

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

2003-0021
Application I. D. Number

02/04/2003
Application Date

Lucas Tree Expert Company
Applicant
636 Riverside Street, Portland, ME 04103
Applicant's Mailing Address

636 - 636 Riverside St, Portland, Maine
Address of Proposed Site
322 A001001
Assessor's Reference: Chart-Block-Lot

Fill Permit
Project Name/Description

Consultant/Agent
Applicant Ph: (207) 797-2900 Agent Fax:
Applicant or Agent Daytime Telephone, Fax
Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) **Fill Permit (15,000 cy)**

Proposed Building square Feet or # of Units _____ Acreage of Site _____ Zoning _____

Check Review Required:

- Site Plan (major/minor)
- Flood Hazard
- Zoning Conditional Use (ZBA/PB)
- Subdivision # of lots _____
- Shoreland
- Zoning Variance
- PAD Review
- Historic Preservation
- 14-403 Streets Review
- DEP Local Certification
- Other _____

Fees Paid: Site Plan _____ Subdivision _____ Engineer Review _____ Date _____
Reviewer **Jay Reynolds**

DRC Approval Status:

Approved Approved w/Conditions See Attached Denied
Approval Date 02/25/2003 Approval Expiration 02/25/2004 Extension to _____
 Condition Compliance Jay Reynolds signature 02/25/2003 date Additional Sheets Attached

Performance Guarantee Required* Not Required

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

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

CITY OF PORTLAND, MAINE
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ADDENDUM

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636 - 636 Riverside St, Portland, Maine
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Approval Conditions of DRC

- 1 See approval letter.

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

February 25, 2003

Mr. Arthur W. Batson, Jr.
Lucas Tree Experts Co.
636 Riverside Street
Portland, ME 04103

RE: 636 Riverside Street : Fill Permit Application
(#2003-0021) (CBL 322A001)

Dear Mr. Batson,

On February 25, 2003, the Portland Planning Authority granted approval for a fill permit at 636 Riverside Street. Attached are the conditions of approval for this fill permit:

1. **Erosion and Sedimentation Control shall be installed prior to commencing the fill operation, and shall be installed to the satisfaction of the City's Development Review Coordinator.**

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 the Planning Staff.

Sincerely,


Alexander Jaegerman
Planning Division Director

cc: Inspections Department
Sarah Hopkins, Development Review Services Manager
Marge Schmuckal, Zoning Administrator
Todd Merkle, Public Works Department
✓ Jay Reynolds, Development Review Coordinator
Approval Letter File

O:\DRC\LUCASFILLAPPROVALLETTER.DOC

389 Congress Street • Portland, Maine 04101 • (207) 874-8721 • FAX 756-8258 • TTY 874-8936

SEBAGO TECHNICS, INC.
 One Chabot Street
 P.O. Box 1339
 WESTBROOK, ME 04098-1339

LETTER OF TRANSMITTAL

Hand Delivered

Phone (207) 856-0277 FAX (207) 856-2206

TO City of Portland
309 Congress Street
Portland, ME 04101

DATE	2-19-03	JOB NO.	88312
ATTENTION	Jay Reynolds		
RE:	Fill Permit Application		
	Lucas Tree Experts Co., Arthur Batson		

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

Shop drawings Prints Plans Samples Specifications

Copy of letter Change order Application

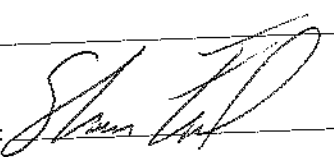
COPIES	DATE	NO.	DESCRIPTION
1	2-19		Fill App: Co Applicants Lucas Tree & Arthur Batson
1			Need for Lucas Tree permit

THESE ARE TRANSMITTED as checked below:

- For approval
- For your use
- As requested
- For review and comment
- FOR BIDS DUE _____
- Approved as submitted
- Approved as noted
- Returned for corrections
- _____
- Resubmit _____ copies for approval
- Submit _____ copies for distribution
- Return _____ corrected prints
- PRINTS RETURNED AFTER LOAN TO US

REMARKS: *Jay, the enclosed Fill app contains the jobs for both sites and includes both Lucas Tree and Arthur Batson, Jr. as applicants as they are listed as owners of the property on the deeds. Please understand that Mr. Batson is President of Lucas Tree Experts Co. Please call with any questions. Thank you*

COPY TO Arthur Batson, Jr.

