

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the “f” key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

APL – all documents behind this target sheet pertain to the original application submitted by the Applicant.

REVIEW – all documents behind this target sheet pertain to those documents submitted to and from staff as part of the project review.

PBM1 – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

PBR1 - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

CC1 - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

DRC1 - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

MISC1 - all documents behind this target sheet are those that may not be included in any of the categories above.

REVIEW

CITY OF PORTLAND, MAINE

PLANNING BOARD

Cyrus Hagge, Chair
John H. Carroll, Vice Chair
Joseph R. DeCoursey
Kenneth M. Cole III
Jaimy Caron
Kevin McQuinn
Deborah Krichels

December 12, 1996

Mr. Wilfred Audet, Jr. & David M. Kingsley
Northgate Plaza Associates, Inc.
1321 Washington Avenue
Portland, ME 04103

RE: Sidewalk and Granite Curb Waiver Request, 400-404 Allen Avenue

Dear Mr. Audet and Mr. Kingsley:

On December 10, 1996 the Portland Planning Board voted 6-0 (Cole absent) on the following motion regarding a request for a sidewalk and granite curb waiver along your property frontage in the vicinity of 400-404 Allen Avenue.

- i. The Planning Board does find that extraordinary conditions do exist due to absence of granite curbing in the area. The Board further finds that the granting of the waiver will not create potentially hazardous vehicle and pedestrian conflict or that it will not nullify the intent and purpose of the land development plan and the City ordinances. As a result, the Board does grant the request for the waiver of the curb but does not grant a request for a waiver of the sidewalk requirements.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report # 68-96, which is attached.

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

CITY OF PORTLAND

June 17, 1997

Mr. Wilfred J. Audet, Jr.
Greater Portland Realty
1334 Washington Avenue
Portland, ME 04104

Re: 402 Allen Avenue

Dear Mr. Audet:

On May 22, 1997 the Portland Planning Authority granted minor site plan approval for construction of an office building at 402 Allen Avenue with the following conditions:

- that within one (1) year, the amount of landscaping between the keystone wall and foundation be doubled.

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

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

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

O:\PLAN\DEVRE\PROJECTS\402ALLEN\APPRVLTR.WPD

CITY OF PORTLAND
DIVISION OF INSPECTION SERVICES
DEMOLITION CALL LIST

Site Address: 403 Allen Avenue, Portland Owner: Audet and Kingsley

Structure Type: Residential Home Contractor: GREATER PORTLAND REALTY

<u>UTILITY APPROVALS</u>	<u>NUMBERS</u>	<u>CONTACT NAME AND DATE</u>
Central Maine Power	828-1411 X 5000	<u>SERVICE DETACHED</u>
Nynex	878-7000	<u>Jim Romano 6/20-110PM</u>
Northern Utilities	797-8002 X 6243	<u>Mr Grey 6/20-120PM</u> <u>6/20-130PM</u>
Portland Water District	761-8310/774-5961 X3073	<u>Dotty Fontaine 330PM Fri Appt.</u>
Public Cable Co.	775-2381 X 257	<u>Pete Lorenzen 6/20 145 PM</u>
Dig Safe <small>ATT, NYNEX, PUBLIC WATER NUMS, CMP, PUBLIC CABLE</small>	1-800-225-4977	<u>Patricia - request # 962506441V</u> <u>150m must reval after 7/20/96</u>
<u>CITY APPROVALS</u>	<u>NUMBERS</u>	<u>CONTACT NAME AND DATE</u>
DPW/Sewer Division <small>must seal at main - \$250 fee / \$45 street if not used opening fee need 1.22 ft dia excavation #6/SYD maint. trench</small>	874-8300 X 8871	<u>Carol Merrit 6/20 210PM</u> <u>Must be sealed before demolition</u>
DPW/Traffic Division	874-8300 X 8891	<u>contacted by Dig Safe already - will call me</u>
DPW/Forestry Division	874-8300 X 8820 756-8389	<u>Jeff Torking - will call me</u>
DPW/Sealed Drain Permit	874-8300 X 8822	<u>Carol Merrit 6/20 210 PM</u> <u>Can get copy from public works</u>
Building Inspections	874-8300 X 8703	<u>Sam Hopkins 6/20 250PM</u>
Historic Preservation	874-8300 X 8699	<u>Debbie Andrews - will call back</u>
Fire Dispatcher	874-8300 X 8576	<u>Suzanne Meseme - 6/20</u> <u>left my name + # = no problem</u>
<u>Written Notice to Adjoining Owners</u>		

<u>ASBESTOS</u>	<u>NUMBERS</u>	<u>CONTACT NAME AND DATE</u>
U. S. EPA REGION 1	617-565-9055 (Lee Weller)	<u>Single Family homes are 6/20 exempt. 220 AM</u>
DEP - Environmental	822-6300	<u>Randy McMullin 6/20 250PM</u> <u>no problem if no asbestos</u>

I have contacted all of the necessary companies and departments.

Signed: Walter Audet Jr Date: Aug 14, 1996

Down Hollow #11



DEP INFORMATION SHEET

Freshwater Wetlands: 1995 Legislation

issued: September 1995

contact: (207) 287-2111

Maine's wetlands are among its most diverse and valuable natural resources. Wetlands provide habitat for fish and wildlife, reduce flooding through storage of run-off water, and improve water quality by filtering out sediments and other harmful materials.

The State of Maine regulates activities in freshwater wetlands under the Natural Resources Protection Act (NRPA). Effective September 29, 1995 changes in this law make it more consistent with the Federal wetlands regulatory program administered by the U.S. Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA) under Section 404 of the Clean Water Act.

Major points of the law, effective September 29, 1995 include the following:

- There is no longer a 10 acre size requirement for freshwater wetlands in the NRPA; all freshwater wetland areas are regulated. The state and federal programs are now consistent in regards to wetlands jurisdiction. The level of review required will be based on the *size of the alteration in the wetland*, rather than the *size of the wetland itself*. (Note: Wetlands subject to municipal shoreland zoning have not changed; they continue to be non-forested wetlands greater than 10 acres in size in most towns).
- Maine has established a tiered review process that provides an expedited, 30 day review for projects having less than 15,000 sq. ft. of wetland impact (Tier 1) and 60 days or less for projects having between 15,000 sq. ft. and 1 acre of impact (Tier 2), unless significant wetland functions would be affected. Applications for Tier 1 projects make use of an abbreviated application form and are not subject to wetland compensation requirements.
- Projects not qualifying for Tier 1 or 2 review because they might affect significant wetland functions include activities occurring in freshwater wetlands that
 1. Are within 250 feet of coastal wetlands or great ponds;
 2. Are within 25 feet of a river, stream or brook;
 3. Contain at least 20,000 square feet (approx. 1/2 acre) of open water or marsh vegetation under normal circumstances;
 4. Are in a floodplain;
 5. Contain significant wildlife habitat as defined, and in some cases identified, in the law; or
 6. Consist of peatland.
- Projects having less than 4,300 sq. ft. (approx. 1/10 of an acre) of freshwater wetland impact and do not occur in, on or over another protected natural resource are exempt from NRPA permit requirements, unless the affected area of wetland is in a Shoreland Zone based on local Shoreland Zoning requirements.
- An exemption exists for forest management activities, including associated road construction or maintenance. This NRPA exemption, which has some restrictions, did not change under the new law.

- The exemption in state law for agricultural activities has been modified to be consistent with the federal exemption. The new exemption applies to altering a freshwater wetland for the purpose of "normal farming activities such as clearing of vegetation for agricultural purposes if the land topography is not altered, plowing, seeding, cultivating, minor drainage and harvesting, construction or maintenance of farm or livestock ponds or irrigation ditches, maintenance of drainage ditches and construction or maintenance of farm roads". The exemption does not apply to alterations of other protected natural resources such as rivers, streams and great ponds.
- Activities adjacent to a freshwater wetland no longer need a NRPA permit unless the wetland consists of or contains either peatlands, or at least 20,000 square feet of open water or marsh vegetation. These areas do not include artificial ponds or impoundments unless they are alterations of other protected resources, such as streams.
- The definition of significant wildlife habitat now includes significant vernal pools as defined and identified by the Department of Inland Fisheries & Wildlife.

As a result of the revisions to the NRPA described above, "one stop permitting" is now a reality for most wetland alteration projects. To achieve this, the Maine DEP and the Corps have adopted a joint permit application form. Applications only have to be filed by applicants with the DEP regardless of the project size. DEP coordinates with the federal agencies on screening and reviewing applications. It should be noted that the federal agencies are still involved in the review of wetland projects, and may still place restrictions, or even deny an application. They do not, however, require separate applications, and for Tier 1 and Tier 2 projects, they have agreed to act within the state's review period.

The DEP must periodically report to the Maine Legislature on the overall success of the program with recommendations for any changes that would achieve further streamlining of the program.

For further information, contact the DEP office nearest you:

Central Maine Regional Office
Bureau of Land & Water Quality
17 State House Station
Augusta, Maine 04333
(207) 287-2111

Eastern Maine Regional Office
Bureau of Land & Water Quality
106 Hogan Road
Bangor, Maine 04401
(207) 941-4570

Southern Maine Regional Office
Bureau of Land & Water Quality
312 Canco Road
Portland, Maine 04103
(207) 822-6300

Northern Maine Regional Office
Bureau of Land & Water Quality
1235 Central Drive
Presque Isle, Maine 04769
(207) 764-0477



MILLER / C. Brown

Rec'd by _____
Office: _____

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND AND WATER QUALITY

FIELD DETERMINATION

Directions to Site

Name: Bill Dawd
Address: PO Box 7894
Portland 07112
Phone: 773-6250
Town: Portland

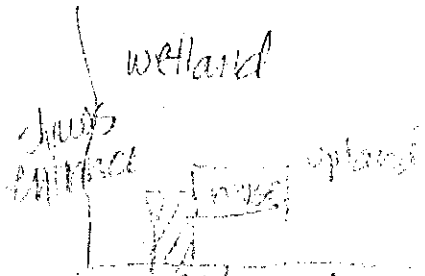
White house on
opposite side of Shaw's plaza
entrance on Allen Ave.

Description of Issue: Abandoned house on lot. Project will require
filling toward the back of the lot. Maybe wetland or
stream.

Advice Given: Back of lot is wetland. Red maple
Sedges for cattails. Probably fill under
fac. 9.307 exemption. If additional
fill is necessary Tur...

Send wetland bulle

Sketch



Staff signature: Allen Ave

FOR OFFICIAL USE ONLY

Date Recvd	Date Ass'd	Staff	Date Site Visit	Date Complete	
Materials Given:	NEPA	App.	FBR	Site	Other

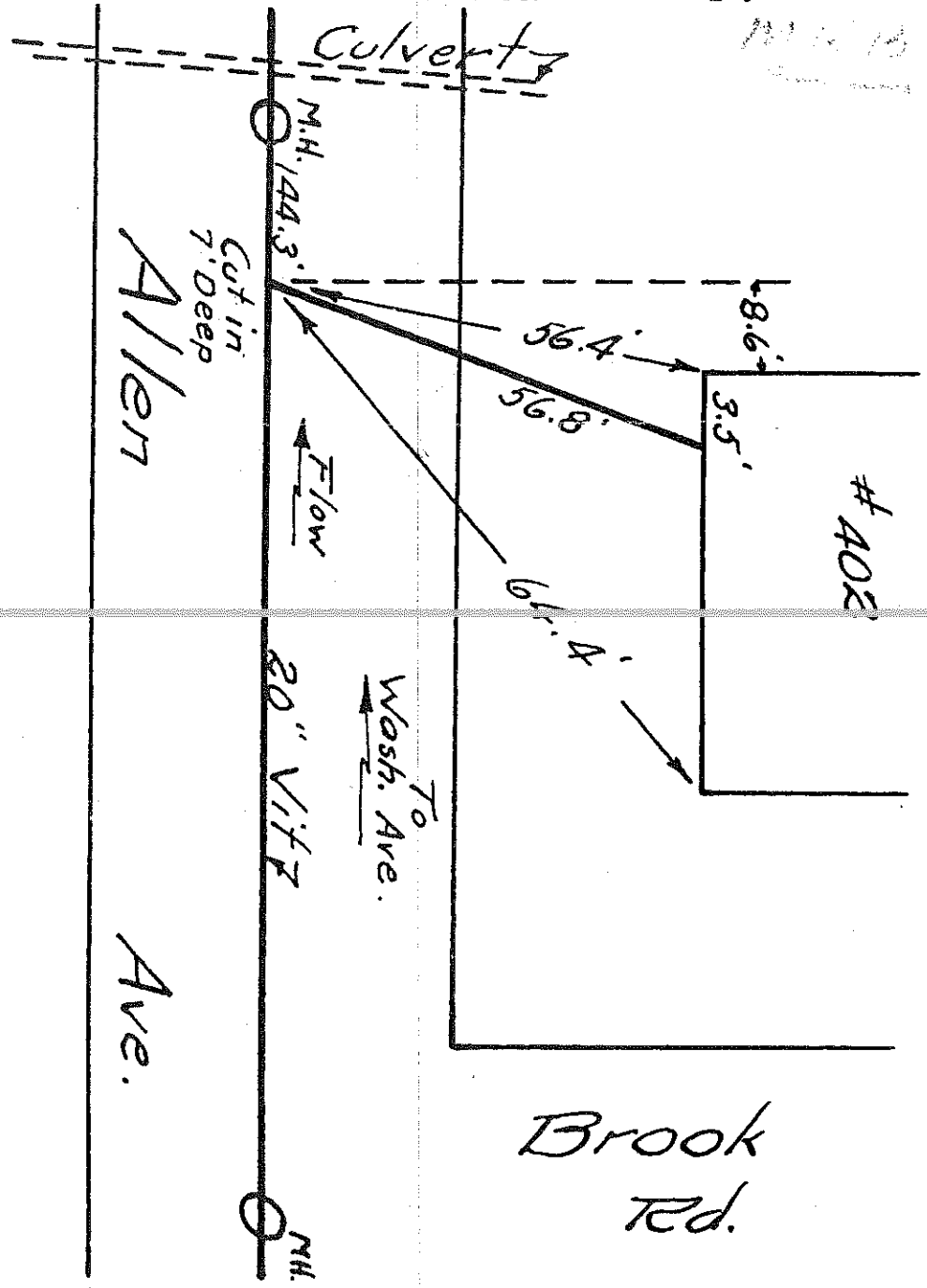
Date of Entrance 10/25/49

Connected by Sam Aceto

Size and kind of pipe 5" Vit.

Inspected by O. W. Trask

Sewer Connection Book Vol. 22 P. 22

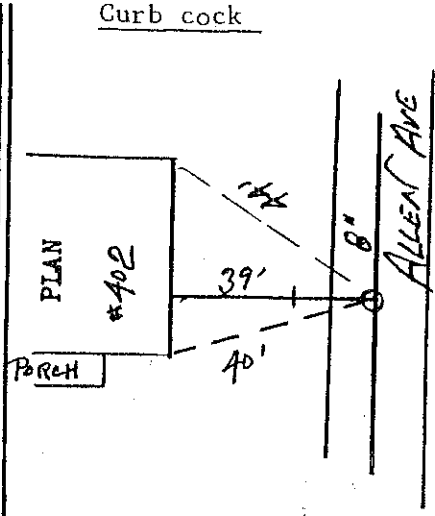


SERVICE

No. 402 Allen Ave., Port. Street

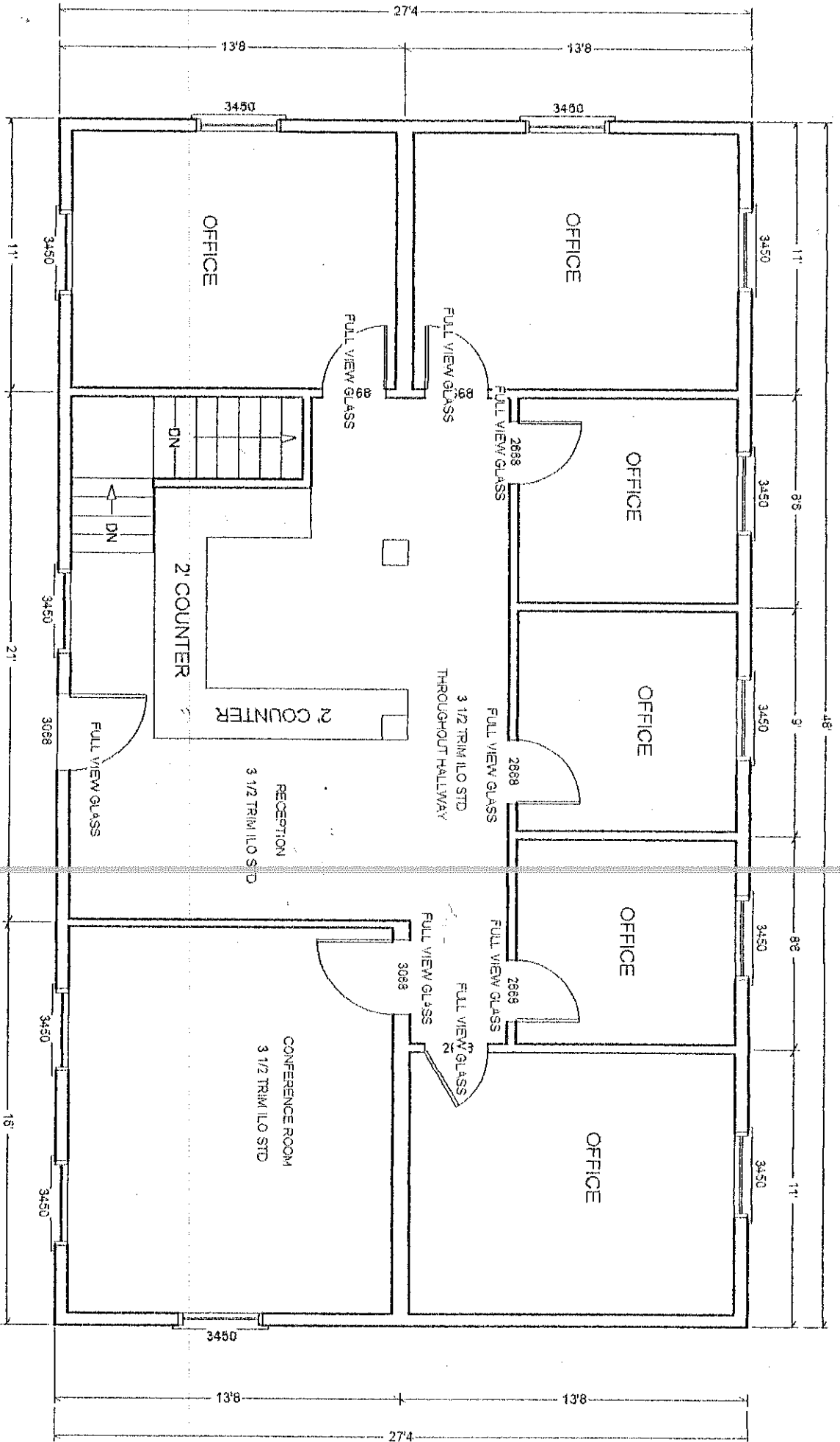
Kind of Building Residential No. Tenants

Size 1 1/2" Plastic inch
 Connects with same main
 When Laid 1950
 When Renewed 2/9/82
 Total Length 39'
 Location Main
 Size of Main 8"



One to Two weeks Notice
 Letter of intent to Rebuild + use Gas in new building

ATTACHMENT 1



OFFICE BUILDING FOR
GREATER PORTLAND REALTY

6/19/98

21502

WARRANTY DEED
(Maine Statutory Short Form)

MAINE REAL ESTATE TAX PAID

William J. Dowd, of Portland, Maine, for valuable consideration, grants to Wilfred J. Audet, Jr. and David M. Kingsley, as tenants-in-common, with a mailing address of 1334 Washington Avenue, Portland, ME 04103, with Warranty Covenants, the following described real property situated at 402 Allen Avenue, Portland, Cumberland County, Maine:

A certain lot or parcel of land with the buildings thereon, situated in said Portland, and being more particularly described on Exhibit A attached hereto and made a part hereof.

Meaning and intending to convey the same premises described in a deed from Mark Merrill, Conservator of the Estate of Carlton A. Merrill, to Grantor dated December 15, 1995, and recorded in the Cumberland County Registry of Deeds in Book 12264, Page 119.

Witness my hand this 29th day of April, 1996.

Kenneth E. Switzer
Witness

William J. Dowd
William J. Dowd

STATE OF MAINE
CUMBERLAND, ss

April 29, 1996

Personally appeared the above named William J. Dowd, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Kenneth E. Switzer
Attorney at Law/Notary Public

KENNETH E. SWITZER
Printed Name

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated on Allen Avenue in the City of Portland, Cumberland County, Maine, and described as follows:

BEGINNING on said northwesterly side of Allen Avenue at the southerly corner of land conveyed by Lyneous J. Smith to Deering Village Corporation, by deed dated August 19, 1940, and recorded in Cumberland County Registry of Deeds, Book 1615, Page 183, and running thence by land so conveyed, one hundred seventy-five (175) feet and continuing on a course at right angles to Allen Avenue by other land conveyed by said Smith to said Corporation by deed dated April 2, 1941, and recorded in said Registry of Deeds, Book 1631, Page 305, seventy-five (75) feet, more or less, to a brook; thence southerly by said brook to said Allen Avenue; thence northeasterly by the north westerly side line of said Avenue, two hundred twelve (212) feet, more or less, to the point of beginning; containing 28,425 square feet, according to valuation plans of the City of Portland.

Excepting and reserving, however, that certain lot or parcel of land conveyed to Owen M. Smith by deed dated September 27, 1951, recorded in said Registry in Book 2060, Page 367.

Subject, however, to the restriction set forth in the instrument from Shaw's Realty Company to Carlton A. Merrill dated December 13, 1995, and recorded in said Registry in Book 12264, Page 118, against use for (i) a supermarket, or milk or dairy store, (ii) a convenience store or bakery, or (iii) any other establishment a substantial portion of whose revenues is derived from the sale of food products, other than a dining establishment at least 75% of whose revenues derive from sit down dining, which use restriction shall run with the land for the benefit of Shaw's Realty Company, its successors and assigns.

