

375-C-015

91-91 Auburn St, Portland, Maine

Shaw's Northgate Plaza - Expand

Shaw's Supermarkets, INC.

P.O. Box 972, S. Easton, MA

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

D.R.C. Copy

03/16/2000 Application Date

Shaws Northgate Plaza- expand Project Name/Description

91 - 91 Auburn St, Portland, Maine Address of Proposed Site

375 C015 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) **Community Business**

Proposed Building square Feet or # of Units 10,910

Acrage of Site 13.1

Zoning B-2

Check Review Required:

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

Fees Paid: Site Plan \$500.00 Subdivision Engineer Review Date: 03/15/2000

DRC Approval Status:

Approved Approved w/Conditions Denied Denied Reviewer sarah

Condition Compliance Approval Date 06/15/2000 Approval Expiration 06/15/2001 Extension to Additional Sheets Attached Steve bushey signature 12/04/2000 date

Performance Guarantee

Required* Not Required * No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted

date 11/20/2000

amount \$7,043.00

expiration date

Inspection Fee Paid

date

amount

signature

Building Permit

date

remaining balance

signature

Performance Guarantee Reduced

date

amount

signature

Temporary Certificate Of Occupancy

date

amount

signature

Final Inspection

date

amount

signature

Certificate Of Occupancy

date

amount

signature

Performance Guarantee Released

date

amount

signature

Defect Guarantee Submitted

date

amount

signature

Defect Guarantee Released

date

amount

signature

PLANNING FIVE
COPY - Reference Only

June 15, 2000

David Breitrick, PE
Appledore Engineering, Inc.
600 State St., Suite D
Portsmouth, N.H. 03801

re: Shaw's Northgate

Dear Mr. Breitrick:

On June 13, 2000, the Portland Planning Board voted unanimously (5-0; Malone, Krichels absent) to approve the Shaw's Northgate expansion. The site plan approval was made with the following conditions:

1. that prior to issuance of a building permit, the applicant shall submit an executed license and indemnity agreement for the construction and maintenance of the sidewalk to Allen Avenue on City property.

2. that prior to issuance of building permit, the applicant shall provide for planning staff review and approval a plan for the installation of a 6ft high stockade fence and additional screen plantings along the eastern property line, south of the building approximately up to the property line shared with Greater Portland Realty.

3. That the applicant shall contribute toward the Allen Avenue sewer separation project scheduled for FY2000 construction. The contribution should be equal to the cost of two vortech units (approximately \$30,000) which is the alternate method of on-site stormwater treatment. This amount of contribution shall be approved by the Public Works Authority.
4. That the applicant shall revise their plans prior to issuance of a building permit for the installation of Casco traps or equivalent into all of the catchbasins outletting into the Fall Brook sewer easement. Detail sheets should also be revised to indicated a construction detail for the devices.

5. That the applicant shall submit for planning staff review and approval catalog specifications for the proposed exterior lighting fixtures.

6. That prior to issuance of a certificate of occupancy, the applicant shall replace the existing trash compactor with a watertight trash compactor.
7. Further, the Board made a finding under Section 14-526b that the applicant shall be required to complete all loading and unloading activities, including removal of the dumpsters, between the

hours of 6am to 10pm or the applicant shall submit for staff review and approval an alternative measure that will result in the abatement of noise pollution from the loading and unloading activities and use of the trash compactor and dumpster. Such an alternative measure may include a plan for enclosing the delivery/compactor area or other noise mitigation plan.

The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Board # 21-00, which is attached.

Please note the following provisions and requirements for all subdivision approvals:

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount must be submitted to and approved by the Planning Division and Public Works prior issuance of a building permit.
2. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

3. Prior to construction, a preconstruction 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 preconstruction meeting.

4. 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.)

5. The Development Review Coordinator (who is located at Deluca Hoffman at 775-1121) must be notified five (5) working days prior to date required for final site inspection. 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 regarding the Board's actions, please contact the planning staff.

Sincerely,

Jaimy Caron, Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Sarah Hopkins, Senior Planner

P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Nancy Knauber, Associate Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspection Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File

NORTHGATE PLAZA EXPANSION
VICINITY OF 91 AUBURN STREET
SITE PLAN REVIEW
SHAW'S SUPERMARKETS, INC., APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine

June 13, 2000

I. INTRODUCTION

Shaw's Supermarkets, Inc. has requested site plan review for the renovation of 13,180 sq. ft. of existing building area and construction of 10,910 sq. ft. of new building area in the existing Northgate Shopping Plaza at 91 Auburn Street. The site is approximately 13.1 acres and zoned B-2.

The Northgate Plaza consists of 98,107 sq ft of retail space. The project as proposed, will result in a total square footage of 109,017.

Shaw's is proposing to expand the existing 46,850 sq.ft. supermarket with an additional 15,250 sq ft of additional supermarket space, resulting in a 62,100 sq. ft. store. In order to accomplish this expansion, Shaw's proposes to renovate 8,300 sq. ft. of adjacent retail space and construct an additional 6,950 sq ft of new retail space. Also, one retail tenant will be relocated into a 2,540 location and 3,960 additional sq ft will be added.

As part of its proposal, Shaw's proposes to make improvements to the southern parking area and site lighting. Additionally, landscaping will be added around the site, crosswalks and sidewalks added, and two driveway entrances from Auburn Street will be deleted.

II. FINDINGS

Zoning:	B-2
Land Area:	13.1 acres
Number of Parking Spaces:	Required: 565 spaces Proposed: 629 spaces

III. STAFF REVIEW

The proposal has been reviewed for compliance with the Site Plan Ordinance of the Land Use Code. The plan has been reviewed by the Inspections, Traffic, Fire, Public Works, and Planning Departments.

IV. SITE PLAN REVIEW

1. Traffic/Circulation/Parking

Access to the site is provided from Auburn Street and Allen Avenue. Sidewalk and curb exists along the frontage of the site and the applicant proposes adding more internal crosswalks and sidewalks within the plaza, in addition to a sidewalk that will connect to the existing Allen Avenue sidewalk.

Eaton Traffic Engineering has conducted a Traffic Impact Study to assess the impact of new traffic generated by the proposed project on nearby roadways. The study indicates that the improvements proposed, including the closing of unsignalized curb cuts and the improvement of circulation and parking within the plaza, will reduce conflict points and will increase safety. Also, the surrounding intersections are not expected to experience any reduction in level of service as a result of the renovation/expansion.

Since the last workshop with the Planning Board, the applicant has revised the plans to show a sidewalk connecting the plaza to the existing Allen Avenue sidewalk. This sidewalk would be constructed on City-owned land (Fire Station) and would therefore require a City license and indemnity agreement. These agreements have been drafted by Corporation Counsel and are included as Attachment 6.

A potential condition of approval is that:

- prior to issuance of a building permit, the applicant shall submit an executed license and indemnity agreement for construction of the Allen Avenue connecting sidewalk on City property.

Larry Ash, Traffic Engineer, has reviewed the plan and traffic study and is in agreement with the applicant's findings and conclusions.

2. Bulk, Location, Height of Building and Uses Thereof

Shaw's is proposing to expand the existing 46,850 sq. ft. supermarket with an additional 15,250 sq ft of additional supermarket space, resulting in a 62,100 sq. ft. store. In order to accomplish this expansion, Shaw's proposes to renovate 8,300 sq. ft. of adjacent retail space and construct an additional 6,950 sq ft of new retail space. Also, one retail tenant will be relocated into a 2,540 location and 3,960 additional sq ft will be added.

3. Utilities

The applicant will maintain its existing utility connections in Allen Avenue and Auburn Street. These utilities include sanitary sewer, water, underground electric, and gas.

4. Landscaping

The applicant proposes to install landscaped islands in areas throughout the southern end of the parking lot. Green Ash, Flowering Pear and Red Cherry trees will be planted in islands and along the sidewalks. Junipers, day lilies and arborvitae will be planted within the islands.

Based on comments received from neighbors since the last workshop, the applicant has proposed installing additional landscaping along the northwest boundary of the parking lot, adjacent to the building.

Neighbors along Brook Road have also requested that additional fencing be placed along the eastern side of the building at the edge of the parking lot. There is often garbage in the stream to the rear of the building, and more often than not, a couple of shopping carts. A fence would provide more of an appropriate buffer to neighbors, while also creating a barrier for garbage and carts.

A potential condition of approval may be:

- that prior to issuance of building permit, the applicant shall provide for planning staff review and approval a plan for the installation of a 6ft high stockade fence along the eastern property line, south of the building approximately up to the property line shared with Greater Portland Realty.

5. Drainage

The plan proposes to use the existing stormwater and drainage system currently in place. Two additional catchbasins will be installed to collect stormwater from the front parking lot. The on-site stormdrains will outlet into the Fall Brook. Initially, the City considered requiring the stormwater treatment on-site, before being outletted to the brook. Upon further consideration, Public Works has requested that the applicant instead contribute to the Allen Avenue Capital Improvement reconstruction project which includes a substantial sewer separation component.

Public Works has therefore recommended the following condition of approval:

- That the applicant shall contribute toward the Allen Avenue sewer separation project scheduled for FY2000 construction. The contribution should be equal to the cost of two Vortech units (approximately \$30,000) which is the alternate method of on-site stormwater treatment.

- That the applicant shall revise their plans prior to issuance of a building permit to reflect the installation of Casco traps or equivalent into all of the catchbasins outletting into the Fall Brook sewer easement. Detail sheets should also be revised to indicate a construction detail for the devices.

The applicant has also submitted a wetland delineation for the portion of the site located adjacent to the Fall Brook. The delineation report recommends the preservation of the woody growth around the stream. The applicant is not proposing and disturbance of the vegetation near the wetlands.

6. Lighting

The applicant has submitted a revised lighting plan. Existing fixtures will be replaced to provide lower footcandles and less spillover onto Auburn Street and adjacent residential properties.

7. Fire Safety

The site plan has been reviewed and approved by the Fire Department.

- That the applicant shall contribute toward the Allen Avenue sewer separation project scheduled for FY2000 construction. The contribution should be equal to the cost of two vortech units (approximately \$30,000) which is the alternate method of on-site stormwater treatment. This amount of contribution shall be approved by the Public Works Authority.
- That prior to issuance of building permit, the applicant shall provide for planning staff review and approval a plan for the installation of a 6ft high stockade fence along the eastern property line, south of the building approximately up to the property line shared with Greater Portland Realty.
- That prior to issuance of a building permit, the applicant shall submit an executed license and indemnity agreement for the construction and maintenance of the connecting sidewalk to Allen Avenue on City property.

Potential Conditions of Approval:

- i. That the plan is/is not in conformance with the Site Plan Standards of the Land Use Code.
- On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #21-00 relevant to standards for site plan review, the Board finds:

V. MOTIONS FOR THE BOARD TO CONSIDER

Solid waste is removed from the facility by BFI Waste Haulers. Waste consists of compacted grocery waste and corrugated material that is baled and recycled.

Some neighbors living along Brook Road have expressed concern regarding the late night or early morning hours that the trash compactor is used. Also, we have received complaints regarding the odors generated when the compactor is not emptied frequently enough in the Summer months.

The City maintains a number of "silver bullet" recycling containers near the Allen Avenue driveway into the site. These containers have been a nuisance to neighbors in the area when refuse flies out of the container or the containers are overfilled. We have notified the City Recycling Coordinator of these issues and they have committed to a daily clean up effort, which appears to have made an impact. See Attachment 5c.

8. Solid Waste

- That the applicant shall revise their plans prior to issuance of a building permit for the installation of Casco traps or equivalent into all of the catchbasins outletting into the Fall Brook sewer easement. Detail sheets should also be revised to indicated a construction detail for the devices.

Attachments:

1. Project Narrative
2. Wetland Delineation
3. Letter of Non-jurisdiction from the MDEP
4. Traffic Impact Study
5. Staff Comments
- a. Public Works (2)
- b. DRC
- c. Recycling Coordinator
6. License/Indemnity Agreements (Draft)
7. Plans
- a. survey
- b. existing conditions
- c. utility plan
- d. sedimentation control plan
- e. landscaping plan
- f. detail sheets
8. Full-Size Plans
 - a. Existing Lighting
 - b. Proposed Lighting

600 State Street, Suite D
Portsmouth, NH 03801
tel 603.433.8818
fax 603.433.8988
aet@nh.ulltranet.com
Attachment 1

Shaw's Supermarket Renovation/Expansion

Northgate Plaza
Auburn Street

Site Plan Written Statement

1. Project Description/Proposed Use

This project involves the expansion of Shaw's Supermarkets and the relocation/expansion of three (3) existing retail enterprises in Northgate Plaza. See Overall Site Plan, Drawing C.2

Shaw's Supermarkets, Inc. is proposing to upgrade its current 46,850 sf supermarket and add 15,250 sf of additional supermarket space resulting in a 62,100 sf facility. In order to accomplish this Shaw's proposes to renovate 8,300 sf of existing adjacent retail and add 6,950 sf of new space.

In addition, one retail enterprise will be relocated into a 6,500 sf space that requires renovation of 2,540 sf of existing retail and the addition of 3,960 new space. The other retail enterprise will be relocated into 2,340 sf of existing space. The third retail enterprise will be relocated into 1,900 sf of renovated building area immediately adjacent to the Shaw's expansion.

2. Land Area and Floor Area.

At present, Northgate Plaza consists of a 13.1 ± acre site with a 98,107 sf. commercial retail facility. Of this Shaw's is currently in a 46,848 sf building. This total project will involve the addition of 10,910 sf of new retail space, bringing the total building area to 109,017 sf.

3. Existing or Proposed Easements or Other Burdens.

There are number of easements and restrictions on the property including three (3) sewer easements; a drainage easement; a number of electrical easements; a 25-foot ROW; a common area agreement; a grading, access, landscaping and drainage easement; an access, utility and parking easement; and a notice of layout and taking by the MDOT. See Plan of Land, Sheet 1 of 1 and the attached list of easements and restrictions.

4. Solid Waste

At present the facility is under contract with BFI to haul all solid waste. This contract covers any additional solid waste generated as a result of the new addition. The majority of the solid waste generated by the current store consists of grocery waste that is compacted and corrugated materials that are baled and recycled. Both of these are handled by BFI. At present the store generates approximately eight (8) tons of waste. With the addition, it is projected that the store will generate up to nine (9) tons of waste. It is estimated that the new facility will generate a similar type of solid waste.

5. Availability of Off-Site Facilities

Water, sewer, gas, electric and telephone are available to the existing plaza. These utilities will continue to be available to the expanded plaza. The site has direct access at two (2) locations on Auburn Street and one (1) on Allen Avenue.

6. Surface Drainage and Stormwater Management

The proposed shopping plaza addition will use the existing storm water and drainage system that was installed during the initial construction of the plaza as shown on the Grading, Drainage and Erosion Control Plan, Drawing C-4. Two catch basins will be installed to collect storm water from a small area of the parking field that is to be regraded and direct it in into the existing system. The proposed drainage structures will maintain the existing drainage patterns within the shopping plaza.

During construction Best Management Practices will be used to minimize erosion and sedimentation. These Best Management Practices are based upon the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices", prepared by the Cumberland County Soil and Water Conservation District. These erosion and control measure are shown on the Grading, Drainage and Erosion Control Plan, Drawing C-4 and the Erosion Control Detail Sheet, Drawing C-6.

7. Construction Plan

The following is the proposed sequence of construction for the proposed project.

- Installation of temporary erosion control haybales (around catch basins), silt fences and construction fencing as noted on Drawing C-6.
- Selective demolition of existing structure where necessary.
- Renovation of existing space and construction of new building additions.
- Site work to include drainage, grading and selective renovation of parking field.

- Completion of construction and stabilization of exposed areas with mulching or temporary seeding, as necessary.
- Once site is stabilized, all hay bales, silt fences and sediment trapped by these devices will be removed.

Construction is estimated to begin in June, 2000 and be completed by spring of 2001.

8. State and Federal Agency Approvals

There are no federal or state approvals or permits required for this project.

9. Evidence of Financial and Technical Capacity

Shaw's Supermarkets, Inc. is financially and technically capable to undertake this project. Shaw's will not require any financing from an outside source. It currently has approximately 170 stores in operation throughout New England. Three (3) of these stores are within the City of Portland. All of these facilities are well-managed and maintained and are successful financially.

Appledore Engineering, Inc (AEI) has the technical capacity to assist Shaw's to undertake the design and permitting for this expansion. The firm has worked successfully with Shaw's Supermarkets, Inc. for over ten (10) years and has permitted dozens of Shaw's facilities. AEI has a staff of twenty-seven (27) engineers and planners and has been in business since 1987.

10. Title, Right or Interest

See attached deed of ownership.

11. Unusual Natural Areas

There are no unusual natural areas, wildlife or fisheries habitats or archaeological sites located on or near the project site. See attached letter from West Environmental, Inc.

The northern portion of the wetland included a dense shrub layer of silky dogwood, speckled alder and American elm. The stream channel is small and poorly defined in this area. The Southern stretch of the stream has a denser herb layer and has a more defined stream-channel several feet wide.

The onsite wetlands include a stream with associated forested and scrub-shrub wetlands. The wetlands are classified as Palustrine deciduous/needle-leaved evergreen, seasonally flooded or saturated (PFO1/4E). The plant community of this wetland includes a canopy dominated by white pine, boxelder, norway maple and weeping willow. The shrub layer is dominated by multiflora rose and the herb layer is dominated by sensitive fern, reed-canary grass and horsetail. The soils in the wetland ranged from poorly drained sands to pockets of organic muck in the central portion of the wetlands. Evidence of wetland hydrology included extensive drainage patterns adjacent the stream channel.

Wildlife Service (1979).
Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish &

National List of Plant Species That Occur in Wetlands: Northeast (Region 1), U.S. Fish and Wildlife Service (May 1988).

Field Indicators for Identifying Hydric Soils in New England Version 2. NEIWPCC Wetlands Work Group (1998).

US Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 (January, 1987).

At your request, West Environmental, Inc. delineated the wetlands at the above referenced site on October 26, 1999. The wetlands were delineated using 66 orange wetland boundary flags. The onsite wetlands were delineated to the following standards:

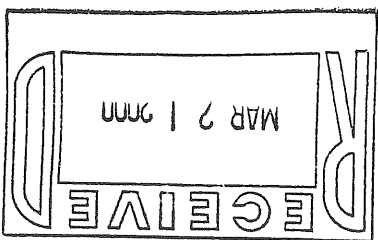
Dear Mr. Breitrick:

SUBJECT: Wetland Delineation

**RE: Shaws Supermarket, Northgate Plaza
Portland, ME**

David Breitrick, P.E.
Appledore Engineering, Inc.
600 State Street, Suite D
Portsmouth, NH, 03801

March 13, 2000
WEI# 99102-ME



Attachment 2

There is a paved walkway across the northern portion of the stream which has some eroded areas. The southern portion of the wetland has disturbed soils in the area of the sewer line. Concrete spillways carry runoff from the existing buildings into the wetlands.

This stream does not appear to support fish habitat. The adjacent development surrounding this wetland reduces its value as wildlife habitat. It does provide habitat for species adapted to urban settings and has a narrow vegetated buffer adjacent the existing shopping center. Maintenance of the existing woody vegetation adjacent the stream will help protect its limited habitat functions. The main functions of this wetland are minor flood-flow alteration, sediment/toxicant/pathogen retention, and shoreline stabilization.

A photo log of the site is available upon request. This completes our report at this time. Please call our office if you have any further questions.

Sincerely,

West Environmental, Inc.



Mark C. West, President

Wetland Scientist

Cc: John Rowell

Attachment 3 (1251)

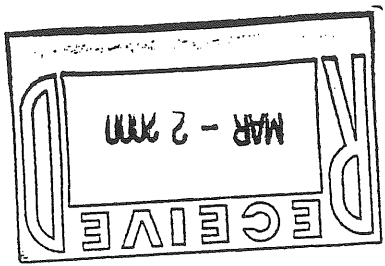
STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



ANGUS S. KING, JR.
GOVERNOR

MARTHA KIRKPATRICK
COMMISSIONER

February 15, 2000



Mr. Jack Mettee
Appledore Engineering
600 State Street
Portsmouth NH 03801

Re: Shaw's Expansion, Town of Portland, (received January 13, 2000)

Dear Mr. Mettee:

This letter is in response to your request for an advisory opinion concerning the applicability of the Site Location of Development Act (38 M.R.S.A. Section 481 et. seq.; the Site Law) to the proposed expansion of the Shaw's in Northgate Plaza in Portland. Based on a review of plans entitled "Shaw's" drawn by PlanMark (?), plan drawing name is illegible) dated November 1976, a plan entitled "Shaw's" drawn by Appledore Engineering dated December 17, 1999 and your letter dated February 8, 2000, I have determined that a permit is not required.

The facts as I understand them are as follows.

- 1) Prior to 1970, Northgate Plaza was created. In 1970, pavement or buildings covered the entire area that is currently developed (excepting however, the so-called "parcel 17" whose status in 1970 is unknown).
- 2) In 1976 a Shaw's supermarket was constructed at Northgate Plaza in Portland. The building covered 46,848 square feet.
- 3) Shaw's wishes to expand the building by 17,560 square feet, resulting in a building occupying 64,408 square feet. The expansion will require that existing tenants must be relocated. The relocation will result in 4,400 square feet of new retail space to be added onto the existing plaza; retail space within the existing plaza will be renovated as part of the relocation.
- 4) Fleet Bank constructed a building in Northgate Plaza some time after 1976. The building is 3,028 square feet in size.
- 5) After 1976 an adjacent parcel containing 17,246 square feet was incorporated into Northgate Plaza (the so-called parcel 17).

Therefore the total area of new development after 1976 totals 89,082 square feet. This is less than the 3-acre threshold of the Site Law so a Site Law permit for the expansion of Shaw's is not required.

AUGUSTA
 17 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0017
 (207) 287-7688
 RAY BLDG., HOSPITAL ST.
 BANGOR
 106 HOGAN ROAD
 BANGOR, MAINE 04401
 (207) 941-4570 FAX: (207) 941-4584
 PORTLAND
 312 CANCO ROAD
 PORTLAND, MAINE 04103
 (207) 822-6300 FAX: (207) 822-6303
 PRESQUE ISLE
 1235 CENTRAL DRIVE, SKYWAY PARK
 PRESQUE ISLE, MAINE 04769-2094
 (207) 764-0477 FAX: (207) 764-1507

This opinion is based solely on the materials you submitted and is subject to change if that information is inaccurate or incomplete.

I hope this letter serves your needs. Please call me at (207) 822-6325 with any questions.

Sincerely,



William Cook

Bureau of Land and Water Quality

cc: Hetty Richardson, DEP

Traffic Impact Study


PROPOSED EXPANSION OF NORTHGATE PLAZA

Portland, Maine

Prepared for

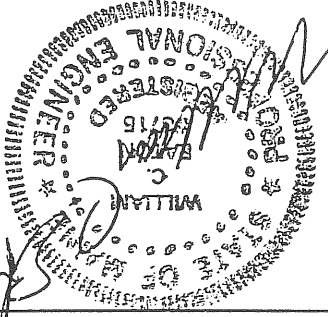
Appledore Engineering, Inc.
Portsmouth, New Hampshire

EATON
TRAFFIC
ENGINEERING



Brunswick, Maine
March, 2000

3/9/00



WILLIAM C. APPLIEDORE
No. 118
STATE OF MAINE
PROFESSIONAL ENGINEER

PROPOSED NORTHGATE PLAZA EXPANSION
Auburn Street - Portland, Maine
Traffic Impact Study

Introduction

Shaw's proposes a 10,905 square foot expansion to the existing Northgate Plaza shopping center located on the easterly side of Auburn Street north of Allen Avenue in Portland, Maine (see Figure 1A on the following page). The site is currently served with 4 access driveways (2 controlled by traffic signals) on Auburn Street and 1 access driveway on Allen Avenue. As part of this expansion, the two existing unsignalized access driveways on Auburn Street located just north and south of the Auburn Street @ Washington Street/Northgate Plaza intersection will be closed to improve safety both on Auburn Street and on the site. (See Figure 1B at the rear of the report).

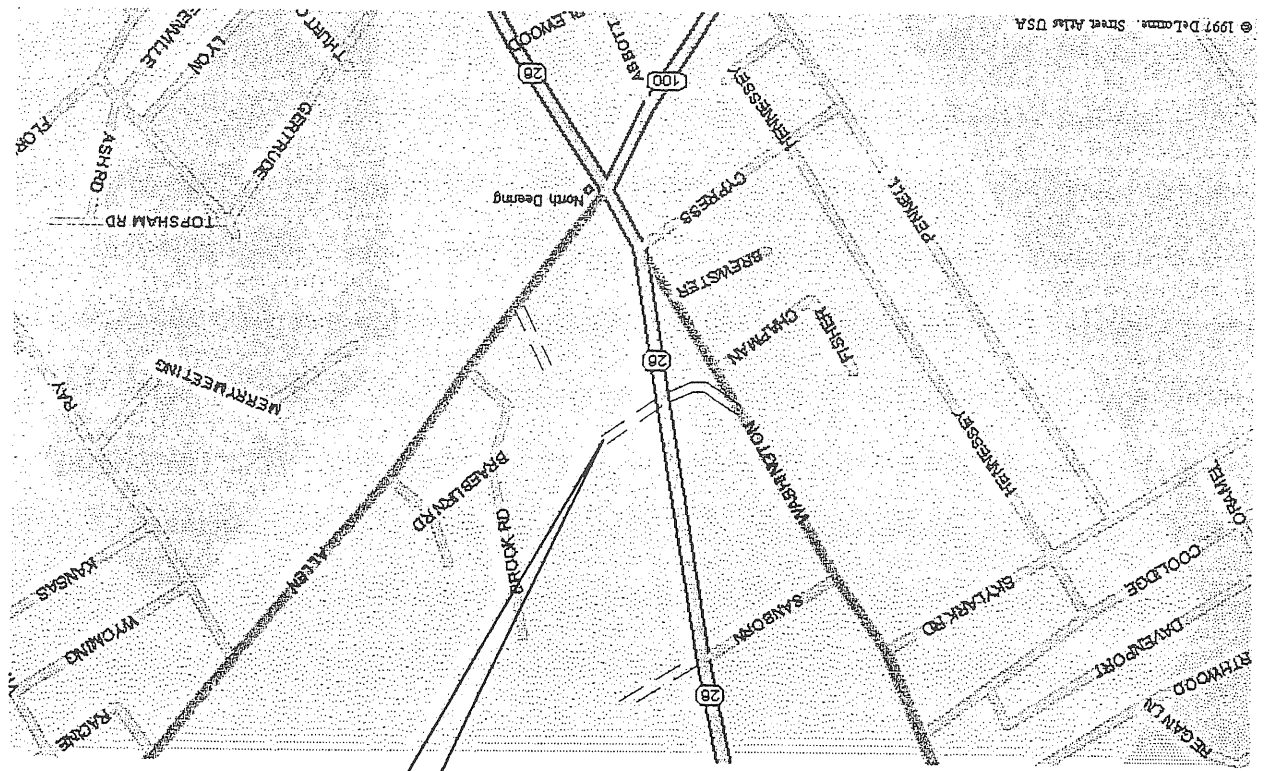
Development in the immediate vicinity of the proposed development is generally commercial in nature. The nearest "major" intersections to be affected by site generated traffic are the intersections of Washington @ Allen, Auburn @ Washington and Auburn @ Sanborn Streets. These intersections are controlled by fully actuated interconnected traffic signals.

The purpose of this traffic impact study is to assess the impact of new traffic generated by the proposed project on roadways in the immediate vicinity of the site. Preliminary discussions with Larry Ash, City Traffic Engineer, indicated that the analysis should focus on the three signalized intersections on Auburn Street/Washington Avenue in the vicinity of the site.



NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE

Figure 1A
 SITE LOCATION AND ACCESS



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Pre-Development PM Peak Hour Traffic

Traffic impact analysis is typically performed for traffic conditions that occur during the weekday PM peak hour, as this is usually the time of heaviest traffic flow that occurs on a weekday. As part of the process of estimating 2000 weekday PM peak hour traffic volumes, manual traffic counts were conducted on February 23, 24 and 25, 2000 at the intersections of Washington @ Allen, Auburn @ Washington and Auburn @ Sanborn Street. These data provided information for both peak hour traffic volumes in the area as well as general traffic patterns in the area (the directional distribution to/from the project).

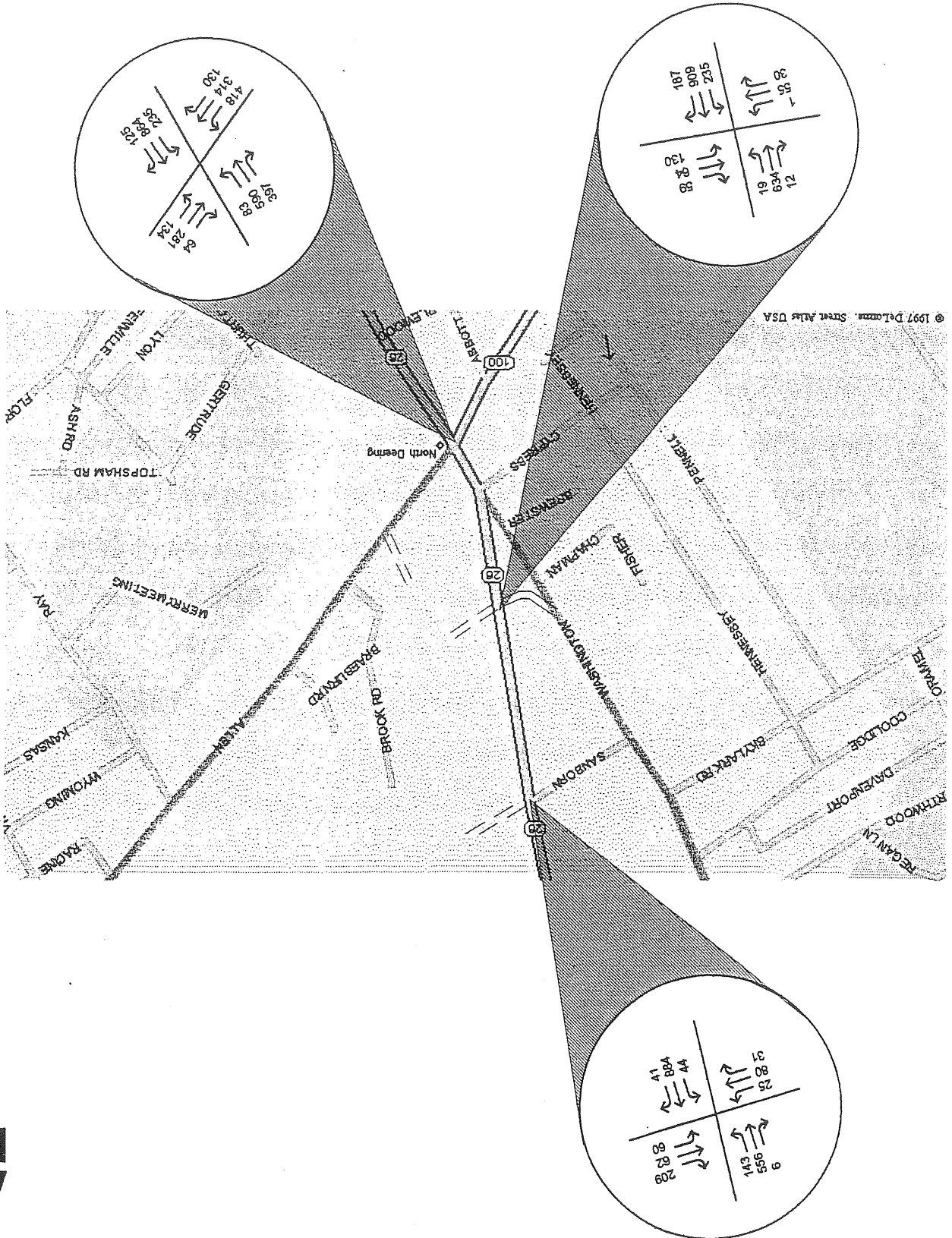
Typically traffic count data is adjusted to reflect peak summer traffic volumes, and used for analysis. In this case the February traffic volumes were increased by approximately 20 percent to reflect peak summer traffic volumes. Figure 2 on the following page presents the estimated 2000 peak season weekday pre-development PM peak hour traffic volumes.

Site Generated PM Peak Hour Traffic

Traffic generation is typically estimated using the publication (Trip Generation - Sixth Edition). For land use code 820 "Shopping Center", estimated PM peak hour traffic generation is projected to be 46 vehicle trips, with 22 entering the development and 24 exiting. Of the 46 vehicle trips, 40 percent are projected to be "pass by" trips captured from traffic passing the site on Auburn Street. Accordingly, the net increase in PM peak hour traffic volumes is estimated at 27 vehicle trips. Both the new and pass by trips were assigned to roadways in the vicinity of the site based upon the directional distribution data obtained from the PM peak period counts conducted in February. Figure 3 on the following page presents the estimated assignment of net PM peak hour site generated traffic volumes in the vicinity of the site.

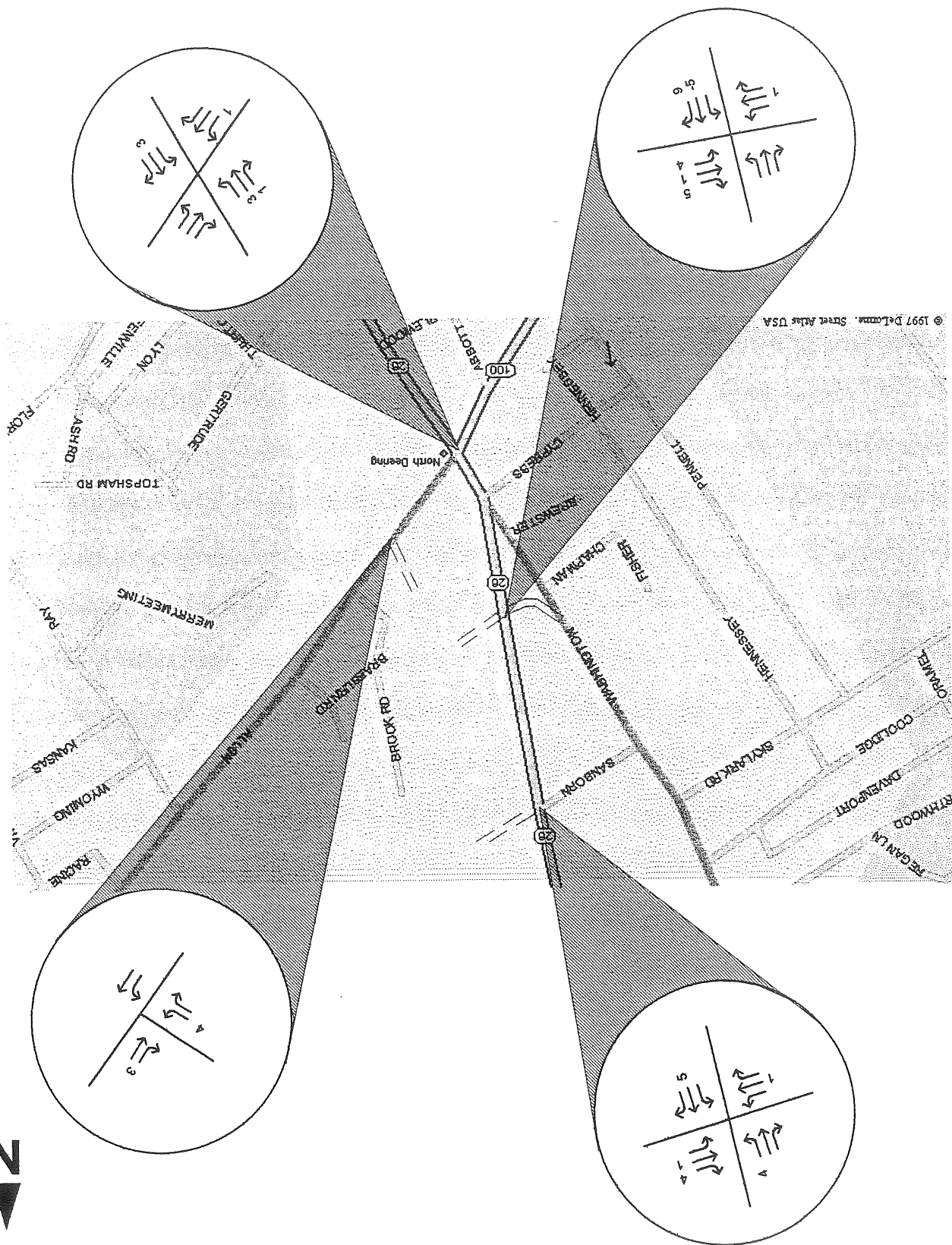
¹ Institute of Transportation Engineers, 1997.

NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE
 ESTIMATED WEEKDAY PM PEAK HOUR TRAFFIC - PRE-EXPANSION
 Figure 2



NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE

ESTIMATED NET SITE GENERATED PM PEAK HOUR TRAFFIC
 Figure 3



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Post-Development PM Peak Hour Traffic

Post-development conditions are estimated by adding net site generated traffic volumes to the "base" or pre-development volumes. Figure 4 on the following page presents projected 2000 post-development weekday PM peak hour traffic.