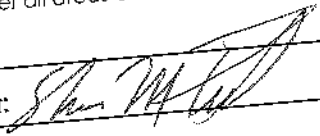
SIGNED: 

Fill 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 Fill Area: 636 Riverside Street			Square Footage of Lot Approximately 54 acres total	
Total Cubic Yardage of Proposed Fill Approximately 15,000cy			Telephone: 797-7294	
Tax Assessor's Chart, Block & Lot		Owner: Lucas Tree Expert Co., Inc./ Arthur W. Batson, Jr.		
Chart# 322/323	Block# A/A	Lot# 1&2/3&4	500cy-less \$50.00 500cy-more \$100.00	
Lessee/Buyer's Name (If Applicable) N/A			Applicant name, address & telephone: Lucas Tree Expert Co., Inc./Arthur W. Batson, Jr. 636 Riverside Street Portland, ME 04104 797-7294	
			Fee: \$100.00	

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

Signature of applicant:  Date: February 19, 2003

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

FILL PERMIT SUBMISSION

- Your submission must include 4 copies of the site plan on 11" x 17" paper or greater.
- A site plan shall include: The shape and dimension of the lot, area and limits of the proposed fill area, and the distance from the actual property lines. Any site plan not drawn to scale will not be accepted.
- The following items are guidelines to help applicant(s) prepare a site plan for approval of land areas being filled. It is the applicant's responsibility to locate and assess all impacts as a result of the proposed filling and to acquire all applicable permits outside of the City of Portland review. Site plans shall contain the information suggested in the following guidelines:
 1. Fill elevations shall match and conform in height with the elevation of an existing road shoulder, an existing driveway or land abutting your property line. Embankments and sloped areas created by fill construction shall not exceed a 3:1 side slope or 33% grade. Areas steeper than 3:1 shall be stabilized using stone riprap, erosion control blankets, or an engineered retaining structure or system.
 2. The filled area shall be graded such as to provide positive gravity drainage from a roadside, driveway and buildings to a ditch line, culvert, wetlands, or a common drainage system located within or adjacent to the applicant's lot.
 3. Fill shall not be placed near, within, or block the flow path of an existing drainage course. Any filling

alteration of a wetland, shoreland, or floodplain must be reviewed as a site plan application and may require additional permitting from the Maine Department of Environmental Protection. A Site plan application includes, but is not limited to, the submission of a stamped boundary survey, a stamped professional engineered plan, stormwater management calculations, channel sizing, and associated details.

4. Siltation fence shall be installed and maintained at all times. The siltation fence shall be located along the entire downstream limits of the filled area or around the perimeter of the filled area to protect the disturbed area from siltation and possible erosion. Installation shall be initially reviewed by the Development Review Coordinator (DRC) prior to filling and must be in accordance with the Best Management Practices for Construction Erosion and Sediment Control. Silt fence may not be removed until the lawn area or disturbed area is 80% re-vegetated or is approved by the DRC.
5. The applicant shall disclose the amount, a description of type, and the origin of the proposed fill material. Fill material shall consist of non-contaminated soils free of large debris. Only under special exceptions shall sources of inert construction debris (asphalt, concrete, brick, mortar, ceramics, etc.) be utilized for fill. Special exceptions for fill material shall be reviewed by the Development Review Coordinator prior to actual placement for approval.
6. The fill material shall not remain exposed without a temporary erosion and sedimentation control or seeding application for more than 14 days. Temporary erosion control such as hay mulching must also occur on stock piled material if the time of exposure is to be greater than 14 days.
7. The filled area must be covered with 3-4" layer of loam material, free of clay, stone, roots, or wood debris. Loamed areas shall be seeded within 7 days following final grading or be covered with hay mulch until the area is ready for final seeding. If the area fails to grow grass within 14 days, the area shall be re-seeded.
8. The applicant shall complete all construction, grading, and seeding activities by September 1, or a date agreed to by the Development Review Coordinator. Failure to complete will require the applicant to apply for a permit extension.
9. The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions. Also, a stamped boundary survey may be required depending on the location of fill areas.

Please take notice that these are only guidelines and that the review of each application is different and is dependent on field conditions and topography. Conditions or requirements requested may exceed these guidelines in certain circumstances.