RECEIVED
RECORDED REGISTRY OF DEEDS

96 APR 29 PM 2:23

CUMBERLAND COUNTY

John B O'Brien

*City of Portland, Maine
Planning Department*

*Request Approval
Minor Site Plan Review
402 Allen Ave*

August 14th, 1996

Wilfred J. Audet, Jr. and David Kingley hereby apply for minor site plan approval.

(a.) Filing.

Please find enclosed, the required information, in accordance with Section 14-525 of the Portland Code.

- * seven copies of a site plan, prepared by Land Use Consultants
- * seven copies of written statement
- * seven copies of attached information

(b.) Contents:

- (1.) Section a.b.c.d.e. See attached Standard Boundry Survey " Plan of Land on Allen Ave." prepared by Land Use Consultant for Wilfred J Audet, Jr & David M. Kingsley dated July 31,1996.
- (2) Plans and Maps,
 - (a) See Plan marked Site Plan
 - (b) See Plan marked Sketch Plan - Albert Frick Associates, Inc.
 - (c) See building drawings by CSI, Greater Portland Modular Homes
 - (d) See Standard Boundry Survey Sheet 1 of 1. July 31, 1996.
 - (e) See Standard Boundry survey Sheet 1 of 1, July 31,1996 and attached Sewer Connection Diagram, dated 10/25/49
 - (f) easements and right-of-ways, none of public record.
 - (g) See Plan marked Site Plan
 - (h) See Plan marked Site Plan
 - (i) See Plan marked Site Plaan
 - (j) See Plan marked Site Plan
 - (k) See Standard Boundry Survey
 - (l) See letter from Department of Environmental Protection (Exempt from NRPA permit, less than 4,300 sqft of impact)
 - (m) no test pits or test borings have been performed
 - (n) See Plan marked Site Plan



(c) Written Statements

- (1) The site is being developed into a professional real estate office for Greater Portland Realty.
- (2) The site consists of 10,240 square feet of land and a small existing one and a half story cape style structure. The building has been condemned by the City's code enforcement department. After the City's Fire Department has finished with it's training. It has been scheduled to be demolished September 1st.
- (3) No easements, other than standard utility easements.
- (4) Estimated solid waste will be no more than 2 - 50 gallon trash bags per week. Type of waste will be primarily paper products.
- (5) Evidence of utilities comes from existing services, that have been disconnected, to facilitate the razing of the structure.
- (6) See Land Use Consultants report on stormwater management.
- (7) Since the structure is modular construction, the following is a timeline of events.

Week of August 15th - Portland Fire Department complete training at site.

Week of September 2nd- Razing of existing structure
Excavate foundation
Stub in for water/sewer
Pour footings and walls

Week of September 9th- Backfill foundation
Prep site for arrival of modular units
Final grading of parking lot
Stick build lower level exterior walls


~~Week of September 16th- Set modular units in place~~
Make final utility connections
Pave and strip parking areas

Week of September 23rd- Loam and seed grassy areas
Plant trees and shrubs
Complete interior finishes

Week of September 30th- Final Inspection
Projected Occupancy Date

- (8) There are no state or federal regulatory approvals necessary for this development.
- (9) This project is being financed privately.
- (10) See attached copy of Warranty Deed, dated April 29th, 1996.
William Dowd- Grantor/ Wilfred J. Audet, Jr & David M. Kingsley - Grantees
- (11) The site is located near the 100 year flood zone. Proper grading and landscaping will be implemented as required.

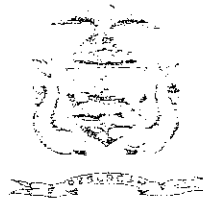
TY·LIN INTERNATIONAL

To: Bill Bray
From: Tom Errico 
Date: August 28, 1996
Subject: 402 Allen Avenue/Proposed Real Estate Office Building
Copy:

MEMORANDUM

A review of the parking layout and access for the above project were performed per your request. The review was based upon a sketch plan dated 11/9/95. The results are summarized below.

- The proposed site will provide 8 parking spaces. Because of limited parking generation data for real estate office buildings, I investigated parking requirements for both general office space (2.79 spaces per 1000sf) and medical office space (4.11 spaces per 1000sf). Based upon a floor area of approximately 1350sf, adequate parking will be provided at the proposed site. Based upon the City's zoning requirements, 1 space per 400sf or 4 parking spaces are required.
- The proposed parking stall and aisle design appear to be adequate. Two issues should be noted. When the parking lot is full, vehicles entering the lot will have to back out of the lot (It appears there is enough space to turn around at the throat of the drive). Additionally, vehicles parked in the easternmost space will likely have difficulty exiting their space. Because adequate and possibly excess parking will be provided, the above issues should not be a problem.
- The proposed access drive will be located on Allen Avenue approximately 60 feet from the Northgate Shopping Center Driveway. Based upon MDOT driveway spacing standards, inadequate distance exists between the proposed site drive and the Northgate Shopping Center Drive. An improved access drive location may be off the Northgate Shopping Center Driveway, or on the east side of the proposed building.
- Sight distance was reviewed at the proposed driveway location. Results indicate adequate sight distance will exist for vehicular speeds of 35mph.



CITY OF PORTLAND

September 6, 1996

Wilfred Audet
Greater Portland Realty
1334 Washington Avenue
Portland, ME 04103

Re: 402 Allen Avenue

Dear Mr. Audet:

After review of the parking layout and access for the project at 402 Allen Avenue, Tom Erico, Traffic Engineer made the following comment.

- The proposed access drive will be located on Allen Avenue approximately 60 feet from the Northgate Shopping Center Driveway. Based upon MDOT driveway spacing standards, inadequate distance exists between the proposed site drive and the Northgate Shopping Center Drive. An improved access drive location may be off of the Northgate Shopping Center Driveway.

Other concerns regarding this project were as follows:

- Granite curb and sidewalk is required along the frontage of the property on Allen Avenue. If you would like you may request a waiver of curb and sidewalk from the Planning Board. This would have to be submitted in written form.
- Any existing or proposed landscaping should be shown on the plan.
- The elevations you submitted have been reviewed. It is suggested that the proposed building be a standard cape with vertical windows, wood siding, wide trim boards and wide cornerboards. A cape would better match the architectural character of the residential neighborhood in the area. When this project went to the Planning Board, an elevation of the proposed building was included in the packet submitted. The elevations showed that the proposed building would be a cape.

Jim Seymour, Acting Development Review Coordinator, has reviewed the drainage plan and has made the following comments:

- Grade 83 is incorrect.
- The slope between the western property line and the parking lot is too steep.

O:\PLANDEVREVP\PROJECTS\402ALLEN\LETTERS\9-6LTR.WPD

**Wilfred J. Audet
David M. Kingsley
1334 Washington Avenue
Portland, Maine 04103**

September 10, 1996

Kandice S. Talbot
Planning and Urban Development
City of Portland
489 Congress Street
Portland, Maine 04101

RE: Our proposed development at 400-404 Allen Avenue, Portland, Maine

Dear Kandice:

Thank you for meeting with Willie and myself yesterday. Willie and I are anxious to complete this development ASAP for several reasons: 1) the debt service on the land is expensive; 2) we have expansion plans which we're unable to pursue in our present space; and 3) we will be displaced from our present office space by the end of September and will be forced to operate our brokerage firms without a base office.

Greater Portland Realty has been in business since 1962. Prime Commercial Real Estate has been in business since 1987. We had expectations that this new office would launch our businesses into a new era of prosperity; if this project continues to experience delays and is burdened by mandated cost increases, the negative financial impact could cripple our businesses. We hope that the City will assist us in expediting this project in a timely, cost effective manner.

We hope that this letter resolves the issues which the City addressed in your fax letter dated September 6, 1996. We have attached a copy of a letter which was sent to Shaw's Supermarkets regarding access off of their entrance. While we are not optimistic that Shaw's will grant this access, we are hopeful that they will grant it as it will benefit the appearance and increase the value of our property. If we are unable to receive an easement from Shaw's, we would like the City to accept the location of the proposed drive as presented: 1) it is an existing driveway; 2) the traffic impact of our new office will be minimal (a few cars per hour); and 3) placing the driveway on the other side of the new office will have a more adverse impact on our residential neighbors than the present proposal. Regarding the City's other concerns, we request that the granite curb and sidewalk requirements be waived. The cost of this work is substantial and the adjacent properties do not have similar improvements.

Lastly, the City apparently would rather we build a standard cape than a hip-roof ranch at this location. Willie and I strongly feel that the City should accept our proposal as offered: 1) we need to build up the site significantly to develop the property. A ranch has a much lower profile than a cape. Viewing the property from Shaw's, a ranch would give the appearance of a two story building; a cape would give the appearance of a three story building; 2) development within the R-P Zone "should be consistent with the established architectural style or character of the

neighborhood". This property is adjacent to a number of flat roof, commercial buildings; the residential properties are a combination of small capes and ranches, **including a hip-roof ranch only three doors away!** We feel that a hip-roof ranch is a very appropriate blend of a commercial appearance and a residential appearance. 3) a cape is far more expensive to build than a ranch; 4) the proposed drawing depicting a cape was not submitted by us! The previous owner submitted a proposal which showed a building far larger and more expensive than what we require or want. Our proposal should be judged on its own merits (within the R-P Zone guidelines) not weighed against a concept building which the owner never intended to build; and 5) we have spent thousands of dollars to develop a proposal which meets our physical and budgetary needs and (from our perspective) appears to meet the R-P Zone requirements; many of our future residential neighbors have expressed enthusiasm about a new attractive building being constructed on this site. If we are unable to proceed on a timely fashion within a reasonable budget, we will be unable to pursue this development. The property will remain vacant and in disrepair. The City, the community, Greater Portland Realty, and Prime Commercial Real Estate will all lose.

We hope that the City considers the merits of our proposal. We are anxious to either move forward or move on. We look forward to hearing back from you in a few days.

Sincerely,

A handwritten signature in black ink, appearing to read "D.M. Kingsley". The signature is written in a cursive, somewhat stylized font.

David M. Kingsley



GREATER PORTLAND REALTY

1334 Washington Avenue
Portland, Maine 04103

Tel. 797-7777



Fax 797-0255

September 10, 1996

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

Re: Northgate, Portland

Dear Marjorie:

As a follow up to your letter dated August 22, 1996. I wanted to to thank you for consideration in the grading easement. I still am waiting to hear from Appledore Engineering with an official response.

In an unrelated issue, during our minor site plan review, the City of Portland's Planning Department have requested our access drive be located off Northgate Shopping Center Drive.(see attached letter dated September 6, 1996) In order to facilitate our project, I'm asking that Shaw's considers my request for a "cross access easement ". (see sketch)

If possible, could you please indicate your willingness to accommodate our request as soon as possible. Our site approval is on hold until we recieve a definitive answer on the access issue. Again, thank you for your consideration.

Best regards,

Willie J. Audet, Jr.
Vice President

October 23, 1996

Mr. Lawrence J. Wagner, P.E.
600 State St, Suite D
Portsmouth, New Hampshire 03801

Re: Proposal for Easement at
Northgate Shopping Center
Portland, Maine 04103

Dear Mr. Wagner,

Thank you for your letter dated September 17th, regarding my request for the proposed access and grading easements. I hope to clarify the specific items of concern that you and your clients may have with this proposal.

GRADING: It is my intent to grade the site so we have proper drainage and runoff at the site. My request for a grading easement is to facilitate the construction phase of this project. The previous owner had backfilled part of the site which has caused a low area to be created. I think it's in both our best interest, to create a swale between our lots to correct the past mistakes.

DRAINAGE: See enclosed Drainage Report, performed by Land Use Consultants, Inc.

LANDSCAPE: No plantings that are planned for the east sideline of our property. (Except, a few low growing shrubs near our sign, see Landscape Plan.) Also, we're not proposing to plant any shrubery in the easement area. However, we are proposing to replant grass in any disturbed area.

LIGHTING: We're proposing to install 2 - 20ft Pole Lights to be installed in the rear of the parking area, (See Site Plan for location). Fixtures to be, Spaulding CV1-100-HPS-FG or equal.

TRAFFIC: I would estimate the traffic count to be between 25-50 cars per day.

USE: The site is being developed specifically for my real estate office, Greater Portland Realty. Our staff would consist of 8 brokers and 1 administrator. The property was rezoned in April 1996, from R-3 to RP (Residential Professional). Apparently Shaw's

had first refusal and declined to exercise it's option. However, Shaw's Realty Co. has placed deed restrictions on the property, (See enclosed deeds.)

SUMMARY: My objective is to make this property a first class professional building. The Grading Easement request is two fold: first to ensure the site has proper drainage, secondly is to insure beautifacation between our lots. I'm offering to maintain the mowing of that grassy area.

Finally, the Access Easement is a request that the City of Portland has forced me to pursue with Shaw's. It seems that our driveways are located too close to one another. (see letter dated, Seprember 6th, from The City of Portland's Planning Department) I know that an easement would be a encumbrance to the Shopping Center, so I would suggest that a "license" could be granted for as long as Shaw's Realty Co. owns the Shopping Center, that would be acceptable to us.

In closing, I hope we could work together on these issues. We're scheduled to be on the December agenda with the Portland Planning Board for Site Plan Review. I would like to have some direction as to whether Shaw's is willing to cooperate with us on these issues. Please feel free to contact me at your earliest convenience and we could arrange a site walk to review our request. Thank you for your time and consideration.

Best Regards,

Willie J. Audet, Jr.
Property Owner

David M. Kingsley
Property Owner

Enclosure:

c/c: Marjorie Hession
Kevin Brown



shaw's

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

\$ 1.70

1.75

FEDERAL EXPRESS

April 14, 1997

Willy Audet
Greater Portland Realty
1321 Washington Avenue
Portland, ME 04103

Re: Grant of Easement
Northgate, Portland

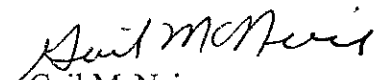
Dear Mr. Audet:

Enclosed please find the final draft of Grant of Easement which will be forwarded to John Kelleher for execution upon his return Wednesday.

Once executed, I will forward one original to your attention.

Thank you for your attention to this matter.

Very truly yours,


Gail McNeice
Property Manager

GM/ag
enclosure

Offices at 120 Liberty Street, Brockton, Massachusetts
Telephone (508) 894-7000 - 894-7150

7689

GRANT OF EASEMENT

Shaw's Realty Company, a Corporation, having a place of business in Portland, Maine, in consideration of the agreements contained in this instrument as Grantor grants to Northgate Plaza Associates, L.L.C., a Maine Limited Liability Company, with a place of business in Portland, Cumberland County, Maine, the following easements at its land at "Northgate", Portland, Cumberland County as Grantee:

1. An easement and right of way to alter the grade, landscape, provided Grantee continues its limited use of the land as set forth in Paragraph 5 below, and maintain and allow storm water to flow onto and along that portion of Grantor's land which separates Grantee's land from Grantor's private drive which exits onto Allen Avenue and also storm water drainage onto a 10 foot wide portion of Grantor's land which abuts the northerly sideline of Grantee's land, all as more particularly described in Exhibit "A" entitled site plan S-1, proposed Real Estate office greater Portland Realty dated March 11, 1997. The aforesaid granted easement shall run with the land of Grantee.

2. An easement to construct and maintain a driveway access to Grantee's land over and across that portion of Grantor's land which separates Grantee's land from Grantor's private drive which exits onto Allen Avenue and also a right of ingress and egress for Grantee, its servants, invitees, tenants and assignees (but shall prohibit trucks) over and along said driveway access granted herein and also over and along Grantor's said private drive. Said driveway access shall be 25 feet wide and shall be located at the most northwesterly corner of Grantee's land. The entrance onto Grantor's private drive shall have a 15 foot radius. This easement and/or the right of way may be terminated at Grantor's sole discretion on 90 days written notice to Grantee or its successor in title. Upon termination Grantee shall at its expense remove said driveway access and restore Grantor's land, as nearly as practicable, to its original condition, taking into consideration the grading and drainage easement granted in paragraph 1 above.

Reference to Grantee's land herein is to the land described in deed of William T. Dowd to Wilfred J. Audet, Jr. and David M. Kingsley dated April 29, 1996, recorded in Cumberland County Registry of Deeds in Book 12474, Page 239.

Reference to Grantor's land herein is the land described in deed of Halsey Davis to George C. Shaw Company dated February 20, 1953, recorded in said registry of Book 2124, Page 220.

This grant is made on the following terms:

1. Easement numbers 1 and 2 above may be terminated as aforesaid.
2. The drainage and driveway access, easements 1 and 2, shall be constructed and maintained in a good and workmanlike manner at the sole expense of Grantee.

3. The Grantee agrees to pay an annual fee for the use of the easements in the amount of \$3,384.00 for so long as the Easements are in effect. The fee shall be payable in advance on January 1 of each year and shall be adjusted ratably for any year during which the Easement is in effect for only a portion of the year. The fee shall increase every third year by ten percent from the fee in effect during the preceding three years.

4. Grantee shall indemnify and hold Grantor harmless from and against any claims, liabilities, losses, damages, law suits and penalties, which shall be caused by the exercise of the rights of grading, landscaping and maintaining and of ingress and egress.

5. Grantee will limit its use of its land to professional office use as permitted by the City of Portland zoning ordinance in effect at the time of this grant. The easements granted in this Agreement shall terminate immediately should the Grantee change to a non-office use.

6. Grantee shall adhere to all applicable laws and regulations, including but not limited to, those relating to land use and environmental matters.

7. The easements granted are solely for the benefit only of this parcel and are not for the benefit of any other parcels which may be annexed or joined with this parcel.

In witness whereof, Shaw's has caused this instrument to be executed at _____ on the date indicated below.

April _____, 1997

Shaw's Realty Company

By: _____

John D. Kelleher
Senior Vice President

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

April _____, 1997

Personally appeared the above named John D. Kelleher, Senior Vice President of Shaw's Realty Company and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said corporation.

Notary Public
My Commission expires:



CITY OF PORTLAND

April 14, 1997

Mr. Willie Audet, Jr. & David Kingsley
Greater Portland Realty
1334 Washington Avenue
Portland, ME 04103

Re: 402 Allen Avenue

Dear Mr. Audet & Mr. Kingsley:

After review of the most recently submitted site plan, the following issues should be addressed:

- a copy of the access and grading easement should be submitted.
- elevations of the proposed cape should be submitted.
- a note should be added to the plan stating that a meeting will be held at the site with the City Arborist and at that time a determination will be made on the amount and type of trees required along the Northgate Drive.
- granite posts with a linked rope is fine. A detail of this should be added to the plan.

The Acting Development Review Coordinator has review the plan and has made the following comments:

- size of rip-rap to be used shall be specified on the plan.
- a detail shall be added to the plan showing ADA tipdowns for the sidewalks.
- the inlet shall be a minimum 6" sump culvert.
- An engineering fee of \$330.50 shall be submitted to the Planning Department. Please see attached form.

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

Sincerely,

Kandice Talbot
Planner

O:\PLANDEVREVP\PROJECTS\402ALLEN\LETTERS\4-14AUD.WPD



EST.
1961

GREATER PORTLAND REALTY

1321 Washington Avenue
Portland, Maine 04103

Fax 797-0255

Multiple Listing Service

FAX TRANSMISSION

TO: *CANDY TALBOT*

FROM: *WILLIE AUDET*

NUMBER OF PAGES (INCLUDING COVER):

4

COMMENTS:

*COPY OF PROPOSED EASEMENT. I'M
NOT GOING TO AGREE WITH THIS, AS
SECTION 3 IS UNSATISFACTORY TO
OUR BUDGET.*

THANKS,

W. AUDET





shaw's

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

\$ 1.70

1.75

FEDERAL EXPRESS

April 14, 1997

Willy Audet
Greater Portland Realty
1321 Washington Avenue
Portland, ME 04103

Re: Grant of Easement
Northgate, Portland

Dear Mr. Audet:

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Once executed, I will forward one original to your attention.

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very truly yours,

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Gail McNeice
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enclosure

Offices at 120 Liberty Street, Brockton, Massachusetts
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April _____, 1997

Shaw's Realty Company

By: _____
John D. Kelleher
Senior Vice President

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

April _____, 1997

Personally appeared the above named John D. Kelleher, Senior Vice President of Shaw's Realty Company and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said corporation.

Notary Public
My Commission expires:

**Northgate Plaza Associates
1321 Washington Ave.
Portland, Maine 04103**

May 7, 1997

Kandice S. Talbot
City of Portland
Planning & Urban Development

Re: 400 Allen Ave.

Dear Mrs. Talbot:

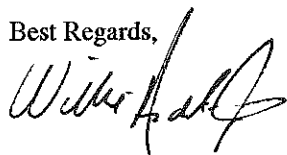
Enclosed, please find the revised site plan for our professional office located at 400 Allen Ave. As you requested in your letter dated September 6, 1997, we've been attempting to gain an access easement off of Northgate Shopping Center Driveway. We have spent the past eight months trying to negotiate with Shaw's and in April was finally mailed a draft easement. However, Shaw's was demanding that we pay \$3,384.00 per year to access their Shopping Center Drive. (see attached letter from Shaw's.) This consideration is unacceptable to us and we are now resubmitting to you the original revised site plan that puts our access off Allen Ave.

Also, according to our granite curb waiver approval letter, dated December 12, 1997. A preconstruction meeting is to be scheduled to review the construction schedule and critical aspects of the site work. I'm requesting that meeting be arrange through your office, as soon as possible. Please find the following information for your consideration.

- * 7 copies of " Site Plan "
- * 7 copies of proposed easement from Shaw's
- * construction schedule
- * Engineering Review Form w/check of \$330.50
- * Cost estimate of improvements to be covered by Performance Guarantee

Since we've been delayed with access issues for the past eight months. We're now on a fast track to complete our project. We have also applied for our building permit today and any help with timely approvals will be gratefully appreciated.

