

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-0748	Issue Date:	CBL: 320 A002001
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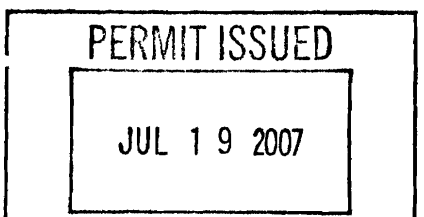
Location of Construction: 410 RIVERSIDE ST	Owner Name: 410 RIVERSIDE ST LLC	Owner Address: 70 INGERSOLL DR	Phone:
Business Name:	Contractor Name: Sign Solutions	Contractor Address: 55 Bishop St. Portland	Phone 2078788000
Lessee/Buyer's Name	Phone:	Permit Type: Signs - Permanent	Zone: IM

Past Use: Commercial	Proposed Use: Commercial install 50 sf freestanding sign for businesses on Ingersoll Drive	Permit Fee: \$130.00	Cost of Work: \$130.00	CEO District: 5
Proposed Project Description: Install 50 sf freestanding sign		FIRE DEPT: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied <i>N/A</i>	INSPECTION: Use Group: <i>V</i> Type: <i>Sign</i> <i>IBC 2003</i>	
		Signature:	Signature:	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input checked="" type="checkbox"/> Denied				
Signature: _____ Date: _____				

Permit Taken By: dmartin	Date Applied For: 06/20/2007	<b>Zoning Approval</b>
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>	<p><b>Special Zone or Reviews</b></p> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> <i>Or w/conditions</i> Date: <i>6/28/07</i> <i>APM</i>	<p><b>Zoning Appeal</b></p> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	<p><b>Historic Preservation</b></p> <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: _____
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**Scanned**



**CERTIFICATION**

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

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

**City of Portland, Maine - Building or Use Permit**

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<b>Permit No:</b> 07-0748	<b>Date Applied For:</b> 06/20/2007	<b>CBL:</b> 320 A002001
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<b>Location of Construction:</b> 410 RIVERSIDE ST	<b>Owner Name:</b> 410 RIVERSIDE ST LLC	<b>Owner Address:</b> 70 INGERSOLL DR	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Sign Solutions	<b>Contractor Address:</b> 55 Bishop St. Portland	<b>Phone</b> (207) 878-8000
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Signs - Permanent	

<b>Proposed Use:</b> Commercial install 50 sf freestanding sign for businesses on Ingersoll Drive	<b>Proposed Project Description:</b> Install 50 sf freestanding sign
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<b>Dept:</b> Zoning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Ann Machado	<b>Approval Date:</b> 06/28/2007
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
1) The sign must be a minimum of five feet from the front and side property line.			
2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.			
<b>Dept:</b> Building	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Tammy Munson	<b>Approval Date:</b> 07/11/2007
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
1) Signage Installation to comply with Chapter 31 of the IBC 2003 building code.			

**Comments:**  
6/26/2007-amachado: Spoke to Emile Cardoli. Told him that the sign needed to be located on their property and 5' from the property lines. Right now the proposed sign is located on the adjacent lot. He said that he would get back to me.