ABSOLUTELY NO SITE WORK MAY BE DONE UNTIL THE PERMIT HAS BEEN ISSUED.
THIS INCLUDES THE FOLLOWING:

BLASTING
HAULING IN FILL TO THE SITE

TREE CLEARING
ANY TYPE OF GRADING OR EARTHWORK

FILL PERMITS ARE VALID FOR ONE (1) YEAR FROM THE APPROVAL DATE. A ONE YEAR EXTENSION MAY BE GRANTED BY THIS DEPARTMENT IF REQUESTED BY THE APPLICANT IN WRITING PRIOR TO THE EXPIRATION DATE OF THE FILL PERMIT.

Warranty Beed.

FROM

DOROTHY F. CHASON and
GITELLE R. SHALIT

TO

LUCAS TREE EXPERT CO., INC.

DATE....., 19

State of Maine,

vs: Registry of Deeds

Received....., 19

at..... H.,..... M.,..... M., and

recorded in Book....., Page.....

ATTEST:

....., Register

FROM THE OFFICE OF

Bernstein, Shur, Sawyer & Nelson
443 Congress Street
Portland, Maine

To have and to hold the aforegranted and bargained premises with all privileges and appurtenances thereof to the said

LUCAS TREE EXPERT CO., INC., its successors

Heirs and Assigns, to its and their use and behoof forever.

And we do covenant with the said Grantee, its Successors and Assigns, that we are lawfully seized in fee of the premises; that they are free of all incumbrances; except as aforesaid;

that we have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our Heirs, shall and will warrant and defend the same to the said Grantee, its

Successors and Assigns forever, against the lawful claims and demands of all persons.

1990 No. 104

Know All Men by these Presents.

That We, DOROTHY F. CHASON and GITELLE R. SHALIT, both of Portland, in the County of Cumberland and State of Maine

in consideration of One Dollar and other valuable considerations

paid by LUCAS TREE EXPERT CO., INC., a corporation duly organized and existing by law and having a place of business at Portland, in the County of Cumberland and State of Maine

the receipt whereof do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said

LUCAS TREE EXPERT CO., INC., its successors

~~Heirs~~ and Assigns forever.

the following described property:

A certain lot or parcel of land, with the buildings thereon, situated in said Portland on the northwesterly side of Riverside Street and bounded and described as follows, viz: Northwesterly by the Presumpscot River; northeasterly by land now or formerly of Mary B. Lowell; southeasterly by said Riverside Street, and southwesterly by land now or formerly of Ella Hoyt Morgan.

Excepting and reserving therefrom a lot or parcel of land conveyed by William H. Irish to M. Ella Hoyt by deed dated October 16, 1894, and recorded in Cumberland County Registry of Deeds in Book 652, Page 215.

Also excepting and reserving from the property hereby conveyed a certain parcel of land conveyed by Frank A. Walker to Lindley J. Cook and Corona R. Cook by deed dated September 23, 1946, and recorded in said Registry of Deeds.

This property is conveyed subject to the rights given by Albert F. Minott, former owner of the above described premises, to Susan C. Warren, et als. by instrument dated August 30, 1892, and recorded in said Registry of Deeds, Book 594, Page 127.

Being the same property described in a deed from Saul G. Chason to Victory Development Corporation dated June 27, 1947 and recorded in Cumberland County Registry of Deeds in Book 1893, Page 30, which property has since been conveyed by Victory Development Corporation to Realty Operating Company by deed recorded in said Cumberland County Registry of Deeds in Book 2976, Page 263, and subsequently conveyed by Realty Operating Company to the Grantors herein by deed recorded in said Registry of Deeds in Book 2978, Page 150.

Excepting from the above described property ~~a certain parcel of~~ ~~land~~ conveyed by Victory Development Corporation to Portland Water District by deed recorded in Cumberland County Registry of Deeds in Book 2156, Page 60.

In Witness Whereof, we the said DOROTHY F. CHASON, and SAUL G. CHASON, husband of the said DOROTHY F. CHASON; and GITELLE R. SHALIT, and WILLIAM A. SHALIT, husband of the said GITELLE R. SHALIT

~~XXXXX~~



joining in this deed as Grantors, and relinquishing and conveying all rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this _____ day of _____ in the year of our Lord one thousand nine hundred and _____

Signed, Sealed and Delivered in presence of

Joseph [Signature]
Joseph [Signature]

[Handwritten signatures]

State of Maine,
CUMBERLAND,

} ss.