Best Regards,



Willie Audet, Jr.
Northgate Plaza Associates



David M. Kingsley
Northgate Plaza Associates

**Construction Schedule 400 Allen Ave.
Northgate Plaza Associates**

May 1	Raze Existing Structure
May 12	Excavation Parking Area and dig foundation
May 15	Excavate for water, sewer and gas lines
May 19	Install Foundation footings
May 23	Pour foundation walls
May 25	Waterproof foundation walls
May 26	Backfill Foundation
May 28	Pour concrete slab
May 30	Construct Exterior walls and sill plates
June 2	Erect modular structure onto foundation
June 3	Connect electrical service
June 4	Mechanical and electrical work
June 5	Build keystone retaining walls
June 9	Install asphalt base and finish coat to parking areas
June 10	Finish loaming and seeding all disturbed areas
June 11	Install site sign and parking lot lighting
June 15	Final Inspections and Certificate of Occupancy issued

**NORTHGATE PLAZA ASSOCIATES
1321 Washington Avenue
Portland, Maine 04103**

(207) 797-7777

May 14, 1997

Kandice Talbot
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

RE: 400 Allen Avenue - Proposed Professional Office Building

Dear Kandi:

I've attached seven copies of a revised copy of our site plan and a single copy of elevations. The changes reflect our success in obtaining an easement for \$1,000 per year from Shaw's and address the issues which you raised in your letter dated April 14, 1997. These changes should complete our application. We look forward to receiving our final site plan approval from the Planning Staff. Thank you for your assistance.

Sincerely,



Wilfred J. Audet, Jr.

and



David M. Kingsley



EST
1961

GREATER PORTLAND REALTY

1321 Washington Avenue
Portland, Maine 04103

Fax 797-0255

Multiple Listing Service

FAX TRANSMISSION

TO: Kandi Talbott

756-8258

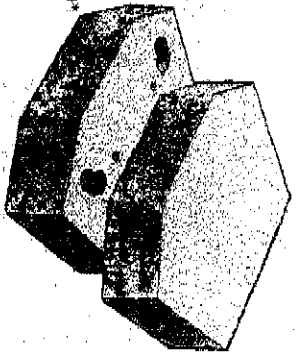
FROM: David Kingsley

NUMBER OF PAGES (INCLUDING COVER): 3

COMMENTS:

RE: Keystone retaining wall for
Northgate Plaza Associates
400 Allen Avenue, Portland, Maine

Classic Elegance



Unit Size:
6" H x 18" W x 10 1/2" D*
Unit Weight:
45 lbs.*
Exposed Face Area:
1/2 sq. ft./Unit

Keystone Retaining Wall Systems' Mini Unit is the affordable solution to your retaining wall and decorative landscaping needs. The quarried stone appearance provides beautiful shadowing effects with strong aesthetic appeal. These great looking walls are achieved without sacrificing structural integrity, durability or performance. Your Keystone wall will last a lifetime.

14:10 GREATER PLTD/PRIME

Keystone Mini Units were designed for the environmentally conscious. The Mini Unit forms an attractive alternative to timber walls. Easy to handle concrete units require no mortar, special tools or preservatives. Simply interlock the units with the fiberglass pins to the required height and top off your wall with Keystone Cap units.

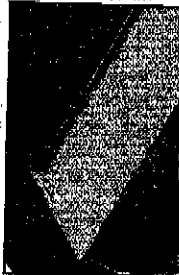
*Actual unit weight and depth may vary slightly by region.

Installation Guidelines

To determine the quantity of product you will need, simply figure the square foot area of the wall you wish to build (length x height), and multiply by 2.

STEP 1. PREPARATION OF FOOTING:

Prepare a shallow trench to approximately the depth and width dimensions of your Keystone modules. Provide level base on undisturbed original soils or a minimum layer of compacted granular fill (course sand or gravel). Do not use pea gravel for base.



STEP 2. INSTALLING THE BASE COURSE:

Install the first layer of Keystone modules by simply laying the units side by side over the prepared leveling pad. Make sure all units are level both side-to-side and front-to-back.



STEP 3. INSTALLING THE INTERLOCKING PINS:

Place the high-strength fiberglass pins into the paired holes in each module (two pins per unit). Once in place the pins will automatically position the next course of modules. Note: front pin hole = rear vertical rear pin hole = set back option.

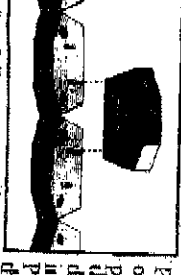


STEP 4. INSTALLING THE BACKFILL:

Provide drainage fill (3/4" crushed stone) at all areas between and up to 12" behind the units. Backfill behind the drain fill shall be granular fill (i.e. sand, gravel), placed and compacted in layers with the wall units.

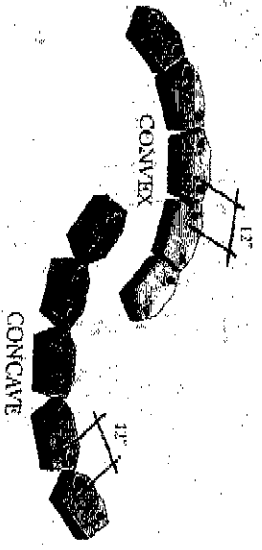
STEP 5. INSTALLING ADDITIONAL COURSES:

Place the second layer of units over the positioning fiberglass pins in the layer below. Insert the upper layer module such that it bridges two units below in a running bond pattern. Pull the upper unit towards the face of the wall until it makes full contact with both pins. Repeat steps 3, 4, and 5 to build the wall. Complete your Keystone wall using Mini Cap units for the finishing touch.



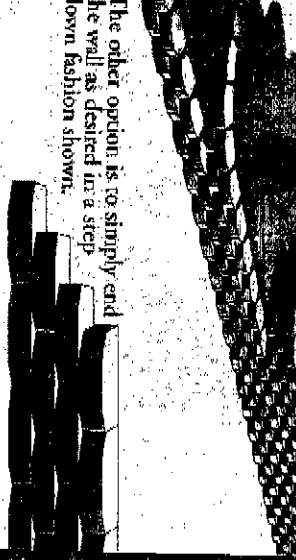
BUILDING CURVES:

Building curves into your Keystone retaining wall is easy. Convex curves require a small gap between adjacent units. For concave curves, touching edges of each unit should be slightly overlapped. Generally, on the base course, set adjacent units so pin holes are 12" on center.



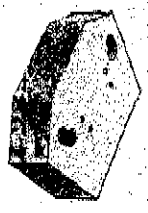
SPECIAL CONSIDERATIONS:

When finalizing the end of the retaining wall, two options are available. As shown below, returning the wall into grade is an attractive alternative. This can occur in a level or changing grade condition. Simply terrace back with return wall ends into grade at desired intervals.

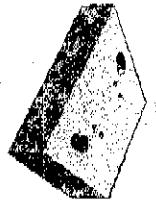


The other option is to simply end the wall as desired in a step down fashion shown.

The Keystone Mini unit modules were designed especially for residential applications, and work best in walls under three feet high. For walls higher than this, terracing may be required, or your Keystone dealer can suggest selecting a larger Keystone product or utilizing a geogrid soil reinforcement system.



Sculptured Rock Face



Classic Straight Face



WARRANTY

Each KEYSTONE mini (two) manufactured unit, in accordance with the specifications as provided to the licensed installer, will meet or exceed current AS 181 standards on concrete strength and absorption for general masonry for 15 years after proper installation. If a KEYSTONE unit develops a crack, please contact the distributor or the manufacturer for a replacement. Please ship your replacement units (which shall not be in stock) to the distributor or the manufacturer. However, the manufacturer shall have no obligation to install such replacement units.

This warranty shall not apply to any KEYSTONE unit which is damaged, subjected to loads to meet the warranty standard due to and not proper installation, chemical contact, structural design, or excessive water. The manufacturer shall not be responsible for any damage to the retaining wall systems due to such conditions beyond KEYSTONE's retaining wall systems.

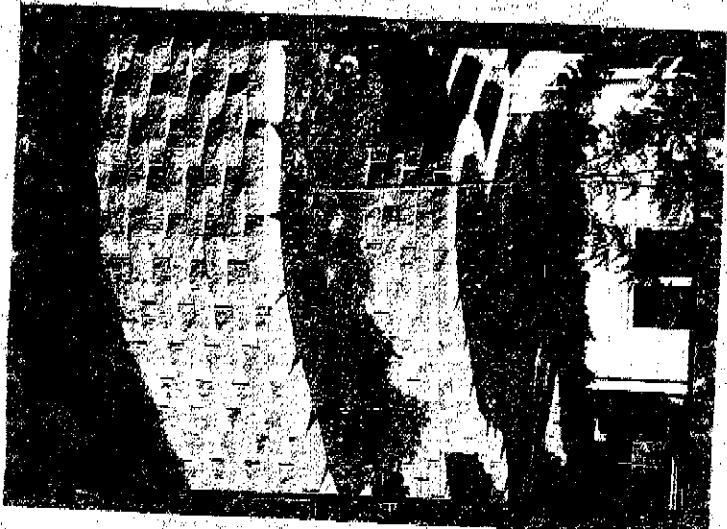
The above warranty is the exclusive warranty. ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE DISCLAIMED.

KEYSTONE
RETAINING WALL SYSTEMS

KEYSTONE is a registered trademark
©1995 KEYSTONE Retaining Wall Systems, Inc.
Corporate Headquarters:
4444 West 78th Street • Minneapolis, MN • 55435
(800) 747-8971 • (612) 897-3858 FAX
KEYSTONE Retaining Wall Systems are covered by one or more of U.S. Patent Numbers: 295,796; 295,888; 296,007; 296,365; 297,464; 297,574; 297,767; 298,465; 299,067; 300,253; 300,254; 301,064; 311,444; 4,823,320
Re: 3-4314 (I.C.R.O. #4599) and Foreign Patents

Distributed by:
GAGNE & SON CONCRETE BLOCKS
& CONSTRUCTION PRODUCTS
AUBURN 782-1132
BANGOR 942-7393
BELGRADE 495-3313
WESTBROOK 854-9184

KEYSTONE
RETAINING WALL SYSTEMS
MINI UNIT
*Proportionately sized
for smaller applications.*



- Retaining Walls
- Terrace Walls
- Patio Edging
- Tree Rings
- Flower Bed Borders



756-8258



EST
1961

Multiple Listing Service

GREATER PORTLAND REALTY

1321 Washington Avenue
Portland, Maine 04103

Fax 797-0255

FAX TRANSMISSION

TO: KANDI TALBOT

FROM: Willie ADET

NUMBER OF PAGES (INCLUDING COVER): 2

COMMENTS:

REVISED RIGHT SIDE ELEVATION

- SHOWING TOP OF WALL
BOTTOM OF WALL

- SHOWING SHUTTERS

CALL ME WITH ANY QUESTIONS, BEST REGARDS

Willie ADET

within year ~~establish~~ Provide additional
~~the~~ landscaping - doubling
between wall and foundation
infill x # equivalent



**Professional Office Building
400 Allen Ave.
Northgate Plaza Associates**

115'-00" Top of Ridge

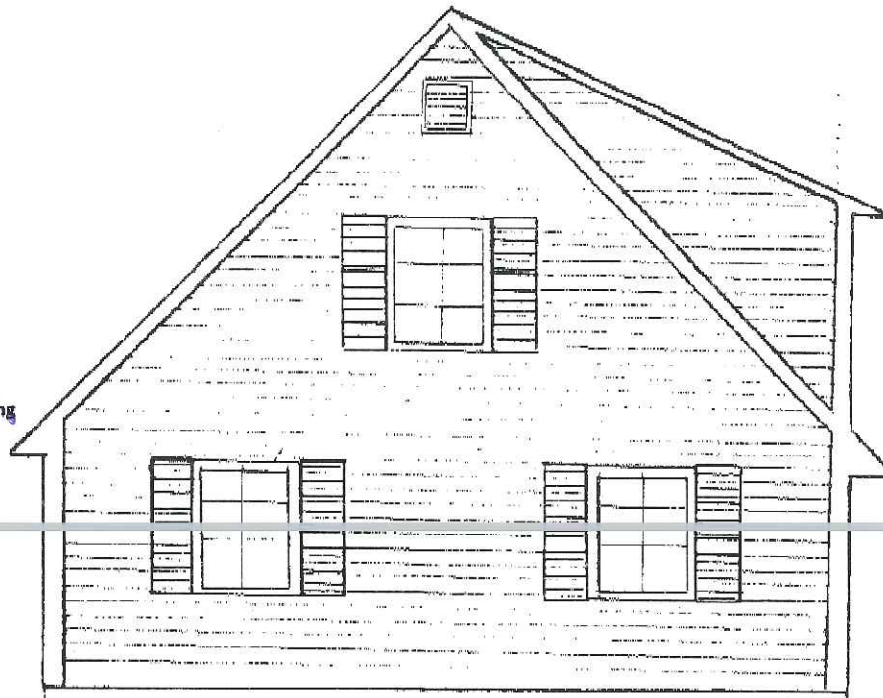
101'-0 1/2" Finished Ceiling

93'-00" Finished First Floor

92'-00" Top of Sill Plate

90'-00" Top of Wall

86'-00" Bottom of Wall



Note 90'-00" Supersedes 88'-50 as Shown on S-1 Dated 3-14-97

← Maximum 2 ft of concrete exposed

NOT TO SCALE

RIGHT SIDE ELEVATION



CITY OF PORTLAND

June 17, 1997

Mr. Wilfred J. Audet, Jr.
Greater Portland Realty
1334 Washington Avenue
Portland, ME 04104

Re: 402 Allen Avenue

Dear Mr. Audet:

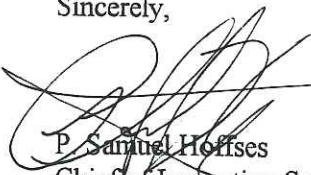
We have reviewed your request to do preliminary site work at 402 Allen Avenue. Based on the review, the preliminary site work listed below may be initiated in accordance with the approved site plan.

1. Install erosion control
2. Build temporary, stabilized access road on the site
3. Strip topsoil; level building pad (cut on-site material)
4. Install clean, structural fill for stabilization of the building platform

Please note: No other site work shall be initiated until a building permit has been issued for this project.

Should you have any questions concerning this letter please call me or Kandice Talbot of the Planning staff.

Sincerely,


P. Samuel Hoffses
Chief of Inspection Services

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Kandice Talbot, Planner
William Bray, Deputy Director/City Traffic Engineer
Kathi Staples PE, City Engineer

O:\PLANDEVRE\PROJECTS\402ALLEN\LETTERS\6-17AUD.KST

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

June 23 ,1997

Greater Portland Realty
1321 Washington Ave.
Portland, Me.

RE: 402 Allen Ave.

Dear Sir,

Your application to construct a 48' x 28' office building has been reviewed and a permit is herewith issued subject to the following requirements. This permit does not excuse the applicant from meeting applicable State and Federal laws.

NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL REQUIREMENTS OF THIS LETTER ARE MET.

Site Plan Review Requirements

Building Inspection: Approved with conditions :Separate permits will be required for all signage. M. Schmuckal

Development Review Coordinator: Approved : Jim Seymour

Fire Dept. Approved. Lt. McDougall

Planning Div. : Within one year, the landscaping between wall and foundation shall be doubled.
K. Talbot

Building Code Requirements

1. Please read and implement items 1,2,6,7,8,9,10,14,16,20,22 ,25, and 26, of the attached building permit report.

Sincerely,


P. Samuel Hoffses
Chief of Code Enforcement

c: K. Talbot
M. Schmuckal
Lt. McDougall



LAND USE CONSULTANTS INC

August 22, 1996 (Revised March 13, 1997)

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
2999

**DRAINAGE REPORT
ALLEN AVENUE OFFICE BUILDING
PORTLAND PROPERTIES
PORTLAND, MAINE**

Land Use Consultants has evaluated the proposed development to determine drainage patterns and runoff rates from the site for existing and proposed site conditions. The subject property is located on Allen Avenue, in Portland, just east of the Northgate Shopping Center Entrance Drive. The 90 ft. x 115 ft. rectangular parcel abuts the shopping center property and contains approximately 0.25 acres including an existing dilapidated house and driveway to be removed. A U.S.G.S. Quadrangle location map and medium intensity soils map (S.C.S.) are enclosed showing the location and general topography of the locus area.

The existing two-story wood frame dwelling is in poor condition and must be demolished. The existing building is located at the front of the lot on a small plateau which appears to be filled land. At the back of the house the property drops off approximately 3 to 5 feet to a low flat area which drains off-site to Fall Brook near the entrance to a 48 in. diameter storm drain inlet which conveys runoff from Fall Brook across Allen Avenue.

The drainage patterns for the developed site are essentially the same as existing conditions except that the fill will be extended towards the rear of the property and the impervious surface will increase as a result of the proposed parking area and building. A driveway culvert was added under the new access driveway which was sized to provide stormwater detention for the proposed site. There is a small portion along Allen Avenue which drains toward the street for both existing and developed site conditions. The developed site was divided into two small subcatchments in order to separate the portion of the site which drains to the detention basin.

The Rational Method was used to calculate peak runoff rates for the existing and developed site including a small off-site drainage area and along the shopping center access drive, for the 2 year, 10 year and 25 year storm intervals. The peak runoff rates for the existing site were calculated to be 0.55 cfs, 0.77 cfs and 0.89 cfs for the three design intervals. Without detention, the developed site yielded 0.79 cfs, 1.10 cfs and 1.29 cfs respectively for the 2, 10 and 25 year storms. The developed site results in a maximum increase of only 0.40 cfs for the 25 year storm. Although this small amount is not significant and will not likely result in adverse downstream impacts to Fall Brook, the 48 in. culvert or abutting properties, we feel that an attempt to control these minor increases through detention and Best Management Practices will significantly reduce the potential impacts due to stormwater increases and erosion resulting from the development. We are proposing to provide on-site detention using the new driveway entrance and culvert as the control structure. Using a concentric 8 in. x 4 in. reducer for the outlet control, the 4 in. orifice would limit the developed site to near existing runoff rates as well as provide a basin for settlement of soil particles and improved stormwater quality. In addition, to the small detention basin we are also proposing a level lip spreader to intercept sheet flow from the undetained portion of the site. The discharge from the detention pond will also be routed through the level spreader. The net

LAND USE CONSULTANTS INC

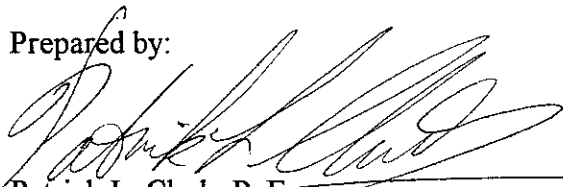
result will be to maintain the developed site to approximate existing site conditions, flow patterns and runoff rate.

With detention, the developed site will be limited to 0.60 cfs (+0.05 cfs increase), 0.79 cfs (+0.02 cfs increase) and 0.90 cfs (+0.01 cfs increase) for the three storms respectively. All data and calculations are included with this report.

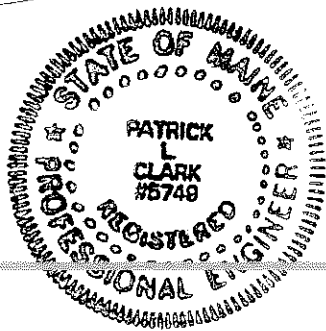
Erosion controls for this fill site will be limited to silt fence barriers at the limits of construction to protect the stream and adjacent property, rip-rap aprons and level spreader.

It is our conclusion that the small increase in peak runoff rates resulting from the proposed development are not significant and will not result in adverse impacts to the downslope reaches.

Prepared by:



Patrick L. Clark, P. E.





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

I. D. Number _____

Willy Audet
Applicant

Application Date _____

Applicant's Mailing Address _____

Project Name/Description _____

Consultant/Agent _____

403 Allen Hwy
Address of Proposed Site

Applicant or Agent Daytime Telephone, Fax _____

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 Other (specify) _____

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

Check Review Required:

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

Fees paid: site plan _____ subdivision _____

Approval Status:

Reviewer Jim Seymour

- Approved Approved w/Conditions listed below Denied

- _____
- _____
- _____

Approval Date 5/22/97 Approval Expiration 5/22/98 Extension to _____ date _____ date Additional Sheets Attached

Condition Compliance _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

<input checked="" type="checkbox"/> Performance Guarantee Accepted	<u>6/12/97</u> date	<u>\$14,391.84</u> amount	<u>7/30/98</u> expiration date
<input checked="" type="checkbox"/> Inspection Fee Paid	<u>6/12/97</u> date	<u>\$300.00</u> amount	
Performance Guarantee Reduced	_____ date	_____ remaining balance	_____ signature
Performance Guarantee Released	_____ date	_____ signature	
Defect Guarantee Submitted	_____ submitted date	_____ amount	_____ expiration date
Defect Guarantee Released	_____ date	_____ signature	

**CITY OF PORTLAND, MAINE
ENGINEERING REVIEW FORM**

Address of Proposed Site 402 Allen Avenue Date 4-14-97

Project Description _____ Job # 960814

Applicant Willie Axiel, Jr. & David Kingsley

Applicant's Mailing Address Greater Portland Realty, 1334 Washington Ave., Portland 04103

Site Review
(Planning Department)

Review Engineer: Jim Seymour

Number of Estimated Hours: 6.5

Cost Per Hour: \$47.00

Total Amount: \$305.50

Right-of-Way Review
(Public Works Department)

Review Engineer: Tony Lombardo

Number of Estimated Hours: 1

Cost Per Hour: \$25.00

Total Amount: \$25.00

An engineering fee has been assessed in the amount of \$330.50 for the review of your project located at 402 Allen Avenue.

