

347-A-8

2007-093

Pennell Ave.

14-403

Dwight Brackett

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

2007-0193
Application I. D. Number

11/5/2007
Application Date

14-403
Project Name/Description

Dwight Brackett
Applicant
84 Country Lane, Portland, ME 04103
Applicant's Mailing Address

Consultant/Agent
Applicant Ph: (207) 772-8629 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

Pennell Ave, Portland, Maine
Address of Proposed Site
347 A008001
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 6,500 Acreage of Site _____ Zoning R3

Check Review Required:

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

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 11/5/2007

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

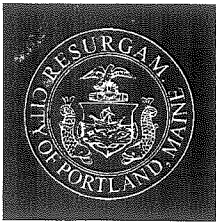
Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

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



PORTLAND MAINE

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Finance Department
Ellen Sanborn, Director

September 3, 2008

D.A. Brackett & Co., Inc.
84 Country Lane
Portland, ME 04103

Re: Performance Guarantee – Pennell Ave Extension
Escrow Account #710-0000-233-91-11

Enclosed please find a check for \$13,432.00, which the Planning Department has authorized me to release. This leaves a \$1,492.50 balance in the above-referenced account.

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

Sincerely,

Ellen Sanborn
Finance Director

ES:mma
Enclosure

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



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www.portlandmaine.gov

Planning and Urban Development
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

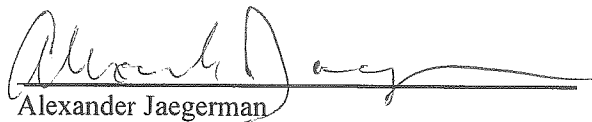
TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: August 19, 2008
SUBJECT: Request for Reduction of Performance Guarantee to Defect Guarantee
Dwight Brackett, Pennell Ave. Sec. 14-403 Street Extension
(ID# 2007-0193 Lead CBL#347 A 008001)

Please reduce the Performance Guarantee, City Account#710-0000-233.91-11 for the Dwight Brackett Sec. 14-403 Pennell Ave. Street Extension Project, to the Defect Guarantee.

Original Amount	\$14,925.00
<u>This Reduction</u>	<u>\$13,432.50</u>
Remaining Balance	\$ 1,492.50

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

2007 Internal Performance Guarantee

**PERFORMANCE GUARANTEE
with the City of Portland**

Developer's Tax Identification Number: 01-049-6298

Developer's Name and Mailing Address: DA. BRACKET CO. INC.
84 COUNTRY LANE
PORTLAND ME 04103

City Account Number: 710-0000-233.91-11

Treasurer's Report of Receipts Number: 50

Application ID #:
(from Site Plan Application form) 2007-0193

Application of DA. BRACKET CO. Inc. [Applicant] for PENNELLAVE EXT. [Insert street/Project Name] at PENNELLAVE [Address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ 14,925.00 [amount of performance guarantee] on behalf of DA. BRACKET CO. Inc. [Applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing ROAD IMPROVEMENTS [insert: subdivision and/ or site improvements (as applicable)] as depicted on the subdivision/site plan, approved on 1/29/08 [date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the PENNELLAVE EXT. [insert: subdivision and/ or site improvements (as applicable)] approval, dated 1/29/08 [insert date]; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or

10% 1,492.50

release
\$ 13,432.50

2007 Internal Performance Guarantee

3. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this Guarantee, at his option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed sixty (60) days after the expiration of this commitment; provided that the Applicant, or its representative, will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto.

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

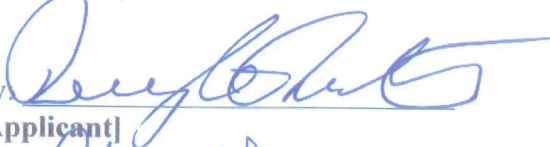
This Guarantee otherwise will automatically expire when the City determines that all improvements guaranteed hereby are satisfactorily completed. At such time, this Guarantee shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Guarantee. Written notice of such reduction and conversion shall be forwarded by the City to **[the applicant]**. The Defect Guarantee shall expire one (1) year from the date of its creation and shall ensure the workmanship and durability of all materials used in the construction of the **[Insert: Subdivision and/ or site plan]** approval, dated **[Insert: Date]** as required by City Code §14-501, 525.

The City, through its Director of Planning and Development and in his sole discretion, may draw on the Defect Guarantee should any one of the following occur:

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

2007 Internal Performance Guarantee

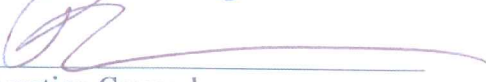
Seen and Agreed to:

By: 
[Applicant]

Date: 1/31/08

By: 
Planning Division Director

Date: 1/31/08

By: 
Corporation Counsel

Date: 2/1/08

Attach **Letter of Approval and Estimated Cost of Improvements** to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, ext. 8665.
3. The Agreement will be executed with one original signed by the Developer.
4. The original signed Agreement will be scanned by the Planning Staff then forwarded to the Finance Office, together with a copy of the Report of Receipts form.

Attach **Letter of Approval and Estimated Cost of Improvements** to this form.



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Revised 7/26/2007

REPORT OF RECEIPTS

To the Director of Finance, City of Portland, Maine
From the Planning & Development

Control #
240000050

Tuesday, February 05, 2008

H.T.E. Description (15 chars):

Month: Jan '08

Fiscal Year: 2008

For Period: 7

DETAILS	Amount	Revenue/Expense or Short Code	Project	RECAP
Dwight Brackett, ck #8488 (mailed)				Reserved for Treasury Stamp PORTLAND MAINE Treasury FEB 06 2008 PAID <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Other
Application #2007-0193				
Performance Guarantee	\$14,925.00	710-0000-233.91-11		
Inspection Fee	\$300.00	UC		
NOTE:	TOTAL: \$15,225.00			TOTAL RECEIPT COMPRISED OF ACH: _____ Cash: _____ Checks: \$15,225.00 Credit Card: _____ Notes: _____ Offsite Dep: _____ Wires: _____ TOTAL: \$15,225.00

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

Authorized Agent: Jennifer Dorr Office Manager Phone#: 874-8719
authorized user, User Title

Distribution: Original to Treasury / Copy 1 Finance Accounting / Copy 2 to back to Authorized Agent



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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

January 30, 2008

Dwight Brackett
84 Country Lane
Portland, ME 04103

Hope Reality Trust
PO Box 280
Stratham, NH 03885

RE: Pennell Ave- Street Extension
CBL: 347 A008001
Application ID: 2007-0193

Get 3 more sets of plans.

Dear Mr. Brackett,

On January 29, 2008, the Portland Planning Authority approved a minor site plan for the roadway extension of 25.5 feet on Pennell Avenue as shown on the approved plan dated 12.18.2007. The Planning Authority approved the application with conditions as presented below.

SITE PLAN REVIEW

The Planning Authority found the site plan is in conformance with the site plan standards of the Land Use Code subject to the following conditions of approval:

1. The layout of the silt fence for construction is extremely important as it will be the limits of wetland disturbance. Any activity that occurs outside of the silt fence boundary would exceed the limits for non-permitted activity. Therefore, the silt fence should be installed using survey equipment and extreme care taken not to work outside of its boundaries. The limits of development shall be staked prior to construction and approved by Phil DiPierro, Development Review Coordinator.
2. The foundation drain to storm drain connection shall be constructed by core drilling the storm drain and installing an appropriate INSERTA-T fitting.
3. A traffic sign, an end-of-roadway markers #OM4-2 (see [Attachment 1](#) for typical and description) shall be installed at the end of Pennell Avenue.
4. The applicant shall revise the deed description in [Exhibit A](#) of the Warranty Deed for Pennell Ave (Deed to City signed by Dwight Brackett, dated January 23, 2008) according to the comments contained in William Clark, City Surveyor, email dated 01.29.2008 ([Attachment 2](#)).

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

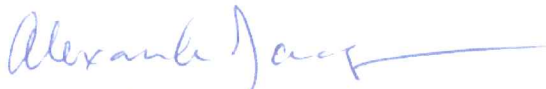
Please note the following provisions and requirements for all site plan approvals:

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division
2. 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.
3. 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.
4. 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.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. 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.
7. 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 Shukria Wiar at 756-8083 or shukriaw@portlandmaine.gov

Sincerely,



Alexander Jaegerman
Planning Division Director

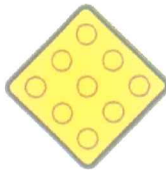
Electronic Distribution:

Lee D. Urban, Planning & Development Dept. Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Works Director
Kathi Earley, Public Works

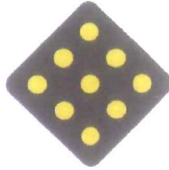
Bill Clark, Public works
Jim Carmody, City Transportation Engineer
Captain Greg Cass, Fire Prevention
Jeff Tarling, City Arborist
Assessor's Office
Approval Letter File
Hard Copy: Project File

Figure 3C-1. Object Markers and End-of-Roadway Markers

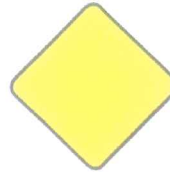
Type 1 Object Markers



OM1-1



OM1-2



OM1-3

Type 2 Object Markers



OM2-1V



OM2-2V



OM2-1H



OM2-2H

Type 3 Object Markers



OM-3L



OM-3C



OM-3R

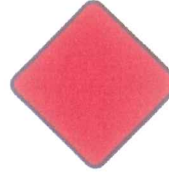
End-of-Roadway Markers



OM4-1



OM4-2



OM4-3

Section 3C.03 Markings for Objects Adjacent to the Roadway

Support:

Objects not actually in the roadway are sometimes so close to the edge of the road that they need a marker. These include underpass piers, bridge abutments, handrails, and culvert headwalls. In other cases there might not be a physical object involved, but other roadside conditions exist, such as narrow shoulders, drop-offs, gores, small islands, and abrupt changes in the roadway alignment, that might make it undesirable for a road user to leave the roadway, and therefore would create a need for a marker.

Option:

Type 2 or Type 3 object markers may be used at locations such as those described in the preceding Support paragraph.

Standard:

If used, the inside edge of the marker shall be in line with the inner edge of the obstruction.

Guidance:

Standard warning signs (see Chapter 2C) should also be used where applicable.

Section 3C.04 End-of-Roadway Markers

Support:

The end-of-roadway marker is used to warn and alert road users of the end of a roadway in other than construction or maintenance areas.

Standard:

The end-of-roadway marker (see Figure 3C-1) shall be one of the following: a marker consisting of nine red retroreflectors, each with a minimum diameter of 75 mm (3 in), mounted symmetrically on a red (OM4-1) or black (OM4-2) diamond panel 450 mm (18 in) or more on a side; or a retroreflective red diamond panel (OM4-3) 450 mm (18 in) or more on a side.

Option:

The end-of-roadway marker may be used in instances where there are no alternate vehicular paths.

Where conditions warrant, more than one marker, or a larger marker with or without a Type III barricade (see Section 3F.01), may be used at the end of the roadway.

Standard:

The minimum mounting height to the bottom of an end-of-roadway marker shall be 1.2 m (4 ft) above the edge of the pavement.

Guidance:

Appropriate advance warning signs (see Chapter 2C) should be used.

From: William Clark
To: Philip DiPierro
Date: 1/29/2008 2:06:56 PM
Subject: Pennell Avenue - Proposed Extension.

Phil,

I reviewed the plan we have at DPW Engineering (as revised 12 06 07). Might be that some of these comments are taken care of on the 12 18 07 revision cited in the deed descriptions.

- 1/30/08 done
1. Final Plan will need to show the area to be accepted for the City Council action. They do not show the end of the proposed acceptance; just the end of pavement, gravel apron, guard rail, and silt fence.
 - 1/30/08 done
 2. Bearings and distances for the area to be accepted need to be added to the Final Plan.
 - 1/30/08 done
 3. The proposed monument needs to be shown correctly on the Final Plan. It needs to be set where the 3.00' offset line intersects the end of the street to be accepted (not as shown on the 12 06 07 plan where the 3.00' offset line intersects the plane of the end of pavement).

Deed Description for Extension of Pennell Ave - Exhibit A (for Deed to City signed by Dwight Brackett and dated January 23, 2008)

- need to do
4. Second Paragraph. Change "Commencing at a stone monument" to "Beginning at a stone monument".
 - need to do
 5. First Course. The distance should be 47.00' (not 47.02'). The monument referred to was the end of the street acceptance at the 3.00' offset line for the street. The City of Portland accepted the previous extension of Pennell Avenue with that granite survey monument at the 3.00' offset line.
 - need to do
 6. Last Course. The distance should be 3.00' (not 2.98'). Same comment as #5.

Penny Littell should weigh in on this comment #7 and language review; I defer to her.

Warranty Deed - G.B.C. Properties, LLC to City of Portland (to which Exhibit A is attached)

- need to do
7. "A certain lot or parcel of land"... "located generally within the right-of way of Pennell Avenue and at the end of the developed portion of the street".

Remove "generally"; The lot or parcel lies entirely within the right-of-way of Pennell Avenue.

Change "developed" to "accepted".

Please call if you need anything.

Bill

**Planning and Development Department
SUBDIVISION/SITE DEVELOPMENT**

774-6635

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date: 1/15/08

Name of Project: Pennell Ave Ext.
 Address/Location: Pennell Ave.
 Developer: Dwight Brackett
 Form of Performance Guarantee: City Internal PG
 Type of Development: Subdivision _____ Site Plan (Major/Minor) _____

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas	<u>25428</u>	<u>700 SF @ 2.25</u>	<u>1575</u>			
Curbing	<u>75 LF</u>	<u>30.00</u>	<u>1050</u>			
Sidewalks	<u>90 SF</u>	<u>10.00</u>	<u>900</u>			
Esplanades	<u>0</u>					
Monuments	<u>1</u>		<u>1000</u>			
Street Lighting	<u>0</u>					
Street Opening Repairs	<u>0</u>					
Other	<u>0</u>					
2. EARTH WORK						
Cut	<u>700 SF</u>	<u>0.60</u>	<u>420.00</u>			
Fill	<u>2700 SF</u>	<u>4.29</u>	<u>2000.00</u>			
3. SANITARY SEWER						
Manholes	<u>1</u>		<u>5000</u>			
Piping	<u>15 LF</u>	<u>30.00</u>	<u>500.00</u>			
Connections	<u>1</u>		<u>100.00</u>			
Main Line Piping						
House Sewer Service Piping	<u>25 LF</u>	<u>40.00</u>	<u>1000.00</u>			
Pump Stations	<u>0</u>					
Other						
4. WATER MAINS	<u>35 LF</u>	<u>40.00</u>	<u>1400.00</u>			
5. STORM DRAINAGE						
Manholes	<u>0</u>					
Catchbasins	<u>0</u>					
Piping	<u>0</u>					
Detention Basin	<u>0</u>					
Stormwater Quality Units	<u>0</u>					
Other	<u>0</u>					

6. SITE LIGHTING	_____	_____	_____	_____	_____	_____
7. EROSION CONTROL						
Silt Fence	11,000	_____	1,500	_____	_____	_____
Check Dams	0	_____	_____	_____	_____	_____
Pipe Inlet/Outlet Protection	0	_____	_____	_____	_____	_____
Level Lip Spreader	0	_____	_____	_____	_____	_____
Slope Stabilization	0	_____	_____	_____	_____	_____
Geotextile	0	_____	_____	_____	_____	_____
Hay Bale Barriers	0	_____	_____	_____	_____	_____
Catch Basin Inlet Protection	0	_____	_____	_____	_____	_____
8. RECREATION AND OPEN SPACE AMENITIES	0	_____	_____	_____	_____	_____
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	0	_____	_____	_____	_____	_____
10. MISCELLANEOUS	_____	_____	_____	_____	_____	_____
TOTAL:	\$14,925	_____	_____	_____	_____	_____
GRAND TOTAL:	\$14,925	_____	_____	_____	_____	_____

300
15,225

INSPECTION FEE (to be filled out by the City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: 2.0% of totals:	\$14,925	_____	\$300
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

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



FAX

To:

Dan Goyette

Company:

Woodard & Curran

Fax #:

774-6635

Date:

1/15/08

From:

Phil D. Pierre

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

Comments:

Hi Dan, please review & let me know if it's ok.

