

PROPOSAL FOR CONSTRUCTION OF 28-UNIT LICENSED
BOARD CARE FACILITY

SITE PLAN, CONDITIONAL USE & SUBDIVISION AMENDMENT REVIEW

FALLBROOK, INC., APPLICANT

Submitted to:

Planning Board
Portland, Maine

October 13, 1992

In essence, the revision consists of the splitting of the parcel into two lots. Whereas the original subdivision called for a single lot with multiple condominium units to be developed over 4 phases, the revised subdivision calls for 2 lots - one of which has multiple condominium units (Fallbrook Condominiums), the other of which has a single, multi-unit structure (Fallbrook Woods congregate care facility).

As is clear from Attachments 9-12, responsibility for the development of Fallbrook Woods rests solely with Fallbrook, Inc. Completion of various recreational amenities required under the Phase I Fallbrook Condominium development is solely the responsibility of the condominium association. (At the public hearing, it is expected that MERREAL Corporation will provide evidence that final development rights and remaining funds for improvements have been, or soon will be, transferred from MERREAL Corporation to Fallbrook, A Condominium Owners' Association, eliminating MERREAL Corporation's involvement altogether.) Finally, responsibility for maintenance of the access road (Merrymeeting Drive), which is to serve both the condominiums and the elderly care facility, will be shared by Fallbrook, Inc. and the condominium association (see Attachment 12).

III. Project Description

The applicant proposes to construct a one-story, 28-unit board care facility for the elderly. The proposed 27,600 square feet building is to be triangular in plan with a central open landscaped courtyard. Lot coverage of the proposed development is 1.49 acres or 11.8 percent of the 12.64 acre site. The building is to be sited in the northwest corner of the lot, with the remaining land left substantially undisturbed.

The facility is to feature 28 units, with each unit designed to accommodate either single-or double-room occupancy. The main entrance of the building faces Merrymeeting Drive and the Fallbrook Condominiums. Flanking the main entry are administrative offices and other common facilities. Residents' rooms are concentrated along the other 2 sides of the triangular structure. A dining/activity room, nurse's station, and lounge are located at the three corners of the building.

Principal access to the facility is from Merrymeeting Drive, a private way which connects to Ray Street. Merrymeeting Drive, which was constructed as part of the Fallbrook Condominium development, will be extended approximately 450 feet to serve this project. In addition, a 16-foot wide gravel emergency access road will be constructed from Ray Street, opposite Nevada Avenue, connecting to the end of Merrymeeting Drive. The emergency access lane will be gated at both ends, accessible to emergency vehicles through a Knox-lock system.

The proposed development includes provisions for 21 parking spaces. This count has been based on maximum occupancy of the building, or all 28 units in double room occupancy, and the expectation that a maximum of 10 staff persons will be on site at any one time. It should be noted that while full double room occupancy is not intended, a conservative projection has been made for purposes of the parking calculation.

I. Introduction

Fallbrook, Inc. is requesting site plan and conditional use approval for the development of Fallbrook Woods, a 28-unit licensed board care facility for the elderly to be located off Ray Street, adjacent to Fallbrook Condominiums. Because the development is to be located on a portion of the remaining 12.64 acres of undeveloped property within the previously-approved Fallbrook condominium subdivision and represents a change from the original development plans, the applicant is also seeking an amendment to the approved subdivision. (For this aspect of the review process, Fallbrook Inc. is a co-applicant with the Fallbrook Condominium Unit Owners' Association.)

A copy of a 9/15/92 letter from Land Use Consultants summarizing the development proposal is included as Attachment 1. Attachment 3 is a copy of the proposed amended subdivision plat, which references the plat it supercedes. The proposed site plan and building elevations are included as Attachment 4 & 5. Attachments 6-8 relate to the project's provisions for stormwater management. Attachments 9-12 are legal documents which confirm the relationship and agreements between Fallbrook Inc., Fallbrook, A Condominium Unit Owners' Association, and MERREAL, Inc., from which Fallbrook Inc. acquired the subject land and development rights.

Advertisement of the public hearing appeared in the Portland Press Herald on October 5th and 6th. 392 notices were sent to area residents.

II. Summary of Findings

Zoning:	R-3 Residential
Land Area:	12.64 acres
Lot Coverage:	1.49 acres or 11.8%
Use:	Licensed board care facility for the elderly
Square Footage:	27,600 sq. ft.
Building Height:	Approximately 23 ft. - single story
Parking:	Provided: 21 spaces Required: 21 spaces
Adjacent Land Uses:	Condominiums, single-family residences

III. Background

Fallbrook, Inc. recently acquired from MERREAL Corporation the remaining 12.64 acres of undeveloped property within the approved Fallbrook, A Condominium subdivision. While the original subdivision called for 4-phase condominium development, only the first phase was completed when the present applicant acquired the remaining land in 1991. As is evident from the proposed plan, the present owners do not intend to develop the remaining 3 phases of the original condominium project but instead construct a congregate care facility on a portion of the remaining land. Accordingly, an amendment to the previously approved subdivision will need to be approved.

The single-story structure features clapboard siding, asphalt roofing and projecting stucco walls at the three corners of the triangular building. The principal facade, which faces Merrymeeting Drive, is largely glass windows.

Landscaping will be provided at the entrance to the development off Merrymeeting Drive, around each of the three parking areas, at the two corners of the building where the dining room and lounge are located, around the perimeter of the building, and within the central courtyard. Although final plant selections have not been made, plantings consist of a generous mix of evergreen trees and shrubs, deciduous shrubs, flowering and shade trees, and seasonal flower beds. Slopes at the edge of the project area are to be planted with a conservation/wildflower mix.

The stormwater management plan consists of a system of catch basins, pipes, swales, culverts and detention ponds. Post-development peak rates have been designed to be less than existing peak rates flowing off of the site. This should minimize potential impacts and perhaps improve existing deficiencies in the City's sewer system in Ray Street.

IV. Staff Review

The proposed development has been reviewed by Planning and Public Works staff for conformance with the Land Use Code's conditional use standards and with the review criteria of the Site Plan and Subdivision ordinances.

A. AMENDMENT TO APPROVED SUBDIVISION

Section III of this report outlines the nature of proposed revisions to the previously approved subdivision. In accordance with the changes, the following notes have been added to the subdivision plat (see Attachment 3).

1. This plan supercedes a portion of a plan registered in the C.C.R.D. Plan Book 185, Page 15, Condominium plat III, Fallbrook, A Condominium on Ray Street, Portland, Maine for MERREAL Corporation, dated May 10, 1990. These portions which are to be superceded are all those except for Phase I as shown on said plan. All City of Portland approvals and development rights for the portions superceded by this plan are hereby rendered null and void.
2. Any and all amenities or improvements for "Fallbrook, A Condominium" (Phase I as shown on Plan Reference #1) shall be the sole responsibilities of Fallbrook, A Condominium Unit Owners' Association, Inc.
3. Any improvements on the 12.64 acre parcel shown on this plan shall be the sole responsibility of Fallbrook Incorporated, or its heirs, successors, or assigns.

4. Merrymeeting Drive as shown on this plan shall be shared in common by Fallbrook Incorporated and by Fallbrook, A Condominium Unit Owners' Association, or the heirs, successors, and assigns of each. See the maintenance agreement for Merrymeeting Drive, recorded in the Cumberland County Registry of Deeds, Book Page
5. Any and all declarant rights in Fallbrook, A Condominium held by Fallbrook Incorporated have been transferred to Fallbrook, A Condominium Unit Owners' Association, Inc. See Cumberland County Registry of Deeds, Book Page

Staff finds that the proposed revisions meet the review criteria of the subdivision ordinance. If at the time of the public hearing sufficient evidence is not provided of the transfer of rights from MERREAL Corporation to Fallbrook, A Condominium Unit Owners' Association, the following condition of approval could be made:

Evidence that declarant and developer rights and any and all remaining rights held by MERREAL Corporation in Fallbrook, A Condominium will be transferred to Fallbrook, A Condominium Unit Owners' Association shall be submitted to Corporation Counsel for its review and approval.

B. SITE PLAN REVIEW

1. Traffic, Parking and Circulation

Traffic Engineer Bill Bray and Lt. Wallace Garroway of the Fire Prevention Bureau have reviewed and approved the plan's provisions for access, circulation and parking. Mr. Bray is comfortable that the proposed project will have a minimal impact on traffic in the area and represents a significant decrease in impact from the originally approved condominium project. The development includes adequate provisions for emergency access and the number of parking spaces provided meets the requirement of the Land Use Code.

2. Bulk, Location, Height and Uses

The bulk, location, height and uses of the proposed development will not be detrimental to other private developments in the area. While substantially larger than the single family residences and condominium clusters in the vicinity, the development is nonetheless compatible in that it is a single story in height and well-screened from most adjacent uses. Also, the fact that the Fallbrook Condominiums are clustered into groups of connected units and that, together, the 28 condominiums make for a fairly large single-identity complex, suggests that the proposed development will not be out of scale with existing development.

While the site plan ordinance does not include a design review standard for developments such as that proposed, staff finds the design and materials to be reasonably compatible with surrounding residential development.

Regarding the impact of the use, as the operations of the proposed facility have been described, it does not appear it will be detrimental to surrounding residential development.

3. SEWER, WATER, AND SOLID WASTE

The development will extend the existing combined sewer in Ray Street 140 feet to the intersection of Ray Street and Nevada Avenue. A new sewer manhole will be installed in this location. The project will then connect to this new manhole. All new construction is required to meet the 5:1 Infiltration/Inflow mandated in the consent decree. The applicant has requested credits from the City, however credits may not be awarded until issuance of building and plumbing permits. Please see letter from Melodie Esterberg to William R. Walsh included as Attachment 14.

Water service will be provided by extending the 8" water line installed during construction of Fallbrook Condominiums.

While not indicated on the submitted plan, the dumpster is intended to be placed near the northern corner of the complex, adjacent to the kitchen and will be screened by a stockade fence and additional landscaping. Since these provisions are not shown on the submitted plan, staff suggests the following condition of approval:

Details of the dumpster location and screening shall be submitted for Planning staff review and approval.

4. LANDSCAPING

City Arborist Jeff Tarling has reviewed and approved the concept plans for landscaping. It should be noted, however, that as of this writing the applicant has not yet submitted a list of specific plant materials. Mr. Tarling has requested that the following condition of approval be made:

That final landscape plans and list of specified plant materials be subject to review and approval by City Arborist.

5. DISTURBANCE OF EXISTING VEGETATION

The submitted plans include provisions for preserving trees in the immediate vicinity of the development site. Mr. Tarling has reviewed and approved the proposed preservation measures. It should be noted that apart from the immediate development site, which represents 11.8% of the subject lot, the heavily-vegetated parcel will remain undisturbed.

6. SOIL, DRAINAGE, EROSION, AND SEDIMENTATION

A stormwater management plan and sedimentation and erosion control plan has been reviewed and approved by Melodie A. Esterberg, Development Review Coordinator. Please see memo dated September 29, 1992 included as Attachment 7.

7. LIGHTING

Proposed lighting consists of downward-facing incandescent lights mounted along perimeter walls at 10 feet. Area lighting to be of a similar type fixture and mounted on 20 foot poles. (See Attachment 13 for catalogue cut).

8. FIRE SAFETY

The entire structure will be sprinklered and emergency access lanes have been provided. Lt. Garroway finds that the development will not create fire or other safety hazards and that it provides adequate access to the site for emergency vehicles.

9. INFRASTRUCTURE

The proposed development is designed so as to be consistent with off premises infrastructure, existing or planned by the City.

C. CONDITIONAL USE REVIEW

The proposed use is classified as an institutional use and is subject to the conditional use standards of Section 14-88(3) and 14-474. None of the standards under Section 14-88(3) apply to the proposed project.

SEC. 14-474.

i. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

There are no known unique and distinctive characteristics or effects associated with the proposed use. The congregate care facility, as described, will little impact on surrounding development in terms of traffic generation, noise of operation, etc. Staff size is small (no more than 10 persons on site at any one time), visitation tends to be very light, and few if any residents own cars. Indeed, the proposed development represents a significant reduction in intensity of use than the originally approved condominiums. In workshop sessions, adjacent condominium owners have expressed enthusiastic support for the proposed use.

ii. There will be adverse impact upon the health, safety, or welfare of the public or the surrounding area.

There are no known health, safety or welfare issues associated with the development.

iii. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

The proposed impact does not differ substantially from the impact which would normally occur from such a use in the R-3 zone.

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 #31-92 relevant to the standards for conditional use, site plan, and subdivision review and/or other findings as follows:

The Board finds:

1. That the subdivision amendment is in conformance with the Subdivision Ordinance of the Land Use Code.
 - A. Potential Condition of Approval:
 - i. Evidence that declarant and developer rights and any and all remaining rights held by MERREAL Corporation in Fallbrook, A Condominium will be transferred to Fallbrook, A Condominium Unit Owners' Association shall be submitted to Corporation Counsel for its review and approval.
2. That the plan is in conformance with the Site Plan Ordinance of the Land Use Code.
 - A. Potential Conditions of Approval:
 - i. that the applicant submit details of the dumpster location and screening for Planning staff review and approval.
 - ii. that the applicant submit final landscape plans and list of specified plant materials for review and approval by City Arborist.
3. That the plan is in conformance with the Conditional Use Standards of the Land Use Code.

Attachments:

1. 9/15/92 letter from Land Use Consultants summarizing proposed project.
2. 9/14/92 letter from Fallbrook Inc.
3. Copy of proposed recording plat.
4. Proposed Site Plan
5. Proposed Building Elevations
6. Proposed Drainage Plan
7. Memo from Development Review Coordinator, Melodie Esterberg, regarding stormwater management
8. Excerpt from submitted Stormwater Management Report
9. Quit Claim Deed
10. Executed agreement between MERREAL Corp & Fallbrook Inc. for transfer and assumption of Special Declarant Rights
11. Draft agreement between Fallbrook Inc. & Fallbrook, A Condominium Unit Owners' Association re: Special Declarant Rights
12. Draft Roadway Maintenance Agreement
13. Catalogue cut of proposed fixture
14. 10/9/92 letter from Melodie Esterberg to Land Use Consultants re: CSO Credits



LAND USE CONSULTANTS INC

David A. Kamila, P.E.
Bradley H. Hare, R.L.A.
Frederic Licht, Jr., P.E.
John D. Roberts, P.L.S.

September 15, 1992

ATTACHMENT 1

Portland Planning Board
City Hall
389 Congress Street
Portland, ME 04101

Attention: Deborah Andrews

Fallbrook Woods, Off Ray Street, Portland, Maine

Dear Board Members:

On behalf of Fallbrook, Inc., we forward herein a Site Plan Review submission for the Fallbrook Woods healthcare boarding facility located off Ray Street on Merrymeeting Drive. The enclosed plan and technical documentation have been prepared in accordance with Chapter 14, Portland Land Use Ordinance, Article V, Sections 14-521 through 14-540, Site Plan. Also, with this submission, we are seeking Conditional Use approval for development of an intermediate care facility in an R-3 zone as specified under Article III, Section 14-78 Conditional Use.

Plans and technical documentation submitted as a part of this application are as follows:

- 1) Standard Boundary Survey, prepared by Land Use Consultants, Inc., dated 9/15/92, sealed by John D. Roberts, PLS #1155, Sheet 1 of 8.
- 2) Existing Conditions Plan, prepared by Land Use Consultants, Inc., dated 9/15/92, Sheet 2 of 8.
- 3) Pre-Development Drainage Plan, prepared by Land Use Consultants, Inc., dated 9/15/92, Sheet 3 of 8.
- 4) Grading and Utilities Plan, prepared by Land Use Consultants, Inc., dated 9/15/92, Sheet 4 of 8.
- 5) Illustrative Landscape Layout and Details Plan, prepared by Land Use Consultants, Inc., dated 9/15/92, Sheet 5 of 8.

