

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

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

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

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

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

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

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

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

APL



PORTLAND MAINE

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

Planning & Urban Development Department
Penny St. Louis Littell, Director

MARCH 29, 2010

Planning Division
Alexander Jaegerman, Director

APPLICANT:

Timothy Sanders
383 Presumpscot Street
Portland ME 04103

CONSULTANT:

Chris Michaud, SGC Engineering
501 County Road
Westbrook, ME 04092

Project Name: 383 Presumpscot Street, After The Fact Review
Subdivision
Project ID: 10-98900001
CBL: 420 - A-001-001
Project Address: 383 PRESUMPCOT ST
Planner Erick Giles, AICP, LEED AP

Dear Mr. Sanders:

On **March 23, 2010**, the Portland Planning Board considered the After The Fact Review for the three lot subdivision at 383 Presumpscot Street. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance. The Planning Board voted **7-0** to approve the application with the following conditions as presented below.

- i. On September 25, 2001 the Planning Board approved the development of an intermodal storage facility. Any reuse of the site requires the applicant to submit a change of use review application to be reviewed by the Zoning Administrator.
- ii. The applicant must use the City's standard sidewalk details for a Collector when installing the bituminous sidewalk and granite curbing on Presumpscot Street. The proposed sidewalk shall drain from the back of the walk to the street.
- iii. The applicant must locate the survey lot pin on the road right of way next to the driveway so the location of the sidewalk can be established.
- iv. The applicant shall saw cut the driveway and remove the corrugated metal culvert. If the culvert continues beyond the driveway, the pipe shall be saw cut at the edge of the driveway at the existing sidewalk and sealed water tight. Replace the driveway gravels and pave to the current driveway pavement thickness.

- v. The applicant shall arrange with CMP to reset the utility pole guy wire with a support arm to allow construction of the proposed sidewalk.
- vi. Prior to the release of the recording plat the applicant shall submit to the Planning Authority evidence of compliance with Sec. 24-36 of Ch. 24 Sewers of the Portland Code of Ordinances.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #3-10 for application **Subdivision #10-98900001** which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved subdivision plans:

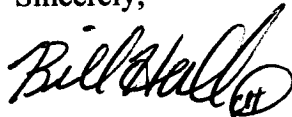
1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds and prior to the release of a building permit or street opening permit. If you need to make any modifications to the approved plans, you must submit a revised subdivision application for staff review and approval.
5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
7. The subdivision approval is valid for three (3) years.
8. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

9. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
10. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact **Erick Giles** at **207-874-8723** or **egiles@planning.gov**

Sincerely,



Bill Hall, Chair
Portland Planning Board

Attachments:

1. PB Report #3-10
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Eric Giles, AICP Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Hard Copy: Project File



PLANNING BOARD REPORT PORTLAND, MAINE

383 Presumpscot Street
After The Fact Review Subdivision

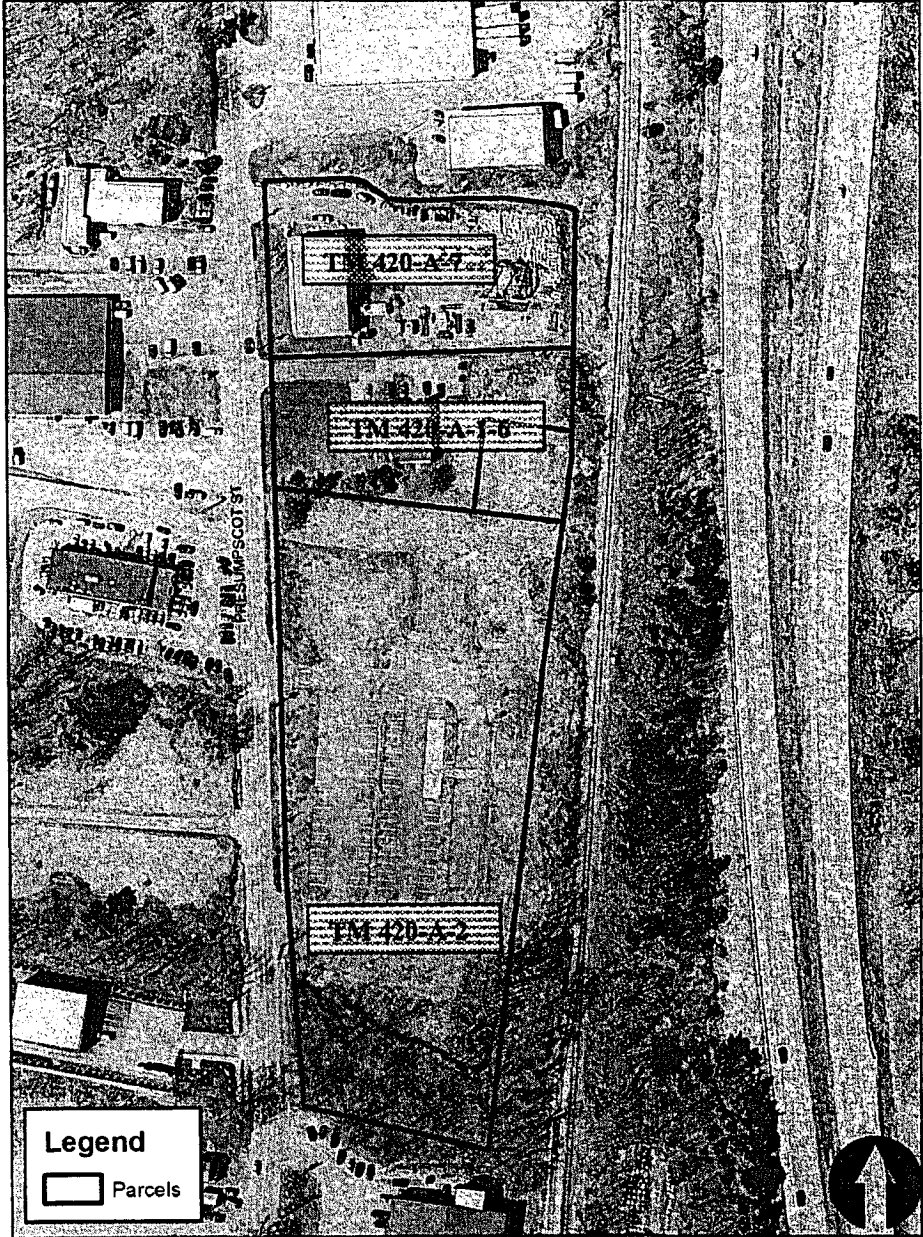
Subdivision #10-98900001
Timothy Sanders, APPLICANT
Chris Michaud, SGC Engineering, TECHNICAL ASSISTANCE

Submitted to: Portland Planning Board: Public Hearing Date: 3/23/10	Prepared by: Erick Giles, AICP, LEED AP Date: 3/18/10 PB Report: #3-10
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I. INTRODUCTION

This is a report to the Planning Board regarding a request by Timothy Sanders for an After-The-Fact Review of a three lot subdivision located at 383 Presumpscot St. On October 26, 2009 the applicant discovered a technical violation of the Maine Municipal Subdivision Law, Title 30-A M.R.S.A §4401(4)(D) which requires the division of properties exempt from subdivision review to be held for a period of 5 years prior to any transfer of ownership. During an attempt to convey the property located at 383 Presumpscot St. which is shown as TM 420-A-1-6 on the subdivision plat, the applicant's attorney discovered 3 lots to have been created within a 5-year period between 1996 and 2001. Please see Figure 1.

Figure 1: 383 Presumpscot St. Subdivision



142 notices were sent to area residents. A notice also appeared in the **March 16** and 17 editions of the *Portland Press Herald*.

II. PROJECT DATA

Existing Zoning: I-M

Proposed Use: Industrial Subdivision

Parcels:

Parcel Description	Parcel Size (Acres)
TM 420-A-2	4.14
TM 420-A-1-6	1.03
TM 420-A-7	1.01

Number of Proposed Lots: 3

III. EXISTING CONDITIONS

The following case history demonstrates how the site currently exists with an intermodal facility, office building and industrial storage area.

- In 1973, the existing office building shown on the proposed plat as Lot TM 420-A-1-6 was built.
- On October 2, 1997, Major Site Plan approval was granted for the property shown on the proposed plat as Lot TM 420-A-7. The approval was for the construction of a warehouse and storage facility which included a 10,000 sq. ft. building with paved parking, access drives, and outdoor storage area. On March 31, 2003, a Stop Work Order was issued for this project due to grading work performed on and off the site with an expired site plan. On October 14, 2003, an Amended Minor Site Plan application was approved on this site. In 2004, another amendment was approved for this site to add a 1,620 sq. ft. portable building and revisions to gravel limits in storage/maneuvering areas.
- On September 25, 2001 the Planning Board approved the development of an intermodal storage facility. Shown as Lot TM 420-A-2 on the proposed plat.

IV. PROPOSED DEVELOPMENT

The subdivision does not propose any new development on the lots. The proposed subdivision is for title clarification purposes only. However, sidewalk improvements within the right-of-way along lot TM 420-A-1-6 are required by the City of Portland.

V. SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

- a. Application Completeness:
On March 10, 2010, the application was determined to be complete.

VI. PUBLIC COMMENT AND WORKSHOP SUMMARY

- a. Public Comment Received:
As of the writing of this report no public comment has been received.

VII. STAFF REVIEW

A. ZONING ASSESSMENT

It should be noted that the use of lot #420-A-2 is not just a parking lot. It was approved as an intermodal parking lot for the train access. The use has never been changed. It cannot just be a parking lot because such a use is not allowable in the I-M Zone.

The property line of #420-A -7 which abuts an adjoining property #419-A-2 is not very clear. The actual property lines should be delineated just as the other property lines of this subdivision are indicated.

All other I-M Zone requirements are being met at this time. There are some legal non-conformities as to pavement setback on the middle lot.

B. SUBDIVISION STANDARDS

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision ordinance and applicable regulations. Staff comments are listed below.

- Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

Deputy City Engineer David Margolis-Pineo

March 4, 2010

1. The applicant is requested to saw cut the driveway and remove the corrugated metal culvert. If the culvert continues beyond the driveway, the pipe shall be saw cut at the edge of the driveway at the existing sidewalk and sealed water tight. Replace the driveway gravels and pave to the current driveway pavement thickness.
2. The applicant is requested to use the following details when installing the bituminous sidewalk and granite curbing on Presumpscot Street. Also Presumpscot Street is a Collector Street and a detail of the required pavement thickness is attached. The proposed sidewalk shall drain from the back of the walk to the street.
3. The applicant is asked to locate the survey lot pin on the road right of way next to the driveway so the location of the sidewalk can be established.

4. The applicant is requested to saw cut the driveway and remove the corrugated metal culvert. If the culvert continues beyond the driveway, the pipe shall be saw cut at the edge of the driveway at the existing sidewalk and sealed water tight. Replace the driveway gravels and pave to the current driveway pavement thickness.
5. Arrangement will need to made to reset the utility pole guy wire with a support arm to allow construction of the proposed sidewalk.

- Sufficient Water Available (Section 14-497 (a) 2 and 3)

Planning Erick Giles, AICP, LEED AP

March 17, 2010

All proposed lots are currently developed with existing public water supply.

- Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

Planning Erick Giles, AICP, LEED AP

March 17, 2010

Based upon a review of the plans and in consultation with the City Traffic Engineer no additional traffic will be generated and cause unreasonable traffic congestion.

- Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

Planning Erick Giles, AICP, LEED AP

March 17, 2010

With the implementation of the recommendations from Public Services the proposed subdivision will have adequate public sewer and stormwater disposal and will not have an unreasonable burden on municipal services.

The applicant proposes to replace a subsurface wastewater septic system on Lot 420-A-1-6. According to Chapter 24 Sewers Sec. 24-36 of the City of Portland Code of Ordinances a connection to public sewer is required for any building used for human habitation, occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is located a public sanitary, combined or interceptor sewer provided that the public sewer is within two hundred (200) feet of the building (the two hundred (200) feet to be measured in such manner so as not to pass over any property owned

privately by anyone other than the owner of the premises from which such measurement is being made). According to the proposed subdivision plat the building footprint is 131.7' to the front property line and appears to be within 200 of the public sewer.

In consultation with the Deputy City Engineer the public sewer line terminates at 400 Presumpscot St. Staff recommends as a condition of approval the applicant demonstrate compliance with Sec. 24-36 prior to recording of the subdivision plat.

- Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a)8)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

The site is not located in an aerea of significant wildlife habitat, natural or historic resources or scenic beauty.

- Comprehensive Plan (Section 14-497 (a) 9)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

According to the City's Comprehensive Plan Future Land Use Map, the area is designated I-M Industrial Use. The proposed subdivision will continue to operate as an industrial use and remain in compliance with the Future Land Use Map.