Thanks,

Phil

MODE = MEMORY TRANSMISSION

START=JAN-15 13:29

END=JAN-15 13:30

FILE NO.=806

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	97746635	003/003	00:00:29

-CITY OF PORTLAND -

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

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



FAX

To: Dan Goyette

Company: Woodford & Curran

Fax #: 774-6635

Date: 1/15/08

From: Paul D. Pierre

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

Comments:

Hi Dan, please review & let me know if it's ok.

Thanks,
Paul

SHORT FORM WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Stonemark Management Company, Inc., a New Hampshire corporation, with a mailing address of P.O. Box 280, Stratham, New Hampshire 03885, FOR CONSIDERATION PAID, grants to C.G.B. Properties LLC, a Maine limited liability company with a mailing address of 84 Country Lane, Portland, Maine 04103, WITH WARRANTY COVENANTS, the following described real property located in Portland, Cumberland County, State of Maine:

A certain parcel of land located on the westerly side of Pennell Avenue and being more particularly bounded and described as follows:

Commencing at a stone monument with cap, 6" below grade with cap PLS#1273, said stone monument is on the easterly side of Pennell Avenue approximately 2.98' feet westerly of a found 5/8" rebar 2" above grade with no cap and bent, thence,

N85°37'18"W A distance of fifty one and 04/100 (51.04') feet to a 5/8" rebar with cap to be set on the westerly side of Pennell Avenue. Said point also being the Point of Beginning, thence,

S17°51'00"E A distance of sixty five and 00/100 (65.00') feet along the westerly side of Pennell Avenue to a 5/8" rebar with cap set, thence,

S71°31'00"W A distance of one hundred and 01/100 (100.01') feet along the land on the south now or formerly of William L. Knight as described in Deed Book 17683, Page 338 recorded in the Cumberland County Registry of Deeds and the parcel of land herein described, to a 5/8" rebar with cap set, thence,

N17°51'00"W A distance of sixty five and 00/100 (65.00') feet along the land to the west now or formerly of ALC Development Corporation as described in Deed Book 18822, Page 58 recorded in the Cumberland County Registry of Deeds and the parcel of land herein described, to a 5/8" rebar with cap to be set, thence,

N71°31'00"E A distance of one hundred and 01/100 (100.01') feet along the land to the north of Stonemark Management, Inc., as Trustee of the Robinson Family Trust, to the westerly sideline of Pennell Avenue to a 5/8" rebar with cap to be set, said point also being the Point of Beginning.

Containing 6,500± square feet or 0.15 acres more or less and being lots numbered 36 and the southerly 20 feet of lot 37 on a plan of the Holmsteads prepared by E. C. Jordan, C.E. and dated September 1921. Said plan being recorded in the Cumberland County Registry of Deeds in Book 14, Page 70.

MAINE REAL ESTATE TAX PAID

STREET ACCEPTANCE WAIVER AND INDEMNIFICATION

WHEREAS, C.G.B. Properties LLC, of Portland, ME (the PETITIONER) has requested the City of Portland (the CITY) to accept a certain parcel of land located on Pennell Avenue in Portland, more particularly described as/referenced in Exhibit A, attached hereto and hereby incorporated by reference; and

WHEREAS, the CITY as a condition precedent to any acceptance of the parcel of land or portion thereof requires a waiver of any and all claims which the PETITIONER may have against the CITY for such acceptance, and further requires indemnification against any and all claims of any and all third persons arising out or resulting from the acceptance of said proposed property or portion thereof;

NOW THEREFORE, in consideration of the CITY accepting said property or portion thereof, the PETITIONER for itself, its successors, heirs and assigns, agrees as follows:

1. The PETITIONER hereby waives any and all claims for damages which it may now or hereafter have against the CITY arising out of or resulting from any acceptance of said proposed property or portion thereof by the CITY; and
2. The PETITIONER hereby agrees to defend, indemnify and hold harmless the CITY against any and all claims by any and all third persons against the CITY for damages arising out of or resulting from any acceptance of said property or portion thereof by the CITY.

Dated: January 23, 2008

C.G.B. Properties LLC

BY: 

Dwight Brackett

Its: RESIDENT

(title)

WARRANTY DEED
(With Covenant)

KNOW ALL PERSONS BY THESE PRESENTS, that C.G.B. Properties, LLC, a Maine limited liability company ("**Grantor**"), with a mailing address of 84 Country Lane, Portland, Maine 04103 in consideration of One Dollar and other valuable consideration paid by the City of Portland ("**Grantee**"), a municipality organized and existing under the laws of the State of Maine, and having its principal place of business at Portland, in the County of Cumberland and State of Maine, whose mailing address is 389 Congress Street, Portland, Maine 04101, the receipt whereof is hereby acknowledged, does hereby **GIVE, GRANT, BARGAIN, SELL** and **CONVEY** unto the said City of Portland, its successors and assigns forever, the following described real estate:

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine located generally within the right-of-way of Pennell Avenue and at the end of the developed portion of the street and being more particularly described in Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland, its successors and assigns forever, to its use and behoof forever.

AND Grantor **COVENANTS** with Grantee, its successors and assigns forever, that it will **WARRANT AND FOREVER DEFEND** the premises to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

IN WITNESS WHEREOF, the said C.G.B. Properties LLC, has caused this instrument to be signed and sealed in its name by Dwight Brackett, on January 23, 2008.

WITNESS:

Grantor: C.G.B. Properties, LLC

By 

Dwight Brackett, Its **Member**

STATE OF MAINE
Cumberland County, ss

1/23/08, 2008

Personally appeared the above named Dwight Brackett, in his said capacity, and acknowledged the foregoing to be his free act and deed in his said capacity.

Before me,


Notary Public/~~Attorney-at-Law~~

AURALEE J. BUSSONE
Notary Public, Maine
My Commission Expires July 11, 2012

EXHIBIT A

A certain parcel of land situated in the City of Portland, County of Cumberland and State of Maine located generally within the right-of-way of Pennell Avenue and at the end of the developed portion of the street and being more particularly bounded and described as follows:

Commencing at a stone monument with cap, 6" below grade with cap PLS #1273, said stone monument is on the easterly side of Pennell Avenue 2.98' westerly of a found 5/8" rebar 2" above grade with no cap and bent. Said point is also being the Point of Beginning, thence,

S72°09'00"W A distance of forty-seven and 02/100 (47.02') to a point on the westerly side of Pennell Avenue, thence

N17°51'00"W A distance of twenty-five and 50/100 (25.50') feet along the westerly side of Pennell Avenue to a point, thence

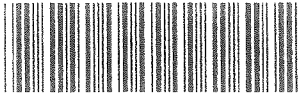
N72°09'00"E A distance of forty-seven and 00/100 (47.00') feet to a stone monument to be set, thence

N72°09'00"E A distance of three and 00/100 (3.00') feet to a point on the easterly side of Pennell Avenue, thence

S17°51'00"E A distance of twenty-five and 50/100 (25.50') feet along the easterly side of Pennell Avenue to a point, thence

S72°09'00"W A distance of two and 98/100 (2.98') feet to a stone monument with cap, 6" below grade with cap PLS#1273, said point also being the Point of Beginning.

Meaning and intending to describe a certain parcel of land containing 1,275 square feet, more or less, being depicted as shown on a plan of land titled "Site Plan of Property Located on Pennell Avenue" dated August 2, 2007, revised through December 18, 2007, prepared by SGC Engineering, LLC.



0599900

RETTD

00

MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION

TITLE 36, M.R.S.A. SECTIONS 4641-4641N

PLEASE TYPE OR PRINT CLEARLY

1. COUNTY
CUMBERLAND

DO NOT USE RED INK!

2. MUNICIPALITY/TOWNSHIP
PORTLAND

BOOK/PAGE—REGISTRY USE ONLY

3. GRANTEE/ PURCHASER	3a) Name (LAST, FIRST, MI) CITY OF PORTLAND	3b) SSN or Federal ID
	3c) Name (LAST, FIRST, MI)	3d) SSN or Federal ID
	3e) Mailing Address 389 CONGRESS STREET 3f) City PORTLAND	

4. GRANTOR/ SELLER	4a) Name (LAST, FIRST, MI) C.G.B. PROPERTIES, LLC	4b) SSN or Federal ID 007-54-6734
	4c) Name (LAST, FIRST, MI)	4d) SSN or Federal ID
	4e) Mailing Address 84 COUNTRY LANE 4f) City PORTLAND	

5. PROPERTY	5a) Map Block Lot Sub-Lot Check any that apply: <input type="checkbox"/> No tax maps exist <input type="checkbox"/> Multiple parcels <input type="checkbox"/> Portion of parcel	5b) Type of property—Enter the code number that best describes the property being sold. (See instructions) 5d) Acreage:
	5c) Physical Location EXTENSION TO PENNELL AVENUE	

6. TRANSFER TAX	6a) Purchase Price (If the transfer is a gift, enter "0") 6a \$, , 0.00
	6b) Fair Market Value (enter a value only if you entered "0" in 6a) or if 6a) was of nominal value) 6b \$, , 0.00
	6c) Exemption claim - <input checked="" type="checkbox"/> Check the box if either grantor or grantee is claiming exemption from transfer tax and explain. Deed to City of Portland to clear title in paper street in subdivision for no additional consideration.
	7. DATE OF TRANSFER (MM-DD-YYYY) 01 23 2008 MONTH DAY YEAR

8. WARNING TO BUYER—If the property is classified as Farmland, Open Space or Tree Growth, a Substantial financial penalty could be triggered by development, subdivision, partition or change in use. CLASSIFIED

9. SPECIAL CIRCUMSTANCES—Were there any special circumstances in the transfer which suggest that the price paid was either more or less than its fair market value? If yes, check the box and explain:

10. INCOME TAX WITHHELD— Buyer(s) not required to withhold Maine income tax because:
 Seller has qualified as a Maine resident
 A waiver has been received from the State Tax Assessor
 Consideration for the property is less than \$50,000

11. OATH
Aware of penalties as set forth by Title 36 §4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below:
Grantee _____ Date _____ Grantor *Robert E. Stevens* Date 1/23/08
Grantee _____ Date _____ Grantor _____ Date _____

12. PREPARER
Name of Preparer Robert E. Stevens Phone Number 207-774-9000
Mailing Address PO BOX 7320 E-Mail Address _____
Portland, ME 04112

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



FAX

To:

Bill Clark

Company:

DPW

Fax #:

874-8852

Date:

1/28/08

From:

RWD

You should receive 8 page(s) including this cover sheet.

Comments:

Hi Bill,
I'm sending you everything I have.
Please contact me with any questions

Thanks,
RWD

MODE = MEMORY TRANSMISSION

START=JAN-28 09:09

END=JAN-28 09:11

FILE NO.=836

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		98748852	007/007	00:01:32

-CITY OF PORTLAND -

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

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



FAX

To: Bill Clark

Company: DPW

Fax #: 874-8852

Date: 1/28/08

From: RWD

You should receive 8 page(s) including this cover sheet.

Comments:

Hi Bill,
 I'm sending you everything I have.
 Please contact me with any questions

Thanks,
 RWD



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

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

September 12, 2007

Dwight Brackett
84 Country Lane
Portland, ME 04103

**RE: Site Plan Review: Pennell Avenue
Single Family Home
Application # 2007-0149; CBL 347 A009001**

Dear Mr. Brackett,

Thank you for your application for the single-family home on Pennell Avenue, submitted on August 28, 2007. The various departments have reviewed the proposal and have the following comments to offer:

1. Drainage-

- a. Submit a drainage report that explains as to what is happening on the site.
- b. Where is the drainage pipe directed?
- c. Submit elevations for the foundation drainage.
- d. Explain in a narrative as to how the applicant is planning to extent the existing sewer and water.
- e. Submit water (Portland Water District) and sewer (Department of Public Works) capacity letters

2. Department of Environmental Protection

- a. Submit the DEP approval of 6340 sq ft (4,227 plus 2,113) of wetland disturbance
- b. Show the exact extent of wetland filling on the site plan.

3. Street Extension

- a. The applicant will need to apply for Street Extension (Section 14-403) application with the Department of Public Works.

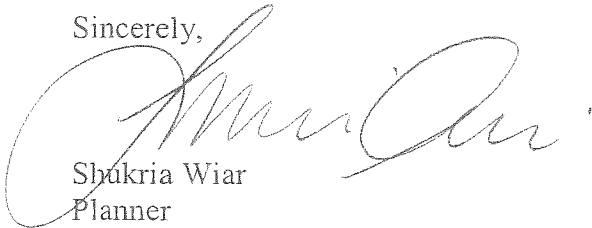
- b. Submit street plan and profile
- c. Submit typical/ detail of the sidewalk and curbing
- d. On a survey plan, show the end of the existing accepted street.

4. Miscellaneous Items

- a. Submit Right, Title or Interest for this property.
- b. Submit five copies full scale drawings and one copy of the reduced size.

Please submit the information at your earliest convenience to have the application considered as complete. If you have any questions please do not hesitate to call me on (207) 756-8083 or at shukriaw@portlandmaine.gov.

Sincerely,



Shukria Wiar
Planner

cc: Barbara Barhydt, Development Review Manager

MEMORANDUM



TO: Barbara Barhydt
FROM: Dan Goyette, PE, and Lauren Swett, EIT
DATE: November 9, 2007
RE: Pennell Avenue

Woodard & Curran has reviewed the site plan submission for the proposed Pennell Avenue project. The project includes the extension of Pennell Avenue by 19' and the construction of a two story building with a driveway from the extended roadway.

Documents Reviewed

- Engineering Plan Sheets 1-3 for Pennell Avenue, prepared by SGC Engineering, LLC on behalf of Dwight Brackett, last revised October 29, 2007.

Comments

- The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. These items should be indicated in the general notes provided on the survey.
- The proposed project will result in a significant amount of wetland impact. This will require DEP permitting.
- The crushed stone pipe bedding layer should include 12" over the top of the pipe. The detail included in the plans calls for only 6".
- The existing curbing on Pennell Avenue is granite. The applicant will be required to provide vertical granite curbing on both sides of the street, with granite tipdowns at driveway entrances.
- A detail should be provided for the bituminous driveway cross section, in conformance with the City of Portland Standards.
- A stabilized construction entrance should be utilized as part of the erosion and sedimentation control plan. A detail should be provided as well as a location shown on the plans.

Please contact our office if you have any questions.

DRG/LJS
203943

WARRANTYQUITCLAIM DEED
(With Covenant)

KNOW ALL PERSONS BY THESE PRESENTS, that _____,
 (“**Grantor**”), with a mailing address of _____, Portland, Maine 041__
 in consideration of One Dollar and other valuable consideration paid by the City of Portland
 (“**Grantee**”), a municipality organized and existing under the laws of the State of Maine, and
 having its principal place of business at Portland, in the County of Cumberland and State of
 Maine, whose mailing address is 389 Congress Street, Portland, Maine 04101, the receipt
 whereof is hereby acknowledged, does hereby **GIVE, GRANT, BARGAIN, SELL** and
 CONVEY unto the said City of Portland, its successors and assigns forever, the following
 described real estate:

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and
 State of Maine on the southerly side of _____ Street and being more particularly described
 in Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances
 thereunto belonging, to the said City of Portland, its successors and assigns forever, to its use and
 behoof forever.

AND Grantor **COVENANTS** with Grantee, its successors and assigns forever, that it will
 WARRANT AND FOREVER DEFEND the premises to the said Grantee, its successors and
 assigns forever, against the lawful claims and demands of all persons claiming by, through, or
 under it.

IN WITNESS WHEREOF, the said _____, has caused this instrument to be
 signed and sealed in its name by _____, on _____, 2007.

Grantor

WITNESS:

_____, 2007

STATE OF MAINE
Cumberland County, ss

Personally appeared the above named _____, in his/her said
 capacity, and acknowledged the foregoing to be his/her free act and deed in his/her said capacity.

Before me,

Notary Public/Attorney-at-Law

_____, 2007

EXHIBIT A

Proposed Area to be Granted
To City of Portland

A certain parcel of land situated on the southerly side of _____ Street, City of Portland, County of Cumberland, State of Maine being depicted on a plan of land titled “_____” dated _____, 2007 by _____., said parcel being more particularly bounded and described as follow:

Meaning and intending to describe a certain parcel of land containing _____ square feet, more or less, being depicted as shown on a plan of land titled “_____” dated _____, 2007 by _____.

