

375-A-026

74-90 Auburn Street, Portland, ME

Auburn Street Mobil

Alliance Energy Corp.

36 East Industrial Road, Branford, CT 06405

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

2005-0214

Application I. D. Number

9/9/2005

Application Date

Auburn Street Mobil

Project Name/Description

Alliance Energy Corp.

Applicant

36 East Industrial Road, Branford, CT 06405

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (800) 899-8602 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

74 - 90 Auburn Street, Portland, Maine

Address of Proposed Site

375 A026

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 Other (specify) _____

2,670 s.f.

Proposed Building square Feet or # of Units

Acreage of Site

B1

Zoning

Check Review Required:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan
(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional
Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other _____ | |

Fees Paid: Site Pla \$400.00 Subdivision _____ Engineer Review _____ Date 9/13/2005

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions
See Attached Denied

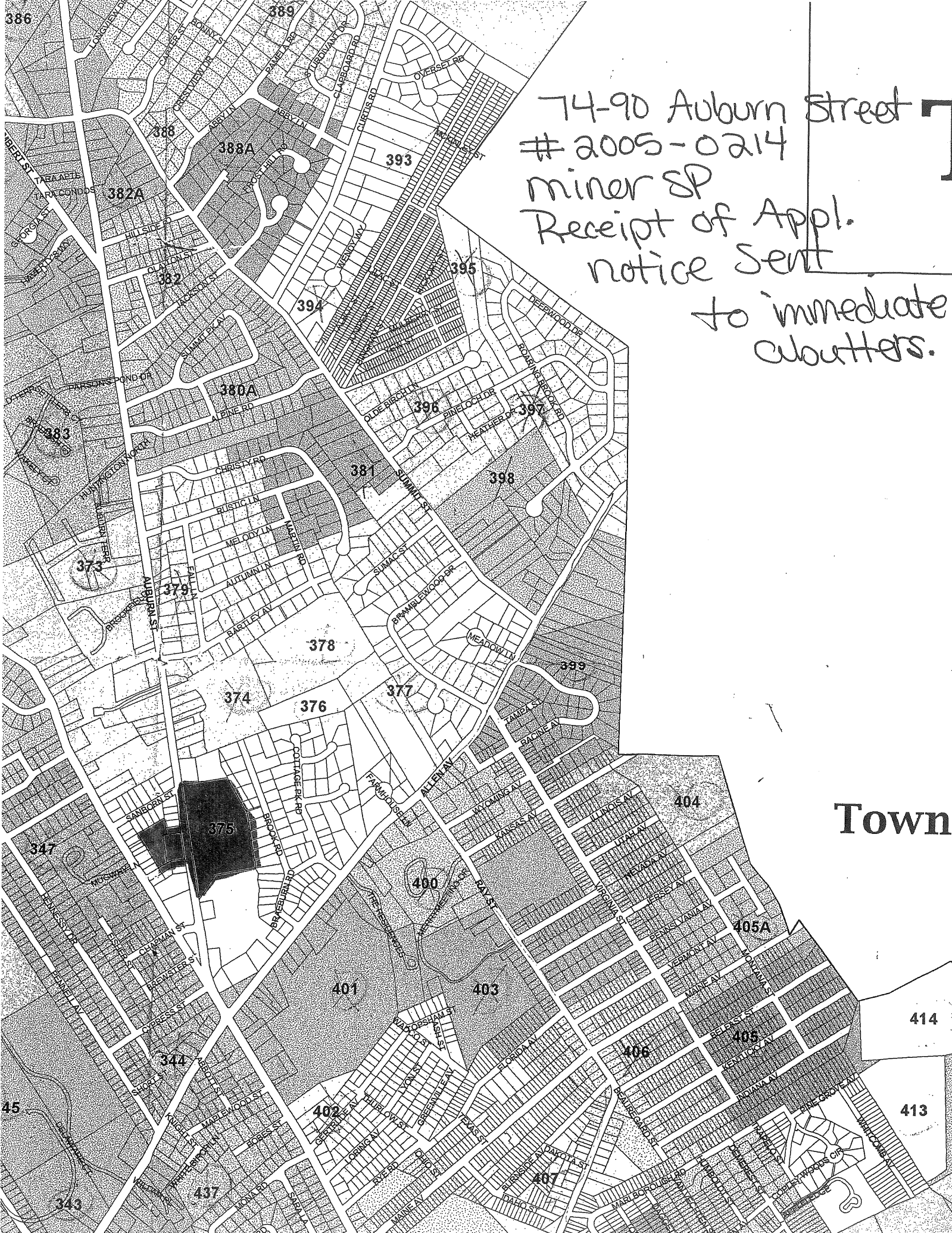
Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets
Attached

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 | _____ | <input type="checkbox"/> Conditions (See Attached) | _____ |
| | date | | expiration date |
| <input type="checkbox"/> Final Inspection | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Certificate Of Occupancy | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Released | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Defect Guarantee Submitted | _____ | _____ | _____ |
| | submitted date | amount | expiration date |
| <input type="checkbox"/> Defect Guarantee Released | _____ | _____ | |
| | date | signature | |



74-90 Auburn Street
2005-0214
minor SP
Receipt of Appl.
notice sent
to immediate
neighbors.

Town



Planning and Development Department
Lee D. Urban, Director
Planning Division
Alexander Jaegerman, Director

September 27, 2005

Mr. Patrick Coughlin
Project Manager
St. Germain & Associates, Inc.
846 Main Street
Suite 3
Westbrook, ME 04092

RE: 2,670 sq. ft. Convenience Store, 74-90 Auburn Street
ID #2005-0214, CBL #375-A-026

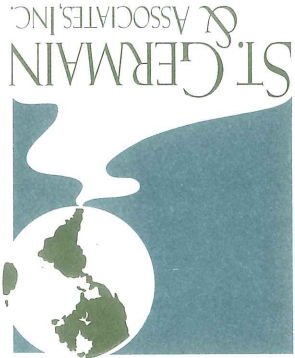
Dear Mr. Coughlin:

After review of the submittal for the proposed building located at 74-90 Auburn Street, the following comments have been generated:

1. A capacity letter from the Portland Sewer Division and Portland Water District shall be submitted.
2. The Traffic Engineer is currently reviewing the plan and traffic assessment. Any additional comments from the Traffic Engineer shall be forwarded to you.
3. The Development Review Coordinator is currently reviewing the plans. Any additional comments from the Development Review Coordinator shall be forwarded to you.
4. The proposed sidewalk on the northerly side of the site is shown half within the right-of-way and half on the applicant's property. What is the reasoning behind this? The sidewalk should be located within the right-of-way, however, if there is a reason that it can't be located within the right-of-way, then a pedestrian easement will be necessary.
5. The City Arborist is currently reviewing the landscaping plan. Additional comments from the City Arborist shall be forwarded to you.

2005-0214

846 Main St., Suite 3
Westbrook, Maine 04092
Telephone 207-591-7000
Facsimile 207-591-7329
info@stgermain.com



Kandice Talbot
Planning & Development Department
City of Portland
389 Congress St.
Portland, Maine 04101

December 21, 2005

Re: Final Site Plan
Auburn Street Mobil - Alliance Energy Corp.
84 (74-90) Auburn St., Portland, Maine
Portland Assessor's Map 375, Block A, Lot 26
St. Germain File No.: 2627.5

Dear Ms. Talbot,

On behalf of Alliance Energy Corp., St. Germain & Associates submits the enclosed seven (7) copies of the final site plan per the Minor Site Plan Review Approval letter, dated December 19, 2005. A copy of the electronic Autocad file was submitted to you separately by email on December 21, 2005. Note that two changes have been made to the site plan from previous versions submitted to the City, as follows:

- The location of the electric service has been changed per Central Maine Power design; and
- Gas service from the street has been added.

With this submittal, Alliance Energy satisfies the requirement number one of the referenced approval letter. If you have any questions please contact us at (207) 591-7000 or by e-mail at patrickc@stgermain.com.

Sincerely,
ST. GERMAIN & ASSOCIATES, INC.

Patrick Coughlin
Project Manager

cc: Victoria Caroline, Alliance Energy
Pat Dillon, Alliance Energy
Dennis Hartigan, GC-Denco, Inc.