# Signage/Awning Permit Application

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

Location/Address of Construction: <u>70 INGERSOLL DRIVE (FORMERLY 410 RIVERSIDE DRIVE)</u>		
Tax Assessor's Chart, Block & Lot Chart#      Block#      Lot# <u>320      A      002</u>	Owner: <u>EASTMAN INDUSTRIES &amp; TRACTOR CO.</u> <u>70 INGERSOLL DRIVE</u> <u>PORTLAND MAINE 04103</u>	Telephone: <u>207-878-5353</u>
Lessee/Buyer's Name (If Applicable)	Contractor name, address & telephone: <u>SIGN SOLUTIONS</u> <u>55 BISHOP STREET</u> <u>PORTLAND, ME 04103</u> <u>(207) 699-2262</u>	Total s.f. of signage x \$2.00 Per s.f. plus \$30.00/\$65.00 For H.D. signage= Total Fee: \$ <u>130.00</u> Awning Fee= cost of work _____ Total Fee: \$ _____
Who should we contact when the permit is ready: <u>EMILE CAROALI</u> phone: <u>878-5353</u>		
Tenant/allocated building space frontage (feet): Length: _____ Height: _____ Lot Frontage (feet) _____ Single Tenant or Multi Tenant Lot <u>multi-tenant</u>		
Current Specific use: _____ If vacant, what was prior use: _____ Proposed Use: _____		
Information on proposed sign(s): Freestanding (e.g., pole) sign? Yes <input checked="" type="checkbox"/> No _____ Dimensions proposed: <u>5' x 10'</u> Height from grade: <u>24" - 36"</u> Bldg. wall sign? (attached to bldg) Yes _____ No _____ Dimensions proposed: _____ <u>2'-5"</u>		
Proposed awning? Yes _____ No _____ Is awning backlit? Yes _____ No _____ Height of awning: _____ Length of awning: _____ Depth: _____ Is there any communication, message, trademark or symbol on it? Yes _____ No _____ If yes, total s.f. of panels w/communications, message, trademark or symbol: _____ s.f.		
Information on existing and previously permitted sign(s): Freestanding (e.g., pole) sign? Yes _____ No _____ Dimensions: _____ Bldg. wall sign? (attached to bldg) Yes _____ No _____ Dimensions: _____ Awning? Yes _____ No _____ Sq. ft. area of awning w/communication: _____		
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> DEPT. OF BUILDING INSPECTION CITY OF PORTLAND, ME  JUN 20 2007  RECEIVED </div>		
A site sketch and building sketch showing exactly where existing and new signage is located must be provided. Sketches and/or pictures of proposed signage and existing building are also required.		

Please submit all of the information outlined in the Sign/Awning Application Checklist. Failure to do so may result in the automatic denial of your permit.

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

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

Signature of applicant: [Signature]

Date: 3/19/07

This is not a permit, you may not commence ANY work until the permit is issued.

IM zone.

multi-tenant - 704  
height 15'-  
subdiv. 5'

(010)

proposed south  
height - 12'-13'  
\*survised site plan for location

EASTMAN INDUSTRIES & INGERSOLL TRACTOR  
PH(207) 878-5353 FAX(207)878-9109



FACSIMILE TRANSMITTAL SHEET

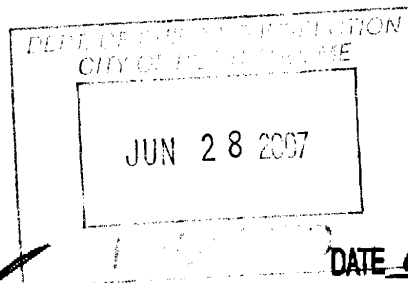
TO: Ann FROM: 410 Riverside Street LLC  
 COMPANY: Portland City Hall DATE: 6/29/07  
 FAX NUMBER: (207) 874-8716 TOTAL NO. OF PAGES INCLUDING COVER: 2  
 PHONE NUMBER: (207) 874-8709 SENDER'S REFERENCE NUMBER:  
 RE: AM Phone Call YOUR REFERENCE NUMBER:

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY
- PLEASE RECYCLE

NOTES/COMMENTS:

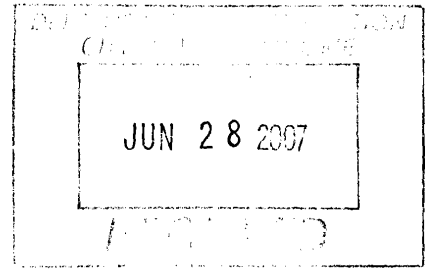
Ann,  
 Please review the attached drawing and phone message and give me a call to finalize. The sign thickness is 6".