- Financial Capability (Section 14-497 (a) 10)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

The applicant will be required to provide a performance guarantee for future sidewalk improvements.

- Shoreland Impact (Section 14-497 (a) 11) and Flood Hazard (Section 14-497 (a) 13)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

Site is not located in the Shoreland Zone or an area designated as Flood Hazard.

Attachments:

Planning Board Report Attachments

1. Sec. 24-36 Connection to Public Sewer Required

Applicant's Submittal

- A. Subdivision Recording Plat
- B. 10/26/09 – Applicant letter to Planning Board
- C. 10/14/09 – Donnelly S. Douglas, Attorney at Law, Title Search letter
- D. Application

October 26, 2009

Department of Planning and Urban Development
Planning Division and Planning Board
Portland City hall
389 Congress Street
Portland, Maine 04101

Re: After the Fact Subdivision Approval for 355, 383 and 399 Presumpscot Street

Dear Planning Board Members:

It has come to my attention following a title search that I violated the subdivision ordinance of the City of Portland.

I inherited a parcel of land on the east side of Presumpscot Street when my father passed away in April of 1975. I bought an abutting parcel on the west side from Edward Felt. I sold Sanders Construction Company, an industrial construction company that had its office and storage facilities on this property in 1981. Since that date I have rented the land and buildings, as I was able.

On November of 1996 I sold the eastern most parcel to Lucie Couture and they built the building where Diver Down is now located. On March 28, 2001 I sold the western most parcel to October Corporation. The time period between these two conveyances is four years and four months not the required five years.

Both Diver Down and October Corporation came before the planning board with their improvements and no one picked up the time period between conveyances

I am in the process of negotiating a lease purchase agreement with Jon Couture for my remaining middle parcel and his title company picked up this subdivision violation.

To provide Jon Couture a clean title to his lease purchase of my remaining property at 383 Presumpscot Street I need to correct the subdivision issue. Once this transfer is made all three of my original parcels will be held by Jon Couture our an affiliated company.

I would appreciate your prompt attention to this matter so that Jon Couture can proceed with the lease purchase.

Sincerely,



Tim Sanders PE



Development Review Application
PORTLAND, MAINE

Department of Planning and Urban Development,
Planning Division and Planning Board

subdivision After the fact

PROJECT NAME: 383 Presumpscot Street, 355 Presumpscot St., 399 Presumpscot St.

PROPOSED DEVELOPMENT ADDRESS:

355, 383 & 399 Presumpscot Street

PROJECT DESCRIPTION:

355 & 399 Presumpscot were subdivided off four years four months from each other. To our knowledge no subdivision was completed.

CHART/BLOCK/LOT: 355(420-A-2) 383(420-A-1-6) 399(420-A-7)

CONTACT INFORMATION:

APPLICANT

Name: Tim Sanders / 383 Presumpscot Street Inc
Address: 474 Lafayette St.
Yarmouth, ME
Zip Code: 04096
Work #: 443-9747
Cell #: 798-2766
Fax #: _____
Home: _____
E-mail: _____

PROPERTY OWNER

Name: 383 Presumpscot Street Inc
Address: 474 Lafayette Street
Yarmouth, Me
Zip Code: 04096
Work #: 443-9747
Cell #: 798-2766
Fax #: 443-2792
Home: 846-4868
E-mail: TSanders@maine.vv.com

BILLING ADDRESS

Name: _____
Address: _____

Zip: SAME
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

~As applicable, please include additional contact information on the next page~

Site Plan Checklist

Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

Presumpscot Street Subdivision

Project Name, Address of Project

Application Number

(The form is to be completed by the Applicant or Designated Representative)

Check Submitted	Required Information	Section 14-525 (b,c)
Applicant		
Staff		
<u>X</u>	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
<u>X</u>	Name and address of applicant and name of proposed development	a
<u>X</u>	* Scale and north points	b
<u>X</u>	* Boundaries of the site	c
<u>X</u>	* Total land area of site	d
<u>X</u>	* Topography - existing and proposed (2 feet intervals or less)	e
<u>X</u>	Plans based on the boundary survey including:	2
<u>--</u>	* Existing soil conditions	a
<u>--</u>	* Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
<u>--</u>	* Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
<u>X</u>	* Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 11 of packet)	d
<u>--</u>	* Location of on-site waste receptacles	e
<u>--</u>	* Public utilities	e
<u>--</u>	* Water and sewer mains	e
<u>--</u>	* Culverts, drains, existing and proposed, showing size and directions of flows	e
<u>X</u>	* Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
<u>--</u>	* Location and dimensions of on-site pedestrian and vehicular access ways	g
<u>--</u>	* Parking areas	g
<u>--</u>	* Loading facilities	g
<u>--</u>	* Design of ingress and egress of vehicles to and from the site onto public streets	g
<u>--</u>	* Curb and sidewalks	g
<u>--</u>	Landscape plan showing:	h
<u>X</u>	* Location of existing vegetation and proposed vegetation	h
<u>X</u>	* Type of vegetation	h
<u>X</u>	* Quantity of plantings	h
<u>X</u>	* Size of proposed landscaping	h
<u>X</u>	* Existing areas to be preserved	h
<u>--</u>	* Preservation measures to be employed	h
<u>X</u>	* Details of planting and preservation specifications	h
<u>--</u>	* Location and dimensions of all fencing and screening	i
<u>--</u>	Location and intensity of outdoor lighting system	j
<u>X</u>	Location of fire hydrants, existing and proposed (refer to Fire Department checklist - page 11)	k
<u>--</u>	Written statements to include:	c
<u>--</u>	* Description of proposed uses to be located on site	cl
<u>--</u>	* Quantity and type of residential, if any	cl
<u>X</u>	* Total land area of the site	c2
<u>--</u>	* Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
<u>--</u>	* General summary of existing and proposed easements or other burdens	c3
<u>--</u>	* Type, quantity and method of handling solid waste disposal	c4
<u>--</u>	* Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets (refer to the wastewater capacity application - page 12)	c5
<u>--</u>	* Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6

<u>--</u>		* An estimate of the time period required for completion of the development	7
<u>--</u>		* A list of all state and federal regulatory approvals to which the development may be subject to the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction.	8
<u>--</u>		* Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.	
<u>X</u>		* Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.	
<u>--</u>		* A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.	
<u>--</u>		A jpeg or pdf of the proposed site plan, if available.	
<u>X</u>		Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.	

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- | | |
|--|---|
| <ul style="list-style-type: none"> - drainage patterns and facilities - erosion and sedimentation controls to be used during construction - a parking and/or traffic study - emissions - a wind impact analysis | <ul style="list-style-type: none"> - an environmental impact study - a sun shadow study - a study of particulates and any other noxious - a noise study |
|--|---|

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: 10-26-09

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 383 Presumpscot Street
(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LAJK@portlandmaine.gov)

Proposed Use: _____
 Previous Use: _____

Existing Sanitary Flows: _____ GPD
 Existing Process Flows: _____ GPD

Description and location of City sewer, at proposed building sewer lateral connection: _____

Chart Block Lot Number: _____

Site Category	Commercial _____	
	Industrial (complete part 4 below) _____	
	Governmental _____	
	Residential _____	
	Other (specify) _____	

Clearly, indicate the proposed connection, on the submitted plans.

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: _____ GPD
 Peaking Factor/ Peak Times: _____
 Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify)

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

3. Please, Submit Contact Information.

Owner/Developer Name: _____
 Owner/Developer Address: _____
 Phone: _____ Fax: _____ E-mail: _____
 Engineering Consultant Name: _____
 Engineering Consultant Address: _____
 Phone: _____ Fax: _____ E-mail: _____
 City Planner's Name: _____ Phone: _____

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: _____ GPD
 Do you currently hold Federal or State discharge permits? Yes _____ No _____
 Is the process wastewater termed categorical under CFR 40? Yes _____ No _____
 OSHA Standard Industrial Code (SIC): _____
 Peaking Factor/Peak Process Times: _____

(<http://www.osha.gov/oshstats/sicscr.html>)

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

Notes, Comments, or Calculations:

See attached plan for 393 Presumpscot Str.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARTELLAS BALDWIN

DAVID P. LITTELL

August 18, 2008

City of Portland
389 Congress St
Portland, ME 04101-3503

RE: Site delegation and Stormwater capacity

To Whom It May Concern:

It has come to my attention that towns and cities who have received delegation authority from the Department to review projects under the Site Location of Development Act (Site Law) and who have been reviewing stormwater-sized projects under the municipal exemption in the Stormwater Management Law might not be aware that applicants for either of these types of projects need to submit a Notice of Intent (NOI) to the Department to be in compliance with the Maine General Permit - Construction Activity. The Department is also concerned that applicants who receive their permits from municipalities might not realize that they still need to file the NOI with the Department. The Department can not delegate authority for this requirement to a municipality.

To address this situation and reduce the potential for violations of the Maine General Permit - Construction Activity, the Department is requesting that a copy of this letter be given to all applicants for delegated Site Law or exempt Stormwater Law projects in your municipality, or that you notify them of the requirement to submit an NOI to the Department utilizing some other method.

Although the Department now receives notification of Site Law projects being reviewed by a municipality, it does not receive notification of stormwater-sized projects. I would also like to request that the Department be notified by e-mail of any stormwater-sized projects that are being reviewed locally. An e-mail can be sent to james.cassid@maine.gov for projects that are in the Augusta and Bangor regions and to linda.k.kokemuller@maine.gov for projects that are in the Portland region.

An e-mail notice to the Department with the applicant's name and telephone number will allow the Department to follow up with the applicant, instead of the municipality, to coordinate receipt of NOIs and to determine compliance with the Maine General Permit requirements.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to call me.

Sincerely,

Jeff Madere, Director
Division of Land Resource Regulation

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001
(207) 687-7888 FAX: (207) 687-7826
RAY BLDG., HOSPITAL ST.

BANGOR
126 HOGAN ROAD
BANGOR, MAINE 04401
(207) 944-4570 FAX: (207) 944-4584

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2092
(207) 764-0477 FAX: (207) 760-3143

DONNELLY S. DOUGLAS
ATTORNEY AT LAW
45 Forest Falls Drive, Suite A2
P.O. Box 1062
Yarmouth, Maine 04096
Tel. (207)846-3460
Fax (207)846-3760

October 14, 2009

Mark G. Furey, Esq.
Thompson Bull Furey Bass & MacColl, LLC, PA
120 Exchange Street
P.O. Box 447
Portland, Maine 04112-0447

Re: Diver Down
383 Presumpscot Street
Portland, Maine

Dear Mr. Furey:

Pursuant to your request, we have conducted a title search of the above-captioned premises, being a portion of the premises conveyed by quitclaim deed with covenant from Timothy E. Sanders to 383 Presumpscot Street, Inc. dated February 3, 1997 and recorded in the Cumberland County Registry of Deeds in Book 12933, Page 5 and being the same premises described in a Memorandum of Lease by and between 383 Presumpscot Street, Inc. and Beacon Analytical Systems, Inc. dated March 24, 2008 and recorded in said Registry of Deeds in Book 26089, Page 60.

Our record search has rested on the Estate of Charles H. Felt, who died testate on December 10, 1939, Cumberland County Probate Court Docket No. 31595, and Executor's Deed from Casco Bank and Trust Company, Alexander A. LaFleur, and Alice Loman Sanders, Co-Executors of the last will and testament of Ephraim E. Sanders to Erik K. Sanders dated September 30, 1958 and recorded in said Registry of Deeds in Book 2436, Page 186.

We hereby certify that we have conducted our record search in accordance with the Standards adopted by the Maine State Bar Association and that we have examined the records in the Registry of Deeds and the Probate Court within the County of Cumberland and the State of Maine and all instruments of record therein as reflected by indices, affecting the title to the above-captioned premises.

We further certify that as of October 6, 2009 at 4:30 p.m., the said 383 Presumpscot Street, Inc. was the record owner of said premises in fee simple, with good and marketable title thereto, free and clear of all encumbrances with the following exceptions:

Thompson Bull Furey Bass & MacColl, LLC, PA
October 14, 2009
Page 2

5. The record title discloses a technical violation of the Municipal Subdivision Law, Title 30-A M.R.S.A. §4401(4)(D) as follows:

Timothy Sanders conveys a portion of the property to Lucie Wing Couture by quitclaim deed with covenant dated November 13, 1996 and recorded in Book 12815, Page 292 (creating 2 lots). He then conveys the remaining land to 383 Presumpscot Street, Inc. by quitclaim deed with covenant dated February 3, 1997 and recorded in Book 12933, Page 5. 383 Presumpscot Street, Inc. then conveys a portion of the property to October Corporation by two deeds, both dated March 26, 2001 and recorded in Book 16137, Page 20 and Book 16137, Page 22. The Couture lot, the October Corporation lot, and the remaining land of 383 Presumpscot Street, Inc., unless exempt, represent 3 lots created within a 5-year period. The remaining land owned by 383 Presumpscot Street, Inc. and located on the easterly side of Presumpscot Street is the premises to be leased to Diver Down.