- Response
1. Capacity letters from Frank Branche of Portland Public Works Department and Jim Pandiscio from the Portland Water District are attached.
 2. We received the comments you forwarded from the Traffic Engineer (email from Tom Errico, dated 9/30/05). The sidewalk has been adjusted within the right-of-way. We feel that one crosswalk across the paved area from the sidewalk to the store is sufficient.
 3. We received the comments you forwarded from the Development Review Coordinator (email from Lynda Clayton, dated 09/28/05). Lynda's comments primarily address the Land Title Survey Plan we provided with the application package. The Survey Plan is a previously recorded plan, and was not produced specifically for this submission. The plan clearly delineates the property boundaries and references property markers that, although not in close proximity to the proposed work can be used during construction to define the edges of the property. We are confident that this plan is sufficient to describe the property for the purposes of this application and for construction of the proposed work. We can provide a digital copy of our plans once the final details have been agreed to by the issuance of the permit.
 4. The referenced sidewalk has been relocated within the right-of-way. Copies of the revised site plan are enclosed.
 5. We did not receive comments from the City Arborist.

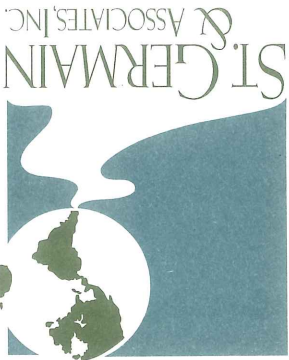
Dear Ms. Talbot,

On behalf of Alliance Energy Corp. (Alliance), St.Germain & Associates (St.Germain) submits this response to your comments provided in a letter dated September 27, 2005. A copy of that letter is attached for reference. Our responses are numbered the same as the comments in your letter.

Re: Response to Comments on Minor Site Plan Review Application
 Auburn Street Mobil - Alliance Energy Corp.
 84 (74-90) Auburn St., Portland, Maine
 Portland Assessor's Map 375, Block A, Lot 26
 St.Germain File No.: 2627.5

Kandice Talbot
 Planning & Development Department
 City of Portland
 389 Congress St.
 Portland, Maine 04101

November 10, 2005



846 Main St., Suite 3
 Westbrook, Maine 04092
 Telephone 207-591-7000
 Facsimile 207-591-7329
 info@stgermain.com

6. No new lights are proposed for the site. The areas of new development are covered by existing area lights.

7. A letter from Robert Valbona of the Bank of America indicating financial capacity is attached.

In addition, we received the comments you forwarded from Jim Seymour, of Sebago Technics. Our responses to his memo are attached.

As we discussed by telephone recently, with this submittal we believe we have provided the necessary information for the City to process this application. We look forward to receiving approval for the site in the very near future.

If you should have any questions during the review of the enclosed materials, please contact us at (207) 591-7000 or by e-mail at patrickc@stgermain.com.

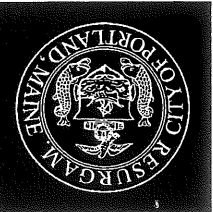
Sincerely,
ST. GERMAIN & ASSOCIATES, INC.



Patrick Coughlin
Project Manager

Attachments

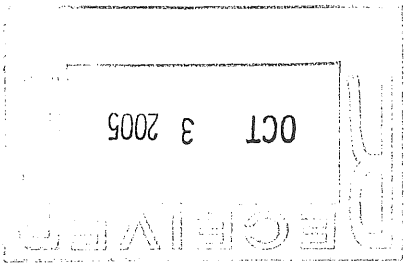
1. Portland Planning & Development letter, dated September 27, 2005
 2. Public Works Department letter
 3. Portland Water District letter
 4. Bank of America letter
 5. Response to Engineering Comments by Sebago Technics
 6. Copies of revised site plan
- cc: Victoria Caroline, Alliance
Patrick Dillon, Alliance



Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

September 27, 2005



Mr. Patrick Coughlin
Project Manager
St. Germain & Associates, Inc.
846 Main Street
Suite 3
Westbrook, ME 04092

RE: 2,670 sq. ft. Convenience Store, 74-90 Auburn Street
ID #2005-0214, CBL #375-A-026

Dear Mr. Coughlin:

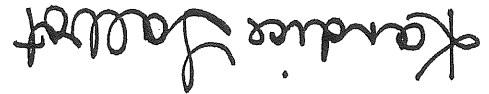
After review of the submittal for the proposed building located at 74-90 Auburn Street, the following comments have been generated:

1. A capacity letter from the Portland Sewer Division and Portland Water District shall be submitted.
2. The Traffic Engineer is currently reviewing the plan and traffic assessment. Any additional comments from the Traffic Engineer shall be forwarded to you.
3. The Development Review Coordinator is currently reviewing the plans. Any additional comments from the Development Review Coordinator shall be forwarded to you.
4. The proposed sidewalk on the northerly side of the site is shown half within the right-of-way and half on the applicant's property. What is the reasoning behind this? The sidewalk should be located within the right-of-way, however, if there is a reason that it can't be located within the right-of-way, then a pedestrian easement will be necessary.
5. The City Arborist is currently reviewing the landscaping plan. Additional comments from the City Arborist shall be forwarded to you.

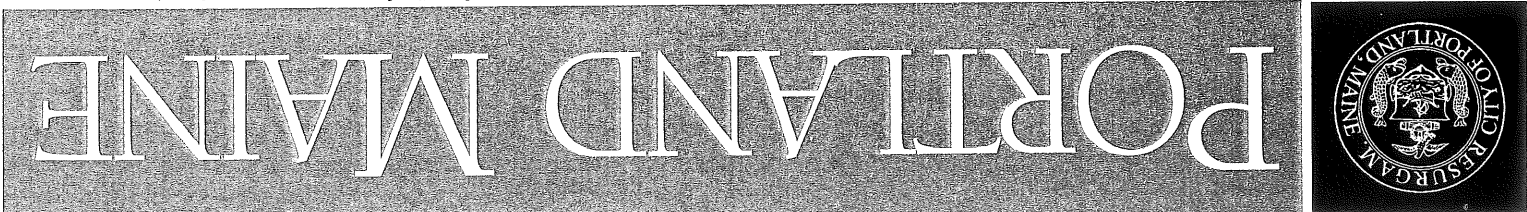
6. Are there new lights proposed for the site? If so, lighting catalogue cuts and a photometric plan shall be submitted to determine if the proposed lighting meets the City's lighting standards.
7. A letter of financial capability, from a responsible financial institute shall be submitted.

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

Sincerely,


Kandice Talbot
Planner

CC: Sarah Hopkins, Development Review Services Manager



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

Public Works Department
 Michael J. Bobinsky, Director

26 October 2005

OCT 27 2005

Mr. Andrew D. Johnston, P.E., CEng MCIWEM
 St. Germain & Associates, Inc.
 846 Main Street, Suite 3,
 Westbrook, Maine 04092.

RE: The Capacity to Handle an Anticipated Increase in Wastewater Flows, from the Proposed Mobil Gas Station Improvements, at 84 Auburn Street, Portland, Maine.

Dear Mr. Johnston:

The existing fifteen inch diameter, vitrified clay sanitary sewer pipe, located in Auburn Street has adequate capacity to **transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to **treat** the anticipated wastewater flows of **129 GPD**, from your proposed improvements.

Anticipated Wastewater Flows from the Proposed Gas Station Improvements:	
2 Proposed Employees @ 15 GPD/Employee	= 30 GPD
40 Proposed Patrons @ 5 GPD/Patron	= 200 GPD
10 Proposed Parking Spots @ 1 GPD/Parking Spot	= 10 GPD
Less Existing Wastewater Flows	= (111 GPD)
Total Proposed Increase in Wastewater Flows for this Project	= 129 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and the Maine D.E.P., requires C.S.O. abatement, as well as storm water mitigation, in order to offset any increase in sanitary flows, from all projects.

If The City can be of further assistance, please call 874-8832.

Sincerely,
Frank J. Brancely
 Frank J. Brancely, B.A., M.A.
 Senior Engineering Technician
 CITY OF PORTLAND

FJB
 cc:

Alexander Q. Jaegerman, Acting Co-Director, Department of Planning, and Urban Development, City of Portland
 Kandice Talbot, Planner, Department of Planning, and Urban Development, City of Portland
 Eric Labelle, P.E., City Engineer, City of Portland
 Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
 Stephen K. Harris, Assistant Engineer, City of Portland
 Jane Ward, Administrative Assistant, City of Portland
 Desk file



Portland Water District
FROM SEBAGO LAKE TO CASCO BAY

October 5, 2005

Andrew D. Johnston, P.E.
St. Germain & Associates, Inc.
846 Main St. Suite 3
Westbrook, Me. 04092

Re: 74-90 Auburn St.-Portland

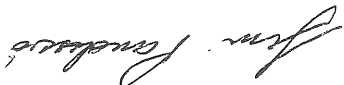
Andrew:

This letter is to confirm there should be an adequate supply of clean and healthful water to serve the needs of the proposed retail/gas store at 74-90 Auburn St. in Portland. Checking District records, I find there is a 8" CI water main on the east side of Auburn St. as well as a water hydrant located in front of the property.