Regards  
 Emily Cardel



FAXED  
 DATE 6/29/07

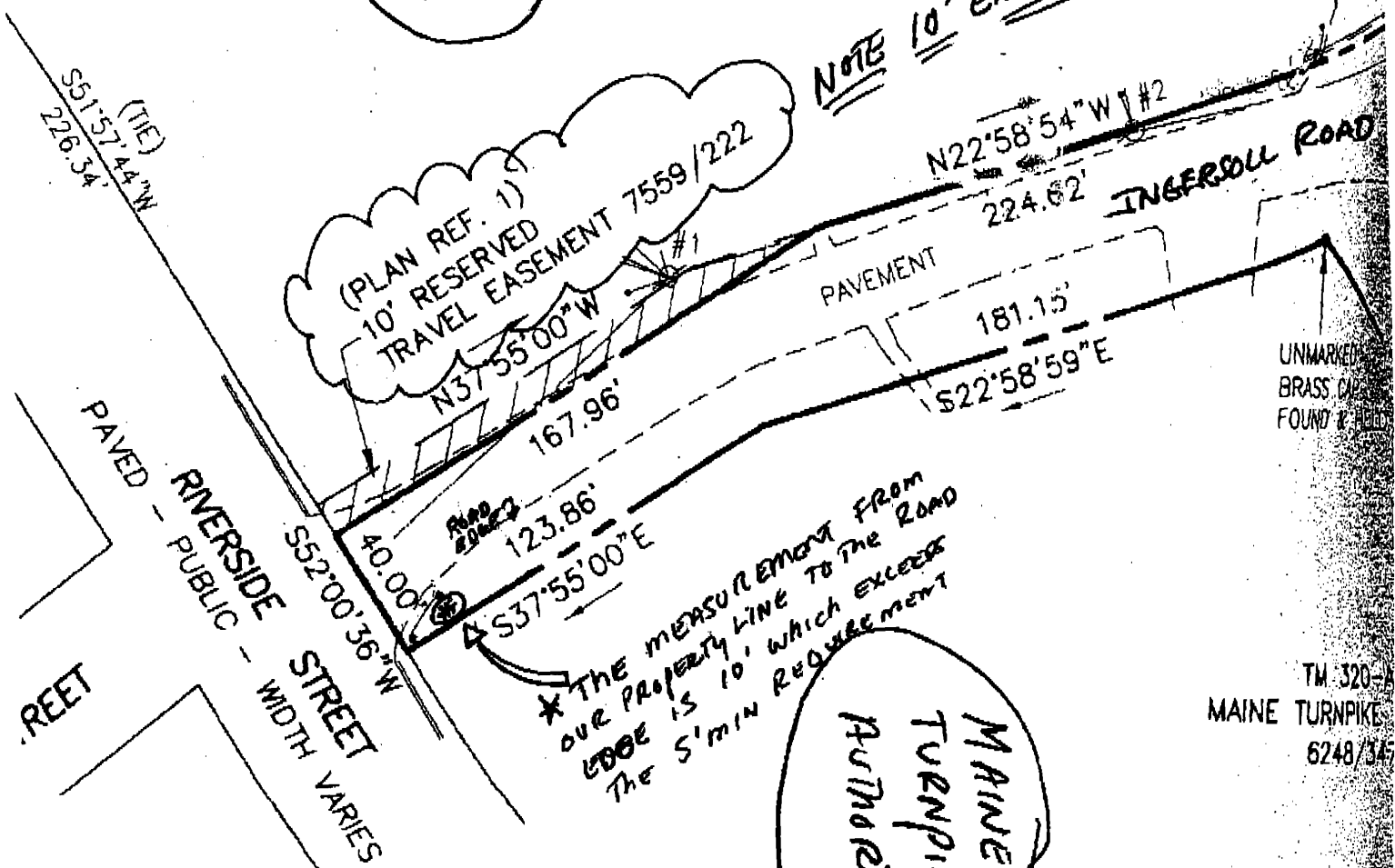
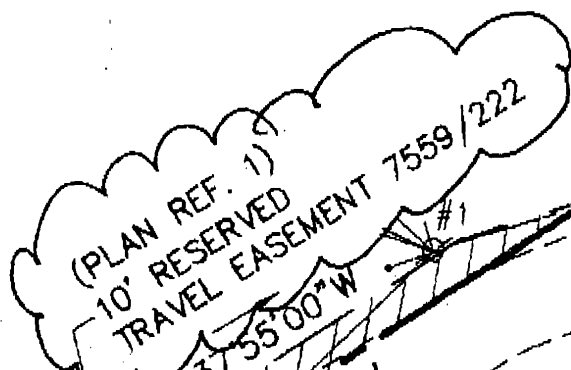
874-8716  
ATTN: ANN