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- 6) Post-Development Drainage Plan and Erosion Controls, prepared by Land Use Consultants, Inc., dated 9/15/92, Sheet 6 of 8.
- 7) Construction Details, prepared by Land Use Consultants, Inc., dated 9/15/92, Sheet 7 of 8.
- 8) Construction Details, prepared by Land Use Consultants, Inc., dated 9/15/92, Sheet 8 of 8.
- 9) Building Elevations Plan, prepared by Architectural Design Concepts, Inc.
- 10) Deed from MERREAL Corp. (MMII Real Estate Corporation) for Fallbrook Inc., dated December 20, 1991, CCRD Bk. 9831, Pg. 59, showing title to the project area.
- 11) "Wetland Delineation of the Ray Street Development in Portland, Maine", by Eco-Analysts, Inc., P.O. Box 224, Bath, ME 04530, dated 9/11/92.
- 12) Stormwater Management Report, prepared by land Use Consultants, Inc., dated 9/15/92. (To be submitted under separate cover.)
- 13) Erosion and Sedimentation Control Report, prepared by Land Use Consultants, Inc., dated 9/15/92.

Background

Fallbrook Woods is to be developed on the remaining undeveloped 122.64 acre site of the Fallbrook Condominiums. The original project know as Ray Street Town Homes contemplated construction of 98 dwelling units and was approved by the Planning Board for the Liberty Group, Inc. on September 10, 1985. Rights to develop the project were subsequently conveyed to Merrymeeting Developers, Inc. with revised Site Plan and PRUD approvals from the Planning Board on November 10, 1987. In November of 1988, Merrymeeting Developers, which was at that time experiencing financial difficulties, conveyed their rights in the project to MM II Real Estate Corporation, a subsidiary of Maine Savings Bank. MM II, or MERREAL as it was later know, then contracted with R. Risbara Construction Co., Inc. to complete construction of Phase I. Of the 32 condominium townhouses approved, 25 are completed and occupied, 3 remain unfinished, and rights to develop the last 4 have been acquired by the present applicant. Fallbrook Inc. expects to give up its right to construct the last 4 units contingent upon State and local approval to develop the proposed boarding healthcare facility.

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Planning Board approvals required by Fallbrook, Inc. to construct this project include Site Plan and Conditional Use as well as a new Recording Plat for filing at the CCRD to supersede the prior sectional recording approved May 1990. Approvals from the Department of Environmental Protection include a Transfer of Permit and an Amended Site Location of Development. Also, a Nationwide 26 filing to alter less than an acre of wetlands will be submitted to the Army Corp of Engineers.

Project Description

Fallbrook Inc. proposes to construct a single story boarding healthcare facility for the elderly called Fallbrook Woods. Lot coverage including building, paving and roads is 1.49 acres or 11.8 percent of the 12.64 acre site. The 27,600 sq. ft. building is triangular in plan with a central open landscaped courtyard. The 28-room facility is designed for both single or double bed occupancy as need may dictate. It is anticipated that ten (10) staff personnel will operate and maintain the facility during the day with fewer personnel at night. The main entry is located in the center of the front side with a reception area, office, lounge, laundry, library, kitchen and other common facilities flanking. Residents rooms are located within the other two sides of the triangular building. A dining/activity room, nurses station, as lounge are located at the three corners.

Access vs. Parking

Access to the facility is from Ray Street over Merrymeeting Drive, a private way. Merrymeeting Drive, a 24-foot paved road, will be extended approximately 450 feet from its current length of 580 feet (1030 ft. total). In addition, a 16-foot wide gravel road for emergency access will be constructed from Ray Street, opposite Nevada Avenue, around the rear of the building to the end of Merrymeeting Drive.

Vehicles will enter the site from Merrymeeting Drive via a one-way looped driveway with an entrance drop-off area. Short service drives are provided to each end of the building. Perpendicular parking for 21 cars is provided off the entry loop and the service drives with 3 of the spaces adjacent to the front entry designated for handicapped use.

Utilities

- 1) Water: Water service will be provided by extending the existing 8 inch main in Merrymeeting Drive to the end of the proposed road extension. At this point, a hydrant will be installed adjacent to the road and a service lead will be

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run to the mechanical room at the southwest corner of the building. This service will be used for domestic water as well as to charge the building's sprinkler system.

- 2) Gas: Gas service, like water, will be provided by extending an existing 6 inch main in Merrymeeting Drive.
- 3) Telephone, Electric, CATV: These services will be extended underground from existing services along Merrymeeting Road to the end of new road construction. From here underground service leads will be run to the building mechanical room.
- 4) Sanitary Service: An existing combined sanitary/stormwater line extends up Ray Street between Jersey and Nevada Avenues, terminating with a manhole and 12 inch V.C. stub.

The existing Fallbrook condominiums utilize a gravity system exiting the units and discharging to a pump station on the northeast side of the property. From here the wastewater is pumped to a gravity sewer in Allen Avenue via an easement across land now or formerly of Libby.

To service this project, we propose to extend the Ray Street sewer to a point opposite the proposed emergency access road. From here a gravity service lead will be extended along the emergency access road to the rear of the building.

- 5) Storm Water: The proposed site encompasses portions of two separate watersheds. The first watershed drains westerly toward the abutting "Residences" condominium project into an existing culvert.

The second watershed encompasses the southern portion of the proposed healthcare facility and remaining site. This watershed drains via an existing intermittent stream toward the corners of Ray Street and Florida Avenue. At this point it discharges into the combined sanitary/stormwater system in Ray Street via a 10 inch CMP inlet.

The majority of the developed run-off will be diverted into the combined system in Ray Street. Detention basins will be utilized to regulate post-development peak flows to pre-development levels. Unlike the prior stormwater designs, detention basins will be situated outside a wetland areas consistent with current environmental standards. Reference is made to the stormwater Management and Wetland Delineation Reports submitted herein.

Financial and Technical Capability

Fallbrook, Inc. is headed by principals Stephen Guthrie and Robert Feeney. This team is experienced and qualified to offer healthcare services. Steve Guthrie is a professional financial consultant and Vice President with Shearson Lehman Brothers in Portland. Bob Feeney is an experienced healthcare professional being Administrator and an owner of Falmouth Manor, a residential care facility for the elderly, located on Winn Road, Falmouth.

Fallbrook, Inc. has engaged Land Use Consultant, Inc. and Architectural Design Concepts, Inc. to meet technical requirements of the project. LUC is responsible for site engineering and permitting with ADC providing building design and construction administration services.

Estimated project cost is \$1,500,000, which is to be financed through the Maine Health and Higher Education Facility Authority. Assuming timely approvals from the City and DEP, construction is expected to start in late fall 1992 with completion in late spring 1993.

We trust the contents of this submission meet the City's requirements for Site Plan Review. In that regard, we look forward to a workshop meeting with the Board on September 29, 1992. In the meantime, please feel free to call with questions or for follow-up information if required.

Very truly yours,



J. David Haynes
President

JDH:lm

Enclosures:

cc: Mr. Robert Feeney
Mr. Stephen Guthrie
Mr. George Razoyk, Architect

Fallbrook Inc.
7 Shady Lane
Falmouth, Me 04105

September 14, 1992

Ms. Deborah Andrews
Planner and Urban Development
City of Portland
City Hall
Portland, Me 04101

Re: Fallbrook Inc.
Deeded Rights/Phase I
Declarant Rights for Units 29, 30, 31 and 32
Road Maintenance

Dear Ms. Andrews,

In response to your request about the deeded interest that Fallbrook Inc. has and its relationship with Fallbrook Condominium project. We submit the following information. On December 20, 1991 Fallbrook Inc. purchased 12.62 acres of land from Merreal Corp., a Corporation organized in Delaware and with a place of business in Portland, Maine. This land was part of Fallbrook Condominium project, better known as Phase II, III and IV. At the closing we received a description of the boundaries, three easements for sewer and drainage and an easement to the City of Portland for a turn-around. Also received was an easement for all purposes in common with others over, under and along the 50 foot wide right of way known as Merrymeeting Drive, which is reserved in the Declaration of Fallbrook Condominiums dated April 20, 1989 and recorded in said Registry of Deeds in Book 8730, page 206. We did not accept to be the declarant for Phase II, III and IV of the condominium project. Our intent was only to develop a Health Care Facility. As far as we are concerned Phase II, III and IV no longer exist. It is our understanding that once you decide to use the land for a different purpose, the original approval will be extinguished. Merreal Corp. continues to own and retain responsibility for Phase I. The Condominium Association which is made up of 28 units is legally self-sufficient.

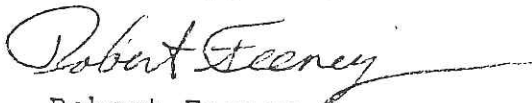
In a separate agreement Merreal Corp. offered to Fallbrook Inc. the declarant rights to build Units 29, 30, 31 and 32 which was originally in Phase I but transferred to Phase IV by Merreal Corp. It is our intent to relinquish these rights to the Condominium Association for the sole purpose of complying with the City of Portland Planning Board Directive to complete a basketball court and/or park. Fallbrook Inc. is more than willing to do so and has informed the Association of our intent.

The question of who will maintain the road came up at the Planning Board workshop, under the public offering and the declaration of the condominium. The expenses of maintaining the 50 foot right of way shall be shared proportionally by the Condominium Association and by the owners (Fallbrook Inc.) of the additional land based on the number of residences, or comparable uses, located on the condominium property and on the additional land. We have mutually agree with the Condominium Association representatives that we will share the maintenance costs on a 50/50 basis once construction of the project goes forth.

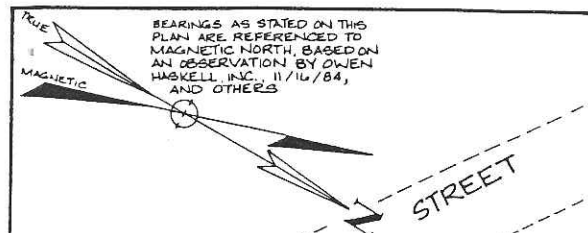
See enclosed documents: Quick Claim Deed With Covenant, Sewerage and Drainage Easements, City of Portland Easement and Special Declarant Rights for Units 29, 30, 31 and 32.

If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Robert Feeney". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right from the end of the name.

Robert Feeney,
Fallbrook Inc.

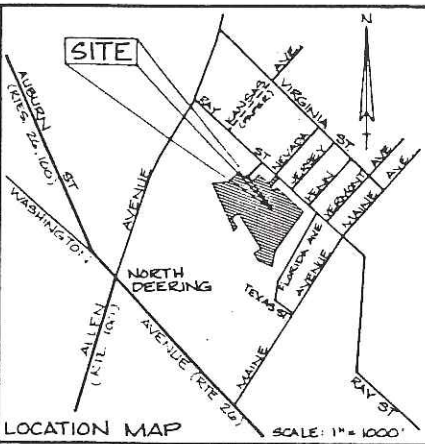


NOTE: THIS PLAN SUPERSEDES A PORTION OF A PLAN REGISTERED IN THE C.C.R.D. PLAN BOOK 185, PAGE 15, CONDOMINIUM PLAT III, FALLBROOK, A CONDOMINIUM ON RAY STREET, PORTLAND, MAINE, FOR MERREAL CORPORATION, DATED MAY 10, 1990. THOSE PORTIONS WHICH ARE TO BE SUPERSEDED ARE ALL THOSE EXCEPT FOR PHASE I AS SHOWN ON SAID PLAN. ALL CITY OF PORTLAND APPROVALS AND DEVELOPMENT RIGHTS FOR THE PORTIONS SUPERSEDED BY THIS PLAN ARE HEREBY RENDERED NULL AND VOID.

SURVEYOR'S STATEMENT
 I HEREBY STATE TO FALLBROOK, INC., EXCLUSIVELY, THAT THE BOUNDARY DEPICTED HEREON IS TAKEN FROM A CATEGORY I, CONDITION III, STANDARD BOUNDARY SURVEY PREPARED BY OWEN HASKELL, INC., FOR MERREAL CORPORATION, DATED MAY 10, 1990, REFERENCED HEREON AS PLAN REFERENCE #1; AND THAT THE BOUNDARY DEPICTED HEREON IS AN ACCURATE REPRESENTATION OF THAT BOUNDARY; AND IS CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.
 JOHN D. ROBERTS
 MAINE PROFESSIONAL LAND SURVEYOR #1155
 LAND USE CONSULTANTS, INC.
 PORTLAND, MAINE
 DATE 7-14-92
 EXCEPTIONS - NO MONUMENTATION, DESCRIPTIONS, OR REPORT TO DATE.
 - NO TITLE OPINION HAS BEEN SUPPLIED TO THE SURVEYOR BY THE CLIENT.

APPROVED BY THE CITY OF PORTLAND PLANNING BOARD

NAME	DATE



PLAN REFERENCES

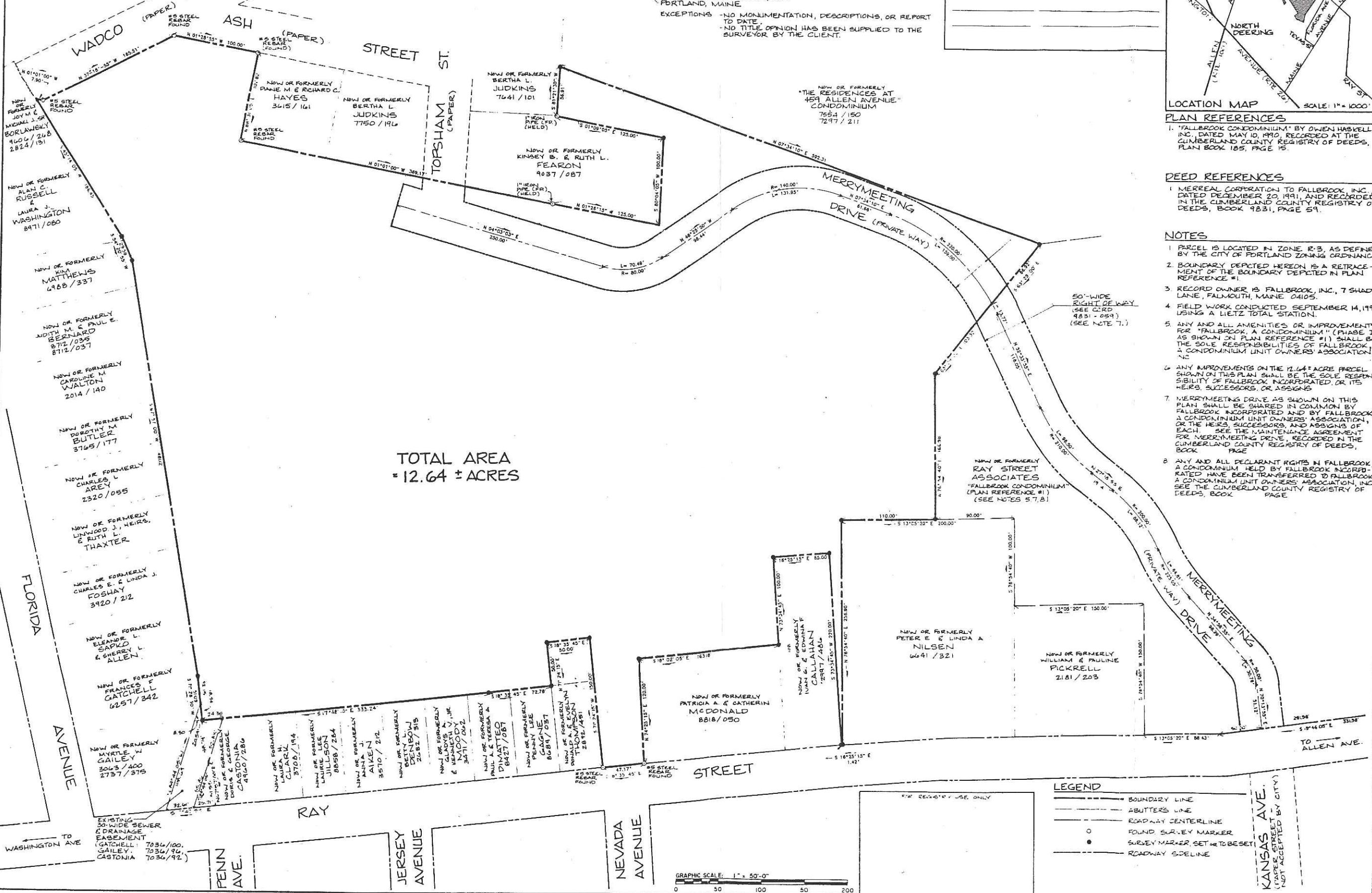
1. "FALLBROOK CONDOMINIUM" BY OWEN HASKELL, INC., DATED MAY 10, 1990, RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS, PLAN BOOK 185, PAGE 15.

