

335 - B - 001001

Beverly street, Portland, Maine

Amendment to plan - 14-403 Street EXT

Diversified properties

P.O. Box 10127, Portland, ME 04104

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

2007-0042  
Application I. D. Number

3/2/2007  
Application Date

Amendment to Plan - 14-403 Street Ext  
Project Name/Description

**Diversified Properties**  
Applicant  
P.O. Box 10127, Portland, ME 04104  
Applicant's Mailing Address

Consultant/Agent  
**Applicant Ph: (207) 773-4988      Applicant Fax: (207) 773-6875**  
Applicant or Agent Daytime Telephone, Fax

**Beverly Street, Portland, Maine**  
Address of Proposed Site  
**335 B001001**  
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Apt 0  Condo 0  Other (specify) \_\_\_\_\_

Proposed Building square Feet or # of Units \_\_\_\_\_ Acreage of Site \_\_\_\_\_ Zoning **R2**

**Check Review Required:**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Site Plan (major/minor)                     | <input type="checkbox"/> Zoning Conditional - PB  | <input type="checkbox"/> Subdivision # of lots _____      |
| <input type="checkbox"/> Amendment to Plan - Board Review            | <input type="checkbox"/> Zoning Conditional - ZBA | <input type="checkbox"/> Shoreland                        |
| <input checked="" type="checkbox"/> Amendment to Plan - Staff Review | <input type="checkbox"/> Zoning Variance          | <input type="checkbox"/> Flood Hazard                     |
| <input type="checkbox"/> After the Fact - Major                      | <input type="checkbox"/> Stormwater               | <input type="checkbox"/> Traffic Movement                 |
| <input type="checkbox"/> After the Fact - Minor                      | <input type="checkbox"/> PAD Review               | <input checked="" type="checkbox"/> 14-403 Streets Review |
|  |   | <input type="checkbox"/> Historic Preservation            |
|  |   | <input type="checkbox"/> DEP Local Certification          |
|  |   | <input type="checkbox"/> Site Location                    |
|  |   | <input type="checkbox"/> Other _____                      |

Fees Paid: Site Plan \$250.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 3/6/2007

**Planning Approval Status:**

Approved  Approved w/Conditions See Attached  Denied

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached

OK to Issue Building Permit \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

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

<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	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		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	





# PORTLAND, MAINE

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

**Planning and Urban Development**  
Penny St. Louis, Director

**Planning Division**  
Alexander Jaegerman, Director

**TO:** Ellen Sanborn, Finance Department

**FROM:** Alexander Jaegerman, Planning Division Director

**DATE:** August 16, 2011

**SUBJECT:** Request for Release of Defect Guarantee  
Beverly Street Extension, Saugus and Beverly Streets  
(ID# 2007-0042      Lead CBL #335 B 001001)  
Developer – Diversified Properties, Inc.

Please release the defect guarantee Letter of Credit, account #721328046 for the Beverly Street Extension Project located at Beverly and Saugus Streets.

Remaining Balance      \$14,066.80

**Approved:**

  
\_\_\_\_\_  
Alexander Jaegerman  
Planning Division Director

**cc:** Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator



# PORTLAND, MAINE

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Planning and Urban Development  
Penny St. Louis Littell, Director

Planning Division  
Alexander Jaegerman, Director

**TO:** Ellen Sanborn, Finance Department  
**FROM:** Alexander Jaegerman, Planning Division Director  
**DATE:** August 13, 2010  
**SUBJECT:** Request for Reduction of Performance Guarantee to Defect Guarantee  
Beverly Street Extension, Saugus and Beverly Streets  
(ID# 2007-0042      Lead CBL #335 B 001001)

Please reduce the Performance Guarantee, Letter of Credit # 721328046 for the Beverly Street Extension Project, to the Defect Guarantee.

Original Amount	\$140,668.10
First Reduction	\$ 86,110.00
<b><u>This Reduction</u></b>	<b><u>\$ 40,491.29</u></b>
Remaining Balance	\$ 14,066.81

This is the second reduction for the project.

Approved:   
Alexander Jaegerman  
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator  
File: Urban Insight

Item	Description	Qty.	Unit	Unit \$	Total	REDUCTION	2nd REDUCTION
<b>Site Preparation/Mobilization</b>		<b>COMPLETION</b>					
	Construction Entrance	100%	1 EA	\$1,200.00	\$1,200.00	1,200	
	Silt Fence	100%	200 LF	\$2.00	\$400.00	360	40
	CB inlet protection	100%	3 EA	\$150.00	\$450.00	450	
	Sawcut Pavement	100%	75 LF	\$3.00	\$225.00	225	
	Clear	100%	0.5 AC	\$1,000.00	\$500.00	500	
	Grub/Stump	100%	365 CY	\$5.00	\$1,825.00	1,825	
	Test Pit	100%	1 EA	\$400.00	\$400.00	400	
<b>Earthwork</b>							
	Site Cut and Fill	100%	675 CY	\$5.00	\$3,375.00	3,375	
	Import	100%	2450 CY	\$9.00	\$22,050.00	22,050	
<b>Water</b>							
	8"x8" Tap/Sleeve/Valve		1 EA		\$0.00		
	8" DI		125 LF		\$0.00		
	8" 45 Bends		1 EA		\$0.00		
	8" 22.5 Bends		1 EA		\$0.00		
	8" Cap & Blow Off		1 EA		\$0.00		
	1" Corp		2 EA		\$0.00		
	1" Curb and Box		2 EA		\$0.00		
	1" Copper		60 LF		\$0.00		
	R&R Pavement		6 SY		\$0.00		
<b>Sewer</b>							
	8" PVC	100%	125 LF	\$65.00	\$8,125.00	8,125	
	6" pvc	100%	125 LF	\$50.00	\$6,250.00	6,250	
	6"x10" Inserta Tee	100%	2 EA	\$225.00	\$450.00	450	
	6" Cap	100%	4 EA	\$50.00	\$200.00	200	
	6" 45 Bend	100%	7 EA	\$50.00	\$350.00	350	
	SMH	90%	1 EA	\$2,500.00	\$2,500.00	2,250	
	Core & Build Invert	100%	1 EA	\$3,500.00	\$3,500.00	3,500	
	Adjust SMH to Grade	90%	2 EA	\$1,100.00	\$2,200.00	1,980	
<b>Stormdrain</b>							
	CB 9' Depth	80%	1 EA	\$3,000.00	\$3,000.00	2,400	
	CB 6' Depth	80%	2 EA	\$2,250.00	\$4,500.00	3,600	
	24" SD	100%	114 LF	\$35.00	\$3,990.00	3,990	
	15" SD	100%	62 LF	\$20.00	\$1,240.00	1,240	
	6" UD	100%	340 LF	\$20.00	\$6,800.00	6,800	
	Rip rap outlet	100%	25 CY	\$35.00	\$875.00	875	
	Fabric	100%	1000 SY	\$1.50	\$1,500.00	1,500	
	Sand bed for riprap	100%	222 CY	\$15.00	\$3,330.00	3,300	
<b>Gravel (Road - 9414SF, Drives - 1200SF, Walk - 1850SF)</b>							
	MDOT D	100%	523 CY	\$18.00	\$9,414.00	9,414	
	MDOT A	50%	246 CY	\$22.00	\$5,412.00	2,706	
	Finegrade Road	100%	1046 SY	\$1.35	\$1,412.10	1,412	
	Finegrade Drives		339 SY	\$5.00	\$1,695.00		
<b>Hotmix</b>							
	Machine 3.5"		220 TN.	\$60.00	\$13,200.00	9,000	
	Walk 2"		25 TN	\$125.00	\$3,125.00		
	Drives 3"		25 TN	\$125.00	\$3,125.00		
	Butt Joint		17 SY	\$25.00	\$425.00		
<b>Cleanup</b>							
	Loam		145 CY	\$20.00	\$2,900.00		
	Seed & Mulch		14 UN	\$45.00	\$700.00		
<b>Improvements</b>							
	VGC Radius		50 LF	\$40.00	\$2,000.00	2,000	
	VGC Straight		410 LF	\$27.50	\$11,275.00	11,275	
	Street Monuments		2 EA	\$675.00	\$1,350.00		
<b>Miscellaneous</b>							
	Street Trees		8 EA	\$175.00	\$1,400.00	1,400	
	Town and Country Poles		2 EA	\$2,000.00	\$4,000.00		
	<b>Total</b>				<b>\$140,668.10</b>	<b>89,315</b>	<b>25,127</b>
<b>Not Included</b>							
	Electrical						

**From:** Tom Bill [TomBill@ClevelandGolf.com]  
**Sent:** Friday, June 18, 2010 3:27 PM  
**To:** jmw1@maine.rr.com  
**Subject:** Beverly St

Jim. I looked on those plans you sent and makes NO SENSE to have a sidewalk with a telephone pole in the middle of it. Is there any way to change the plan at this day and time. Sorry I didn't email my concerns earlier on this. I just wouldn't want all the kids in the neighborhood riding their bikes down the street having to dodge a big pole that's in the middle of it.

Thanks for your time.

Tom Bill.

Tom Bill  
Tour

Cleveland Golf / Srixon  
5601 Skylab Road  
Huntington Beach, CA 92647  
Tel: (714) 889-1300  
Fax: (714) 889-5890

## Philip DiPierro - RE: Beverly

---

**From:** Matt Doughty  
**To:** DiPierro, Philip; Vining, Gregory  
**Date:** 5/10/2010 3:09 PM  
**Subject:** RE: Beverly

---

Hey guys,

Just so we're all on the same page:

1) Storey Bros will raise that inlet and replace the frame with either a slotted circular top or one like what you forwarded earlier? Both could/would work. In fact, the one you pictured would work better, although it won't strain out the leaves, trash, etc.

2) Storey / Jim Wolfe will provide a proposal to "fix" that corner with the understanding it will waive one of the 3 lights we're expecting. Phil did you want to weigh in on that?

3) The rest will follow the existing plan.

>>> Gregory Vining 5/10/2010 7:26 AM >>>

The real problem is the depth of the frame and cover. Even a cover with a larger opening would still clog over time.

>>> Philip DiPierro 5/5/2010 8:27 AM >>>

Can he get a waiver for it in this case? The pic I sent you is in a City ROW.

>>> Gregory Vining 5/5/2010 8:19 AM >>>

Only round covers are acceptable in the city.

>>> Philip DiPierro 5/5/2010 8:05 AM >>>

Greg, would this type of rim/cover work for the catch basin that's causing all the problems? See the attached pic. This pic was taken in a drain ROW off Frost Hill Road.

phil

>>> Gregory Vining 5/5/2010 7:20 AM >>>

I can do 1pm Monday. Matt Doughty has taken Todd's job in the city, I will invite Matt also.

Greg

>>> Philip DiPierro 5/4/2010 12:55 PM >>>

I can make next Monday May 10, 2010 at 1:00. Let me know if that works for everyone.

Philip DiPierro  
Development Review Coordinator  
City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101

Phone 207 874-8632  
Fax 207 756-8258

>>> "Jim Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> 5/4/2010 11:28 AM >>>

Greg/Phil

Can we schedule a final inspection on Beverly Street so that we can schedule curb and finish pavement.

Jim

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

This electronic transmission may be privileged and contain confidential information. It is not intended nor may it be received by any unauthorized persons. If you have received this transmission in error, please destroy without copying it and notify the sender by calling sender at 207-773-4988 or reply to sender of this email. Thank you.

**From:** Philip DiPierro [<mailto:PD@portlandmaine.gov>]  
**Sent:** Tuesday, May 04, 2010 8:21 AM  
**To:** Jim Wolf  
**Cc:** Gregory Vining  
**Subject:** Re: Beverly

[Gvining@portlandmaine.gov](mailto:Gvining@portlandmaine.gov)

>>> "Jim Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> 5/3/2010 4:40 PM >>>

Do you have Gregs email address? I would like to schedule a time for us to get together and put together a punch list prior to curb and final paving. Thanks.

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

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**From:** Danielle West -Chuhta  
**To:** Clark, William; Wolf, Jim  
**Date:** 11/10/2008 8:24:26 AM  
**Subject:** RE: Beverly Street Storm Drain Easement Deed

Great thanks.

Danielle

>>> "Jim Wolf" <jmw1@maine.rr.com> 11/9/2008 5:45:47 PM >>>  
The schedule A in Phil's possession was acceptable to all parties in January 2008. By all means attach the description to the easement.

Jim

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

From: Danielle West -Chuhta [<mailto:DWCHUHTA@portlandmaine.gov>]  
Sent: Friday, November 07, 2008 3:58 PM  
To: William Clark  
Cc: [jmw1@maine.rr.com](mailto:jmw1@maine.rr.com); Philip DiPierro  
Subject: Re: Beverly Street Storm Drain Easement Deed

As long as everyone agrees with the substance/contents of Schedule A (i.e. the copy Phil has), then everything is acceptable on my end.

Thanks,

Danielle

>>> William Clark 11/7/2008 3:46:11 PM >>>  
Danielle,

Phil has the copy that came from Mr Wolf in the submission prior to the one I just checked.

If you wish, I am sure Jim would be willing to drop off a copy of Schedule A for you to attach. He wants to get the deed recorded as he will be making a sale on Beverly within a week or so, and would like to get this one put to rest.

Bill

>>> Danielle West -Chuhta November 7, 2008 3:26 PM >>>  
I am assuming that the copy of Schedule A (describing the easement areas north and south of Beverly Street) that Phil has has been seen and approved by Mr. Wolf, correct?

Thanks,  
Danielle

>>> William Clark 11/7/2008 3:13:10 PM >>>  
Danielle,

Phil DiPierro dropped of a new deed as signed by Jim Wolf on 10-29-2008.  
The language matched what Penny Littell marked up and emailed to Jim on



1-10-2008, and the deed references are correct this time.

However, I have the signed deed, but Jim did not attach the Schedule A that describes the 2 easement areas for north and south of Beverly Street. Phil DiPierro has the clean unmarked copy of the 2 pages that describe the 2 easement areas.

I am going to send the signed original of the Jim Wolf 10-29-2008 deed, and a xerox copy of what the Schedule A will look like as a check (my copy has check marks on it, so not good for recording).

I will be back at work on Wednesday the 12th.

Bill

William Clark, PLS  
Project Engineer  
DPW Engineering  
City of Portland  
55 Portland St.  
Portland, ME 04101  
207 874 8847

**CC:** DiPierro , Philip

**From:** William Clark  
**To:** Philip DiPierro  
**Date:** 10/24/2008 3:39:58 PM  
**Subject:** Beverly St - Storm Drain Easement Deed Check

Hi Phil,

I finally had time to check the signed but not recorded easements deed against the recorded plan.

The descriptions matched what we sent Jim Wolf in January.

However the deed reference for 14106/001 does not apply to the easements area. 14106/001 applies to frontage along the lot owned by Thomas F. Bill & Ashleigh J. Hurtubise-Bill. The correct reference should be for Registry Deed Book 11967, Page 11. The deed does refer to the recorded plan where the deed reference is correctly stated.

I would let Corp Counsel weigh in if Jim Wolf needs to correct the deed, or if Corp Counsel can record it as is.

I will send the original deed back to you.

Have a great weekend.

Bill Clark

**CC:** Barbara Barhydt; Danielle West -Chuhta; Penny Littell

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PERMIT BY RULE NOTIFICATION FORM**  
(For use with DEP Regulation, Chapter 305)

PLEASE TYPE OR PRINT IN BLACK INK ONLY

Name of Applicant: (owner)		Diversified Properties			Applicant Mailing Address:		P.O. Box 10127	
Town/City:		Portland			State:		ME	
Zip Code:	04104	Daytime Telephone No: (include area code)	773-4988		Project Location: (town)	Portland		
County:	Colchester	Map #:	335	Lot #:	B	Name of Wetland or Waterbody:	Unnamed	
Name of Agent:		James Wolf			Agent's Telephone No: (include area code)		773-4988	
Detailed Directions to Site:		Forest Avenue to Stuart ST, right at end, right at stop sign, end of street after last house						
				UTM Northing: (if known)				
				UTM Easting: (if known)				
Description of Project:		Construct single family house possible stream running thru culvert within 75 feet of house and grading will be outside of 50' setback. See attach.						
						Part of a larger project?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

(CHECK ONE) This project: does  does not  involve work below mean low water.

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules, Chapter 305. I and my agents, if any, have read and will comply with all of the standards in the Sections checked below.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Sec. (2) Act. Adj. to Protected Natural Res. | <input checked="" type="checkbox"/> Sec. (10) Stream Crossing                     | <input type="checkbox"/> Sec. (17) Transfers/Permit Extension   |
| <input type="checkbox"/> Sec. (3) Intake Pipes                                   | <input type="checkbox"/> Sec. (11) State Transportation Facil.                    | <input type="checkbox"/> Sec. (18) Maintenance Dredging   |
| <input type="checkbox"/> Sec. (4) Replacement of Structures                      | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas                   | <input type="checkbox"/> Sec. (19) Activities in/on/over significant vernal pool habitat  |
| <input type="checkbox"/> Sec. (5) REPEALED                                       | <input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement | <input type="checkbox"/> Sec. (20) Activities in existing dev. areas located in/on/over high or moderate value inland waterfowl & wading bird habitat or shorebird nesting, feeding & staging areas |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation                | <input type="checkbox"/> Sec. (14) REPEALED                                       |   |
| <input type="checkbox"/> Sec. (7) Outfall Pipes                                  | <input type="checkbox"/> Sec. (15) Public Boat Ramps                              |   |
| <input type="checkbox"/> Sec. (8) Shoreline stabilization                        | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects                     |   |
| <input type="checkbox"/> Sec. (9) Utility Crossing                               |   |   |

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that **this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.**

I have attached the following required submittals. **NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:**

- Attach** a check for \$55 made payable to: "Treasurer, State of Maine".
- Attach** a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- Attach** all other required submissions as outlined in the PBR Sections checked above.

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant:		Date:	2.5.08
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Keep a copy as a record of permit. Send the form with attachments via certified mail or hand deliver to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. Work carried out in violation of any standard is subject to enforcement action.

AUGUSTA DEP  
17 STATE HOUSE STATION  
AUGUSTA, ME 04333-0017  
(207)287-3901

PORTLAND DEP  
312 CANCO ROAD  
PORTLAND, ME 04103  
(207)822-6300

BANGOR DEP  
106 HOGAN ROAD  
BANGOR, ME 04401  
(207)941-4570

PRESQUE ISLE DEP  
1235 CENTRAL DRIVE  
PRESQUE ISLE, ME 04769  
(207)764-0477

OFFICE USE ONLY	Ck.# 8213	Staff JM	Staff JM
PBR# 45157	FP# 55.00	Acc. Date 2.14.08	Def. Date 2/6/08
Date 2/5/08		After Photos	

12/2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PERMIT BY RULE NOTIFICATION FORM  
(For use with DEP Regulation, Chapter 305)

PLEASE TYPE OR PRINT IN BLACK INK ONLY

Name of Applicant: (owner)		Diversified Properties/WA ONE, Inc.			Applicant Mailing Address:		P.O. Box 10727	
Town/City:		Portland			State:		Maine	
Zip Code:	04104	Daytime Telephone No: (Include area code)		207-773-4998		Project Location: (town)		Portland
County:	Cumberland	Map #:	B 335	Lot #:	6-17 24-26	Name of Wetland or Waterbody:		Unnamed
Name of Agent:		James Wolf			Agent's Telephone No: (include area code)		773-4998	
Detailed Directions to Site:		Forest Avenue to Stuart St. At end right onto Milton Street. Go to stop sign and go right onto Saugus. Property at end of Saugus						
Description of Project:		Construction of two houses on 19-2 subdivided in early 1900's. Driveway locations approved per Permit 45095. Permit to install 2 driveways.		UTM Northing: (if known)		UTM Easting: (if known)		
				Part of a larger project?		Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>

(CHECK ONE) This project: does  does not  involve work below mean low water.