City of Portland
Department of Planning and Development
Planning Division

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



FAX

To: Dwight Brackett

Company: _____

Fax #: 772-8629

Date: December 17, 2007

From: Shukria Wiar

You should receive 2 page(s) including this cover sheet.

Comments:

Attached are Dan Goyette comments in regard to Pennell Avenue street extension.

MEMORANDUM



TO: Barbara Barhydt
FROM: Dan Goyette, PE
DATE: December 17, 2007
RE: Pennell Avenue

Woodard & Curran has reviewed the site plan submission for the proposed Pennell Avenue project. The project includes the extension of Pennell Avenue by 19' and the construction of a two story building with a driveway from the extended roadway.

Documents Reviewed

- Response to Comments, dated December 10, 2007 including Engineering Plan Sheets 1-3 for Pennell Avenue, prepared by SGC Engineering, LLC on behalf of Dwight Brackett, last revised December 6, 2007.

Comments

- The layout of the silt fence for construction is extremely important as it will be the limits of wetland disturbance. Any activity that occurs outside of the silt fence boundary would exceed the limits for non-permitted activity. Therefore, the silt fence should be installed using survey equipment and extreme care taken not to work outside of its boundaries.
- A detail should be provided indicating how the connection will be made for the 4" perimeter drain to the 24" RCP stormdrain line.

All other previous comments in earlier memos have been adequately addressed. Please contact our office if you have any questions.

DRG/LJS
203943

MODE = MEMORY TRANSMISSION

START=DEC-17 10:03

END=DEC-17 10:07

FILE NO.=745

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	8	97728629	008/008	00:04:14

-CITY OF PORTLAND -

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

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



FAX

To: Dwight Brackett

Company: _____

Fax #: 772-8629

Date: December 17, 2007

From: Shukria Wiar

You should receive 8 page(s) including this cover sheet.

Comments:

Attached are Mike Farmer's comments in regard to Pennell Avenue street extension. I would like to add to comment #4 in the memo that the street can only be accepted by the City Council. Therefore, the approval of this plan will NOT result in the City's acceptance of an additional 19.41 feet. Once the street is built and meets the standards of Section 25-48, and if the applicant wants, Public Works then recommends to the City Council that this portion of the street be accepted. I have also attached a copy of Section 25-48 (I also had faxed this to you on 11.16.2007).

Please forward the warranty deed for the street and the recorded deed for the new lot. After having a conversation with DPW, they would like the wooded guardrails be replaced with a yellow rectangle sign. Please make this change to the site plan. I also will forward you Dan Goyette's comments as soon as I receive them.

If you have any questions, please do not hesitate to call me.

City of Portland
Department of Planning and Development
Planning Division

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



FAX

To: Dwight Brackett

Company: _____

Fax #: 772-8629

Date: December 17, 2007

From: Shukria Wiar

You should receive 8 page(s) including this cover sheet.

Comments:

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Please forward the warranty deed for the street and the recorded deed for the new lot. After having a conversation with DPW, they would like the wooded guardrails be replaced with a yellow rectangle sign. Please make this change to the site plan. I also will forward you Dan Goyette's comments as soon as I receive them.

If you have any questions, please do not hesitate to call me.

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

M E M O

TO: Shukria Wiar
FROM: Michael Farmer, Project Engineer
DATE: December 14, 2007
RE: Pennell Ave. 14-403 Street Extension for Dwight Brackett

I am submitting the following comments on behalf of DPW regarding the plans revised as of December 6, 2007.

1. The boundary line showing the end of the currently accepted portion of Pennell Ave. should be shown on the plan, with bearing and distance.
2. The boundary line showing the end of the portion of Pennell Ave. that will be offered to the City for acceptance should be shown on the plan, with bearing and distance. We would like to see this boundary line located just past the water main blowoff. The new street monument should be located on this boundary line.
3. All the bearings and distances in the deed description for street acceptance should be shown on the plan.
4. Note 11 is not correct. Plan approval does not necessarily result in street acceptance. (Acceptance of the street by the City Council will result in street acceptance.)
5. DPW will defer to Dan Goyette regarding the questions raised regarding wetland filling.

1948, shall be laid out and accepted as a public street or way by the city only upon the following conditions:

- (a) *Minimum width.* Such street or way shall have a minimum width of fifty (50) feet unless the owners of property adjoining the street or way shall convey to the city sufficient land to lay out a fifty (50) foot street; provided, however, that the public works authority may permit a lesser width when a fifty (50) foot street is impracticable. Provided further that any such street or way located on any of the islands in Casco Bay, which is not considered to be a collector street in the opinion of the public works authority and the planning board, may have a minimum width of thirty-two (32) feet.
- (b) *Recorded plan.* A plan of the street or way shall have been recorded in the county registry of deeds prior to July 7, 1948.
- (c) *Petition by abutters.* A majority of the abutters upon the street or way shall in writing, on a form to be prescribed by the public works authority, petition the city council to improve the street by grading, curbing, gravelling, macadamizing, paving, or in any other way making a permanent street of the same, or any part thereof; and in said petition shall waive any damages resulting from the laying out and acceptance of said street or way, or any necessary changes in the grade thereof; and shall agree to pay their just proportion of one-third of the cost thereof. For purposes of this article, a majority of the abutters shall mean those abutters who own more than fifty (50) percent of the frontage, both in front-feet and in assessed value.
- (d) *Assessment of costs.* When the street or way shall have been laid out and accepted as a public street or way, and such improvements have been made, one-third of the cost thereof shall be assessed on the property adjacent to and bounded on the street or way in the manner, and with the same right of appeal, provided in 23 M.R.S.A §§ 3601--3605.

(Code 1968, § 707.2)

Cross reference(s)--Uniform procedure for collecting assessments, § 1-16.

→ **Sec. 25-48. Acceptance of streets and ways not previously dedicated**

for public travel.

A street or way constructed on private lands by the owner thereof, and a street or way not dedicated for public travel prior to July 7, 1948, shall be laid out and accepted as a public street or way by the city only upon the following conditions:

- (a) *Deed from owners.* The owners shall give the city a deed to the property within the boundaries of the street.
- (b) *Minimum width.* The street or way shall have a minimum width of fifty (50) feet. However, the street or way may have a lesser width if the plan thereof, showing such lesser width, has been approved by the planning board and the public works authority; provided that any such street or way located on any of the islands in Casco Bay, which is not considered to be a collector street in the opinion of the public works authority and the planning board, may have a minimum width of thirty-two (32) feet. In such cases, all other provisions of this article shall apply except that not more than sixteen (16) feet of such street or way shall be required to be developed for travel and only six (6) inches of gravel shall be required, but the entire width of such street or way shall be cleared of all stumps, roots, brush, perishable material and trees not intended for preservation as specified by the public works authority. There shall be no exceptions to the provisions of this article in the case of collector streets as determined as set forth above.
- (c) *Recorded plan.* A plan of the street or way shall be recorded in the county registry of deeds.
- (d) *Petition.* A petition for the laying out and acceptance of the street or way shall be submitted to the city council upon a form to be prescribed by the public works authority. The petition shall be accompanied by a plan, plot plan, profile and cross-section of the street or way as follows:
 - 1. A plan and a plot plan drawn, when practicable, to a scale of forty (40) feet to one (1) inch, and to be on one (1) or more sheets of paper not exceeding twenty-four (24) inches by thirty-three (33) inches in size. The plot plan shall show the north point,

the area of all lots, the length of all lot lines, the location and ownership of all adjoining subdivisions and adjacent acreage, passageways, street lines, buildings, boundary monuments, waterways, topography and natural drainage courses with contours at not greater than six (6) foot intervals, all angles necessary for the plotting of the street and lots and their reproduction on the ground, the distance to the nearest established street line, and any buildings abutting on the street or way, together with the stations of their side lines.

2. A profile of the street or way drawn to a longitudinal scale of forty (40) feet to one (1) inch and a vertical scale of four (4) feet to one (1) inch. The profile shall show the profile of the side lines and center lines of the street or way and the proposed grades thereof. Any buildings abutting on the street or way shall be shown on the profile.
 3. A cross-section of the street or way drawn to a horizontal scale of five (5) feet to one (1) inch and a vertical scale of one (1) foot to one (1) inch.
 4. The location and size of the proposed water mains in accordance with this article.
- (e) *Specifications.* The street or way shall be previously constructed in accordance with the following specifications:
1. *Residential areas.* The roadway shall be built with a minimum thickness of fifteen (15) inches of road gravel, and three (3) inches of aggregate base gravel, both of which shall be satisfactory to the public works authority. The roadway shall be surfaced with two (2) inches of hot bituminous concrete properly prepared and laid in two (2) courses of one (1) inch each, in accordance with specifications of the public works authority.

The sidewalks shall be built of gravel six (6) inches in depth and the driveways, including that

part crossing the sidewalk, shall be built of gravel ten (10) inches in depth; both to be covered by a two (2) inch top of hot bituminous concrete, properly prepared and laid in two (2) courses of one (1) inch each, in accordance with the standard specifications of the public works authority. Curbing shall be provided as required in article IV of chapter 14.

The street or way shall be constructed by the following method: It shall be cleared of all stumps, roots, brush, perishable material and all trees not intended for preservation. All loam, loamy material and clay shall be removed from the street or way to the depths specified by the public works authority. The street shall then be graded to a subgrade of not less than twenty (20) inches in the roadway location and not less than twelve (12) inches in the driveway areas, below and parallel to the finished grade as shown on the plans, profiles and cross-section of the street or way. The subgrade shall be carefully shaped and thoroughly compacted before the gravel is placed. When a minimum length of three hundred (300) feet, or the entire length of street if less than three hundred (300) feet, has been excavated to subgrade and this subgrade properly prepared for the gravel, the public works authority shall be notified and after inspection his or her approval obtained for placing the gravel.

The gravel shall then be placed and compacted in layers of not more than six (6) inches in the roadway and driveway area and not more than eight (8) inches in the sidewalk areas. Before the roadway is paved, and the bituminous concrete laid in the sidewalk and driveway areas, the work shall again be inspected and approved by the public works authority. Suitable forms or headers must be used for the construction of the bituminous top to insure proper alignment and grade.

2. *Industrial areas.* Roadways shall be paved with a high type pavement in accordance with the standard specifications of the public works authority.

- (f) *Engineering work.* All engineering work, including the setting of grade stakes, necessary for the construction of the street and sidewalks, shall be performed by the developer at his or her expense.
- (g) *Sewers and drains.* Any sewers and appurtenances, drains, including house drains and catch basins, which are to be built in the street or sidewalks, and all underground utilities and their respective services, shall be constructed before any road material is placed, except for house connections to serve lots where no construction has begun prior to the placing of such road material. In any event a minimum of seventy-five (75) percent of all lots on any one (1) street within the section of the subdivision being constructed shall have the house connections completed within the street right-of-way before the aggregate base course is placed thereon. If a hardship is created by strict compliance with the above requirements, request for a variance may be made in writing to the public works authority who shall respond in writing to the city council stating approval or disapproval. Whenever it shall be deemed necessary by the public works authority that a sanitary sewer or storm sewer be constructed to serve the street under consideration, such sanitary sewer or storm sewer shall be completed before the gravel or road material is placed thereon. The sewer shall be built by the developer in accordance with one (1) of the following methods:
1. The developer shall cause the sanitary sewers and storm sewers and appurtenances, including catch basins to be built to the specifications of the public works authority and under his or her supervision. Such construction shall be by competitive bids, duly advertised, and to the satisfaction of the public works authority. When the sewer and an easement therefor have been deeded to the city, the city may make payment to the developer of the cost of any catch basins plus one-third of the total remaining costs thereof, as determined by the public works authority, the city's engineering costs to be included in the total cost and deducted from the city's payment.
 2. The developer shall cause the sanitary sewers and storm sewers and appurtenances, including catch

basins, to be built to the specifications of the public works authority and under his or her supervision, but without regard to competitive bids. When the street has been accepted, the sewer shall be deeded to the city as a public sewer at no cost to the city.

3. When the public works authority requires such sewer to be of a larger size than would be needed for the development under consideration, the added cost for the excess size as determined by the public works authority may be paid by the city upon authorization by the city council, provided the sewer is built through competitive bidding, properly advertised, and to the satisfaction of the public works authority.

- (h) *Water main.* A reasonably available water main of at least eight (8) inches in diameter must exist for the use of buildings, residents and occupants of the street to be accepted and the chief of the fire department must, in writing, certify that adequate water service for sufficient fire protection hydrants exists. In the case of a street or way located on the islands in Casco Bay, no water main need be provided when the chief of the fire department and the planning board shall certify in writing that no water supply is reasonably available to serve such street or way. Provided, however, that the city council may accept a street with a water main of less than eight (8) inches in diameter when the chief of the fire department and the planning board, in writing, certify that a water main of less than eight (8) inches in diameter will furnish adequate water service for sufficient fire protection hydrants for the street to be accepted and any future extension or extensions of the street. It shall be the policy of the city to cause the installation of such hydrants as may be required for fire protection at the same time as the installation of the water main.

(Code 1968, § 707.3; Ord. No. 405A-73, §§ 1--6, 6-18-73)

Sec. 25-49. Streets and ways required by the general public interest.

Notwithstanding the provisions of sections 25-45 and 25-46, the city council may, at any time, lay out and accept any street or

MODE = MEMORY TRANSMISSION

START=NOV-19 15:39

END=NOV-19 15:40

FILE NO.=679

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		97728629	002/002	00:01:11

-CITY OF PORTLAND -

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

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



FAX

To: Dwight Brackett

Company: _____

Fax #: 772-8629

Date: 11.19.2007

From: Shukria

You should receive 2 page(s) including this cover sheet.

Comments:

Attached are Dan Goyette's comments. Please review and if you have any questions, do not hesitate to get in contact with either Dan or myself.

Thanks.

MODE = MEMORY TRANSMISSION

START=NOV-19 08:56

END=NOV-19 08:58

FILE NO.=674

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		97728629	003/003	00:01:37

-CITY OF PORTLAND -

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

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



FAX

To: Dwight Brackett

Company: _____

Fax #: 772-8629

Date: 11.19.2007

From: Shuknia

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

Comments:

See attached document. This is the
 standard language for the warranty deed. Let
 me know if you have any questions.

City of Portland
Department of Planning and Development
Planning Division

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



FAX

To:

Dwight Brackett

Company:

Fax #:

772-8629

Date:

11.19.2007

From:

Shukria

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

Comments:

See attached document. This is the standard language for the warranty deed. Let me know if you have any questions.

MODE = MEMORY TRANSMISSION

START=NOV-16 15:14

END=NOV-16 15:16

FILE NO.=669

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		97728629	003/003	00:01:50

-CITY OF PORTLAND -

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

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



FAX

To: Dwight Brackett

Company: _____

Fax #: 772-8629

Date: 11.16.2007

From: Shukria Wiar

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

Comments:

Please see attached. If you have any question do not hesitate to call. I am looking into the standard language for the warranty deed and will forward any info to you.

City of Portland
Department of Planning and Development
Planning Division

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



FAX

To:

Dwight Brackett

Company:

Fax #:

772-8629

Date:

11.16.2007

From:

Shukria Wiar

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

Comments:

Please see attached. If you have any question do not hesitate to call. I am looking into the standard language for the warranty deed and will forward any info to you.

MODE = MEMORY TRANSMISSION

START=NOV-16 15:47

END=NOV-16 15:51

FILE NO.=672

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		97728629	007/007	00:03:43

-CITY OF PORTLAND -

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

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



FAX

To: Dwight Brackett

Company: _____

Fax #: 772-8629

Date: 11.16.2007

From: Shukria Wiar

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

Comments:

Please ^{see} attached for street acceptance regulations.

City of Portland
Department of Planning and Development
Planning Division

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



FAX

To: Dwight Brackett

Company: _____

Fax #: 772-8629

Date: 11.16.2007

From: Shuknia Wiar

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

Comments:

Please ^{see} attached for street acceptance regulations.

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

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



FAX

To:

Dwight Brackett

Company:

Fax #:

772-8629

Date:

11.06.07

From:

Shukria Wiar

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

Comments:

Please see attached. Let me know
if you have any questions.