DEED REFERENCES

1. MERREAL CORPORATION TO FALLBROOK, INC. DATED DECEMBER 20, 1991, AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS, BOOK 9831, PAGE 59.

NOTES

1. PARCEL IS LOCATED IN ZONE R-3 AS DEFINED BY THE CITY OF PORTLAND ZONING ORDINANCE.
2. BOUNDARY DEPICTED HEREON IS A RETRACEMENT OF THE BOUNDARY DEPICTED IN PLAN REFERENCE #1.
3. RECORD OWNER IS FALLBROOK, INC., 7 SHADY LANE, FALMOUTH, MAINE 04105.
4. FIELD WORK CONDUCTED SEPTEMBER 14, 1992 USING A LIETZ TOTAL STATION.
5. ANY AND ALL AMENITIES OR IMPROVEMENTS FOR "FALLBROOK, A CONDOMINIUM" (PHASE I AS SHOWN ON PLAN REFERENCE #1) SHALL BE THE SOLE RESPONSIBILITIES OF FALLBROOK, A CONDOMINIUM UNIT OWNERS' ASSOCIATION, INC.
6. ANY IMPROVEMENTS ON THE 12.64± ACRE PARCEL SHOWN ON THIS PLAN SHALL BE THE SOLE RESPONSIBILITY OF FALLBROOK, INCORPORATED, OR ITS HEIRS, SUCCESSORS, OR ASSIGNS.
7. MERRYMEETING DRIVE AS SHOWN ON THIS PLAN SHALL BE SHARED IN COMMON BY FALLBROOK INCORPORATED AND BY FALLBROOK, A CONDOMINIUM UNIT OWNERS' ASSOCIATION, OR THE HEIRS, SUCCESSORS, AND ASSIGNS OF EACH. SEE THE MAINTENANCE AGREEMENT FOR MERRYMEETING DRIVE, RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS, BOOK PAGE.
8. ANY AND ALL DECLARANT RIGHTS IN FALLBROOK, A CONDOMINIUM HELD BY FALLBROOK INCORPORATED HAVE BEEN TRANSFERRED TO FALLBROOK, A CONDOMINIUM UNIT OWNERS' ASSOCIATION, INC. SEE THE CUMBERLAND COUNTY REGISTRY OF DEEDS, BOOK PAGE.



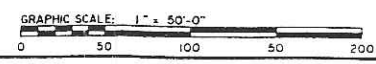
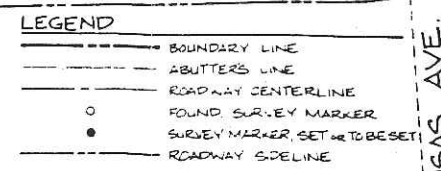
PLAN OF LAND OF
FALLBROOK WOODS
 RAY STREET, PORTLAND, MAINE
 PREPARED FOR
FALLBROOK, INC.
 7 SHADY LANE
 FALMOUTH, MAINE

Date	Revision

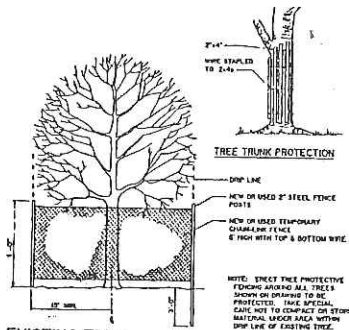
Designed BY	SKM-SMC
Drawn	SKM-SMC
Checked	SKM-SMC
Scale	1" = 50'-0"
Date	SEPTEMBER 25, 1992

RECORDING PLAT

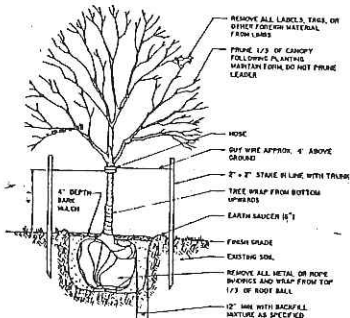
Job No. 2608
 Sheet



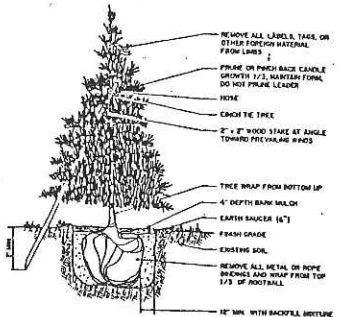
KANSAS AVE.
 (PAPER STREET - NOT ACCEPTED BY CITY)



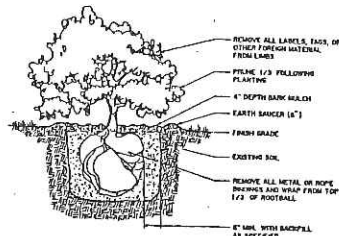
EXISTING TREE
TEMPORARY PROTECTIVE FENCING
NOT TO SCALE



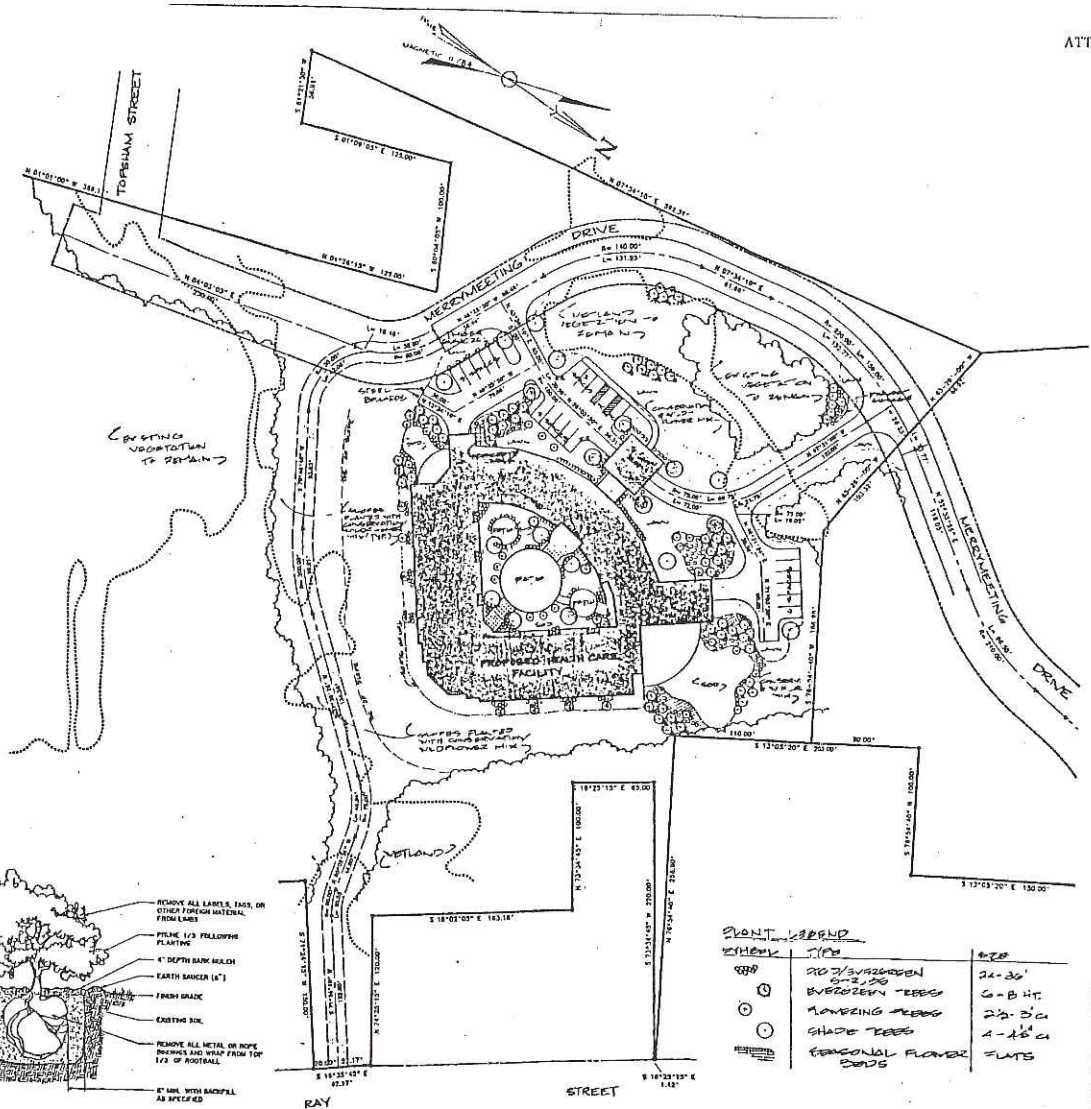
DECIDUOUS TREE PLANTING DETAIL
NO SCALE



EVERGREEN TREE PLANTING DETAIL
NO SCALE



SHRUB PLANTING DETAIL
NOT TO SCALE



SYMBOL	TREE TYPE	QTY
(Symbol)	20' EVASADORN EVERGREEN	24-36'
(Symbol)	EVASADORN EVERGREEN	6-8 FT
(Symbol)	LONGING TREES	25-30'
(Symbol)	SHADE TREES	4-16' CI
(Symbol)	PERSONAL FLOWER BUDS	PLANTS

FALLBROOK WOODS
RAY STREET
PORTLAND, MAINE
FALLBROOK INCORPORATED
FALLBROOK LANE
FALLBROOK, MAINE

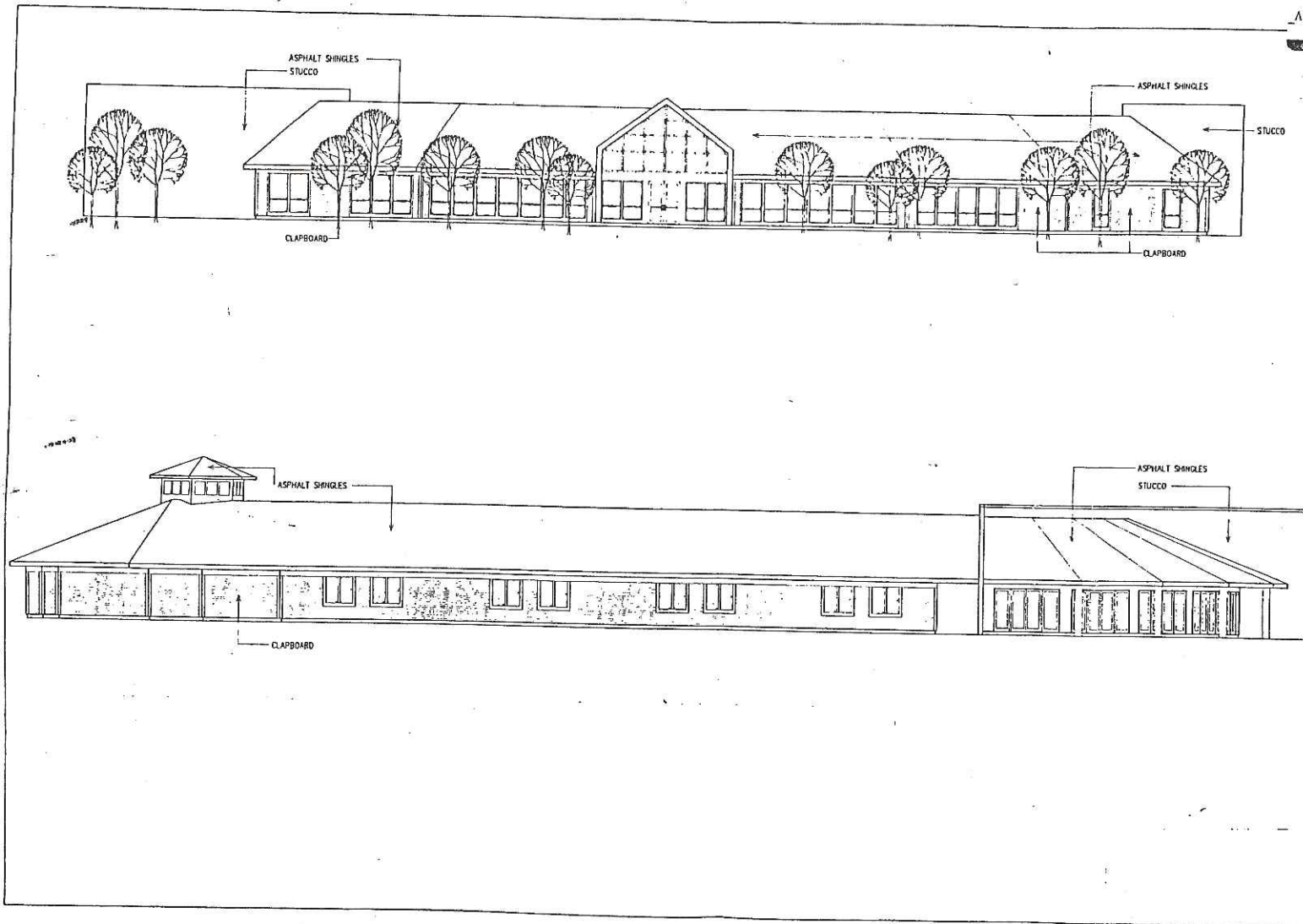
**SITE PLAN
8
ILLUSTRATIVE
LANDSCAPE PLAN**

DATE	REVISION

Prepared by: _____
 Drawn by: _____
 Checked by: _____
 Scale: _____
 Date: 7/27/77

Job No. 4600
Sheet

5 of 8



ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED
 ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION

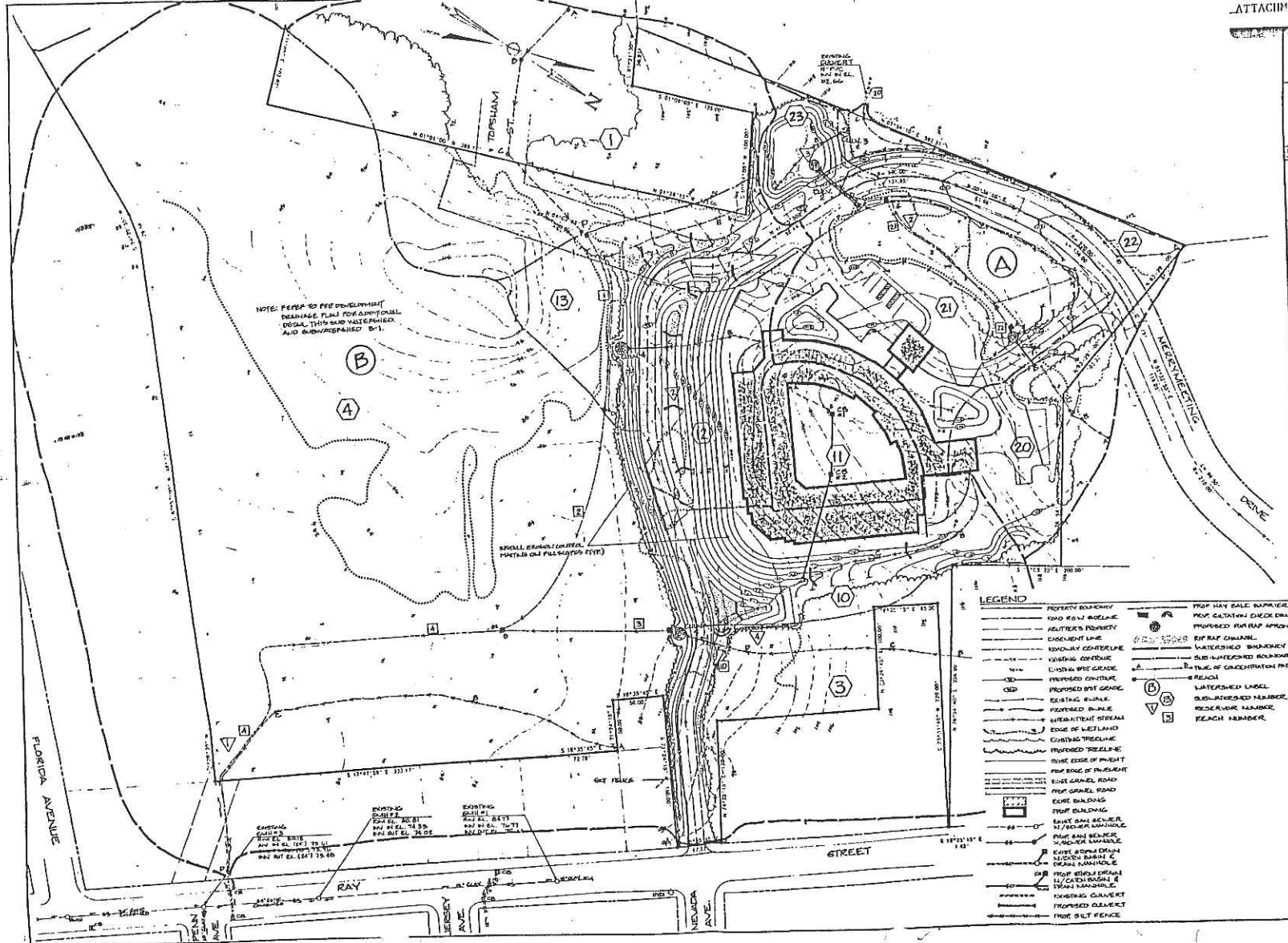
PROJECT NO. 87301
 FILE NO. 801130
 DRAWN BY: A.M.
 CHECKED BY: S.G.
 DATE:

EXTERIOR ELEVATIONS

FALLECK WOODS
 PORTLAND, MAINE

SCALE: 1/4" = 1'-0"
 DRAWING NUMBER:

A3.1



NOTE: REFER TO PRE DEVELOPMENT DRAINAGE PLAN FOR ADDITIONAL DIGITAL DATA AND WATERSHED AND SUBWATERSHED DATA.