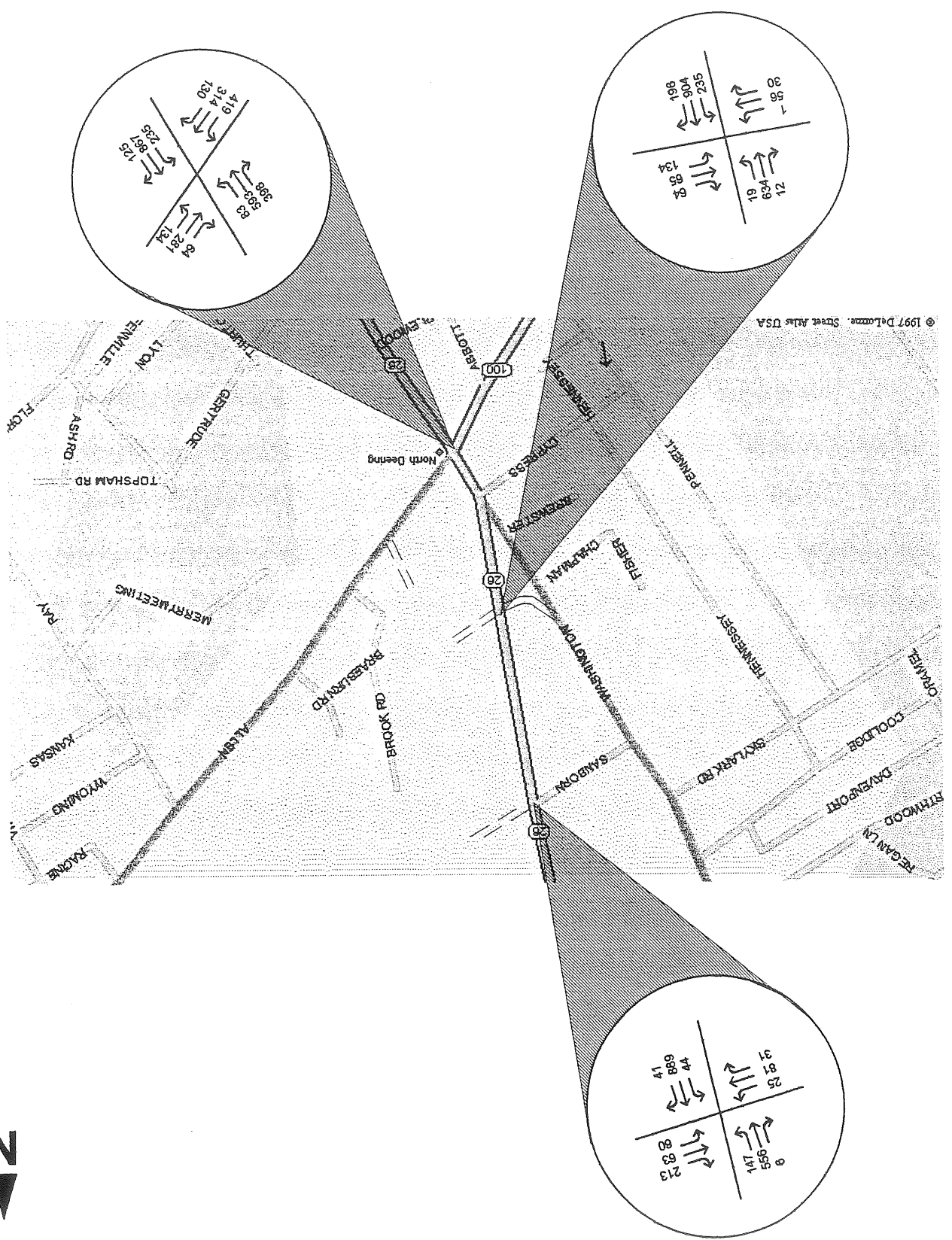
Operational Assessment Pre/Post-Development Traffic Volumes

Capacity analysis was performed for the pre- and post-development PM peak hour traffic projections for the intersections in the study area per the procedures contained in the Highway Capacity Manual². Capacity analysis provides a quantitative assessment of the quality of traffic flow at an intersection, and "rates" this quality in terms of its Level of Service (LOS). LOS ratings range from A to F, and much like a school rank card, A indicates very good conditions, and F indicates extremely congested conditions with long delays.

LOS for signalized intersections, such as the intersection of Allen Avenue @ Washington Avenue, is based upon the average control delay for all vehicles using the intersection, which includes acceleration/deceleration delay, time in queue and start-up delay. The relationship between LOS and average control delay, which reflects time in queue, acceleration and deceleration and start up delay, is shown in the table below.

² Special Report 209, Highway Capacity Manual, Third Edition, Transportation Research Board, 1998

PROJECTED 2000 WEEKDAY PM PEAK HOUR TRAFFIC - POST-EXPANSION
Figure 4
NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE



Signalized Intersection Level of Service Measures

Level of Service	Average Stopped Delay Per Vehicle
A	≤ 10.0 Seconds
B	10.1 - 20.0 Seconds
C	20.1 - 35.0 Seconds
D	35.1 - 55.0 Seconds
E	55.1 - 80.0 Seconds
F	≥ 80.1 Seconds

The results of the analysis of the signalized intersections in the study area is presented below.

Signalized Intersection Analysis

Location	Pre-Development	Post-Development/
	LOS	Control Delay (sec)
	Control Delay (sec)	LOS
Washington @ Allen	D	44.9
Auburn @ Washington/Northgate	B	17.9
Auburn @ Sanborn/Northgate	B	19.5
		19.7

As can be seen, the new traffic associated with the proposed expansion will not substantially alter the level of service or delay at the intersections in the study area.

Safety

Safety data for the most recent available 3 year period (1996-98 was obtained from the Accident Records Section of the MDOT Bureau of Planning for roadways in the vicinity of the site. A summary of the accident history in the area is presented in the table below.

1996-98 Accident History in Site Vicinity

LOCATION	1996-98 ACCIDENTS	ANNUAL AVERAGE	CRITICAL RATE FACTOR ³
Auburn St @ Sanborn	22	7.33	1.33
Auburn St/Sanborn to Washington/Northgate	12	4.00	<1.00
Auburn St @ Washington/Northgate	1	0.33	<1.00
Auburn St/Northgate to Washington Southbound	9	3.00	<1.00
Auburn St @ Washington Southbound	0	0	.0
Auburn St/Washington Southbound to Cypress	0	0	0
Washington Ave @ Cypress	13	4.33	<1.00
Washington Ave/ Cypress to Allen	4	3.00	<1.00
Washington Ave @ Allen	59	19.67	1.16
Allen Ave/ Washington to Northgate Drive	14	4.67	2.09
Allen Ave @ Northgate Drive	7	2.33	1.31

MDOT guidelines for identification of a High Accident Location (HAL - indicating a potential safety deficiency) is that a location must experience 8 or more accidents in a 3 year period and

³ The Critical Rate Factor is a statistical measure which compares the accident frequency at a location to similar locations throughout the State. A Critical Rate Factor of 1.00 or greater indicates that the location has a higher frequency of accidents than would be expected due to random occurrence, with a 99 percent level of confidence.

have a Critical Rate Factor of 1.00 or greater. Three of the locations satisfy the criteria. Detailed collision diagrams were prepared for each of the locations from accident reports on file at MDOT. A summary of the analysis of the collision diagrams is as follows:

Auburn Street @ Sanborn/Northgate: 6 of the 22 accidents at this location were angle collisions. Typically this type of accident is related to either a poor level of service or inadequate clearance time. The intersection operates at a fairly good level of service, thus it is suggested that the clearance (yellow plus all red) interval be reviewed. This may also help address an additional pattern of rear end collisions on all approaches. Finally, there is a pattern of left turn collisions involving southbound Auburn Street (turning left into Northgate). It is possible that adding a left turn phase may help address this problem.

Washington Avenue @ Allen Avenue: Over one half (33) of the 59 accidents were rear end collisions. This intersection operates at very near capacity and it is likely that this contributes to this type of accident. Lane change/ sideswipe accidents are also evident which further supports the likelihood that congestion is a major factor in accidents. Finally, angle collisions are occurring (9) but not to the extent of the rear end collision pattern. These accidents are also probably related to the capacity conditions at this location. Short of providing additional travel lanes to improve level of service, there is little that can be done beyond reviewing clearance intervals, ensuring that good signal visibility is available, and possibly increasing enforcement.

Allen Avenue/ Washington to Northgate: 10 of the 14 reported accidents were found in MDOT files - the remaining 4 occurred at other locations and were mistitled. The reduced level of accidents would not result in a CRF of 1.00 and this link would not be a High Accident Locations. The majority of the accidents are related to access movements into/out of the Mobil gas station and/or Amato's sandwich shop, both of which are located near the Washington @ Allen intersection. Access controls on these driveways could help address this problem, but it is unlikely the City can accomplish this unless the existing Mobil and Amato's sites are redeveloped and have to obtain site permits.

Summary of Findings

The proposed expansion of Northgate Plaza involves an increase in size of approximately 11,000 square feet, and is coupled with on-site revision of parking and circulation plus the closing of two existing uncontrolled curb cuts on Auburn Street to improve safety conditions in the area by reducing the number of potential conflict points. The proposed expansion is projected to generate 46 vehicle trips during the PM peak hour - 24 entering and 22 exiting the site. The intersections of Washington @ Allen, Auburn @ Washington/Northgate and Auburn @ Sanborn/Northgate are not projected to experience any significant reduction in Level of Service as a result of new traffic generated by the proposed expansion. There are 3 High Accident Locations in the vicinity of the site, based upon 1996-98 accident data, and suggestions to address these problems are discussed in detail in the previous section entitled "Safety". Overall it is anticipated that the proposed project will have minimal impact on traffic operations and safety in the area.

From: Anthony Lombardo
To: Sarah Hopkins
Date: Thu, Jun 8, 2000 11:37 AM
Subject: Shaw's Northgate

Sarah,
Just a follow to my memo date 6/7/00. Public Works would be requesting a minimum financial contribution \$30,000. I believe, however, the applicant should provide us with quotes to review for a proposed stormwater treatment system purchase and installation. I will be obtaining cost estimates myself to better determine an appropriate financial contribution.

PUBLIC WORKS ENGINEERING
MEMORANDUM

To: Sarah Hopkins, Senior Planner

From: Anthony Lombardo, P.E., Project Engineer

Date: June 7, 2000

Subject: Shaw's Supermarket Expansion..Northgate Plaza

The following comments were generated during Public Works Engineering review of the plans and application dated 5/25/00 for the proposed commercial development:

1. It is apparent from reviewing the "Existing Conditions Plan" that stormwater treatment was not included as part of the original proposal for the development of the Northgate Shaws. As a result of the development of Stormwater Rules and Regulations by MDEP, the modification/expansion of this site will require the utilization of stormwater treatment on all of the surface water discharge points from this site. A stormwater treatment unit such as a Vortech unit or equivalent would be appropriate to treat the impervious cover on this site. However, in lieu of installing a site specific stormwater treatment system, the City is requesting the applicant to make a financial contribution towards the Allen Avenue 2000 CIP sewer separation project. This financial contribution should be equal to the estimated cost for purchase and installation of a stormwater treatment system.
2. Public Works is requesting the applicant install "casco" gas traps or equivalents into all of the catch basins discharging into the Fall Brook Sewer Easement. A note specifying this request should appear on the contract plans. A construction detail for this device should also appear on the plans.

Attachment 5a

Attachment 56

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Sarah Hopkins" <SH@ci.portland.me.us>
Date: Wed, Jun 7, 2000 8:07 AM
Subject: Northgate Shaws

Sarah,
I have reviewed the latest plan set by Appledore engineering dated May 25, 2000 for the Northgate Shaws expansion project. I provide the following comments:

1. The plans are complete and provide adequate measures for layout, erosion control and construction.
 2. The plans do not include any measures for stormwater treatment. I had requested a water quality treatment unit(s) be provided as has been a standard practice for other similar projects, so I will again raise this as an issue. As you may recall, the Shop n' Save expansion on Forest Avenue was made to provide a Vortechinics Unit and their expansion proposal was very similar to the Shaw's proposal.
- Other than the water quality treatment issue, I find the plans acceptable and can recommend approval.

If you have any questions please call

Steve Bushey Acting Development Review Coordinator.

Date _____

Robert B. Ganley
City Manager

Date _____

Shaw's Supermarket

By: _____
Its: _____

3. This license may be revoked upon a six (6) month written notice issued by the City Manager.

2. Licensee shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit, covering claims for bodily injury, death and property damage arising out of the activities on said property and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of licensee under the terms of this license.

1. Shaw's Supermarket (hereinafter "Licensee"), shall indemnify the City of Portland, its officers, agents and employees from any and all claims which arise out of its use or the use of others of the City's property in conjunction with activities related to the temporary construction and long term use of the pedestrian sidewalk upon City property at _____ Allen Avenue.

A revocable license is hereby granted to Shaw's Supermarket to occupy portions of land owned by the City on Allen Avenue, City of Portland, which property abouts the property of Shaw's Supermarket, located at _____ Forest Avenue, as shown on the attached plan, for the purpose of locating a pedestrian sidewalk on City property (as shown on the attached plan) upon the following conditions:

REVOCABLE LICENSE AGREEMENT
FOR
SHAW'S SUPERMARKET, INC.
RE: (NORTHGATE PLAZA)

DRAFT

Attachment 6

DRAFT

INDEMNITY AGREEMENT

Shaw's Supermarket, a Maine corporation with a place of business at _____, Portland, County of Cumberland and State of Maine, its successors and assigns, in exchange for the permission granted by the City of Portland for the placement of a sidewalk on property abutting property owned by Shaw's Supermarket at _____, covenants and agrees to indemnify, defend and hold harmless the City of Portland, its agents, employees, officers, attorneys, successors and assigns, and each of them jointly and severally, from any and all damages, actions, causes of action, claims and demands of any nature, whether for property damage or personal injury (including death); and costs, including without limitation costs of attorneys' fees and defense, which Finard and Company, its successors and assigns, or which any other person, partnership, corporation, or other entity have or may have on account of the placement, location, maintenance and operation of the sidewalk in the public way.

_____ Dated :

By:

Print or Type Name
Its:



MEMBER FIRM NATIONAL COUNCIL OF ACOUSTICAL CONSULTANTS

1. Provide sufficient information to the Portland Planning Board, that implementation of the noise control measures outlined herein will provide "... abatement of noise pollution from the

At your request, Cavanaugh Tocco Associates, Inc. has evaluated sound produced by Shaw's outdoor mechanical equipment and truck loading/unloading operations at the Northgate Shopping Center. The dual purpose of this evaluation is to:

Scope

Shaw's management has decided to submit a noise control plan to the Planning Board and implement the plan, assuming Planning Board approval, rather than to conduct loading/unloading operations only during the prescribed restricted hours.

"Further, the Board made a finding under Section 14-526b that the applicant shall be required to complete all loading and unloading activities, including removal of the dumpsters, between the hours of 6am to 10pm, or the applicant shall submit for staff review and approval an alternative measure that will result in the abatement of noise pollution from the loading and unloading activities and use of the trash compactor and dumpster. Such an alternative measure may include a plan for enclosing the delivery/compactor area or other noise mitigation plan."

The approval letter stipulates a number of conditions that must be achieved by and/or agreed to by Shaw's, in order to initiate the expansion. Condition 7 states:

Recently, the Portland Planning Board granted approval to expand the Shaw's Supermarket located at the Northgate Shopping Center, Portland, ME. The approval is summarized in City of Portland Planning Board letter dated June 15, 2000. Appendix A contains a copy of the letter.

Dear Mr. Evans,

SUBJECT: Environmental Sound Levels Analysis

PROJECT: Shaw's Supermarket
Northgate Shopping Center, Portland, ME

Portland, ME 04103
190 Riverside Street

Mr. Leslie E. Evans, Senior Project Manager
Shaw's Supermarkets, Inc.

August 31, 2000

OK

reasonable

*Shaw's
This looks*

327 E BOSTON POST ROAD, SUITE 200, PORTLAND, ME 04103-1127
TEL: (207) 773-4640 FAX: (207) 773-4640
WWW.TOCOCCI.COM
Cavanaugh Tocco Associates, Inc.
1000 North Main Street
Portland, ME 04103
Tel: (207) 773-4640
Fax: (207) 773-4640
www.tococi.com

CAVANAGHI
TOCCI
ASSOCIATES, INCORPORATED



Mr. Leslie E. Evans, Senior Project Manager, Shaw's Supermarkets, Inc.
September 18, 2000
Page 2

loading and unloading activities and use of the trash compactor and dumpster" as stipulated by the Board.

2. Ensure that sound produced by Shaw's rooftop equipment, truck loading/unloading operations, and trash compactor operations will comply with the Portland noise regulation, which we understand is 55 dBA at residential properties at night.

Appendix B contains a brief glossary of acoustical terminology pertinent to this report, including an explanation of the A-weight sound level (dBA).

Measurements

For this project, we conducted two types of acoustical measurements:

1. We installed an unattended sound monitor in the backyard at 60 Brook Road, which is located adjacent to the grocery receiving dock area. The sound monitor continuously measured A-weight sound levels for one week. The long-term monitor data provides an understanding of the full range of environmental sound levels in the neighborhood produced by all environmental sound sources, including Shaw's equipment and operations. Most importantly, it provides an understanding of sound levels occurring during the critical nighttime hours, of particular concern in this study. Figure 2 is a graphical presentation of three of the several hourly descriptors measured by the noise monitor.

2. We measured sound produced by store rooftop equipment, trash compactor, and grocery trailer loading/unloading operations with a handheld sound level analyzer. The meter provides both A-weight and octave band data. While these measurements were conducted in the neighborhood, coordination of store operations was maintained by two-way radio between Cavanaugh Tocol Associates, Inc. staff at neighborhood measurement locations and Shaw's staff conducting trailer loading/unloading operations, and trash compactor operations. This measurement technique provided a clear understanding of the impact of each facility sound source at neighborhood locations. Figures 3 through 7 are a summary of data collected by the sound level analyzer.

Analysis

The long-term sound monitoring data of Figure 2 show that the background sound levels, defined as the 90th percentile sound level (L_{90}) are approximately 45 dBA late at night, and about 48 to 50 dBA during the day. We therefore conclude that the Shaw's store rooftop HVAC sound levels are clearly below the Portland 55-dBA nighttime limit.

From data measured for specific Shaw's operations and shown on Figures 3 through 7, in Table 1 we have tabulated measured A-weight sound levels and compared them with the Portland 55-dBA nighttime limit.



- Figures 1a and 1b are portions of the project site plan, showing the rear portion of the Shaw's building and loading docks. We have annotated the plans to show alternative layouts for a pair of noise barrier "wing" walls. Figure 1a shows a pair of straight walls, which simply extend the store rear elevation
1. Install barriers that are a minimum of 14-foot high and 60-foot long and located as shown in Figures 1a or 1b. (The largest grocery trailers are 13'-6" tall and 48-foot long.) Ensure that each barrier edge is tightly butted to and sealed at the corners of the existing building. Ensure that there are no gaps or holes within the barrier surface area. Ensure that the barriers weigh at least 5 pounds per square foot and/or achieve a sound transmission class (STC) rating of 30 or higher.
 2. Continue current administrative control of trash removal noise by requiring contractor to empty the dumpster and trash compactor only after 7:00 A.M. and before 6:00 P.M. weekdays. Note that these hours are somewhat more restrictive than the hours required by the Planning Board.

Our recommended design goal for the noise barriers attenuation is 15 dBA, which will provide slightly more noise reduction than actually required to achieve compliance with the Portland limit for the loudest source. Most of the resultant sound levels for other sources would be further below the Portland limit. Our recommendations are as follows:

Recommendations

These data show that virtually all truck loading/unloading operations sound levels presently exceed the Portland 55-dBA nighttime limit. These data also show that the highest sound levels (66 to 68 dBA) are produced when the dock leveling plate is dropped onto the grocery trailer and dropped into storage position within the dock floor. Finally, this indicates that at least 13 dBA of noise control for the loudest source will be required to achieve compliance with the Portland 55-dBA nighttime sound level limit.

Table 1. Sound Levels Measured at Nearest Residential Property and/or at Locations on Shaw's Property Representative of Impact at Nearest Residential Property

Measured Event/Equipment	Maximum A-weight Sound Level	Amount Exceeding Portland 55-dBA Nighttime Limit
Raise Dock Leveling Pike	58 dBA	3 dBA
Lower Dock Leveling Plate	68 dBA	13 dBA
Place Dock Plate on Trailer	66 dBA	11 dBA
Empty Pallet Rolled on Trailer	59 dBA	4 dBA
Empty Pallet Rolled off Trailer	57 dBA	2 dBA
Full Pallet Rolled on Trailer	56 dBA	1 dBA
Trailer Door Open/Closed	55 dBA	1 dBA
Dock Door Open/Closed	53 dBA	in compliance
Compactor Internal Door Open/Close	51 dBA	6 dBA
Trash/Boxes Thrown in Compactor	61 dBA	6 dBA
Compactor Hydraulic Ram Full Cycle	57 dBA	2 dBA
All Rooftop Equipment (full load)	53 dBA	in compliance

Mr. Leslie E. Evans, Senior Project Manager, Shaw's Supermarkets, Inc. September 18, 2000 Page 3



Mr. Leslie E. Evans, Senior Project Manager, Shaw's Supermarkets, Inc.

Page 4

facade laterally, in both directions. Figure 1b shows an alternative layout with a pair of offset walls, each of which would provide increased clearance within the loading dock and trash compactor areas.

The proposed walls may be transportation type noise barriers as can be seen along highways, particularly interstate highways. The product literature attached to this report (Appendix C) illustrates one representative transportation noise barrier product, which is a substantial wooden fence product. However, many other noise barrier products are equally effective for noise control for this project. The noise barriers can be constructed with more than one product, for instance, a 10-foot tall wood wall atop a 4-foot tall concrete foundation wall, etc. A standard wood stockade fence is not acceptable, because sound will leak between pickets, and the pickets themselves are not sufficiently massive.

Conclusions

Proper implementation of the recommendations for walls as shown in Figures 1a or 1b should achieve compliance with the Portland 55-dBA nighttime sound level limit as required by the Portland Planning Board.

Please call if we may be of further assistance. Thank you.

Sincerely,
Cavanaugh Tocci Associates, Inc.

Bron G. Koning, Senior Consultant

00364-Shaws-Portland-8-31-2000



Figures

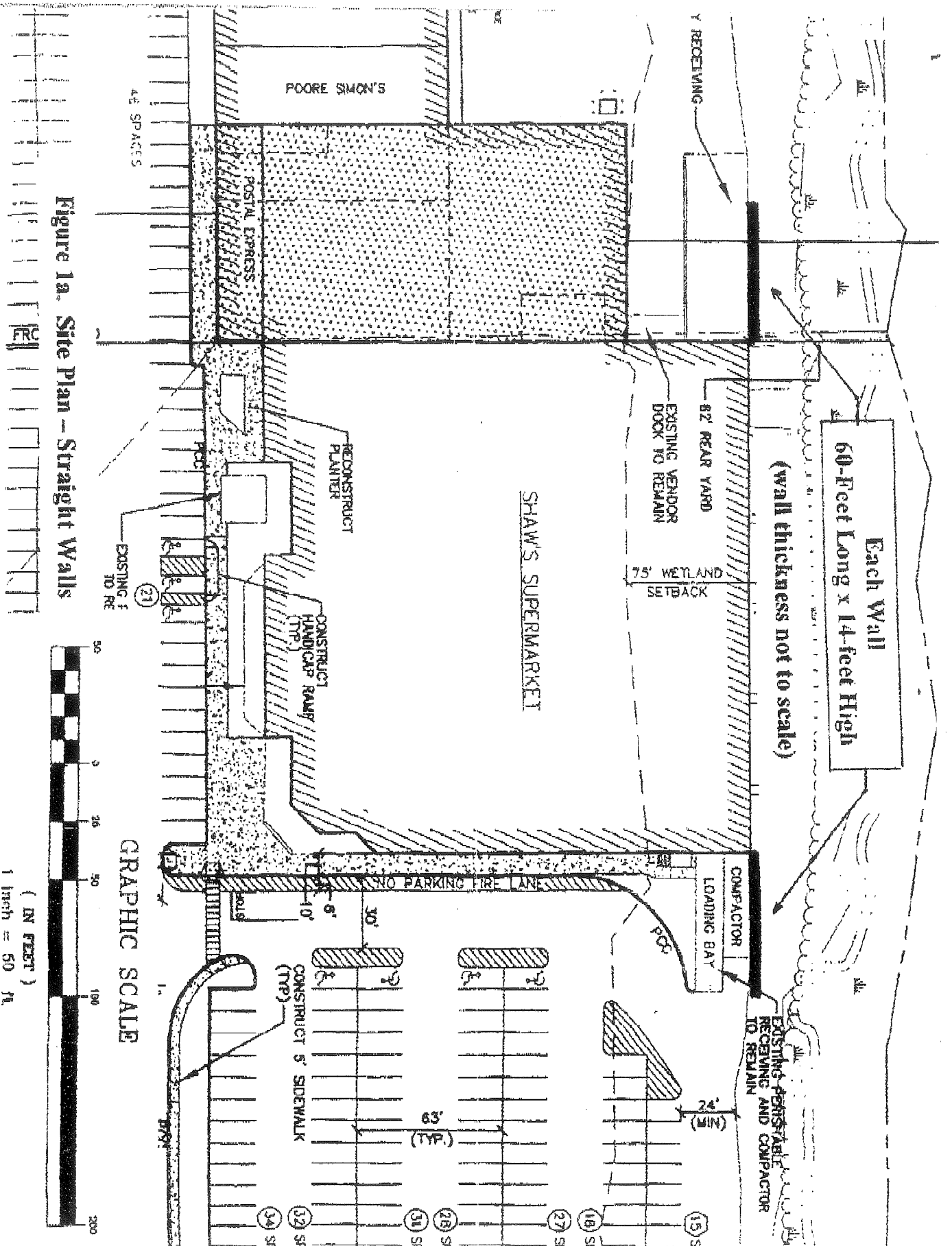


Figure 1a. Site Plan - Straight Walls

(IN FEET)
1 inch = 50 ft

GRAPHIC SCALE

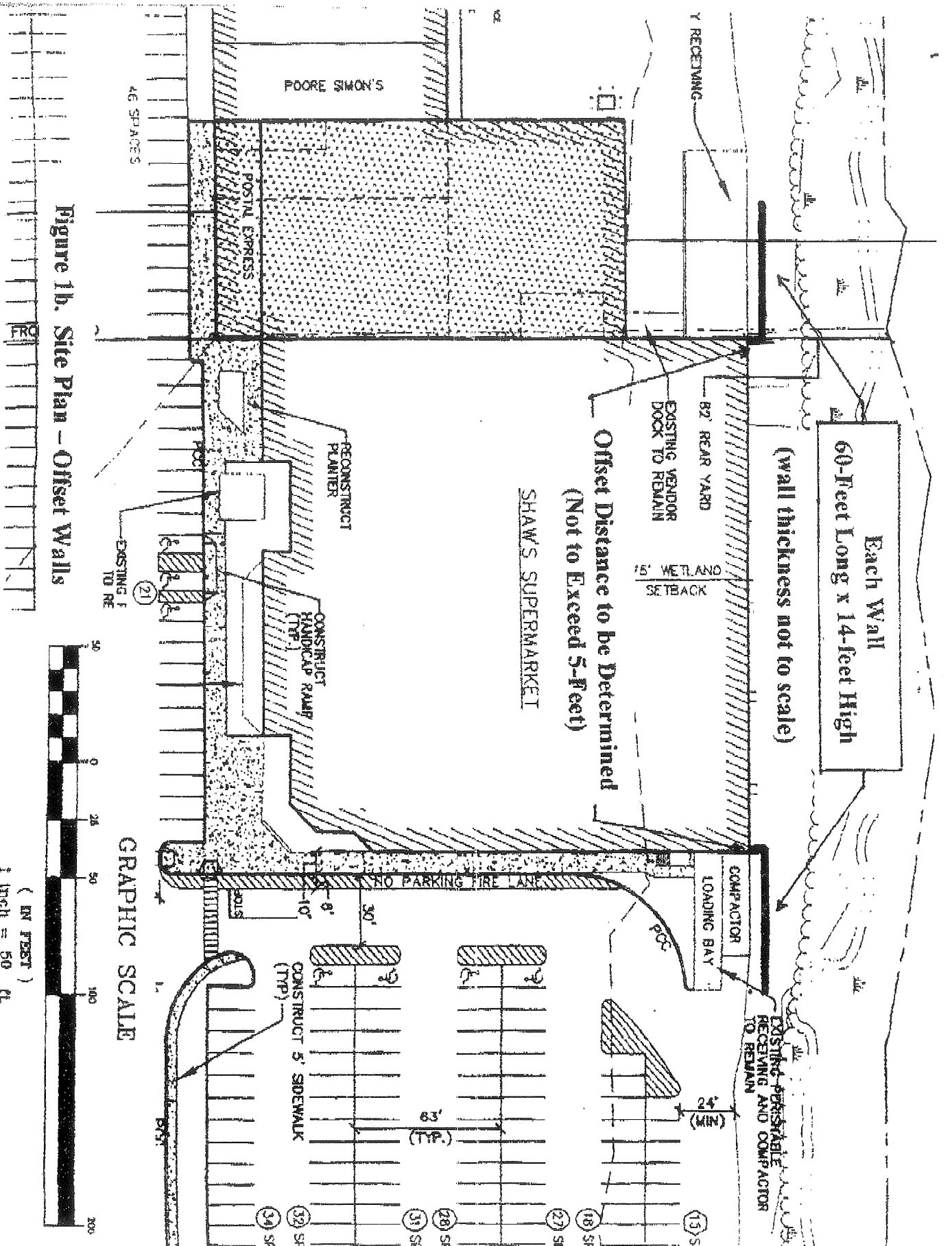


Figure 1b. Site Plan - Offset Walls

AREA

SITE NOTES:

1. STRIPE PARKING AREAS, DRIVES AND ROADWAY AS SHOWN, INCLUDING PARKING SPACES, STOP BARS, CROSSWALKS, HANDICAP SYMBOLS, PAINTED ISLANDS AND FIRE LANES. (ALL MARKINGS EXCEPT MEDIAN ISLANDS, AND CENTERLINES TO BE CONSTRUCTED USING WHITE TRAFFIC PAINT.) ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF AASHTO M248 TYPE "F". MEDIAN ISLANDS AND CENTERLINES TO BE CONSTRUCTED USING YELLOW TRAFFIC PAINT.
2. ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" AND "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS", LATEST EDITIONS AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS AND CITY OF PORTLAND STANDARDS.
3. SEE DETAILS FOR PARKING STALL MARKINGS, HANDICAP SYMBOLS, SIGNS AND SIGN POSTS.
4. STOP BARS SHALL BE 12" WIDE.
5. PAINTED ISLANDS SHALL BE 4" WIDE DIAGONAL LINES @ 3'-0" O.C. BORDERED BY 4" WIDE LINES.
6. CROSSWALKS SHALL BE 6" WIDE LINES @ 6'-6" O.C.
7. SEE ARCHITECTURAL DRAWINGS FOR ALL SIDEWALKS ADJACENT TO THE BUILDING.
8. PROVIDE FULL DEPTH PAVEMENT CONSTRUCTION WHERE SHOWN ON THE PLAN.
9. OTHER AREAS OF EXISTING PAVEMENT WITHIN THE WORK LIMITS SHALL BE TREATED WITH 1" BITUMINOUS PAVEMENT OVERLAY.
10. RESTRIPE THE SOUTHERN PORTION OF THE PARKING AREA AS SHOWN ON THE PLAN AND PARKING STRIPING DETAILS, WHERE NOT OTHERWISE SPECIFICALLY DIMENSIONED, PARKING STALLS SHALL BE PLACED IN THEIR EXISTING LOCATION AND DIMENSIONS. CONTRACTOR SHALL MAKE MEASUREMENT TO LOCATE EXISTING PARKING TERS AND PARKING SPACE DIMENSIONS PRIOR TO PLACING BITUMINOUS PAVEMENT OVERLAY. CONTRACTOR SHALL RESTRIPE ALL AREAS OF UTILITY TRENCHING, OR AREAS OTHERWISE DISTURBED, TO MATCH EXISTING.
11. CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAWCUT LINE WITH RS-1 EMULSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
12. THE CONTRACTOR SHALL EMPLOY A LICENSED ENGINEER/SURVEYOR TO DETERMINE ALL LINES AND GRADES.
13. DUMPSTERS AND TRASH COMPACTORS SHALL ONLY BE REMOVED OR EMPTIED BETWEEN THE HOURS OF 7 AM AND 6 PM.
14. CONTRACTOR SHALL COORDINATE STOCKADE FENCE DESIGN WITH ABUTTERS. CONTRACTOR SHALL SUBMIT STOCKADE FENCE DESIGN TO ENGINEER FOR APPROVAL.
15. CONTRACTOR SHALL COORDINATE SIDEWALK CONSTRUCTION TO THE ALLEN AVENUE RIGHT OF WAY WITH THE CITY OF PORTLAND.
16. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND, MAINE TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
17. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ACOUSTICAL BARRIER WALL DESIGNS FROM WALL MANUFACTURERS AND SUBMITTING THE DESIGN TO ENGINEER FOR APPROVAL PRIOR TO COMMENCING CONSTRUCTION. CONTRACTOR SHALL FURNISH ALL LABOR, MATERIALS AND EQUIPMENT REQUIRED TO PERFORM ALL OPERATIONS IN CONNECTION WITH INSTALLATION OF ACOUSTICAL BARRIER WALLS IN ACCORDANCE WITH MANUFACTURE'S DESIGN. EACH BARRIER SHALL BE TIGHTLY BUTTED TO AND SEALED AT THE CORNERS OF THE BUILDING. THERE SHALL BE NO GAPS OR HOLES WITHIN THE BARRIER SURFACE AREA. THE BARRIERS SHALL WEIGH AT LEAST POUNDS PER SQUARE FOOT AND/OR ACHIEVE A SOUND TRANSMISSION CLASS (STC) RATING OF 30 OR HIGHER.
17. ALL WORK WITHIN THE AUBURN STREET RIGHT OF WAY SHALL BE COORDINATED WITH THE CITY OF PORTLAND AND THE MAINE DEPARTMENT OF TRANSPORTATION.

AUBURN STREET

CONSTRUCT 1" PAVEMENT OVERLAY (TOP)

L-END VGC
MEET EXISTING
CONSTRUCT BIT.
CONCRETE WALK
MEET EXISTING

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Chair Caron and Members of the Portland Planning Board

FROM: Sarah Hopkins, Senior Planner

DATE: April 25, 2000

SUBJECT: Shaw's Expansion in Northgate Plaza

Introduction

Shaw's Supermarkets, Inc. has requested site plan review by the Planning Board for a proposed expansion and renovations to the Northgate Plaza at the intersection of Washington Ave., Allen Ave. and Auburn Streets. The development parcel is 13.1 acres and zoned B-2 business.

Proposed Building Expansion

Shaw's proposes to relocate existing retail facilities in the Northgate Shopping Plaza to allow for the renovation of 8,300 sq. ft. and the addition of 6,950 sq. ft. in order to expand the Shaw's Supermarket. Additionally, relocation of existing retail tenants will necessitate further building expansion within the plaza of approximately 3,960 sq. ft.

In summary, the project will include the renovation of 13,180 sq. ft. of existing building area and the construction of 10,910 sq. ft. of new building area.

Plaza Improvements

The applicant proposes to reconfigure the parking area south of the building (closest to Allen Avenue) in order to improve both pedestrian safety and vehicular circulation.

Crosswalks, sidewalks and landscaped islands will be constructed to improve access and safety for customers walking from either area sidewalks or the parking lots to the building within the plaza. Striped parking will also be reconfigured.

Traffic Study

Eaton Traffic Engineering has conducted a Traffic Impact Study to assess the impact of new traffic generated by the proposed project on nearby roadways. The study indicates that the improvements proposed, including the closing of unsignalized curb cuts and the improvement of circulation and parking within the plaza, will reduce conflict points and will increase safety. Also, the surrounding intersections are not expected to experience any reduction in level of service as a result of the renovation/expansion.

Given the improvements proposed for pedestrian safety, the installation of a sidewalk along the Allen Avenue driveway entrance should be considered. This is a heavily used vehicle and pedestrian access to the plaza, and pedestrians often walk within the travel lanes.

Stormwater/Wetlands

Northgate Plaza is bounded to the east by the Fall Brook. Drainage from portions of the site sheet flow toward the brook. Also, two storm drains discharge directly into the wetlands and stream. The applicant will be required to utilize stormwater treatment devices on the surface water discharge points from the site.

Landscaping/Lighting

The applicant proposes to install landscaped islands in areas throughout the southern end of the parking lot. Green ash, flowering pear and red cherry trees will be planted in islands and along the sidewalks. Junipers, day lilies and arborvitae will be planted within the islands.

The applicant proposes to maintain the existing lighting fixtures, but will move the poles.

A number of "silver bullet" recycling containers are located along the southern property line, closest to Allen Avenue. There have been problems with these containers over the years with materials to be recycled blowing away into Allen Avenue or Fall Brook. A fence was constructed in back of the containers recently but there still appears to be a problem which should be addressed by Northgate or the City.

Attachments

1. Project Narrative
2. Wetland Delineation Narrative
3. Traffic Impact Study
4. Staff Comments
5. Letter of Non-jurisdiction from the DEP
6. Plans

Shaw's Supermarket Renovation/Expansion

Northgate Plaza
Auburn Street

Site Plan Written Statement

1. Project Description/Proposed Use

This project involves the expansion of Shaw's Supermarkets and the relocation/expansion of three (3) existing retail enterprises in Northgate Plaza. See Overall Site Plan, Drawing C.2

Shaw's Supermarkets, Inc. is proposing to upgrade its current 46,850 sf supermarket and add 15,250 sf of additional supermarket space resulting in a 62,100 sf facility. In order to accomplish this Shaw's proposes to renovate 8,300 sf of existing adjacent retail and add 6,950 sf of new space.

In addition, one retail enterprise will be relocated into a 6,500 sf space that requires renovation of 2,540 sf of existing retail and the addition of 3,960 new space. The other retail enterprise will be relocated into 2,340 sf of existing space. The third retail enterprise will be relocated into 1900 sf of renovated building area immediately adjacent to the Shaw's expansion.

2. Land Area and Floor Area.

At present, Northgate Plaza consists of a 13.1 ± acre site with a 98,107 sf. commercial retail facility. Of this Shaw's is currently in a 46,848 sf building. This total project will involve the addition of 10,910 sf of new retail space, bringing the total building area to 109,017 sf.

3. Existing or Proposed Easements or Other Burdens.

There are number of easements and restrictions on the property including three (3) sewer easements; a drainage easement; a number of electrical easements; a 25-foot ROW; a common area agreement; a grading, access, landscaping and drainage easement; an access, utility and parking easement; and a notice of layout and taking by the MDOT. See Plan of Land, Sheet 1 of 1 and the attached list of easements and restrictions.

4. Solid Waste

At present the facility is under contract with BFI to haul all solid waste. This contract covers any additional solid waste generated as a result of the new addition. The majority of the solid waste generated by the current store consists of grocery waste that is compacted and corrugated materials that are baled and recycled. Both of these are handled by BFI. At present the store generates approximately eight (8) tons of waste. With the addition, it is projected that the store will generate up to nine (9) tons of waste. It is estimated that the new facility will generate a similar type of solid waste.