MODE = MEMORY TRANSMISSION

START=NOV-06 14:47

END=NOV-06 14:49

FILE NO.=648

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	97728629	003/003	00:01:37

-CITY OF PORTLAND -

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



FAX

To: Dwight Brackett
Company: _____
Fax #: 772-8629
Date: 11.06.07
From: Shukria War
 You should receive 3 page(s) including this cover sheet.

Comments:

Please see attached. Let me know if you have any questions.

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

M E M O

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: Nov. 6, 2007
RE: Pennell Ave house lot (142 Pennell Ave.)

I am submitting the following comments, on behalf of the Department of Public Works, regarding the plan revised as of 8/27/2007.

1. I am recommending that the applicant submit two separate plan sheets: one sheet being a construction "plan" that shows the street plan and profile and the other sheet being a more general plan that includes all the pertinent survey information.
2. The road plan and profile should include the following.
 - The sanitary sewer should be extended to the end of the street extension. It should be shown in the plan and profile views, together with the design slope, important elevations, and related construction notes.
 - The existing and proposed road segments should be shown in the plan view. The existing road as far back as the first set of catch basins should be shown.
 - The existing road C. L. elevations all the way back to first set of catch basins should be shown.
 - The proposed road centerline grade and elevations should be shown.
 - Provide road drainage details and enough information so the plan shows how the drainage and the road extension will be integrated into the existing drainage system in the area.
 - Existing and proposed utilities, including electric power, communications, foundation drain, sewer, water, and street lights.
 - The water main should extend to the end of the street extension. I suggest that the sewer and water be extended at least 5 feet past the end of the pavement.
 - Existing and proposed street monuments
 - Curb, sidewalk, edges of proposed pavement, street width.
 - Proposed grading
3. The survey information that needs to be shown includes the following.
 - The survey should show the existing street right of way and how its location was determined.
 - The end of the accepted street should be shown.
 - The boundaries of that part of Pennell Ave. that will be offered to the City for acceptance.
 - Existing and proposed street monuments and their locations.

4. Note 4 is not entirely accurate in that it makes no reference to the Block letters that are part of the Map/Lot numbers in the Tax Assessor's records.
5. A typical road cross section should be included, perhaps on the plan and profile sheet.
6. City standard construction details should be followed for the driveway apron, curb, sidewalk, sewer construction and other related construction.

as condition of approval

From: William Clark
To: Philip DiPierro
Date: 1/29/2008 2:06:56 PM
Subject: Pennell Avenue - Proposed Extension.

Phil,

I reviewed the plan we have at DPW Engineering (as revised 12 06 07). Might be that some of these comments are taken care of on the 12 18 07 revision cited in the deed descriptions.

1. Final Plan will need to show the area to be accepted for the City Council action. They do not show the end of the proposed acceptance; just the end of pavement, gravel apron, guard rail, and silt fence.
2. Bearings and distances for the area to be accepted need to be added to the Final Plan.
3. The proposed monument needs to be shown correctly on the Final Plan. It needs to be set where the 3.00' offset line intersects the end of the street to be accepted (not as shown on the 12 06 07 plan where the 3.00' offset line intersects the plane of the end of pavement).

Deed Description for Extension of Pennell Ave - Exhibit A (for Deed to City signed by Dwight Brackett and dated January 23, 2008)

4. Second Paragraph. Change "Commencing at a stone monument" to "Beginning at a stone monument".
5. First Course. The distance should be 47.00' (not 47.02'). The monument referred to was the end of the street acceptance at the 3.00' offset line for the street. The City of Portland accepted the previous extension of Pennell Avenue with that granite survey monument at the 3.00' offset line.
6. Last Course. The distance should be 3.00' (not 2.98'). Same comment as #5.

Penny Littell should weigh in on this comment #7 and language review; I defer to her.

Warranty Deed - G.B.C. Properties, LLC to City of Portland (to which Exhibit A is attached)

7. "A certain lot or parcel of land"... "located generally within the right-of way of Pennell Avenue and at the end of the developed portion of the street".

Remove "generally"; The lot or parcel lies entirely within the right-of-way of Pennell Avenue.

Change "developed" to "accepted".

Please call if you need anything.

Bill

**WARRANTY DEED
(With Covenant)**

KNOW ALL PERSONS BY THESE PRESENTS, that C.G.B. Properties, LLC, a Maine limited liability company ("**Grantor**"), with a mailing address of 84 Country Lane, Portland, Maine 04103 in consideration of One Dollar and other valuable consideration paid by the City of Portland ("**Grantee**"), a municipality organized and existing under the laws of the State of Maine, and having its principal place of business at Portland, in the County of Cumberland and State of Maine, whose mailing address is 389 Congress Street, Portland, Maine 04101, the receipt whereof is hereby acknowledged, does hereby **GIVE, GRANT, BARGAIN, SELL** and **CONVEY** unto the said City of Portland, its successors and assigns forever, the following described real estate:

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine located generally within the right-of-way of Pennell Avenue and at the end of the developed portion of the street and being more particularly described in Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland, its successors and assigns forever, to its use and behoof forever.

AND Grantor **COVENANTS** with Grantee, its successors and assigns forever, that it will **WARRANT AND FOREVER DEFEND** the premises to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

IN WITNESS WHEREOF, the said C.G.B. Properties LLC, has caused this instrument to be signed and sealed in its name by Dwight Brackett, on January 23, 2008.

WITNESS:

Grantor: C.G.B. Properties, LLC

By: 

Dwight Brackett, Its **Member**

STATE OF MAINE
Cumberland County, ss

1/23/08, 2008

Personally appeared the above named Dwight Brackett, in his said capacity, and acknowledged the foregoing to be his free act and deed in his said capacity.

Before me,


Notary Public/~~Attorney at Law~~

AURALEE J. BUSSONE
Notary Public, Maine
My Commission Expires July 11, 2012

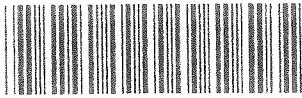
EXHIBIT A

A certain parcel of land situated in the City of Portland, County of Cumberland and State of Maine located generally within the right-of-way of Pennell Avenue and at the end of the developed portion of the street and being more particularly bounded and described as follows:

Commencing at a stone monument with cap, 6" below grade with cap PLS #1273, said stone monument is on the easterly side of Pennell Avenue 2.98' westerly of a found 5/8" rebar 2" above grade with no cap and bent. Said point is also being the Point of Beginning, thence,

- | | |
|-------------|---|
| S72°09'00"W | A distance of forty-seven and 02/100 (47.02') to a point on the westerly side of Pennell Avenue, thence |
| N17°51'00"W | A distance of twenty-five and 50/100 (25.50') feet along the westerly side of Pennell Avenue to a point, thence |
| N72°09'00"E | A distance of forty-seven and 00/100 (47.00') feet to a stone monument to be set, thence |
| N72°09'00"E | A distance of three and 00/100 (3.00') feet to a point on the easterly side of Pennell Avenue, thence |
| S17°51'00"E | A distance of twenty-five and 50/100 (25.50') feet along the easterly side of Pennell Avenue to a point, thence |
| S72°09'00"W | A distance of two and 98/100 (2.98') feet to a stone monument with cap, 6" below grade with cap PLS#1273, said point also being the Point of Beginning. |

Meaning and intending to describe a certain parcel of land containing 1,275 square feet, more or less, being depicted as shown on a plan of land titled "Site Plan of Property Located on Pennell Avenue" dated August 2, 2007, revised through December 18, 2007, prepared by SGC Engineering, LLC.



0599900

RETTD

00

**MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION**

TITLE 36, M.R.S.A. SECTIONS 4641-4641N

PLEASE TYPE OR PRINT CLEARLY

1. COUNTY CUMBERLAND		DO NOT USE RED INK!	
2. MUNICIPALITY/TOWNSHIP PORTLAND		BOOK/PAGE—REGISTRY USE ONLY	
3. GRANTEE/ PURCHASER	3a) Name (LAST, FIRST, MI) CITY OF PORTLAND		3b) SSN or Federal ID
	3c) Name (LAST, FIRST, MI)		3d) SSN or Federal ID
	3e) Mailing Address 389 CONGRESS STREET 3f) City PORTLAND		3g) State 3h) Zip Code ME 04101
4. GRANTOR/ SELLER	4a) Name (LAST, FIRST, MI) C.G.B. PROPERTIES, LLC		4b) SSN or Federal ID 007-54-6734
	4c) Name (LAST, FIRST, MI)		4d) SSN or Federal ID
	4e) Mailing Address 84 COUNTRY LANE 4f) City PORTLAND		4g) State 4h) Zip Code ME 04103
5. PROPERTY	5a) Map Block Lot Sub-Lot	Check any that apply:	
	5c) Physical Location EXTENSION TO PENNELL AVENUE	<input type="checkbox"/> No tax maps exist <input type="checkbox"/> Multiple parcels <input type="checkbox"/> Portion of parcel	
6. TRANSFER TAX	6a) Purchase Price (If the transfer is a gift, enter "0")		6a) \$ _____, _____, 0.00
	6b) Fair Market Value (enter a value only if you entered "0" in 6a) or if 6a) was of nominal value)		6b) \$ _____, _____, 0.00
	6c) Exemption claim - <input checked="" type="checkbox"/> Check the box if either grantor or grantee is claiming exemption from transfer tax and explain. Deed to City of Portland to clear title in paper street in subdivision for no additional consideration.		
	7. DATE OF TRANSFER (MM-DD-YYYY) 01 23 2008 MONTH DAY YEAR		8. WARNING TO BUYER—If the property is classified as Farmland, Open Space or Tree Growth, a Substantial financial penalty could be triggered by development, subdivision, partition or change in use. <input type="checkbox"/> CLASSIFIED
9. SPECIAL CIRCUMSTANCES—Were there any special circumstances in the transfer which suggest that the price paid was either more or less than its fair market value? If yes, check the box and explain: <input type="checkbox"/>		10. INCOME TAX WITHHELD— Buyer(s) not required to withhold Maine income tax because: <input type="checkbox"/> Seller has qualified as a Maine resident <input type="checkbox"/> A waiver has been received from the State Tax Assessor <input checked="" type="checkbox"/> Consideration for the property is less than \$50,000	
11. OATH	Aware of penalties as set forth by Title 36 §4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below: Grantee _____ Date _____ Grantor <i>Robert E. Stevens</i> Date 1/23/08 Grantor _____ Date _____ Grantor _____ Date _____		
12. PREPARER	Name of Preparer <u>Robert E. Stevens</u> Phone Number <u>207-774-9000</u> Mailing Address <u>PO BOX 7320</u> E-Mail Address _____ <u>Portland, ME 04112</u>		



SGC ENGINEERING, LLC

- Civil Design & Survey Engineering
 - Environmental & Regulatory Permitting
 - Electrical Power Systems Engineering
- Offices - Westbrook & Orono, Maine

December 10, 2007

493001

Ms. Shukria Wiar, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

**RE: Application to develop a single-family house lot on Lot A8 on Pennell Avenue
Response to Review Comments**

Dear Ms. Wiar:

We are in receipt of a letter from you dated November 16, 2007 that contains comments from the City's review of our plans consisting of three sheets entitled "Site Plan, Road Plan and Profile, and Details and Notes", dated October 29, 2007. We also have been provided with comments from the Peer Review Engineer dated November 9, 2007. For clarity we have reiterated the comments below. Our proposed resolution to each of the comments is then presented in bold type. It is important to emphasize that our client's application is for the development of a single-family house lot at the end of Pennell Avenue. The project requires extending the existing road approximately 19 feet to comply with the City's requirement that the finished road extend across the entire 65-foot wide frontage of the lot.

Drainage:

- a. Submit a drainage report that explains as to what is happening on the site. ***The grading plan, Sheet 1 of 3, specifies how the house lot is to be regraded. Generally the lot will drain to the northwest. The house will be constructed with a perimeter drain to manage groundwater and will be connected to the existing storm drain in Pennell Avenue.***
- b. Where is the drainage pipe directed? ***The house perimeter drain is directed to the existing storm drain in Pennell Avenue. The storm drain in Pennell Avenue directs storm water to the south.***
- c. Will the wetlands flood the road? ***The wetlands do not flood Pennell Avenue presently. The proposed extension of Pennell Avenue is only 18.5 feet, and as proposed, the end of the pavement will be higher than the present elevation. No flooding of the road is expected.***

Wetlands:

- a. The impact to the wetlands will be greater than what was mentioned on the site plan due to the grading work for the street and the proposed single-family house. Please adjust the total number to include this portion. ***The wetland impact shown on the proposed plan includes filling all the wetlands on the house lot, and filling the wetlands associated with the road***

extension. The limit of the total wetland impact of 4,263 square feet is represented on the plan as the silt fence line.

- b. *Submit DEP approval of wetland disturbance. DEP approval is not necessary for the amount of wetland impact proposed since it does not exceed 4,300 square feet.*
- c. *Show exact extent of wetland filling and grading on the site plan. The silt fence line shown on the plan represents the limits of the wetland impact.*
- d. *Copy of the wetland report should be submitted. The wetlands were delineated by Albert Frick of Albert Frick Associates as mapped on the plan. No wetland report was prepared.*
- e. *This parcel may fall under the shoreland zone; how many acres is the whole wetland area? How many acres of this wetland are contiguous? The project area does not fall under the Shoreland Zone as the wetland is a forested wetland rather than a freshwater wetland. It is predominated by woody growth and does not have the characteristics of a freshwater wetland as defined by the City of Portland Code of Ordinances.*

Department of Public Works:

- a. *The curbing for the street will need to be granite. The plan has been revised to require granite curbing.*
- b. *The sidewalk should be extended to the end of the parcel line. The sidewalk has been extended to the end of the parcel line.*
- c. *The detail plans should show ADA ramps and tip down typicals. ADA-compliant ramps and granite curb tip downs have been added to the plans.*
- d. *A grading plan should be submitted for review. The grading plan is shown on Sheet 1 of 3.*
- e. *Wooden guardrails should be installed at the end of the street. Wooden guardrails have been specified at the end of the proposed road extension. However, it should be noted that these will interfere with snowplowing.*
- f. *Is this street a dedicated street? If it is a dedicated, then provide the point of dedication. The point of dedication will be a granite monument specified to be set 19.41 feet north of the existing granite monument on Pennell Avenue.*

Miscellaneous Items:

- a. *Submit a recorded deed for the lot since a portion of Lot A9 was added to A8. The deed is being prepared and will be provided.*
- b. *Warranty Deed for the road dedication will be required. The Warranty Deed is being prepared and will be provided.*

Peer Review Comments

- *The applicant should confirm that the survey for the project coincides with the approved City standards. The survey need to be tied to the vertical datum of NGVD 1929. Also the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. These items should be indicated in the general notes provided on the survey. The vertical datum used for the design plans has been confirmed to be consistent with the 1929 datum used by the City, and a note has been added. Additionally, horizontal datum coordinates that are consistent with the NAD 1983 Datum have been provided for the four lot corners of the subject parcel and are shown on Sheet 1 of 3.*



- The proposed project will result in a significant amount of wetland impact. This will require DEP permitting. *See "Wetlands a." response above. The wetland impact will remain below DEP permit requirements.*
- The crushed stone pipe bedding layer should include 12" over the top of the pipe. The detail in the plans calls for only 6". *The typical trench detail has been revised to require 12 inches of crushed stone over the top of the pipe.*
- The existing curbing on Pennell Avenue is granite. The applicant will be required to provide vertical curbing on both sides of the street; with granite tip-downs at the driveway entrances. *See responses "Department of Public Works a. to c." above.*
- A detail should be provided for the bituminous driveway cross section, in conformance with the City of Portland Standards. *A bituminous driveway cross section detail that is in conformance with City standards has been added to the plans.*
- A stabilized construction entrance should be utilized as part of the erosion and sedimentation control plan. A detail should be provided as well as a location shown on the plans. *A stabilized construction entrance detail has been added to the plans. A note has been added to require that this crushed stone entrance be constructed at the proposed location of the driveway to the single-family house lot.*

As you recommended, we followed up with Mr. Mike Farmer on November 30, 2007 by way of a conference call. We reviewed these issues with him. A summary of our discussion with him and resolutions to his comments is attached.