SMALL DRAINAGE (CONCRETE) MATCHES ON PAGES 11 & 12

LEGEND

- | | | | |
|-----|-----------------------|-----|-----------------------------|
| --- | PROPERTY BOUNDARY | --- | PROF. HAY DALE BOUNDARY |
| --- | ROAD ROW BOUNDARY | --- | PROF. GARDNER CHECK DAM |
| --- | NEUTER'S PROPERTY | --- | PROPOSED FOUR RAP APPROX. |
| --- | EASEMENT LINE | --- | BY RAP CHANNEL |
| --- | ROADWAY CENTERLINE | --- | WATERSHED BOUNDARY |
| --- | WATERSHED CENTERLINE | --- | SUB-WATERSHED BOUNDARY |
| --- | EXISTING DRIVE GRADE | --- | LINE OF CONCENTRATION POINT |
| --- | PROPOSED CENTERLINE | --- | REACH |
| --- | PROPOSED RPT GRADE | --- | WATERSHED LABEL |
| --- | EXISTING SWALE | --- | SUB-WATERSHED NUMBER |
| --- | PROPOSED SWALE | --- | REACH NUMBER |
| --- | WETLAND STREAM | --- | |
| --- | EDGE OF WETLAND | --- | |
| --- | EXISTING TRENCHLINE | --- | |
| --- | PROPOSED TRENCHLINE | --- | |
| --- | EDGE OF PRESENT | --- | |
| --- | PROP. EDGE OF PRESENT | --- | |
| --- | EXIST. GRAVEL ROAD | --- | |
| --- | PROP. GRAVEL ROAD | --- | |
| --- | EDGE BUILDING | --- | |
| --- | PROP. BUILDING | --- | |
| --- | EXIST. RAIN SINKER | --- | |
| --- | PROP. RAIN SINKER | --- | |
| --- | EXIST. SAND SINKER | --- | |
| --- | PROP. SAND SINKER | --- | |
| --- | EXIST. STORM DRAIN | --- | |
| --- | PROP. STORM DRAIN | --- | |
| --- | EXISTING CURBMENT | --- | |
| --- | PROPOSED CURBMENT | --- | |
| --- | PROP. SILT FENCE | --- | |



FALLBROOK WOODS
 111 RAY STREET
 PORTLAND, MAINE 04108
 FALLBROOK INCORPORATED
 FALMOUTH, MAINE

DATE	DESCRIPTION

Checked by	
Drawn by	
Scale	
Date	

POST-DEVELOPMENT DRAINAGE & SEDIMENTATION CONTROL PLAN

Job No. 2008
 Sheet 6 of 8

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Deb Andrews, Senior Planner

FROM: Melodie A. Esterberg PE, Development Review Coordinator *Melodie A. Esterberg*

DATE: September 29, 1992

SUBJECT: Fallbrook Woods

I have reviewed the plans for Fallbrook Woods with regards to stormwater management and erosion and sedimentation control. My comments are as follows:

STORMWATER MANAGEMENT

As stated in the Stormwater Management Report (attached), the site is primarily wooded with three wetlands. The wetlands were delineated by Eco-Analysts Inc and located by Land Use Consultants as shown on the drainage plans. None of the wetlands are DEP jurisdictional wetlands. Any work within the wetlands will require a permit from Army Corps of Engineers. The construction of the emergency access road will most likely be permitted under Nationwide Permit 26.

The site is divided into two watersheds. Watershed A is smaller in area and located in the northwest corner of the site. Two small wetlands are located in this watershed. These two wetlands are separated by an existing gravel road. The proposed access road will follow the existing road and will minimize intrusions into the wetland. Stormwater will be collected in a detention basin located west of the access road. This basin will be connected to the wetland east of the access road with dual culverts. This will provide additional storage capacity for the larger storm events. The outlet to the detention pond is sized to limit the post development peak flows to less than existing peak flows. The stormwater will then flow to an existing 12 inch pvc culvert which is part of the stormwater system at the Residences condominium project. This system ties into the stormdrain in Allen Avenue.

Watershed B consists of the remainder of the site. This area drains to the wetland located in the southeast corner of the site. There is an intermittent stream which begins in this wetland and flows to the southeast corner of the property and then follows the property line between the Gailey and Castonia properties prior to entering a 10 inch pipe which ties into the combined sewer in Ray Street. The stormwater calculations show that the existing pipe does not have sufficient capacity to handle the existing runoff from the site and water ponds in the swale and wetland. The developed portion of the site contributing to this sewer consists of the rear portion of the building and courtyard, the gravel emergency access road and a very small section of the parking area. Stormwater will be collected in two detention basins located north of the emergency access road. The stormwater management system is designed to ensure that post-development peak flows are less than existing peak flows. After exiting the detention ponds the stormwater will flow through the wetland and into the intermittent stream. Detaining the runoff at the upper reaches of the watershed and controlling the flows to less than existing rates, should minimize the impact of this development on the combined sewer system.

SEDIMENTATION AND EROSION CONTROL PLAN

A detailed sedimentation and erosion control plan has been submitted for this project. Erosion control measures included are hay bales, siltation fencing, stone checkdams, riprap channels, riprap aprons on all culverts, mulching, temporary and permanent seeding. If the project is constructed as specified in the erosion control plan, there should be no significant erosion or sedimentation either on or off the site.

September 18, 1992

2608

**STORMWATER MANAGEMENT REPORT
FALLBROOK WOODS
PORTLAND, MAINE**

INTRODUCTION

This report addresses the stormwater analysis conducted for the proposed Fallbrook Woods in Portland. The owner, Fallbrook Incorporated, proposes the construction of a 56-bed boarding health care facility. The project will consist of a single building and associated parking areas, a site access drive and gravel fire lane.

The site contains 12.6 acres and is located on an undeveloped back parcel west of Ray Street and south of Allen Avenue in the North Deering area of Portland. The site gains access to Ray Street over Merrymeeting Drive; a private way extending westerly from Ray Street which is the access drive for Fallbrook Condominiums. Merrymeeting Drive dead-ends near the site boundary. Much of the area adjacent to the parcel is residentially developed.

METHODOLOGY

For this study, a clone of the Soil Conservation Service (SCS) TR-20 Computer Modeling Method was used. This method was used to evaluate the peak flow rates for the 2, 10, and 25-year recurrence interval storm events for the pre(1981) and post-development conditions. The SCS Type III, 24-hour storm distribution was used.

The software used for the analysis was Hydrocad Version 3.02 developed by Applied Microcomputer Systems of Chocorua, N.H.

SITE TOPOGRAPHY AND COVER COMPLEX

NOTE: Refer to the Existing Conditions, Plan Sheet 2 for site characteristics and wetland identification numbers.

The parcel is mostly wooded with the exception of a graded gravel access road and cleared area in the northwestern area of the site. The gravel road extends from the dead-end of Merrymeeting Drive into the site for approximately 350 feet. A small area of overgrown grasses and brush has resulted from previous clearing over a small section of the site near the gravel road. The woods on site are a mix of mature pine and oak with some secondary growth. The undergrowth is generally vegetated with low shrubs and plants.

LAND USE CONSULTANTS INC

The topography of the site is characterized by a ledgy knoll on the northeast end and a second knoll located 500 ft. southerly from this point. Three wetlands have also been identified on site by Eco Analysts, Inc. and located by LUC.

As one enters the parcel from Merrymeeting Drive, the topography slopes gently downhill along the gravel road and rises gently to the left (or east) to the first knoll mentioned. A low drainage between the gravel drive and the knoll is occupied by wetland 1 while wetland 2 extends off-site to the right (or west) of the gravel drive. Both wetlands are small isolated drainage pockets.

A low saddle between the two prominent knolls forms a drainage channel which flows into a large wetland (wetland 3) which occupies roughly 25% of the site in the central and southern areas. This entire wetland and the knolls on-site drain through an intermittent stream to a culvert on Ray Street adjacent to the southeastern property corner.

SITE SOILS

The site soils were obtained from the U.S.D.A - Soil Conservation Service Medium Intensity Soil Survey Maps for Cumberland County.

The site boundaries have been scaled onto the site to determine hydrologic soil groups. The soil boundaries are depicted on the Pre-Development and Post-Development Drainage and Erosion & Sedimentation Control Plans, Sheets 3 and 6. The site soils and their hydrologic soil groups are further listed below:

<u>Mapping Symbol</u>	<u>Soil Name</u>	<u>Hydrologic Soil Group</u>
Hr, Hs	Hollis	C/D (Use D)
Bg	Belgrade	C
Sn	Scantic	D
Bu	Buxton	C

PRE-DEVELOPMENT DRAINAGE

NOTE: Refer to the pre-development drainage plan of Fallbrook Woods dated 9/15/92 for details.

For the pre-development condition, the site was divided into its two natural watersheds, A and B, as delineated on the aforementioned plan.

WATERSHED A

Watershed A is located in the northwestern portion of the site, encompassing 2.4± acres, included within this area is 1.2± of meadow, 1.1± acres of woods and 0.1± acres of gravel drive. Generally this watershed drains to the east and west into a small wetland swale which conveys the flow off-site to the south towards "The Residences" condominiums. From here, it enters a

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12" PVC inlet in "The Residences" storm drainage system. The calculated pre-development peak flow rates for Watershed A as it discharges off-site are:

$$Q_2 = 2.1 \text{ CFS} \quad Q_{10} = 4.7 \text{ CFS} \quad Q_{25} = 6.0 \text{ CFS}$$

WATERSHED B

Watershed B includes the remaining portion of the site as well as off-site area to the east, south and west. It was broken down into 4 sub-watersheds labelled B1 thru B4 on the plan. The entire watershed encompasses 15.6 ± acres of which 10.8± acres are wooded, 3.4± acres are grassed, 1.0± acres is meadow and 0.4± is impervious.

Generally the runoff in this watershed travels to the southeast via sheet, shallow concentrated and then channel flow thru on existing intermittent stream which discharges off-site. After leaving the southeast corner of the site, the flow travels between two residential lots towards Ray Street where it discharges into a combined sewer and stormwater system via a 10" CMP inlet. The calculated peak flow rates for Watershed B into the 10" inlet are:

$$Q_2 = 8.1 \text{ CFS} \quad Q_{10} = 19.0 \text{ CFS} \quad Q_{25} = 24.6 \text{ CFS}$$

Based on these calculations, the existing 10" inlet is inadequate in size to convey all storm events. Therefore, the flow is detained behind the inlet until it can be accepted by the system.

POST-DEVELOPMENT DRAINAGE

NOTE: Refer to the Post-Development Drainage Plan for Fallbrook Woods dated 9/15/92 for details.

As is the pre-development condition, the site was again broken down into Watershed A and B and the same discharge points were analyzed. On-site detention will be used, one basin in Watershed A and two basins in Watershed B, to detain post-development peak flow rates and discharge them at pre-development levels.

WATERSHED A

Post-Development Watershed A is located in the northwestern portion of the site. The Watershed will include the front portion of the proposed building and the majority of the proposed impervious drives and parking. Watershed A will encompass 2.4± acres of which 0.3± acres will be wooded, 1.1± acres will be grassed, 0.3± acres will be meadow and 0.7± acres will be impervious. As in the pre-development condition the runoff will generally flow from the east and west via sheet flow towards the center of the watershed. From here it will flow to south via the existing wetland channel to twin 12" RCP culverts which will pass beneath Merrymeeting Drive and into a proposed detention basin.

LAND USE CONSULTANTS INC

The basin will use a combination of outlets consisting of a 12" culvert for the 2- and 25-year storm events and an emergency weir to direct any flows greater than the 25-year storm. During large storm events, the detention basin will surcharge and runoff will be stored in the basin as well as the wetland on the east side of Merrymeeting Drive. As in the pre-development condition, this watershed discharges off-site through an existing swale and into a 12" PVC inlet in "The Residences" condominiums storm drainage system. The calculated Post-Development Peak Flow Rates for Watershed A for the 2, 10, and 25-year storm events are:

$$Q_2 = 1.8 \text{ CFS} \quad Q_{10} = 3.7 \text{ CFS} \quad Q_{25} = 4.4 \text{ CFS}$$

WATERSHED B

Post-Development Watershed B encompasses the southern portion of the site, most of which will remain undeveloped at this time. The only development will be in the northern portion of the watershed which will include the rear of the proposed building and the fire access road. Watershed B was broken down into 7 sub-watersheds, labelled B1, B3, B4, B10, B11, B12 and B13 on the Post-Development Watershed Plan. Two small detention basins will be used in this watershed to detain peak flow rates.

Watershed B encompasses 15.6± acres of which 3.9± acres are grassed, 1.6± acres are meadow, 0.2± acres are gravel drive, 8.9± acres are wooded and 1.0± acres are impervious. Generally the runoff flows to the southeast towards Wetland #3. The detention basins will be located to the north of the fire access drive which will serve as an embankment for each of the basins. The outlet for both basins, will consist of orifices and weirs to control the flow. After exiting the basins, the runoff will travel through Wetland #3 to the southeast corner of the property. At this corner, a new pipe will be installed via an existing easement and connected by a new manhole into the combined storm and sanitary system in Ray Street. The calculated post-development flow rates to the proposed storm drain for the 2-, 10-, and 25-year storm events are:

$$Q_2 = 8.1 \text{ CFS} \quad Q_{10} = 17.2 \text{ CFS} \quad Q_{25} = 23.0 \text{ CFS}$$

SUMMARY

Two watersheds have been analyzed for the 2, 10, and 25-year recurrence interval storm events. The proposed boarding healthcare facility will not significantly change the boundaries or general flow paths of either watershed.

