be dealing with that directly with the City.

I just wanted to touch base with you prior to getting back into this. Outside of the current code violations, please let me know if anything has changed that may prevent another fairly quick approval. I'll be in touch in the near future.

Regards,

Mike

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

Rug Report

Jean Fraser - Randy Akers - 659 Warren Avenue

From: "Michael Tadema-Wielandt" <MTW@sebagotechnics.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 11/8/2007 5:28:43 PM
Subject: Randy Akers - 659 Warren Avenue

Hi Jean-

Randy Akers dropped by my office today to talk about the previously approved (twice now) warehouse expansion project at 659 Warren Avenue. He brought me up to speed on the current situation, and asked that we begin the site plan permitting process again. I understand that there are some outstanding issues with storage containers on the site. Mr. Akers will be dealing with that directly with the City.

I just wanted to touch base with you prior to getting back into this. Outside of the current code violations, please let me know if anything has changed that may prevent another fairly quick approval. I'll be in touch in the near future.

Regards,

Mike

Michael Tadema-Wielandt

Sebago Technics, Inc.

One Chabot Street

Westbrook, ME 04098

p: 207-856-0277

f: 207-856-2206

Jean Fraser - 659 Warren Avenue/Rug Depot

From: Penny Littell
To: Linda Agren
Date: 11/14/2007 8:59:03 AM
Subject: 659 Warren Avenue/Rug Depot

Ms. Agren: Thank you for your prompt follow-up to our meeting at City Hall yesterday. Unfortunately, as I relayed to you in our meeting, the storage containers on site will need to be removed immediately, despite the fact that you intend to file another site plan application in the future. Given the history of this site (the originally unpermitted rub buildings, the City's permission to have the storage containers on site during construction, the fact that no construction was undertaken, and the continued complaints received by the City from other businesses in the area who are required to comply with City Codes), the City is no longer in a position to continue to allow violations (including the continued presence of the storage containers) on the site.

Please advise when the containers will be removed. Otherwise, the City will be forced to take legal action to have the Court order their removal. This is something the City would like to avoid by obtaining your compliance with the terms of its November letter to Mr. Akers.

In addition, please advise as to the status of the illegal signage placed in and about the site.

Thank you for your correspondence. Let me know if I may be of assistance to you in complying with the City's Codes.

You wrote:

Penny, I spoke with Mr Akers and Mike Tadema-Wielandt. Below is the letter from Mike to Jean Fraser. Mike says he will have the new site plan proposal within the next two weeks. Would this give us opportunity to keep the storage containers in place? Please advise.

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

From: Michael Tadema-Wielandt [<mailto:MTW@sebagotechnics.com>]
 Sent: Tuesday, November 13, 2007 3:50 PM
 To: Linda Agren
 Subject: FW: Randy Akers - 659 Warren Avenue

FYI

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, November 09, 2007 9:11 AM
 To: Michael Tadema-Wielandt
 Subject: Re: Randy Akers - 659 Warren Avenue

Hello Mike,

I will need to get back to you on this as a number of things have changed since his last application- particularly the construction of Hammond Lumber on the opposite corner and many more discussions regarding the proposed improvements of the intersection.

Jean Fraser - 659 Warren Avenue/Rug Depot

I would like to run this by our Dev Rev internal meeting (next Wed) where all the reviewers are together and then I can be more confident of my response on this.

Jean

>>> "Michael Tadema-Wielandt" <MTW@sebagotechnics.com> 11/8/2007
5:28:08 PM >>>
Hi Jean-

Randy Akers dropped by my office today to talk about the previously approved (twice now) warehouse expansion project at 659 Warren Avenue. He brought me up to speed on the current situation, and asked that we begin the site plan permitting process again. I understand that there are some outstanding issues with storage containers on the site. Mr. Akers will be dealing with that directly with the City.

I just wanted to touch base with you prior to getting back into this. Outside of the current code violations, please let me know if anything has changed that may prevent another fairly quick approval. I'll be in touch in the near future.

Regards,

Mike

Michael Tadema-Wielandt

Sebago Technics, Inc.