Mr. Dan Goyette has been difficult to reach, but we fully expect the revisions to the plans will address and resolve all of his comments. We respectfully request to receive Planning Staff approval at your next workshop so a building permit can be issued.

Thank you for your assistance.

Very truly yours,
SGC ENGINEERING, LLC



John M. Riordan, P.E.
Director of Civil Engineering

Enclosure

cc: Dwight Brackett
Jim Bolduc





SGC ENGINEERING, LLC

- Civil Design & Survey Engineering
- Environmental & Regulatory Permitting
- Electrical Power Systems Engineering

Offices - Westbrook & Orono, Maine

Memo

Date:	November 30, 2007	Project No.:	493001
To:	File		
From:	Michael Roy		
Project Name:	Pennell Avenue – Single family house lot on A		
Subject:	Discussion with Michael Farmer to review plans and review comments		

On November 30, 2007 a conference call was completed between SGC and the Portland Department of Public Works. The attendees of the conference call were:

Michael Farmer, Portland Department of Public Works
Jim Bolduc, Stonemark Management
Dwight Brackett
John Riordan, SGC Engineering
Michael Roy, SGC Engineering

The subject of the meeting was to discuss and resolve the City's comments generated during the review of the plans dated October 29, 2007. The outline of the meeting was SGC's response letter to the City and peer review comments dated November 29, 2007. The comments and resolutions discussed were as follows:

- The plans need to show the closest catch basin to the project on Pennell Avenue. The City typically allows 300 feet of gutter flow between catch basins. ***The closest catch basins are shown on Sheet 1 of 3.***
- The plans also should show the existing street grade from the existing end of Pennell Avenue to the closest catch basin. SGC will report the grade on the plans. ***The existing street grade is specified on Sheet 2 of 3.***
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- Civil Design & Survey Engineering
- Environmental & Regulatory Permitting
- Electrical Power Systems Engineering

Offices - Westbrook & Orono, Maine

December 10, 2007

493001

Ms. Shukria Wiar, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

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Response to Review Comments**

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Date:	November 30, 2007	Project No.:	493001
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493001

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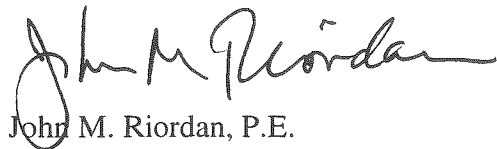
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On November 30, 2007 a conference call was completed between SGC and the Portland Department of Public Works. The attendees of the conference call were:

Michael Farmer, Portland Department of Public Works
Jim Bolduc, Stonemark Management
Dwight Brackett
John Riordan, SGC Engineering
Michael Roy, SGC Engineering

The subject of the meeting was to discuss and resolve the City's comments generated during the review of the plans dated October 29, 2007. The outline of the meeting was SGC's response letter to the City and peer review comments dated November 29, 2007. The comments and resolutions discussed were as follows:

- The plans need to show the closest catch basin to the project on Pennell Avenue. The City typically allows 300 feet of gutter flow between catch basins. ***The closest catch basins are shown on Sheet 1 of 3.***
- The plans also should show the existing street grade from the existing end of Pennell Avenue to the closest catch basin. SGC will report the grade on the plans. ***The existing street grade is specified on Sheet 2 of 3.***
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- The driveway needs to reflect the City's standard driveway entrance detail. The detail should be added to the plans as well. *The detail has been added to the plans.*
- The proposed curbing is to be granite. Granite tip downs should be installed on both sides of the driveway. *The plans have been revised to require both.*
- The sidewalk needs to be extended to the end of the proposed roadway. *The sidewalk has been extended accordingly.*
- Mike Farmer would support not installing a guardrail at end of street. Dwight Brackett mentioned the placement of a stop sign as an alternative. Todd Merkle of the DPW is satisfied with a stop sign. *Wooden guardrails have been added to the plans.*
- Spot grades should be added to the plan at the beginning and end centerline of the proposed road. *Spot grades have been added to Sheet 1 of 3.*
- The existing grades on the profile on Sheet 2 of 3 should be updated to include another significant digit. *The profile has been updated.*
- Provide underdrains for proposed road extension. Confirm if the existing portion of Pennell Avenue is underdrained. If yes, connect the proposed underdrain to the existing ones, if not, plug the ends of pipe. *The road cross-section has been revised to require underdrains.*
- Mike Farmer would like the proposed sewer manhole at the end of the extension to be raised to match the elevation at the end of the road. *The sewer manhole has been raised accordingly.*
- The existing power and proposed power service to the house lot needs to be shown. *The proposed power service to the house is shown on Sheet 1 of 3.*
- The right-of-way for the proposed roadway extension will need a description, i.e. metes and bounds, on the plan. Bill Clark, of the DPW, will be able to specify the requirements. A 3 foot offset monument may be required. *A 3-foot offset monument has been added to the plans.*
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- The plan "North" needs to be confirmed. The north arrow states true north, however general note #3 states magnetic. *The comment has been addressed.*





SGC ENGINEERING, LLC

- Civil Design & Survey Engineering
- Environmental & Regulatory Permitting
- Electrical Power Systems Engineering

Offices - Westbrook & Orono, Maine

December 10, 2007

493001

Ms. Shukria Wiar, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

RE: **Application to develop a single-family house lot on Lot A8 on Pennell Avenue
Response to Review Comments**

Dear Ms. Wiar:

We are in receipt of a letter from you dated November 16, 2007 that contains comments from the City's review of our plans consisting of three sheets entitled "Site Plan, Road Plan and Profile, and Details and Notes", dated October 29, 2007. We also have been provided with comments from the Peer Review Engineer dated November 9, 2007. For clarity we have reiterated the comments below. Our proposed resolution to each of the comments is then presented in bold type. It is important to emphasize that our client's application is for the development of a single-family house lot at the end of Pennell Avenue. The project requires extending the existing road approximately 19 feet to comply with the City's requirement that the finished road extend across the entire 65-foot wide frontage of the lot.

Drainage:

- Submit a drainage report that explains as to what is happening on the site. ***The grading plan, Sheet 1 of 3, specifies how the house lot is to be regraded. Generally the lot will drain to the northwest. The house will be constructed with a perimeter drain to manage groundwater and will be connected to the existing storm drain in Pennell Avenue.***
- Where is the drainage pipe directed? ***The house perimeter drain is directed to the existing storm drain in Pennell Avenue. The storm drain in Pennell Avenue directs storm water to the south.***
- Will the wetlands flood the road? ***The wetlands do not flood Pennell Avenue presently. The proposed extension of Pennell Avenue is only 18.5 feet, and as proposed, the end of the pavement will be higher than the present elevation. No flooding of the road is expected.***

Wetlands:

- The impact to the wetlands will be greater than what was mentioned on the site plan due to the grading work for the street and the proposed single-family house. Please adjust the total number to include this portion. ***The wetland impact shown on the proposed plan includes filling all the wetlands on the house lot, and filling the wetlands associated with the road***

extension. The limit of the total wetland impact of 4,263 square feet is represented on the plan as the silt fence line.

- b. *Submit DEP approval of wetland disturbance. DEP approval is not necessary for the amount of wetland impact proposed since it does not exceed 4,300 square feet.*
- c. *Show exact extent of wetland filling and grading on the site plan. The silt fence line shown on the plan represents the limits of the wetland impact.*
- d. *Copy of the wetland report should be submitted. The wetlands were delineated by Albert Frick of Albert Frick Associates as mapped on the plan. No wetland report was prepared.*
- e. *This parcel may fall under the shoreland zone; how many acres is the whole wetland area? How many acres of this wetland are contiguous? The project area does not fall under the Shoreland Zone as the wetland is a forested wetland rather than a freshwater wetland. It is predominated by woody growth and does not have the characteristics of a freshwater wetland as defined by the City of Portland Code of Ordinances.*

Department of Public Works:

- a. *The curbing for the street will need to be granite. The plan has been revised to require granite curbing.*
- b. *The sidewalk should be extended to the end of the parcel line. The sidewalk has been extended to the end of the parcel line.*
- c. *The detail plans should show ADA ramps and tip down typicals. ADA-compliant ramps and granite curb tip downs have been added to the plans.*
- d. *A grading plan should be submitted for review. The grading plan is shown on Sheet 1 of 3.*
- e. *Wooden guardrails should be installed at the end of the street. Wooden guardrails have been specified at the end of the proposed road extension. However, it should be noted that these will interfere with snowplowing.*
- f. *Is this street a dedicated street? If it is a dedicated, then provide the point of dedication. The point of dedication will be a granite monument specified to be set 19.41 feet north of the existing granite monument on Pennell Avenue.*

Miscellaneous Items:

- a. *Submit a recorded deed for the lot since a portion of Lot A9 was added to A8. The deed is being prepared and will be provided.*
- b. *Warranty Deed for the road dedication will be required. The Warranty Deed is being prepared and will be provided.*

Peer Review Comments

- *The applicant should confirm that the survey for the project coincides with the approved City standards. The survey need to be tied to the vertical datum of NGVD 1929. Also the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. These items should be indicated in the general notes provided on the survey. The vertical datum used for the design plans has been confirmed to be consistent with the 1929 datum used by the City, and a note has been added. Additionally, horizontal datum coordinates that are consistent with the NAD 1983 Datum have been provided for the four lot corners of the subject parcel and are shown on Sheet 1 of 3.*



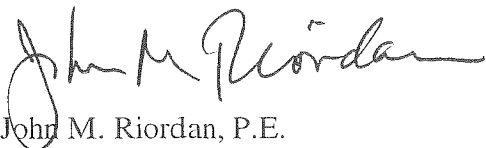
- The proposed project will result in a significant amount of wetland impact. This will require DEP permitting. *See "Wetlands a." response above. The wetland impact will remain below DEP permit requirements.*
- The crushed stone pipe bedding layer should include 12" over the top of the pipe. The detail in the plans calls for only 6". *The typical trench detail has been revised to require 12 inches of crushed stone over the top of the pipe.*
- The existing curbing on Pennell Avenue is granite. The applicant will be required to provide vertical curbing on both sides of the street; with granite tip-downs at the driveway entrances. *See responses "Department of Public Works a. to c." above.*
- A detail should be provided for the bituminous driveway cross section, in conformance with the City of Portland Standards. *A bituminous driveway cross section detail that is in conformance with City standards has been added to the plans.*
- A stabilized construction entrance should be utilized as part of the erosion and sedimentation control plan. A detail should be provided as well as a location shown on the plans. *A stabilized construction entrance detail has been added to the plans. A note has been added to require that this crushed stone entrance be constructed at the proposed location of the driveway to the single-family house lot.*

As you recommended, we followed up with Mr. Mike Farmer on November 30, 2007 by way of a conference call. We reviewed these issues with him. A summary of our discussion with him and resolutions to his comments is attached.

Mr. Dan Goyette has been difficult to reach, but we fully expect the revisions to the plans will address and resolve all of his comments. We respectfully request to receive Planning Staff approval at your next workshop so a building permit can be issued.

Thank you for your assistance.

Very truly yours,
SGC ENGINEERING, LLC



John M. Riordan, P.E.
Director of Civil Engineering

Enclosure

cc: Dwight Brackett
Jim Bolduc





SGC ENGINEERING, LLC

- Civil Design & Survey Engineering
- Environmental & Regulatory Permitting
- Electrical Power Systems Engineering

Offices - Westbrook & Orono, Maine

Memo

Date:	November 30, 2007	Project No.:	493001
To:	File		
From:	Michael Roy		
Project Name:	Pennell Avenue – Single family house lot on A		
Subject:	Discussion with Michael Farmer to review plans and review comments		

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20' driveway is okay
but is the maximum.

- Jim

Pennell Avenue - single-family home.

Drainage issues

- elevation for the foundation drainage
- where does the drainage pipe go?
- how is the applicant planning to extent sewer & water.

↳ may not be able to extent sewer due to sufficient coverage.

- Submit utilities capacity letters.

DEP

- DEP approval needed. Submit a copy.

Tier 2 (4227 + 2113 = 6340 sq. ft)

- Show ~~ext~~ exact extent of wetland filling.

- Need to apply for Section 14-403 Street extension application → DPW approves this



apply w/ ~~DPW~~ Planning

- Recording? Submit Recorded Deed

sidewalk & curbing
typicals / detail

- Street plan & profile

Mike Farmer - show the end of accepted street & accept offering



creating new extensions to street.

Drainage
Report



Site Plan Application

Department of Planning and Development
Portland Planning Board

Address of Proposed Development: PENNELL AVE LOTS 809		Zone: R3
Project Name:		
Existing Building Size: sq. ft.	Proposed Building Size: 26x32 sq. ft. 1500 2 STORY	
Existing Acreage of Site: sq. ft.	Proposed Acreage of Site: 6500 sq. ft.	
Tax Assessor's Chart, Block & Lot: Chart# Block # Lot#	Property Owners Mailing address: HOPE REALTY TRUST P.O. BOX 280 STRATHAM NH. 03885	Telephone #: 603 - 868. 6340 Cell Phone #:
CBL 347 A8		
Consultant/Agent Contact Name and mailing address, Telephone # and Cell Phone #: DWIGHT BRACKETT 84 COUNTRY LANE PORTLAND ME 04103 756-0687-	Applicant's Name/Mailing Address: D.A. BRACKETT & CO INC. 84 COUNTRY LANE PORTLAND ME 04103	Telephone #: 207-772-8629 Cell Phone #: 207-756-0687
<p>Fee For Service Deposit (all applications) _____ (\$200.00)</p> <p>Proposed Development (check all that apply)</p> <p><input checked="" type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail</p> <p><input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot</p> <p><input type="checkbox"/> Subdivision (\$500.00) + amount of lots <u>1</u> (\$25.00 per lot) \$ _____ + major site plan fee if applicable</p> <p><input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____)</p> <p><input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00)</p> <p><input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot)</p> <p><input type="checkbox"/> Other ONE HOUSE LOT</p> <p>Major Development (more than 10,000 sq. ft.)</p> <p><input type="checkbox"/> Under 50,000 sq. ft. (\$500.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00)</p> <p><input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00)</p> <p><input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00)</p> <p><input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00)</p> <p><input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee)</p>		
		~ Please see next page ~

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)

Who billing will be sent to:

D.A. BRACKETT & CO INC.
84 COUNTRY LANE
PORTLAND ME. 04103

Submittals shall include (7) 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 11x17 plans

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: 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

This application is for site review only; a Building Permit application and associated fees will be required prior to construction.

Signature of Applicant:



Date: 10/5/07

CONTRACT FOR THE SALE OF REAL ESTATE

RECEIVED of Dwight Brackett, whose mailing address is 84 Country Lane, Portland, Maine 04103 (hereinafter called the "Purchaser"), this 4th Day of August 2007, an earnest money deposit in the sum of \$100.00 toward the purchase of real estate owned by Hope Realty Trust, (hereafter called the "Seller") of P. O. Box 475, Eliot, Maine 03903, and located on Fennell Avenue, Portland, Maine (hereafter "Property Address"), as shown on a survey plan prepared by SGC Engineering, described as a parcel of land containing 2,488 square feet; and being more fully described in a deed being prepared by ~~Natalie Burns, Esq.~~ *Robert Stevens*, to be recorded at said County's Registry of Deeds upon the terms and conditions indicated below.