Please make check payable to the City of Portland. The check should be submitted along with this form to the Portland Planning Department, City of Portland, 4th Floor, 389 Congress Street, Portland, ME 04101. Attn: Kandice Talbot

Office Use Only

Invoice Date: _____

Received: _____
date

Planning Revenue Code: _____

Public Works Revenue Code: _____

- cc: Applicant - white
Planner - blue
Engineer - green
Public Works - yellow
Financial Officer - pink
Review/Inspection Fee File - golden

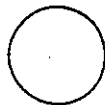
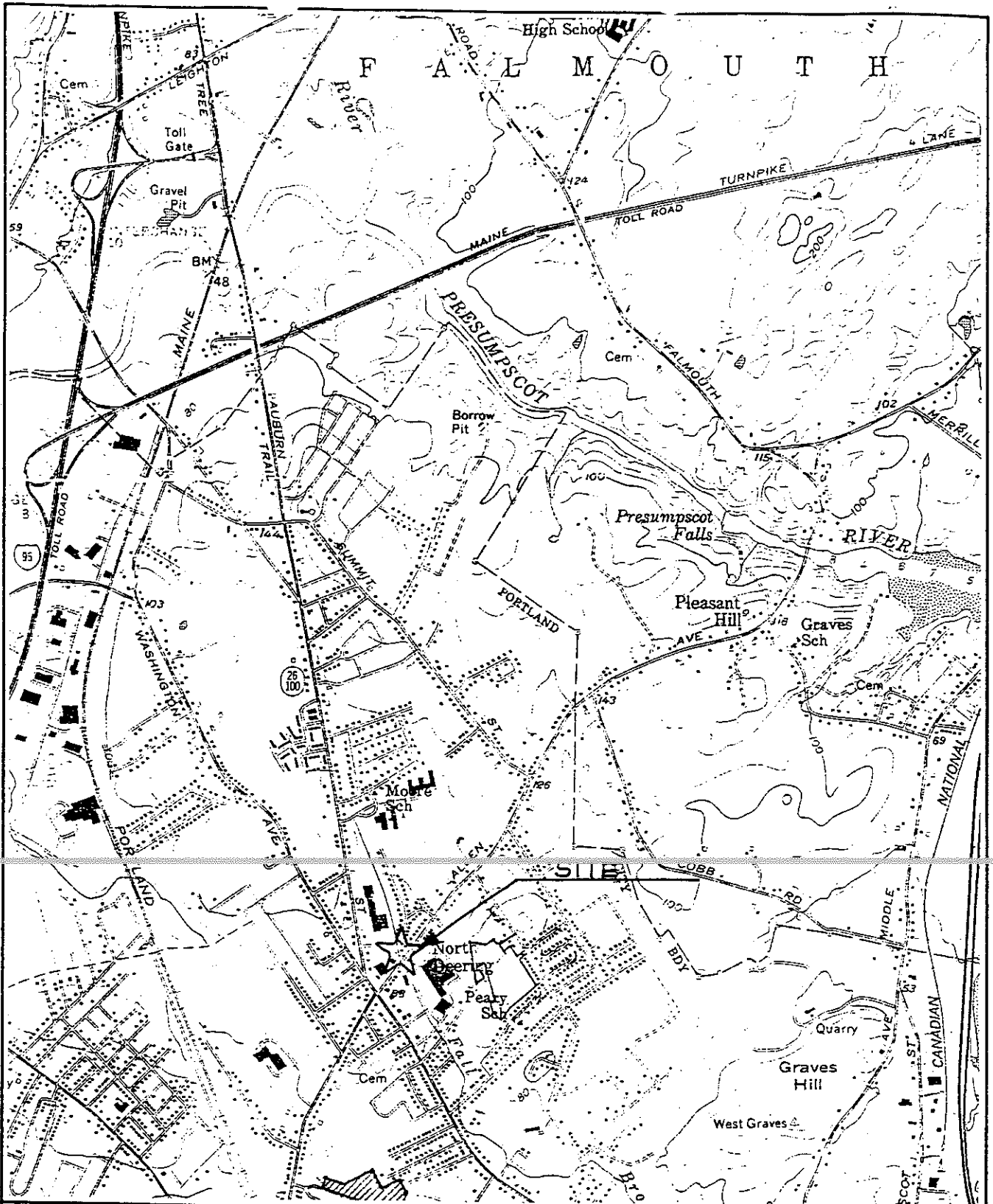












▶ PREPARED FOR:
**ALLEN AVE.
 OFFICE BLDG.**

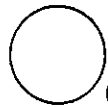
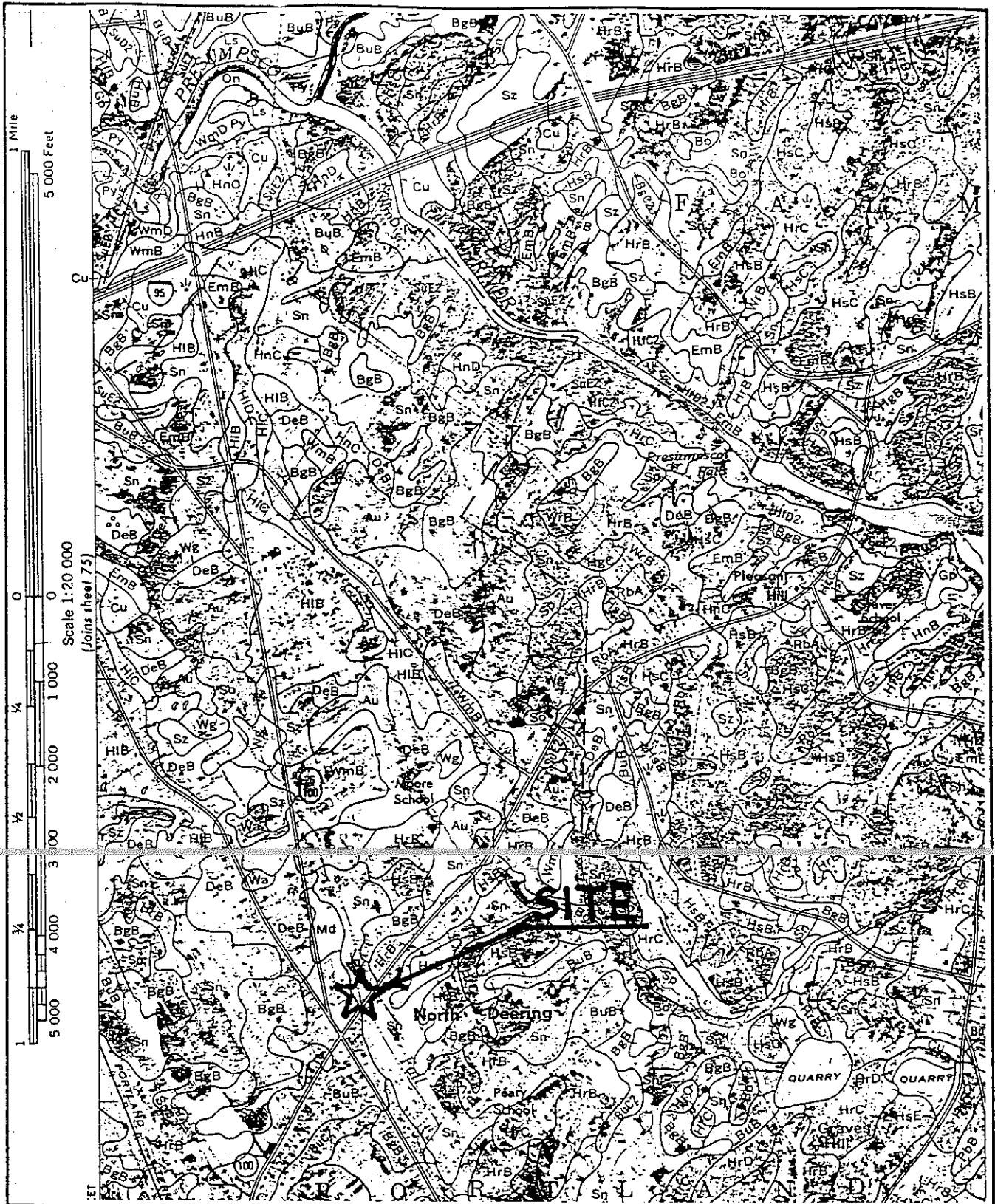
▶ TITLE:
U.S.G.S. LOCATION MAP

LAND USE CONSULTANTS, INC.
 LAND PLANNERS • ENGINEERS • SURVEYORS
 966 RIVERSIDE STREET
 PORTLAND, MAINE 04103
 (207) 878-3313

▶ SCALE: 1" = 2000' ±
 ▶ DATE: 8/22/96

▶ JOB #
 2999

▶ FIGURE #
 1



▶ PREPARED FOR:
**ALLEN AVE.
 OFFICE BLDG.**

▶ TITLE:
**MEDIUM INTENSITY
 SOILS MAP**

LAND USE CONSULTANTS, INC.

LAND PLANNERS • ENGINEERS • SURVEYORS
 966 RIVERSIDE STREET
 PORTLAND, MAINE 04103
 (207) 878-3313

▶ SCALE: NOTED
 ▶ DATE: 8/22/96

▶ JOB #
 2999

▶ FIGURE #
 2

TABLE 2

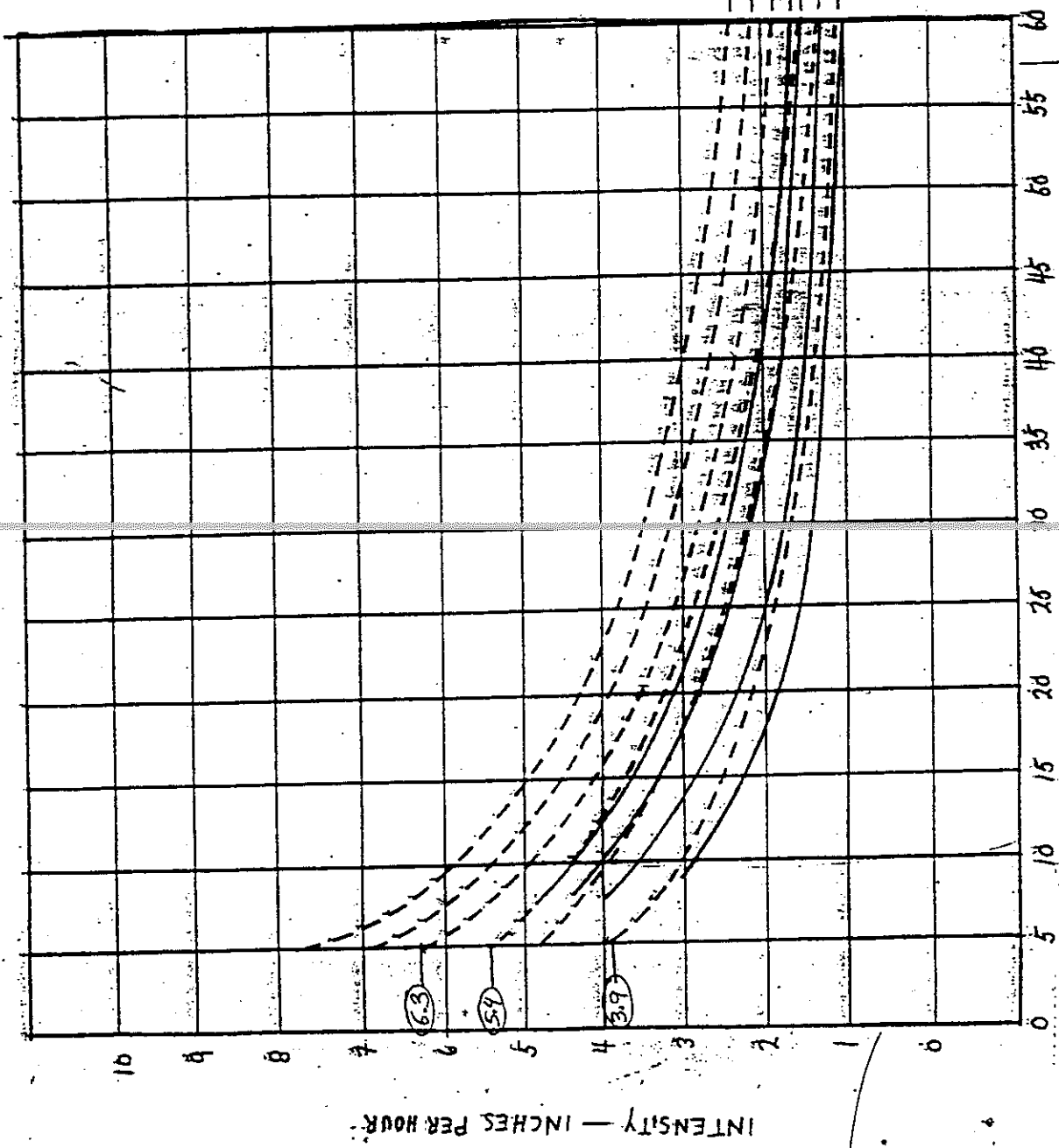
Runoff Coefficients
(Values of C in $Q=CIA$)

Topography and Vegetation	Open Sandy Loam	Clay and Silt Loam	Tight Clay
Woodland			
Flat 0-5% slope	0.10	0.30	0.40
Rolling 5-10% slope	0.25	0.35	0.50
Hilly 10-3% slope	0.30	0.50	0.60
Pasture, Lawn			
Flat	0.10	0.30	0.40
Rolling	0.16	0.36	0.55
Hilly	0.22	0.42	0.60
Cultivated			
Flat	0.30	0.50	0.60
Rolling	0.40	0.60	0.70
Hilly	0.52	0.72	0.82
Urban Areas, General	30% of area impervious	50% of area impervious	70% of area impervious
Flat	0.40	0.55	0.65
Rolling	0.50	0.65	0.80
Roofs	Minimum 0.90	Optimum 0.95	Maximum 1.00
Concrete or asphalt roads and pavements	0.85	0.95	1.00
Bituminous macadam roads and pavements	0.60	0.70	0.80
Gravel areas and walks			
Packed		0.70	
Loose		0.30	
Vacant lots, unpaved streets			
Light plant growth		0.60	
No plant growth		0.75	
Parks, lawns and meadows	0.10	0.40	0.60
Farming country	0.10	0.30	0.60
Woodland		0.20	

Taken from: Tourbier, Joachim and Westmacott, Richard, Water Resources Protection Measures in Land Development - A Handbook, University of Delaware, April, 1974.

REGIONAL RAINFALL INTENSITY - DURATION CURVES

HUNTER - BALLEW
 CUMBERLAND COUNTY
 PREPARED FOR NWS HYDRO -



DURATION - MINUTES

FIGURE 5

Project _____
 Job No. 2999
 Date 3/13/97

Computed By PLC
 Checked By _____
 Sheet _____ of _____



DRAINAGE CALCULATIONS

- RATIONAL METHOD ($Q = CIA$)

Existing Site (.24 acres)

- 0.04 ac drains to Allen Ave. (area #3)
- 0.08 ac From off-site along shopping center drive
- 0.28 ac Total to Fall Brook

	<u>A</u>	<u>C</u>	<u>CA</u>
Pavement & ex. impervious	0.06	0.95	0.057
Lawn & meadow	0.22	0.40	0.088
			<u>ΣCA = 0.145</u>

Composite C = $\frac{0.145}{0.28} \Rightarrow 0.52$

$I_2 = 3.9$
 $I_{10} = 5.4$
 $I_{25} = 6.3$

From IDF Fig. 5 (assume $t_c = 5$ min.)

Developed Site (.24 ac.)

- 0.05 ac drains to Allen Ave (Area #3)
- 0.08 ac From off-site
- 0.27 ac Total to Fall Brook

Area #1 (to Detention Pond)

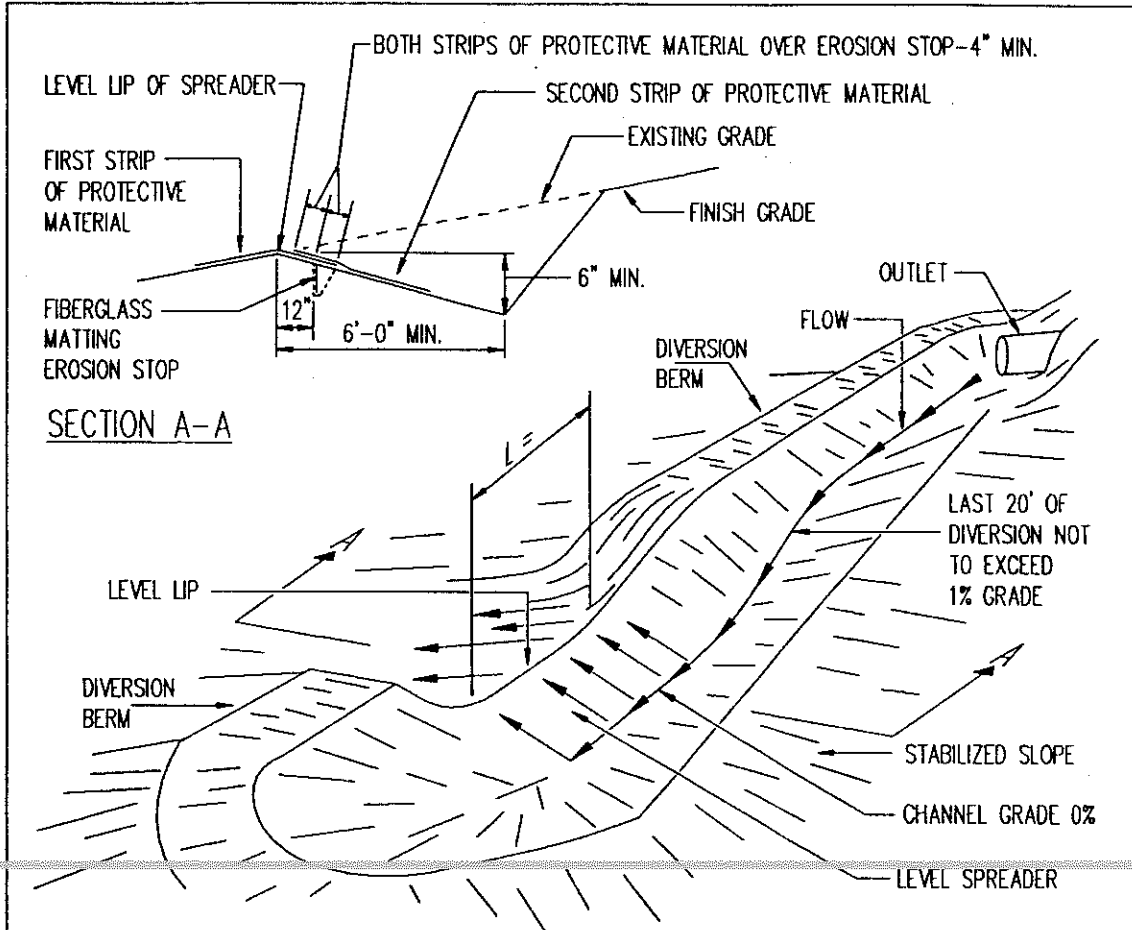
	<u>A</u>	<u>C</u>	<u>CA</u>
0.12 ac { Paved/impervious	0.09	0.95	0.086
{ open/lawn	0.03	0.40	0.0121
			<u>ΣCA = 0.098</u>

Composite C = 0.81

Area #2 (to level spreader)

Paved/impervious	0.10	0.95	0.095
open/lawn	0.05	0.40	0.020
			<u>ΣCA = 0.115</u>

Composite C = 0.77



CONSTRUCTION SPECIFICATIONS:

1. LEVEL SPREADERS SHALL BE INSTALLED UNDER THE DIRECT SUPERVISION OF THE ENGINEER.
2. CONSTRUCT LEVEL LIP TO ZERO PERCENT GRADE TO INSURE UNIFORM SPREADING OF SEDIMENT-FREE RUN-OFF (CONVERTING CHANNEL FLOW TO SHEET FLOW).
3. LEVEL SPREADER SHALL BE CONSTRUCTED ON UNDISTURBED SOIL (NOT FILL).
4. A FIBERGLASS MATTING EROSION STOP SHALL BE PLACED VERTICALLY AND AT LEAST SIX INCHES DEEP IN A SLIT TRENCH ONE FOOT BACK FROM AND PARALLEL TO THE LEVEL LIP. THIS EROSION STOP SHALL EXTEND THE ENTIRE LENGTH OF THE LEVEL LIP AND SHALL BE TRIMMED AFTER BACKFILLING WITH TAMPED SOIL SO THAT THE UPPER EDGE IS FLUSH WITH THE SOIL SURFACE.
5. THE ENTIRE LEVEL LIP SHALL BE PROTECTED BY PLACING TWO STRIPS OF MATTING/BLANKET OR EXCELSIOR PROTECTIVE MATERIAL AS SHOWN.
6. THE ENTRANCE CHANNEL SHALL NOT EXCEED A 1% GRADE FOR AT LEAST 20 FEET BEFORE ENTERING THE SPREADER.
7. STORM RUN-OFF CONVERTED TO SHEET FLOW SHALL OUTLET ONTO STABILIZED AREAS. WATER SHALL NOT BE RE-CONCENTRATED IMMEDIATELY BELOW THE POINT OF DISCHARGE.
8. PERIODIC INSPECTION AND REQUIRED MAINTENANCE SHALL BE PROVIDED.

LEVEL LIP SPREADER

NOT TO SCALE

2275/1-ES8/03-95

Data for 2999-WILLIE AUDET/EXISTING/2 YEAR
DURATION= 5 MIN INTEN= 3.90 IN/HR

Prepared by Land Use Consultants, Inc.

12 Mar 97

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 1

EXISTING SITE CONDITIONS

PEAK= .55 CFS @ 11.09 HRS, VOLUME= .01 AF

C= .52

TOTAL AREA = .28 AC

M-RATIONAL METHOD

DURATION= 5 MIN

INTEN= 3.90 IN/HR

SPAN= 11-13 HRS, dt=.01 HRS

Method	Comment	Tc (min)
DIRECT ENTRY	Segment ID:	5.0

Data for 2999-WILLIE AUDET/EXISTING/10 YEAR

DURATION= 5 MIN INTEN= 5.40 IN/HR

Prepared by Land Use Consultants, Inc.