One Chabot Street

Westbrook, ME 04098

p: 207-856-0277

f: 207-856-2206

CC: ALEX JAEGERMAN; Barbara Barhydt; Jean Fraser; Lee Urban



PORTLAND MAINE

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

Corporation Counsel
Gary C. Wood

Associate Counsel
Elizabeth L. Boynton
Penny Littell
James R. Adolf
Mary E. Costigan

November 2, 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:

On April 11, 2006 the Portland Planning Board approved a site plan application for a 20,000 sq. ft. warehouse/storage expansion at your property at 659 Warren Avenue, Portland, Maine. That site plan approval consisted of the removal of a number of quansut hut type storage apparatus you had placed on the site without approval.

The site plan approval has now expired. Moreover, on October 15, 2007 it was affirmatively communicated to the City by Linda Agren that you were going to reapply for approval in the future.

The site presently contains storage containers of an abundant number, which have not been permitted and are not allowed to remain on the lot.

You are being **ORDERED** to remove all storage containers located at 659 Warren Avenue **no later than November 15, 2007** after which time the City will institute enforcement action for their removal and for violation of the City's Site Plan Ordinance.

In addition, it has come to our attention that a number of signs have been erected on the site without the appropriate permits. All in licensed signs must be removed by November 15, 2007 as well.

The City has been very patient with you as you have attempted to work out issues relating to your ability to construct the plan as proposed. Unfortunately, you have not been able to do so in the time allotted and at this juncture you must bring your site into compliance with all applicable Codes.

Please feel free to contact me should you have any questions. We look forward to the removal of the storage containers by the date set forth above.

Sincerely,

COPY

Penny Littell
Associate Corporation Counsel

Cc: Lee Urban
Barbara Barhydt
Alex Jaegerman
Jean Fraser ✓
Marge Schmuckal

O:\OFFICE\PENNY\Letters2007\Akers110207r.doc

From: "Linda Agren" <lagren@downeastmarketing.net>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 10/15/2007 4:24:30 PM
Subject: RE: Linda @ Maine's Floor Covering Superstore

Good Afternoon Jean, I apologize for the late hour by which I am sending this reply. Mr Akers is in Wisconsin and I was just able to reach him. With regret, he is opting to reapply in the spring to build his warehouse at 659 Warren Avenue citing current business conditions. It is his full intention in the mean time however, to comply with all permits required by the city inspectors office and will be in Portland on Friday to attend to this matter. Please contact me with any questions or concerns. Thank you, Linda Agren

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Monday, October 15, 2007 9:19 AM
To: lagren@downeastmarketing.net
Subject: Re: Linda @ Maine's Floor Covering Superstore

Hello Linda,

Please ask Mr Akers to let me know if he leaves the Performance Guarantee with anyone other than me today.

If the Performance Guarantee is not going to be submitted today please ask Mr Akers to telephone me; I am not sure if the Director will continue to extend.

Thanks you

Jean (Fraser)
Planner
874 8728

>>> "Linda Agren" <lagren@downeastmarketing.net> 10/3/2007 12:53:13 PM
>>>

I have spoken with Mr Akers. His intention is to meet the October 15th deadline for the performance guarantee. Thank you

*J/w JB, MS, BB, AJ
soon after receipt*

From: Lannie Dobson
To: Inspections; Jean Fraser; Jeanie Bourke; Marge Schmuckal; Mike Nugent
Date: 10/10/2007 2:42:13 PM
Subject: Warren Ave rug depot Excessive Signage NOT SCHEDULED

Date: 10/10/2007 Time: 2:38:29 PM

Property Addr: 659 WARREN AVE Parcel ID: 315 A001001

Complaint Desc: Excessive signage. Warren ave & Riverside. Several a framed signs near both entrances Complaint came from MGR Handyman Rental. In addition several storage boxes not permitted on site.