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules, Chapter 305. I and my agents, if any, have read and will comply with all of the standards in the Sections checked below.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Sec. (2) Act. Adj. to Protected Natural Res. | <input checked="" type="checkbox"/> Sec. (10) Stream Crossing                     | <input type="checkbox"/> Sec. (17) Transfers/Permit Extension   |
| <input type="checkbox"/> Sec. (3) Intake Pipes                        | <input type="checkbox"/> Sec. (11) State Transportation Facil.                    | <input type="checkbox"/> Sec. (18) Maintenance Dredging   |
| <input type="checkbox"/> Sec. (4) Replacement of Structures           | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas                   | <input type="checkbox"/> Sec. (19) Activities in/on/over significant vernal pool habitat  |
| <input type="checkbox"/> Sec. (5) REPEALED                            | <input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement | <input type="checkbox"/> Sec. (20) Activities in existing dev. areas located in/on/over high or moderate value inland waterfowl & wading bird habitat or shorebird nesting, feeding & staging areas |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation     | <input type="checkbox"/> Sec. (14) REPEALED                                       |   |
| <input type="checkbox"/> Sec. (7) Outfall Pipes                       | <input type="checkbox"/> Sec. (15) Public Boat Ramps                              |   |
| <input checked="" type="checkbox"/> Sec. (8) Shoreline stabilization  | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects                     |   |
| <input type="checkbox"/> Sec. (9) Utility Crossing                    |   |   |

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that *this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.*

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By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant:		Date:	2-20-08 February 20, 2008
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AUGUSTA DEP  
17 STATE HOUSE STATION  
AUGUSTA, ME 04333-0017  
(207)287-3901

PORTLAND DEP  
312 CANCO ROAD/  
PORTLAND, ME 04103  
(207)822-6300

BANGOR DEP  
106 HOGAN ROAD  
BANGOR, ME 04401  
(207)841-4570

PRESQUE ISLE DEP  
1235 CENTRAL DRIVE  
PRESQUE ISLE, ME 04788  
(207)764-0477

OFFICE USE ONLY	Ck.# 3169	Date 2/21/08	Staff JM	Staff	After Photos
PBR # 45217	FP \$55.00	Acc. Date 3/4/08	Def. Date		

DEPLW0309-K2006



# PORTLAND MAINE

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

**Finance Department**  
Duane G. Kline, Director

May 16, 2008

TD Banknorth, N.A.  
One Portland Square  
P.O. Box 9540  
Portland, ME 04112-9540

Re: Diversified Properties, Inc. – Beverly Street  
Escrow Account No. 0721328046 dated November 5, 2007

This is to inform you that I am authorizing the reduction in the above-named letter of credit by the amount of \$86,110.00, which leaves a balance of \$54,558.10 remaining.

If you require any further information, please let me know.

Sincerely,

Ellen Sanborn  
Assistant Finance Director

ES:mma

cc: Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator





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

**Planning and Development Department**

Lee D. Urban, Director

**Planning Division**

Alexander Jaegerman, Director

**TO:** Duane Kline, Finance Department

**FROM:** Alexander Jaegerman, Planning Division Director

**DATE:** May 15, 2008

**SUBJECT:** Request for Reduction of Performance Guarantees  
Beverly Street Extension, Beverly Street  
(ID# 2007-0042      Lead CBL#335 B 001)

Please reduce the letter of credit #721328046 for the Beverly Street Extension Project.

Original Amount	\$140,668.10
<b><u>This Reduction</u></b>	<b>\$ 86,110.00</b>
Remaining Balance	\$ 54,558.10

This is the first reduction for the project.

**Approved:**

  
\_\_\_\_\_  
Alexander Jaegerman  
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator ✓  
File: Urban Insight

Item	Description	Qty.	Unit	Unit \$	Total	REDECTION
<b>Site Preparation/Mobilization</b>		<b>COMPLETION</b>				
	Construction Entrance	100%	1 EA	\$1,200.00	\$1,200.00	1,200
	Silt Fence	90%	200 LF	\$2.00	\$400.00	360
	CB inlet protection	100%	3 EA	\$150.00	\$450.00	450
	Sawcut Pavement	100%	75 LF	\$3.00	\$225.00	225
	Clear	100%	0.5 AC	\$1,000.00	\$500.00	500
	Grub/Stump	100%	365 CY	\$5.00	\$1,825.00	1,825
	Test Pit	100%	1 EA	\$400.00	\$400.00	400
<b>Earthwork</b>						
	Site Cut and Fill	100%	675 CY	\$5.00	\$3,375.00	3,375
	Import	100%	2450 CY	\$9.00	\$22,050.00	22,050
<b>Water</b>						
	8"x8" Tap/Sleeve/Valve		1 EA		\$0.00	
	8" DI		125 LF		\$0.00	
	8" 45 Bends		1 EA		\$0.00	
	8" 22.5 Bends		1 EA		\$0.00	
	8" Cap & Blow Off		1 EA		\$0.00	
	1" Corp		2 EA		\$0.00	
	1" Curb and Box		2 EA		\$0.00	
	1" Copper		60 LF		\$0.00	
	R&R Pavement		6 SY		\$0.00	
<b>Sewer</b>						
	8" PVC	100%	125 LF	\$65.00	\$8,125.00	8,125
	6" pvc	100%	125 LF	\$50.00	\$6,250.00	6,250
	6"x10" Inserta Tee	100%	2 EA	\$225.00	\$450.00	450
	6" Cap	100%	4 EA	\$50.00	\$200.00	200
	6" 45 Bend	100%	7 EA	\$50.00	\$350.00	350
	SMH <i>NOT UP TO GRADE INVERT?</i>	75 90%	1 EA	\$2,500.00	\$2,500.00	<del>2,250</del> 2,250
	Core & Build Invert <i>invert?</i>	50 100%	1 EA	\$3,500.00	\$3,500.00	<del>1,750</del> 3,500
	Adjust SMH to Grade <i>NOT done</i>	75 90%	2 EA	\$1,100.00	\$2,200.00	<del>1,650</del> 1,980
<b>Stormdrain</b>						
	CB 9' Depth <i>No headstone rim NOT SET</i>	70 80%	1 EA	\$3,000.00	\$3,000.00	<del>2,100</del> 2,400
	CB 6' Depth <i>"</i>	70 80%	2 EA	\$2,250.00	\$4,500.00	<del>3,150</del> 3,600
	24" SD	100%	114 LF	\$35.00	\$3,990.00	3,990
	15" SD	100%	62 LF	\$20.00	\$1,240.00	1,240
	6" UD	100%	340 LF	\$20.00	\$6,800.00	6,800
	Rip rap outlet	100%	25 cy	\$35.00	\$875.00	875
	Fabric	100%	1000 SY	\$1.50	\$1,500.00	1,500
	Sand bed for riprap	100%	222 CY	\$15.00	\$3,330.00	3,300

**Gravel (Road - 9414SF, Drives - 1200SF, Walk - 1850SF)**

MDOT D	100%	523 CY	\$18.00	\$9,414.00	9,414
MDOT A	50%	246 CY	\$22.00	\$5,412.00	2,706
Finegrade Road		1046 SY	\$1.35	\$1,412.10	
Finegrade Drives		339 SY	\$5.00	\$1,695.00	

**Hotmix**

Machine 3.5"		220 TN.	\$60.00	\$13,200.00	
Walk 2"		25 TN	\$125.00	\$3,125.00	
Drives 3"		25 TN	\$125.00	\$3,125.00	
Butt Joint		17 SY	\$25.00	\$425.00	

**Cleanup**

Loam		145 CY	\$20.00	\$2,900.00	
Seed & Mulch		14 UN	\$45.00	\$700.00	

**Improvements**

VGC Radius		50 LF	\$40.00	\$2,000.00	
VGC Straight		410 LF	\$27.50	\$11,275.00	
Street Monuments		2 EA	\$675.00	\$1,350.00	

**Miscellaneous**

Street Trees		8 EA	\$175.00	\$1,400.00	
Town and Country Poles		2 EA	\$2,000.00	\$4,000.00	

**Total**

**\$140,668.10**

**89,315**

**Not Included**

Electrical

*86,110.00*



**From:** Todd Merkle  
**To:** Philip DiPierro  
**Date:** 5/15/2008 8:32:05 AM  
**Subject:** Beverly letter of credit

Phil, Greg and I have gone over the amount of work completed on the Beverly St. project for Jim Wolf. We can reduce his (bond LOC) by \$86,110.00. I do not know where it started (he supplied us with a \$140,668.10 number. If so the balance would be \$54,558.10.  
Thanks!

**CC:** Gregory Vining

Item	Description	Qty.	Unit	Unit \$	Total	REDECTION
<b>Site Preparation/Mobilization</b> COMPLETION						
	Construction Entrance	100%	1 EA	\$1,200.00	\$1,200.00	1,200
	Silt Fence	90%	200 LF	\$2.00	\$400.00	360
	CB inlet protection	100%	3 EA	\$150.00	\$450.00	450
	Sawcut Pavement	100%	75 LF	\$3.00	\$225.00	225
	Clear	100%	0.5 AC	\$1,000.00	\$500.00	500
	Grub/Stump	100%	365 CY	\$5.00	\$1,825.00	1,825
	Test Pit	100%	1 EA	\$400.00	\$400.00	400
<b>Earthwork</b>						
	Site Cut and Fill	100%	675 CY	\$5.00	\$3,375.00	3,375 ✓
	Import	100%	2450 CY	\$9.00	\$22,050.00	22,050 ✓
<b>Water</b>						
	8"x8" Tap/Sleeve/Valve		1 EA		\$0.00	
	8" DI		125 LF		\$0.00	
	8" 45 Bends		1 EA		\$0.00	
	8" 22.5 Bends		1 EA		\$0.00	
	8" Cap & Blow Off		1 EA		\$0.00	
	1" Corp		2 EA		\$0.00	
	1" Curb and Box		2 EA		\$0.00	
	1" Copper		60 LF		\$0.00	
	R&R Pavement		6 SY		\$0.00	
<b>Sewer</b>						
	8" PVC	100%	125 LF	\$65.00	\$8,125.00	8,125 ✓
	6" pvc	100%	125 LF	\$50.00	\$6,250.00	6,250 ✓
	6"x10" Inserta Tee	100%	2 EA	\$225.00	\$450.00	450 ✓
	6" Cap	100%	4 EA	\$50.00	\$200.00	200 ✓
	6" 45 Bend	100%	7 EA	\$50.00	\$350.00	350 ✓
	SMH	90%	1 EA	\$2,500.00	\$2,500.00	2,250
	Core & Build Invert	100%	1 EA	\$3,500.00	\$3,500.00	3,500
	Adjust SMH to Grade	90%	2 EA	\$1,100.00	\$2,200.00	1,980
<b>Stormdrain</b>						
	CB 9' Depth	80%	1 EA	\$3,000.00	\$3,000.00	2,400
	CB 6' Depth	80%	2 EA	\$2,250.00	\$4,500.00	3,600
	24" SD	100%	114 LF	\$35.00	\$3,990.00	3,990
	15" SD	100%	62 LF	\$20.00	\$1,240.00	1,240
	6" UD	100%	340 LF	\$20.00	\$6,800.00	6,800
	Rip rap outlet	100%	25 cy	\$35.00	\$875.00	875
	Fabric	100%	1000 SY	\$1.50	\$1,500.00	1,500
	Sand bed for riprap	100%	222 CY	\$15.00	\$3,330.00	3,300
<b>Gravel (Road - 9414SF, Drives - 1200SF, Walk - 1850SF)</b>						
	MDOT D	100%	523 CY	\$18.00	\$9,414.00	9,414
	MDOT A	50%	246 CY	\$22.00	\$5,412.00	2,706
	Finegrade Road		1046 SY	\$1.35	\$1,412.10	
	Finegrade Drives		339 SY	\$5.00	\$1,695.00	
<b>Hotmix</b>						
	Machine 3.5"		220 TN.	\$60.00	\$13,200.00	
	Walk 2"		25 TN	\$125.00	\$3,125.00	
	Drives 3"		25 TN	\$125.00	\$3,125.00	
	Butt Joint		17 SY	\$25.00	\$425.00	
<b>Cleanup</b>						
	Loam		145 CY	\$20.00	\$2,900.00	
	Seed & Mulch		14 UN	\$45.00	\$700.00	
<b>Improvements</b>						
	VGC Radius		50 LF	\$40.00	\$2,000.00	
	VGC Straight		410 LF	\$27.50	\$11,275.00	
	Street Monuments		2 EA	\$675.00	\$1,350.00	
<b>Miscellaneous</b>						
	Street Trees		8 EA	\$175.00	\$1,400.00	
	Town and Country Poles		2 EA	\$2,000.00	\$4,000.00	
	<b>Total</b>				<b>\$140,668.10</b>	<b>89,315</b>
<b>Not Included</b>						
	Electrical					

Item	Description	Qty.	Unit	Unit \$	Total
<b>Site Preparation/Mobilization</b>		<b>COMPLETION</b>			
	Construction Entrance	100%	1 EA	\$1,200.00	\$1,200.00
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	Sawcut Pavement	100%	75 LF	\$3.00	\$225.00
	Clear	100%	0.5 AC	\$1,000.00	\$500.00
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<b>Earthwork</b>					
	Site Cut and Fill	100%	675 CY	\$5.00	\$3,375.00
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	1" Copper		60 LF		\$0.00
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	8" PVC	100%	125 LF	\$65.00	\$8,125.00
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	6" Cap	100%	4 EA	\$50.00	\$200.00
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	SMH	90%	1 EA	\$2,500.00	\$2,500.00
	Core & Build Invert	100%	1 EA	\$3,500.00	\$3,500.00
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<b>Stormdrain</b>					
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<b>Gravel (Road - 9414SF, Drives - 1200SF, Walk - 1850SF)</b>					
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	Butt Joint		17 SY	\$25.00	\$425.00
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<b>Improvements</b>					
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<b>Miscellaneous</b>					
	Street Trees		8 EA	\$175.00	\$1,400.00
	Town and Country Poles		2 EA	\$2,000.00	\$4,000.00
	<b>Total</b>				<b>\$140,668.10</b>
<b>Not Included</b>					
	Electrical				

REDECTION

1,200  
360  
450  
225  
500  
1,825  
400

3,375  
22,050

8,125  
6,250  
450  
200  
350  
2,250  
3,500  
1,980

2,400  
3,600  
3,990  
1,240  
6,800  
875

1,500

---

3,300

9,414

2,706

---

**89,315**

The **April 8th** Planning Board Meeting includes the following:

Workshop: Walgreens Pharmacy on Forest Avenue and the Bicycle Parking Standards for Portland's Technical and Design Standards.

Public Hearing: Morning Star Lane Subdivision;

**April 22 nd. Workshop:** Westgate Shopping Center, R-5 Zoning Text Amendments, Diamond Cove Conditional Zone Amendment, Sign Ordinance Amendment.

**April 29th Public Hearing:** Conditional Rezoning for 53 Danforth Street, Walgreens Forest Avenue Pharmacy, Conditional Rezoning Amendment for the Village At OceanGate.

**Dev Rev meeting on Wednesday April 9, 2008**

**10 a.m Fourth Floor Conference Room**

**Please let Barbara know if you cannot attend.**

Agenda follows....

A. Preliminary Reviews ( Please share preliminary comments on new or revised plans distributed week before)

B. Final Written Reviews - Major Site Plans ( Planning Board Review)

~~1.~~ Westgate Shopping Plaza...mc

C. Final Written Review - Minor Site Plans (Administrative Review)

~~1.~~ State Street....mc (landscaping ok as is?)

D. Pressing Issues

- ~~1.~~ Kineo Street Ext. status?.....jf/pd/pl
- ~~2.~~ Beverly Street - curb cuts and driveway....pd
- ~~3.~~ Lincoln Street sidewalk (width/material policy?)
- ~~4.~~ State street sidewalk...mc
- ~~5.~~ UNE-tree...need Jeff memo....sw

E. Exemptions and Miscellaneous Requests

- ~~1.~~ cheverus h.s...baseball backstop...exemption...rk
- ~~2.~~ jetport parking garage conditions of approval...rk
- ~~3.~~ MTA spotlights/uplighting- review re condition.....jf
- ~~4.~~ 84-102 Eastern Prom.....bb
- ~~5.~~ 12 Catherine ST.....pd
- ~~6.~~ 504 Congress st - The Atlantic Theater.....bb
- ~~7.~~ Two shoreline stabilization....pd - *Building Permit Required for both projects*
- ~~8.~~ Cedars...bb

F. Distribution of New Projects and Revised Plans

- 1. Diamond Cove conditional zoning amendments (barracks building)...rk

*Morning & Congress Str. - Tim Haley*

- Foundation rebuild. watermain damage*
- Convert Basement to garage*
- Check curb cut width - distance from corner. Congress*

DEDHAM STREET

SAUGUS STREET

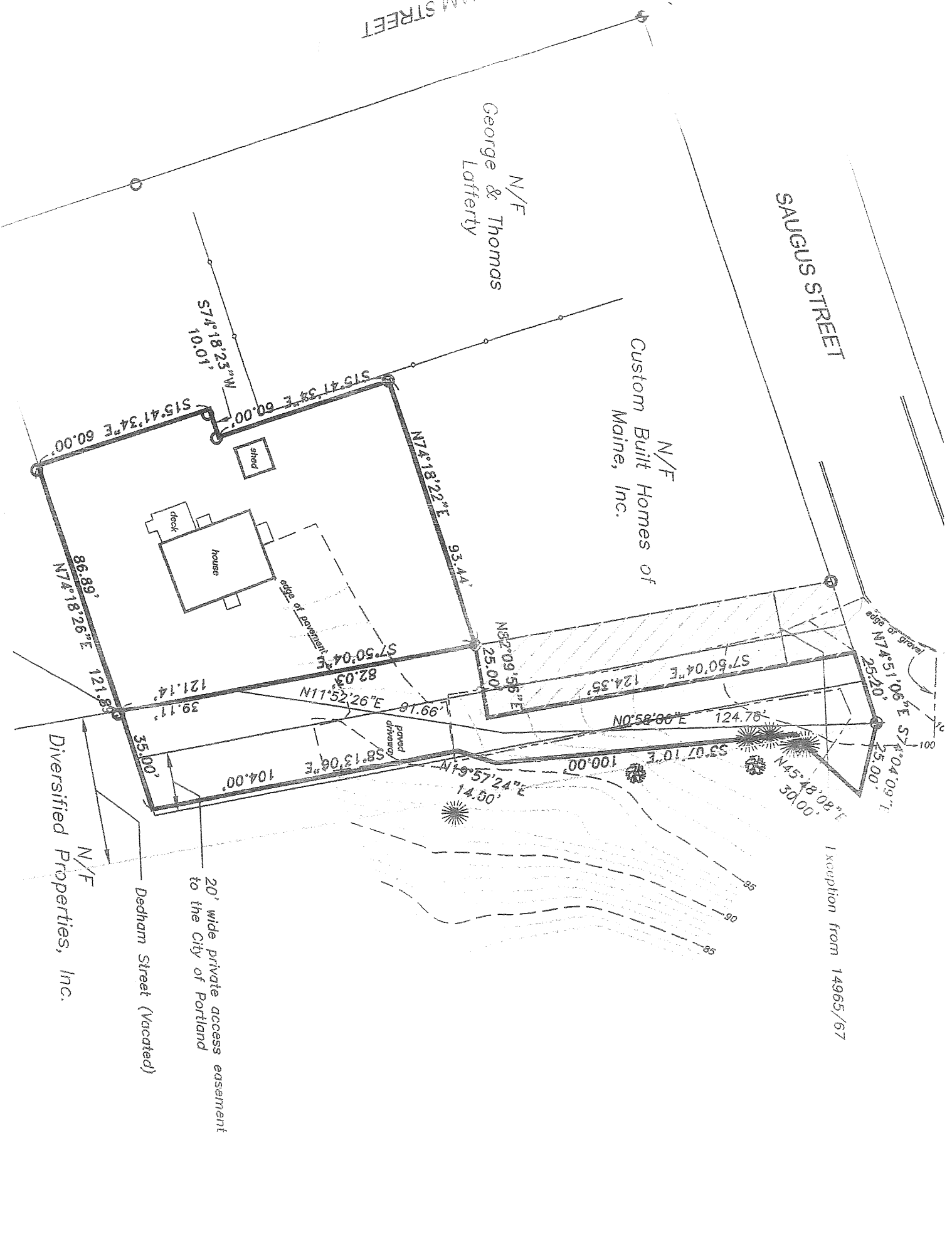
N/F  
George & Thomas  
Lafferty

N/F  
Custom Built Homes of  
Maine, Inc.