The current data from the nearest hydrant that I have data on indicates there should be adequate capacity of water to serve the needs of your proposed project.

Hydrant Location: Auburn St. 200' north of Washington Ave.
Hydrant # 1011
Static pressure = 72 PSI
Flow = 963 GPM
Last Tested = 9/8/2003

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Jim Pandiscio
Means Coordinator



4 DI 1994
4 DI 1994

4661 DI 17
PORCH ST

8 DI 1994

COTTAGE PARK RD

WOODMERE RD 8 DI 1988

CRIMMERS RD
9 951

1006

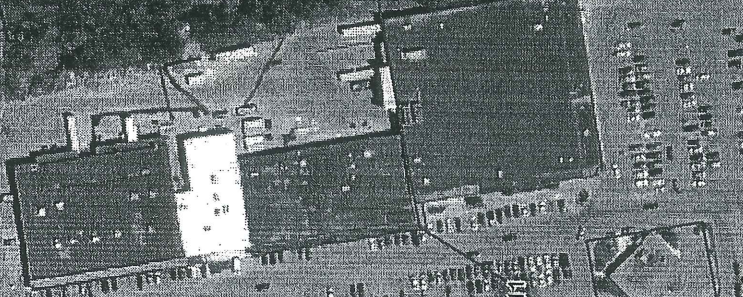
8 CASTCL 1964

8 CAST 1979
EAST NETTY

8 CASTCL 1963

BROOK RD

1621
8 CASTCL 1965



1884
8 CASTCL 1968

AUBURN ST

1017
12 DI 1980

AUBURN ST

12 DI 1980

12 DI 1980

12 CASTCL 1963

1211 DI 19
EAST WASHINGTON AVE

1335

8 CASTCL 1982
BREWSTER ST

4 DI 2001
SANTON ST

1891
1870

WASHINGTON AVE

6 CAST 1898

9337

MEADOW RD
4 DI

225 CAST 1951
CREAM ST
WASHINGTON

8 DI 1985

FISHER ST

225 CASTCL 1967

FISHER ST

8 CASTCL 1961

HENNESSEY DR

6 CAST 1898

6661
6 CASTCL 1969
SANTON ST

REDFIELD DR
EAST WASHINGTON

1588

Robert D. Valbona
Managing Director
Bank of America, N.A.



Sincerely,

I have looked at the information you provided to me regarding the Proposed Development of Auburn St. Mobil at 84 Auburn St., Portland, Maine. Based on my review and subject to our internal credit approval, Bank of America would be interested in proposing financing to Alliance for the estimated \$700,000 cost of development, if requested.

Dear Ed:

Edward J. Fanuitl
General Counsel
Alliance Energy Corp.
800 South Street, Suite 200
Waltham, MA 02454

November 1, 2005





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

December 19, 2005

Mr. Patrick Coughlin

Project Manager

St. Germain & Associates, Inc.

846 Main Street

Suite 3

Westbrook, ME 04092

RE: 2,670 sq. ft. Convenience Store, 74-90 Auburn Street
ID #2005-0214, CBL #375-A-026

Dear Mr. Coughlin:

On December 17, 2005, the Portland Planning Authority approved the minor site plan for a redevelopment of a 2,670 sq. ft. Convenience Store, located at 74-90 Auburn Street as shown on the approved plan.

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

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.

2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

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

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

7. 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 Kandice Talbot at 874-8901.

Sincerely,



Alexander Jaegerman
Planning Division Director

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

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

FAX



To:

Patrick Coughlin

Company:

St. Germain

Fax #:

591-~~8888~~ 7329

Date:

December 21, 2005

From:

Kandi Talbot

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

Comments:

Kandi Talbot - RE: Mobile Station - Auburn Street

From: "James Seymour" <jseymour@sebagotech.com>
To: "Kandi Talbot" <KCOTE@portlandmaine.gov>
Date: 11/21/2005 4:06 PM
Subject: RE: Mobile Station - Auburn Street
CC: <SH@portlandmaine.gov>

Last Wednesday, Eric and I spoke at the meeting and looked over the site plan and found that they had no containment at the surface in the event of a spill. According to the plan, runoff and spills at the pump will be washed into the street into a separated storm drain (State System= basin to basin until it reaches Allen Ave.) and could flow into an open channel Fall Brook. this may be the case now, but appears to be short sighted to continue without some means of containment in the vent of spillage at the pump. Do they have or have they submitted a spill prevention plan? That may shed some light on our concern.

The second item is the lack of plantings. Its your call, but we think some perennials, or annuals would be an aesthetic feature deemed to meet the landscaping requirement.

I have not seen a revised detail sheet for work in the right of way. I only got the site plan, elevation, and floor plan in PDF. I have not made a final call on the details until we have a paper set.

Although, it has some convenience, receiving PDF plan views for final review is not our preference. I still like paper "hard" copies to review, as I am old fashioned. In emergency cases for one or few minor items its OK, but it is difficult, to store, and burdensome to view or print to see the overall picture. Knowing that this is the wave of technical advancement, you may need to set a policy on who, how, and at what cost the information is handled. Maybe future reviewers will not mind, but with the volume of projects, I find the original paper copy easier to mark up, read, and process. Just thinking out loud.

Jim Seymour P.E.
Sebag Tech Inc
 (207) 856-0277 x 277

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

From: Kandi Talbot [SMTP:KCOTE@portlandmaine.gov]
Sent: Friday, November 18, 2005 2:44 PM
To: James Seymour
Cc: SH@portlandmaine.gov
Subject: Mobile Station -Auburn Street

Jim,

Have you had a chance to review the Mobile Station plans and if so, are you okay with them in regards to your comments? Thanks.

Kandi
 <> File: TEXT.htm >>

MODE = MEMORY TRANSMISSION START=NOV-07 13:19 END=NOV-07 13:20

FILE NO.=703

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	95917329	005/005	00:00:47

-CITY OF PORTLAND -

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

Planning Department
389 Congress Street
Portland, ME 04101
Phone: 207-874-8901
Fax: 207-756-8258



Fax

To: Patrick Coughlin From: Kandice Talbot

Fax: 591-7329 Date: November 7, 2005

Phone: Pages: 4

Re: Auburn Street Mobile CC:

Urgent For Review Please Comment Please Reply Please Recycle

•Comments:

Fax

Planning Department
389 Congress Street
Portland, ME 04101
Phone: 207-874-8901
Fax: 207-756-8258

City of Portland

To: Patrick Coughlin
From: Kandice Talbot

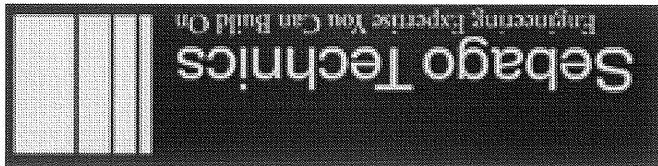
Fax: 591-7329
Date: November 7, 2005

Phone:
Pages: 4

Re: Auburn Street Mobile
CC:

Urgent For Review Please Comment Please Reply Please Recycle

•Comments:



05P214

TO: Kandi Talbot - Planner
FROM: Jim Seymour, P.E.
Development Review Engineer, Sebago Technics, Inc.
RE: Alliance Energy Corp-Mobil Station Upgrade 84 Auburn Street
DATE: October 19, 2005

Sebago Technics has reviewed the Minor Site Plan package, as submitted by Alliance Energy Corp for the Mobil Station Upgrade at 84 Auburn Street. The following comments are submitted for consideration by Planning Staff:

Site Plan

- The plan should be drawn to an accurate scale with a full sized drawing submitted with an engineers stamp.
- The engineer shall indicate the current storm drains, direction of pipe flow, and tie-in location into the City drain system. If the drain on the property is not separated from the sewer it shall be required to be separated and include a Casco trap in the last basin and include a drainage maintenance agreement with the City.
- The sidewalk shall be kept within the Right of Way limits of Auburn Street on the northerly end of the site at the rear access easement curb line. If a new tip down is required to place ramps please show new curbing at this location.
- The handicap parking sign shall be labeled.
- The jut-out of granite curbing at the southern most entrance shall be curved, not angular, to allow a sweeping turn by any vehicle situated in the loading dock. Are there curb tip downs or ramps in the loading dock for deliveries? Is there an adequate turning radius for large trucks to park here?
- Can the overhead line be moved closer to Auburn Street to avoid lines over the loading dock and entrance? It appears that the pole could be placed in the edge of the ROW line and then run underground along the proposed sidewalk to the transformer.
- We recommend curbing or wheel stops for the parking spaces facing the northern perimeter of the property.
- We recommend that a spill prevention plan be provided to explain what containment of fuel product is in place in the event of a gasoline spill from the pumps or vehicle.