TM 320-A-4  
N/F MARTIN RIST &  
BARNYSUE J. BRUNET, TRUSTEES  
14592/292

E2  
PASS  
BLDG

NOTE 10' EASEMENT

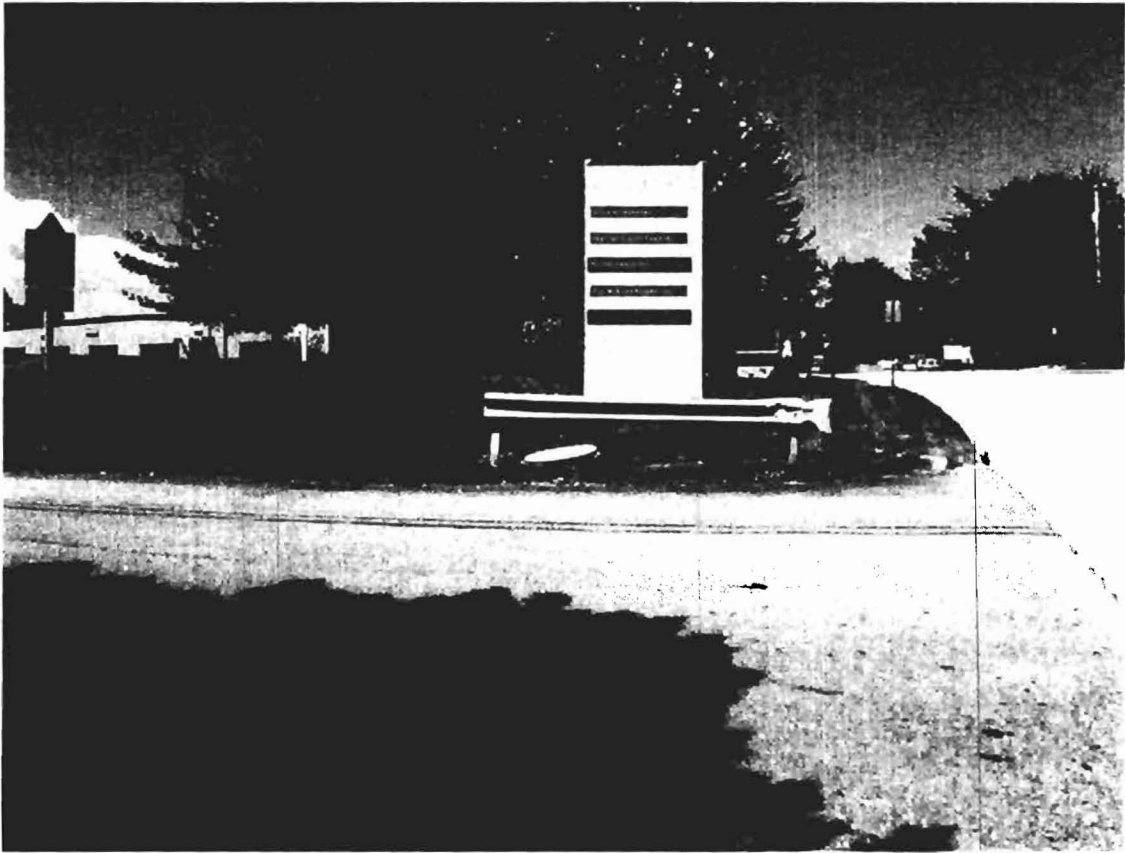


UNMARKED  
BRASS CAP  
FOUND & FIELD

\* THE MEASUREMENT FROM  
OUR PROPERTY LINE TO THE ROAD  
EDGE IS 10', WHICH EXCEEDS  
THE 5' MIN REQUIREMENT