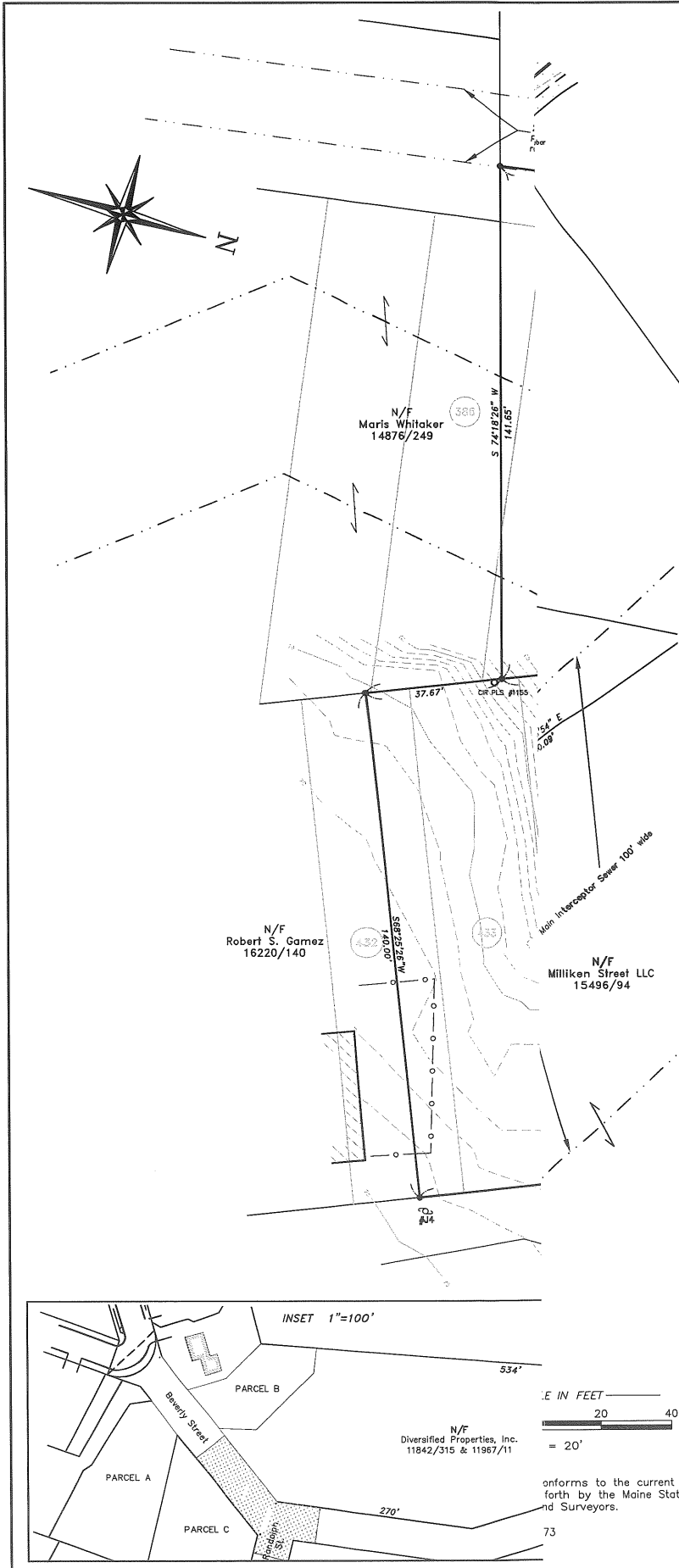
N/F  
Diversified Properties, Inc.

20' wide private access easement  
to the City of Portland  
Dedham Street (Vacated)

Exception from 14965/67







- LEGEND**
- Proposed monument (6"x6" granite)
  - Iron marker set 5/8" rebar w/cap
  - Iron marker - found
  - Utility pole
  - Property line
  - Lot line
  - Curb
  - - - Edge of pavement
  - - - Easement line
  - - - Lot line per reference 1
  - Catch basin
  - ⊕ Sewer manhole
  - ⊕ Drain manhole
  - ⊕ Water valve
  - ⊕ Fire hydrant
  - ▨ Existing building
  - ④ Lot number per reference 1

- REFERENCES**
- (1) Plan of Woodfords Gardens, dated November 16, 1916 recorded in the Cumberland County Registry of Deeds in Plan Book 13, Page 75.
  - (2) Plan Showing a portion of Woodfords Gardens, dated August 5, 1993 recorded in the Cumberland County Registry of Deeds in Plan Book 196, Page 140.
  - (3) Plan of Phase II Amended Recording Plat Buca Run, dated July 14, 1995 recorded in the Cumberland County Registry of Deeds in Plan Book 198, Page 70.
  - (4) City of Portland Public Work Department plans of the Presumpscot North Main Interceptor Sewer. City of Portland Records 635/8 and 636/14.
  - (5) Plan of an Amended Boundary Survey made for Diversified Properties by Titcomb Associates dated June 18, 2004 and revised October 18, 2004 recorded in the Cumberland County Registry of Deeds in Plan Book 204, Page 777.

- RECORD EASEMENTS**
- (1) Sewer right of way to the City of Portland, see Certificate of Taking of Property 3673/290.
  - (2) Rights to install a sewer line over Lot 435, reserved by George D. Odencrantz, 5010/112.
  - (3) Surface drainage rights over Lots 435 and 436, as shown on plan reference 1, reserved by J.W. Wilbur Co., Inc. 1187/497.

- NOTES**
- (1) Book and Page references are to the Cumberland County Registry of Deeds, unless otherwise specified.
  - (2) Bearings are referenced to magnetic north 1988.
  - (3) Wetland delineation provided by Sweet Associates Falmouth, Maine.

**OWNERS OF RECORD**

Diversified Properties, Inc.  
 PARCEL A: Book 11967, Page 11 & Book 11842, Page 315  
 PARCEL B: Book 11842, Page 315 & Book 11967, Page 11  
 W.A. One  
 PARCEL C: Book 243191, Page 306

**AREA**  
 As noted

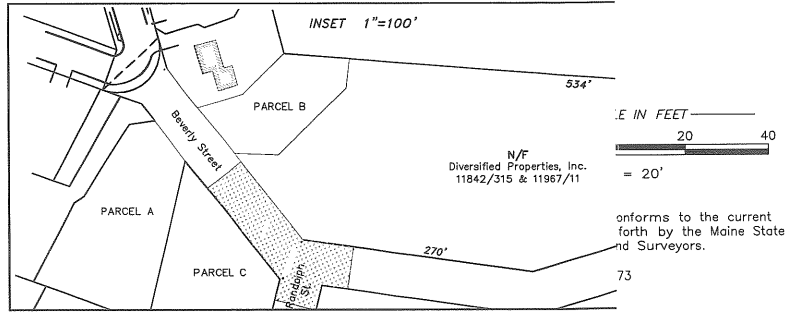
This plan amends a Plan of a Boundary Survey recorded in Plan Book 204, Page 740; and Plan Book 204, Page 777.

Rev.6	10/24/07	Prop. drain. easements, mons.	RJC
Rev.5	07/11/07	Contours on Parcel C, inset	RJC
Rev.4	12/14/06	W.A. One deed ref, easements 2 and 3	RJC
Rev.3	06/24/05	Bill-Hurtubise deed refs.	RJC
Rev.2	03/05/05	Current street acceptance/prop. mon. loc.	RJC
Rev.1	10/18/04	Revised prop. line between Parcels C & B	RJC

**PLAN OF AMENDED BOUNDARY SURVEY**  
 Beverly Street Portland, Maine

**MADE FOR**  
**DIVERSIFIED PROPERTIES**  
 P.O. Box 10127 Portland, Maine

JOB# 203048	DATE: June 18, 2004	SCALE: 1"=20'
BOOK# 550	<b>Titcomb Associates</b> 133 Gray Road Falmouth, Maine 04105	
LP#203048_R14.DWG		
FILE# 7910		



The March 25th Planning Board meeting includes the following:  
Workshop: The Village at Ocean Gate Conditional Zone Amendment- Newbury Street. Metal Recycling Facility-568 Riverside St. Prolerized NE Company.  
Public Hearing: Zoning Map Amendment- 202 Washington Avenue; B-7 Design Standards; Maine Medical Center TDM.  
The April 8th Planning Board Meeting includes the following:  
Workshop: Skylark Subdivision  
Public Hearing: Morning Star Lane Subdivision; Walgreens- 606 Forest Avenue

Dev Rev meeting on Wednesday March 19, 2008  
10 a.m Fourth Floor Conference Room  
Please let Barbara know if you cannot attend.

Agenda follows....

A. Preliminary Reviews ( Please share preliminary comments on new or revised plans distributed week before)

- ~~1.~~ 314 Presumpscot St...sw
- ~~2.~~ fitzpatrick restrooms..rk

B. Final Written Reviews - Major Site Plans ( Planning Board Review)

- ~~1.~~ UNE...review of construction vehicle parking plan, traffic control and site utilization plan...sw
- ~~2.~~ Danforth Street (Szanton)...applicant request meeting with Barbara, Alex, Penny to review the conditional rezone agreement...sw
- ~~3.~~ prolerized new england...workshop next week...rk
- ~~4.~~ MMC TDM (issues for hearing).....jf
- ~~5.~~ Skylark Commons subdivision....issues & timetable.....jf
- ~~6.~~ Jo Coyne - public works....bb

C. Final Written Review - Minor Site Plans (Administrative Review)

- ~~1.~~ missportlandiner...reviewing conditions of approval...rk

D. Pressing Issues

- ~~1.~~ ongoing traffic discussions- Walgreens....mc
- ~~2.~~ MSL subdiv Timetable for Hearing.....jf
- ~~3.~~ sidewalks on State St....mc
- ~~4.~~ Yale Str.

*Eastern Gateway  
Garage  
Riverwalk Condo's*

E. Exemptions and Miscellaneous Requests

- 1. Webb and Terrace

F. Distribution of New Projects and Revised Plans

- 1. 1600 Congress Street...preapplication feed back requested...bn for bb
- 2. Westgate Shopping Center

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "'Philip DiPierro '" <PD@portlandmaine.gov>  
**Date:** 4/1/2008 11:48:35 AM  
**Subject:** FW: Beverly PDF

Phil

The attached plan is recorded in book 208, page 132. This information can now be placed on the easement deed description.

Jim

---

From: Jim Wolf [mailto:jmw1@maine.rr.com]  
Sent: Friday, March 14, 2008 10:49 AM  
To: Philip DiPierro  
Subject: FW: Beverly PDF

Phil

Attached is the survey you should have in your plan set.

---

**CC:** "'Rex Croteau'" <RCroteau@mail.titcombsurvey.com>

Post Office Box 10127  
Portland, Maine 04104  
207-773-4988  
Fax 207-773-6875

**Diversified  
Properties**

# MEMO

**To:** Philip DiPierro

**From:** Jim Wolf

---

**Fax:**

**Pages:** 4

---

**Phone:**

**Date:** March 25, 2008

---

**Re:** Beverly Street

**CC:**

---

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

---

● **Comments:**

**Phil**

**Enclosed please find the CAD file the Beverly project along with the easement deed. Please hold the easement deed until I am able to provide the recording information needed on pages 3 and 4. The surveyor hopes to have the survey recorded by the middle of next week.**

**Jim**

---

## **DRAINAGE/SEWER EASEMENT DEED**

**KNOW ALL PERSONS BY THESE PRESENTS**, that Diversified Properties, Inc. and WA ONE Inc. with an address of Portland, Maine, for consideration paid, receipt whereof is hereby acknowledged, grant to the City Of Portland, who's mailing address is 389 Congress Street, Portland, ME 04103, with warranty covenants, an easement described as follows:

The right perpetually to enter at any and all times upon property situated on Beverly Street, Portland, in said County of Cumberland and State of Maine, said property being described in Schedule A, attached hereto and incorporated herein by reference.

Meaning and intending to convey a portion of the property conveyed to this Grantor by deeds recorded in the Cumberland County Registry of Deeds in Book 14106, Page 1 and Book 24391 Page 306.

Said easement for the sole purpose of and conveying the right to construct, install and perpetually maintain over, under, through, and across said property, drainage swales, ditches and/or berms; conduits, sewer pipes and/or pipelines; together with all necessary fixtures and appurtenances for retaining, channeling and or otherwise conveying water; and to lay, relay, repair, maintain, clean and remove any and all facets of said storm water drainage system and sewer system, including but not limited to pipe or pipes upon or under said strips, with all necessary fixtures and appurtenances; together with the right at all times to make connections with said drainage system and sewer system to land adjoining said easement by means of pipes or other services; to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said drainage easement to such extent as in the sole judgment of the grantee is necessary or appropriate for any of the above purposes; and to enter upon said easement at any and all times for any of the foregoing purposes. Reserving to the grantor and its successors and assigns the use and enjoyment of said strips and for such purposes only as will in no way interfere temporarily or otherwise with the perpetual use thereof by the grantee, its successors and assigns for the purpose above mentioned; provided that no building or any kind of permanent structure, including, but not limited to, walls and fences, shall be erected on said strip by the grantor, its successors or assigns; and that the grantor, its successors and assigns shall not remove earth from said easement without the written permission of the grantee, its successors and assigns.

IN WITNESS WHEREOF, Diversified Properties, Inc and WA ONE Inc has caused this instrument to be signed in its corporate name and sealed with its corporate seal by James M. Wolf, its President thereunto duly authorized this 19 day of March, 2008  
WITNESS

Patricia G. Walker

James M. Wolf

STATE OF MAINE  
CUMBERLAND, ss.

Dated: March 19, 2008

Personally appeared before me the above named James M. Wolf, President of., Diversified Properties, Inc 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,

Patricia G. Walker  
PATRICIA G. WALKER  
Attorney/Notary PUBLIC, MAINE  
MY COMMISSION EXPIRES JANUARY 31, 2013

STATE OF MAINE  
CUMBERLAND, ss.

Dated: March 19, 2008

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Before me,

Patricia G. Walker  
Attorney/Notary  
PATRICIA G. WALKER  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES JANUARY 31, 2013

December 20, 2007

Proposed deed description  
Proposed Easement North of Beverly Street  
Portland, Maine

A certain easement located on the northerly side of Beverly Street in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point on the northerly sideline of Beverly Street, said point lying N 62°21'16" E a distance of Seven and 94/100 (7.94) feet from an angle point in said Beverly Street as depicted on a plan entitled "Woodfords Gardens" dated November 16, 1916 recorded in the Cumberland County Registry of Deeds in Plan Book 13, Page 75, said point being the southeasterly corner of Lot 533 as depicted on said plan. Thence:

- 1) N 50°02'31" W a distance of Seventy-One and 76/100 (71.76) feet to a point.
- 2) S 15°51'59" W a distance of Thirty-Four and 69/100 (34.69) feet to a point on the northerly line of said Beverly Street.
- 3) N 74°04'09" W by said Beverly Street a distance of Nineteen and 14/100 (19.14) feet to a point in the easterly sideline of a City of Portland sewer right of way as described in a Certificate of Taking recorded in said Registry in Book 3673, Page 290.
- 4) N 21°53'21" E a distance of Seventy-Three and 07/100 (73.07) feet by said sewer right of way to point.
- 5) S 50°02'31" E a distance of One Hundred Ten and 11/100 (110.11) feet to a point on the northerly line of said Beverly Street.
- 6) S 62°21'16" W by said Beverly Street a distance of Thirty-Two and 45/1000 (32.45) feet to the point of beginning.

Bearings are referenced to magnetic north 1988.

The above described easement contains 3,623 square feet lying over portions of Lot 532 and Lot 533 as depicted on a plan entitled "Woodfords Gardens" dated November 16, 1916, recorded in the Cumberland County Registry of Deeds in Plan Book 13, Page 75.

Reference is herein made to a plan entitled "Amended Boundary Survey" made for Diversified Properties dated June 18, 2004 by Titcomb Associates, revised through October 24, 2007 and recorded in the Cumberland County Registry of Deeds in Plan Book 208, Page 132

December 20, 2007

Proposed deed description  
Proposed Easement South of Beverly Street  
Portland, Maine

A certain easement located on the southerly side of Beverly Street in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point on the southerly sideline of Beverly Street, said point lying N 74°04'09" W a distance of Eighty-Four and 00/100 (84.00) feet from the intersection of the said southerly sideline of Beverly Street and the southwesterly sideline of Randolph Street as depicted on a plan entitled "Woodfords Gardens" dated November 16, 1916 recorded in the Cumberland County Registry of Deeds in Plan Book 13, Page 75, said street intersection point being the northeasterly corner of Lot 436 as depicted on said plan. Thence:

- 1) S 23°34'30" W a distance of Sixty-Two and 95/100 (62.95) feet to a point in the easterly sideline of a City of Portland sewer right of way as described in a Certificate of Taking recorded in said Registry in Book 3673, Page 290.
- 2) N 09°58'21" E by said sewer right of way a distance of Sixty-Two and 73/100 (62.73) feet to said Beverly Street.
- 3) S 74°04'09" E by said Beverly Street a distance of Fourteen and 88/100 (14.88) feet to the point of beginning.

Bearings are referenced to magnetic north 1988.

The above described easement contains 464 square feet lying over a portion of Lot 436 as depicted on a plan entitled "Woodfords Gardens" dated November 16, 1916, recorded in the Cumberland County Registry of Deeds in Plan Book 13, Page 75.

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## DRAINAGE EASEMENT DEED

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The right perpetually to enter at any and all times upon property situated on Beverly Street, Portland, in said County of Cumberland and State of Maine, said property being described in Schedule A, attached hereto and incorporated herein by reference.

Meaning and intending to convey a portion of the property conveyed to this Grantor by deeds recorded in the Cumberland County Registry of Deeds in Book ~~14106~~ 11967, Page ~~1-11~~ and Book 24391 Page 306.

Said easement for the sole purpose of and conveying the right to construct, install and perpetually maintain over, under, through, ~~under~~ and across said property, drainage swales, ditches and/or berms; conduits and/or pipelines; together with all necessary fixtures and appurtenances for retaining, channeling and or otherwise conveying water; and to lay, relay, repair, maintain, clean and remove any and all facets of said storm water drainage system, including but not limited to pipe or pipes upon or under said strips, with all necessary fixtures and appurtenances; together with the right at all times to make connections with said conduits or pipelines drainage system to land adjoining said drainage easement by means of pipes or other services; to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said drainage easement to such extent as in the sole judgment of the grantee is necessary or appropriate for any of the above purposes; and to enter upon said drainage easement at any and all times for any of the foregoing purposes; Reserving to the grantor and ~~its successors her heirs~~ and assigns the use and enjoyment of said strips and for such purposes only as will in no way interfere temporarily or otherwise with the perpetual use thereof by the grantee, its successors and assigns for the purpose above mentioned; provided that no building or any kind of permanent structure, including, but not limited to, walls and fences, shall be erected on said strip by the grantor, its her successors or assigns; and that the grantor, her its successors heirs and assigns shall not remove earth from said drainage easement without the written permission of the grantee, its successors and assigns.

IN WITNESS WHEREOF, Diversified Properties, Inc and WA ONE Inc has caused this instrument to be signed in its corporate name and sealed with its corporate seal by James M. Wolf, its President thereunto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2007  
WITNESS

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Dated: \_\_\_\_\_

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Before me,

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Attorney/Notary

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**From:** William Clark  
**To:** Philip DiPierro  
**Date:** October 24, 2008 3:39:46 PM  
**Subject:** Beverly St - Storm Drain Easement Deed Check

Hi Phil,

I finally had time to check the signed but not recorded easements deed against the recorded plan.

The descriptions matched what we sent Jim Wolf in January.

However the deed reference for 14106/001 does not apply to the easements area. 14106/001 applies to frontage along the lot owned by Thomas F. Bill & Ashleigh J. Hurtubise-Bill. The correct reference should be for Registry Deed Book 11967, Page 11. The deed does refer to the recorded plan where the deed reference is correctly stated.

I would let Corp Counsel weigh in if Jim Wolf needs to correct the deed, or if Corp Counsel can record it as is.

I will send the original deed back to you.

Have a great weekend.

Bill Clark

**CC:** Barbara Barhydt; Danielle West -Chuhta; Penny Littell

Phil,

Please see the attached marked up / areas shaded plan.