- An erosion control plan shall be submitted for review of the construction activities.
- We also believe that low level landscaping should be provided around the foundation and along the esplanade for Auburn Street to provide a landscape island to break up pavement and sight lines. Final review shall be conducted with Jeff Tarling, City Arborist.
- No details for construction have been provided for onsite improvements or for improvements proposed in the City ROW. All street work details shall be in conformance with City technical standards.

Summary

The submitted application will need a Lighting Plan. Please check with the Planner regarding issues with these requirements.

Overall we feel revisions are needed and the comments generated are important, especially the lack of details. These corrections need to be addressed prior to a construction start or release of any permits, or preferably plan approval. Please feel free to contact us if you have questions.

JS:js

Kandi Talbot - Mobil Station -- Auburn Street

From: "Tom Errico" <terrico@wilbursmith.com>
To: "Kandi Talbot" <KCOTE@portlandmaine.gov>
Date: 09/30/2005 12:46 PM
Subject: Mobil Station -- Auburn Street
CC: "Katherine Earley" <KAS@portlandmaine.gov>

Kandi—

I have reviewed the site plan and have conducted a field investigation of the site. My comments are noted below:

- The sidewalk along Auburn Street shifts towards the west on the north end of the site. In my opinion the sidewalk should not shift. I would ask Eric to comment on this issue.
- A sidewalk is provided to the retail building from the south, but nothing is provided to the north. I would suggest that a sidewalk connection on the north side be considered.
- Driveway separation along Auburn Street is poor. While I would like to see greater driveway separation, I don't believe there is a feasible alternative for this site.

If you have any questions, please call me.

Best Regards,

Thomas A. Errico, P.E.
 Senior Transportation Engineer
 Wilbur Smith Associates
 59 Middle Street
 Portland, Maine 04101
 (207) 871-1785 Phone
 (207) 871-5825 Fax

From: Lynda Clayton
To: Sarah Hopkins
Date: 09/28/2005 2:37:31 PM
Subject: Auburn ST Mobil @ 74-90 Auburn ST - Site Plan Review

Here are my review comments for Application ID # 2005-0214:

"Land Title Survey" (24x36 Sheet 1 of 1)

This site plan has a North arrow, but it is unclear if it is grid or magnetic. Our Technical and Design Standards call for Grid North (Page I-3). The plan note # 1 references that "Bearings are based on markers found as shown on plan reference 1".

Deed reference is not given on the plan labeled "Land Title Survey" for the locus parcel. (A copy of Deed BK 22165 PG 274-280 is in the package provided.)

Do we require a digital copy of these plans? And, if so, did you receive one?

It is not clear from this plan what was specifically used / held by the surveyor to establish the City street lines of the streets shown.

A deed book and page is referenced along the power lines between pole #8 & #81. I believe this is a Central Maine Power Easement referenced in the deed but not labeled as such on this plan submitted.

A note should be added to warn the contractor to protect all apparent property markers found on this site, and clearly stating that it's the contractor's responsibility to pay a Professional Land Surveyor to replace any markers that are destroyed or uprooted during construction.

Thanks for hearing my feedback.

Lynda K. Clayton, L.S.I.T.
City of Portland, Maine
Engineering Division
55 Portland Street
Portland, ME 04101
207-874-8846 x-8827

CC: William Clark; William Scott

December 13, 2005

Follow these instructions for all fuel spills:

1 Control the Spill

➔ Shut off the pumps, if necessary

➔ Shut down ignition sources (turn off vehicles, no smoking)

➔ Stop the flow of fuel with pads/speedi-dry, if possible

2 Call for Help & Notification

Who	When	Number
-----	------	--------

Fire Department	If the spill is: <ul style="list-style-type: none"> • Uncontrolled • Large • In storm drain or stream/river/lake 	911
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Alliance Energy	Every spill During business hours 8:30 am – 5:00 pm Monday – Friday	(800) 692-0252
-----------------	--	----------------

St. Germain & Associates	If after hours and/or unable to reach Alliance Energy 24 hours/day	(207) 878-1032
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3 Clean-Up

Clean up small spills with absorbent pads & speedi-dry. Place spill debris in waste storage drum for station. **DO NOT PUT IN DUMPSTER.** See *Weekly Inspection* section for more information on waste handling.

4 Complete Documentation

- Complete Spill Report Form in this section and fax to numbers shown
- Log the details of the spill on the Spill Log in this section

From: "Patrick Coughlin" <patrickc@stgermain.com>
To: <ejl@portlandmaine.gov>
Date: 12/13/2005 4:06:24 PM
Subject: 84 Auburn St. Minor Site Plan Review Application

Eric,

Kandi Talbot relayed your request for an SPCC plan for the gas station at 84 Auburn St. and I spoke at length with Jim Seymour of Sebago Technics regarding this issue. On behalf of Alliance Energy, we will not be submitting an SPCC plan for the site for the following reasons:

1. SPCC Plan not required by Maine/EPA regulations. SPCC plans are required by Maine and EPA regulations for sites that exceed aboveground storage tank capacity of 1,320 gallons or underground storage tank capacity of 40,000 gallons. This site does not exceed either threshold.

2. No changes are proposed to the existing, non-conforming gasoline station. By Portland ordinance, Alliance Energy is unable to modify the gas station portion of the site because it is an existing, non-conforming use. The minor site plan application submitted is for the new convenience store to replace the existing store. While equipment upgrades are planned for the fuel handling systems to meet new DEP requirements, no changes to the size and location of the gas station canopy structure are planned. The existing gas station requires no permits from the City of Portland to continue operating as a gas station.

While we are not preparing an SPCC plan for the site, there are significant spill prevention methods built into the design of the fueling equipment and operations of the site. For example:

- Chapter 691 of Maine DEP's regulations, which apply to the site, contain extensive equipment, design and operational standards for gasoline stations that are designed to protect human health and the environment by preventing the release of fuel. Contact Sara Brusilla or Andrew Flint with the DEP UST Program (287-2651) for more information or check out a copy of the regulations online at <http://www.maine.gov/sos/cec/rules/06/096/096c691.doc>

- Maine and federal fire regulations also control the design and operations of gasoline stations. These requirements to reduce the potential for fire also serve to minimize spills to the environment. For example, the station has an "all stop" button by the register that stops all pumps from operating when pressed, hoses are designed to break-away and stop the flow

of fuel in the event of a drive-off, etc.

In addition to these strict regulatory controls, Alliance Energy is committed to protecting human health and the environment and provides additional barriers, such as routine equipment inspections and spill response training to station personnel.

We understand the City of Portland must address issues with nearby Urban Impaired Streams, however an SPC plan for this site would not provide no additional benefit to the environment over the existing controls in place at the site.

If you have any questions regarding this issue, please contact me or Andrew Johnston at our office.

Sincerely,

Patrick Coughlin

St.Germain & Associates, Inc.

846 Main St. Suite 3

Westbrook, Maine 04092

(207) 591-7000 ext. 12 phone

(207) 591-7329 fax

(207) 939-2699 mobile

patrickc@stgermain.com

CC: <jseymour@sebagotech.com>, "Kandi Talbot" <KCOTE@portlandmaine.gov>, <andrewj@stgermain.com>

1. A capacity letter from the Portland Sewer Division and Portland Water District shall be submitted.
2. The Traffic Engineer is currently reviewing the plan and traffic assessment. Any additional comments from the Traffic Engineer shall be forwarded to you.
3. The Development Review Coordinator is currently reviewing the plans. Any additional comments from the Development Review Coordinator shall be forwarded to you.
4. The proposed sidewalk on the northerly side of the site is shown half within the right-of-way and half on the applicant's property. What is the reasoning behind this? The sidewalk should be located within the right-of-way, however, if there is a reason that it can't be located within the right-of-way, then a pedestrian easement will be necessary.
5. The City Arborist is currently reviewing the landscaping plan. Additional comments from the City Arborist shall be forwarded to you.