5. Availability of Off-Site Facilities

Water, sewer, gas, electric and telephone are available to the existing plaza. These utilities will continue to be available to the expanded plaza. The site has direct access at two (2) locations on Auburn Street and one (1) on Allen Avenue.

6. Surface Drainage and Stormwater Management

The proposed shopping plaza addition will use the existing storm water and drainage system that was installed during the initial construction of the plaza as shown on the Grading, Drainage and Erosion Control Plan, Drawing C-4. Two catch basins will be installed to collect storm water from a small area of the parking field that is to be regaded and direct it in into the existing system. The proposed drainage structures will maintain the existing drainage patterns within the shopping plaza.

During construction Best Management Practices will be used to minimize erosion and sedimentation. These Best Management Practices are based upon the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices", prepared by the Cumberland County Soil and Water Conservation District. These erosion and control measure are shown on the Grading, Drainage and Erosion Control Plan, Drawing C-4 and the Erosion Control Detail Sheet, Drawing C-6.

7. Construction Plan

The following is the proposed sequence of construction for the proposed project.

- Installation of temporary erosion control haybales (around catch basins), silt fences and construction fencing as noted on Drawing C-6.
- Selective demolition of existing structure where necessary.
- Renovation of existing space and construction of new building additions.
- Site work to include drainage, grading and selective renovation of parking field.

- Completion of construction and stabilization of exposed areas with mulching or temporary seeding, as necessary.
- Once site is stabilized, all hay bales, silt fences and sediment trapped by these devices will be removed.

Construction is estimated to begin in June, 2000 and be completed by spring of 2001.

8. State and Federal Agency Approvals

There are no federal or state approvals or permits required for this project.

9. Evidence of Financial and Technical Capacity

Shaw's Supermarkets, Inc. is financially and technically capable to undertake this project. Shaw's will not require any financing from an outside source. It currently has approximately 170 stores in operation throughout New England. Three (3) of these stores are within the City of Portland. All of these facilities are well-managed and maintained and are successful financially.

Appledore Engineering, Inc (AEI) has the technical capacity to assist Shaw's to undertake the design and permitting for this expansion. The firm has worked successfully with Shaw's Supermarkets, Inc. for over ten (10) years and has permitted dozens of Shaw's facilities. AEI has a staff of twenty-seven (27) engineers and planners and has been in business since 1987.

10. Title, Right or Interest

See attached deed of ownership.

11. Unusual Natural Areas

There are no unusual natural areas, wildlife or fisheries habitats or archaeological sites located on or near the project site. See attached letter from West Environmental, Inc.

ATTACHMENT A

The premises are subject to and/or in benefit of the following easements, restrictions, etc:

- A. Subject to the Fall Brook Branch sewer easement, accepted by order of the Portland City Council on June 15, 1953, see City Clerk's records Volume 71, Page 278.
 - B. Subject to a drainage easement in favor of Tax Map 375, Lot C-37, See C.C.R.D. Book 2474 Page 164, (Exact location undetermined)
 - C. Subject to a 25' right of way in favor of Tax Map 375, Lot C-38, See Book 2946, page 450
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 - G. Subject to a 50' sewer easement in favor of the City of Portland, See C.C.R.D. Book 2820, Page 141.
 - H. Subject to a "Notice of Layout and Taking" by the State of Maine Department of Transportation, See C.C.R.D., Book 4569, Page 185.
 - I. The parcel is subject to the following electrical easements:
 - 1. C.C.R.D. Book 3978, Page 218
 - 2. C.C.R.D. Book 3059, Page 348
 - 3. C.C.R.D. Book 2937, Page 385
 - 4. C.C.R.D. Book 2937, Page 386
 - 5. C.C.R.D. Book 2983, Page 36
 - 6. C.C.R.D. Book 3046, Page 729
 - 7. C.C.R.D. Book 3406, Page 115
 - 8. C.C.R.D. Book 2326, Page 199
 - 9. C.C.R.D. Book 3098, Page 587
 - J. In benefit of a sewer easement, see C.C.R.D. Book 2002, Page 156. (Exact location and status undetermined)
- The City of Portland quitclaimed their interest in the noted portion of the Fall Brook Branch sewer easement to Shaw's Realty Co. see C.C.R.D. Book 2961, Page 224.
- The property line is the center of the brook in the area noted. See C.C.R.D. Book 2292, Page 129

The northern portion of the wetland included a dense shrub layer of silky dogwood, speckled alder and American elm. The stream channel is small and poorly defined in this area. The Southern stretch of the stream has a denser herb layer and has a more defined stream-channel several feet wide.

The onsite wetlands include a stream with associated forested and scrub-shrub wetlands. The wetlands are classified as Palustrine deciduous/needle-leaved evergreen, seasonally flooded or saturated (PFO1/4E). The plant community of this wetland includes a canopy dominated by white pine, boxelder, norway maple and weeping willow. The shrub layer is dominated by multiflora rose and the herb layer is dominated by sensitive fern, reed-canary grass and horsetail. The soils in the wetland ranged from poorly drained sands to pockets of organic muck in the central portion of the wetlands. Evidence of wetland hydrology included extensive drainage patterns adjacent the stream channel.

- US Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 (January, 1987).
- Field Indicators for Identifying Hydric Soils in New England Version 2. NEIWPCC Wetlands Work Group (1998).
- National List of Plant Species That Occur in Wetlands: Northeast (Region 1), U.S. Fish and Wildlife Service (May 1988).
- Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish & Wildlife Service (1979).

At your request, West Environmental, Inc. delineated the wetlands at the above referenced site on October 26, 1999. The wetlands were delineated using 66 orange wetland boundary flags. The onsite wetlands were delineated to the following standards:

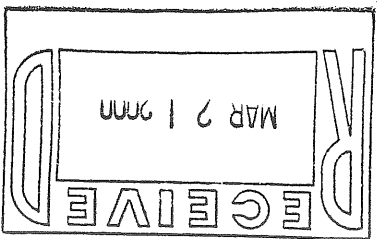
Dear Mr. Breitrick:

SUBJECT: Wetland Delineation

**RE: Shaws Supermarket, Northgate Plaza
Portland, ME**

David Breitrick, P.E.
Appledore Engineering, Inc.
600 State Street, Suite D
Portsmouth, NH, 03801

March 13, 2000
WEI# 99102-ME



Attachment 2

There is a paved walkway across the northern portion of the stream which has some eroded areas. The southern portion of the wetland has disturbed soils in the area of the sewer line. Concrete spillways carry runoff from the existing buildings into the wetlands. This stream does not appear to support fish habitat. The adjacent development surrounding this wetland reduces its value as wildlife habitat. It does provide habitat for species adapted to urban settings and has a narrow vegetated buffer adjacent the existing shopping center. Maintenance of the existing woody vegetation adjacent the stream will help protect its limited habitat functions. The main functions of this wetland are minor flood-flow alteration, sediment/toxicant/pathogen retention, and shoreline stabilization. A photo log of the site is available upon request. This completes our report at this time. Please call our office if you have any further questions.

Sincerely,

West Environmental, Inc.



Mark C. West, President

Wetland Scientist

Cc: John Rowell

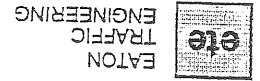
Traffic Impact Study

PROPOSED EXPANSION OF NORTHGATE PLAZA

Portland, Maine

Prepared for

Appliedore Engineering, Inc.
Portsmouth, New Hampshire



Brunswick, Maine
March, 2000



Attachments 3

PROPOSED NORTHGATE PLAZA EXPANSION

Auburn Street - Portland, Maine

Traffic Impact Study

Introduction

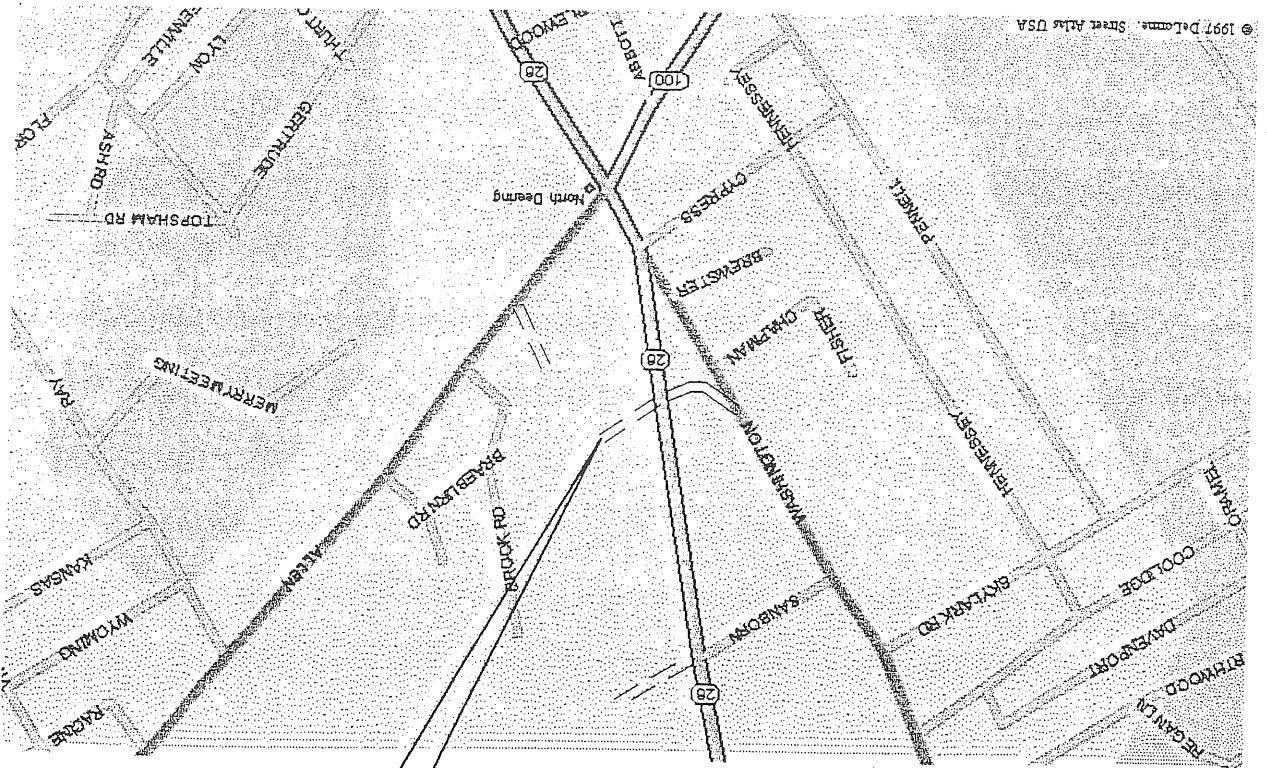
Shaw's proposes a 10,905 square foot expansion to the existing Northgate Plaza shopping center located on the easterly side of Auburn Street north of Allen Avenue in Portland, Maine (see Figure 1A on the following page). The site is currently served with 4 access driveways (2 controlled by traffic signals) on Auburn Street and 1 access driveway on Allen Avenue. As part of this expansion, the two existing unsignalized access driveways on Auburn Street located just north and south of the Auburn Street @ Washington Street/Northgate Plaza intersection will be closed to improve safety both on Auburn Street and on the site. (See Figure 1B at the rear of the report).

Development in the immediate vicinity of the proposed development is generally commercial in nature. The nearest "major" intersections to be affected by site generated traffic are the intersections of Washington @ Allen, Auburn @ Washington and Auburn @ Sanborn Streets. These intersections are controlled by fully actuated interconnected traffic signals.

The purpose of this traffic impact study is to assess the impact of new traffic generated by the proposed project on roadways in the immediate vicinity of the site. Preliminary discussions with Larry Ash, City Traffic Engineer, indicated that the analysis should focus on the three signalized intersections on Auburn Street/Washington Avenue in the vicinity of the site.

NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE

Figure 1A
 SITE LOCATION AND ACCESS



© 1997 DeLorme, Street Atlas USA

Pre-Development PM Peak Hour Traffic

Traffic impact analysis is typically performed for traffic conditions that occur during the weekday PM peak hour, as this is usually the time of heaviest traffic flow that occurs on a weekday. As part of the process of estimating 2000 weekday PM peak hour traffic volumes, manual traffic counts were conducted on February 23, 24 and 25, 2000 at the intersections of Washington @ Allen, Auburn @ Washington and Auburn @ Sanborn Street. These data provided information for both peak hour traffic volumes in the area as well as general traffic patterns in the area (the directional distribution to/from the project).

Typically traffic count data is adjusted to reflect peak summer traffic volumes, and used for analysis. In this case the February traffic volumes were increased by approximately 20 percent to reflect peak summer traffic volumes. Figure 2 on the following page presents the estimated 2000 peak season weekday pre-development PM peak hour traffic volumes.

Site Generated PM Peak Hour Traffic

Traffic generation is typically estimated using the publication (Trip Generation - Sixth

Edition). For land use code 820 "Shopping Center", estimated PM peak hour traffic generation is projected to be 46 vehicle trips, with 22 entering the development and 24 exiting. Of the 46

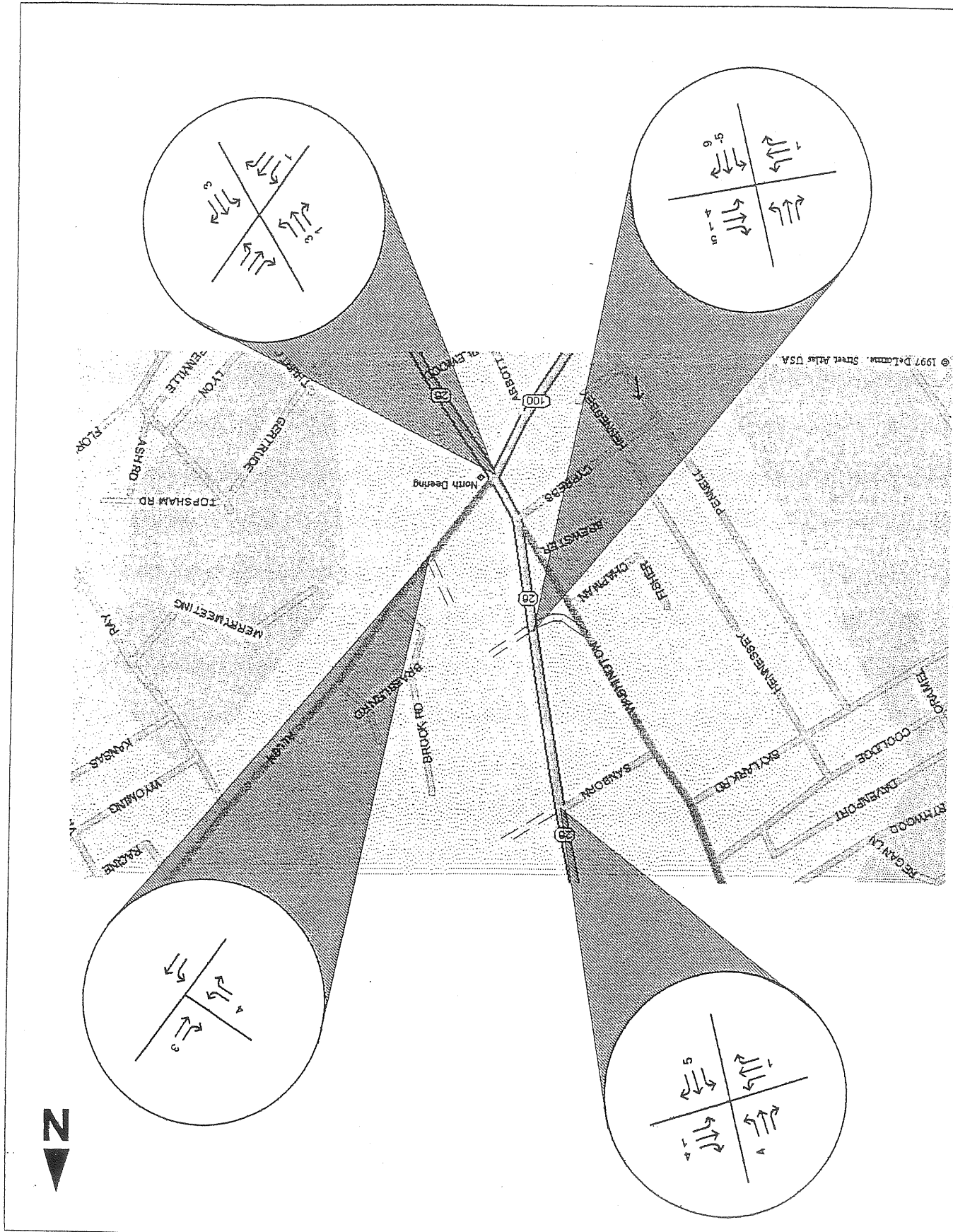
vehicle trips, 40 percent are projected to be "pass by" trips captured from traffic passing the site on Auburn Street. Accordingly, the net increase in PM peak hour traffic volumes is estimated at 27 vehicle trips. Both the new and pass by trips were assigned to roadways in the vicinity of the site based upon the directional distribution data obtained from the PM peak period counts

conducted in February. Figure 3 on the following page presents the estimated assignment of net PM peak hour site generated traffic volumes in the vicinity of the site.

¹ Institute of Transportation Engineers, 1997.

NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE

ESTIMATED NET SITE GENERATED PM PEAK HOUR TRAFFIC
 Figure 3



Post-Development PM Peak Hour Traffic

Post-development conditions are estimated by adding net site generated traffic volumes to the "base" or pre-development volumes. Figure 4 on the following page presents projected 2000 post-development weekday PM peak hour traffic.

Operational Assessment Pre/Post-Development Traffic Volumes

Capacity analysis was performed for the pre- and post-development PM peak hour traffic

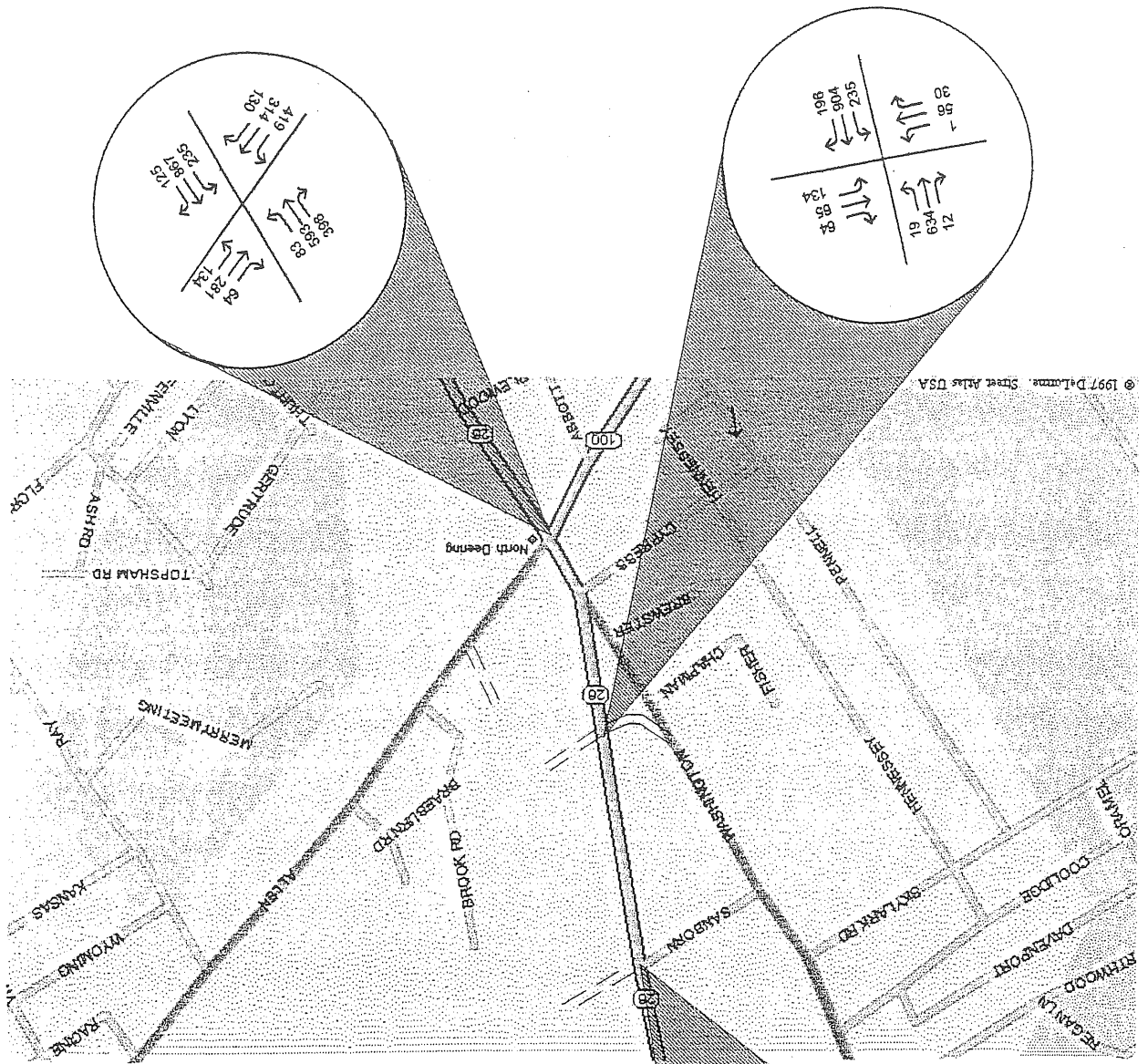
projections for the intersections in the study area per the procedures contained in the Highway Capacity Manual². Capacity analysis provides a quantitative assessment of the quality of traffic flow at an intersection, and "rates" this quality in terms of its Level of Service (LOS). LOS

ratings range from A to F, and much like a school rank card, A indicates very good conditions, and F indicates extremely congested conditions with long delays.

LOS for signalized intersections, such as the intersection of Allen Avenue @ Washington Avenue, is based upon the average control delay for all vehicles using the intersection, which includes acceleration/deceleration delay, time in queue and start-up delay. The relationship between LOS and average control delay, which reflects time in queue, acceleration and deceleration and start up delay, is shown in the table below.

² Special Report 209, Highway Capacity Manual, Third Edition, Transportation Research Board, 1998

NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE
 PROJECTED 2000 WEEKDAY PM PEAK HOUR TRAFFIC - POST-EXPANSION
 Figure 4



© 1997 D.Luma. Street Atlas USA



Signalized Intersection Level of Service Measures

Level of Service	Average Stopped Delay Per Vehicle
A	≤ 10.0 Seconds
B	10.1 - 20.0 Seconds
C	20.1 - 35.0 Seconds
D	35.1 - 55.0 Seconds
E	55.1 - 80.0 Seconds
F	≥ 80.1 Seconds

The results of the analysis of the signalized intersections in the study area is presented below.

Signalized Intersection Analysis

Location	Pre-Development	Post-Development
	LOS	Control Delay (sec)
		Control Delay (sec)
Washington @ Allen	D	44.9
Auburn @ Washington/Northgate	B	17.9
Auburn @ Sanborn/Northgate	B	19.5
		19.7

As can be seen, the new traffic associated with the proposed expansion will not substantially alter the level of service or delay at the intersections in the study area.

Safety data for the most recent available 3 year period (1996-98 was obtained from the Accident Records Section of the MDOT Bureau of Planning for roadways in the vicinity of the site. A summary of the accident history in the area is presented in the table below.

1996-98 Accident History in Site Vicinity

LOCATION	1996-98 ACCIDENTS	ANNUAL AVERAGE	CRITICAL RATE FACTOR ³
Auburn St @ Sanborn	22	7.33	1.33
Auburn St/Sanborn to Washington/Northgate	12	4.00	<1.00
Auburn St @ Washington/Northgate	1	0.33	<1.00
Auburn St/Northgate to Washington Southbound	9	3.00	<1.00
Auburn St @ Washington Southbound	0	0	.0
Auburn St/Washington Southbound to Cypress	0	0	0
Washington Ave @ Cypress	13	4.33	<1.00
Washington Ave/ Cypress to Allen	4	3.00	<1.00
Washington Ave @ Allen	59	19.67	1.16
Allen Ave/ Washington to Northgate Drive	14	4.67	2.09
Allen Ave @ Northgate Drive	7	2.33	1.31

MDOT guidelines for identification of a High Accident Location (HAL - indicating a potential safety deficiency) is that a location must experience 8 or more accidents in a 3 year period and

³ The Critical Rate Factor is a statistical measure which compares the accident frequency at a location to similar locations throughout the State. A Critical Rate Factor of 1.00 or greater indicates that the location has a higher frequency of accidents than would be expected due to random occurrence, with a 99 percent level of confidence.

have a Critical Rate Factor of 1.00 or greater. Three of the locations satisfy the criteria.

Detailed collision diagrams were prepared for each of the locations from accident reports on file at MDOT. A summary of the analysis of the collision diagrams is as follows;

Auburn Street @ Sanborn/Northgate: 6 of the 22 accidents at this location were angle collisions. Typically this type of accident is related to either a poor level of service or inadequate clearance time. The intersection operates at a fairly good level of service, thus it is suggested that the clearance (yellow plus all red) interval be reviewed. This may also help address an additional pattern of rear end collisions on all approaches. Finally, there is a pattern of left turn collisions involving southbound Auburn Street (turning left into Northgate). It is possible that adding a left turn phase may help address this problem.

Washington Avenue @ Allen Avenue: Over one half (33) of the 59 accidents were rear end collisions. This intersection operates at very near capacity and it is likely that this contributes to this type of accident. Lane change/ sideswipe accidents are also evident which further supports the likelihood that congestion is a major factor in accidents. Finally, angle collisions are occurring (9) but not to the extent of the rear end collision pattern. These accidents are also probably related to the capacity conditions at this location. Short of providing additional travel lanes to improve level of service, there is little that can be done beyond reviewing clearance intervals, ensuring that good signal visibility is available, and possibly increasing enforcement.

Allen Avenue/ Washington to Northgate: 10 of the 14 reported accidents were found in MDOT files - the remaining 4 occurred at other locations and were mistified. The reduced level of accidents would not result in a CRF of 1.00 and this link would not be a High Accident Locations. The majority of the accidents are related to access movements into/out of the Mobil gas station and/or Amato's sandwich shop, both of which are located near the Washington @ Allen intersection. Access controls on these driveways could help address this problem, but it is unlikely the City can accomplish this unless the existing Mobil and Amato's sites are redeveloped and have to obtain site permits.

Summary of Findings

The proposed expansion of Northgate Plaza involves an increase in size of approximately 11,000 square feet, and is coupled with on-site revision of parking and circulation plus the closing of two existing uncontrolled curb cuts on Auburn Street to improve safety conditions in the area by reducing the number of potential conflict points. The proposed expansion is projected to generate 46 vehicle trips during the PM peak hour - 24 entering and 22 exiting the site. The intersections of Washington @ Allen, Auburn @ Washington/Northgate and Auburn @ Sanborn/Northgate are not projected to experience any significant reduction in Level of Service as a result of new traffic generated by the proposed expansion. There are 3 High Accident Locations in the vicinity of the site, based upon 1996-98 accident data, and suggestions to address these problems are discussed in detail in the previous section entitled "Safety". Overall it is anticipated that the proposed project will have minimal impact on traffic operations and safety in the area.

PUBLIC WORKS ENGINEERING
MEMORANDUM

To: Kandi Talbot, Planner

From: Anthony Lombardo, P.E., Project Engineer

Date: March 23, 2000

Subject: Shaw Supermarket Expansion...Northgate Plaza

The following comments were generated during Public Works Engineering review of the proposed commercial development:

It is apparent from reviewing the "Existing Conditions Plan" that stormwater treatment was not included as part of the original proposal for the development of the Northgate Shaws. As a result of the development of Stormwater Rules and Regulations by MDEP, any modification or expansion of this site will require the utilization of stormwater treatment on all of the surface water discharge points from this site.

Attachment 4

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Kandi Talbot" <KCOTE@ci.portland.me.us>
Date: Tue, Apr 18, 2000 9:43 AM
Subject: Shaw's Supermarket- Northgate Plaza

Kandi,
 I have reviewed the application package dated March 24, 2000, prepared by Appledore Engineering on behalf of Shaw's Supermarket. In general the package is well prepared and complete. My only comment is with regard to water quality treatment for stormwater runoff coming off the parking lot. I recommend that the applicant review the use of a Vortechics water quality inlet unit to provide treatment and removal of TSS for a majority of the parking lot. A minimum of 50% of the lot should be treated. This is my only comment and I can otherwise recommend approval for the application.

Steve Bushey

CC: "alex jaegerman" <aqj@ci.portland.me.us>

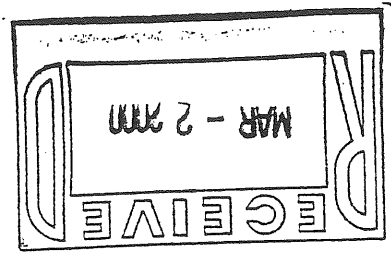


ANGUS S. KING, JR.
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARTHA KIRKPATRICK
COMMISSIONER

February 15, 2000



Mr. Jack Mettee
Appledore Engineering
600 State Street
Portsmouth NH 03801

Re: Shaw's Expansion, Town of Portland, (received January 13, 2000)

Dear Mr. Mettee:

This letter is in response to your request for an advisory opinion concerning the applicability of the Site Location of Development Act (38 M.R.S.A. Section 481 et. seq.; the Site Law) to the proposed expansion of the Shaw's in Northgate Plaza in Portland. Based on a review of plans entitled "Shaw's" drawn by PlanMark (?), plan drawing name is illegible) dated November 1976, a plan entitled "Shaw's" drawn by Appledore Engineering dated December 17, 1999 and your letter dated February 8, 2000, I have determined that a permit is not required.

The facts as I understand them are as follows.

- 1) prior to 1970, Northgate Plaza was created. In 1970, pavement or buildings covered the entire area that is currently developed (excepting however, the so-called "parcel 17" whose status in 1970 is unknown).
- 2) In 1976 a Shaw's supermarket was constructed at Northgate Plaza in Portland. The building covered 46,848 square feet. Shaw's wishes to expand the building by 17,560 square feet, resulting in a building occupying 64,408 square feet. The expansion will require that existing tenants must be relocated. The relocation will result in 4,400 square feet of new retail space to be added onto the existing plaza; retail space within the existing plaza will be renovated as part of the relocation.
- 4) Fleet Bank constructed a building in Northgate Plaza some time after 1976. The building is 3,028 square feet in size.
- 5) After 1976 an adjacent parcel containing 17,246 square feet was incorporated into Northgate Plaza (the so-called parcel 17).

Therefore the total area of new development after 1976 totals 89,082 square feet. This is less than the 3-acre threshold of the Site Law so a Site Law permit for the expansion of Shaw's is not required.

AUGUSTA
 17 STATE HOUSE STATION
 BANGOR
 106 HOGAN ROAD
 BANGOR, MAINE 04401
 (207) 281-7688
 RAY BLDG., HOSPITAL ST.
 AUGUSTA, MAINE 04333-0017
 (207) 281-7688

PORTLAND
 312 CANCO ROAD
 PORTLAND, MAINE 04103
 (207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
 1235 CENTRAL DRIVE, SKYWAY PARK
 PRESQUE ISLE, MAINE 04769-2094
 (207) 764-0477 FAX: (207) 764-1507

web site: www.state.me.us/dep

printed on recycled paper

Handwritten: (1251) *Handwritten:* [unclear]

This opinion is based solely on the materials you submitted and is subject to change if that information is inaccurate or incomplete.
I hope this letter serves your needs. Please call me at (207) 822-6325 with any questions.

Sincerely,



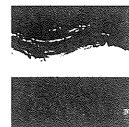
William Cook

Bureau of Land and Water Quality

cc: Hetty Richardson, DEP

600 State Street, Suite D
Portsmouth, NH 03801
tel 603.433.8818
fax 603.433.8988
aei@nh.ultranet.com

Appledore
Engineering Inc.



Shaw's Supermarket Renovation/Expansion

Northgate Plaza
Auburn Street

Site Plan Written Statement

1. Project Description/Proposed Use

This project involves the expansion of Shaw's Supermarkets and the relocation/expansion of three (3) existing retail enterprises in Northgate Plaza. See Overall Site Plan, Drawing C.2

Shaw's Supermarkets, Inc. is proposing to upgrade its current 46,850 sf supermarket and add 15,250 sf of additional supermarket space resulting in a 62,100 sf facility. In order to accomplish this Shaw's proposes to renovate 8,300 sf of existing adjacent retail and add 6,950 sf of new space.

In addition, one retail enterprise will be relocated into a 6,500 sf space that requires renovation of 2,540 sf of existing retail and the addition of 3,960 new space. The other retail enterprise will be relocated into 2,340 sf of existing space. The third retail enterprise will be relocated into 1900 sf of renovated building area immediately adjacent to the Shaw's expansion.

2. Land Area and Floor Area.

At present, Northgate Plaza consists of a 13.1 ± acre site with a 98,107 sf. commercial retail facility. Of this Shaw's is currently in a 46,848 sf building. This total project will involve the addition of 10,910 sf of new retail space, bringing the total building area to 109,017 sf.

3. Existing or Proposed Easements or Other Burdens.

There are number of easements and restrictions on the property including three (3) sewer easements; a drainage easement; a number of electrical easements; a 25-foot ROW; a common area agreement; a grading, access, landscaping and drainage easement; an access, utility and parking easement; and a notice of layout and taking by the MDOT. See Plan of Land, Sheet 1 of 1 and the attached list of easements and restrictions.

4. Solid Waste

At present the facility is under contract with BFI to haul all solid waste. This contract covers any additional solid waste generated as a result of the new addition. The majority of the solid waste generated by the current store consists of grocery waste that is compacted and corrugated materials that are baled and recycled. Both of these are handled by BFI. At present the store generates approximately eight (8) tons of waste. With the addition, it is projected that the store will generate up to nine (9) tons of waste. It is estimated that the new facility will generate a similar type of solid waste.

5. Availability of Off-Site Facilities

Water, sewer, gas, electric and telephone are available to the existing plaza. These utilities will continue to be available to the expanded plaza. The site has direct access at two (2) locations on Auburn Street and one (1) on Allen Avenue.

6. Surface Drainage and Stormwater Management

The proposed shopping plaza addition will use the existing storm water and drainage system that was installed during the initial construction of the plaza as shown on the Grading, Drainage and Erosion Control Plan, Drawing C-4. Two catch basins will be installed to collect storm water from a small area of the parking field that is to be regraded and direct it in into the existing system. The proposed drainage structures will maintain the existing drainage patterns within the shopping plaza.

During construction Best Management Practices will be used to minimize erosion and sedimentation. These Best Management Practices are based upon the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices", prepared by the Cumberland County Soil and Water Conservation District. These erosion and control measures are shown on the Grading, Drainage and Erosion Control Plan, Drawing C-4 and the Erosion Control Detail Sheet, Drawing C-6.

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The following is the proposed sequence of construction for the proposed project.

- Installation of temporary erosion control haybales (around catch basins), silt fences and construction fencing as noted on Drawing C-6.
- Selective demolition of existing structure where necessary.
- Renovation of existing space and construction of new building additions.
- Site work to include drainage, grading and selective renovation of parking field.

- Completion of construction and stabilization of exposed areas with mulching or temporary seeding, as necessary.
- Once site is stabilized, all hay bales, silt fences and sediment trapped by these devices will be removed.

Construction is estimated to begin in June, 2000 and be completed by spring of 2001.

8. State and Federal Agency Approvals

There are no federal or state approvals or permits required for this project.

9. Evidence of Financial and Technical Capacity

Shaw's Supermarkets, Inc. is financially and technically capable to undertake this project. Shaw's will not require any financing from an outside source. It currently has approximately 170 stores in operation throughout New England. Three (3) of these stores are within the City of Portland. All of these facilities are well-managed and maintained and are successful financially.

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10. Title, Right or Interest

See attached deed of ownership.

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There are no unusual natural areas, wildlife or fisheries habitats or archaeological sites located on or near the project site. See attached letter from West Environmental, Inc.

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- 3. C.C.R.D. Book 2937, Page 385
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- 6. C.C.R.D. Book 3046, Page 729
- 7. C.C.R.D. Book 3406, Page 115
- 8. C.C.R.D. Book 2326, Page 199
- 9. C.C.R.D. Book 3098, Page 587

- J. In benefit of a sewer easement, see C.C.R.D. Book 2002, Page 156. (Exact location and status undetermined)

The City of Portland quitclaimed their interest in the noted portion of the Fall Brook Branch sewer easement to Shaw's Realty Co. see C.C.R.D. Book 2961, Page 224.

The property line is the center of the brook in the area noted. See C.C.R.D. Book 2292,



ANGUS S. KING, JR.

GOVERNOR

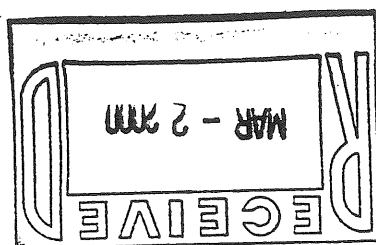
STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARTHA KIRKPATRICK

COMMISSIONER

(1251)

February 15, 2000



Mr. Jack Mettee
Appliedore Engineering
600 State Street
Portsmouth NH 03801

Re: Shaw's Expansion, Town of Portland, (received January 13, 2000)

Dear Mr. Mettee:

This letter is in response to your request for an advisory opinion concerning the applicability of the Site Location of Development Act (38 M.R.S.A. Section 481 et. seq.; the Site Law) to the proposed expansion of the Shaw's in Northgate Plaza in Portland. Based on a review of plans entitled "Shaw's" drawn by PlanMark (?), plan drawing name is illegible) dated November 1976, a plan entitled "Shaw's" drawn by Appliedore Engineering dated December 17, 1999 and your letter dated February 8, 2000, I have determined that a permit is not required.

The facts as I understand them are as follows.

- 1) Prior to 1970, Northgate Plaza was created. In 1970, pavement or buildings covered the entire area that is currently developed (excepting however, the so-called "parcel 17" whose status in 1970 is unknown).
 - 2) In 1976 a Shaw's supermarket was constructed at Northgate Plaza in Portland. The building covered 46,848 square feet.
 - 3) Shaw's wishes to expand the building by 17,560 square feet, resulting in a building occupying 64,408 square feet. The expansion will require that existing tenants must be relocated. The relocation will result in 4,400 square feet of new retail space to be added onto the existing plaza; retail space within the existing plaza will be renovated as part of the relocation.
 - 4) Fleet Bank constructed a building in Northgate Plaza some time after 1976. The building is 3,028 square feet in size.
 - 5) After 1976 an adjacent parcel containing 17,246 square feet was incorporated into Northgate Plaza (the so-called parcel 17).
- Therefore the total area of new development after 1976 totals 89,082 square feet. This is less than the 3-acre threshold of the Site Law so a Site Law permit for the expansion of Shaw's is not required.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.
BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

web site: www.state.me.us/dep

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This opinion is based solely on the materials you submitted and is subject to change if that information is inaccurate or incomplete.