Thanks,

Bill Clark

Post Office Box 10127  
Portland, Maine 04104  
207-773-4988  
Fax 207-773-6875

**Diversified  
Properties**

# MEMO

**To:** Philip DiPierro

**From:** Jim Wolf

---

**Fax:**

**Pages:** 4

---

**Phone:**

**Date:** March 25, 2008

---

**Re:** Beverly Street

**CC:**

---

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

---

● **Comments:**

**Phil**

Enclosed please find the CAD file the Beverly project along with the easement deed. Please hold the easement deed until I am able to provide the recording information needed on pages 3 and 4. The surveyor hopes to have the survey recorded by the middle of next week.

**Jim**

---



**Philip DiPierro - RE: Beverly Street**

---

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "Philip DiPierro" <PD@portlandmaine.gov>  
**Date:** 12/10/2007 4:35 PM  
**Subject:** RE: Beverly Street

---

Yes. When we originally applied for Beverly (two lots only) we also submitted two building permit applications. They went thru the entire process and ended up on Jeannie's desk waiting for proof of the LOC.

---

**From:** Philip DiPierro [mailto:PD@portlandmaine.gov]  
**Sent:** Monday, December 10, 2007 4:19 PM  
**To:** jmw1@maine.rr.com  
**Subject:** RE: Beverly Street

Are you sure this relates to Beverly, and not Barclay? I recently approved a re-activated site plan for a house on Barclay Street.

p

>>> "Jim Wolf" <jmw1@maine.rr.com> 12/10/2007 4:11:09 PM >>>

These were submitted prior to you as part of the original road. I believe Jeannie has them and has been waiting for a letter of credit to be posted.

---

**From:** Philip DiPierro [mailto:PD@portlandmaine.gov]  
**Sent:** Monday, December 10, 2007 3:50 PM  
**To:** jmw1@maine.rr.com  
**Subject:** Re: Beverly Street

No Jim, I haven't. Nothing has been sent to me to review.

Phil

>>> "Jim Wolf" <jmw1@maine.rr.com> 12/10/2007 3:28:52 PM >>>  
Phil

Have you heard from anyone in inspections regarding a couple of permits on Beverly Street?  
Thank you.

Jim

*Site Plans*  
*2005-0154*      *61 Beverly*  
*2005-0153*      *64 Beverly*

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

## Philip DiPierro - Beverly Street

---

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "Philip DiPierro" <PD@portlandmaine.gov>  
**Date:** 1/24/2008 12:09 PM  
**Subject:** Beverly Street

---

Phil

Attached please find copy of our DEP permit for the Beverly Street project. Please contact me if you have any questions.

Jim

---

**From:** Lynda Porter [mailto:lyndap@maine.rr.com]  
**Sent:** Thursday, January 24, 2008 12:02 PM  
**To:** jmw1@maine.rr.com  
**Subject:**

12/2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT BY RULE NOTIFICATION FORM
(For use with DEP Regulation, Chapter 305)

PLEASE TYPE OR PRINT IN BLACK INK ONLY

Form with fields: Name of Applicant (owner), Town/City, Zip Code, Daytime Telephone No., County, Name of Agent, Detailed Directions to Site, Description of Project, etc.

(CHECK ONE) This project: does [ ] does not [X] involve work below mean low water.

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules, Chapter 305. I and my agents, if any, have read and will comply with all of the standards in the Sections checked below.

- Sec. (2) Act. Adj. to Protected Natural Res.
Sec. (3) Intake Pipes
Sec. (4) Replacement of Structures
Sec. (5) REPEALED
Sec. (6) Movement of Rocks or Vegetation
Sec. (7) Outfall Pipes
Sec. (8) Shoreline Stabilization
Sec. (9) Utility Crossing
Sec. (10) Stream Crossing
Sec. (11) State Transportation Facil.
Sec. (12) Restoration of Natural Areas
Sec. (13) F&W Creation/Enhance/Water Quality Improvement
Sec. (14) REPEALED
Sec. (15) Public Boat Ramps
Sec. (16) Coastal Sand Dune Projects
Sec. (17) Transfer/Permit Extension
Sec. (18) Maintenance Dredging
Sec. (19) Activities in/on/over significant vernal pool habitat
Sec. (20) Activities in existing dev. areas located in/on/over high or moderate value inland waterfowl & wading bird habitat or shorebird nesting, feeding & staging areas

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.

I have attached the following required submittals. NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:

- Attach a check for \$55 made payable to: "Treasurer, State of Maine".
Attach a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
Attach all other required submissions as outlined in the PBR Sections checked above.

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant: [Signature] Date: 1/16/08

Keep a copy as a record of permit. Send the form with attachments via certified mail or hand deliver to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. Work carried out in violation of any standard is subject to enforcement action.

AUGUSTA DEP
17 STATE HOUSE STATION
AUGUSTA, ME 04333-0017
(207)287-3901

PORTLAND DEP
312 CANCO ROAD
PORTLAND, ME 04103
(207)822-6300

BANGOR DEP
106 HOGAN ROAD
BANGOR, ME 04401
(207)941-4570

PRESQUE ISLE DEP
1235 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
(207)784-0477

OFFICE USE ONLY table with fields: PBR #, Ck.#, FP, Date, Staff, Acc. Date, Def. Date, After Photo

## Philip DiPierro - RE: Curtis Road and Beverly Street Site Inspections

---

**From:** "Maclaine, John" <John.Maclaine@maine.gov>  
**To:** "Philip DiPierro " <PD@portlandmaine.gov>  
**Date:** 1/4/2008 9:17 AM  
**Subject:** RE: Curtis Road and Beverly Street Site Inspections

---

The writeups for the Field Determinations are currently under review and should be sent out within the next week or so. On the topic of snow dumps, the person to talk to about that would be Stuart Rose in Water Quality. He can be reached at 822-6345 or at [stuart.m.rose@maine.gov](mailto:stuart.m.rose@maine.gov). I have been out sick this week and am in the process of rescheduling an appointment with Jim Wolf about permitting over on Beverly Street. I'll keep you updated.

### John Maclaine

Department of Environmental Protection

Bureau of Land and Water Quality

Division of Land Resource Regulation

312 Canco Rd.

Portland, ME 04103

Tel:(207) 822-6351

[john.maclaine@maine.gov](mailto:john.maclaine@maine.gov)

---

**From:** Philip DiPierro [<mailto:PD@portlandmaine.gov>]  
**Sent:** Thursday, January 03, 2008 12:06 PM  
**To:** Maclaine, John  
**Subject:** Curtis Road and Beverly Street Site Inspections

Hi John, I just wanted to follow up on our recent site walks to see if you determined whether or not any permitting is required for the sites we looked at, and if so, what level.

Also, we briefly talked about snow dumps, and I was wondering if you had any information relating to them.

Thanks for your help.

Philip DiPierro  
Development Review Coordinator

City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101

Phone 207 874-8632  
Fax 207 756-8258

**Philip DiPierro - Beverly Drainage Easement**

---

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "Philip DiPierro" <PD@portlandmaine.gov>  
**Date:** 11/30/2007 1:15 PM  
**Subject:** Beverly Drainage Easement  
**CC:** "Penny Littell" <PL@portlandmaine.gov>

---

Attached please find a draft of our proposed drainage easement. If acceptable we will execute an original and forward along with the legal description.

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

*DEP - NRPA permit issues - approvals*



# PORTLAND MAINE

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

Planning and Development Department  
Lee O. Urban, Director

Planning Division  
Alexander Jaegerman, Director

October 31, 2007

Mr. James Wolf  
Diversified Properties  
P.O. Box 10127  
Portland, ME 04101

RE: Beverly Street Extension  
CBL: 335-B-001  
Application ID: 2007-0042

Dear Jim:

On October 30, 2007, the Portland Planning Authority approved the 14-403 application and minor site plan for the extension of Beverly Street as shown on the plans prepared by Gorrill-Palmer Consulting Engineers, Inc with the last revision date of October 19, 2007 and October 24, 2007<sup>1</sup> with the following conditions:

1. The street monuments shall be set as shown on the PLAN OF AMENDED BOUNDARY SURVEY, BEVERLY STREET, PORTLAND MAINE by Titcomb Associates as amended on 10/24/2007.
2. Drainage easements acceptable to the City shall be conveyed to the City within 30 days of this approval date.
3. Three town and country bases and poles shall be installed by the developer along Beverly Street with the locations to be determined by the Department of Public Works.

The approval is based on the submitted plans prepared By Gorrill-Palmer Consulting Engineers, Inc. for Beverly Street Extension, Portland Maine, with the last revision date of 10/19/07 and 10/24/07 (see footnote 1 below). 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:

<sup>1</sup> Plan set with revision date of 10/19/07, unless otherwise noted below, includes Amended Boundary Survey, 10/24/07.; Cover Sheet, General Notes & Legend, C001; Roadway Layout & Utility Plan, C101; Grading, Drainage, Erosion and Sedimentation Control Plan, C102; Roadway Profile, C103; Site & Utilities Details, C401; Site & Grading Details, C402; and Drainage & Erosion Control Details, C403.



1. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Barbara Barhydt, Development Review Services Manager at 874-8699.

Sincerely,



Alexander Jaegerman  
Planning Division Director

Electronic Distribution:

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



Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections Division  
Michael Bobinsky, Public Works Director  
Kathi Earley, Public Works  
Bill Clark, Public works  
Jim Carmody, Transportation Manager  
Michael Farmer, Public Works  
Jeff Tarling, City Arborist  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File

Item	Description	Qty.	Unit	Unit \$	Total	
<b>Site Preparation/Mobilization</b>						
	Construction Entrance	1	EA	\$1,200.00	\$1,200.00	
	Silt Fence	200	LF	\$2.00	\$400.00	
	CB Inlet Protection	3	EA	\$150.00	\$450.00	
	Sawcut Pavement Clear	75	LF	\$3.00	\$225.00	
	Grub/Stump	0.5	AC	\$1,000.00	\$500.00	
	Test Pit	365	CY	\$5.00	\$1,825.00	
		1	EA	\$400.00	\$400.00	
<b>Earthwork</b>						
	Site Cut and Fill	675	CY	\$5.00	\$3,375.00	
	Import	2450	CY	\$9.00	\$22,050.00	
<b>Water</b>						
	8"x8" Tap/Sleeve/Valve	1	EA	\$3,500.00	\$3,500.00	
	8" DI	125	LF	\$40.00	\$5,000.00	
	8" 45 Bends	1	EA	\$275.00	\$275.00	
	8" 22.5 Bends	1	EA	\$275.00	\$275.00	
	8" Cap & Blow Off	1	EA	\$1,100.00	\$1,100.00	
	1" Corp	2	EA	\$225.00	\$450.00	
	1" Curb and Box	2	EA	\$225.00	\$450.00	
	1" Copper	60	LF	\$20.00	\$1,200.00	
	R&R Pavement	6	SY	\$60.00	\$360.00	
<b>Sewer</b>						
	8" PVC	5-20' Deep	125	LF	\$65.00	\$8,125.00
	6" PVC	12' -16' Deep	125	LF	\$50.00	\$6,250.00
	6"x10" Inserta Tee		2	EA	\$225.00	\$450.00
	6" Cap		4	EA	\$50.00	\$200.00
	6" 45 Bend		7	EA	\$50.00	\$350.00
	SMH	10'	1	EA	\$2,500.00	\$2,500.00
	Core & Build Invert	Drop Connection	1	EA	\$3,500.00	\$3,500.00
	Adjust SMH to Grade	9' Height Addition as filling	2	EA	\$1,100.00	\$2,200.00
<b>Stormdrain</b>						
	CB 9' Depth	In Road	1	EA	\$3,000.00	\$3,000.00
	CB 6' Depth		2	EA	\$2,250.00	\$4,500.00
	24" SD	5' Depth	114	LF	\$35.00	\$3,990.00
	15" SD		62	LF	\$20.00	\$1,240.00
	6" UD		340	LF	\$20.00	\$6,800.00
	Rip rap outlet		25	cy	\$35.00	\$875.00
	Fabric	Mirafi 600x	1000	SY	\$1.50	\$1,500.00
	Sand Bed For Riprap	12"	222	CY	\$15.00	\$3,330.00

**Gravel (Road - 9414SF, Drives - 1200SF, Walk - 1850SF)**

MDOT D	15"	523 CY	\$18.00	\$9,414.00
MDOT A	12" Drives, 3" Road, 10" Walk	246 CY	\$22.00	\$5,412.00
Finegrade Road		1046 SY	\$1.35	\$1,412.10
Finegrade Drives		339 SY	\$5.00	\$1,695.00

**Hotmix**

Machine 3.5"		220 TN.	\$60.00	\$13,200.00
Walk 2"		25 TN	\$125.00	\$3,125.00
Drives 3"		25 TN	\$125.00	\$3,125.00
Butt Joint		17 SY	\$25.00	\$425.00

**Cleanup**

Loam		145 CY	\$20.00	\$2,900.00
Seed & Mulch		14 UN	\$45.00	\$700.00

**Improvements**

VGC Radius		50 LF	\$40.00	\$2,000.00
VGC Straight		410 LF	\$27.50	\$11,275.00
Street Monuments		2 EA	\$675.00	\$1,350.00

**Miscellaneous**

Street Trees		8 EA	\$175.00	\$1,400.00
Town and Country Poles		2 EA	\$2,000.00	\$4,000.00

**Total**

**\$153,278.10**

**Not Included**

Electrical

Post Office Box 10127  
Portland, Maine 04104  
207-773-4988  
Fax 207-773-6875

**Diversified  
Properties**

# MEMO

**To:** Barbara Barhydt, Mike Farmer, Phil  
Dipiero

**From:** Jim Wolf

**Fax:**

**Pages:**

**Phone:**

**Date:** 10/22/2007

**Re:** Beverly Street Extension

**CC:**

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

● **Comments:**

**To All**

**Attached please find what we hope to be our final set of plans. The following changes have been incorporated and complete the list given by staff.**

- 1. Curb has been extended**
- 2. Light poles have been added**
- 3. Easements have been added**
- 4. Ramp detail has been eliminated**

**I look forward to hearing that we may now move forward. Thank you.**

DRAFT

Hi Phil - I drafted this letter. I have a  
call into Mike - Are there any conditions?  
What was resolved in the easement? —  
Thank's B

Mr. James Wolf  
Diversified Properties Inc.  
PO Box 10127  
Portland, ME 04104

October 24, 2007

Dear Mr. Wolf:

RE: Application for Roadway Extension, Beverly Street  
(ID #2007-0042) 335 B001001

On October 24, 2007, the Portland Planning Authority approved the roadway extension on Beverly Street as shown on the approved plans prepared by Gorrill-Palmer Consulting Engineers, Beverly Street Extension, with the last revision date of October 19, 2007.<sup>1</sup> The approval is based on the submitted site plans, as listed in the footnote. If you need to make any modifications to the approved site plan, you must submit a revised site plan for the City's review and approval.

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the

---

<sup>1</sup> Plan Set includes the following: cover sheet C001, Roadway Layout & Utility Plan C101, Grading Drainage, Erosion and Sedimentation Control Plan C102, Roadway Profile C103, Site and Utility Details C401, Site and Grading Details C402, and Drainage & Erosion Control Details C403.

contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Philip DiPierro, Development Review Coordinator at 874-8632.

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  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections  
Michael Bobinsky, Public Works Director  
Jim Carmody, Traffic Division  
Mike Farmer, Project Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Fire Prevention  
Assessor's Office  
Approval Letter File

**From:** Michael Farmer  
**To:** DiPierro , Philip  
**Date:** 10/10/2007 1:24:09 PM  
**Subject:** Possible illegal filling of a stream bank wetland.

I was looking at Jim Wolf's proposed Beverly Street project last week when I observed some filling activity behind #65 Beverly Street. It appears to me that someone is placing some of the fill in what may be a stream bank wetland. I notified someone at DEP because I thought this might violate the State Natural Resources Protection Act.

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

**Philip DiPierro - Beverly Street Extension**

---

**From:** "James Wolf" <jmw1@maine.rr.com>  
**To:** <PD@portlandmaine.gov>  
**Date:** 10/17/2007 1:59 PM  
**Subject:** Beverly Street Extension  
**CC:** "Barbara Barhydt" <BAB@portlandmaine.gov>, "Todd Merkle"  
<Todd@portlandmaine.gov>, "Gregory Vining" <GVining@portlandmaine.gov>

---

Phil

Todd has informed me preconstruction meetings should be scheduled via you.

We wish to schedule a meeting for the extension of Beverly Street. Final plans should be submitted tomorrow. These plans differ slightly from those previously submitted; addition of 1 light pole, additional straight curb and easements.

We are hoping to have our performance guarantee number approved and present a letter of credit to the city early next week. It is our goal to begin immediately upon approval; thus my request.

Please inform me as to what times and days work and I will attend along with AH Grover.

Thank you for your cooperation.

Jim





September 11, 2007

Ms. Barbara Barhydt  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Response to Portland Public Works Department Review Comments  
Beverly Street Extension – Portland, Maine

Dear Barbara:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments made by Michael Farmer dated June 11, 2007 regarding the above referenced project. For ease of review, each comment has been repeated below followed by our response. Four (4) copies of revised plans are enclosed.

*Comment 1 – Prior approval by Tom Errico notwithstanding, the City Transportation Engineer, Jim Carmody requests that the proposed curb on the south side of Saugus Street be extended in a straight line and parallel to the street right of way to the point where it meets the circular curb at the intersection of Saugus St. and Beverly St. Thus, the City Transportation Engineer is not buying the response to comment 4 in Gorrill Palmer's letter.*

**Response** – Gorrill-Palmer has revised the Saugus Street/Beverly Street intersection as requested, thereby extending the curb on the south side of Saugus Street in straight line and parallel to the ROW. Along with the revised intersection, the stop bar and stop sign has been relocated from the Saugus Street approach to the westbound Beverly Street approach. This change was necessary as the revised intersection layout does not provide for adequate channelization for controlling traffic from Saugus Street.

*Comment 2 – DPW is also not buying the response to Comment 5 in Gorrill Palmer's letter. We do not want to allow utilities and driveways to be built to encourage the development of future lots that may have severe environmental problems. If the developer wants to build driveways and utilities to serve future lots, he should identify the lots, wetlands, streams, swales, slopes, and building envelopes and demonstrate that the lots can be developed without causing environmental problems.*

**Response** – Conceptual grading plans for the potential future lots accessed by the two proposed driveways off of Beverly Street are shown on the enclosed Conceptual Grading Plans. These grading concepts illustrate the ability to construct a typical house on each lot within the property lines, setbacks,

Ms. Barbara Barhydt  
City of Portland  
September 11, 2007  
Page 2 of 3

wetlands, topography and other constraints. The developer is not seeking approval for these two future lots at this time and would provide detailed site layout and grading plans when a building permit application is submitted.

*Comment 3 – DPW does not agree with the response to Comment 8. We feel that the water main should be built in its legal location even if this is over an existing storm drain. Portland Water District has reviewed and approved the revised water main location (see attached e-mail from Rico Spugnardi at PWD).*

**Response** – The Roadway Layout & Utility Plan has been revised to depict the proposed water main 8 feet left of the roadway centerline, as requested. A copy of the revised plan has been submitted to the Portland Water District for their review and approval on the proposed water main location.

*Comment 4 – If sewer laterals for the two future lots are going to be built, they should not use chimney connections. Connections that slope upward at 3:1 near the sewer main could be used instead of vertical or near vertical chimneys.*

**Response** – The enclosed plan set has been revised to remove chimney connections for the sewer laterals and to note a maximum 3:1 slope for sewer service laterals adjacent to the sewer main.

*Comment 5 – The medium intensity soils map indicates Scantic soils at or near the site, which suggests the possibility of compressible soils beneath Beverly Street. Is long term settlement of the road fill a potential problem because of the proposed fill and compressible soils?*

**Response** – The developer shall retain S.W. Cole Engineering, Inc. to coordinate soils investigations and provide a geotechnical engineering report and recommendations for construction of the proposed street extension and roadway embankments prior to construction, as noted on Drawing C-102.

*Comment 6 – Is the proposed excavation at the existing sewer manhole deep enough to require a shoring plan approved by a professional engineer?*

**Response** – A local contractor, A.H. Grover Inc., provided the following information indicating that a shoring plan is not required:

“The manhole will be put in before final grade, making it only 17' deep. OSHA law only requires that excavations more than 21' deep have a shoring plan. This manhole will be put in using a standard 8' deep trench box on the bottom, and the top 9' will be open cut and sloped back according to OSHA regulations. No shoring plan is required.”