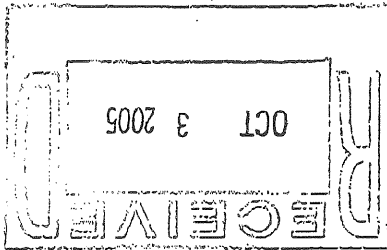
After review of the submittal for the proposed building located at 74-90 Auburn Street, the following comments have been generated:

Dear Mr. Coughlin:

RE: 2,670 sq. ft. Convenience Store, 74-90 Auburn Street, Portland, ME 04102
 ID #2005-0214, CBL #375-A-026

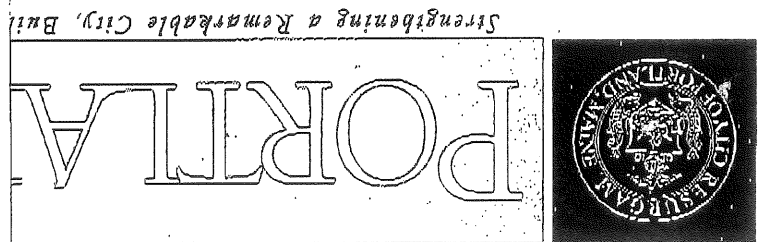
Mr. Patrick Coughlin
 Project Manager
 St. Germain & Associates, Inc.
 846 Main Street
 Suite 3
 Westbrook, ME 04092

September 27, 2005



Planning and Development Department
 Lee D. Urban, Director
 Planning Division
 Alexander Jaegerman, Director

NATURE SAVER™ FAX MEMO 01616	
Date	11/7/05
# of pages	2
To	KANDICE THORNTON
From	PLANNING DIVISION
Co./Dept	PLANNING
Phone #	591-7000
Fax #	756-8258



- 6. Are there new lights proposed for the site? If so, lighting catalogue cuts and a photometric plan shall be submitted to determine if the proposed lighting meets the City's lighting standards.
- 7. A letter of financial capability, from a responsible financial institute shall be submitted.

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

Sincerely,

Kandice Talbot
Planner

CC: Sarah Hopkins, Development Review Services Manager

Kandi Talbot - RE: 84 Auburn St. Minor Site Plan Review Application

From: "James Seymour" <jseymour@sebagotech.com>
To: <patrickc@stgermain.com>, <ejl@portlandmaine.gov>
Date: 12/13/2005 5:14 PM
Subject: RE: 84 Auburn St. Minor Site Plan Review Application
CC: "Kandi Talbot" <KCOTF@portlandmaine.gov>, <andrewj@stgermain.com>

I did in fact speak with Patrick and bounced some of the information off Donald McElhinney at our office, and he agreed that there is currently no outright regulation governing surface runoff from publicly accessed fueling facilities. As Patrick disclosed, it appears most of the regulations deal with storage, containment of the product, and underground protection of tanks based on volume stored. I had asked him to prepare this document to provide the City with his client's, state and federal mandated/regulation measures, "Best Management Practices" for accidental spills and containment. Based on the attached, we believe the applicants letter should be included in the file and dated, as proof of their commitment and protection to the environment, and effort to limit stormwater pollution as a result of their business operations. With this letter we feel the new site plan addresses the ordinance requirements regarding environmental impacts to the extent that legally can be required. While efforts to go further with treatment tanks/system could be completed, it would place a burden on the grandfathered use, and require more extensive reconstruction of the site canopy, pumps, and fueling pad. The current proposal does not require any disturbance to those facilities or structures.

If staff is satisfied, all conditions of staff addressed, we have no objections to approve as long as the applicant fully understands that they must construct all portions within the Right-of-Way in accordance with City specifications and details.

Jim Seymour P.E.
Sebago Technics, Inc.
(207) 856-0277 x 277

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

From: Patrick Coughlin [SMTP:patrickc@stgermain.com]
Sent: Tuesday, December 13, 2005 4:05 PM

To: ejl@portlandmaine.gov
Cc: James Seymour; "Kandi Talbot"; andrewj@stgermain.com
Subject: 84 Auburn St. Minor Site Plan Review Application

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Kandi Talbot - 84 Auburn St. Minor Site Plan Review Application

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If you have any questions regarding this issue, please contact me or Andrew Johnston at our office.

Sincerely,

Patrick Coughlin
St.Germain & Associates, Inc.
846 Main St. Suite 3
Westbrook, Maine 04092
(207) 591-7000 ext. 12 phone

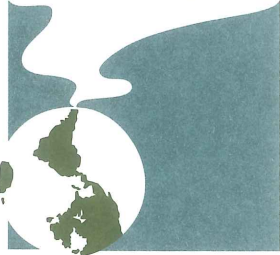
846 Main St., Suite 3

Westbrook, Maine 04092

Telephone 207-591-7000

Facsimile 207-591-7329

info@stgermain.com



ST. GERMAIN
& ASSOCIATES, INC.
ENVIRONMENTAL MANAGEMENT

September 9, 2005

Sarah Hopkins
Planning & Development Department
City of Portland
389 Congress St.
Portland, Maine 04101

Re: Minor Site Plan Review Application
Auburn Street Mobil - Alliance Energy Corp.
84 Auburn St., Portland, Maine
Portland Assessor's Map 375, Block A, Lot 26
St.Germain File No.: 2627.5

Dear Ms. Hopkins,

On behalf of Alliance Energy Corp. (Alliance), St.Germain & Associates (St.Germain) submits this application for Minor Site Plan Review for the above-referenced site as discussed in our meeting with you on April 14, 2005. A check for \$600 is enclosed as required by the City of Portland for processing this application (minor site plan review + processing fee).

On the referenced site, there is currently an operating gas station with a small building housing a cashier, retail sales of convenience items (drinks, snacks, etc.) and restrooms. The site is located in a B-1 Neighborhood Business Zone. The convenience store is a permitted use in the B-1 zone. The gas station is an existing non-conforming use because it was constructed in 1971, prior to the adoption of the current zoning provisions.

Alliance proposes replacing the retail building at the site with a new, 2,670 square foot convenience store located in accordance with the zoning regulations for the site. A sidewalk will be added along Auburn Street to improve pedestrian access in keeping with the intent of the Neighborhood Business Zone and the requirements of Portland's ordinances. The store will meet the operational requirements established by Section 14-162(a)(2)(e) of the Ordinance.

Alliance plans to retain the existing gas station operation. Alliance must upgrade the underground storage tank concrete pad and gasoline product lines to meet current codes and to ensure the continued safety of customers and the environment. For example, current regulations of the Maine Department of Environmental Protection (Chapter 691) require facilities to provide secondary containment and continuous leak detection monitoring for fuel lines, which was not required when the facility was last upgraded in 1987.


St.Germain submitted a request for a Zoning Determination for the proposed development of the site to Marge Schmuckal, Portland Zoning Administrator, on June 1, 2005 and received the determination on July 1, 2005. A copy is provided as Attachment 1. Please note that we have revised our site plans since that determination to maintain the existing gas station canopy.



Minor Site Plan Review Application
Auburn St. Mobil - Alliance Energy Corp.
84 Auburn St., Portland, Maine
Portland Assessors' Map 375, Block A, Lot 26
St.Germain File No.: 2627.5
September 9, 2005
Page 2

If you should have any questions during the review of the enclosed materials, please contact us at (207) 591-7000 or by e-mail at patrickc@stgermain.com.

Sincerely,
ST.GERMAIN & ASSOCIATES, INC.



Patrick Coughlin
Project Manager

Attachments

1. City of Portland Zoning Determination Letter from Marge Schmuckal, dated July 1, 2005
2. Site Plan Application
3. Written Statement
4. Special Warranty Deed
5. Site Plans

cc: Victoria Caroline, Alliance
Pat Dillon, Alliance

PORTLAND MAINE

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

*Lee Urban-Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

July 1, 2005

Patrick Couglin
St. Germain & Associates, Inc.
846 Main Street, Suite 3
Westbrook, Maine 04092

RE: 74-90 Auburn Street (called #84) - 375-A-026 - B-1 Zone: the "Property"

Dear Patrick,

I am in receipt of your request to determine whether the expansion of a retail use along with alterations and modifications to the existing retail store and gas station on the Property would be permitted under the zoning ordinance.

Our files on the Property show a conditional use appeal approval for a one story 15' x 30' service station from the zoning board of appeals on July 30, 1970. Subsequently on September 10, 1975 the zoning board of appeals approved a six (6) foot setback variance for a 32' x 48' canopy of the existing gas pumps.