Complainant:
Phone1: Phone2: Best Time To Contact:
Addr:
Response to Complainant:
Complainant Mood:

Owner Name: MAINE'S FLOORCOVERING
Owner Addr: PO BOX 3271, AUBURN

From: Jean Fraser
To: Bourke, Jeanie; Danforth, Lisa; Dobson, Lannie; Hanson, Chris; Hunt, Suzanne; kelley, jay; Markley, Tom; Menario, Mike; Munson, Tammy; Nugent, Mike; Rioux, Jonathan; Schmuckal, Marge
Date: 10/10/2007 5:28:29 PM
Subject: Re: Warren Ave rug depot Excessive Signage NOT SCHEDULED

FYI

Perf Guarantee for new warehouse expected Oct 15th and start on site expected Oct 31st. (all other conditions have been met and approval was extended...)

Could you let me know progress on Building Permit for the Warehouse?

A Site Utilization Plan (for storage, public access, traffic, construction staging) was submitted and I am awaiting reviewers comments- if PG shows up we will discuss at Oct 17th Dev Rev)

As the 15th is Monday so might be worth waiting- as if the Perf Guarantee does not materialize then the Site Plan Approval likely to expire.

Thanks
Jean

>>> Lannie Dobson 10/10/2007 2:41:55 PM >>>
Date: 10/10/2007 Time: 2:38:29 PM

Property Addr: 659 WARREN AVE Parcel ID: 315 A001001

Complaint Desc: Excessive signage. Warren ave & Riverside. Several a framed signs near both entrances Complaint came from MGR Handyman Rental. In addition several storage boxes not permitted on site.

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Phone1: Phone2: Best Time To Contact:
Addr:
Response to Complainant:
Complainant Mood:

Owner Name: MAINE'S FLOORCOVERING
Owner Addr: PO BOX 3271, AUBURN

CC: Alex Jaegerman ; Barhydt, Barbara

Jean Fraser - RE: 659 Warren Avenue/Rug Depot

From: Penny Littell
To: Linda Agren
Date: 11/15/2007 8:21:16 AM
Subject: RE: 659 Warren Avenue/Rug Depot

Ms. Agren: I have considered the request contained within your email below and find that I am unable to extend a deadline into December for the removal of these containers. They need to be removed immediately and while I sympathize that you only have 4 warehouse employees, I would suggest they be devoted full time to emptying the merchandise in the containers directly into the warehouse so that the container company can retrieve all of the containers. The City will inspect next Tuesday, November 20th, to ensure the containers are removed.

Thank you in advance for bringing the Warren Avenue site into compliance.

Ms. Agrens wrote:

We are considering moving a large piece of equipment from the Rug Depot @ 659 Warren Avenue to another warehouse location which will provide us enough room to empty the storage containers into the existing building. If this is not possible, we will move the contents into this other warehouse where that piece of equipment would have been moved. If one solution doesn't work the other will. As soon as they are emptied, Maine Storage will be alerted to remove the containers from our yard. Our goal is to do this as quickly as possible in order to comply with the city. Mr Akers feels it will be the first week in December when the containers will actually be removed following one of these plans. This task will be left to our warehouse people who number only 4 at this time. I will get more specifics by Friday however I have to be out of the office on Friday. I will be glad to email you on Saturday if that is acceptable. Thank you so much for working with us on this matter. The storage company will be called this week to set a date for removal. Please Advise.

CC: ALEX JAEGERMAN; Barbara Barhydt; Jean Fraser; Jeanie Bourke; Lee Urban

Jean Fraser - Fwd: RE: Linda Agren @ Maine's Floor Covering Super Store

From: Penny Littell
To: ALEX JAEGERMAN; Barbara Barhydt; Jean Fraser; Jeanie Bourke; Mike Menario
Date: 11/28/2007 3:27:00 PM
Subject: Fwd: RE: Linda Agren @ Maine's Floor Covering Super Store

>>> "Linda Agren" <lagren@downeastmarketing.net> 11/28/2007 3:17:24 PM >>>
 All containers have been emptied and removed except for one which we are waiting on the company to remove; we expect today. We wish to thank you for your cooperation and patience with this removal process and look forward to working with you on the Warren Avenue project. We will do everything in our power to make the project run smoothly this time around.