12 Mar 97

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 1

EXISTING SITE CONDITIONS

PEAK= .77 CFS @ 11.09 HRS, VOLUME= .01 AF

C= .52

TOTAL AREA = .28 AC

M-RATIONAL METHOD

DURATION= 5 MIN

INTEN= 5.40 IN/HR

SPAN= 11-13 HRS, dt=.01 HRS

Method	Comment	Tc (min)
DIRECT ENTRY	Segment ID:	5.0

Data for 2999-WILLIE AUDET/EXISTING/25 YEAR

DURATION= 5 MIN INTEN= 6.30 IN/HR

Prepared by Land Use Consultants, Inc.

12 Mar 97

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 1

EXISTING SITE CONDITIONS

PEAK= .89 CFS @ 11.09 HRS, VOLUME= .01 AF

C= .52

TOTAL AREA = .28 AC

M-RATIONAL METHOD

DURATION= 5 MIN

INTEN= 6.30 IN/HR

SPAN= 11-13 HRS, dt=.01 HRS

Method	Comment	Tc (min)
DIRECT ENTRY	Segment ID:	5.0

REACH 1

LEVEL SPREADER

Qin = .79 CFS @ 11.09 HRS, VOLUME= .01 AF
 Qout= .77 CFS @ 11.11 HRS, VOLUME= .01 AF, ATTEN= 2%, LAG= 1.2 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)		STOR-IND+TRANS METHOD
0.0	0.0	0.00	40' x .5' CHANNEL	PEAK DEPTH= .08 FT
.1	2.0	.37	SIDE SLOPE= .1 '/'	PEAK VELOCITY= .3 FPS
.1	4.1	1.17	n= .035	TRAVEL TIME = .7 MIN
.2	6.2	2.30	LENGTH= 10 FT	SPAN= 11-13 HRS, dt=.01 HRS
.2	9.1	4.22	SLOPE= .001 FT/FT	
.3	12.9	7.42		
.4	17.6	12.10		
.5	22.5	17.73		

REACH 1

LEVEL SPREADER

Q_{in} = 1.10 CFS @ 11.09 HRS, VOLUME= .01 AF
 Q_{out} = 1.07 CFS @ 11.11 HRS, VOLUME= .01 AF, ATTEN= 2%, LAG= 1.1 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	40' x .5' CHANNEL SIDE SLOPE= .1 '/' n= .035 LENGTH= 10 FT SLOPE= .001 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .09 FT PEAK VELOCITY= .3 FPS TRAVEL TIME = .6 MIN SPAN= 11-13 HRS, dt=.01 HRS
0.0	0.0	0.00		
.1	2.0	.37		
.1	4.1	1.17		
.2	6.2	2.30		
.2	9.1	4.22		
.3	12.9	7.42		
.4	17.6	12.10		
.5	22.5	17.73		

REACH 1

LEVEL SPREADER

Qin = 1.29 CFS @ 11.09 HRS, VOLUME= .01 AF
 Qout= 1.27 CFS @ 11.10 HRS, VOLUME= .01 AF, ATTEN= 1%, LAG= .9 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	40' x .5' CHANNEL SIDE SLOPE= .1 '/' n= .035 LENGTH= 10 FT SLOPE= .001 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .10 FT PEAK VELOCITY= .3 FPS TRAVEL TIME = .6 MIN SPAN= 11-13 HRS, dt=.01 HRS
0.0	0.0	0.00		
.1	2.0	.37		
.1	4.1	1.17		
.2	6.2	2.30		
.2	9.1	4.22		
.3	12.9	7.42		
.4	17.6	12.10		
.5	22.5	17.73		

Data for 2999-WILLIE AUDET/DEVELOPED/2 YEAR

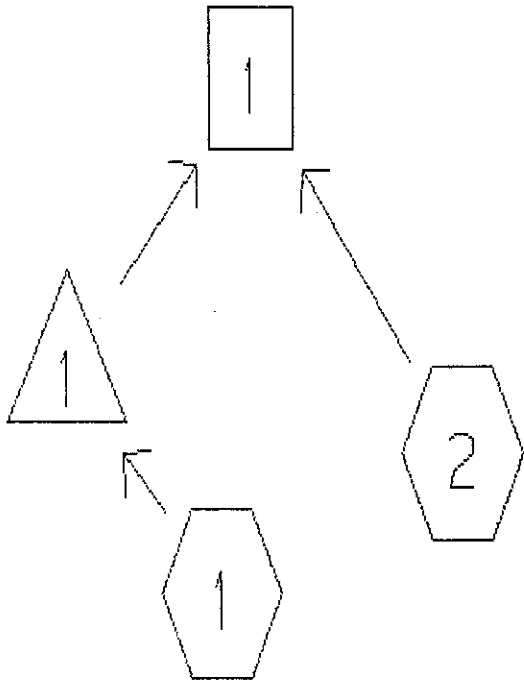
DURATION= 5 MIN INTEN= 3.90 IN/HR


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WATERSHED ROUTING =====



 SUBCATCHMENT

 REACH

 POND

 LINK

Data for 2999-WILLIE AUDET/DEVELOPED/2 YEAR

DURATION= 5 MIN INTEN= 3.90 IN/HR

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13 Mar 97

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SUBCATCHMENT 1 DEVELOPED SITE CONDITIONS (REGION 1)

PEAK= .37 CFS @ 11.09 HRS, VOLUME= 0.00 AF

C= .81

TOTAL AREA = .12 AC

M-RATIONAL METHOD

DURATION= 5 MIN

INTEN= 3.90 IN/HR

SPAN= 11-13 HRS, dt=.01 HRS

Method	Comment	Tc (min)
DIRECT ENTRY	Segment ID:	5.0

SUBCATCHMENT 2 DEVELOPED SITE CONDITIONS (REGION 2)

PEAK= .44 CFS @ 11.09 HRS, VOLUME= 0.00 AF

C= .77

TOTAL AREA = .15 AC

M-RATIONAL METHOD

DURATION= 5 MIN

INTEN= 3.90 IN/HR

SPAN= 11-13 HRS, dt=.01 HRS

Method	Comment	Tc (min)
DIRECT ENTRY	Segment ID:	5.0

Data for 2999-WILLIE AUDET/DEVELOPED/2 YEAR

DURATION= 5 MIN INTEN= 3.90 IN/HR

Prepared by Land Use Consultants, Inc.

13 Mar 97

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POND 1

PROPOSED POND

Qin = .37 CFS @ 11.09 HRS, VOLUME= 0.00 AF
Qout= .21 CFS @ 11.16 HRS, VOLUME= 0.00 AF, ATTEN= 44%, LAG= 4.5 MIN

ELEVATION (FT)	CUM.STOR (CF)
80.5	0
81.0	25
82.0	400
83.0	1500

STOR-IND METHOD
 PEAK STORAGE = 65 CF
 PEAK ELEVATION= 81.1 FT
 FLOOD ELEVATION= 83.0 FT
 START ELEVATION= 80.5 FT
 SPAN= 11-13 HRS, dt=.01 HRS
 Tdet= 4.1 MIN (0 AF)

#	ROUTE	INVERT	OUTLET DEVICES
1	2	80.7'	4" ORIFICE/GRATE Q=.6 PI r^2 SQR(2g) SQR(H-r)
2	P	80.5'	8" CULVERT n=.009 L=50' S=.01'/' Ke=.5 Cc=.9 Cd=.6

Primary Discharge

└─2=Culvert

└─1=Orifice/Grate

Data for 2999-WILLIE AUDET/DEVELOPED/2 YEAR

DURATION= 5 MIN INTEN= 3.90 IN/HR

Prepared by Land Use Consultants, Inc.

13 Mar 97

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

REACH 1

LEVEL SPREADER

Qin = .61 CFS @ 11.09 HRS, VOLUME= .01 AF
Qout= .60 CFS @ 11.11 HRS, VOLUME= .01 AF, ATTEN= 2%, LAG= 1.4 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	40' x .5' CHANNEL SIDE SLOPE= .1 '/' n= .035 LENGTH= 10 FT SLOPE= .001 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .06 FT PEAK VELOCITY= .2 FPS TRAVEL TIME = .7 MIN SPAN= 11-13 HRS, dt=.01 HRS
0.0	0.0	0.00		
.1	2.0	.37		
.1	4.1	1.17		
.2	6.2	2.30		
.2	9.1	4.22		
.3	12.9	7.42		
.4	17.6	12.10		
.5	22.5	17.73		

Data for 2999-WILLIE AUDET/DEVELOPED/10 YEAR

DURATION= 5 MIN INTEN= 5.40 IN/HR

Prepared by Land Use Consultants, Inc.

13 Mar 97

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 1 DEVELOPED SITE CONDITIONS (REGION 1)

PEAK= .51 CFS @ 11.09 HRS, VOLUME= .01 AF

C= .81
TOTAL AREA = .12 AC

M-RATIONAL METHOD
DURATION= 5 MIN
INTEN= 5.40 IN/HR
SPAN= 11-13 HRS, dt=.01 HRS

Method	Comment	Tc (min)
DIRECT ENTRY	Segment ID:	5.0

SUBCATCHMENT 2 DEVELOPED SITE CONDITIONS (REGION 2)

PEAK= .61 CFS @ 11.09 HRS, VOLUME= .01 AF

C= .77
TOTAL AREA = .15 AC

M-RATIONAL METHOD
DURATION= 5 MIN
INTEN= 5.40 IN/HR
SPAN= 11-13 HRS, dt=.01 HRS

Method	Comment	Tc (min)
DIRECT ENTRY	Segment ID:	5.0

Data for 2999-WILLIE AUDET/DEVELOPED/10 YEAR

DURATION= 5 MIN INTEN= 5.40 IN/HR

Prepared by Land Use Consultants, Inc.

13 Mar 97

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

POND 1

PROPOSED POND

Qin = .51 CFS @ 11.09 HRS, VOLUME= .01 AF
Qout= .25 CFS @ 11.17 HRS, VOLUME= .01 AF, ATTEN= 52%, LAG= 5.2 MIN

ELEVATION (FT)	CUM.STOR (CF)
80.5	0
81.0	25
82.0	400
83.0	1500

STOR-IND METHOD
 PEAK STORAGE = 104 CF
 PEAK ELEVATION= 81.2 FT
 FLOOD ELEVATION= 83.0 FT
 START ELEVATION= 80.5 FT
 SPAN= 11-13 HRS, dt=.01 HRS
 Tdet= 5.2 MIN (.01 AF)

#	ROUTE	INVERT	OUTLET DEVICES
1	2	80.7'	4" ORIFICE/GRATE Q=.6 PI r^2 SQR(2g) SQR(H-r)
2	P	80.5'	8" CULVERT n=.009 L=50' S=.01'/' Ke=.5 Cc=.9 Cd=.6

Primary Discharge

└─2=Culvert

└─1=Orifice/Grate

Data for 2999-WILLIE AUDET/DEVELOPED/10 YEAR

DURATION= 5 MIN INTEN= 5.40 IN/HR

Prepared by Land Use Consultants, Inc.

13 Mar 97

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

REACH 1

LEVEL SPREADER

Qin = .80 CFS @ 11.09 HRS, VOLUME= .01 AF
Qout= .79 CFS @ 11.11 HRS, VOLUME= .01 AF, ATTEN= 2%, LAG= 1.2 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	40' x .5' CHANNEL SIDE SLOPE= .1 '/' n= .035 LENGTH= 10 FT SLOPE= .001 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .08 FT PEAK VELOCITY= .3 FPS TRAVEL TIME = .7 MIN SPAN= 11-13 HRS, dt=.01 HRS
0.0	0.0	0.00		
.1	2.0	.37		
.1	4.1	1.17		
.2	6.2	2.30		
.2	9.1	4.22		
.3	12.9	7.42		
.4	17.6	12.10		
.5	22.5	17.73		

Data for 2999-WILLIE AUDET/DEVELOPED/25 YEAR

DURATION= 5 MIN INTEN= 6.30 IN/HR

Prepared by Land Use Consultants, Inc.

13 Mar 97

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

SUBCATCHMENT 1 DEVELOPED SITE CONDITIONS (REGION 1)

PEAK= .60 CFS @ 11.09 HRS, VOLUME= .01 AF

C= .81

TOTAL AREA = .12 AC

M-RATIONAL METHOD

DURATION= 5 MIN

INTEN= 6.30 IN/HR

SPAN= 11-13 HRS, dt=.01 HRS

Method	Comment	Tc (min)
DIRECT ENTRY	Segment ID:	5.0

SUBCATCHMENT 2 DEVELOPED SITE CONDITIONS (REGION 2)

PEAK= .71 CFS @ 11.09 HRS, VOLUME= .01 AF

C= .77

TOTAL AREA = .15 AC

M-RATIONAL METHOD

DURATION= 5 MIN

INTEN= 6.30 IN/HR

SPAN= 11-13 HRS, dt=.01 HRS

Method	Comment	Tc (min)
DIRECT ENTRY	Segment ID:	5.0

Data for 2999-WILLIE AUDET/DEVELOPED/25 YEAR

DURATION= 5 MIN INTEN= 6.30 IN/HR

Prepared by Land Use Consultants, Inc.

13 Mar 97

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

POND 1

PROPOSED POND

Qin = .60 CFS @ 11.09 HRS, VOLUME= .01 AF
Qout = .27 CFS @ 11.18 HRS, VOLUME= .01 AF, ATTEN= 55%, LAG= 5.5 MIN

ELEVATION (FT)	CUM.STOR (CF)
80.5	0
81.0	25
82.0	400
83.0	1500

STOR-IND METHOD
PEAK STORAGE = 129 CF
PEAK ELEVATION= 81.3 FT
FLOOD ELEVATION= 83.0 FT
START ELEVATION= 80.5 FT
SPAN= 11-13 HRS, dt=.01 HRS
Tdet= 5.8 MIN (.01 AF)

#	ROUTE	INVERT	OUTLET DEVICES
1	2	80.7'	4" ORIFICE/GRATE Q=.6 PI r ² SQR(2g) SQR(H-r)
2	P	80.5'	8" CULVERT n=.009 L=50' S=.01'/' Ke=.5 Cc=.9 Cd=.6

Primary Discharge

└─2=Culvert

└─1=Orifice/Grate

Data for 2999-WILLIE AUDET/DEVELOPED/25 YEAR

DURATION= 5 MIN INTEN= 6.30 IN/HR

Prepared by Land Use Consultants, Inc.

13 Mar 97

HydroCAD 4.52 000511 (c) 1986-1996 Applied Microcomputer Systems

REACH 1

LEVEL SPREADER

Qin = .91 CFS @ 11.09 HRS, VOLUME= .01 AF
Qout= .90 CFS @ 11.11 HRS, VOLUME= .01 AF, ATTEN= 2%, LAG= 1.2 MIN

DEPTH (FT)	END AREA (SQ-FT)	DISCH (CFS)	40' x .5' CHANNEL SIDE SLOPE= .1 '/' n= .035 LENGTH= 10 FT SLOPE= .001 FT/FT	STOR-IND+TRANS METHOD PEAK DEPTH= .08 FT PEAK VELOCITY= .3 FPS TRAVEL TIME = .6 MIN SPAN= 11-13 HRS, dt=.01 HRS
0.0	0.0	0.00		
.1	2.0	.37		
.1	4.1	1.17		
.2	6.2	2.30		
.2	9.1	4.22		
.3	12.9	7.42		
.4	17.6	12.10		
.5	22.5	17.73		