The Property has since become lawfully nonconforming for the gas station use in the B-1 zone. The current B-1 zone does not permit a gas station use.

Section 14-382 states:

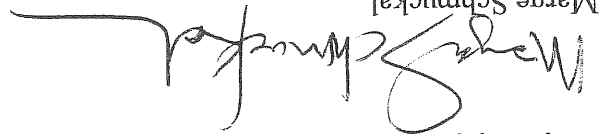
- (a) A lawful nonconforming building may be maintained, repaired, or reconstructed in kind within a one year period, but no alterations, modifications or additions shall be made to it, except as provided in this division.
- (b) A building whose use is wholly nonconforming shall not be altered so as to increase the cubical content or the degree of nonconformity.
- (e) Except as expressly provided herein, any alteration, modification or addition permitted under this section shall be in compliance with all other applicable sections of this chapter.

The B-1 zone allows retail use by right. The current small building on site processes retail sales on the property. There is no car service/maintenance associated with that structure. An expansion of the retail structure would be permitted pending all B-1 zone requirements. There are conditions concerning retail uses under section 14-163.2.e which state that there shall be no drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m. These standards shall apply to your re-development.

This office understands the need of the State requirement to upgrade the gasoline dispensing system. At such time of upgrade, this office will pay close attention to any expansion of nonconforming uses and meeting current B-1 zone requirements. The sketch plan of the re-development submitted with your determination request would not be meeting such requirements. The square footage of the new canopy over the gas pumps, is larger than that approved previously by the zoning board of appeals. This is considered to be an expansion of you approved nonconformity. It is also noted that the re-alignment of the canopy is not meeting current B-1 zone setback requirements under section 14-165.c.1. All current B-1 zone requirements shall be met during the time of re-development. Any reduction of the number of current pump dispensers, would be viewed as a lessening of your nonconformity. Any rights to the number of gas pump dispensers would be extinguished with their elimination during the dispensing system upgrade.

Please note that this determination letter is not meant to be a full review of your future re-development of the Property. This is determination letter is not a substitute approval for the necessary building and site plan review applications. The proposed re-development will require a site plan review and building permit prior to the commencement of any work.

Very truly yours,



Marge Schmuckal

Zoning Administrator

Attachments

Cc: File

Planning



City of Portland Site Plan Application

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

Address of Proposed Development: 74-90 Auburn Street, called #84 Zone: B-1	
Total Square Footage of Proposed Structure: 2,670 Square Footage of Lot: 28,111	
Tax Assessor's Chart, Block & Lot: Chart# 375 Block# A Lot# 026 Property owner's mailing address: Alliance Energy Corp. 36 East Industrial Road Branford, CT 06405	Telephone #: (800) 899-8602
Consultant/Agent, mailing address, phone # & contact person: Patrick Coughlin St. Germain & Associates, Inc. 846 Main Street, Suite 3 Westbrook, Maine 04092 207-591-7000	
Applicant's name, mailing address, telephone #/Fax#/Pager#: Same as property owner Victoria Caroline, Env./Const./Maint. Director	
Project name: Auburn Street Mobil	
Proposed Development (check all that apply) <input 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 <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision (\$500.00) + amount of lots (\$25.00 per lot) \$ _____ <input type="checkbox"/> Site Location of Development (\$3,000.00) <input type="checkbox"/> Traffic Movement (\$1,000.00) Stormwater Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____	
Major Development (more than 10,000 sq. ft.) <input type="checkbox"/> Under 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee)	
Minor Site Plan Review <input checked="" type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee)	
Plan Amendments <input type="checkbox"/> Planning Staff Review (\$250.00) <input type="checkbox"/> Planning Board Review (\$500.00)	

- Please see next page -

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

Patrick Coughlin, St.Germain & Associates, 846 Main St. - Suite 3, Westbrook, ME 04092 (207)591-7000

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


- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans check list

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process; copies are available at the counter at .50 per page (8.5 x11) you may also visit the web site: ci.portland.me.us chapter 14

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

Signature of applicant: 	Date: 8-9-05
--	--------------

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

Development in Portland

The City of Portland has instituted the following fees to recover the costs of reviewing development proposals under the Site Plan and Subdivision ordinances: application fee; engineering fee; and inspection fee. Performance and defect guarantees are also required by ordinance to cover all site work proposed.

The **Application Fee** covers general planning and administrative processing costs, and is paid at the time of application.

The Planning Division is required to send notices to neighbors upon receipt of an application and prior to public meetings. The applicant will be billed for mailing and advertisement costs. Applicants for development will be charged an **Engineering Review Fee**. This fee is charged by the Planning Division for review of on-site improvements of a civil engineering nature, such as storm water management as well as the engineering analysis of related improvements within the public right-of-way, such as public streets and utility connections, as assessed by the Department of Public Works. The Engineering Review Fee must be paid before a building permit can be issued. Monthly invoices are sent out by the Planning Division on a monthly basis to cover engineering costs.

A **Performance Guarantee** will be required following approval of development plans. This guarantee covers all required improvements within the public right-of-way, plus certain site improvements such as landscaping, paving, and drainage improvements. The Planning Division will provide a cost estimate form for figuring the amount of the performance guarantee, as well as sample form letters to be filled out by a financial institution.

An **Inspection Fee** must also be submitted to cover inspections to ensure that sites are developed in accordance with the approved plan. The inspection fee is 2.0% of the performance guarantee amount, or as assessed by the planning or public works engineer. The minimum inspection fee is \$300 for development, unless no site improvements are proposed. Public Works inspects work within the City right-of-way and Planning inspects work within the site including pipe-laying and connections. (The contractor must work with inspectors to coordinate timely inspections, and should provide adequate notice before inspections, especially in the case of final inspection.)

Upon completion of a development project, the performance guarantee is released, and a **Defect Guarantee** in the amount of 10% of the performance guarantee must be provided. The Defect Guarantee will be released after a year.

Other reimbursements to the City include actual or apportioned costs for advertising and mailed notices. All fees shall be paid prior to the issuance of any building permit.

For more information on the fees or review process, please call the Planning Division at 874-8719 or 874-8721.



City Of Portland Site Plan Checklist

AUBURN ST. MOBIL, 84 AUBURN ST.

Project Name, Address of Project Application Number

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

1	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including: Name and address of applicant and name of proposed development	(2)	✓
a	Scale and north points	(3)	✓
b	Boundaries of the site	(4)	✓
c	Total land area of site	(5)	✓
d	Topography - existing and proposed (2 feet intervals or less)	(6)	✓
e	Plans based on the boundary survey including:	(7)	✓
2	Existing soil conditions	(8)	NOT APPLICABLE
a	Location of water courses, marshes, rock outcroppings and wooded areas	(9)	✓
b	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	(11)	✓
d	Approx location of buildings or other structures on parcels abutting the site	(12)	✓
e	Location of on-site waste receptacles	(13)	✓
e	Public utilities	(14)	✓
e	Water and sewer mains	(15)	NO CHANGE
e	Culverts, drains, existing and proposed, showing size and directions of flows	(16)	✓
f	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	(17)	✓
g	Location and dimensions of on-site pedestrian and vehicular access ways	(18)	✓
g	Parking areas	(19)	✓
g	Loading facilities	(20)	✓
g	Design of ingress and egress of vehicles to and from the site onto public streets	(21)	✓
g	Curb and sidewalks	(22)	✓
h	Landscape plan showing:	(23)	✓
h	Location of existing proposed vegetation	(24)	✓
h	Type of vegetation	(25)	✓
h	Quantity of plantings	(26)	✓
h	Size of proposed landscaping	(27)	✓
h	Existing areas to be preserved	(28)	✓
h	Preservation measures to be employed	(29)	✓
h	Details of planting and preservation specifications	(30)	✓
i	Location and dimensions of all fencing and screening	(31)	NO CHANGE
j	Location and intensity of outdoor lighting system	(32)	✓
k	Location of fire hydrants, existing and proposed	(33)	✓
c	Written statement	(34)	✓
l	Description of proposed uses to be located on site	(35)	✓
l	Quantity and type of residential, if any	(36)	✓
b2	Total land area of the site	(37)	✓
b2	Total floor area and ground coverage of each proposed building and structure	(38)	✓
c3	General summary of existing and proposed easements or other burdens	(39)	✓
4	Method of handling solid waste disposal	(40)	✓
5	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets	(41)	✓
6	Description of any problems of drainage or topography, or a representation that there are none	(42)	✓
7	An estimate of the time period required for completion of the development		

Written Statement

The following information is provided as the written statement required in accordance with Section 14-525(c) of the City of Portland Land Use Code of Ordinances (Rev. 6-16-05). The text from that section is provided here in italics, followed by the project specific information.