I hope this letter serves your needs. Please call me at (207) 822-6325 with any questions.

Sincerely,



William Cook

Bureau of Land and Water Quality

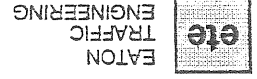
cc: Hetty Richardson, DEP

Traffic Impact Study

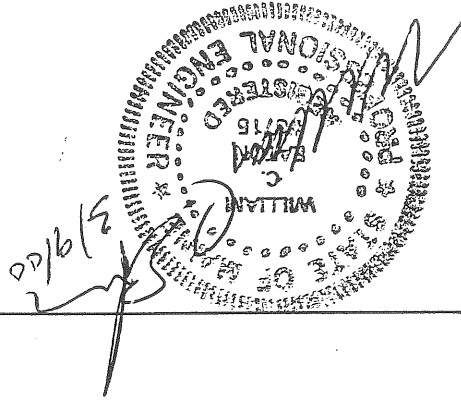
PROPOSED EXPANSION OF NORTHGATE PLAZA
Portland, Maine

Prepared for

Appledore Engineering, Inc.
Portsmouth, New Hampshire



Brunswick, Maine
March, 2000



PROPOSED NORTHGATE PLAZA EXPANSION

Auburn Street - Portland, Maine

Traffic Impact Study

Introduction

Shaw's proposes a 10,905 square foot expansion to the existing Northgate Plaza shopping center located on the easterly side of Auburn Street north of Allen Avenue in Portland, Maine (see Figure 1A on the following page). The site is currently served with 4 access driveways (2

controlled by traffic signals) on Auburn Street and 1 access driveway on Allen Avenue. As part of this expansion, the two existing unsignalized access driveways on Auburn Street located just north and south of the Auburn Street @ Washington Street/Northgate Plaza intersection will be closed to improve safety both on Auburn Street and on the site. (See Figure 1B at the rear of the report).

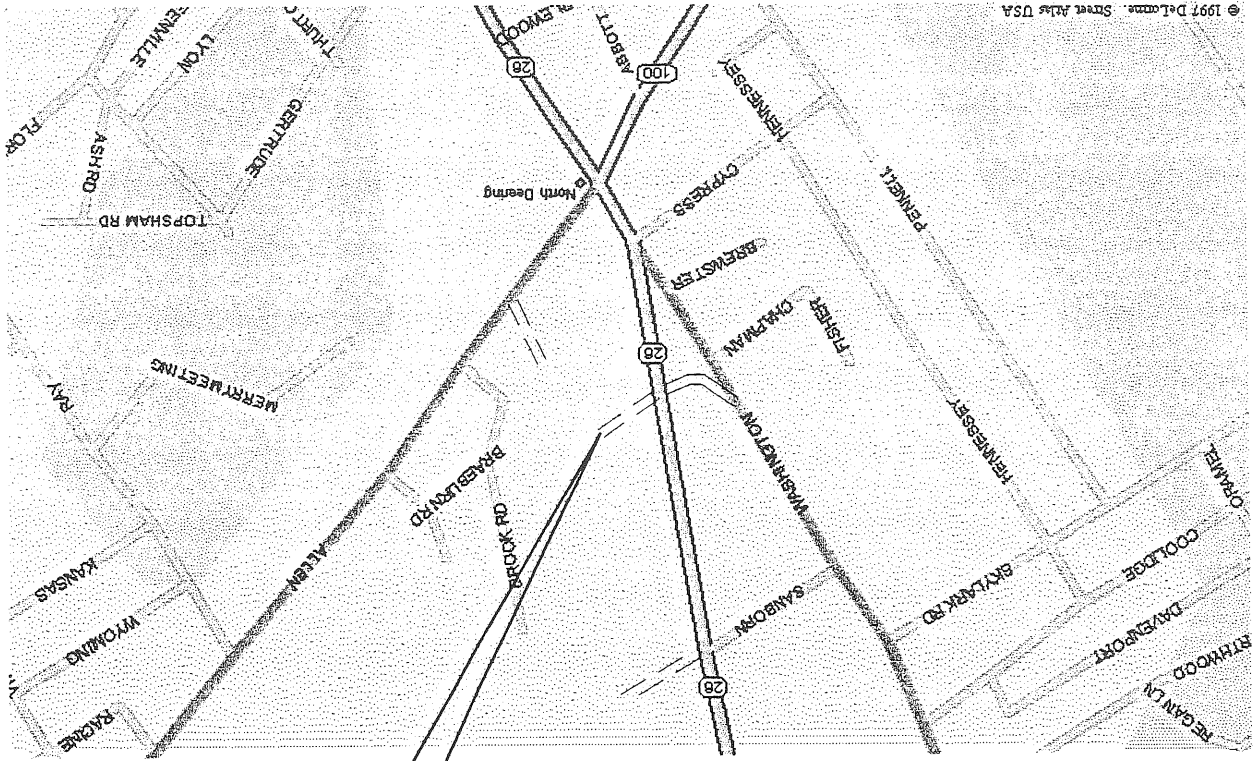
Development in the immediate vicinity of the proposed development is generally commercial in nature. The nearest "major" intersections to be affected by site generated traffic are the intersections of Washington @ Allen, Auburn @ Washington and Auburn @ Sanborn Streets. These intersections are controlled by fully actuated interconnected traffic signals.

The purpose of this traffic impact study is to assess the impact of new traffic generated by the proposed project on roadways in the immediate vicinity of the site. Preliminary discussions with Larry Ash, City Traffic Engineer, indicated that the analysis should focus on the three signalized intersections on Auburn Street/Washington Avenue in the vicinity of the site.



NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE

Figure 1A
SITE LOCATION AND ACCESS



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Pre-Development PM Peak Hour Traffic

Traffic impact analysis is typically performed for traffic conditions that occur during the weekday PM peak hour, as this is usually the time of heaviest traffic flow that occurs on a weekday. As part of the process of estimating 2000 weekday PM peak hour traffic volumes, manual traffic counts were conducted on February 23, 24 and 25, 2000 at the intersections of Washington @ Allen, Auburn @ Washington and Auburn @ Sanborn Street. These data provided information for both peak hour traffic volumes in the area as well as general traffic patterns in the area (the directional distribution to/from the project).

Typically traffic count data is adjusted to reflect peak summer traffic volumes, and used for analysis. In this case the February traffic volumes were increased by approximately 20 percent to reflect peak summer traffic volumes. Figure 2 on the following page presents the estimated 2000 peak season weekday pre-development PM peak hour traffic volumes.

Site Generated PM Peak Hour Traffic

Traffic generation is typically estimated using the publication (Trip Generation - Sixth

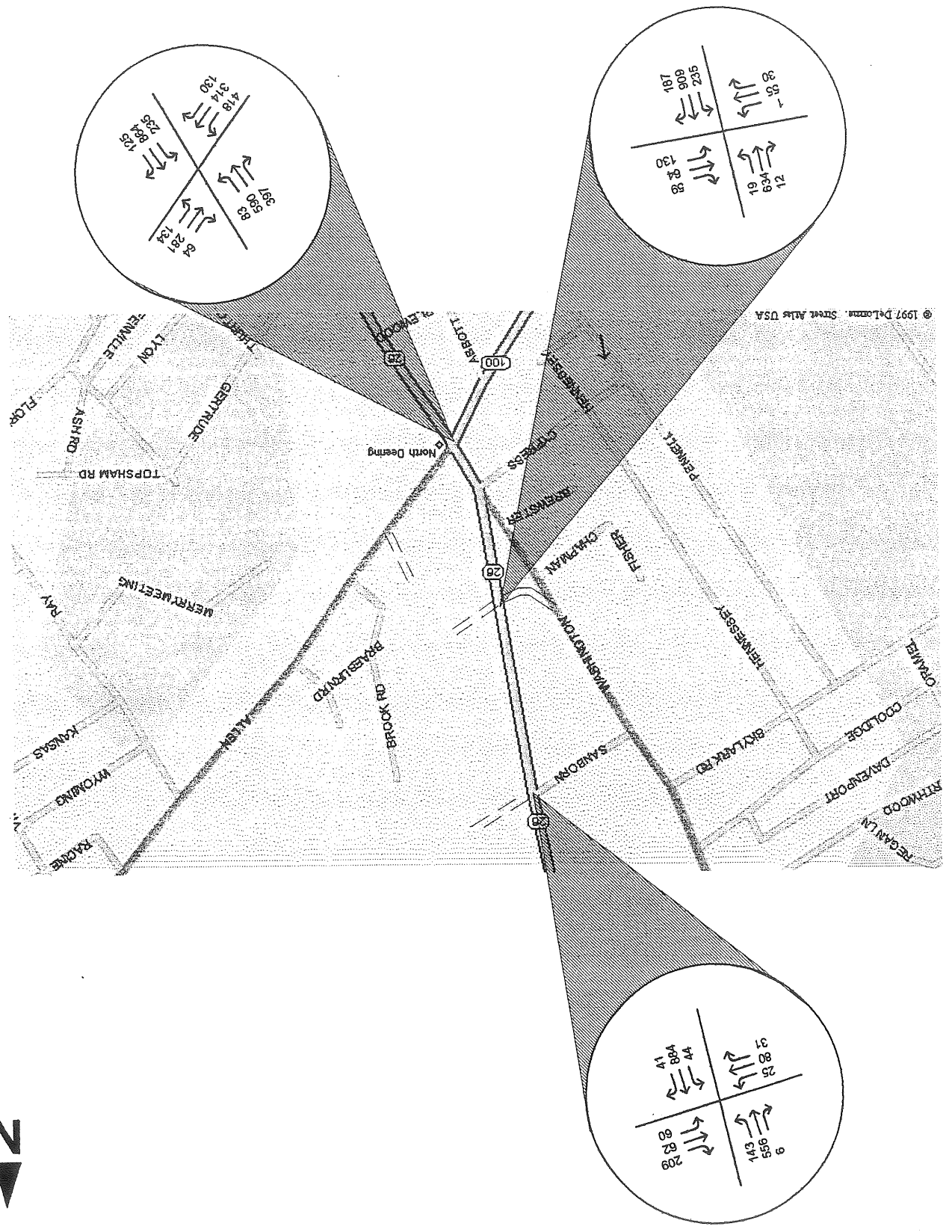
Edition). For land use code 820 "Shopping Center", estimated PM peak hour traffic generation is projected to be 46 vehicle trips, with 22 entering the development and 24 exiting. Of the 46

vehicle trips, 40 percent are projected to be "pass by" trips captured from traffic passing the site on Auburn Street. Accordingly, the net increase in PM peak hour traffic volumes is estimated at 27 vehicle trips. Both the new and pass by trips were assigned to roadways in the vicinity of the site based upon the directional distribution data obtained from the PM peak period counts

conducted in February. Figure 3 on the following page presents the estimated assignment of net PM peak hour site generated traffic volumes in the vicinity of the site.

¹ Institute of Transportation Engineers, 1997.

Figure 2
ESTIMATED WEEKDAY PM PEAK HOUR TRAFFIC - PRE-EXPANSION
NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE



© 1997 DeLorme, Street Atlas USA

Post-Development PM Peak Hour Traffic

Post-development conditions are estimated by adding net site generated traffic volumes to the "base" or pre-development volumes. Figure 4 on the following page presents projected 2000 post-development weekday PM peak hour traffic.

Operational Assessment Pre/Post-Development Traffic Volumes

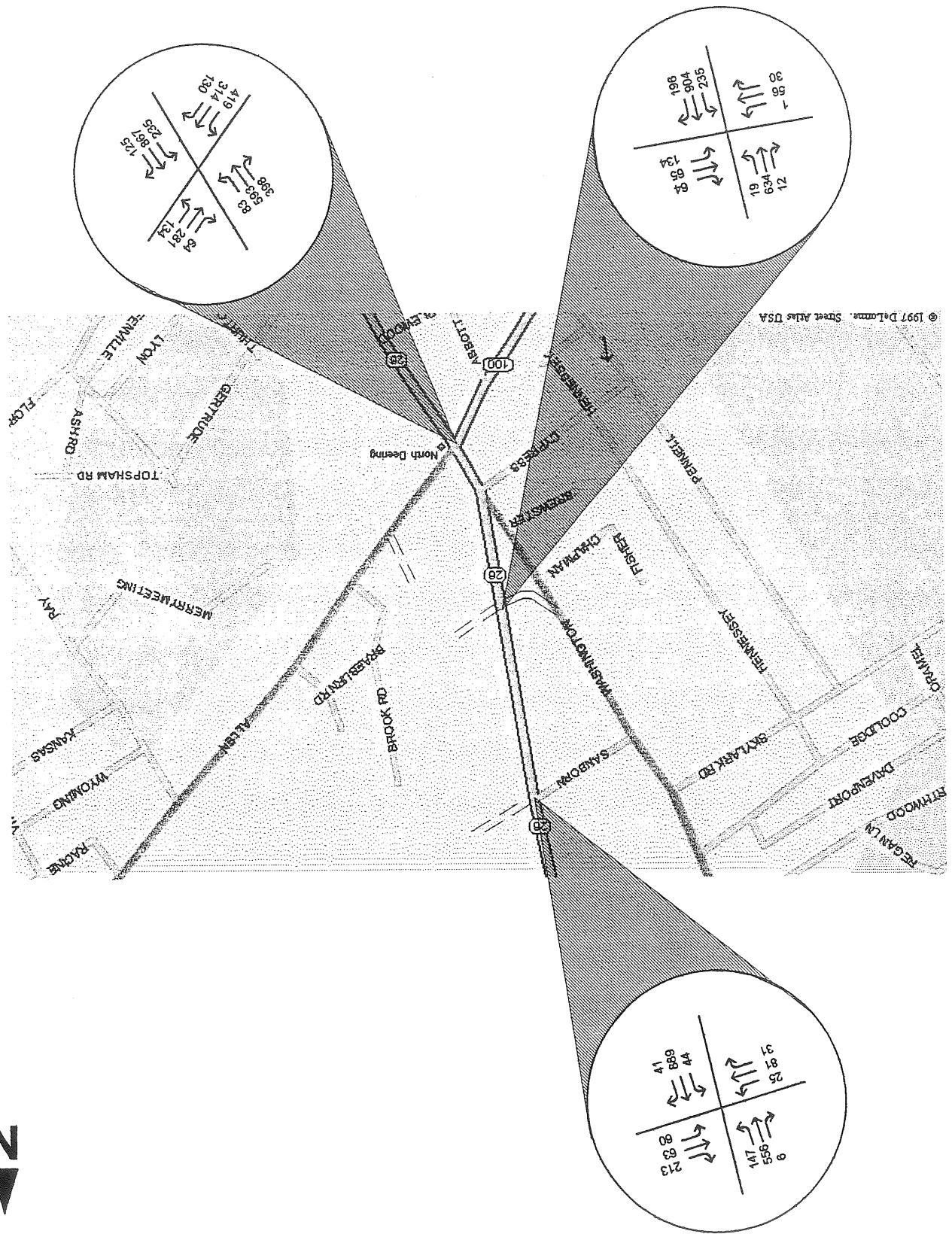
Capacity analysis was performed for the pre- and post-development PM peak hour traffic projections for the intersections in the study area per the procedures contained in the Highway Capacity Manual². Capacity analysis provides a quantitative assessment of the quality of traffic flow at an intersection, and "rates" this quality in terms of its Level of Service (LOS). LOS ratings range from A to F, and much like a school rank card, A indicates very good conditions, and F indicates extremely congested conditions with long delays.

LOS for signalized intersections, such as the intersection of Allen Avenue @ Washington Avenue, is based upon the average control delay for all vehicles using the intersection, which includes acceleration/deceleration delay, time in queue and start-up delay. The relationship between LOS and average control delay, which reflects time in queue, acceleration and deceleration and start up delay, is shown in the table below.

² Special Report 209, Highway Capacity Manual, Third Edition, Transportation Research Board, 1998

NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE

Figure 4
PROJECTED 2000 WEEKDAY PM PEAK HOUR TRAFFIC - POST-EXPANSION



Signalized Intersection Level of Service Measures

Level of Service	Average Stopped Delay Per Vehicle
A	≤ 10.0 Seconds
B	10.1 - 20.0 Seconds
C	20.1 - 35.0 Seconds
D	35.1 - 55.0 Seconds
E	55.1 - 80.0 Seconds
F	≥ 80.1 Seconds

The results of the analysis of the signalized intersections in the study area is presented below.

Signalized Intersection Analysis

Location	Pre-Development	Post-Development/
	LOS	Control Delay
		(sec)
Washington @ Allen	D	44.9
Auburn @ Washington/Northgate	B	17.9
Auburn @ Sanborn/Northgate	B	19.5
		19.7

As can be seen, the new traffic associated with the proposed expansion will not substantially alter the level of service or delay at the intersections in the study area.

Safety

Safety data for the most recent available 3 year period (1996-98 was obtained from the Accident Records Section of the MDOT Bureau of Planning for roadways in the vicinity of the site. A summary of the accident history in the area is presented in the table below.

1996-98 Accident History in Site Vicinity

LOCATION	1996-98 ACCIDENTS	ANNUAL AVERAGE	CRITICAL RATE FACTOR ³
Auburn St @ Sanborn	22	7.33	1.33
Auburn St/Sanborn to Washington/Northgate	12	4.00	<1.00
Auburn St @ Washington/Northgate	1	0.33	<1.00
Auburn St/Northgate to Washington Southbound	9	3.00	<1.00
Auburn St @ Washington Southbound	0	0	.0
Auburn St/Washington Southbound to Cypress	0	0	0
Washington Ave @ Cypress	13	4.33	<1.00
Washington Ave/ Cypress to Allen	4	3.00	<1.00
Washington Ave @ Allen	59	19.67	1.16
Allen Ave/ Washington to Northgate Drive	14	4.67	2.09
Allen Ave @ Northgate Drive	7	2.33	1.31

MDOT guidelines for identification of a High Accident Location (HAL - indicating a potential safety deficiency) is that a location must experience 8 or more accidents in a 3 year period and

³ The Critical Rate Factor is a statistical measure which compares the accident frequency at a location to similar locations throughout the State. A Critical Rate Factor of 1.00 or greater indicates that the location has a higher frequency of accidents than would be expected due to random occurrence, with a 99 percent level of confidence.

have a Critical Rate Factor of 1.00 or greater. Three of the locations satisfy the criteria. Detailed collision diagrams were prepared for each of the locations from accident reports on file at MDOT. A summary of the analysis of the collision diagrams is as follows:

Auburn Street @ Sanborn/Northgate: 6 of the 22 accidents at this location were angle collisions. Typically this type of accident is related to either a poor level of service or inadequate clearance time. The intersection operates at a fairly good level of service, thus it is suggested that the clearance (yellow plus all red) interval be reviewed. This may also help address an additional pattern of rear end collisions on all approaches. Finally, there is a pattern of left turn collisions involving southbound Auburn Street (turning left into Northgate). It is possible that adding a left turn phase may help address this problem.

Washington Avenue @ Allen Avenue: Over one half (33) of the 59 accidents were rear end collisions. This intersection operates at very near capacity and it is likely that this contributes to this type of accident. Lane change/sideswipe accidents are also evident which further supports the likelihood that congestion is a major factor in accidents. Finally, angle collisions are occurring (9) but not to the extent of the rear end collision pattern. These accidents are also probably related to the capacity conditions at this location. Short of providing additional travel lanes to improve level of service, there is little that can be done beyond reviewing clearance intervals, ensuring that good signal visibility is available, and possibly increasing enforcement.

Allen Avenue/Washington to Northgate: 10 of the 14 reported accidents were found in MDOT files - the remaining 4 occurred at other locations and were mistitled. The reduced level of accidents would not result in a CRF of 1.00 and this link would not be a High Accident Locations. The majority of the accidents are related to access movements into/out of the Mobil gas station and/or Amato's sandwich shop, both of which are located near the Washington @ Allen intersection. Access controls on these driveways could help address this problem, but it is unlikely the City can accomplish this unless the existing Mobil and Amato's sites are redeveloped and have to obtain site permits.

Summary of Findings

The proposed expansion of Northgate Plaza involves an increase in size of approximately 11,000 square feet, and is coupled with on-site revision of parking and circulation plus the closing of two existing uncontrolled curb cuts on Auburn Street to improve safety conditions in the area by reducing the number of potential conflict points. The proposed expansion is projected to generate 46 vehicle trips during the PM peak hour - 24 entering and 22 exiting the site. The intersections of Washington @ Allen, Auburn @ Washington/Northgate and Auburn @ Sanborn/Northgate are not projected to experience any significant reduction in Level of Service as a result of new traffic generated by the proposed expansion. There are 3 High Accident Locations in the vicinity of the site, based upon 1996-98 accident data, and suggestions to address these problems are discussed in detail in the previous section entitled "Safety". Overall it is anticipated that the proposed project will have minimal impact on traffic operations and safety in the area.

600 State Street, Suite D
Portsmouth, NH 03801
tel 603.433.8818
fax 603.433.8988
aei@nh.ultranet.com

Appledore
Engineering Inc.

March 24, 2000

Mr. Alex Jaegerman, AICP
Chief Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Proposed Additions and Renovations

Shaw's Supermarket

Northgate Plaza
Portland, Maine
AEI/1251

Dear Mr. Jaegerman:

In follow-up to a submittal package for Site Review delivered on March 15, 2000 in reference to Northgate Plaza, we are please to submit the enclosed supplemental information. Nine (9) copies of all of the following is enclosed:

- A full set of Site Plans dated March 21, 2000.
- The deed to the property.
- A letter from Shaw's dated March 20, 2000 authorizing AEI to act as their agent.
- A letter from West Environmental regarding wetland delineation dated March 13, 2000.
- A Traffic Impact Study prepared by Eaton Traffic Engineering dated March 9, 2000.
- A Written Statement describing the project prepared by AEI dated March 23, 2000.
- A letter (advisory opinion) from Maine Department of Environmental Protection dated February 15, 2000 indicating that a Site Location Permit will not be required.

Workshop April '25
Wood 505
1982.49

Proposed Additions and Renovations
Shaw's Supermarket
Northgate Plaza
Portland, Maine
AEI/1251
Page - 2

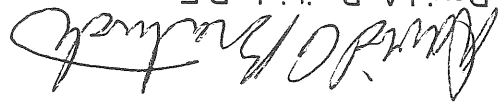
For your convenience, we have enclosed Abutter's certified mailing labels and envelopes to assist with abutter notification by the City.

Note that nine (9) copies of a completed Site Review Pre-Application Form and a \$500.00 check for Major Development Fee were submitted to the Building Department on March 15, 2000.

Based on discussions with the Planning Department Staff, this project will be scheduled for a Planning Board Workshop meeting on April 18, 2000. We look forward to working with you, the Planning Board and the City Departments during their review of this Site Plan.

If you should have any questions, please feel free to contact me.

Very truly yours,



David A. Breitrick, P.E.

Project Engineer

DAB/vc
(1251-053.doc)

cc: John Rowell
Steve Lamontagne
Dean Holt

Known All Men by Whose Friends.

29308

31

3946

What

Atlas Corporation

a Corporation organized and existing under the laws of the State of Maine and located at 315 Cumberland Avenue, Portland in the County of Cumberland and State of Maine in consideration of One Dollar and other valuable considerations

paid by Shaw's Realty Co. a corporation of Portland, County of Cumberland and State of Maine,

the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said Shaw's Realty Co., its successors

heirs and assigns forever, a certain lot or parcel of land situated in said Portland, on the Easterly side of the new Gray Road so-called, leading from Allen's Corner, also known as North Deering in Gray, now known as Auburn Street, and bounded and described as follows:

Commencing at a point on said Easterly side of Auburn Street, at the North-westerly corner of land conveyed to Community Oil Company, Inc., by deed dated March 23, 1939, and recorded in Cumberland County Registry of Deeds, Book 1573, Page 102; thence Northerly by said Easterly side of Auburn Street One Hundred and Forty (140) feet to a point; thence Easterly at right angles to said last course Ninety-two and thirty-five hundredths (92.35) feet to a point; thence Southerly at right angles to the last course and parallel with the Easterly side line of said Auburn Street One Hundred and Forty (140) feet to the Northwesterly corner of said land conveyed to said Community Oil Company, Inc.; thence Westerly by said Community Oil Company, Inc. land, Ninety-two and thirty-five hundredths (92.35) feet to the point of beginning, containing 12,929 square feet, more or less.

Being the same premises conveyed to the Grantor by deed of Nellie S. Cohen dated September 29, 1948 and recorded in Cumberland County Registry of Deeds, Book 1932, Page 130.

32
He has and he holds the aforesaid and bargained premises with all the

privileges and appurtenances thereof, to the said

Shaw's Realty Co., its successors

heirs and assigns, to it and their use and behoof forever.

And the said Grantor Corporation does hereby warrant with the said

grantee, its heirs and assigns, that it is lawfully seized in

fee of the premises, that they are free of all incumbrances;

that it has good right to sell and convey the same to the said

grantee to hold as aforesaid; and that it and its successors, shall

and will warrant and defend the same to the said grantee, its successors

heirs and assigns forever, against the lawful claims and demands of

all persons.

In witness whereof, the said Atlas Corporation

has caused this instrument to be sealed with its corporate seal and

signed in its corporate name by Charles A. Cohen

, its President

therunto duly authorized, this 1st day of December

in the year one thousand nine hundred and seventy-six.

Witness my hand and seal

in presence of

Robert A. Cohen

Atlas Corporation

By *Charles A. Cohen*
President

(Corporate Seal)

State of Maine, Cumberland

Personally appeared the above named Charles A. Cohen, President

of said Grantor Corporation

as aforesaid, and acknowledged the foregoing instrument to be his

free act and deed in his said capacity, and the free act and deed of

said corporation.

Before me,

Robert A. Cohen
Justice of the Peace
Notary Public

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE

Received at 5 H O 8 M. M. and recorded in

BOOK 3946 PAGE 31

Acting Registrar

DEC 2 1976

3946
31

204

158

BK 143996054

90712

QUITCLAIM DEED

PEOPLES HERITAGE SAVINGS BANK, also known as Peoples Savings Bank, a Maine banking corporation having a principal place of business in Portland, Maine, for full value and consideration paid, hereby grants to SHAW'S REALTY CO., a Maine corporation having a place of business in Brockton, Massachusetts, the following real estate:

A certain lot or parcel of land, together with all buildings and improvements located on it, on the west side of Auburn Street in the City of Portland, Cumberland County, Maine, further described as follows:

Beginning on the east side of Auburn Avenue near its intersection with Washington Avenue, at the northwest corner of land now or formerly of Mobil Oil Corp, 2.06 feet from a 5/8" rebar with cap "E.C. Jordan 509" 2" underground;

Thence north, along Auburn Avenue, by a curve having a radius of 623 feet, 91.51 feet;

Thence along Auburn Avenue, North 09° 21' 46" West, 126.62 feet land formerly of Merrill Carlton 1.73 feet from a 1" iron pipe, 6" under pavement, bent, loc. base;

Thence N 89° 38' 14" E, along the land formerly of Carlton, 81.26 feet to a nail in pavement under 1" coat of pavement;

Thence S 09° 21' 46" E, along the land formerly of Carlton, 147.15 feet to a 5/8" rebar with damaged cap in pavement at the land now or formerly of Mobil Oil Corp.;

Thence S 37° 11' 03" W, along the land now or formerly of Mobil Oil Corporation, 102.70 feet to the point of beginning.

Bearings are Grid North, and containing 14,862 square feet as shown on a Standard Boundary Survey for Peoples Savings Bank by Sebago Technics, dated June 29, 1998, Project No. 98309, Drawing 98309BS

SUBJECT, HOWEVER, to a pole line easement given to Central Maine Power Company and New England Telephone and Telegraph Company dated June 27, 1969 and recorded in Book 3098, Page 587.

MAINE REAL ESTATE TAX PAID

BK 14399P6055

Being the same premises described in a December 28, 1983 deed from the State of Maine to Peoples Savings Bank recorded in Book 6361, Page 125 and a December 30, 1985 deed from Brothers Bottle & Basket to Peoples Saving Bank recorded in Book 6362, Page 127.

Dated this 16th day of December, 1998

Peoples Heritage Savings Bank

By *Christine M. B. Curtis*
Christine M. B. Curtis
Its Vice President

State of Maine
County of Cumberland
December 16, 1998

Jacqueline M. B. Curtis, Vice President of Peoples Heritage Savings Bank personally appeared before me and acknowledged that her signature on this document was her free act and deed in her capacity as Vice President and the free act and deed of Peoples Heritage Savings Bank.

Jacqueline M. B. Curtis
Notary Public

CHRIS NEAGLE
Type or Print Name

SEAL

DRAFT: 12-7-98
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RECEIVED
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1998 DEC 17 PM 2: 13

Page 2 of 2

CUMBERLAND COUNTY

John B. Coburn

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Shaw's
So
Portland
Inc
to
Shaw's
Realty
Co
Mar

KNOW ALL MEN BY THESE PRESENTS: 129

THAT SHAW'S SOUTH PORTLAND, INC., a corporation organized and existing under the laws of the State of Maine and located at South Portland in the County of Cumberland and State of Maine, in consideration of One Dollar (\$1.00) and other valuable considerations, paid by SHAW'S REALTY CO., a corporation organized and existing under the laws of the State of Maine, the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey, unto the said Shaw's Realty Co., its successors and assigns forever, all and singular, the following described lots or parcels of land with the buildings thereon situated in Portland in the County of Cumberland and State of Maine

1. A certain lot or parcel of land situated in said Portland and bounded and described as follows:

Beginning on the northwesterly side of Allen Avenue at the easterly corner of land conveyed by Mary S. Burnham to Cornerstone Masonic Corporation by deed, dated November 25, 1947 and recorded in Cumberland County Registry of Deeds in Book 1897, Page 54; thence running northwesterly by Allen Avenue to the thread of Fall Brook, so-called, and land of Georgia P. Merrill; thence running Northwesterly by the thread of said Brook and by land of said Merrill, land now or formerly of Deering Village Corporation and land now or formerly of Addie M. Lane to the Southeastern corner of land conveyed by said Burnham to Addie M. Lane by deed, dated November 16, 1942 and recorded in said Registry of Deeds in Book 1700, Page 227; thence Westerly by said Lane land three hundred thirty-two and five tenths (362.5) feet, more or less, to Auburn Street; thence Southerly by Auburn Street to the Northwesterly corner of land conveyed by said Burnham to Claire W. Vintinner, et al by deed, dated May 24, 1950, and recorded in said Registry of Deeds in Book 2001, Page 100; thence Easterly by said Vintinner land one hundred (100) feet; thence Southerly by said Vintinner land and land conveyed by said Burnham to Margaret L. Proffano, et al by deed, dated May 24, 1950 and recorded in said Registry of Deeds in Book 2001, Page 101, two hundred and twenty-five (225) feet; thence Westerly by said Proffano land one hundred (100) feet to Auburn Street; thence Southerly by Auburn Street one hundred (100) feet to Auburn Street; thence Southerly by Auburn Street one hundred (100) feet; thence Easterly by said Beal land, by land conveyed by said Burnham to said Beal by deed, dated October 26, 1949 and recorded in said Registry of Deeds in Book 1976, Page 447 and to Frederick D. Call, et al, by deed, dated September 8, 1950 and recorded in said Registry of Deeds in Book 2014, Page 226, two hundred seven and seventy-eight hundredths (207.78) feet; thence Westerly by said Call land seven and sixty-five hundredths (7.65) feet to land conveyed by said Burnham to Nellie S. Cohen by deed, dated June 15, 1940 and recorded in said Registry of Deeds in Book 1609, Page 124; thence Southerly by said Cohen land and by land conveyed by said Burnham to Community Oil Company, Inc. by deed, dated March 23, 1939 and recorded in said Registry of Deeds in Book 1573, Page 162, two hundred eighty-seven and forty-one hundredths (287.41) feet to the Westerly corner of said Cornerstone Masonic Corporation land; thence Northwesterly by said Corporation's land one hundred fifty (150) feet; thence Southwesterly by said Corporation's land two hundred forty-seven and five tenths (247.5) feet to the point of beginning.

2. A certain lot or parcel of land situated in said Portland on the Northwesterly side of Allen Avenue and bounded and described as follows:

Beginning at a stake on the Northwest side of Allen Avenue ninety and sixty-eight hundredths (90.68) feet Southwesterly from the Southwest corner of land conveyed by Lynous J. Smith to Deering Village Corporation by deed, dated August 19, 1940 and recorded in Cumberland County Registry of Deeds, Book 1615, Page 183; thence running Northwest at right angles to Allen Avenue one hundred twelve and eighty-nine hundredths (112.89) feet to a stake; thence Northwest parallel with said Allen Avenue to said land of Deering Village Corporation; thence Northwest by said Corporation's land to Fall Brook; thence South by the thread of Fall Brook to said Allen Avenue; thence Northwest by said Allen Avenue one hundred twenty and seventy-four hundredths (120.74) feet to the point of beginning.

Also conveying to said Shaw's South Portland, Inc., its successors and assigns, all the rights referred to in deed from George P. Merrill to Owen Smith, dated September 27, 1951 and recorded in Cumberland County Registry of Deeds in Book 2060, Page 367.

3. A certain lot or parcel of land situated on the Easterly side of Auburn Street in said Portland, bounded and described as follows:

Beginning at a stake on said Easterly side of Auburn Street at a point distant one hundred (100) feet North from the Northwest corner of a lot of land conveyed by Mary E. Burnham to Leroy W. Beal by deed, dated March 22, 1950 and recorded in said Registry of Deeds in Book 1990, Page 313; thence Easterly parallel with the Northernly line of the lot conveyed to said Beal one hundred (100) feet to an iron set in the ground; thence North parallel with said Easterly side line of Auburn Street seventy (70) feet to a stake; thence West parallel with the first course one hundred (100) feet to said side line of Auburn Street and a stake set in the ground; thence South by said side line of Auburn Street to the point of beginning.

4. A certain lot or parcel of land situated on the Easterly side of Auburn Street in said Portland, bounded and described as follows:

Beginning at a stake on said Easterly side of Auburn Street at the Northwest corner of lot of land conveyed by Mary E. Burnham to Margaret L. Proffano and Anthony J. Proffano by deed duly recorded in the Cumberland County Registry of Deeds; thence Easterly by the Northernly line of said Proffano lot one hundred (100) feet to the Northeast corner thereof and a stake set in the ground; thence North parallel with the Easterly side line of Auburn Street, one hundred thirty-five (135) feet to an iron set in the ground; thence West parallel with the first course one hundred (100) feet to said side line of Auburn Street and a stake set in the ground; thence South by said side line of Auburn Street one hundred thirty-five (135) feet to the point of beginning.

5. A certain lot or parcel of land, situated on the Northwest side of Allen Avenue, in said Portland, adjoining land conveyed by Leona Durkin et als to Socony-Vacuum Oil Co., in 1945 by deed duly recorded in the Cumberland County Registry of Deeds in Book 1773, Page 31. Said lot or parcel of land is bounded and described as follows:

Beginning on said Northwest line of Allen Avenue at an iron rod at the most easterly corner of said Socony-Vacuum Oil Co. land; thence by said Oil Co. land northwesterly two hundred forty-seven and five-tenths (247.5) feet to an iron rod at the most northerly corner of said Oil Co. land; thence northeasterly, parallel with said line of Allen Avenue, one hundred (100) feet to an iron rod; thence southeasterly, parallel with the first course, two hundred forty-seven and five-tenths (247.5) feet to an iron rod in said northwesterly line of Allen Avenue; thence southeasterly by said northwesterly line of Allen Avenue, one hundred fifty (150) feet to the point of beginning.

All the foregoing parcels were conveyed to Shaw's South Portland, Inc. by George C. Shaw Company by deed dated October 1, 1955, recorded in Cumberland County Registry of Deeds in

2292-129

Book 2254, Page 173.
 This conveyance is made subject to a mortgage given by Shaw's South Portland, Inc. to Union Mutual Life Insurance Co. dated as of October 1, 1955 and recorded in said Registry of Deeds in Book 2254, Page 303, which grantee assumes and agrees to pay. TO HAVE AND TO HOLD the aforesaid and bargained premises with all the privileges and appurtenances thereto to the said

-3-

SHAW'S REALTY CO., its successors and assigns, to its and their use and behoof forever.

AND the said Grantor Corporation does hereby COVENANT with the said Grantee, its successors and assigns, that it is law-

fully seized in fee of the premises, that they are free of all incumbrances; that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors, shall and WILL WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said SHAW'S SOUTH PORTLAND, INC.

has caused this instrument to be sealed with its corporate seal and signed in its corporate name by T. V. Foster, its

Treasurer, therunto duly authorized, this 2nd day of June

in the year one thousand nine hundred and fifty-six.

Signed, Sealed and Delivered

In presence of

SHAW'S SOUTH PORTLAND, INC.



STATE OF MAINE

County of Cumberland ss.

June 2, 1956

Then personally appeared the above named T. V. Foster,

Treasurer of said Grantor Corporation as aforesaid, and

acknowledged the foregoing instrument to be his free act and

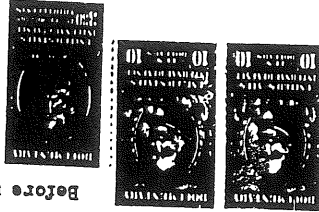
deed in his said capacity, and the free act and deed of said

corporation.