Jan 20, 1969

Personally appeared the above named

GITELLE R. SHALIT

and acknowledged the above instrument to be her free act and deed.

Before me,

[Signature]
Justice of the Peace

JAN 21 1969

DEPARTMENT OF REVENUE CUMBERLAND COUNTY, MAINE

REGISTERED 288 P. 177
BOOK 3073 PAGE 177 *[Signature]* Registrar

Fill 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 Fill Area: 636 Riverside Street		
Total Cubic Yardage of Proposed Fill Approximately 15,000cy	Square Footage of Lot Approximately 54 Acres Total	
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# 323 A 3 & 5	Owner: Arthur W. Batson, Jr.	Telephone: 797-2800
Lessee/Buyer's Name (If Applicable) N/A	Applicant name, address & telephone: (207) 797-2900 Lucas Tree Expert Company 636 Riverside Street Portland, ME 04103	500cy-less \$50.00 500cy-more \$100.00 Fee: \$100.00

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

Signature of applicant: 	Date: February 4, 2003
-------------------------------------------------------------------------------------------------------------	------------------------

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **BLUE ROCK INDUSTRIES**, a Maine corporation with a place of business at 58 Main Street, Westbrook, Maine 04092, for and in consideration of one dollar and other valuable consideration paid by **ARTHUR W. BATSON, JR.**, whose mailing address is 636 Riverside Street, Portland, Maine 04103, conveys unto the said Arthur W. Batson, Jr., with **WARRANTY COVENANTS**, a certain lot or parcel of land in Portland, County of Cumberland and State of Maine more particularly described as follows:

Beginning at the southwest corner of land now or formerly of Ellie K. Hawes; thence westerly along the northerly side of Riverside Street two hundred fifty-five (255) feet to a stake driven in the ground; thence northwesterly on a line running at right angles to said Riverside Street to an iron stake set in the ground; thence continuing the last named bound in the same direction to the Presumpscot River; thence easterly along said Presumpscot River to land now or formerly of said Hawes; thence southerly along said Hawes land one thousand eighty (1,080) feet, more or less, to the point of beginning.

Subject to a certain easement granted by Albert F. Minott to Susan C. Warren et als, Trustees, dated June 30, 1892, and recorded in the Cumberland County Registry of Deeds in Book 594, Page 127, to the extent that said easement is still in force and effect.

Excepting and reserving, however, so much of the above described parcel of land as was conveyed by A. Raymond Ware and Edith Hughes Ware to William Gough et al by deed dated July 22, 1955, and recorded in said Registry of Deeds in Book 2271, Page 395, said parcel situated in said Portland on the northerly side of Riverside Street and bounded and described as follows:

Beginning at the southwest corner of land now or formerly of Ellie K. Hawes; thence westerly along the northerly side of Riverside Street eighty-one and eighty hundredths (81.80) feet, more or less, to a stake; thence northwesterly at right angles to said Riverside Street two hundred (200) feet to a stake; thence easterly at right angles to the last mentioned bounds one hundred forty-four and twenty-nine hundredths (144.29) feet, more or less, to land now or formerly of said Hawes; thence southerly along said Hawes land two hundred nine and fifty-three hundredths (209.53) feet, more or less, to said northerly side of Riverside Street and the point of beginning.

Meaning and intending to convey the same premises conveyed to Blue Rock Industries by deed from Edith Hughes Ware dated January 4th 1980, and recorded in the Cumberland County Registry of Deeds in Book 4550, Page 83.

IN WITNESS WHEREOF, the said Blue Rock Industries, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Lloyd L. Lathrop, II, its President, thereunto duly authorized, this 29 day of September, 1999.

Signed, Sealed and Delivered
in the presence of:

BLUE ROCK INDUSTRIES

[Signature]

By: [Signature]
Its Vice Pres.

State of Maine
Cumberland, ss.

September 29, 1999

Personally appeared the above-named Richard Winslow, duly authorized Vice President of Blue Rock Industries and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

[Signature]
Notary Public/Attorney at Law

[Signature]
Printed Name

ROGER C. LEVESQUE
Notary Public, Maine
My Commission Expires March 3, 2005