Ms. Barbara Barhydt  
City of Portland  
September 11, 2007  
Page 3 of 3

Additional comments were received by the applicant upon meeting with City Staff on August 29, 2007. As a result of that meeting, the driveway apron for the future northeast lot has been shifted to the west such that the centerline of the apron is 35 feet from the right-of-way corner, in accordance with City of Portland Technical and Design Standards and Guidelines. It is anticipated that water service for this lot and the lot to the south will be provided from Randolph Street, at such time that a development plan for these lots has been generated. Based on a service map (attached) provided by the Portland Water District, there is an 8" ductile iron water main within Randolph Street, which terminates at the proposed Beverly Street Extension. As the Applicant currently has no development plans for either of these lots, the existing main will not be extended as part of extending Beverly Street. It is anticipated that the existing 8" main would be extended to provide service to these two lots when a development plan is proposed.

The applicant will provide a revised Amended Boundary Survey from Titcomb Associates under separate cover following the City's review of the enclosed plans.

Gorrill-Palmer appreciates the opportunity to respond to these comments and looks forward to your review of our responses. Should you have any questions or require any additional information, please feel free to contact us.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Lawrence R. Bastian, P.E.  
Senior Engineer

Enclosure

CC: Jim Wolf, Diversified Properties, Inc.



## SPACE AND BULK REQUIREMENTS – R-2 ZONE

MINIMUM LOT SIZE: 10,000 S.F.

MINIMUM FRONTAGE: 50 FT.

MINIMUM SETBACKS:

FRONT YARD 25 FT.

REAR YARD 25 FT.

SIDE YARD\*

1 STORY 12 FT.

1 1/2 STORY 12 FT.

2 STORY 14 FT.


2 1/2 STORY 16 FT.

MINIMUM LOT WIDTH: 80 FT.

\* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN TWELVE (12) FEET IN WIDTH.

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A 2 STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.

Design: DER	Date: SEPT 04
Draft: CAH	Job No.: 1081
Checked: AMP	Scale: NTS
File Name: 1081-SPACE AND BULK - LOTS	

	<i>Traffic and Civil Engineering Services</i>
	PO Box 1237, 15 Shaker Road Gray, ME 04039 207-657-6910

Drawing Name:	<b>Space &amp; Bulk Requirements</b>
Project:	<b>BEVERLY STREET, PORTLAND</b>

Figure No.	<b>1</b>
------------	----------

October 30, 2007

Mr. James Wolf  
Diversified Properties  
P.O. Box 10127  
Portland, ME 04101

RE: Beverly Street Extension  
CBL: 335-B-001  
Application ID: 2007-0042

Dear Jim:

On October 30, 2007, the Portland Planning Authority approved the 14-403 application and minor site plan for the extension of Beverly Street as shown on the plans prepared by Gorrill-Palmer Consulting Engineers, Inc with the last revision date of October 19, 2007 with the following conditions:

1. The street monuments shall be set as shown on the PLAN OF AMENDED BOUNDARY SURVEY, BEVERLY STREET, PORTLAND MAINE by Titcomb Associates as amended on 10/24/2007.
2. Drainage easements acceptable to the City shall be conveyed to the City within 30 days of this approval date.
3. Three town and county lots shall be conveyed to the City as a public easement for a developer along Beverly Street with the locations to be shown on the plans.

The approval is based on the plans prepared by Gorrill-Palmer Consulting Engineers, Inc. for Beverly Street Extension, Portland, ME, dated 10/19/07<sup>1</sup>. If you need to make any modifications to the approved plans, please contact the Planning Division for staff review and approval.

Please note the following plan requirements:

1. Final sets of plans shall be submitted to the Planning Division, on a CD or DVD, in AutoCAD format.
2. A performance guarantee shall be submitted with an inspection fee payment of 2.0% of the guaranteed amount, as determined by the Planning Division, and approved by the Planning Division. The guarantee shall be submitted to and approved by the Planning Division prior to the issuance of the building permit. If you need to

<sup>1</sup> Plan set includes Cover Sheet, General Notes & Legend, C001; Roadway Layout & Utility Plan, C101; Grading, Drainage, Erosion and Sedimentation Control Plan, C102; Roadway Profile, C103; Site & Utilities Details, C401; Site & Grading Details, C402; and Drainage & Erosion Control Details, C403.

make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Barbara Barhydt, Development Review Services Manager at 874-8699.

Sincerely,

Alexander Jaegerman  
Planning Division Director

Electronic Distribution:

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections Division  
Michael Bobinsky, Public Works Director  
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Michael Farmer, Public Works  
Jeff Tarling, City Arborist  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File



Post Office Box 10127  
Portland, Maine 04104  
207-773-4988  
Fax 207-773-6875

**Diversified  
Properties**

# MEMO

**To:** Mike Farmer, Barbara Barhydt, Phil DiPierro  
**From:** Jim Wolf

---

**Fax:** \_\_\_\_\_ **Pages:** 4

---

**Phone:** \_\_\_\_\_ **Date:** October 29, 2007

---

**Re:** Beverly Street Extension **CC:** \_\_\_\_\_

---

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

---

● **Comments:**

**Attached please find replacement plans for C101, C102 and the survey. These plans incorporate the changes requested by Mike Farmer and Staff.**

---



March 1, 2007

Ms. Barbara Barhydt  
Development Review Services  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Beverly Street Extension – Diversified Properties, Inc.  
Amendment to Previous Approval (ID #2004-0200) (CBL 335C074)

Dear Ms. Barhydt:

Gorrill-Palmer Consulting Engineers, Inc., on behalf of Diversified Properties, Inc., is pleased to submit the enclosed Site Plan Application for the extension of Beverly Street. On June 24, 2005 the Portland Planning Authority granted approval for the extension of Beverly Street, which consisted of extending the street approximately 150 linear feet from its current configuration with a turnaround at its terminus.

The proposed configuration for Beverly Street extends approximately 310 linear feet, connecting with Randolph Street. The enclosed amended Site Plan Application, with supporting documentation, is being submitted to eliminate the turnaround from the June 2005 approval. By extending Beverly Street to Randolph Street, the turnaround is no longer necessary. Randolph Street, although not accepted by the City, is a City maintained roadway. The roadway design depicted on the enclosed plan set is based on a series of meetings with City Staff, including discussions between Jim Wolf (Diversified Properties, Inc.) and Eric LaBelle in September and November 2006, and a meeting with City Development Review Staff on January 18, 2007.

The following information is enclosed:

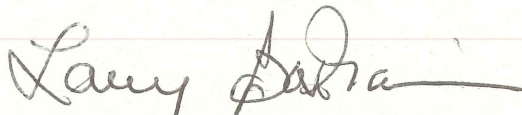
- Site Plan Application
- Copy of Portland City Council Order Excepting Beverly Street and Randolph Street from Vacation, to indicate ability of Diversified Properties, Inc. to use these streets
- Copy of the June 2005 approval letter from the Portland Planning Authority, including the approved roadway layout and utility plan (C101)

Ms. Barbara Barhydt  
March 1, 2007  
Page 2 of 2

We are hopeful that this submittal provides the required information for you to complete the staff review of this amended application. Please contact Jim Wolf or this office if you have any questions or require additional information to conduct the review.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Lawrence R. Bastian, P.E.  
Senior Engineer



Enclosure

Copy: James Wolf, Diversified Properties



# City of Portland Site Plan Application

If you or the property owner owes real estate taxes, personal property taxes or user charges on any property within the City, payment arrangements must be made before permit applications can be received by the Inspections Division.

ID # 2004-0200      CBL 335e074

Address of Proposed Development: <b>59 + 68 Beverly Street</b> Zone: <b>R-2</b>		
Existing Building Size: <b>NA</b> sq. ft.	Proposed Building Size:      sq. ft. <b>14-403 Street Extension</b>	
Existing Acreage of Site:      sq. ft.	Proposed Acreage of Site:      sq. ft.	
Tax Assessor's Chart, Block & Lot:		Property owner's mailing address:
Chart# <b>335</b> <b>335</b>	Block# <b>B</b> <b>C</b>	Lot# <b>74</b>
Consultant/Agent, mailing address, phone # & contact person: <b>Gerrill Palmer Engineering</b>		Telephone #: <b>773-4988</b>
Applicant's name, mailing address, telephone #/Fax#/Pager#: <b>Diversified Properties</b> <b>773-4988 773-6875 FAX</b>		Project name: <b>14403 Street</b> <b>Ext. Beverly</b> <b>Street</b>

Fee For Service Deposit (all applications) \_\_\_\_\_ (\$200.00)

### Proposed Development (check all that apply)

- New Building     Building Addition     Change of Use     Residential     Office     Retail
- Manufacturing     Warehouse/Distribution     Parking lot
- Subdivision (\$500.00) + amount of lots \_\_\_\_\_ (\$25.00 per lot) \$ \_\_\_\_\_ + major site plan fee if applicable
- Site Location of Development (\$3,000.00)  
(except for residential projects which shall be \$200.00 per lot \_\_\_\_\_)
- Traffic Movement (\$1,000.00)     Storm water Quality (\$250.00)
- Section 14-403 Review (~~\$400.00~~ + \$25.00 per lot)
- Other \_\_\_\_\_

### Major Development (more than 10,000 sq. ft.)

- Under 50,000 sq. ft. (\$500.00)
- 50,000 - 100,000 sq. ft. (\$1,000.00)
- Parking Lots over 100 spaces (\$1,000.00)
- 100,000 - 200,000 sq. ft. (\$2,000.00)
- 200,000 - 300,000 sq. ft. (\$3,000.00)
- Over 300,000 sq. ft. (\$5,000.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

### Minor Site Plan Review

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

### Plan Amendments

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

**RECEIVED**

**MAR - 2 2007**

**City of Portland  
Planning Division**

~ Please see next page ~





# City of Portland, Maine Site Plan Checklist

59 1/2 68 Beverly Street ID# 2004-0200  
 Project Name, Address of Project CBL 335C074 Application  
 Number

Submitted () & Date (b,c)      Item      Required Information      Section 14-525

<u>Submitted</u>	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
<u>w/original</u>	(2)	Name and address of applicant and name of proposed development	a
<u>Application</u>	(3)	Scale and north points	b
<u>Approved</u>	(4)	Boundaries of the site	c
<u>6-24-05</u>	(5)	Total land area of site	d
	(6)	Topography - existing and proposed (2 feet intervals or less)	e
	(7)	Plans based on the boundary survey including:	2
	(8)	Existing soil conditions	a
	(9)	Location of water courses, marshes, rock outcroppings and wooded areas	b
	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
	(11)	Approx location of buildings or other structures on parcels abutting the site	d
	(12)	Location of on-site waste receptacles	e
	(13)	Public utilities	e
	(14)	Water and sewer mains	e
	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
	(18)	Parking areas	g
	(19)	Loading facilities	g
	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
	(21)	Curb and sidewalks	g
	(22)	Landscape plan showing:	h
	(23)	Location of existing proposed vegetation	h
	(24)	Type of vegetation	h
	(25)	Quantity of plantings	h
	(26)	Size of proposed landscaping	h
	(27)	Existing areas to be preserved	h
	(28)	Preservation measures to be employed	h
	(29)	Details of planting and preservation specifications	h
	(30)	Location and dimensions of all fencing and screening	i
	(31)	Location and intensity of outdoor lighting system	j
	(32)	Location of fire hydrants, existing and proposed	k
	(33)	Written statement	c
	(34)	Description of proposed uses to be located on site	l
	(35)	Quantity and type of residential, if any	l
	(36)	Total land area of the site	b2
	(37)	Total floor area and ground coverage of each proposed building and structure	b2
	(38)	General summary of existing and proposed easements or other burdens	c3
	(39)	Method of handling solid waste disposal	4
	(40)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets	5
	(41)	Description of any problems of drainage or topography, or a representation that there are none	6
	(42)	An estimate of the time period required for completion of the development	7
	(43)	A list of all state and federal regulatory approvals to which the development may be subject to. **	8

_____	(44)	The status of any pending applications	8
_____	(45)	Anticipated timeframe for obtaining such permits	h8
_____	(46)	A letter of non jurisdiction	h8
_____	(47)	Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.	

\*\* If project consists of soil disturbance of over one acre, a Maine Construction General Permit is required from the Maine Department of Environmental Protection.

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities;
- erosion and sedimentation controls to be used during construction;
- a parking and/or traffic study;
- emissions; and
- a wind impact analysis.
- an environmental impact study;
- a sun shadow study;
- a study of particulates and any other noxious
- a noise study;

Other comments:

This amendment is being made to eliminate the turnaround previously approved. By extending the road extension to Randolph Street the turnaround is no longer necessary. Randolph Street, although not accepted by the city, is a city maintained road. We have enclosed information regarding our ability to use Randolph Street

Who billing will be sent to: (Company, Contact Person, Address, Phone #)

Diversified Properties, Inc.  
P.O. Box 10127  
Portland ME. 04104  
ATTN Pat Walker  
773-4998

Submittals shall include (9) separate **folded** packets of the following:

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11 x 17 plans

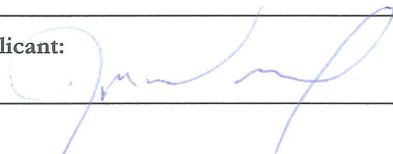
Amendment to Plans: **Amendment applications should include 9 separate packets of the above (a, b, & c)**

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: [portlandmaine.gov](http://portlandmaine.gov)

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:

2-26-07

**This application is for site review ONLY; a building Permit application and associated fees will be required prior to construction.**

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

TO: Mayor Campbell and Members of the City Council  
FROM: Natalie L. Burns, Associate Corporation Counsel  
DATE: August 19, 1997  
RE: Paper Streets and 23 M.R.S.A. §3032

1. What is a paper street? Under State law, the City must determine before September 29, 1997 whether it wishes to extend existing public rights in paper streets located within the City. A paper street is one that was dedicated to public use by being shown on a subdivision plan that is recorded in the Registry of Deeds but has not been accepted as a City street by the Council. Some paper streets do not physically exist; others have been improved to some level, possibly including the installation of utilities. This process only applies to streets that were shown on recording plats that were filed in the Registry; it does not apply to streets or proposed streets that may have been created through some other process, such as reference in a property deed.

2. What is the purpose of 23 M.R.S.A. §3032 and what does it require? The controlling statute, 23 M.R.S.A. §3032, was passed to resolve the status of the many paper streets located within the state, many of which were dedicated before and around the turn of the century. These streets often present title problems for abutting neighbors, who must either go through a formal vacation process in order to build in these areas or simply build around them even if the streets do not exist on the face of the earth. The statute requires municipalities to perform an inventory of paper streets and to state affirmatively that they wish to extend the existing public rights in some or all paper streets.

3. What are "public rights" and "private rights" in a paper street? Public rights in a paper street are limited to the right to accept the dedication of the street. Private rights are held by owners of property located within the subdivision in which the streets are located. These people have a private right of passage over the streets shown on the plan. People within the subdivision cannot block other owners' right to pass, and people who own undeveloped land within a subdivision have the right to develop it in accordance with applicable ordinances and codes as long as they do not block passage over these streets.

4. How does 23 M.R.S.A. §3032 work? 23 M.R.S.A. §3032 states that paper streets that are fifteen or more years old will be "deemed to have been subject to an order of vacation" unless the City takes action on them. An order of vacation means that the public rights will immediately cease on September 29, 1997. Under



the vacation process referenced in the statute, private rights also cease, unless owners of those rights file a reservation of their rights in the form of a statement under oath that sets forth the owner's extent, type and basis of the claimed interest in the Registry of Deeds within one year from the date of the vacation order. The owner must then file an court action within 180 days of the date of filing in the Registry. The statute says that the court will find for a claimant in this situation "only if it finds that the claimant has acquired an interest in the proposed way and that the deprivation of rights in the proposed way unreasonably limits access from a public way, a public body of water or common land or facility to the land of the claimant shown on the recorded subdivision plan." A court that finds for a claimant may award damages instead of establishing the claimant's rights within the paper street. This means that the claimant would no longer have any rights within the paper street.

5. What does the City have to do? Staff has prepared an inventory of the paper streets located within the City and has prepared recommendations on whether streets should be excepted from the deemed vacation. The Council must vote upon the list of streets. Staff must record the list in the Registry of Deeds prior to September 29, 1997. If the City does not file a list, its rights in all paper streets dedicated more than fifteen years ago will end.

6. Does the City have to do anything with streets that it excepts from deemed vacation? The City does not have to accept or build any streets that it excepts from deemed vacation. In addition, the Legislature passed an amendment during its last session that clarifies that municipalities may accept paper streets as a public, utility or recreational easement rather than as a full street. This means that the City could accept a paper street for one of these purposes and not have any obligation to build or maintain it as would be required for an accepted street.

6. What happens to paper streets that are deemed vacated? Usually the title to the street will pass to the abutting property owners on either side of the street, each to the centerline. In some cases, however, the original subdivider may have reserved the title to the street by placing a statement in all of the deeds to land in the subdivision. In that case, the title to the street will revert to the subdivider or any assigns or heirs.

7. Will the City give deeds to abutting property owners of streets that will be deemed vacated? The City cannot grant deeds to land in vacated paper streets. The City will be giving up its right to accept the streets. The City does not have any right involving title to a paper street that could be the subject of a deed.

8. Will the City have to go through this process again, as newer subdivision streets come up to the 15-year mark? According to another statute passed in 1987, rights in paper streets must be

accepted within 20 years of their dedication. If a paper street is not accepted within that period, then the public rights automatically terminate. There is no provision in this statute for extending the period of acceptance, and it applies to all newer subdivisions. It does not apply to the older subdivision streets that are subject to 23 M.R.S.A. §3032.

Natalie L. Burns  
Associate Corporation Counsel

NLB:lab

cc: Gary C. Wood, Corporation Counsel  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
Alexander Jaegerman, Chief Planner  
William Tracy, Housing Coordinator  
Richard Blackburn, Assessor

BK 13326PG019

055566

NOTICE

On September 3, 1997, the Portland City Council passed Order # 84, entitled Order *Excepting Streets From Deemed Vacation*. This Order contains a listing of paper streets subject to 23 M.R.S.A. §3032, and sets forth the City's action on each street in a subdivision that is covered by that statute. The list indicates whether the City elected to continue its public rights in a street, to allow the street to be vacated and terminate the public rights, or to do some combination of the two.

A certified copy of Portland City Council Order #84 is recorded in the Cumberland County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_

City of Portland  
*Nadeen M. Daniels*  
Nadeen M. Daniels, City Clerk

Dated: September 16, 1997

U.S.A.

DEPT

84  
ORDER

ORDER EXCEPTING STREETS FROM DEEMED  
VACATION - SPONSORED BY ROBERT B. GANLEY,  
CITY MANAGER.

IN THE CITY COUNCIL

September 1, 19 27.

Attest:

*Nadeen M. Daniels*

Nadeen M. Daniels

Years

No 77

A TRUE COPY. ATTEST  
NADEEN M. DANIELS  
CITY CLERK, PORTLAND, ME

*Nadeen M. Daniels*

Councilor Harlow motioned to suspend the rules seconded  
by Councilor Mavedones. Passed 9-0

Councilor Harlow motioned to take Order 84 out of order,  
seconded by Councilor McDonough. Passed 9-0.

Councilor Harlow motioned to Amend Order 84, to change  
Dudley Street to read continued/vacate continue 340 feet  
from intersection of Lee Street; vacate remainder to Elmore  
Street; Fern Street to read Continue, not Vacate, Rosedale

Continued.....

BR 13326PG021

Street to read Continuo/Vecate, not Vacate; Second Street  
Peaks Island to read Continue, not Vecate;  
seconded by Councilor McDonough. Passed 9-0.

Motion to Pass Order 84 as amended made by Councilor  
Kane; seconded by Councilor Dawson. Passed 9-0.

SEAL

A TRUE COPY. ATTEST  
PAUL E. M. DANIELS  
CITY CLERK, PORTLAND, ME

*Paul E. Daniels*

BK13326PG022

*Order 84*  
*Tab 15 9.3.97*

**City of Portland, Maine**  
OF THE CITY COUNCIL

**ORDER EXCEPTING STREETS FROM DEEMED VACATION**

**ORDERED,** pursuant to 23 M.R.S.A. §3032(2), the streets indicated on Attachment A are hereby excepted from the operation of 23 M.R.S.A. §3032(1) for a period of twenty (20) years.