Names and addresses of all owners of the parcels proposed to be developed

Alliance Energy Corp.
 36 East Industrial Road
 Branford, CT 06405

Estimated cost of the development

Site Work	\$75,000
Retail Expansion	\$300,000
Petroleum Equipment Upgrade	\$325,000
Total	\$700,000

(1) *A description of the proposed uses to be located on the site, including quantity and type of residential units, if any;*

A new retail building (convenience store) is proposed to replace the existing store. The existing non-conforming gasoline station will remain.

(2) *The total land area of the site and the total floor area and ground coverage of each proposed building and structure;*

Site land area, existing	28,111 sq. ft.
Proposed retail building, floor area	2,670 sq. ft.
Proposed retail building, ground coverage	2,670 sq. ft.

(3) *General summary of existing and proposed easements or other burdens now existing or to be placed on the property;*

Existing easement for ingress and egress on southern property line will remain. Existing encumbrances are described on the Special Warranty Deed provided as Attachment 4 to this application. No new easements or other burdens are proposed for the site.

(4) *The types and estimated quantities of solid waste to be generated by the development;*

The retail store will generate municipal solid waste typical of such an establishment. It is estimated that the facility will utilize a standard size dumpster (e.g. eight cubic yards) with weekly pickups by a contracted waste vendor.

(5) Evidence of the availability of off-site facilities including sewer, water and streets;

No changes that would affect the availability of off-site facilities are proposed. The existing sewer and water lines will be relocated with construction of the new retail store.

(6) A narrative describing the existing surface drainage on the site and a stormwater management plan indicating measures which will be taken to control surface water runoff;

The existing site is mostly paved and no changes to the existing drainage patterns are proposed.

(7) A construction plan outlining the anticipated sequence of construction of the major aspects of the proposed project, including without limitation roads, retention basins, sewer lines, seeding and other erosion control measures, and pollution abatement measures, and also setting forth the approximate dates for commencement and completion of the project;

Proposed Construction Start: October 15, 2005
Proposed Construction Finish: December 15, 2005

(8) A list of all state and federal regulatory approvals to which the development may be subject, the status of any pending applications, and the anticipated time frame for obtaining such permits or that a determination of no jurisdiction from the agency will be requested;

Upgrades to the petroleum handling equipment will require approval from the Maine Department of Environmental Protection prior to returning the gas station to operation. Such approval is anticipated at the completion of construction.

(9) Evidence of financial and technical capacity to undertake and complete the development including, but not limited to, a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved, if requested to do so;

Alliance Energy owns and operates several hundred gasoline stations throughout the northeastern United States and employs contractors experienced in gasoline station design, maintenance and construction. This project will be funded by Alliance's general revenues.

(10) Evidence of the applicant's title, right, or interest in the property, including without limitation deeds, leases, purchase options or any other documentation;

A copy of the Special Warranty Deed is included as Attachment 4 to this application.

(11) A narrative describing any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the project site and a description of the methods that will be used to protect such areas or sites;

No sites as described have been identified on or near the project to the best of our knowledge.

(12) Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD/DXF files with final plans.

Electronic files will be submitted with the site plans when they are finalized.

(13) All new commercial property and industrial development shall include a narrative description of the estimated amount and type of recyclable material generated on-site; the location, size and type of containers providing outdoor storage of recyclable materials; the manner and methods of timely removal of recyclable materials generated on-site; and the screening and landscaping proposed to provide adequate buffering between the stored materials and remainder of site and neighboring properties. The applicant may provide any other information detailing its plan to address the temporary storage and timely removal of recyclables.

The retail store primarily generates only cardboard for recyclable materials and will generate amounts typical of such an establishment. The facility will utilize a separate dumpster for cardboard with routine pickups (e.g., weekly) by a contracted waste vendor.

THIS SPECIAL WARRANTY DEED is between ExxonMobil Oil Corporation, a New York corporation, called "Grantor," and Alliance Energy Corp., a Massachusetts corporation, called "Grantee," whose mailing address is 800 South Street, Suite 200, Waltham, Massachusetts 02454-9161.

Grantor, for a good and valuable consideration, grants, bargains, sells and conveys with Limited Warranty to Grantee all of the real property (the "Property") described in Exhibit "A," attached hereto and made a part hereof for all purposes.

This conveyance is made expressly subject to:

1. The lien for real property taxes for the current year, and any liens for special assessments which as of the date hereof are not due and payable.

2. The Permitted Encumbrances shown on Exhibit "B" attached hereto and made a part hereof.

3. Zoning regulations, ordinances, building restrictions, and regulations and any violations thereof.

4. Rights of any franchisee, subtenant or licensee of Grantor occupying any Property at the Closing Date, and which franchisee, subtenant or licensee has been identified in a separate writing signed and delivered by Grantor to Grantee of even date herewith.

5. Grantee agrees, for itself and its successors and assigns that no Property or portion of any Property, will be used for any of the following specifically named facilities or uses: residential, child care, nursery school, preschool, or any other educational facility, playground, hospital or community center, bed and breakfast, place of worship, nursing home, the installation of any water wells for drinking or irrigation purposes unless such wells exist on the Property as of the date hereof, or sub-grade living or sub-grade working spaces. For purposes of the foregoing restriction, the term sub-grade working spaces shall not include, and Grantee and its successors and assigns may construct and use the Property or portions thereof for, below ground parking facilities and utility spaces. Notwithstanding the foregoing, Grantee and its successors and assigns shall be permitted to construct, and to permit the construction and use of, sub-grade working space(s), provided that (i) such Property is not currently being used, and has not for a period of five years preceding construction been used, for the storage and/or distribution of petroleum products, (ii) such construction is undertaken in compliance with applicable laws and regulations and includes the installation of an appropriate vapor ventilation system, and (iii) a No Further Action letter or similar evidence of closure with respect to any required environmental remediation has been issued by the appropriate environmental governmental authorities. Grantor and Grantee agree that a statement of record from Grantee's (or Grantee's successors' and assigns') engineer or similar professional shall satisfy the foregoing requirement. Grantee agrees that the use restriction set forth herein shall be incorporated in the deeds conveying the Property, and that Grantee shall ensure that said restrictive

SPECIAL WARRANTY DEED

covenant shall be incorporated in any deed, lease, or other instrument whereby Grantee conveys the Property or any portion thereof in the future. Such deed restriction shall expire in all events on December 31, 2035.

6. After the date hereof, upon request by Grantor in connection with any request to Grantor from any governmental authorities, Grantee shall provide for and permit such access, at no cost to Grantor, as Grantor and its employees, agents, and contractors may require to the Property. Grantor agrees to cooperate with Grantee in connection with such access including providing Grantee with copies of any notices or other correspondence from such governmental authorities with respect to such access, and providing Grantee with the scope of work intended to be completed by Grantor, if any, arising from such access, and providing Grantee the opportunity to participate in any meetings with such governmental authorities at which Grantor or its advisors are present concerning the nature and scope of the work, in all events taking into account the contractual obligations of Grantor and Grantee with respect to environmental obligations. Such access shall include the right to conduct such tests, take such groundwater or soil samples, excavate, remove, dispose of, and treat the soil and groundwater, and undertake such other actions as are reasonably necessary pursuant to such request. Grantor shall restore the surface and existing structures, if any, on the Property to a condition substantially similar to that at the time immediately prior to the action taken by Grantor and shall replace or repair damage to Grantee's equipment and personal property on the Property caused by Grantor or its contractors. Grantor shall defend, indemnify and hold harmless Grantee, its agents, employees and officers from and against any and all claims for damages and all costs, liabilities and expenses, including reasonable attorneys' fees, and court and arbitration costs sustained or alleged by any person or entity based upon the negligence of Grantor, its agents or employees arising in connection with the foregoing. Grantor shall, to the extent practical, not unreasonably disrupt the operations of Grantee on the Property. Grantor shall not have liability to anyone, including Grantee, for business disruption, lost profits, incidental, punitive or consequential damages arising from such actions or access. Grantor or its contractors shall provide Grantee as much advance notice as reasonably practical of all potentially disruptive or intrusive activities to be undertaken on the Properties; such notice may be in the form of a periodic written schedule of activities delivered from time to time. No advance notice shall be required for non-disruptive activities such as periodic monitoring of wells on the Property, if any. Grantee's obligations under this Section 6 shall be covenants running with the land. Any tenant of Grantee, Grantee and its affiliates shall be required to fulfill all obligations of Grantee set forth in this Section 6. In the event Grantee fails to comply with its obligations under this Section 6 then in addition to any rights and remedies available to Grantor at law or in equity for such breach, Grantee hereby agrees to indemnify, defend and hold Grantor harmless from any Claims made against Grantor by any persons or entities including, without limitation, any governmental authorities, incurred by Grantor or assessed against Grantor as a result of Grantee's failure to comply with its obligations under this Section 6. "Claim" or "Claims" shall mean any loss, cost, claim, obligation, damage, liability, payment, fine, penalty, cause of action, judgment, lien or expense, including, but not limited to, reasonable attorneys' fees and other litigation expenses alleged by any third party including, without limitation, by any governmental authorities, but excluding Purchaser or Seller, as applicable, its affiliates and their respective successors and assigns.