Landscaping Plan

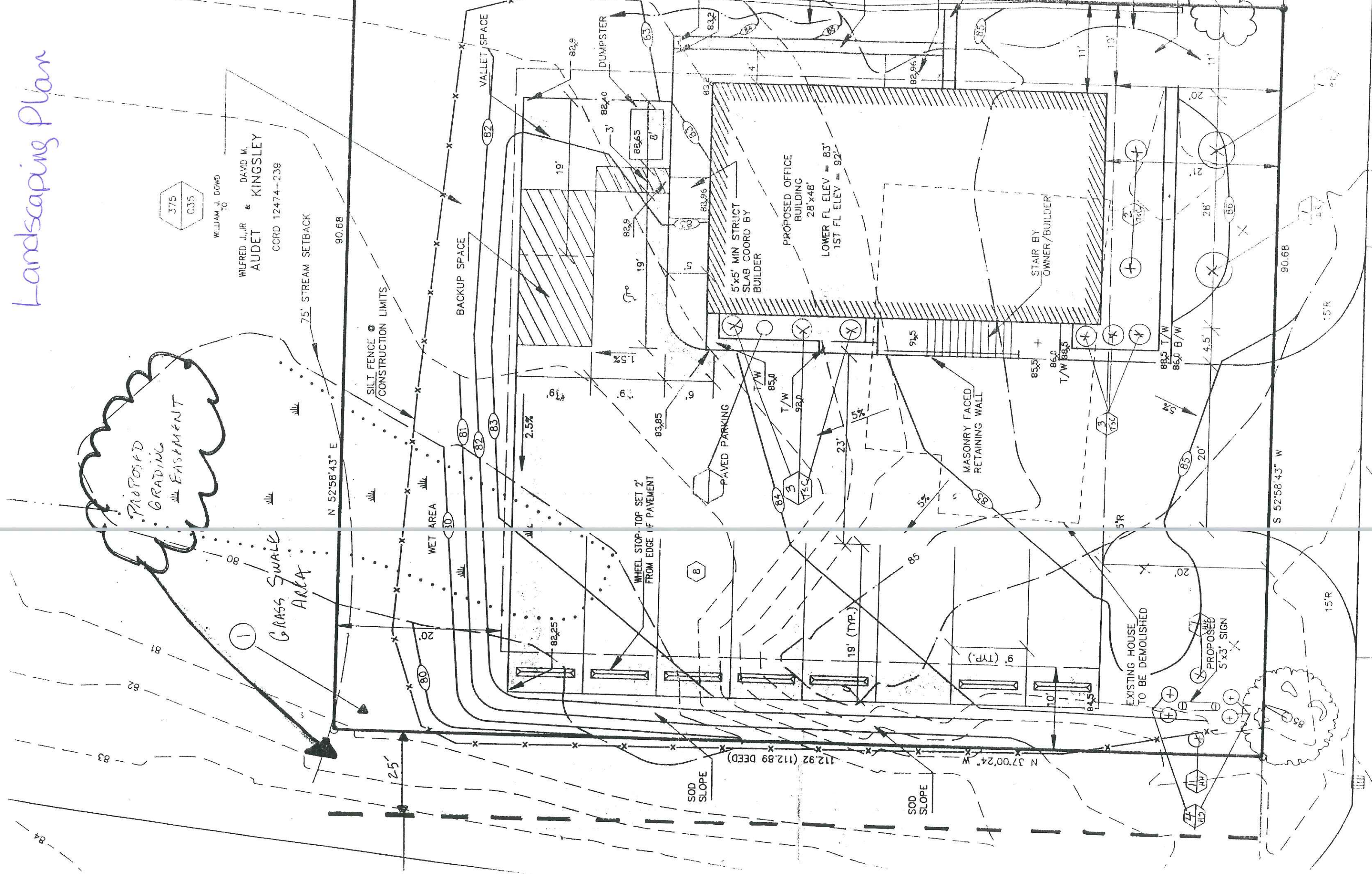
375
C35

WILLIAM J. DOWD
TO

WILFRED J. JR. & DAVID M.
AUDET & KINGSLEY
CCRD 12474-239

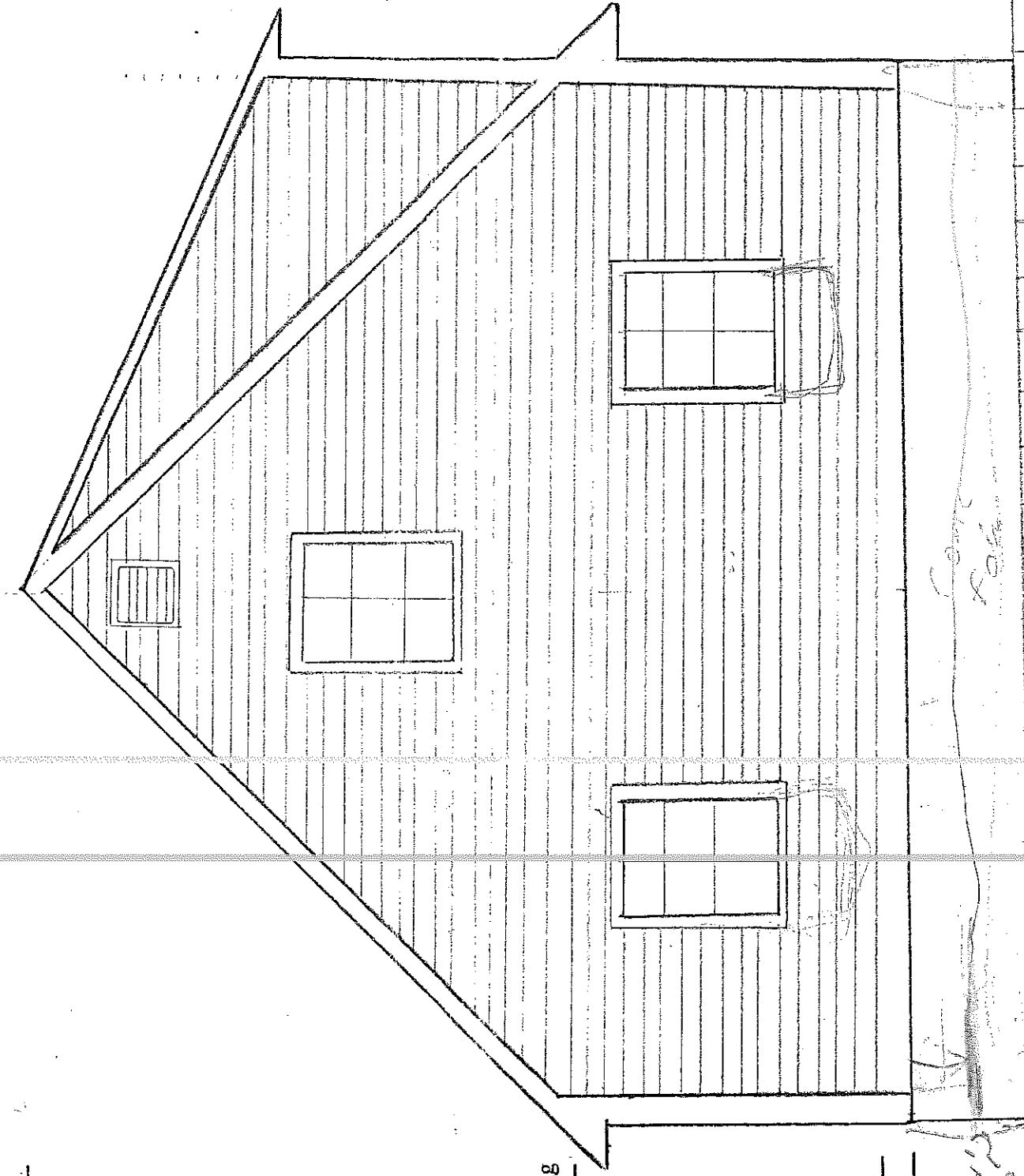
PROPOSED
GRADING
& EASEMENT

GRASS SWALE
AREA



Professional Office Building
400 Allen Ave.
Northgate Plaza Associates

115'-00" Top of Ridge



101'-0 1/2" Finished Ceiling

93'-00" Finished First Floor

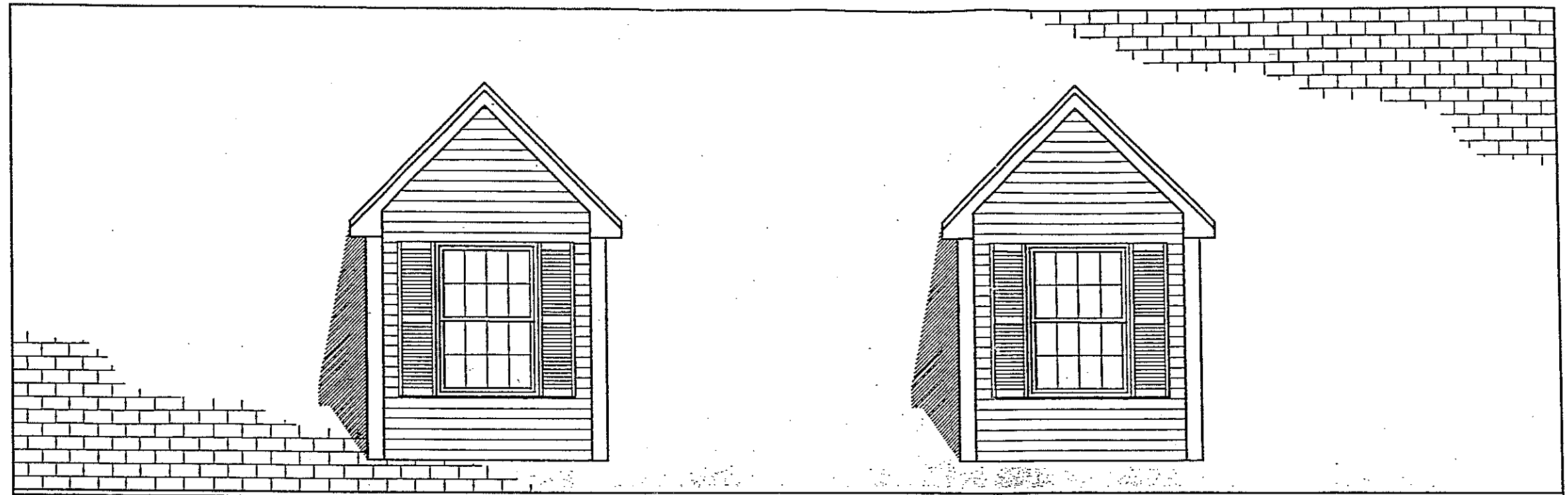
92'-00" Top of Sill Plate

SCALE 1'-0" = 1/4"

RIGHT SIDE ELEVATION

115'-00" Top of Ridge

1'0"



101'-0 1/2" Finished Ceiling

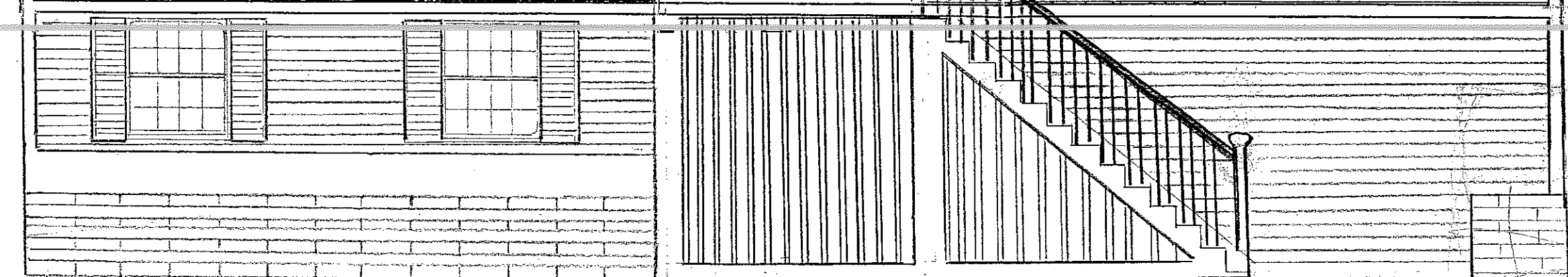
1/2"



93'-00" Finished First Floor

1'0"

92'-00" Sill Plate



83'-00" Lower FL Elevation

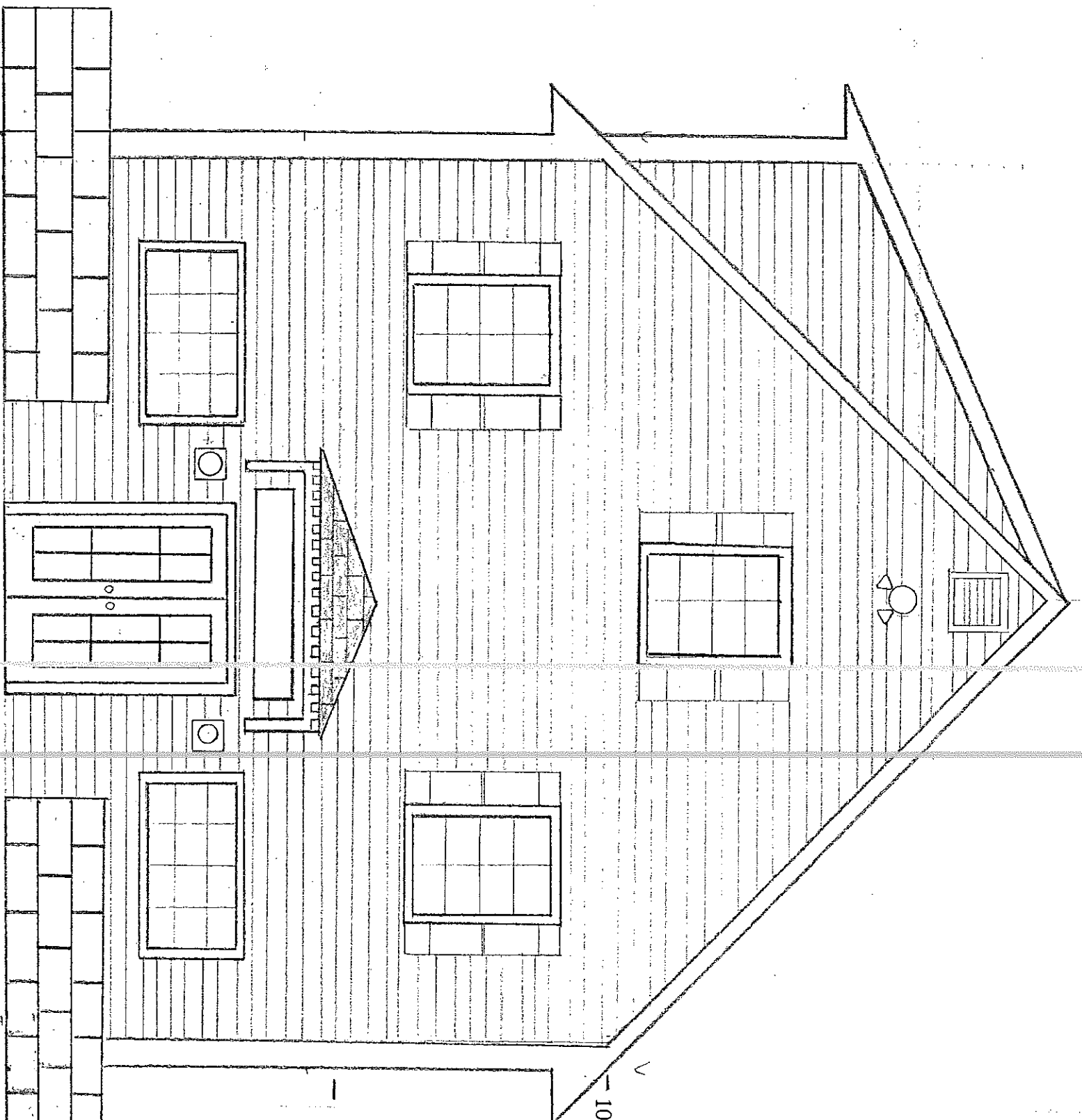
Professional Office Building

400 Allen Ave.

Northgate Plaza Associates

SCALE 1'-0" =

Professional Office Building
400 Allen Ave.
Northgate Plaza Associates



115'-00" Top of Ridge

101'-0 1/2" Finished Ceil

93'-00" Finished First Fl

83'-00" Lower Level Elevation

LEFT SIDE ELEVATION

SCALE 1'-0" = 1/4"

PROPOSED GRADING & EASEMENT

375
C35

WILFRED J. JR. & DAVID M. AUDET & KINGSLEY
CORD 12474-239

WILLIAM J. BOWD TO

GRASS SWALE AREA

75' STEAM SETBACK

SILT FENCE @ CONSTRUCT ON LIMITS

BACK UP SPACE

VALLET SPACE

WHEEL STOP-TOP SET 2' FROM EDGE OF PAVEMENT

PAVED PARKING

5' X 5' MIN STRUCT LAB COORD BY BUILDER

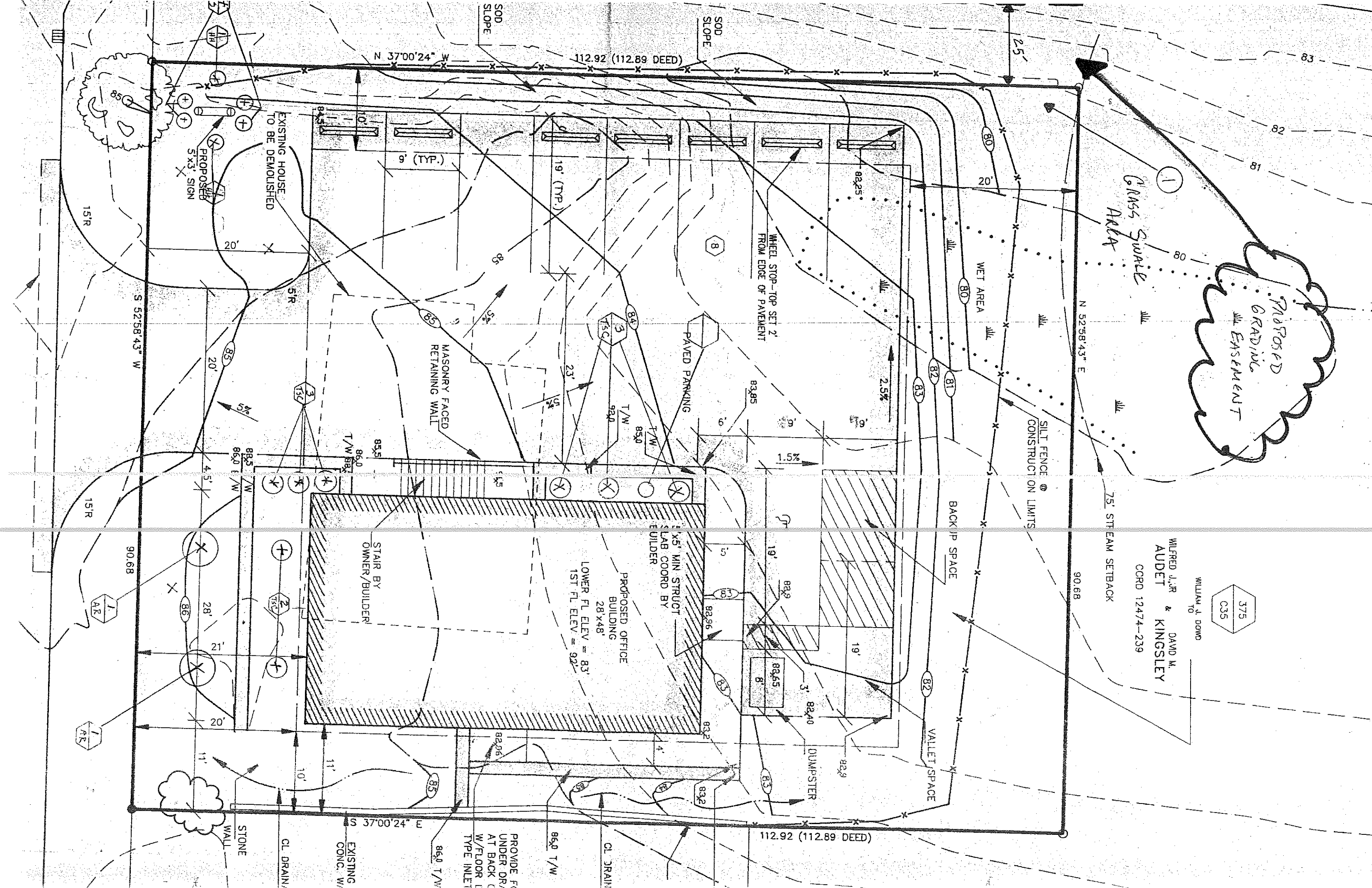
PROPOSED OFFICE BUILDING 28' X 48'

LOWER FL ELEV = 83' 1ST FL ELEV = 92'

MASONRY FACED RETAINING WALL

EXISTING HOUSE TO BE DEMOLISHED

PROPOSED 5' X 3' SIGN



112.92 (112.89 DEED)

S 37°00'24" E

S 52°58'43" W

N 52°58'43" E

PROVIDE FC UNDER DR/ AT BACK C W/FLOOR L TYPE INLET

CL DRAIN

CL DRAIN

STONE WALL

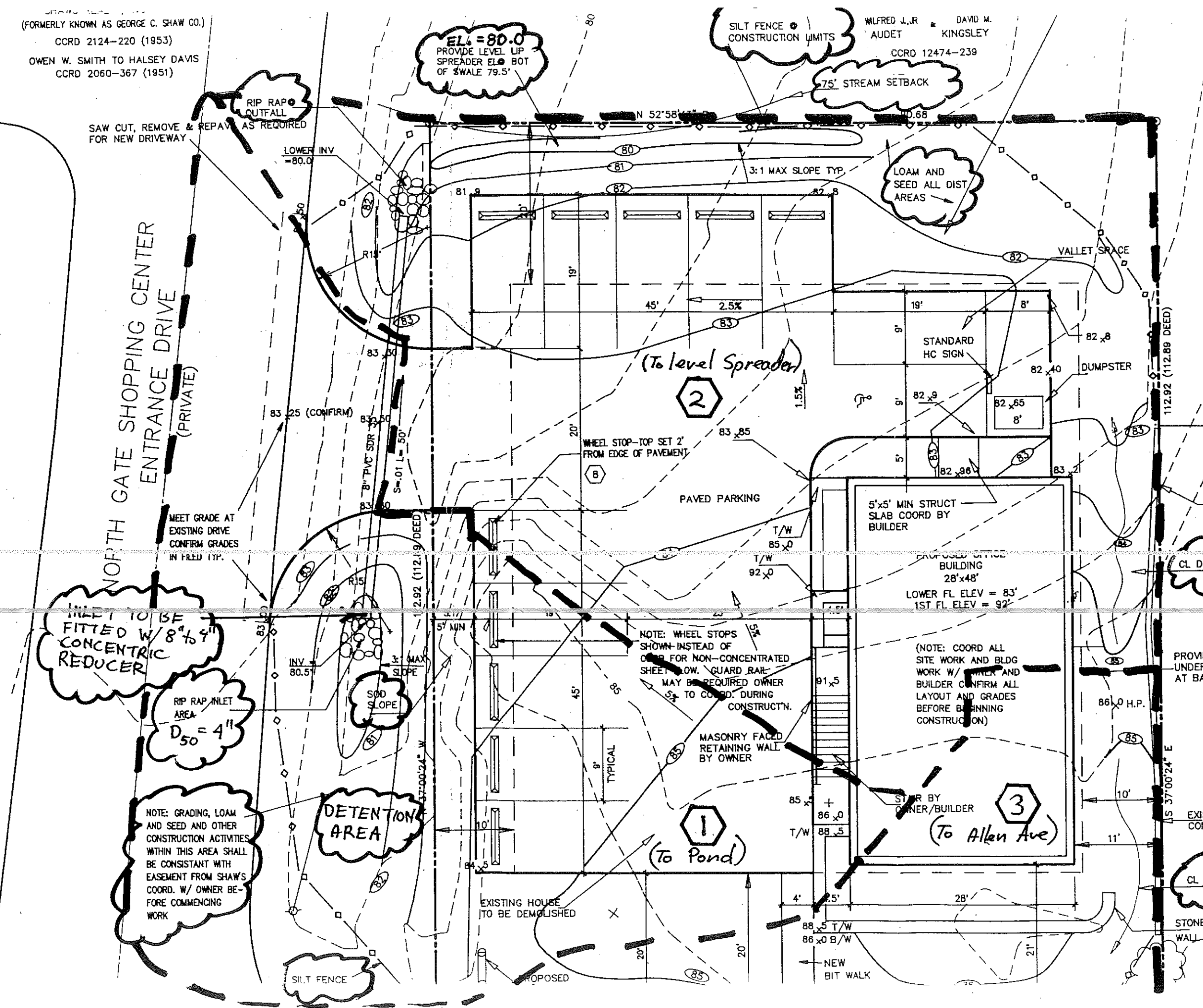
EXISTING CONC. W/

15'R

15'R

(FORMERLY KNOWN AS GEORGE C. SHAW CO.)
 CCRD 2124-220 (1953)
 OWEN W. SMITH TO HALSEY DAVIS
 CCRD 2060-367 (1951)

WILFRED J. JR. DAVID M.
 AUDET KINGSLEY
 CCRD 12474-239



DRAINAGE SKETCH
 PORTLAND PROPERTIES
 ALLEN AVENUE
 PORTLAND, MAINE

#2999 3/13/97
 NOT TO SCALE

NOTE: GRADING, LOAM
 AND SEED AND OTHER
 CONSTRUCTION ACTIVITIES
 WITHIN THIS AREA SHALL
 BE CONSISTANT WITH
 EASEMENT FROM SHAW'S
 COORD. W/ OWNER BE-
 FORE COMMENCING
 WORK

NOTE: WHEEL STOPS
 SHOWN INSTEAD OF
 CURB FOR NON-CONCENTRATED
 SHEET PILING. GUARD RAIL
 MAY BE REQUIRED OWNER
 TO COORD. DURING
 CONSTRUCTION.

(NOTE: COORD ALL
 SITE WORK AND BLDG
 WORK W/ OWNER AND
 BUILDER CONFIRM ALL
 LAYOUT AND GRADES
 BEFORE BEGINNING
 CONSTRUCTION)

DETENTION
 AREA

(To Pond)

(To Allen Ave)

EL. = 80.0
 PROVIDE LEVEL LIP
 SPREADER EL. BOT
 OF SWALE 79.5'

75' STREAM SETBACK

INLET TO BE
 FITTED W/ 8" to 9"
 CONCENTRIC
 REDUCER

RIP RAP INLET
 AREA
 D₅₀ = 4"

SILT FENCE

NEW
 BIT WALK

PBR1

PLANNING BOARD REPORT #68-96

**SIDEWALK AND GRANITE CURB WAIVER REQUEST IN THE VICINITY OF
400-404 ALLEN AVENUE
WILLIE J. AUDET, JR. AND DAVID M. KINGSLEY, APPLICANTS**

Submitted to:

Portland Planning Board
Portland, Maine

December 10, 1996

I. INTRODUCTION

Willie Audet and David Kingsley are requesting a waiver of sidewalk and granite curb from Chapter 25 of the Municipal Code for their property at 400-404 Allen Avenue.

In the spring of 1996, the City Council approved a recommendation from the Planning Board for the rezoning of the parcel of land located at 400-404 Allen Avenue from R-3 Residential to R-P Residence-Professional Zone. Currently, staff is reviewing a proposal from Willie Audet and David Kingsley for a real estate office building at this property. Sidewalk and granite curb has been required as part of site plan review. The request for waiver and a copy of the site plan are included as Attachments 1 and 7.

340 notices were sent to area property owners.

II. PROPOSED WAIVER REQUEST

The property has approximately 90 feet of street frontage. There is presently no granite curb or sidewalk on the site. The applicants are requesting a waiver because they feel they do not have the budget to be held to the same standards as major developers and companies. They also feel that since they are in the Residence-Professional (R-P) Zone they should not be held to the standards applied to commercial developments. The applicants believe they qualify for a hardship waiver according to Sec. 14-506(b).

A copy of Chapter 25 and the waiver criteria of Sec. 14-506 are shown as Attachments 3 and 4.

The property totals 10,347 sq. ft. and is zoned R-P. Currently there is an existing Cape Code style home on the property which is proposed to be demolished. To the south and east of the property is a B-2 zone. Businesses in this area include the Northgate Shopping Plaza, Atlantic Bank, Rite Aid, Northport Business Park, and the Fire Barn. Property to the north of 400-404 Allen Avenue is zoned R-3 Residential and is primarily single family homes.