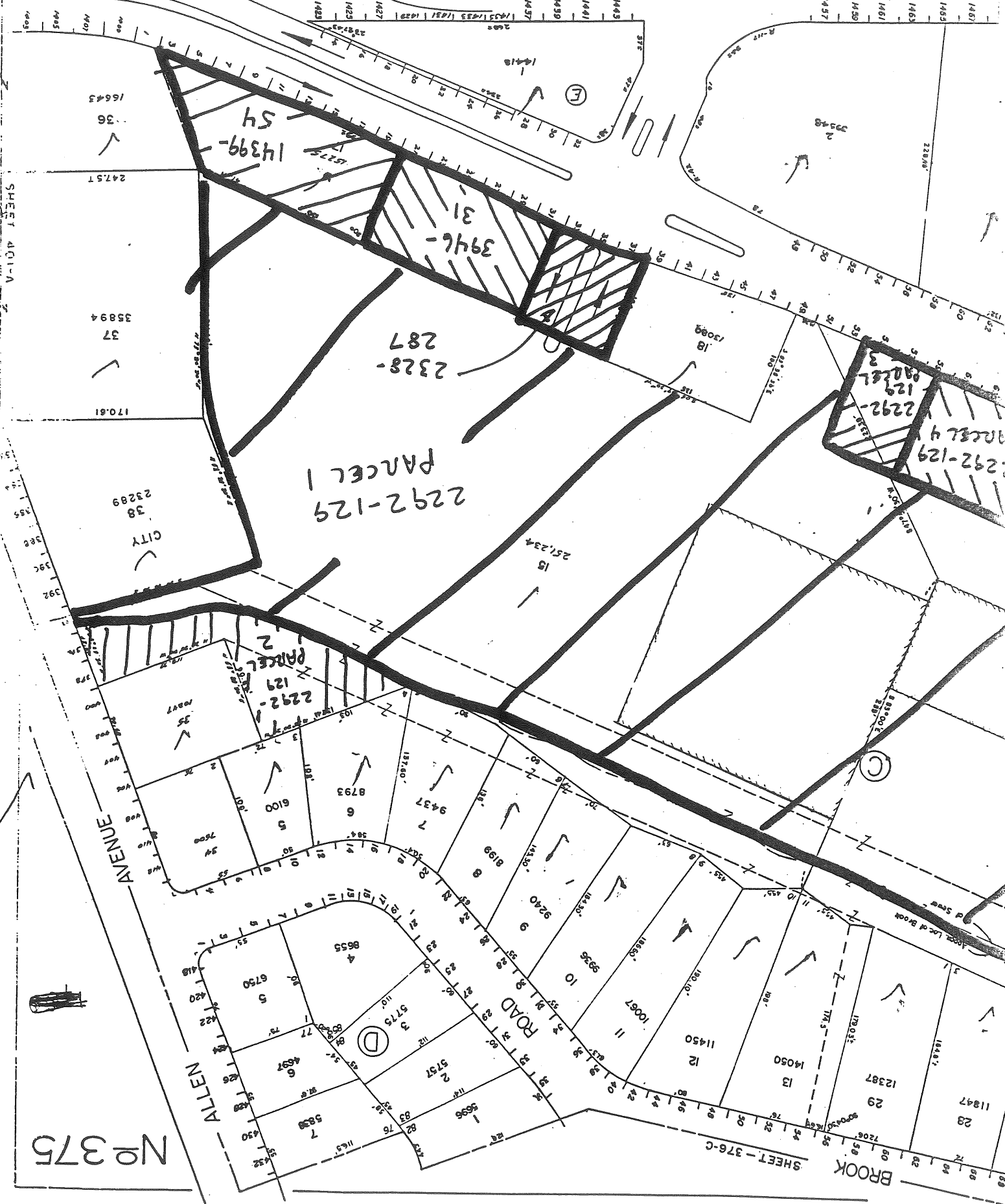
Before me,

Justice of the Peace

Shaw's South Portland



-4-

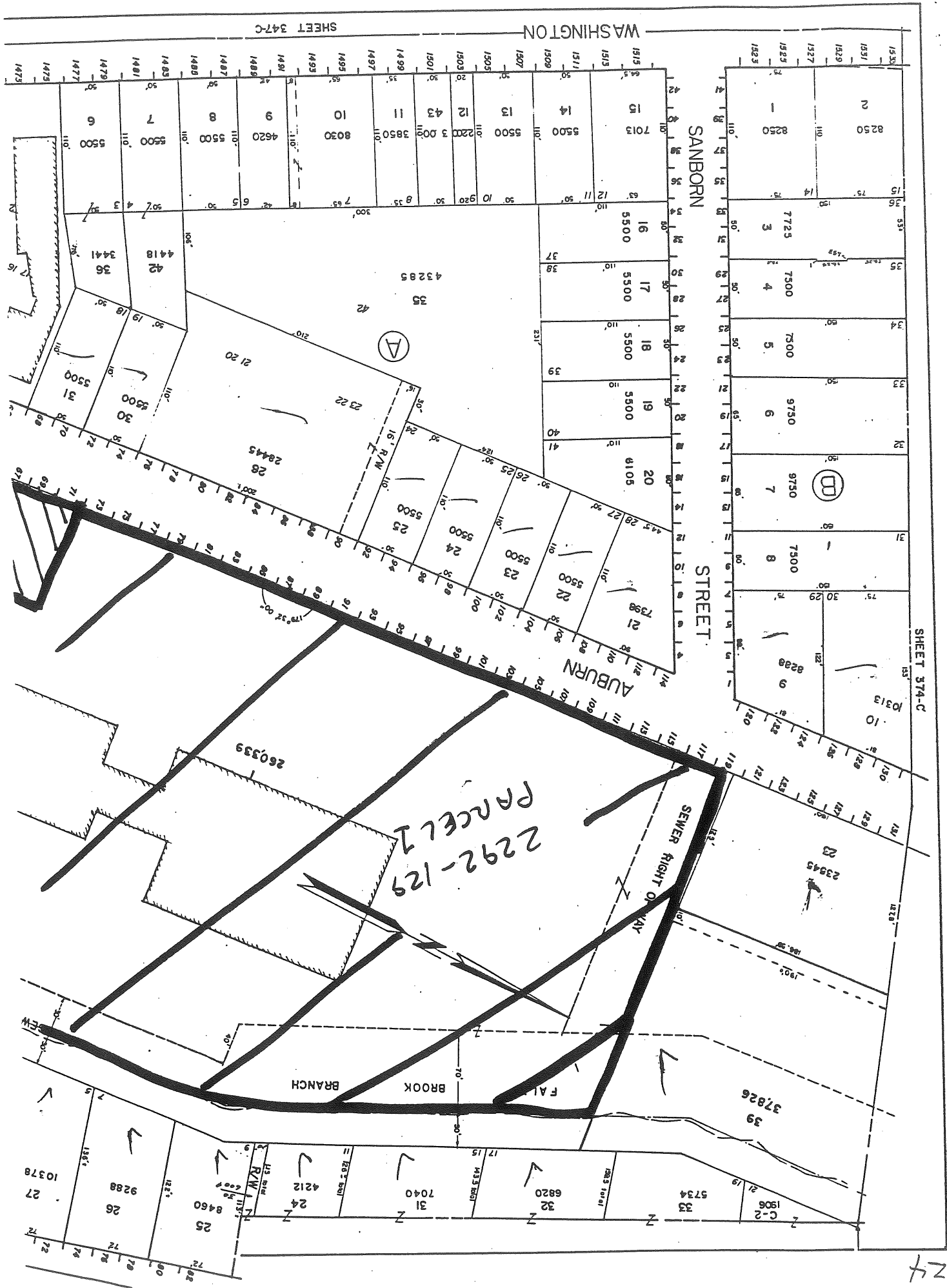


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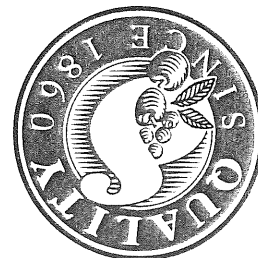
Nº 375

SHEET - 376-C

376



124



shaw's

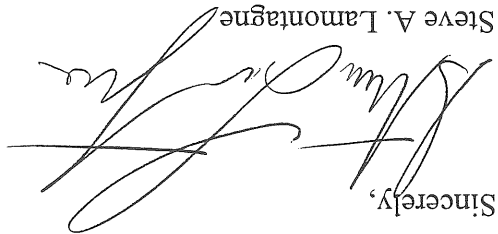
Shaw's Liberty Office Park
P.O. Box 942, South Easton, MA 02375-0942

March 20, 2000

City of Portland
389 Congress Street
Portland, Maine 04101

To Whom It May Concern:

This is to serve as authorization for Appledore Engineering, Inc. to serve as Shaw's Supermarkets, Inc. authorized agent through the site plan approval process in the City of Portland, Maine.

Sincerely,

Steve A. Lamontagne
Vice President, Store Development

SAL/jhm

Offices at 120 Liberty Street, Brockton, Massachusetts
Telephone (508) 894-7000

The northern portion of the wetland included a dense shrub layer of silky dogwood, speckled alder and American elm. The stream channel is small and poorly defined in this area. The Southern stretch of the stream has a denser herb layer and has a more defined stream-channel several feet wide.

The onsite wetlands include a stream with associated forested and scrub-shrub wetlands. The wetlands are classified as Palustrine deciduous/needle-leaved evergreen, seasonally flooded or saturated (PFO1/4E). The plant community of this wetland includes a canopy dominated by white pine, boxelder, norway maple and weeping willow. The shrub layer is dominated by multiflora rose and the herb layer is dominated by sensitive fern, reed-canary grass and horsetail. The soils in the wetland ranged from poorly drained sands to pockets of organic muck in the central portion of the wetlands. Evidence of wetland hydrology included extensive drainage patterns adjacent the stream channel.

US Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 (January, 1987).

Field Indicators for Identifying Hydric Soils in New England Version 2, NEIWPCC Wetlands Work Group (1998).

National List of Plant Species That Occur in Wetlands: Northeast (Region 1), U.S. Fish and Wildlife Service (May 1988).

Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish & Wildlife Service (1979).

At your request, West Environmental, Inc. delineated the wetlands at the above referenced site on October 26, 1999. The wetlands were delineated using 66 orange wetland boundary flags. The onsite wetlands were delineated to the following standards:

US Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-

87-1 (January, 1987).

Field Indicators for Identifying Hydric Soils in New England Version 2, NEIWPCC

Wetlands Work Group (1998).

National List of Plant Species That Occur in Wetlands: Northeast (Region 1), U.S.

Fish and Wildlife Service (May 1988).

Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish &

Wildlife Service (1979).

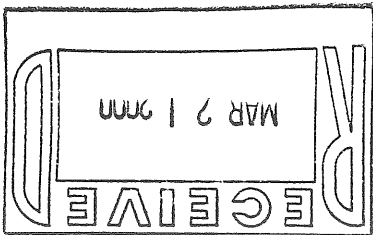
Dear Mr. Breitrick:

SUBJECT: Wetland Delineation

RF: Shaws Supermarket, Northgate Plaza
Portland, ME

David Breitrick, P.E.
Appledore Engineering, Inc.
600 State Street, Suite D
Portsmouth, NH, 03801

March 13, 2000
WEI# 99102-ME



Shaws Supermarket, Northgate Plaza, Portland, ME
Page 2

There is a paved walkway across the northern portion of the stream which has some eroded areas. The southern portion of the wetland has disturbed soils in the area of the sewer line. Concrete spillways carry runoff from the existing buildings into the wetlands.

This stream does not appear to support fish habitat. The adjacent development surrounding this wetland reduces its value as wildlife habitat. It does provide habitat for species adapted to urban settings and has a narrow vegetated buffer adjacent the existing shopping center. Maintenance of the existing woody vegetation adjacent the stream will help protect its limited habitat functions. The main functions of this wetland are minor flood-flow alteration, sediment/toxicant/pathogen retention, and shoreline stabilization.

A photo log of the site is available upon request. This completes our report at this time. Please call our office if you have any further questions.

Sincerely,
West Environmental, Inc.



Mark C. West, President
Wetland Scientist

Cc: John Rowell

Traffic Impact Study

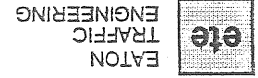
PROPOSED EXPANSION OF NORTHGATE PLAZA

Portland, Maine

Prepared for

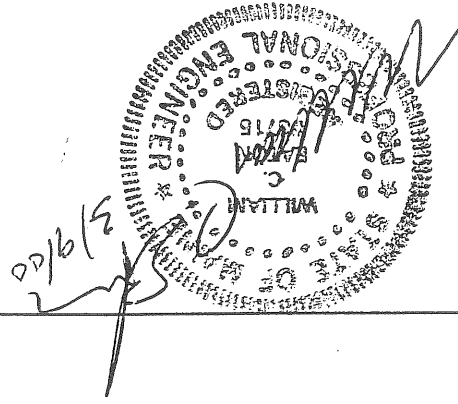
Appledore Engineering, Inc.

Portsmouth, New Hampshire



Brunswick, Maine

March, 2000



PROPOSED NORTHGATE PLAZA EXPANSION
Auburn Street - Portland, Maine
Traffic Impact Study

Introduction

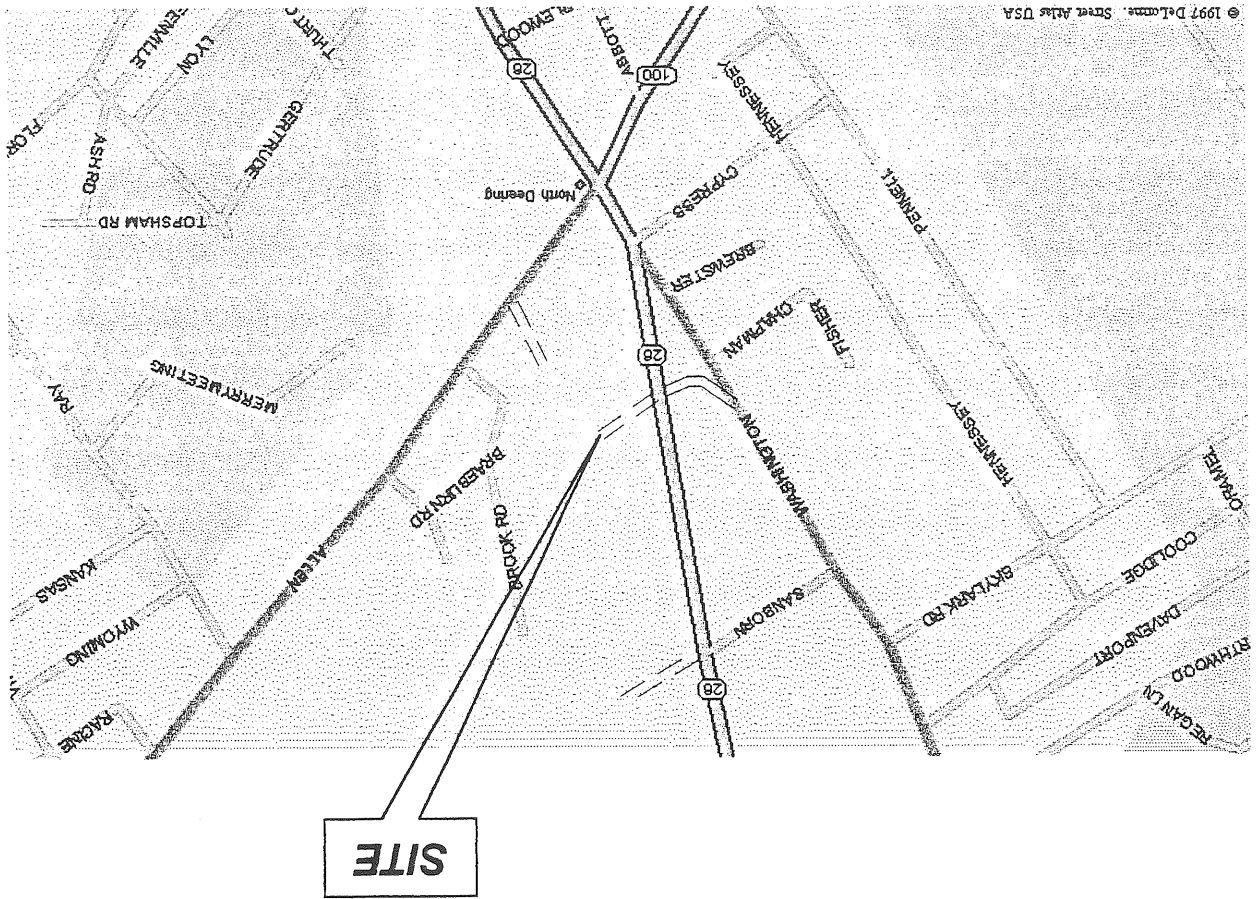
Shaw's proposes a 10,905 square foot expansion to the existing Northgate Plaza shopping center located on the easterly side of Auburn Street north of Allen Avenue in Portland, Maine (see Figure 1A on the following page). The site is currently served with 4 access driveways (2 controlled by traffic signals) on Auburn Street and 1 access driveway on Allen Avenue. As part of this expansion, the two existing unsignalized access driveways on Auburn Street located just north and south of the Auburn Street @ Washington Street/Northgate Plaza intersection will be closed to improve safety both on Auburn Street and on the site. (See Figure 1B at the rear of the report).

Development in the immediate vicinity of the proposed development is generally commercial in nature. The nearest "major" intersections to be affected by site generated traffic are the intersections of Washington @ Allen, Auburn @ Washington and Auburn @ Sanborn Streets. These intersections are controlled by fully actuated interconnected traffic signals.

The purpose of this traffic impact study is to assess the impact of new traffic generated by the proposed project on roadways in the immediate vicinity of the site. Preliminary discussions with Larry Ash, City Traffic Engineer, indicated that the analysis should focus on the three signalized intersections on Auburn Street/Washington Avenue in the vicinity of the site.

NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE

Figure 1A
SITE LOCATION AND ACCESS



© 1997 DeLorme. Street Atlas USA

Pre-Development PM Peak Hour Traffic

Traffic impact analysis is typically performed for traffic conditions that occur during the weekday PM peak hour, as this is usually the time of heaviest traffic flow that occurs on a weekday. As part of the process of estimating 2000 weekday PM peak hour traffic volumes, manual traffic counts were conducted on February 23, 24 and 25, 2000 at the intersections of Washington @ Allen, Auburn @ Washington and Auburn @ Sanborn Street. These data provided information for both peak hour traffic volumes in the area as well as general traffic patterns in the area (the directional distribution to/from the project).

Typically traffic count data is adjusted to reflect peak summer traffic volumes, and used for analysis. In this case the February traffic volumes were increased by approximately 20 percent to reflect peak summer traffic volumes. Figure 2 on the following page presents the estimated 2000 peak season weekday pre-development PM peak hour traffic volumes.

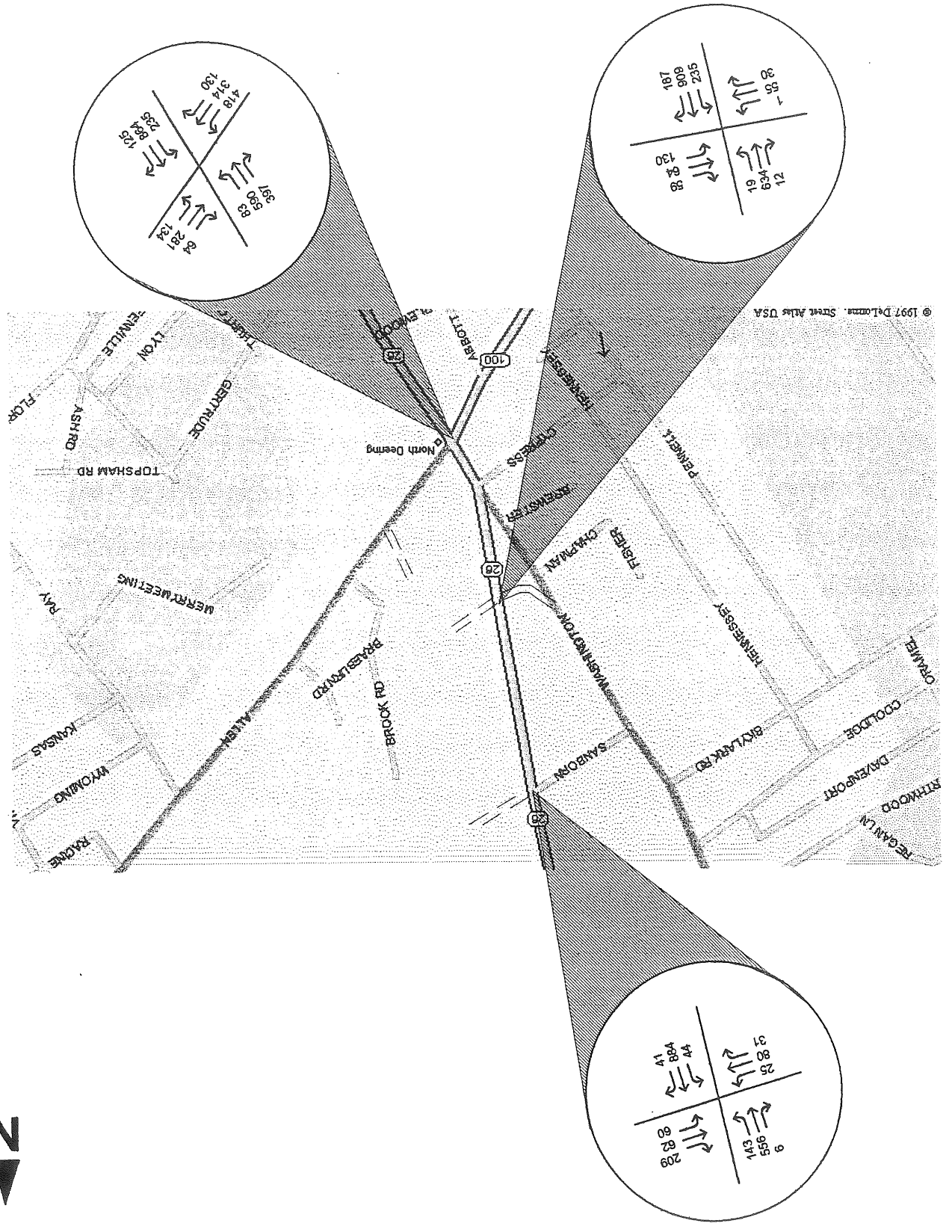
Site Generated PM Peak Hour Traffic

Traffic generation is typically estimated using the publication (Trip Generation - Sixth

Edition). For land use code 820 "Shopping Center", estimated PM peak hour traffic generation is projected to be 46 vehicle trips, with 22 entering the development and 24 exiting. Of the 46 vehicle trips, 40 percent are projected to be "pass by" trips captured from traffic passing the site on Auburn Street. Accordingly, the net increase in PM peak hour traffic volumes is estimated at 27 vehicle trips. Both the new and pass by trips were assigned to roadways in the vicinity of the site based upon the directional distribution data obtained from the PM peak period counts conducted in February. Figure 3 on the following page presents the estimated assignment of net PM peak hour site generated traffic volumes in the vicinity of the site.

¹ Institute of Transportation Engineers, 1997.

Figure 2
ESTIMATED WEEKDAY PM PEAK HOUR TRAFFIC - PRE-EXPANSION
NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE



© 1997 Delorme, Street Atlas USA

Post-Development PM Peak Hour Traffic

Post-development conditions are estimated by adding net site generated traffic volumes to the "base" or pre-development volumes. Figure 4 on the following page presents projected 2000 post-development weekday PM peak hour traffic.

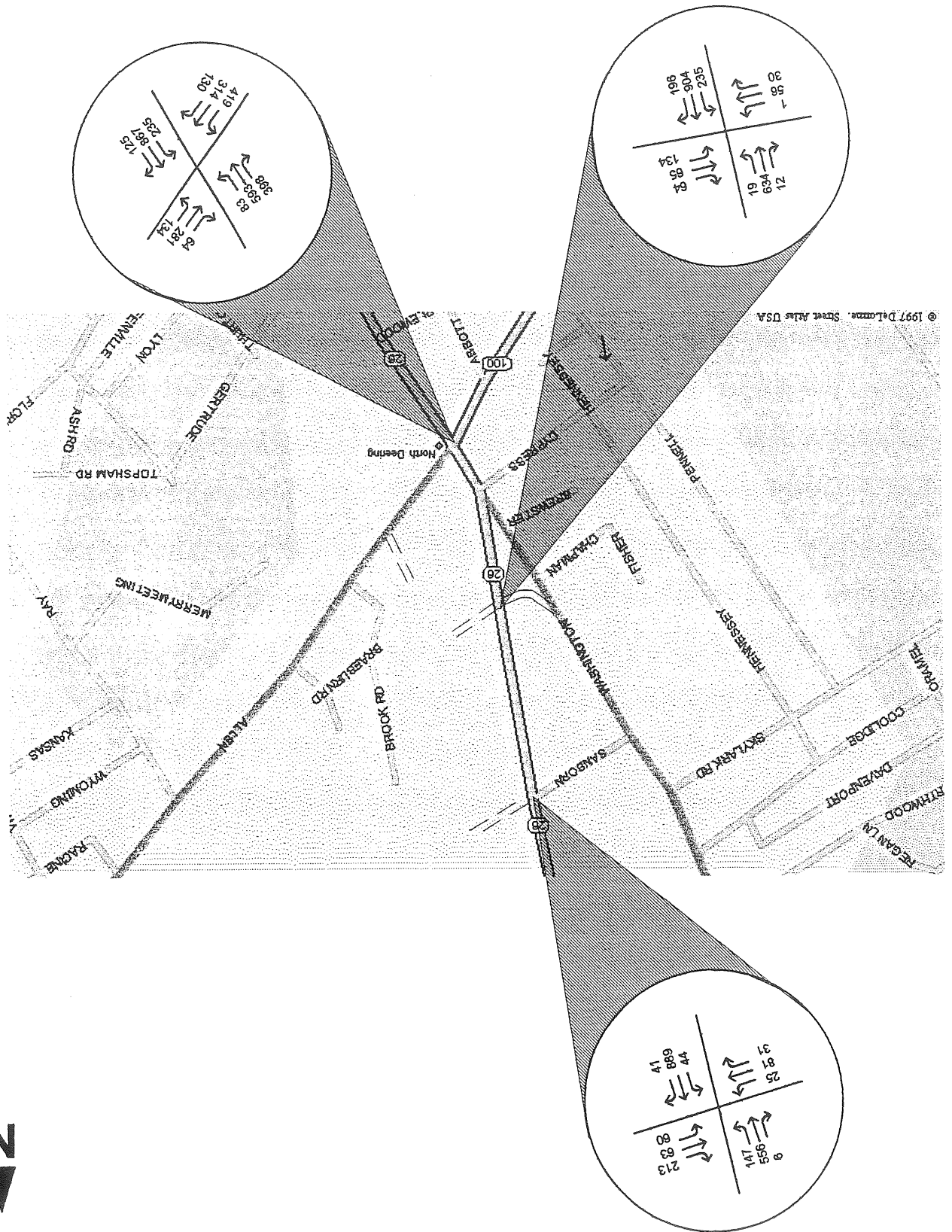
Operational Assessment Pre/Post-Development Traffic Volumes

Capacity analysis was performed for the pre- and post-development PM peak hour traffic projections for the intersections in the study area per the procedures contained in the Highway Capacity Manual². Capacity analysis provides a quantitative assessment of the quality of traffic flow at an intersection, and "rates" this quality in terms of its Level of Service (LOS). LOS ratings range from A to F, and much like a school rank card, A indicates very good conditions, and F indicates extremely congested conditions with long delays.

LOS for signalized intersections, such as the intersection of Allen Avenue @ Washington Avenue, is based upon the average control delay for all vehicles using the intersection, which includes acceleration/deceleration delay, time in queue and start-up delay. The relationship between LOS and average control delay, which reflects time in queue, acceleration and deceleration and start up delay, is shown in the table below.

² Special Report 209, Highway Capacity Manual, Third Edition, Transportation Research Board, 1998

NORTHGATE PLAZA EXPANSION / PORTLAND, MAINE
 PROJECTED 2000 WEEKDAY PM PEAK HOUR TRAFFIC - POST-EXPANSION
 Figure 4



Signalized Intersection Level of Service Measures

Level of Service	Average Stopped Delay Per Vehicle
A	≤ 10.0 Seconds
B	10.1 - 20.0 Seconds
C	20.1 - 35.0 Seconds
D	35.1 - 55.0 Seconds
E	55.1 - 80.0 Seconds
F	≥ 80.1 Seconds

The results of the analysis of the signalized intersections in the study area is presented below.

Signalized Intersection Analysis

Location	Pre-Development	Post-Development/
	LOS	Control Delay (sec)
	Control Delay (sec)	LOS
Washington @ Allen	D	44.9
Auburn @ Washington/Northgate	B	17.9
Auburn @ Sanborn/Northgate	B	19.5
		19.7

As can be seen, the new traffic associated with the proposed expansion will not substantially alter the level of service or delay at the intersections in the study area.

Safety

Safety data for the most recent available 3 year period (1996-98 was obtained from the Accident Records Section of the MDOT Bureau of Planning for roadways in the vicinity of the site. A summary of the accident history in the area is presented in the table below.

1996-98 Accident History in Site Vicinity

LOCATION	1996-98 ACCIDENTS	ANNUAL AVERAGE	CRITICAL RATE FACTOR ³
Auburn St @ Sanborn	22	7.33	1.33
Auburn St/Sanborn to Washington/Northgate	12	4.00	<1.00
Auburn St @ Washington/Northgate	1	0.33	<1.00
Auburn St/Northgate to Washington Southbound	9	3.00	<1.00
Auburn St @ Washington Southbound	0	0	.0
Auburn St/Washington Southbound to Cypress	0	0	0
Washington Ave @ Cypress	13	4.33	<1.00
Washington Ave/ Cypress to Allen	4	3.00	<1.00
Washington Ave @ Allen	59	19.67	1.16
Allen Ave/ Washington to Northgate Drive	14	4.67	2.09
Allen Ave @ Northgate Drive	7	2.33	1.31

MDOT guidelines for identification of a High Accident Location (HAL - indicating a potential safety deficiency) is that a location must experience 8 or more accidents in a 3 year period and

³ The Critical Rate Factor is a statistical measure which compares the accident frequency at a location to similar locations throughout the State. A Critical Rate Factor of 1.00 or greater indicates that the location has a higher frequency of accidents than would be expected due to random occurrence, with a 99 percent level of confidence.

have a Critical Rate Factor of 1.00 or greater. Three of the locations satisfy the criteria. Detailed collision diagrams were prepared for each of the locations from accident reports on file at MDOT. A summary of the analysis of the collision diagrams is as follows:

Auburn Street @ Sanborn/Northgate: 6 of the 22 accidents at this location were angle collisions. Typically this type of accident is related to either a poor level of service or inadequate clearance time. The intersection operates at a fairly good level of service, thus it is suggested that the clearance (yellow plus all red) interval be reviewed. This may also help address an additional pattern of rear end collisions on all approaches. Finally, there is a pattern of left turn collisions involving southbound Auburn Street (turning left into Northgate). It is possible that adding a left turn phase may help address this problem.

Washington Avenue @ Allen Avenue: Over one half (33) of the 59 accidents were rear end collisions. This intersection operates at very near capacity and it is likely that this contributes to this type of accident. Lane change/sideswipe accidents are also evident which further supports the likelihood that congestion is a major factor in accidents. Finally, angle collisions are occurring (9) but not to the extent of the rear end collision pattern. These accidents are also probably related to the capacity conditions at this location. Short of providing additional travel lanes to improve level of service, there is little that can be done beyond reviewing clearance intervals, ensuring that good signal visibility is available, and possibly increasing enforcement.

Allen Avenue/Washington to Northgate: 10 of the 14 reported accidents were found in MDOT files - the remaining 4 occurred at other locations and were mistitled. The reduced level of accidents would not result in a CRF of 1.00 and this link would not be a High Accident Locations. The majority of the accidents are related to access movements into/out of the Mobil gas station and/or Amato's sandwich shop, both of which are located near the Washington @ Allen intersection. Access controls on these driveways could help address this problem, but it is unlikely the City can accomplish this unless the existing Mobil and Amato's sites are redeveloped and have to obtain site permits.

Summary of Findings

The proposed expansion of Northgate Plaza involves an increase in size of approximately 11,000 square feet, and is coupled with on-site revision of parking and circulation plus the closing of two existing uncontrolled curb cuts on Auburn Street to improve safety conditions in the area by reducing the number of potential conflict points. The proposed expansion is projected to generate 46 vehicle trips during the PM peak hour - 24 entering and 22 exiting the site. The intersections of Washington @ Allen, Auburn @ Washington/Northgate and Auburn @ Sanborn/Northgate are not projected to experience any significant reduction in Level of Service as a result of new traffic generated by the proposed expansion. There are 3 High Accident Locations in the vicinity of the site, based upon 1996-98 accident data, and suggestions to address these problems are discussed in detail in the previous section entitled "Safety". Overall it is anticipated that the proposed project will have minimal impact on traffic operations and safety in the area.

600 State Street, Suite D
Portsmouth, NH 03801
tel 603.433.8818
fax 603.433.8988
aei@nh.ultranet.com

Shaw's Supermarket Renovation/Expansion
Northgate Plaza
Auburn Street

Site Plan Written Statement

1. Project Description/Proposed Use

This project involves the expansion of Shaw's Supermarkets and the relocation/expansion of three (3) existing retail enterprises in Northgate Plaza. See Overall Site Plan, Drawing C.2

Shaw's Supermarkets, Inc. is proposing to upgrade its current 46,850 sf supermarket and add 15,250 sf of additional supermarket space resulting in a 62,100 sf facility. In order to accomplish this Shaw's proposes to renovate 8,300 sf of existing adjacent retail and add 6,950 sf of new space.

In addition, one retail enterprise will be relocated into a 6,500 sf space that requires renovation of 2,540 sf of existing retail and the addition of 3,960 new space. The other retail enterprise will be relocated into 2,340 sf of existing space. The third retail enterprise will be relocated into 1900 sf of renovated building area immediately adjacent to the Shaw's expansion.

2. Land Area and Floor Area.

At present, Northgate Plaza consists of a 13.1 ± acre site with a 98,107 sf. commercial retail facility. Of this Shaw's is currently in a 46,848 sf building. This total project will involve the addition of 10,910 sf of new retail space, bringing the total building area to 109,017 sf.

3. Existing or Proposed Easements or Other Burdens.

There are number of easements and restrictions on the property including three (3) sewer easements; a drainage easement; a number of electrical easements; a 25-foot ROW; a common area agreement; a grading, access, landscaping and drainage easement; an access, utility and parking easement; and a notice of layout and taking by the MDOT. See Plan of Land, Sheet 1 of 1 and the attached list of easements and restrictions.

- Installation of temporary erosion control haybales (around catch basins), silt fences and construction fencing as noted on Drawing C-6.
- Selective demolition of existing structure where necessary.
- Renovation of existing space and construction of new building additions.
- Site work to include drainage, grading and selective renovation of parking field.

The following is the proposed sequence of construction for the proposed project.

7. Construction Plan

During construction Best Management Practices will be used to minimize erosion and sedimentation. These Best Management Practices are based upon the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices", prepared by the Cumberland County Soil and Water Conservation District. These erosion and control measures are shown on the Grading, Drainage and Erosion Control Plan, Drawing C-4 and the Erosion Control Detail Sheet, Drawing C-6.

The proposed shopping plaza addition will use the existing storm water and drainage system that was installed during the initial construction of the plaza as shown on the Grading, Drainage and Erosion Control Plan, Drawing C-4. Two catch basins will be installed to collect storm water from a small area of the parking field that is to be regraded and direct it into the existing system. The proposed drainage structures will maintain the existing drainage patterns within the shopping plaza.

6. Surface Drainage and Stormwater Management

Water, sewer, gas, electric and telephone are available to the existing plaza. These utilities will continue to be available to the expanded plaza. The site has direct access at two (2) locations on Auburn Street and one (1) on Allen Avenue.

5. Availability of Off-Site Facilities

At present the facility is under contract with BFI to haul all solid waste. This contract covers any additional solid waste generated as a result of the new addition. The majority of the solid waste generated by the current store consists of grocery waste that is compacted and corrugated materials that are baled and recycled. Both of these are handled by BFI. At present the store generates approximately eight (8) tons of waste. With the addition, it is projected that the store will generate up to nine (9) tons of waste. It is estimated that the new facility will generate a similar type of solid waste.

4. Solid Waste

- Completion of construction and stabilization of exposed areas with mulching or temporary seeding, as necessary.
- Once site is stabilized, all hay bales, silt fences and sediment trapped by these devices will be removed.

Construction is estimated to begin in June, 2000 and be completed by spring of 2001.

8. State and Federal Agency Approvals

There are no federal or state approvals or permits required for this project.

9. Evidence of Financial and Technical Capacity

Shaw's Supermarkets, Inc. is financially and technically capable to undertake this project. Shaw's will not require any financing from an outside source. It currently has approximately 170 stores in operation throughout New England. Three (3) of these stores are within the City of Portland. All of these facilities are well-managed and maintained and are successful financially.

Appledore Engineering, Inc (AEI) has the technical capacity to assist Shaw's to undertake the design and permitting for this expansion. The firm has worked successfully with Shaw's Supermarkets, Inc. for over ten (10) years and has permitted dozens of Shaw's facilities. AEI has a staff of twenty-seven (27) engineers and planners and has been in business since 1987.

10. Title, Right or Interest

See attached deed of ownership.

11. Unusual Natural Areas

There are no unusual natural areas, wildlife or fisheries habitats or archaeological sites located on or near the project site. See attached letter from West Environmental, Inc.

ATTACHMENT A

The premises are subject to and/or in benefit of the following easements, restrictions, etc:

- A. Subject to the Fall Brook Branch sewer easement, accepted by order of the Portland City Council on June 15, 1953, see City Clerk's records Volume 71, Page 278.
- B. Subject to a drainage easement in favor of Tax Map 375, Lot C-37, See C.C.R.D. Book 2474 Page 164, (Exact location undetermined)
- C. Subject to a 25' right of way in favor of Tax Map 375, Lot C-38, See Book 2946, page 450
- D. Subject to a grading, access, landscaping and drainage easement in favor of Tax Map 375, Lot C-35, See C.C.R.D., Book 13188, Page 29
- E. Subject to and in benefit of a "Common Area, Land Use, and Restriction Agreement" between Shaw's Realty Co. and Maine Savings Bank, See C.C.R.D. Book 4205, Page 301.
- F. Subject to an access, utility and parking easement in favor of Tax Map 375, Lot C-39, See C.C.R.D. Book 7270, Page 165.
- G. Subject to a 50' sewer easement in favor of the City of Portland, See C.C.R.D. Book 2820, Page 141.
- H. Subject to a "Notice of Layout and Taking" by the State of Maine Department of Transportation, See C.C.R.D., Book 4569, Page 185.