Very truly yours,


Donnelly S. Douglas

DSD/rlb

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number	1 of 1
Parcel ID	420 A002001
Location	355 PRESUMPSCOT ST
Land Use	PARKING LOTS
Owner Address	ALFA LLC 399 PRESUMPSCOT ST PORTLAND ME 04103
Book/Page	26557/095
Legal	420-A-2 PRESUMPSCOT ST 339-375 177820 SF

Current Assessed Valuation

Land	Building	Total
\$348,400	\$95,030	\$443,430

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
		0	0	0

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
4.082	0			PARKING LOT

Exterior/Interior Information

Section	Levels	Size	Use

Height	Walls	Heating	A/C
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
2001	ASPHALT PARKING	45000	1
2001	LIGHT - MERCURY VAPOR, POLE		10

Sales Information

<u>Date</u>	<u>Type</u>	<u>Price</u>	<u>Book/Page</u>
01/16/2009	LAND	\$750,000	26557-095
03/28/2001	LAND	\$441,263	16137-022
02/05/1997	LAND		12933-005

Picture and Sketch

[Picture](#) [Sketch](#) [Tax Map](#)

[Click here to view Tax Roll Information.](#)

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed.](#)

New Search!

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number 1 of 1
Parcel ID 420 A001001
Location 383 PRESUMPCOT ST
Land Use OFFICE & BUSINESS SERVICE

Owner Address 383 PRESUMPCOT STREET INC
 474 LAFAYETTE ST
 YARMOUTH ME 04096

Book/Page 12933/5
Legal 420-A-1-6
 PRESUMPCOT ST 365-393
 52,984 SF

Current Assessed Valuation

Land	Building	Total
\$163,000	\$88,930	\$251,930

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1973	1	4374	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
1.216	4374		OFFICE BUILDING - LOW-RISE	BEACON ANALYTICAL

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	2187	SUPPORT AREA
1	01/01	2187	MULTI-USE OFFICE

Height	Walls	Heating	A/C
9		UNIT HEAT	NONE
11	FRAME	UNIT HEAT	UNIT
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
2	CANOPY - ROOF/SLAB	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1973	ASPHALT PARKING	7000	1

Sales Information

Date	Type	Price	Book/Page
02/05/1997	LAND + BLDING		12933-005

Picture and Sketch

[Picture](#) [Sketch](#) [Tax Map](#)

[Click here](#) to view Tax Roll Information.

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

[New Search!](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number 1 of 1
Parcel ID 420 A007001
Location 399 PRESUMPCOT ST
Land Use MULTI-USE INDUSTRIAL

Owner Address COUTURE JON RENE
 399 PRESUMPCOT ST
 PORTLAND ME 04103

Book/Page 13275/200
Legal 420-A-7
 PRESUMPCOT ST
 40564 SF

Current Assessed Valuation

Land	Building	Total
\$146,200	\$180,800	\$327,000

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1997	1	6000	1

Total Acres	Total Buildings Sq. Ft.	Structure Type	Building Name
0.931	6000	WAREHOUSE	DIVER DOWN

Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	6000	WAREHOUSE

Height	Walls	Heating	A/C
20	METAL-LIGHT	HW/STEAM	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
1	OVERHEAD DOOR - WD/MT	2

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1997	FENCE CHAIN	2400	1

Sales Information

<u>Data</u>	<u>Type</u>	<u>Price</u>	<u>Book/Page</u>
08/25/1997	LAND		13275-200
11/13/1996	LAND	\$71,500	12815-292

Picture and Sketch

Picture Sketch Tax Map

Click here to view Tax Roll Information.

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

New Search!

PBR1



PLANNING BOARD REPORT PORTLAND, MAINE

383 Presumpscot Street
After The Fact Review Subdivision

Subdivision #10-98900001
Timothy Sanders, APPLICANT
Chris Michaud, SGC Engineering, TECHNICAL ASSISTANCE

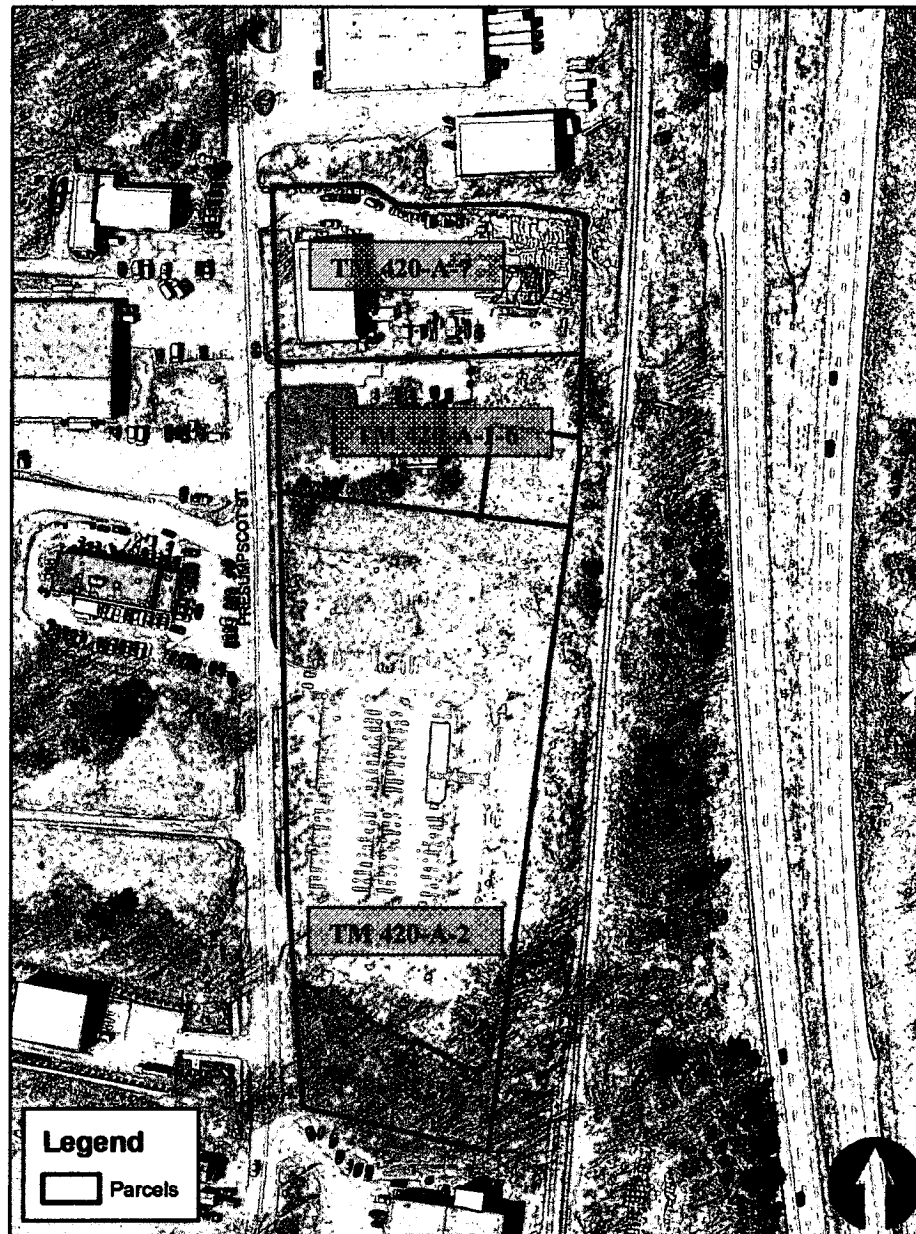
Submitted to: Portland Planning Board: Public Hearing Date: 3/23/10	Prepared by: Erick Giles, AICP, LEED AP Date: 3/18/10 PB Report: #3-10
---	---

I. INTRODUCTION

This is a report to the Planning Board regarding a request by Timothy Sanders for an After-The-Fact Review of a three lot subdivision located at 383 Presumpscot St. On October 26, 2009 the applicant discovered a technical violation of the Maine Municipal Subdivision Law, Title 30-A M.R.S.A §4401(4)(D) which requires the division of properties exempt from subdivision review to be held for a period of 5 years prior to any transfer of ownership. During an attempt to convey the property located at 383 Presumpscot St. which is shown as TM 420-A-1-6 on the subdivision plat, the applicant's attorney discovered 3 lots to have been created within a 5-year period between 1996 and 2001. Please see Figure 1.

1. Joe
2. Michael

Figure 1: 383 Presumpscot St. Subdivision



0 45 90 180 270 360 Feet

142 notices were sent to area residents. A notice also appeared in the March 16 and 17 editions of the *Portland Press Herald*.

II. PROJECT DATA

Existing Zoning: I-M

Proposed Use: Industrial Subdivision

Parcels:

Parcel Description	Parcel Size (Acres)
TM 420-A-2	4.14
TM 420-A-1-6	1.03
TM 420-A-7	1.01

Number of Proposed Lots: 3

III. EXISTING CONDITIONS

The following case history demonstrates how the site currently exists with an intermodal facility, office building and industrial storage area.

- In 1973, the existing office building shown on the proposed plat as Lot TM 420-A-1-6 was built.
- On October 2, 1997, Major Site Plan approval was granted for the property shown on the proposed plat as Lot TM 420-A-7. The approval was for the construction of a warehouse and storage facility which included a 10,000 sq. ft. building with paved parking, access drives, and outdoor storage area. On March 31, 2003, a Stop Work Order was issued for this project due to grading work performed on and off the site with an expired site plan. On October 14, 2003, an Amended Minor Site Plan application was approved on this site. In 2004, another amendment was approved for this site to add a 1,620 sq. ft. portable building and revisions to gravel limits in storage/maneuvering areas.
- On September 25, 2001 the Planning Board approved the development of an intermodal storage facility. Shown as Lot TM 420-A-2 on the proposed plat.

IV. PROPOSED DEVELOPMENT

The subdivision does not propose any new development on the lots. The proposed subdivision is for title clarification purposes only. However, sidewalk improvements within the right-of-way along lot TM 420-A-1-6 are required by the City of Portland.

V. SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

- a. Application Completeness:
On March 10, 2010, the application was determined to be complete.

VI. PUBLIC COMMENT AND WORKSHOP SUMMARY

- a. Public Comment Received:
As of the writing of this report no public comment has been received.

VII. STAFF REVIEW

A. ZONING ASSESSMENT

It should be noted that the use of lot #420-A-2 is not just a parking lot. It was approved as an intermodal parking lot for the train access. The use has never been changed. It cannot just be a parking lot because such a use is not allowable in the I-M Zone.

The property line of #420-A -7 which abuts an adjoining property #419-A-2 is not very clear. The actual property lines should be delineated just as the other property lines of this subdivision are indicated.

All other I-M Zone requirements are being met at this time. There are some legal non-conformities as to pavement setback on the middle lot.

B. SUBDIVISION STANDARDS

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision ordinance and applicable regulations. Staff comments are listed below.

- Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

Deputy City Engineer David Margolis-Pineo
March 4, 2010

1. The applicant is requested to saw cut the driveway and remove the corrugated metal culvert. If the culvert continues beyond the driveway, the pipe shall be saw cut at the edge of the driveway at the existing sidewalk and sealed water tight. Replace the driveway gravels and pave to the current driveway pavement thickness.
2. The applicant is requested to use the following details when installing the bituminous sidewalk and granite curbing on Presumpscot Street. Also Presumpscot Street is a Collector Street and a detail of the required pavement thickness is attached. The proposed sidewalk shall drain from the back of the walk to the street.
3. The applicant is asked to locate the survey lot pin on the road right of way next to the driveway so the location of the sidewalk can be established.

4. The applicant is requested to saw cut the driveway and remove the corrugated metal culvert. If the culvert continues beyond the driveway, the pipe shall be saw cut at the edge of the driveway at the existing sidewalk and sealed water tight. Replace the driveway gravels and pave to the current driveway pavement thickness.
5. Arrangement will need to made to reset the utility pole guy wire with a support arm to allow construction of the proposed sidewalk.

- Sufficient Water Available (Section 14-497 (a) 2 and 3)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

All proposed lots are currently developed with existing public water supply.

- Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

Based upon a review of the plans and in consultation with the City Traffic Engineer no additional traffic will be generated and cause unreasonable traffic congestion.

- Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

With the implementation of the recommendations from Public Services the proposed subdivision will have adequate public sewer and stormwater disposal and will not have an unreasonable burden on municipal services.

The applicant proposes to replace a subsurface wastewater septic system on Lot 420-A-1-6. According to Chapter 24 Sewers Sec. 24-36 of the City of Portland Code of Ordinances a connection to public sewer is required for any building used for human habitation, occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is located a public sanitary, combined or interceptor sewer provided that the public sewer is within two hundred (200) feet of the building (the two hundred (200) feet to be measured in such manner so as not to pass over any property owned

privately by anyone other than the owner of the premises from which such measurement is being made). According to the proposed subdivision plat the building footprint is 131.7' to the front property line and appears to be within 200 of the public sewer.