Along Allen Avenue, the only existing granite curb is located from the corner of Washington Avenue on the west side of Allen Avenue and runs along the street to the end of the Atlantic Bank property. Bituminous concrete sidewalk is located along Allen Avenue on the west side from the corner of Washington Avenue to the end of the Atlantic Bank property and from Brook Road to Woodmere Road. There is granite curb along both sides of Brook Road and bituminous concrete sidewalk along the south side of Brook Road. A map showing sidewalk and granite curb location is included as Attachment 5.

Public Works has reviewed the request for granite curb and sidewalk waiver and feel that the applicant should install a 5 foot wide hot bituminous concrete sidewalk to match the remainder of the neighborhood. They do not believe that granite curb is necessary. A memo from Public Works is included as Attachment 6.

III. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #68-96, the Planning Board finds that:

- a. Extraordinary conditions do/do not exist (if yes, please specify those conditions); or
- b. ~~Undue hardship~~ Undue hardship will/will not result (if yes, please specify the hardship).

The Board further finds that the granting of the waiver will/will not create potentially hazardous vehicle and pedestrian conflict or that it will/will not nullify the intent and purpose of the land development plan and the City ordinances.

As a result, the Board does/does not grant the request for a waiver of the curb and sidewalk requirements.

Attachments

1. Request for Waiver
2. Picture of Property
3. Chapter 25
4. Sec. 14-506
5. Sidewalk and Granite Curb Map
6. Public Works Memo
7. Site Plan

6-0
waiver of
granite curb

Post-it® Fax Note

7671

Date 12/3 # of pages 1

To	Candy Talbot	From	Willie Audet
Co./Dept.	Planning Dept	Co.	David Kingsley
Phone #	874-8300	Phone #	797-2777
Fax #	756-8258	Fax #	797-0258

Attachment 1

Wilfred Audet, Jr. & David M. Kingsley
Northgate Plaza Associates, Inc.
1321 Washington Avenue
Portland, Maine 04103

December 3, 1996

Candy Talbot
City of Portland
Planning Department
489 Congress Street
Portland, Maine 04101

RE: Proposed office building to be built at 400-404 Allen Avenue, Portland, Maine

Dear Candy:

Please find attached our revised plans to construct an office building at 400-404 Allen Avenue, Portland, Maine. We have made several adjustments to our original plan to address some of the City's concerns as raised in a letter from the Planning Department dated September 6th, 1996.

We are proposing to build the following structure at 400-404 Allen Avenue, Portland, Maine: a 28' X 48' cape style building with a back dormer, a daylight basement, and ten parking spaces to be used for professional offices. Our proposal is identical to our original proposal with the following changes:

- 1) We will build a cape style building as per the City's request rather than a ranch. The square footage will increase from 1,344 sq.ft.(+/-) for the ranch to 2,352 sq.ft.(+/-) for the new cape. Our costs will increase accordingly by 18%.
- 2) We ask that our driveway be approved as originally submitted; however, we will relocate our driveway off the Shaw's entrance if an easement is secured (see attached letter).
- 3) We request that the City approve our plans for vinyl siding as submitted. The vinyl shingles, which has been proposed is virtually indistinguishable from wood shingles from any distance.
- 4) We request that the City grant us a waiver regarding the installation of new curbs and a new sidewalk on the property. We do not have the budget to be held to the same standards as major developers and companies. We are also in an R-P Zone and should not be held to every commercial development standard. Lastly the new cape which we're building will cost 18% higher than our original proposed ranch; the completed project will also substantially exceed the value of comparable properties in the neighborhood. There are no curbs or sidewalk on the property presently. We should qualify for a hardship waiver according to Section 14-506 (B) of the Portland Land Use Code under the heading "Modifications".

We look forward to our meeting with you on the 5th and with the Planning Board on December 10th. Thank you for your time and consideration.

Sincerely,

Willie J. Audet, Jr.
Property Owner

David M. Kingsley
Property Owner

Attachment 2

Site - Existing
Conditions



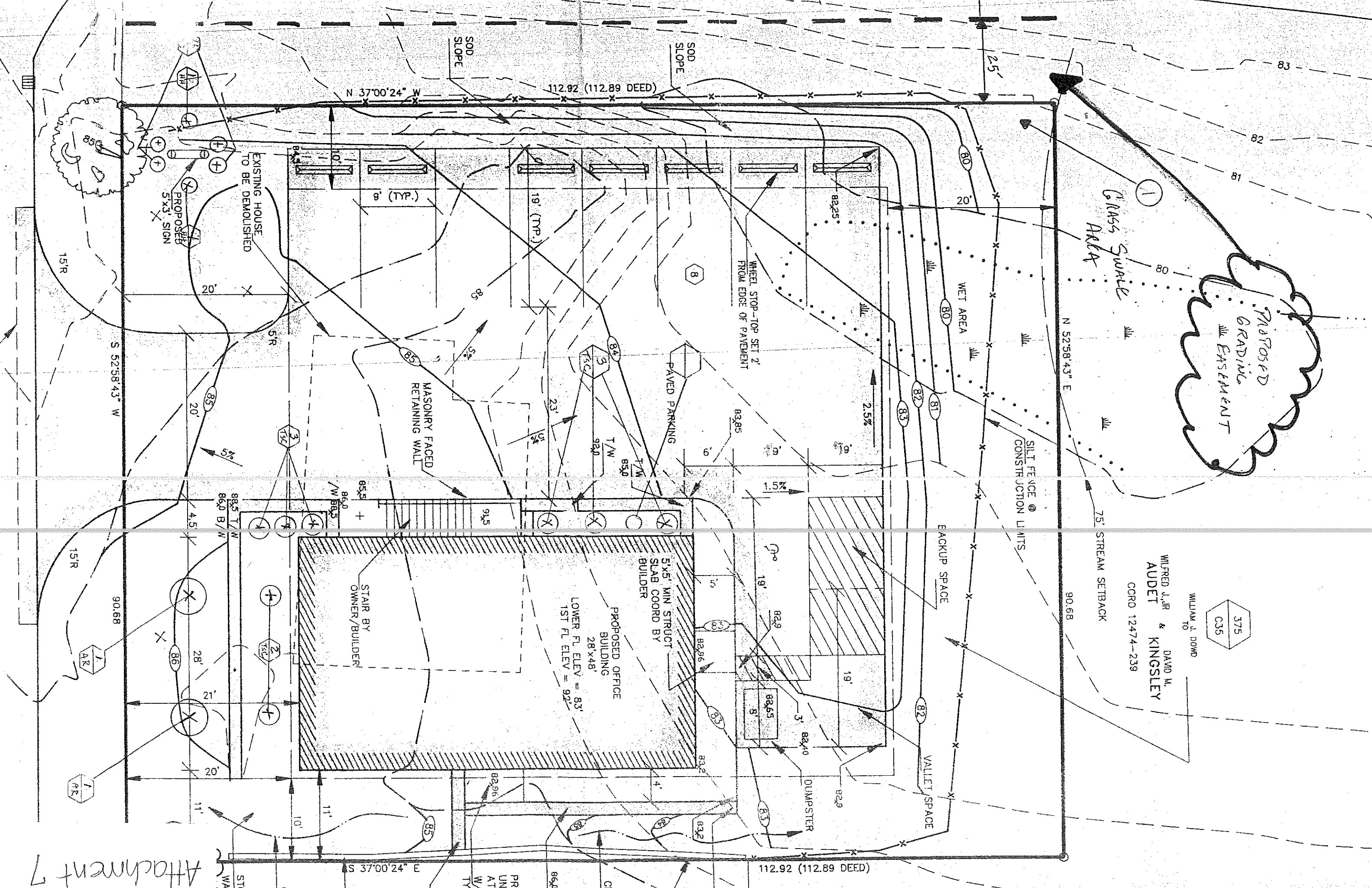


Attachment C

TO: Kandice Talbot, Planner
FROM: Tony Lombardo, Project Engineer
DATE: December 2, 1996
RE: Greater Portland Realty - 400 Allen Avenue

The following comments are in response to a request by Planning to visit this site:

- Public Works will accept a waiver for no granite curbing, but still requests that the applicant install a 5 feet wide hot bituminous concrete sidewalk to match the remainder of the neighborhood.



PROPOSED GRADING EASEMENT

GRASS SWALE AREA

WILFRED J. JR & DAVID M. AUDET & KINGSLEY
 CCRD 12474-239

375
 335

WILLIAM J. DOWD TO

PROPOSED OFFICE BUILDING
 28'x48'
 LOWER FL ELEV = 83'
 1ST FL ELEV = 92'

5'x5' MIN STRUCT SLAB COORD BY BUILDER

STAIR BY OWNER/BUILDER

MASONRY FACED RETAINING WALL

PAVED PARKING

WHEEL STOP-TOP SET 2' FROM EDGE OF PAVEMENT

EXISTING HOUSE TO BE DEMOLISHED

PROPOSED 5'x3' SIGN

Attachment 7

CC1

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

TO: Nadeen Daniels, City Clerk/Assistant City Manager
Elizabeth Boynton, Associate Corporation Counsel

FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

DATE: March 27, 1996

SUBJECT: Allen Avenue Rezoning

- 1) Council Meeting at which action is requested (Date): April 17, 1996
- 2) Can action be taken at a later date? YES NO

I. SUMMARY OF ISSUE The Planning Board voted unanimously (6-0) to forward this recommendation to the City Council for the rezoning of a parcel of land located at 400 Allen Avenue from the R-3 Residential to the R-P Residence-Professional zone.

(This rezoning proposal also includes a portion of the Northgate Plaza driveway which, due to a drafting error, is zoned residential.)

II. REASON FOR SUBMISSION (What issue/problem will this address?)

William Dowd applied for this rezoning in order to be permitted to operate a real estate office on this site. Professional offices are not permitted in the R-3 Residential zone.

III. INTENDED RESULT (How does it resolve the issue/problem?)

The R-P zone was selected by Mr. Dowd because it allows a professional office use. The Planning Board agreed that the R-P zone would be appropriate because the R-P zone allows residential uses in addition to business and professional offices. The zone change, therefore, would not preclude the possibility that this lot may return in the future to a residential use.

IV. STAFF ANALYSIS & RECOMMENDATION

The Planning Board recommended approval of this zone change with the understanding that any development of this lot would be reviewed administratively by Planning Staff and that lighting, fencing, landscaping, stormwater and building design would be carefully considered to protect the neighboring properties.

Attachments:

Planning Report #13-96

PLANNING BOARD REPORT #13-96

**400 ALLEN AVENUE
ZONE CHANGE REQUEST
R-3 TO R-P
WILLIAM DOWD, APPLICANT**

Submitted to:

Portland City Council
Portland, Maine

April 17, 1996

I. INTRODUCTION

On March 26, 1996, the Planning Board voted unanimously to recommend the rezoning of a parcel of land at 400 Allen Avenue from the R-3 Residential to the R-P Residence-Professional zone. The lot includes a single family residence which is currently vacant.

Mr. Dowd proposes to demolish the existing cape cod style house and build a larger building of similar style in its place. The existing 1 1/2 story building has a footprint of 875 sq. ft. and the building to be constructed will have a footprint of 2,000 sq. ft. with a gross floor area of 3,200 in 1 1/2 stories.

Mr. Dowd intends to use the newly constructed building as a real estate office or other professional office.

II. SUMMARY OF FINDINGS

Lot Size	10,247
Existing Building Footprint	875
Proposed Building Footprint	2,000
Adjacent Use:	Northgate Shopping Plaza Northport Business Park Single Family Residential

III. SURROUNDING USES

The lot proposed for rezoning is located on the northwest side of Allen Avenue between Brook Road and Auburn Street. The lot is located directly behind Northgate Plaza and by deed is restricted from being used as a supermarket or other business relying solely on the sale of food.

The lot proposed for rezoning is located on the zone boundary line within the R-3 zone, adjacent to the B-2 zone. The Shaws driveway and parking lot surround the site on the south and west property boundaries. Northport Business Park and Rite Aid are directly across Allen Avenue and clearly visible from the house.

The zoning map indicates that a portion of the Northgate driveway is located in the R-3 zone as well. It appears that the location of this zone line is a drafting error. The Planning Board in its deliberations recommended that the rezoning of the Dowd property include the Northgate driveway as well.

IV. SITE DEVELOPMENT ISSUES

The lot proposed for rezoning is located partially in the Stream Protection Zone, due to the proximity of the Fall Brook.

The brook runs through a series of culverts and swales alongside this lot. The schematic site plan shows that an existing swale will be diverted which currently traverses the near portion of the lot (where new parking will be constructed).

The site plan indicates that a drive will lead behind the house where an eight space parking lot will be constructed. Landscaping will be preserved along the south and north property lines in addition to

the planting of a supplemental buffer to screen the homes on Brook Road. From the site plan it appears that a grass or similar buffer will be maintained around the edge of the parking lot pavement to the property line.

Since the Planning Board Workshop on this proposal, the applicant has hired a soil scientist to flag the centerline and highwater mark of the Fall Brook Stream. The banks and their setbacks have been noted on the plan. The Stream Protection Zone requires a 75 ft. setback of buildings and parking from the highwater mark. The applicant appears to be able to meet this setback requirement.

The building to be demolished is unsafe and has been condemned by the City. Sam Hoffses, Chief of Building Inspections, has stated that the building could be habitable if renovated extensively. The applicant would prefer to demolish the building and construct a larger structure of similar style in its place.

The original building, while not a landmark, is a substantial older building which tends to anchor the residential neighborhood to the north.

As new construction, this proposal would be reviewed as a minor site plan. In reviewing the schematic plans, staff has indicated that fencing, lighting, building design and stormwater management will be issues of concern.

V. COMPATIBILITY OF THE R-P ZONE

Due to the proximity to the shopping center and other businesses of Allen's Corner, it is unlikely that the market value of the house will allow the rehabilitation of the building and restoration of the residential use. As an alternative, the replacement of the building with another of residential character, will still protect the adjacent neighborhood from commercial intrusion, while allowing for a low impact use.

The R-P zone does allow residential uses in addition to business and professional offices. The zone change, therefore, does not preclude the possibility that this lot may return in the future to a residential use.

Lastly, the Site Plan Ordinance includes a standard for development in the R-P Residence-Professional zone which requires a consistency in architectural style between the new development and existing structures in the immediate vicinity.

VI. PLANNING BOARD RECOMMENDATIONS

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #13-96, the Planning Board recommends approval of the rezoning of the parcel at 400 Allen Avenue from the R-3 to the R-P zone.

Attachment:

1. Zoning Application
2. Vicinity Map
3. Zoning Map
4. Schematic Site Plan
5. Building Elevation
6. Photographs of the Building
7. Deed of Property

APPLICATION FOR ZONING AMENDMENT
CITY OF PORTLAND, MAINE

Attachment 1

DATE December 15, 1995

TO THE CITY PLANNING BOARD, CITY HALL, PORTLAND, MAINE 04101:

The undersigned hereby requests that you consider whether it would be consistent with the comprehensive plan of the City of Portland, Maine, and make appropriate recommendation for action by the City Council concerning the following proposed amendments to the Zoning Ordinance of the City of Portland, Maine:

A. ZONING MAP AMENDMENT:

FROM R3 ZONE TO RP ZONE

The property situated on 400-404 Allen Street/Avenue
between Auburn street/avenue and Brook Rd. street/avenue
on left side(s).

Assessor's Reference (Chart, Block and Lot) for the property is as follows:

Chart 375, Block C, Lot 35

1. What original deed restrictions, if any, concerning the type of improvements and class of uses permitted were placed on the property involved? Give date restrictions expire: perpetual
see attached copy of deed.

2. Description of the existing use of property: _____
residential property, currently vacant

3. Description of the proposed use of property: _____
new building to be constructed on lot for office use

4. Area of Lot(s): 10,247 sq ft

Total Floor Area: 3,200 sq ft

5. Street Address of Property Involved	Property Owner and/or Name of Option Holder	Date of Acquisition
<u>400 Allen Ave</u>	<u>William J. Dowd</u> Owner	<u>12/15/95</u>

6. Submission of a site plan, as required in Article V of the Municipal Code.
7. Submission of plans and addresses of property owners abutting the subject property.

B. ZONING TEXT AMENDMENT:

1. Section of Ordinance to be amended: _____
2. Proposed text amendment - Attach on separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underlined (example).
3. Brief statement of the purpose of the proposed amendment.
4. If the amendment is intended to facilitate a development, reuse, alteration, addition or modification to a specific property, fill out the sections above under ZONING MAP AMENDMENT.

A fee for this application for a zoning amendment will be charged in accordance with Section 14-54 of the Municipal Code (see copy attached). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

The above information and the attached lists of property -- owners in the vicinity are true and accurate to the best of my knowledge.

December 15, 1995
Date of Filing

Will Runt
Signature of Applicant

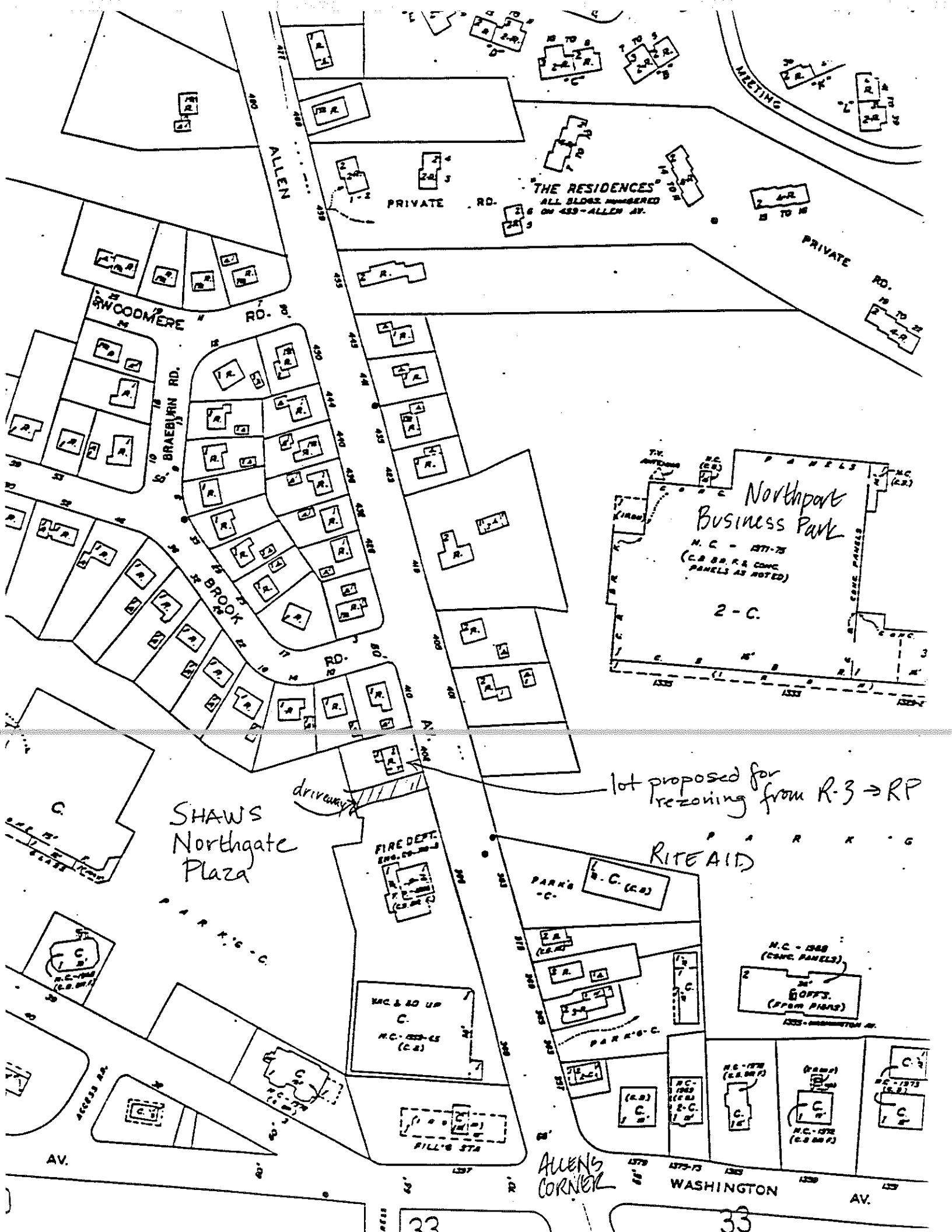
P.O. Box 4894
Address of Applicant

Portland Me 04112
City State ZIP

WITHDRAWAL: In the event of withdrawal of the zoning amendment application by the applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board
Portland, Maine

Effective: April 11, 1988



THE RESIDENCES
ALL BLOKS NUMBERED
6 ON 453-ALLEN AV.