MAINE  
TURNPIKE  
Authority

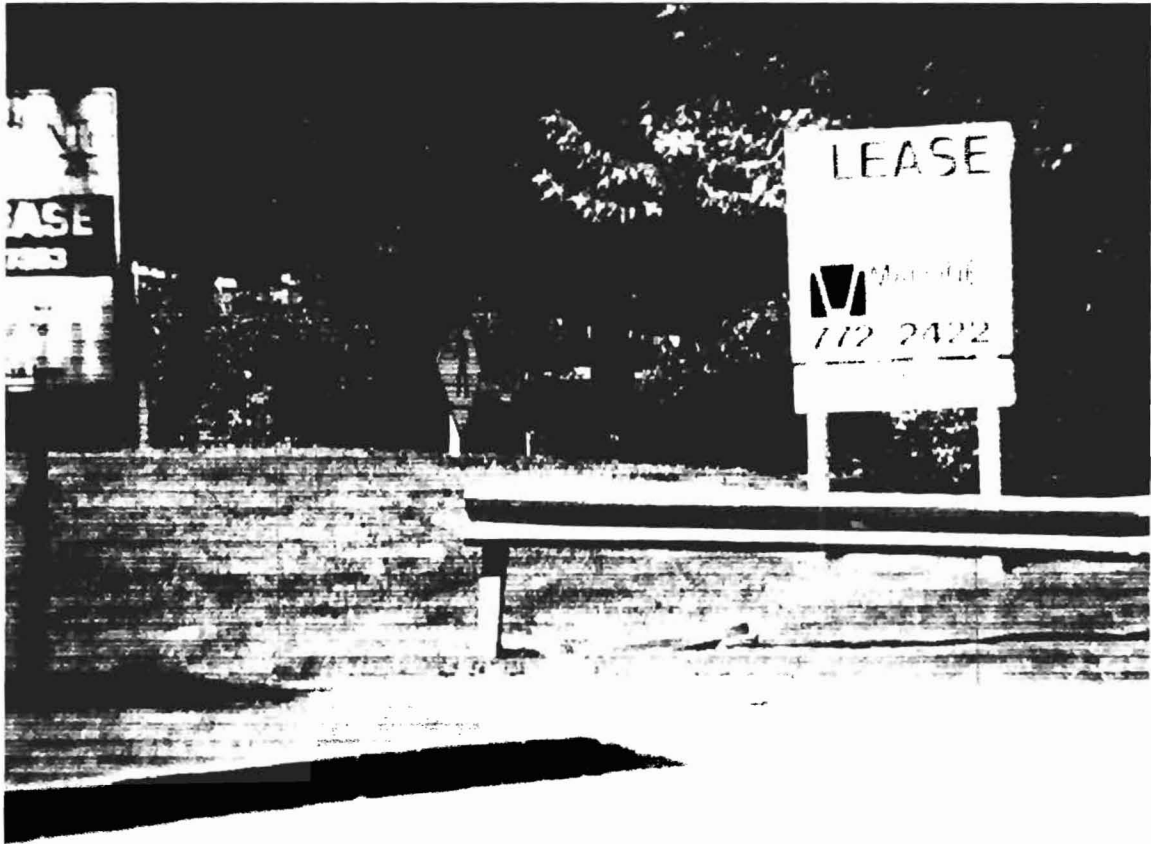
TM 320-A  
MAINE TURNPIKE  
6248/345



**Figure 1 PROPOSED LOCATION**











## Road Sign

Ingersoll Drive

Eastman Industries

Ingersoll Tractor Company

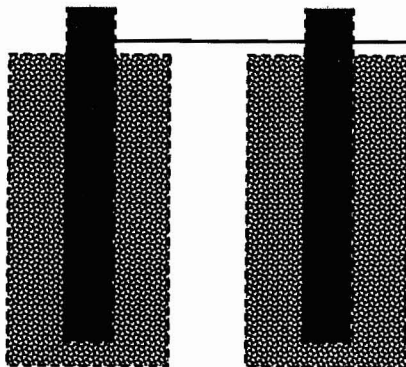
Positive Energy Inc.