The following table summarizes the peak flow rates for the 2-, 10-, and 25-year recurrence interval storm events for both watersheds A and B for the pre- and post-development conditions:

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WATERSHED	PRE-DEVELOPMENT			POST-DEVELOPMENT		
	Q(CFS)			Q(CFS)		
	2-YR	10-YR	25-YR	2-YR	10-YR	25-YR
A	2.1	4.7	6.0	1.8	3.7	4.4
B	8.1	19.0	24.6	8.1	17.2	23.0

CONCLUSION

The site on which Fallbrook Woods is proposed is divided into two separate and distinct watersheds. Watershed A which discharges to the west empties into "The Residences" condominiums stormwater system. By utilizing the proposed detention basin, the post-development peak flow rates for Watershed A will be less than the existing (pre-development) flow rates.

In the pre-development condition, Watershed B discharges off-site via an existing intermittent stream and then into a 10" CMP inlet in the Ray Street combined storm and sanitary sewer system. Based on these calculations, this existing inlet is insufficient in size to convey any of the storms analyzed and therefore ponding behind this inlet is presently occurring.

For the post-development condition, we are proposing two detention basins to control the peak flow rates and discharge them below pre-development levels via the existing intermittent stream. We also recommend extending the combined storm and sanitary sewer system from Ray Street to the southeastern property corner via an existing easement across abutting parcels. It may be possible to increase the size of the pipe (from 10") to alleviate some of the existing flooding which is presently occurring. However, since this is a combined sewer/stormwater system, the city would need to agree to accept the increase in storm flows to the system.

Therefore, by utilizing the proposed detention basins, the post-development peak flow rates will be at or below pre-development levels and existing flooding problems will not be increased and may be somewhat less.

Respectfully submitted,



William R. Walsh, III
Engineer



David A. Kamila, P.E.

WW/b



QUITCLAIM DEED
WITH COVENANT

Doc 64377 B 9831 Pg 59

64-377
MAINE REAL ESTATE TAX PAID

KNOW ALL MEN BY THESE PRESENTS that MERREAL CORP., a corporation organized and existing under the laws of the State of Delaware, formerly named MM II Real Estate Corporation, and with a place of business at Portland, in the County of Cumberland and State of Maine, for consideration paid, hereby grants to FALLBROOK, INC., a Maine corporation with a mailing address of 7 Shady Lane, Falmouth, Maine 04105, with Quitclaim Covenants, certain real estate situated in Portland, County of Cumberland and State of Maine, more particularly bounded and described as follows:

A certain parcel of land situated Westerly of Ray Street in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at the southeasterly corner of Fallbrook, a Condominium at a point on the Westerly sideline of land now or formerly of John N. Jr. and Glennis E. Fitzpatrick (Book 2773, page 224);

Thence, S 13°-05'-20" E by the land of Fitzpatrick 110.00 feet to a point marked by a 5/8" iron rod set;

Thence, N 76°-54'-40" E by the land of Fitzpatrick 256.90 feet to a point on the Westerly sideline of Ray Street marked by 5/8" iron rod set;

Thence, S 16°-25'-15" E by the sideline of Ray Street 1.42 feet to a point marked by a 5/8" iron rod set at the land now or formerly of Ivan G. and Edwina F. Callahan (Book 2997, page 486);

Thence, S 73°-34'-45" W by the land of Callahan 220.00 feet to a point marked by a 5/8" iron rod set;

Thence, S 16°-25'-15" E by the land of Callahan 65.00 feet to a point marked by a 5/8" iron rod set;

Thence, N 73°-34'-45" E by the land of Callahan 100.00 feet to a point marked by a 5/8" iron rod set at the land now or formerly of Malcolm A. and Gail E. McDonald (Book 3614, page 219);

Thence, S 18°-02'-05" E by the land of McDonald 163.18 feet to a point marked by a 5/8" iron rod set;

Thence, N 74°25'-15" E by the land of McDonald 120.00 feet to a point on the Westerly sideline of Ray Street marked by a 5/8" iron rod set;

Thence, S 18°-35'-45" E by the sideline of Ray Street 47.17 feet to a point marked by a 5/8" iron rod set at the land now or formerly of Donald A. and Evelyn Thompson (Book 2892, page 451);

Thence, S 71°-24'-15" W by the land of Thompson 150.00 feet to a point marked by a 5/8" iron rod set;

Thence, S 18°-35'-45" E by the land of Thompson 50.00 feet to a point marked by a 5/8" iron rod set;

Thence, N 71°-24'-15" E by the land of Thompson 50.00 feet to a point marked by a 5/8" iron rod set at the land now or formerly of Richard E. and Carolyn Grover (Book 2895, page 492);

Thence, S 18°-35'-45" E by the land of Grover and by the land now or formerly of Raymond A. and Florence M. Sevigny (Book 2490, page 327) 72.78 feet to a point marked by a 5/8" iron rod set;

Thence, S 17°-48'-10" E by the land of Sevigny and by the lands now or formerly of Gladys A. and Kenneth V. Moody (Book 3471, page 62), Betty L. Denbow (Book 2682, page 313), Anna J. Aiken (Book 3570, page 212), David A. and Carolyn J. Matthews (Book 4483, page 163), Laura H. Clark (Book 3708, page 194), and George and Doris Castonia (Book 4960, page 286) 333.24 feet to a point marked by a 5/8" iron rod set at the land now or formerly of Frances F. Gatchell (Book 6257, page 342);

Thence, S 71°-28'-30" W by the land of Gatchell 51.09 feet to a point marked by a 5/8" iron rod set;

Thence, S 67°-57'-00" W by the land of Gatchell and lands now or formerly of Eleanor L. and Sherry Sapko, Charles E. and Linda J. Foshay (Book 3920, page 212), Linwood J. and Ruth L. Thaxter, Charles L. Arey (Book 2320, page 55), Dorothy M. and Richard M. Butler (Book 3765, page 177), Norman C. and Caroline M. Walton (Book 2014, page 140), James P. and Lula S. Cullen (Book 2044, page 474), and Glenda R. and Roger R. Pushor (Book 4755, page 44) 481.12 feet to a point marked by a 5/8" iron rod set;

Thence, S 54°-20'-55" W by the land of Pushor 29.58 feet to a point marked by a 5/8" iron rod set;

Thence, S 45°-14'-05" W by the land now or formerly of Claire D. and Edward L. Gulick (Book 3782, page 285) and by the land now or formerly of John H. and Jeannette B. Greer (Book 2824, page 131) 186.45 feet to a stone wall intersection and the end of Wadco Street;

Thence, N 01°-01'-00" W by a stonewall 7.90 feet to the Northeasterly sideline of Wadco Street;

Thence, N 37°-18'-55" W by the sideline of Wadco Street 165.51 feet to a point marked by a 5/8" iron rod set at the Easterly sideline of Ash Street;

Thence, N 01°-28'-55" W by the sideline of Ash Street 100.00 feet to a point marked by a 5/8" iron rod set at the land now or formerly of Diane M. and Richard C. Hayes (Book 3615, page 161);

Thence, N 88°-31'-05" E by the land of Hayes 98.80 feet to a stonewall;

Thence, N 01°-01'-00" W by the land of Hayes, the land now or formerly of Bertha C. Judkins, by the end of Topsham Street, and by the land now or formerly of David F. Marshall (Book 4804, page 317) 369.17 feet to a 1" iron pipe found;

Thence, N 01°-26'-15" W by the land of Marshall 125.00 feet;

Thence, S 80°-04'-05" W by the land of Marshall 100.00 feet to a point marked by a 5/8" iron rod set;

Thence, S 01°-09'-05" E by the land of Marshall 125.00 feet to a 1" iron pipe found at the Northeast corner of the land now or formerly of Bertha C. Judkins;

Thence, S 81°-21'-30" W by the land of Judkins 56.91 feet to a 1/4" iron rod found at the Southeast corner of the land now or formerly of F. S. Plummer Co. (Book 6869, page 110);

Thence, N 07°-34'-10" E by land of F. S. Plummer Co. 592.31 feet;

Thence, S 63°-29'-00" E by Fallbrook, a Condominium 190.24 feet to a point;

Thence, N 76°-54'-40" E by Fallbrook, a Condominium 166.98 feet to the point of beginning.

Also those easements and rights, in common with others, which are described in the below referenced documents:

(1) Easements from George and Doris Castonia dated December 20, 1985, recorded in the Cumberland County Registry of Deeds at Book 7036, Page 92;

(2) Easements from Calvin L. and Myrtle W. Gailey, dated December 20, 1985, and recorded in the Cumberland County Registry of Deeds at Book 7036, Page 96;

(3) Easement from Francis Frances F. Gatchell dated December 20, 1985, and recorded in the Cumberland County Registry of Deeds at Book 7036, Page 100; and

(4) Easement to the City of Portland for a turn-around at the terminus of Topsham Street and other matters shown on the Plat of Fallbrook, a Condominium, recorded in the Cumberland County Registry of Deeds in Plan Book 178, Page 66.

Meaning and intending to describe a portion of the premises conveyed to MM II Real Estate Corporation (now Merreal Corp.) by Deed of Merrymeeting Developers, Inc. dated November 29, 1988 and recorded in said Registry of Deeds in Book 8572, Page 280.

Also, an easement for all purposes in common with others over, under and along the 50 foot wide right of way shown on the Plat of Fallbrook, a Condominium, recorded in the Cumberland County Registry of Deeds in Plan Book 178, Page 66 and reserved in the Declaration of Fallbrook Condominium dated April 20, 1989 and recorded in said Registry of Deeds in Book 8730, Page 206.

Reference is hereby made to a Certificate of Amendment of Certificate of Incorporation of MM II Real Estate Corporation dated February 27, 1989 and filed with the Office of Secretary of State for the State of Delaware, a copy of which is recorded in said Registry of Deeds; and to a Deed from Merrymeeting Developers, Inc. to MM II Real Estate Corporation dated November 29, 1988 and recorded in said Registry of Deeds in Book 8572, Page 280.

IN WITNESS WHEREOF, the said MERREAL CORP. has caused this instrument to be sealed with its corporate seal and signed in its corporate name by JEFFREY M. DIGGINS, its VICE PRESIDENT thereunto duly authorized, this 20 day of December, 1991.

WITNESS:

MERREAL CORP.

Debra Manning

By: [Signature]
JEFFREY M. DIGGINS
Its VICE PRESIDENT

STATE OF MAINE
CUMBERLAND, SS.

December 20, 1991

Personally appeared the above-named JEFFREY M. DIGGINS, VICE PRESIDENT of said Grantor Corporation, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said Corporation.

Recorded
Cumberland County
Registry of Deeds
12-20-91 10:45 AM
Robert P. Brown
Register

Before me,

Debra A. Manning
Notary Public/Attorney at Law

SEAL

Print Name: _____

DRAFT

Attachment 10

AGREEMENT FOR TRANSFER AND ASSUMPTION OF
SPECIAL DECLARANT RIGHTS IN
FALLBROOK, A CONDOMINIUM

This Agreement is made by and between Fallbrook, Inc. a Maine corporation with a mailing address of 7 Shady Lane, Falmouth, Maine 04105 (hereinafter "Transferor") and Fallbrook, A Condominium Unit Owners' Association, Inc., a Maine non-profit corporation with a mailing address of _____, Maine _____ (hereinafter "Transferee").

WHEREAS, Transferor is the holder of certain Special Declarant Rights in a condominium development known as Fallbrook, A Condominium, located on Ray Street in Portland, Maine (the "Condominium") and created pursuant to a Declaration under the Maine Condominium Act of the Maine Revised Statutes Annotated, as amended, Title 33, Chapter 31 et seq., which Declaration is dated April 20, 1989 and recorded in the Cumberland County Registry of Deeds in Book 8730, Page 206, and amended by Amendment dated October 30, 1989 and recorded in said Registry in Book 8969, Page 159, Second Amendment dated May 11, 1990 and recorded in said Registry in Book 9172, Page 23, and Third Amendment dated August 1, 1990 and recorded in said Registry in Book 9267, Page 190, together with the Plat and Plans, which are Exhibits to the Declaration, recorded in said Registry in Plan Book 178, Page 66, Plan Book 182, Page 14 and Plan Book 185, Page 15 (the "Declaration"); and

WHEREAS, Transferor has agreed to transfer and assign to Transferee all its rights to construct, create and convey Fallbrook Condominium Units 29, 30, 31, 32.

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other valuable consideration:

1. Transferor hereby gives, bargains, sells, conveys, assigns and transfers to Transferee, its successors and assigns, the following Special Declarant Rights in and to the Property and Transferee hereby accepts such Special Declarant Rights:

a) the rights under Article 8 of the Declaration to construct the following improvements indicated on the Plat and Plans filed with the Declaration and as indicated on a certain site plan as revised through May 9, 1989 as approved by the City of Portland on November 10, 1987 and recorded in the Cumberland County Registry of Deeds in Plan Book 168, Page 55 and as revised on June 12, 1989 and recorded in the Cumberland County Registry of Deeds in Plan Book 179, Page 47: units 29, 30, 31, 32, being 4 condominium units proposed for development on the Property, as described in said Declaration, including all limited common elements appurtenant to said units and related alterations and

improvements to the common elements including without limitation the excavation and alteration of the surface of the earth and the construction of foundations, buildings, driveways, landscaping and utility lines (all collectively the "Units"); and

b) the right to use all easements reserved under Article 4 of the Declaration for the completion of the Units and the marketing and sale thereof including the right to maintain sales offices, management offices, signs advertising the Condominium and models as may be necessary and appropriate for the marketing and sale of the above proposed Units; and

c) the development rights necessary or appropriate to amend the Declaration to create the Units, and to reallocate the Common Element Interest, Common Expense, Liability and Vote in accordance with Section 2.2 of the Declaration and the Maine Condominium Act; and

d) all other rights, including real property rights in and to the Property, whether established under the provisions of the Declaration, the Maine Condominium Act or otherwise, which are necessary or appropriate to construct and create the above Units and appurtenant Limited Common Elements and any related interests and rights in said Condominium according to the Declaration, and to implement and complete the sale of said Units. All of the foregoing rights are subject, however, to all rights, terms and conditions of the Declaration and all provisions of the Maine Condominium Act.

2. Transferee and Transferor agree that Transferee shall be the "Declarant" with respect to all improvements constructed and created by Transferee, and Transferee hereby assumes all duties, obligations and liabilities related thereto, including without limitation the obligations arising under the Maine Condominium Act to prepare and deliver a Public Offering Statement and to warrant all improvements to purchasers of said Units. Transferee acknowledges that it is a "successor declarant" and not an "affiliate" of Transferor, for purposes of Section 1603-104 of the Maine Condominium Act. Transferee shall not be the "Declarant" with respect to any other improvements, and Transferor excepts and reserves all rights except as herein expressly transferred.

3. Transferor hereby assigns and transfers to Transferee all its right, title and interest in and to any and all land use and environmental approvals and permits relating to the Special Declarant Rights herein transferred.

Reference is made to a transfer and assignment of the above-described Special Declarant Rights from R. Risbara Construction Co., Inc. to Merreal Corp. dated November 21, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9828, Page 205.

IN WITNESS WHEREOF, the parties have executed this Agreement this _____ day of _____, 1992.

TRANSFEROR
Fallbrook, Inc.

Witness

BY: _____
Its

TRANSFeree
Fallbrook, A Condominium Unit
Owners' Association, Inc.

Witness

BY: _____
Its

STATE OF MAINE
CUMBERLAND, SS, ss.

Date: _____

Personally appeared the above-named _____,
_____ of Fallbrook, Inc., and acknowledged
the foregoing instrument to be his free act and deed in his said
capacity and the free act and deed of said Fallbrook, Inc.

Before me,

Notary Public

Type or Print Name

STATE OF MAINE
CUMBERLAND, SS, ss.

Date: _____

Personally appeared the above-named _____,
_____ of Fallbrook, A Condominium Unit
Owners' Association, Inc. and acknowledged the foregoing
instrument to be his free act and deed in his said capacity and
the free act and deed of said Fallbrook, A Condominium Unit
Owners' Association, Inc.