I. The parcel is subject to the following electrical easements;

- 1. C.C.R.D. Book 3978, Page 218
- 2. C.C.R.D. Book 3059, Page 348
- 3. C.C.R.D. Book 2937, Page 385
- 4. C.C.R.D. Book 2937, Page 386
- 5. C.C.R.D. Book 2983, Page 36
- 6. C.C.R.D. Book 3046, Page 729
- 7. C.C.R.D. Book 3406, Page 115
- 8. C.C.R.D. Book 2326, Page 199
- 9. C.C.R.D. Book 3098, Page 587

J. In benefit of a sewer easement, see C.C.R.D. Book 2002, Page 156. (Exact location and status undetermined)

The City of Portland quitclaimed their interest in the noted portion of the Fall Brook Branch sewer easement to Shaw's Realty Co. see C.C.R.D. Book 2961, Page 224.

The property line is the center of the brook in the area noted. See C.C.R.D. Book 2292,



ANGUS S. KING, JR.

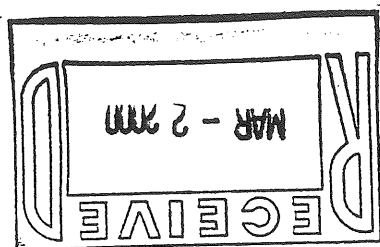
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARTHA KIRKPATRICK

COMMISSIONER

February 15, 2000



Mr. Jack Mettee

Appliedore Engineering

600 State Street

Portsmouth NH 03801

Re: Shaw's Expansion, Town of Portland, (received January 13, 2000)

Dear Mr. Mettee:

This letter is in response to your request for an advisory opinion concerning the applicability of the Site Location of Development Act (38 M.R.S.A. Section 481 et. seq.; the Site Law) to the proposed expansion of the Shaw's in Northgate Plaza in Portland. Based on a review of plans entitled "Shaw's" drawn by PlanMark (?), plan drawing name is illegible) dated November 1976, a plan entitled "Shaw's" drawn by Appliedore Engineering dated December 17, 1999 and your letter dated February 8, 2000, I have determined that a permit is not required.

The facts as I understand them are as follows.

- 1) Prior to 1970, Northgate Plaza was created. In 1970, pavement or buildings covered the entire area that is currently developed (excepting however, the so-called "parcel 17" whose status in 1970 is unknown).
 - 2) In 1976 a Shaw's supermarket was constructed at Northgate Plaza in Portland. The building covered 46,848 square feet. Shaw's wishes to expand the building by 17,560 square feet, resulting in a building occupying 64,408 square feet. The expansion will require that existing tenants must be relocated. The relocation will result in 4,400 square feet of new retail space to be added onto the existing plaza; retail space within the existing plaza will be renovated as part of the relocation.
 - 4) Fleet Bank constructed a building in Northgate Plaza some time after 1976. The building is 3,028 square feet in size. After 1976 an adjacent parcel containing 17,246 square feet was incorporated into Northgate Plaza (the so-called parcel 17).
- Therefore the total area of new development after 1976 totals 89,082 square feet. This is less than the 3-acre threshold of the Site Law so a Site Law permit for the expansion of Shaw's is not required.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584
PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303
PRESQUE ISLE
1335 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

(1251)

This opinion is based solely on the materials you submitted and is subject to change if that information is inaccurate or incomplete.

I hope this letter serves your needs. Please call me at (207) 822-6325 with any questions.

Sincerely,



William Cook

Bureau of Land and Water Quality

cc: Hetty Richardson, DEP

Joseph E. Gray Jr.
Director

1900.49

CITY OF PORTLAND



June 15, 2000

David Breitrick, PE
Appledore Engineering, Inc.
600 State St., Suite D
Portsmouth, N.H. 03801

re: Shaw's Northgate

Dear Mr. Breitrick:

On June 13, 2000, the Portland Planning Board voted unanimously (5-0; Malone, Krichels absent) to approve the Shaw's Northgate expansion. The site plan approval was made with the following conditions:

1. that prior to issuance of a building permit, the applicant shall submit an executed license and indemnity agreement for the construction and maintenance of the connecting sidewalk to Allen Avenue on City property.
2. that prior to issuance of building permit, the applicant shall provide for planning staff review and approval a plan for the installation of a 6ft high stockade fence and additional screen plantings along the eastern property line, south of the building approximately up to the property line shared with Greater Portland Realty.
3. That the applicant shall contribute toward the Allen Avenue sewer separation project scheduled for FY2000 construction. The contribution should be equal to the cost of two vortech units (approximately \$30,000) which is the alternate method of on-site stormwater treatment. This amount of contribution shall be approved by the Public Works Authority.
4. That the applicant shall revise their plans prior to issuance of a building permit for the installation of Casco traps or equivalent into all of the catchbasins outletting into the Fall Brook sewer easement. Detail sheets should also be revised to indicated a construction detail for the devices.
5. That the applicant shall submit for planning staff review and approval catalog specifications for the proposed exterior lighting fixtures.
6. That prior to issuance of a certificate of occupancy, the applicant shall replace the existing trash compactor with a watertight trash compactor.

O:\PLANDEV\REVIEW\WAWAUBURN\91\APP\LTR.SH

7. Further, the Board made a finding under Section 14-526b that the applicant shall be required to complete all loading and unloading activities, including removal of the dumpsters, between the hours of 6am to 10pm or the applicant shall submit for staff review and approval an alternative measure that will result in the abatement of noise pollution from the loading and unloading activities and use of the trash compactor and dumpster. Such an alternative measure may include a plan for enclosing the delivery/compactor area or other noise mitigation plan.

The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Board # 21-00, which is attached.

Please note the following provisions and requirements for all subdivision approvals:

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior issuance of a building permit.
2. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

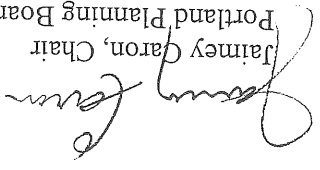
3. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall 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 preconstruction meeting.

4. 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.)

5. The Development Review Coordinator (who is located at DeLuca Hoffman at 775-1121) must be notified five (5) working days prior to date required for final site inspection. 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 regarding the Board's actions, please contact the planning staff.

Sincerely,


 Jaimey Caron, Chair
 Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Sarah Hopkins, Senior Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Nancy Knauber, Associate Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspection Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File

March 24, 2000

Mr. Alex Jaegerman, AICP
Chief Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Proposed Additions and Renovations
Shaw's Supermarket
Northgate Plaza
Portland, Maine
AEI/1251

Dear Mr. Jaegerman:

In follow-up to a submittal package for Site Review delivered on March 15, 2000 in reference to Northgate Plaza, we are please to submit the enclosed supplemental information. Nine (9) copies of all of the following is enclosed:

- A full set of Site Plans dated March 21, 2000.
- The deed to the property.
- A letter from Shaw's dated March 20, 2000 authorizing AEI to act as their agent.
- A letter from West Environmental regarding wetland delineation dated March 13, 2000.
- A Traffic Impact Study prepared by Eaton Traffic Engineering dated March 9, 2000.
- A Written Statement describing the project prepared by AEI dated March 23, 2000.
- A letter (advisory opinion) from Maine Department of Environmental Protection dated February 15, 2000 indicating that a Site Location Permit will not be required.

Proposed Additions and Renovations
Shaw's Supermarket
Northgate Plaza
Portland, Maine
AEI/1251
Page - 2

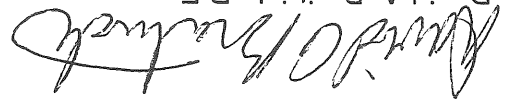
For your convenience, we have enclosed Abutter's certified mailing labels and envelopes to assist with abutter notification by the City.

Note that nine (9) copies of a completed Site Review Pre-Application Form and a \$500.00 check for Major Development Fee were submitted to the Building Department on March 15, 2000.

Based on discussions with the Planning Department Staff, this project will be scheduled for a Planning Board Workshop meeting on April 18, 2000. We look forward to working with you, the Planning Board and the City Departments during their review of this Site Plan.

If you should have any questions, please feel free to contact me.

Very truly yours,



David A. Breiwick, P.E.

Project Engineer

DAB\vc
(1251-053.doc)

cc: John Rowell
Steve Lamontagne
Dean Holt

Know all men by these presents, that

PETER K. CONSTANTINE, of Portland, in the County of Cumberland and State of Maine

Constantine

in consideration of one dollar and other valuable consideration paid by SHAW'S REALTY CO., a corporation duly organized and existing by law, having a place of business at said Portland hereby give, grant, bargain, sell and convey unto the said

Shaw's Realty Co

War

Shaw's Realty Co., its successors and assigns, a certain lot or parcel of land, with the buildings thereon, situated on the easterly side of Auburn Street, in said City of Portland bounded and described as follows: Beginning at a point on the said easterly side of Auburn Street, at the northwest corner of land conveyed to Nellie S. Cohen by Mary E. Burnham by deed dated June 15, 1940, and recorded in Cumberland County Registry of Deeds, in Book 1009, Page 124; thence easterly by said Cohen line, at right angles with said Auburn Street and thirty-five hundredths (92.55) feet, and continuing the same course, seven and sixty-five hundredths (7.55) feet to a point; thence northerly, parallel with Auburn Street one hundred seven and seventy-eight hundredths (107.78) feet, more or less, to the southeast corner of land conveyed by Mary E. Burnham to Leroy W. Deal by deed dated October 26, 1949, and recorded in said Registry of Deeds, in Book 1976, Page 447; thence westerly, by said Deal land one hundred (100) feet to the easterly line of said Auburn Street; thence by said line of Auburn Street southerly one hundred seven and seventy-eight hundredths (107.78) feet, more or less, to the point of beginning.

Together with the sewer rights as set forth in a deed from the Dy Dee Service, Inc., dated June 26, 1950 and recorded in said Registry of Deeds, in Book 2007, Page 150.

Being the same premises conveyed to the within Grantor by Frederick D. Call and Elizabeth F. Call by deed dated July 5, 1951 and recorded in Cumberland County Registry of Deeds, Book 2051, Page 302.

To Have and to hold the foregoing and bargained premises, with all the privileges and appurtenances thereof, to the said

Shaw's Realty Co., its successors

their use and behoof forever. And I do

covenant with the said Grantee,

that I am lawfully seized in fee of the premises: that they are

free of all incumbrances

Grantee to hold as aforesaid; and that I and my

heirs and assigns shall and will warrant and defend the

same to the said Grantee, its successors

there and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, the said Peter K. Constantine, being unmarried

joining in this deed as Grantor, and relinquishing and conveying

premises, have hereunto set my hand and seal this twenty-ninth

day of November

in the year of our Lord one thousand nine hundred and fifty-six.

Witness my hand and seal in presence of

STATE OF MAINE, CUMBERLAND COUNTY, SS.
Recorded DEC 4 1956
PAGE 287
at 4 o'clock 30 m. C. M. and recorded
2328

Before me, _____
Notary Public
Justices of the Peace.

and acknowledged the foregoing instrument to be his free act and deed.

Personally appeared the above named

State of Maine, Cumberland, ss.
Peter K. Constantine

November 29, 1956.



2328
287
906

3946

31

Known All Men by Whose Fireworks.

29308

Atlas Corporation

a corporation organized and existing under the laws of the State of Maine and located at 315 Cumberland Avenue, Portland in the County of Cumberland and State of Maine in consideration of One Dollar and other valuable considerations paid by Shaw's Realty Co. a corporation of Portland, County of Cumberland and State of Maine, does hereby give, grant, the receipt whereof it does hereby acknowledge, does hereby give, grant, herein, will and convey unto the said Shaw's Realty Co., its successors heirs and assigns forever, a certain lot or parcel of land situated in said Portland, on the Easterly side of the new Gray Road so-called, leading from Allen's Corner, also known as North Deering to Gray, now known as Auburn Street, and bounded and described as follows:

Commencing at a point on said Easterly side of Auburn Street, at the North-westerly corner of land conveyed to Community Oil Company, Inc., by deed dated March 23, 1939, and recorded in Cumberland County Registry of Deeds, Book 1573, Page 102; thence Northerly by said Easterly side of Auburn Street One Hundred and Forty (140) feet to a point; thence Easterly at right angles to said last course Ninety-two and thirty-five hundredths (92.35) feet to a point; thence Southerly at right angles to the last course and parallel with the Easterly side line of said Auburn Street One Hundred and Forty (140) feet to the Northwesterly corner of said land conveyed to said Community Oil Company, Inc.; thence Westerly by said Community Oil Company, Inc. land, Ninety-two and thirty-five hundredths (92.35) feet to the point of beginning, containing 12,929 square feet, more or less.

Being the same premises conveyed to the Grantor by deed of Nellie S. Cohen dated September 29, 1948 and recorded in Cumberland County Registry of Deeds, Book 1932, Page 130.

to have and to hold the foregoing and bargained premises with all the

privileges and appurtenances thereof, to the said

Shaw's Realty Co., its successors

heirs and assigns, to it and their use and behoof forever.

And the said grantor Corporation does hereby covenant with the said

grantee, its heirs and assigns, that it is lawfully seized in

fee of the premises, that they are free of all incumbrances;

that it has good right to sell and convey the same to the said

grantee to hold as aforesaid; and that it and its successors, shall

and will warrant and defend the same to the said grantee, its successors

heirs and assigns forever, against the lawful claims and demands of

all persons.

In witness whereof, the said Atlas Corporation

has caused this instrument to be sealed with its corporate seal and

signed in its corporate name by Charles A. Cohen

its President

thereunto duly authorized, this 1st day of December

in the year one thousand nine hundred and seventy-six.

Witness, sealed and delivered

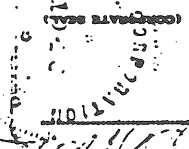
in presence of

Robert A. Cohen

Atlas Corporation

By Charles A. Cohen

President



Gives at date, Cumberland M. December 1, 1970.

Personally appeared the above named Charles A. Cohen, President

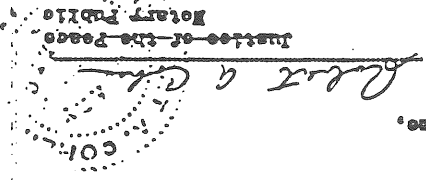
of said grantor Corporation

as aforesaid, and acknowledged the foregoing instrument to be his

free act and deed in his said capacity, and the free act and deed of

said corporation.

Before me,



Justice of the Peace
Notary Public

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE

DEC 2 1976

Received at 5 H O 8 M. and recorded in

BOOK 3976 PAGE 31

Robert A. Cohen Acting Register

MAINE REAL ESTATE TAX PAID

PEOPLES HERITAGE SAVINGS BANK, also known as Peoples Savings Bank, a Maine banking corporation having a principal place of business in Portland, Maine, for full value and consideration paid, hereby grants to SHAW'S REALTY CO., a Maine corporation having a place of business in Brockton, Massachusetts, the following real estate:

A certain lot or parcel of land, together with all buildings and improvements located on it, on the west side of Auburn Street in the City of Portland, Cumberland County, Maine, further described as follows:

Beginning on the east side of Auburn Avenue near its intersection with Washington Avenue, at the northwest corner of land now or formerly of Mobil Oil Corp, 2.06 feet from a 5/8" rebar with cap "E.C. Jordan 509" 2" underground;

Thence north, along Auburn Avenue, by a curve having a radius of 623 feet, 91.51 feet;

Thence along Auburn Avenue, North 09° 21' 46" West, 126.62 feet land formerly of Merrill Carlton 1.73 feet from a 1" iron pipe, 6" under pavement, bent, loc. base;

Thence N 89° 38' 14" E, along the land formerly of Carlton, 81.26 feet to a nail in pavement under 1" coat of pavement;

Thence S 09° 21' 46" E, along the land formerly of Carlton, 147.15 feet to a 5/8" rebar with damaged cap in pavement at the land now or formerly of Mobil Oil Corp.;

Thence S 37° 11' 03" W, along the land now or formerly of Mobil Oil Corporation, 102.70 feet to the point of beginning.

Beatings are Grid North, and containing 14,862 square feet as shown on a Standard Boundary Survey for Peoples Savings Bank by Sebago Technics, dated June 29, 1998, Project No. 98309, Drawing 98309BS

SUBJECT, HOWEVER, to a pole line easement given to Central Maine Power Company and New England Telephone and Telegraph Company dated June 27, 1969 and recorded in Book 3098, Page 587.

QUITCLAIM DEED

90712 BK 14399PG054

158

104

BK 143996055

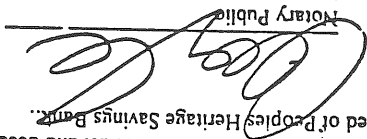
Being the same premises described in a December 28, 1983 deed from the State of Maine to Peoples Savings Bank recorded in Book 6361, Page 125 and a December 30, 1985 deed from Brothers Bottle & Basket to Peoples Saving Bank recorded in Book 6362, Page 127.

Dated this 16th day of December, 1998

Peoples Heritage Savings Bank
By Maqueline M. B. Curtis
Its Vice President

State of Maine
County of Cumberland
December 16, 1998

Jacqueline M. B. Curtis, Vice President of Peoples Heritage Savings Bank personally appeared before me and acknowledged that her signature on this document was her free act and deed in her capacity as Vice President and the free act and deed of Peoples Heritage Savings Bank.


Notary Public

CHRIS NEAGLE

Type or Print Name

SEAL

DRAFT: 12-7-98
P:\CSMPEOPLESNORTH\GAT\Shawn.Deed.wpd

RECEIVED
RECORDED REGISTRY OF DEEDS

1998 DEC 17 PM 2: 13

Page 2 of 2

CUMBERLAND COUNTY

John B. Curtis

129-2252-129
129
002

Shaw's South Portland Inc. to Shaw's Realty Co. War

KNOW ALL MEN BY THESE PRESENTS: 129

THAT SHAW'S SOUTH PORTLAND, INC., a corporation organized and existing under the laws of the State of Maine and located at South Portland in the County of Cumberland and State of Maine, in consideration of One Dollar (\$1.00) and other valuable considerations, paid by SHAW'S REALTY CO., a corporation organized and existing under the laws of the State of Maine, the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey, unto the said Shaw's Realty Co., its successors and assigns forever, all and singular, the following described lots or parcels of land with the buildings thereon situated in Portland in the County of Cumberland and State of Maine

1. A certain lot or parcel of land situated in said Portland and bounded and described as follows:

Beginning on the northwesterly side of Allen Avenue at the easterly corner of land conveyed by Mary S. Burnham to Cornerstone Masonic Corporation by deed, dated November 25, 1947 and recorded in Cumberland County Registry of Deeds in Book 1897, Page 54; thence running Northeastly by Allen Avenue to the thread of Fall Brook, so-called, and land of Georgia P. Merrill; thence running Northwesterly by the thread of said Brook and by land of said Merrill, land now or formerly of Deering Village Corporation and land now or formerly of Addie M. Lane to the Southeastly corner of land conveyed by said Burnham to Addie M. Lane by deed, dated November 16, 1942 and recorded in said Registry of Deeds in Book 1700, Page 227; thence Westerly by said Lane land three hundred sixty-two and five tenths (362.5) feet, more or less, to Auburn Street; thence Southwesterly by Auburn Street to the Northwestly corner of land conveyed by said Burnham to Clatire W. Vintinner, et al by deed, dated May 24, 1950 and recorded in said Registry of Deeds in Book 2001, Page 100; thence Easterly by said Vintinner Land one hundred and conveyed by said Burnham to Margaret L. Protenno, et al by deed, dated May 24, 1950 and recorded in said Registry of Deeds in Book 2001, Page 101, two hundred and five (205) feet; thence Westerly by said Protenno Land one hundred (100) feet to Auburn Street; thence Southwesterly by Auburn Street one hundred (100) feet to the Northwesterly corner of land conveyed by said Burnham to Leroy W. Beal by deed, dated March 22, 1950 and recorded in said Registry of Deeds in Book 1990, Page 313; thence Easterly by said Beal land one hundred (100) feet; thence Southwesterly by said Beal land, by land conveyed by said Burnham to said Beal by deed, dated October 26, 1949 and recorded in said Registry of Deeds in Book 1976, Page 447 and to Frederick D. Call, et al, by deed, dated September 8, 1950 and recorded in said Registry of Deeds in Book 2014, Page 226, two hundred seven and seventy-eight hundredths (207.78) feet; thence Westerly by said Call land seven and sixty-five hundredths (7.65) feet to land conveyed by said Burnham to Nellie S. Cohen by deed, dated June 15, 1940 and recorded in said Registry of Deeds in Book 1609, Page 124; thence Southwesterly by said Cohen land and by land conveyed by said Burnham to Community Oil Company, Inc. by deed, dated March 23, 1939 and recorded in said Registry of Deeds in Book 1573, Page 162, two hundred eighty-seven and forty-one hundredths (287.41) feet to the Westerly corner of said Cornerstone Masonic Corporation Land; thence Northeastly by said Corporation's Land one hundred fifty (150) feet; thence Southwesterly by said Corporation's Land two hundred forty-seven and five tenths (247.5) feet to the point of beginning.

2. A certain lot or parcel of land situated in said Portland on the Northwesterly side of Allen Avenue and bounded and described as follows:

Beginning at a stake on the Northwest side of Allen Avenue ninety and sixty-eight hundredths (90.68) feet Southwest from the Southwest corner of Land conveyed by Lynous J. Smith to Deering Village Corporation by deed, dated August 19, 1940 and recorded in Cumberland County Registry of Deeds, Book 1615, Page 183; thence turning Northwest at right angles to Allen Avenue one hundred twelve and eighty-nine hundredths (112.89) feet to a stake; thence Northwest parallel with said Allen Avenue to said land of Deering Village Corporation; thence Northwest by said Corporation's land to Fall Brook; thence South by the thread of Fall Brook to said Allen Avenue; thence Northwest by said Allen Avenue one hundred twenty and seventy-four hundredths (120.74) feet to the point of beginning.

Also conveying to said Shaw's South Portland, Inc., its successors and assigns, all the rights referred to in deed from Georgia P. Merrill to Owen Smith, dated September 27, 1951 and recorded in Cumberland County Registry of Deeds in Book 2060, Page 367.

3. A certain lot or parcel of land situated on the East side of Auburn Street in said Portland, bounded and described as follows:

Beginning at a stake on said East side of Auburn Street at a point distant one hundred (100) feet North from the Northwest corner of a lot of land conveyed by Mary E. Burnham to Leroy W. Beal by deed, dated March 22, 1950 and recorded in said Registry of Deeds in Book 1990, Page 313; thence East parallel with the North line of the lot conveyed to said Beal one hundred (100) feet to an iron set in the ground; thence North parallel with said East side line of Auburn Street seventy (70) feet to a stake; thence West parallel with the first course one hundred (100) feet to said side line of Auburn Street and a stake set in the ground; thence South by said side line of Auburn Street one hundred thirty-five (135) feet to an iron set in the ground; thence East side line of Auburn Street, one hundred thirty-five (135) feet to an iron set in the ground; thence West parallel with the first course one hundred (100) feet to said side line of Auburn Street and a stake set in the ground; thence South by said side line of Auburn Street one hundred thirty-five (135) feet to the point of beginning.

5. A certain lot or parcel of land, situated on the Northwest side of Allen Avenue, in said Portland, adjoining land conveyed by Leona Durkin et al to Socony-Vacuum Oil Co., in 1945 by deed duly recorded in the Cumberland County Registry of Deeds in Book 1773, Page 31. Said lot or parcel of land is bounded and described as follows:

Beginning on said Northwest line of Allen Avenue at an iron rod at the most easterly corner of said Socony-Vacuum Oil Co. land; thence by said Oil Co. land North-westerly two hundred forty-seven and five-tenths (247.5) feet to an iron rod at the most northerly corner of said Oil Co. land; thence Northwesterly, parallel with said line of Allen Avenue, one hundred thirty (130) feet to an iron rod; thence Southwesterly, parallel with the first course, two hundred forty-seven and five-tenths (247.5) feet to an iron rod in said Northwesterly line of Allen Avenue; thence Southwesterly by said Northwesterly line of Allen Avenue, one hundred thirty (130) feet to the point of beginning.

All the foregoing parcels were conveyed to Shaw's South Portland, Inc. by George C. Shaw Company by deed dated October 1, 1955, recorded in Cumberland County Registry of Deeds in

2292-129

2292-131

131

131

Book 2254, Page 173.
 This conveyance is made subject to a mortgage given by
 Shaw's South Portland, Inc. to Union Mutual Life Insurance Co.
 dated as of October 1, 1955 and recorded in said Registry of
 Deeds in Book 2254, Page 303, which grantee assumes and agrees to pay.
 TO HAVE AND TO HOLD the aforesaid and bargained premises
 with all the privileges and appurtenances thereof to the said

-3-

SHAW'S REALTY CO., its successors and assigns, to its and their
 use and behoof forever.

AND the said Grantor Corporation does hereby COVENANT with
 the said Grantee, its successors and assigns, that it is law-
 fully seized in fee of the premises, that they are free of all
 incumbrances; that it has good right to sell and convey the same
 to the said Grantee to hold as aforesaid; and that it and its
 successors, shall and WILL WARRANT AND DEFEND the same to the
 said Grantee, its successors and assigns forever, against the
 lawful claims and demands of all persons.

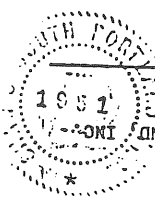
IN WITNESS WHEREOF, the said SHAW'S SOUTH PORTLAND, INC.

has caused this instrument to be sealed with its corporate seal
 and signed in its corporate name by T. V. Fort, its
 Treasurer, thereunto duly authorized, this 2nd day of June

in the year one thousand nine hundred and fifty-six.

In presence of

BY: Shaw's South Portland, Inc.
 Treasurer
 1951



STATE OF MAINE

County of Cumberland ss.

June 2, 1956

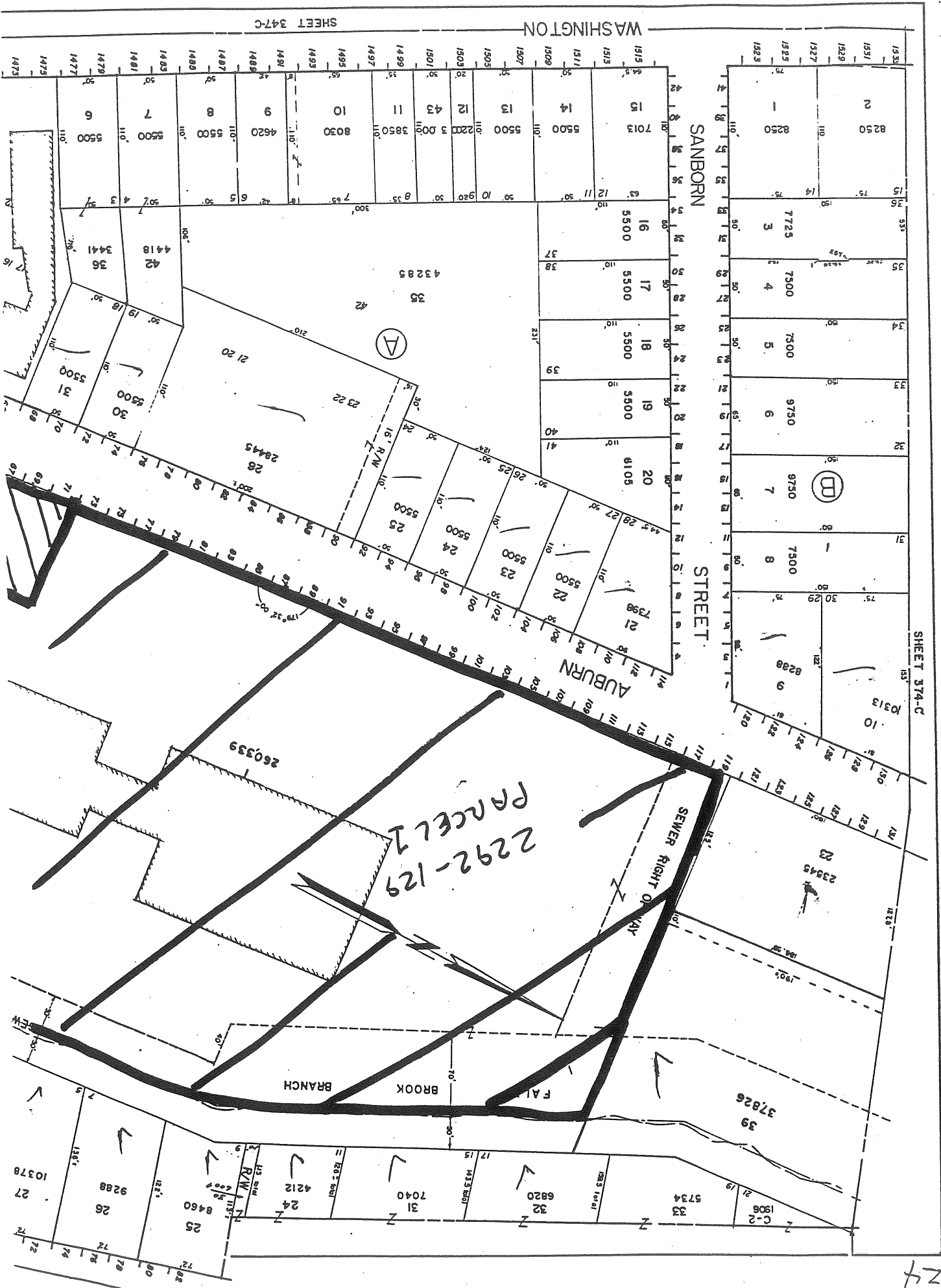
Then personally appeared the above named T. V. Fort,
 Treasurer of said Grantor Corporation as aforesaid, and
 acknowledged the foregoing instrument to be his free act and

deed in his said capacity, and the free act and deed of said
 corporation.

Before me,

Shaw's South Portland, Inc.
 Justice of the Peace





SHEET 347-C

WASHINGTON

SANBORN

STREET

AUBURN

SHEET 374-C

2292-129
PARCEL 2

FALL BROOK BRANCH

SEWER RIGHT OF WAY

124

MARSH USA INC.

CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER
NYC-001029650-00

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

COMPANIES AFFORDING COVERAGE

PRODUCER Marsh USA Inc. 10 Weybosset Street Suite 502 Providence, RI 02903	INSURED Shaw's Supermarkets, Inc. Susan Fortin, Vice President P.O. Box 600 E. Bridgewater, MA 02333	COMPANY A UNITED STATES FID & GUARANTY	COMPANY B N/A	COMPANY C N/A	COMPANY D N/A
--	--	--	---------------------	---------------------	---------------------

COVERAGES

This certificate supersedes and replaces any previously issued certificate for the policy period noted below. 2
THIS IS TO CERTIFY THAT POLICIES OF INSURANCE DESCRIBED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
--------	-------------------	---------------	----------------------------------	-----------------------------------	--------

A	GENERAL LIABILITY	DRE5245601	01/01/02	01/01/03	400,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				400,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				400,000
	OWNERS & CONTRACTORS' PROT				400,000
	AGGREGATE PER LOC				400,000
	SIR \$250,000				400,000
	AUTOMOBILE LIABILITY				400,000
	ANY AUTO				400,000
	ALL OWNED AUTOS				400,000
	SCHEDULED AUTOS				400,000

	PROPERTY DAMAGE				
	BODILY INJURY (Per person)				
	BODILY INJURY (Per accident)				
	COMBINED SINGLE LIMIT				
	MED EXP (Any one person)				
	FIRE DAMAGE (Any one fire)				
	EACH OCCURRENCE				
	PERSONAL & ADV INJURY				
	PRODUCTS - COMP/OP AGG				
	GENERAL AGGREGATE				

	ANY AUTO				
	OTHER THAN AUTO ONLY:				
	EACH ACCIDENT				
	AGGREGATE				
	EACH OCCURRENCE				
	AGGREGATE				
	EXCESS LIABILITY				
	UMBRELLA FORM				
	OTHER THAN UMBRELLA FORM				
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY				

	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE:				
	<input type="checkbox"/> INCL <input type="checkbox"/> EXCL				
	EL DISEASE-POLICY LIMIT				
	EL EACH ACCIDENT				
	EL DISEASE-EACH EMPLOYEE				
	OTHER				
	DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS (LIMITS MAY BE SUBJECT TO DEDUCTIBLES OR RETENTIONS)				
	Certificate Holder is named as additional insured as respects liability for the sidewalk constructed on city property at Shaws Northgate in Portland, Maine				
	CANCELLATION				

SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL _____ 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES.

City of Portland
Planning & Urban Development
Sarah Hopkins City Hall
389 Congress Street
Portland, ME 04101

MARSH USA INC.
BY: Linda York
MM1(9/99)

VALID AS OF: 01/02/02

Shaw's York

**REVOCABLE LICENSE AGREEMENT
FOR
SHAW'S REALTY CO.
RE: (NORTHGATE PLAZA)**

A revocable license is hereby granted to Shaw's Realty Co. to occupy portions of land owned by the City on Allen Avenue, City of Portland, which property abuts the property of Shaw's Realty Co., located at 91 Auburn Street, as shown on the attached plan, for the purpose of locating a pedestrian sidewalk on City property (as shown on the attached plan) upon the following conditions:

1. Shaw's Realty Co. (hereinafter "Licensee"), shall indemnify the City of Portland, its officers, agents and employees from any and all claims which arise out of its use or the use of others of the City's property in conjunction with activities related to the temporary construction and long term use of the pedestrian sidewalk upon City property at _____ Allen Avenue.

2. Licensee shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit, covering claims for bodily injury, death and property damage arising out of the activities on said property and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of licensee under the terms of this license.

3. This license may be revoked upon a six (6) month written notice issued by the City Manager.

Date 11-23-00

Robert B. Ganley
City Manager

Date Nov 1, 2000

Shaw's Realty Co.
By: Stuart E. Johnson
Its: Vice President

**REVOCABLE LICENSE AGREEMENT
FOR
SHAW'S REALTY CO.
RE: (NORTHGATE PLAZA)**

A revocable license is hereby granted to Shaw's Realty Co. to occupy portions of land owned by the City on Allen Avenue, City of Portland, which property abuts the property of Shaw's Realty Co., located at 91 Auburn Street, as shown on the attached plan, for the purpose of locating a pedestrian sidewalk on City property (as shown on the attached plan) upon the following conditions:

1. Shaw's Realty Co. (hereinafter "Licensee"), shall indemnify the City of Portland, its officers, agents and employees from any and all claims which arise out of its use or the use of others of the City's property in conjunction with activities related to the temporary construction and long term use of the pedestrian sidewalk upon City property at _____ Allen Avenue.
2. Licensee shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit, covering claims for bodily injury, death and property damage arising out of the activities on said property and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of licensee under the terms of this license.
3. This license may be revoked upon a six (6) month written notice issued by the City Manager.

Date
Shaw's Realty Co.

By: STEVEN F. JACKSON
Its: Vice President

Date
Robert B. Ganley
City Manager

INDEMNITY AGREEMENT

Shaw's Realty Co., a Maine corporation with a place of business at

P.O. Box 3566, Portland, County of Cumberland and State of Maine, its successors

and assigns, in exchange for the permission granted by the City of Portland for the

placement of a sidewalk on property abutting property owned by Shaw's Supermarket at

91 Auburn Street, covenants and agrees to indemnify, defend and hold harmless the City

of Portland, its agents, employees, officers, attorneys, successors and assigns, and each of

them jointly and severally, from any and all damages; actions; causes of action; claims

and demands of any nature, whether for property damage or personal injury (including

death); and costs, including without limitation costs of attorneys' fees and defense, which


Shaw's Realty Co., its successors and assigns, or which any other person, partnership,

corporation, or other entity have or may have on account of the placement, location,

maintenance and operation of the sidewalk in the public way.

Shaw's Realty Co.

Dated: Nov 1, 2012

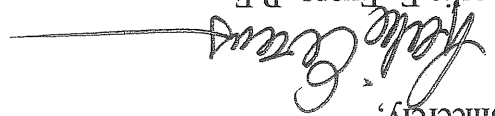
By:  Steve E. Jackson

Print or Type Name

Its: Vice President

Senior Project Manager

Leslie E. Evans, P.E.



Sincerely,

Thank you.

Enclosed please find the Revocable License Agreement and Indemnity Agreement executed on behalf of Shaw's. Please return a copy of the Revocable License Agreement after it has been countersigned by the City Manager.

Dear Sarah:

RE: Shaw's, Northgate Shopping Center

Ms. Sarah Hopkins
Senior Planner
Planning & Urban Development
City Hall
389 Congress Street
Portland, ME 04101

November 6, 2000

SHAW'S SUPERMARKETS, INC.,
P.O. BOX 3566 • PORTLAND • MAINE 04104





November 14, 2000

Ms. Sarah Hopkins

Senior Planner

Planning & Urban Development

City Hall

389 Congress Street

Portland, ME 04101

RE: Shaw's, Northgate Shopping Center

Dear Sarah:

Enclosed please find a check for \$7,823 for engineering review and inspection fees. The Letter of Credit is currently being processed and will be forwarded shortly. I expect to have the light fixture catalog sheet by the end of this week and will forward it to you when received.

Receipt of these remaining items should fulfill all of the Planning Board approval requirements for this project. Please contact me at (207) 773-0211, ext. 8257 if this is not the case.

Sincerely,

A handwritten signature in blue ink that reads 'Leslie E. Evans, P.E.'.

Leslie E. Evans, P.E.