- 1. PERSONAL PROPERTY: Land only.
2. PURCHASE PRICE: The total Purchase Price is ~~Fifty-five Thousand Dollars (\$52,000)~~ *Forty-four Thousand five Hundred* (\$44,500), with payment to be made as follows:

Earnest money deposit received on this date: \$ 100.00

Balance due at closing, in cash or certified funds: \$51,900.00 - \$44,400

- 3. TRANSFER OF TITLE: That a deed, conveying the premises in fee simple with good and marketable title in accordance with Standards of Title adopted by the Maine Bar Association shall be delivered to the Purchaser and this transaction shall be closed and Purchaser shall pay the Purchase Price as provided herein and execute all necessary papers for the completion of the purchase on or before September 15, 2007.
4. DEED: That the property shall be conveyed by a warranty deed, provided to Buyer at Seller's cost, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record and usual public utilities servicing the premises and shall be subject to applicable land use and building laws and regulations.
5. POSSESSION/OCCUPANCY: Possession/occupancy of premises shall be given to Purchaser immediately at closing unless otherwise agreed by both parties in writing.
6. RISK OF LOSS: Until transfer of title, the risk of loss or damage to said premises by fire or otherwise is assumed by the Seller unless otherwise agreed in writing. Said premises shall at closing be in substantially the same condition as at present, including all timber, etc.
7. PRORATIONS: The following items shall be prorated as of the date of closing:
a. Real Estate Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
b. Metered utilities, such as water and sewer, shall be paid by the Seller through the date of closing.
c. Purchaser and Seller shall each pay one-half of the transfer tax as required by the laws of the State of Maine.
8. INSPECTIONS: Purchaser is advised to seek information from professionals regarding any specific issue of concern. This Contract is subject to the following inspections, with the results being satisfactory to the Purchaser:

Table with 8 columns: TYPE OF INSPECTION, YES, NO, RESULTS REPORTED, TYPE OF INSPECTION, YES, NO, RESULTS REPORTED. Rows include General Building, Sewage Disposal, Water Quality, Radon Air Quality, Radon Water Quality, Asbestos Air Quality, Lead Paint, Pests, ADA, Wetlands, Environmental Scan, and Other.

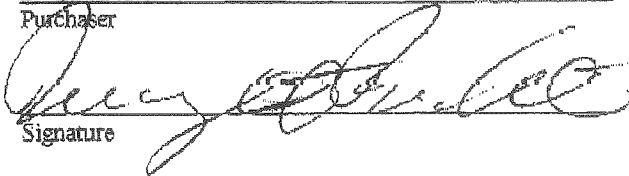
The use of days is intended to mean from the Effective Date of the Contract. All inspections will be done by inspectors chosen and paid for by Purchaser. If the result of any inspection or other condition specified herein is unsatisfactory to the Purchaser, Purchaser may declare the Contract null and void by notifying Seller in writing within the specified number of days set forth above. If Purchaser does not notify Seller that an inspection is unsatisfactory within the time period set forth above, this contingency is waived by Purchaser. In the absence of inspection(s) mentioned above, Purchaser is relying completely upon Purchaser's own opinion as to the condition of the premises.

Handwritten initials/signature in the bottom right corner.

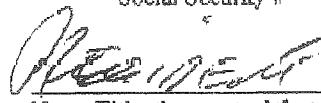
- 9. **FINANCING:** This contract is not contingent to buyer obtaining financing.
- 10. **DEFAULT:** If buyer should default under this contract, the Sellers sole remedy, liquidated damages, is the non-refundable deposit in the amount of One Hundred Dollars (\$100.00).
- 11. **MEDIATION:** Any dispute or claim arising out of or relating to this Contract or the premises addressed in this Contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the closing of this transaction.
- 12. **PRIOR STATEMENTS:** This Contract sets forth the entire contract between the parties, and there are no other representations, contracts or understandings with respect to the subject matter of this Contract. This Contract shall be construed according to the laws of the State of Maine.
- 13. **HEIRS/ASSIGNS:** This Contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the respective parties.
- 14. **EFFECTIVE DATE:** This Contract is a binding contract when signed by both Seller and Purchaser. Time is of the essence of this Contract.
- 15. **ADDENDA:** This contract has addenda containing additional terms and conditions - see Addendum A to this contract

Seller acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to 2 1/4% of the consideration unless the Seller furnishes to the Purchaser a certificate by the Seller stating, under penalty of perjury, that Seller is a resident of Maine or the transfer is otherwise exempt from withholding.

Dwight Brackett
Purchaser


Signature

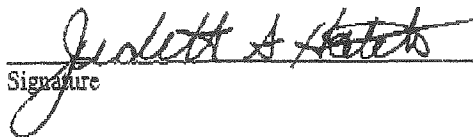
00754-6734
Social Security #


Name/Title, there unto duly authorized

Seller accepts Purchaser's offer and agrees to deliver the premises at the price and upon the terms and conditions set forth above.
Signed this 22nd day of August, 2007

Hope Realty Trust
Seller

20-7513033
Tax ID Number


Signature

Judith A. Hatch, Trustee
Name/Title, there unto duly authorized

A COPY OF THIS CONTRACT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED. IF NOT FULLY UNDERSTOOD CONSULT AN ATTORNEY.

ADDENDUM A
To Contract for Sale of Real Estate
"Additional Provisions"

This addendum is made an integral part to the Contract For The Sale Of Real Estate for property located on Pennell Avenue, Portland, ME, as shown on a survey plan prepared by SGC Engineering between Hope Realty Trust, (Known as Seller) and Dwight Braskatt, (known as Purchaser)

The following terms and conditions are agreed to by the Seller and Buyer:

1. Additional Conditions: This contract, in its entirety, is subject to the following additional conditions being completed to the Buyer's satisfaction, in the buyer's sole discretion, within 30 days after the effective date of this Contract. All costs incurred by the Buyer to complete said items under this section of this Contract will be at the Buyer's expense.
 - A. Obtaining City of Portland building permit for a three bedroom single family home
 - B. Review and approval of the plan prepared by SGC Engineering, paid for by Seller
 - C. Title abstract

2. During the time of this contract, the Buyer, its agent(s), employees and/or consultants, may enter upon the property, from time to time, as needed by the buyer to complete the analysis of the property. Buyer assumes all responsibility for any damage, loss or injury caused or suffered by its entry upon the property and agrees to indemnify and hold Seller harmless from any claim resulting, therefrom.

3. Buyer and Seller agree that the Buyer is responsible for any Real Estate Commission that may be due, as a result of this transaction.

SEEN AND AGREED TO BY:



SELLER

8/22/07
DATE



PURCHASER

8/22/07
DATE

**WARRANTY DEED
(Maine Statutory Short Form)**

KNOW ALL PERSONS BY THESE PRESENTS, that I, **Judy Hatch**, as Trustee of **Hope Realty Trust**, with a principal office in the Town of Eliot, County of York, and State of Maine, grants to **C.G.B. Properties LLC**, a Maine limited liability company, having a mailing address of 84 Country Lane, Portland, Maine 04103 (hereinafter "Grantee"), with **WARRANTY COVENANTS**, the land in Portland, County of Cumberland, State of Maine, described as follows:

See Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said Judy Hatch, as Trustee of Hope Realty Trust, duly authorized, has executed this Warranty Deed as of this 11th day of September, 2007.

WITNESS:




Judy Hatch
Judy Hatch, as Trustee of Hope Realty Trust

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

September 11, 2007

Then personally appeared the above named Judy Hatch, as Trustee of Hope Realty Trust and acknowledged the foregoing instrument to be her free act and deed in said capacity as Trustee and the free act and deed of said Trust, before me,


Notary Public / ~~Attorney at Law~~
Print Name: DAVID M. GARVEY, Notary Public
My Commission Expires: 9-2-12



SGC ENGINEERING, LLC

- Civil Design & Survey Engineering
- Environmental & Regulatory Permitting
- Electrical Power Systems Engineering

Offices - Westbrook & Orono, Maine

December 10, 2007

493001

Ms. Shukria Wiar, Planner
City of Portland
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Drainage:

- a. Submit a drainage report that explains as to what is happening on the site. ***The grading plan, Sheet 1 of 3, specifies how the house lot is to be regraded. Generally the lot will drain to the northwest. The house will be constructed with a perimeter drain to manage groundwater and will be connected to the existing storm drain in Pennell Avenue.***
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extension. The limit of the total wetland impact of 4,263 square feet is represented on the plan as the silt fence line.

- b. *Submit DEP approval of wetland disturbance. DEP approval is not necessary for the amount of wetland impact proposed since it does not exceed 4,300 square feet.*
- c. *Show exact extent of wetland filling and grading on the site plan. The silt fence line shown on the plan represents the limits of the wetland impact.*
- d. *Copy of the wetland report should be submitted. The wetlands were delineated by Albert Frick of Albert Frick Associates as mapped on the plan. No wetland report was prepared.*
- e. *This parcel may fall under the shoreland zone; how many acres is the whole wetland area? How many acres of this wetland are contiguous? The project area does not fall under the Shoreland Zone as the wetland is a forested wetland rather than a freshwater wetland. It is predominated by woody growth and does not have the characteristics of a freshwater wetland as defined by the City of Portland Code of Ordinances.*

Department of Public Works:

- a. *The curbing for the street will need to be granite. The plan has been revised to require granite curbing.*
- b. *The sidewalk should be extended to the end of the parcel line. The sidewalk has been extended to the end of the parcel line.*
- c. *The detail plans should show ADA ramps and tip down typicals. ADA-compliant ramps and granite curb tip downs have been added to the plans.*
- d. *A grading plan should be submitted for review. The grading plan is shown on Sheet 1 of 3.*
- e. *Wooden guardrails should be installed at the end of the street. Wooden guardrails have been specified at the end of the proposed road extension. However, it should be noted that these will interfere with snowplowing.*
- f. *Is this street a dedicated street? If it is a dedicated, then provide the point of dedication. The point of dedication will be a granite monument specified to be set 19.41 feet north of the existing granite monument on Pennell Avenue.*

Miscellaneous Items:

- a. *Submit a recorded deed for the lot since a portion of Lot A9 was added to A8. The deed is being prepared and will be provided.*
- b. *Warranty Deed for the road dedication will be required. The Warranty Deed is being prepared and will be provided.*

Peer Review Comments

- *The applicant should confirm that the survey for the project coincides with the approved City standards. The survey need to be tied to the vertical datum of NGVD 1929. Also the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. These items should be indicated in the general notes provided on the survey. The vertical datum used for the design plans has been confirmed to be consistent with the 1929 datum used by the City, and a note has been added. Additionally, horizontal datum coordinates that are consistent with the NAD 1983 Datum have been provided for the four lot corners of the subject parcel and are shown on Sheet 1 of 3.*



- The proposed project will result in a significant amount of wetland impact. This will require DEP permitting. *See "Wetlands a." response above. The wetland impact will remain below DEP permit requirements.*
- The crushed stone pipe bedding layer should include 12" over the top of the pipe. The detail in the plans calls for only 6". *The typical trench detail has been revised to require 12 inches of crushed stone over the top of the pipe.*
- The existing curbing on Pennell Avenue is granite. The applicant will be required to provide vertical curbing on both sides of the street; with granite tip-downs at the driveway entrances. *See responses "Department of Public Works a. to c." above.*
- A detail should be provided for the bituminous driveway cross section, in conformance with the City of Portland Standards. *A bituminous driveway cross section detail that is in conformance with City standards has been added to the plans.*
- A stabilized construction entrance should be utilized as part of the erosion and sedimentation control plan. A detail should be provided as well as a location shown on the plans. *A stabilized construction entrance detail has been added to the plans. A note has been added to require that this crushed stone entrance be constructed at the proposed location of the driveway to the single-family house lot.*

As you recommended, we followed up with Mr. Mike Farmer on November 30, 2007 by way of a conference call. We reviewed these issues with him. A summary of our discussion with him and resolutions to his comments is attached.

Mr. Dan Goyette has been difficult to reach, but we fully expect the revisions to the plans will address and resolve all of his comments. We respectfully request to receive Planning Staff approval at your next workshop so a building permit can be issued.

Thank you for your assistance.

Very truly yours,
SGC ENGINEERING, LLC



John M. Riordan, P.E.
Director of Civil Engineering

Enclosure

cc: Dwight Brackett
Jim Bolduc





SGC ENGINEERING, LLC

- Civil Design & Survey Engineering
- Environmental & Regulatory Permitting
- Electrical Power Systems Engineering

Offices - Westbrook & Orono, Maine

Memo

Date:	November 30, 2007	Project No.:	493001
To:	File		
From:	Michael Roy		
Project Name:	Pennell Avenue – Single family house lot on A		
Subject:	Discussion with Michael Farmer to review plans and review comments		

On November 30, 2007 a conference call was completed between SGC and the Portland Department of Public Works. The attendees of the conference call were:

Michael Farmer, Portland Department of Public Works
Jim Bolduc, Stonemark Management
Dwight Brackett
John Riordan, SGC Engineering
Michael Roy, SGC Engineering

The subject of the meeting was to discuss and resolve the City's comments generated during the review of the plans dated October 29, 2007. The outline of the meeting was SGC's response letter to the City and peer review comments dated November 29, 2007. The comments and resolutions discussed were as follows:

- The plans need to show the closest catch basin to the project on Pennell Avenue. The City typically allows 300 feet of gutter flow between catch basins. *The closest catch basins are shown on Sheet 1 of 3.*
- The plans also should show the existing street grade from the existing end of Pennell Avenue to the closest catch basin. SGC will report the grade on the plans. *The existing street grade is specified on Sheet 2 of 3.*
- Mike Farmer is fine with the wetland calculation, but commented that issue should be addressed with Dan Goyette. *We believe Dan Goyette will be satisfied with the revised wetland impact limits.*

501 County Road, Westbrook, Maine 04092 - Office: 207-347-8100 • Fax: 207-347-8101

Target Technology Center, 20 Godfrey Drive, Suite 200, Orono, Maine 04473 - Office: 207-866-6571 • Fax: 207-866-6501

www.sgceng.com • E-mail: sgc@sgceng.com

- The driveway needs to reflect the City's standard driveway entrance detail. The detail should be added to the plans as well. *The detail has been added to the plans.*
- The proposed curbing is to be granite. Granite tip downs should be installed on both sides of the driveway. *The plans have been revised to require both.*
- The sidewalk needs to be extended to the end of the proposed roadway. *The sidewalk has been extended accordingly.*
- Mike Farmer would support not installing a guardrail at end of street. Dwight Brackett mentioned the placement of a stop sign as an alternative. Todd Merkle of the DPW is satisfied with a stop sign. *Wooden guardrails have been added to the plans.*
- Spot grades should be added to the plan at the beginning and end centerline of the proposed road. *Spot grades have been added to Sheet 1 of 3.*
- The existing grades on the profile on Sheet 2 of 3 should be updated to include another significant digit. *The profile has been updated.*
- Provide underdrains for proposed road extension. Confirm if the existing portion of Pennell Avenue is underdrained. If yes, connect the proposed underdrain to the existing ones, if not, plug the ends of pipe. *The road cross-section has been revised to require underdrains.*
- Mike Farmer would like the proposed sewer manhole at the end of the extension to be raised to match the elevation at the end of the road. *The sewer manhole has been raised accordingly.*
- The existing power and proposed power service to the house lot needs to be shown. *The proposed power service to the house is shown on Sheet 1 of 3.*
- The right-of-way for the proposed roadway extension will need a description, i.e. metes and bounds, on the plan. Bill Clark, of the DPW, will be able to specify the requirements. A 3 foot offset monument may be required. *A 3-foot offset monument has been added to the plans.*
- The ROW portion of the proposed Pennell Avenue extension will need to be deeded to the City. Penny Littel with the City Legal Department will be able to provide some direction. Dwight Brackett commented that he will take responsibility for resolving this. *This is being prepared, and will be provided.*
- The plan "North" needs to be confirmed. The north arrow states true north, however general note #3 states magnetic. *The comment has been addressed.*



MODE = MEMORY TRANSMISSION

START=DEC-17 10:31

END=DEC-17 10:33

FILE NO.=746

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	97728629	002/002	00:01:09

-CITY OF PORTLAND -

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

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



FAX

To: Dwight Brackett

Company: _____

Fax #: 772-8629

Date: December 17, 2007

From: Shukria Wiar

You should receive 2 page(s) including this cover sheet.

Comments:

Attached are Dan Goyette comments in regard to Pennell Avenue street extension.



PORTLAND MAINE

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

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

January 10, 2008

Dwight Brackett
84 Country Lane
Portland, Maine 04103

RE: 14-403 Street Extension, & Single Family Application for Pennell Ave, (#2007-0193)

Dear Mr. Brackett:

Recently I visited property under contract by you in response to your application to extend Pennell Avenue, and to build a single family house. Upon review of the site plan you submitted, the City's Planning Division has the following comments:

1. During my site visit there appeared to be wetlands located on the property. Due to the environmental impacts, the City will need confirmation that this development can be permitted by the Maine Department of Environmental Protection. There are specific guidelines that relate to wetland filling and alterations, therefore copies of all approvals from the DEP are requested.

Once I receive the required information, I will proceed with the processing of your application.