In consultation with the Deputy City Engineer the public sewer line terminates at 400 Presumpscot St. Staff recommends as a condition of approval the applicant demonstrate compliance with Sec. 24-36 prior to recording of the subdivision plat.

- Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a)8)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

The site is not located in an aerea of significant wildlife habitat, natural or historic resources or scenic beauty.

- Comprehensive Plan (Section 14-497 (a) 9)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

According to the City's Comprehensive Plan Future Land Use Map, the area is designated I-M Industrial Use. The proposed subdivision will continue to operate as an industrial use and remain in compliance with the Future Land Use Map.

- Financial Capability (Section 14-497 (a) 10)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

The applicant will be required to provide a performance guarantee for future sidewalk improvements.

- Shoreland Impact (Section 14-497 (a) 11) and Flood Hazard (Section 14-497 (a) 13)

Planning Erick Giles, AICP, LEED AP
March 17, 2010

Site is not located in the Shoreland Zone or an area designated as Flood Hazard.

VIII. STAFF RECOMMENDATION

The Planning Division recommends that the Planning Board adopt the staff report as findings and approve the proposed subdivision at 383 Presumpscot St with conditions.

IX. SUBDIVISION MOTIONS FOR THE PLANNING BOARD TO CONSIDER

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #3-10 for application Subdivision #10-98900001, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code with the following conditions:

1. On September 25, 2001 the Planning Board approved the development of an intermodal ~~storage~~ ^{transportation} facility. Any reuse of the site requires the applicant to submit a change of use review application to be reviewed by the Zoning Administrator.
2. The applicant must use the City's standard sidewalk details for a Collector when installing the bituminous sidewalk and granite curbing on Presumpscot Street. The proposed sidewalk shall drain from the back of the walk to the street.
3. The applicant must locate the survey lot pin on the road right of way next to the driveway so the location of the sidewalk can be established.
4. The applicant shall saw cut the driveway and remove the corrugated metal culvert. If the culvert continues beyond the driveway, the pipe shall be saw cut at the edge of the driveway at the existing sidewalk and sealed water tight. Replace the driveway gravels and pave to the current driveway pavement thickness.
5. The applicant shall arrange with CMP to reset the utility pole guy wire with a support arm to allow construction of the proposed sidewalk.
6. Prior to the release of the recording plat the applicant shall submit to the Planning Authority evidence of compliance with Sec. 24-36 of Ch. 24 Sewers of the Portland Code of Ordinances.

Attachments:

Planning Board Report Attachments

1. **Sec. 24-36 Connection to Public Sewer Required**

Applicant's Submittal

- A. **Subdivision Recording Plat**
- B. **10/26/09 – Applicant letter to Planning Board**
- C. **10/14/09 – Donnelly S. Douglas, Attorney at Law, Title Search letter**
- D. **Application**

City of Portland
Code of Ordinances
Sec. 24-34

Sewers
Chapter 24
Rev. 9-17-09

Sec. 24-35. Sanitary facilities required.

Every building intended for human habitation, occupancy, employment, recreation or other purposes, situated within the city shall be provided with suitable and sufficient sanitary facilities for the use of the occupants thereof, which facilities in character, number and method of installation shall comply with all health laws of the state, ordinances of the city, and rules and regulations of the state bureau of health so far as the same are compatible and not inconsistent.

(Ord. No. 263-96, 5-20-96)

Sec. 24-36. Connection to public sewer required.

The owner of any building used for human habitation, occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is located a public sanitary, combined or interceptor sewer, is hereby required at his expense to connect the building drainage system in the most direct manner possible with the proper public sewer in accordance with the provisions of this article, provided that the public sewer is within two hundred (200) feet of the building (the two hundred (200) feet to be measured in such manner so as not to pass over any property owned privately by anyone other than the owner of the premises from which such measurement is being made). Any required compliance with this section shall be completed within one (1) year after the date of official notice to do so.

(Ord. No. 263-96, 5-20-96)

Sec. 24-37. Exception for private wastewater system.

Where the public sewer does not extend to within two hundred (200) feet distant from the nearest point of the building (measured as described in section 24-36), the public sewer shall, at such time, be classified as inaccessible with regard to such premises. Where the public sewers are inaccessible to premises, any building required to be provided with sanitary facilities under section 24-35 shall comply with the following:

- (a) The owner may at his own expense connect with the public sewer even though the building is over two hundred (200) feet distant from the public sewer; or
- (b) Where liquid-carried wastes or wastewater result, they

Applicant's Submittal

October 26, 2009

Department of Planning and Urban Development
Planning Division and Planning Board
Portland City hall
389 Congress Street
Portland, Maine 04101

Re: After the Fact Subdivision Approval for 355, 383 and 399 Presumpscot Street

Dear Planning Board Members:

It has come to my attention following a title search that I violated the subdivision ordinance of the City of Portland.

I inherited a parcel of land on the east side of Presumpscot Street when my father passed away in April of 1975. I bought an abutting parcel on the west side from Edward Felt. I sold Sanders Construction Company, an industrial construction company that had its office and storage facilities on this property in 1981. Since that date I have rented the land and buildings, as I was able.

On November of 1996 I sold the eastern most parcel to Lucie Couture and they built the building where Diver Down is now located. On March 28, 2001 I sold the western most parcel to October Corporation. The time period between these two conveyances is four years and four months not the required five years.

Both Diver Down and October Corporation came before the planning board with their improvements and no one picked up the time period between conveyances

I am in the process of negotiating a lease purchase agreement with Jon Couture for my remaining middle parcel and his title company picked up this subdivision violation.

To provide Jon Couture a clean title to his lease purchase of my remaining property at 383 Presumpscot Street I need to correct the subdivision issue. Once this transfer is made all three of my original parcels will be held by Jon Couture our an affiliated company.

I would appreciate your prompt attention to this matter so that Jon Couture can proceed with the lease purchase.

Sincerely,



Tim Sanders PE

Attachment C

DONNELLY S. DOUGLAS
ATTORNEY AT LAW
45 Forest Falls Drive, Suite A2
P.O. Box 1062
Yarmouth, Maine 04096
Tel. (207)846-3460
Fax (207)846-3760

October 14, 2009

Mark G. Furey, Esq.
Thompson Bull Furey Bass & MacColl, LLC, PA
120 Exchange Street
P.O. Box 447
Portland, Maine 04112-0447

Re: Diver Down
383 Presumpscot Street
Portland, Maine

Dear Mr. Furey:

Pursuant to your request, we have conducted a title search of the above-captioned premises, being a portion of the premises conveyed by quitclaim deed with covenant from Timothy E. Sanders to 383 Presumpscot Street, Inc. dated February 3, 1997 and recorded in the Cumberland County Registry of Deeds in Book 12933, Page 5 and being the same premises described in a Memorandum of Lease by and between 383 Presumpscot Street, Inc. and Beacon Analytical Systems, Inc. dated March 24, 2008 and recorded in said Registry of Deeds in Book 26089, Page 60.

Our record search has rested on the Estate of Charles H. Felt, who died testate on December 10, 1939, Cumberland County Probate Court Docket No. 31595, and Executor's Deed from Casco Bank and Trust Company, Alexander A. LaFleur, and Alice Loman Sanders, Co-Executors of the last will and testament of Ephraim E. Sanders to Erik K. Sanders dated September 30, 1958 and recorded in said Registry of Deeds in Book 2436, Page 186.

We hereby certify that we have conducted our record search in accordance with the Standards adopted by the Maine State Bar Association and that we have examined the records in the Registry of Deeds and the Probate Court within the County of Cumberland and the State of Maine and all instruments of record therein as reflected by indices, affecting the title to the above-captioned premises.

We further certify that as of October 6, 2009 at 4:30 p.m., the said 383 Presumpscot Street, Inc. was the record owner of said premises in fee simple, with good and marketable title thereto, free and clear of all encumbrances with the following exceptions:

Thompson Bull Furey Bass & MacColl, LLC, PA

October 14, 2009

Page 2

1. Unless otherwise indicated, our record search and this opinion do not cover any of the following matters which could affect the title or sale of the premises:
 - a. Any condition an on-site examination or survey of the premises might reveal, including but not limited to amount of acreage, encroachments, location of boundaries, location of buildings, and improvements within the bounds of the premises, and parties in possession and easements not disclosed by Registry records.
 - b. Any unrecorded liens, including but not limited to mechanics' or materialmen's liens, and recorded liens against all parties other than owners of record.
 - c. Any federal, state or local law, ordinance or governmental regulation, including but not limited to building or zoning ordinances, restricting or regulating the occupancy, use or enjoyment of the premises.
 - d. Any state of facts not disclosed by the Registry records affecting the lawful force and effect of any instruments in the chain of title, including but not limited to disability of a grantor, forgery, fraudulent or mistaken execution and lack of delivery.
 2. Easement from Charles H. Felt and Ellen M. Felt to the City of Portland dated November 8, 1937 and recorded in Book 1538, Page 289.
 3. Memorandum of Lease by and between Timothy Sanders and Maine Biotechnology Services, Inc. dated January 4, 1994 and recorded in Book 11223, Page 337, the terms of said lease being from March 22, 1993 until March 21, 1996, with an option for a two year extension and a right of first refusal to purchase the property under certain conditions. We would recommend confirmation that the lease has been terminated.
 4. The premises are subject to a Memorandum of Lease by and between 383 Presumpscot Street, Inc. and Beacon Analytical Systems, Inc. dated March 28, 2001 and recorded in Book 16170, Page 161, as amended by Memorandum of Lease by and between 383 Presumpscot Street, Inc. and Beacon Analytical Systems, Inc. dated March 24, 2008 and recorded in Book 26089, Page 60, which lease expires March 31, 2010.
-

Thompson Bull Furey Bass & MacColl, LLC, PA
October 14, 2009
Page 2

5. The record title discloses a technical violation of the Municipal Subdivision Law, Title 30-A M.R.S.A. §4401(4)(D) as follows:

Timothy Sanders conveys a portion of the property to Lucie Wing Couture by quitclaim deed with covenant dated November 13, 1996 and recorded in Book 12815, Page 292 (creating 2 lots). He then conveys the remaining land to 383 Presumpscot Street, Inc. by quitclaim deed with covenant dated February 3, 1997 and recorded in Book 12933, Page 5. 383 Presumpscot Street, Inc. then conveys a portion of the property to October Corporation by two deeds, both dated March 26, 2001 and recorded in Book 16137, Page 20 and Book 16137, Page 22. The Couture lot, the October Corporation lot, and the remaining land of 383 Presumpscot Street, Inc., unless exempt, represent 3 lots created within a 5-year period. The remaining land owned by 383 Presumpscot Street, Inc. and located on the easterly side of Presumpscot Street is the premises to be leased to Diver Down.

Very truly yours,


Donnelly S. Douglas

DSD/rlb



SGC ENGINEERING, LLC

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

Offices - Westbrook & Orono, Maine

145003

March 10, 2010

Mr. Erick Giles, AICP, LEED AP
 Planning & Development Department
 City Hall
 389 Congress Street
 Portland, Maine 04101

RE: After-the-Fact Review of an Existing Three Lot Subdivision
 Located on Presumpscot Street
 Revised Plan Submission

Dear Mr. Giles:

On behalf of Mr. Tim Sanders, SGC Engineering, LLC is pleased to submit for a revised plan showing an existing conditions plan of three existing lots along Presumpscot Street, Portland, Maine. Please find attached seven paper copies and one mylar copy of the signed & Stamped Existing Conditions Survey with the revisions per the City of Portland's Engineering review on March 4th, 2010.

We look forward to our planning board meeting on the 23rd to bring this project to a close.

Very truly yours,

SGC ENGINEERING, LLC

 Christopher R. Michaud, PLS.
 Project Manager

Enclosure

CC: Tim Sanders
 Jon Couture

RECEIVED

MAR 10 2010

 City of Portland
 Planning Division



SGC ENGINEERING, LLC

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

Offices - Westbrook & Orono, Maine

145003

February 17, 2010

Mr. Erick Giles, AICP, LEED AP
Planning & Development Department
City Hall
389 Congress Street
Portland, Maine 04101

RE: After-the-Fact Review of an Existing Three Lot Subdivision
Located on Presumpscot Street
Plan Submission

Dear Mr. Giles:

On behalf of Mr. Tim Sanders, SGC Engineering, LLC is pleased to submit for review and comment on the plan showing an existing conditions plan of three existing lots along Presumpscot Street, Portland, Maine. Please find attached seven copies of the following:

- City of Portland Site Plan Application
- Signed & Stamped Existing Conditions Survey

These documents are intended to address the majority of the items of information requested by the Site Plan Checklist. A check covering the application and review fees of \$575 is also enclosed. Additional information is provided in the General Summary below.