SEAL

A TRUE COPY. ATTEST  
NADEEN M. DANIELS  
CITY CLERK, PORTLAND, ME

*Nadeen M. Daniels*

STREETEXCEPT.ORD.001  
09.29.97







# PORTLAND MAINE

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

Planning and Development Department  
Lee D. Urban, Director

Planning Division  
Alexander Jaegerman, Director

Mr. James Wolf  
Diversified Properties Inc.  
PO Box 10127  
Portland, ME 04104

June 24, 2005

Dear Mr. Wolf: *Jim*:

RE: Application for Roadway Extension, Beverly Street  
(ID #2004-0200) (CBL 335C074)

On June 24, 2005, the Portland Planning Authority approved the roadway extension on Beverly Street as shown on the approved plan with the following conditions:

1. Two exterior drop connections shall be installed on the catch basin leads that enter Drain Manhole #1.
2. Stop signs and stop bars shall be eliminated on Beverly Street and Beverly Street Extension.
3. Prior to any site or roadway construction, two separate construction easements shall be obtained for work proposed on the abutting properties. Copies of both executed easements shall be submitted to the City prior to any construction.

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. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the

performance guarantee will be released.

5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jay Reynolds at 874-8632.

Sincerely,



Alexander Jaegerman  
Planning Division Director

- cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Inspections  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Fire Prevention  
Assessor's Office  
Approval Letter File



**To:** Marge Schmuckal  
Mike Farmer and Jim Carmody  
Dan Goyette

**From:** Barbara Barhydt

**Date:** September 15, 2007 - Distributed on September 19, 2007

---

Additional information submitted for the following project:

**Application ID #:**

**Project Name:** Beverly Street – 14-403 Street Extension

**Project Address:** Beverly Street

**Comments needed by:** September 28, 2007

Jim Wolf has submitted revised plans that are intended to address the issues raised in Mike Farmer's memo (attached). If the plans are satisfactory, then he will submit seven final sets for distribution. Please review and give me your comments.

Thank you.

Barbara





September 11, 2007

Ms. Barbara Barhydt  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Response to Portland Public Works Department Review Comments  
Beverly Street Extension – Portland, Maine

Dear Barbara:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments made by Michael Farmer dated June 11, 2007 regarding the above referenced project. For ease of review, each comment has been repeated below followed by our response. Four (4) copies of revised plans are enclosed.

*Comment 1 – Prior approval by Tom Errico notwithstanding, the City Transportation Engineer, Jim Carmody requests that the proposed curb on the south side of Saugus Street be extended in a straight line and parallel to the street right of way to the point where it meets the circular curb at the intersection of Saugus St. and Beverly St. Thus, the City Transportation Engineer is not buying the response to comment 4 in Gorrill Palmer's letter.*

**Response** – Gorrill-Palmer has revised the Saugus Street/Beverly Street intersection as requested, thereby extending the curb on the south side of Saugus Street in straight line and parallel to the ROW. Along with the revised intersection, the stop bar and stop sign has been relocated from the Saugus Street approach to the westbound Beverly Street approach. This change was necessary as the revised intersection layout does not provide for adequate channelization for controlling traffic from Saugus Street.

*Comment 2 – DPW is also not buying the response to Comment 5 in Gorrill Palmer's letter. We do not want to allow utilities and driveways to be built to encourage the development of future lots that may have severe environmental problems. If the developer wants to build driveways and utilities to serve future lots, he should identify the lots, wetlands, streams, swales, slopes, and building envelopes and demonstrate that the lots can be developed without causing environmental problems.*

**Response** – Conceptual grading plans for the potential future lots accessed by the two proposed driveways off of Beverly Street are shown on the enclosed Conceptual Grading Plans. These grading concepts illustrate the ability to construct a typical house on each lot within the property lines, setbacks,

Ms. Barbara Barhydt  
City of Portland  
September 11, 2007  
Page 2 of 3

wetlands, topography and other constraints. The developer is not seeking approval for these two future lots at this time and would provide detailed site layout and grading plans when a building permit application is submitted.

*Comment 3 – DPW does not agree with the response to Comment 8. We feel that the water main should be built in its legal location even if this is over an existing storm drain. Portland Water District has reviewed and approved the revised water main location (see attached e-mail from Rico Spugnardi at PWD).*

**Response –** The Roadway Layout & Utility Plan has been revised to depict the proposed water main 8 feet left of the roadway centerline, as requested. A copy of the revised plan has been submitted to the Portland Water District for their review and approval on the proposed water main location.

*Comment 4 – If sewer laterals for the two future lots are going to be built, they should not use chimney connections. Connections that slope upward at 3:1 near the sewer main could be used instead of vertical or near vertical chimneys.*

**Response –** The enclosed plan set has been revised to remove chimney connections for the sewer laterals and to note a maximum 3:1 slope for sewer service laterals adjacent to the sewer main.

*Comment 5 – The medium intensity soils map indicates Scantic soils at or near the site, which suggests the possibility of compressible soils beneath Beverly Street. Is long term settlement of the road fill a potential problem because of the proposed fill and compressible soils?*

**Response –** The developer shall retain S.W. Cole Engineering, Inc. to coordinate soils investigations and provide a geotechnical engineering report and recommendations for construction of the proposed street extension and roadway embankments prior to construction, as noted on Drawing C-102.

*Comment 6 – Is the proposed excavation at the existing sewer manhole deep enough to require a shoring plan approved by a professional engineer?*

**Response –** A local contractor, A.H. Grover Inc., provided the following information indicating that a shoring plan is not required:

“The manhole will be put in before final grade, making it only 17' deep. OSHA law only requires that excavations more than 21' deep have a shoring plan. This manhole will be put in using a standard 8' deep trench box on the bottom, and the top 9' will be open cut and sloped back according to OSHA regulations. No shoring plan is required.”

Ms. Barbara Barhydt  
City of Portland  
September 11, 2007  
Page 3 of 3

Additional comments were received by the applicant upon meeting with City Staff on August 29, 2007. As a result of that meeting, the driveway apron for the future northeast lot has been shifted to the west such that the centerline of the apron is 35 feet from the right-of-way corner, in accordance with City of Portland Technical and Design Standards and Guidelines. It is anticipated that water service for this lot and the lot to the south will be provided from Randolph Street, at such time that a development plan for these lots has been generated. Based on a service map (attached) provided by the Portland Water District, there is an 8" ductile iron water main within Randolph Street, which terminates at the proposed Beverly Street Extension. As the Applicant currently has no development plans for either of these lots, the existing main will not be extended as part of extending Beverly Street. It is anticipated that the existing 8" main would be extended to provide service to these two lots when a development plan is proposed.

The applicant will provide a revised Amended Boundary Survey from Titcomb Associates under separate cover following the City's review of the enclosed plans.

Gorrill-Palmer appreciates the opportunity to respond to these comments and looks forward to your review of our responses. Should you have any questions or require any additional information, please feel free to contact us.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Lawrence R. Bastian, P.E.  
Senior Engineer

Enclosure

CC: Jim Wolf, Diversified Properties, Inc.

## SPACE AND BULK REQUIREMENTS – R-2 ZONE

MINIMUM LOT SIZE: 10,000 S.F.

MINIMUM FRONTAGE: 50 FT.

MINIMUM SETBACKS:

FRONT YARD 25 FT.

REAR YARD 25 FT.

SIDE YARD\*

1 STORY 12 FT.

1 1/2 STORY 12 FT.

2 STORY 14 FT.


2 1/2 STORY 16 FT.

MINIMUM LOT WIDTH: 80 FT.

\* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN TWELVE (12) FEET IN WIDTH.

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A 2 STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.

Design: DER	Date: SEPT 04
Draft: CAH	Job No.: 1081
Checked: AMP	Scale: NTS
File Name: 1081-SPACE AND BULK - LOTS	

 <i>Traffic and Civil Engineering Services</i>

Drawing Name: <b>Space &amp; Bulk Requirements</b>
Project: <b>BEVERLY STREET, PORTLAND</b>

Figure No. <b>1</b>
------------------------



**CITY OF PORTLAND, MAINE**

Planning and Development Department  
Planning Division

389 Congress Street, Portland, Maine 04101  
(207) 874-8719 Fax (207) 756-8258

Sent e-mail 10/2/07

Beverly St

- 1. Jim, doesn't have enough lighting | 3 total  
100' apart - | Town +  
Country  
poles
- sign #2 - no parking

Iris Workshop -

truncated dome

-90° to details

-Detail - future

2. curb line needs to be extended

3. Drainage easement - over lot - northern side - catch basin discharge

- copy of sewer Q DW -
- drainage easement - 30' - ctr line of
- easements -

catch basin Pipe +  
drainage  
course  
- existing +  
replaced  
culvert -

-language-

-50 foot easement around stream-

- wetland fill part - DEP

- Define channel on plan or - drainage rights -

Post Office Box 10127  
Portland, Maine 04104  
207-773-4988  
Fax 207-773-6875

**Diversified  
Properties**

# MEMO

**To:** Barbara Barhydt, Mike Farmer, Phil  
Dipiero

**From:** Jim Wolf

**Fax:**

**Pages:**

**Phone:**

**Date:** 10/22/2007

**Re:** Beverly Street Extension

**CC:**

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

● **Comments:**

**To All**

**Attached please find what we hope to be our final set of plans. The following changes have been incorporated and complete the list given by staff.**

- 1. Curb has been extended**
- 2. Light poles have been added**
- 3. Easements have been added**
- 4. Ramp detail has been eliminated**

**I look forward to hearing that we may now move forward. Thank you.**

**RECEIVED**

**OCT 22 2007**

City of Portland  
Planning Division



May 18, 2007

Ms. Barbara Barhydt  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Response to Comments by Michael Farmer, Portland Public Works  
Beverly Street – Portland, Maine

Dear Barbara:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments made by Michael Farmer dated April 5<sup>th</sup> regarding the above referenced project. As you know, this project was previously approved as a dead end street with a turnaround. This amendment application would extend Beverly Street through to Randolph Street and eliminate the turnaround. For ease of review, each comment has been repeated below followed by our response. Nine (9) copies of revised plans are enclosed.

*Comment 1 – The proposed new paved section of Beverly Street should extend to the gravel traveled way in Randolph Street. An alternative would be to construct a turnaround on Beverly Street.*

**Response** – The full length of the proposed extension of Beverly Street has been revised to be bituminous pavement, extending to Randolph Street.

*Comment 2 – The proposed new paved section of Beverly Street should be 28 feet wide, which conforms to the City's standard for a minor residential street.*

**Response** – The plans have been revised to reflect the 28-foot roadway width for a minor residential street.

*Comment 3 – The driveways located near 1+55, RT and 1+80, RT are too close together.*

**Response** – The driveway located near STA 1+80 RT has been shifted to provide the minimum 20-feet of separation between driveways as indicated in Section III.2.B.b of the Technical and Design Standards and Guidelines.

*Comment 4 – The City Transportation Engineer has requested that the proposed curb on the south side of Saugus Street be extended in a straight line and parallel to the street right of way to the*



Ms. Barbara Barhydt  
City of Portland  
May 18, 2007  
Page 2 of 4

*point where it meets the circular curb at the corner of the intersection of Saugus Street and Beverly Street.*

**Response** – The roadway configuration proposed was previously discussed between the Applicant, City Staff and Gorrill-Palmer. The proposed configuration was approved by Tom Errico, as indicated in a comment response letter from Gorrill-Palmer dated May 25, 2005, addressed to Jay Reynolds. If an alternative roadway configuration is proposed by the City Transportation Engineer, Gorrill-Palmer would request additional discussions with City Staff to confirm the desired layout.

**Comment 5** – *Sheet C101 identifies two new lots. However, the plan shows a road extension, driveway aprons and utilities to serve two additional lots. The additional lots should be shown on the plan so City staff can review the lots and the impacts of their development. If the two additional lots are not legal lots, we would not support extending the sewer and other utilities and constructing driveway aprons to serve them.*

**Response** – The applicant is proposing to create two lots at this time. The sewer and utility extensions and the two driveway aprons shown on the plans would provide for two additional future lots on land owned by the applicant, subject to City approval. Deeds for land in this area are enclosed with this letter.

**Comment 6** – *We recommend installing three new street lights on Town and Country poles along the south side of Beverly Street. One should be at the intersection with Saugus Street and the other two should be spaced so the three lights are 120 feet apart along the proposed street extension.*

**Response** – The applicant proposes to install one new Town & Country light fixture and pole and two light fixtures meeting CMP requirements on existing utility poles. The applicant understands that lighting plans combining Town & Country fixtures and fixtures mounted on utility poles have been approved on several similar projects (Farragut Street, Haskell Street and Barclay Avenue). Proposed lighting locations are noted on the plans (C101).

**Comment 7** – *If the sewer extension is allowed, there should be a manhole at the end of the pipe and the laterals should connect to the sewer between manholes. The new sewer manhole should be 3 feet off center to conform to the City design standard.*

**Response** – A sewer manhole is proposed at the terminus of the sewer extension, 3-feet right of the centerline to conform to City standards.

**Comment 8** – *A water main is proposed under the sidewalk. The water main should be relocated to its legal location, in accordance with the City design standard.*

**Response** – Installing the water main at the standard location 8 feet left of centerline would place the main directly above an existing 36-inch drain pipe which skews diagonally across the

Ms. Barbara Barhydt  
City of Portland  
May 18, 2007  
Page 3 of 4

right-of way at a depth of +/-19 feet below proposed finish grade. This location would not provide the minimum horizontal separation of 3-feet between pipes, as required by the Portland Water District. The proposed location under the right sidewalk is intended to reduce potential conflict with future maintenance of the existing drain pipe.

*Comment 9 – On the road cross section detail, the depth of gravel for the sidewalk should be 10 inches, the pavement in the roadway should be ½” asphalt concrete, not 3/8”, and the street pavement width should be 28 feet.*

**Response –** The roadway cross section detail has been revised to reflect the current minor residential street typical section.

*Comment 10 – On sheet C103, the catch basins should be located 13.17 feet from the road centerline to the center of the structures, not 11 feet.*

**Response –** The offsets for the proposed catch basins has been revised to correspond to the 28-foot travelway.

*Comment 11 – The survey information should identify the area of Beverly Street that will be offered to the City of acceptance. The survey plan should include a complete boundary survey of this area.*

**Response –** The applicant requests that the City provide guidance on the desired location for the end of the Beverly Street right-of-way adjacent to Randolph Street (private way). A boundary survey of the proposed right-of-way would then be provided.

*Comment 12 – The surveyor for the developer should provide information describing how the street lines of Beverly and Saugus Streets were determined and how the end of the accepted portion of Beverly Street was located. This information and the survey plan will be reviewed by Bill Clark of the Engineering Division. He will also recommend locations for street monuments on the street extension.*

**Response –** The surveyor, Titcomb Associates, consulted with Bill Clark and reviewed City records to determine the end of the existing accepted portion of Beverly Street. Titcomb Associates would coordinate with Bill Clark to respond to any further comments.

*Comment 13 – The plans do not indicate whether above ground or below ground electric, telephone and cable TV would be provided. Projects of this type typically have below ground electric, telephone and cable TV. The plans should clearly state what is being proposed.*

**Response –** Overhead electrical service is proposed for the two new lots. We understand that CMP previously indicated a preference for preserving overhead power at this location. Jim Wolf is



Ms. Barbara Barhydt  
City of Portland  
May 18, 2007  
Page 4 of 4

meeting with CMP at the site on May 22, 2007 to confirm electrical service requirements, and will provide further information to the City after that meeting.

Gorrill-Palmer appreciates the opportunity to respond to these comments and looks forward to your review of our responses. Should you have any questions or require any additional information, please feel free to contact me.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

A handwritten signature in blue ink, appearing to read "Lawrence R. Bastian". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lawrence R. Bastian, P.E.  
Senior Engineer

Enclosure

CC: Jim Wolf, Diversified Properties, Inc.

*LRB/rmg/JN1081/BarhydtC&R\_04-24-07*

QUITCLAIM DEED WITH COVENANT

ATL HOLDINGS LLC, a Florida limited liability company with a place of business in Portland, County of Cumberland, State of Maine, for consideration paid, grants to W.A. ONE, a Maine corporation with a place of business in Portland, Cumberland County, Maine, with **QUITCLAIM COVENANTS**, the land and buildings situated in the City of Portland, County of Cumberland, and State of Maine, and more particularly bounded and described on Schedule A attached hereto and made a part hereof.

IN WITNESS WHEREOF, ATL Holdings LLC has caused this instrument to be signed by Susan K. LaBrie, its duly authorized Manager, this 20<sup>th</sup> day of September, 2006.

WITNESS:

ATL HOLDINGS LLC

Linda Madsen  
LINDA MADSEN

By: Susan K. LaBrie  
Susan K. LaBrie  
Its Duly Authorized Manager

STATE OF MAINE  
CUMBERLAND COUNTY, ss.

September 20, 2006

Then personally appeared the above-named Susan K. LaBrie, Manager of the said ATL Holdings LLC, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of the said limited liability company.

Before me,



Sue Wight  
Notary Public Sue Wight  
My Commission Expires: 4-28-2013

MAINE REAL ESTATE TAX PAID

## SCHEDULE A

Certain lots or parcels of land with the buildings thereon situated on Randolph Street in the City of Portland, County of Cumberland and State of Maine, and being lots numbered Four Hundred thirty-three (433), Four hundred thirty-four (434), Four hundred thirty-five (435) and Four hundred thirty-six (436) as shown on plan of Woodfords Gardens, belonging to J.W. Wilber Co., Inc., said plan being made by Ernest C. Branch, C.E., dated November 16, 1916 and recorded in the Cumberland County Registry of Deeds in Plan Book 13, Page 75, to which Plan and recording reference is hereby made for a more particular description of said premises.

Also hereby conveying a twelve foot (12') strip of land along the northerly sideline of lot 432 as shown on said Plan, being bounded and described as follows: beginning at the northeasterly corner of said lot 432, said corner being also the southeasterly corner of said lot 433 on said Plan; thence westerly along the northerly sideline of said lot 432 to the northwesterly corner of said lot; thence southerly along the westerly sideline of said lot 432 twelve feet (12') to a point; thence easterly on a course parallel to the northerly sideline of said lot 432 to the easterly sideline of lot 432 and Randolph Street; thence northerly along the westerly sideline of said Randolph Street and the easterly sideline of said lot 432 twelve feet (12') to the point of beginning.

Being the same premises conveyed to ATL Holdings LLC by Harry W. Andrews, Jr., by Warranty Deed dated September 9, 2004 and recorded in the Cumberland County Registry of Deeds in Book 21779, Page 185.

Received  
Recorded Register of Deeds  
Sep 21, 2006 03:11:29P  
Cumberland County  
John B O'Brien



10492

BK 11842 PG 315

QUIT CLAIM RELEASE

R.J. GRONDIN & SONS, a Maine corporation with a principal place of business in the Town of Gorham, County of Cumberland and State of Maine

For Consideration Paid, RELEASES TO:

DIVERSIFIED PROPERTIES, INC., a Maine corporation with a principal place of business in the City of Portland, County of Cumberland and State of Maine

The following described real property situated in the City of Portland, County of Cumberland and State of Maine, and being Lots 53 through 57; 70 through 85; 107 and 108; 111 and 112; 153 through 161; 166 through 171; 243 and 244; 251 through 256; 288 through 306; 318 through 333; 364 through 374; 379 through 385; 390 through 392; 516 through 532; and 536 and 537, all of which are shown on Plan of Woodfords Gardens recorded at the Cumberland County Registry of Deeds in Plan Book 13, Page 75.

Excepting from the above described premises that portion of Lots 169 through 171 conveyed to Custom Built Homes by deed recorded at said Registry of Deeds in Book 11271, Page 2.

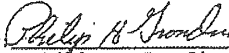
Also conveying all rights, titles and interest in said streets, ways and utilities as shown on said Plan in common with the owners of the other lots shown on said Plan, and subject to the right of all the said lot owners to make any customary use of said streets and ways.

Meaning and intending to convey and hereby conveying all of Grantor's right, title and interest in the premises described herein.

Being a portion of the premises conveyed to the Grantor herein by deeds of Lloyd B. Wolf dated November 26, 1991 and recorded at the Cumberland County Registry of Deeds in Book 9823, Page 142 and by deed dated March 23, 1993 and recorded at the said Registry of Deeds in Book 10698, Page 27.