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

From: Penny Littell [mailto:PL@portlandmaine.gov]
 Sent: Wednesday, November 28, 2007 3:08 PM
 To: lagren@downeastmarketing.net
 Subject: RE: Linda Agren @ Maine's Floor Covering Super Store

Please advise as to the removal of the storage containers at the Warren Avenue site. Your immediate response is appreciated.

Correspondence since
 April 2006 Site Plan Approval
 includes:
 compliance with conditions
 timetable for removal of
 tents (early 2007)
 timetable for removal of
 storage trailers (later 2007)
 extensions to approval +
 associated conditions
 note: legal will have add'l corres.

Jean Fraser - RE: Randy Akers - 659 Warren Avenue

From: Jean Fraser
To: Tadema-Wielandt, Michael
Date: 11/21/2007 3:26:04 PM
Subject: RE: Randy Akers - 659 Warren Avenue

Mike,

I have discussed this project with all my Development Review colleagues and I can confirm that all of the issues I mentioned in our recent telephone conversation are open for review and the approach you suggested is what we would wish to see.

In summary, I think it is fair to say that some aspects of the previously approved project may not be acceptable now due to changed circumstances (especially re the performance of that intersection and the cost of improving it); and that any approval is unlikely to retain the same conditions as before.

Mr Akers will be aware that recently developed sites near his site have been required to include landscaping, permanent and well-designed signage; shared access drives with limited traffic movements etc. Therefore he might as well include whatever he really wants as we can not predict what issues will prove to be threshold issues.

I suggest that an application be submitted so we have somewhere to start and perhaps a meeting after that would be helpful if he wishes.

Jean (Fraser)
Planner
874 8728

>>> "Michael Tadema-Wielandt" <MTW@sebagotechnics.com> 11/14/2007 2:29:31 PM >>>
Jean-

As I mentioned previously, I'm not involved with any negotiations related to the existing code violations. I'm trying to understand what will be required to take the previously approved project through final approval again so I can give Mr. Akers an accurate estimate of the work involved.

Please forward me any information you receive from your traffic engineers regarding the site.

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: Wednesday, November 14, 2007 12:01 PM
To: Michael Tadema-Wielandt
Subject: RE: Randy Akers - 659 Warren Avenue

Hello Mike,

* Possible new ^{issues} raised at Sew Lee include increase in ^{contributions} to intersection improvements; re-review of access and levels of traffic/turning movements at entrances/exits; control of people using this site to cut through to avoid intersection; other issues of rehab eg scale of parking + implications. So unable to predict... JF.

We are aware that he has met the conditions of the previous approval.

We did discuss the issue today and the traffic engineers want to review the trip generation characteristics of the project and review the access issues- given the change in traffic surrounding the site. It will take a few days for me to get those comments.

Mr Akers is at liberty to submit the application in whatever form he wishes and then we can discuss any issues once it is submitted.

Mr Akers wish to move quickly re the site plan application may be based on his assumption that he will be able to keep the unauthorized storage trailers in the meantime. However, that is not the case- the storage trailers must be removed by tomorrow or legal action for their removal will be pursued. They were not approved on any basis and will not be given a temporary permit.

Getting site plan approval will not assist in retaining the storage trailers although once they are removed he could apply for other permanent structures on the site.

Jean (Fraser)
Planner

>>> "Michael Tadema-Wielandt" <MTW@sebagotechnics.com> 11/14/2007
11:32:30 AM >>>
Hi Jean-

Please let me know what comes out of today's meeting regarding this project. I'm trying to identify what will be necessary for site plan submittal.

I understand that the discussions/plans regarding the intersection improvements may have progressed. Let me know how this will affect a new site plan application, considering that Mr. Akers satisfied the previous conditions of approval related to the intersection. Specifically, he granted a 20' easement to MDOT and paid a contribution towards the intersection improvements.

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: Friday, November 09, 2007 9:11 AM
To: Michael Tadema-Wielandt

Subject: Re: Randy Akers - 659 Warren Avenue

Hello Mike,

I will need to get back to you on this as a number of things have changed since his last application- particularly the construction of Hammond Lumber on the opposite corner and many more discussions regarding the proposed improvements of the intersection.