Senior Project Manager

Enclosure

P.O. Box 3566 Portland, ME 04104
Phone: (207) 773-0211 / Fax: (207) 773-4640

CERTIFICATE OF INSURANCE

PRODUCER
Marsh USA Risk Services, Inc.
Two Monument Square
Portland, ME 04101

COMPANIES AFFORDING COVERAGE

COMPANY	A	ROYAL INS CO OF AMERICA
COMPANY	B	
COMPANY	C	
COMPANY	D	

INSURED
Shaw's Supermarkets, Inc.
Susan Fortin, Vice President
P.O. Box 300
SOUTH EASTON, MA 02375-0300

2077745911

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

CO	LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS												
A		GENERAL LIABILITY	PT4593860000	1/01/00	1/01/01	<table border="1"> <tr> <td>GENERAL AGGREGATE</td> <td>\$ 400,000</td> </tr> <tr> <td>PRODUCTS - COMP/OP AGG</td> <td>\$ 400,000</td> </tr> <tr> <td>PERSONAL & ADV INJURY</td> <td>\$ 400,000</td> </tr> <tr> <td>EACH OCCURRENCE</td> <td>\$ 400,000</td> </tr> <tr> <td>FIRE DAMAGE (Any one fire)</td> <td>\$</td> </tr> <tr> <td>MED EXP (Any one person)</td> <td>\$</td> </tr> </table>	GENERAL AGGREGATE	\$ 400,000	PRODUCTS - COMP/OP AGG	\$ 400,000	PERSONAL & ADV INJURY	\$ 400,000	EACH OCCURRENCE	\$ 400,000	FIRE DAMAGE (Any one fire)	\$	MED EXP (Any one person)	\$
GENERAL AGGREGATE	\$ 400,000																	
PRODUCTS - COMP/OP AGG	\$ 400,000																	
PERSONAL & ADV INJURY	\$ 400,000																	
EACH OCCURRENCE	\$ 400,000																	
FIRE DAMAGE (Any one fire)	\$																	
MED EXP (Any one person)	\$																	

AUTOMOBILE LIABILITY	ANY AUTO					
	ALL OWNED AUTOS					
AUTOMOBILE LIABILITY	SCHEDULED AUTOS					
	HIRE AUTOS					
AUTOMOBILE LIABILITY	NON-OWNED AUTOS					
	PROPERTY DAMAGE					
GARAGE LIABILITY	AUTO ONLY - EA ACCIDENT					
	OTHER THAN AUTO ONLY:					
GARAGE LIABILITY	EACH ACCIDENT					
	AGGREGATE					
EXCESS LIABILITY	EACH OCCURRENCE					
	AGGREGATE					
EXCESS LIABILITY	UMBRELLA FORM					
	OTHER THAN UMBRELLA FORM					
WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY					
	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE:					
WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	INCL					
	EXCL					

OTHER	EL DISEASE - EA EMPLOYEE					
	EL DISEASE - POLICY LIMIT					
OTHER	EL EACH ACCIDENT					
	WC STATU-TORY LIMITS					
OTHER	OTHR					
	EL DISEASE - POLICY LIMIT					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / SPECIAL ITEMS
Certificate Holder is named as respects liability for the sidewalk constructed on city property at Shaws Northgate in Portland, Maine

CERTIFICATE HOLDER
CANCELLATION
SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 30 * DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES.

BY: Marsh USA Risk Services, Inc.
City of Portland
Planning & Urban Development
Sarah Hopkins City Hall
389 Congress Street
Portland, ME 04101

VALID AS OF 12/12/00
JHMM1 (2/98)

CERTIFICATE OF INSURANCE

PRODUCER

Marsh USA Risk Services, Inc.
Two Monument Square
Portland, ME 04101

COMPANIES AFFORDING COVERAGE

COMPANY	
A ROYAL INS CO OF AMERICA	
B COMPANY	
C COMPANY	
D COMPANY	

INSURED

Shaw's Supermarkets, Inc.
Susan Fortin, Vice President
P.O. Box 300
SOUTH EASTON, MA 02375-0300

2077745911

COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	PT459386000	1/01/00	1/01/01	GENERAL AGGREGATE \$400,000 PRODUCTS - COMP/OP AGG \$400,000 PERSONAL & ADV INJURY \$400,000 EACH OCCURRENCE \$400,000 FIRE DAMAGE (Any one fire) \$ MED EXP (Any one person) \$

AUTOMOBILE LIABILITY	ANY AUTO	SCHEDULED AUTOS	HIRED AUTOS	NON-OWNED AUTOS	PROPERTY DAMAGE
					COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
GARAGE LIABILITY	ANY AUTO				
EXCESS LIABILITY	UMBRELLA FORM	OTHER THAN UMBRELLA FORM			
EMPLOYERS' LIABILITY	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE:	INCL	EXCL		
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / SPECIAL ITEMS					

Certificate Holder is named as additional insured as respects liability for the sidewalk constructed on city property at Shaws Northgate in Portland, Maine

CANCELLATION

SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 30 * DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES.

City of Portland
Planning & Urban Development
Sarah Hopkins City Hall
389 Congress Street
Portland, ME 04101

BY: Marsh USA Risk Services, Inc.

Charles J. Dutton

JHMM1 (2/98)

VALID AS OF:

12/12/00

CERTIFICATE OF INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

COMPANIES AFFORDING COVERAGE

A COMPANY
UNITED STATES FID & GUARANTY

B COMPANY

C COMPANY

D COMPANY

PRODUCER
Marsh USA Risk Services, Inc.
Two Monument Square
Portland, ME 04101

2077745911

INSURED
Shaw's Supermarkets, Inc.
Susan Fortin, Vice President
P.O. Box 600
E. BRIDGEWATER, MA 02333

COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	DRE5245601	1/01/01	1/01/02	GENERAL AGGREGATE \$400,000 PRODUCTS - COMP/OP AGG \$400,000 PERSONAL & ADV INJURY \$400,000 EACH OCCURRENCE \$400,000 FIRE DAMAGE (Any one fire) \$ MED EXP (Any one person) \$ COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	AUTOMOBILE LIABILITY				ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS
	GARAGE LIABILITY				ANY AUTO OTHER THAN AUTO ONLY:
	EXCESS LIABILITY				UMBRELLA FORM OTHER THAN UMBRELLA FORM
	EMPLOYERS' LIABILITY				WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE:
	OTHER				EL DISEASE - EA EMPLOYEE \$ EL DISEASE - POLICY LIMIT \$ EL EACH ACCIDENT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / SPECIAL ITEMS	
Certificate Holder is named as additional insured as respects liability for the sidewalk constructed on city property at Shaws Northgate in Portland, Maine	
CANCELLATION	

SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 30 * DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES.

City of Portland
Planning & Urban Development
Sarah Hopkins City Hall
389 Congress Street
Portland, ME 04101

BY: *Chump J. Santos*
Marsh USA Risk Services, Inc.

JHMM1 (2/98)

VALID AS OF:

1/01/01

CITY OF PORTLAND, MAINE

DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM

I. D. Number
20000037

Planning Department Copy

Shaw's Supermarkets, Inc.

Applicant

P.O. Box 942, S. Easton, MA

Applicant's Mailing Address

Appledore Engineering, Inc

Consultant/Agent

603-433-8818

Applicant or Agent Daytime Telephone, Fax

Assessor's Reference: Chart-Block-Lot

Address of Proposed Site

375 C015

91 - 91 Auburn St, Portland, Maine

Project Name/Description

Shaws Northgate Plaza - expand

Application Date

03/16/2000

Check Review Required:

- Site Plan (major/minor)
- Flood Hazard
- Zoning Conditional Use (ZBA/PB)
- Zoning Variance
- Subdivision # of lots
- Shoreland
- Subdivision
- Historic Preservation
- PAD Review
- DEP Local Certification
- 14-403 Streets Review
- Fees Paid: \$500.00
- Site Plan
- Engineer Review
- Date 03/15/2000

Planning Approval Status:

- Approved
- Approved w/Conditions
- Denied
- See Attached

Approval Date 06/15/2000 Approval Expiration 06/15/2000 Extension to 12/04/2000

OK to Issue Building Permit Signature sarah

Additional Sheets Attached

Performance Guarantee Accepted

Inspection Fee Paid

Building Permit Issue

Performance Guarantee Reduced

Temporary Certificate of Occupancy

Final Inspection

Certificate Of Occupancy

Performance Guarantee Released

Defect Guarantee Submitted

Defect Guarantee Released

Performance Guarantee Accepted

date 11/20/2000

date 11/20/2000

date

date

date

date

date

submitted date

date

amount \$7,043.00

amount

amount

remaining balance

signature

signature

signature

amount

signature

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

Performance Guarantee Required Not Required

FOUNDATION PERMIT FOR KENNEL SHOP ONLY

20000037
I. D. Number

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM

Applicant	Shaw's Supermarkets, Inc.
P.O. Box 942, S. Easton, MA	
Applicant's Mailing Address	
Appledore Engineering, Inc	
Consultant/Agent	
603-433-8818	
Applicant or Agent Daytime Telephone, Fax	
03/16/2000	Application Date
Shaws Northgate Plaza- expand	Project Name/Description
91 - 91 Auburn St, Portland, Maine	Address of Proposed Site
375 C015	Assessor's Reference: Chart-Block-Lot

DRC Conditions of Approval

1. that prior to issuance of a building permit, the applicant shall submit an executed license and indemnity agreement for the construction and mainte

Planning Conditions of Approval

1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

2. Separate permits shall be required for any new signage.

Inspections Conditions of Approval

Fire Conditions of Approval

Application requires State Fire Marshal approval.

Infrastructure Financial Contribution Form

Obtain an Account Number from Paul Colpitts, Chief Acct., (ext. 8665) prior to the distribution of this form.

Amount \$ 30,000

City Account Number: 710-0000-236-08-00

Project Name:

Shaws Northgate

Project Job Number:

20000037

(from Site Plan Application Form)

Project Location:

91 Auburn St

Project Description:
(attach approval letter)

Shaws expansion, pkg
reconfiguring

Applicant's Name:

Shaws Supermarkets

Applicant's Address:

190 Riverside St. Pld 04103

mail f.o. box 3566 Pld 04104

Expiration:

If funds are not expended or encumbered for the intended purpose by

_____, funds, or any balance of remaining funds, shall be returned to

contributor within six months of said date.

Funds shall be permanently retained by the City

Public for Allen Avenue
saundersparkh/recovery
works reconstruction.

Other (describe in detail)

Form of Contribution:

Escrow Account

Cash Contribution

Interest Disbursement:

Interest on funds to be paid to contributor only if project is not commenced.

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from Public Works, which form shall specify use of City Account # shown above.

Date of Form:

11/3/00

Planner:

Sarak Hopkins

Person Completing Form: SH

- The original form, copy of the check and any attachments shall be given to Debbie Marquis.
- The original check, copy of the form and any attachments shall be given to Jennifer Dorr.
- A copy of this form, the check and any attachments shall also be given to the following people:

Paul Colpitts
Jennifer Babcock
Planner
Alexander Jaegerman
William Bray
Tony Lombardo
Applicant
Penny Littell



November 2, 2000

Ms. Sarah Hopkins

Senior Planner

Planning & Urban Development

City Hall

389 Congress Street

Portland, ME 04101

RE: Shaw's, Northgate Shopping Center

Dear Sarah:

Enclosed please find a check for \$30,000 which is Shaw's contribution toward the Allen Avenue sewer separation/reconstruction project as required by our Planning Board approval.

I will be forwarding the license and indemnity agreement for the sidewalk to Allen Avenue by the first of next week and the performance guarantee will be forwarded as soon as it is received.

Appliedore Engineering has forwarded you revised plans showing the additional site items requested (stockade fencing, screening, noise mitigation, etc.) and I believe that addresses all issues required for the issuance of a building permit.

Please contact me at (207) 773-0211, ext. 8257 if there are any questions.

Sincerely,

A handwritten signature in black ink that reads 'Leslie E. Evans, P.E.' with a stylized flourish at the end.

Leslie E. Evans, P.E.

Senior Project Manager



SHAW'S SUPERMARKETS, INC.

P.O. Box 600
East Bridgewater, MA 02333

CITY OF PORTLAND
389 CONGRESS STREET
PORTLAND, ME 04101-3509

TO THE ORDER OF:

PAY *Thirty thousand and 00/100 Dollars*

[Signature]
AUTHORIZED SIGNATURE

VOID AFTER 90 DAYS

AMOUNT *****\$30,000.00**

CHECK NO. 898601 CHECK DATE 11/02/00
VENDOR NO. 109226

3990-09

52-153 South Portland, ME N.A. 112

⑈00898601⑈ ⑆011201539⑆ 80 060 158⑈

VENDOR NO. 109226							OUR REF. NO.
CITY OF PORTLAND							YOUR INV. NO.
SHAW'S SUPERMARKETS, INC.							INVOICE DATE
CHECK NO. 898601							INVOICE AMOUNT
							AMOUNT PAID
							DISCOUNT TAKEN
							NET CHECK AMOUNT
							30,000.00
							30,000.00
							30,000.00
							30,000.00
							09/28/00
							09282000
							964345

City of Portland Planning Department

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

FAX TRANSMISSION COVER SHEET

Date:

1/19/01

To:

Tom Bullard

Company:

Fleet Bank

Fax #:

617 434 2685

From:

Sarah Hopkins

RE:

Shows letter of credit

Tom -

Please make the changes in text and dates
as circled.

Both the LOC expiration and date for completion

of improvements should be October 29, 2001.

Let me know if you have any questions.

Sarah Hopkins

YOU SHOULD RECEIVE 6 PAGE(S),

INCLUDING THIS COVER SHEET.

IF YOU DO NOT RECEIVE ALL THE PAGES,

PLEASE CALL (207)874-8721 OR (207)874-8719.

1. THIS DRAWING RESULTS FROM NOTIFICATION THAT FLEET NATIONAL BANK HAS ELECTED NOT TO RENEW ITS LETTER OF CREDIT NO. WS1248959; OR October 29, 2001 WITHIN TWO YEARS) THE DEVELOPER HAS FAILED TO SATISFACTORILY COMPLETE BY DATE: WITHIN TWO (INSERT DATE) OR June 13, 2000 (INSERT DATE) OR Site plan SUBDIVISION AND/OR SITE IMPROVEMENTS (AS APPLICABLE) APPROVAL, DATED AND BOUNDS DESCRIPTION OF ANY STREETS, EASEMENTS OR OTHER IMPROVEMENTS REQUIRED TO BE DEEDED TO THE CITY; 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
3. THE DEVELOPER HAS FAILED TO POST THE TEN PERCENT (10%) DEFECT GUARANTEE REQUIRED BY PORTLAND CODE OF ORDINANCES CHAPTER 14 SECTIONS 501 AND 525; OR
4. THE DEVELOPER HAS FAILED TO NOTIFY THE CITY FOR INSPECTIONS.

IN THE EVENT OF SUCH NOTICE, THE CITY, IN ITS SOLE DISCRETION, MAY DRAW HERUNDER BY PRESENTATION OF A SIGHT DRAFT DRAWN ON THE BANK, ACCOMPANIED BY THE ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS THERETO, AND A STATEMENT PURPORTEDLY SIGNED BY THE DIRECTOR OF PLANNING AND URBAN DEVELOPMENT, AT FLEET NATIONAL BANK'S OFFICES LOCATED AT FLEET SERVICES CORP., 1 FLEET WAY, SCRANTON, PA 18907, ATTN: TRADE SERVICES - STANDBY UNIT STATING THAT:

IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT IS DEEMED TO BE AUTOMATICALLY EXTENDED WITHOUT AMENDMENT FOR PERIOD(S) OF ONE YEAR EACH FROM THE CURRENT EXPIRATION DATE HEREOF, OR ANY FUTURE EXPIRATION DATE, UNLESS WITHIN SIXTY (60) DAYS PRIOR TO ANY EXPIRATION, FLEET NATIONAL BANK NOTIFIES THE CITY BY CERTIFIED MAIL (RESTRICTED DELIVERY TO DVANE WLINE, DIRECTOR OF FINANCE, CITY OF PORTLAND, 389 CONGRESS STREET, PORTLAND, MAINE 04101) THAT FLEET NATIONAL BANK ELECTS NOT TO CONSIDER THIS LETTER OF CREDIT RENEWED FOR ANY SUCH ADDITIONAL PERIOD.

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 SECTION 501 OF THE PORTLAND CODE OF ORDINANCES, MAY AUTHORIZE THE FLEET NATIONAL BANK, BY WRITTEN CERTIFICATION, TO REDUCE THE AVAILABLE AMOUNT OF THE LETTER OF CREDIT BY A SPECIFIED AMOUNT.

IN THE EVENT OF THE FLEET NATIONAL BANK'S DISHONOR OF THE CITY OF PORTLAND'S SIGHT DRAFT, FLEET NATIONAL BANK SHALL INFORM THE CITY OF PORTLAND IN WRITING OF THE REASON OR REASONS THEREOF WITHIN THREE (3) WORKING DAYS OF THE DISHONOR.

1. THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: WS1248959
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
3. THE DEVELOPER HAS FAILED TO POST THE TEN PERCENT (10%) DEFECT GUARANTEE REQUIRED BY PORTLAND CODE OF ORDINANCES CHAPTER 14 SECTIONS 501 AND 525; OR
4. THE DEVELOPER HAS FAILED TO NOTIFY THE CITY FOR INSPECTIONS.

JAN - 2 2001

STANDBY LETTER OF CREDIT NO. MS1248959
DATE OF ISSUE: DECEMBER 28, 2000

ISSUING BANK:
FLEET NATIONAL BANK
A MEMBER FLEET FINANCIAL GROUP
P.O. BOX 2197, MA ML SFLINT
BOSTON MA 02106-2197

APPLICANT:
SHAW'S SUPERMARKETS, INC.
140 LAUREL STREET
EAST BRIDGEMATER, MA 02333
ATTN: BARRIE YOUNG

BENEFICIARY:
CITY OF PORTLAND 389 CONGRESS
STREET ATT: JOSEPH E. GRAY JR.
DIRECTOR OF PLANNING & DEVELOPMENT
PORTLAND, ME 04101

AMOUNT/CURRENCY:
USD 414,302.50
FOUR HUNDRED FOURTEEN THOUSAND THREE
HUNDRED TWO AND 50/100'S US DOLLARS

DATE AND PLACE OF EXPIRY:
OCTOBER 29, 2001 AT OUR COUNTERS

OK

RE: Shaw's Northgate, 91 Auburn St., Portland, ME *

FLEET NATIONAL BANK HEREBY ISSUES ITS IRREVOCABLE LETTER OF CREDIT FOR THE ACCOUNT OF SHAW'S SUPERMARKETS, INC., AS DEVELOPER, (HEREINAFTER REFERRED TO AS "DEVELOPER"), IN THE NAME OF THE CITY OF PORTLAND, IN THE AGGREGATE AMOUNT OF \$414,302.50. THESE FUNDS REPRESENT THE ESTIMATED COST OF INSTALLING SITE IMPROVEMENTS AS DEPICTED ON THE SITE PLAN IMPROVEMENTS, APPROVED ON JUNE 13, 2000 AND AS REQUIRED UNDER PORTLAND CODE OF ORDINANCES CHAPTER 14 SECTIONS 499.5, 499.5, 525 AND CHAPTER 25 SECTIONS 46 THROUGH 63.

THIS IRREVOCABLE LETTER OF CREDIT IS INTENDED TO SATISFY THE DEVELOPER'S OBLIGATION, UNDER PORTLAND CODE OF ORDINANCES CHAPTER 14 SECTIONS 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 ON THIS LETTER OF CREDIT BY PRESENTATION OF A SIGHT DRAFT AND THE ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS THERETO, AT FLEET NATIONAL BANK'S OFFICES LOCATED AT FLEET SERVICES CORP., 1 FLEET WAY, SCRANTON, PA 18507, ATTN: TRADE SERVICES - STANDBY UNIT, STATING THAT:

THE DEVELOPER HAS FAILED TO SATISFACTORILY COMPLETE BY DATE WITHIN TWO YEARS BUT NOT BETWEEN OCTOBER 30 AND APRIL 15) THE WORK ON THE IMPROVEMENTS CONTAINED WITHIN THE ~~INTEREST SUBDIVISION AND/OR SITE IMPROVEMENTS AS~~ (APPLICABLE) APPROVAL, DATED (INTEREST DATE) OR

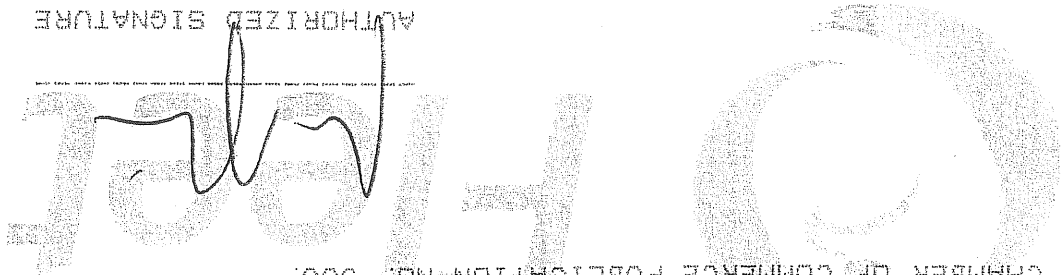
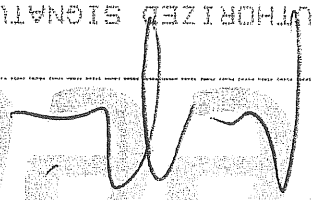
June 13, 2000

October 29, 2001

Handwritten marks and arrows on the left side of the page.

THIS DOCUMENT CONSISTS OF 3 PAGE(S).

AUTHORIZED SIGNATURE



INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 500.
THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1993 REVISION),
EXCEPT AS OTHERWISE EXPRESSLY STATED HEREIN, THIS CREDIT IS ISSUED SUBJECT TO

2. THE EXPIRATION DATE OF (DATE MAY NOT FALL BETWEEN OCTOBER 30 THROUGH APRIL 15) OR ANY AUTOMATICALLY EXTENDED DATE AS SPECIFIED HEREIN.

October 29, 2001 ~~April 16, 2002~~

1. FLEET NATIONAL BANK'S RECEIPT OF WRITTEN NOTIFICATION FROM THE CITY OF PORTLAND THAT SAID WORK CONTAINED WITHIN THE ~~(INSERT SUBDIVISION AND/OR SITE IMPROVEMENTS (AS APPLICABLE))~~ APPROVAL AND AS REQUIRED BY PORTLAND CODE OF ORDINANCES CHAPTER 14 SECTIONS 499, 497.5, 525 AND CHAPTER 25 SECTION 46 THROUGH 65 HAS BEEN COMPLETED IN ACCORDANCE WITH THE CITY OF PORTLAND'S SPECIFICATIONS AND THE (BANK'S) LETTER OF CREDIT NO. WS1248959 MAY BE CANCELLED; OR

THIS LETTER OF CREDIT WILL AUTOMATICALLY EXPIRE UPON THE EARLIER OF:

5. THE DEVELOPER HAS FAILED TO NOTIFY THE CITY FOR INSPECTIONS.

REQUIRED BY PORTLAND CODE OF ORDINANCES CHAPTER 14 SECTIONS 501 AND 525; OR

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: WS1248959

THE FOLLOWING CONDITION HAS BEEN CHANGED:
1. THIS DRAWING RESULTS FROM NOTIFICATION THAT FLEET NATIONAL BANK HAS ELECTED NOT TO RENEW ITS LETTER OF CREDIT NO. MS1248959; OR
2. THE DEVELOPER HAS FAILED TO SATISFACTORILY COMPLETE BY APRIL 15, 2002 THE WORK ON THE IMPROVEMENTS CONTAINED WITHIN THE SITE PLAN APPROVAL, DATED

October 29, 2001

3. THE DEVELOPER HAS FAILED TO POST THE TEN PERCENT (10%) DEFECT GUARANTEE REQUIRED BY PORTLAND CODE OF ORDINANCES CHAPTER 14 SECTIONS 501 AND 525; OR
4. THE DEVELOPER HAS FAILED TO NOTIFY THE CITY FOR INSPECTIONS
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

THE FOLLOWING CONDITION HAS BEEN CHANGED:
1. THE DEVELOPER HAS FAILED TO SATISFACTORILY COMPLETE BY APRIL 15, 2002 THE WORK ON THE IMPROVEMENTS CONTAINED WITHIN THE SITE PLAN APPROVAL, DATED JUNE 13, 2000; OR

October 29, 2001

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

BENEFICIARY:
CITY OF PORTLAND 389 CONGRESS
STREET ATT: JOSEPH E. GRAY JR.
DIRECTOR OF PLANNING & DEVELOPMENT
PORTLAND, ME 04101

ISSUING BANK:
FLEET NATIONAL BANK
A MEMBER FLEET FINANCIAL GROUP
P.O. BOX 2197, MA ML SFLINT
BOSTON MA 02106-2197

APPLICANT:
SHAW'S SUPERMARKETS, INC.
140 LAUREL STREET
EAST BRIDgewater, MA 02333
ATTN: BARRIE YOUNG

AMENDMENT TO LETTER OF CREDIT NO.: MS1248959
DATE OF ISSUE: DECEMBER 28, 2000

DATE OF AMENDMENT: JANUARY 9, 2001

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT/ADVICE NUMBER: MS1248959

JUNE 13, 2001 OR

3. 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 DEDED TO THE CITY; OR

4. THE DEVELOPER HAS FAILED TO POST THE TEN PERCENT (10%) DEFECT GUARANTEE REQUIRED BY PORTLAND CODE OF ORDINANCES CHAPTER 14 SECTIONS 501 AND 523; OR

5. THE DEVELOPER HAS FAILED TO NOTIFY THE CITY FOR INSPECTIONS.

THE FOLLOWING CONDITION HAS BEEN CHANGED:

THIS LETTER OF CREDIT WILL AUTOMATICALLY EXPIRE UPON THE EARLIER OF:

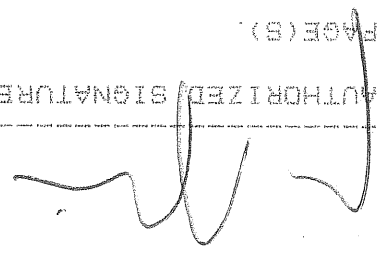
1. FLEET NATIONAL BANK'S RECEIPT OF WRITTEN NOTIFICATION FROM THE CITY OF PORTLAND THAT SAID WORK CONTAINED WITHIN THE SITE PLAN APPROVAL AND AS REQUIRED BY PORTLAND CODE OF ORDINANCES CHAPTER 14 SECTIONS 499, 499.5, 525 AND CHAPTER 25 SECTION 46 THROUGH 65 HAS BEEN COMPLETED IN ACCORDANCE WITH THE CITY OF PORTLAND'S SPECIFICATIONS AND THE (BANK'S) LETTER OF CREDIT NO. MS1248959 MAY BE CANCELLED; OR

OK

2. THE EXPIRATION DATE OF OCTOBER 29, 2001 OR ANY AUTOMATICALLY EXTENDED DATE AS SPECIFIED HEREIN.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

AUTHORIZED SIGNATURE



THIS DOCUMENT CONSISTS OF 2 PAGE(S).

City of Portland Planning Department

389 Congress Street, 4th Floor

Portland, ME 04101

(207)874-8721 or (207)874-8719

Fax: (207)756-8258

FAX TRANSMISSION COVER SHEET

Date:

10/18

To:

Steve Busby / Tony Lombardo

Company:

Talva-Hoffman / Public Works

Fax #:

879-0891

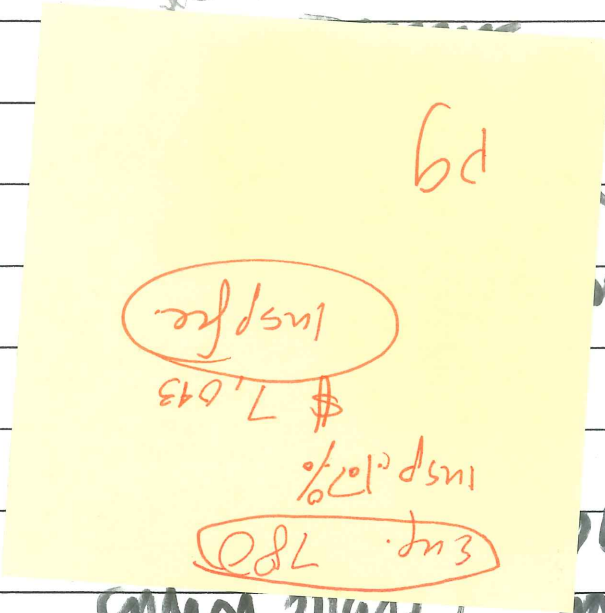
From:

Smith

RE:

Could you please

provide estimate for
this

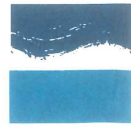


Best
8/11/18

YOU SHOULD RECEIVE _____ PAGE(S),

INCLUDING THIS COVER SHEET.

IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL (207)874-8721 OR (207)874-8719.



**Appledore
Engineering Inc.**

600 State Street, Suite D
Portsmouth, NH 03801
tel 603.433.8818
fax 603.433.8988
aei@nh.ultranet.com

October 16, 2000

Ms. Sarah Hopkins
Senior Planner
Planning & Urban Development
389 Congress Street
Portland, Maine 04101

Re: Proposed Shaw's Supermarket Expansion
Northgate Plaza
Portland, Maine
AEI/1251

Dear Ms. Hopkins:

Please find enclosed a copy of a cost estimate of improvements to be covered by performance guarantee as required by the City of Portland.

Please contact Les Evans, Shaw's Supermarkets, Inc., Construction Project Manager at 207-773-0211 for coordinating payment of the performance bond.

If you should have any questions, please feel free to contact me.

Very truly yours,

David A. Breittick, P.E.

Project Engineer

DAB\vc

(1251-066.doc)

Enclosure

cc: Les Evans
John Rowell
Dean Holt

ITEM	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
MISCELLANNEOUS (fences, water, gas and electric)	1	\$ 37,892.50		1	\$ 37,892.50	
TOTAL:			\$9,780.00			\$404,522.50
GRAND TOTAL:						\$414,302.50

INSPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
1.7% of totals:	\$166	\$6,877	\$7,043
or			
Alternative Assessment:	N/A		
Assessed by:	N/A		

LANDSCAPING

Large Deciduous	EA	0	\$	400.00	\$	-
Deciduous	EA	40	\$	200.00	\$	8,000.00
Large Evergreen	EA	0	\$	350.00	\$	-
Evergreen	EA	25	\$	160.00	\$	4,000.00
Shrub	EA	250	\$	55.00	\$	13,750.00
Loam(import)	SY	1600	\$	3.00	\$	4,800.00

\$ 30,550.00



Sarah Hopkins
Senior Planner

Jan
Shaw's Northgate
ID# 20000837

Very Sincere Fee
280.00
500.00
PLPH.

Inspection Fee
100.00
PMH
H 6,8-77.00
PLPH-H
Shaw's
Sawbr

389 Congress St., 4th fl. • Portland, ME • (207) 874-8720 • Fax 756-8258

Email: sh@ci.portland.me.us

VENDOR NO. 109226							
CITY OF PORTLAND							
SHAW'S SUPERMARKETS, INC.							
CHECK NO. 902926							
OUR REF. NO.	983968	YOUR INV. NO.	09282000	INVOICE DATE	09/28/00	INVOICE AMOUNT	7,823.00
AMOUNT PAID	7,823.00	DISCOUNT TAKEN		NET CHECK AMOUNT	7,823.00		

⑈00902926⑈ ⑆011201539⑆ 80 060 168⑈

SHAW'S SUPERMARKETS, INC.
P.O. Box 600
East Bridgewater, MA 02333

TO THE ORDER OF:
CITY OF PORTLAND
389 CONGRESS STREET
PORTLAND, ME 04101-3509

PAY TO THE ORDER OF
Seven thousand eight hundred twenty three and 00/100 Dollars

VOID AFTER 90 DAYS

BankBoston Maine, N.A.
South Portland, ME
52-153 :112

AMOUNT
*****\$7,823.00**

3990-09

VENDOR NO. 109226

CHECK NO. 902926
CHECK DATE 11/14/00

[Signature]
AUTHORIZED SIGNATURE

Infrastructure Financial Contribution Form

Obtain an Account Number from Paul Colpitts, Chief Acct., (ext. 8665) prior to the distribution of this form.

City Account Number: 710-0000-236-08-00

91 Auburn St.

20000037

91 Auburn St

Shaws expansion, pkg

reconstruction

Shaws Supermarkets

190 Riverside St. Flid 04103

Amount \$ 30,000

Project Name: Shaws Northgate

Project Job Number:

(from Site Plan Application Form)

Project Location:

Project Description: (attach approval letter)

Applicant's Name:

Applicant's Address: mail P.O. Box 3566 #10 04104

Expiration:

If funds are not expended or encumbered for the intended purpose by _____, funds, or any balance of remaining funds, shall be returned to contributor within six months of said date.

Funds shall be permanently retained by the City for Allen Avenue

Public works saved separately/redundant reconstruction.

Other (describe in detail)

Form of Contribution:

Escrow Account

Cash Contribution

Interest Disbursement:

Interest on funds to be paid to contributor only if project is not commenced.

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from Public Works, which form shall specify use of City Account # shown above.

Date of Form:

11/3/00

Person Completing Form:

SH

Sarah Hopkins

- The original form, copy of the check and any attachments shall be given to Debbie Marquis.
- The original check, copy of the form and any attachments shall be given to Jennifer Dorr.
- A copy of this form, the check and any attachments shall also be given to the following people:

Paul Colpitts
Jennifer Babcock
Planner
Alexander Jaegerman
William Bray
Applicant
Tony Lombardo
Penny Littell



November 2, 2000

Ms. Sarah Hopkins
Senior Planner
Planning & Urban Development
City Hall
389 Congress Street
Portland, ME 04101

RE: Shaw's, Northgate Shopping Center

Dear Sarah:

Enclosed please find a check for \$30,000 which is Shaw's contribution toward the Allen Avenue sewer separation/reconstruction project as required by our Planning Board approval.

I will be forwarding the license and indemnity agreement for the sidewalk to Allen Avenue by the first of next week and the performance guarantee will be forwarded as soon as it is received. Appledore Engineering has forwarded you revised plans showing the additional site items requested (stockade fencing, screening, noise mitigation, etc.) and I believe that addresses all issues required for the issuance of a building permit.

Please contact me at (207) 773-0211, ext. 8257 if there are any questions.

Sincerely,

Leslie E. Evans, P.E.

Leslie E. Evans, P.E.
Senior Project Manager

Shaw's

SHAW'S SUPERMARKETS, INC.

P.O. Box 600
East Bridgewater, MA 02333

BankBoston Maine, N.A.
South Portland, ME

52-153
112

3990-09

CHECK NO. 898601 CHECK DATE 11/02/00 VENDOR NO. 109226

AMOUNT
*****\$30,000.00**

PAY *Thirty thousand and 00/100 Dollars*

TO THE ORDER OF:

CITY OF PORTLAND
389 CONGRESS STREET
PORTLAND, ME 04101-3509

VOID AFTER 90 DAYS


AUTHORIZED SIGNATURE

⑆00898601⑆ ⑆011201539⑆ 80 060 168⑆

Russell J. & Donna M. Gauvin

18 Brook Road

Portland, Maine 04103-3723

Tel: 207-797-9653 e-mail: RussGauvin@aol.com

June 13, 2000

Mr. Joseph E. Gray, Jr.
Director of Planning and Urban Development
City Hall
389 Congress Street
Portland, Maine 04101

RE: Northgate Shopping Center, 91 Auburn Street

Dear Sir:

We are writing to express our concern about the planned expansion of the building at the Northgate Shopping Center. In particular, we are concerned about the expansion of the Shaws building and operation at that location. We live with our family at 18 Brook Road. We bought our home there over ten years ago. Our property directly abuts the brook and Shaws parking lot. Over the years we have experienced a number of problems with Shaws. We want to point out some of these problems in hopes that the problems can be corrected or lessened in the process of this planned expansion.

During the last expansion, Shaws relocated one of their loading docks to the side of the building nearest Allen Avenue. This is apparently used for delivery of perishables. They also situated their trash compactor next to this loading dock. We were concerned at that time about noise from deliveries, but were assured verbally that deliveries there would only occur after 7 a.m. We were also verbally assured that the compactor would only be dumped or exchanged after 7 a.m. Since that time, our family has been awakened many nights by trucks unloading at that platform. We have laid in bed many a night after returning home from work at 2 a.m. only to listen to the whoosh, bang of crates and boxes being unloaded. On the worst nights, we have called to complain. Many nights Shaws' phone is not answered. On those night when we were fortunate enough to get an answer, the noise usually stopped within a few minutes. Follow-up calls to the Shaws store manager the following day have always been met with empty promises that the problem would not happen again.

The produce compactor has also been a recurring problem. The trucks often come very early in the morning, 4 or 5 a.m., to empty the compactor. Emptying or exchanging the container makes quite a racket. Usually, we sleep through it, but occasionally we are jarred from our sleep when a container is thumped or dropped

heavily. The other recurring problem with the produce dumpster is that it leaks fluid and quickly ripens to an awful stench in warm weather. Every time the weather gets warm, we are forced to endure the putrid smell of rotting vegetables and soured produce. At least three or four times a year we are unable to use our yard because the stench is so bad. Each time, we have to call the Shaws manager and complain. Sometimes the problem is corrected in a day or so, other times more calls are needed. Several times we have had to call the City's Inspections Department before corrective action was taken. Each time, we are told that it won't happen again.

The last ongoing problem we want to bring to your attention is the trash and litter that blows through our neighborhood, settles around the brook, gets washed down the brook, or gets caught high in our trees. There is NO doubt where this litter comes from. The Shaws name is clearly visible on the plastic bags and other trash. The trash is most noticeable in the spring after the snow melts, but before the long grass around the brook grows and conceals it. Every spring, we have to call Shaws to ask them to clean up their trash around the brook. Sometimes they do, sometimes they don't. We have repeatedly been told that they would add the brook clean up to their list of things to do next spring. Every time, the brook goes uncleaned unless we call repeatedly and complain.

Shaws is NOT a good neighbor. For example, when the parking lot lights needed to be rewired a few years ago, they had a contractor come in with a jack hammer mounted on an excavator to dig the trenches. They scheduled the contractor to come in starting at 11 p.m. after their store closed to customers. We had already been asleep over an hour when we were startled awake by the jack hammer cutting a trough in the parking lot less than 100 feet from our window. We called Shaws, but had to call the police before the contractor would stop. Shaws gave us such a hard time that we followed up with the City's Inspections Department the next day.

Given our experience with Shaws, we hope you can understand that we are very concerned about the impact this expansion will have on us and our neighborhood. We don't trust Shaws. We were told during the last remodeling that they would work with us to minimize problems. We asked Shaws to increase the number of trees they planted along the parking lot near the brook, but they refused to add more. We asked them to make the fence longer along the brook, but they refused. They said that they wanted that space to dump snow in the brook in the winter. We do not believe that they can legally dump in the brook any longer as it is a water shed that flows directly into Back Bay. The last few years they have been piling up the snow in the lot and either letting it melt or trucking it away.