WITNESS my hand this 6<sup>th</sup> day of March, 1995.

R.J. GRONDIN & SONS

By   
Philip H. Grondin  
Its Treasurer

Cumberland County Recorder Of Deeds Disclaimer

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BK 11842 PG 316

STATE OF MAINE  
CUMBERLAND, SS.

March 6, 1995

Then personally appeared the above-named PHILIP H. GRONDIN, Treasurer of R.J. GRONDIN & SONS as aforesaid, 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,

*George F. Burns*  
Attorney at Law/Notary Public  
GEORGE F. BURNS

RECEIVED  
RECORDED REGISTRY OF DEEDS  
95 MAR -9 PM 2:50  
CUMBERLAND COUNTY  
*John B. O'Brien*

-2-

Cumberland County Recorder Of Deeds Disclaimer

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BK11967PG011

27631

STATUTORY WARRANTY DEED

I, LLOYD B. WOLF, of the City of Portland, County of Cumberland and State of Maine

FOR CONSIDERATION PAID, GRANT to:

DIVERSIFIED PROPERTIES, INC., A Maine Corporation with a place of business in the City of Portland, County of Cumberland, and State of Maine

with WARRANTY COVENANTS, the following described real property situated in the City of Portland, County of Cumberland, and State of Maine, being property described in Exhibit A annexed hereto and made a part hereof.

WITNESS my hand this 17<sup>th</sup> day of June, 1995.

\_\_\_\_\_  
*Lloyd B. Wolf*  
Lloyd B. Wolf

THE STATE OF MAINE Cumberland, ss June 19, 1995

Then personally appeared the above-named Lloyd B. Wolf, and acknowledged the foregoing instrument to be his free act and deed.

Before me, *Jeanne M. O'Brien*  
Attorney-at-Law/Notary Public  
Jeanne M. O'Brien

SEAL

Cumberland County Recorder Of Deeds Disclaimer

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BK11967PG012

EXHIBIT A

Certain lots or parcels of land and improvements thereon situated off Forest Avenue, in the City of Portland, and being lots 386, 387, 388, 389, 533, 534 and 535 as shown on Plan of Woodfords Gardens, said Plan prepared for J. W. Wilbur Company, Inc., said plan being made by Ernest W. Branch, C.E. dated November 16, 1916, and recorded at the Cumberland County Registry of Deeds in Plan Book 13, Page 75.

RECEIVED  
RECORDED REGISTRY OF DEEDS  
55 JUN 19 AM 10:32  
CUMBERLAND COUNTY  
*John B. O'Brien*

Cumberland County Recorder Of Deeds Disclaimer

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**From:** Steven Earley  
**To:** Penny Littell  
**Date:** 1/19/2007 9:10:47 AM  
**Subject:** Re: Beverly Street project, Jim Wolf

Randolph Street is one of the many gravel roads we have been plowing and maintaining as far back as I can remember, and beyond. This topic of maintaining these roads have come up more and more recently, as far as what obligation we have to provide services to these roads, and maybe we should have more discussions about this. I was told early in my career by the former Director and Street Superintendent, that we (the City) have an obligation to provide minimum services in order to provide emergency access to the residents of these roads under a State Statute, that is why we have plowed and graded these roads once or twice a year. If this is not the case anymore, than someone needs to tell me to stop providing this service, otherwise, I plan to continue this practice.

>>> Penny Littell 01/19 8:28 AM >>>

Thanks Mike. Steve: under what authority are we plowing and maintaining an unaccepted gravel road?

>>> Michael Farmer 1/18/2007 3:04:30 PM >>>

I talked to Steve Earley, DPW Street and Utilities Manager, about the proposed street extension. He reported that the City regularly plows Randolph Street. He saw no need for a newly constructed turn-a-round and he indicated that the City plowing crews probably would not use the turn-a-round. He suggested that the proposed new pavement on Beverly Street should extend to the existing gravel traveled way in Randolph Street.

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

**CC:** Barbara Barhydt; David Peterson; Michael Bobinsky; Michael Farmer

Bowling St -  
- turn-around -  
Dedicated - unaccepted St  
Bundolph St - status  
Mike Farmer - check to see maintain  
Side walk - question -  
- wetland - slope - // sidewalk +  
- coplanar -  
- wetland - gives \$43,000  
Bowling St -  
- deep curve -  
Roundset Intersect - 50' -  
- open drainage  
- w/ sewer line  
Bowling St -  
14-403 - a subdivision -  
- no division under attempts to  
- an abutter -

**CITY OF PORTLAND  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division**

**M E M O**

TO: Barbara Barhydt  
FROM: Michael Farmer, Project Engineer  
DATE: April 5, 2007  
RE: Beverly Street project

I am submitting the following comments on behalf of the Department of Public Works, based on a review of the following plans.

Sheets C100, C101, C102, C103, C401, C402, and C403 revised 3-1-2007  
Amended Boundary Plan revised 12-14-2006

1. The proposed new paved section of Beverly Street should extend to the gravel traveled way in Randolph Street. An alternative would be to construct a turnaround on Beverly Street.
2. The proposed new paved section of Beverly Street should be 28 feet wide, which conforms to the City's standard for a minor residential street.
3. The driveways located near 1+55, RT and 1+80, RT are too close together.
4. The City Transportation Engineer has requested that the proposed curb on the south side of Saugus Street be extended in a straight line and parallel to the street right of way to the point where it meets the circular curb at the corner of the intersection of Saugus St. and Beverly Street.
5. Sheet C101 identifies two new lots. However, the plan shows a road extension, driveway aprons, and utilities to serve two additional lots. The additional lots should be shown on the plan so City staff can review the lots and the impacts of their development. If the two additional lots are not legal lots, we would not support extending the sewer and other utilities and constructing driveway aprons to serve them.
6. We recommend installing three new street lights on Town and Country poles along the south side of Beverly Street. One should be at the intersection with Saugus Street and the other two should be spaced so the three lights are 120 feet apart along the proposed street extension.
7. If the sewer extension is allowed, there should be a manhole at the end of the pipe and the laterals should connect to the sewer between manholes. The new sewer manhole should be 3 feet off center to conform to the City design standard.
8. A water main is proposed under the sidewalk. The water main should be relocated to its legal location, in accordance with the City design standard.
9. On the road cross section detail, the depth of gravel for the sidewalk should be 10 inches, the depth of gravel for the driveway apron detail should be 12 inches, the surface course of pavement in the roadway should be ½" asphalt concrete, not 3/8", and the street pavement width should be 28 feet.

10. On sheet C103, the catch basins should be located 13.17 feet from the road centerline to the center of the structures, not 11 feet.
11. The survey information should identify the area of Beverly Street that will be offered to the City for acceptance. The survey plan should include a complete boundary survey of this area.
12. The surveyor for the developer should provide information describing how the street lines of Beverly and Saugus Street were determined and how the end of the accepted portion of Beverly Street was located. This information and the survey plan will be reviewed by Bill Clark of the Engineering Division. He will also recommend locations for street monuments on the street extension.
13. The plans do not indicate whether above ground or below ground electric, telephone, and Cable TV would be provided. Projects of this type typically have below ground electric, telephone, and Cable TV. The plans should clearly state what is being proposed.



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

**CC:** Barbara Barhydt; David Peterson; Michael Bobinsky; Michael Farmer

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "'Barbara Barhydt'" <BAB@portlandmaine.gov>  
**Date:** 12/29/2006 1:13:12 PM  
**Subject:** RE: Beverly Street

Sounds great. Have a happy new year.

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

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]  
Sent: Friday, December 29, 2006 12:35 PM  
To: jmw1@maine.rr.com  
Subject: Re: Beverly Street

Hi Jim:

I will contact you next week about setting something up. I will need to check with others regarding their schedules.

Thanks.

Barbara

Barbara Barhydt  
Acting Development Review Manager  
Planning Division  
389 Congress Street 4th Floor  
Portland, ME 04101

(207) 874-8699  
Fax: 756-8256  
bab@portlandmaine.gov

>>> "Jim Wolf" <jmw1@maine.rr.com> 12/28/2006 1:19:13 PM >>>  
Barbara

For some time we have been working on a 14-403 street extension at Beverly Street. Our plans were approved with a turnaround, however, after further discussions with Public Works we decided to add a length of road and eliminate the turnaround.

Eric has suggested that I send the revised plans to you. I thought I'd give you a heads up so that you could speak with him prior to his leaving.

Our revised plans will be ready for review/submittal the week of the 8th. Eric suggested we submit to you. Do you have any time that week to meet?

As always, thank you for your help.

Jim

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

From: Eric Labelle [mailto:EJL@portlandmaine.gov]  
Sent: Wednesday, December 27, 2006 4:20 PM  
To: jmw1@maine.rr.com  
Subject: Re: Beverly Street

The word is out, thanks.

I would send it to Barbara Barhydt. Mike Farmer will likely be your contact here.

Eric

>>> "Jim Wolf" <jmw1@maine.rr.com> 12/27 12:54 PM >>>

Eric

We are just about ready to submit the revised Beverly Street plan.

Who

does

this go to?

Congratulations on the new position.

Jim

James Wolf

Diversified Properties, Inc.

Post Office Box 10127

Portland, Maine 04104

1-207-773-4988

1-207-773-6875 fax

**CITY OF PORTLAND  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division**

**M E M O**

TO: Shukria Wiar  
FROM: Michael Farmer, Project Engineer  
DATE: June 11, 2007  
RE: Beverly St. Extension project.

I am submitting the following comments on behalf of the D. P. W, upon review of the letter from Gorrill-Palmer Consulting Engineers dated May 18, 200 and the plans revised as of 5-17-2007.

1. Prior approval by Tom Errico notwithstanding, the City Transportation Engineer, Jim Carmody requests that the proposed curb on the south side of Saugus Street be extended in a straight line and parallel to the street right of way to the point where it meets the circular curb at the intersection of Saugus St. and Beverly St. Thus, the City Transportation Engineer is not buying the response to comment 4 in Gorrill Palmer's letter.
2. DPW is also not buying the response to Comment 5 in Gorrill Palmer's letter. We do not want to allow utilities and driveways to be built to encourage the development of future lots that may have severe environmental problems. If the developer wants to build driveways and utilities to serve future lots, he should identify the lots, wetlands, streams, swales, slopes, and building envelopes and demonstrate that the lots can be developed without causing environmental problems.
3. DPW does not agree with the response to Comment 8. We feel that the water main should be built in its legal location even if this is over an existing storm drain.
4. If sewer laterals for the two future lots are going to be built, they should not use chimney connections. Connections that slope upward at 3:1 near the sewer main could be used instead of vertical or near vertical chimneys.
5. The medium intensity soils map indicates Scantic soils at or near the site, which suggests the possibility of compressible soils beneath Beverly Street. Is long term settlement of the road fill a potential problem because of the proposed fill and compressible soils?
6. Is the proposed excavation at the existing sewer manhole deep enough to require a shoring plan approved by a professional engineer?

**From:** "Alton Palmer" <APalmer@gorrillpalmer.com>  
**To:** "Barbara Barhydt" <BAB@portlandmaine.gov>  
**Date:** 1/9/2007 4:50:11 PM  
**Subject:** RE: Beverly Street

Hi,

8:30 to 9:30 on Tuesday also works for us.

I may be available on Thursday the 18th, but anticipate testifying at a BEP hearing that we are waiting for a time. The agenda is supposed to be published by the 12th. Late in the afternoon would probably be ok, as the BEP meetings start at 9:00 am.

Thanks,

Al Palmer

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

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]  
Sent: Tuesday, January 09, 2007 4:44 PM  
To: Alton Palmer  
Cc: jmw1@maine.rr.com  
Subject: RE: Beverly Street

I am sorry, but Penny is not available and I still have not heard from any of the others. I will try again tomorrow with an alternative time and date.

Barbara

>>> "Alton Palmer" <APalmer@gorrillpalmer.com> 1/9/2007 2:53:46 PM >>>  
Hi,

I haven't seen any other responses.

I know it works for Jim and me.

Thanks,

Al Palmer

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

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]  
Sent: Tuesday, January 09, 2007 2:39 PM  
To: Alton Palmer  
Subject: RE: Beverly Street

Have the others responded, as I have not confirmed it with anyone else?

Barbara

>>> "Alton Palmer" <APalmer@gorrillpalmer.com> 1/9/2007 2:14:16 PM >>>

Hi,

We'll be at Planning on the 16th at 4:00 pm.

Thanks,

Al Palmer

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

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]

Sent: Tuesday, January 09, 2007 9:21 AM

To: Alton Palmer; jmw1@maine.rr.com

Cc: Doug Reynolds; Larry Bastian; Alex Jaegerman ; Eric Labelle; Marge

Schmuckal; Michael Farmer; Penny Littell

Subject: RE: Beverly Street

Monday the 15th is a holiday. I am available from 8:30 to 9:30 or  
from  
4 to 5 on Tuesday the 16th. I am not available on the 19th.

Barbara

>>> "Alton Palmer" <APalmer@gorrillpalmer.com> 1/9/2007 9:02:56 AM >>>

Hi,

The 9:00 am on the 10th is cancelled.

During the week of Jan 15th, we are available:

- \* anytime on Monday the 15th
- \* Between 8 and 10 and after 4 on Tuesday the 16th
- \* Anytime on Friday the 19th

Please let us know if any of these dates/times work for you.

Thanks,

Al Palmer

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

From: Barbara Barhydt [mailto:BAR@portlandmaine.gov]

Sent: Monday, January 08, 2007 11:44 AM

To: Alton Palmer; jmw1@maine.rr.com

Cc: Alex Jaegerman ; Eric Labelle; Marge Schmuckal; Michael Farmer;  
Penny Littell

Subject: RE: Beverly Street

Hi Jim and Al:

Eric and I are not available at any of the times you suggest Al. At this point, I would recommend that we reschedule to a time during the week of Jan. 15th. Eric will brief Mike Farmer on the Beverly Street project. I would like to meet on both items (Beverly and Castine) in one meeting, so I am assuming the 9 a.m. meeting we scheduled for January 10th is now canceled. Please confirm.

Thank you.

Barbara

Barbara Barhydt

Acting Development Review Manager

Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: 756-8256

bab@portlandmaine.gov

>>> "Alton Palmer" <APalmer@gorrillpalmer.com> 1/5/2007 8:01:27 AM >>>

Barbara,

I missed an appointment on my schedule, and can't make 9:00 am on Wednesday.

I could meet Monday afternoon, Tuesday afternoon, Wed after 3:00 pm, Thursday afternoon, or anytime Friday.

Sorry for the confusion.

Thanks,

Al Palmer

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

From: James Wolf [mailto:jmw1@maine.rr.com]

Sent: Friday, January 05, 2007 7:56 AM

To: Barbara Barhydt

Cc: Alton Palmer

Subject: Re: Beverly Street

We will see you than. Thank you

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

From: "Barbara Barhydt" <BAB@portlandmaine.gov>



To: <jmw1@maine.rr.com>

Cc: "Alex Jaegerman" <AQJ@portlandmaine.gov>

Sent: Thursday, January 04, 2007 10:46 AM

Subject: RE: Beverly Street

> Hi Jim:

>

> Are you and Al Palmer available to meet on Wednesday, January 10,  
2007

> from 9 a.m. to 10 a.m.? I am still trying to confirm this with  
public

> works and others, but I am suggesting this time to them. I am

> suggesting that we talk about both Castine and Beverly at that  
time.

> If you could provide us with information ahead of time regarding  
both

> items that would be helpful.

>

> Thank you.

>

> Barbara

>

>>>> "Jim Wolf" <jmw1@maine.rr.com> 12/29/2006 12:49:16 PM >>>

> Sounds great. Have a happy new year.

>

> -----Original Message-----

> From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]

> Sent: Friday, December 29, 2006 12:35 PM

> To: jmw1@maine.rr.com

> Subject: Re: Beverly Street

>

> Hi Jim:

>

> I will contact you next week about setting something up. I will  
need

> to check with others regarding their schedules.

>

> Thanks.

>

> Barbara

>

> Barbara Barhydt

> Acting Development Review Manager

> Planning Division

> 389 Congress Street 4th Floor

> Portland, ME 04101

>

>

> (207) 874-8699

> Fax: 756-8256

> bab@portlandmaine.gov

>

>>>> "Jim Wolf" <jmw1@maine.rr.com> 12/28/2006 1:19:13 PM >>>

> Barbara

>

> For some time we have been working on a 14-403 street extension at

> Beverly

> Street. Our plans were approved with a turnaround, however, after

> further

> discussions with Public Works we decided to add a length of road and

> eliminate the turnaround.

>

> Eric has suggested that I send the revised plans to you. I thought

> I'd

> give

> you a heads up so that you could speak with him prior to his  
leaving.

>

> Our revised plans will be ready for review/submittal the week of the

> 8th.

> Eric suggested we submit to you. Do you have any time that week to

> meet?

>

> As always, thank you for your help.

>

> Jim

>

>

> -----Original Message-----

> From: Eric Labelle [mailto:EJL@portlandmaine.gov]

> Sent: Wednesday, December 27, 2006 4:20 PM

> To: jmw1@maine.rr.com

> Subject: Re: Beverly Street

>

> The word is out, thanks.

> I would send it to Barbara Barhydt. Mike Farmer will likely be  
your

> contact here.

> Eric

>

>>>> "Jim Wolf" <jmw1@maine.rr.com> 12/27 12:54 PM >>>

> Eric

>

>

>

> We are just about ready to submit the revised Beverly Street plan.

> Who

> does

> this go to?

>

>

>

> Congratulations on the new position.

>

>

>

> Jim

>

>

>

>

>

>

>

>

>

> James Wolf

>

> Diversified Properties, Inc.

>

> Post Office Box 10127

>

> Portland, Maine 04104

>

> 1-207-773-4988

>

> 1-207-773-6875 fax

>

>

>

>

>

>

CC: <jmw1@maine.rr.com>

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "'Barbara Barhydt'" <BAB@portlandmaine.gov>  
**Date:** 12/28/2006 1:46:13 PM  
**Subject:** Beverly Street

Barbara

For some time we have been working on a 14-403 street extension at Beverly Street. Our plans were approved with a turnaround, however, after further discussions with Public Works we decided to add a length of road and eliminate the turnaround.

Eric has suggested that I send the revised plans to you. I thought I'd give you a heads up so that you could speak with him prior to his leaving.

Our revised plans will be ready for review/submittal the week of the 8th. Eric suggested we submit to you. Do you have any time that week to meet?

As always, thank you for your help.

Jim

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

From: Eric Labelle [mailto:EJL@portlandmaine.gov]  
Sent: Wednesday, December 27, 2006 4:20 PM  
To: jmw1@maine.rr.com  
Subject: Re: Beverly Street

The word is out, thanks.

I would send it to Barbara Barhydt. Mike Farmer will likely be your contact here.

Eric

>>> "Jim Wolf" <jmw1@maine.rr.com> 12/27 12:54 PM >>>

Eric

We are just about ready to submit the revised Beverly Street plan. Who does this go to?

Congratulations on the new position.

Jim

James Wolf

Diversified Properties, Inc.