General Summary of Project

This existing subdivision of 6.18 acres consists of three existing lots along Presumpscot Street. The applicant owns only one of the three lots within the subdivision, the other two are owned by ALFA, LLC and Jon Couture. No new lots are to be created for the purpose of this application and all of the lots have direct access from Presumpscot Street. As mentioned before, two of the three sites have been through site plan approval process with the City of Portland within the last ten years.

As per the City's request, a new sidewalk and curbing along the frontage of Lot A-1-6 will be installed. The new improvements will directly connect into the existing infrastructure along the roadway. In addition, two trees, approved by the City's arborist, will also be placed along the frontage of Lot A-1-6 to match the existing vegetation along Presumpscot Street.

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

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

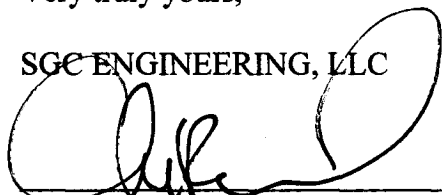
www.sgceng.com • E-mail: sgc@sgceng.com

No additional state or federal permits are required.

We look forward to receiving review comments from the City's departmental review and meeting with you to address these and any additional questions you may have.

Very truly yours,

SGC ENGINEERING, LLC



Christopher R. Michaud, PLS.
Project Manager

Enclosure

CC: Tim Sanders
Jon Couture



**City of Portland
Development Review Application
Planning Division Transmittal form**

Application Number: 10-98900001 **Application Date:** 2/17/10

Project Name: FTER THE FACT REVIEW 3 LO

Address: 383 Presumpscot St **CBL:** 420 - A-001-001

Project Description: Presumpscot Street - 383; After The Fact Review 3 Lot Subdivision;
Timothy Sanders

Zoning: I-M

Other Reviews Required:

Review Type: SUBDIVISION

Timothy Sanders
383 Presumpscot Street

Portland Me 04103
SGC Engineering, LLC
501 County Road

Westbrook Me 04092

Distribution List:

<input checked="" type="checkbox"/> Planner	Eric Giles, Aicp	<input checked="" type="checkbox"/> City Arborist	Jeff Tarling
<input checked="" type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input checked="" type="checkbox"/> Traffic	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Inspections	Tammy Munson	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input checked="" type="checkbox"/> Fire Department	Keith Gautreau	<input checked="" type="checkbox"/> Stormwater	Dan Goyette
<input type="checkbox"/> Parking	John Peverada	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input checked="" type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
<input type="checkbox"/> DRC Coordinator	Phil DiPierro		

Preliminary Comments needed by:

Final Comments needed by:



Development Review Application
PORTLAND, MAINE
 Department of Planning and Urban Development,
 Planning Division and Planning Board

PROJECT NAME: Presumpscot Street Subdivision - After the Fact

PROPOSED DEVELOPMENT ADDRESS:

383 Presumpscot Street

PROJECT DESCRIPTION:

After-the-fact review of an existing three-lot subdivision.

No new lots to be created.

CHART/BLOCK/LOT: Tax Map 420-Block A-Lots 1-6,2,7

CONTACT INFORMATION:

APPLICANT

Name: Timothy A. Sanders
Address: 383 Presumpscot St.
Portland, Maine
Zip Code: 04103
Work #: 207-443-9747
Cell #: _____
Fax #: _____
Home: _____
E-mail: tsanders@reed-reed.com

PROPERTY OWNER

Name: A- Lot 1-6-383 Presumpscot St, Inc.
Address: A- Lot 2-383 ALFA LLC
A- Lot 7-Jon Rene Couture
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

BILLING ADDRESS

Name: Timothy A. Sanders
Address: 474 Lafayette Road
Yarmouth, Maine
Zip: 04096
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

RECEIVED

FEB 17 2010

City of Portland
 Planning Division

~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: SGC Engineering, LLC
Address: 501 County Road
Westbrook, Maine
Zip Code: 04092
Work #: 207-347-8100
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

ENGINEER

Name: John M. Riordan, PE
Address: Same
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: jriordan@sgceng.com

ARCHITECT

Name: N/A
Address: _____
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

CONSULTANT

Name: N/A
Address: _____
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

SURVEYOR

Name: Christopher R. Michaud
Address: Same
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: cmichaud@sgceng.com

ATTORNEY

Name: N/A
Address: _____
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	269,570	sq. ft.
Proposed Total Disturbed Area of the Site	0	sq. ft.

(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)

IMPERVIOUS SURFACE AREA

Proposed Total Paved Area	0	sq. ft.
Existing Total Impervious Area	68,720	sq. ft.
Proposed Total Impervious Area	0	sq. ft.
Proposed Impervious Net Change	0	sq. ft.

BUILDING AREA

Existing Building Footprint	8,430	sq. ft.
Proposed Building Footprint	0	sq. ft.
Proposed Building Footprint Net change	0	sq. ft.
Existing Total Building Floor Area	8,430	sq. ft.
Proposed Total Building Floor Area	0	sq. ft.
Proposed Building Floor Area Net Change	0	sq. ft.
New Building	NO	(yes or no)

ZONING

Existing	I-M
Proposed, if applicable	

LAND USE

Existing	Lot A-2: Parking Lot
Proposed	Lot A-1-6 & A-7: Commercial
	No Change

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units	N/A
Proposed Number of Residential Units to be Demolished	N/A
Existing Number of Residential Units	N/A
Proposed Number of Residential Units	N/A
Subdivision, Proposed Number of Lots	N/A

PARKING SPACES

Existing Number of Parking Spaces	N/A
Proposed Number of Parking Spaces	N/A
Number of Handicapped Parking Spaces	N/A
Proposed Total Parking Spaces	N/A

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces	N/A
Proposed Number of Bicycle Parking Spaces	N/A
Total Bicycle Parking Spaces	N/A

ESTIMATED COST OF PROJECT

N/A

Please answer the following with a Yes/No response on all that apply to the proposed development

Institutional	NO	Change of Use	NO
Parking Lot	NO	Design Review	NO
Manufacturing	NO	Flood Plain Review	NO
Office	NO	Historic Preservation	NO
Residential	NO	Housing Replacement	NO
Retail/Business	NO	14-403 Street Review	NO
Warehouse	NO	Shoreland	NO
Single Family Dwelling	NO	Site Location	NO
2 Family Dwelling	NO	Stormwater Quality	NO
Multi-Family Dwelling	NO	Traffic Movement	NO
B-3 Ped Activity Review	NO	Zoning Variance	NO (or date)
Change of Use	NO	Historic Dist./Landmark	NO
		Off Site Parking	NO

APPLICATION FEE:

Check all reviews that apply. Payment may be made in cash or check to the City of Portland.

<p>Major Development (more than 10,000 sq. ft.)</p> <p><input type="checkbox"/> Under 50,000 sq. ft. (\$500.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00)</p> <p><input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00)</p> <p><input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00)</p> <p><input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00)</p> <p><input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments</p> <p><input type="checkbox"/> Planning Staff Review (\$250.00)</p> <p><input type="checkbox"/> Planning Board Review (\$500.00)</p> <p>Subdivision</p> <p><input checked="" type="checkbox"/> Subdivision (\$500.00) + amount of lots <u>3</u> (\$25.00 per lot) \$ <u>575</u> + (applicable Major site plan fee)</p>
<p>Minor Site Plan Review</p> <p><input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Other Reviews</p> <p><input type="checkbox"/> Site Location of Development (\$3,000.00 (except for residential projects which shall be \$200.00 per lot _____))</p> <p><input type="checkbox"/> Traffic Movement (\$1,000.00)</p> <p><input type="checkbox"/> Storm water Quality (\$250.00)</p> <p><input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot)</p> <p><input type="checkbox"/> Other _____</p>

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submissions shall include seven (7) packets with folded plans containing the following materials:

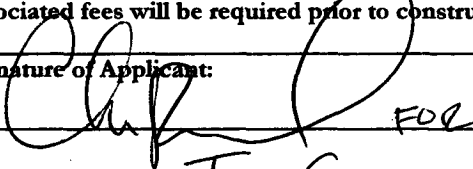
1. Seven (7) full size site plans that must be folded.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 9) for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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

This application is for site review only, a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant:</p> 	<p>Date:</p> <p>02-17-10</p>
--	------------------------------

TIM SANDERS

SEBAGO TECHNICS, INC.

12 Westbrook Common
 P.O. Box 1339
 WESTBROOK, ME 04098-1339

LETTER OF TRANSMITTAL

Phone (207) 856-0277 FAX (207) 856-2206

TO Tim Sanders
474 Lafayette ST
Yarmouth, ME 04096

DATE	4/11/98	JOB NO.	98164
ATTENTION			
RE:	383 Presumpscot ST.		

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
3			Completed HHO-200 for a replacement septic system to serve a 10 employee office.

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO Rick Storey, Storey Brothers

SIGNED: Mary. Smith

If enclosures are not as noted, kindly notify us at once.

98164

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering
(207) 287-5672 FAX (207) 287-4172

PROPERTY LOCATION

Town or Plantation: Roxbury

Street Subdivision Lot #: 383 Presumpscot St.

Caution: Permit Required

The Subsurface Wastewater Disposal System shall not be installed until a Permit is attached here by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

PROPERTY OWNERS NAME

Last: Sanders First: Tim

Mailing Address of Owner: 474 Lafayette St. Yarmouth 04096

Daytime Tel. #: 846-4368

Municipal Tax Map # _____ Page # _____

Owner Statement

I state that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.

Signature of Owner/Applicant _____ Date _____

Caution: Inspection Required

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.

Local Plumbing Inspector Signature _____ Date Approved _____

PERMIT INFORMATION

THIS APPLICATION IS FOR:

- First Time System
- Multi-User System
- Replacement System
- Expanded System
 - One-time exempted
 - Non-exempted
- Experimental System
- Seasonal Conversion

THIS APPLICATION REQUIRES:

- No Rule Variance
- First Time System Variance (Municipal)
- First Time System Variance (State)
- Replacement System Variance
 - Local Plumbing Inspector approval
 - State & Local Plumbing Inspector approval
- Minimum Lot Size Variance
- Seasonal Conversion Variance

DISPOSAL SYSTEM COMPONENT(S)

- Non-Engineered System
- Primitive System
- Alternative Toilet
Specify _____
- Non-Engineered Treatment Tank
- Holding Tank _____ Gallons
- Non-Engineered Disposal Area (only)
- Separated Laundry System
- Engineered System (+2000 gpd)
- Engineered Treatment Tank (only)
- Engineered Disposal Area (only)

SIZE OF PROPERTY

1.0 Acres

DISPOSAL SYSTEM TO SERVE:

- Single Family Dwelling Unit
- Multiple Family Dwelling Unit
- Other Commercial Building
Number of Units _____
SPECIFY _____

TYPE OF WATER SUPPLY

Public WATER

SHORELAND ZONING

Yes No

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

- Concrete
 - Regular
 - Low Profile
- Plastic

SIZE 1000 Gallons

DISPOSAL AREA TYPE/SIZE

- Stone Bed 700 Sq. Ft.
- Proprietary Device _____ Sq. Ft.
 - Clustered Linear
 - Regular H-20
- Trench _____ Lin. Ft.
- Other _____

GARBAGE DISPOSAL UNIT

- No
- Yes
 - Multi-compartment tank
 - Tank in series
 - Increase in tank capacity
 - Filter on tank outlet

CRITERIA USED FOR DESIGN FLOW
(Show Calculations)

10 employees
10 x 15 gpd

DESIGN FLOW: 150
(Gallons/Day)

PROFILE & DESIGN CLASS

PROFILE B DESIGN C

DEPTH TO MOST LIMITING FACTOR 15

DISPOSAL AREA SIZING

- Small 2.0
- Medium 2.60
- Medium-Large 3.30
- Large 4.10
- Extra-Large 5.00

PUMPING

- Not required
- May be required
- Required

DOSE _____ Gallons

SITE EVALUATOR'S STATEMENT

On 4/10/98 (date) I completed a site evaluation on this property and state that the data reported is accurate and that the proposed system is in compliance with the Subsurface Wastewater Disposal Rules.