Northport
Business Park
N.C. - 1571-75
(CONC. PANELS AS NOTED)
2-C

SHAW'S
Northgate
Plaza

FIRE DEPT.
ENG. CO. 15

lot proposed for
rezoning from R-3 to RP

RITE AID

M.C. & SO UP
C.
N.C. - 1568-65
(C-2)

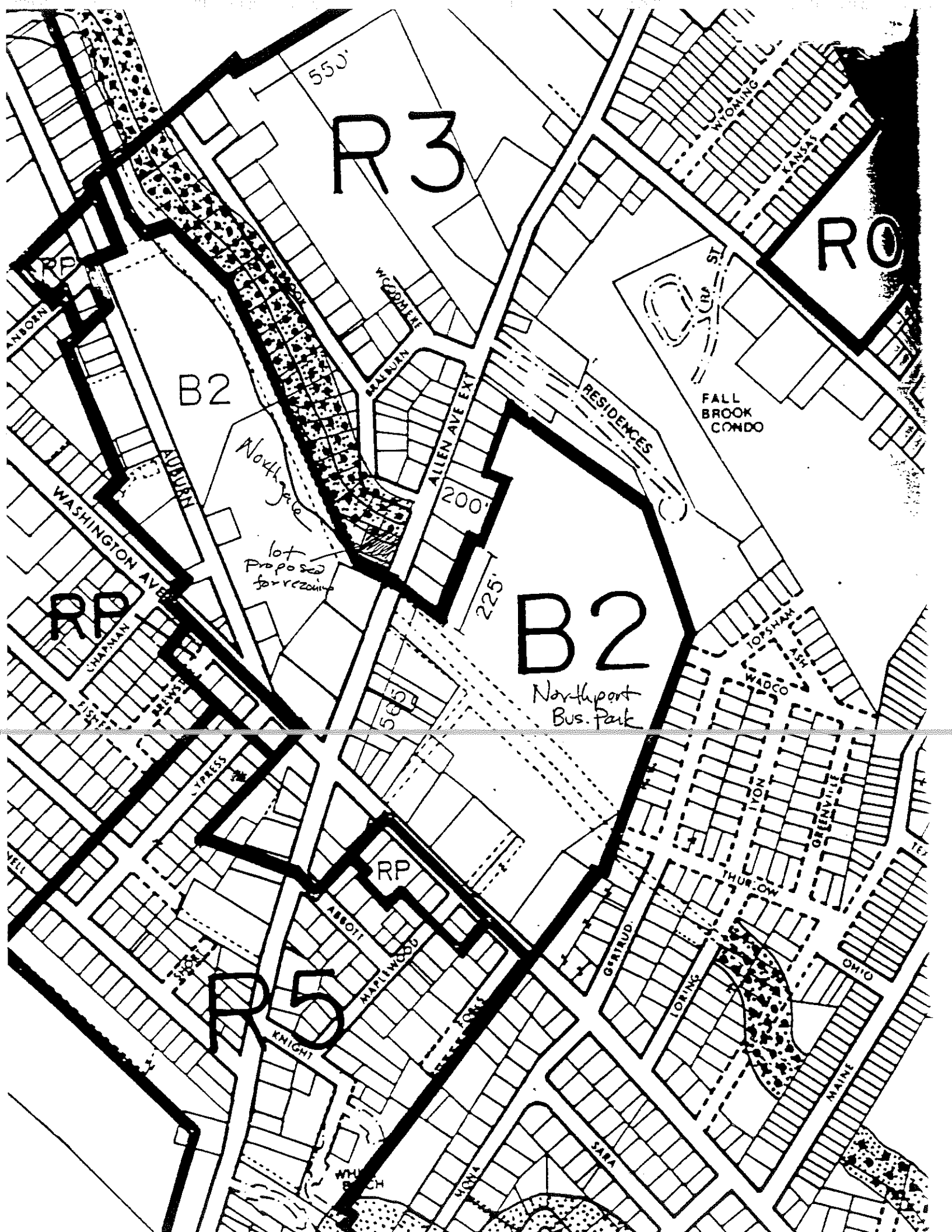
N.C. - 1568
(CONC. PANELS)
2
OFFS.
(FROM PLANS)
1555 - WASHINGTON AV.

ALLEN'S
CORNER

WASHINGTON AV.

33

33



R3

R0

B2

B2

RR

RP

R5

*Northport
lot
proposed
for rezoning*

*Northport
Bus. Park*

FALL
BROOK
CONDO

550'

200'

225'

550'

ANBORN

WYOMING

WYOMING

WYOMING

ALLEN AVE EXT

RESIDENCES

WASHINGTON AVE

AUBURN

Northport

CHAPMAN

BRIDGE

SPRING

WASHAM

WASHAM

WASHAM

WASHAM

WASHAM

WASHAM

WASHAM

WASHAM

WASHAM

WASHAM

ARROYO

HAPLEWOOD

WYOMING

GERTRUD

LORING

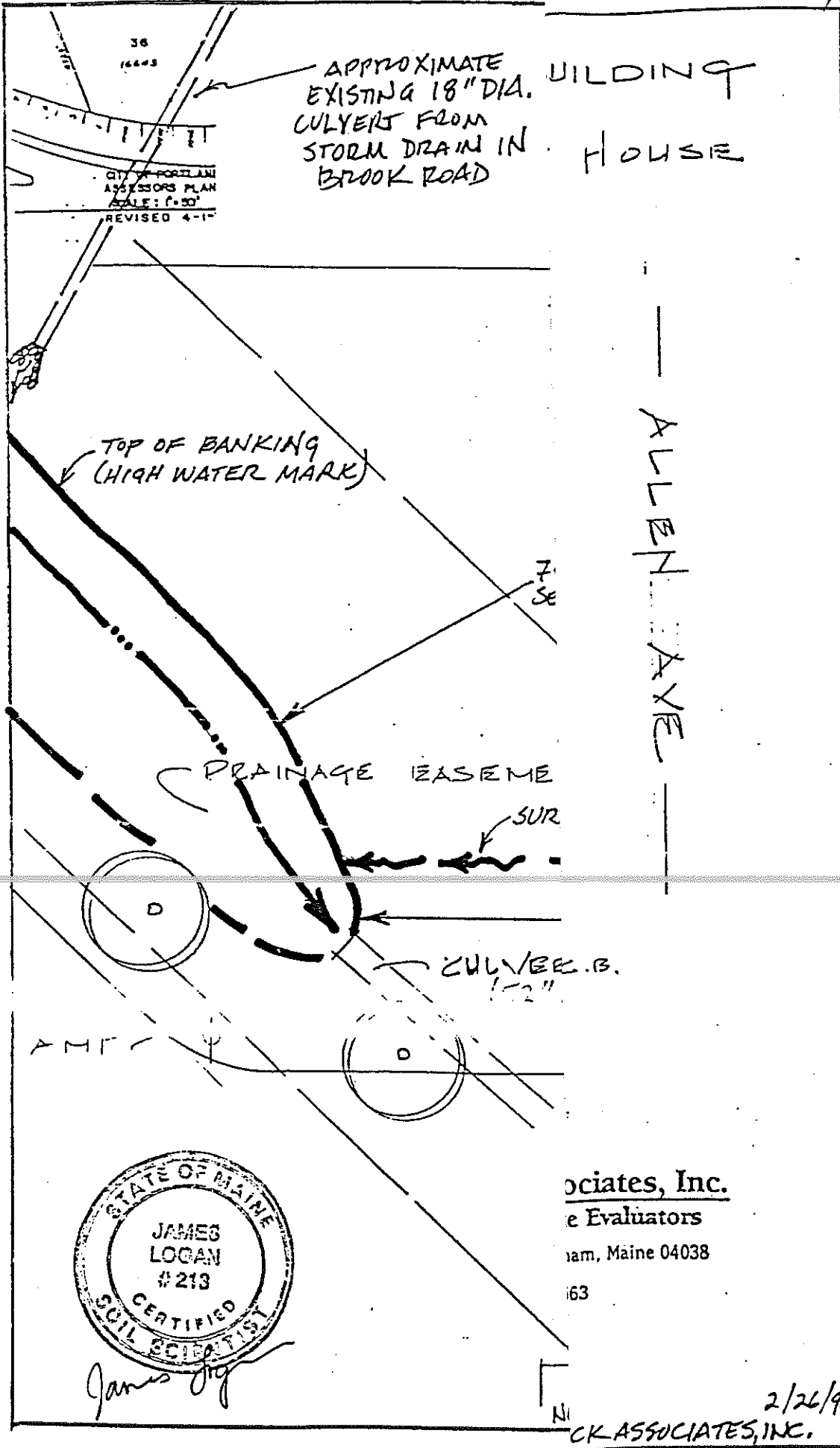
THURLOW

GREENVILLE

OHIO

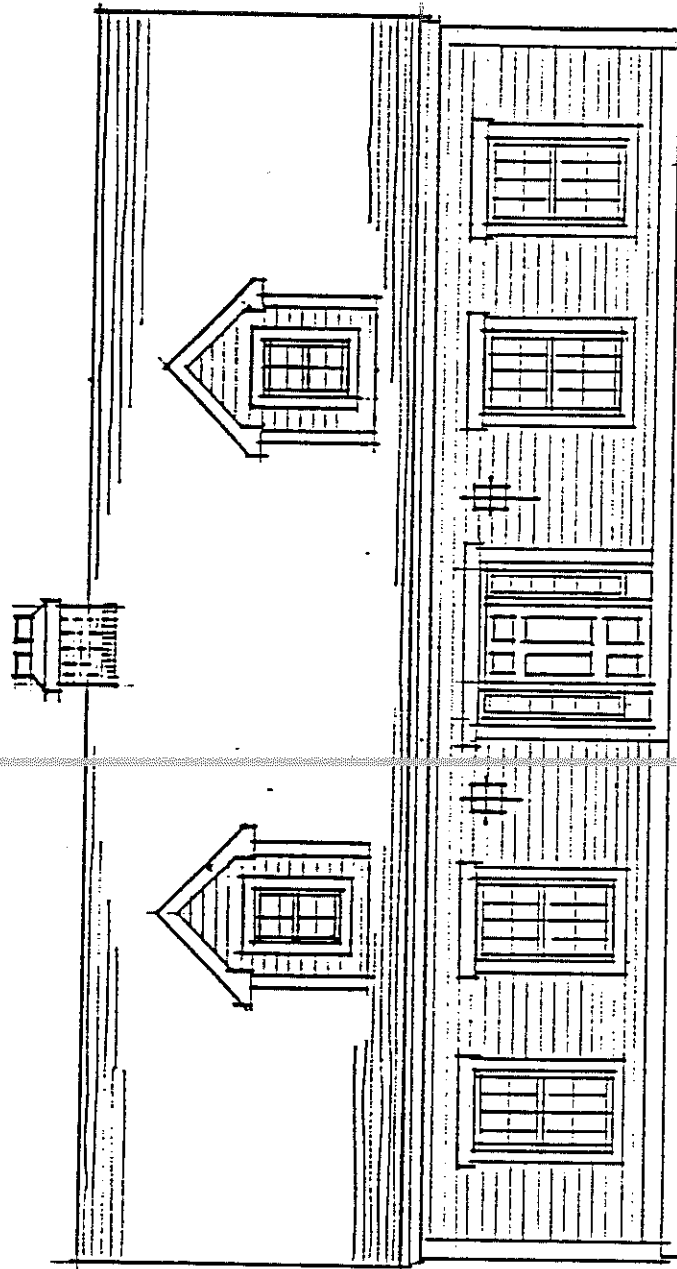
MAINE

SARA



404 ALLEN AXE
PORTLAND, ME
POND PROPERTIES
EXCHANGE STREET
PORTLAND, MAINE

Date	11.9.95
Scale	1"=20'
Drawn	FEP
Job	
Sheet	1
SKETCH PLAN	
Of	1 Sheets



FRONT ELEVATION OF BUILDING

1/2" = 1'-0"

1/2 STORY CAPE
40' x 50'
3,200 S.F. MAX. G.F.A.

Attachment 6



Attachment 7

DEED OF SALE BY CONSERVATOR
Maine Statutory Short Form

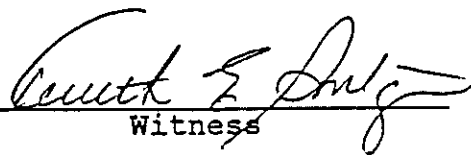
MARK MERRILL, of Portland, Maine, duly appointed and acting Conservator of the estate and affairs of CARLTON A. MERRILL, as appointed by the Probate Court for Cumberland County, Maine, Docket Number 94-485, by the power conferred by law, and every other power, for consideration paid, grants to WILLIAM J. DOWD, whose mailing address is P.O. Box 4894, Portland, ME 04112, the following described real property situated at 402 Allen Avenue, Portland, Cumberland County, Maine, and described as follows:

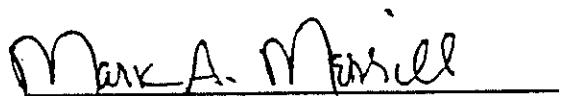
A certain lot or parcel of land with the buildings thereon, situated in said Portland, and being more particularly described on Exhibit A attached hereto and made a part hereof.

Meaning and intending to convey the same premises described in a deed from Leona Durgin, Guardian of Shirley M. Durgin to Georgia P. Merrill, dated September 13, 1944, and recorded in the Cumberland County Registry of Deeds in Book 1750, Page 417, and deed from Clarence H. Thompson, et al, to Georgia P. Merrill, dated October 3, 1944, and recorded in said Registry in Book 1759, Page 350. Carlton A. Merrill is the sole devisee and sole surviving heir of Georgia P. Merrill, late of Portland, Maine.

This conveyance is subject to the restriction against use of the property for (i) a supermarket, or milk or dairy store, (ii) a convenience store or bakery, or (iii) any other establishment a substantial portion of whose revenues is derived from the sale of food products, other than a dining establishment at least 75% of whose revenues derive from sit down dining, which use restriction shall run with the land for the benefit of Shaw's Realty Company, its successors and assigns.

witness my hand this 15th day of December, 1995.


Witness

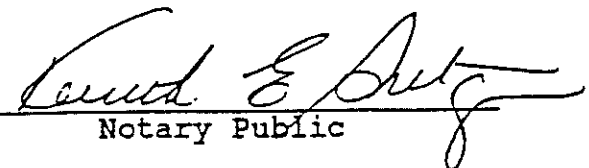

Mark Merrill, Conservator
Estate of Carlton A. Merrill

STATE OF MAINE
CUMBERLAND, ss

December 15, 1995

Personally appeared the above Mark Merrill, Conservator of the Estate of Carlton A. Merrill, and acknowledged the foregoing instrument to be his free act and deed in said capacity, and the free act and deed of said protected person.

Before me,


Notary Public

KENNETH E. SNITGER
MAINE ATTORNEY AT LAW

Printed Name

DRC1

Department of Planning and Urban Development
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date May 7, 1997

Name of Project Greater Portland Realty Office Building

Address/Location 400 Allen Ave.

Developer Northgate Plaza Associates

Form of Performance Guarantee Letter of Credit

Type of Development: _____ Subdivision X Site Plan (Major/Minor) Minor

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road Parking Area				4000 sf	\$1.50 ft	\$6,000.00
Granite Curbing						
Sidewalks	110'	6.36 ft.	\$700.00			
Esplanades	110'	3.63 ft.	\$400.00			
Monuments						
Street Lighting						
Other						
2. SANITARY SEWER						
Manholes						
Piping				30'	3.00 ft.	\$ 90.00
Connections						
Other						
3. STORM DRAINAGE						
Manholes						
Catchbasins						
Piping				100'	3.00 ft.	\$ 300.00
Detention Basin						
Other						
4. SITE LIGHTING				2	\$250. ea.	\$ 500.00
5. EROSION CONTROL				250'	2.00 ft.	\$ 500.00
6. RECREATION AND OPEN SPACE AMENITIES						

ORIGINAL

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
7. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)				32	\$44.84 ea.	\$1901.84
	included in private (esplanade seeding)					
8. MISCELLANEOUS Retaining Walls			\$1100.00	80'	\$ 50.00 ft.	\$4000.00
TOTAL:	\$1600.00			\$12,791.84		
GRAND TOTAL:	\$14,391.84					

INSPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
A: 1.7% of totals:		\$300.00	
or			
B: Alternative Assessment:			
Assessed by:	(name)	James Segmour (name)	

Section 7 (cont.)

Seeding	-	\$ 246.24
Mulching	-	\$ 220.00
* Shrubs	-	\$1,435.60
		\$1,901.84

- * 10 - 3 Gallon Andorra Junipers 15" -18"
- 10 - 2 Gallon Clethra Sweet Pepper
- 10 -15" - 18" Quince
- 2 - 2" Caliper Red Maples



Letter of Credit # 6274869252

June 11, 1997

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

Re: Northgate Plaza Associates, LLC
400 Allen Avenue
Portland, Maine 04103

Dear Mr. Gray:

Atlantic Bank N.A. issues its Irrevocable Letter of Credit for the account of Northgate Plaza Associates LLC as developer, hereinafter referred to as the Developer, in the name of the City of Portland in the aggregate amount of \$14,391.84.

The City may draw on the Letter of Credit by presentation of a sight draft at Atlantic Bank N.A.'s offices located at 511 Congress Street, Portland, Maine in the event that the Developer fails to complete by April 30, 1998 or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth on the approved site plan/subdivision plans. Said sight draft shall be accompanied by a written statement from the City's Director of Parks and Public Works or Director of Planning and Urban Development stating that the Developer has failed to complete such work.

in the event of Atlantic Bank N.A.'s dishonor of the City of Portland's sight draft and accompanying affidavit, Atlantic Bank N.A. shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

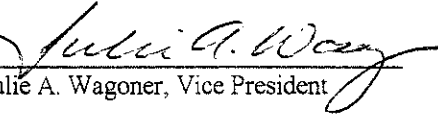
The Developer will notify the City of Portland for inspections. After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, including but not limited to sanitary sewers, storm drains, catch basins, manholes and other required improvements constructed chiefly below grade, Atlantic Bank N.A. shall be eligible to receive a reduction in its obligations hereunder equal to the estimated cost of improvements, provided that the total of the value of the improvements for which a reduction is sought shall be at least two hundred thousand dollars (\$200,000) or fifty percent (50%) of the total amount of this Letter of Credit, whichever is less. In no case, however, shall the obligations of Atlantic Bank N.A. hereunder be reduced to an amount which is less than the estimated cost of completing all prescribed improvements as determined by the Department of Public Works, plus ten percent (10%) of the initial amount of this Letter of Credit. This Letter of Credit will automatically expire on July 30, 1998 but may expire prior to this date when the City of Portland acknowledges in writing to Atlantic Bank N.A. and the Developer that said work outlined has been completed in accordance with City of Portland specifications, when the Developer has given the City of Portland any required warranty deeds to property within streets which are to be dedicated to the City of Portland, and when the Developer has filed with the City of Portland a ten percent (10%) Defect Bond or Guarantee (or other security acceptable to the City of Portland) insuring the workmanship and the durability of all materials used in the construction of the public improvements listed, for a period of one year from the date of the acceptance or approval of such improvements by the City of Portland.



We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored. However, other than the payment of monies as authorized hereunder, Atlantic Bank N.A. shall not guarantee the performance of the Developer to the City of Portland.

Very truly yours,


Atlantic Bank N.A.

By: 
Julie A. Wagoner, Vice President

The City of Portland has accepted this Letter of Credit as security for the Developer's obligations to be performed pursuant to Section 14-501 (a) and/or Section 14-525 (j) of the Portland City Code.

Date: _____

By: _____
Joseph E. Gray, Jr.
Its Duly Authorized Director of Planning and
Urban Development


Assoc. Corp. Counsel

Peoples Heritage Bank
One Portland Square
P.O. Box 9540
Portland, ME 04112-9540

1-800-462-3666
Tel: 207-761-8500

IRREVOCABLE LETTER OF CREDIT #60740-616

June 3, 1998



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

RE: Northgate Plaza Associates, LLC, 400-404 Allen Avenue, Portland, Maine

Dear Mr. Gray:

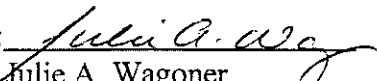
Peoples Heritage Bank hereby issues its Irrevocable Letter of Credit for the account of Northgate Plaza Associates, LLC, 400-404 Allen Avenue, Portland, Maine, as developer, hereinafter referred to as "The Developer", in favor of the City of Portland in the aggregate amount of \$1,439.18. The City of Portland may draw on the Letter of Credit by presentation of a sight draft in the event that the Developer, at the Developer's expense, fails to correct defects in the workmanship and the durability of all materials used in the construction of the public improvements as set forth in the Schedule of Costs of Public Improvements for the Northgate Plaza Associates, LLC, 400-404 Allen Avenue, Portland, Maine project.

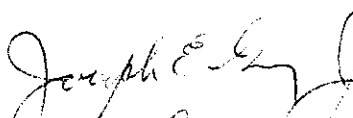
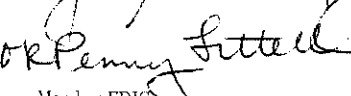

Drafts drawn upon this credit must be for this particular development and to correct any defect as ~~outlined above which was not corrected by the Developer on or before June 5, 1999.~~ Drafts must be accompanied by a written statement that the Developer has failed to correct such defect and shall be accompanied by itemized statements showing cost of work to be completed and must be submitted to Peoples Heritage Bank office located at One Portland Square, Portland, Maine no later than June 5, 1999.

We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored. However, other than the payment of monies as authorized hereunder, Peoples Heritage Bank shall not guarantee the performance of the Developer to the City of Portland..

Very truly yours,

Peoples Heritage Bank

By: 
Julie A. Wagoner
Its Duly Authorized Vice President

 6/13/98
 Penny Sittell 6/18/98

Member FDIC



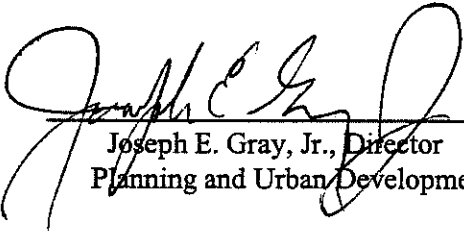
CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Duane G. Kline, Director of Finance
FROM: Kandice Talbot, Planner
DATE: July 15, 1998
RE: Northgate Plaza Associates, 400 Allen Avenue

The site work associated with the Northgate Plaza Associates project at 400 Allen Avenue, has been reviewed. Please accept this defect bond #60740-616 in the amount of \$1,439.18 from Peoples Heritage Bank. Please release the original letter of credit. If you have any questions, please do not hesitate to contact me.


Kandice Talbot
Planner


Joseph E. Gray, Jr., Director
Planning and Urban Development

Duane G. Kline
Director of Finance



CITY OF PORTLAND

July 20, 1998

Julie A. Wagoner, Vice President
Peoples Heritage Bank
P.O. Box 9540
Portland, ME 04112-9540

Re Northgate Plaza Associates LLC, 400-404 Allen Avenue
Atlantic Bank Letter of Credit #6274869252, dated June 11, 1997

Dear Ms. Wagoner:

As I have received a \$1,439.18 defect guarantee for the Northgate Plaza Associates project, I am hereby releasing and returning the above-named Irrevocable Letter of Credit from Atlantic Bank, in the amount of \$14,391.84.

If you require any further information, please feel free to give me or Jennifer Babcock a call at 874-8645.

Sincerely,

Ellen Sanborn
Assistant Finance Director

pc: ✓ Joseph Gray, Director of Planning & Urban Development
Kandi Talbot, Planner