I would like to run this by our Dev Rev internal meeting (next Wed) where all the reviewers are together and then I can be more confident of my response on this.

Jean

>>> "Michael Tadema-Wielandt" <MTW@sebagotechnics.com> 11/8/2007
5:28:08 PM >>>
Hi Jean-

Randy Akers dropped by my office today to talk about the previously approved (twice now) warehouse expansion project at 659 Warren Avenue. He brought me up to speed on the current situation, and asked that we begin the site plan permitting process again. I understand that there are some outstanding issues with storage containers on the site. Mr. Akers will be dealing with that directly with the City.

I just wanted to touch base with you prior to getting back into this. Outside of the current code violations, please let me know if anything has changed that may prevent another fairly quick approval. I'll be in touch in the near future.

Regards,

Mike

Michael Tadema-Wielandt

Sebago Technics, Inc.

One Chabot Street

Westbrook, ME 04098

p: 207-856-0277

f: 207-856-2206

Progress re Rug Depot re Extension of Site Plan approval

Summary (to 10.15.07)

What required as per City letter of 3.29.2007	Deadline in letter	Submitted	Comment/Action
Note: conditions of approval iii, vi, vii, viii, and ix all were complied with in early 2007. Submit cost estimate form showing how the \$184,000 Performance Guarantee estimate has been calculated; and	N/R	N/R	N/R
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.	April 6	First draft submitted 4.6.2007; discussion between Contractor and Phil DiPierro during following week; as of 4.13 almost there	Final PG amount of \$221,375 confirmed by Phil DiPierro on 5.1.2007
Submit draft Letter of Credit for the Performance Guarantee (examples attached) in the amount agreed with the City if not \$184,000; and	April 6	Unsigned letter from Mr Akers rec'd 4.6.2007 stating "I confirm the building to be constructed will be used exclusively for storage of flooring material and accessories for redistribution to dealers and contractors in Southern Maine and New England for the exclusive purpose of wholesale to the trade only"	Sent to Penny Littell and Phil DiPierro by JF on 4.17.07 for review
Submit the revised easement for the land mentioned in Condition 1i.	April 13	Draft letter of Credit received by e-mail 4.13.2007	Delay by City/MDOT in commenting; FAX sent to Akers 4.13.07 accepting that meeting this timetable depended on us Jennifer processing this.
Submit the \$15,500 contribution for the sidewalk construction as required in Condition 1ii	April 20	Check for \$15,500 received 4.20.2007.	
Submit copies of executed contracts with the contractors undertaking the construction of the warehouse building	April 27	Received copy of signed contract on April 27, 2007	
Submit the final Letter of Credit for the Performance Guarantee; and	April 27	Late May and June: Jean and Alex corresponded with Bill Tracy of Gorham Savings Bank who provided draft letter of credit and asked for more time to complete. Ended with Mr Tracy calling JF at end of June to say no longer involved. This deadline revised by City letter.	Letter dated 5.30.2007 extended deadline for Easement to 6.8.2007; extended deadline for PG to 6.30.2007 and extended site plan approval to 7.15.2007
Agree and submit signed easement relating to Condition 1i.	April 27	Tents were gone by May 7, 2007.	
Remove all tents and other unauthorized structures on the site whether the construction proceeds or not. [... otherwise legal action will be commenced to secure their removal]	May 7		