Mark S. Hampton
Site Evaluator Signature
MARK S. HAMPTON
Print Name

203
SE #
896-0277
Telephone

4/11/98
Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Town, City or Plantation

Street, Road or Subdivision

Name of Owner

Portland

333 Presumpscot St.

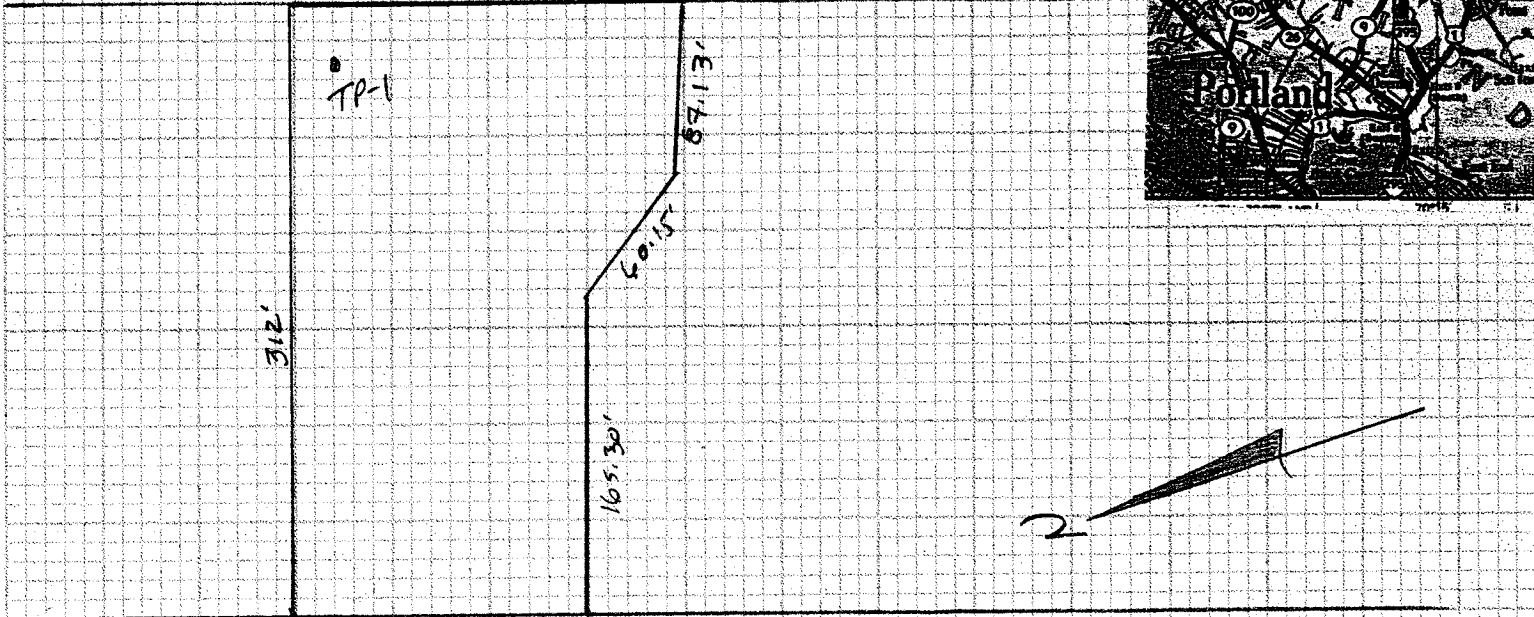
Tim Saunders

98164

SITE PLAN

Scale: 1" = 100 Ft.
or as shown

Canadian National Railway Company



Presumpscot Street

SOIL DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole TP-1 Test Pit Boring

Observation Hole _____ Test Pit Boring

Depth of Organic Horizon Above Mineral Soil _____

Depth of Organic Horizon Above Mineral Soil _____

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0	<i>fine sandy loam</i>	<i>frable</i>	<i>Dark Brown</i>	
6				
10	<i>sandy loam</i>	<i>frable</i>	<i>Brown</i>	
15				
20	<i>silt clay loam</i>	<i>firm</i>	<i>dark grey</i>	<i>Common</i>
25				
30	<i>loam</i>		<i>grey</i>	<i>distinct</i>
35				
40				
45				
50				

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0				
6				
10				
15				
20				
25				
30				
35				
40				
45				
50				

Soil Profile B Class C Slope 2% Limiting Factor 15 Ground Water Restrictive Layer Bedrock

Soil Profile _____ Class _____ Slope _____% Limiting Factor _____ Ground Water Restrictive Layer Bedrock

William J. Hampton
Site Evaluator Signature

263
SE #

4/11/98
Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

98164

Town, City or Plantation

Street, Road or Subdivision

Name of Owner

Portland

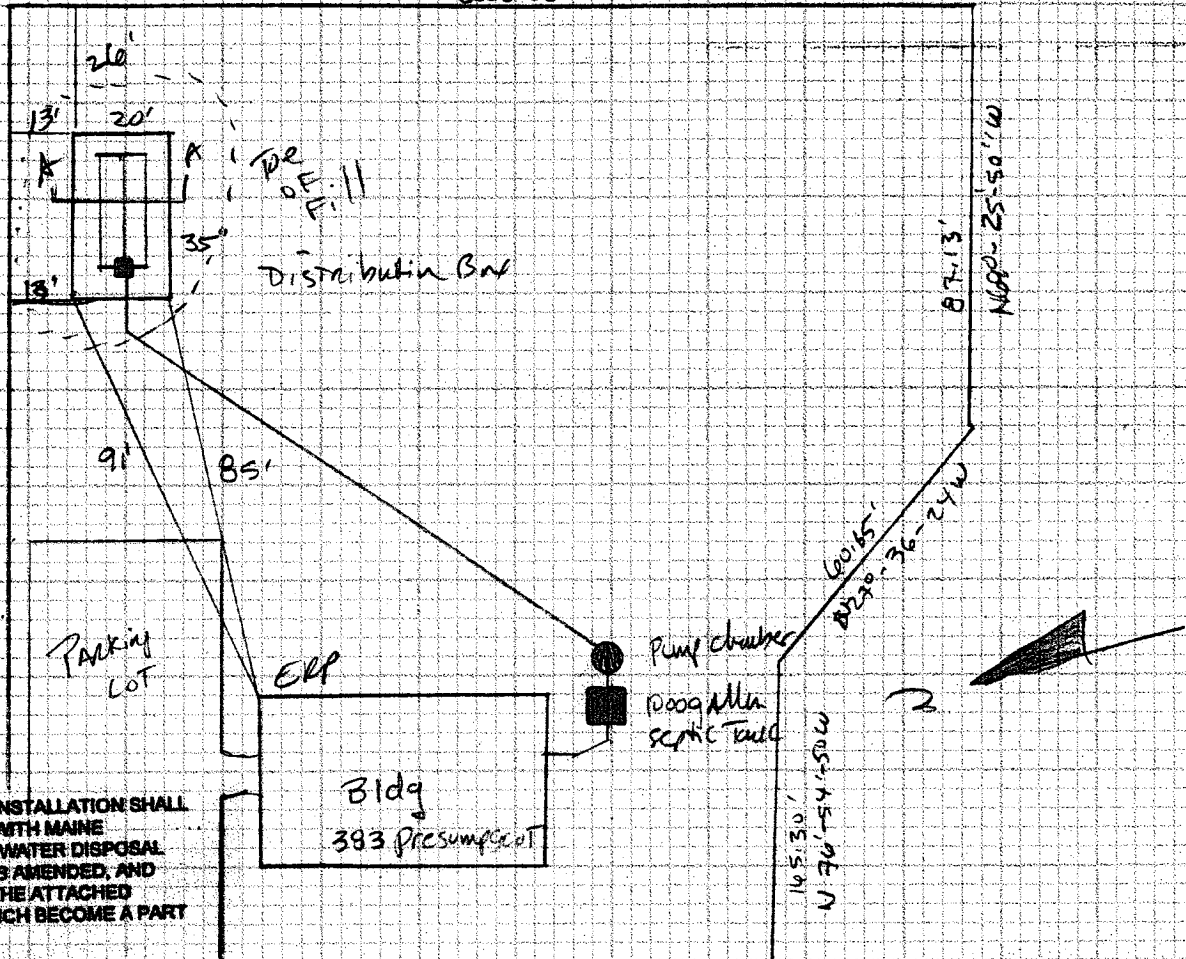
383 Presumpscot St.

Tim Sanders

SUBSURFACE WASTEWATER DISPOSAL PLAN

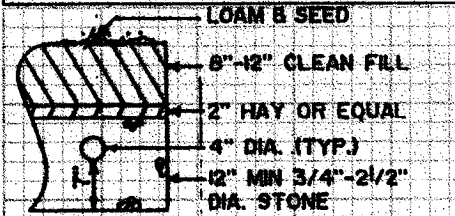
Scale: 1" = 40' FL

200.00' S 29° 42' 24" W



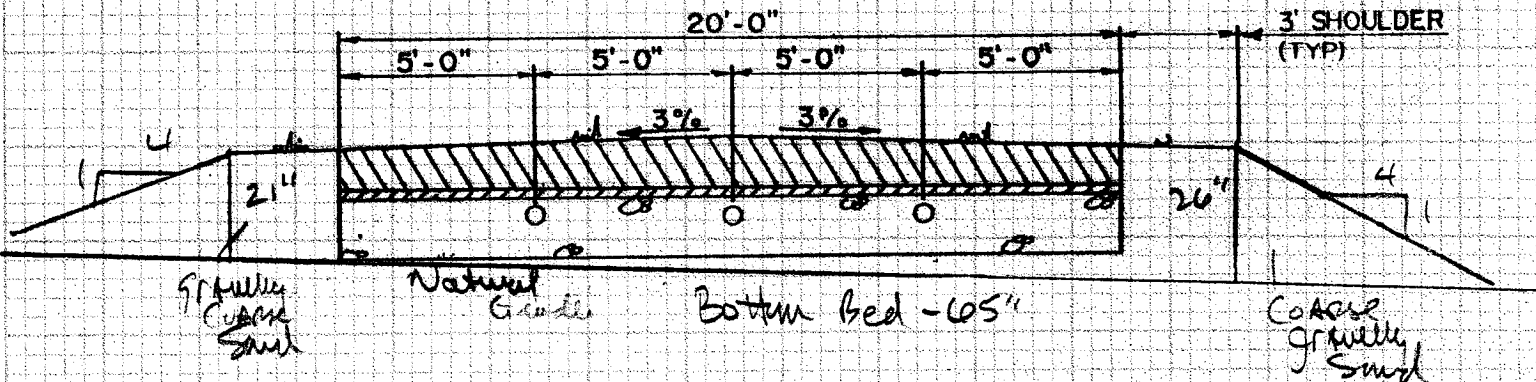
NOTE: MATERIALS AND INSTALLATION SHALL BE IN ACCORDANCE WITH MAINE SUBSURFACE WASTEWATER DISPOSAL RULES DATED 1986, AS AMENDED, AND SUPPLEMENTED BY THE ATTACHED GENERAL NOTES WHICH BECOME A PART OF THIS DESIGN.

FILL REQUIREMENTS	CONSTRUCTION ELEVATIONS	ELEVATION REFERENCE POINT
Depth of Fill (Upslope) <u>21'</u>	Finished Grade Elevation <u>-44</u>	Location & Description <u>Bottom of Sidewalk Northeast Corner of Bldg</u>
Depth of Fill (Downslope) <u>26'</u>	Top of Distribution Pipe or Proprietary Device <u>-54</u>	Reference & Elevation <u>0'</u>
	Bottom of Disposal Area <u>-65</u>	



DISPOSAL AREA CROSS SECTION

Scale:
Vertical: 1" = 3' FL
Scale: 1" = 5' FL



Mark J. Hampton
Site Evaluator Signature

263 SE #

4/11/93 Date

General Notes
(attachment to form HHE-200)

1. The nature of the site evaluation profession is one of interpretation of soil and site conditions. We, in the field, attempt to both provide a satisfactory service to the client, and comply by the rules by which we are bound - The Maine State Plumbing Code. If at any time you, the client, are not satisfied with the service provided or the results found, it is your right to hire another site evaluator for a second opinion.
2. Property information is supplied by the owner, applicant or representative. Such information presented herein shall be verified as correct by the owner or applicant prior to signing this application.
3. All work shall be in accordance with the Maine Subsurface Wastewater Disposal Rules dated 1/98, as amended.
4. All work should be performed under dry conditions only (for disposal area).
5. No vehicular or equipment traffic to be allowed on disposal area. Disposal field shall be constructed from outside the corner stakes located in the field. The downslope area is also to be protected in the same manner.
6. Backfill, if required, is to be gravelly coarse sand to coarse sand texture and to be free of foreign debris. If backfill is coarser than original soil, then mix top 4" of backfill and original soil with rototiller.
7. No neighboring wells are apparent (unless so indicated) within 100' of disposal area. Owner or applicant shall verify this prior to signing the application.
8. Minimum separation distances required (unless reduced by variance or special circumstance).

- | | |
|---|---|
| a) any well to disposal area: | 100' |
| b) any well to septic tank: | 100' |
| c) septic tank or disposal area
to lake, river, stream or brook: | 100' for major watercourse,
50' for minor water course |
| d) house to treatment tank: | 8' |
| e) house to disposal area: | 20' |

Other separation distances per Plumbing Code.