Pantim Wood Products Inc

- Double Sided non illuminated cabinet built to sleeve down over support poles.
- 7" header letters for Ingersoll Drive using 8 year white high performance vinyl.
- Removable names plates 4"X42" using 3" letters
- Sign to be 5' wide by 10' tall and 6" thick using aluminum face and framing.
- BASE to have (2) 2'x12" poured cement footings

ARROW INDICATES  
GROUND LEVEL

2'X12" POURED  
CEMENT POSTS





# Contract / Proposal

55 Bishop Street, Portland, Maine 04103  
Telephone: (207) 699-2262 1-800-231-8860  
FAX: (207) 699-2264 www.signsolutionsusa.com

Work Order **6081**

DATE **12/15/2006**

Purchase Order

Drawing #

PROPOSAL SUBMITTED TO <b>EMILE CARDALI</b>	PHONE <b>878-5353</b>	FAX
CUSTOMER <b>EASTMAN INDUSTRIES</b>	JOB NAME	
ADDRESS <b>70 INGERSOLL DRIVE</b>	JOB ADDRESS	
CITY, STATE, AND ZIP CODE <b>PORTLAND, ME 04103</b>	JOB CITY	

We hereby submit specifications for:  New Construction  Remodel

**MANUFACTURE AND INSTALL:**

ONE NEW 5' X 10' X 6' PYLON SIGN, NON-ILLUMINATED, ALUMINUM FACES WITH REPLACEABLE TENANT PANELS. COPY TO BE 8 YEAR WHITE HIGH PERFORMANCE VINYL.

TWO (2) NON-ILLUMINATED, ALUMINUM 6' X 1' X 1" BUILDING SIGNS WITH COMPANY NAMES "EASTMAN INDUSTRIES" & "INGERSOLL TRACTOR CO.". COPY TO BE 8 YEAR WHITE HIGH PERFORMANCE VINYL.

TWO (2) NON-ILLUMINATED, ALUMINUM 4'10" X 1'2" X 1" BUILDING SIGNS WITH BUILDING NUMBERS "53 - 57" AND "70 - 71". COPY TO BE 8 YEAR WHITE HIGH PERFORMANCE VINYL.

ONE (1) NON-ILLUMINATED, ALUMINUM 3'8" X 1'0" X 1" ADDRESS PANEL WITH THE COPY "INGERSOLL DRIVE". COPY TO BE 8 YEAR WHITE HIGH PERFORMANCE VINYL.

**PLUS TAX & PERMIT**

Service Wires and Controls furnished by others.

**Plus: State Sales Tax, if applicable.**

All electrical signs manufactured by this Company are warranted against defective parts, materials, and workmanship, with the exception of incandescent and fluorescent lamps, for a period of ninety (90) days from the date of installation. For the next two hundred seventy five (275) days, after the expiration of the ninety (90) day period, any defective parts and material, with the exception of the lamps and neon will be replaced at no cost to the buyer for such parts and material. However, the cost of labor for installing such parts and material will be charged at regular hourly rates.

The above warranty is in lieu of all other warranties, whether express or implied, including, but not limited to any implied warranty of merchant ability or any implied warranty of fitness for a particular purpose. All other such warranties with respect to such electrical signs being hereby expressly excluded.

**We propose hereby to furnish material and labor, complete in accordance with above specifications, for the sum of:**

**FOUR THOUSAND THREE HUNDRED SIXTY-FIVE AND 00/100 DOLLARS ( \$4,365.00 )**

All payments to be made at the offices of Mahl Enterprises LLC., DBA Sign Solutions, in Portland, Cumberland County, Maine on the date of invoice or after completion of the services above provided. Title to the above signage shall be retained by The Seller and shall not transfer to buyer until full payment of contract price is made within the time set forth. Upon failure of buyer to pay the contract price within such time, it is agreed that The Seller shall have the right to enter the premises and remove the signage, without any liability on part of the seller.