Before me,

Notary Public

Type or Print Name

AGREEMENT FOR TRANSFER AND ASSUMPTION OF
SPECIAL DECLARANT RIGHTS IN
FALLBROOK, A CONDOMINIUM

This Agreement is made by and between MERREAL CORP., a Delaware corporation with a place of business in Portland, Maine (hereinafter "Transferor") and FALLBROOK, INC., a Maine corporation with a mailing address of 7 Shady Lane, Falmouth, Maine 04105 (hereinafter "Transferee").

WHEREAS, Transferor is the holder of certain Special Declarant Rights in a condominium development known as Fallbrook, a Condominium, located on Ray Street in Portland, Maine (the "Condominium") and created pursuant to a Declaration under the Maine Condominium Act of the Maine Revised Statutes Annotated, as amended, Title 33, Chapter 31 et seq., which Declaration is dated April 20, 1989 and recorded in the Cumberland County Registry of Deeds in Book 8730, Page 206, and amended by Amendment dated October 30, 1989 and recorded in said Registry in Book 8969, Page 159, Second Amendment dated May 11, 1990 and recorded in said Registry in Book 9172, Page 23, and Third Amendment dated August 1, 1990 and recorded in said Registry in Book 9267, Page 190, together with the Plat and Plans, which are Exhibits to the Declaration, recorded in said Registry in Plan Book 178, Page 66, Plan Book 182, Page 14 and Plan Book 185, Page 15 (the "Declaration"); and

WHEREAS, Transferor has agreed to transfer and assign to Transferee all its rights to construct, create and convey Fallbrook Condominium Units 29, 30, 31 and 32.

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other valuable consideration:

1. Transferor hereby gives, bargains, sells, conveys, assigns and transfers to Transferee, its successors and assigns, the following Special Declarant Rights in and to the Property and Transferee hereby accepts such Special Declarant Rights:

a) the rights under Article 8 of the Declaration to construct the following improvements indicated on the Plat and Plans filed with the Declaration and as indicated on a certain site plan as revised through May 9, 1989 as approved by the City of Portland on November 10, 1987 and recorded in the Cumberland County Registry of Deeds in Plan Book 168, Page 55 and as revised on June 12, 1989 and recorded in the Cumberland County Registry of Deeds in Plan Book 179, Page 47: units 29, 30, 31 and 32, being 4 condominium units proposed for development on the Property, as described in said Declaration, including all limited common elements appurtenant to said units and related alterations and improvements to the common elements including without limitation the excavation and alteration of the surface of

the earth and the construction of foundations, buildings, driveways, landscaping and utility lines (all collectively the "Units"); and

b) the right to use all easements reserved under Article 4 of the Declaration for the completion of the Units and the marketing and sale thereof including the right to maintain sales offices, management offices, signs advertising the Condominium and models as may be necessary and appropriate for the marketing and sale of the above proposed Units; and

c) the development rights necessary or appropriate to amend the Declaration to create the Units, and to reallocate the Common Element Interest, Common Expense, Liability and Vote in accordance with Section 2.2 of the Declaration and the Maine Condominium Act; and

d) all other rights, including real property rights in and to the Property, whether established under the provisions of the Declaration, the Maine Condominium Act or otherwise, which are necessary or appropriate to construct and create the above Units and appurtenant Limited Common Elements and any related interests and rights in said Condominium according to the Declaration, and to implement and complete the sale of said Units. All of the foregoing rights are subject, however, to all rights, terms and conditions of the Declaration and all provisions of the Maine Condominium Act.

2. Transferee and Transferor agree that Transferee shall be the "Declarant" with respect to all improvements constructed and created by Transferee, and Transferee hereby assumes all duties, obligations and liabilities related thereto, including without limitation the obligations arising under the Maine Condominium Act to prepare and deliver a Public Offering Statement and to warrant all improvements to purchasers of said Units. Transferee acknowledges that it is a "successor declarant" and not an "affiliate" of Transferor, for purposes of Section 1603-104 of the Maine Condominium Act. Transferee shall not be the "Declarant" with respect to any other improvements, and Transferor excepts and reserves all rights except as herein expressly transferred.

3. Transferor hereby assigns and transfers to Transferee all its right, title and interest in and to any and all land use and environmental approvals and permits relating to the Special Declarant Rights herein transferred.

Reference is made to a transfer and assignment of the above-described Special Declarant Rights from R. Risbara Construction Co., Inc. to Merreal Corp. dated November 21, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9828, Page 205.

IN WITNESS WHEREOF, the parties have executed this Agreement
this 31ST day of December, 1991.

TRANSFEROR
Merreal Corp.

Debra A. Manning
Witness

By: [Signature]
Its VICE PRESIDENT

TRANSFeree
Fallbrook, Inc.

Margaret Pease
Witness

By: [Signature]
Its Vice President

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

December 31, 1991

Personally appeared the above-named
Parula W. Cook, Vice President of Merreal
Corp., and acknowledged the foregoing instrument to be his free
act and deed in his said capacity and the free act and deed of
said Merreal Corp.

Before me,

Debra Manning
Notary Public
DEBRA A. MANNING
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES APRIL 22, 1993
Type or Print Name

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

9/24/92

Personally appeared the above-named Stephen Guthrie, Vice-
President of Fallbrook, Inc. and acknowledged the foregoing
instrument to be his free act and deed in his said capacity and
the free act and deed of said Fallbrook, Inc.

Before me,

[Signature]
Notary Public
PETER D. WILEY
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES AUGUST 9, 1995
Type or Print Name

DAR020FB

DRAFT**MAINTENANCE AGREEMENT**

This Maintenance Agreement is entered into between Fallbrook, Inc. (hereinafter COMPANY) and Fallbrook, A Condominium, through its governing body the Unit Owners' Association (hereinafter CONDOMINIUM).

WITNESSETH

WHEREAS, the COMPANY and the CONDOMINIUM are the owners of two abutting parcels of property located on Ray Street in the City of Portland; and

WHEREAS, both parcels of land were at one time a single parcel of land known as Fallbrook, A Condominium; and

WHEREAS, the COMPANY obtained title to land that comprised a certain portion of said former condominium project on December 20, 1991; and

WHEREAS, both parties are desirous of sharing the present road known as Merrymeeting Drive, the developed portion of which is presently on CONDOMINIUM land; and

WHEREAS, the COMPANY has succeeded to a portion of the rights of the former declarant and/or said declarant's successors in interest, including an easement over, under and along the street known as Merrymeeting Drive; and

WHEREAS, the parties agree that they are desirous of sharing proportionately the expense of maintaining said Merrymeeting Drive, including any common utility lines;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The CONDOMINIUM shall arrange for the maintenance of said Merrymeeting Drive, including by way of example, and not of limitation snow plowing, necessary repair, maintenance and upkeep of Merrymeeting Drive and any common utility lines contained therein.

2. The COMPANY and the CONDOMINIUM agree to share equally the expenses of maintaining Merrymeeting Drive as set forth in paragraph 1 of this Agreement, from the intersection of Ray Street and Merrymeeting Drive to the property line between the condominium and the property, but not including maintenance for that portion of Merrymeeting Drive extended by the COMPANY to service their project, which extension shall be the sole responsibility of COMPANY. The CONDOMINIUM shall prepare an Annual Budget of anticipated maintenance costs for Merrymeeting Drive, and provide a copy of same to the COMPANY no later than December 1st of each year for the subsequent calendar year. As expenses are incurred by the CONDOMINIUM, it shall send a

DRAFT

statement of such expenditure to the COMPANY which shall reimburse the CONDOMINIUM fifty (50%) percent of such actual expenses within thirty (30) days after receipt of notification of expenditures.

3. If roadway deterioration necessitates extraordinary expense in excess of normal repairs budgeted for that year, then the CONDOMINIUM shall notify the COMPANY immediately of such proposed expenditure. Upon receipt of proof of such extraordinary expenditures, the COMPANY shall reimburse the CONDOMINIUM fifty (50%) percent of such expenditures within thirty (30) days after presentment.

4. If any amount due and owing under this Agreement is not paid within the times as specified herein, COMPANY shall be responsible for interest on the amount paid at the rate of ten (10%) percent per annum.

5. If the COMPANY disputes the accuracy of the expenditures, it shall notify the CONDOMINIUM promptly of such dispute. If the parties to this Agreement are unable to resolve such dispute, then it will be submitted to an arbitration process, employing an American Arbitration CONDOMINIUM certified Arbitrator, knowledgeable in the construction trades, whose decision shall be final and binding on both parties.

6. This Agreement shall have no effect and the CONDOMINIUM shall be responsible for all expenses for the maintenance of said Merrymeeting Drive until the COMPANY commences construction for the extension of Merrymeeting Drive into its proposed development. Upon commencement of such construction, then the COMPANY shall reimburse the CONDOMINIUM fifty (50%) percent of all maintenance expenditures for the designated portion of Merrymeeting Drive per paragraphs 2 and 3 of this Agreement.

7. It is contemplated by the parties to this Agreement that the construction of the COMPANY's Health Care Boarding Facility may cause abnormal wear and tear on Merrymeeting Drive requiring unanticipated repairs. Consequently, upon the conclusion of the construction of the COMPANY's project, the COMPANY will bear the sole expense and repair of any such abnormal wear and tear caused to Merrymeeting Drive by the construction process.

8. This Agreement is expressly limited toward that portion of Merrymeeting Drive running from the intersection of Ray Street to the boundary line of the property of the parties. Each party shall be responsible for the maintenance and upkeep of any and all other roads on their respective properties. By way of example, and not of limitation, the CONDOMINIUM shall be responsible for all maintenance and upkeep of the Loop Road, while the COMPANY shall be responsible for the maintenance and upkeep of the extension of Merrymeeting Drive from its present terminus at the property boundary between the parties into the COMPANY's facility.

DRAFT

3

9. Should construction of the proposed boarding facility and the extension of Merrymeeting Drive not commence within one year of the signing of this Agreement, then it shall be null and void unless both parties agree in writing to extend said Agreement prior to the anniversary date of the first year of its signing.

10. It is intended by both parties that this Agreement shall be binding upon the parties, their heirs, successors and assigns and shall run with the land.

11. The parties represent that they have carefully read the foregoing Maintenance Agreement and know and understand the contents hereof, and specifically acknowledge the terms hereof are contractual and not a mere recital.

IN WITNESS WHEREOF the parties have set their hands and seals as of the date set forth next to each signature below.

Dimensions

	Wattage	Luminaire Size	Standard Arm Dimensions	Recommended Mounting Height
EXECUTIVE 20	up to 250 watts	16" x 20" x 6"	2" x 4" - 8'	7' 6" to 20'
EXECUTIVE 25	up to 400 watts	20" x 25" x 8"	2 1/4" x 6" - 12'	15' to 40'
EXECUTIVE 30	up to 1000 watts	23" x 30" x 10"	2 3/4" x 6" - 12"	25' to 40'

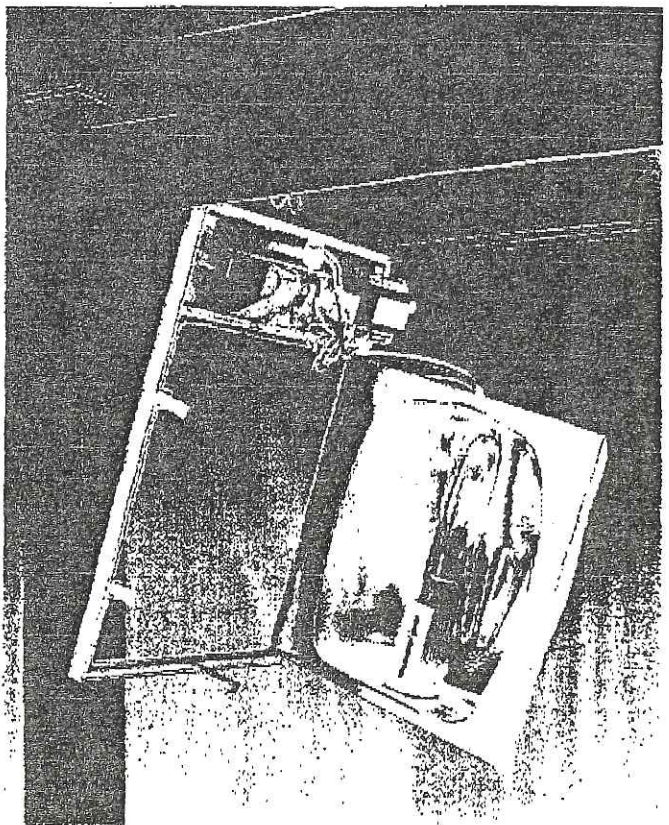
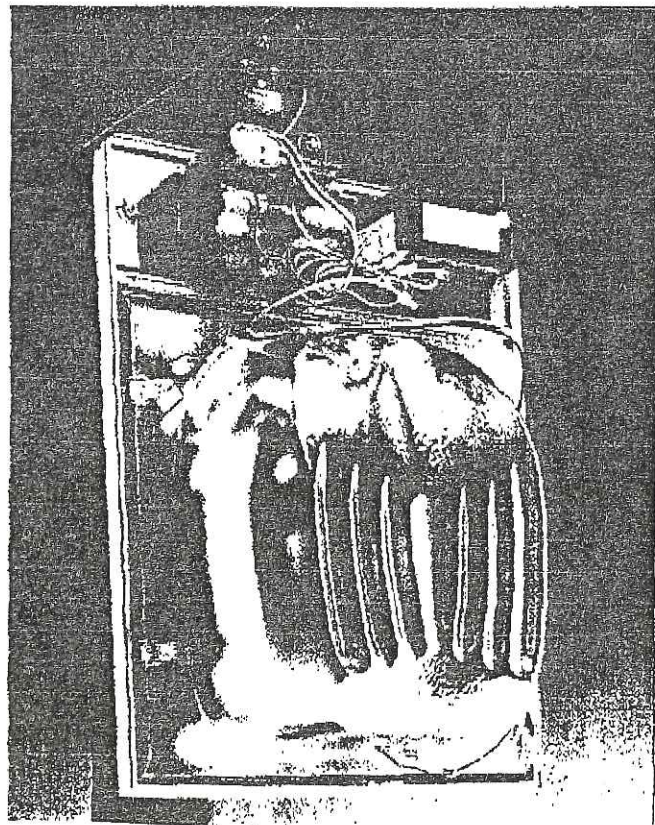
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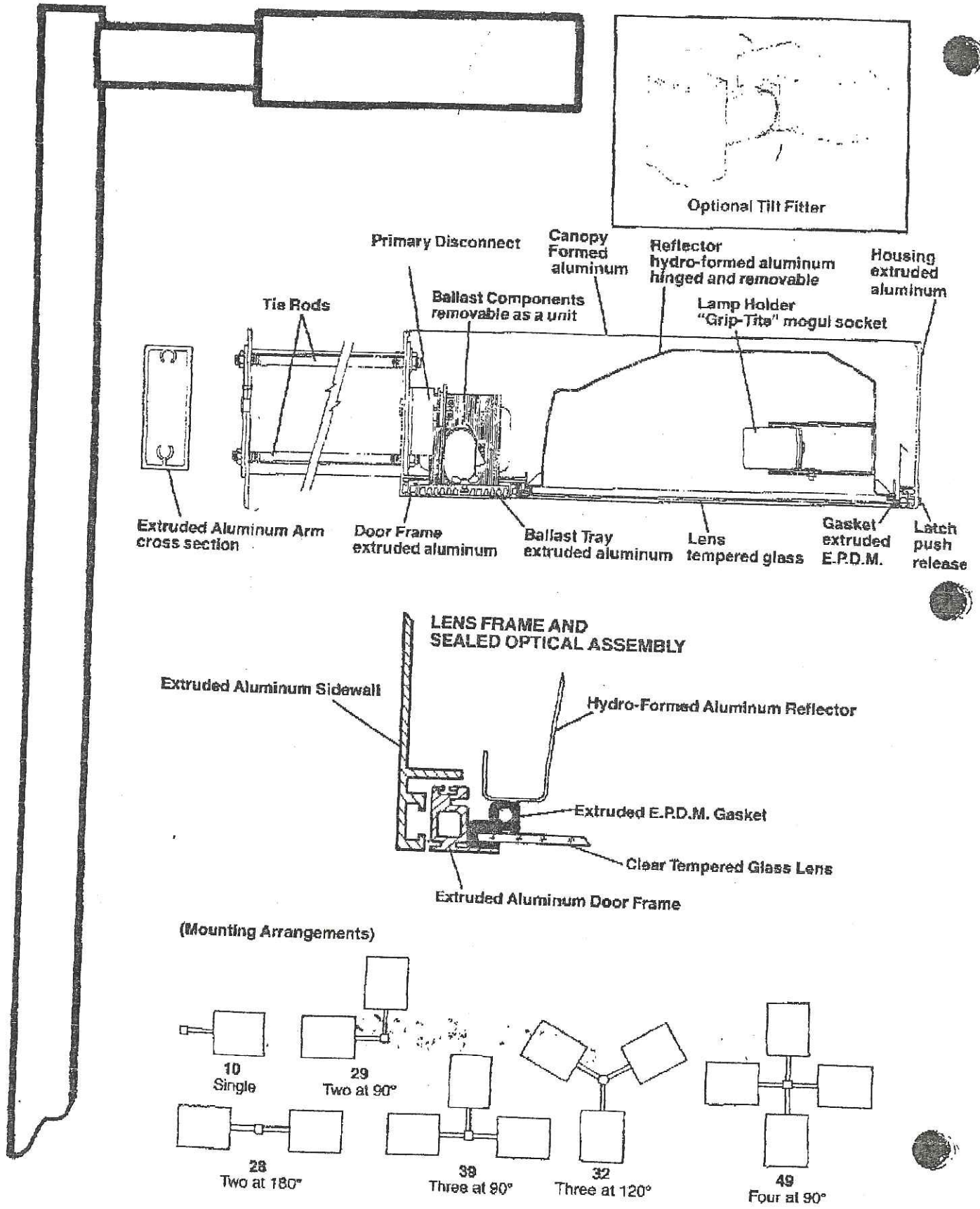
Mechanical Features • Unitized ballast/reflector system, hinged and removable as a unit. Easy access for installation and maintenance. • Reflector is hinged and sealed against a one piece E.P.D.M. gasket. • Thermal and impact tempered glass lens. • Extruded aluminum arm with galvanized steel threaded tie rods. • Extruded aluminum lens frame with accurately mitered corners, secured with internal corner keys.