9. Location of septic system near a wetland may require a separate permit. As such, the owner, prior to construction of the septic system, shall hire a professional to evaluate proximity of adjacent wetlands and prepare necessary permit applications.
10. Garbage disposals are not recommended and, if installed, are done so at the owner's risk. The additional waste load requires increased maintenance frequency, higher potential for failure, and larger septic tanks.
11. Pump stations, when required, shall be installed watertight to prevent infiltration of ground and/or surface water.
12. Force mains and pressure lines shall be flushed of any foreign material and pumps shall be check for proper on/off cycle before being put into service.
13. Force mains, pump stations, and/or gravity piping subject to freezing shall be installed below frost line or adequately insulated.

Sebago Technics, Inc., 12 Westbrook, Common,
P. O. Box 1339, Westbrook, ME 04098-1339 (207) 856-0277

Rev. 2/98

Friday 19th March, 2010.

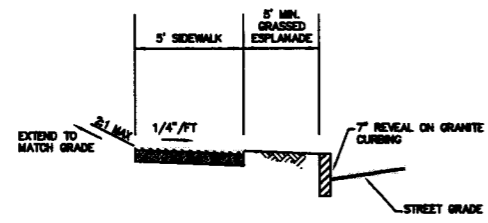
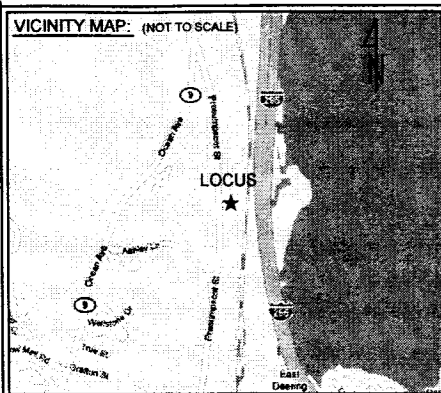
To Bill Hall
Planning Board Chairman
Portland, Me

Due to short notice received regarding 383 Presumpscot street I will be unable to attend the meeting on Tuesday 23rd March, 2010. The P.C. was only received 3/19/2010.

Since I live across the street from above mentioned property I wish to make it clear that nothing be done to de-value my home at all. I hope that whatever Mr. Sanders is proposing will only enhance the situation. I will be talking with my lawyer for his opinion

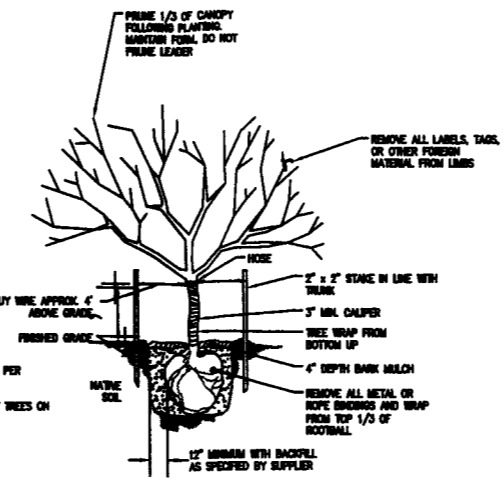
Thank you for your attention

Yours truly
Margaret Brown
(Mrs.)



1. A MINIMUM OF 2" OF HOT BITUMINOUS PAVEMENT, TYPE GRADING "C" WILL BE USED FOR THE SIDEWALK CONSTRUCTION.
2. IN ALL AREAS OF FILL, 6" AGGREGATE BASE-CRUSHED, TYPE "A" WILL BE USED.
3. ESPLANADE AREA WILL BE PLANTED WITH 4" OF LDM AND SEED/SOD.

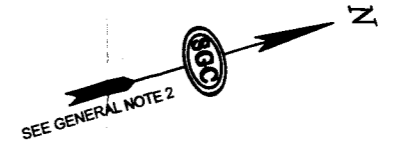
TYPICAL SIDEWALK CROSS SECTION DETAIL
NOT TO SCALE



NOTES:

1. ALL TREES TO BE INSTALLED PER SUPPLIER SPECIFICATIONS.
2. PLANT 2 RED MAPLE STREET TREES ON LOT TAX MAP 400-A-1-1.

STREET TREE DETAIL
NOT TO SCALE

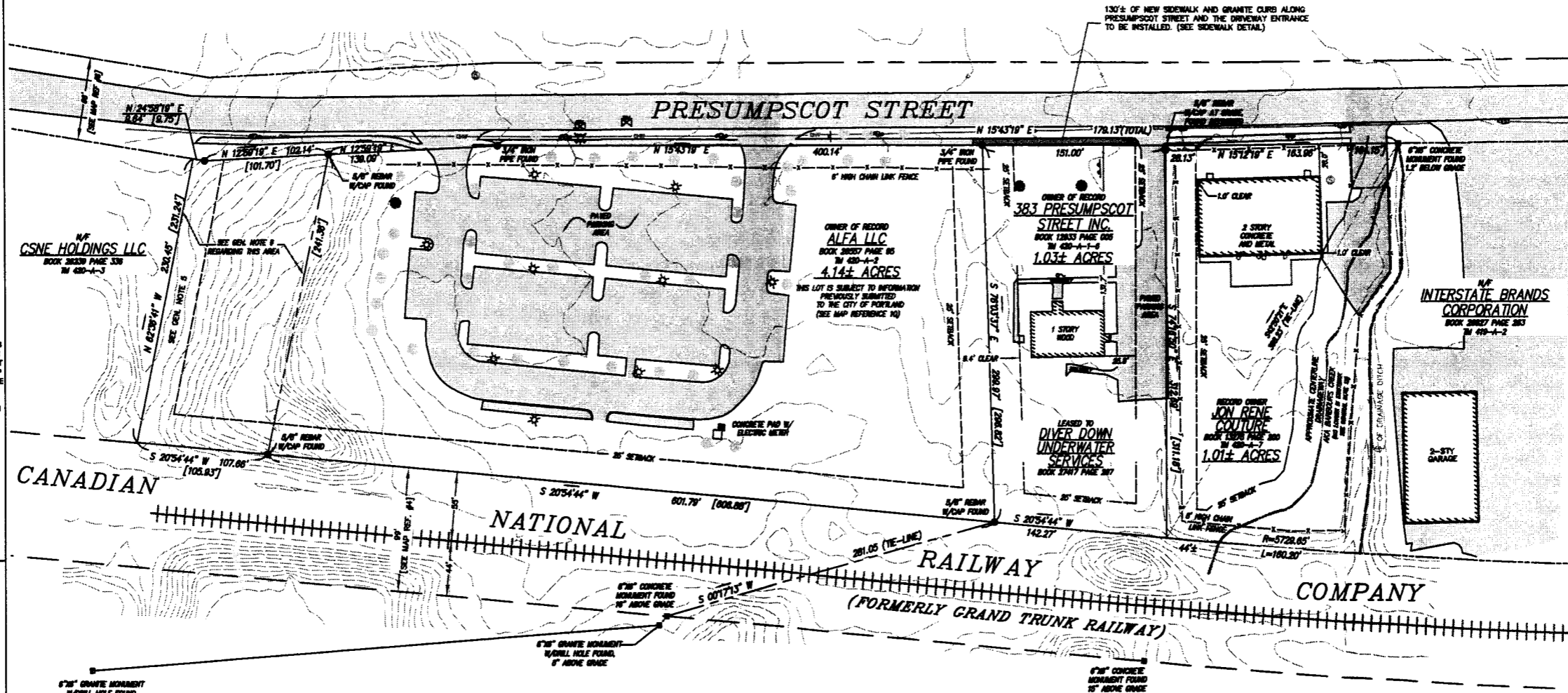


GENERAL NOTES:

- 1) THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF THREE EXISTING LOTS ALONG PRESUMPCOT STREET. BOUNDARY LINES SHOWN HEREON ARE BASED ON MAP REFERENCES #2 AND #7.
- 2) NORTH AS SHOWN HEREON IS REFERENCED TO PLAN REFERENCE 3 BELOW.
- 3) THIS PLAN AND ALL WORK ASSOCIATED WITH IT WAS PERFORMED BY SGC ENGINEERING, LLC, PURSUANT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN MR. TIMOTHY A. SANDERS AND SGC ENGINEERING DATED DECEMBER 1, 2008.
- 4) BOUNDARY AND PLANIMETRIC DATA AS SHOWN HEREON IS THE DIRECT RESULT OF A BOUNDARY SURVEY PERFORMED ON JUNE 12, 2001, IN CONJUNCTION WITH SITE IMPROVEMENTS WHICH WERE UPDATED ON DECEMBER 17, 2009 BY SGC ENGINEERING, LLC.
- 5) PER THE CITY OF PORTLAND, PRESUMPCOT STREET IS AN ACCEPTED PUBLIC WAY.
- 6) THE SOUTHERLY LINE OF THE 0.56 ACRE PARCEL SHOWN HEREON WAS ESTABLISHED BY COMPILING MAP REFERENCE 6 WITH RESPECT TO THE RIGHT OF WAY OF PRESUMPCOT STREET. SEE GENERAL NOTE 6 ON SAID MAP REFERENCE FOR FURTHER DETAIL.
- 7) NO DEED WAS RECOVERED FOR THIS AREA OTHER THAN DB 16137 PG 22. ADJOINING DEEDS ON THE NORTH AND SOUTH, AND FILED PLANS REFER TO THIS LOT AS BEING OWNED BY THE EASTERN FORGE COMPANY AND CASCO IRON COMPANY. SGC ENGINEERING, LLC, HAS SHOWN THIS AREA AS A REMAINDER BETWEEN TL 3 AND TL 2. FURTHER TITLE RESEARCH MAY RESULT IN A CONFLICT IN OWNERSHIP.
- 8) ABUTTER INFORMATION SHOWN HEREON IS REFLECTIVE OF CITY OF PORTLAND TAX ASSESSOR INFORMATION AT THE TIME THE RESEARCH WAS PERFORMED.
- 9) NO SUBSURFACE INVESTIGATION HAS BEEN PERFORMED BY SGC ENGINEERING, LLC. DIG-SAFE SHOULD BE CONTACTED PRIOR TO COMMENCING ANY EXCAVATION. (888-344-7233).
- 10) ZONING FOR THE SURVEYED PREMISES IS LOCATED IN THE IM (INDUSTRIAL - MODERATE IMPACT) ZONE IN THE CITY OF PORTLAND WITH THE FOLLOWING DIMENSIONAL REQUIREMENTS:
MINIMUM LOT SIZE: 10,000 SQUARE FEET
MINIMUM SIDE YARD: 25'
MINIMUM REAR YARD: 25'
MINIMUM FRONT YARD: BUILDING HEIGHT
MINIMUM STREET FRONTAGE: 80'
PAVEMENT SETBACK: 10'
- 11) THE SURVEYED PREMISES IS LOCATED IN ZONE X - AREA OF 500-YEAR FLOOD, AREA OF 100-YEAR FLOOD WITH AVERAGE DEPTH OF LESS THAN 1 FOOT. AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP FOR THE CITY OF PORTLAND, MAINE, CLAMBERLAND COUNTY, COMMUNITY-PANEL NUMBER 280001 0027 C, WITH EFFECTIVE DATE OF DECEMBER 8, 1998.
- 12) AS SHOWN HEREON, THE DRAINAGE DRAINAGEWAY FORMERLY KNOWN AS "SHAWBUSH CREEK" WAS COMPLETED FROM MAP REFERENCE 8. THE NAME DRAINAGEWAY WERE IS ALSO APPLICABLE ON MAP REFERENCES 1, 2, AND 4, WHICH HAVE A COMMON SHAPE AND LOCATION. IT IS APPARENT THAT THE CURRENT LOCATION OF THE DRAINAGEWAY IS NOT THE SAME AS DEPICTED IN MAP REFERENCE 8. TITLE TO THE AREA BETWEEN THE DRAINAGEWAY AS IT EXISTS TODAY AND THE ONE SHOWN ON MAP REFERENCE 8 IS UNDETERMINED AT THE TIME OF THE SURVEY.
- 13) AS SHOWN HEREON THE CONTOURS ARE BASED ON 2008 2-FOOT CONTOUR DATA LAYER FROM THE MAINE OFFICE OF GIS. THE VERTICAL DATUM FOR THE CONTOURS IS THE NORTH AMERICAN DATUM OF 1988 (NAVD83).