<p>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.</p>	<p>May 14</p>	<p>Received June 12, 2007</p>	
<p>Construction must commence.</p>	<p>May 21</p>	<p>Not relevant due to revised deadlines.</p>	<p>Top copy given to Penny Littell</p>
<p>Revised deadline for Easement</p>	<p>June 8</p>	<p>Signed and stamped easement deed received 5:30pm June 8, 2007.</p>	<p>Letter dated 7.6.2007</p>
<p>Revised deadline for Performance Guarantee</p>	<p>June 30</p>	<p>Letter from Mr Akers received June 28, 2007 explaining delay and asking for further extension.</p>	<p>extended deadline for PG to 8.10.2007 and to extend site plan approval to August 31, 2007</p>
<p>Revised deadline for Performance Guarantee</p>	<p>August 10</p>	<p>E-mail exchange with Linda Agren on behalf of Mr Akers confirming new bank involved and asking for new deadlines.</p>	<p>E-mail from Jean Fraser (based on AJ e-mail OK) dated Aug 13, 2007 implying extension; later e-mail from Agren (8/17/07) confirmed PG to be with us by Oct 15 with start on site of Oct 31, 2007</p>
<p>Revised deadline for Performance Guarantee</p>	<p>October 15</p>	<p>E-mail Oct 15, 2007 from Linda Agren confirming that Mr Akers opts to reapply for site plan approval in the spring.</p>	

up to end 2006
CHRONOLOGY - RUG DEPOT, 659 Warren Avenue CBL 315 A 001

- 8.22.2002: Received Site Plan approval for 6 temporary tents for retail sales which must be removed by Dec 31, 2002
- 10.3.2003: City received Site Plan application for new building for warehouse/distribution
- 2.19.2004: Temporary membrane structures (tents) erected without permit (complaint and inspection)
- 2.20.2004 and 3.17.2004 Notice of Violation letters served
- 3.22.2004 Complaint and inspection
- 4.02.2004 Denied Permit for the 6 "tent" structures
- 5.11.2004 City gave approval for 20,000 sq ft warehouse storage/expansion (spec if change to another use would require separate review)(also required easements for MDOT intersection improvement project)
- 01.03.2005 Complaint and inspection- structures and excessive signs
- 5.11.2005 Site Plan Approval expired and no work started on site
- 7.15.2005 Meeting between City and owner and owner's attorney where they confirmed removal of 2 tents and undertook to remove more tents
- 10.4.2005 City received site plan application for similar proposal as approved in 2004 (applicant apparently aggrieved regarding condition for easement for MDOT in the previous approval)
- 12.19.2005: Complaint and inspection- more structures and signs
- 4.25.2006: Site Plan Approval for 20,000 sq ft warehouse/storage expansion)with conditions req. limited easements for MDOT project, \$15,500 towards sidewalks/curbs and that any change to retail would require separate review)
- 6.20.2006: Most conditions complied with; Planner awaiting final plans for stamping and the \$15,500 and easement language
- 7.24.2006: Permit applied for the approved works and is pending (contractor submitted 2004 approved plans)
- 12.11.2006: Complaint re added structures and excessive signs; inspection found 4 tents on site and all have been relocated nearer the main building, plus at least one metal box structure. Inspections are requesting (believed to be in writing) that signs be removed and are awaiting outcome of further internal discussions before taking action on the tents/structures.

This data is provided by the Assessor's Office and is current as of December 4, 2006 Fees

CBL 315 A001001 Acct No 34468 Property Address 659 WARREN AVE
 Owner Name 1 MAINE'S FLOORCOVERING Property Type COMMERCIAL Dist#: 5
 Name 2 SUPERSTORE LLC Description 315-A-1 317-B-2
 Mailing Address PO BOX 3271 RIVERSIDE ST 289-343
 City, State, Zip AUBURN ME 04212 WARREN AVE 659-687
 195890 SF

Prop Info	Inspections	Site Plans	Permits	Complaints	Food/Water Cmpl.	Documents	Letters	Pr
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Date/Time	Staff/Contact	Street	Parcel ID	Appl ID	Appl Type	Type
12/11/06	Suzanne Hunt	659 WARREN AVE	315 A001001	8291	Complaint	Inspection
6:00 AM						Has added at least 2 metal storage units and using them for additional s
12/19/05		659 WARREN AVE	315 A001001	6659	Complaint	Inspection
6:00 AM						Excessive signage, temp structures that are not permitted. Signage on c
01/03/05		659 WARREN AVE	315 A001001	4569	Complaint	Inspection
						illegal temp, structures & excessive illegal signage
12/30/04		659 WARREN AVE	315 A001001	0	Prmt	Inspection
						illegal temp. bldgs.
03/22/04		659 WARREN AVE	315 A001001	0	Complaint	Inspection
						check for compliance W/ NOV sent 2/20/04 to remove 6 temporary bldg
03/22/04		659 WARREN AVE	315 A001001	0	Complaint	Inspection
02/20/04		659 WARREN AVE	315 A001001	0	Complaint	Non Compliance
						hand deliver NOV
02/19/04		659 WARREN AVE	315 A001001	0	Complaint	Inspection
						Temporary membrane structures erected without a permit