NEC requirements. All fixtures bear the IBEW and UL label.

Options • Photoelectric control receptacle • Single or duplex weatherproof receptacle • Luminaires can be wall mounted • Baked enamel or anodic hard coat finishes available in a wide range of colors.

Photometric Flexibility • Die-formed, semi-specular reflector system in standard IES patterns II, III and V. A Forward Distribution Reflector is also available. 1000 WATT EXECUTIVE 30, identical in appearance and construction, forward distribution reflector or with bilateral field-adjustable reflector. Designed and manufactured to meet or exceed UL and







CITY OF PORTLAND

October 9, 1992

Mr. William R. Walsh
Land Use Consultants Inc.
One India Street
Portland, ME 04101

RE: Fallbrook Woods
CSO Credits

Dear Mr. Walsh:

We have received your letter to Joseph Gray dated September 22, 1992 requesting CSO credits for the Fallbrook Woods development. As you are aware, no formal policy to allocate credits received for sewer rehabilitation projects undertaken by the City has been developed at this time. To date, credits have been allocated on a case by case basis by the manager's office. The consent decree states that additions to the sewer system will be calculated at the time building and plumbing permits are issued. Therefore, credits cannot be awarded until those permits are issued. However, it is my understanding that the City has a sufficient number of credits in your project and credits will probably be available at the time the required permits are issued.

If you have further questions, please feel free to call.

Sincerely,

Melodie A. Esterberg
Melodie A. Esterberg, PE
Development Review Coordinator

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
George Flaherty, Director of Parks and Public Works
Deb Andrews, Senior Planner
Bill Goodwin, Environmental Engineer



LAND USE CONSULTANTS INC

RECEIVED

SEP 23 1992

David A. Kamila, P.E.
Bradley H. Hare, R.L.A.
Frederic Licht, Jr., P.E.
John D. Roberts, P.L.S.

PORTLAND PLANNING OFFICE

September 22, 1992

2608

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

Fallbrook Woods Boarding Health Care Facility

Dear Mr. Gray:

On behalf of Fallbrook, Inc., I am writing you to request credits for discharge into the combined stormwater and sewer system. As you may be aware, Fallbrook, Inc. is proposing a 56 bed boarding health care facility off Ray Street in Portland. This facility will discharge into the existing combined sewer system in Ray Street by extending the existing sewer system to the proposed facility.

It is our understanding that the City of Portland is under a consent decree from the State of Maine Department of Environmental Protection to remove stormwater from combined systems at a ratio of 5:1 (stormwater : sewage inflow). I have spoken with both Ms. Melodie Esterberg of your office and Mr. William Goodwin of Public Works whom both thought that credits would be available for this project. I understand that there is no formal process in place for this request so Melodie suggested I put the request directly to you.

As originally approved by the City of Portland, this site contained 65 condominiums, of which 28+ were located in the area in which the new facility is proposed. This would translate to the following flows into the combined system.

$$\text{Total Flow} = 28 \text{ units} \times 2 \text{ bedrooms/unit} \times 120 \text{ GPD*} = 6720, \text{ GPD}$$

For the proposed project we are projecting the following flows:

56 beds x 100 GPD* =	5600 GPD
25 employees x 15 GPD/employee =	<u>375 GPD</u>
Total flow	5975 GPD

* Based on the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241.

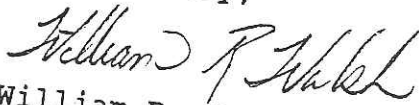
LAND USE CONSULTANTS INC

Therefore the total credits requested for the Fallbrook Woods facility would be:

Credits Required = 5975 GPD x 5 = 29,875 GPD

I trust that this information is sufficient, should you require anything further, please call.

Respectfully,



William R. Walsh

WRW/b

c.c.: Mr. Stephen Guthrie
Mr. Robert Feeney
Ms. Melodie Esterberg - Portland Planning Dept.
Mr. William Goodwin - Portland Public Works

CITY OF PORTLAND
MEMORANDUM

TO: Chairman DeCoursey and Members of the Portland Planning Board

FROM: Deborah Andrews, Senior Planner

DATE: August 25, 1992

RE: Preliminary Site Plan Review of Proposed 28-unit Elderly Care Facility off Ray Street; Fallbrook Inc., Applicant

Fallbrook, Inc. requests preliminary site plan, subdivision, and conditional use review of a proposed 28-unit licensed board care facility for the elderly to be located off Ray Street. The development is to be sited on a portion of the remaining 13.33 acres of the Fallbrook Condominium site, with the balance of land reserved for possible future development. The property is located in an R-3 zone, where intermediate care facilities, such as that proposed, are allowed as a conditional use.

Because of the unique and relatively complex issues raised by the proposed development and its relationship to the existing Fallbrook Condominium project, the applicant has been encouraged to present a preliminary concept plan to the Board for its review and comment prior to completing a detailed site plan and elevation drawings. Accordingly, the enclosed plans (Attachments #2 and #3) are concept plans only and leave open a number of issues for discussion by the Board. On Tuesday, Stephen Guthrie and Robert Feeney, principals of Fallbrook, Inc., and David Haynes of Land Use Consultants will discuss immediate and long-term plans for the site.

DESCRIPTION OF THE PROJECT

Fallbrook Inc. proposes to construct a single-story, 28-room boarding health care facility for the elderly within the previously-approved Fallbrook Condominium subdivision. The facility, to be called Fallbrook Woods, is to be sited immediately south of the completed Phase I Fallbrook Condominiums and is to be accessed from the same private road which runs off of Ray Street. While the proposed facility is to be sprinklered, construction of an emergency access lane will also be required because of the combined number of units included within the condominium development and the proposed elderly boarding facility. (The enclosed site plan, Attachment #2, shows two possible locations for the emergency access lane - see dotted lines. One shows the access lane connecting to Topsham Street and the alternative connecting to Ray Street. Because of costs associated with constructing Topsham Street (now a paper street), the applicant prefers to connect the emergency access lane to Ray Street. The applicant is aware that this option will require some reconfiguration of the future residential development as currently shown, but as this development is strictly conceptual at this point, such a reconfiguration is possible.

The boarding facility is proposed to be triangular in plan and open in the center for a landscaped courtyard. A total of 38 beds are proposed, with single - and two-bed room occupancy. Ten staff persons will be on site during the day, with fewer on premises at night. As the enclosed floor plan (Attachment 3) indicates, the main entry is to be located in the center of one side of the triangle. A reception area, offices, lounges, a laundry, library, kitchen and other common facilities flank the entry area. Residents' rooms are concentrated along the other two sides of the triangle, with a dining/activity room, nurse's station and lounge located at the three points of the triangle.

The concept plan shows 24 parking spaces; 15 spaces are located in front of the main entry, with an additional 9 spaces (for staff) shown immediately south of the building. According to the zoning ordinance's parking standards, a total of 18 parking spaces would be required (1 space for each 5 beds or major fraction thereof, plus 1 space for each employee).

The attached site plan also shows in concept how the balance of the subdivision's land area might be developed in the future. At this time, the applicant envisions a P.R.U.D. for elderly persons who are able to live in a more independent setting. While the applicant has no immediate development plans, this concept site plan is shown to give the Board the "big picture" and to identify any issues which might affect future development in order that they might be resolved at this time.

ISSUES TO BE RESOLVED

In a preliminary review of the submitted plans and the Planning Department's files on the Fallbrook subdivision, the following issues have been identified as needing resolution:

1) Amendment to the Recording Plat

The original subdivision for this property was approved in 1985. The subdivision was known at the time as Ray Street Townhomes. In 1990, a successor owner, Merreal Corporation, sought and received approval for a sectional recording of the condominium project (renamed Fallbrook Condominiums), which would allow the project to be developed in 4 phases and would keep the amount of the required performance guarantee reasonable. Under the sectional recording, the same total number of units (98) were to be developed over the 4 phases.

To date, only Phase I has been constructed; twenty five (25) of the twenty eight (28) dwellings proposed having been completed. (When Fallbrook Inc. acquired the remaining 13.33 acres of land, they also acquired development rights for the remaining three units.)

As the proposed development does not correspond to the 4 phases envisioned in the 1990 sectional recording approval, it will be necessary for the applicant to submit a revised recording plat. The revised recording plat will need to show how the remainder of the developable property is to be delineated from the immediate project site.

2) Completion of Required Phase I Site Improvements

At the time of the 1990 sectional recording approval, a list of site improvements to be completed under each phase was developed. Although most of the required Phase I improvements have been completed, a tot lot and basketball court are still to be constructed and remain as Phase I obligations. The present applicant, the condominium association, and RECOLL Management (which still controls the condominium association) will need to come to an agreement regarding responsibility for completing outstanding Phase I site improvements before any subsequent development can be approved. The three parties will also need to provide evidence of an agreement regarding the maintenance of the private road within the development. The applicant is prepared to discuss at the workshop how these issues might be resolved.

As stated above, the enclosed plans and drawings are intentionally conceptual and are intended for the applicant to get initial feedback from the Board as to the proposed combination of uses and functional relationship between them.

Attachments:

1. August 10, 1992 letter from David Haynes of Land Use Consultants, representing applicant
2. Preliminary Site Plan for Fallbrook Woods
3. Preliminary Building Elevations and Floor Plan for Fallbrook Woods
4. Revised Recording Plat for Phase I Fallbrook Condominiums



LAND USE CONSULTANTS INC

ATTACHMENT 1

David A. Kamila, P.E.

Bradley H. Hare, R.L.A.

Frederic Licht, Jr., P.E.

John D. Roberts, P.L.S.

August 10, 1992

2608

Portland Planning Board
City Hall
389 Congress Street
Portland, Maine 04101

Attention: Deborah Andrews

Fallbrook Woods, Off Ray Street, Portland, Maine

Dear Board Members:

On behalf of Fallbrook, Inc., we respectfully request that you schedule us into your workshop meeting on the afternoon of August 25, 1992. The purpose of our meeting will be to make a concept presentation for development of Fallbrook Woods and to receive comments or concerns from the Board which should be addressed during the review/approval process.

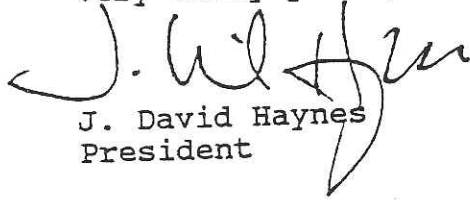
Fallbrook, Inc. is headed by principals Robert Feeney and Stephen Guthrie. Their proposal is to utilize the remaining 13.33 acres of the Fallbrook Condominium site to develop a 28 room boarding health care facility called Fallbrook Woods. The following plans are included as a part of this submission:

1. Fallbrook - A Condominium (formerly Ray Street Development) for MERREAL Corp., dated May 30, 1990, approved by Portland Planning Board September 24, 1990; Drawing 1 of 4.
2. Preliminary Design Sketches by ADC, Architectural Design Concepts, Inc., dated July 22, 1992.
3. Preliminary Site Plan by ADC, Architectural Design Concepts, Inc., scale 1"=50'.

LAND USE CONSULTANTS INC

We look forward to meeting with the Board on August 25th at which time we can review this proposal in detail. In the meantime, please do call with any questions or comments.

Very truly yours,



J. David Haynes
President

JDH/b

Enc.: (6)

c.c.: Mr. Robert Feeney
Mr. Stephen Guthrie
Mr. George Razoyk, Architect

WADCO STREET

ASH STREET

TORSTIAN STREET

Proposed Boarding
Cave Facility

PRELIMINARY SITE PLAN

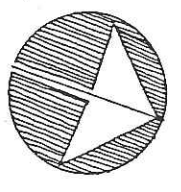
FALLBROOK WOODS

RAY STREET - PORTLAND, MAINE

SCALE: 1"=50'

ADC
ARCHITECTURAL
DESIGN
CONSULTANTS
100 WADCO STREET
PORTLAND, MAINE 04101

Fallbrook Condominiums
(complete)



Remaining land to
be developed in future,
possibly as P.R.O.D.,
for the elderly

FLOWERS

RAY STREET

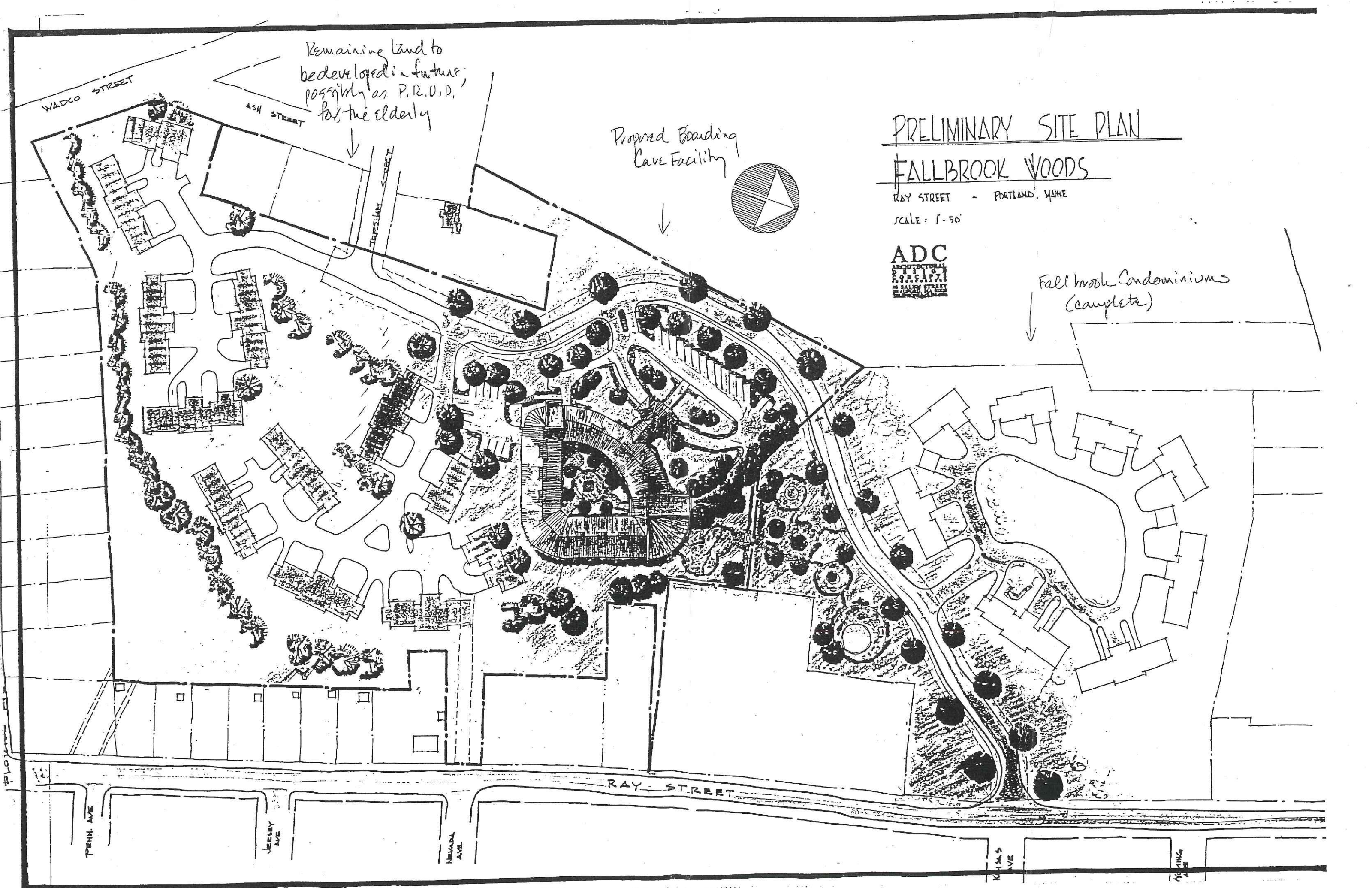
TENN. AVE.