In the event of such removal, buyer shall be liable to Seller for all labor, cost and expenses for the removal of the signage. Removal of the signage shall not constitute a waiver of any rights and remedies existing at law for the breach of this agreement, and all such rights are expressly reserved by The Seller. Upon breach of this agreement, buyer agrees to pay all costs of collection including reasonable attorney's fees.

**1/2 DOWN AND BALANCE ON COMPLETION**

Sales Representative **Bill Mahl**

Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within **14** days.

**Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above, in failure of which, interest at the rate of 18% per annum shall immediately commence to accrue upon the amount payable thereunder. This proposal represents the final and complete agreement of the parties. Any modification of this proposal must be written and signed by both parties.**

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date of acceptance of Proposal \_\_\_\_\_

5'-0"

# INGERSOLL DRIVE

EASTMAN INDUSTRIES 70

INGERSOLL TRACTOR CO. 70

POSITIVE ENERGY INC 51

PANTIM WOOD PRODUCTS 53

10'-0"

Manufacture & Install new 5' x 10' pylon with two (2) concealed posts.

This design created in conjunction with this project being planned for you is the exclusive property of SIGN SOLUTIONS, INC., and cannot be copied, exhibited, or shown to anyone outside of your organization without consent of SIGN SOLUTIONS, INC.



DWG NO:

2

REVISION:

APPROVED:

DATE  
1/31/07

WORK ORDER NO:  
0000

SCALE:  
N. T. S.

DWG BY:  
WLM

JOB NAME:  
EASTMAN INDUSTRIES

LOCATION:  
INGERSOLL DRIVE  
PORTLAND, ME

© Copyright 2006

320 A 002

Client#: 35337

EASTIND1

<b>ACORD™ CERTIFICATE OF LIABILITY INSURANCE</b>		DATE (MM/DD/YYYY) 06/26/07
<b>PRODUCER</b> HRH Northern New England 959 Congress St Portland, ME 04102-2175 207 553-2131	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
<b>INSURED</b> Eastman Industries, Inc. 70 Ingersoll Drive Portland, ME 04103 410 Riverside St LLC	<b>INSURERS AFFORDING COVERAGE</b> INSURER A: James River Group INSURER B: Peerless Insurance Company INSURER C: INSURER D: INSURER E:	NAIC # 12203 24198

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRRT	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	00024247	05/17/07	05/17/08	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COM/OP AGG \$2,000,000
B		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS  GARAGE LIABILITY <input type="checkbox"/> ANY AUTO  EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$	BINDER288520	05/17/07	05/17/08	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$ EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

**Proof of Insurance**

<b>CERTIFICATE HOLDER</b>  City of Portland	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>Alan R. Quinlan</i>
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320A 4

320A 2

STATE OF MAINE  
17 State House Station  
Augusta, ME 04333

T

IN THE MATTER OF

RIST/BRUNET FAMILY TRUST  
Portland, Cumberland County  
OFFICE/WAREHOUSE EXPANSION  
L-7696-TB-G-N (approval)

) NATURAL RESOURCES PROTECTION ACT  
) FRESHWATER WETLAND ALTERATION  
) WATER QUALITY CERTIFICATION  
) FINDINGS OF FACT AND ORDER

Project Description: The applicant proposes to alter 8,531 square feet of forested freshwater wetland to add 23,400 square feet of office building and warehouse and more parking area to an existing manufacturing facility. The proposed wetland fill is shown on a plan entitled "Wetland Alteration of 400 Riverside Street," prepared by Sebago Technics and dated June 15, 2004. The proposed project is located on the west side of Riverside Street in the City of Portland. The applicant also submitted a Permit-By-Rule Notification Form (PBR #35938) stating that activities occurring adjacent to a stream and an outfall pipe will be constructed in accordance with Chapter 305 of the Natural Resources Protection Act. The location of the expansion was chosen to maximize its distance to the Presumpscot River while minimizing impacts to the wetlands. The amount of wetland alteration is the minimum amount necessary to allow the current tenant of the property to expand its business. The parking/building expansion was designed using 2:1 sideslopes to further minimize the wetland fill.