MAP REFERENCES:

- 1) "PLAN OF PROPERTY IN PORTLAND, MAINE, MADE FOR ERIK K. SANDERS," BY H.I. & E.C. JORDAN, DATED MARCH 12, 1983.
- 2) "PLAN OF LAND AT PRESUMPCOT STREET, PORTLAND, MAINE, MADE FOR TIMOTHY E. SANDERS," BY LAND USE CONSULTANTS, INC., DATED NOVEMBER 27, 1995.
- 3) "MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP FOR STATE HIGHWAY 285," S.H.C. FILE NO. 3-132, DATED OCTOBER 1959.
- 4) "RIGHT OF WAY & TRACK MAP ATLANTIC & ST. LAWRENCE RAILROAD, OPERATED BY THE GRAND TRUNK RY. CO. OF CANADA, SHEET V.2/21, DATED JUNE 30, 1917.
- 5) RIGHT OF WAY FOR PRESUMPCOT STREET FROM BLUE BOOK'S, CITY OF PORTLAND.
- 6) "PLAN OF LAND, STANDARD BOUNDARY SURVEY, ON PRESUMPCOT STREET, PORTLAND, MAINE FOR R. PATRICK & VICTORIA E. MELE," BY OWEN HASKELL, INC., REVISED DATED: 11-12-08.
- 7) PLAN ENTITLED "BOUNDARY SURVEY FOR OCTOBER CORP. TAX MAP 400 TAX LOT 1 & P/O 2" BY SURVEY & GEODETIC CONSULTANTS, INC. DATED 09/25/01.
- 8) AN UNRECORDED PLAN ENTITLED: "PLAN OF PROPERTY ON PRESUMPCOT STREET, PORTLAND, MAINE, MADE FOR JOHN J. NISSEN BAKING Co., PORTLAND, MAINE," BY ROBERT P. TITCOMB INC., DATED JULY 1974.
- 9) AN UNRECORDED PLAN ENTITLED: "STANDARD BOUNDARY SURVEY, PLAN OF LAND AT PRESUMPCOT STREET, PORTLAND, MAINE, PREPARED FOR DIVER DOWN UNDERWATER SERVICES, INC.," BY LAND USE CONSULTANTS, DATED: 11/03/09.
- 10) AN UNRECORDED PLAN SET ENTITLED: "OCTOBER CORPORATION, INTERMODAL TRANSFER FACILITY, PRESUMPCOT STREET, PORTLAND MAINE," PREPARED BY: SEVEE & MAHER ENGINEERS, INC., DATED: 09/04/01.

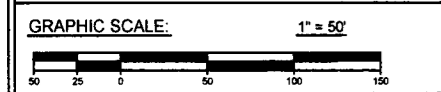


APPROVED BY CITY OF PORTLAND PLANNING BOARD

NAME	DATE

LEGEND:

MPP	---	SEWER MANHOLE	--- (S)
UPR	---	DRAIN MANHOLE	--- (D)
CONCRETE BOUND	---	WATER VALVE	--- (X)
EDGE OF PAVEMENT	---	WATER SHUT-OFF	--- (X)
PROPERTY LINE	---	HYDRANT	--- (H)
CHAIN LINK FENCE	---	CATCH BASIN	--- (CB)
OVERHEAD WIRE	---	LIGHT POST	---
CENTERLINE CREEK	---	ELECTRIC METER	---
CENTER OF RAILROAD TRACKS	---	ROLLAD	---
UTILITY POLE	---	FLAG POLE	---
GUY WIRE	---	RECORD	---
EXISTING TREE	---		
PROPOSED TREE	---		



REVISIONS:

NO.	DATE	DESCRIPTION
1	08-04-10	
2	08-09-10	

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SGC ENGINEERING, LLC
 801 Cherry Street
 Portland, Maine 04101
 Tel: 207-531-9191
 Fax: 207-531-9191

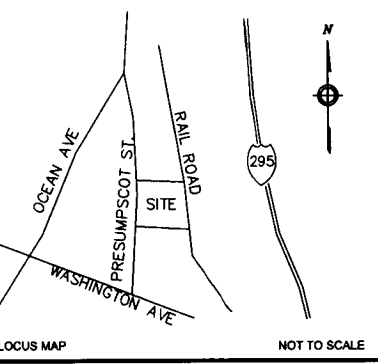
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 FILE: 14003_UPDATED.DWG
 DATE: 12-14-08
 DRAWN: BLS
 CHECK: GMB



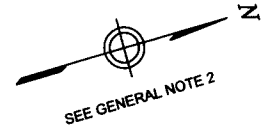
EXISTING CONDITIONS - SITE PLAN REVIEW PLAN OF LAND LOCATED ON PRESUMPCOT STREET PORTLAND, MAINE

PREPARED FOR:
MR. TIMOTHY SANDERS
 474 LAFAVETTE STREET - YARMOUTH, MAINE 04096

Attachment A



- LEGEND**
- CONC. OR GRANITE MONUMENT
 - IRON PIPE
 - REBAR
 - UTILITY POLE
 - OHW — OVERHEAD WIRE
 - E/P EDGE OF PAVEMENT
 - R/W RIGHT OF WAY
 - N/F NOW OR FORMERLY
 - DB DEED BOOK
 - PG DEED PAGE
 - TM TAX MAP
 - TL TAX LOT
 - P/O PART OF
 - DOUBLE POST SIGN
 - FIRE HYDRANT
 - TEST PIT
 - CHAIN LINK FENCE



REVISIONS:		
NO.	DATE	REMOVED 15' EASEMENT
1	7/02/01	REMOVED 15' EASEMENT

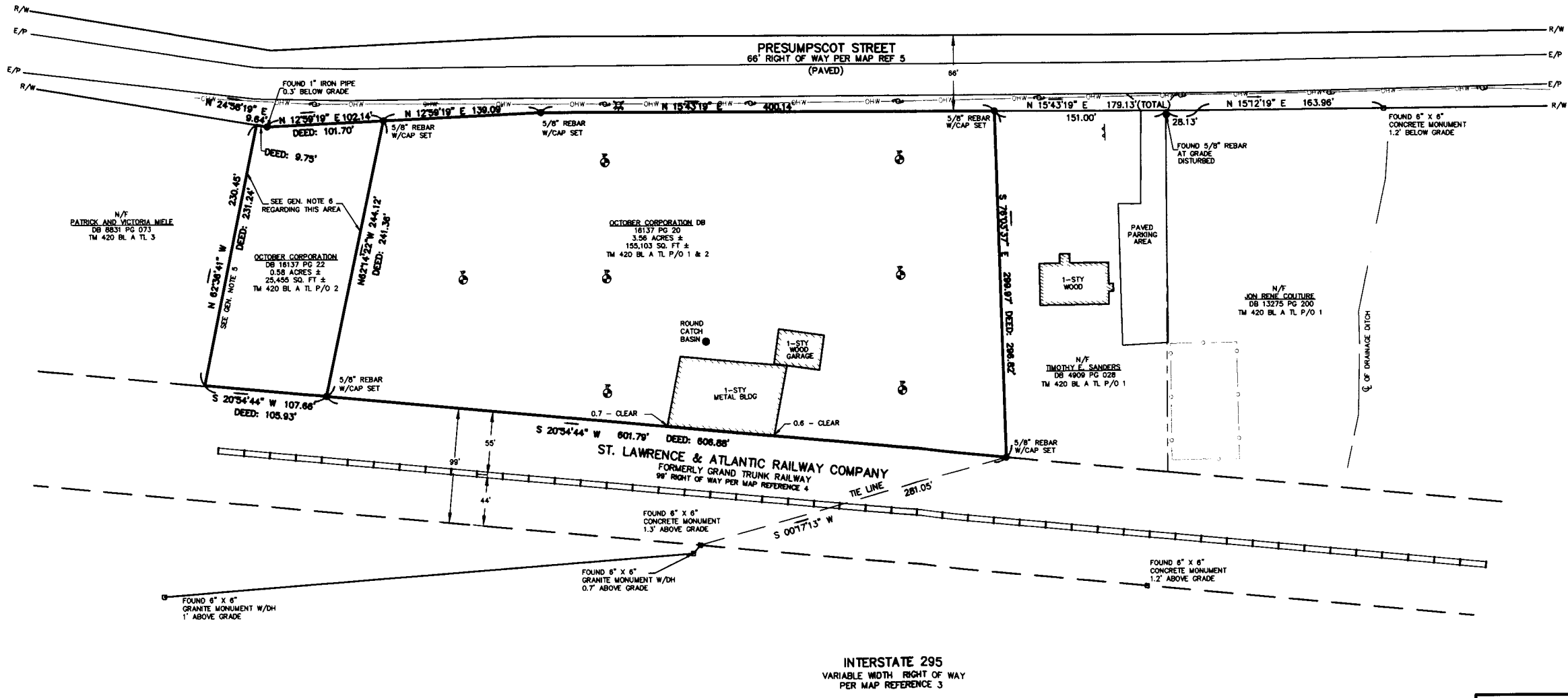
FOR REGISTRY USE ONLY

GENERAL NOTES:

- 1) BOUNDARY AND PLANIMETRIC DATA AS SHOWN HEREON IS THE DIRECT RESULT OF A BOUNDARY SURVEY PERFORMED ON JUNE 12, 2001 BY SURVEY & GEODETIC CONSULTANTS, INC.
- 2) NORTH AS SHOWN HEREON IS REFERENCED TO PLAN REFERENCE 3 BELOW.
- 3) THIS PLAN AND ALL WORK ASSOCIATED WITH IT WAS PERFORMED BY SURVEY & GEODETIC CONSULTANTS, INC. PURSUANT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN MR. ROBERT D. ARSENAULT, P.E. OF SEVCE & MAHER ENGINEERS, AND SURVEY & GEODETIC CONSULTANTS, INC. DATED MAY 29, 2001.
- 4) PER THE CITY OF PORTLAND, PRESUMPCOT STREET IS AN ACCEPTED PUBLIC WAY.
- 5) THE SOUTHERLY LINE OF THE 0.98 ACRE PARCEL SHOWN HEREON WAS ESTABLISHED BY COMPLYING MAP REF. 6 WITH RESPECT TO THE RIGHT OF WAY OF PRESUMPCOT STREET. SEE GEN. NOTE 6 FOR FURTHER DETAIL.
- 6) NO DEED WAS RECOVERED FOR THIS AREA OTHER THAN DB 18137 PG 22. ADJOINING DEEDS ON THE NORTH AND SOUTH, AND FILED PLANS REFER TO THIS LOT AS BEING OWNED BY THE EASTERN FORGE COMPANY AND CASCO IRON COMPANY. SURVEY & GEODETIC CONSULTANTS, INC. HAS SHOWN THIS AREA AS A REMAINDER BETWEEN TL 3 AND TL 2. FURTHER TITLE RESEARCH MAY RESULT IN A CONFLICT IN OWNERSHIP.
- 7) ABUTTER INFORMATION SHOWN HEREON IS REFLECTIVE OF CITY OF PORTLAND TAX ACCESSOR INFORMATION AT THE TIME THE RESEARCH WAS PERFORMED.

MAP REFERENCES:

- 1) "PLAN OF PROPERTY IN PORTLAND, MAINE, MADE FOR ERIK K. SANDERS," BY H.I. & E.C. JORDAN, DATED MARCH 12, 1983.
- 2) "PLAN OF LAND AT PRESUMPCOT STREET, PORTLAND, MAINE, MADE FOR TIMOTHY E. SANDERS," BY LAND USE CONSULTANTS, INC., DATED NOVEMBER 27, 1993.
- 3) "MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP FOR STATE HIGHWAY 295," S.H.C. FILE NO. 3-132, DATED OCTOBER 1958
- 4) "RIGHT OF WAY & TRACK MAP" ATLANTIC & ST. LAWRENCE RAILROAD, OPERATED BY THE GRAND TRUNK RY. CO. OF CANADA, SHEET V.2/ 21, DATED JUNE 30, 1917.
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- 6) "PLAN OF LAND, STANDARD BOUNDARY SURVEY, ON PRESUMPCOT STREET, PORTLAND, MAINE FOR R. PATRICK & VICTORIA E. MIELE," BY OWEN HASKELL, INC., REVISED DATED: 11-12-98.



TITLE:

**BOUNDARY SURVEY
FOR OCTOBER CORP.
TAX MAP 420 TAX LOT 1 & P/O 2
CITY OF PORTLAND
CUMBERLAND COUNTY STATE OF MAINE**

RECORD OWNER:

**OCTOBER CORPORATION
THREE CANAL PLAZA
PORTLAND, ME 04112**

SGC ENGINEERS, LLC

SGC ENGINEERS, LLC
 • Civil Design & Survey Engineering
 • Environmental & Regulatory Permitting
 • Electrical Power Systems Engineering

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801 County Road Newmarket, Maine 04002 P.O. Box 970 Newmarket, 04009 Tel: 207-547-8100 Fax: 207-547-8191	Tanger Technology Center 20 Gentry Drive, Suite 200 Orono, Maine 04472 Tel: 207-468-8871 Fax: 207-468-8901
--	--

DATE: 06/25/01		DRAWN: RDJ		JOB NO.: 1-000123.00	
COMP/DESIGN: RDJ		CHECK: EFC		DWG NO.: 1-123A.DWG	
SCALE: 1" = 50'				SHEET 1 OF 1	

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