Post Office Box 10127

Portland, Maine 04104

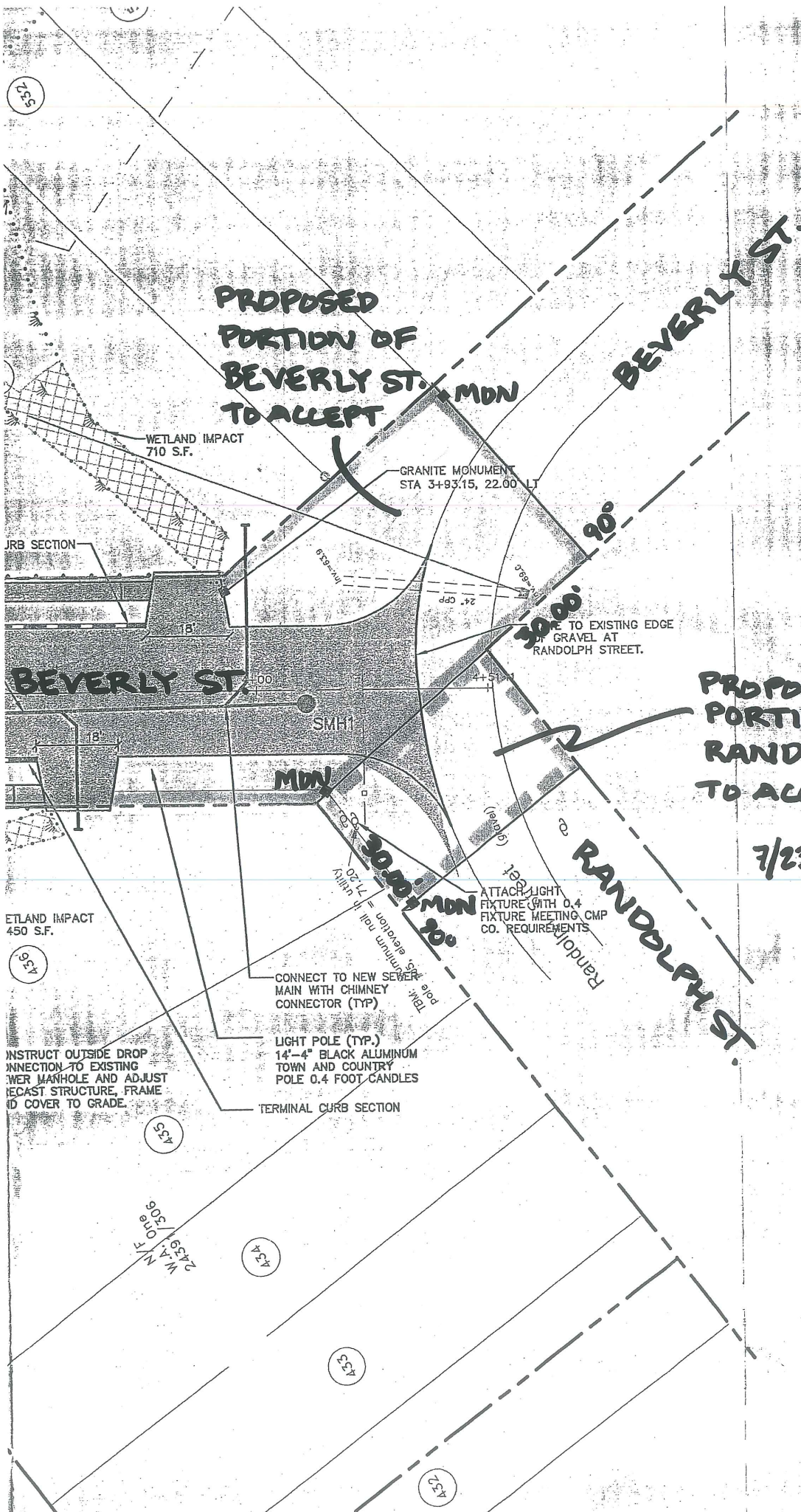
1-207-773-4988

1-207-773-6875 fax



FILE  
COPIES  
FAX'D TO  
MIKE  
FARMER  
PENNY  
LITTELL  
JIM  
WOLF  
BARBARA  
BARHYDT

- NOTES:
1. TWO STR
  2. CONTRA
  3. THE CON
  4. OVERHE



PROPOSED  
PORTION OF  
RANDOLPH ST.  
TO ACCEPT

7/23/07 WBC

INSTRUCT OUTSIDE DROP  
CONNECTION TO EXISTING  
SEWER MANHOLE AND ADJUST  
RECAST STRUCTURE, FRAME  
AND COVER TO GRADE.

LIGHT POLE (TYP.)  
14'-4" BLACK ALUMINUM  
TOWN AND COUNTRY  
POLE 0.4 FOOT CANDLES

TERMINAL CURB SECTION

CONNECT TO NEW SEWER  
MAIN WITH CHIMNEY  
CONNECTOR (TYP)

ATTACH LIGHT  
FIXTURE WITH 0.4  
FIXTURE MEETING CMP  
CO. REQUIREMENTS

TO EXISTING EDGE  
GRAVEL AT  
RANDOLPH STREET.

GRANITE MONUMENT  
STA 3+93.15, 22.00 LT

WETLAND IMPACT  
710 S.F.

ETLAND IMPACT  
450 S.F.

JRB SECTION

BEVERLY ST.

BEVERLY ST.

RANDOLPH ST.

53A

435

434

433

432

W.A. Orie  
2.439 / 306

**From:** William Clark  
**To:** Jim Wolf  
**Date:** July 23, 2007 1:36:38 PM  
**Subject:** RE: Beverly Street

Jim,

Yes, I talked with Mr Farmer. Also, I wanted to talk with Penny Littell as portions of paper streets are involved in the process.

I will fax you a copy of the plan as marked up for a proposed acceptance.

Please bear in mind that this may be requested to be rearranged after Planning Dept review.

I added 30.00' feet beyond on Beverly St and 30.00' feet beyond on Randolph St so as to come close to turnaround dimensions in the City of Portland Standards. This is different than other dead ends as a paper street is at the end and there is no actual turnaround shown on the plan.

Please call if you need additional assistance.

Bill Clark

William Clark, PLS  
Project Engineer  
DPW Engineering  
City of Portland  
55 Portland St.  
Portland, ME 04101  
207 874 8847

>>> "Jim Wolf" <jmw1@maine.rr.com> July 23, 2007 10:33 AM >>>  
Good Morning Bill

Have you been able to catch up with Mike?

Jim

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104

1-207-773-4988

1-207-773-6875 fax

---

From: Jim Wolf [<mailto:jmw1@maine.rr.com>]  
Sent: Thursday, July 19, 2007 3:54 PM  
To: Bill Clark  
Subject: Beverly Street

Bill

Attached please find our last submitted plan. We are reworking the intersection at Beverly and Saugus, however, this will not effect the limits of acceptance on that end. I look forward to hearing from you.

Jim

James M. Wolf

Diversified Properties, Inc.

Post Office Box 10127

Portland, Maine 04104

1-207-773-4988

1-207-773-6875 fax

**CC:** Barbara Barhydt; David Margolis-Pineo; Michael Farmer; Penny Littell

**CITY OF PORTLAND, MAINE**

Planning and Development Department

Planning Division

389 Congress Street, Portland, Maine 04101

(207) 874-8719 Fax (207) 756-8258

make

Beverly St.

Small Palmer -

- didn't move water main
- PW move it

- straighten curb //

- ~~to~~ PW - straighten curb -  
fin

- Driveway - sewer laterals -

- did not want to improve

of lots w/ - environment

- Drive to Randolph.

- 35' - from R.O.W line

Village

- Newbury St

narrow tree grates

3x5 grates - one side

4 ft grates - /grates  
the building

Hancock St -

- take it -

- reconstruction -

- cost of mill & overlay

- full depth reclamation

- City repair - contribution -



**CITY OF PORTLAND, MAINE**

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Beverly Street Extension - / put on Wednesday

± easement - (turnaround easement)

- deed for interest in street - ex. Nickerson -

Quell

- ° revise - // lot lines
- ° - moved the water point
- ° straight curb -



May 18, 2007

Ms. Barbara Barhydt  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Response to Comments by Michael Farmer, Portland Public Works  
Beverly Street – Portland, Maine

Dear Barbara:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments made by Michael Farmer dated April 5<sup>th</sup> regarding the above referenced project. As you know, this project was previously approved as a dead end street with a turnaround. This amendment application would extend Beverly Street through to Randolph Street and eliminate the turnaround. For ease of review, each comment has been repeated below followed by our response. Nine (9) copies of revised plans are enclosed.

*Comment 1 – The proposed new paved section of Beverly Street should extend to the gravel traveled way in Randolph Street. An alternative would be to construct a turnaround on Beverly Street.*

**Response** – The full length of the proposed extension of Beverly Street has been revised to be bituminous pavement, extending to Randolph Street.

*Comment 2 – The proposed new paved section of Beverly Street should be 28 feet wide, which conforms to the City's standard for a minor residential street.*

**Response** – The plans have been revised to reflect the 28-foot roadway width for a minor residential street.

*Comment 3 – The driveways located near 1+55, RT and 1+80, RT are too close together.*

**Response** – The driveway located near STA 1+80 RT has been shifted to provide the minimum 20-feet of separation between driveways as indicated in Section III.2.B.b of the Technical and Design Standards and Guidelines.

*Comment 4 – The City Transportation Engineer has requested that the proposed curb on the south side of Saugus Street be extended in a straight line and parallel to the street right of way to the*

Ms. Barbara Barhydt  
City of Portland  
May 18, 2007  
Page 2 of 4

*point where it meets the circular curb at the corner of the intersection of Saugus Street and Beverly Street.*

**Response** – The roadway configuration proposed was previously discussed between the Applicant, City Staff and Gorrill-Palmer. The proposed configuration was approved by Tom Errico, as indicated in a comment response letter from Gorrill-Palmer dated May 25, 2005, addressed to Jay Reynolds. If an alternative roadway configuration is proposed by the City Transportation Engineer, Gorrill-Palmer would request additional discussions with City Staff to confirm the desired layout.

*Comment 5* – *Sheet C101 identifies two new lots. However, the plan shows a road extension, driveway aprons and utilities to serve two additional lots. The additional lots should be shown on the plan so City staff can review the lots and the impacts of their development. If the two additional lots are not legal lots, we would not support extending the sewer and other utilities and constructing driveway aprons to serve them.*

**Response** – The applicant is proposing to create two lots at this time. The sewer and utility extensions and the two driveway aprons shown on the plans would provide for two additional future lots on land owned by the applicant, subject to City approval. Deeds for land in this area are enclosed with this letter.

*Comment 6* – *We recommend installing three new street lights on Town and Country poles along the south side of Beverly Street. One should be at the intersection with Saugus Street and the other two should be spaced so the three lights are 120 feet apart along the proposed street extension.*

**Response** – The applicant proposes to install one new Town & Country light fixture and pole and two light fixtures meeting CMP requirements on existing utility poles. The applicant understands that lighting plans combining Town & Country fixtures and fixtures mounted on utility poles have been approved on several similar projects (Farragut Street, Haskell Street and Barclay Avenue). Proposed lighting locations are noted on the plans (C101).

*Comment 7* – *If the sewer extension is allowed, there should be a manhole at the end of the pipe and the laterals should connect to the sewer between manholes. The new sewer manhole should be 3 feet off center to conform to the City design standard.*

**Response** – A sewer manhole is proposed at the terminus of the sewer extension, 3-feet right of the centerline to conform to City standards.

*Comment 8* – *A water main is proposed under the sidewalk. The water main should be relocated to its legal location, in accordance with the City design standard.*

**Response** – Installing the water main at the standard location 8 feet left of centerline would place the main directly above an existing 36-inch drain pipe which skews diagonally across the

Ms. Barbara Barhydt  
City of Portland  
May 18, 2007  
Page 3 of 4

right-of way at a depth of +/-19 feet below proposed finish grade. This location would not provide the minimum horizontal separation of 3-feet between pipes, as required by the Portland Water District. The proposed location under the right sidewalk is intended to reduce potential conflict with future maintenance of the existing drain pipe.

*Comment 9 – On the road cross section detail, the depth of gravel for the sidewalk should be 10 inches, the pavement in the roadway should be ½” asphalt concrete, not 3/8”, and the street pavement width should be 28 feet.*

**Response –** The roadway cross section detail has been revised to reflect the current minor residential street typical section.

*Comment 10 – On sheet C103, the catch basins should be located 13.17 feet from the road centerline to the center of the structures, not 11 feet.*

**Response –** The offsets for the proposed catch basins has been revised to correspond to the 28-foot travelway.

*Comment 11 – The survey information should identify the area of Beverly Street that will be offered to the City of acceptance. The survey plan should include a complete boundary survey of this area.*

**Response –** The applicant requests that the City provide guidance on the desired location for the end of the Beverly Street right-of-way adjacent to Randolph Street (private way). A boundary survey of the proposed right-of-way would then be provided.

*Comment 12 – The surveyor for the developer should provide information describing how the street lines of Beverly and Saugus Streets were determined and how the end of the accepted portion of Beverly Street was located. This information and the survey plan will be reviewed by Bill Clark of the Engineering Division. He will also recommend locations for street monuments on the street extension.*

**Response –** The surveyor, Titcomb Associates, consulted with Bill Clark and reviewed City records to determine the end of the existing accepted portion of Beverly Street. Titcomb Associates would coordinate with Bill Clark to respond to any further comments.

*Comment 13 – The plans do not indicate whether above ground or below ground electric, telephone and cable TV would be provided. Projects of this type typically have below ground electric, telephone and cable TV. The plans should clearly state what is being proposed.*

**Response –** Overhead electrical service is proposed for the two new lots. We understand that CMP previously indicated a preference for preserving overhead power at this location. Jim Wolf is



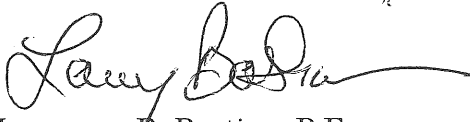
Ms. Barbara Barhydt  
City of Portland  
May 18, 2007  
Page 4 of 4

meeting with CMP at the site on May 22, 2007 to confirm electrical service requirements, and will provide further information to the City after that meeting.

Gorrill-Palmer appreciates the opportunity to respond to these comments and looks forward to your review of our responses. Should you have any questions or require any additional information, please feel free to contact me.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

A handwritten signature in black ink, appearing to read "Lawrence R. Bastian". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lawrence R. Bastian, P.E.  
Senior Engineer

Enclosure

CC: Jim Wolf, Diversified Properties, Inc.

*LRB/rmg/JN1081/BarhydtC&R\_04-24-07*

QUITCLAIM DEED WITH COVENANT

ATL HOLDINGS LLC, a Florida limited liability company with a place of business in Portland, County of Cumberland, State of Maine, for consideration paid, grants to W.A. ONE, a Maine corporation with a place of business in Portland, Cumberland County, Maine, with QUITCLAIM COVENANTS, the land and buildings situated in the City of Portland, County of Cumberland, and State of Maine, and more particularly bounded and described on Schedule A attached hereto and made a part hereof.

IN WITNESS WHEREOF, ATL Holdings LLC has caused this instrument to be signed by Susan K. LaBrie, its duly authorized Manager, this 20th day of September, 2006.

WITNESS:

ATL HOLDINGS LLC

Linda Madsen  
LINDA MADSEN

By: Susan K. LaBrie  
Susan K. LaBrie  
Its Duly Authorized Manager

STATE OF MAINE  
CUMBERLAND COUNTY, ss.

September 20, 2006

Then personally appeared the above-named Susan K. LaBrie, Manager of the said ATL Holdings LLC, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of the said limited liability company.

Before me,

Sue Wight  
Notary Public Sue Wight  
My Commission Expires: 4-28-2013



MAINE REAL ESTATE TAX PAID

## SCHEDULE A

Certain lots or parcels of land with the buildings thereon situated on Randolph Street in the City of Portland, County of Cumberland and State of Maine, and being lots numbered Four Hundred thirty-three (433), Four hundred thirty-four (434), Four hundred thirty-five (435) and Four hundred thirty-six (436) as shown on plan of Woodfords Gardens, belonging to J.W. Wilber Co., Inc., said plan being made by Ernest C. Branch, C.E., dated November 16, 1916 and recorded in the Cumberland County Registry of Deeds in Plan Book 13, Page 75, to which Plan and recording reference is hereby made for a more particular description of said premises.

Also hereby conveying a twelve foot (12') strip of land along the northerly sideline of lot 432 as shown on said Plan, being bounded and described as follows: beginning at the northeasterly corner of said lot 432, said corner being also the southeasterly corner of said lot 433 on said Plan; thence westerly along the northerly sideline of said lot 432 to the northwesterly corner of said lot; thence southerly along the westerly sideline of said lot 432 twelve feet (12') to a point; thence easterly on a course parallel to the northerly sideline of said lot 432 to the easterly sideline of lot 432 and Randolph Street; thence northerly along the westerly sideline of said Randolph Street and the easterly sideline of said lot 432 twelve feet (12') to the point of beginning.

Being the same premises conveyed to ATL Holdings LLC by Harry W. Andrews, Jr., by Warranty Deed dated September 9, 2004 and recorded in the Cumberland County Registry of Deeds in Book 21779, Page 185.

Received  
Recorded Register of Deeds  
Sep 21, 2006 03:11:29P  
Cumberland County  
John B O'Brien

10192

BK11842PG315

QUIT CLAIM RELEASE

R.J. GRONDIN & SONS, a Maine corporation with a principal place of business in the Town of Gorham, County of Cumberland and State of Maine

For Consideration Paid, RELEASES TO:

DIVERSIFIED PROPERTIES, INC., a Maine corporation with a principal place of business in the City of Portland, County of Cumberland and State of Maine

The following described real property situated in the City of Portland, County of Cumberland and State of Maine, and being Lots 53 through 57; 70 through 85; 107 and 108; 111 and 112; 153 through 161; 166 through 171; 243 and 244; 251 through 256; 288 through 306; 318 through 333; 364 through 374; 379 through 385; 390 through 392; 516 through 532; and 536 and 537, all of which are shown on Plan of Woodfords Gardens recorded at the Cumberland County Registry of Deeds in Plan Book 13, Page 75.

Excepting from the above described premises that portion of Lots 169 through 171 conveyed to Custom Built Homes by deed recorded at said Registry of Deeds in Book 11271, Page 2.

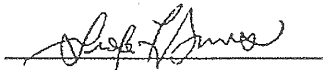
Also conveying all rights, titles and interest in said streets, ways and utilities as shown on said Plan in common with the owners of the other lots shown on said Plan, and subject to the right of all the said lot owners to make any customary use of said streets and ways.

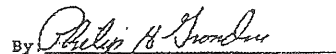
Meaning and intending to convey and hereby conveying all of Grantor's right, title and interest in the premises described herein.

Being a portion of the premises conveyed to the Grantor herein by deeds of Lloyd B. Wolf dated November 26, 1991 and recorded at the Cumberland County Registry of Deeds in Book 9823, Page 142 and by deed dated March 23, 1993 and recorded at the said Registry of Deeds in Book 10698, Page 27.

WITNESS my hand this 6<sup>th</sup> day of March, 1995.

R.J. GRONDIN & SONS



By   
Philip H. Grondin  
Its Treasurer

Cumberland County Recorder Of Deeds Disclaimer

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BK11842PG3#6

STATE OF MAINE  
CUMBERLAND, SS.

March 6, 1995

Then personally appeared the above-named PHILIP H. GRONDIN, Treasurer of R.J. GRONDIN & SONS as aforesaid, 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,

RECEIVED  
RECORDED REGISTRY OF DEEDS  
95 MAR -9 PM 2:50  
CUMBERLAND COUNTY  
John B. Burns

*George F. Burns*  
Attorney at Law/Notary Public  
GEORGE F. BURNS

-2-

Cumberland County Recorder Of Deeds Disclaimer

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BK11967PG011

27631

STATUTORY WARRANTY DEED

I, LLOYD B. WOLF, of the City of Portland, County of  
Cumberland and State of Maine

FOR CONSIDERATION PAID, GRANT to:

DIVERSIFIED PROPERTIES, INC., A Maine Corporation with a  
place of business in the City of Portland, County of  
Cumberland, and State of Maine

with WARRANTY COVENANTS, the following described real  
property situated in the City of Portland, County of  
Cumberland, and State of Maine, being property described in  
Exhibit A annexed hereto and made a part hereof.

WITNESS my hand this 17<sup>th</sup> day of June, 1995.

  
\_\_\_\_\_  
Lloyd B. Wolf

THE STATE OF MAINE Cumberland, ss June 19, 1995

Then personally appeared the above-named Lloyd B. Wolf,  
and acknowledged the foregoing instrument to be his free act  
and deed.

Before me, Chamne M. O'Brien  
~~Attorney-at-Law/Notary Public~~  
Jeanne M. O'Brien

SEAL

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BK 11967PG012

EXHIBIT A

Certain lots or parcels of land and improvements thereon situated off Forest Avenue, in the City of Portland, and being lots 386, 387, 388, 389, 533, 534 and 535 as shown on Plan of Woodfords Gardens, said Plan prepared for J. W. Wilbur Company, Inc., said plan being made by Ernest W. Branch, C.E. dated November 16, 1916, and recorded at the Cumberland County Registry of Deeds in Plan Book 13, Page 75.

RECEIVED  
RECORDED REGISTRY OF DEEDS  
55 JUN 19 AM 10:32  
CUMBERLAND COUNTY  
*John B. Quinn*

Cumberland County Recorder Of Deeds Disclaimer

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