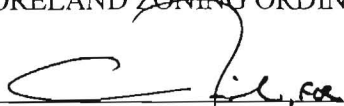
<b>Permit for:</b>	<input checked="" type="checkbox"/> Tier 1
<b>DEP Decision:</b>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (see attached letter)
<b>CORPS Action:</b>	<input checked="" type="checkbox"/> The Corps has been notified of your application. The following are subject to Federal screening: (1) projects with previously authorized or unauthorized work, in combination with a Tier 1 permit for a single and complete project, which total more than 15,000 square feet of altered area; (2) projects with multiple state permits and/or state exemptions which apply to a single and complete project that total more than 15,000 square feet of altered area; and (3) projects that may impact a vernal pool, as determined by the State of Maine or the Corps. If your activity is listed above, <i>Corps approval is required for your project.</i> For information regarding the status of your application contact the Corps' Maine Project Office at 623-8367.

Standard Conditions:

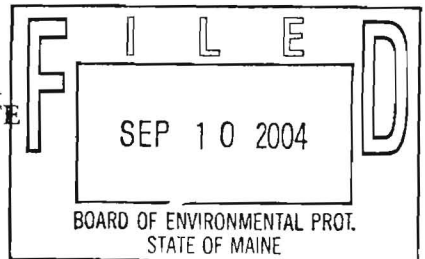
- 1) If construction or operation of the activity is not begun within two (2) years from the date signed, this permit shall lapse and the applicant shall reapply to the Department for a new permit. This permit is transferable only with prior approval from the Department. If the activity is associated with a larger project, starting any aspect of that project constitutes start of construction.
- 2) The project shall be completed according to the plans in the application. Any change in the project plans must be reviewed and approved by the Department.
- 3) Properly installed erosion control measures shall be installed prior to beginning the project, and all disturbed soil should be stabilized immediately upon project completion.
- 4) A copy of this approval will be sent to the City of Portland. Department approval of your activity does not supersede or substitute the need for any necessary local approvals.

Please note the attached sheet for guidance on appeal procedures.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

  
DAWN R. GALLAGHER, COMMISSIONER

9/10/04 DATE



Date of initial application August 16, 2004  
Date application accepted for processing August 27, 2004  
Date filed with Board of Environmental Protection  
MR/ATSS3063/T#L7696GN

**NATURAL RESOURCE PROTECTION ACT (NRPA)  
STANDARD CONDITIONS**

**THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.**

- A. **Approval of Variations From Plans.** The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. **Compliance With All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. **Erosion Control.** The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. **Compliance With Conditions.** Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. **Initiation of Activity Within Two Years.** If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. **Reexamination After Five Years.** If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. **No Construction Equipment Below High Water.** No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. **Permit Included In Contract Bids.** A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. **Permit Shown To Contractor.** Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised (4/92)

DEP LW0428



# DEP INFORMATION SHEET

## Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

### SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

#### HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

#### HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

#### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.



5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

#### **OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD**

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

#### **WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD**

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

#### **II. APPEALS TO MAINE SUPERIOR COURT**

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, *see* 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

#### **ADDITIONAL INFORMATION**

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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**Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

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**CITY OF PORTLAND, MAINE**  
Department of Building Inspections

June 30 2007

Received from Eastman Industries

Location of Work 410 Riverside

Cost of Construction \$ \_\_\_\_\_

Permit Fee \$ 130

Building (IL)  Plumbing (I5) \_\_\_\_\_ Electrical (I2) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other Sign

CBL: 300 A 002

Check #: 011

**Total Collected \$** 130

**THIS IS NOT A PERMIT**

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$10.00 or 10% whichever is greater.

Danna  
WHITE - Applicant's Copy  
YELLOW - Office Copy  
PINK - Permit Copy