Sincerely,

Philip DiPierro
Development Review Coordinator

cc: Barbara Barhydt, Development Review Services Manager

MODE = MEMORY TRANSMISSION

START=JAN-10 12:43

END=JAN-10 12:44

FILE NO.=797

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		97728629	002/002	00:01:17

-CITY OF PORTLAND -

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

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



FAX

To: Dwight Bruckert

Company: _____

Fax #: 772-8629

Date: 1/10/08

From: Phil D. Riend

You should receive 2 page(s) including this cover sheet.

Comments:

Dwight, following is the letter you requested. Let me know if you need anything else.

Thanks

Phil

City of Portland
Department of Planning and Development
Planning Division

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



FAX

To:

Dwight Braddock

Company:

Fax #:

772-8629

Date:

1/10/08

From:

Phil D. Diem

You should receive 2 page(s) including this cover sheet.

Comments:

Dwight, following is the letter you requested. Let me know if you need anything else.

Thanks

Phil

① Close proximity to city warranty deed
 NO. 067 P002/006
 for street

② Stonemark - deed street for city
 gives Dwight Street frontages
 P/S s/s Hunt for buildly

SHORT FORM WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Stonemark Management Company, Inc., a New Hampshire corporation, with a mailing address of P.O. Box 280, Stratham, New Hampshire 03885, FOR CONSIDERATION PAID, grants to C.G.B. Properties LLC, a Maine limited liability company with a mailing address of 84 Country Lane, Portland, Maine 04103, WITH WARRANTY COVENANTS, the following described real property located in Portland, Cumberland County, State of Maine:

A certain parcel of land located on the westerly side of Pennell Avenue and being more particularly bounded and described as follows:

Commencing at a stone monument with cap, 6" below grade with cap PLS#1273, said stone monument is on the easterly side of Pennell Avenue approximately 2.98' feet westerly of a found 5/8" rebar 2" above grade with no cap and bent, thence,

N85°37'18"W A distance of fifty one and 04/100 (51.04') feet to a 5/8" rebar with cap to be set on the westerly side of Pennell Avenue. Said point also being the Point of Beginning, thence,

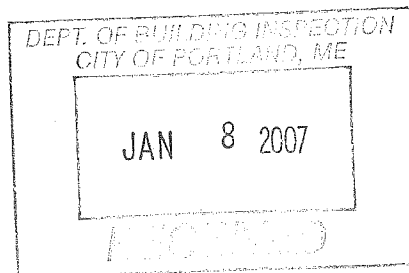
S17°51'00"E A distance of sixty five and 00/100 (65.00') feet along the westerly side of Pennell Avenue to a 5/8" rebar with cap set, thence,

S71°31'00"W A distance of one hundred and 01/100 (100.01') feet along the land on the south now or formerly of William L. Knight as described in Deed Book 17683, Page 338 recorded in the Cumberland County Registry of Deeds and the parcel of land herein described, to a 5/8" rebar with cap set, thence,

N17°51'00"W A distance of sixty five and 00/100 (65.00') feet along the land to the west now or formerly of ALC Development Corporation as described in Deed Book 18822, Page 58 recorded in the Cumberland County Registry of Deeds and the parcel of land herein described, to a 5/8" rebar with cap to be set, thence,

N71°31'00"E A distance of one hundred and 01/100 (100.01') feet along the land to the north of Stonemark Management, Inc., as Trustee of the Robinson Family Trust, to the westerly sideline of Pennell Avenue to a 5/8" rebar with cap to be set, said point also being the Point of Beginning.

Containing 6,500± square feet or 0.15 acres more or less and being lots numbered 36 and the southerly 20 feet of lot 37 on a plan of the Holmsteads prepared by E. C. Jordan, C.E. and dated September 1921. Said plan being recorded in the Cumberland County Registry of Deeds in Book 14, Page 70.



All bearings herein referenced to the Magnetic Meridian of 1921 and are based on the afore mentioned plan.

Subject, however to a reverter provision contained in a deed from Stonemark Management Company, Inc., as Trustee of the Robinson Family Trust to the grantor herein, dated 12-19-2007, to be recorded in the Cumberland County Registry of Deeds, granting a portion of the land conveyed herein, such portion being the above-referenced portion of lot 37 on said plan of the Holmsteads, which provision provides that if any owner of said portion of said lot 37 attempts to divide the merged parcel containing said portion and the above-referenced lot 36 on said plan of the Holmsteads, at any time within five years from the date of said deed, then said deed and conveyance shall be and become null and void, and the title to said portion of said lot 37 conveyed therein shall immediately revert to the grantor therein, its heirs, successors and assigns.

IN WITNESS WHEREOF, Stonemark Management Company, Inc. has caused this instrument to be executed by James Bolduc, its duly authorized President, this 19th day of December, 2007.

WITNESS:

Judith A. Hatch

Stonemark Management Company, Inc.
James Bolduc, President

STATE OF NEW HAMPSHIRE
COUNTY OF Strafford, SS.

December 19, 2007

Personally appeared the above-named James Bolduc, President of Stonemark Management Company, Inc., 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 Stonemark Management Company, Inc.

Before me,

Judith A. Hatch
Notary Public/Attorney at Law
COMMISSIONER OF DEEDS
STATE OF NEW HAMPSHIRE
COMMISSION EXPIRES APRIL 15, 2011

Stonebrook Management Company, Inc

CONTRACT FOR THE SALE OF REAL ESTATE

RECEIVED of Dwight Brackett, whose mailing address is 84 Country Lane, Portland, Maine 04103 (hereinafter called the "Purchaser"), this 4th Day of August 2007, an earnest money deposit in the sum of \$100.00 toward the purchase of real estate owned by Hope Realty Trust, (hereafter called the "Seller") of P. O. Box 475, Eliot, Maine 03903, and located on Pennell Avenue, Portland, Maine (hereafter "Property Address"), as shown on a survey plan prepared by SGC Engineering, described as a parcel of land containing 4,000 square feet; and being more fully described in a deed being prepared by *Natalie Burns, Esq., to be recorded at said County's Registry of Deeds upon the terms and conditions indicated below.* *Robert Stevens*

- 1. **PERSONAL PROPERTY:** Land only. *Lease - four thousand five hundred ~~sq~~ ft*
- 2. **PURCHASE PRICE:** The total Purchase Price is ~~Forty-two Thousand Dollars (\$42,000)~~ *Forty-four thousand five hundred ~~sq~~ ft* Dollars (\$44,500), with payment to be made as follows:

Earnest money deposit received on this date: \$ 100.00

Balance due at closing, in cash or certified funds: \$51,000.00 - \$44,500 *sq*

- 3. **TRANSFER OF TITLE:** That a deed, conveying the premises in fee simple with good and marketable title in accordance with Standards of Title adopted by the Maine Bar Association shall be delivered to the Purchaser and this transaction shall be closed and Purchaser shall pay the Purchase Price as provided herein and execute all necessary papers for the completion of the purchase on or before ~~September 15, 2007.~~ *December 15, 2007*
- 4. **DEED:** That the property shall be conveyed by a warranty deed, provided to Buyer at Seller's cost, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record and usual public utilities servicing the premises and shall be subject to applicable land use and building laws and regulations.
- 5. **POSSESSION/OCCUPANCY:** Possession/occupancy of premises shall be given to Purchaser immediately at closing unless otherwise agreed by both parties in writing.
- 6. **RISK OF LOSS:** Until transfer of title, the risk of loss or damage to said premises by fire or otherwise is assumed by the Seller unless otherwise agreed in writing. Said premises shall at closing be in substantially the same condition as at present, including all timber, etc.
- 7. **PRORATIONS:** The following items shall be prorated as of the date of closing:
 - a. Real Estate Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
 - b. Metered utilities, such as water and sewer, shall be paid by the Seller through the date of closing.
 - c. Purchaser and Seller shall each pay one-half of the transfer tax as required by the laws of the State of Maine.
- 8. **INSPECTIONS:** Purchaser is advised to seek information from professionals regarding any specific issue of concern. This Contract is subject to the following inspections, with the results being satisfactory to the Purchaser:

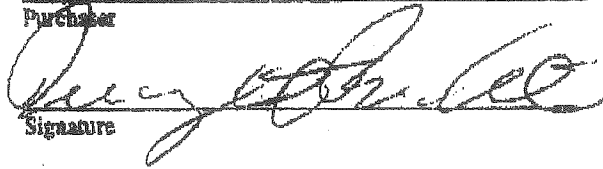
TYPE OF INSPECTION	YES	NO	RESULTS REPORTED	TYPE OF INSPECTION	YES	NO	RESULTS REPORTED
a. General Building		X	Within ___ days	g. Lead Paint		X	Within ___ days
b. Sewage Disposal	X		Within 30 days	h. Pests		X	Within ___ days
c. Water Quality	X		Within 30 days	i. ADA		X	Within ___ days
d. Radon Air Quality		X	Within ___ days	j. Wetlands	X		Within 30 days
e. Radon Water Quality		X	Within ___ days	k. Environmental Scan	X		Within 30 days
f. Asbestos Air Quality		X	Within ___ days	l. Other (see addendum A)			Within 30 days

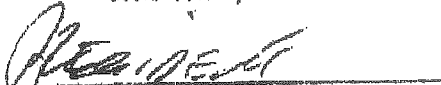
The use of days is intended to mean from the Effective Date of the Contract. All inspections will be done by inspectors chosen and paid for by Purchaser. If the result of any inspection or other condition specified herein is unsatisfactory to the Purchaser, Purchaser may declare the Contract null and void by notifying Seller in writing within the specified number of days set forth above. If Purchaser does not notify Seller that an inspection is unsatisfactory within the time period set forth above, this contingency is waived by Purchaser. In the absence of inspection(s) mentioned above, Purchaser is relying completely upon Purchaser's own opinion as to the condition of the premises.

RS

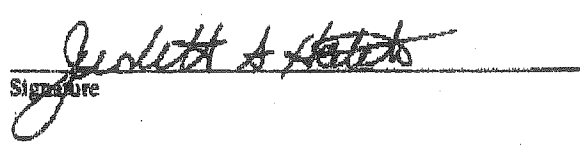
- 9. **FINANCING:** This contract is not contingent to buyer obtaining financing.
- 10. **DEFAULT:** If buyer should default under this contract, the Sellers sole remedy, liquidated damages, is the non-refundable deposit in the amount of One Hundred Dollars (\$100.00).
- 11. **MEDIATION:** Any dispute or claim arising out of or relating to this Contract or the premises addressed in this Contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the closing of this transaction.
- 12. **PRIOR STATEMENTS:** This Contract sets forth the entire contract between the parties, and there are no other representations, contracts or understandings with respect to the subject matter of this Contract. This Contract shall be construed according to the laws of the State of Maine.
- 13. **HEIRS/ASSIGNS:** This Contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the respective parties.
- 14. **EFFECTIVE DATE:** This Contract is a binding contract when signed by both Seller and Purchaser. Time is of the essence of this Contract.
- 15. **ADDENDA:** This contract has addenda containing additional terms and conditions - see Addendum A to this contract

Seller acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to 2 1/4% of the consideration unless the Seller furnishes to the Purchaser a certificate by the Seller stating, under penalty of perjury, that Seller is a resident of Maine or the transfer is otherwise exempt from withholding.

Dwight Brackett
 Purchaser

 Signature

00754-6734
 Social Security #

 Name/Title, there unto duly authorized

Seller accepts Purchaser's offer and agrees to deliver the premises at the price and upon the terms and conditions set forth above.
 Signed this 22nd day of August, 2007

Hope Realty Trust
 Seller

 Signature

20-7513033
 Tax ID Number
Judith A. Hatch, Trustee
 Name/Title, there unto duly authorized

A COPY OF THIS CONTRACT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED. IF NOT FULLY UNDERSTOOD CONSULT AN ATTORNEY.

ADDENDUM A
To Contract for Sale of Real Estate
"Additional Provisions"

This addendum is made an integral part to the Contract For The Sale Of Real Estate for property located on Pennell Avenue, Portland, ME, as shown on a survey plan prepared by SGC Engineering between Hope Realty Trust. (Known as Seller) and Dwight Brackett, (known as Purchaser)


The following terms and conditions are agreed to by the Seller and Buyer:

1. Additional Conditions: This contract, in its entirety, is subject to the following additional conditions being completed to the Buyer's satisfaction, in the buyer's sole discretion, within 30 days after the effective date of this Contract. All costs incurred by the Buyer to complete said items under this section of this Contract will be at the Buyer's expense.
 - A. Obtaining City of Portland building permit for a three bedroom single family home
 - B. Review and approval of the plan prepared by SGC Engineering, paid for by Seller
 - C. Tide abstract

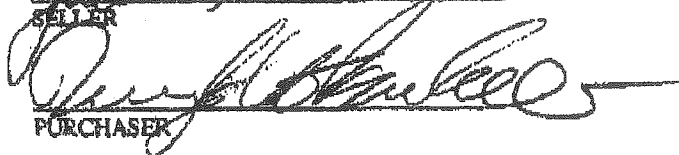
2. During the time of this contract, the Buyer, its agent(s), employees and/or consultants, may enter upon the property, from time to time, as needed by the buyer to complete the analysis of the property. Buyer assumes all responsibility for any damage, loss or injury caused or suffered by its entry upon the property and agrees to indemnify and hold Seller harmless from any claim resulting, therefrom.

3. Buyer and Seller agree that the Buyer is responsible for any Real Estate Commission that may be due, as a result of this transaction.

SEEN AND AGREED TO BY:



 SELLER



 PURCHASER

8/22/07

DATE

8/22/07

DATE



0599900

RETTD

MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION

TITLE 36, M.R.S.A. SECTIONS 4641-4641N

PLEASE TYPE OR PRINT CLEARLY

Recorded On: Jan 03, 2008 03:38:40P
Transfer Tax of 8.80
State of Maine Transfer Tax
Cumberland County
Doc #: 536

1. COUNTY
CUMBERLAND

DO NOT USE RED INK!

2. MUNICIPALITY/TOWNSHIP
PORTLAND

Bk: 3000/PAGE—REGISTRY USE ONLY 185

3. GRANTEE/ PURCHASER	3a) Name (LAST, FIRST, MI) STONEMARK MANAGEMENT COMPANY, INC.	3b) SSN or Federal ID 02-0439849
	3c) Name (LAST, FIRST, MI)	3d) SSN or Federal ID
	3e) Mailing Address PO Box 280	
	3f) City STRATHAM	3g) State NH
		3h) Zip Code 03885

4. GRANTOR/ SELLER	4a) Name (LAST, FIRST, MI) STONEMARK MANAGEMENT COMPANY, INC. AS	4b) SSN or Federal ID 20-6906203
	4c) Name (LAST, FIRST, MI) TRUSTEE OF THE ROBINSON FAMILY TRUST	4d) SSN or Federal ID
	4e) Mailing Address PO Box 475	
	4f) City ELIOT	4g) State ME
		4h) Zip Code 03903

5. PROPERTY	5a) Map Block Lot Sub-Lot 347 - A - 9 -	Check any that apply: <input type="checkbox"/> No tax maps exist <input type="checkbox"/> Multiple parcels <input checked="" type="checkbox"/> Portion of parcel	5b) Type of property—Enter the code number that best describes the property being sold. (See instructions)
	5c) Physical Location PENNELL AVENUE		5d) Acreage: 0.04

6. TRANSFER TAX	6a) Purchase Price (if the transfer is a gift, enter "0") 6a \$ 2,000.00
	6b) Fair Market Value (enter a value only if you entered "0" in 6a) or if 6a) was of nominal value) 6b \$.00
	6c) Exemption claim - <input type="checkbox"/> Check the box if either grantor or grantee is claiming exemption from transfer tax and explain.