SIGNATURE PAGE FOLLOWS

IN TESTIMONY WHEREOF, Grantor has herunto set its hand and seal effective as of this 21 day of December, 2004.

This Special Warranty Deed may be executed by Assignor and Assignee in counterparts, each of which shall be deemed an original, but such counterparts together shall constitute one and the same instrument.

TO HAVE AND TO HOLD the Property, together with the appurtenances, estate, title and interest thereto, unto Grantee, Grantee's successors, heirs and assigns forever, subject to the provisions hereof, and in lieu of all other warranties, express or implied, Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend the title to the Property unto Grantee, Grantee's successors, heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

EXXONMOBIL OIL CORPORATION

By: Mark Pagano
Name: Mark Pagano
Title: Agent & Attorney-in-Fact

ALLIANCE ENERGY CORP.

By: [Signature]
Name: ~~Shitka~~
Title: Senior Vice President

COMMONWEALTH OF VIRGINIA)
COUNTY OF FAIRFAX)

This instrument was acknowledged and executed before me this 17 day of December, 2004,
by Mark Pagano, who acknowledged to be the Agent & Attorney-in-Fact of ExxonMobil Oil
Corporation, and that as such officer, being authorized so to do, signed the name of the corporation
as such officer.

Pauline C. Goetz
Notary Public, Commonwealth of Virginia
My Commission Expires: 9-30-05
Pauline C. Goetz

STATE/COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF NORFOLK)

This instrument was acknowledged and executed before me this 30th day of December, 2004,
by ~~Shitka~~ Andrew P., who acknowledged to be the Senior Vice President of Alliance Energy Corp., and
that as such officer, being authorized to do so, signed the name of the corporation as such officer.

John D. Keeney
Notary Public,
My Commission Expires: _____

Victoria Q. Queeney, Notary Public
Commonwealth of Massachusetts
My Commission Expires 7/31/09

EXHIBIT "A"

TO SPECIAL WARRANTY DEED

PROPERTY DESCRIPTION

A certain lot or parcel of land with the buildings and improvements thereon, situated in Portland, County of Cumberland, and State of Maine, bounded and described as follows: Beginning on the westerly side of said Auburn Street at the northeasterly corner of Lot 23 as shown on a Plan of Highland Park recorded in the Cumberland County Registry of Deeds in Plan Book 8, page 139; thence westerly by the northerly line of said Lot 23 and its extension westerly by the northerly line of said Lot 23 and its extension westerly one hundred forty (140) feet to a point; thence southerly by land now or formerly of Canteen Co. of Maine on a course parallel with the westerly or rear lot lines of Lots 23, 22, 21, and 20 as shown on said Plan, and maintaining an uniform distance of thirty (30) feet westerly therefrom, a distance of two hundred ten (210) feet, more or less, to the southerly boundary line of land now or formerly of Canteen Co. of Maine and land now or formerly of Clarence S. Cresse, et al; thence northeasterly and easterly by said Cresse's land and the southerly line of Lot 20 on said Plan one hundred forty-five (145) feet, more or less, to Auburn Street; thence northerly by Auburn Street two hundred (200) feet to the point of beginning; being lots 20 through 23 on said Plan and a portion of Lot 42 on said Plan. Being a portion of the premises conveyed by Canal National Bank as executor of the Estate of Augustus G. Hecker to Canteen Company of Portland, Inc. by deed dated July 20, 1962, recorded in the Cumberland County Registry of Deeds, Book 2689, Page 108; and the Grantee hereof is the corporate successor to said Canteen Company of Portland, Inc. as owner of said premises. There is also conveyed hereby any structures or buildings which may be situated partly on adjacent land at the westerly boundary line of the within described premises. Also known as and more particularly described as: That parcel of land situated on the westerly side of Auburn Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at a nail set at the northeasterly corner of the premises in the westerly sideline of Auburn Street at land now or formerly of Spinelli Co., Inc.; thence S 10°00' 00" E by the westerly sideline of Auburn Street a distance of sixty and thirteen hundredths feet (60.13') to a point in the westerly sideline of Auburn Street; thence S 10°29'00" E by the westerly sideline of Auburn Street a distance of one hundred thirty-nine and eighty-seven hundredths feet (139.87') to a pipe at land now or formerly of John F. Lefevre; thence S 80°00' 00" W by land now or formerly of John F. Lefevre a distance of one hundred ten and no hundredths (110.00') to a point at land now or formerly of Charles T. Riddle; thence S 61°30' 45" W by land now or formerly of Charles T. Riddle a distance of thirty-one and fifty-four hundredths feet (31.54') to a pipe at land now or formerly of Spinelli Co., Inc.; thence N 10°20' 45" W by land now or formerly of Spinelli Co., Inc. a distance of two hundred ten and no hundredths feet (210.00') to a nail at land now or formerly of Spinelli Co., Inc.; thence N 80°00' 00" E by land now or formerly of Spinelli Co., Inc., a distance of one hundred forty and no hundredths feet (140.00') to the point of beginning. The above described parcel of land contains an area of 28,111 S. F. or .65 acres, more or less.

The locus parcel is subject to an easement which is recorded in 3312/16 in the Cumberland Registry of Deeds, for the purpose of ingress an egress, by foot or motor vehicle.

LESS AND EXCEPT any condemnations, takings, or declarations of record.
UNDER AND SUBJECT to agreements, easements, rights of way, covenants, conditions, and
restrictions of record.
AND THE SAID Mobil Oil Corporation is now known as ExxonMobil Oil Corporation.

EXHIBIT "B"

TO SPECIAL WARRANTY DEED

PERMITTED ENCUMBRANCES

1. Notes, rights of way, rights, reservations, easements, restrictions, covenants, conditions and other matters depicted on a plan recorded in the Cumberland County Registry of Deeds in plan Book 8, Page 139.

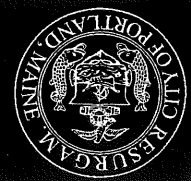
2. Rights and easements granted to Central Maine Power Company and New England Telephone & Telegraph Company in instruments recorded in the Cumberland County Registry of Deeds in Book 3158, Page 47.

3. Rights, rights of way, reservations, easements, restrictions, covenants and conditions in instruments recorded in the Cumberland County Registry of Deeds in Book 3312, Page 16.

4. Apparent encroachment of signs, curbing and grassed areas over Auburn Street right of way line, as shown on a plan entitled "Land Title Survey as Site No. 15797, 84 Auburn Street, Portland Maine" by Owen Haskell, Inc. dated October 25, 2004.

5. Apparent use and possession of a portion of the premises shown as "Area in Use by Adjoiner" shown on a plan entitled "Land Title Survey as Site No. 15797, 84 Auburn Street, Portland Maine" by Owen Haskell, Inc. dated October 25, 2004.

Received
Recorder of Deeds
Dec 27, 2004 01:10:35P
Cumberland County
John B O'Brien



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

December 19, 2005

Mr. Patrick Coughlin

Project Manager

St. Germain & Associates, Inc.

846 Main Street

Suite 3

Westbrook, ME 04092

RE: 2,670 sq. ft. Convenience Store, 74-90 Auburn Street
ID #2005-0214, CBL #375-A-026

Dear Mr. Coughlin:

On December 17, 2005, the Portland Planning Authority approved the minor site plan for a redevelopment of 2,670 sq. ft. Convenience Store, located at 74-90 Auburn Street as shown on the approved plan.

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

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.

2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.


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

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

7. 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 Kandice Talbot at 874-8901.

Sincerely,


Alexander Jaegerman
Planning Division Director

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