This data is provided by the Assessor's Office and is current as of December 4, 2005 Fees

CBL	315 A001001	Acct No	34468	Property Address	659 WARREN AVE	View
Owner Name 1	MAINE'S FLOORCOVERING			Property Type	COMMERCIAL	Dist#: 5
Name 2	SUPERSTORE LLC			Description	315-A-1 317-B-2 RIVERSIDE ST 289-343 WARREN AVE 659-687 195890 SF	
Mailing Address	PO BOX 3271					
City, State, Zip	AUBURN	ME	04212			

Prop Info	Inspections	Site Plans	Permits	Complaints	Food/Water Cmpl	Documents	Letters	Pr
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Path	Drive Ltr:	G	View Document	File Name	Doc Type
315 A001\Building				Notice of Violation 02.20.2004.pd	Permit
315 A001				violation letter 03.17.2004 certifie	
315 A001				Violation letter 03.17.2004 hand	
315 A001				Violation letter 2.02.2004 hand d	
315 A001				Violation Letter 2.02.2004.pdf	
315 A001\bldgdenied				040347.pdf	
315 A001\bldgdenied				040347plans.pdf	
315 A001\PDF				Rug Depot - 05-029 - April 2005.	
315 A001\PDF				RUG-D 04-13-05 11x17.pdf	
315 A001\PDF				RUG-D 04-20-05.pdf	
315 A001				violation letter 03.17.2004 certifie	
315 A001				Violation letter 03.17.2004 hand	
315 A001				Violation letter 2.02.2004 hand d	

Jean Fraser - Re: 659 Warren Ave. (Rug Depot)

From: Suzanne Hunt
To: Bourke, Jeanie; Fraser, Jean
Date: 12/18/2006 1:06:49 PM
Subject: Re: 659 Warren Ave. (Rug Depot)

I went to 659 Warren Ave this am. around 10a.m., the signs attached to the guardrails had all been removed. I spoke to the manager and thanked her. I sent them a compliance letter for this one violation. I also took a couple of pictures while I was there of the numerous other signs. Letters are in their file.
Suzanne

Suzanne Hunt Code Enforcement, 874-8707

CC: Schmuckal, Marge

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

March 18, 2004

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

RE: Rug Depot, 659 Warren Avenue
ID #2003-0207, CBL #315-A-001

Dear Mr. Akers:

In August, 2002, the Planning Authority approved a site plan for the installation of temporary tents to be removed by December 31, 2002. The tents were not removed at that time. The original site plan approval for the tents has lapsed. Also, building permits were not issued for the tents.

We realize that you are trying to remedy the problem by proposing a warehouse to replace the existing tents on the site. The Planning Staff is recommending that Rug Depot submit an amended site plan for the tents, since the approval has expired. The applicant would also need to apply for an after the fact building permit by Monday, March 22, 2004 for the tent structures.

Because there is a pending application to replace the tents, Building Inspections may grant a permit for temporary buildings for 180 days. Site Plan approval may also be granted with a time limit on when the tents would need to be removed.

Also, if the warehouse proposal is approved by the Planning Board, Planning staff will recommend that a condition of approval be placed on the proposal that the tents would be removed within a certain time frame, otherwise enforcement action would be taken.

If you have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,

A handwritten signature in cursive script that reads "Kandice Talbot".