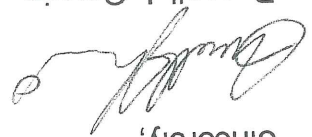
We hope that the Planning Board does not approve this project without concrete commitments in writing from Shaws to address these problems. We would like to see deliveries to the Allen Ave side loading dock prohibited from 11 p.m. to 7 a.m. We would like the produce waste container to be cleaned, emptied, and treated with

deodorizers more frequently in warm weather -- before it stinks and we have to call. This container should also NOT be emptied between 11 p.m. and 7 a.m. Shaws should have to construct a solid wall of cinder block or brick on the brook side of the loading dock at least ten feet high extending out at least 50 feet from the building. This would help deflect some of the noise back toward Auburn Street and away from the residences on Brook Road. More evergreen trees should be planted along the brook toward Allen Avenue continuing as far as the brook goes before going underground. This would eliminate some of the aesthetic problems and would also reduce some of the noise. The fence that currently runs next to the Allen Ave loading dock should be extended at least to the point where the brook goes underground. This will greatly reduce the trash, litter and garbage that ends up in the brook, on our lawns and in our trees.

We have not circulated a petition yet, but we have spoken to many neighbors. Almost all agreed that Shaws is not as responsible neighbor. Shaws should become a responsible property owner and good neighbor. They should clean up their lot and property frequently -- before it gets bad. Out of respect for the residential neighborhood they about, they should be committed to keeping noise down from trucks, work, loading, etc..., especially at night.

We hope that the future will prove us wrong, but to this point our experience with Shaws indicates that the expansion will just bring more problems. We are asking you to deny this expansion request unless sufficient steps and safeguards are put in place to protect the residences nearby. We would appreciate a response to this letter. Thank you.

Sincerely,



Russell J. Gauvin &



Donna M. Gauvin

Councilor Jay Hibbard
Councilor Phillip J. Dawson
Councilors Nicholas M. Mavadones, Jr.
Councilor James F. Cloutier
Councilor Nathan H. Smith

cc:

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Sarah Hopkins" <SH@cl.portland.me.us>
Date: Wed, Jun 7, 2000 8:07 AM
Subject: Northgate Shaws

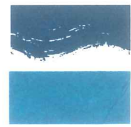
Sarah,
I have reviewed the latest plan set by Appledore engineering dated May 25, 2000 for the Northgate Shaws expansion project. I provide the following comments:

1. The plans are complete and provide adequate measures for layout, erosion control and construction.
2. The plans do not include any measures for stormwater treatment. I had requested a water quality treatment unit(s) be provided as has been a standard practice for other similar projects, so I will again raise this as an issue. As you may recall, the Shop n' Save expansion on Forest Avenue was made to provide a Vortechinics Unit and their expansion proposal was very similar to the Shaw's proposal.

Other than the water quality treatment issue, I find the plans acceptable and can recommend approval.

If you have any questions please call

Steve Bushey Acting Development Review Coordinator.



**Appledore
Engineering Inc.**

600 State Street, Suite D
Portsmouth, NH 03801
tel 603.433.8818
fax 603.433.8988
aei@nh.ultranet.com

October 19, 2000

Ms. Sarah Hopkins
Senior Planner
Planning & Urban Development
389 Congress Street
Portland, Maine 04101

Re: Proposed Shaw's Supermarkets Expansion
Northgate Plaza
Portland, Maine
AEI/1251

Dear Sarah:

Please find enclosed seven (7) copies of the Overall Site Plan, drawing C-2 prepared by Appledore Engineering, Inc. (AEI) revised October 19, 2000 for signature by the Planning Board. The following revisions have been made in accordance with your letter dated September 28, 2000 and our discussion on October 13, 2000:

- The site plan shows construction of acoustical barrier walls at the two loading areas as recommended in an Environmental Sound Level Analysis prepared by Cavanaugh & Tocci dated August 31, 2000.
- Removal of the existing trash compactor and replacement with a new or refurbished watertight compactor is noted on the site plan.
- Note #8 has been added stating a restriction on the hours of dumpster and compactor removal as recommended in the Environmental Sound Level Analysis prepared by Cavanaugh & Tocci dated August 31, 2000.

If you should have any questions please feel free to contact me.

Very truly yours,

David A. Breitrick

David A. Breitrick, P.E.
Project Engineer

DAB\maa
(1251-067.doc)

Enclosure

cc: Les Evans
John Rowell

Shows
- stormwater treatment
→ \$30,000.

~~green vinyl~~. Stockade fence
along.

license. Check w/ Penny.
Allen - crosswalk

No "by others" for crosswalk

City of Portland Planning Department

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

FAX TRANSMISSION COVER SHEET

Date:

To:

Company:

Fax #:

From:

RE:

Let's try this again...
-5

YOU SHOULD RECEIVE _____ PAGE(S),
INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 OR 207-874-8719.

May 25, 2000

Mr. Alexander Jaegerman
Chief Planner
Planning and Urban Development
389 Congress Street
Portland, Maine 04101

Re: Proposed Shaw's Supermarket Expansion
Northgate Plaza
Portland Maine
AEI/1251

Dear Mr. Jaegerman:

Please find enclosed revised Site Plans and information relating to the proposed Shaw's Supermarket expansion at Northgate Plaza. The enclosed plans and information includes the following:

- Nine (9) complete sets of Site Plans dated March 21, 2000, revised May 25, 2000.
- Nine (9) copies of an Existing Conditions Photometrics Plan.
- Nine (9) copies of a Proposed Photometrics Plan prepared for an upgraded site lighting system for the shopping center.
- Nine (9) copies of a Licensing Exhibit Plan.

Revisions have been made as a result of comments received at the Planning Board Workshop meeting held on April 25, 2000 and follow-up meetings with Sarah Hopkins and Tony Lombardo on May 10, 2000. The following summarizes revisions made to the Site Plans and action taken since April 25, 2000:

The Planning Board indicated that improvements to stormwater quality from parking

area runoff should be provided as part of the proposed expansion. The Board recommended installation of Stormwater Quality structures (such as Vortech®).

Based on my discussions with Tony Lombardo, Public Works Engineer, we propose the following:

a) Abandon the existing storm drain connection from the site into the combined sewer system. See drawing C-3.

b) Construct a new separate storm drain outlet into the Fall Brook storm drain system. See drawing C-4.

c) In lieu of installing a Stormwater Quality Structure, Mr. Lombardo suggested that an equivalent dollar amount be contributed by Shaw's to the City to assist with separating stormwater from the combined sewer system in Allen Avenue. Shaw's has agreed to contribute \$30,000 to the City as part of this project.

Pedestrian Access

The Planning Board requested that pedestrian access from Allen Avenue into the site be provided as part of the proposed expansion.

Construction of a sidewalk from Allen Avenue into the site is shown on drawing C-2.

The construction of this sidewalk should be coordinated with sidewalk and drainage

improvements proposed by the City on Allen Avenue. According to Mr. Lombardo, Allen Avenue improvements are scheduled for construction in September 2000.

A portion of the sidewalk encroaches onto City property presently occupied by the Fire Station. Based on a meeting with City Counsel, the legal instrument to allow this

encroachment would be a Revocable License from the City in favor of Shaw's. The

attached Licensing Exhibit Plan shows limits of permanent and temporary construction

license areas. Shaw's will work with City Counsel to execute a Revocable License with the City.

Landscape Buffers

The Planning Board requested that improved screening of Shaw's loading areas from adjacent residences be provided as part of the proposed expansion.

Installation of a chainlink fence with vinyl slats and landscape buffer planting is shown on drawing C-5. The proposed landscaping and fence will screen views of Shaw's grocery and vendor loading area (in the northeast corner) and the rear of the proposed building expansion from adjacent residences.

An existing fence and landscaping provides sufficient screening of Shaw's perishable loading and compactor area (in the southeast corner) from residential properties. See the attached exhibit with photos of the existing screening at the perishable loading area.

Site Lighting

The City of Portland has recently adopted Site Lighting Standards as an amendment (effective February 15, 2000) to their Technical Design Standards and Guidelines. The Planning Board requested that we demonstrate compliance with the new Site Lighting Standard at Northgate Plaza.

We have prepared two photometric plans (existing and proposed). An existing conditions photometric plan (lighting level study) was based on the best available records of the existing fixtures, distribution type, pole height and mounting angles to estimate the existing lighting levels. The results of the existing conditions photometric plan indicate that the existing site lighting does not meet the new City Standard for site lighting adopted on February 15, 2000.

As a result of existing non-compliance with Site Lighting Standards, AEI prepared a proposed site lighting layout with new pole bases and fixtures for a large portion of the shopping center. The proposed photometric plan generally complies with the Portland Site Lighting Standards. The Photometrics based on the proposed site lighting layout provides the following improvements from the estimated Photometrics based on the existing site lighting layout:

- a) Reduces "hot" spots from 21.5 fc to a 6.9 fc.
- b) Reduces max/min ratios from more than 100:1 to the required 20:1.
- c) Eliminates spillage of site lighting onto residential properties in the southeast corner.
- d) Improves lighting at the main entrance at Auburn Street and the access drive to Allen Avenue.

Proposed Shaw's Supermarket Expansion
Northgate Plaza
Portland Maine
AEI/1251
Page - 4

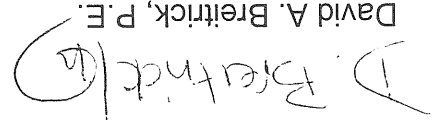
Recycle Containers

Based a meeting with Sarah Hopkins on May 10, 2000, the City has agreed to empty the containers more frequently to reduce debris.

Based on my telephone conversation with Sarah Hopkins on May 22, 2000, a Public Hearing for this project will be scheduled at the June 13, 2000 Planning Board Meeting.

If you should have any questions, please feel free to contact me.

Very truly yours,



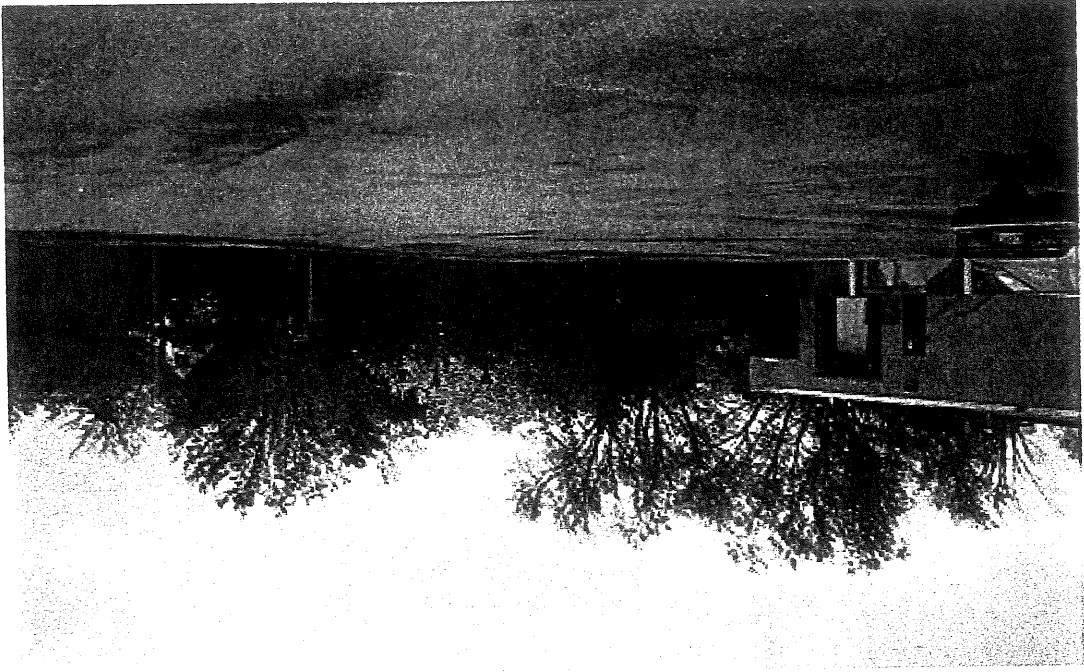
David A. Breitrick, P.E.

Project Engineer

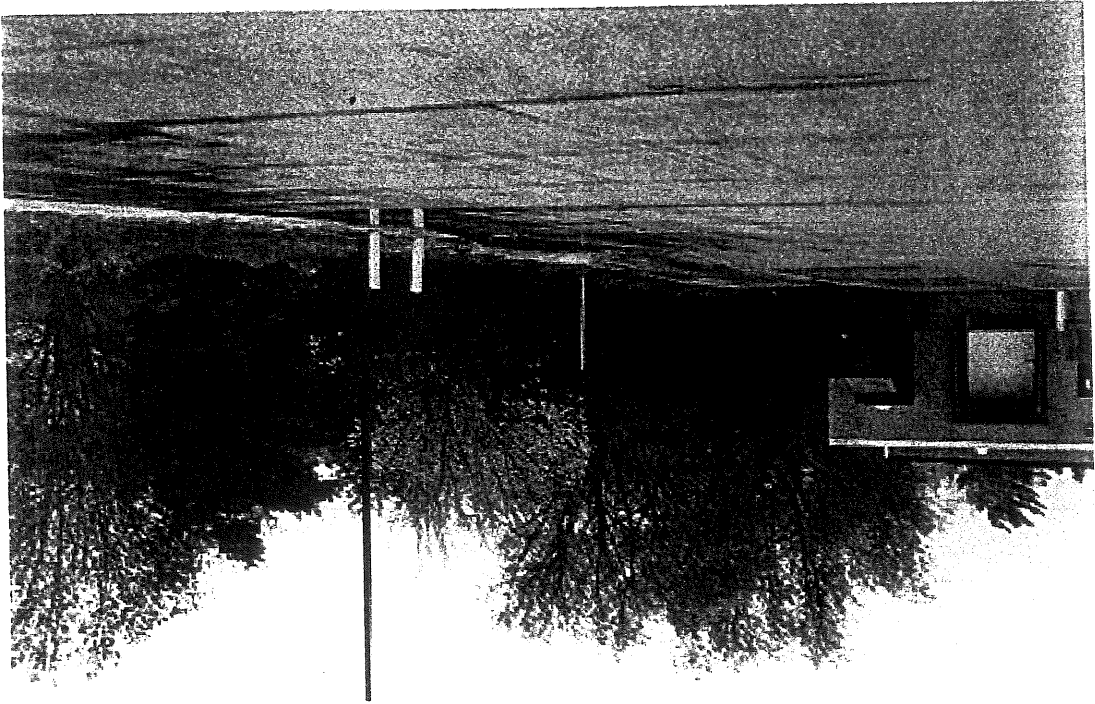
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cc w/encl: Sarah Hopkins
Dean Holt, Shaw's
John Rowell, Shaw's
Steve Lamontagne, Shaw's
Les Evans, Shaw's

EXISTING SCREENING AT PERISHABLE LOADING AREA



EXISTING SCREENING AT PERISHABLE LOADING AREA



Appledore Engineering Inc.
 600 State Street, Suite D
 Portsmouth, New Hampshire 03801
 (603) 433-8818
 del@appledoreeng.com

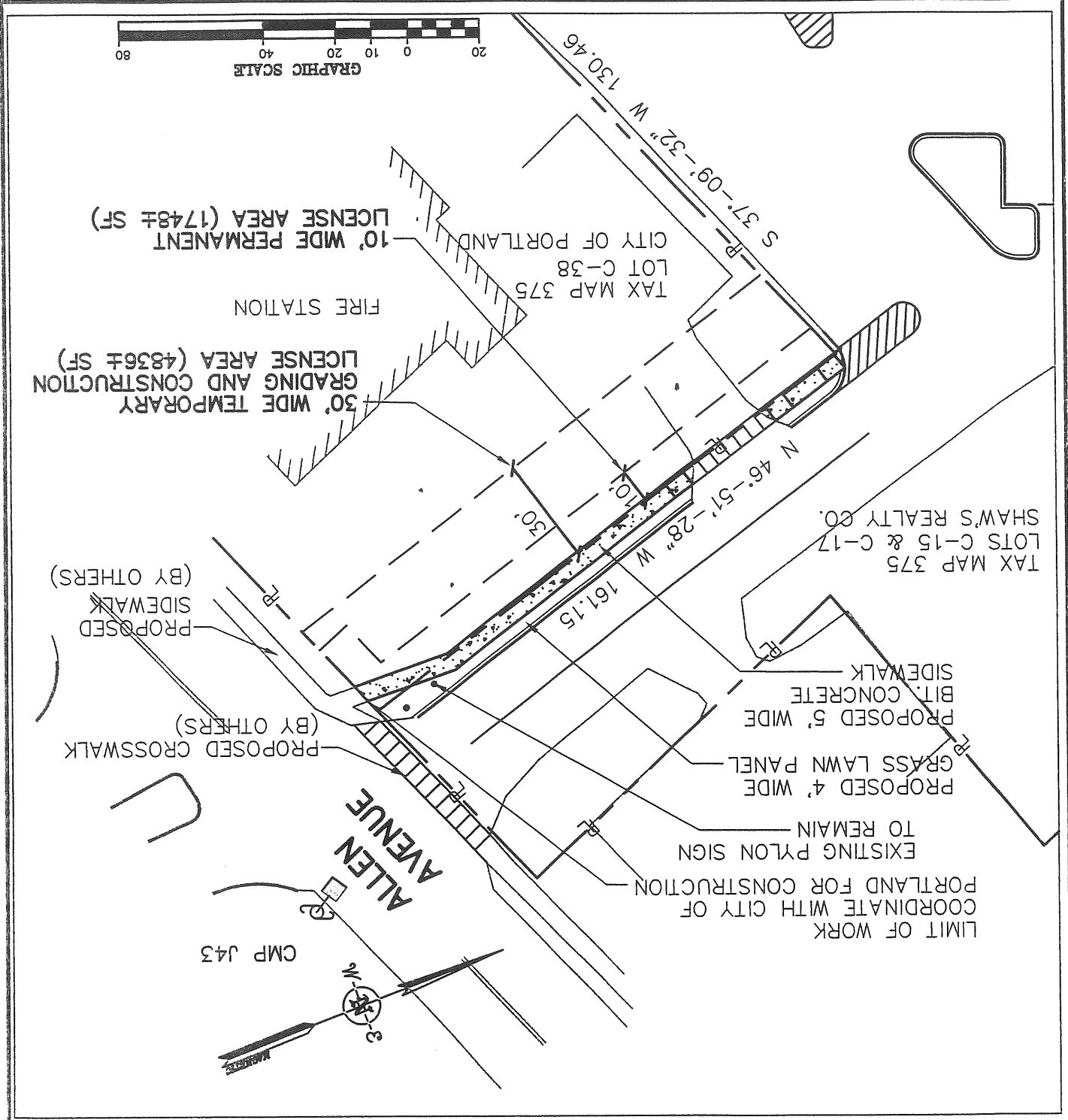
SHAW'S SUPERMARKETS
 NORTHGATE PLAZA
 PORTLAND, MAINE

OWNER:
 SHAW'S REALTY COMPANY
 P.O. BOX 942
 SOUTH EASTON, MA 02375

LICENSING EXHIBIT PLAN

SCALE: 1"=40'

DRAWING 1 OF 1



PUBLIC WORKS ENGINEERING
MEMORANDUM

To: Kandi Talbot, Planner

From: Anthony Lombardo, P.E., Project Engineer

Date: March 23, 2000

Subject: Shaw Supermarket Expansion...Northgate Plaza

The following comments were generated during Public Works Engineering review of the proposed commercial development:

1. It is apparent from reviewing the "Existing Conditions Plan" that stormwater treatment was not included as part of the original proposal for the development of the Northgate Shaws. As a result of the development of Stormwater Rules and Regulations by MDEP, any modification or expansion of this site will require the utilization of stormwater treatment on all of the surface water discharge points from this site.



Shaw's

Shaw's Liberty Office Park
P.O. Box 942, South Easton, MA 02375-0942

March 20, 2000

City of Portland
389 Congress Street
Portland, Maine 04101

To Whom It May Concern:

This is to serve as authorization for Appledore Engineering, Inc. to serve as Shaw's Supermarkets, Inc. authorized agent through the site plan approval process in the City of Portland, Maine.

Sincerely,

Steve A. Lamontagne
Vice President, Store Development

SAL/jhm

Offices at 120 Liberty Street, Brockton, Massachusetts
Telephone (508) 894-7000



March 14, 2000

Mr. Alex Jaegerman, AICP
Chief Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Proposed Additions and Renovations
Shaw's Supermarket
Northgate Plaza
Portland, Maine
AEI/1251

Dear Mr. Jaegerman:

On behalf of Shaw's Supermarkets, Inc., Appledore Engineering, Inc. is pleased to submit the following information for Site Review:

- A Site Review Pre-Application Form.
- A copy of the deed.
- A check in the amount of \$500.00 for Major Development Fee.
- Nine (9) sets of the Existing Conditions and Overall Site Plans.

We have submitted this information in follow-up to a meeting held on November 3, 1999 at the City Planning Department regarding Shaw's proposed expansion and plaza renovations. As a first step in the Site Plan approval process, we request a Planning Board Workshop meeting at their earliest convenience. Based on discussions with the Planning Department on March 13, 2000 the next available Agenda date for a Planning Board Workshop meeting would be April 18, 2000.

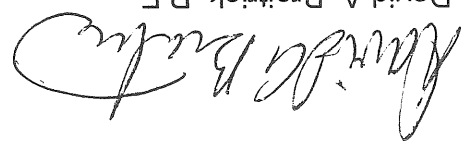
Full sets of plans, Project Narrative and all other required information in accordance with the City of Portland, Maine Site Plan Checklist will be submitted on or before March 28, 2000 (three weeks prior to the Workshop).

Proposed Additions and Renovations
Shaw's Supermarket
Northgate Plaza
Portland, Maine
AEI/1251
Page - 2

The project will include renovation of 13,180 s.f. of existing building area and construction of 10,910 s.f. of new building area on a 13.1± acre parcel. The parking area south of the existing supermarket will be reconfigured to improve traffic circulation and pedestrian safety. A portion of the parking area in front of the expanded supermarket will be reconstructed and re-graded. Minor modifications to the northern portion of the parking area are proposed including the addition of landscaped islands. Two existing secondary site driveways on Auburn Street will be eliminated to improve traffic and pedestrian safety. Other site access driveways will remain including two signalized intersections on Auburn Street and one un-signalized intersection on Allen Avenue. A more detailed description of the proposed sitework will be included in the Project Narrative.

We look forward to working with you and other City Departments during the Site Plan approval process.
If you should have any questions or require additional information, please feel free to contact me.

Very truly yours,



David A. Breiwick, P.E.
Project Engineer

DAB\vc
(1251-052.doc)

Enclosures

cc: John Rowell
Steve Lamontagne
Dean Holt

**Site Review Pre-Application
Multi-Family/Attached Single Family Dwellings/Two-Family Dwelling
or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the information below for Site Plan Review

NOTE**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.

ENGINEER: DAVID BRITTECK 603-433-8818

Applicant	Shaw's Supermarkets, Inc.
Applicant's Mailing Address	P.O. Box 942, S. Easton, MA
Consultant/Agent	Appledore Engineering, Inc.
Applicant/Agent Daytime telephone and FAX	
Assessor's Reference, Chart#, Block Lot#	375-C-015
Proposed Development (Check all that apply)	<input checked="" type="checkbox"/> Building Addition <input type="checkbox"/> New Building <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Other(Specify)
Change of Use	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Office <input checked="" type="checkbox"/> Retail
Address Of Proposed Site	91 Auburn Street
Project Name/Description	Northgate Plaza/Building Expansion
Application Date	3/15/00

Proposed Building Square Footage and/or # of Units	10,910 s.f. Proposed Building Expansion 13.1 Ac.
Age of Site	Community Business (B-2)
Zoning	

You must include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
 - 2) 7 sets of Site Plan packages containing the information found in the attached sample plans and checklist.
- (Section 14-522 of the Zoning Ordinance outlines the process, copies are available for review at the counter, photocopies are \$ 0.25 per page)

I hereby certify that I am the Owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if an approval for the proposed project or use 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 approval at any reasonable hour to enforce the provisions of the codes applicable to this approval.

Signature of applicant:	Date: 3-15-00
-------------------------	---------------

Site Review Fee: Major \$500.00 Minor 400.00

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

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KNOWN ALL MEN BY THESE INSTRUMENTS.

That Atlas Corporation

a corporation organized and existing under the laws of the State of Maine and located at 315 Cumberland Avenue, Portland in the County of Cumberland and State of Maine in consideration of One Dollar and other valuable considerations paid by Shaw's Healy Co. a corporation of Portland, County of Cumberland and State of Maine,

the receipt thereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said Shaw's Healy Co., its successors

and assigns forever, a certain lot or parcel of land situated in said Portland, on the Eastern side of the new Gray Road so-called, leading from Allen's Corner, also known as North Meeting to Gray, now known as Auburn Street, and bounded and described as follows:

Commencing at a point on said Eastern side of Auburn Street, at the North-westerly corner of land conveyed to Community Oil Company, Inc., by deed dated March 23, 1939, and recorded in Cumberland County Registry of Deeds, Book 1573, Page 103, thence Northwesterly by said Eastern side of Auburn Street One Hundred and Forty (140) feet to a point; thence Easterly at a right angle to said last course Ninety-two and thirty-five hundredths (92.35) feet to a point; thence Southerly at right angles to the last line and parallel with the Eastern side lane of said Auburn Street One Hundred and Forty (140) feet to the Northwesterly corner of said land conveyed to said Community Oil Company, Inc.; thence Westerly by said Community Oil Company, Inc. land, Ninety-two and thirty-five hundredths (92.35) feet to the point of beginning, containing 12,929 square feet, more or less.

Being the same premises conveyed to the grantor by deed of Helene S. Cohen dated September 29, 1948 and recorded in Cumberland County Registry of Deeds, Book 1932, Page 130.

3946
31

to have and to hold the aforementioned and bargained premises with all the

privileges and appurtenances thereto, to the said

Shaw's Realty Co., its successors

heirs and assigns, to it and their use and behoof forever.

And the said Grantor Corporation does hereby covenant with the said

Grantee, its heirs and assigns, that it is lawfully seized in

fee of the premises, that they are free of all incumbrances;

that it has good right to sell and convey the same to the said

Grantee to hold as aforesaid; and that it and its successors, shall

and will warrant and defend the same to the said Grantee, its successors

heirs and assigns forever, against the lawful claims and demands of

all persons.

In witness whereof, the said Atlas Corporation

has caused this instrument to be sealed with its corporate seal and

signed in its corporate name by Charles A. Cohen

its President

thereunto duly authorized, this 1st day of December

in the year one thousand nine hundred and seventy-six.

Witness, Sealed and Delivered

in presence of

Atlas Corporation

President

Witness

December 1, 1976

Personally appeared the above named Charles A. Cohen, President

of said Grantor Corporation

as aforesaid, and acknowledged the foregoing instrument to be his

free act and deed in his said capacity, and the free act and deed of

said corporation.

before me,

Notary Public

DEC 2 1976
REGISTRY OF DEEDS, QUEBEC COUNTY, MARIUS
NO 8 N. H. and recorded in
3946
PAGE 31
Notary Public

804

1578

BR 143996054

90712

QUITCLAIM DEED

PEOPLES HERITAGE SAVINGS BANK, also known as Peoples Savings Bank, a Maine banking corporation having a principal place of business in Portland, Maine, for full value and consideration paid, hereby grants to SHAW'S REALTY CO., a Maine corporation having a place of business in Brockton, Massachusetts, the following real estate:

A certain lot or parcel of land, together with all buildings and improvements located on it, on the west side of Auburn Street in the City of Portland, Cumberland County, Maine, further described as follows:

beginning on the east side of Auburn Avenue near its intersection with Washington Avenue, at the northwest corner of land now or formerly of Mobil Oil Corp, 2.06 feet from a 5/8" rebar with cap - E.C. Jordan 509' 2" underground;

thence north, along Auburn Avenue, by a curve having a radius of 623 feet, 91.51 feet;

Thence along Auburn Avenue, North 09° 21' 46" West, 126.62 feet land formerly of Merrill Carlton 1.73 feet from a 1" iron pipe, 6" under pavement, bent, loc. base;

Thence N 36° 38' 14" E, along the land formerly of Carlton, 81.26 feet to a nail in pavement under 1" coat of pavement;

Thence S 09° 21' 46" E, along the land formerly of Carlton, 147.15 feet to a 5/8" rebar with damaged cap in pavement at the land now or formerly of Mobil Oil Corp.;

Thence S 37° 11' 03" W, along the land now or formerly of Mobil Oil Corporation, 102.70 feet to the point of beginning.

Bearings are Grid North, and containing 14,862 square feet as shown on a Standard Boundary Survey for Peoples Savings Bank by Sebago Technica, dated June 29, 1998, Project No. 98309, Drawing 98J098S

SUBJECT, HOWEVER, to a pole line easement given to Central Maine Power Company and New England Telephone and Telegraph Company dated June 27, 1969 and recorded in Book 3098, Page 587.

MAINE REAL ESTATE TAX PAID

BK 143996055

Being the same premises described in a December 28, 1983 deed from the State of Maine to Peoples Savings Bank recorded in Book 6361, Page 125 and a December 30, 1985 deed from Brothers Bottle & Basket to Peoples Saving Bank recorded in Book 6362, Page 127.

Peoples Heritage Savings Bank
By Jacqueline M. B. Curtis
its Vice President

State of Maine
County of Cumberland
December 16, 1998

Jacqueline M. B. Curtis, Vice President of Peoples Heritage Savings Bank personally appeared before me and acknowledged that her signature on this document was her free act and deed in her capacity as Vice President and the free act and deed of Peoples Heritage Savings Bank.

Chris Neagle
Notary Public

CHRIS NEAGLE
Type or Print Name

SEAL

DEAF: 12-1-88
P-CMV607158NORTHMAIN-Deed-epd

RECEIVED
REGISTER'S OFFICE OF DEEDS
1998 DEC 17 PM 2:13
CUMBERLAND COUNTY
John B. Curtis

Page 2 of 2

12

129-292-129
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Shaw's
So
Portland
Inc
to
Shaw's
Realty
Co

THAT SHAW'S SOUTH PORTLAND, INC., a corporation organized and existing under the laws of the State of Maine and located at South Portland in the County of Cumberland and State of Maine, in consideration of One Dollar (\$1.00) and other valuable consideration, paid by SHAW'S REALTY CO., a corporation organized and existing under the laws of the State of Maine, the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey, unto the said Shaw's Realty Co., its successors and assigns forever, all and singular, the following described lots or parcels of land with the buildings thereon situated in Portland in the County of Cumberland and State of Maine

1. A certain lot or parcel of land situated in said Portland and bounded and described as follows:

Beginning on the northerly side of Allen Avenue at the easterly corner of land conveyed by Mary S. Burnham to Cornerstone Masonic Corporation by deed, dated November 25, 1947 and recorded in Cumberland County Registry of Deeds in Book 1897, Page 54; thence running Northwesterly by Allen Avenue to the thread of Fall Brook, so-called, and land of George F. Merrill; thence Northwesterly by the thread of said Brook and by land of said Merrill, land now or formerly of Deane M. Village Corporation and land now or formerly of Adde M. Lane to the southeasterly corner of land conveyed by said Burnham to Adde M. Lane by deed, dated November 16, 1942 and recorded in said Registry of Deeds in Book 1700, Page 227; thence westerly by said Lane land three hundred sixty-two and five tenths (362.5) feet, more or less, to Auburn Street; thence southerly by said Burnham to the southeasterly corner of land conveyed by said Burnham to Clarence W. Vainliner, et al by deed, dated May 26, 1950 and recorded in said Registry of Deeds in Book 2001, Page 100; thence easterly by said Vainliner land one hundred (100) feet; thence southerly by said Vainliner land and conveyed by said Burnham to Margaret E. Prohomo, et al by deed, dated May 26, 1950 and recorded in said Registry of Deeds in Book 2001, Page 101, two hundred (205) feet; thence westerly by said Prohomo land five hundred (100) feet to Auburn Street; thence southerly by Auburn Street one hundred (100) feet to the Northwesterly corner of land conveyed by said Burnham to Leroy W. Ball by deed, dated March 23, 1950 and recorded in said Registry of Deeds in Book 1990, Page 113; thence southerly by said Ball land one hundred (100) feet; thence easterly by said Ball land, by land conveyed by said Burnham to said Ball by deed, dated October 26, 1949 and recorded in said Registry of Deeds in Book 1976, Page 447 and to Frederick D. Call, et al, by deed, dated September 20, 1950 and recorded in said Registry of Deeds in Book 226, two hundred seven and seventy-eight hundredths (207.78) feet; thence westerly by said Call land seven and thirty-five hundredths (7.85) feet to land conveyed by said Burnham to Nellie S. Cohen by deed, dated June 15, 1948 and recorded in said Registry of Deeds in Book 1609, Page 124; thence southerly by said Cohen land and by land conveyed by said Burnham to Community Oil Company, Inc. by deed, dated March 25, 1939 and recorded in said Registry of Deeds in Book 1273, Page 162, two hundred eighty-seven and forty-one hundredths (287.41) feet to the westerly corner of said Cornerstone Masonic Corporation land; thence Northwesterly by said Corporation's land one hundred fifty (150) feet; thence southerly by said Corporation's land two hundred forty-seven and five tenths (247.5) feet to the southerly side of Allen Avenue and bounded and described as follows:

2.

A certain lot or parcel of land situated in said Portland on the northerly side of Allen Avenue and bounded and described as follows:

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2292-129

Beginning at a stake on the Northwest side of Allen Avenue thirty and sixty-eight hundredths (90.58) feet Southwesterly from the Southeast corner of land conveyed by Lyness J. Smith to Deering Village Corporation by deed, dated August 19, 1940 and recorded in Cumberland County Registry of Deeds, Book 163, Page 183; thence running Northwest at right angles to Allen Avenue one hundred twenty and eighty-nine hundredths (122.89) feet to a stake; thence Northwesterly parallel with said Allen Avenue to said land of Deering Village Corporation; thence Northwesterly by said Corporation's land to Fall Brook, thence Southwesterly by the third of Fall Brook to said Allen Avenue; thence Northwesterly by said Allen Avenue one hundred twenty and seventy-four hundredths (120.74) feet to the point of beginning.

Also conveying to said Shaw's South Portland, Inc., its successors and assigns, all the rights referred to in deed from Georgia F. Merrill to Owen Smith, dated September 27, 1951 and recorded in Cumberland County Registry of Deeds in Book 2060, Page 367.

A certain lot or parcel of land situated on the Easterly side of Auburn Street in said Portland, bounded and described as follows:

Beginning at a stake on said Easterly side of Auburn Street at a point distant one hundred (100) feet Northwesterly from the Northwesterly corner of a lot of land conveyed by Mary E. Burnham to Leroy W. Beal by deed, dated March 22, 1950 and recorded in said Registry of Deeds in Book 1990, Page 31; thence Easterly parallel with the Northernly line of the lot conveyed to said Beal one hundred (100) feet to an iron set in the ground; thence Northwesterly parallel with said Easterly side line of Auburn Street seventy (70) feet to a stake; thence Westwesterly parallel with the first course to a stake; thence Westwesterly parallel with the first course one hundred (100) feet to said side line of Auburn Street and a stake set in the ground; thence Southwesterly by said Easterly side line of Auburn Street seventy (70) feet to the point of beginning.

A certain lot or parcel of land situated on the Easterly side of Auburn Street in said Portland, bounded and described as follows:

Beginning at a stake on said Easterly side of Auburn Street at the Northwesterly corner of lot of land conveyed by Mary E. Burnham to Margaret L. Proffano and Anthony J. Proffano by deed duly recorded in the Cumberland County Registry of Deeds; thence Easterly by the Northernly line of said Proffano lot one hundred (100) feet to the Northwesterly corner thereof and a stake set in the ground; thence Northwesterly, parallel with the Easterly side line of Auburn Street, one hundred thirty-five (135) feet to an iron set in the ground; thence Westwesterly parallel with the first course one hundred (100) feet to said side line of Auburn Street and a stake set in the ground; thence Southwesterly by said side line of Auburn Street one hundred thirty-five (135) feet to the point of beginning.

A certain lot or parcel of land, situated on the Northwesterly side of Allen Avenue, in said Portland, adjoining land conveyed by Leona Durkin et al to Socony-Vacuum Oil Co., in 1945 by deed duly recorded in the Cumberland County Registry of Deeds in Book 1773, Page 31. Said lot or parcel of land is bounded and described as follows:

Beginning on said Northwesterly line of Allen Avenue at an iron rod at the most Easterly corner of said Socony-Vacuum Oil Co. land; thence by said Oil Co. land Northwesterly two hundred forty-seven and five-cenths (247.5) feet to an iron rod at the most Northwesterly corner of said Oil Co. land; thence Northwesterly, parallel with said line of Allen Avenue, one hundred fifty (150) feet to an iron rod; thence Southwesterly, parallel with the first course, two hundred forty-seven and five-cenths (247.5) feet to an iron rod in said Northwesterly line of Allen Avenue; thence Southwesterly by said Northwesterly line of Allen Avenue, one hundred fifty (150) feet to the point of beginning.

All the foregoing parcels were conveyed to Shaw's South Portland, Inc. by George G. Shaw Company by deed dated October 1, 1955, recorded in Cumberland County Registry of Deeds in

2292-131

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This conveyance is made subject to a mortgage given by Shaw's South Portland, Inc. to Union Mutual Life Insurance Co. dated 12 of October 1, 1955 and recorded in said Registry of Deeds in Book 2254, Page 303, which Grantee assues and agrees to pay. TO HAVE AND TO HOLD the aforesaid and bargained premises with all the privileges and appurtenances thereof to the said

-3-

SHAW'S HEALTH CO., its successors and assigns, to its and their use and behoof forever.

AND the said Grantor Corporation does hereby COVENANT with the said Grantee, its successors and assigns, that it is law-

fully seized in fee of the premises, that they are free of all incumbrances; that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors, shall and WILL WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said SHAW'S SOUTH PORTLAND, INC. has caused this instrument to be sealed with its corporate seal and signed in its corporate name by T. J. Fitch, its Treasurer, whereas to duly authorized, this 2nd day of June in the year one thousand nine hundred and fifty-six.



Treasurer

Signed, Sealed and Delivered in presence of

STATE OF MAINE

County of Cumberland ss. June 2, 1956

Then personally appeared the above named T. J. Fitch, Treasurer of said Grantor Corporation as aforesaid, and

acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said

corporation.

Before me,

Justice of the Peace

Shaw's Health

-4-