7. DATE OF TRANSFER (MM-DD-YYYY) MONTH DAY YEAR	8. WARNING TO BUYER—if the property is classified as Farmland, Open Space or Tree Growth, a Substantial financial penalty could be triggered by development, subdivision, partition or change in use. <input type="checkbox"/> CLASSIFIED
--	--

9. SPECIAL CIRCUMSTANCES—Were there any special circumstances in the transfer which suggest that the price paid was either more or less than its fair market value? If yes, check the box and explain: <input type="checkbox"/>	10. INCOME TAX WITHHELD—Buyer(s) not required to withhold Maine income tax because: <input type="checkbox"/> Seller has qualified as a Maine resident <input type="checkbox"/> A waiver has been received from the State Tax Assessor <input checked="" type="checkbox"/> Consideration for the property is less than \$50,000
---	---

11. OATH Aware of penalties as set forth by Title 36 §4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below: Grantee <u>[Signature]</u> Date <u>12/19/07</u> Grantor <u>[Signature]</u> Date <u>12/19/07</u>

12. PREPARER Name of Preparer <u>Robert E. Stevens</u> Phone Number <u>207-774-9000</u> Mailing Address <u>PO BOX 7320</u> E-Mail Address _____ <u>Portland, ME 04112</u>
--

Doc#: 536 Bk:25727 Pg: 185

SHORT FORM WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Stonemark Management Company, Inc., a New Hampshire corporation, in its capacity as Trustee of the Robinson Family Trust, with a mailing address of P.O. Box 475, Eliot, Maine 03903, FOR CONSIDERATION PAID, grants to Stonemark Management Company, a New Hampshire corporation, in its individual capacity, with a mailing address of P.O. Box 280, Stratham, New Hampshire 03885, WITH WARRANTY COVENANTS, the following described real property located in Portland, Cumberland County, State of Maine:

A certain parcel of land located on the westerly side of Pennell Avenue and being more particularly bounded and described as follows:

Commencing at a stone monument with cap, 6' below grade with cap PLS#1273, said stone monument is on the easterly side of Pennell Avenue approximately 2.98' feet westerly of a found 5/8" rebar 2" above grade with no cap and bent, thence,

- N85°37'18"W A distance of fifty one and 04/100 (51.04') feet to a 5/8" rebar with cap to be set on the westerly side of Pennell Avenue. Said point also being the Point of Beginning, thence,
- S17°51'00"E A distance of twenty and 00/100 (20.00') feet along the westerly side of Pennell Avenue to a point, thence,
- S71°31'00"W A distance of one hundred and 01/100 (100.01') feet along the land now or formerly of Stonemark Management Company Inc. as described in Deed Book 24372, Page 239 recorded in the Cumberland County Registry of Deeds to a point, thence,
- N17°51'00"W A distance of twenty and 00/100 (20.00') feet along the land now or formerly of ALC Development Corporation as described in Deed Book 18822, Page 58, to a point, thence,
- N71°31'00"E A distance of one hundred and 01/100 (100.01') feet through said land now or formerly of said grantor to a 5/8" rebar with cap to be set, said point also being the Point of Beginning.

Containing 2,000± square feet or 0.046 acres more or less and being the southerly 20 feet of lot 37 on a plan of the Holmsteads prepared by E. C. Jordan, C.E. and dated September 1921. Said plan being recorded in the Cumberland County Registry of Deeds in Book 14, Page 70.

All bearings herein referenced to the Magnetic Meridian of 1921 and are based on the afore-mentioned plan.

Provided, however, that said real estate conveyed herein is deeded by this conveyance for the purpose of allowing the grantee herein to merge said real estate conveyed herein with an

9/17

Doc#: 536 Bk:25727 Pg: 186

adjacent lot, being the lot numbered 36 on the above-referenced plan of the Holmsteads, which lot is presently owned by the grantee herein, and if the grantee herein or its successors, heirs and assigns should attempt to divide the merged parcel containing the said lot 36 and the land conveyed herein, at any time within five years from this conveyance, then this deed and conveyance shall be and become null and void, and the title to said real estate conveyed herein shall immediately revert to the grantor herein, its heirs, successors and assigns.

IN WITNESS WHEREOF, Stonemark Management Company, Inc., in its capacity as Trustee of the Robinson Family Trust, has caused this instrument to be executed by James Bolduc, its duly authorized President, this 19th day of December, 2007.

WITNESS:

Stonemark Management Company, Inc., as Trustee
aforesaid

Judith A. Hatch

James Bolduc
James Bolduc, President

STATE OF NEW HAMPSHIRE
COUNTY OF Shafford, SS.

December 19, 2007

Personally appeared the above-named James Bolduc, President of Stonemark Management Company, Inc., 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 Stonemark Management Company, Inc., as Trustee aforesaid.

Before me,

Judith A. Hatch
Notary Public, Attorney at Law
COMMISSION EXPIRES
STATE OF
HAMP
COMMISSIONER OF DEEDS

O:\RES\08264-300 Bolduc, James\Deed Robinson Trust to Stonemark Mgmt.doc

Received
Recorded Register of Deeds
Jan 03, 2008 03:38:40P
Cumberland County
Pamela E. Lovley

WARRANTY QUIT CLAIM DEED
(With Covenant)

KNOW ALL PERSONS BY THESE PRESENTS, that C.G.B. Properties, LLC, (“Grantor”), with a mailing address of 84 Country Lane, Portland, Maine 04103, in consideration of One Dollar and other valuable consideration paid by the City of Portland (“Grantee”), a municipality organized and existing under the laws of the State of Maine, and having its principal place of business at Portland, in the County of Cumberland and State of Maine, whose mailing address is 389 Congress Street, Portland, Maine 04101, the receipt whereof is hereby acknowledged, does hereby **GIVE, GRANT, BARGAIN, SELL and CONVEY** unto the said City of Portland, its successors and assigns forever, the following described real estate:

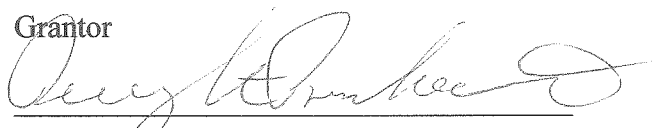
A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine on the ~~southerly side of~~ Pennell Avenue, and being more particularly described in Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD, the same together with all the privileges and appurtenances thereunto belonging, to the said city of Portland, its successors and assigns forever, to its use and behoof forever.

AND Grantor **COVENANTS** with Grantee, its successors and assigns forever, that it will **WARRANT AND FOREVER DEFEND** the premises to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

IN WITNESS WHEREOF, the said C.G.B. Properties, LLC, has caused this instrument to be signed and sealed in its name by Dwight A. Brackett, on December 27, 2007.

WITNESS:

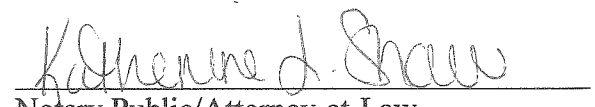
Grantor


12/27/ _____, 2007

STATE OF MAINE
Cumberland County, ss

Personally appeared the above named Dwight A. Brackett, in his said capacity, and acknowledged the foregoing to be his free act and deed in his said capacity.

Before me,



Notary Public/Attorney-at-Law

KATHERINE L. SHAW
Notary Public, Maine
My Commission Expires November 1, 2013

12/27/ _____, 2007

EXHIBIT A

Proposed Area to be Granted
To City of Portland

A certain parcel of land situated on the southerly side of Pennell Avenue, City of Portland, County of Cumberland, State of Maine being depicted on a plan of land titled "Pennell Avenue", dated December 18, 2007 by SGC Engineering, LLC, and said parcel being more particularly bounded and described as follows:

~~Meaning and intending to describe a certain parcel of land containing 727 square feet, more or less, being depicted as shown on a plan of land titled "Pennell Avenue" dated December 18, 2007, by SGC Engineering, LLC.~~

*Need
metes + bounds
description*

STREET ACCEPTANCE WAIVER AND INDEMNIFICATION

WHEREAS, _____, of Portland, ME (the PETITIONER) has requested the City of Portland (the CITY) to accept a certain parcel of land known as/ located on _____ in Portland, more particularly described as/referenced in Exhibit A, attached hereto and hereby incorporated by reference; and

WHEREAS, the CITY as a condition precedent to any acceptance of the parcel of land or portion thereof requires a waiver of any and all claims which the PETITIONER may have against the CITY for such acceptance, and further requires indemnification against any and all claims of any and all third persons arising out or resulting from the acceptance of said proposed property or portion thereof;

NOW THEREFORE, in consideration of the CITY accepting said property or portion thereof, the PETITIONER for itself, its successors, heirs and assigns, agrees as follows:

1. The PETITIONER hereby waives any and all claims for damages which it may now or hereafter have against the CITY arising out of or resulting from any acceptance of said proposed property or portion thereof by the CITY; and
2. The PETITIONER hereby agrees to defend, indemnify and hold harmless the CITY against any and all claims by any and all third persons against the CITY for damages arising out of or resulting from any acceptance of said property or portion thereof by the CITY

Dated: _____, 200__

BY: _____
Petitioner's Signature

Its: _____
(title)

MODE = MEMORY TRANSMISSION

START=JAN-09 16:01

END=JAN-09 16:04

FILE NO.=796

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		97728629	003/003	00:01:54

-CITY OF PORTLAND -

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

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



FAX

To: Dwight Brackett

Company: _____

Fax #: 772-8629

Date: 1/9/08

From: Phid

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

Comments:

Dwight, following is the PBR Application
 & the cover to the standards. There are
 about 12 pages of information that goes with
 this. You may want to contact the DEP to
 get the rest of it, or come to the planning dept.
 & I'll give you a copy.

Phid

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



FAX

To:

Dwight Brackett

Company:

Fax #:

772-8629

Date:

1/9/08

From:

PWD

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

Comments:

Dwight, following is the PBR Application
& the cover to the standards. There are
about 12 pages of information that goes with
this. You may want to contact the DEP to
get the rest of it, or come to the planning dept.
& I'll give you a copy.

PWD

STREET ACCEPTANCE WAIVER AND INDEMNIFICATION

WHEREAS, C.G.B. Properties LLC, of Portland, ME (the PETITIONER) has requested the City of Portland (the CITY) to accept a certain parcel of land located on Pennell Avenue in Portland, more particularly described as/referenced in Exhibit A, attached hereto and hereby incorporated by reference; and

WHEREAS, the CITY as a condition precedent to any acceptance of the parcel of land or portion thereof requires a waiver of any and all claims which the PETITIONER may have against the CITY for such acceptance, and further requires indemnification against any and all claims of any and all third persons arising out or resulting from the acceptance of said proposed property or portion thereof;

NOW THEREFORE, in consideration of the CITY accepting said property or portion thereof, the PETITIONER for itself, its successors, heirs and assigns, agrees as follows:

1. The PETITIONER hereby waives any and all claims for damages which it may now or hereafter have against the CITY arising out of or resulting from any acceptance of said proposed property or portion thereof by the CITY; and
2. The PETITIONER hereby agrees to defend, indemnify and hold harmless the CITY against any and all claims by any and all third persons against the CITY for damages arising out of or resulting from any acceptance of said property or portion thereof by the CITY.

Dated: January 23, 2008

C.G.B. Properties LLC

BY: 

Dwight Brackett

Its: RESIDENT

(title)

EXHIBIT A

A certain parcel of land situated in the City of Portland, County of Cumberland and State of Maine located generally within the right-of-way of Pennell Avenue and at the end of the developed portion of the street and being more particularly bounded and described as follows:

Commencing at a stone monument with cap, 6" below grade with cap PLS #1273, said stone monument is on the easterly side of Pennell Avenue 2.98' westerly of a found 5/8" rebar 2" above grade with no cap and bent. Said point is also being the Point of Beginning, thence,

- S72°09'00"W A distance of forty-seven and 02/100 (47.02') to a point on the westerly side of Pennell Avenue, thence
- N17°51'00"W A distance of twenty-five and 50/100 (25.50') feet along the westerly side of Pennell Avenue to a point, thence
- N72°09'00"E A distance of forty-seven and 00/100 (47.00') feet to a stone monument to be set, thence
- N72°09'00"E A distance of three and 00/100 (3.00') feet to a point on the easterly side of Pennell Avenue, thence
- S17°51'00"E A distance of twenty-five and 50/100 (25.50') feet along the easterly side of Pennell Avenue to a point, thence
- S72°09'00"W A distance of two and 98/100 (2.98') feet to a stone monument with cap, 6" below grade with cap PLS#1273, said point also being the Point of Beginning.

Meaning and intending to describe a certain parcel of land containing 1,275 square feet, more or less, being depicted as shown on a plan of land titled "Site Plan of Property Located on Pennell Avenue" dated August 2, 2007, revised through December 18, 2007, prepared by SGC Engineering, LLC.

City of Portland
Department of Planning and Development
Planning Division

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



FAX

To: ___ Dwight Brackett _____

Company: _____

Fax #: ___ 772-8629 _____

Date: ___ December 21, 2007 _____

From: ___ Shukria Wiar _____

You should receive ___ 5 ___ page(s) including this cover sheet.

Comments:

Pennell Ave application was reviewed on Wednesday; there are a couple of items that need to be revised on the site plan. The storm drain shall be revised to state that "the foundation drain to storm drain connection shall be constructed by core drilling the storm drain and installing an appropriate INSERTA-T fitting."

I have also attached a typical and description of the sign to be used at the end of the street. It is the end-of-Roadway makers # OM4-2. Please include this in the details sheet.

When the site plans have been revised, please submit seven copies of the final sets for approval. I also have mailed you a letter stating that we cannot approve the two applications until we receive the warranty deed and recorded deed for the lot. Once these items are submitted, the street extension and single-family house can be approved.

Please do not hesitate to call if you have any questions. I have updated Phil in regard to your applications.

Happy Holidays and have a Happy New Year!

From: Michael Farmer
To: Wiar, Shukria
Date: 12/19/2007 2:08:41 PM
Subject: Pennel Ave. project

I reviewed the plans revised as of 12-18-2007 and have the following comments. The applicant has addressed our comments. I recommend approving the plans with the following condition: "the foundation drain to storm drain connection shall be constructed by core drilling the storm drain and installing an appropriate INSERTA-T fitting."

Enjoy your trip! See you next year.

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

December 20, 2007

Dwight Brackett
84 Country Lane
Portland, ME 04103

RE: Pennell Avenue; 14-403 Street Extension
CBL: 347 A009001
Application: 2007-0193

Dear Mr. Brackett,

The Planning Division is still waiting for a copy of the warranty deed for the street and a recorded deed for the property since the lot was created by combining two different lots from two different owners. We cannot approve the application for the street extension or single-family house until we have received this information.

If you have any questions please do not hesitate to call me on (207) 756-8083 or at shukriaw@portlandmaine.gov.

Sincerely,

Shukria Wiar
Planner

cc Barbara Barhydt, Development Review Manager

MEMORANDUM



TO: Barbara Barhydt
FROM: Dan Goyette, PE
DATE: December 17, 2007
RE: Pennell Avenue

Woodard & Curran has reviewed the site plan submission for the proposed Pennell Avenue project. The project includes the extension of Pennell Avenue by 19' and the construction of a two story building with a driveway from the extended roadway.

Documents Reviewed

- Response to Comments, dated December 10, 2007 including Engineering Plan Sheets 1-3 for Pennell Avenue, prepared by SGC Engineering, LLC on behalf of Dwight Brackett, last revised December 6, 2007.

Comments

- The layout of the silt fence for construction is extremely important as it will be the limits of wetland disturbance. Any activity that occurs outside of the silt fence boundary would exceed the limits for non-permitted activity. Therefore, the silt fence should be installed using survey equipment and extreme care taken not to work outside of its boundaries.
- A detail should be provided indicating how the connection will be made for the 4" perimeter drain to the 24" RCP stormdrain line.

All other previous comments in earlier memos have been adequately addressed. Please contact our office if you have any questions.

DRG/LJS
203943

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

M E M O

TO: Shukria Wiar
FROM: Michael Farmer, Project Engineer
DATE: December 14, 2007
RE: Pennell Ave. 14-403 Street Extension for Dwight Brackett

I am submitting the following comments on behalf of DPW regarding the plans revised as of December 6, 2007.

1. The boundary line showing the end of the currently accepted portion of Pennell Ave. should be shown on the plan, with bearing and distance.
2. The boundary line showing the end of the portion of Pennell Ave. that will be offered to the City for acceptance should be shown on the plan, with bearing and distance. We would like to see this boundary line located just past the water main blowoff. The new street monument should be located on this boundary line.
3. All the bearings and distances in the deed description for street acceptance should be shown on the plan.
4. Note 11 is not correct. Plan approval does not necessarily result in street acceptance. (Acceptance of the street by the City Council will result in street acceptance.)
5. DPW will defer to Dan Goyette regarding the questions raised regarding wetland filling.