~~Kandice Talbot~~
Planner

CC: Sarah Hopkins, Development Review Services Manager
Mike Nugent, Building Inspections Manager
Penny Littell, Associate Corporation Counsel

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
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March 18, 2004

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

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ID #2003-0207, CBL #315-A-001

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Also, if the warehouse proposal is approved by the Planning Board, Planning staff will recommend that a condition of approval be placed on the proposal that the tents would be removed within a certain time frame, otherwise enforcement action would be taken.

If you have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,

Kandice Talbot
Planner

CC: Sarah Hopkins, Development Review Services Manager
Mike Nugent, Building Inspections Manager
Penny Littell, Associate Corporation Counsel

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

August 23, 2002

Maine's Floorcovering
P.O. Box 3271
Auburn, ME 04212

RE: 6 Temporary Tents, 659 Warren Avenue
Job ID#2002-0172, CBL #315-A-001

Alex - for info

Dear Sir:

On August 22, 2002, the Portland Planning Authority granted minor site plan approval for Maine Floorcovering to erect six (6) temporary tents for retail sales located at 659 Warren Avenue.

The approval is subject to the following condition(s):

- i. Tents must have at least a 10 ft. separation between each one.
- ii. No utilities shall be connected to the tents.
- iii. Tents must be removed by December 31, 2002, unless otherwise extended by the Planning Department.


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

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

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.

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

Sincerely,


Alexander Jaegerman
Planning Division Director

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

Jean Fraser - Fwd: Re: Contributions towards Warren Ave./Riverside St Intersection

From: Michael Farmer
To: Fraser, Jean
Date: 1/26/2007 10:58:39 AM
Subject: Fwd: Re: Contributions towards Warren Ave./Riverside St Intersection

Regarding the Carpet Depot, I attempted to send the following message to you on Jan. 16th. Does this satisfy your needs? If not, please tell me what additional information you need. The original message follows.

I reviewed the Sebago Technics letter dated December 19, 2006, in particular items "i" and "iii". Regarding Item i, the location of the easement shown on the site plan is acceptable. My only comment regarding the easement is that when the applicant prepares the draft easement deed, the easement parcel description should be a metes and bounds description. The Engineering Division of DPW would like an opportunity to review the easement deed, particularly the parcel description.

Regarding item iii, the sidewalk, curb, and guardrail design and related notes are acceptable.

if you need any additional input from me regarding the items discussed above, please let me know.

Michael Farmer, Project Engineer
Dept. of Public Works
55 Portland Street
Portland, ME 04101
phone: 207-874-8845
fax: 207-874-8852

>>> Jean Fraser 01/26 9:43 AM >>>

Mike,

01/26/07



PORTLAND MAINE

Planning Division
Jean Fraser, Planner

Message to Alex from
Paul Tracy 5.31.07

Confirmed

① PG by end June OK

② He's requested Mr. AKERS

to get us the easement.

Based on his message

seems to be moving forward

Jef.



PORTLAND MAINE

Planning Division
Jean Fraser, Planner

Perf Guar. - Rug Depot

Contact is:

Bill Tracy
Gorham Savings Bank
222 1463

(cell? 232 3944)

Doing both the construction
loan and the PG - the loan
requires further time (end of
time) so is holding up the project.

JF has spoken to him 2x
once ~~5/24~~ or 5/25 when
he confirmed Mr Akers was
going ahead with the project;

once 5/30 when he
explained need for
3-4 weeks to process
both loan + PG.

Both times JF advised AJ of discussions



PORTLAND MAINE

Planning Division
Jean Fraser, Planner

5.30.07

Note for file

Re Reg Depot

- ① left message for Bill Tracy,
Gorham Savings Bank
(222-1463) confirming
June 8th as deadline for
PG+ easement
- ② mentioned his March 20 2007
letter
- ③ confirmed Alex + Penny had
agreed this extension



PORTLAND MAINE

Planning Division
Jean Fraser, Planner

Note for file

DuKew mtg 8-29-07

Discussed issues re Rug Depot:

- ① Get letter from Bank of America saying they are processing the Ref. Guarantee
- ② Jim Connolly to renew the Site Utd, Plan circulated June 13 (had held off chasing Jim as the project had appeared ? as to actually going forward)