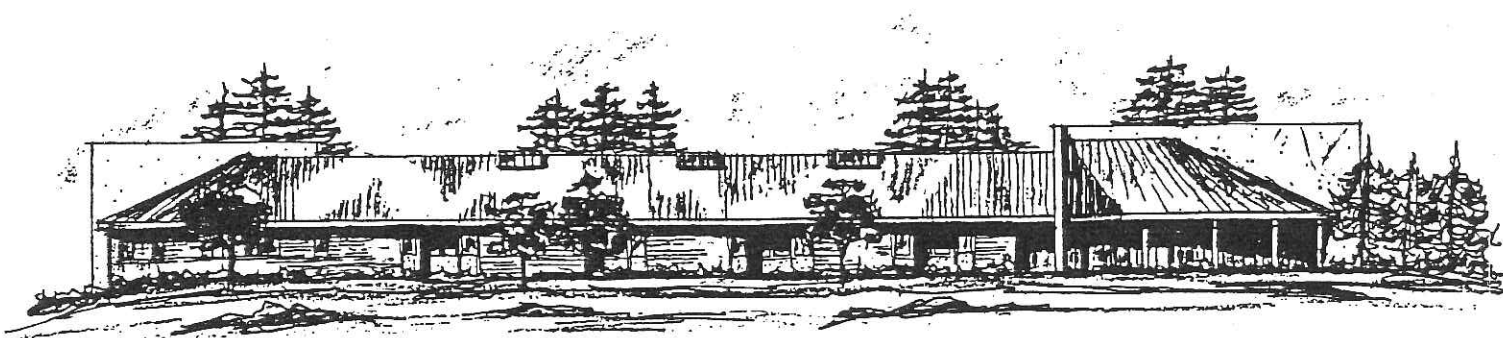
JERRY AVE.

NEVADA AVE.

KELSON AVE.

MORNING AVE.

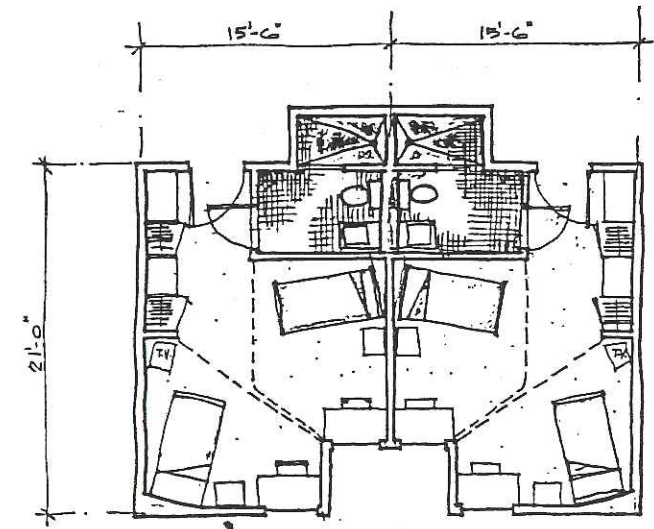




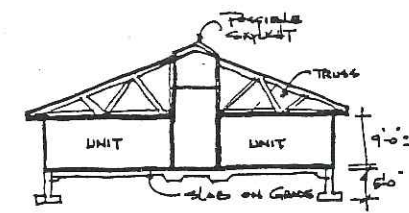
• REAR ELEVATION - DINING - ACTIVITY to RIGHT •
 scale: $\frac{1}{2}'' = 1'-0''$



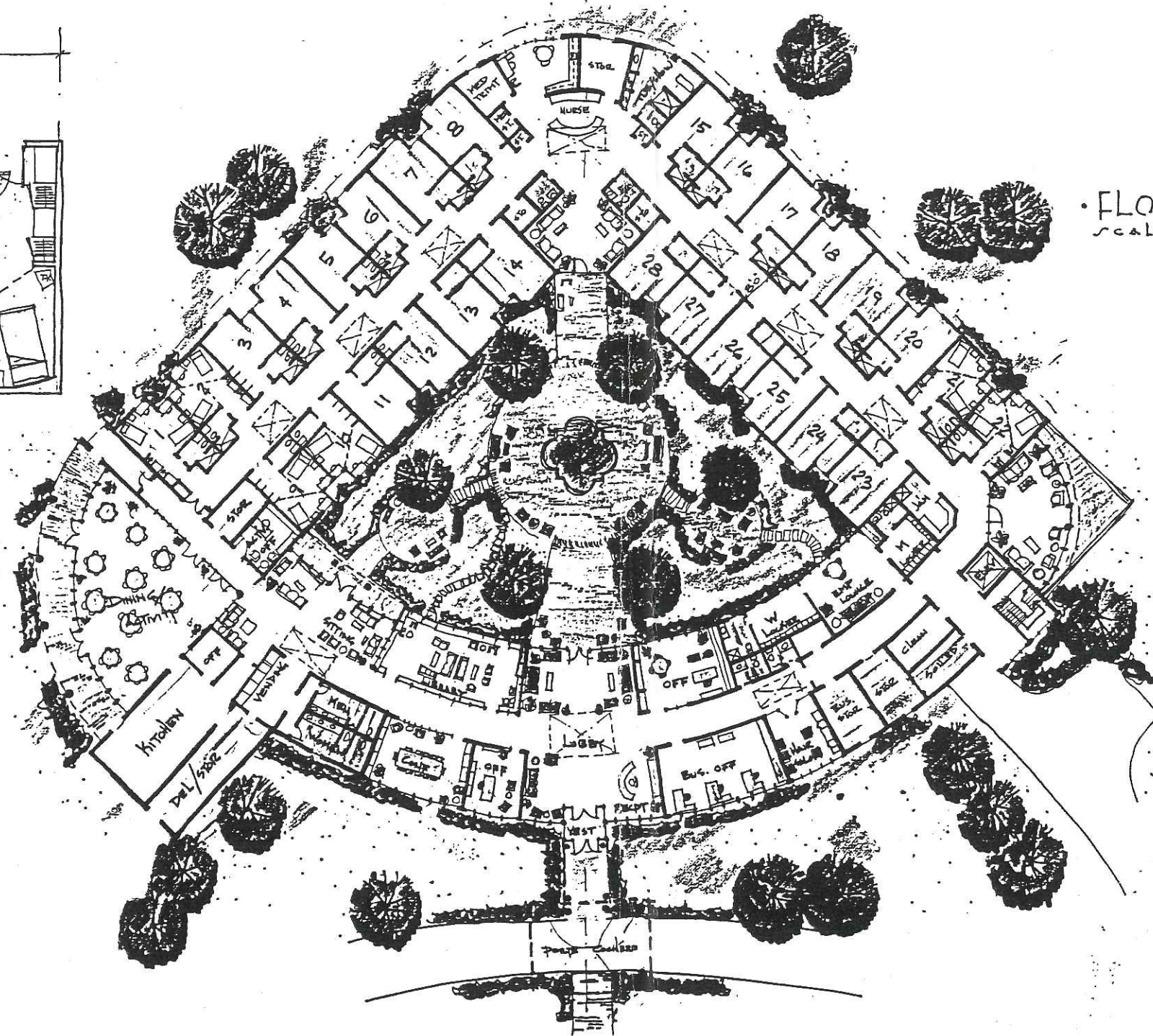
• FRONT ELEVATION @ ENTRANCE •
 scale: $\frac{1}{2}'' = 1'-0''$



• TYPICAL UNIT PLAN •
 scale: $\frac{3}{8}'' = 1'-0''$



• SECTION of UNITS •
 scale: $\frac{1}{2}'' = 1'-0''$



• FLOOR PLAN •
 scale: $\frac{1}{2}'' = 1'-0''$

PRELIMINARY DESIGN SKETCHES

FALLBROOK

PORTLAND, MAINE
 7-22-92



LEGEND
 MONUMENT FOUND ○
 IRON PIPE FOUND ○
 3/8" IRON ROD MET ○

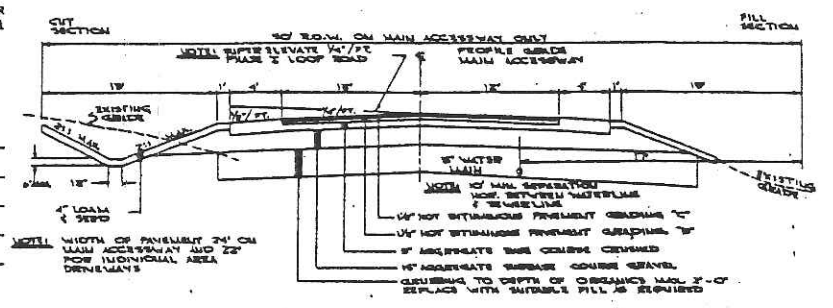
On November 10, 1987 the Planning Board executed the Recording Plats for Phase I, Phase II, Phase III and Phase IV of Ray Street Development. The plats were recorded in the Registry of Deeds on November 10, 1987. Phase I, plates 1 & 2 are recorded in Plan Book 168, Page 55. Phase II, plates 1 & 2 are recorded in Plan Book 168, Page 56. Phase III, plates 1 & 2 are recorded in Plan Book 168, Page 57. Phase IV, plates 1 & 2 are recorded in Plan Book 168, Page 58. On June 14, 1989, a revised recording plat for Phase I was recorded in the Registry of Deeds Plan Book 179, Page 47. The Planning Board voted on to modify the Plan for Phase I to allow for sectional recording of the Fallbrook Condominium Plan.

THE APPROVAL OF THIS RECORDING PLAT BY THE PLANNING BOARD IS FOR PHASE I ONLY. Phases II, III & IV shall not be built until Recording plats for Phases II, III & IV are executed by the Planning Board, bonded and recorded.

APPROVED BY THE CITY OF PORTLAND
 PLANNING BOARD

Date of Approval: _____

PENATE ROAD SECTION
 NO SCALE



TOTAL AREA
 19.76 ACRES

PHASE I
 2.65 ACRES
 SUBJECT TO DEVELOPMENT
 RIGHTS TO CREATE
 ADDITIONAL UNITS AND
 LIMITED COMMON ELEMENTS

- NOTES:**
- DECLARANT: MERREAL CORP. (FORMERLY MA'S REAL ESTATE CORP.) OWNER OF RECORD; MA'S REAL ESTATE CORPORATION SEE DEED DATED NOV. 27, 1988 (SEE DEED 810/84 TO MERRELLING DEVELOPERS, INC.) 8912/280
 - LOTS 3 SHOWN AS LOTS 100-0-7, 100-0-12, 100-0-18, ALSO 108-7-1 ON THE CITY OF PORTLAND MAPS
 - RAY STREET RELOCATION ACCEPTED ON 7/4/1987. SEE CITY ENGINEERING RECORDS FOR VOLUME INFORMATION HELD. NO LAYOUT TOULD BEFORE THE
 - ALLEN AVENUE COUNTY RELOCATION DATED JULY 1987. SEE CITY ENGINEERING RECORDS FOR VOLUME INFORMATION HELD.
 - UTILITY EQUIPMENT: LITZ & THEODORE, 11000 LOTS.
 - BASES OF RECORDS: THIS RECORDING SYSTEM IS BASED ON PLAN BY OWEN HASKELL, INC. NOV. 19, 1984 WHICH IS BASED ON PLAN 000 86/27

- FLORIDA AVENUE LOTS: SEE PLAN 000 16/28 LOTS 10-17 ON THIS PLAN, ALL DISTANCES HELD, ASSESS ON FLORIDA HOLD PER CITY RECORDS (150-28-48); REAL LINES OF LOTS 18 TO 19 HELD PARALLEL TO AND 100' FROM FLORIDA AVENUE; LINE BETWEEN LOTS 18 & 19 HELD 80' TO FLORIDA AVE.
- BRICK MARKS: RE. MAIL IN POLE J-80 SOUTH SIDE OF ALLEN AVE. ELEV. 106.12 BASED ON CITY DATUM
- EASEMENT DESCRIPTION IN DEED 802/214 IS VAGUE AS TO LOCATION AND WIDTH AND MAY COVER MORE AREA THAN JUST THE PIPE LOCATION
- CELLAR DRAIN PIPE FROM LAND OF GRANT EMPTIES WATER OUT TO PERMANENT. NO BASEMENT WAS FOUND FOR THIS
- DECKS AND GARAGES ARE LIMITED COMMON ELEMENTS

- ALL ROADWAYS & UTILITIES WILL BE PERMANENTLY OWNED AND MAINTAINED
- TOPSHAM STREET & GERTRUDE STREET IMPROVEMENTS WILL BE COMPLETED AS PART OF PHASE II WORK
- SEE DRAWING L-1 REVISED JANUARY 5, 1988 FOR ADDITIONAL PERIMETER PLANTING
- W/TE AMENITIES SHOWN AS PART OF PHASE II SHALL BE CONSTRUCTED DURING PHASE II.
- THE CONDOMINIUM AS IT NOW EXISTS, WHICH INCLUDES ALL LOTS WITHIN THE BOUNDS OF PHASE I AS SHOWN ON THE RECORDING PLAT RECORDED IN PLAN BOOK 179, PAGE 47, SHALL NOT OTHERWISE BE AFFECTED BY THIS MODIFICATION OF PHASE I APPROVAL.

John C. Ashland 6-12-1990



THIS PLAN IS A REVISION OF CCRD PLAN BOOK 168, PAGE 5
 PHASE I OF III.

REVISED RECORDING PLAT
FALLBROOK - A CONDOMINIUM
 (FORMERLY RAY STREET DEVELOPMENT)
 ON RAY STREET PORTLAND, MAINE
 FOR
MERREAL CORP.

Owen Haskell, Inc.
 Civil Engineer Draftsman, Station Lead Designer

Drawn by J.C.A.	Date	Job No.
Checked by J.C.A.	MAY 20, 1990	89128 P
Drawn by J.C.A.	Scale	Drawn by
Checked by J.C.A.	1"=50'	1 of 4